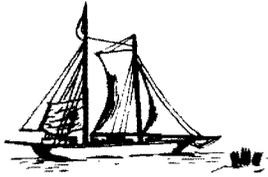


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NUMBER 2

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

Annotations by Robert Bonta

(Continued from the January-March 1980 Issue)

- Court of Sessions Civil Matters
Tuesday October 28th 1851
Court met pursuant to adjournment
Present: Hon. O. C. Emory, Judge
J. K. Shafer Asso. Jus.
[&]
B. G. Weir
R. P. Ashe, Sheriff
A. C. Bradford, Clerk
- 300 It is ordered that the order entered on the eighth day of October at this term authorizing the Sheriff to rent from G. D. Dickenson the lower part of the gaol for Sheriff's office and gaol purposes, date from the eighteenth day of September last and that he be allowed for rent to the eighth Instant.
- 301 Upon the petition of Samuel Booker praying for a duplicate of County warrant number eighty-five, the same having been lost and having supported the petition by affidavit:
It is ordered that the petition be allowed upon giving bond indemnifying this county against the presentment of the original order. It is ordered that Court be adjourned until tomorrow at three o'clock P.M.
- Court of Sessions Civil Matters
Wednesday October 29th 1851
Court met pursuant to adjournment.
Present: Hon. O. C. Emory, Judge
J. K. Shafer Asso. Jus.
[&]
B. G. Weir
R. P. Ashe, Sheriff
A. C. Bradford, Clerk
- 302 It is ordered that Geo. Kerr, proprietor of the San Joaquin Republican, be allowed the sum of one hundred and thirty-four dollars for County printing as per bill filed, payable out of the general revenue accruing for the present year.
- 303 Upon the petition of G. W. Wood, Esq., praying for a duplicate of County warrant number three hundred and eighty-six (386), the same having been lost and having supported the petition by affidavit:
It is ordered that the petition be granted upon condition that the applicant first give bond, conditioned to indemnify [sic] this County against all loss in the event of the original warrant being presented.
- 304 Upon the petition of W. C. Culverston praying for a license to carry on the business of Auctioneer in and for this county;
It is ordered that the prayer be granted upon the petitioner's complying with the Statute in such cases made and provided.
- 305 Upon the petition of James Simpson, praying for a license to establish a toll bridge across the Calaveras River at a certain point known as Simpson's Ranch in Township No. five of said County;
It is ordered that the prayer be granted under such conditions as are required by the Statute in such cases made and provided.
- 306 Upon the petition of Wm. Wilson praying for a license to establish a toll bridge across the Calaveras River at a certain point known as Wilson's Ranch in Township No. five in said County;
It is ordered that the prayer be granted under such conditions as are required by the Statute in such cases made and provided.
- 307 Upon the petition of John MacNish praying for a (continuance or) renewal of license to continue a toll bridge established across the Stanislaus River at a certain point known as Heath & Emory's Ferry in Township No. three in said County;
It is ordered that the prayer be granted under such conditions as are required by the

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

Statute in such cases made and provided.

308 It is ordered that the account of A. A. Mix, County Recorder, be arranged so as to allow said Mix the sum of [blank] dollars at the rate of \$2000 per annum up to the first day of April 1851; that from and after that time said Mix to receive at the rate of \$500 per annum, deducting from the first quarter of same the sum of (\$50) fifty dollars.

And it is further ordered that said Mix, as County Recorder, be allowed the sum of \$50 per month for office rent from the time of the auditing of his last account, until further ordered by this Court.

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

Court of Sessions Civil Matters
Thursday October 30th 1851
Court met pursuant to adjournment.

Present: Hon. O. C. Emory, Judge
B. G. Weir, Asso Jus
R. P. Ashe, Sheriff
A. C. Bradford, Clerk

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

Friday October 31st 1851
Court met pursuant to adjournment.

Present: Hon. O. C. Emory, Judge
J. K. Shafer Asso Jus
[&
B. G. Weir
R. P. Ashe, Sheriff
A. C. Bradford, Clerk

309 Whereas it appearing that a bill amounting to the sum of seven hundred and seventy-three dollars was allowed to the Sheriff of this County on the seventh day of October of the present term of court, and that it was made payable by the late County Judge out of the license fund after it had been signed by the Associate Justices,

It is therefore ordered that the said amount be considered payable out of the general revenue for the present year, not otherwise appropriated, and that the said warrant retain its original date and that the Clerk furnish the County Auditor and Treasurer with a copy of this order.

