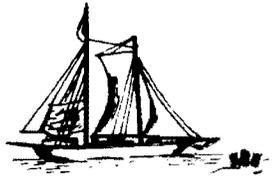


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MINUTE BOOK A - COURT OF SESSIONS (Civil) SAN JOAQUIN COUNTY - CALIFORNIA - 1850-52

Annotations by Robert Bonta

(Continued from the April-June 1983 Issue)



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PHOTO ON PRECEDING PAGE:

Another well-known pioneer Stockton hotel was the **Columbia House**, built in the early 1850's with lumber shipped "around the Horn" from Massachusetts. It was located on the northwest corner of Channel and San Joaquin streets, directly west of the old county jail ("Cunningham's Castle") built in the 1890's. It was originally named the **Golden Lion**, changed to **Columbia House** in 1861, and burned to the ground in August of 1909.

Annotation continued from the April-June 1983 issue

Benson's Ferry also lay on the Mokelumne, near where Interstate 5 now crosses the river. John A. Benson, for whom the ferry was named had been born in Missouri circa 1820 and had come to California following a short stay in Oregon. He was a prominent pioneer and landowner but his life was cut short in February, 1859, when he was shot and killed on the Lower Sacramento Road by a certain Green Palmer who was renting acreage from Benson. Cause of the death was a common and sometimes fatal disease--the SAN JOAQUIN REPUBLICAN put it delicately, "An improper intimacy between Mrs. Palmer and Mr. Benson is talked of in the neighborhood." What the neighbors were saying was that Benson had tried to get Palmer and his children to return to the East so that Mrs. Palmer could remain in California as Benson's mistress. He left an angry wife and four children.

George W. Wood, a native of Georgia, served as a Justice of the Peace in 1850 and 1851. He lived in the northwest part of the county and was one of the signers of Benson's petition to the Court in February, 1852, asking that the county lay out a public road from Stockton to the ferry. No information was found on G. A. Curtis.

The Elk Horn Ranch was somewhere north of Stockton, but no references to it have been found in the local histories. The location of E. B. Cogswell's ranch (about three miles east of Linden) and the fact that Mitchell was involved in a petition submitted to the Court seeking a public road route from Stockton through Wood's Ferry (on the opposite side of the county at Woodbridge) just confuses the issue further. The best guess is simply that the ranch was along the Mokelumne River as the heavily-wooded lands adjacent on both sides were home to large herds of elk. Edwin Cogswell, a native of Boston, arrived in California by way of the Isthmus of Panama in August, 1849, at the age of twenty-six years.

He came to San Joaquin County and settled in the Linden area after spending his first year in California mining gold on the Mokelumne. Edward Masterson had taken title to a large acreage three miles east of Linden in 1849 and Cogswell became his partner in 1850. They are credited with the construction of the first brick building in their township. The other official, C. Mitchell, could not be identified.

--- Township No. Six ---
 Clark & Sirey'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:
 T. S. Manley [Manly],
 Inspector

—Grisham > Judges
 John Brannan

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

Township six, created out of the west portion of number three in June, 1851, was bounded on the north by Weber's grant, on the west by the San Joaquin River and township two, on the south by the Stanislaus River and county, and on the east by an imaginary line shared with township three, running through the Manteca area in the vicinity of Highway 99 north of the city and Manteca Road on its south.

Clark and Sirey's Ferry was on the Stanislaus west of Ripon near the point where Austin Road now approaches the river. Manly was originally a partner in the Titus and Manly Ferry on the San Joaquin. He was an elected county official in 1851-52, and had been appointed a road supervisor the preceding February (see Vol. XVII, No. 2, p. 259. No information was found for either Grisham or Brannan.

Wednesday October 20th 1852

Court of Sessions Civil Matters

Court met pursuant to adjournment.

