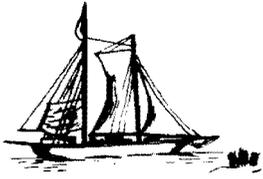


# SAN JOAQUIN HISTORIAN



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VOLUME XVIII

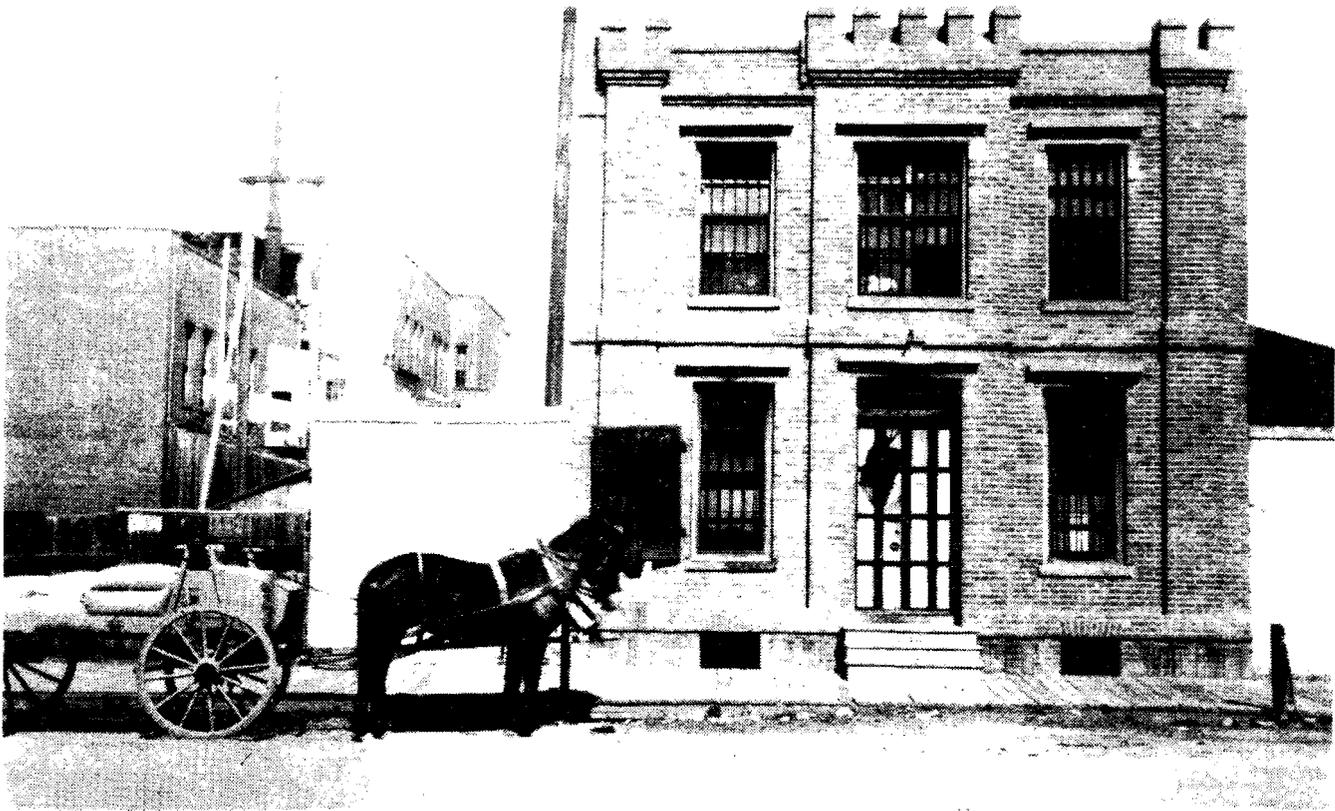
JULY-SEPTEMBER 1982

NUMBER 3

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

Annotations by Robert Bonta

(Continued from the April-June 1982 Issue)



Original San Joaquin County jail on Market Street, between Hunter and San Joaquin streets. Prisoners were first moved into the structure from their rented quarters in the MacNish Building basement in 1853. Eight legal executions were carried out in the

exercise yard in the rear of the two-story brick building before all executions were moved to the state prison at San Quentin. This building served as a city-county jail until replaced by a larger building in 1893. Courtesy, Holt-Atherton Center for Western Studies, U.O.P.