310 It is ordered that O. B. Taylor of this County be allowed to regulate and correct the tax list of State and County tax of this County when the proper affidavits and proofs are made of over-taxation.

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

O. C. Emory, Judge, Court of Sessions
J. K. Shafer
[& Associate Justice[s]
Benjm. G. Weir

Court of Sessions Civil Matters
San Joaquin County

Be it remembered that heretofore to wit, on Monday the First day of December in the year of our Lord one thousand eight hundred and fifty-one, it being the first 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. O. C. Emory, Judge
J. K. Shafer, Asso. Jus.
R. P. Ashe, Sheriff
A. C. Bradford, Clerk

310¹ Associate Justice Benj. G. Weir being absent, It is ordered that Justice S. Dean be appointed Associate Justice to fill the aforesaid vacancy during the present term of Court.

. . . An order having been made at the June term, 1850, of the Court of Sessions, authorizing the Sheriff of this County to receive and take formal possession of all lands and tenements in the name and on behalf of this County that may be donated, and no report having been made to this Court,

It is therefore further ordered that the Sheriff of the County be instructed to confer with Charles M. Weber or his agent in relation to the transfer of land and particularly in reference to the transfer of the Square known upon the early plan or Survey of the City of Stockton as "County Square" and that said Sheriff be, and he is hereby authorized to receive in the name, and on behalf of this County, livery of seizin, and formal possession of any and all lands, or lands and tenements, that the said Weber or his agent may see proper to donate to this County.

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

Following the initial contact made with Charles Weber by the Sheriff (as directed by the Court of Sessions at its first session on June 3, 1850) for the transfer of the Courthouse Square to county ownership, Weber had had a gift deed drawn up and delivered to Judge Williams. Fearing that the wording of the deed was not in complete conformity with the provisions of the statute regarding the acceptance by public bodies of land for public use, the deed was returned to Captain Weber along with a new one of proper form.

It was at about this point (mid-summer, 1850) that the block in question became embroiled in a law suit filed by Weber -- still the legal owner as the second deed had not yet been signed and delivered to the county -- for the removal of Justice of the Peace Hairston Amyx from the square. His physical occupation (as a "squatter") of the southwest corner of the block was based upon his claim that Weber did not have legal possession of it. What would appear to have been a simple matter was complicated by the fact that the defendant in the suit -- Amyx -- was sitting on the Court of Sessions at the same time. Attorneys Terry and Perley were retained by Weber, and their fees were paid by the county (see entry 80 dated October 8, 1850). Amyx was found guilty of unlawful occupation of the land

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May, Special Term, 1851

It is remembered that heretofore to-wit, on Monday the Fifth day of May in the year of our Lord one thousand eight hundred and fifty one, a special term of the Court of Sessions, was held pursuant to law for the transaction of County business.

Present Hon. Reg. Nathan Judge
R. P. White Sheriff
A. C. Bradford Clerk

Warrant issued
31st May 1851

It is ordered that Peter and
Mekman be allowed one hundred
and fifteen dollars for iron and
201 licks furnished County prison as
per bill rendered.

Warrant issued
21st June 1851

It is ordered that Charles Brown
be allowed twenty five ^{cts} dollars
202 for sheet iron furnished to the County
prison as per bill

Warrant issued
21st December 1851

It is ordered that John O'Neal
be allowed twenty five dollars for the
203 table furnished Court House as per bill.

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

and his fencing was removed by the Sheriff.

Weber still did not deed the property to the county following the successful conclusion of the suit, nor did the Court of Sessions press him for its conveyance. In the meantime, the City of Stockton had been organized (incorporated on July 25, 1850, and its first officers sworn into office on August 5) and Weber quietly deeded the whole square to the city instead -- no doubt as a result of the Amyx affair and perhaps also because of a general feeling at the time that the integrity of the individual members of the Court of Sessions left much to be desired.

By this time (December, 1851) the Grand Jury had already discussed the courthouse problem, and even though its report had not yet been officially made public no doubt the justices on the Court were aware of their inquiry into the matter. It is not clear at this point whether the three members of the Court knew of the existence of the deed which gave control of the square to the city, but if they did they certainly did not admit to it judging from the content of the above entry. By this time two of the original members -- Amyx and Judge Williams -- had resigned from the Court.

