

THE SANTA CLARA COUNTY COURTHOUSE:
JUSTITIA DEDICATA

An Essay
Presented to
the California Pioneers
of Santa Clara County

by
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INTRODUCTION

The earliest light which comes streaming through the pearly gates of Morn smiles upon its novel facades, fashioned after the forms modeled by the artistic hand of Pericles, to adorn the Athenian city, to attract the Athenian gaze; and the last rays of the setting sun linger and play in rose and purple tints on its glassy dome....¹ This noble massive pile is a lasting monument of the wealth, the generosity, the taste, the pride, and the advancement of its contributors. From its lofty dome, what beauty, what grandeur present themselves! You may behold the city of San Jose sitting like a queen surrounded by her regal estate, in the fairest valley of the land, bathed in all the glory of the morning sun.²

This colorful prose by Fredric Hall vividly depicts the majestic beauty of the Santa Clara County Courthouse at its finest. The historical landmark has survived through earthquakes, fires, stormy trial, hangings, and attempts to tear it down. As one of the oldest buildings still standing in San Jose, the courthouse is a symbol of what has passed and what the future may be. The Santa Clara County Courthouse has withstood the test of time; through hardships and triumphs it has become an integral part of the city of San Jose and its community.

ANTECEDECTS

When California first became part of the United States of America, the judicial authority in San Jose was by law authorized in the Justices of the Peace, who at that time were known as the Alcaldes. Even though the courts of the First Instance were also provided for by Mexican law, none had actually been established in California under Mexican rule, and no judge was ever appointed until American authority came into being.³

The courthouse in San Jose, when it was under the Mexican rule, was called the juzgado. It was built in 1798 and was located on or near the westerly side of Market Street in the Pueblo of San Jose. The juzgado was a one-story adobe building composed of three rooms: the middle one contained the court room, the eastern one the Alcalde's room, and the western one contained the jail and remained as the judicial building as long as the Mexican law was in power.⁴

The Alcalde in 1846 under Mexican rule was Dolores Pacheco, who in the same year was captured by Captain James Fallon of the American forces, and the office was subsequently given to James Stokes, who was the first American Alcalde. The following were Alcaldes from then until the establishment of courts under the constitutions of 1849, namely:

John Burton, Kimball H. Dimmick, Richard M. May,
John O. Conroy, Jose Fernandez (second Alcalde),
James Weekes, and Charles White.⁶

The first judge of the Court of the First Instance was appointed by American authority in the spring of 1849. This court

lasted until 1850 when the courts under the constitution of 1849 were established. During its existence the following were the judges thereof, namely:

Richard M. May, John T. Richardson, W.M. Kincaid,
and Kimball H. Dimmick⁷

The juzgado was poorly arranged for the purpose of a courthouse under the American system. In June 6, 1850, the Court of Sessions issued notices calling for proposals, either by donation or sale, for the purpose of constructing county buildings. One of the responses to this notice was from James F. Reed, who offered to donate eight of his lots in the block limited by Third, Fourth, William, and Reed Streets, to be used as a site for the county jail.⁸ The county accepted this offer, but the buildings were not placed there, and nothing came from the arrangements.

A month later the court made another order in which it let J.W. Redmon, the county judge, select a proper site for county buildings. In the meantime, the county government had moved from the juzgado to the building on First Street opposite Fountain Alley and afterwards the Bella Union Building on Santa Clara Street.⁹

Judge J.W. Redmon on October 21, 1851 selected Market Plaza as a proper site for the building of the courthouse. The people saw the building as common property, and they were used to holding various types of meetings and entertainments there. The government considered this an infringement of its dignity, however, and in July, 1852, the sheriff was ordered to "take charge of the courthouse and allow no dances, shows or balls to be held therein."¹⁰ This order evoked such a cry of outrage from the people that within two days

following its issuance, it was changed. The new order allowed the use of the building as an assembly hall and place of amusement, but the sheriff was to collect money to pay for the fees of a janitor and watchman.

Following the fire that had destroyed the old State House on March 29, 1853, the courthouse was removed to the adobe building on Lightstone Street, owned at that time by Frank Lightstone, and the officers again began to look for another permanent location. Architect Levi Goodrich was to present the plans and specifications to rebuild on the old lot on Market Plaza. The plans were drawn and the clerk called for bids, but before anything further was done A.S. Caldwell wanted to sell the county the lot and building at the southeast corner of Second and San Fernando Streets. The purchase was made after a committee reported that with minor modifications it could be made appropriate for a courthouse. The amount paid was \$4,000.¹¹ On December 7, 1853 this building was declared as the courthouse. The south room on the lowest floor was designated as the district court room. This building was later known as the "What Cheer House," another name for houses of entertainment in other parts of the state.¹² The county sold the State House lot to a Mr. Briggs for \$500, reserving the privilege to use the jail until a new one could be built. When it became apparent that larger accommodations were needed, the county offered \$100 to the person who could create the best plan and specifications for a courthouse and county offices "to be built of bricks."¹³

