

History of the Old Courthouse Superior Court, Santa Clara County



Santa Clara County was once part of Spain, and then part of Mexico. Prior to California being admitted to the union, our local court was held in Juzgado (a combined court, mayor and jail building) from about 1805 to 1850. The Juzgado was located at what is now the intersection of Market and Post Streets in downtown San Jose. The adobe building was inadequate for the increased community usage and was destroyed in July 1850. Later, after the formation of Santa Clara County on April 25, 1851, a number of buildings served as courthouses.

The eighth courthouse is the building known now as the Old Courthouse, still in use and located across from St. James Park in downtown San Jose. In 1866, Valley residents began erecting this Neo-Classical monument in an attempt to persuade the California government to re-locate the state capital to San Jose. San Jose did not regain the capital, but this effort resulted in the construction of one of the most prestigious courthouses in the United States. This courthouse has served the public well for over a century. Today it serves as one of the numerous Superior Court of California facilities in Santa Clara County.

Building the Old Courthouse

San Jose was the location of California's first state capital. This honor remained with San Jose for only two years, 1849 to 1851. Initial Senate sessions had to be held in a private residence because the statehouse building wasn't ready; local hotel facilities were considered inadequate, and an unusually rainy winter caused flooding, making downtown streets impassable. The loss of the capital may not have been seen by all San Jose residents as a great loss, as the behavior of the legislators themselves earned the 1849 session the title "The legislature of One Thousand Drinks." In 1851 the legislators decided to move to Vallejo. But the desire to lure the legislators back with a building truly worthy of being the State Capitol provided some of the motivation behind the design of the current courthouse. Additional motivation included a better location than the previous courthouse, a larger facility, and a brick construction.



Photo of Old Courthouse courtesy of [Sourisseau Academy](#), San Jose State University

Old Courthouse Design Contest

A contest for the building's design resulted in Levi I. Goodrich's architectural plans being chosen as the vision for the new courthouse in 1860. Goodrich was one of the first professional trained architects to practice in California.



Photo of Old Courthouse today courtesy of E. Carlson, [Soft Underbelly of San Jose](#)

He also designed the county jail in 1871 and many other local schools, churches, and commercial buildings. On another note, Goodrich's wife, Sarah Knox-Goodrich, was a strong advocate of women's rights and organized San Jose's first Women Suffrage Association in 1869. She and Levi Goodrich are buried in Oak Hill Cemetery in San Jose. The Knox-Goodrich commercial building still stands today, at 34 South First Street.

Old Courthouse is Completed

Begun in 1866 and completed by January 1, 1868 (at a cost of \$200,000), the ornate courthouse, with its columns and dome covered with a shimmering layer of solid copper, was not enough to convince the legislators to return to San Jose. However, it did provide San Jose with a beautiful and lasting building: its six-foot solid brick masonry superstructure resting on a six-foot deep concrete foundation was solid enough to survive numerous earthquakes.

The Old Courthouse Neighborhood *Hall of Records*

The Hall of Records was built adjacent to the Old Courthouse (see picture, right) in 1893, and housed the offices of the county clerk, treasurer, auditor, surveyor, recorder and superintendent of schools. Many old buildings were lost in the 1960's, and the Hall of Records went under the wrecker's ball in November 1966. Structural engineers had reported that the building was an earthquake hazard, and it was not considered (by some) to be worth the cost of renovation.



Photo of Hall of Records and Old Courthouse courtesy of [Sourisseau Academy](#), San Jose State University

Hall of Justice

The Hall of Justice, which held the old Justice Court and later the Municipal Court, was first occupied in 1908. It was torn down in 1962 to make room for a new Superior Court Building at 191 North First Street, which was completed in 1964. At the start of the demolition in 1962, the wrecker's ball struck the Hall of Justice, constructed of sandstone and granite, and bounced off the structure (which had been declared unsafe for the government employees working there). In fact, the building proved so difficult to demolish that the wrecking contractor went bankrupt doing the job. The new Hall of Justice was built in 1991 at the new civic center complex, and provided space for 19 new courtrooms.

St. James Park

The Old Courthouse fronts St. James park, an open space set aside in 1848 which continues to reflect the activity and diversity of an urban park.



