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## REPORTS

### **“Indian Rancherie on Dry Creek”: An Early 1850s Indian Village on the Sacramento and San Joaquin County Line**

**GLENN FARRIS**

California State Parks

*Albert Hurtado published an intriguing picture in his book Indian Survival on the California Frontier that portrayed an Indian village on Dry Creek, near the present-day town of Thornton. After becoming fascinated by the image and the story that went with it, I tracked down some additional background information on the village and on an attack that it sustained from the neighboring whites. Aspects of the village shown in the drawing—including a mixture of what appear to be conical tule houses mixed with slab-sided tent-like dwellings, and what looks like a wooden stockade wall—suggest a mixed community with some background in European warfare. After consulting contemporary newspaper accounts and census records, additional details came to light on the incident. This article thus becomes a useful case study on the complicated Indian/White interactions, often leading to violence, of the 1850s.*

The early 1850s saw the Gold Rush in full swing, with the foothill country of the Sierra Nevada swarming with miners. The impact of these thousands of men was most heavily felt by the Indian population. An article published in 1857 (under the title “California Indian Chiefs”) included the reminiscences of a 49er who had evidently known five chiefs who led tribes in the gold country in the area between the Cosumnes and Merced Rivers, and noted that all of them had been killed one way or another by about 1851 (*Sacramento Daily Union* [SDU], 31 January 1857:4).

The first governor of the State of California, Peter Burnett, stated in his annual message of January 1851 “[t]hat a war of extermination will continue to be waged between the two races until the Indian race becomes extinct, must be expected...” (Heizer and Almquist

1977:26). However, the lack of domestic labor in the early days of the Gold Rush meant that Indians were still valued by some members of the white population. Many Indians were forced off of the gold-producing lands and had to find other places to live. Often, Indian families would attach themselves to ranchers who needed their labor and were willing to offer them a level of protection (Hurtado 1988).

A number of Indian people moved into the Central Valley, to areas that had formerly been the abode of Indians who had been drawn into the missions, most of whom would never return or had died during the devastating Central Valley malaria epidemic of 1833. At the same time, some of the gold seekers decided that they could do as well, if not better, by filling such support functions for the miners as farming, becoming merchants, or running ferries to cross the many rivers snaking down to the San Joaquin and Sacramento rivers. It was inevitable that conflicts would develop in the new sanctuaries that the Indians thought they had found. This paper deals with one such village, which was located on Dry Creek, not far above its confluence with the lower Mokelumne and Cosumnes rivers. This may have been a village made up of members of different tribes who had been pulled together as refugees from the destruction of their original native villages. It does not appear to have yet attached itself to one of local white ranchers, and so may have been one of the last surviving independent villages.

The location of the village places it in the traditional territory of the Sonolomne tribelet of the Plains Miwok (Bennyhoff 1977:98; Milliken 2008:Fig. 2). However, it seems unlikely that in the year of our focus, 1853, it was a purely Plains Miwok village. People from villages in this area were noted as having been taken first to Mission San José, especially during the period from 1820 to 1834, and of then being involved in uprisings against John Sutter which were soon put down (Bennyhoff 1977:98; Milliken 2008).

The land between the Cosumnes River and the Mokelumne River was referred to as Arroyo Seco (Dry Creek) after the main drainage in its middle portion; a petition for a land grant of eleven square leagues, bounded on the west by the “road from Sacramento” and

on the east by the Sierra Nevada Mountains, was made by Teodosio Yorba to Governor Juan B. Alvarado in 1840. However, the land grant appears both as an Unclassified Expediente (No. 108) and as a Filed Expediente (No. 96), and thus appears not to have been finalized (Spanish Archives n.d.). Subsequently, a smaller portion of this property (eight square leagues) was granted to Anastacio Chabolla as the Rancho Sanjon de los Moquelumnes. Hubert Howe Bancroft (1886, iv. 68) published a map purporting to show the local geography in 1848 that mentions a “lower Rancheria” in the area between Dry Creek and the Mokelumne River, but with no clear indication of what was meant by the term.

