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NUMBER 1

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

Annotations by Robert Bonta

(Continued from the October-December 1978 Issue)

- Upon the petition of George W. Nichols, this day presented to the court, it is ordered that a commission or license issue to said Nichols, authorizing him to act as an auctioneer in and for the county of San Joaquin.
- Upon the account of A. C. Bradford, clerk of the county court, etc., it was ordered that the amount therein be allowed, to wit, the sum of three hundred and seventy-seven dollars.

Ordered that court be adjourned to court

in course.

[signature] Benj. Williams Judge, C.S. [Court of Sessions]

Be it remembered that heretofore to wit on Monday the nineteenth day of August (it being the third Monday of said month) in the year of our Lord one thousand eight hundred and fifty, a regular term of the Court of Sessions of San Joaquin County was held pursuant to law for county business

Present: Hon. Benja. Williams, Judge
R. P. Ashe, Sheriff
A. C. Bradford, Clerk
It is ordered that court be adjourned till tomorrow morning 10 o'clock.

Tuesday 20th August A. D. 1850.

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

R. P. Ashe, Sheriff

A. C. Bradford, Clerk

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

Wednesday 21st August A.D. 1850.

Court met pursuant to adjournment.

Present: Hon. Benj. Williams, County Judge
R. P. Ashe, Sheriff

A. C. Bradford, Clerk It is ordered that court be adjourned till tomorrow morning 10 o'clock.

Thursday morning 22d August 1850 Court met pursuant to adjournment Present: Hon. Benj. Williams,

County Judge R. P. Ashe, Sheriff

A. C. Bradford, Clerk It is ordered that court be adjourned till tomorrow morning 10 o'clock.

Friday morning 23d August 1850 Court met persuant [sic] to adjournment.

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

Upon the accounts this day presented to the court by Emil Junge, for keeping and boarding county prisoners etc.

It is ordered that there be allowed the sum of Sixteen hundred and seventy two dollars.

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

Saturday morning 24th August 1850 Court met pursuant to adjournment.

Present: Hon. Benj. Williams, County Judge

Hairston Amyx, O. C. Emory

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

It is ordered that Dr. J. P. Bush be allowed twenty-five dollars as per bill rendered.

46 It is ordered that E. A. Thompson be allowed twenty-five dollars as per bill rendered.

47 It is ordered that D. S. Hulett & Co. be allowed seventy-six dollars and twenty-five cents for articles as per bill rendered.

49 Upon the account of Doak and Hall, it is ordered that the further sum of one hundred and fifty dollars be allowed.

50 It is ordered that Hiram Green be allowed one hundred and three dollars for articles furnished as per bill rendered.

It is ordered that one hundred and forty-eight dollars be allowed the STOCKTON JOURNAL for printing done as per bill rendered.

It is ordered that B. F. Whittier be allowed seventeen hundred and four dollars for services rendered by himself and deputy, as assessor of this County.

Little information has been found concerning San Joaquin County's first assessor. Sworn into office on April 3, 1850, four months later (on August 5) he was sworn in as one of Stockton's first aldermen (councilmen). The other four were J. W. Reins and George A. Shurtleff, both prominent local doctors, James Warner, and council president Hiram Green. On October 7 (1850) a replacement for Whittier was elected to the council, having previously resigned. This was followed seven months later (May 5, 1851) by his resignation from the Assessor's position with the county. His replacement in county government was Osmond B. Taylor (see entry 206).

- 53 It is ordered that M. Endecott [Endicott] be allowed two hundred and sixty-three dollars and seventy-five cents for services as per bill rendered.
- 54 It is ordered that John Kritsner be allowed twenty-five dollars for services as per bill rendered.
- 54½ It is ordered that the taxes assessed for state and county purposes in this county for 1850 be reduced in the total amount two hundred and thirty-four dollars.
- 55 It is ordered that one hundred dollars be allowed Edwin L. B. Brooks, County Attorney. for services as per bill rendered.

