

# JUDGES OF YOLO COUNTY



1850 - 1985



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## Dedication

This small work is dedicated to the Judges of Yolo County. Not only the County Court and Superior Court Judges past, present and future but also the Justice Court, Municipal Court and District Court Judges who for reasons of time could not be included. They all served, each in their own time and area of responsibility, and deserve our respectful thanks.

## Acknowledgements

Joining me in this effort has been Judge David Rosenberg, Presiding Judge, Yolo County Superior Court. With the approval of the Superior Court Judges we planned the project and divided the work. Judge Rosenberg has been a patient co-worker and a helpful advisor.

This report would not be possible except for the efforts of the Yolo County Board of Supervisors and the individual County Officers who for 150 years have managed to save a significant part of the materials that reflect the History of Yolo County and its Courts.

Leading their modern efforts was a Board appointed committee of citizens that did the actual research and legwork which resulted in the establishment of Archives for the consolidated storage and maintenance of these records. A follow-up private group, The Friends of the Yolo County Archives, was created in 1986 to help the Board establish the formal Archives and assist in the manning thereof. The Friends worked with the Board in 1992 to develop construction financing for the space where the Archives are now stored.

The most important source of my information is the County Archives. Knowing that is one thing. Actually finding the needed documents is another. Fortunately I had the continuing assistance of Ms. Moira Conlan, Yolo County Archivist and Ms. Amanda Mason, Assistant Archivist. These two ladies dug through mounds of boxes, files and big thick ledgers for me. For two years they have been extremely patient and helpful.

I also had substantial assistance in searching out relevant newspaper articles and legal books. Helping me with the legal research were Ms. Ileana Butu, JD, and Ms. Jennifer King, JD, and with the library/newspaper research were Ms. Hazel Rogers, Ms. Renee Kawamura, Ms. Lisa Butler and Ms. Marilyn Thompson. These ladies took an interest in the project and were pleasant companions to work with.

There is still one more important group to be recognized. These are the Court Clerks, including the bailiffs, interpreters and reporters, past, present and future. They prepared, processed and stored the records in the Archives.

Finally a hug and a kiss to my daughter, Catherine M. Watters, who edited this work into coherent English. To all, my heartfelt thanks and appreciation ....

## Introduction

September 1, 2011

One day in the Fall of 2009, I was looking through some legal papers and came across one signed by Judge James Roach who was then deceased. Jim and I had served together on the Yolo County Superior Court for seven years and I greatly respected him as a Judge and a person. The thought struck me that there was no way for today's citizens to know of Jim's or his predecessors' contribution to Yolo County. In fact they could not even know who their Judges were for the last 150 years.

I went to see Judge David Rosenberg, the Presiding Judge, Yolo County Superior Court. We discussed a project in which I would gather information about, and pictures of, the Judges and he would arrange the proper display and dissemination of these materials. The concept was passed through the current Yolo County Superior Court Judges for their approval and I got to work.

My part of this project is now done and Judge Rosenberg has taken over the display and preservation of the photos and materials. A copy of these materials is also available in the County Archives for those who want to examine them more closely.

James L. Stevens jr.  
Judge, Retired  
Yolo County Superior Court

I

Yolo County  
County Court Judges (1850-1879)

Name	Dates elected/appointed to Office	Photo
1. Philip A. Marquam	1850 – 1851	x
2. Henry H. Hartley	1851 – 1853	x
3. Harrison Gwinn	1853 – 1857	
4. Isaac Davis	1857 – 1861	x
5. John B. Smith	1861	
6. Isaac N. Hoag	1862	x
7. L. R. Hopkins	1862 - 1863	
8. Isaac N. Hoag	1863	x
9. James A. Hutton	1863 – 1867	
10. Michael A. Woods	1867 – 1870	
11. James Johnson	1870 – 1871	
12. James A. Hutton	1871 – 1870	
13. Edwin R. Bush	1875 – 1879	x



## II

### Yolo County County Court Judges

#### History

The first California Constitution (1849) provides in Article VI for the creation of a Judicial Department in the State Government. Sec. 8 thereof creates the office of County Court Judge, one per county, to be elected for a term of 4 years. The County Court was one of limited jurisdiction which included civil appeals from the justice courts, insolvencies, probates and civil writs. The County Judge also would preside over a Court of Sessions which included two Justices of the Peace. The Court of Sessions had such criminal jurisdiction as the Legislature should prescribe which generally meant criminal appeals from the Justice Courts. The County Judge would have such other duties as required by law but no original civil jurisdiction except in special cases. Most litigation in the early years of the County originated in the Justice Courts.

Under Sec.15 the County Judges were to be paid by their respective Counties. Supreme Court Justices and District Court Judges are restricted under Sec.16 from holding any other office during their term of elected office. County Court Judges were not so limited. There is no requirement in this Constitution that any Judicial Officer be a lawyer or legally trained. There is a provision in Chap.4 of the Statutes of 1851 for the admission of attorneys. It provides that any attempt to practice law in any Court except a Justice Court without being properly licensed was citable as contempt.

An examination of the Minute Book for the Yolo County Court shows that originally the bulk of its cases were appeals from the Justice Courts of Yolo County. The Justice Courts were not Courts of Record and did not impanel juries but the County Court and the Court of Sessions were Courts of Record and did impanel juries and thus heard the appeals as trials de novo. Also for the years of 1850-1853 the Court of Sessions sat as a temporary County Board of Supervisors and managed the County which was the majority of its work.

The First Session of the Legislature passed a statute on April 13, 1850 titled, "Chapter 92 AN ACT to organize the County Courts". This statute expanded on the specific powers of the County Judges within the limitation of their Constitutional authority. Included was the power to hear civil appeals from the Justice Courts.

The same Legislative Session passed Chapter 24 on March 2, 1850 providing for elections to County offices starting on the first Monday in April 1850. There is no County or State record of this election but the first Yolo County Judge, P.A. Marquam, reports in his biography its occurrence at the Yolo County seat of Fremont. Judge Marquam said he had “little opposition”. The election is also reported in de Pue’s Illustrated History of Yolo County, printed in the late 19<sup>th</sup> century.

## Listing

1. **Philip A. Marquam** was the first Yolo County Judge and his Court was in the county seat of Fremont, Yolo County. He was born February 28, 1823, near Baltimore, MD. He studied law and was admitted to practice in Bloomington, IL in 1847. He came to Fremont, Yolo County, California in September, 1849, and set up a law practice. Marquam appears in the 1850 census as T.A. Morgan living in Fremont, Yolo County and his profession was Attorney. He was admitted to practice law in the District Court by Judge Turner at the first meeting of the District Court on September 2, 1850, even though he was already sitting as the Yolo County Court Judge. It appears that the County Court Judge could maintain a private law practice if he so wished.

Judge Marquam served as Yolo County Judge for only about one year and then resigned. His first Court appearance as Probate Judge was on June 3, 1850, and his last on June 30, 1851. His first Court of Sessions hearing was June 6, 1850, and his last was June 30, 1851. Noteworthy, this first meeting of the Court of Sessions was for transacting County business not judicial matters. The same is true of his last Sessions meeting. As Chief Judge of the Court of Sessions, Judge Marquam was responsible for several important decisions, with statewide impact, for the administration of Yolo County before the Board of Supervisors was formed. Particularly there was his decision to assume authority to appoint, until the next general election, a new County Treasurer when the elected incumbent resigned.

Judge Marquams’ first hearing in County Court was “the Third Monday in July, 1850,” and his last was April 20, 1851. The first case heard was an appeal from a justice court civil verdict. A jury was impaneled, heard the evidence and came in with a verdict reversing the justice court decision. The last case heard was similar. In 1851 Judge Marquam moved to Portland OR where he married, prospered and died on May 8, 1912, at the age of 89. He was succeeded on the Yolo County Bench by Henry Hare Hartley.

