

CASE No.

302

**NORTHERN DISTRICT**

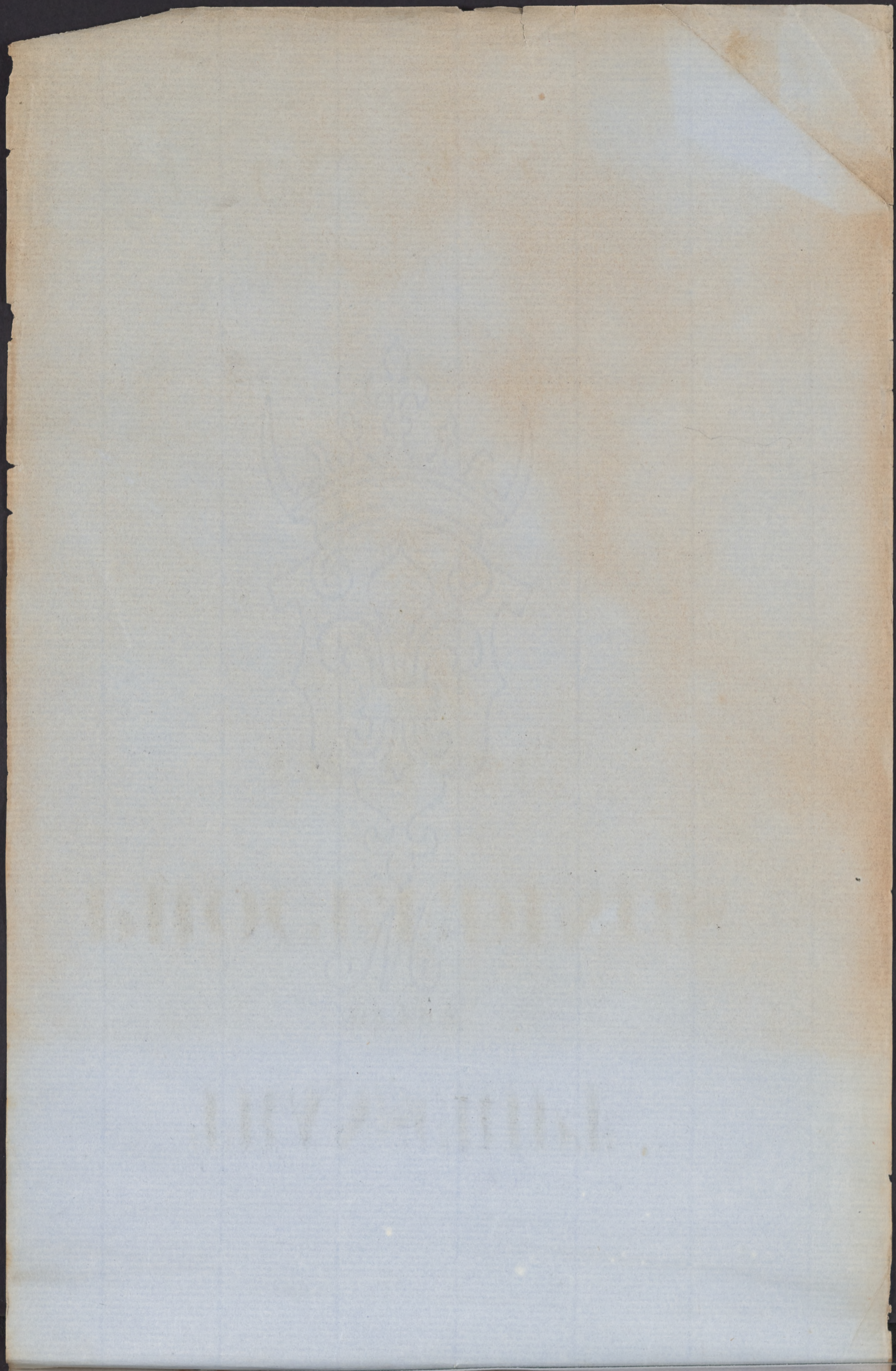
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NEMSHAS GRANT

CLAUDE CHANA

CLAIMANT:

196  
Dup



TRANSCRIPT  
OF THE  
PROCEEDINGS

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PAGE 1

IN CASE

NO. 196.

*Claude Chama* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Nemshab."*

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

1951

1951

PHYSICS DEPARTMENT

PHYSICS DEPARTMENT

1951

PHYSICS DEPARTMENT

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 *twenty first day of April*, 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 *Claude Lehana*,  
for the Place named  
*"Nernshas"*  
was presented, and ordered to be filed and docketed with No. 196 and is as follows, to wit;

(Vide page 5 of this Transcript.)

