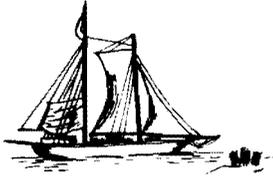


# SAN JOAQUIN HISTORIAN



PUBLISHED QUARTERLY BY  
SAN JOAQUIN COUNTY HISTORICAL SOCIETY



VOLUME XVII

JULY-SEPTEMBER 1981

NUMBER 3

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

Annotations by Robert Bonta

(Continued from the April-June 1981 Issue)

347 It is ordered that Thomas K. Hook be allowed the sum of twenty dollars for the services of S. Neall as Deputy Sheriff of this County, his claim having been assigned to the said Hook, the same to be payable out of the revenue for the present fiscal year not otherwise appropriated.

348 It is ordered that A. C. Bradford, County Clerk, be allowed the sum of three hundred and twenty-four dollars for attendance upon the courts of this county, payable out of the revenue for the present fiscal year not otherwise appropriated.

349 It is ordered that R. P. Ashe, Sheriff, be allowed the sum of four hundred and ninety-nine dollars and sixty cents for attendance upon the Courts of this County and the Grand Jury, and for making arrests in criminal cases, the same payable out of the revenue for the present fiscal year not otherwise appropriated.

350 It is ordered that R. P. Ashe, Sheriff, be allowed the sum of eight hundred and ninety-eight dollars for boarding prisoners, the same to be payable out of the revenue for the present fiscal year not otherwise appropriated.

351 It is ordered that John MacNish be allowed the sum of one hundred and twenty-five dollars for one half month's rent of County offices, Court room and jail, ending 1st day of March, 1852, the same payable out of the License Fund.

352 In the matter of the **Petition of the Citizens of French Camp** and its vicinity praying that a County road be laid out from French Camp along the old road but in a more direct line to the Alabama Ranch, so called, near the ferry of Heath and Emory in said County,

It is ordered by the Court that A. H. Allen and Rufus Brown together with the County Surveyor of this County, be and they are appointed to view out the road this day prayed for in the petition and report there-on to this Court.

*The Heath and Emory Ferry crossed the Stanislaus to the east of Oakdale and the roads from that point led east and southeast to the many mining camps and settlements in the Sonora and Mariposa areas. The Alabama Ranch, one of the stopping-places along the road, was approximately a mile distant from the ferry. Neither A. H. Allen nor Rufus Brown could be identified.*

353 It is ordered by the Court that the following named persons, together with the County Surveyor, be appointed commissioners of the Public Roads of this County for the purpose of examining the present County roads, and to consider the necessity of changing or confirming the present location, and direction, as now declared by order of the Court; and to make report of these proceedings to

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the Court of Sessions at a Special Term to be holden [sic] on the third Monday of May next.

*While the road supervisors appointed by the Court the previous February were responsible for maintaining the roads declared public by the Court, and overseeing the labor necessary in their maintenance, the newly-appointed commissioners were to be responsible, along with the county surveyor, for the location of the roads, either confirming the existing routes or surveying new ones.*

For the road from the Town of Stockton to Bonsell and Scott's Ferry:

R. W. Noble and J. Bonsell

For the road from the Town of Stockton to Knight's Ferry of which Dent, Vantine & Co. are proprietors:

James Vantine and C. M. Weber

For the road from the Town of Stockton to Heath and Emory's Ferry:

L. R. Chalmers and H. W. Wallis

For the road from the Town of Stockton to Benedict's Ferry on the Moquelumne River:

C. L. Benedict and Thomas Baker

For the road from Stockton to French Camp:

C. M. Weber and R. W. Noble

For the road from the Town of Stockton to Staple's Ranch on the Moquelumne River and thence to the boundary between this County and Sacramento County:

D. J. Staples and D. S. Terry

For the road from the Town of Stockton to the Ranch known as Mac Dermott's, formerly Davis & Atherton's:

E. D. Walker, C. C. Rynerson and

D. Y. Bailey

For the road from the Town of Stockton to Tomb's Ferry, formerly known as Clark and Sirey's:

T. S. Manly, F. D. Clark and

Andrew Lester

For the road from the Town of Stockton to Elliott's Ranch on the Moquelumne River:

D. S. Terry and E. M. Howison

The Commissioners herein, and by this order appointed, are instructed to cause the present County roads with such changes in the location and direction thereof as they shall deem proper to be viewed and designated and the said

location and direction with the proper boundaries leaving said roads one hundred feet wide to be designated so far as the same can be done without actual survey.

