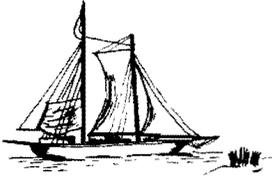


SAN JOAQUIN HISTORIAN



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VOLUME XV

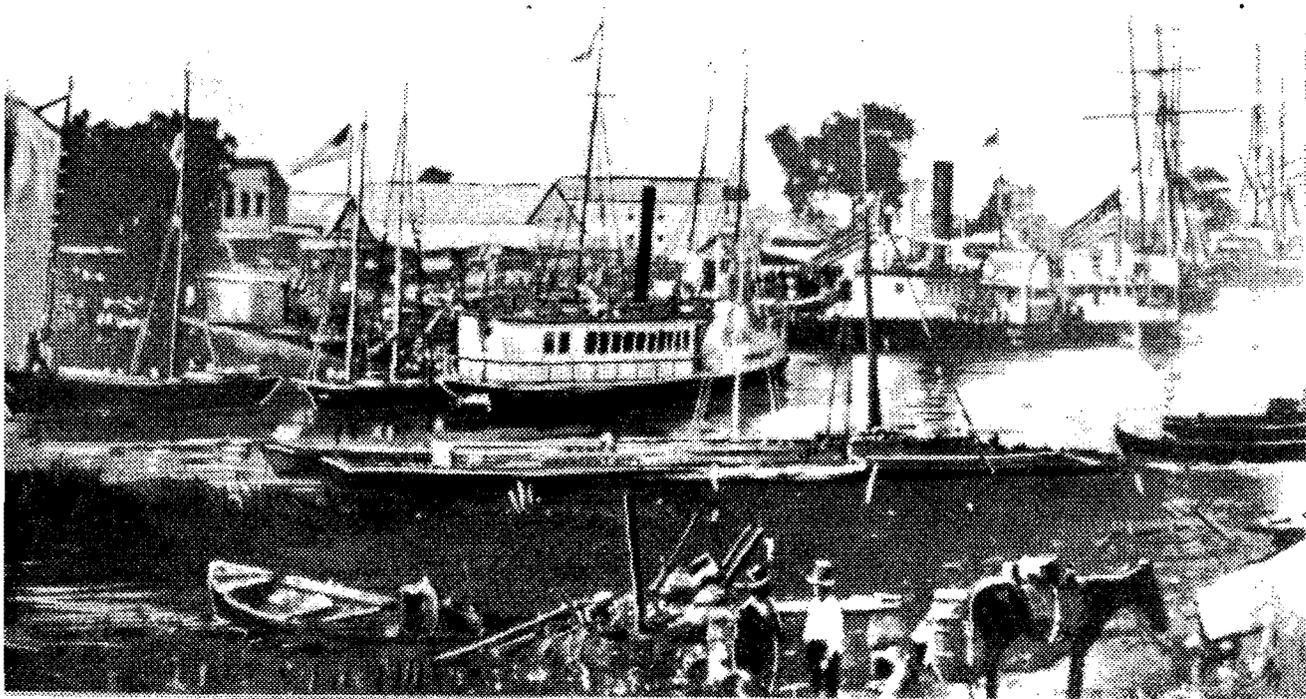
JULY-SEPTEMBER 1979

NUMBER 3

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

Annotations by Robert Bonta

(Continued from the April-June 1979 Issue)



STOCKTON HARBOR 1851

Typical waterfront scene in early Stockton when the San Joaquin County Court of Sessions sought to impose a tax on all merchandise being sold directly from ships anchored along Stockton Channel. This view, looking westward from the approximate site of the present Stockton Hotel, pre-dates the

construction of the original El Dorado Street bridge and gives the viewer a good idea of what the south side of the Channel looked like in 1851.

Courtesy of the Holt-Atherton Pacific
Center for Western Studies.

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

151 It is ordered that C. A. Bettner be allowed thirty-three dollars for services as per bills rendered.

It is ordered that Court be adjourned till tomorrow morning 10 o'clock.

Thursday morning 28 November 1850.

Court met pursuant to adjournment.

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

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

Friday morning 29 November 1850.

