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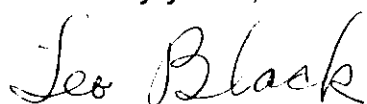
Campbell, Warburton, et. al.
111 West Saint John Street, Suite 400
San Jose, California 95113

Ladies and Gentlemen:

I am submitting my essay, "James Ray Welch, "A Brief Biography," as an entry in the 2003 Historical Essay Contest. This essay has 23 pages and 3,100 words, not counting the words in the footnotes and bibliography.

Two copies of the essay and a 3.5 floppy containing the essay are being submitted.

Sincerely yours,

A handwritten signature in cursive script that reads "Leo Black".

Leo Black

Enclosures

A Brief Biography

by

Leo Black

James Ray Welch
Rancher, Attorney, and Judge
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CONTENTS

Section	Page
Early Life	1
Welch Acquires a Ranch	2
Wright's Station	3
Welch Builds a Redwood Lodge	5
Welch as Attorney and Judge	7
Welch's Family	9
Floral Carnival	10
Conflict with Coykendall	11
Civic Improvements Accomplished by Welch	13
Death	13
The Welch Estate	16
The Sanborn-Skyline County Park	17
Bibliography	18

INTRODUCTION

I became interested in James Ray Welch when I worked on restoring Welch-Hurst, the redwood lodge in Sanborn-Skyline County Park. Weekend after weekend between 1978 and 1980, I, and other Youth Hostel volunteers, helped restore this building constructed by James Ray Welch.

Welch-Hurst is a beautiful building and I became fond of it. Working on the building inspired me and made me curious about Welch.

To satisfy my curiosity, I attended a history research class in 1980 at San Jose State University. The more I learned about Welch, the more I admired and respected him.

He was an outstanding rancher and fruit grower, a hard working and honest attorney, and a fearless and kind judge of the superior bench of the state of California. His controlling impulse was to do justice under the law and whenever possible to be merciful.

I decided to enter the 2003 Historical Essay Contest to let others know about this remarkable man.

Early Life

James Ray Welch was born near Plainview, Illinois, February 2, 1860. His father, a well-to-do farmer and stock raiser, owned a flour mill.

When James was six, the family moved to Missouri where they went through the financial panic of 1873 and suffered severe monetary loss.

When James was 14, he was on his own and set out to get an education. He traveled to Boise, Idaho, where he attended and then taught in the public school.

He fought in the Indian wars in the late 1870's, and in 1880 he was back at teaching, serving immediately under the principal.

When Welch was 21, he came to San Jose and attended the University of the Pacific. He obtained a Ph. B. at age 27 and an A.M. at age 30. Throughout his entire college career he gave instructions in commercial law and bookkeeping at U. O. P.¹

In the meantime, while a student at U. O. P., Welch studied law with Supreme Court Justice John E. Richards. When he was

¹ Sawyer, Eugene T., History of Santa Clara County (Los Angeles: Historic Record Company, 1922), p. 1057; San Jose Mercury-Herald, 26 March 1931, pp. 1, 6.

admitted to the bar in 1888, he and Judge Richards formed a partnership and practiced law together.

Welch Acquires a Ranch

In the 1890's, James Welch started to acquire a ranch. The valley was still undeveloped and primitive, almost like it was in 1769, when Europeans led by Portola first entered the valley of Santa Clara. Native animals included deer, skunk, raccoon, squirrel, chipmunk, rabbit, and quail. Native trees included redwood, live oak, tanbark oak, madrone, bay, and Douglas fir.²

James Welch bought hundreds of acres in the Santa Clara Valley and Santa Cruz Mountains. The Welch property was three and a half miles southwest of the city of Saratoga. (Years later, it became the major part of the Sanborn-Skyline County Park.)

The mountain slopes in the vicinity of Welch's estate had previously been used for lumbering; in 1848, William Campbell had erected a water-powered sawmill at Long Bridge near the present site of Saratoga Springs. In the 1870's and 1880's, the mountain slopes attracted French, Swiss, Italian, and German

² Bell, Red, "A History of Sanborn-Skyline Park." Unpublished materials, January 1977, p. 1 (available from Santa Clara County Parks and Recreation).

families who wanted orchards and vineyards. These families first acquired land under the Homestead Act of 1862. They farmed, they made wine, and they cut timber.

