

# THE LEFTOVERS

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## The Law in These Parts

Donald Bastin

The legal system in Contra Costa County has undergone many changes over the years. California's original constitution, enacted in 1850, created a fairly complex system consisting of several courts. At the top (as far as the county was concerned) was the District Court. The first judge in the district which included Contra Costa County was John Watson (above); his district included Santa Cruz County, and he gave his name to the town of Watsonville. The District Court Judge heard major criminal and civil cases, and appeals from lower courts.



Below the District Court were the County Court and the Court of Sessions. The County Court was assigned one judge, and the court handled civil cases and acted as a probate court. F.M. Warmcastle (left) was Contra Costa's first County Judge. This court also took appeals from the Justice's Court. The Court of Sessions acted in concert with the County Court, handling only criminal matters and criminal appeals from the Justice's Court. Its composition was unique, consisting of the County Judge and two Justices of the Peace, acting as Associate



Judges. The Associate Judges were elected by all the Justices in the county.

At the bottom were the Justice's Courts. The history of this court system dates back to 13<sup>th</sup> century England, when the office of Justice of the Peace was created. These were community judges and handled local matters. There was a similar office in Mexican California, the Alcalde, who was a respected community member. His job was to resolve neighbor's disputes and to render swift justice to miscreants. The Americans who flooded into California during the Gold Rush adapted to the Alcalde system without a problem, seeing the office as similar to their own Justice of the Peace. Many Americans served as alcaldes during the first years of the California Republic and statehood. The Justice's Court was local, easy to understand, and dealt with most of the issues that concern any community. Until late in the 20<sup>th</sup> century, the local Justice of the Peace was known by everyone and knew everyone in turn. It was a system that worked well and helped to foster a familiarity with the law and a respect for its processes. Sadly, it is long gone.

### OTHER COURTS

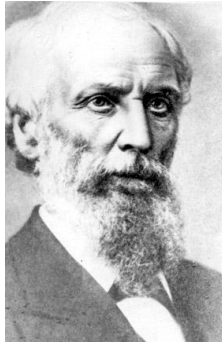
**RECORDERS' COURT:** The State Constitution of 1850 also established this court, which could be set up in any incorporated city. Martinez was the first city to incorporate, in 1876, and in that year established the first Recorders' Court in the County. This court was a variation of the Justice's Court, and was concerned primarily

with the violation of city ordinances. It later became known as the City Court.

**MAYORS' COURT:** This was a variation of the Recorders' Court, but was presided over by the Mayor of an incorporated city.

**JUDGE OF THE PLAINS:** Probably the most unique of the judicial officers of the County, the Judge of the Plains was appointed for a term of one year by the Court of Sessions to attend rodeos and decide all disputes over ownership of cattle or other farm animals. In the early days of California statehood, it was a felony to alter or deface any mark or brand on most farm animals; such offence was punishable by imprisonment for 1 to 5 years.

The California Constitution was completely revised in 1880. Amended hundreds of times, it is still the constitution in use today. The County Court and the Court of Sessions were abolished and the Superior Court system was created. When the County Court was eliminated, the last judge was Thomas Brown (above), who then became Contra Costa County's first Superior Court Judge. Until 1914, there was only one Superior Court judge. In that year, Department 2 was created, and Judge Alfred McKenzie became the first judge in that department. As the population has increased, new departments were created and the number of judges has increased accordingly.

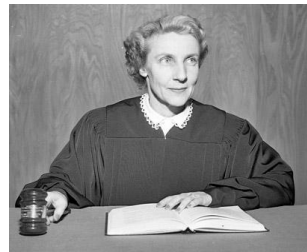


**MUNICIPAL COURT:** The first Municipal Court in Contra Costa County was formed in 1953, in the city of Richmond. The city had grown tremendously during the War, as had the entire County, and the need was felt for the broader jurisdiction of the Municipal Courts, and judges trained in the law (as the Justices frequently were not). By 1969, five Municipal

Courts had been created, and were located in Richmond, San Pablo, Concord, Walnut Creek, and the Delta (River Court). They assumed the functions of the old Justice's Court, and by 1972 this venerable institution had passed into history. By 1991 the number of Municipal Courts had been reduced to four, as the San Pablo Court had been joined with the Bay Municipal Court (formerly Richmond). On June 8, 1998 (in the words of former Judge Wayne Westover) "... the Contra Costa Municipal Courts went the way of the County's justice courts when, by unanimous consent of all the judges of both courts, only the Superior court would remain."

