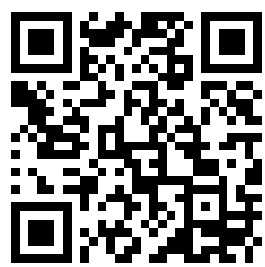
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INVENTORY OF THE COUNTY ARCHIVES OF CALIFORNIA

NO. 44

SANTA CLARA COUNTY

(SAN JOSE)

1939

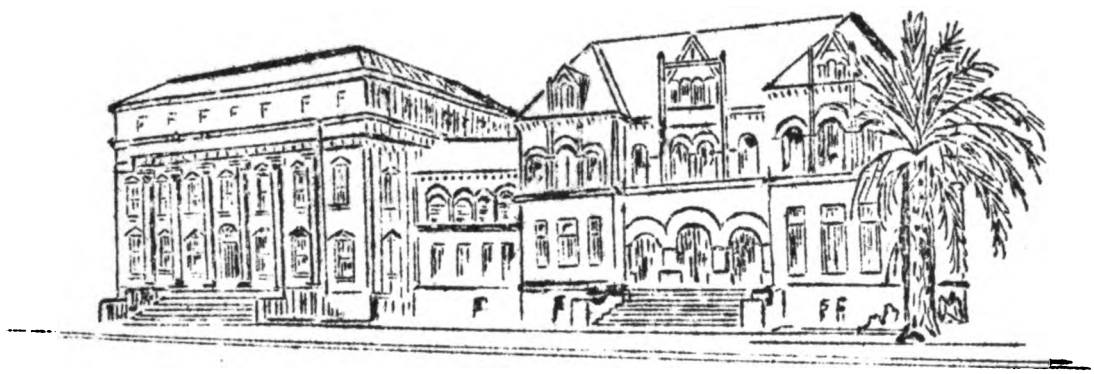
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INVENTORY OF THE COUNTY ARCHIVES

OF CALIFORNIA

Prepared by

The Historical Records Survey
Division of Professional and Service Projects
Works Progress Administration

NO. 44. SANTA CLARA COUNTY (SAN JOSE)



****

San Francisco, California
The Historical Records Survey
April 1939

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The Historical Records Survey

Luther H. Evans, National Director
Thelma Ziemer, Director of Northern California

Division of Professional and Service Projects

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FOREWORD

The Inventory of County Archives of California is one of a number of bibliographies of historical materials prepared throughout the United States by the workers on the Historical Records Survey of the Works Progress Administration. The publication herewith presented, an inventory of the archives of Santa Clara County, is number 44 of the California series.

The Historical Records Survey was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, business men, and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by the Historical Records Survey attempt to do more than give merely a list of records - they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of the Historical Records Survey, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their cooperation is gratefully acknowledged.

The Survey was organized and has been directed by Luther H. Evans, and operates as a nation-wide project in the Division of Professional and Service Projects, of which Mrs. Florence Kerr, Assistant Administrator, is in charge.

F. C. HARRINGTON
Administrator

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PREFACE

In January 1936 the Historical Records Survey was initiated on a nation-wide basis under the direction of Dr. Luther H. Evans, as a sub-project of the Federal Writers' Project of the Works Progress Administration. On July 1, 1936, the projects were placed under the Division of Women's and Professional Projects, changed to Division of Professional and Service Projects on February 24, 1939. In California, James Hopper, State Director of the Federal Writers' Project, directed the Survey until November 1, 1936, assisted by Dr. Owen C. Coy, State Technical Director, and Thelma Ziemer, Assistant State Supervisor. The Historical Records Survey became an independent unit of Federal Project No. 1 on November 1, 1936, and Mrs. Ziemer was made State Director. On January 1, 1938, a separate administrative unit of Works Progress Administration was established in Los Angeles for Southern California, with Edgar L. McRae as Director of the Survey in Southern California and Mrs. Ziemer as director of the Survey in Northern California.

The purpose of the Historical Records Survey is to discover, preserve, and make accessible basic source material for research in the history of the United States. The first task is to make a complete inventory of the archives of each county and to gather information about their housing, care, and accessibility, and the accomodations provided for persons who might wish to consult them. A separate volume will be issued for each county, uniform with the Santa Clara County Inventory. Inquiries regarding particular units of the inventory should be addressed to the Director for Northern California, Rm. 203, 49-4th St., San Francisco, Calif.

Following the completion of the work in county archives, a similar survey is to be made of the records of cities and towns, churches, and private collections of manuscript material. The results of this Survey will be issued in mimeographed volumes to be distributed to libraries, historical associations, and similar institutions.

On May 1, 1936, the Historical Records Survey was opened in Santa Clara County with a staff of four workers under the supervision of the Federal Writers' Project. Throughout the following year the number of field workers ranged from two to six and the supervision was carried on by Eleanor Irwin, John Holmes, and John Pusateri. The latter, with Stella Hailstone and Mildred Goddard completed the field work in July 1938. A recheck of the first draft of the inventory was completed in September 1938 by the field workers and Harry Williams, Richard Allen, and Theodore Courtney under the supervision of Emory Cretser, County Records Editor, who prepared the volume.

The following members of the state editorial staff of county records contributed to this volume: legal essays, Parpheny Vasilieff, Gustav Schultze, Vivian Galloway, Theodore Courtney, Kharaiti Samras, Sarah Jenkins, and John Flemming, under the supervision of Tanna Alex, Legal Editor; historical essays and chart of county government, Caroline O'Hara, Michael Woodfield, and Lewis Ferbrache, under the supervision of Gordon Williams, Historical Editor; index, Ethel Henneford, County Records Indexer; map and illustrations, Robert Kilgore, supervisor of County Records Editorial Office; typing Mary Fitzgerald; mimeographing, Norah Follman, Diana Kirschenbaum, and Betty Appleby. The preparation of the entries and responsibility for the entire inventory portion of the volume were the work

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of Emory Cretser under the supervision of Thomas F. Ward, State Editor of County Records.

Professor Herbert E. Bolton, Director of the Bancroft Library and Chairman of the Department of History at the University of California, served as chairman of the state advisory committee of the Historical Records Survey, and Thomas Dabagh, Law Librarian, and Dr. Max Radin, Professor of Law at the University of California, took an active interest in the work of the project. It was through the kindness of Robert Owens, Librarian of the San Francisco Law Library, that the legal staff was able to do the necessary research in the California Statutes and other primary sources.

Generous acknowledgment is due the administrative personnel of the Federal Writers' Project in California. Mr. Hopper and D. E. Gregerson were most helpful, particularly in the early days of the Survey when the work of organizing the project presented unique administrative problems.

Without the assistance and complete cooperation of the Santa Clara County officials this survey could not have been made. G. H. Atkinson, Auditor, and Charles A. Payne, Recorder, were particularly helpful. The Survey workers were able to contribute to the accessibility of the records by the systematic arrangement of many volumes and by the discovery of old records which had been thought lost.

All members of the state advisory committee were not called upon in the preparation of the Santa Clara County Inventory. However, those whose advice was sought responded graciously. To all members of the committee a special word of appreciation is due. Their interest in the project, their belief in the value of the work, and in the ability of project workers to accomplish a scholarly undertaking, supported the workers' respect for the project and set a high standard for the Historical Records Survey, which has been an inspiration to the project. The members of the state advisory committee are:

Leslie E. Bliss
Prof. Herbert E. Bolton
Mrs. Florence E. Boyle
John Carruthers
Dr. Robert C. Cleland
Dr. John A. Comstock
Robert E. Cowan
Thomas Dabagh
Miss Mabel R. Gillis
Dr. John E. Goodwin
Dr. R. W. Hodge
G. D. Jensen
Alfred Jones
Prof. Willis H. Kerr
Herman Lichtenberger
Dr. J. B. Lockey
G. C. Mann
Albert Mayrhofer
Joseph Mesmer
Dr. Ernest C. Moore
Rt. Rev. Edward Parsons, D. D.
Prof. H. I. Priestly
Dr. Max Radin
Dr. George A. Rice
William H. Spalding
Marshall Stimson
Miss Esther R. Sullivan
Miss Helen E. Vogelson
Miss Althea Warren
Col. Chas. Erskine Scott Wood

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We express our sincere thanks to these persons for their valuable assistance and encouragement.

San Francisco
February 9, 1939.

THELMA ZIEMER
Director, Northern California
The Historical Records Survey

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(First entry, p. 70)

1. HISTORICAL SKETCH

Santa Clara County, created February 18, 1850, was one of the original twenty-seven counties established by the first legislature of California (1). The county is centrally located and consists of a broad fertile valley hemmed in by the Santa Cruz and Mt. Hamilton Ranges. The southern tip of San Francisco Bay penetrates the valley for a short distance and, together with Alameda County, forms the northern boundary; San Benito County forms the southern boundary. To the east lie Stanislaus and Merced Counties and to the west, Santa Cruz and San Mateo Counties.

The county is approximately 60 miles in length and 20 miles in width, with an area of 1,328 square miles. According to the United States Census of 1930, it supported a population of 145,118, of whom 57,651 live in the county seat, San Jose.

The name of the county is derived from that of the Mission Santa Clara de Asis. In accordance with the Spanish-Mexican custom of designating large sections of land by the name of the mission they surrounded, the territory adjacent to Mission Santa Clara bore its name. The mission was christened January 12, 1777, the date of its foundation, by Padre de la Pena, in honor of Saint Clara.(2) It was twice removed to higher ground because of flood conditions, but finally, in 1784, the new adobe church was dedicated by Padre Junipero Serra (3).

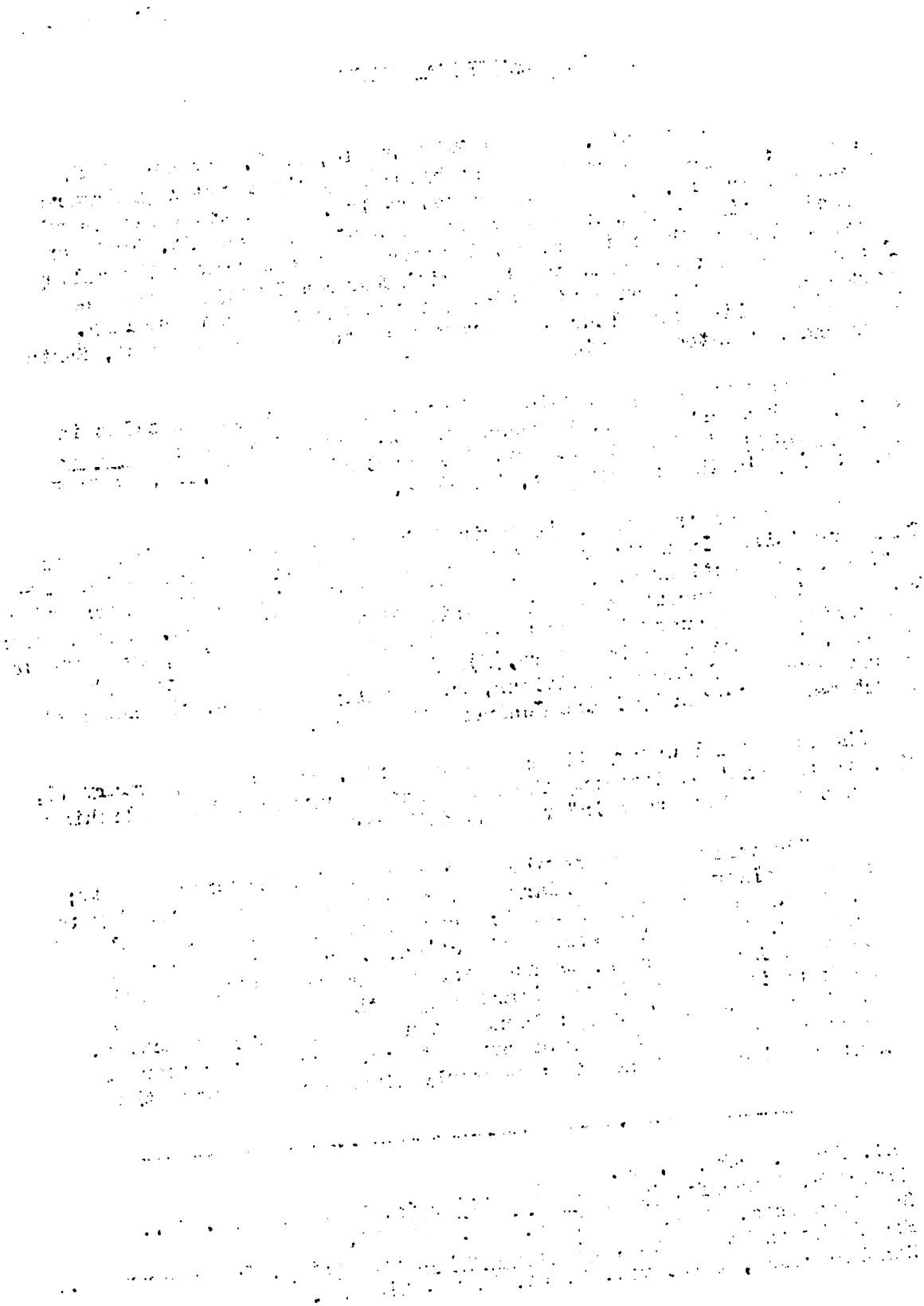
The original boundary lines of the county, as defined February 18, 1850, in the "Act subdividing the State into Counties and establishing the Seats of Justice therein" read as follows:

> "Beginning at the northeast corner of San Francisco County; thence following the boundary line of San Francisco westwardly to the middle of the Bay of San Francisco; thence down the middle of said Bay, in a northwesterly direction, to a point opposite the mouth of Alameda Creek; thence following up the middle of said creek to its source in the Coast Range; thence due east to the summit of the Coast Range; thence in a southeasterly direction, following the summit of said range, to the northeast corner of Monterey County; thence in a westerly direction following the

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1. Cal. Stats. 1850, p. 60.
2. Hubert H. Bancroft, History of California, Bancroft Pub. Co., San Francisco, 1884, vol. 1, p. 305, note 21.
3. Fra Zephyrin Engelhardt, Missions and Missionaries, James Barry Co., San Francisco, 1913, vol. 2, pt. 1, pp. 215-216.

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northern boundary of Monterey County, to the southeast corner of Branciforte County; thence in a northwesterly direction along the boundary of said county to the place of beginning. The seat of justice shall be at the city of San Jose".(1)

On April 5, 1850, at the same session of the legislature, an Amendatory Act was passed redefining the boundaries of five counties, including Santa Clara (2). In 1852 the Contra Costa-Santa Clara line was resurveyed and given a clearer definition (3).

The only radical change in the Santa Clara boundary was made in 1853. At that time Washington township, the northern section of the county, was detached to form a part of the newly organized county, Alameda. The change defining the Alameda line is stated in the Act creating the new county:

"Beginning at a point at the head of a slough which is an arm of the Bay of San Francisco, making into the mainland in front of the Gregara ranches; thence to a lone sycamore tree that stands in a ravine between the dwellings of Fluhencia and Valentine Gregara; thence up said ravine to the top of the mountain; thence in a direct line eastwardly to the junction of the San Joaquin and Tuolumne counties".(4)

In pre-Spanish days Santa Clara valley was the habitat of the Olhanes tribe of Indians of the large Costanoan linguistic family. Their extensive territory included seven missions, of which Santa Clara was one.(5) Also living in the valley were the Yokuts of the Mariposan family and small groups of the Moquelumnan families (6).

The early explorers in passing through the county noted many rancherias or Indian villages. Crespi in 1769 mentions several in the vicinity of Alviso and Milpitas; and Anza records seeing three rancherias on the Guadalupe River near the present site of San Jose. Shell mounds have been found near Palo Alto, Mountain View, Agnew, and in the Cupertino foothills. All have yielded evidences of Indian domestic life, mortars, pestles, awls, and other implements, and excavations by scientists from nearby universities have unearthed skeletons of these early peoples.(7)

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1. Cal. Stats. 1850, p. 60.
2. Ibid., p. 156; 1851, p. 174.
3. Cal. Stats. 1852, p. 178.
4. Cal. Stats. 1853, p. 56.
5. Handbook of American Indians, Smithsonian Institute, Bureau of Ethnology, Government Printing Office, Washington, D. C., 1912, bull. 30, pt. 1, p. 351.
6. Ibid., pt. 11, p. 456.
7. Wm. F. James and George H. McMurry, History of San Jose, Smith Printing Co., San Jose, 1933, p. 13.

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Historical Sketch (First entry, p. 70)

The Anza expedition was the first to bring to the north from Sonora, Mexico, pioneer families for the projected new settlements (1). This was in accord with a colonization program initiated by Spanish royal command. The English and other European nations were casting appraising eyes at the vast domain of New Spain on the Pacific, and the Spanish king and his ministers, fearing that the great territory of Alta California might fall an easy prey to imperialistic designs, sought to hasten settlement.(2)

In 1777, with Santa Clara Mission established, Governor Don Felipe Neve turned his attention to the second part of the Spanish program, which outlined the establishment of a number of pueblos. These were to be agricultural communities destined to provide food stuffs for the presidios and missions, and eventually to become a source of revenue for the homeland.

Lieutenant Don Jose Joaquin Moraga, of San Francisco Presidio, was chosen to undertake the civil settlement of the area which is now Santa Clara County. The Lieutenant selected nine Spanish soldiers from the presidio and five Sonoran immigrants who were known to be skilled in agriculture. The little pioneer band of men and their families proceeded to the Santa Clara Valley where a town site was selected on the Guadalupe River, two miles from the mission. Here on November 29, 1777, they surveyed and laid out San Jose, the first town in upper California, naming it Pueblo San Jose de Guadalupe. Its population was 66. Each settler received four parcels of land, one for his dwelling, and three to serve as fields for the planting of wheat, beans, and vegetables. A water supply was provided for the crops by enclosing the fields with irrigation ditches. Common pasturage lands were designated, as well as ejidos or lands held in reserve for the future growth of the community. The settlers were supplied with the necessary tools, as well as oxen, horses, cows, mules, and sheep.(3)

The other settlers of the valley began to arrive about the second decade of the nineteenth century. Many of these were traders, soldiers, and sailors who deserted the ships entering the bays of Monterey and San Francisco. Readily adapting themselves to the life and customs of the native Californians, they married into Spanish families, often receiving with their brides titles to large areas of land.(4) About 1827 trappers arrived via the overland route to

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1. Hubert E. Bolton, Anza's California Expedition, University of California, Berkeley, 1930, p. 232.
2. Hubert E. Bolton, Outposts of Empire, Knopf, New York, 1931, pp. 13-20.
3. Frederich Hall, History of San Jose, San Francisco, 1871, pp. 15-25.
4. James and McMurry, op. cit., p. 35.

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settle in the valley, but the significant trek began in 1841, when the frontier of the United States was being steadily pushed westward. The panic of 1837 and the ensuing years of depression brought many pioneers to California and the Santa Clara Valley.(1)

The earliest occupations of the settlers in the county were stock raising and agriculture, pursued on both ranchos and mission land. Out of the former there developed a flourishing export trade, consisting of the trading of hides and tallow for finished products such as clothes, shoes, household goods, and farm implements. This trading was carried on from the Embarcadero de Santa Clara, the present town of Alviso. This landing place was frequented by Yankee captains anxious to obtain the various products. The year 1850 saw the close of this traffic.(2)

The discovery of gold in 1849 disrupted the agricultural life of the county. Many capable persons turned from their crops and stock raising to the gold fields. However, it was not long before new settlers arrived and, along with many disillusioned miners who returned to the land, began anew exploiting the rich resources of the county. These settlers brought experience and skill in agriculture to the county, as most of them were farmers from the eastern states. In addition, they were greatly aided by the agricultural habits rooted into the economic life of the county by the Spanish. An estimate of the ability of the settlers to produce from the land may well be seen in the results of a census of the population and wealth of the county taken in 1852.

The board of supervisors ordered the census report to be made a matter of public record, and it was entered in their record November 18, 1852. This record has either been destroyed or lost, but according to a secondary source the census revealed that there were 6,158 white inhabitants, 450 "domesticated Indians" and 53 Negroes living in the county. Of the total population there were only 276 foreign-born persons. The capital investment of this population amounted to $1,152,325 and the acres of land under active cultivation numbered 19,066. An inventory of the produce on hand in bushels showed: carrots, 11,000; beets, 21,000; onions, 8,356,600; cabbages, 413,500; wheat, 122,192; corn, 9,645; oats, 13,520; barley, 415,340; beans, 1,300; potatoes, 653,700; and 1,175 tons of hay. The livestock

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1. R. H. Gabriel, Pageant of America, Yale University Press, New Haven, 1929, vol. 2, pp. 225, 246.
2. Mildred Brooke Hoover, Historic Spots in California: Counties of West Coast Ranges, Stanford University Press, Stanford University, 1931, p. 464.

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amounted to 4,371 horses, 609 mules, 4,201 cows, 16,020 beef cattle, 3,546 work oxen, 1,765 hogs, 3,620 sheep, 117 goats, 110 turkeys, and 2,690 other fowl. Under cultivation were 16,800 grapevines and 17,739 fruit trees.(1)

Gradually, the stock raising was crowded toward the foothills and mountain areas, where it is still carried on today. Extensive grain fields replaced the herds of cattle, and grain boats plied the Bay from the Embarcadero. Concurrent with the development of the grain industry was the experimental beginning of commercial fruit growing.

The Mission orchard planted by the Padres in 1777 marked the introduction of fruit growing into the valley and consequently furnished the cuttings for all orchards and vineyards in the area (2). Fruit trees were set out as field borders in San Jose under pueblo code requirements in 1777, and the first horticultural record was made there when an enterprising settler, Manuel Higuera, was granted the right to "make as much as one barrel of peach brandy" from his excess fruit (3).

The first commercial fruit growing by Americans as cited by Eldredge was in 1850. Having secured parts of the Mission gardens "they stimulated them to new production and sold the products to the onrushing gold seekers".(4) New gardens were set out by skilled French nurserymen who improved the stock by introducing new varieties. Louis Pellier was one of these men who, in addition to other outstanding horticultural achievements, introduced in 1856 "Le Petit d'Agen" and with it the prune industry in Santa Clara County.(5) By 1870 orchards were beginning to assume considerable commercial importance, and by the end of the century they were definitely replacing the extensive grain fields.

In 1930 the prune acreage was 69,750 and the annual crop valuation over a period of five years was $9,808,750. The county's average fruit acreage was listed in 1932 at 119,676 acres with an annual crop valuation of $15,000,000. The heaviest of other fruit crops are apricots, pears, and cherries.(6)

---

1. J. P. Munro-Fraser, History of Santa Clara County, California, Alley, Bowen and Co., San Francisco, 1881, pp. 159-160.
2. Zoeth S. Eldredge, History of California, New York, 1915, vol. 5, p. 321.
3. James and McMurry, op. cit., p. 33.
4. Eldredge, op. cit., vol. 5, p. 322.
5. James and McMurry, op. cit., pp. 88-89.
6. California Blue Book, compiled by Secretary of State, State Printing Office, Sacramento, 1932, pp.756-757.

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Two major industries developing from the orchards were the drying and canning of fruit. The former was the earliest method of preserving the crop. The first large shipment went round the Horn in 1867, when Q. A. Ballou shipped 500 pounds of dried prunes. The following year the shipment was 11 tons and netted the grower 18 to 21¢ per pound.(1)

The canning industry, curiously, was not introduced until 1871 when Dr. James W. Dawson made the first attempt to preserve fruit on a commercial scale. An ordinary cooking stove set up in a shed at the rear of his house was the initial equipment of this pioneer canner and packer. His first output was 350 cans of fruit which sold readily, and in 1872 the pack was doubled, enabling him to organize a canning company. Other canneries began production that same year. By 1922, 54 large plants were operating in the county, whose total pack was 216,000,000 quart cans.(2)

The dehydrating plants turn out annually 100 million pounds of prunes and somewhat lesser amounts of pears, apricots and apples. The value of the dried prune crop alone is from eight to ten million dollars.(3)

Seed raising is another important industry which was started in 1877. The crop is principally vegetable seed, and one-fourth of the entire production is exported to Europe, India, and the Argentine.

The county depends upon irrigation for the success of its orchards, vineyards, and field crops, and the history of its development parallels the growth of agriculture. From the primitive pueblo ditches fed by damming the Guadalupe River, the system progressed to the use of artesian wells.(4) The discovery of the artesian waters was made in 1854 when they were found to be the outlet of a vast subterranean water supply (5). In 1900, orchardists began the use of electric power in pumping water for irrigation (6).

The most important mineral in Santa Clara County is the quicksilver found at the New Almaden mine. It was discovered in 1824 by Antonio Sunol and Louis Chaboya, though it was known to the Indians long before

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1. James and McMurry, op. cit., p. 108.
2. Eugene Sawyer, History of Santa Clara County, California, Historical Records Co., Los Angeles, 1922, pp. 132, 152.
3. State Agricultural Report, State Printing Office, Sacramento, 1937.
4. Bancroft, op. cit., p. 13.
5. (Anon.), History of Santa Clara County, Alley, Bowen Pub. Co., San Francisco, 1881, pp. 23, 24.
6. James and McMurry, op. cit., p. 143.

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this. From 1850 to 1917 the output was 1,127,380 flasks, valued at $52,299,517. The peak year was 1865 when the mine produced 47,194 flasks, valued at $2,166,205.(1)

The growth in population of the county kept pace with the agricultural and industrial development. In 1870 the population stood at 26,247, in 1900 at 60,216, and by 1920 it had grown to 100,588.(2)

Formal education began in San Jose during the days of Spanish rule. In 1793 a royal decree from Spain, promulgated by Governor Diego de Borcia, required the establishment of a school in each pueblo. It was not until the latter part of the year, however, that Governor Borcia was able to obtain a teacher, Manuel de Vargas, a retired sergeant, who opened his first class in a public granary at San Jose, in December 1793. Attendance was compulsory, and a tax of 31¢ a month was levied for each pupil. Soon after the opening of the school, Vargas was offered a salary of $250 a year by the citizens of Pueblo San Diego. He accepted and was succeeded in San Jose by Ramon Lasso de la Vega. Other teachers followed, ranging from poets to artillerymen and alcaldes. School hours were from 8 to 11 a.m. and from 2 to 5 p.m. The subjects taught were the three R's with Thursday and Saturday afternoons devoted to the study of religion, the "doctrina christiana". As paper was scarce in the new district, it served a two-fold purpose. After the school children used the paper in their copy books it was collected and made into cartridges. A thousand such cartridges were made and rushed north when an English warship appeared on the coast and presumably threatened an attack. The first public school under American rule was opened in 1851 at San Jose.(3)

Prior to 1851 there were no institutions of higher learning in the state, and the sons of wealthier families were often sent to colleges in Mexico and South America. The first college in California was Santa Clara, established by the Jesuits on March 19, 1851, at the old Mission, which had been a center of education since 1777. In 1912 the college received the official title, University of Santa Clara.(4)

San Jose State Teachers College, founded by an act of the legislature in 1862, is the oldest state public educational institution, and was first located in San Francisco as the State Normal School. In 1876, the State decided to remove the college from San Francisco,

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1. Quicksilver Resources of California, issued by California State Mining Bureau, State Printing Office, Sacramento, 1918, pp. 154-156.
2. United States Census of Population, 1870, 1890, 1920.
3. James and McMurry, op. cit., pp. 26-30.
4. Sawyer, op. cit., p. 90.

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causing great rivalry between the different counties in bidding for its location. San Jose's offer of Washington Square (a tract of 25 acres), was accepted and the buildings erected. The present beautiful Quadrangle, in adapted Mission style, was completed in 1910, following damage by fire and earthquake to the original buildings.(1)

Stanford University, earliest endowed university in the state, was founded in 1885 by Senator and Mrs. Leland Stanford as a memorial to their only son, Leland Stanford Jr. The imposing buildings, also in Mission style, are located on the 8,800 acre Stanford Farm at Palo Alto. The yearly attendance averages 3,500 students.(2)

Two colleges recently removed from San Jose, but whose history and influence are part of the heritage of the county, are the College of the Pacific, begun in 1851 as the California Wesleyan College, removed to Stockton in 1935, and the College of Notre Dame, for girls, which opened in San Jose in 1851, since removed to Belmont, San Mateo County (3).

San Jose, county seat and largest city, was the first capital of California, being so designated by the Constitutional Convention held at Monterey in 1849. The first legislature met in San Jose, Saturday December 15, 1849, with 16 members in the senate and 36 in the assembly. This was almost a year before California became a State.

The second legislature met in San Jose on January 6, 1851, but an act of removal was passed February 14, 1851, and the third session was held at Vallejo in 1852. As there were no proper accomodations for either sessions or living quarters, the legislature unceremoniously packed up and removed to Sacramento. The archives were being dragged about the country and were in great danger of being lost or destroyed. In 1853 Benicia was proclaimed the capital by an act of the legislature, but finally, in 1854, Sacramento became the permanent capital.(4)

The first elections held in the county occurred on March 4, 1850, with two justices of the peace and two constables taking office. There are no records of this election. It is known however, that J. W. Redman and H. C. Malone organized the first county court, the former as judge and the latter as clerk.(5)

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1. Hoover, op. cit., p. 526.
2. California Blue Book, pp. 759, 762.
3. Hoover, op. cit., pp. 524-525.
4. R. G. Cleland, History of California: American Period, Macmillan New York, 1929, pp. 250-252, 255, 343-344.
5. (Anon.), op. cit., p. 158.

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The county government since its inception has occupied many and various buildings as its official residence. The first courthouse used by the Americans was the old Spanish Juzgado, built in 1797. It was a small adobe with a sloping tiled roof, and it was in front of this building that Captain Thomas Fallon raised the American flag, July 13, 1846, during The Bear Flag War.(1)

Situated on Market at the corner of El Dorado Street, the adobe contained three rooms: the middle one was used as the courtroom; the alcalde occupied the east room, and the west room served as a jail. This old adobe was torn down in 1850. The second structure used as a county building was a two-story adobe on the west side of First Street, opposite Fountain Alley, where the county offices remained until the latter part of 1851. At that time the county offices were removed to quarters above the Bella Union Saloon. The county officials remained there less than a year. The next move was to the former State Capitol building, which was purchased by the county from the city for the sum of $38,000.(2)

Since the building now belonged to the county, the citizens thought it could be used by them at all times and for all purposes. A great amount of dissatisfaction was felt by county officials who considered it "an infringement of its dignity". In July 1852 the sheriff was ordered to "take charge of the courthouse and allow no dances, shows or balls therein". This order was strictly carried out, and great indignation was shown by the townspeople.(3)

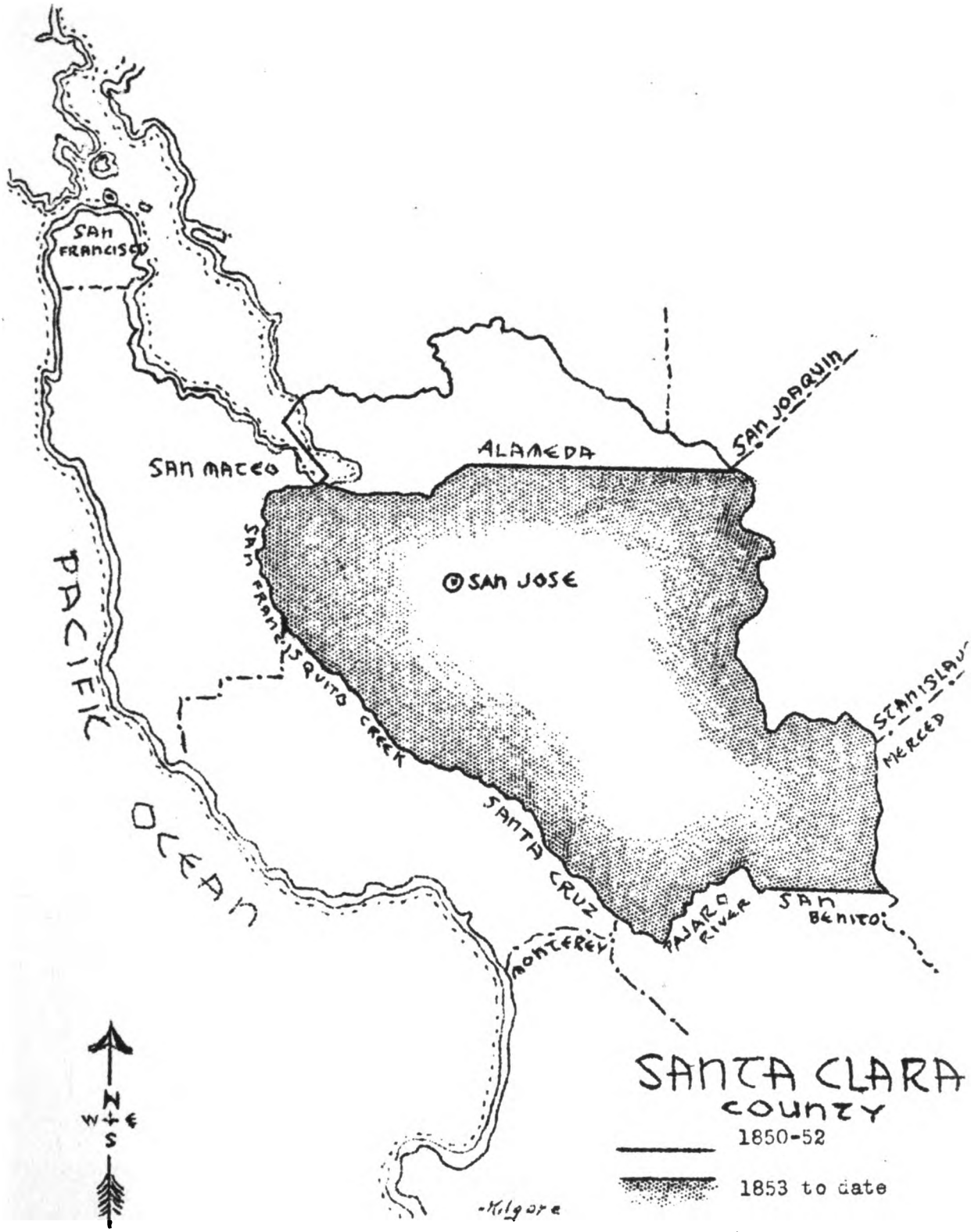
Fire caused the next move. On Friday night, April 29, 1853, the old Capitol was burned to the ground. The county officials decided to rebuild, but before they could call for bids, A. S. Caldwell offered his building and lot on the southeast corner of Second and San Fernando Streets to the county for $4,000. In the meantime, the county offices had been removed temporarily to an adobe building owned by Frank Lightston, located on Lightston Alley, between Santa Clara and El Dorado Streets. A county committee, having considered the Caldwell proposition, decided that with a few alterations the building would be suitable for court and county offices. It was purchased in December 1853. The south room on the lower floor was set aside as a district courtroom. The old State Capitol lot was sold to a Mr. Briggs for $500. The county reserved the right to use the jail until a new one could be built. This

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1. Hoover, op. cit., pp. 469-470.
2. James and McMurry, op. cit., pp. 77-87.
3. Sawyer, op. cit., p. 152.

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property was used for the next seven years, when it was again found necessary to acquire larger quarters. This was accomplished in 1860 by leasing part of the San Jose City Hall for two years and the upper floor of Martin Murphy's new brick building for five years, the latter at a monthly rental of $190.(1)

After the lapse of two years the county decided to build a permanent courthouse suited to the increasing needs of a growing and prosperous county. To this end they purchased the present site on North 1st Street overlooking St. James Park. The plot was bought from W. H. Hall for the sum of $5,000. An imposing structure in Roman-Corinthian style, it was erected at a cost of $200,000. The county took possession upon completion of the building on January 1, 1868. A new jail was built at the rear of the courthouse three years later at an additional cost of $60,000.(2)

Owing to the overcrowding occasioned by the expanding county business, it became necessary, in 1892, to construct a Hall of Records. This is a two story granite building, connected to the courthouse by a corridor, and was built at a cost of $200,000.(3)

The history of the removal of the county records from building to building is difficult to trace, inasmuch as there is no written record accounting for the conditions under which the records were moved. However, since there are few gaps in the records, it is probably safe to assume that the transportation of the records during the changes of county offices was done with some regard for their preservation.

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1. James and McMurry, op. cit., p. 106.
2. (Anon.), op. cit., p. 147.
3. Owen C. Coy, Guide To The County Archives of California, California Historical Survey Commission, State Printing Office, Sacramento, 1919, p. 472.

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(First entry, p. 70)

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

Spanish Period (1)

Government makes its first appearance in California under the Spanish regime. The student of governmental organization is interested in the first appearance of the community functioning as a governmental unit. The first permanent settlement appears in 1769 in San Diego, functioning as a governmental unit.(2) From that point as a base of operations, Spanish influence was extended northward along the Pacific Coast, and new missions, presidios, and civil communities (pueblos) were founded.

San Jose pueblo, which in 1850 developed into Santa Clara County, was founded on November 29, 1777. Known as the pueblo of San Jose de Guadalupe, it was the first of the three municipalities established independently from missions or presidios.(3)

During the process of establishment of Spanish settlements, three factors made a major contribution: the military, represented by the presidio or garrison; the civil, represented by the pueblo or town or civil community; and the religious, represented by the mission or church (4).

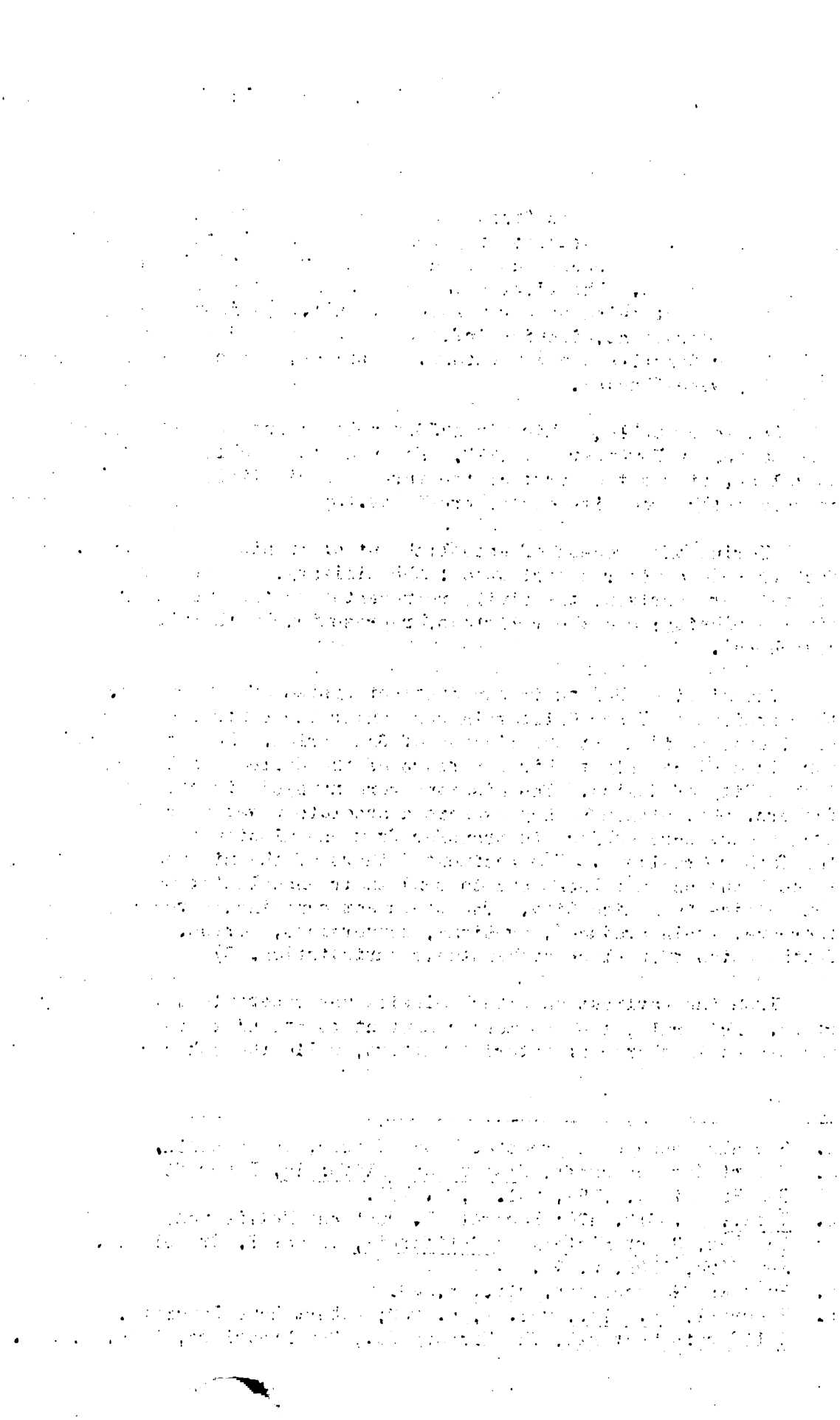
The missions had their own distinct system of government. All the missions of Upper California were under the control of a father president, residing at the mission of San Carlos. He was responsible for his conduct only to his superiors of the College of San Fernando in the City of Mexico. The missions were managed directly by resident fathers, who, although they exercised absolute power over their congregations, were subject to transfer from one mission to another by the father president. The resident fathers of the mission were required to keep the account books and to send their annual statement to the home office in Mexico City. The statement contained a record of stock increase, grain produced, baptisms, conversions, births, marriages, and deaths which took place within their jurisdiction.(5)

From the earliest days each mission was superintended by two ministers. As a rule, the one most competent to attend to temporal affairs was placed in charge of material matters, while the other confined his

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1. See also essays on pre-statehood offices, in appendix.
2. Hubert Howe Bancroft, History of California, Bancroft Co., San Francisco, 1884, vol. 1, p. 137.
3. Ibid., pp. 312, 478; Rockwell D. Hunt and Nellie van de Grift Sanchez, Short History of California, Thomas Y. Crowell Co., New York, 1929, p. 98.
4. Hunt and Sanchez, op. cit., p. 89.
5. Bancroft, op. cit., vol. 1, p. 200; Hubert Howe Bancroft, California Pastoral, The History Co., San Francisco, 1888, p. 220.

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activities to presiding over spiritual matters. The minister in attendance of temporal affairs passed judgment on offences against the government and sentenced the neophytes to punishment: stripes (azotes), or stocks (cepos), irons (grillos), or the corma (a sort of portable ambulatory stocks). In addition to these, there was always a dungeon (calaboose) in which culprits were confined.(1)

In some important cases criminal jurisdiction was exercised by a corporal of the escolta (military escort) attached to the mission. In grave cases not of an emergency nature, he made the preliminary examination and then sent the culprits to the presidio for judgment. In emergency cases he possessed the power of life and death.(2)

Since its first settlement, California had been generally under military rule. A provisional arrangement existed until the beginning of 1781 when Governor Felipe de Neve's Reglamento (regulation) went into effect. Under this regulation, the governor had authority over the two Californias, with the seat of government at Monterey, and the commandant of the presidio of Loreto, in Lower California, was ex-officio lieutenant-governor. Upper California was divided into four military districts, each with a presidio, the commandante (commandant) of which was clothed with both civil and criminal jurisdiction within its limits. At the time there were three presidios, namely, San Diego, Monterey, and San Francisco; the fourth one was established in 1782 in Santa Barbara. The commandantes were subordinate to the governor of California, who was appointed by the Spanish viceroy at Mexico City.(3)

Certain political rights were granted to the pueblos, in which a municipal system was set up in conformity with the Roman law. Under this regime municipal communities were never incorporated as in the Anglo-American system; they were merely regulated by custom, holding their lands in common.(4) The right to organize local self-government with the election of an alcalde, or mayor, who acted as justice of the peace, and town council, or ayuntamiento, composed of an alcalde and two regidores (councilmen) for handling community business, was patent (5). The Presidios thus took in considerable areas within their respective jurisdictions. For example, the Mission of San Jose, which is some forty miles from the Presidio of San Francisco, was in its jurisdiction.

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1. Bancroft, California Pastoral, pp. 233, 237.
2. Ibid., p. 239.
3. Bancroft, ibid., p. 294; Hunt and Sanchez, op. cit., pp. 92, 100.
4. B. F. Alley, History of San Mateo County, B. F. Alley, San Francisco, 1883, p. 22.
5. 1 Cal. 559-560, appendix; Hunt and Sanchez, op. cit., p. 98; Z. X. Eldredge, History of California, Century History Co., New York, 1915, vol. 1, p. 456.

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To be sure, in de Neve's reglamento of 1781 these principles of local government were incorporated but municipal activities were constantly interfered with and supervised by the commissionado appointed by the governor (1).

One of the provisions of de Neve's reglamento required that alcaldes and regidores should be chosen by the Indians at each mission from among themselves. In fact, these native officers were subordinate to the fathers of the missions, and as overseers in the fields they served under the direction of the padres. The Indian alcaldes executed the orders of punishment, such as whipping and other forms of punishment.(2)

Mexican Period (3)

After Mexico became independent of Spain in 1822, the governor of California was appointed by the Mexican government. Political institutions assumed somewhat democratic forms, and California was given the right to have a diputato or representative in the Mexican cortes or national congress as well as a diputacion or legislative body of its own. In pueblos, the ayuntamientos, formerly composed of an alcalde and two regidores were reformed by the abolition of the commissionado (commissioner) and by the addition of a syndico (counselor and treasurer) and a clerk.(4)

At the beginning of Mexican rule in California, the pueblo government was strictly municipal in both form and substance. The commandantes wielded authority over subdivisions that were in fact local instrumentalities of the territorial government. Gradually, however, the powers and political influence of the pueblo government increased, and as early as 1823 the alcaldes were granted complete jurisdiction over civil cases as courts of first instance. Later they also assumed criminal jurisdiction.(5)

After 1830, the government of the pueblos, such as San Diego, Santa Barbara, Los Angeles, San Jose, Monterey, and San Francisco, acquired control over the adjoining region; and, with the development of the movement for secularization of the missions, the alcaldes of the pueblos appointed administrators of the rancherias, which were the small Indian villages not having the status of municipal corporations like the pueblo; and emancipated missions. The commandantes (6) yielded to the alcaldes, and

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1. U. S. Doc., ser. no. 573, Doc. 17, pp. 134-139; Bancroft, ibid., pp. 249, 252, 255.
2. Eldredge, op. cit., vol. 2, pp. 122, 124.
3. See also essays on pre-statehood offices, in appendix.
4. Eldredge, op. cit., vol. 2, pp. 178-179.
5. Ibid., p. 83; Bancroft, History of California, vol. 4, p. 47; J. M. Guinn, History of California, Historic Record Co., Los Angeles, California, 1907, pp. 114-115.
6. See essay on commandantes, in appendix.

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the pueblos became in fact district agencies of the departmental or provincial government (1).

By 1836 the government of some of the large and already established pueblos had developed in governmental functioning to the extent that they superintended education, adopted budgets, controlled finances, made police regulations, and even attended to tariff problems. In fact the pueblo administration was meeting, on a very small scale, within thinly populated areas, the problems of government in spite of the prevailing condition of disorder.(2)

Due to lack of an effective system of communication between the governor and the district officials, the pueblo government became quite independent of the central authorities and was guided in its activities by the political feelings and public sentiment of the districts. In some of the districts the pueblo government went so far as to assume the powers of the central provincial authorities. For example, in 1836, the year of the separatist movement in California, the ayuntamiento of Los Angeles district acted as the departmental assembly, (or junta) of the California legislative body.(3)

Because reforms in the district government had become necessary, special measures were promulgated by the Mexican government on March 20, 1837, defining the duties of all local officers, with a view to the improvement of general governmental organization. Provisions were made that the interior government of the province or department of California should be under the governor, the secretary of the province, and the departmental legislature as central authorities; prefects, subprefects, ayuntamientos, alcaldes, and jueces de paz (justices of the peace) should function as local or district authorities. In addition, these laws reformed the judicial system in California.(4)

The governor, appointed by the president of Mexico, was to attend to the preservation of public order in the interior of the department; to command the armed forces; to enforce the laws; to appoint and remove prefects and the officers of the department; to suspend the ayuntamientos with consent of the departmental legislature; to preside at the departmental legislature when he attended the sessions; and to preside at sessions of the ayuntamientos if he happened to be at any town of the department.(5) The secretary of the department, appointed by the governor, was to carry on the governor's correspondence with the subordinate officers; to assist him in the administration of the affairs

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1. Bancroft, History of California, vol. 3, pp. 616, 634, 654, 672, 703, 729; Guinn, op. cit., p. 115.
2. Bancroft, History of California, vol. 3, pp. 557-652.
3. Ibid., p. 485.
4. J. Ross Browne, Report of the Debates in the Convention of California, Washington, 1850, app. pp. XXVI, XXXV.
5. Ibid., pp. XXVI, XXVII.

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of the department; and to promulgate the laws and decrees as well as the ordinances of the ayuntamientos.(1) The departmental legislature, composed of seven members and seven substitutes elected by the people for four years, was to enact laws pertaining to taxes, public education, industry, trade, and municipal administration (2).

With a view to the reorganization of local government, the department of California was divided into three districts, and each district was subdivided into two partidos. The first (Monterey) district extended from Sonoma to San Luis Obispo, with its head town (cabecera) at San Juan de Castro; the second (Los Angeles) district extended from El Buchon to Santo Domingo, with its head town at Los Angeles; and the third district was established in Lower California, with headquarters at La Paz.

Headquarters of partidos of the first district were to be established at San Juan de Castro and San Francisco, and of the second district at Los Angeles and Santa Barbara. San Jose temporarily made head town of the second partido of the first district. The third district was not divided into partidos.(3)

Each district was to have a prefect appointed by the governor and approved by the Mexican general government, and each partido was to have a sub-prefect appointed by the prefect and approved by the governor (4). In the execution of laws, the decrees of 1837 required the prefects and sub-prefects to have supervision over ayuntamientos and alcaldes, and to keep the local officers under subjection to the governor (5).

The ayuntamientos were to consist of no more than six alcaldes, twelve regidores, and two syndicos, and their functions were defined by law (6). Alcaldes were to execute police regulations and, in a judicial capacity, to decide as conciliators or by verbal process, civil complaints not exceeding $100 and criminal complaints respecting personal injuries (7). In its districts, the ayuntamientos, as legislative body, was empowered to have charge of the police, health, comfort, ornament, order, and security of the district (8).

In accordance with the decrees of 1837, Monterey as the capital of California and towns which had ayuntamientos previous to 1808 were

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1. Browne, op. cit., p. XXVIII.
2. Ibid., pp. XXVIII, XXIX.
3. Bancroft, History of California, vol. 3, pp. 585, 729-732; Eldredge, op. cit., vol. 2, p. 369.
4. Browne, op. cit., p. XXIX.
5. Ibid., pp. XXIX-XXXI.
6. Ibid., pp. XXXI, XXXII.
7. Ibid., pp. XXXVIII, XXXIX.
8. Ibid., p. XXXI.

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entitled to have alcaldes and ayuntamientos (1); in the rest of the districts the alcaldes were replaced by the jueces de paz to be appointed by the prefects (2). The jueces de paz were to assume executive and judicial functions of alcaldes and also to act as ayuntamientos, resembling in this capacity the county courts of sessions later created in 1850 (3). In Monterey the district jueces de paz exercised only judicial functions in vallages and rancherias. Popularly they also were known as alcaldes.(4)

The judicial system was reformed by empowering the courts of first instance (primeria instancia) in the head town (cabecera) of each district to assume all original civil and criminal jurisdiction, except in cases which were to be within the jurisdiction of alcaldes and jueces de paz (5). A superior tribunal composed of two benches (en secunda y en tercera instancias) assumed the appellate jurisdiction (6). Judges of the courts of first instance were appointed by the superior tribunal, with the approval of the governor, and four judges of the superior tribunal as well as the attorney general (fiscal) were appointed by the governor with the approval of the departmental legislature (7).

This was the general form of the governmental system contemplated by the laws of 1837, but in many respects the spirit of the law was totally ignored. In 1838 the prefect system was instituted in Monterey, Los Angeles and San Jose. The first sub-prefect was appointed in 1840. In general, the prefects gained little control over local authorities. The courts of first instance as well as the superior tribunal were not created until 1849. During this period governmental affairs were in a state of confusion.(8)

For financial reasons, the system of prefects in California was abolished in 1843, and the election of alcaldes and ayuntamientos was ordered. The first alcalde in each locality was instructed to perform the duties both of prefect or sub-prefect and judge of the first instance.(9)

In 1845 the prefecture system was reestablished. As before, Upper California was divided into two districts; the first district was Los Angeles, from San Luis Obispo south, with three partidos, Los Angeles, Santa Barbara, and San Diego; the second was Monterey, from San Juan

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1. Browne, op. cit., p. XXXI.
2. Ibid., p. XXXIV.
3. Ibid., p. XXXVIII.
4. Ibid., p. XXXIV.
5. Ibid., p. XXXVI.
6. Ibid., p. XXXV.
7. 1 Cal. 566-571, app.
8. 1 Cal. 573-575, app.; Bancroft, History of California, vol. 3, pp. 729-732.
9. Bancroft, History of California, vol. 4, pp. 357-358.

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Miguel north, with two partidos, Monterey and San Francisco (Yerba Buena). Monterey was to have a prefect, and every other partido, a sub-prefect. The ayuntamientos were to remain in Los Angeles and Monterey, while in each partido there was to be a municipal assembly (junta municipal), consisting of the juez de paz and two elected citizens, to be presided over by the sub-prefect. San Jose was included in San Francisco partido.(1)

The American Conquest of California

At the time of the American conquest, which began in 1846, the United States government appointed military commanders to act as governors in California. The secretary of the department of the conquered territory was given the title of the "secretary of state". This position was held most of the time by H. W. Halleck, who in 1849 was elected a member of the California Constitutional Convention and later during the Civil War, became a commander in the Union Army. By an order the governor created a legislative council in Monterey composed of seven persons appointed by himself. This council was to act in an advisory capacity.(2)

In local administration, the prefecture system was again abolished and alcaldes, who were appointed by the governor, assumed all the powers possessed by them prior to 1843. Americans frequently held the office of alcalde, particularly in the north. Since these American alcaldes were generally unfamiliar with Spanish law, they introduced common law rules into the judicial practice of California.(3)

The American flag was raised in San Jose on July 16, 1846. James Strokes, an American, was appointed San Jose alcalde. Acting as the court of first instance, he introduced the jury trial into the judicial procedure. A council of twelve members, subsequently reduced to six, appointed by the alcalde, aided him in managing pueblo affairs. In 1847 the governor appointed L. C. Anthony as sheriff of San Jose district.(4)

In 1849 General Riley, Governor of California, restored the Mexican system of government as provided for by the laws of 1837. The superior tribunal and the courts of first instance were reorganized, the judges being appointed by General Riley and ordered to apply the Mexican civil law. California was divided into ten districts; Los Angeles, Santa Barbara, San Luis Obispo, Monterey, San Jose, San Francisco, Sonoma, Sacramento, San Joaquin, and San Diego.

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1. Bancroft, History of California, vol. 4, pp. 533, 685-686.
2. Ibid., vol. 6, p. 260.
3. 1 Cal. 577, app.
4. Bancroft, History of California, vol. 5, pp. 662-667.

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Governmental Organization and Records System - Creation of the State (First entry, p. 70)

Upon the authority of the decrees of 1837, each district in August 1849 appointed one prefect and two sub-prefects, and under them were designated alcaldes, ayuntamientos, and jueces de paz (1). In the same year (1849) the delegates to the Constitutional Convention of California, elected by the ten districts, assembled in Monterey.

Creation of the State

After a short discussion centering on the question whether California should be a state or a territory of the United States, the convention drew up a constitution providing for a state government (2). In substance, this document was a compilation of parts of the constitutions of the other states, chiefly those of Iowa and New York, which were considered as models (3).

The constitution was ratified by the people of California on November 13, 1849, and immediately forwarded by General Riley to Washington, D. C., for approval by Congress. It was almost a year before Congress approved the draft constitution and provided for the admission of California into the union, which took place on September 9, 1850. However, the state and county officers had already been elected or appointed in April 1850 to put into operation the new machinery of the state government.(4)

The constitution provided for a senate and assembly, as the legislative department of the state (5); for a governor, lieutenant governor, secretary of state, comptroller, treasurer, attorney general, and surveyor general, as the executive department (6); and for a supreme court with appellate jurisdiction and local courts with original jurisdiction, as the judicial department (7).

In accordance with the constitutional provisions, the governor, lieutenant governor, and members of the legislature were elected on November 13, 1849 (8). The governor appointed the secretary of state, which appointment was later approved by the state legislature (9). In the sphere of civil powers, the governor succeeded the military commander,

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1. U. S. Doc. ser. no. 573, Doc. 17, pp.778-782.
2. California Blue Book, State Printing Department, Sacramento, California, 1928, p. 25.
3. Ibid., p. 27.
4. Bancroft, History of California, vol. 6, p. 439.
5. Cal. Const., 1849, art. IV, sec. 1.
6. Ibid., art. V, secs. 1-21.
7. Ibid., art. VI, secs. 1-18.
8. Ibid., art. XII, sec. 8.
9. Ibid., art. V, sec. 19.

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General Riley (1), and the secretary of state succeeded the secretary of the department acting under General Riley (2).

On December 15, 1849, the legislature convened in San Jose as provided for by the constitution. After the election of the state comptroller, treasurer, attorney general, and surveyor general by the joint vote of both houses, the state legislature adopted statutory provisions concerning the election of the state officers and the justices of the supreme court, by popular vote. The attorney general was to succeed the attorney general fiscal, formerly appointed by General Riley under the Mexican law, and the supreme court was to be substituted for the Mexican superior tribunal.(3)

Creation of Counties

The committee on county organization studied the differences in political, social, cultural, moral, and economic conditions in the districts and localities and recommended to the convention not to provide for general powers of county government, but to give the state legislature the broad authority to control and regulate the governmental organization in the counties generally and specially. Therefore the convention adopted a provision of a general nature, "that the legislature should create a system of county government which should be as nearly uniform as practicable throughout the state".(4)

The legislature then proceeded with the organization of the county government. By a statute of 1850, 27 counties were created, including the county of Santa Clara.(5) Other counties came into existence as circumstances warranted until the total number reached 58 in 1907.

Counties and Political Subdivisions

County government in California, as in the other states of the union, was modeled largely after the old English county system which originated in ancient Saxon times. Following the English custom, California law considers a county as a political division of the state having corporate powers to sue and be sued, to purchase land within its limits, to make contracts and purchase personal property, to make orders for the disposition of property, and to levy and collect taxes.(6)

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1. Cal. Const. 1849, art. V, secs. 1-6.
2. Ibid., art. V, sec. 19; Cal. Stats. 1850, pp. 49-50.
3. Ibid., art. V, sec. 20.
4. Ibid., art. XI, sec. 4.
5. Cal. Stats. 1850, pp. 53-58.
6. Pol. Code 1872, secs. 4001, 4003.

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Governmental Organization and Records System - Counties and Political Subdivisions (First entry, p. 70)

A county does not possess the independent governmental and private character of cities or municipalities. Being only governmental in capacity, it acts purely as an agent of the state.(1)

For administrative purposes, the state government reserves the right to appoint special state officers in the county (2), such as highway patrolmen (3), fire warden (4), and others. In some instances, the state government appoints certain officers when the county authorities fail to appoint them, such as a sealer of weights and measures (5), health officers (6), and agricultural commissioners (7).

