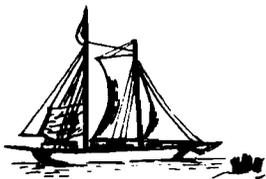


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MINUTE BOOK A - COURT OF SESSIONS (Civil) SAN JOAQUIN COUNTY - CALIFORNIA - 1850-52

Annotations by Robert Bonta

(Continued from the April-June 1978 Issue)

- 20 A petition was received from Moses H. Penney [Penny] praying that he might be commissioned to act as auctioneer for this county. It appearing to the Court that said Penney [sic] is legally qualified; that he has filed his bond conditioned according to law and complied with the statute in such case made & provided, It is therefore ordered that a commission be granted said Moses H. Penney [sic] to act as an auctioneer in and for the county of San Joaquin.

Penny's name was misspelled in the Court of Sessions entry; papers given to the Bancroft Library by the Weber family, STOCKTON TIMES advertisements, and the Seventh (First) New York Volunteers' roster all use the spelling without the second "e." Moses H. Penny was born in New York and volunteered for service in Stevenson's regiment for duty in California. He was sworn into federal service on Governor's Island, New York City, on September 2, 1846. He was assigned to Company "A" and twenty-one days later the company departed by sea for California. The detachment arrived in San Francisco on March 26, 1847, and later saw duty in Baja California. Penny was discharged in October, 1848, and like so many of the others of this special regiment he remained in California. First mention of his residency in Stockton was in relation to his unsuccessful candidacy in the state assembly election of March 2, 1850. The next mention of Penny is in relation to his petition to the Court of Sessions on June 26 (1850) for permission to engage in the profession of auctioneer and in advertisements which he placed in the STOCKTON TIMES.

The granting of commissions to auctioneers was simply a method of licensing those engaged in a lucrative occupation; the state was not to be denied its fair share. An act prescribing the manner of

"appointing" auctioneers within each county, their duties and obligations, and the method of collecting and forwarding to the state the prescribed taxes generated by auction sales, was passed by the first legislature in April of 1850.

In gold-rush California auctioneers operating in port cities such as Stockton either bought shiploads of goods coming in by water and then sold the merchandise to the highest bidders - often right off the ship itself - or they auctioned the cargo for its owners, receiving for their services a maximum commission of five percent unless a higher fee had been agreed to in writing. Duty rates listed are as follows: "All wines and ardent spirits, foreign or domestic, and all brewed or malt liquors, at the rate of two dollars on every hundred dollars. All tobacco and cigars, at the rate of two dollars on every hundred dollars. All other goods, wares and merchandise, and effects, sold in packages, bales, trunks, or casks, as imported, at the rate of one dollar and fifty cents on every one hundred dollars. All other goods, wares, merchandise and effects, at the rate of one dollar on every one hundred dollars. On all sales of real estate, fifty cents on every one hundred dollars."

- 21 The petition of William Atherton and David A. Davis for a license to establish a ferry, at a point on the Calaveras river, known as Fall's ranche, was received and after consideration thereof,

It was ordered that the prayer of the petitioners be granted and that the county clerk be authorised to issue the license therein prayed for, upon payment of the tax assessed thereon.

Among the county's earliest and most successful entrepreneurs were the numerous ferry operators who took advantage of the geography of the area

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and the needs of the argonauts (and their suppliers) rushing up to the Sierra Nevada foothills in search of a quick fortune. Although the rivers of central California were often low enough to be forded in late summer and early fall (until the arrival of the first heavy rains), the remainder of the year they presented very formidable obstacles to those traveling to and from the mines. The obvious solution to the problem was the establishment of ferry facilities to accommodate the traffic. Fees charged were determined basically by competition and by what the traffic would bear before it would turn to some other means of getting across the stream bed. In addition to operating the ferries themselves, it was inevitable that the owners should eventually turn to providing related services-livery stables, overnight sleeping quarters, the sale of provisions and in many cases meals as well, and at the more important crossings perhaps saloons and blacksmith shops. In later years many of these sites became permanent crossings with the construction of bridges and modern roadways leading to and from them. Some became small but lively communities, such as San Joaquin City, Knight's Ferry, and Woodbridge, the latter two surviving to the present.