It is ordered that George Elliott and David S. Terry, together with the County Surveyor, be and they are hereby appointed commissioners for the purpose of viewing out a County road from the Town of Stockton to Elliott's ferry on the Moquelumne river.

Jacob Bonsell, James Vantine, L. R. Chalmers, H. W. Wallis, Charles L. Benedict, Thomas Baker, E. D. Walker, T. S. Manly, and E. M. Howison had been among those named the previous February 26th as road district supervisors and are covered at the end of entry 344½.

R. W. Noble, born in Connecticut in 1807, worked as a tailor for some time in St. Louis until his departure for Mexico in 1832. While there he supposedly amassed something of a fortune as a trader. With the discovery of gold in California he came to Stockton, settling immediately on the sandy soil south of the young city at the site of the old French-Canadian fur trappers' outpost, known to this day as French Camp. Here, with Archibald Stevenson as a partner, he developed a merchandising operation, not only to supply settlers in the immediate area but also to supply a retail business which they carried on in Mariposa. One of the earliest county roads, adopted by the Court of Sessions in February, 1851, ran from the "House of Noble and Stevenson" in French Camp south along the edge of the tule lands bordering the San Joaquin River to Slocum's Ferry about two miles north of the original Doak and Bonsell Ferry at the Mossdale Y. Noble was active in county politics for some years before his death at this large home in French Camp in 1875. He was named by the Court as one of the original three "judges of the plain."

C. M. Weber is, of course, Charles Maria Weber, holder of the original grant, El Rancho del Campo de los Franceses, and founder of Stockton. He not only gave generously of his land for churches, schools, parks, and even for individual home lots, but he also gave of himself in any project which would benefit the people of Stockton and San Joaquin County.

David Jackson Staples is probably one of the least known of this county's pioneer settlers, and yet among the few from this area and this era to achieve national prominence. His name

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appears in local historical articles in connection with an early ferry established on the Mokelumne River about a mile and a half west of Lockeford. This was an important site in early California as it was on the San Jose-Sacramento Trail before the establishment of statehood. Actually the ferry had been opened by John W. Laird, he having sold it sometime before June of 1850 to a partnership which

included Staples. In the fall of the same year a bridge was constructed over the river--one of the earliest in California--and soon after a small settlement, centered around the ferry and adjoining hotel, was thriving. A cemetery and the Harmony Grove Church (now a county landmark and still used occasionally) on land donated by Staples mark the site of this pioneer community.