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

San Francisco April 23<sup>rd</sup> 1852.

In case no. 196, Claude Lehana for the place named "Nernshas", the deposition of John Biavell, a witness in behalf of the claimant, taken before Commissioner Harry J. Trouton, was filed;

(Vide page 6 of this Transcript.)

San Francisco, February 28<sup>th</sup> 1853.

In the same case the Counsel for the claimant filed the following motion, to wit,

Claimant in this case moves the Board to allow a supplemental Petition to be filed in the above claim, embracing other parties claiming under the original claimant.

(Signed) Rose,  
for claimants

Which motion having been sustained, the Board granted the leave asked for.

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San Francisco March 2<sup>d</sup> 1853.  
In the same case the Counsel for T. P. Turner &  
Albert Rowe presented a supplemental Petition, which  
was ordered to be recorded, and filed among the  
papers in the case;

(Vide page 23 of this Transcript)

San Francisco March 3<sup>d</sup> 1853.  
In the same case the Counsel for William  
Morton presented a Supplemental Petition, which  
was ordered to be recorded and filed among the  
papers in the case;

(Vide page 25 of this Transcript)

San Francisco March 14<sup>th</sup> 1853.  
Case no. 196, on motion of the United States  
Law Agent, was placed on the Trial Docket,

San Francisco March 28<sup>th</sup> 1853.  
Case no. 196 called: Ordered to the foot of the  
Trial Docket.

San Francisco April 11<sup>th</sup> 1853.  
Case no. 196 called: The Counsel for the Claimants,  
Mr. Rose, read the petition and the papers in evidence;  
the United States Associate Law Agent filed his  
brief - submitted and taken under advisement  
by the Board.

San Francisco April 22<sup>nd</sup> 1853.  
Commissioners Meand Hall and Harry J. Fronton returned  
to the Secretary the papers appertaining to case no. 196  
(and others) which they had under advisement, without  
making decisions thereon: after which they withdrew  
and ceased to act as Commissioners and mem-  
bers of this Board.

San Francisco April 24<sup>th</sup> 1853.  
Case no. 196, on motion of the United States  
Law Agent, was placed on the Trial Docket.

San Francisco July 11' 1853,  
Case no. 196, on motion of the United States Law Agent  
was ordered to be placed on the Trial Docket,

San Francisco August 1' 1853,  
Case no. 196 was submitted upon briefs on both  
sides.

San Francisco August 9' 1853.  
In the same case the counsel for the claimant  
filed the following Stipulation, to wit,  
(Vide page 48 of this Transcript)

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San Francisco March 13' 1854,  
In the same case an authenticated copy of the deposi-  
tion of John A. Sutter, a witness in behalf of the  
claimant taken in Case no. 201 before Commissioner  
James Wilson on the 13<sup>th</sup> May 1852, was filed as  
evidence in this case, in accordance with Stipulation  
(Vide page 11 of this Transcript)

In the same case an authenticated copy of document  
marked H. H. & J. W. annexed to the deposition of John  
Bidwell, a witness in behalf of the claimant in Case  
no. 201 taken before Commissioner Melanb Hall, on the  
16<sup>th</sup> April 1852, was filed as evidence in this case  
in accordance with Stipulation;  
(Vide pages 21 & 48 of this Transcript)

San Francisco, November 29' 1854.  
In the same case the counsel for the claimant  
filed the following Stipulation, to wit,  
(Vide page 49 of this Transcript)

San Francisco January 23' 1855.  
In the same case Commissioner Stephens Felch  
delivered the opinion of the Board confirming  
the claim.  
(Vide page 63 of this Transcript.)

And the following order was made, to wit,  
(Vide page 81 of this Transcript)

N.



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NO  
PAGE

*Handwritten text from the reverse side of the page, including the number 5 and some illegible cursive script.*

To the Hon the Board of Land  
Commissaries for settling Private Land  
Claims in California.

Petition.

The petition of Claudio  
Chano respectfully submits to Your Hon  
Board the accompanying Title & Trans  
lation of a grant of land consisting of  
Four leagues & situated on the South side  
of Bear Creek in Cuba County which  
said grant was made to Theodoro Leand  
by Gov Pichotoma under the laws of Mexico  
on the 26 July 1844 the one half of which  
said land was by said Leand conveyed to  
your petitioners on the 1st June 1844.

Your petitioners further rep-  
resents that there is no conflicting claim  
to said land as known to him that said  
land has been in actual occupation & cultiva-  
tion from the date of the grant to the present  
time as will be fully proved by witnesses  
to be produced before Your Hon Board.

All which is respectfully  
submitted for such action as the Justice  
and nature of the case may require.