The potential for revenue that these flourishing ferries presented to "government" was not long overlooked by the state's first legislature meeting in San Jose. On March 18, 1850, "An Act Creating and Regulating Public Ferries" was passed by that body, giving to the Court of Sessions in each county the authority to establish, license, regulate, and tax those within their respective boundaries. Because of the public nature of these establishments, the Legislature was careful and explicit in detailing both the responsibilities and the duties of the operators, and with licensing came a strict regulation of ferriage rates as set by each county's Court of Sessions.

The following are miscellaneous quotes from the Act:

Section 3: Any person may petition the Court of Sessions for a license to keep a ferry, and if, in the discretion of the Court, such ferry be necessary, and the petitioner be a suitable person to keep the same, it shall order the Clerk to issue a license, on the payment of the tax assessed on such license.

Section 4: Upon the production of the receipt of the Collector of the County tax to such Clerk, he shall issue such license to keep a ferry at the place therein mentioned, for a time not to exceed one year; but no license to keep such ferry shall issue unless the land on that side of such river or creek, on which it is sought to establish such ferry, be public land, or the land of said petitioner; or where the holders or owners of any land where the public convenience may require that such ferry shall be kept, shall neglect or refuse to have a public ferry established within a reasonable time.

Section 5: No ferry shall be established within one mile immediately below or above a regular established ferry, unless it shall be deemed important for the public convenience, or where

the situation of a town or village, the crossing of a public highway, or the intervention of some creek or ravine, shall render it necessary.

Section 6: When any river or creek shall be the boundary line between two counties, and any person holding lands on either side of said river or creek shall wish to have a public ferry across the same, he or she shall apply to the Court of Sessions for the County in which his or her land lies, who are hereby authorized to establish such ferry from the land of such applicant to the opposite side. [Two weeks later, on March 30, the Legislature clarified further the matter of determining legal and taxing jurisdiction of ferries operating on streams designated as county boundaries by the following section of a general tax act:

Section 15: In the case of toll bridges and ferries, the company owning such bridge or ferry shall be listed in the county in which the tolls and ferriage are collected; and where the tolls and ferriage are collected in more than one county, the company shall be listed in the county in which the treasurer or other officer authorized to pay the last preceding dividend resides.]

Section 14: All expresses sent on public service by a Commander-in-Chief, colonel, or Major, to or from the Governor for the time being, or commanding officer of the Militia, shall be accounted public messengers or expresses, and shall pass all ferries free of charge, within the condition of the bond aforesaid, if the dispatch carried by such express be endorsed "Public Service," and be signed by the person sending the same. But no ferryman shall be bound to give passage free to any such express in time of peace, except in case of insurrection.

Section 16: It shall be the duty of all ferry keepers within this State to cause the banks of the river or creek to be dug sufficiently low, and kept in good passable order for the passage of man and horse, wagons, and other vehicles.

Section 18: For the encouragement of ferry keepers, and in consideration of setting over public messengers and expresses exempt from payment of ferriage by this Act, all men, while necessarily employed in attending on licensed ferries in this State, shall be free from militia duty, except in times of war or public danger; from working on roads and highways, so far as personal service is required; and from serving on juries. And if any person or persons, other than ferry keepers licensed under the provisions of this Act, shall for fee or reward, or any expectation or promise thereof, set any person over any river or creek whereon public ferries are established, or shall hire to any person or persons a boat to be used in ferrying at any place within two miles of such public ferry, he, she, or they so offending, shall forfeit the sum of thirty dollars for every such offence, to be recovered before any Justice of the Peace of the County wherein such offence was committed, in the same manner that other fines are recovered for the breach of the penal laws of this State, and shall likewise be subject to

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be taxed by the Court of Sessions in the same manner as regularly licensed ferry keepers.

On March 11, 1851, in section 70 of Chapter VI, under the heading of the COURT OF SESSIONS, the following clarification of section 6 (1850) above was made by the second California Legislature:

When any river, stream, creek, or slough separate two counties, the Court of Sessions of the County lying north or east of such river, stream, creek, or slough, shall have jurisdiction of the same so far as the control and management of bridges and ferries are concerned; but all sums paid for licenses to construct any bridges, or to run any ferries over such river, stream, creek, or slough, shall be divided equally between the two counties.

In the fourth session of the Legislature the matter of which county controls ferry operations on streams serving as county boundaries was amended to read, "when any bay, river, stream, creek or slough separates two counties, the Court of Sessions of the county lying on the left bank descending such bay, river, stream, creek or slough, shall have the jurisdiction of the same. . . ."

