INTERVIEW OF MR. PHILIP GREY SMITH

BY

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REVISED AND CORRECTED BY

PHILIP GREY SMITH

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INTERVIEW OF MR. PHILIP GREY SMITH

November 14, 1989

Talt: Mr. Smith my name is Al Talt and your Philip Grey Smith.

Okay, we are all set -

Smith: My name is Philip Grey Smith, I was born on April 5, 1898, in a small town called Snohomish in the State of Washington. Snohomish was then a small town and is probably, by this time, a suburb of a the City of Seattle, Washington.

You interject any time, I don't want to go to fast,

Talt: Okay I will.

Smith I'll try to bring out the geography of it because we are talking about the Ninth Circuit. My father was born in Oslow, Norway and had Norwegian ancestry, he was trained in the Lutheran Ministry, but never practiced it - except on me. He was a pretty good man. My mother was born in England in the Town of Winton, which is not far from the City of London. They were married in Snohomish about two years before I was born.

Talt: What was your father's name?

Smith: My father's name was Henry Jorgenson Smith

Talt: And your mother's name?

Smith: My mother's name was Elizabeth Champion Smith, she was as I said born in - Well he was 20 years old when he came to this country. He had just graduated from some school of training and as my mother told it he also came into an inheritance about that time - she, my mother came to this country when she was two years old with her father and mother both from Winton with a a group of people from England who apparently were brought out to colonize an area in Ontario, Canada, which is now near the City of Toronto. It was on one of the many lakes up there. It was a wild country then so she virtually lived in a log cabin in her early years and didn't go to school.

Talt: This was where now - in?

Smith: In Canada.

Talt: In Ontario?

Smith: Ontario, the Province of Ontario, Canada. So she was eleven years old before she got any real formal training. Although her mother was an educated woman. So they met, she, my mother had lived here in Los Angeles in the early 1890's, I think it was the late 80's, but her mother died here. Her mother Champion, is interred in one of the old cemeteries in Los Angeles. She went north to be with her sister in this Town Snohomish and that's where she met my father, from my information. So I was the first born in the family, there were two sisters and two brothers who are younger, the two sisters are still living. One is little less than two years younger than I and the other is thirteen years younger.

Well my father was, well, a small business man - he had at various times and various places around Puget Sound - a - what they called livery stables which rented out horses and buggy's and housed horses and also small laundries in a number of small towns, namely Snohomish of course, Everett, Seattle, Anacortes, Blain, Billingham, and I think there were some others. He also had a business in Victoria, British Columbia. When I was between five and six years old - he moved us to Victoria, that would be about 1904, where we lived until 1914, the whole family. We travelled back and forth, of course, to the United States and Vancouver, New Westminister and British Columbia.

Talt: Did your father keep his U. S. citizenship?

Smith: He was not a U.S. citizen - he was naturalized, of all things, and I have got the certificate, in the Superior Court of Snohomish County. Anyway it was housed in Snohomish - Seattle - I've forgotten the name - It was King County, I've forgotten the name - I have forgotten.

Talt: I don't know.

Smith: At any rate his naturalization certificate is issued by what they called a Superior Court - Not the Federal Court. There it is - its apparently authentic. And so I was born - he was naturalized, I found later, after I was born. But I was born in Snohomish.

Talt: Was your mother a U.S. Citizen?

Smith: Well, she would become - as the law was then, by marrying him. Or if he became a citizen, she became one. That is as much as I know about, but we always considered that she was an American citizen. The law has changed several times I think in that respect.

Well my first recollections, of course, would be I can't remember - we lived first in Snohomish and then in Everett - I can remember something of early Seattle. Which would be 1902 or 1903. It was a lot of hill in those days - still is - but it was more so then. I can remember in Anacortes, which was a beautiful location and in Blain which is just south of the Canadian boarder on the main land.

In 1904, I think I said we moved to and lived in Victoria, for ten years and there I attended the public school, grammar school and also the high school.

Talt: In Victoria?

Smith In Victoria and they were quite different schools - they were modeled more on the English pattern and they didn't cover much ground, but what we did was very thorough. I found out later that I had a good solid background of the fundamentals. But not much of anything else. In high school, I was not athletic - I was also into books and I belonged to the YMCA and went to the camps and I played a little ball and a little basketball and swam a little. Of course, in Victoria in the summer we lived on the beaches - so I more or less grew up on the water. We fished a lot and hunted a lot. We all had the run of the countryside, pretty much, I had my own gun and my own - when I was eleven years old I had my own gun and my own fishing outfit. We would just take off - into the woods a group of us.

Talt: Was this fresh water fishing? Or salt water or both?

Smith: Both - there was good rock fishing in the salt water and off the docks and good trout fishing, where your could find little brook trout. The place was small and you could walk out of town a mile or two - you would come into an open field of tall grass and down in there would be running a little stream. You would get to the stream and you would find that it was three or four feet deep and just between the grass there would be little brook trout down there. We had one larger stream I used to fish in called Goldstream. It has been fished out much since and then there was trolling for steelhead in what they called Saanish Arm, which was an indentation of the coast line just north Victoria.

Talt: Spanish Arm?

Smith: Saanich Arm - I guess it is still there - of course the rivers and streams all ran wild in those days so there were many salmon - and the salmon runs were just fantastic. Fish were very cheap - all kinds - but the salmon runs off the Mountains - the Frazer River - British Columbia and some of the streams on Vancouver Island and the season were just prolific.

The Indians in Victoria were still there in their original village and they used to wander the streets in Victoria and like some of the other fellows I used to wander around the Indian Village from time to time. It was very interesting because, I got a lot of background of totem poles and their homes and there potlaches and one thing and another through the years. We had a spot on the Victoria Harbor called Indians Landing, which is right opposite -

Talt: Indian what landing?

Smith: Indians Landing - where the Indians come across the harbor and land with their canoes. They of course did salmon fishing and you could go down to the landing and there would be their fish and you could pick up a nice little sockeye salmon, weighing 4 or 5 pounds dressed for .25 and the Indian would say do you want me to clean it for you - so if you did, which is usually the case, he would take the insides, the head and the tail and the fins and he could keep those and boil them up and make a gelatin out of them. I have heard since that that was the best part of the fish nutritionally.

I can remember the canoes which were carved out of cedar, red cedar logs. They would develop cracks in them after a few years and so we could pick up from an Indian a nice little canoe about 12 feet long with a few cracks in it and we would caulk them up with tar or whatnot and put on a kind of a keel and put up a little sail on it and I don't know how we didn't get drowned but we would take that thing out and sail around outside the harbor, not very far.

This was before, of course, the Indians were later moved out while we were still there and it is was before the Empress Hotel was built on the harbor. There was an estuary that came down into the harbor from the other side of the Indian reservation and some little streams up there that flowed down through what they called Beacon Hill Park and this estuary was a kind of a tidal flat so we could park our canoes back up in this estuary and when the tide was up a bit we could pull them out.

Later that was all filled up by dredging out the harbor and putting the bottom of the harbor into this estuary and that's were they built the hotel. Its been enlarged since of course. Until the hotel was built there was not much travel - Victoria was the capital of British Columbia and of course there was considerable travel back and forth professionally but not just tourism.

In fact we could - as I remember it - we could spot a person from the United States by the way he walked down stream. At least we thought we could, but once the hotel was built up, the CPR (Canadian Pacific Railroad) that owned it put on additional ferries and made what they called a triangular run, Victoria, Seattle and Vancouver. I think they had two ferries on that run and then they had the ferry to Port Townsend across the straits of Juan de Fuca, then there was an intercoastal line that ran from Victoria, Vancouver and Seattle to San Francisco - the President Line, and one of them was the President Cleveland so there was some travel that way.

The schools as I said were designed, pretty much copied after Canadian, not public schools, but I think they called them grammar schools and the public school was the private school in England, of course. We

had no extracurricular activities excepting debating and a very limited amount, some rugby and baseball. Of course, I belonged to the YMCA and they provided the basketball, so I played some basket ball after a fashion and played baseball some, and of course we all swam because we were in and out of the water in the summer - all summer long.

It was really an ideal, as I look back, I didn't realize then how beautiful that place was, and how ideallic life really was. When everything was fine until right after I graduated in June of 1914.

Talt: You graduated from High School, - you were 16?

Smith: Yes. I was a couple of years younger than most of my classmates cause I had skipped some grades.

The result was of course that in athletics I was always the last one chosen for the team so I tried to make up for it in other ways and I spent time considerable time with my books, and I got interested - they taught some gardening I got interested in that and also interested in what we called manual training, which is hand work.

Talt: Along about time the war broke out.

Smith: Yes, right after I graduated, I was going to mention that - there were rumors for a while - but suddenly the first World War broke out and of course, since Canada then was part of the Dominion Britain declared war - Canada was at war. The city was adjacent to what they called Squimault harbor which was and still is Canadian naval base and it was also a place for a regiment - I think it was called the 14th Regiment of soldiers not in the navy so they had some military there and I can remember that Beacon Hill Park they had a band concert every Sunday. It was the 5th Regiment, the 5th Regiment would play our concert for us every weekend during the summer time so there were some troops there and they had a fair grounds. I forgot to mention that Victoria was also the capital of British Columbia so when the war was declared the bag pipes would come out on the street at night and play stirring numbers, crowds would gather around and there would be speeches

made - but we were never told what was really happening. There was a window in the local paper in the Los Angeles Times with a map on it supposed to show the location of the troops and according to the pins that were in this map the allies were about to take over Berlin. Of course the reverse was true. I don't know - at least that's how we read it. I don't know what the reports were but I think history shows since that the British authorities were so shocked at the start that they didn't tell much of the truth of what terrible things were happening -

Talt: And when would this have been, in about 1915?

Smith: No this was 1914 - in about October. War was declared in June so this would be October. Of course, my friends - they rushed to enlist and they were old enough to be accepted. I was not about to be drummer boy so I didn't enlist. So I watched a number of my classmates go off on the ferry - hanging out of sides when waving, some of them never came back and some of them did come back in bad shape because, as you probably know, the Canadian Troops in the first World War at the start took a terrible beating. The British were short of their own troops and they took these raw Canadian volunteers and just poured them into the battle so I think they think that the bad one was the battle of Bimy Ridge, I think they called it. It was there the Canadian soldiers took a terrible beating.

Talt: You were telling me earlier that they were showing how close they were to Berlin and telling people hurry up to enlist before its over.

Smith: That's right. And this of course was war and they were told these things and I imagine that even the official reports were somewhat strained in favor of the allies. At any rate that's what showed on this map I used to stand there and watch the thing. So away they went. While my father sold all of his businesses around the Sound, the one in Victoria, he had a farm in Northern California just south of Red Bluff on the Sacramento River.

Talt: He bought it with the proceeds of the sale of his . . .?

Smith: No, he already owned it. It was a real beautiful place, I was sixteen, I had never farmed but I had always been interested in that sort of thing. My father had never farmed, he was going to retire

on this farm. My mother was, of course, she was trained in farming because she had grown up in the wilds and her father, I don't know if I mentioned this, was also a horiculturist, he was employed by some, I think it was, I forgotten the name - it was Lord somebody - it had flower gardens outside of London. So he raised flowers for the London market so that she had that in her back ground. So she adapted very quickly, but my father made first one mistake and then another. I enjoyed the two years I had there from 16 to 18, but I could see.

Red Bluff at that time, and still is, a beautiful town, right on the bluff around which the river flows. It still was somewhat pioneering - it was a center shopping area for sheep farmers, cattle men, gain farmers, miners.

Talt: This was about 1915

Smith: Late October 1914 - the streets were unpaved, of course, typical western style they had boarded shed like roofs over board sidewalks, there was a local grocery supply place from the big farms and also provided local people and the stables - livery stables, hardware and equipment store, furniture store, which doubled as the mortuary - it did in those towns. They did have one, which is unusual in a town as that small, a department store called Cone and Kimball and it was the same Cone that owned what they called the Cone Ranch just south of Red Bluff on the east side of the Sacramento River, I'll come to that in a minute. There were two or three smaller places where you could ferry across the river. Red Bluff was then the head of the navigation on the Sacramento River and at the time we came there before things had grown up much. The place where we were farming was at most a mile from the River, but you could look out across the country and see the tops of the boats as they went up and down the River.

Talt: That was the Sacramento River wasn't it?

Smith: It was the Sacramento River, that was the last year 1914. They had the big flood 1914 and 1915 when we first came there and I might say something about that. They never cleaned it out again - it was too expensive for the amount of traffic they then had to keep the River fed out for traffic so we went out on the place and built a house and there I helped the carpenters in those days there

were no - everything was done by hand and my job principally - I know a little about was sawing rafters and floor joints and you name it by hand, all day long - 16 years old and undersized but I learned to do it. Two or three carpenters and it was pretty rough - but liveable, as I look back we should have built a better house but my father was more or less interested in getting on the farm and doing farming. Anyway he thought more of his horses than he did of our own housing - they had better quarters than I think we did. His past experience of horses and he was very fond of them.

It was not large as farms go today, it was 64 acres of farming land. Thirty acres was in old orchards which had been planted by the Cone Ranch. The Cone Ranch originally, according to my recollection was about 15,000 acres and was used primarily for raising grain - there was some cattle, some parts were devoted for range for the cattle, but it was river bottom land and too good for that. They had been in existence because these orchards were 40 years old and they had been planted to provide their labor with dried fruit, namely prunes and peaches - so the thirty acres was prunes and peaches with the drying equipment and all that the rest of it was alfalfa. As I think I said my father knew little about farming and I didn't know much of course, so we make other little mistakes and lost a lot of money as things were in those days. It wouldn't look like a large sum today. For instance the land was $500.00 an acre, which he thought was exorbitant, and I guess it was high priced. It was supposed to have water. Some parts had the water and some didn't, but that was corrected later. Well, I spent two years on that farm and got to know pretty much about the neighborhood and the town. I remember one June, I think it would be 1916. They paved the first block of the main street so they had a dance on the pavement. In the afternoon late, I was up there on the street and everybody went down to the River and started looking over towards Mt. Lassen - smoke was coming up and the fumes or whatever. It look just like an atomic bomb explosion. It rose up into the clouds and then spread out in a funnel shape.

Talt: This was the volcano that erupted?

Smith: Yes, Mt. Lassen. That was the - up until they had the volcano in Oregon in recent years - this was the first volcano in - I guess in the history of the country. Of course, Alaska might have been different, but I mean on the lower United States. I remember that incident.

Automobiles were coming in, of course this was the day of the Model T - that was making its way and I think my father's first car was the first Dodge. I remember driving that. We still used horses and mules - it wasn't until - ranches used mules long after tractors started because they had the facilities and the grain to handle them. They did the kind of work that they wanted. I think the Fordson - Fordson Tractor came on about 1919. I spent two years on the farm, enjoyed it very much and then my sister lived in Red Bluff and went through high school and came out to the farm on the weekends. The other children all went to a one room school and later they went to the high school, but bus, the bus came in later.

In the fall of 1916, I told my father I didn't think I wanted to farm. I said I can't see how you can win in this business. When you get - you beat the elements - and you get a crop then you are at the mercy of the person you want to sell your product to. You had no way of So he said look, where I come from the elder son stays and he gets what his father has - and that's the way it is. So we parted company and he said your on your own. I said that's fine. So that is why I took off at age 18. I didn't know where to go and what to do. I had $60.00 in my pocket which was quite a bit of money - it was $2.00 a day for 10 hours labor.

I went down to Chico which is only 30 miles south - Chico was then Chico Normal school. It now of course is one of the State Colleges, and its quite a large one - when then it was rather small - I think we were about 500 - 600 students - probably 100 men and the rest were girls (women). I didn't know my credentials. I had what they called a matriculation certificate to McGill University - McGill is in Montreal which was a good eastern school - a rank of the Ivy League. I took that into the high school principal in Chico and said what have I got to do to make up so I can go on to college. He said you don't have to do anything - why don't you go across the street and talk to Mr. Ware, the president of Chico normal. I said I don't want to be a teacher. He said you go talk to him and maybe you can make some kind of arrangement.

Talt: Is that want normal meant - a teaching school?

Smith: Yes, that's right. They called them normal schools and they had several of them scattered around the state, there was one in San Jose, San Francisco and Los Angeles and one or two other places. The graduates from those schools got a certificate to teach in the grammar schools - not the high schools - so I got eventually a certificate to do that.