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

Special Term  
 Saturday July 17th 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 Thursday next at ten o'clock.

Court of Sessions Special Term  
 Thursday July 22d 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 Friday next at ten o'clock.

Special Term  
 Friday July 23d 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 Monday next at ten o'clock.

Court of Sessions Special Term  
 Monday July 26th A D 1852  
 Court met pursuant to adjournment.  
 Present: Hon. W. A. Root, Judge  
           J. K. Shafer, Associate  
           A. C. Bradford, Clerk  
 385½ And having issued bonds for the scrip  
 of the County, presented in pursuance  
 of the act as aforesaid, towit:  
 To T. R. Bours & Co.

Amounting to	\$675.00
" R. P. Ashe	4400.00
" H. M. F. Powell	95.50
" R. P. Ashe	600.00
" G. B. Claiborne	1155.78
" B. F. Lee	41.60
" H. W. Gillingham	278.90
" O. B. Taylor	
" A. H. Brooks	
" H. W. Brown	1431.92
" Geo. Fleming	4674.74
" A. C. Bradford	2900.00
" J. B. Wall atty for Wm. Frazer	1243.00
" E. M. Howison	2530.75
" Mary J. Blair	6366.00
" David Simpson	800.00
" John S. Evans	80.00
" Thomas Sedgwick	228.00
" R. P. Ashe	2290.00
Amount Carried Forward	\$29791.19

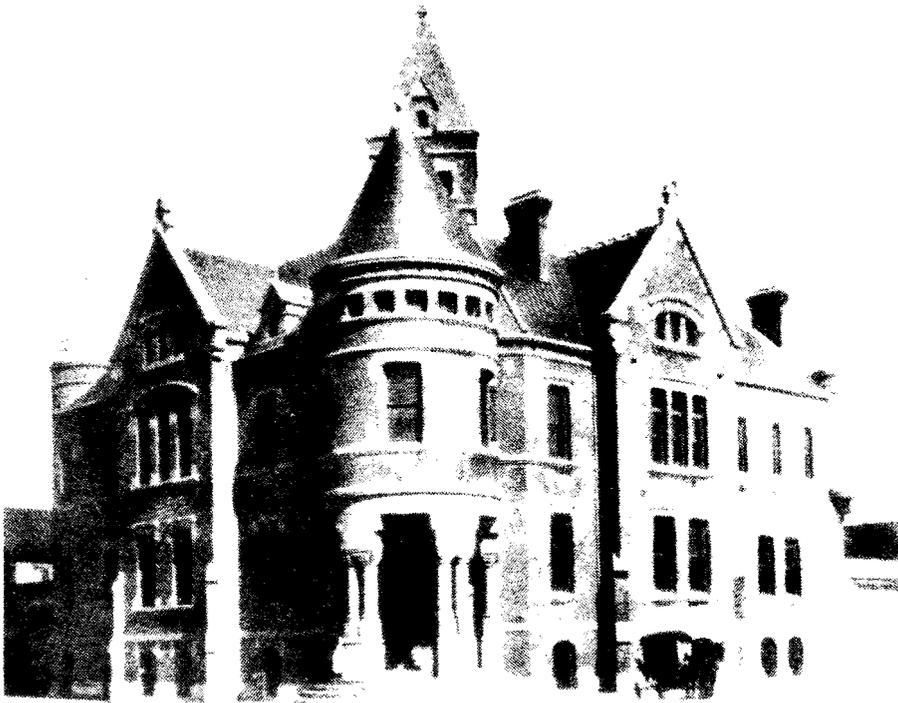
Amount Brot Forwd	\$29791.19
S. Langdon	644.00
Charles Sedgwick	231.00
J. B. Leach & Co.	128.00
C. L. Benedict	120.00
A. H. Brooks	52.50
R. K. Eastman	68.00
Terry & Perley	144.90
D. W. Perley	200.00
O. C. Emory	571.00
B. H. Brown	331.00
A. Leitch & Co.	135.50
Baker & Hickman	100.00
B. G. Weir	313.00
Alexander Ely	1860.00
Benj. Williams	117.50
Samuel A. Booker	900.00
Wm. A. Root	1560.00
John A. Ferry	459.00
Isaac G. Peck	5652.00
	<hr/>
	\$44682.69