Present: Hon. O. C. Emory, Judge

J. K. Shafer, Associate

A. C. Bradford, Clerk

It is ordered by the Court that the order made on yesterday declaring Slocum's Ferry, situated in Township Number Two, an election precinct, be set aside, and that a precinct in its stead be established at

Bonsell's Ferry The polls shall be

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opened at the Ferry House and the following persons are appointed officers of the election to be held on Tuesday 2d day of November 1852:

Col. Harding, Judges
[sic]

Mad. Walthall, Inspector
—Nelson, Judges [sic]

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

Bonsell's Ferry was at the Mossdale Y on the San Joaquin, still a major crossing point in the twentieth century. It was here that the transcontinental railroad actually drove its last spike, figuratively speaking, as the completion of the bridge over the San Joaquin in November, 1869, was the last link in providing the nation with a truly coast-to-coast rail line. Little is known regarding Madison Walthall, Jr., a native of Mississippi and a member of the San Joaquin County Society of Pioneers. He came to California in May, 1850, and died here in April of 1873. He obviously resided somewhere in the vicinity of Bonsell's at this time, but there is also a record of his purchase of several lots--probably only for speculative purposes--in Tuolumne City, a settlement on the Tuolumne River some three miles above its confluence with the San Joaquin. No record has been found of a Colonel Harding in San Joaquin County; neither was anything found for the surname Nelson.

It is interesting to note that the Court rescinded its previous order making Slocum's Ferry a polling site. By this time Slocum was doing a greater volume of business than was Bonsell, but the latter (being a Stockton businessman of some prominence as well as the pioneer ferry operator of the San Joaquin) or his friends evidently brought enough pressure to bear upon the Court to get the polls moved back to the old site.

In August of 1853 the Court of Sessions revised its township boundaries, creating new ones and replacing numbers with names. Created were Elliott, Douglass, Elk Horn, O'Neill, Stockton, Emory, Castoria, and Tulare.

Court of Sessions Civil Matters
Thursday October 21st 1852

We attended pursuant to adjournment but there being no one in attendance he

[who?] adjourned the Court by this entry on the minutes until tomorrow morning ten o'clock.

[Entry not signed]

Friday October 22d 1852

Court met pursuant to adjournment.

Present: Hon. O. C. Emory, Judge
J. K. Shafer, Associate
R. P. Ashe, Sheriff
by E. Canavan, Deputy
A. C. Bradford, Clerk

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

Court of Sessions Civil Matters

Saturday October 23d 1852

Court met pursuant to adjournment.

Present: Hon. O. C. Emory, Judge
J. K. Shafer, Associate
A. C. Bradford, Clerk

433 It is ordered by the Court that A. [Alonzo] McCloud be allowed the sum of forty-three dollars for burying two Mexicans as per his bill filed.

434 It is ordered by the Court that Lathrop and Johnson be allowed the sum of one hundred and ninety-four dollars and fifty cents for making shackles and iron for [the] county jail as per their bill filed.

435 It is ordered by the Court that John Herron be allowed the sum of sixteen dollars for his services as interpreter to the Court of Sessions in criminal cases at the October Term, 1852, as per his bill filed.

436 It is ordered by the Court that J. S. Whiting be allowed the sum of thirty-two dollars, a balance due upon his bill presented and allowed at this term of the Court for services as County Surveyor rendered in [the] survey of roads as per his bill herein before filed.

It is ordered that Court be adjourned until Monday morning next at ten o'clock.

Court of Sessions Civil Matters

Monday October 25th 1852

Court met pursuant to adjournment.

Present: Hon. O. C. Emory, Judge
J. K. Shafer, Associate
A. C. Bradford, Clerk

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

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The **Yosemite House** hotel on the north side of Main Street, between Sutter and San Joaquin streets. It opened in July of 1869 under the name **White House** and boasted of its gas lighting fixtures. The

Hedges and Buck grocery outlet was located on its east side. Like so many of Stockton's pioneer buildings, it was destroyed by fire in July of 1923.

Tuesday October 26th 1852
 Court met pursuant to adjournment.
 Present: Hon. O. C. Emory, Judge
 J. K. Shafer, Asso.
 R. P. Ashe, Sheriff
 A. C. Bradford, Clerk

It is ordered by the Court that Justice Dean of the City of Stockton be and he is hereby appointed associate Justice of this Court in the absence of Associate Justice Weir.

And thereupon Justice Dean appeared and took his seat.