License fees were set annually by the Court of Sessions based upon the relative volume of business enjoyed by each licensee. The peak year of activity came early - about 1852 - and after the consolidation of roadways by the counties, plus the gradual construction of bridges over the major streams, slowed down drastically the number of new ferries established, and the total amount of business carried on by them.

The Atherton and Davis Ferry "at a point on the Calaveras River known as Fall's ranche," was located a few miles east of present-day Bellota (which was founded at the site of "Fischer's Bridge," built across the Calaveras circa 1861). The road from Stockton to this ferry lay on the south side of the river and was known as the Mokelumne Hill Road; today it is the Fremont Street-Linden Road-Highway 26 route to the Mother Lode. Before the present highway system was developed this was the main road to Jackson, Mokelumne Hill, and San Andreas. The 1850 Gibbes map of central California shows the road crossing the Calaveras at "Davis and Atherton," and on the north side of the river Gibbes noted near the edge of the map "route to Double Springs." The ferry operators had bought Fall's Ranch, giving their joint name to the property. Although Atherton and Davis were, according to the Court of Sessions records, petitioning "for a license to establish a ferry," they were already operating at that site as early as the previous April as the following appeared in the April 13, 1850, issue of the STOCKTON TIMES:

[In the] Court of Benj. Williams, first alcalde.

Atherton and Davis vs Andrew Smith. - It was in evidence that Plaintiffs were the occupants by a

possessory title of a ranch on the Calaveras River, and in the exclusive enjoyment of the franchise of a ferry on the premises. A few days since, defendant commenced ferrying across the same river, within thirty or forty yards of the plaintiff's boat. This suit was brought for the removal of defendants, and for damages. Verdict for plaintiffs. Damages - \$340.00.

D. W. Perley and D. F. Terry for plaintiffs, [S. A.] Booker for defendant.

22 Upon the petition of James Boland for a license to establish a ferry at a point on the river Stanislaus four miles below Islip's ferry,

It was ordered that the prayer of the petitioner be granted and that the county clerk be authorised to issue the license therein prayed for, upon payment of the tax assessed thereon.

Boland's Ferry, described in the petition as being "four miles below Islip's Ferry," was located in the vicinity of the present McHenry Avenue bridge over the Stanislaus River directly south of Escalon. Later it was known as "Bailey's Ferry." In January, 1911, the "Bailey Ferry Bridge" was opened on the site, replacing the antiquated ferry service. The new (present) bridge was located a short distance to the east of the first one, allowing for the realignment of the road on the north side of the river.

23 It is ordered that the clerk be required to notify, forthwith, all persons using ferries in the county of San Joaquin that immediate application must be made to the Court of Sessions of said county for licenses therefor, otherwise they will be proceeded against according to law.