all of which will more fully appear in  
 the record of the same.  
 And thereupon Court adjourned sine die.  
 [signed] Wm. A. Root, County Judge  
           J. K. Shafer, Associate  
           B. G. Weir } Justices

*This list of individuals and firms represented  
 both employees of the county and persons and  
 firms from whom the county purchased  
 services or supplies. They are the ones who  
 had originally received scrip or warrants in  
 payment rather than cash. The deadline for  
 filing their claims against the county had been  
 set for July 30.*

Court of Sessions  
 County of San Joaquin California  
 Be it remembered that heretofore to  
 wit, on Monday the second day of  
 August (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: Hon. Wm. 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 Tuesday the tenth day of August  
 (instant) at ten o'clock.

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



"Cunningham's Castle," San Joaquin County's second jail. The brick building cost a total of \$90,000 to construct, at the time of its opening (1893) considered one of the finest prison facilities in the nation. Having been designed by the well-liked Sheriff Thomas Cunningham (1872-1899), it became known locally as "Cunningham's Castle." It was located on the northeast corner of San Joaquin and Channel streets. Photo taken in 1894.

Courtesy, San Joaquin County Historical Museum.

#### Board of Equalization

Be it remembered that heretofore to wit on Monday the ninth day of August in the year of our Lord one thousand eight hundred and fifty-two, the Court of Sessions in and for the County of San Joaquin met pursuant to law as a Board of Equalization.

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

This Board continued its session until the 11th day of August (instant) at which time it adjourned until Friday the 13th August (instant). The session was then continued until the 17th August when the Board adjourned until the eighteenth.

*Authority for the Court to sit as a Board of Equalization and to alter the assessor's figures if it felt it necessary came from section 32 of the state legislature's Act to provide for levying, assessing, and collecting public revenue approved April 23, 1852:*

Sec. 32. The Board of Supervisors . . . [or]

*the Court of Sessions of each County, shall constitute the Board of Equalization, and shall meet on the third Monday of July in each year, and also upon the Monday succeeding the final return of any supplementary assessment roll, notice of which shall be given by the Assessor for one week, and continue in session from day to day until all business of equalization presented to them is disposed of; and hear and determine all complaints respecting the valuation of property, both real and personal, made subsequent to the preceding first Monday in March; and correct any list or valuation if they shall be convinced that the same be false; and shall have power to equalize the valuation made by the Assessor, either by adding thereto or deducting therefrom such sums as to them, or a majority of them, shall appear just and equitable . . .*

*John MacNish was the County Assessor at this time, and the SAN JOAQUIN REPUBLICAN newspaper was very laudatory in its comments regarding the operation of his office. They noted that he was generally well liked by all, and very fair and conscientious in his duties.*

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

Court of Sessions Civil Business

Tuesday August 10th 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 adjourn until tomorrow morning ten o'clock.

Court of Sessions Civil Matters

Wednesday August 11th 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

386 It is ordered by the Court that A. A. Mix, late County Auditor, be allowed the sum of one hundred and thirty-six dollars and fifty-two cents for balance of salary as auditor due him and unpaid as per bill filed.

387 It is ordered by the Court that Justice S. Dean be allowed the sum of fifty-two dollars for fees in criminal cases as per bill filed.

