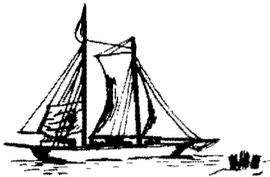


SAN JOAQUIN HISTORIAN



PUBLISHED QUARTERLY BY
SAN JOAQUIN COUNTY HISTORICAL SOCIETY



VOLUME XVII

JANUARY-MARCH 1981

NUMBER 1

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

Annotations by Robert Bonta

(Continued from the October-December 1980 Issue)

339 It is ordered that John MacNish be and he is hereby appointed Assessor in and for the County of San Joaquin for the time prescribed by law.

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

John MacNish replaced Osmond B. Taylor as county assessor. His name first appeared in the Court of Sessions MINUTE BOOK A when he presented a petition to the Court (October 29, 1851--see Vol. XVI, No. 2, p. 225) seeking a renewal of his license to operate a toll bridge on the Stanislaus River near today's Oakdale (at the site of the Heath and Emory Ferry). Not long after that he expanded his business interests in that area, constructing the "Lone Star House" on the Mariposa Road at a point approximately three miles south of the river, in what was then Tuolumne County. He also owned a two-story wooden structure in Stockton, on the northwest corner of Hunter and Channel streets. Beginning in the middle of November, 1851, a part of the building was rented by the county for use as government offices (see Vol. XVI, No. 2, p. 230). Just two weeks after his appointment as the assessor the county transferred all its prisoners from the Dickenson Building (where they had been housed since the previous April) to the MacNish Building (see entry 344, under the date of February 26, 1852).

No one apparently was concerned with any possible "conflict of interest" in his double

connection with the county; in fact, in August (1852)--just six months after he had assumed the assessor's position--the SAN JOAQUIN REPUBLICAN praised MacNish for doing an efficient and professional job, and noted that the public was apparently well satisfied with his fairness to all property owners. And this despite an increase of almost a million dollars in the assessed valuation figures over those recorded the previous year!

Evidently MacNish relinquished his county position in the latter part of 1852, and sometime soon after he moved to Hill's Ferry on the San Joaquin River (northeast of Newman) and took a clerk's position with the Simon Newman mercantile store. While living in Hill's Ferry he somehow engendered the anger of a man by the name of Hubbel, who threatened to kill MacNish "on sight." The inevitable came to pass one day, and forced to defend himself, the latter shot and killed his tormentor. The body lay on the street where it fell most of the day until the coroner arrived from Modesto. A coroner's jury absolved MacNish of all blame.

Tuesday February 17th A.D. 1852

Court met pursuant to adjournment.

