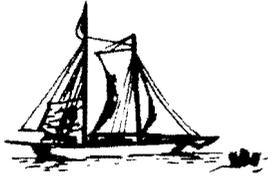


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MINUTE BOOK A - COURT OF SESSIONS (Civil) SAN JOAQUIN COUNTY - CALIFORNIA - 1850-52

Annotations by Robert Bonta

(Continued from the January-March 1983 Issue)

--- Township No. Three ---

Chalmers' Ranch The polls shall be opened at Chalmers' House. The following persons are appointed officers of the election to be held as aforesaid:
—Garrard, Inspector
Jas. Hogan >
J. Billings > Judges

**Heath & Emory's
Ferry**

The polls shall be opened at the Ferry House. The following persons are appointed officers of the election to be held as aforesaid:
H. W. Wallis, Inspector
—Henderson >
John Dale > Judges

**Dent & Vantine's
Ferry**

The polls shall be opened at the Ferry House. The following persons are appointed officers of the election to be held as aforesaid:
G. W. Keeler, Inspector
John Dent >
D. B. Gardner > Judges

M. C. Ferguson's

Fourteen Mile House The polls shall be opened at Ferguson's House. The following persons are appointed

officers of the election to be held as aforesaid:
Geo. Thayer, Inspector
Nathanl [sic] Rogers >
J. T. Adams > Judges

Township three encompassed the entire southeastern portion of the county from an arbitrary north-south line drawn at a point approximately through present-day Manteca to Calaveras County on the east, and extending from the Stanislaus River northward to the old Sonora Road which ran from Weber's grant (township one) to Knight's Ferry. (Before 1860 the triangular-shaped area lying north of the Stanislaus and between San Joaquin and Calaveras counties belonged to San Joaquin County.) This road would be the approximate route of Highway 4 to Farmington today, and then southeasterly along the two existing segments of the old roadway to Knight's Ferry, still called the "Sonora Road" on modern maps. (The Farmington Flood Control Basin separates the two segments of the old road today.) All the ranches and way-stations lying on the north side of Sonora Road were included in the township.

Chalmer's Ranch is the site of Collegeville today, at the intersection of Jack Tone and Mariposa roads. The three election officials at this site, Garrard, Hogan, and Billings--probably area farmers--remain unidentified.

Heath and Emory's Ferry was at Oakdale, but on the north side of the river and within the original San Joaquin County. No

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View of the community of Knight's Ferry looking eastward (upstream). The Stanislaus River lies along the right center of this photograph, barely visible among the mass of trees, on the south side of the townsite. Note the famous Knight's Ferry

covered bridge in the upper right portion of the photograph. This one, now closed to traffic, was constructed in 1864 to replace an earlier one located on the opposite (west) end of town (lower right corner of the photograph).

information was found concerning either John Dale or Henderson. H. W. Wallis was covered in Vol. XVII, No. 1, p. 253.

Dent and Vantine's Ferry was the nucleus of the community of Knight's Ferry on the north side of the Stanislaus, but like Heath and Emory's downstream, since 1860 no longer a part of San Joaquin County. There were actually at one time three Dent brothers involved in the ferry operation--John C., Lewis, and George M. Dent. U. S. Grant, a captain in the U. S. Army, was married to their sister Julia.

George Washington Keeler had come to Tuolumne County in April, 1849, where he

engaged in mining, trading, and hauling supplies to the mines from Stockton. He was also one of the county's earliest landowners, laying claim to a square-mile parcel which he described as being "about four miles east of the Sonorian Camp [Sonora City]." Carlo de Ferrari, in his annotations to Stoddart's ANNALS OF TUOLUMNE COUNTY, noted that it was on a branch of Sullivan's Creek, above the present Phoenix Lake. In early 1850 Keeler established a ferry on the Stanislaus several miles downstream from Knight's Ferry and at a point close to the well-known "Lover's Leap" landmark. He chose this site as Knight's crossing was the most popular along

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the river, and, through advertising in the Sonora and Stockton newspapers, he appealed to travelers using the old Sonora Road out of Stockton as well as to those coming from or going to the San Jose-Livermore area.