Wise for  
Petitioner.

Title marked B  
Translation " C  
Transfer " W.

Filed in Office April 21, 1852.

Respectfully  
Geo Fisher Secy.

Office of the Board of  
Commissioners of California  
Land Claims.  
San Francisco April 22, 1852.

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Deposition  
of  
John Bidwell

On this day before Henry D Thimble and  
of the Commissioners for ascertaining and  
settling private land claims in the State of  
California cause John Bidwell a witness  
produced in behalf of Claude Chauva Claimant  
in the case of his petition being Number 146  
on the docket of the Board & after being duly  
sworn testified as follows.

The Law Agent was notified and attended  
by Mr. Grubbrow.

Questions by the Claimant.

Question 1<sup>st</sup>.

What is your name age & place  
of residence.

Answer.

My name is John Bidwell My  
age thirty two years and my residence Chico  
Butte County California.

Question 2<sup>d</sup>.

Are you acquainted with  
Thaddeus Sisco the Claimant in this behalf  
if so state how long & where you have known  
him -

Answer.

I am acquainted with him and  
have known him since March 1843 in Sac-  
ramento Valley, in this State.

Question 3<sup>d</sup>.

State whether or not you know of  
any grant of land being made to him of your  
State by whom, when and under what  
circumstances.

Answer.

Amicus.  
Answer.

He received a grant in 1844 by virtue of what was called a grant title made to him and sundry other persons all of whom were citizens of the Sacramento Valley and who had solicited land and obtained favorable information from Capt John C Sutter previous to the 22<sup>nd</sup> of December 1844.

Quest 4.

State the location of the land granted to the Claimant in this behalf.

Answer.

The land is on the South Side of Bear Creek a tributary of Feather River in California.

Quest 5 -

Will you examine the document on file in the Office of the Secretary of the Board of Land Commissioners in California being referred to as Exhibit B in the petition filed by Claude Chano and which is No 496 on the docket of Cases and state whether you know the hand writing of Michelina Menut Simon & John A Sutter, and if so are their signatures where they occur in and upon the said document Exhibit B their genuine signatures, and state also whether the Map which is part of said Exhibit & attached thereto is a correct delineation of the land granted to the Claimant.

Answer.

I have examined the said document Exhibit B. I am acquainted with the hand writing of the persons named in the question and their signatures are genuine where they occur in & upon the same. The Map appended thereto is a correct delineation of the land granted.

Justin C.

State if you know whether any efforts were made to obtain a perfect title or one in due form in this case and what you may know in this subject!

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Answer.

I was employed by Mr. Searns to take this Expediente to Los Angeles to obtain the title in due form in the Spring of 1846 but was prevented from doing so by the breaking out of the war and the difficulty with the Indian who interposed between Sacramento where I had the Expediente and Los Angeles.

Justin C.

Do you know whether this land was occupied and cultivated by the grantee & when & how.

Answer.

In the year 1845, I think in the Summer of that year the grantee went upon the said land built a house upon it enclosed part of it & sowed grain upon it & he also took stock with him upon said land.

Justin C.

How long did the said grantee continue to live upon this land.

Answer.

He continued to occupy it until 1848.

Crop Inty. by the United States Law Agent.

Crop Inty pt. - Do you know whether any petition in this case was presented to Gov. Micheltornia

Answer.

Yes for I presented it myself.

Justin C.

How often did you present it to him.

Answer. I presented it to him three times in the year 1848 & once in the year 1849.

How often did you present it to him.

9

Answer.

I presented it to him twice once in July 1844 & once in the fall of the same year. Question 3.

What was the object in presenting it to him the second time.

Answer.

Because the grantee desired to make his settlement & improvements and wished to be safe in doing so.

Question 4.

Did you on the second occasion of your application ask Muchittornia for a title in due form of law.

Answer.

I did for this land as for others with which I was charged for the same purpose.

Question 5.

What amount did the Governor give to your application.

Answer.

The Governor said that when he came up to Sacramento he would make the title or dispatch him at that time.

Question 6.

Did you ever repeat your application?

Answer.

I did not.

J. Bidwell,

Sworn to & Subscribed before me the 22<sup>nd</sup> of April 1852

Henry J. Thornton Com. C.

Filed in Office April 22, 1852

(Signed)

Geo. Fisher Secy

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Case No 211

Upon the docket for confirmation  
of the grant of Rancho Aguas  
Cubas.

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Board of Commissioners to  
ascertain and settle Private  
Land Claims in California.