I talked to Ware and I said I don't want to be a teacher - he said well - you don't talk to the president of a university any more - but here I was talking to the president and he is trying to talk me into staying in his school so - he said I took legal training and I'm doing teaching and he said I enjoy it - anyway - he said you can be surprised what you learn here and you will get some credit at the university where ever you go. I got odd jobs - I had no money - he helped me two or three times. I was given the job of janitor of the model rural school which was quite an interesting place. Also, I got a job inspecting matches for the Diamond match factory which puts out the Diamond Match - I was supposed to represent some insurance underwriters that would give credits for using those matches to their insured. I was getting a little lab instruction - I won't go into that - but it was very interesting. At any rate I was in the beginning of my second year - they came in October and they just picked up I had no difficult in coming in late - That was 1916, the following spring 1917, we went into the first World War and I was there - still had time to finish up some work. I didn't enlist right away, at that time you were drafted at age 21, so I wanted to enlist in the Air Corp so I passed the physical and got set up for it and they kept delaying it and reports were that they didn't have the planes and they didn't. So after waiting two or three months I enlisted in what they called the Coast Artillery, which was the equivalent of the Big Guns of other countries - the coast artillery had the big guns on the forts around the country and then Correnador and other places. I was a buck private - I was stationed for the first few months at San Francisco at the Presidio in what they called the flats which is where they had the earthquake damage in the recent earthquake in San Francisco, well the same flats, they instead of being occupied by the apartment buildings

Talt: I should fix a date on this interview - we are commencing the interview on November 14, 1989. You are referring to the earthquake that occurred in San Francisco in October of 1989.

Smith: Yes, that right. So I spent some time there and then I was transferred to the Presedio - up on the fort where they had the peace time housing and so on. We had what they called the 43rd Company. It was deluxe, because we had no particular - we could go down to San Francisco without getting a special permit - just on and off the post at any time. If you had five cents to go down town and five cents to get back everything was free - theaters and dancing all that sort of thing. If you wanted to eat the maximum they could charge you was $1.00, if you had a uniform on. So it was very pleasant. A lot of us were picked out of there and put with a group of veterans - or old timeers
Is it still running (the machine)

Talt: Ya, it will beep when it runs out of tape - I might not hear it beep.

Smith: I don't want to take too much time for this -

Talt: No I think its going fine. Incidentally they say we should plan on several sessions, -

Smith: Oh, I'm in no hurry - you can take what time you want, cause I'm only on part time on the office, so we can work that out.

They brought up from Corregador, a lot of - they were fellows had done any where from 4 years to 20 years in the old pre first World War U. S. Army. They were characters - most of them where not capable of anything else. But the theory was that they would make good drill sergeants because they had been drilling all these years and they knew the squads and all that sort of formation. So here were two or three other younger fellows with me, I was 19, and I forgot to mention in the mean time I had graduated from Chico Normal. As I said I had my teachers certificate so if I came and prepared I could get a job teaching. At least that's what I said. Now that was six weeks or two months, or something like that, at any rate, we took written examinations, part of your test was to get out and issue a few orders and instructions - we found that the chaps, the old timers from Correnador, couldn't give a command.

They couldn't give an instruction very accurately so it didn't work out. The net result was that some of of youngsters put out as first sergeants after maybe six months in the Army and they were given coporol. They weren't very happy about it. While I was assigned to a company on the flats against - a new company of recruits that came in from Fort Logan, in Utah I think. So I was supposed to be the first sergeant of this outfit and nobody told me anything about what I was supposed to do or who these people were or anything. I was just sent in there and I had a little office and there was the company commander - a chap by the name of Eisemeir. An awfully nice guy and he was a book salesman in private life and we got acquainted very nicely - but one day he came to me and he said the Adjutant wants to see you. So I went to the Adjutant and he said Smith you didn't get the garbage detail out - I said what garbage detail? He said don't you read the bulletin board? I said what bulletin board? Well, he said I'm sorry Smith but this has been missed a number of times, and I said the last time I would make an example of the fellow that did it and you happen to be the one. So he says your confined to quarters for 30 days. So I spoke to my Captain about it - and he said you go talk to him. I said to the Captain I'm going down town and brushing up on my trigonometry cause I want to take the examinations for the artillery school - well he said you got a good excuse. So I talked to him - well I think it was face saving thing anyway - so he said well Smith I'll trust you any time you want to go down town to take a lesson or to attend a class you go right ahead you won't need a permit and I didn't tell him I had a girl friend over in Oakland who I also used to visit occasionally and which I did. But at any rate I did attend some classes and I took the examination and I don't know what kind of top sergeant I would have made at 19 but, I hadn't really gotten down to the nitty gritty of being one before I took this examination - with some of the other fellows - some of us passed it, so we were sent back to Fort Monroe, Virginia and when we got there we found that all of our training on the big guns was useless because we didn't have any big guns, we didn't have planes either, and we didn't have big guns except a few of the big ones they had taken off a battle ship - they had been sent over there for show. So we had to retrain on the French system - we had to learn there Quadrologe system

of firing there guns. So we went on with it and I guess I was doing alright. They assigned me as one of the - well I guess first sergeant - in the records they put me in charge of one of the platoons in the school troops -

Talt: And where were you then?

Smith: Fort Monroe, Virginia, so it went along very well until about November 9, 1918. We used to watch Newport News which was near there - it was one of the debarkation points and the ships used to come out there and form a floatilla and go overseas, we saw them coming out and they turned around and came back. Nobody had told us anything, but we knew then - cause we had rumors that it was over. So on November 11, 1918, of course the word came out and nobody was interested in the artillery school anymore - or anything of that sort. We couldn't get home fast enough - I think I was back home before Christmas. So were some of the others - we just got right out of there.

So that gets us to the beginning of 1919. Of course I had no money and we weren't given any allowances of any kind, we were just given our fare home so. How would I get back to college - I couldn't figure it. Then I heard there was a job teaching school in Marysville, California, so I went down there and they hired me just like that - they didn't have a man teacher in the whole system and here was one. Not only that but they gave me pay - which was much above any of the other teachers and it caused trouble later, because - here was a 19 year old getting something likely $40.00 more per month than any other teacher so they had to bring the scale up to match it later on. So then I stayed and taught school for a year and a half - the six months I signed up for were over and I signed again because I was saving the money to go to college. I would work on weekends and what ever was necessary beside the teaching. Also, I bought a correspondence course in law - called the Lasalle Institute I still have the volumes - up until a few years ago. We called it farmers psyche so I was doing that while I was teaching school and I got a job in the summer because of my experience with orchards with the California Packing Corporation - green food department. In those days the food was canned either on the spot like in Yuba City, right across the river from Marysville or canneries at

Sacramento and Oakland and around the Bay. This was a peach belt. Peaches were just in transition from grain to fruit and everybody planted peaches. Philip Clings mostly which were the canning peach. They had this station at Yuba City were I was supposed to with two or three others to help the farmers get the fruit in the way that the packer wanted - not too soon, not too late, and not all at once and size and all that and also to receive it, weigh it, grade it, and ship it. We were shipping out of this little spot as high as forty car loads of peaches a day during the height of the season so it was quite a responsible job for a young kid, I was then 20 and - cause I put the weight and the grade of the fruit on the manifest and was charged to the cannery superintendent of that weight - if he didn't agree with what he saw on the manifest I was in trouble so it was good experience and every once in a while one of them would come up there to see me and just ball me out to no end. That made a nice job every summer for all the time I was back in college.

So in the fall of 1920, I applied at Stanford and I was admitted there. I had quite a good record .

Talt: As an undergraduate or law school?

Smith: No as an undergraduate. I did the two year course at Chico in a year and half and when I went to Stanford they gave me a year and half credit on the count of the two year course and there were some subject of course that weren't covered by such training as they gave you at the teacher's school. I always remember one which was lucky because the Dean sat down with my records, the Dean of the law school, before I was in the law school, and this is the way things were done in those days and he went over my record and talked to me and he said your history - U.S. History was Dr. Miller who used to teach here and retired to go up there, he said for that reason I'll give you the credit for U. S. History, you won't have to take it here - so that's the way it went, then I had certain required courses I had to make and I was admitted in the middle of my sophomore year in the fall, it was October, 1920. So of course I had friends in the -

Talt: What was your major as an undergraduate?

Smith: Law!

Talt: When did you decide you wanted to be a lawyer

Smith: When I was about five years old.

Talt: What make you decide that you wanted to be a lawyer?

Smith: I probably had some changes since, but I can remember, I won't go into the details of this mischief that some of us were into when we were in first grade, on our way home and back, but the neighbors some of the people were complaining about it, so one day I walked home for lunch with the principal of the school, his name was Gillis, as I remember, I used to trot along beside him, he walked down town some where, so when I came back the teacher said I want to see you - she called me and she said this mischief you have been doing you were up to this noon - and I said no I wasn't, I had been there before, I didn't tell her that. So she said well, so and so said you were there, and somebody else too, so I said well lets go talk to Mr. Gillis, so we did - he said no he walked home with me and so she said now I want you - pointing to me and two others - to stay after school and she read a lecture - you know this is a bad thing to impair somebody eases character and say things that are not true about them and she said when you grow up if you do that you will be sued in court and you might have to pay a lot of damages. So of course, when I left there I thought that was a pretty good idea - to be a lawyer and - sue and get damages.

Well, that floated around, but I was always bookish, and I always liked to read history and biographies - So from time to time it occurred to me that I - well I remember when I left and went over to see Ware at Chico that I said I want to be a lawyer - well he said you can be a lawyer later if you want to. The interesting thing is that later he went back to the law in that area and I used to do some business with him. Things he sent me and vice versa.

So I got off to a pretty good start - I was interested of course in one or two fraternities but I had $1,000.00 hard cash that I had saved up and I wasn't about to - I had to get a job hashing or something and hang on to this money so I couldn't afford a fraternity house, although I thought about it. There was one of them I think

it was the Fijies, we called them, said now your a nice guy we would like to have you but what can you do for the fraternity? I said I debate, well they laughed at that you know, so I said you got a good build your husky you could play football. I said I couldn't make the first team, you don't have to just go out - so I went down to the gym and said I wanted to go out - they showed me into this room where they had all the equipment and here's this old wore out stuff - sweaters and shoes pad and one thing or another - I looked at and I couldn't find anything that fit me and I thought my gosh - what am I doing. So I went over to one of the dorms called Sequoia which incidentally had among its people then living in it the two sons of Dr. Wilbur and the two sons of Herbert Hoover, Dr. Wilbur was then the President of the University and Herbert Hoover I don't think he was yet Secretary of Commerce, but he was a big name in the first World War. It was known on the campus as a study group and he had a few frosh around there that made a lot of noise but primarily that was it. Well I stayed at Sequoia and I had a job part time hashing in the eating place there. It was very nice.

They opened up the first Stanford Union where they had a eating place. This was quite a nice eating place. It was part of the Union its not the present but the second Stanford Union - the one that preceded this. It was the only place in which you could on the campus unless you are to an organization - so I got a job hashing there and I moved over to the dorm that was attached to it. It was not a dorm because you had an eating place, I roomed with a chap by the name of Ross Fisher who later became quite a well known lawyer here, he has died, he was one of the partners in the old time firm Farrand & Slauson.

Talt: In Los Angeles?

Smith: In Los Angeles - were the original attorneys for the Security First National Bank and they had a big banking practice

Talt: What was the name?

Smith: Ross Fisher

Talt: No I mean the first name of this firm?

Smith: Farrand - they are all gone now even the sons, the firm broke up - its not Farrand and Slauson. Ross became one of the Governors of the State Bar. So the next year - they put me in charge of the service, that is the waiting service and to see that the food was properly presented and serviced and I didn't have the menu - the menu was made up by some one that ran all the restaurants. There was a central buying place. There was a Miss Ritter that make up the menu for the Stanford Union.

INTERVIEW OF MR. PHILIP GRAY SMITH

November 20, 1989

Second Session

Talt: Okay Mr. Smith we are ready to go - it's November 20, 1989, its our second recording session. I believe that when we left off you were telling me about a friend of yours named Ross whom you roomed with in the dormitory at Stanford?

Smith: It was Ross Fisher. He was an old time practitioner here and he was with, what was then, one of the small firms, but very - had a reputation for high quality Farrand and Slosson. Farrand was the counsel for Security National Bank, he was also attorney in a number of their mergers as they grew. He assigned my room mate to the banking end of his practice. It was not a big office, but they handled very substantial matters. Slosson was a trial lawyer and I think he was the first president of the California State Bar. He was also president of the L. A. Bar, we called it the Los Angeles Bar then. There were a number of other chaps there like -

Talt: Now we are talking about at Stanford?

Smith: At Stanford.

Talt: Undergraduate school

Smith: Yes, Chuck Beardsly, who later became president of the State Bar and he has a sizable firm here now - he's gone, but it's Beardsly, Hufsteddler and so on. A number of others became prominent lawyers, Chalmers Graham of Graham and James I think it is. They have offices here and in San Francisco and a number of others who became judges.

The first year and a half I was doing undergraduate work apropos to being admitted to law school. The course in the law school then was three years, but you could choose what they called a pre law curriculum in which case you had a good chance of doing the law school in two years.

Talt: Of going to law school in two years?

Smith: Through law school - so I did the pre legal and in as much as I was paying for it myself, I doubled up my courses as much as I could.

Talt: So you entered Stanford law school then? What year was that?

Smith: I entered Stanford law school, that would be 1922. I came to Stanford in 1920 with a year and half credit from the previous school and they permitted me to take more than the usual load and I was in a hurry, of course, cause I had lost all this time I thought. Well, I devoted myself almost entirely to my studies. I had a good scholastic record and I did participate in some things, but not anything in the athletic field.

Talt: How big was Stanford University - how many students?

Smith: As I recollect there were about 3,500 students.

Talt: Not in the law school?

Smith: No. I would say 250 in the law school, there abouts.

Talt: Did they flunk out a lot of people in those days

Smith: Stanford did not flunk out people. They were very careful about the admissions. When a person got into trouble they worked with him. So there were very few that flunked out according to my observations. Some quit cause they were not happy for one reason or another or had to, but not because of inability to make the grade.

We had a good law school, it was small, as I recollect there were seven or eight professors, they were all full time teachers in those days. There was no publication, no outside activities they simply taught law. The result was they were good teachers and had a reputation of being a very good law school, not international or not national as it is today. So I found from my experience that I had adequate training to start law practice.

Talt: Did you have any courses on Federal practice and procedure at Stanford?

Smith No. I can't recollect any, of course, we had related matters - of course taxation wasn't taught. There are many branches of the law today that we didn't touch, we just had the fundamentals.

Talt: What did you have, real property, torts

Smith: We had real property, personal property, contracts, torts, trusts, conflicts, conflicts of law, constitutional law, civil practice, a couple courses on the court procedures and courses in pleading. Much attention was paid to pleading. A course in common law pleading. We had some moot court, but not much, it was more or less volunteer. I volunteered in some of that.

Talt: Did they have the Stanford Law Review?

Smith: No they didn't have Law Review in Stanford until right after the first World War and that was done under Dean Spaith. The Dean when I started was, in law school, was - I had his name, now I can't think of it. He died during my first year there and Kirkhwood, Marion Kirkwood became the Dean and he was Dean of the law school. He was Dean of the law school for many years. A very fine scholarly teacher man. He was the youngest Dean and also the best looking in the country. He had - that would be 1921, and he was Dean until about 1945 - 46. I graduated with my law degree in 1924. In those day you didn't go out to a job. There was no interview of any law school graduates. You shopped around and tried to find a place where you could get a desk and a little stenographic service and the use of the library, in some law office. Most of them didn't pay anything to start with, even though they were supposed be fine law firms. They were good opportunities to. Occasionally you would find one that paid $75.00 or $100.00 a month to start. When you started your were supposed, usually, to take care of the service of documents, papers from the various offices. Much of it was done personally in those days, not by mail. Service of process in which case you could keep the service fees and then they would assign odd jobs to you, odd cases that they didn't care to handle for some reason or couldn't handle.

I started with a firm known as -

Talt: Why don't we come back to that. We ought to talk about any famous or infamous people in your law school.

Smith: I think of one who was disbarred shortly after he started practicing. In my graduating class, I think I named Ross Fisher and Chuck Beardsly came along later, a couple of years later. In the class next to mine I have forgotten his name, the chap that went into politics and he became the Chief Justice of the Court in Arizona and he became a Senator and he was the leader of the majority in the Senate for a number of years and I can't think of his name.

Talt: From California or Arizona?

Smith: No he went to Stanford law school, but he was from Arizona.

Talt: Which state elected him U.S. Senator

Smith: Arizona.

Talt: It wasn't Goldwater was it?

Smith: No. Then there was Gilbert Jertberg who became - was on the Ninth Circuit for a number of years.

Talt: What was his name?

Smith: Jertberg, Gilbert Jertberg.

Talt: How about Thermond Clark? Was he there when you were there?

Smith: Yes, he was there Therman became a Federal Judge, I don't think he went on the Appellate bench.