388 It is ordered by the Court that A. C. Bradford, County Clerk, be allowed the sum of two hundred and ninety dollars and eighty cents for attendance upon the Court and for fees in criminal cases as per bill filed.

389 It appearing to the Court from the petition of John MacNish this day presented to the Court, that the fund appropriated toward the payment of his claim for rent of offices and Court room, to wit, the License Fund, has been insufficient to pay the said sum and that he is still in possession of a warrant for the sum of five hundred dollars, less a payment of eighty-three dollars and ninety cents which remainder is due and unpaid,

It is therefore ordered that an additional allowance be made of thirty-five percent upon the sum of four hundred and sixteen dollars and ten cents, and that the said allowance amount to one hundred and forty-five dollars.

390 It is ordered by the Court that John MacNish be allowed the sum of one thousand dollars for his services as county assessor for the assessment of

the present year, and the additional sum of three hundred and sixty dollars for the services of a deputy assessor, the said allowance being in full payment including the month of September.

391 It is ordered by the Court that John MacNish be allowed the sum of eight hundred dollars for rent of county offices and jail from the first [of] June to the thirty first [of] August, 1852, as per bill filed.

392 It is ordered by the Court that R. P. Ashe, Sheriff, be allowed the sum of one hundred and five dollars for attendance upon [the] Courts and fees in criminal cases as per bill filed.

393 It is ordered by the Court that R. P. Ashe, Sheriff, be allowed the sum of four hundred and twenty dollars for [the] board[ing] of prisoners as per bill filed.

394 It is ordered by the Court that R. P. Ashe, Sheriff, be allowed the sum of one hundred and eighty dollars for attendance upon courts at the May and June term as per bill filed.

395 Upon reading the petition of John NacNish this day presented to the Court representing that he is the holder and owner of County warrant number fourteen issued for the sum of five hundred dollars payable out of the License Fund and bearing [the] date [of] February 19th A. D. 1852, upon which there is a payment amounting to eighty-three dollars and ninety cents, and praying that he may receive the amount now due him in warrants of small denominations,

It is considered by the Court that the petition be granted and that the County Auditor receive and cancel the warrant number fourteen (14) bearing [the] date [of] 19th February A. D. 1852, as aforesaid, and issue therefor in its stead, the amount now due on the same in warrants of smaller denominations not less than ten dollars each.

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

Court of Sessions Civil Matters

Friday August 13th 1852

Court met pursuant to adjournment.

Present: Hon. W. A. Root, Judge

J. K. Shafer, Associate

R. P. Ashe, Sheriff

Gilbert B. Claiborne,

Deputy Clerk

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

396 Upon reading the petition of George Kerr this day presented to the Court representing that he is the holder and owner of County warrant number one hundred and seventeen issued for the sum of two hundred dollars, and bearing [the] date [of] June 26th 1852, and praying that he may receive the amount due him in warrants of small denominations,

It is ordered by the Court that the petition be granted and that the County Auditor receive and cancel the warrant number one hundred and seventeen bearing [the] date [of] 26th June, 1852, as aforesaid, and issue therefor in its stead the amount now due on the same in warrants of smaller denominations not less than ten dollars yet.

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

Court of Sessions Civil Matters  
Saturday August 14th 1852  
Court met pursuant to adjournment.

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

397 It is ordered by the Court that James Anderson, District Attorney of San Joaquin County, be allowed the sum of three hundred and seventy-five dollars for his salary from the 5th day of May to the 4th day of August, 1852.

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

*The careful reader will have noticed by this time that the county paid its rent and salary obligations only as the revenue came in to the county treasury, or with warrants which the holders had to redeem for cash at a latter date. It was not unusual to allow several months' salary to accumulate before paying a county employee--and then it was with a warrant of doubtful value.*

Court of Sessions Civil Matters  
Monday August 16th 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 eleven o'clock.

Court of Sessions Civil Matters  
Tuesday August 17th A.D. 1852  
Court met pursuant to adjournment.

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

398 It is ordered by the Court that B. G. Weir, Justice, be allowed the sum of twelve dollars for fees in criminal cases as per bill filed.