Welch liked to go to his property with his family to enjoy the natural forest and the views of Santa Clara Valley. Sometimes Welch would picnic there with members of the bar association, all arriving on horseback. After Welch acquired one of the first automobiles owned in San Jose, he would drive there.

Welch used his property as a working ranch and planted plums, apricots, walnuts, pears, and grapes. Welch began a long-time membership in the California Prune and Apricot Association and in the Sunsweet Growers Cooperative.³

Wright's Station

Welch lived at Wright's Station in the Santa Cruz mountains. The town took its name from the family of James Richard Wright who came to California in the late 1860's and bought a ranch in the mountain wilderness. In 1877 Wright's Tunnel was built and the Narrow Gauge South Pacific Coast

³ Couchman, Robert, The Sunsweet Story. San Jose: Sunsweet Growers Inc., 1967, pp. 60-64.

Railroad began to serve the growing community at the mouth of Wright's Tunnel. Construction of Wright's Station Road allowed stagecoaches as well as railroads to reach Wright's Station. Good stagecoach and railroad service was provided, and buggies were available to take people to their hotels on the crest of the mountain.⁴

Wright's Station became the place to go on weekends and for summer outings. A well-known San Francisco writer, Ambrose Bierce, went there almost every weekend. So popular was the resort that the railroad ran three and four sections from Los Gatos and Santa Cruz.

Wright's Station ceased to exist after the earthquake of 1906. Today the town is completely gone.

It was at Wright's Station where Welch met his first wife, and where, in 1888, his first child was born. Fred Loomis, who owned the Summit Hotel, was Welch's father-in-law.

⁴ Cunningham, Florence R., Saratoga's First Hundred Years. Ed. Frances L. Fox. Fresno: Valley Publishers, 1967 pp. 23-27, 171; San Jose News 19 April 1974, p. 1.

Welch Builds a Redwood Lodge

In the early 1900's, Welch began to build a redwood lodge. It took him until 1914 to complete it. The 1906 earthquake interrupted his work. The earthquake caused a forty-foot drop in Welch's mountain vineyards.⁵

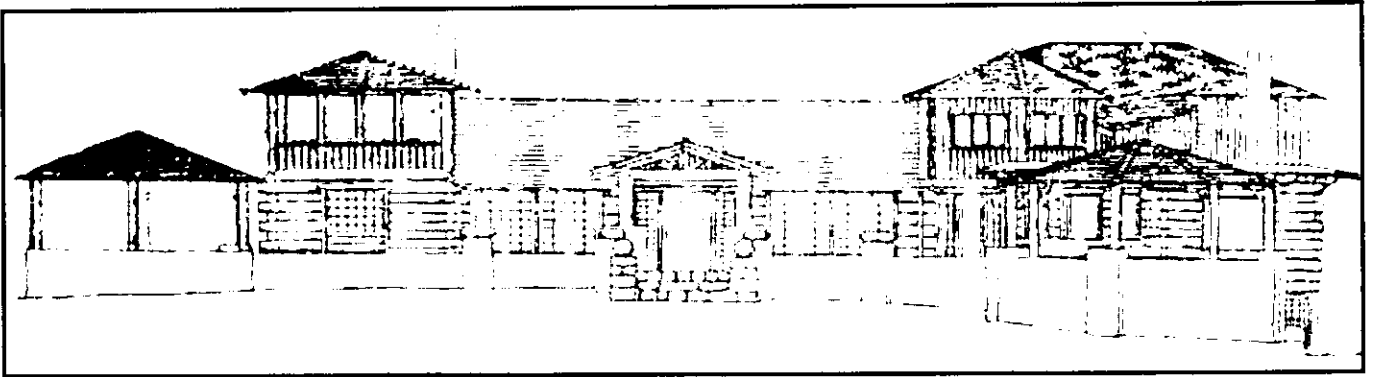
Welch did not live in the redwood lodge at his ranch. A caretaker lived on the grounds in an existing cottage.

The redwood lodge, which was known as Welch-Hurst, eventually became the Sanborn Park Youth Hostel Building.

