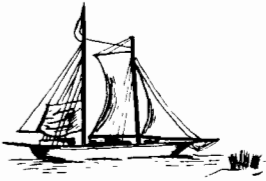


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MINUTE BOOK A - COURT OF SESSIONS (Civil) SAN JOAQUIN COUNTY - CALIFORNIA - 1850-52

Annotations by Robert Bonta

(Continued from the January-March 1979 Issue)

Tuesday morning 8th October A D 1850

Court met pursuant to adjournment.

Present: Hon. Benj. Williams, County Judge
R. P. Ashe, Sheriff
A. C. Bradford, Clerk

- 73 It is ordered that the resignation of H. Amyx, as Associate Justice of the Court of Sessions, be accepted and entered in the minutes of the Court.

Hairston Amyx was a colorful Stockton pioneer - to say the least. As a lawyer he was involved in many of the early law suits in San Joaquin County - even while serving on the Court of Sessions as an associate judge. Having a law background, he ran for justice of the peace in township 1 (Stockton area) and was elected on May 13, 1850. This made him eligible for service on the Court of Sessions.

But there was another side to Hairston Amyx - one which left much to be desired, especially in a lawyer and judge. He was an opportunist and evidently rather unscrupulous in his business and legal relations with others. Tinkham painted a very poor picture of the man, and described him as a "tall, high-cheek-boned attorney" who always carried a six cylinder revolver with him.

His resignation from the Court of Sessions in October, 1850, is not surprising in view of his somewhat unorthodox behavior. In the first place, he attended only two sessions of the Court when it sat as a legislative body (on August 23 and 24); he also carried on his private practice in a manner which would be considered a serious "conflict of interest" on his part today.

His first brush with the law came soon after his election to the court, and began, of all things in the "wild west," with the stealing of a single piece of pie. Part of the problem, no doubt, was that the person who did the stealing happened to be a black man. This made it a rather serious offense, it

seems, and following his arrest he was taken before Amyx as the local Justice of the Peace; he in turn bound the accused over to the Court of Sessions. Bail was fixed at \$500, and another black citizen put up security and \$100 in cash to secure the friend's release. The accused "skipped town," and the good samaritan put up another \$50 to clear his obligation to come up with the other \$400 of the bail, Amyx used his influence to have his Court dismiss the case on the grounds of insufficient evidence, and then pocketed the \$150 himself.

Sometime later, the facts of the case became known to attorney D. W. Perley (of the firm of Terry and Perley) and he brought charges against Amyx. The STOCKTON TIMES of December 14, 1850, put it succinctly:

Important Trial. - An important trial will come off today - The people of the State of California on relation of D. W. Perley, v. Hairston Amyx, Esq. The charges are - Fraud, taking illegal fees of office, extortion, bribery and corruption, and violating his oath of office as judge of [the] Court of Sessions. We understand that two of the most able lawyers of San Francisco have been engaged to defend the suit.

Despite his high-powered lawyers Amyx was speedily declared guilty of the charges by a jury of his peers - although the verdict was overturned by the state supreme court upon appeal.

At least twice more Amyx ended up in the District Court, on October 9, 1851, in Paige and Webster (lumber merchants) vs. Amyx, and again on the next day, in D. Y. Bailey vs. Amyx (on an unspecified charge). In the former the jury could not reach an agreement and the case was dismissed; in the latter Amyx was found guilty and was obliged to pay the plaintiff \$566 with interest and costs added.

On May 17, 1851, our subject appeared before a

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Justice of the Peace in Stockton on a charge of firing a pistol in a public street, and was fined \$10.00.

Not long after the Court of Sessions had begun to function (in June, 1850) Amyx lay claim to a part of the southwest portion of the Courthouse Square where the present county courthouse is located in downtown Stockton. At that time the county was still negotiating with Captain Weber for title to the entire block, and basing his claim on his refusal to recognize Weber's legal right to his grant Amyx proceeded to dig postholes and erect a fence around it. This despite the fact that he was serving as a justice of the peace in the Stockton Township, and was a member of the county Court of Sessions! Legal title not having yet been passed by deed to the County, the suit had to be initiated by Captain Weber. Terry and Perley were employed by Weber - at a cost of \$1,000 to the county (see entry 80 dated October 8, 1850) - and Amyx was evicted, the fencing removed, and the lumber sold by Sheriff Ashe. The suit was filed in the same Court of Sessions in which Amyx sat as a judge, and for that reason, according to the Grand Jury report of February, 1852, "None of these proceedings . . . appear upon the records of the court . . ."