While John Dent's brothers were both rather active in politics (Lewis was the Monterey delegate to the 1849 Constitutional Convention and George served a two-year term as a state assemblyman, representing Contra Costa and San Joaquin counties), John seems to have been a more private person. He served as the Indian Agent at Knight's Ferry for several years following the signing of the treaty with local Indian groups in May of 1851. Somewhere along the line he picked up the title of Captain-or at least that is the title given him by Elliot and Moore, publishers of the 1881 HISTORY OF STANISLAUS COUNTY. The Dents were Missouri natives.

When the firm of Heath and Emory sold its ferry and property in early 1852 David B. Gardner bought the ferry operation. Gardner and a partner then operated it for a ten-year period. In 1858, having moved sometime previously across the river into the new Stanislaus County, he and Seneca Dean (also a former San Joaquin County resident) both served a term on the Stanislaus County Board of Supervisors.

Ferguson's "Fourteen-Mile House" must have been one of the several way-stations that had been established along the Sonora Road out of Stockton. (Another, and better-known, Fourteen-Mile House was located on the Mokelumne Hill Road, and it became the nucleus of the community of Linden.) Most of these way-stations or stopping places along the early roadways carried the names of their proprietors, while others were simply descriptive names--in this case indicating its distance from Stockton.

George Thayer and a partner, one David Wells, came to the Farmington area in 1848, taking a large acreage which they called the Oregon Ranch. Their first structure on the ranch, on the old Sonora Road, was a tule shelter. Soon after they opened a tent, which they referred to as a "public house," where they welcomed weary travelers by providing overnight facilities for them and their horses, plus meals and refreshment. The proper spelling of Thayer is open to question; according to Thompson and West and all the other county histories which followed theirs the spelling should be Theyer, but the latter are not only notorious for the amount of material

which they "lifted" out of Thompson and West, but also for the errors they thereby perpetuated. Bancroft, who probably also copied from Thompson and West, Abeloe (HISTORIC SPOTS IN CALIFORNIA), and Brotherton (ANNALS OF STANISLAUS COUNTY) likewise spelled the name Theyer. All the entries in the Court of Sessions MINUTES, however, appear as Thayer. The "e" spelling crept into the annotation following entry 266 on p. 218 (of Vol. XVI, No. 1)--so the reader needs to be aware that these are one and the same person. Nathaniel Rogers and J. T. Adams, who worked with Thayer on election day, remain unidentified.

--- Township No. Four ---

Gard's Ranch The polls shall be opened at Gard's House. The following persons are appointed officers of the election to be held as aforesaid:
D. Douglass, Inspector
J. Gard
E. Masterson > Judges

431-1 **David O'Neil's Ranch**

The polls shall be opened at O'Neil's House. The following persons are appointed officers of the election to be held as aforesaid:
John McMullen,
Inspector
R. Winters > Judges
E. T. Beacham

Township four took in all the land lying between Sonora Road on the south and the Calaveras River, from Weber's grant eastward to Calaveras County. It included all the settlements on both sides of the Calaveras. Jeremiah Gard and Edward Masterson had been appointed road supervisors by the Court of Sessions on February 24, 1852, and information regarding these two pioneers will be found in Vol. XVII, No. 2, p. 258-9.

General David F. Douglass, born in Tennessee in 1821, had served in the Mexican-American War before coming to California in the fall of 1848 with Colonel Graham's Dragoons. He went first to Mokelumne Hill where he opened a supply store, and soon after came to Stockton and opened another store. He then claimed land along the Mokelumne Hill Road east of present-day Bellota, and his home

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served as a stopping-place for travelers on that route. From this vantage point he became involved in a lucrative freighting business, hauling supplies from Stockton to the Mother Lode. Active in state politics as well as being involved in various business enterprises, he first served as a state senator from the San Joaquin District (1849), then served as the first United States Marshal in California. Douglass also served a term in the state assembly, followed by a two-year stint as Secretary of State under Governor Johnson. When new townships were created in 1853, he was honored by having one of them bear his name. The last decade and a half he spent devoting much of his time to his ranching operation. He passed away in June, 1872, and was buried in Rural Cemetery, Stockton.