During this order, negotiations were taking place with the city council for the use of the second story of the City Hall on Market

Street for a court room. This resulted in a two years' lease and in return the county gave the city the use of a part of the lot at the corner of San Fernando and Second Street. This exchange became effective beginning August 8, 1860. Later the same year, Levi Goodrich presented his plans for a new courthouse, which were adopted, and he received the \$100 prize.¹⁴ On March 16, 1861, the Board of Supervisors ordered A.L. Rhodes, the Senator from the county, to introduce into the legislature an Act authorizing the county to issue bonds to pay for the building. Mr. Goodrich was directed to prepare for working drawings.¹⁵

The City Hall lease expired in 1862 and so again the county officers were on the move and in search for more spacious quarters. At the same time the lease expired, Martin Murphy was finishing his brick block on Market Street. He offered the county the use of these buildings for \$190 per month and the hall at the corner of Market and El Dorado Streets to be used as a court room.¹⁶ On November 8, 1862, the county accepted the offer and took a five years' lease, with the privilege of renewal. This was the final location of the courthouse prior to the construction of the present building.¹⁷

LOCATION AND COST

It was not until 1865 when the people began to feel that the old lot at the corner of San Fernando and Second Streets was not a suitable location. Many felt that a courthouse made of bricks was needed. They urged the supervisors to purchase another lot. There was opposition to the idea of moving the courthouse. Two of the supervisors, Mr. Quimby and Mr. Yates, were opposed to buying another lot. When the decision was made to change the location, they voted against the change.¹⁸

After some negotiations, the Board of Supervisors purchased W.H. Hall's property for \$5,000. Mr. Hall received \$7,353 in currency, instead of the \$5,000 in gold, the extra \$2,353 having been the difference between gold and greenbacks at that time.¹⁹ The cost of the building, furniture, and fixtures, up to June 13, 1868, was \$173,737.96.²⁰

Among the sites offered to the Board was the one currently occupied by the courthouse. It was owned by W.H. Hall, who had offered to sell it at \$5,000. The property was located on First Street, situated between St. John and Julian Streets, across from St. James Park. On November 21, 1865, Hall's title to the land was found good and valid, the purchase was made.²¹

The original tract of the courthouse was 137½ feet front on First Street by 275 feet deep. Later another 12½ feet in frontage was obtained from Josiah Belden. In 1867 more frontage was bought for \$40 per foot.²²

DESIGN AND CONSTRUCTION

Levi Goodrich supervised in the construction of the finest courthouse in California. This magnificent structure is of the Roman Corinthian Order of architecture and is situated on the west side of First Street, across from St. James Park. Its foundation wall resides upon a base of concrete to the depth and thickness of six feet. The lowest floor of the building is supported by heavy brick arches. The walls are all made of brick. The basement walls are four feet thick, and the upper walls are twenty-one inches thick. Above the basement are two stories, and the building's dimensions are in frontage 100 feet; in depth, including the portico, 140 feet. The height to the cornice is fifty-six feet, and is 115 feet to the top of the dome, the least diameter of which is seventeen feet, and the greatest fifty feet.²³ The portico is seventy-six feet in length, the height of the columns being thirty-eight feet and the diameter four feet. The windows are made of the finest French plate glass. All the windows are surmounted with pediments, those on the lower floor being arched. Each window frame is made of cast-iron and weighs about 3,600 pounds. Zinc covers the roof.²⁴ The Grecian dome is lighted by eleven elliptical windows, surmounted with an iron railing forty-two inches in height, and is reached by a staircase of 172 steps, with three landings. This splendid edifice is divided into twenty-one rooms, two of which are designed as court rooms, and the others for different county officers. The larger of the court rooms is sixty-five by forty feet, and thirty-eight feet high. The room receives its light through the ceiling which is supported by fluted pilasters of the Corinthian

and Ionic Orders, and is divided into twelve deeply sunk panels set with opaque glass. Behind the forum is a recess over which appears the legend "*JUSTITIAE ET CLEMENTIAE*," Justice And Mercy.²⁵ In the corners of the room are niches supported with water for drinking purposes. The whole building is supplied with water, gas, and all of the modern style of conveniences. It is heated by Chilson Furnaces, installed in the basement.²⁶ The exterior of the building is made of imitation stone. The main entrance is by an ascent of nine feet, up thirteen granite steps. It leads to the iron door of the facade, which is eight feet wide and twelve feet high. The iron door is constructed into two parts that slide into the walls on each side. Above the main entrance on the frieze is inscribed the motto "*JUSTITIAE DEDICATA*," Dedicated To Justice.²⁷ On January 1, 1868, following the twenty month completion of the courthouse, a dedication ceremony was performed.