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

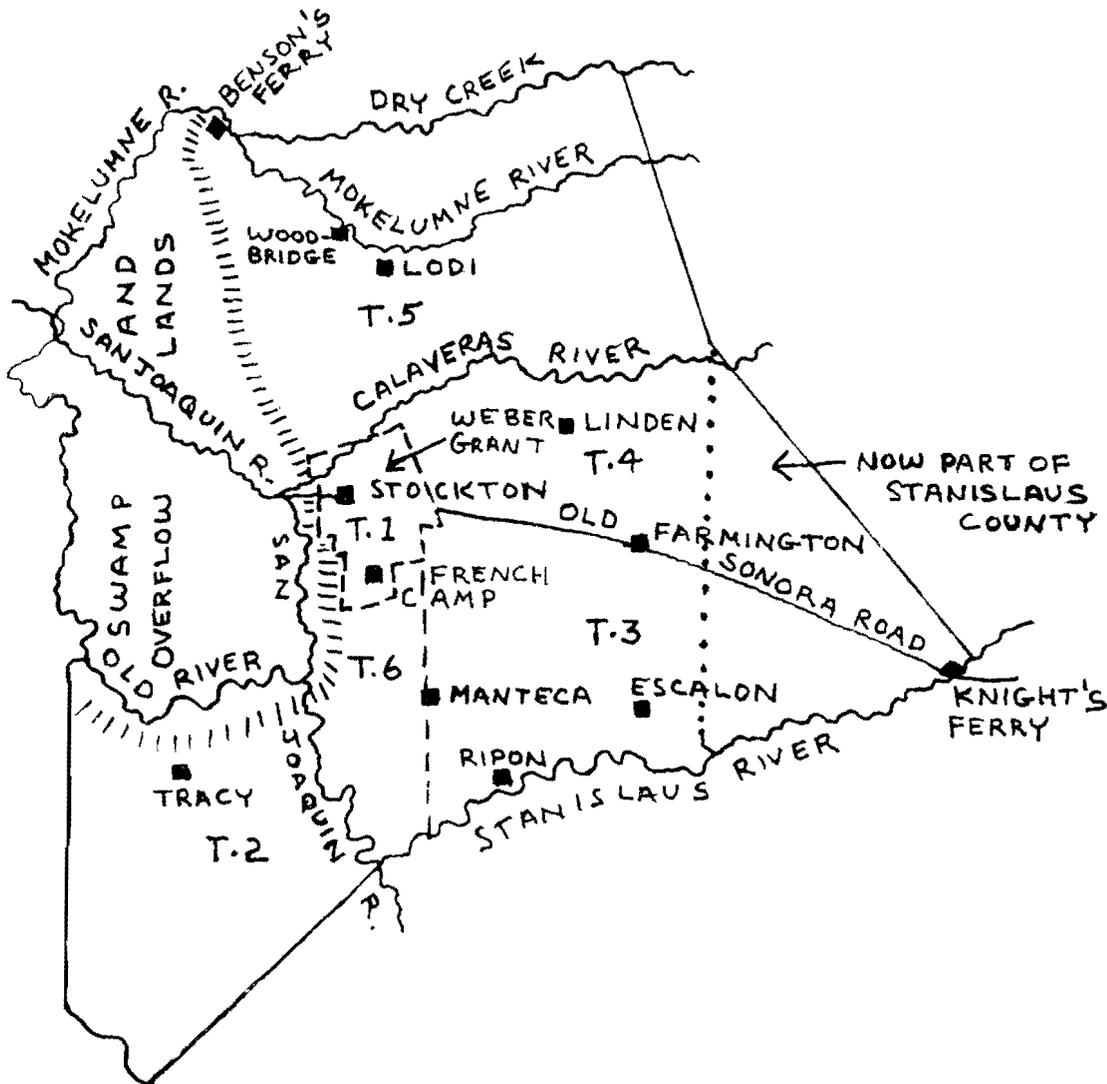
It is ordered that Court be adjourned until tomorrow morning Eleven o'clock.

