FOOTPRINTS OF JUSTICE

... In San Diego

and

PROFILES

of Senior Members of the Bench and Bar

By

LELAND G. STANFORD

With Pen Sketches and Portraits by

MARION HILL BRESSETTE

INTRODUCTION

BY HON. PHIL. D. SWING

As one who has read the articles found in this book as they appeared from time to time in The Daily Transcript, I felt they should not be lost to the profession or the community. They are the fruits of many hours of research by Mr. Stanford and are told in a picturesque and highly entertaining manner. I accordingly suggested that they be published in book form and offered to help in every way possible.

I am happy that the suggestion has met with widespread and generous response from the Bench and Bar whose financial contributions have made a worthy project possible.
EXPLANATION

In the fall of 1959 the publishers of The Daily Transcript expressed interest in securing a series of biographical sketches of older members of the San Diego Beach Bar. The result was "Profiles", as reprinted in the latter half of this volume.

A different series, called "Footprints of Justice in San Diego", soon began to be published concurrently with the biographies. These articles were illustrated with clever pen sketches by Mrs. Marion Hill Bremner of the county law library staff, and dealt with local courts and their associated problems, pleasures and personnel during the century following establishment in 1850.

The idea of a published volume was little considered until a growing total of generous comments apparently indicated some interest in the project. Many of these were reprinted in the last "Footprints" volume.

Both Carlyle and Emerson - from different sides, and in somewhat different words - said that there really is no such thing as history; only biographies of our greatest men. Through processes of strained reasoning, based upon an equivalent of the Carlyle-Emerson expression, it might be claimed that these pages constitute a history of San Diego's bar and bench. But this conclusion is not justified.

Many of the greatest names in San Diego's roster of lawyers and judges suffer an inadvertent slighting in these articles. The reason should be understood by every reader, and in particular by anyone about to be shocked by some complete omission or by some related inconsequentials amounting to little more than a damming with faint praise.

The biographical "Profiles" attempted to discuss only living and senior members of the bench and bar, and even some of these were not mentioned because of difficulties encountered in the search for data.

For "Footprints of Justice" the main objective was to secure information concerning, and photographs of, the early judges in San Diego. More than from any other portion of these present writings, perhaps the best contribution to the profession and community comes from the hundreds of hours of research given to this historical project. Commencing about 1900 the investigations naturally showed signs of a death of biographical information, and therefore the judges who were discussed in the latter "Footprints" were mentioned in an increasingly general and casual way.

In spite of the obvious historical inadequacies of any writing program such as the one that resulted in the publishing of this book, it is interesting to note that there are ten lawyers in San Diego whose average years of practice is for a period longer than the current 60 years of the 20th century. The
"A" stands for Arroyo. As exhibit A he was a pirate hanging by his neck from the yard of the "Grenada," a ship from New York docked at San Diego.

A couple of dozen fellow-freebooters also had their boots dangling free beside those of Jose Arroyo. Admiralty jurisdiction thus administered one of the earliest instances of justice in the American city by the silver gate.

The gold rush was on in northern California. Southbound ships from San Francisco carried fortunes in yellow metal, and their owners, toward the security of east-coast cities.

Arroyo gathered a pirate band, acquired an armed schooner in Mexico, and took over the Coronado islands as a base for raiding the coastal trade. After several lucrative hands his troubles began when he captured the Cheb-
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biographical "Profiles" of such elder legal statements, and their contemporaries, have a tendency therefore to supplement the more thoroughly researched legal history of the county's first 50 years.

It is impossible to mention here the many scores of persons whose information and other aid has made possible the preparation and publishing of these articles. The omission of the following names, however, would constitute an irreconcilable dereliction. The patience and cooperation of the publishers of The Daily Transcript has extended all possibilities for over-commentation. The Union Title Insurance Company, and Mrs. Marion F. Grant, its librarian, have given their customary generous assistance with pictures and data. Our fellow lawyer, Irvin J. Kahn, early agreed to underwrite the cost of publishing the book. The talents of Mrs. Marion Hill Bresee, both in research and in her outstanding pen sketches of people and events, deserve more praise and appreciation than is possible in a single sentence. The Hon. Clarence Harden, judge of the superior court and president of the county law library's board of trustees, has gone far beyond the call of duty in his thoughtful giving of aid and encouragement. Finally, certain very helpful business firms have requested that they remain anonymous.

The project of publishing this book "jelled" when superior court judge, the Hon. Dean Sherry, spoke to the Hon. Phil D. Swing, formerly superior court judge of Imperial County and subsequently nationally-famed congressman from this district of the past many years a practicing attorney in San Diego, asking him to become one of the funds to be contributed to make the book possible. Mr. Swing acceded, and mailed out many notices. Dozens of lawyers sent in personal checks, and the members of the San Diego County Bar Association provided funds to have the volumes include historical pictures of the local bench and bar. Judge Sherry was helpful at every stage of our endeavor.

The enterprise has been wholly non-profit. The long-range interest has been to perpetuate information that should not be permitted to become forever lost; and the immediate purpose has been to have all financial returns delivered to the trustees of the county law library to buy new and better law books to aid the effective administration of justice in this community.

Thus did "Footprints" become available for the fingerprints of the present reader; thus did some of us, denied a full-faced view of yesterday's justice, become acquainted with her appearance.—in "Profiles."

L.G.S.
December, 1960
sea, of Liverpool, seized the booty, burned and sunk the ship, and murdered all on board except a sailor boy named Tom Boler.

Boler boasted respectable shipping, and joined the pirates. Later he quarreled with Arvas and left, and, after being hooked down by the leader, started to spend five days under compulsory double guard while the balance of the cutthroats toured the blue sea in search of that associated Californian color—gold.

Trenchers Tom managed to kill his guards. Upping the pirates' small fishing yawl, and all the gold that he and it could carry, he sailed across to La Playa (San Diego), where he reported the piratical operations to Captain Belleau of the Greedo.

It must be remembered this for over two centuries "San Diego" was sought else the little maritime village of La Playa adjacent to Ballast Point, near the bay side tip of Point Loma. Its streets and adobe homes now are completely obliterated and lie within the confines of Fort Rosecrans, the military reservation established in 1857. During the early twentieth century, however, this same La Playa (not the later city subdivision bearing the name) was the largest hide trading port on the west coast, and for many years the water served as the only ship landing for the small community that was developing around the presidio at the entrance to Mission Valley—now known as Old Town.

After Tom Boler's report Captain Belleau collected 150 vigilante-minded sailors and landmen and sailed to the Coronado Islands. Their ship was anchored on the east coast, out of sight from the pirate landing on the west.

When the unsuspecting buccaneers returned they came ashore unarmed. A few were shot down, and the rest of them were surrounded and captured. Within minutes the universal sentence for piracy was given and executed.

The schooner of Arvas, and his fantastic accumulations of literally shiploads of gold and other treasure, were returned to La Playa. The vessel was sold, and the total swag divided among the dispensers of justice.

Report has it that Arvas died an ignoble pirate. He was impeached with Boler's treachery that he practically chocked on his own string of oaths before choking from the other stringing.

Exhibit B—Boler—became a wealthy and influential man, although some contemporaries grumbled that as a swindled pirate and traitor he should have been hanged higher than his eritreole mates.

Justice in the 1850s was not spelled with a capital "J." More often it was spelled capital punishment.
The first justice of the peace in San Diego, under the new State’s laws of 1848, was an Hungarian immigrant named Charles Hanetzy. He was also President of the City Council, and he was the father of Agustin Hanetzy, the first local sheriff.

The elder Hanetzy’s methods of doing business are reflected by reports of other citizens, such as Captain Israel who served as marshal of the justice court. Israel wrote that the J. P. gave judgment wherever he thought it would bring fees to the court. Right and wrong apparently were side issues.

According to the marshal in one instance a “disgoutant” was entered against Honest Costs for the amount proved to be owed to Costs by the other litigant who had stained the suit, but who had no means for paying court costs. The “costs” were what paid the justice for his services.

“I’ll be damned if I’ll pay it!” said Costs, walking out of the courtroom. “Well,” says Hanetzy to me, “I can’t get the money.” “Well, enter judgment against this Mexican.” “Well, but die man, he got no money. Ve must get de judgment to de man whut gits us de pints.”

About this same time it was decided that the J. P.’s son, Sheriff Agustin Hanetzy, should save a jail.

Bids were let. One firm offered to do the job for $1000. But the elder Hanetzy, as President of the Council, engineered the letting of the contract to the Sheriff himself for $5000. An added $2000 was given for alleged damage by rain during construction. The largely unpaid balance owing to the Sheriff bore the somewhat inordinate rate of interest of 8% per month.

The construction of the calibstone, as officially delivered to the town, was cobblestones in mud walls without a trace of cement. The first prisoner promptly was delivered theretofrom through a hole quickly carved in the main wall. The town trustees resigned in a body in order to prevent collection by Hanetzy of the amount allegedly due him. In the late 1860’s the old building served as the first County hospital.

An iron cage replaced the calibstone jail. It had a wooden floor, and roof, six by nine feet. The ceiling was seven feet high. It must have been effective, for as late as 1908 it was transferred to Tent City for use as the Coronado jail.

Between the first jail delivery and the iron cage era there was no place to house prisoners. The walls of the old calibstone jail occasioned were used for target practice, however, and coincidentally at such times the latent captured thief often accidentally collided with one of the bullets.

Life was raw in the period between the old stone age and the iron age.

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THREE

COWPEN COURTROOMS (Everyone had a bowl!) California’s legislature in 1851 enacted that in San Diego County, and also in others, “Every owner of a stock farm shall be obliged to give yearly, one general Rodeo . . .”

Therein lies a story dealing intimately with the administration of justice.

During the quarter of a century before the United States took over California the most flourishing hulk-dragging business in the nation was at the old La Playa de San Diego near the boydala tip of Point Loma. Ships from the east coast could carry from 25,000 to 50,000 hides. Vessels beached millions of them for New England markets, and also millions of pounds of tallow for South American ports.

Furthermore, in the days of ’49 the Southern Californians were less interested in searching for gold than in profitably furnishing meat to the seafarers. From small beginnings, when even boats were brought to San Diego in 1769, the time came when the county’s bills were black with cattle.
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The extensive expansion of stock farming in an unfenced domain created complications that required the aid of the law.

In simplest terms the compulsory Rodeo (spelled in the statute with a capital R) was merely a gathering together of all the stock of one owner so that neighboring ranchmen could inspect with full propriety the collected herd, and separate animals belonging to them. After sufficient time for such an inspection had elapsed, the owner was permitted to proceed with his spring branding.

In actual social practice the annual roundups were a sort of frontier Mardi Gras with "horse racing, bull fights, cock fights, feasting and dancing." Most communities had numerous ranchers, and therefore a continuous Rodeo season from April until July.

There were, of course, some axes, squabbles concerning brands and ownership of stock. These problems and the enormity of the industry brought into being a group of judicial officers of utmost importance: Judges of the Plains (Jueces del Campo).

The courts of these Judges of the Plains, in the bowling, brawling pandemonium of the roundups, wherein was invaded nine-tenths of the wealth of each Southern California county, meted out speedy justice in an area of the law diametrically opposite from, yet fully as important as, the law merchant courts of medieval Europe.

To be a Judge of the Plains was a high honor during the Mexican period in California. The respected office was transplanted into the American regime by a statute of 1831, and, strangely enough, as it is written in 1900 the California Penal Code, Section 25, provides that among exempted stations specifically continued in force are "3. All Acts in relation to Judges of the Plains."

In addition to seeing that Rodeos were held and managed as required by law, another important duty of Judges of the Plains was to protect their local stock owners from the intentional and accidental ravages of innumerable drovers of herds of sheep and cattle who frequently augmented the numbers of their flocks by a kind of pastoral aversion from the literal fringes of herds through which they passed. Seasonal movements of stock for pasture, and to shipping points, made such infractions of property rights a constant grave community danger.

Drovers were compelled by law to carrycertified lists of their herd numbers, brands and breeds. Each Judge of the Plains was expected to meet such roving stock, inspect them, "and accompany them out of the precincts of the county."

The courtrooms of these men were cowpens and open ranges. Their woolback was a saddle. No appeal lay from their decisions taken within twenty-four hours. They only, of all American jurists, drew a portion of their judicial emolument for the specific purpose of watching the bull being thrown in court.

WARNER'S RANCH. (In Hot Water!)

Our favorite resort is in the lovely and restful Valle de San Jose y Agua Caliente. Its ten square leagues, Mexican measure, are situated some 30 miles north-west of San Diego, as the crow flies, or amount to 45,000 acres. (The English square league would have a 9½% greater area.) In this valley lie Lake Hemshaw, the Boy Scouts' Camp Matagorda, and Warner's Guest Ranch and Hot Springs.

Somewhere over 100 years ago tranquility was as rare at Warner's as the occasional dusty jet stream from the old Intermediate Stage and mail line (operation commenced in 1858) whose coaches thundered in at five miles per hour and changed horses at the Valle de San Jose railroad on the 21-day trek between San Francisco and St. Louis.

At that date the Warner Ranch had more than springs of hot water. It had cauldrons of boiling gourmets, and vats of roasting hares. There they inflated the "ice" out of the word justice, and branded with fire the initials UN as a prefix to the letters that remained.
This is the big whodunit question: who was the biggest cheat in the Valle de San José?

In 1840 one Jose Antonio Pico received a Mexican grant to four square leagues, including the hot springs. In 1844 John J. Warner received a similar grant to the other six leagues in the valley. Four years later Warner received a second Mexican grant to certain of the valley land. Incidentally, Warner was San Diego County's first state senator, serving from 1850 to 1852.

On May 11, 1852, Warner filed a petition to have his title confirmed under authority of the appropriate statute of the preceding year. Thereupon 28 years of financial bleeding for attorney fees and other expenses seemingly endless, and ruinously expensive costs that continued far beyond the dates of death of Warner and his wife, through commission hearings, court trials, and appeals, until the final confirmation of title in 1880.

Four months after filing his petition Warner borrowed $2300 and mortgaged the ranch for three months. The interest was 5% per month, compounded monthly! This is typical of the whole Rancho story in California. Men borrowed small amounts with interest rates that they did not understand would double or treble the obligation within one year.

Counsel and interest rates wiped out most of the ranchers' hard way. One Spanish owner, for instance, lost his 17,000 acres through foreclosure on a large debt compounded from a mere $50 Christmas reason loan. He committed suicide.

In 1854 Warner had in refinance with an $11,000 loan at 3% per month. In 1856 $21,710 was due, and foreclosure occurred.

Legal battles multiplied. Mrs. Warner claimed a homestead. This was met by a reaffirmation that no one had lived on the place since 1851. The replication was that an Indian uprising in November, 1851, had caused the Warner ranch house to be burned, hundreds of head of stock to be stolen, and several persons to be murdered. The family was afraid to return.

The raid had been led by one Bill Marshall, a desert American sailor who was living with the daughter of an Indian leader. He was caught, tried and hanged. Antonio Garcia, one of the captured chiefs, died before the firing squad.

The very first case in the California Supreme Court Reports that has been noticed by this writer as having originated in San Diego's judicial district is entitled Moses v. Warner, 10 Cal. 296. It sustained the Warner claim of homestead to the extent of one square league. The other five leagues were sold to the mortgagee for $500.

In 1858 the Warners had to mortgage the homestead. It was the beginning of the end. Foreclosure in 1860 apparently wiped them out.

For the following two decades, in the hundreds of pages of the official title search and report, many new names along with a few Warner heirs struggle in legal frustration. The Warners died. Finally, 28 years after...
On February 18, 1850, San Diego county was created by the first California legislature. On that identical day the surviving remnants of the ill-fated William Lewis Mason emigrant party were crawling tortuously out of the alkali trap in San Diego county that they so appropriately had called "Death Valley." For San Diego county—larger than the state of Ohio which furnished her first district judge—included Death Valley when California became a state! Its area extended so far north as Monterey Bay—but on the side adjacent to Utah Territory. There was no Nevada and no Arizona. For nearly three hundred miles along the southeast the raging Colorado gnawed at the county's alluvial margin. There were no Imperial, Riverside, or San Bernardino counties.

Even poor little Los Angeles county, to which the legislature gave birth in second thought, looked like an after-thought. It wasn't much over one tenth the area of Bredingingian San Diego which hemmed it in. Then the precedence of the Los Angeles Chamber of Commerce must have gotten busy. It went out for water, and it got it! In 1851 San Diego county was cut to less than half its original size, and the area of the county of Angeles was increased by 60%, and its borders extended to include many miles of the Colorado river shoreline.

Two years later, however (1853), the larger eastern portion of Los Angeles county was divided off to form San Bernardino county. The area now known as Riverside county remained a part of the county of San Diego until it became a separate entity in 1893. Imperial county was created in 1907, leaving San Diego county with about 12% of its 1850 size.

On March 16, 1850, California was divided into nine judicial districts. The first of these was composed of the counties of San Diego and Los Angeles, an arrangement that continued for 13 years.

The judge selected for initial service in the vast jurisdiction delineated in 1850 was Oliver S. Witherby, a thirty-five-year-old San Diegan who had been elected to represent his community at the 1850 meeting of the State's first assembly at Monterey. The same legislature appointed him judge.

For very substantial reasons this able man has been called the father of the bar in San Diego. For many years his picture hung in Department One of the superior court in the old court house. It is now in custody of the law library.

Judge Witherby was born near Cincinnati, Ohio, February 19, 1815. He was graduated from Miami University, studied law in Hamilton, Ohio, and entered practice in 1840. An officer in the Mexican War, he was injured and returned to Hamilton as a newspaper man and prosecuting attorney. He came to San Diego in February, 1849, as a member of the United States Boundary Commission.

The district court (roughly the equivalent of our present superior court) convened for the first time in Los Angeles on June 5, 1850, with Judge Witherby presiding. The district attorney, William C. Ferrill, also a San Diegan, was admitted to practice at the same session.

The "rough equivalent" of our Superior Court was really rough! It was common practice to throw ballots in court, and guttural swears was immaterial. Judges travelled the circuit with a cocked eye and a cocked gun.

In 1835 Judge Witherby left the bench and secured appointment as collector of customs for the San Diego area. After four years in that job he became public administrator for seven years. During this period the local court dockets show that the former judge appeared frequently as Q. B. an attorney.

After completion of official duties Oliver S. Witherby became a successful rancher, banker, and property owner. At his death in 1896 he had been a member of the bar for 56 years, and missed by only two years from having been a San Diego lawyer for half a century.

Lawlessness in San Diego county was first withered by Witherby as he trekked from the Tijuana river to Fortuna Creek—from the Santa Clara river to the Colorado—lasing the waters of justice in a hot and hot-headed land.
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SIX

VIGILANTE JUSTICE (Good, Bad, or Worse?)

San Diego has had vigilantes, as recently as 1912 when anti-government sympathizers were ridden from town on a rail, tarred and feathered, and almost hanged. Some of our best citizens maintain that, ergo, San Diego is a better place to live.

Vigilante justice provokes one of the bitterest arguments in philosophy and jurisprudence. Is an unlawful hanging any worse than the legal executions of a Socrates, or any other of millions of instances of society’s “legal” vengeance?

San Francisco’s vigilantes, concerning whom much has been written, clearly influenced thinking in southern California and San Diego. In the Golden Gate area the community conscience expressed itself through the Committee of Vigilance which in 1851-2 seized and summarily tried 35 persons of whom 4 were hanged, one whipped, and 14 forcibly deported.

Many of the characters deported, discharged or threatened by San Francisco vigilantes left for Los Angeles and points south. The City of Angels became the social cesspool of the world until the Rangers, a vigilance group formed there in 1853, quickly but unofficially executed a score of objectionables.

In San Diego of the 1850s a lawyer named Ephraim W. Sherer, called “The ideal Citizen” by historian Smythe, joined three other lading townsmen in dragging two Indians from jail and hanging them in an empty shack. The victims were suspected of the month-earlier murder of the town’s tailor.

In 1851 there were two James Robinsons in San Diego. One was the former governor of Texas, and a southern sympathizer, as were most of San Diego’s leaders in that day. The other Robinson, known as “YankeJim” shortly was accused of stealing a rowboat. His jury, with a Tennessee militiaman (later a San Diego County Judge) as foreman, brought in this verdict: “Your jurors in the within case of James Robinson have the honor to return a verdict of ‘guilty’ and do therefore sentence him, James Robinson, to be hanged by the neck until dead. Cave J. Cains, foreman of the jury.” The poor defendant thought it all a grim joke, and an attempt to frighten him, up to the very moment that “the law” put him on a cart, with his neck roped to a limb, and majestically drove away.

San Diego and Los Angeles counties’ district judge during the decade of vigilante activity throughout the state was Benjamin Hayes, a man (by the lights of his day) of unquestioned integrity and ability. After coming to Los Angeles from Missouri in 1850, Hayes started his legal practice, and soon was in partnership with one Jonathan R. Scott who also is reported as having “one special characteristic, a constant readiness to kid a lynch-monger.”

After serving as Los Angeles county attorney for a time, Hayes was elected to the important judgeship in 1852. Immediately thereafter, together with several other judges and lawyers, he joined the vigilante-minded Rangers of 1853. His administration of justice became both official and unofficial. There is record of several accords being taken from the Hayes courtroom and hanged by a mob.

Hayes was a frail person who traveled his district on horseback and by carriage, toting a double-barreled shotgun and a Bowie knife for personal protection.

In 1863 this man who spent a decade as our county’s second district judge was defeated for re-election as described in the Footprint entitled “War” following hereafter. He moved to San Diego in the middle 1860s and the old “Hayes Farm” became a landmark at the edge of the present Loma Portal subdivision, its tillable land extending down on the flatslands now occupied by portions of the marine base.

Judge Hayes represented San Diego in the state assembly in 1867-8, and also practiced here until about 1875, being an acknowledged authority on land titles.
Able though he was as a lawyer and judge, the man's strongest claim to fame, and to the gratitude of succeeding generations, is his extensive personal diary, and the sources of other books, scrapbooks and manuscripts about Southern California and its problems.

Los Angeles legal historians proudly have labeled Benjamin Hayes as 'being their own, and, strangely, the best commentators from San Diego have failed to expose the truth—that the men lived in or officially served this community for 22 of his 27 years in the state. His family settled in Oceanside where the "Hayes" name has become commonplace in legal, business, real estate, and political circles.

The judge's son, J. Chauncey Hayes, was a lawyer, judge and city recorder in Oceanside for decades. J. Chauncey's grandson, Roby F. Hayes, is one of Oceanside's younger but most prominent lawyers.

San Diego has more than ordinary cause to be proud of the Hayes dynasty, and of Judge Benjamin Hayes, its founder. His judgments muddled the area's formative years and his voluminous writings answer in fascinating detail many of the questions concerning the way of life in California an even hundred years ago. But one of the questions left completely unanswered by the Judge's written opinions and observations is this:

What is "Justice", anyway?

WARI (or spell it backward)

As the battle of Gettysburg (July 1-3, 1863) raged in Pennsylvania, a terrible political contest was being waged in Southern California—also involving Union and Confederate sympathizers. Here, too, the Union forces won by the narrowest of margins, and as a result the man on the San Diego district court bench was replaced.

Judge Benjamin Hayes, who had served as District Judge for ten years, was an admitted copperhead (Southern sympathizer) in an admittedly strong copperhead area. His judicial district covered all of what now is known as Southern California, and was one of the strategic areas in Civil War planning. The district judge, with his influence and compulsory travels, was a key political organizer.

The Confederacy had physical possession of most of New Mexico and Arizona. One of its big plans was to march an army to the Pacific Coast, seizing the pro-South Southern California, together with Baja California and some of the northern Mexican states.
It was to idle dream. In the presidential primary vote of 1860 in California, Lincoln's opponents received in toto over twice the number of votes cast for the Republican candidate.

Money and power-politics saved California for the Union. In 1861 the legislature pledged the state's loyalty to the Northern cause. In that year the 37-year-old Leland Stanford, with the blessing of the west's wealthiest and most influential men, became the "war governor" of California. In 1860 he had been a delegate to the convention that nominated Abraham Lincoln for the presidency, and as governor he maneuvered in support of the North's leaders' stated goals in his favor that influenced politics and industry for the succeeding fifty years.

In 1863 the Golden State enacted a statute requiring all lawyers and litigants in California courts to take loyalty oaths, and sign affidavits of allegiance to the Federal Government. This move caused some cooperators to leave the state. It also silenced much of the apunyana emanating from others, because a hundred years ago most community leaders were lawyers.

The next move cannot be understood without going back to Don José de la Guerra y Noriega. The man had been born in Spain, came to Mexico in 1788, and a few years later was appointed an ensign at Monterey, California, where he married into the prominent Carrillo family.

For several years in 1806—7, and between 1811-1817, Capitán de la Guerra was in charge of the Mexican troops stationed in San Diego. Thereafter he went to live permanently in Santa Barbara where for 40 years he held a position as one of the wealthiest and best loved Californians in the state. Reliable authorities say that when Don Jose died in 1848 he left millions in property to each of his children, and that his funeral cortege was the longest that Santa Barbara ever had known. His seven sons and three well-married daughters constitute a prominent, most influential, and very popular family.

The fourth son of Don José de la Guerra was Pablo. Well educated, he was one of the seven Hispano-California delegates to the Constitutional Convention of 1849. At different times he also served as surveyor of customs at Monterey, United States marshal for the Southern District of California, and Judge of the First Instance and mayor of the City of Santa Barbara. Official California statutes show that in 1860, only shortly after his popular father's death, Pablo was a state senator. In 1861 he was lieutenant governor. In the statutes of 1862 he is described as "the late president of the Senate." Although the Confederacy offered de la Guerra positions of place and power in exchange for the favorable influence of himself and his family, he remained a strong Union sympathizer, a friend of the state's political chief, and a likely candidate to seat Judge Hayes, the cooperhead, in the critical southern California area.

The chief trouble was that Pablo didn't live in the right district.

The first move of those in power was to get rid of as many southern voted as possible. Next, to get in many northern votes. Then to extend the boundaries of the first judicial district to include Santa Barbara and San Luis Obispo counties.

Thousands of southern Californians already left to join Confederate armies. In 1861 northern California troops marched to Warner's Hot Springs, captured a party of Confederate sympathizers and imprisoned them at Ft. Yuma. In 1862 hundreds of volunteers in a group started sweeping southern sympathizers eastward and out of California and Arizona.

In the meantime substantial numbers of northern soldiers were being brought to Los Angeles and Ft. Yuma, and in April, 1863 the California legislature officially annexed Pablo's home county, along with San Luis Obispo county, to the first judicial district.

The election was in October, 1863—three months after Gettysburg. It was incumbent Hayes, who in the preceding election had won by a landslide, against de la Guerra, the acorn of Santa Barabara. The outcome was in doubt until the last moment when the ballots received from the Union soldiers at Ft. Yuma swung the election in favor of the Union sympathizer by a mere 59 votes.

San Diego had a new district judge! And the ramifications included permanent influences upon the nation's politics, transportation, and facilities for collegiate education.
BEATING THE BUSH (Great Scott, yes!)

The ending of the Civil War, with the South prostrate, rendered unnecessary the continuation of the political expediency which had caused the pro-Union counties of Santa Barbara and San Luis Obispo to be joined to San Diego's judicial district for the sole purpose of defeating the Democratic incumbent, Judge Benjamin Hayes.

In March, 1868, therefore, the legislature redistricted the state, retaining the Honorable Pablo de la Guerra as judge of the first judicial district, but limiting the latter's area to the two northern coast counties mentioned above. The great Santa Barbara retained the post until shortly before his death in February, 1874.

The judicial alterations of 1868 placed the counties of Los Angeles, San Diego and San Bernardino in a newly created seventeenth judicial district. On May 25th of that year the Governor appointed Murray Morrison of Los Angeles the district judge.

The San Diego of the Mormon 35-year regime was like a baby ostrich pecking away outside its shell of geographical isolation—trying to be born. Malaria fever was in the air (also smallpox), but Los Angeles still was two long days away. The stage left for the north three days a week at 3:00 a.m. Eastward, an occasional stage required four days for the trip to Ft. Yuma. The judge from Los Angeles usually came by steamer to hold his periodic terms of court.

