

CASE No.

268

NORTHERN DISTRICT

WILLY GRANT

MICHAEL NYE

CLAIMANT:

LAND CASE 268 ND

⁴⁶
~~48~~ pgs.

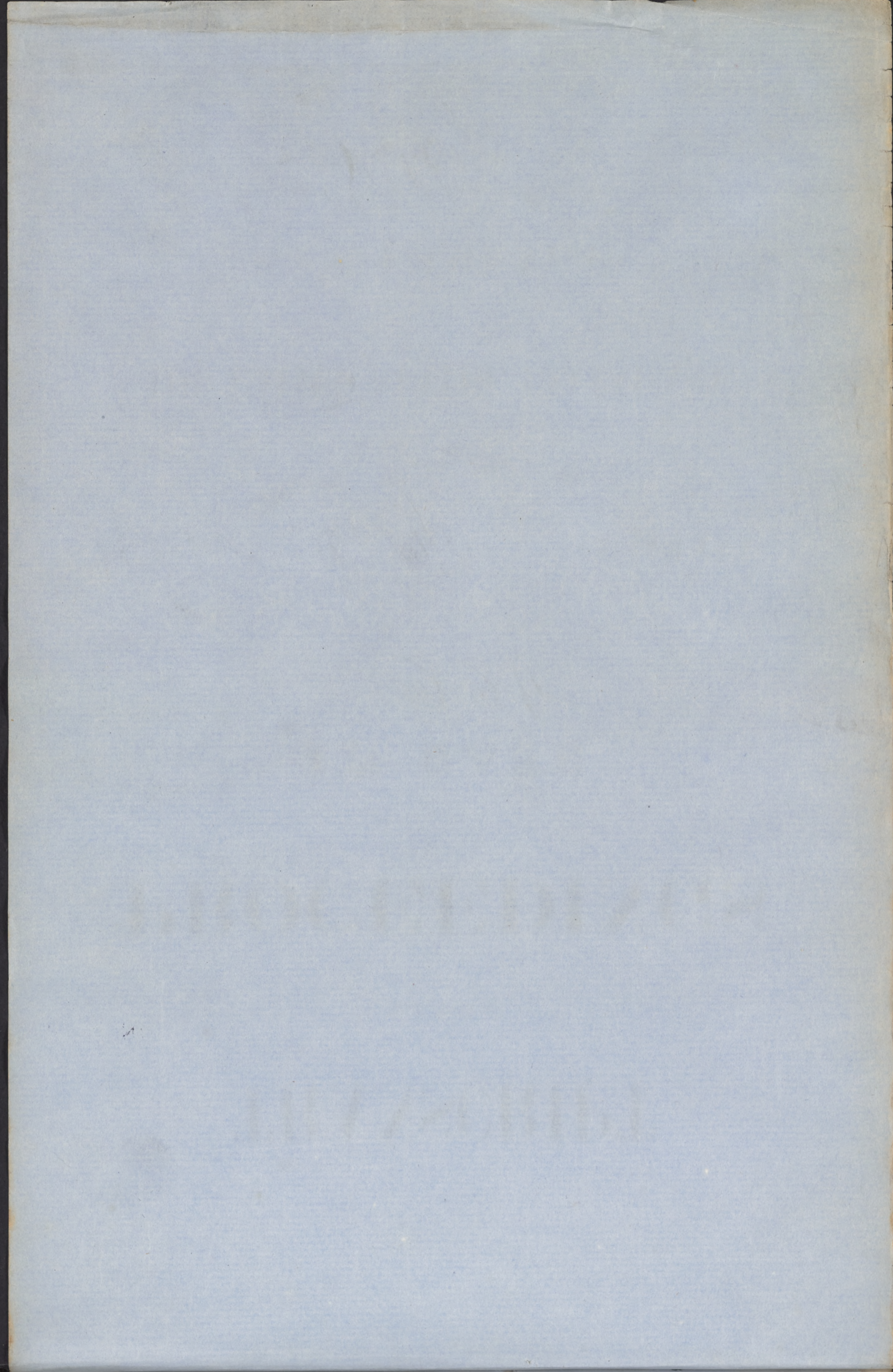
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226

904

17



TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 226.

Michael C. Nye — CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"*Willy*."

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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this *tenth day of May*, Anno Domini One Thousand Eight Hundred and Fifty-*two*, 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;

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The Petition of *Michael C. Nye*,
for the Place named
"Willy",
was presented, and ordered to be filed and docketed with No. 226 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;

Los Angeles September 3^d 1852.
In case no. 226, Michael C. Nye for the place named "Willy", the deposition of John Sanders, a witness in behalf of the claimant, taken before Commissioner James Wilson, was filed;

(Vide page 4 of this Transcript.)

San Francisco January 4th 1853.

In the same case the deposition of Samuel J. Hensley, a witness in behalf of the claimant, taken before Com-

missioner Harry J. Thornton, was filed;

the deposition of John
Brewell taken before
Com^r Harry J. Thornton
was filed;

(Vide page 9 of this Transcript.)

San Francisco August 9th 1853.

In the same case the counsel for the claimant filed the following stipulation, to wit;

(Vide page 19 of this Transcript.)

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San Francisco August 18th 1853.

In the same case the counsel for the Claimant filed the following stipulation, to wit:

(Vide page 19 of this Transcript.)

~~~~~

San Francisco Aug. 23<sup>rd</sup> 1853.

Case no. 226 was called: the counsel for the claimant read the evidence, argued, submitted and taken under advisement by the Board.

~~~~~

San Francisco February 6th 1855

In the same case Commissioner Alpheus Felch delivered the opinion of the Board confirming the claim:

(Vide page 31 of this Transcript.)

And the following order was made, to wit:

(Vide page 34 of this Transcript.)

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N.