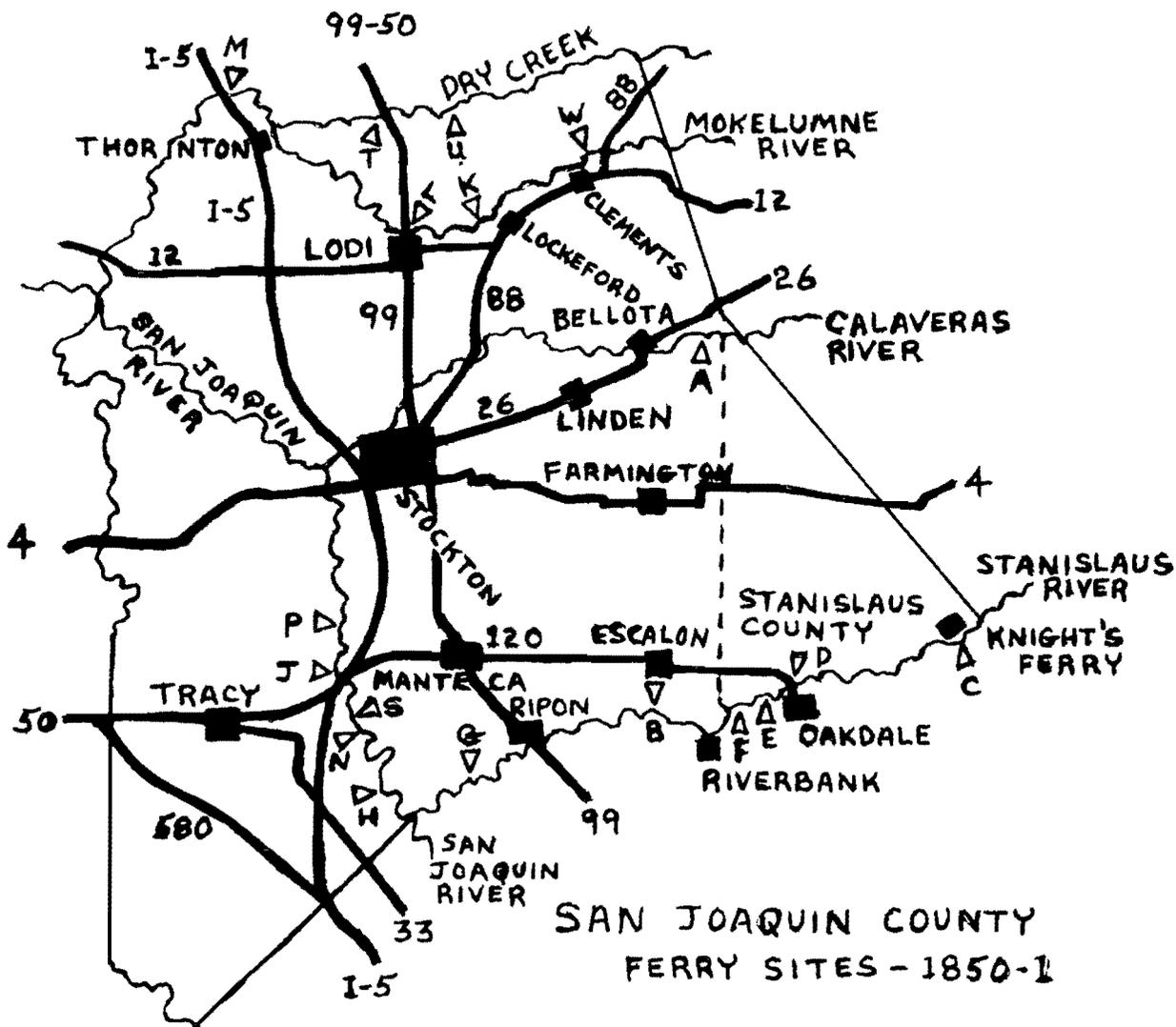
24 It is ordered that there be assessed for county expenditures upon a license to use a ferry for one year, on the Calaveras river at Davis and Atherton's Ranche, the sum of one hundred and fifty dollars.

It is ordered that there be assessed for county expenditures the following amounts upon ferries in this county, to wit:

- 24 Upon Knight's Ferry, the proprietors of which are Dent, Vantine & Co. on the Stanislaus river. \$300.00
- 24 Upon Heath & Emory's Ferry on the Stanislaus river \$200.00
- 24 Upon Cotton's ferry, the proprietors of which are _____ [blank] on the Stanislaus river \$200.00
- 24 Upon Islip's Ferry on the river Stanislaus \$200.00
- 24 Upon Boland's Ferry on [the] river Stanislaus \$150.00
- 24 Upon Clark & Sirey's Ferry, Stanislaus, \$200.00 Reduced by order of the Court to \$150.00 per year
- 24 Upon the Ferry at San Joaquin City on the river San Joaquin \$250.00
- 24 Upon Doak & Bonsal's [sic] Ferry on the San Joaquin river \$500.00

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With the exception of the southeast corner of the county, today's boundaries are not much different from those designated by the California Legislature in 1850. The one major change was the transfer of the triangular area east of the broken line (from "McDermott's Bridge" on the Calaveras River south to the vicinity of present-day Riverbank on the Stanislaus River) to Stanislaus County in 1860. The only important settlement in this area was Knight's Ferry which became the government seat of the latter county in 1862. (Two minor changes were made on the west boundary of the county in 1878.)

Four major streams flow westward across San Joaquin County from the Sierra Nevada, three of which (Dry Creek, Mokelumne and Stanislaus rivers) form parts of the north, northwest, and south boundaries of the county. The San Joaquin River flows north-northwest through the western half of the county; the Calaveras River bisects the county from

east to west, flowing from Calaveras County southwestward into the San Joaquin River immediately west of Stockton.

Crossing these streams proved a formidable task, especially in the winter, spring, and early summer months, for the early travelers whose destinations in or from the Mother Lode dictated passage through the county. The immediate solution to the dilemma was the establishment of ferry services at strategic points along these waterways, but profits were for the most part shortlived as bridges began to span the most important streams in the early 1850's.