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

- Court of Sessions
Civil Matters
Wednesday February 18th A.D. 1852
Court met pursuant to adjournment.
Present: Hon. W. A. Root, Judge
J. K. Shafer, Associate
R. P. Ashe, Sheriff
A. C. Bradford, Clerk
- 340 It is ordered that John Canavan be allowed the sum of one hundred and fifty-eight dollars for Shackling prisoners as per bill filed, payable out of the general revenue for the present year not otherwise appropriated.
It is ordered that Court be adjourned until tomorrow ten o'clock.
- Court of Sessions
Civil Matters
Thursday February 19th 1852
Court met pursuant to adjournment.
Present: Hon. W. A. Root, Judge
J. K. Shafer, Associate
R. P. Ashe, Sheriff
A. C. Bradford, Clerk
- It is ordered that Court be adjourned until tomorrow morning ten o'clock.
- Court of Sessions Civil Matters
Friday Febry [sic] 20th 1852
Court met pursuant to adjournment.
Present: Hon. W. A. Root, Judge
B. G. Weir, Associates
J. K. Shafer
R. P. Ashe, Sheriff
A. C. Bradford, Clerk
- It is ordered that Court be adjourned until tomorrow morning ten o'clock.
- Court of Sessions Civil Matters
Saturday February 21st 1852
Court met pursuant to adjournment.
Present: Hon. W. A. Root, Judge
J. K. Shafer, Associates
B. G. Weir
R. P. Ashe, Sheriff
A. C. Bradford, Clerk
- It is ordered that Court be adjourned until Monday morning ten o'clock.
- Monday February 23rd 1852
Court of Sessions Civil Matters
Court met pursuant to adjournment.
Present: Hon. W. A. Root, Judge
J. K. Shafer, Associates
B. G. Weir
R. P. Ashe, Sheriff
A. C. Bradford, Clerk
- 341 It is ordered that R. P. Ashe, Sheriff, be allowed the sum of fifty-five dollars and fifty cents for a stove and pipes furnished for court Room as per bill filed, payable out of Ten-Pin-Alley and billiard License fund.
- 342 It is ordered that R. P. Ashe be allowed the sum of three hundred and ninety-eight dollars for attendance upon Courts and Grand Jury as per bill filed, payable out of the general revenue for the present year not otherwise appropriated.
- 343 It is ordered that A. C. Bradford be allowed the sum of three hundred and eighty-four dollars for attendance upon courts as per bill filed, payable out of the revenue for the present year not otherwise appropriated.
It is ordered that the Assessor of this County be allowed the sum of twelve dollars per diem for his services while actually employed, and that such daily allowance shall not exceed the sum of one thousand dollars for the yearly assessment of the county.
It is ordered that Court be adjourned until tomorrow morning ten o'clock.
- Court of Sessions Civil Matters
Tuesday February 24th 1852
Court met pursuant to adjournment.
Present: Hon. W. A. Root, Judge
J. K. Shafer, Associates
B. G. Weir
R. P. Ashe, Sheriff
A. C. Bradford, Clerk
- 344 It is ordered that A. A. Mix, County Recorder, be allowed the sum of forty-eight dollars and seventy-five cents for stationery, etc., for his office as per bill filed, payable out of the general revenue for the present year not otherwise appropriated.
It is ordered that Court be adjourned until Thursday morning next at eleven o'clock.
- Court of Sessions Civil Matters
Thursday February 26th 1852
Court met pursuant to adjournment.
Present: Hon. W. A. Root, Judge
J. K. Shafer, Associate
R. P. Ashe, Sheriff
A. C. Bradford, Clerk
- 344 $\frac{1}{4}$ It is ordered and hereby made the duty of the County Surveyor, to survey the road reported upon by Charles M.

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

SAN JOAQUIN COUNTY TOWNSHIPS - 1852



Townships one through four were created by Judge Benjamin Williams in April, 1850, prior to the first county election. Elections were handled through the establishment of polling places within the individual townships. Township five was carved out of the northern part of four in May, 1851, and six was created out of the west portion of three the following month. The "swamp and over-flow lands" were as yet undeveloped and were not involved in the division. Township four lay between the Old Sonora Road and the Calaveras River and included all ranches and settlements on both sides of each. Township two included the ranches and settlements touching the east bank of the San Joaquin. The non-existent communities of Lodi, Tracy, Manteca, Ripon, Escalon, Linden, and Farmington are shown on the map as points of reference only. Way-stations already existed where Linden and Farmington are located today: the Fourteen-Mile House and the Oregon Tent, respectively.

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

Weber and Thomas Baker at the October Term, 1851, lying between the town of Stockton and a point known as "Davis's" on Dry Creek, and report such survey to this court.

This road generally followed the route of the present Highway 99, and was often referred to as the "Upper Sacramento Road." It was shorter than the original San Jose-Sacramento Road which crossed the Mokelumne River out near Lockeford (Staples' Ferry), and in winter much more passable than the "Lower Sacramento Road," a portion of which still exists today north of Hammer Lane in northwest Stockton (see Vol. XVI, No. 1, p. 219-20 and entry No. 333 under the date of February 11, 1852). "Davis's" on Dry Creek is the approximate site of the present Highway 99 crossing.