Townships in California are divisions of the county created solely for the purpose of administering justice and maintaining the peace. Their officers are justices of the peace and constables.

While counties, as agencies of the state, are created by the sovereign power of the state without the consent of the people who inhabit them, municipal corporations are called into existence at the direct solicitation or by free consent of persons composing them for the promotion of their own local and private advantage (8). The law, however, provides for a certain relation between the county and the municipalities therein, some of control by the former over the latter, and for cooperation in the performance of local functions.

The county board of supervisors is empowered to execute an order declaring the establishment of the municipal corporation upon a proper petition signed by the requisite number of electors of the city or town, the incorporation of which is proposed. The board also has authority to determine the boundaries of such city and town.(9) The county officers are required to perform certain duties in connection with the cities or towns, should a majority of their electors so determine (10).

Furthermore, the county government exercises certain municipal functions in unincorporated areas which in incorporated cities or towns are performed by the municipal government, such as making police and sanitary regulations, protection of health and property, and others (11).

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1. 227 Pac. Rep. 664.
2. Kirk H. Porter, County and Township Government in the U. S., Macmillan Co., New York, 1922, p. 109.
3. Cal. Stats. 1921, p. 87.
4. Cal. Stats. 1931, p. 203.
5. Cal. Stats. 1927, p. 1841.
6. Cal. Stats. 1889, p. 43.
7. Cal. Stats. 1931, p. 203.
8. 33 Cal. App. 142.
9. Cal. Stats. 1883, p. 93.
10. Cal. Const. 1879, art. XI, sec. 6, as am. 1914.
11. 126 Cal. 383.

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Some of the county and city authorities, such as officers of county and city school administration, exercise their functions concurrently in incorporated areas (1).

Counties in California may be divided into special districts, and the legislature may also allow the creation of special districts composed of two or more counties in meeting varied economic and geographic needs. This authority is conferred upon the legislature by the constitution.(2)

Special districts have been created in the state for drainage, irrigation, water, health and sanitation, roads and highways, schools, and other purposes. They are minor administrative divisions of the state and are to be classed with the counties in their legal status. The districts are made permissive by the legislature, and they are usually established upon a petition signed by a sufficient number of persons concerned, and after the board of supervisors orders an election to determine whether the proposed districts shall be formed. In some cases, the board may create the district upon petition, without reference to a determination by ballot. Governing boards of some districts are selected by the board of supervisors, of some by voters of the district, of some by the courts, and of others by state authorities. In some cases the board of supervisors is the governing body.(3)

In Santa Clara County there are road, school, fire, reclamation, water, sanitary, cemetery, highway, lighting, and mosquito abatement districts (4). The board of supervisors requires reports of all activities of the districts. Records of the districts can be found also in the offices of the recorder, auditor, tax collector, treasurer, county clerk, and the superintendent of schools.

Development of County Government

The constitution of 1849 provided for the organization of district, county, and probate courts, a court of sessions and justices' courts (5); for the establishment of such offices as county clerk, district attorney, sheriff, coroner, and others as deemed necessary (6); and for the creation of a board of supervisors with such duties as might be prescribed by law (7).

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1. 148 Cal. 380.
2. Cal. Const., art. XI, secs. 6, 7, 7½, 8½.
3. Report of California Commission on County Home Rule, California State Printing Off., Sacramento, California, 1930, pp. 37, 162-164.
4. Annual Financial Statement of Santa Clara County, 1937.
5. Cal. Const. 1849, art. VI, secs. 1, 8.
6. Ibid., art. VI, sec. 7.
7. Ibid., art. XI, sec. 5.

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In accordance with the constitution and an act of the legislature, the first county elections were held in the various counties on the first Monday on April 1850, for the election of one district attorney for each judicial district, a county judge, a county clerk, a county attorney, a sheriff, a recorder, an assessor, a coroner and treasurer for each county (1).

After the election of county judges, the counties were divided by them into townships, and elections were held in each of the townships for justices of the peace and constables (2).

The district judge was at first appointed for each district for a term of two years by the joint vote of the legislature. At the expiration of the appointment, the vacancy in the office was to be filled by election.(3)

An act of the legislature of April 11, 1850 provided for a court of sessions, composed of the county judge and two justices of the peace to exercise judicial powers and to do county business (4). This court was abolished in 1863 (5).

In 1852 a general statute created boards of supervisors in most counties including Santa Clara (6). In 1854 the board was ordered to be abolished, and its duties and powers were transferred to the court of sessions. By a general act of 1855 the Santa Clara board of supervisors was reestablished.(7)

The officers elected for the judicial districts, counties and townships superseded the officers elected or appointed under the Mexican laws and acting prior to the county organization. The district courts replaced the courts of first instance (8), and the duties of the clerks (escribanos), recorders (escribientes), and the executive officers (conisarios) were assumed by the county clerks, recorders, and the sheriffs (9). The sheriffs also succeeded to the duties and powers of prefects and sub-prefects (10). With the election of the county judges who were to preside over the courts of sessions, which supplanted the ayuntamientos, the offices of the regidores and syndicos ceased to exist; their books and unfinished records were transferred to the county clerk, who according to law, delivered them to the county district attorneys,

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1. Cal. Stats. 1850, p. 81.
2. Ibid., pp. 206,207.
3. Cal. Const. 1849, art. VI, sec. 5; Cal. Stats. 1850, pp. 205-206..
4. Cal. Stats. 1850, p. 210.
5. Cal. Stats. 1863, p. 786.
6. Cal. Stats. 1852, p. 87.
7. Cal. Stats. 1855, p. 51.
8. Cal. Stats. 1850, p. 80.
9. Ibid., pp. 80-81, 218, 261.
10. Ibid., pp. 80,-81, 258.

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 (First entry, p. 70)

recorders, treasurers, tax collectors, and other proper county officers (1). Alcaldes and jueces de paz were replaced by the justices of the peace (2).

Special legislative acts concerning county government were passed from time to time until the new constitution was adopted in 1879. The most important feature of the constitution was the direct grant of police power to each county, authorizing it "to make and enforce within its limits all such local, police, sanitary and other regulations as are not in conflict with general laws". The counties were also defined as legal subdivisions of the state.(3)

Also important were the provisions of the constitution which prohibited the legislature from passing local or special laws regulating county and township business. The legislature was required to establish a uniform system of county government throughout the state as well as to provide for township organization.(4) These provisions of the constitution were carried out with the adoption of the uniform county and township government acts of 1883, 1891, 1893, and 1897, which subsequently were amended several times and embodied in the political code. Finally they became the basis of county government.(5)

The system of county government, as established by the constitution of 1879 and the subsequent uniform acts, evoked much criticism. It was the consensus of opinion that the county administration was disintegrated, unnecessarily elaborate and unduly expensive, and that there was no chief executive for proper coordination of functions.

By constitutional amendments of 1911 and 1914, counties are permitted to adopt freeholders' charters which enable them to coordinate their functions and to meet properly their actual needs and problems (6). As a result, nine counties have adopted charters. In other counties, including Santa Clara, the question of adopting charters is under consideration.

Nature of County Functions

The functions of the county included administration of county affairs, recording of documents, administration of justice, maintenance of peace, administration of finances, conduct of elections, administration of education, public health, public welfare, public works, assistance to agriculture, protection of forests, promotion of business of the county, and aid to state and federal government (7).

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1. Cal. Stats. 1850, pp. 80-81, 210-211.
2. Ibid., pp. 81, 179.
3. Cal. Const., art. XI, secs. 1, 2.
4. Ibid., art. XI, sec. 4.
5. Pol. Code, sec. 4041.
6. Cal. Const., art. XI, sec. 7½ as amended 1911.
7. Report of California Commission on County Home Rule, p. 137; Porter, op. cit., p. 103.

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Administration of County Affairs

The county, like the state, has a representative form of government; its powers are exercised by the board of supervisors, or by agents and officers acting under their authority, or authority of law (1). However, certain rights are reserved to the people by the constitution and legislative enactments, as illustrated by a statute of 1893 providing for the initiative and referendum pertaining to county ordinances. In 1911 this provision was embodied as an amendment to the constitution, which declared that the initiative and referendum are reserved to the electors of each county to be exercised under such procedure as might be prescribed by law.(2) Another constitutional amendment of the same year provided that the right of recall should also be exercised by the electors of each county with reference to its elective officers (3).

The constitutional provisions dividing the powers of the state government into three separate departments, legislative, executive and judicial, and forbidding a person charged with the exercise of powers properly belonging to one of these departments to perform any functions appertaining to either of the others, relate only to the state government and have no application to local government (4).

County officers perform functions which in many instances are of a mixed character. The board of supervisors is given legislative power to enact ordinances, and in addition, it exercises judicial functions in examining and passing upon claims against the county, and executive authority in a variety of matters confined to its supervision.(5) The sheriff exercises executive and ministerial judicial functions (6).

Administration of County Affairs

The general administration of county affairs is the most important function of the county. Originally it was exercised by the court of sessions, but since 1852 it has been exercised by the board of supervisors.(7) This function comprises control over every branch of county government, supervision over elective officers, appointment of other officers, and consolidation of county offices.

Supervision over elective officers has been limited to auditing their accounts and acceptance of their formal reports. The following officers have been made elective for a term of four years; five members of the board of supervisors (8), sheriff, county clerk, district

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1. Pol. Code, sec. 4001.
2. Cal. Const., art. IV, sec. 1, as amended, 1911.
3. Cal. Const., art. XXIII, sec. 1, as amended, 1911.
4. Cal. Const., 1879, art. III, sec. 1; 157 Cal. 416.
5. 75 Cal. 487; 34 Cal. 520.
6. 9 Cal. 286.
7. Cal. Stats. 1850, p. 210; 1852, p. 87.
8. Cal. Stats. 1883, p. 301.

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attorney, recorder, auditor, tax collector (who is by law ex-officio license collector), coroner, public administrator, assessor, surveyor, justices of the peace, constables (1), and superintendent of schools (2). The judges of the superior court are elected for a term of six years (3).

Control over the various county institutions, such as poor farms and hospitals whose superintendents are selected and appointed by the board of supervisors, includes, in certain instances, the authority to remove from office all incompetent persons. The board of supervisors is empowered to appoint for a term of four years; agricultural commissioner (4), five members of the board of forestry (5), county librarian (6), sealer of weights and measures (7), seven members of the board of public welfare (8), and two members of the planning commission, with six other members of the commission being appointed for the same term by the chairman of the board of supervisors (9). The board also appoints, for a term of two years, four members of the board of education (10), and the fish and game warden (11); and for a term of one year, one member of the board of law library trustees (12), and the county health officer (13). It appoints a livestock inspector for an indefinite term (14).

In addition, the board of supervisors is empowered to employ certain county functionaries. The distinction between county employees and county officers is that the former render their services on contracts for stated periods, and their duties are non-political, while the latter represent the county government, and their duties and terms of office are fixed by statute.(15) At present the Santa Clara board of supervisors employs for an indefinite term a superintendent of the county hospital (16), superintendent of the county farm (17), fire warden (18), and a road engineer (19), and has the power to appoint such other employees

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1. Cal. Stats. 1893, p. 366.
2. Cal. Const. 1879, art. VI, sec. 3.
3. Ibid., art. VI, sec. 8.
4. Cal. Stats. 1909, p. 186.
5. Ibid., p. 1129.
6. Ibid., p. 812.
7. Cal. Stats. 1913, p. 1090.
8. Cal. Stats. 1915, p. 339.
9. Cal. Stats. 1929, p. 1806.
10. Cal. Stats. 1880, p. 41.
11. Cal. Stats. 1895, p. 169.
12. Cal. Stats. 1891, p. 430.
13. Cal. Stats. 1897, p. 464.
14. Cal. Stats. 1905, p. 722.
15. 14 Cal. 444; 33 Cal. App. 142, 164.
16. Cal. Stats. 1907, p. 413.
17. Ibid., p. 413.
18. Cal. Stats. 1923, p. 432.
19. Cal. Stats. 1927, p. 1212.

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as public health nurses (1), dentists (2), and superintendents of buildings (3).

Some of the other county institutions and officers are under the direction or supervision of the superior court. The probation committee is appointed by the judge of the superior court for a term of four years. The committee in turn is empowered to appoint, with the approval of the judges or the majority of judges of the superior court, the probation officer for a term of one year.(4) The superintendent of the detention home is appointed for an indefinite term by the probation committee, with the approval of the juvenile court (5). The county grand jury is composed of nineteen members and is required to be summoned by the superior court at least once a year (6).

There are independent officers in the county, such as the farm advisor, who is appointed for an indefinite term by the university of California and the U. S. Department of Agriculture (7).

Originally, consolidation of county offices were regulated by acts of the legislature. Since 1880 the board of supervisors has been empowered to consolidate two or more offices and separate offices so consolidated.(8)

Recording of Documents

Recording of documents is one of the county functions (9) and has been performed in California since 1850. Documents and statements recorded in the counties are of two kinds, those which protect property or personal rights of the people and those which are primarily public and political in their nature. The former include original land titles, deeds, deeds of trust, mortgages, liens, leases, attachments on real property, wills (10), mortgages on personal property (11), births, deaths, marriages, and divorces (12). All these are recorded by the county recorder.

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1. Cal. Stats. 1889, p. 362.
2. Ibid., p. 368.
3. Pol. Code, sec. 4041.
4. Cal. Stats. 1905, p. 782.
5. Cal. Stats. 1909, p. 225.
6. Cal. Stats. 1875-76, p. 86; Cal. Const. 1879, art. I, sec. 8.
7. Cal. Stats. 1915, p. 872.
8. Pol. Code Am. 1880, p. 100.
9. Porter, op. cit., p. 107.
10. Cal. Stats. 1850, pp. 151-153; 1851, pp. 201-204.
11. Cal. Stats. 1857, pp. 347-348.
12. Cal. Stats. 1858, pp. 342-344.

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Documents of public and political significance comprise statements of election results (1), naturalization data (2), reports of county officers (3), and licenses of the various professions (4). This recording is done by the county clerk.

Administration of Justice

The administration of justice is an important function of the county government. Originally, judicial power in the county was exercised by the district court, county court, and the court of sessions. For the organization of the district courts, the state of California was divided into nine judicial districts in 1850, and the county of Santa Clara was included in the third judicial district.(5)

In 1863 the court of sessions was abolished (6). By a provision of the constitution of 1879, the district and county courts were superseded and replaced by the superior court, the court of general jurisdiction (7). Furthermore, under constitutional amendments of 1924 and 1928, the state was divided into three appellate judicial districts, and in each of them was established a district court of appeals. The number of divisions of such court was to be determined by the legislature, and each division was to have three justices. The county of Santa Clara is included in the first appellate judicial district (8). In 1929 the fourth appellate judicial district was created in California (9).

In accordance with the state constitution of 1849, one of the duties of the county judges was to perform the duties of a probate court which was empowered to admit wills to probate and to dispose of property of those who died intestate (10). Although in 1880 the probate jurisdiction was assumed by the superior court, the court of general jurisdiction, it has been a practice in several California counties to continue keeping certain probate records separately from other records of the court (11).

Since 1850 judicial power in townships has been exercised by justices of the peace, who have had jurisdiction over minor criminal cases as

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1. Cal. Stats. 1850, p. 104; 1861, p. 529.
2. Cal. Stats. 1871-72, p. 80.
3. Pol. Code 1872, secs. 4046, 4155.
4. Cal. Stats. 1875-76, p. 792; 1885, p. 110; 1903, p. 285.
5. Cal. Stats. 1850, pp. 93, 210, 217, 261.
6. Cal. Stats. 1863, p. 786.
7. Cal. Const. 1879, art. VI, secs. 1, 5.
8. Cal. Const., art. VI, sec. 4a.
9. Cal. Stats. 1929, p. 1203.
10. Cal. Const. 1849, art. VI, sec. 8.
11. Code Civil Proc. Am. 1880, p. 28.

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and the counting of ballots by the election officers, the filing of returns with the county clerk (1), declaration of election results by the board of supervisors, and the recording of a statement thereof by the county clerk (2).

Administration of Education

The Constitution of 1849 provided for a state system (3), and under this provision the system was set up in 1851 (4). The districts created at that time (5) have continued to be the administrative units. They were governed originally by superintending elective committees (6) but since 1855 have been under the authority of elective boards of school trustees (7). In 1855 the office of county superintendent of schools was established, with the duty of supervising and enforcing the course of study (8). A county board of examination had been established in 1851 (9), but in 1880 this was replaced by the county board of education (10). The boards of education have the responsibility for the examination of candidates for teaching appointments, but a general plenary control over educational administration is exercised by the state through the superintendent of public instruction (11).

Among functions allied to administration of the school system are the establishment of libraries and recreation centers. A library for the use of the general public and a law library primarily for the use of judges and members of the bar exist in almost every county of California.(12) For recreation the county provides parks, playgrounds (13), and stadiums (14), establishes recreation districts, and necessary buildings (15), and employs necessary personnel (16).

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1. Cal. Stats. 1850, p. 104.
2. Pol. Code 1872, secs. 1279, 1282.
3. Cal. Const., art. IX, sec. 3.
4. Cal. Stats. 1851, p. 491.
5. Ibid., p. 497.
6. Ibid., p. 495.
7. Cal. Stats. 1855, pp. 231-232.
8. Ibid., p. 237.
9. Cal. Stats. 1861, p. 28.
10. Cal. Stats. 1880, p. 1040.
11. Cal. Stats. 1851, p. 494.
12. Cal. Stats. 1891, p. 430; 1911, p. 82.
13. Cal. Const. 1909, p. 128.
14. Cal. Stats. 1921, p. 165.
15. Cal. Stats. 1927, p. 1229.
16. Cal. Stats. 1921, p. 220; Pol. Code, sec. 4041c.

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The administration of estates is the duty of the public administrator or, as in Santa Clara County since 1876, the coroner acting as ex-officio public administrator (1). He is charged with the management of estates when no other lawful administrator is available, and must prevent the estates being injured, wasted, purloined, or lost (2). Since 1935 property of alien dependents who are returned by the county to their native lands is taken charge of by the public administrator if so requested by the board of supervisors (3).

Executive officers of the courts are sheriffs and constables. The sheriff attends all courts of record in the county, while the constables attend the courts of justice of the peace in their respective townships. These officers execute orders of the courts, writs, and warrants, and serve processes.(4)

Correctional functions in respect to juvenile delinquency are performed under the direction and supervision of a juvenile court which determines whether or not delinquents should be committed to a detention home or other institutions provided by the board of supervisors for that purpose (5). In cases of adult delinquency, probation matters are directed by courts, which, in regular judicial procedure, grant or refuse adult probation (6).

The probation officer investigates cases of both juvenile and adult delinquency and makes recommendations to corresponding courts (7). The probation committee examines and inspects conditions in all societies and institutions receiving children under the juvenile court law and has supervision over the probation officer and the detention home (8).

Other correctional functions include commitments of the insane, feeble-minded, narcotic addicts, dipsomaniacs, and inebriates, to state institutions and asylums. The commitments are ordered and supervised by the superior court (9). The board of supervisors may appoint a psychopathic probation officer to make investigations in insanity cases (10),

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1. Cal. Stats. 1875-76, p. 35.
2. Cal. Stats. 1850, p. 404.
3. Cal. Stats. 1935, p. 1636.
4. Cal. Stats. 1850, pp. 258, 263.
5. Cal. Stats. 1903, p. 44; 1937, Welfare and Institutions Code, p. 1021.
6. Cal. Stats. 1903, p. 36; 1911, p. 689.
7. Cal. Stats. 1903, pp. 36, 46; 1905, p. 781; 1909, p. 218; 1911, p. 689; 1937, Welfare and Institutions Code, p. 1025.
8. Cal. Stats. 1903, p. 48; 1905, p. 780; 1909, p. 216; 1937, Welfare and Institutions Code, p. 1023.
9. Cal. Stats. 1903, pp. 502-503; 1937, Welfare and Institutions Code, pp. 1123-1124, 1127, 1132, 1139, 1142.
10. Cal. Stats. 1937, Welfare and Institutions Code, p. 1121.

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and it is required to provide for a psychopathic hospital or suitable quarters in the county hospital for temporary detention and treatment of the alleged insane (1).

The penal institutions, such as the county jail, also serve correctional purposes; in this connection, the parole commission has been authorized to allow prisoners to leave the county jail, subject to being taken back to the jail by the commission.(2).

Maintenance of Peace

Maintenance of peace is considered the most elementary function of county government. The state government, of course, has power to inaugurate a patrol of the entire state by police, but it has been a practice of California counties to maintain peace through their own officers, such as sheriffs and constables.(3) While jurisdiction of the sheriff in this matter extends over the whole county, that of the constable is confined to the township, but both officers have practically the same powers and duties in enforcing the local and general state laws (4). The local laws are ordinances and police regulations adopted by the board of supervisors (5). The county clerk as clerk of the board of supervisors is to record such ordinances and keep an ordinance book for this purpose (6).

In connection with the protection of wild animals, birds, and fish, the board of supervisors may appoint a fish and game warden (7). This appointment is unnecessary if a deputy of the state fish and game commissioner is already assigned to the county (8).

Administration of Finances

The administration of taxes comprises levying, assessment, and collection of taxes, and equalization of the valuation of taxable property, and this has always been an important function of the county government. Originally the court of sessions and subsequently the board of supervisors was empowered to levy taxes for the county purposes,

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1. Cal. Stats. 1937, Welfare and Institution Code, p. 1147.
2. Cal. Stats. 1909, p. 783.
3. Cal. Stats. 1850, pp. 81, 206-207.
4. Ibid., pp. 258, 263-264.
5. Pol. Code Am. 1880, p. 100.
6. Cal. Stats. 1883, pp. 302-304.
7. Cal. Stats. 1907, p. 399.
8. Cal. Stats. 1909, p. 747; Pol. Code, sec. 642.

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while taxes for state purposes have been fixed by the legislature. Assessment of valuation of property and collection of taxes have been made by the county authorities for the support of both the state and county government.(1)

It has been the function of the county assessor to prepare annually an assessment roll with the names of all the taxable inhabitants and valuation of their real and personal property. This roll is delivered to the county auditor who makes a duplicate list of taxes assessed in each county, enters in it the names of taxable inhabitants and the assessed value of their property, and makes a financial estimate of the state and county tax chargeable on such property. A duplicate copy of this statement is delivered to the tax collector who collects all taxes accordingly. The tax collector pays the tax money due the state to the state treasurer.(2) The money due the county is delivered to the county treasurer who receives all moneys accruing to the county (3).

Prior to the establishment of the state board of equalization, the equalization of the assessment for both state and county taxation was done by the court of sessions and later by the board of supervisors, which acted as ex-officio board of equalization (4).

Since 1870 when the state board of equalization was set up, the county board has equalized assessments for county taxation (5). The state board has equalized the valuation of taxable property primarily for state taxation, but at the same time it has exercised power to increase or lower the assessment roll of the county (6).

Expenditures and the contracting of debts involve payment of claims and demands chargeable against the county, and the system of accounting, making of budgets, and issuance of county obligations and bonds. All claims and demands are delivered to the county auditor who after examining them either settles them himself if they are just or presents them to the board of supervisors. Originally he presented them to the court of sessions. The board of supervisors is empowered to allow claims, and to issue warrants for payment of money and certify them to the auditor (7), who issues orders for payment on the county treasurer. The auditor makes settlement with the treasurer for all moneys received and disbursed by the latter.(8)

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1. Cal. Stats. 1850, p. 136.
2. Ibid., pp. 137-139.
3. Ibid., p. 115.
4. Ibid., p. 138; 1852, pp. 32, 87-89.
5. Cal. Stats. 1869-70, p. 814; Cal. Const. 1879, art. XIII, sec. 9.
6. 68 Cal. 495.
7. Cal. Stats. 1850, p. 210; Cal. Stats. 1852, p. 88.
8. Cal. Stats. 1850, p. 153.

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In accordance with a provision of 1927, the auditor prepares a budget estimate, showing the complete expenditure program for the ensuing fiscal year and sources of revenue by which it is to be financed. This budget is submitted to the board of supervisors for adoption. The clerk records this action in the minutes.(1) In order to facilitate the purchasing of supplies, the board of supervisors has been authorized to employ a purchasing agent (2).

If there is insufficient revenue to meet the necessary expenditures of the county, the board of supervisors is authorized to borrow money and issue bonds (3). The constitution requires approval of such bonds by a two-thirds majority of qualified electors (4).

Conduct of Elections

The conduct of elections is a political function that has been discharged under the direction of county authorities. The county officers have supervised not only the election of county officers but also the election of national, state, and district public officials.(5) Originally the court of sessions designated election precincts and the county judge named inspectors of elections at the precincts (6), but subsequently in 1852, these functions were assumed by the board of supervisors. The board of supervsiors was to act as a board of election canvassers.(7) In 1895 the supervisors became ex officio a board of election commissioners and performed all duties in respect to control, management, and supervision of elections (8). The county clerk acted as clerk of the board of election canvassers (9), and the board of election commissioners (10).

Upon request and under the supervision of the county clerk, the surveyor is to divide the county into election precincts and prepare detailed precinct maps, after which the board of supervisors is to issue an order creating precincts (11). The conduct of elections involves the registration of votes by the county clerk (12), preparation by him of ballots (13), actual conduct of voting on election day

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1. Cal. Stats. 1927, p. 722.
2. Cal. Stats. 1909, p. 130.
3. Cal. Stats. 1883, p. 299; 1907, p. 382.
4. Cal. Const. 1879, art. XI, sec. 18.
5. Cal. Stats. 1850, pp. 101, 105; Porter, op. cit., 105.
6. Cal. Stats. 1850, p. 102.
7. Cal. Stats. 1852, p. 89.
8. Cal. Stats. 1895, pp. 341, 343.
9. Cal. Stats. 1850, p. 82; 1852, p. 88.
10. Cal. Stats. 1895, p. 338.
11. Cal. Stats. 1915, p. 861.
12. Cal. Stats. 1865-66, pp. 288-301.
13. Cal. Stats. 1899, p. 134.

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and the counting of ballots by the election officers, the filing of returns with the county clerk (1), declaration of election results by the board of supervisors, and the recording of a statement thereof by the county clerk (2).

Administration of Education

Since 1850, counties in California through their legislative bodies, have assumed almost full responsibility for the maintenance and administration of schools (3). With the development of the school system, however, the state government has exercised increased control over school administration, requiring detailed and systematic reports from the county superintendents (4). In 1852 a superintendent of schools was provided for by statute (5). The superintendent of schools and board of education (originally board of examination) exercise supervision over schools. The duty of the superintendent is to render necessary assistance to school trustees and teachers and to enforce the course of study (6), while the board engages in preparing and conducting the examination of teachers (7). In 1855 a system of school districts was established under the supervision of school trustees (8).

Among functions allied to administration of the school system are the establishment of libraries and recreation centers. A library for the use of the general public and a law library primarily for the use of judges and members of the bar exist in almost every county of California.(9) For recreation the county provides parks, playgrounds (10), and stadiums (11), establishes recreation districts, and necessary buildings (12), and employs necessary personnel (13).

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1. Cal. Stats. 1850, p. 104.
2. Pol. Code 1872, secs. 1279, 1282.
3. Cal. Stats. 1850, p. 210.
4. Cal. Stats. 1855, pp. 231-232; 1891, p. 156; 1929, School Code app., p. 92.
5. Cal. Stats. 1852, p. 118.
6. Cal. Stats. 1855, pp. 231-232.
7. Cal. Stats. 1880, pp. 145-146.
8. Cal. Stats. 1855, pp. 231-232.
9. Cal. Stats. 1891, p. 430; 1911, p. 82.
10. Cal. Const. 1909, p. 128.
11. Cal. Stats. 1921, p. 165.
12. Cal. Stats. 1927, p. 1229.
13. Cal. Stats. 1921, p. 220; Pol. Code, sec. 4041C.

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 (First entry, p. 70)

Public Health

The care of health and sanitation in the several counties has been one of the primary functions of the government. After the adoption of the constitution of 1879 (1), the board of supervisors was authorized to make and enforce necessary sanitary regulations (2). Prior to 1889, it was optional with the board to appoint health officers in the county, but since that year the county has regularly employed a health officer in all unincorporated towns, and, since 1897, a county health officer has been employed for the enforcement of the sanitary laws and ordinances (3). In addition, the county is authorized to employ public health nurses, dentists, and dental hygienists to attend to sanitary and dental problems in the county (4).

Public Welfare

Public welfare represents an important function for which the county expends large sums of money, and at the same time receives aid from the state and U. S. government. Originally the board of supervisors took care of indigent sick and dependent poor (5), appointed persons of the medical profession to attend to such cases in hospitals (6), established county hospitals, an almshouse, a county farm, and provided for a county physician, superintendents of these institutions, and necessary employees (7).

A recent enactment requires the county to extend relief to all unemployable poor, while the state has responsibility for the support of those who are unemployed but physically fit to work (8). The county, through the receipt of state aid, provides funds for old age pensions, care of needy children, and the blind, but the state has direct supervision over the dispensation of funds for such purposes (9).

The county employs a director of social welfare as an agent for the investigation of applications for aid and for making recommendations on the basis of his findings (10). The board of public welfare, or, in its absence, the board of supervisors, superintends the inspection of charitable institutions of the county (11).

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1. Cal. Const., art. XI, sec. 11.
2. Pol. Code Am. 1880, p. 100.
3. Cal. Stats. 1889, p. 43; 1897, p. 464.
4. Cal. Stats. 1929, p. 362.
5. Cal. Stats. 1852, p. 88; Pol. Code 1872, sec. 4046.
6. Cal. Stats. 1883, p. 304.
7. Cal. Stats. 1907, p. 413.
8. Cal. Stats. 1937, Welfare and Institutions Code, p. 1097.
9. Ibid., pp. 1062, 1069, 1079, 1103.
10. Ibid., pp. 1072, 1086, 1108-1109.
11. Cal. Stats. 1915, pp. 339-340; Cal. Stats. 1937, Welfare and Institutions Code, pp. 1017-1019.

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Public Works

Another important function of the county is the care of highways, roads, and bridges, originally under the supervision of the court of sessions, and later the board of supervisors (1). Since 1883 each member of the board of supervisors has supervised roads in his district (2). The board has been authorized to issued bonds and levy special assessment taxes for building roads (3). In this connection, the board of supervisors has employed overseers, road masters, inspectors, and engineers to attend to the viewing, repairing, and building of roads (4). Likewise, county functions have included the building of ferries and canals, erection of county buildings (5), drainage (6), irrigation (7), and other public works.

By virtue of a special act in 1860 the road districts in Santa Clara County are coterminous with the district of the respective supervisors, and each supervisor acts as road commissioner in his district (8).

Upon the petition of one fourth of the freeholders residing in any road district, the board of supervisors is authorized to change the boundaries of a district, unite two or more districts into one, or form a new district (9). Since 1909 the board of supervisors has been authorized to improve road districts (10).

There are five road districts in Santa Clara County.

Assistance to Agriculture

Assistance to agriculture, as a county function, began after 1880. At the beginning through a horticultural commission and later an agricultural commissioner, the county aided agriculture in the matter of inspection of orchards, nurseries, and animal stock, destruction of pests, and other allied matters (11). The county may appoint a live-

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1. Cal. Stats. 1850, p. 210; 1852, p. 88.
2. Cal. Stats. 1883, p. 7.
3. Cal. Stats. 1907, p. 806.
4. Ibid., p. 640.
5. Cal. Stats. 1850, p. 210.
6. Cal. Stats. 1885, p. 204.
7. Cal. Stats. 1897, p. 254.
8. Cal. Stats. 1860, p. 119.
9. Cal. Stats. 1897, p. 374.
10. Cal. Stats. 1907, p. 806.
11. Cal. Stats. 1881, p. 88; 1923, p. 1880.

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stock inspector (1), and other experts, but the state has direct supervision over the functions of each appointee (2). Furthermore, one of the ways in which the state and federal governments have taken part in extention work in agriculture is by providing for a farm advisor (3).

Promotion of Business of County

The county has assumed responsibility for the promotion of trade, agriculture, and commerce, and for exploiting and advertising its resources (4). In this regard, the board of supervisors is authorized to create a board of trade or county chamber of commerce (5). For the facility of its orderly economic development, the county has employed the services of the planning commission in outlining the operation of its traffic system, transportation, parks, and programs of improvements (6).

Regulations Regarding Record Keeping

Within each of the major county offices there has been established uniformity as to labeling, size and form of record. In the recorder's office the early bound records have been rewritten and retyped in new bound and loose-leaf volumes, and in the other county offices there is irregularity in the size and form of early records.

Records of Santa Clara County are kept in compliance with the state laws, there being no local regulations for the keeping of records. An alphabetical index in the front pages of volumes is used chiefly, but for the larger volumes such as registers and files, separate index books are used.

In accordance with special provisions, the recorder was required in 1851 to keep 21 indexes in separate volumes labeled grantors, grantees, mortgagors, mortgagees, releases of mortgagees-mortgagors, powers of attorney, lessors, lessees, marriage certificates - man, marriage certificates - women, assignment of mortgages and leases - assignors,

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1. Cal. Stats. 1907, p. 398.
2. Cal. Stats. 1929, p. 282.
3. Cal. Stats. 1915, p. 572.
4. Cal. Stats. 1911, p. 942; 1929, p. 250.
5. Cal. Stats. 1921, p. 402.
6. Cal. Stats. 1929, pp. 1806, 1810-1811.

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assignment of mortgages and leases - assignees, wills, official bonds, mechanics' liens, transcripts of judgment, attachments, notices of action, separate property of married women, and pre-emption claims (1). In 1852 the recorder was authorized to keep any two or more of the indexes required in the same volume (2), and his office being the chief depository of county records, he was specifically instructed as to their safe keeping, and required to keep all books and papers belonging to his office in ironproof chests, or in some fireproof vault or building (3).

The board of supervisors was authorized in 1863 to employ Spanish scholars to translate all Spanish records into English on file in the recorder's office. When translations were approved by the board they were to be recorded in blank books, deposited in the recorder's office to be part of the lawful records of the county.(4)

Provisions are made in each county office budget for rebinding purposes. Rebinding is done whenever it becomes necessary.

The few records that may be destroyed are described by law, but in such cases records to be destroyed must first be recorded in volume form. For example, the auditor and treasurer were authorized in 1921 to destroy any county claim, salary warrant, school warrant, or any other paper issued as voucher where permanent record has been made, providing title to real property was not involved and it was not a court record. It was also provided that the voucher to be destroyed must be more than five years old.(5) In practice such records are seldom destroyed unless space for storing is limited.

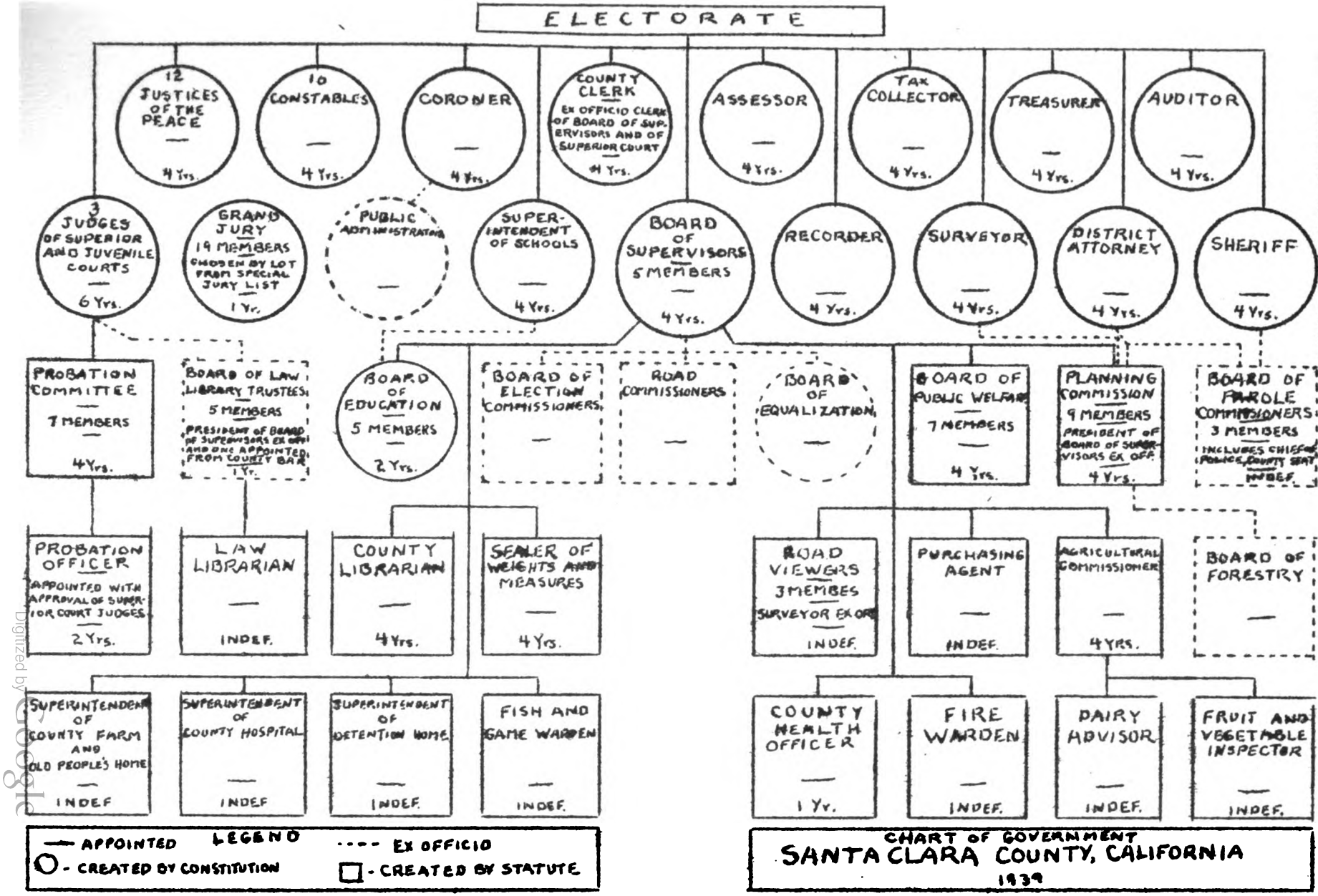
While there is no general provision covering all county records or the form they shall take, California law often fully describes the contents of records for the various county offices, and it is left to the separate offices to evolve their own system by county. The few exceptions to this are the instances when it is the duty of state officers to furnish forms, printed by the state printer, to certain county officers throughout the state for their required reports. The surveyor general and state registrar must issue all instructions and prepare and have printed all blank forms necessary for the monthly report to the registrar and the quarterly report to the controller concerning the surveys, sales and handling of public lands required of the county treasurer.(6)

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1. Cal. Stats. 1851, p. 201.
2. Cal. Stats. 1852, p. 166.
3. Cal. Stats. 1880, p. 154.
4. Cal. Stats. 1863, p. 11.
5. Cal. Stats. 1931, p. 342.
6. Pol. Code 1872, sec. 3429.

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Governmental Organization and Records System - Regulations Regarding Record Keeping (First entry, p. 70)

Most records are kept open for public inspection and are therefore arranged in suitable and convenient places. The records such as court proceedings for actions of divorce, criminal conversation, seduction, and breach of promise, are not made public, and they can be seen only with the permission of the judge.(1) Court proceedings and reports concerning insanity trials and juvenile cases, and reports of the probation officer on juvenile delinquents cannot be made public by the clerk with whom they are filed (2).

Any record having only historical value may be placed in the custody of the county historical society by the board of supervisors (3). In 1931, the board of supervisors was permitted to allow non-profit incorporated historical societies to withdraw from county records, for exhibition purposes within the county, any original documents filed prior to January 1, 1876. A certified copy of the application for its withdrawal has to be filed in place of the original document.(4) According to the county officials, no records have been removed under this provision.

Most of the offices use the bound volume for their records, but there is a general tendency in the various departments to replace the bound record with the loose-leaf record. The board of supervisors had the auditor use the loose-leaf system to some extent.

The present set of records used by the offices of Santa Clara County seem to be sufficient, and the system of subdivision and combination of records is considered by the county officials as highly efficient.

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1. Civil Code Am., 1880, secs. 124-125.
2. Cal. Stats. 1905, p. 811.
3. Cal. Stats. 1921, p. 173.
4. Cal. Stats. 1931, p. 1531.

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3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

The housing and care of the records of Santa Clara County can be considered good, although there are certain exceptions as to the physical condition of some of the depositories, arrangement and accessibility of records. It is good to note that since the Historical Records Survey began, the various county officials have indicated an increased interest in the care and preservation of the records.

Among the buildings housing county offices and records, the Courthouse is the oldest, having been constructed in 1868. Built of stone and brick, the building is reasonably safe from fire originating from the exterior, but the interior is definitely not fireproof.

In 1931 a fire in the supervisors' office located on the 2nd floor in the Courthouse, resulted in the destruction of about 60 percent of the supervisors' records. The remaining percentage, water-marked and fire-scarred, are now stacked in a disorderly fashion on the floor of the basement in the Hall of Records. Since the fire, the supervisors' office has been repaired and equipped with steel shelving and steel containers.

Inasmuch as there is space in the office of the supervisors, it would be well if the damaged records were removed from the basement of the Hall of Records and every effort exerted to preserve them. Also, at little cost to the county, the arrangement of the records in a number of the offices in the Courthouse could be improved and fireproof steel equipment could replace the wood equipment used in some of the offices.

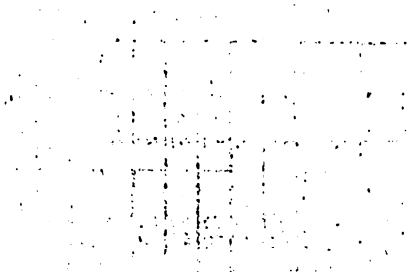
The depositories in the Courthouse are described as follows:

County Courthouse --o-- Santa Clara County

DEPOSITORY	LOCATION	DIMENSIONS	CU. FT.	CLASS OF CONST.	SHELVING	CONTAINERS	LIGHT	PHYS. COND.	ACCESSIBILITY	ARRANGEMENT	DEPARTMENTS USING	% DEPT. RECS.	FUT. CAP.
Shf. Off.	1st fl.	15x15x14	3,150	1st	Steel	Steel	Good	Fair	Fair	Fair	Sheriff	25	Ample
Shf. Vlt.	1st fl.	15x12x10	1,800	1st	Steel	Steel	Fair	Fair	Fair	Fair	Sheriff	20	Ample
Shf.Adj.Rm.	1st fl.	15x14x9	1,890	1st	Steel	Steel	Good	Good	Good	Good	Sheriff	25	Ample
Reg. Off.	1st fl.	36x24x15	12,960	1st	Steel	Steel	Good	Good	Good	Good	Registrar	60	Ample
Reg.Adj.Rm.	1st fl.	18x12x10	2,160	2nd	Wood	Wood	Good	Fair	Fair	Fair	Registrar	40	Ample
Supvr.Off.	2nd fl.	36x27x12	11,664	1st	Steel	Steel	Good	Good	Good	Good	Supervisors	25	Some
Supvr.Adj.Rm.	2nd fl.	10x8x7	560	1st	Wood	Steel	Good	Fair	Fair	Fair	Supervisors	15	Some
Pur. Agent	2nd fl.	18x15x12	3,510	1st	Steel	Steel	Good	Good	Good	Good	Pur. Agent	100	Ample
Plan. Com.	2nd fl.	13x13x12	2,028	1st	Steel	Steel	Good	Good	Good	Good	Plan. Com.	100	Ample
D.a. Off.	3rd fl.	20x13x12	3,120	1st	Steel	Steel	Good	Good	Good	Good	Dist. Atty.	75	Ample
D.a.Adj.Rm.	3rd fl.	9x9x6	486	2nd	Wood	Wood	Good	Fair	Good	Fair	Dist. Atty.	25	Ample

(First entry, p. 70)

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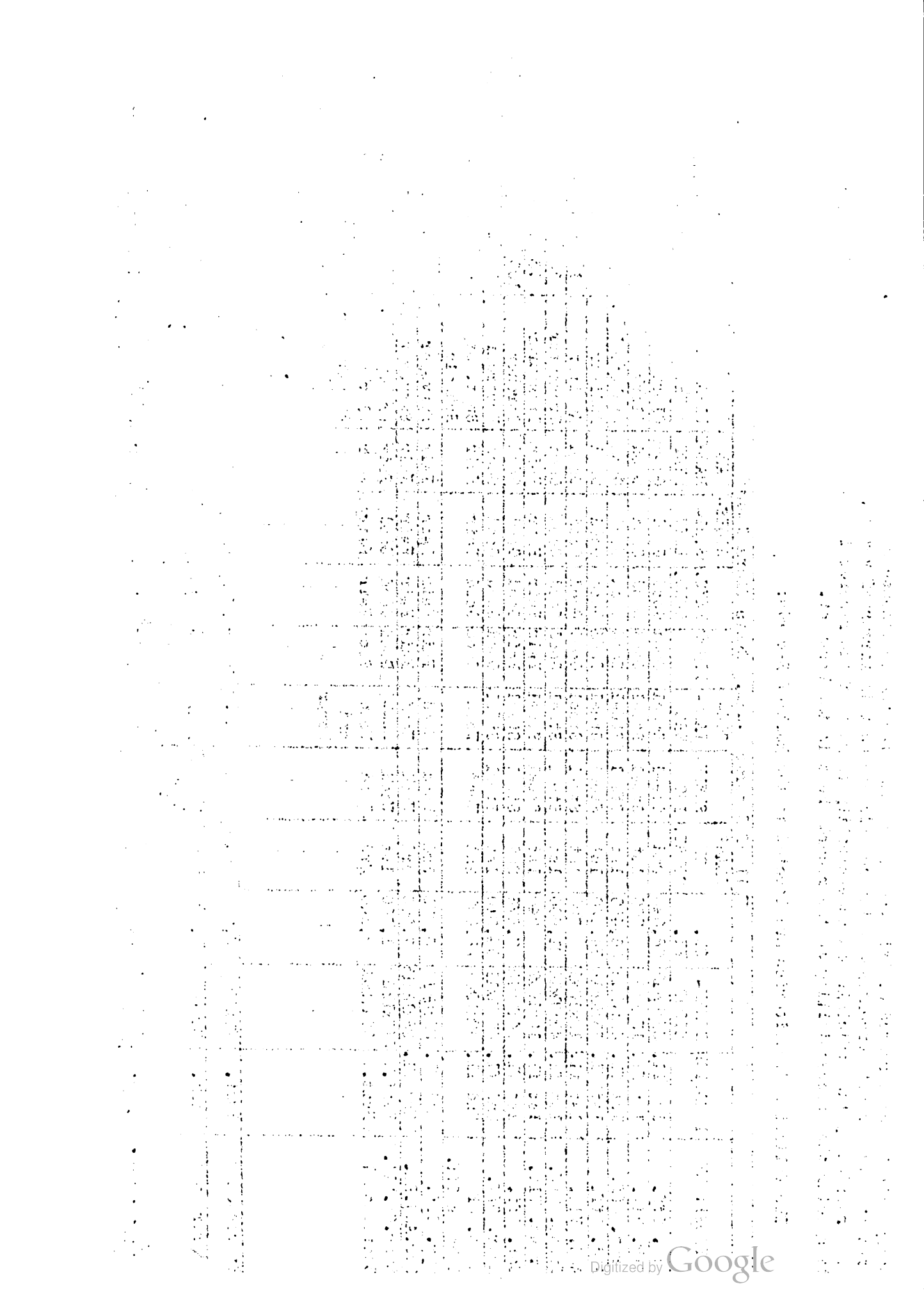
The Hall of Records, connected to the Courthouse by a corridor, was erected in 1893. It is a two story building constructed of brick and stone and like the Courthouse considered semi-fireproof. At present only a small percentage of the records are kept in fireproof vaults. Accomodations for the public are provided by the officials and accessibility to most of the records is good; the one principle exception being the inaccessibility to the records kept in the basement.

The following depositories are located in the Hall of Records:

Hall of Records -o- Santa Clara County

DEPOSITORY	LOCATION	DIMENSIONS	CU. FT.	CLASS OF CONST.	SHELVING	CONTAINERS	LIGHT	PHYS. COND.	ACCESSIBILITY	ARRANGEMENT	DEPARTMENTS USING	% DEPT. RECS.	FUT. CAP.
Clk. Off.	1st fl.	63x16x18	68,040	2nd	Steel	Steel	Good	Good	Good	Good	Clerk	80	Some
Clk. Vlt.	1st fl.	15x8x8	960	1st	Steel	Steel	Good	Good	Good	Good	Clerk	5	Some
Prob. Off.	1st fl.	45x45x18	36,450	1st	Steel	Steel	Good	Good	Good	Good	Probate Dept.	80	Some
Aud. Off.	1st fl.	63x30x18	34,020	1st	Steel	Steel	Good	Good	Good	Good	Auditor	65	None
Aud. Vlt.	1st fl.	12x10x6	720	1st	Steel	Steel	Good	Good	Good	Good	Auditor	10	Some
Treas. Off.	1st fl.	40x30x18	21,600	1st	Steel	Steel	Good	Good	Good	Good	Treasurer	60	Some
Treas. Vlt.	1st fl.	12x10x7	840	1st	Steel	Steel	Fair	Fair	Fair	Fair	Treasurer	15	Some
Cor. Off.	1st fl.	24x18x18	7,876	2nd	Steel	Steel	Fair	Good	Good	Good	Coroner	100	Some
Rcdr. Off.	2nd fl.	85x63x18	94,310	1st	Steel	Steel	Good	Good	Good	Good	Recorder	80	Some
Supt. of Schools Off.	2nd fl.	40x40x18	28,800	2nd	Wood	Wood	Good	Good	Fair	Fair	Supt. of Schools	85	Some
Sur. Off.	2nd fl.	25x18x15	6,750	3rd	Wood	Wood	Fair	Fair	Fair	Fair	Surveyor	75	Some
Sur.Adj.Rm.	2nd fl.	28x18x15	7,560	3rd	Wood	Wood	Fair	Fair	Fair	Fair	Surveyor	25	Some
Supr.Ct.Vlt.	Bsmt.	15x10x10	1,500	1st	Wood	----	Good	Good	Good	Fair	Probate Dept.	20	Some
Storeroom 1	Bsmt.	90x12x8	8,640	3rd	Wood	Wood and Paper	Poor	Fair	Fair	Poor	Clerk Auditor Treasurer Recorder Supt. of Schools Supervisors Sheriff	15 5 25 20 15 25 15	
Storeroom 2	Bsmt.	40x10x8	3,200	3rd	Steel Wood	----	Fair	Fair	Fair	Poor	Auditor	20	Some
Storeroom 3	Bsmt.	36x16x9	5,184	3rd	Wood Stacked on floor	----	Poor	Fair	Poor	Poor	Justice Ct.1 Justice Ct.2 Supervisors	60 60 35	Some
S.W.M. Off.	Bsmt.	18x12x10	1,800	2nd	Wood	Wood	Fair	Fair	Poor	Fair	Sealer	35	Ample

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As noted in the tabular chart, the records in the basement storerooms are housed under deleterious conditions. An adjustment in the keeping of these records can be made by a reorganization of the arrangement and by installing steel containers and steel shelving, although this latter improvement will not eliminate the fire hazard. It is also possible to convert at least two of the storerooms into fireproof vaults.

An improved arrangement of the records in the storerooms will provide needed additional space for storing inactive records. However, it will not relieve the pressure which will be felt in a few years owing to the expanding records of the county. One county official, mindful of the inadequate space for the storing of records stated, "We haven't the space to store many future records, and the county seems reluctant to expend money for storing or fire prevention purposes". He said in addition, "It is encouraging to know the Federal Government is interested in the preservation of our records".

Because of insufficient space in the Hall of Records, two important county officials, the tax collector and assessor, have offices in the Hall of Justice. This building, erected in 1906 and constructed of brick and steel, was partially destroyed by the earthquake in the same year of its completion. It was reconstructed and reoccupied in 1910.

Both the assessor and tax collector give considerable attention to the care of their records and generally the conditions under which their records are kept are good. Space in both offices is provided for the public use of the records.

In the Hall of Justice there are also the law library, county library, offices of the adult probation officer, agricultural commissioner, and justice courts 1 and 2. The law library has approximately 9,000 volumes which are available to the general public as well as to the lawyers of the county.

The depositories in the Hall of Justice are described as follows:

Hall of Justice .-o-. Santa Clara County

DEPOSITORY	LOCATION	DIMENSIONS	CU. FT.	CLASS OF CONST.	SHELVING	CONTAINERS	LIGHT	PHYS. COND.	ACCESSIBILITY	ARRANGEMENT	DEPARTMENTS USING	% DEPT. RECS.	FUT. CAP.
Co.Lib.Card Catalogue Rm.	1st fl.	15x9x10	1,350	2nd	Wood	Wood	Good	Good	Good	Good	Librarian	15	Some
Circulation Rm.	1st fl.	30x9x10	2,700	2nd	Wood	Wood	Good	Good	Good	Good	Librarian	15	Some
Stock Rec.Rm.	1st fl.	15x12x10	1,800	2nd	Wood	Wood	Good	Good	Good	Good	Librarian	25	Some
Catalogue Rm.	1st fl.	15x12x10	1,800	2nd	Wood	Wood	Good	Good	Good	Good	Librarian	25	Some
Visual Rm.	1st fl.	30x15x10	4,500	2nd	Wood	Wood	Good	Good	Good	Good	Librarian	20	Ample
Ag. Com.	1st fl.	18x16x10	3,280	2nd	Wood	Steel	Good	Good	Good	Fair	Agricultural	35	Some
Storeroom	1st fl.	10x10x8	800	2nd	Wood	Wood	Poor	Good	Good	Fair	Agricultural	65	Some

(First entry, p. 70)

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Hall of Justice (Continued)													
DEPOSITORY	LOCATION	DIMENSIONS	CU. FT.	CLASS OF CONST.	SHELVING	CONTAINERS	LIGHT	PHYS. COND.	ACCESSIBILITY	ARRANGEMENT	DEPARTMENTS USING	% DEPT. RECS.	FUT. CAP.
Assr. Off.	2nd fl.	54x54x13	37,908	3rd	Wood	Steel	Good	Good	Good	Good	Assessor	100	Some
Hlth. Off.	2nd fl.	15x14x14	2,940	2nd	Wood	Wood	Good	Good	Good	Good	Health	100	Ample
Tax Col.Off.	2nd fl.	60x36x13	28,080	3rd	Wood	Steel	Good	Good	Good	Good	Tax Collector	100	Ample
Justice Ct.1	2nd fl.	22x16x15	5,280	2nd	Steel	Steel	Good	Good	Good	Good	Justice Ct.1	40	Ample
Justice Ct.2	2nd fl.	22x16x15	5,280	2nd	Steel	Steel	Good	Good	Good	Good	Justice Ct.2	40	Ample
Adult Prob.Off.	2nd fl.	18x12x14	3,024	2nd	Steel	Wood	Good	Good	Good	Good	Adult Probation	100	Ample
Law Library	3rd fl.	33x30x14	13,860	1st	Steel	Steel	Good	Good	Good	Good	Law Library	100	Ample

In accounting for the records of the sheriff, it has already been recorded that 70 per cent are kept in the Courthouse and 15 per cent are stored in the basement of the Hall of Records. The remaining 15 per cent are kept in the County Jail building, a non fireproof structure, which is located at the rear of the Courthouse. Although these records are open to the public, the arrangement is poor. At present the records are coated with dust and the depository is slightly damp.

A physical description of the depository is as follows:

County Jail Building --o-- Santa Clara County													
DEPOSITORY	LOCATION	DIMENSIONS	CU. FT.	CLASS OF CONST.	SHELVING	CONTAINERS	LIGHT	PHYS. COND.	ACCESSIBILITY	ARRANGEMENT	DEPARTMENTS USING	% DEPT. RECS.	FUT. CAP.
Sheriff Off.	1st fl.	15x14x14	2,940	2nd	Wood	Wood	Fair	Fair	Poor	Poor	Sheriff	15	Ample

The County Detention Home, located at St. James and Market Streets, is a fireproof building and is excellently equipped for the care of records. Ample space is provided for the public use of the records. The depository has a dry, clean atmosphere and the records are kept free of dust.