David O'Neil's ranch, like Gard's located in township four, was presumably along the Calaveras River or the Mokelumne Hill Road, and probably not far east of the present Jack Tone Road. O'Neil, Winters, and Beacham could not be identified. John McMullen, most often associated with another county pioneer, G. W. Trahern, owned thousands of acres of land in several parts of the county at one time. He is covered in Vol. IX, No. 4, p. 23-4.

--- Township No. Five ---

Terry & Hodge's House on Moquelumne River The polls shall be opened at Terry & Hodge's House. The following persons are appointed officers of the election to be held as aforesaid:
 W. H. Nichols, Inspector
 John Given
 ——— Goodman > Judges

Benedict's Ranch The polls shall be opened at Benedict's House. The following officers of the election are hereby appointed:
 F. J. Sullivan, Inspector
 J. J. Drummond > Judges

Benson's Ferry The polls shall be opened at the Ferry House. The following persons are appointed officers of the election to be held as aforesaid:
 G. W. Wood, Inspector
 G. A. Curtis > Judges

Elk Horn Ranch The polls shall be opened at the Ranch dwelling. The following persons are appointed officers of the election to be held as aforesaid:
 [Edwin B] Cogswell, Inspector
 C. Mitchell > Judges

Township five, created out of the northern tier of the county in May, 1851, had originally been a part of number four. It included the whole area north of Weber's grant and the Calaveras River. All of the ranches and settlements on the north side of, and immediately adjacent to, the Calaveras remained a part of township four.

The Terry and Hodge's headquarters were on their ranch holdings located on the south side of the Mokelumne River, about a mile north of Clements and on the old Ione Road. This was also the site of their Lone Star Mill, now marked by a state historical monument. A brief biography of Judge David S. Terry can be found in Vol. XV, No. 1, p. 188 and also in Vol. XVII, No. 3, p. 269. There is no need to elaborate here on his political career, either, as it can be readily found in most California history volumes. He was undoubtedly one of the most famous and controversial figures in California history. Hodge evidently lived pretty much in the shadow of his famous partner, as local histories fail to take note of him--not even his given name seems to have been recorded. In Vol. XV, No. 2, p. 198 there is an entry for a certain David W. Hodges who served as an election clerk, but this is most likely a different person as the surnames are not identical.

Politics evidently played a part in the selection of these polling places--something that we do not have to contend with in today's more sophisticated political arena. Even the local newspapers took very seriously their political orientation, and as extensions of the local political parties their editors did not hesitate to speak out often and loudly on local political activities. It took only a couple of days after these polling places were announced for the STOCKTON JOURNAL, an organ of the local Whig faction, to vent its anger upon Judge Emory (an active Democrat) and his Court for replacing Staples' Ranch, an election precinct since July, 1851, with the Terry and Hodge Ranch--Terry, of course, was a staunch Democrat of state-wide

