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Our State's Highest Tribunal: The Court and the Justices

By EDWARD F. O'DAY

Let us listen to the family history and early life of Jesse Washington Carter, Associate Justice of our Supreme Court.

"My father was born in Iowa and came west with a detachment of the United States troops in 1860 to fight Indians. Mustered out in '65 at Fort Jones in Siskiyou County, he returned to Iowa, but crossed the plains again, arriving in Northern California in '67 or '68.

"My mother's mother was born in Ireland; her father in Maine. They married in San Francisco, and my mother was born here in 1852.

"The family settled in Callahan, Siskiyou County, and there my mother married my father in 1870. They moved to farming country near Carrville

in Trinity County on the Trinity River, and I was born there—next to the youngest of eight children—December 19, 1888.

"Carrville was just a stage depot on the Marysville-Portland stage line. My father took up 200 acres before the survey went through; homesteaded forty, and had to buy the other 160 from the railroad. My first home was a log cabin.

"The nearest school was seven miles away at Trinity Centre, so my mother taught us at home. I was 8 when our community built itself a school two miles from where we lived. When I first entered a classroom I had read up to "McGuffey's Fifth Reader," had some arithmetic, and could print but not write long-hand."

The family moved: in '98 to Greenfield, Siskiyou County; next year to Red Bluff; then back to Carrville, where the future Justice finished grammar school in 1902.

By working in the mines and logging camps Jesse Washington Carter accumulated \$300, and with this capital

he came to San Francisco in 1905 to attend Lick-Wilmerding School because he had developed an interest in electricity.

Came the earthquake and fire, but as soon as possible Carter entered Drew's prep school night classes, finding a day job as an electrician in the Geneva Avenue shops of the United Railroads. He held that job from 1906 to 1913.

Meanwhile he had thought of the ministry, and actually held a scholar-



JESSE W. CARTER
Associate Justice

Earl Warren Departs For Washington Meet On Indian Treaties

Attorney-General Earl Warren left last night for Washington, D. C., to confer with the Department of Indian Affairs relative to pending California litigation, and also to meet with the FIB officials, it was learned yesterday.

The Indian litigation, which the Attorney-General has been authorized to handle in this State, is the outgrowth of treaties made between the natives and the Federal Government in 1850 and 1851. The treaties, which were never ratified, were to give the Indians household goods and farm implements in exchange for fertile lands which they gave up for less productive fields.

The claims now before the U. S. Court of Claims involves eighteen tribes, 25,000 Indians and between \$8,000,000 and \$12,000,000, it is estimated.

Mr. Warren is expected to return to the city in about ten days.

BELOW COST SALE TO U. S. DENIED UNDER LAW

LOS ANGELES, Sept. 4.—The Unfair Practice Act prohibits sales below cost to Federal agencies, Superior Judge Emmet H. Wilson held in an opinion placed on file here today. The opinion was one of first impression, according to interested counsel, and is expected to have a far-reaching effect in clarifying sections of the Unfair Practices Act.

The defendant, Eastside Building Materials Company, Inc., maintained that a State law cannot impose a burden on the United States Government, and that the requirements of the Unfair Practices Act that sales be made at or above cost to the vendor operated to impose such a burden because the Government would be unable to obtain merchandise at prices for which vendors were willing to sell. This argument was rejected by the court, holding that the purpose of the Unfair Practices Act, to stabilize industry, would be destroyed as effectually by below-cost sales to the Government as by sales to private purchasers.

Municipal Legion Post

Judicial Salaries Report Before Bar Annual Convention

PHILADELPHIA, Sept. 4.—Progressive "spade work" in the field of legislative consideration of judicial salaries has been done in a number of states, according to the report of the American Bar Association Special Committee on Judicial Salaries which will be considered at the sixty-third annual meeting in Philadelphia from September 9 to 13.

Outstanding work along this line is reported from California, where the judicial council was requested by the Legislature to make a complete survey of the salaries paid to the judges throughout the State, the functions and duties performed by them, the number of cases tried or heard, and then to submit a report with proposed salaries based upon population served and other facts disclosed by the survey.

Progress is also reported from one state in which the state bar association has drafted a bill for presentation at the 1941 legislative session, and two states in which intensive consideration is being given to the preparation of bills for retirement compensation. An other state reports after careful consideration of the problem that its judicial salaries are not out of line at present time and under current conditions.

Members of the Special Committee of Judicial Salaries for the current year included Walter S. Foster, Lansing Mich., chairman; Arthur W. Brouillet, San Francisco; Annette Abbott Adams, Los Angeles; Alexander B. Andrews, Raleigh, N. C.; John D. Harris, St. Petersburg, Fla.; Joseph C. Lamy, Chicago, and Esmond Phelps, New Orleans.

Court Refuses to Bar Communist Candidates

The State Supreme Court yesterday for the second time, refused to bar the Communist Party and its candidates from the California ballot.