EXPECTATION

The completion of the Santa Clara County Courthouse created a new attitude for the Board of Supervisors. They believed that San Jose could be just as good a capital as Sacramento. So with their new found feelings they began a zealous pursuit to try to lure the State capitol back to San Jose. They made various attempts to make their courthouse the headquarters of the State Legislature, the removal of which from Sacramento to a more central position was then being deliberated. San Jose, the first capital of the state, naturally tried to regain its lost honors. On February 4, 1868, the minutes of the Board showed the following:

Resolved, That in the event of the General Assembly of the State of California determining to remove the State Capital of the County of Santa Clara, the Board of Supervisors of the said county, tender to the State the free and entire use of the Court House of said county for State purpose, until such a time as a Capitol Building may be erected in said county, provided that said Capitol Building shall be erected within five years.²⁸

The following day another motion, as follows, was carried:

Resolved, That the Honorable Members of the Legislature and attached thereof, one and all, are hereby invited to inspect for themselves its eligibility as a seat of government for this state, prior to any final action touching that subject matter; and the hospitalities of the city and county will be cordially extended to them.²⁹

These orders were, however, rescinded on June 5, 1872.

TRIALS AND TRIBULATION

The Santa Clara County Courthouse has had its share of problems to deal with in the past, from natural disasters to having to fight for survival. In the first incident, the doors had barely been opened when a major earthquake shook the new structure. However, it survived the earthquake with little damage.

The courthouse was remodeled in 1879 when more space was needed. The court room was vertically bisected by a second floor, creating a second large court room directly above the first. A third, smaller court room was also created in the remodeling.³⁰

Several of the most famous of local legends have passed through the courthouse doors. One of the most famous cases was in 1875 when the historical murder trial of Tiburcio Vasquez was held in the courthouse. He was charged with leading an outlaw gang in a Wild west style raid on Tres Pinos in San Benito County. Three townsmen died, and the town was pillaged. Vasquez was chased throughout the state. He was finally captured in Los Angeles and brought here for trial because San Benito County lacked an adequate jail and courthouse. Vasquez was found guilty and was hanged in the courtyard of the county jail on March 19, 1875.³¹

Along with the dramatic trials, the courthouse made it through two more major earthquakes, the famous April 1906 tremor and another in 1911.³²

On May 8, 1931, a fire started, presumably from oily rags in a janitor's closet. The flames rapidly spread throughout the wooden interior of the building. At the peak of the fire the Grecian dome

collapsed. Before the night was out the building was a smoldering, gutted shell. Afterwards it was decided that the thick interior walls were as stable as the day they were constructed and the Board of Supervisors ordered the courthouse to be rebuilt.³³

In the redesigning of the courthouse, it was decided to eliminate the expensive dome and to install a third floor instead. The motto "*JUSTITIA DEDICATA*," that was destroyed in the fire, was later replaced with "Santa Clara County Courthouse."³⁴ When all the work was completed the building was rededicated on September 17, 1932.

In 1965, the then old courthouse seemed doomed to be destroyed when the new Superior Court Building was dedicated. However, because of the continued growth in the County's population the need for more courts increased. A decision was finally made to save the old building and to restore it to its former beauty. The renovation cost for the courthouse was \$690,000.³⁵

On April 27, 1973, the courthouse was rededicated for court use in a 2:00 p.m. ceremony. The cost of remodeling the courthouse came to nearly \$700,000.³⁶ Three years later, it was added to the National Register of Historic Places.³⁷

A major blow to the courthouse occurred on October 17, 1989 when the Loma Prieta earthquake severely damaged it. The earthquake left the brick walls of the structure riddled with cracks. It has been closed to the public ever since. A restoration project is currently underway.

FORGOTTEN DUNGEON

Deep inside the old Santa Clara County Courthouse are two forgotten holding cells which historical footnotes had discovered during planning for restoration from the Loma Prieta earthquake in 1989. The cells were found on November 8, 1991. It was hidden behind a brick wall, dating back to 1868.³⁸ The brick walls were plastered over, probably to discourage the prisoners from chipping away at the mortar to remove the bricks. Construction investigators found outlets for gas that powered the electricity, but no plumbing. The abandoned jail cells will not be renovated, but kept open as historical points of interest for visitors.³⁹