On this 13<sup>th</sup> day of May AD 1852 Comisario  
Don James Nelson one of said Commissioners  
Capt John A Sutter a witness offered by  
Annuel D Hensley petitioner and being duly sworn  
gave the following testimony -

Deposition of  
J A Sutter,

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

In answer to interrogatories propounded by  
petitioner I caused the Deposition answers as  
follows.

I am acquainted with the handwriting  
of Don Micheltonna and have seen him write my  
letter - The paper now shown to me as an  
original paper and purporting to be the  
certificate of the Goemra of Naturalization of Don  
D Hensley as a citizen of Mexico is a genuine  
paper and the signature of Don Micheltonna  
to said paper is his true signature -

The Comisario has affixed  
his initials to said paper and marked it as  
follows. D. N. No. 1. I have also compared  
said paper with Document marked Exhibit C  
on the files in this Office Cause and I 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

11  
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 to be a genuine paper and the signatures of Gov. Manuel Micheltorona, Secy Manuel Simino, the signature of Saml J. Hensley and my own signature where they occur on said paper are all genuine signatures of those several persons.

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The last paper attached to said Exhibit A marked by the Commission as follows. I. N. I have carefully examined and I state that I gave a copy of this original paper which I had received from Gov. Micheltorona to Saml J. Hensley as Security for the land he claims, until such time as he could perfect his title to the same according to the forms required. I gave that copy to S. J. Hensley and about the 20th of April AD 1845.

The map which is attached to the original paper marked I. N. M. 2 is an original of which a copy is attached to Exhibit B in this cause.

I was Military Commander of the Northern frontier and exercised Civil Jurisdiction in all the Northwestern portion of the Territory of Upper California in the years 1844 & 1845. I know the Rancho Aguas Frias claimed by Saml J. 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 be put in Judicial possession of the Rancho Aguas Frias. I did not give him Judicial possession of the same as he requested for the reason that I was engaged in a Military Campaign with Gov. Micheltorona from Jan 4, 1845



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to the 1st of April 1845. immediately on my return from the said Campaign I had to go out again on an Indian Campaign.

Soon after my return from the said Indian Campaign Col Fremont came with his party into that Section of the Territory and a general revolution followed throughout California. I soon ceased to exercise either Military Command or Civil Jurisdiction. For these reasons I could not comply with his request.

Upon Examination of the witnesses by G. N. Cooley Esq. Law Agent of the U.S. the witness says that his Civil Jurisdiction extended from the San Joaquin Northward over the whole Sacramento Valley.

J-

J. A. Sutter

The Law Agent G. N. Cooley Esq. objects generally to the foregoing Rep<sup>t</sup> as incompetent and wrong generally all legal objections.

May 13. 1852. Subscribed and sworn to before me

James Wilson Commissioner

George Fisher Secretary to the U.S. Land Commission to ascertain and settle the Private Land Claims in the State of California hereby certifies that the foregoing is a true and correct copy of a document in Case No 201 wherein Saml J Hensley claims the place called Aguas Frias now on file in this office

In testimony whereof I have hereunto signed my name. Office of the Secretary of the above named Commission - San Francisco this 4th day of March AD 1854.  
Geo Fisher Secy

Filed in Office  
March 13. 1854.  
(Signed)  
Geo Fisher Secy

Dello cuarto Dos Reales:

Habilitado provisionalmente por la Aduana  
maritima del puerto de Monterrey en el de-  
partamento de las Californias, para los años  
de mil ochocientos cuarenta y cuatro y mil  
ochocientos cuarenta y cinco.

B.

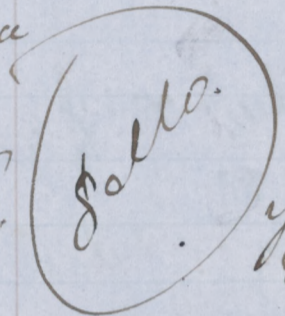
Especto

Michelarena

Pablo de la Guerra

Claudio Chava

Rancho de  
Nemshas.



Excmo Señor Gobernador

Theodoro Dicke, nativo de Francia  
y mejicano de Naturalicion, ante  
V. E. con el mas profundo respeto

se presenta y espone; que

Monterrey Julio 25 de 1842, habiendo adquirido alguno  
algunos bienes del campo  
y deseando dedicarse  
a la agricultura, he regis-  
trando un terreno Valdivia si  
Cere necesario.

Michelarena

tracado en los margenes del  
arroyo de los Osos o Lameas  
y conocido con el nombre de

Nemshas cuyos linderos son al N. al Arroyo  
de los Osos; al E. La Sierra Nevada al S.  
tierra baldia y al P. terreno del Señor  
Sutter q. consta de cuatro sitios de ganado  
mayor como manifiesta el diceno q. debi-  
damente acompaña.