A writ of mandate was sought by five Southern California war veterans to

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1906 to 1913.
Meanwhile he had thought of the ministry, and actually held a scholarship from the San Francisco Presbytery to Occidental College, but did not avail himself of it.

Instead he entered Golden Gate Law School in 1909. In April of 1913 he was admitted to the bar, and in the following June he was graduated from law school.

Mining? Logging? The ministry? Electricity? Then why the switch to law?

Paradoxically enough, the answer is that from the vantage point of the United Railroads shops on Geneva Avenue, Jesse W. Carter found his civic consciousness awakened by following the graft prosecution. When Fickert ran for District Attorney, pledge cards were passed around for the United Railroads employees to sign.

"I was only 20, but I wouldn't have signed anyway. I believed in Henry." The seed was planted, the urge was strong, so Carter turned to law.

When, in 1913, Master Mechanic Jesse M. Yount heard of his admission, he gave the new-fledged lawyer a letter to Captain Black with a view to a position in the law department of the United Railroads. Black referred the applicant to William M. Abbott, but there was no opening.

So, Billy, you missed adding to your legal staff a future member of our Supreme Court!

Practice in San Francisco till December, 1913. Then to Redding, really to help out the family in a legal matter, actually to stay.

1914: Defeated for District Attorney of Shasta County by Orr M. Chenoweth, the incumbent, but only by 23 votes. Beat Chenoweth in '18, re-elected in '22. Ran for the State Senate in '26, defeated by James M. Allen of Yreka.

In 1927 Jesse W. Carter was elected a member of the first Board of Governors of the integrated State Bar, and served until September of '3.

The Justice was City Attorney of Redding and also of Mt. Shasta in Siskiyou County until he was appointed to the Superior bench in 1927.

Then in January '39 he was elected State Senator to succeed John S. McColl, who had been killed in a remembered automobile accident.

A busy career? You may say so, for the law firm of Carter, Barrett, Finley & Carlton had two law offices, one in Redding, the other in Yreka. Aid handled plenty of important litigation, particularly against utility and other corporations.

Came the appointment to the Supreme bench on July 15, 1939, with the action in mandamus, whereafter the court upheld the eligibility of the appointment to the tribunal while a member of the State Senate. Justice Carter qualified September 12, 1939.

What is he particularly proud of? The fact that his son, Oliver J., is a lawyer, and the Justice admits readily, a good lawyer.

Browder Denied Leave To Conduct Campaign

NEW YORK, Sept. 4.—Earl Browder, Communist candidate for President, cannot leave this city to make a campaign tour of the Pacific Coast. This

was decided today when Federal Judge John C. Knox denied Browder's plea for leave. Judge Knox said:

"I do not think there is any reason why a man convicted of a crime should be allowed to engage in political activities, particularly against the Government."

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Municipal Legion Post Will Install Officers

Installation ceremonies for the recently elected officers of Municipal Post 429, American Legion, will be held tonight in the War Memorial Building, retiring Commander Al. Baptist, clerk for Superior Judge Edmund P. Mogan, announced yesterday.

The Zane Irwin Post's ritual team, under the leadership of Attorney Royal Handlos, will install those selected to lead the post for the ensuing year.

The new officers will include commander, Merlin Henry, head clerk, Municipal Railway; first vice-commander, Jerry Shea, deputy sheriff; second vice-commander, Gerald Romani, clerk for Superior Judge Frank T. Deasy; third vice-commander, John Ledgett, inspector, Municipal Railway; adjutant, Grant Jacobson, inspector, Health Department; finance officer, Rodney Surryhne, engineer's office, and sergeant-at-arms, Larry Woods, Fire Department.

Commander Baptist, who will step into the office of junior past commander, was recently installed vice-commander for the eighth district, comprising San Francisco posts.

Refreshments will be served and entertainment will be provided by Art McClesney of the Municipal Court.

Historical Events to Feature Admission Day Observance of N. S. G. W.

Ninety years of California history—1850 to 1940—will be displayed at Sacramento Saturday, Sunday and Monday when several thousand members of the Native Sons and Daughters of the Golden West meet to celebrate this State's admission to the Union.

Floats historically decorated, reviving the gold rush days when California boomed from a comparatively unknown western frontier to take its place over a short span of years to one of the leading states in the Nation, have been entered by the various parlors of the Native Sons and Daughters.

San Francisco parlors will be represented by floats, drill teams and drum corps, and, according to the committee in charge of arrangements here, more than 5,000 members of the two orders and other guests will participate in the three-day celebration.

Of patriotic significance during the annual observance will be the dedication of a Pioneer Memorial Grove in which fifty-eight trees, representing every county in the State, will be planted as a lasting tribute to the memories of Californians whose names blaze the pages of history.

A writ of mandate was granted by the Southern California court to compel Secretary of State to remove the party and from the ballot.

A similar petition for a writ of mandate was granted by the high court Supreme Court in a case decided by the high court.

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