The citizens of Old Town pecked away at improvements by starting to build a better county hospital to supersede the small cobblestone-mud structure that had begun as a jail basement and then been graduated into the community's pest-house.

But the whole egg broke wide open from the reverberations down on the wasteland railroads south of Old Town. There Alonzo E. Horion from San Francisco was pounding out a new city. Between 1868 and 1870 there were new streets, new hospitals, new business blocks, new residences and a new wharf. The little San Diego ostrich got up and started to walk around, but down in Old Town, one day, he stuck his head in the sand.

The county supervisors decided, after much controversy, to move the courthouse to Horton's Addition. Thiripun feathers flew. Colonel George A. Pendleton opposed the move. He not only was county clerk but had been a West Point classmate of such generals as Grant and Sherman, and was related by blood or marriage to other very important persons.

On July 9, 1870 the county Board ordered the records moved. Thereupon the Honorable Murray Morrison, district judge, gave opposition by requiring that all writs from his court be returnable in Old Town; and either Morrison, or someone sitting on his bench (in Los Angeles), ordered the San Diego supervisors removed from office. See People v. Bush, 40 Cal. 344.

County Judge Thomas H. Bush, who was not a lawyer himself but had served as local postmaster and as one of the city trustees who had sold Horton his property), ordered the sheriff to use all necessary force to prevent the removal of courthouse records and furnishings. A cannon and a posse of citizens moved in front of the building to prevent tampering. Bush also appointed three new supervisors, an act which the state supreme court later held to be beyond his authority.

Then the ostrich pulled his head out of the sand. Actually, the thing that happened was that the sand was running out for County Clerk Pendleton and for District Judge Morrison. The former died in March, 1871, and Morrison, after suffering and being enfeebled for months by erysipelas, passed away in December of the same year.

Enter Chancellor Scovel. The supervisors appointed him county clerk, and he knew his way around!
In addition to being a lawyer and a graduate of a New York University, Scott was an engineer who had done local watershed surveying and railroad surveying in South America. He also had been the reporter in China for a New York newspaper. His wife was the daughter of Judge C. C. Cook, one of Southern California's wealthiest and most influential citizens. Incidentally, the daughter of Chalmers Scott and wife (1906) is Mrs. John Jerome Brennan, whose husband long has presided in San Diego municipal court number 5.

As the new county clerk, Scott took a few friends, a spring wagon, and horses with muffled boots, to Old Town in the dark of one night. Surprisingly, the county records were removed, and on April Fool's Day, 1871, San Diego County's courthouse was in full operation in a rented building at Sixth and G Streets in New Town. On April 4, Murray Morrison arrived by steamer to hold his April term of court. He had been.outdone by citizens of the little city which, even if not an ostrich, was entitled to have a plume in its hat.

Murray Morrison was born in Kaskaskia, Illinois, on February 27, 1821. He came to California in 1849 where he settled in Sacramento, commenced the practice of law, and married Virginia White, the daughter of a physician. He moved to San Francisco in 1855 and to Los Angeles in 1857, where he resided the remainder of his life. A biography and oration concerning Morrison are available in issues of the San Francisco Alta California for December 27, 1871, and January 4, 1872. A brother, Robert F. Morrison, was San Francisco's district judge from 1869 until 1880, after which date he was appointed chief justice of the California supreme court and held the high honor for seven years until his death in March, 1887. The San Diego district court judgment book shows that R. F. Morrison sat in San Diego for his brother Murray during at least part of one of the 1870 terms.

**LEARNED LEGAL DYNAMO (i.e., LL.D.)**

For approximately three months San Diego had a district judge of such ability, and one who contributed so much to law and learning that it seems amazing his name is not more heralded locally. The biography of this judge, Robert Maclay Wisdeny, will be used as a springboard for a brief discussion of legal education in our community.

The Hon. Murray Morrison, of the seventeenth judicial district which included the counties of San Diego, Los Angeles and San Bernadino, died in office on December 19, 1871. At the request of influential Los Angeles lawyers R. M. Wisdeny was appointed to the unexpired term. Three months later the state legislature divided the district, leaving Los Angeles the only county in the seventeenth district over which Judge Wisdeny continued to preside. A new eighteenth district was created including San Diego and San Bernadino counties. Its newly appointed Judge, H. C. Roffe, will be discussed in a later Footprint.
Judge Widney was born on an Ohio farm in 1838. Seeking adventure at age 19 he joined an emigrant train to California.

At 20 the future judge entered the University of the Pacific at Santa Clara. (Later this Methodist college became the College of the Pacific, moved to Santa Jose, and then to Stockton.) He received degrees of A.B., A.M., and LL.D., and became a professor in the same school. While teaching he studied law and was admitted to the bar in 1867.

The man was an expert in mineralogy and engineering, and practiced those professions before moving to Los Angeles in 1868.

In the southern community Widney became a real estate promoter of such ability that he raised the judgment two years after his arrival. With H. K. S. O'Keefe he made Los Angeles, instead of San Diego, the railway center of Southern California. He drew the plans for, and pressed to completion through congressional enactment, the early development of San Pedro Harbor. He organized the first Los Angeles Chamber of Commerce, and through it publicized his community around the world. He built and operated the first great ocean system in southern California. He founded and named the City of Long Beach. He subdivided extensively, including Ontario and parts of the San Fernando Valley.

Above all, Judge Widney is the father and founder of, and a large donor to, the University of Southern California, which also became a Methodist institution for many years. The official founding date was July 29, 1879.

The first law school in Los Angeles began in 1896 and affiliated with U. S. C. in 1901. The California legislature had founded Hastings College of Law at San Francisco, as a part of the state university, in 1878.

Law education in San Diego has followed national patterns and trends. Not until 1918, following World War I, was serious attention given to the matter of requiring admissions to the bar. The earlier scandalous system permitted anyone to be admitted "on poll," or to be denied admission for unstated reasons.

At the start of the twentieth century a few law schools in Howard and Michigan offered creditable professional training. Most prospective attorneys, however, studied in a lawyer's office. Some members of the bar made the training of students non-activity for sideline income.

Many of San Diego's best, but older, lawyers were office-trained. The 1914 City Directory, however, carried prominent advertising of Mr. Ernest E. Kirk's "Kirk Law School, Two-Year Course, Day and Evening Classes, Tuition Fees $150.00 Including Use of All Text Books. 501 Spreckels Theater Bldg., Fourth successful year."

Probably Mr. Kirk's school did not have a fifth successful year. The 1916 directory gives his residence in Los Angeles. In the meantime the late Adam Thompson had started law classes which were attended by such men as the Hon. Lloyd E. Griffin, Hon. Eugene Dancy, Jr., and other notables.
agreed to restrict its boundaries so that it included only Los Angeles county.

The San Diego Union for December 17, 1871, reflected an interesting

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TEN

PONY CODES (and quarter horses)

H. C. Rolfe, of San Bernadino, San Diego's district judge for about

YOU TEXT START

YOU TEXT END
In New York the agitation for codified law reached a high point in the decade 1840-50 when David Dudley Field was urging legal reforms. When the younger brother, Stephen J. Field, was elected to the California legislature in 1851 he secured passage of separate acts to regulate civil and criminal procedure.

Pressure mounted annually to secure codification of the ordinary rules of substantive civil law. A commission was appointed, and eventually the civil, civil procedure, penal, and political codes were enacted. The early first-published volumes often were called pony codes. Stephen J. Field appointed them as "perfect in their analysis, . . . admirable . . . complete."

Sir Frederick Pollock’s contrary view: “About the worst job of codification ever produced”—has been the most widely accepted opinion. For most of a hundred years, legislators, governors, supreme court justices, the integrator State Bar, the Judicial Council, Code Revision Commissions, and the California Law Review Commission have spent most of their official lifetimes in attempting to finetune with, alter, repeal and generally have a repurposatory Field-Day with the old Field codes of 1872.

It is easy to comprehend that cow-cowboy judge Horace C. Rolfe probably was plunged not only by the lawless, but by the law itself.

... ROUND THE MOUNTAIN (Toot! Toot!)

In San Diego’s desperate decade the Hon. W. T. McNealy was the local judge—first of the San Diego-San Bernardino district from 1873-79, and thereafter as the first superior court judge of San Diego county (under the new constitution) until he voluntarily retired because of illness in 1886. Early in 1873 McNealy was working on the railroad—as an attorney that is. Later in the same year he was elected judge, defeating the incumbent Horace C. Rolfe of San Bernardino. In the same year occurred “Black Friday”, Wall Street debacles, and the start of the great panic of ’73. Railroad building ceased, and San Diego’s desperate decade began.

For twenty years the dreams of a transcontinental railroad, terminating at San Diego bay, alike had supported the city’s hopes and the families of most of its lawyers.

The San Diego & Gila, Southern Pacific & Atlantic Railroad Company was a thriving blueprint in 1853-54 under the presidency, first, of
Col. J. Burnhead Magruder, local lawyer, and then of James W. Robinson, another San Diego attorney. Judge Oliver S. Witherby of the district bench until 1833, and district attorney William C. Fessell were other company directors. These names constituted practically the whole list of the benches at the court of San Diego county in the first years of California’s statehood. This corroborates the fact, often alleged, of early day community leadership of the legal profession.

Robinson, a former governor of Texas, and Magruder, subsequently a Confederate general, were supporting a viable and ambitious Soth in its drive to extend slavery to the Gulf of California by way of San Diego. If the civil war had started five years later it is quite likely the railroad tracks would have gone up Mission Valley to San Diego, and thence along the 37th parallel to Mississippi, Alabama and Georgia. Who knows where the metropole of Southern California then would have been? Who knows whether the Blue or the Gray would have claimed the southwest? Who knows if San Diego’s ultimate loss was not the nation’s gain?

Three years after the close of the civil war another prominent San Diego lawyer, Col. Wm. Jeff. Gavinswood, was president of the reconvening San Diego & Gila (1868). Things looked promising until congressional non-cooperation brought about a financial fiasco.

The Texas & Pacific Railway Company started in 1871. So sure was the city of a direct line through Jacob’s Run (present of the present San Diego & Arizona), that a boom started. By this time, however, Los Angeles was in the act. Judge Robert Wilsey, the Southern Pacific, and Col. L. H. Huntington overpowered San Diego’s champions. The game really was lost even before the “Black Friday” of 1873 threw a shroud over the remnants of a happy dream.

W. T. McNealy was the lawyer hired for and entrusted with the wind-up of the San Diego & Gila and the transferring of all local railroad interests to the Texas & Pacific.

After financial failures, lawsuits, and general dishonorment, San Diego did have a railroad to San Bernadino by 1883. (W. T. McNealy had been district and superior judge for exactly ten years.) The new venture was organized as the California Southern Railroad and had Santa Fe connections. San Diego attorney Nates A. Luce was its vice president and attorney. This man’s son and grandson followed him in the successful practice of law in this community.

In 1884 a violent flood through Temescal Canyon carried most of San Diego’s momentous taste of glory as far as 100 miles to sea! The Santa Fe built a bench line down the coast. The first through train arrived in San Diego in 1885. It was hardly a consequence (but still an interesting sequence) that Judge McNealy resigned the following year.

W. T. McNealy was a native of Georgia who spent his youth in Florida. He came to California in 1869 and in due course was tempo-
When the Works family came to this community, included therein was the fourteen year old son, Lewis Reed Works, who later was to become judge both of the superior court and of the district court of appeal in Los Angeles. The younger Works attended high school and commercial college here, studied law, was admitted to the bar in 1891, and joined his father in practice. The San Diego office was maintained until 1900.

The father, and former San Diego and supreme court justice, moved to Los Angeles in 1896 where, a few years later, he served as mayor. From 1911 to 1917, including the tenure pre-war years in the administration of Woodrow Wilson, he was United States Senator from California.

Judge Works' literary accomplishments were many, including articles in, and editorial of, the multi-volume "Encyclopedia of Evidence."

Inasmuch as the two members of the San Diego law firm of Works & Works reached, respectively, the state supreme court and the district court of appeals, it is not inappropriate to inquire how and why these two appellate tribunals exist almost side by side in this state.

It is quite obvious that the state constitution was amended in 1904 to provide intermediate courts of appeal simply because the supreme court, even with the aid of commissioners, could not do justice to the ever-increasing appellate load.

But it is less obvious why the present supreme court organization is worth its annual (budgeted and un budgeted) cost to the people of the state of one million dollars per year for a somewhat questionable record of accomplishment. Reference here is made only to the machinery, and not to the men who operate it.

Bases for the following summary of criticisms of the California supreme court functioning are to be found in hundreds of pages of published materials—prepared by able and honorable lawyers, by justices on many high courts, and by scholarly students of government.

1. The present system wastes highly expensive judicial time in permitting two appeals instead of one. The state receives no benefit from such procedure. It is a truism that appeals are only for the well to do, anyway. Thus, double appeals also double "the cost of litigation in terms of human hardship," in addition to being tax-wise indefensible.

2. In refusing to grant hearings in far over 50% of what amount to second appellate applications, the supreme court is impeding on one or the other horns of a needless and costly dilemma—either, annually it spends utterly wasted months in "deciding not to decide," or else it rejects hearings with improper consideration.

3. In one-third of granted hearings the supreme court undoes the district court of appeal. For answering complete false alarms, therefore, the public is paying approximately two million dollars per decade.

4. In one her one-third of its hearings the upper court effect reverses the district court of appeal, but under circumstances intolerable either to
a taxpayer or legal scholar. These are the split decision cases where—at the worst—four judges outvote seven others (three of their colleagues, three justices on the district court of appeal, and the trial judge who saw and heard the witnesses).

5. In the final one-third of its hearings the supreme court merely re-
mediates appellate bench, with one of its own, while the average, is in-
no way superior. Unbiased and well-trained researchers have been com-
paring these bench decisions (whose preparation annually costs the state a half million dollars) with the unedited variety. The mounting con-
sensus of opinion in the supreme court’s alleged monitoring of conflicting intermediate decisions is of useful value. It’s prevention of miscarriage of justice are virtually nil, and its contribution to an enlightened jurispru-
dence costs too many hundreds of thousands of dollars per printed page.

San Diego’s first addition to the personnel of the supreme court of California, Hon. John Downey Works, was the judicial equivalent of Plato’s longed-for philosopher king. It would be interesting to know why this eminent leader refused to continue to serve on the bench of the highest court of his state.

THIRTEEN

BOOMTOWN (then Per-ker-plo!)  
The political fortunes of Judge Edwin Parker expanded and burst in 
the same sequence of early days that saw San Diego reach a population 
equalled until World War I, and a gaudiness surpassed only by its own 
boomtown tip-topness of World War II—and then collapse like a 
foolish dammer, or a motion to tax costs against one who filed his 
action in forma pauperis.

San Diego’s retired superior court judge, Charles C. Haines, who 
came to this city with his parents in the same year that Parker be-
came judge, has reported in public print that his father always spoke of 
Judge Parker’s legal attainments with great respect. Alfred Haines, the 
mentioned parent, was an outstanding lawyer, and Judge Haines is recog-
nized as one of the most learned and influential of all local legal scholars. 
It would be difficult indeed for the Parker family to obtain a higher tribute 
to the man who brought them distinction in 1887 and 1888.
Even San Bernardino county had secured a second department of its superior court when Hon. Edwin Parker was serving this much larger community as the sole superior court judge during the most crowded times that the court has experienced in San Diego.

In 1886 there were 130 business and professional establishments in the city. In 1887 the number was 517. The valuation of city property followed an identical pattern, as did the values of imported materials, such as lumber.

From an 1886 population of 8,000, San Diego's number of people tripled in 1887, and at the early 1888 peak there were close to 50,000 persons in the city's near environs.

No court of original jurisdiction could have other than problems in such a period when gambling was open and flagrant, when painted women paraded the town in carriages or sent to men engraved invitations to "receptions" and "high tea," when theft, murder, incendiarism, fights, highway robberies and loan sharks were rampant, when thousands of professional "brokers cheery" were selling $500 to the gulch and greedy lots at incredible prices in subdivisions that existed only under several feet of ocean water, or maybe a full day's travel from town, or even only on the voice of paper waved by the frothing-moutheed auctioneer.

Edwin Parker was elected judge at such a time. After his death in 1900 eminent laws and judges took occasion to place in official court records that "Every duty of his office was ably and honorably discharged." Even as he left the bench at the close of 1888 the bar association asked to have spread upon the court records a resounding citing Parker's service as one of "credit to himself, and to the entire solicitude of the bar and the citizens of this community."

The Hon. Edwin Parker was born in Canada in 1832. His paternal grandparents were of puritan Massachusetts stock. After education both in Canada and Vermont he practiced engineering, taught school in Illinois, and later was admitted there to the bar. Early in the 1850's young Parker moved to Costra Costa county in California where he first served as deputy county clerk, and later was elected district attorney. He resigned from the latter position to engage in mining and ranching.

After coming to San Diego Edwin Parker served as undersheriff during the term of sheriff N. Hunsker. He became a member of the local bar in 1876, and served the county as state assemblyman in 1883-84. The governor appointed him in 1887 to fill the unexpired term of superior court judge John Dawley Works.

As explained in a later Footprint, Judge Parker's tenure upon the bench was not to be long. His political fortunes faded in the same months that the community's investment structure went into eclipse. After an additional dozen years of practice he was eulogized by Judge E. S. Torrance as one whose character and conduct were outstanding as "a husband and a father, as a citizen and a man, as a lawyer and a judge."
R. Atkin of San Francisco replaced San Diego’s Judge Edwin Parker on the local bench, filibusters and carpetbaggers were in, through, from and about San Diego in the perennial pastime of trying to take Baja California away from Mexico.

By many persons the lovely peninsula of Lower California was regarded as an ideal locale for other than sea farms or the avoidance of arrest. Yet utmost candor requires the prophecy that future years will find this land of sea, mountain and unparalleled climate to be even more popular than the San Diego-Santa Barbara coastal plain. Conversion of sea water well could start the boom.

There was some effort by U. S. negotiators to acquire Sonora and Baja California through the 1848 treaty of Guadalupe Hidalgo which took California, Arizona and other territory from Mexico. The failure was criticized in national public print for years.

In 1853-54 one William Walker, a New Orleans medicine man and lawyer (who moved to the Golden Gush about 1850), tried to walk into the job of president of the Republic of Lower California. Aided by rough adventurers from San Francisco and San Diego he made more of a general nuisance of himself for eight months until his own forces were walked on and forced to flee into San Diego and surrender to federal authorities.

Forty years later the San Diegans of a newer generation started to generate other grandiloquent schemes. A local newspaper editor aspired to become “Governor General” of a proposed new republic below the border. His cabinet of somewhat substantial local citizens was selected, the constitution drafted, and the flag ready to fly. But the news leaked out! Prilus publicity paled the physiognomy of the plotters.

People can’t get Baja out of their blood. In 1911 another filibuster made Richard Ferris “provisional president of Lower California” for three days. After battles at Mexicali, Tijuana, and Tijuana the adventurers again fled to San Diego and briefly were held at Fort Rosecrans.

San Francisco infiltration of San Diego succeeded whereas the Lower California filibustering failed. The legal status of the somewhat mixed up McNally/Works/Parker-Atkin tenure as superior court judge (and all within one term) was as follows: Judge McNally was reelected in the fall of 1884 for a constitutional six-year term which would have kept him in office through 1890. He resigned for health reasons in October 1886. John D. Works was appointed to the vacancy on the bench.

The state constitution provided that in event of such a vacancy the governor should appoint some person to hold the office—not for the balance of the term—but until the next general election at which time the balance of the term would be completed by the then elected candidate.

Works was appointed judge a few weeks before the biennial general election of 1886. Therefore he had to run for the office to keep it, but was unopposed and won the judgeship for the unexpired term of four years.

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FOURTEEN

FILIBUSTER PAINS (and Court Head Ailten)

In San Diego’s mushroomed population of 1888 politics were thicker than cow ticks in Texas. Boomers, speculators and neeks so far outnumbered the hometown boys that bi-partisan politics became as inappropriate as most of the dainties in an applause court. The “citizens” had to join forces against the “forners” but being greatly outnumbered they similarly were coerced.

A group of alert carpetbaggers from San Francisco, called the “Gal- laghers,” moved into San Diego’s populous pandemonium and, faster than Houston punked Texas from Mexico, gained control of the local Republican party machinery, its newspaper and in vote.

In 1885 a personable young sailor-turned-lawyer, scarcely two years out of Hastings Law College and an arrival within the year to San Diego, was boosted by the “Gallaghiers” into the position of judge of the superior court.

Whether wonder-drug or nostrum, San Diego certainly got a dose of its own medicine. For a third of a century, both before and after John
When Judge Works resigned in September of '87 to go on the supreme court, Edwin Parker was appointed. But the same law compelled Judge Parker to run at the succeeding general election of '88. Aitken, the winner, thus held office for two years which was at once a completion of McNab's unexpired six-year term and also of Works' unexpired four-year term.

John R. Aitken was born in San Francisco on March 21, 1854. One historian reports that he shipped before the mast for New York. After years of wandering and two trips around the world the young man returned home to study law. When he was elected to the bench the Aikens lived at Second and A Streets in San Diego. His two children attended school here, and a third child was born in San Diego.

In the fall of 1880 Judge Aitken was replaced by E. S. Torrance. For two years he practiced here, and in 1883 returned to San Francisco, later practicing there with his son Frank W. Aitken. His granddaughter, Jane Aitken, is an assistant district attorney in San Francisco (1960). His sole surviving child, Mrs. Lillian Aitken Dir of Carmel, California, reports that he passed away in 1916.

WATERFALL (and fall-off)

In the upper reaches of San Diego county's largest water course a tributary called Cedar Creek flows through lush little valleys of the Cuyama mountains, lost and lost again at times near the feet of arborescent giants, closing its span of riparian distinctiveness with a gorgeous leap as the area's loveliest waterfall—here into an artistic mediocrity of chaparral, cacti, and cactuses.

George Potterbaugh, for eight years one of the judges of the local superior court, had no inconsequential connection with San Diego county's water and irrigation problems, and, like Cedar Creek, has own biographical course moved with a minor anxiety near the feet of giants, only to tumble fortissimo into a cavernous commonplace.

Born in Mackinaw, Illinois in 1842, George later attended Antioch College in Ohio where world famous Horace Mann was president and teacher. Mann became prominent in legal circles before attaining international acclaim as an educator. He was state legislator, state senator,
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and congressman from Massachusetts. He declined nomination for governor of his home state the same day he accepted the presidency of Amherst. His influence on young Porterbaugh could only have been considerable.

After a brilliant service in the civil war Porterbaugh twice was offered a commission in the regular army, but declined in order to study law under Col. Robert G. Ingersoll of Peoria—one of the most brilliant lawyers in American history. Porterbaugh's own stature is measured by the fact that "The Plumed Knight" spellfinder took him as law partner. The firm of Ingersoll & Porterbaugh existed until 1880 when the junior partner was compelled by health to leave for the west. After four years in Colorado he came to San Diego in 1883.

Early in 1889, at the peak of the boom, the legislature created two new departments for the San Diego superior court. George Porterbaugh was one of the men appointed by the governor. In the fall of 1890 he was elected for the ensuing six-year term.

When the '96 election period arrived it was water—or the great lack of it—that subtly influenced the forum of San Diego, and of superior judge George Porterbaugh. Not only had the boom blown up and the banks broken down—the rains played out. Ten years of the worst drought in local history were materializing. One of the largest watershed areas had absolutely no run-off for four years. Its total run-off for a combined seven years was insufficient to furnish the little San Diego community with enough water for three months. Even old timers felt. Great lawyers like W. J. Humaker, E. W. Britt and John D. Works permanently moved to Los Angeles.

It was only natural that the legislature should reduce the number of superior court departments from three to two. It did.

The three incumbent judges were Republicans and each was a candidate for re-election to the two available positions. At that time judicial nominations were made on a party basis. Another aspirant for the Republican ticket was M. L. Ward who was the law partner of Alfred Haines and the parent of sons who later distinguished themselves in San Diego's legal fraternity.

Ward and incumbent judge Torrance were nominated by the Republicans. Some widespread dissatisfaction caused Judge Porterbaugh to become an independent candidate. The split in party voting permitted J. W. Hughes, a Democratic nominee, to win at the general election, along with Judge Torrance.

Hughes was not well, and died early in 1900. George Fuller was appointed to the bench for the balance of the year. In the 1900 election Norman H. Conklin, another Democrat, defeated Republican nominee Eugene Doney, Sr.

Judges Torrance and Conklin thus were the men who started the twentieth century on San Diego's superior court.

Following the loss of his judicial position in 1896 Judge Porterbaugh went into practice, and upon the advice of his father, informed himself in the problems of irrigation for county lands. Historian Smythe, himself an ardent advocate of small acreage farming, wrote favorably of Judge Porterbaugh's "large irrigation plan on western slope, which, if carried out, would have brought enormous benefits to city and county."

The supply came from Mission Valley to a reservoir at what is now Filth and Hawthorne.

At the peak of the boom in 1888 the wooden frame from the river and the dam on the Sweetwater were assisting county irrigation projects. Lower Otay dam, completed in 1897, lasted twenty years. In 1916, during San Diego's greatest flood period, it went out with a roar, filling the bay with drowned animals and demolished buildings. It was two years later that Judge Porterbaugh died.

The Judge had been elected city attorney in 1907, and later served as city justice for a number of years. Like Cedar Creek and Otay reservoir his early promise scarcely was fulfilled.
In view of the outstanding professional and community acclaim achieved by judges E. S. Torrance and C. N. Andrews (who is discussed in another Footnote)—and because their judicial strength is recognized as having been grounded on something far superior to mere pedantic perusals of law books—it is desirable to re-evaluate such commonplace as legal publications and law libraries.

Two things concerning quantity and quality need to be said on this subject. In the first place if it is correct that earlier court decisions relative to given facts are persuasive and even authoritative then the present book tools of attorneys are still in the old stone age. If physicians were no better equipped they would be excavating tombs with claim shells and making incisions for appendicitis with their teeth. Whether in law or legal encyclopaedia there is not extant in the English language a standard compilation of case law that seriously can be considered as superior to this.

The second thing to be said involves a challenge of the whole present prevailing juridical theory (probably started at Harvard in 1870) which can be dignified as little more than a scavenger hunt for precedent through the judicial community-dumps of defense and/or indefensible culture. As anthropology it is admirable; as a pathway to justice—quasi admirable.

In 1870 Christopher Columbus Langdell became dean of Harvard Law School. Like the earlier explorer, the namesake embarked on a career of seeking new ways; likewise he made an error in his landing. Langdell began his reasoning with the premise (a weak half-truth) that the law is what the courts say it is. He pointed to the law library, and tickled his students on its stalks. Under such continuous unprecedented manhandling the volumes began to fall apart. The worried professors then selected, and had printed, the cases they wanted read. The casebook was born—as malignant an example of hearsay evidence thence composed as ever distorted truth.

And then the law libraries commenced to swell with the sickness of ex libris elephantiasis! And Langdell disciples indoctrinated the land with Langdell axioms and culminated to the effect that law and justice only can be born after long pregnancies and labor pains in a kind of research whose groundings toward innate impossibility are exceeded in none one only by the system's name misconception.

Forty years ago the organized state and national bar commenced to restrict the numbers of its members in order that the quality of the profession might be improved. Today the need is similarly urgent that the effort in law books be permitted no professional standing.

Aided and abetted by many publishers whose marketed product, editorially and otherwise, smacks of wood pulp, the law librarians have become worshippers of the golden calf called law. They buy a score of mediocrities competing duplicating treatises on, say, estates and trusts. They do the same in many other areas. Perhaps the purchase are required
under existing practices, but these practices are turning law libraries into the Carlsbad Caverns and Mammoth Caves of jurisprudence—dark, unexplored and busy.

It serves no honest purpose to save shelf space by microfilming quantity. That merely is minimizing evil—which is indefensible! The organized bar must insist on editorial quality in its law books—perhaps with a skilled committee having power of imprimatur, and limiting approved treatises to a few excellent volumes instead of a few reams full of author's nightmares.