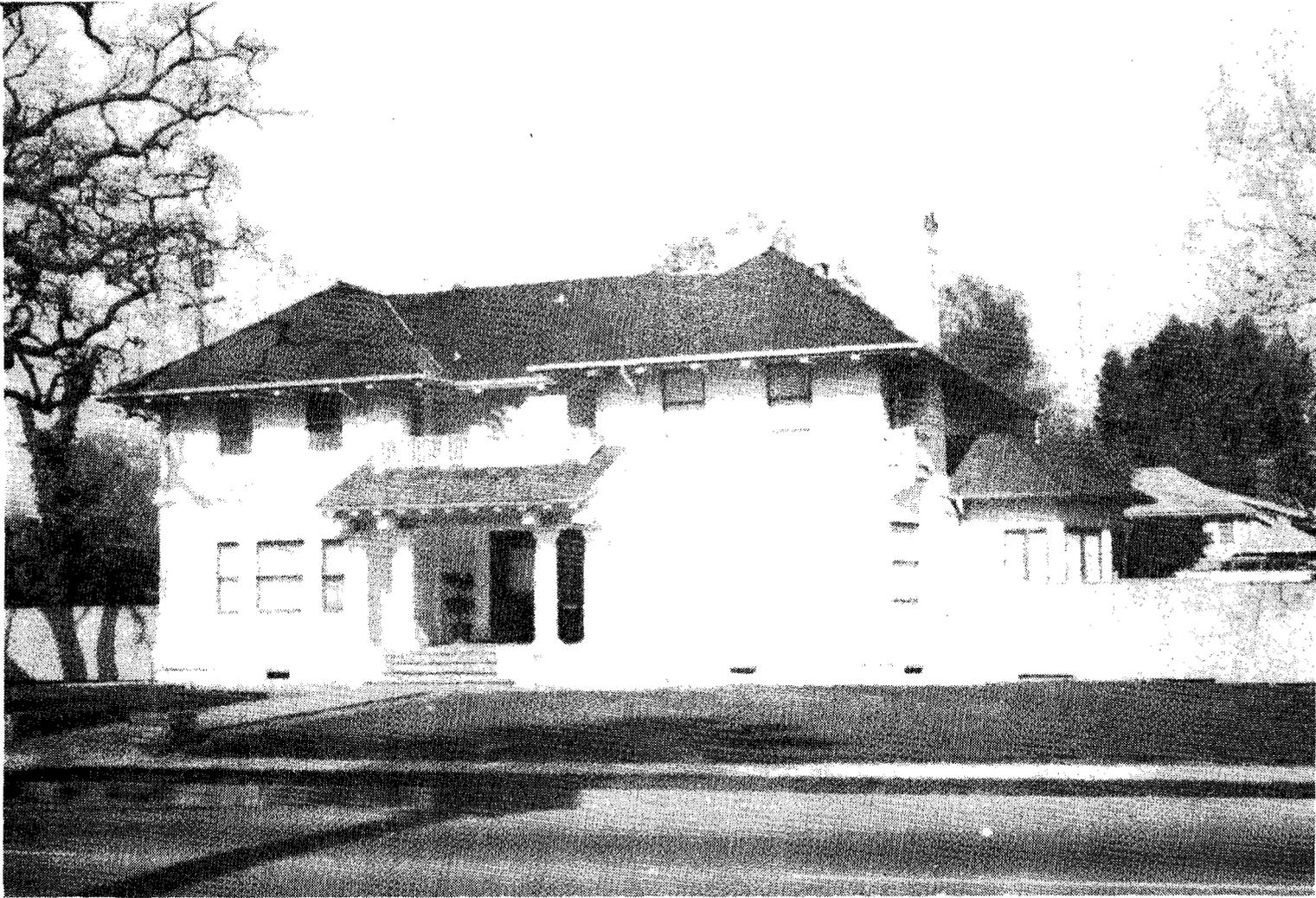
It is ordered by the Court that the

official bond of the County Treasurer of this County be fixed at the sum of twenty thousand dollars and that he be required to give a new bond as aforesaid within the time prescribed by the statute.

It is ordered that Court adjourn to Court in Course.

[signed] O. C. Emory, County Judge
 J. K. Shafer > Associate
 S. Dean > Justices

This not only marked the end of the October term of the Court of Sessions, but it also marked the end of Emory's career as Judge of



The Gilbert Claiborne home on the northwest corner of Park and Van Buren streets in Stockton, built circa 1906. Claiborne, clerk of the Court of Sessions as well as the Fifth Judicial District Court

in the early 1850's, passed away in December, 1908, and over the years the home has passed down through several families. Present owner-occupants are Mr. and Mrs. R. Kristian Morton.