For years following his resignation from the Court he continued his law practice, his office being on Main Street between Center and El Dorado. He retired from it about the time the legal system underwent a change following adoption of the 1879 Constitution. Despite the notoriety attendant upon his behavior and ethics during those early years he had a flourishing practice and made money at it. Sometime during the 1850's he bought land in the French Camp area (Castoria Township) and began farming while apparently still living in the city.

On May 21, 1862, Hairston was married by Justice of the Peace A. G. Brown to a widow by the name of Amelia de Solime Amyx. This is an intriguing turn of events as her first husband, who had passed away on November 4 of the previous year - just six months earlier - was a Captain Fleming Amyx. The relationship between the two men has not been established, but indications are that they were either brothers or cousins (see annotations under opening entry of the MINUTES).

On October 21, 1892, death came to the crusty old pioneer at his home on American Street, between Sonora and Church streets. One of the local newspapers noted that "He leaves several adult children who cared for him in his declining years and made his last days comfortable." There is no indication whether these were the "3 small children" that Mrs. Amyx brought with her at the time of her second marriage, or if they were his. Not a good word was written by the local newspapers upon his death, and no references were made to his nefarious activities in his early Stockton years. He was buried in Rural Cemetery.

74 On the petition of Messrs. Brown and Clugston for a license to carry on a certain ferry on the San Joaquin river, It is ordered that said

petitioners have leave to use the Ferry as prayed for and that they give notice according to law: proof of which shall be submitted to the Court of Sessions at the next term thereof.

Brown and Clugston's Ferry was probably located somewhere between Doak and Bonsell (at the Mossdale Y today) and San Joaquin City to the south. It evidently lasted a relatively short time as county histories do not mention the partnership nor do the early maps of the area show the ferry site.

- 75 It is ordered that the resignation of Robert E. Doyle, a Justice of the Peace in and for township no. two of this county, be accepted.
- 76 It is ordered that Benj. Williams be allowed Seven hundred and fifty dollars for his quarter's salary ending 5th October 1850.
- 77 It is ordered that Jos. Guard be allowed fifty dollars for keeping a prisoner seventeen days.
- 78 It is ordered that the Mount Vernon Company be allowed twenty dollars for making a coffin as per bill rendered.
- 79 It is ordered that the Coroner of this County be allowed one hundred and eighteen dollars for services as per bill rendered.
- 80 It is ordered that Messrs. Terry and Perley be allowed one thousand dollars for attorney's fees as per bill rendered.
- 81 It is ordered that Drs. Clements and Reins be allowed one hundred and forty-seven dollars for medical services as per bill rendered.

Dr. Joseph B. Clements was covered in the annotation following entry 61. Dr. J.W. Reins was active in the movement to organize the city in 1850. At a meeting of interested citizens in March (1850) he addressed the group on the need for government and law and order, and was subsequently named to a committee of three (the others were John Doak and Samuel Booker) to look further into the subject. Following issuance of the order of incorporation by the Court of Sessions on July 23, 1850, Reins was nominated for a councilmanic position and he was subsequently elected in the special August 1 city election. He was also active in the organization of the Democratic Party in San Joaquin County in April, 1851.

- 82 It is ordered that George R. Howell be allowed one hundred and thirty dollars for services as per bill rendered.
- 83 It is ordered that O. Bremigen be allowed Forty-eight dollars for acting as Judge of the General election held 1st April 1850.
- 84 It is ordered that H. T. Booraem be allowed one hundred dollars for items furnished for county use as per bill rendered.
- 85 It is ordered that E. B. Vreeland be allowed Thirty-two dollars for acting as clerk of the General election held on Monday Oct. 7th 1850.
- 86 It is ordered that Albert W. Brush be allowed forty-eight dollars for services as Election [Judge] as per bill rendered Sept. & Oct.