2. **Henry Hare Hartley** was the second Yolo County Court Judge. Born in England on December 2, 1826, he came to Yolo County, California in 1849 from Bangor, Maine via Cape Horn. His boat sailed up the Sacramento River as far as Fremont where it was beached. There he set up and managed a retail business, for the owners, with the goods contained in the boat.

In the 1850 Federal census Judge Hartley appears as Henry H. Hastey living next door to Judge Marquam in Fremont. He reports that he was a counselor at law. There is a report

that he was admitted to the bar at the first meeting of the Yolo County Court of Sessions on the first Monday in June 1850. I was unable to find any record of this happening. He appears, however, as an attorney in Judge Marquams' County Court at its first hearing on the third Monday in July, 1850. Thereafter he appears frequently as an attorney in various courts and also as the Deputy County Clerk and in other appointed County positions. Judge Hartley was formally admitted to practice law in the State of California on April 22, 1852, by the California Supreme Court. Interestingly, S.C. Hastings, the person who recommended Hartley for admission to practice, was the 3<sup>rd</sup> Chief Justice of the Supreme Court, 1849-1851. He became Attorney General in 1852-1854 and is the same person who dismissed a Quo Warranto action against Hartley in 1853. (See below)

Judge Marquam left the bench on or about June 30, 1851, and on July 6, 1851, Judge Hartley appeared and recorded in the County Court's Minutes his commission, signed by California Governor McDougal, appointing him County Court Judge of Yolo County vice Judge Marquam. Judge Hartley began immediately hearing and signing orders for matters on the calendar. He also appeared at the next Court of Sessions on July 14, 1851, and the next Probate Court on July 28, 1851, and began hearing those matters. The Courts by this time had moved to Washington Township, the new county seat.

A noteworthy point made by some reporters is that the Governor did not have, at that time, the statutory authority to appoint replacement County Court Judges for the full remaining term. Realistically, however, the Governor began making such appointments and the Legislature did not immediately intervene. Later appointments included a general phrase that set the replacement election to the next general election. A similar issue came up with the election of Judge Hopkins below.

On or about May 1, 1852, the Attorney General for the State of California filed an action in the California District Court for the Eleventh District asking that Judge Hartley be removed from office because he was not a citizen of the USA. District Courts were courts of general jurisdiction created at the same time as the County Courts but were spread over several Counties. The Eleventh District included Yolo County. They had original jurisdiction in Civil and Criminal matters, within limitations, and heard appeals from the County Courts and Courts of Sessions.

On May 5, 1852, Judge Hartley declined to hear any further matters until the issue of his qualifications was decided. On July 8, 1852, the complaint against Judge Hartley was dismissed upon the request of S. C. Hastings, the new California Attorney General. Judge Hartley then resumed hearing cases to the end of Judge Marquams term in April, 1854. Research reveals that Judge Hartley filed his Immigration Notice of Intention on December 6, 1850, in the District Court of Sonoma County and received his citizenship on September 11, 1855, at the San Francisco Federal Court.

Judge Hartley heard his last County Court matter on March 23, 1854, his last Court of Sessions on April 3, 1854, and his last Probate matter on date unknown because the probate Minute Book for 1852-54 cannot be found. Interestingly the first meeting of the Yolo County Board of Supervisors was held on March 7, 1853. The elected Board then took

control of County Administration in place of the County Judge who acting as head of the Court of Sessions had managed the County up to that date.

It is alleged by several authorities that Judge Hartley stood for a confirmation election in November 1852 but there is no record of his participating in that election where other County officials were elected. He was appointed vice Judge Marquam, whose term was 4 years and thus did not need to go to the voters until the election of September 7, 1853, which selected the new County Judge for a term starting in April 1854.

On September 7, 1853, Judge Hartley stood for election to the seat for which he had been appointed in Yolo County. He was defeated by Harrison Gwinn. On April 3, 1854, Judge Hartley swore in Judge Gwinn and surrendered the office to him in a ceremony in the Court of Sessions.

Judge Hartley returned to the practice of law. He eventually moved to Sacramento and served on the local Board of Education 1864-1866. He married on October 26, 1859, and appears with his wife in the 1860 census living in Sacramento. He was deeply involved in Masonic matters and ran unsuccessfully for the Supreme Court in both 1863 and 1865. He died suddenly on March 12 1868, at the age of 41.

3. **Harrison Gwinn** was the third Yolo County Court Judge. He was born January 20, 1808, in Tennessee. He grew up on a family farm in Missouri and was married in 1831 to Nancy Rooker. It is reported that Harrison Gwinn was the Postmaster in Howard County, MO and also elected as a Representative in Saline County MO. The 1840 Federal census shows him as Hanson Guan with his family living in Saline County, MO. He came with his family across the Plains in 1850 to Yolo County where they settled. Gwinn is reported in the 1850 and 1860 Federal census as Harrison Guinn, farmer, living with his wife and 8 children, in Cache Creek, Yolo County.

After being elected to the County Court, Judge Gwinn began hearing matters on May 1, 1854. It is reported that he first met with the Court of Sessions judges on April 3, 1854, and he first appeared as the Probate Judge on April 26, 1854. It is noteworthy that Judge Gwinn appears in the Federal census as a farmer and was not an attorney, and is not reported to have been legally trained. In 1857, during his tenure in office, the courts were moved from Washington Township to Cache Creek (Woodland), Yolo County.

Judge Gwinn stood for re-election on September 2, 1857, and was defeated by Isaac E. Davis. He therefore left office at the end of his term and his last County Court hearing was on March 31, 1858. His last Probate hearing was March 1, 1858, and his last appearance in the Court of Sessions was on December 7, 1857. It is reported that he thereafter was elected to the California Assembly in 1858 and 1860. Also he was elected as a Delegate to the Constitutional Convention of 1878. He appears with his family living in Yolo County in the 1870 and 1880 Federal censuses and died July 21, 1881 in Willows, Yolo County, at the age 73.

4. **Isaac E. Davis** was the fourth Yolo County Court Judge. He was born December 22, 1797, in Hagerstown, MD. He grew up on a family farm in Ohio, married and appears in the 1820, 1830 and 1840 Federal censuses for Ohio. He appears in the Columbus, Ohio, 1850 Federal census with his wife and daughter Elnora and son-in-law Joseph H. Mitchell. Isaac Davis and family were, in 1852, drawn to California by his son Jerome C. Davis who since 1850 had lived in Yolo County. The City of Davis and the University (UCD) both sit, in part, on the Jerome C. Davis ranch and the City is named after the family.

It is reported that Isaac Davis sat as a justice court judge on the Court of Sessions in 1851, 1852, 1853 and 1854. The record shows that he assumed lead of the Court of Sessions on December 7, 1857. He began hearing matters in the County Court on April 8, 1858. His first probate matter was May 3, 1858. Judge Davis was not an attorney and did not have any known legal training.

Judge Davis did not stand for re-election in 1861. Instead he retired at the end of his term in April 1862. He appears in the 1860 federal census as living with his daughters' family in Yolo County. He heard his last County Court matter on November 25, 1861, and his last Probate on April 14, 1862. His last Court of Sessions was April 6, 1862. He was named President of the California State Agricultural Society for the year of 1863. Some time later he moved to Sacramento where he died October 25, 1869, at the age of 72.

5. The general election of September 4, 1861, pitted **John B. Smith** against Humphrey Griffith. Smith won the election as our fifth County Court Judge. He refused to qualify for the position alleging poor health and the office was then declared vacant. John Brown Smith is something of an enigma. Born in February, 1823, in Massachusetts we first find him in the 1850 Federal census living as a newly married man in Tallmadge, Ohio. He reports that he is a physician and had no legal experience or training. He does not appear in the 1860 Federal census but was elected to office in Yolo County in 1861. In the 1870 and 1880 Federal censuses he appears in Petaluma, Sonoma County, with a wife and practicing medicine. Doctor Smith died in Petaluma on February 23, 1891, at age 68 and reputedly one of the oldest physicians in Sonoma County.