Talt: No, he was a district court judge. I understand that he was kicked out of Stanford at one point and he went riding through Stanford with a horse and buggy and all of his furniture piled up and was telling everybody he had been kicked out.

Smith: Oh, I don't remember that. Of course that could get by today, as freedom of expression.

Talt: How about Eddie Simpson, was he there when you were there

Smith: Yes Eddie Simpson, he went into a Federal practice largely I think and he was a bankruptcy specialist in the depression. When it really counted.

Talt: That was J. E. Simpson, he went by Eddie.

Smith: Yes, then there was one chap, I can't think of his name he became head of a large law firm in San Francisco. Some went into large offices, the one I started with was four lawyers. Phil Richards, who became the presiding justice judge here for a number of years was the junior member. Ottis Castle, Chris Hartkey he practiced here for a number of years. I can't think of the first name. George Dryer, George Dryer was a graduate of Stanford in 1902. So they gave me one of these small offices and I was assigned a secretary, that I seldom saw, and the library was all there and I had the use of that.

Talt: Did you get paid anything?

Smith: No.

Talt: When did this happen, in 1924?

Smith: Yes, 1924. This was par for the course. You were glad to get a spot.

Talt: Before we leave law school yet, how about where the

Stephens or Stanley Barnes there when you were there?

Smith: Stan Barnes was Cal.

Talt: Oh right, that's right he was Cal.

Smith: He was on the Cal wonder team.

Talt: He was all American at Cal. How about the Stephens, Albert Lee or -

Smith: Al came along later, he was another 20 years later. His father was then, let's see, I guess he was still practicing law when I started. I campaigned for his father when he ran for City Attorney. That was his entry, he became Judge in the Federal Court later.

Talt: That's who I meant, the father.

Smith: No, he wasn't there. Al, his son, of course, became a Federal Judge. I can't think off hand of any more, although they certainly made remarks. We scattered around I could have gone with the District Attorney - with Gilbert Jertberg in Fresno. I wanted to - Frenso I thought was too

small a place to start. Also, I had an opportunity in ViSalia and one or two other places, but the place I went was supposed to be the best one. The Dean had recommended me for it. I didn't have any money, you know, no income so I was on borrowed money for a whole year, but it was a good office. After a year they paid me $50.00 and the second year they paid me $100.00, but you have to remember -

Talt: That was per month?

Smith: You have to remember, but a good legal secretary was $125.00 per month. There weren't many of them around in those days. I can't -

Talt: This office was in Los Angeles?

Smith: Los Angeles, in the old Van Nuys building at 7th and Spring. Nice offices, I might come back to some of my class mates at Stanford.

We had a chapter of the Phi Alpha Delta Law fraternity there and I was interested in that. I was what they called Justice. Oh, incidentally we where all students in it pretty much and that chapter, because in my last year there while I was just in, the local school paper published the rates of the various organizations including scholastic ratings. Including Phi Beta Kappa, the membership of Phi Alpha Delta had a higher scholastic rating than Phi Beta Kappa, and there subject of course is law. So on the strength of that, largely, I induced three or four facility members to join the Phi Alpha Delta. They stayed until they retired or they died. Marion Kirkwood was one of them and that was considered quite an achievement.

Talt: Was Justice like, or similar to president of a club?

Smith: Yes, that was it - I had that for two years. I did a few things like that. I had good grades, of course, I should because I put my mind to it. I think I graduated from, I guess I had what they called Magnum Cum Laude under graduate. In the law school I was not quite coif, not quite.

Talt: You were or your were not?

Smith: I wasn't planning for it. I was carrying quite a heavy load.

Talt: Were you working when you were in law school?

Smith: Yes, in the summer I had, I think I referred to this earlier, job I had with the California Packing Corporation up in Marysville, with them I handled the receiving, shipping and grading of peaches for the canneries. I had that every summer which was quite a job and then during the school year I was want they called head waiter at the Stanford Union, which was the public eating place on the campus. So between the two of those and odd jobs and vacation jobs like I would go down to the Learner Lumber Yard on the spring vacation and work a few days, because I had been in the lumber mills and I knew my way around timber. Sometimes I would be assigned out to shingle a roof somewhere or something like that.

Talt: How about when you started work and weren't getting paid, did you have any side job to pick up some money?

Smith: Oh yes, I served papers, of course, made something out of that and then I was permitted to have my own practice. I picked up a few things by the end of the year, I was making about $100.00 a month in my own practice and the end of the second year I was making $300.00 a month from my own practice, and you got to keep that.

Talt: You got to keep that? And what kind of work were you -

Smith: I tried cases. I would take a divorce case or right at the out set I picked two or three very good cases. One was a boundary dispute beginning in my second year which involved surveys and boundaries between ranches in Azusa Dalton and a ranch in Azusa Duarte - out here in Azusa, when there was nothing out there but rocks. I had a number of considerable damage cases that was turned over to a chap who had his property in Topanga Canyon which was not then developed and some chaps had gotten a hold of him, tried to put on a subdivision and it was all mixed up - I knew nothing about subdivisions, and I didn't know that he probably couldn't get out of it without a law

suit. I took it on for him and I remember in particular with - I could see after I worked with him for a while why they assigned the case to me. He stuttered at the end of a sentence and he would just drive you mad with it. He said it's a fine day today, today, today, today - But I lived with it, and he paid my bills, and I worked it out and I finally got it to a point where I had to get some bank to take on the Trust, and this was no big shakes. These where just little lots out in the Arroyo or Canyon but there was a new bank started up, and they were quite frank with me and said they wouldn't take it except they wanted to have something in there so that people would walk in and out of the bank. So they took this Trust.

Talt: Which bank was that?

Smith: Oh, it went out of business in the depression, forgotten the name of it. They built it, they built a nice space at the corner of 9th and Spring, it might have been Broadway. The Coast Mutual took the space later so they had a nice banking office, but it was too big for their business. So - I was making out, when you consider that at the end of five years what a young lawyer would make in an office would be $250.00 a month in those days. Of course there was practically no income taxes and overhead was low, and I didn't have to worry about overhead.

Talt: Why don't you explain the working of the real estate trust, is that still used much in this state?

Smith: There are back to it now, this involves putting the contracts for the purchase of the land in a trust and the trustee collects the payments and disburses the money out to bond holders or whoever is putting up the money. In this case there were some people putting up the money and they were in trouble too, of course. That way when the contracts were paid out the trustee would issue the deed and the money would have been spent on the development of the subdivision. That was standard practice in those days. The bonds were sold to the public and responsible trust companies handled the trust. I ran into much of that later. I was not satisfied that I was getting enough general experience. So a new firm was being formed which was, this would be in 1926, 1927,

which put together three lawyers - or two groups, two firms, and some lawyers from some other firms. So I went into that a junior - I wasn't a partner, in those days you didn't become partner until you had been in the office maybe 20 years. I had by that time 3 or 4 years of law practice and -

Talt: It was probably 1927, wasn't it, you graduated in 1924

Smith: The firm started in 1927, we took space in what was then the Security Title Insurance Building at 6th and Grand in Los Angeles and there I stayed until, one way or another, until 1988.

Talt: 1988?

Smith: I was there 62, 63 years.

Talt: What was the name of that firm?

Smith: The firm's name was Woodruff, Musick, Pinney and Hartke. Elvone Musick later headed a firm known as Musick, Peeler and Garrett which became a large firm. We where then, I believe, the third largest in the number of lawyers in the city. First, was O'Mellveny's office, of course, then Gibson, Dunn and Crutcher and we had, as I remember it, some 25-30 lawyers,

Talt: This was back in?

Smith: This was in 1927, prior to that when I came to town, the big Courthouse was up in the big sandstsone building up on Temple Street. We would have had, I would judge, ten - twelve Superior Court Judges, including those in the criminal departments. Of course, it was all in one place in those days. The old red sandstone City Hall was still on Spring Street, I believe, it was still there. The yellow street cars were running you got at far out as LaBrea and there was nothing much beyond until you got into , there was no Beverly Hills. Well, I guess Beverly Hills was just starting, there was no Westwood, UCLA was out on Vermont at the old normal school buildings, I remember the population of the City - there was a big sign up on some building - William M. Garland Relators, they all had the flashy sign that said Los Angeles, population in 1935, 1,500,000 always looking ahead to the new population.

Talt: That was a prediction?

Smith: Yes, in letters and they always got William M. Garland real estate. They had the big red cars that traveled between all the towns.

Talt: So they had red cars and yellow cars, both?

Smith: Yellow was the Los Angeles Railway, it was inside Los Angeles. The Red cars were interurban, they ran all the way to Riverside, San Bernardino, Long Beach, out into the San Fernando Valley and of course the beachtowns.

When we moved into this building, in 1927, it was the newest building in the City and there were no new building of that size (12 - 13 stories) until after the War.

Talt: After the second World War?

Smith: There were some, but not that size and it was more or less marking time down town. Of course, they built the new City Hall, at least they got it started then.

Talt: How about the Federal Building?

Smith: The Federal Building, the old Federal Building was still standing, and as I remember that was another red sandstone building. I think it was in the same site as the next one they built.

Talt: Did they have the post office there and the Federal Courts both?

Smith: Yes, that's right.

Talt: Just like they have now.

Smith: Yes, at that time I think there were only three or four Federal Court rooms. The Los Angeles Bar, I don't know how many members, but I think it was 1,000 or 2,000, something of that sort. There were practically no activities. We had a disciplinary committee that would hear something now and then, information, and refer it to the Superior Court for discipline. Because the Supreme Court would ultimately act on it. Then we had a Federal and a State Judiciary Committee,

but, we had lunches and dinners, but it was more social. It remained the same until after most of the second World War. The elections were very informal. Mostly it was done by the committee that was assigned for nominations and that was it. The State Bar, I think started along about 1926, 1927, as I said Leonard Slauson was one or, was probably the first president.

Talt: You known what we didn't go into you did have to take a Bar examine to be -

Smith: Oh yes, yes you took a Bar examine, I took it up in San Francisco. It was at Stanford, it was two days sitting, as I remember it, morning and afternoon written. One day oral -

Talt: At some point in time, it was strictly oral the whole thing?

Smith: That was prior to my time.

Talt: So yours was one day of oral?

Smith: Two days written - the oral was more or less informal and think the general understanding was to get them to pick out the nuts.

Talt: How many people would be involved in the oral part?

Smith: The same number, they had to show up, and of course they weren't all sitting at the same time. I think there were two or three sitting, but to have an oral you would have to break up into small groups. I can't remember the oral. But I remember one that one of the groups had a girl who graduated. Frankie Sheldon, who never practiced. We only had two or three girls in the whole law school. She was one, the examiner asked her the question about the requirements for the execution of a Will, she went through all of them except she didn't say that the witnesses had to sign in the presence of each other, and they didn't under the law at that time. She stuck by her guns, and of course this story got into the newspapers that this woman, who graduated from Stanford, had caught the examiner up on this question. They flunked quite a number of them in those days.

There was one woman, another Standford graduate who was ordered to oral and she flunked it. She passed it the next time around and became a very prominent practitioner, I think it was up in Eureka. Then we had the admission up in San Francisco, and of course we all had to be there. I remember that we had the Supreme Court, in session, they had us wait until their arguments were over. The Chief Justice was Meyers, Louie Meyers, who was eventually a partner with O'Melveny. We heard this case, and I remember the discussion that they told the attorneys that they would decide it just as soon as they could and in view of their general importance of the case, what you don't hear today, then we took the oath of admission administered by the Chief Justice and then we heard a talk by the then senator from Stanford, what was his name. He was former Governor of Standford, District Attorney in San Francisco,

Talt: Was it Senator Johnson?

Smith: It was Senator Hiram Johnson, I knew I get his name - We were given a little talk by Senator Hiram Johnson and I remember especially he wound up with a conclusion "don't spend too much of your time teaching corporations to skate on thin ice". I have used that since because I think that is pretty much what we have in the Chancercy Club, which you probably heard about.

Talt: In the what?

Smith: The Chancercy Club - I'll tell you more about that later. One time I gave a talk at a luncheon for the Supreme Court Justices. I used that quotation as applicable to the Chancercy Club. That's why it occurs to me now. At any rate, we then disbursed for our various opportunities such as they were.

I spent sometime looking around, I went to some of the other offices and as I stated I came down to Los Angeles. The new firm, that I mentioned, was really quite a very broad experience for a young lawyer at the time. We had in the background - well it would be people like the Chase First National Bank man, he owned and began the development of Palos Verdes Estates. We had General Sherman who was a developer and a bank man in Los Angeles in the early days.

Frank Vanderlip, was the man in the Palos Verdes development of the Palos Verdes Estates. We were attorneys for Barker Bros., Palos Verdes Estate, Los Angeles Steam Ship Co., accounts of that caliber. George Woodruff, the head of the firm, was the attorney in the development of Temple City, he was also general counsel for Security Title Insurance Company. It was an old line title insurance company, second in size to Title Insurance and Trust of Los Angeles. We had a number of savings and loan associations. I was assigned a savings and loan and I worked on the development of Palos Verdes Estates and I did some of the legal work on Los Angeles Steam Ship Company and other matters as they came along. I had some of my own practice still held over.

One was an account with what was known as Mills Alloys, and I come to that later. There were some others that I carried over into this new law office. We were all very busy, we didn't draw the line too much on who did trial work, although the head of the firm Elvon Musick didn't do much of that.

Talt: He did both Federal and State

Smith: Yes, I was practicing in both Federal and State Courts. Chris Hartkey was main trial member in the firm, and he was the main trial lawyer, and sometimes I associated with him on an assistant capacity. I can remember that one of the tasks that I had was drawing a first subdivision construction restrictions. These were not ordinary Deed restrictions, but they were the requirements for what building you could put on the property. I remember among other things that the building could not be less that $7,500.00 and it had to have a red tile roof.

Talt: Now this was in Palos Verdes?

Smith: Yes, in the beginning, if you look around there the old places have these red tile roofs. Of course, later it broke out into other parts. Frank Vanderlip had a place there and I think that was the horse place, I forgot the name but it was where they kept horses.

The Los Angeles Steam Ship Company consisted of the Los Angeles which was ship that plied once a week back and forth every other weeks to the Hawaiian Islands and two intercoastal ships, the Harvard and the Yale. They were fast ferries which in those days did a considerable light express business between the two towns, you could put your 200 or 300 pound load on the boat at 4:00 in the afternoon and be in San Francisco the next morning at 10:00. It could be picked up and delivered that morning. That beat the trucking lines and the railroad in those days. The savings and loan, as I look back on it was much like it was before the latest fiasco, they were making the same mistakes. They were making the same mistake.

Talt: You mean back in the 30s?

Smith: This would be back in 1928, 29, 30. We had the Mortgage Security Corporation of America which was a lending company in New York, went all over the state and other states as well and they worked on the security of real estate. It was not a savings and loan but it was typical. Fidelity Savings and Loan, was typical, Pacific States Savings and Loan, United States Savings and Loan. I mention some of these names because I was attorney later and of course, the liquidation, or in one case reorganization. They were supposed to be making money, they were lending a lot of money. As an example of the way things were run, in the case of the Mortgage Security Corporation of America the people that got the commission for making the loan were the same people that made the appraisal. In the case of Fidelity Savings and Loan they were putting their money out in the development of farming communities, they weren't taking back the individual, they were making blanket loans to development, peanut farms in Arizona was one of their mistakes.

Talt: You mean they were not taking security back?

Smith: They were taking security back, but they would take back one Trust Deed on the entire development, with the expectation of getting smaller ones as they developed it, but they would make the initial loan. Just as they have done lately here. Well, I'll come back to that later.

Our practice was booming and all law practices were booming in general. I hadn't been there more than a year when I was raised from $250.00 to $400.00 which was in those days for some one 4 or 5 years in practice was tops .

Talt: This was 1929?

Smith: 1929 or 30, 1929 I guess because that's when I bought my first home over in South Pasadena. I can't think of all the different types of businesses we were handling, I had a little piece of most of them, at least I knew what was going on. Out of this Mills Alloys I was also getting into patent cases and apropos of that the company expanded and I handled their stock issue, which was on the then Los Angeles Stock Exchange. It was very simple, we got a permit from the Commissioner of Corporations. I filed the financial statements and an application and we were issued stock with no escrow and it went right on to the Los Angeles Stock Exchange, no Federal regulations, minimum State regulations and we where in business on the stock exchange.

Talt: No SEC to worry about in those days?