Of lasting importance was the establishment of a number of permanent road routes through the county based upon the locations of the best ferry sites. Only the advent of the automobile in great numbers beginning in the 1930's brought significant route changes along with modern steel and concrete bridges over these same streams based upon the old

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geometric rule, "the shortest distance between two points is a straight line," instead of following the original pioneer routes.

The approximate sites of the ferries licensed by the Court of Sessions of San Joaquin in 1850-51 are marked with triangular symbols placed along the streams and identified by letters of the alphabet as follows:

- A - Atherton and Davis Ferry on the Calaveras River
- B - Boland's (Bailey's) Ferry on the Stanislaus below Escalon
- C - Knight's Ferry on the Stanislaus
- D - Taylor and Sirey's (Heath and Emory's) Ferry on the Stanislaus at Oakdale
- E - Cotton's Ferry on the Stanislaus west of Oakdale
- F - Islip's Ferry on the Stanislaus east of Riverbank
- G - Clark and Sirey's (Clark and Tomb's) Ferry on the Stanislaus west of Ripon
- H - Titus and Manly's (Durham's) Ferry on the San Joaquin River at San Joaquin City

- J - Doak and Bonsell's (Mosssdale Y) Ferry on the San Joaquin at the Highway 50-15 crossing
- K - Weston and Staples' (Miller's) Ferry on the Mokelumne just west of Lockeford
- L - Benedict's Ferry on the Mokelumne near Lodi
- M - Lower Bar Ferry on the Mokelumne (**probably** Benson's Ferry above Thornton)
- N - Brown and Clugston's Ferry on the San Joaquin (**probably** south of Highway 50-15 crossing)
- P - Worden, Slocum, and Bosworth's Ferry on the San Joaquin north of the highway crossing
- S - Hunter's Ferry on the San Joaquin south of the crossing
- T - Davis' Ferry on Dry Creek near the present Highway 99 crossing
- U - Scott's (Elliott's) Ferry on Dry Creek east of the 99 crossing
- W - Elliott's Ferry (second one) on the Mokelumne River near Clements

24	Upon Weston & Staples' Ferry on the Mokelumne river	\$250.00
24	Upon Benedict's Ferry on the Mokelumne river	\$150.00
24	Upon the Lower Bar Ferry	\$150.00

In addition to the two "new" ferries authorized by the Court (Atherton and Davis on the Calaveras River and Boland's Ferry on the Stanislaus - see entries 21 and 22 above), license fees were assessed against all of the others then operating within the county.

KNIGHT'S FERRY, until 1860 a part of San Joaquin County, was located at the site of the present community of Knight's Ferry; it was opened sometime in the spring of 1849 by William Knight and was the major crossing (along the Stanislaus River) of the "Sonora Road" from Stockton to the southern mines. Knight had been a hunter, trapper, and professional guide with Captain Fremont on several of the latter's expeditions - and may have been with him in this area in 1844. Sonora at the time was the largest city of the southern mines, and midway between it and Stockton he preempted land on the north side of the river and established his ferry.

Soon after he constructed a hotel near the ferry to service over-night sojourners with the usual meals, rooms, and limited supplies being offered the weary travelers. By the middle of 1850 ownership of the site had been transferred to "Dent, Vantine, and Company," and it was they who took out the first license on the ferry operation. James Vantine had been Knight's partner and was joined by the two Dent brothers, George and Lewis, who in turn bought them out. Later a third brother, Captain John Dent, lived at Knight's Ferry (often referred to then as Dentville) while serving as the government's Indian agent. His wife was reputedly the first white woman to live at the settlement (and Knight was reputedly the first white man buried at the crossing).

In 1854, a young U. S. Army officer, Captain

Ulysses S. Grant, spent several weeks in Knight's Ferry as he was married to Julia Dent, a sister to the proprietors. From 1862 to 1872 the little town on the banks of the Stanislaus served as the county seat of the new county by the same name, it then being moved to its permanent location in Modesto. Dent township in San Joaquin County takes its name from the Dent family.