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

A. C. Bradford, Clerk

Saturday morning 30 November 1850

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

A. C. Bradford, Clerk

Monday morning 2nd December 1850

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

A. C. Bradford, Clerk

Tuesday morning 3 December 1850

Court met pursuant to adjournment.

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

152 It is ordered that D. S. Hulett & Co. be allowed thirty-two dollars for one blank book sold to Sheriff Ashe.

153 It is ordered that G. D. Dickenson be allowed three hundred and forty-nine dollars, for amounts paid for medical attendance, digging graves, etc., as per bill rendered.

government. Not all claims were allowed of course - some of them being illegal, exhorbitant, or both.

Entry 156 below was also for services performed before the county was officially in business. Bunker presented a bill in the amount of \$3,241 for services as the constable of Stockton until the first of April, 1850, but the Court of Sessions gave him only \$400.00 in settlement of the claim.

154 It is ordered that Sirey & Co. be allowed forty dollars for two weeks' board as per bill.

155 It is ordered that twenty-five dollars be allowed S. C. Bunker for the same sum, paid to James Pattison for board as per bill rendered.

156 It is ordered that four hundred dollars be allowed to S. C. Bunker for services rendered as per account filed.

157 It is ordered that a license be granted to Moses J. Barnard to carry on the auction business in and for the County of San Joaquin.

158 It is ordered that James M. Hill be licensed to carry on the business of an auctioneer in and for the County of San Joaquin.

159 It is ordered that Calvin Baker be licensed to carry on the business of an auctioneer in and for the County of San Joaquin.

160 It is ordered that Wm. M. Willoughby be allowed one hundred and thirty-seven dollars for costs in cases as per bill rendered.

161 It is ordered that Sam'l Langdon be allowed five hundred and fifty-eight dollars and fifty cents for services rendered as constable as per his four accounts filed.

162 It is ordered,

That the following roads be and the same are hereby declared to be public highways in the County of San Joaquin:

The road, as at present travelled from the junction of American and Miner's streets, in Stockton, crossing the Calaveras river at Simpson's Ranche, and the Moquelamos [sic] river at Weston and Staples' Ranche to the County line of Sacramento County.

The road as now travelled from the junction of American and Miner's streets, in Stockton, to the Calaveras river at Williams and Ather-ton's Ranche, crossing and comprehending the Ridge at said Ranche, and thence by the travelled road to the county line of the County of Calaveras.

The road as laid out by the Court of Sessions of the County of San Joaquin, commencing at the east end of Sonora Street in Stockton, afore-said, and running thence in a direct line, and crossing the Mormon Slough one hundred and fifty yards east of the house now owned and occupied by James D. Taber, thence following a spotted line to the Haerlam House, so called, on the road as now travelled to Knight's Ferry, so called, thence by said road as now travelled to the Stanislaus, at Knight's Ferry aforesaid.

The road as laid out by the Court of Sessions of San Joaquin County, commencing at the east

In response to public criticism leveled against the Court for the payment of this claim (along with many other allegations of irresponsibility in government) Judge Williams noted that Dickenson had paid for these services (involving indigent persons) during February and March (1850) before county government became functional, and that as Prefect of the San Joaquin District Dickenson was simply doing his duty. A number of men performed similar public services during this interim period in the state's history and anticipated eventual remuneration upon establishment of county

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

end of Sonora St. in Stockton and running thence and in a direct line, crossing the Mormon Slough, at a point one hundred and fifty yards east of the house now owned and occupied by James D. Taber--thence in a direct line, intersecting the road now travelled, leading from Stockton, To Emory's Ferry, at the "Four Mile Tent" so called; thence the road as now travelled to the Stanislaus at Emory's Bridge.

The road as now travelled from the "Lone Tree" to Islip's Ferry on the Stanislaus river.

The road as now travelled from the south end of Hunter Street in Stockton aforesaid, to the French Camp.

The road as now travelled from the French Camp to "Sirey and Clark's" Ferry on the Stanislaus.

The Road as now travelled from the French Camp to the river San Joaquin, at Bonsell and Scott's Ferry, thence crossing said river by the route now travelled to the county line.