Following is a description of the depository:

County Detention Home --o-- Santa Clara County													
DEPOSITORY	LOCATION	DIMENSIONS	CU. FT.	CLASS OF CONST.	SHELVING	CONTAINERS	LIGHT	PHYS. COND.	ACCESSIBILITY	ARRANGEMENT	DEPARTMENTS USING	% DEPT. RECS.	FUT. CAP.
Co.Det.Off.	1st fl.	14x12x9	1,512	1st	Steel	Steel	Good	Good	Good	Good	County Detention	100	Ample

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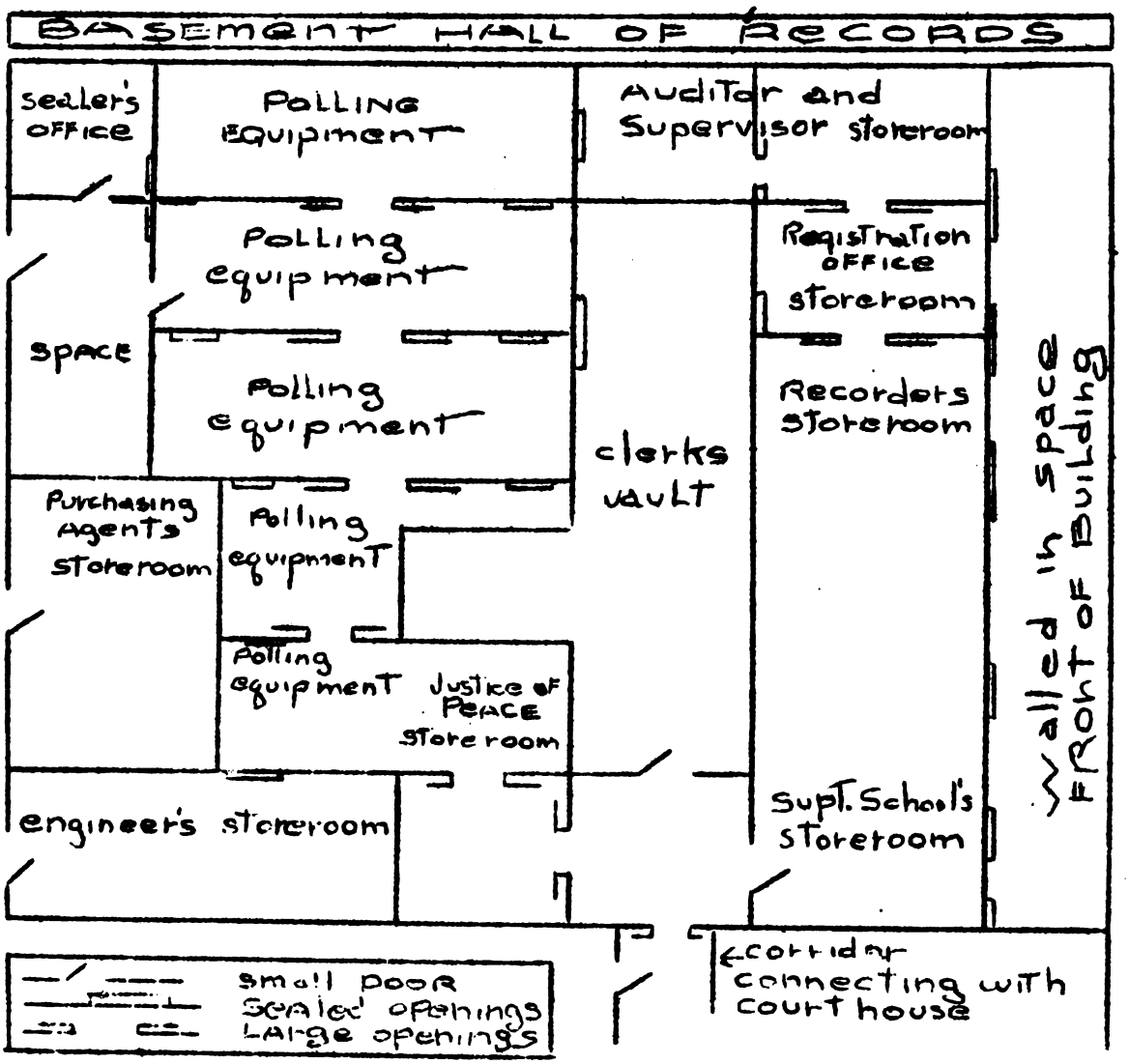
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Housing, Care, and Accessibility of the Records - (First entry, p. 70)

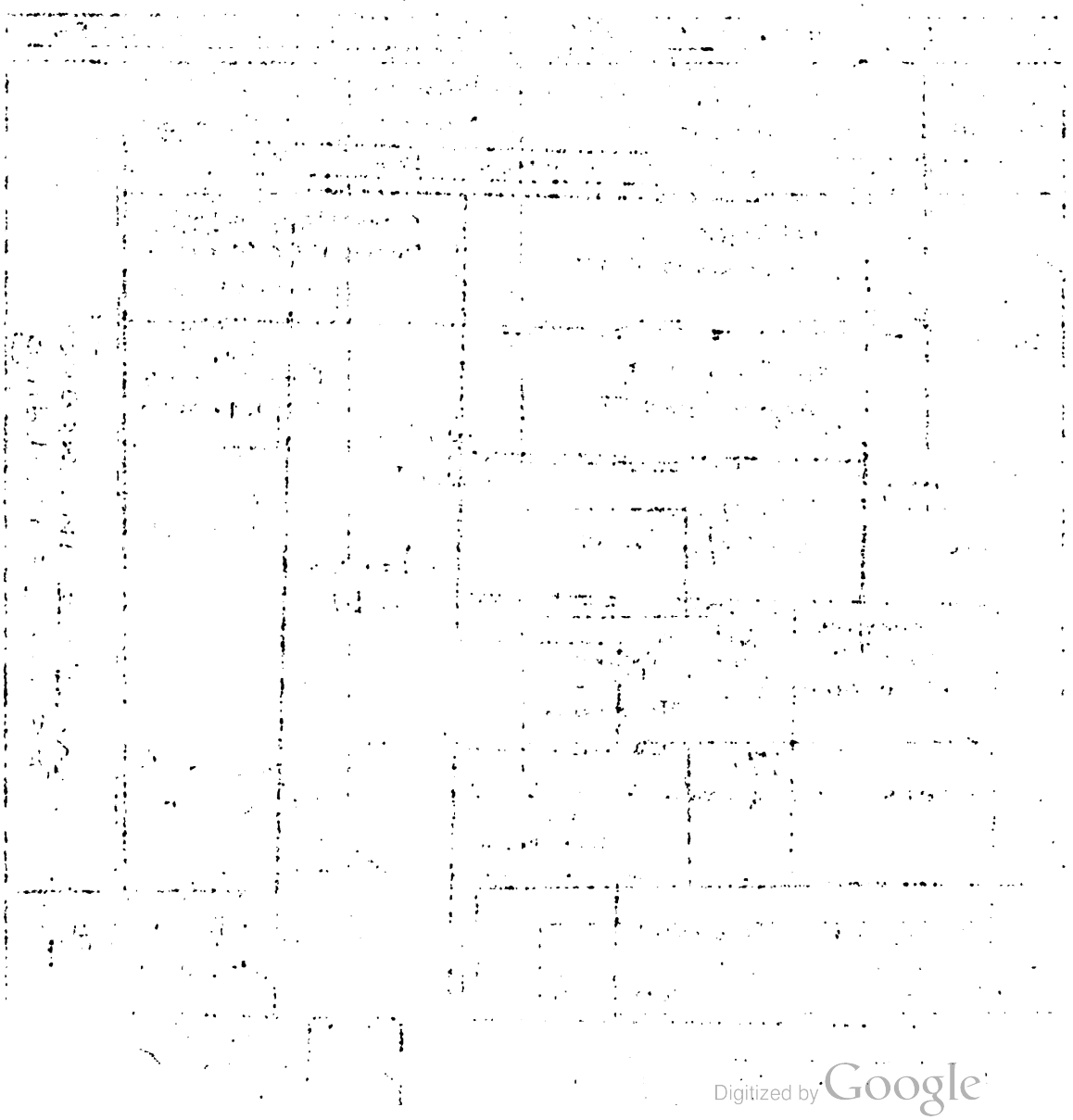
Records of the county offices not indicated in the charts are the records of the welfare department and the county hospital.

The records of the officials of the county hospital are kept in two depositories. The record room, located in the main building of the hospital, holds in wood containers about 75% of the records. The remaining 25% of the records are stored on wood shelves in the basement of the same building. Soon, it was reported, the records are to be moved to better and more spacious quarters. Under the care of two librarians, the records are kept in excellent condition.

Offices and records of the welfare department have recently been moved to rented rooms in an office building, which, it is hoped, will only be temporary. The board of supervisors plan to seek aid from the Works Progress Administration in the construction of a welfare building which would house both county and federal welfare departments.



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(First entry p. 70)

4. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

Abbreviations

adj. - adjacent
alph. - alphabetical(ly)
am. - amendment (s)
app. - appeals
arr. - arranged
art.(s) - article(s)
assr. - assessor
atty. - attorney
aud. - auditor
av. - average
bdl.(s) - bundle(s)
bsmt. - basement
Cal. - California Reports
Cal. Const. - - - - - - - - - - - - - - - - - California Constitution
Cal. Stats. - - - - - - - - - - - - - - - - - - California Statutes
cap. - capacity
C.C. - County Courthouse
ch. - chapter(s)
chron. - chronological(ly)
clk. - clerk
Code Am. - Code Amendments
Code Civil Proc. - - - - - - - - - - - - - - - Code Civil Procedure
con. - construction
cond. - condition
cor. - coroner
ct. - court
d.a. - district attorney
dfdt.(s) - defendant(s)
dept. -department
dist. - district
doc. - document
dup. - duplicate
E. - East
est. - estimated
f.b. - file box(es)
f.d. - file drawers
ff. - and following pages
ft. - foot, feet
fut. - future
H.J. - Hall of Justice
H.R. - Hall of Records
hdw. - handwritten
ibid. -ibidem (in the same place)
in. - inch, inches
j.p. -justice of the peace
jur. - jurisprudence
lbld. - labeled

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no.(s) - number(s)
num. -numerical(ly)
N. - North
off. - office
op. cit. - - - - - - - - - - - - opere citato (in the work cited)
p., pp. - page(s)
Pac. - Pacific Reporter
phys. - physical
p.h. - pigeon hole
plan. com. - - - - - - - - - - - - - - - - - planning commission
pltf.(s) - plaintiff(s)
Pol. Code - - - - - - - - - - - - - - - - - - - Political Code
prob. offr. - - - - - - - - - - - - - - - - probation officer
pr. - printed
pur. - purchase
pt. - part
rcdr. - recorder
recs. -records
reg. - registrar
S. - South
sec.(s) - section(s)
ser. - series
shf. - sheriff
S.R.A. - - - - - - - - - - - - - - State Relief Administration
supvr.(s) - - - - - - - - - - - - - - - - - - - supervisor(s)
supr. - superior
supt. - superintendent
sur. - surveyor
s.w.m. - - - - - - - - - - - - - sealer of weights and measures
tax col. - - - - - - - - - - - - - - - - - - - tax collector
treas. - treasurer
twp. - township
vlt. - vault
vol.(s) - volume(s)
W. - West
W.P.A. - - - - - - - - - - - - - - Works Progress Administration

Symbols

x - by
— - to date, current

Explanatory Notes

Subject arrangement of entries is the plan of arrangement used throughout this book. Each office is given a separate division and all records of the same subject within the office or all records dealing with one type of business have been listed under a subject heading. An attempt has been made to group related offices and related subject headings within offices together. For example, all judicial agencies have been placed together and within the individual

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court all records dealing with civil matters have been grouped together. In the main, records have been listed under the office of issue. However, there are some notable exceptions to this principle, such as reports and records starting in one office and ending in another.

If there are entries under subject headings that might also have been placed under other subject headings, within an office, or if there are entries related in subject matter to other subject headings, they are cross-referenced under these subject headings by the words "see also entries (number of the entries)".

Details of labeling are given in parentheses following the quantity. Information on labeling and reasons for missing records have been omitted only when such information was unobtainable.

A record title in capital letters is the exact title found on the record. A title in capital letters but enclosed in parentheses has been assigned by the editor because the record lacked a title. Words or phrases in a title in lower case and enclosed in parentheses are explanatory and assigned by the editor because the original title was not sufficiently clear.

The years following the record title are, in all cases, inclusive for the quantity listed.

Unless there is no index or the index to a record series is self-contained, an entry for the index immediately follows the record entry. Cross references are given for indexes which do not immediately follow.

Unless otherwise noted the records were found in good condition.

Average dimensions or extremes within which dimensions vary, are given for all types of containers, such as volumes, file boxes, and bundles, in the following sequence; height, width and thickness, or depth. All dimensions are in inches.

Cross references . Title-line cross references are used to complete series for records kept separately for a period of time and in other records for differenct period of time, (as in entry 171, "1923—, in entry 165"). They are also used in all artificial entries—entries for records which must be shown separately under their proper office or section heading, even though they are kept in files of records appearing elsewhere in the inventory, (as in entry 9, "In entry 12-iii"). In both instances, the description of the master entry or the entry covering a record of miscellaneous content shows the title and entry number of the record from which the cross reference is made, (as in entry 12, "Contains: (Resolutions), 1861—, entry 9). Dates shown in the description of the master entry are only for the part or parts of the record contained therein and are shown only when they vary from those of the master entry.

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"Separate third paragraph cross references from entry to entry and 'See also' references under subject headings, are used to show prior, subsequent, or related records which are not part of the same series".

The locations given for the records were the location at the time the survey was made. These are, of course, subject to change as it has been found that the records in the courthouses are moved occasionally from place to place.

Records covering the same period found in two or more locations are not duplicate sets unless so stipulated in the title line of the entry.

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(First entry, p. 70)

I. BOARD OF SUPERVISORS

Historical Background (1)

The immediate predecessor to the board of supervisors, as the principal administrative body of the county, was the court of sessions, which had replaced the ayuntamiento in 1850 (2). The court of sessions was composed of the county judge, as presiding officer, and two justices of the peace, and performed both judicial and legislative functions. Although the California constitution of 1849 provided for a board of supervisors (3), it was not established in Santa Clara County until 1852 (4), when it replaced the court of sessions. However, the board was abolished in 1854 and its duties and powers transferred to the court of sessions.(5) In 1855 the board of supervisors was reestablished and has been the principal office of Santa Clara County since that time (6).

Creation and Status

The statutes of 1852 provided that the board of supervisors be composed of five members, to be elected for a one year term (7). The number of members was reduced to three in 1855 (8), and the term was increased to three years in 1858 (9). Six years later the number of members was again increased to five, one to be elected from each of the four supervisorial districts, the fifth to be elected at large (10). The political code of 1872 required that the board be composed of seven members to be elected for a term of three years (11). In 1880 the term was increased to four years (12). Since 1883 the board has been composed of five members, one elected from each of the five supervisorial districts for a term of four years, as provided by the state legislature that year (13). A vacancy in the board of supervisors is filled by the governor, and the appointee is to hold office until the election and qualification of his successor (14).

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1. See also essay on court of sessions, and on ayuntamiento in appendix.
2. Cal. Stats. 1850, p. 210.
3. Cal. Const. 1849, art. XI, sec. 5.
4. Cal. Stats. 1852, p. 87.
5. Cal. Stats. 1854, p. 179.
6. Cal. Stats. 1855, p. 51.
7. Cal. Stats. 1852, p. 87.
8. Cal. Stats. 1855, p. 51.
9. Cal. Stats. 1858, p. 337.
10. Cal. Stats. 1863-64, p. 23.
11. Pol. Code 1872, secs. 4022, 4024.
12. Pol. Code Am. 1880, p. 96.
13. Cal. Stats. 1883, p. 301.
14. Cal. Stats. 1897, p. 455.

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Each member of the board of supervisors is a county officer, who before entering upon the discharge of his duties, must execute an official bond, the amount of which is determined by the judge or judges of the superior court (1). The law provides for definite amounts of salaries to supervisors, and of additional compensation for their services as road commissioners (2). While engaged in county business outside of their districts, while attending the annual state convention of supervisors, and while supervising the roads, the members of the board of supervisors are allowed actual traveling expenses (3). Liability of the supervisors for misconduct in office is provided for by criminal law and they are prosecuted for such misconduct through indictment by the grand jury, trial by jury, and removal from office by the court (4). In addition to the penalty provided for in the penal code, supervisors are to forfeit to the county $500 for every act of misconduct, which is recoverable on their official bonds (5).

General Procedure

The board of supervisors is authorized to make rules and regulations for the government of its own body and the transaction of its business (6). It elects one of its members chairman, and the county clerk acting as ex-officio clerk of the board, keeps its records (7).

It is the duty of the chairman of the board to preside at all meetings and perform such duties as are prescribed by law or by the board. When the board is not in session, in any emergency affecting the interest of the county, or when any defalcation or official misconduct comes to his knowledge, it is his duty to call a special meeting to consider the same (8). A majority of the board forms a quorum for the transaction of business (9).

Regular meetings at the county seat must be held as often as the board of supervisors shall determine, and special meetings may be held at any time. All meetings must be public, and the books, records, and accounts of the board must be kept at the office of the clerk, open at all times for public inspection.(10) Within ten days after each session

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1. Pol. Code 1872, sec. 4013.
2. Ibid., sec. 4022.
3. Ibid., sec. 4257.
4. Cal. Stats. 1851, pp. 219-220; Penal Code, secs. 758, 767, 769.
5. Pol. Code 1872, sec. 4086.
6. Ibid., sec. 4046.
7. Cal. Stats. 1850, p. 210.
8. Cal. Stats. 1852, p. 37; 1907, p. 385; Pol. Code 1872, sec. 4090.
9. Cal. Stats. 1855, p. 6.
10. Pol. Code 1872, sec. 4033.

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of the board it must have published a statement of all its proceedings (1). The board is empowered to appoint committees from its members on any matter within its jurisdiction (2). It has the power to require the sheriff, or one of his deputies, to attend all of its meetings to preserve order, serve notices, subpoenas, citations, and other processes, as directed by the board (3). It has the right to request the opinion of the district attorney on any legal matter and to require that he oppose all claims and accounts against the county when he deems them unjust or illegal (4). Applications and petitions to the board are filed with the clerk (5).

Nature of Powers and Duties

The board of supervisors, representing the corporate powers of the county, is authorized to sue and be sued, to purchase land within its limits, to make contracts and purchase personal property, to make orders for the disposition of property, and to levy and collect taxes (6).

The board of supervisors is an administrative body with mixed powers and is authorized to enact ordinances and resolutions which are formal and informal laws of the county; to pass upon claims against the county, which is a judicial function; and to perform all executive duties necessary in county administration (7).

The board is a creation of the statutes and the authority for any act on its part must be sought in the statutes. But while the jurisdiction of the board is confined within statutory limits, still it includes not only powers expressly enumerated, but also those implied powers which are necessary to the exercise of the powers expressly granted except in instances where such implied power is expressly or impliedly prohibited (8).

General Administrative Control

Political Subdivisions

The board of supervisors exercises some degree of administrative control over such political subdivisions as townships, districts, election precincts, and municipal corporations.

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1. Pol. Code 1872, sec. 4049.
2. Cal. Stats. 1897, p. 468.
3. Pol. Code 1872, sec. 4047; Pol. Code am. 1873-74, p. 172.
4. Pol. Code 1872, sec. 4257.
5. Cal. Stats. 1852, p. 87; Pol. Code 1872, sec. 4038.
6. Pol. Code 1872, sec. 4003
7. 75 Cal. 478; 34 Cal. 520.
8. 61 Cal. 792; 7 Cal. Jur. 449.

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The board has full authority to create, change, or abolish townships and thereby automatically to abolish a justice's court (1).

The supervisors are empowered to divide counties into school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires (2). A two-thirds vote of the members of the board is required for the change of the boundaries of any or all of the supervisorial districts of the county (3).

Many statutes have been passed by the legislature concerning the government and methods of creation of such districts as irrigation, public utilities, water and water storage, fire, forest fire prevention, highway, reclamation, sanitation, water conservation, mosquito abatement, and others.

Usually the districts are formed only after a petition has been submitted to the board of supervisors, hearings held, and elections called. In some districts the governing bodies are the board of supervisors; in some they are appointed by the supervisors; in some they are selected by the courts; and in still others they are appointed by state authorities.(4)

The following instances illustrate the methods of creation and the management of the districts.

In 1872 the board of supervisors was required to hold hearings on petitions concerning the formation of irrigation districts, and either to grant or refuse the petitions. If the petition was granted, the district was to be formed accordingly, and the three persons named in the petition were to serve as the board of trustees, the governing body of the district.(5)

According to a statute of 1917 highway districts composed of two or more counties were to be managed by boards of directors after the formation of the districts by resolutions of the respective boards of supervisors of the counties (6). In 1923 the boards of supervisors were empowered to form drainage districts and to appoint in each of them a board of directors composed of three members (7). In 1925 for fire districts, organized for forest protection, and in 1927 for sewer districts, the boards of supervisors were required to serve as governing bodies (8).

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1. Cal. Stats. 1850, p. 210; 143 Cal. 243.
2. Pol. Code 1872, sec. 4046; Cal. Stats. 1889, p. 233.
3. Cal. Stats. 1897, p. 455.
4. Report of California Commission on County Home Rule, pp. 37, 162-164.
5. Cal. Stats. 1871-72, pp. 954, ff.
6. Cal. Stats. 1917, p. 46.
7. Cal. Stats. 1923, p. 196.
8. Cal. Stats. 1925, p. 671; 1927, p. 1088.

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The board of supervisors of each county has had the power to establish election precincts since it took over the duties and powers of the court of sessions (1).

The law provides for a certain relationship between the county and the municipalities, some control by the former over the latter, and for cooperation in the performance of local functions. Upon a proper petition signed by the requisite number of electors of a city or town, the incorporation of which is proposed, the board of supervisors is empowered to execute an order declaring the establishment of the municipal corporation.(2) Should a majority of the electors of the municipality so determine, county officers are required to perform certain duties for the municipality (3).

Control Over Officers

In addition to its general control over political subdivisions the board of supervisors has always exercised some degree of control over county officers and officers of townships, districts, and other political subdivisions. Details of changes through the years will be found in the individual office essays which follow, but the present powers may be mentioned here.

The board of supervisors has power to supervise the official conduct of all these officers and direct prosecutions against them for delinquencies (4). The board is authorized to fill vacancies in county and township offices, except the offices of supervisor, judge of the superior court, and prior to 1880 the county judge (5). It is empowered to appoint employees and certain officers, such as agricultural commissioner, county engineer and others, and remove them from office for dereliction of duty (6); to require new bonds of any county or township officer (7), and to prescribe the amount of the official bonds of county officers (8); to fix the compensation of county officers not otherwise provided for (9); to consolidate and separate the duties of county officers (10); to appoint judges and inspectors of elections (11);

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1. Cal. Stats. 1850, p. 210.
2. Cal. Stats. 1883, p. 93.
3. Cal. Const. 1879, art. II, sec. 6, as amended 1914.
4. Cal. Stats. 1852, p. 88; Pol. Code 1872, secs. 4046, 4086; Cal. Stats. 1929, p. 1450.
5. Cal. Stats. 1855, p. 55; Pol. Code Am. 1880, p. 99.
6. Cal. Stats. 1907, p. 1801; 1919, p. 290; 7 Cal. Jur. 465.
7. Cal. Stats. 1855, p. 53.
8. Pol. Code 1872, sec. 4123.
9. Ibid., sec. 4046.
10. Pol. Code Am. 1880, sec. 4103, p. 100.
11. Cal. Stats. 1852, p. 87.

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to provide for any additional employees for county offices deemed necessary (1); and to adopt a system of insurance for employees of county institutions (2).

The board and its clerk have been required to keep records of all the proceedings transacted by the board (3), which records are discussed in detail below.

In connection with the powers and responsibilities of general administration it is the duty of the board to have care of the preservation of all county records. The board is to provide for new indexes in case any index to a public record has been destroyed.(4) Records may be disposed of only according to law. The board is authorized to place in the custody of the County Historical Society any records, landmarks or other property of historical interest (5), and it is empowered to permit non-profit historical societies to withdraw from county records any original document filed prior to January 1, 1876 (6).

Miscellaneous Powers and Duties

The board of supervisors, as the administrative head of county government, performs many of the functions which are enumerated and described in the Governmental Organization essay in this Inventory, and as well, plays some part in the performance of others, if only by requiring reports from the officers performing these duties.

Police Power

Prior to the adoption of the constitution of 1879 the board of supervisors exercised an implied power over police matters.(7) In accordance with the express provisions of the constitution of 1879, and the statute of 1880 the board of supervisors has had broad power to make and enforce within the limits of the county all such local, police, sanitary, and other regulations as are not in conflict with general laws (8), but an ordinance cannot be enforced within less than thirty days after its passage. Before the expiration of fifteen days after the passage of an ordinance it must be published.(9)

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1. Cal. Stats. 1921, pp. 164-173.
2. Cal. Stats. 1935, p. 1600.
3. Cal. Stats. 1852, p. 87; Pol. Code 1872, secs. 4038-4039.
4. Cal. Stats. 1911, p. 940.
5. Cal. Stats. 1921, pp. 164-173.
6. Cal. Stats. 1931, p. 1531.
7. 8 Cal. 58.
8. Cal. Const. 1879, art. XI, p. 11; Pol. Code Am. 1880, p. 100.
9. Cal. Stats. 1907, p. 376.

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In addition to passing ordinances regarding police, traffic, or sanitary regulations, the board has the power to license lawful business, originally for purposes of regulation of business or for revenue, but since 1907 for the purpose of regulation alone (1). It also has power to create fire districts (2), and to appoint a sealer of weights and measures, a pound-keeper, a highway patrolman, a fish and game warden, and employees or officers to exterminate squirrels and rodents (3).

Financial

Since 1850 the governing body of the county, first the court of sessions and later the board of supervisors, has had power to levy taxes on real and personal property (4). In 1860 each supervisor in Santa Clara County, acting as road commissioner in his district, was required to levy a road tax on all able bodied men between twenty-one and fifty years of age and to collect such tax in money or labor (5). The board is authorized to levy special taxes such as a tax for assistance to fairs, and exhibitions (6), and for exploitation of the resources of the county (7). The supervisors also act ex officio as the board of equalization (8). For their duties in this capacity, see the essay on the board of equalization in this volume.

The county budget, prepared by the auditor, is submitted to the board of supervisors for adoption (9), and the board is empowered to allow accounts charged against the county (10), and to issue warrants for payment of county debts (11).

An important part of the supervisors' control over county officers is the requirement of several reports, particularly from the officers who handle county money. In 1852 the board was granted power to require quarterly reports from the treasurer and other officers charged with the collection of revenue.(12)

In 1872 the board of supervisors was empowered to inspect and examine the books, accounts and vouchers of the treasurer (13). An act of 1880 imposed the duty upon the chairman of the board, together with

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1. Cal. Stats. 1883, p. 303; 1907, p. 370.
2. Cal. Stats. 1923, p. 431.
3. Pol. Code 1872, sec. 4046.
4. Cal. Stats. 1850, p. 210.
5. Cal. Stats. 1860, p. 119.
6. Cal. Stats. 1911, p. 942.
7. Cal. Stats. 1913, p. 672.
8. Cal. Stats. 1850, p. 135.
9. Cal. Stats. 1927, p. 722.
10. Cal. Stats. 1850, p. 210.
11. Ibid., p. 210.
12. Cal. Stats. 1852, p. 87.
13. Pol. Code 1872, sec. 4120.

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the district attorney and the auditor, to make a monthly account of money in the treasury (1). At the regular meetings of the board the treasurer must submit a report of receipts and disbursements, debts due and all other proceedings of his office (2), and another report on county bonds (3). The treasurer must also make an annual report to the board of the financial transactions of the county (4). The board also requires monthly statements from the auditor showing the condition of each separate budget appropriation (5).

Elections

The board of supervisors has control of all county, state, and national elections within the county (6). It divides the county into election precincts, appoints election officers, canvasses election returns, and appropriates money from the county treasury to pay the election expenses (7). Results of elections are usually entered in the minutes of the proceedings of the board. Among the reports required to be made by the board or its clerk are election statements, such as statements of election results and abstracts of votes, as well as election proclamations published in newspapers.(8)

Education

The establishment of schools was one of the original duties of the court of sessions and of the board of supervisors (9). Much of the administrative control which these bodies formerly held has been transferred to the state government; the board of supervisors, however, is empowered to grant public lands to school districts within the county (10). An amendment to the political code, in 1880, empowered the board to appoint a board of education to replace the former county board of examination (11).

In 1909 the state legislature provided for the creation and maintenance of a county library system, and gave to the board of supervisors power to provide for the selection of a county librarian (12). In 1891 the chairman of the board of supervisors and one member of the bar, to

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1. Pol. Code Am. 1880, p. 102.
2. Pol. Code 1872, sec. 4155.
3. Pol. Code Am. 1880, p. 63.
4. Pol. Code 1872, sec. 4154.
5. Cal. Stats. 1927, p. 721.
6. Cal. Stats. 1850, pp. 101, 105.
7. Ibid., p. 102.
8. Ibid., p. 101.
9. Ibid., p. 210.
10. Cal. Stats. 1931, p. 1293.
11. Pol. Code Am. 1880, sec. 44, p. 100.
12. Cal. Stats. 1909, p. 812.

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be appointed by the supervisors, were to be members of the board of law library trustees (1). Both the county library and the law library must make an annual report to the supervisors of their proceedings during the year and of their financial condition, showing all receipts and disbursements (2). The board of supervisors has the power to discontinue the law library if it so desires; this cannot be done until the board has declared its intention to do so by ordinance (3).

Recreation

Among functions allied to education and libraries, the boards of supervisors have the power to erect historic monuments (4), and art institutes (5), to provide for such recreational facilities as stadiums (6), to encourage the planting of trees (7), and to acquire real property for public parks (8).

Public Health

As stated above, the constitution of 1879 and statutes of 1880 authorized county boards of supervisors to make and enforce necessary sanitary regulations. In each county the board must appoint a health officer to enforce, outside of incorporated cities and towns, all state laws and county ordinances that pertain to public health (9), and all orders issued by the state board of health (10).

The board of supervisors must serve as the governing body for sewer districts (11), and has certain administrative control over cemetery districts (12), and other bodies concerned with the public health, such as garbage disposal districts (13), local health districts (14), mosquito abatement districts (15), sanitary districts (16), and sewer maintenance districts (17).

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1. Cal. Stats. 1891, p. 430.
2. Cal. Stats. 1909, p. 813; Cal. Stats. 1891, p. 430.
3. Cal. Stats. 1895, p. 46.
4. Cal. Stats. 1917, p. 1336.
5. Cal. Stats. 1921, pp. 164-173.
6. Idem.
7. Cal. Stats. 1897, p. 457.
8. Cal. Stats. 1909, p. 128.
9. Pol. Code 1872, sec. 4225.
10. Cal. Stats. 1897, p. 464.
11. Cal. Stats. 1927, p. 1088.
12. Cal. Stats. 1909, p. 156.
13. Cal. Stats. 1927, p. 380.
14. Cal. Stats. 1917, p. 791.
15. Cal. Stats. 1915, p. 1011.
16. Cal. Stats. 1891, p. 223.
17. Cal. Stats. 1927, p. 1088.

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Public Welfare

The board of supervisors acts for the county in the administration of state and federal aid to the indigent, sick, aged, and delinquent, and in providing county funds (1) and hospitals, almshouses, and poor farms for the needy whose welfare is a county responsibility (2). In 1915 the board of supervisors was authorized to appoint a board of public welfare whose duty would be to inspect all county welfare institutions and to recommend any changes deemed necessary (3). The board is required to submit an annual report to the supervisors who must transmit it to the state board of charities and corrections (4).

Public Works

The control of the board of supervisors over public works includes the power to control or manage public roads and bridges (5), to issue county bonds for the construction of roads and bridges (6), to pass resolutions providing that the county join with another county in forming a highway district (7), to declare as public highways all roads so used (8), and to employ overseers and other persons necessary to the building and maintenance of roads (9). Since 1860 each supervisor in Santa Clara County has been required to act as road commissioner in his supervisorial district (10).

In addition to these public works the board of supervisors took over from the court of sessions the power to control or manage ferries and canals (11). It is authorized to improve the rivers and streams flowing through the county, in order to protect the land contiguous thereto from overflow (12), to improve non-navigable streams (13), to appropriate money for the construction of check dams and levees (14), to provide for flood control and conservation of flood waters (15), to form drainage districts (16), and to construct airports (17).

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1. Cal. Stats. 1852, p. 87.
2. Cal. Stats. 1907, p. 443.
3. Cal. Stats. 1915, p. 339.
4. Ibid., p. 341.
5. Cal. Stats. 1850, p. 210.
6. Cal. Stats. 1883, p. 299.
7. Cal. Stats. 1917, p. 46.
8. Cal. Stats. 1860, p. 119.
9. Cal. Stats. 1907, p. 640.
10. Cal. Stats. 1860, p. 119.
11. Cal. Stats. 1850, p. 210.
12. Cal. Stats. 1869-70, p. 327.
13. Pol. Code 1872, sec. 4085.
14. Cal. Stats. 1921, pp. 164-172.
15. Cal. Stats. 1927, p. 647.
16. Cal. Stats. 1923, pp. 196, ff.
17. Cal. Stats. 1927, p. 664.

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Board of Supervisors - Miscellaneous Powers and Duties (First entry, p. 70)

Prior to 1872 the board of supervisors had authority to appropriate private property for just compensation for the construction of public roads (1). Under the provisions of a law of 1872, the board has possessed the broader power to direct institution of actions in a court of competent jurisdiction for the condemnation of private property for highways and other public uses (2).

The board is also empowered to grant licenses and franchises for constructing, keeping a taxing toll on roads, bridges, ferries, wharves, chutes, booms and piers (3).

County Property

The board of supervisors has many responsibilities in connection with county property. In 1850 the court of sessions was given the power to make orders concerning county property and to purchase for the county real and personal property (4). The board of supervisors took over these powers when it replaced the court of sessions. In 1891 the board was authorized to purchase water rights (5), and in 1929 it was authorized to lease county lands for oil drilling and mining (6).

Although the court of sessions was given the power to sell real and personal property (7), the legislature passed a new act in 1855 giving the board of supervisors power to sell property of the county at public auction (8).

Authorization to receive real or personal property was given the court of sessions in 1850 (9). Authorization was given the board of supervisors in 1881 to accept or reject gifts made in favor of the county (10), and in 1891 to receive by donation water rights (11).

Since 1850 the governing body of the county has been empowered to erect public buildings for the county (12).

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1. Cal. Stats. 1861, p. 392.
2. Pol. Code 1872, sec. 44; Civil Code 1872, sec. 1001; 10 Cal. Jur. 292; 34 Cal. App. 888.
3. Pol. Code 1872, sec. 4046.
4. Cal. Stats. 1850, p. 210.
5. Cal. Stats. 1891, p. 295.
6. Cal. Stats. 1929, p. 632.
7. Cal. Stats. 1850, p. 210.
8. Cal. Stats. 1855, p. 53.
9. Cal. Stats. 1850, p. 210.
10. Cal. Stats. 1881, p. 2.
11. Cal. Stats. 1891, p. 295.
12. Cal. Stats. 1850, p. 210.

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Assistance to Agriculture

In the field of assistance to agriculture the main duties of the board of supervisors are the appointment of commissioners required by law (1), the requiring of regular reports from these employees or officers, and the appropriation of funds necessary to cooperate with state agencies in agriculture and related fields (2). The reader is referred to the essays on agricultural commissioner, farm advisor, livestock inspector and fruit and vegetable inspector for details of these functions.

Forestry

The county board of supervisors is authorized to appoint a board of forestry to care for trees and shrubs growing on public property within the county (3), and to protect the county from brush or forest fires (4). In Santa Clara County the supervisors act as the board of forestry, as permitted by law (5).

In addition to these provisions additional provisions have been made for the preservation of forests and fire protection. The board of supervisors is empowered to appropriate money for this work (6), to form, manage, and dissolve county fire protection districts, and to appoint a sufficient number of agents and employees for their maintenance and operation (7).

Promotion

In promoting the business of the county the board of supervisors is authorized to create a board of trade or a chamber of commerce (8), and to levy special taxes for assistance to fairs and exhibitions (9).

Cooperation with Federal and State Governments

The board of supervisors, in addition to the county functions described, has certain duties in cooperating with the federal and state governments. For example, it is authorized to provide a home for veterans (10), and to acquire buildings, halls and supply stations for the use of the United States War and Navy Departments (11).

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1. Cal. Stats. 1909, p. 185.
2. Cal. Stats. 1911, p. 491; 1915, p. 572.
3. Cal. Stats. 1909, p. 1129.
4. Cal. Stats. 1927, p. 428.
5. Cal. Stats. 1935, p. 1793.
6. Cal. Stats. 1905, p. 394.
7. Cal. Stats. 1923, p. 431.
8. Cal. Stats. 1921, p. 402.
9. Cal. Stats. 1911, p. 942.
10. Cal. Stats. 1921, p. 476.
11. Cal. Stats. 1927, p. 1051.

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Records Required or Permitted

Records of the board of supervisors are kept by the county clerk as clerk of the board. In 1850 he was required to keep for the court of sessions all accounts, vouchers, papers, petitions, and documents touching the business and property of the county (1). Subsequent statutes required him to record in the journals all proceedings transacted by the board of supervisors and their votes on every question when there was a division (2).

The minute book constitutes the most valuable set of records in the clerk's office. It contains daily proceedings of the board recorded at all regular and special meetings and all orders and decisions made by the board except such as are required to be recorded in the "ordinance book" (3). The minute book has among other entries, the records of the formation of townships, election precincts and school, road, sanitary, and other districts, election returns, the granting of franchises, the issuance of county bonds, the laying out of highways and building of bridges, school houses and county buildings, appointment of certain county officers, and the general supervision of all the activities of the county (4).

The board of supervisors, within ten days after each of its sessions, must publish a fair statement of its proceedings (5). The clerk is required to authenticate with his signature, and with the seal of the board, the proceedings of the board whenever the same is ordered to be published (6). The law also requires that all records, books and accounts of the board be kept in the office of the clerk and at all times open for public inspection (7).

The political code, adopted in 1872, in defining the duties of the clerk, required him to record all proceedings of the board in a minute book, including the vote of each member when there was a division of votes, or at the request of any member (8).

Since 1872 the clerk has been required to make full entries of all resolutions and decisions on all questions concerning the raising of money for, and the allowance of accounts against the county (9). In

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1. Cal. Stats. 1850, p. 210.
2. Cal. Stats. 1852, p. 87; 1855, p. 51.
3. Cal. Stats. 1907, p. 366.
4. Cal. Stats. 1915, p. 838; 1929, pp. 1450, ff.
5. Cal. Stats. 1897, p. 457.
6. Cal. Stats. 1883, p. 302.
7. Cal. Stats. 1897, p. 457.
8. Pol. Code 1872, sec. 4030.
9. Idem.

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1883 an ordinance book was added to the list of required records (1). In it the clerk must record all ordinances duly passed by the board (2).

The financial records which must be kept by the clerk of the board include reports of the county treasurer of the receipts and disbursements of the county (3); an annual statement of finances prepared for the board by its clerk or auditor, showing the indebtedness of the county, the amount of cash in the county treasury and its several funds, and a concise description of all property owned by the county, with an approximate estimate of its value (4); an annually published statistical report by the board, showing all the financial transactions of the county for the last fiscal year and exhibiting separately the receipts and expenditures by or on account of each office, board, commission, institution, court, road, and school district (5); and the annual budget of the county determined by the board of supervisors and entered in the minutes of the board. The board by a four-fifths vote may cause the budget to be printed (6).

The political code provided that the clerk sign all orders made and warrants issued by order of the board for payment of money and that he certify same to the county auditor (7); that he file and preserve all accounts acted upon by the board (8); and that he keep an allowance book (9).

The "allowance book" is one in which the clerk is required to record all orders for the allowance of money from the county treasury, noting such details as to whom made and from what account, and dating, numbering, and indexing it through each year. This record, sometimes called "Record of Claims Allowed", is similar to the warrant book kept by the auditor of which it is a counterpart (10).

The "warrant book" kept by the county auditor is one in which must be entered all warrants drawn on the treasury, with their number and reference to the order in the minute book, with the date, amount, name of account, and name of payee (11).

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1. Cal. Stats. 1883, p. 302.
2. Cal. Stats. 1883, p. 302; 1897, p. 456.
3. Pol. Code 1872, sec. 4030.
4. Ibid., sec. 4083.
5. Cal. Stats. 1907, p. 374.
6. Cal. Stats. 1927, pp. 724, 788.
7. Pol. Code 1872, sec. 4030.
8. Iden.
9. Ibid., sec. 4031.
10. Iden.
11. Iden.

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The clerk must record all orders levying taxes (1). His statements as to assessments and taxes include: rates of the county and district taxes determined by the board and entered in its minutes (2); statement by the clerk of the board of supervisors to state controller of the rate of taxation levied by the board for the county (3); annual statement, which by a four-fifths vote may be caused by the board to be prepared and printed, showing valuations of property, tax rates, legal requirements, and other information on assessment and collection of taxes (4).

Bids and contracts relative to acquisition of water rights, real and personal property (5), construction of county buildings, and purchase by the county of all kinds of supplies (6).

Documents of the board concerning transfers of county property include sale of any property not required for public use, at public auction (7); sale of county buildings on land, not owned by the county, in fee (8); and lease of county lands for mining operations (9).

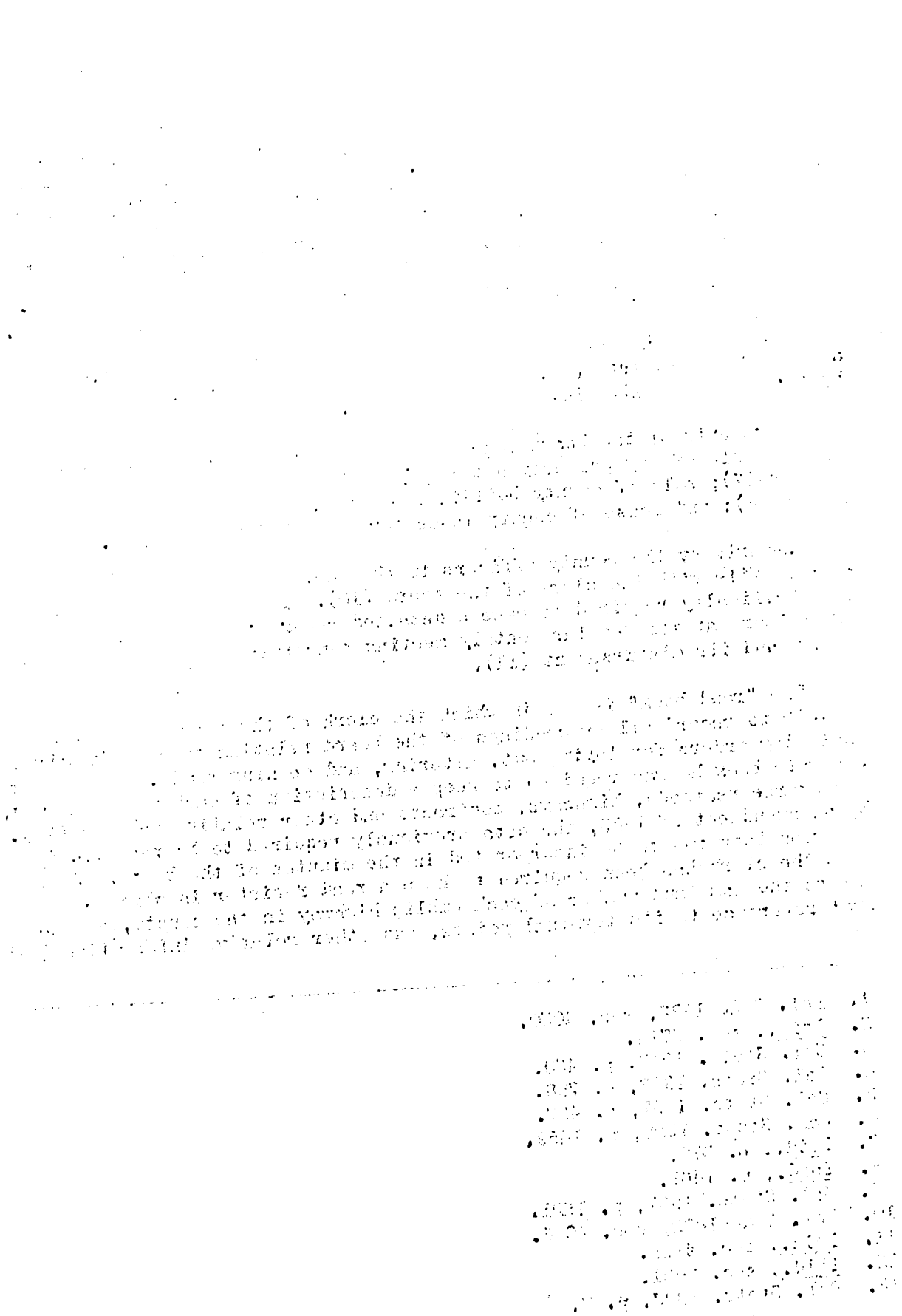
Reports by the county officers to the board of supervisors are kept on file with the clerk of the board (10). The county treasurer is specifically required to make a detailed report to the board of supervisors at its regular monthly meeting concerning all money received by him and its disbursement (11).

The "road book" is one in which the clerk of the board was required in 1872 to record all proceedings of the board relating to road districts, including orders for laying out, altering, and opening roads. In another separate book he was required to keep a description of each road district, its overseers, roads, highways, contracts and other relative matters (12). By an amendment of 1883, the data previously required to be recorded in the road book was to be incorporated in the minutes of the board. Since 1883 the clerk has been required to keep a road register in which he enters the name and number of each public highway in the county, a general reference to its terminal points, and other relative information (13).

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1. Pol. Code 1872, sec. 4030.
2. Ibid., sec. 3714.
3. Cal. Stats. 1917, p. 430.
4. Cal. Stats. 1927, p. 788.
5. Cal. Stats. 1897, p. 427.
6. Cal. Stats. 1929, p. 1459.
7. Ibid., p. 818.
8. Ibid., p. 1461.
9. Cal. Stats. 1931, p. 1521.
10. Pol. Code 1872, sec. 4046.
11. Ibid., sec. 4155.
12. Ibid., sec. 2621.
13. Cal. Stats. 1883, p. 7.

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Board of Supervisors - Records Required or Permitted (First entry, p. 70)

The political code required the clerk to preserve and file all petitions and applications for franchises, and to record the action of the board thereon, in a franchise book (1). In this book the clerk was required to keep a record of each franchise granted by the board of supervisors, stating for what purpose granted, length of time, to whom issued, and the amount of bond and license tax required (2). Although the franchise book was dropped in 1927 from the list of the legally required records of the board (3), in Santa Clara County it was kept for two years thereafter.

The board of supervisors must keep records pertaining to granting of old age pensions, such as petitions by applicants, investigations by the board directly or through authorized investigators, and other similar statements. The clerk of the board is to report monthly to the state board of social welfare the number of applications granted and grants of aid changed, revoked, and suspended by the board during the preceding calendar month, together with copies of all applications received, the statement of the board's action, and the amount of aid paid to aged during that period (4). The clerk of the board must have on file annual reports to the board made by the county board of public welfare concerning its activities.

The undertaker placed by the board of supervisors in charge of the burial of ex-union soldiers, sailors and marines is required to make a report on the condition and the history of the deceased and his family. This report together with the other facts in the case is to be entered by the clerk of the board in a book kept for that purpose (5).

An annual report showing the amount of money received by the county from the state motor vehicle fund and its disposition is to be presented by the board to the state department of public works not later than three months after the close of the county fiscal year (6).

All records of the board of supervisors are in the county courthouse unless otherwise indicated.

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1. Pol. Code 1872, sec. 4030.
2. Ibid., sec. 4031.
3. Cal. Stats. 1927, p. 628.
4. Cal. Stats. 1929, p. 917.
5. Cal. Stats. 1889, p. 198.
6. Cal. Stats. 1927, p. 1443.

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Proceedings

Minutes

1. PROCEEDINGS OF THE BOARD OF SUPERVISORS, 1852--. 35 vols. (thirty-one vols. unlbld., 11-14).

Record of proceedings of board of supervisors, showing date of meeting, attending supervisors, subject matter, official action, and nature of action. Arr. chron. For index see entry 2. Hdw. 1852-1928; typed 1929--. Vols. prior to 1931 damaged by fire. Av. 200 pp. 18½ x 12 x 3. 10 vols. (mixed dates) bsmt., H.R.; 25 vols. (mixed dates) supvr. off.

For miscellaneous original papers on file, 1852--, see entry 12.

2. INDEX TO PROCEEDINGS OF THE BOARD OF SUPERVISORS, 1852--. 13 vols. (eleven unlbld., I, J); 12 bdls.

Index to Proceedings of the Board of Supervisors, entry 1, showing date of meeting, subject matter, nature of action, and book and page of record. Arr. alph. by titles of actions. Hdw. 1852-1930; typed 1931--. Vols. prior to 1931 damaged by fire. Vols. av. 200 pp. 18½ x 12 x 6; bdls., 18½ x 12 x 8. 6 bdls., 1852-60, bsmt., 3 vols., 1901-7, 1910-14, 1921-23, bsmt., H.R.; 6 bdls., 1861-67, 10 vols., 1868-1900, 1908-9, 1915-20, 1924--, supvr. off.

3. (PROCEEDINGS OF THE BOARD), 1912--. In (Miscellaneous Papers on File), entry 12-xliii.

Original rough notes of the proceedings of the board of supervisors, showing date of meeting, subject matter, and nature of action.

Ordinances and Resolutions

4. ORDINANCE BOOK, 1883--. 2 vols. (one unlbld., 2). Initiated 1883.

Official copy required by law of local statutes adopted by board of supervisors, showing ordinance number, subject, vote of each board member, signature of chairman, clerk, and deputy, and date of adoption. Vol. 2 is transcription of unlbld. vol. for years 1901-31. Arr. chron. 1883-1900; arr. num. by ordinance numbers, 1901--. No index. Vol. x damaged by fire. Hdw. 1883-1930; typed 1931--. Av. 400 pp. 15 x 10 x 3. Supvr. off.

For original ordinances, 1868--, see entries 5-6.

5. (ORDINANCES), 1868--. In (Miscellaneous Papers on File), entry 12-xxxvii.

Original papers in regard to enactments by board of supervisors on county government matters, showing nature and date of enactment, and vote of each board member.

For official ordinances, 1883--, see entry 4.

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6. (ORDINANCES RELATING TO HEALTH DEPARTMENT), 1868--. In (Miscellaneous Papers on File), entry 12-xxxviii.
Original papers in regard to regulations adopted by board of supervisors regarding health matters, showing nature of regulation, date of adoption, and note of each board member.
For official ordinances, 1883--, see entry 4.

7. (WATER RIGHTS), 1868--. In (Miscellaneous Papers on File), entry 12-lxviii.
Petitions for right to organize irrigation districts under the state laws, showing names of petitioners, date submitted, refusal or granting of the petitions, and maps of property in proposed irrigation districts.

8. (INCORPORATION OF TOWNS AND CITIES IN SANTA CLARA COUNTY), 1893--. In (Miscellaneous Papers on File), entry 12-xxix.
Petitions to the board of supervisors to authorize the incorporation of cities and towns in the county, showing names of petitioners, and date submitted; also papers showing call for special election, results of election, and proclamation by board.

9. (RESOLUTIONS), 1861--. In (Miscellaneous Papers on File), entry 12-lii.
Resolutions adopted by the board of supervisors, showing nature of resolution, vote of the board, and date passed.

10. (FIRE DISTRICTS), 1907--. In (Miscellaneous Papers on File), entry 12-lxi.
Petitions to form fire districts, showing names of petitioners, date submitted, and actions of board of supervisors concerning their establishment and administration.
For establishment of fire districts, 1907--, see entry 337.

11. (ACCIDENT COMMISSION SAFETY ORDERS), 1862--. In (Miscellaneous Papers on File), entry 12-ii.
Accident commission's safety orders and regulations, showing nature of order or regulation, and date of issuance.

Miscellaneous

12. (MISCELLANEOUS PAPERS ON FILE), 1852--. 49 bdls.; 18 f.d.; 207 f.b.
Supervisors' file of miscellaneous original documents. They are listed below by subjects, and numbered for purposes of easy reference to entries in which series are completed or records are described. Contains:
i. (Abstracts and Deeds), 1869--, entry 41.
ii. (Accident Commission Safety Orders), 1862--, entry 11.
iii. (Almshouse Lands and Buildings, and Boiler Inspection Reports), 1861--, entry 59.
iv. (Fuel Tax Report), 1919--, entry 63.
v. (Apiaries), 1912-34, entry 76.
vi. (Applications and Certificates of Appointments), 1932--, entry 42.

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vii. (Artesian Wells), 1893--, entry 67.
viii. (Auditors' Receipts), 1924--, entry 23.
ix. (Articles of Agreements), 1883--, entry 35.
x. (Awarding of Electric Franchises), 1911--, entry 54.
xi. (Bids and Proposals), 1853--, entry 40.
xii. (Board of Equalization), 1870-85, 1913--, entry 608.
xiii. (Bond Map Subdivisions), 1913--, entry 31.
xiv. (Boundary Lines), 1857-88, entry 84.
xv. (Bridges and Bulkheads), 1852--, entry 36.
xvi. (Burial of Ex-union Soldiers), 1904-13, 1932--, entry 85.
xvii. (Highway Reports), 1915--, entry 49.
xviii. (Contracts), 1870--, entry 37.
xix. (Count of Moneys), 1901--, entry 21.
xx. (County Free Library), 1910--, entry 71.
xxi. (County Weights and Measures Reports), 1922-30, entry 79.
xxii. (Engineers and Surveyor's Estimates), 1915--, entry 74.
xxiii. (Erroneous Assessment Certificates), 1917--, entry 18.
xxiv. (Expired Insurance Policies), 1907-17, entry 91.
xxv. (Extermination of Squirrels), 1891--, entry 88.
xxvi. (Financial Reports of Finance Committee), 1853--, entry 19.
xxvii. (Franchise Tax), 1909--, entry 33.
xxviii. (Game Warden's Reports), 1893--, entry 60.
xxix. (Incorporation of Towns and Cities in Santa Clara County), 1893--, entry 8.
xxx. (Infirmary Supt. Boiler Inspection Reports), 1890--, entry 69.
xxxi. (Insurance on County Buildings), 1905--, entry 90.
xxxii. (Hospital, Health Dept. and Almshouse Reports), 1932--, entry 70.
xxxiii. (Inventory of Property Belonging to Santa Clara County), 1922--, entry 20.
xxxiv. (Law Library), 1923--, entry 72.
xxxv. (Notarial Commissions), 1852-1906, entry 32.
xxxvi. (Opinions of District Attorney), 1857--, entry 65.
xxxvii. (Ordinances), 1868--, entry 5.
xxxviii. (Ordinances Relating to Health Department), 1868--, entry 6.
xxxix. (Pacific Gas and Electric Company), 1924--, entry 56.
xl. (Panama Exposition), 1913-14, entry 57.
xli. (Petitions for School Districts), 1860--, entry 51.
xlii. (Petitions, Miscellaneous), 1853--, entry 43.
xliii. (Proceedings of the Board), 1912--, entry 3.
xliv. (Proposals for Construction of Hall of Records), 1891-93, entry 39.
xlv. (Publications, Miscellaneous), 1915--, entry 89.
xlvi. (Publication of Specifications for County Buildings), 1861--, entry 38.
xlvii. (Quarry Reports), 1931--, entry 61.
xlviii. (Railroad Commission Correspondence), 1862-1905, 1915--, entry 55.
xlix. (Reduction of Sentence), 1931--, entry 64.
l. (Reports of Horticultural, Agricultural, Commissioner), 1892--, entry 77.

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li. (Reports of Pound Keeper), 1890-1914, entry 73.
lii. (Resolutions), 1861--, entry 9.
liii. (Road Masters' Reports), 1863--, entry 66.
liv. (Road Petitions), 1882--, entry 48.
lv. (Rejected Claims), 1868--, entry 30.
lvi. (School Land Warrants, Swamp and Tide Lands Reclamation), 1852--, entry 28.
lvii. (School Bond Elections, School Transfers, Welfare Board Reports), 1932--, entry 52.
lviii. (Special Road Labor Reports), 1923--, entry 46.
lix. (State Aid to Children), 1917--, entry 86.
lx. (State Aid and Old Age Security), 1932--, entry 87.
lxi. (Fire Districts), 1907--, entry 10.
lxii. (State Board of Authorization), 1917--, entry 34.
lxiii. (State Board of Forestry), 1915--, entry 68.
lxiv. (State Highway Commission Reports), 1911--, entry 75.
lxv. (Traffic Census Reports), 1931--, entry 62.
lxvi. (Treasurer's Reports and Receipts of Sale), 1901--, entry 22.
lxvii. (Veterinary Surgeon's and Health Officer's Reports), 1893--, entry 78.
lxviii. (Water Rights), 1868--, entry 7.
lxix. (Withhold Notices), 1913--, entry 29.
lxx. (World's Fair, Chicago), 1892-93, entry 58.

As a result of courthouse fire in 1931, these miscellaneous records were removed from original file boxes and the former order has been changed. Hence, entry 13 serves as index for parts of records only. Arr. by subjects and chron. thereunder. For index (incomplete) see entry 13. Hdw. Bdls. av. 12 x 8 x 5; f.b. av. 10 x 4 x 1 to 12 x 10 x 4; f.d. av. 26 x 16 x 12. 49 bdls. and 150 f.b., (all dates) supvr. bsmt.; 57 f.b. and 18 f.d. (all dates) in supvr. off.

For supervisors' actions on all such matters, see entry 1.

13. INDEX TO PAPERS, MISCELLANEOUS, SUPERVISORS' OFFICE, 1852--. 1 vol.

Index (incomplete) to Miscellaneous Papers on File, entry 12, showing title of paper, number of file box, and date of record. Indexes all types of records, but gives accurate present location for only certain parts of each record. Arr. alph. by titles. Hdw. Av. 150 pp. 11 x 11 x 1. Supvr. off.

Financial
(See also entries 155-159)

Budgets and Financial Reports (See also entries, 332, 556-557, 619-630, 639-646, 649, 656, 733-740)

14. COUNTY BUDGET, SANTA CLARA COUNTY, 1928--. 13 vols.

Budgets for all county departments, showing amounts expended and brought forward on each fund, and date of entry. Also contains: Expense of County Officers, Santa Clara County, entry 24; (Expense of Inmates),

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entry 25. Arr. chron. No index. Typed. Av. 100 pp. 15 x 12 x 1. 9 vols., 1928-34, supvr. bsmt.; 4 vols., 1935--, supvr. off.

For prior records, see entry 15; for vouchers on expenses, 1901-15, see entry 159.

15. ALLOWANCES - CURRENT EXPENSE FUND, INFIRMARY FUND AND ROAD FUND, 1898-1924. 7 vols. 1925-27 destroyed in courthouse fire.

Allowances for operation of county departments, showing fund drawn on, amount used, name of department, and date of entry. Arr. chron. and num. thereunder. No index. Hdw. pr. fm. Av. 100 pp. 24 x 18 x 1. Supvr. bsmt.

For subsequent records see entry 14.

16. (AUDITOR'S MONTHLY REPORT ON BUDGET APPROPRIATION), 1929--, 1 folder. Initiated 1929.

Statements giving information on budget appropriations for each county office, required by the board of supervisors, showing name of office, account number, amount appropriated for each office, and date of report. Arr. chron. No index. Hdw. pr. fm. 15 x 12 x 1. Supvr. off.

For record of actual expenses, 1888-89, see entry 658.

17. FINANCIAL STATEMENTS, 1903-23, 1931--. 27 vols. 1924-30 destroyed in courthouse fire.

Annual statements of financial transactions of Santa Clara County required by board of supervisors, showing sums of moneys expended for various purposes, such as expenses of county officers for printing, stationery, traveling, law books, typewriting, postage, telegrams, blank books, clerical work, and date statement submitted. Arr. chron. No index. Typed. Av. 50 pp. 16 x 8 x ¼. 12 vols., 1903-15, supvr. bsmt.; 15 vols., 1916-23; 1931--, supvr. off.

18. (ERRONEOUS ASSESSMENT CERTIFICATES), 1917--. In (Miscellaneous Papers on File), entry 12-xxiii.

Certificates of erroneous assessments, showing certificate of tax collector and county auditor, assessment number, filing date, supervisors' certification, and nature of erroneous assessment.

For assessor's copies, 1931-35, see entry 602.

19. (FINANCIAL REPORTS OF FINANCE COMMITTEE), 1853--. In (Miscellaneous Papers on File), entry 12-xxvi.

Certified reports of financial condition of Santa Clara County, showing number of acres of land, values of the several classes of property and rate of taxation, presented to and approved by the board of supervisors; also shows indebtedness not including money in the treasury, and description and value of public buildings not including bridges or school houses.

20. (INVENTORY OF PROPERTY BELONGING TO SANTA CLARA COUNTY), 1922--. In (Miscellaneous Papers on File), entry 12-xxxiii.

Lists of articles of county property in the possession or under control of supervisors of road districts, showing name of supervisor and date of filing.

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21. (COUNT OF MONEYS), 1901---. In(Miscellaneous Papers on File), entry 12-xix.
Statements by chairman of board of supervisors, district attorney, and auditor that they have counted all moneys in the county treasury, showing amount and kinds of money.

22. (TREASURER'S REPORTS AND RECEIPTS ON SALE), 1901---. In (Miscellaneous Papers on File) entry 12-lxvi.
Treasurer's reports to board of supervisors, with receipts for sales attached, showing certification that board has paid treasurer specified sums on account for materials and supplies.

23. (AUDITOR'S RECEIPTS), 1924---. In(Miscellaneous Papers on File), entry 12-viii.
Receipts from auditor for moneys or deposits taken or made to the treasurer, showing date, receipt number, and amount.
For receipts on warrants, 1883---, see entry 630; for receipts for moneys, 1860-1926, see entry 648.