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Albert W. Brush, born in Illinois, arrived in California on October 28, 1849, having crossed the plains in a prairie schooner. He first earned his niche in the history of San Joaquin County in the first election held (April 1, 1850) when he served as the "judge of the election" at the Staples ranch on the Calaveras River northeast of Stockton. His comment "everything voted," made some time later, seems to have summed up the feeling that many people had following those early county and city elections, and every county history since then has carried his quote. Probably of more lasting value to his community, however, was his service in 1851 on the first Board of Trustees of the State Insane Asylum. He is not to be confused with G.D. Brush who was elected city treasurer in 1850.

- 87 It is ordered that Richard M. Phillips be allowed three hundred and five dollars as per bill rendered for medical services - Sept. & Oct. 1850.

Richard M. Phillips was a Kentucky-born physician who arrived in Stockton at the tender age of twenty-three and immediately set up a medical practice. On occasion he provided medical care for the prisoners held in the county jail as well as indigent county patients.

- 88 It is ordered that Heath, Emory & Whittier be allowed thirty-five Dollars for cart hire as per Bill rendered Oct. 27th 1850.
- 89 It is ordered that Emil Junge be allowed two thousand eight hundred and fifty dollars for keeping County prisoners as per bill rendered, Oct. 9th 1850.
- 90 It is ordered that C. W. Bradford be allowed twenty-four dollars and twenty-five cents for services in removing County clerk's furniture, etc. - as per bill rendered, Oct. 8th 1850.
- 91 It is ordered that T. S. Manley [Manly] be allowed thirty-two dollars for acting as judge of the general election held Oct 9th 1850. [sic - election was held on the 7th]
- 92 It is ordered that R. P. Ashe be allowed six hundred and forty-three dollars for services rendered as Sheriff of San Joaquin County Oct 9th, 1850.
- 93 It is ordered that Andre Papons [sic] be allowed twenty-two dollars for making chains, etc., as per bill rendered Oct 9th, 1850.
- 94 It is ordered that Andre Papon be allowed thirty-eight dollars for making hand cuffs, etc., as per bill rendered Oct 9, 1850.
- 95 It is ordered that Fletcher C. Anderson be allowed thirty-two dollars for services on Coroner's Jury as per bill rendered.
- 96 At the August term 1850 of the Court of Sessions of San Joaquin County an order was made appointing John Dillon an auctioneer in and for said County, which order was omitted then to be entered. It is now ordered that the said order of appointment be entered Nunc Pro Tunc -

Nunc Pro Tunc - a Latin expression simply denoting what had already been stated in English, i.e., that the Court appointment made the previous August ("at a previous time") was being entered in the present minutes ("the present time").

- 97 It is ordered that the places hereinafter designated be established as Election Precincts in and for the County of San Joaquin -

In Township No. 1 The City of Stockton
 " Township No. 2 San Joaquin City
 " Township No. 3 Islip's Ferry, Emory's Ferry, and Knight's Ferry
 " Township No. 4 Williams & Atherton's Ranch
 Weston & Staples' Ranch

It is ordered that Court be adjourned until Saturday morning 10 o'clock.

Saturday morning 12 October 1850

Court met pursuant to adjournment.

Present: Hon. Benj. Williams, County Judge
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

It is ordered that Court be adjourned until Saturday morning next at 10 o'clock.

Saturday morning 19th October A. D. 1850

Court met pursuant to adjournment.

Present: Hon. Benj. Williams, County Judge
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

- 98 It is ordered that the Grave Digger be allowed ten dollars for digging one grave as per bill rendered by Coroner.
- 99 It is ordered that James A. Dunn be allowed thirty-two dollars for services as Clerk of Election.
- 100 It is ordered that Charles A. Leak be allowed three hundred and thirty-five dollars for services rendered as City Recorder in state cases - (fees).
- 101 It is ordered that Sam'l. Langdon, Constable, be allowed on his several accounts rendered the sum of six hundred and ninety-nine dollars and fifty cents.
- 102 It is ordered that R. J. Tows [?], Constable, be allowed one hundred fifty-six dollars as per bill rendered for services.
- 103 It is ordered that Benedict be allowed ten dollars for bringing prisoners as per bill rendered.
- 104 It is ordered that W. M. Willoughby, Marshall [sic], be allowed two hundred and sixteen dollars and fifty cents for services as per bill rendered.