HEATH AND EMORY'S FERRY on the Stanislaus, located approximately at the present site of the railroad bridge at Oakdale in Stanislaus County, had probably been opened sometime in 1849 by a partnership, Taylor and Sirey. Like Knight's Ferry, it was, until 1860, a part of San Joaquin County, and was situated on the north bank of the river. O. C. Emory, member of the early Court of Sessions (see annotations under opening date of June 3, 1850) in Stockton, and a partner by the name of McIntire (Heath became associated with the operation shortly afterwards) purchased the ferry in November of 1849 for \$6,000. The following is the hand-written agreement signed by the purchasers:

Know all men by these presents that we for and in consideration of a certain lot of land situated on the Stanislaus River at the Ferry known as Taylor's Ferry, together with the boats, ropes, and other appertenances belonging to said ferry, have agreed and bound ourselves to pay to Taylor and Sirey the sum of six thousand dollars (\$6,000) to be paid in the following manner, to wit: one thousand dollars (\$1,000) on the delivery by the said Taylor and Sirey to us of the deed of the above-named ferry, one thousand (\$1,000) dollars on the first day of January, 1850, one thousand (\$1,000) on the first day of February, 1850, one thousand dollars (\$1,000) on the first day of March, 1850, and two thousand dollars (\$2,000) on the first day of April, 1850, failing which or either of the above payments we agree to forfeit

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all monies paid and the above named lot of land together with boats, ropes, and all appertenances belonging to the above named Ferry to revert to the said Taylor and Sirey.

In witness of which we have hereunto set our hand and seal at Stockton this 22d day of November, 1849.

(signed) Charles McIntire

(signed) O. C. Emory

McIntire and Emory became Heath and Emory, expanding a partnership formed in Stockton earlier (see annotations under date of June 3, 1850). Their earliest advertisements noted that their ferry was "thirty feet long and nine feet wide and enclosed with side railings for horses, cattle, and mules." A tent adjoining the ferry provided sheltered sleeping quarters, meals, and basic necessities such as groceries, liquors, and mining equipment. In April (1850) a wooden hotel with boarding facilities was completed and the tent removed.

The following advertisement appeared in the March 23, 1850, issue of the STOCKTON TIMES newspaper:

COTTON'S NEW FERRY — The public are notified that a new ferry has just been established between Hyslip's and Taylor's ferries on the Stanislaus. By means of this new ferry a considerable distance is saved in travelling, being in a straight line from Stockton to the Mariposa. It also leads to the shortest rout(e) to Sullivan's Diggings, Hawkins' Bar, the Sonorian Camp [Sonora], etc. The boat is well calculated for wagons and mules, is 30 feet long and 9 feet wide, is well railed, and will be kept in the cleanest and most perfect order by the owner who will always be present on the spot. There is every accomodation for the traveller in the tent adjoining the ferry.

Cotton's ferry was located about three-quarters of the way between Riverbank and Oakdale and the site now lies in Stanislaus County.

ISLIP'S FERRY was also known as the "Lower Ferry" on the Stanislaus, and was also located between Riverbank and Oakdale. George B. Islip was the proprietor, and shortly after its completion the following advertisement appeared in the STOCKTON TIMES (on March 23, 1850):

Lower Ferry - Stanislaus - known as Islip's Ferry, 30 miles from Stockton, 40 miles from the mines, and 6 miles below Taylor's [Heath and Emory's] Ferry [just upstream from the highway 120 crossing of the Stanislaus on the outskirts of Oakdale]. The banks of the river have been cut down almost level with the water

The CLARK AND SIREY'S FERRY [or Sirey and Clark] was located on the lower end of the Stanislaus River, near the point where the south end of Austin Road approaches the river, approximately half-way between the San Joaquin River and Ripon. Sometime before the publication of the 1852 STOCKTON DIRECTORY AND EMIGRANT'S GUIDE TO THE SOUTHERN MINES Sirey evidently sold his interest to a George W. Tombs. An advertisement in the DIRECTORY notes that Francis D. Clark and Tombs were then the proprietors of the "late Sirey and Clark" Ferry, referred to as the "New Lower Ferry." The advertisement reads as follows:

On the nearest road to the Mariposa, headwaters of the San Joaquin, and all the Southern Diggings, as well as to all the ranches, farms, and settlements, situated on the bottom lands of the rivers emptying in the San Joaquin. Clark and Tombs beg to inform their friends that they have recently made substantial improvements at their ferry, situated on the Stanislaus River, about 5 miles above its mouth, and three miles above Belcher's Ranche, and eighteen miles from Stockton, via French Camp. It is, by far, the best winter road to the mines. There is a substantial ferry boat and a well built Hotel, which is at all times supplied with the delicacies of the season, and the best liquors. There is plenty of grass and water on the road for animals.