Edwin L. B. Brooks was one of three gentlemen in Stockton with the same last name in the early 1850's who were involved in local politics, and in and out of local elective offices at about the same time. Unless the reader is very careful much confusion may result in trying to maintain their separate and correct identities. Also adding to the difficulty in keeping these men straight in one's mind is the fact that the first district attorney for our Fifth Judicial District had a similar last name, Booker.

Edwin Brooks was elected County Attorney in the April 1 (1850) election. His duties were spelled out by the first legislature in an act passed March 27, 1850. The two sections pertaining directly to the duties of the office are as follows:

Section 2. The County Attorney must attend the Court of Sessions of his county at each term thereof, and prosecute therin, on behalf of the people, all prosecutions for public offences.

Section 4. He shall institute all proceedings for the recovery of debts, fines, forfeitures, and penalties, accruing to the State or to his county, which are required by law to be prosecuted before the County Court, Court of Sessions, or a Justice of the Peace. He must also institute proceedings before Magistrates for the arrest of persons charged or reasonably suspected of public offenses cognisable in the Court of Sessions, whenever he has information of any such offense having been committed, and for that purpose must attend before the magistrate in cases of arrest, when required by him.

Thompson and West evidently confused the office of Public Administrator (provided for by the Legislature at its second session in 1851) with that of County Attorney. They list Brooks as the first Administrator, followed by T. S. Manly in 1851. They also list Brooks as the District Attorney for the last part of 1850. Subsequent county histories repeat the information. While not always complete when it came to recording resignations and appointments, the Court of Sessions minutes indicate clearly that Edwin Brooks was still serving as county attorney during its July, 1851, term. He is not listed in the 1850 San Joaquin County census, nor is he included in the 1852 STOCKTON DIRECTORY - an unfortunate set of circumstances for the researcher.

* * * * * * * * *

A. H. Brooks was a Stockton merchant when appointed deputy assessor, circa the middle of 1850, to serve in place of H. T. Booraem whose acceptance of the county treasurer's position necessitated his resignation as the assessor's assistant. Brooks was elected assessor in November, 1852, and served a one-year term in that position. He had come from Tennessee in 1849 or early 1850, and was only twenty-seven years of age when he accepted his first county position. He is not listed in the 1852 STOCKTON DIRECTORY.

* * * * * * * * *

Samuel H. Brooks was apparently elected county treasurer in 1851, assuming the position from the incumbent, H. T. Booraem. He remained with the county until after the election of E. F. Jones to his position in 1857. He is not listed in the 1850 census. That he must have been something of a character may be attested to by his rather unorthodox method (at least for a public official!) of solving what apparently developed into a difference of opinion (over what subject is now lost to history) between him and another local citizen, one Andrew Sink, then proprietor of the popular STOCKTON HOUSE, in July of 1852. Appearing before Justice of the Peace J. K. Shafer (later county judge) on July 12,

in her that her to fire tint in monday on Lord on Thousand eight hynons Sessions of the Country of San Joa guin State of Pales ma washeld funde and to land I wherlegally gin. Iment the Hen Bujenin Williams County freely Nairetin Change and DOComing tur of the frete what of the Country of San Joaquin appeared and fractions. Certificates of the chief chief as member of the land of sessions. (Immt RI ashe Eaguin Shoriff abraham Cl has ford Cll Com It is ordine that refectation be given to Charles In Antis Easy that this Cunt is soon in session and Impared of sings the receive any Communication from him water to a Concernage dination from him to the County of San Joaquein lands for the exection of Judic buildings for the uses penty and theren for robfication was placed in havers of the Shouff Ordend that the Shrift of the Country of Clan poague, on brhasf of the Country aforesaid living of sien and hossession of any and all lands and timement may be donated to this County.

First Entry, **Book A**, Court of Sessions records, June 3, 1850. The relatively dark strip along the right-hand edge is caused by transparent tape put on both

sides of the sheet to preserve the edge. This was probably applied in 1936 at the time the volume was rebound.

Brooks was fined \$75 for "assault and battery" upon Sink, and on the very same day, appearing before Justice of the Peace Benjamin Weir, he was fined another \$75 for firing his pistol in the SHADES ballroom and for throwing a "tumbler" - probably at the same poor Mr. Sink.