3 A  
Petition

To the Honorable the Commissioners presented  
in regard to the Private Land Claims in  
the State of California

The Petition of Manuel  
Nye shows that on the twenty first day of Dec-  
-ember A.D. 1843 he applied to the then Governor  
of the two Californias Manuel Pizarro  
for a grant of land called by the consisting  
of four leagues square and bounded as fol-  
lows

On the north by the arroyo delos Cueros  
(Duck Creek) on the east by the barren  
land (Tulia Island) between the River  
Sacramento and the Sierra Nevada

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on the  
south by the Rancho of Arroyo delos Cueros and  
on the west by the River Sacramento. That  
on the 4th day of January 1844 said applica-  
-tion was by said Pizarro referred for  
examination to John A. Sutter who then had  
charge of the District of the Sacramento  
River

That on the 27th day of January 1844  
said Sutter reported on said application  
and certified that the lands asked for was  
unoccupied

That on the 22nd day of December  
1844 the said Governor Pizarro then acting  
under the authority of the Republic of Mexico  
granted ratified and confirmed to all those  
who had obtained a favorable report,

from  
the said Sutter a full and complete title  
to the lands which they had applied for all  
of which will more fully appear from the  
application now of reference report of said  
Sutter,

and copy of said Grant of said Mich-  
-atzen together with the translations of the  
same have annexed and filed herewith

Wherefore  
your Petitioner prays that your Honorable  
Board will examine his said claim  
and decide upon its validity

William Walker

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For Petition  
Filed in Office May 10th 1852  
Geo Fisher  
Secretary

Records in Records of Petitions Volume 1  
Page 91

Geo Fisher  
Secretary

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Deposition  
of  
J. Sanders

Office of the Board of Commissioners of Public  
- from Land Claims

San Francisco August 18th 1852

On this day before James Wilson one of the  
commissioners of said Public Land  
Claims in California came  
John Sanders

and was duly sworn  
and answers the questions on behalf  
of the claimant Michael Le Nye whose  
petition is No 226 on the docket of the Board  
and was duly sworn

The San Agent was  
notified and did attend

Question 1st What is your  
name age and place of residence

answer My name is John  
Sanders my age is thirty six my place of  
residence is at John Bidwells in Butte  
county

Question 2 What length of  
time have you lived in California and at  
what place

answer I have lived in Cal  
for over since the year 1842 and most of the  
time in Sacramento Valley

Question 3rd Do you know  
Michael Le Nye if you know him and where  
have you known him

answer I do know Michael  
Le Nye I have known him since 1844 he was  
in the Klamath where Marysville is now  
built

Question 4th Do you know of  
Michael Le Nye receiving a grant of lands in  
the Sacramento Valley from the Mexican  
government if you state what you know about it

answer I have understood

5-

and where is the land situated

answer I have understood  
behind prison a part of land from the  
Government of California in 1845

It is situated  
in the Sacramento Valley on the east side  
of the Sacramento River between the Rancho  
of Mr. Dickey that is surrounded by John  
Bedwell and the Rancho of Peter Larson

Iustin Doyne brother of  
Richard L. Nye having upon the land you  
have desired asking leave granted to him  
and state all you know about the matter

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answer in the  
fall of 1845 I assisted Mr. Nye to drive  
five or six hundred head of cattle from  
Hock farm,

The residence of Captain  
Butter up to the Rancho of Nye, Nye had  
a log house built on the place where he lived

I staid  
with Nye on the place some weeks  
assisting him to take care of the cattle until  
they became used to the place

There was at and  
of mares and some tame horses on the place  
belonging to Nye John Stevens and Smith

I staid  
say in all about six hundred head Nye staid  
in the place there or four months after I left

I joined  
the California Battalion under Colonel  
Purmont in Butte Creek and went to the  
Lower Counties

When of Mr. Nye's thing being  
done by Nye after this time he had already  
built a large corral

cross interrogations for  
purposed by the San Agent

Iustin L. Howland did Mr  
Nye occupy the place and they said he leave  
it

answer Nye occupied it there  
or four months he was in dread of the Indians  
who were coming down, killing his cattle

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and driving them off between them back  
down to Hoch in a place occupied by Cordana  
with Guba

Dustin & Hasbun  
occupied the place here

answer I know not to my  
knowledge but as I have also stated  
in consequence of his trouble with the Indians

Dustin Do you know any  
thing adverse to this claim

answer I do not

John Saunders

August 18th 1852

Submitted and seen to

before me

James Nelson

Commissioner

Wently consent to the taking and filing of  
the foregoing testimony in the claim of Mc  
Aye Number 226 in the District of the Cen  
tral States Land Commission

August 18th 1852

Geo W Woolley

US Land Agent

Filed in Office September 3rd 1852

George Foster

Secretary

Records in Evidence Book Vol 1 Page 600

Geo Foster

Secy

DEPO of  
S. J. Newsley

San Francisco June 4th 1853

On this day before Commissioner Harry I  
Thurston came Samuel J. Newsley a witness  
on behalf of the claimant Richard  
McAye Petition Number 226 and was  
duly sworn his evidence being given  
in English

The United States Associate  
Land Agent is present

Dustin by claimant's Dustin what is  
your name age and place of residence  
and how long have you lived there

answer My name is Samuel

residence in San Jose and have resided in  
California since I was a child

9

J. Hensley my age is about thirty five years my residence in San Jose and I have resided in California generally in the Sacramento Valley since the autumn of 1843

Question 1. I am acquainted with the hand writing of Manuel Verdugo and J. A. Sutter if you look upon the document now shown to you being Exhibit marked B.

In the Petition of Mr. Lodge filed in the Secretary's office of the Board of Land Commissioners for California under 226 and says

If the signatures of the persons above named when they occur in and upon said document are or not their genuine signatures

Answer I am acquainted with the hand writing of the persons named above having seen them well and have examined the document described in the Interrogatory

The signature of Verdugo and Sutter above they occur thereon and their genuine signatures

Question 3. Look at the document Exhibit C to the Petition above mentioned by docket No 226 and say if the hand writing of J. A. Sutter which occurs thereon is the genuine signature of said Sutter

Answer I have examined the said document and the signature of Sutter thereon is genuine

Question 4. Do you know anything about the title and occupation of the land claimed in this case or to state what you know

Answer In the year 1843 I was in charge of the Hoch farm of Captain J. A. Sutter and the Vaqueros of that farm under my name,

and in my presence and in collecting and starting the stock of Ayetob's Rancho I did not accompany them all the way but learned afterwards that

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Nye occupies his land and livestock it  
was  
never there while he so occupied but he visited  
me and I always understood from him and  
others that he did settle and inhabit the  
land

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a man by the name of John Sanders  
also John Stevens went with me and his  
with him on the said land

United States Law  
agent present

S. J. Hensley  
Summons and Subpoena before  
me this 4th January 1853

Harry Thornton  
Commissioner  
Federal Office January 4th 1853

George Foster  
Secretary  
Records in Volume B. Volume 2 Page  
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George Foster  
Secretary

Depo of  
J. Branell

San Francisco Jan 5th 1853  
Court's day before Commissioner Harry  
Thornton came John Bidwell a witness  
in behalf of the claimant Richard Le  
Nye Petition Number 226 and was asked  
if his evidence being given in English

The United States Associate  
Law Agent was present  
Questioned by  
Claimant

Question 1. What is your  
name age and residence  
Answer My name is John  
Bidwell my age thirty three and my res-  
idence below Butte county California

Question 2. Are you acquainted  
with the handwriting of Manuel Faciel  
- tina Manuel Gordon and John Asstun  
Nye  
- Yes I took at the document Man-  
- his B. and referred to in the Petition

ND

... present when they were ...  
document and their genuine signatures ...