James Sirey, originally a partner with Nelson Taylor (later sheriff of San Joaquin County - see end of annotations following opening entry July 3, 1850) in the Stanislaus River Ferry sold to McIntire and Emory in November, 1849, joined with Francis D. Clark soon after in setting up this "Lower Ferry." All three men were old acquaintances, having served in Stevenson's New York Volunteers who were shipped to California in 1847. By 1852 Sirey had sold his interest in this second ferry venture to yet another member of the famous regiment, George W. Tombs. Information on these four "comrades-in-arms" may be gleaned from several sources - Clark's own history of the regiment (printed in New York in 1882 under the title of THE FIRST REGIMENT OF NEW YORK VOLUNTEERS. . . .) and Donald Biggs' excellent CONQUER AND COLONIZE, printed by the Presidio Press of San Rafael in 1977.

Nelson Taylor helped recruit the New York members of Company E of the Volunteers, and was subsequently elected and commissioned its Captain. (Another Stockton resident who had also served as an officer of this company was Thomas L. Vermeule, later [1849] elected to the Monterey constitutional convention from the San Joaquin District.) While the men were New York residents, Taylor's birthplace was South Norwalk, Connecticut. Taylor, a dentist by profession, was mustered out of the service at Los Angeles in September, 1848, and then spent a short time in the Mother Lode before settling in Stockton.

Francis D. Clark authored the booklet THE FIRST

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REGIMENT OF NEW YORK VOLUNTEERS following his return to New York from California. He had joined the VOLUNTEERS in May, 1847, as a recruit replacement, and arrived in Lower California in February, 1848, where he joined Company D as a private. Following his discharge from the regiment he spent some time in the Mother Lode trying his luck as a miner. He then moved to Stockton, studied law, and was elected for three consecutive terms (1852,3,4) as a justice of the peace. In 1855 he returned to New York. During the Civil War he served as a major and then as military secretary of the Department of North Carolina. About 1870 he began compiling information on the former members of the Regiment, and the end product was his 1882 monograph.

George W. Tombs had also served in Company D, but unlike Clark he remained permanently in California. He settled in Stanislaus County, served 10 years as its county treasurer, following election to that position for the first time in 1869, and apparently died at Modesto sometime after 1882.

Donald Biggs states in his CONQUER AND COLONIZE that James Sirey was one of a number of deserters who left the regiment after its arrival in California. It is presumed that he succumbed to the lure of gold, leaving Company D before it set sail from Monterey for a tour of duty in Baja California in February, 1848. Clark's 1882 roll of volunteers includes Sirey among the deceased members, with the notation "Date and place unknown."

The "Ferry at San Joaquin City on the river San Joaquin" refers to the TITUS AND MANLY FERRY just downstream (north) from the pioneer settlement along the west bank of the river. It was within a half-mile of the center of the town, and approximately nine miles upstream (south) from Doak and Bonsell's pioneer ferry crossing at the present site of the Mossdale Y on Highway 50-Interstate 5 crossing. Established in the fall of 1849 to accommodate travelers who had chosen to cross the Coast Range Mountains through the Pacheco Pass or El Arroyo de los Buenos Aires (Corral Hollow area), it was advertised as early as June, 1850, as the "main line of travel" for those heading for the Southern Mines from San Jose and all coastal points south. A competing ferry was soon after established by a "New York Volunteer," Hiram Chase, on the opposite end of the town, at a point approximately a half-mile to the south.

The Titus and Manly Ferry became Durham's Ferry and it remained in use until replaced by the county with a steel-framed drawbridge in 1902. The present bridge was built in 1966 and connects Durham Ferry Road (on the west side of the river) with Airport Way. (For further information on the ferry and the history of San Joaquin City see the October-December, 1973, issue of the SAN JOAQUIN HISTORIAN, Vol. IX, No. 4.)

The location of the DOAK AND BONSELL FERRY on the San Joaquin River where Highway 50-Interstate 5 crosses the valley's major stream is truly an historic site in Central California. When the Spaniards first crossed the Coast Range and entered "los tulares" (the central valley) they found that it had long been the northern-most fording point along the river, and a favorite fishing spot for the numerous Indians who inhabited nearby villages. The Spaniards referred to it as "El Paso del Pescadero," and in time they, too, adopted it as their major crossing following the development of El Camino Viejo on the eastern (interior) edge of the Coast Range Mountains between the Pacheco Pass and El Arroyo de los Buenos Aires pass southwest of Tracy. It also marked the division point between the two Mexican land grants on the west side of the river - both known as "Rancho El Pescadero" but belonging to different grantees.

