

# Do You Remember?



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## Livermore Justices of the Peace: 1877-1930

During this time period, Livermore had four justices of the peace—Robert W. Graham, Joseph H. Taylor, Daniel J. Murphy, and George S. Fitzgerald. Although never trained as lawyers; in fact, not having even a high school education, they were greatly respected by their peers for their sense of justice and their common sense. They had the authority to hear local minor civil and criminal cases and commit cases to a higher court for trial. They could issue arrest or search warrants. The Museum on Main, maintained by the Amador-Livermore Valley Historical Society, holds the court docket books for these justices of the peace. The books are fascinating to see and handle—huge dark red leather volumes with handwritten pages of the court records.

Robert Graham was the town mortician and, with his wife, ran an undertaking business. He was appointed the town justice of the peace in October 1877. Several of his cases involved Chinese men. One of these was Ah Hing, who was found in the act of smoking opium by the town marshal, E.D. Murphy, on August 27, 1885. Ah Hing paid \$20 bail the following day. On September 1, Ah Hing did not appear for his trial, and the \$20 was accepted as his fine for the offense. Robert Graham served as the justice of the peace until his

death following an accident in November 1887.

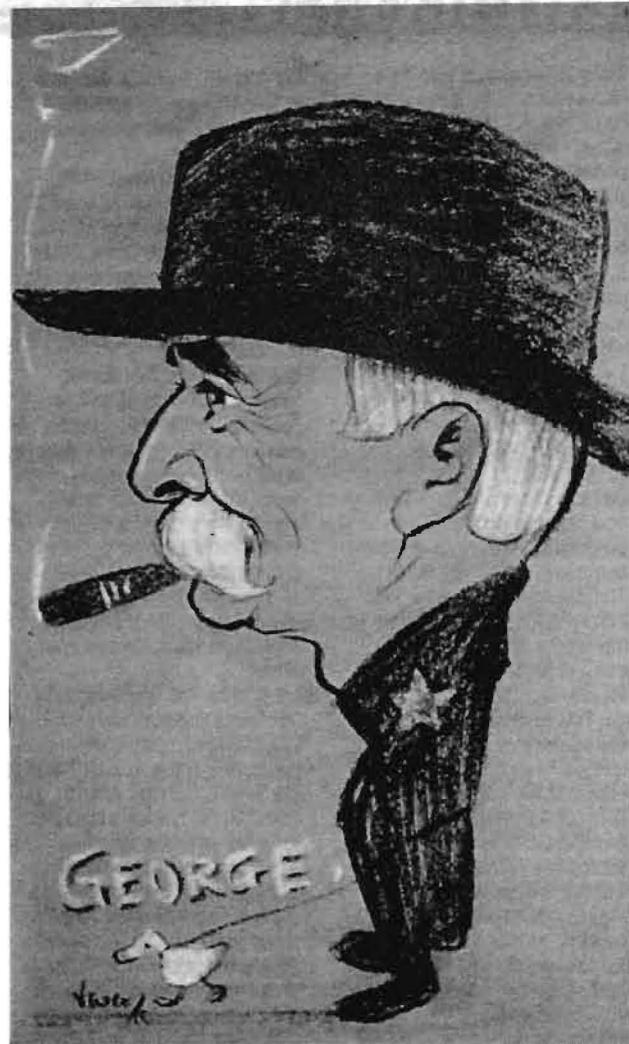
Joseph H. Taylor had bought 1,200 acres in the Townsend School District, to the southeast of Livermore, in 1867. He farmed there for eleven years and moved into town in 1880. Taylor was chosen to fill the vacancy of justice of the peace. One of his cases involved the arrest of A. Colvin for cruelty to animals on July 24, 1899. H.R. Crane made the accusation. Constable George S. Fitzgerald made the arrest. Bail was set at \$100. Colvin requested a jury trial. Charles Munch, Amos Clark, Frank Grassi, William Hartman, Eugene Day, Theo Gorner, and J.D. Rollins were chosen for jurors. They found Colvin not guilty for lack of evidence. On November 26, 1901, J.F. Summers accused William M. Mendenhall of exhibiting a deadly weapon in a dangerous manner. Mendenhall pleaded not guilty and requested a jury trial. His bail was set at \$700. On December 4, Summers asked for the charge to be dismissed. The Herald reported that the disagreement was over the rental of the Mendenhall Springs resort.

In 1902, the California legislature passed a new law that limited each township to one justice of the peace and one constable. Compliance was difficult for Murray Township— from the beginning there

had been one justice and one constable for the town of Pleasanton and one of each for the town of Livermore. Local authorities decided to divide Murray Township in two, leaving the western portion to be renamed Pleasanton Township, and leaving the eastern portion to continue as Murray Township.

On August 16, 1900, William Ford was accused of petty larceny. Jerry Collins and a friend, Con Nevlin, rented a rig and team of horses from Feidler's Livery in Livermore and went for a drive. They stopped in Pleasanton, tied up the rig in front of the Rose Hotel, and went inside. When they came out, they discovered that the rig and horses were gone. They were finally located in San Jose, but Nevlin's prized violin was missing. Ford was arrested as he was trying to sell the violin. He pleaded guilty in the Livermore Court. Justice Taylor fined him \$25 or 25 days in the county jail. He was unable to pay the fine, so the Alameda County sheriff took him to jail.

Justice Taylor died suddenly from a stroke in February 1907. For a time, his cases were heard by substitute judges, but finally in 1909, Daniel J. Murphy took over the job. On February 2, 1910, Earle Downing accused Ed Christensen of shipping quail without naming the contents of the container.



**Constable George S. Fitzgerald in 1910, the year before he became Justice of the Peace.**

(from Vasco's Livermore, 1910)

Ed pleaded guilty, and Justice Murphy fined him \$25. Another trial on July 31 of the same year involved a shooting. Emil Rochin accused Steve Lopez of assault with a deadly weapon with the intent to commit murder. Lopez and Gregorio Torres had had an argument, and Lopez shot Torres in the mouth with a pistol. The bullet came out of Torres's neck, missing any important blood vessels. Torres recovered. In order to conduct the trial, Murphy hired a stenographer and an interpreter, D.F. Bernal. The initial

complaint was dismissed, but then Torres charged Lopez with battery. Lopez pleaded guilty and was fined \$20.

When Justice Murphy was elected to the Alameda County Board of Supervisors in 1911, he left the office of justice of the peace. George S. Fitzgerald was appointed as the new justice. He was well acquainted with the court system, having been a constable for many years. As I read through Fitzgerald's trial records, I was suddenly struck by the fact that people were being arrested

and fined for speeding in their automobiles. The speed limit was 25 mph. The county had decided to crack down on speeders in 1913. The usual fine was \$25. On some days the only business before the court was speeders; the Herald called such a day in court "Speeders' Assizes." The first woman juror, Mrs. Nellie Farley, was selected in 1918. Another result of changes in the law was the arrest of people who were not obeying the Prohibition laws. Prohibition passed in 1919, and continued until the end of 1933.

George Fitzgerald died of a heart attack in 1930. The town flew its flag at half mast in his honor.

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