

The Novato Historian

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Preserving Novato's History

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Hermann Rudolff's Justice

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For the first two thirds of the twentieth century California had a three tier court system. Important cases involving large amounts of money or significant impacts on one's life or freedom (felonies) were filed and tried in Superior Courts located at county seats and major cities. Lesser crimes and civil suits involving sums below the legislatively determined threshold amount for Superior Court were filed and tried in Municipal Courts, also located in towns. Judges in both these courts were attorneys elected to their positions (or appointed to temporarily fill a vacancy by the governor). Because transportation was much more difficult in the early twentieth century, and because so much of the population was rural and engaged in agriculture, there was a demand for a means of resolving disputes that did not require trips to town or incurring the expense of a lawyer. This need was filled by the Justice Court (which has evolved into the small claims court of today) presided over by the Justice of the Peace. Monetary value of the dispute was limited by the leg-

islature, and criminal jurisdiction was limited to what we now think of as infractions and lesser misdemeanors. Prior to 1970, the Justice of the Peace, who was an elected official, was not required to have formal legal training. Guided by his reading of the laws of California, he reflected the conscience of the local community and administered "justice" so long as his judgment coincided with a majority of his electorate. This was the office held in Novato by Hermann Rudolff, but his court attained a reputation that extended beyond the confines of this valley.

The biography of Hermann Rudolff has been written several times in the past. May Ungemach has one version in her seminal book *Novato Township* (for sale at our local museum). The late Alice Yarish has written twice about him for the *Novato Advance*, once in 1960 and again in 1976. Much of this material (subject to what I

think are a few corrections) comes from those sources and from the contemporary reporting in the local newspapers, the *Novato Advance* and the *Marin Journal*.



Martha Schultz Rudolff and Hermann, circa 1896



Novato French Cheese Factory

Hermann Rudolff was born near Frankfurt, Germany, on September 3, 1867, into a family widely known in the area for the aromatic soft cheese they made and sold. As a young man with experience in cheese making, he emigrated to the United States, arriving in Milwaukee, Wisconsin, in 1893. He moved to Carson City, Nevada, where he worked in a cheese factory for a couple of years; then, after a return visit to Germany where he met Martha Schultz, he moved to Novato. He married Martha in San Rafael in 1896, and two years later took over the soft cheese factory built by the California Creamery Company alongside the North Pacific Railroad right of way, between Lamont Avenue and Feliz Street in Novato. The next year the Rudolffs acquired land from J.Q.A. and Mary Haven and built their home near the cheese factory. From then until her death in 1939 and his death in 1947, the Rudolffs were visible and influential figures in Novato society. (The author intends to publish a more detailed biography of this family in a later article.)

It was the election of 1914 that first put Hermann Rudolff in the Judge's seat of the Novato

Justice Court to succeed Dr. Conrad, a retired dentist (who lived at the top of the hill in the building where the Hilltop restaurant is now located). The 1914 election was our "hanging chad" election that enshrined the North Marin Supervisorial District in the California Supreme Court records. The multiple recounts, each with different criterion for ballot disqualification, evoked repeated legal challenges in the race between Fred Sweetser, as challenger, and Gumesindo Pacheco, the 14-year incumbent. The California Supreme Court finally resolved the election by awarding Sweetser the victory 16 months after the election, thereby unseating Pacheco who was the originally-declared winner.

Hermann Rudolff was a cheese maker, not a lawyer, but his election to the office of Justice of the Peace indicated the esteem with which he was regarded by the voters of the Novato area. They consistently gave him a comfortable majority in every election after 1914 until his death in 1947. He was their choice to adjudicate the everyday dissention that occurs between neighbors. Consequently what he dispensed was common sense reflecting the local morality.