It is further ordered, That each of said roads shall be eighty feet in width, and the same shall be ascertained by measuring from the centre or middle of the road as now travelled, fifty feet in opposite directions perpendicular to said roads [Entry rescinded by new entry dated October 19, 1852, correcting over-all width to read 100 feet].

It is further ordered, That there be and hereby is appropriated for the improvement of the road between Bonsell's Ferry aforesaid and the said County line, the amount assessed by the Court as a license for their Ferry as aforesaid to be expended by said Bonsell & Scott.

Authority for the Court of Sessions to declare certain commonly-traveled roadways "public highways," the procedure for laying out new ones, and the method for financing and maintaining all that were declared public, were spelled out in the "Act Concerning Roads and Highways" passed by the first legislature on April 11, 1850. It is one of the more interesting -- and enlightening -- of all the acts passed by that session. This is the full text of the Act:

AN ACT concerning Roads and Highways.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Every road within this state shall be deemed a public highway, which is so declared by an order entered on the minutes of the Court of Sessions of the County over which the road passes, and it shall be the duty of the Court of Sessions of each county, at the earliest time at which it can be done, to declare, by an entry on the minutes what roads within the county are public highways. Any road may be discontinued as a public highway by an entry to that effect in the minutes of the court.

Section 2. The Court of Sessions of each and every county of this state, shall have power to levy a poll tax for road purposes, on all able-

bodied men in their counties between the ages of eighteen and forty-five years, not exceeding five days' labor in each year.

Section 3. The Court of Sessions of each county in this state shall appoint, at the first term held during the present year, and thereafter at the first term held in each year, as many supervisors of roads as they may deem necessary for the county, and shall agree upon, and enter on the records of their court, a certain number of days that each able-bodied man, between the ages of eighteen and fifty years, shall be subject to labor upon the public roads in his district during the year: Provided, that no more than five days' work upon said highways shall be required of any one person, and the Clerk shall append the number of days fixed upon the notice of each Supervisor appointed in his county.

Section 4. The Courts of Sessions of the several counties in this state shall have general supervision and control over the public roads and highways in their respective counties.

Section 5. The Court of Sessions of each county shall, on presentation of petition to said court, praying for a county road to be laid out in the county, and designating the points therein, appoint two proper persons of their county, together with the County Surveyor of their county, to view out the road so petitioned for; and it shall be the duty of those so appointed, to proceed as soon as they can well do so, to the place designated in the petition, and lay out said road by the nearest and best way between the points designated in the petition, or order of the court, and report on its utility, and said report shall be recorded by the County Clerk in the records of said court; and if such court shall be of opinion that such road is necessary, it shall make an order to that effect, and declare the same to be a public highway.

Section 6. When such appointment has been made, notice thereof shall be given as publicly as possible, to the parties owning the land through which the road is to run, if such parties reside within the county; and, if objection by the owners is made to the location, such road shall not be opened until the objections shall be heard by said court who shall determine in regard to the same.

Section 7. It shall be the duty of the Court of Sessions, as soon as practicable, to lay out and divide the county into such road districts as may be deemed proper, defining the boundaries of the several districts. The division so made may be altered from time to time, as circumstances may in the opinion of the court require.

Section 8. It shall be the duty of the Clerk of the Court of Sessions of each county, to make out and deliver to the Sheriff, written notices to all the persons who have been appointed supervisors as aforesaid within ten days after such appointment shall have been made, informing such persons of said appointment, and describing the boundaries of their district and the Sheriff shall deliver the said notices to the persons to whom they shall be

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

directed respectively: and if the person to whom such notice is delivered, shall refuse to accept the office of supervisor, the Sheriff shall return said notice, noting such refusal on the back thereof.

Section 9. When any person shall refuse to accept the appointment of supervisor, he shall be fined in the sum of twenty dollars, and in all cases where the office of supervisor is vacated, the Court of Sessions shall fill the vacancy at its first session thereafter.

Section 10. If the supervisor shall accept such appointment it shall be his duty, within fifteen days thereafter, to return to the Clerk of the Court of Sessions, a list of all persons residing in his road district, liable to be taxed for road purposes: Provided, that said supervisor shall not be required to make such return unless the Court of Sessions shall levy a tax for road purposes: and said supervisor shall be exempt from military tax, during the time of his holding said office.

