

# THE HISTORY OF LOS ANGELES

## *As Seen from the City Attorney's Office*

BY LEON THOMAS DAVID

### EDITOR'S NOTE

The publication of Leon Thomas David's oral history in this volume of *California Legal History* provides the opportunity to present his "History of Los Angeles as seen from the City Attorney's Office," which he completed in 1950. It is one of several works occasioned by his service as an assistant city attorney, a position he held from 1934 until his appointment to the bench in 1950, except for his period of active duty during World War II.

In addition to the legal, academic, and military careers discussed in his oral history, Judge David enjoyed a fourth public career as a pioneering legal historian. In this role, he gave special attention to the legal history of California. His service in the City Attorney's Office led to studies that combined the historical and substantive aspects of that office. For example, one of his earliest and best known works is a series of articles published in 1933–34 that discuss the development of municipal tort liability in California.<sup>1</sup> Many of his works in the field of legal history predate the creation

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<sup>1</sup> Leon Thomas David, "Municipal Liability in Tort in California," published in five parts in *Southern California Law Review* 6 and 7 (1933–34); revised and expanded edition published as *Municipal Liability for Tortious Acts and Omissions with Particular Reference to the Laws of the State of California* (Los Angeles: Sterling Press, 1936). A procedural work arising from his city attorney service was *The Administration of Public Tort Liability*

in 1956 of the American Society for Legal History, of which he became an active member. At the time he first recorded his recollections in 1977, he was also the chair of the State Bar Committee on History of Law in California. His final published work is the article titled, “California Cities and the Constitution of 1879,” which appeared in 1980.<sup>2</sup>

Judge David’s history of the Los Angeles City Attorney’s Office is today both a “history” and a documentary source on the viewpoints and attitudes of a prominent lawyer in mid-twentieth century Los Angeles. It was serialized in the *Los Angeles Bar Bulletin* from April to December, 1950.<sup>3</sup> Chapter I, covering the Spanish-Mexican period, reappeared in Judge David’s doctoral dissertation of 1957 (a three-volume work of 1470 pages on the role of lawyers in government from William the Conqueror to America of the 1950s).<sup>4</sup>

The complete ten-chapter history of the City Attorney’s Office has been reedited for publication here, but without alteration of the content. Comments in [brackets] have been added by the editor. Citations of cases and sources have been checked and expanded. The spelling of names, particularly in Spanish, has been corrected wherever possible. The photographs that accompany the article have been newly obtained for this publication.

— SELMA MOIDEL SMITH

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*in Los Angeles, 1934–1938*, coauthored with John F. Feldmeier, published by the Committee on Public Administration of the Social Science Research Council in 1939.

<sup>2</sup> Leon Thomas David, “California Cities and the Constitution of 1879: General Laws and Municipal Affairs,” *Hastings Constitutional Law Quarterly* 7 (Spring 1980): 643.

<sup>3</sup> A verbatim reprint, without indication of publisher, date, or copyright, was distributed by Judge David to selected law libraries in California. The copy in the UCLA Law Library bears a handwritten note indicating that it was received from Judge David on October 4, 1951.

<sup>4</sup> Leon Thomas David, *The Role of the Lawyer in Public Administration*. Dissertation, University of Southern California, 1957; Chapter IX(M)4, “Spanish-Mexican City Government: Los Angeles,” pp. 261–71.

# THE HISTORY OF LOS ANGELES

## *As Seen from the City Attorney's Office*

LEON THOMAS DAVID\*

The fabric of history is an endless web of cause and effect, but one may choose some bright thread and follow it through the pattern, and note the cyclic recurrences of the pattern itself in the fabric.

The transition of our Spanish-Mexican city to an American metropolis, still in population and interests the second largest Mexican city in the Hemisphere, has involved cyclic recurrences of major problems: organization, housing, land, water, transportation, immigration and integration of the newcomer.

That Los Angeles is the third city of the United States testifies that the community has solved such problems, and in many a major battle, the solution has been due in large measure to the work of the city attorney and his staff.

The office itself dates at least to 1822. In the roster of the thirty-one men who held the office since 1850, and of their deputies and assistants, we

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\* The original author footnote reads: "Judge, Municipal Court, Los Angeles 1950. A.B., J.D., Stanford University; M.S. in Pub. Adm., U. of So. Calif.; Deputy City Attorney, Palo Alto, 1926-1931; Director, League of California Municipalities, 1931-1932; Faculty, U.S.C. Law School, 1931-1934; Lecturer, School of Government, 1934-1940; Assistant City Attorney, Los Angeles, since 1934; Colonel, F.A., U.S. Army, 1942-1946. Admitted California Bar, 1926."

recognize old friends whose legal careers are well known to the bench and bar. There are others whose tradition should not remain unknown, whose labors antedated the American occupation and conquest. Here we can but note briefly some data, which at a later time may be worthy of more detail, concerning a number of able and interesting men.

In this centennial year [of the State of California], we lawyers who consider these items may feel impelled to consider further, by reading from numerous works readily available. Some of these are indicated in the notes on the sources of the writer's information. Pictures of these leaders of the bar in times past and present are found in a number of works, and in the Los Angeles Public Library.

## CHAPTER I

### A CONTRACT FOR SETTLEMENT

In the development of California jurisprudence, and the growth of a large and learned bar in the State of California, men's quest for gold did not give rise to the major legal problems which taxed the abilities of lawyer and the patience of litigants for many a year. Land — land and water — these more than gold, were to instigate many a bitter battle in politics and at law.

Philip II of Spain, contemporary of Queen Elizabeth, was known as "the prudent."<sup>1</sup> Master of almost all of the New World, he established the *Leyes de los Reynos de las Indias* for the establishment and government of colonies. Therein it was provided that a pueblo or town might be established by a contract for settlement,<sup>2</sup> in which ten married men agreed to establish it with their families, within a time therein specified. Dwellings were to be provided for each family, a church established, and a prescribed list of livestock was to be maintained by each settler on the common lands allotted for the settlement. If the conditions had been met, within the time specified, the reward was the official establishment of the town or pueblo and a grant to the settlers in common of four square (Spanish) leagues of

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<sup>1</sup> Though the loss of his Armada in 1588 was to start the decline of Spanish power, which culminated in Mexican independence in 1821, [this is not] pertinent to our story.

<sup>2</sup> *Recopilación de leyes de los Reynos de las Indias, Ordenanzas del Rei Don Felipe II*, Libro IV, título V, leyes VI, X; "Ayuntamiento," in Joaquín Escriche, *Diccionario Razonado de Legislación y Jurisprudencia* (rev. ed., Paris: Librería de Rosa, Bouret y Cia., 1854), 336–38.

land, laid out in a square if topography permitted without infringing upon any other pueblo or Indian town. The pueblo gained political status.

It would be under the eye of the prefect, representing the crown, but with its *alcalde* or mayor, and its *regidores* or councilmen formed into the *ayuntamiento* or council, it would have considerable self-government, and the council would assign and administer the pueblo lands. The waters, minerals and forests likewise were to be so administered.

The *alcalde*, as mayor, exercised the general functions of a justice of the peace, a feature retained in later municipal law in the American regime taking over Spanish-Mexican cities (see 1 Cal. Reports, original ed., appendix).

In October, 1781, Lord Cornwallis surrendered, and English dominion of the Atlantic colonies ceased. Only a month before, on September 4, 1781, twelve unpromising colonists began building rush huts for themselves and families at an Indian village called Yang-Na, to hold the Pacific Coast for Spain. They had come from Sonora and Sinaloa to fulfill their contract of settlement under Philip II's *ordenanzas*, which settlement was blessed as the Pueblo de Nuestra Señora la Reina de los Ángeles de Porciúncula, in ceremonies conducted by the San Gabriel Mission. "Porciúncula," the name given to the present Los Angeles River by Portola, was derived from the Franciscan festival day on which Portola, in 1769, had paused at the spot.

The launching of this settlement, under the laws of the Indies, had involved some legal difficulty. The requirements of the *ordenanzas* of Philip II were not well adapted to this new land. For instance, Law VI required settlers, among other things, to have blooded Castilian livestock, obviously difficult on such a faraway frontier.

A decree was drawn up by Don Filipe de Neve, governor, close to the problem, for the government of Alta California, of which the 14th Title treated of settlements and pueblos on a more realistic basis.<sup>3</sup> Promulgated at Monterey, this decree was referred to the King of Spain, who approved the decree on October 24, 1781. De Neve already had given instructions for the establishment of the new settlement, which was well under way before the royal approval was given.

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<sup>3</sup> A translation appears in John W. Dwinelle, *The Colonial History of the City of San Francisco: being a synthetic argument in the District Court of the United States for the Northern District of California, for four square leagues of land claimed by that city* (San Francisco: Towne & Bacon, 1863), Addenda IV.

Galindo Navarro, as the *procurador* or attorney general of the Four Interior Provinces gave a legal opinion to Don Pedro Fages, governor of Alta California, that he might legally lay out the pueblo lands of four square leagues for each pueblo, and that other grants should not be made to the disparagement of such lands,<sup>4</sup> in reliance on the *ordenanzas*.

So, from 1781 to 1786, the inhabitants worked, while Vicente Félix, the royal commissioner, watched. By 1783, a chapel, a guard house or jail, and a town house were built. In 1786, the nine remaining settlers complied with their bargain; a survey of the pueblo lands was made, each of the settlers was allotted a house lot, four fields for cultivation, and a branding iron.

The town *ayuntamiento* was established, with its *alcalde* (mayor, who acted as justice of the peace or recorder), and its *regidores* (councilmen).

Under the Spanish Constitution, the Spanish Cortés, on May 23, 1812, provided for the election of the Common Council, pursuant to the Spanish Constitution,<sup>5</sup> in each pueblo. A decree of the Cortés, of June 22, 1813, established the number of *alcaldes*, *regidores*, and other officers in each pueblo or city, according to population. In 1822, it appears that the Los Angeles Council was expanded by the addition of a *síndico-procurador*. After Los Angeles was made a city and capital of Alta California in 1835, the proceedings of the City Council or *ayuntamiento* indicate it was entitled to two *alcaldes*, four *regidores* and one *síndico-procurador*.