P. J. A. V. E. mego se digné conceder  
se otro terreno en lo que recibirá merced.  
Nueva Helvecia julio 6 de 1844.  
Quedo de V. E. el mas atento.

Devto.

M. Theodoro Dicke

Excmo. Señor Gobernador.

A muchas solicitudes de C. naturaliza-  
cion como la precedente, se les ha puesto la pro-  
videncia de esperarse hasta que V. E. pueda  
hacer la visita por los Rios del Sacramento  
y San Joaquin y como tambien no hay un  
diceno general de aquellos terrenos no se pu-  
dian hacer tal vez con hacienda las conse-  
ciones que se pretenden por lo que si a V. E.  
le tuviese a bien podria quedar pendiente este  
especto hasta que no se despachen las solici-

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trades à que me referen.

Monterey Julio 26. de 1844.

Mano Jimeno

Monterey Julio 26. de 1844.

Ocupelo provisionalm<sup>te</sup> hasta su subda  
despachay

Michelt<sup>a</sup>

El terreno que se solicita en este p<sup>te</sup>. } Su juez y encargado de  
damente es baldio m<sup>te</sup>. } la jurisdiccion de Sacra-  
y no pertenece a } m<sup>te</sup>.

persona pueblo o } Pedro Teodoro Ocarid  
corporacion y p<sup>a</sup>. } Mejicano p<sup>te</sup> naturaliza-  
cion à V. suplico se sirva

los fines que convenga } informar si el terreno q<sup>d</sup>.  
gan doy este informe, manifeste el adjunto

Nueva Helvetia } auseno es baldio con todo  
à 1<sup>o</sup> de Julio de } lo demas q<sup>d</sup>. V. crea nece-  
1844. } sario: Que teniendo que

L. V. Mitter } pasar à la Capital à Ocarid  
mi particion à Manos del

C. J. Gobernador para impetear de S. Ocho  
terreno y siendo preciso el informe de V.

como juez de jurisdiccion à q<sup>d</sup>. pertenece  
p<sup>o</sup> ~~obrar~~ <sup>privar</sup> la demora que sufriria mis in-  
stancias en el tramite de informe si tuvier

se q<sup>d</sup>. venir desde Monterey hasta aqui  
p<sup>o</sup> el y regresar à aquella capital p<sup>o</sup>  
el decreto definitivo de S. O. A. V.

suplico se sirva informar al margen de este  
solicitud lo q<sup>d</sup>. crea de justicia dispensam  
do el uso de papel comun p<sup>o</sup> falta del sel  
lado.

Nueva Helvetia à 1 de Julio de 1844  
Queido de V. el mas atento Ocarid

P. T. Teodoro Ocarid

Here follows  
Maps.

15  
Espedl<sup>o</sup>  
B  
Continued

Manuel Micheltona Gñal de Brigada  
del Ejercito Mexicano Ayudante Gñal  
de Caballana Mayor del mismo Gobernado  
comandante Gñal e inspector del depar  
tamento de Californias.

No pudiendo ahora por estar sumamente  
ocupado este Gobierno Supremo Departam  
ental, estender uno por uno los titulos res  
pectivos à todos los enidadanos of. haw. so  
licitados terrenos con informes à su favor  
del Sr D. Augusto Outter Capitan y juez  
encargado de la jurisdiccion de Nueva  
Helvetia y Sacramento à nombre de la  
nacion Mexicana les confiro por estas letras  
la propiedad de ellos y sus familias de los  
respectivos terrenos marcados en sus instan  
cias y diseños à todos y à cada uno de los  
of. hawson solicitado y obtenido informe  
favorable del expresado Sr Outter, hasta hoy  
dia de la fha; sin of. nadie puede dispu  
tarles su propiedad. ovienoles una  
copia de este que les darà mas adelante  
el Sr Outter de titulo formal con el of. se  
presentaran à este Gobierno para estender  
les el mismo titulo en la devida forma  
y papel sellado correspondiente; y para  
la devida constancia en todos tiempos  
de este documento of. sera reconocido  
y acañado por todas las autoridades civiles  
y militares de la Nacion Mexicana; en este  
y en los demas departamentos, autorizado  
debidamente con los sellos militar y Guber  
no en Monteray, à veinte y dos de Diciembre  
de mil ochocientos y enarenta y enatro

Dij. Manl. Micheltona  
Certifico que ocupa.