Court of Sessions Civil Matters
San Joaquin County

Tuesday December 2d 1851

Court met pursuant to adjournment.

Present: Hon. O. C. Emory, Judge

J. K. Shafer Asso. Jus.

[&]

S. Dean

R. P. Ashe, Sheriff

A. C. Bradford, Clerk

310¹/₂ It is ordered that O. C. Emory, County Judge, and John W. O'Neil be and they are hereby appointed to act in conjunction with the Sheriff of this County in conferring with C. M. Weber or his agent in reference to the transfer of any land to this County, and that they be authorized in connexion [sic] with the said Sheriff to take formal possession of any land, or lands, and tenements, in the name, and on behalf of, the County of San Joaquin which the said C. M. Weber or his agent may see proper to donate to this County.

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

Court of Sessions Civil Matters
Wednesday December 3d 1851

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

A. C. Bradford, Clerk

Court of Sessions

by Gilbert B. Claiborne, D.C.

[Deputy Clerk]

Gilbert Burnett Claiborne, a native of Virginia, had come to California with a brother in the first half of 1849. After a relatively short stay in San Francisco Claiborne decided to settle in Stockton. He proceeded by sloop as far as New York of the Pacific, a landing place and surveyed town site just west of the mouth of the San Joaquin River (and site of the modern city of Pittsburg) and from there traveled on to Stockton. He remained in his adopted home city the rest of his life. He was active in community affairs and was a charter member of the Stockton Council No. 10 of the Masonic Order. In October of 1865 he was elected Grand Master of the Order in California, having previously served as Master of the San Joaquin Lodge.

In local government he served as the Deputy County Clerk from 1850 through 1852; in 1853 he succeeded his superior, A. C. Bradford, and served two years as the Clerk. He also held the position of City Clerk in 1851-52.

Claiborne became associated with the San Joaquin Valley Bank upon its incorporation, and in 1868 became its president. This bank was absorbed by the Bank of Italy (predecessor to the giant Bank of America) in 1917 (see "Early Banks in Stockton, California," by Carla Herndon Thorpe, in the SAN JOAQUIN HISTORIAN, Vol XI, No. 1, January - March, 1975). At the time of his death on December 21, 1908, he was still serving as a member of the bank's Board of Directors.

He and his wife, Marion F. Claiborne, resided at 425 West Park Street. He was buried at Rural Cemetery following private rites. A quiet, unassuming man, he was one of the last surviving pioneers of the Gold Rush Era; with his death the last living link with the first city and county governments was broken. The STOCKTON INDEPENDENT summed up his long and useful life in just one sentence: "His life was most exemplary; he had but few intimates yet held the respect of all."

Court of Sessions
Thursday December 4th 1851

The Sheriff and the Clerk met pursuant to adjournment but the Hon. O. C. Emory, Judge, not being present the Sheriff adjourned the Court until tomorrow morning (Friday) ten o'clock.

A. C. Bradford, Clerk

Court of Sessions

by Gilbert B. Claiborne, D.C.

Court of Sessions Civil Matters
Friday December 5th 1851

Court met pursuant to adjournment.

Present: Hon. O. C. Emory, Judge

J. K. Shafer, Asso. Jus.

R. P. Ashe, Sheriff

A. C. Bradford, Clerk

It is ordered that Court be adjourned until [blank]_____.

Court met pursuant to adjournment.

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Present Hon. O. C. Emory, Judge
 J. K. Shafer, Asso. Jus.
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

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

Court of Sessions Civil Matters
 Monday December 8th 1851
 Court met pursuant to adjournment.
 Present: Hon. O. C. Emory, Judge

J. K. Shafer Asso. Jus.
 [&]
 B. G. Weir
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

311 It is ordered that O. B. Taylor, County Assessor, be allowed the sum of one hundred and forty-four dollars for services in correcting the assessment list, etc., payable out of the general fund of the present year not otherwise appropriated.

312 It is ordered that A. C. Bradford, County Clerk, be allowed the sum of seven hundred and ten dollars for services in attendance upon the Court of this County, payable out of the general fund of the present year not otherwise appropriated.

313 It is ordered that G. D. Dickenson be and he is hereby allowed the sum of one hundred and forty dollars, payable out of license fund, rent for the buildings lately known as the Court House, and the jail and Sheriff's office, from the first day of November to the fourteenth day of November, 1851, and also the further sum of fifty dollars payable out of the license fund for the rent of the jail and Sheriff's office from the fourteenth day of November, 1851, to the first day of December, 1851.

