

STATE OF CALIFORNIA
LEGAL DEPARTMENT

San Francisco, September 13, 1941

1000
Honorable Ed Fletcher
Senator, Fortieth District
1201 Ninth Avenue
San Diego, California

My dear Senator:

In your letter of August 4, 1941, you exercise your senatorial prerogative to pose a question of priorities which has recently arisen among your progeny. You state, with justifiable patriarchal pride, that you properly and in good order have accounted for some nineteen grandchildren but that intense rivalry has existed among your children as to which one would have the pleasure of presenting you with Grandchild No. 20.

Ordinarily the inexorable natural course of events would settle this matter. However, you state that on July 30th you received a telegram from your daughter-in-law and son Eugene announcing that a grandson, Eugene Fletcher, Jr., had been born in Tacoma, Washington, at 10:40 A.M. of that day, while on the same date you received a telegram stating that your daughter Virginia, in Boston, Massachusetts, had presented you with a granddaughter, Susan Grace Hawk, at 11:59 A.M. of that day. In this birthdaze you ask my opinion as to which child is entitled to the title of Grandchild No. 20.

A question on such an important obstetrical matter merits my rendering an opinion which reaches at least three different conclusions.

Considering the question from a philosophical viewpoint, you must realize that to your son and daughter-in-law in Tacoma it was just as realistically 10:40 A.M. in Tacoma as if they were in Boston or in Budapest, and upon the basis of intrinsic effort it would appear that the Tacoma team should be credited with Grandchild No. 20.

However, as the lawyers in your family can tell you, there is a rule of law to the effect that in computing time, fractions of a day are not taken into consideration.

Kelly vs. State Personnel Board,
31 Cal. App. (2d) 443, 88 Pac.
(2d) 264 (1939)

Also, in the matter of giving you telegraphic notice of your increase, the law would disregard fractions of a day.

Gray vs. Maier & Zobelein Brewery,
2 Cal. App. 653, 84 Pac. 280 (1906)

Applying this principle, it appears that you became the grandfather of two grandchildren simultaneously on July 30, 1941. You therefore, among those practicing monogamy, probably represent one of the few cases in history of a twin grandfather of grandchildren born of different parents on opposite sides of a continent.

But in your letter you point out that Eastern

Standard Time, Daylight Saving Time and Pacific Coast Time are to be considered. This would mean that when it was 11:59 A.M. in Boston, it was 7:59 A.M. in Tacoma and, as we say these days, Eugene Fletcher, Jr., was still "on order". Conversely, when it was 10:40 A.M. in Tacoma, it was 2:40 P.M. in Boston. (Budapest please stand by for further checking.) Hence if the terms of the contest were F.O.B. Boston and did not call for delivery C.I.F. San Diego, it would appear that the contract had been completed in the East some two hours forty-one minutes prior to the grand sun rising in the West.

But if you think you now have a problem, let me warn you not to permit any of your children to cross the international date line where you jump right from tomorrow into yesterday. When it's today here, it's tomorrow in Shanghai. Thus your production schedules would be in a mess. As an example of what might happen, take the experience of a friend of mine who, after traveling for some time in China, had booked passage on the Clipper for America. Before leaving, he cabled his wife something like this:

"HAVE LEFT SHANGHAI IN A FEW MINUTES
STOP WILL ARRIVE HOME A WHILE AGO
STOP PLEASE GET TICKETS FOR THE OPERA
YESTERDAY LOVE"

Well, the little woman, after rapid consultation with a

C.P.A., drafted the following reply:

"CABLE WAS DELIVERED ANY MINUTE NOW
STOP I ALREADY ATTENDED THE OPERA
TOMORROW SO HAVE RESERVED SEATS FOR
THE BALLET WHICH IS GOING TO CLOSE
LAST NIGHT"

By this time it was too late to do anything, so my friend got off a quick message to his wife reading:

"YOUR CABLE RECEIVED STOP IF I GET
THERE BEFORE I ARRIVE PLEASE DETAIN
ME TILL I SHOW UP LOVE"

Probably your grandchild in Tacoma will never quite understand why, although he was born at 10:40 A.M. on July 30th, he is younger than his cousin who was born at 11:59 A.M. on the same day. We join with the Pirate King in the "Pirates of Penzance" who sings:

"We've quips and quibbles heard in
flocks
But none to beat this most ingenious
paradox."

