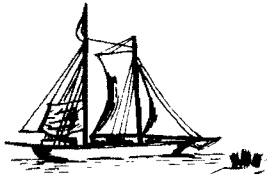


SAN JOAQUIN HISTORIAN



PUBLISHED QUARTERLY BY
SAN JOAQUIN COUNTY HISTORICAL SOCIETY



VOLUME XVII

OCTOBER-DECEMBER 1981

NUMBER 4

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

Annotations by Robert Bonta

(Continued from the July-September 1981 Issue)

Court of Sessions San Joaquin Co.
Special May Term 1852

Be remembered that heretofore to wit, on Monday the seventeenth day of May in the year of Our Lord one thousand eight hundred and fifty-two (it being the third Monday of said month) a Special term of the Court of Sessions in and for the County of San Joaquin was held pursuant to notice legally given, for the transaction of civil business.

Present: Hon. W. A. Root, Judge
B. G. Weir, Associate
A. C. Bradford, Clerk

- 354 It is ordered that two thousand blank forms of bonds be printed for the purpose of funding the debt of the County, in accordance with the provisions of an act passed by the Legislature of the State at its last Session, entitled "An Act to provide for funding the debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the debt" and that the same be printed at the office of the **San Joaquin Republican**.

The subject of "funding the debt" of the county had been brought up by the first Grand Jury in its February (1852) report, along with a detailed account of how much the county owed. Projecting expenses and income to April first (1852) produced an estimated debt figure of \$48,000--a huge sum in those days. Salaries paid to county officials and payments for goods

and services provided by local business houses were often paid in scrip whenever ready cash was not available. These, of course, were supposed to be fully redeemable in cash, but in actual practice this was not the case. The state legislature came to the county's rescue with the enactment of special legislation (in April 1852) allowing the county to issue (sell) bonds as a means of raising new revenue, as well as in exchange for outstanding scrip (See the complete text of the "Act to Provide For Funding the Debt of San Joaquin County . . ." under MISCELLANEOUS at the end of this issue. See also Vol. XVI, No. 3, footnotes 4 and 5, p. 237).

- 355 It is ordered that County warrant no. thirty-four payable to A. A. Mix, late County Auditor and dated October fourteenth A.D. 1851, be changed in its date, and that the same be made to bear date from the first day of October A.D. 1851 and paid in its order.

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

Court of Sessions
Civil Matters

Tuesday May 18th A.D. 1852
Court met pursuant to adjournment.
Present: Hon. W. A. Root, Judge
A. C. Bradford, Clerk

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

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Court of Sessions Civil Matters
 Wednesday May 19th 1852
 Court met pursuant to adjournment.

Present: Hon. W. A. Root, Judge
 J. K. Shafer, Associate
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

356 An order having been made at the last April Term of the Court allowing R. P. Ashe, Sheriff of the County, the sum of eight hundred and ninety-eight dollars payable out of the general revenue which said allowance should have been made out of the License Fund, and the County Auditor having issued his warrant in accordance with said order numbered seventy-six;

It is therefore now ordered that the said warrant be paid by the Treasurer out of any funds on hand belonging to said License Fund.

It is ordered that Court be adjourned until tomorrow evening 4 o'clock 4 P.M. [sic]

Court of Sessions Civil Matters
 Thursday May 20th 1852
 Court met pursuant to adjournment.

Present: Hon. W. A. Root, Judge
 J. K. Shafer, B. G. Weir, Associates;
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

357 It is ordered that John Canavan be allowed the sum of six hundred and sixteen dollars and sixty-five cents for work and labor and materials furnished for the county jail payable out of any moneys in the Treasury not otherwise appropriated.

358 It is ordered that the form of bond printed at the office of the **San Joaquin Republican** under the direction of the Court in accordance with an act entitled "an act to provide for funding the debt of San Joaquin, for the payment of interest thereon and for gradual liquidation" and this day filed, be accepted by the Court and adopted as the form of bond to be used in funding said debt of the County.

It is interesting to note at this point that three days earlier the Court ordered the SAN JOAQUIN REPUBLICAN office to print 2,000 of these bond forms--sight unseen. It would have been embarrassing now to reject the form already printed in this large a number.