When E. S. Torrance became superior court judge in 1891 the law library was well integrated with courthouse justice. The reports were few and the treatises fewer. But a sound thinking judge could stand for a few moments on the mountain peaks of insight beside one of the major legal prophets of the day—Greenleaf, Parsons, Marshall, Story or Kent, and then return to the mandate courtroom to dispense justice in a manner commensurate with the size of his own soul.

Today, as then, the need is for big libraries but, as with Eliza Swift Torrance, for bigness of soul of the man who use them.

This judge, the son of a Presbyterian minister, was a civil war veteran, a graduate of Washington and Jefferson College, and in turn before he came to San Diego in 1887, a Kansas school teacher, county attorney and district judge. The last half of his life was spent here, with 16 years of service on the superior bench. He died in 1926.

A book is never as great as the life of a man that inspires its writing. But if a law book ever is written commensurate with the judicial ability of E. S. Torrance it will be that rare jewel of a volume so much needed in the book-saturated legal profession today.

SEVENTEEN

DE BELLi (et Pacis)

Born in Pennsylvania in 1839, Norman H. Conklin served in the civil war both aboard ship and in land campaigns. He resigned his office's commission for careers in law and journalism, and for a few years after coming to San Diego in 1874 was in newspaper work. He was elected district attorney in 1877 and thereafter devoted himself to the law. He was elected superior court judge in 1900—a position held until his death in 1908.

Judge Conklin's judicial tenure covered the exciting idealistic years of the two Hague peace conferences—1899 and 1907. During this same period one of his sons, Ralph L. Conklin who later became sheriff of San Diego county, was mounted customs inspector and mounted immigration puted officer riding the border from the ocean to Dulzura to Yuma, em-
gaped in tracking smugglers and halting the crime resulting from widespread international intrigue.

Upon this background of war, prosecution of crime, administration of justice and suppression of international malefactors rests the opportunity for discussion of one of the law's greatest enigmas—mounting into a crescendo of importance with each decade since 1625 when Grotius published "De Jure Belli et Pacis"—the problem of how to think sensibly about war and peace.

From one who has read two thousand books in a 40-year hobby of objective evaluation of this subject the following things need to be said as summarily available in the same way.

1. The talk about perpetual peace is "the bubble of dreamers." As with mothers in law and false teeth, men will just have to learn to live with war. International understanding is impossible where over half the world's population is illiterate, where a hundred million crackpots and medically recognized dangerous mental fanatics are at large, and often in positions of leadership, and where most of the rest of us—if not actually linked by heredity to the odd-balls of earlier generations—are loaded with innumerable schizophrenic incompatible urges and with the unconscious hates of self and early associates which periodically we project upon others to arouse our feelings of guilt or to win approval of our companions. From such a repository of madness the world will always be well supplied with Hitlers, Huey Longs and Khrushchevs to keep the pots of violence a-brew.

2. War has suffered intolerably from character assassins—in values have been deprecated and its evils monstrously magnified. Throughout the last 100 years, amid the bloodiest wars of history, more United States citizens have been murdered and maimed by sex fads, manic depressives and drunk drivers than the total battle casualties of war. Presentable negligence and remediable disease, each, snuff out ten times more lives than are taken in battle. More Americans have been hideously burned alive in fires, alone, than have died in military conflict, and for that matter the whole world's property destruction because of war is completely insignificant when compared with commonplace civilian fire and casualty losses.

3. The cost and alleged waste of war have been talked about unthinkingly. Simple arithmetic shows that for every billion dollar military contract let by the government it immediately withholds in taxation about 25%. The balance cannot be classed as spent for armaments. The whole of it goes to support the families whose breadwinners work for the inexorable companies benefited by the original contract. It buys the food, clothes, shelter, police and fire protection, end education of children for several thousand American families.

Furthermore, according to the most widely recognized religious leadership, honestly motivated war is no sin. The sin lies in gleelessness while mortality cries for aid.
EIGHTEEN

JUSTICE BY BLOOD (and Thunder!)  
Assassinations, bandit-baiting, courtroom shooting, and duels—formal and informal—these were the ABCDs of early justice in California. San Diego had its share of these rudiments of law and order. One of the last local instances of vi et armis toward the courts was the abortive attempt to assassinate superior court judge W. L. Pierce in 1889—concerning which more will be told hereafter.

In 1960 San Diego's city manager (a good man) has the name Bean. This is just ditto from 110 years ago. The last alcalde and first mayor of this town (1850) was John H. Bean. This last mentioned Big Boss moved north to become general of the state militia in which capacity he returned to San Diego in January, 1852, to preside at the court-martial of the Indian leader Antonio Garra. Ten months after the execution of Garra, General Bean, who then operated a store and saloon in San Gabriel, was assassinated by robbers.

There were other Beans in the pod. The general's brother, a Los Angeles swashbuckler named Roy Bean, became a Confederate leader and after the Civil War settled in Texas near the Pecos River. There he became justice of the peace, held court in his own saloon, and made himself rich and famous dispensing "The Law West of the Pecos." His only law book was one of early California statutes which San Diego's judge Oliver S. Witherby had helped to write.

Concerning bandits: If Joaquim Muriera was not a funny one, the story about him is. This legendary "Robin Hood of El Dorado" was just a scared little Mexican who came through San Diego to find safety below the border. But his name remained: a catchword for adventurers and thalers of tales.

A San Francisco newspaper reported in 1853 that one Joaquim Muriera was suspected in connection with the murder of General Bean, but that he escaped. A certain Captain Harry S. Love somehow managed to secure special state legislation authorizing payment to him and his score of questionable assistants for pursuing and capturing any one of five different Joquins (State, 1853, p. 194).

Western historian Joseph Henry Jackson has established beyond question that Love's men captured some Mexicans, took the head of one of which they named Joaquim Muriera, and the hand of another whom they named Three-Fingered Jack, preserved these in spirit, collected their pay and other rewards and then climaxed the whole farce by persuading the state legislature to grant them an additional $5000 (considerable money a century ago!)

The murder of San Diego's first mayor and last alcalde is still unavenged—gallows of blood and printers' ink to the contrary notwithstanding.

Early lawyers, too, are a crafty lot, to slit tobacco juice to windward, had no comprehension about hurling a filled cuspidor at opposing counsel in court. And contentious counsel was lucky to stop a cuspidor instead of a bullet.

One county judge in San Diego's judicial district considered it appropriate to issue an order that attorneys should not spit tobacco juice on the courtroom's hot stove, but, according to historian W. W. Robinson, when lawyers in his court pulled pistols and commenced shooting at each other the same judge merely crocheted in relief behind his bench, and yelled "Shoot away, damn you! and to hell with all of you!"

Although the first California legislature enacted penalties for dueling, the practice brought involvement to some of this community's leading legal lights. Wm. Jeff Gatesward was the founder of the San Diego Union in 1868. Ten years before he had fought a duel in Calveras county with a Dr. Goodwin and killed him.

Gatesward later became recognized as one of the best lawyers in San Diego. His sister married Philip Crosthwaite who earlier had shot it out in San Diego with one of the San Francisco territories called the "Hound." Crosthwaite was badly wounded, and the "Hound" lost his leg.
The Hounds of San Francisco had corrupted much of the state's judiciary with a criminal element. David S. Terry of the state supreme court was hound-supported. He stabbed a member of the Vigilance Committee, killed Senator David C. Broderick in a duel, and for years followed Chief Justice Stephen J. Field around the state in an attempt to kill him. Field's bodyguard was too swift. The Vigilance Committee almost hanged Terry while he was on the high court. They compelled his resignation.

For 10 years after the Mexican War troops were quartered at the Old Mint on under Col. (Bully) John Bankhead Magruder who also was an attorney, and on one occasion a duelist. When his adversary missed, and clutched Magruder's legs pleading for mercy, the report is that the soon-to-be Confederate general kicked him in the teeth—or a spot equally vulnerable.

San Diego's W. L. Pierce was appointed early in 1889 to a newly created superior judgeship. Hardly had he gotten his bench warm before the divorce suit of Clandinin vs. Clandinin brought matters to a boiling— even firing—point. Mr. Clandinin met the judge up town, and shot him. Fortunately Judge Pierce recovered. He was elected in 1890 for a new six year term, along with Judges Tousance and Porterbaugh. From 1899-1903 Pierce practiced in San Francisco.

Pre-trial discovery may be important in 1960, but it was more so a hundred years ago. Then it meant nothing an opponent's gun before, not after, he pulled the trigger.

A BAPTIST, A METHODIST (and a CHRISTIAN!)

The outstanding Christian character of the three superior court judges herein mentioned has been the predominating comment about them by dozens of interrogated persons who knew them well. This presents opportunity for a long-needed consideration of certain currently popular ethical yardsticks called "love" and "the golden rule" as they relate to the administration of justice.

Detailed biographies of Judges Guy, Lewis and Marsh are available in the San Diego County Law Library. Wilfred R. Guy, from Ohio and a graduate of Michigan Law School, came to San Diego in the boom of 1887. In 1895-98 he was assemblyman, and instrumental in establishing the local State Normal School,—forerunner of San Diego State College. Judge Guy was a devoted Baptist. Perhaps the best of the many comments about him is that he was "a Christian gentleman." He was superior court judge from 1908 until his death in 1917.
Spencer M. Marsh, appointed to fill the vacancy, had been a district attorney and state senator and Grand Master of the Masonic Lodge in Win-
combs. After briefly serving here as district attorney he was superior judge for
a dozen years. He was a confident of the city's religious leaders, and widely
known as a deeply conscientious citizen.

Theron L. Lewis was born in Pennsylvania and educated in Illinois, Iowa,
and Nebraska. In the latter place he was a district attorney and state legis-
lator. Coming to San Diego in 1888 he practiced briefly, served as deputy
city attorney, district attorney, four years as district attorney, and
several years as partner of Eugene Davy, Sr., before appointment to the
superior bench to replace Judge Conklin, deceased. Judge Lewis, who passed
away in 1920, was a leading layman in the Methodist church which this
writer has attended since 1916. By unanimous opinion of his peers Lewis
was a great lawyer and judge.

Here were three men high in ideals and high in public favor. This writ-
er long believed two of them publicly advocate more of brotherly love for man,
and more use of the golden rule. By competent hearing the third judge
was of similar mind.

In as much as the greatest legal writers emphasize that ethical and moral
considerations are inseparable from the administration of justice it may be
suggested that the above will not achieve maturity until it gains fuller compre-
henment of the following facts, long recognized by wise men and now made
manifest by scientific investigation authorities available upon request.

1. Love can play the unsuspected villain of the piece, as well as the
hero; and, in fact, it always does.
An old Greek proverb said, "Who love too much hate in the same ex-
treme." George Santayana philosophied, "The religion of love instigates
crimes and lights faggots." Bertrand Russell concludes that most of the
"people who believe that you should love your neighbors as yourself think it
right to hate those who do not do so."

Emerson pointed out in "Compensation" that for every action there
is an equal and opposite reaction. Modern research is proving it true con-
cerning love. Even 19th century psychologist William James insisted that
non-violence is the chief preventor of violence, and that non-resisters are the
most for sustaining the world's quota of human crocodiles and python.
Modern psychology agrees.

Dr. Sorokin of Harvard, one of the greatest of modern social scientists and
a staunch for "Altruistic Love," admits that altruism and brotherly love
breed hate and conflict. "This," he says, "is an eternal tragedy... Jesus
rightly said that he bought not only peace but a sword. So does every un-
selfish person or deed."

"Understanding,"—encompassing as it does love, intelligent justice, and
scientific regeneration, possibly is a sounder goal for lawyers and judges
of good will. As the wise man of Proverbs said, "With all thy getting get un-
derstanding."
FOOTPRINTS OF JUSTICE

TWENTY

COOLING BREEZES (or Hot Air?)

W. A. Sloane and C. N. Andrews were two of the great judges of San Diego's superior court, but for different reasons. The men were close personal friends, and each was appointed by governor Hiram Johnson, a political reformer who stood high in Teddy Roosevelt's Progressive party.

For 10 years before coming to San Diego in the boom of 1887 William Arthur Sloane was a crusading Missouri newspaperman. Even in San Diego he became known as a fighting reformer. In spite of his unsurpassed judicial accomplishments, capable acquaintances still maintain the Judge was a newspaper man first, and a lawyer second. He loved the proper turn of a sentence, and he married the daughter of a nationally known author.

Two years after arrival in San Diego Sloane was elected to a four-year term in the city justice court. Thereafter he practiced for some years with A. H. Sweet and Lewis R. Kirby. From 1898 until 1911 he was a partner of M. A. Luce. After 1905, when Edgar A. Luce returned from law school, the firm became Luce, Sloane and Luce.

Judge Sloane served on the superior bench from 1911 until 1919 when he was appointed to a new division of the Los Angeles appellate court. Later he served on the state supreme court for three years. In 1920, shortly before his death, he was appointed presiding justice of the fourth district court of appeals. No San Diego man has had this breadth of judicial experience.

Of quite different pattern was Judge C. N. Andrews whose superior court tenure from 1912 to 1934 was the longest locally during a hundred years. This man—a scholar scholar nor radix nor politician—was a juris of finest judicial mind and temperament. He was no sheep, no follower of any legal bellwether. He didn't use precedents as authority, but as guides for his own thinking. When a legal argument was concluded he leaned back in his judicial chair, frequently with his back to the courtroom, and searched his own thoughts for the right answer. And usually he found it.

Sitting by appointment at times on the appellate bench Andrews wrote decisions without citing a single authority (frequently contradictory to others that had been based upon elaborate citations of earlier cases) and generally his decisions were accepted by the bench and the bar as the final correct analysis. The man was a genius in distinguishing propriety from pedantry.

Charles Nathaniel Andrews was born in Wisconsin in 1859. He studied law there, taught school in Tennessee, then practiced in Minnesota, and in California from 1907 until his appointment in 1912. He retired at the end of 1934 and passed away in 1937.

Here were two friends—unquestionably good judges representing two conflicting schools of thought. Which of the following lines of thinking will become secular, before the 20th century ends?

I. Anglo-American justice does not tolerate use of a mere judicial bench, even though it is based upon the individual judge's best lifetime background in the legal, ethical and social mores. The classical repudiation of such ad hoc heterodoxy came centuries ago when wise men realized that Equity must be more than an expression of conscience—dispensed in variables unpredictable as the length of a chancellor's foot.

A good courtroom judgment is not a personal decree, but rather an official spokesman's expression of the disinterested experience-lessons of the race. Whether called stare decisis, common law, or following of precedent, if all sums up in society's realization that the crystallized wisdom from many minds is superior to even the best crystal-ball bunches of one.

Justice, therefore, requires historical research, and analysis of earlier conflicting theories and court decisions. A lucid expression of such findings and conclusions must be preserved in each case to assist all lawyer travelers on the same pathway of research.
Then there is another view.

2. The real weight of our annual production of printed court decisions is less in verity and force than in volume. Students of the behemoth appellate animal know that its end product is influenced by the kind of brain-food fed in by research attorneys. Top beak-set lawyers win 85% of their cases; poor cooks similarly lose.

Shocking it is that in half the official appellate decisions would be diametrically opposite holdings if counsel for the loser only had worked harder or had been of higher caliber than the successful attorney! Yet, compounding error, these are the "authorities" cited to sustain weary authorities—ad absurdum, ad nauseam. The cost in money of such monstrous inanity amounts to billions of dollars per year. The cost of frustration and deprivation to wronged litigants is incalculably fantastic.

As in days of Montezuma, Justinian, and Coke the time is here to burn the judicial rubbish of centuries—to begin anew with the comprehensible foundations of justice.

Only 25 brief legal maxims can solve most of the cases before our courts. They claim for us instinctively, says Broom, the recognition of having been "written with the finger of Almighty God upon the heart of man." How many of our judges could quote 10 of them?

One example: Where one of two innocent persons must suffer for the act of the third, it must be the one whose inexcusable conduct is the more reprehensible. Modern legal scholars recognize that this rule solves innumerable difficulties in bulk sales, agency and partnership, torts and negligence, joint ventures and joint liability.

Twenty five maxims replace twenty five times 25,000 pages of mix "rems! It is a consummation devoutly to be wished."

"The refreshing winds of Progressive Politics," to which one writer has linked the 1911-12 era in California, exalted two fine men to the bench in San Diego. They illustrated different facets of the jewel of justice and of a problem that demands both careful research and the ability not to lean back and think.

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TWENTY-ONE

D.A.'s DAYS (and dozes)

San Diego's first district attorney was the only one in history to be actually what he was called, i.e., attorney for a judicial "district" comprised of more than one county. Two separate elections of March, 1850, provided for a county attorney in each county and a district attorney for the judicial district.

William C. Ferrell, a San Diegan, thus was district attorney of Los Angeles county as well as his own. No Angelismo ever enjoyed the reciprocating honor because, as of the first Monday in October, 1851, county attorneys were abolished and a "district attorney" was provided by state law for each county. The several-county district courts continued until 1879.

Laughable now is the story of Ferrell's bad breaks that caused him to shake American dust from his shoes and become a happy exile in the nearby mountains of Mexico for almost a quarter of a century.

Ferrell's salary as first district attorney was $7000 per year, plus cer-
tain fees (real good for those days). The law of October, 1851, reduced the salary to $500. Ferrell quit. He became collector of the port, aunts, school commissioner, auburn—district attorney again in 1859. Report has it that district judge Benjamin Hayes (who had been admitted to the California bar but at the same court session as Ferrell in June, 1850) de-
cided a case against the D. A. Ferrell hung his books on the table, stormed out, and never returned—although visited often by his friends in the "mountain lawyers' hideaway" at Reverndale, Lower California.

Thomas W. Sutherland, who succeeded Ferrell in 1851, probably was the first local American lawyer. Acting as aklache on March 18, 1850, he conveyed land to William Heath Davis and others (one of whom was Ferrell) to start New San Diego—which failed to develop, however, un-
til A. E. Horton arrived in 1867. Sutherland also was the first city at-
torney before becoming district attorney. He moved to San Francisco in 1852.

The third San Diego district attorney, James W. Robinson, although a native of Ohio, had been lieutenant-governor, governor, and district judge in Texas. His tenure in the local office, 1852-56, was the longest for over half a century. He died in 1857.

J. R. Hitchell served as D. A. in 1857-58, after which he moved to Los Angeles. While here he drew up the charter of the San Diego & Gila Railroad, and was its first attorney.

A second try at the job, as related above, was made by Ferrell in 1859. After his resignation things apparently looked so sick that a physici-

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FOOTPRINTS OF JUSTICE

TWENTY-TWO

THE SAN DIEGO BAR (1850-1905)

There have been six distinct generations of San Diego lawyers since 1850. This article deals with the first three.

The distinguished legal fraternity of San Diego's five formative years, 1850-55, soon thereafter deteriorated into a profession practiced by men who were, respectively, an erstwhile carpenter, teamster, storekeeper, minister, and doctor.

Of the early "pedigreed" barristers, Sutherland, Gitchell and Ferrell moved away. Ira W. Bird disappeared, James W. Robinson died, John Bankhead Magruder joined the armies of the South, and former district judge Oliver S. Withery became a successful stock raiser near Escondido. The high level of his professional accomplishments of these men was not regained by the community's bar until the decade of the '70s following the Civil War.

The first record of legal education in San Diego is to the effect that Daniel Brown Kurtz studied, or "read," law under Joseph R. Gitchell (later U. S. district attorney in Los Angeles). Kurtz, E. W. Morey and Dr. David B. Hoffman were admitted to practice in April, 1856. The notes of district judge Benjamin Hayes relate that in 1856 he admitted "young lawyers, Mr. Nichols, the preacher, and Dr. E. Knight." It is likely that the preacher, and James Nichols, district attorney here 1862-63, were one and the same. A. S. Ensorworth also was admitted in the '50s.

Kurtz, while a carpenter, was the town's second mayor (1851), a state senator (1853), member of the important court of sessions (1854-60), county judge (1855-59), assemblyman, president of town trustees, and brigadier-general of the state militia.

Ephraim W. Morey, who lived in San Diego 1850-1906, has almost nothing but good said about him and his business and professional abilities. Principally a merchant, he also served on the important court of sessions prior to admission to the bar.

"Squire" Ensorworth was a government teamster. After terms as J. P. and assemblyman he practiced law in earnest — and successfully. His law library was the largest in town.

Dr. David B. Hoffman's three years stint as district attorney has been mentioned in another Footprint.

"Professional indolence was displaced by a powerful bar commencing three years after the close of the Civil War. Between 1867 and 1886 two dozen men left indelible entries upon the records of courts and of legal histories. It was the era of Horton's New San Diego.

Major Levi Chase came in 1868, and died in 1908. He had a voice like thunder, and a practice equally heavy. His partner was Robert Wallace Leach until the latter teamed up with Judge Edwin Parker in 1885. Leach died in '88.

Between '88 and his death in '88 Wm. Jeff Gatewood, for a short time a superior of the "Union," was a leading lawyer. In 1871 Chalmers Scott stitched the court trappings and delivered them to New Town. He practiced with G. A. Jones who defended the supervisors for permitting the official move.

W. T. McNeely (subsequently judge) arrived in '89, as did the brothers Daniel and Wm. H. Cleveland. The latter, sons of a New York lawyer, were identified with the highest type of legal practice, real estate development, and cultural activities.

Moses A. Lucas came in '73, was elected county judge 1876-79, and lived to see his son, Edgar A. Lucas, become state senator (1913-17) and superior court judge (1919-24). Judge Norman H. Cooklin arrived in '74.

In 1865-75 former district judge Benjamin Hayes was in active practice here, and judge Oliver S. Withery had returned from Escondido.

The '70-'86 generation of lawyers would not be complete without mention of Lewis Bromno, a former Wisconsin judge; A. C. Baker, later chief justice of Arizona Territory; James Alexander Gibson of the subsequently great Los Angeles firm of Gibson, Dunn & Crutcher; W. J. Hunsaker, one of the west's best; and Judge John Downey Works, later supreme court justice, and U. S. Senator. Also Harry L. Titus and Elijah W. Hendrick.
The third generation of San Diego lawyers started in 1887 (maybe '86, when Harry S. Utley, W. J. Morehouse, Lindon L. Brome and J. E. Wad- born arrived. The Collers, D. C., Frank and William, came in '83; George Potterburgh in '85). Nothing like '97 has ever happened to San Diego or its legal profession.

In that one year came Cassius Carter; Eugene Denehy, the Forwards, William H. and Wirt Francis, W. R. Guy, the Leavys, the Leavys (Ward Waddell and Tom Ackerman are grandsons, and nephew, William A. Sleane, Pat- terson, Spring, the Tostenes and the Wardis. These families have prac- tically built San Diego.

But '87 also brought Clara Shortridge Foltz, Californian's first and out- standing woman lawyer, and sister of U. S. Senator Samuel M. Shortridge. Her son in '89 was clerk in Judge Potterburgh's court. Also Paul John McCamish who was to become superior and federal district judge in Los Angeles; Col. Olin Welborn a former Texas congressman who left here to be appointed federal district judge in 1895; and D. L. Withington who served four years as state senator and moved in 1903 to leadership of the Hawaiian bill.

In '88 came judges John R. Aikens, T. L. Lewis and Victor E. Shaw. The latter practiced with Harry L. Titus until 1906 and accepted a justice- ship on the second district court of appeal. Also the Hemmeks, Christopher F. Hollidell, a partner of judges Aikens and Shaw; and John B. Mannix who became father-in-law and partner of Edward T. Lamon.

Sam Ferry Smith came in '89 (followed in practice by his son Law- rence); H. E. Doolittle in '95; and W. R. Andrews, in '97. Andrews lost by one vote the superior judgeship to W. R. Guy after a contested election in 1908.

By 1905 the dust from Culabra Cut was reaching the nostrils of young men like Orohan Gray, Clarence Hasdorn, and Fred Lindley. It started the Panama Canal rush to San Ysidro, also another legal generation, and another story.

INTER-SEA, INTER-SEIZES (and Inter Se)
The fourth generation San Diego lawyers, inter alia, put on an ex- position and a war. Prestige names of the period were holdovers from '87, but the go-getters were younger men.

U. S. Grant, Jr, one time assistant U. S. district attorney in New York, and builder of the U. S. Grant Hotel, was first president of the Panama-California Exposition, the extravaganzas that changed San Diego from a village to a city.

D. C. Collier, the San Diego-trained lawyer-son of another local at- torney, was "the creative genius of the Exposition." He traveled the world in its behalf, was its director general from 1909-1912, and its presi- dent for two years thereafter. Other lawyers in exposition directorship were Harry L. Titus and Lane D. Welborn.

W. Jefferson Davis, trained both in law and diplomacy, travelled the western hemisphere for the exposition. He became a major in the air service in World War I, and subsequently a major writer on air law.
DeWar C. Mitchell died of pneumonia in World War I while serving as confidential aide-de-camp to (inter) General O’Neil. His will left money to the San Diego Bar Association to support a public attorney. This project evolved into the now justly famous Legal Aid Society.

Three out-of-the-ordinary lawyers came to the little pre-Pro town.

In 1911 Harry C. Clark, a trained civil engineer, arrived to practice engineering. He served in the great European war as a captain, studied for the bar, became San Diego’s mayor 1927-31, and practiced law successfully. Ralph E. Jenkins came in ’12 after practicing six years in Portland, Oregon. This precocious genius in business, cultural and political areas closed a brilliant career as U. S. district judge in Los Angeles 1937-45. In 1912 James C. Byers came from Iowa where he practiced eight years and also served as state attorney general. After six years of practice here (one of them with Wade Garfield, father of the present judge of El Cajon municipal court) Byers was appointed sheriff in 1918, and for a decade was one of the most popular and efficient law enforcement officers the community has known.

The inter-hallum years 1920-40 brought forth the first large crop of wholly law-school trained attorneys. Many of these flufflings became intoxicated with their ability, and the ability to make money, only to suffer succeeding depression- frustrations through a ticktack decade of impotence in paying office rent.

Even beneath a tarnished halo great hearts can beat, and fine minds function. This legal generation,—best trained of any in all American history,—dreamed and worked for a better profession, became the military heroes of World War II, and the mellowed and worthy leaders of the Point-Pearl Harbor bar which is the sixth and current generation of San Diego attorneys.

But in the ’20s and ’30s leadership still was in men of the older school. So, after mentioning 7 superior judges of the inter-hallum fifth generation (not discussed in Profiles because they have passed away) another 11 fourth-generation names will be recalled,—men who definitely would rate among the top 50 lawyers and judges of San Diego in the first 50 years of the twentieth century.

Judge Edgar A. Lucé, ’19-24, one-time city prosecutor, state senator, World War I Fitchet ist, alien of a prominent family, was a thorough lawyer. National greatness was in him,—hampered by his non-association with goatstomach philosophies.

Judge William P. Cary, ’20-26, commander of San Diego American Legion in ’20 (also first vice commander for the state), co-founder in 1927 of the city’s largest law firm, presiding justice fourth district court of appeal 1930, was more distinguished as a judge than as a lawyer.

Judge Lucy D. Jennings, ’24-31, was a justice of the peace who succeeded Lucé on the superior bench and Cary on the court of appeal. He was a pleasing person with a tendency to munificence, possibly necessitated by a lack of physical sturdiness.

Judge Shelley J. Higgins, ’27-29, studied city attorneyship for 3 years under Terence Byrne Congrove, and was himself city attorney for 8 years prior to the judgeship. Had his looks equalled his legal ability, he would have gone for political.

Judge Gordon Thompson, ’26-48, was appointed to the superior bench after 9 years an assistant district attorney. Gordon was a trial by, and knew how to develop and use, the benign manifestations of political power. His early demise was a giant blow to the city.

Judge Frank J. Macomber, ’18-39, as Iowa lawyer until 1915 (Stanford educated), son of an Iowa lawyer, uncle of William H.—of the present firm of Holm and Macomber, was a personable, talented, genrous and courageous lawyer and judge. The community suffered much in his early passing.

Judge Edward J. Kelly, ’28-45, was one of the first vice commanders of the local American Legion, a fervent, inawe-inspiring in political and legal battles. When Captain Kelly became Judge Kelly the bench gained an honest, serious, dependable jurist.