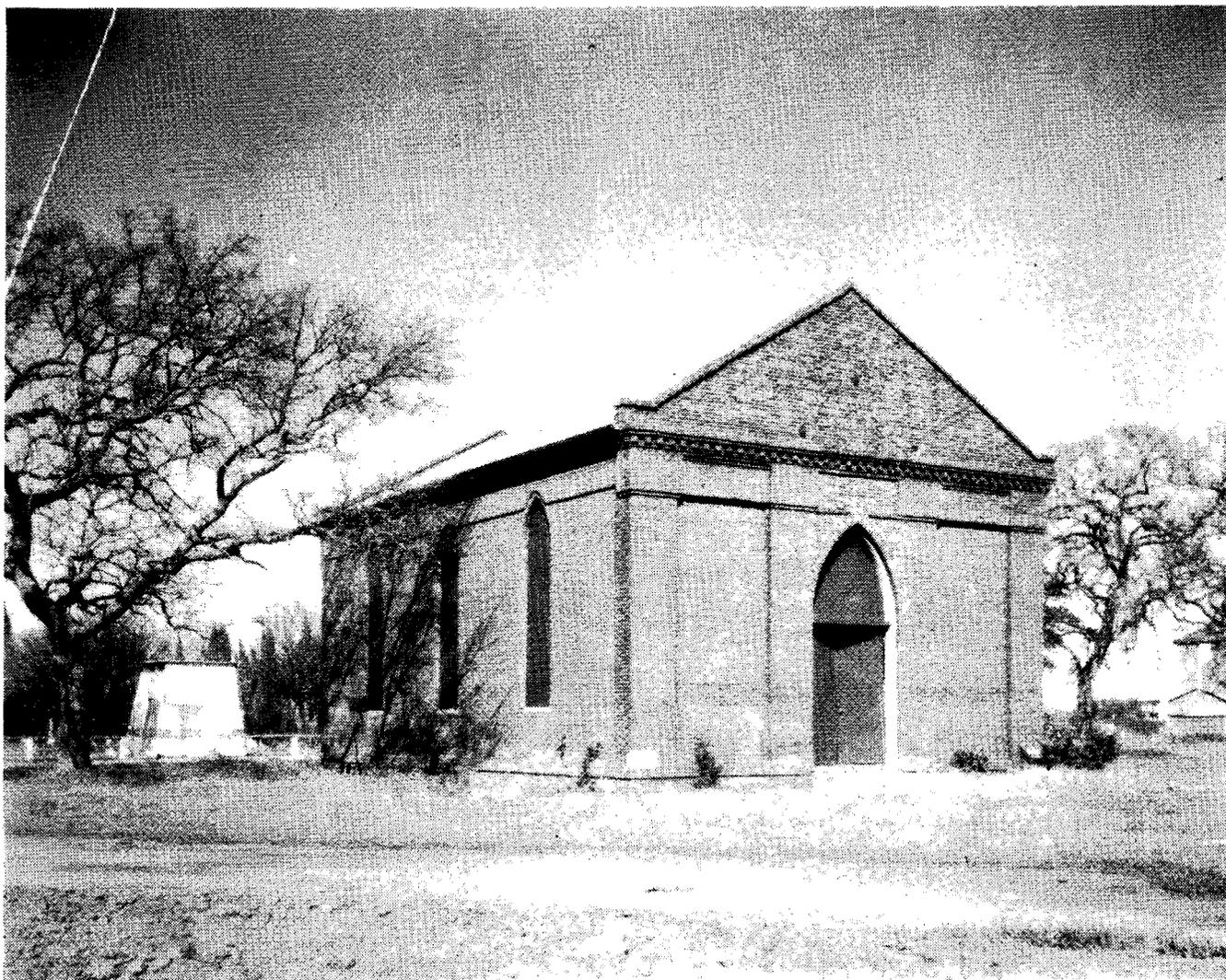


Another, slightly different view of the second county courthouse. This shows the west and south walls of the building. A portion of the Hunter Square fountain guard railing can be seen at the lower left of the photograph. Note the horse and wagon at the

curb-side watering trough, center of photograph. The courthouse, begun in 1887, cost \$250,000, and was considered one of the most beautiful public buildings in California when it opened three years later.

Courtesy, San Joaquin County Historical Museum.

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Harmony Grove Church at Locke and Brandt roads, Lockeford. This is one of the county's oldest landmark structures, the cornerstone having been laid on May 18, 1859. It was opened as a Methodist Church on June 30, 1863. Later abandoned and then threatened with actual demolition in the mid-1960's, the people of the Lockeford area (working with the County of San Joaquin) were able to save and restore the old brick building. A restoration ceremony and open house were held on May 27, 1973, marking the completion of the first phase of the restoration project. Since that time additional work has been done on the structure, and in May, 1982, the Native

Daughters of the Golden West placed and dedicated a plaque on the front wall of the church denoting the venerable structure to be a point of historical interest. The site of the church is also a part of the original settlement which developed around the pioneer Staples' Ferry. The historic San Jose-Sacramento Trail passed to the west of the church a short distance before crossing the Mokelumne (about three-fourths of a mile to the north) by way of the ferry. The land for the church and its adjoining cemetery was donated by David J. Staples.

Courtesy, San Joaquin County Historical Museum.