6. The County Court Minute Book shows that on May 14, 1862 Governor Leland Stanford commissioned **Isaac N. Hoag** to serve as Yolo County Judge vice John B. Smith to hold the office for the term prescribed by law, i.e. until the general election of September 1862. On May 19, 1862, Judge Hoag was sworn into office as the sixth County Court Judge and began hearing County Court matters.

Judge Hoag was a lawyer admitted to California practice by the Supreme Court on April 12, 1855. He served as a Justice of the Peace and an associate judge of the Court of Sessions in 1858 and 1860. He now took his position as the sixth Yolo County Judge and on April 7, 1862, as presiding Judge on the Court of Sessions. On May 26, 1862, he heard his first probate matter. On September 8, 1862, Judge Hoag heard his last County Court matter and on October 6, 1862, he had his last probate case. His last Court of Sessions was October 6, 1862.

Isaac Newton Hoag was a man of some importance politically, agriculturally and as a businessman. He studied law in New York and was admitted to the New York Bar January 1, 1849. He was elected to represent Yolo County in the California State Assembly in 1861. He reports in the 1850 and 1860 Federal censuses that he was an attorney and he appears often as an attorney in the records of the various courts. He would be appointed again as a temporary County Court judge in 1863 and held other responsible positions at different times.

7. The next general election was held for the office of County Court Judge on September 8, 1862. In a contested election **L.R. Hopkins** was elected the seventh Yolo County Court Judge. Judge Hopkins reports in the 1860 census that he was born in Kentucky in 1826 and was an attorney. In the same election it was decided to permanently retain the county seat in Cache Creek (Woodland) which ended the agitation by those who wanted to move it back to Washington Township.

An issue arose as to when Judge Hopkins could take office. The Governor refused to commission him before the normal installation date in April 1863. Hopkins contended that he was entitled to be immediately installed in office. There was some confusion which apparently was compromised. Judge Hopkins appears to have taken County Court office on January 5, 1863, when he heard his first matter. He took his seat on the Court of Sessions November 7, 1862, and he began hearing Probate matters on October 14, 1862. Unfortunately Judge Hopkins died in office on July 18, 1863, at the age of 37. He heard his last County Court matter on July 11, 1863, and his last Court of Sessions matter was on July 6, 1863. His last probate matter was on July 9, 1863. During his brief tenure in office, Judge Hopkins worked for a new Courthouse. Previously the County rented space in existing buildings not really suitable for the Courts. The first building actually constructed as a Courthouse was finished in 1863 on Court Street in Woodland.

Judge Hopkins reports in the 1860 census that he was an attorney but we have no record of his admission to practice.

8. On August 6, 1863, the Governor again temporarily appointed **Isaac N. Hoag** as the Yolo County Court Judge until a new Judge could be elected. Judge Hoag was sworn in on May 11, 1863, as the eighth Yolo County Court Judge. The date on this document is clearly in error and should be in August, 1863. He heard his first County Court matter on August 20, 1863, and his last on October 12, 1863. His first probate matter was on August 21, 1863, and his last on December 26, 1863. The last meeting of the Court of Sessions was December 10, 1863, after which the Court of Sessions was abolished in a reorganization suggested by the Legislature and voted by the People. The duties of the Court of Sessions were absorbed by the County Court.

Isaac Newton Hoag was born March 3, 1822, in Wayne County, New York. He read for the law and passed the New York State Bar on January 1, 1849. The same day he left for California by way of the Isthmus of Panama. Here he dug gold, went into business and on July 12, 1855, was admitted to practice by the California State Supreme Court. The 1850 census shows him as an attorney living in Washington, Yolo County with his business

partner. The 1860 census shows him as J. N. Hoag still living in Washington Township but now with his family and still as an attorney. In 1861 he was elected to the State Assembly for one term.

The 1870 and 1880 censuses shows Judge Hoag living with his family in Washington, Yolo County and he reports that he was in business as a Silk Culturist and farmer. In 1862 Judge Hoag was elected Secretary of the California Agricultural Society and was later President thereof for 10 years. He spent his remaining years promoting agricultural interests. He died April 21, 1898, at the age of 76 in Redlands, California where he was the Postmaster.

9. A statewide general election was scheduled for October 21, 1863 and **James A. Hutton** was elected in a contest as the ninth Yolo County Court Judge. James A. Hutton was born in 1816 in Ohio and grew up in Illinois where he married Susan Adams in 1844. He is shown with his wife in the 1850 Federal census living in Placerville, California. He shows no profession or occupation. In the 1860 and 1870 Federal censuses he is listed as a farmer living with his family in Cache Creek, Yolo County, California.. He was not a lawyer and had no known legal training. Judge Hutton heard his first County Court matter on January 4, 1864, and his first probate on January 11, 1863 (should read 1864). Judge Hutton was defeated by M.A.Woods in his bid for re-election in the October 26, 1867, general election. He heard his last County Court matter on November 5, 1867, and his last probate on December 28, 1867. He was elected to office again in 1871. (See below)

10. **Michael A. Woods** was elected the tenth Yolo County Court Judge. He was born in Ireland in 1822. He was the Yolo County Superintendent of Schools 1865-1867 and was not trained as a lawyer. His first Probate hearing was January 6, 1868, and his last was January 7, 1870. His first County Court hearing was January 6, 1868, and his last was January 13, 1870. He died in office on January 30, 1870, at the age of 48.

11. Governor Haight appointed **James Johnson** to fill the vacancy as the eleventh Yolo County Court Judge until an election could be had. James Johnson was born May 24, 1811 in Kentucky and was admitted to the Illinois Bar on August 1, 1843. He married in 1844 in Illinois and had three children there. He appears with his wife in the 1845 Illinois State census in Tazewell County.

It is reported that James Johnson was in Hangtown (Placerville) the winter of 1850 and appeared in the local Justice Court. He is next found in Placerville in the 1852 California State census. Also Court records show him in 1852 as an attorney practicing law in the El Dorado County Court of Placerville and as the County Court Judge there several months later. He is listed in the 1860 Federal census as the County Court Judge in El Dorado County. In 1863 he left the County Court and was defeated in a bid for the District Court Judgeship. He returned to the practice of law. It appears from the Supreme Court records that James Johnson was admitted to the practice of law on February 6, 1864. In 1865 he was elected State Senator from El Dorado County. While living in El Dorado County Judge Johnson earned the sobriquet "Uncle Jimmie Johnson" which stayed with him the rest of his life.

In 1869 Judge Johnson moved with his family to Yolo County and was living here when appointed to the local County Court. In the 1870 Federal census he appears as the Yolo County Court Judge living in Cache Creek with his family. His first matter in Yolo County Court was February 3, 1870, and his first probate matter was February 3, 1870. He did not run for election in 1871 so his last County Court matter was on November 8, 1871, and his last probate case was December 14, 1871. One of Judge Johnson's early acts as Probate Judge was to handle the probate of his predecessor, Judge M. A. Woods.

Upon leaving the County Court, Judge Johnson practiced law in Yolo County for many years. He was appointed City Attorney of Woodland for the year 1873. He ran unsuccessfully for the Yolo County Court Judge position in 1875 and appears in the 1880 Federal census as an attorney living with his family in Woodland. Judge Johnson was elected as a Delegate to the Constitutional Convention of 1878 and is noted as an attorney in the 1884-86 McKinney's Woodland City Directory. He and his family moved in 1886 from Woodland to Oakland, Alameda County, where he died in March 10, 1888 at the age of 76.