* * * * * * * * *

District Attorney Samuel A. Booker had been elected to his Fifth Judicial District position in the first county election (April I, 1850). He, like his counter-part in county government, County Attorney Edwin Brooks, was an attorney by profession. Booker had come to California from Virginia in 1849, and was listed as being 28 years of age in the 1850 census.

As District Attorney he was required to prosecute cases which came before circuit Judge Charles M. Creaner when he held court in San Joaquin County. Specific responsibilities were enumerated in the "Act Concerning the Office of District Attorney" passed by the first legislature on March 27, 1850. The court opened in Stockton on May 13 of the same year.

While the record is not clear on this point, he apparently resigned his District Attorney's post before the end of the year (1850). Judge J. K. Shafer was appointed in his place. Booker took an active part in the organization of city government in Stockton in 1850. The following year he was among the Democrats of the county who organized (April, 1851) the first political party in the area.

In 1870 he was elected judge of the Fifth Judicial District (which he had originally served as District Attorney of San Joaquin County). He served in that capacity until the end of the decade when the new California constitution (the 1879 document) mandated the new county superior court system in place of the district courts. He ended his political career by serving a single two-year term (1882-83) as San Joaquin County's own District Attorney (not to be confused with his original election as District Attorney for the Fifth Judicial District in 1850) under the new superior court system.

56 It is ordered that Terry & Perley be allowed two hundred and forty dollars for room rent as per bill rendered.

This is the first mention in the Court of Sessions records regarding payment of rent for county office space. (The combined city-county courthouse on the present county courthouse site — the "courthouse square"—did not open until April, 1854; before that both the city and county were forced to find rental quarters as best they could. This created a serious problem for the county particularly as the shortage of building space commanded premium rents of a county whose expenditures continually out-distanced its income.) Messrs. Terry and Perley (David S. Terry and D.W. Perley) were both lawyers located upstairs in a building on the corner of Main and Center streets. Presumably they owned the building

and had been renting the bottom floor to the county since April (1850).

David S. Terry had a colorful background and gained much notoriety in other parts of the state as well as San Joaquin County between the time of his arrival in the Stockton area in 1849 and his death at Lathrop (at the hands of U.S. Deputy Marshal David Neagle in 1889). Nationally he was remembered for the shooting of David C. Broderick in a duel at Lake Merced in 1859, but locally he was probably best remembered by the "old-timers" for his part in the famous "Rose of Sharon" case involving the estate of Nevada millionaire Frederick W. Sharon. He is buried in Stockton Rural cemetery. His name is associated with Clements as he took land along the Mokelumne River in that area (including the present site of the community itself) in 1850 and built the Lone Star (flour) Mill just north of it in 1855. A stone monument marks the location on the old Clements-Ione road.

A little-known incident involving the hot-tempered and outspoken Terry occurred when he was cross-examining a San Joaquin County farmer by the name of Roadhouse in Judge Creaner's Fifth Judicial District Court in the early 1850's; becoming exasperated with Roadhouse's responses to his pointed questions, Terry lost his temper, pulled his bowie-knife and attacked the witness. He was immediately knocked down backwards over a bench by a certain James Lynch, thus saving the man's life - and saving Terry from a probable murder charge.

- 57 It is ordered that J. S. Craig be allowed four hundred and five 50/100 dollars for articles furnished Recorder's office as per bill rendered.
- It is ordered that Messrs. Woods and Adee be allowed ninety-five dollars for articles furnished the Recorder's office as per bill.
- 59 It is ordered that the STOCKTON TIMES be allowed the sum of one hundred and seventy-one dollars for printing as per bill.
- 60 It is ordered that Issac Hooper be allowed two hundred dollars for articles furnished the Sheriff's office as per bill rendered.
- 61 It is ordered that three hundred and twentythree dollars be allowed J. B. Clements, coroner, for services as per bill rendered.

Dr. Joseph Baran Clements (no relationship to the Thomas Clements for whom the community in northeast San Joaquin County was named) served as the county coroner from April 3, 1850, until his resignation on February 18 of the following year. He was only 25 years old when elected to office, and was a native of Georgia where he lived until his removal to California.

