

CASE NO.

240

NORTHERN DISTRICT

---

COSUMNES GRANT

---

HICKS AND MARTIN

CLAIMANT

NOV 10 1962

U.S. DEPARTMENT OF AGRICULTURE  
BUREAU OF LAND MANAGEMENT  
BOSTON, MASSACHUSETTS  
BOSTON, MASSACHUSETTS

5-23

*J*

THE UNITED STATES OF AMERICA  
DEPARTMENT OF THE INTERIOR

MINERAL

LAND OFFICE

PROCEEDINGS

OF

THE BOARD

TRANSCRIPT  
OF THE  
PROCEEDINGS

IN CASE

NO. 523

*Wicks & Martin*

CLAIMANT *S.*

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Cosumnes"*

THE STATE OF TEXAS

THE COUNTY OF DALLAS

1871

IN CASE

PROCEEDINGS

OF THE

JUDICIAL

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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PAGE 2

Be it Remembered, that on this *twenty first day of January*, Anno Domini One Thousand Eight Hundred and Fifty-~~three~~, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of *Nicks & Martin*,  
for the Place named  
"*Cosumnes*,"  
was presented, and ordered to be filed and docketed with No. *523* and is as follows, to wit;

(Vide page *3* of this Transcript.)

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

San Francisco January 21' 1854,  
In case no. 523. Nicks and Martin for the place named "*Cosumnes*", the deposition of John A. Sutter, a witness in behalf of the Claimants, taken before Commissioner Thompson Campbell, was filed,  
(Vide page *7* of this Transcript)

San Francisco December 5' 1854.  
Case no. 523, was ordered to be placed at the foot of the 3<sup>rd</sup> class cases on the Trial Docket.

San Francisco December 19' 1854,  
Case no. 523 was submitted under the Rule of 21<sup>st</sup> March 1854.

San Francisco Jan. 23' 1855.  
In the same case Commissioner N. Aug. Thompson delivered the opinion of the Board respecting the

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Claim

(Vide page 15 of this Transcript.)

4.