344½ It is ordered that the following road districts be apportioned for this County, and the following persons are appointed as supervisors:

Township Number one shall be the first road district of this County and,
 John W. O'Neal H. W. Wallis
 T. R. Bours E. M. Howison
 Angwin Reynolds & N. Taylor
 its Supervisors.

As people settled the West one of the major tasks of government was the establishment of public roadways. The new California Legislature tackled the problem soon after convening, and in April, 1850, the Governor signed California's first public roadway act into law (see Vol. XV, No. 3, p. 202-5 for the full text). In consequence of its enactment, the Court of Sessions in San Joaquin County finally delineated and declared eight routes within the county to be public roadways in December, 1850, and one more the following February. These were actually already quite well established through general usage since the beginning of the influx of argonauts back in 1848. They generally took off from Stockton in a cross-country fashion, keeping with the geometric rule "the shortest distance between two points is a straight line." While geographic considerations such as the location of creeks, rivers, and low lands (subject to periodic flooding) necessitated some exceptions to the basic rule, a study of a map of San Joaquin County today indicates this fact clearly. With the exception of the modern routes such as

state highway 99 and U. S. Interstate 5, the major and older roadways within the county fan out from Stockton on the north, east, and south like spokes on a wheel. (This is not true west of Stockton because our settlers were unable to create roadways through the "swamp and overflow" lands that extended from Interstate 205 northward along the west side of the county to the Mokelumne River.)

One section of the Road Act provided a method by which residents of a specific area within a county could petition their Court of Sessions to declare a certain roadway to be a public highway. Only the Court's declaration was then necessary for it to be officially accepted into the county system. The first petition received, recorded in MINUTE BOOK A under the date of June 10, 1851, was presented by Charles M. Weber and others, seeking a shorter route from Stockton into Sacramento County, where it would join with the established San Jose-Sacramento Trail. (The San Joaquin portion of this trail was sometimes referred to as the "Upper Sacramento Road.") (See Vol. XV, No. 4, p. 212 and Vol. XVI, No. 1, p. 219.) Entry 344½ above refers to this petition.

Another provision of the Road Act required the Court of Sessions in each county to establish road districts as soon as possible and appoint a supervisor (or supervisors-based upon population) for each district as the total responsibility for the creation and maintenance of all public roadways was delegated to the counties. Given the time lapse between the date of enactment of the Road Act (April, 1850) and the date of this entry (February, 1852) it is obvious that the Court of Sessions procrastinated as long as it could before complying with the state mandate. The SAN JOAQUIN REPUBLICAN, which seldom took notice of the civil affairs of the Court, devoted a whole paragraph to its action in creating road districts:

The Court of Sessions under the Act of 1850 . . . have [sic] divided the county into road districts and appointed a Board of Supervisors [note: **road supervisors**, not a governing Board as the county has today]. The plan of division adopted is that of making each township one road district, and appointing the number of supervisors according to population, as nearly as can be ascertained. A more feasible plan of division is not practical until county roads have been properly surveyed. The duty devolving on the Board of Supervisors will be important,

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

and, from the character of the gentlemen composing it, we have no doubt it will be performed to the satisfaction of the public . . . The amount of road tax . . . will be about \$15,000 or \$20,000, and this sum expended in laying out and improving roads and building bridges, will have a most salutary effect on the general prosperity of the county.

The O'Neals, O'Neills, and O'Neils in Stockton's early history have been elusive fellows. This particular John O'Neal, it appears, was the same gentleman who served as the Grand Jury foreman in February of 1852. Thompson and West list one J. W. O'Neal among the signers of a petition asking Captain Weber to clear the Stockton Channel of all derelict water craft in February of 1850, and the same name appears in their lengthy lists of city and county officials as county clerk for the year 1855. On the other hand, the 1852 STOCKTON DIRECTORY . . . omits him entirely. In October, 1850, a John O'Neal had been elected a city alderman (councilman); the same name appears again in 1855 as president of the same council. John W. O'Neal was elected sheriff of San Joaquin County in both 1857 and 1859. An 1862 map of the county indicates that this same O'Neal was then in possession of one-half of section 20 in township II north, Range VI East--this was west of Stockton, approximately two miles southwest of the Five-Mile House at the north end of Pacific Avenue. Of course all of the above holds true only if we can trust the spelling of the surname!