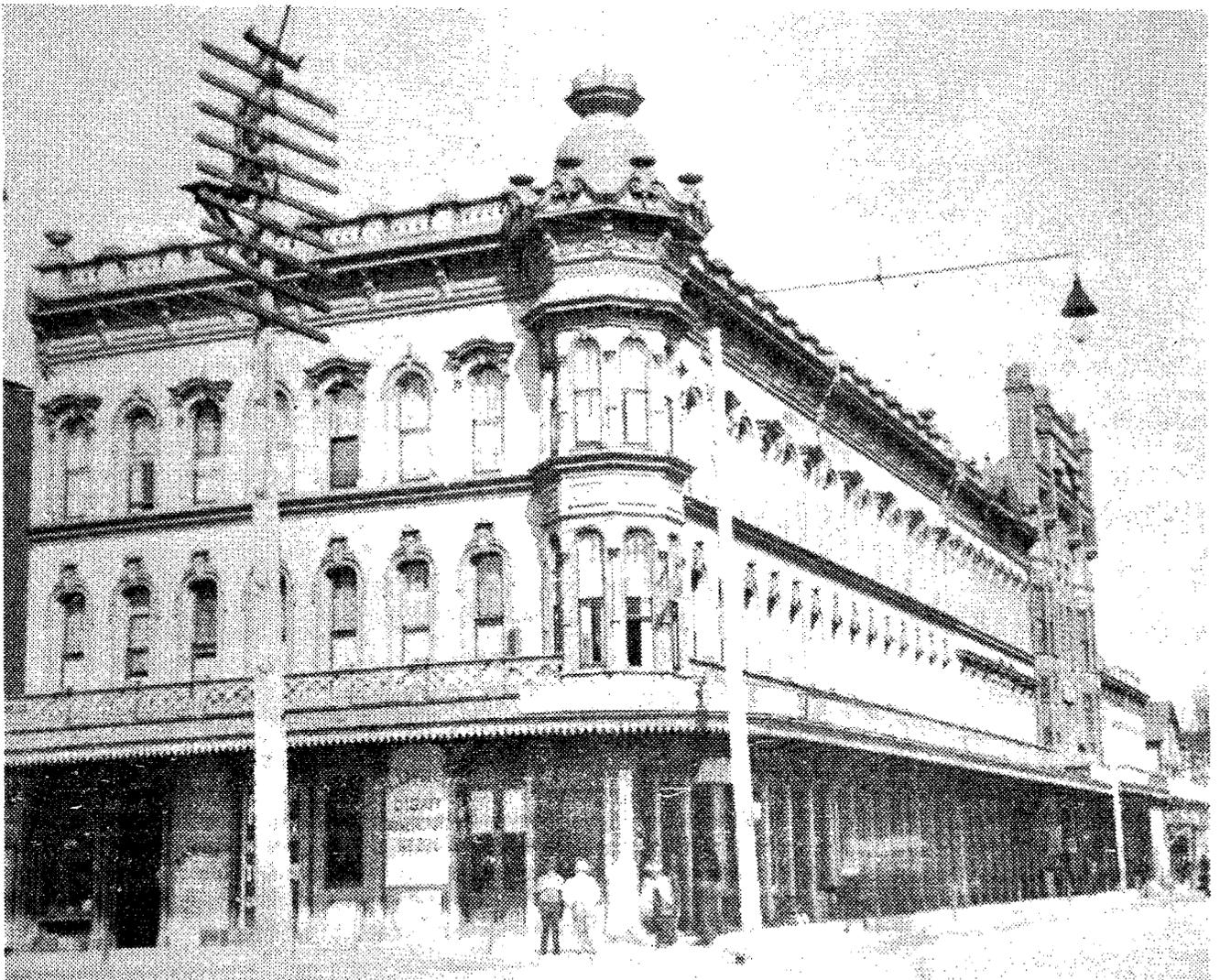
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stature. This is what the JOURNAL said:

Election polls removed.--What good reason can Judge Emory or the Court of Sessions assign for locating the polls in Township 5 at Terry and Hodge's Ranches [sic] on the Mokelumne? It is out of the way, and the proprietors of the place are obnoxious to the whole settlement. We understand that a number of voters will not attend the polls on account of their personal dislike to the keepers of the place; but we sincerely hope that they will consider better of it, and attend the election, for the purpose of putting a stop to such political manuevering, by electing better officers next time.

