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**BENCHMARKS**

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**EARLY-DAY ANTECEDENTS  
OF McEWEN, GISVOLD, RANKIN & STEWART**

Excerpted from a history written by J. Salisbury Horn

*From time to time, Oregon Benchmarks will trace the early history of some of the state's modern law firms. In this issue we look at the early partners of Cake & Cake, a pioneering firm whose story was written in 1986 on the occasion of the one-hundredth anniversary of its modern counterpart, McEwen, Gisvold, Rankin & Stewart. We thank that firm for permission to present the following excerpt from the firm history.*

and testament, tracking down land titles and mining claims, handling domestic disputes. Oregon, in fact, had a divorce rate 50 percent above the national average—268 cases in 1887.

It's possible that Cake & Cake handled some of those divorces, but not very likely. According to William's son Harold, "They were mainly business lawyers, handling clients like the John Deere

Plow Company, Inman-Poulson Lumber and Roebing Wire." Harry handled most of the trial work, while William assumed responsibility for counseling and office matters.

Unlike many attorneys of their time, the Cake brothers had attended both college and law school. Born in Fostoria, Ohio, each graduated from Oberlin College and the Cincinnati Law School.

**THE FOUNDING PARTNERS**

*Harry Cake (1886-1913)*

*William Cake (1886-1938)*

**W**hen Harry and William Cake first hung out their shingle to practice law, they had no way of knowing they were founding a firm that would endure 100 years and significantly influence both their city and the state. The year was 1886. President Grover Cleveland had surprised the nation by marrying his 21-year-old legal ward, while the Apache chieftain Geronimo led one of the last great Indian uprisings against the United States.

Basketball, bridges over the Willamette, and the American Bar Association did not exist. The only requirement to practice law was a high school education, or its equivalent, and the ability to pass the Supreme Court's test of legal knowledge (plus, until 1885, you had to be a man). The University of Oregon Law School in Portland had just graduated its first class of two students. There were 127 listings for other attorneys in Portland (who earned \$10-20 a week when Cake & Cake was formed).

Those were the days when most lawyers did a little bit of everything—riding on horseback to get a farmer's last will

**Annual Meeting Features Judges' Views of Well-Known Cases**

The U. S. District Court Historical Society is inviting all interested members of the bar and the public to attend this year's very special annual meeting, on Thursday evening, November 15, at the Oregon Art Institute.

This year's meeting has several treats in store for those who attend, according to vice president Arlene Schnitzer, who is organizing the event. After a half-hour business meeting at 5:30 p.m., a no-host cocktail hour will be held in the Art Institute's sculpture court—a new location this year. Dinner, catered by the Benson Hotel, begins at 6:45 and features baked salmon. But the real pièce de résistance comes at the end of the evening, when a panel of judges gathers to reminisce about three intriguing cases they have tried. The speakers are—

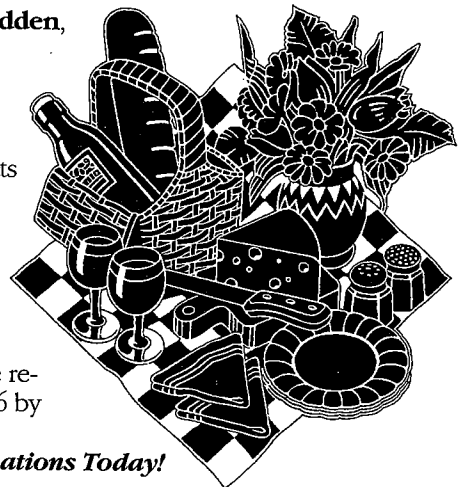
- U. S. Court of Appeals **Judge Edward Leavy**, discussing the Rajneesh Case;
- Senior U. S. Court of Appeals **Judge Otto R. Scopil**, talking about the Armsbury Fugitive Harboring Case; and
- U. S. District Court **Judge James A. Redden**, speaking on the Multnomah County Jail Cases.

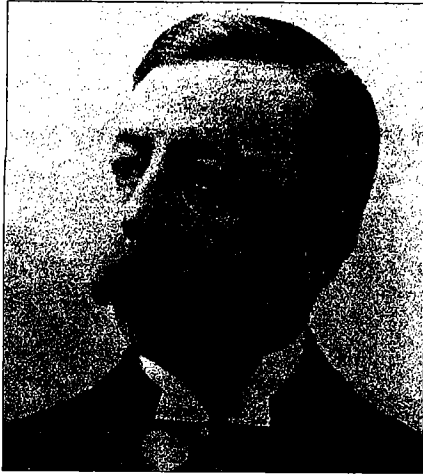
The program is being chaired by Jim Westwood, who also heads the Society's Histories Committee—a group that collects oral histories of men and women who have played significant roles in the federal court in Oregon.

