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# Minutes of the Superior Court of Shasta County, California, with Comments Re. Carter's Appointment to the Supreme Court of California

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MINUTES OF THE SUPERIOR COURT OF SHASTA COUNTY, CALIFORNIA

Monday, September 11, 1939

Court met. Present: Hon. Albert F. Ross, Judge, and other officers of the Court.

It having come to the knowledge of the Court that Mr. Jesse W. Carter, member of the Shasta County Bar, had been appointed and confirmed as an Associate Justice of the Supreme Court of California, the following proceedings were had, to-wit:

THE COURT: Mr. Carter is here in Court, I take it, as the last time as an attorney, but I would like the minutes of the Court show that Mr. Jesse W. Carter is present and that he is going to take office in a day or two as Associate Justice of the Supreme Court, to be the first Justice of the Supreme Court in many years from Shasta County. In fact, I only think of one other, and that is Judge Sprague, in the early days -- Royal Sprague. Of course, Judge Shurtleff also was appointed to the Supreme Court directly from the membership of the Bar, not having held any judicial position before. Judge Shurtleff was a Shasta County man at heart, as he always says, but aside from Judge Shurtleff and Judge Sprague, however, we have not been honored this way before, and it is a great honor to the people of Shasta County to have a member of our Bar selected as Associate Justice of the Supreme Court.

We are sorry to lose Mr. Carter as a practicing attorney. I know that he is sorry to go in some ways, although he naturally is

also glad to accept this honor, and, Mr. Carter being here, we would like to hear if you have anything to say before you leave the membership of the Bar of Shasta County.

MR. CARTER: If your Honor please, and members of the Shasta County Bar, and attaches of the Superior Court of Shasta County: I desire to thank you for calling this matter up at this time, and I want to convey to you and to the members of the Bar of Shasta County and the attaches of the Superior Court of Shasta County, my appreciation for the many courtesies that have been extended to me during my twenty-five years of practice before this Court. My memory goes back to January, 1914, when I commenced practice here. While in the course of my practice I have had many legal battles and controversies, and at times our discussions became acrimonious. I want to say now to your Honor and to the members of the Bar that I cherish no ill-feeling against any member of the Shasta County Bar against whom I have tried cases. In fact, it has been my practice to leave all those things in the courtroom, and on the outside of the courtroom I am now and always have been on friendly relations with all of the members of the Bar.

I want to especially thank the Shasta County Bar for the splendid endorsement they gave me for the position of Associate Justice of the Supreme Court of California -- something that I will remember with a great deal of pleasure as time goes on.

As your Honor stated, this is probably the last time I will appear in this Court as a member of the Bar, as I expect to take the oath of office as Associate Justice of the Supreme Court of

California tomorrow afternoon, at two o'clock, and I will then have to forsake the practice of law and devote my entire time to the duties of that office. However, I shall always cherish the friendships I have made among the members of the Bar of Shasta County. I have said on many occasions and say now that I believe that Shasta County has the strongest bar of any county in the State of California. I have practiced in nearly every county in the State of California, and I believe that I can say that advisedly, in view of the experience that I have had, and I want to say to your Honor and to the members of the Bar that I feel that the Shasta County Bar is entitled to recognition as being the outstanding Bar of California. I am retiring with the very best of feeling toward all of the members of the Bar and of course toward your Honor. I thank you very much.

THE COURT: Thank you very much for appearing here. If we had known for certain that we could have you here this morning I would have advertised the fact and made more of a ceremony of it. I wasn't sure you would be here. In fact, I was hopeful that perhaps we could induce you to appear here tomorrow and take the oath of office here, although I hardly anticipated that could be done, because the normal thing is to take it before the Court itself. However, I had in mind that President Coolidge was sworn in before his father as Notary Public, and I thought if a Notary Public could swear in the President of the United States, probably the Judge of the Superior Court could swear you in, and I was going to make that proposition, and if it could be done I was going to pack the courtroom, because

that would be easy if your many friends in this County knew that was going to be done, and I am sure there would be more here than we could possibly accommodate in this courtroom for such an occasion. However, that wasn't possible, so you having appeared here informally this morning -- at my request, however. There are only a few of us here, and a short calendar, but I think this ceremony or these words are none the less sincere, and the members of the Bar who are absent would have been glad to have been here if they had known you were going to make your farewell appearance here this morning.

I certainly desire to express the congratulations and the best wishes of the Court to you. Of course, I am much younger. I didn't start practice until February, 1921, but I have been acquainted with you before that, and you were District Attorney at that time, when my father was Sheriff, and it was necessary for me to become acquainted with you. So our acquaintanceship runs back to my college days, when I was still rather young, and I have always treasured the friendship.

MR. KENNEDY: I don't wish to prolong this ceremony, but now that the Court has spoken, and I appear to be the oldest member of the Shasta County Bar present, I think it would be appropriate for the record to show that as their action heretofore taken has shown, the Shasta County Bar certainly felicitates our colleague, Mr. Carter, on his appointment to the office of Associate Justice of the Supreme Court. Like Mr. Carter, I started in twenty-five years ago, in March.

He was here in January, and as the record shows he always kept a little ahead of me, but we have had our battles over that period and in court sometimes I found that he disagreed with briefs which were served upon him when we were opposing counsel, and I hope now that he is on the Supreme Court he will always agree with my briefs.

I think it would be of interest to the Bar here to know that when last Friday afternoon at the State Bar Convention, where I was present, word came that Mr. Carter's appointment had been confirmed, that that action of the Qualifications Commission was universally approved and acclaimed by the Bar of California assembled at that Convention.

So, while we lose Mr. Carter from our midst as a practicing attorney, we can appreciate, I think, the fact that he goes onto the Court with the confidence and the satisfaction of the Bar generally of the State of California, which alone should be something to give Shasta County great pride.

THE COURT: Mr. Carter having been on the Board of Governors, he is quite well known throughout the State, and I am satisfied that statement is true. We will proceed with our calendar

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