T. Robinson Bours, a native of New York, came to Stockton with his brother, B. Walker Bours, and they immediately went into banking and merchandising. Their first location was in a tent, and when that was destroyed by fire in 1853 the firm, under the name of T. Robinson Bours and Company, moved into a brand new brick building--one of the earliest in Stockton--constructed by Dr. Nelson Taylor on Center Street between Weber and Main (see article on the business firm and photograph in Vol. XI, No. 1). He entered the local political arena in May, 1851, upon election as a city alderman, but resigned the following September when a majority on the council voted a revenue tax on goods arriving in the city. Bours Park, the residential area immediately north of the old Stockton High School campus, takes its name from the fact that it was originally property belonging to the family.

There is some confusion regarding the surname Reynolds. Meager entries in contemporary sources indicate the existence of two Reynolds--perhaps brothers?--Angwin, our subject above, and Angevine. A further complication lies in the fact that both apparently were members of a partnership doing business as Reynolds and Company Express in 1850, but in 1852 there appears to be an Angevine Reynolds and Company--of "Reynolds New Road and Ferry, from Stockton to Sonora"--and an A. Reynolds who lists himself as a proprietor (or employee?) of a different firm, the R. Todd and Company's Express.

H. W. Wallis was a pioneer Stockton businessman and active in local politics. He was first elected to the city council in a special election held on August 20, 1850, just a month after the city's incorporation. He was re-elected for a regular term in May, 1851, and was then selected to serve as "president of the council." By the fall of 1851 the firm of Wallis and Murphy could boast of having the city's largest and most modern warehouse facilities for their storage and forwarding business. Several buildings were involved, each one fifty by eighty feet, with forty-two inch walls, fireproof roofs, and iron doors.

Sometime between the time of his selection as a road commissioner for township one--February 26, 1852--and October twentieth he evidently moved from Stockton to the southeast portion of the county. On the latter date we find him listed in the MINUTE BOOK as having been named a "Judge of the Election" for the Heath and Emory (Oakdale area) precinct.

An H. W. Wallis is listed by Jack Brotherton in his excellent book, ANNALS OF STANISLAUS COUNTY, as having been elected Judge of the Court of Sessions in 1854 for the newly-formed Stanislaus County, so presuming that this is the same person, it appears that he again moved his residence--this time to the south side of the Stanislaus River.

A native of Virginia, and an accountant by profession, Edward M. Howison arrived in Stockton sometime before Washington's birthday in 1851 for in what Tinkham described as the "first entertainment [in Stockton] that was respectable in character," held at the prestigious Stockton House [hotel] on February 22, we find that the guests "were received by Mr. E. M. Howison and H. Taber Booraem [a local lawyer and then county

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

treasurer].” Howison maintained an office on West Channel street, near the Peninsula, and was a notary public as well as Captain Weber’s confidential clerk for many years. He was elected to the city council on May 5, 1851, served on the original county Grand Jury, and was a local land owner. One of the parcels he possessed was the site of the present Rural Cemetery grounds on Harding Way which Weber purchased from him in order to donate it to the cemetery association (see also Vol. XVI, No. 3, p. 239).

Nelson Taylor, who was mentioned previously (Vol. XIV, No. 3, p. 173-4) in connection with the ownership and operation of Heath and Emory’s Ferry on the Stanislaus River near Oakdale, had been born in Connecticut circa 1814 and came to California as a member of the famous First Regiment of the New York Volunteers under Colonel Jonathan Stevenson. He was elected captain of Company E, and arrived in San Francisco in April of 1847. His service time was rather uneventful, it having been spent in Los Angeles and Monterey on garrison duty, and Company E was finally discharged at the former city on August 18, 1848, at the height of the local gold rush excitement. Almost immediately he joined a party of ex-volunteers who made their way to the Mother Lode to seek their wealth (although Dr. Taylor was a dentist he never practised dentistry in California, other activities proving more financially rewarding). Sometime in the following year (1849) we find him engaged in business in San Joaquin County, having established one of the area’s earliest ferries along the Stanislaus River while operating one of the first general merchandise stores in Stockton. In November (1849) he was elected a state senator, representing the San Joaquin District in California’s first legislature. He resigned the office and sold his ferry (to Heath and Emory), however, circa February of 1850 and for unknown reasons returned to the East.