It has not yet been possible to equate this village with any of those historically known (cf. Bennyhoff 1977), even though Kroeber (1925:445) did show a village called Ocheh-ak as being on lower Dry Creek. That identification was based on work published by Samuel Barrett (1908), but it has since been disputed by Bennyhoff (1977:71). Egbert Schenk (1925:142) confirmed that Kroeber had placed the village of Ochehak on Dry Creek and associated the village with the Plains Miwok tribal group known as the Ochehamni, which Kroeber referred to as a “political community.” Schenk further stated that Merriam’s identification of Ochehak or Ochakumne as a group had them located on Grand and Brannan islands.

### INCIDENT ON DRY CREEK

In January of 1853, during the massive floods that struck the Central Valley of California, an incident occurred in the vicinity of the confluence of Dry Creek and the Mokelumne River in which local Indians were accused of having raided the home of two men named Drew and Bragg while they were absent. This was followed by an attack on a nearby Indian village, identified as being on Dry Creek, “not far from the Moquelumne River.” The villagers (numbering 20 in the *Sacramento Union* account, but said to be “70 warriors” in the *San Joaquin Republican* story) fought back fiercely but were ultimately overwhelmed by a large number of well-armed whites brought into the fray. The Indians finally managed to escape into the *tules* (*Sacramento Union* [SU], 3 February 1853:2). Another, later, account of the confrontation stated that the Indians involved lived on

the land known as the Slater Ranch (Thompson and West 1880:218). Such altercations between the Indians and whites during the Gold Rush were common enough to not usually warrant special attention, but in this case the village had been drawn by some unknown artist shortly before the event, and the sketch was published in the form of a lithographic letterhead. Simply entitled “Indian Rancherie on Dry Creek,” (Fig. 1) it could have been consigned to the limbo arising from the many “Dry Creeks” in California (*SU*, 22 February 1853:3; *Sacramento Pictorial Union* [SPU], April 1853:3). However, in this case the association with the news article describing the attack clarifies the village’s location:

In the *Union* of the 3rd of February [1853], a description was given of a couple of skirmishes which took place between the whites and the Indians on Dry Creek, near the junction of the Mokelumne River. The rancheria spoken of, having been visited by Mr. Drew and his friends, for the recovery of stolen goods, is the one represented in the engraving above [i.e., the letter drawing of the “Rancherie [*sic*] at Dry Creek;” Image of Indian Rancheria on Dry Creek; California State Library n.d.].

In addition, George Phillips (2004:194–196) has provided an important lead to another article in a Stockton newspaper (*San Joaquin Republican* [SJR], 5 February 1853:2) that provides additional details on the battle.

### NEWS ACCOUNTS OF THE CONFLICT

The following account appeared in the February 3, 1853 issue of the *Sacramento Union*:

Mr. J. A. Benson communicates the following particulars of recent difficulties, between the people of his neighborhood and the Dry Creek Indians: On Friday night last [January 28, 1853], the house of Messrs. Bragg and Drew, situated on the Mokelumne river, near the junction of Dry Creek, was entered and robbed of a large quantity of goods. Mr. Drew, accompanied by another gentleman, went in search of the robbers, and from well-founded suspicions entertained, visited an Indian Rancheria not far off. Here they discovered a lot of the goods for which they were in search. They asked the Indians to deliver the goods over, as the property of Messrs. Bragg and Drew, which request they refused to comply with. A Chief of the tribe held a pistol over the head of Mr. Drew in a threatening attitude and told him “if he didn’t leave he would shoot him.” Mr. Drew and his companion, not considering it prudent to remain longer, departed.



INDIAN RANHERIE ON DRY CREEK.

[Published at the UNION OFFICE.]

**Figure 1. Letter Sheet showing the Indian Ranheria on Dry Creek (California Pictorial Letter Sheets n.d., Courtesy, Bancroft Library).**

Information was dispatched throughout the neighborhood of these facts, with a request for an assembling of the whites.

In response to the summons, some sixteen persons assembled together, armed, and proceeded a second time to the Indian village. When the Indians saw them coming they ran from the cover of a thick brush, where they appeared to have been concealed or occupied, and took refuge in their houses. There were about twenty in all. The party of whites informed them that they did not come to fight, but to reclaim the goods. The Indians drew out of their houses and one of them advanced among the whites. Another of their number was seen to raise a rifle, which he fired on the instant, at one of the party, fifteen or twenty paces off, but did not hit him. The whites returned the fire unanimously, killing two or three of the Indians. They then seized upon an Indian amongst them, who proved the same that had drawn the pistol over the head of Mr. Drew. Having tied him to a tree, while the Indians kept up a fire upon them from their houses, into which they had again retreated, the whites killed him, and withdrew, but not until they had exhausted all their ammunition.