He arrived in Stockton early in the town's history, and in fact was hired by the town council (prematurely elected in November 1849) to care for the indigent sick. A cloth "hospital" was erected by

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GRAND MASS MEETING!!

The PEOPLE of Stockton are requested to meet

EN MASSE, ON SATURDAY EVENING.

the 18th inst., at 7 o'clock, P. M. on the

Public Square.

near Mr. Woods Church, for an expression of views upon the unjust and oppressive TAX which has recently been imposed on them by the Court of Sessions; and to decide upon what course to pursue in reference to the same. MERCHANTS and MECHANICS are especially requested to attend.

Poster advertising the tax protest meeting called by irate businessmen for 7:00 p.m., July 13, 1850. Site of the meeting, the "Public Square near Mr. Woods ['] Church," was the present courthouse block bounded by Hunter, San Joaquin, Main, and Weber streets in downtown Stockton. Reverend James Woods was the

pastor of the pioneer Presbyterian Church erected the previous May near the southeast corner of the intersection of Main and San Joaquin streets. The poster message was simply signed "VOX POPULI" -- the Voice of the People.

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

the council, and Clements was in charge of it for three months - until the councilmen discovered that they had no authority either to raise revenue or expend public monies. Finding that they could be personally held responsible for the debts they incurred in the name of the town, they dissolved the council. After the Fifth Judicial District Court was organized, Dr. Clements brought suit against the men for recovery of his back salary in the amount of \$4,300. Judge Creaner ruled in his favor, and as a result they were compelled to pay him that amount out of their own assets.

62 It is ordered that Dennis & Alden be allowed two hundred and thirty-six 50/100 dollars for articles furnished the Treasurer's (County) office, etc., as per bill.

It is ordered that Court be adjourned till

Monday morning 10 o'clock.

Monday morning 26th August 1850 Court met pursuant to adjournment. Present: Hon. Benj. Williams, County Judge

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

63 It is ordered that two hundred and twelve dollars be allowed to Sam'l. Langdon, Constable, for services as per bills rendered.

Samuel Langdon, a native of North Carolina, had been elected constable of Stockton Township (encompassing the entire Weber grant) on May 13, 1850, and in that capacity was responsible to the two justices of the peace elected at the same time, Hairston Amyx and J.E. McLellan. Like his counterpart in county government, Sheriff Ashe, he was a physician by profession and a politician by avocation.

In April, 1856, he was named to succeed Dr. Robert K. Reid as Superintendent of the Stockton State Hospital on California Street. His title at the time was "Resident Physician," and he remained in this position until his return to private practice in August of the following year. During his tenure in office he became embroiled (sometime during 1856 according to written accounts) in controversy with his assistant resident physician at the hospital, a Dr. William Ryer. The latter was particularly critical of his superior's administration of the institution, and in the heat of argument one day Langdon struck Ryer with his cane. Ryer then challenged Langdon to a duel, and the ensuing events would almost qualify as a "comic opera" had the challenge not involved a life-and-death situation. This is what happened - according to a STOCKTON EVENING MAIL account written some years later:

Judge Booker [see footnote 7] was an intimate friend of Ryer's, and he urged the latter to challenge Langdon, which he did. The parties prepared to go down the channel in a boat, and persons wishing to prevent the duel stole the oars. The parties procured shovels and paddled the boats with them [to a point west of town then, on the north side of Stockton Channel, probably

somewhere between Van Buren Street and Pershing Avenue today - "not far below Banner Island".

Prior to the meeting on the bank of Stockton Channel the duelists went out to the Calaveras River to fight, but there was some informality in the matter and the "meeting" was adjourned to another time. Then they went into Stanislaus County [created several years earlier - in 1854 - out of the western part of Tuolumne County], but Dr. Norcom, the surgeon for Dr. Langdon, did not arrive on time. The parties started back and met Dr. Norcom on his way out. The duelists wanted to turn back then but the seconds objected because another adjournment had already been agreed upon.

Dr. Langdon's seconds were Colonel O'Neil and Dr. Hunter.