And the following Order was made, Court,

(Vide page 16 of this Transcript.)

~~~~~

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PAGE 3

*[Faint, illegible handwriting covering the majority of the page]*

To the Hon. Board of United States Land  
Commissioners



To the Hon. Board of United States Land  
Commissioners

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PAGE 4

Humbly representing show unto your  
Honors the undersigned William Hicks and  
James Martin Citizens of Sacramento County in  
the State of California, that said claim to be  
the Owners in fee Simple of a certain unconfined  
Claimed of Land situate within the State of  
California aforesaid known as the Rancho de  
los Cosumnes and describe as follows consist-  
ing of one league, three miles, or five thousand  
square Varas (Yucas) bounded as follows; on  
the North or North West, the Cosumnes River on  
the East or North East by a line that starts from  
a point on the Cosumnes River called Red Cup  
(Red Cup) and runs in a line directly crossing  
the line of the River above referred to, on the  
South or South East by a line that runs one  
league or five thousand Varas parallel with  
the Cosumnes River on the East or South East  
by a line that runs one league or 5000 Varas  
parallel with the line on the East or North East

The said described tract or parcel of  
Land your petitioners show was on the 22<sup>d</sup>  
day of December 1844 granted by his Excellency  
Micheltorna Governor of the Department of  
California unto Heleno Chief of the Christian  
Indians called Moquelmnes for himself and  
his heirs their heirs and Executors. per litteris  
to them bearing date the day and year aforesaid  
and delivered unto Augustus Sutter he then  
being Justice of the Peace and Military  
Commandant of the Frontiers. And afterwards to  
wit on the 13<sup>th</sup> day of May A.D. Eighteen hun-  
dred and forty eight, before John Sinclair then  
Justice of the Peace for the District of New  
Holland and before John A. Sutter, John Bee-  
wee, Levi McKinstry and Thomas M. Faray  
witnesses, was duly conveyed and conveyed ac-  
cording to Law unto one Thomas Shadden and by  
said Thomas Shadden duly conveyed and conveyed  
according to Law to your petitioners William  
Hicks by deed of date September 30<sup>th</sup> A.D.  
Eighteen hundred and forty acknowledged

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And recorded, the One undivided One half part thereof has been sold and conveyed by the said William Hicks unto your petitioners the said James Martin - The Evidence of all which several matters & things are herewith filed made a part of this petition and to which your Hon. Board are Mt. Respectfully required your petitioners further represent that there exists no known interfering claim to the right of your petitioners in this behalf set forth

That the said Land has now been surveyed & certified by the Survey General and they now pray your Hon. Board in tender consideration of the facts above described that upon a hearing of the proofs that of a certificate of Order of Confirmation may be granted to your petitioners, confirming to them their said legal representatives forever the same herein described & they will ever pray

Hicks & Martin Petitioners

By Robinson & Marison Counsel

Filed in office July 21. 1853

Geo. Fisher Secy

Recorded in Vol 1 of Petitions on pages 490-491

Geo. Fisher Secy

in the year the Board of Commissioners for settling a Great Survey of the land in the

5 Petition

240 ND  
PAGE 6

To the Hon the Board of Commissioners for  
Settling Private Land Claims in California -

The undersigned your petitioners  
William Hicks and James Martin do  
most respectfully represent that on the 22<sup>nd</sup>  
day of December A.D. 1844 his Excellency Man-  
uel Micheltorena Governor of the Department of  
Upper California, granted according to Law  
unto Seleno Chief of Christian Indians  
called Moyuelimnis and his heirs a certain  
tract or parcel of Land described as follows  
to wit, known and called a part of the Runch  
de los Cosumnes Consisting of One League or  
five thousand square Varas the boundaries  
of which are as follows, On the North or North  
West the Cosumnes River On the East or North  
East by a line that starts from a point on the  
Cosumnes River called Paso Viejo (Old pass)  
and runs in a line directly crossing the line of the  
River above referred to - On the South or South  
East by a line that runs one league or five  
thousand Varas parallel with the Cosumnes  
River On the East or South East by a line  
that runs one league or 5000 Varas parallel  
with the line On the East or North East

That after said grant was made  
and delivered, the said Seleno for himself and  
heirs then heirs and legal representatives, to wit,  
On the 13<sup>th</sup> day of May 1848 granted, sold and  
conveyed unto One Thomas Shadden the land  
above described tract or parcel of Land, who  
afterwards, to wit, On the 30<sup>th</sup> day of September  
A.D. 1850 sold transferred and conveyed the  
same unto your petitioner William Hicks  
who afterwards On the day of A.D.  
sold and conveyed the One fourth and one half  
thereof to your petitioner James Martin the  
present claimant thereof, all of which transac-  
tions of claim & title are herewith filed and  
respectfully referred to - That there are no  
known interfering claim or claims of any  
kind what soever -

Wherefore in consequence  
of the facts your petitioners pray your Hon-

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Board to conform unto them the above described  
tract or parcels according to the Meets and  
boundaries thereof in this petition set forth  
And they will ever pay

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Wm. Jackson  
James Martin

for  
Robinson & Morrison Attys