Smith: No SEC, no - it was relatively simple to get a stock issue, I did a number of them. George Woodruff, the head of the firm specialized in that sort of thing. We also had the Security Title account, which involved special litigation outside of the house counsel on insurance policies. I remember the first one I got assigned to was a special litigation representation the lessor and the lessee under a oil lease on Kettlemen Hill, it involved the discovery well. Keck, his company, was the lessee and the title company had insured the lease and they had production. They probably discovered considerable quantity in this discovery well so of course an attack was made on the title which involved the lease. So I got into the aspects of the title and it turned out that the title was held by successors in interest to a party that had acquired the property, this particular part of Kettlemen Hills, in a tax sale so we had the validity of a tax sale deed involved. In those days, of course practices change, you couldn't rely on that title. You had to bring a suit to quiet title. Well this was done by a young lawyer in Fresno and he did a good job,

he ran down the predecessors in interest that had forfeited the property on the tax title, which was an English oil company that had incorporated in California, and found the address of one of the surviving directors who became automatically Trustees and found that according to the records was living in London. He came down to Los Angeles and went to the local consul here and got a director who was sitting in London and the counsel told him, yes, that's where he lived at this address in London. Well it turned out that there was a difference in the initials, the true name as I remember it was A. B. Kell and what the counsel said was B. A. Kell, which is another person, so somebody looked up Kell and found that he was in Germany in some city and went over and Kell was living in a rooming house and he took a place in the rooming house and got acquainted with him and got a Deed out of him. This would be a Deed from the original corporation, the English corporation, made by the surviving Trustee of the Board of Directors, the others being dead. So he showed up with a quiet title action and that's why they were called in on this policy. While we found that this mistake had been made - so this put in question the quiet title action. I remember the young lawyer that had done this good job, he said that when they drilled the well he hoped they wouldn't get oil. We got hold of the man who was plaintiff in the quiet title action and we found that he had let some sheep herders herd sheep on it. They would make an oral arrangement with him and promise to pay some rent but sometimes they did and sometimes they didn't, however, they did herd the sheep and they did agree to pay rent and we got all of them and we found that they had made this arrangement for 5 years and they had herded sheep on the land for 5 years and they gave us affidavits to that effect, well of course that perfected the title, regardless of quiet title action.

Talt: Now how did it perfect the title?

Smith: Because, this meant that the Plaintiff under the quiet title action who was then the record owner had leased the property for 5 years and had occupied it through the sheep herders for 5 consecutive years.

Talt: So he got his title by adverse possession?

Smith: He had paid the taxes, so he was in possession for 5 years, through the sheep herders and he had paid the taxes. Well that is an aside to show the type of things one was getting into in those days because the title business was in new areas. We handled a number of considerable cases and later when the firm broke up during the depression I had the same account that we had in the firm and did a considerable amount of title work for over 30 years as their special counsel.

All was well until black Thursday, in 1929 and things started to unravel. At the time, of course, it look as bad as it turned out later to be. In 1930, I was assigned to take some depositions in New York and also to go down to one of these islands, British Islands, on a matter there.

Talt: Jamacia or Barbados?

Smith: No it was north, I'll think of it in a moment, and also New Orleans so I had one of these trips where you go from one place to another. In the island involved I said I can't do this without a chaperon, because I had to take care of some gals that where in trouble down there. So they said we will pay for our chaperon, so I was traveling on a double expense account and in those days you could go to New York and via any direction and it cost you the same. There was no flying and so I took a circuitous route and went across the continent via New Orleans one way and then up through Chicago and the West Coast the other way and my wife traveled with me. I can remember on the trip, this was in 1930, this would be about June and I was not up on what was really happening. There were very few people in the train and one chap got on the train somewhere and talked to me about conditions locally on another track. The chap talked to me about conditions, and when I got into New York and we had to find records we found things were in such a turmoil it was quite a job to find the underlying records on some of these transactions I had to look into.

Talt: Real estate transactions or patent?

Smith: Real estate transactions, I was into patent litigation too at the time. So in New York we had to go around and find where these things were and

finally they were all thrown in a big vault somewhere in a big hurry. We got them and then the depositions could be taken. I remember talking with some of the lawyers there and they were really bewildered, I would say. Everything was bewilderment, everything was moving so fast.

Talt: Now when you say that you mean the economy?

Smith: Well, you couldn't keep track of what things were going on this, that and the other bankruptcy, bank closings, just one, two, three everyday you would pick up the paper and there was something else that upset your plans. This went on through 1930, 31, 32, and 33, and in 1933, there was a blanket bank closing and people went back and started from the year 1 again. For me it was an experience that sunk in deep so I have been very conservative about investments since then. That litigation involved Mortgage Security Corporation of America, I think I gave it the wrong name American Security Company - its Mortgage Security Corporation of America. They had made loans in various states without qualifying.

Talt: Qualifying to do business in those states?

Smith: Yes that's right. We had a vicious statute which said if you didn't qualify your contracts were nil, null and void. We had a case in this state that held that that was so. Now I remember a man by the name of Hecht that headed the company I was handling their loans to meet the requirements of the Trust Company, it was trust company in Baltimore, Maryland. He came out on a trip and I said to him, your not qualified, this was in 1928, I believe, maybe 1929, any way he said first, I'm on vacation and secondly, I can't stop for that. We are selling so many of these bonds that we have to get our collateral and get the income back for these bonds, we can't wait for these things so we have to keep moving. That was what was happening, of course, people were buying these bonds up, they were issued with the guarantee of the Security Title Insurance Company on the title and issued with some kind of a certificate coming out of the trust company so they looked good on the face of them. Later on, of course, I was defending on these foreclosures, where we had a foreclosure were there was an attack on the title. I was representing the Security Title and also

the Trust Company of Maryland. I could see what had happened there were many of these loans.

Coming back to Los Angeles, the company that had the stock issue was known as Mills Alloys and it was in the business of producing and selling various tungsten carbide products. Now when I first heard from that company was in about 1925, I would judge they were producing what they called a welding rod which was used primarily on well drilling bits. The problem in those days was that pulling these bits out they wore out very rapidly. A lot of time was lost in pulling them out and replacing the bit and dropping the bit back in the hole again so that you got below 5,000 feet your well had to be pretty good to pay the expense. These welding rods were used for that purpose. When this man came in, I was practicing on my own and he said if you will take stock in this new company for your fee I can make it a lot more interesting for you. I wasn't about to do that so I formed his company and he was in the business.

You had asked me about the mining operations, I been in several different mining deals and I have also done some legal work in the mining area, still do. This particular operations was known as Nevada Scheelite, east of Fallon, Nevada oh 60 or 70 miles and then southeast about 30 miles over a dirt road. That is it was a dirt road when I first got into it. I was first acquainted with it through a Mr. Mills taking some machinery up there and they had enough, they discovered a considerable deposit of scheelite ore, which is a tungsten ore and that it was high grade and it turned out to be so. He said it was 75% contained tungsten after milling and had very little in the way of impurities which is another characteristic. His operation started on a small scale and I would say in the middle 1930's and he continued to enlarge it. He had three stock holders, he was the principle one and there were two others, and I got into because I was the Executor under his Will in later years. During the early years of the operation the three owners used to meet in my office ostensibly for legal advice but it usually wound up that I was trying to keep the peace. We got along quite well that way. When I first went up there in the middle 1930's to look the place over, it was near, about a

mile or two away from the old mining camp area known as rawhide. There were a number of buildings, the old bar was still there and part of the old railing even, there was a grocery store and sort of a rooming house place and then the various old buildings from the operation. There were houses to house the ladies and assayers cabin with a pile of his remnants of assays outside his window, broken bottles, glass and a little cemetery. There must have been several dozen people interred there with wooden markers. I remember one in particular. It had a little fence around it and that all disappears before I left the place. It had been picked over bit by bit by people that came in there. After we got in a good road, people would take relics with them, even glass, boards, and in the crematory they took the markers and the fence and everything else, it was cleaned off. It's still known as Rawhide. Sometimes people would come up there looking for and couldn't find it. It operated, of course, during the War it was one of the sources for tungsten in the country, there were other tungsten mines. There were a couple in Nevada and I think there it was General Electric had one in the east. We were trying to import some tungsten ore from Spain, but it was rather difficult. At any rate when the War was over in 1946, all these mines pretty much shut down, they had been high graded and some of the operations had been neglected and water gotten into some of them. Mr. Mills died in 1948, and I was Executor under this Will so the two other stock holders said you are going to be the Executor any way and you know all about the background of this, why don't you operate it and hire a superintendent or a manager and let him have a staff and continue the operation. I did that but we were under financed and the mine was run down, but it was clean and we had good indications of deposits remaining unmined. I think I said the mill had burned down. The mill had been down in what we call the flats down the hill. We rebuilt it, it was partially rebuilt when I got into it, next to the mine. We built a pipe line 1,500 foot lift, over about two or three miles to run the water up to the camp and to the mill, a big tank up there. As I said we were low on funds and we had some creditors, but mining operations didn't look very good at that time so we traded dollars - I think it was $27.50 a contained unit (20 pounds) of tungsten, in a 75% grade of concentrate ore which in our case ran over

75%, this kept me going. In the mean time I found that the man I hired didn't know any more about it than I did and some less. So I was more or less responsible for it and running it myself. This required me to go up there every month or six weeks and spend two or three days. And when I got there there wasn't much I could do, because some how or another they knew when I was coming and everything was alright. I don't know how the word got around, because we didn't have a telephone out there. I decided as long as I could do it, we would explore for more ore and mill what we could which I did over several years. As I said we traded dollars. Then I read in 1951, I think it was, that the North Koreans were marching south in to South Korea. I picked it up in the paper one morning and I knew then that we had a mine that was profitable, because practically all of ore at that time, tungsten ore, was coming from North Korea in that area that was shut off. I knew there was no other mine in the country that could be operated forthwith in any quantity. Except two, one was in Nevada, Massachusetts which was under contract with an eastern steel company and one, I think it was in North Carolina owned by General Electric.

Talt: What was the name of the steel company?

Smith: I don't know the name of the steel company, it was a big eastern steel company. Of course, when I got to my office, I was already getting telegraphs, so called offers, which were brokers wanting to tie up the deal because they knew about us. That went on for two or three months and the price went from $27.50 a contained unit to $65.00 in ten days. We had statutes on the books, Federal, authorizing, in fact requiring, reserves of certain metals for future war purposes and tungsten was one of them. Nobody had done anything, the war had been over for several years and nobody had done a thing and nobody had done anything about the mines. This all went into the papers about the shortage of tungsten and I read in the paper one morning that one Philip Gray Smith had been appointed to head a committee to see about getting tungsten supplies for the Federal Government.

Talt: You didn't know that you had been appointed?

Smith: Never heard a thing about it. Never heard a thing about it afterwards either. Another man, a lawyer in Fresno, was one of the committee. We better get back to Washington and find out what we're supposed to do, so I said if you want to go its alright, but I'm not going to go until I hear something definite, I won't know where to look and I don't think you will find anybody either. That's what happened - he came back in about a week and said I couldn't find anything about it, any plans or who had named us or what, so that was that. Finally, after sorting over the prospects we made a very good deal with Kenametal, they call them. They produced Kenametal it was an eastern high speed steel company in Latrobe, Pennsylvania and we sold it to them, at a very nice price, cash. It calculated out, assuming that the government would continue the supports at $55.00 a unit, not $65.00 for tax purposes. What the stockholders would come out with if we paid the income taxes and operated and I concluded that after three years of operation we would do better to sell it from a tax stand point. Especially if we could get back a royalty; we got back the royalty and the supports continued for 5 years. And I read in the paper one day that Philip McKenna, the president of Kenametal, his younger brother who negotiated the deal, and is one of the names of Pomona School, he put his fortune in the University, what is the graduate school's name?

Talt: Claremont, it is?

Smith: Claremont McKenna, nice chap, very nice to deal with and they paid this royalty over these years and we never had any problems at all. My clients, and of course, I was, the Executor so I was passing this on to my clients widow and his daughter I should have had a piece of it but I couldn't. I got a very nice fee out of it and it was very interesting to be in the operation of a thing like that. I remember one time I was out there and there was a chief mechanic, he came out to see me and said I want to talk to you, I said fine. He said this is a lousy outfit, I said I agree with your thoroughly but there isn't much I can do about it. When I was up there living in the camp and eating with the crew, it was something to sit down at that table with whole bowls of solid steaks and see those ellows put down a couple of steaks and three be 3 or 4

steaks left in the bowl. I took my wife up there a couple of times and she was astounded at the way they eat. Of course that was what they got, that was all they had. It was a booze fighting proposition mostly. Because the underground miners for some reason, you can hire people for the mill, but there were very few of them and they were old-timers, you would get about three weeks out of them and they would have to take off and they would get drunk and all that sort of thing and they would sober up. I had to have lines out to the different bars to let us know when so and so sobered up so we could pick him up before somebody else got him. Then he would be taken up and put in the buck house and kept there for a day or two, and they put him down in the mine. And we knew he couldn't do much for a day or two, and then we would get another three weeks out of him and that's the way it went. There were some married men they weren't quite so bad so I thought if we built some more houses, they weren't exactly houses, they were cabins for some married couples and we did build a number of them. That didn't work cause they both took off. So then I thought we will get them some children. So we built a school and I found out we were paying the taxes for another district when I got it arranged. We paid for it, we built a school and I hired a school teacher and I had taught school myself for a year and one half, I knew a little about it. She was a teacher who taught in little schools and mining camps all her life. She was very good, very thorough. Well I found out that what she did when a man and his wife wanted to take off. She would take the child or the kids and put them in her place until they got back. She considered that part of her job. So there was no way to get ahead of the booze. Well, I guess that's even true of mines today. That was an interesting experience and I think it was more or less a duplication of the old mining days. We had some modern machinery, but we were not a top notch outfit.

Talt: This was in 1950 and through there?

Smith: This would be 1948-1951. I think that's about enough of that subject.

Smith: I was going to mention another interesting thing that came up before the War, trying to break this off about the War time. Burr and I were partners, Clyde Burr I mentioned him before and this would be in the middle 1930's. We had referred some matters in France to an American lawyer practicing in France, and he referred to us a divorce case, a French girl coming with her mother to the United States and establishing residence and she was to get a divorce. The girl's name by the time we had parted company with her was Evonne Madelean La Grave Cronen Rossen Barbee, there were three divorces involved there and when she died she was planning to divorce Barbee, we had three divorces out of it. She knew who to marry, she was really a little gold digger, but a very attractive girl. She came into the office, she came into see me because Burr was doing something else and she was a beautiful little French girl and her name then was Crellin, and her mother I found out later, was the mistress of a French General who was high in politics in France. So I prepared, she was married to Mr. Crellin's son and he was a retired steel manufacturer. I don't know in just in what capacity. It was in the middle west somewhere. He eventually gave large sums of money to Cal. Tech. and I think his name is on a building there. At any rate the divorce was well financed and there was no defense. I prepared a settlement agreement which Crellin's lawyer drew up and a Trust for the two children and that was it. I thought we were all through with it. Before long the French Consul came into the office looking for someone to talk to about the Crellin case. Well it happened that Burr was out and I was there so I spoke to him and he said I'm authorized by the French government to award the Triple Palms to this office. This is the way he put it, he said. Well I said Mr. Burr was the senior partner and he is the man that primarily has the contact in France with the lawyer there. I told him he would be in in a while so he waited and talked to him and I listened in on it with him. He was quite nervous. he didn't quite know how to approach this, but Burr was easy to talk to, and he said we will arrange a little ceremony and the French government will bestow upon you Mr. Burr the Order of the Palms. So we planned a dinner. At that time Burr was living in one of the Doheny mansions close into town. Doheny's main

residence and there were other "just a place". It was a great big old fashion place so we had the little party and Mrs. Burr invited a lot of her friends and the French Counsel came in with some people from the French community and we had a little ceremony and Burr receive the Order of the Palms and they left. Some of the people at the party came in later with things like the Order of the Horse, all in forms of decorations. They made some fun out of it and then we had dinner. I got calls, several of them. The story got into the papers that the honor had been bestowed upon him and I remember one that asked me, he was a French lawyer, he said " what is the literary effort" - I said I approved the contracts and did the research and well - but he said that has to be a real literary effort because the Order of the Palms - one is honorary and two, is for something of merit and three is for top merit in literary effort. So I said you got your answer. Crellin was putting up the money. I don't know if Madame Lagrave, the girl's mother, knew exactly where the money came from, but at any rate she came in and personally thanked us for the great service we had done for her daughter and of course, the French Counsul said we had done a great service for the French people. He handled it very nicely, he never said what.

Talt: He never said what -

Smith: What it was we had done.

Talt: The spelling on Lagraf?

Smith: Lagrave - now she wasn't married to Lagrave, she just carried his name, I didn't know this,

Talt: He was the General?

Smith: I didn't know, at this time, that she was just his mistress, well of course this was French and I don't know who his wife really was. But he was not married to her. Of course, all of that evaporated as soon as the war struck, because the French were out, and the French military was all changed around. The French military were out of politics. I think one or two good things did come out of it. Just before the war the French and the British were bringing battle ships, naval vessels, into the harbor down here and I thought ostensibly to get us ready for whatever help they would need.

