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CITY OFFICIALS

NAME Hayes, Benjamin Ignatius (deceased August 4,
PUBLIC OFFICES HELD (DATE) 1877)

CITY:

City Attorney July 1, 1850 - May 7, 1851

COUNTY:

Attorney April 1, 1850 - Sept. 1851

STATE

Judge, First Judicial District Jan. 1, 1858 -
Jan. 1, 1864

FEDERAL:

CIVIC ACTIVITIES:

BUSINESS OR PROFESSIONAL EXPERIENCE:

Lawyer
Judge and jurist
Author and editor

PORTRAIT:

ATTACHED OR ENCLOSED IN ENVELOPE: none

PORTRAITS APPEARING ELSEWHERE (DATES)

ANECDOTES AND PERSONAL IMPRESSIONS:

A warm climate for his delicate wife's health, rather than gold; was the cause of Benjamin Hayes joining the '49ers in their westward trek.

A couple of months after arriving in Los Angeles he wrote to his wife: "The genial sun of summer here will make you well again. If it does not we will seek another climate, in Chile or Mexico."

Mrs. Hayes left Missouri late in 1851 for California. Unable to withstand the hardships of covered wagon travel she came by packet to New Orleans, thence by steamer to Panama, which she crossed in a side-saddle on a mule, then by steamer to San Diego.

The Hayes set up housekeeping in a two-room adobe with dirt floors, a corner fireplace for cooking, and the inevitable leaky 'dobe roof. It was the second house south of the Plaza, opposite the Pico House, on what is now North Main street, and was one of the few available structures in the pueblo.

After her early death Judge Hayes lived at the old Lafayette Hotel, which stood on the same site of the little adobe home. The judge made his home there with his little son for many years, and eventually returned there to die.

Two of Judge Hayes's sisters also emigrated to Los Angeles. They were: Helena, the wife of Benjamin S. Eaton and the mother of Fred Eaton, one of the city mayors; and Louisa, the first public school teacher, who afterward married Dr. John S. Griffin, a prominent pioneer and physician.

SOURCES OF INFORMATION:

BOOKS:

See other page

NEWSPAPERS AND PERIODICALS:

PERSONAL INTERVIEW: none

INTERVIEWED BY:

DATE OF INTERVIEW

Written by: Clare Wallace
October 4, 1938

The Los Angeles Public Library
Local History Collection
Biography

NAME Hayes, Benjamin Ignatius (deceased August 4, 1877)

Occupation Jurist

Address _____

Birth (Date and Place) February 14, 1815
Baltimore, Maryland

FATHER _____

Birth (Date and Place) _____

If Deceased, When _____

MOTHER _____

Birth (Date and Place) _____

If Deceased, When _____

IF MARRIED, TO WHOM 1st, Emily Martha Chauncey
2nd, Adeleida Serrano

Birth of Same (Date and Place) 1st, 1821 Harford County, Md.
2nd, California

If Deceased, When 1st, September 12, 1857, Los Angeles, Calif.

When Married 1st, November 15, 1848, St. Louis, Mo.
2nd, August 2, 1866, Old San Diego, Calif.

CHILDREN (Married Names of Daughters) _____

John Chauncey (by first wife)

Mary Adeleida (deceased)

TITLES OF BOOKS, ARTICLES, MUSIC, OR OTHER CREATIVE WORK

(In the case of printed matter, please give date and publisher; of periodical publications also name of magazine and date.)

Author of: PIONEER NOTES

Chapter 11, Los Angeles County from
1847 to 1867, of AN HISTORICAL SKETCH
OF LOS ANGELES COUNTY, 1876

Also of numerous diaries, and scrapbooks

REVIEWS, CRITICISMS, AND OTHER BIOGRAPHICAL NOTICES

(Please note printed matter concerning yourself or your work. We would appreciate any such material you may send, clippings, reviews, portrait.)

Warner, Hayes and Widney, An Historical Sketch
of Los Angeles County

Hayes, Pioneer Notes

Newmark, Sixty Years in Southern California

McGroarty, History of Los Angeles County, vol 1

McGroarty, Los Angeles from the Mountains to the
Sea, vol 1

Hopkins, History of San Diego

Workman, City That Grew

Williard, History of Los Angeles City

Spalding, History and Reminiscences of Los Ange-
les City and County, vol 1

Wilson, History of Los Angeles County

SKETCH

(Please make this as full as possible, giving business affiliations, positions of honor or trust with dates if possible.)