### AN EVOLVING COURT

For over 100 years, the judges in our county comprised an exclusive white men's club (unless you count Henry Alvarado who, as a "native Californian," may have occupied a special niche in California history). The doors began to open to other groups in the 1950s.



The first female judge in Contra Costa County was Betsy Rahn, who was elected to the Walnut Creek Justice Court in November, 1958. On December 24, 1959, the Walnut Creek Municipal Court was established, by judicial order, and she was automatically elevated to the Muni Court. She continued to serve as a judge until the mid-1970s.

George D. Carroll was our first African American judge. He was appointed to the Bay Municipal Court by Governor Edmund G. Brown, in 1965. He also served as the city of Richmond's first African American Mayor.





Patricia Mckinley was the first African American woman to serve as a judge in Contra Costa County. She was appointed to the Bay Municipal Court by Governor Jerry Brown in

1982, at the young age of 33. Tragically, she died just 4 years later of cancer.

Irene Takahashi was our first Asian American judge. She was appointed by Governor Deukmejian, in 1989, to the Bay Municipal Court in Richmond (the Richmond Court was the site of many legal firsts)



Joni Hiramoto is the first Asian American judge on the Superior Court bench. Appointed to the Bay Muni Court by Governor Pete

Wilson in 1998, she was elevated to the Superior Court 3 weeks later when the Muni courts were abolished. As of the date of this article, she is still an active judge.

Barbara Zuñiga was the first Hispanic judge in the County (unless you count Henry Alvarado, 1923-1932), and the first Hispanic judge on the Superior Court. Ms. Zuñiga served as a Municipal Court Judge in the Walnut Creek-Danville Court from 1985 to 1994. She was then elected to the Superior Court, where she served until her retirement in 2014.



E. Patricia Herron was the first woman to serve on the Superior Court. Appointed by



Governor Jerry Brown in 1977, she served for ten years and left to enter private practice. Women now outnumber men on the Superior Court bench.



Diana Becton was the first African American judge on the Superior Court bench. Ms. Becton began her career in 1995, when she was appointed to the Bay Municipal Court by Governor Pete Wilson. She

was automatically elevated to the Superior Court in June of 1998 when the Municipal and Superior Courts were consolidated. Recently re-elected to the office of Contra Costa County District Attorney, she captures new firsts as the first woman, the first African American, and the first person of color to hold that office.

Today, only the Superior Court remains in our county. The name “Superior Court” has lost its core meaning, as it is now superior to nothing. All civil and criminal cases, from small claims, to traffic court, to divorce proceedings, to the most serious criminal offences, are now carried on in one of the Superior Court buildings in the county (most of them in Martinez). But the job of the judge remains the same as it has always been—to mete out justice in as fair and impartial manner as possible.

### The Law in El Sobrante

For hundreds of years, the Justice of the Peace was the man (until the 1950s they were always men) who handled all or most of the legal issues in his community. Indeed, until the dissolution of this court in our county in 1972, virtually 90% of legal issues were handled by the Justice of the Peace. These issues were the small stuff: fights, public drunkenness, auto accidents, disturbances of the peace, etc. For ten years, from 1947, the man who dealt out justice in El Sobrante was Judge Wilson Locke.



Charles Van Wilson Locke was born in 1912 and grew up and lived most of his life in San Pablo. Prior to entering military service in World War II, Locke, still in his twenties, was unsuccessful three times in his attempt to be elected to Justice of the Peace for the 10<sup>th</sup> Township, which included the areas of San Pablo and El Sobrante. After his discharge in 1946, he passed the bar exam and again ran for the same judicial office, this time defeating his opponent decisively.