The pro-Democratic Party newspaper, the SAN JOAQUIN REPUBLICAN, countered the following day with its own form of sarcasm. Referring to this transfer of polling sites from Staples' to Terry and Hodge's, the editor wrote:

Now we always took Mr. Staples to be . . . a very modest man, and we imagined that, as a candidate [Staples, a Whig, was seeking a seat in the state assembly] he would have had the delicacy to request the removal of the polls [to another site]. Both [of] these men [Terry and Hodge] are worthy gentlemen, and no one is more popular. We applaud Judge Emory for making the switch.



The Mansion House hotel, northeast corner of Hunter Street and Weber Avenue, Stockton. This was considered one of the city's finest hotels for years,

and one of its oldest--erected in the late 1850's. Note the street light extending out into the street from the pole on the corner.

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Nothing is known of Goodman, Given, or Nichols except that the latter (William H. Nichols), according to one source, purchased the Staples' Ranch on the Mokelumne circa January, 1851. Although the ranch changed hands, it continued to be known as the Staples' Ranch.

Benedict's ranch lay along the Mokelumne just east of the site of Lodi; F. J. Sullivan had been elected a Justice of the Peace in township four (prior to the creation of number five out of four); J. J. Drummond was also a Justice of the Peace and in the mid-1850's served a term on the Court of Sessions as an Associate Justice.

(To Be Continued in Next Issue)

Another, later view of the original **Mansion House** on the corner of Hunter and Weber. After its renovation the name was changed to the **Windsor Hotel**. This building still stands in downtown Stockton, across Weber Avenue from the County Courthouse. It has undergone further renovation of the interior, and a complete exterior face-lifting, since this photograph was taken. It is one of Stockton's oldest buildings.

MISCELLANEOUS

INCORPORATION OF THE CITY OF STOCKTON

Stockton's first attempt at organizing a local government came in the fall of 1849 with the election of a town council. As the date indicates, this occurred before the establishment of either county or state governments, the leading citizens of the community having felt forced to take some action in order to bring some degree of stability to the rapidly growing city. All went well for about three months -- until the council members were

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informed by legal counsel that there had been no authority for the establishment of the council, no authority for the levying and collecting of taxes, and furthermore, that each individually could be held responsible for any debts which they might collectively incur sitting as a town council. In haste the council disbanded, leaving behind some \$600 in debts already incurred.

Following the organization of state government, the first state legislature (on March 11, 1850) passed an act authorizing the incorporation of any town providing that it had a population of at least 2,000 bona-fide residents and that a majority of the qualified electors presented a petition seeking incorporation. These petitions could be presented to either the local Court of Sessions or to the state legislature itself.

In accordance with the act Stockton residents presented a petition to the San Joaquin County Court of Sessions in July, 1850, and the following charter of incorporation was issued by Benjamin Williams, the presiding judge:

A petition from the citizens of Stockton praying that the town might be incorporated under the name of the City of Stockton, according to the provisions of an act to provide for the incorporation of cities, was this day presented to the Court, and it appearing to the satisfaction of the Court that said town had a population exceeding two thousand, that a majority of the qualified electors thereof have signed the above petition, and that legal notice has been given of the aforesaid application, it is therefore ordered by the Court, after hearing said application, that, in accordance with the prayer of said petition, said town is incorporated by the name of the City of Stockton, with the following boundaries, to wit:--

On the north by Flora Street.

On the east by Aurora Street.

On the south by Twiggs [Anderson] Street.

On the west by Bragg Street or Tule [Edison] Street, as shown by Hammond's survey of said town, a map of which is deposited with this Court.

It is further ordered that the common council to be chosen under this act of incorporation shall consist of seven members.

It is further ordered that notice be given of an election, under the above act of incorporation, to be held at the Central Exchange [Saloon], in Stockton, on Thursday, the 1st day of August, A.D. 1850.

And so it was that with a few simple, brief paragraphs the City of Stockton was born. How simple life was in those days!