REHABILITATION

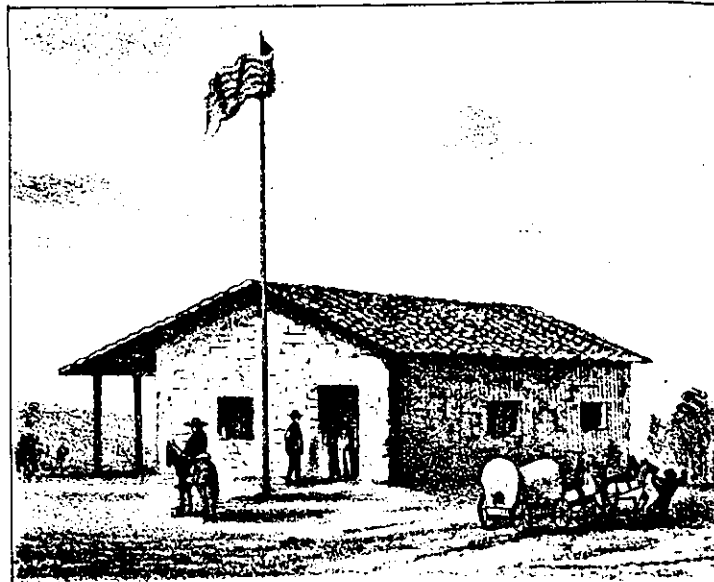
As of January 1990, the Board of Supervisors have taken steps to restore the old courthouse. Following the Loma Prieta earthquake, there was some controversy over whether to restore the old courthouse or tear it down and reconstruct a brand new one. At that time, the price was expected to hit \$16 million, about \$4 million more than it would have cost to tear it down and build a similar-size courthouse from scratch. In January 1990, after some debate over the issue, the county's General Services Agency received the Board of Supervisors approval for a \$16 million plan to restore the Santa Clara County Courthouse.⁴⁰ The insurance company has agreed to cover the primary cost of the work and any base contract expenses not met by insurers will be covered by FEMA, Federal Emergency Management Agency of disaster relief funds.⁴¹

Immediately following the earthquake, court sessions were moved to seven temporary court rooms and related offices in a building at 41 North First Street. The county had leased two floors for \$30,000 a month.⁴² In 1990, the court sessions were moved to a building on 170 Park Center Plaza. The county negotiated a five years' lease for \$700,000 per month. A year later, the Santa Clara Courthouse Annex building on Terraine Street was also rented for court use. The county took out a five years' lease at the cost of over \$400,000 per year.⁴³

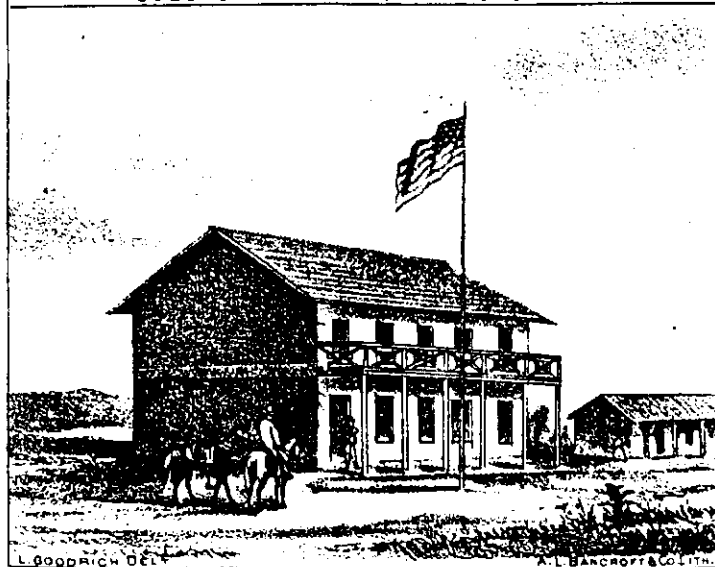
The rehabilitation of the old courthouse will include the reinforcement of the foundation with concrete which will tie it to the original bricks. Loose masonry joints will be repaired, the walls

will be strengthened, and other structural requirements will be met.⁴⁴ The restoration will help upgrade the structure to the current standard for modern buildings. Structural work began on the courthouse in September 1992. So far 44% of the structure is completed. The restoration of the Santa Clara County Courthouse is projected to be finished by April 1994.⁴⁵