24. EXPENSE OF COUNTY OFFICERS, SANTA CLARA COUNTY, 1901-26. 23 vols. Initiated 1901; 1927 destroyed by fire; 1928---, in County Budget, Santa Clara County, entry 14.
Recorded running expenses of clerk, auditor, treasurer, coroner, and other officers, showing amount of county funds received by each, and date of entry. Arr. by depts., and chron. thereunder. No. index. Hdw. Av. 50 pp. 18 x 10 x ½. Supvr. bsmt.
For record of vouchers for expenses, 1901-15, see entry 159.

25. (EXPENSE OF INMATES), 1928---. In County Budget, Santa Clara County, entry 14.
Record of expenses of inmates of reform schools, insane asylums, and home for aged, showing amount spent on maintenance per inmate during past year, total amount spent during year, estimate for coming year, total amount requested, and date of entry.

Claims, Warrants, and Allowances (See also entries 433, 624-630, 651-667)

26. ALLOWANCE BOOK, 1873-1931. 20 vols. (A-L, seven unlbld., 13). Initiated 1873.
Record of allowances for all county departments, covering such items as groceries, relief, lumber, supplies, and labor, showing number of claims, to whom allowed, nature of service, on what fund allowed, amount and date of allowance. Arr. alph. by names of claimants. No index. Hdw. Volumes covering 1901-30 badly burned. Av. 500 pp. 18 x 13 x 3½. Supvr. off.
For subsequent record of allowances, 1932---, see entry 27.

27. LIST OF CLAIMS ALLOWED BY BOARD OF SUPERVISORS, 1932---. 15 vols.
List of claims approved by the auditor, allowed by the board of supervisors, and paid by the treasurer, giving date, payee, case number, county and state, time claimed in days, amount and number of warrant, date paid by treasurer, and remarks. At lower end of pages is approval

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of officer directing the expenditure, and his signature; also gives approval and certification of auditor and board of supervisors, with signatures of deputy auditor, and chairman of board of supervisors. Arr. num. by warrant numbers in chron. sequence. No index. Typed pr. head. Av. 400 pp. 15 x 13 x 3. Supvr. off.

For prior records of allowances, see entry 26; for records of monthly allowances and expenditures, see entries 624, 651.

28. (SCHOOL LAND WARRANTS, SWAMP AND TIDE LANDS RECLAMATION), 1852--. In(Miscellaneous Papers on File) entry 12-lvi.

Record of sums allowed in matters of land reclamation, approved by board of supervisors, showing location of land or plot, date and type of service.

For swamp land receipts, 1861-75, see entry 263; for swamp land register, 1861--, see entry 638; for other school land warrants, 1852-75, see entry 162; for school land register, see entry 637.

29. (WITHHOLD NOTICES), 1913--. In(Miscellaneous Papers on File), entry 12-lxix.

Orders by board of supervisors to withhold payment for goods or services until certain financial and legal requirements have been met, showing amount to be paid, date of notice, and names of persons or companies involved.

For withhold notices to auditor, 1932--, see entry 666.

30. (REJECTED CLAIMS), 1868--. In(Miscellaneous Papers on File), entry 12-lv.

Claims against Santa Clara County that have been rejected by the board of supervisors, showing name of claimant, amount and date of claim, and reason for rejection.

Bonds (See also entries 102-103, 327, 631-632, 682-686)

31. (BOND MAP SUBDIVISIONS), 1913--. In(Miscellaneous Papers on File), entry 12-iii.

Maps and subdivisions of various properties, showing bond attached to cover payment of taxes on such property for the fiscal year, request to board of supervisors by companies concerned to obtain the necessary signatures of county officials thereto, and a request for filing of same in county recorder's office.

32. (NOTARIAL COMMISSIONS), 1852-1906. In(Miscellaneous Papers on File) entry 12-xxxv.

Original instruments issued by the governor, granting notarial commissions, showing name of governor, name of notary, date of appointment, term, first appointment or renewal, signature of governor, and seal of state.

For record of notarial commissions, 1889--, see entry 104.

Assessments and Taxes (See also entries 18, 140, 213-224, 527, 609-617, 646, 668, 686)

33. (FRANCHISE TAX), 1909--. In(Miscellaneous Papers on File), entry 12-xxvii.

Certified statements of amounts due in franchise taxes to county from

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Western Pacific Railroad, showing amount due, and date of certification; also statement of money due by some unstated company for purchase of land from county.

34. (STATE BOARD OF AUTHORIZATION), 1917--. In (Miscellaneous Papers on File), entry 12-lxii.
Submitted statements of total amount of taxes necessary to be raised to meet the requirements of Santa Clara County before 1937, with requests for authorization to fix tax levy. Affidavits that the total amount listed does not exceed five percent of the total amount of taxable property for the preceding fiscal year; other communications between state board of authorization and board of supervisors regarding rulings and compliance with the Tax Limitation Law. Prepared circular letters from the state board of authorization to the board of supervisors commenting on various changes of law, instructions in using various departmental budget forms, and other pertinent information relating to Tax Limitation Act.

Purchasing, Bids, and Contracts

35. (ARTICLES OF AGREEMENTS), 1883--. In (Miscellaneous Papers on file) entry 12-ix.
Articles pertaining to various undertakings entered into by the county and individuals and/or corporations, showing terms of agreement, date of agreement, and decisions of the board of supervisors regarding them.

36. (BRIDGES AND BULKHEADS), 1852--. In (Miscellaneous Papers on File), entry 12-xv.
Bids for roadwork, and notices to bridge builders, showing name of builder, date, and nature of notice.

37. (CONTRACTS), 1870--. In (Miscellaneous Papers on File), entry 12-xviii.
Financial undertakings entered into by the county and individuals and for corporations, showing nature and terms of contract, date of contract, and total amounts involved.

38. (PUBLICATION OF SPECIFICATIONS FOR COUNTY BUILDINGS), 1861--. In (Miscellaneous Papers on File), entry 12-xlvi.
Publications of specifications for branch jails, courthouse, and other county buildings, showing name of building, specifications, and date of publication.

39. (PROPOSALS FOR CONSTRUCTION OF HALL OF RECORDS), 1891-93. In (Miscellaneous Papers on File) entry 12-xliv.
Proposals and bids for construction of Hall of Records, showing date submitted, name of bidder, amount of bid, statement that plans and specifications will be carried out, and date of filing.

40. (BIDS AND PROPOSALS), 1853--. In (Miscellaneous Papers on File), entry 12-xi.
Offers by individuals and corporations to supply materials or services to the county at a stipulated price, showing name of bidder, type of

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material or service offered, date of bid, and suggestions on how services might be rendered.

41. (ABSTRACTS AND DEEDS), 1869--. In (Miscellaneous Papers on File), entry 12-i.
Notices of purchase of property, showing affidavits of publication, location of property, purchase price, and date of purchase.

County Officers
(See also entries 59-79, 98, 106, 327-330, 567)

42. (APPLICATIONS AND CERTIFICATES OF APPOINTMENTS), 1932--. In (Miscellaneous Papers on File), entry 12-vi.
Applications to board of supervisors for appointment to vacant positions, showing name of applicant, qualifications, and date filed; certificates of appointments, showing name of official, record of appointment, oath of office, signature of appointee, attest by clerk, and date of appointment.

43. (PETITIONS, MISCELLANEOUS), 1853--. In (Miscellaneous Papers on File), entry 12-xlii.
Petitions from groups or individuals to board of supervisors, showing names of petitioners, nature of petition, and date submitted.
For recorder's record of appointments, see entries 101 and 330.

Roads
(See also entries 15, 66, 627, 689, 693)

44. ROAD REGISTER, 1850--. 3 vols.
Plat maps, showing number, name of road, date of entry, abstract of proceedings, and indication of where entered in Proceedings of the Board of Supervisors, entry 1. Arr. chron. No index, 1850-1930; for index 1931--, see entry 45. Hdw., 1850-1930; typed 1931--. 2 vols., 1850-1930, badly burned. Av. 400 pp. 15 x 9 x 2. Supvr. off.

45. INDEX TO ROADS, 1931--. 1 vol. Prior records destroyed by fire.
Index to Road Register, entry 44, showing number and name of road, and book and page of entry in record. Arr. alph. by names of roads. Typed. Av. 300 pp. 18 x 12 x 2½. Supvr. off.

46. (SPECIAL ROAD LABOR REPORTS), 1923--. In (Miscellaneous Papers on File), entry 12-lviii.
Special road labor reports, showing in what district and on what road work was done, date, report submitted, and amount of money expended thereon.

47. LABOR REPORTS, 1931--. 75 binders.
Monthly labor reports of Santa Clara County Division of Highways, showing names of persons employed on road work, kind of labor, total days worked, rate per day, amount earned, time check number, time check

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amount, name of road district or subdivision, date of report, and signature of foreman. Arr. chron. No index. Hdw. pr. fm. Av. 250 loose-leaf pp. 10 x 7 x 1½. Supvr. off.

48. (ROAD PETITIONS), 1882--. In(Miscellaneous Papers on File), entry 12-liv.

Petitions and notices to board of supervisors regarding road work, giving nature of instrument, date of filing, and names of parties or individuals making petition.

49. (HIGHWAY REPORTS), 1915--. In(Miscellaneous Papers on File), entry 12-xvii.

Reports to board of supervisors of campers and picnickers leaving sites in disorderly array and of rubbish and refuse on highways; resolutions adopted by the board of supervisors regarding road signs; agreements of board to pay the California State Automobile Association; and reports of completion of work of installing the signs ordered.

For other highway reports, see entry 75.

Schools

(See also entries 28, 162, 211, 606, 637, 683-686, 694-699, 725-751)

50. SCHOOL DISTRICT BOUNDARIES, 1863-66, 1884-1919. 2 vols. Title varies: Register of School Districts, 1863-66.

Register of school district boundaries, showing engineer's legal descriptions, names of districts and townships, and date of entry. 1863-66 arr. alph. by names of districts; 1884-1919 arr. chron. 1863-66 indexed alph. by names of districts; 1884-1919, no index. Hdw. Av. 250 pp. 17½ x 11 x 2. 1 vol., 1863-66, supvr. bsmt.; 1 vol., 1884-1919 supvr. off.

For boundaries 1866--, see entry 727.

51. (PETITIONS FOR SCHOOL DISTRICTS), 1860--. In(Miscellaneous Papers on File), entry 12-xli.

Actions of the board of supervisors concerning the establishment of school districts requested by petitions, showing names of petitioners, date submitted.

52. (SCHOOL BOND ELECTIONS, SCHOOL FUND TRANSFERS, WELFARE BOARD REPORTS), 1932--. In(Miscellaneous Papers on File), entry 12-lvii.

Recordings of bonds sold by county for school purposes; communications, bulletins pertaining to school money transfers from one school to another by superintendent of schools, to be paid back as quickly as possible by school involved. Also contains reports from county welfare board calling attention of board of supervisors to requirements in reference to the aid of needy children, and matters pertaining to old age pensions.

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Franchises

53. FRANCHISE BOOK, 1883-1929. 1 vol. No prior records. Discontinued.
Record of public franchises, showing type of franchise, ordinance number, to whom granted, date adopted by board of supervisors, conditions and restrictions imposed by law, term of franchise, and date of application. Arr. chron. No index. Hdw. Av. 276 pp. 17 x 10 x 3. Supvr. off.

54. (AWARDING OF ELECTRIC FRANCHISES), 1911—. In(Miscellaneous Papers on File), entry 12-x.
Applications to board of supervisors for franchises to install electricity systems by companies in Santa Clara County, showing name of applicant, date of application, and record of the awarding of franchises on acceptable petitions.

55. (RAILROAD COMMISSION CORRESPONDENCE), 1862-1905, 1915—. In(Miscellaneous Papers on File), entry 12-xlviii.
Petitions and notices from railroad commission to board of supervisors on railroad rights and for permission to issue bonds, showing nature and date of petition or notice, and signature of chairman of commission.

Licenses and Permits

(See also entries 56, 61, 302, 304, 315, 572-574, 646, 676, 703, 810-812, 836)

56. (PACIFIC GAS AND ELECTRIC COMPANY), 1924—. In(Miscellaneous Papers on File), entry 12-xxxix.
Permission granted to make necessary excavations for supplying applicants with natural gas and electricity, showing application for permit, name of applicant, date of application, and approximate locations of desired excavations.

Expositions and Fairs

57. (PANAMA EXPOSITION), 1913-14. In(Miscellaneous Papers on File), entry 12-xl.
Applications to board of supervisors for position of supervisor of Santa Clara County exhibits in the Panama Pacific Exposition, showing name of applicant, date of application, exposition committee's endorsement of applications, and recommendations of appointments by the chairman of the board of supervisors.

58. (WORLD'S FAIR, CHICAGO), 1892-93. In(Miscellaneous Papers on File) entry 12-lxx.
Communications to the board of supervisors from the county's world fair commission, showing information concerning meetings to be held to discuss the possibility of sending county exhibits to the world's fair; claims

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paid for maintaining exhibits and services rendered; also communications to board of supervisors by the commission regarding rent, advertising cost, and lighting cost.

Reports of County Officers

59. (ALMSHOUSE LANDS AND BUILDINGS, AND BOILER INSPECTION REPORTS), 1861--. In (Miscellaneous Papers on File) entry 12-iii.
Reports of superintendent of Old Peoples' Home on boiler inspection, and almshouse lands and buildings, showing nature of report, date submitted and signature of superintendent.
For reports on almshouse inmates, 1932--, see entry 70.

60. (GAME WARDEN'S REPORTS), 1893--. In (Miscellaneous Papers on File), entry 12-xxviii.
Game warden's quarterly reports on arrests for violation of game laws, showing number of arrests, names of offenders, date arrested, signature of game warden, judgment and verdict rendered; also reports on open seasons, and game prospects.

61. (QUARRY REPORTS), 1931--. In (Miscellaneous Papers on File), entry 12-xlvii.
Reports of superintendent of Saratoga quarry, showing date of deliveries, list of materials and quantity, name of driver, destination, operations, supplies used, and remarks.

62. (TRAFFIC CENSUS REPORTS), 1931--. In (Miscellaneous Papers on File), entry 12-lxv.
Traffic census reports, showing date of report, station, description, number of sheet, district number, name of road, weather, type of vehicle, sub-total, and total.

63. (FUEL TAX REPORT), 1919--. In (Miscellaneous Papers on File) entry 12-iv.
Annual reports of board of supervisors to department of public works, showing transactions concerning county roads with money derived from state motor vehicle fuel fund for fiscal year.

64. (REDUCTION OF SENTENCE), 1927--. In (Miscellaneous Papers on File) entry 12-xlix.
Prisoner's petitions to board of supervisors for reduction of jail sentence, showing date of petition, signatures of prisoner and sheriff of Santa Clara County, number of days, weeks, or month desired off sentence, and length of full sentence, and action of the board.

65. (OPINIONS OF DISTRICT ATTORNEY), 1857--. In (Miscellaneous Papers on File), entry 12-xxxvi.
Opinions of district attorney forwarded to board of supervisors at their request, showing all matters pertaining to county government, among others, highway lighting districts, highway improvements, claims, increase in pay for election officers, reimbursements for meals served to county jail prisoners.
For original related records, 1908--, see entry 100.

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66. (ROAD MASTER'S REPORTS), 1863--. In (Miscellaneous Papers on File), entry 12-liii.
Road master's reports to board of supervisors of labor performed for Santa Clara County, arranged by road districts, showing date, number of road district, work performed by whom, kind of work, where performed, implements used, number of animals or machinery used, number of days put in, rate per day, and total cost of labor, machinery, and animals.

67. (ARTESIAN WELLS), 1893--. In (Miscellaneous Papers on File), entry 12-vii.
Reports of artesian well inspector in matters of digging and erecting artesian wells, showing date of report, location of wells. Also records of wastage of water with reasons given, and reports on filling dry wells with cement.

68. (STATE BOARD OF FORESTRY), 1915--. In (Miscellaneous Papers on File), entry 12-lxiii.
Reports on actions taken in prevention of fires and general forest destruction, showing lands or forest wasted by fire, extent of damage, date, time, and location of fires, on whose property, and name of person making report.

69. (INFIRMARY SUPERINTENDENT'S BOILER INSPECTION REPORTS), 1890--. In (Miscellaneous Papers on File), entry 12-xxx.
Reports to board of supervisors on boiler inspection at county infirmary, showing date of report, condition of boilers, whether safety rules are followed, and signature of superintendent.

70. (HOSPITAL, HEALTH DEPARTMENT AND ALMSHOUSE REPORTS), 1932--. In (Miscellaneous Papers on File), entry 12-xxxii.
General reports from county hospital, health department, and almshouse to board of supervisors, showing such information as number of cases of diseases or sickness in county at beginning of each month, type of case, whether a new kind of disease, number of births and deaths, and date of report.
For reports on almshouse lands, 1861--, see entry 59; for prior health reports see entry 78.

71. (COUNTY FREE LIBRARY), 1910--. In (Miscellaneous Papers on File), entry 12-xx.
Reports of county librarian on changes in library; letters to board of supervisors applying for position of Santa Clara County librarian; authorization for librarian's leave of absence; agreements for setting up small libraries in little towns in county, whereby board of supervisors promises to supply books, and towns promise to provide location.

72. (LAW LIBRARY), 1923--. In (Miscellaneous Papers on File), entry 12-xxxiv.
Certificates of completion of law library; insurance record; reports; petitions; and bills of sale.

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73. (REPORTS OF POUND KEEPER), 1890-1914. In (Miscellaneous Papers on File), entry 12-li.
Monthly reports of pound keeper to board of supervisors on matters of impounded animals, showing number, animals killed for rabies (hydrophobia), examinations, loose animals taken in, number killed, and date of report. Also, cost account of carrying on work.

74. (ENGINEERS' AND SURVEYORS' ESTIMATES), 1915--. In (Miscellaneous Papers on File), entry 12-xxii.
Reports of county engineers and surveyors to board of supervisors in relation to completion of projects, rental payments, and labor and materials furnished by individuals and companies under contract for construction of various roads and bridges, showing amount of claims for services, recommendation that such individuals or companies have their claims against county allowed, and date of report.

75. (STATE HIGHWAY COMMISSION REPORTS), 1911--. In (Miscellaneous Papers on File), entry 12-lxiv.
Reports to board of supervisors by highway commission giving suggestions as to continuance of highway construction projects and a proposal to sell highway bonds at a discount thereby increasing the rate of interest to purchasers; permissions granted to board of supervisors to post signs on state highways at various entrances into county; and appeals to board of supervisors to help keep highways and byways clean of picnic refuse.
For other highway reports see entry 49.

76. (APIARIES), 1912-34. In (Miscellaneous Papers on File), entry 12-v.
Reports of inspection work carried on in ridding county of bee diseases by suggesting educational work, and carrying it out as scheduled; also communications from bee inspector as to inspection of county apiaries, showing results of inspection, date of communication, and signature of bee inspector.

77. (REPORTS OF HORTICULTURAL (AGRICULTURAL) COMMISSIONER), 1892--. In (Miscellaneous Papers on File), entry 12-l.
Reports on activities of horticultural commissioner (know known as agricultural commissioner) regarding nursery firms, planting of fruit trees, objections to granting permits for planting, and inspection of county trees, shrubbery, and plants, showing results of inspection, and date of report.
For reports of agricultural commissioner, 1932--, see entry 841.

78. (VETERINARY SURGEON'S AND HEALTH OFFICER'S REPORTS), 1893--. In (Miscellaneous Papers on File), entry 12-lxvii.
Reports to board of supervisors regarding sanitary conditions of jails, county buildings, and schools; reports on issuance of circulars with instructions on disease prevention; reports on foot and mouth disease; bulletins and quarantine reports of regulation needs for protective councils.
For other health reports, see entry 70.

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79. (COUNTY WEIGHTS AND MEASURES REPORTS), 1922-30. In(Miscellaneous Papers on File), entry 12-xxi.
Reports to board of supervisors by sealer of weights and measures, showing condition of counter scales, platform scales, wagon, spring, and track scales, linear and liquid measures, pumps, and bottles, date of report, and signature of sealer.
For subsequent records, see entry 8.

Maps and Surveys

(See also entries 149-154, 264-266, 575, 579, 604-606, 618, 720-721, 813-815, 821-830).

80. ROAD MAPS AND PLANS, approx. 1931. 104 maps.
Maps of county supervisorial districts, showing district number, nature of plan, water works, roads, bridges, and other improvements. Robert B. Chandler, County Surveyor, draftsman. Pr. black and white. Av. scale 1 in. equals 50 ft. 31 x 22. Supvr. off.

81. MAP OF SANTA CLARA COUNTY, approx. 1931.
Shows main roads and highways. Santa Clara County Planning Commission, author. Colored. Scale not indicated. 60 x 43. Supvr. off.

82. MAP OF STATE OF CALIFORNIA, approx. 1931.
Recreational map, showing parks, resorts, branches, and scenic spots. Heals Hereroy Company, San Francisco, publishers. 2 in. equals 30 miles. 62 x 42. Supvr. off.

83. MAP OF SANTA CLARA COUNTY, approx. 1931.
Shows rural delivery routes, house numbers and street names. Thomas Bros., San Francisco and Oakland, publishers. Colored. 1 in. equals 1 mile. 63 x 51. Supvr. off.

84. (BOUNDARY LINES), 1857-88. In(Miscellaneous Papers on File), entry 12-xiv.
Description of boundary lines affixed between Santa Clara County and Alameda County; between Santa Clara County and Santa Cruz County; and between Santa Clara and San Mateo Counties.

Welfare

(See also entries, 52, 704-709, 818)

85. (BURIAL OF EX-UNION SOLDIERS), 1904-13, 1932--. In(Miscellaneous Papers on File) entry 12-xvi.
Records of payments for burials of ex-union soldiers, showing name of deceased, rank, date of death, cause of death, place of burial.
For a register of deceased soldiers, 1931--, see entry 92.

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86. (STATE AID TO CHILDREN), 1917--. In(Miscellaneous Papers on File), entry 12-lix.
Records of state aid granted to children, showing applications and recommendations; also, recommendations for issuance of old age pension to the aged, showing names and addresses of applicants and actions on each case.

87. (STATE AID AND OLD AGE SECURITY), 1932--. In(Miscellaneous Papers on File), entry 12-lx.
Records pertaining to matters of state aid and old age security, showing date of filing, name of party involved, nature of case and approval of board of supervisors.

Miscellaneous

88. (EXTERMINATION OF SQUIRRELS), 1891--. In(Miscellaneous Papers on File), entry 12-xxv.
Reports by the squirrel inspector on extermination of squirrels and rodents, showing extent of damage done, location where extermination taking place, and signature of inspector.
For prior records on squirrel extermination, see entry 247.

89. (PUBLICATIONS, MISCELLANEOUS), 1915--. In(Miscellaneous Papers on File), entry 12-xlv.
Affidavits of publication of various county transactions and of primary election nominations, showing nature of affidavit and date of publication.

90. (INSURANCE ON COUNTY BUILDINGS), 1905--. In(Miscellaneous Papers on File), entry 12-xxxi.
Insurance taken out on county fixtures and buildings, showing amount of policy, name of insurance company, date and terms of policy.

91. (EXPIRED INSURANCE POLICIES), 1907-17. In(Miscellaneous Papers on File) entry 12-xxiv.
Expired insurance taken on county buildings, fixtures and property, showing amount of policy, name of insurance company, terms of policy, and date of expiration.

92. REGISTER OF DECEASED SOLDIERS, 1931--. 1 vol. Prior records destroyed by fire.
Record of deaths of former United States soldiers in county, showing name, rank, occupation, nativity, when enrolled in service, when discharged, date of death, cause of death, where buried, member of what organization, expenses of burial, and remarks. Arr. chron. No index. Hdw. 150 pp. 18⅔ x 12 x ½. Supvr. off.
For record of burial of ex-union soldiers, 1904-13, 1932--, see entry 85.

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(Next entry 93, p. 89)

II. COUNTY CLERK

The office of county clerk was provided for by the California constitution of 1849 and established by an act of the legislature in 1850 (1). The county clerk is an elective officer and originally his term of office was two years (2). In 1880 it was increased to four years (3), but again restored to two years in 1883 (4). By a statute of 1893 his term of office was extended to four years (5).

According to the provisions of the general statutes, the county clerk was ex-officio clerk of the court of sessions from 1850 (6) to 1863 (7), when the court of sessions was abolished; clerk of the probate court from 1850 (8) to 1858 (9), when the duties of this office were transferred to the recorder and clerk of the district and county courts from 1850 (10) to 1880 (11), when these courts were superseded by the superior court.

Originally, in 1850, the county clerk was a separate officer (12), but the next year he was made ex-officio recorder and auditor (13). In 1860 the office of county clerk was made independent, and it has remained so (14).

In 1852 the administrative duties of the court of sessions devolved upon the newly established board of supervisors and the county clerk became ex-officio clerk of the board (15). From 1852 (16) to 1895 (17) the county clerk acted as clerk of the board of election canvassers, later as clerk of the board of election commissioners.

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1. Cal. Const. 1849, art. VI, sec. 7; Cal. Stats. 1850, pp. 205, 261.
2. Cal. Stats. 1850, p. 101.
3. Pol. Code Am. 1880, p. 100.
4. Cal. Stats. 1883, p. 315.
5. Cal. Stats. 1893, p. 367.
6. Cal. Stats. 1850, p. 211.
7. Cal. Stats. 1863, p. 346.
8. Cal. Stats. 1850, p. 218.
9. Cal. Stats. 1858, p. 105.
10. Ibid., pp. 218, 261.
11. Cal. Const. 1879, art. VI, secs. 1, 5, 6, 14; Cal. Stats. 1880, p. 3.
12. Cal. Stats. 1850, pp. 151, 153.
13. Cal. Stats. 1851, p. 205.
14. Cal. Stats. 1860, p. 393.
15. Cal. Stats. 1852, pp. 22, 87-89.
16. Ibid., p. 88.
17. Cal. Stats. 1895, p. 339.

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As clerk of the county court, the county clerk was ex-officio sealer of weights and measures from 1850 (1) to 1858 (2), when the secretary of state was granted power to appoint his deputies as county sealers. The county clerk again acted as the county sealer from 1861 (3) to 1913 (4) when the separate office of county sealer of weights and measures was established. The duties that he performed relative to the collection of inheritance taxes from 1893 (5) to 1911 (6), were transferred to the county treasurer.

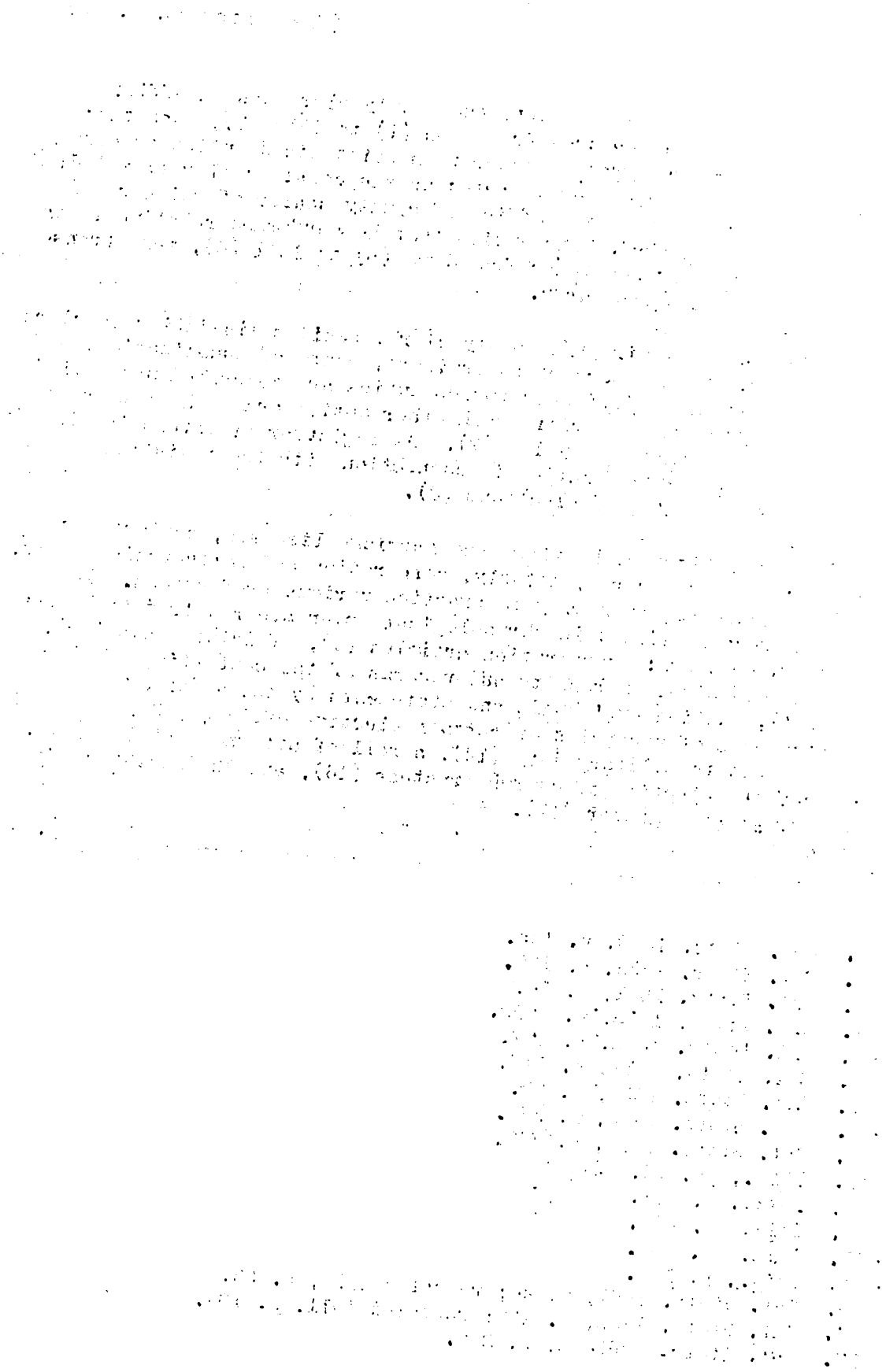
The statutes require the county clerk, besides his duties as clerk of the courts, of the board of supervisors, board of equalization, and board of election commissioners (which duties are described under their respective offices), to perform such other duties and to keep such other records as are prescribed by law (7). As registrar of voters in his county, he has important duties in connection with the registration of voters and the holding of elections (8).

He issues fishing, hunting, and marriage licenses, and acts as depositor of many records, notably, corporation and partnership papers, and certificates of authority to practice various professions. The following records listed in chronological order are required to be kept by the county clerk: corporation articles (9), official bonds (10), statements of election results and records of the contesting of elections (11), auctioneers' bonds and statements by the auctioneers (12), certifications of vacancies of certain elective offices (13), a list of males subject to military duty (14), a roll of attorneys at law (15), a record of the election of church trustees (16), and the register of voters or great register (17).

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1. Cal. Stats. 1850, p. 145.
2. Cal. Stats. 1858, p. 138.
3. Cal. Stats. 1861, p. 86.
4. Cal. Stats. 1913, p. 1090.
5. Cal. Stats. 1893, p. 197.
6. Cal. Stats. 1911, p. 713.
7. Cal. Stats. 1852, p. 88.
8. Cal. Stats. 1895, p. 339.
9. Cal. Stats. 1850, p. 347.
10. Ibid., pp. 74, 151.
11. Ibid., p. 101.
12. Ibid., p. 456.
13. Ibid., p. 208.
14. Ibid., p. 190.
15. Cal. Stats. 1851, p. 48; repealed 1895, p. 56.
16. Cal. Stats. 1862, p. 125; repealed 1911, p. 134.
17. Cal. Stats. 1865-66, p. 288.

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The clerk has kept naturalization records since 1850 (1). A state statute requires him to keep an index of persons who have declared their intentions of becoming citizens and an index of naturalized citizens (2).

The codes adopted in 1872 provided that the county clerk should keep printed indexes of voters (3), monthly statements of money in the treasury which the chairman of the board of supervisors filed with him (4), marriage licenses (5), records of appointments of deputies (6), affidavits of auctioneers' assistants (7), records of appraising of homesteads (8), certificates of the formation of limited partnerships and their dissolution (9), a register of partnership names (10), and a record of notarial commissions (11).

Subsequently, the county clerk was required to keep records of fictitious names of persons or partnerships transacting business in this county (12), medical certificates recorded in a special book (13), records of changed names (14), a register of dentists (15), collateral inheritance records (16), statements of election expenses filed by candidates (17), records of residents of lodging houses secured from landlords (18), annual inventories filed with the county clerk by all county officers (19), alphabetically arranged census that might be taken by the board of supervisors (20), and a file of legal opinions rendered by the district attorney (21).

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1. Cal. Stats. 1850, p. 288.
2. Cal. Stats. 1871-72, p. 80.
3. Pol. Code 1872, sec. 1115.
4. Ibid., secs. 4221-4222.
5. Civil Code 1872, sec. 69.
6. Pol. Code 1872, secs. 4112-4113.
7. Ibid., sec. 3292.
8. Civil Code 1872, sec. 1247.
9. Ibid., secs. 2480, 2509.
10. Ibid., sec. 2470.
11. Pol. Code 1872, sec. 797.
12. Civil Code Am. 1873-74, p. 253.
13. Cal. Stats. 1875-76, p. 793.
14. Cal. Stats. 1880, p. 405.
15. Cal. Stats. 1885, p. 111.
16. Cal. Stats. 1893, p. 198; repealed 1911, p. 713.
17. Cal. Stats. 1893, p. 15.
18. Cal. Stats. 1895, p. 229.
19. Cal. Stats. 1897, p. 6.
20. Ibid., p. 439.
21. Ibid., p. 488.

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The county clerk is also required to keep registers of optometrists (1); registers of pharmacists (2); records of bond and surety companies kept in a special volume (3); register of docked horses (4); records of appointments of humane officers and revocations of their appointments to be kept in a special book (5); nomination papers to be kept for two years (6); quarterly reports to the grand jury by the board of public welfare filed with the county clerk (7); records of corporations failing to pay taxes (8); record of sale of concealed weapons when sale is made in a district which has no municipal police department (9); records of the alien poll tax in 1921 only (10); register of chiropractors (11); records of notices of intention to marry to be kept in a special book (12); certificates of dissolution of corporations filed by the board of directors (13); and records of issuance of hunting and fishing licenses (14).

Some records kept by the clerk prior to the time they were required by state law, were initiated for his own convenience. Some records called for by the statute and not found in the clerk's records may have been lost or destroyed at the time of the courthouse fire of 1931.

All records of county clerk are in the hall of records unless otherwise indicated.

Political

Registration

93. AFFIDAVITS OF REGISTRATION, 1922--. 470 vols.; 54 bdls.
Prior records destroyed.
Affidavits of registration to vote, showing number of precinct, full name and birthplace of voter, whether naturalized and how, residence, party affiliation, occupation, height, date of registration and

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1. Cal. Stats. 1903, p. 285.
2. Cal. Stats. 1905, p. 539; repealed 1937, p. 1036.
3. Cal. Stats. 1907, p. 404.
4. Ibid., p. 269.
5. Cal. Stats. 1913, p. 511.
6. Cal. Stats. 1915, p. 845.
7. Ibid., p. 339.
8. Cal. Stats. 1917, p. 358.
9. Ibid., pp. 222-223.
10. Cal. Stats. 1921, p. 1613; held unconstitutional 182 Cal. 27.
11. Cal. Stats. 1923, p. 23.
12. Cal. Stats. 1927, p. 1166.
13. Cal. Stats. 1931, pp. 1828, 1830, 1855.
14. Cal. Stats. 1923, p. 436.

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signature of clerk and deputy. Arr. alph. by names of voters in num. sequence. No index. Hdw. pr. fm. Vols. av. 1000 pp. 11 x 9 x 9; bdls. av. 11 x 9 x 4½. 400 vols. and 54 bdls., 1922-34, clk. bsmt.; 70 vols., 1935—, clk. off.

94. GREAT REGISTER, 1866-1901, 1903-5, 1915—. 46 vols. 1902, 1906-14 destroyed in fire.
Records of all registered voters in county, showing name of voter, registration and precinct number, age, country of birth, occupation, and party affiliation. Arr. alph. by names of voters. No index. Av. 250 pp. 13 x 8½ x 1. Clk. off.

Elections (see also entries 325-326)

95. CERTIFICATES OF ELECTIONS OF COUNTY AND TOWNSHIP OFFICERS, 1930—. 1 f.b. Prior records destroyed.
Certificates of election issued by clerk, showing names of those elected to the various county offices, date of filing, and signatures of clerk. Arr. chron. No index. 13½ x 10 x 4½. Clk. off.

96. ELECTION DATA, 1928—. 1 f.b. Prior records destroyed.
Clerk's authorizations of approval on orders for delivery of election supplies, booths, ballot boxes, and instructions; showing date of authorization, allotment of supplies and equipment, and signature of clerk. Also contains copies of telegrams sent to the state capital by clerk, and newspaper clippings. Arr. chron. No index. 13½ x 10 x 4½. Clk. off.

97. VERIFIED STATEMENTS OF CANDIDATES OF PRIMARY ELECTION, 1934—. 1 f.b. Prior records destroyed.
Itemized statement of receipts and expenditures of candidates for county offices, showing name of candidate and office, township or district, dates of primary election and of filing, and signatures of candidate, clerk, and deputy. Arr. chron. by dates of filing. No index. Hdw. pr. fm. 13½ x 10 x 4½. Clk. off.
For other election expense statements, 1893—, see entries 325-326.

County Officers (See also entries 42-43, 327-330, 507)

98. RECORD OF HUMANE OFFICERS, 1914—. 1 vol.
Register of persons appointed as humane officers, showing name and number of officer, residence, number of badge, name of corporation or society asking for appointments, date of filing of appointment, and in case of revocation, date of filing revocation. Arr. alph. by names of officers. No index. Hdw. 100 pp. 14 x 9 x 1. Clk. off.

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99. HUMANE SOCIETY APPOINTMENTS, 1920--. 1 f.b. Prior records missing.
Original certificate of appointment, showing name of appointee, date of appointment, appointee's occupation and address, signature of president and secretary of humane society, seal of the incorporated society, oath to uphold the constitution, and badge number issued. Arr. num. by badge numbers in chron. sequence. No index. Hdw. 13 x 10 x 4. Clk. off.

100. DISTRICT ATTORNEY'S OPINIONS, 1908--. 1 f.b.
Original opinions relating to various matters of a legal nature pertaining to the county, showing date opinion rendered, subject matter, and signature of district attorney. Arr. chron. No index. Hdw. 13½ x 10 x 4½. Clk. off.
For prior records, 1857--, see entry 65.

101. APPOINTMENTS OF DEPUTIES OF VARIOUS COUNTY OFFICERS, 1921--. 13 f.b. Prior records destroyed.
Original certificates of appointment of deputies, showing name of appointee, date of appointment, and office to which appointed. Arr. chron. No index. Hdw. pr. fm. Av. 13½ x 10 x 4½ to 24 x 12 x 10. Clk. off.
For supervisors' records of appointments, see entry 43; for recorder's record see entry 330.

102. OFFICIAL BONDS, 1850-65, 1871-88. 8 vols. (A, B, D-G).
Recordings of original bonds posted by county officers as assurance that they will perform all duties and render an accounting of all moneys coming into their hands by virtue of holding office, showing names of principals and sureties, amount of bond, date posted, conditions, seal, and signatures of principals and witnesses. Attached are affidavits of sureties, showing names and qualifications of sureties, and amount of surety. Arr. chron. Indexed alph. by names of officers. Hdw. pr. fm. Av. 400 pp. 18 x 12 x 3. Clk. bsmt.
For subsequent records see entry 328.

103. OFFICIAL BONDS, 1926--. 26 f.b.
Original official bonds. For description see entry 327. Arr. chron. No index. Hdw. pr. fm. 10 x 4 x 2. Clk. bsmt. vlt.
For prior records 1850-1911, see entry 327.

104. RECORD OF NOTARIAL COMMISSIONS, 1889--. 5 vols. (1-5).
Title varies: Official Bonds, Notary, 1889-1916.
Record of notarial commissions signed by governor, showing name and residence of appointee, whether first or renewed commission, date of expiration, date of appointment, and state seal. Arr. chron. by dates of appointments. Indexed alph. by names of appointees. Hdw. pr. fm. Av. 200 pp. 12 x 9 x 4. Clk. off.
For original notarial commissions, 1852-1906, see entry 32.

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105. NOTARIAL RECORDS, 1895-1900. 1 vol.
Notary's records of executions, deposited with clerk when leaving office, showing date of acknowledgment, by whom executed, to whom executed, consideration, and date and nature of instrument. Arr. chron. by dates of instruments. No index. Hdw. 78 pp. 9 x 14 x ⅓. Clk. bsmt.

106. REGISTER OF NOTARIES PUBLIC, 1876-95. 2 vols.
Register of notaries appointed, showing name and address of notary, date of commission, when commission expires, successor to whom, succeeded by whom, and notary's signature. Arr. chron. by dates of commissions. Indexed alph. by names of notaries. Hdw. 150 pp. 18 x 12 x 1. Clk. bsmt.

Military Lists (See also entries, 85, 92)

107. ENROLLMENT OF MILITIA, 1873-74. 1 vol. No prior or subsequent records.
List of all males in county subject to military service, showing name and address of person, and name of troop in which he enrolls. Arr. alph. by names of individuals. No index. Hdw. 150 pp. 15 x 9 x 1. Clk. bsmt.

108. MILITARY LISTS, 1901-3. 3 vols. Prior and subsequent records destroyed in fire.
Lists of persons subject to military duty, showing name, age, and school district in which person resides. Arr. alph. by names of individuals. No index. Hdw. Av. 150 pp. 17 x 12 x 1. Clk. bsmt.

Marriage Licenses
(See also entries 181, 318-324)

109. RECORD (Affidavits) OF MARRIAGE LICENSES, 1870--. 31 f.b.; 42 vols. (A, B, 1-40). Title varies: Affidavits of Marriage License, 1870-78.
Affidavits for marriage licenses, not a record of them, showing date of affidavit, name, nativity, residence, signatures of both applicants, and signature of deputy clerk. 1905-6 records of minors entered separately, showing affidavit of consent signed by person authorized by law. Also contains: Notice of Intention to Marry, 1934--, entry 113. Arr. chron. No index 1870-77; for index 1878--, see entry 110. Hdw. pr. fm. Av. 600 pp. 16 x 12 x 2⅓; f.b. 10 x 5 x 4. F.b. 1870-78, bsmt.; vols., 1879--, clk. off.
For prior records 1859-62, see entry 321; for separate affidavits of men, 1888-90, see entry 112.

110. INDEX TO MARRIAGE LICENSES, 1878--. 11 vols. (1-11). Initiated 1878.
Index to Record (Affidavits) of Marriage Licenses, entry 109, showing names of parties, when license issued, and volume and page of record. Arr. alph. by names of both parties. Hdw. pr. fm. Av. 300 pp. 18 x 12 x 2. Clk. off.

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111. REGISTER OF MARRIAGE LICENSES, 1862-83. 3 vols. (two unlbld., C)
Record of licenses issued by clerk, showing license number, names and residence of applicants, date of issuance, and remarks. Arr. chron. No index. Hdw. pr. fm. Av. 600 pp. 16 x 12 x 2½. Clk. bsmt.

112. MARRIAGE LICENSES, 1888-90. 1 vol.
Deposition of male applying for license, showing name, nativity, age, residence, his knowledge of name of female, her nativity, age, and residence, statement that he knows no legal objections to their marriage, signature of male applicant sworn to before the county clerk or his deputy, and date of application. Arr. chron. No index. Hdw. pr. fm. 8 x 12 x 2. Clk. bsmt.
For complete regular affidavits, see entry 109.

113. NOTICE OF INTENTION TO MARRY, 1927-33. 6 f.b. 1934-- in Record (Affidavits) of Marriage Licenses, entry 109.
Records of notices of intention to marry, showing names of groom and bride, nativity, race, age, residence, city, county, date of notice, signature of both persons, date of issuance of license, and in case of non-issuance, date of non-issuance of license and reason. Arr. chron. by dates of notices. No index. Hdw. pr. fm. 10 x 4 x 2. Clk. bsmt.

Naturalization

114. DECLARATION OF INTENTION, 1850--. 29 vols. (A-M, 1-16).
Record of petitions for citizenship in district and superior courts, showing name and nativity of alien, date of entry into United States, age at time of entry, oath, signatures of presiding judge and of clerk, date of declaration. Arr. chron. by dates of declarations. For index see entry 115. Hdw. pr. fm. Av. 400 pp. 11 x 9½ x 2½. Clk. off.

115. INDEX TO DECLARATION OF INTENTION, 1850--. 1 vol.
Index to Declaration of Intention, entry 114, showing name, date of admission, petition number, volume and page of record. Arr. alph. by names of aliens. Typed. 600 pp. 17 x 12 x 3. Clk. off.

116. CERTIFICATE OF CITIZENSHIP, DISTRICT COURT, 1871-80. 2 vols. Subtitled: Minors, 1 vol.; Soldiers, 1 vol.
Certificates of citizenship of minors, and soldiers, showing name and nativity of applicant, proof of residence in United States and in California, and in case of soldiers, affidavit of two persons that said applicant enlisted in the army and was honorably discharged, and in the case of minors, two witnesses stating that he has resided in the United States three years prior to reaching the age of twenty-one and has since continued to live in the United States, order granting citizenship, signature of presiding judge, and date certificate issued. Arr. chron. Indexed alph. by names of aliens. Hdw. pr. fm. Av. 400 pp. 14 x 9 x 2. Clk. off.
For subsequent records see entry 118.

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117. ACTS OF NATURALIZATION, COUNTY COURT, 1869-79. 5 vols.
No prior records.
Acts of naturalization of aliens, showing name of applicant, date of decree, oath of applicant and witnesses, country of applicant's origin, decree of citizenship, and signatures of applicant and judge. Arr. chron. Indexed alph. by names of aliens. Hdw. pr. fm. Av. 450 pp. 14 x 9 x 2. Clk. off.
For subsequent records see entry 118.

118. DECREES OF ACTS OF NATURALIZATION, SUPERIOR COURT, 1880-1905. 10 vols. (8-17). Discontinued.
Applications to become a citizen, certificates of minors and soldiers, and decrees of acts of naturalization, showing date of instrument, name, age, nativity, date of entry of applicant, order granting citizenship, and signatures of judge and of applicant. Arr. chron. by dates of instruments. No index. Hdw. pr. fm. Av. 548 pp. 14 x 9 x 2. Clk. off.
For records 1871-80, 1869-79, see entries 116, 117; for records 1906--, see entries 119-120.

119. PETITION FOR NATURALIZATION, 1906--. 37 vols. (1-37).
Petitions by aliens for citizenship, showing name of petitioner, address, occupation, date of birth, country of nativity, date of arrival, place of entry, name of ship, marital status, name, age, and addresses of children, oath of allegiance, and affidavits of witnesses and petitioner, date of petition, and, 1933--, photograph of petitioner. Arr. chron. by dates of petitions. No index. Typed. Av. 100 pp. 18 x 12 x 2. Clk. off.
For records 1880-1905, see entry 118.

120. NATURALIZATION STUB BOOK, 1906--. 25 vols.; 11 bdls.
Stubs of naturalization certificates, showing number of certificate, name of applicant, age, residence, date of admission, date of issuance, by what court, where issued, petition number and signature of holder. Arr. chron. by dates of issuances. No index. Hdw. pr. fm. Vols. av. 50 pp. 15 x 10 x 1; bdls. av. 10 x 5 x 6. 25 vols., 1906-25, clk. vlt.; 11 bdls., 1926--, clk. off.
For prior decrees of acts of naturalization, see entry 118.

121. CARD INDEX OF NATURALIZATION (List of Naturalized Citizens Registered to Vote), 1916--. 32 f.b.
Not an index to any record, but a list of naturalized citizens who have registered to vote in Santa Clara County, showing how citizenship was acquired, where, date of registration, address, occupation, height, and nativity. Arr. alph. by names of voters. Typed. Av. 24 x 6 x 4. Clk. off.

122. NATURALIZATION MATTERS, CURRENT, 1906--. 2 f.b.
Interrogations of depositions of witnesses as to residence and other qualifications of an alien petitioner for naturalization, bearing date of deposition, and signature of chief examiner with notations that all depositions are correct. Arr. chron. No index. Av. 13½ x 10 x 4½. Clk. off.

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Business and Professional Records

Professional Registers (See also entries 302-305)

123. ROLL OF ATTORNEYS, 1850---. 1 vol.
Roll of attorneys practicing in Santa Clara courts, showing names and date of enrollment. Arr. chron. No index. Hdw. 100 pp. 9½ x 7½ x ½. Clk. off.
For record of photographs of attorneys, see entries 764-766.

124. CERTIFICATES OF CHURCH TRUSTEES, 1868-1925. 1 f.b. No prior or subsequent records.
Certificates of election of trustees and vestrymen of various churches, showing names of parties elected, name and location of churches, date of filing with clerk, and signature of deputy clerk. Arr. chron. No index. 13½ x 10 x 4½. Clk. off.

125. RECORD OF CHIROPRACTIC CERTIFICATES, 1932---. 1 vol. No prior records.
Record of licenses issued by state board of chiropractic examiners, showing name of licentiate, date license issued, names of board members, and signature of clerk. Arr. alph. by names of licentiates. No index. Hdw. pr. fm. 300 pp. (31 used) 16 x 11 x 2. Clk. off.

126. DENTAL CERTIFICATES, 1885-1902. 1 vol. Discontinued in this form.
Copies of certificates issued by the state board of dental examiners, to dentists practicing in Santa Clara County, showing date of recording, date certificate was issued, names of board members, signature of licentiate, and signature of county clerk. Arr. alph. by names of dentists. No index. Hdw. 200 pp. 14 x 9 x 1. Clk. off.
For registrations, 1895-1902, see entry 127; for subsequent registration of licenses, see entry 128.

127. REGISTER OF DENTISTS, 1895-1902. 1 vol.
Register of certificates in Dental Certificates, entry 126, showing date of registration of certificate, name, residence, college issuing diploma, date certificate was issued by board of dental examiners, and remarks. Arr. chron. by dates of registration of certificates. Indexed alph. by names of dentists. Hdw. 75 pp. 14 x 9 x 1. Clk. off.
For subsequent registration of dentists' licenses, see entry 128.

128. REGISTRATION OF DENTISTS, 1903---. 1 vol.
Registration of licenses issued to practicing dentists in Santa Clara County by state board of dental examiners, showing name and age of dentist, office address, date and number of license, date of registration; also, affidavit for registration, showing name, birthplace, license number, date of issuance, evidence of compliance with preliminary requirements, and signature of county clerk. Arr. chron. by dates of registrations. Indexed alph. by names of dentists. Hdw. pr. fm. 338 pp. 16 x 12 x 1½. Clk. off.
For prior registration of dental certificates, see entry 127.

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129. REGISTER OF DOCTORS' CERTIFICATES, DRUGLESS PRACTITIONERS' CERTIFICATES, RECIPROCITY CERTIFICATES, 1898---. 1 vol.
No prior records.
Copies of certificates of doctor and drugless practitioner, showing name of practitioner, whether authorization to practice surgery, names of members of board of examiners, name of medical school from which graduated, date of recording in county clerk's office, signatures of county clerk and deputy, and of president and secretary of board of examiners; also reciprocity certificates, showing name of members of board of examiners and of practitioner, school from which latter graduated, name of authority passing on applicant's qualifications, signatures of president and secretary of board of examiners, date of recording in county clerk's office, and signatures of county clerk and deputy clerk. Arr. chron. Indexed alph. by names of licentiates. Av. 400 pp. 18 x 12 x 2. Clk. off.
For register of physicians, midwives, and undertakers, see entry 305.

130. MEDICAL CERTIFICATES, 1876---. 3 vols. (x, 1, 2).
Recorded copies of medical certificates, showing date of recording, name of physician, college granting diploma, authorization to practice, names of members of board of examiners, and signatures of county clerk and deputy clerk. Unlbld. vol., arr. alph. by names of physicians; others, arr. chron. Unlbld. vol., no index; 1, 2, indexed alph. by names of physicians. Hdw. Av. 300 pp. 16 x 11 x 1½ to 13 x 8 x 1. Clk. off.

131. OPTOMETRY, 1903---. 1 vol.
Register of certificates issued by state board of examiners of optometry, showing names of practitioners, authorization to practice, date of recording, and seal of county clerk. Arr. chron. Indexed alph. by names of practitioners. Hdw. 150 pp. 16 x 10 x 1. Clk. off.

132. PHARMACY, 1905-36. 1 vol.
Register of certificates of pharmacists, showing names of pharmacists, provisions for compliance, with laws regulating practice of pharmacy and sale of poisons in state, names of members of the state board of pharmacy examiners, signatures of president and secretary of board, and date of recording. Arr. chron. Indexed alph. by names of pharmacists. Hdw. 300 pp. (184 used) 14 x 9 x 1½. Clk. off.

133. REGISTER OF PHARMACISTS, 1910---. 1 vol.
Official copies of certificates of pharmacists issued by state board of pharmacy, showing name of licentiate, authorization to practice, names of members of board of pharmacy, date of issuance, date recorded in county clerk's office, signature of county clerk and deputy; also signatures of president and secretary of board of examiners. Arr. chron. by dates of recordings. Indexed alph. by names of pharmacists. Hdw. pr. fm. 152 pp. 14 x 9 x 1. Clk. off.

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Corporations (See also entries 296-301)

134. RECORD OF BOND AND SURETY COMPANIES, 1881---. 1 vol. No prior records.
List submitted by state insurance commissioner to county clerk, of all corporations holding certificates of authority to do business in this state, engaged in business of guaranteeing or becoming a surety upon bonds or undertakings required or authorized by law, showing full name of corporation, name of state, territory, or county in which company was organized, date of original certificate of authority to do business in this state, date of last certificate of authority issued to each corporation, date of surrender, revocation, or suspension of certificate, and remarks. Arr. chron. by dates of original certificates. Indexed alph. by names of corporations. Hdw. pr. fm. 250 pp. 18 x 12 x 1½. Clk. off.

135. INDEX TO CORPORATIONS (Record of Articles of Incorporation), 1850---. 1 vol. 1850-1931 also in Articles of Incorporation, entry 136.
Record of articles of incorporation not an index to any record, showing name of corporation, date of filing, and certificate number. Arr. alph. by names of corporations. No index. Typed. 600 pp. 18½ x 12 x 3. Clk. off.

136. ARTICLES OF INCORPORATION, 1850-1931. 1 vol.
Duplicate of Index to Corporations (Record of Articles of Incorporation), entry 135. Arr. num. by certificate numbers in chron. sequence. No index. Hdw. 200 pp. 16 x 12 x 2. Clk. off.

137. INCORPORATIONS, 1867---. 55 f.b. (lbld. by inclusive certificate nos. 1-4188). No prior records.
File of original articles of incorporations, showing name and purpose of corporation, names and addresses of incorporators, certificate number, amount of capital, value of shares, place of business, life of corporation, signature of notary public, date of incorporation, and seal of secretary of state. Arr. num. by certificate numbers in chron. sequence. For index see entry 138. 13½ x 10 x 4½. Clk. off.
For prior copies of articles, see entry 141.

138. INDEX TO ARTICLES OF INCORPORATIONS, 1850---. 2 vols.
Index to Incorporations, entry 137, showing name of corporation, names of incorporators, officers, place and nature of business, and certificate number. Arr. alph. by names of corporations. Hdw. 1850-1927; typed 1928---. Av. 500 pp. 18 x 12 x 3. Clk. off.

139. CERTIFICATE OF REVIVOR, 1919---. 2 vols. 1917-18 unaccounted for.
Original certificates directed to county clerk by state controller, restoring all rights and privileges, upon payment of accrued taxes, and penalties due the state, issued to corporations that have been suspended, showing name of corporation, amount of tax paid, signature of state controller, date of issuance, and signatures of county clerk and deputy. Arr. chron. Indexed alph. by names of corporations. Hdw. pr. fm. Av. 150 pp. 14 x 8 x ½. Clk. off.

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140. CORPORATIONS FAILING TO PAY TAX, 1906--. 50 vols. Initiated 1906, 11 years before it was required by law.
Certified copies of compiled statements of domestic corporations whose charters have been forfeited and foreign corporations whose right to do business in the state has been forfeited, showing corporation number and name, under what law organized, principal place of business, date received, and signature of secretary of state. Arr. chron. No index. Pr. Av. 200 pp. 9½ x 6 x ¼. Clk. off.

141. RECORD OF INCORPORATIONS, 1853-88. 2 vols. (A, B). No prior records. Discontinued.
Copies of articles of incorporation, showing nature of business to be transacted, location of business, period of incorporation, names and addresses of incorporators, and date of filing. Arr. chron. Indexed alph. by names of corporations. Hdw. pr. fm. Av. 640 pp. 18 x 12 x 2. Clk. off.
For subsequent original articles, see entry 137.

142. SURETY COMPANY RECORDS, 1915--. 1 vol. 1907-14 unaccounted for.
Record of bond and surety companies who have filed certificate to do business within the county, showing date filed, name of company, certificate of authority from state, power of attorney, revocation of power of attorney, and name of representative. Arr. chron. Indexed alph. by names of companies. Hdw. pr. fm. 173 pp. 14 x 9 x 1. Clk. off.

143. CERTIFICATES OF SURETY COMPANIES, 1928--. 2 f.b. (A-G, H-Z). 1907-27 destroyed.
File of original instruments, containing financial statements of corporations, certificates of power of attorney, revocations of same, and certifications by state insurance commissioner granting certificate of authority to engage in business of guaranteeing or becoming surety upon bonded undertakings, showing date of filing, name of corporation, and signature of county clerk. Arr. chron. No index. 13½ x 10 x 4½. Clk. off.

Partnerships

144. CO-PARTNERSHIPS (Register of Partnerships), 1873-1912. 1 vol. 1873-1903, also in Register of Partnerships, entry 146.
Register of persons forming partnerships, showing number of certificate, name of firm, names of partners comprising firm, kind and place of business, and date of filing. Arr. alph. by names of firms. No index. Hdw. 300 pp. 18 x 12 x 2. Clk. off.

145. CO-PARTNERSHIPS, 1874-1912. 2 f.b. 1913-- in Fictitious Names, entry 148.
File of original certificates of copartnerships, showing firm name, place of business, name of partners, and place of residence of all members of the partnership, and date of filing; also, affidavits of publication. Arr. chron. No index. Hdw. pr. fm. 13½ x 10 x 4½. Clk. off.
For subsequent records see entry 148.

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146. REGISTER OF PARTNERSHIPS, 1873-1903. 1 vol.
Duplicate of Copartnerships (Register of Partnerships), entry 144. Arr. chron. Indexed alph. by firm names. Hdw. pr. fm. 250 pp. 16 x 11 x 2. Clk. off.

147. REGISTER OF FICTITIOUS NAMES, 1911--. 2 vols.
Record of certificates of persons or partnerships using fictitious names, showing names of persons or partnerships, fictitious business name, date of certificate, and date of filing papers. Also contains: Copartnerships (Register of Partnerships), 1913--, entry 144. Arr. alph. by fictitious names. No index. Hdw. pr. fm. Av. 250 pp. 16 x 12 x 1½. Clk. off.

148. FICTITIOUS NAMES, 1911--. 11 f.b.
Certificates of persons and partnerships doing business under fictitious names, showing name business is being conducted under, nature of business, names in full of person or persons conducting business and place or places of residence, affidavit of publication with name of paper publishing notice, file number and date of filing. Both instruments subscribed and sworn to before notary public. Also contains: Copartnerships, 1913--, entry 145. Arr. num. by chron. sequence. No index. Typed pr. fm. 13½ x 10 x 4½. Clk. off.