Filed in Office Nov. 16. 1853

Geo. Fisher Secy

7 Deposition of  
John A. Butler

United States Land Commission  
San Francisco July 21. 1854

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On this day before Commissioner Thompson appeared  
came John A. Butler a witness in behalf of  
claimants, Hicks and Martin case No. 523  
who being duly sworn deposed as follows

1<sup>st</sup>. Quest. What is your name  
age and place of residence?

Answer. My name is John A. Butler  
I am fifty years of age and I reside at Stock  
Farm in Butte County

2<sup>nd</sup> Quest. Were you acquainted with  
Heleno the Indian Chief

Ans. I know him very well

3<sup>rd</sup> Quest. Was he ever mentioned in to  
the Service of the Mexican Government by  
Order of General Micheltorena

Answer. Yes he was

4<sup>th</sup>. How long was he in actual Service  
and did any of his titles serve with him?

Ans. He was three months in actual  
Service. His titles consisting of his brave men  
were with him during all of the time.

5<sup>th</sup>. Quest. Did he and his titles  
receive a grant from General Micheltorena  
in consideration of their Services to the Government

Ans. Yes they did

6<sup>th</sup> Quest. Where is the Land situated  
to which you refer in the preceding answer  
If you are acquainted with the Lands emba-  
rked in said grant, please state all you know  
in regard to the inhabitation and Occupation  
by the said grantees. The time when they first  
Occupied them, and all the circumstances  
connected with the possession of the same

Ans. I am acquainted with said  
Rancho. I applied to the Mexican Government  
to make this grant to the Indians, the applica-  
tion was granted. The grantees Occupied said  
Lands by cultivating them and by living upon  
them. Immediately after they returned from  
the Campaign which was in the month of April  
1845 they came on the tract for which they had

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received a grant and commenced cultivating  
the same by planting Corn, Melons &c. and  
making gardens -

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Said tract is called Cosummes  
being the same name by which it was design-  
nated in the grant - The Lands embraced in  
said grant, are situated on the South side  
of the Cosummes River, at the point where the Old  
San Joaquin River crosses said river, at the  
point known as the Old pass - I think the  
grant was for one League, but it is so long  
that I cannot recollect the precise quantity

The grant was obtained at my recommendation  
and given for the services which they had rendered  
to the government -

7th Quest. Were you a subscribing  
Witness to a Conveyance made by Meleno to  
Thomas Shaddan of the property above referred  
as having been granted to said Meleno by the  
Mexican Government, and of so State, who  
went into the possession of said property after  
the execution of said Conveyance

Ans. I was one of the subscribing  
Witnesses to that Conveyance. Immediately after  
the execution and delivery of said Conveyance  
the grantee Shaddan went into the possession and  
occupied said property

8th Quest. Were Meleno and his  
Wife in possession of said place at the time  
the said grant was made

Ans. Yes. They had been in  
in possession of it a long time before and were  
in possession when they received the grant

9th Quest. Was it the Law or custom  
of the Country to make grants in consideration  
of Military Services rendered to the Government

Ans. Yes Sometimes it was the  
Case and was so in this instance and at  
my request, on account of the good services  
which they had rendered to the Government

### Questions by Associate Law Agent

1. Quest. Was the grant said to have been made  
to the Indians made verbally or by issue of

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to the Indians made verbally or by force of a title paper made to them

Ans. It was done by a paper.

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2<sup>d</sup> Question. When and where was said title paper issued?

Ans. I can't recollect the precise time. The grant was made during the campaign.

3<sup>d</sup> Question. Were Stefano and his Indians all or any of them Mexican Citizens at the time of the said grant

Ans. They were the Natives of the country and were enrolled as Mexican Soldiers.

John A. Fuller

Sworn to and subscribed before me the 21<sup>st</sup> day of January A.D. 1854

Thompson Campbell Com

Tellor in Office Jan. 21. 1854

Geo. Fisher  
Secy

Record in Ev. B. Vol 3 p 660

Geo. Fisher  
Secy

1844



11 Nueva Helvetia a los trece dias del mes de

trayendo un año de mil ochocientos ochenta

Diego Montoya y otros Ante mi Juan Quiroga juez de paz de



11  
Hicks & Martin y otros Ante mi Juan Guilaun juez de paz de  
Rancho de los  
Cosumnes.

A  
Deed.

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Nueva Heluetra à los trece dias del mes de  
Mayo del año de mil ochocientos cuarenta  
esta demarcacion y ante los testigos que sub-  
scriben compareció Heleno Jefe de los indios  
Cristianos llamados Moquelumnes y dijo:  
Que por si y à nombre de su tribu y demas he-  
redos y sucesores, y de quien de ellos hubiere  
título voz y fama en cualquier manera  
vende y da en venta publica y en enajena-  
cion perpetua por puro de here dad y para  
siempre fama, à D.<sup>o</sup> Tomas Chalden  
un terreno que le pertenece en propiedad por  
consecucion q.<sup>d</sup> de el le hizo el Excmo. Sr. Go-  
bernador del departamento D.<sup>o</sup> Manuel  
Micheltorena, por un titulo general expedido  
à los 22 dias de Diciembre de 1844. y ente-  
gado al Sr. D. Augusto Gutierrez Jefe de  
paz y Comandante Militar de estas fron-  
teras en esa fecha, Dicho terreno es parte del  
paraje llamado Rancho de los Cosumnes y  
concedido como de clarado; consta de un si-  
tio de ganado Mayor à cinco mil Varas en cua-  