On May 23rd the SAN JOAQUIN REPUBLICAN reported that each bond had "eight [payment] coupons attached, payable on the first Monday of January, 1853, and thereafter on the first Mondays of July and January in each year until paid." The bonds paid 10% interest per annum, payable as the individual coupons became due.

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

Court of Sessions Civil Matters
 Friday May 21st 1852

Court met pursuant to adjournment.

Present: Hon. W. A. Root, Judge
 J. K. Shafer Associates
 B. G. Weir
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

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

Court of Sessions
 Saturday May 22d 1852

Court met pursuant to adjournment.

Present: Hon. W. A. Root, Judge
 J. B. Shafer, Associate
 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 May 24th 1852

Court met pursuant to adjournment.

Present: Hon. W. A. Root, Judge
 J. K. Shafer, Associate
 A. C. Bradford, Clerk

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

Signed Wm. A. Root, Co. Judge
 J. K. Shafer Associate Justice

358-1 Court of Sessions
 Civil Matters

June Term 1852

Be it remembered that heretofore to wit, on Monday the seventh day of June (it being the first Monday of said month) in the year of our Lord one thousand eight hundred and fifty-two, 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 civil business.

Present:

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Hon. Wm. A. Root, Judge
 J. K. Shafer, Associate
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

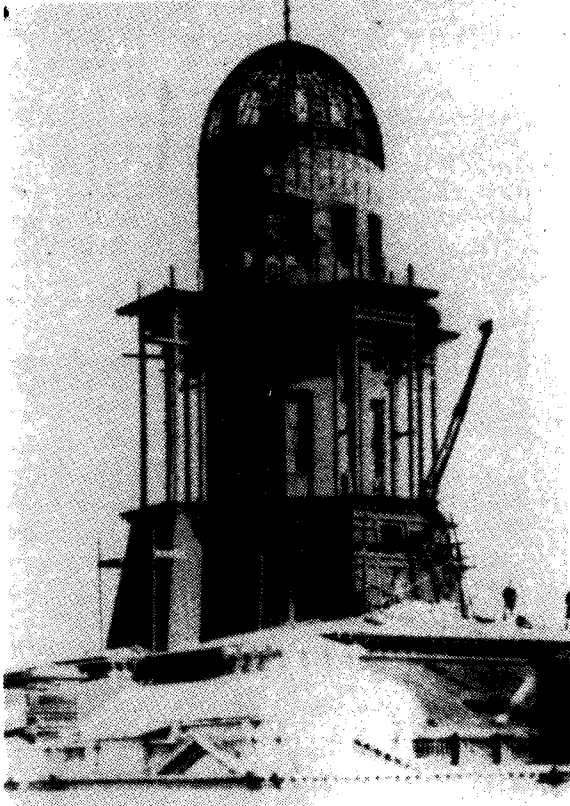
It is ordered that Court be adjourned until Wednesday next at three o'clock.

Wednesday 9th June 1852

Court met pursuant to adjournment.

Present: Hon. W. A. Root, Judge
 J. K. Shafer, Associate
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

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



An 1889 view of the steel framing for the dome of the county's second courthouse.

Court of Sessions
 Civil Matters

Thursday June 10th 1852

Court met pursuant to adjournment.

Present: Hon. Wm. A. Root, Judge
 J. K. Shafer Associates
 Benj. G. Weir
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

359

In pursuance and by the authority of the provisions of an act entitled "an act to fund the debt of San Joaquin County for the payment of the interest thereon, and for the gradual liquidation of the debt" passed by the Legislature of the State of California and approved April 20th A.D. 1852,

It is ordered by the Court that the following license tax shall be and the same is hereby assessed in said County:

1. Upon all persons vending goods, wares and merchandise of foreign or domestic growth or production, a yearly tax of two hundred dollars (\$200) or a quarterly tax of sixty-two dollars and 50/100 (\$62.50) at the option of the person or persons applying for such license, in all cases where the amount of sales shall be twenty-five thousand dollars per quarter, or upwards;