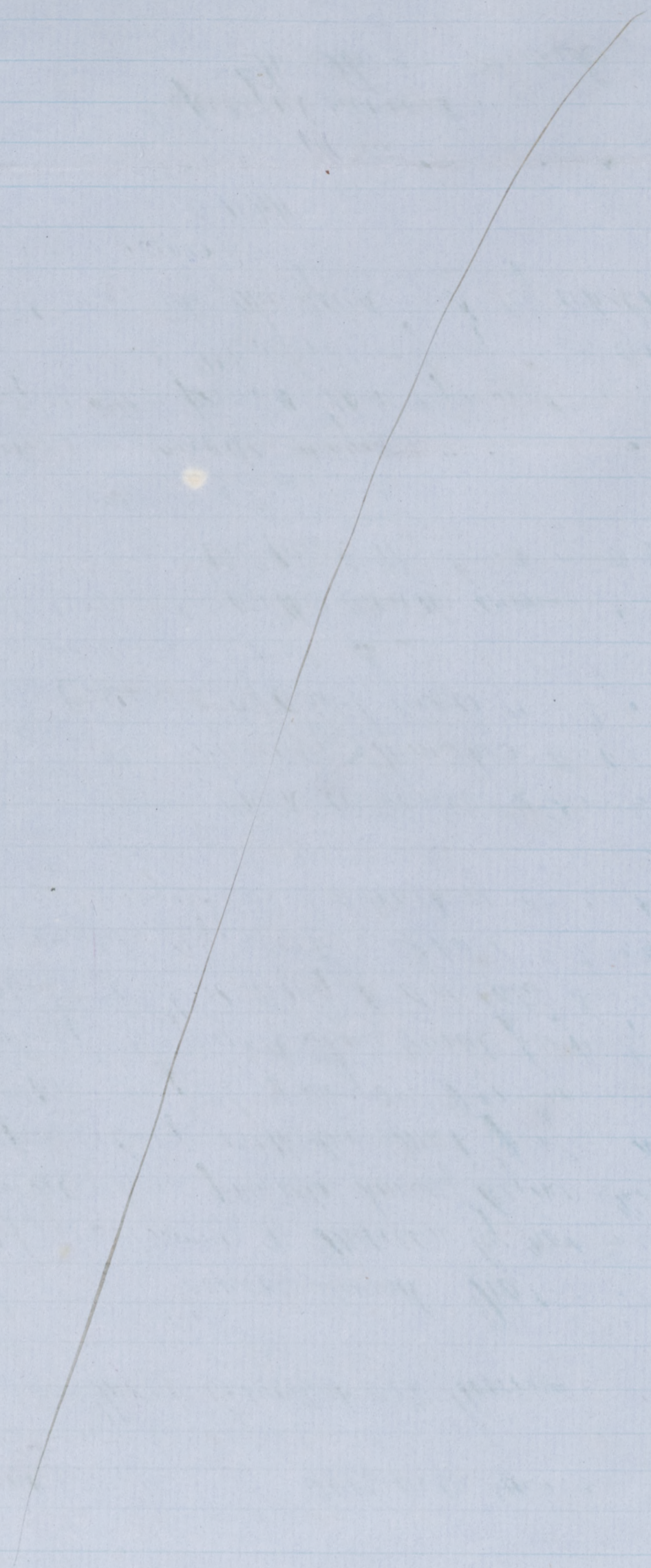
Nueva Helvetia Mayo 20 de 1846  
J. A. Outter

Uleam Office April 21<sup>st</sup> 1852

Geo. Fisher Deery

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North Star. Two Reals.

Provisionally authorized by the Maritime  
Custom House of the Port of Monterey in the  
Department of the Californias for the years 1844  
& 1845.

Micheltorina

Sabodula Guarra.

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L.S.D.

Most Excellent Sir Governor.

Translation.

Monterey.

July 25. 1844.

Let the Sir be  
of State report  
on this petition  
taking previously  
such information  
as he may deem  
necessary.

Micheltorina  
uuuuu.

Theodore Leonard Patriot of  
France & Mexican by Naturaliza-  
tion presents himself before Your  
Excy with the most profound  
respect & says. That having  
acquired some rural property  
and desiring to dedicate myself  
to agriculture I have selected  
(registered) a tract of vacant  
land situated on the Margin of  
Bear Creek or Soncas & known by  
the name of Gumshus the Caun-  
daries of which are on the North  
Bear Creek on the East the Sierra  
Purada on the South vacant lands  
& on the West the land of Sanor  
Sotto & consists of four square

Leguas (sitios de Ganada Mayor) as the Map  
which duly accompanies this represents.

Wherefore I pray Your Excy.  
to dign to concede me said land by which  
I will receive favor!

San Helobio July 6. 1844.

I remain Your Excy's Most  
Respectful Servant.

Th. Theodore Leonard

uuuuu

Senior Governor.