dro, y son sus linderos: Al Norte ó Noroeste  
el Rio de los Cosumnes ó al Este ó Nordeste  
una linea q.<sup>d</sup> ha de salir de dicho rio à un  
punto llamado Paso Viejo y llevar un rumbo  
derechamente cruzado el del referido Rio  
de los Cosumnes, al Sur ó Sudeste una linea  
que ha de llevar un rumbo paralelo al del  
Rio de los Cosumnes y una legua ó cinco mil  
Varas del mismo y al Oeste ó Suroeste una  
linea paralela à la del este ó Nordeste y una  
legua ó cinco mil varas de ella. Declara el  
vendedor no tenerlo enajenado ni empeñado  
y q.<sup>d</sup> esta libre de todo gravamen publico y  
comunal de lo vende al comprador en el pre-  
cio de doscientos pesos, que tiene nombre de  
su tribu recibidos à su entera satisfaccion  
que desde ahora se desprende y aparta del  
dominio, propiedad y otro cualquiera derecho  
que le exista al referido terreno renunciando  
como cosa propia y obligandose el Otorgante  
à que esta venta sea cierta segura y efectiva.

A emp efecto y à la debida Observancia de todo lo dicho firmo el mencionado Heleno con los testigos q. subscriben.

Heleno + Lefe

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Testigos

J. A. Dutcher. Geo. M. Pinsky J<sup>r</sup>

J. Bidwell. Tho. No. Hardy

Recorded July 15<sup>th</sup> A. D. 1850 at 6<sup>30</sup>/<sub>60</sub> O. C.

P. M. Th. J. Ahj. Dep't. Recorder.

I hereby certify that the above is a true  
Recorded  
July Copy of Record in my Office as County  
Recorder within & for the County of  
Sacramento, in Book "E." of Deeds  
pages 293 + 294.

Given under my hand & Records Seal  
this 10<sup>th</sup> day of January, 1853. at Sacra-  
mento City.

U. S. G. Recorder

By  
Mr. L. Brown Dep't.

Filed in Office Jan'y 21<sup>st</sup> 1853

Geo. Fisher Secy.

ND

13 Deeds from  
Seleno Chiefs &  
to Thos Shaden

New Helvetia 13th. May 1848

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Before me John Sinclair  
Justice of the Peace for this District and also  
before the Witnesses whose signatures appear at  
foot of this Instrument personally appeared Seleno  
Chief of Christian Indians called Maquelines  
and declared that for himself his heirs and  
Executors, and in the Name of his title then heirs  
and Executors and all others who may claim  
through him or them, grants bargains and sales  
unto Thomas Shaden his heirs and assigns from  
a piece of Land granted to them the 22<sup>nd</sup> day of Dec.  
1844 and conveyed to Augustus Sullen he being  
Justice of the Peace and Military Commandant of  
these frontiers at that date.

Said Land is part of the  
called Ranch de los Cosumnes and Conceded as  
above declared consisting of One League (three miles)  
or five thousand square Varas (yards) the bound-  
aries of which are as follows: On the North or North  
West the Cosumnes River, On East or North East  
by a line that starts from a point on the Cosumnes  
River called Paso Pap (Old Pap) and runs in a  
line directly the line of the River above referred  
to, On the South or South East by a line that  
runs one league or five thousand Varas parallel  
with the Cosumnes River, On the East or South  
East by a line that runs one league or 5000  
Varas parallel with the line on the East or  
North East.

The said Seleno further declares  
that said property is entirely unencumbered by private  
or Public Claims of any Nature and on such  
Concepts now sells to the said Thomas  
Shaden at and for the sum of two hundred  
dollars the receipt whereof is hereby acknowledged  
himself and in the Name of his title freely giving  
up all his claim for himself and his title and  
guaranteeing to said Shaden that this sale  
shall prove certain true and effectual -  
In testimony whereof he hereunto set his hand  
date as before written

Seleno X Chief

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Witnesses  
J. A. Satta. J. Redwell. Levi McKinstry Thos. M. Stacey  
Endorsed "Recorded in Book E of Deeds page 293"

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Know all men by these presents that I Thomas  
J. Shadden in consideration of five thousand  
dollars to me in hand paid the receipt whereof  
is hereby acknowledged bargain sell convey and  
deliver to William Hicks his heirs and assigns forever  
all my right title claim and interest in the property  
described in the foregoing instrument which is  
made a part hereof

And I for myself my heirs  
heirs and assigns the said premises free from  
the claims of all persons claiming the same  
under me

Witness my hand & seal this 30th day of  
Sept. A.D. 1850  
Witness - Sayer Trees  
Thomas J. Shadden

On this 30th day of September A.D. 1850 personally appe-  
ared before me Lewis A. Burdall Recorder in &  
of said County Thomas J. Shadden to me known  
to be the person described in and who executed the  
foregoing instrument of writing transferring Shadden  
Ranch to William Hicks and who acknowl-  
edges that he executed the same freely & volunta-  
rily for the uses and purposes therein set forth

In witness whereof I have hereunto  
set my hand & seal the day and year above  
written in this certificate

L. A. Burdall  
Recorder  
Recorded Sept. 30. 1850  
2 O'clock P. M.

I hereby certify that the foregoing is  
a true copy of Record in my Office as County  
Recorder in & of the County of Sacramento at Sacram-  
ento City in Book E of Deeds pages 124, 125 & 126  
Given under my hand & Recording Seal hereunto  
attached this 10th day of Jan'y 1853

W. G. Loring Recorder Sac. County  
Filed in Office Jan. 31 1853 Geo. Fisha Secy

15 Opinion of

Hicks & Martin

15 Opinion of Board

Hicks & Martin }  
vs } Rancho de los Cosumnes  
The United States } 1/9 leagues of land