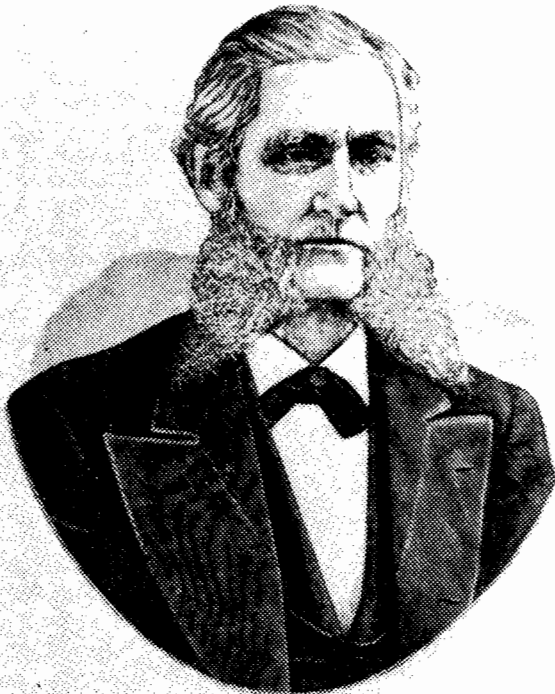
William M. Willoughby had been elected City Marshal in Stockton's first (August 1, 1850) election, and he took office four days later. He was also ex-officio street commissioner and tax collector for the city. He didn't last long in his new position - on December 7 the council voted unanimously to declare the office vacant on the dual grounds of failure to procure bonding (as required for the

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position) and intoxication. T.S. Lubbock was elected five days later to fill the position, he in turn being succeeded in a few months by Daniel S. Clark.

105 It is ordered that Charles M. Weber be allowed four hundred and fifty dollars for rent of County Clerk's office as per bill rendered.

The county did not pay its bills monthly - which makes it difficult to pinpoint the dates of services rendered, or, as in this case, length of facility rental. This is the first entry (October 19, 1850) noting payment of rent to Charles Weber, but it does note that it involved only the county clerk's office. Judging from the amount of rent paid, it is probably safe to assume that while the other offices were located in the Terry and Perley law office building (see entry 56) the clerk's office had been located in one of Weber's buildings since the organization of county government in April (1850).



Francis D. Clark

Francis D. Clark, co-owner of Sirey's Ferry (also known as Clark and Sirey's) and author of **The First Regiment of New York Volunteers**. He served three years in San Joaquin County as a justice of the peace before his permanent return to his native New York in 1855.

106 It is ordered that Benj. Whitehouse be allowed fifteen dollars for using his room for state election.

Benjamin Whitehouse had been recruited into company B of the famous New York Volunteers under the command of Colonel J. D. Stevenson. His company embarked on the THOMAS H. PERKINS at New York in September of 1846 and arrived in San Francisco on March 6, 1847. Whitehouse saw some combat duty in Baja California. His company returned to Monterey (Alta California) on October 14, 1848, and ten days later the members were discharged. Some time soon after that he came to Stockton and at least for a while was engaged in the hotel business. He died in the same city sometime in the 1850's according to the records kept by another Stockton pioneer, Francis D. Clark.

107 It is ordered that John Hendricks be allowed twenty-seven dollars for bill of stationery.

108 It is ordered that John Heyland be allowed sixteen dollars for services as inspector of state Election of 7th Oct. 1850.

109 It is ordered that John G. Perkins be allowed fifty dollars for services as witness [?] as per bill rendered.

110 It is ordered that Wm. A. Mix be allowed thirty-two dollars as inspector of Election of Oct. 1850.

It is ordered that Court be adjourned until Saturday Morning 26th October at 10 o'clock.

[Saturday morning 26th October 1850]

Court met pursuant to adjournment - Present: Hon. Benj. Williams, County Judge

R. P. Ashe, Sheriff; A. C. Bradford, Clerk

111 It is ordered that the sum of two hundred dollars be appropriated from the County Treasury to be expended by the County Clerk in the purchase of copies of the "Original Standard of Weights and Measures" for the use of the County.