It is of interest that, generally, Justices of the Peace were not required to hold a law degree or to have passed the bar exam. As noted above, Locke, when first elected in 1946, held a law degree; by the date of his re-election in 1949 (left) he had passed the bar exam and was a practicing attorney, a fact that was to

his advantage when the 10<sup>th</sup> Township was abolished in 1957, replaced by the San Pablo Municipal Court.

The Justice of the Peace was not just an officer of the law, but a well-known and respected member of the community. Not only did he decide minor court cases, he made an appearance at many local events, to lend his



support. In this photo op, in 1954, we see the judge helping to publicize a dance to benefit the El Sobrante Volunteer Fire Department, featured in the local Herald. The girl is Sharon Olson and the fireman is Melvin Lehmkuhl.

The Justice of the Peace had great latitude in sentencing, and could nicely fit the punishment to the crime. In March of 1956, a Mr. Joe Souza was accused by fire chief Matteson of littering along Castro Road (now Castro Ranch Road). The chief had identified Mr. Souza by letters and personal papers in the trash. Judge Locke gave the man a choice: he could pay a \$100 fine, or spend the day cleaning up a quarter-mile stretch of the road. He chose the latter.

Due to the formation of the Municipal Courts in the 1950s, following large population increases in areas of the County, the old Justice Courts were gradually phased out, and by the early 1970s there were none left in our County. The San Pablo Justice Court was phased out late in 1957, and Judge Locke was elevated to a judgeship in the new San Pablo Municipal Court. He benefited from the fact that he was a practicing attorney, which was a requirement of the newly formed court. By 1980 he was retired, and he passed away in 1986.

With the demise of the Justice's Court, something essential was lost in our legal system. No longer do we have local judges who know their community and are well known by their neighbors. The law is now more formal and distant, less understood, and frankly, more intimidating.

*Note: This article is an abridged version of an exhibit, curated several years ago by myself and my wife, Clementina Diaz, about the legal history of our county, for the Contra Costa County Historical Society, 724 Escobar Street, Martinez. Other than the last section on Judge Locke, the photos are courtesy of the CCCHS.*

*From our Sister Society in San Pablo:*

## **Love letters of Henry Alvarado to Anna Chevesich, San Pablo. 1880-1886**

*Roxy Miravalle*

The San Pablo Historical and Museum Society is always looking for ways to encourage more visitors to the Alvarado Adobe and Blume House museums. Increasing attendance will increase awareness of the local history, possibly gaining new members to join and allowing the opportunity for potential donors and donations. At a recent Board meeting in January, David Anaya, vice-president of the San Pablo Historical and Museum Society suggested an idea for an event on Valentine's Day that could do just that.

February is the month the San Pablo Historical and Museum Society acknowledges former Governor Juan Bautista Alvarado's birthday, which falls on February 14. So for this year, David mentioned we could combine an event to be held at the Adobe to celebrate Governor Alvarado's 214<sup>th</sup> birthday with a reading of some letters he came across in the archives (from the 1880s), realizing it was a great opportunity for exploring and reading those historic 19th century love letters of the Honorable Henry Alvarado to his fiancée, San Pablo native, Anna Chevesich.



Henry Alvarado, the son of Governor Juan Bautista Alvarado and Martina Castro, was born in 1857. Anna Chevesich was born in 1861. She was the daughter of Charles Chevesich of Austria and Valentina Losano of Chile,

who were married in San Pablo in 1860. They grew up as close neighbors on San Pablo

Avenue where Anna's father had a business on Alvarado land. They became engaged when Henry was 23 and Anna, 19 years old.

Henry wrote some of these letters to Anna who resided in San Pablo while he was studying law in San Francisco. He would later pass the bar, open a private practice,



become district attorney and served as judge of the Superior Court in Contra Costa County. They married in 1886, five months after the date of the last letter in this collection. Both Henry and Anna were bilingual; one letter is entirely in Spanish, and some include Spanish phrases at the end.