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To many petitions of a like nature with the preceding has been placed the necessity of waiting until your Exc<sup>t</sup> Com<sup>y</sup> make the visit up the River Sacramento & San Joaquin and as also there is no general map of these lands the concessions which are sought cannot be made perhaps with effect but if your Exc<sup>t</sup> Com<sup>y</sup> proprio this Expediente may remain as it is until the petition to which I refer shall have been dispatched.

Monterey July 26. 1845.

Mans Ameno.

Monterey July 26. 1845.

Let him accept it provisionally until my decision on my visit above.

Muchillo.

uuu

Senior Judge charged with the Jurisdiction of the Sacramento.

The land which is solicited in this petition is vacant & does not belong to any person

Public or Corpora-  
tion & for suitable purposes I give this information  
And Hebeo-  
July 1. 1844.

J. A. Satter.

uuu

Pedro Theodore Leonard Mexican by Naturalization I pray your Honor to inform me if the land represented by the annexed map is vacant with every other information your Honor may think necessary. That having to pass to the Capitol to Com<sup>y</sup> out my petition to the hands of His Exc<sup>t</sup> the Gov<sup>r</sup> to obtain of His Exc<sup>t</sup> said Gov<sup>r</sup> the information of your Honor as Judge of the Jurisdiction to which it belongs being

to obviate the delay which my application would suffer in the progress of obtaining the information if it were necessary to come from Monterey to this place first & to return to the Capital for the definitive decree of his Majesty. I pray Don Honor to give on the Margin of this petition the information which you may believe just allowing the use of common paper for the want of sealed paper.

Puebla Mexico July 1. 1844.

I remain Dear Sirs Most faithful  
Servant.

Peter Theodore Secard.

uuuu

Manuel Micheltondo Brigadier Gen of the Mexican Army, Adjutant Gen of the Staff of the same Governor, Commandant Gen & Inspector of the Department of the Californias.

This Supreme Departmental Government not being able at this time on account of being excessively occupied to extend our orders the respective titles to all the Citizens who have solicited lands with information in their favor of the Senior Don Augustus Sutter Captain and Judge charged with the Jurisdiction of New Mexico & Sacramento. In the name of the Mexican Nation I grant by these titles the ownership for them & their heirs (families) of the respective lands designated in their petitions and maps to all & to each one of those who may have solicited & obtained favorable reports from the said Senior Sutter up to the day of this date, so that no one may dispute their ownership a copy of this which the Senior Sutter shall at some future time give them proving them for a formal title with which they shall present themselves to this Govt. that



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thine may be extended to show the same title  
in due form and an corresponding sealed paper  
& for due Establishment of this fact per-  
manency in all time I give this document  
which shall be recognised & respected by all  
the authorities Civil & Military of the Mexican  
Nation in this & in the other Departments it being  
duely authenticated by the Military seal & that  
of the Govt. in Monterey on the 22<sup>a</sup> Dec. 1844 -

(Copy)  
Mano Micheltramé,

I certify this to be a copy  
J. H. Sutter,  
Pres. Mexico 20 Aug 1846.

I certify the foregoing to be  
a true and correct translation from the original  
Spanish on file in this Office in Case No.  
194. "Caudo Chema" -

(Copy)  
Geo Fisher  
Secy

Filed in Office April 21. 1852.

(Copy)  
Geo Fisher  
Secy

Manuel Micheltona General of Brigade  
of the Mexican Army, Adjutant of the Staff  
thereof Commander General and In-  
spector of the Departments of the Califor-

Translation = mas.

Doc: H. Hall  
D. W. proved  
by Dutten &  
Richwell  
and annexed

to the Depo: of  
the latter before  
Com: Hall's  
in Case No.  
207.

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Not being able now on a count of  
being closely occupied, this su-  
preme Departmental Government  
to issue one by one the Respective  
titles to all the Citizens who have petition  
for lands with a favorable information  
from Senor Don Augustus Dutten Captain  
and Judge in Charge of the jurisdiction  
of New Helvetia and Sacramento in  
the Name of the Mexican Nation by  
these letters confer upon them and their  
families the lands described in their  
applications, and Maps to all and  
each one of them who has solicited and  
obtained favorable information from said  
Senor Dutten up to the day of this date so  
that no One can dispute their title.  
Senor Dutten will give them a Copy of this  
in furtherance of a formal title with which  
they will present themselves to this Govern-  
ment to issue the said title in the proper  
form and upon corresponding sealed paper  
and in testimony whereof in all time I give  
this document which shall be recognised  
and respected by all the Civil and Military  
Authorities of the Mexican Nation in this  
and the other Departments, duly authenticated  
with the seal of the Government and the  
Military Seal in Monterey the 22<sup>nd</sup> of  
December 1844.