The *síndico-procurador* was the city attorney. He had a combination job. Under the Spanish and the Mexican law, he was defined as the person “who in the common council is charged with promoting the interest of the pueblos, defending their rights, and complaining (remedying by suit) public injuries when they occur,”<sup>6</sup> and he was also *fisc* or treasurer. The most substantial of those tangible rights and interests of the pueblo were the lands, waters and minerals of the town, and the revenues derived from the lands; plus excises on liquors. Besides its four square leagues, the pueblo of Los Angeles had other lands allotted to it for administration and grant.

The earliest volumes in the Los Angeles City Archives, treasured by City Clerk Walter C. Peterson, are largely composed of petitions concerning land. The settler petitions for an allotment, or urges that the allotment

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<sup>4</sup> *Ibid.*, Addenda VI.

<sup>5</sup> *Ibid.*, Addenda X.

<sup>6</sup> Escriche, *Diccionario*, “Ayuntamiento”; Dwinelle, *op. cit.*, par. 12.

of another has lapsed, or that there are encroachments by others. Lanes are opened, and some are closed. There are numerous matters relating to the *zanjas* or water ditches from the river.

The petition, carefully written on special paper, bearing the documentary excise tax stamp or seal, was presented to the *ayuntamiento*. Upon many a petition, there is endorsed the report of a Council committee to which it was referred; and then, a few lines record the action of the Council on the report, signed by the *ayuntamiento* members, and the *síndico* frequently signs as such. Where lands are allotted, one may find he was on the allotment committee that viewed the land; and after 1834, he drafted the documents given the allottees to evidence their possessory right.

For several decades after 1850, the California Supreme Court, the federal courts and the U.S. Supreme Court were filled with litigation over California grants. The pueblo grants of San Francisco fill the early reports.<sup>7</sup> Those of Los Angeles do not. The local authorities had done their work relatively well. The transition to American rule was expedited in Southern California and eased by the fact that a considerable number of Americans had settled in the region and had become naturalized Mexican citizens, receiving grants of land, from 1832 to 1850.<sup>8</sup> In the years following 1850, there were a number of judges in the district who were familiar with the pueblo land system. The bulk of the immigrants did not at that time come to Southern California. The mines were in the north.

The *síndico* made many reports to the *ayuntamiento* concerning the city finances, and they are found in the present city archives for a considerable number of fiscal years.<sup>9</sup> The city funds were derived from rentals involving city lands and licensing.<sup>10</sup> For handling this revenue, the *síndico* was allowed a commission.

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<sup>7</sup> *Hart v. Burnett* (1860), 15 Cal. 530, involved the question of whether or not San Francisco had any pueblo rights. Los Angeles pueblo land cases primarily concern water rights: *Feliz v. City of Los Angeles* (1881), 58 Cal. 73; *Vernon Irrigation Co. v. City of Los Angeles* (1895), 106 Cal. 237.

<sup>8</sup> In 1836 alone, there were petitions presented to the *ayuntamiento* for naturalization of Moses Carson (brother of Kit Carson), Dr. John Marsh, William Chard, Nathaniel Pryor, James Johnson, Samuel Carpenter, and William Wolfskill (who later began orange culture here): I Archives, City Clerk, 245, 281; II, 150, which are examples.

<sup>9</sup> An example is the report for 1834: I Archives, City Clerk, pp. 669–73.

<sup>10</sup> The lands were divided into several classes. There were *solares* or single house lots; the *suertes* or fields, assigned by *suerte* or luck in drawing lots; *ejidos*, vacant

On November 19, 1836, Narciso Botello, *síndico*, prayed for an allowance of commissions at the rate of ten percent. The *ayuntamiento* committee recommended three percent. The committee of the council kept watch over the financial affairs by periodic checkups, as on March 15, 1838, when an account of the [1837] *síndico*, Ignacio M. Alvarado, was audited and found correct.<sup>11</sup>

But the city was always having financial troubles. The *ayuntamiento* was always in the middle between the demands of rival claimants of the governorship, as that involving Alvarado and Carrillo.

Sometimes the *síndico* was hard pressed to collect his salary. This was true in 1837 when Alcalde Ybarra reported that he had had to receive eight colts, some hides and several bushels of corn in lieu of fines. The *síndico* claimed the colts on account of his past-due salary. The *alcalde* counter-claimed for money advanced to pay the secretary of the *ayuntamiento* and for board of the colts. The Council determined that the *síndico* should pay out the colts on claims against the city. Then it was discovered that the colts had eaten the corn and two had run away.

Not all those elected to the office of *síndico* desired it, in spite of the penalties imposed for not accepting public office. Thus in December, 1838, Vicente Sánchez refused the office, which occasioned some concern to the *ayuntamiento*.<sup>12</sup>

There was in that year a war going on between rival claimants for the governorship, Don Carlos Carrillo and Juan Bautista Alvarado. Vicente de la Osa, a forceful member of the *ayuntamiento*, had been captured along with fellow councilmen and Alcalde Louis Arañas by Alvarado's forces, and imprisoned in General Vallejo's *castillo* at Sonoma. Osa and Regidor José Palomares eventually made their way back, and Osa became *síndico*. The *síndico* returned and claimed his accrued allowances, but there were no funds.



VICENTE DE LA OSA  
(1838)

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commons; *dehasas* or pasturage; and *propios*, or proprietary lands leased out, whose revenue was a principal municipal finance item.

<sup>11</sup> I Archives, City Clerk, p. 53.

<sup>12</sup> *Ibid.*, pp. 581–686.



Faced with the practicalities of the situation, a petition had been presented to the Council by citizens, requesting the Council to withdraw support from Carrillo. The *síndico*, Osa, ruled that the petition was not legal, as it was not presented on the official stamped paper. This did not daunt the citizens, who the following day presented one fully legal in form. So the "recall" succeeded, as the *ayuntamiento* recognized Alvarado.

The military occupation of the city of Los Angeles by United States forces from 1846 to 1850 involved numerous legal problems for the *síndico*. The city records today contain copies of military regulations sent from General Winfield Scott's headquarters in Mexico, authenticated by William Tecumseh Sherman, lieutenant of artillery, as adjutant general, providing rules for military government.

The citizens of the state at an election in November, 1849, ratified a constitution promoted by the United States Army commander in California. In 1850, an act was passed in the Legislature for the incorporation of Los Angeles, and a general act also passed providing for government of cities. The 1850 charter was nothing more than legislative recognition of the existing city government, and defined its boundaries, very important to the city.

Under the treaty of Guadalupe Hidalgo, its citizens became American citizens, and their collective property in the form of the pueblo lands was protected by the treaty obligation.

The machinery of city government at the time was carried over from its Mexican organization. There was little need to do otherwise, for the powers of the Council and the scope of the municipal administration were little changed. However, it is interesting to note that the *ayuntamiento* had exercised jurisdiction over a considerable area outside the pueblo boundaries. Pending the creation of county government, it was the county government.

## CHAPTER II

### BENJAMIN IGNATIUS HAYES

Early in 1850, a number of lawyers arrived in Los Angeles. These included Benjamin Hayes, J. Lancaster Brent, William G. Dryden and Lewis Granger, all of whom became city attorneys and had notable legal careers.

Benjamin I. Hayes was a college graduate, born in Baltimore in 1815, who came overland from Missouri, arriving February 3, 1850. He met and

formed a partnership with Jonathan R. Scott, for many years thereafter a leader at the bar. Hayes arrived with total assets of three mules, which he proceeded to sell. On April 1, less than two months after his arrival, he was a candidate for the office of city attorney, at the municipal elections to fill city offices for the first time under the new constitution, and he was elected. Fast work for a newcomer!

Hayes took the oath of office as city attorney on July 3, 1850, and the salary set was \$500 per annum.<sup>13</sup> Apparently the City Council did not make too frequent demands upon him. In August 1850 Benito Wilson, who was already the elected county clerk, was elected to the City Council. Hayes ruled there was no incompatibility in office. (Hayes himself, at the same moment, was county attorney.<sup>14</sup>) Antonio Coronel served at this time as assessor.

When Coronel was about to make his first *ad valorem* assessments, he wished to know what lands to assess. Many “city” lands, claimed by it were outside the four square leagues to which its first American charter had trimmed it. So he was told to confer with the city attorney. No report was made for eight months.<sup>15</sup> The absence of adequate surveys made the task difficult.

The city passed its first general licensing ordinance, which imposed fees on a gross receipts basis. When the city wished to auction off some of its lots, the treasury being low, Hayes pointed out that the auctioneer would have to pay the tax.<sup>16</sup>

On May 1, 1851, the salary of the city attorney was cut to \$300 per year, the Council reserving the right to allow extra compensation for special services. On May 7, W.G. Dryden was elected city attorney. Hayes, as partner of his fellow Missourian, Jonathan Scott, may have been no longer interested in the city job. At least, in February, 1851, Lewis Granger (later



BENJAMIN IGNATIUS  
HAYES (1850-1851)

<sup>13</sup> I Records, City Clerk, pp. 9-10.

<sup>14</sup> *Ibid.*, p. 73.

<sup>15</sup> *Ibid.*, p. 77.

<sup>16</sup> *Ibid.*, p. 116.

a city attorney) billed the council for \$10 for services in a suit, and was told to settle his claim with the city attorney.<sup>17</sup>

In 1852, Hayes was elected the first district judge. On January 1, 1864, the district was enlarged by adding San Luis Obispo and Santa Barbara counties, and Don Pablo de la Guerra of Santa Barbara became his successor.

Hayes, as judge, found murders a major judicial concern, there being about one a day in Los Angeles at that time. He was very sensitive to the need of counsel for the accused, and his diaries show him praying in the church for one he had sentenced to hang.

In 1850, as prosecuting attorney, he tried the Lugos, sons of a prominent citizen, for the alleged murder of two men who had misdirected Lugo's party, pursuing Indian cattle thieves, into an ambush. The Lugos were defended by another newcomer, J. Lancaster Brent, who secured their acquittal. At the preliminary hearing, outlaws packed the courtroom, and their leader, Irving, an ex-cavalryman renegade, threatened to "get" the Lugos if they were admitted to bail. The marshal was hard put to maintain order, and later, an assassin shot at Hayes, putting a bullet through his hat.