9

as by Exhibit A and say whether the names  
of said persons where they occur in said  
document are their genuine signatures and  
state what you know of the map attached  
to said document B.

Answer I am well acquainted with the hand writing of McIntosh and further having seen them write

and upon examination the said Exhibit B. to the petition in this case I state the signatures of the said persons to be their genuine signatures

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In regard to the said map I am myself for the party to accompanying his petition for his land to the Survey

Question 3rd Look at the document marked by Exhibit C. in the petition filed in this case and say whether or not the name of Captain Sutter alone it occurs therein is his genuine signature

Answer The signature of Sutter to the document in the interrogatory last above mentioned is his genuine signature

Question 4th If you know any thing of the occupation of the land claimed in this case by the claimant please state what you know about it

Answer I know that in the year 1843 Mr. Sutter the claimant went into the land with his cattle and property

J. Bidwell  
In acknowledgment of notice  
R. Granger  
United States Law Agent  
Subscribed before me this 5th  
of January 1853

Harry J. Fountain  
Commissioner  
Filed in Office Jan. 5. 1853 Geo. Fisher Secy  
Recorded in Auditor B. Vol 2 Page 418  
Geo. Fisher Secretary

00

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

1867

*substituto provisionalmente por la dotacion ordinaria del puerto de Montevideo, en el Departamento de las*



17  
Sello tereno un Peso.

Habilitado provisionalmente por la Botana Maritima del puerto de Monterrey, en el Departamento de las Californias por el año de mil ochocientos cuarenta y tres.

(Real) Micheltoreno.

Manuel Castañares.

Monterrey. Dhe. 3 de 1843.

A Su Excelencia el Señor

Y por me el Sr. Sr. del despacho Comandante General y Gob. Comandante las que al efecto crea necesarias.

Comandante General y Gob. Comandante de ambas Californias.

226 Sup

Micheltoreno.

Michael C. Nye Natural de los Estados Unidos

y residente en este Departamento hace dos años ante V. E. con el debido respeto me presento y digo que hallandome presente digo: que hallandome posesor de algo de ganado y caballos y deseo de conseguir un terreno baldio lindado por el lado del Norte por el arroyo de los Venados: del Este se separa de la tierra Sierra Nevada por tierra estenuil: por el Sur esta lindado por el cañon de arroyo Chico y por el Oeste por el Rio del Sacramento de Amador Willis y consiste de cuatro ligas en cuadro segun consta el adjunto dibujo.

A. V. E. Suplico se digna acceder a esta solicitud en lo que recibire merced.

Monterrey y 24 de Diciembre de 1843.

Michael C. Nye.

Como dispone el Sr. Sr. Gobernador pase la presente instancia al Sr. Sutter como encargado de la frontera del Sacramento por que informe sobre su merecido.

Monterrey. 6 de Enero de 1844.

Manuel Jimenez.

El terreno que solicita en este pedimento el Sr. Don Michael Nye y que es representado en el adjunto dibujo esta bien cupulo y doy esta certificacion para los fines que convengan.

Nueva Helvetia. Enero 24 de 1844.

Lugar del Distrito del Rio Sacramento.

Manuel Jimenez  
J. A. Sutter.

Filed in office. May 11<sup>th</sup> 1853. Geo. Parker. Secy.

Agencia, Agente General de la Plaza Mayor  
del mismo B.

1. 13

Manuel Micheltorena, General de Brigada del Ejército Mexicano, Comandante General de la Plaza Mayor del mismo Gobernador Comandante Jefe e Inspector del Departamento de California.

No pudiendo ahora por esta sumamente ocupado este Supremo Gobierno Departamental extender uno por uno los títulos respectivos a todos los ciudadanos que han solicitado terrenos con informes de su favor Del Sr. Don Augusto Sutter Capitan y Jefe encargado de la fundacion de la Nueva Helvetia y Sacramento a nombre de la Nacion Mexicana les consigno: por estas letras la propiedad de ellos y sus familias de los respectivos terrenos marcados en sus ristanclas y cédulas a todos y a cada uno de los q. hayan solicitado y obtenido informe favorable del expresado Sr. Sutter titu, hoy dia de la fha. sin q. nadie pueda disputarles su propiedad, siendoles una copia de este que les daré mas adelante el Sr. Sutter de título formal con el que se presentaran a este Gobierno por extender les el mismo título en la debida forma y papel sellado correspondiente y para la debida constancia en todos tiempos doy este documento q. será reconocido y acatado por todas las autoridades civiles y militares de la Nacion Mexicana. en este y en los demas Departamentos con orgullo debidamente con las sellas militar y de Gobierno en Monterey a veinte y dos de Diciembre de mil ochocientos y cuarenta y cuatro  
Micheltorena.

Artificio que es copia.

Nueva Helvetia. Junio 8 de 1846.  
A. Sutter.

Filed in office. May. 10<sup>th</sup> 1852.

Geo. Fisher. Secy.

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14.

Mmanuel Michelena Jefe de Brigada  
 del Ejército Mexicano Ayudante Jefe  
 de la plana Mayor del mismo Gobernador  
 Comandante Jefe y Inspector del Departa-

Doce. H. Hall mento de California  
 and J. W.

por D. Auguste Galt  
 & Bidwell  
 una anex.  
 to depts. of  
 the latter before  
 Comd. "Hall

Commemoración  
 General de  
 la Acta Californica

No pudiendo ahora por esta suma  
 mt. ocupado este Gobierno supremo de  
 partamental estender uno por  
 uno los títulos respectivos a todos  
 los Ciudadanos que han solicitado  
 terrenos con informe a su favor del Sr  
 D. Auguste Galt Capitan y juez encargado  
 de la jurisdiccion de Nueva Helvetia y  
 Sacramento a nombre de la Nacion Mexi-  
 cana les confiero por estas letras la propiedad  
 p<sup>a</sup> ellos y sus familias de los respectivos ter-  
 renos marcados en sus instancias y diseños  
 a todos y a cada uno de los q<sup>d</sup> hallan solicita-  
 do y obtenido informe favorable del Expres-  
 do Sr Galt hta hoy dia de la p<sup>ta</sup> sin que  
 nadie pueda disputarles su propiedad  
 enviendoles una copia de este que les dara  
 mas adelante el Sr. Galt de titulo formal  
 con el que representaran a este Gobierno  
 p<sup>a</sup> estenderles el mismo titulo en la debida  
 forma y papel sellado correspondiente y  
 p<sup>a</sup> la debida constancia en todas tiempos  
 de este documento que sera reconocido  
 y catado por todas las autoridades civiles  
 y militares de la Nacion Mexicana en  
 este y los demas Departamentos autoriza-  
 do debidamente con los sellos militar y de  
 Gobierno en Monterey a veinte y dos de  
 Diciembre de mil ochocientos cuarenta  
 y cuatro.