314 It is ordered that G. D. Dickenson be allowed the sum of one hundred dollars payable at the expiration of each month out of the license fund for the rent of the county jail and Sheriff's office.

315 It is ordered that Benj. Williams, late County Judge, be allowed the sum of forty-one dollars and eight cents balance of salary due him, payable out of the general revenue of the present year not otherwise appropriated.

316 It is ordered that R. P. Ashe, Sheriff of this County, be allowed the sum of nine hundred and ninety-nine dollars for boarding the prisoners in the county jail of this County, payable out of the license fund.

317 The petition of A. A. Mix, County Auditor, was this day presented to the Court representing that in pursuance of an order of this Court made on the 1st day of July, 1850, allowing him the sum of two thousand dollars per annum, for services as County Auditor, he had on the 1st day of July, 1851, drawn a warrant for the sum of five hundred dollars, which said warrant was for the last quarter of said year. And that the payment of the said warrant had been stopped,

owing to an order of the Court reducing his annual allowance, made since the expiration of the year for which he had been allowed--wherefore he prayed that the said warrant be allowed and accordingly it is so ordered.

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

Court of Sessions Civil Matters
 Tuesday December 9th 1851

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

A. C. Bradford, Clerk
 Court of Sessions
 by Gilbert B. Claiborne
 D. C.

Court of Sessions Civil Matters
 Wednesday December 10th 1851

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

A. C. Bradford, Clerk
 Court of Sessions
 by Gilbert B. Claiborne, D. C.

Court of Sessions Civil Matters
 Thursday December 11th 1851

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

A. C. Bradford, Clerk
 Court of Sessions
 by Gilbert B. Claiborne, D. C.

Court of Sessions Civil Matters
 Friday December 12th 1851

The Court met pursuant to adjournment.

Present: Hon. O. C. Emory, Judge
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

It is ordered that Court be adjourned until Monday morning, ensuing at ten o'clock p.m. [sic]

Court of Sessions Civil Matters
 Monday December 15th 1851

Court met pursuant to adjournment.

Present: Hon. O. C. Emory, Judge
 J. K. Shafer Asso. Jus.
 [&]

B. J. Weir
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

It is ordered that Court be adjourned till Tuesday morning at half past nine o'clock.

Tuesday December 16th 1851
 Court met pursuant to adjournment.
 Present: Hon. O. C. Emory, Judge

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J. K. Shafer Associates
 [&]
 B. G. Weir
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

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

Court of Sessions Civil Matters
 Monday December 22d 1851

Court met pursuant to adjournment.

Present: Hon. O. C. Emory, Judge
 J. K. Shafer Asso. Jus.
 [&]
 B. G. Weir
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

318 Upon the petition of Shuball F. Wood this day presented to the Court praying for the use and possession of the vessel lying in the Mormon Slough and belonging to the County.

It is ordered by the Court that the said petitioner be allowed to take possession of said vessel upon his first paying to the County Treasurer the sum of fifty dollars.

"... the vessel lying in the Mormon Slough and belonging to the County" was Dr. Clements' brig which the county Court of Sessions had voted to purchase back in July, 1850 (entry 27) and to renovate for use as a prison ship (entry 41). The reader will recall that on the very same day that the Court had voted to purchase the ship it sank to the bottom of the slough. Thereupon Judge Williams had refused to authorize the County treasurer to issue a warrant for its purchase, and Clements had threatened to sue, if necessary, for payment. Nothing came of his threats to force the county to consummate the purchase -- but the Court, through negligence, also failed to rescind its purchase order. So the entry remained in the Court's minutes.

About nine months later, according to Judge Williams' own account, Clements was able somehow to talk the County Clerk into issuing the warrant without the knowledge of the Court and without its entry in the minutes. Embarrassed over the whole affair once it did become public, the Court of Sessions made no attempt to recover the money through the County or District courts. Finding themselves in possession of a derelict ship buried in some ten feet of water, their only alternative at this point was to sell the wreck in order to recover at least a small part of their unwanted investment. Mr. Wood probably spent the next month tearing the ship apart, salvaging whatever he could of the lumber.

319 It is ordered that August Skogh be allowed the sum of twenty-five dollars for services as interpreter to the Court at the October Term, 1851, payable out of the general revenue for the present fiscal year not otherwise appropriated.