As judge, in January 1855 he sentenced two men to hang. These were Alvitre and Brown. Through the efforts of his counsel, Cameron E. Thom (who later was city attorney), Brown secured a stay of execution from the Supreme Court. A similar stay was requested for Alvitre. It was granted, but before it was known of or received, Alvitre was executed. The rope broke, and the job had to be done over. A crowd then formed, designed to lynch Brown. Stephen C. Foster, Yale graduate, superintendent of schools and mayor, resigned as mayor to take part in the lynching. Brown was seized from the sheriff, and asked if he had any last word. He stated he wanted "none of the greasers" — Mexicans were numerous in the crowd — to pull on the rope. So he had an all-American hanging.<sup>18</sup> Perhaps Brown's request was induced by the Alvitre disaster.

Hayes protested in 1854 when the sheriff offered \$500 for delivery of two murderers, alive or dead, and they were delivered dead, as this seemed productive of more violence.

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<sup>17</sup> Ibid., p. 137.

<sup>18</sup> Harris Newmark, *Sixty Years in Southern California, 1853-1913, containing the reminiscences of Harris Newmark*, edited by Maurice H. and Marco R. Newmark (editions of 1916, 1926, 1930, 1970, 1984), pp. 139-40.

In his diary, Hayes noted that he attended a ball, given by two gentlemen “lately admitted to the bar,” at the Gila House at San Diego. One was Mr. Nichols, a preacher, and the other a Dr. E. Knight. These two had been brought before his court for admission. He had some doubts as to their study of the law, not removed a whit when the investigating committee moved their admission. On the motion it was stated that “one had studied the law of God, the other being a physician was reading the laws of nature. Their studies in the statutes and common law etc.”

In 1857, he recorded with evident condemnation that the U.S. district judge had spent a portion of last election day at the polls, challenging voters and giving opinions on election laws, and that the county judge was inspector of elections. In 1858, the Los Angeles vote for the district judgeship he held was 363 votes, San Gabriel 170, San Pedro 38, and San Bernardino 135.

When Hayes resigned as county attorney in 1851, he was succeeded by Lewis Granger, who became city attorney in 1855.

Hayes was an eager collector of the early history of the area, and in 1876, published a county history with two other early pioneers, J.J. Warner and J.P. Widney.<sup>19</sup>

Hayes’s sister married Benjamin S. Eaton, who was the first district attorney in the county, and another sister taught in the first public school in the city.

Ignacio Sepúlveda, himself a judge of Los Angeles County, stated of Hayes: “He made an upright judge. As a lawyer he was learned. As a man, he was unassuming, gentle and good.”

### CHAPTER III

## THE GOLDEN ANTE-BELLUM DAYS: 1850-1860

In the golden decade of 1850–1860, breathing space between two wars, the sleepy pueblo still waited for the prince’s kiss to wake it to its destiny. The rancheros herded their cattle, reaped their grain. In the autumn sun, bare-legged Indians danced their bacchanalia in vats of purple grapes,

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<sup>19</sup> J.J. Warner, Benjamin Ignatius Hayes, and J.P. Widney, *An Historical Sketch of Los Angeles County, California from the Spanish occupancy, by the Founding of the Mission San Gabriel Archangel, September 8, 1771, to July 4, 1876* (Los Angeles: Louis Lewin & Co., 1876; reprint, 1936).

that the new minerocracy of San Francisco might drink to their ascendant fortunes.

Once a week, in the evening, the Americanized City Council would meet. Half or more of its members bore the old familiar Mexican names, and they strove valiantly to understand English; while the others tried to understand Spanish, and occasionally postponed consideration of important documents, until each had a translation he could understand. Progress there was, for Lieutenant E.O.C. Ord was hired to make a map of the city lands. This progress was limited by the failure of the Council to provide permanent stakes to mark the survey; and the hangers-on at the Plaza scarcely paid attention to Ord as he waved to his slow-moving chainmen along the irregular *Calle Principal*, not yet translated to Main Street.

By 1850, the arrival of wagon trains was an old story to the somnolent peons of the Plaza. Occasionally, they were stirred into a flash of interest, when the unusual occurred. On one day, they witnessed an entire family arriving, and little boys made haste to tell the other two American families in the town that the gringo lawyer, Lewis Granger, had brought his wife and children.<sup>20</sup>

Or it might have been the arrival on another day of lawyer Joseph Lancaster Brent, whose wagons disgorged a library of well-worn law books, bound in calf, with other countless volumes on a variety of subjects. This man spoke Spanish like a native. The *Mexicanos* who had unloaded his goods thought he was *muy simpático*. Soon he was known as Don José.

One wonders what Stephen C. Foster, mayor, and a Yale graduate, said to lawyer James H. Lander when Lander arrived in 1852 to start his practice with Joseph R. Scott.<sup>21</sup>

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<sup>20</sup> Thus it was natural that Granger should have become a member of the first school board, formed in 1853. His fellow-lawyer, J. Lancaster Brent, was made superintendent. Stephen C. Foster, mayor, was the third member of the board, and succeeded Brent as superintendent in 1854. Miss Louisa Hayes, sister of Judge Benjamin Hayes, was the first teacher. Granger was elected to the City Council in 1854, and as city attorney in 1855.

<sup>21</sup> James H. Lander was born in New York City in 1829, and was a graduate of Harvard College. In Los Angeles, the year of his arrival, he married Margarita Johnson, who not only was the daughter of Don Santiago Johnson, prominent citizen, but also was the niece of Mayor Manuel Requena. Soon he was a court commissioner, and

One day in 1850 the placid onlookers at the Plaza chattered about another unusual newcomer. He was not a young man like the others. His muttonchop whiskers already were gray, and bobbed up and down as he erupted words with incredible rapidity, inquiring with delightful profanity the way to the hotel, the Bella Union. From his arrival, until his death in 1869, Los Angeles was always to be conscious of the genial impetuosity of electrically-charged William G. Dryden. Twice he would become allied by marriage with substantial families of the town.<sup>22</sup> His appointment as secretary of the City Council (city clerk) was almost simultaneous with his first days of law practice in the pueblo.<sup>23</sup>

Within a few months he was elected city attorney and also continued to serve as the secretary of the Council.<sup>24</sup>

In 1853 he knew, as men following him half a century later knew, that irrigation was the alchemy required to make the bunch of grapes on the City seal symbolic of the promised land. The dream of 1853 became the reality of 1857 when Dryden was granted a franchise for a water system. Its small tank, standing in the Plaza, the wooden pipes leading to the premises of a few consumers, would seem ridiculous today. But they were monuments of change, prophetic of the city that was to be.

Dryden practiced law assiduously for a time, then was elected police judge, county judge, and district judge in turn. A judge was a great man in



WILLIAM G. DRYDEN  
(1851-1852)

*Courtesy California  
Historical Society — USC  
Digital Archive*

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partner of Joseph R. Scott. He was the first notable “office lawyer” in Los Angeles, and specialized in land titles. He died June 10, 1873. Lander was city attorney in 1858–59.

<sup>22</sup> Dryden, though older than most of the single men arriving in town, soon married. Señorita Dolores Nieto was his first wife, and on her death, he again married into the old aristocracy of the town, espousing Señorita Anita Dominguez.

<sup>23</sup> Dryden began as secretary of the City Council on November 6, 1850, when Vicente del Campo resigned (I Archives, City Clerk, p. 97).

<sup>24</sup> Dryden was elected city attorney on May 7, 1851, but continued to serve as city clerk. As city attorney he received a salary of \$200 a year, plus allowances for extra services as determined by the Council (I Archives, City Clerk, p. 163).

this small town. Judge Hayes had the majesty of Jove upon the bench, somewhat humanized by frequent afternoon adjournments due to overdoses of non-Olympian nectar. With equal indulgence, the public made legend of the peppery profane fireworks engendered in tight moments in Judge Dryden's court. When opposing counsel drew pistols on each other, during a heated argument before the court, Dryden yelled, "Court's recessed. Fire way and both of you be damned," as he dropped behind the protecting dais.

As city attorney his labors were not arduous. Some consideration was given to a Thanksgiving proclamation. A number of citizens proposed to form a volunteer police force.<sup>25</sup> This action was proposed on January 8, 1851, and resulted in the formation of a volunteer force under Dr. A.W. Hope.<sup>26</sup>

When rumors reached the Council that the town was to be invaded by a band of armed Indians, the question arose whether the city could borrow money to provide for its defense. An ordinance was passed providing that householders should bring out and set their garbage at their doors.<sup>27</sup>

The City Council drew an ordinance in September, 1851, relating to sale of liquor to Indians, there having been many gatherings of drunken Indians on the city streets. An astute councilman asked whether or not this ordinance could be enforced as the Legislature had passed an act dealing with the subject matter. Upholding the rights of the city to municipal home rule, Dryden held that the city had ample power.

On October 7, 1851, lawyer J. Lancaster Brent was elected as councilman to fill the vacancy left by the resignation of David Alexander. Of this lawyer, more is to be written.

The ordinances drafted by City Attorney Dryden and the Council Minutes which he kept are careful and precise, albeit that when Manuel Requefia acted as substitute secretary in Dryden's absence the minutes always were shorter.

Dryden, the second city attorney of Los Angeles, still is one of the legal immortals of Southern California. One of his contemporaries called him "audacious." Another said that despite all of his nervous eccentricities, he was genial.

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<sup>25</sup> I Archives City Clerk, p. 126.

<sup>26</sup> *Ibid.*, p. 179.

<sup>27</sup> *Ibid.*, p. 136.



## CHAPTER IV

THE WAR CLOUDS GATHER WHILE  
CALIFORNIA LAWYERS LITIGATE  
LAND TITLES: 1850-1860

On July 4, 1848, President Polk proclaimed the Treaty of Guadalupe Hidalgo with the Republic of Mexico. Article VIII made inviolate the individual property rights of Mexicans in California under the new flag. Nevertheless, to new settlers flocking into California, the ownership of the land they occupied was frequently immaterial. When land had been abundant, and Mexican governors generous, the marking of rancho boundaries had been most informal. At San Francisco, an army officer, purporting to act as a *de facto alcalde*, granted away the lands of the pueblo of San Francisco.