The Valentine's Day event which included the letter readings, a special 'Tres Leches' birthday cake donated by Las Montañas Supermarket and an appearance of Los Arribeños de San Francisco, a group that preserves the music and dance of early Spanish California, was a big success



attended by people from both the community and local historical societies.





Inside the Alvarado Adobe

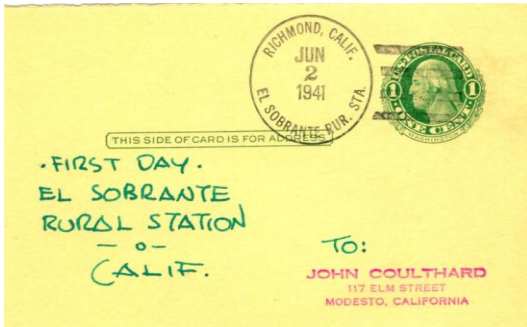
The letters were donated to the San Pablo Historical and Museum

Society by Marily Seith, Anna and Henry's granddaughter.

*Credits for the Event:*

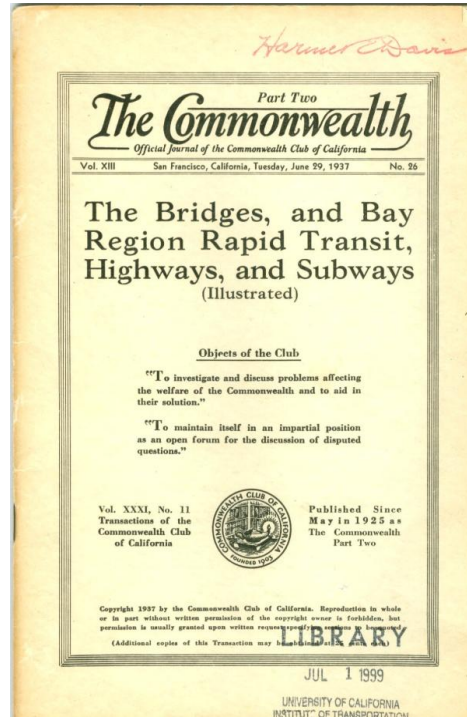
- Program Director: David A. Anaya*
- Food: Las Montañas Supermarket, San Pablo*
- Music: Los Arribeños de San Francisco*
- Beverages: Anne Austin, City of San Pablo*
- Liaison San Pablo Historical and Museum Society*
- Website: [San Pablo Museums \(google.com\)](http://SanPabloMuseums.google.com)*

**New Acquisitions**



This postcard was posted on June 2, 1941, the first day that

the community of El Sobrante was recognized as a "rural station," an entity worthy of its own postal designation; this designation allowed the operation of a "post office", often set up in a local business, with limited hours, and operated by non-postal staff. Here, mail could be picked up and posted, and stamps and postal supplies purchased. This designation amounted to legal recognition of the community of El Sobrante by the federal government.



This journal was published in 1937, shortly after opening the Golden Gate and Bay bridges. It is an in-depth and fascinating review of the traffic problems that were expected to arise as a consequence of this historic technological and engineering development.



This photo was taken on August 16, 1941, recording the launch of the *Ocean Vanguard*, the first ship launched in Richmond's shipyards and the first of 30 such freighters

destined for Great Britain, which was in desperate need of such ships to carry on its battle with Nazi Germany.