In the meantime, pressure was growing for both the new county and the new city governments to liquidate the old debts that each entity had incurred prior to their respective organization. The county debt problem was discussed in the HISTORIAN for July-September, 1980 (Vol. XVI, No. 3). For the City of Stockton, basic legislation empowering the city to pay the debts incurred by its original, extra-legal town council (mentioned in paragraph one above) was passed by the California Legislature on April 20, 1851. The first two sections of the six-section ACT FOR THE RELIEF OF THE FORMER TOWN COUNCIL OF STOCKTON read as follows:

1. It is hereby made the duty of the District Judge of the District including the County of San Joaquin at chambers to hear, adjudge, and determine all claims, charges, and demands existing against the Old Municipality or Town Council of Stockton, which accrued or were created before the organization of the present incorporation, and which may be presented for his adjudication as prescribed in section two of the Act: Provided that said claims in the aggregate do not exceed the sum of eight thousand dollars, and the power of said Judge under this Act shall cease whenever said claims shall exceed the sum of eight thousand dollars.

2. Any individual having claims or demands against said Town Council or Municipality shall present to the District Judge, mentioned in section first, a written statement of his claim or claims, particularly setting forth each and every item thereof, the time when the same accrued, and the particular circumstances attending the same; such statement shall be sworn to and subscribed by the person to whom the same accrued, or by any other person having a knowledge thereof.

The Judge, when satisfied that the claim and its amount were valid, would cause the County Clerk to issue a certificate stating same, with one copy going to the claimant and another to the Comptroller of State. Upon surrendering his certificate to the Comptroller, the claimant would then receive a warrant, or check, from the office of the State Treasurer.

As the city continued to grow and governing it became more complex, it became apparent that changes needed to be made in the basic law under which the city had been functioning

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since its inception. In early 1852 the city petitioned the State Legislature for issuance of a new charter, and on April 21st. the ACT TO RE-INCORPORATE THE CITY OF STOCKTON was passed by the Senate and Assembly. By comparison the second charter was quite lengthy, composed of seven articles and forty-four sub-sections. The powers and duties of each city official, as well as those of the Council, were laid out in detail. Nineteen specific powers of the "Common Council" were enumerated:

1. To make by-laws and ordinances....
2. To levy and collect taxes on all property, real and personal....
3. To provide for the draining, grading, improvement and lighting of the streets ... construction of sidewalks and bridges, drains and sewers ...prevention and removal of obstructions on the sidewalks.
4. To regulate the landing and stationing of steamers, vessels and boats, and to fix and collect a revenue tax for wharfage.
5. To provide for the removal of obstructions to the navigation of any channel or water course
6. To provide for the prevention and extinguishment of fires, and to organize and establish Fire Companies.
7. To regulate the storage of gunpowder, tar, pitch, rosin and other extremely combustible materials.
8. To regulate and establish a City Police.
9. To prevent and remove nuisances.

10. To remove from the immediate vicinity of the inhabited parts of the city all slaughter-houses, hay-stacks, forges, and blacksmith shops.
11. To license and regulate auctioneers, and taverns, bar-rooms, billiard-tables, bowling-alleys, theatricals, and other exhibitions, shows and amusements.
12. To license, tax, regulate, prohibit and suppress tippling-houses, dram-shops, gaming and gambling-houses, hawkers, peddlers and pawnbrokers, and to suppress disorderly houses and houses of ill-fame.
13. To provide for the erection of public buildings for the use of the city.
14. To open, alter, and widen streets and alleys.
15. To establish a City Hospital and provide for the indigent sick.
16. To borrow money and contract debts
17. To prevent and restrain any riot or assemblage in any place, house or street of the city.
18. To impose and appropriate fines, forfeitures and penalties for the breach of any ordinance....
19. To compel the attendance of absent members [of the Common Council], to punish its members for disorderly conduct, and to expel members with the concurrence of two-thirds of the members elected.



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Micke Grove Park
11793 N. Micke Grove Road, Lodi, California
Post Office Box 21, Lodi, California 95241
Phone (209) 368-9154 or (209) 463-4119