During the retreat, a young man named Gardiner, ignited a box of matches, and, running into the village, set a couple of the Indian shanties on fire, which were entirely consumed. Although several shots were discharged at him, he succeeded in joining his companions unhurt. The Indians, taking courage by

the flight of the whites, sallied out, crossed Dry Creek, and kept firing steadily upon them, till they were nearly half a mile off.

Not deeming themselves sufficiently strong to renew the attack, messengers were dispatched all over the country for more men. A force of 30 or 40 were collected, our informant included, who armed themselves and went back on Saturday to complete their work of driving the Indians off, or exterminating them.

When the augmented force arrived in sight of the Indian village the sun was about an hour high. But five or six Indians were seen, who fled as the party approached. Following in the pursuit, they found that the main body of the tribe had taken refuge on an island in Dry Creek, surrounded on all sides by a broad sheet of water. Having stolen all the boats along that stream or set them adrift the party were unable to approach them. Their position was found to be regularly fortified by the cutting down of brush wood, and piling it up as a breastwork of defense. In reply to inquiries addressed to them from the shore, they said it was their chief who had committed the robbery, and that it was also in accordance with his commands that they had fired upon the whites. They refused to give him up, and said, with true Spartan heroism, that if the whites desired to secure him "they must come and take him."

In reply to this insolence the whites again fired upon them. The fire was promptly returned,

the Indians showing great bravery, and venturing to the very water's edge to discharge their pieces. Their bullets rattled about the heads of the whites in every direction, and to protect themselves, they were compelled to adopt the shelter of trees, logs, &c.

Night closing in, the party retreated, leaving the Indians masters of the field.

When Mr. Benson left, the whites were collecting in still greater force to make a third attack. In the meantime men were stationed along the Creek, at proper intervals, to keep a watch upon the movements of the enemy. Mr. Benson had himself served one whole night on duty, and thinks that the Indians are securely trapped.

None of the whites were killed in the different sallies, while it is believed that the Indians lost several of their number. When the Indians made their first sally upon the whites, crossing Dry Creek in the pursuit, they proceeded to the house of a farmer residing near, and plundered his house. Success seemed to delight and embolden them very much, and should they be suffered to remain in their present fortified position, it is believed that their robberies and murders will become common throughout the neighborhood. Mr. Benson has promised to keep us advised of the various proceedings adopted against the Indians, which shall be given to the reader as early as practicable after their receipt. The rascals have exhibited a courage which will secure their inevitable destruction; and although many may desire this result, the brave man will both pity and admire their fate, after the assumption of so bold a defiance in a populous country, where every man who isn't a fellow Indian, is a foe [SU, 5 February 1853:2].

A brief follow-up article that appeared on February 9, 1853 under the heading "Dry Creek Indians" gave us "the rest of the story:"

Mr. Benson, who furnished us originally with the information concerning the doings of the Indians on Dry Creek, informs us that they have succeeded in escaping from their fortified position on Dry Creek, and are supposed to have taken shelter in the *tules*. The war of extermination has thus been, for the present, suspended [SU, 9 February 1853:2].

The *San Joaquin Republican*, published in Stockton, also had an article about the incident that was published on February 5, 1853. Under the title, "Indian Difficulties," it provided a somewhat different account from the one in the *Sacramento Union*, and was in the form of a letter to the editor:

Sir: The tribe of Indians at the mouth of Dry creek, have been for some time stealing stock and robbing unprotected ranches; sometime last week one of them entered the house of Mr. Drew, on the Moquelumne

river, near Benson's ferry, and stole his rifle, pistol, blankets and provisions, and carried the plunder to the Rancheria, where the property was found concealed by Mr. Drew and party, who arrested the thief and proceeded to chastise him by whipping, being tied to a tree for that purpose, when his comrades endeavored to rescue him by making an attack and firing on the Americans, who immediately shot the prisoner and retreated. The Indians commenced firing first. This happened on Monday. The whites encamped for the night near the Rancheria, and remained quiet until reinforced by Benson and party, of the ferry, when the siege was renewed and the defensive became an offensive. A plan of attack was agreed upon, by dividing the party, twenty men on each side of the Moquelumne river. Those on the North side soon came up to the Indians and endeavored to reconcile matters and settle the affair, which they obstinately refused, bidding defiance, as they were not aware of the reserve on the other side of the river. The whites immediately opened fire, killing four or five Indians. In the melee Benson got separated from his party, and was supposed to be killed, but was concealed in the bushes and dared not move as either party was likely to fire on him if he made the least disturbance to attract attention; after dark he joined his friends.

On Tuesday, the contest was renewed, the Indians still determined to resist force by force, and will remain in the chapparel (*sic*) until starved out. Three Indians were taken prisoners.

The tribe numbers about seventy warriors, and are well armed and good marksmen, are brave and determined, and will cause considerable trouble, as their horses were taken and confiscated and their Rancheria burned to the ground. Their village is at the mouth of Dry creek, five miles from Johnson's ranch. From Mr. Johnson I received the above. K. [SJR, 5 February 1853:2].

This account provides interesting additional details, such as the claim that the whole village was burned, not just a few houses as indicated in the Benson account. Also, it raises considerably the number of Indians said to have been engaged in the battle. The reference to the "Johnson ranch" is puzzling, because the only Johnson Ranch that I know of at this time was located up on Bear Creek, above Sacramento. It was the ranch of a William Johnson, and was prominently mentioned in the diaries of gold seekers arriving in California overland. Of course, because of the influx of immigrants in the early 1850s, another Johnson may have established a ranch in the neighborhood.

At about this same time, there was a report of a battle between Indians and whites at a village on the lower Mariposa and Chowchilla rivers in late January,

following the loss of horses and mules to Indians in the neighborhood. The final line in this article is noteworthy:

These Indians think the Government of the United States has not acted in good faith with them, in not carrying out the stipulations of the treaty, and they complain that the Americans have cut off their supply of fish, destroyed their acorn trees, and have killed or driven away the deer from their hunting grounds, and that they are in a state bordering on actual starvation [SU, 5 February 1853:2].

The allusion to the treaty is almost certainly to one of the unratified treaties with a number of tribes throughout California that was entered into by government "treaty commissioners" in 1851 (Kappler 1904–1941, vol. 4; Watson 1994). The treaties promised the Indians designated lands, as well as a variety of supplies and livestock to sustain themselves on their reservations. Unfortunately, the Indians, acting in good faith, did not understand the procedures involved in treaty-making, especially the idea that Congress could deny the treaties (Hurtado 2002:105), or the fact that all the concessions would end up being on their part.

One particular treaty was entered into at the forks of the Cosumnes River with four tribes in the area (Watson 1994:47–48). One of these tribes has been identified as a Plains Miwok group called the Locolumne, which Phillips (1997:20) places in the area between Dry Creek and the Mokelumne River. Its leader at the time was a "notorious stock raider and antagonist of the Americans" named Polo (or Pollo) (Phillips 1997:108). However, he was killed before the treaty was signed on September 18, 1851. The assertive nature of the Indians of the Rancheria at Dry Creek would have been consistent with that of a group like the Locolumne under the leadership of someone like Polo (or Pollo; see Hurtado 2006:197).

A fascinating editorial appeared in the *San Joaquin Republican* in mid-January 1853. Entitled "Our Indian Population," it sounded a remarkably sympathetic note on the plight of the Indians:

All the difficulties in which our people have been involved in the Indian region have either been the result of our own imprudences or have been brought about by the absurd acts of those persons whom the government styled "Indian Commissioners." The Indian, in his native condition, has qualities of head and heart which, when he receives proper treatment, make him the friend of the white. Ask the border men, the hunter, the old pioneers; they

