

CASE No.

273

NORTHERN DISTRICT

---

PART OF NUEVA FLANDRIA GRANT

WILLIAM W. WARNER

CLAIMANT:



NOV 12 1962  
MAR 20 1963

PLANTING  
FLOWER BOND  
25A-COTTON PAPER  
U.S.A.



787

Scap



V. 100

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PAGE 1

# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. 787.

*William W. Warner*

CLAIMANT

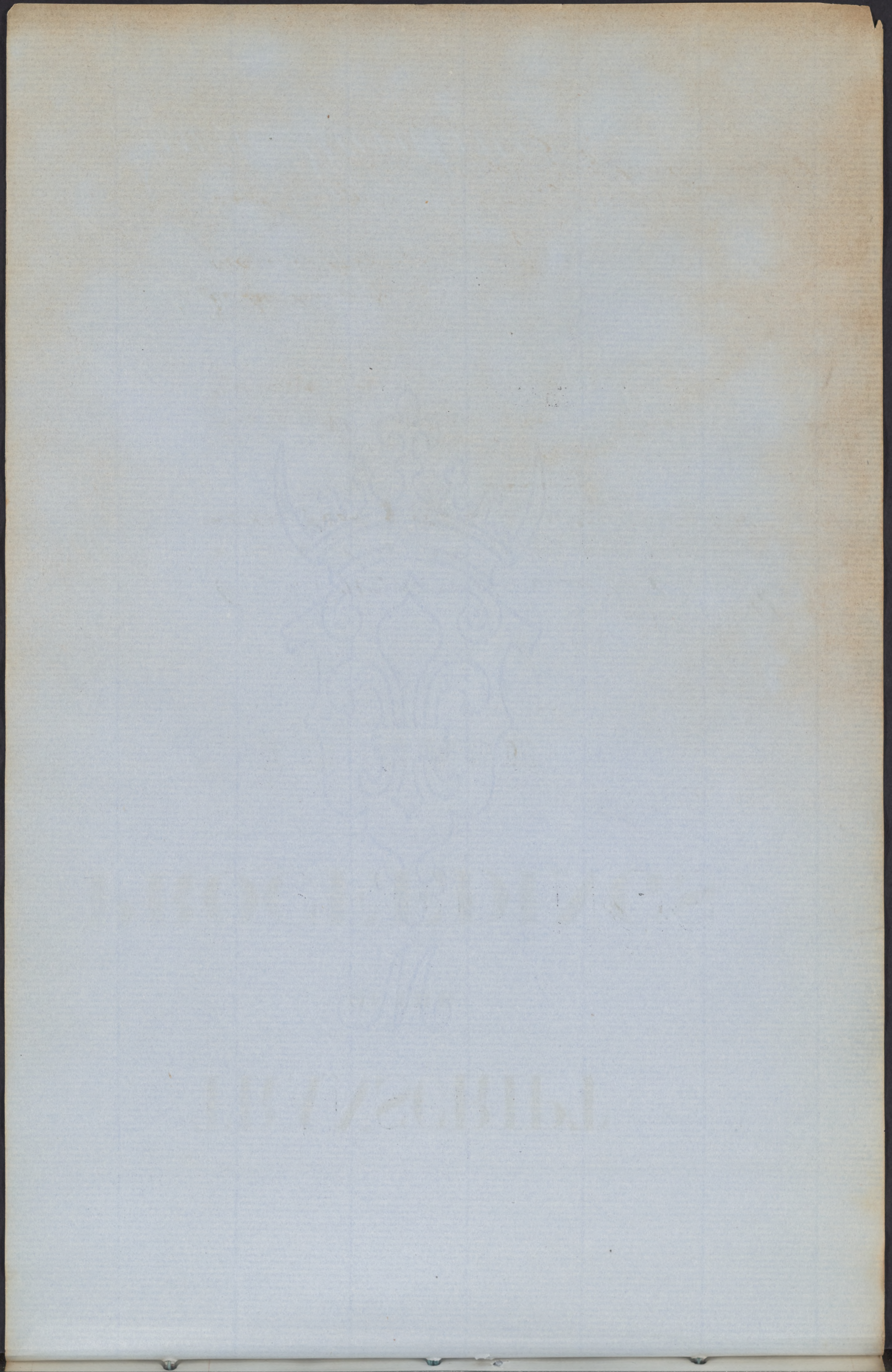
VS.