320 It is ordered that Benj. G. Weir be allowed the sum of forty-four dollars for fees in criminal

cases as Justice of the Peace, payable out of the general revenue for the present fiscal year not otherwise appropriated.

321 It is ordered that P. E. Jordan be allowed the sum of sixty-seven dollars and sixty-nine cents for lumber furnished for Court Room, payable out of the money arising from the sale of the brig lying in Mormon Slough and the fund accruing from billiards and ten-pin-alley licenses.

322 It is ordered that Benjamin Williams, late County Judge, be allowed the sum of seventy-three dollars and ninety-two cents, balance of salary due him, payable out of the general revenue for the present fiscal year not otherwise appropriated.

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

Court of Sessions Civil Matters

Tuesday December 23d 1851

Court met pursuant to adjournment.

Present: Hon. O. C. Emory, Judge
 J. K. Shafer Asso. Jus.
 [&]
 B. G. Weir
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

323 It is ordered that John MacNish [sic] be allowed the sum of two hundred and fifty dollars for rent of rooms occupied by the County as offices and Court rooms, the same being for one month ending 15th December, 1851, payable out of the license fund.

On November 15 (1851) all of the county offices except that of the Sheriff were moved into the MacNish building, a two-story wooden structure located on the northwest corner of Hunter and Channel streets, from the Dickenson building where they had been housed since the preceding April 1st (seen entries 313 and 314). Since the middle of September the Sheriff had been sharing a small portion of the basement which had also housed the prisoners since the first of April, and the county from this date (November 15) forward continued to pay rent to Dickenson for the use of the basement (see entries 286 and 300). MacNish's name is variously spelled McNISH and MACNISH in the Court of Sessions minutes, the contemporary newspapers, and the county histories.

324 It is ordered that the Sheriff of the County pay over to the County Treasurer all moneys received by him for licenses on Billiard Tables and Ten-Pin-Alleys. Subject to the order of the Court.

325 It is ordered that R. P. Ashe, Sheriff of the County, be allowed the sum of seven hundred and twenty dollars and fifty cents for his attendance upon the Courts, payable out of the general revenue for the present fiscal year not otherwise appropriated.

326 Upon the petition of Staples and Nichols

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praying for a license to establish a toll bridge across the Moquelumne River at a certain point known as Staples' Ranch in said County.

It is ordered by the Court that the prayer of the petitioners be granted under such conditions as are required by the Statutes in such cases made and provided.

327 Upon the petition of Wm. F. McDermot praying for a license to establish a toll bridge across the Calaveras River at a certain point formerly known as Davis & Atherton's Ranch in Township no. four in said County.

It is ordered by the Court that the prayer of the petitioners be granted under such conditions as are required by the statutes in such cases made and provided.

328 It is ordered by the Court that the following rates of ferriage be established in this County:

Loaded wagons, more than four horses,	
mules or oxen, not exceeding	\$3.00
Empty wagons not exceeding	1.50
Loaded wagons four horses, mules	2.50
Empty wagon	1.25
Loaded wagon two mules or horses	1.50
Empty wagon	\$1.00
Man and horse	.50
Pack mules and Cargo	.50
Pack mule without Cargo	.25
Foot passenger	.25
Stock--Horses, Cattle or mules	.20
Sheep, Hogs, or goats per score	1.00

It is further ordered that the ferries on the San Joaquin River be allowed an additional charge of fifty per cent on the above rates.

329 A. C. Bradford, County Clerk, this day reported to the Court that he had received from the Court of Sessions for the purchase of Standard weights and measures for this County, the sum of (in scrip) \$512 and also for the purchase of Seals for the Courts, an appropriation in scrip, the sum of \$108,

And that he had paid for the weights in cash \$512 and for County Seals in cash \$46 as per vouchers exhibited and with said report.

Whereupon it appearing to the Court that the report is satisfactory, It is ordered that A. C. Bradford be allowed the sum of five hundred and fifty-eight dollars, the same to be payable out of the fund arising from billiard tables' and ten-pin-alleys' licenses after the warrant drawn upon said fund for the payment of a stove and for materials furnished and labor in fitting up and repairing the Court Rooms shall have first been paid, and the further condition of the delivery of the warrants held by the said Bradford and originally allowed for the purchase of Standard weights and Seal of the Courts.