will all say that while the Indian is a bitter enemy, he can be a faithful friend. It is true that he has many vices, and that he commits horrible cruelties when at war; but these vices arise more from a want of education than from an innate badness of disposition. It cannot be expected that the aborigines should be acquainted with the blandishments of polished life or the courtesies and proprieties which exists even in war amongst Christian nations. His notions are rude and it is only surprising that ignorance has not made these men more dangerous than they really are. It is estimated that there are some 100,000 Indians in California; men who will live, if they have to steal and massacre in order to obtain their bread. Now, it is manifest that, for the sake of the common peace, some disposition should be made of them, and it is fortunate that they are accommodating in their disposition and willing to place themselves under the protection of the whites—that they acknowledge our superiority and are disposed to give place. We have warred with the tribes, but with the most disastrous results, so that policy, and the ordinary dictates of humanity compels us to recommend the continuances of a pacific treatment. But while we would recommend this pacific policy we do not mean such as was adopted by the garrulous Reddick McKee and his associates. There was no reason in what they did. They transcended their powers and left matters in a worse state than they found them. They treated with the Indians and then discovered that they could not fulfill the conditions of their own treaties. The enormous Indian reservations which comprehended some of the fairest lands in the State, the enormous speculations given[?] have a shameful notoriety, and the utter incapacity of the late Commissioners themselves have disgusted our people and involved the Indian question in difficulties which did not before belong to it.

We want no more tinkering with the Indian question. Let some definite policy be adopted by the incoming administration, and be firmly carried into effect. The [unclear in newspaper copy] has been proposed which is at all adequate to meet the question effectually is that which has just been proposed by Lieut. Beale, the Indian agent for this State, and which has just been transmitted to Washington. Perhaps no man in the Union is better qualified than he by experience and education for the task of conciliating the Indians, and therefore any recommendation proceeding from him must have great weight. He proposes to annul all the arrangements made by his predecessors, especially those establishing the enormous Indian reservations. In their stead, he says, it would be well to make other reservations, subject to suitable conditions, but much smaller in area, and he thinks that five would be amply sufficient for all the Indians in California. For instance, one might be located near the junction of the Gila with the Colorado, one between the San Joaquin and the



Figure 2. 1854 Map showing Benson's Ferry crossing the Mokelumne River near Dry Creek (Preston 1974:21).

Fresno, and the others in the northern districts. These reservations to be military posts. In fact, he proposes to establish military pueblos, somewhat similar to those in New Mexico; or a system in some sense the same as that which has hitherto prevailed in this State at the missions, the difference being in the nature of [lengthy blank section] agricultural knowledge—that they are most apt scholars—and that they might be made very useful laborers. These reservations, Lieut. Beale thinks, would produce enough corn, by means of Indian labor, to feed the army of the United States and to spare. A band of the Mariposa Indians is already employed in the cultivation of the soil, thanks to the agent's industry [*SJR*, 15 January 1853].

Congress declined to ratify the treaties in 1853 (Hurtado 1988:117, 119); even so, the expectations that had been engendered in the Indian people when the treaty was signed by them in good faith most certainly remained, and they mostly tried to honor them while insisting on the rights outlined in them. At the time of the incidents in this study, the rejection by Congress of the treaties would not have been known in California.

Certainly, the local agents moved ahead to establish reservations, including one called the Cosumnes Reservation. The chief Indian commissioner for central California, O.M. Wozencroft, issued a license to a man named Havel (or Flavel) Belcher to trade with the Indians on the Cosumnes Reservation (Phillips 1997:108; Watson 1994:48). This license did not provide Belcher with any official position as an Indian agent (Albert Hurtado, personal communication 2008).

#### IDENTIFYING THE CHARACTERS

By examining the California Census for 1852, plus county histories for Sacramento (1880) and San Joaquin (1879) counties, it has been possible to learn more about various individuals mentioned in the accounts of the skirmish.

##### *John A. Benson*

Benson's Ferry was the location of the first ferry crossing on the lower Mokelumne (Fig. 2). Dating to at least 1849,

it was first owned by A. M. Woods and Edwin Stokes and was then purchased by John A. Benson in 1850. In 1852, Benson built a house on the south side of the river and hired Green Palmer to run the ferry and occupy the house. In the spring or summer of that same year, Benson joined with G. W. Woods to lay out a road from Stockton to Sacramento that would utilize the ferry. On February 14, 1859, Green Palmer killed Benson and subsequently committed suicide by poisoning himself (Gilbert 1879:134).

