

Peninsula Diary Mayo Hayes O'Donnell

September 10, 1963

### California's First Jury

We have just marked the 117th anniversary of the impaneling of the first jury ever summoned in California. Walter Colton, the alcalde, called the jury. The plaintiff and the defendant were among the principal citizens of the country. The case was one involving property on the one side and the integrity of the character on the other. Its merits had been pretty widely discussed and had called forth, unusual interest. One-third of the jury were Mexicans, one-third Californians and the other third Americans.

Walter Colton writes in his diary: "This mixture may have better answered the end of justice, but I was apprehensive at one time it would embarrass the proceedings: for the plaintiff spoke in English, the defendant in French, the jury (save the Americans) Spanish, and the witnesses all the languages known in California. But through the silent attention which prevailed, the tact of Mr. Hartnell, who acted as interpreter, and the absence of young lawyers, we got along very well.

"The examination of the witnesses lasted five or six hours; I then gave the case to the jury, stating the questions of fact upon which they were to render their verdict, which was clear and explicit, though the case itself was rather complicated. To this verdict, both parties bowed without a word of dissent. The inhabitants who witnessed the trial said it was what they liked - that there could be no bribery in it - that the opinion of 12 honest men should set the case forever at rest. And so, it did, though neither party completely triumphed in the issue. One recovered his property, which had been slandered by design. If there is anything on earth besides religion for which I would die, it is the right of trial by jury."

Here is a charming note from a friend of the Monterey History and Art Assn., Ltd., Miss Myra I. Streightif of Kensington, Calif.:

"I could not be present no matter what date the adobe tour was held just because as a 71-year-old native Californian, I am much interested in Monterey and particularly in the preservation of its old buildings and points of historical interest. Keep the ticket please for which I am enclosing a check as a token contribution toward your excellent work.

"I first saw Monterey in 1907, when I was 15, and I then learned the location of as many homes as were open to the public. It may be of interest to you, from an historical

angle, that when I was a little girl one of my father's friends was a dear old man who came around the Horn with Cmdr. John Drake Sloat and was with him when the first American Flag was raised in Monterey in 1846. The old gentleman told me many interesting stories of early California. But, child-like, I failed to appreciate the value of the experience, and could I not relate one of these tales today. . . . However, I do value our Spanish heritage! It was with regret that I read recently that native Californians are now distinctly in the minority among our "exploding population". To me it seems not long ago when "Everybody" was a native!

"With good wishes for the prosperity of your organization."

Here on the beach at Monterey  
I'd like to ride at the break of day  
Where Balboa's dream was rent asunder  
And Spain rode in on hoofs of thunder  
In the blaze of the blood-red sun.

So give me one hour of strength and pride  
Where daring men once fought and died  
To ride the white horses for life or death—  
Galloping, galloping, galloping  
In the blaze of the blood-red sun.

The above lines were written by William Davenport at Monterey in early 1900's. They were sent on by Mrs. Harry Baker of "Sous Les Etoiles," Squirrel Valley, Lake Isabella, Calif., who reported the history of the writer as follows:

"William Davenport, the author, died in 1941. His full name was William Drake Davenport, and he was a descendant of Sir Francis Drake and a cousin of the famous actress, Fanny Davenport. He was the only child of a well-to-do and cultured couple. His father was a society dentist. When 15 he made his stage debut with Sir Henry Irving and later played Shakespearian repertoire with Sothorn and Marlowe. He also played with the old Biograph Co., which probably was when he visited Monterey. I also hope to visit Monterey some day soon. It is one place in California that I am especially anxious to see."

Our printed lines from the Davenport poem are the last three stanzas of a five-stanza poem.