Welch-Hurst is two stories high and 128 feet by 82 feet. The front entrance porch has a gable roof. At each side of the house there is a large gazebo. The appearance of the outside of the house is shown below.⁶

⁵ Reed, Candace, National Register of Historic Places Inventory-Nomination Form. Washington, D. C.: Historic American Buildings Survey, Department of the Interior, 16 November 1977; Cunningham, Hundred Years; p. 265; Garrod, R. V., Saratoga Story (1962), pp. 75-76, 135-37.

⁶ Reed, National Register Nomination.



Welch-Hurst, East Front Elevation

On the inside, Welch built a large living room and a hexagonal dining room and connected them to a kitchen and other related service rooms.

A family room with a fireplace lies on one end of the building, and two bedrooms with bath lie on the other end. A basement exists under the wing with the family room.

Welch built a log stairway to connect the living room to the second floor where there are two additional bedrooms.

The building follows the style of the traditional resort homes and hotels established in the nineteenth century in the Adirondacks and the Poconos.

Welch-Hurst is set amongst extensively landscaped grounds. The grounds include a redwood grove with a barbecue pit.

Welch as Attorney and Judge

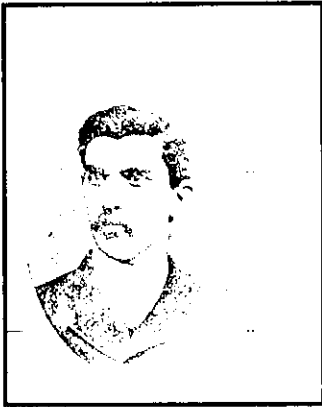
Welch's partnership with Judge E. Richards dissolved when all of Welch's time was taken up by his involvement with the failure of the Union Savings Bank.

Welch represented 900 depositors who wanted to recover their deposits. Welch made successful fights against the Union Savings Bank stockholders and the stockholder directors.

On behalf of his clients, Welch succeeded in forbidding the stockholder directors from selling worthless stock. He showed that it was the intention of the stockholders to avoid paying a ten-dollar assessment and to avoid paying the \$700,000 on unpaid subscriptions. After a year and a half, he managed to obtain for the depositors, the full amount of the depositors' claims.⁷

Other cases in which he participated included one involving the California Cured Fruit Association and the Tarpey-Nicholson forty-year old litigation.

⁷ Shuck, Oscar T., Ed., History of the Bench and Bar of California (Los Angeles: The Commercial Printing House, 1901), p. 1086.

**Welch as a Young Man****Welch as a Mature Judge**

Judge Welch served as San Jose City Attorney from 1894 to 1897 and successfully prosecuted violators of city ordinances. After the San Jose Constitutional Freeholder's Charter was adopted, Welch interpreted the Charter in a series of opinions and put the city government in full operation.⁸

Not long after entering private practice, Welch became a candidate for superior judge. He was elected in 1904 when he was 44, and he remained undefeated in that office until the time of his death. He presided over Department One of the Superior Court and was the senior member of the bench in, and for, Santa Clara County. He was one of the State's foremost thinkers and jurists.⁹⁹

⁸Shuck, Bench and Bar, p. 1086.

⁹Sawyer, Santa Clara County, p. 1057; San Jose Mercury-Herald, 26 March 1931 pp. 1, 6.

Welch's Family

Judge Welch had four children: Ione (born 1888), Eugene (born 1890), Merle (born 1894), and Frances (born 1896). Around 1890, the family moved from Wright's Station into San Jose and made their home at 253 South Eighth Street. They remained in this house after the death of the children's mother.

In 1898, Welch married his second wife, Mary Marsh McCarty, the daughter of Thomas E. Marsh, an early settler. She was the previous wife of Dan McCarty, son of Martin McCarty, the founder of Saratoga.¹⁰

The family home in San Jose stood on land that is now in the campus of San Jose State, occupied by the Music Building.¹¹

¹⁰ San Jose Mercury, 8 August 1966

¹¹ San Jose Mercury, 29 March 1969, p. 27.

Floral Carnival

Judge Welch became prominent socially, in part because he owned one of the earliest automobiles driven in San Jose. In 1909, his Rambler, decorated with flowers for a May Day parade in Los Gatos, won a silver cup contributed by William Randolph Hearst of the San Francisco Examiner; it also won another cup offered by the Santa Clara County Automobile Club.