12. In a contested election on October 23, 1871 **James A Hutton** was again elected to the Yolo County Court as the twelfth County Court Judge. He heard his first County Court matter on January 2, 1872, and his last matter on November 2, 1875. His first probate case was on January 2, 1872, and his last on December 22, 1875. Judge Hutton did not seek re-election in 1875. He retired and died in Yolo County on April 6, 1877, at the age of 61.

13. Judge James Johnson sought return to the bench in the election of October 24, 1875, but was defeated by **Edwin R. Bush**. Judge Bush was the thirteenth and last Yolo County Court Judge. The Legislature in 1879, as part of a new State Constitution, restructured the State Court System eliminating the County and District Courts. They were replaced with a new County Superior Court which was a court of general jurisdiction.

Judge Bush was born in Copiah County, Mississippi on October 17, 1846. He graduated in 1869 from the University of Virginia Law Department and followed his father out to San Francisco, California. Here he was admitted to California practice on December 14, 1869. He came to Woodland in 1870 to establish a law practice and it is reported that he was elected the County Administrator in Yolo County soon after arriving here. The 1870 Federal census reports him living in Cache Creek and that he was a lawyer. Judge Bush heard his first County Court matter on January 3, 1876, and his last one on December 31, 1879. His first probate matter was on January 6, 1876, and his last on December 20, 1879. When the County Courts were abolished in 1879 Judge Bush ran for the new Yolo County Superior Court position and won the election.



### III

#### Yolo County Superior Court Judges (1879 - 1985)

Name	Dates Elected/Appointed to Office	Department	Photo
1. Edwin R. Bush	1879 – 1884		x
2. Charles H. Garoutte	1884 – 1890		x
3. William H. Grant	1890 – 1896		x
4. Edward E. Gaddis	1896 - 1902 1902 – 1908		x
5. Nicholas A. Hawkins	1908 – 1914		x
6. William A. Anderson	1914 – 1920 1920 – 1926 1926 – 1932		x
7. Forrest A. Plant	1932 – 1933		x
8. Neal Chalmers	1933 – 1934		x
9. J. Grant Bruton	1934 – 1940 1940 – 1942		x
10. John H. O'Donnell	1942		x
11. Chester C. McDonald	1942 – 1948 1948 – 1954 1954 – 1960 1960 - 1963	#1	x
12. Arthur C. Huston Jr.	1957 – 1958 1958 – 1959	#2	x

13. James C. McDermott	1959 – 1960 1960 - 1966 1966 – 1972 1972 – 1978	#2	x
14. Warren K. Taylor	1963 - 1964 1964 – 1970 1970 - 1976 1976 – 1982 1982 – 1984	#1	x
15. Harry A. Ackley	1976 - 1978 1978 - 1984 1984 - 1990	#3	x
16. James F. Roach	1978 - 1984 1984 - 1990 1990 - 1991	#2	x
17. James L. Stevens jr	1985 – 1986 1986 – 1992 1992 - 1998	#1	x

## IV

### Yolo County Superior Court Judges (1879 – 1985)

#### History

The second California Constitution (1879) was the product of the pressure on State Government created by a growing population. The People needed a more efficient and simpler system including in the Courts. This constitutional organization follows the first Constitution (1849). Thus we find, again, Article VI which creates a Judicial Department in State Government. In Sec. 1, thereof, the Judicial Power of the State is vested in various courts including Superior Courts which are designated as courts of record by Sec. 22. In Sec. 6, it directs that a Superior Court of at least one judge, elected at a State general election by the qualified voters of that County, shall be established in each County. The term of office for such judges was 6 years and it ran from the 1<sup>st</sup> of January next succeeding their election. The first election of Judges under this Section was to be at the next general election following the adoption and ratification of this Constitution.

Sec. 5 of this article provides the Superior Courts with general and original jurisdiction in law and equity within certain financial limitations and special powers in a plethora of other situations such as Naturalization, Insolvency and Appeals from lesser courts. Sec. 22 states that the Judge of a court of record can not work as an attorney while in office. Sec. 23 requires that to be eligible for the position, a Superior Court Judge must have been admitted to practice law before the California Supreme Court. Sec. 24 provides that if a Superior Court Judge has a matter under submission more than 90 days, he shall not be paid until it is properly disposed of. Sec. 17 provides that the compensation for Superior Court Judges shall be half paid by the State and half by the counties where they are elected. Later this was changed so that the State paid 100% of the Superior Courts Judges compensation.

The effect of this Constitution is to abolish the County and District Courts established in 1849 and put in their place a Superior Court. The Justice Courts, however, were re-authorized in Sec. 11 of this article with jurisdiction subordinate to the Superior Courts as established by the legislature. There still was no requirement that the Justice Court Judge be an attorney nor be legally trained.

Subsequent to the adoption of this Constitution, the Courts of Appeal were created in 1905. The procedure for admission of Attorneys was transferred to them. In 1927 when the State Bar was created the admissions procedure was turned over to it. Also the procedure for electing judges underwent a change. Starting in June 1914 the election of judges became a non-partisan matter. Judges would be nominated without Party

designation. If no nominee received more than 50% of the vote at the Primary Election then the top two vote getters would appear on the General Election ballot in November for decision. Sec. 23 of the same Article required that a Superior Court Judge must have been admitted to practice before the Supreme Court for more than 5 years immediately preceding his election or appointment. Subsequently this requirement was expanded to 10 years.

In 1977 the State began replacing Justice Courts with Municipal Courts staffed by attorney judges. Then in June, 1998, Proposition 220 set up the gradual consolidation of the Municipal Courts into the Superior Courts leaving just one trial Court of general jurisdiction in each County.

### Listing

1. The first general election after the adoption and ratification of the Constitution of 1879 was on September 3, 1879. After a spirited contest, Yolo County Court Judge **Edwin R. Bush** was elected the first Yolo County Superior Court Judge. Interestingly one of his defeated opponents was Judge James Johnson who had been an El Dorado County Court Judge and an unsuccessful opponent of Judge Bush when Bush was elected Yolo County Court Judge in 1875. The 3<sup>rd</sup> person in the race was P. H. Sibley. Judge Bush assumed office on January 5, 1880, by simply changing the title on his courtroom door and correcting the heading on his documents. He also closed his private practice of law. Judge Bush served a 5 year term but was defeated in his attempt at re-election by C. H. Garoutte on November 4, 1884.

Edwin R. Bush was born October 7, 1846, in Copiah County, Mississippi. He received his legal education in the East and graduated from the University of Virginia in 1869 with an LLB degree. He promptly came to San Francisco, California and was admitted to the practice of law after examination by the Supreme Court on December 14, 1869. In May, 1870, Bush moved to Yolo County and opened a private practice. He appears in the 1870 census as a lawyer living in Cache Creek (Woodland). On September 6, 1871, he was elected County Administrator for a term of two years. He was elected County Court Judge in 1875, and ultimately as Superior Court Judge in 1879.

Upon his defeat in 1884 Judge Bush returned to the private practice of law until he was elected Yolo County District Attorney on November 8, 1898, for a term of 4 years. Upon completion of his term as District Attorney Judge Bush entered semi-retirement because of poor health. He is listed as an attorney in the Woodland City Business and Residence Directory of April 1904. He appears in the 1880, 1900 and 1910 Federal Censuses living with his family in Woodland where he died on October 10, 1914, at the age of 68.

2. **Charles H. Garoutte** was elected the second Yolo County Superior Court Judge at the general election of November 4, 1884, in a very close contest with Judge Bush. While finishing his 6 year term as a Yolo County Superior Court, Judge Garoutte was elected on

November 4, 1890, for a twelve year term as an Associate Justice of the California Supreme Court. Upon completion of his Supreme Court term Garoutte returned to private practice.