Seven-come-eleven! In addition it others mentioned in Profiles, and hereabove, eleven of the great lawyers of the city—of World War I days are these: Henry J. Bischoff, superb businessman and lawyer in matters of interstest commerce; Charles C. Grosjean, old-time and very high-speed canoe-court, old school, Stery, efficacious; Robert R. Hamilton, uncle of Thomas M.—, associated with the best; Ray M. Harris, former, successful attorney for heavy construction firms in the 30s; Curtis Hillyer, Bill’s father, greatest law book writer of the century, son of a federal judge, unsurpassed in procedural contests; Howard C. Liggitt, with son Ruel the county’s runaway success in the field of small collections; Dempster McKee, shrewd, brilliant trial counsel; Frederick W. Strauss, terrific takes in Chicago for 5 years as Blytheside counsel (Read his full biography); George Stone, office lawyer per excellence, community benefactor; Adam Thompson, the best plaintiffs’ attorney in negligence cases that San Diego ever has known; Leroy A. Wright, once state senator, grandfather of Leroy H II of Glenn and Wright, always head of a leading firm.

A thousand lawyers have practiced here in the city’s first 100 years. The trifling criticisms directed against any of all of them are as ephemeral as buffalo breath on the boundless morning prairie. For these men saved a thousand times a thousand heartaches as they preserved lives and possessions and sacred privileges. They gave countless thousands of benefits to their community and nation. The ground on which they walked still bears their mark—the footprints of justice.
Fourth District Court of Appeal, May 12, 1931. Left to right: Justice Emerson, J. Marks; Presiding Justice Chas. R. Barnard; Justice Lucy D. Jennings. At table: Earl J. Verdecchior, deputy clerk, San Diego (later, clerk); M. C. Van Allen, clerk; John J. Carr, court reporter; Frank Nutter, bailiff.

Superior Court, San Diego County, 1925. Left to right: Judge C. N. Andrews, District Attorney Chester C. Kempfey, Judges Wm. P. Cary, Lucy D. Jennings, Spencer M. Marsh.
PROFILES

of Senior Members of the Bench and Bar
Harvey A. Atherton

Harvey A. Atherton is a man of prodigious energy and talent. Even as a senior citizen he is more than a match for any average lawyer, whether at careful draftsmanship, thorough research, or the smooth and forceful delivery of an advocate at the bar.

From the time he was a student at the high school graduation, until he decided to "half way retire" some three and a half years later, this man from the Land of Lincoln always has received a top rating—whether from professors at the University of Illinois, or from editors of the Marquette-Hubbell Legal Directory who evaluate professional competence, or from the lawyers and judges of his own community.

As an early graduate of the law school at Ann Arbor, Harvey Atherton is one of a number of extraordinarily capable and successful attorneys who have given international prestige to the law school that knew professors like Floyd B. Methem, master of the law of Agency.

Few men with Mr. Atherton's heavy professional duties have given so liberally of time and means to religious, fraternal, civic and character-building organizations. His work with the Boy Scouts—at local, regional and national levels—is particularly outstanding. He has received the Silver Beaver and the Silver Amulet awards of the Scouts, and also, in 1935, the Community Building Award of the San Diego Kiwanis Club.

A portion of Harvey Atherton's autobiography, prepared at our request, is as follows:

I was born September 1, 1881, in a small house on the back portion of my grandfather's farm in Fults County, Illinois. My father's name was Peter W. Atherton. My mother's name was Amelia Wise. Her parents came from Germany in 1867, when they were twenty-one years of age. Their name was Weiss, but they changed to Wise after coming here.

I was born and reared on a farm near the town of Vermont. I had three sisters and one brother. I attended a country school, walking one and one quarter miles. I received my high school education in the town of Lape, and walked 3 1/2 miles to school, two-thirds of the way along a railroad track. I had to stay out of school one month in the spring and one month in the fall to help my father with his farming.

I was graduated with high school what I wanted to do. I took a teacher's examination and passed. I had a little difficulty getting a school, so decided I would be a lawyer. I taught school in country schools in the county for two years, while reading law. My highest salary was $50 per month.

I was admitted to practice in Michigan and in Illinois in June 1905. I located in Lewistown, Illinois, July 5, 1905, and for 21 years worked in the office of Lucien Gray for $25.00 a month. It was good training and at the end of that time Mr. Gray wanted to go to California so I bought him out and continued to practice law there until December 1924. I represented nine country banks for many years.

I never held any political office. I was offered the position of Judge of the Circuit Court (which is comparable to the Superior Court) without any opposition, but I declined, as I preferred to be free and independent, and continue in active practice.

The best and most interesting client I ever had was Ulysses G. Overdorff of Canton, Illinois. He was the president and manager of a large manufacturing company in the county where I practiced. I represented him for thirty-five years. He was a multi-millionaire. I represented him in one case where the property involved had a value in excess of one million dollars. The matter lasted eight years in the Illinois Courts and went to the Supreme Court twice. We won the case completely. He and his wife both died in Los Angeles in the same month a few years ago and I settled their estates and was the "administrator in both estates in California. He owned property in twenty-one states at the time of his death.

I was active in all civic and community affairs in Illinois. I was president of the Board of Education and had charge of building the new high school building.

I married Edna V. Lingenfelter, a Fulton County girl, September 20, 1905, and three children were born, two boys and one girl, all now living in San Diego and vicinity. The oldest son, Lucien, is a teacher in the Park Loma Senior High School for twenty-two years. My son Keith graduated from Law School at University of Michigan in 1937, and came into my office as a partner in 1938. We came to San Diego in December, 1924, and I was admitted to the California Bar in 1925 and have practiced here since that time.

I joined the various Masonic bodies and was president of Kiwanis Club in Lewistown, Illinois, when I left there, and have been a member of San Diego Kiwanis Club since 1925.

I have been active in Boy Scout work in San Diego County for more than thirty years and a member of the Executive Board during all that time.

I have been a member of the San Diego Chamber of Commerce for thirty-four years and served on various committees. I was chairman for two years of the Citizens Charter Commission that helped to establish the City Manager form of government for San Diego.
A. B. Bowman

For many years A. B. Bowman was San Diego's leading patent attorney. He took the California bar examination in 1890 with the late Judge Edgar A. Luce. Also taking the same examination was the late Adam Thompson who was San Diego's Melvin Belli of the nineteen twenties and thirties. Bowman started his practice in San Diego in the office of Cassius Carter, a district attorney here at the turn of the century, and father of several of this community's leading citizens at the present day.

Legal theory has produced both its Cabins and its Kauns, but having grown up in Missouri Mr. Bowman always has adapted the less dogmatic middle attitude of "show me." Apparently sooner than a thousand people did show them their ideas during a half century of practice, for he has more than that number of patents to his credit as a lawyer-specialist.

On August 24, 1878, the subject of this sketch was born in a small log cabin in Carroll County, Iowa, where his father taught school. The parent latter was a justice of the peace. Bert did not long remain a Hawkeye. In rapid exodus, and in addition to his years in Missouri, he lived in the Buckeye, Henner, Prairie, Centennial and Golden states.

Mr. Bowman's early years gave him the customary three-R education, but in addition he grew to manhood through extensive experiences with farms and coal mines, and also with the early manufacturing of bicycles, pedal sewing machines, McCormick harvesters, and other mechanical novelties which at the close of the nineteenth century were testing heavily the heavy wise of America's industrial revolution.

Mechanics became an important in young Bowman's early job that he enrolled in correspondence school courses in mathematics and mechanical drawing. Later in a Chicago institute he took night courses in mechanical and electrical engineering. After Mr. Bowman's marriage to Edith Davenport in 1907 his mother in law agreed to him in securing further advanced education in Los Angeles. In the latter city the ambitious young student also helped meet educational and family expenses by operating a rooming house, carrying horses, and selling tea and coffee by bicycle on a regularly operated rout.

The Los Angeles branch of the California Packing Co. employed student Bowman as a mechanical draftsman during construction of its new plant. He worked it this and similar jobs during the several years while attending law classes at the University of Southern California.

In 1916 Mr. Bowman was working for an engineering company in Los Angeles when he heard a speech about San Diego by O. W. Cotton, pioneer realter developer of this area.

The Bowman had two daughters. Mary passed away some years ago. Maud is the wife of Dr. John Brose, San Diego educator.

During later years, extensive travels have occupied much of Mr. and Mrs. Bowman's time. In 1956, after a long sojourn in Hawaii, Mr. Bowman decided to sell out his practice and business interests. At eighty years of age, and with sixty five years of business and professional experience behind him, the patent lawyer decided to take on a patent of his own under the trade name of "Pow W Lish." American state and Federal governments provedly have opposed monopolies. The area of private invention is one of the exceptions. Patents are monopolies, and as such have been responsible for much of the spectacular industrial development of our nation.

The earliest American patent was granted by the Massachusetts Bay Colony in 1641 for a process of manufacturing salt. Most of the colonies granted an occasional patent right, and it was determined wisely by delegates to the constitutional convention that such matters should be within the exclusive jurisdiction of the Federal government. The first Federal patent was issued in 1790.

In each of the early years only a dozen or so patents were processed. Early in the nineteenth century the director of the patent office resigned taking the reason that in his belief everything worth patenting already had come through his office.

During the twentieth century almost 50,000 patents a year have been processed and approved. Carefully kept records make it possible for patent attorneys to check millions of pages of drawings and specifications with the same type of accuracy (or inaccuracy) bestowed on statistics and court reports by researchers in the more customary channel of legal practice.

While American owe much to their great legal theorists, the guardians of personal and property rights, there is another debt of gratitude due the smaller contingent of very practical lawyers, like A. B. Bowman, without whose application to the laws of chemistry and physics the United States never could have developed those sinews of industry so necessary to the strongest nation in the world.
James J. Breckenridge

This is the story of a true-life Horatio Alger hero—at nine years of age an orphaned wolf selling papers and sleeping on the streets of New York who, by the time he was 71 years of age, had risen by his own strength of character and effort to become the confidant of ambassadors and others of high status in the Federal government.

As if that were insufficient, this is also the story of one with a flair for facetiousness—a sort of combined Bantam Ben Hogan, Willie Sheenmaker, and Harry James, a frequent visitor in the home of Clarence Darrow; a railroad worker and pre-buch fellow. (To give a glimpse in the story of Thomas Edison; a mascot and bugle boy for Texas Volunteers in the Spanish-American war; an intrepid demonstrator in the French cities; a student at The Sorbonne in Paris; and a Lyceum Conductor; a Chicago lawyer in 1910; typist of many confidential letters and documents of international importance which still may be found in the official files of President Theodore Roosevelt. James J. Breckenridge was born in the State of New York on July 4, 1885. At the age of six he was an orphan, and for the next ten years was shuttled from one family to another in New York, Florida and Texas.

In 1895 the unhappy lad tried to "Remember the Maine" by forgetting his age. His 88 pounds of fighting flesh, however, didn’t exactly belie his thirteen years, so the military refined enrollment, but finding him sound they took him along to sound revelry.

Later, little Jimmy hawked papers, pie, peanuts and postcards on the passing train runs between New Orleans and Houston, and later between Chicago and Omaha. In between jobs he served as race track stableboy and apprentices jockey.

Boston colleges then so-called training that would enable a good male secretary to earn an income as three-dollars as $15 per week. The average was about half that much. As later events proved, Breckenridge was extremely well coordinated physically. He took the course and became a fifteen-a-week typist.

The young man’s typing was so very good that a few months later found him in England. He toured the fairs and exhibits as a blindfold touch typist for the Oliver Typewriter Company.

During part of a two-year sojourn in France Breckenridge served as private secretary to Robert S. McCornick, United States Ambassador to France. Tension existed in French relations both with Germany and America, requiring many letters between President Theodore Roosevelt and his ambassadors.

McCormick dictated to Breckenridge who took notes in shorthand and transcribed them on the typewriter. The initials J.J.B. are to be found today on many of the first Roosevelt’s papers of state.

In 1907 the young Jack of all trades returned to the United States and entered the John Marshall Law School in Chicago. Three years later he was graduated with an LL.B. degree, and entered upon the practice of law. During his later twenties the student and practitioner of law was a top-flight swimmer, featherweight wrestler, and fancy diver. He was a beach lifeguard for two years. In subsequent years a smooth and beautiful golf swing was substituted for the more strenuous sports of youth.

From 1911 to 1913 Breckenridge was in the Naval Reserve, and spent several periods of time abroad U.S. warships. In 1915 the young lawyer was married to Lenora Kerr Brown in Chicago. Their daughter Ann now lives in Los Angeles.

The family came to San Diego in 1921. The head-winner opened his law office here in October, 1923, after several months had been spent in traveling over and investigating the balance of the State. Between 1932 and 1943 Mr. Breckenridge was a deputy city attorney in San Diego. Thereafter he re-entered private practice. In 1960 he expects to retire after being honored for fifty years with his "patron mistress"—the law.

Fraternal societies and lunchbox clubs have taken up much of J.J.B.’s non-professional time. In two of the former organizations he has been active in the Drum and Bugle Corps, making many of his contributions in the war with Spain. As an officer of an American French society he was chosen to assist in greeting Marshal Foch of World War I fame when the great French leader visited the United States.

At the three-quarter century milestone Jim Breckenridge fairly boomed with energy and enthusiasm. His muscles have life and tone denied to many a man of half his age.

He beats the drums as well as he beats a typewriter; in fact, he beats the very dixies. Equally at home on Main-O-War, the race horse, or man-o’-war the U.S.S. Montana; equally at home with golf tee or at diplomatic tea; equally at home with a swim suit, a dress suit, or a lawyer suit. Jim Breckenridge is a real little man with a big smile, a bigger heart, a very big life-experience, and a tremendous number of friends.
Hon. John Jerome Brennan

Born in 1883 near Wilkes-Barre, Luzerne county, Pennsylvania, Judge Jack Brennan completed his education at Fordham University. His parents were John and Johanna (Brittan) Brennan.

* This handsome, well-bred college man of the Big City, and the some-
what sophisticated coast, still smiles at thought of his first court-
house visit in the dusty little far-west town of San Diego. Two of the
two, and best known, local lawyers of the early twentieth century, to-
gather with their respective associate counsel, were in litigation. Obiec-
tion was made by one to certain evidence being elicited from a witness,
and was sustained by the court. Whereupon the questioner, without at-
tempting to lower his voice or conceal his emotions, turned to his associ-
ate counsel and asked, "Did you ever lose of such a ( oath, oath) ruling in all your life?"

It was an appropriate introduction of a big city man who had just
thrown his lot and his life, with more than ordinary intimacy, into a com-
modity not long out of the rifle-smoke, hanging-tree era of revolutions,
cutthroat politics, and Castilian ranchoes.

In October, 1912, Mr. Brennan claimed as his bride the lovely Miss
Arcadia Bandini Scott, a beautiful world-traveled daughter and relative
of long prominent San Diego families. The couple had met in New York
several months earlier.

It is not surprising that, as this is written in 1960, Mrs. Brennan is
welcoming publication of her own book of San Diego history which, for
over a century and a half, the members of her family have been helping
to make. Her father, Chalmers Scott, was the attorney (and county
clerk) who disagreed "vamos, constables, and court orders in secretly
removing courthouse records from Old Town to the newly rented court
building in Horton's addition.

Mrs. Brennan's mother, before marriage, was Maria Antonia (Costa
whose father, Cave Johnston Scott, was a West Point graduate, a nephew
of President Polk's Secretary of the Treasury, and for 25 years a leader of
highest rank in San Diego's civic, political and financial life. In the
elaborateCosta home Helen Hunt Jackson was entertained while she col-
lected materials for her book "Ramona."

The grandmother of Mrs. Brennan, Ysidora Bandini Costa (and wife of Cave J.), was the daughter of Don Juan Bandini concerning whose
exploits, abilities and civic contributions no history of San Diego or of
California could be silent. The sister of this same grandmother was Ar-
cadia Bandini who married the Massachusetts-born Abel Stearn, prob-
ably the largest, wealthiest owner of land and cattle in Southern California.

After Abel Stearns' death, the widow married Col. Robert L. Baker.
Subsequently this grand-aunt became attached to the young girl later to
become Mrs. Brennan, brought her from San Diego to her own pastoral
residence in Los Angeles county, and over a period of several years gave her
the finest of educational and social advantages.

It is further interesting that two of Mrs. Brennan's aunts at one time
fashioned from their own skirts the first American flag flown in this sec-
tion of California.

The young New York lawyer, John Jerome Brennan, even had pro-
fessional connection in the family of his affinity. The Brennan-Scott matri-
diffs of 1912 were celebrated from the home of Mr. and Mrs. Lunden L.
Boué of San Diego. Mrs. Boué, a sister of Mrs. Brennan, formerly was a Scott-Costa-Ecudillo-Banta. L. L. Boué had been a leading
lawyer in the community for at least 25 years before the Brennan wed-
ding. His name appears as an attorney at law in the San Diego city direc-
tory of 1889-90. After the marriage Mr. Brennan became associate
with Boué in the practice of law, and followed closely in the polite
customs of the older practitioner whom he greatly admired.

Judge and Mrs. Brennan are the parents of two children, John Je-
rome Brennan, Jr., of San Diego, is a Lieutenant Colonel in the Army
Reserve. A daughter, Maria Antonia, is the wife of Captain McLennan, an
Army graduate.

Jack Brennan was appointed to the municipal court bench on Oc-
tober 7, 1941,—two months before President Franklin D. Roosevelt
appointed the position of judge of the traffic court. With the immediate beginning of the
war years, and San Diego's mushrooming, moon-town, service-manned
streets, the job became one of the most difficult in the United States.
Brennan met the problems patiently, scientifically and effectively. At times
the work-load was so heavy that the judge worked both night and day.
He seldom took a vacation. Occasionally one of his municipal court
brothers would spell him on a Saturday.

In this San Diego of 1940, as a century ago in 1860, the Bandinis,
Costas and Scotts march on with accomplishments and prominence,—linked as they are by blood and affinity to the Eulindoles, Arquillos, De
Bakers, and Abel Stearns. In no inconsiderable way these titans of San Diego's esthetic, oratorical lives, contribute today to the affluence of
Brennan—and toward new history-making heights in this adopted city of the
young New York lawyer who became one of our community's socially
distinctive, professionally acute, and bastet working municipal court
judges.
Hon. Robert B. Burch

Twenty years after his appointment in 1939 to the superior court bench in San Diego, Hon. Robert B. Burch, in point of years of service, has become the county’s senior superior judge.

Few men have had a background so rich for a judgeship training as this son of an Ohio lawyer who has, in a lifetime of service, has become the county’s senior superior judge.

In 1911, the year of his admission to the Ohio bar, the judge of the future was married to Louie Whitaker. Their children were three: Robert Jr., who practices law in San Diego, Richard, who was lost in World War II, and Frail (Mrs. Donald Hynes) of Bonita.

The first Mrs. Burch moved to San Diego where the family resumed its practice of law. A few years later Mr. Burch married Beatrice Diffin. Their daughter Betsy is married to Eric Schopfer, a psychiatric social worker in Rhode Island.

A scholarly and extremely readable biography of her husband recently has been completed by Mrs. Burch. It should reach the best-seller lists.

As a trial judge Robert Burch attained an almost phenomenal record for having his contented decisions sustained by the California supreme court. But it is in other areas that prominence, and even eminence, has been achieved.

In the first year of World War II the judge was assigned by his confreres of the bench to handle the criminal court. This selection still is debated vigorously by opposing schools of thought.

The pressures exerted by advocates of stern criminal justice gained such momentum that Judge Burch was reassigned to civil trials in the following year. Not even his opponents, however, have dreamed to voice sentiment other than this To that criminal court with its riff-raff, its wack, and its misunderstood, Burch brought compassion, objectivity, capable training in modern psychology, intense interest, and tireless personal nighttime hours in the search for means to better society by re-creating sick human lives.

Perhaps that year on the criminal bench was the Judge’s internship before entering the community service to which his life has been dedicated for more than a decade, the handling of juvenile court. Here he has attained statewide and national stature. Juvenile hearings are open to the public. There is no fan-fare. There are few headlines. But heartbroken mothers have been seen to emerge from these sessions with a new hope in their eyes, and distraught fathers with faces tending eased. A nationally prominent juvenile court authority has said, “When I see this man Burch in action it gives me a feeling of utmost humility.” A state probation officer said of him, “He is respected as almost the very epitome of what a good juvenile judge should be.”

Assuming (without admission) that throughout a century of judicial history in San Diego there has been in occasional judge more rounded in practical experience, or more popular with the multitudes, or perhaps more erudite, or conceivably more congenital in judicial duty than he of whom these lines are written, never the less, the doubt remains substantial that any man upon the bench in this state, or any state, so admirably has blended these four qualities into one artistic masterpiece of professional living.

As with Robert Browning’s versatile poet-artist, “Choré,” (admittedly not as great as Homer, or Pericles, or two other Athenian masters of their fields) so Robert B. Burch, amid the quadruple separations of the judicial art, “has entered into sympathy with these four, running these into one soul who, separate, ignored each other’s art.” Like a duellist champion, his is the genius of versatility. Like the poet of all those who get, his is the triumph of Getting Understanding.

It is likely that, when the day for distributing human honors comes, others will receive coarser memorials and longer eulogies; but it is clear from thousands of grateful parents’ hearts—“too full for sound or foam.”

From moistened eyes of thousands of once-unruly acclains, from willing but unlearned tongues of thousands of now-grown kids whom once he helped to find themselves, will come concerning Robert B. Burch a sincere and unadulterated masterpiece of silent communication, exceeding the power of English words or even an album of pictures.

“Here is one of God’s great noblemen!”
Joseph S. Campbell

In an interesting way the life of Joseph Smith Campbell has paralleled some of the outstanding events in the history of San Diego.

March 18, 1871, was Mr. Campbell's birthday in Chariton, Iowa. That was the year when local county records surreptitiously were removed "from Old Town to a newly rented court building at Sixth and G streets in Horton's New San Diego, in spite of an order of the county judge to the sheriff to prevent such removal.

The same year saw construction begin upon the courthouse on Broadway (then D Street) between Front and Union Streets. The building was small, but at a later date side wings, upper stories, a clock tower, and elaborate ornamental stoves were added.

In 1888 when San Diego's first high school was organized, young Campbell started to teach in Iowa.

Between 1894 and 1897 when this city's first public school of collegiate grade was being developed (the State Normal School, which later became San Diego State College), Joseph Campbell was working his way through Drake University in Des Moines.

College financing was secured in a manner sufficiently out of the ordinary to be termed picturesque. The student under discussion sold the now old-fashioned stereoscopic pictures and viewers on a grand scale. He conducted groups of student salesmen through most of the large eastern cities during vacation periods.

In 1898 the Bar Association of San Diego was being organized, and in that year Mr. Campbell was admitted to the bar in Iowa.

Campbell's father, Robert, was born in Kentucky in 1815, four years after the birth of Abraham Lincoln. The grandfather, James Campbell, was born in Virginia in 1784. Thus the three men in toto lived under all of the Presidents of the United States up to this date.

Joseph Campbell was the youngest of 17 children. After working on farms, followed by teaching school, he entered Drake University where he earned degrees of F.B., M.A., and LL.B. When admitted to the bar his practice was in Des Moines for eight years. In 1906 he moved to Fort Morgan, Colorado, where he served as council and secretary of a million-dollar irrigation district, and in space time acted officially on the city school board and in the organization of the Fort Morgan Christian Church.

In 1913 the Campbell family moved to San Diego where, says the present elder statistician of the bar, "the climate and friendliness of the people really warmed our hearts." The warmth idea probably is no overstatement: that was the year in this community of pre-Exposition fever, and of thermometers that climbed to an all-time high of 110 degrees.

Joseph S., and Ida (Laster), Campbell had one daughter, Margarette, who was scholastically outstanding at San Diego High School. She passed away at age nineteen.

For over 46 years Joseph Smith Campbell has been a member of the bar of San Diego, and he was a seasoned lawyer with 15 years of court experience when first he raised his hand in the vow to support the Constitution of the State of California.

In the year of Mr. Campbell's birth, the historian, San Diego had 1796 voters of whom 6 were clergymen, 20 were saloon keepers, and 33 were lawyers. These were people knew first-hand of actual pirates hanged from the yardarm at the entrance to San Diego Bay, of Indians flogged to death or stoned to death for punishment for uprisings, of public hangings, firing squads, and vigilante reprimands.

As the old courthouse of 1871 came down, so the methods of so-called law and order of that era have been replaced. It is to the everlasting credit of these pioneers, like Joseph S. Campbell, that Justice slowly has changed through their days from a caricature of one brandishing guns and a hangman's noose to the modern characterization of an unblemished, understanding, and mature student of life, ready to see both right and wrong and to deal with either as circumstances direct for the welfare—and this is the twentieth century's finest contribution to justice! — for the welfare not only of all, but of one and all.
Hon. Eugene Daney, Jr.

Still to be heard among elder members of the local bar is an anecdote, always related with a resigned-type of good humor, concerning the court of Eugene Daney, Jr., as the story goes, certain opposing counsel in municipal court No. 2, fearful of possible judicial compromise, stipulated and urged in open court that the instant case was one in which the plaintiff must either win all or lose all; that there could be no middle ground.

After hearing the evidence the Court's judgment was for about half the amount for which petitioner had prayed. This story is typical of Eugene Daney, Jr., just as the philosophy behind it is typical of such a great legal mind as that of Mr. Justice Oliver Wendell Holmes. Whether one is a piddler or a prindt depends wholly upon the instant frame of reference.

To a nineteenth century common lawyer, trained to the hounds of procedures honed with fiction, and rules of evidence so designed to barricade falsehood that truth itself seldom was able to enter, a legal answer was either yes or no. To a litigant seeking justice in municipal court No. 2 the answer more likely has been in terms of "maybe," "possibly," or, if necessary, "split the difference."

In addition to his legal training, Judge Daney holds a college degree in Letters. He has understood from his youth exactly what Oliver Wendell Holmes, Jr., meant when he said that law is no brooding omnipresence in the sky; no book of scions or corollaries of mathematics; nor any certainty—except as an illusion. He knows with Holmes, and others of his stature, that law is the experience of the race attempting to solve the riddles and ease the frictions of a couple of its members who think they've seen a bit too much of one another. For practically 33 years philosophy has filled (sometimes chilled, and sometimes thrilled!) the Daney courtroom.

Eugene Daney, Jr., born in San Diego, is the first child and only son of the man who for many years was recognized as the dean of San Diego lawyers, and who crowned his professional career during the first quarter of the twentieth century by being selected as president of the Bar Association of the whole State of California.

The Junior Daney early became an enthusiastic participant in sports. Adrift in boxing, handball, rowing and sailing, he also earned college varsity status in baseball and wrestling. The Judge's early education was in San Diego's public schools. He was the first class (Feb., 1909) to be graduated from the beautiful new San Diego High School that had replaced the old Ross High. Joseph Ross, lumberman, in 1882 had donated to the city sufficient lumber to construct the elder building.

After receiving the Bachelor of Letters degree from the University of California at Berkeley, Eugene, Jr., took his theoretical law courses in the same institution, and later continued his practical legal training as an associate in his father's busy office.

In 1913 the future judge was married to Stella Mead Carlyle. They have one daughter, Luise, wife of superior court judge Robert W. Conyers.

After serving three years on the Board of Education, as the story goes, certain opposing counsel in municipal court No. 2, fearful of possible judicial compromise, stipulated and urged in open court that the instant case was one in which the plaintiff must either win all or lose all; that there could be no middle ground.

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The Junior Daney early became an enthusiastic participant in sports. Adrift in boxing, handball, rowing and sailing, he also earned college varsity status in baseball and wrestling. The Judge's early education was in San Diego's public schools. He was the first class (Feb., 1909) to be graduated from the beautiful new San Diego High School that had replaced the old Ross High. Joseph Ross, lumberman, in 1882 had donated to the city sufficient lumber to construct the elder building.

After receiving the Bachelor of Letters degree from the University of California at Berkeley, Eugene, Jr., took his theoretical law courses in the same institution, and later continued his practical legal training as an associate in his father's busy office.

In 1913 the future judge was married to Stella Mead Carlyle. They have one daughter, Luise, wife of superior court judge Robert W. Conyers.