Judge Booker was one of Ryer's seconds. The latter was considered a dead shot, but he struck Dr. Langdon in the leg, being uninjured himself. As a surgeon he dressed Dr. Langdon's wound on the field.

Thus ended, rather harmlessly, one of Stockton's few duels. Dr. Reyer had come to Stockton sometime circa 1851-2 after service as a physician in the regular army. His office was on the second floor of the pioneer Holden Drug Company store which had been opened on the northeast corner of El Dorado and Main streets in 1852. At that time it was a wooden building. The brick building on the site (which was not torn down until the 1960's) was opened in 1854.

In 1871 we pick up the threads of Dr. Langdon's life once more when he and Dr. Asa Clark opened the Nevada-California Insane Asylum (also known as the Pacific Insane Asylum) in Woodbridge. Six years later the two men decided to purchase acreage on the southwest corner of what is today the intersection of Center Street and Charter Way and to construct a modern brick asylum for their mental patients. It was opened amid spacious grounds in September, 1877, and the partnership continued until Langdon's death in Stockton in 1880. Following withdrawal of patients committed by the states of Nevada and Arizona the name of the hospital was changed to "Clark's Sanitarium" in 1888 by the surviving partner. This is the site today of the Edison High School campus. [See Neal L. Starr's "Stockton State Hospital, A Century and a Quarter of Service," in the SAN JOAQUIN HISTORIAN, Vol. XII, No. 3.]

In December of 1856 a group of highly-respected "gentlemen" in Stockton organized the STOCKTON BLUES militia. Dr. Langdon joined the group, commanded by his close friend Samuel Booker, with the rank of captain. It didn't survive long, however, being disbanded before the outbreak of the Civil War as it was composed of both northern and southern sympathizers and the former group feared a plot on the part of a secessionists among them to seize the company's rifles and ammunition in a purported move to gain control of the city.

It is ordered that R. P. Ashe be allowed Nineteen hundred and twenty-five dollars for services as per bills rendered.

It is ordered that A. C. Bradford be allowed five hundred and sixty dollars for services as per bills rendered.

It is ordered that the resignation of Henry W. Alden, county treasurer, be accepted.

It is ordered that H. T. Booraem be appointed Treasurer of the County of San Joaquin to fill the vacancy occasioned by the resignation of Henry W. Alden.

Henry W. Alden, the first County Treasurer (elected April 1, 1850) resigned from office on August 24 of the same year. He was a member of the pioneer firm of "Dennis and Alden, general merchants" located on the corner of Center and Main streets. A native of New York, Alden was thirty years old at the time of his public service. A brother, C. W., was included in the partnership.

- It is ordered that John M. Calaer be allowed fifty dollars on account for services as per bill rendered.
- It is ordered that the sum of two thousand 68 dollars be allowed to Alfred A. Mix, Recorder of the County of San Joaquin, as a compensation for his services as county Auditor for the present fiscal year.

Alfred A. Mix had been elected Recorder in the first county election (April 1, 1850) at the age of 25. He was a southerner, a native of Louisiana. As County Recorder he also served as the county auditor, receiving extra compensation for the latter service. He evidently resigned and was replaced by Dr. Charles A. Ward sometime before June 1, 1852. He was married to Maria Conception Craig in Stockton on December 12, 1850, by a French Catholic priest who happened to be in Stockton at that time. The marriage was recorded in Book 'M' of Marriages (of San Joaquin County), Vol. I, and is the first marriage by a Catholic priest recorded in our county. The entire entry, in its original Spanish, is as follows:

Ante nosotros las abajo firmados Se han presentada El Senor Don Agustin A. Mix y la Sennta [Senorita] Dona Maria Conception Craig las cuales han declarado que teniendo la intencion de desposarse, el Senor Don Agustin Mix ha formalmente declarado que el toma por su legitima Esposa a Maria Conception Craig, despues de lo cual la dicha Senora Maria Conception Craig ha declarado del mismo modo, que ella toma tambien por su legitima esposo al Senor Don Agustin A. Mix; En fe de lo cual nosotros firmamos la presente acta. Stockton doce de Decembre de 1850.