The Garoutte family came west in 1849 and eventually settled on a ranch west of Woodland in 1853. It was here on October 15, 1854, that Charles Henry Garoutte was born. The family appears in the 1860 census as Garoot and living in Cottonwood, Yolo. Eventually they moved to Woodland so that the children would have access to the educational facilities there. The Garouttes appear in the 1870 census living in Cache Creek (Woodland), Yolo. When Charles finished formal school he taught Elementary School for a year or so and studied law for several years in a Woodland lawyer's office. He was admitted to the practice of law by the Supreme Court on January 11, 1876, and started a private practice in Woodland.

Garoutte was elected the Yolo County District Attorney on September 5, 1877, and re-elected on September 3, 1879. His unsuccessful opponent in the 1877 election was F. E. Baker in whose office he had studied law and in the 1879 election it was W.H. Grant who would follow him on the Yolo County bench. Garoutte maintained his private practice at the same time as was permitted by the law then. He appears as a lawyer, with his wife and daughter, in the 1880 census living in Davisville, Yolo.

It is reported that Judge Garoutte enjoyed a number of "firsts" in his career. He was the first native born Yoloan to be elected to local office. Also, he was the first native born Californian to serve as a Supreme Court Justice. Finally, he was the youngest Superior Court Judge in California at the time of his election in 1884.

When his second term as District Attorney was completed Garoutte continued with his private practice. Then in 1884 he was elected to the Superior Court in Woodland. He appears as a Judge in the Yolo County Great Register of Voters on March 16, 1888,. With his election to the Supreme Court in 1890 he moved with his family to San Francisco and is listed on the 1900 Voter's Roster there.

While on the Supreme Court Garoutte attempted, unsuccessfully, to become the Chief Justice. He admitted later this was a mistake because it effectively denied him the opportunity to be re-elected at the end of his term. Upon completion of his Supreme Court twelve year term in 1902 the Justice returned to private practice in San Francisco. His office was destroyed in the earthquake of 1906. He was not injured but began working a reduced schedule and moved to Berkeley. He appears on the 1910 Voter's Register there. He and his family are also on the 1910 census living in Berkeley and he died there July 17, 1910, at the age of 55.

3. **William H. Grant** was elected in a contested action as the third Yolo County Superior Court Judge in the same November 4, 1890, election that put Justice Garoutte on the Supreme Court. His opponent was Eugene Aram. Judge Grant served the full 6 year term but was not endorsed for re-election by his Party's Convention and refused to run

without his Party's endorsement. There was an allegation that the Party had assessed him \$1000 to pay for Convention votes and he had refused to contribute. The inference was that he was denied the Convention's approval as punishment for his refusal. Judge Grant did support F. E. Baker who was his Party's unsuccessful candidate in that election. He returned to private practice upon completion of his term in office on December 31, 1896. Then in the general election of November 4, 1902, he ran with Party approval against Judge Gaddis but was unsuccessful. He also ran in the 1914 non-partisan primary election for the Superior Court with William A. Anderson and N. H. Hawkins but was eliminated as the low vote getter. He returned to the private practice of law.

William H. Grant was born on August 31, 1853, in Canton, Missouri. He appears there in both the 1860 and 1870 censuses living with his family. He began his legal studies in an attorney's office in Canton. The family moved to Yolo County in about 1876. W. H. Grant is found in the Yolo County Voters Great Register on October 23, 1876. He indicated thereon that he was a law student. He continued his studies at a law office in Woodland and on April 10, 1877, he was admitted to the practice of law by the California Supreme Court. He ran for Yolo County District Attorney on September 3, 1879, but was defeated by C. H. Garoutte. The Woodland City Business and Residence Directory of April 1904 lists him as an attorney. The censuses of 1880, 1900, 1910, 1920 and 1930 show him as a lawyer and living in Woodland with his family where he died on February 23, 1933, at the age of 81.

4. **Edward E. Gaddis** was elected the fourth Yolo County Superior Court Judge in the contested action on November 9, 1896. His opponent was F. E. Baker who was unsuccessfully supported by Judge Grant. Judge Gaddis served a full 6 year term and then was re-elected in a contested action for another 6 years on November 4, 1902. His unsuccessful opponent in this second election was Judge Grant. Judge Gaddis ran for re-election again on November 3, 1908, and this time was defeated by Nicholas A. Hawkins.

The father of Edward Gaddis, Henry Gaddis, left his family in New York and appears alone in the 1850 census living in El Dorado County. Interestingly he also appears with his family back in New York in the same 1850 census. His family joined him in November 1853, and by the 1860 census they were living in Cache Creek, Yolo. It was in Zamora, Yolo, on February 25, 1865, that Edward E. Gaddis was born. His father died several years later and the 1870 and 1880 censuses show his mother, remarried, with the Gaddis children living in Grafton, Yolo. After schooling in Yolo County Edward Gaddis attended the University of California and graduated from the Law Department in 1888. He was admitted to the practice of law by the Supreme Court on June 29, 1888, and went into private practice in Yolo County. He was also entered onto the Yolo County Great Register of Voters on September 25, 1888.

Gaddis was elected the Yolo County District Attorney on November 6, 1888, for a term of 2 years. He is found in the 1900 census living with his mother and sister in Woodland, Yolo. After leaving the District Attorneys' office he returned to private practice until elected to the Superior Court in 1896 and his re-election in 1902. He is listed in the

Woodland City Directory of Business and Residence for April 1904 as a Superior Court Judge. Gaddis married in 1900 and upon leaving the Court in 1908 he again returned to private practice. He and his family appear in the 1910, 1920 and 1930 censuses living in Woodland where he died May 9, 1932, at age 67.

5. **Nicolas A. Hawkins** was elected the fifth Yolo County Superior Court Judge in the contested general election of November 3, 1908. His opponent was the incumbent Judge Gaddis. Upon completion of his 6 year term he sought re-election. In the non-partisan primary election of August 25, 1914, he was matched with Anderson, Grant and G. E. Whitney. Grant and Whitney were eliminated in the primary as the low vote getters. Grant threw his support to Hawkins but Hawkins was defeated by William A. Anderson in the general election of November 3, 1914.

Nicholas A. Hawkins was born May 31, 1856, in Crawford County, Missouri. The Hawkins family came to California in 1860 settling in Gilroy, Santa Clara County. They appear there in the 1870 census. After finishing high school Nicholas went to Pacific Methodist College in Santa Rosa and received his A.B. degree. Then in 1877 he attended the Albany, NY, Law School and graduated in 1879 with an LLB degree. Returning to California, Hawkins was admitted to the practice of law by the Supreme Court on July 15, 1879, on the basis of the license he received in New York. He began private practice in Hollister, California, where he appears with his family in the 1880 census. He was appointed by the Board of Supervisors as the San Benito County District Attorney, 1880-1882. He was elected to the position in 1884-1886 and then returned to private practice.

Hawkins was married in 1880 and moved with his family in 1887 to Yolo County for his health. He was entered onto the Yolo County Great Register of Voters on May 7, 1888, living in Woodland. The Hawkins family appears in the 1900 and 1910 censuses living in Woodland, Yolo. He is listed in the Woodland City Business and Residence Directory of April 1904 as an attorney. Here he practiced law until November 8, 1904, when he was elected to the Assembly from Yolo County. During his time in the Assembly, Hawkins was instrumental in passing the Agricultural Farm Bill which allocated \$150,000 for the establishment of a University Farm School which eventually became the University of California, Davis. In 1908 he was elected with the support of Judge Grant to the Superior Court and served a full 6 year term. When he ran for re-election in 1914 he was defeated by William A. Anderson. After his loss in the re-election he moved to Modesto, Stanislaus County, and returned to the private practice of law. He appears there in the 1920 and 1930 censuses and died there on January 3, 1948, at age 92.