As to these *alcalde* grants, the battle raged through fifteen volumes of *California Reports*, debating whether San Francisco had ever been a pueblo, whether it had ever had any pueblo lands, whether an *alcalde* could grant them away, and whether the army officer grantor in question had ever been an *alcalde*. Successive courts reached contrary conclusions. Speculators wagered as to which decision would remain unreversed long enough for *stare decisis* to freeze it into law.

Bound by solemn treaty to guarantee the pre-existing titles, John C. Frémont and William M. Gwin, the first senators from California, brought action from Congress. Pursuant to statutory authorization, a Land Commission was appointed and came to California. In five years' time, the commission confirmed 604 titles and rejected 190, and all but 19 of its decisions were appealed to the United States district courts.

Captain Henry Halleck, the mainspring of the California Constitutional Convention and military secretary of state, resigned from the Army, and the firm of Halleck, Billings, Peach & Park leaped into prominence in the land litigation. The name of Judah P. Benjamin was heard frequently in San Francisco, where most of the sessions of the Land Commission were held. Cameron E. Thom arrived in Los Angeles in 1852,



CAMERON E. THOM  
(1856-1858)



representing the government as land commissioner. He established himself at the Bella Union Hotel (until the rains of 1855 caused the flat roof to cave in), and found time to be elected city attorney.

Isaac Hartman also arrived in 1852, and was special assistant attorney general, representing the government in land case appeals through 1861. In 1854–55, he also served as city attorney of the town of Los Angeles. Samuel F. Reynolds arrived to practice law, but after serving as city attorney from 1859 to 1862, moved on to San Francisco, where he became district judge. Charles E. Carr held the office in 1853–54, and then served as state assemblyman.

Outside of the short session of the Land Commission in Los Angeles in 1852, the legal frenzy over titles found in San Francisco did not materialize in Los Angeles. The *rancheros* quietly sought to have their titles confirmed, and lawyers kept busy, particularly J. Lancaster Brent. In May, 1851, W.C. Jones petitioned the City Council for an appointment to present the city land claims. But it was Brent who secured the contract, \$3,000 to be paid him for representation before the Land Commission, \$3,000 more for appeal to the district court, and another \$3,000 if the litigation went to the Supreme Court. Brent, who also had served as city councilman and city attorney, secured confirmation of the city's right to the four square leagues of pueblo lands.

The new state Supreme Court saw little of Los Angeles lawyers. Murder trials were frequent, in the city of the angels, but capital sentences were speedily executed and minor offenses did not count. Few litigants appealed civil judgments. Whether Los Angeles was a blissful arcady or whether the distance, time and expense involved were major deterrents, the fact is that only thirteen cases in the first eight volumes of *California Reports* originated in Los Angeles.<sup>28</sup>

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<sup>28</sup> *Keller v. Ybarra* (1853), 3 Cal. 147, breach of contract to supply grapes; *Domingues v. Domingues* (1854), 4 Cal. 186, action to set aside conveyance, Scott & Granger, and H.P. Hepburn, counsel; *Isaac Hartman v. Isaac Williams* (1854), 4 Cal. 254, breach of oral contract, Scott & Granger, counsel; *De Johnson v. Sepulveda* (1855), 5 Cal. 150, ejectment, Scott, Granger & Brent, of counsel; *Martinez v. Gallardo* (1855), 5 Cal. 155, appellate procedure, Norton and Hartman, Scott and Granger, counsel; *Keller v. De Franklin* (1855), 5 Cal. 433, probate appeal, J.R. Scott, counsel; *Stearns v. Aguirre* (1856), 6 Cal. 176, prom. note, J.L. Brent and J.R. Scott, counsel; *People v. Carpenter* (1857), 7 Cal. 402, bail bond forfeiture; *People v. Olivera* (1857), 7 Cal. 704, perjury; *Dominguez v.*

It is also entirely possible that the local judges and their decisions enjoyed high popular repute.

During this period, Los Angeles was Democratic in its national politics. There were rumblings and distant echoes of great political controversy raging between North and South. California's admission to the Union had been part of Henry Clay's Compromise of 1850. California's Supreme Court had decided that although California was a free state where slavery was prohibited by the Constitution, slaves brought into the state by their masters were to be delivered up to him as his property, when he sought to repossess them.

Had California not been so remote from the remainder of the United States this decision might well have become the rallying point of the abolitionists.<sup>29</sup>

The issue of "North" versus "South" was localized in California. The southern part of the state in 1859 still strongly represented the Mexican-Californian influence. The immigrants outweighed all others in the north. The Tehachapi Mountains were a formidable barrier between the sections. Gold was the quest of the northerner. The southern Californian predominantly remained a rancher and agriculturist.

Beginning in 1855, members of the Legislature led a movement for division of the State of California into three states. In 1859, a bill passed both houses of the Legislature and was signed by the governor, providing for the division of California.<sup>30</sup>

At the general election of 1859, the proposition carried, and was forwarded to Congress. The area south of San Luis Obispo was to constitute the new State of Colorado.

Congress took no action to recognize the division. The Congress had maintained equilibrium between the northern and the southern states by the Compromise of 1850. The Kansas-Nebraska question was generating threats of disunion. To divide California would have added fuel to the mounting flame.

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*Dominguez* (1857), 7 Cal. 424, to set aside sale of realty, Sloan & Hartman, and J.L. Brent counsel; *McFarland v. Pico* (1857), 8 Cal. 626, presentment and demand on commercial paper, J.R. Scott, counsel.

<sup>29</sup> *In re Perkins* (1852), 2 Cal. 724.

<sup>30</sup> Cal. Stats. 1859, Chap. 288, p. 310.

## CHAPTER V

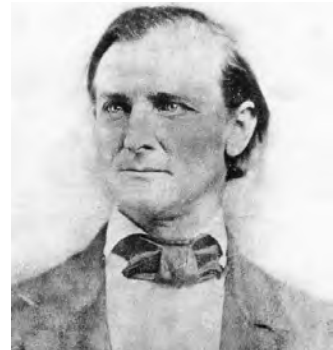
### DISUNION AND WAR: 1861

When J. Lancaster Brent arrived in Los Angeles in 1850, he soon became the unofficial political leader of the town. He addressed the Mexican population in fluent Spanish, and it was said he could nominate any candidate at will. A councilman in 1851, he became city attorney in 1852 and served until 1853. In 1855–56, he succeeded Charles E. Carr as state assemblyman.

In 1851, he joined the Rangers, which were to Los Angeles almost what the Vigilantes were to San Francisco. In 1853, he was the first superintendent of schools. He was regarded a scholar, having both a personal library and a law library. He acquired the famous Indian library accumulated by Hugo Reid. His friendship with Judge Benjamin Hayes ended over the trial of William B. Lee for murder, in which Brent was defense counsel. Lee was convicted in spite of a motion for change of venue on the ground he could not have a fair trial in Los Angeles County.

Brent appealed the case. The Supreme Court reversed the conviction, the decision stating that the failure to grant the motion for change of venue was error, in that “over one hundred citizens united in employing counsel to prosecute the defendant. Without any opposing affidavits tending to show a fair trial could be had, we think that a sufficient case was made to entitle the person to a change of venue. . . . It would be a judicial murder to affirm a judgment thus rendered, when the reason of the people of a whole county was so clouded with passion and prejudice as to prevent mercy, and deny justice.”<sup>31</sup> Judge Hayes took this as a personal affront, not lessened by a movement which was started for his impeachment.

In the golden years of 1850 to 1860, California was still Indian country. The statutes of 1859 list various Indian wars still recurrent, and the



**JOSEPH LANCASTER  
BRENT (1852–1853)**

*Courtesy Special Collections  
Room, Glendale Public Library,  
Glendale, California*

<sup>31</sup> *People v. Lee* (1855), 5 Cal. 353.

Legislature was seeking to be reimbursed by the federal government for state expenditures in repression of Indian outbreaks. Indians congregated in Los Angeles streets, some seeking the source of contraband liquor, and others clearly showing they had found it. In Los Angeles, and about the state, there were many people soon to become famous in the war between the states.

After pursuing Indians into Oregon, Captain U.S. Grant whiled away his time at Eureka, fishing and drinking. Forced to resign from the Army in 1854, Grant made his way to San Francisco. Penniless, Colonel Simon Bolivar Buckner at the Presidio loaned him money with which to return to Illinois. Jefferson Davis, secretary of war, established Fort Tejon in the pass of the Tehachapi, to control the Indians. General Frémont, whose forces had taken Los Angeles from the Mexicans, had turned to mining in California, and was living in Paris following his term as United States senator. Halleck, the army engineer who had engineered the statehood of California, had resigned from the Army and was practicing law in San Francisco. At Wilmington, Captain Winfield Scott Hancock was in charge of Drum Barracks, which was the army supply installation that served the string of frontier forts throughout the Southwest. Judah P. Benjamin was considering returning to Louisiana, and entry into the race for United States senator.

A colonel of rare military attainments, Albert Sidney Johnston commanded the Department of the Pacific, and on the site of Pasadena built a new homeplace called Fair Oaks to commemorate his wife's home in Virginia.

Could any of these men foresee what the future so shortly was to hold for them? Jefferson Davis, the president of the Confederacy; Judah P. Benjamin, his secretary of state; Frémont fumbling the command of Union forces in Missouri; General U.S. Grant demanding and receiving the unconditional surrender of General S.B. Buckner at Fort Donelson; H.W. Halleck recalled to the Army to be Lincoln's chief of staff throughout the Civil War, known far-and-wide as "Old Brains." Soon, Winfield Scott Hancock would be flinging his division against Marye's Heights at Fredericksburg; soon he would turn back Pickett's charge at Gettysburg. E.O.C. Ord, who made the Los Angeles city survey, would become a famous general of the Army and a right-hand man to Grant.