399 It is ordered by the Court that J. K. Shafer, Justice, be allowed the sum of seventeen dollars for fees in criminal cases as per bill filed.

400 It is ordered by the Court that R. Wynn, Constable, be allowed the sum of thirty-nine dollars for fees in criminal cases as per bill filed.

401 It is ordered by the Court that C. A. Ward, Auditor, be allowed the sum of two hundred and sixty dollars being in payment of one quarter's salary as Auditor, to [the] 5th [of] July, 1852, and also for expenses incurred in fitting up his office, as per vouchers filed.

402 It is ordered by the Court that C. S. Capp be allowed the sum of sixteen dollars for services as Clerk of Election held September A. D. 1851, as per bill filed.

403 It is ordered by the Court that A. C. Bradford, County Clerk, be allowed the sum of seventy-nine dollars and twenty cents for attendance upon the Courts and fees in criminal cases as per bill filed.

404 It is ordered by the Court that R. P. Ashe, Sheriff, be allowed the sum of one hundred and eighty-five dollars for attendance upon the Courts and Grand Jury as per bill filed.

405 It is ordered by the Court that Edward Canavan be allowed the sum of three hundred dollars for services as jailor for the County, two months ending 22d August, 1852, as per bill filed.

406 It is ordered by the Court that Edward Canavan be allowed the sum of twenty-seven dollars for ironing prisoners confined in the jail, as per bill filed.

It is ordered that Court be adjourned until Wednesday August 18th instant at ten o'clock.

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



Another view of the county jail at the corner of San Joaquin and Channel streets, taken shortly before it demolition in 1960. Prisoners were removed to the new French Camp facility on Mathews Road in April

of 1959. A gas well, bored in the northeast corner of the yard, furnished both lighting and heating for the building for a number of years.

Courtesy, San Joaquin County Historical Museum.

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

Edward Canavan served under Sheriff Ashe in the early 1850's as a jailer and also as a deputy. He was born in Ireland and came to California by way of Texas in May of 1849 and worked originally in Stockton as a blacksmith. He became well known in Stockton in later years as Brigadier General of the Third Brigade, California National Guard. Upon his death in October, 1900, the STOCKTON EVENING MAIL ran the following death notice:

Died--near French Camp, October 9, 1900.  
General Edward Canavan, a native of Ireland, aged 74 years.

Old General Canavan [notice the descriptive "old"--74 years of age] died at the County Hospital last evening . . . Death [was] due to senile debility. He had been an inmate of the institution since a year ago last January. [He] was a deputy sheriff under Ashe, prominent in the early years, also a deputy in the old internal revenue office here. Veteran of the Civil War and the Mexican War. Was appointed a Brigadier General in the National Guard under [Governor] Stoneman.

(To Be Continued in Next Issue)

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**MISCELLANEOUS**

AN ACT concerning Marks and Brands.  
Passed April 12, 1850.

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

1. Every person, being the owner of horses, mules, cattle, sheep, goats, or hogs, shall have and keep a mark and brand different from the marks and brands of his neighbors, and the brand, as far as practicable, or to the knowledge of such owner, shall be different from any other brand in the State, and mark different from any other in the county.

2. Every such owner shall deliver to the Recorder of his county a full description of his ear-mark, and present to him his branding iron, and said Recorder shall record the same in a book to be kept by him for that purpose, giving the form of the iron in the record, and a full description of the ear-mark: Provided, that if said Recorder shall be satisfied that the mark or brand tendered to him for record is similar to another mark or brand in the

county, he shall require of such person to change the same, until it may be different from any other mark or brand in his county, or that the brand, as far as his knowledge extends, is different from any other in the State.

3. Every person shall mark or brand his horses and mules over eighteen months old, and cattle over twelve months old, on the hip of hind parts, and mark his sheep, goats, and hogs, over six months old.

4. No person shall use more than one mark or brand, and no minor living with his parents, or apprentice, or servant, be allowed to use any brand other than that of his parent or master.