#### *Reverend Nelson Slater*

Slater was born in Champlain, New York on September 25, 1805. He graduated from Union College and Auburn Theological Seminary, New York. After various ministerial positions in New Jersey, Ohio, Illinois, and Mississippi, he traveled overland by wagon train in 1850, arriving in California in 1851 (Morgan 1963:x–xii). He moved into Dry Creek Township in 1851, where he engaged in the stock and dairy business (Thompson and West 1880:217). The Slater family was listed in the 1850 Census for Weber County, Utah as including Slater, his wife Emily, and three children—Susan, Hitchel, and Frances (Morgan 1963:x). On December 9, 1852, N. Slater, his wife, Emily, and four children appear in the 1852 census as being in Cosumnes Township (Dry Creek Township did not formally come into being until August 1853 [Reed 1923:119]). The Slater family is subsequently found in the 1860 U.S. Census for Sacramento County (Dry Creek Township). Slater was said to have moved to Sacramento in 1867, later selling his 500-acre ranch (part of the old Chabolla Grant) (Thompson and West 1880:217). According to the Sacramento County Recorder's Grantor-Grantee Records, the sale occurred on June 20, 1873. The county history of 1880 contains the following statement:

There was a tribe or camp of Indians on the land known as the Slater Ranch. During the flood of 1852 [*sic*], when many of the settlers were forced to leave their homes for a time, it was asserted by the settlers that the Indians had entered the houses and robbed them. Several of the settlers attacked their camp and fired on them, killing several of them, and in spite of the efforts of one or two of the settlers, drove them away. These Indians had evidently been at some mission, as they spoke Spanish when talking with white people and all had Spanish names [Thompson and West 1880:218].

Slater and his wife celebrated their Golden wedding anniversary in 1885, indicating that they had been married in 1835 (*San Francisco Morning Call [SFMC]*, 5 May 1885:3). Nelson Slater died in 1886 at the age of 80 (*Sacramento Daily Record-Union [SDRU]*, 11 May 1886:3). So far I have been unable to locate any reminiscences that he may have left of the incident, aside from what was reported in the 1880 *History of Sacramento County* (Thompson and West).

#### *Charles W. Drew*

Drew appears in the 1852 census for San Joaquin County. He is shown to be 28 years of age and a farmer who was originally from Vermont, but most recently from Massachusetts.

#### *J.W. Bragg*

Bragg also appears in the 1852 census for San Joaquin County. He was 30 years old at the time, and is also identified as a farmer. Like Drew, he was also born in Vermont, and came most recently from that state.

#### *"Young Gardiner"*

The young man referred to as "young Gardiner" is harder to identify. However, there are at least two young men with this name mentioned in the census records for San Joaquin County in 1852: an Edwin Gardiner (age 21) and a Peter Gardiner (aged 19). Further research may help narrow down their possible links to the story.

#### *Indian Participants*

The 1852 Census for Sacramento County has a notation on December 14, 1852 stating the number of Chinese and the number of Indians in Cosumnes Township. It lists 28 adult male Indians over 21 years of age and 11 under the age of 21 years. The notation also indicates that there were 8 female Indians over 21 and 9 under that age. An additional note states that the Indians were "engaged in fishing, hunting, etc." (California Census 1852:221). There is no additional information that would indicate for certain that these Indians were all living in one place or whether that place was the Dry Creek Rancharia; however, it should be noted that this census took place only about six weeks before the battle described in this article, and it is hard to believe that such a village would have been ignored by the census taker. The formidable



nature of the Indian resistance to the whites, along with their familiarity with firearms, suggests that they may have served previously in some military capacity, possibly for Sutter. Unfortunately, without knowing the names of the people in the Dry Creek Rancheria, this is only speculation.

The 1851 treaty was signed by three groups identified as Nisenan and one that was believed to be Plains Miwok. The latter group was called the Locolumne, and the chief at the time was named Pol-tuck (Bennyhoff 1977:112). In his discussion of this group, Bennyhoff stated that although they were “just east of the mouth of the Cosumnes River” prior to the Gold Rush, they seemed to have links to the foothills up near Ione and possibly to have moved to the area of upper Dry Creek during the early years of the Gold Rush (Bennyhoff 1977:112). It is possible that they moved back down to the valley when they were faced with an ever-increasing influx of miners in the gold country; however, this is speculation on my part. At any rate, chief Pol-tuck did sign the treaty on September 18, 1851 on behalf of the “Loc-lum-ne” (Watson 1994:48), and this is the last historical reference to them (Bennyhoff 1977:112–113). The identification of these people as being Locolumne was also made by Phillips (2004:194).