112 It is ordered that H. H. Radcliffe be allowed sixty-seven dollars for services as per bill rendered.

Henry Hayton Radcliffe, an English physician, arrived in California in late 1849 or early 1850, and in March of the latter year joined in partnership with another Englishman and California pioneer, newspaperman John H. White, in establishing Stockton's first newspaper, the STOCKTON TIMES. The first issue appeared on March 16 and while both men listed themselves as the newspaper's proprietors and publishers, Dr. Radcliffe actually had little to do with it as he immediately opened a medical office called the Stockton Hospital, two doors down the street from the newspaper building. In November the partnership was dissolved, Radcliffe thereafter devoting his full time to the practice of medicine. He removed his "Stockton Hospital" to a building on the northwest corner of

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Market and Center streets and was joined by the French Dr. Lavignes. This entry probably refers to a bill for printing official county notices.

- 113 It is ordered that Riddle Boggs be allowed sixteen dollars for services as Clerk of Election.
 114 It is ordered that A. C. Bradford be allowed six hundred and forty-eight dollars as per bill rendered.
 115 It is ordered that Emil Junge be allowed thirteen hundred and nineteen dollars for services rendered as per bill.
 116 It is ordered that H. T. Booraem be allowed one hundred dollars as per bill rendered.
 117 It is ordered that [Dr.] C. A. Ward be allowed eighty dollars for services rendered prisoners as per bill.

Charles A. Ward was a 25-year-old physician from Georgia when he began treating county prisoners in the summer of 1850. According to the county histories he served as city treasurer in 1851, and the 1852 STOCKTON DIRECTORY also lists him in that position for that year. It also lists him as the county recorder and ex-officio auditor at the same time - a not uncommon practice of the day. He appears all of a sudden in a June, 1852, Court of Sessions entry as the county recorder, but the record is silent as to when he succeeded A. A. Mix and whether it was by appointment or election. According to the 1850 census, begun in Stockton in October of that year, Ward was sharing quarters with Sheriff Ashe, his deputy Thomas H. Blount, and one other person by the name of Daniel Geiger who listed himself as a speculator by profession. It would appear that this unit represents rental spaces rather than living quarters. If so, then it would be logical to assume that Mix had resigned and Ward had become county recorder earlier than previously assumed.

- 118 It is ordered that Lucas Gavidea be allowed sixty dollars for room rent for County Clerk.
 119 It is ordered that Lucas Gavidea be allowed forty dollars for room rent for Sheriff's office.

Entries 118 and 119 indicate that the Sheriff's office and the Clerk's office are by this time (October, 1850) in the same building. The Clerk's office must have been moved out of Weber's building (see entry 105) about October 1st. Three weeks after these two October 26 entries we find that rent is being paid to Gavidea for the Treasurer's office as well. This still left the Court and several other county offices scattered elsewhere.

- 120 It is ordered that R. P. Ashe be allowed four hundred and thirty-one dollars for services as Sheriff as per bill rendered.
 121 It is ordered that Dr. R. M. Phillips be allowed three hundred and ninety-two dollars for services as per bill rendered.
 122 It is ordered that John D. Harper be allowed

- eight dollars as per bill rendered.
 123 It is ordered that Mr. Radcliffe be allowed three hundred and forty dollars for printing as per bill rendered.

It is ordered that Court be adjourned until Thursday morning 31st inst. at ten o'clock.

Thursday morning 31st October 1850

The Sheriff and the Clerk met pursuant to adjournment but the Hon. Benjamin Williams, County Judge, not being present the Sheriff adjourned the Court until tomorrow morning ten o'clock.

A. C. Bradford, Clerk

Friday morning 1st Nov. 1850

Court met pursuant to adjournment

Present: Hon. Benj. Williams, County Judge
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

It is ordered that Court be adjourned until Monday morning at 10 o'clock.

Monday morning 4th November 1850

Court met pursuant to adjournment.

Present: Hon. Benj. Williams, County Judge
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk.