Maps

149. MAP OF LOS GATOS, approx. 1931. 1 map.
Political map, showing streets and boundaries. F. C. Harriman, publisher, San Jose. Colored. Scale 1 in. equals 150 ft. Size 58 x 54. Clk. off.

150. MAP OF SANTA CLARA COUNTY, 1914, 1929. 2 maps.
Political maps, showing towns, subdivisions, and roads. McMillan & McMillan, publishers, San Jose. Colored. Scale 4½ in. equals 3 miles. Size 89½ x 67 and 110 x 69. Clk. off.

151. MAP OF 3/4 OF SANTA CLARA COUNTY, approx. 1930. 2 maps.
Political maps covering in one case, central northeastern, and northwestern part of county; in the other, southeastern, southwestern, and the extreme south portion of county. McMillan & McMillan, publishers, San Jose. No scale indicated. Size 74 x 96 and 75 x 93. Clk. off.

152. STREET MAP OF SANTA CLARA COUNTY, approx. 1930. 1 map.
Communications map, showing rural free delivery routes, house numbers, and all street names. Thomas Brothers, Oakland, and San Francisco, publishers. Colored. Scale 1 in. equals 5 miles. 62½ x 50. Clk. registration off.
For other street maps, see entries 579, 843.

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153. MAP OF SAN JOSE AND OUTLYING TERRITORY, approx. 1930. 1 map. Political map, showing roads and boundaries. McMillan & McMillan, publishers, San Jose. Colored. Scale 1 in. equals 500 ft. Size 72 x 81. Clk. off.

For another map of San Jose, see entry 720.

154. PRECINCT MAPS OF SANTA CLARA COUNTY, 1929---. 17 maps. Precinct maps of cities, towns, and unincorporated areas of county, showing precinct boundaries, precinct name and number, block numbers and streets, and roads within precinct boundaries. Published by Surveyor's Office, San Jose. Red and white. Scale varies 1 in. equals 300 ft. to 1 in. equals 1000 ft. Size varies 20 x 30 to 30 x 36. Registration off.

Financial
(See entries 14-41)

155. FEE BOOK, 1876-90. 5 vols. (A-E). No prior records. Daily record of fees collected by clerk, showing date of entry, from whom received, nature of services rendered, gross receipts, amount returned, fees from recording of licenses, library tax, amount paid, net amount, and remarks. Arr. chron. No index. Hdw. Av. 200 pp. 18⅓ x 12 x 2. Clk. off.

For subsequent records, see entry 157.

156. RECEIPTS BOOKS, 1934---. 181 vols. No prior records. Official cash receipt book, county of Santa Clara, office of county clerk, showing number of receipt, received of, amount, nature of service rendered, date of entry, and signature of deputy clerk. Arr. num. by receipt numbers in chron. sequence. No index. Hdw. pr. fm. Av. 100 pp. 8 x 5 x 1. Clk. bsmt. vlt.

157. CLERK'S CASH REGISTER, 1891---. 35 vols. (dated). Record of money collected by the clerk, showing date of entry, name of litigant, nature of service rendered, register number, amount of deposits, library tax, amount returned, fees chargeable, cash fees, fees for recording licenses, and remarks. Arr. chron. No index. Hdw. Av. 200 pp. 8½ x 12 x 2. 14 vols., 1891-1910, clk. bsmt.; 21 vols., 1911---, clk. off.

For prior records, see entry 155.

158. RECEIPTS FOR MONEY DEPOSITED WITH COUNTY TREASURER, 1930---. 1 f.b. Prior records missing. Receipts from treasurer for money received from clerk, showing date received, on what account, amount, to what fund credited, signatures of county auditor and deputy. Arr. chron. No index. Hdw. pr. fm. 13 x 10 x 4. Clk. off.

159. EXPENSE OF COUNTY OFFICERS, 1901-15. 14 vols. No prior or subsequent records. Record of vouchers for expense of county officers, showing date of entry, amount, and nature of services rendered or expense incurred, and by what

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office. Arr. chron. Indexed alph. by office headings. Hdw. Av. 75 pp. 16 x 15 x ¼. Clk. off.

For record of running expenses, 1901-26, see entry 24.

Miscellaneous

160. REGISTER OF DOCKED HORSES, 1907-8. 1 vol. Initiated 1907. Discontinued.

Copies of certificates of docked horses, showing certificate number of docked horse, date of entry, name of owner, certificate of animal's age, height, breed, name, color, and purpose for which used, signature of deputy and county clerk, and signature of owner. Arr. chron. Indexed alph. by names of owners. Hdw. pr. fm. 156 pp. (8 used) 14 x 8½ x 1. Clk. off.

For register of stallions, 1911-16, see entry 276.

161. LICENSE TO CARRY CONCEALED WEAPONS, 1930--. 54 bdls.; 1 f.b. Title varies: Fire Arm Licenses, Record, 1935.

Copies of licenses authorizing persons to carry small firearms, showing name of applicant, occupation, residence, business address, age, year, height, weight, color of eyes and hair, description of weapons, name of manufacturer, serial number of weapon, calibre, reason for desiring license to carry concealed firearms, date of issuance, signature of holder, title and signature of issuing officer. Arr. chron. No index. Bdls. av. 7 x 5 x 4; f.b. 13 x 10 x 4. F.b. 1935, clk. off.; bdls., 1930-34, 1936--, clk. bsmt. vlt.

For sheriff's records, 1932--, see entries 573-574.

162. LAND WARRANTS, SCHOOL 1852-75. 1 vol. (A). No prior or subsequent records.

Certificate of county surveyor that he has located school land, showing warrant number, name of holder of warrant, if assigned, names of assignees, legal description of land, date warrant was issued and city's authorization, stating date survey was completed, signatures of county surveyor and deputy county surveyor, date filed with county clerk, and signature of county clerk. Also certification by county clerk that said warrants are true and perfect copies of the originals filed in his office for record, showing warrant number, and signatures of county clerk and his deputy. Arr. chron. by dates of filing. No index. Hdw. pr. fm. 150 pp. 12 x 8 x 1. Clk. off.

For land warrants for reclamation, 1852--, see entry 28; for certificates of purchase of school lands and notice of outstanding warrants, 1860-74, see entry 211; for school land register, 1883-1931, see entry 637.

163. FIFTEENTH CENSUS OF POPULATION OF SANTA CLARA COUNTY, 1930. 1 f.b. No prior records.

Census taken on April 1, 1930, showing population (114,921), compared with figures (100-676) in 1920 census. There are 6,241 forms enumerated in the area for the fifteenth census, signed by supervisor of census. Arr. alph. by districts. No index. Hdw. pr. fm. 13 x 10 x 4. Clk. off.

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(Next entry 164, p. 105)

III. RECORDER

The office of recorder was originally established as an elective office for a term of two years, and the recorder was made ex-officio county auditor (1). The next year the county clerk was made ex-officio recorder and auditor (2). In 1860 all three offices were made separate (3). By an act of 1876 the offices of recorder and auditor were consolidated (4), and they remained so until 1893 when they became independent (5).

In 1893 the recorder's term of office was extended to four years (6). He is elected at the same general election at which the governor is elected (7).

The act creating the office provides that the recorder shall have the custody of, and safely keep and preserve all the books, records, deeds, maps, and papers deposited in his office. According to this act he must record in separate books: deeds, mortgages, whereby real estate is conveyed or affected; papers concerning real estate received from the Mexican authority at the time of the change of government; marriage contracts and certificates; commissions and official bonds; transcripts of judgments; and lists of estrays (8). Other acts of the same year require separate books for marks and brands (9), and inventories of separate property of married women (10).

The recorder is required to keep books for the recording of wills admitted to probate, mechanics' liens, notices of attachment upon real estate, notices of pendency of actions, instruments relating to the separate property of married women and notices of pre-emption claims. He is also required to keep 21 indexes in separate volumes labeled, "Grantors, Grantees, Mortgagors, Mortgagees, Releases of Mortgages-Mortgagors, Releases of Mortgages-Mortgagees, Powers of Attorney, Lessors, Lessees, Marriage Certificates-Men, Marriage Certificates-Women, Assignments of Mortgages and Leases-Assignors, Assignment of Mortgages and Leases-Assignees, Wills, Official Bonds, Mechanics' Liens, Transcripts of Judgments, Attachments, Notices of Action, Separate Property of Married Women, and Pre-emption Claims" (11). The recorder

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1. Cal. Stats. 1850, pp. 81, 151, 205.
2. Cal. Stats. 1851, p. 205.
3. Cal. Stats. 1860, p. 393.
4. Cal. Stats. 1875-76, p. 35.
5. Cal. Blue Book of 1893, p. 95.
6. Cal. Stats. 1893, p. 366.
7. Cal. Stats. 1897, p. 474.
8. Cal. Stats. 1850, p. 152.
9. Ibid., p. 157.
10. Ibid., p. 215.
11. Cal. Stats. 1851, p. 201.

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may keep any two or more of the indexes required in the same volume (1). Since 1852 he has been required to keep a book for recording certified copies of decrees of married women as sole traders (2).

The recording of mortgages on such personal property as is fixed in its structure to the soil has been required since 1853 (3). An amendment in 1857 requires recording of other types of personal property and an index to personal property mortgages (4). The recorder must file notices of purchase of swamp and overflowed lands (5), keep a record of patents granted by the United States government (6), and record marriages, births, divorces, and deaths (7). These vital statistic records have been kept irregularly. A fee book is required (8), and a record of certificates of sale, with an index must be kept (9). An act of 1870 requires recording of limited partnership certificates (10).

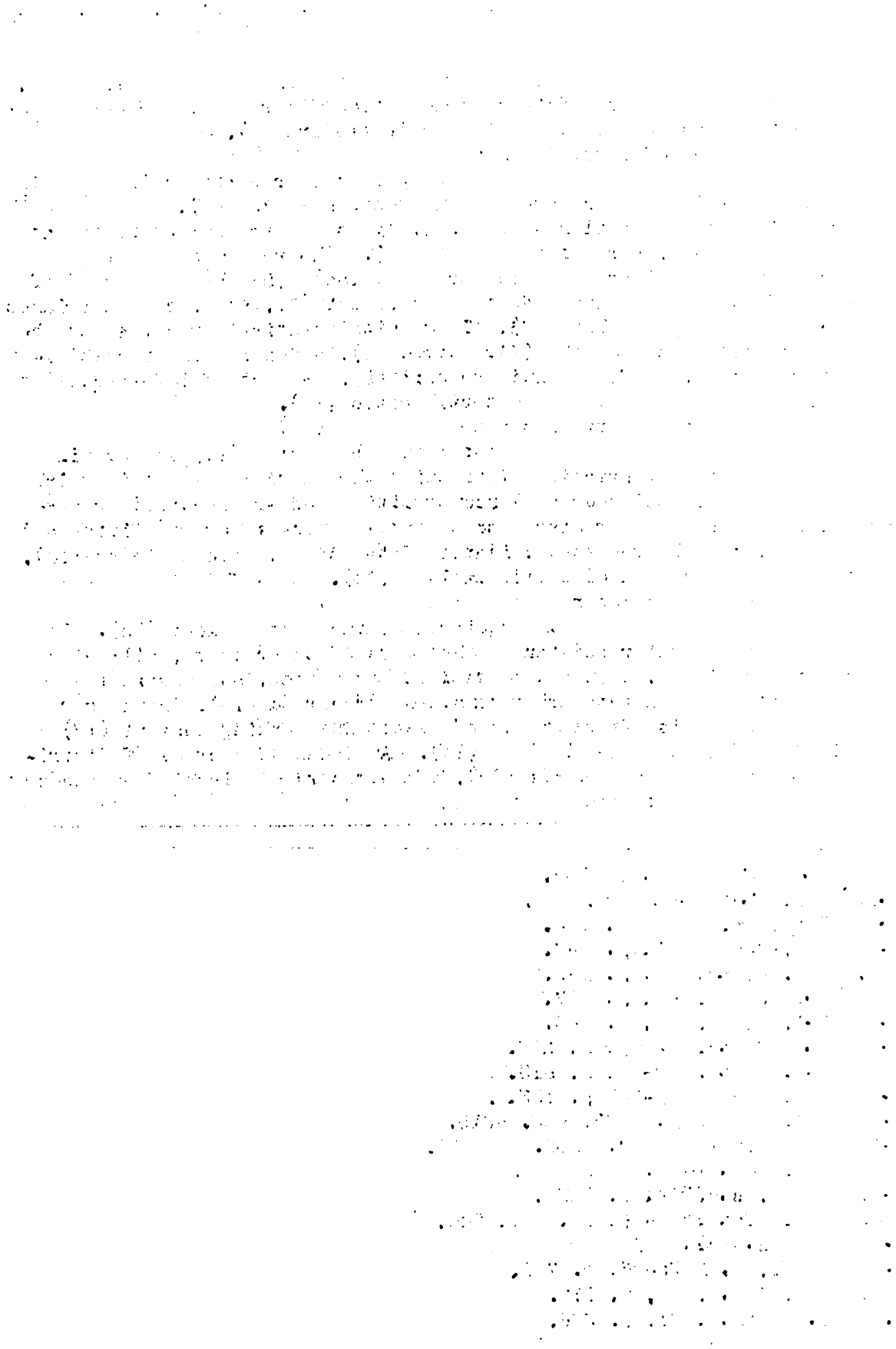
Notices of appropriation of water must be posted (11) and provisions in the political code of 1872 require that a book be kept in which are recorded "such other miscellaneous writings as are required or permitted by law to be recorded"; also an index to the record of births and deaths (12) and a book of certificates of tax sales, with an index (13). The latter provision was repealed in 1911 (14).

Records of oyster beds and squirrel claims must be kept (15). The recorder must index, upon order of the board of supervisors, all unindexed instruments heretofore recorded in his office, and record the maps on file in his office which remained unrecorded (16). Banks were required to file annual statements of assets and banking capital (17) until the law was repealed in 1893 (18). An index of decrees of distribution has been kept since 1891 (19), and a record of election expenses

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1. Cal. Stats. 1852, p. 166.
2. Ibid., p. 101.
3. Cal. Stats. 1853, p. 153.
4. Cal. Stats. 1857, p. 347.
5. Cal. Stats. 1855, p. 189.
6. Cal. Stats. 1857, p. 317.
7. Cal. Stats. 1858, p. 343.
8. Cal. Stats. 1863-64, p. 277.
9. Cal. Stats. 1865-66, p. 813.
10. Cal. Stats. 1869-70, p. 123.
11. Code Civil Proc. 1872, sec. 4015.
12. Pol. Code 1872, sec. 4235.
13. Ibid., sec. 3777.
14. Cal. Stats. 1911, p. 1436.
15. Cal. Stats. 1873-74, pp. 322, 940.
16. Ibid., p. 231.
17. Cal. Stats. 1875-76, p. 729.
18. Cal. Stats. 1893, p. 112.
19. Cal. Stats. 1891, p. 326.

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of candidates and committees since 1893 (1). An act of 1897 provides for a record of certificates of title to land secured under the Torrens Act (2). A suitable index was required (3), but this was dropped in 1913 (4).

Since 1901 certified architects have been required to file their certificates with the recorder (5). An act of 1903 requires that all official maps be filed with the recorder (6). The recorder keeps an index to certificates of residence (7), an index to mining locations (8), and a list of licensed land surveyors was added in 1907 (9). A stallion register was required in 1911 (10) but was dropped four years later (11), when an amendment required the record to be kept by the state. Since 1917 the recorder has been required to keep a record of perpetuated brands (12).

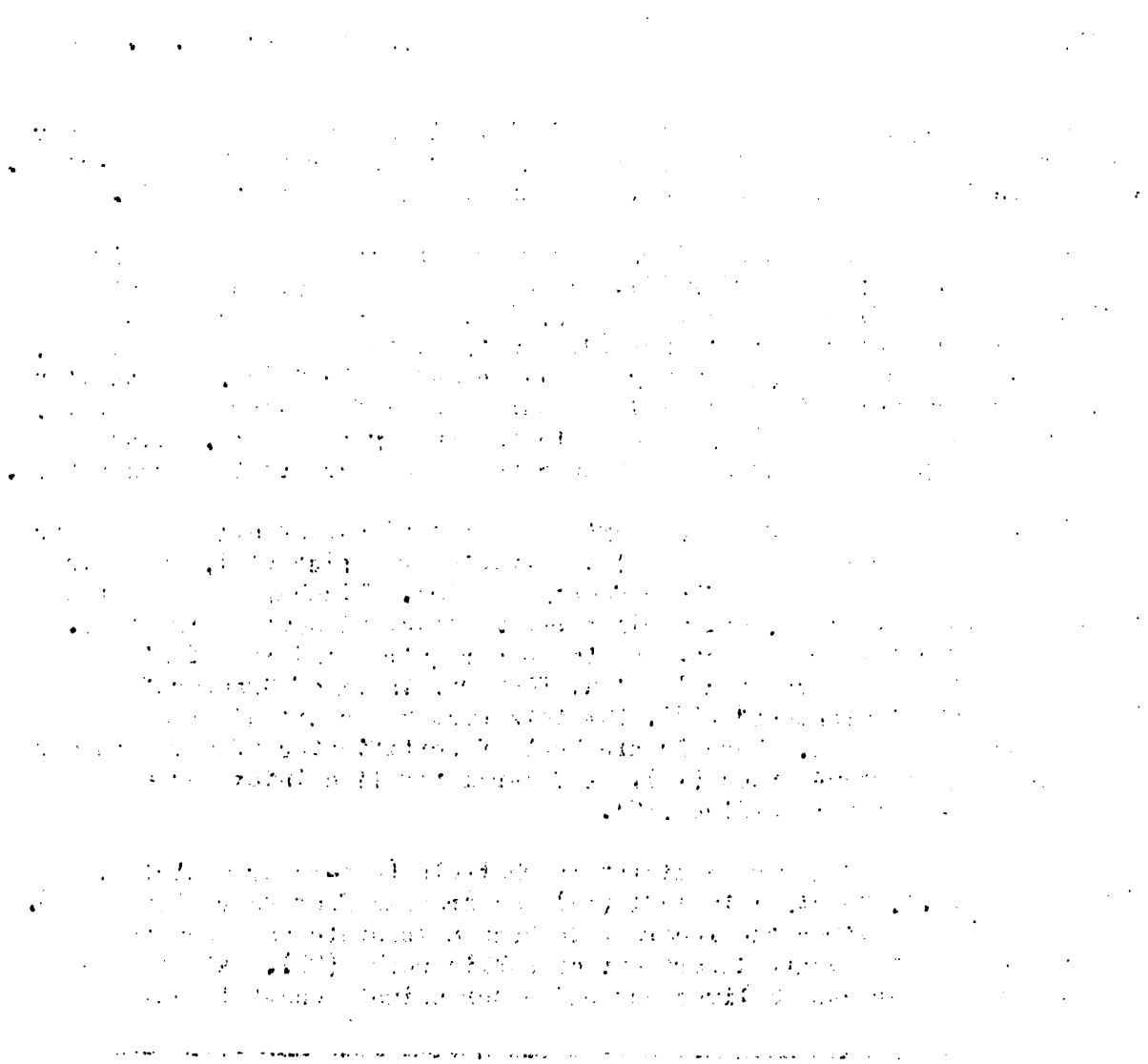
In 1919 the recorder was authorized to record any or all instruments in one general series of books called "official records" (13), and this system was adopted in Santa Clara County in 1923. Discharges of United States soldiers, sailors, and marines are recorded without charge (14). In 1921 the recorder was authorized to keep required indexes of his office in two sets of volumes labeled, "General Index of Grantors" and "General Index of Grantees" (15), but this system was not adopted in Santa Clara until 1923. Records are kept of certificates of corporations which have paid overdue taxes (16). A federal tax lien index may also be found in the recorder's office (17).

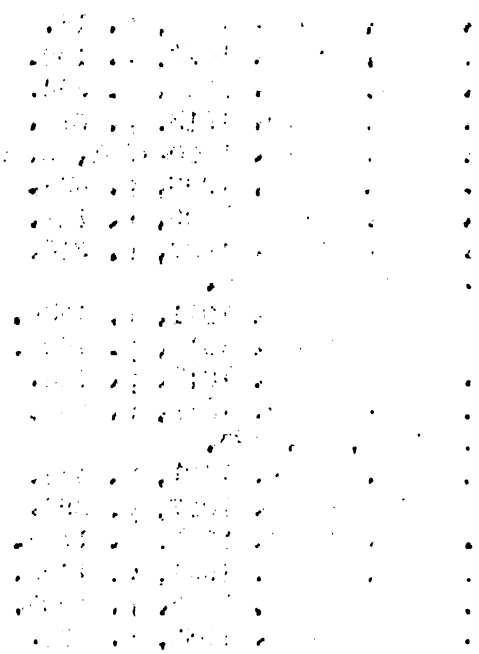
A record of mortgages on migratory chattels (non-motor vehicles, livestock, etc.), required in 1931 (18) and dropped four years later (19). An act of 1933 requires the recorder to keep a separate map book for highway maps of the state department of public works (20). All conditional sales contracts on livestock and other animate chattels and

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1. Cal. Stats. 1893, p. 15.
2. Cal. Stats. 1897, p. 138.
3. Cal. Stats. 1907, p. 394.
4. Cal. Stats. 1913, p. 514.
5. Cal. Stats. 1900-1901, p. 643.
6. Cal. Stats. 1903, p. 408.
7. Cal. Stats. 1905, p. 139.
8. Cal. Stats. 1907, p. 310.
9. Ibid., p. 394.
10. Cal. Stats. 1911, p. 1306.
11. Cal. Stats. 1915, p. 1495.
12. Cal. Stats. 1917, p. 138.
13. Cal. Stats. 1919, p. 236.
14. Ibid., p. 139.
15. Cal. Stats. 1921, p. 438.
16. Cal. Stats. 1917, p. 358.
17. Cal. Stats. 1923, p. 1124.
18. Cal. Stats. 1931, p. 1405.
19. Cal. Stats. 1935, p. 1009.
20. Cal. Stats. 1933, p. 964.

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on equipment and machinery used for mining purposes must be filed with the recorder (1). The recorder must maintain a file of corporations delinquent in their taxes and file orders of condemnation of property (2).

Judgments, writs of attachments, and executions are recorded to create liens upon the property of the judgment debtor (3).

All the records of the recorder are kept in the hall of records unless otherwise indicated.

General and Mixed Property Records

164. GENERAL INDEX, 1850-1922. 167 vols. (45 vols. lbld. by inclusive letters of alphabet, 1-122). 1923-- in Index to Official Records, entry 166.

Indexes all recordings in the recorder's office, except births and deaths, showing kind of instrument, date filed, names of grantors and grantees, volume and page of record. Also contains: Index to Builders Contracts, 1855-1912, entry 251; Index to Wills, 1872-1922, entry 282; Index to Attachments, 1855-65, entry 289; Index to Executions, 1862-75, entry 293; Index to Official Bonds, 1850-76, entry 329; Delivery Book, 1850-1922, entry 333. Arr. alph. by names of grantors and grantees. Hdw. Av. 640 pp. 18 x 12 x 2. Rcdr. off.

165. OFFICIAL RECORDS, 1923--. 888 vols. (1-888). Initiated 1923.

Recordings of all legal instruments by recorder, except for certain types especially exempted by statutes. Contains: Miscellaneous (Recordings), entry 167; Powers of Attorney, entry 171; (Bills of Sale), entry 174; (Notice of Default and Notice of Election to Sell), entry 176; (Notice of Intended Sale), entry 177; Sole Traders, entry 180; Separate Property of Married Women, entry 182; (Settlement of Property Rights), entry 184; Deeds, entry 190; Trust Deeds, entry 196; Declaration of Homesteads, entry 200; Abandonment of Homesteads, entry 203; Pre-Emptions, entry 205; Certificates of Sale, entry 209; Redemptions, entry 216; Certificates of Redemption, entry 220; Mortgages, entry 226; Release of Mortgages, entry 229; Leases, entry 234; Assignment of Leases, entry 237; Assignments of Mortgages, entry 239; Mechanics' Liens, entry 242; (Resolutions), entry 249; (Builders' Contracts), entry 250; (Memorandum Contracts), entry 254; (Notice of Completion of Contracts), entry 256; Water and Mineral Claims, entry 260; (Promissory Notes), entry 267; Chattel Mortgages, entry 268; (Notice of Intended Chattel Mortgages), entry 270; Estrays, entry 275; Judgments, entry 278; (Satisfaction of Judgments), entry 280; Lis Pendens, entry 285; Attachments, entry 288;

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1. Cal. Stats. 1933, p. 863.
2. Ibid., p. 299.
3. Cal. Stats. 1897, p. 214.

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Release of Attachments, entry 290; Executions, entry 292; (Appointments of Trustees or Substitutions), entry 294; (Decrees, Orders to Mortgage), entry 295; (Certificate of Fictitious Names), entry 296; (Certificate of Residence), entry 300; (Architects' Licenses), entry 302; Election Expense Statements, entry 326; Official Bonds, entry 328; (Establishment of Fire Districts), entry 337; (Army, Navy and Marine Discharges), entry 338. Arr. chron. by dates of recordings. For index see entry 166; for additional index to Chattel Mortgages, see entry 269. Typed. Av. 600 pp. 18 x 12 x 2. Rcdr. off.

166. INDEX TO OFFICIAL RECORDS, 1923--. 100 vols. (4 sets, each 1bld. 1-25).

Index to Official Records, entry 165, showing date filed, names of grantee or plaintiff and grantor or defendant, type of instrument, and volume and page of record. Also contains: General Index, entry 164; Index to Miscellaneous (Recordings), entry 169; Index to Powers of Attorney, entry 172; Index to Separate Property of Married Women, entry 183; (Index to Patents), entry 188; Index to Deeds, entry 193; Index to Deeds, Decrees, entry 195; Index to Trust Deeds, entry 197; Index to Trustees in Trust Deeds, 1923-26, entry 198; Index to Homesteads, entry 201; Index to Pre-Emption Claims, entry 206; Index to Certificates of Sale, entry 210; Index to Mortgages, entry 227; Index to Release of Mortgages, Real and Personal Property, entry 230; Index to Leases, entry 235; Index to Assignments, Mortgages and Leases, entry 240; Index to Mechanics' Liens, entry 243; Index to Wills, entry 282; Index to Notice of Actions, Lis Pendens, entry 286; Index to Attachments, entry 289; Index to Executions, entry 293; Index to Official Bonds, entry 329. Arr. alph. by names of parties. Hdw. Av. 450 pp. 17 x 14 x ½. Rcdr. off.

167. MISCELLANEOUS (Recordings), 1855-1922. 76 vols. (A-Z, 1-50). 1923--, in Official Records, entry 165.

Recordings of various legal instruments. Contains: (Bills of Sale), entry 174; (Notice of Default and Notice of Election to Sell), entry 176; (Notice of Intended Sale), entry 177; Sole Traders, 1917-22, entry 180; Separate Property of Married Women, 1855-74, 1911-22, entry 182; (Settlement of Property Rights), entry 184; Pre-Emptions, 1885-1922, entry 205; Redemptions, 1855-1911, 1913-22, entry 216; (Certificates of Redemption), entry 220; Assignment of Leases, 1855-74, entry 237; Assignments of Mortgages, 1855-71, entry 239; (Resolutions), entry 249; (Builders' Contracts), entry 250; (Memorandum Contracts), entry 254; (Notice of Completion of Contracts), entry 256; Water and Mineral Claims, 1855-97, entry 260; (Promissory Notes), entry 267; (Notice of Intended Chattel Mortgages), entry 270; (Satisfaction of Judgments), entry 280; Attachments, 1855-65, entry 288; (Appointments of Trustees or Substitutions), entry 294; (Decrees, Orders to Mortgage), entry 295; (Certificates of Fictitious Names), entry 296; (Certificate of Residence), 1905-22, entry 300; (Architects' Licenses), 1901-22, entry 302; Official Bonds, 1855-74, entry 328; (Establishment of Fire Districts), 1907-22, entry 337; (Army, Navy and Marine Corps Discharges), 1919-22, entry 338. Arr. chron. by dates of recordings. For index see entry 169. Hdw. 1855-1902; typed 1903-22. Av. 640 pp. 18 x 12 x 2. Rcdr. off.

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168. MISCELLANEOUS (Original Instruments), 1850-1922. 4 f.b. 1923— in Filed Papers, entry 185.
Miscellaneous file of various original instruments. Contains: Notice of Sale, 1850-1902, entry 178; (Articles of Separation) entry 181; (Sheriff's Certificate of Sale), 1863-1922, entry 207; (Assignments), entry 236; Notice of Completion, 1850-96, entry 257. Arr. chron. by dates of filing. No index. Hdw. 12 x 10 x 4. Rcdr. off.

169. INDEX TO MISCELLANEOUS (Recordings), 1850-1922. 11 vols. (A-K). 1923— in Index to Official Records, entry 166.
Index to Miscellaneous (Recordings), entry 167, showing date of grantor and grantee, instrument, volume and page of record. Also contains: Index to Pre-Emption Claims, 1881-1922, entry 206; Index to Separate Property of Married Women, 1850-75, 1905-22, entry 183; Index to Assignments, Mortgages and Leases 1855-73, entry 240. Arr. alph. by names of grantors and grantees. Hdw. Av. 640 pp. 18 x 12 x 2. Rcdr. off.

170. POWERS OF ATTORNEY, 1850-1922. 3 f.b. 1923 in Filed Papers, entry 185.
Original documents, showing name of party granting power to person to act as representative, name of representative, description of legal powers and rights conferred, reason for appointment, and date of filing. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.

171. POWERS OF ATTORNEY, 1854-1922. 10 vols. (A-J). 1923— in Official Records, entry 165.
Recordings of original instruments described in entry 170. Arr. chron. by dates of recording. For index see entry 172. Hdw. 1854-1903; typed 1904-22. Av. 600 pp. 18 x 12 x 2. Rcdr. off.

172. INDEX TO POWERS OF ATTORNEY, 1854-1922. 3 vols. (A-C). 1923— in Index to Official Records, entry 166.
Index to Powers of Attorney, entry 171, showing name of parties executing powers, names of persons to whom powers executed, date of execution, date of recording, and volume and page of record. Arr. alph. by names of agents and principals. Hdw. 1854-98; typed 1899-1922. Av. 400 pp. 18 x 12 x 1½. Rcdr. off.

173. AGREEMENTS, 1850-1922. 3 f.b. 1923— in Filed Papers, entry 185.
Original agreements between persons to perform work, purchase or sell property and act as agent, showing names of parties to agreement, terms of agreement, and date filed. Arr. chron. No index. Hdw. and typed. 12 x 10 x 4. Rcdr. off.

174. (BILLS OF SALE), 1855—. 1855-1922 in Miscellaneous (Recordings), entry 167; 1923— in Official Records, entry 165.
Recorded certificates of title to property sold, showing names of buyers and sellers, description of property sold, where located, terms of sale, and date filed.

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175. BILLS OF SALE, 1850-1922. 2 f.b. 1923-- in File Papers, entry 185.
Original instruments for recordings described in entry 174. Arr. chron. by dates of filing. No index. Hdw. 12 x 10 x 4. Rcdr. off.

176. (NOTICE OF DEFAULT AND NOTICE OF ELECTION TO SELL), 1855--. 1855-1922 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recorded notices of default in payment of interest and payment according to notes, and statement of person giving notice that he elects to sell property on foreclosure, showing names of persons involved, and date of filing.

177. (NOTICE OF INTENDED SALE), 1855--. 1855-1922 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recorded notices by original owner of sale of encumbered property, showing nature of intended sale, names of parties involved, description of articles of property, location, date of execution, and date of filing.

178. NOTICE OF SALE, 1903-22. 1 f.b. 1850-1902 in Miscellaneous, (Original Instruments), entry 168; 1923-- in File Papers, entry 185.
Original proposals to sell property and records of ultimate disposal of same, showing name of owner, name and address of buyer, date of sale, date filed, and declaration that date and place of sale has been recorded. Arr. chron. by dates of filing. No index. Hdw. 12 x 10 x 4. Rcdr. off.

179. SOLE TRADERS, 1852-1905. 1 f.b. 1906-- in File Papers, entry 185.
Original affidavits by married women before a notary public that affiant will continue business in her own name, and on her own account, showing oath as to amount of capital invested, married name, maiden name, and date filed. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.

180. SOLE TRADERS, 1854-1916. 1 vol. 1917-22 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recordings of original documents described in entry 179. Arr. chron. by dates of recording. Indexed alph. by names of declarers. Hdw. 600 pp. 12 x 10 x 2. Rcdr. off.

181. (ARTICLES OF SEPARATION), 1850--. 1850-1922 in Miscellaneous (Original Instruments), entry 168; 1923-- in File Papers, entry 185.
Original articles of agreement to separation by married couples, showing names, when and where married, nature of agreements, and date of filing.

182. SEPARATE PROPERTY OF MARRIED WOMEN, 1875-1910. 1 vol. (A). 1850-74, 1911-22 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recorded inventories of personal property of married women exempted from attachment for husband's debts, showing name of wife, description

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of property and date recorded. Arr. chron. For index, 1875, 1905-10, see entry 169; 1876-1904, entry 183. Hdw. 640 pp. 18 x 12 x ½. Rcdr. off.

183. INDEX TO SEPARATE PROPERTY OF MARRIED WOMEN, 1876-1904. 1 vol. (A). 1850-75, 1905-22 in Index to Miscellaneous (Recordings), entry 169; 1923-- in Index to Official Records, entry 166.

Index to Separate Property of Married Women, entry 182, showing names of women executing declaration of separate property, date recorded, and volume and page of record. Arr. alph. by names of declarers. Hdw. 275 pp. 18 x 11 x ½. Rcdr. off.

184. (SETTLEMENT OF PROPERTY RIGHTS), 1855--. 1855-1922 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.

Recordings of arrangements by married couples regarding rights to property jointly owned, showing names of parties concerned, amount of settlement, relinquishment of all claims for alimony, attorney's fees, and support for maintenance of other claims to any property that may have arisen by reason of marriage.

185. FILED PAPERS, 1850--. 9 f.b; 39 f.d. (21-59)

Miscellaneous original documents. Contains: Powers of Attorney, 1923--, entry 170; Agreements, 1923--, entry 173; Bills of Sale, 1923--, entry 175; Notice of Sale, 1923--, entry 178; Sole Traders, 1906--, entry 179; (Articles of Separation), 1923--, entry 181; Patents, 1923--, entry 186; Deeds, 1923--, entry 189; Santa Clara County Deeds, 1907--, entry 191; Homesteads, 1923--, entry 199; (Abandonment of Homesteads), 1923--, entry 202; Pre-Emptions, 1877--, entry 204; (Sheriff's Certificate of Sale), 1923--, entry 207; Certificate of Tax Sales, 1895--, entry 208; (Certificates of Redemption of Real Estate), entry 217; Mortgages, 1923--, entry 225; Release of Mortgages, 1923--, entry 228; Leases, 1923--, entry 233; Assignments, 1923--, entry 236; Assignment of Mortgages, 1923--, entry 238; Mechanic's Liens, 1923--, entry 241; Delinquent Tax Lists, 1923--, entry 246; Resolutions, entry 248; (Builders' Contracts), 1930--, entry 252; (Memorandum Contracts), 1930--, entry 253; (Plans and Specifications), 1930--, entry 255; Notice of Completion, 1923--, entry 257; Judgments, 1923--, entry 277; Probate Orders, 1923--, entry 283; Lis Pendens, 1923--, entry 284; Executions, 1923--, entry 291; (Death Certificates), entry 311; (Reports for Calvary Cemetery), 1907-17, entry 317; Bonds, 1912--, entry 327; Letters and Receipts Filed, 1850-1900, 1906--, entry 334. Arr. chron. by dates of filing. No index. Hdw. F.b. av. 12 x 10 x 4; f.d. av. 24 x 20 x 8. Rcdr. off.

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Real Property
(See also entries 434-442, 595-598)

Transfers

186. PATENTS, 1850-1922. 1 vol. (B); 1 f.b. 1923-- in Filed Papers, entry 185.
Original registrations of patents to lands, showing name of patentee, description of property, signature of President of the United States, and date of filing. Arr. chron. No index. Hdw. 12 x 10 x 4. 1850-67, clk. off.; f.b. 1868-1922, rcdr. off.
For prior records, see entry 434.

187. RECORD OF PATENTS, 1852--. 8 vols. (A-H). No prior records. Recording of original documents, showing name of patentee, description of property, and date recorded. Arr. chron. No index 1852-67, but for guide to names of patentees, see entry 434; for index 1868-1922, see entry 188; for index 1923--, see entry 166. Hdw. Av. 600 pp. 18 x 12 x 1½. Rcdr. off.

188. INDEX TO ORIGINAL GRANTS, 1868-1922. 1 vol. 1923-- in Index to Official Records, entry 166.
Index to Record of Patents, entry 187, showing date, name of grantee and grantor, lot, block, range, base line, and volume and page of record. Arr. alph. by names of patentees. Hdw. 475 pp. 18 x 12 x 1¼. Rcdr. off.

189. DEEDS, 1850-1922. 55 f.b. (lbld. by inclusive letters of alphabet). 1923-- in Filed Papers, entry 185.
Original papers establishing the ownership of property, showing names of grantors and grantees, date filed, description of consideration, description of property, notarization, and endorsement. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.

190. DEEDS, 1842-1922. 591 vols. (A-H, J-Z, 1-566); 13 duplicate vols. 1923-- in Official Records, entry 165; 1927--, also in entry 595.
Transcribed recordings of entries 437-442, 1842-50, and recordings of original documents described in entry 189; contains the following types of deeds: tax deeds, deeds of gift, grant deeds, grants, bargain and sale deeds, quitclaim deeds, trustee's deeds, warranty deeds, and cemetery deeds. Also contains: Deeds to State of California, 1850-95, 1912--, entry 244. Arr. chron. by dates of recordings. No index, 1842-45; for index 1846-1922, see entries 193-195. Hdw. 1850-1906; typed 1907--. Av. 639 pp. 18 x 12 x 1½. Rcdr. off.; duplicate vols., in bsmt.

191. SANTA CLARA COUNTY DEEDS, 1882-1906. 1 f.b. Prior records destroyed. 1907-- in Filed Papers, entry 185.
Original deeds issued to the County of Santa Clara. For description of contents, see entry 189. Arr. chron. by dates of filing. For index see entry 193. Hdw. 12 x 10 x 4. Rcdr. off.

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192. INDEX TO DEEDS, TOWN OF SANTA CLARA, 1850--. 1 vol.
Index to recordings now unaccounted for, showing name of grantor and grantee, and page number. Arr. alph. by names of grantors. Hdw. 50 pp. 12 x 18 x ½. Bsmt., H.R.

193. INDEX TO DEEDS, 1846-1922. 65 vols. (dated) and 13 dup. vols. (A-M, 1853-73. 1923-- in Index to Official Records, entry 166.
Index to Deeds, entry 190; 1882-1906, indexes Santa Clara County Deeds, entry 191 and 1896-1911, indexes Deeds to State of California, entry 244, showing names of grantors and grantees, date, volume and page of record. Arr. alph. by names of grantors and grantees. Hdw. Av. 650 pp. 18 x 12 x 2. Rcdr. off.

194. INDEX TO DEEDS, CITY OF SAN JOSE, 1850--. 1 vol.
Index to deeds pertaining to the entry of San Jose found in Deeds, entry 190, showing names of grantors and grantees, and volume and page of record. Arr. alph. by names of grantors and grantees. Hdw. pr. fm. 12 x 18 x ½. Bsmt., H.R.

195. INDEX TO DEEDS, DECREES, 1874-76, 1892-1922. 5 vols. (dated). 1850-73 in General Index, entry 164; 1923-- in Index to Official Records, entry 166.
Index to decrees in Deeds, entry 190, showing date, names of grantors and grantees, instrument, and volume and page of record. Arr. alph. by names of grantors and grantees. Hdw. Av. 400 pp. 18 x 12 x 1½. Rcdr. off.

196. TRUST DEEDS, 1872-1922. 195 vols. (A-Z, 1-169). Initiated 1872. 1923-- in Official Records, entry 165.
Recording of trust deeds for real property, showing name of trustor, trustee, and beneficiary, legal description of property involved, and date recorded. Arr. chron. For index see entry 197. Hdw. pr. fm. 1872-1917; typed 1918-22. Av. 650 pp. 18 x 12 x 2. Rcdr. off.

197. INDEX TO TRUST DEEDS, 1872-1922. 19 vols. (A-S). 1923-- in Index to Official Records, entry 166.
Index to Trust Deeds, entry 196, showing date, names of grantors, grantees, and trustees, and volume and page of record. Also contains: Index to Trustees in Trust Deeds, entry 198. Arr. alph. by names of grantors, and grantees, and trustees. Hdw. Av. 800 pp. 18 x 12 x 2. Rcdr. off.

198. INDEX TO TRUSTEES IN TRUST DEEDS, 1927--. 4 vols. (1-4). 1872-1922 in Index to Trust Deeds, entry 197; 1923-26 in Index to Official Records, entry 166.
Index to trustees in trust deeds, in Official Records, entry 165, showing file number, date recorded, names of trustees and trustors, and volume and page of record. Arr. alph. by names of trustees. Hdw. Av. 600 pp. 18 x 12 x 2. Rcdr. off.

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199. HOMESTEADS, 1851-1922. 7 f.b. 1923-- in Filed Papers, entry 185.
Original declarations by persons claiming lands as homesteads for the purpose of exemption from possible liens and judgments under $5,000, showing names of grantor, description and locality of land claimed, estimated value, affidavit, dates of filing. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.

200. DECLARATIONS OF HOMESTEADS, 1860-1922. 16 vols. (A-P). No prior records. 1923-- in Official Records, entry 165.
Recordings of original documents described in entry 199. Arr. chron. by dates of recordings. For index see entry 201. Hdw. 1860-1920; typed 1921-22. Av. 640 pp. 18 x 12 x 1½. Rcdr. off.

201. INDEX TO HOMESTEADS, 1860-1922. 4 vols. (A-D). 1923-- in Index to Official Records, entry 166.
Index to Declarations of Homestead, entry 200, showing date, name of patentee, volume and page of record. Arr. alph. by names of patentees. Hdw. Av. 400 pp. 18 x 11 x 1. 1 vol., 1860-92, bsmt.; 3 vols. 1893-1922, rcdr. off.

202. (ABANDONMENT OF HOMESTEADS), 1923-- in Filed Papers, entry 185. Prior records destroyed.
Original quitclaim deeds to land once claimed as homesteads, showing name of grantor, dates of filing, description of property, statement, and date of release.

203. ABANDONMENT OF HOMESTEADS, 1861-1922. 3 vols. (A-C). No prior records. 1923-- in Official Records, entry 165.
Recordings of original papers described in entry 202. Arr. chron. by dates of recordings. Indexed alph. by names of grantees in front of vol. A. Hdw. Av. 640 pp. 12 x 6 x 1½. Rcdr. off.

204. PRE-EMPTIONS, 1850-76. 2 f.b. 1877-- in Filed Papers, entry 185.
Original affidavits of claims to agricultural lands for homesteads, showing name of claimant, date of claim, description of property, and notarization. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.

205. PRE-EMPTIONS, 1850-84. 5 vols. (A-E). 1885-1922 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recording of original documents described in entry 204. Arr. chron. by dates of recordings. For index see entries 169, 206. Hdw. Av. 461 pp. 17 x 11 x 1½. Rcdr. off.

206. INDEX TO PRE-EMPTION CLAIMS, 1850-80. 1 vol. 1881-1922, in Index to Miscellaneous (Recordings), entry 169; 1923-- in Index to Official Records, entry 166.
Index to Pre-Emptions, entry 205, showing claimant's name, date of notice of claim, and volume and page of record. Arr. alph. by names of claimants. Hdw. 300 pp. 18 x 12 x 1. Rcdr. off.

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207. (SHERIFF'S CERTIFICATE OF SALES), 1863--. 1863-1922 in Miscellaneous (Original Instruments), entry 168; 1923-- in Filed Papers, entry 185.
Recorded certificates of sheriff's sales of property in satisfaction of judgment, showing names of judgment debtors and creditors, description of property, date of sale, and date and amount of judgment.
For other records of sheriff's sales, see entries 527, 681.

208. CERTIFICATE OF TAX SALES, 1851-94. 10 f.b. 1895-- in Filed Papers, entry 185.
Original certificates of sale of property for non-payment of taxes by sheriff, constable, or U.S. Marshall, and commissioner's certificates of sales on foreclosure, showing name of property owner, amount of delinquency, date of sale, description of property, amount of sale, signature of officer making sale, and notarization. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.

209. CERTIFICATES OF SALE, 1866-1922. 8 vols. (1-8). No prior records. 1923-- in Official Records, entry 165.
Recordings of original documents described in entry 208. Arr. chron. by dates of recordings. For index see entry 210. Hdw. 1866-1913; typed 1914-22. Av. 640 pp. 18 x 12 x 2. Rcdr. off.

210. INDEX TO CERTIFICATES OF SALES, 1850-1922. 5 vols. (A-C, C, D). 1923-- in Index to Official Records, entry 166.
Index to Certificates of Sale, entry 209, showing date of sale, name of purchaser, volume and page of record, and in case of sale by decree of court, names of defendant and plaintiff. Arr. alph. by names of purchasers. Hdw. Av. 500 pp. 18 x 12 x 1½. Rcdr. off.

211. SCHOOL LAND WARRANTS, 1860-74. 1 vol. No prior or subsequent records.
Record of certificates of purchase of land granted to state by congress, showing legal description of land, name of purchaser, date of certificate, and notices to purchasers of floating school warrants that might be possible encumbrances. Arr. chron. No index. Hdw. 640 pp. 15 x 10 x 1¼. Rcdr. off.

212. AFFIDAVITS OF PURCHASE OF LANDS, 1856-70. 1 f.b. No prior or subsequent records.
Decrees foreclosing and canceling certificate of purchase of state lands, showing date of cancelations, name of purchaser, applications, and affidavits to purchase state land. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.

Tax Sales and Redemptions (Entries 33-34, 245-246, 527, 593-594, 609-612, 646, 673-686)

213. CERTIFICATE OF SALE OF REAL ESTATE, 1872--. 73 vols. Prior records destroyed.
Certificates of sale of property sold for non-payment of taxes, showing name of delinquent taxpayer, amount due, date of sale, and legal description of property. Arr. chron. For index see entry 214. Hdw. pr. fm. Av. 400 pp. 15½ x 10 x 1½. Rcdr. off.

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214. INDEX TO CERTIFICATE OF TAX SALES, 1872--. 4 vols. (A-D). Index to Certificate of Sale of Real Estate, entry 213; Tax Sales, Gilroy, entry 223; Tax Sales, Palo Alto, entry 224, showing certificate number, tax year, to whom assessed, by whom assessed, to whom sold, when redeemed, and volume and page of record. Arr. alph. by names of taxpayers. Hdw. Av. 500 pp. 18 x 12 x 1½. Rcdr. off.

215. CITY OF SAN JOSE (Certificate of Sale), 1896-97. 1 f. b. No prior or subsequent records.
Certificates of sale of real estate for non-payment of taxes, showing names of property owners, description of property, amount of delinquent tax, date and amount of sale, and signatures of officers issuing certificate. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.

216. REDEMPTIONS, 1912. 1 vol. 1855-1911, 1913-22 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recordings of state controller's certificates of redemption, and record of receipts, showing names of property owners, legal description of property, amount of money, and date paid to county treasurer to redeem property. Arr. chron. For index see entry 164. Hdw. pr. fm. 640 pp. 18 x 12 x 2. Rcdr. off.
For controller's receipts for tax redemptions 1893--, see entry 221.

217. (CERTIFICATES OF REDEMPTION OF REAL ESTATE), 1850-- in Filed Papers, entry 185.
Original certificates, showing name of claimant, location and description of property redeemed, and date of filing.

218. STREET ASSESSMENTS, 1892-94. 1 f.b. No prior or subsequent records.
Original certificates of sale for unpaid street taxes in towns of Santa Clara County, showing name of owner, amount of assessment, date of assessment, amount of sale, date of sale, and signature of officer making sale. Arr. chron. by dates of sales. No index. Hdw. 12 x 10 x 4. Rcdr. off.

219. STREET ASSESSMENTS (San Jose), 1891-1916. 1 vol. No prior or subsequent records.
For description of contents see entry 218. Arr. chron. by dates of sales. No index. Hdw. 600 pp. 18 x 12 x 2. Rcdr. off.

220. (CERTIFICATES OF REDEMPTION), 1855--. 1855-1922 in Miscellaneous (Recordings), entry 167, 1923-- in Official Records, entry 165.
Name of claimant, lot and number of property redeemed, amount paid for redemption and date of filing.

221. TAX REDEMPTIONS, 1893--. 9 f.b. Prior records destroyed.
State controller's receipts for certificates of redemption of lands sold to state, showing name of taxpayer, description of property, date of sale, year of delinquent taxes, and signature of controller. Arr. chron. No index. Hdw. pr. fm. 12 x 10 x 4. Rcdr. off.
For recording of certificates of redemption, see entry 216.

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222. LIST OF TAX REDEMPTIONS FROM COUNTY AUDITOR, 1927--. 1 f.b. Initiated 1927.
Lists of tax redemptions of property sold for taxes, reported by county auditor, showing description of property, name of owner, date sold, date redeemed, and by whom redeemed. Arr. chron. by dates of redemptions. No index. Hdw. 12 x 4 x 10. Rcdr. off.

223. TAX SALES, GILROY, 1932--. 3 vols. Initiated 1932.
For description of contents see entry 213. Arr. chron. by dates of sales. For index see entry 214. Hdw. pr. fm. Av. 350 pp. 15 x 9 x 1. Rcdr. off.

224. TAX SALES, PALO ALTO, 1894--. 26 vols. Initiated 1894.
For description of contents see entry 213. Arr. chron. by dates of sales. For index see entry 214. Hdw. pr. fm. Av. 350 pp. 15 x 9 x 1. Rcdr. off.

Encumbrances

225. MORTGAGES, 1850-1922. 55 f.b. 1923-- in Filed Papers, entry 185.
Original mortgages, showing names of mortgagor and mortgagee, legal description of property involved, date of mortgage, and terms. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.

226. MORTGAGES, 1850-1922. 262 vols. (A-Z, 1-236). 1923-- in Official Records, entry 165.
Recordings of original documents described in entry 225. Arr. chron. by dates of mortgages. For index see entry 227. Hdw. 1850-1903; typed 1904-22. Av. 260 pp. 18½ x 12 x 2½. Rcdr. off.

227. INDEX TO MORTGAGES, 1847-1922. 35 vols. (A-S, 19 vols., 1847-91; 16 vols. dated 1892-1922). 1923-- in Index to Official Records, entry 166.
Index to records now missing, 1847-49; 1850-1922, indexes Mortgages, entry 226, showing names of mortgagee and mortgagor, date of mortgage, date discharged, volume and page of record. Arr. alph. by names of mortgagors and mortgagees. Hdw. Av. 875 pp. 18 x 12 x 2½. Rcdr. off.

228. RELEASE OF MORTGAGES, 1851-1922. 14 f.b. 1923-- in Filed Papers, entry 185.
Original instruments noting satisfaction of mortgages, showing names of mortgagor and mortgagee, date recorded, where recorded, notarized statement that debt is paid, endorsed satisfaction of mortgage, and date of release. Arr. chron. by dates of releases. No index. 12 x 10 x 4. Rcdr. off.

229. RELEASE OF MORTGAGES, 1854-1922. 37 vols. (A-Z, 1-11). 1923-- in Official Records, entry 165.
Recordings of original documents described in entry 228. Arr. chron. by dates of recordings. For index see entry 230. Hdw., 1854-1903; typed 1904-22. Av. 500 pp. 18 x 12 x 1½. Rcdr. off.

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230. INDEX TO RELEASE OF MORTGAGES, REAL AND PERSONAL PROPERTY, 1854-1922. 17 vols. (A-Q). 1923-- in Index to Official Records, entry 166.
Index to Release of Mortgages, entry 229, showing name of party releasing, to whom release given, date of release, volume and page of record. Arr. alph. by names of mortgagors and mortgagees. Hdw. Av. 250 pp. 18 x 12 x ½. Rcdr. off.

231. UNSATISFIED MORTGAGES, 1870-87. 7 vols. Subsequent records missing.
Recordings of unsatisfied mortgages, showing names of mortgagor and mortgagee, amount of mortgage, when due, residence of mortgagee, and when recorded. Arr. alph. by names of mortgagees. No index. Hdw. pr. fm. Av. 70 pp. 18½ x 14 x 1. Bsmt., H.R.

232. INDEX TO UNSATISFIED MORTGAGES, 1890. 1 vol.
Index to lost or destroyed volumes of Unsatisfied Mortgages, showing names of mortgagor and mortgagee, and volume and page of record. Arr. alph. by names of mortgagors and mortgagees. Hdw. pr. fm. Av. 75 pp. 17 x 12 x 1. Bsmt., H.R.

233. LEASES, 1851-1922. 3 f.b. 1923-- in Filed Papers, entry 185.
Original instruments, showing names of lessor and lessee, terms of lease, condition of lease, description of property, date of lease, and signature of both parties. Arr. chron. No index. Hdw. pr. fm. 12 x 10 x 4. Rcdr. off.

234. LEASES, 1852-1922. 19 vols. (A-S). 1923-- in Official Records, entry 165.
Recording of original documents described in entry 233. Arr. chron. by dates of recordings. For index see entry 275. Hdw. 1852-1907; typed 1908-22. Av. 675 pp. 18 x 12 x 2. Rcdr. off.

235. INDEX TO LEASES, 1852-1922. 4 vols. (A-D). 1923-- in Index to Official Records, entry 166.
Index to Leases, entry 234, showing names of lessor and lessee, date of lease, date recorded, and volume and page of record. Arr. alph. by names of lessees and lessors. Hdw. Av. 353 pp. 18 x 12 x 1. Rcdr. off.

236. (ASSIGNMENTS), 1850--. 1850-1922 in Miscellaneous (Original Instruments), entry 168; 1923-- in Filed Papers, entry 185.
Original transfers of sundry agreements, showing names of assignor, and assignee, nature of assignment, and date of filing.

237. ASSIGNMENT OF LEASES, 1875-1922. 2 vols. (A, B). 1855-74 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recordings of instruments assigning leases, showing names of assignor and assignee, date andterm of lease, date and term of assignment, and date of recording. Arr. chron. by dates of recordings. For index see entry 240. Hdw., 1875-1918; typed 1919-22. Av. 640 pp. 18 x 12 x 2. Rcdr. off.

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238. ASSIGNMENT OF MORTGAGES, 1851-1922. 3 f.b. 1923-- in Filed Papers, entry 185.
Original instruments assigning mortgages, showing name of assignor, and assignee, date of assignment, date filed, and names of mortgagor and mortgagee. Arr. chron. by dates filed. No index. Hdw. 12 x 10 x 4. Rcdr. off.

239. ASSIGNMENTS OF MORTGAGES, 1872-1922. 22 vols. (A-V). 1855-71 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recordings of official documents described in entry 238. Arr. chron. by dates of recordings. No index, 1872-73; for index, 1874-1922, see entry 240. Hdw. 1872-1903; typed 1904-22. Av. 650 pp. 18 x 12 x 2. Rcdr. off.

240. INDEX TO ASSIGNMENTS, MORTGAGES AND LEASES, 1874-1922. 6 vols. (A-F). 1855-73 in Index to Miscellaneous (Recordings), entry 169; 1923-- in Index to Official Records, entry 166.
Index to Assignment of Leases, entry 237, and Assignment of Mortgages, entry 239, showing names of assignor and assignee, instrument assigned, date of assignment, and volume and page of record. Arr. alph. by names of assignors and assignees. Hdw. Av. 400 pp. 18 x 12 x 1. Rcdr. off.

241. MECHANIC'S LIENS, 1850-1922. 3 f.b. 1923-- in Filed Papers, entry 185.
Original claims against property for materials or services furnished, showing amount of claim, to whom delivered, description of property, name of owner, where materials have been delivered or used, and date of lien. Arr. chron. No index. 12 x 10 x 4. Rcdr. off.

242. MECHANIC'S LIENS, 1850-1922. 11 vols. (A-K) and 1 dup. vol. (A). 1923-- in Official Records, entry 165.
Recordings of original documents described in entry 241. Arr. chron. by dates of recordings. No index, 1850-73; for index 1874-1922, see entry 243. Hdw. 1850-1913; typed 1914-22. Av. 640 pp. 18 x 12 x 1½. Rcdr. off.

243. INDEX TO MECHANIC'S LIENS, 1874-1922. 2 vols. (A, B), and 1 dup. vol., 1875-98. 1923-- in Index to Official Records, entry 166.
Index to Mechanic's Liens, entry 242, showing date of lien, against whom, and in whose favor filed, and volume and page of record. Arr. alph. by names of pltfs. and dfdts. Hdw. Av. 375 pp. 18 x 12 x 1. Rcdr. off.; dup. vol., bsmt.

244. DEEDS TO STATE OF CALIFORNIA, 1896-1911. 3 vols. (1-3). Title varies: Tax Deeds, 1901-5, vol. 2. 1850-95, 1912-- in Deeds, entry 190.
Record of conveyances of real estate sold to state for non-payment of state and county taxes, showing name of owner, amount of delinquent tax, date of sale, date of recording, and legal description of property. Arr. chron. by dates of recordings. For index see entry 193. Hdw. pr. fm. Av. 625 pp. 18 x 12 x 2. Rcdr. off.

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245. FEDERAL TAX LIEN NOTICES, 1923--. 1 f.b. Initiated 1923.
Original notices of tax liens under internal revenue laws, showing name of taxpayer, residence, nature of tax, taxable period, amount of assessment, penal assessment, date assessment list received, and signature of collector. Arr. chron. No index. Typed pr. fm. 12 x 10 x 4. Rcdr. off.

246. DELINQUENT TAX LISTS, 1893-1922. 1 f.b. Prior records destroyed. 1923-- in Filed Papers, entry 185.
Copies of delinquent tax lists printed in newspapers with affidavits of publication attached, showing name of owner, description of land, amount due, whether subject to encumbrances, date of publication, and names of persons holding same. Arr. chron. No index. Hdw. and pr. 12 x 10 x 4. Rcdr. off.

247. SQUIRREL NUISANCES, 1876-77. 1 vol. (A). No prior or subsequent records.
Squirrel inspector's recorded notices of intention to enter upon certain premises and exterminate squirrels, showing to whom notice is sent, date of notice, date of recording, and statement that expense cost will be a lien on the land. Arr. chron. by dates of recordings. Indexed alph. by names of property owners. Hdw. 320 pp. 18 x 12 x 1½. Rcdr. off.
For reports on extermination 1891--, see entry 88.

248. (RESOLUTIONS), 1850--. In Filed Papers, entry 185.
Original resolutions granting permits to persons or concerns to construct or erect buildings, revocable upon any violation of terms, showing names of person issuing permit and of person to whom permit issued, and date filed.

249. (RESOLUTIONS), 1855--. 1855-1922 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recordings of original documents described in entry 248.

250. (BUILDERS' CONTRACTS), 1855--. 1855-1922 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recordings of original construction contracts entered into by building and property owners, showing date of filing, names of contracting parties, nature of service, and terms of contract.