By late 1850 he was back in Stockton once more, and immediately became active in local politics. He was appointed to the first Board of Trustees of the State Insane Asylum (in Stockton), was instrumental in the formation of the county Democratic Party in April of 1851 and was named a vice-president of the unit. The following month he attended the state Democratic convention in Benicia. He served a two-year term as sheriff of San Joaquin County, succeeding Richard P. Ashe. This was a lucrative post, but once more he chose to

return to the East, this time remaining until his death in his hometown of South Norwalk (Connecticut) on January 13, 1894. He practised law in New York following his return to the East, and when the Civil War began he volunteered his services in the Union cause, rising to the rank of Brigadier General. He was elected to Congress the year the war ended, but served only one term, presumably returning once more to the practise of law, although Tinkham, in his HISTORY OF STOCKTON, published in 1880, noted that he was “now in the sheriff’s office in New York City.”

Township Number Two shall be the
second road district of the County and
G. J. Slocum & Jacob Bonsell
its supervisors.

Nothing is known of G. J. Slocum’s background. In February of 1851 he and two others (Bosworth and Worden) applied for and received from the Court of Sessions a license to operate a ferry on the San Joaquin River almost two miles down river (north) from the Doak and Bonsell Ferry at the Mossdale Y. (Readers will please note--and correct--an error in the annotation immediately following the Court of Sessions entry dated February 18, 1851, on page 207 of Vol. XV, No. 3. The annotation should have noted that Slocum’s Ferry soon after its establishment changed hands and became known as Johnson’s Ferry. They were one and the same, and therefore at the same site. Still later it became known as Packard’s Ferry.)

In December of 1850 the Court of Sessions had declared the roadway from French Camp south to Bonsell’s Ferry and west across the county to be an official public route. With the establishment of Slocum’s Ferry north of Bonsell’s, however, travelers could now cross the San Joaquin closer to Stockton. This had the effect of shortening the route from the coast to Stockton or Sacramento by a few miles. On the same day the Court declared this new route to be official also--which meant that the road would now be publicly maintained as well as Bonsell’s more circuitous route. The immediate result was a significant loss of patronage for Bonsell. By October Slocum was paying a larger tax on his operation than was his rival--an obvious indication of the change in the traffic pattern across the San Joaquin. The 1862 county map does not even show a public road to Bonsell’s Ferry.

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

According to Thompson and West two men were hanged from a tree at Slocum's Ferry in 1852 for stealing a horse in San Jose and for getting caught with the same horse at the ferry site. Another man was summarily hanged about three-quarters of a mile above the site--this for getting caught at that spot with a few head of somebody else's cattle. Readers will recall an earlier reference (April, 1851) to the hanging of five men accused of horse stealing upon being apprehended between Bonsell's Ferry and the settlement of Banta.

Jacob Bonsell, the other supervisor for road district two, passed away before the year's end at a relatively young age. While his background remains obscure, it is known that he was a member of a large group of

In 1852 Jeremiah Woods and Alexander McQueen established a ferry across the Mokelumne River in the immediate vicinity of the present concrete dam and the Lower Sacramento road bridge in the community of Woodbridge. Within two years these two partners were able to get their route adopted by the state coach lines running between Stockton and

