

Peninsula Diary Mayo Hayes O'Donnell

September 30, 1968

Our First Jury Trial

We have just marked the anniversary of the impaneling of the first jury even summoned in California. Walton 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 Mexican, the third Californians, and the other third Americans.

Walter Colton writes in his diary: "This mixture may have better answered the end of justice, but was apprehensive at one time it would embarrass the proceeding; for the plaintiff spoke in English, the defendant in French, the jury (save the Americans) Spanish, and the witnesses all the languages know in California. But through the silent attention which prevailed, the tact of Mr. Hartnell, who acted as insence 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, through 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 which I would die, it is the right of a trial by jury."

Here is a charming note from a friend of Monterey History and Art Association, 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 must interested in Monterey and particularly in preservation of its old building 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 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!"