- 124 It is ordered that J. B. Brown be allowed sixteen dollars for services as Judge of Election.
 125 It is ordered that Abner Sylvester be allowed one hundred dollars in burying of sundry persons as per bill rendered.
 126 It is ordered that Hiram Jernegan be allowed thirty-two dollars for services rendered as Judge at Election as per bill ren'd.
 127 It is ordered that J. L. Grimes be allowed sixteen dollars as Clerk of Election.
 128 It is ordered that Charles M. Weber be allowed one hundred and twenty dollars for wood as per bill ren'd.

Wood was used for heating the various county offices, the jail, and the courthouse quarters.

It is ordered that Court be adjourned to Court in course.

Benj. Williams
 County Judge.

Be it remembered that heretofore to wit on Monday the eighteenth day of November, 1850, it being the third Monday of said month, a regular term of the Court of Sessions of San Joaquin County was held pursuant to law for the transaction of County business.

Present: Hon. Benj. Williams, County Judge
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

It is ordered that Court be adjourned till tomorrow morning ten o'clock.

Tuesday morning 19th day of November 1850

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Court met pursuant to adjournment.

Present: Hon. Benj'n Williams, County Judge
R. P. Ashe, Sheriff
A. C. Bradford, Clerk

- 129 It is ordered that Wm. C. Kennedy be allowed ten dollars for services as per bill rendered.
- 130 It is ordered that Alfred Means be allowed ten dollars for services rendered as per bill.
- 131 It is ordered that Chas A. Bettner be allowed ten dollars for services as a Judge of an election.
- 132 It is ordered that H. T. Booraem, Treasurer, be allowed one hundred and fifty dollars for items as per bill rendered.
- 133 It is ordered that Lucas Gavidea be allowed one hundred and twenty dollars for rent as per bill rendered.
- 134 It is ordered that Lucas Gavidea be allowed seventy dollars for rent of Treasurer's office as per bill.
- 135 It is ordered that David W. Hodges be allowed ten dollars for services as a clerk of an election.
- 136 It is ordered that Richardson and Warner be allowed twenty dollars for articles as per bill rendered.
- 137 It is ordered that Dr. Chas. A. Ward be allowed one hundred and seventy-five dollars for medical attention to prisoners, etc., as per account.
- 138 It is ordered that a commission be issued to Moses J. Barnard & Co. to carry on the auction business; upon filing bond and taking the required oath.
- 139 It is ordered that fifty dollars be allowed A. C. Bradford for office furniture as per bill rendered.
- 140 It is ordered that Benj. G. Weir be allowed ten dollars & seventy-five cents as fees in case of People vs Manel [sic] Motijo as per bill rendered.
- 141 It is ordered that C. Bettner be allowed eight dollars for services as per acct. rendered.
- 142 It is ordered that T. B. Edmundson be allowed forty-four dollars for services as per acct. rendered.

It is ordered that Court be adjourned until tomorrow morning ten o'clock.

Wednesday 20th November 1850

Court met pursuant to adjournment.

Present: Hon. Benj. Williams, County Judge
R. P. Ashe, Sheriff
A. C. Bradford, Clerk

- 142 It is ordered that one hundred and eight dollars be appropriated to purchase county seals under the direction of the County Clerk.

The purchase of county seals in each county had been mandated by the first legislature. Section 14 of Chapter 92 entitled "An Act to Organize the County Courts," passed April 13, 1850, required the County Judge to "devise" one on that level:

The County Court shall have a seal, to be

devised by the County Judge, and having inscribed around the margin, the words, "County Court of _____ County," according to the name of such county, a description of which shall be filed and recorded in said Court. All processes from said Court shall be directed to the Sheriff of the county, signed by the clerk, and, with the exception of subpoenas, be authenticated with the seal of the Court: PROVIDED, that, until a seal is obtained, the Clerk may use his private seal.

The district courts were required to use the county seal of the county in which the official papers originated (thus the Fifth Judicial District Court would actually be using four different seals: those of Tuolumne, Calaveras, Mariposa, and San Joaquin counties).

The Court of Sessions of each county was required to develop its own seal (section 14, Chapter 86, "An Act to Organize the Court of Sessions," passed April 11, 1850): "Said court shall procure a seal for the authentication of all writs, certificates, and processes, (subpoenas excepted) issued from said court: but until such seal can be obtained the clerk of said court may use his private seal."