*Thanks to Emil Munkres for these artifacts*

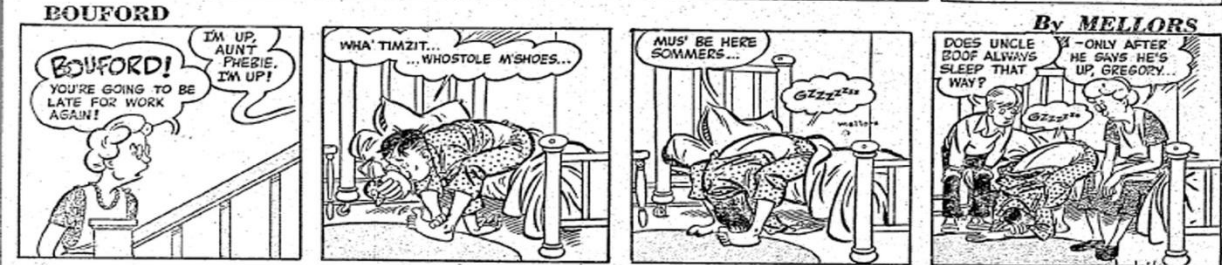
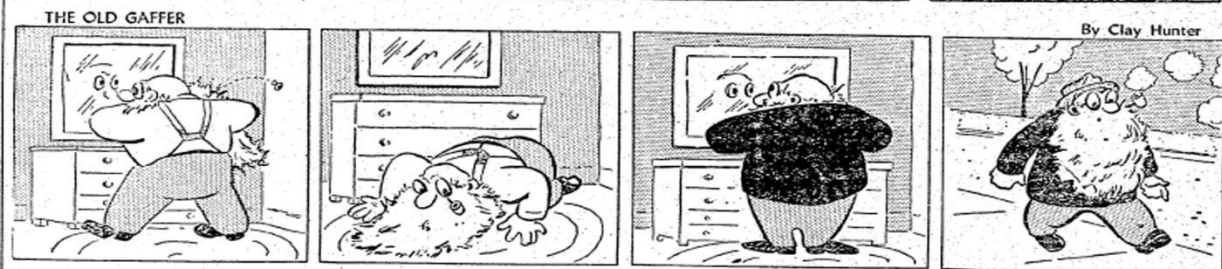


# What Was Funny in 1949?

The El Sobrante Herald rarely published comic strips. About once a month there appeared a strip called *Little Herk*, but that was about it.

For reasons not stated, these seven strips, along with two single-panel comics appeared in the Herald dated November 29, 1949. Evidently, it was thought that they would be appreciated by readers.

See what the locals considered funny in 1949.







The Leftovers is published quarterly. Articles for publication are encouraged, as are comments. See e-mail address below.

The El Sobrante Historical Society is a formal nonprofit organization, and donations may be tax-deductible. We are dedicated to the preservation and display of the history of the community of El Sobrante. We depend on our members and local residents for the information, artifacts, and photographs that make up the society's collection. Become a member and help out! It's free and simple. Just visit the website, at [elsobranthehistoricalsociety.com](http://elsobranthehistoricalsociety.com).

Visit us on **Facebook**:

<https://www.facebook.com/groups/ElSobranteHistoricalSociety/>

*Bobby Sox* was first published in the SF Chronicle (as was *Mutt & Jeff*) in the early 1940s. It enjoyed a long life, later under the name *Emmy Lou*. *Cross Town* (below) ran from 1938 until 1955.



## Mission Statement

To promote the awareness and appreciation of El Sobrante Valley history through preservation and education, and chronicling of the community's heritage for current and future generations.

## ESHS Board of Directors

**Donald Bastin:** President; Historical Researcher and writer. Newsletter editor.

**Roxanne Miravalle:** Vice-President; Historian and Writer; Genealogist.

**Steve James:** Treasurer; Membership and Communication Secretary; Researcher/writer.

**Lyle Miller:** Secretary; Community Liaison; Researcher/writer.

**Emil Munkres:** Director; Historian.

Visit us on-line at:

[www.elsobranthehistoricalsociety.com](http://www.elsobranthehistoricalsociety.com)

Questions, Comments, and other communication? Send to:

[ESHISTORY@GMAIL.COM](mailto:ESHISTORY@GMAIL.COM)

## Upcoming Events:

**Earth Day Celebration:** Library site, April 22, 9:30 am– 2 pm. History Cener will be open.

**Tuesday, August 1, 2023. A Brief History of El Sobrante.** Slide-show presentation at the library, 6:30 p.m. Details in our Summer newsletter.