THE UNITED STATES, DEFENDANT,

*part of*  
FOR THE PLACE NAMED

*Nueva Hispania.*







Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this second day of March, 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 William W. Warner, <sup>part of</sup> for the Place named "Nueva Flandria," was presented, and ordered to be filed and docketed with No. 787 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 9' 1855.  
Case no. 787, Wm. W. Warner for part of the place named "Nueva Flandria," was ordered to be placed at the foot of the 4<sup>th</sup> class cases on the trial docket.

San Francisco, March 13' 1855.  
Case no. 787 was submitted under the Rule of 21<sup>st</sup> of March 1854.

San Francisco, March 27' 1855.  
In the same case Commissioner R. Aug. Thompson received the Opinion of the Board respecting the claim:  
(Vide page 5 of this Transcript.)

and the following order was made, to wit;

(Vide page 7 of this Transcript.)



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To the Honorable Board of Commissioners



To The Honorable Board of Commissioners  
for Settling Private Land Claims in the  
State of California.

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This the Claim and Petition  
of Wm. W. Warner of the City of Sacramento  
in said State, respectfully shows:

That heretofore to wit on or about  
the seventh day of October A.D. 1845, one  
Juan de Swab the Original Claimant  
of the lands herein referred to, solicited  
the said lands by petition therefor  
addressed to José de la Rosa, first  
Alcalde of Sonoma District, in which  
District said lands are situated.

Petition

That in and by said Petition the  
said Swab solicited the said Alcalde  
to grant him permission to occupy  
the said lands with his herds of  
Cattle and Horses temporarily which  
he was soliciting from the Depart-  
mental Government of the California  
the lawful title therefor.

That on said day the said Alcalde  
directed J. A. Sutter Military Com-  
mandant at New Helvetia to report  
in relation to the matters contained  
in said petition.

And that on the thirty first day of  
said month the said Commandant did  
report and certify to said Alcalde that  
the same were vacant and belonged  
to no corporation or town whereupon  
the said Juan de Swab had possession  
of and occupied the said lands.

That hereafterwards the said Swab



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solicited the same lands from General Manuel Michelorena Governor of said California and said Governor in consideration of Military Services of said Swak rendered in the Army of the Mexican Government (Republic) ordered and authorized the said J. A. Putter to grant & confirm the said lands to said Swak, to wit:

The lands known as the Rancho de Nueva Flandria consisting of three square leagues situated on the margin of the river Sacramento in said District of Sonoma opposite to the Establishment property of the said J. A. Putter called Nueva Helvetia and being bounded on the North and South by vacant lands, on the East by the said river and on the West by Arte and overflowed lands,

That the time of the Petition of said Juan de Swak to said Governor for said lands was during a period of civil war revolution and danger, and of much confusion in civil affairs in said California, and as this claimant is informed and verily believes the said Governor was thereby prevented from making a formal grant to said Swak of said lands and being on the point of hurriedly leaving the said California in consequence thereof he ordered and authorized the said Putter to grant and confirm the same as aforesaid, and the said Swak was thereafter fully recognized and acknowledged as the owner of said lands by the said Putter and other officers

of the Government of the said California



lands by the said Swab and other officers

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PAGE 5

of the Government of the said California, and continued to be the owner thereof till his death, to wit: till after the beginning of the year eighteen hundred and fifty. And this claimant among other evidences and testimony relating to the premises and tending to establish his claim hereinafter referred to, relies upon the said petition of said Swab to said Alcalde &c, his said petition to said Governor and the map of said lands accompanying the same and to other documentary testimony which this claimant is informed & believes is now in possession of the heirs or legal representatives of said Swab and hereafter to produce copies and translations of said petition and map being herewith filed and marked respectively "Exhibit" B" & "Exhibit" C"

And this claimant further shows that afterwards, to wit on or about the third day of December A.D. 1849 by deed dated on that day the said Juan de Swab being then the owner of said lands did sell and convey to this claimant and to his heirs and assigns forever, for valuable consideration, all the right title and interest of him the said Juan de Swab in and to the one third part of a portion of said lands, to wit; that portion lying and being on the west side of said rivers, commencing at the mouth of the American Fork, running two miles south, and one



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and one and one half miles west from the river, as with other matters will fully appear by the certified copy of said deed herewith filed and marked Exhibit "L".

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That this Claimant is aware of no other valid claim to said land, conveyed to him as aforesaid by said Swak and that no official survey has as yet been made of the same by the U.S. Surveyor General.

Wherefore this Claimant, claims the said lands described in said deed marked Exhibit "L" as the one third owner thereof, and prays that this Honorable Board will pronounce in favor of his claim thereof and will confirm the validity of his said claim and right to the said lands and otherwise justice to administer in the premises.