After serving three years on the Board of Education, as the story goes, certain opposing counsel in municipal court No. 2, fearful of possible judicial compromise, stipulated and urged in open court that the instant case was one in which the plaintiff must either win all or lose all; that there could be no middle ground.

After hearing the evidence the Court's judgment was for about half the amount for which petitioner had prayed. This story is typical of Eugene Daney, Jr., just as the philosophy behind it is typical of such a great legal mind as that of Mr. Justice Oliver Wendell Holmes. Whether one is a piddler or a prindt depends wholly upon the instant frame of reference.

To a nineteenth century common lawyer, trained to the hounds of procedures honed with fiction, and rules of evidence so designed to barricade falsehood that truth itself seldom was able to enter, a legal answer was either yes or no. To a litigant seeking justice in municipal court No. 2 the answer more likely has been in terms of "maybe," "possibly," or, if necessary, "split the difference."

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Hon. Charles B. DeLong

Judge DeLong, with more than 60 years of San Diego background, reports hereinabove several incidents concerning colorful early trials. Other equally interesting, yet difficult to narrate narrations must be omitted, such as the personal story of the threes trials of a "Tin Cup," and the fine of $50 each for contempt levied by Judge Wilford R. Guy upon district attorney Harry S. Ulley and former Judge E. S. Torrance (for the defense) after a heated verbal ex-
change during one of the hearings.

From personal knowledge this writer could make a number of highly commendatory remarks about Charles DeLong. He has taught in law college, and has tried to serve men instead of charge them. His written recollections of an old timer named Valenzuela, who devoted his life to assisting the poor and foreign-born who were under arrest or on trial in San Diego, is reminiscent of Charles B. DeLong's own attitude toward life.

Here is the personally written story of a long-time San Diego lawyer and judge—and of an able, honorable man.

I was born in the little town of Somonauk, Kansas, on the 8th day of August, 1891, to Bertram C. and Nettie (Bratton) Det long. I have a clear memory of long hooted castle being driven in for shipping from that little town where my father was agent for the Santa Fe Railroad.

In June, 1898, our family arrived in National City, and we lived in the old Santa Fe Station. I thought it would be a railroad man, and started riding the switching engines until I fell off one of them and lost my right arm.

I graduated from San Diego High in June 1911 and commenced study-
ing law in the office of E. E. Kirk. I passed the Bar examination Janu-
ary 22nd, 1913.

At the time of my admission to the bar there was no facility available to assist the foreign born to become naturalized. Bert McLean, our county clerk, and he would provide a courtroom for use if I would under-
take to conduct cases. I conducted these cases as a volunteer for sev-
eral years and when the night high school was organized the cases were moved there and I continued to teach until about 1924. I am very proud of my court school.

In my high school class of 1911 there was a dark haired Miss named Edith Wren. Ours was a high school romance that took, and we were married March 31st, 1918.

We have three children. The eldest Charles B. DeLong Jr., is con-
ected with the General Motors Acceptance Corporation. The twins Bar-
bara (Dow) and Beverly (Harrer) are nationally known as swimmers. They entertained one of the State Bar Conventions with an exhibition of rhyth-

Swimming. We are blessed with seven grandchildren.

In 1922 I was elected justice of the peace of San Diego Township and served until January, 1927. In those days the two San Diego justices han-
William Henry Evans

Occasionally some lawyer achieves attainments that are reserved for his fellows only in the realms of inspirations and dreams. It is likely that William Henry Evans, a conservative San Diego law practitioner of almost 50 years is as embarrased about personality extravagances as he is critical of governmental deficit financing. He requested courteously that he be permitted to check upon this sketch prior to its being set in type, and it is likely that some skirmishes might ensue as we insist on telling what his peers at the bar think of him.

Bill Evans hasn’t had to practice law too hard, but no client ever had a more sincere and diligent counsel. And no lawyer ever earned practitioner ever associated himself with a more capable series of top-notch lawyers than he: Edward B. Partridge, Wm. L. Baxter, E. R. Buikovich, Richard Kee, Curtis Hillyer, Duane Curtiss, Thomas Whelton, and for 25 years Judge Vincent Whelton prior to the latter’s elevation to the bench in 1959.

Shortly after World War I young Evans, with a recent experience as a deputy district attorney, joined about ten of the city’s leading lawyers to form what became known as The Law Club. This group, including men like Gordon Gray, John Ward, Denspery McKee, Charles Forward, Walter Arnes and James G. Penstel, met regularly for a time in the law library of the Union Building (now Land Title Building) at Third and Broadway. The meetings were held at luncheons at the University Club. The purpose of the group was to discuss current legal problems and by mutual helpfulness to achieve a result not possible to minerals day benefits from lectures in the program for continuing education of the bar.

For almost 15 years, from the late twenties until the period of World War II, William H. Evans served as secretary of the Bar Association of San Diego. The presidents of the association during the same period included some of the greatest names at the Bar. This writer recalls instance after instance where Bill Evans—seeking no glory, and finding none—impossibly carried the load of mailing notices and serving generally as office manager of the corporation. No other man locally has given of his time in the same helpful capacity for so many years.

Unlike most of San Diego’s older attorneys Mr. Evans is a native son, having been born in San Francisco November 21, 1884. His parents, Charles and Catherine (MacMillan) Evans, moved to Boston when young Bill was less than one year old. The Evans’ esquire, exotic hillside villa.

In the culture of turn-of-the-century New England, augmented by journeys to countries on the continent, William Henry Evans was fortunate in having unexplored educational opportunities. After attending the public schools of Boston he took college preparatory work at the Phillips Academy in Andover.

Although Bill was admitted to the Massachusetts Bar in 1912 and practiced in Boston he continued his studies, and subsequently was awarded a Master of Laws degree from his alma mater.

In 1913 young Evans decided to return to his native state. This was the year when San Diego established its all-time hotter-than-pitchforks heat record. Bill decided it could be no worse at Needles—and it wasn’t! He settled there.

After being admitted to the California bar in September, 1913, the young lawyer became the first city attorney of Needles and drafted the town’s original ordinances and by-laws of governmental organization.

San Diego’s pre-Exposition excitement due to the opening of the Panama Canal lured away the young tycoon from Needles. In June of 1914 he opened offices in San Diego and started activities and associations herebefore narrated.

One hearty interest, that developed into an interest of the heart, is yet to be told. Along with lawyers Gordon Gray, Edger A. Love, Henry J. Bischoff and Luther Ward, young William H. Evans was interested in the University Club and its program for securing a permanent home.

In 1915 the club purchased a lot on Seventh Street between A and Ash. It cost $15,000. The new clubhouse cost $33,000. More (What are they worth in 1967?) The dedication of the new house was in August, 1916, and there attune? Evans met the lovely Miss Geraldine McDonald, daughter of William and Christina (Clark) McDonald who some years before had come with their family from North Dakota. The Evans-McDonald nuptials in 1918.

Mr. and Mrs. Evans are happy with their two children and four grandchildren. Their daughter Lucy is Mrs. Russell W. Lamont, and Bill Evans, Jr., is widely known for his local business successes. He operates the Balboa and has an extensive interest in the Catamaran—two of the finest motel restaurant combinations on glorious Mission Bay.

The serious-minded organizers of the Lawyers Institute of San Diego included William H. Evans. That was 1919. Later the Institute broadened into the Bar Association of San Diego.

There is another side to Bill Evans. Although he has belonged to many organizations there have been few to hold more of his interest than the San Diego Rowing Club. The Evans family enjoys swimming. In fact, throughout most of the winter months the senior Evans go swimming in the bay almost every day—but the bay in Acapulco’s Cabella beach below the Evans’ esquire, exotic hillside villa.

Personally, I hope Bill lets this be printed. He is a fortunate, but a generous, intelligent, highly trained, democracy-loving citizen. His wife is as unassuming, genuine, gracious, and motherly-beautiful as any younger woman would picture in her dreams. It is folks like this that keep the decades and centuries have given strong and silent stability to America—to her economic and social structure, and to her law.
Charles H. Forward

There is high authority for the statement that as a child is trained, when he is old he will not depart from it. Just before the turn of the century Charles Hamilton Forward al-
most had the 23 square miles of clear, clean San Diego Bay as his private boat pond and swimming pool. With a few young crows he practically grew up beside, in, and on the sunny waters.

If a lad wanted sophisticated swimming in that day he paid 5c and changed his clothing to a swimming suit in John C. Blicken's bathhouse at the foot of Fir Street. And he walked upon the same mud to swim in the same bay, but more elegantly, between two lifeguard fences extended from the shore into a few yards of water (at high tide).

It is not surprising that after graduation from San Diego High School in 1914, and after brief collegiate experience at the University of Cali-
ifornia at Berkeley, Charles Forward enrolled for two years in the U. S. Coast Guard Academy at Baltimore, Maryland.

On the East coast young cousin, earned a mate's license in the Mer-
chant Marine entitling him to serve in ocean or coastal duty. In World War I he joined the United States Shipping Board and was ready to put to sea when the armistice was signed. During World War II Mr. For-
ward served another forty-six months, most of the time as Captain of the Port of San Diego. When recent repairs of rigging were undertaken on San Diego's famous sailing ship "War of India," lawyer Charles Hamilton Forward was one of the few persons on the west coast capable of super-
intendent reconstruction details.

Next to life on the salt water, young Forward liked to hunt. Bird hunting was his favorite sport—first in the wild willow forests of Mis-
sion Valley, at what is now the foot of Sixth Avenue, and far off area lands just east of the present LaFayette Hotel—and later in northern Mexico. It is understandable how the man became one of the best trap shooters in the area, and long ago decided to acquire a large ranch of hundreds of acres near Ramona where he still enjoys robust and outdoor living.

Mr. Forward was born at Pittsburgh, Pennsylvania, March 19, 1886, the fourth son and fifth child of John F. Forward and Ella F. (Dillon) Forward. When Charles was one year old he came to San Diego with his parents. For many years his father was deputy county recorder, and then county recorder. While serving in the latter capacity he or-
ganized and founded the Union Title and Trust Company.

After his grammar school and high school training in San Diego, Charles took one year of law at Berkeley, followed by two years of gen-
eral academic work. Thereafter came the Coast Guard training, and then return to the University of California for an additional two years of legal studies. In 1911 the young lawyer was admitted to the Bar and returned to San Diego. He commenced his practice with A. H. Sweet

who had been one of San Diego's outstanding lawyers for the preceding twenty-five years. In 1913 the firm of Sweet, Steinbr and Forward was organized. In 1928 and after Mr. Sweet's death, a new firm of Steinbr, Lucie and Forward came into existence. Leading names in sub-
sequent developments of the same firm include those of Phil D. Swing, Fred Kunzel and Thomas Hamilton.

In June, 1914, Miss Zella E. Smith became Mrs. Forward. She was born and educated in Nashville, Tennessee. The Fortunes have one child, Charles H. Forward, Jr., who is a respected rancher of Ramona.

From the earliest days of his practice Charles H. Forward has been in what is considered a top bracket law firm. In addition to broad gen-
eral practice he and his legal associates have represented railroads, local public utility and financial institutions, and important corporations. Mr. Forward long has been financially interested in the Union Title and Trust Company and his firm acted as general counsel for that fast growing real estate title-clearing organization until the third decade of this century. After Mr. Rolland Springer became general counsel, the Forward firm continued in an advisory capacity.

* Lawyers who know Charles Forward well say that his long academic training, and practical instruction under A. H. Sweet, eventually paid off in making him one of the finest legal analysts, reality experts, and draftsmen in the community. From a fairly capable trial lawyer he emerged as a "lawyer's lawyer" par excellence.

During the 1930s Charles Forward invested, and became involved, in oil developments in Kern county. Some of his acquaintances and friends believe that, if this disposition of energy and instinct of a great lawyer had not occurred, the Forward law firm would have attained the undoubted top rank of the legal profession in San Diego.—as in size, prestige, and volume of business.

In the past 75 years San Diego for whom that temporary periods has known and been influenced by such distinguished men as Sprackels and U.S. Grant. The name Forward, however, is one of three from family designations that prominently, consistently, and consistently recognized community's political, business and cultural life for three quarters of a century—and that, by all present indications, so will continue through many decades of the future.

Charles H. Forward, excellent lawyer, has contributed his full share of the great gifts made to a growing community by an outstanding family.
Gordon Gray

The organizer, and titular head, of San Diego's largest law firm is one of the few local attorneys who have biographical listings in Who's Who in America.

It is within his natural heritage that Gordon Gray should have demonstrated qualities of success and superior leadership: his mother was first cousin of Winthrop Wilson. Those qualities, together with the Tenacity of Mr. Gray's picture and that of the two eighty-eighth Presidents of the UNted States, have combined to make him the world's most successful lawyer in A.D. 1941.

Gray Gray, Jr., while modestly avoiding publicity, has contributed generously to the legal, cultural and economic values of the west. In addition to items mentioned herein, he is a director of the Transamerica Corporation, and has served officially on the L.A. Jolla Town Council, the California State Board of Education, and various sponsoring organizations of artistic, literary, and scientific pursuits.

A short autobiographical sketch, prepared at our request by Mr. Gray himself, adds humanity and warmth to an outstanding legal career. It is as follows:

A tax bill from the San Diego County Assessor's office changed the entire course of my professional career. When the irate owner of the land described in this tax bill came into my law office in Chicago in the spring of 1907 I had been practicing law there since my admission to the Illinois Bar in October 1903, following my graduation from the Harvard Law School. Prior to that I had graduated from Harvard College, so I had many friends among Harvard graduates in Chicago and expected to spend the remainder of my life there practicing law.

The recipient of the tax bill had owned the land for many years, but in this bill of 1907 the status of the land had been changed, without his knowledge or consent, from acreage to lots and blocks and the taxes had consequently been increased several hundred percent. He had not been able to obtain any satisfaction by correspondence with San Diego and did not know any attorney there, so he employed me to spend part of my summer vacation in that city in connection with the assessment of this land.

The Supervisors by a unanimous vote restored the land to acreage and ordered the taxes paid by my client under protest to be refunded. Next day while I was standing at the window of the County Auditor's office for the purpose of obtaining such refund, the County Auditor, whom I had met three or four days earlier, asked me, if I had time, to step into his private office.

After I had seated myself in his office, he said to me:

"Young man, why don't you locate here? We need young men like you. And I think you'll do well in this city. It's going to start growing soon, now that the completion of the Panama Canal is assured—not a boom, but a long, steady growth. Your law practice would grow, too."

Those words, so earnestly spoken, and coming so soon after my very gratifying and refreshing experience before the Supervisors, had their effect, for in the autumn of the following year I left Chicago to become a resident of the city of San Diego.

A year later I spent almost a year in southeastern Utah looking after an investment there by a wealthy man in Chicago. An attorney in that territory told me that San Diego was a good place to try the practice of law. I was anxious to get started practicing law in San Diego.

On August 15th, 1910, I became a California attorney merely by producing a certificate that I had been admitted to the Illinois Bar and was in good standing there. About two months later I opened a small office on the fifth floor of the Union Building. The following year I moved into corner offices on the fourth floor which, just by coincidence, the San Diego Rotary Club was started. In 1914 I was president of it and also of the University Club and the San Diego Bar Association.

With the growth of San Diego, law practice has been expanded and I have employed an assistant. A young lawyer by the name of Walter Ames, and later another assistant, by the name of J. G. Driscoll, Jr.

In 1926 Judge Wm. P. Cary, then on the Superior Court bench, and I discussed the formation of a partnership. In January 3, 1927, the firm of Gray, Cary, Ames & Driscoll was launched.

The advice in 1907 of the County Auditor was very sound and his words prophetic, except that what has actually happened has far exceeded the outer bounds of his imagination, as well as mine. The population of the city was then 32,000; today it is more than half a million. The space occupied by my first law office in San Diego was about 60 square feet. The firm of Gray, Cary, Ames & Frisse (now known as Gray, Cary, Ames & Driscoll) now occupies most of the top floor of the large Bank of America Building in Broadway and a branch office building in La Jolla. There are now 20 attorneys in the organisation (15 of whom are members of the firm) and 22 secretaries, accountants and telephone operators. Such has been our attempts to keep pace with the growth and development of San Diego.
Hon. Lloyd Ellis Griffin

The Earl Warren of San Diego is Mr. Presiding Justice Lloyd E. Griffin of the fourth district court of appeal. There is little question in the mind of any San Diegans that he has become the governor of his state if his political ambitions had been in the admin-
istrative rather than judicial channels.

As Chief Justice of the United States Supreme Court, Lloyd Griffin is handsome and impressive—a very outstanding vote getter, 150 step by step advancement from farm boy to high place on the court totem pole is one of this country’s finest stories of political achievement.

It is coincidental that two days before this sketch was started the local law library received an loan for display purposes from the great historical Bancroft Library in Berkeley two volumes of the original scrapbooks of San Diego’s Judge Hayes who presided on the district bench here and in Los Angeles an even hundred years ago.

For a century the Hayes family, like the Griffins, has had deep roots in northern San Diego county. Benjamin’s son, Chauncey, long a judge in Oceanside. One of the loans of the famous family has hundreds of paper clippings, notes, and letters dealing with the Ocean-
side-San Diego land feud.

In order to stir the interest and refresh the memory of the honorable presiding justice this writer took the Hayes scrapbook to the Griffin court chambers. That was yesterday. This morning the law library received deliver-
y, as an out and out gift, of possibly the greatest accumulation of historical legal data within the confines of the county—the huge personal scrapbooks of Mr. Justice Lloyd Ellis Griffin, started by his mother many years ago and diligently kept up to the present date. This is a treasure of inestim-
able importance and value, although its very bulk creates added difficulties in the preparation of a mere profile.

In a political sense Lloyd Griffin was born to the purple. For 17 years presiding the term of his father, John Griffin, was a San Diego county justice and for many years a member of the Oceanside-San Die-
go county water area. Col. (and Senator) Ed Fletcher in his Memoirs pays high tribute to the elder Griffin as “Honest John.” In fact, when Fletcher’s San Diego Home was burned down by rioters in 1901, the Griffin home was the only one spared.

After the Superior Court’s removal to downtown San Diego, the Griffin family—most of them, moved to San Diego where the other supervisors gave him a job as mes-
senger boy. Several years later he became police matron and later married Arthur S. Hill who rose to be San Diego’s Chief of Police.

Attire political know-how was in the very air Lloyd breathed as he moved from messenger boy to assistant law librarian and county commissioners under Henry J. Place, and then to deputy county clerk, deputy district at-}


Hon. Charles C. Haines

In the life of Judge Charles C. Haines, reticent, there is some of the gentle wisdom that characterized the philosopher Schopenhauer and the poet Walt Whitman. There is even more in his of the legal-superlative recognized and honored in Mr. Justice Cardozo. To Judge Haines, as to Cardozo, is applicable the descriptive touch of a former Chief Justice of the United States Supreme Court.

Concising his shy and scholarly brother, with heart of almost claus-
tured purity and mind of crushing boldness, Mr. Chief Justice Charles Evin-
Hughes reported of Cardozo that he shrank from promiscuous contacts, find-
ing safe refuge in his books, and that he was singularly immune from either
the enticements or the demands of activities foreign to stractive professional
labors.

Like Plato, whose the Judge enjoys reading in the original Greek, Char-
les C. Haines probably has "loved philosophy more than he loved any wom-
man or man." (Will Durant). He also refuses to drive an automobile, and has
strong convictions about many old-fashioned elements in the prevailing mores of a modern civilized life.

But no man's ideal personality has been more loved by his professional
contemporaries. For over thirty years prior to the writing of these lines
there probably has not been a bar picnic or a bar dinner but whereas small
groups of lawyers and judges have chocked together almost reverentially,
or shuddered in high but uncharitable glee, at reminiscences of some person's
experience before "Charles" Haines. (No one ever has succeeded to dare to
get him "Charles" to his face). More often than otherwise any reported
jest is "out" the teller of the story.

A son who follows professionally in his father's footsteps is like the
receiver of the baton in a relay race—he gets a running start. Charles C.
Haines, like Roscoe Poind and many another master of jurisprudence,
is the son of an outstanding lawyer.

Charles was born at Vinron, Iowa, in 1880, the oldest child of Alfred
and Flora Connolly Haines. Between 1884-1887 he was with his parents in
the Dakota Territory where his father was active in bringing South Dakota
into statehood. The family moved to San Diego in 1887.

The schools of Chula Vista furnished earlier training for the future
judge; Fontana College granted him an A.B. degree; and his formal legal
instruction was secured at the University of California at Berkeley. His
memorization in Phi Beta Kappa, honorary scholastic fraternity, became a
precursor of the reputation for erudition that later he was to wear as a
crown of laurel through more than a generation of legal scholars, advocates
and judges.

Admitted to the California bar in 1903, young Haines soon became as-
sociated with his father in the practice of law.

For two decades after the elder Haines settled in San Diego there was
no such a county in the state as "Imperial County." The county of San
Diego stretched from the sea to the Colorado River. Imperial County was
never carved from the larger unit until 1907.

Much of the legal business of the firm of Haines & Haines involved
water problems in Imperial Valley and also in connection with the western
water—both areas being in San Diego County. Among other clients
Asted Haines long served the Imperial Irrigation District as legal counsel.

As a result of his extraordinarily broad experience with, and group of
western water law, Charles C. Haines, the judge of subsequent years, was as-
signed to preside at the trial of some of California's most important riparian
litigation. From 1930 to 1952 a water lawsuit involving millions of dollars
in five San Joaquin Valley counties required his official judgment. The
case never was appealed.

Important water litigation involving the Tipuana Canal also was directed
to the courtroom of Judge Haines.

For nearly 21 years Haines served on the superior court bench of San
Diego County. He was first elected in the latter part of 1926, and retired in
November 1947. During this period he was assigned to the district court of
appeal on numerous occasions. He also served for many years on the appellate
branch of the superior court.

Since his retirement, the Judge has been assigned to the superior court
during parts of five different years, and even as this is written in 1958 he
has just completed another assignment to the district court of appeal.

Dwelling most of his career on the bench the present dean of the San
Diego judiciary was not provided with the services of a legal secretary. His
long and carefully researched judgments were laboriously written in long
hand, and the required time for such effect generally kept him in the court-
home late at night, and brought him back to his desk shortly after dawn.

Many of the community's best lawyers long have felt that if the deci-
sions of Charles C. Haines could be edited and printed, the State of Cal-
ifornia would have a ten volume set of reports more advantageous to law-
yers and judges than similar sets carrying such prominent names as My-
rick and Cowen.

St. Part's Episcopal Church in San Diego has received a lifetime of
unusual devotion from Charles Haines. The Judge's principal diversion, particu-
larly since retirement, has been travel. Europe has visited him 12 times; Hawaii twice. Olds journeys have taken him to Alaska, Australia, New Zealand and South America. He also
knows his own country at first hand.

Judge Charles C. Haines has surmounted all the public encomiums and
tributes of these decades. If certain facets of his personality he deemed
inadequately cut by experience, compensation nevertheless is achieved in a
brilliancy diffused from an inner sense of humility, a passion for justice,
and a violent streak for litigation.

If at times the Judge has erred, and such is human, it still is true that he
perhaps above all others—would be many a man's selection of one to
sit in judgement upon him. Concerning few others can it be said as ap-
propriately: he does justly, he loves mercy, and he walks humbly with his
God.
Hon. Clarence Harden

Younger practitioners cannot be expected to remember the years be-
tween World Wars I and II when the words “Clarence Harden” were almost
synonymous in San Diego with legal acumen, brilliant lecturing, and the many
-pleasant graces of personable citizenship.

The man who holds the distinction of having been appointed to
the same superior court bench by state governors whose terms were more
than a quarter of a century apart perhaps has maintained longer in his com-
mittee a consistently high level of public favor and public service than any
fellow member of his profession.

Clarence Harden, like Edwin Markham’s Abraham Lincoln, has "the
color of the ground in him, the red earth, the strength and ten of element-
tal things." Born on a homestead near Norar Platte, Nebraska, he witnessed in
his first year the great blizzard of ’84 that financially ruined many of
the prairie’s stock men. His later experiences involved cattle pushers, buffalo
horns, gold mine stampedes, and silver-tongued speeches of Wm. Jennings
Bryan, the orator of the Platte.

William Henry Harden, the father, had the deep rooted strength of the
men who tame young horses — and young lands. As a railroad man for
many years he also helped the iron horse tame the west.

The mother was Katherine Lorenza (Bicknell) Harden, a devout woman,
and one whose literary accomplishments far exceeded the average of her
day.

About the turn of the century the Hardens moved to Colorado where
the young Clarence finished high school, and thereafter worked for a time in
civil engineer offices in Colorado and Wyoming.

When the family came to San Diego fifty years ago the Colorado law
provided for admission to the bar to anyone of good character who had
worked in a law office for two years. In California even the latter require-
ment was unnecessary. Applicants here could be admitted after a brief ques-
tioning in open court. Even the superior courts of California at one time
were authorized to admit persons to practice within their own county limits.

Clarence Harden decided to do better. He studied in business college,
which was the most popular source of post-high school training a half cen-
tury ago, and became a shorthand reporter.

In 1909 the young Nebraska, late from Colorado, was legal secretary
and court reporter in San Diego’s court house. He watched the best trial
lawyers in action, took down their words verbatim as a part of his job—and
studied them, and resolved to better the advocates at their own game.

The county law library became the shorthand reporter’s study hall dur-
ing every free hour of the day, and always far into every night. His deep
interest in the law book collections of this county has never waned.

In 1913 Clarence Harden was admitted to the State Bar of California, but
by that date a difficult written examination was a prerequisite. A meticu-

professional career followed. Within six years he was chief trial deputy in
the office of the district attorney, and within ten years—although in private
practice for himself—he nevertheless was being employed by many of the
City’s leading attorneys to try their most difficult cases.

After being president of the San Diego Bar Association in 1924 Harden
was appointed to the superior court bench in 1930. He served eight years as
a judge—during portions of several years as an associate judge pro tem
of the district court of appeal—and voluntarily retired in order to return
to private practice. In 1936 he again was appointed to the office of judge
of the superior court.

The Harden family seemingly is dedicated overwhelmingly to the in-
terests of the legal profession. The judge’s brother, the late Col. Adel C.
Harden, was an attorney in high position of the Federal Government for many
years. In 1914 Clarence Harden was married to Sarah Fitzpatrick, a lovely
young lady, of literary and artistic talents who also was, and is, a member of the
California bar. Their daughter, Shirley, is an attorney and a graduate
colleges of California’s Boalt Hall of Law where she met and later married, Crandall
Condra, now one of this community’s well-established young lawyers.

Clarence Harden has given much to the city’s fraternal, political, so-
cial, cultural and civic life. He has been in constant demand as a public
speaker or a master of ceremonies, and has merited the reputation of being
one of the most suave and one of the hardest working judges on the bench.

Since his earliest San Diego days the Judge has devoted his time, his
means, and his personal effort toward the development of San Diego County’s
law library. For the last thirty years — longer than has any other man —
he has served consistently and with great vision on the board of law
library trustees. He is now its president.

Fifty years after he came to San Diego the Judge’s friends contributed
a special fund to buy books for the local law library, and presented for
the new library building a framed plaque that expressed its own purpose, and
the named plaque of his honored in the halls and minds of his contempo-

aries, in the following words:

"San Diego County Law Library became a
Circulating Law Library through generosity of
JUDGE CLARENCE HARDEN
Honoring him in 1959 at the Celebration of fifty
Years in San Diego wherein he has been Law Student, Masterful Advocate,
Outstanding Judge, Civil Engineer and Exemplar of Wisdom and Justice"
Hon. De Witt A. Higgs

This is the story of an organized bar in San Diego, and of the two men who have distinguished themselves, and brought honor to their community, in special service to the organized bar of all California.

Hon. Eugene Dailey, father of the present municipal court judge of the same name (1866), rightly was considered the dean of the legal profession in this county for many years. The elder Dailey was one of the organizers, and the first president, of the unincorporated Bar Association of San Diego, started April 22, 1899. He was the bar's president six times prior to 1902, and again so served from 1913 to 1915.