Section 11. It shall be the duty of the supervisor to cause all the public roads within his district to be kept clear from obstruction and in good repair, causing banks to be graded and bridges and causeways to be made where the same may be necessary, and to keep the same in repair; and to cause to be erected and kept in repair posts and guide-boards, with inscriptions thereon, in letters and figures, giving the direction and distance to the most noted places to which said road may lead.

Section 12. When any public road shall be obstructed, or bridge or causeway shall be destroyed or out of repair, it shall be the duty of the supervisor to cause such bridge or causeway to be rebuilt or repaired and such obstruction to be removed, and for that purpose he shall call out the persons required to labor on public roads in his district, or the necessary number; but if the persons, or any of them so called out by him, shall have performed the number of days work required by law, or if the labor due from such persons shall not be sufficient, he shall proceed to hire as many laborers or teams as may be necessary to remove such obstruction, or repair such damage: Provided, the cost of the same shall not exceed fifty dollars: but if the cost of the labor shall exceed that sum, he shall report the same to the Court of Sessions, whose duty it shall be to provide for the removal of such obstructions, or repairing of such bridge or causeway, either by ordering the supervisor to hire laborers and teams for that purpose, or by making a contract with some suitable person or persons, as they may deem best; and all moneys necessary to carry the provisions of this section into effect, shall be paid out of the County Treasury.

Section 13. It shall be the duty of the supervisor of each district, to call on every person liable to work on roads, when any road in his district needs work or repairs, to perform the number of days work due for the year, giving such person at least three days notice, and the time and place and the necessary tools for said road work. The supervisor

can appoint any person liable to work in his district, to notify the persons of the time and place appointed, and such notice shall be legal and binding as the notice from the supervisor would be, and every person required to notify hands to work on the road, by a supervisor, shall be entitled to credit on his road tax, for the time he is so employed.

Section 14. Each person shall be required to work diligently and a reasonable number of hours in each day, and upon the failure or refusal of any person to attend or perform the work due on the road, after being notified as above, either by himself, or by a substitute equally able as himself, he shall be liable, and pay for each day, the usual price of such a day's labor; and if any such person shall wilfully neglect, or turbulently interrupt the other hands upon duty, the supervisor may discharge such person from the road, and he shall be liable for and pay, for each day's labor that may be due from him, the usual charges for such labor.

Section 15. It shall be the duty of the supervisors to prosecute suits before Justices of the Peace, in their official capacity, against all persons for neglect or refusal to work, and for all labor liability which may be due, or incurred under this act in their respective districts, and which may remain unpaid after due notice given; and such supervisors shall be competent witnesses in all such suits, and appeals may be taken from the judgments thereon, as in other cases.

Section 16. All fines and forfeitures incurred under the provisions of this act, shall be applied to the improvement of public roads within the limits of such road districts, wherein such fines and penalties may have been incurred.

Section 17. At the first term of the Court of Sessions, held in each year, each supervisor of the county shall make a report to said court, showing the whole number of days work done, the amount of money collected, the amount of money paid out, naming all delinquents also, reporting the condition of the roads in his district.

Section 18. Any supervisor neglecting to perform any of the duties required of him by this act, shall be liable to, and forfeit to the use of his county, any sum not less than ten nor more than two hundred dollars, and he shall also pay over to the county all moneys that he may have collected under this act, not otherwise legally appropriated.

Section 19. Any person or persons wishing a cart road laid out for his or their convenience, from the dwelling or plantation of such persons to any public road, or from one public road to another, shall present a petition to the Court of Sessions, setting forth the reasons for desiring such road, describing the points from and to which said cart way is desired to pass, and the court shall, after a sufficient sum of money shall have been deposited, proceed to view and mark out such cart road, and appoint three freeholders to view the

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

same: Provided, that twenty days notice shall be given of the intention to present such petition, to each person through whose land such cart road is desired to pass, and also by posting up notices in two public places in the neighborhood of such intended road; and the reviewers, when appointed, shall proceed to examine the route proposed, and also any other route they may deem proper, from and to the points named in the petition, and if they shall be of opinion that a cart road is necessary and proper from and to the points named in the petition, they shall lay out the same in such manner as to produce the least inconvenience to the parties through whose lands said road shall pass, and shall make a written report to the court, describing the route and the number of lots of land through which the same shall pass, and naming the owners thereof, if known; which report shall be examined by the court, and if, on hearing the objections, if any, it shall be of the opinion that the road is necessary, an order shall be made establishing the same: Provided, that said road shall not be made to pass through any orchard, garden, vineyard, or any valuable improvement.