Man. Michelena

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State of California }  
Sacramento County } On this 28<sup>th</sup> day  
of June A. D. 1851. I Lewis A. Birdsell here  
by certify that John Bidwell Samuel  
J. Hensley, George M. Ministry and Isaac C.  
Mott severally came before me and being  
duly sworn by me and being all credible Wit-  
nesses depose and say on Oath that they  
know Michael Loren the above named  
Grantor; and are well acquainted with his  
written signature having seen him write and  
that they verily believe that he signed the  
above with his own hand.

*Seal* In Witness whereof I Lewis  
A. Birdsell Recorder in and for  
the County of Sacramento and State  
of California aforesaid have set my  
hand and seal the day and year above  
written.

L. A. Birdsell  
Recorder Sac Co.  
California

Filed in Office June 28<sup>th</sup> 1851

Geo. Frober Secy.

17D  
Translations  
of  
Band C

Translation

This Stamp One Dollar

Provisionally authorized by the Secretary of the  
House of Representatives in the Department  
of the Interior for the year one thousand  
eight hundred and forty three  
Militaria Name California  
} constant house }  
} seal } This excellent the same  
- mandant General of both

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Mounting December California  
31st 1843

Let Mr. Nye native of the United States and resident in this State report and department for the year take such impression upon you by calling with this as to anything due respect present myself Messrs

Militaria Some excellent lands being desired to obtain a vacant tract of land bounded on the north side by the Arroyo de los Venados ( Deer creek ) on the east bounded by the Sierra Nevada by the State lands on the south bounded by the Rancho of Arroyo delos and on the west by the River Sacramento which is called hills and consists of four leagues square as is shown by the annexed design May you excellency may design accord to this certificate which I shall receive upon Mounting 22 December 1843

Militaria Mr. Nye The most excellent General orders that the foregoing petition be referred to our brother the Commissioner for the frontier of the Sacramento that he may report on its contents Mounting 4th January 1844

Militaria The tract of land which Mr. Nye solicits in his petition and which is represented in the annexed design is unoccupied and I give this certification for the purposes required

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New Helvetia 27th January 1844

J. A. Sutter

Justins Court

District of the New Sacramento  
 Manuel Melitona Brigadier General of  
 the Mexican Army Adjutant General of the  
 Staff of the same General Commandant  
 General and Inspector of the Department of  
 the Californias, As on account of its excessive  
 occupation with this Supreme Departmental Ser-  
 vices cannot give extent and give the  
 respective titles to all the citizens who have  
 solicited warrants of land with reports in their  
 favor from Mr Augustus Sutter Captain  
 and Judge having in charge the jurisdic-  
 tion of New Helvetia and Sacramento

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In the  
 name of the Mexican Nation I comprehend  
 and their families by these letters the prop-  
 erty of the respective warrants of land, numbers  
 in their Petitions and designs to all and every  
 one of these who have solicited and obtained  
 favorable reports from the said Mr Sutter  
 up to this date,

Without that any person may  
 dispute their property, I hereby give a  
 copy of these letters which Mr Sutter will  
 afterwards give them as a formal title with  
 which they will present themselves to this  
 Government to extend to them the same title  
 in due form and corresponding documents  
 paper

And that it may be duly witnessed  
 in all things I give this document which will  
 be acknowledged and complied with by all  
 authorities civil and military of the Mex-  
 ican Nation in this and other Departments  
 and authorized with the seals of the civil  
 Military Government in Monterey this twenty  
 second day of December 1844

Manuel Melitona

I certify that this is a copy  
 New Helvetia June 8th 1846 J. A. Sutter  
 Filed in Office May 10th 1852  
 Geo Foster Secretary

Manuel Melitona  
General



19 Stipulation U.S. Land Commission

Number 226  
Michael C. Nye  
Claimant

In this case it is agreed between the United States Law Agent and the counsel for the claimant

That the Deposition of Captain John A. Sutter and the original document of grant title from General Mitchell were made.

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An exhibit to this said Deposition as also the Deposition of Bridwell taken in case Number 201 of Samuel J. Hensley of United States he read and considered as evidence as if retaken.

Robert Brewster  
Associate Law Agent

Filed in Office August 9th 1853

George Fisher

Secretary

Recorded in Journal Vol 3 Page 369

Geo Fisher

Secretary

Stipulation U.S. Land Commission

Number 226  
Michael C. Nye Claimant

John A. Sutter  
accused

and said only sworn in the part of the claimant in this case (Number 226 Michael C. Nye for the land called (volley) Deposition That in view of the document he now before him the certificate in the margin thereof dated June 8th 1846 is genuine and was read and signed by him at the date and place as set forth.

And that the said document with the said certificate attached was at the date and place referred to the said Michael C. Nye that the said document is a true copy as compared with an original now in possession of General Mitchell in the Military Court

and General of California in the possession  
of the Department that the said original docu-  
ment was and is known to Department to be  
genuine and authentic

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That Department was at  
the time of making and signing the said  
certificate and ordering of the same with the  
said document to said Nye acting in the  
official capacity of Sheriff of the

and Department  
further testified in view and in inspection of  
the document (marked) B. now on file in said  
case (Number 226) that the names of Andrew  
L. Nye, Matthew M. Mearns, James and  
John A. Sutter

where they occur in said doc-  
ument at the time and place therein stated  
and that the said map was attached to  
and accompanied the said document at the  
time required by the laws of the  
J. A. Sutter

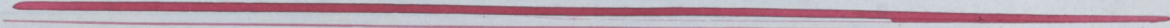
It is agreed that the foregoing statement  
shall be read in evidence in the above  
stated case

Together with the deposition  
of John A. Sutter in the case of Peter Lassen  
being Number 182 taken this day  
August 17th 1853

V. E. Howard  
Law Agent United States  
Ed. Crosby  
of counsel for  
Michael L. Nye  
Claimant

Filed in office August 18th 1853  
Geo. Fisher  
Secretary

Recorded in Journal Volume 3 Page 375  
Geo. Fisher  
Secretary



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Deposition  
of John A  
Sutter

Case No 201 upon the Docket for confirmation  
of the grant of Rancho Aguas Viejas  
Board of Commissioners to ascertain and settle  
Private Land Claims in California

On this 13th

day of May A.D. 1852 came before me James  
Wilson one of said Commissioners Captain  
John A Sutter a witness offered by Samuel J.  
Hensley Petitioner and being duly sworn  
gave the following testimony

George W Cooky

Law Agent of the United States was notified  
and did attend to the taking of the testimony  
of said witness

In answer to interrogations  
proposed by Petitioner Council the depen-  
dent answers as follows

I am acquainted with  
the handwriting of General Manuel Mich-  
elmina and have seen him write very often

The  
paper now shown me as an original paper  
and purporting to be the certificate of the Gov-  
ernor of Matamoros at San Antonio of  
Hensley as a citizen of Mexico is a genuine  
paper and the signature of Manuel Mich-  
elmina to said paper is his true signature

The  
Commissioner has affixed his initials to said  
paper and marked it as follows J.A.W.