The awards were given for the best decorated car driven by a lady. The driver, Mrs. J. R. Welch, had obtained the first California driver's license for a woman.

Riding in the open car covered with pink roses were Judge and Mrs. Welch in the front seat; Camellia Marsh Metzger (Mrs. Welch's sister), Judge Perley F. Gosbey and Ione Welch in the

center jump seat, and Mrs. Perley F. Gosbey and Judge and Mrs. J. E. Richards in the back seat.¹²

Conflict with Coykendall

Welch served as a member of the voting board of the California Prune and Apricot Growers Association, a precursor of the Sunsweet Growers Cooperative. In connection with proposals for reorganizing the Association, Welch came into conflict with H. G. Coykendall.

Coykendall was the first general manager of the Association and one of the State's most successful dried fruit packers. He headed, and jointly owned with his brother, the A. & C. Ham Company, which was estimated to have handled a fourth of Santa Clara County prune production in 1916. His sugar prune orchard west of San Jose was considered the largest in California.

In 1921, proposals for the reorganization of the Prune and Apricot Growers Association were under discussion by growers as well as by trustees, directors, and the management. Judge James

¹² Los Gatos Mail, 6 May 1909, p. 4; Bruntz, George B., The History of Los Gatos (Fresno, California: Valley Publishers, 1971), p. 57; photograph in San Jose Historical Museum donated by Ione Welch.

R. Welch was particularly active in the grower discussion. He was a grower-jurist who was the attorney for the California Cured Fruit Association.

At a grower meeting, Welch offered proposals for reorganizing the Association. He recommended that the growers organize the new Association rather than have it organized through the old Association. Welch wanted to liberalize the Association so that individual growers would have more influence on matters of policy and on selection of voting board members. In a bitter public argument, Welch lost his temper and punched Coykendall on the nose.¹³

The conflict intensified after Welch called in efficiency experts who issued a report disparaging the management of the Association. At this time, Welch charged that Mrs. Ruth G. Wallace and H. G. Coykendall had been involved in graft and bribery and had received \$5,000 for Association brokerage rights at Toronto, Canada. Welch won the fight, Mrs. Wallace and Coykendall resigned, and the Association went through a complete housecleaning.

¹³ Couchman, Robert, The Sunsweet Story (San Jose, California: Sunsweet Growers Inc. 1967) pp. 60-64.

Civic Improvements Accomplished by Welch

Welch is characterized as the father of Skyline Boulevard; he lobbied successfully for this highway to be a great scenic trunk line on the crest of the mountains for the use of the whole State. In addition, he was instrumental in seeing that funds were appropriated to complete construction of the Bay Shore Highway. Furthermore, he was actively engaged in proposing a San Jose Civic Center. This civic center eventually was established.¹⁴

Death

Judge Welch died of a heart attack while watching the motion picture, Hell's Angels, which depicted pilots (not motorcyclists) in air battles of World War I and Jean Harlow as the sweetheart of the Allied Air Force. The death occurred at the Victory Theater in San Jose on March 25, 1931.

Shortly before 8 o'clock, Welch slumped in his chair. People in the audience heard his heavy breathing and summoned

¹⁴ Sawyer, Santa Clara County, p. 1057; San Jose Mercury-Herald, 27 March 1931, p. 12

theater attendants. Welch passed away before an ambulance could get him to the San Jose Hospital. He was 71 years old.

Keen of eye, powerfully built, with a heavy head of white hair, Welch was an imposing figure upon the bench. Mostly gentle and kind, the judge could be stern when the occasion demanded.

Attorney Frank V. Campbell had this to say of Welch: "His noble and able career was contained in the last official act of his life. He was trying a personal injury case and when he had heard the evidence, he called my clients and the other parties in the case and talked with them. It had been a hard-fought case, but so kindly and just was his approach to it that before he had finished he had persuaded the litigants to give in, each to each and the case was compromised to the satisfaction of all.