2. Also a yearly tax of one hundred and twenty-five dollars (\$125) or a quarterly tax of thirty-seven dollars and 50/100 (37.50) at the like option; in all cases when the amount of such sales shall be ten thousand dollars and less than twenty-five thousand dollars per quarter;

3. Also a yearly tax of eighty dollars (\$80) or a quarterly tax of twenty-five dollars (\$25) at like option in all cases when such sales shall be five thousand dollars and less than ten thousand dollars per quarter;

4. Also a yearly tax of thirty dollars (\$30) or a quarterly tax of ten dollars (10) at like option in all cases where such sales shall be under five thousand dollars per quarter;

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5. Also upon all persons vending spirituous liquors, wines, or mixtures or malt liquors by retail in less quantities than one pint to be drank [sic] when sold; a yearly tax of two hundred and fifty dollars (\$250) in all cases where the amount of such sales shall be twelve thousand dollars or upwards per annum;

6. Also a yearly tax of one hundred and fifty dollars (\$150) or a quarterly tax of forty dollars (\$40) at like option, in all cases when such sales shall be six thousand dollars and under twelve thousand dollars annually;

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7. Also a yearly tax of fifty dollars (\$50) or a quarterly tax of fifteen dollars (15) at like option, in all cases when such sales shall be less than six thousand dollars per annum;

8. Also upon all moneyed or stock corporations or private associations in this County deriving an income or profit from their capital, whether the same be incorporated or not, or whether the capital stock be located within or without this county; a yearly tax of three hundred dollars (\$300) in all cases when the amount of capital employed, or the amount of business transacted, shall be fifty thousand dollars or upwards;

9. Also a yearly tax of one hundred and twenty-five dollars (\$125) or a quarterly tax of thirty-seven dollars and 50/100 (\$37.50) at like option in all cases when the capital employed or amount of business transacted shall be less than fifty thousand dollars per annum;

10. Also upon all ferries and toll-bridges, a tax of three hundred dollars (\$300)-yearly-in all cases where the annual amount of receipts shall be five thousand dollars and upwards;

11. Also a yearly tax of one hundred and fifty dollars (\$150) in all cases where the amount of annual receipts shall be less than five thousand dollars and over two thousand dollars annually;

The Court inadvertently failed to enter the annual tax of \$50 assessed ferries doing less than \$2,000 worth of business a year. The oversight was corrected on June 14th by a special entry (No. 360).

Modern-day view of the condemned courthouse, taken shortly before its demolition in 1961. The present courthouse, constructed on the same site--the old "courthouse square" mentioned originally in the 1850 Court of Sessions records--was opened at a cost of \$5,500,00 in the summer of 1964, and dedicated the following October.

Courtesy, San Joaquin County Historical Museum.



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12. Also upon each travelling merchant, hawker, or pedlar [peddler] a yearly tax of one hundred dollars (\$100) or a quarterly tax of thirty dollars (\$30) at the option of the person or persons applying for a license;

13. Also upon each caravan, menagerie, or other (Exhibition or) collection of animals and for each exhibition of cock-fighting, a tax of ten dollars (\$10);

14. Also upon each exhibition of bull or bear fighting a tax of twenty-five dollars (\$25);

15. Also upon each day or part of a day of racing a tax of fifteen dollars (\$15);

16. Also upon all shows of any figures, rope or wire dancing, slight-of-hand exhibition for reward, a tax of five dollars for each day or separate exhibition (\$5)

17. It is further ordered that in all cases of an application for a license under the provisions of the before-mentioned act to vend goods, wares, and merchandise, spirituous liquors,

wines or mixtures, or malt liquors, for any moneyed or stock corporation or private associations, and for a ferry or toll bridge, 1st application shall set forth in writing the amount of sales, capital employed, business transacted, or annual receipts as the case may be, according to the scale of taxes hereinbefore assessed, and said statement shall be verified by the oath of the party, his, her, or their agent or attorney, and shall be filed in the office of the Treasurer of the County.

It is further ordered that all licenses issued under the provisions of said act shall date from the 20th day of April last, except in cases where licenses have heretofore been granted according to law; and in such excepted cases from and after the expiration of such licenses.