A. C. Bradford, first San Joaquin County Clerk, was ex-officio clerk of the county's Court of Sessions and its County Court, as well as clerk for the Fifth Judicial District. Before adoption of an official seal Bradford used as his private seal a circular disk of red wax approximately one-half inch in diameter. The design of the seal was created by simply imprinting two sets of parallel lines diagonally within the wax disk which in turn produced the effect of a series of diamond-shaped raised "dots."

*The first official county seal was circular, one inch in diameter, with the words "*COUNTY COURT OF SAN JOAQUIN COUNTY*CAL*" inscribed around its outer edge. The design consisted of a horizontal hand and cuffed wrist with the thumb below and the index finger above grasping what appears to be a relatively large rock. The remaining fingers are obviously there but almost completely hidden from view due to the horizontal plane of the hand and the size of the rock. The hand points leftward across the face of the seal.*

*The County Board of Supervisors adopted a new county seal on March 6, 1888, featuring a sheaf of grain (then the major income-producing product in the county) standing on a base of grain stubble with the words "*SAN JOAQUIN COUNTY* CALIFOR—the words "*SAN JOAQUIN COUNTY* CALIFORNIA*" encircling the design. The outside measurement of the seal was one and three-quarters inches. It was replaced by the present seal in 1961.*

It is ordered that Court be adjourned till tomorrow morning ten o'clock.

Thursday morning 21st Nov. 1850.

MINUTE BOOK A-COURT OF SESSIONS (Civil) (con't)

Court met pursuant to adjournment.

Present: Hon. Benj. Williams, County Judge
R. P. Ashe, Sheriff
A. C. Bradford, Clerk

It is ordered that Court be adjourned till tomorrow morning ten o'clock.

Friday morning 22nd Nov. 1850

Court met pursuant to adjournment.

Present: Hon. Benj. Williams, County Judge
R. P. Ashe, Sheriff
A. C. Bradford
Clerk

It is ordered that Court be adjourned till tomorrow morning ten o'clock.

Saturday morning November 23d 1850.

Court met pursuant to adjournment.

Present: Hon. Benj. Williams, County Judge
R. P. Ashe, Sheriff
A. C. Bradford, Clerk

It is ordered that Court be adjourned till Monday morning ten o'clock.

Monday morning 25th November 1850

The Sheriff and the Clerk met pursuant to adjournment but the County Judge, Hon. Benj. Williams, not being present, the Sheriff adjourned the Court till tomorrow morning ten o'clock.

A. C. Bradford, Clerk

Tuesday morning 26th November 1850

The Sheriff and the Clerk met pursuant to adjournment, but the Hon. Benj. Williams, County Judge, not being present, the Sheriff adjourned the Court until tomorrow morning 10 o'clock.

A. C. Bradford, Clerk

Wednesday morning 27th November 1850

Court met pursuant to adjournment.

Present: Hon. Benj. Williams, County Judge
R. P. Ashe, Sheriff
A. C. Bradford, Clerk

- 144 It is ordered that B. F. Lee be allowed eleven hundred and ten 66/100 dolls [sic] for services as jailor, boarding prisoners, etc., as per bill rendered.

By the middle of September (1850) Captain Junge, owner of the brig SUSANNA which was being rented partially by the county for use as a prison ship, was threatening to turn the prisoners loose if the county did not remove them immediately. But since the collapse of negotiations for the purchase of Dr. Clements' brig in July, the county had not been successful in finding other quarters suitable for the purpose. Part of the problem was simply that Junge felt he was not receiving adequate compensation for his services, and part of it was his reluctance to accept county scrip (in place of cash payments) as they were convertible at only about 75% of their face value.

Judge Williams pleaded with Junge to give the county two additional weeks to seek a new facility, but to no avail -- until the county agreed to double his rent for those additional days.

On October 9 (1850) the prisoners were finally removed to a large house rented by the county jailer, B. F. Lee. He paid \$200.00 a month rent for the building, charged the county \$150.00 a month to sub-rent what the Judge described as a "chamber" in the house for housing the prisoners, drew his salary as the jailer, charged the county for boarding the prisoners, and lived in the house besides!

- 145 It is ordered that M. Endecott [sic] be allowed nine hundred and fourteen 56/100 dollars for fees as Justice of the Peace in State cases as per bill rendered.