So Burr got a couple of invitations to have lunch on the battle ship, naval vessel, whatever it was and he went the first time, not the second time, he said the lunch wasn't very good. I mentioned him before. He was born and raised in Monrovia, they were one of the original people of Monrovia, it was a fine old family.

So after she divorced him she married Rossen, Rossen was a movie camera man, a very fine man and he was very fine to deal with on a divorce case also. He had some money and he was very considerate and he really had become fond of her children so he wanted to settle something on them too. Rossen, by the way was married to the movie actress who was known as the platinum blonde. I've forgotten her name, she committed suicide. (Jean Harlow)

Talt: Not Monroe?

Smith: No she was before her, and later she married Barbee and Al Barbee was one of two twins and a sister who owned the Coca Cola Bottling Company here, they had the concession for California. It was a very valuable concession their mother had picked up for practically nothing, she was a widow. Barbay was quite a character, he seemed to take the divorce in stride. He was very frank about everything, he had drinking spells and he would be gone for a while, he was a collector of Art. He would go back to New York and sign checks on the company. Of course, this upset the operation and when he would get over it and inevitably after three times when he did this he made money on his purchases. But of course, it was an inconvenience. So that's the little story on the side about conditions as they were then.

Talt: We haven't mentioned, you got married someplace along the line?

Smith: Yes, now this was a very important marriage, too, for me. That all started at Stanford. I came in at Stanford, I didn't have any money, when I started there anyway in 1920. First, thing I wanted to do was to get into something where I could learn to speak, debate, I did some debating before but not much. I went into, what they now call, the Green library which is their big library to get some material, and there was a very pleasant red haired girl that was helping me and I was impressed, of

course, the interest she took. When I came back a few days, she had no end of material for me. She knew everything in there, I guess she was skilled at scanning it. So I thought what a nice girl for somebody and it was pretty much, I never got around to thinking about marrying her until I graduated in 1924, and in the mean time she had gone out with others that I knew well, Gilbert Jertburg who was one of the Justices on the Ninth Circuit here and two or three of the fellows who became well known professors, one law professor, while this was going on I was watching it. I'd see her once in a while. Towards the end of the time, about 1923, or so, I was invited, I was not a fraternity member, but I was invited to one of the fraternity parties, a dance, at the house and she was there with Gilbert Jertburg and she had beautiful long red hair and she had on a black silk dress and I took one look at her and I thought how could this girl be a librarian. So it stuck in my mind, but I didn't do anything about it, right away. Towards the end, well I had already taken the Bar Examination, but I wanted to take some more courses, they had a short period, half a semester in which you could take a couple of courses. I think I took conflicts of law and some other course, there was nothing doing much around there so I called her up and we went out a few times and then I began really noticing her. By the time I was admitted in September we were going quite regularly. I finally spotted what was a good job and which turned out pretty well in he long run. My first recollection was that I asked here whether she would like to live in Los Angeles and she said she didn't know because she had never been there enough to know. Well I said I'll go down and after I've been there a while, if I still like it, then I might ask you to come down if you would? So she did after a year, in the mean time I'd been taking out some other girls. She got a job with UCLA, which was then on Vermont Avenue in the West L. A. City College, as a librarian. She was known at Stanford as an assistance reference librarian. I don't know if she had any particular designation. It was not as good a job. So we went out quite steadily, I didn't take anyone else out for a whole year and I never quite said that we were going to get married and she never quite said whether she liked Los Angeles. She went back and we wrote, we wrote the first year while I was down here and we wrote the third

year before we got around to it. I've got a great big box of letter I saved, she and mine, its one of the things I save around here that I don't know how to get rid of. I took one out one time, to tell you how we were married, she had some aunts in Hollywood up near the Toberman Estate, a beautiful place here.

Talt: I probated his estate.

Smith: So when she was away they used to have me over for dinner. I said I had asked her to marry me in the letters and she hasn't answered me. She continues to write in the same old mode, I said, I don't know how much longer I can go along with this thing. So they said just quit writing, you will be surprised, I said what if she quits writing, they said that's okay - you can come live with us.

Talt: Who said this to you?

Smith: The two little old ladies, well I guess they would have liked it, a lot of their things are around here, that came from their place, and this table, its an antique. That's the kind they used to put in the middle of the parlor with a lamp on it. We've got the lamp in there. There is a lot of things around here.

First I got a letter, "You must write I miss your letters", and then I didn't hear for a while and finally a telegram came from her mother and it said " come as soon as you can, Edith is quite sick."So I thought, well she will rub some chalk on her face and lie in bed and I better go up and see her and give her a chance to get out of bed. She came to the station, all smiles, at Palo Alto and so her mother said,"I'm sick and tired of you two - why don't you go right down to San Jose and get your license and get married" -" I said no we shouldn't do that because it won't look right in the future. So we planned on a wedding in June, and I couldn't get around to it until July the 2nd because I was trying a case. So we had a nice wedding in the garden.

Talt: In San Jose?

Smith: Palo Alto

Talt: What year was this?

Smith: It was 1927, and we were arguing about a lot of different things. When we got married there was no more argument. We didn't argue about anything until I pulled out a letter many years later and started to read from it, we picked up the old argument and it was still unsettled. We never did settle anything like that.

Talt: What was your wife's name?

Smith: Edith Gertrude Meers and she was six years older than I was.

Talt: She passed away last year?

Smith: She passed away this year, she was 97. She would have lasted some longer, except for the phenomena. Her lungs were in pretty bad shape. She was very companionable during her long illness, she had an illness of 20 years and the last 8 years she was bed ridden, but I stayed here and pretty much took care of her. We had to have some help, but on the weekends I took care of her and I cooked practically all the meals for 20 years.

Talt: You have children?

Smith: Yes, we have a daughter, and she is in Tahoe City. She has been there many years. She is musical, her mother was too. She is all music, nothing else matters, piano, voice, whatever, she has three daughters, and they are all the same. They don't have much money, but they have a big time. They are always into all these musical things and up there in Tahoe City and she is in things, the events, down in Reno. There is quite, people think of Reno as a mining town or like that, but there are some fine old residential people there.

Talt: Did you build this home?

Smith: That's another thing about this home, we moved in here in 1946, I bought the place for $30,000.00. The house next door is half the size of this sold for $660,000.00 a year ago. Of course, the market is a little off now but that's typical of the changes taking place. Before we lived here we lived in South Pasadena, just a few blocks away on Diamond.

Talt: This home was brand new when you bought it wasn't it?

Smith: No, it was six years old. This house built on the same grounds as the old residence of Colonel Lowe. It was a big brown house with great big old grape vine. These Euclipitus trees are 100 years old or more. He put them in, the oak trees are about the same age. Some of them died, the biggest oak tree in the area here was in the front lawn, but the gas company putting in a line cut the roots and killed it. I still have three big oaks and sycamores and one thing or another. Then of course, I grow things under the trees but Colonel Lowe had the Mt. Lowe railway up here and the Mt. Lowe resort for many years and it remains an attraction. The ranch is still there. During the first World War he had a balloon school out where the race track is and this was to train what they called artillery observers who took off in a balloon, a tethered balloon.

Talt: He was an early day Malcom Forbes? Forbes was into ballooning.

Smith: He had a daughter he raised here, - the other house, the one that was torn down. This house was finished in 1936, it was two years in the building and so we came in here in 1946. So it was about 6 years old. It was the first house here. This area, well Colonel Lowe's holdings went from Monterey Road up here to what they call the Lacey place on Huntington Drive. Lacey had 5 acres, Colonel Lowe had all this raw land, he didn't plant any trees except for around the house and across the street I don't know the name of the people there and the churches are there now. Up north here, Jack, I can't think of his name, he was a lawyer with Gibson, Dunn and Crutcher, he had a big place with a lot of trees on it. There was a bridle trail all around, the back of the house here, and around this canyon or draw. Of course, in those days in San Marino they permitted horses in San Marino and as a matter of fact this still has a slab of an old stable down in the corner. The owner, Siegler, kept two horses. He had more horses up in Lancaster, he took care of race horses.

Talt: We probably shouldn't spend too much time on the local history. It's interesting to me but probably not so good for the Ninth Circuit.

Smith: Alright, let me look here. I have been attorney for people who represent branches of old families in Los Angeles. One of them is Childs. Ogro W. Childs, at one time owned about a third of Los Angeles, he owned what's down from Sixth Street to Pico and from Los Angeles to Figueroa, at one time. He had other holdings in this area and he was a notable from the early days. He died in 1890 and he left I think it was five children, four daughters and one son. In his estate, I've looked it up, because I had to in times past for estates of his children and grandchildren. I think his estate was about five million dollars which was a fantastic figure in the 1890's. That was the appraisal put on it of course it was practically all land, I think $50,000.00 was in cash. Then Stephen White, Senator White was his attorney in that estate. It was referred out to a Master, to parcel out the real estate, there was so much of it. It had to be divided up because there was no Will, so the widow got half of it, it was all community property, and she lived to be 93 or 94. When I first started practice, it was some years later.

Talt: Explain that to me, if it was community property, why didn't she get all of the community property?

Smith: It was community property and under the law at that time, the children got half and she got half. At any rate that was what the result was, I checked it out. Childs was one of the founders of the Farmers and Merchants National Bank, which later was taken into Security. It was the outstanding bank at the time. I had several estates where the deceased, or the predecessor deceased, was a large stock holder. The widow had a large block of his Farmers and Merchants stock. It was put into a trust by her son-in-law, no it would be her grandson-in-law, Frank Gross, because she was dissipating it. He put into a trust, a living trust. She died in 1934 so we had the probate of her estate and this was in the trust, which incidentally was not taxable at that time even though the income was retained, she was still taking the income. They changed the law just after we got through with this case. I just concluded a third generation of these estate. Alice Burr, who was the wife widow of my former partner, its public record she left an estate of about $10,000,000.00 and it still had in it

Security Bank stock that went back to her grandmother. Another one here in town, Giles Hall, they are old timers here. His wife was granddaughter of the original Childs. She had a large block of his stock and I'm just closing that estate. Childs was a great benefactor to Los Angeles besides being a wealth man. They brought in, he and his brother, who was a horiculturist, had the first horticultural enterprise in town and they imported a lot of different trees and shrubs and they also founded the Child's Opera House at 6th and Main. It is a little rough movie place now, as far as I know the building is still there. He was one of the founders of the University of Southern California and he was this, that and the other thing in this area. Currently we have an oil well, five oil wells in the northwest part of Whittier, 150 acres of land there, its been producing for 10 years. I was instrumental in getting the drilling down and drawing the lease. Of course, its down now, but it looks like it is going to be profitable for many years. That's the history of wells in that area.

I was attorney for the Webb Family, he was a pioneer developer in the Imperial Valley and also for Weber who was a big real estate promoter his, in the early days of Los Angeles, four generations of estates in that family and the Webb family. We sold everything out and just took it to the heirs, and I don't know how they have done, they weren't people who kept their money. Incidentally, I'm just closing an estate in Indio which, well the name of the decedent, the widow of the founder of Valerie Jean Date Shop, just south of Indio about 20 miles.

Talt: Oh yes, I know where it is.

Smith: You would be surprised what they accumulated, they left about a $3,000,000.00 estate. I drew the Will and they sold out, or thought they had, to a chap by the name of Kirby. They were pretty well along in years and this fellow got them to give up, forgive the balance of the contract on the sale and to execute new Wills in his favor. I had drawn the Wills in favor of Stanford University and so when she died, when he died, there wasn't anything I could do about it because everything went to her anyway. When she died I found out just at the last minute, I didn't realize she had got,

but her estate was up for probate and he had the Will and he was asking for the Will he drew or had drawn to be admitted and he was named as Executor. This was on the day before the hearing, so I called one of the witnesses, a Japanese girl, Mary Osoka who had been their manager for years, incidentally I should say that this shop was just part of the business, they had a large mail order business, that was where the money was. I got her just by luck and she said she was shocked because she was a witness, but she said he didn't draw that right at all, he just called me in. There was no other witness there and asked me to sign it. She said now I find that its says there were two witnesses present and it was all signed in my presence, I was there for your witness and it wasn't like that at all. So I said Mary, it's too late for me to do anything. I can't get down there in time. If you will go in there and in the morning at the hearing and stand up and say that you are the witness there and that it was not the way - that he didn't have another witness and you were alone and that wasn't the way it was. When this happened, so of course the Court held it over and I got a hold of Stanford University and gave them the facts, and they hired a lawyer that was already in special administration out of the first Will. Well, my contact with the Valerie Jean people, Russ Nichol, first started in 1946 right after the War. A chap came into my office and wanted me to help him determine whether he should put some money and enlarge the operation, when I advised him not to. But in the mean time I had gotten acquainted with Russ, so he had a number of legal matters including a divorce over the years and so I was taking care of all these things for him up until the time when I drew the Wills which was concurrent with the sale or what we thought was the sale. The net result is that now, the 14th of this month, the estate is up for closing and Stanford will get about $1,000,000.00.

Talt: You told me that you did corporate work, and family law work, and mining law and estate planning and probate, so you had quite versatile practice. Did you continue doing all of those things?

Smith: No, of course, the last ten years, I cut back in the last ten years, I cut out the court work too

much paper work. It was not like we used to have a little fun out of trials, you don't have that any more. It is just labor.

Talt: You mean interrogatories, depositions?

Smith: Endless paper work.

Talt: All that taking the fun out of it.

Smith: You don't get to trial anyway. I just didn't like that business of sitting down and going through all this paper work. It was one reason I was never interested in being a Judge. I had opportunities, at least I thought I did, but I refused it. I just couldn't just sit around on a bench like they have to do. At any rate, I was also in patent work, and considerable condemnation work for a number of years and real estate transactions. I don't know, apropos of that in the depression, my senior law partner was one of the developers of Temple, which was built on the Temple oil fortune.

Talt: Temple City?

Smith: Temple City, at that time it was in the County and the depression struck and the purchasers couldn't pay for their places so here in 1929, 30, 31, at one time, I was foreclosing sixty mortgage at one time.

Talt: I think one thing that would be very interesting is how the practice has changed and especially the Federal practice, but how or what your feelings are of how the practice has changed.

Smith: On the subject of my impressions and the differences in practice, when I first started and now. Of course, obviously the first thing is that it's much less personal because the judges don't know the lawyers and often the lawyers don't know the judge. You have a case before one judge one time and another judge another time. There was not so much of that then in the early days when I came, 1924. I don't know the number. I think it's something like 10 or 12 judges all together, Superior Court Judges, and I think it was 3 or 4 Federal Judges. I remember Judge James was sitting then, I had a number of matters before Judge James in the Federal Court. They had the same practice

then that they have now that each judge has his own calendar with his own cases and pretty much heard everything in that case. Some things were referred out to special masters, referees and of course, all the Federal Judges were well known. They were only paid $5,000.00 a year in 1924. The same pay for Superior Court Judges, $5,000.00 a year, and that was Los Angeles Superior Court Judge and no retirement pay. I don't know, but I think there was some retirement for the Federal Judges. Of course, $5,000.00 a year, that was $400.00 a month and I worked for four or five years before I got to $400.00 a month for values were different. There was practically no income tax and things were comparably much cheaper. I can remember it was when we had a $1,000,000.00 you got 7% return on it you were wealthy. Of course, a million dollars wouldn't make you wealthy today by the same standards. McCormick, was a Judge, he was Federal Judge, he heard the, I think it was the Fall case.

Talt: The Fall case?

Smith: *Fall was the Secretary of the Interior and the big oil scandal, Tea Pot Dome. Doheny was involved and Fall was accused of taking a bribe from Doheny the oil man. Fall was tried found guilty. Doheny for some reason was tried in Washington, the Federal Court in Washington D. C., and he had a high powered trial lawyer and for the same bribe he was acquitted. That's the way it went. Of course, Doheny never quite got over the trial but he didn't have to go to prison. Sinclair was a young fellow.

Talt: Did Fall go to prison?

Smith: Yes, there were two cabinet members that went to prison in that administration.

Talt: That was the Hoover administration?

Smith: Harding, the Harding administration. Curtis D. Wilbur I knew quite well. He became a circuit judge much later. He was on the Supreme Court bench.

Talt: The California Supreme Court?

* Not sure of this informiaton.

Smith: The California Supreme Court, Curtis D. Wilbur. He became the Chief Judge on the Ninth Circuit later. I guess I mentioned that Lou Meyers was the Chief Justice of the California Supreme Court when we were admitted. Of course, later became a partner with O'Melveny. When I first started practice O'Melveny's firms was O'Melveny, Milliken, Tuller and McNeal. McNeal was an old family here, Tuller was their trial man, Millickan was primarily an appeal lawyer as I remember it. Of course, O'Melveny was the business man, the getter. Gibson, Dunn and Crutcher, they were a firm of about 15 people, 15 lawyers. In the probate practice you had one probate Judge, Reeves.