Shortly, Johnston would be opposing Halleck in the Confederate campaign in the West, and Jefferson Davis would be saying, "If Johnston is not a soldier, we have no soldiers." Soon, Albert Sidney Johnston would be lying

dead on the battlefield of Shiloh (1862), and Confederates everywhere would say, "The South could better have spared an army." Soon, Johnston's son would also lose his life, in the explosion of a vessel in San Pedro Harbor named after Hancock's wife, and the California plantation of Fair Oaks, so beautifully begun, would mournfully close.

In the election of 1860, Los Angeles voted predominantly for Breckenridge, and there were strong sympathies for the South. When Albert Sidney Johnston resigned his command, and started for the Confederacy, some hundred left Los Angeles to volunteer with him. Others tried to intercept the movement. Among those who reached the Bonnie Blue Flag were Joseph Lancaster Brent and Cameron E. Thom.

As a brigadier general of the Confederate States, Brent is said to be the last Confederate officer to have finally surrendered his sword. He never returned to Los Angeles. Cameron E. Thom, late captain, C.S.A., was to reach Los Angeles penniless at the conclusion of the war. Within twenty years, he was to be mayor of Los Angeles, and he was to live for fifty years more to see Los Angeles fulfill its destiny, and to fulfill his own as a servant of the people, commenced when he once served as city attorney.

## CHAPTER VI

### GONE WITH THE WIND: 1865-1870

The emaciated Confederacy, drained of the life-blood of its army at Gettysburg, starved by the scorched earth policy of Sherman and Grant, faltered, stopped, then fell, never to rise again. Only the women were left to mourn. But more than the Confederacy was dead. Southern agricultural feudalism had "gone with the wind," and the ex-slave and carpetbagger succeeded to the ruin.

The agricultural, stock-raising feudalism of Southern California had been on the wane since 1850. The paid guest had succeeded the free hospitality of the *rancho* before 1860. It was not war that brought it to an end in 1860-65. It was drought, three years of it in succession. Fifty thousand cattle at a time would storm a meager water hole, and fifty thousand rotting carcasses resulted, month after month. The land-poor ranchers tried to hold their land. They borrowed, and borrowed, and were unable to repay. Mortgage foreclosures, or financial stringency, broke up the vast estates.

James H. Lander, Myer J. Newmark, and A.B. Chapman, leading members of the bar, saw this happen. In 1863, the corner of Fourth and Spring Streets sold at a tax sale for less than two dollars. City lands went for a song. In a few more years, Westlake Park would be established on city lands that did not produce the minimum twenty-five cents a lot. The war brought other problems to Los Angeles. The attorneys of the city always had sponsored the school system. City Attorneys Hayes, Brent and Lander all had served on the school board. Now, there was a fight over the allegiance of the teachers, North and South. Half of the pupils in the school were withdrawn, and gained knowledge, if at all, from private schools or private tutors. Sentiment was so divided that it was thought expedient to forego the traditional Fourth of July celebrations.

We already have noted something of the career of James H. Lander, Harvard graduate, office lawyer *par excellence*. Myer J. Newmark came to Los Angeles with Joseph Newmark, merchant. He read the law with E.J.C. Kewen, and was admitted to the bar. He formed a partnership with Howard and Butterworth in 1862, the year he was elected city attorney. But law was not to be his career. He went to New York, and later returned to San Francisco and Los Angeles, known throughout the country as a leading merchant, businessman, and civic leader of the West.

While in Los Angeles, Newmark lived at the corner of Seventh and Spring Streets. He sold his residence at this location to I.N. Van Nuys in 1879 for \$6,500.

Alfred B. Chapman was city attorney from 1862 to 1865, and lived here throughout his legal career. He died on January 16, 1915, and many members of the bar still remember him. His great-grandfather was president of North Carolina University, at which he studied for a time. He was graduated from West Point in 1854, and served at Benicia Arsenal and Fort Tejon. General Robert H. Chapman was his brother. A.B. Chapman resigned from the Army, married the daughter of Jonathan R. Scott, and went to study law in Scott's office. Scott's office was the law school for many lawyers commencing practice

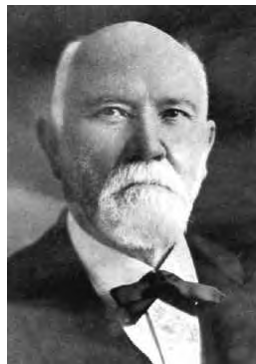


MYER J. NEWMARK  
(1862)

in Los Angeles. Hayes, Landers and Granger had been in partnership with Scott during their early careers, as well as Chapman. Chapman served as district attorney for two terms, commencing in 1868, and for twenty years practiced with Andrew Glassell. He settled at Santa Anita, and became one of the first to grow and market citrus fruit on a large scale.

The gold that was to gild the Southland from the Tehachapi to Mexico was found by A.B. Chapman. At Newhall and in Los Angeles, oil, black gold, had been found.

The next episode of legal-civic importance to Los Angeles was to be "The Fight for the Railroads."



ALFRED B.  
CHAPMAN  
(1862-1865)

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## CHAPTER VII

### THE FIGHT FOR THE RAILROADS

In the years 1870 to 1880 the City of Los Angeles, with a population of approximately 10,000 souls, had no claim to prominence. The development of oil and of citrus groves was rudimentary. The only commodity of which there was any surplus for export was wine. Weekly steamers left San Pedro for San Francisco. A telegraph line to San Francisco had just been completed. Stock raising had been dealt a death blow by drought. The city had been forced to issue scrip in discharge of its municipal indebtedness.

In spite of all this, there were those who believed Los Angeles had a future. That future depended on the development of roads and railroads to the outer world.

The opening chapter of such development was the construction of a railroad line, the Los Angeles & San Pedro Railroad, from its Los Angeles terminal at Alameda and Commercial Streets to San Pedro. The voters of the city and of the county authorized the issuance of bonds in aid of the venture, and took stock in return. Contrary to predictions, the line did not go bankrupt. The fare for a passenger going to San Pedro was \$2.50, and freight rates were somewhat in proportion. With this venture started, the Los Angeles & Independence Railroad was organized. It was planned that



it should go from Santa Monica to Inyo County and thence to Salt Lake. The road reached Los Angeles.

The year 1869 marked the driving of the last spike on the transcontinental railroad, the Union Pacific. The Texas & Pacific Railroad was surveying a route into San Diego. The Atlantic & Pacific Railroad was considering a link from Santa Barbara to San Francisco. None of the plans included Los Angeles.

The problems connected with the locations of the railroads were to engage the attention of a number of men who served the city as city attorney. These were Andrew J. King (1866–68), Colonel Charles H. Larrabee (1868–69), Frank H. Howard (1870–72), A.W. Hutton (1872–76), and Colonel John F. Godfrey (1876–80).

In addition to these men one of the prominent figures in the controversies was H.K.S. O'Melveny. On the minutes of the City Council his signature as president stands out large and bold. As revealed by the city records, it was he who earnestly contended that Los Angeles should not temporize with branch-line connections, but should demand to be included on the transcontinental lines.

So far as the railroads were concerned, there was every indication that Butterfield's transcontinental stages, leaving Los Angeles three times a week, would continue to be the main link with the outside world. But the city fathers and citizens generally had other ideas. Emissaries of the famous Big Four — Crocker, Stanford, Huntington and Hopkins — consulted with the local governmental bodies. These sessions were stormy. Crocker, after one session with the City Council, walked out, stating that so far as he was concerned, grass could grow in the streets of Los Angeles.

To build a railway line into Los Angeles, the Southern Pacific Railroad demanded a contribution amounting to approximately five percent of the assessed valuation of the county, a right of way, a sixty-acre depot site, and the stock in the Los Angeles & San Pedro Railroad as well. At first blush it is no wonder that Crocker was received in rather a rude manner. To any demurrer to the proposal, the railroad pointed to the existing plan, which called for a direct line across the Mojave Desert into San Bernardino and thence north, and to the mountain ranges through which long and costly tunnels would have to be constructed to link Los Angeles and San Francisco.





CHARLES H. LARRABEE  
(1868-1869)

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Opinion was divided but finally the voters accepted the proposition and agreed to turn over the railroad stock, while the city provided a depot site. Colonel Charles H. Larrabee, who had purchased much realty in the town, took the stump in support of the acceptance of the railroad's proposition. Chinamen began to toil on the tunnels in the San Fernando mountains. A branch line to Anaheim was constructed. Los Angeles would not continue to be an insignificant pueblo.

By 1878 the Southern Pacific absorbed the Los Angeles & Independence Railroad. By 1875 the Santa Fe arrived in the city and in 1905 through-service to Salt Lake began over the Los Angeles, San Pedro & Salt Lake Railroad, which was later purchased by the Union Pacific, in 1921.

In this era of expansion, the city attorneys were called upon increasingly by the City Council to assist in the collection of delinquent taxes, to help secure legislation in Sacramento, to assert the water rights of the city in the Los Angeles River. It must also be said that their advice was sought to stave off the city's creditors, who, in view of tax delinquencies so prevalent, frequently were considerably delayed in receiving their due.

On February 17, 1870, a claim was made for a reward for highway robbers captured by Colonel Chipley. At another time the Los Angeles & San Pedro Railroad had run an extension from Commercial to Aliso Streets and it was necessary to order the company to remove it for want of authority. The growth of the city and confusion concerning its records required that the city attorney search out the records in the U.S. Land Office. Suits over water rights were frequent. Ordinances were so numerous that William McPherson was hired to codify the same for \$400 in gold coin.

Andrew J. King, city attorney, had a varied career. He served as undersheriff of the county and likewise became district judge, succeeding Judge Dryden on Dryden's death.

As undersheriff, King, in 1866, fell into an altercation with Carlisle over the outcome of a murder trial. The next day King's brothers, Frank and Huston, saw Carlisle at the Bella Union Hotel and a gun fight ensued. Carlisle shot and killed Frank King, and in turn was riddled with bullets



ANDREW JACKSON  
KING (1866-1868)

by Huston King, who likewise fell from Carlisle's shots. Huston King was tried for Carlisle's murder but was acquitted. In the fight, another early city attorney, J.H. Lander (1858–59) of Los Angeles was accidentally wounded. During Civil War days, King was arrested by the U.S. marshal, who apparently had some doubt as to his Union loyalties. King had been a member of the state legislature in 1859 and 1860. He published the *Los Angeles News*, which was the first daily south of San Francisco, from 1865 to 1872.