251. INDEX TO BUILDERS' CONTRACTS, 1913--. 1 vol. 1855-1912 in General Index, entry 164.
Index to Builders' Contracts, entry 250, showing date of filing, names of contracting parties, amount of contract, and volume and page of record. Arr. alph. by names of building owners. Hdw. 400 pp. 18 x 12 x 1¼. Rcdr. off.

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252. (BUILDERS' CONTRACTS), 1930--. In Filed Papers, entry 185.
Original contracts, showing names of parties, nature of service, term of contract, date entered, and date of filing.

253. (MEMORANDUM CONTRACTS), 1930--. In Filed Papers, entry 185.
Original instruments, showing names of parties, nature of agreement, term of contract, date of contract, and date of filing.

254. (MEMORANDUM CONTRACTS), 1855--. 1855-1922 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recordings of original documents described in entry 253.

255. (PLANS AND SPECIFICATIONS), 1930--. In Filed Papers, entry 185.
Original notices that certain contracts have been made for construction work, showing names of parties involved, nature of intended service, and date of filing.

256. (NOTICE OF COMPLETION OF CONTRACTS), 1855--. 1855-1922 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recordings of notices that contracts for construction work have been satisfactorily complied with, showing names of parties to contract, type of work done, date of completion, and date of filing.

257. NOTICE OF COMPLETION, 1897-1922. 3 f.b. 1850-96 in Miscellaneous (Original Instruments), entry 168; 1923-- in Filed Papers, entry 185.
Original notices of completion of work concerning building and repairs to buildings, showing names of owner and contractor, date of contract, description of work and of property, signature of owner, notarization, date of completion, and date filed. Arr. chron. by dates of filing. No index. Hdw. 12 x 10 x 4. Rcdr. off.

Natural Resources

258. RECORD OF OYSTER BEDS, 1909. 1 vol. No prior or subsequent records. One entry, June 29, 1909.
Record of intention to file on certain tide and bay lands for the purpose of planting oysters thereon, showing location of tidelands, name of person intending to file, and date recorded. No arr. No index. Hdw. 152 pp. (2 used) 18 x 12 x 2. Rcdr. off.

259. WATER AND MINING, 1853-1922. 1 f.b. 1923-- in Filed Papers, entry 185.
Original preliminary notices of mineral and water claims, showing name and description of claimant, description of claim, signature of witness, notarization, date notarized, and date filed. Arr. chron. by dates of filing. No index. Hdw. 12 x 10 x 4. Rcdr. off.

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260. WATER AND MINERAL CLAIMS, 1898-1922. 3 vols. (1-3). 1855-97 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recordings of original documents described in entry 259. Arr. chron. by dates of filing. No index. Hdw. 1898-1903; typed 1904-22. Av. 450 pp. 18 x 12 x 1½. Rcdr. off.

261. RECLAMATION DISTRICTS, 1916. 1 vol. (1). No prior or subsequent records.
Petitions for formation of swamp and overflow reclamation districts, and orders setting hearings, and for publication of notices thereof, showing legal description of property to be reclaimed, date of petition, and signatures of petitioners. Arr. chron. For index see entry 262. Typed. 500 pp. (18 used) 18 x 12 x 1½. Rcdr. off.
For warrants on reclamation funds, 1917--, see entry 701.

262. INDEX TO RECLAMATION DISTRICTS, 1916. 1 vol. (1). No prior or subsequent records.
Index to Reclamation Districts, entry 261, showing date of record, name of reclamation district, and page of record. Arr. alph. by names of reclamation districts. Hdw. 225 pp. 15 x 10 x ½. Rcdr. off.

263. SWAMP LAND RECEIPTS, 1861-75. 1 vol. (A).
Account of moneys expended for reclamation of swamp land districts, showing legal description of lands, record of appointment of trustees to administer districts, date of receipt, and amount expended. Arr. chron. No index. Hdw. 560 pp. 10 x 8 x 1½. Rcdr. off.
For record of reclamation, 1852--, see entry 28; for swamp land register 1861--, see entry 638.

Maps and Surveys (See entries 80-84, 149-154, 575-579, 604-606, 618, 720-721, 813-815, 821-830)

264. MAP BOOKS, approx. 1900--. 31 vols. (A-Z, 1-5).
Maps of subdivisions in Santa Clara County, showing different lots and subdivisions, with their lot and block numbers. Scales vary. Pen and ink. Arr. num. For index see entry 265. Av. 150 pp. 26 x 20 x 2. Rcdr. off.

265. INDEX TO MAP BOOKS, approx. 1900--. 4 vols. (A, B, 1, one unlbld.)
Index to Map Books, entry 264, showing name of subdivision, name of surveyor who surveyed the subdivision, volume and page number of map in record. Arr. alph. by names of subdivisions. Hdw. Av. 400 pp. 18 x 12 x 1. Rcdr. off.

266. MAPS OF SANTA CLARA COUNTY, 1890, 1892, 1902-3, 1905, 1914, 1924, 1929. 7 maps.
Three maps of San Jose and vicinity, and four maps of Santa Clara County. McMillan and McMillan Co.; Walkup Map Co., San Francisco, Publishers. Political. 4½ in. equals 3 miles. 7½ x 6½. Rcdr. off.

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Personal Property
(See also entry 670)

267. (PROMISSORY NOTES), 1855---. 1855-1922 in Miscellaneous (Recordings), entry 167; 1923--- in Official Records, entry 165.
Recorded notes filed for protection of lender, showing names of maker and lender, amount of note, term of note, date made, and date filed.

268. CHATTEL MORTGAGES, 1865-1922. 52 vols. (1-52). 1923--- in Official Records, entry 165.
Recorded instruments transferring personal property as security for debts, showing names of mortgagor and mortgagee, description of personal property mortgaged, date of mortgage, date recorded, terms of mortgage, and affidavit of good faith that said mortgage is not executed to defraud creditors. Arr. chron. by dates of recordings. For index see entry 269. Hdw. 1865-1920; typed 1921-22. Av. 650 pp. 18 x 12 x 2. Rcdr. off.

269. INDEX TO PERSONAL PROPERTY MORTGAGES (Chattel Mortgages), 1865---. 12 vols. (A-L).
Index to Chattel Mortgages, entry 268, and to Chattel Mortgages in Official Records, entry 165, showing filing number, names of mortgagor and mortgagee, date of recording, and volume and page of record. Arr. alph. by names of parties. Hdw. Av. 700 pp. 18 x 12 x 2. Rcdr. off.

270. (NOTICE OF INTENDED CHATTEL MORTGAGES), 1855---. 1855-1922 in Miscellaneous (Recordings), entry 167; 1923--- in Official Records, entry 165.
Recorded notices given that business interests of parties involved will be mortgaged, giving names of intended mortgagor and mortgagee, and date of filing.

271. MARKS AND BRANDS, 1852-1922. 2 f.b. Transferred to State Department of Agriculture, Sacramento, in 1922.
Original notices by claimants that they intend to use certain marks and brands on cattle, showing drawings and specifications of marks and brands, date of notice and signatures of claimants. Arr. chron. Indexed alph. by names of claimants. 500 pp. 12 x 10 x 4. Rcdr. off.

272. MARKS AND BRANDS, 1852-1922. 2 vols. (A-B). Transferred to State Department of Agriculture, Sacramento, in 1922.
Recordings of original documents described in entry 244. Arr. chron. by dates of recordings. Indexed alph. by names of owners in vols. Hdw. Av. 500 pp. 16 x 10 x 1½. Rcdr. off.

273. BRAND BOOK, 1887---. 1 vol. (B). No prior records.
Drawings and specifications of marks and brands, and counter marks and brands of Santa Clara County and adjacent counties, showing date recorded, where, and by whom recorded. Arr. by counties and chron. thereunder. No index. Hdw. 272 pp. 18 x 12 x ½. Rcdr. off.

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274. ESTRAYS, 1874-1920. 1 f.b. 1850-73, 1920-- in Filed Papers, entry 185.
Record of animals, or other property estray and in possession of finder, showing name of finder, name of owner, description of property, costs to owner, date filed, signatures of finder and of justice of the peace or other officer authorized to take oath. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.
For sheriff's records of estrayed animals, see entry 522.

275. ESTRAYS, 1854-1922. 1 vol. (A). 1923-- in Official Records, entry 165.
Recordings of original documents described in entry 274. Arr. chron. by dates of recordings. For index see entry 164. Hdw. 300 pp. 13 x 8 x 1. Rcdr. off.

276. STALLION REGISTER, 1911-16. 1 vol. (1). Initiated 1911. Discontinued.
Register of certificates of full breed stallions owned by citizens of county, giving color, breed, year of birth of stallion, number and date of certificate, and signature of secretary of California stallion registration board. Arr. chron. Indexed alph. by names of stallions. Hdw. 400 pp. 14 x 9½ x 1½. Rcdr. off.
For record of docked horses, 1907-8, see entry 160.

Court Records

277. JUDGMENTS, 1850-1922. 3 f.b. 1923-- in Filed Papers, entry 185.
Original judgments in justice and superior courts against persons in cases involving money payments, showing names of debtor and creditor, date and amount of judgment, date recorded, and date filed. Arr. chron. by dates of filing. No index. Hdw. 12 x 10 x 4. Rcdr. off.

278. JUDGMENTS, 1850-1922. 4 vols. (A-D). 1923-- in Official Records, entry 165.
Recordings of original documents described in entry 277. Arr. chron. by dates of recordings. For index see entry 279. Hdw. Av. 600 pp. 18 x 12 x 2. Rcdr. off.

279. INDEX TO TRANSCRIPTION OF JUDGMENT, 1875--. 4 vols. (A, 1-3). Index to Judgments, entry 278, and to judgments in Official Records, entry 165, showing names of judgment debtor, and creditor, amount of judgment, when recorded, when transcript filed, and volume and page of record. Arr. alph. by names of judgment debtors and creditors. Hdw. Av. 400 pp. 18 x 12 x 1. 1 vol. 1875-95, bsmt.; 3 vols., 1896--, rcdr. off.

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280. (SATISFACTION OF JUDGMENTS), 1855--. 1855-1922 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recorded final settlements of judgments, showing names of parties involved, amount of judgment, affidavit of execution, date made, and date filed.

281. WILLS, 1873-1903. 1 vol. (A). No prior records. Discontinued.
Duplicate of Wills, Probate Department, entry 376. Arr. chron. by probate dates. For index see entry 164. Hdw. 640 pp. 18 x 12 x 2. Rcdr. off.

282. INDEX TO WILLS, 1848-71. 1 vol. (A). 1872-1922 in General Index, entry 164; 1923-- in Index to Official Records, entry 166.
Index to Wills, entry 376, showing names of testator, date of will, date of probate, date recorded, and volume and page of record. 1848-49, indexed records now missing. Arr. alph. by names of testators. Hdw. 375 pp. 18 x 11 x ½. Rcdr. off.

283. PROBATE ORDERS, 1856-1922. 12 f.b. No prior records. 1923-- in Filed Papers, entry 185.
Original court orders admitting wills to probate, showing appointment of appraiser and administrator, orders to publish and to show cause, and date of orders. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.

284. LIS PENDENS, 1850-1922. 7 f.b. 1923-- in Filed Papers, entry 185.
Original notices of actions pending, in court, showing names of plaintiff and defendant, amount and reason for claim, and in cases involving land, location and description of property, date of filing, and signature of plaintiff or his attorney. Arr. chron. No index. Hdw. pr. fm. 12 x 10 x 4. Rcdr. off.

285. LIS PENDENS, 1855-1922. 12 vols. (A, 1-11). 1923-- in Official Records, entry 165.
Recordings of original documents described in entry 284. Arr. chron. by dates of recordings. For index see entry 286. Hdw. 1855-1917; typed 1918-22. Av. 600 pp. 18 x 12 x 2. Rcdr. off.

286. INDEX TO NOTICE OF ACTIONS, LIS PENDENS, 1855-1922. 6 vols. (C-H). Title varies: Index to Attachments Certificates of Sale, Lis Pendens, 2 vols., 1855-74. 1923-- in Index to Official Records, entry 166.
Index to Lis Pendens, entry 285, showing names of defendants and plaintiffs, notices, date recorded, and volume and page of record. Arr. alph. by names of parties. Hdw. Av. 265 pp. 18 x 12 x 1. Rcdr. off.

287. ATTACHMENTS, 1850-1922. 13 f.b. Discontinued.
Original instructions to sheriff from courts to attach and hold property of defendant, showing description of property, date of court order, and amount of demand sufficient to satisfy plaintiff. Arr. chron. No index. 12 x 10 x 4. Rcdr. off.

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288. ATTACHMENTS, 1866-1922. 11 vols. 1855-65 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recordings of original documents described in entry 287. Arr. chron. by dates of recordings. For index see entry 289. Hdw. 1866-1904; typed 1905-22. Av. 640 pp. 18 x 12 x 2. Rcdr. off.

289. INDEX OF ATTACHMENTS, 1866-1922. 2 vols. (C, D). 1855-65 in General Index, entry 164; 1923-- in Index to Official Records, entry 166.
Index to Attachments, entry 288, showing names of parties for whom attachments are issued, names of parties issuing attachments, notices of attachments, date recorded, and volume and page of record. Arr. alph. by names of pltfs. and dfdts. Hdw. Av. 350 pp. 18 x 12 x ½. Rcdr. off.

290. RELEASE OF ATTACHMENTS, 1867-1922. 5 f.b. No prior records. 1923-- in Official Records, entry 165.
Record of statements by persons that a judgment has been satisfied and that they no longer hold an attachment, showing date of attachments, names of plaintiff and defendant, description of property, date filed, where attachment recorded, notarized statement of claim paid, and endorsement of satisfaction of claim. Arr. chron. by dates of filing. No index. Hdw. 12 x 10 x 4. Rcdr. off.

291. EXECUTIONS, 1862-1922. 3 f.b. Prior records missing. 1923-- in Filed Papers, entry 185.
Original court orders to sheriff to sell property of debtor to satisfy judgment, showing names of plaintiff and defendant, date and amount of judgment, date of order, name of court, date filed, and signature of clerk. Arr. chron. by dates of filing. No index. Hdw. 12 x 10 x 4. Rcdr. off.

292. EXECUTIONS, 1875-1922. 3 vols. (2-4). 1862-74, vol. 1, missing. 1923-- in Official Records, entry 165.
Recordings of original documents described in entry 291. Arr. chron. by dates of recordings. For index, 1875, see entry 164; 1876-1922, see entry 293. Hdw. Av. 640 pp. 18 x 12 x 2. Rcdr. off.

293. INDEX TO EXECUTIONS, 1876-1922. 2 vols. (A, B). 1862-75 in General Index, entry 164; 1923-- in Index to Official Records, entry 166.
Index to Executions, entry 292, showing date of execution, names of defendants and plaintiffs, volume and page of record. Arr. alph. by names of parties. Hdw. Av. 200 pp. 18 x 11 x ½. Rcdr. off.

294. (APPOINTMENT OF TRUSTEES OR SUBSTITUTIONS), 1855--. 1855-1922 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recorded appointments of persons or alternates to manage property of minors or incompetents, in probate, showing description of trusts, names of trustees or substitutes, order of appointment, date made, and date of filing.

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295. (DECREES, ORDERS TO MORTGAGE), 1855--. 1855-1922 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recorded court orders to hold real property under personal property executions, showing names of parties, nature of case, judgment rendered, name of court, also probate authorizations to trustees or administrators of estate to mortgage property under their trust, showing name of judge, date of order, and date filed.

Corporations
(See also entries 134-148)

296. (CERTIFICATE OF FICTITIOUS NAMES), 1855--. 1855-1922 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recorded certificates of persons transacting business under fictitious names, showing real name of party, address, name chosen, and date filed.

297. BANK STATEMENTS, 1876-94. 1 f.b. No prior or subsequent records.
Affidavits of officers in various banks in county, showing amount of capital paid into corporation. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.

298. BANK STATEMENTS, 1876-94. 1 vol. (A). No prior or subsequent records.
Recordings of original documents described in entry 297. Arr. chron. by dates of recordings. No index. Hdw. 400 pp. 18 x 12 x 1½. Rcdr. off.

299. STATEMENT OF BANKING CAPITAL, 1877-95. 1 vol. No prior or subsequent records.
Sworn statements filed by various county banks, signed by the cashiers of said banks, and sworn to before a notary public, showing name of bank, statement of assets and liabilities, date notarized, signature of bank cashier and notarization. Arr. chron. No index. Hdw. 400 pp. 18 x 12 x 1½. Rcdr. off.

300. (CERTIFICATE OF RESIDENCE), 1905--. 1905-22 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Notarized certificates by individuals and corporations, showing name of individual or corporation, legal address in state of California at which they will accept service of papers and receive legal notifications, and date recorded.

301. TURNPIKE STOCK COMPANY, 1857-62. 1 f.b. No prior or subsequent records.
Papers of a private company, mostly minutes of the company's board of directors, showing certificate of declaration preliminary organization, certificate of final organization, by-laws, papers concerning increase of capital stock in company, and date of filing. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.

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Professional Registers
(See also entries 123-133)

302. (ARCHITECTS' LICENSES), 1901—. 1901-22 in Miscellaneous (Recordings), entry 167; 1923— in Official Records, entry 165.
Recorded licenses issued to architects in Santa Clara County, showing name of architect, date issued, and date filed.

303. LICENSED SURVEYORS, 1907-32. 1 vol. (A). No prior records.
List of names and addresses of surveyors in Santa Clara County, submitted to recorder by state surveyor general. Arr. alph. by names of surveyors. No index. 300 pp. 18 x 12 x 1½. Rcdr. off.
For original licenses 1904—, see entry 304.

304. SURVEYORS LICENSES, 1904—. 2 f.b. No prior records.
Licenses issued by surveyor general of the state, showing name of licensee, qualifications, date license issued, and signature of surveyor general. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.
For list of licensed surveyors 1907-32, see entry 303.

305. REGISTER OF PHYSICIANS, MIDWIVES, UNDERTAKERS, approx. 1878—. 2 vols. (A, one unlbld.). Title varies: Register of Physicians, Undertakers, 1 vol.
List of physicians, midwives, and undertakers who are registered to practice in Santa Clara County, showing name and address of practitioner. Arr. alph. by names of practitioners. No index. Hdw. Av. 300 pp. 14 x 8½ x ½. Rcdr. off.
For register of doctor's certificates, 1898—, see entry 129.

Vital Statistics
(See also entries 85, 92, 109-113, 582, 650, 796-797)

Births

306. BIRTHS, 1882-1904. 3 f.b. Prior records destroyed. Discontinued.
Birth certificates, showing date of birth, name of child, name of father, maiden name of mother, sex of child, nativity of parents, color of race, condition at birth, and remarks. Arr. chron. No index. Hdw. pr. fm. 12 x 10 x 4. Rcdr. off.
For subsequent births, 1907—, see entry 309.

307. REGISTER OF BIRTHS, 1873-1907. 3 vols. (A, B, D). No prior records. Discontinued in this form.
Register of documents described in entry 306. Arr. chron. Indexed alph. by names of children. Hdw. Av. 350 pp. 18 x 12 x 1½. Rcdr. off.
For subsequent duplicate certificates, see entry 309; for records of birth in San Jose, 1889-1905, see entry 308.

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308. RECORD OF BIRTH (SAN JOSE), 1889-1905. 1 vol. (C). No prior or subsequent records.
Records of birth chiefly in city of San Jose, showing date of birth, name of father, occupation, maiden name of mother, sex of child, nativity of parents, color or race, condition at birth, remarks. Arr. alph. by names of children. No index. Hdw. Av. 650 pp. 18 x 12 x 2. Rcdr. off.
For records of birth for county, 1873-1907, see entry 307.

309. RECORDS OF BIRTH, 1907---. 67 vols. (lbld. by inclusive letters of the alphabet, and 1-26).
Duplicate certificates of birth issued by state board of health, showing place of birth, name of child, date of birth, name of father, residence, color or race, age of parents, birth place of parents, occupation of parents, maiden name of mother, and attending physician or midwife. Arr. chron. For index see entry 310. Hdw. pr. fm. Av. 1800 pp. 8 x 6 x 3½. Rcdr. off.
For prior register of births, see entry 307; for prior original certificates 1882-1904, see entry 306.

310. INDEX TO RECORD OF BIRTH, 1907---. 3 vols. (D-G).
Index to Record of Birth, entry 309, showing names of parents and child, date of birth, and volume and page of record. Arr. alph. by names of children. Hdw. Av. 600 pp. 14 x 9 x 1½. Rcdr. off.

Deaths

311. (DEATH CERTIFICATES), 1850---. In Filed Papers, entry 185.
Certificates of death, showing name of deceased, age, race, sex, cause of death, hospitalization if any, signature of attending physician, and date of filing.

312. RECORD OF DEATHS, 1873---. 70 vols. (A-Z, 1-44). Initiated 1873. Title varies: Register of Deaths, 1873-95, 2 vols. (A, B).
Duplicate death certificate after 1905, on form required by state board of health, showing length of residence in state, last place of residence in city or county, sex, color or race, birth place, age, occupation, and birth place of parents. 1873-95, arr. alph. by names of deceased; 1896--- arr. chron. No index 1873-1905; for index 1906--- see entry 314. Hdw. pr. fm. Av. 600 pp. 18 x 10 x 3. Rcdr. off.

313. RECORD OF DEATH (San Jose) 1889-1905. 1 vol. (C). No prior or subsequent records.
Records of death in city of San Jose, showing date of death, name of deceased, where buried, age, nativity, sex, color or race, marital status, cause of death, physician's or coroner's name, and remarks. Arr. alph. by names of deceased persons. No index. Hdw. 600 pp. 18 x 12 x 2. Rcdr. off.

314. INDEX TO RECORD OF DEATH, 1906---. 3 vols. (D-F).
Index to Record of Death, entry 312, showing date and place where death occurred, name of deceased, volume and page of record. Arr. alph. by names of deceased persons. Hdw. Av. 500 pp. 15 x 12 x 1½. Rcdr. off.

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315. BURIAL PERMITS, 1904-6. 1 f.b. Prior and subsequent records unaccounted for.
Permits indicating that a satisfactory certificate of death has been filed with county clerk, showing name of deceased, age, sex, date and place of death, cause of death, name of medical attendant, date and place of burial, and date of permit. Arr. chron. by dates of permits. No index. Hdw. pr. fm. 12 x 10 x 4. Rcdr. off.

316. DEATHS, 1873-1906. 2 f.b.
For description of contents, see entries 312, 317. Arr. chron. by dates of filings. No index. Hdw. 10 x 12 x 4. Rcdr. off.

317. (REPORTS FOR CALVARY CEMETERY), 1907-17. In Filed Papers, entry 185.
Reports of burials by sexton of Calvary Cemetery, showing date of burial, name, block, section, tier, grave, age, nativity, sex, color, city, place, and county of death, date and cause of death.

Marriages (See also entries 109-113, 181)

318. RECORD OF MARRIAGES, 1850--. 69 vols. (A-Z, 1-43).
Record of all marriages in county, showing names of both parties, place of residence, nativity, race and color, signature and title of person performing ceremony. Since 1905 this information is given on a duplicate marriage license, on the bottom of which is a personal and statistical record issued by the California state board of health bureau of vital statistics, and this shows the full name of parties entering the contract, residence, color or race, single, widowed, or divorced, number of times married, birth place, occupation, name and birth place of parents, date of marriage, certified by the person performing the ceremony. Contains: Record of Marriages, 1927--, entry 323. Arr. chron. For index see entry 319. Hdw. 1850-1925; typed 1926--. Av. 639 pp. 18 x 12 x 2. Rcdr. off.

319. INDEX TO MARRIAGES, 1850--. 16 vols. (A-P).
Index to Record of Marriage, entry 318, showing file number, name of bride and groom, date of marriage, by whom married, where married, volume and page of record. Arr. alph. by names of parties. Hdw. Av. 495 pp. 18 x 12 x 2. Rcdr. off.

320. MARRIAGE LICENSES (Unclaimed), 1850--. 24 f.b.
For description of contents see entry 109. Arr. chron. by dates of filings. No index. Hdw. pr. fm. 12 x 10 x 4. Rcdr. off.

321. REGISTER OF MARRIAGE, 1859-62. 1 vol.
Register of marriages, showing date of marriage, locality, names of parties, residence, age, color, place of nativity, by whom married, official station, date of entry, remarks. Arr. chron. by dates of entry. Indexed alph. by names of parties. Hdw. 125 pp. 16 x 12 x 1½. Rcdr. off.
For subsequent records, 1905-8, see entry 322; 1908-26, see entry 323.

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322. REGISTER OF MARRIAGE, 1905-8. 1 vol. (A). Initiated 1905. Discontinued.
Register of marriages, showing number of entry, date filed, date of marriage, place of marriage, names of parties, residence, age, color, nativity, maiden name of bride, previous marital status, names and position of persons reporting. Arr. chron. by dates of filing. No index. Hdw. 400 pp. 16 x 11 x 1. Rcdr. off.
For prior records, 1859-62, see entry 321; for subsequent bureau of vital statistics records, 1908-26, see entry 323.

323. RECORD OF MARRIAGES, 1908-26. 30 vols. 1927-- in Record of Marriages, entry 318.
Register of marriages, showing name of bride and groom, residence, age, color or race, previous marital status, number of marriages, birth place and name of father, maiden name and age of mother, birth place, date of marriage, certificate of person performing ceremony; form required by state board of health. Arr. chron. For index see entry 324. Hdw. pr. fm. Av. 1000 pp. 8 x 7½ x 2½. Rcdr. off.
For prior records, 1859-62, see entry 321; 1905-8, see entry 322.

324. INDEX TO RECORD OF MARRIAGES, 1908-26. 2 vols. (B,C).
Index to Record of Marriages, entry 323, showing names of parties tc marriage, date married, date recorded, volume and page of record. Arr. alph. by names of parties. Hdw. 598 pp. 14 x 9 x 1½. Rcdr. off.

Elections
(See also entries 95-97)

325. ELECTION STATEMENTS, 1893--. 9 f.b. No prior records.
Candidates' statements of receipts of expenditures in elections, with affidavits showing candidate's name, office for which he was a candidate, from whom money received, nature of service performed, by whom performed, and amount spent, and date filed. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.

326. ELECTION EXPENSE STATEMENTS, 1894-1922. 5 vols. (1-5).
No prior records. 1923-- in Official Records, entry 165.
Recordings of original documents described in entry 325. Arr. chron. by dates of recordings. No index. Hdw. Av. 640 pp. 18 x 12 x 2. Rcdr. off.
For other expense statements, see entry 97.

Public Officials
(See also entries 42-43, 98-106)

327. BONDS, 1850-1911. 1 f.b. 1912-- in Filed Papers, entry 185.
Scattered original official bonds furnished by county officials and notaries, showing names of officials, and date and amount of bonds. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.
For subsequent records 1926--, see entry 103.

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328. OFFICIAL BONDS, 1875-1922. 9 vols. (A-I). 1855-74 in Miscellaneous (Recordings), entry 167; 1923— in Official Records, entry 165.
Recordings of original documents described in entry 327. Arr. chron. by dates of recordings. No index, 1875-76; for index 1877-1922, see entry 329. Hdw. Av. 650 pp. 18 x 12 x 2. Rcdr. off.
For prior records, 1850-65, see entry 102.

329. INDEX TO OFFICIAL BONDS, 1877-1922. 2 vols. (A, B). 1850-76 in General Index, entry 164; 1923— in Index to Official Records, entry 166.
Index to Official Bonds, entry 328, showing names of officials, date and amount of bond, and volume and page of record. Arr. alph. by names of officials. Hdw. Av. 650 pp. 18 x 12 x ½. Rcdr. off.

330. APPOINTMENTS, 1850-92. 1 f.b.
Appointments and oaths of office of county officials, showing name of appointee, office to which appointed, and date of appointment. Arr. chron. No index. Hdw. 10 x 12 x 4. Rcdr. off.
For supervisor's record of appointments, see entry 43; for clerk's records, see entry 101.

Miscellaneous

331. FEE BOOK, 1875—. 55 vols. (dated). Prior records destroyed.
Record of fees received by recorder for services rendered, showing serial number of record, names of grantor and grantee, nature of instrument, amount of fee, and date of entry. Arr. chron. No index. Hdw. Av. 600 pp. 18 x 12 x 1½. 22 vols., 1875-1904, rcdr. bsmt.; 33 vols., 1905—, rcdr. off.

332. RECORDERS RECEIPTS, 1930—. 1 f.b. Prior records destroyed.
Receipts issued by auditor covering money received by recorder's office for fees, showing total amount received, period covered, date of receipt, and signature of auditor. Arr. chron. No index. Hdw. pr. fm. 12 x 10 x 4. Rcdr. off.

333. DELIVERY BOOK, 1923—. 16 vols. 1850-1922 in General Index, entry 164.
Record of persons to whom documents from recorder's office are delivered, showing file number, when recorded, volume and page of entry in appropriate record, to whom delivered, and date delivered. Arr. chron. No index. Hdw. Av. 400 pp. 18 x 12 x 1½. Rcdr. off.

334. LETTERS AND RECEIPTS FILED, 1901-5. 1 f.b. 1850-1900, 1906—, in Filed Papers, entry 185.
Miscellaneous letters and papers received by recorder, showing name of sender, nature of correspondence, and date filed. Arr. chron. by dates filed. No index. Hdw. 12 x 10 x 4. Rcdr. off.

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335. POSTAL RECEIPTS FROM SECRETARY OF STATE, 1923--. 2 f.b. Prior records destroyed.
Acknowledgment of receipts of postal certificates and fees, showing amount, and date of acknowledgment, and signature of secretary of state. Arr. chron. No index. Hdw. pr. fm. 12 x 10 x 4. Rcdr. off.

336. INDUSTRIAL WELFARE, 1919-22. 1 f.b. Initiated 1919. Discontinued.
Reports and rules of industrial welfare commission on hours of labor and wages, showing nature of report or rule, and date issued. Arr. chron. No index. Hdw. 12 x 10 x 4. Rcdr. off.

337. (ESTABLISHMENT OF FIRE DISTRICTS), 1907--. 1907-22 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Recorded instruments establishing boundaries of fire districts for fire protection, showing district and date of filing.
For petitions to establish fire districts, 1907--, see entry 10.

338. (ARMY, NAVY AND MARINE CORPS DISCHARGES), 1919--. 1919-22 in Miscellaneous (Recordings), entry 167; 1923-- in Official Records, entry 165.
Records of honorable discharges of persons having served as soldiers or sailors for the United States, showing name, rank, enlistment record, where served, place of birth, qualifications, time and date of enlistment, date of discharge, name of commanding officer, occupation, nature of given privilege, and date of filing.

339. SACRAMENTO REPORTER, 1870-72. 60 bdls. No prior or subsequent records.
Copies of daily newspapers containing state notices. Arr. chron. No index. Pr. 18 x 12 x 12. Rcdr. bsmt.

340. SAN JOSE WEEKLY MERCURY, 1870-73. 1 vol. No prior or subsequent records.
Copies of newspapers containing county notices. Arr. chron. No index. Pr. 18 x 12 x 8. Drawer 60, rcdr. off.

IV. SUPERIOR COURT

The first superior court was established in San Francisco by an act of the legislature of 1850 and was vested with the same jurisdiction, in civil cases, as might have been conferred by law upon the district court (1). In 1857 it was abolished, and its jurisdiction was transferred to the district court (2).

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1. Cal. Stats. 1850, p. 159.
2. Cal. Stats. 1857, p. 128.

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The constitution of 1879 again set up the superior court and provides that the superior court should be considered, for all purposes, the successor of the district, county, and probate courts, which were abolished; that all papers and records, and causes, proceedings and appeals in such courts be transferred to the superior court; that the powers of the district, county, and probate judges be transferred to the judges of the superior court (1).

Amendments to the code of civil procedure, made in 1880 in conformity with the constitutional provisions, required that all records, books, papers, and all causes, actions, proceedings and appeals in the district, county, and probate courts be transferred to the superior court, as the successor of the former courts (2); that all proceedings be public, except actions for divorce, criminal conversation, seduction, breach of promise, and, in other cases, at the discretion of the judge (3); that the court should make rules as are necessary for its own governance, but that such rules should impose no tax or charge (4); that rules are to take effect 30 days after publication (5).

The number of judges of the superior court is not fixed by the constitution, but it contains a provision that there should be in each of the organized counties of the state a superior court, for each of which one judge should be elected (6). The legislature has the power to increase or reduce the number of judges from time to time according to changes in population (7). Originally there were two judges of the superior court in Santa Clara County (8), but in 1897 the number was increased to three (9), and it has remained so.

The constitution of 1879 fixes the elective term of office of a superior court judge at six years and in case of a vacancy, the governor has the power to appoint a judge to fill such vacancy until the next regular election (10).

The superior court is a court of general jurisdiction, with all powers incident to the courts of common law and equity, to which it is a successor (11).

The jurisdiction of the superior court is of two kinds: original and appellate (12).

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1. Cal. Const. art. XXII, sec. 3; art. VI, secs. 1, 5; Cal. Stats. 1880, pp. 3, 71, 115-116, 404.
2. Code Civil Proc. Am. 1880, secs. 65-79.
3. Ibid., secs. 124-125.
4. Ibid., sec. 129.
5. Ibid., sec. 130.
6. Cal. Const. 1879, art. VI, sec. 6.
7. Ibid., art. VI, sec. 9.
8. Code Civil Proc. Am. 1880, p. 26.
9. Cal. Stats. 1897, p. 7.
10. Cal. Const., 1879, art. VI, sec. 8.
11. 156 Cal. 82.
12. Code Civil Pr... Am. 1880, ...-8.

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Defining the original jurisdiction of the superior court, the constitution provided that in civil cases the superior court should have jurisdiction in all cases of equity, and in all cases at law which involved the title or possession of real property, or the legality of any tax impost, assessment, toll, or municipal fine, and in all other cases, in which the demand, exclusive of interest, or the value of the property in controversy, amounted to $300 or more (1).

By the constitutional amendment of 1924, the jurisdiction of the superior court was limited by the powers granted the municipal court which may be established in any city and county containing a population of more than 40,000 inhabitants. The legislature is empowered to determine jurisdiction of inferior courts in other cities and counties, or cities and towns where there is no municipal court.(2).

The amendment to the constitution adopted in 1928, which empowered the legislature to determine the jurisdiction of the municipal court (3), changed the original definition of the jurisdiction of the superior court and gave it jurisdiction in all civil cases and proceedings except those in which jurisdiction was given by law to municipal, or justice, or other inferior courts (4). Thus the extent of the jurisdiction of the superior court has become dependent upon the extent of the jurisdiction vested or to be vested in the lower courts.

As mentioned previously, the first limitation of the originally defined jurisdiction of the superior court was the constitutional amendment of 1924 which granted the municipal court jurisdiction in all cases at law in which the demand, exclusive of interest, or value of property in controversy amounted to $1000 or less (5). In 1929 the justice courts were divided into two classes: the justice courts in cities or towns having a population of 30,000 or more and those having a population of less than 30,000. While in the case of class B courts, the maximum amount of the demand or value of property in controversy remained $300, it was increased to $1,000 in the case of class A courts, except cases which involved the title or possession of real property and the legality of any tax, impost, assessment, toll, or municipal fine.(6) In 1933 justice courts serving a population of 30,000 or more were designated as class A, while those serving less than 30,000 were designated as class B (7).

A statute in 1929 enlarged the jurisdiction of the municipal court by increasing the maximum amount of demand or value of property in controversy to $2,000. Although the jurisdiction of the superior court in

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1. Cal. Const. 1879, art. VI, sec. 5.
2. Ibid., art. VI, sec. 11 as amended in 1924.
3. Ibid., art. VI, sec. 13 as amended in 1928.
4. Ibid., art. VI, sec. 5 as amended in 1928.
5. Ibid., art. VI, sec. 11 as amended in 1924.
6. Cal. Stats. 1929, p. 834; Code Civil Proc., sec. 112 as amended in 1929.
7. Cal. Stats. 1933, pp. 1810, 1814.

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cases at law which involved the legality of any tax, impost, assessment, toll, or municipal fine remained unchanged, the municipal court jurisdiction to the exclusion of the superior court over actions at law within the statutory limit of $2,000, which involved the title or possession of real property (1).

Constitutional amendments and statutes, limiting the jurisdiction of the superior court in equity cases, conferred upon the municipal court equity jurisdiction; in actions to foreclose liens on personal property, where the amount of the lien was $1,000 or less (2), (increased to $2,000 in 1929) (3); in actions to foreclose mechanics' liens; in actions for dissolution of partnership and interpleader; in actions to rescind and revise contracts where the amount of liens, partnership assets, amount of money, or value of property did not exceed $2,000; and in actions to issue temporary restraining orders and preliminary injunctions; to take accounts and to appoint receivers where necessary; and to preserve the rights of any party to actions over which the court had jurisdiction (4). Justices' courts were granted equity jurisdiction to foreclose and enforce liens on personal property where the amount of such liens was in the case of class A courts $1,000 or less, and in the case of class B courts $300 or less (5).

The constitution of 1879 provided that the superior court should have jurisdiction in all criminal cases amounting to felony and cases of misdemeanor not otherwise provided for (6). In cases of misdemeanor the jurisdiction of the superior court is now limited by the jurisdiction of the justice of the peace, police, and municipal courts.

At the time of the adoption of the constitution of 1879, justice and police courts had exclusive jurisdiction over petty larceny, assault and battery, breaches of the peace, riots, affrays, committing wilful injury to property, and all misdemeanors punishable by fine not exceeding $500 or by imprisonment not exceeding six months or by both (7). In 1929 justices' courts of class A were granted jurisdiction in all criminal cases amounting to misdemeanor, except those in which the juvenile court was given original jurisdiction, and justices' courts of class B were granted jurisdiction in all criminal cases amounting to misdemeanor punishable by fine not exceeding $1,000 or by imprisonment not exceeding six months or by both (8). The municipal courts were given the same criminal jurisdiction as justices' courts of class A (9).

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1. Cal. Stats. 1929, p. 838.
2. Cal. Const. 1879, art. VI, sec. 11 as amended in 1924.
3. Ibid., art. VI, sec. 11 as amended in 1929, p. 838.
4. Cal. Stats. 1933, p. 1811.
5. Cal. Stats. 1929, p. 834.
6. Cal. Const. 1879, art. VI, sec. 5.
7. Code Civil Proc. Am. 1880, p. 36.
8. Cal. Stats. 1929, p. 861.
9. Cal. Const. 1879, art. VI, sec. 11; Cal. Stats. 1929, p. 837.

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Legislative action provided that action against public utilities, and corporations in general, and proceedings by the railroad commission, should be brought in the superior courts; and that preference should be given to proceedings by the railroad commission (1); and that the clerk file industrial accident commission awards (2).

In addition, the superior court has the power to issue naturalization papers, to issue writs of mandamus, certiorari, prohibition, quo warrento, and habeas corpus on petition by or on behalf of any person in custody, and has jurisdiction over miscellaneous special cases and proceedings such as actions for forcible or unlawful entry or detainer, proceedings in insolvency, actions to prevent or abate nuisances, all matters of probate, divorce and annulment of marriage (3), and such other special cases not otherwise provided for, such as election contests (4), and proceedings to condemn lands (5).

In cases of forcible or unlawful entry or detainer the jurisdiction of the superior court was limited by the constitutional amendment of 1924, which granted the municipal court jurisdiction over actions where the rental value was $100 or less per month and where the whole amount of damages was $1,000 or less (6). This was later changed to a rental value of $200 or less and to damages of $2,000 or less (7). In 1929 justices' courts of class A were granted the same jurisdiction as that of municipal courts in 1924, while the jurisdiction of class B courts was limited to cases where the rental value was $25 per month or less and where the amount of damages was $300 or less (8). This limitation was changed in 1931 to cases where the rental value is $75 per month, the amount of damages remaining unchanged (9).

The appellate jurisdiction of the superior court as originally defined by the constitution of 1879 was over such cases arising in inferior courts as might be prescribed by law. By amendments in 1924 and 1928 the jurisdiction was redefined as being over "cases arising in municipal and justices' and other inferior courts as may be prescribed by law".(10)

Carrying out provisions of the constitution and amendments thereto, the legislature designated the superior court as the appellate court in all civil actions arising in police or justice courts on questions of law or fact or both (11). This provision has no application to cases arising

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1. Cal. Stats. 1911, pp. 49, 58, 60, 62.
2. Cal. Stats. 1913, p. 293.
3. Cal. Const. 1879, art. VI, sec 5 as amended in 1924.
4. Ibid., art. VI, sec. 5 as amended in 1928.
5. Code Civil Proc., p. 1243.
6. Cal. Const. 1879, art. VI, sec. 11 as amended in 1924.
7. Cal. Stats. 1929, p. 838.
8. Cal. Stats. 1929, p. 834.
9. Cal. Stats. 1931, p. 409.
10. Cal. Const. 1879, art. VI, sec. 5 as amended in 1924 and 1928.
11. Code Civil Proc. Am. 1880, p. 15.

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in justice courts of class A. The statutes of 1925 and 1929 granted the superior court appellate jurisdiction in all civil cases arising in the municipal courts and the justice courts of class A involving questions of law only.(1)

The provisions covering the superior court's powers in chamber are enumerated in the Code of Civil Procedure to include all writs usually granted in the first instance upon ex-parte application; to hear and dispose of all orders and writs; appoint appraisers; receive inventories and accounts; suspend powers of executors, administrators and guardians as allowed by law; to grant special letters of administration and guardianship; approve claims and bonds; and to direct issuance from court of all writs and processes necessary in probate (2).

The superior court is also empowered by the constitution of 1879 to appoint court commissioners who in the absence or inability of the judge, to hear and determine ex-parte motions for orders and writs, except injunctions; to take proof and report conclusions on matters of fact, as required by court; to take and approve bonds; to administer oaths; to take affidavits and depositions; to take acknowledgment and proof of deeds, mortgages and other instruments; to charge and collect such fees as were permitted notaries public; to provide an official seal and authenticate their acts therewith (3).

In 1903, the legislature passed a comprehensive law covering juvenile dependents and delinquents, and established a juvenile court, comparable in status to the probate court. The primary purpose of this legislation was to segregate minor from adult offenders. For this purpose, the dividing line was set at the age of 16. Under the terms of the act it is provided that in those counties which had more than one superior judge, one of their number should be designated to handle juvenile cases, that this court should be known as the juvenile court; that none but juvenile cases should be on the calendar of the juvenile court, or be heard at its sessions; that no record or testimony of a juvenile court should be admissible as evidence in any other court; and that adult offenders should not be present at any of the sessions of the juvenile court (4). Santa Clara County, having three superior court judges, follows this procedure.

The same act provided for the appointment of a probation officer, or officers, and a board of six reputable citizens, which, while not so named, was the precursor of the present probation committee. The duty of the board, which served without pay, was to investigate societies receiving children, and applicants for appointment as probation officer. The probation officers were to investigate the background of, take custody of, and supervise juvenile dependents and delinquents, as directed

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1. Cal. Stats. 1925, p. 942; 1929, p. 833.
2. Code Civil Proc. 1880, sec. 166; Cal. Stats. 1880, p. 41.
3. Cal. Const. 1879, art. VI, sec. 14; Cal. Stats. 1880, secs. 166, 258, pp. 80, 85, 96.
4. Cal. Stats. 1903, p. 44.

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by the court. In the disposal of juvenile cases, the judge was empowered to continue the child in the home, under the supervision of the probation officer; to give the child into the custody of the probation officer, to be boarded out; to give the child into the custody of charitable institution; or to commit it to a county detention home or state reform school. Judgments could be set aside, changed or modified, at the discretion of the judge. The act was to be liberally construed.(1)

The superior court has also exercised jurisdiction in committing insane persons to state asylums. An act of 1872 conferred this power upon the county court, to the jurisdiction of which the superior court succeeded.(2) This act was superseded by the act of 1903 which confirms its existing jurisdiction in such cases as being one of special proceedings (3).

In counties where there is one judge, he alone handles all the business of the superior court, but in larger counties where several judges are elected to this position, the court is divided into departments to which one of the judges, designated as presiding judge, assigns cases (4). It is usually the rule, insofar as is practicable, to divide among different departments such main types of cases as criminal, civil, probate, and juvenile which in many counties have separate sets of records. In Santa Clara County the three judges rotate in the capacity of presiding judge for periods of three months.

A new section added in 1934 provides that a judge may comment on the evidence and the credibility of witnesses, as well as matters of law (5).

In 1937, the legislature provided that all acts, relating to courts and officers thereof, passed between 1852 and 1869, and superseded by the codes, but not specifically repealed, should be repealed (6).

The county clerk is ex-officio clerk of the superior court (7). The statute of 1880 requires the county clerk: to issue all processes and notices required to be issued, and to enter these, together with decrees proper, in the superior court docket (minutes), in which must be entered also the title of such cause with the date of its commencement and memorandum with the date thereof and a list of all fees charged; to keep an index of the names of persons naturalized; to keep for the superior court an index of all suits labeled "General Index-Plaintiffs" and "General Index Defendants", each page of which must be divided into seven columns under their respective heads alphabetically arranged;

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1. Cal. Stats. 1903, p. 45.
2. Cal. Stats. 1871-72, p. 677.
3. Cal. Stats. 1903, p. 502.
4. Cal. Const. 1879, art. VI, sec. 7; Code Civil Proc. 1880, p. 26.
5. Cal. Const. 1879, art. VI, secs. 19, 25 as amended in 1934; Cal. Stats. 1935, pp. 31-32.
6. Cal. Stats. 1937, pp. 1198, 1200.
7. Cal. Const. 1879, art. VI, sec. 14.

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number of suits; plaintiffs; defendants; date of judgment; number of judgment; page of entry in judgment book; page of minute (or order) book (1). In place of the above, the county clerk may keep an index wherein each suit is to be indexed under the name of each plaintiff and defendant (2).

The law requires the county clerk to keep, among other records, a judgment book in which judgments must be entered (3); a judgment roll or file of criminal cases in which the information or indictment, copy of judgment, and other papers constituting the record of the action, are attached together and filed (4); a judgment roll or file of civil cases in which papers constituting the judgment roll are attached together and filed (5); a judgment docket with entry of judgment, judgment debtors and creditors, etc. (6); a calendar of civil cases (7); a docket calendar of criminal cases (8); a register of actions with brief notes and dates of proceedings and papers filed (9); jury lists (10); an execution book of executions on real estate (11); affidavits of exemptions from jury duty (12); and industrial accident commission awards filed with the clerk of the superior court (13).

In probate matters the clerk of the court keeps a record of all orders and decrees in the minute book (14). He also keeps a record of wills in a book provided for that purpose (15), and a probate court fee book (16). Although these provisions were repealed by codes in 1872, the records with the exception of the fee book, are still kept in Santa Clara County.

The juvenile court law provides that the orders and findings of the courts should be recorded in a book kept for that purpose and known as the "Juvenile Court Record" (17).

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1. Pol. Code Am. 1880, p. 102.
2. Cal. Stats. 1921, p. 243.
3. Cal. Stats. 1850, p. 443.
4. Cal. Stats. 1851, p. 263.
5. Ibid., p. 82.
6. Ibid., p. 82.
7. Ibid., p. 75; repealed 1931, p. 409.
8. Cal. Stats. 1851, p. 247.
9. Ibid., p. 134.
10. Cal. Stats. 1850, p. 275.
11. Cal. Stats. 1865-66, p. 703; repealed 1931, p. 2501.
12. Code Civil Proc. Am. 1880, p. 46.
13. Cal. Stats. 1913, p. 293.
14. Cal. Stats. 1850, p. 402.
15. Ibid., p. 377.
16. Ibid., p. 417.
17. Cal. Stats. 1903, p. 44.

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In cases of insanity commitments, a statute of 1881 requires that the county clerk should keep a copy of orders of the court and have an index book, showing name, sex, and age of persons ordered confined, with date of the orders and name of the hospital to which committed (1). In compliance with an act of 1903, copies of the certificate of discharge of insane persons are filed with the county clerk, who records the same in a book kept for that purpose and keeps an index thereto (2).

A statute of 1880, which provides for phonographic or shorthand reporters of the superior court, authorizes the judge or judges of any superior court in the state to appoint a competent phonographic reporter or as many reporters as there were judges, to be known as official reporter or reporters of the court. They hold office during the pleasure of the judge or judges appointing them (3).

The reporters are regarded as an official adjunct to the court and part of the judicial system of the state. Yet while the reporter is in one sense an officer of the court, for the purpose of performing certain ministerial functions, he is not an officer in the sense of having permanent tenure of office, since a different reporter may be appointed at each session of the court.(4)

The reporter must at the request of either party in a civil action, or on the order of the court, district attorney, or attorney for the defendant in criminal proceedings, take down in shorthand all the testimony, objections made, exceptions taken, all arraignments, pleas, and sentences of the defendant in criminal cases, the arguments of the prosecuting attorney to the jury, and, all statements and remarks made and oral instructions given by the judge, and, if directed by the court or requested by either party within a reasonable time, transcribe the same in longhand or type, certify it, and when instructed by the court, file it with the clerk (5).

Records of the superior court are in the hall of records unless otherwise indicated.

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1. Cal. Stats. 1881, p. 7.
2. Cal. Stats. 1903, p. 510.
3. Code Civil Proc, Am. 1880, p. 53.
4. 135 Cal. 639.
5. Code Civil Proc. sec. 269.

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Civil and Criminal
(See also entries 277-297)

General History of Cases

341. GENERAL INDEX, SUPERIOR COURT, 1850--. 24 vols. (1-12 plaintiffs; 1-12 defendants). Title varies: General Index, 1850-77; General Index, District Court Continued by Superior Court, 1878-84.
Index of cases in district court, 1850-79, entry 401, and superior court, 1880--. Indexed Judgment Book, entry 410; Register of Actions, entry 404; Judgment Book, entry 353; also serves as index to Superior Court File, entry 342 and District Court File, entry 402, showing date of first action, case number, date and number of judgment, names of plaintiff and defendant, and volume and page of record. Arr. alph. by names of pltfs. and dfdts. Hdw. Av. 500 to 800 pp. 18 x 13 x 2 to 18 x 12 x 3½. Clk. off.

342. SUPERIOR COURT FILE, 1880--. 1709 f.b. (lbld. by inclusive case nos. 1-49091).
Papers filed in civil and criminal cases of all departments of the superior court, showing date of filing, number, names of parties, attorneys, name of clerk and signature of deputy clerk, date of dismissal. Also contains: Juvenile Court File, of 1903-13, entry 383; Insane Not Committed, 1880-1902, entry 391. Arr. chron. by dates of filing. For index see entry 341. Av. 13½ x 10 x 4½ to 30 x 16 x 11. Clk. off.

343. MINUTES, 1880--. 67 vols. (L-Z, 1-13 dept. 1; H-O, W-Z, 1-7 dept. 2; A-T dept. 3) and 1 dup. vol., 1912-13. 7 vols. dept. 2, 1902-10 missing.
Record of proceedings of the superior court, in civil, criminal, and insanity cases, showing date, nature of case, names of parties, arguments of attorneys on points of law, orders on motions for new trials, defendant's appeal, order of continuing judgments to a later date. Contains: The Default of Defendant, 1880-1922, entry 359; Minutes to Insane Persons, 1880-1902, entry 387; Minutes to Intemperate Persons, 1889-1910, entry 388; Intemperance, Record of Commitment, 1880-1910, entry 389; Discharge of Insane Persons, 1880-1902, entry 392. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. Av. 640 pp. 18 x 12 x 3. Dept. 1, 11 vols., 1880-1902, clk. bsmt., 17 vols., 1903--, clk. off.; dept. 2, 8 vols., 1880-1901, clk. bsmt., 11 vols., 1911--, clk. off.; dept. 3, 8 vols., 1897-1916, clk. bsmt., 12 vols., 1917--, clk. off.; dup. vol., 1912-13, clk. bsmt.

344. REGISTER OF ACTIONS, 1880--. 79 vols. (K-S, dept. 1; 1-8 dept. 2; A-D, dept. 3; fifty-eight unlbld. vols. all depts.).
Record of proceedings and of instrument filed in civil, criminal, and probate departments, showing names of plaintiffs and defendants, nature of action, petition in arbitration proceedings, names of attorneys, and dates of actions. Contains: civil, criminal, and probate records. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. Av. 640 pp. 18 x 12 x 3. 4 vols., 1897-1907, dept. 3, clk. bsmt.; all others, clk. off.

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345. CASES TRANSFERRED FROM SUPERIOR COURT TO OTHER COUNTIES, 1892—. 1 f.b. No prior records.
Papers reviewing cases before superior court, showing reason for transfer to other counties, and date of transfer. Arr. chron. No index. Hdw. 13½ x 10 x 4½. Clk. off.

346. INSOLVENCY, 1893-98. 25 f.b. No prior records. Discontinued 1898 by Federal Bankruptcy Act.
Case file of insolvency, showing name, clerk's affidavit of publication of notice to creditors, adjudication of insolvency, nature of instrument, date of filing, signatures of deputy and county clerk and attorney for insolvent. Arr. chron. No index. Hdw. pr. fm. 12 x 10 x 4. Clk. off.

347. INSOLVENCY, 1893-1904. 1 vol. (A). No prior or subsequent records.
Register of actions in insolvency cases, showing names of petitioners, whether voluntary or involuntary, date, release, number of action, amount involved, creditors' names, and amounts due them. Arr. chron. Indexed alph. by names of insolvents. Hdw. 540 pp. 16 x 12 x 3. Clk. off.

348. CALENDAR, LAW AND MOTION, DEPT. 1 & 2, 1915-28. 27 vols. No prior or subsequent records.
Unofficial calendar, showing title of action, names of attorneys, demurrers, motions, dates, and notes on case. Arr. chron. No index. Hdw. Av. 200 pp. 18 x 12 x 1. Clk. off.

349. CIVIL AND CRIMINAL MINUTES OF THE SUPERIOR COURT, 1890—. 46 vols. Prior records missing.
Records for each of the three departments, showing case number, disposition of case rulings, miscellaneous notations, names of plaintiffs and defendants, dates when charged, and whether transferred to court calendar. Arr. chron. No index. Hdw. Av. 100 pp. 12 x 9 x ½. 42 vols., 1890-1933, clk. vlt.; 4 vols., 1934—, clk. off.

350. REPORTERS' NOTES, 1880—. 1250 vols. (1-1250).
Stenographic reports of all cases appearing before the court. Arr. chron. No index. Hdw. Av. 100 pp. 4½ x 9 x 1. Clk. bsmt.

351. TRANSCRIPTS OF TESTIMONY IN PRELIMINARY HEARING, 1880—. Est. 1000 folders.
Stenographic reports of criminal cases heard before a magistrate or justice of the peace to determine whether or not a felony has been committed and if there is reasonable cause to believe that the defendant is guilty thereof, showing certification by magistrate or justice of the peace that said transcripts are a true copy of proceedings held before him, nature of felony, amount of bail, date of arraignment in superior court, and signature of committing magistrate or justice of the peace. Arr. chron. No index. Hdw. Av. 15 pp. 15 x 15 x 8½. Clk. off.

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352. REPORTS OF JAPANESE ALIEN LAND LAWS, 1923--. 1 f.b.
Annual report by guardians of aliens as to the financial condition of properties held in names of minor citizens; affidavits, with legal description of real property; and statements of business relating to said property as conducted by trustee. Arr. chron. No index. Hdw. and typed. 13⅓ x 10 x 4½. Clk. off.

353. JUDGMENT BOOK, 1880--. 49 vols. (K-Z, 1-33).
Records of annulments of marriage, decrees of divorces, and other civil and criminal cases, in superior court, showing names of plaintiff and defendant, attorneys, nature of case, and date and nature of judgment. Also contains: Judgment Book (Judgment for Defendant, Judgment by Default, Judgment on Verdict), 1880-92, entry 354; Divorce Judgments, 1880-1917, entry 357; Decree of Foreclosure and Sale in Open Court, 1880-92, 1921--, entry 358. Arr. chron. Indexed alph. by names of pltfs. and dfdts.; for separate index see entry 341. Hdw. to 1920; typed 1921--. Av. 600 pp. 18 x 12 x 3. Clk. off.

354. JUDGMENT BOOK (Judgment for Defendant, Judgment by Default, Judgment on Verdict), 1893--. 5 vols. (B1, B2, C1, D1, D2).
1880-92 in Judgment Book, entry 353.
Separate record of special judgments such as judgment for defendant, judgment by default, and judgment on verdict, showing names of plaintiff and defendant, names of attorneys, nature of case, civil, probate, criminal, date of judgment, case number, signatures of clerk and deputy. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. pr. fm. Av. 600 pp. 18 x 12 x 3. Clk. off.

355. JUDGMENT DOCKET, 1851--. 12 vols. (A-L).
Minutes of proceedings and judgments rendered in the district court, 1851-79, entry 411, and county court, 1873-79, entry 421, and the superior court, 1880--, showing register number, judgment debtors and creditors, date of entry, volume and page of record in Judgment Book, entry 353, appeals, judgment of appellate court, and satisfaction of judgment. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. Av. 800 pp. 20 x 15 x 4. Clk. off.

356. INTERLOCUTORY JUDGMENT OF DIVORCE, 1918--. 6 vols. (E1-E6).
Court decisions that plaintiff is entitled to a final decree of divorce, showing names of plaintiff and defendant, department of superior court, case number, date of decision, signature of judge granting decree, name of clerk, and signature of deputy. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. pr. fm. Av. 300 pp. 18 x 12 x 2. Clk. off.
For prior divorce records, see entry 353.

357. DIVORCE, JUDGMENTS (Final), 1918--. 6 vols. (F1-F6).
1880-1917 in Judgment Book, entry 353.
Final divorce decrees, showing names of plaintiff and defendant, department of superior court, case number, date of interlocutory decree, signature of judge granting final divorce, date, name of clerk, and signature of deputy clerk. Arr. chron. by dates of final divorce. Indexed alph. by names of pltfs. and dfdts. Hdw. pr. fm. Av. 300 pp. 18 x 12 x 2. Clk. off.

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358. DECREE OF FORECLOSURE AND SALE IN OPEN COURT, 1893-1920. 1 vol. (A). 1880-92, 1921-- in Judgment Book, entry 353.
Court orders to foreclose on encumbered property, showing names of plaintiff and defendant, previous filing date, amount involved, date of sale, legal description of land, endorsement and filing by county clerk, judge's signature. Arr. chron. by dates of sale. Indexed alph. by names of pltfs. and dfdts. Hdw. pr. fm. 638 pp. 18½ x 12 x 3. Clk. off.

359. THE DEFAULT OF DEFENDANT, 1923--. 2 vols. 1880-1922 in Minutes, entry 343.
Orders from attorney of plaintiff directed to clerk requesting that a default of the defendant be entered because of failure to appear, showing case number, department, date, plaintiff and defendant, attorney for plaintiff, record, and date of failure of defendant to appear in court. Arr. chron. No index. Hdw. pr. fm. Av. 150 pp. 14 x 9 x 1. Clk. off.

Executions

360. EXECUTION DOCKET, 1880--. 4 vols. (C-F).
Record of completion of judgments involving real and personal property, showing parties to action, judgment, amount of judgment, date of execution, to whom delivered, time, and remarks. Arr. chron. No index. Hdw. Av. 500 pp. 18 x 12 x 2. Clk. off.