Talt: Who was that?

Smith: Reeves, he had a long time secretary, but he had no commissioner, but she was practically a commissioner, I think I mentioned that before. So you would go, you weren't given any notices you just went up and checked with the secretary before the hearing to see what you had to do.

Talt: Did you have to appear every time or did they have the system....

Smith: We had to appear,

Talt: You didn't get recommended for approval in those days?

Smith: You showed up and then each judge had his own calendar, we didn't have a master calendar, which had some advantages and disadvantages. One of the disadvantages was that you had that you would get up there and you would be trying a case, or ready to try it and you had to wait on something. There would be some motion, a demurrer, or there was one day for the demurrers but there would be special things that would come up so you would have, to wait and you would get only part of the judges time. On the other hand you had one judge and you knew, as I remembered we used to think we were waiting a long time for trial, but we could get to trial inside of two years.

Talt: Now this is what time frame?

Smith: This would be 1924, I didn't start practicing until September and by 1926, I was trying some substantial cases for a fellow just starting out. But apropos of starting out-that's what I think is one of the big differences. The young lawyer now I think has a much harder time starting out. In the first place we never thought of getting sued. You lost a case it was just too bad but no one thought of suing you. The result was then there were no things such as specialties and tax law was not a specialty yet and a tax specialist we often considered by some as second rate lawyers. Taxes were low and usually, according to my experience, not too much attention was paid to them until you got a notice of a deficiency and then you went to one of the tax lawyers and he took it on a contingency and worked it out from there. Those tax lawyers now have become big names in the tax field in Los Angeles most of them are gone. When you had a trial you had depositions, perhaps, and various pleadings, but there were no interrogatories and no requests for admission, pleadings were really pleadings, you had to get the allegations down to the real meat of the case or else you were subject to demurrers or motion to strike and then the trial.

Talt: Now are you talking about State trial or Federal?

Smith: The Federal practice was much similar - there was, I can't remember such a thing as interrogatories, we had Federal Rules but they were rather slim. There were some differences, particularly in condemnation area in the Federal Court. In the State Court, you couldn't bring in your sale and put it in evidence, as you can today, through a witness subjected to cross examination. The State Court, at that time and for many years later, a sale could not come in by in that manner. It had to be brought out in cross examination. The witness would give his testimony as to the type of investigation and his opinion and then you pulled the sales on him and you pulled your sales and you got them in by cross examination of other witnesses. It was a silly business, but right up until the time of City of Cole, where I was the appellant the Supreme Court and they upheld it again in City of Cole. It was changed later, of course, today if a young lawyer starts out in the first place with all these specialties, he has to start somewhere where he can get into that specialty and you can't put up

insurance. Most young lawyers couldn't provide the insurance and if he takes on something he hasn't had before personally without anybody with him. If he loses it he is likely to have a prosecution for his ineptitude in the case which might be well founded, but he has to start somewhere. So they just can't start. The result is that you have to go into a big office, and there is no doubt that the big offices have to be more commercialized. They can't operate any other way. So you lose touch with your client and one of the joys of my practice has been that I have always been in direct touch with the person with whom I was working. These are the differences, that to me is the principal pleasure. Now for instance I get letters about this case that is being settled, thanking me for my help, not the University, I don't expect to get a letter from them. I am supposed to do what I did. Childs' grandchild just lives over here, we have become close friends. Practically all of my clients became friends and that carried many of these estates and related matters through second and third generations so I have become a name in the family. Most of them don't know me, but if some matter involving the family or the family holdings, business, well they come to me. So I still have some of that practice and of course you don't have that now in the large offices. There's not much opportunity to make that type of direct contact with the people with whom you deal, those are usually corporations and you start a case with one vice president and and you have two or three of them before you finish the case. So the personal element is pretty much gone out of the big law practice. The medium practice, to, it's pretty tough. To me its a pleasure, you know Bob Olson, the Judge in Pasadena, well somebody sent me a clipping, I had forgotten all about it, but Bob Olson started in our office, he was with me for six or seven years and he was telling about his early days of law practice and how nice it was - he says that I told him that the most important thing about taking a case is your preliminary arrangements with your client for financing the case and what you are to do. He said I told him that once you have the case you can't back out. You have to do it for whatever you have in you whether you get paid or not or how much you get paid, he said he always remembers that. Recently there was an article in one of these articles in the L. A.

Journal, somebody sent me the clipping in which he said that he remembered that very well and that it was one of the criteria he used in law practice and it had been very useful for him. I would say that I was lucky to have a personal practice in a large city, it had grown, of course, much, but I had all the pleasures of a personal practice and also had the opportunities of dealing in matters that I wouldn't have had in a smaller town. But the practices have changed and most cases are not tried. The percentage is very very low.

Talt: Back in the 1920' and 1930's were more of them tried?

Smith: Oh yes, the cases were tried and appealed and there was a lot of them. I guess the ratio settlements might have been 25 - 50 percent but most of them were tried and many of them were appealed.

Talt: Why the change, because it has gotten to expensive to try them?

Smith: Well, yes I think that's one reason. Of course, it has become more and more complicated to get to where you try a case. We would go into trial with a demurrer or two and an answer with some affirmative defenses and you were ready to go to trial. Now it takes for ever, two or three years in a big before you can say that your ready and then you have to play around for a long time after that. But we were to trial within, when I started I would say, within two years of filing and some times sooner. When you tried your case it was still pretty much fresh and you knew who your judge was going to be then, when we first started because the one judge took it all the way through. When they started the Master Calendar of course, you lost that. I think that began about 1926 or 1927.

Talt: The master calendar did?

Smith: Yes, you didn't know who your trial department was, you had different departments and you wind up finally with the setting of the case, but they used to handle it all in one department from beginning to end.

Talt: Can you think of one or two lawyers that you tried cases against or with that were extra cagey?

Smith: Well of course, I remember the one with Henry

Price the trial lawyer for Gibson, Dunn and Crutcher and he really was nice to me, I guess he could afford to be, but you know we had a boundary dispute out here between Rancho Azusa and Duarte and Rancho Azusa - Dalton. I was just two years into law practice trying those big boundary dispute cases, he was just a gentlemen with me. He let me try the case you know, you won it eventually. Well I had put on a pretty good case, my client liked it. Of course he didn't like loosing it, but Ed Bishop who was a Superior Court Judge who had just got on the bench then, took about six months to decide it. I don't know what he did but he couldn't get around to it. He was a former county counsel. I have forgotten your question now -

Talt: Well I was asking you if you could think of one or two attorneys that you thought were extra cagey trial attorneys. Maybe you could tell us some of their tricks?

Smith: Well there were those around alright - of course it was small - we knew pretty well what the other lawyer would probably do. When it came to trial lawyers I don't suppose there were more than 1,000 in town and they didn't all try cases right along.

Talt: This would be in the 1920's?

Smith: Yes, that was when I first started. I got into trial work the very first year, because I was on my own and didn't know better. We had of course, well in those days we knew who the bastards were and we acted accordingly. They expected us to act that way too, they knew who they were. There was one attorney I remember around here by the name of William Ellis Lady, they always said he is no gentlemen.

Talt: What was his last name - Lady

Smith: Lady, I tell you when he just took you through the ropes now matter what the case was, no settlement, nothing - from beginning to end no stipulations. Every hazard he could put in your way - I was no Lady and he was no gentlemen. That was one of them, of course we had some fine trial lawyers, some fine probate lawyers, I can't think of the name of some of the outstanding lawyers, W. I. Gilbert was one, he was attorney for the Southern Pacific. He handled all of their litigation. He had a great forte for getting the case over to the Federal Court. Of course you got fought hearings

and fought settlements. There he was representing the Southern Pacific Railroad. He was their trial counsel and he new all the tricks to get it into the Federal Court. I think I handled one or two matters with him. He wasn't anything special, but I guess they liked him, he got results for them.

Talt: I was trying to think of the name of the famous divorce attorney, he had bright blue eyes, I think he represented Charlie Chaplin in his problems. He was a famous fellow.

Smith: Oh yes, I think I remember him and I had a divorce case with him. I had a number of divorce cases, in those days, you rarely tried the divorce case and they were shows. I had one with, I think its the chap your thinking about, a chap by the name of Schiffman, -

Talt: No, he's not the one I'm thinking of

Smith: Well, Schiffman apropos of the old law practice. An advertising dentist, he became my client and he would have had quite wealthy practice so I had so some of this, not his dental practice, I had one dental practice case, but he had accumulated quite a sum of money and had some holdings, and we had litigation out of it and then there was the other Schiffman, his brother, who had an asthmaor, patent medicine which is just fading out, an all the family attached to that. I was in litigation over that for years. We had a suit brought against the asthmaor, tried in San Francisco, he had a number of holdings, the plant was down here at north Main, at the end of the bridge, a four story concrete building. Well I got them into other things, I got them, it was primarily just a packaging thing and they didn't have enough to do the rest of the time and it was a big plant so I got them into packaging. It turned out that it was called the Los Angeles Packaging Company, which sold out at a considerable profit later. I was just on their board and their lawyer, I got them into. We are just now closing up the company, its main holdings are down in Fallbrook. Two more years and we are through with it. We began the packaging company and we sold the packaging company to an eastern concern. They still call it the Los Angeles Packaging Company. We got into the packaging because we packed asthmaor. That practically is all you did with the stuff you got the -

Talt: What is that asthmaor?

Smith: Yes, Schiffman's Asthmaor - I had litigation on their account and some law suits for infringement and I've done pretty well by them. I never got into that one. Still have the tailings of that, down in Fallbrook, they have some holdings we are closing up and it will take two more years.

As for the judges,

Talt: Who was your favorite Federal Judge in the 1920's?

Smith: Judge James, he handled a number or receivership that I was in. He handled the receivership of the big oil company, Richfield Oil, against Richfield. I got into that case though Schiffman, the advertising dentist in 1930, at any rate it was when Richfield failed and I had to sue the receiver. Schiffman vs. Richfield Oil, we sue them and that went to the Supreme Court and I lost it in County Court, no. no, I won it in the trial Court and lost in in the District Court of Appeal took it to the Supreme Court and won it in the Supreme Court.

Talt: Was this a California case?

Smith: Yes, a California case. By that time the company had recovered and was reorganizing so I collected in full for the back royalties and also sold out the balance of the well, it was an oil case. So we came out of it with quite a lot of money and some good fees. Any way it was a Gibson Dunn & Crutcher office. That was one of the things I consider an achievement. Took us ten years, all through the depression and later before we got it all wound up.

Talt: Were you getting paid anything for your services during that fifteen years?

Smith: I didn't get a nickel, carried it for fifteen years,

Talt: Had you taken it on a contingency, or was it -

Smith: I always thought it was but we never defined the contingency. We never defined it and when we got through - we had four checks, a sizable judgement and we still have payment coming on royalties, but Homer Crotty of Gibson, Dunn & Crutcher was handling the settlement and I said would you mind writing it out in four checks. So my client Rudolf Schiffman came in and I had the four checks and he

said you got it settled, and I said yes, he said you got the money, I said yes, he said your a wonder. I said I never thought we would get this settled. He said where's the money? I laid out the four checks and they were all payable to him, 25% each. I said pick out one of those and endorse it in my favor, and that's your fee - up to date. That is what he did, just like that. Of course, I had no agreement with him, later on we collected some more out of the royalties, that was the cash for the back royalties. So later I handled his estate and I haven't told you about that.

Talt: Was Homer Crotty a trial lawyer?

Smith: No, he just came into settle it. I then handled Schiffman, probated that estate.

Talt: So the Richfield receivership was a State Court receivership?

Smith: No it was Federal - it was Judge James who supervised it.

Talt: But then you said you carried through the District Court of Appeal

Smith: No, that was the law suit pending in the State Court when they went into receivership. We carried it forward in State Court. I don't know I had some other cases with Gibson, Dunn - I can't remember what they were now. I was in a lot of litigation you know. Well, Schiffman I handled his estate and I handled estates for the various members of the Schiffman family.

Talt: That's Schiffman?

Smith: No, Schiffmann - they were an old family, I think they came out here from Minnesota. They came in about 1910. Schiffmann had a big home in Pasadena. They had not only the holdings in the Schiffman Company, but real estate holdings, and oil and - well I don't know how I got on that track.

Let me look at a few notes -

Talt: Okay -

Smith: I think I told you about a boundary case I had out here in in 1925, I told you about some of the patent litigation, some of the mining operations, I have had several mining cases I won't bother you

with now. I had to get into the litigation end of mining, including some appeals and so I'm still one of the few fellows around that knows anything about mining law. I'm still doing a patent case before the Patent Office, the Interior Department for U. S. Patent.

I want to tell you a little bit about the Chancery Club because I was one of the first members. I guess you know what that is and there were about five or six of us -

Talt: Why don't you tell us about what it is.

Smith: The Chancery Club its an organization which purpose is to discuss current affairs and to help one another in not only the legal aspect of law practice but in all other angles that relate to it. To bring speakers in for various subjects, and most of its members now are in extra judicial activities, politics or bar associations work, club work or charities or what not. So when you look at the list of them they really all for one reason or another outstanding lawyers, they might not be well known in law practice but they are broad gauge is how I put it. When we started, at least when I joined it we were about six or seven members and a friend of mine belonged to it. Harry Mayberry and another one Lawrence Martin - they asked me if I would be interested in joining it and told me what it was. They said what we do is discuss some of our current problems without too much disclosure, because most of us don't know what to do about it and we don't want to tell anybody else how ignorant we are, that's the way they put it. So I joined it and we met at various places for a year or two or three, just had lunch in some spot and we would talk and pay for our own lunches. Then we started to get up to about ten or twelve members so we took a room at the University Club and we would have our meetings there, the old University Club. The rule was at first that we would discuss matters but each member once during the year was supposed to put on a program, a talk, and the talk was to be on some legal matter and we would not call in any outside speakers. That was the way it was for many years. Well it got up to almost war time in the early forties and by that time we were forty members and so we began to ask other people into talk and then we began discussing various activities outside of the law practice, including Bar Association activities. Then charity activities and it began expanding and each year we had a panel who would

nominate new members and by that time we were looking at their standing in law practice and what their record was to see whether they would fit in with our organization and what we were trying to do, which was to try to approach some of the niceties in the law practice or the delicate areas that needed attention and also to share experiences. Well we had committees that nominated and out of the nominations we would have a vote, first it was a one man, a black ball affair, there was one black ball, one just voted no and that was the end of it. So we took in maybe two or three members each year. Well then it went from, first we had to go to a place like the Biltmore and get a small room and have a dinner with our wives, or sweethearts. That didn't work because for some reason we couldn't have the time we wanted with the wives there and it wasn't just that we wanted strippers, but the couples getting mixed up so we just decided to drop that and we would have the wives in on other things. So we have an annual dinner and this was strictly for members and this grew and there were more social activities. During the war, of course, it thinned out. Most of the members were off in the service, there were very few older ones like myself who didn't join the service. But the boys would come back and give talks about the service and one thing and another and we kept track of legal matters as they related to the war effort. When the war was over we really began to expand. Now I think there are about two hundred members and its become a sort of - well its somewhat honorary to be elected to it. It doesn't mean that many fine lawyers don't belong to it, but we search them out primarily for their background and activities - especially bar association activities. Of course the result is then that we have had many members who became president of the L. A. County Bar or the State Bar and headed important committees. I was president of the Chancellery Club about 1955.

Talt: Is this a cross-section of practices - trial men, probate men, corporate men?

Smith: Yes, we try to keep it that way, we have some in-house lawyers, some government lawyers and they are all top notchers, but there are many top notchers that don't belong to it. Because they don't care to or they haven't gotten around to it. We pay one fee and that includes lunches and everything all the way through. The banks give us a cocktail party and a Christmas party, one bank

or another each year. Then of course we entertain the Superior Court Judges in the departments and the Supreme Court Justices and Federal Judges and we put on lunch. So it makes a nice companionship.

Talt: Do you still have the members speak?

Smith: Yes, we have members speak every once and a while and one of the requirements to our admission is to that members have to make a speech, a talk. They are all very good so I have kept up with it all through the years and I found that I have gotten a lot of enjoyment and a lot of friendship and not only that a lot of information, on up to day things you know. You bring somebody in on something that is very recent. Something like, on a smaller scale, the KCET programs. That has been a source of great pleasure to me and of course I have held some offices in legal organizations and - well the President of the Stanford Law Association and active in raising money for Stanford Law and Stanford University in different capacities down through the years. I've been on the Board of Stanford Associates and various committees of the State and the L. A. Bar and I was on the disciplinary for many years, when it was much simpler than it is now and we were able to keep up with it.