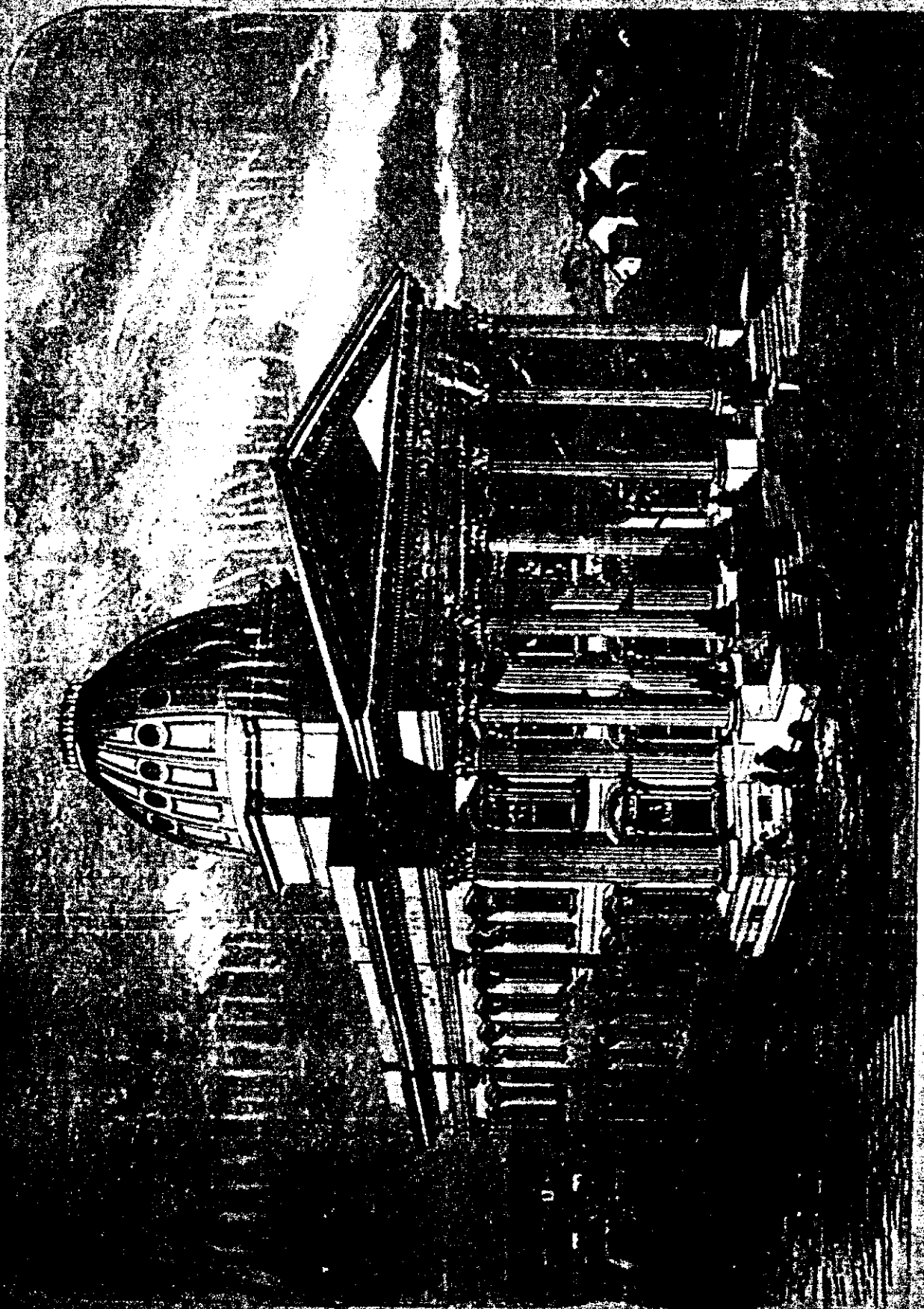
APPENDICES



JUZGADO - MEXICAN COURT HOUSE.