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

In addition to the license taxes listed above, a special tax of 50c per hundred dollars worth of assessed value on all personal and real property was enacted to help cover the value of the bonds themselves. An additional 25c per \$100 was assessed to cover the interest costs, and \$2.00 per person was added to the poll tax.

(To Be Continued in Next Issue)

MISCELLANEOUS

AN ACT To provide for Funding the Debt of San Joaquin County, for the payment of the Interest thereon, and for the gradual liquidation of the debt.

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

Sec. 1. The Debt of San Joaquin County, consisting of all outstanding liabilities, County Warrants and Scrip, and all indebtedness of every nature whatsoever, remaining unpaid on the tenth day of May, one thousand eight hundred and fifty-two, may be funded in the manner prescribed in this Act.

Sec. 2. Within thirty days after the passage of this Act, the Court of Sessions of said County shall cause to be made out bonds for the amount of said outstanding indebtedness; the said bonds to be in sums of not less than ten dollars, nor more than one hundred dollars each. Every holder of County Warrants or Scrip, and all persons owning or representing

as agent or attorney, any claim or debt against the County which has been audited and allowed on or before the tenth day of May, one thousand eight hundred and fifty-two, by the proper authority, may present the same to the Court of Sessions of said County, within three months from the passage of this Act, in order that the same may be cancelled, and that bonds for the amount of said warrants, or other debt, may be issued in lieu thereof, by the Court of Sessions, to the holder, his agent or attorney. It shall be the duty of said Court of Sessions to issue, as herein contemplated, Bonds for the amount of all said Warrants, Scrip, and other proper evidence of debt so audited and allowed on or before said tenth day of May, one thousand eight hundred and fifty-two, in amounts not less than ten dollars, nor more than one hundred dollars. Said Bonds to be styled "San Joaquin County Bonds," and be signed by the Judge and Associate Justices of said Court, and countersigned by the County Treasurer. It shall be the duty of said Court to

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cause all such Warrants, Scrip, and other evidences of debt, for which Bonds shall be issued as herein provided, to be cancelled immediately after issuing Bonds therefor. Said Bonds shall bear an interest of ten per cent per annum from the date thereof, the first payment to be made at the office of the County Treasurer on the first Monday of January, one thousand eight hundred and fifty-three, and thereafter semi-annually on the first Monday of July and the first Monday of January of each year. The said Court of Sessions shall fix the time for transacting the business herein specified, not less than five days in each month, and shall cause notice thereof to be given, at least ten days, in some newspaper published in said County.

Sec. 3. It shall be the duty of the Treasurer and Recorder of said County, each to keep a separate record of all Bonds issued under the provisions of this Act, showing the number, date, amount of each, and to whom issued.

Sec. 4. To provide for the payment of the interest and principal of said Bonds, and to meet the annual current expenses of said County, a tax shall be collected in the manner and at the time provided by law, for levying, assessing and collecting the public revenue, upon all persons and property, and individual pursuits, made taxable, by the Act to provide for levying, assessing and collecting public revenue.

Sec. 5. The amount of property tax levied by this Act, shall be fifty cents on each one hundred dollars' worth of real and personal property within the County, also an additional tax of twenty-five cents on each one hundred dollars' worth of real and personal property within the County, which additional tax shall be designated "The San Joaquin County Interest Tax," and shall be paid in the legal currency of the State of California, or in gold dust at the standard market value.

Sec. 6. There shall also be collected in said County, for the purposes of this Act, a poll tax of two dollars; said poll tax to be levied upon all persons not by law exempt from such tax, and shall be levied and collected in the manner and at the time provided by law for levying and collecting a poll tax for State purposes.