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

Court of Sessions Civil Matters
 Wednesday December 24th 1851
 The Clerk met pursuant to adjournment but

neither the Sheriff nor the Hon. O. C. Emory, Judge, being present; the Clerk adjourned the Court until Friday next by this entry on the minutes.

A. C. Bradford, Clerk of
 Court of Sessions
 by Gilbert B. Clairborne, D. C.

Court of Sessions Civil Matters
 Friday December 26th 1851

The Clerk met pursuant to adjournment, but neither the Sheriff nor the Hon. O. C. Emory, Judge, being present, the Clerk adjourned the Court until Saturday by this entry on the minutes.

A. C. Bradford, Clerk of
 Court of Sessions
 by Gilbert B. Clairborne, D. C.

Court of Sessions Civil Matters
 Saturday December 27th 1851

Court met pursuant to adjournment.

Present: Hon. O. C. Emory, Judge
 J. K. Shafer, Asso.Jus.
 A. C. Bradford, Clerk

It is ordered that Court be adjourned until the next regular term.

O. C. Emory, Judge
 J. K. Shafer, Asso.Justice

(To Be Continued in Next Issue)

MISCELLANEOUS

AN ACT declaring certain Rivers, Creeks, and Sloughs. herein named, navigable.

Passed March 20, 1850.

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

1. That so much of the San Jose de Guadalupe river, as lies between its mouth and the old residence of Senor Alviso, known as the town of Alviso; and so much of the Petaluma river as lies between its mouth and where the road crosses said river, leading from Sonoma and San Raphael; and so much of Sonoma river as lies between its mouth and the town of San Luis; and so much of Napa river as lies between its mouth and Napa City; and so much of Suisun river as lies between its mouth and the town of Suisun Embarcadero; and so much of the Sacramento river, as lies between its mouth and a point twenty miles north of the mouth of Cotton Wood creek; and so much of Feather river as lies between its mouth and Potter's bar; and so much of Bear river as lies between its mouth and the town of Kearney; also the big slough which empties into Feather river, at Nicholas Altejar's rancho, from its mouth to its source, near the house of John

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Barham; and so much of Yuba river as lies between its mouth and a point eight miles therefrom; so much of the San Joaquin river as lies between its mouth and the Tulares Lake; and so much of the Moquelumne river as lies between its mouth and the first falls; and so much of the Tuolumne river as lies between its mouth and the ferry known as Spark's are hereby made and declared navigable streams; and so much of Bute [Butte] creek as lies between its mouth and the house of Samuel Neal; and so much of Chico creek as lies between its mouth and a point five miles therefrom; and so much of Deer creek as lies between the house of Peter Lassen and its mouth; and so much of the river called the American Fork, as lies between its mouth and the place called the Mill Dam, at the head of the race made by Capt. J.A. Sutter, for the erection of a grist mill.

2. It shall not be lawful for any person or persons to build or construct any bridge or dam across said rivers, or in any other manner to obstruct the navigation of said rivers, creeks, or sloughs.

AN ACT to prevent Obstructions in Navigable Streams.

Passed April 10, 1850

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

1. If any person shall obstruct the navigation of any river or water course of this State, which has or may become a public highway, by being by law declared a navigable stream, by constructing any dam, bridge, ferry, or machinery of any kind, or by felling trees into any such stream, or in any other manner shall obstruct the waters of any such river, the person so offending shall, upon conviction thereof before the County Court of the respective County which shall have jurisdiction in such cases, pay double damages to any person sustaining injury thereby, together with the costs of the suit, and be fined, not exceeding two hundred dollars, to be paid to the County Treasurer, and to be applied to the improvement of public highways.

2. The above Act shall not be so construed as to prohibit ferries being made in such a manner as will not interfere with the navigation of any such stream, or the construction of ferries, bridges, dams, or machinery, authorized by a special permit, setting forth the manner and extent of such improvements from the Court of Sessions of the County or Counties within the limits of which said improvement is made.

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 P.O. Box 21, Lodi, California 95240

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The San Joaquin County Historical Society, a non-profit corporation, meets the fourth Monday of each month except for July and August. Annual memberships are: Individual - \$5.00, Corporate - \$8.00, and Junior - \$1.00, and include a subscription to the **San Joaquin Historian**. Non-members may purchase individual copies from the Society's Secretary at \$1.00 per copy. The Society also operates the San Joaquin County Historical Museum at Micke Grove. Persons wishing to donate items should contact the Museum Director.

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 [1979-80]**

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