*But it was Staples' political activities through the years and his business interests later in life which gained for him something of a national stature. For a review of these accomplishments we quote Hubert Howe Bancroft's biography of this man:*

*A man who had much to do in forming loyal sentiment [toward the Union in the years before and during the Civil War] in San Joaquin County was David Jackson Staples. Staples was born in Medway, Mass., May 3, 1824, and was descended from early*

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New England ancestors. He came to California in 1849, and settled on the Mokelumne river, where he purchased land, and engaged in farming and stockraising. He was the first justice of the peace in his precinct, and the first postmaster. He used his influence to soften the hostility of his southern neighbors, as well as his courageous will to repel the tyranny of their leaders, and with great effect, considering the people he had to deal with in that county--'The South Carolina of California.' The first republican [party] speech in the county was delivered on his premises. In 1852 he ran on the Whig ticket for the legislature [assembly], and was beaten on account of anti-slavery sentiments [he ran sixth among the six contenders]. In 1860 he was elected as an unpledged delegate to the national convention at Chicago, and voted for Lincoln. Fremont selected him as his representative to decline for him the complimentary nomination, which it was understood he would there receive, and he executed his commission. On returning to California, he was solicited to run for joint senator for San Joaquin and Contra Costa counties, and came within 125 votes of an election, running 400 votes ahead of his ticket. Going to Washington to attend Lincoln's inauguration, he was there during the first days following the President's first call for troops, and was active in the defence of the capital at that critical time. On again returning to California he encountered the disasters by flood which ruined many less able to bear their losses, in 1861-2. This determined him to move to San Francisco. He was appointed port-warden by Governor Stanford, which office he held until 1866, when he was displaced by Governor Low for political purposes. Soon after he became president of the Fireman's Fund Insurance company, which was saved from dissolution at the time of the great Chicago and Boston fires by his arduous and well-directed efforts. He was influential in giving a proper direction to the bequests of James Lick, who sought his advice.

Davis S. Terry, a prominent pioneer Stockton attorney in the law firm of Terry and Perley, was a highly controversial state and national figure. Terry had been born in Kentucky circa 1827 but moved on to Mississippi and then to Texas where he entered the legal profession. He participated in the war between Texas and Mexico, and was

later given command of a regiment of Texas Rangers in the Mexican-American War. He came to Stockton in 1849. In September, 1855, he was elected a state supreme court justice. He sold his ranch in Clements in 1861 or 62 when he left for Texas to join the Confederacy. At the close of the Civil War he was an acting brigadier general. He returned to Stockton, where his family still resided, but soon after spent some years in Mexico where he raised cotton. In 1885 Mrs. Terry died, and three years later he was married to Mrs. Sarah Althea Hill. She died in the Stockton Insane Asylum in 1937, a mentally-disturbed and forgotten woman.

C. C. Rynerson was associated with the settlement and development of the community of Linden. In the spring of 1849 a Dr. W. D. Treblecock built a way-station, or "public house," along the Mokelumne Hill Road fifteen miles from Stockton. This became known as the "Fifteen-Mile House," the nucleus of present-day Linden. Rynerson was the second person to locate at the site. Later he became a partner in the operation of a flour mill as well as the first store constructed in the area. He served as the sheriff of San Joaquin County in 1866 and 67.

A D. Y. Bailey was listed in the 1850 census as a twenty-eight-year-old carpenter from Vermont. On October 10, 1851, Bailey was the plaintiff in a civil case against Hairston Amyx, an associate judge of the Court of Sessions, heard in the Fifth District Court. The nature of the case is not noted, but presumably Amyx was in default on a debt owed Bailey as the Court ordered the former to pay the later \$566 plus interest and court costs.

Francis D. Clark, a member of Stevenson's New York Volunteers, was discharged from service in Monterey in October, 1848, at the age of eighteen years. Sometime in 1849 or early 1850, in partnership with another Volunteer, James Sirey, he had opened a ferry service on the Stanislaus River between Ripon and the San Joaquin River (see Vol. XIV, No. 3, p. 174-5). Although a native of Virginia, he volunteered for service as a New Yorker.

Andrew J. Lester was the proprietor of the New York Hotel on the corner of Center and Channel streets. It was a two-story wood-framed building, opened in August of 1850 by a certain D. W. Lockwood.

Dr. George Elliott at this time (April, 1852) was operating a ferry on the Mokelumne River

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Davis S. Terry, prominent Stockton attorney, was shot and killed by a U. S. Deputy Marshal, David Neagle, in the Southern Pacific dining room at Lathrop, August 14, 1889. During the Civil War, leaving his family safe in Stockton, Terry joined the Confederacy in its war against the Union. He attained the rank of Brigadier General in the southern army.