6. The sixth Yolo County Superior Court Judge was **William A. Anderson**. The first nonpartisan primary election of August 25, 1914, matched Anderson, Grant, Hawkins and G. E. Whitney. Grant and Whitney were eliminated as the low vote getters so Anderson and Hawkins were matched in the general election. Grant threw his support to Hawkins unsuccessfully. Elected in the contest of November 3, 1914, Judge Anderson

enjoyed a long term on the bench. He ran for re-election and won the nonpartisan primary against A. G. Bailey on August 31, 1920. He was then confirmed in the general election of November 2, 1920. He was re-elected in 1926, unopposed in the August 31 primary, and confirmed in the November 2, 1926 general election. With 18 years in office he sought re-election again in the August 30, 1932, nonpartisan primary election and was matched with J. G. Bruton and Forest A. Plant. Bruton was the low vote getter and eliminated. Judge Anderson was defeated by Forrest A. Plant in the general election of November 8, 1932.

Judge Andersons' father, Thomas Anderson, appears at age 19 in the 1850 census of Warren County, Ohio. In the 1860, 1870 and 1880 censuses he is in Sacramento and working as a carriage maker. In his family is William Anderson, age 6, born August 6, 1875. William grew up and went to school in Sacramento. As an adult he studied law with an attorney in Woodland and was enrolled in the Yolo County Great Register of Voters on May 23, 1896. He was admitted to the Bar on January 7, 1897, and then entered into the practice of law in Woodland.

In January 1898, the District Attorney of Yolo County was unable to proceed with his duties due to illness. Anderson, who was the Assistant District Attorney, stepped into his shoes to maintain the office until the end of the term in December 1898. In April 1899, he was elected Woodland City Attorney for a term of two years.

On November 4, 1902, Anderson ran for Yolo County District Attorney and set off the sharpest legal battle in Yolo County history. His opponent was Harry L. Huston, the uncle of the future Judge Huston. There were multiple charges of ballot box and voter fraud but the Supervisors eventually ruled that Anderson had won by 8 votes and he was installed in office. Huston immediately challenged the decision by suing. After a trial of about three months the court ruled for Huston. Anderson remained in office and appealed to the Supreme Court. More than one year later that court ruled first for Anderson but on rehearing reversed itself for Huston. Anderson, after two years in office, was forced to relinquish the position. He appears in the City of Woodland Business and Residence Directory of April 1904 listed as District Attorney but he had to cede the office to Huston as of 1 January, 1905.

On November 6, 1906, Anderson had his revenge. He was again elected District Attorney defeating the incumbent H.L. Huston. In 1910 he sought re-election. He won his primary on August 10, 1910, but lost the general election to A. G. Bailey on November 8, 1910.

After leaving the District Attorneys' office, Anderson returned to private law practice until 1914 when he successfully ran for Superior Court Judge. He held this position until 1932 when he was defeated. While in office he pushed for and was eventually successful in getting public approval for a new Courthouse. He moved into the building in 1918. On January 5, 1933, Judge Anderson was in his office at the Woodland Courthouse when he suffered a stroke and died at age 57.

7. The August 30, 1932, nonpartisan primary election matched incumbent W. A. Anderson against Forrest A. Plant and J. G. Bruton. Bruton was the low vote getter and eliminated. **Forrest A. Plant** was elected the seventh Yolo County Superior Court Judge in the contested general election on November 8, 1932. He took office on January 1, 1933, but fell ill with pneumonia and died on November 16, 1933 at the age of 44.

Louis J. Plant, the grandfather of Forrest, came to California in the 1852. He is found in the 1852 and the 1860 censuses with his family including his son, Albert J. Plant, in Cascade, Butte County, operating a livery stable. In the 1870 census, Louis and Albert and the rest of the family are living in Putah (Davis), Yolo, and in the 1880 census they are living in Davisville maintaining several businesses. Albert Plant became a Davis grain merchant and was married to Mary Ellen Borchers in December, 1888. Thus it was in Davis on November 10, 1889 that Forrest A. Plant was born. Upon completing high school in Sacramento, Forrest went to the University of California, Berkeley for his undergraduate work.

The Plant family appears in the 1910 census under the name Placer and living in Putah, Yolo County. In 1911 Albert Plant died and Forrest left the University and returned to Davis to manage the family business and care for his orphaned younger siblings. He used his free time to study law with two attorneys in Woodland and was admitted to the practice of law on July 2, 1913, after an oral examination before the Third District Court of Appeal. Interestingly one of the lawyers who recommended his admission was W. A. Anderson whom he defeated in the 1932 election for the Yolo County Superior Court Judgeship. Forrest was entered in the Davis Great Register of Voters as an attorney in 1914. The Plant family appears again in the 1920 census living in Putah.

Forrest Plant married Marie Phleger in 1921 and is found with his family in the 1930 census under the name "Plank" and living in Davis. He helped the Davis City Fathers organize and complete the incorporation of the City of Davis in March, 1917. He was named the Davis City Clerk and City Attorney, positions he held until 1933. The loss of Judge Plant on November 16, 1933, left the office of Yolo County Superior Court Judgeship open to the Governor for appointment.

8. On November 20, 1933, Governor James Rolph Jr. appointed **Neal Chalmers** the eighth Yolo County Superior Court Judge. Judge Chalmers took the Bench forthwith. He did not seek election in the subsequent non-partisan primary election of August 28, 1934, and thus left the Bench on December 31, 1934, having completed his term of service.

The Chalmers family came to Woodland in 1889 from Canada. Neal Chalmers was born May 4, 1891, in a small house on Main Street in Woodland. Because of the illness of his father he did not complete high school. He appears in the 1900 and 1910 censuses with his father and family living in Woodland, Yolo. Later he managed to attend one year of college at the University of Southern California Law School. Subsequently he read law under the supervision of Judge E. E. Gaddis in Woodland. On July 2, 1913, he passed the

oral examination in the Third District Court of Appeal and was admitted to the practice of law. He was entered in the Woodland Great Register of Voters in 1914.

Chalmers was elected the Woodland City Attorney in 1915 but resigned the post in 1918 to join the Army. Upon discharge from the Service in 1919 he returned to the civil practice of law in Woodland. He appears in the 1920 census as a lawyer, married, and living in Woodland, Yolo. On August 31, 1926, in the nonpartisan primary election Chalmers challenged C. C. McDonald, the incumbent District Attorney. It was a three-way race with George T. Kern. Kern was the low vote getter and thus eliminated in the primary. Chalmers then won the general election on November 2, 1926. He was re-elected without opposition in the August 26, 1930, primary election. He resigned his position as District Attorney in November 1933 to accept the Governor's appointment to the Superior Court Judgeship.

In the 1930 census, Chalmers and family were still in Woodland and he reports being an attorney. In 1933, Chalmers was appointed the Superior Court Judge succeeding the deceased Forrest A. Plant. He preferred private practice, so upon completion of his term in 1934 he did not run for election and returned to his private practice. He remained in private practice and served over the years in several public service appointed positions until December 9, 1963, when he died in Woodland at age 72.

9. The nonpartisan primary election of August 28, 1934, to succeed Judge Chalmers, was won by **Jacob G. Bruton** in a contest with A. G. Bailey. Bruton became the ninth Yolo County Superior Court Judge. Judge Bruton served a full term of 6 years and then sought re-election on August 27, 1940. The nonpartisan primary election was uncontested, however, he died unexpectedly on January 25, 1942, after just 12 months into his new term.

The Bruton family first appears in the 1860 census with Philip Bruton, the father of Judge Bruton, at the age 3 living with his family on a farm in Missouri. In the 1870 census, Philip Bruton at age 13 is working on a farm in Missouri. In the 1880 census, Philip Bruton is still in Missouri but reports being a clergyman at age 24. In the 1900 census, we find the Bruton family in Woodland, California. Father Philip Bruton reports he is an attorney and the record shows son Jacob Grant Bruton, age 3 was born in Winters, California.