Frank Howard was the son and partner of General Volney Howard and the brother of Charles Howard, who was killed in a fight in 1869 by Dan Nichols, son of ex-mayor Nichols. Frank Howard's father had been United States senator from Mississippi, a representative in the California Constitutional Convention, and a judge of the superior court. When his father came to Los Angeles, Frank Howard was a doctor practicing in Mexico. He came to Los Angeles, studied law and formed the well-known partnership of Smith, Howard and Smith.

A.W. Hutton is still remembered by many Los Angeles lawyers. A native of Alabama, he and three brothers saw service with the Confederacy. He came to California in 1869 and entered the office of Glassell and Chapman. For forty-six years he had offices in the Temple Street Block situated on the site of the present City Hall. In 1874, as city attorney, he personally drafted the first special charter of the city. In 1887 he was appointed to the superior bench. Later he served as U.S. district attorney. In 1901 he was a member of the Board of Freeholders to prepare a new charter for the city.

Colonel John F. Godfrey served during the Civil War. In 1876 he became city attorney, and was marshal in the big centennial parade on July 4, 1876. In 1884, one Hunt killed his neighbor, Gillis, at El Monte. Godfrey returned from a visit to the widow of Gillis and children, to find a



JOHN F. GODFREY  
(1876–1880)

*From the Collections of the  
Bangor Public Library*

crowd gathered to lynch Hunt. Godfrey addressed the crowd, stating that charity for the widow and orphans should be considered before justice for the killer. So saying, he passed his commodious hat. With this, the crowd dispersed.

None of these gentlemen, eminent in law and public affairs, was able to stop the local tong war and massacre of Chinese, which had international repercussions. Of that we will write later.

## CHAPTER VIII

### THE INTERNATIONAL SCENE: THE CHINESE MASSACRE AND THE FIGHT FOR THE HARBOR

Los Angeles made the international limelight in sensational fashion in 1871. One October day, twenty-two or more Chinamen were seized, beaten and hung near Los Angeles and Commercial Streets by an infuriated mob of over a thousand persons which surrounded Nigger Alley, bashed in roofs, and engaged in a frenzied orgy of lawlessness.

It had started with a tong war between Chinese, excited over abduction of a woman, and flared high when wrathful San Francisco Chinese arrived as reinforcements.

City policeman Jesús Bilderrain, with a group of citizens, sought to break up the tong war disorders and tried to arrest armed tong members. Bilderrain and his brother were shot, and Robert Thompson, who assisted them, was shot and killed.<sup>32</sup>

A mob quickly formed as the news spread. Sheriff Burns sought to form a posse to handle the riot and demanded that it disperse, but no one responded.

Andrew J. King, undersheriff and later city attorney, in rushing to arm himself, shot off the tip of his finger. Henry T. Hazard — another who served as city attorney — stood on a barrel to harangue the crowd. Friends rescued him also from the enthusiastic lynchers. Judge R.M. Widney, and Cameron Thom — another who later was city attorney and mayor — tried

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<sup>32</sup> An account of the episode is given in *Wing Chung v. Los Angeles* (1874), 47 Cal. 531, 532–33.

to quell the riot and did succeed in rescuing some of the Orientals. Thom mounted a barrel and harangued the crowd, and so did Sheriff Burns. Harris Newmark, eyewitness, tells how the barrel collapsed under Burns, ending his speech ludicrously.<sup>33</sup>

The verdict of the coroner's jury was ludicrous, also, finding the victims met death by strangulation at the hands of parties unknown.

But there were meetings all over the nation, protesting the indignity. The Chinese ambassador made serious matter of the episode and indemnity was paid by the United States government.

City Attorney Frank H. Howard, O'Melveny, and Hazard then had to defend suits brought against the city under the unique statute making cities responsible for damage done by mobs and riots.<sup>34</sup> The claim of the Chinese for injury to their property was defeated on the ground they failed to notify the mayor of the impending riot and that their conduct had precipitated it.<sup>35</sup>

### *New Era*

The attention of the citizenry was diverted to other matters. The bandit, Vásquez, operating between Bakersfield and here, was captured, taken on a change of venue to San José, tried and executed. In a shaft, sunk by pick and shovel, E.L. Doheny found oil — a new era had commenced.

Electric lighting came to Los Angeles in December, 1882. The telephone was contemporaneous. In 1885 the first cable railway began operations, and the Santa Fe reached the city. Thereupon began a rate war. Roundtrip tickets from the Midwest went down to fifteen dollars, then a dollar, and tourists began to pour into Los Angeles in a stream which has not stopped yet.

Legal notables passed by. Erskine Ross, nephew of City Attorney C.E. Thom, was elected in 1879 to the state Supreme Court, and in the late eighties, Ross and Stephen J. Field sat here in the United States Circuit Court,

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<sup>33</sup> Newmark, *op. cit.*, pp. 434–35.

<sup>34</sup> Cal. Stats. 1867–68, p. 418.

<sup>35</sup> *Wing Chung v. Los Angeles* (1874), 47 Cal. 531, 535. Thereafter, the mobs and riot statute was to lay dormant for three generations until invoked in reference to another riot over foreigners (*Agudo v. Monterey County* (1939), 13 Cal.2d 285.





HENRY T. HAZARD  
(1880-1882)

holding sessions over the Farmers and Merchants Bank at Main and Commercial Streets.

The boom was on. In 1888, the project for a separate state received momentary attention. It was determined to be a necessity, but “the time is not ripe.”

In 1889, the first Tournament of Roses was staged.

Such material developments called for civic expansion. There were dreamers who saw Los Angeles as the capital of the Western Sea with argosies coming and going from the four corners of the earth.

The long fight for federal appropriations and Congressional approval for the development of a municipal harbor to be located at San Pedro involved civic organizations, lawyers and local officials for a generation. Charles H. McFarland, William E. Dunn, Walter F. Haas, William B. Matthews and Leslie R. Hewitt, as city attorneys from 1888 to 1910, profoundly influenced the course of this municipal development.

Henry T. Hazard, ex-city attorney and mayor (1889–92), actively began the free harbor campaign. Hazard was a member of the firm of Hazard and Gage. Gage, later became governor of California. They had an office in the Downey Block on Temple Street. Hazard succeeded John Bryson as mayor in 1888, being elected at a special election held under the new Charter.

Hazard was a member of the first Park Commission, appointed in 1888. During his second term as mayor in 1892, Doheny discovered oil in Los Angeles. Vigorous Council action was necessary to prevent the spread of oil drilling to the Westlake Park region. In 1894 Hazard was a member of the Fiesta Committee. In 1899, upon the successful conclusion of the fight for the Los Angeles harbor, Hazard made the presentation speech at a ceremony in which a plaque was awarded the *Los Angeles Times* for its support of the fight. Hazard died in 1921.

Billy Dunn was known to many lawyers. He was the Dunn of Gibson, Dunn & Crutcher. He studied law at the University of Michigan. As assistant city attorney and city attorney, he won his first fame in the suits over the purchase by the city of the Los Angeles Water Company. In 1898 he became the city's special counsel for water litigation; he became counsel later for the Huntington and other utility interests.



WILLIAM ELLSWORTH  
DUNN  
(1894-1898)

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Walter F. Haas, who later resided at Alhambra, became a member of Haas & Dunnigan, and was regarded as an authority on water law, derived in good measure from his municipal experience in helping set up the Los Angeles City system.



WALTER F. HAAS  
(1898-1900)

William B. Mathews as city attorney (1900-06), and later special counsel for the city in water and power matters, is regarded affectionately as one of the fathers of Los Angeles's highly successful utility system, and served as well on the Library Board.

From 1850 until 1870, goods and passengers were lightered ashore to San Pedro and Wilmington. Terminal Island was a thin wraith of sand called Rattlesnake Island. The inshore channel, where there was one, had a maximum depth of 17 feet.

In 1881 a jetty was completed to prevent the small channel from filling up, and reclamation of Terminal Island commenced. Following these improvements Wilmington was regarded as the main harbor.

Congress, in 1890, caused a board to be appointed to examine this locality and to report on the best location for a deep water harbor. It reported in favor of San Pedro, but in 1892 another board was constituted. Santa Monica Bay was the competitor and rival railroads fanned the fires concerning the ultimate selection. The second board reported for San Pedro, but the report gathered dust in the halls of Congress. In 1896, a third board reported but a bill was introduced in Congress to build a \$2,900,000 seawall at Santa Monica.

The contest was long and bitter. C.P. Huntington and his associates were the adversaries. Huntington had established Port Los Angeles, northwest of Santa Monica, and built the long wharf — six thousand six



WILLIAM B. MATHEWS  
(1900-1906)



hundred feet long. He also controlled the entire ocean frontage. The threat of such a monopoly did much to crystallize sentiment against such a development. Stephen M. White, U.S. senator, led the fight in the Senate. The victory for San Pedro was the beginning of the decline of the railroad political machine in California, reaching a climax in 1911, the real beginning of the development of our municipal harbor department for all the people.

Even after the Harbor victory was won, two years more were consumed in forcing the secretary of war to call for bids for the first ocean breakwater, completed in 1907. Thirty years later, the federal government, at the instance of the Navy, sought to condemn the major part of Terminal Island ocean frontage for naval uses, alleging ownership by the United States. This was after the Congress, through the War Department, had spent millions to develop the commercial harbor. After two years of preparation for trial and negotiations in which it was clear that such an action would damage the city, some \$22,000,000 on account of loss of its investment and the cost of necessary relocations, the suit was dismissed.<sup>36</sup>

This was a prelude to *United States v. California*, whose repercussions have not yet died down in Congress.