[signed] L'abbe Renaud Samuel Navarro Louisa Clements Jos Baran Clements B. W. Bours

Benjamin G. Weir W. W. Stevenson James S. Craig

Recorded 13" Decem. A. D. 1850

This is an intriguing entry in that once one begins to analyze it, a number of interesting presumptions naturally come into the total picture. In the first place the entry is completely in Spanish - yet county government had been in operation (in place of the semi-Mexican system during theinterim governorship of General Riley) since April and the bride's last name is obviously not of Spanish background. In the second place, as unusual as the surname MIX was, there were three of them in Stockton at this time - and, furthermore, their givenname initials are too similar for comfort! First, there is Alfred A., a 25-year-old native of Louisiana (whose first name is erroneously given as Augustin in the above entry) and subject of this entry. Then there is another MIX from Louisiana, listed as W. A. and a trader by occupation, age 27; this could have been a relative. The third MIX was listed as Wm. A. Mix, a 26-year-old clerk hailing from New York. His name appears in entry 110, having been paid for his services as an election inspector in the October, 1850, election.

A James S. Craig, physician, is listed with Alfred A. Mix under the same household number in the 1850 census, and a Mary C. Craig, age 15, is listed with Benjamin G. Weir under the very next household number. The most interesting aspect of these two entries is that the girl is listed as a native of Mexico. Judging from these bits of census information, it seems reasonable to conclude that the 48-year-old physician was the father of the 15 or 16 year-old-bride (Mary C. translates conveniently into Maria Conception in the marriage entry) and that she was Weir's "domestic servant" as no wife or family is listed for him under his household number. Like other American men of his time, Craig had probably gone to Mexico to live many years earlier and had married a native women who in the course of time had given birth to Maria Conception there. Craig's wife is not listed with him in the census, so another logical assumption is that for whatever reason, she did not come to California with her husband and daughter.

Father Renaud, who performed the marriage, was a French priest who had arrived recently on board the GRETRY as chaplain to a company of Frenchmen which had been lured to California by the prospect of making a fortune in the Mother Lode, and had chartered the ship for that purpose. Nothing more is known regarding his activities in California, and so it seems probable that after a short stay in the state he became disgusted with the situation that developed-his "charges" quickly scattered in all directions once they arrived in San Francisco, and greedy as all the others who left hearth and home to "strike it rich," they showed little interest in what he had to offer them--and

returned to his homeland.

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Witnesses Samuel Navarro and W. W. Stevenson were not listed in contemporary records; B. W. Bours had come to Stockton in 1849, and for years was in the banking business (see Carla Herndon Thorpe's "Early Banks in Stockton, California," the SAN JOAQUIN HISTORIAN, Vol. XI, No. 1, p. 69). Jos. Baran Clements was the coroner of San Joaquin County at the time, and a physician (see entry 61). Louisa Clements was probably his wife. Benjamin G. Weir was a justice of the peace, and later a member of the Court of Sessions (see MINUTES entry dated June 9, 1851).

It is ordered that the Recorder and Exofficio Auditor be allowed to audit the accounts of said offices at the rate of one hundred and fifty dollars per month until otherwise ordered by the Court.

It is ordered that San Joaquin City be designated as a place of attendance for the County Treasurer, agreeably to the 38th Section of the Act prescribing the mode of assessing and collecting public revenue.

It is ordered that Court be adjourned to court

in course.

Benj. Williams, County Judge

Be it remembered that heretofore to wit, on Tuesday the first day of October in the year of our Lord one thousand eight hundred and fifty, a special term of the Court of Sessions in and for the County of San Joaquin was held pursuant to law and notice legally given.

Present: Hon. Benj. Williams, County Judge

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

It is ordered that the resignation of M. Endicott as Justice of the Peace in and for township No 1, San Joaquin County, be accepted to take effect from this date hereof.

It is ordered that Lucien Fletcher be allowed sixteen dollars for services as clerk of an

election held April 1st 1850.

It is ordered that Court be adjourned till next Tuesday morning at 10 o'clock.

(To Be Continued in Next Issue)

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Editor: Robert Bonta

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