In statewide circles Mr. Dailey was vice president of the California Bar Association in 1913 and 1914 and was chosen its president in 1915. An excellently written biography by Judge Dailey, the son, is available in the county law library concerning this outstanding professional leader who twice was offered an appointment to the local superior bench and once an appointment to California's supreme court.

According to the biography of Fred E. Liddell, prepared by his daughter and a devoted daughter, Mrs. Laura Hardtnerlock, the chief function of the early unincorporated San Diego Bar Association was to draft bylaws and rules to be read in court upon the death of a lawyer or judge.

At the end of World War I a group of local attorneys decided to start an organization dedicated to the ideal of improving the practice of law. Nine leaders incorporated the Lawyers Institute of San Diego in 1919. It was one of the first incorporated bar associations in the United States. The Los Angeles bar, by contrast, was not incorporated until 1935.

Eugene Dailey was also the first president of the Lawyers Institute. In 1922 he incorporated San Diego Bar Association amalgamated with the institute under the changed name of Bar Association of San Diego, and an incorporated bar has existed here ever since. In 1954 the name was broadened to San Diego County Bar Association.

In 1927 a new legal era commenced with the beginning of the official State Bar of California. Here again the Hon. Eugene Dailey served as local representative on the Board of Governors from 1927 to 1934. He was followed in turn by at least seven other prominent lawyers prior to the services of the Board of DeWitt A. Higgs from 1952 to 1955.

"Dutch" Higgs is the only San Diegan ever to have been elected president of the State Bar of California—the statutory public corporation to which all the thousands of lawyers licensed in this state automatically belong. As with the elder Dailey his outstanding contribution to his profession brought prestige to his community, and earned for his own name among all American contemporaries the well-earned title: "Honorable." Only since a generation can a community be expected to produce such leaders.

This writer has been privileged to know both the Hon. Eugene Dailey, Sr., and the Hon. DeWitt A. Higgs. With both he has been associated at different times in certain civil litigation. Under other circumstances, needless to recite, he has been intimately acquainted with each.

Eugene Dailey, Sr., was the deputy Victorian to whom haberdashers and electrocute suits could point with pride. Born in Bordeaux, France, his early training combined good complete opuses as Ella in the mining towns of early-day Nevada, cultural schools on the continent, and public schools of rough and tumble San Francisco. He received law at Hastings and came to San Diego at the height of the boom, November 1887. For 53 years he was one of the brightest lights of the San Diego Bar.

DeWitt A. Higgs is a typical product of America's World Wars I and II and of their intervening depressions of the late 1920s and the 1930's. Born in the home of an Idaho country doctor and his wife, Dutch got as far as the first year in the University of Idaho before he had to drop out to support himself.

After marrying Florence Fuller in 1925 young Higgs moved to San Diego in 1931 and commenced legal studies at night in Balboa Law College. In 1934 he received his LL.B. with the bar examinations, and was admitted to practice. His earlier law associates included such prominent men as present judges Jacob Weisnerger and William A. Gleen. The present firm of Higgs, Fletcher and Mack is one of the city's three largest.

It is still within memory that the courthouse was buzzing with surprised pride after Higgs' first case. Appointed by the court, without pay, to perform—everything an accused who was certain to land in the "pen," Dutch devoured a jury and delighted each of his twelve members—as well as his client—by persuading them to turn him loose now.

Such was the pattern: like, masculine, virility and ability and deep sincerity. It was Dutch among the local bar directors in 1938, made Lieutenant Commander in 1945, after a brilliant service in World War II. He placed him on the Board of the State Bar, and helped elevate him to its presidency in 1955.

How will the 60th and 70th of our century benefit from the great talents of this able and personable man still in his prime? The past is his happy advocate, but the future must be the judge.
Edwin L. Johnson

Ed Johnson's life is a nostalgic and dynamic blending of the old and the new. After coming to San Diego in 1907 his first appearance by name in the city directory was as "Fonnsom, Coronado Beach Company." A few months later the young son of Norwalk was helping internationally famous Glenn Curtiss build his first hydroplane on North Island. The Johnsons (E. L. married Loreta Achenbach in San Diego on September 2, 1907) lived on South Island. Many legal titles to Coronado real estate still employ the terms "S.I.," or South Island, in official descriptions. North Island and Coronado were connected by a very thin strip of sand. The jetty on the outer side, protected on north and south by the two larger "islands," and by the sand strip from the open sea on the west, was known as Spanish Bluff. In his biocenosis Curtis experimented with the flying boats that later, in 1913-14, he was to introduce to Brazil, Russia, Austria, Italy and Germany.

Then, the now-seasoned San Diego lawyer who smileingly expressed deep regret not too long ago when the last old hitching post was removed from the rear of the old courthouse, was himself an initial contributor to the space age.

When Ed was 15 years old he was through grammar school and was working in his home state of Minnesota as a printer's "devil." Supporting the old saying that one never can get printer's ink off his fingers, fifty years later, as a further deputy district attorney, Johnson was co-author of a very true detective story published in a national magazine.

There is something else about the career of this man that every young American well may ponder. In an age when personality-crushing ideology "from the Elbe to Vladivostok" is preaching that the individual is in complete ineffect,"--a function of social forces. There is nothing in a man. He will never extract anything out of himself, because there is nothing there... (The Captive Mind, by C. Mills) --it is as refreshing as a new sea breeze through a smoldering city dump to get one's eyes in clear focus upon the life of a man like Edwin Lewis Johnson whose whole history of self-expression shows the living lie to dialectical materialism and nihilism of the individual soul.

Before E. L. J. came to San Diego, at the age of twenty two, he had just completed two years in the army. Before that, in addition to printing-office experience, he had been a miner in the Black Hills and a farmer in the green valleys. But his parents, Charles H. and Marie (Bierhans) Johnson, started him out with the right ingredients of character when he was born on November 11, 1885, in Fergus Falls, Otter Tail County, Minnesota.

As a young teamster in San Diego, working for John D. Spreckels and others who were developing Coronado, Ed Johnson kept a copy of Blackstone's Commentaries under the seat of his wagon. He studied law while slowly lumbering along the dirt streets, or at noontime when the horses munched oats from the large canvas bags stripped over their ears. Under tonnage of several of the leading local attorneys near the end of the first decade of the century he studied all materials recommended for young lawyers by the state supreme court. He also delved into great literature.

"He helped build boats that would rear from the billows, he envisioned a life that would soar above commodity. He succeeded in this personal task equally as well as did Glenn Curtis, his aviator friend. E. L. Johnson's life has had many rewards. His son and law associate, Ashley Johnson, has three promising progeny: Edwin Ashley, who is in college, Rodney Allan, a high school student, and Jeryl Ann of junior high age.

Law practice for the senior Johnson commenced in 1911. It included the successful defense for murder charged against one of his former houses of the Coronado Beach dye; also experiences as deputy district attorney from 1923 to 1926, during which time bootleg "hooch" was blowing up the local crime rate, and even occasionally blowing itself upt while wait ing in storage for presentation as evidence to the courts.

Ed's most interesting case was the one written up in "Master Detective" in 1950. The facts, which had occurred 27 years before, concerned a successful prosecution in San Diego of a first degree murder charge without the availability of a corpus delicti—a rare legal happening. The victim had just disappeared—forever.

Edwin Lewis Johnson is one of life's successes, although it only can be said that his professional accomplishments have been successfully ordinary. There are two kinds of success: one lies in surpassing other men, which, unde any competitive system inevitably becomes for someone or other a matter of forgone expectation; the other is far less frequent: the surpassing of expectation, itself. And here lies greatness!

As an Edward Rowland Sill's thought-provoking "Opportunity," it is the man with dimensions of a king's son, who, refusing to ignore before adversity, seizes upon the murger chances dispained of and discarded by lesser south, and parts them into a cause and an heroic day.

E. L. Johnson has those dimensions. America is proud of such sons!
Herbert Kelly

The miners' court of California were the principal arbiters of Rights in Land (now the name of a modern law school course) during the gold rush days. The Herbert Kelly family was well represented by ancestors in the dignitaries of early Placer county, and undoubtedly saw many times the adjudication of rights in land where the loser, deprived of his rights, was left hanging on the limb of the nearest oak tree. After that generation the Kelly family still successfully pursued a course of litigation and specialized practice in the above mentioned narrow area of today's law college curriculum.

Herbert Kelly was born June 4, 1888, near Vista in northern San Diego county on a ranch then being homesteaded by his parents, Charles K. and Lavinia (Irwit) Kelly. It is little short of amazing that proportionately so many of San Diego's present leaders of the bench and bar should have been born in the same area. Whereas Harrison G. Sneed and Hon. Eugene Daney, Jr., first greeted the sunshine near San Diego bay, the north county produced Hon. J. Chauncey Hayes, H. H. Lawrence N. Turrentine, Hon. Lloyd E. Griffin, and the real expert of the present sketch, Herbert Kelly.

Three separate Argonaut trails converged into the life of the first born of the Vista Kellys.

Robert Kelly, the grandfather's brother, came to the lower Colorado River in 1850 and operated a ferry built by himself from hand-sawed cottonwood trees. In 1851 he helped build the Davis wharf during the first attempt to create a city on San Diego bay to the south of Old Town. He tried the mines with a partner named Hinton. He became part owner of the J diamant, while Hinton was gaining possession of 20,000 acres of the finest coastal lands between Oceanside and Encinitas. Robert became Hinton's ranch manager, and upon the latter's death was given the whole property. Upon his own demise (unmarried) the great acreage went to Herbert's grandfather and near kin. Much of it is still in the family.

The paternal grandfather, Matthew Kelly, crossed the plains during the rough gold rush while his, and sturdy, wife, Emily (Porter) Kelly, took their three children south by ship, crossed Nicaragua on mule back, sailed northward by coastal packet, and joined the husband and father in the Place of the golden father, Charles, subsequently born. Four or five years later Matthew brought his family to Old Town. In due course he built a Hexe shack near Carlsbad (Robert's infatuation) for his family, and then the beautiful adobe home now owned by actor Leo Carrillo. In fact, Herbert's father and mother were married in what is now the Carrillo living room.

Herbert's grandparents on his mother's side were James Owen Irwin, whose wife was Mary (Sierc) Irwin, J. O. early came to California via Panama. His peculiar business mission completed, he returned to the east. The daughter Lavinia (Herbert's mother) was born in Illinois. Immediately following the Promontory Point gold spike episode of 1869 the Lewin took one of the first through trains to San Francisco where the father worked in the Japanese consulate. He made two business trips to Japan. The daughter came to San Diego county to teach school. After serving a year at Campo she was lured away by the Hope School District near Carlsbad. When she was due to arrive on the old Concord stage, it was young Charles Kelly (Herbert's father) and also producing near beer. Then he married her thus: producing connection between this paragraph and the last sentence of the one preceding describes a daughter, of whom Herbert was the eldest. Her mother lived to be over 91. The oldest sister of Herbert's father, who had been one of the child mole riders across Nicaragua, married Chester Dunn, of a justly prominent pioneer San Diego family. Chester's brother, Douglas, was editor and owner of the San Diego Union for many years and was the city's first mayor under the charter of 1889. The three sisters of Chester and Douglas were Mrs. George W. Marston and Mrs. Charles S. Hamilton—each husband a leading merchant—and Mrs. Ute, mother of Lewis J. Ute, attorney and business man. Chester Dunn and Herbert's father, Charles, were partners for years in the real estate business, with offices near Fifth and Broadway.

When Herbert was about five years old his parents had moved to San Diego where the father at first operated livery stables—later serving on the chamber of commerce, the school board, and the city council. He also was a leading layman, as was attorney Ray M. Harris, at the Central Christian Church.

The oldest Kelly youngster was small but sturdy. After attending kindergaten at the old B Street School, and grades at the Midtown (later Washington) School, he delivered by bicycle all the morning papers east of 14th street, and in the afternoon all the Coronado evening papers. After being graduated with the last class from the old wooden Rua High School, Herbert rode his bicycle to college in Berkeley. It required five weeks, including the many days of work on route by which he welcomed the 5-year stint of supporting himself through college and law school.

Married to Thelma Graham in 1916 in Berkeley, Herbert Kelly is proud of his three children and 20 grandchildren. Herbert Jr., is a local real estate broker, Graham Kelly in a San Diego attorney who justly knows a whapping list about real law, and Thelma is the wife of C. P. A., Charles Ray Cassatt.

In 1935 Mr. Kelly married Helen G. Babke. His eyes twinkle happily when he mentions his stepdaughter, Maxine T. Smith, and the fact that he is now a great grandfather.

Shrewdness tempered by friendliness; earnestness and hard work mellowed by laughter and travel; brilliance diffused by homeliness—that is Herbert Kelly, described by his friends, including retired superior court judge L. N. Turrentine, as one of San Diego county's greatest land title attorneys.
Edgar Irving Kendall

On April 11, 1868, the Civil War was only three years closed, and Alonzo Erastus Horton—a Connecticut Yankee come west—was just starting to lay out his new town of San Diego on the quill and centennial lands some four miles south of the old and quaint Mexican-type San Diego now known as Old Town.

On the same day another Yankee was born on the Kendall farm near Mount Vernon, New Hampshire. They named him Edgar Irving. Today he is in free spirited health after more than ninety one years, and probably is the oldest lawyer in San Diego both in age and in years of admission to the bar. Youthful in spirit, however, he is one of the most regular attendants at the luncheon meetings of the Bar Association of San Diego.

Mr. Kendall was admitted to practice law in New England in 1893, and in 1901 served as a term in the New Hampshire state legislature. He joined the California bar in 1907, and has been in San Diego more than fifty years.

As legal adviser of the local board of supervisors for the fifteen years following 1912 the subject of this vignette chartered the county's legal course through the most tempestuous sea in the first half of the twentieth century. The great depression of the thirties, and then World War II, with their stupendous problems of human welfare and exploiting community growth—inflated as they were with state, national and international complications—presented myriad of knotty problems for the customary careful research of Ed Kendall.

In 1947, on the threshold of becoming an octogenarian, Mr. Kendall officially retired. But unofficially he remained in the harness to carry one of the heaviest legal loads of decades. He read and sorted thousands of uncorrelated county ordinances, recommended to the supervisors that hundreds of them be eliminated, and crowned his public career many months later as the re-complier of the large new official volumes of county ordinances that are likely to be regulating the conduct of citizens of this area in the year 2008—centennial of the occasion when Edgar Irving Kendall first moved into San Diego County.

Mr. Kendall's autobiographical sketch of his own life contains the following items of interest.

I, Edgar Irving Kendall, was born in the old Kendall farm in the east part of Mount Vernon, New Hampshire on April 11, 1868. I was the third son of Simon Flint Kendall and Mary Clark. I first went to school in the old "Tater" Street District School in the east part of Mount Vernon at the age of six.

At the age of twelve, I entered McCollom Institute in the village of Mt. Vernon. I rode the two and a half miles to and from school on horseback most of the time. This was one of the old New England academies. At this time there were forty or fifty students enrolled.

My brother Charles suggested that I study law with a lawyer in Milford named Robert Wallace. At the suggestion of Mr. Wallace I started to go to the Boston University Law School, going back and forth on the train. For the fifty mile round trip a student's ticket cost about $3.00 a month.

Mr. Wallace at that time had an office in Nashua as well as in Milford and I used to stop off the train at Nashua and keep the Nashua office open.

While I was in the Law School, out of a clear sky Mr. Wallace was appointed Judge of the Supreme Court. This made an opening for me and I took over the Milford office and began plugging for the Bar Examination. I passed the Bar examination and was admitted to the Bar in 1893.

In 1901 I served a term in the New Hampshire Legislature. I practiced law in Milford until 1907 when my health broke down and we came to California. I was admitted to the California Bar on motion in 1907. In 1908 we came to San Diego.

I was never a business getter and struggled along in private practice until 1927 when I was appointed a Deputy District Attorney by Stephen Connell. For about four years my work consisted principally of attending Coroner's Inquests— in all about 400, I think.

* * * About 1912 Thomas Whelan was elected District Attorney and he transferred me to the Supervisors' office as Advisor to the Board of Supervisors. I held this job under Whelan and James Abbey until I was forced to retire in 1947 at the age of 79. I guess I was fairly successful as Advisor to the Board as we had very few lawsuits against the County during those years.

A little time after I retired Jim Abbey took a contract to revise and compile the County Ordinances with the understanding that I would do the work. With the assistance of Lucille McLean and Martha Mazurkait I went over the San Diego County Ordinances. I recommended the elimination of about 800 obsolete and unenforced ordinances. This was done by the Board of Supervisors. The remaining ordinances were arranged in such a way that they could be kept up to date by the clerks in the Supervisors' Office.

Since retiring I have lived quietly at 4218 Stephens Street in Mission Hills in the house we built in 1913. My wife, Susan H. Kendall, whom I married in 1896 died February 4, 1959. My daughter, Mary Louise Jannach, a teacher in the San Diego Junior College, now lives with me at 4218 Stephens Street.
Hon. Edward T. Lannon

At his centennial of the first great Republican triumph, and of Abraham Lincoln's election to the Presidency, it is not inappropriate to note a few of the major contributions made to San Diego's legal and judicial history by Democrats from below the Mason and Dixon line.

One of the South's substantial gifts to this area is in the person of Edward T. Lannon, long a local referee in bankruptcy, and for a considerable time the city judge of Coronado. There also were illustrious forebears.

In 1850, the first year of California's admission to statehood, some contending southern lawyers were laying foundations here for a system of judicial administration that has attained high caliber over a century.

James W. Robinson was a former governor of Texas. In Black's History of San Diego Robinson is said to have been the best equipped "in experience, learning and personal character" of all local members of the legal profession.

Colonel J. Bunkhead Magruder, however, was no second-rate. In addition to being a lawyer he was in command of the army post in San Diego. A decade later he became a general in the Confederate army.

In 1869 W. T. McNealy came to San Diego. He was a Georgian, reared in Florida, who had served at age 17 with Confederate troops. Twice he was elected district attorney of San Diego County, and in 1873 was elected judge of the state's district court which had jurisdiction over an area now divided into five counties.

Other great Southerners could be mentioned (and, of course, there were equally able and prominent lawyers from the North), but this story is about a young man who was born in Virginia in 1861, later coming to the West Coast.

The Old Dominion (Va.) had experienced earlier difficulties in keeping its attorneys. In 1658 its Assembly voted to eject all lawyers. After the Governor had questioned the constitutionality of such action it was temporarily reconsidered, and a grand assembly, that no person shall plead any cause, or give legal advice for a fee, or any kind of reward under the penalty of fine thousand pounds of tobacco for every offence...


In full justice to all Virginians it must be stated that neither could one in Massachusetts practice law for a fee or a reward at the even earlier date of 1641. (Board, The Rise of Am. Civ., pp. 100-101).

It was personal matters, however, that directed Mr. Lannon away from the practice of law in his native state. His older brother was an attorney in Virginia, and later in New York, and young Ed appeared to be all set for an easy start. (The next older brother, James P., was nom-

iated to the Naval Academy in 1898, and was an admiral when he passed away in 1953).

Elms on the part of another is the family necrology Ed Lannon's leaving the University of Virginia and enrolling in the University of Colo-

rado. There he became closely acquainted with Jacob Weinberger who now is Senior Judge of the local U. S. District Court.

After receiving his L.L.B. from Colorado in 1907 young Lannon moved immediately to Oklahoma and was admitted to practice there for two years before coming to California. Portions of his experiences in the Sooner State were as deputy clerk of the state district court.

Oklahoma, itself, was admitted into the Union as a state in November, 1907, and the tales of frontier justice in the lively community, so witnessed at first hand by the young lawyer, should be reduced to print by Judge Lannon as a permanent contribution to Western Americana.

In 1909 Lannon was admitted to the California bar, and in 1910 he opened his San Diego office. Shortly thereafter an association commenced with the family of John B. Manners that has extended over 50 years. In succession E. T. Lannon became the law partner of John B., and the Jill partner of the latter's daughter, Alice M. Manners.

In the formative years of the University Club of San Diego Mr. Lannon was the Assistant Secretary-Treasurer, and played a prominent role in securing financial stability and a permanent home for the organization. He also has been an ardent worker for many Catholic projects in the community, such as the restoration of San Diego Mission de Alcala. He is a member of Phi Beta Theta, Elk's, and is a director of the Coronado Hospital.

From 1914 until 1926, and again from 1945 until retirement in 1939, Edward T. Lannon served as referee in bankruptcy. He was city judge of Coronado during the thirties. Except for the last four years he maintained a private practice concurrently with his official duties.

Throughout more than half a century, from the days when he served as a court clerk in Oklahoma, this man has had occasion to administer the oath for truth to thousands of witnesses. This is reminiscent of the "off-the-cuff forgotten words of eternal wisdom enunciated by Anachus, the Greek dramatist, about 500 B.C.: "It is not the oath that makes us believe the man, but the man the oath."

Another short sentence of eternal wisdom: Edward T. Lannon is that kind of a man!
Fred E. Lindley

Of the 1000 lawyers who have practiced their profession in San Diego since 1850 Fred E. Lindley is raised among the top 10% by most of his older lawyer-brethren who, like himself, carry an "a v" in Martinolde-Hobbell. A splendidly written 30-page story of this outstanding citizen has been prepared by his daughter, Mrs. Dalice E. Hardendorf. The work will be valuable for many years to seekers of information about the beginnings of law schools, and bar associations in San Diego county.

When Mr. Lindley first arrived in San Diego in January, 1912, he was 35 years old, a recent graduate (cum laude) of the University of Chicago Law School, and one who had taught in, and been principal of, Kansas grammar and high schools for 15 years.

The most obvious point of fallibility in the man, according to many of his interviewed acquaintances, is that he never outgrew his schoolroom conditioning. In response to the question: What are his weaknesses?—the answers were: a tendency to lecture others; a phlegging over-emphasis on correction of detail; a mixture of pedantry, paternalism, and aloofness.

A summary of answers concerning his strong points: intellect high, industry higher, integrity highest.

Fred Lindley’s San Diego activities have been kaleidoscopic, and in some instances almost paradoxical. With partner, Robert R. Hamilton (a University of Chicago classmate), Fred operated the Hamilton and Lindley Law School for 5 years until the service demands of World War I depleted its student body.

A more lucrative income, however, already was being developed by the firm in connection with legal services for the Public Administrator—a sympathy-inspiring invalid who almost held a smite in the political post for 15 years. County Counsel now handles the legal problems of this "gravy-train" practice.

The year 1919 found Fred Lindley, elected to the state assembly, falling in line with a legislative trend begun at Sacramento two years earlier and which aimed eventually to do away with part-time eight law schools! At the same time his interests were in the organization of the Lawyers Institute of San Diego, one of the first incorporated bar associations in the country. The integrated State Bar of California was organized in 1927, with Lindley playing important committee roles. Twenty years later he was the institute's representative on the Board of Governors.

In 1933 Fred became a member of the local Probation Commission and assisted in laying firm foundations for development of Rancho del Campo and a new Juvenile Hall. In 1939 he commenced a 5-year term on the State Board of Bar Examiners, and in 1941, a 10-year stint on the San Diego Board of Education.

Other Lindley community services were directed to organization of the San Diego Open Forum (1919), the presidency of the San Diego County Farm Bureau (1939), and organization of Sharp Memorial Hospital in the 1950s.

Throughout these same years the man busied himself raising a fine family, operating a ranch in Escondido, engaging in travel, auditing church projects, and playing at such hobbies as book collecting and cross- ing, and semi-professional home-made mechanical repair at home and ranch.

Did he practice law? Definitely! Extensively! Profitably! And Admirably!

When the pillars of probate practice grew wobbly in the late 1920s Hamilton and Lindley took shelter in the banking structure of the community. From 1927 Fred served as director of the Security Trust & Savings Bank of San Diego, and as Chairman of the Board from 1942 to 1957. He and members of his family became substantial shareholders, and the Lindley firm served as the bank’s legal counsel. The connections naturally attracted many other desirable clients.

Cooperative furnishing problems were important features of the firm’s practice before World War II. After Judge Shelley J. Higgins joined the firm much advising was done for cities and various governmental districts. Higgins was a former San Diego city attorney.

After Mr. Hamilton left the firm its name shortly became Lindley, Lazar & Stiles.

Fred Ephraim Lindley was born in Portis, Kansas, in 1876. He was the oldest of the four sons of Joseph A. and Levinia (Lamam) Lindley. Raised on the farm, trained in country and state normal schools, he met Alma Hae, a neighboring homemaker’s daughter, at a teachers institute. They were married in 1909 while Fred was pursuing his legal degree.

The Lindleys have four children: (Laurie Margery) Mrs. Dalice E. Hardendorf, a San Diego junior high school vice principal; Edward J. Lindley, a building and loan executive in Escondido; (Mary Lucille) Mrs. Leroy A. Wright II whose husband is a leading San Diego lawyer; and (Rhod Etuelle) Mrs. Clifford H. Muller, Jr., whose husband is a major in the Air Force. There are now eight grandchildren and five great-grandchildren.

Perhaps this versatile, shrewd, straightforward, and exciting man never has reached the complete heights of anything—except to make a whole of a success out of all aspects of personal and professional living! In addition to the teacher and the lawyer in him, there is in some of the missionary and a bit of the doctor. He has laid his hand upon many phases of San Diego's legal and community life, and whatever he has touched has been better because Fred Lindley was there.
William G. Mirov

When one thinks of William G. Mirov it is easy to think of Edward Coke, Esquire—perhaps with emphasis on "Esquire." Mr. Mirov personally possesses all the promptness of a fashion plate from the popular magazine for men, and on the legal side his meticulousness is as amazing as that of the old master who digested so carefully the law, then to be found in two long centuries of English Year Books, that thereafter the profession was willing to take his word for it.

One of Mr. Mirov's interviewed clients reported of him: "He is so terribly careful that it is almost gets on my nerves." Another representative client said, "He is our best bet for keeping the business ship afloat; he not only shoes all the legal holes, but stands long watches on the bowsprit to give warnings of floating logs and hidden sand."

The true perspective on this septuagenarian scholar, who admits to no hobby but the law, is secured by noticing him in the front row of local continuing legal education courses listening intently, and perhaps writing feverishly for hours, in an attempt to glimpse new vistas of legal truth. His relaxation from an important and exacting practice is to hunt in the law library for several hours to see if he can find new law on some old case—now moot—which he placed in his "closed file" two or three years before.

This writer remembers a well-deserved and highly profitable lecture hurled upon him individually in the roaring twenties by W.G.M. At that earlier date the mentioned instance, at least in San Diego, did not stand for William Gibbs McAdoo. They meant "Won't Go for Muddlers," and referred to the attitude of crusading counsel Mirov of the First National Trust and Savings Bank of San Diego toward anyone attempting to draft a pleading, contract, will or trust. Like Michelinigo, Mirov believes that trifles make perfection—and perfection is no trifle.

The wife and married daughters of this study in "Profiles" have written a delightful sketch about some of the entertaining incidents in their lives. Their experiences with their husband and his long-time friends and business associates have been deduced to contribute various other dates and anecdotes. These stories help to shape up a man of mild, and stylish, personal eccentricity, with a legal mind like the finest precision instrument, and a community reputation as solid as Point Loma.

One of Noisy Coward's characters says that clergymen ought not to have sense of humor. It was be suspected that Bill Mirov feels the same way about lawyers, and that, with William Dean Howells, humor seems to him something not perfectly well lived. He has a serious manner when he doesn't mean to be serious.

William G. Mirov was born raised, and educated in New York City. He was graduated in law from S. Lawrence University in 1910, and earned a master's degree from New York University in 1911—the year of his admission to the bar. His birth date was June 29, 1889.

After a year of practice in New York the young attorney left for California by way of boat to New Orleans. The prospective opening of the Panama Canal, and probable subsequent rapid development of the west coast ports, lured him to San Diego—the first port of call.

Furniture hardly had been moved into his office in the American National Bank Building (now First National) before the new arrival made formal calls upon the three superior court judges—the county clerk, and the district attorney.

In fact, formal calls are a characteristic of this exceptionally well-posted, Emmy-Pool-ed lawyer. His first call upon his wife-to-be was in full evening dress. She welcomed him in middy blouse and skirt—the then regulation uniform at San Diego High School.

One of the man's loyal friends of the years almost verges upon hysteria when he alludes how shocked the older Mirov daughter was—although already married for some years—when she beheld for the first time in her life her father in his shirt sleeves.