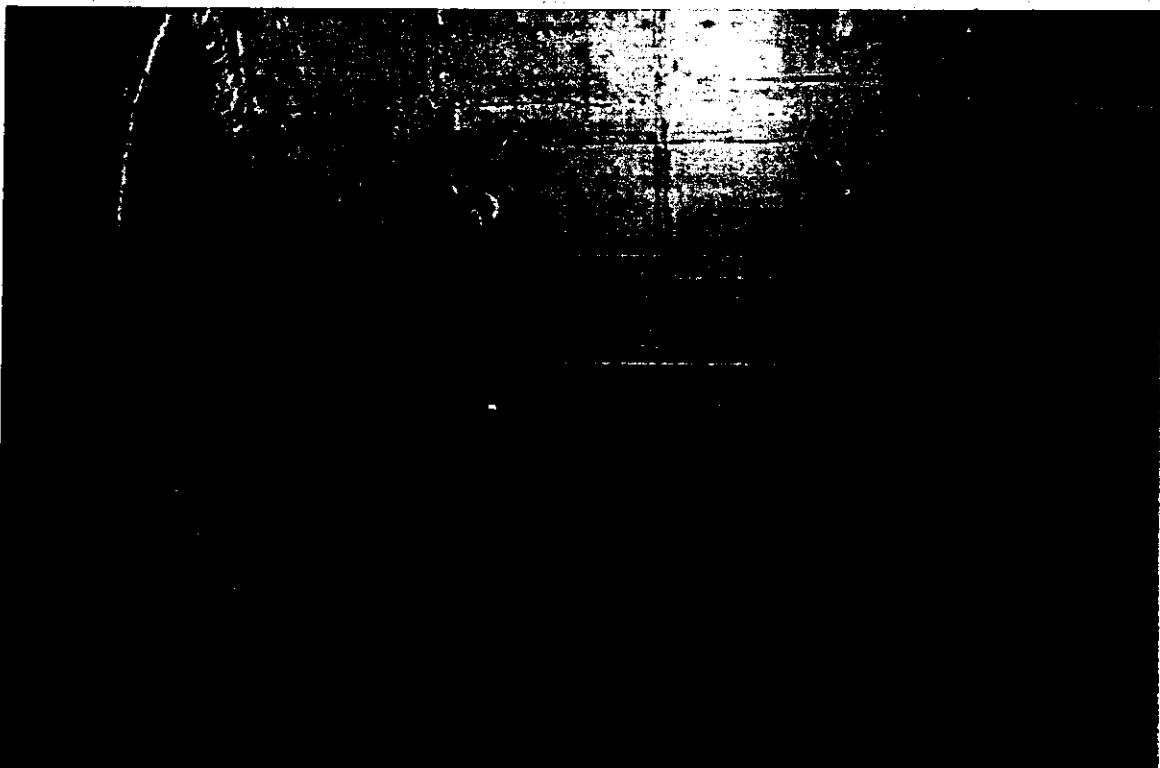
STATE HOUSE 1849. SAN JOSÉ.



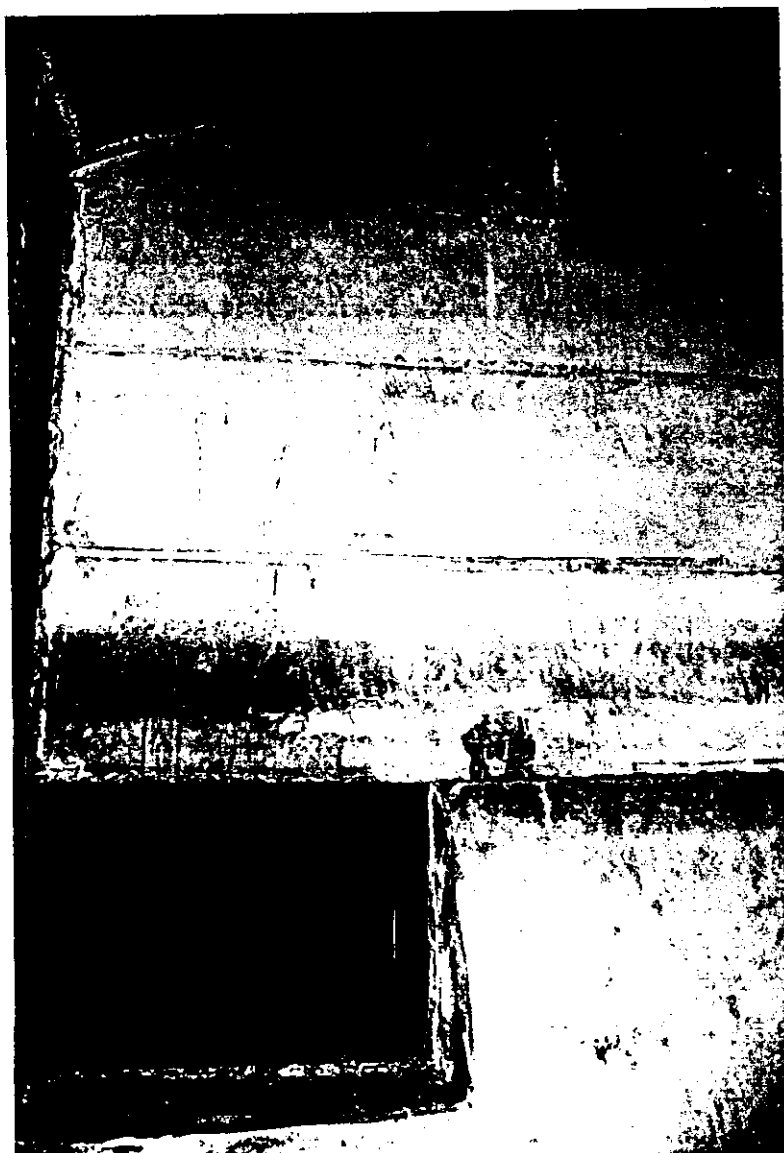
COURT-HOUSE, SAN JOSE, CALIFORNIA.—SEE PAGE 41.