Americans who left Indian Creek, Kansas, in April of 1846 for California under the command of ex-governor Boggs of Missouri. The Donner Party was a part of this group of approximately 500 wagons headed for Oregon and California. Bonsell remained a part of Boggs' party after others, like the Donner group, split off and formed their own parties. They arrived in the Sacramento Valley in the fall of 1849, and then there is no more information on Bonsell's activities until he and Doak joined together in November, 1848, to establish their ferry service on the San Joaquin. One of Bonsell's acquaintances on the overland trip to California years later recalled (how accurately may be open to question, however) meeting him at the ferry some three years after their arrival in California. These

Sacramento. In 1858 Woods constructed a bridge to replace the ferry, and the following year "Woodbridge" lots were offered for sale on the south side of the river. A number of pioneer buildings have survived down to the present day. Above is a view of the 1910 dam constructed just east of the bridge by the Woodbridge Irrigation District.

Courtesy, San Joaquin County Historical Museum.



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

are his words:

On March 21, '49, we started for the southern mines [from San Jose]. We crossed the San Joaquin River at Bonsell's Ferry In many ways Bonsell was a good man, but he was a terrible fellow when hostile. He had just finished hanging six men from the limb of a tree. The bodies had been cut down but a few minutes before our arrival. The men were hanged for having stolen one hundred and thirty head of cattle from Livermore. I asked Bonsell how much would be the ferrriage for our wagon and two yoke of oxen. He said his regular price was \$150, but to me as an old friend it would be \$100. I paid him the latter sum all in silver. He took it in his big hand, and in careless manner threw it into an open flour barrel that stood beside his tent, and was nearly full of silver coin. I remarked to him that it was rather unsafe to leave his money in that way for any one to help himself. He pointed over his shoulder with his thumb to the limb from which the six bodies had just been cut down, and said that limb was his remedy; that about a month previous he had hanged three other men for horse-stealing; that evil-doers had got to knowing him, and there was no danger of their taking money or anything else from him.

This account sounds suspiciously similar to the story of the five Mexicans hanged in that vicinity in April of 1851--only the date and the number involved vary (see Vol. XVI, No. 1, p. 222). The account was written in 1888, so a few lapses of memory are certainly excusable. No doubt the two incidents are really one and the same.

(To Be Continued in Next Issue)

Back issues of the San Joaquin Historian are available from the Corresponding Secretary:

Vol. I, No. 1 - Vol. VIII, No. 4 - 50c each
 Vol. IX, No. 1 - to date - \$1.00 each

Subject Index (Jan., 1963 to present) will be sent gratis upon request.

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.

While none of the original material printed in the quarterly is copyrighted, we would appreciate acknowledgement of the source by anyone using any portion thereof.

JOIN AND SUPPORT YOUR
 SAN JOAQUIN COUNTY HISTORICAL SOCIETY

The Quarterly of the
 SAN JOAQUIN COUNTY
 HISTORICAL SOCIETY, INC.
 Published Four Times Each Year
 P. O. Box 21, Lodi, California 95241

Editor: Robert Bonta

The San Joaquin County Historical Society, a non-profit corporation, meets the fourth Monday of each month except for July, August and December. Membership includes a subscription to the *San Joaquin Historian*. Non-members may purchase individual copies from the Society's Secretary at \$1.00 per copy. The Society also operates the San Joaquin County Historical Museum at Micke Grove. Persons wishing to donate items should contact the Museum Director.

Officers of the
 SAN JOAQUIN COUNTY
 HISTORICAL SOCIETY
 (1980-81)

Mrs. Dorothy Hays..... President
 Mrs. Elinor Wakefield..... 1st Vice President
 Mrs. Olive Davis..... 2nd Vice President
 Mrs. Betty Zimmerman... Recording Secretary
 Mrs. Celia Myers..... Corresponding Secretary
 Mrs. Vivian Hughes..... Treasurer

DIRECTORS

Dan Boone
 Floyd Dale
 Frank Nunes
 Chester Wildman

SAN JOAQUIN COUNTY
 HISTORICAL MUSEUM

Michael W. Bennett..... Director
 Micke Grove Park
 11793 N. Micke Grove Road, Lodi, California
 Post Office Box 21, Lodi, California 95241
 Phone (209) 368-9154