Old postcard of fountain at St. James park, courtesy of E. Carlson, [Soft Underbelly of San Jose](#)

In his definitive book on San Jose, *The History of San Jose*, Clyde Arbuckle describes a park activity in the 1930's, "During the depression days of the 1930's, leather-lunged, hat passing radicals harangued the curious and gullible on the economic ills of the nation. Bible waving, hell-fire and brimstone evangelists shouted fundamentalist condemnation of sinners from park bench pulpits. In pre-jury commission days, court bailiffs collared park loafers and bums for immediate jury duty across the street."

Notable park visitors include President William McKinley, who spoke in the park across from the courthouse in 1901, four months prior to his assassination in Buffalo, New York. Two years later the McKinley statue was erected in the park in his honor. (Side note - in March 1968, only weeks before his assassination, presidential candidate Robert Kennedy also held a campaign rally in St. James Park.) After the 1906 earthquake, the National Guard set up and lived in a tent village in St. James park, while helping to prevent looting in the earthquake-damaged city.

Early History of The Old Courthouse

Attorneys were drawn to San Jose in the late 1800's, not necessarily because of the fancy new courthouse, but due to the busy law trade involving land grants and other property issues, and the burgeoning legal needs of the growing population. In addition to attracting the best and brightest from all over the country, by the 1890's many California-born and educated attorneys were setting up practice locally.



Clara Foltz, 1st woman lawyer California.
(Photo from the 1901 "History of the Bench and Bar of California" O.T. Shuck, editor.

First Woman Lawyer in the State

Clara Foltz, the first woman ever admitted to the bar in California (in 1878) was a San Jose housewife and mother of five who went on to practice law in San Jose. Foltz drafted a bill to change the law's wording for becoming an attorney from being just for "white males" to being "any citizen or person". She introduced and lobbied for the bill at the State Legislature, where objections to the bill included the fear that once women became lawyers, there might someday be woman jurors, even judges! At two minutes before midnight on the 30th of March, 1878 (the last day the legislature was in session) the governor signed her bill into law.

At times Foltz was vilified for her gender in court: a public attorney told jurors, "She is a woman, she cannot be expected to reason. God Almighty decreed her limitations". Once during a trial Foltz was referred to with contempt as a "lady lawyer." She said of her opponent, "I am sorry I cannot return the compliment, but I cannot. I never heard anybody call him any kind of a lawyer at all." Foltz is also credited with writing the law that gave women the right to vote in 1911.

Crimes and Trials in the late 1800's

Although vagrants and drunken brawls took their toll on the early citizens of Santa Clara County (as today), domestic disputes (still too common) were a leading factor in local homicides in the early days of the Old Courthouse.

- 1868 - Harry Love, alias Black Knight of the Seyante (said to be the apprehender and executer of notorious robber Joaquin Murietta) was killed by a bodyguard of his estranged wife after ambushing and shooting both wife and bodyguard. The bodyguard was arrested but discharged for justifiable homicide.
- 1868 - William Cooper, a would-be eloper, was killed by the girl's father when he approached the house in the evening for the elopement. A Grand Jury discharged the case.
- 1869 - Mrs. John Hauser was killed by her estranged husband. The jury deliberated 60 hours but failed to agree. The case was retried, Hauser was found guilty of murder in the 2nd degree and sentenced to 25 years imprisonment.
- 1871 - Arthur Parsons, a local farmer who lived in the area between Saratoga and Blackberry Farm, was fatally shot in his barn while feeding his livestock their evening meal. The wife and her former lover Wolverton were arrested. The latter was tried and acquitted, and Mrs. Parsons was dismissed on a nolle by the D.A.

The information above is from the 1881 *History of Santa Clara County, California* (located in the California Room of the main San Jose library).