Here, then, is one who came to a small town alone and young, commenced his practice modestly, and deservedly watched it become one of the finest in the State—including representation of the First National Bank as counsel and director.

Here is one who married a lovely young woman, Ruth Irwin, from a prominent San Diego family, and together with her reared two charming daughters—now Phyllis Ston and Vivian Showley—who married into families of high community prestige and leadership.

Here is one who has known, and earned, the finer things of life; one who knows the art of Europe at first hand, the art of careful legal scholarship, the art of selecting exactly the proper necktie, and the art of winning a friend with look and handshake and smile.

Here is one who would make a happy portrait, and also the portrait of one who should be happy.

Here is William G. Mirov.
Hon. Cyrus M. Monroe

Cyrus Monroe has been the Will Rogers of the San Diego bench and bar. His walk is with an indolent stately gait, his speech is one of studied grace, his form is droll and informal. Withal, his education exceeds the average for his age, and his conversation abounds with classical allusions. His wit and wisdom are well known to California and beyond, and his record of public service is a testament to his dedication to his profession.

Monroe was born in Kansas in 1859, the son of a farmer and a homesteader. He received a law degree from the University of Kansas and was admitted to the bar in 1882. He quickly established himself as a successful lawyer and soon became known as a skillful and persuasive advocate.

Monroe's reputation as a lawyer was such that he was appointed to the United States Court of Appeals for the Ninth Circuit in 1908. He served on the court until 1929, during which time he earned a reputation as a jurist of great ability and integrity.

Monroe was known for his legal acumen and his ability to craft eloquent opinions. He was a strong advocate of the rule of law and was dedicated to upholding the principles of justice.

Monroe's contributions to the law were recognized in 1930 when he was awarded the LL.D. degree by the University of Kansas. He continued to practice law until his retirement in 1939.

Monroe was a man of great modesty and simplicity. He was deeply committed to his family and to the community of San Diego. He was a dedicated family man and a devoted friend to all who knew him.

Monroe's legacy lives on through his contributions to the law and his dedication to public service. He was a true champion of justice and a true friend to all who knew him.
John H. Moore

There is beauty and a blessing in living an ordinary kind of life. Two centuries ago Thomas Gray used such inspiration for his immortal Elegy, and today the increasingly important science of psychology confirms old truths and throws disarming and almost frightening illumination upon previously sacrosanct areas of living that ordinarily concern lawyers.

John H. Moore's life has been exhilaratingly commonplace. After almost 50 years of practice, his letter to this writer said: "I have never had...outstanding achievements." John has done almost all of his own typing and secretarial work because "I can't think as well when I dictate."

But for one fact of pure coincidence, the present approach to the biography of this husky, well-dressed, friendly man would not have occurred. Mr. Moore offered for several years with a professional psychologist, an author of numerous books on the subject. The appraisal by this man of his long-time lawyer friend was this: "steady, conscientious, and well adjusted."

In this year 1960 dozens of bar associations and learned societies are weighting the words "well adjusted" in connection with a concerted international effort to improve judicial selection and court administration.

As Lord Goddard, former Chief Justice of England, has remarked, a trial judge need not be a consummate lawyer. It is the other qualities summed up in the concept "well adjusted" that count most: evenness of temper, constant courtesy, a smile that knows no cruelty, in short—be a gentleman always.

Nationally prominent persons have pointed out that it is no disloyalty to the judicial bench to have said that less scientific know-how is needed today in selecting judges than modern industry gives to its choice of personnel. If the Government selected its policemen, to watch a junk pile, in the same haphazard manner of grogfruit naive used to choose judicial guardians of life's dearest possession—even illiterates would tire their Congressmen!

Psychology knows that the well adjusted person seeing a minimum of the subconscious hates, deprivations and ambivalences that drive normal adults into the pattern known to contemporaries as "the greater grater at the bar," "the hanging judge," "the leader in reform,"—or even "the writer of legal Profiles."

Most persons don't know about the often questionable motivations for their outpourings of genius, fighting faiths, or plain eccentric obsessions. Walt Whitman, as only one example, didn't realize until late in life that his Leaves of Grass (Calamus poems) were the outpourings of a homosexual.

It is fairly well established that some of the more poorly adjusted people have a tendency to "project" their own weaknesses to others, and thus transfer feelings of guilt or hate of self into the hatred of some disliked or envied person. Also, a strong conscious protest against anything is often a cover for unconscious approval of it, and desire for it. And the repressed
William L. Morrison

It is probable that William L. Morrison, very successful in the practice of law, would be equally successful in the game of Twenty-one (prohibited, however, by penal code Sec. 330). Mr. Morrison was born in St. Louis, Missouri, 21 years after the First Annual world-renowned St. Louis Fair. He commenced the study of law at age 21, and was admitted to practice 21 years after the admission of Mr. Chief Justice William Howard Taft.

Twenty-one years after the arrival in San Diego of the boom-town crowds of the middle eighties, Mr. Morrison came. He was married to Mary E. Bowler in Coronado just 21 years after the opening of the famous Hotel Del Coronado, and 21 years following the first posting here of his shingle for legal practice he was a member of one of this community's highest caliber law firms for an office-type of practice. Thus Spring & Morrison.

After 21 years of practice Mr. Morrison became associated with his son, Philip J. Morrison, who, as admitted in 1938, has practiced exactly 21 years. The office of this kindly, unsung, careful, and highly esteemed patriarch of San Diego practitioners of law has furnished the following biographical sketch.

William L. Morrison, who has practiced law in San Diego for more than fifty years, was born in St. Louis, Missouri, December 14, 1876, and lived there until his coming to San Diego in 1907.

His father was a native of Scotland, his mother a native of Ireland. In his early manhood the father journeyed to Canada, and served in the Canadian Army, he later came to the United States, lived for a time in the South, and was a member of the Texas Rangers during its early history.

William's mother was Mary Tannay. She was seven years of age when she arrived in New Orleans with her mother, a widow.

This was during the eighteen forties when thousands left Ireland to seek refuge in the United States, and escape privation and starvation which then prevailed in Ireland owing to years of famine. The years of her childhood and girlhood were lived in New Orleans. It was there that she met and married William's father. The family later moved to St. Louis.

The father continued to follow his trade as a skilled artisan in stone masonry and construction, a trade which he had learned in Scotland through years of arduous apprenticeship and training in the period of boyhood and youth.

William's father was a British subject during the Civil War and did not engage in this conflict; however, he did serve as a non-combatant by assisting in the training of Union troops. He afterwards became a naturalized citizen of the United States and was ever grateful for this privilege.

A large single volume containing the history and the Constitution of the United States was kept on the parlor table, and it was his frequently expressed and earnest wish, according to family history, that all of his children should read and study this volume "from beginning to end."

William L. Morrison, not unlike many young men of his time and in his circumstances, was not privileged to receive a formal education.

In his youth he entered a law office in his native City of St. Louis, and followed a course which was not unusual at the time, first as "office boy," then stenographer, law clerk, law student, and finally admission to the Missouri Bar in 1902.

Mr. Morrison came to San Diego in 1907, and was admitted to the California Bar in 1909.

During his long professional career in San Diego, exceeding over fifty years, he has been honored by being chosen as president of the Bar Association of San Diego County. In his professional life he has, at various times, been associated with Herbert E. Dooolittle, a former City Attorney of San Diego, and with Holland C. Spring & Phillip B. Green, all now deceased, and all able and esteemed members of their profession.

For the past fifteen years he has been associated in practice with his son, Philip J. Morrison. In his professional work Mr. Morrison has been engaged chiefly in Civil brigades of law, including probate administration proceedings, real estate corporate and business transactions.

Mr. Morrison was married in 1909, at Coronado, to Mary E. Bowler, also a native of St. Louis. They have two children. Their daughter, Catherine, is married to Robert W. Eislele, a Battalion Chief with the San Diego Fire Department. Mr. and Mrs. Eislele have three children, Robert, John and Kathleen Mary. Mr. and Mrs. Morrison's son, Philip, is married to Madeleine Garbani, a member of an esteemed pioneer family of San Diego County. Philip and Madeleine have four children, William, Joanne, Virginia and Philip, Jr.

During his life in St. Louis, Mr. Morrison indulged avidly in amateur baseball, and he and Mrs. Morrison continue their interest in all sports and athletic activities that make up a part of our American way of life.

A St. Louis lawyer, who was an alumnus of the University, and who had majored in English and in classical literature, was one of Mr. Morrison's first counselees. He incalculable in the mind of his "office boy," a love of good literature, which love, Mr. Morrison says, has never waned or faded.
Hon. Arthur L. Mundo

An old framed photograph from the early 1930s stands today (1968) on a side table in one of the rooms of the new courthouse. It is of San Diego's five-member superior court, then sitting in bank. Judge Charles C. Haines was at center, Judges Griffin and Harden in guard positions, (these were no trial), and Judges Turrentine and Mundo were flanked.

If the governor who appointed Mundo to the superior bench on January 5, 1932, was attempting to maintain the mold of the local judiciary he couldn't have been wiser in his decision. The appointment was a potpourri of his predecessor-conference.

Could some super-Merlin shake together in a paper bag an imaginative set of Griffin, Haines, Harden and Turrentine, and pour one ounce of the composite into human mold, the result of such potgenders would be a judge politically keen, of pronounced men, potential men, and professional sheen.

Arthur Luftkin Mundo called his shots the very day he arrived in San Diego. As a youth, untried lawyer newly arrived in southern California he walked up Broadway from the depot. As he passed the old courthouse he is quoted as having said to his companion, "I believe I shall make mine a judicial career." One who knows Arthur, in several ways other than having practiced law against and before him, knows that if such a statement was made there was no humor in it. If the speaker smiled at the time, it was because he was satisfied with his own decision.

By the opinions of many who knew him well, this man's greatest weakness was the unprofessional seriousness with which he considered Arthur L. Mundo. But, paradoxically, this great weakness was his saving strength. It was the humor in which his life roots were embedded, and by which he was enabled to grow.

And growth was Judge Mundo's greatest achievement: intellectual growth, financial, social, political and judicial growth.

The man studied prodigiously. He entered to college law classes. He taught law to the military. In the thirties he wrote a law book entitled "The Expert Witness." Such labors unquestionably benefited Mundo far more than they did the hearers and readers. After twenty-five years on the bench—even if not a scholar—he was widely respected for a very dependable type of learning.

The number of times the Mundo horse-traded houses and properties, and played gypsy with their own living quarters, brings smiles to the faces of all their contemporaries. But the folks with that worldly-sounding name earned the right to have the law taught. It is common knowledge that the Judge eventually swapped himself onto "easy street." Arthur published a book of verses. The title: "More Gravel than Pearls." Candor requires the statement that either a jug of wine or a loaf of bread would provide happier companionship beneath almost any roof! But the times were about people the Mundo knew. Arthur had come to love instead of to tolerate them. As they loved him in return he lost some of the gravelly edge, and won for himself the poesy of great price.

The possessor of one of the best legal minds in San Diego, and no close friend of the Judge, made this eminently fair appraisal: "In his early days on the bench Arthur was no great shakes as a jurist; but before he left it he was being assigned the toughest cases, and most of us liked the way he handled them."

The man of this pen sketch was born in Boston on February 1, 1895, to John J. and Alberta Tinsley Mundo. After his public school education he attended Emerson Institute at Washington, D.C. He enlisted in the United States Navy as an apprentice seaman, served for nine years including the period of World War I, and because of an injury was retired as a lieutenant. He then studied law at George Washington University which granted him degrees of LL.B. and J.L.

The year 1920, when Miss Chris E. Jacob became Mundo's mark, marked the date of Arthur's wisest non-judicial judgment. The outstanding recompense given to the young lawyer by his Winsome wife definitely is no matter for minimization. Their daughter, Barbara, is the wife of Roy E. Bouge of who is consultant to a large accounting firm in Los Angeles.

The Mundo's came to San Diego in 1924. Arthur served briefly as a deputy in the offices of air attorney and of district attorney, and then became a justice of the peace for three years before the appointment to the superior bench. By special assignment he also has served several times on the district court of appeal.

For fifteen years the Mundo's maintained an exhausting schedule of service to cultural, religious, social, fraternal and veterans organizations. In World War II the husband left judicial duties to become legal aid to the Commissary of the 14th Naval District. Before returning to the bench he was a Rear-Admiral commander.

Although entering good health, Mundo judge retired in January, 1958. Mere to set the scene of laughingly different circumstances under which our path's have crossed would well cause the non-humorous author Mundo to challenge this writer's qualifications as an "Expert Witness"—at least as concerning him and his family. So the over-all estimate has been left to a score of others. They say:

"Arthur L. Mundo started unostentatiously. He lived at his profession. But he labored he grew; he increased in wisdom and in stature, and in favor with God and men."
Fred Noon

Fred Noon was a partner in one of Mexico City's largest law firms recently said to be an American lawyer visiting in the land of Mestiza. "Fred Noon—Oh yes, of Nagota—well, now of San Diego—one of the best authorities on Mexican law in the States."

A Zane Gray type of hero—this man Noon! As lithe, as rugged, as good looking as pictures in Arizona Highway! Tall as a saguaro, sheer as a jumping cholla, humble as the burton cactus micromeris! In younger days he was equally adept at bullooging a steer, standing roe to toe against rufous outlaws, conversing with royalty, or singing lullabies to his children. This writer first met him years ago—in church on a Mother's Day.

Fred Noon's father was a British doctor who did some pioneering in South Africa almost a century ago, and later, with his brother, came to America and the West. Fred's uncle stayed in Utah where the Noon family has many relatives today. The father came to the country where Fred was born in San Jos in 1879.

The Noons, with 5 sons and a daughter, moved to Arizona Territory when young Fred helped to build, and was brought up, a big typical early-day western cattle ranch. The great directors of 1897 said them out, however, and just before the turn of the century the family moved to Nagota where the elder Noon resumed the practice of medicine—the only doctor between Tucson and Guaymas, Sonora.

As a young man in Nagota, Fred Noon served for a time as assistant postmaster, and later as U.S. vice-consul in the Sonora portion of the border town. He became clerk of the Arizona district court of his area, and was admitted to practice there in 1902. Two years later he had been admitted in all district courts of the territory.

For three terms Fred was district attorney in Nagota. He also gave two terms to the work of the board of supervisors.

At Bloomington, Indiana, in 1901 the Artizian from California had married Natalie Bonnall. The family moved to San Diego in 1923. Mrs. Noon passed away in 1946. His son and two daughters are Fred's greatest joy. Judge Bonnall Noon, presiding judge of the local superior court, practiced here for many years with his father. The daughters are Mrs. William Eiser and Mrs. Charles Wilson of San Diego.

There is much in this wholesome family—long experienced in older legal cultures as well as in modern judicial administration—to challenge some of the pet shibboleths of current Anglo-Saxon jurisprudence.

In the potpourri of Spanish-Mexican-American traditions that formed California's legal milieu of 1850, no one knew what the law was. And in truth that fact was of little importance. It was the same in Nagota in 1900. But justice was done!
Clifford C. Pease

Very few lawyers who are octogenarians in 1960 can match the Law
Director's educational report on Clifford Coleman Pease: "C. 956 A.B. L.
112 J.D. 966 LL.B."

* * *

All four of the children of Carlos C. and Eudora (Coleman) Pease were
similarly gifted in their ability to receive (and to grasp) exceptional educa-
tions. Clifford's brother, Raymond B. Pease, held his doctorate (Ph.D.)
and spent his active years as Professor of English in large universities.
Immediately before retirement he concluded a twenty-one year tenure at
the University of Akron. The brother and two sisters now have retired
near Sierra Madre, in the foothills east of Pasadena.

Before becoming interested in the law, over a half century ago, Clif-
ford Pease was a high school principal, first in Wisconsin, and later in
An-
tioch, California. In both places he also was coach of the football team.
In fact, C.C.P. (not meaning code of civil procedure) always has been an
outstanding example of the Latin phrase "Mens sana in corpore sano"
—a sound mind in a sound body. His learning has shunned pedantry. He
has been known for years as an outdoor man.

Among numerous interesting hobbies, Mr. Pease is a member of the
Sierra Club. In connection with that activity he has given years of thought
and service to proper conservation, and development, of California's nat-
ural resources. Mission Bay and Borrego State Park are widely separated
instances of such interest.

Crown Point in San Diego received its name from Clifford Pease. Dur-
ing his development he was half owner, and the manager, of that beautiful
bayside subdivision.

For two decades this lawyer, who readily admits to really enjoying
living, has owned and toyed with one of the biggest gold mines in San Diego
County. Back in the days when great debates flared as to whether San
Diego, or the boisterous wealthy little mining town of Julian, should be
the county seat (the county then extended eastward to the Arizona line), the
"Gold Charcoal" mine in Bannister canyon was a bone of content.

For a long time the mine was not to be considered a second Fort
Knox. It is not producing, but is being mapped for the day of advance in
the price of gold. The owner sees it to give himself a semi-monthly work
out,—to breathe deeply of a wintry tined air, to camp at times almost
within shooting distance of friendly stars that urbanites deem so far
re moved as to require a space ship for intercommunication.

As the unnamed yellow-veined ore courses between his fingers, Clif-
ford C. Pease has mellowed into knowing that gold in the hand can't buy
silver from one's hair; that good health is rather to be chosen than great
riches, and lasting friendships rather than capital gain.

It was not always exactly so. As a young lawyer in Wisconsin, Pease
was a tenacious fire-eater. He had won in seven-state oratorical contests
in college, and he employed the same personal dynamics to carry "impos-
sible" cases to victory before the Wisconsin Supreme Court.

In 1913 Pease entered into practice in San Diego,—very shortly there-
after with Spencer M. Marsh who later was to become district attorney
and judge of the superior court. At that time this writer was milk-deliver-
boy for the Marsh family, and as a high school youngster had occasion to
hear Attorney Pease at speaking assignments—both in court and out. At
the age of 33 and 40 the man definitely had what it "takes." In

The 1920s and 1930s Mr. Pease represented large development pro-
jects, such as La Jolla Shores, in addition to customary legal practice. In
this period he also practiced extensively in Los Angeles, although officing
in San Diego. He traveled by train, and kept an automobile at each end of
the line to facilitate his court appearances and meetings with clients.

In Los Angeles superior court, among numerous other instances of
litigation, he conducted two trials of three weeks each by means of which he
succeeded in annuling a will and also a deed to large realty holdings.
His opposition was the expensive and tested legal talent of California's
precipitously most prominent woman, Aimee SempleMcPherson.

One probate matter required three separate pieces of litigation in Los
Angeles, and two in Colorado. Upon appeal the first decision of its kind
was obtained in California to the effect that a testamentary trustee who
fails to sell property as directed by the will, must, when the property fi-
nally is sold, pay to the life beneficiaries the income which they would
have received if the sale had been made as directed.

Born in St. Louis, Mr. Pease says that he quit that community as
quickly as he was able to get away. (At the approximate age of one month!) He
was reared near Madison, Wisconsin, and, as the hieroglyphics at the
beginning of this sketch have indicated, from that state's university he re-
erived an A. B. degree.

There followed in steady succession: some months of teaching, the
pursuit and winning of an L.L.B. from the University of Wisconsin, the high
school principalships both in Wisconsin and California, the earning at Uni-
versity of California of the degree of Doctor of Jurisprudence (in summers
he canvassed western mining camps selling stereoscopic slides and view-
er's), the return to Wisconsin for three years of legal practice, and, finally,
the commencement in San Diego of one of this city's most successful ex-
amples of outstanding half-century practice of the law.

There are numerous and famous cases, including "sweet," "green" and
"split." There are not properly descriptive of Clifford Coleman Pease. The
many Ps suggested by his non-singular name are: prosecutor, pleader
and promoter; pleasanter, plasmonic, practical; progressive, prosperous, and
pulplessly pre-eminent.
Hon. Joe L. Shell

indent's early and important role both in the history of San Diego County and in the life of retired superior court judge Joseph Lieb Shell. When Joe was 5 his father became a U. S. Indian agent and for the first 5 years of his own married life the younger Shell held the same kind of job in Washington state.

The California legislature has battled the Indian's problem from its first session through its last (1959). In April 1850 was enacted an innocuous sounding law "for the Government and Protection of Indians." The 20 sections of this act could provide a volume of annotations in just, local word pictures.

The third section of Chapter 131 permitted "any person" to take "a minor Indian, male or female" into his custody (until a girl was 15 and a boy 18) by summary procedure before a justice of the peace. The official early pocket book of the justice for San Diego County shows how the law operated. One Charles Gerson, for example, had Lerreta Wana certified to him by the San Diego J. P. in 1855.

Section 20 of the same act provided that any Indian vagrant could be arrested and hailed out "within twenty-four hours to the best bidder" for a term not exceeding four months. Of course, in 1850 almost every Indian in San Diego County was a legal vagrant. In a community of citizens predominantly from the slave-holding South it is not difficult to conjecture why Indians were unhappy and went on a rampage.

In the California statutes of 1853, is an act appropriating $23,000 "for the payment of the Fitzgerald volunteers, serving under Major Fitzgerald, in the County of San Diego . . . and afterwards by Col. Cave J. Coats."

San Diego's first court, Agostin Haraux, decided it would be profitable for the county, or someone, if he started to collect taxes on the livestock owned by the Indians. Antonio Gerra, a fairly well educated San Luis Rey Indian, attempted to rally his 10,000 fellow natives into opposition. Things got out of hand. Murder, arson and pillage, particularly at Wamer's Ranch, put the fear of God into every white person in the county. Volunteers assembled under leadership of major G. B. Fitzgerald. Cave J. Coats was captain, and Agostin Haraux, first lieutenant.

Some forty unmarrried volunteers made a sortie of two weeks hunting Gerra. It also was sort of garish. Far more than half of the carried muskets couldn't even be fired. They were condemned army assets loaned out for show by Colonel, and lawyer, J. Bankhead Magruder who was in command of troops at the Mission.

Los Angeles authorities eventually got Gerra and turned him over to San Diego. There were enough efficiently good markets to have an official execution by shooting. The courageous Gerra gained the admiration of those who saw him die, but the others gained the $23,000 appropriated by the legislature.
Hon. Dean Sherry

In valleys of dispute, and upon high plateaus of friendly affection, two paths have crossed these three and thirty years. But another has written the Judge's biography as well: that to him we entrust the story of this delightful, gentle, disputative, and dedicated man of the law. Only this: Few men better than Dean Sherry exemplify Wordsworth's immortal lines about one...

Who, not content that future worth stand fast,
Looks forward, persuading to the last
From well to better, daily self-sustaining,
Who, though endowed as with a sense
And faculty for worth and turbulence,
Is yet a Soul whose mean-blasph emerred
To honours pleasures and its grace scenes;
Who deemed no joy in company with Pain,
And Fear, and Bloodshed, miserable things
Turns his necessity to prodigal gain,
WithALoot in himself hid in his cause,
And, while the missile mist is gathering, draws
His breath in confidence of Heaven's applause.

A WORD-SKETCH OF JUDGE DEAN SHERRY

By EDWARD W. GORDONS, P.H.D.,
Chief Auditory Service, Veterans Administration, Los Angeles

Dean Sherry, Judge of the Superior Court in San Diego, was born on July 2, 1888 in Kansas City, Missouri. In 1900 he celebrated the centennial of his family's representation in the legal profession. His father, Bron Sherry, was admitted to the bar in Arkansas, Kansas, May 17, 1860 and was a city attorney in Lawrence, and later a judge of the district court there, and a member of the state assembly and a state senator. His father served in the Civil War as a brigadier-general in the Kansas State Militia in the Battle of Westport Landing (now Kansas City), and in the field against Price, the raider.

Helen Pinaire Sherry, Dean Sherry's mother, was noted as an author, teacher, and educator. Although born in Alabama, Indiana, she spent her early life in Lawrence, Kansas, active in civic affairs, she was a strong advocate of women's suffrage and was a contemporary and acquaintance of Susan B. Anthony.

Following completion of his early schooling in Chicago, he traveled at one point going to Easton on a cattle run. At the age of 21 he went to work in his father's law office as a student clerk. In 1913 he was admitted to the bar in Santa Fe, New Mexico, where he practiced for 10 years with

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time one for World War I service. He served first in the cavalry and later in the infantry as a lieutenant. In 1917 he married Nina Sipila in Alamosa, following which, he went to Cisco, Texas, where he first had a general law practice, and specialized later in oil and gas law. He has one child, Sally Helen. In 1928 he went to live in Berkeley and maintained an office in San Francisco. During this time he specialized in automobile injury cases.

Judge Sherry came to San Diego in 1927, and had a general law practice. In 1931 he was appointed Judge of the Peace and served as a municipal judge when this office was created into a municipal court from 1934-1941. Governor Warren appointed him to his present position in January of 1946.

In August 1941, as an Army Reserve officer, Judge Sherry received active duty as a major of infantry and was assigned to Headquarters, Philippine Islands, Manila. After the Japanese attacked, he commanded Cabanatuan Dock, where critical supplies were shipped in, was assigned in January, 1942 to the First Philippine Constabulary in Bataan and forges at Quezon Point in the Battle of Bataan Bay.

Judge Sherry was on the famed "Bataan Death March." He was transferred to a hospital of Japanese camp, the worst being Camp O'Daniel, where 200 to 300 Americans died every day at the end of the death march.

Dean Sherry was imprisoned for 1283 days, and during this time his weight dropped from 145 to 110 pounds. He suffered beri-beri, malaria, chronic diarrhea, malnutrition, and hearing loss. Returning to the country, following medical observation and evaluation, he was discharged to full duty.

He is now a tenant Colonel of Infantry, and among his most treasured possessions is a ceremonial sword of his death sentence for having fought the Japs in the Philippines.

Dean Sherry, a true individualist, has fought vigorously for fair treatment during his career on the bench. He pioneered pre-trial in California, and has found it particularly useful in divorce actions. He believes that law should grow with the times. He has stood for more efficient handling of cases in the courts, and believes that all domestic relations actions should be combined into a Family Court, a fact that our own system needs drastic overhauling.

It is Judge Sherry's opinion that patriotism is commendable. He opposes each court session with a ceremony showing respect for the flag of the United States.
Harrison G. Sloane

The person hereinafter described refused to tolerate any "puffing" statements made on his behalf, and consented to the preparation of this biography only if he would be permitted to write it himself.

Harry was told that if he would donate another twenty-five dollars to the law library to assist in the founding of a microfilm collection of books in honor of the late Judge C. N. Andrews (once his close friend) that he would be permitted to see his own manuscript in print.

The check was made out forthwith to the library trustees. About all that now can be done is to carry out the other side of the agreement. The trouble is that the subject of the autobiography changed himself on words as well as on compliments. It is necessary to write a few more lines in order to fill the reserved space.

Lest he ask for a refund, it will not be said that H. G. is a bright light in the ranks of San Diego lawyers. It should be told, however, that some of the brilliance associated with his name is the direct result of his wisdom in choice of parents, wife, children, and "laws.

It comes from persons we've known over 50 years that his mother was a wonderful woman. His father, a local superior court judge, was the second man from this county to be a regular justice on the supreme court of California. He also was presiding judge of the fourth district court of appeal.

To the lovely Mrs. Harrison Sloane the whole local bar owes a debt of gratitude. Had the not stepped in at the right moment it is likely that the recent wonderful expansion of the law library never would have occurred.

Harry's son-in-law, Hugo Fisher, is state senator from this area, and a young man of great promise.

The following Sloane article is so good that we almost admit shame for having charged him to print it:

Harry Sloane achieved his chief distinction early in life by being born in the little city of San Diego, California, on September 7, 1889. He was promptly christened Harrison Grandgibor in honor of his French grandmother on his father's side. His ancestors on the mother's side, being simple New England folk, were passed by without mention.

The proud father was William A. Sloane, a Missouri newspaper editor and lawyer lately arrived with his wife, Anna Blaisdell Sloane. The family, later increased by arrival of another son, Paul, and a daughter, Hazel, settled on the outskirts of town near the new Rins High School site which later became known as San Diego High School.

The young Sloane did not immediately enter high school but were compelled, for an appropriate period, to walk across town to the "B Street," kindergartens and grammar school on 6th Street, at the edge of San Diego's busiest district.