It seems unfortunate that in such an important matter as primogeniture some of your grandchildren should be, like poor indentured Frederick, the victims of an unfriendly allocation of time. Therefore, as both parties have appealed, in fairness to all, the judgments herein will be overruled and new trials granted in each instance in order that additional evidence may be taken. For, as

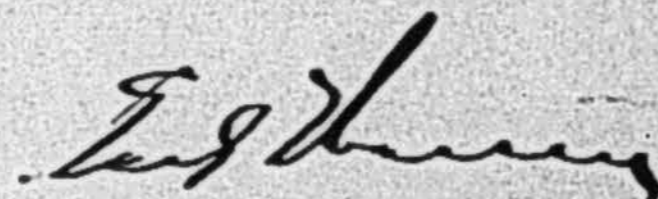
the California Supreme Court said in one of its first
judicial utterances,

Craig vs. Godfroy,
1 Cal. 415, 54 Am.
Dec. 299 (1851)

"Where the rights of the parties are
concerned, a day will not be consid-
ered a unit, but inquiry may be made
as to the very point of time when an
act was done."

To offset the time advantage of those operating
in the East, particularly when they employ daylight saving
time, may it not be advisable to set up some plan for the
filing of notice with you of the start of production--what
we in the law call a lis pendens? Thus, in applying this
information on a nunc pro tunc basis, you may be able to
equalize the time situation so that teams competing on the
Pacific Coast will be operating under conditions similar to
those in the East in the contest to achieve further glory
for the House of Fletcher.

Very truly yours,



Attorney General

EW:H

C O P Y-

August 15, 1945.

The Honorable Earl Warren,
Governor of California
State Capitol
Sacramento, California.

My dear Governor:

A grave water shortage and emergency exists in the Fallbrook
section. You are familiar with our section with its splendid
soil and Climate. Today we have approximately 1800 acres
planted to Avocados and Cirtus. We have a total of 5000 acres
within the boundaries of the District with a possible 5000 to
7000 additional acres continuous to the boundaries of the dist-
rict which can some time be incorporated within the district.

Five years ago we had in this section approximately 2500 popu-
lation. The government has established an ammunition depot and
other activities adjacent to the town and today our population
is approximately 4500. Even our domestic water supply has been
influenced.

Our only sources of water supply have been local wells which
have proven entirely inadequate with the result that we are now
pumping approximately 2500 acre feet of water per annum, with
over a 600 foot lift from the San Luis Rey River and still we
are desperately short off water.

We have reached the limitation of water supply heretofore grant-
ed to us by the State from the San Luis River Valley--this is the
most expensive water in the county but we had to have it.

Water from the Santa Margarita River near Temecula, about eight
miles away will flow by gravity all over the Fallbrook section.
The Government has recently acquired the Santa Margarita ranch
and own practically all the riparian rights from Temecula to the
ocean.

We need expert advice immediately, looking to the future both
for a permanent domestic and irrigation water supply. We under-
stand the State of California has been cooperating from one end
of the State to the other on a matching basis, checking up on
plans and specifications and estimates of costs of water supply
in many sections of the State. San Diego City is now enjoying
that same privilege on matching basis. It is determining its
permanent water supply and future program with estimates of cost
by the State engineer.

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Honorable Earl Warren--

We have spent \$109,000 in the development of our present plant with \$135,000 more being recently voted for future development of our system in the San Luis Rey River. We are now bonded to capacity and will have to encourage State and Federal assistance.

We feel a perpetual pumping lift, from the Santa Margarita and San Luis Rey Rivers is an economic crime, when we can get water gravity from the Santa Margarita River.