## CHAPTER IX

### LOS ANGELES COMES OF AGE AND LAW PRACTICE BECOMES METROPOLITAN: OUR MODERN LEGAL TITANS

John W. Shenk is serving his twenty-sixth year as an associate justice of the Supreme Court of California. This is the longest period of service of any of the justices, the next longest being that of Chief Justice William H. Beatty. John Wesley Shenk was born in Vermont, received his schooling in Omaha, Nebraska, and at Ohio Wesleyan University. He left college in his junior year to serve with Company A, 4th Ohio Volunteer Infantry, and saw service in Porto Rico [as it was then known]. The Spanish-American War concluded, he was graduated from the law school at the University of Michigan in 1903, and then came to Los Angeles.<sup>37</sup>

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<sup>36</sup> U.S. Dist. Court, *U.S. v. 338.6 Acres of Land* #1102B Civil.

<sup>37</sup> For further details of the life of this eminent jurist, consult: *Boyle Workman's The City that Grew / as told to Caroline Walker Workman* (Los Angeles: The Southland

In 1906, he became a deputy city attorney under W.B. Mathews. In 1909, he was promoted to assistant city attorney by City Attorney Leslie R. Hewitt, taking the place of Lewis R. Works, who became a judge of the superior court and later a justice of the District Court of Appeal. In 1910, when Leslie Hewitt resigned as city attorney to become special counsel for the Board of Harbor Commissioners, John W. Shenk became city attorney and held the post until 1913, when he was appointed judge of the superior court.



LESLIE R. HEWITT  
(1906-1910)

When Shenk entered the City Attorney's Office in 1906, there were three deputies; when he left, there were sixteen. On his staff, and still active on the bench or at the bar were Edward R. Young, assistant city attorney, followed in 1912 by George E. Cryer, who later served three terms as the mayor of Los Angeles. Emmet H. Wilson was his chief deputy, soon to become a judge of the superior court, and now a justice of the District Court of Appeal. Among the other deputies were Howard Robertson; S.B. Robinson, who remained in the legal division of the City Attorney's Office for the Department of Water and Power for many years; Jess E. Stephens, who was later city attorney (1921-29) now judge of the superior court; and Charles E. Haas, now judge of the superior court.

It was during this period that Los Angeles came of age, and the framework of its municipal institutions took form in the fashion we now know them. Certainly, it was a period rich in legal experience, for perhaps in no other incumbency were so many fundamental legal problems first encountered and decided by the courts.

Wilmington and San Pedro were annexed. Necessary contiguity was furnished by the famous "shoestring strip." Time was short and opposition great, and Justice Shenk recalls a midnight trip amidst irate farmers and sharp-toothed watchdogs as he hurriedly listed polling places and secured

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Publishing Co., 1936), p. 243; Rockwell D. Hunt, ed., *California and Californians*, vol. V (Chicago, New York: The Lewis Publishing Co., 1926), pp. 339-40.

His son, John W. Shenk II, is now in practice in Los Angeles with Edward R. Young, with whom Mr. Justice Shenk himself had planned to practice.

names of election officers for the required ordinance, calling the annexation election.<sup>38</sup>

Los Angeles was attempting to develop the harbor, and to secure a water supply. The city was expanding, and there was need of new public buildings, parks, and all the other adjuncts of a metropolis.

For years, the basic water supply of the city had been the waters and underground waters appurtenant to the Los Angeles River. By virtue of the pueblo rights of the old Spanish city, Los Angeles claimed these in the entire San Fernando Valley. Shenk's major assignment in 1906–09 was the adjudication of these rights, the city vindicating its claims.<sup>39</sup> At this time the valley area was undeveloped. Land could be purchased in the vicinity of the present city of Burbank for \$35 an acre. In 1907, a bond Issue of \$23,000,000 was voted for the Owens Valley project, and the major attention of the city was thenceforth turned to the Sierra Nevadas in procuring of adequate water.

While this was a live issue, there was a perplexing "dead" one. The Los Angeles City School District wanted a school site on property used as a cemetery.<sup>40</sup> Unfortunately, the lots had been deeded in fee to many who no doubt had long since been interred in their supposedly final resting place. Shenk persuaded Judge Nathaniel P. Conroy<sup>41</sup> that he had made "due and diligent search" for the owners and could not find them, and hence was entitled to an order for publication of summons.

In 1909, the city was deeply engaged in litigation concerning the validity of tide and submerged land grants in the harbor area. To reach the so-called Miner concession, owned by the Huntington interests, whose title was challenged by the city, the Pacific Electric Railway was laying a spur which had to cross First Street in San Pedro. This required a franchise, said Los Angeles. The company speedily replied. Over the Labor Day holiday and weekend it installed the track over the street, relying on the holiday to disperse the judges and thus prevent the granting of an injunction.

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<sup>38</sup> Litigation followed, terminating favorably in *People v. City of Los Angeles* (1908), 154 Cal. 220.

<sup>39</sup> As in *Los Angeles v. Los Angeles Farming and Milling Company* (1908), 152 Cal. 645; *City of Los Angeles v. Hunter* (1909), 156 Cal. 603.

<sup>40</sup> The Old Masonic Cemetery, owned by Los Angeles Lodge No. 42, F.&A.M. [Free and Accepted Masons]. The bodies were removed and reinterred, and the site used for an addition to the high school on Ft. Moore hill.

<sup>41</sup> Afterward, a justice of the California Supreme Court.

But City Attorney Shenk paid the railway back in its own coin. On his advice, the Board of Public Works on the following weekend took horses and equipment to the harbor, removed the railroad's empty cars from the Miner concession, and took possession of the property for the city. The legal burden having passed to the Huntington interests, there was an abandonment of the claims made in their behalf. Thus the city took over the site of our present Outer Harbor development.

On October 1, 1910, the *Times* Building was dynamited, and City Attorney Shenk was called from bed by David M. Carroll, deputy city clerk and minute clerk of the City Council, asking if a reward could be offered legally for the arrest and conviction of those responsible. The advice was that the city did not have such authority. Later, the Charter was amended to authorize the posting of rewards, but the Charter was repealed. The question arose again, and it was held that the present city government did not have the power to offer rewards for the apprehension of those committing felonies.<sup>42</sup>



JOHN W. SHENK  
(1910-1913)

To develop the city's electrical system and harbor, the electors voted unprecedented bond issues. Sale of bonds depended upon securing an adjudication that the bonds were valid. Mr. Justice Shenk relates that James G. Scarborough of Scarborough and Bowen came to the rescue with a client who then litigated the validity of these bond issues, the Supreme Court having refused to pass upon the question in a mandate proceeding brought for the purpose.<sup>43</sup>

<sup>42</sup> Despite Shenk's advice, the Council offered the rewards, and in later litigation before amendment of the 1889 charter, it was held the city did not have the power.

In connection with the famous Hickman murder case, the Council again offered a reward. There was a change of administration and it was not paid, and in *City of Los Angeles v. Gurdane* (1932), 59 F.2d 161, it was held that there was no power under the present Charter to offer such a reward.

<sup>43</sup> *Los Angeles v. Leland* (1909), 157 Cal. 30; but later holding the issues valid, after legislative validation: *Clark v. Los Angeles* (1911), 160 Cal. 30 and 317.

Then, as now, the city urgently needed to secure and maintain an adequate sewer system. A main line sewer was under construction in 1909, to carry effluent to Hyperion and into the Pacific Ocean. In the midst of the operation, the contractor defaulted. The City sued for a forfeiture of \$125,000 on his bond. The bondsmen offered to settle for \$75,000, which exceeded the expectations of the City Council. After the motion to accept had been carried, a member of the Council congratulated City Attorney Shenk, and asked if the City Attorney's Office was not in need of something. Shenk replied that the office was in need of an adequate library. The Council then authorized the city attorney to procure a good library for the city attorney's staff, and this was the beginning of the present working library of that office.

Then there was the Griffith Park case. The Rancho Los Feliz was granted to Verdugo in 1843 and patented to him by the United States in 1871. It was acquired by Griffith J. Griffith, who deeded a large part of the rancho to the city for park purposes in 1898. There was considerable controversy when the grant was offered, on the ground that Griffith was attempting to lighten his tax load by unloading the property on the city. While negotiations were pending, the first Monday in March passed. The city cancelled city taxes, but forgot that there were county taxes liened against the property. In 1905, J.H. Smith bought a portion of the rancho, comprising 800 acres in the center of the tract, at the county tax sale for \$80 or less. Offer after offer was made to Smith, all of which were refused. In the meantime, the city brought a quiet title action against the tax deed, on the ground the boundaries described did not meet. While an offer of \$5,000 was pending, the Supreme Court held the tax deed invalid, and the property was saved to the city.<sup>44</sup>

Much more could be written, and undoubtedly more will be written, about this remarkable city attorney and the remarkable era in which he served the city as such. As a world port, Los Angeles owes much to City Attorney John Wesley Shenk, in whose administration steps were undertaken to perfect the harbor land titles, thus making harbor development

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<sup>44</sup> *Smith v. City of Los Angeles* (1910), 158 Cal. 702. Chief Justice Beatty, who dissented, later remarked to City Attorney Shenk that "it was a good thing for you that one member of the court is from Los Angeles. If it had not been for Mr. Justice Shaw you would have lost that Griffith Park case." This was Mr. Justice Lucien Shaw, only member on the Court from Southern California from 1903 to 1918.

possible.<sup>45</sup> Public utility law still reflects the impact of his lawyership.<sup>46</sup> Through his business ability and persuasiveness, citizens underwrote the city so that it might acquire the present central library site, originally for a city hall (then the Normal School site).<sup>47</sup> Water development by Los Angeles was accelerated by the Shenk Act, the Water District Law of 1913;<sup>48</sup> and Shenk's career as city attorney closed with the annexation of the San Fernando Valley to Los Angeles.

No wonder, after such experiences, that Mr. Justice Shenk of the California Supreme Court as a jurist today is considered one of the foremost American authorities on municipal corporation law.