I  
have also compared said paper with  
document marked Exhibit C on the  
files in this cause and find the said  
Exhibit C to be a true copy in the Spanish  
Language and the translation of the same  
into English to be substantially correct

I  
further state that an original paper  
purporting to be the original of paper  
marked Exhibit A in said cause which  
is now shown me is a genuine paper and the

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Signatures of Governor Manuel Nieto  
Secretary Manuel Jimenez the signa-  
ture of Samuel Hensley and my own  
signature where they occur on said  
paper are all genuine signatures of  
those several persons

The last paper attached  
to said Exhibit A marked by the Commis-  
sion as follows It has been carefully  
examined and I state that I have a copy of  
the original paper which was received  
from Governor Nieto to Samuel  
Hensley as secretary for the land he  
claims until such time as he could  
perfect his title to the same according  
to the forms required I have that copy  
to Samuel Hensley about the 24th of  
April A.D. 1845

The map which is attached  
to the original paper marked by the  
Commission as follows is a copy of  
an original of which a copy is attached  
to Exhibit A in this cause

I was Military  
Commander of the Northern frontier  
exercising civil jurisdiction in all the  
North Eastern portions of the Territory  
of Upper California in the years 1844  
and 1845

Among the Ranchos Agros Nieves  
claimed by Samuel Hensley and the same  
was within my jurisdiction

It is on Butte  
Creek in the Sacramento Valley about  
one hundred miles north of Sutter Fort  
Mr Hensley applied to me in the Spring  
of 1845 to report on his individual possession  
of the Rancho Agros Nieves

I did not  
give him individual possession of the same  
as he requested further reasons that he was  
engaged in a Military Campaign with  
Governor Nieto from Jan'y 7th 1845

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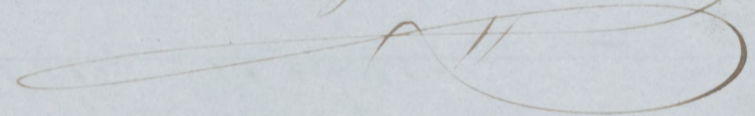
to the fact of April 1845 immediate by our  
superior from the said Campaign they  
to go out again on an Indian Campaign  
soon

after our return from the said Indian Cam-  
paign Colonel Fremont came with his  
party into that section of the Territory  
and a general revolution followed  
throughout California

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soon ceased to  
exercise either Military Command  
or civil jurisdiction for these reasons  
I could not comply with his request

Upon  
examination of the returns by Lt Colby  
Esq. Law Agent of the United States the  
return says that his civil jurisdiction  
extended from the San Joaquin North  
ward over the whole Sacramento Valley  
of California



The Law Agent Lt Colby Esq. objects  
generally to the foregoing deposition as  
incompetent and raising generally  
all legal objections

May 13th 1852 Subscribed and sworn  
to before me

James Wilson  
Commissioner

Filed in Office May 13th 1852  
Signed

Geo. Fisher  
Secretary

Record in Book of Entries Volume 184  
Signed

Geo. Fisher  
Secretary

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OK

*[Faint handwritten text from the reverse side of the page, including the word "Commission"]*

25-

Number 182

Deposition

office of the Commissioners of Land Claims  
in California

of  
John A Sutter

This day before Commissioner Robert A. Thom  
was sworn John A Sutter an attorney in law  
of claimant Peter Lassen Number 182 and  
after being duly sworn deposed as follows

Present Edward Norton  
Esq Attorney for claimant and Volney  
Howard Esq U.S. Land Agent

Question by claimants  
Attorney What is your name age and  
place of residence

Answer

My name is John  
A Sutter age fifty years and residence Rock  
Spruce Sutter County California

Question by same  
Do you know Peter Lassen if so where  
have you known him

Answer

Since 1841

Question by same Please to  
look at the document mentioned  
open marking the written initials A F  
and H H and state whether you know the  
signatures of Michelmina Peter Lassen  
Manuel Jimenez Estrada and John  
A Sutter which appear in that document  
and say whether they are genuine or not

Answer

I am acquainted  
with the signatures of all the persons named  
and have no doubt they are genuine

Question by same

Please to  
read the report in that document propo-  
sing to be made by you and state if you  
made it at the time it bears date

Answer It is in my hand  
writing and was made by me at the time

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PAGE 22

it bears date

Instructed by same Please  
to look at the sketch & map marked on the  
back number 19 and write the initials H  
& and also A. F. and say if that is the sketch  
or plan referred to in said report

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PAGE 23

Answer It is the same

Instructed by same To give  
more where the land appears for by Peter  
Lassen is situated

Answer Yesung will  
Instructed by same

When you  
made that report were there any settlements  
in that vicinity

Answer

None ancient  
Peter Lassen was the first that went up  
the upper Sacramento valley He had to  
protect him from the Indians  
at one time made there hundreds of men  
all Indians except about twenty who  
were white men

Instructed by same

Please  
to look at the document number 8 and  
9 with the initials H & and state whether  
your signature to the certificate on the  
back is genuine and whether it was  
made at the time it bears date

Answer

It is genuine and  
was made at the time of its date

Instructed by same State  
whether Peter Lassen went with you about  
that time to serve in the army of Wash  
illuma and if so where you were

Answer

We are now making  
just to see you then to mountains where  
we returned the General Washilluma  
and Marsden went to him to Sacramento



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and Peter Lassen and his duty as a faithful  
soldier

Justified by same

Did you  
know James Alexander Forbes at that  
time of service and hereditarily and in  
what capacity

Answer

Sir's He was then

the British Vice Consul and residing in  
Santa Clara near San Jose

Justified by same Please

to look at the document Number  
13th with the initials R T and state wher  
the signatures of Manuel Muctutuma  
and Manuel Jimenez are genuine or  
not