- 146 It is ordered that R. P. Ashe, Sheriff, be allowed three hundred and thirteen dollars for services as per bill rendered.

- 147 It is ordered that T. S. Manly be allowed twenty-five dollars for services rendered as Inspector of election Nov. 9th 1850.

- 148 It is ordered that George W. Wood be allowed one hundred and eighty-three 75/100 dollars for fees as Justice of the Peace in state cases.

- 149 It is ordered that six dollars be allowed to F. C. Andrew for serving on the Coroner's Jury as per bill.

The position of Harbor Master was created along with all the other usual city offices due to the unique position of Stockton at the head of navigation for large vessels. The Argonauts employed all manner of transportation in getting themselves to the mining country, including travel by water as far as Stockton. Small vessels were often simply abandoned on Stockton Channel upon arrival as the men rushed on overland into the Mother Lode. Even the larger ships employing crews were often abandoned once they reached Weber's settlement as passengers and crewmen BOTH took off to make their golden fortune. The end result was the accumulation of a sordid collection of derelict sailing vessels which soon jammed the available wharf space. Without either a city or county government to turn to for relief, in exasperation 107 prominent residents of the community -- mostly businessmen whose livelihood was literally being threatened as passenger and cargo ships were finding it increasingly difficult to unload -- petitioned Captain Weber in February, 1850, to have the abandoned vessels either removed, burned, or dismantled.

Fletcher C. Andrew was elected Harbor Master in August, 1850, and given full control of all ships and shipping along the course of Stockton Channel. The city council soon after decreed that all vessels at permanent anchor were to be immediately removed, and hence forth all ships remaining at anchor would be obligated to pay a ten-dollar-per-day license fee to the city treasurer.

Andrew, a native of Virginia, had come to

MINUTE BOOK A-COURT OF SESSIONS (Civil) (con't)

Stockton in 1849 at the age of 24 and immediately became active politically and socially in the community. On February 27, 1864, he died at the Russ House in San Francisco and two days later his body was brought to Stockton by steamer for interment in Rural Cemetery. The funeral was held in the local Presbyterian Church, the minister being assisted by both the local Masonic and Odd Fellows organizations. Also participating as guards of honor were the members of the Weber Engine Company Number One (of which he had been a charter member), the Protection Hook and Ladder Company Number One, and the Eureka Company.

He served as City Harbor Master from 1850 to 1852, dropping that year to the assistant's position. In later years he had served as Deputy County Treasurer, and also as treasurer of the State Insane Asylum on California Street -- in fact, resigning the latter position just shortly before his demise. The STOCKTON DAILY INDEPENDENT noted at the time of his death that "There has been no man in our city who has made more friends and who was more respected than the deceased The news of his death has cast a gloom over this city, . . ."

150 Application of Court of Sessions, San Joaquin County, D. W. Perly [sic] et al Nov. 3, 1850.

In the matter of D. W. Perly [sic] et al, petitioners for an act of incorporation for a Toll Bridge across the Calaveras river at the crossing at Williams & Atherton's Ranch it is Ordered, that the before-named D. W. Perley with his associates Albert J. Williams, Louis Wilmot, David S. Terry, James D. Taber and G. D. Dickenson, be and the same are hereby authorized to construct a Toll Bridge across the Calaveras River at the point aforesaid, which said bridge shall be built of wood, one hundred and eighty feet in length; twelve feet in width between the rails, and covered with plank three inches thick, and raised eighteen feet above low water mark. The posts shall be twelve inches square. Those in the bed of the river shall be braced. There shall be four tiers of stringers, which shall be each one foot in diameter.

Benj. Williams, Judge

THE STOCKTON JOURNAL of November 6, 1850, noted that Heath and Emory on the Stanislaus River (near present-day Oakdale) had already completed construction of a toll bridge to replace their ferry operation. This was the first one in the county, if not in the state. Apparently they did not need to apply to the Court of Sessions for permission beforehand as their partnership had already been established before construction of the bridge was undertaken. On the other hand, considering the highly fluid state of affairs at that time, they may have simply chosen to ignore the Court of Sessions.

(To Be Continued in Next Issue)

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