Justice Hermann Rudolff at the Novato Justice Court

Since Novato was astride Highway 101, which was the main road used by vacationers from San Francisco and the towns in Southern Marin to the Russian River and the Napa valley, Novato traffic justice was not restricted to Novato. One idiosyncratic feature of Rudolff's justice was that speeding tourists who were apprehended by the County Constable assigned to Novato, Walter Selmer, would be taken forthwith to the cheese factory on Railroad Avenue where they would be sentenced and fined on the spot (about \$5) and then presented with a sample box of Rudolff's cheese. The courtroom was located in the cheese factory for several years before it moved to its own location at 824 Grant Avenue (the present site of Mara Leather in the Silva building). The unique location of the courtroom prior to its move was widely noted by newspapers throughout the greater bay area.

It has been reported in the local paper that by 1927 "Judge H. Rudolff has probably the highest

record for dealing with traffic law violators of any Justice of the Peace in the north of the bay counties. He entered in his docket his 10,000th case, half of these occurring within the last three and a half years. Besides the traffic law cases, Judge Rudolff has had before him 1150 civil and 553 criminal cases. The Judge can truly be said to be a just judge, for no violator of law ever appeared before him who did not receive a just and impartial hearing." Since Novato developed a reputation as a speed trap on Highway 101, some drivers from outside the district may not have wholeheartedly agreed with this assessment.

An example of the reflection of local mores in local justice is found in a contemporary newspaper report quoted by Alice Yarish in her 1960 article on Judge Rudolff. "Last week Judge Rudolff sentenced James Mast to 150 days in jail and a fine of \$100.00 for killing a female deer. A few days ago Justice of the Peace Magee of San Rafael fined a man a mere \$50.00 for killing a doe. Compare the two and their fitness for holding the position (of justice). Scarcely a



Hermann in front of 824 Grant, circa 1940

week passes but hunters are arrested for killing female deer and still Justice Magee sees fit to impose a fine of but \$50.00. There is but one thing to do and that is for the people of San Rafael to exercise the right of recall against Magee and remove him from the bench.”

Another instance in which the county newspaper ratified Judge Rudolff’s justice is quoted in May Ungemach’s *Novato Township* book: “When the dumping of garbage and rubbish along our highways becomes expensive to the offenders then it will stop. Judge Hermann Rudolff of Novato is to be congratulated for fixing a fine of fifty dollars when a violator was brought into his court yesterday. To some this might seem an exorbitant fine – but we believe there is no better way of stopping this violation of our county ordinances... The highways belong to all the people and we have a right to expect that they be kept clean and sanitary...”

To illustrate the difference between how the justice court operated as compared to the formal courts

of law, consider George Morrison’s report of an automobile accident controversy that came before Judge Rudolff. (Morrison was a retired banker who was a friend and business associate of Rudolff’s.) It seems that two motorists became engaged in a roadway incident. They brought the dispute before Judge Rudolff, each driver asserting that the fault lay with the other driver. No one could produce any witnesses, so, after listening to the testimony, the judge announced “Since according to the evidence both drivers were on the right side of the road, the accident couldn’t have happened. Case dismissed.” (Under the California Rules of Court, either side could appeal a justice court decision to the local Superior Court and have the case heard from the beginning with legal representation available, but this remedy was not often exercised.)

Jury trials could be held in Justice Court, again subject to valuation limitations. Alice Yarish relates an example of local justice. A local farmer alleged his cow was killed by a certain woman as a result of her anger. The woman plead guilty, so the task of the judge was to establish the value of the cow. To do that he convened a jury of Portuguese farmers. After they consulted he asked for their verdict. It was “Not Guilty.” “Why,” asked the judge, “she has already pled guilty?” The jury foreman responded, “We know that, but we don’t believe she done it.”

The other duty of a Justice of the Peace was to perform marriages. This Judge Rudolff did frequently and with flair. Many marriages were performed in the beautifully landscaped garden of his own residence at the request of the bridal couple. It is also reported that during the years of the First World War he presented each bride with a small jeweled pin that was a replica American Flag. (It would be a real treasure if one of these pins could be donated for display in our museum.)

Hermann Rudolff served as Justice of the Peace until about 3 months before his death on Monday, March 17, 1947. He had been among the most flamboyant and respected of the civilian judges. It would be another 20 years before justice courts disappeared under the pressures of consolidation driven by economics and the desire of attorneys to control judge-ships and the desire of the public to have more predictable and uniform results from court appearances.