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This claim purports to be founded on a grant made by Gov. Micheltouna on the 22<sup>nd</sup> day of December 1844 to the Mexican Chief Solano and his tribe called the "Musqueamnes" from whom the present petitioners claim to derive their title by regular legal transfere. The original grant is not produced and no attempt is made to prove its loss or account for its non production.

The Deposition of John A. Sutton is taken and filed in the case in which he states that a grant was made by Governor Micheltouna to the same Mexican Chief and his tribe in consideration of their <sup>services</sup> services - That the said grant was in writing, and that the Mexicans occupied and cultivated the land under it.

It is very doubtful whether this testimony would be sufficient proof of the execution and contents of the grant if a proper foundation had been ~~made~~ laid for its introduction - but in the absence of any proof of the loss of the grant, or any diligence or search on the part of the Claimants to obtain it and put it in evidence, the testimony is clearly inadmissible for the purpose for which it is introduced.

The rejection of this testimony leaves the claim without any proof whatever to sustain it. It is therefore unnecessary to discuss the other questions which would have arisen on the case, since the due execution of the grant here established by the proof <sup>is</sup> rejected.

Filed in office Jan 23<sup>rd</sup> 1855

Geo. Fisher  
Secy

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No 523

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Hicks & Martin }  
vs }  
The United States }

Decree

In this case on hearing the proofs and allegations it is accepted by the Commission that the claim of the petitioners, is not valid. It is therefore decreed that their application for a confirmation thereof be denied.

Alpheus Felch }  
R. Acq. Thompson }  
S. B. Furness }

Commissioners

Filed in Office Jan 23<sup>rd</sup> 1855

Geo. Fisher Secy

Order

And it appearing to the satisfaction of the Board that the land hereby adjudicated is situated in the Northern District of California it is ordered that two transcripts of the proceedings and decision in this case and of the papers and evidence upon which the same are found be made, one and duly certified by the Secretary one of which transcripts shall be filed with the United States District Clerk of the Northern District of California and the other be transmitted to the Attorney General of the United States.

Office of the Board of Commissioners,

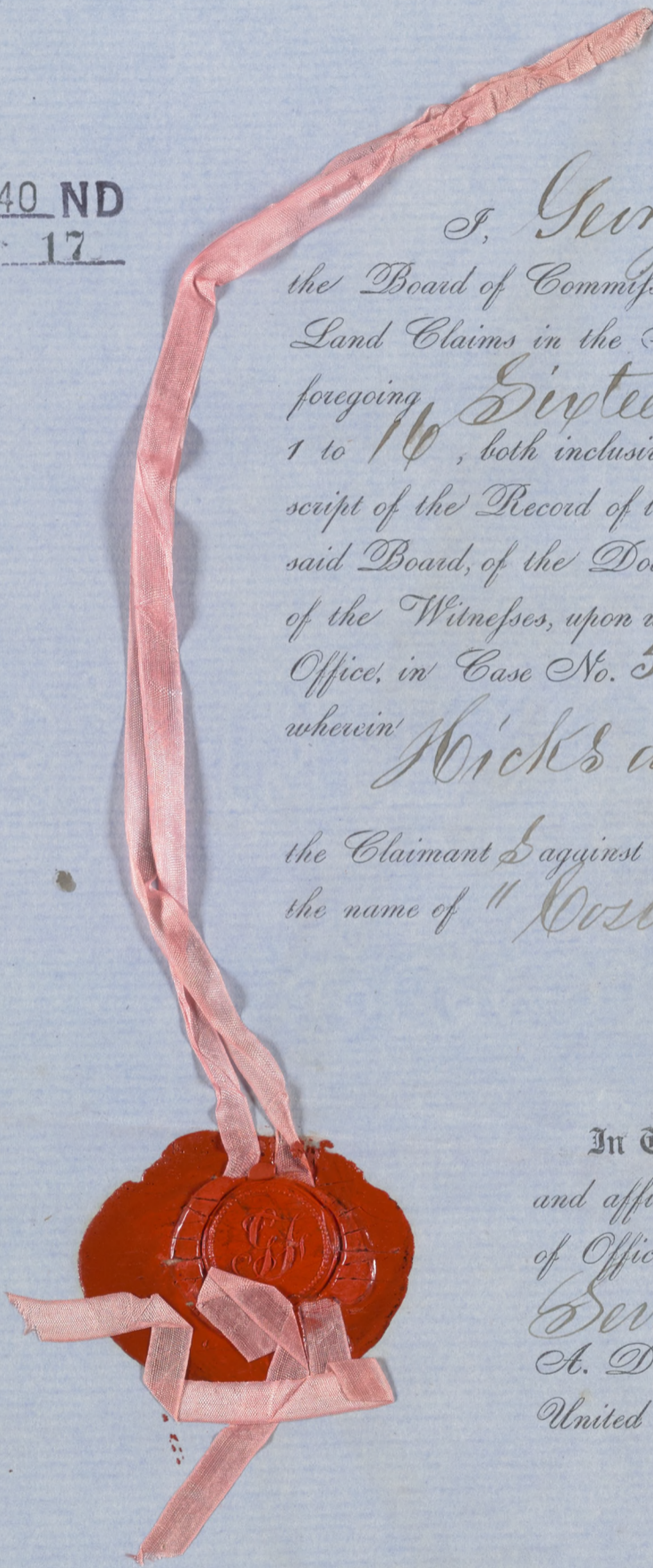
To ascertain and settle the Private Land Claims in the State of California:

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I, *George Fisher* Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Sixteen* pages, numbered from  
1 to *16*, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
said Board, of the Documentary Evidence and of the Testimony  
of the Witnesses, upon which the same is founded, on file in this  
Office, in Case No. *523* on the Docket of the said Board,  
wherein *Hicks and Martin* are  
the Claimant against the United States, for the place known by  
the name of "*Cosumnes*"

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Seventh* day of *July*  
A. D. 185*5*, and of the Independence of the  
United States of America the ~~seventy~~ *eighty*th.

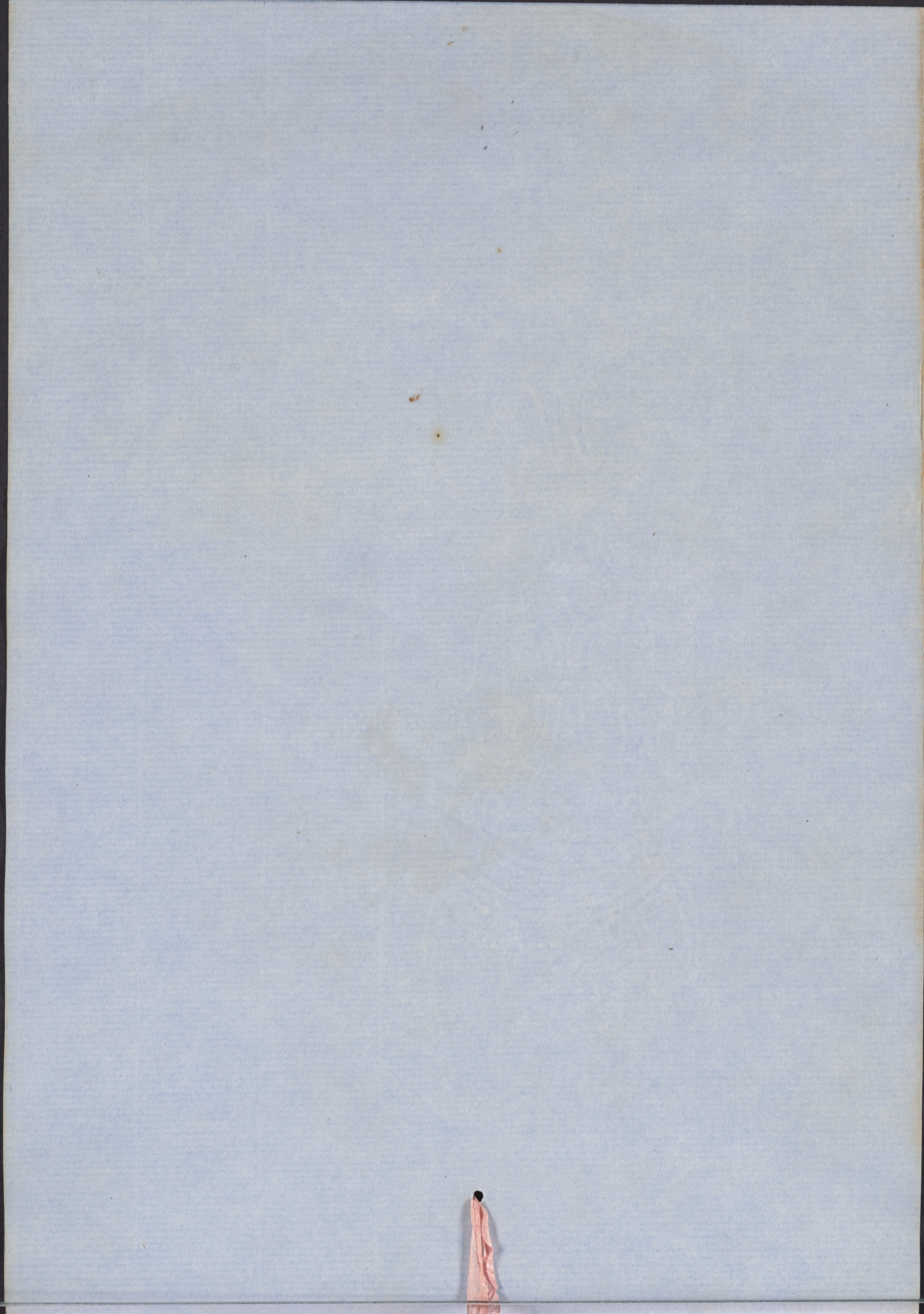
*Geo. Fisher*  
*G. Fisher*











U. S. DISTRICT COURT,  
*Northern* District of California.

No. *240-* **240**  
THE UNITED STATES,

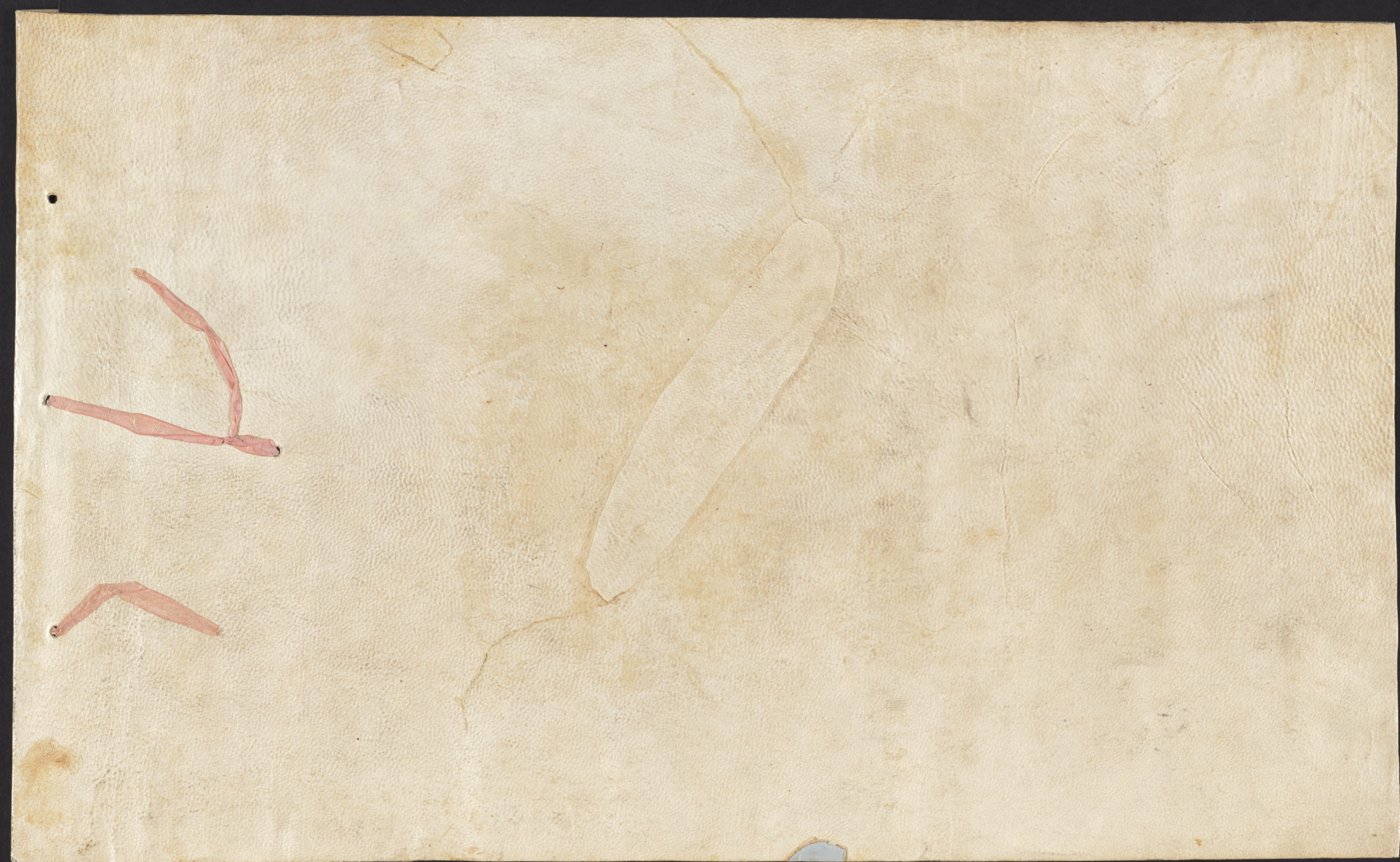
vs. **ND**

*Wicks and Martin.*

TRANSCRIPT OF THE RECORD  
FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,  
In Case No. *523.*

Filed, *July 7th* 1853-  
*John A. Munroe,*  
*Clerk.*

*Wicks 240*



No 523,

Clerks Office of the  
 District Court of the United States  
 for the Northern District of California

Whereas the Commission  
 constituted for the purpose of as-  
 certaining and settling private  
 Land claims in the State of Califor-  
 -nia by the Act of the Congress of the  
 United States approved on the 3<sup>rd</sup> of  
 March 1857, entitled "An act to ascer-  
 tain and settle the private Land claims  
 in the State of California," did on the  
 23<sup>rd</sup> day of January AD 1858, by their de-  
 -cision of that date decide against  
 a claim presented by the undersigned  
 by refusing to confirm the said  
 claim or any part thereof, which  
 claim is numbered 523, on the  
 Docket of claims before said Board  
 and is for a Tract of Land called  
 and known as Rancho de los Corrales  
 lying in the said Northern District of  
 California.

Now the said Claimant  
 being desirous that the said District  
 Court should review the said deci-  
 sion, hereby gives notice of this in-  
 tention to prosecute an Appeal there-  
 from as is provided by the 12<sup>th</sup>  
 section of an Act of the Congress  
 of the United States, entitled "An  
 Act making Appropriations for  
 the Civil and diplomatic Expenses

of the Government for the Year ending  
the 30<sup>th</sup> June 1853 and for  
other purposes. || which Act was  
approved on the 31<sup>st</sup> of August  
1852 ~ ~ ~

W<sup>m</sup> Hicks  
James Martin  
In  
Robinson & Mansie  
attys

U. S. Dist Court  
~~240~~  
no. ~~523~~  
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PAGE 21  
The United States

vs.

William Hoeltz  
James Martin

Noted by Claimants  
of intention to pro-  
secute Appeal

Filed July 25, 1855  
by Thomas  
Deputy

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UNITED STATES DISTRICT COURT,  
Northern District of California.

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PAGE 21

San Francisco, September 6<sup>th</sup> 1855.

ON this day, before *John A. Monroe* a  
Commissioner of the United States for the Northern District of California, duly  
authorized to administer oaths, &c., &c., came *Willard Buzzle*  
a witness produced on behalf of the  