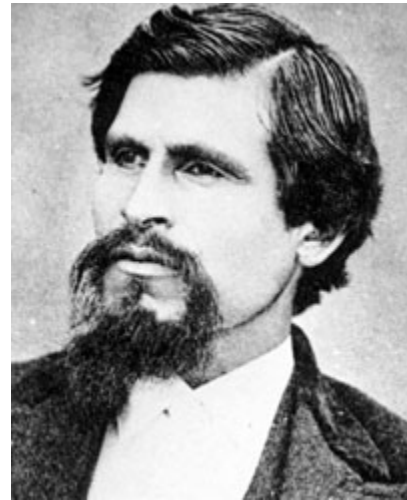
Landmark Case - Santa Clara County v. Southern Pacific Railroad Company

In 1886 the case of Santa Clara County v. Southern Pacific Railroad Company was a landmark case that had a major impact on the role of corporations in American society. According to the official case record, Supreme Court Justice Morrison Remick Waite simply pronounced before the beginning of argument in the case of Santa Clara County v. Southern Pacific Railroad Company that: "The court does not wish to hear argument on the question whether the provision in the Fourteenth Amendment to the Constitution, which forbids a State to deny to any person within its jurisdiction the equal protection of the laws, applies to these corporations. We are all of opinion that it does." (source) Although the U.S. Constitution does not mention corporations, this

statement by Judge Waite began the long history of granting corporations that status of persons, along with all the accompanying powers and protections, such as freedom of speech. This case, based on a dispute over a railbed route, would change the course of American history.

Outlaws in the Old Courthouse - Tiburcio Vasquez

Several of the legendary California outlaws have passed through the doors of the Old Courthouse. One of these was Tiburcio Vasquez, convicted in Santa Clara County (after the trial was moved from Southern California) of leading a Wild West-style gang involving stage-coach holdups and murderous raids. He was executed here for murder in 1875. Vasquez had a reputation as a gallant lady's man, and while on trial in San Jose, he received messages of sympathy, as well as candy and flowers, from women he scarcely knew or he had never met.



Tiburcio Vasquez, photo courtesy of [Santa Clarita Valley Historical Society](#)

The Court Fire of 1931

Fire proved to be a bigger threat early on than earthquakes, and on May 18, 1931, a fire quickly spread through the courthouse, causing extensive damage including the loss of the dome. The fire actually melted the dome to the point that the covering layer of copper dripped down the front steps of the building. The dome, which had 172 steps to the iron-railed observation deck at the top, was no more. When the courthouse was restored in 1932 it was without the dome, but with the addition of a third floor and Spanish tile roof. At this time the portico was removed, and the columns recessed into the facade. Above the main entrance, the original frieze was inscribed with the motto "Justitia Dedicare" (Dedicated to Justice). This was replaced with the words "Santa Clara County



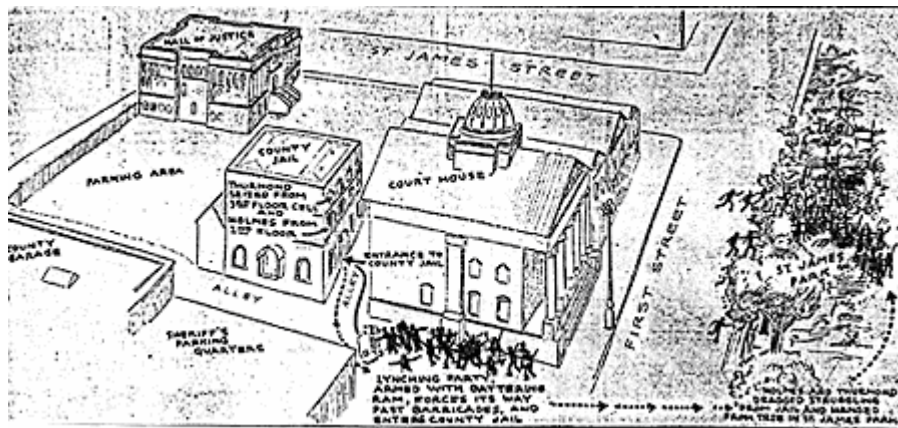
Courthouse" after the post-fire repairs.

Kidnap, Murder and Mob Revenge - Brooke Hart



Headlines in Oakland newspaper, the only one to carry the photograph)

A crime that put San Jose in the national spotlight involved the tragic kidnap and murder of the son of the prosperous owner of the Hart department store downtown. The public, enflamed by the increase in kidnappings since the Lindburgh baby kidnap and death one year earlier, as well as encouraged by some of those in power, became a vigilante mob. Fourteen hours after the victim Brook Hart's body was found (in the San Francisco Bay, tied to a chunk of concrete), a group used a battering ram (using construction materials from the Post Office under construction) the break into the jail behind the Old Courthouse, dragged the two men suspected of the crime to St. James park and hung them in front of 3000 witnesses. (The current central YMCA building at Naglee and The Alameda is located on the site of the razed old Hart mansion. The Hart's Department Store, a downtown fixture for many years, was located at the southeast corner of Market and Santa Clara streets.)