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the Court. Eighteen fifty-two was an election year and a Whig, Archibald G. Stakes, challenged the Democrat and incumbent, Emory, for the office of County Judge. The election that year was held in November and in San Joaquin County the Whigs pretty well carried the vote. Stakes defeated Emory by a comfortable margin of 200 votes, and the SAN JOAQUIN REPUBLICAN, although a staunch supporter of the Democratic Party, felt comfortable with Stake's victory: "Judge Stakes will be a public servant in whom the people of San Joaquin can place the most confidence, and one we believe that would have been elected over any opposition." This was the same newspaper that had noted, at the time Emory had been appointed in place of the deceased Judge Root, that "The appointment [of Emory] gives general satisfaction." Despite the common party affiliation the REPUBLICAN editor, while not disliking Emory personally, evidently saw little in him of the caliber of a county judge and could not get too enthused over his appointment. Tinkham expressed the same feeling when he wrote in his HISTORY OF STOCKTON that while Emory "was an honest man, but five months on the bench [his first term] as the laughing stock of all men taught him that honesty was not the only qualification needed to make a good Judge."

Just two days before the new Court began its first term on December 6, 1852, the REPUBLICAN again gave reflection of its attitude toward Emory's service on the Court--a parting shot at a loser--effectively delivered without once mentioning his name:

The late Court of Sessions.--The public of San Joaquin County are under a great weight of obligation to Judges Weir and Shafer, associates of the Court of Sessions. It is principally owing to their unwearied attentions and their enlightened counsels that the county affairs have been placed in a prosperous condition, and that county securities have now nearly a par value [in reference to funding the debt]. Their decisions have given universal satisfaction--we have not heard a single complaint. Notwithstanding the onerous nature of their public duties, they have no reward excepting the esteem and gratitude of the people. We hope that as a testimony of that esteem, these gentlemen will be required, as the associates of Judge Stakes [whom they felt was adequate to the job but still a Whig], to preside over the county

affairs. We are persuaded that the practical acquaintance with the county business and the public wants which they have acquired during their service, will prove eminently beneficial.

Having arrived in San Joaquin County early in 1849, Emory was able to get in on the "ground floor" in the development of the area. He was always in partnership in his business ventures, which included the operation of the pioneer Heath and Emory Ferry on the Stanislaus as well as their pontoon bridge installed in November of 1850 at the ferry site. Other business ventures included a livery stable in Stockton, merchandising, and real estate. But his greatest interest--in which he was constantly engaged and which usually interfered with the discharge of his duties on the Court of Sessions--was farming. During his tenure on the Court (which extended from June, 1851, through October of the following year) he resigned once and lost election to a new term twice--and each time he returned to farming. It is interesting to note that under the name of Heath and Emory these two pioneers were engaged in farming at the ferry site and were the first in San Joaquin County to register their cattle brand with the state. The brand consisted of the first letter of each surname: HE

Emory passed away on February 11, 1857, at the youthful age of forty-eight years. The cause of death was listed as hemorrhaging of the lungs. The SAN JOAQUIN REPUBLICAN remained rather guarded in its comments, even at his death, speaking simply of his "frank manner and courteous conduct," noting that his memory would be cherished among the numerous friends and admirers which he left behind. Nothing was mentioned regarding his contributions to the Court. The only social or fraternal organization to which he belonged seems to be the San Joaquin County Pioneer Society which he had helped organize just a year before his untimely death. He apparently never married.

Associate Justice Shafer was re-elected as a justice of the peace, and although he presented himself before the body of justices at the December Court of Sessions convention, he failed to win re-election to it. Jacob K. Shafer was an attorney by profession--unlike Emory--and appears to have been well respected. He remained in Stockton only a dozen years, moving to the Idaho Territory about 1862. Nothing is known of his early years, nor of the date of his arrival in Stockton. (For more

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information on Shafer, please refer to Vol. XVI, No. 1, p. 219, the first two paragraphs. Please be aware of an error that crept [or maybe galloped?] into Shafer's biography. Benjamin Weir's name should appear ONLY in the first sentence at the top of the page. All other references should be to Shafer. The editor apologizes for the confusion it may have caused in its reading!)

[No heading given]

436½ Be it remembered that heretofore to wit, on Monday the sixth day of December in the year of our Lord one thousand eight hundred and fifty-two, a Convention of the Justices of the Peace in and for the County of San Joaquin was held for the purpose of electing two associate justices for the Court of Sessions of said County, pursuant to notice given.