*Claimant*

in Case No. 240, being an appeal from the Board of Commissioners to ascer-  
tain and settle the Private Land Claims in the State of California, in Case  
No. 523, on the Docket of the said Board of Commissioners, and was duly  
sworn and testified as follows — ~~his evidence being interpreted by~~

~~a sworn interpreter~~

PRESENT: *E. C. Crosby* Attorney for Claimants and  
*A. Glassell, Esq.* for the United States District  
Attorney.

<sup>1st</sup>  
QUESTION, BY *Claimants Counsel*

*State if you know the lands  
claimed in this case, if yes; where is it situated  
and what are its boundaries?*

*Answer*

*I do know the lands. The tract  
is situated in the present County of Sacramento,  
on the South Side of the Cosumnes River — It is bounded  
on the north by the Cosumnes River, and on the west  
by the Lute lands — the other boundaries I do not know  
— the old road from Sutter's Fort to Stockton runs  
through this tract of land.*

*2<sup>d</sup> Question by Claimants, Counsel.  
How long have you known the  
said lands?*



Answer.

I have known the said lands since the fall of the year 1841. I was last on this place in the fall of the year 1849, during this time I lived part of the time at Sutter's Fort and part of the time on this very land.

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3<sup>d</sup> Question by Claimant's Counsel  
State what you know of the occupation of said land during the time mentioned by you in your last answer, - by whom was it occupied - and in what manner?

Answer.

It was occupied when I first went there by the Moquelumne Indians a Christian tribe - They lived on the land - had portions of the land enclosed with fences - and cultivated in corn beans, vegetables and some wheat; they also had some stock, I was on these lands in the years 1843 1844 & 1845, and saw their crops growing - these Indians cultivated by ploughing the land they planted. In the fall of the year 1846, Thomas J. Shaddon went into possession of a portion of the lands claimed by said Indians - he increased the fencing of lands and improved those already built - he built a house the same year and lived in it with his family - the next year he built a substantial adobe house and moved into it with his family and lived there with them until I left in the year 1849. Shaddon had a large stock of horses and horned cattle he took onto the place when he first went there in the year 1846. My recollection is, that the Moquelumne Indians raised wheat on these lands as early as the year 1844.

4<sup>th</sup> Question by Claimant's Counsel  
Please to name the chief and as many of the tribe of Moquelumne Indians as you now recollect?

Answer.

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I recollect the name of Helmo, the Chief of the tribe. I also recollect the names of Jose Marin, Jose Jesus, Sapatara, Hobobono, Manco, Juan, Lione, Mogone, Fernando, Panio. I know the names of most of the tribe but I do not now recollect any others at this time. Ukilos was another

5<sup>th</sup> Question by Claimant's Counsel.

State how many persons there were comprising the tribe of Moguelumme Indians - and how many were grown persons -

Answer.

I should say there were between forty and fifty altogether, and about thirty were grown persons -

6<sup>th</sup> Question by Claimant's Counsel

What was the character of this tribe of Moguelumme Indians as to language, learning, and religion.

Answer.

They all spoke the Spanish language, there were several of them among the men that were educated and could read and write the Spanish language. They were known and called Christian Indians, and were in the constant observance of the Catholic Christian ~~religion~~<sup>Religion</sup>. I have seen many of them wearing the Emblems of the Catholic Church such as the cross and rosario. They have often spoken to me of their belief and practice of the Catholic Religion.

7<sup>th</sup> Question by Claimant's Counsel

State if you know of any of this

tribe of Mognulumm Indians having been in the Service of the Mexican Government; if yca. when - and in what Capacity?

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Answer,

I do know of their being Soldiers in the Service of the Mexican Government; Heleuo the Chief Spoken of by me, and all of the men of his tribe were Soldiers under Capt Sutter during the revolution of Michel Tomo in the years 1844, & 1845. I was one of the Soldiers at this time in Capt Gault's Company and we were all under Sutter's command during said revolution - my recollection is that all those Indians I have named were with said Chief, and were in Service with Sutter's forces during the said revolution - Sutter was Commandant and Judge of the Sacramento frontier during the years 1844, & 1845.

1<sup>st</sup> Cross. Interrogatory by U.S. Dist. Atty.

Have you any interest - direct or indirect in the event of this cause?

Answer,

I have not.

2<sup>d</sup> Cross Interrogatory by U.S. Dist. Atty.

State what was your occupation and position during the period from the time when you first became acquainted with the said Rancho - to the time of the occupation of this country by the Americans

Answer,

I was engaged hunting & trapping when I first knew the Rancho. after that I was farming on the American Fork on the Liedsdorf place, and

in 1847. I was engaged on this place, taking care of  
Cattl & Horses. I moved to Stockton in the fall of 1847.

William Russell

I am to before you  
this 6<sup>th</sup> day of Sept.  
A. D. 1855-

Genl A. Mason  
U. S. Commisr.

No 240

U. S. Dist. Court.

The United States

— vs —

Ricks & Martin,

Deposition of  
William Bussel,

Filed Sept. 6, 1855,  
by W. A. Cheever,  
Deputy,

UNITED STATES DISTRICT COURT,  
Northern District of California.

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San Francisco, Sept 6th 1855

ON this day, before *John A. Murre*, a  