The Army Engineers are now completing a study of the Santa Margarita river flood control and water supply. We understand the State can have access to this information and there is splendid cooperation between the State and the Army Engineers--but the State can be of invaluable assistance to us now in making these investigations and helping us to determine whether or not water can be had from the Santa Margarita River, how much for the Fallbrook District, and on what basis, together with the estimates of cost.

Checking up by the State Engineer's office on these sources of supply will not be expensive and we estimate the cost to the State to be approximately \$5,000.00 to give us the desired information as a basis of making our plans for permanent supply.

If we cannot get water from the Santa Margarita River we will have to have an additional supply from the San Luis Rey River at an extremely high cost.

With the above facts before you er ask your favorable consideration to appropriate \$2500 from any State Fund available, to be matched by \$2500 by us to make this study and at the earliest possible time. We will be grateful for your favorable consideration to this request.

Very sincerely yours,

FALLBROOK PUBLIC UTILITY DISTRICT



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EARL WARREN

SACRAMENTO, CALIFORNIA

July 19, 1948

Honorable Ed Fletcher
1020 - 9th Avenue
San Diego 1, California

Dear Senator:

Thank you very much for your
congratulatory letter of June 30.

Your confidence and good will
through the years have been very helpful.

Regards to all the Fletchers
from Nina and me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Earl Warren".

Governor

EW:ko

*Fallbrook
District*



EARL WARREN

SACRAMENTO, CALIFORNIA

January 2, 1951

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Honorable Ed Fletcher
1020 Ninth Avenue
San Diego 1, California

Dear Senator:

I have just received from Preston Hotchkis the list of those who helped him so materially during the recent campaign, and I want to tell you how much I appreciate your generosity.

The fact that our majority passed the million mark, and that we carried every county in the State, is profoundly gratifying. Such an outstanding victory could only have been possible through the support of friends like you.

With best wishes for a Happy New Year to you and Mary, I am

Sincerely,

Governor

EW:mb

original in
sculpt



Supreme Court of the United States

Washington D. C.

December 15, 1953

**CHAMBERS OF
THE CHIEF JUSTICE**

Dear Friends:

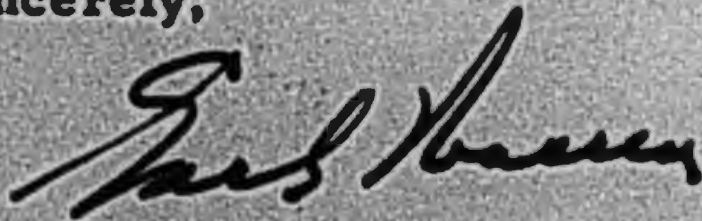
I hope that you will forgive me for delaying so long in thanking you for the beautiful "Bird of Paradise" which I enjoyed so much.

Becoming oriented to my new duties is quite a task, and I have had but few moments to devote to my personal correspondence.

Nina hadn't arrived in Washington when the flowers were delivered, so I enjoyed them in the office. They brightened up the place for several days and, of course, their presence made California and my good friends out there seem just a little closer.

With our very best wishes for a happy holiday season,

Sincerely,



Mr. and Mrs. Ed Fletcher,
1020 Ninth Avenue,
San Diego 1, California.

*The other justices enjoyed them
also.*

UCSD Library
Mandeville Department of Special Collections

RECORD OF MATERIALS REMOVED FROM THIS FILE

The materials described below have been removed from this file
and placed in a different file in this collection.

Collection # MSS 81

Box 32

Folder 24

Description of
materials: ORIGINALS OF:

① LEGAL OPINION OF WARREN AS TO ORDER
OF FLETCHER; GRANDCHILDREN

② 2 OTHER LETTERS; WARREN TO FLETCHER

Removed to: MSS RESTRICTED FILE

Processor: C. McCURKAN Date of Removal: 3 JAN 91

Ed Fletcher Papers

1870-1955

MSS.81

Box: 32 Folder: 24

General Correspondence - Warren, Earl



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