Courtesy, San Joaquin County Historical Museum.

near Clements and the road for which he was appointed a commissioner--in place of E. M. Howison--was the route from Stockton to Jackson. Apparently due to an oversight on the part of the Court it failed to rescind the Howison appointment as the last two entries obviously refer to the same road.

The approximate locations of the various ferry sites mentioned in this section on road commissioners will be found in Vol. XIV, No. 3 and 4 as well as Vol. XV, No. 3.

Although the Court ordered the commissioners to report to them on May 17 (1852), the MINUTE BOOK entries for that date are completely silent on the subject. Thanks to the SAN JOAQUIN REPUBLICAN newspaper, however, we know at least five of the nine county roadways were reported upon. The following is the complete text of that report. There is apparently no record extant covering the other four routes.

#### COUNTY ROADS

The Board of Road Commissioners appointed by the Court of Sessions to run out county roads, have reported upon a portion of the roads, and recommend substantially as follows:

The road from Stockton to Clark & Tombs' Ferry [between Ripon and the San Joaquin River], to leave Stockton at the southern extremity of Hunter st., and running thence along the line of said street continued, one mile and a half, more or less, to a point near a spot (on the old road) known as the "permanent water hole"; thence in a southerly direction to the head waters of a certain slough on section 11 of C. M. Weber's ranch; thence, varying slightly to the east, and striking the north branch of French Camp slough, thirty rods more or less below the old "Hunter's trail"; thence in a direct line, crossing French Camp slough at Noble's

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bridge; thence, as nearly as possible in a direct line, to a point on the old road near the Brighton House, in French Camp; thence (along the proposed road to Bonsell & Scott's) one quarter of a mile more or less to a point where the sand plains commence; thence in a direct line to Clark and Tombs' Ferry.

The board has recommended the following road from Stockton to French camp:

Leaving the city of Stockton at the southern extremity of Hunter st., and running thence along the line of said street continued, one mile and a half more or less, to a point near the spot (on the old road) known as the "permanent water hole"; thence in a southerly direction to the head waters of a certain slough on section 11 of C. M. Weber's ranch; thence, varying slightly to the east, and striking the north branch of French Camp slough, thirty rods more or less below the old "Hunter's trail": thence in a direct line, crossing French Camp slough at Noble's bridge.

The above route will require one more bridge than is necessary on the present road; but, passing as it does on higher and better land, the Commissioners, after careful consideration, are convinced that it is decidedly the best and most economical location possible.

The following is the road recommended from Stockton to Bonsell's Ferry:

Leaving the city of Stockton at the southern extremity of Hunter's street, and running thence to Noble's bridge on French Camp slough, along the line recommended by Messrs. Weber, Noble and Whiting [Jasper S. Whiting had been the county surveyor since July, 1851]; thence as nearly as possible in a direct line to a point on the old road near the Brighton House in French Camp; thence in a direct line to the point where the old road passes Harding's ranch, one mile more or less from Bonsell's & Scott's ferry; thence on the highest and best ground in as direct a line as possible to the terminus at the ferry.

Your commissioners would also state that they endeavored to trace a **direct** route, from the starting point at Stockton to the terminus at Bonsell's & Scott's, and were successful in locating the line on high ridge land to French Camp slough; and in finding a suitable crossing of said slough one mile more or less below Noble's bridge, but endeavoring to continue said line, they were obliged to bear so much to the east in order to avoid the sloughs and low places making

into the San Joaquin river, that they abandoned the route as impracticable; said route requiring a greater outlay for bridges than its advantage in distance would justify.

The road to Heath & Emory's Ferry (Oakdale on the Stanislaus River) is thus described:

Leaving the city of Stockton at or near the Catholic Cemetery [Captain Weber had just recently donated the block bounded by Sonora, Aurora, Church, and Grant streets to the Catholic congregation for use as a burial ground and several of the roads which crossed the Stanislaus at different ferry sites left Stockton by way of the east end of Sonora Street--then split off at various angles at different points along the general southeast route to the Stanislaus. The first split came at the "Four Mile House" on the eastern edge of the present city.], and running thence by Oak Ridge ranch, in a direct line to Chalmers' [Collegeville]; thence in a direct line to the Alabama ranch, one mile more or less from Heath & Emory's Ferry; thence following the general course of the present road, but in a more direct line, to the Ferry.