Commissioner of the United States for the Northern District of California, duly  
authorized to administer oaths, &c., &c., came *George F. Wyman*  
a witness produced on behalf of the

*Claimants*

in Case No. *240*, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. *523* on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — ~~his evidence being interpreted by~~

~~a sworn interpreter~~

PRESENT: *E. O. Crosby, Attorney for Claimants,*  
*and A. Glassell, Esq., for the U. S. Dist. Attorney,*

<sup>1st</sup>  
QUESTION BY *Claimants,*

*State if you know the land claimed in this case. if you! where is it situated and what are its boundaries?*

*answer. I know the said land claimed in this case. it is situated on the South Side of the Cosumnes River in Sacramento County California. The old road from Sutters Fort to the town of Stockton, or French Camp, passes through it. The Cosumnes is the northern boundary, the Lake or marsh lands bound it on the west. the other boundaries I do not know.*

*2<sup>d</sup> Question by Claimants*

*How long have you known the said lands. and what do you know of its occupation — by whom*

has it been occupied - and in what manner?

Answer

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I have known the said land since the year 1840. up to the Spring of the year 1848. about the year 1841. The Moquelumne Tribe of Christian Indians were in occupation of the said lands - they lived on it and cultivated the land. they planted corn, beans, melons, &c. and in the years 1843. & 1844 they had grounds fenced in and cultivated, they continued to increase their improvements and cultivation up to the time I left. they had some stock, and poultry, as early as the year 1843. and the years following they cultivated by ploughing the lands they planted - my recollection is they raised wheat from the fact of their applying to Capt Sutter for a band of mares to thrash their wheat; and I assisted in furnishing them the mares at Capt Sutter's direction. this was in the years 1844. & 1845. I was then in the employ of Capt Sutter at Sutter's fort. It is about 18 to 20. miles from Sutter's Fort to the said lands, and I have been very frequently on the said lands, during the time first above stated in this answer

3<sup>d</sup> Question by Claimant

Do you know of any other occupation of said lands, if yes? State what you know?

Answer.

I do know of other persons occupying these lands - In the fall of the year 1846 Thomas J Shaddon went into the possession and continued up to the time I left in the year 1848. he improved the fences already made and made additional enclosures. he built a very good house in 1846. when he first went into the possession of the land and the next year ~~he~~ he built a substantial adobe house; he occupied these houses with his family - he had

a considerable stock of Horses and horned cattle, which he took out to the place where he first went there in the year 1846. he raised wheat, corn, beans and various vegetables.

4<sup>th</sup> Question by Claimants

Please to name the Chief and as many of the tribe of Moquicumme Indians as you now recollect?

Answer

I recollect Heleno was Chief of the tribe, I also recollect the names of Homobone, Manco, Jose Maria, Mogone - Rufino is now dead - I did know the names of nearly all the tribe that were grown persons but it is now so long since I have seen them I do not now recollect any more of their names.

5<sup>th</sup> Question by Claimants

State how many persons there were comprising the tribe of Moquicumme Indians - and how many were grown persons?

Answer.

There were between forty and fifty persons all told - over one half were grown persons.

6<sup>th</sup> Question by Claimants -

What was the character of the said tribe of Moquicumme Indians as to learning, language and religion

Answer.

Several of them were very well educated, they all spoke the Spanish language, some of them could read and write the Spanish language - I have frequently seen written communications



from these Indians to Capt. Sutter also written communications from Capt Sutter to them. They were Christian Indians - Catholics - They were in the constant observance of the Catholic Christian Religion - and wore the emblems of that Church, the cross and rosario,

7<sup>th</sup> Question by Claimants

State if you know of this tribe of Christian Indians or any portion of them having been in the Service of the Mexican Government: if yes when - how long - and in what capacity -?

Answer.

I do know of their being in the Service of the Mexican Government as Soldiers - in the fall of the year 1844, and Spring of 1845, during the revolution of Micheltorino - Adano, the chieftain of said Mogulurum Indians and all of the men of this tribe were Soldiers under Capt Sutter's Command this Chief was in Command of the Indian forces that were attached to Sutter's forces. I think they continued in such Service during the whole of that revolution. I was a Soldier in Service during a portion of this time attached to Capt Gault's Rifle Company that composed part of Sutter's Command.

8<sup>th</sup> Question by Claimants

State what position or office John A Sutter held during the years 1844, and 1845, under the Mexican Government:?

Answer

He was Commandant General of the military forces and Judge charged with the jurisdiction of New Helvetia on the northern frontier of Sacramento.

1<sup>st</sup> Cross Interrogatory by U.S. Dist. Atty.

Have you any interest-direct or indirect in the event-of this cause?

Answer.

I have not.

2<sup>d</sup> Cross Interrogatory by U.S. Dist. Atty.

State what was your occupation and position during the period from the time when you first became acquainted with the Sainé Rancho, to the time of the occupation of this country by the Americans?

Answer.