"That was Judge Welch," Attorney Campbell continued, "a kind and fearless man and able jurist. I'm thinking too, of those poor fellows in the county jail awaiting trial and sentence. They have lost one of the best friends they will ever have, as certainly as has the entire community and the state."¹⁵

¹⁵ San Jose Mercury-Herald, 26 March 1931, p. 1; and 22 March 1931, sec. 2. p. 1.

Prisoners, including some whom Judge Welch had sentenced, considered the judge to be kind, just, and gentle and collectively presented a wreath in Welch's honor.¹⁶

Welch's legal associates, the business community, and people in general all spoke of his kindness, integrity, conscientiousness, ability, fearlessness, and honesty.

J. O. Hayes, publisher of the Mercury-Herald, said, "His controlling impulse was to do justice under the law and, wherever possible, to be merciful, as well as just."

Judge John E. Richards, the former law partner of Judge Welch made this statement, "I regret the sudden death of Judge Welch as a public calamity. It will be long before the county of Santa Clara shall be able to find his equal in integrity and ability to exercise the judicial office."¹⁷

Welch's funeral was attended by Governor James Rolph, Jr., and by high judicial, State, County, and city officials. Hundreds stood in front of the Scottish Rite Temple as the casket of the judge was carried out.¹⁸

¹⁶ San Jose Mercury-Herald, 28 March 1931, p. 1.

¹⁷ San Jose Mercury-Herald, 26 March 1931, pp. 1, 6.

¹⁸ San Jose Mercury-Herald, 29 March 1931, p. 1.

The Welch Estate

Welch left the redwood log house (Welch-Hurst) and adjoining acres to his two daughters: Ione Welch and Merle Welch Linn. Merle lived with her husband, R.N. Linn, in Honolulu where James Gordon Linn and Marjorie Linn (now Carrere) were born. Mrs. Merle Welch Linn died in the early 1950's, and her husband inherited her equity.¹⁹

At the time of the judge's death, Ione and Frances Welch were schoolteachers in Oakland, and Eugene was a businessman in San Francisco. Several years later, Ione retired from her teaching job and moved to Welch-Hurst and lived there alone. Her income was minimal, and she had to practice self-denial so that she could maintain Welch-Hurst in good repair. Ione's friends and her attorney, Duncan Oneal, urged her to move out of

¹⁹ Conversations with Marjorie Carrere, daughter of Mrs. Merle Welch Linn, held at Welch-Hurst and at San Francisco, April and May 1980.

the mountains. Nevertheless, she remained at Welch-Hurst until 1956, six months after the estate was sold.²⁰

In 1955, Vernon J. Pick, a famous uranium prospector and millionaire bought the estate. Pick made a few changes and improvements to the estate. He built a house that he called "Walden West," and on a lower elevation, a large laboratory and a small landing strip. Pick and his wife, Ruth, lived there for ten years.

After a defaulted sale, the property was then sold in 1971 to the Elgin Capital Corporation, an electronic research group and investment company.

The Sanborn-Skyline County Park

Santa Clara County took over the Welch property in 1976 and made it a part of the Sanborn-Skyline County Park. In 1912, Dyer bought the property adjoining the Welch estate and built the house that has now become the office and visiting center of the Sanborn-Skyline County Park

On June 18, 1977, Santa Clara County dedicated the park. The park includes the former Welch and Dyer ranches.

²⁰ San Jose Mercury, 29 March 1969, p. 27 and 2 June 1955, p. 4; Conversation with Duncan Oneal, attorney representing Ione Welch, held at San Jose, 1 May 1980.

In 1978, the Santa Clara County Board of Supervisors decided not to destroy Welch-Hurst, because the local chapter of the American Youth Hostels, Inc., volunteered to rid Welch-Hurst of termites and to correct its doubtful structural state. The Youth Hostel group agreed to restore Welch-Hurst and bring it up to building code acceptability. The County leased the building to the Youth Hostel group for 20 years at one dollar a year.²¹

From 1978 to 1980 Youth Hostel volunteer crews, working on weekends with contributions of materials and services from local suppliers and contractors, restored Welch-Hurst and readied it for its opening as an overnight guest house. Today, 23 years later, Welch Hurst is still the local Youth Hostel headquarters and is still being used as an overnight guesthouse.

²¹ Santa Clara County Board of Supervisors' Minutes Book, Vol. 88, p.315.

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The End