By the summer of 1848 a significant number of native California Mexicans were making their way north and eastward from their homes along the coastal settlements to the newly-discovered gold fields that became known as the "Southern Mines." Many of these pioneer argonauts, entering the valley through the Livermore Pass north of the pueblo of San Jose, chose to cross the San Joaquin at this same "Paso del Pescadero," then following the Stanislaus River into the foothills.

An interesting account of the travels of a party of discharged New York Volunteers (Stevenson's First Regiment) through the Livermore Pass and across the west side of present-day San Joaquin County to the San Joaquin River in late September, 1848, provides us with an excellent insight into what this primitive area looked like before its settlement. The account was written by one of the ex-soldiers of Company F, a certain James Lynch. The group, discharged at Santa Barbara on September 8, immediately set out overland for the Mother Lode via San Luis Obispo, Mission San Miguel, Soledad, Monterey, San Jose, and into the Livermore Pass. We pick up his narrative at that point:

Here night overtook us, and we were obliged to camp in a most desolate place where the wind rushed through the gap in the Diablo Range in a gale. There was no wood to be found, and we made enough fire to cook supper out of 'buffalo chips,' [probably from elk] and then huddled together in a vain effort to keep warm. It was so cold that we got but little sleep and were out of the miserable hole by daylight. We were soon on the San Joaquin Plains, and here we beheld such a sight as few have ever witnessed. The whole plain as far as the eye could reach was covered with elk. As soon as they saw us, all their heads went up in surprise, and they closed in great bands forming a solid square, as if to resist a charge. The multitude of horns seemed like a young forest! For a moment they stood their ground: then when they had fairly made us out, they turned and ran south at great speed, raising a cloud of dust that soon hid them from view, but long after they had disappeared the ground fairly

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trembled from the shock of countless feet.

The San Joaquin River was high, and there was not a ferry-boat on the length of it. We cut tules, tied them in bundles, lashed the bundles together, and tied willow poles on top to keep the bundles level. It was a rude ferry-boat but sufficed to carry our provisions, saddles, and other baggage. The propelling power was four men, who swam and pushed while the horses were made to swim and carry the rest of the party.

By this time not only travelers from the coast going to or coming from the Southern Mines were using the "Mossdale Y" site as a crossing; it had already become a part of the San Jose to Sacramento trail used originally by the early American settlers in Mexican California. It was natural, then, that someone should come along and establish a ferry at this location. That "someone" was John Doak, an American who had come overland to California in 1847 and had settled at Santa Cruz. He first saw the San Joaquin River when with a party of some 300 men on horseback he crossed the swollen stream in June of the following year on the way to the mines. He tried his luck at mining along the American River and along Dry Creek in the Ione Valley, but tiring of the rigors of the Sierra Nevada, Doak came back down into the valley in November of 1848 with the intention of returning to Santa Cruz. He never made it. He got as far as the San Joaquin River crossing and recognizing the potential of the site for turning a good profit, Doak joined with a fellow-traveler, one Jacob Bonsell, obtained a small boat (described in early county histories as a "yawl") and overnight they became capitalists. Leaving Bonsell in charge of the makeshift operation, Doak made his way to Corte Madera (in Marin County) where he was able to obtain materials for the construction of a more suitable craft. The new "ferry-boat" was sailed down the bay to the San Joaquin River, and from that point towed south to their place of business. By the end of the year (1848) they were well established at a point very close to the location of the present Southern Pacific Railroad crossing north of the highway. Charges were high: a dollar per person walking, three dollars per person on horseback, and eight dollars for wagons and teams.

It was not long before these two enterprising pioneers of San Joaquin County had branched out into the hotel business in Stockton in cooperation with a new partner, Hiram D. Scott. This was the Stockton House, first one built in the mushrooming city to the north. At the same time Doak sold his interest in the ferry to Scott. In 1852 Bonsell died, and with his widow's marriage to James A. Shepherd it became known as Shepherd's Ferry. Four years later the business was sold to William T. Moss, giving the permanent name of "Mossdale" to the immediate area.

(To Be Continued in Next Issue)

Persons interested in doing research on local history, whether members of the Society or not, are invited to submit their manuscripts for publication in the **Historian**. The editor must, however, reserve the right to accept or reject and/or edit all material and photographs submitted.

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