361. CORONER'S INQUESTS, 1850--. 152 f.b. (lbld. by inclusive case nos. 1-6614).
Records of coroner's inquests for district court, 1850-79, entry 414, and for the superior court, 1880--, showing date of filing, coroner's subpoenas for witnesses, coroner's summons of jurors with names and dates, testimony taken at inquest, verdict of jury, coroner's and deputy county clerk's signatures. Arr. chron. For index see entry 362. Hdw. pr. fm. 13½ x 10 x 4½. Clk. off.
For official register of inquests, see entry 581.

362. CORONER'S INQUEST (Index), 1850--. 1 vol.
Index of cases in district court 1850-79, entry 415, and the superior court, 1880--. Indexes Coroner's Inquests, entry 361, showing number of case, name of deceased, and date of filing. Arr. alph. by names of decedents. Hdw. 350 pp. 16½ x 11 x 1½. Clk. off.

363. GRAND JURY REPORTS, 1938--. Not available to public. Only current records preserved.
Reports of grand jury, showing recommendations for improving county property, rebuilding jail, additions to county hospital, and equipment for sheriff. Arr. chron. No index. Hdw. Dimensions unknown. Clk. off. vlt., when not in use by jury.

364. JURY BOOK, ALL DEPARTMENTS OF SUPERIOR COURT, 1889--. 23 vols. (lbld. by departments). Prior records destroyed.
List of all persons summoned for jury duty, showing service by sheriff, venire number, plaintiff and defendant, names of jurors, names of jurors who appeared in court, names of those excused, those called into jury box, poll, jury, and mileage paid by juror and by county. Arr. chron.

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No index. Hdw. under pr. head. Av. 150 pp. 16½ x 12 x 1. 11 vols., 1889-1916, clk. vlt.; 12 vols., 1917--, clk. off.

365. JURY FEE BOOK, 1910--. 18 vols. (lbld. by departments). Prior records destroyed.
Stubs for jury fees, showing juror's name, date paid, case number, days of service, amount paid per day, mileage, and total amount due juror; the slip, torn from stub and given juror, is an order on county auditor to draw warrant on county treasurer for amount due juror. Arr. chron. No index. Hdw. pr. fm. Av. 150 pp. 14 x 12 x 1. Clk. off.
For warrants for jury fees, see entry 662.

Bonds

366. BONDS, 1898. 1 vol. (A). No prior or subsequent records.
Record of original bonds in superior court that have been used by plaintiff as security for attachments levied against defendant, showing undertaking on attachment, names of plaintiff and defendant, amount and application for attachment against property of defendant, dates notarized, and signatures of notary public, clerk, and deputy. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. pr. fm. 613 pp. 18 x 12 x 3. Clk. bsmt.

367. AFFIDAVITS, JUSTIFICATION OF BAIL, 1935--. 1 f.b. 1923-34 missing.
Affidavits of sureties on bail bonds, showing name of defendant and number of case, legal description of real property owned by sureties, statement that such real property is free of encumbrances of the amount of bail and over, name, residence, occupation and signature of surety, and signature of judge. Arr. chron. No index. Hdw. 13 x 10 x 4. Clk. off.

368. UNDERTAKINGS, 1930--. 10 f.b. Prior records missing.
Original bonds used to protect the borrower against attachment, showing undertakings on attachments, appeals, injunctions, and slander, being bonds of receivers, showing date issued, name of case, parties in the case, amount of undertaking, and names and signatures of sureties sworn before a notary. Arr. chron. No index. Hdw. and typed pr. fm. Clk. off. vlt.

369. CRIMINAL BONDS, 1916-23, 1928--. 3 f.b. Prior records missing.
Bonds posted by defendants in criminal cases to secure release from custody pending trial, showing name of defendant, date information filed in superior court, nature of crime, amount of bail, date bond posted, names of sureties, their occupation, length of residence in county, signatures of sureties, oath of sureties that they are freeholders owning property free of debts and liabilities of the amount of bond and over, sworn to before a notary public, approval of judge of form and sufficiency of bond, order to sheriff directing him to release the defendant from custody, and date of order. Arr. chron. by date bond posted. No index. Hdw. and typed pr. fm. 10 x 4 x 2. 1 f.b., 1916-23, clk. bsmt. vlt.; 2 f.b., 1928--, clk. off. vlt.

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No index. Hdw. under pr. head. Av. 150 pp. 16½ x 12 x 1. 11 vols., 1889-1916, clk. vlt.; 12 vols., 1917--, clk. off.

365. JURY FEE BOOK, 1910--. 18 vols. (1bld. by departments). Prior records destroyed.
Stubs for jury fees, showing juror's name, date paid, case number, days of service, amount paid per day, mileage, and total amount due juror; the slip, torn from stub and given juror, is an order on county auditor to draw warrant on county treasurer for amount due juror. Arr. chron. No index. Hdw. pr. fm. Av. 150 pp. 14 x 12 x 1. Clk. off.
For warrants for jury fees, see entry 662.

Bonds

366. BONDS, 1898. 1 vol. (A). No prior or subsequent records.
Record of original bonds in superior court that have been used by plaintiff as security for attachments levied against defendant, showing undertaking on attachment, names of plaintiff and defendant, amount and application for attachment against property of defendant, dates notarized, and signatures of notary public, clerk, and deputy. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. pr. fm. 613 pp. 18 x 12 x 3. Clk. bsmt.

367. AFFIDAVITS, JUSTIFICATION OF BAIL, 1935--. 1 f.b. 1923-34 missing.
Affidavits of sureties on bail bonds, showing name of defendant and number of case, legal description of real property owned by sureties, statement that such real property is free of encumbrances of the amount of bail and over, name, residence, occupation and signature of surety, and signature of judge. Arr. chron. No index. Hdw. 13 x 10 x 4. Clk. off.

368. UNDERTAKINGS, 1930--. 10 f.b. Prior records missing.
Original bonds used to protect the borrower against attachment, showing undertakings on attachments, appeals, injunctions, and slander, being bonds of receivers, showing date issued, name of case, parties in the case, amount of undertaking, and names and signatures of sureties sworn before a notary. Arr. chron. No index. Hdw. and typed pr. fm. Clk. off. vlt.

369. CRIMINAL BONDS, 1916-23, 1928--. 3 f.b. Prior records missing.
Bonds posted by defendants in criminal cases to secure release from custody pending trial, showing name of defendant, date information filed in superior court, nature of crime, amount of bail, date bond posted, names of sureties, their occupation, length of residence in county, signatures of sureties, oath of sureties that they are freeholders owning property free of debts and liabilities of the amount of bond and over, sworn to before a notary public, approval of judge of form and sufficiency of bond, order to sheriff directing him to release the defendant from custody, and date of order. Arr. chron. by date bond posted. No index. Hdw. and typed pr. fm. 10 x 4 x 2. 1 f.b., 1916-23, clk. bsmt. vlt.; 2 f.b., 1928--, clk. off. vlt.

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Probate

General History of Cases (See also entries 425-430)

370. PROBATE INDEX, 1850--. 5 vols. (1-5) and four dup. vols. Indexes to all cases filed in the probate court, 1850-79, entry 425, and the superior court, probate department, 1880--. Index to Register of Actions (Probate), entry 373, showing case number, name of estate, date of first action, date closed, and volume and page of record. Arr. alph. by names of estates. Hdw. Av. 250 pp. 19 x 14 x 2. Probate dept., clk. off.; dup. vols., 1850-1936, clk. off.

371. FILE, PROBATE DEPARTMENT, 1850--. 1807 f.b. (1-1807). Petitions to probate court, 1850-79, entry 426, and the superior court, probate department, 1880--, regarding estates of deceased persons, incompetents, minors, and matters of guardianship, showing date of filing and name of attorney for petitioner. Arr. chron. No index. Hdw. 22 x 14 x 6½. Probate dept., clk. off.

372. MINUTES AND ORDERS, 1850--. 182 vols. (1-182). Title varies: Records, Probate Court, 1850-79, vols., 1-17. Record of hearings on petitions in probate court, 1850-79, entry 427, and superior court, probate department, 1880--, for letters of administration of estates of deceased persons, and appointment of administrators, petitions for settlement of estates, orders granting family allowance during settlement, and for final distribution of estates, showing name of estate, case number, names of presiding judge and clerk, signature of deputy clerk, and date of hearing. Also contains: Guardians, Inventories and Appraisment of Minors, 1850-61, entries 377 and 431a; Letters Testamentary, Administration, 1850-60, entries 378, 431; Probate Bonds, 1850-60, 1922--, entry 379. Arr. chron. Indexed alph. by names of estates. Hdw. 1850-1909; typed 1910--. Av. 600 pp. 18 x 12 x 2. Clk. off.

373. REGISTER OF ACTIONS (Probate), 1850--. 46 vols. (A-Z, 27-46). Register of the probate court, 1850-79, entry 428, and the superior court, probate department, 1880--, being a record of actions such as, petitions for letters of administration, orders placing administrator under bond, letters of administration issues, orders appointing appraiser, petitions for distribution, hearings on petitions, and notices of settlement, showing name of deceased, case number, date of action, and filing fee. Contains: Register of Claims, 1850-71, 1874-79, entry 433. Arr. chron. Indexed alph. by names of estates; for separate index see entry 370. Hdw. Av. 600 pp. 18 x 12 x 3. Probate dept., clk. off.

374. CALENDAR-DIARY, 1880--. 67 vols. (dated). Daily entry of probate proceedings, showing name of estate, names of attorneys, date of hearings, and case number. Arr. chron. No index. Av. 200 pp. 12 x 8 x 1. Probate dept., clk. off.

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375. REPORTS OF PUBLIC ADMINISTRATOR, 1911—. 1 f.b. 1851-1910 missing.
Reports of public administrator delivered to court on cases of intestacy, showing results of investigations, location of missing heirs, settlement of estates, and date of report. Arr. chron. No index. Hdw. 13½ x 10 x 4½. Clk. off.
For register of public administrator, 1935—, see entry 588; for orders and warrants, 1920—, see entry 687.

Wills

376. WILLS, PROBATE DEPARTMENT, 1850—. 26 vols. (A-Z). 1873-1903 also in Wills, entry 281.
Record of wills filed in probate court, 1850-79, entry 429, and in the superior court, probate department, 1880—, showing names of estates, date of filing, date admitted to probate, details of bequests, amounts, location of estates and signature of testator, witnesses, and volume and page where record of wills are found in Minutes and Orders, entry 372. Arr. chron. by date filed. Indexed alph. by names of testators; separate index, 1850-73, entry 430; for another index, 1850-71, see entry 282; 1872-1922, see entry 164; 1923—, see entry 166. Hdw. 1850-1913; typed 1914—. Av. 659 pp. 18 x 12 x 2. Probate dept., clk. off.

Letters of Administration and Bonds (See also entries 431-432)

377. GUARDIANS, INVENTORIES AND APPRAISEMENT OF MINORS, 1862—. 8 vols. (A-H). 1850-61 in Minutes and Orders, entry 372.
Records in probate court, 1862-79, entry 431, and superior court, probate department 1880—,of appointed guardians, inventories and appraisement of property of minors and incompetents, appointment and oath of guardian, oath of appraiser, and, in some cases, oath of executor giving character of property, whether separate or community, amount of fees and necessary disbursements, names of minors or incompetents, name of notary public, and date of entry. Arr. chron. No index. Hdw. 1862-1913; typed 1914—. Av. 600 pp. 18 x 12 x 2. Clk. off.

378. LETTERS, TESTAMENTARY, ADMINISTRATION, 1861-1933. 22 vols. (A-N, N-U). 1850-60 in Minutes and Orders, entry 372.
Records of probate court, 1861-79, entry 431a, and superior court, probate department, 1880-1933, showing appointments of guardians of persons and estates, oaths of appointees, and date of issuance of letters. Arr. chron. Indexed alph. by names of appointees. Hdw. pr. fm. Av. 500 pp. 18 x 12 x 3. Clk. off.

379. PROBATE BONDS, 1861-1921. 18 vols. (A-R). 1850-60, 1922— in Minutes and Orders, entry 372.
Records of bonds filed by executors of estates in probate court, 1861-79, entry 432, and in superior court, probate department, 1880-1921, showing date of filing, name of principal, name of minor, or deceased, names of estates, sureties, and amount of bond. Arr. chron. Indexed alph. by names of estates. Hdw. and typed pr. fm. Av. 600 pp. 18 x 12 x 2. Clk. bsmt. vlt.

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Inheritance Taxes (See also entries 633-636)

380. RECORD OF INHERITANCE TAXES, 1911---. 9 vols. (dated). Record of inheritance taxes paid by estates, showing number of case, name of deceased person, place of death, date of death, date of filing petition, items of real and personal property, estimated value, appraised value, date of filing of inventory, name of administrator or executor, his residence, name and residence of attorney, names of heirs at law, legatees or devisees, their residence, relationship, amount of legacy, and amount of taxes paid. Arr. chron. by filing dates. No index. Hdw. and typed. Av. 350 pp. 12 x 4 x ½. Probate dept., clk. vlt.

Juvenile
(See also entry 709)

381. JUVENILE RECORD, 1903---. 9 vols. (A-I). Initiated 1903. Record of court disposition of dependent children, showing name, age, and sex of child, name of guardian or institution to which committed and date of court action. Arr. chron. No index. Hdw. Av. 320 pp. 18 x 12 x 2. Clk. off.

382. INDIVIDUAL RECORDS OF JUVENILE PROBATION CASES, 1903---. 2 bdls., 22 f.b.
Records of juvenile cases arising from such conditions as the following: no parent or guardian, destitution, unfit home, vagrancy, refusal to obey parents or guardians, danger of leading an immoral life, petty theft, grand theft, malicious mischief, passing fictitious checks, battery, burglary, robbery, violating of city ordinances, traffic violation, destroying property, false fire alarm, securing money under false pretenses, extortion notes, and writing indecent notes, showing name, age, and sex of child, names and addresses of parents or guardians, institution to which committed if any, judgment of court if any, action of probation officer, and date of disposal of case. Many cases do not appear in court, but are settled by probation officer, who is appointed by the court in Santa Clara. Arr. chron. No index. Hdw. pr. fm. Bdls. 10 x 5 x 4; f.b. 28 x 14½ x 9½. S.W. rm., detention home.

383. JUVENILE COURT, FILE OF, 1914---. 15 f.b. 1903-13 in Superior Court File, entry 342.
Papers filed in all juvenile matters, showing name and address of petitioner, name and age of child, reason for appearance in juvenile court, signature of judge, date of filing, and date of appearance in court. Arr. chron. by filing dates. No index. Hdw. 13½ x 10 x 4½. 2 f.b., 1914-25, bsmt., H.R.; 13 f.b., 1926---, clk. off.

384. REGISTER OF ACTIONS, 1903---. 10 vols. (1-10). Initiated 1903.
Resume of juvenile court proceedings, showing nature of case, names of parties, date of actions, names of attorneys, and judgments rendered. Arr. alph. by names of parties. No index. Hdw. Av. 400 pp. 16 x 11 x 2. Clk. off.

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Psychopathic
(See also entry 25)

385. INSANE COMMITMENTS, 1881—. 48 f.b. (labeled by inclusive case nos. 1-4547). Initiated 1881.
Affidavits of insanity sworn to by relatives of supposed insane person or by party designated by court, warrants to hold, and final commitments, showing name of alleged insane person, name of complainant, symptoms, warrant of apprehension, case number, names of judge and deputy sheriff, certificate of medical examination, date of commitment, signature of physician, and judgment. Arr. chron. For index see entry 386. Hdw. pr. fm. 13½ x 10 x 4½. Clk. off.

386. INDEX TO INSANE COMMITMENTS, 1881—. 2 vols.
Index to Insane Commitments, entry 385, showing name of person committed, age, sex, date of order, asylum, and case number in record. Arr. alph. by names of persons committed. Hdw. Av. 250 pp. 18 x 12 x 2. Clk. off.

387. MINUTES TO INSANE PERSONS, 1903—. 5 vols. (1-5). 1880-1902 in Minutes, entry 343.
Minutes of court hearings on insanity complaints, showing name of alleged insane person, name of complainant, date of hearing, and name of judge. Arr. chron. Indexed alph. by names of dfdts. Hdw. Av. 300 pp. 18 x 12 x 2. Clk. off.

388. MINUTES TO INTEMPERATE PERSONS, 1911—. 1 vol. 1880-1910 in Minutes, entry 343.
Minutes of court hearings on intemperance complaints, showing name of person using stimulants or drugs, name of judge, clerk, sheriff, and person making the complaint, case number, disposition of case, and date of hearing. Arr. num. by case number in chron. sequence. Indexed alph. by names of dfdts.; for guide to names of inebriates and drug habitues, see entry 390. Hdw. pr. fm. 251 pp. 18 x 12 x 2. Clk. off.

389. INTEMPERANCE, RECORD OF COMMITMENT, 1911—. 8 vols. 1880-1910 in Minutes, entry 343.
Record of commitment of intemperate persons to state institutions for treatment, showing name of person, date of commitment, institution to which committed, cast number, and signature of judge. Arr. num. by case number in chron. sequence. Indexed alph. by names of dfdts.; for guide to names of inebriates and drug habitues committed see entry 390. Hdw. pr. fm. Av. 500 pp. 18 x 12 x 3. Clk. off.

390. INDEX TO INEBRIATES AND DRUG HABITUES, 1911—. 1 vol.
Guide to names of inebriates and drug habitues in Minutes of Intemperate Persons, entry 388, and in Intemperance, Record of Commitment, entry 389, showing name of inebriate or drug habitue, age, sex, date of order, place of commitment, case number, and remarks. Arr. alph. by names of dfdts. Hdw. 150 pp. 18 x 12 x 1. Clk. off.

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391. INSANE, NOT COMMITTED, 1903—. 1880-1902 in Superior Court File, entry 342.
Affidavits of persons swearing out complaints against allegedly insane persons, showing name and signature of complaining witness, reports, and signatures of examining physicians, judge's signature, sheriff's name and deputy's signature, date of judgment, and judgment rendered. Arr. chron. No index. Hdw. pr. fm. 13½ x 10 x 4½. Clk. off.

392. DISCHARGE OF INSANE PERSONS, 1903—. 2 vols. 1880-1902, in Minutes, entry 343.
Copies of affidavits of medical superintendent of state hospital discharging patients from said hospital, giving name of patient, date of commitment and date of discharge; also affidavit from secretary of board of managers of state hospital affirming affidavit of medical superintendent. Arr. chron. by datesof discharge. Indexed alph. by names of discharged persons. Hdw. pr. fm. Av. 398 pp. 16 x 12 x 2. Clk. off.

393. INDEX TO COMMITMENTS OF FEEBLE MINDED CHILDREN, 1897—. 1 vol. No prior records.
Index to records now missing, showing name of child, age, sex, date of order, place of commitment, case number, and volume and page of record. Arr. alph. by name of child. Hdw. 150 pp. 18 x 12 x 1½. Clk. off.

V. GRAND JURY

A grand jury is a body of men, not less than 16 nor more than 23 in number, returned at stated periods from the citizens of the county before a court of competent jurisdiction and sworn to inquire into public offences committed or triable within the county (1). As a judicial body, it is a part of the court (2), and it is required to sit as the great inquest between the state and the citizen (3).

The constitution of 1849 provided that no person should be held to answer for a capital or otherwise infamous crime unless on presentment or indictment of a grand jury (4).

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1. Cal. Stats. 1850, p. 288.
2. 82 Cal. 245; 69 Cal. 541.
3. 64 Cal. 434.
4. Cal. Const. 1879, art. 1, sec. 8.

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Grand Jury (Next entry 394, p. 154)

A statute of 1850 provided for the formation of the grand jury. During its first term the court of sessions of each county examined the assessment rolls and designated a list of persons competent to serve as jurors. Each juror was to be a qualified elector. The jury list was signed by judges and clerk and filed in the office of the court of sessions. Each name which was on the jury list was written on a separate ballot, and deposited in a box kept by the clerk. From this box, juries were drawn when required. Drawings were public and took place at the office of the court of sessions. When persons who constituted the grand jury convened, the court appointed one of them to be foreman. After the grand jury was impanelled and sworn, the court gave them all necessary information and instruction. Presentment and indictment had to have the concurrence of at least 12 grand jurors and had to be signed by the foreman. A person held to answer to a charge for a public offence, had the right to challenge the panel of the grand jury or any individual juror. Upon the completion of its business the jury was discharged by the court.(1).

In 1851 a juror had to be a citizen of the United States, between the ages of 21 and 60, have no criminal record, and be in possession of his natural faculties. The court of sessions was to make a grand jury list and a trial jury list on the second Monday of October of each year. The grand jury list was to contain not over 400 names, which were certified by the judges of the court and filed with the county clerk. The number to constitute a grand jury was not to be less than 12 nor more than 18. If less than 12 the court was empowered to order the sheriff to summon from the body of citizens of the county a sufficient number of persons to complete the grand jury.(2)

When it appeared necessary to the presiding judge that a grand jury should be summoned, or when a petition signed by 20 or more electors of the county asking that a grand jury be summoned was presented to said judge, he was to order the trial judge in writing to summon a jury. The number of jurors was to be not less than 17 nor more than 23.(3)

The sheriff was to copy from the assessment rolls the names of 30 persons upon separate pieces of paper. A box was to be placed in the county clerk's office and the county clerk in the presence of the county judge and sheriff was to draw from the box the names of 16 persons to serve as grand jurors.(4)

In 1863 a statute required that the board of supervisors at their first regular meeting selected 30 persons who were to be proportioned among the townships for grand jury duty for each term of the court. The number on the grand juries was to be not less than 13 nore more than 15.(5)

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1. Cal. Stats. 1850, pp. 288-292.
2. Cal. Stats. 1851, p. 290.
3. Cal. Stats. 1852, p. 108.
4. Cal. Stats. 1859, p. 184.
5. Cal. Stats. 1863, p. 632.

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A statutory amendment in 1876 required the grand jury to have 19 members (1).

Since 1881 the grand jury has been formed under the direction of the superior court (2). In January of each year the superior court designates the estimated number of grand jurors required for the transaction of the business of the court. Immediately following this, the court selects and lists the grand jurors required to serve in the superior court during the ensuing year, or until new lists of jurors are provided. In counties, and cities and counties having a population of 90,000 or more, such selection was made by a majority of the judges of the superior court.(3) The required population is now set at 80,000 (4).

It is the duty of the grand jury to inquire into public offences committed or triable within the county and to bring them before the court either by presentment (informal statement in writing) or by indictment (formal accusation in writing). It investigates the case of every person imprisoned on a criminal charge and not indicted, and the wilful or corrupt misconduct of public officers within the county as well as the condition and management of public prisons. The criminal proceedings of the grand jury are secret. No person is permitted to be present during the session, except persons subpoenaed or invited by that body, and every grand juror must keep secret whatever is said or voted.(5)

According to a statute of 1937, the sessions of the grand jury are open to the public, when so directed by the order of the superior court and when the subject matter of the investigation is one affecting general public welfare (6).

The grand jury was empowered to issue presentments or indictments for any violation of the registry act (7).

The grand jury is authorized to make annual examination of the books, records and accounts of all officers of the county, especially those pertaining to revenue, and to report the facts found and recommendations made. In case of need, the grand jury has the power to employ an expert and also order the district attorney to institute suit to recover moneys due the county after such investigation. Orders of the grand jury, certified by its foreman, are filed with the county clerk.(8)

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1. Cal. Stats. Am. 1875-76, p. 86.
2. Pol. Code Am. 1881, p. 70.
3. Code Civil Proc., sec. 204.
4. Cal. Stats. 1937, p. 1580.
5. Cal. Stats. 1850, p. 288.
6. Cal. Stats. 1937, p. 702.
7. Cal. Stats. 1865-66, p. 300.
8. Cal. Stats. 1897, p. 205.

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The grand jury is required to investigate and inquire into all sales and transfers of lands and into the ownership of land, which might or should legally escheat to the state of California (1).

According to the provisions of a statute passed in 1935, the attorney general is empowered to direct the county grand jury to convene for the investigation of such matters as required by public interest (2).

The records of the grand jury are of two kinds: criminal indictments and transcripts of testimony that are part of the court records, and reports and recommendations of the grand jury concerning non-judicial matters and county officers (3). The latter reports contain material pertaining to the condition and development of the county government, and are valuable from the historical point of view. Copies of the reports may be kept on file with the county clerk. The clerk also keeps the grand jury lists on file.(4)

For Grand Jury Reports, see entry 363.

VI. PROBATION COMMITTEE

The juvenile court act of 1903 provided that the superior court might appoint a board of six to investigate all societies and associations applying for or receiving children under that act and to submit their report to the court from time to time (5). In 1905 this function was transferred to the probation committee when the judge of the superior court, or a majority of the judges if there were more than one, was authorized to appoint a probation committee of seven discreet persons to serve without compensation. A provision was made that one of the first appointed should hold office for one year and others for varying terms. Their successors were to serve for four years.(6)

In 1909 the probation committee was given control and management of any detention home for juveniles that might be established by the board of supervisors (7), and in Santa Clara County this home was established in 1910. Persons under the age of 21 come under the jurisdiction of the juvenile court.(8)

Any member of the probation committee may be removed at any time by the following procedure: A meeting of the probation committee is called

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1. Cal. Stats. 1921, p. 76.
2. Cal. Stats. 1935, p. 1670.
3. Penal Code, sec. 928.
4. Code Civil Proc., sec. 209.
5. Cal. Stats. 1903, p. 48.
6. Cal. Stats. 1905, pp. 780-781.
7. Cal. Stats. 1909, p. 217.
8. Cal. Stats. 1911, p. 658.

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for the special purpose of considering such removal. Written notice of such meeting, specifying the purpose thereof is served on each member of the committee 10 days prior to the date set for such hearing. Affirmative votes of four members of the committee are necessary for removal. A written report of the vote of the committee to remove the member must be made to the judge of the juvenile court. Within 30 days after receipt thereof, if the judge approves the report of the committee he files written approval with the clerk of the juvenile court (1).

The annual report of the probation committee must be made to the court and filed as a public document, within 30 days after December 31, and copies of this report are filed with the county board of supervisors and the state department of public welfare (2). The probation committee is authorized to establish, or assist in the establishment of, any public council or committee having as its object the prevention of juvenile delinquency and may work with or participate in the work of such councils or committees in improving recreation, health, and other conditions in the community (3).

VII. PROBATION OFFICER

The judges and justices of the courts having original jurisdiction of criminal actions were authorized in 1903 to appoint, if deemed advisable, a person or persons from among the officers of non-sectarian charitable organizations to perform the duties of probation officer (4).

In 1905 the authority to appoint the probation officer and his deputy was transferred to the county probation committee, subject to the approval of the judge of the superior court (5). This authority was not used in Santa Clara County until 1927, when the first probation officer was appointed. Although separate acts dealt with the probation committee and officers for adults and juveniles, the same committee and officers have functioned in regard to both adult and juvenile cases.

The probation officer inquires into the antecedents, character, history and offence of persons under the age of sixteen arrested for a crime, and make such report as should be required by the court, which report is filed with the clerk. He is required to keep in suitable books a complete and accurate record of the conduct of any person committed to his care serving his term of probation, which record is part of the records of the court. He furnishes each person released on probation a written statement of the terms of his probation and reports any violation or breach of such

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1. Cal. Stats. 1937, pp. 1023-1024.
2. Ibid., p. 1024.
3. Ibid., p. 1025.
4. Cal. Stats. 1903, p. 36.
5. Cal. Stats. 1905, p. 782.

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terms (1). The probation officer represents the interests of children appearing before the juvenile court (2).

He reports in writing to the judge in regard to the antecedents, family history and environment of every person brought before the juvenile court. He also has supervision over wards of the juvenile court, including those boarded out.(3)

A statute of 1911 requires the probation officer to give his recommendation for or against the release on probation of an adult offender, along with the report previously mentioned (4).

The probation officer must make semi-annual reports to the judge of the juvenile court, with copies to the board of supervisors and the state board of charities (now state department of public welfare), of the number of juveniles committed to his care, and the number of wards of the juvenile court (5). The probation officer is authorized to handle accounts for the support of juvenile court wards received from parents or other sources, and to keep suitable books and accounts, which are audited annually in January (6). An act of 1935 requires the probation officer to report to the state board of prison directors upon circumstances surrounding the crime and the prior record and history of any defendant sentenced to state prison, regardless of whether or not probation was applied for (7).

All records of the probation officer are in the hall of justice unless otherwise indicated.

394. INDEX BOOK (Register of Probationers), 1927---. 2 vols.
Subtitled: Fee Book.
Register of all adult probation cases, not an index to any record, showing case number, name of probationer, date released on probation, length of probationary period, offense, and date of probation order. Arr. chron. by dates released on probation. No index, but for guide to names of probationers, see entry 395. Hdw. pr. fm. Av. 200 pp. 16 x 10 x 1½. Prob. offr. off.

395. INDEX CARDS, 1927---. 4 f.b. (1bld. by inclusive letters of the alphabet).
Record of costs in all adult probation cases; serves also as guide to names of probationers in Index Book (Register of Probationers), entry 394, and Monthly Reports of Adult Probation Officer and Individual Record of Adult Probation Cases, showing case number, name and address

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1. Cal. Stats. 1903, p. 36.
2. Ibid., p. 46.
3. Cal. Stats. 1905, p. 809.
4. Cal. Stats. 1911, p. 691.
5. Cal. Stats. 1913, p. 224.
6. Cal. Stats. 1915, p. 1234.
7. Cal. Stats. 1935, p. 1564.

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of probationer, date released on probation, length of probationary period, fine cost per month, and monthly cost of probation. Arr. alph. by names of probationers. Typed. Av. 12 x 4 x 4. Prob. offr. off.

396. MONTHLY REPORTS OF ADULT PROBATION OFFICER AND INDIVIDUAL RECORD OF ADULT PROBATION CASES, 1923—. 27 f.b. Prior records destroyed.

Reports and histories of probationers, showing name of probationer, offense, date of offense, case number, date of trial, and judgment of court. Arr. chron. by dates of trials. No index, but for guide to names of probationers, 1927—, see entry 395. Hdw. and typed. Av. 27 x 13 x 11. Prob. offr. off.

397. CASH BOOK, 1927—. 2 binders.

Probation officer's cash record, showing date of entry, name and record number of probationer, total amount received, probation cost, fines, support, refunds, and deposits. Arr. chron. No index. Hdw. on typed fm. Av. 100 pp. (loose-leaf) 13 x 9 x 2. Prob. offr. off.

398. LEDGER, 1927—. 2 vols.

Probation officer's financial ledger, showing account number, name of probationer, address, rating, business, sheet number, credit limit, date of entry, items, folio, debits, fines, and length of probation. Arr. alph. by names of probationers. Hdw. pr. fm. Av. 200 pp. 13 x 9 x 2⅛. Prob. offr. off.

399. RECEIPT BOOKS, 1927—. 37 vols.

Probation officer's receipt books, showing receipt number, check number, date of receipt, name of payer, amount received, whether cash support, cash refund, or probation cost. Arr. chron. Hdw. pr. fm. Av. 50 pp. 12 x 6 x ⅛. Prob. offr. off.

VIII. BOARD OF PAROLE COMMISSIONERS

An act of 1909 provided for a county board of parole consisting of the sheriff and district attorney for each county in the state (1).

This act authorizes the board to establish rules and regulations under which any prisoner, imprisoned in the county jail for the commission of a misdemeanor, may be released on parole outside of the jail. While on parole, however, he must remain in the legal custody and under the control of the board and subject at any time to be taken back within the enclosure of the jail.

Full power to make and enforce these rules and regulations and to take and imprison such prisoner is conferred upon the board, whose written order is a sufficient warrant for all peace officers to return

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1. Cal. Stats. 1909, p. 783

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to actual custody any conditionally released or paroled prisoner. If he leaves the county without permission from the board, he is considered as an escaped prisoner and may be arrested as such.(1)

The board is now composed of three members: the sheriff, district attorney, and the chief of police of the county seat. Its existence is mandatory, and it has jurisdiction over all jails in the county (2).

An amendment to the penal code (sec. 1614a), provides that five days per month should be allowed prisoners for good behavior, under rules prescribed by, and with the consent of, the board of parole commissioners (3). It is obligatory for the board to hold regularly called meetings, with at least two of the three members present, and to make and establish its rules in writing as to the conditions of parole of any prisoner. The members of the board are authorized to designate deputies from their respective offices to act in their stead as temporary commissioners.(4)

A statute of 1935 empowers the board to make and establish written rules and regulations for the unconditional release of any alien prisoner, who voluntarily consents to return or be returned to his native land. The necessary expenses of the transportation of such alien are paid by the county upon order of the board of supervisors.(5)

The sheriff who keeps the records of the commissioners, has his office in the county courthouse.

400. ORDER GRANTING PAROLE TO PRISONERS, 1935--. 2 f.b. Prior records destroyed.
Orders attached to petitions of prisoners for parole, showing prisoner's name and offense, conditions of parole, date parole granted, and signatures of prisoner and parole board. Arr. alph. by names of paroled prisoners. No index. Hdw. and typed. Av. 12 x 10 x 4. 1 f.b., shf. off., C.C.; 1 f.b., co. jail.

IX. DISTRICT COURT

The district court was authorized by the California Constitution of 1849, which provided that the first district court judge of each district was to be appointed for a term of two years by the state legislature and thereafter the office of district judge was to become elective for a term of six years (6).

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1. Cal. Stats. 1909, p. 783.
2. Cal. Stats. 1913, p. 385.
3. Penal Code, sec. 1614a; Cal. Stats. 1929, pp. 199-200.
4. Ibid., pp. 1749-1750.
5. Cal. Stats. 1935, p. 1635.
6. Cal. Stats. 1879, art. VI.

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 (Next entry 401, p. 158)

Santa Clara district court was included in the third judicial district. It was a court of record with original jurisdiction in law and equity in all civil cases in which the amount in dispute exceeded $200, exclusive of interest. Moreover, it had jurisdiction over all issues of fact joined in the probate court and unlimited jurisdiction in cases involving title or possession of real property.(1)

As the highest court of original jurisdiction in the state of California, the district court had jurisdiction over matters of naturalization in accordance with federal naturalization laws. Furthermore, it had jurisdiction over all crimes except assault and battery, breach of peace, riot, affray, petty larceny and all misdemeanors punishable by a fine not to exceed $500 or imprisonment not to exceed three months or both.(2)

Within 10 days after the close of its term the district court had to prepare a statement giving the number of action on the calendar of the court, the number tried and determined, the number remaining on the calendar, and the duration of the term. The clerk transmitted the statement to the governor who laid it before the next legislature. Each day's proceedings were drawn up at full length and read in open court, and corrected when necessary, after which they were signed by the judge. No process or execution could issue on any judgment or decree until it had been so read and signed.(3)

In 1851 the criminal jurisdiction of the district court was limited to cases of murder, manslaughter, and arson (4). In the district court was given appellate jurisdiction over cases originating in the county court and the probate court (5); but this exercise of appellate jurisdiction was held unconstitutional by a decision of the California supreme court and was therefore repealed in 1853 (6).

A subsequent statute provided for the collection of delinquent taxes by filing suit in any court of the county, and judgment rendered in such cases in the district court was made a lien upon all taxable property of the defendants (7). Later the district court was given exclusive jurisdiction in tax suits and the county clerk was directed to procure the following books for use by the court in tax suits: an index book, a register of actions, and order book, and a decree book (8). This system

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1. Cal. Stats. 1850, pp. 93-94.
2. Ibid., pp. 94, 210.
3. Cal. Stats. 1850,pp. 83-95.
4. Cal. Stats. 1851, p. 19.
5. Ibid., p. 13.
6. 3 Cal. 389; Cal. Stats. 1853, p. 291.
7. Cal. Stats. 1861, p. 471.
8. Cal. Stats. 1863-64, p. 399.

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was abandoned in 1872, when the necessity for bringing suit to collect taxes was abolished (1).

In 1862 the jurisdiction of the district court was extended to include all cases in equity such as: cases involving the title or possession of real property; questions of the legality of any tax, impost, assessment, toll or municipal fine and all cases where the amount involved exceeded $300 as well as all criminal cases not otherwise provided for (2).

After 1863 the county clerk was required to keep an index to all suits which were thereafter introduced in the district court. It was to be kept in two volumes, one labeled "General Index, Plaintiffs", and the other "General Index, Defendants".(3)

The following year the criminal jurisdiction of the district court was limited to cases of treason, misprision of treason, murder, and manslaughter (4).

The district court was abolished in 1880, and its powers and functions were transferred to the newly created superior court (5).

The county clerk was ex-officio clerk of the district court (6).

The records of the district court are in the hall of records, unless otherwise indicated.

General History of Cases
(See also entries 277-297)

401. GENERAL INDEX, DISTRICT COURT, 1850-79. In General Index, Superior Court, entry 341.
For description of contents, see entry 373.

402. DISTRICT COURT FILE, 1850-61. 262 f.b.
File of original legal papers in civil and criminal cases, showing case number, names of plaintiff and defendant, actions of court, dates of actions, and signature of clerk's deputy. Contains: Tax Suits, 1860-61, entry 405. Arr. chron. by dates of first court action. For index see entry 401. Hdw. pr. fm. Av. 13½ x 10 x 4½. Clk. off.

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1. Pol. Code, secs. 3716-3717.
2. Cal. Stats. 1862, p. 584.
3. Cal. Stats. 1863, pp. 260-261.
4. Ibid., p. 337.
5. Cal. Const. 1879, art. XXII; Cal. Stats. 1880, p. 3.
6. Cal. Stats. 1850, p. 95.

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403. RECORD, DISTRICT COURT, 1850-79. 12 vols. (A-L).
Minutes of proceedings in district court, showing date of action, names of plaintiff and defendant, names of attorneys, and judgment rendered. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. Av. 650 pp. 18 x 12 x 3. Clk. off.

404. REGISTER OF ACTIONS, 1850-79. 10 vols. (A-J).
Record of court actions, papers filed, and writs issued, showing names of plaintiff, defendant, and attorneys, dates of actions, debit and credit plaintiff, debit and credit defendant, petitions in arbitration proceedings. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. Av. 475 pp. 13 x 9 x 2. Clk. off.

Tax Suits

405. TAX SUITS, 1862-72. 19 f.b. 1860-61 in District Court File, entry 402.
Case papers in prosecutions for delinquent taxes, showing name of defendant, court costs and costs of filing complaints and making inserts in tax register, settlement and dismissal, and case number. Arr. num. by case numbers. For index see entry 407. Hdw. Av. 13 x 10 x 4½. Clk. off.

406. TAX SUITS (Records), 1864-72. 8 vols. 1860-63 missing.
Record of case papers and actions in prosecutions for delinquent taxes. For description of contents see entry 405. Arr. chron. Indexed alph. by names of delinquent taxpayers; for separate index see entry 407. Hdw. Av. 400 pp. 14 x 9 x 1½. Clk. off.

407. INDEX TO TAX SUITS, 1860-72. 1 vol.
Serves as index to Tax Suits in District Court File, entry 402; to Tax Suits, entry 405; and to Tax Suits (Records), entry 406, showing number of suit, names of plaintiff and defendant, decree number, fiscal year, description of property, real estate other than city and town lots, subdivision of sections, section, township, range, city or town lots, fraction, lot, block and range, case number, and/or volume and page of record. Arr. alph. by names of dfdts. Hdw. 400 pp. 18 x 12 x 2½. Clk. off.

408. DECREE AND ORDER OF SALES, 1865-72. 4 vols. (A-D).
Record of settlement of tax suits in Santa Clara County and city of San Jose, showing name of defendant, numbers of tax suit and decree, legal description of property, amount of tax due, penalty for non-payment, fees of district attorney, clerk, and sheriff, court tax and costs, witnesses' fees, and printing costs, date of hearing, court commissioner's signature, and signature of district judge. Arr. chron. Indexed alph. by names of dfdts. Hdw. Av. 500 pp. 18 x 12 x 2. Clk. off.

409. ORDER OF SALE, 1866-79. 3 vols. Title varies: Record of Execution, 1866-75. 1850-65 in Judgment Book, entry 410.
Record of foreclosure suits and sales to satisfy judgment, showing number of suit, names of plaintiff and defendant, order to sheriff to sell real

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property accompanied by certified copy of original decree of foreclosure, certification by sheriff that legal notice was given, description of property, time and place of sale by public auction, amount received from sale and amount deducted for costs, and notice that purchaser was delivered certificate of sale. Arr. chron. No index 1866-75; 1876-79 indexed alph. by names of pltfs. and dfdts. Hdw. Av. 640 pp. 18 x 12 x 2. Clk. off.

Judgments and Executions

410. JUDGMENT BOOK, 1850-79. 10 vols. (A-J).
Record of judgments in all civil and criminal cases including annulment of marriage and decrees of divorce, showing names of plaintiff and defendant and attorneys, nature of case, and date and nature of judgment. Also contains: Order of Sale, 1850-65, entry 409. Arr. chron. Indexed alph.by names of pltfs. and dfdts. Hdw. Av. 500 pp. 18 x 12 x 3. Clk. off.

411. JUDGMENT DOCKET, 1851-79. In Judgment Docket, entry 355.
For description of contents see entry 355.

412. RECORDS OF DEFAULTS, 1851-62. 1 vol.
Scattered records of judgments by default, showing names of defendant and attorney for plaintiff, date of action, and date of failure of defendant to appear. Arr. chron. by dates of failure to appear. No index. Hdw. 350 pp. 12 x 9 x 1½. Clk. off.

413. EXECUTION DOCKET, 1850-79. 3 vols. (A-C).
Record of executions in district court, showing names of parties to action, amount of judgment, date of execution, to whom delivered, time, and remarks. Arr. chron. No index. Hdw. Av. 240 pp. 18 x 12 x 2. Clk. off.

Inquests

414. CORONER'S INQUESTS, 1850-79. In Coroner's Inquests, entry 361. For description of contents see entry 361.

415. CORONER'S INQUESTS (Index), 1850-79. In Coroner's Inquests (Index), entry 362.
For description of contents see entry 362.

X. COUNTY COURT

The constitution of 1849 provided for the election of one county judge in each county to hold office for four years. He was to hold county court and perform the duties of surrogate or probate judge. The county judge, together with two justices of the peace, was to hold courts

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of sessions with such criminal jurisdiction as the legislature might prescribe, and he was to perform such other duties as required by law. The county courts were given no original civil jurisdiction; the legislature was to prescribe what jurisdiction they should have in cases arising in justices' courts and in other special cases.(1)

In 1850 the county judge was given the power to issue writs of habeas corpus and was made conservator of the peace throughout his county. As such he could exercise all the powers conferred upon justices of the peace. Moreover, as conservator of the peace, the county court was given jurisdiction in all cases of appeals from the judgments of justices of the peace within the county.(2)

Later the county court was given original civil jurisdiction in actions to enforce the liens of mechanics and others; actions to prevent nuisances; actions to prevent waste or to recover damages therefor; and of proceedings in insolvency. Furthermore, the county court was empowered to review the proceedings of an inferior tribunal or office on writ of certiorari, and issue mandates therein.(3)

Jurisdiction in acting to prevent waste was subsequently nullified and jurisdiction was extended to include actions for seamen's wages, and power to issue and determine writs of mandamus, certiorari, quo warrento, and appellate jurisdiction from the judgment of a recorder's court (4). Amendments to the constitution in 1862 gave the county court power to issue naturalization papers, and jurisdiction in actions of forcible entry and detainer, and such criminal jurisdiction as the legislature might prescribe. By intervention of a grand jury, the county court was empowered to inquire into all public offenses committed in the county and to try all indictments for public offenses except treason, misprision of treason, murder, and manslaughter.(5)

The county court was given the functions of the court of sessions when that court was abolished in 1863 (6).

The county clerk was clerk of the county court (7).

In 1880 the county court was abolished, and its functions were taken over by the superior court (8).

The records of the county court are in the hall of records unless otherwise indicated.

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1. Cal. Const. 1849, art. VI.
2. Cal. Stats. 1850, p. 217.
3. Cal. Stats. 1851, p. 18.
4. Cal. Stats. 1853, p. 293.
5. Cal. Stats. 1863, p. 337.
6. Ibid., p. 786.
7. Cal. Stats. 1850, p. 217.
8. Cal. Const. 1879, art. XXII; Cal. Stats. 1880, p. 3.

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For minutes of criminal cases in the county and probate court, 1860-64, see entry 422; for recorded court records, see entries 277-297.

416. GENERAL INDEX, 1849-79. 2 vols. (1 vol., plaintiffs; 1 vol., defendants).
Index to County Court File, entry 417, and Judgment Record, entry 420, showing number of suit, names of plaintiff and defendant, and volume and page of record. Arr. alph. by names of pltfs. and dfdts. Hdw. Av. 475 pp. 13 x 9 x 2. Clk. off.

417. COUNTY COURT FILE, 1849-79. 70 f.b.
Original papers, showing names of plaintiff and defendant, case number, dates of filing and discharge, and deputy clerk's signature. Arr. num. by case numbers. For index see entry 416. Hdw. pr. fm. Av. 13½ x 10 x 4½. Clk. off.

418. RECORD AND JUDGMENT MINUTES, 1850-79. 7 vols. (A-G).
Record of proceedings and judgments in county court, showing date of action, names of plaintiff and defendant, amounts involved, names of attorneys for both parties, and judgment rendered. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. Av. 640 pp. 18 x 12 x 3. Clk. off.

419. REGISTER OF ACTIONS, 1850-79. 4 vols. (A, B, B, C).
Record of court actions, papers filed, and writs issued, showing names of plaintiff and defendant, nature and date of action, petitions in arbitration proceedings, and fees. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. Av. 275 pp. 13 x 9 x 2. Clk. off.

420. JUDGMENT RECORD, 1864-79. 1 vol. (A).
Record of final discharge of cases, showing date of discharge, judgments by default, verdicts, and motions for new trials. Arr. chron. Indexed alph. by names of pltfs. and dfdts. For separate index see entry 416. Hdw. 800 pp. 18 x 12 x 3. Clk. off.

421. JUDGMENT DOCKET, 1850-72. 2 vols. (A, B). 1873-79 in Judgment Docket, entry 355.
Minutes of proceedings in county court, showing in volume A, names of judgment debtor and creditor, amount of judgment, time of entry, page of entry in Record and Judgment Minutes, entry 418, appeals when taken, judgment of appellate court, satisfaction of judgment, and when entered; volume B shows register number, names of judgment debtor and creditor, and amount of judgment. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. Av. 150 to 400 pp. 8 x 14 x ½ to 14 x 12 x 2. Clk. off.

XI. COURT OF SESSIONS

In compliance with the provisions of the state constitution of 1849, the legislature in 1850 passed an act creating courts of sessions as administrative and executive bodies, governing the counties of California. The court of sessions was composed of the county judge, as chief justice, and two associate judges.(1)

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1. Cal. Const. 1849, art. VI; Cal. Stats. 1850, pp. 209-210.

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The justices of the peace were convened annually by the county judge for the purpose of selecting two from their number to serve as associate judges for the ensuing year. However, the county judge alone could constitute a quorum for the transaction of county business.(1)

The functions of the court of sessions embraced two classifications: criminal jurisdiction and county business. For the transaction of county business the court of sessions had power to make orders concerning county property; to allow accounts charged against the county; to levy a tax on real and personal property for the purpose of defraying county expenses; to audit the accounts of all officers having to do with county funds or property; to have control and management of public roads, ferries, canals, and bridges; to divide the county into townships and change them as deemed convenient; to establish election precincts; to purchase and receive by donation, real and personal property for county use; to sell county real estate and chattels; to cause to be erected and to furnish a courthouse, jail, and other public buildings; and to perform all other necessary acts.(2)

In 1852 the legislature authorized the creation of a board of supervisors in Santa Clara County, which took over the administrative duties of the court of sessions (3). In 1854 the board of supervisors was abolished and the court of sessions again took over the administration of county business (4), but in 1855 the legislature reestablished the board of supervisors to assume this function (5) and it has remained so.

The criminal jurisdiction of the court of sessions originally covered all cases of assault and battery, breach of the peace, riot, affray, petty larceny, and all misdemeanors punishable by a fine not to exceed $500 or imprisonment not to exceed three months or both (6). In 1851 its criminal jurisdiction was extended to include the power to inquire, by intervention of a grand jury, into all public offenses committed or triable in the county; to try all indictments found therein, except murder, manslaughter, and arson; and to hear appeals from justices' and recorders' courts in cases of a criminal nature (7).

The county clerk was ex-officio clerk of the court of sessions, and as such was required to keep a record of all cases coming before the court. During the court's tenure as administrator of county business, the clerk kept all records arising from this function.(8)

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1. Cal. Stats. 1850, p. 210.
2. Ibid., pp. 210-211.
3. Cal. Stats. 1852, p. 87.
4. Cal. Stats. 1854, p. 179.
5. Cal. Stats. 1855, p. 51.
6. Cal. Stats. 1850, p. 210.
7. Cal. Stats. 1851, p. 19.
8. Ibid., p. 211.

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By virtue of a constitutional amendment of 1863, the court of sessions was abolished, and its functions were given to the county court (1).

Records of the court of sessions are in the hall of records unless otherwise indicated.

422. MINUTE BOOK OF THE COURT OF SESSIONS, COUNTY AND PROBATE COURTS, 1860-64. 1 vol.
Minutes of criminal cases in court of sessions, some scattered minutes of civil cases in county court, and occasional probate court minutes; criminal minutes show date of action, case number, and name of defendant, with memorandum of offense and disposition of case; civil minutes show date of action, case number, names of plaintiff and defendant, date of action, name of attorneys, and judgment rendered; probate minutes show date of action, name of estate, cause of action, matters of guardianship and petitions and letters for distribution of estates, and settlement. Arr. chron. No index. Hdw. 144 pp. 12 x 8 x ½. Clk. off.

423. RECORD OF COURT OF SESSIONS, 1850-63. 3 vols. (A-C).
Complete minutes of criminal cases in court of sessions, showing offense, case name and number, date of action, and disposition of case. Arr. chron. No index. Hdw. Av. 450 pp. 15 x 10 x 2. Clk. off.

424. (MINUTE BOOK, COURT OF SESSIONS), 1850-52. In Proceedings of The Board of Supervisors, entry 1.
Minutes of proceedings of the court of sessions acting as administrative body of county, showing dates of meetings, persons present, and official actions.

XII. PROBATE COURT

The constitution of 1849 provided that the county judge should perform the duties of surrogate or probate judge. He was to be elected for a term of four years.(2) When transacting probate business, the county court was known as the probate court, and the county judge acted as ex-officio probate judge. Jurisdiction over issues of fact joined in probate court was vested in the district court.(3)

In the transaction of probate business, the county judge was given power to open and receive proof of last wills and testaments, and to admit them to probate; to grant and revoke letters of administration and guardianship; to compel executors, administrators, and guardians to render an account when required; to order sale of property and payment of debts owned by estates; to order and regulate all petitions; to compel attendance of witnesses; to appoint appraisers; to compel parties

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1. Cal. Stats. 1863, p. 786.
2. Cal. Const. 1879, art. VI, sec. 8.
3. Cal. Stats. 1850, p. 377.

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to produce title deeds; and to exercise such other powers as might be necessary (1).

Later it was provided that issues of fact regarding the competency of the deceased to make a will should be certified to the district court, at the request of either party, or by the consent of both parties, such issues of fact might be tried in the probate court (2). A statute in 1851 gave the district court jurisdiction over appeals from the probate court (3), but two years later a decision of the California supreme court held that no appellate jurisdiction could be conferred on the district court, so this statute was therefore repealed (4).

Thereafter the proceedings of the probate courts, within the jurisdiction conferred on them by law, was to be construed in the same manner, and with like intendments, as the proceedings of courts of general jurisdiction (5).

In 1864 it was provided that appeals from decrees of the probate court might be taken to the supreme court (6). In 1880 the probate court was replaced by the superior court (7), but in most of the counties, including Santa Clara, probate records continued to be filed as such.

The county clerk was ex-officio clerk of the probate court, and was required to keep a minute book, in which were to be recorded all orders, judgments, and decrees, a record of wills and a probate court fee book (8).

All records of the probate court are in the hall of records unless otherwise indicated.

General History of Cases
(See also entries 370-375)

425. PROBATE INDEX, 1850-79. In Probate Index, entry 370.
For description of contents, see entry 370.

426. FILE, PROBATE DEPARTMENT, 1850-79. In File, Probate Department, entry 371.
For description of contents, see entry 371.

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1. Cal. Stats. 1850, p. 217.
2. Cal. Const. 1879, art. VI, sec. 3; Cal. Stats. 1851, p. 22.
3. Cal. Stats. 1851, p. 13.
4. 3 Cal. 389; Cal. Stats. 1853, p. 291.
5. Cal. Stats. 1863, p. 339.
6. Cal. Stats. 1863-64, p. 375.
7. Cal. Stats. 1880, p. 21.
8. Cal. Stats. 1850, pp. 261, 377, 422.

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427. MINUTES AND ORDERS, 1850-79. In Minutes and Orders, entry 372.
For description of contents, see entry 372.
For minutes of criminal cases, 1860-64, see entry 422.

428. REGISTER OF ACTIONS, 1850-79. In Register of Actions, entry 373.
For description of contents, see entry 373.

429. WILLS, PROBATE DEPARTMENT, 1850-79. In Wills, Probate Department, entry 376.
For description of contents, see entry 376.

430. INDEX TO WILLS, 1850-73. 1 vol. Subsequent records missing. Index to Wills, Probate Department, entry 376, showing name of testator, date of will, date of probate, and volume and page of record. Arr. alph. by names of testators. Hdw. 250 pp. 18 x 12 x 2. Clk. bsmt.

Letters of Administration and Bonds
(See also entries 377-379)

431. GUARDIANS, INVENTORIES AND APPRAISEMENT OF MINORS, 1850-79. 1850-61 in Minutes and Orders, entry 372; 1862-79 in Guardians, Inventories and Appraisement of Minors, entry 377.
For description of contents, see entry 377.

431a. LETTERS, TESTAMENTARY, ADMINISTRATION, 1850-79. 1850-60 in Minutes and Orders, entry 372; 1861-79 in Letters, Testamentary, Administration, entry 378.
For description of contents, see entry 378.

432. PROBATE BONDS, 1850-79. 1850-60 in Minutes and Orders, entry 372; 1861-79 in Probate Bonds, entry 379.
For description of contents, see entry 379.

Claims

433. REGISTER OF CLAIMS, 1872-73. 1 vol. 1850-71, 1874-79 in Register of Actions, entry 373.
Record of claims in probate court, showing name of claimant, character of claim, rate of interest per month, total amount of claim, date of approval, and remarks. Arr. chron. Indexed alph. by names of claimants. Hdw. 160 pp. 18 x 12 x 1½. Clk. bsmt.

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(Next entry 434, p. 170)

XIII. ALCALDE

Early in the history of California appeared a class of magistrates called alcaldes, which occupies a conspicuous place in all Spanish counties. The word alcalde comes from the Arabic Al Cadi, the name for the village judge of the Moors. While the local agencies of the Spanish departmental government in California were represented by the comandantes of presidios (forts), who had in their hands the administration of law and justice for a certain period of time, there existed in civil settlements, or pueblos, a Spanish municipal system of self-government composed of an alcalde and an ayuntamiento elected by the pueblos. (1)

The alcalde was the most important municipal officer. As mayor of the pueblo, he was invested with executive powers and was responsible for the preservation of peace and order. He had also judicial powers which he exercised as ex-officio justice of the peace. At the same time he presided over the ayuntamiento, or town council, consisting of himself, regidores (councilmen), and a syndico (treasurer and counselor), which body had legislative functions concerning pueblo business.(2)

San Jose pueblo, which in 1850 developed into Santa Clara County, was founded on November 29, 1777. Known as the pueblo of San Jose de Guadalupe it was the first of the three California municipalities established independently from missions or presidios, and Ignacio Arculeta was chosen the first alcalde.(3)

Under Spanish rule the alcaldes were confined to strictly municipal duties, but soon after California became a department of the independent Mexican government in 1822, their political influence began to increase, and comandantes gradually yielded their powers to the alcaldes. As early as 1823 the alcaldes were granted complete jurisdiction over civil cases and empowered to appoint administrators of ranches and emancipated missions. Later they assumed original criminal jurisdiction and thus preformed the functions of the court of first instance. Thus alcaldes, though remaining municpal officers in form, became, in fact, district agencies of departmental government. Missions in San Jose and Santa Clara were secularized at the end of 1836.(4)

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1. 1 Cal. 573, appendix; R. D. Hunt, and Nellie Sanchez, History of California, pp. 99-100.
2. 1 Cal. 573, appendix; J. M. Guin, History of California, p. 114.
3. H. H. Bancroft, History of California, vol. 1, pp. 312, 478; Hunt and Sanchez, op. cit., p. 98.
4. Z. S. Eldridge, History of California, vol. 2, p. 183; Guin, op. cit., pp. 114, 115; Bancroft, op. cit., vol. 4, p. 47.

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The decrees of the Mexican Government of March 20, and May 23, 1837, defined the duties of alcaldes. In their executive capacity, they were required to watch over the execution of police regulations and law, and reprimand the idle, vagabonds, persons of bad character, and those of no known occupation.(1)

In their legislative capacity they had a vote and presided, according to the order of their election, over anyuntamientos which were empowered to have charge of the police, health, comfort, ornament, order, and security of their respective jurisdictions (2). In their judicial capacity the alcaldes exercised power to decide, by verbal process, civil complaints involving amounts of $100 or less and criminal cases respecting trifling injuries and other faults punishable by a slight reprehension or correction. They were also required to serve as conciliators in civil cases involving $100 or less and in criminal cases respecting serious personal injuries. The pleading before alcaldes was oral. Proceedings were summary and without appeal in all small matters.(3) The alcaldes were elected for one year terms (4).

The decree of May 23, 1837, provided for the creation of courts of first instance which were to assume all original jurisdiction in civil and criminal cases except the above mentioned minor causes, cognizance of which was to be taken by the alcaldes (5). At the same time a provision was made that the alcaldes should act as the courts of first instance in places where such courts were not established and as a matter of fact, these courts were not created until 1849 (6).

It should be noted that the acts of 1837 generally supplanted the alcalde system by the system of prefects and sub-prefects who were to execute laws and to have control over local authorities. Alcaldes and ayuntamientos were to continue to exist only in Monterey. In other districts and towns they were to be replaced by justices of the peace appointed by the prefects.(7) This system, however, was not put into effect immediately and alcaldes continued to exercise their powers in San Jose district until 1839, when justices of the peace, still popularly known as alcaldes, were substituted (8).

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1. Decree of March 20, 1837, sec. VI, arts. 2, 6; 1 Cal. 560 appendix.
2. Decree of March 20, 1837, sec. VI, art. 9; sec. V, art. 10; 1 Cal. 561-562, appendix.
3. Decree of March 20, 1837, sec. III, arts. 5, 9, 14-16, 18; decree of May 23, 1837, sec. III, arts. 5, 9, 14-16, 18; 1 Cal. 569-571, appendix.
4. Decree of March 20, 1837, sec. V, art. 4; 1 Cal. 561, appendix.
5. Decree of May 23, 1837, sec. II, arts. 1, 9, 12.
6. 1 Cal. 573-575, appendix.
7. 1 Cal. 561, 565, appendix.
8. Bancroft, op. cit., vol. 3, pp. 729-732.