All in all, the evening promises to be a memorable one—filled with camaraderie, good food, and fascinating history.

Tickets to the event are \$40 and can be reserved by calling Barbara Hall at 228-8476 by November 9.

**Call and Make Your Reservations Today!**





William Cake (Oregon Historical Society photo)



Harry Cake (Oregon Historical Society photo)

Harry then headed west and was admitted to the bar by the Supreme Court of Oregon in 1885, while William came and passed the bar in 1886, the year they began joint practice.

Their first office was located in the former Labbe Building on the north side of Washington Street between Second and Third avenues. Harry was 28 and single; William, 25, and married to his Ohio sweetheart, Lulu B. Riley. Both brothers sported fashionable bushy "walrus" moustaches, were skilled horsemen, and took an active interest in professional and civic affairs.

William was elected Portland city attorney for two years beginning in 1896 and then county judge until 1902. It was during his term that the county courthouse was built.

Harry served as the president of the Oregon Commercial Club from 1900 to 1906 and was judge advocate of the Oregon National Guard for three years

with the rank of major.

Historian E. Kimbark MacColl cites Cake & Cake as one of Portland's nine leading law firms in the early 1900s. By that time the firm had begun a relationship with Equitable Savings and Loan that would endure for many years. Cake & Cake became Equitable's legal counsel in 1896, the same year Harry was elected to the board of directors. When he resigned that position in 1918, William succeeded him and served 20 years.

The Cakes' contribution to Equitable was immense. Under their leadership it became the largest such institution in Oregon and the second largest in the Northwest. Equitable's company history credits William for the strong role he played in the 1930s:

*... election as president [of Equitable] occurred at a time of deepest depression. Disagreements existed within the board of directors over the question of joining in the general closing of financial institutions and awaiting presidential approval to reopen. But [Cake's] adamant attitude prevailed, with [his] actual physical presence at the front entrance of the Association's office to make sure no possible attitude of squeamish directors or other employees would succeed in closing the doors during business hours.*

The Cake brothers were equally renowned for their leadership of the Republican party, with Harry serving as the vice president of the National Republican League and William as both state and county party chairman.

In 1908 Harry was nominated as the Republican candidate for U. S. Senator and waged a strong campaign against governor George Chamberlain. In the nonbinding popular vote, he lost by the slimmest of margins, while in the binding vote of the Legislature, Chamberlain had a definite lead. Historian MacColl notes that Harry's campaign was seriously damaged by a split party and by a few other Republicans' connections to the timber scandals of the time, though he personally was totally uninvolved.

Besides their love of politics, the Cakes shared an attraction to the rugged reaches of Eastern Oregon, hoping in different ways perhaps to make their fortune there. Harry worked long and hard on irrigation projects, trying to establish fruit orchards in a part of the state more known for tumbleweed and sagebrush. William was president of and general

counsel to the remote Rainbow Mine in Baker County, frequently carrying gold in his saddlebags from the mine to its vault in Portland. In 1917 the dusty little town of Cake, Oregon, was named in his honor, probably because of his association with the nearby mine. The Cake Post Office closed in 1920, however, and nothing remains to mark the spot.

According to William's son Harold, neither Cake became rich from his activities in Eastern Oregon or the practice, but both led comfortable lives. A devoted family man and father of four, William stayed closer to the security of the firm, while Harry was more adventuresome and speculative. A bachelor until he married Mabel E. Strowbridge at age 45, Harry was frequently seen on Macadam, racing other young sports to the famous white roadhouse and restaurant on the river opposite Milwaukie.

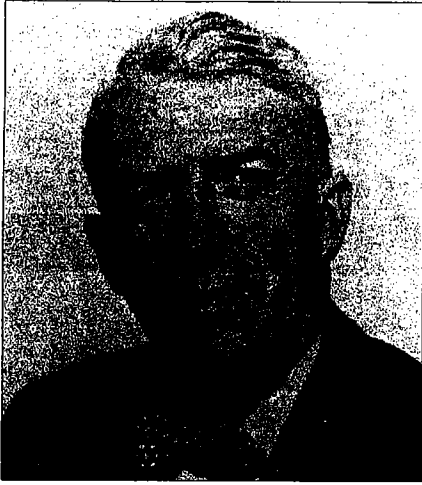
In 1913 Harry retired from practice and founded the Commerce Mortgage Securities Company, where he was active until his retirement in 1929. A year later, he was hit by a car while crossing a Los Angeles street. William hastened to his brother's side and was with him when he died a short while later.

William continued to practice law after Harry left the firm and was eventually joined in practice by his son Ralph. Over the years, William built a remarkable law library, collecting books whenever he went to other parts of the country. He amassed nearly 700 volumes, many dating back to the 1870s, at a time when nationwide case collections were not published and many attorneys had but a few texts.