Benjamin Hayes was born in Baltimore, Maryland, and educated at St. Mary's College in the same place. Shortly after graduation he went to Missouri and practiced law in Liberty during the early forties.

September 10, 1849 he set out from Independence, Missouri, for California, riding one mule and leading another packed with supplies for the trip. Enroute he joined a wagon train of overland emigrants, who following the southern or Mormon route, reached the end of the emigrant trail at the Mormon settlement near San Bernardino, California, in January, 1850.

This was the first attempt to bring wagons across the country. It marked the beginning of the tide of migration westward, as men could bring their families and possessions with them. Only a very small percentage of these early emigrants remained in the Southland. Practically all of them were headed for El Dorado (the mines).

Leaving the main party to recuperate from their exhaustive ordeal at the Mormon settlement Mr. Hayes made his way to Warner's Ranch and then to Mission San Gabriel. At the latter place there was an encampment of emigrants resting and grazing their stock preparatory to taking the trail northward.

Early in the morning of the third of February Mr. Hayes rode his mule into the pueblo of Los Angeles and tied it in a corridor in front of the collection of adobe huts, afterward called the Bella Union Hotel, and set out to look over the town. At sunset he returned to San Gabriel, sold his mules and decided to stop off in the pueblo.

A month after his arrival he formed a partnership with Jonathan R. Scott which lasted about a year. Being a man of broad education and public spirited, Mr. Hayes participated, without question, in all civic matters in that early transitional period. He became a member of the Rangers, that body of volunteer police composed of outstanding pioneers, and in 1855 was one of the originators of the plan

continued

to bring the Sisters of Charity here to establish a hospital, schools, etc.

He courageously administered justice in the violent, lawless Fifties when mob rule so frequently took matters into its own control. While he was county attorney in 1851 an attempt was made to kill him by a disgruntled litigant. While standing in his doorway the judge was fired at by a man within three feet of him on horseback, the ball passing through his hat and harmlessly plowing through the floor of his office.

In the first county election held April 1, 1850, he was elected County Attorney, a prosecuting office then provided by law. When the city held its first election in July he was elected City Attorney, serving concurrently in both offices. He was also elected first judge of the district court of the first judicial district of Southern California at the election held in 1852.

The first district court then included Los Angeles, San Diego, and San Bernardino counties, practically all of Southern California. There were no railroads then, of course, and no public buildings. The judge journeyed over his district on horseback and later by carriage and the little steamer, "Senator". Court he convened in whatever available structure there was.

In Los Angeles, in 1859, court was held in a dingy unhealthy old adobe standing at Franklin and Spring streets. When it rained water came through the roof in streams onto the judge's head, his desk and papers, and spattered against the walls, making an umbrella a necessary adjunct of court attendance.

It was Judge Hayes's task to administer justice in the difficult days following the collapse of the Mexican system of jurisprudence and the inauguration of the American one. He was obliged to hold court in both Spanish and English. In his diary he tells of being able to transcribe documents into Spanish and to read Spanish compe-

tently, but admits he never acquired fluency in speaking it. Another judicial problem was that of the law library, there being so few books in the pueblo owing to the difficulties of transportation.

When the United States Circuit Court for the Southern District was established in 1854, Judge Hayes's name was forwarded by a group of prominent men in the state to Washington, for consideration by the President, but he did not receive the appointment.

He was however, reelected to the District Court for another five years in 1857.

In his ten years on the district bench litigation was heavy and important, and as it has transpired, history-making. Many of Judge Hayes's decisions have stood the test of time and are references before the bar today. He is considered by posterity to have been a learned man, with a brilliant legal mind.

Owing to his habit of keeping diaries, notes, and scrapbooks, on everything of possible interest, the Bancroft Library is in possession of encyclopaedic information about Southern California.

After leaving the bench Judge Hayes spent a great deal of time in Southern California where he had many good friends. He eventually returned to Los Angeles where he died August 4, 1877.