Talt: That's the old State Bar - Disciplinary committee?

Smith: And some committees for the Federal Bar, but I've never been president of the L. A. Bar or president the State Bar. I've been on committees and that sort of thing. I was president of some of the Stanford things. I know I haven't missed a lot of things, but I think you have got a picture of - Oh yes, I have been in various church activities in the First Congressional Church, not in recent years, but as a young man. I did some other things, I was nominated and appointed to some committees and I worked hard and sent the results back and that's the last I heard of them.

Talt: Who was or what was this?

Smith: World War II, one of them was a committee on, this was early in the war, if the Japs took Hawaiian Island and Midway - and they invaded this continent, particularly this area, what about our meat supply. - Where would our meat supply come from and how would it be cut off and how would it effect us? I worked like a dog on that and

tracked around, this was when they had the slaughter houses in Los Angeles and the yards. I went out to these places and talked to the people and I sent in a long report and that was the end of it. But I have done, for the selective services, I was on a committee during the war and then late just before the - I was on some committee during the South Korea thing too, I forgot what that was. During the Cambodian, no the -

Talt: The Viet Nam war followed South Korea.

Smith: Well prior to that for a number of years between Korea and Viet Nam I was a P.S. Officer in the selective service for this area, and you know I had it for four yeas and didn't have one case. Not one and I got out of it. I retired finally and they didn't want to accept my retirement and said I should have done it, I should have stayed on and then they sent me an award anyway. If I had stayed on I would have been caught up in no end of appeals and probably would have had to give up a large part of my practice to take care of it. Everybody appealed. Nobody wanted to go, but for some reason I never had an appeal. At any rate I got this certificate for selective service and I also have a letter.

I have not been in the field of politics what you would call a big shot by any means.

Oh - there is the Diamond Bar story. The Scott Family - W. B. Scott Investment Company - Diamond Bar, the predecessors of Diamond Bar, the city. This was the W. B. Scott Investment Company that held oil lands in Brea. I got into that in - well before the War, this would be the depression period I guess. We did legal work for Scott and the Company and I was in some litigation, particularly litigation regarding the Diamond Bar. There was a chap by the name of Bartholamu who bought the Diamond Bar Ranch. The W. B. Scott Investment Company owned two-thirds interest in the Ires Hermanos Ranch. It was 2,600 areas of land back of Diamond Bar, south of Pomona. It had improvements on and a big club house they called it a Ires Hermanos Ranch, it was really a wealthy man's play thing. The owners, Scott and General Sherman and Harry Chandler built a (they had thirds). They built a road out there taking off from the Diamond Bar and they thought the road across the Diamond Bar was theirs. It wasn't and

they wanted a show place. Well Bartholamu, we called him Bart, was a character. He bought the Diamond Bar Ranch which is the town of Diamond Bar now - I forgot the name of the people he got it from. It was all very friendly with the prior owners between the Ires Hermanos, the three men that owned the 2,600 acres, and when Bartholamu came along and he started to clean up his title and he found that the road that was some two and half miles through the Diamond Bar to the Ires Hermanos, over the hills was not shown on the maps and as far as he knew not dedicated in any way so he filed a suit against the owners of the Tracer Monas, which was the Scott Investment Company, and Chandis Securities Company which is Harry Chandler's end of it, on the ground that we were trespassing. And of course I immediately thought of the statute of limitations but they contended that there was a consent arrangement.

Talt: There was what kind of arrangement?

Smith: That we couldn't rely on the statute because the owners of the Diamond Bar had consented to us using the road, it was merely a friendly arrangement. Unless it was adverse we could not rely on the statute. Using it - it has to be an adverse use. Anyway he put on quite a case and at any rate it was that case and some other matters. Well W. B. Scott was one of the discoverers of the Brea oil fields, still operating. That's the foundation of the Scott fortune. I think that developed in the early 1920's, he was an oil man.

Talt: Who were you representing, Scott?

Smith: Yes, Scott, the Scott heirs, well then it was all three of them. The Chandis Securities and the two owners of the Scott family. They were in the Scott Investment Company so their title was Scott Investment Company and Chandis Securities Company.

Talt: And who was on the other side of the law suit?

Smith: Bartholamu, - Bart - he bought the Diamond Bar which later became the Town of Diamond Bar. Well they had this road that led across the hills to a valley south of Pomona and it was more or less a show place. When they built the road they didn't excavate they just made it kind of a stage coach road, it was about two miles long, and they had a stage coach and so they would come out to the Diamond Bar and pick them up and give them a stage coach ride which was part of the entertainment

and they had a big lodge up there. They couldn't house too many but they could have big barbecues, 100s of them at a time. Some would drive in and some would take the stage coach. At any rate Bart, as we called him, well quite a character. He was later stabbed to death by one of his girl friends, they had a place down at Newport, or Balboa, right near the channel and a big boat there and he was living there when he was killed. The story goes that he was trying to get too fresh with her and she let him have it. I guess that was why she was there, he figured that way anyway. It is quite a story by itself. So I defended Scott in that suit. I found that much to our surprise there had never been any arrangements made for the road leading up to the hills, about a four mile drive, about two miles here of road that take off and the next two miles was the road over the hill and those two miles were over the Diamond Bar. And he contended that we were using that merely by consent of the prior owner, at least there was implied consent because nothing had been said about it. Of course, you had the burden of showing that it was adverse. We tried the case and I lost it on the trial and I got a motion for new trial on the grounds that the road that was deeded that part of the Diamond Bar accross over the hills was meaningless unless you could use more road;: it didn't have any road that was of any value, what they called implied easement. We when back and had a re-hearing and we won it on that and there was an appeal taken, and we established that right of way. That was the only way that you could get in and out of the Ires Hermanos was over this Diamond Bar road, you could dig a tunnel, but it wasn't practical. In setting this up when we got the decree - the decree contained a right on our part to use the approach to the hills, so many feet wide. Later on when they divided up the Diamond Bar, subdivided it, we consented to taking that road off subject to a right to reinstate it if they didn't build a comparable road doing the same route, we had that road plus the agreement underneath it. Of course, now the road cuts clear across because they have cut across the hills and the City of Commerce, bought the whole 2,600 areas including the buildings and two dams. They had two small lakes there that were used for the cattle. What the City of Commerce is going to do with it - but the City of Commerce has considerable money and they put - well its a valuable piece of property and some day it will be subdivided like the Diamond Bar. That's the story on that.

Smith: Well - of course, during the war the taxes went up and tax people began, they became the big lawyers and we used to think about taxes after we made our deal and now we have to think about them first.

The Wigmore estate over here, I handled that in Pasadena, off - well the Wigmore Drive its one of the roads that crosses Orange Grove Boulevard - you probably know it. He had one of the big places there with several acres and a big house and his wife died during the war and he was busy back east so he appointed me administrator - Mr. Wigmore - so I administered that estate all during the war and then later and Mr. Wigmore, I think he built that place right after the WWI, because he was what they called a "war profiteer". In those days they kept their profits. Of course, you remember after WW II they had to negotiate their profits and he did that, but he did very well. So in WW II he went back in to the war business, related business, he did the same things. He ran an outfit that loaded artillery shells for the British and picked up the same contract he had during WWI. I first got acquainted with him in the depression. There was a polo club, over here near Alhambra. I can't think of the name now, he had a string of polo ponies and he kept them over there. He owned a place here and a place in Gates Mills, Ohio and a place on Long Island. I don't know how he kept them all up, but he was a pretty wealthy man until the depression struck and cleaned him out pretty much, but he still kept his places. I found in the handling of the administration that they had 90 barrels of dishes stored in the basement. They had a big U shaped basement and just one wing was used for the furnaces and such, the other was sealed off and I didn't know about it until the appraisers were out there and they had to look in there. We found 90 barrels of these beautiful dishes all bought in Europe after WWI in distress cases you know. Mrs. Wigmore shipped them out here and never opened them. It was part of the estate. The girl I have working for me, here - now, Cassy and her husband Doc Brooks were working there at that time. During the War, at Wigmore's house. I was the administrator so they were working for me and when I closed the estate I brought them over here. So they have been with us - oh I don't know, something like 50 years. Well the War started in 1941 and this is 1989, almost 50 years, a colored couple, just marvelous people. So anyway we had to subdivide that property at the end of the administration. I didn't have any part of that.

They kept the old house, it's still there. Most of these places were torn down and rebuilt, into condominiums, but that was all done in separate transactions.

Talt: Was that all on Wigmore Street?

Smith: Well the entrance now is, well you can go in on Wigmore, that's one way and the other one is over on the back street, not Orange Grove, I forget the name but there is a back street.

Talt: That must be pretty close to where the U. S. Federal Court House is now.

Smith: No, that's on the Arroyo, this place is just east of Orange Grove. I had a number of other cases for Wigmore, I was back in Cleveland at different times and New York at different times for him. He had real estate that he gave someone in Cleveland and he was one of the big, original developers in Cleveland. He built the Cleveland Opera House which is still there and other developments around Cleveland. I know when I was back there talking with real estate people they said they could remember him when they were kids. He lived to be some 94 years. I handled his legal matters as long as he was here. He went back to Cleveland before he died. I think he died pretty much broke because he was a great spender and the only place I ever saw a chair like the horn chair there - was at his place he had a ranch in Arizona - he had one of those.

Talt: That is interesting.

Smith: Now, lets see that was Wigmore, there were many real estate deals for him. I represented some eastern companies in liquidation of apartment chains out here marketing them and selling them out of Trusteeships back there. Back in Cleveland and Detroit. That was right following the depression.

Oh yes, I had this case for the Kaiser, Kaiser Iron Mines, that was right after the War.

Talt: Kaiser, one of Henry Kaiser's companies?

Smith: Yes, one of Henry Kaiser's companies, this would be about 1948. I represented the Security Title Insurance Company and they had written a three million dollar policy in favor of Kaiser Iron Mine property down in - I think it was the Salton

Sea, it would be either in San Diego County, I don't think so, - I think it was Imperial County, no I guess it was Riverside County. It was an iron deposit on which he built his mill up here - half way between here and San Bernardino.

Talt: Fontana - that one -

Smith: Fontana, the Fontana Steel Mill. He had to have iron ore to do that. He was - well he knew his way around in Washington so he got this loan to - I don't know where he got the money to get the steel mill - probably came out of his profit in the war. But he bought this big iron deposit and the Security Title Insurance insured the title. He bought it out of a partnership and I have forgotten the man's name. Then he had a developer - he was a wealthy man and had his partner, the mining man from New York state. I don't remember who he was. Anyway, they bought the mine from the Southern Pacific. Southern Pacific had it on its inventory and they had never done anything with it. It costs a lot of money to go in and develop one of those things and the deal was completed. Well the partner of the man that sold it to Kaiser brought a law suit to set it aside on the ground that he had not been consulted and never agreed to it, it wasn't enough - I think it was $7,000,000.00. Well actually in that market in those days it was worth much more, but it was a problem to prove that because it was an undeveloped mine. I was into it partly because it was with Security and their special cases, and also because I was in mining law. So I was associated with Kaiser's attorneys and defending that. Of course, that took the title back to the time that Southern Pacific acquired it- it was land grant from the Federal Government and title was good there.

Well this mills company developed a furnace for casting tungsten carbide. Tungsten Carbide is the hardest substance next to a diamond. It is almost as hard as a diamond and it has a tinsile strength that diamonds don't have. Diamonds chip, they are brittle, although they are hard and can it withstand pressure, a diamond does not withstand pressure - a diamond doesn't withstand pressure. Well the tungsten, from which tungston carbide is made was. Let me put it this way, there was until, up to that time, there was no way of putting tungsten into the form of tungsten carbide. The Germans a few years earlier had developed a small electric arc furnace under

which they produced tungsten carbide in little sticks. The product was more expensive than gold because of the cost of putting it out. At any rate this man, or these people, particularly this one man who was quite an inventor, Mills. He came up with an electric arc furnace which would take considerably larger quantities of tungsten at a time and would cast it into tungsten carbide. The carbon was the electrode. The carbon came out of the electrode and tungsten powder would be put in a carbon dish and the electrode dropped down on the dish under certain controls which is not too high and not too low and it could be purest at 5,000 degrees and manipulated into shapes. This was something new making for instance sandblast nozzels. They could make it into chips or particles and break it into partials. The principal use of it was - when it came out was to take the place of these expensive pieces of tungsten carbide coming from Germany. They had originally developed a bit, a Hughes rotary bit, for Hughes Oil Company that was the foundation of the Hughes fortune. Hughes Rotary Bit which was a very big new thing in oil well drilling because it ground as it turned and the bit revolved. It was a cluster of bits and they revolved when they hit hard surface. It would grind it instead of grating on it and twist it. So that was a big innovation. Then they added to that black diamonds and black diamonds had to be caulked in place, you couldn't touch them a torch.

Talt: They had to be what in place?

Smith: Caulked, if you touched them with a torch, you welded them in and the diamond was gone, just like that, cause it's carbon, just burns right out. Along comes these people with tungsten carbide and these pieces and they find out that they can weld this tungsten carbide will take the temperature of an electric arc welder, or an acgtelyn welder. They used the acgtelyn mostly on these things and they could drop these little pieces into the bit and they stayed caulked, they didn't come out. If you lost a diamond, you lost a lot of money. This chap could put this tungsten carbide out a tenth of what it cost to buy it in Germany. Well he applied for a patent, of course, on this and also he took the particles that he made and put them in a rod with some other materials and - well it was a tube, not a rod that he poured them in. That was a means of applying it. So he had a patent pending on the furnace and a patent pending on the tube. Now there was competition in the field,

of course. One thing was, of course, once this furnace could be - process could be - discovered it was not great expense relatively to build one of them, and operate it. Of course, what happened to him was that early in the game his furnace operators skipped and went somewhere else and these competing furnaces began to show up and also another company developed another aspect of the welding rod and that was competition. So he came to me as the only lawyer he knew and we got a hold of the patent lawyer, who was not a trial patent lawyer - his name was John Flam. His son is still practicing patent law around here. He was a very knowledgeable chap and he said I don't want to go to one of these - I want somebody I can trust, he said there is a big patent firm like Lyon & Lyon, still have them, but these were the originals, father and son. So would you take this, well today I wouldn't dare, even as a young man, because you get into a field you don't know anything about today you get suited. Of course in those days you could loose your case and unless it was a very bad loss you were not likely to have your client sue you. So these things did occur to us. Well I took the case and pending the issuance of the patent, because you couldn't sue without the patent being issued, we sent out notices to the various people that we could find that were infringing and we did get the patent out of the patent office so we had to file suit on the patent in the Federal Court and also we were sued by the competition in the rod aspect of it - the welding rod. They had already obtained a patent, so of course we defended on that. We had two Federal cases going and I, of course, had to learn a lot of metallurgy and a lot about tungsten and a lot about the patent laws and I dug into and when we got pretty well into it... This would be after the big firm broke up - I had it pending while I was with them, when I got well into it and I could see both sides of the case. The attorneys for our opponent in the main case who also gave notices on their rod and I, a chap by the name Fred Miller of Hazard and Miller, got together and we said these big firms, their not interested in us - they just don't want to be sued and they can afford to pay a dollar a bit.

Talt: They can afford to what?

Smith: To pay a dollar a bit, every time they face a bit with this material they could pay a dollar and this would be nothing. Here are thousands of bits going into the ground every day all over the

country and we can make a deal fine. Well between the attorneys we thought it was good. We went back to our clients, and their said leave us alone and we will take care of the settlement and you litigate. That was the end of the settlement. Well we were in court with this in various aspects for ten years.

Talt: One Federal Judge heard the whole thing?

Smith: Well, in the trials Judge James, who was then the Federal before whom this was pending, referred this out to a Master. The Master I will say would be better than a Judge because he gave us more time and he knew more about it. He had been in other patent litigation. This particular Master handled for Judge James, and others in the Federal Court, references on patent cases. Well of course, these were long trials and they went on through the trial phase and then you would have it referred to the Judge and then you would have that then it would be an appeal. Well, we won the one case on the patent case on the furnace and that was pending and there was some doubt about whether our patent was good. We lost the tube case, and that went up on appeal and we put up a bond and that was before the Circuit Court in San Francisco and Justice Wilbur was the presiding Judge and I went up there and talked to him and got a figure on the bond. We had to have a figure on the bond out of the appellant court and they held a meeting and the other side was called in so the amount of the bond was fixed. I'll tell you more about that later.