Section 20. If any person shall make lawful objection to said road passing through his lands, and shall make it appear before any court of competent jurisdiction, the said cart road shall not be opened through said lands, until damages are paid by the person or persons applying for said cart way, which damages shall be assessed by three householders of the county, appointed by the Court of Sessions; and on the payment of such damages, so assessed, the person so applying for such cart road shall have the right of opening said right of way.

The first road route was basically the original San Jose - Sacramento Trail, later sometimes referred to as the "Upper Sacramento Road" or the "Stockton-Sacramento Road." The Simpson's Rancho crossing on the Calaveras River was located in the vicinity of today's Alpine Road crossing northeast of Stockton; Weston and Staples' Ferry was a mile and a half west of Lockeford. From Staples' Ferry the road ran north-northwest to Scott's Ferry on Dry Creek. It crossed approximately where the dividing line between sections 33 and 34 (T5N, R7E) intersects the stream.

The second entry is more difficult to pinpoint, but an 1862 map of San Joaquin County shows a roadway basically in line with the Waterloo and Comstock roads and a ferry crossing (presumably the Williams and Atherton's Rancho crossing) about where the Messick Road bridge over the Calveras River is located today. From there the road continued north eastward in almost a straight line to the Calaveras County line, passing that point about one mile above the present Highway 26 route.

The roads leading southeast out of Stockton to the several ferries along the Stanislaus River are difficult to describe in terms of today's roadways; like the Farmington, Mariposa, and French Camp roads today, they simply took off cross-country to

their river-crossing destinations. "Emory's Bridge" would have been the Oakdale crossing.

The "Lone Tree House" was a well-known stopping place for travelers on their way to the Sonora area in the Mother Lode. It was in the northwest quarter of section 27, T1S, R9E, about two miles north of Escalon. The Lone Tree School on Lone Tree Road (now a private residence) has long been a landmark of the site. It was here that side roads split off from the major trail for the various ferries that operated downstream (west) from Emory's and Knight's (Oakdale and Knight's Ferry). Islip's and Cotton's ferries were located between Oakdale and Riverbank.

Sirey and Clark's Ferry was located on the Stanislaus about where Austin Road approaches the river today. Highway 50-Interstate 5 crossing on the San Joaquin River is the approximate site of the Bonsell and Scott (Doak) crossing. Note how informally the county handled its roadwork:

. . . appropriated for the improvement of the road [west of the river to the county line] . . . the amount assessed by the Court as a license for their [Bonsell and Scott] Ferry . . . to be expanded by [them].

163 It is ordered that Dr. E. B. Bateman be allowed three hundred and forty-three dollars for medical services as per bill rendered.

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

Wednesday morning 4th December 1850

The Sheriff and Clerk met pursuant to adjournment, but neither the Judge nor the Associate Justices being present, the Sheriff adjourned the Court until Thursday morning at ten o'clock.

A. C. Bradford, Clerk

Thursday morning 5th December 1850

The Sheriff and Clerk met pursuant to adjournment, but neither the Judge nor the Associate Justices being present, the Sheriff adjourned the Court until Friday morning 10 o'clock.

A. C. Bradford, Clerk

Friday morning 6th December 1850

The Sheriff and Clerk met pursuant to adjournment, but neither the Judge nor the Associate Justices being present, the Sheriff adjourned the Court until Saturday morning 10 o'clock.