Artist drawing shows route mob took, passing courthouse to storm the jail, then back across first street where the two victims were hung in St. James park. (The dome is shown on the courthouse but was not longer there by 1933.) Photo from "The Santa Clara County Courthouse: Justitia Dedicata" by Loi Kha, 1933 Pioneer Papers (California Room, Martin Luther King Library San Jose)

McKinley's Cannon

The bronze cannon on the bottom step of the McKinley monument (erected after President McKinley spoke in the St. James Park - see section on [St. James Park](#), above) has played a part in the history of the Old Courthouse. A Halloween "prank" in 1932 resulted in the cannon in the park being loaded with gun-powder and the fuse being lit. The resulting explosion blew out the windows of the Santa Clara County Courthouse across the street. It is believed that the current "cement plug" in the cannon was placed there in the hope of deterring any similar pranks in the future.



Photo of the cannon, taken by the Superior Court of California, Santa Clara County

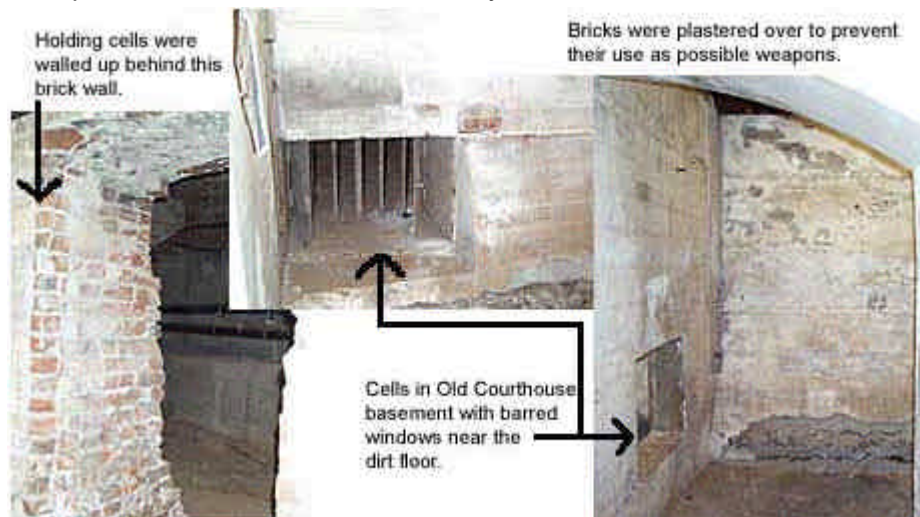
Modern History of the Old Courthouse

Major Restoration after Loma Prieta

After the substantial damage that occurred during the Loma Prieta earthquake there was talk of razing the Old Courthouse, but public sentiment prevailed. The building was closed in 1989 and reopened in 1994, the restoration project having been completed under budget and ahead of schedule. This successful effort to return a valuable part of local history to the public's use was recognized with multiple awards, including an award for "Historical Preservation/Adaptive Reuse", an award in recognition of "Outstanding Achievement in Design of Preservation Projects", and the "San Jose Interior Restoration of the Year" award in 1994. The restoration effort used 5,000,000 pounds of concrete and 240,000 pounds of steel.

Forgotten Dungeon

In 1992, during the earthquake restoration effort, engineers and construction workers made an interesting discovery. According to the Mercury News on July 20, 1992, "Deep in the bowels of the 124-year-old Santa Clara County Courthouse are two forgotten high-security jail cells..." The cells, with four-inch thick double safety-doors and steel ceilings, were heavy-duty and primitive. Though gas outlets indicated that heat was available, there were no plumbing facilities, so that function was probably taken care of by a bucket. Within the cells, workers found numerous old documents including some Mexican-era hand drawn boundary maps, partially burned and water-soaked, presumably in the fire of 1931. The cells were behind a brick wall that was added at some point in the Old Courthouse's history.