Unfortunately, Bennyhoff (1977:113) notes that “no ethnographer obtained any recollection of the tribelet so the survivors were probably dispersed by mining activities.” Perhaps the continuing interest and research of such Miwok descendants as Glen Villa, senior and junior, will one day provide the needed clues to solve this puzzle.

### **ARCHAEOLOGICAL SITES AND HUMAN REMAINS REPORTED IN THE VICINITY OF THE LIKELY VILLAGE LOCATION**

On May 6, 1927 there was a report that the remains of five Indians had been found on a property known as the Thornton Orchard Farms (*The Galt Herald*, 6 May 1927:1). The story was later picked up by another Delta newspaper, which printed the following account:

Thornton—Ghastly remains of five humans were unearthed on the Thornton Orchard Farms near here last week, mute testimony of an Indian battle of years ago. Two or three of the skulls were said to be in a very good state of preservation.

Dr. J.T. Christian, county health officer, examined the skulls stating that indications point them to be skulls of Indians. The manner in which the skeletons laid at the time they were uncovered by workmen led observers to believe the bones were those of warriors who fell in battle. Arrow heads and stone hatchets were found nearby [*Banner of the Delta*, 10 May 1927:2].

From this description, it is hard to know whether any the skeletal remains were associated with the battle in 1853. It is unfortunate that they were not excavated using archaeological techniques that might have better identified associated diagnostic artifacts. The comment that arrow points and stone hatchets were found in the vicinity would seem to suggest a prehistoric date, but it is not conclusive as to the time period involved. However, the proximity to the old Slater property is suggestive.

The T.O. (Thornton Orchard) Farms appear on a 1926 map of San Joaquin County (Fig. 3), and seem to be in the vicinity of where the village site was described as being located (Budd and Widdows 1926). The Thornton Orchard Farms extended into Sacramento County, as well (Butler 1924). This property was just west of (and partially overlapped) the former Slater Ranch.

From the Sacramento County grantor-grantee records comes the information that the Slater Ranch abutted Dry Creek just east of where the Thornton Orchard Farm was later located. The 506-acre property was defined in a deed of sale dated June 20, 1873 between Nelson Slater and Willis and Frederick Wright as being part of the old Chabolla Mexican land grant received by Anastacio Chabolla in 1840. The parcel adjacent to Dry Creek was specified as “S 1/2 of SE 1/4 of Section 36 in Township 5 North, Range 5 East, also all fraction lying in the north side of the center of Dry Creek” (Sacramento County Recorder’s Office:372–373).

At least two archaeological sites have been recorded on the old Nelson Slater farm, one on either side of Dry Creek. One is known as CA-SAC-191 (aka the McGilvary site), while the other is simply known as CA-SJO-24. The latter is one of four sites on the McCauley property that are strung out along the south side of Dry Creek for about two miles (Dawson n.d.). These sites have been mentioned and briefly described by W. Egbert Schenk and Elmer J. Dawson (1929), who further identify SJO-24 as being on the McCauley property, which is also clearly identified on a 1926 map as being in the area south of



Figure 3. San Joaquin County Map showing T.O. (Thornton Orchards) Farms in 1926 (Budd and Widdows 1926).

Dry Creek and directly south of the old Slater property (Fig. 4).