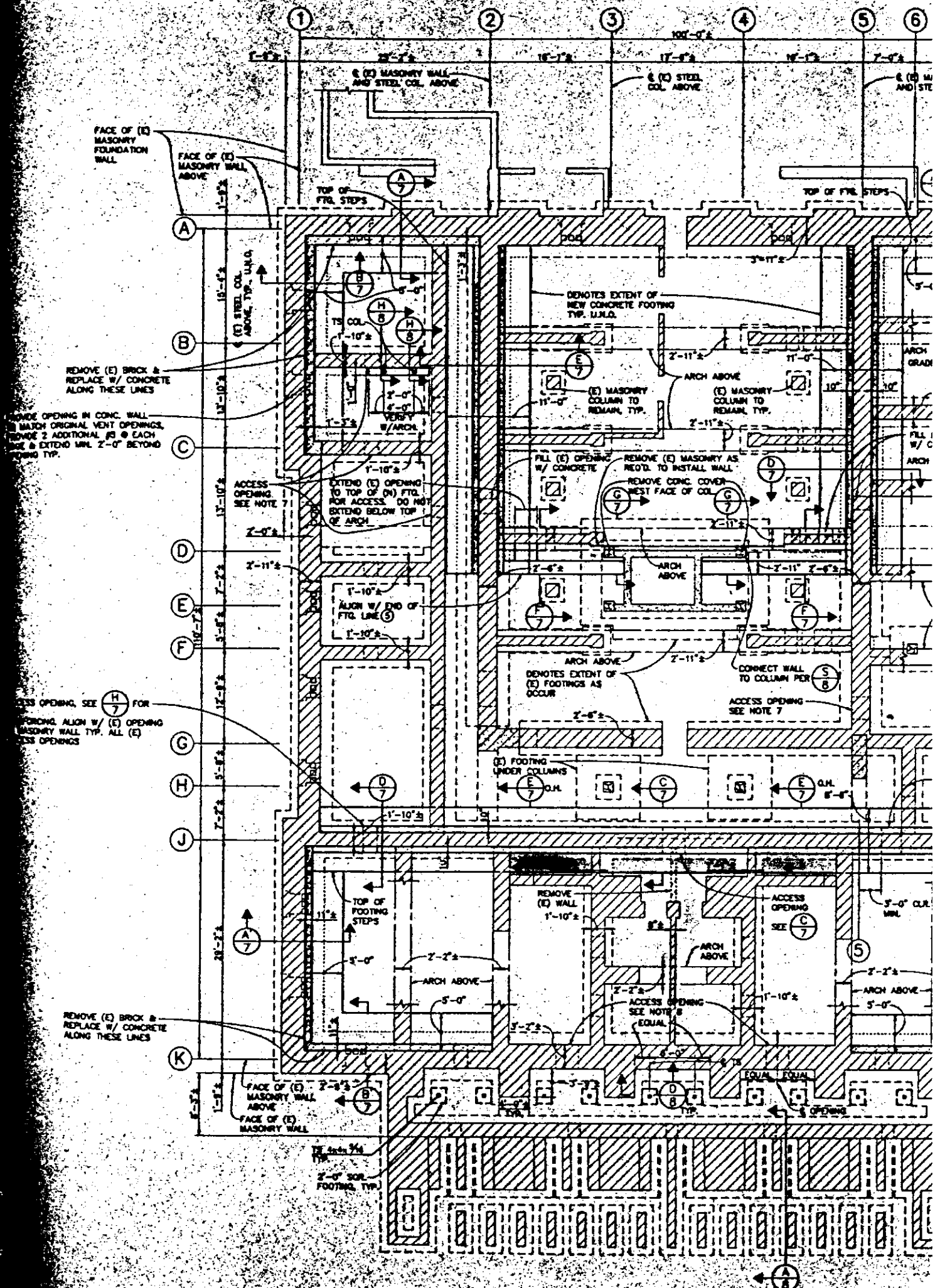
Santa Clara County Courthouse, November 8, 1991.



Forgotten Dungeon, 1991



Forgotten Dungeon, 1991



NOTES

1. Frederick Hall, History of San Jose and Surroundings (San Jose: Press of A.L. Bancroft Company, 1871), p.301.
2. Ibid., p. 304.
3. W.A. Johnston, The Court House of Santa Clara County (San Jose: Chamber of Commerce, 1939), p. 1.
4. Ibid.
5. Ibid.
6. Ibid.
7. Ibid.
8. H.S. Foote, Santa Clara County, California (Chicago: The Lewis Publishing Company, 1888), p. 139.
9. Ibid.
10. Ibid.
11. Ibid.
12. J.P. Munroe-Fraser, History of Santa Clara County California (San Francisco: Alley, Bowen & Co, Publishers, 1881), p. 142.
13. Ibid., p. 143.
14. Foote, Op. Cit., p. 140.
15. Ibid.
16. Ibid.
17. Ibid.
18. Foote, Op. Cit., p. 140.
19. Ibid.
20. Hall, Op. Cit., p. 304.
21. Munroe-Fraser, Op. Cit., p. 144.
22. Foote, Op. Cit., p. 140.
23. Munroe-Fraser, Op. Cit., p. 144.