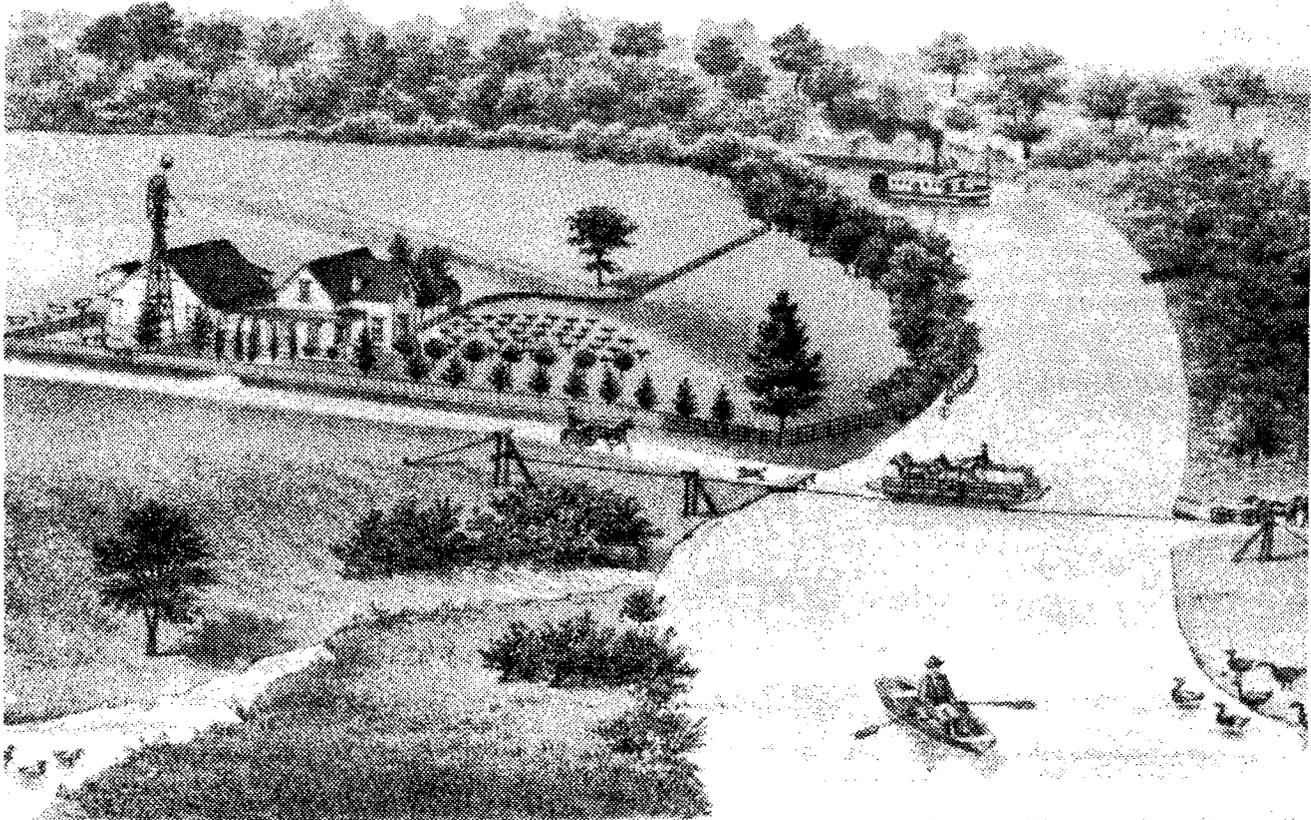
A. C. Bradford, Clerk

Saturday morning 7th December 1850

The Sheriff and Clerk met pursuant to adjournment, but neither the Judge nor the Associate Justices being present, the Sheriff adjourned the Court until Monday 10 o'clock.

A. C. Bradford, Clerk

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



Site of the original Staples' Ferry (Weston and Staples) on the Mokelumne River just west of present-day Lockeford. The ranch buildings in this lithograph were (in 1879) the property of William H. Miller who

continued to operate the ferry under his own name. The numbered (1) object along the bank of the river near the ferry is the rotting hull of the steamer *Pert*.

Monday morning 8th December 1850

The Sheriff and Clerk met pursuant to adjournment, but neither the Judge nor the Associate Justices being present, the Sheriff adjourned the Court until the next term.

A. C. Bradford, Clerk

February Term 1851

Be it remembered that heretofore to wit on Monday the seventeenth day of February, it being the third Monday of said month, in the year 1851, a regular term of the Court of Sessions in and for the County of San Joaquin was held pursuant to law for the transaction of county business. Neither the Judge nor Associate Justices being present the Sheriff (by Thos. H. Blount, Deputy), adjourned the Court until tomorrow morning ten o'clock.