On the other case, we lost the case in the trial court because of defects in the patent, technical defects, but we had the right to go back and ask for an amended patent, that was recommend by the Court so that proceeding was referred back to the patent office. So that was pending. Eventually, we wound up by neither side getting anything, we lost out on the patent case (the furnace case) eventually. On the case in San Francisco I can remember well that we had a hearing before Justice Curtis D. Wilbur and two other Justices. Curtis D. Wilbur I knew something about, he had been a Justice on our State Supreme Court and I think he became a Supreme Court Justice in California and then he was called back as Secretary of the Navy. I also knew him personally because he taught a Bible class in First Congregational Church, and I was one of the members, and incidentally he spoke out loudly against the big navies. He later became

Secretary of the Navy, well he was presiding. I can remember I went out to lunch while I was up there with some client - to the Union League Club up on the hill next to the Fairmont, for lunch. The case was set for 2:00 P.M. so we sat there eating lunch and drinking martinis and I had forgotten the size of the martinis that they drank at this club. So when I got to get up I couldn't get out of the chair. I had this hearing at 2:00 P.M. and it was now well after 1:00 P.M. As Appellant I would have to make opening argument so I got myself together as best I could to go down there. And the case was called, and I was still very uncertain about myself and we answered ready and Justice Wilbur said just a moment Mr. Smith, I want to ask a question of the respondent. So he asked the question and this went on until adjournment time, and they were still trying to answer the question. Well by that time, of course, I was ahold of myself. He said Mr. Smith do you have any argument, I said no, not in view of the fact that this question has not been answered. And of course, that was the point of the case and we won that one. Well it didn't so us any good, of course, we were defendants, and by this time we had lost the opportunity of getting to the oil companies for royalties, and furnaces were all over the country making tungsten carbide. It was just impossible without millions of dollars and years of time to make anything out of it so all these patent cases came to nil, as they often do. But the project was in the field. In the meantime, my client had gotten into tungsten mining up in Nevada and I wowned up mining there later in his estate.

But coming back to the office in Los Angeles in the 1929, 30, 31 period. One of the problems was the bankruptcy law. When a company went bankrupt they either took bankruptcy and they were washed out completely or the didn't, they made a compromise with there creditors, that was one possibility, but you always have a hold out on a creditor and so the compromise was not usually workable. Since then we have of course, Chapter 11, and various \ in the ways these can be handled. You went into bankruptcy in those days, a Trustee was appointed, and that was it. You were wound up. Also, we had deficiencies notes secured by Trust Deeds. The foreclosure would not bring the amount of the note and so these were big deficiencies floating around, and a lot of responsible people were caught and also we had stock holders proportionate

liability. When a big judgement went against the company and it couldn't be paid, the second suit was filed against the stockholders for their share of the liability. So all of this business was going on and there was a whole community of lawyers who did nothing but that sort thing and then the other area, where I usually was, was attempting to prevent that and get people out of it if they got into it. The most effective way of avoiding these problems was what they called the Federal Equity Receivership, and up to that point it had been used primarily for railroads, railroad receiverships, in which a receiver was appointed and the company was operated a number of years and then turned back to the stockholders.

Talt: But this was an independent procedure from bankruptcy, is that right?

Smith: Right, you filed a case in the Court which was technically a case against somebody and then you - a defendant, and this has to be friendly - and then you get someone to petition the Court to appoint a receiver for the defendant on the ground that he is broke or he can't pay his bills and there is a matter pending in this proceeding to help you get your judgment but everybody needs to be brought in here. And so Trustees were appointed and this was all handled off the cuff, right in the Federal Court room. A lot of it was done in chambers. Here were Federal Judges sitting in these cases with Trustees but there had to be all these various orders made, sales, purchases, various types of operations and so on. So Federal Equity Receivership became the thing and there was one little book on it and that was all. Of course, you could go to the reported cases, but they were railroad cases, and this was our Bible.

Talt: And did they enjoin creditors from grabbing property or . . . ?

Smith: Yes, the Court would issue an injunction pending the determination of the case. Would find anyone that sued in contempt of Court. So it was effective, very cumbersome, but it offered a way out. There were also a limited type of state Equity Receiverships and this became the practices in some cases and here are State Judges handling the appointment of various Trustees and these, of course, became political appointments. People were in the market to get appointed, this kind of business, and this resulted in some of the Superior Court Judges getting into trouble. And in

that period we - the Los Angeles Bar Association initiated and conducted a recall of four Superior Court Judges and got them recalled on the ground of abuse in these receivership cases. They would take things like suits of clothes. Things, not money, but favors of various kinds. One fellow would say just go down and order a suit of clothes I'll pay the bill, I remember that one in particular. So that complicated matters too, this abuse. Some of the Federal Equity Receivers were good and others weren't. Well the result was, of course, that we used these in failing savings and loan associations. Either that or you had to merge and sometimes the mergers were not too good. I participated in a merger of the Fidelity Savings and Loan Association with the then largest one in this state. This was the second largest, Pacific States Savings and Loan. I took back some cash and certificates they issued for the future, if they could work it out there was litigation for all that, which I didn't participate in.

In the case of one of the savings and loans, United States Savings and Loan, they called it the U. S. Savings and Loan. Elvon Musick was there attorney, I think your familiar with Musick, the Musick firm.

Talt: Yes,

Smith: But not all of our readers may be, well Elvon Musick was one of the members of the this firm that I mentioned. He was personal attorney for Frank Vanderlip and General Sherman and some of these big interests which led to him having participated in some of these cases. In some cases he associates me with him. In this one I participated in the reorganization of the U. S. Savings and Loan. I can remember quite well that one of the first things that happened when we were called in was we had to order an audit cause we couldn't move until we got some kind of a report on how things were. Pending that, the Board of Directors wanted to go back over the minutes and see how they were involved. You are probably familiar with the Story building in Los Angeles on the corner of Spring. Well Colonel Storey was the owner of the building and he was quite a financial figure around town at the time. He was also State Adjutant General so he was a military man as well and he had a good military vocabulary. I sat with these directors over several sittings and we would go back over the minutes and we would read them or

somebody would read them. And Colonel Storey would come out with military oath and say "My God how in the world did we ever do that", and then that didn't come to anything because we never got into where the directors were being sued. I can remember sitting in back of the counters in the main office of the loan association and just had gotten a report that we were insolvent, but that our cash position was not too bad. People were coming in and making deposits and Colonel Storey turned to me and said we have got to close this place up quickly. He said we could go to jail, we are sitting here knowing that we are broke watching them bring the money in. Well, it worked out, a financial so called wizard that went broke in Hollywood had a large block of the U. S. Savings and Loan stock and he was on the Board. Beesmeyer and his outfit was already in receivership so when we went into it we thought Beesmeyer will have this one too. But for some reason he never touched it. In the Hollywood Savings and Loan he had gone into oil wells, and incidentally they paid off later, it was very bad at the time.

Talt: That was C. E. Toberman, Hollywood Savings and Loan?

Smith: No, Beesmeyer was his name, and not the man in the theater business, this was another Beesmeyer. He wasn't in it and over a period of years, I didn't stay in until the end of it, but it was all working out when I stepped out. It paid back all it owed and all the stockholders, and we didn't take it out of receivership. The Hollywood Savings and Loan went into receivership and eventually became the Sunset Oil Company with the depositors as stockholders and it paid out. They operated and the stock became of value to these people and in effect got their money back. You just never knew, most of them went broke.

Now in the case of the eastern company, the one company - they were sued in a number of cases to set aside the loans on the grounds that they weren't qualified to make a loan in this state so they had to void the note. We must have had a half a dozen of those cases up and down the state. I represented them in that and I also represented the Security Title Company because they were on the title. That is they insured the loan and we won all of them. It took some doing because I had to bring most of the corporate records out here and he had the local records and I had our own

stack of the stuff and every time we got a suit I would have to go back into that particular loan, but I became so familiar with those records that I could move them about in the case. There wasn't a one of them in which the Plaintiff recovered judgment and some I got them dismissed before they went to trial.

Talt: Were these State Court or Federal Court?

Smith: These were all State Court cases, we had two or three of them here. So, I'm just giving this because I think it is a sample of what was going on in the depression. The one or two banks we represented failed, that is they weren't reopened when the bank closing came. The Temple, Temple the city of was turned over to the bond holders, at one time I was foreclosing sixty mortgages all at one time in the town of Temple.

Talt: In which town, or city?

Smith: Temple City, and later on, of course, these properties all developed. It was just not its time, that's all. There were various other experiences like that involving companies that someone developed later some didn't. I can't think of them now. I can remember that I had to liquidate two brokerage accounts, the brokers said that they wanted out and they were afraid to liquidate it themselves and would I take charge on behalf of my clients.

Talt: These are stock brokers you were talking about?

Smith: Yes, they wanted to just turn it over on the market just like that - well they said either that or you hold it until you see what you can do. Now this was rather early, because the brokerage houses went first on account of the stock market. So here I was, about three or four years of law practice, this was 1929, 1930, I started practice in 1924, well six years. I had had nothing like this so I would hold off and hope for better market quotes, and each time I would take a look at it instead of up it was down. This went on for several months. Finally I decided, well, we have to make the move, and I did, and we took the money and put it back into stocks like U.S. Steel. I got a good advisor, A. M. Clifford, one of the original investment counselors, advisors, they didn't have to have a license in those days, they just called themselves investment counselors.

Talt: What was the name - ?

Smith: A. M. Clifford and Associates - it's still in existence and he was good. I had him in several other cases like it at the time. He put us back into Union Carbide, U. S. Steel and a diversified list, Sears Roebuck, and all of them came back in just two or three years. They all came back, this would be 1930 - oh by 1937 these accounts had come back to their original value without exception. They went on for better since he put them in good common stocks and of course, in the early 1940's and 1950's split, split and split in the market went up, up, and up and these people that held on made money.

Well then, I got into condemnation actions, Fort Moore Hill, Bunker Hill, Edwards Air Force Base and I was in one of the case, became one of the leading cases, City vs. Cole. Involved the use of sales to State and local governments, Federal governments, as examples for a basis of your appraisal, of course the whole system has changed since. The Edwards Air Force Base cases were in the Federal Court the other cases in State Court. The practice was different. The State practice now is about the same as the Federal practice was then. We had no discovery in either Court and discovery, of course, is now the backbone of condemnation cases. You know before you go into Court what your values are and unless there is a wide discrepancy you don't litigate.

The firm broke up in 1932, went three ways, as I remember it, because the personal fortunes of well, George went broke, he had guaranteed bond issues on Temple City and some other developments and of course when they turned over to the bond holders he was on these guarantees and he couldn't meet them. He had some property that he had put in the Trust for his wife and so I was able to help save that. Elvon Musick was not personally attached very much to Chris Hartkey, the trial lawyer, so he went his way. But Woodruff, although he was broke, and myself and Clyde Burr who was in the offices formed a firm of Musick, Burr and Smith. And it was the understanding that we would handle the accounts that Woodruff had, but he would not participate, he would just leave his name there. He didn't have to go into bankruptcy, I saved some insurance he had and Burr and I became the firm and we had about five lawyers, starting in 1932. That's the way we kept it. And much of this which I had or was

handling in the old firm came with me and Burr had accounts and any way - Burr was from an old family in California - part of the original settlers of, not San Gabriel, the next town

Talt: Covina, Alhambra,

Smith: No,

Talt: Temple City?

Smith: You just travel east from Pasadena -

Talt: Azusa,

Smith: No not that far.

Talt: Rosemead?

Smith: No, its this side of Arcadia - well you go through Arcadia, what's the next town?

Monrovia-
Anyway, his wife was a Childs, Ozro W. Childs was one of the early developers, of the City of Los Angeles, you probably heard of him. He brought many things to Los Angeles, besides real estate development, he was a horticulturist by - his brother was a horticulturist so they brought in plants and trees and developed them here and later they became orchards. He died in 1890 and he left his widow, and I think it was five children, his oldest, Ozro and there was Dewight, three daughters and then another son. When he died in 1890 he was the wealthest man in the City. Of course, there was no money in those days. I think his estate amounted to some $5,000,000.00, which was, well you can imagine today what that would be. He had $50,000.00 in cash. I have gone through he estate a number of different times for different reasons. He left no Will - so his widow got one-half, it was all community, and his heirs got the other half. How to divide all of this - the Court had to appoint a special referee to apportion the different shares, to develop the shares out of all these different holdings which was done. The attorney for the estate was Stephen Alan White whose statute now stands at the Courthouse of did. He became Senator White in the early day of Los Angeles. The fortunes of these various heirs varied. Someone got them to put a lot of their money in what they called the Childs Estate Company. This was the holder of the real estate, I guess that was the way it was done, and then stock was issued

for the various shares. That was run that way for some time. They had a surplus and when ever anybody needed money he would go turn in his stock for some cash. So shares changed from what they were in the beginning but he died in 1890, and when I got into the picture in 1932, there was still large holdings around consisting of pieces of real estate in Los Angeles and various holdings in other areas.

Talt: Are your talking about Carson City, Nevada - ?

Smith: No Carson City in California. There was also some lands which later became oil lands, produced oil. When I first got into into it Willie, his son, came into have his Will drawn, about 1934, and I helped draw it. He set up a trust for his widow and his daughter, which they later contested and was tried - I tried that case and it went up on appeal. It involved a technical question in validity of the trust - went to the Supreme Court. Citizens Bank was the Trustee. Later they didn't want to pay our fee, we had to sue for our fee. We got it. The trust was upheld, Willie was a spender and he was quite a man about town. The family, before the elder Osgrove died, planned the Childs Opera Company, which is now an old theater building at the corner of Sixth and Main. That was the only opera house in the City. It wasn't very large. Willie would sometimes show up in the family box with some gal off the street so it bothered the family considerably. But his mother was very fond of him and she would always dish out money, if she could get it, to stop that Frank Gross, who was an in-law, married one of the granddaughters, a sister of Alice Hicks Burr, got the old lady to put her Farmers and Merchants bank stock in this trust, she was the second largest holder of the old Farmers and Merchants Bank stock. The trust was not revocable, but she kept the income. Later in 1934, one of our first sizable cases was the estate of Eveline Childs, she was the senior, there was another one -

Talt: What year was this?

Smith: This was 1934, she died, Frank Gross was the Trustee of the trust and we handled the estate. Well, I don't know what amount it was in those days, but it was comprised almost entirely of her Farmers & Merchants Bank stock in the and this bank stock, which was a large holding. The bank of

course - the Bank stock was in a trust - but she retained the income so we had a law suit over the proposition that since the income was retained it was all taxable in her estate. Under the law, as it then stood, under the statute and the Supreme Court cases she had divested her self of the title. The actual beneficial ownership was disregarded. I remember taking it up with one of the leading tax counsel, because it was a little out of my realm, and he said no way that will ever change. Inside four or five years it had changed and the law was interpreted the beneficial ownership no matter how light, how slight.

Talt: This is for tax purposes - but in those days?

Smith: In those days we took the case to Court and won it.

Talt: This was in what - U. S. District?

Smith: The District Court about 1936, 1937 -

Talt: Even though the trust was revocable, the trust was not included in the grantors estate?

Smith: That's the way the law stood at the time the trust was drawn and the time she died.

Talt: What Judge heard that, do you remember?

Smith: I have forgotten the Judge that heard it, but of course, by the time I got there the revenue practically gave up and we had paid - they had demanded immediate payment of the tax - and so we had paid the tax and included that in our suit in the Federal Court. And they wouldn't pay the interest that because they said we knew we were going to win it anyway. There was a rule then that you couldn't recover interest on your deficiency payment unless you had a ground for paying the tax. I don't know if I thought of that or not, its technical. At any rate they had to back down on that one,and before the case was finished they agreed to include that in the judgment in our favor.

Well a number of cases grew out of this Childs relationship that Burr and I handled later. We handled practically all of the legal matters for the various branches of this family. Several estates, oil leases, sales of real estate, leases, ordinary leases, taxes, they would come in one after the other so I became very well acquainted

with most of the various members of the family and so when the last grandchild died here, two or three years ago, the daughter, Alice Hicks Burr, I was one of the two, three Executors. Her estate amounted to something like $10,000,000 - $12,000,000 and we just concluded. As a matter of fact, we still have a reserve in the account. Pending that we had an oil lease development in Whittier - their holding there was some 150 acres and we leased it to a large Dutch oil company. And they were out for deep wells and they drilled them deep, but no results and they gave up. And on the strength of the records that I was able to get from them showing the - well we got another Lessee, or the lease was assigned to another party who took it on and they went into for drilling shallow oil wells in 1973, when the price was up and they got good production. So in ten years since the discovery about $3,000,000.00 - had been paid in oil royalties and it looks like it will go on for a good many years at a reduced royalty. I am still handling that account we put it into a voluntary group, which is not a trust, but its all handled in one place and we also have a fee title there. Someday we will sell it.

Now going back to the Mills Alloys and the mining. The mining operation continued for a number of years -

Well I think I'm getting a little hoarse.