J. W. Chittenden  
Robert Finson  
Attorneys & Counsel of Claimant

Filed in Office March 2<sup>nd</sup> 1853,  
Geo. Fisher  
Sec

Spain See follows

Propiedad de ...  
Cetne 7 de 1843. Dijo } Constitucional de



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Progado 1.º de Sonoma, Por. Alcalde 1.º  
 Ocho y de 1845. Inpo } Constitucional de  
 me el Comandante del } Sonoma.  
 establecimto de Nueva- } Quem de Swat Ori  
 Helvetia lo que crea q. } ginal de Holanda  
 sea mas enormente a- } y meicano por natu  
 cerca de la presente soli } ralizacion ante. V.  
 tud. } con el debido respeto

B.  
 Expediente

José de Cas Rosa, un y como mas haya lugar  
 Comandancia militar en derecho me presento  
 de las fronteras del Estado y digo: que teniendo  
 Nueva Helvetia Octubre en poco de pasado  
 31.º de 1845. Certifica que uno y Caballada  
 que el terreno que solicita y encierra de un  
 el Sr D.º Quem de Swat. terreno propio para  
 es Valdivia y pertenece a su propiedad el solici  
 ninguna Corporacion y de V. se digna con  
 ruelo. }

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L. A. Dutter } de que ponga en el ter  
 } rreno Valdivia que demue  
 esta el adyunto diseño mis dichos bienes  
 colindante por el E. con el Rio del Sacra  
 mento en frente del Establecimiento del  
 Sr Dutter unbro. V. y por otro unbro con  
 el tulare; y el terreno de que se ha ce  
 menenon es de seis sitios de cargo y medio  
 situ de cinco poco mas o menos que com  
 prenderá tres sitios en el Interim q. solici  
 to del Gobno los titulos legales de ley

Por tanto a V. Suplico se sirva acceder  
 a mi solicitud de quien esperaré gracia  
 y merced pronto lo necesario y me  
 suspense el uso del papel sellado por  
 este lugar no hay.

Sonoma Octubre 24.º de 1845  
 (Signed)

Juan de Swat.  
 Como O.º Gobernador

Quem de Swat Originario  
 de Holanda y meicano por naturalizacion  
 ante V. C. con el mas profundo respeto  
 hace presente que desearia dedicarse  
 a la Agricultura y al fomento de su



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ganado y Caballada a V. E. suplica se  
sirva concederle el terreno Valdivo situa  
do a Quilla del Rio del Sacramento y  
consta de tres sitios de ganado mayor y  
son sus linderos; al Norte tierra baldia  
al E. El Rio del Sacramento al O. Ter  
ra Valdivo; y al S. tularas y tierras inunda  
das siendo la parte del Norte en frente  
del Establecimiento de nueva Helvetia  
como manifiesta al deseno que devida  
mente acompaña.

A. V. E. me se suplica acceder a esta mi  
petición por lo cual recibirá merced y gra  
cia dispensando el uso de papel común  
por falta del sellado.

Nueva Helvetia @ 3 de Noviembre  
de 1845.

(signed) Juan de Swab

Here follows  
map.

Filed in Office March 2<sup>nd</sup>  
1853.

Geo: Fisher Deery



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Senor Alcalde 1<sup>ta</sup> Constitucional de Sonoma.

Primary Court  
of Sonoma Oct  
7<sup>th</sup> 1845.

Let the Com.  
mandants of the  
Establishment  
of New Helvetia  
report what he  
believes & what  
is most fitting  
in relation to  
the present  
petition.

(Signed)  
Jose de la Rosa

Military Comman-  
ding of the  
Northern Frontier  
New Helvetia  
Oct 31<sup>st</sup> 1845.

I certify that the  
land which Mr  
John de Swah  
solicits is vacant  
& belongs to no  
corporation or  
town.

(Signed)  
J. A. Sutter.

I, John de Swah, a native  
of Holland & Mexican by  
naturalization with due  
respect and as is proper  
in the premises present  
myself before Your Honor  
and say that being possess-  
ed of a limited number  
of Cattle & horses and being  
in need of a tract of land  
suitable for the keeping  
thereof.

I pray that Your Honor  
may be pleased to concede  
to me permission that  
I may place my said  
property upon the  
vacant land which is  
set forth and described  
in the accompanying  
map.

Bounded on the East by the  
River Sacramento fronting  
the establishment of Mr  
Sutter, on Western line  
and by said line with Antose  
lands, and the said land  
consists of six leagues in  
length and one half league  
in width which includes  
three square leagues.

This I am soliciting from the  
Government the lawful  
titles thereof.