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In 1843 the prefects system was abolished and an order was given for the election of alcaldes. The first alcalde in each place was instructed to perform the duties both of prefect and judge of first instance.(1)

In 1845 the system of prefects and sub-prefects was restored.

The American flag was raised in San Jose on July 16, 1846. The Mexican alcalde, Dolores Pancheco, having declined to serve as alcalde under the new regime, James Strokes, an American, was appointed to this position by Commodore Sloat. He was succeeded by John Burton, James W. Weeks, Charles White and Captain K.H. Dimmick. Dimmick was later elected a member of the California constitutional convention.(2)

In 1849 General Riley restored the Mexican system of governments in California. Each district has a prefect, sub-prefects, court of first instance, alcaldes, and other local officers. This was the first time in California when the courts of first instance were properly created. The judge of first instance was the first alcalde.(3) The second alcalde had jurisdiction granted by the decree of May 23, 1837 (4), and continued in office until May 1850, when he was replaced by the justice of the peace (5). The first alcalde continued to exercise his powers until the courts of first instance were superseded by district courts (6). R. M. May, the first alcalde, was appointed a judge of the first instance of San Jose district (7).

Prior to 1837 alcaldes were not required by law to have specific records. The clerk or secretary of ayuntamiento acted as a clerk of the alcalde's court.(8) The decree of May 23, 1837 provided that the alcaldes in their judicial capacity should keep a book entitled "Book of Conciliations" for noting down a concise account of conciliation processes, and a book called "Book of Verbal Processes" for recording all verbal proceedings (9). While acting as courts of first instance, alcaldes were required by the decree to keep certain records which are noted in the introduction to these courts (see page 172 ff. of this inventory). The alcaldes were also to keep records of grants of land by their courts as well as records of tracing of titles under such grants, so-called "expedientes".(10) Besides, numerous other records were kept which had to do with different transactions in the alcaldes offices and various acts performed by them.

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1. Bancroft, op. cit. vol. 4, pp. 357-358.
2. Bancroft, op. cit. vol. 5, pp. 246, 662-667; U. S. Doc., ser. no. 573, Doc. 17, p. 691.
3. U. S. Doc., ser. no. 573, Doc. 17, p. 779.
4. Decree of May 23, 1837, sec. III, arts. 1-2, 14; 1 Cal. 573-574, appendix.
5. Cal. Stats. 1850, pp. 81, 207.
6. Ibid., p. 80.
7. U. S. Doc., ser. no. 573, Doc. 17, p. 806.
8. Guinn, op. cit., p. 114.
9. Decree of May 23, 1837, sec. III, arts. 10, 17.
10. 1 Cal. 577, appendix.

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A statute of 1850 required that all suits and proceedings pending before courts of the first alcalde, or courts of first instance, and undisposed of by them and all books, papers and documents relating to such suits should be transferred to the district courts, and that all suits and proceedings pending before other alcaldes as well as the books, papers, and records concerning such suits should be transferred to the justices of the peace. Other instruments, books, records of deeds, mortgages, powers of attorney, etc., were to be delivered to the county clerk and by him to the recorder.(1)

Under these requirements of the law, most of the judicial records relating to pending suits were properly transferred, but other instruments and records were only partially transferred. Some of them were lost or destroyed. Some of them were turned over by the Mexican government to the United States, in accordance with the agreement between these governments, and are now chiefly preserved in the U. S. Surveyor-General's office at San Francisco, where there are nearly 300 bulky tomes besides many loose papers, and also in less extensive collections, at other places, notably at Los Angeles, Salinas, and San Jose.

These documents ere copied by the copyists of the Bancroft Library at the University of California, representing "Archivo de California". In addition to the original documents copied, scholars of the Bancroft Library found 40,000 documents which were not turned over to the United States. These were discovered in family archives of former alcaldes and other Mexican officials together with their personal correspondence. For a more complete introduction to these archives see vol. 1, chapter 2 in H. H. Bancroft's "History of California".

The documents mainly represent correspondence, acts and records of national, departmental, military, ecclesiastical, district, and municipal authorities for the period 1769 to 1850. Among the district and municipal archives are records of births, marriages, and deaths, wills, criminal and civil cases, records of elections and appointments of alcaldes, jueces de paz and other local officers, census data, statistical material etc. For a short description of the contents of the most important of these records, see Local Annals of San Jose in H. H. Bancroft's "History of California".

Records of the alcalde are in the hall of records unless otherwise indicated.

Real Property
(See also entries 186-266, 595-598)

434. INDEX TO ORIGINAL GRANTS AND PATENTS, 1835-49. 1 vol. (A). List of, not an index to, original grants and patents, showing date, names of grantor and grantee, lot, block, and base line. Arr. alph. by names of grantees. Hdw. pr. fm. 475 pp. 18 x 12 x ½. Clk. off.

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1. Cal. Stats. 1850, pp. 80-81, 152.

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435. EXPEDIENTES, 1840-50. 20 documents in 1 f.b.
Original grants in Spanish, consisting of certified traced copies of expedientes and grants, relating to ranchos, showing names of grantor and grantee, date of grant, and description and location of property. Arr. chron. No index. 12 x 4 x 3. Clk. off.

436. (LISTA DE LOS INDIVIDUOS QUE TIENEN CAVALLADA EN LA JURISDICION DE PUEBLO DA SAN JOSE, 1806). In Records, Deeds, 1, entry 437.
An original document of two pages in Spanish, pasted on the back cover of Records, Deeds, 1, entry 437. List of persons holding property within the jurisdiction of Pueblo da San Jose.

437. RECORDS, DEEDS, 1, 1842-46. 1 vol.
Certified copy made from original deeds and brands, April 4, 1850, by Jose Fernandez, second alcalde in Spanish and English, showing names of grantor and grantee, description and location of property, drawing of brand, and signature of alcalde. Contains: Lista de los individuos que tienen cavallada en la jurisdicion de pueblo San Jose, 1806, entry 436. Arr. alph. by names of grantees. No index. Hdw. 44 pp. 13 x 8 x ½. Clk. off.
For official transcriptions, see entry 190.

438. RECORDS, DEEDS, 2, 1847-48. 1 vol.
Original record in Spanish of deeds, sales of land, and stock brands, showing names of grantor and grantee, date of instrument, considerations, and signature of alcalde. Portions of record are certified copies made by Charles White, first alcalde. Arr. chron. Indexed alph. by names of grantees. Hdw. 265 pp. 13 x 8 x ½. Clk. off.

439. RECORDS, DEEDS, 3, REGISTER OF LANDS, 1847-49. 1 vol.
Original land register in Spanish and English, showing names of owners, description and location of lands, and signature of alcalde. Arr. alph. by names of owners. Indexed alph. by names of owners. Hdw. 231 pp. 13 x 8 x ½. Clk. off.

440. RECORDS, DEEDS, 4, 1848-49. 1 vol.
Original alcalde's records of deeds and grants, showing names of grantor and grantee, nature of instrument and location and description of land. Arr. alph. by names of grantees. Indexed alph. by names of grantors and grantees. Hdw. 221 pp. 16 x 11 x 1½. Clk. off.

441. DEEDS, 5, 1849-50. 1 vol.
Original record of transfers of land titles, showing names of grantor and grantee, date of transfer, location and description of land, and acknowledgment of transfer before alcalde. Arr. chron. No index. Hdw. 673 pp. 11½ x 9 x 2. Clk. off.

442. RECORDS, DEEDS, 6, 1850. 1 vol.
Original register of land sales, deeds, and stock brands, showing date of instrument, names of grantor and grantee, description of property or brand, and location of land. Arr. chron. Indexed alph. by names of grantees. Hdw. 199 pp. 16 x 12 x 1½. Clk. off.

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Court Records

443. DOCKET ENTRIES OF ALCALDE AND COURT OF FIRST INSTANCE, 1847-50. 1 vol.
Record of civil and criminal cases before alcalde, showing names of plaintiffs and defendants, nature of case, actions of court, and judgment. Also contains: court rules, and roll of attorneys practicing in Pueblo de San Jose. Also contains: (Docket Entries of Court of First Instance), entry 448. Arr. alph. by names of pltfs. in civil cases and dfdts. in criminal cases. Indexed alph. by names of pltfs. and dfdts. in small book inserted in frcnt of volume. Hdw. 256 pp. 13 x 9 x 1½. Clk. off.

444. STERLING (Accounts of Ship), 1844. 1 vol.
Court exhibit of the log of the ship Sterling, showing events of trip around Cape Horn, and calls at California ports. Arr. chron. No index. Hdw. in Spanish. 150 pp. 13 x 8½ x ¾. Clk. off.

XIV. COURT OF FIRST INSTANCE AND SUPERIOR TRIBUNAL

From the beginning of the Spanish period of the history of California to 1823, the commandantes of presidios (forts) exercised judicial powers relating to all criminal and civil cases except minor ones in the pueblos which were within the jurisdiction of the alcaldes acting as justices of the peace (1).

In 1823 the alcaldes were granted complete jurisdiction over civil cases as the courts of first instance. Later they also assumed criminal jurisdiction.(2)

A decree of May 23, 1837, provided for the creation of the courts of first instance which were to be established in the chief town (cabecera) of each district (3). The number of judges of this court in each district was to be designated by the governor and departmental legislature, on the recommendation of the superior tribunal, and judges were to be appointed by the superior tribunal, with the approval of the governor. The term of the office of the judges was indefinite (4).

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1. 1 Cal. 573, appendix; R. D. Hunt, and Nellie Sanchez, History of California, pp. 99-100.
2. Z. S. Eldredge, History of California, vol. 1, p. 456; J. M. Guinn, History of California, p. 114.
3. Decree of May 23, 1837, sec. II, art. 1; 1 Cal. 566, appendix.
4. Decree of May 23, 1837, sec. II, arts. 1, 6; 1 Cal. 566-567, appendix.

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Court of First Instance and Superior Tribunal (Next entry 445, p. 176)

The courts of first instance (primeria instancia) were given original jurisdiction over all law suits, civil and criminal cases of whatever description, excepting cases wherein clergymen and military persons were privileged by the constitutional or other laws in force and excepting civil suits involving amounts not exceeding $100, personal injuries, and other minor criminal cases punishable by a slight reprehension or correction which were to be within the jurisdiction of the alcaldes and justices of the peace. Causes involving restitution and protection of disturbed possession were entirely within the jurisdiction of the courts of first instance irrespective of whether the defendants were ecclesiastic, laymen, or military persons.(1)

Provisions were made for rules of procedure and appeals from the decisions of the courts of first instance which were to be taken to the superior tribunal provided for by the same decree. This tribunal was to be composed of four judges (ministros) and one attorney general (fiscal) to be appointed by the governor with the approval of the departmental legislature. The three senior judges were to compose the first bench (sala) and the junior one the second. The second bench of the superior tribunal, to be known as the court of second instance (en segunda instancia), was to take cognizance of the first appeals. The first bench was to be the court of third instance (el tercera instancia) and was to take cognizance of the second appeals.(2)

The rules of procedure provided that in every criminal case, as well as in civil cases not exceeding $4,000, only the first appeal from sentence or judgment of the court of first instance taken to the court of second instance was to be allowed, if the decision on the first appeal agreed with the original decision. If not, the second appeal could be taken to the court of third instance. In civil trials wherein the amount in dispute exceeded $4,000, an appeal could be made to the court of third instance although the second decision agreed with the first.(3)

Such was to be the judicial system with its corner stone, the court of first instance, as provided by the decree of May 23, 1837. In fact, the courts of first instance as well as the superior tribunal never came into existence until 1849. The judicial powers of the court of first instance were exercised by the first alcaldes and later, when the alcalde system was abolished, by the justices of the peace. Appeals from decisions of these local magistrates could be taken to the governor but not every governor was competent or learned enough to make a satisfactory decision. In that event, local action would be taken to replace

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1. Decree of March 23, 1837, sec. II, arts. 9, 13; sec. III, arts. 5, 14; 1 Cal. 567, 571, appendix.
2. Decree of March 23, 1837, sec. I, arts. 1, 7.
3. Decree of May 23, 1837, sec. IV, arts. 1, 14-15; 1 Cal. 572-573, appendix.

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the magistrate by someone who would act more in accordance with the wishes of the people.(1)

From the beginning of the American conquest of California in 1846 till August 1849, American alcaldes in some districts introduced jury trials. Records show that such jury trials were held in the alcalde's court in San Jose district, and the jury was composed of six persons.(2)

In August 1849 the court of first instance as well as the superior tribunal were created with jurisdiction, rules of procedure and system of appeals as prescribed by law, and the judges of the courts were appointed by Governor Riley on the recommendation of the electors of the districts. The judges of the courts of first instance were to be the first alcaldes.(3) R. M. May was appointed judge of the court of first instance in San Jose district and continued in office until September 1850 when, in accordance with a statute of that year, the court of the first instance was superseded by the district court, to which all suits pending before the former as well as all documents, books, and papers pertaining to such suits were transferred (4).

It should be noted that while the courts of first instance had quite a large number of cases to be tried by them, neither the second nor the third appellate instances of the superior tribunal conducted any business, except granting a few orders. In large portion, appeals from the decisions of the court of first instance were taken to the supreme court, which having been provided for by the constitution of 1849 and established by an act of 1850, superseded the superior tribunal.(5)

Prior to the American conquest of California, the courts of first instance used the Mexican civil law (Corpus juris civil mejicana) which was derived from the Roman Law modified by the Spanish and Mexican legislation. But situated at a distance from the Mexican capital, requiring months in the inter-change of communications with that central point of law and legislation and exposed to frequent revolutions, the people of California were governed principally by local customs or by laws made by the alcaldes which quite often were in contravention of the civil law.(6) During the period from 1846 to 1849 when Americans frequently held the positions of alcaldes, exercising the powers of the courts of first instance, the English common law was in use, more in the north than in the south, which practice, however, was against the usage of international law, requiring the application of native

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1. 1 Cal. 574, appendix.
2. U. S. Doc. ser. no. 573, Doc. 17, pp. 476, 494, 691.
3. U. S. Doc. ser. no. 573, Doc. 17, p. 778.
4. Cal. Stats. 1850, pp. 80-81.
5. Cal. Const. 1849, art. VI, sec. 1; Cal. Stats. 1850, pp. 57, 77; 1 Cal. 577, appendix.
6. 1 Cal. 600, appendix.

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laws in conquered territories until they were repealed by proper legislation. In view of this, the system of the Mexican civil law was ordained by a provision of the California constitution of 1849 to be continued until it should be changed by the state legislature.(1)

Accordingly, the courts of the first instance were ordered to apply the rules of the civil law to cases tried by them. Having no proper translation of the Mexican laws, the judges used in many instances the civil code of the state of Louisiana in which the Roman civil law prevails. Governor Burnett recommended in his message to the first legislature the adoption of the civil code of Louisiana for the state of California, but the legislature disagreed with him and at the first session, in April 1850, passed two acts adopting the common law of England and repealing all laws previously in force, although providing that "no rights acquired, contracts made, or suits pending should be affected thereby".(2)

The clerk or secretary of ayuntamiento acted as clerk of the alcalde's court. Prior to 1837 no specific records were required by law. The decree of May 23, 1837 provided that each court of instance have a clerk and recorder (escribano y escribiente) and an executive officer (comisario). The clerks, appointed, on the recommendation of the judges of the court, by the superior tribunal, were to write a report of each case and to act as notaries.(3)

The recorders, appointed by the judges themselves, were to have records of all acts of the courts affecting property rights and personal status of the parties. They were predecessors to the county recorders. The comisarios, also appointed by the judges of the court, were to serve processes, execute the court's decisions and judgments, and keep records of such executions. In regard to these duties, the comisarios were predecessors to the county sheriffs and popularly, among Americans, were known as sheriffs. It should be noted here that during the American rule from 1846 to 1849, the governor appointed sheriffs in some of the districts to perform the above mentioned judicial functions. The records show that in 1847 L. C. Anthony, an American, was appointed a sheriff in San Jose District.(4)

The judges of the first instance were required by the decree of 1837 to submit to the superior tribunal reports of the examinations of the prisons and also of all cases commenced, pending, and concluded in their court (5).

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1. Cal. Const. 1849, sec. 1, art. XII.
2. 1 Cal. Jur. 36, introduction; Cal. Stats. 1850, pp. 219, 324.
3. Decree of May 23, 1837, sec. II, arts. 3, 5, 7; 1 Cal. 567, appendix; Guinn, op. cit., p. 114.
4. Bancroft, op. cit., vol. 5, p. 662, footnote.
5. Decree of May 23, 1837, sec. II, arts. 19-20; 1 Cal. 568-569, appendix.

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In 1850, all functions of the clerks, recorders and sheriffs (comisarios) ceased. The courts of the first instance were superseded by the district courts. The records of the courts of first instance, of the clerks and other officers, were delivered to the county clerk who assumed the duties of the clerk of the district courts. The records which properly belonged to the office of county recorder, such as mortgages, deeds, and others, were delivered by the county clerk to the recorder, but those of the comisarios were transferred by the county clerk to the county sheriff, and other records were disposed of by the county clerk according to law.(1)

As to where most of the records can be found see introduction to the alcalde (pp. 167-170 of this inventory).

Local records of the alcalde are in the hall of records.

445. COURT OF FIRST INSTANCE (Quit Title Land Cases), 1849-50. 2 f.b.
Original grants of land for which only quit title deeds were given, showing names of grantor and grantee, description and location of property, and date of deed. No arr. No index. Hdw. in Spanish and English. 13½ x 10½ x 4. Clk. off.

446. COURT OF FIRST INSTANCE (Land Sales and Deeds), 1847-50. 50 documents in 2 f.b.
Original deeds and records of sales of land, showing names of grantor and grantee, description and location of land, and date of instrument. No arr. No index. Hdw. in Spanish and English. 12 x 14 x 2. Clk. off.

447. COURT OF FIRST INSTANCE, RECORD OF, 1847-50. 1 vol.
Original docket entries of the court, showing names of parties in case, nature of action, and judgment rendered. Also shows roll of attorneys practicing before judge of first instance in Pueblo de San Jose, December 3, 1849, and rules and regulations of the court. Arr. alph. by names of defendants. No index. Hdw. 258 pp. 13 x 9 x 1. Clk. off.

448. (DOCKET ENTRIES OF COURT OF FIRST INSTANCE), 1847-50. In Docket Entries of Alcalde and Court of First Instance, entry 443.
Record of civil and criminal cases before court of first instance, showing names of plaintiff and defendant, nature of case, actions of court and judgment rendered.

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1. Cal. Stats. 1850, pp. 80-81, 218, 261.

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(Next entry 449, p. 185)

XV. JUSTICES OF THE PEACE

The justice court is a township court of first instance, with a limited and special jurisdiction. Because of the special nature of its jurisdiction, it is not bound by the procedure of courts in general, as laid down by common law and by the codes, except as specifically provided.(1) Jurisdiction of the justice court is uniform throughout the state.

Justice courts were originally established by the constitution of 1849 (2). Other sections of the same article provided that appeals should be carried to the county court (3); that justices of the peace were the only judicial officers who might retain fees (4); and that the legislature should fix the number of justices for each township, define their duties, powers, and responsibilities, and determine what cases might be appealed to the county court (5).

The justice of the peace has always been elective. In 1850 the legislature provided for the election of justices of the peace by townships only (6), but in 1851 this provision was changed so that they were to be elected by townships and cities (7).

By statutes of 1850, his term of office was set at two years (8), it was reduced to one year (9), in 1863 it was again made two years (10), and in 1893 it was extended to four years (11).

Prior to 1863 a vacancy in the office of the justice was to be filled only through an election (12), in that year the board of supervisors was empowered to fill the vacancy by appointment until the next election (13). Pursuant to an amendment to the constitution adopted in 1911, charters of the counties may provide for the election or appointment of justices of the peace and their terms of office (14).

Under the constitution the number of justices of the peace was to be regulated by the legislature, and the statutes of 1850 provided for two justices of the peace for each township. The court of sessions was,

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1. 156 Cal. 478; Code Civil Proc., sec. 925.
2. Cal. Const. 1849, art. VI, sec. 1.
3. Ibid., sec. 9.
4. Ibid., sec. 11.
5. Ibid., sec. 14.
6. Cal. Stats. 1850, p. 207.
7. Cal. Stats. 1851, p. 22.
8. Cal. Stats. 1850, p. 207.
9. Cal. Stats. 1851, p. 22.
10. Cal. Stats. 1863, p. 340.
11. Cal. Stats. 1893, p. 367.
12. Cal. Stats. 1850, p. 209.
13. Cal. Stats. 1863, p. 341.
14. Cal. Const. 1879, art. XI, sec. 7½, as amended in 1911

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however, authorized to increase this number at its discretion.(1) In 1854 this power of the court of sessions was abolished (2). According to the statutes of 1880, at least one justice of the peace was to be elected in each township, but the board of supervisors was empowered to exercise its discretion in establishing two justices' courts in any township with a view to public convenience (3).

A statute of 1883 provided for two justices of the peace for each township except townships containing cities where city justices were elected; and in each of these townships there was to be elected one justice of the peace (4). Since 1907 one justice of the peace is also elected in a township having a population of less than 5,000, and each township with a population of more than 100,000 and less than 300,000 has four justices of the peace (5). It should be noted that commencing from 1850 the board of supervisors has exercised power to divide the county into townships for the purpose of electing justices of the peace and other township officers (6).

At present there are 10 judicial townships with 12 justices of the peace: Burnett, Fremont, Gilroy, Palo Alto, Redwood, San Jose, Santa Clara, Campbell, Saratoga, and Sunnyvale. Every township has one justice of the peace, except San Jose and Santa Clara, each of which has two.

In a large part, the justice courts succeeded to the alcaldes of the Mexican and Spanish regime, and a statute of 1850 provided that all business connected with civil and criminal suits undisposed of by the alcaldes be handed over to the justices of the peace. All books, papers, and documents relating to such suits were also to be transferred to justice courts.(7)

Civil jurisdiction was defined by an act of 1850 as including actions for recovery of money under any contract, express or implied; actions for damages; actions for foreclosure of a mortgage, or enforcement of a lien on personal property. In all cases monetary limit was set at $200. Jurisdiction was specifically prohibited in cases involving title or possession of real property or tenements, slander, recovery for breach of marriage contract, foreclosures and enforcement of liens on real property, and actions involving persons with whom the justice of the peace was related within the fourth degree of consanguinity, and in which he was interested. The justice of the peace was given the power to administer oaths, issue writs of attachment, subpoenas, citations, and stays of execution, to punish for contempt of court, to summon and impanel juries, and to seize and sell property for execution of judgment.

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1. Cal. Stats. 1850, p. 205.
2. Cal. Stats. 1854, p. 25.
3. Pol. Code Am. 1880, sec. 4104, p. 100.
4. Cal. Stats. 1883, sec. 58, p. 315.
5. Cal. Stats. 1907, sec. 4014, p. 361.
6. Cal. Stats. 1850, p. 210.
7. Ibid., p. 81.

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The power to subpoena did not extend to women. Judgments in cases involving personal property were to be liens on real property when filed in the office of the recorder. The justice of the peace was required to keep a docket, chronologically arranged, showing names of plaintiff and defendant, object and amount, date of citation and return, defense or default, names of witnesses, date and substance of judgment, and date of appeal.(1)

In regard to criminal jurisdiction, the justice was deemed a magistrate who was defined as an officer having the power to issue a warrant for the arrest of a person charged with a public offense. As such, he was given rather vague powers regarding the preservation of the peace, and the suppression of riots. The justice was empowered to examine into information regarding threatened breaches of the peace, and to require recognizance, returnable at the next term of the court of sessions, with the implication that he had the power to convict for a breach in the interim. In regard to the suppression of riots, he was required to approach a mob as closely as was consistent with safety, to command its dispersal, and to direct the militia or other armed forces in a forcible dispersal.(2)

In accordance with a federal law of 1790, justices of the peace were invested with exclusive jurisdiction over deserting seamen (3).

Other acts of the first legislature provided that the justice keep an estray book and have jurisdiction over watercraft found adrift, lost money, and property (4); that he perform marriages (5); file with the county clerk transcripts and papers in cases appealed to county court (6); certify strayed and unclaimed cattle for slaughter, and punish infractions of the branding laws (7); fine persons for refusal to work on roads (8); perform the duties of coroner in case of vacancy (9); hear complaints in criminal cases, binding same over to court of sessions (10); that he be removable upon complaint by the district judge (11); that his warrants extend to another county when indorsed by a justice of that county (12); that he indorse bail and commitments upon warrants (13); take and certify statements of defendants in criminal cases in writing, or note waiver of right to make statements (14); may require sureties of witnesses, with

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1. Cal. Stats. 1850, pp. 179-188.
2. Ibid., pp. 276-278.
3. 2 Cal. 144.
4. Cal. Stats. 1850, p. 176.
5. Ibid., p. 203.
6. Ibid., p. 205.
7. Ibid., p. 206.
8. Ibid., p. 214.
9. Ibid., p. 266.
10. Ibid., p. 280.
11. Ibid., p. 282.
12. Ibid., p. 283.
13. Ibid., p. 286.
14. Ibid., p. 287.

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power to imprison if not forthcoming (1); require the productions of papers and other records (2); summon the officers of corporations (3); issue search warrants, and receive inventories of property seized thereunder (4); issue warrants for fugitives from justice, returnable to court of sessions (5); require the attendance of a prisoner held in any part of the state (6); and have jurisdiction over all cases involving Indians, establish an Indian fund with the county treasurer, supervise the hiring of Indians, and, if necessary, to sentence them to flogging, as well as to fine or imprisonment (7).

In 1851 the jurisdiction was extended from $200 to $500 (8). In 1855, however, the supreme court held that insofar as the constitution had given the district court original jurisdiction in all civil cases involving amounts in excess of $200 (9), the $500 limit on the jurisdiction of justices' courts, as established by statutes, was unconstitutional (10). In the following year, therefore, the limit was changed to cases involving less than $200 in all actions, except for forcible and unlawful entry and detainer, over which the justice of the peace has jurisdiction irrespective of the amount involved (11).

By an act of 1851, civil jurisdiction of the justice court was restricted to exclude actions against executors or administrators, as such, and was extended to include actions to determine the rights to mining claims, actions for fine, penalty or forfeiture, action upon a bond, action upon a surety bond, regardless of amount, and actions to recover possession of personal property, and the justice was permitted to enter judgments on confession (12).

Criminal jurisdiction was extended and clarified to include proceedings against vagrants and disorderly persons, petit larceny, assault and battery, when not committed upon a public officer performing his duty, or with intent to kill, breaches of the peace, riots and affrays, wilful injury to property, and all misdemeanors punishable by a fine not exceeding $500, or imprisonment for three months, or both (13).

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1. Cal. Stats. 1850, p. 288.
2. Ibid., p. 319.
3. Ibid., p. 323.
4. Ibid., p. 327.
5. Ibid., p. 329.
6. Ibid., p. 330.
7. Ibid.,pp. 408-410.
8. Cal. Stats. 1851, p. 23.
9. Cal. Const. 1850, art. VI, sec. 6.
10. 5 Cal. 231.
11. Cal. Stats. 1856, p. 134.
12. Cal. Stats. 1851, pp. 22-24.
13. Ibid., p. 30.

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 (Next entry 449, p. 185)

It was further specified that there be no terms of court, but that the court be always open; that the justice post bond with the county clerk; and that he make a monthly statement to the county clerk to be transmitted to the legislature showing the number of civil and criminal cases tried, classified under general heads, as well as the number of vagrants and disorderly persons committed. Furthermore, the justice of the peace was given the power to take and certify proof and acknowledgment of satisfaction of the judgment of any court and affidavits to be used in any court; to appoint guardians; to examine sureties, reducing such examinations to writing. All pleadings were to be in writing in actions for foreclosure of a mortgage, or enforcement of a lien, for forcible entry or detainer, and for recovery of possession of mining claims. In all other cases they might be either oral or written; if they were written, the justice was to file them and enter a reference in the docket; if they were oral, he was to enter the substance of them in the docket. He was empowered to suspend trial, certify proceedings, and transfer to the district court, all cases involving title of possession of real property; to issue, upon request of prevailing litigant, transcript of judgment, which, when filed with the clerk of the county court, might be executed by the county court; to add to the items to be entered in the docket a minute of the pleadings, notations of adjournments, demand of waiver of trial by jury, names of jurors, and verdict. The justice was authorized to appoint private individuals for the service of process; to issue commissions for the taking of depositions of out-of-state witnesses; to receive money collected by the sheriff or constable and to turn it over to the persons entitled to it; and to require a deposit to cover costs, including his fees, before issuing a summons in a civil case.(1)

The legislative enactments of 1852 prohibited the justice of the peace from serving as a supervisor (2), required him to act as a school commissioner (3), and gave him jurisdiction over infractions of the game laws and over the award of damages to lands held by the United States Government in connections with surveys (4).

In 1855 the justice was given jurisdiction over Sabbath-breaking (5). His power to imprison was increased to six months, with the amount of fine, however, remaining the same (6).

In 1862, a series of constitutional amendments affecting the courts was adopted. The minimum amount of jurisdiction for the district courts was raised to $300; original jurisdiction in cases of forcible entry or detainer was transferred from the justices' courts to the county

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1. Cal. Stats. 1851, pp. 136-151.
2. Cal. Stats. 1852, p. 87.
3. Ibid., p. 118.
4. Ibid., pp. 135-147.
5. Cal. Stats. 1855, p. 50.
6. Ibid., p. 303.

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4. Ibid., pp. 135-147.
5. Cal. Stats. 1855, p. 50.
6. Ibid., p. 303.

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court; and it was stipulated that the powers of justices of the peace should not infringe upon the jurisdiction of courts of record.(1) In conformity with the amendment restricting the jurisdiction of the district court, the legislature extended the limit on the justices' courts to "not exceeding $300" (2). This was later changed to the more precise phrase "less than $300" (3). In 1870, a criminal jurisdiction was extended to cover all misdemeanors punishable by a fine of $1,000, or imprisonment for one year, or both (4). In 1874, however, these limits were again changed to $500 and six months imprisonment (5).

Under the constitution adopted in 1879 the justice courts were retained among the established courts of the state. It was further provided that the legislature should determine the number of justices to be elected in townships, incorporated cities and towns, and should fix by law the powers, duties, and responsibilities of justices of the peace, provided that such powers did not trench upon the jurisdiction of the various courts of record, except that justices of the peace might have concurrent jurisdiction with the superior courts in cases of forcible entry or detainer, where the amount involved did not exceed a rental value of $25 per month, or total damages claimed did not exceed $200, and in actions to enforce liens upon personal property where the amount of the lien, or the value of the property amounted to less than $300.(6)

In 1927 jurisdiction in cases of forcible entry and detainer was changed to include cases where the rental value did not exceed $75 and the damages amount to less than $300 (7). The provisions regarding concurrent jurisdiction of the superior court and the justices' court were later repealed (8).

Under the civil code of 1872, the justice of the peace was empowered to approve the apprenticing of minors (9), and acknowledgments taken by the justice for use in another county were required to be certified by the county clerk (10).

The political code of 1872 provided that two justices of the peace, chosen by the clerk of the district court, should act as a commission for the taking of depositions in contested elections to the state legislature; deliver sealed depositions to the clerk, who transmitted

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1. Cal. Const. 1850, art. VI, secs. 6, 8, 9; Cal. Stats. 1863-64, pp. 98-99.
2. Cal. Stats. 1863, p. 340.
3. Cal. Stats. 1863-64, p. 67.
4. Cal. Stats. 1869-70, p. 579.
5. Code Civil Proc. Am. 1874, p. 283.
6. Cal. Const. 1879, art. VI, secs. 11, 15.
7. Cal. Stats. 1927, p. 209.
8. Cal. Stats. 1929, p. 384.
9. Code Civil Proc. 1872, sec. 311.
10. Ibid., sec. 1194.

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them to the secretary of state, who in turn delivered them to the presiding officer of the house of the legislature involved (1).

The judge of the justice court appointed appraisers of lost property, and kept lists of same (2); ordered persons liable to road poll tax to fight forest fires (3); and substituted for a police judge when the latter was incapacitated (4).

The provisions of the code of civil procedure of 1872 set forth that the justice must hold his court in the city or town in which he was elected (5). His civil jurisdiction was extended to include actions for damages for injury to persons, and the monetary limit was confirmed at $300 (6). The justices' courts were prohibited from hearing actions against ships, or their owners or masters, for the recovery of seamen's wages when on voyage outside waters of the state (7); the justice was empowered to serve process by publication on out-of-state witnesses, and to appoint attorneys for them (8). All civil actions were to be brought in defendant's township, with certain exceptions (9); answers to charges might be either oral or written, in all cases (10). The docket was to include, in addition to items already listed, statements of arrest or attachment, all motions made, and decisions thereon; disagreement and discharge of jury, and appeal bond (11); and all entries were to be under title to which they applied (12). To the justices' courts, being courts of limited jurisdiction, only specific sections of the code were to apply (13), and the justice of the peace was prohibited from issuing writs of review, mandate or prohibition (14).

In 1874 the justice of the peace was given jurisdiction over cases of truant children under the compulsory education act (15).

The juvenile court law of 1903 gave the justice of the peace concurrent jurisdiction with the juvenile court (superior court) in the hearing of complaints regarding dependent children and required him to keep similar records (see superior court, probation committee). A justice of the peace could not, however, commit a minor to the state

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1. Pol. Code 1872, secs. 275-279.
2. Ibid., secs. 3137-3138.
3. Ibid., sec. 3345.
4. Ibid., sec. 4428.
5. Code Civil Proc. 1872, sec. 112.
6. Ibid., secs. 113-114.
7. Ibid., sec. 115.
8. Ibid., secs. 412-413.
9. Ibid., secs. 832-833.
10. Ibid., sec. 851.
11. Ibid., sec. 911.
12. Ibid., sec. 912.
13. Ibid., sec. 925.
14. Ibid., secs. 1068, 1085, 1103.
15. Cal. Stats. 1874, p. 753.

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reform school, appoint a guardian, or place in custody of a society or private home. He was required only to certify a transcript of the docket and other records, and transmit them to the clerk of the superior court. The juvenile court was then to try and dispose of the case in the same manner as if it had original jurisdiction.(1) Subsequent amendments to the juvenile court law applied to the justices' courts in the same manner as to the juvenile court.

In 1928 an amendment to the constitution provided that the legislature might make the jurisdiction of justices of the peace, and other inferior courts, exclusive in certain cases, notwithstanding any contrary or conflicting provisions in the same article (2).

In 1929, justices' courts were given jurisdiction over case in equity, when pleaded as defense matter, or as a cross complaint (3). For the division of the justices' courts into class A and B, and the jurisdiction of each, see superior court essay, page 133, paragraph 4.

The statutes of 1929 also enlarged the criminal jurisdiction of the justices of the peace by giving class A courts power to try all cases of misdemeanor punishable by fine not exceeding $1,000, or imprisonment not exceeding six months, or both (4).

The justice of the peace is empowered to hear minor claims in a court known as the small claims court. Its jurisdiction is confined to cases, where the amount does not exceed $50, and actions ex-contractu as well as ex-delicto. The procedure in this court is summary in character, and the case is heard informally without the presence of attorneys and without formal pleadings. The judge may make informal investigation of the controversy even out of court and the judgment of the court is conclusive upon the plaintiff, but the defendant may appeal to the superior court.(5)

Records of proceedings in justices' courts may be kept by a clerk of the court, originally provided for by the court of sessions and then by the board of supervisors (6), and, in case there is no clerk, by the justice of the peace himself (7).

Justices of the peace are required to keep a docket in which they enter the title of every action, the object of the action, and the judgment of the court (8). They are to keep indexes to their documents,

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1. Cal. Stats. 1903, pp. 44-48.
2. Cal. Const. 1879, art. VI, secs. 11a, 13; as amended in 1928; Cal. Stats. 1929, p. 27.
3. Cal. Stats. 1929, p. 1341.
4. Ibid., p. 861.
5. Cal. Stats. 1921, p. 117.
6. Cal. Stats. 1851, p. 23.
7. Cal. Stats. 1855, p. 1927.
8. Cal. Stats. 1850, p. 179.

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alphabetically arranged (1). They must keep minutes of proceedings in every case (2). No special records are required for the small claims court, but the law provides for the filing of a special form of complaint called the affidavit (3). It is common practice to keep four dockets, for civil, criminal, small claims, and traffic violation cases. A statute in 1931 allows the destruction of all records, papers, and exhibits, in any civil case in the justices' courts after the lapse of seven years from the date of final judgment (4), but minute book entries and dockets cannot be destroyed (5).

In 1937, all acts relating to courts and judicial officers, passed between 1852 and 1869, and superseded by the codes, but not specifically repealed, were repealed (6), and class A courts were permitted to make summary judgments in actions to recover a debt, to foreclose a mortgage, or to enforce a lien, where there was no defense (7).

Offices of the justices of the peace are located as follow: Burnett Township at Morgan Hill; Fremont Township at Mountain View; Gilroy Township at Gilroy; Palo Alto Township at Palo Alto; Redwood Township at Los Gatos; San Jose Township at San Jose, with two justices; Santa Clara Township at Santa Clara, with two justices; Campbell Township at Campbell; Saratoga Township at Saratoga; and Sunnyvale Township at Sunnyvale.

Burnett Township

449. CRIMINAL CASES, 1920--. 16 p.h. Prior records unaccounted for.

Original papers in criminal proceedings covering misdemeanors and preliminary hearings of felony cases held before justice's court, showing number of case, name of justice, name of defendant, date of filing, nature of crime, name of complainant, judgment, signature of justice, warrant with signature of party making complaint, judge's command for arrest of accused and order to bring said defendant before him, name of officer making arrest, and date of appearance. Arr. num. by case numbers. No index. Hdw. pr. fm. Av. 12 x 4 x 4. Off. of j.p., Morgan Hill.

450. JUSTICE'S DOCKET, CRIMINAL, 1922--. 3 vols. (1-3). Initiated 1922.

Record of criminal cases in the justice's court, showing name of defendant, nature of case, attorneys, proceedings, judgment, signature of justice

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1. Cal. Stats. 1851, pp. 24, 281.
2. Pol. Code Am. 1880, p. 32.
3. Cal. Stats. 1921, p. 117.
4. Cal. Stats. 1931, p. 1386.
5. Cal. Stats. 1933, p. 1831.
6. Cal. Stats. 1937, pp. 1198-1200.
7. Ibid., pp. 1545-1546.

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and date of trial. Arr. chron. Indexed alph. by names of dfdts. Hdw. pr. fm. Av. 500 pp. 16½ x 11 x 2. Off. of j.p., Morgan Hill.

451. CIVIL CASES, 1920--. 12 p.h. Prior records missing.
Original papers civil cases in justice's court resulting from such matters as complaints, affidavits for attachment, summonses, and writs of attachment, showing namesof plaintiff and defendant, nature of complaint, names of plaintiff's attorney, and of justice, actions and amount of indebtedness, subscribed and sworn before the justice, name of court, number of case, and affidavit of service of person serving defendant. Arr. num. by case numbers. No index. Hdw. pr. fm. Av. 12 x 4 x 4. Off. of j.p., Morgan Hill.

452. CIVIL DOCKET, 1915--. 2 vols. Prior records destroyed.
Record of civil cases in the justice's court, showing names of plaintiff and defendant, attorneys, action, date of filing complaint, date summons issued, date served and filed, execution, filing fees, findings of case, judgment rendered, date of judgment, and signature of justice. Also contains: (Small Claims Court), 1924--, entry 453. Arr. chron. by dates of judgments. Indexed alph. by names of dfdts. and pltfs. Hdw. pr. fm. Av. 400 pp. 16½ x 11 x 2. Off. of j.p., Morgan Hill.

453. (SMALL CLAIMS COURT), 1924--. In Civil Docket, entry 452.
Original records of proceedings in small claims court on cases involving debts of less than $50, or personal or property damages involving tort damages not exceeding $50, showing number of case, date filed, namesof plaintiff and defendant, amount of money involved, name of justice, nature of trial, affidavit and order of appearance, proceedings, date of trial, and judgment.

454. SMALL CLAIMS COURT, 1924--. 1 vol. 1921-23 missing.
Record of original documents described in entry 453. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. pr. fm. 500 pp. 16½ x 11 x 2½. Off. of j.p., Morgan Hill.

455. FEE BOOK, COLLECTIONS AND DISBURSEMENTS, 1931--. 1 vol.
Prior records destroyed.
Records of cash receipts received by justice's court for fines and filing fees, showing docket number and page, amount of fine or fee, from whom received, date received, bank account, and balance. Arr. chron. No index. Hdw. 220 pp. 16½ x 11 x 1. Off. of j.p., Morgan Hill.

Campbell Township

456. CRIMINAL CASES, 1927--. Est. 2,000 records in 1 f.b.
Prior records missing.
For description of contents, see entry 449. 1927-33 arr. num. by case numbers; 1934-- arr. alph. by names of dfdts. No index. Hdw. pr. fm. 18 x 12 x 5. Off. of j.p., Campbell.

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466. SMALL CLAIMS COURT DOCKET, 1923---. 7 vols. Initiated 1923. For description of contents, see entry 453. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. pr. fm. Av. 400 pp. 16½ x 11½ x 1½. Off. of j.p., Fremont.

467. FEE BOOK, DISBURSEMENTS AND COLLECTIONS, 1928---. 2 vols. Prior records destroyed.
For description of contents, see entry 455. Arr. chron. No index. Hdw. Av. 225 pp. 16½ x 11 x 1. Off. of j.p., Fremont.

468. JUSTICE'S MOTOR VEHICLE DOCKET, 1937---. 1 vol. Initiated 1937.
Proceedings of court regarding violation of motor vehicle act, showing name of defendant, place and date of misdemeanor, operator's license number, date complaint filed, citation to appear, whether warrant issued because of failure to appear, time set for trial, whether jury demanded or waived by defendant, judgment, date of judgment, and initials of justice of peace. Arr. chron. by dates of judgments. Indexed alph. by names of dfdts. Hdw. pr. fm. 296 pp. 16 x 11 x 1½. Off. of j.p., Fremont.

Gilroy Township

469. CRIMINAL CASES, 1928---. 3 f.b.; 2 bdls.
For description of contents, see entry 449. 1928-34 arr. num. by case numbers; 1935--- arr. alph. by names of dfdts. No index. Hdw. pr. fm. F.b. av. 24 x 12 x 12 to 26 x 12 x 10; bdls. 7 x 5 x 5. Off. of j.p., Gilroy.

470. JUSTICE'S DOCKET, CRIMINAL, 1928---. 5 vols. (9-13). Prior records destroyed.
For description of contents, see entry 450. Arr. chron. Indexed alph. by names of dfdts. Hdw. pr. fm. Av. 500 pp. 16 x 11½ x 2. Off. of j.p., Gilroy.

471. CIVIL CASES, 1924---. 5 f.b. Prior records missing.
For description of contents, see entry 451. 1924-34 arr. num. by case numbers; 1935--- arr. alph. by names of pltfs. and dfdts. No index. Hdw. pr. fm. Av. 12 x 8 x 4 to 17 x 13 x 11. Off. of j.p., Gilroy.

472. JUSTICE'S DOCKET, CIVIL, 1928---. 2 vols. Prior records destroyed.
For description of contents, see entry 452. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. pr. fm. Av. 500 pp. 16½ x 11 x 2. Off. of j.p., Gilroy.

473. JUSTICE'S DOCKET, CIVIL AND CRIMINAL, 1857-1928. 25 vols. Initiated 1857. Discontinued in this form.
For description of contents, see entries 450, 452. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. Av. 400 pp. 15 x 10 x 1½.

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Santa Clara Township

499. CRIMINAL CASES, 1906---. 4 f.b. Prior records destroyed. For description of contents, see entry 449. Arr. num. by case numbers. No index. Hdw. pr. fm. Av. 26 x 14 x 10 to 26 x 18 x 10. Off. of j.p., Santa Clara.

500. JUSTICE'S DOCKET, CRIMINAL, 1906---. 15 vols. Prior records destroyed. For description of contents, see entry 450. Arr. chron. Indexed alph. by names of dfdts. Hdw. pr. fm. Av. 500 pp. 16½ x 11 x 2. Off. of j.p., Santa Clara.

501. CIVIL CASES AND SMALL CLAIMS COURT, 1906---. 7 f.b. Prior records destroyed. For description of contents, see entries 451, 453. Arr. num. by case numbers. No index. Hdw. pr. fm. Av. 26 x 14 x 10 to 26 x 18 x 10. Off. of j.p., Santa Clara.

502. JUSTICE'S DOCKET, CIVIL, 1906---. 12 vols. Prior records destroyed. For description of contents, see entry 452. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. pr. fm. Av. 500 pp. 16½ x 11 x 2. Off. of j.p., Santa Clara.

503. SMALL CLAIMS COURT, 1921---. 2 vols. Initiated 1921. For description of contents, see entry 453. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. pr. fm. Av. 500 pp. 16½ x 11 x 2. Off. of j.p., Santa Clara.

504. FEE BOOK, DISBURSEMENTS AND COLLECTIONS, 1915---. 8 vols. Prior records destroyed. For description of contents, see entry 455. Arr. chron. No index. Hdw. Av. 225 pp. 16½ x 11 x 1. Off. of j.p., Santa Clara.

San Jose Township

505. CRIMINAL CASES, 1900---. 89 f.b. For description of contents, see entry 449. Arr. num. by case numbers. No index. Hdw. pr. fm. Av. 12 x 10 x 4 to 16 x 16 x 12. 15 f.b., 1900-1926, bsmt., H.R.; 74 f.b., 1927-- off. of j.p., San Jose.

506. JUSTICE'S DOCKET, CRIMINAL, 1851---. 108 vols. Initiated 1851. For description of contents, see entry 450. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. pr. fm. Av. 500 pp. 16½ x 11 x 2. 77 vols., 1851-1928 bsmt. H.R.; 18 vols., 1929---, N.W. rm., 2nd fl., H.J.; 13 vols., 1928---, S.W. rm., 2nd flr., H.J.

507. CIVIL CASES, 1900---. 168 f.b. For description of contents, see entry 451. Arr. num. by case numbers. No index. Hdw. and typed pr. fm. Av. 12 x 10 x 4 to 16 x 12 x 12. 15 f.b., 1900-1926, bsmt., H.R.; 153 f.b., 1927---, off. of j.p., San Jose.

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508. JUSTICE'S DOCKET, CIVIL, 1851--. 110 vols. Initiated 1851. For description of contents, see entry 452. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. pr. fm. Av. 500 pp. 16½ x 11 x 2. 64 vols., 1851-1927 bsmt. H.R.; 27 vols., 1928--, N.W. rm. 2nd flr., H.J.; 19 vols., 1928--, S.W. rm., 2nd flr., H.J.

509. SMALL CLAIMS COURT, 1921--. 33 f.b. Initiated July 29, 1921.
For description of contents, see entry 453. Arr. num. by case numbers. No index. Hdw. pr. fm. Av. 12 x 10 x 4 to 16 x 12 x 12. 6 f.b., 1921-35, bsmt., H.R.; 27 f.b., 1936--, off. of j.p., San Jose.

510. SMALL CLAIMS COURT DOCKET, 1921--. 40 vols. Initiated 1921.
For description of contents, see entry 453. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. pr. fm. Av. 500 pp. 16½ x 11 x 2. 21 vols., 1921-28, bsmt. H.R.; 12 vols., 1929--, N.W. rm., 2nd flr., H.J.; 7 vols., 1929--, S.W. rm., 2nd flr., H.J.

511. SIGNATURES OF JUSTICES' OF THE PEACE, 1903--. 1 vol. Prior records destroyed.
Names of justices of the peace, with townships, addresses, commencement, and expiration of terms of office. Arr. alph. by names of justices. No index. Hdw. 150 pp. 16½ x 12 x 1. Clk. off.

512. FEE BOOK, DISBURSEMENTS AND COLLECTIONS, 1915--. 11 vols. Prior records destroyed.
For description of contents, see entry 455. Arr. chron. No index. Hdw. Av. 350 pp. 16½ x 11 x 1½. 5 vols., 1915-32, bsmt., H.R.; 2 vols., 1933--, N.W. rm., 2nd flr. H.J.; 4 vols., 1927--, S.W. rm., 2nd flr. H.J.

513. FEE BOOK, CRIMINAL, 1915-27. 2 vols. Discontinued. Prior records destroyed.
Record of fees derived from fines in misdemeanor cases, showing docket, page, date, name of defendant, and amount of fine. Arr. chron. No index. Hdw. Av. 200 pp. 14 x 9 x 1. Bsmt., H.R.

Saratoga Township

514. FEE BOOK, CIVIL, 1915-24. 2 vols. Discontinued. Prior records destroyed.
Record of civil fees, showing month and year collected, docket page, title of case, nature of service, and amount. Arr. chron. No index. Hdw. Av. 200 pp. 14 x 9 x 1. Bsmt., H.R.

515. CRIMINAL CASES, 1927--. 1 f.b. Prior records missing.
For description of contents, see entry 449. Arr. num. by case numbers. No index. Hdw. pr. fm. 24 x 16 x 12. Off. of j.p., Saratoga.

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516. CIVIL CASES, 1927--. 1 f.b. Prior records missing.
For description of contents, see entry 451. Arr. num. by case numbers. No index. Hdw. pr. fm. 24 x 16 x 12. Off. of j.p., Saratoga.

517. SMALL CLAIMS COURT, 1927--. 1 f.b. Prior records missing.
For description of contents, see entry 453. Arr. num. by case numbers. No index. Hdw. pr. fm. 12 x 10 x 8. Off. of j.p., Saratoga.

518. JUSTICE'S DOCKET, CRIMINAL, CIVIL AND SMALL CLAIMS COURT, 1897--. 3 vols. Prior records destroyed.
For description of contents, see entries 450, 452-453. Arr. chron. Indexed alph. by names of pltfs. and dfdts. Hdw. Av. 500 pp. 16½ x 11 x 3. Off. of j.p., Saratoga.

519. FEE BOOK DISBURSEMENTS AND COLLECTIONS, 1930--. 1 vol. Prior records destroyed.
For description of contents, see entry 455. Arr. chron. No index. Hdw. 225 pp. 16½ x 11 x 1. Off. of j.p., Saratoga.

XVI. CONSTABLES

By virtue of an act of 1850, each township was entitled to have one constable elected for a term of two years (1). In 1872 the number of constables in each township was increased to two. They were to be citizens, 21 years of age or over and electors of the township.(2) Since 1893 the term of office of constables has been four years (3).

Like other township and county officers, the constable was empowered to appoint as many deputies as necessary for the faithful and prompt discharge of the duties of his office (4). The county and township act of 1891 empowered the board of supervisors to allow only one constable in any judicial township having a population of less than 3,000 (5). A statute in 1897 altered the population requirement by providing that the board might allow only one constable in any judicial township having a population of less than 4,000 (6).

The act of 1850 made the constable conservator of peace within his township. It was his duty to attend the courts of justices of the peace in his township whenever his services were required, to execute all orders issued by them, and to execute and return all writs and

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1. Cal. Stats. 1850, pp. 205, 207.
2. Pol. Code 1872, secs. 4102, 4104.
3. Cal. Stats. 1893, p. 367.
4. Pol. Code 1872, sec. 4112.
5. Cal. Stats. 1891, p. 314.
6. Cal. Stats. 1897, p. 474.

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processes directed to him by justices or any lawful authority. Further, he was required to serve within his township and to return all notices placed in his hand for services relating to any suit or proceeding in any court of his state.

In case there were no definite provisions prescribing his duties, the constable was to be governed by laws relating to the sheriff insofar as they were applicable to the constable in regard to the execution, service, return of orders, writs, and processes. According to this law, no constable was permitted to practice as an attorney or counsellor at law before the court of justice of the peace in his township (1).

In case there was no auctioneer, the constable was to act as ex-officio auctioneer to sell any real or personal property at public auction (2). For any delinquency in that capacity, he was liable on his official bond (3).

The original act was amended in 1861 with slight changes (4), but the codes adopted in 1872 set forth definitely that the constable in his township was vested with the same powers and duties as the sheriff in the county, except the attendance of county courts and jurisdiction over the county jail (5).

An amendment in 1907 provides that no constable should serve any writ or process issued by any justice's court other than that of his township, nor should he serve any writ or process outside the boundaries of the township for which he is constable (6).

The constable acts as poundmaster in the pound district of his township, in cases where no poundmaster has been appointed (7).

In 1931 the constable was required to collaborate with the district attorney and the sheriff to render all necessary assistance to the department of agriculture or its accredited agents to enforce an act designed to control and eradicate bovine tuberculosis (8).

The statutes of 1933 require the constable to exercise such powers and perform such duties in the justice's court as are imposed by law upon the sheriff with respect to proceedings in the superior court (9).

Constables are not required by law to keep any specific records.

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1. Cal. Stats. 1850, p. 263.
2. Ibid., p. 244.
3. Pol. Code 1872, sec. 3271.
4. Cal. Stats. 1861, p. 28.
5. Pol. Code 1872, sec. 4315.
6. Cal. Stats. 1907, p. 407.
7. Cal. Stats. 1913, p. 1103.
8. Cal. Stats. 1931, p. 2399.
9. Cal. Stats. 1933, p. 1814.

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(Next entry 520, p. 197)

XVII. SHERIFF

The office of sheriff was created as an elective office for a term of two years (1). The next year the sheriff was made ex-officio collector of taxes (2). In 1861 the office of sheriff was made a separate office (3), and remains so to the present time.

Since 1893 the sheriff's term of office has been four years (4), and is elected at the same general election at which the governor is elected (5).

In accordance with the original statutes, the duties of the sheriff were to conserve the peace, make arrests, prevent and suppress affrays, execute writs and warrants, serve processes, execute legal orders, and attend all courts of record held in his county (6). He was also to take charge of wrecked property (7). In 1851 he was required to maintain an office at the county seat, keep the jail and persons confined therein, and to serve as court crier (8). In case of a vacancy in his office by death, resignation, or otherwise, his powers and duties were to devolve upon the coroner of the county until the election of a new sheriff (9). He was authorized to command as many male inhabitants of his county as necessary for the discharge of his duties (10).

The sheriff was made the collector of license tax in 1853, and he was to accept only good clean gold dust in payment for licenses (11). In case of any payments of taxes, the sheriff was required to specify in his receipt whether said payment was made in money, gold dust, three per cent bond, or in the controller's warrants made receivable for taxes by law. At the same time he was required to keep a list or memorandum of each and every payment precisely corresponding with the receipt. The list or memorandum, verified by the sheriff's affidavit, was to be filed in the office of the county treasurer, or, in some cases with the state treasurer (12).

Another statute of 1853 provided that the sheriff should turn into the county treasury the amount of money collected by him each month, and designate in separate receipts whether the amount was received for licenses, taxes, or property tax, and whether for state or county purposes (13).

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1. Cal. Stats. 1850, pp. 81, 101.
2. Cal. Stats. 1851, p. 158.
3. Cal. Stats. 1861, p. 428.
4. Cal. Stats. 1893, p. 366.
5. Cal. Stats. 1897, p. 474.
6. Cal. Stats. 1850, p. 258.
7. Ibid., p. 175.
8. Cal. Stats. 1851, pp. 191-192.
9. Ibid., p. 197.
10. Ibid., p. 190.
11. Cal. Stats. 1853, p. 62.
12. Ibid., p. 68.
13. Ibid., p. 265.

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To the original duties of the sheriff, the statutes have added the following from time to time: he is to act as ex-officio county auctioneer (1); to summon jurors (2); to dispose of floating lumber (3); to remove intruders on public lands (4); to arrest any one for cruelty to animals (5); to deliver insane persons to institutions (6); and to serve military processes (7).

The sheriff is a member of the county board of parole commissioners (8). He is also authorized to issue licenses permitting persons to carry concealed firearms (9).

Records of the sheriff are in the sheriff's office in the courthouse unless otherwise indicated.

Reports

520. (AUTOMOBILE LOSS - STOLEN, ABANDONED, RECOVERED - REPORTS), 1921--. 31 bdls. Prior records missing.
Reports to sheriff's office of lost, stolen, abandoned, or recovered cars, showing date of report, owner, business address, residence address, phone, place where car was stolen, date stolen, name and address of person reporting, description of car, number of engine, license, body and magnito, number of cylinders, with whom car insured, if car recovered, date of recovery, and remarks. Arr. chron. by dates of reports. No index. Hdw. pr. fm. Av. 10 x 6 x 5. 22 bdls., 1921-33, 1935-- co. jail; 9 bdls., 1934, shf. off.

521. NIGHT CREW REPORTS, 1932--. 4 bdls. No prior records.
Reports of sheriff's night crew on emergency calls, showing date of call, time, purpose and result of call, and name of deputy answering call. Arr. chron. No index. Hdw. pr. fm. Av. 10 x 6 x 5.
Shf. off.

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1. Cal. Stats. 1853, p. 244.
2. Cal. Stats. 1852, p. 108.
3. Pol. Code 1872, sec. 2391.
4. Ibid., sec. 42.
5. Cal. Stats. 1873-74, p. 500.
6. Cal. Stats. 1903, p. 503.
7. Cal. Stats. 1905, p. 274.
8. Cal. Stats. 1909, p. 783.
9. Cal. Stats. 1917, p. 221.

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522. MISCELLANEOUS REPORTS, STRAYED ANIMALS, DISTURBING THE PEACE, FELONY, ROBBERIES, CORRESPONDENCE, 1931---. 2 boxes; 9 bdls. Prior records missing.

Reports and complaints to sheriff's office, regarding strayed animals, misdemeanors, and felonies, nature of report, complaint or request, name of claimant or informer, and notations of sheriff's action on report. Arr. chron. No index. Hdw. pr. fm. Boxes av. 18 x 12 x 12; bdls. av. 10 x 6 x 5. Shf. off.

For prior records of strayed animals, see entry 274.

523. (ACCIDENT REPORTS), 1926---. 10 bdls. Prior records missing.

Reports to sheriff's office of accidents in county, showing names of party or parties hurt or killed, other persons involved, cause, and date of report. Arr. chron. No index. Hdw. pr. fm. Av. 10 x 6 x 5. 7 bdls., 1926---, shf. off.; 3 bdls., 1934---, co. jail.

524. (BURGLARY AND PETTY THEFTS REPORTS), 1932---. 17 bdls. No prior records.

Reports of petty thefts and burglaries, showing name of person from whom property was stolen, residence or business address, where property was stolen, date of report, hour, description of property, and whether or not recovered. Arr. chron. No index. Hdw. pr. fm. Av. 10 x 6 x 5. 12 bdls., 1934---, shf. off.; 5 bdls. 1932---, co. jail.

Civil

(See also entries 287-293, 649)

Process

525. CIVIL SUITS, 1925---. 56 f.b.; 26 bdls. Prior records destroyed.

Record of service by sheriff of orders by the court in civil actions including summons, attachments, and executions, showing names of plaintiff and defendant, number and nature of case, date of service and judgment. Arr. chron. For index, see entry 526. Hdw. and typed pr. fm. Av. 12 x 10 x 4. Shf. off.

526. INDEX TO CIVIL SUITS, 1915---. 3 vols. (2-4). Prior records destroyed.

Index to records now destroyed, 1915-24; index to Civil Suits, entry 525, 1925---, showing number of case and names of plaintiff and defendant. Also contains: Sheriff's Sales, 1935---, entry 527. Arr. alph. by names of dfdts. and delinquent taxpayers. Hdw. Av. 500 pp. 12 x 8 x 2. Shf. off.

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