A. C. Bradford, Clerk

Thomas H. Blount, a native of Georgia and in his

early thirties while serving the county as its deputy sheriff, was, like his superior, Sheriff Ashe, a physician by profession. Along with his part-time duties as Ashe's assistant, Blount sometimes provided medical care for the prisoners--for which he billed the county. Court of Sessions entries are silent as to the date upon which he was hired--this having evidently been the prerogative of the Sheriff rather than of the Court--but a November 6, 1850, STOCKTON JOURNAL entry indicates that he was already holding the deputy's position by that date.

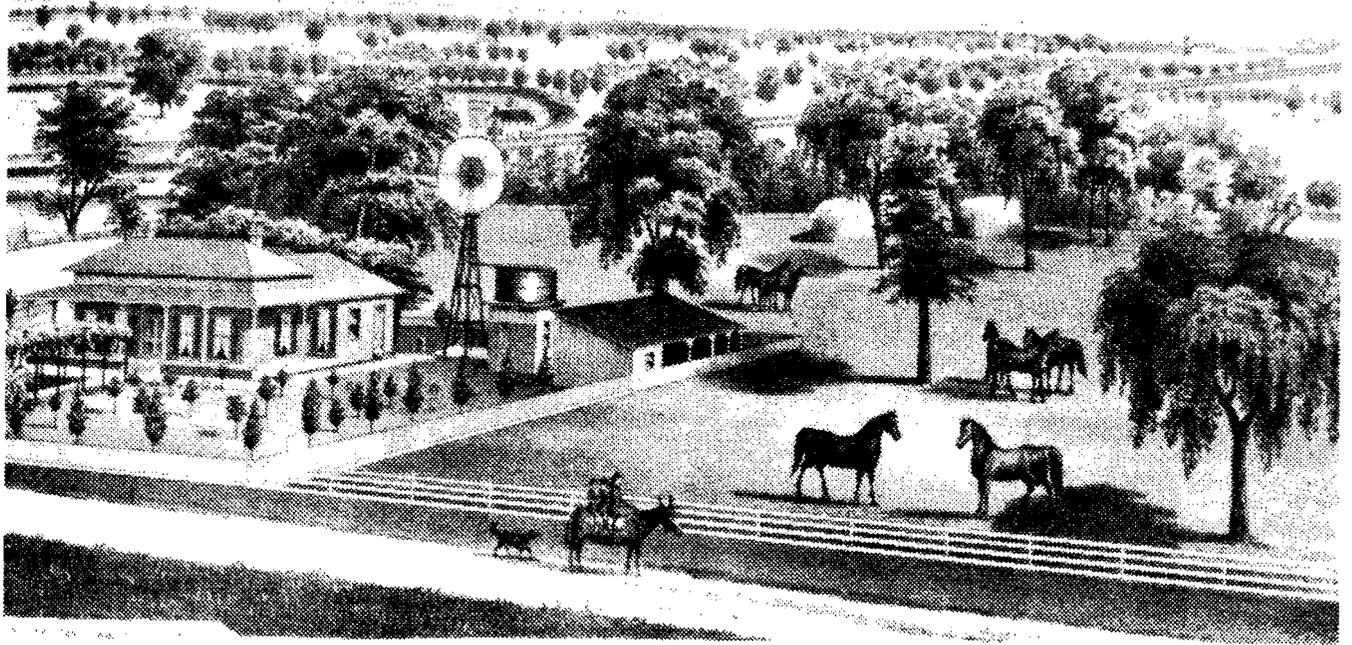
Tuesday 18th February 1851

Court met pursuant to adjournment.

Present: Hon. Benj. Williams, County Judge
Thos. H. Blount, Deputy Sheriff
A. C. Bradford, Clerk

164 Upon the petition of C. H. Worden, G. J. Slocum and R. C. Bosworth for a license to establish a ferry on the San Joaquin river two miles below Bonsell & Scott's ferry, they having complied with the requisites of the law,

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



North bank ranch home and horse pasture of B. F. Langford on the Mokelumne River. Across the river, hidden by the trees near the windmill, lies the Miller ranch buildings shown in the previous lithograph.