## CHAPTER X THE LAST FORTY YEARS: 1910-1950

When John Wesley Shenk was appointed to the Los Angeles Superior Court in 1913, his successor as city attorney was Albert Lee Stephens, the first graduate of the law department of the University of Southern California to hold that office. Born in Indiana in 1874, City Attorney Stephens was already known in civic circles, since from 1911 to 1913 he had served on the Civil Service Commission, which



ALBERT LEE STEPHENS  
(1913-1919)

<sup>45</sup> Numerous suits were started or pending or carried to completion during the time Mr. Shenk was city attorney, including: *San Pedro R.R. Company v. Hamilton* (1911), 161 Cal. 610; *People v. Banning Co.* (1913), 166 Cal. 630; *People v. California Fish Co.* (1913), 166 Cal. 576; *People v. Banning Co.* (1914), 167 Cal. 642; *Patton v. Los Angeles* (1915), 169 Cal. 521; *People v. Southern Pac. R.R. Co.* (1915), 169 Cal. 537; *People v. Banning Co.* (1915), 169 Cal. 542; *Spring Street Co. v. Los Angeles* (1915), 170 Cal. 24.

<sup>46</sup> As in *Pomona v. Sunset Tel. & Tel. Co.* (1911), 224 US 330.

<sup>47</sup> The city did not have \$600,000 required for the purchase. Joseph F. Sartori raised the money in a local syndicate, with approval of Senator Rosebeery who organized a corporation and took title. The city purchased the land on installments. How the library was built on the property is another story.

<sup>48</sup> Cal. Stats. 1913, p. 1049.

was then pioneering in municipal personnel matters. His career from city attorney to superior court judge, to judge of the United States District Court, to justice of the U.S. Circuit Court of Appeals for the Ninth Circuit, is well known,<sup>49</sup> and will deserve an individual biography at a later time. Appointed to the bench in 1919, Albert Lee Stephens was succeeded as city attorney by Charles Burnell, who had served in the City Attorney's Office since 1913, and for a brief period in 1918 had been counsel for the Los Angeles Flood Control District.<sup>50</sup>

As City Attorney Burnell made his way to the superior court bench, he was followed by another illustrious member of the Stephens family, Jess E. Stephens.<sup>51</sup> During his administration of eight years, the expansion of the city involved millions of dollars expended for public improvements; thousands of special assessment matters were handled by the office; the utility departments grew apace; the city built and occupied the new City Hall. William H. Neal, legislative representative *par excellence* and now assistant city attorney, came on the scene.



JESS E. STEPHENS  
(1921-1929)

<sup>49</sup> Consult Willoughby Rodman, *History of the Bench and Bar of Southern California* (Los Angeles: W.J. Porter, 1909), p. 234; Rockwell D. Hunt, ed., *California and Californians*, vol. IV (Chicago, New York: The Lewis Publishing Co., 1926), p. 322. As will hereinafter appear, his brother, Jess Stephens, became city attorney and superior court judge, and his son, Clarke Stephens, is now judge of the municipal court, Los Angeles.

<sup>50</sup> Judge Burnell was born in Elko, Nevada, 1874; was graduated with the pioneer class at Stanford University in 1895. He practiced with Seward Simons, Kemper Campbell, and Frank Doherty, before entering the City Attorney's Office. He became judge of the superior court, an office which he held at the time of his death last year [1949].

<sup>51</sup> His biography is given in William A. Spalding, *History of Los Angeles City and County, California, Biographical*, vol. 2 (Los Angeles: J. R. Finnell & Sons Publishing Co., 1931), p. 315, to which any reader unfamiliar with Judge Jess E. Stephens is referred. [A note inserted by the editor of the *Los Angeles Bar Bulletin* reads, "Due to the official relationship now existing between the author and Judge Stephens, many complimentary characterizations of his administration as city attorney have been omitted, lest such comment be misconstrued."]



Public improvement matters still were in the fore during the administration of E. "Pete" Werner as city attorney.<sup>52</sup>

Werner was succeeded as city attorney by Ray L. Chesebro in 1933. At this moment, Ray L. Chesebro has served the City of Los Angeles as its city attorney for a longer period than any other incumbent during the city's one hundred seventy years of existence.

Born at Mazeppa, Minnesota, on August 28, 1880, Judge Chesebro was bereft of his parents at an early age, and at eighteen was earning his living as a telegrapher on the Minneapolis & St. Louis Railway. For a year and a half, he worked in a wholesale commission house in St. Paul, Minnesota. Along the way, he learned shorthand and typing. This paved the way for his next advancement, in which he served H.M. Pearce, general freight agent of the Northern Pacific Railway, as private secretary. This railroad secretarial experience brought him to Los Angeles in 1904 as a stenographer in the offices of the Santa Fe Railroad.

In 1907, while John W. Shenk was working on the annexation of San Pedro and Wilmington by means of the "shoestring strip," Ray L. Chesebro, then living in San Pedro, became secretary of the Consolidation Commission. He stepped from this to another public service, when he became secretary of the Los Angeles County Highway Commission, then engaged in securing highways adequate for the new-fangled motor buggies which were making their appearance in the city.

He then decided to make the law his profession. With the same determination and intensity of purpose which had won him an enviable reputation as secretary of the commissions, he laid out a rigorous routine for himself which bore fruit in his admission to the bar in 1909.



EDWIN P. WERNER  
(1929-1933)

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<sup>52</sup> E.P. Werner was born at Eau Claire, Wisconsin, in 1893; is a graduate of the University of Southern California. He served in the 91st Division in World War I, and from 1921 to 1929 was chief counsel, State Inheritance Tax Department. In 1929, he was elected city attorney, and was defeated for reelection by Ray L. Chesebro in 1933.



In 1911 he was appointed judge of the police court, and thereafter was twice reelected. His experience in dealing with public prosecutions and penal ordinances has an important bearing on his excellent administration of the prosecuting division of the City Attorney's Office.

When he left the police court bench, Chesebro had decided that the highest aim of any lawyer was the successful private practice of the law. In 1933, when he was "drafted" by citizens to be a candidate for the office, he probably considered it only a protest at the then state of affairs. When he was elected, no one was more surprised than he; and he certainly did not foresee that he would be in office longer than any other city attorney before him.

He steadily has maintained his basic premise: the private practice of the law is the goal to be desired. As one and another of his staff during these sixteen years has found some opportunity out of public service, he cheerfully has urged him to take it, and wished him God-speed; and has set about to readjust his staff as best he can. Now there are dozens of persons in the general practice who prize their days in his office, and who assist it in its smooth administration of public business from their vantage points in the community.<sup>53</sup>

Though the City Attorney's Office in Los Angeles is one of the largest law offices in the United States, it apparently lacks the administrative

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<sup>53</sup> Some of those who have left the city attorney's office in recent years for private practice are: Marvin Chesebro, son of the city attorney; W. Joseph MacFarland, assistant city attorney, who headed the Prosecuting Division; Robert Moore; Alfred C. Bowman, now on duty with the Army; former military governor of Trieste, Edward L. Shattuck, candidate for office of attorney general; Ellsworth Meyer, judge of the superior court, and grand master F.&A.M. [Free and Accepted Masons] of California; Don Kitzmiller; Jerrell Babb; Clyde P. Harrell; Frank Ferguson and Robert Patton, of the Fox Studio legal staff; Walter Bruington; Carl H. Wheat, public utilities counsel of Washington, D.C.; Al Forster; Milton Springer of the Southern California Gas Company staff; Grant Cooper, later of the district attorney's staff and now in criminal law practice; W. Turney Fox, former assistant city attorney in the Water and Power Division, now superior court judge.

Some splendid lawyers died while serving in the office, including Thatcher Kemp; Frederick von Shrader, gentleman, scholar, and accomplished trial lawyer; Newton J. Kendall, colorful assistant who headed the Prosecuting Division; James M. Stevens, who headed the Water and Power Division; and Cecil Borden, well-known trial lawyer.

S.B. Robinson, Robert L. Todd, Moresby White, and Fairfax Cosby are among those who retired from the office.

framework which public administrators these days might consider typical, if not essential. Ray Chesebro has maintained that each lawyer in his office, particularly in the civil departments, has full responsibility for the cases or matters assigned him. He gets help but not detailed supervision.



RAY L. CHESEBRO  
(1933-1953)

If the individual lawyer is not equal to such a responsibility, he therefore is not adapted to the office. Yet very few men have failed to meet the requirement. Judge Chesebro is a swift and accurate judge of men's capabilities, and when he and his assistants concur on the choice of personnel, it has been almost always a highly satisfactory choice. He personally directs the work of the office on a lawyer-to-lawyer basis.

As a city attorney, Ray L. Chesebro maintains that civil service would stultify the usefulness of the office to the people. It is certain that the approval of

the voters given his administration has permitted him to maintain a judicial independence from political factions. At times, he has been able to personally give impetus to public matters, as would be expected from counsel in big corporate enterprises, and he has refused to assent to a view that the chief law officer of the country's third largest city should remain silent unless spoken to, when public matters needed attention.<sup>54</sup>

Offered an official car, he refused it and drives his own. When the city prosecutor's office was consolidated, he found that courtesy special investigator's badges had been issued by that office, far and wide, and were being misused. So badges of any kind were abolished in the city attorney's department.

<sup>54</sup> Some examples which come to mind are the improvement of the rapid transit system with new equipment; the inauguration of weekly passes thereon; his insistence that the city must make provision for new sewage disposal works; and his early insistence that the city prosecutor's office be consolidated with the city attorney's. Most dramatic, perhaps, was the seizure of the offices of the civil service department, by which corruption therein was disclosed and, on account of which, the department was reorganized and is one of the best in the country.

At the outbreak of World War II, twenty-three of his men were called into service. Despite all of the demands made upon the office and still further depletions by the armed forces, he carried on the office under a heavy load and reduced personnel throughout the war period. Yet in that period he found time to endear himself to city attorneys all over the United States in the National Institute of Municipal Law Officers, and was elected to its presidency.

It is not possible in the compass of this article to explore the achievements of the City Attorney's Office in these latter years, which deserves a special chapter of its own; nor to name all of those assistants, deputies and secretaries, typists, investigators, clerks and accountants, who compose the firm of "Ray L. Chesebro, City Attorney," and to whom he never ceases to pay generous tribute.

Ray L. Chesebro, the incumbent city attorney, who has served the people the longest of any in that capacity, fittingly epitomizes the honor, the dignity, the high degree of selfless public service, the impartial administration, personal integrity, and professional excellence that have characterized this office throughout the one hundred seventy years of our city, Los Angeles.

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