Here is the road between Benedict's Ferry on the Mokelumne River [in Lodi area] and Hiram's Slough:

Leaving the Calaveras [River] at the point where the dividing line between McSpeddon and Sly [Sly's crossing over the Calaveras was apparently somewhere in the vicinity of the present Highway 99 crossing] strikes said river, and running thence N[orth]. 16 deg. 55 min. W[est]., to Guard's [Joseph Guard was a pioneer county rancher] old crossing of Hiram's slough. [This would be the present Highway 99 route--known locally as Cherokee Lane--a name in use at least as early as 1859.]

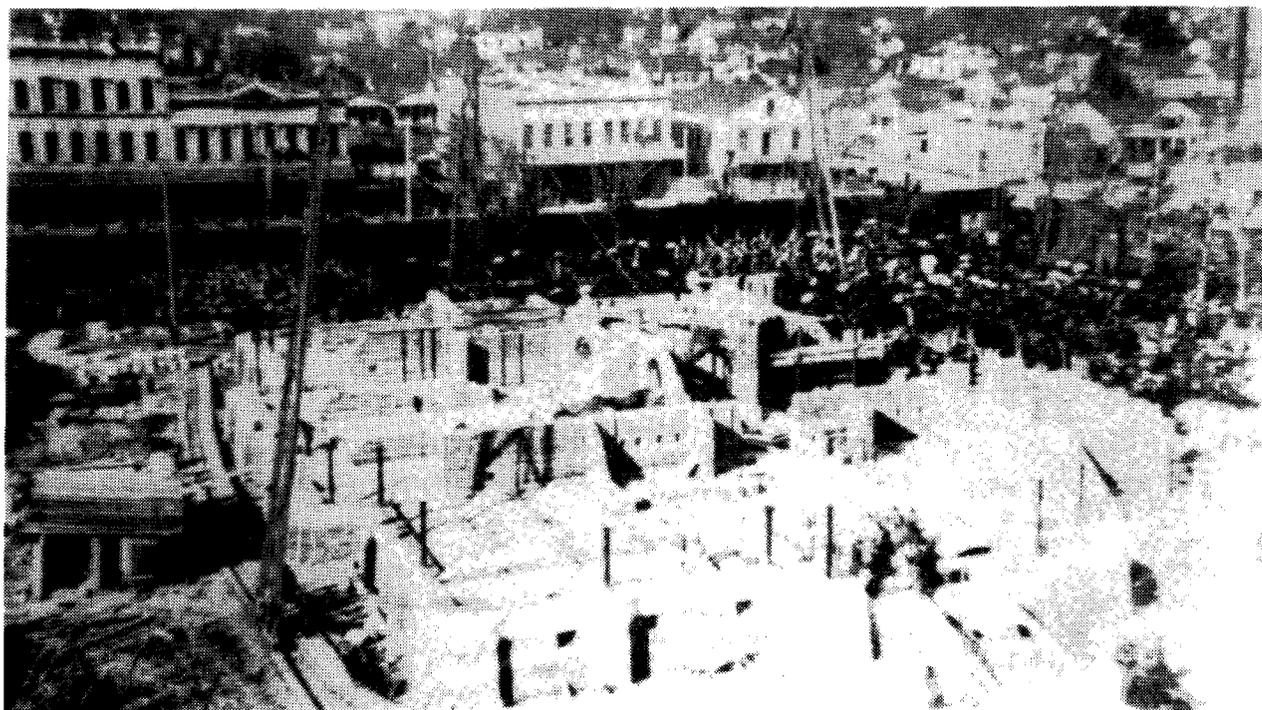
The southern extremity of this line strikes the Calaveras at a point possessing perhaps better natural advantages for the construction of a bridge, than any other within a mile; the northern [extremity] strikes an old fording place [on Hiram's Slough]— [Hiram's Slough must have been near the Mokelumne River although the REPUBLICAN'S introduction to this road only confuses the issue. The slough could not be identified; it may have been filled in years ago.]

It is ordered that Court be adjourned to Court in Course.

signed Wm. A. Root  
County Judge

signed J. K. Shafer, Asso. Justice

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Cornerstone-laying ceremony for San Joaquin County's second courthouse. The prominent buildings in the background front on Weber Avenue, with the

photographer facing north-northeast. The date was February 22, 1888.

(To Be Continued in Next Issue)

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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.

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