Answer Manuel Jimenez

cross-examination by the

Law Agent

Justified by Law Agent

Have you any distinct recollection of the  
map or sketch referring to the boundary  
part of your deposition

Answer

I have not but

it is generally correct I have seen use  
the terms and put Peter Lassen  
in possession as it was my duty to  
do

Justified by same Do you know

where the original of the document Number  
8 and 9 and 11 of name is

Answer

In the Archives

in the possession of Sr. de Salas in the  
Stamp General office

Justified by same

Do you and know Muctutuma all  
in said original paper at the time it  
was signed

Answer Same by Co. in or 4 p. 12

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The document on title was delivered to you and all the circumstances connected with what is termed the General Title

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answer

It was done at my request the General was then blockaded in Mantua and nearly not all with the titles till the American and other emigrants and at my instance he sent me the General title

There were many emigrants chiefly Americans who were desirous of obtaining lands and having the General to give them their titles at once and he had not time to do it in any other way

From the time the General was blockaded until the American came with the paper above referred to Instructions by same

State what

methods you adopted in giving the titles to each individual Seller

answer

By giving certified copies of the original paper marked Number 8 and 9 and 10 to those who had received permission to sell to the Country and who applied to me

General

Instructions at my request made as per title soldiers and provisions land to all those whom I should recommend as worthy to receive it

The General title was issued before the war and the copy to assure was also delivered before the war from New Helvetia in some cases the copies were not delivered to the

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parties until after my return but only  
to such as I thought deserved it. In the  
speech of Governor Pritchard in the  
House to admit grants to all whom I  
thought to be entitled, referring as well to  
those to whom claims had been admitted  
as to those I might admit them to  
afterwards

Instructions by same

When

you gave possession to the Sasser of  
the land granted him in your measure  
the land, establish any claims  
answering

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I did not think  
not consider it necessary I did not mean  
the Hellam or go through any of the  
customary ceremonies there unless  
I suppose or means of measurement it  
was expected that the land would be  
surveyed afterwards

Instructions by same

By whom

any man what authority was it custom  
practices that Government grants should  
be surveyed after judicial possession  
answering

The Government had  
no survey any of the owners of a farm  
measures or surveys he did it at his  
own expense it was not the custom  
in giving judicial possession to use  
a compass or measure the land with  
a rope or chain in giving such possession  
I have seen measures the land with a  
rope or chain or any thing else and further  
this is a point I do not

J. A. Sutter

Sum to and Subscribers before me Aug  
15th 1853  
Hans Thompson Clerk  
Filed in Office August 23rd 1853  
Gov. Foster Secretary

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PRICE

ND

11-11-11

11-11-11

Opinion  
of the  
Board

Michael C. Nye } For the place called  
as } Wells in Butte County  
The United States } containing four square  
} Leagues of Land

This is a claim made by Nye which is usually  
denominated the General title issued by  
General Michittum's mandate of December  
22, 1844 and delivered to Captain John A  
Fetter

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PAGE 27

The terms and effects of which are  
fully explained in the opinion delivered  
by this Commission in case No 96. The  
evidence presented by the claimant shows  
that said Nye petitioned the General for  
a grant of the land claimed in December  
1843

That evidence for information was  
by direction of the Governor made to Captain  
Fetter and that the latter made a favorable  
report thereon on the 27th of January, he said  
viz and that a copy of the general title was  
given to said Nye and certified by Captain  
Fetter June 8, 1846

We think the testimony  
sufficient to show that the claimant  
is one of the persons designated as grantees  
in said General title and that he is therefore  
entitled to the benefit of its provisions in  
the same manner as if he was expressly  
named therein as grantee

It remains to en-  
quire whether the promises granted are suffi-  
ciently defined to identify and designate  
the land and whether the conditions impos-  
ed in the grant by the colonization laws  
and regulations have been complied with  
by him

The land is described in the petition  
to the General as bounded on the north by the  
arroyo de los Ruedos (Red Creek) on the south  
by the Rancho of Arroyo Blanco on the west  
by the Rancho Sacramento and on the east by  
the Strickland lands which separates from

The said Nevada is shown by the annexed map, the map is drawn with artistic skill with all the delineation of the land, solitudes and with the natural and artificial objects called for in the description carefully laid down. In some respects however the location and extent boundaries of the land intended to be granted are more specially defined than in the Petition.

The northern line is described as bounded in due creek but in the map is shown that the promise is not captured up the River.

The southern line is the same in both and commencing at that line and extending up the River with a width of one league there is no difficulty in the location.

The map being referred to in the original Petition and both specified in the Grant are to be considered together as containing the description of the promise granted. Thus considered there seems no serious difficulty in under standing the true import and signifying the land intended to be conveyed.

It is located on the east bank of the Sacramento River commencing at the line above indicated on the south and extending up said River four leagues in length and one in width and containing four square leagues of land.

As to the occupation of the land by Coy. it is proved that within a year after the Grant was made he took several hundred head of cattle and horses in the place and that he built a house upon it in which he lived.

He was assisted by the Indians after he had lived there four or five months but he seems in good faith to have made his settlement on the land designing it as the permanent settlement of his Ranch for stock raising and as his personal residence.

disruption in it sufficient to show any

and we do not think the evidence of this  
interruption in it sufficient to show any  
abandonment of the place although the  
proof is not very strong in this part of the  
case it must be regarded as establishing  
prima facie the permanance of the condi-  
tion imposed by the law

we shall move  
in favor of the claim

unopposed

Filed in Office of the Surveyor  
his Honor

1853

Suttons

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Decree  
of  
Confirmation

Mutual Edge

of  
Mutual States

In this case where  
- by the proofs and

allegations it is adjudged by the Commission  
that the claim of the said Petitioner is  
valid and it is therefore decreed that the  
same be confirmed

The land of which con-  
firmation is hereby made is known by the  
name of well situated in Butte County  
and is the same formally inclosed and by  
said Act and is bounded and described as  
follows to wit

Bounded on the South by the  
place known as the Ranch del Arroyo Chico  
at the distance of about half a league south  
of the mouth of the Arroyo Seco on the north  
by a line running parallel with said  
South line and at a distance of four  
leagues from it

On the west by the Sacramento  
River and on the east by a line parallel with  
the general course of said River on the west  
side of said premises and at the distance  
of one league from the same reference being  
had to the map which is in file in this case  
for more particular description of the location  
of the same said premises containing four  
square leagues of land and no more

Alphons Felch

A. Aug Thompson

S. B. Farwell

Commissioner

Files in Office of Secretary

1855

Geo Fisher

Secretary

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and it appearing to the satisfaction of this  
 Board that the land hereby adjudicated  
 is situated in the Northern District of  
 California it is hereby ordered that two Trans-  
 cripts of the Proceedings and of the decision  
 in this case and of the papers and evidence  
 upon which the same are founded be  
 made out and duly certified by the  
 Secretary and of which Transcripts shall  
 be filed with the Clerk of the U. S.  
 District Court for the Northern District  
 of California and the others be trans-  
 mitted to the acting Genl of the  
 US

NOV 17 1855



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 *Twenty four* pages, numbered from  
1 to *24*, 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. *226* on the Docket of the said Board,  
wherein

*Michael C. Nye* is  
the Claimant against the United States, for the place known by  
the name of "*Willy*."