On September 26, 1902, the father, Phil Bruton was defeated in the race for Yolo County District Attorney. Phil appears in the Woodland City Business and Residence Directory of April 1904 listed as an attorney. The family appears in the 1910 census under the name of Banton living in Woodland. Jacob attended school in Woodland. The April 1917 roll call of the National Guard 2nd Infantry Regiment shows Jacob Bruton as a 2d Lt stationed in Woodland. He served in WWI and on the Mexican Border. The 1920 census shows him living with his mother and brother in Woodland. He is entered as a student in the Woodland Great Register of Voters in 1922. The State Bar reports that J. G. Bruton was admitted to practice law in August 1922. The 1930 census shows him

living in Woodland with his wife and reports that he is a lawyer. Bruton ran in the 1932 primary election against Anderson and Plant for the Superior Court Judgeship but was eliminated as the low vote getter. He tried again, successfully, in 1934, and took his seat on the Bench which he held until he died in office on January 25, 1942, at the age of 45.

10. The tenth Yolo County Superior Court Judge was **John H. O'Donnell** who was appointed January 29, 1942, by Governor Culbert Olson to fill the position left by Judge Brutons' death. The next nonpartisan primary election was held on August 25, 1942, and Judge O'Donnell was an apparent winner by approximately 14 votes. A count of the absentee votes by the Board of Supervisors shifted the win to his opponent, C. C. McDonald, by 9 votes. Judge O'Donnell stepped aside on December 31, 1942.

John O'Donnell was born in 1891 in New York. He graduated in 1915 from the University of Notre-Dame with a degree in Law. O'Donnell first appears in the records of the State Bar as being admitted to the practice of law in October, 1915, and living in Williams, Colusa County. He served in WWI and came to Woodland in 1928. The O'Donnell family is found in the 1930 census living in Woodland and he is working as a Correspondent for Farm Loans. O'Donnell is listed on the Woodland Great Register of Voters for May 3, 1932. He served Yolo, Glenn and Colusa Counties from 1932-1940 in the 3rd District of the State Assembly and as the Speaker ProTem of the Assembly. Upon his defeat by C. C. McDonald in 1942 he went into private practice for a year and then moved with his family back to their farm in Williams, Colusa County. He died there May 11, 1968, at the age of 77.

11. **Chester Charles McDonald** had a hard fought contest with Judge John O'Donnell for the Yolo County Superior Court Judgeship in the election on August 25, 1942. He took office on January 1, 1943, and became the eleventh Yolo County Superior Court Judge. Judge McDonald served the six full years of his first term and was re-elected without opposition on June 1, 1948. He was elected again on June 8, 1954, and June 7, 1960, without opposition. In 1957 his Department was established as #1 because an additional Department was created by the Legislature and numbered as #2. Judge McDonald did not complete his last term in office instead he retired on April 1, 1963, leaving the position for the Governor to appoint a successor.

C. C. McDonald was born on November 14, 1886, in Woodland. The 1900 census shows the family living in Vacaville but he graduated from Woodland High School. He went to Stanford University for his undergraduate and law school studies graduating in 1912. McDonald was admitted to the practice of law by examination before the Third Appellate District Court on July 2, 1913, and began an active practice of law in Woodland. He was entered on the Yolo County Great Voters Register in 1914. He ran in the August 25, 1914, nonpartisan election for District Attorney against the incumbent, A.G. Bailey and J. E. Strong. Strong was eliminated as the low vote getter. So on November 3, 1914, McDonald ran against and defeated A. G. Bailey and became the District Attorney. He

ran for re-election in the August 27, 1918, nonpartisan primary election and won against J. E. Strong. He was unopposed in the November 3, 1918, general election.

McDonald did not run in the 1922 primary or general elections, instead returning to the private practice of law. He ran again in the 1926 District Attorney primary but was defeated by Neal Chalmers who was re-elected in 1930. Chalmers resigned his post in November 1933, and McDonald was appointed by the County Supervisors to take the post of District Attorney which was confirmed in an unopposed primary election on August 28, 1934. McDonald was re-elected on August 3, 1938, in a primary where his opponents, Percy Napton and Robert W. Tharp did not gain 50 % of the vote. In 1942 he ran successfully for the Superior Court Judge position and stayed there until he retired in 1963. Altogether Judge McDonald spent about 20 years on the Bench and 17 years in the District Attorney's office. He died in Woodland on July 31, 1965, at the age of 79.

12. Because of the growing case load in Yolo County, the Legislature in 1957 created a second position in the Yolo County Superior Court. On September 11, 1957, Governor Goodwin Knight appointed **Arthur C. Huston Jr.** to Department #2 of the Yolo County Superior Court until the next nonpartisan primary election. He was the twelfth Yolo County Superior Court Judge. On June 3, 1958, Arthur C. Huston Jr. was affirmed in an uncontested primary election to fill the position in Department #2 of the Court. Judge Huston took his seat on January 1, 1959, but only for a short time. He died in office on May 21, 1959.

The Huston family, in the form of Grandfather Walter S. Huston, age 19, appears in the 1850 census living in Callaway, Missouri. Soon thereafter Walter settled in Yolo County, California and the 1860 census shows him as a farmer living with his family on Cache Creek, Yolo. The 1870 census shows the family living in Grafton, Yolo and he is a merchant. In the 1880 census the family had moved to Woodland and a son, Arthur C. Huston, age 8, has been added.

The 1900 census shows the son Arthur C. Huston as an attorney, married and living in Woodland and there is a grandson, Arthur C. Huston Jr., who was born May 28, 1897. The 1910, 1920 and 1930 censuses show the Huston family still living in Woodland but Arthur Jr. has married and has a family of his own. He reports that he is also an attorney admitted to the Bar in September 1921, after studying the law in his father's law office in Woodland. He practiced law in a partnership with his father and his brother, Robert Huston. He is entered in the Woodland Great Register of Voters in 1922 as an attorney.

Arthur Jr. served in WWI and in WWII where he was appointed the military governor of Saipan when it was seized from the Japanese in 1944. He also served as President of the Yolo County Bar Association. He died May 21, 1959, at age 62 in Woodland after only one year in office

13. With the death of Judge Huston, Governor Edmund G. Brown appointed a replacement for the position in Department #2 of the Yolo County Superior Court. **James C. McDermott** was selected on June 1, 1959, and became the thirteenth Yolo County Superior Court Judge. He was confirmed when he won the contested nonpartisan primary election on June 7, 1960. His unsuccessful opponent was District Attorney Anthony B. Avilla. Judge McDermott completed his full term of 6 years and ran for re-election unopposed in June 7, 1966. Upon the completion of this term he ran for re-election in June 6, 1972. This time he was opposed unsuccessfully by Thomas Purtell. Judge McDermott retired at the end of his last term on December 31, 1978.

Judge McDermott's father, William F. McDermott, came to America from Ireland in 1884. He appears in the 1910 census with his wife and oldest son William J. McDermott living in Grafton, Yolo, and reports he is working for the railroad. It was here on December 23, 1910, that James C. McDermott was born. The 1920 census shows Mary E. McDermott, the mother, living in Grafton with her two boys, William and James. It reports she is a widow. James McDermott attended the Grafton Elementary School and then went to Christian Bothers High School in Sacramento where he graduated in 1927.

The 1930 census shows just the two McDermott brothers still living in Grafton. James also appears as a student at St Marys College in Moraga, Contra Costa County. McDermott was entered on the Great Register of Voters May 3, 1932, in Knights Landing. Subsequently he attended Hastings Law School in San Francisco and graduated cum laude in 1936. He was admitted to the Bar in May 1937, and started practice in a San Francisco law firm. Later he was house counsel for Pacific Employers Insurance Company from 1943 to 1947.