Sec. 7. There shall be assessed by the Court of Sessions of said County, a license tax upon all persons vending goods, wares and merchandise of foreign or domestic growth, or production, of not less than twenty dollars, nor more than two hundred dollars, for one year; also, upon all persons vending spirituous liquors, wines, or mixtures, or malt liquors, by

retail, in less quantity than one pint, to drink where sold, a tax of not less than twenty-five, nor more than three hundred dollars, for one year; also, upon each travelling merchant, hawker and peddler a tax of not less than fifty nor more than two hundred dollars; for each caravan, menagerie, or other collection of animals, and for each exhibition of bull, bear, or cock fighting, and for racing, a tax of not less than twenty nor more than fifty dollars; for each show of any figures, rope or wire dancing, sleight of hand exhibition, or other exhibition for reward, a tax of not less than five nor more than ten dollars for each day or separate exhibition; also, upon all moneyed or stock corporations or private associations in said County, drawing an income or profit from their capital, whether the same be or be not incorporated, and whether the capital stock be located within or without the said County; and upon all ferries and toll bridges, a tax of not less than fifty nor more than three hundred dollars per annum.

Sec. 8. The tax provided for in the foregoing section of this Act, shall be denominated "The License Tax of San Joaquin County," and shall be regulated in amount in the discretion of the Court of Sessions, and may be made payable quarterly or yearly.

Sec. 9. The Treasurer of said County shall collect such license tax as shall be assessed by the Court of Sessions, and his receipt therefor shall be filed with the County Auditor, who shall thereupon issue a license in proper form. The County Treasurer shall receive, as compensation, ten per cent upon all moneys collected by him under this Act.

Sec. 10. Every person who shall transact or carry on any business specified in section seven of this Act, without first procuring the license required, for each and every such offence shall be liable to an action in the name of the State, in any Court of competent jurisdiction, for the amount equal to double the amount of such tax, and when recovered, the same shall be paid into the County Treasury, and it is hereby made the duty of the District Attorney to prosecute the suits provided for in this section.

Sec. 11. It shall be the duty of the Auditor and Treasurer of the County to see that licenses are procured and paid for by those who should obtain the same under the provisions of this law, and whenever any one shall commence any business herein contemplated, without the necessary license, the District Attorney shall institute legal proceedings in the case.

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Sec. 12. All taxes provided for in this Act, except the interest tax, are hereby made receivable in the Bonds that may be issued under the provisions of this Act, or in any and all Warrants or Scrip, or any other evidences of County indebtedness legally audited and allowed, and remaining unfunded and unpaid.

Sec. 13. Of the amount of legal currency of the State, or gold dust, paid into the Treasury of the County under this Act, the interest shall first be paid on said Bonds, and the balance be applied by the Court of Sessions in payment of the current expenses of the County, and if any remain, shall be applied in such manner as said Court shall direct in payment of the Bonds, or outstanding Warrants, or Scrip.

Sec. 14. When any interest shall be paid upon a Bond issued under the provisions of this Act, the County Treasurer shall endorse the same upon said bond, and shall demand and receive from the person drawing such interest a receipt for the same, which receipt shall be filed, and be a proper voucher for said Treasurer.

Sec. 15. It shall be the duty of the County Judge and Recorder to attend at least once in each month, at the County Treasurer's office, to examine all Bonds and Warrants received by the Treasurer as aforesaid, and to cause the same to be registered and cancelled in such manner as to prevent their being re-issued or put in circulation.

Sec. 16. No other tax or license tax than such as are provided for in this Act, shall be levied, for County purposes, upon the citizens of San Joaquin County: **Provided**, fines, forfeitures and probate fees are not considered as coming under the head of "tax or license tax," in the meaning of this section.

Sec. 17. It shall be the duty of the Sheriff to collect all taxes levied under this Act, except license taxes. For collecting the poll tax levied by this Act, he shall be entitled to one dollar out of every ten dollars collected by him, and ten per cent upon all other taxes collected by him under the provisions of this Act.

Sec. 18. All provisions of law contrary to the provisions of this Act are hereby repealed.

APPROVED, April 20, 1852.

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The Quarterly of the
**SAN JOAQUIN COUNTY
 HISTORICAL SOCIETY, INC.**
 Published Four Times Each Year
 P. O. Box 21, Lodi, California 95241

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The San Joaquin County Historical Society, a non-profit corporation, meets the fourth Monday of each month except for July, August and December. Membership includes 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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