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Wherefore I pray that Your Honor from whom I hope for grace and favor will be pleased to accede to this my petition and that I be excused from the use of Sealed paper as in this place there is none.

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Sonoma October 7<sup>th</sup> 1845.

(signed) Juan de Swat.

To His Excellency the Governor,  
John de Swat a native of Holland & Mexican by Naturalization presents himself to Your Excellency with most profound respect and shows; that being desirous to devote himself to agriculture and to the raising of Cattle & Horses he begs Your Excellency may be pleased to grant to him the vacant lands situated on the margin of the River Sacramento & composed of three square leagues.

The boundaries thereof are: on the North vacant land on the East the Sacramento River, on the South vacant land and on the west Fulus and overflowed lands,

The Northern part thereof being opposite the Establishment of New Helvetia, as is shown by the map which duly accompanies this petition.

He begs that your Excellency will be pleased to accede to this his petition by which he will receive grace and favor, excusing the use of common paper on account of want of sealed paper. New Helvetia November 3<sup>rd</sup> 1845.

(signed) Juan de Swat.

Filed in Office March 2<sup>nd</sup> 1853.

Geo. Fisher Sec.

This Indenture made and entered into



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This Indenture made and entered into  
this the 3<sup>rd</sup> day of December in the year  
of our Lord One Thousand Eight Hundred  
and forty nine between Juan de Swat  
of Salmon Fishery west side of Sacramento  
River in Sonoma District Territory  
of California of the first part and W<sup>m</sup>  
W. Warner of Sacramento City of the second  
part.

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"L"  
Seed.

Witnesseth that the said Juan de Swat  
for and in consideration of one dollar  
to him in hand paid, the receipt  
of which is hereby acknowledged, hath  
bargained and sold and these presents  
doth bargain sell and convey unto the  
said William W. Warner, his heirs and  
assigns forever, all rights title and interests  
in and to one third of that tract of land  
being and lying on the west side of  
the Sacramento river, commencing  
at the mouth of the American Fork, running  
two miles south and one and a half miles  
west from the said river, said land  
being in the District of Sonoma Terri-  
tory of California, to have and to  
hold the same unto the said William W.  
Warner his heirs and assigns forever  
and the said Juan de Swat for himself  
his heirs, executors and administrators  
doth further covenant to and with  
the said William W. Warner, his  
heirs and assigns, that the title to the  
foregoing premises he will forever  
warrant and defend, against the claim  
or claims of any or all persons what-  
soever.

In Testimony whereof the said party



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of the first part, hath hereunto set his hand and seal the day and year aforesaid

L. L. de Swat (Seal)

signed, sealed & delivered

in presence of  
John H. Bolton  
E. J. G. Newen.

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State of California }  
County of Yolo } p.

On this 11<sup>th</sup> day of March A.D. 1851  
before me a Deputy Recorder in and  
for the County aforesaid personally appeared  
L. L. de Swat known to me to be the party  
mentioned in and ~~who~~ executed the foregoing  
instrument in writing and who acknowledged  
that he executed the same freely and  
voluntarily, and for the uses & purposes  
therein set forth & expressed.

Given under my hand & private seal  
in the absence of an official one / the  
day and date last above written.

(Seal)

Chas. J. Collins  
Dep Recorder Yolo Co

Received for Record at 10 A.M. on the  
11<sup>th</sup> day of March A.D. 1851.

State of California }  
County of Yolo }  
J. H. Griffith County  
Recorder within and for the County

and state aforesaid do hereby certify the above  
and foregoing to be a true copy of the



and State aforesaid do hereby certify the above and foregoing to be a true copy of the original deed as it now appears of record upon folios 190 & 191. of Liber "A" of Deeds, Records of Gold County.

In Testimony whereof I have hereunto set my hand and affixed the seal of said County this the 4<sup>th</sup> day of February, A.D. 1853 at Office in Washington,

H. Griffith  
Recorder

Filed in Office March 2<sup>nd</sup> 1853.  
Geo. Fisher Sec

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1855 Wm. Warner  
The United States

Part of America Florida



Wm W. Warner }  
As } Part of Nova Florida  
The United States }

This claim is unsustained by any testimony and is therefore rejected.

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Filed in Office March 27, 1855  
Geo. Fisher Sec

Opinion by  
Commissioner  
R. Aug Thompson

787  
William W. Warner }  
As }  
The United States }

Decree

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the petitioner is not valid and it is therefore decreed that his application for a confirmation thereof be denied.

