

In Memoriam

JOHN GARBER--1833-1908

To the Honorable the Supreme Court of the State of Nevada:

Your committee, appointed to prepare a memorial of the late Judge JOHN GARBER, report as follows:

JOHN GARBER was born at Staunton, Augusta County, in the State of Virginia, on November 9, 1833. He matriculated at the University of Virginia, Abingdon, Virginia, in 1852, and pursued in that university the courses of studies in the schools of mathematics, Latin, chemistry, natural philosophy, and modern languages. After finishing his studies at the university he taught school for a short time in his native State, and worked two years as a civil engineer in the construction of the Virginia Central Railroad from Richmond to Staunton, Virginia.

He studied law in Virginia, and was licensed to practice there, and came to San Francisco, California, in 1857, and for six months was in the office of his uncle, Joseph G. Baldwin, who was the author of "Flush Times in Mississippi and Alabama," and "Party Leaders," and who was, in 1858, one of the Justices of the Supreme Court of California. He went to Santa Cruz, California, in 1857, and was there for eighteen months, part of the time acting as Justice of the Peace, and the remaining time practicing law. On October 17, 1859, he was admitted to practice by the Supreme Court of California upon his license and on motion of Judge H. O. BEATTY, afterwards a Justice of this court at the time of its organization, January, 1865. He prac-

Ex-Justice John Garber.

ticed in Nevada City, California, associated with John R. McConnell, from 1859 until May, 1863, when he came to the then Territory of Nevada, and practiced at Austin in partnership with George S. Hupp. While at Austin he was married to Miss Juliet White, who survives him.

He returned to California in 1867 and practiced at the San Francisco bar in partnership with D. P. Barstow until 1870, when he returned to Nevada, and was elected, in November of that year, as one of the Justices of this court for a term of six years. He resigned his office as Justice on November 7, 1872. The opinions rendered by him are found in Volumes VI, VII, and VIII of the reports of this court.

Upon his resignation he formed a copartnership with the late Colonel Harry I. Thornton, and practiced his profession with him and afterwards with other leading attorneys, including Thomas B. Bishop, Judge John Boalt, Judge Eugene R. Garber, Harry Thornton Creswell, and his son, Joseph Baldwin Garber.

He died at his home in Berkeley, California, on December 13, 1908, leaving surviving him his widow, his son, Joseph Baldwin Garber, and his daughters, Mrs. Whitney Palache, Mrs. Franklin D. Stringham, and Miss Lida J. Garber.

The opinions rendered by Judge GARBER, while Justice of this court, show a perfect understanding of the issues made by the pleadings, the evidence to sustain them shown by the records, and the alleged errors brought to this court for adjudication; with a plain statement of the legal principles involved in their solution, and a logical application of them leading to an inevitable conclusion consistent with approved precedents. They are the results of a thorough legal education, improved by practice and experience, and a perusal of them will convince the reader that Judge GARBER decided

Ex-Justice John Garber.

no case without diligent study, and with the sole purpose of doing justice between the parties and upholding those legal principles which make the law respected as a science, and which gives this court the high standing it holds as a guide to the people in their business relations.

Judge GARBER'S reputation as a lawyer will rest safely upon his preeminence as a practitioner of his profession. For more than a generation his services were rendered in almost every branch of law in cases involving large property interests and intricate questions of law. Blessed by nature with a superb physique, capable of intense prolonged labor without apparent fatigue, he brought to the service of his clients and to the courts, where they sought relief or in which he defended their rights, a well-trained mind and such industry in performing his duties as has never been surpassed.

He seemed in the preparation of his cases to challenge every proposition and to submit them to a logical analysis, which was never satisfied short of demonstration. His arguments were addressed to the reason and not to the passions or prejudices of his hearers, and, from the beginning of his professional career to the end, his modesty, until overcome by the heat of debate, was such as to amount almost to timidity.

His demeanor toward the courts was always respectful, and in stating legal propositions involved, and in arguing them, he aided the courts in arriving at just judgments.

Socially he was easy of approach, a delightful companion, and a steadfast friend. In his youth he was the hope of his elders in the profession, and this hope was not disappointed, as in later years he was justly considered as an ornament to his profession, and an example worthy to be followed.

Therefore Be It Resolved, That this court be requested to

Ex-Justice John Garber.

cause this memorial to be spread upon the records of this court as a mark of the esteem and respect of the bench and bar of this State; that a copy thereof be published in Volume XXX of the Nevada Reports, and that a certified copy thereof be forwarded to the widow and family of Judge JOHN GARBER by the Clerk of this court.

Respectfully submitted,

C. H. BELKNAP,
W. E. F. DEAL,
W. WOODBURN.
