

## **Benicia became Solano's first seat of justice**

**By Sabine Goerke-Shrode**

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With the June 6 election rapidly approaching, I was curious to see how early Solano County government institutions developed.

How was the county governed prior to the 1855 establishment of the Board of Supervisors? Much of what happened during those first pioneer years remains unknown, lacking original records.

The government of the United States and the Mexican Republic signed the Treaty of Guadalupe Hidalgo on Feb. 2, 1848, defining the boundaries of the state of California. In 1849, a Constitutional Convention was assembled in Monterey.

On Oct. 12, the assembly issued a proclamation to the people "to designate such officers as they desire to make and execute the laws; that their choice may be wisely made and that the government so organized may secure the welfare and happiness of the people of the new state, is the sincere and earnest wish of the present executive, who if the Constitution be ratified, will, with pleasure, surrender its powers to whomsoever the people may designate as his successor."

This document was signed by "B. Riley, Bvt. Brig. Genl., U.S.A. and Governor of California" and "Official - H. W.

Halleck, Bvt. Capt. and Secretary of State." From this time on, California government was no longer administered by military officers but moved into the hands of locally elected officials.

Feb. 18, 1850, brought the State Legislature decision "...subdividing the state into counties and establishing seats of justice therein."

Solano County, as one of the original counties, had its boundaries defined as follows: "Beginning at the mouth of Napa creek and running up the middle of its channel to the mouth of the Suscol creek; thence following up said creek to the eastern boundary of Napa county; thence along said boundary line to the northeast corner of Napa county; thence in a direct line to the nearest point of Putah creek; thence down the middle of said creek to its termination in the Tule marsh; thence in a direct line to the head of Merritt's slough; thence down the middle of said slough to its mouth; thence down the middle of Sacramento river to its mouth; thence down the middle of Suisun bay to the

Straits of Carquinez; and thence through the middle of said straits to the place of beginning.”

Benicia became the first seat of justice. County Judge Joseph Winston set out to divide the newly formed County of Solano into two townships.

The division line began at the Suisun embarcadero, ran along the Suscol Creek, down to Napa Creek, continued to the middle of the Carquinez Strait; from there the line went up to Suisun Bay and back to the Suisun embarcadero. The district enclosed in these lines became the Benicia Township, while the area outside was named the Suisun Township.

Following the establishment of the two townships, elections on May 25, 1850, created the Court of Sessions, composed of the offices of two Justices of the Peace and two Constables. The State Legislature defined the Court of Sessions duties on April 11, 1850:

“The Court consisted of the County Judge, who should preside at its sessions, assisted by two Justices of the Peace of the county as

Associate Justices, they being chosen by their brother justices from out of the whole number elected for the county.

“The duties imposed upon this organization were multifarious. They made such orders respecting the property of the county as they deemed expedient, in conformity with any law of the State, and in them were vested the care and preservation of such property.

“They examined, settled and allowed all accounts chargeable against the county; directed the raising of such sums for the defraying of all expenses and charges against the county; by means of taxation on property, real and personal, such not to exceed, however, the one-half of the tax levied by the State on such property; to examine and audit the accounts of all officers having the care, management, collection, and disbursement of any money belonging to the county, or appropriated by law, or otherwise, for its use and benefit.

“In them was the power of control and management of public roads, turnpikes, ferries, canals, roads and bridges within the county, where the law did not prohibit such jurisdiction, and made such orders as should be necessary and requisite to carry such control and management into effect; to divide the county into townships, and to create new townships, and change the division of the same as the convenience of the county should require, was among their duties.

"They established and changed election precincts; controlled and managed the property, real and personal, belonging to the county, and purchased and received donations of property for the use of the county, ...

"To cause to be erected and furnished, a court-house, jail, and other buildings, and to see that the same be kept in repair, and otherwise to perform all such other duties as should be necessary to the full discharge of the powers conferred on such court. Terms were ordered to be held on the second Monday of February, April, June, August, October, and December, with quarterly sessions on the third Monday of February, May, August, and November of each year."

With these definitions, the Court of Sessions had the legal power to govern the newly formed county. The first Court convened on March 13, 1851, with the intent to divide the Benicia Township, which was deemed too large to govern. The Court divided the territory, dedicating the territory east of the division line as Benicia Township, while territory west of the line was named Vallejo Township.

Previously called Eden, the settlement was now renamed in honor of Gen. Vallejo's efforts to move the State government seat from San Jose to Solano County.

The next Township was created at a special session on Nov. 1, 1852. Its boundaries included the southwest points of Potrero Hills to the "house of Mr. Cutler" and all the way south and south-west of Putah creek, to be called Vacaville Township.

The following session on Aug. 8, 1853, tackled the division of Suisun Township: "To commence at the Tule, on the southwest end of

Mr. Thompson's farm, and running in a direct line to the Jerry House, as it is called, on the south-west edge of Green Valley; thence following the edge of the Tule, east to the mouth of the Suisun creek; thence up said creek to the crossing of the county road, near L. Alford's; thence along said road west to the house of

Mr. S Martin; thence due north to the county line; thence following said county line west to the place of the beginning." The new Township was called the Green Valley Township.

The new term of Court Sessions began on Monday, Oct. 3, 1853. From this date on, written records exist, preserving the decisions made by the Court of Sessions. The court clerk carefully recorded these in copperplate handwriting.

Court sessions always opened ceremoniously with a proclamation from the sheriff at the Court House door. In 1853, this office was carried by Paul Shirley. The Honorable

Joseph Winston served as county judge, while Joseph Vaughn recorded the proceedings as county clerk.

After winning September 1853 elections, Caleb P. Lawnes and Joseph M. Owen were dutifully sworn in as Associate Judges of the Court of Sessions.

The new court then ordered Sheriff Paul Shirley to "summon ... four good and lawful men not from among the bystanders but from among the Citizens of Solano County to appear in this Court on Wednesday October the 5th 1853, then and there to form a Grand Jury for said County to serve at the October term."

On Wednesday, Oct. 5, 1853, Sheriff Shirley presented the names of 24 citizens willing to serve on the Grand Jury, including "Thos Bedford Thos Scott James Emerson Wm C Kyler

M C Hendrix H B Benett Joseph Hare Francis Russell Sidney Walker Henry Switzer David Smith Daniel Myers Jackson Werner Wm A Forbus James Wood L A Rider Charles

Morrison Silas Churchhill Daniel N Hastings Jas M Sanborn Henry Sturdevant George Minor Wm I Justin Bery Wood."

Only 19 candidates were present to be sworn in and form the Grand Jury. "And said Grand Jury after being duly sworn and charged by the District Attorney retired to their room to consider the business to come before them."

Solano County's first government was in place.

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