McDermott came home to Yolo County in 1947 and opened a private law practice in Woodland. He remained in private practice until 1959 when he was appointed to the Bench. Upon retiring in 1978, he and his family lived in Yolo County where he died on May 26, 1982, at the age of 71.

14. On March 29, 1963, Governor Edmund G. Brown appointed **Warren K. Taylor** to the Department #1 Judgeship of the Yolo County Superior Court upon the retirement of Judge McDonald. He was the Fourteenth Superior Court Judge in Yolo County. Judge Taylor was confirmed to this position, unopposed, in the nonpartisan primary election of June 2, 1964. He served the full term and ran unopposed for re-election on June 6, 1970, November 30, 1976, and December 9, 1982. Judge Taylor did not complete his final term but retired from the bench on August 1, 1984, for a record commitment of approximately 21 years service on the Bench.

Warren K. Taylor was born on June 7, 1920, in Independence, Iowa. The family moved to Ventura County in about 1926 and they appear there in the 1930 census. Warren went to UC Berkeley and graduated in 1941. Upon graduation Taylor signed up for a special program offered by the US Navy. After finishing the Navy program he went into service and was stationed on board ship at Pearl Harbor on December 7, 1941, when it was

attacked by Japan. During WWII he served four years at sea in the Pacific. After the War in 1946, he attended the Stanford and Boalt Hall, Berkeley, Law Schools graduating in 1948. Taylor was admitted to the Bar in January 1949 and went into private practice in San Francisco. He moved with his wife and children to Davis in 1953 and established a private law practice. In addition to his private practice Taylor was appointed Davis City Attorney in 1954 and lectured on Business Law at UC Davis starting in 1957. With his appointment to the Superior Court Judgeship he terminated these activities and was sworn into office.

While in office Judge Taylor worked to originate and support Judicial Education which was largely non-existent when he was appointed. He was a faculty member of the California College of Trial Judges, a member of the Executive Board of the California Judges Association, a Director of the Center for Judicial Education and Research and a member of the Judicial Council. Judge Taylor was also chosen by the Yolo County Superior Court Judges to serve as their Presiding Judge several times. Since his retirement in 1984 he has lived with his family in Willowbank, Yolo. He served for many years as a private judge assisting litigants outside the formal courtroom.

15. Governor Edmund G. Brown Jr., on January 28, 1976, appointed **Harry A. Ackley** to the newly created Department #3 in the Yolo County Superior Court. Judge Ackley was the fifteenth Yolo County Superior Court Judge. He was confirmed to the position in the unopposed nonpartisan primary election of June 6, 1978. Judge Ackley served his full 6 year term and was re-elected, unopposed, on June 5, 1984. He retired at the end of this 6 year term effective January 7, 1991. No one was appointed to replace Judge Ackley, instead the filling of his position was deferred to the nonpartisan primary election of June 5, 1990.

Harry A. Ackley was born on August 10, 1924, in Baltimore, Maryland. The family moved to Ohio and appears in the 1930 census in Dayton, Ohio. He reports that he grew up in Columbus, Ohio. Ackley served in the Armed forces during WWII and afterwards attended several colleges graduating from Texas College of Arts and Industries with his BA degree in 1948. He then came to Stanford University, California, for his Masters in Education in 1950. He worked as a teacher in the Del Paso Heights Elementary District and as a teaching Principal in the Natomas Union School District. He also worked as a Court Clerk in the Sacramento County Municipal Court. While working days Ackley attended nights at McGeorge School of Law, Sacramento, where he graduated with great distinction in 1955. He was admitted to the Bar in December 1955 and went to work for the Yolo County District Attorney's office.

Ackley ran unsuccessfully for the Yolo County, 4th District, Supervisors Office in 1960. In the June 7, 1966, nonpartisan primary election he was elected the Yolo County District Attorney in a race with Anthony Smernes Jr. He returned to private practice in 1970 until his appointment to the bench in 1976. Ackley taught as an adjunct professor at McGeorge School of Law and at King Hall, UCD School of Law. He has written several published books on legal matters including "Legal Writings and the California Bar

Examination". Judge Ackley was chosen several times by the other Superior Court Judges to serve as the Presiding Judge.

Since his retirement from the Court in 1991 Judge Ackley engaged in the private practice of law for several years. He is now fully retired and lives with his family in Woodland, Yolo.

16. The retirement of Judge McDermott in 1978 left an opening in Department # 2 of the Yolo County Superior Court. The Governor did not make an appointment, thus in the nonpartisan primary election of June 6, 1978, the position was contested by Joan G. Poulos and **James F. Roach**. Judge Roach was successful and he became the sixteenth Yolo County Superior Court Judge. Normally a new judge takes office on January 1 of the year following his election. Judge McDermott, however, retired on December 1, 1978 so Governor Jerry Brown appointed Judge Roach to the office on December 4 giving him an additional month in office. He served the full 6 year plus one month term and was re-elected, unopposed, in 1984. Judge Roach was re-elected unopposed again in 1990. He did not complete his last term in office and retired on September 8, 1992.

James Roach was born in Sacramento on September 7, 1922. The family moved to Woodland where he went to school and they appear there in the 1930 census. After finishing high school in 1940, Jim went on to Modesto Junior College and then to UC Berkeley in the Navy V-12 program. Upon completion in 1943, he was commissioned a 2nd lieutenant in the Marine Corps and shipped to the Pacific Theater of Operations. On May 2, 1944, James Roach was severely wounded leading his platoon in combat on Okinawa. The Corpsman who saved his life was awarded the Congressional Medal of Honor. Upon receiving his medical discharge from service, Jim came home and attended Stanford Law School in 1946. Upon passing the Bar in January, 1949, he started work in the Yolo County District Attorney's office.

On June 8, 1954, Roach ran unsuccessfully for the Yolo County District Attorney position. A. B. Avilla was the winner in an extremely close election. Roach then went into private practice in Woodland. The Superior Court Judges appointed Roach to the position of Juvenile Court Referee when it was created in 1973. He held the position until he was elected as a Judge in 1978. During his service Jim was chosen by the other Superior Court Judges as the Presiding Judge several times. Upon his retirement in 1992 Judge Roach and family lived in Yolo County until his death on April 27, 2002, at the age of 79.

17. **James L. Stevens jr.** was appointed on February 25, 1985, to Department #1, Yolo County Superior Court by Governor Deukmejian as the replacement for the retired Judge Taylor. He was the seventeenth Yolo County Superior Court Judge. Judge Stevens was confirmed in the contested nonpartisan primary election of June 3, 1986. His unsuccessful opponent was Tom Purtell. Stevens served his full term of 6 years and was re-elected without opposition on June 2, 1992. He retired on May 31, 1998.

James Stevens was born May 17, 1929, in Los Angeles, California. The 1930 census shows him and his family living in Seattle, Washington. He graduated in 1947 from Roosevelt High School in Seattle. In 1948 he enlisted in the Army and served a term of 20 years. While in the Army, he completed his undergraduate work with the University of Maryland. He served 13 months in Viet Nam in 1966-67 with the 1<sup>st</sup> Cavalry Division. After retirement from the Army, Stevens entered McGeorge Law School and graduated with a JD in June 1972. He passed the Bar in December 1972 and entered private practice in Sacramento, California. In March 1974, Stevens was elected to a four year term on the Davis City Council and re-elected in June, 1978, and served as Mayor in 1982.

On February 25, 1985, he was appointed to the Bench and retired on May 31, 1998. Jim was chosen by the other Superior Court Judges to serve as the Presiding Judge in 1991 and 1992. During his time on the bench Judge Stevens served as an Adjunct Professor at the Patino School of Law in Sacramento. He taught Family and Constitutional Law. Upon retirement from the Bench, Judge Stevens returned to a private law practice and some private judging in Sacramento until 2008 whereupon he fully retired. He now lives with his wife in Davis, California.

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