Note Miller's (Staples') ferry drawn in the opening just above the left side of the house roof. In this lithograph the wreck of the *Pert* is shown partially hidden by the windmill blades.

It is ordered that a license to keep said ferry be issued to said Worden, Slocum, and Bosworth, upon the payment of two hundred & fifty dollars tax.

Worden, Slocum, and Bosworth established their ferry just south of where the Old River joins the San Joaquin River. About ten years later a second ferry, Johnson's, was established in almost the same site, indicating that Slocum's (as it was commonly called) may not have survived long. The portion of Louise Avenue lying west of Interstate 5 was formerly known as the Johnson Ferry Road.

- 165 It is ordered that eighty-five dollars be allowed James S. Craig for articles furnished Recorder's office as per bill filed.
- 165¹/₂ It is ordered that the resignation of Joseph B. Clements as coroner of San Joaquin be accepted.
- 166 It is ordered that Sam'l. Neall, Jr., be allowed thirty-two dollars for services as per bill.
- 167 It is ordered that R. P. Ashe, Sheriff, be allowed two thousand one hundred and five dollars for costs and services as per bill.
- 168 It is ordered that one hundred and fifty

- dollars be allowed Thos. H. Blount for medical services to prisoners as per bill rendered.
- 169 It is ordered that R. P. Ashe, Sheriff, be allowed four thousand eight hundred and seven-teen dollars for boarding prisoners and attendance upon the same for the time and at the rates in the bill rendered.
- 170 It is ordered that the *Stockton Times* be allowed two hundred and eighty-one dollars on the two bills rendered for county printing.
- 171 It is ordered that A. C. Bradford be allowed eleven hundred and seventy-one dollars for services upon the different courts and articles, etc., furnished county clerk's office.
- 172 It is ordered that the *Stockton Journal* be allowed fifty-eight dollars for county printing on the two bills rendered.
- 173 It is ordered that H. T. Booraem be allowed fifty dollars for cash paid by him for having six cords of wood sawed & split for county offices.
- 174 It is ordered that Dr. Chas. A. Ward be allowed five hundred and sixty-three dollars for medical attendance on prisoners as per bills rendered.
- 175 It is ordered that Sam'l. Langdon, constable,

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

- be allowed five hundred and forty 10/100 dollars for costs and services as per bill rendered.
- 176 It is ordered that John F. Stewart be allowed twenty dollars for costs as special constable in cases stated in his bill.
- 177 It is ordered that Geo. W. Wood, Justice of the Peace, be allowed four hundred and eighty 88/100 dollars for costs in state cases as per bill rendered.
- 178 It is ordered that Benj. G. Weir, Justice of the Peace, be allowed three hundred and ninety dollars as costs in state cases as per bills rendered.
- 179 It is ordered that Wm. Mix be allowed twenty dollars' fees for acting as special constable in certain cases stated in his bill.
- 180 It is ordered that Hook and Bradford be allowed ten dollars for hauling wood, etc., as per bill.
- 181 It is ordered that Messrs. Richardson and Warner be allowed Seventy-seven 58/100 dollars for articles of stationery, etc., furnished the county.
- 182 It is ordered that Messrs. Bissell and Bancroft be allowed seventy-two 50/100 dollars for stationery furnished to the county.
- 183 It is ordered that Bissell and Bancroft be allowed twenty-eight dollars for stationery furnished for the use of the county.
- 184 It is ordered that Messrs. Pinto and Jordan be allowed sixteen dollars for stationery for the use of the county, as per bill.
- 185 It is ordered that F. C. Andrew be allowed ten dollars for serving as a witness in a case before Justice Weir as per bill.
- 186 It is ordered that James Simpson be allowed one hundred and thirteen dollars for expenses incurred in pursuit of Samel [sic] Adams as per bill.
- 187 It is ordered that Wm. Pray be allowed eight hundred dollars for furnishing rooms, lights, fire, etc., for the December term, 1850, of the District Court of San Joaquin County, on the bill rendered.

(To Be Continued in Next Issue)

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SAN JOAQUIN COUNTY HISTORICAL SOCIETY**

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