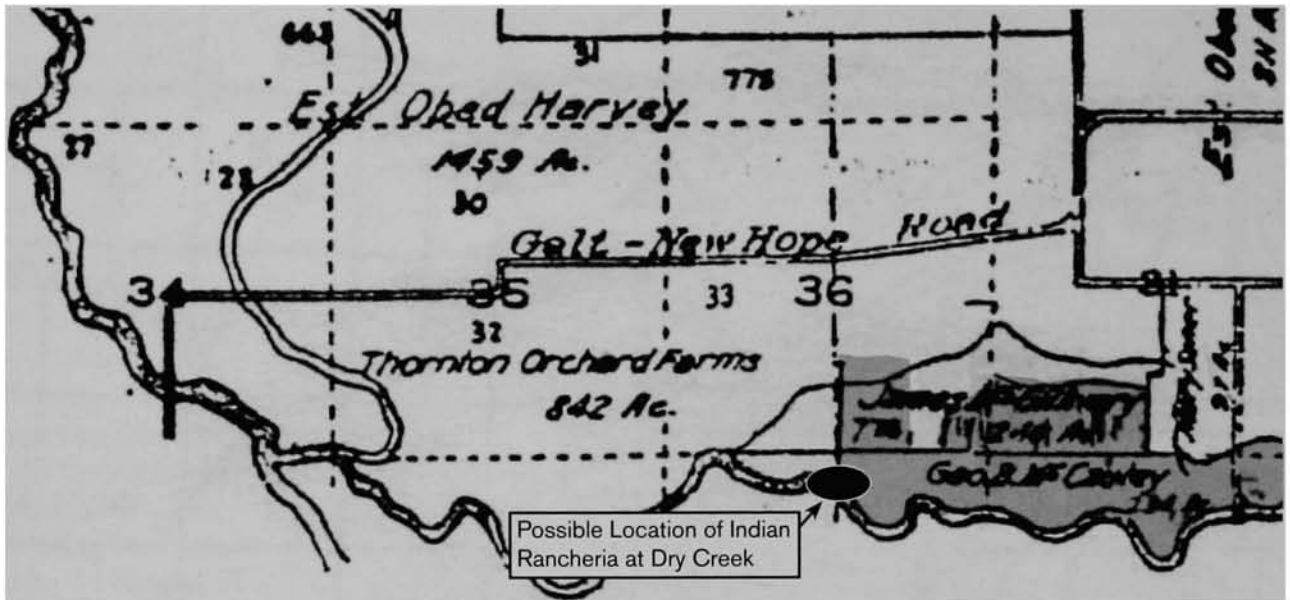
Dwight Dutschke, a Northern Sierra Miwok, was asked in 1994 whether there were traditions related to this village among the descendants of the Plains Miwok people. He said at the time that he knew of no stories that could be clearly related to this incident. More research is needed to identify the site of this village.

## DISCUSSION

From the multiple accounts and references to the incident described above, it appears that the Dry Creek Rancheria was comprised at least in part of former mission Indians who may well have represented varying tribes drawn from both the valley and the foothills. They were described as speaking Spanish, and they were apparently armed with guns as well as bows and arrows. The fact that the incident occurred during or soon after a period of major flooding in the area may have also resulted in more people gathering in a place on higher ground.

The drawing of the village is particularly interesting because it portrays a stockade fence, two types of houses (conical *tule* houses, typical of the valley, and bark houses more like those found in the mountains), and an earth-covered sweat lodge. These all seem further evidence that this was a composite village of people derived from several different tribes who had banded together for survival. The documentary information suggests that the village was associated with a local rancher, the Reverend Nelson Slater, who is said to have taken up residence a year or so before the event. Further research on the Slater Ranch shows its location to have been adjacent to Dry Creek and that it covered some 506 acres.

The two known archaeological sites identified in the vicinity are SAC-191 and SJO-24, which were adjacent to one another on either side of Dry Creek. They were mentioned by Schenck and Dawson (1929:320–321, 324), and both sites were said to have been destroyed. SAC-191 (also known as the McGilvary site, after the landowner in the 1920s, and initially given the number C25) was said to have been 40 feet in diameter (Schenck



**Figure 4. Sacramento County map showing Thornton Orchard Farms and the property of James McGilvary and George McCauley along Dry Creek in 1924 (Butler 1924).**

and Dawson 1929:313, 321). This site would have been on the old Slater property. The site known as SJO-24 was on the property of a man named McCauley in the 1920s. SJO-24 was said to have originally been 60 feet in length and 25 feet in width, and it was characterized as a burial and living site (Schenck and Dawson 1929:310). Further research into Elmer Dawson's notes (Dawson n.d.) on the sites clearly indicated that there was evidence of human remains; unfortunately, good information on the dating of these sites is still lacking, so it would be premature to suggest that they were at the same location as the village in the historic account.

With luck and perseverance, further research into the history of this area may turn up some additional evidence to help us better understand this intriguing example of Indian resistance to the Gold Rush-era disruption of their lives in the early 1850s.

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