Alphens Felch

R. Aug Thompson

L. B. Farwell  
Commissioner

Filed in Office March 27, 1855  
Geo. Fisher Sec



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And in appearing to the satisfaction  
of this Board that the land hereby  
adjudicated is situated in the Northern  
District of California it is hereby  
Ordered:

Order

That two transcripts of the  
proceedings and of the decisions in  
this case and of the papers and evidence  
upon which the same are founded  
be made out and duly certified  
by the Secretary, one of which  
transcripts shall be filed with the  
Clerk of the United States District  
Court for the Northern District  
of California and the other be trans-  
mitted to the Attorney General of  
the United States.



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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 *Seventeen* pages, numbered from  
1 to 17, 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. 787 on the Docket of the said Board,  
wherein *Wm W Warner* is

the Claimant against the United States, for the place known by  
the name of "*Part of Nueva Flanidia*"

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

*G. Fisher*  
Geo. Fisher  
*G. Fisher*



U. S. DISTRICT COURT,

*Northern* District of California.

No. *273* - **273**

THE UNITED STATES,

vs.

*Wm W Warner*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *787*

Filed, *October 1st* 185*5*

*J. A. Mousse,*

*Clk.*







Exmo Sr. Gobernador

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Juan De Sicut originario de Holanda  
 y Mexicano por naturalizacion ante  
 V. E. con el mas profundo respeto  
 hace presente:  
 que el terreno que solicito el Sr. Dn. Juan De Sicut  
 es baldio, y no pertenece a ninguna corporacion  
 o Pueblo de las fronteras de la Comandancia Militar  
 de las fronteras del Norte. Nueva Helvecia  
 a 13 de Noviembre 1844.  
 A. Sutter

Que deseando dedicarse a la agricultura y el fomento de su  
 ganado y caballeria, a V. E. suplica se sirva concederle el terreno  
 situado a orilla del rio del Sacramento y consta de tres sitios de ganado mayor  
 y son sus linderos; al N. tierra baldia, al E. el rio del Sacramento, al S. tierra  
 baldia, y al O. tularos y tierras inundadas, siendo la parte del Norte in frente  
 del establecimiento de Nueva Helvecia, como manifiesta el diseno q. debidamente  
 acompaña.

P. J.

A. V. E. ruega se digne acceder a esta su  
peticion p. lo cual recibira merced  
y gracia, dispensando el uso de



*proprietario de la finca del Sr. D. Pedro*

*Nueva Granada de Cundinamarca*

*Noviembre de 1777*

*Juan De Suaz*

*[Faint handwritten text]*



M. Manuel Micheltorena, Gral. de Brigada del  
Ejército Mexicano, Ayudante Gral. de la Plaza Mayor  
del Mismo, Gobernador, Comand. Gral. e Inspector  
del Departamento de California.

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No pudiendo ahora por estar sumamente  
ocupado este Gobierno Supremo Departamental extender  
uno por uno los títulos respectivos a todos los ciudadanos  
que han solicitado terrenos con informes á su favor  
del Sr. D. Augusto Sutter, Capitan y Juez encargado de  
la Jurisdiccion de Nueva Elvecia y Sacramento á nom.  
bre de la Nacion Mexicana les confiere por estas letras  
la propiedad p.<sup>a</sup> ellos y sus familias de los respectivos  
terrenos marcados en sus instancias y diseños á todos y  
á cada uno de los que hallan solicitado y obtenido info-  
rnes favorable del expresado Sr. Sutter hta hoy día de  
la p.<sup>a</sup> sin que nadie pueda disputarles su propiedad,  
sirviendo les una copia de este que les dará mas adelante  
te el Sr. Sutter de título formal, con el q. se presen-  
tarán á este Gobierno p.<sup>a</sup> extenderles el mismo título  
en la debida forma y papel sellado correspondiente  
y p.<sup>a</sup> la debida instancia en todos tiempos sea  
este documento que será reconocido y acatado por  
todas las autoridades civiles y militares de la Na-  
cion Mexicana en este y en los demas Departamentos  
autorizado debidamente con los sellos Militar y  
de Gobierno, en Monterey á veinte y dos de Diciembre  
de mil Ochocientos cuarenta y cuatro.

Man. Michel<sup>ta</sup>

Certifico que es copia del Original, e que el  
Ciudadano Juan de Luvart tiene derecho de este  
Documento.

Nueva Helvecia Abril quinto de mil Ochocien-  
tos cuarenta y cinco

J. A. Sutter  
Comandante Militar de las  
fronteras del Norte y Encargado de  
la Justicia



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*[Faint, illegible handwritten text in cursive script, likely bleed-through from the reverse side of the page.]*