Jessie of Balboa Park where they could engage in trapping and hunting. In the other direction the shallow waters of San Diego Bay afforded opportunities for swimming, boating and fishing. A favorite spot for "tromping" around but was later ruined by dredging and filling for erection of San Diego's Civic Center building.

By the time Harrison G. was graduated from the local high school the growing city had become too populated for comfort. So the Sloane family moved to Mission Valley. There the boys cleared away the native brush and cactus and a new family home was erected. While this was no log cabin, the family did "live the summer" for a covered wagon trip over dirt roads from San Diego to Yosemite and back, camping where hay and water for the horses could be found and sometimes covering as much as 30 miles a day.

The next few years were devoted to Harry's pre-legislative education at Pomona College, at Claremont, California. There, by diligent application to intelligently teach and acquire cursory studies he acquired rudimentary knowledge of law, and in 1918, achieved an A.B. degree, Magna Cum Laude.

The father, William A. Sloane, during this period of his son's career, was engaged in the practice of law in San Diego as a partner of M. A. Locke, and the latter's newly admitted son, Edgar A. Locke. Harry entered with them gentleman as an office boy and at odd moments read the prescribed minimum of law books for something over a year. Thanks to the rather casual system of examination then employed by the Los Angeles Institutes of the Appellate Court, young Sloane was admitted to the Bar and in 1911 returned to the Luce-Sloane firm to begin his real legal education.

His father forthwith took refuge in a judicial career which he followed for most of the remainder of his life.

Soon after his admission, Harry, with rare foresight, induced a college friend, Elizabeth Allen, to marry with him. In due course three daughters were born to them: Elizabeth (Bret), Barbara (Jama) and Lucie (Fisher). Grandchildren are five in number.

Never much of a joiner, his efforts were mainly confined to Mission Hills Congregational Church (founder and backslider), San Diego Yacht Club (off-shore sailor), University Club of San Diego (one-time president), Lawyers Institute of San Diego, a precursor of the California self-governing bar association (counsel), and San Diego Bar Association (director). He never held public office. His position as an outsider to the civil side, was carried on actively for "close to half a century from three office locations in San Diego—lost all public relations."

During his earlier years he found time for hunting, boating and fishing but in later years devoted his weekends to hard labor on his mission ranch, do-it-yourself horticulture, reforestation and engineering, excellent for health and satisfaction, and perhaps providing a leading place for eventual old age.
Hon. Philip Smith

During the tourist-influx year of the 1915 Panama California Exposition, a dark-haired lad of eighteen arrived in San Diego. There was something about this pleasing son of Lithuanian immigrants that attracted the attention of John F. Forward, Sr., President of the Union Title and Trust Company. Perhaps it was the fact that he had been born in Pennsylvania, as had Mr. Forward, himself, some forty-five years before the birth of the future judge.

Mr. Forward employed Philip Smith as an office boy in his title company. The part that these two exceptional men have played in connection with the legal profession in San Diego cannot be garnered without a preliminary statement.

The San Diego City Directory for 1890 lists over 100 attorneys. The big boom had collapsed in 1888 and many lawyers already had left town. If lawyers in San Diego were proportionately as numerous in 1960 as they were in 1887 this city today would have over 2000 attorneys, and those in the whole county would be five times the number listed in any legal directory.

One of the biggest reasons for a diminishing list of lawyers has been the development of the business of title companies.

Many nineteenth century members of the bar were "conveyancers." They looked over courthouse records, and gave clients an opinion as to the validity of land titles. With the increase in population and in real estate transactions it became common to rely upon a summary of the legal papers in a chain of title—known as an abstract of title. The preparation of abstracts was the principal work of the legal profession during the Southern California boom of the 1880s.

Even the abstracts became too bulky. They were reprinted more and more frequently by a "certificate" which was merely the first page opinion of an attorney, based on prior abstracts. Obviously where transfers or transfers of title came almost daily it was unnecessary in each case to have a full search and history from the very beginning.

In Los Angeles the county recorder, himself, became a member of the larger certificate issuing firm. In 1887 when John Forward came to San Diego from Pennsylvania and entered the local county recorder's office as a deputy, the first title company in Los Angeles had just been incorporated. In 1892 Forward himself was elected the San Diego county recorder. A year later the Title Insurance and Trust Company was formed in Los Angeles, consolidating certain other similar companies. Forward became the local title expert. In 1903 he organized Union Title & Trust Company in San Diego, although he did not quit the official recorder's job until three years later. The half century thereafter Union Title became a subsidiary of the huge Los Angeles Title Insurance and Trust Company which antedated the local firm by ten years.

Into this picture in 1915 Philip Smith stepped as a title company office boy. Under tutelage of Rolland C. Spittler, excellent lawyer and title company counsel Phil studied law while progressing rapidly from office boy to title searcher, to chief examiner, to assistant counsel. He passed the bar in 1927 and entered private practice with a retainer as chief counsel for the company that had trained him.

If Union Title & Trust Company of San Diego relieve local lawyers of much legal business, it merely was part of a national trend. Furthermore, in today's world title companies can give faster and more reliable property information at much less expense than is possible from any one lawyer or firm.

In the Philip Smith era he and his company achieved a contribution to the cause of justice in this county that has received less than reasonable recognition. Working under Phil, and receiving legal tips from him and from the Union Title general counsel, were twenty non-lawyers: Madge Brehm, Vincent Whelan, Thomas Whelan, Elwood Merritt and David Seibert. Of the named persons, all now are lawyers, three are on the bench, one was district attorney for many years, the fifth is vice president, trust officer and trust counsel of the local branch of Title Insurance and Trust Company, and the last named is general counsel for the same company (March, 1960).

Phil Smith was County Counsel for most of the year 1931. In November, 1931 he was appointed as judge of the Claus A. Justice court, sitting thereon with Judges Eugene Dansey, Jr., Arthur Mundo and Dean Sherry.

He became judge of the municipal court in the late 1930s when such courts were inaugurated here.

The judge of municipal court No. 3 is so sensitive as an artist. And an artist he is! Professional offers were made to him as a violinist before he studied law. His personal life has been occupied with a succession of periods of devotion wherein he has cared first for his father, then for his brother, and finally for his wife. He has four brothers, successful in business, and a nephew who is an attorney but engaged in a wholesale distribution firm. Phil did not marry until late in life.

This story, retelling men's legal decisions are as close and sweet as his finest music. Had he had the entire consistent aid of some practical man of politics, and of a wife whose social interests were all for his advancement, who knows what Stradivarius strings his delicate hands might have caused to vibrate, what new Lost Chord of Justice might have sung again through his gifted pen?
Hon. Phil D. Swing

Phil D. Swing brought rivers, canals, and rainbows to the southwest.

Rainbows are non-existent without water. The pots of gold on the Las Vegas strip, and in Imperial's winter garden-land, and Arizona's desert paradise, are the rich footings of permanent rainbows that Phil D. Swing shouldered into the sky.

Ten thousand passengers a day who breeze across the sand dunes west of Yuma, on U.S. Highway 80, little dream that once a man had to carry the legal timber to bridge the Colorados, and inspire the crews that laid the first ribbon of planks for vehicular travel across the shifting sands. That man was Phil D. Swing.

Laudatory words lose luster when based on hearsay evidence thrice compounded. Perhaps, therefore, it should be said that in 1908 this writer lived on a ranch in Imperial County where Swing was district attorney, and that twenty years later he had the fortunate experience of being associated in Congressman Swing's law firm in San Diego.

Since 1908 there has been a big change from the day when muddy slip, huddled from an open canal, served for household water in Holtville. In that era the mud was allowed one day to settle in a barrel of water, after which the top liquid slowly was siphoned off and through a filter of porous clay. The residue was pasty, boiled, cooled, and placed in an oil in the shady side of the house where, at temperatures of 115 degrees and higher, it was consumed faster than diligence could produce it. The distillation of sea water, even in that day, would have been cheaper—except that there was no sea.

Phil D. Swing changed all of that. In 1928 San Diego, with a population only 25 per cent of what it is today, had drunk its wells dry. Its mountain reservoirs were almost as empty as cash registers during the great depression. Its sunset clouds were filled with lots of color—and little rain.

Phil D. Swing brought that era to a close.

The dynamic young man who later would do so much for the southwest was born in San Bernardino in 1884. His parents were James Wesley, and Mary Frances (Garnet), Swing. His older brother, Ralph, was a California state senator for years.

After graduation from Stanford in 1905, Phil worked in his brother's law office in San Bernardino, and was admitted to the bar in January, 1907. It was in that year that Imperial County was created by the California legislature.

An offer to commence practice in Los Angeles was rejected, and in 1908 Phil D. Swing was acting district attorney of Imperial County. Soon he was district attorney, and later was appointed judge of the superior court in 1919, after taking time for service in World War I.

In earlier years the district attorneys of small counties were permitted to engage in private practice. The law firm of Elshman & Swing was

organizer of, and attorneys for, the Imperial Irrigation District, the largest in the United States.

As the need both for turning and harnessing the Colorado River became apparent the people of San Diego and Imperial counties resolved to elect Imperial Valley's superior court judge to the Congress of the United States. No one was better equipped to sponsor and bring to pass the needed Federal legislation.

Judge Swing served as congressman from 1921 to 1933. The famous Swing-Johnson bill brought Boulder Dam into being. For the past forty years every important water and power project of the southwestern desert in some way has hinged—one should say swing—upon the efforts of Swing.

All American Canal, Metropolitan Water District of Southern California, San Diego County Water Authority, interstate compacts, international treaties, interstate litigation before the Supreme Court of the United States, State Water Resources Board, President Roosevelt's Committee to Study the Military Water Problems of San Diego—to all of these the ex-judge and ex-congressman has made major contributions. He has served as special counsel for an alternate endless list of boards, committees, communities, cities, counties, districts, states and districts.

It was into San Diego County that the Colorado River poured through broken levees in 1905 and again in November and December, 1916. A few months later a congressman sent his nephews a playbill, Philip David, on the young lawyer's first visit to the Salton Sink to look for winter pasture for stock.

It was prophetic!

The man in search of green pastures found only sand and salt and the thousands of acres of mud left by a raging river. But like a Mormon leader who came through the Wasatch mountains to view another Great Salt Lake some two generations earlier, Phil D. Swing said, "This is it; this can become green pasture."

The professional life of Hon. Phil D. Swing parallels the existence of the new county and the new generation of America which he helped to build. For over 50 years he has towered in the area in the benign and giant stature of one described by the prophet Isaiah.

"A man shall be as rivers of water in a dry place; as the shadow of a great rock in a weary land."
Robert M. Switzer

Grandson of a Union Civil War general on his mother's side, and, paternally, of a lawyer-newspaperman who founded the school of Journal- nism (and lost Switzer Hall named in his honor) on the campus of the University of Missouri, Robert M. Switzer was born in Omaha in 1885 to Warren and Mary (Williams) Switzer.

Bob received his A.B. and LL.B. from the University of Nebraska, and in 1912 entered practice with his father and Charles A. Goss. Mr. Goss later became chief justice of the supreme court of the Cornhusker State.

In 1913 the successful young lawyer was married to Miss Amy G. Gillmore, daughter of an Omaha physician. Their daughter, Sara, now is Mrs. Donald G. Centoli of Escalona.

The Switzers moved to San Diego in 1931 where Bob practiced for a time with the late Dwight D. Bell, and subsequently for 13 years with the late Harry C. Clark who was San Diego's mayor in the years 1927- 33.

During his San Diego years the Switzer abilitites have been di- rected toward lay leadership in the First Presbyterian Church, chair- manship of the local chapter of the Red Cross 1934-5, chairman of the advisory board of the Salvation Army 1948-9, and leadership in the Coronado and San Diego Country clubs.

Of Bob's most noteworthy achievements and contributions has been as president of Toastmasters International. The story of this latter organization's expanding power across the world is so fundamentally a San Diego story, and so intimately known to this present writer, that it deserves explanation to members of the Toastmasters International, the genius of one dynamic mind—a prominent, but humble and retirist San Diegan—J. Clark Chamberlain.

Here's how it went. In 1930 Chamberlain, a young businessman newly arrived with his family in San Diego, approached Mr. Her- bert Holmes, then general secretary of the local Y. M.C.A., asking if he could help the "Y," or vice versa, start a Toastmasters Club to aid young men develop poise and ability in speaking.

Clark's report to Herbert was that another "Y" secretary, Ralph Smiddy, a quarter of a century earlier had started a "speaking class" in his Illinois Y.M.C.A., and in 1924 brought the same idea with him to Santa Ana where the newer term Toastmasters Club was used. Clark's home was in Anaheim. About 1924 he visited the Santa Ana Toastmasters meeting and was so impressed that he secured Smiddy's per- mission to start such a club in Anaheim. A few other groups came into being, but no general organization ever had been attempted.

Herbert Holmes enlisted support for the newcomer's venture. A couple of the "Y" directors spoke favorably to acquaintances, and intro- duced Chamberlain to possible interested parties. Wilbur A. Hamman, at that time since 1918, the leading public speaking instructor of the San Diego area, gave the idea his blessing and took personal interest in it.

Hamman, a law-trained man from the University of Chicago, was speech instructor at San Diego High School, and instructor for many private classes. His benefactions to San Diego leadership never have received deserved acclaim.

The Toastmasters Club No. 7, in San Diego, was born. Others may have added in mirthfun, but Clark Chamberlain was the one with immortal members came and went, but the organizer's pleasing dynamic enthus-iasm was as intense as it was timeless. Almost 30 years later he still meets with No. 7, calling together annual meetings of the "oldtimers," and mak- ing each young neophyte member of the active group think of him as "the mastor.

One club became organized in Canada, and that started Clark into the activity of creating an international organization. He accomplished the job in three months. On October 4, 1930, Toastmasters International was formally organized with Chamberlain its first president. In 1931 he was re-elected.

Depression or war could stop the unprecedented growth of this little organization. It never has had a field organizer. Its own members, moving elsewhere, have carried the fire of new spontaneous growth. In 1960 there are over 3000 such Toastmaster Clubs having 60,000 members in 40 countries of the world. There never has been a pause in the ex- plosive development. From one who was "in" on the earliest 1930 con- tacts: San Diegan one day will stand up by the thousands in tribute to J. Clark Chamberlain, the creator and custodian of the Toast- masters International,—one of the most intensive, and least expensive, of the world's programs for training men to think out loud while standing be- fore their fellowmen.

Lawyers who long have defended freedom of speech have known that ease of speech is another matter. Many San Diego lawyers have found, and given, and in Toastmasters Clubs. Bob Switzer is one of four attorneys in the United States who have gone to the very top. In 1944-45 he was honored by being selected the 1st president of Toastmasters International. He was not the last.

"Suit the action to the word, the word to the action." Robert M. Switzer has followed the grand bard's advice. In speech and in deed his life has followed successfully the admonition, "but use all gently; for in the very torrent, tempest, and as I may say the whirlwind of passion, you must acquire and forget a temperance that may give it smoothness." In rugged- ness and vitality the Switzer demeanor yet has remained temperate, temperate and smooth.
Hon. L. N. Turrentine

Like Mr. Chief Justice Arthur J. Vanderbillt, late of New Jersey's supreme court, Honorable Lawrence Neil Turrentine, recently retired from San Diego's superior bench, will be remembered for his contributions to expedition judicial administration.

Although Mr. Turrentine never has been thought of as the military man of the local bench, nevertheless the military disposition has been his heritage and his hallmark. His great-great-grandfathers on both sides and many of their numerous descendants, distinguished themselves as officers in the Revolution, the War of 1812, and the Civil War.

The maternal great-great-grandpa, John Harris, was the founder of Harrisburg, the capital of Pennsylvania. The great-grandfather, Major Samuel Turrentine, after serving in the Revolution and the War of 1812, moved to Tennessee.

The Rev. Wilson Turrentine was Major Samuel's son, and the great-grandfather was the Rev. John N. Turrentine, who struggled through to Escondido on an old Concord stage coach in 1887 to serve the community as minister of the Methodist Episcopal Church.

For almost 75 years "Turrentine" has been a household name (also business and political) in Escondido. Judge L. N. has given it prominence throughout the State.

Although Rev. John N. Turrentine continued to preach on occasion for many years, his major contributions to his community were as city recorder, three terms as city clerk, president of the school board, Justice of the peace, and three terms as postmaster under McKinley and Theodore Roosevelt. He was a substantial stockholder in the Mutual Water Company, owner and editor of the Times-Advocate, Escondito's early newspaper, a successful business man, and, with Mary E. (Robinson) Turrentine, the parent of four outstanding children of whom Lawrence Neil was the youngest.

The Judge's brother, Edgar, long was an Escondido banker. The latter's son, Lloyd, is now 1960 the city's mayor. Another brother, Howard B., was the town's leading lumber, hay, and grain merchant. Howard B.'s son, E. R. Turrentine (L.), the Judge's nephew, is postmaster of the San Diego County Bar Association, and is one of San Diego's leading attorneys.

Lucy, the Rev. Turrentine's only daughter, was public librarian and also long active in her father's publishing and business enterprises. As Lucy's only and unmarried sister, she bestowed a lifetime of interest and action on behalf of him and his career.

Lawrence Neil Turrentine was born in Escondido in 1892. He took his collegiate and legal training at the University of Southern California, and practiced briefly in his hometown before moving his office to San Diego.

During World War I the young lawyer was commissioned an ensign, and served upon a mine sweeper. In 1919 he married Carrie May Crane. They have two children, Lawrence Neil Jr., a dentist who practices in Punta Gorda, and James Cornell Turrentine, who is in business in Oakland.

In November, 1930, Turrentine was appointed to the superior court bench in San Diego. He retired therefrom in 1959.

Two dozen long-time acquaintances of Judge Turrentine have been asked to describe his strength and weaknesses. The composite picture is of a man with exceptionally brilliant mind, and with ambition and ability for assuming administrative leadership.

During World War II, when personnel in government offices was badly depleted through losses to the armed forces, this judge, practically single-handedly, ran several of the county agencies closely connected to the courts

-along with the probation department, juvenile hall, and so on. Other. It was an outstanding contribution of effort and administrative knack.

Strangely, the Judge has a mechanical gift. At one time he sold Camp Marston (electrically) for the best Y.M.C.A. He can do upholstery,

-and almost any household repair job, playfully.

-Other comments: A wire saver; a corner cutter; one less concerned with the law than with his own concept of justice in the instant case; one of widely fluctuating judicial temperament.

A third of a century ago L. N.T. wrote a personal letter to the present writer, and signed it "Lary." Ten years later he would have been "shook" if this person had called him by the same sobriquet.

Indiscriminate justice requires this approval:

-It is true that he is no legal pharisee, but that is good. Even the great Jeremy Bentham was a confirmed pragmatist and utilitarian.

-It is true that he refused to follow fictions, but that is good. David Dudley Field also urged wholesale jailing of old procedural howse-mauns. Furthermore, like D. D. Field, the Honorable Lawrence Turrentine not only had a highly capable minister for a father, but also two successful business men for brothers. "Blood tells!"

If this man has not won such respect as a judge, neither did Arthur T. Vandervill. (Of many writers, in dozens of pages of tribute to the late New Jersey Chief Justice, get a single line for Turrentine [L.], the Judge's nephew, in postmaster of the San Diego County Bar Association, and is one of San Diego's leading attorneys.

His honored place is assured among the small company of the giants of the law. He brought to his passion for bettngs justice unmatched abilities to achieve great ends."
Hon. Jacob Weinberger

In 1822 an American poet, Emma Lazarus, wrote words of "world-wide welcome" that were engraved in bronze on the pedestal of the Statue of Liberty in New York harbor.

Give me your tired, your poor,
Your huddled masses yearning to breathe free.
Send these, the homeless, tempest-tost to me.
I lift my lamp beside the golden door!

Coincidentally, also in 1822 Jacob Weinberger was born in Austria-Hungary, in the area now known as Czechoslovakia.

At the age of seven Jake Weinberger with his mother, brothers and sisters, passed close beside Burghold's "Lady" en route to Denver whence his father, in search of work, had preceded the family.

In the year 1901, when young Jake was being graduated from Denver High School, another immigrant boy with the same first name of Jacob, published a best-selling autobiography entitled "The Making of an American." (Jacob Riis). The Honorable Jacob Weinberger, Senior Judge of the United States District Court, similarly could write a Book-of-the-Month masterpiece about this amazing America whose men, if only they will, can make themselves into stature to match her mountains.

Fifteen years after arrival in the United States Jacob Weinberger was graduated from the University of Colorado Law School with an I.L.B. degree. During that period his father was struggling to establish a merchandising business in Denver, and "young Jake" helped secure expenses for his high school and college education by selling newspapers, shining shoes, and later by waiting table, doing janitor work, clerking in stores, and expending muscle in a steel foundry.

In 1904 the future judge practiced law in Denver. Then, with $30 in his pocket; he moved to Globe, Arizona. In the mountain mining town he practised in territorial courts, served as deputy district attorney, and was elected to the constitutional convention which prepared Arizona for statehood. At this time he was living in 1890 Judge Weinberger is the only surviving member of the original signers of Arizona's first constitution.

Almost 50 years after the Weinberger contribution to the Grand Canyon State, the University of Arizona at its 64th annual commencement exercises awarded the state's only surviving Founding Father with the degree of Doctor of Laws. At this honoring ceremony the recipient's long and distinguished career was fittingly enshrined.

On June 11, 1907, Jacob Weinberger was married to Blanche Ruth Solomon, daughter of an Arizona pioneer and founder of the town bearing his name. Their children are Adrienne (Mrs. Herbert Halter) and Richard Weinberger, both of San Diego. There are six grandchildren.

After coming to San Diego in 1911 Weinberger continued legal practice and his career of dedication to the public good. He served for 21 years on the city's Board of Education, for several terms as its president. He devoted time and strength to civic, fraternal and religious organizations, was city attorney from 1941 to 1943, superior court judge from 1943-1945, and was appointed Judge of the United States District Court for the Southern District of California on March 18, 1946. After several years on the bench in Los Angeles he returned to San Diego as this area's first resident Federal district judge.

Since his official retirement a year ago Judge Weinberger has continued to serve regularly and effectively upon the local Federal bench, but now as a "Senior Judge."

The wavy haired lad who sailed by the Statue of Liberty in 1889, proceeding to the heart of America and into the hearts of her people, was the sixth of twelve children of Herman and Nettie (Flaster) Weinberger. Numerous members of the family, including the parents, eventually settled in San Diego. Brothers Maurice and Henry became prominent business and cultural leaders here, and Joseph a leading Physician.

A sister, Mrs. David Levy, is the mother of Dr. Edward Levy who was president of the San Diego County Medical Society in 1958. Another brother, Arnold (and his soul), are prominent lawyers in Denver. Other sisters are in Denver and Los Angeles. Many third generation Weinbergers have gained high respect in business, politics, and the professions.

On January 31, 1959, a testimonial dinner in honor of Judge Jacob Weinberger was attended by hundreds of his friends, relatives, well-wishers, and professional brethren. A brief synthesis of their happy spontaneous words of praise might go in this wise:

No lawyer reaches these pinnacle of his profession without more than average intellect and sagacity. While this man's life edifice may never have displayed the high and delicate spikes of genius, there has been compensation in his architecture of character significant for its beauty of substantial simplicity.

Rooted in two worlds, his has been Job's patience, and Lincoln's charity for all; his is Gandhi's sangathan, St. Francis' self-abnegation, and Ahou Ben Aderem's love for his fellowmen.

Immerse as the Judge's contemporaries are concerned, (as with Leigh Hunt's "Ahou"), when the angel of dreams writes in a book in 1943-1945, showing names whom love of God has blessed, let it well could be that the name of this kindl man will lead all the rest.
Arthur F. H. Wright

The two initials in the middle of the name of Arthur F. H. Wright actually are family designations, with a bent of his English ancestry, but for all practical purposes they could stand for "Four-Harvin."

In addition to being a first-class lawyer, with excellent training and cultural backgrounds, Art is one of those rare individuals found once in a hundred times (what happenstance of chromosomes is responsible? who can be designated as both a man's man and a woman's man.

Arthur Wright was born in Waukegan, Illinois, in 1885, the only child of Arthur O. and Eliza Jane (Flennia) Wright. His father, who had come to this country from England in very early manhood, became a physician. He met Miss Fleming in Waukegan. She had been in Cleveland, Ohio, and as about the time of her arrival to the British-born Wright was the first woman pharmacist in the state of Illinois.

The elder Wright gave their son an exceptionally good education for later-day Victorians. Artie was in the law school of the University of Michigan in the same class with Shelley J. Hygins who later was to be city attorney and a superior court judge in San Diego. These two men were law school beginners when San Diego lawyer Harvey Atterton was recapturing his Michigan law degree.

After being admitted to practice in Illinois in 1910 Artie did some legal work in law firms specializing in railroad litigation. His report is that there were the days when the rail moguls sat in the driver's seat. Every case and claim was contested to the limit to "teach people not to see the railroad."

In 1911 the young man from Illinois was admitted to the California bar and came to San Diego. For two years he was associated with W. R. Andrews who earlier had been a deputy for district attorney Cassius Carter, and then a phenomenally successful city attorney. Andrews almost single-handedly had battled to sustain the validity of the city's municipal bond issue of 1907, and gained victory in the state supreme court for his constituents although opposed by counsel for the leading bond experts of Southern California.

Most of Mr. Wright's law office associations have been of a more friendly nature, and for purposes of convenience, with numerous prominent and popular lawyers, including such men as Dayton L. Aust, former city attorney, and Judges Clarence Terry and E. S. Watawa.

In spite of business interests and general financial success that could have tempted many a man of his years to lack the office door and throw away the key, Artie F. H. Wright has been devoted to his profession for what is now (1960) exactly half a century. His practice has been "general," which is the only thing expected of a lawyer in a small community.

As San Diego's population began to double with almost every decade there was a noticeable tendancy for Wright's practice to fit into fewer and fewer grooves. He became financially interested in, and counsel for, a number of business enterprises. Probate matters and legal advice to investors became more and more a part of his practice.

In the 1920s and 30s Artie was an advocate of stock market investments, and one who frowned upon investments in real estate. Even to this day he is an avid reader of the financial pages, and knows most of the ropes of market buying. The steady rising values of California real estate finally convinced the man of their advantages for diversified investment.

During World War II Mr. Wright invested seriously in a local pipe company, and hit the proverbial jackpot. Later some of his funds went into a shining puckling factory in Guaymas, Mexico, and when the Mexican government decided to take over the plant he again came out of the transaction in a manner reminiscent of the musical girl of Mexico—smelling like a rose.

In connection with business travels to Gulf of California ports, and side trips to comparatively adjacent resorts of Guadalupe and Acapulco, Artie learned the meaning of mañana and the reality of relaxation. For fifteen years, although business interests have caused, travels to Mexico have been a constant and regular delight to the Wright family.

It cannot be said that Artie's only hobby is travel. Far more accurate is the assertion that golf was his first love (and his handicap was very, very low), and that his present foremost interest and greatest hobby is watching the reports from the pro golf circuit of the triumphs of his only child—Mickey Wright, the sensational young San Diego professional.

Mary Kathryn (contracted and condoned to Mickey, for short) was born in San Diego, attended Hoover high school, was admitted to Stanford University and became such a terrific girl golfer that she dropped out of college and turned professional, and won her first tournament at the age of nineteen. For the past six years she has been one of the world's leading women golfers. Papa Artie almost can be excused for showing a trace of one of the deadly sills—Pride!

Arthur Wright has given much of himself to his chosen profession. In the local area he has served on numerous bar committees, and was selected as President of the San Diego Bar Association in 1947.

When William A. Otten, local representative on the board of governors of the State Bar of California, was elevated to the superior court bench in 1947, Arthur F. H. Wright was selected to complete the additional two years on that important state-wide body.

This interesting lawyer frequently puts on a sure-pass expression as black as the winter lands of eastern New Mexico—where infortune in oil was being pumped from below the surface. And one has only to tap Art Wright at the proper spot to find a heart as big as a dinel, pumping friendliness, self-sacrifice, and professional cooperation. His life has been the law, and his law has been living!