



The Novato Historian

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Feature Section

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Supervisory Turbulence in District Five

by John A. Trumbull

The military air field at Novato, Hamilton Air Field, was conceived, designed, funded and built between 1929 and 1933. These activities contributed to the considerable political turmoil in Marin County Supervisor District Five. This district ran from St Vincent's hill on the south to Sonoma's county border and from the bay on the east to the ocean.

Frederick Wiley Sweetser:

From January 1915 until July 25, 1929, Fred W. Sweetser was the fifth district supervisor. He was the only son of John R. Sweetser, who was the son of Joseph B. Sweetser. Joseph B. had brought his family to Marin in late 1856 or 1857 and partnered with Francis DeLong in the purchase and operation of the 12,000 acre Rancho de Novato.* By 1929, however, the rancho had been sold to the Novato Home and Land Co. and was well on its way to being subdivided. Fred was born in August 1871 at "the



Frederick Wiley Sweetser

(This is the only photograph we have of F. W. Sweetser. It is from a well worn copy in the Marin Journal, January 11, 1923. If you have any pictures of Mr Sweetser please contact the museum.)

old Hayden place" in Black Point. [This was a year after Amaziah's brother Enoch married Catherine Johnson, sister to John R. Sweetser's wife, Francis. In 1891, Amaziah's

son, Daniel L. Hayden, built the residence that has become the present Hilltop Café.] For his entire life Fred Sweetser was a Novato resident.

His ascension to office was eerily similar to the 2000 presidential contest in Florida: the 'Hanging Chad' election. Fred ran against the incumbent supervisor, Gumesindo Pacheco, and when the returns were tallied from the November 4, 1914 election, Fred had lost. The district had 803 registered voters, but not all exercised their franchise. Pacheco received 351 votes to Sweetser's 350. Sweetser sued and demanded a recount. He challenged the clerk's disqualification of a significant number of ballots. Marin Superior Court judge Edgar Zook held a two day trial. Prior to trial the parties agreed that 311 votes for Pacheco and 318 for Sweetser were uncontested. During trial the parties reached agreement on 40 more ballots: 18 were rejected as void, 13 counted for Pacheco

and 9 for Sweetser. There remained 35 for Zook to decide. He gave 3 to Sweetser and 7 to Pacheco, and voided the remaining 25. On December 23, 1914, Zook judicially confirmed Pacheco's reelection: Pacheco 333, Sweetser 330.

Sweetser appealed to a higher court, and lost that appeal on November 9, 1915. Sweetser then appealed to the California Supreme Court on the ground that Judge Zook's ruling involved the first impression interpretation of a newly enacted section of the California Political Code. Also Sweetser asserted that the judge had misapplied the recent case of Patterson v. Hanley (136 Cal 265) regarding disqualification of ballots. The California Supreme Court accepted the appeal.

On February 17, 1916, the Supreme Court upheld Judge Zook as to the 7 ballots awarded to Pacheco, (the 3 to Sweetser were not appealed) but ruled that of the 25 void ballots, 20 should have been counted. The court held that the marks alleged to invalidate these ballots were clearly extraneous to the race in question, and thus the votes should be counted in that race. These ballots ran 12 for Sweetser and 8 for Pacheco. This made the final count Sweetser 342, Pacheco 341. After serving in the office for the first year of the term, Gumesindo Pacheco turned the position over to Fred W. Sweetser in 1916, and

he held it through subsequent elections until his death on July 25, 1929.

Ernest R. Samuels

Sweetser's death while in office created a vacancy that would have to be filled by the governor of the State of



Ernest R. Samuels

California. Ernest R. Samuels was the person so appointed. As the San Rafael Independent noted on August 2, 1929; "*[The] Samuels appointment was not unexpected, as the new supervisor was one of the most ardent supporters of Governor Young at the last election. He also actively supported Assemblyman Reindollar during the latter's recent campaign for re-election.*"

Samuels was born in Quincy, Illinois, but had resided in Novato for 32 years

prior to his appointment. He had a wife and two daughters that he supported by engaging in the general merchandise business. His store was located in what we now call "Old Town" on east Grant Ave. He was also a keen baseball fan, serving as the first manager of the Novato Colts, our semi-pro baseball team.

He took his seat on the Board of Supervisors in August 1929 for a term that expired in November 1930. In the general election he won his own full term by defeating Louis J. Nave.

For the entire time that Samuels served as a supervisor, William L. Deysher from San Rafael was Chairman of the Marin Board of Supervisors. Although Samuels had little to do with the creation of the Hamilton bomber field, the Bud Murphy scandal* over some of the money raised in the financing of the purchase of that land broke in March 1932. Samuels voted in favor of Supervisor Gardner's motion that challenged the Marin Grand Jury to investigate "*any and all acts of the Board of Supervisors or any member thereof or any County official.*" The gauntlet having been thrown, the Grand Jury and the press swung into action.

One of the duties of all supervisors was to be the road commissioner in his district, thereby having the responsibility to inspect and maintain

the district's roads and bridges. This duty included the power to award and pay contracts for those purposes. On June 24, 1932, the San Rafael Independent reported: "Supervisor E. R. Samuels of Novato underwent several hours of questioning by the grand jury yesterday afternoon, after he had been subpoenaed to appear before it. It is understood that Samuels was questioned at length about repair work which had been done on trucks and other equipment in his district, which he had sent to Deysher and Lafargue for repairs and for which payment was made to the "Highway Garage." Robert Duke, special investigator, conducted the questioning." Samuels had become entangled in the collateral investigation that would ultimately send Supervisor Deysher to San Quentin for profiting in relation to road equipment rental and repair contracts with the county.* The charges came under a new section of the Political Code, and the trials and intervening election were both partisan and rancorous.