5. If any person shall use any mark or brand other than the one recorded by him, except by the consent of the owner of such other brand, or shall use more than one mark or brand, or suffer his ward, child, apprentice, or servant, to use any other than his own brand, or the brand of the stock they run with, he shall be liable to forfeit and lose to any person suing therefor, the stock so marked or branded with any other than his proper mark or brand recorded by him: **Provided**, that this section shall not extend to any stock which may descend to any ward, child, apprentice, or servant, by the gift or devise of any person other than the guardian, parent, or master of such ward, child, apprentice, or servant, but the brand or mark of such minors, apprentices, or servants, shall be recorded as other marks and brands.

6. Any person that shall kill any head of neat cattle, sheep, goat, or hog, that is not marked or branded, and that may be running at large without a proper owner, shall go before some Justice of the Peace of the county where such stock may be killed, within five days after killing such stock, and make affidavit of all the necessary facts in relation to such killing, which shall be filed and recorded by such Justice in his estray book. The proper owner of such stock so killed shall be entitled to recover from such person the value of the same, upon sufficient proof thereof being made within six months from the date of the filing of such affidavit.

7. If any person shall have knowledge of any person with the intent to defraud, or willingly mismarking or misbranding any stock not his own, or killing any stock running at large with a proper owner, and not being marked or branded, and such person not making the affidavit required in the preceding section, such person having such knowledge shall

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

within ten days thereafter give information to some Justice of the Peace of the proper county of the same, and upon failure so to do, shall forfeit and pay any sum not less than ten nor more than one hundred dollars to any person suing for the same.

8. It shall be the duty of every Recorder in this State, to transmit to the Recorders of two of the adjoining counties, a transcript of all the brands recorded in his office, which shall be filed by such Recorders in their offices, and reference thereto shall be made in every case of application for the record of brands under this Act.

9. Every person knowingly and wilfully neglecting or refusing to comply with the provisions of this Act, for which no penalty is affixed by law, shall forfeit and pay, for every such neglect or refusal, any sum not less than ten nor more than one hundred dollars, to be recovered before any Justice of the Peace of the county where such neglect or refusal may occur, by any person suing therefor, together with all damages that may occur by such neglect or refusal.

-----  
**CASTORIA**

The following NOTICE, taken from the September 21, 1850, STOCKTON TIMES newspaper, will be of special interest to the residents of the present community of French Camp. Readers will recall that the little settlement south of Stockton was first visited by French-Canadian fur trappers employed by the Hudson Bay Company in the early 1830's--it was they for whom the settlement was originally named. The name CASTORIA was never really accepted, the appellation

**FRENCH CAMP** having remained in general use down to the present time.

**NOTICE**

The undersigned has completed, for the proprietors, the survey of the town of Castoria. Its location on the French Camp Creek, and heretofore known as "The French Camp," upon the lands of Charles M. Weber, Esq., is sufficiently well-known to the Merchants and business men of the southern mines, to render a lengthy description unnecessary.

To others it may be sufficient merely to say that it is situated upon, and at the head of, a navigable stream of water by which most of the winter trade finds its way to the mining districts.

The experience of last winter is abundant testimony in proof of this fact--the winter roads thence to the mining depots are passable for packs and teams in the wettest season.

The undersigned, in addition to the property in the town, has also in his hands, for sale or lease, upon most reasonable terms, several thousand acres of valuable land, in the immediate vicinity of Stockton and Castoria.

To the immigrants of this season, and especially to those coming with their families, every inducement and the most liberal terms as to payment, will be offered.

The town plot, as also a map of the farming lands, may be seen at the office of the subscriber, at the residence of C. M. Weber, Esq., on the Peninsula, at Stockton, or on Wednesdays and Saturdays, at the store of Noble and Stevenson, at Castoria.

[signed] **RICHARD P. HAMMOND**  
Agent

The Quarterly of the  
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Editor: **Robert Bonta**

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(1982-83)

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