24. Sawyer, Op. Cit., p. 153.
25. Munroe-Fraser, Op. Cit., p. 145.
26. Hall, Op. Cit., p. 304.
27. Munroe-Fraser, Op. Cit., p. 145.
28. Sawyer, Op. Cit., p. 153.
29. Ibid., p. 154.
30. "Old County Courthouse Rehabilitation Project," Presentation to Urban Planning 123, November 9, 1992, p. 2.
31. "Santa Clara County Courthouse 1973," California Room.
32. Ibid.
33. Ibid.
34. Anthony Mirenda, interviewed by Loi Kha (San Jose, California), 4:00 p.m., April 28, 1993.
35. "Santa Clara County Courthouse 1973," Ibid.
36. "107-Year-Old Courthouse To Be Rededicated," San Jose News, April 20, 1973, p. 16.
37. Ed Pope, "Historic Comeback Awaits Board OK," San Jose Mercury News, September 14, 1990, p. 1B.
38. Anthony Mirenda, Ibid., 4:45 p.m., April 27, 1993.
39. Joanne Grant, "Forgotten Dungeon Found Under Courthouse," San Jose Mercury News, July 20, 1992, p. 1B.
40. _____, "Supervisors Take Steps To Restore Old Courthouse," San Jose Mercury News, September 19, 1990, p. 1B.
41. Martha J. Mcneely, "Old Courthouse," Superior Court News Letter, April 2, 1992, p. 12.
42. Brandon Bailey, "Old courthouse will be restored, supervisors agree," San Jose Mercury News, January 24, 1990, p. 1A.
43. Dick Politz, interviewed by Loi Kha (San Jose, California), 4:50 p.m., April 28, 1993.
44. Grant, "Forgotten Dungeon Found Under Courthouse," p. 1B.

45. Lee Salin, interviewed by Loi Kha (San Jose, California),
5:00 p.m., April 26, 1993.

BIBLIOGRAPHY

- Arbuckle, Clyde, Clyde Arbuckle's History of San Jose, San Jose: Smith & McKay Printing Co., 1986.
- Bailey, Brandon, "Old courthouse will be restored, supervisors agree," San Jose Mercurt News, January 24, 1990.
- Butler, Phyllis Filiberti, The Valley of Santa Clara, Navato: Presidio Press, 1975.
- Foote, H.S., Santa Clara County, California, Chicago: The Lewis Publishing Company, 1888.
- Grant, Joanne, "Forgotten dungeon found under courthouse," San Jose Mercury News, p. 1B., July 20, 1992.
- Hall, Frederick, History of San Jose and Surroundings, San Francisco: Press of A.L. Bancroft and Company, 1871.
- James, William F. and George H. McMurry, History of San Jose California, San Jose: Smith Printing Company, 1933.
- Johnston, W.A., The Court House of Santa Clara County, San Jose: Chamber of Commerce, 1939.
- Mcneely, Martha J., "Old Courthouse," Superior Court News Letter, p. 12, April 2, 1992.
- Mirenda, Anthony, interviewed by Loi Kha (San Jose, California), 4:00 p.m., April 28, 1993.
- _____, 4:45 p.m., April 27, 1993.
- Muller, Kathleen, San Jose: City With a Past, San Jose: San Jose Historical Museum Association, 1988.
- Munroe-Fraser, J.P., History of Santa Clara County, California, San Francisco: Alley, Bowen & Co, Publishers, 1881.
- "Old County Courthouse Rehabilitation Project," Presentation to Urban Planning 123, p. 2, November 9, 1992.
- "Old Structure Once Proposed State Capitol," Mercury Herald, p. 1A May 9, 1931.
- "107-Year-Old Courthouse To Be Rededicated," San Jose News, p. 16, April 20, 1973.
- Politz, Dick, interviewed by Loi Kha (San Jose, California), 4:50 p.m., April 28, 1993.

Pope, Ed, "Historic comeback awaits board OK," San Jose Mercury News, p. 1B, September 14, 1990.

Salin, Lee, interviewed by Loi Kha (San Jose, California),
5:00 p.m., April 26, 1993.

"Santa Clara County Courthouse 1973," California Room.

Sawyer, Eugene T., History of Santa Clara County California,
Los Angeles: Historic Record Company, 1922.

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