On July 2, 1932, the Novato Advance reported: "Like a bolt out of a clear sky, it was learned Monday that E. R. Samuels had tendered his resignation from this the Fifth District. It has been known for some time that Mr. Samuels was in poor health, and his physician advised a complete rest. Mr. and Mrs.

Samuels are now somewhere carrying out that advice of the physician." While Robert Duke and the Grand Jury threatened for a time to indict Samuels despite his resignation, that threat faded, and by September 10, 1932, the Advance was able to report: "E. R. Samuels is home from an extended absence for the benefit of his health. Mr. Samuels is much improved and will soon be himself again."

John G. Leibert

Samuels' resignation triggered the mechanism for filling a supervisory vacancy in midterm by the governor's appointment for the second time in three years. Governor Rolph named John G. Leibert to the position, probably as a result of being visited by a delegation led by William S. Nock of San Rafael, which included Dante Musio, William Gness, Jacob Albert and Reno Grande of the Fifth District. A resident of Grandview in the Fifth District, Leibert was the current president of the San Rafael Chamber of Commerce.

Joe Stutt, who wanted the position himself, protested that Deputy County Clerk George Jones had acted improperly in filing Samuels' resignation and Leibert's petition to appear on the August primary ballot. The allegations centered on the times of the filings, which were a) significantly after regular business

hours [11:30 p.m. after publicly announcing that no petitions would be accepted after noon], b) very close together, and c) done literally minutes before the legal deadline for filings to be on the August primary election ballot. This meant that Samuels had vacated his seat after anyone could be expected to file for it in the primary election. Leibert's nomination petition, upon which Samuels, his wife and two of his daughters and three of Leibert's own family were among the sponsors, would assure that Leibert was the only candidate on the primary ballot, and it forced any opposition candidate to run a write-in campaign. By securing a majority of the primary vote, Leibert would win the seat for the term starting in 1933. Leibert took his seat on the board by appointment and prepared to run as an incumbent.

July was busy with community meetings and protests. Stutt and Nave were incensed, and had vocal support from a number of Fifth District voters. Leibert attempted to placate his constituents by withdrawing his name from the primary ballot, although this sparked a debate over whether he could legally do that. (As the only legally appearing candidate, he would probably have won the office in the primary election.) Since Leibert's withdrawal left no candidates for that office in the primary election, the November election became

the instrument for filling the 1934 term. Leibert ran against Rudolph A. "Rube" Thompson, Louis J. Nave, Joseph A. Stutt and John P. Geary in a campaign that was not as spirited as the pre-election maneuverings presaged. The results were: R. A. Thompson 479, Nave 392, Leibert 378, Stutt 149, and Geary 63.

Rudolph A. Thompson

R. A. (Rube) Thompson described himself to the 1932 electorate as a lifelong resident of Marin County who



Rudolph A. Thompson

came from a family that arrived in Marin in 1852. He was a 50 year old practical farmer, dairyman and poultryman in Hicks Valley, whose property tax payments for the previous fiscal year had exceeded \$2,000. As chairman of the North Marin Taxpayer's Association he ascribed to the philosophy

"...public expenditures should be dictated by the same principals of economy and self-denial as individuals apply to their private affairs." [Novato Advance, Nov. 5, 1932].

Thompson's election signaled the end of a very turbulent period in northern Marin politics, and he continued winning elections until he retired at the end of 1946. He was succeeded in a tranquil election by Robert Hamilton Trumbull Sr.*

In 1946 "Rube" Thompson sold his Novato home, and moved with his wife, Natalie Holly Thompson (the first female member of the Marin Bar Association) to Paradise Cove in San Rafael. He died at the age of 65 on February 10, 1948. His two sons, Edward and Douglas, continued to operate the Thompson ranch in Hicks Valley under the name "The Marin French Cheese Co." (aka Rouge et Noir Cheese) for many years after his death.

***Postnotes:** More information about Fred W. Sweetser and Robert H. Trumbull can be found in May Ungemach's Novato Township book, and John A. Trumbull has prepared a monograph on the Robert H. Trumbull family, both of which are available from the Novato Historical Guild. Information on the elections and the law suit was taken from past issues of the Marin Independent and Novato

Advance newspapers available on microfilm through the Marin County library system. A monograph on the Bud Murphy scandal and one on the William Deysher prosecution, which arose as a result thereof, are both available upon request from the Novato Historical Guild.

F.W. Sweetser's grandfather served as a road overseer in the early 1860s. The Marin Journal newspaper on November 8, 1862, ran the following item:

[The County Board of Supervisors] *"Ordered that the Clerk cause notice to be made to J. B. Sweetser, Road Overseer of Novato Road District, to show cause before the Board of Supervisors at its next regular meeting, why the bridge erected near 'Our House' across the Novato Creek, should not be removed and placed on said creek where the county road crosses same."*

"Our House" was the store/pub owned by Henry Jones on Novato Boulevard near its present intersection with Diablo Avenue. It is one of the first commercial establishments in Novato. A monograph on his life and death of Henry Jones, Novato's first postmaster and resident in the house now used as a museum on DeLong Avenue, is available upon request from the Novato Historical Guild.