When William died in 1938, The Oregonian ran his picture on the front page and wrote, "For more than 50 years W. M. Cake lived in Oregon. His position as a practicing attorney was high, and he was held in universal esteem. He raised a worthy family. He lived his life well and completed his work. He will live in the memory of the older Portland."

#### **THE TRADITION CONTINUES Ralph Cake (1921-1973)**

Ralph Cake is the partner who bridged the years between the old-fashioned firm of Cake & Cake and the modern-day law offices of McEwen, Gisvold, Rankin & Stewart. He continued the tradition of serving Oregon's legal, business, and political communities and saw the firm expand from two attorneys to 12 or more through two



Ralph Cake (Oregon Historical Society photo)

world wars, the Great Depression, and seven decades of legal change. During this time he also made a national name for himself in Republican politics and in the savings and loan industry.

As a boy, Ralph often visited his father and Uncle Harry in their offices in the Chamber of Commerce building at Third and Stark, to which they moved in 1893. He watched them reading legal briefs by gaslight and making copies one at a time on the old "jelly transfer" machine.

He rode ferries across the Willamette, raced his homemade wagon past pedestrians and horse-drawn carriages on Southwest Broadway, and later enjoyed rides in the family Velie, a 1912 auto manufactured by the John Deere Plow Company with the steering wheel on the right. A highlight of his youth was when he, his father, and brother Harold motored all the way to Tijuana, Mexico, on 1,500 miles of dirt roads pocked with stumps and holes. He also enjoyed yearly trips to visit cousins homesteading on the Deschutes River, even though it took three days, two train rides, and a horse and buggy journey to get there.

Ralph was born in Portland in 1891, the same year voters in Albina, East Portland, and Portland approved a charter combining their three cities into one municipality with 62,000 inhabitants and 26 square miles.

According to historian Allan Nevins, it was a time that many Americans would later regard as "one of the happiest periods in American history. During the Gay 90s the average worker earned little more than \$12 a week for 50 or 60 hours of hard labor. But a quart of milk

cost only 6 cents, and 12 cents bought a pound of round steak. People seemed content with the present and optimistic about the future."

Such optimism was certainly present in Portland, where the year of Ralph's birth marked a period of phenomenal growth. By the time he was 24, the population would increase by 300 percent and the land area by 150 percent.

The second of three sons born to Judge and Mrs. William Cake, Ralph graduated from the Portland Academy (1909), University of Oregon (1913), and Harvard Law School (1916). He passed the Oregon bar in 1916 and began to practice law independently but in the same Chamber of Commerce Building office as his father. This arrangement continued until 1921, when the two formed a partnership with offices in Fifth Avenue's Yeon Building, then the city's tallest structure.

Like his father and uncle before him, Ralph was a leader of Equitable Savings and Loan. He was elected to the Board of Directors in 1922, became its vice president in 1933, its president in 1938, and its chairman from 1964 to 1967, serving concurrently with his father for quite a bit of this time.

The Equitable Company history credits his role in keeping the institution open while so many others failed and in minimizing foreclosures against "deserving borrowers who found themselves in distressed financial positions" during the decade of the 1930s.

During that period, Ralph was one of the savings and loan leaders called to Washington, D. C., to formulate plans that established the Federal Home Loan Bank and Federal Savings & Loan Insurance Corporation. He was an active lobbyist and advocate for the United Savings and Loan League and served as its president in 1942-43.

Equally distinguished and even more dramatic was his record of service to the Republican party. A national committeeman from 1940 to 1952, Ralph affected many key decisions that profoundly influenced this nation.

According to former Oregon Congressman Wendell Wyatt, Ralph

Cake played a critical role in General Dwight Eisenhower's nomination at the 1952 Republican convention. "His leadership as floor manager was the major factor in Eisenhower's forces winning the credential vote," Wyatt told *The Oregonian*. "Without that vote, Taft would have been the nominee."