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Tenth* day of *August*  
A. D. *1855*, and of the Independence of the  
United States of America the ~~seventy~~ *eightieth*

*Geo. Fisher*  
*Secretary*



U. S. DISTRICT COURT,

*Northern* District of California.

No. *268* - **268**

THE UNITED STATES,

vs.

**MD**

*Michael C. Nye.*

TRANSCRIPT OF THE RECORD

FROM THE

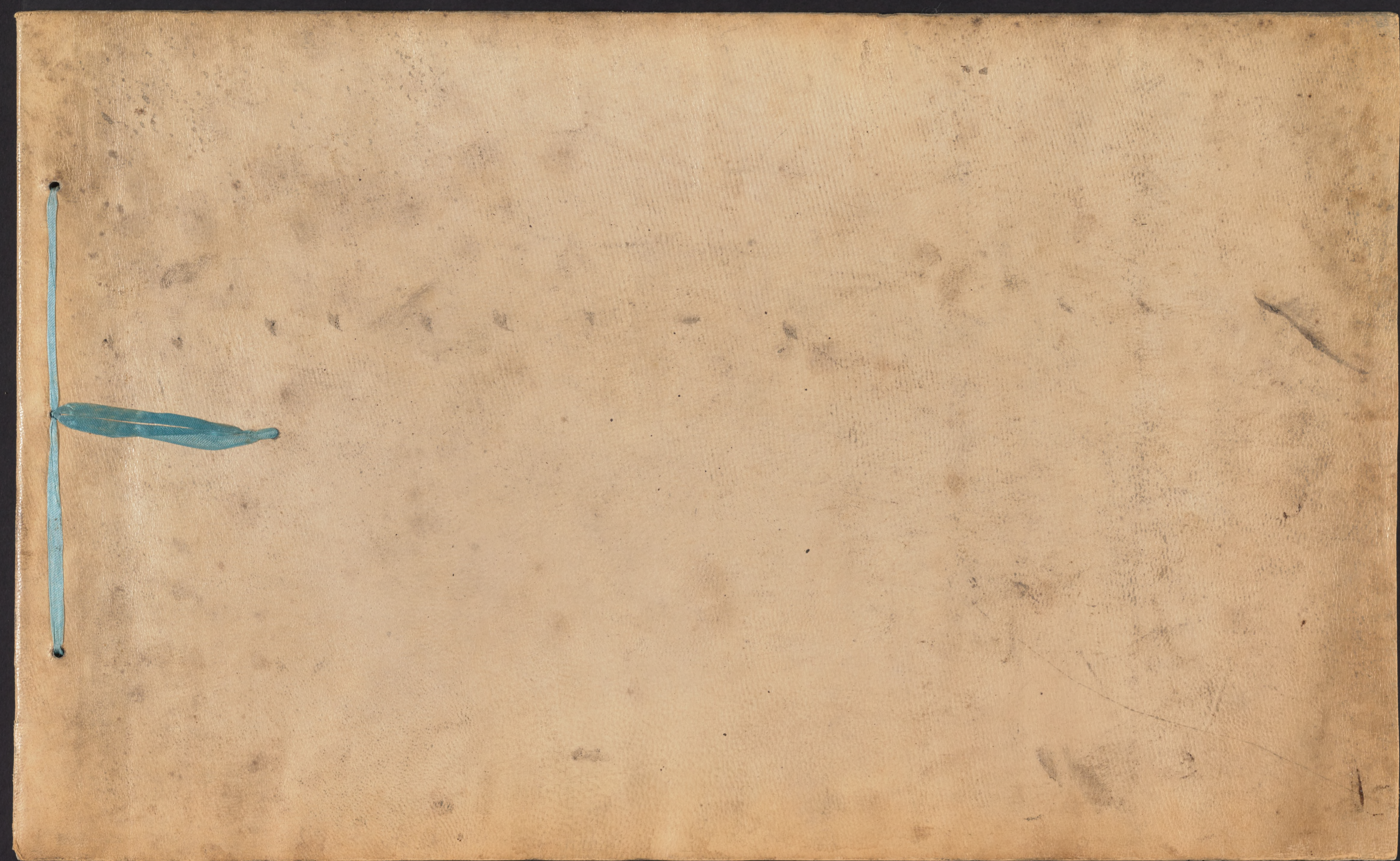
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *226*.

Filed, *August 11* 1855

*J. A. Monroe,*  
Clerk.

*No 226*



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Office of the Attorney General of the United States,

Washington, 10. October, 1855.

226. J "Willy" -

Michael C. Kyr, Claimant.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 27<sup>th</sup> day of August, 1855, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No. 268 —

United States Dist Court  
Northern Dist. of Cal.

United States  
vs  
Michl C. Nye,

Notice of Appeal in  
Case no. 226.

Filed Nov: 22. 1855,  
by Chevers  
Deputy.

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U. S. District Court for the  
Northern District of California

No. 268

The United States

vs

Michael C. Nye

appellee -

} Answer.

The respondent for answer to the  
petition filed in this case, answers, and says, It is true  
that the lands mentioned in said petition and in said  
Transcript of the proceedings before the said Board of  
Commissioners lies within said Northern District  
of California and within the jurisdiction of this Court

But this respondent denies that his title to the  
said lands is invalid, and avers that the same is valid  
and prays that the decision of the said Board be affirmed  
and his title be decreed to be valid -

Michael C. Nye by  
E. D. Crosby his Atty.

No. 268.

U. S. District Court for the  
Northern District of California

The United States

vs  
Michael C. Nye

Answer

Filed April 21, 1856,  
Chenut,  
Deputy.

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E Crosby Atty  
for Claimant

To the Honorable District Court of  
the United States in and for  
the Northern District of California.

No. 268.