Old Courthouse in the National Register of Historic Places

In 1977 the United States Department of the interior put St. James Park and nine of its surrounding buildings on the National Register of Historic Places. The area was also designated a San Jose Landmark.

Old Court Documents

Old Booking Photos

The following information and linked photos are booking entries from a volume entitled *Historic Booking Journal of Santa Clara County, Circa 1880-82*, owned by a current Santa Clara County Superior Court of California judge. (Click on the name to see the photo.)

- [Frank Contillo](#) (aka Frank Contyeyo) - 11/26/1878 charged with assault to commit murder in Gilroy. Discharged by Judge Belden.
- [Florencio Barantos](#) - Sentenced to four years in San Quentin on 4/26/1880 for robbery in house of a Daniel Murphy on 1st Street in San Jose.
- [William Burns](#) - Convicted 12/1881 of robbery at the "5 Mile House" on Almaden Road. Sentenced to 18 months in San Quentin.
- [Jesus Banales](#) - Sentenced 12/7/1882 for robbery (with a partner) of an "Old Frenchman" in Gilroy. "They pleaded guilty and saved the county the expense of a trial."

Old Legal Fee Documents

The following are the personal possessions of a current Santa Clara County Superior Court of California judge. (Click on the document name to see the image.)

- [Payment for Jury Duty Services](#), dated 3/15/1858, from the Auditor's Office of Santa Clara County. Payment of \$2.00 for "Services as Petty Juror, People vs Palmer"
- [Justice Court Receipt](#) to attorney, dated 5/25/1903, from San Jose Township Justice of the Peace. Payment of \$2.00 for filing suit, Baker Estate vs F.M. Eley.

Source Materials

The following sources were used to obtain historical information for this page:

Books or other printed material:

- *Courthouses of California - An Illustrated History*. Edited by Ray McDevitt. 2001. Publisher Heyday Books, Berkeley CA.
- *History of San Jose*. Clyde Arbuckle. Smith and McKay Printing Co. 1986.
- *The Santa Clara County Courthouse: Justitia Dedicata*. 1933 Pioneer Papers (Essay Contest Winners) Loi Kha. California Room, Martin Luther King Library, San Jose, CA
- *Old Santa Clara Valley - A Guide to Historic Buildings from Alto Alto to Gilroy*. Phyllis Filiberti Bulter. Wide World Publishing 1975, second edition 1991.
- *Swift Justice - Murder and Vengeance in a California Town*. Harry Farrell. St. Martin's Press NY.
- *History of Santa Clara County, California*. 1881. Alley, Bowen & Co. Publishers.
- *Legends of the California Bandidos*. Angus MacLean. 1977. Pioneer Publishing.
- *Historic Booking Journal of Santa Clara County, Circa 1880-82* (privately owned)
- *Forgotten Dungeon Found Under Courthouse*. Joanne Grant. Mercury News July 20

1992 1B.

- *Information on modern restoration obtained from awards hung in the Heritage Room of the Old Courthouse*

Websites:

- *Source of early San Jose history: Soft Underbelly of San Jose:*
<http://www.sanjose.com/underbelly>
- *Sourisseau Academy:* <http://www.sjsu.edu/depts/history/Resources/Sourisseau.htm>
- *Information on early State Legislature in San Jose:*
<http://www.lullah.com/GEDC/government.html>
- *Information on Clara Foltz by Stanford's Barbara Allen Babcock:*
<http://www.stanford.edu/group/WLHP/courthouse-program.pdf> and
<http://www.stanford.edu/group/WLHP/clara/first.woman.html>
- *Information on Levi Goodrich:* <http://www.preservation.org/Wilcox/Wilcox.html> and on his wife Sarah: <http://www.lullah.com/GEDC/victoriansanJose.html>
- *Information on Historic Location registry and other information on the early San Jose history:* <http://www.preservation.org/>
- *Information on 1886 Santa Clara County v. Southern Pacific Railroad case*
<http://www.tourolaw.edu/patch/santa/>
- *Mercury News archive article on the Juzgado courthouse in San Jose:*
<http://www.metroactive.com/papers/metro/02.27.97/hotel-metro2-9709.html>
- *Information on Hart family and Brooke Hart's murder:*
<http://www.sanjose.com/history/jews/index.shtml>

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