Present: Hon. A. G. Stakes, Judge
 J. K. Shafer — Justices
 B. G. Weir —
 A. C. Baine —
 J. J. Drummond —
 G. B. Douglass —
 A. C. Bradford, Clerk
 by Gilbert B. Claiborne,
 Deputy

(To Be Continued in Next Issue)

MISCELLANEOUS

TRIP FROM STOCKTON TO THE MARIPOSA MINES

We present here a brief description (taken from a May, 1850, issue of the STOCKTON TIMES newspaper) of the area lying between Stockton and Islip's Ferry on the Stanislaus River, by way of the pioneer "Lone Tree Road" which ran southeast in a fairly straight line across San Joaquin County to the Lone Tree House directly north of Escalon. At that point the road split into numerous branches, each one leading to a different ferry along the lower foothills and upper valley floor of the Stanislaus.

Islip's Ferry, sometimes referred to as the "Lower Ferry," lay between the present-day communities of Oakdale and Riverbank, approximately at the site of the boundary line between San Joaquin and Stanislaus counties. (See HISTORIAN Vol. XIV, No. 3, pp. 172 and 174; Vol. XV, No. 3, p. 205.) The AUDUBON

JOURNAL, under the date of January 6, 1850, referred to it as the 'Middle Ferry.'

As the STOCKTON TIMES article indicates, the complete narrative included a description of the terrain from the Stanislaus River south to the "Mariposa Country," but this sketch is limited to the San Joaquin County portion of the journey. - Ed.

So little is yet really known by the public generally of the nature and resources of the country lying between the river San Joaquin and the Sierra Nevada, arising, perhaps, from the rather singular circumstance that the few men of intelligence who have thoroughly explored those parts have seldom given to the public their thoughts in a printed form, that we have resolved to present, in a series of articles narrating the actual experience of travel, a few descriptions and hints, which, while they may be of some service to those who may have never yet visited this portion of California, may also, at the same time, be interesting as readable matter to our numerous subscribers.

We started from Stockton on Sunday, the 5th inst. [of May], by Reynolds & Co's. Express, and we beg at once to express our obligation to those gentlemen for the attention shown to us throughout the journey.

We first tried the route by the Mormon Channel [which would have taken them south to French Camp], but found the water so high that the vehicle [stage] could not cross this branch of the Stockton Slough. We were sorely vexed at this occurrence, and in a fit of pure chagrin jumped astride one of the quadrupeds to take soundings. We succeeded in exploring the channel, but, alas, at the expense of being immersed to the waist in water, and the utter spoilage of our delicate nether garments. Under these circumstances, we were compelled to turn into the Lone Tree road.

The country immediately adjacent to Stockton is well wooded with oak of various size. Amongst the trees and upon the outskirts of the wood, we observed several parties busily engaged in mowing and stacking grass, which is very abundant and of excellent quality. Having journeyed from three to four miles, the traveller may consider himself to be fairly on the road, taking nearly a straight line toward Islip's Ferry on the Stanislaus [sic], a distance from Stockton of about 30 miles. The plain, in many instances, is covered with patches of wild oat and clover, and in certain parts water may, at present, be found, but it is rapidly disappearing.

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There is little to strike the attention of the traveller as he rides over the plains; the ground, parched by the sun, is covered with fine dust which rises in clouds with the slightest motion of the wind. The continued succession of wild flowers in the utmost profusion ceases at last to excite the curiosity of the traveller. Reptiles of the lizard tribe continually hurry across his path, myriads of birds are incessantly around him, while ever and anon a snake lazily takes its serpentine course along the ground. In the absence of an agreeable companion the journey becomes wearisome, with no object upon which the eye can rest in the distance, but a level plain stretching in every direction. "No, no," said an amusing fellow near us, "this travelling ain't by no manner o'means what it's cracked up to be. The sun is friendly in his advances, and is a pleasant old fellow, but then he makes you reg'larly perspire to look him in the face; the flowers are pretty enough, but then there's too many of 'em; and in fact -- but what's the good of crying -- what have you got to drink -- I could spit a picayune." [The picayune was a small silver coin of the time, equal to half the Spanish real and worth about six U.S. cents.]

Before you arrive at the river Stanislaus [sic], the ground suddenly sinks to the extent of twelve or twenty feet, leaving a space of about half a mile in breadth to the margin of the river. It is on these bottoms, as they are called, that we find the largest oak trees, and the soil is well adapted for agricultural purposes....



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