The United States

Appellants

vs  
Michael C. Mey  
Appellee

The Petition of the United States by  
their Attorney represents; that this Cause  
is an application for a review of  
the decision of the Board of Commissioners  
whereby the Claim of the said Appellee  
was Confirmed as appears by reference to  
the records in the Case: That a  
transcript of the said Records was  
filed in this Court on the 11<sup>th</sup> day  
of August 1855: that a notice of Appeal  
was filed on the 22<sup>nd</sup> day of November, 1855,  
& that the land Claimed lies in the said  
District. That the said claim is invalid.  
Wherefore appellants pray that the  
said decision of the Board be  
reversed & that this Court decree  
the said title to be invalid.

Respectfully &c,

E. W. Dwyer,  
U. S. Dist Atty

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No. 268.

U.S. District Court for the  
Northern District of California

The United States

vs

Michael C. Nye

Petitioner

Filed April 21, 1856.

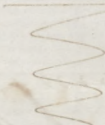
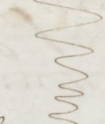
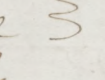
Cherres,  
Deputy.

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A. Russell

In the United States District Court  
holden for the Northern District of  
California.

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United States Appellants  Case No.  
vs  268  
Michael C. Nye Appellee 

Stated Term. ~~March~~ ~~February~~ 16. 1857.  
This cause, being an appeal from a  
decision of the United States Land  
Commissioners, appointed under an  
Act of Congress, passed March 3rd: 1851,  
to ascertain & settle private land claims  
in the State of California, coming on  
for hearing at a stated term of  
said Court, on the record & trans-  
cript of the proceedings of said Board of  
Commissioners in said case, and the  
petition and answer in this Court,  
and the District Attorney of the United  
States having been heard for the Appel-  
lants and Counsel appearing for  
the Appellee, it is ordered ad-  
judged and decreed that said claim  
is valid and that the same is  
hereby confirmed.

It is further ordered adjudged &  
decreed that the decision of said

Commissiõners is in all things affirmed  
It is further ordered adjudged and  
decreed, that the land of which confir-  
mation is hereby made, is ~~of the extent~~  
~~of four leagues~~ <sup>and permits</sup> known by the name  
of Willy, situated in the County of  
Butte State aforesaid, and bounded  
as follows, on the south by the place  
known as the Rancho del Arroyo Chico  
at the distance of about half a league  
south of the mouth of the Arroyo  
Seco; on the North by a line run-  
ning parallel with said South line, and  
a distance of four leagues from it, on  
the West by the Sacramento river, and on  
the East by a line parallel with the  
general course of said river, on the  
West side of said premises, and at  
the distance of one league from the  
same, reference being had to the  
Map which is on file in this case  
for a more particular description  
of the location of said premises; containing  
four (4) square leagues of land and  
no more —

John Hoffman  
U. S. Dist. Judge

This decree is correct.

Wm. Blanding  
Dist. Atty.

No 268

United States

vs

Michael C. Nye

Secue

Filed Feby 16. 1857.  
W. A. Cheverus,  
Deputy.

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At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the City of SAN FRANCISCO, on *Tuesday* the *twenty fourth* day of *March* in the year of our Lord one thousand eight hundred and fifty-seven.

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Present :

The Honorable OGDEN HOFFMAN, District Judge.

*The United States*

*v*

*Michael C. Nye.*

*D. C. 268; L. C. 226.*

*In this case, on application of the United States attorney made in open Court, it is ordered by the Court that an appeal in behalf of the United States from the final decision of this Court rendered at the present term, be, and the same is hereby granted; and that a certified & transcript of the pleadings, evidence, depositions and proceedings in the said cause be sent to the Supreme Court of the United States without delay.*

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United States District Court, Northern  
District of California.

*The United States*

vs.

*Michael C. Nye*

ORDER.

*granting appeal*

Filed *March 24<sup>th</sup>* 1857

*John A. Moursner*  
CLERK.

By *M. St. Charles,*  
DEPUTY.

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U. S. Dist Court

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The United States

v

Michael E. Nye

} D. C. 268; L. C. 226.

This claim was confirmed by the Land Commission.

This case rests upon the grant called the general title issued by Gov. Micheltorena and delivered to Capt Geo A. Sutter.

The validity of this grant was fully established by the Land Commission and by the District Court in Case No 33, Hensley claimant and in Case No 2, Claude Chana claimant.

It was proved in this case that a copy of the general title was given to the claimant duly certified by Capt. Sutter.

The testimony shows that the claimant is one of the persons designated as the grantee in the said general title.

The premises are accurately defined.

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And the occupancy of the land is fully  
proved by the evidence.

No objection will be interposed by the  
United States against the confirmation  
of this claim.

San Fran: Sep 16<sup>th</sup> 1857



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*U. S. Dist Court*

*The United States*

*v*

*M. C. Aye*

*L. C. 226*

*Brief*

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No 268.

The United States

vs

Michael, C. Nye

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- Page 3. Petition of Claimant to Board U.S. Land Commission
- " 4. Deposition of J. Sanders; proves occupation -
- " 6. " S. J. Hensley, Proves location & occupation Signatures
- " 8. " John Bidwell, Proves Signatures &c.
- " 10. " Copy map attached to Expediente.
- " 11, to 14. Spanish Copy Expediente -
- " 15 & 16. Spanish Copy of General Title from Micheltorres
- " 17. Translation of Expediente, to wit Petition of Claimant to Gov. Micheltorres, his decree referring it - Secretary of State Report of Sam and of J. A. Sutter, that land is vacant &c.
- " 18. Translation of General Title, from Micheltorres.
- " 19. Stipulation that Original General Title filed in case 201, Sam & J. Hensley Claimant shall be used & considered filed in this case
- " 19. Stipulation Making the written Statement of Sutter Evidence of genuineness of Certified Copy of General Title delivered to Claimant
- " 21. Copy deposition of Sutter taken in case 201, S. J. Hensley Claimant and filed in this case by Stipulation (See page 19, of transcript)
- " 25. Copy deposition of Sutter taken in case 182, Peter Lassen Claimant and filed herein by Stipulation. (See page 20, of transcript)
31. Opinion of Board U.S. Land Comm Confirming Claim -
33. Decree of Confirmation.

No. 268.

U. S. District Court for the  
Northern Dist. of California

The United States

vs

Michael. C. Nye

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E. C. Crosby  
Atty for Claimant

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

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San Francisco, Aug. 10<sup>th</sup> 1855.

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 31st,  
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. 22 on the Docket of the said Board, wherein  
Michael C. Nye is  
the Claimant against the United States, for the place known  
by the name of "Willy."  
and request your receipt for the same.

I am, Respectfully,  
Your Obedt Servant,

Geo. Fisher.  
*[Signature]*