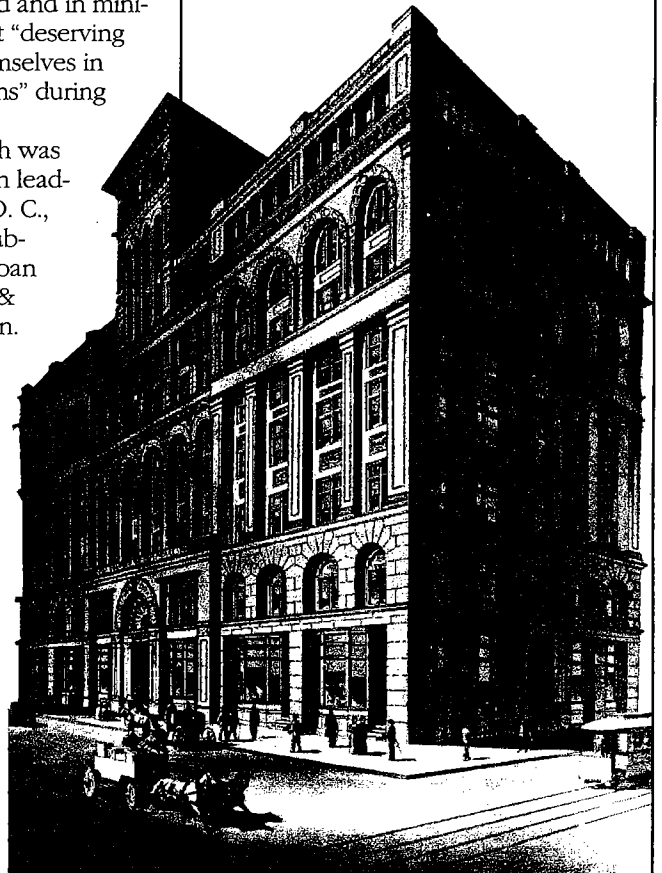
Ralph also orchestrated the nomination of Oregon's senator Charles McNary as Wendell Willkie's vice presidential running mate in 1940.

In 1944 Willkie chose Ralph as his own national presidential election chairman, and Ralph was also one of 15 to spearhead Thomas Dewey's campaign in 1948.

During the Eisenhower years, Ralph gained even more influence. He was named Ike's personal political advisor and was rumored to be "in line for a big job in the Eisenhower administration—as chairman of the Republican national committee [or] head of the federal housing and home finance agency," the *Ore-*

*The Chamber of Commerce Building, where Cake & Cake moved in 1893. Not only was the building a major meeting place for business and political leaders, its eight floors contained banks, offices, saloons, an auditorium, a bowling alley, and a billiard room.*

(Oregon Historical Society photo)



## CAKE & CAKE cont.

gon *Journal* reported. A heart attack and doctor's orders to slow down precluded the possibility of such service, though he was frequently consulted by Eisenhower on other matters.

In 1953 Ralph was appointed by the president to the board of the Panama Canal Company, which had jurisdiction over the canal zone. He served until 1960 and was reappointed in 1969, receiving the Army's Distinguished Service Award when he resigned.

Ralph sat on an impressive number of other boards as well and was president and an honorary director of the Portland Rose Festival, president of the Multnomah Civic Stadium Association, national president of his college fraternity, and five-time chairman of Multnomah County war bond drives during World War II.

Ralph Cake died in 1973 at age 83. When friends and associates describe him as having been "a real go-getter," they clearly are not exaggerating. His legacy is a firm founded on the belief that public service is an imperative duty of citizenship.

### THE FIRM TODAY

Now located in the Standard Plaza Building, the firm has moved eight blocks and 100 plus years from its beginnings as Cake & Cake.

A great deal has changed. There are nine partners, nine associates, and 12 support staff; Democrats and Independents as well as Republicans; and scores of modern conveniences of which the Cakes never dreamed.

A great deal has also remained the same. The firm still practices primarily

business law, still stands committed to professional growth, and still serves the community in numerous ways.

In the words of the late U. S. District Court Senior Judge Gus Solomon, who knew the elder Cakes and worked with many of their successors, "That firm has always enjoyed a fine reputation for ability, integrity, and hard work."

### Hats Off to Our Life Members

Those individuals who have life memberships in the U. S. District Court Historical Society have made a commitment to the Society's work that deserves a special "tip of the hat." Our life members are:

- The Hon. Robert C. Belloni, U. S. District Court judge;
  - Owen D. Blank, Tonkon Torp Galen Marmaduke & Booth;
  - George H. Fraser, Stoel Rives Boley Jones & Grey;
  - Wayne Hilliard, Lane Powell Spears Lubersky;
  - Daniel O'Leary, Pozzi Wilson Atchison O'Leary & Conboy;
  - Frank H. Pozzi, Pozzi Wilson Atchison O'Leary & Conboy;
  - John L. Schwabe PC, Schwabe Williamson & Wyatt;
  - Norman Sepenuk PC, attorney;
  - William F. White, retired attorney;
  - Donald R. Wilson, Pozzi Wilson Atchison O'Leary & Conboy.
- "We owe a great deal to our life members," says The Hon. Owen M. Panner, chairman of the historical society board. "To a very real extent, they make it possible for us to carry out the organization's mission, and we want them to know how much we appreciate their support."

### Welcome, New Members

Fred M. Aebi  
C. E. Francis  
Michele Friedman  
Gregory A. Hartman  
Rodney E. Lewis  
Leonard G. Miller  
Robert D. Newell  
Daniel Skerritt  
William M. Tomlinson  
Lyle C. Velure  
William Wiswall

### New Lifetime Members

Owen D. Blank Wayne Hilliard

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