I was at the time I first knew Sainé Rancho, Vaquero, driving stock. I continued in that business until I left in 1848, I was first in the employ of Livermore, and after that of Capt. Lutter - I was still later in the employ of Sinclair & Grimes -

Subscribed before me  
this sixth day of  
Sept. A.D. 1858 -

G. J. Wyman

John A. Monroe

U.S. Commissioner.

No 240

U. S. Dist. Court.

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The United States.

— vs —

Nick & Martin.

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Deposition of  
Geo. F. Wyman.

Filed Sept. 6. 1855.

by Chesnut,  
Deputy.

UNITED STATES DISTRICT COURT,  
Northern District of California.

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The United States,

- vs -

San Francisco, Sept 14th 1858

Nicks & Martin,

ON this day, before John A. Monroe, a  
Commissioner of the United States for the Northern District of California, duly  
authorized to administer oaths, &c., &c., came John A. Sutter  
a witness produced on behalf of the

Claimants

in Case No. 240, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 523 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — ~~his evidence being interpreted by~~

~~a sworn interpreter~~

PRESENT: E. O. Crosby, Counsel for Claimants,  
and the U. S. Dist. Atty by A. H. Russell, Esq.

QUESTION BY <sup>1st</sup> Claimants

Do you know the lands claimed in this case being part of the Cosumnes Rancho

Answer - Yes it is on the south side of the Cosumnes river and the old road running from Sutters Fort to French Camp on the San Joaquin river.

2. State what you know of its occupation, by whom and in what number?

The Mcquolome Indians were Christians, understood the Spanish language and

one of them could read and write the Spanish, they lived on this Rancho and were cultivating the soil, I loaned them oxen and a plough, several ploughs, and they raised melons, & vegetables, wheat and corn, and have purchased wheat & corn from them - This was in 45 and 46. The wheat & corn was raised on the Rancho I have spoken of. They first established themselves there in 1843.

Question - Do you know of this tribe or any portion being in the service of the Mexican Government, and if yes, in what capacity at what times and who were they?

Answer - This tribe professed the Roman Catholic faith - and some of them were soldiers in the service of the Mexican Government in the years 43, 44, & 45 and were considered Mexican citizens their names were as follows

Rufino was Lieut. and chief of the Munkollume Tribe.  
Horns Bono Ensign (could read & write)  
Democrates Orderly Sergeant  
Augustine, (Corporal) (weaver by trade)

Andresio 2<sup>d</sup> Corporal, Mason  
Leandro, Sela dorio, (Boquero)  
Antonio, Andres, Bertolo, (Weaver)  
Cassiano, Coytens, Carlos, Estevan,  
Cluteis, (Silvermaker) Felipe,  
Francisco Gasto, Hipolito,  
Helens, (Chief and successor of  
Rufino), Leon (Carpenter)  
Leon, Lorenzo, Marcos,  
Maximo (Tanner) Miguel  
Jose Pascasio. The names  
above I took from the original  
Musters Roll now in my pos-  
session, on last Monday mor-  
ning. These Indians by my  
recommendation to the government  
received a grant of land. The  
same land I have spoken of.  
I did it as a mark of gratitude  
for their behaving so well.  
The grant was made in the  
winter of '44

J. A. Lutter

No 240  
U. S. Dist. Court.

The United States,

— vs —

Pick & Martin.

Deposition of  
John A. Sutter.

Filed Sept 14. 1858.

by Cheever  
Deputy Clerk.

UNITED STATES DISTRICT COURT,  
Northern District of California.

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Hicks & Martin

vs  
U.S.

San Francisco, Sept. 18<sup>th</sup> 1855-

ON this day, before *Just. Moore* a  
Commissioner of the United States for the Northern District of California, duly  
authorized to administer oaths, &c., &c., came *Adolph*

*Burheim* — a witness produced on behalf of the  
*Claimant*

in Case No. 240, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 523 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — his evidence being interpreted by

a sworn interpreter—

PRESENT:

*A. Glassell asst. U.S. Dist  
Atty. and E. O. Crosby for  
Claimant—*

QUESTION BY

*Claimant.*

*Do you know the Tribe of the  
Moguelmone Indians & if you  
when and at what place?*

*Answer I know the Tribe and  
have known them from forty  
two and forty three. I lived  
at Sutters Fort at the times—*

*The Tribe lived on the south  
side of the Cosumnes River—*

*Question— Look at the names  
mentioned in the third interroga-  
tory in Genl. Sutters Deposition  
taken in this case the 14<sup>th</sup> of  
Sept. inst. and state if you*



Know all the persons therein mentioned and if so how many are now living?

Answer - I knew them all and some of them are dead.

Those who have died, are Rufino, Augustin, Andreas, Leandro, Meladonio, Antonio, Andreas, Bartolo, Carlos, Estevan, Felipe, Eleuterio, Gaston, Hipolito, Juan, Miguel Jose, Pascasio.

All the others are now living

They were Christian Indians and of the Catholic faith. They practiced the rites of the Catholic Church - Two or three of them could write - several of them could read.

Joseph Brühim

U.S. Dist. Court

Rich & Martin

add

United States

Deposition of

Adolph Brühim

Filed Sept. 18<sup>th</sup> 1853

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Office of the Board of Commissioners,  
To ascertain and settle the Private Land Claims in the State of California

San Francisco, July 7<sup>th</sup> 1853

J. A. Munroe Esq.  
Clerk of the U. S. District Court for the  
Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31<sup>st</sup>, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 523 on the Docket of the said Board, wherein

Hicks & Martin are \_\_\_\_\_  
the Claimant against the United States, for the place known by the name of "Cosumnes"

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

G. F. Fisher  
Geo. Fisher