(Signed) Manuel Micheltona

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I George Gisha, Secretary to the  
U. S. Land Commission ~~vs~~ ~~vs~~ hereby  
certify the foregoing to be a true and correct  
translation of a Spanish document in  
Case No 198 on the docket of this Board  
marked Doc. H. Hall & L. W. proved  
by Sutter and Bidwell annexed to the  
depo: of the latter before Comr Hall in  
Case No 201. Samuel L. Hensley, Do  
the United States.

Witness my Officially signature  
this 13<sup>th</sup> day of March 1854

FILE  
ND

Of the Hon Board of Comrs for settling private land claims in California.

The petition of Thomas P. Farnis & Albert Reas Supplemental to the petition of Claude Chaud filed in Claim No 141, respectfully shows,

Supplemental  
Petition.

That on the 26<sup>th</sup> July 1844 President Buchanan Governor of California by authority of the power in him vested granted to Theodore Secord a certain tract of land called Mumschas situate in the present County of Butte, as described by the title papers filed in said claim in the office of the Sec of this Board hereby referred to and prayed to be taken as part of this petition

That on the 11<sup>th</sup> June 1844 said Secord sold & conveyed to Joseph Black a certain portion of said tract of land as more particularly set forth in the deed of conveyance which is herewith submitted marked B.

That on the 26<sup>th</sup> day of May 1845 said Black sold & conveyed to Francisco and Nicholas Lipago said portion of said tract of land, more particularly shown in the deed of conveyance which is herewith submitted marked C. That on the 12<sup>th</sup> Sept 1844 said Francisco & Nicholas sold and conveyed to Augustino Chatillo said portion of land as set forth in the deed of conveyance herewith submitted marked D. That on the 2<sup>d</sup> July 1852 said Chatillo sold & conveyed said portion of land to Charles H. Hoyle said portion as set forth in the deed of conveyance herewith submitted marked C, -

That on the 2<sup>d</sup> July 1852 said Hoyle sold and conveyed to John Turner the one undivided half said portion as set forth in the deed of conveyance herewith

Submitted marked G. That on the 22<sup>d</sup> Oct said Turner sold & conveyed to Thomas P Turner one of your petitioners his said undivided interest in said portion of land as set forth in the deed of conveyance herewith Submitted marked G.

Our Petitioners further show that on the 3<sup>d</sup> Sep 1852 said Knott sold & conveyed the remaining undivided half of said portion to Henry Robinson as set forth in the deed of conveyance herewith Submitted marked H.

That on the 24<sup>th</sup> January 1853 said Robinson sold and conveyed to Albert Rose the other of your petitioners his interest in said portion as set forth in the deed of conveyance herewith Submitted marked I.

Our Petitioners further show that said portion of land comprises the quantity of land contained in one mile in length by Three Mexican leagues in length.

That said tract of land has been in the quiet undisputed possession of your petitioners & those under whom they shall hold since the date of the grant.

That they rely for confirmation of said claim on the original title papers above referred to & upon the evidence taken in Claim No 14<sup>th</sup> in which this is prayed to be admitted as a supplemental petition.

Wherefore they pray confirmation of their claim to said land.

Rose for Claimant  
Filed in Office March 2<sup>o</sup> 1853  
(Signed) Geo Fisher Secy

Supplemental  
Petitioner  
m

302 NH  
PAGE 24

Of the Hon the Board of Commrs  
for Settling private Land Claims in California.  
The petition of William Martin  
Supplemental to the petition of Claude Chance  
in Claim No 196 in the Office of the Secretary  
of this Board respectfully shows.

That on the 26 July  
1814 Manuel Michelena by authority of  
Laws of Mexico granted to Theodore Seard  
a certain tract of land called Pimshas situated  
in the present County of Yuba with the  
Caudanos described in the grant & accompany-  
ing map which said original of map are  
filed in the claim above named hereby referred  
to & prayed to be taken as part of this petition

That on the 10th Feb  
1837 said Seard sold & conveyed to Saml  
petitioner a certain portion of said tract  
more particularly described in the deed of  
conveyance which is herewith submitted marked  
B. That said portion of land contains  
one and a half square leagues.

Said Petitioner further  
shows that said land has been ever since  
the date of the grant & is now in the grant &  
undisturbed possession of Saml petitioner and  
those under whom he holds.

That he relies for confirma-  
tion of his claim upon the original title papers  
& upon the testimony filed in the above mentioned  
Claim No 196. Wherefore he prays confir-  
mation of his title to said land.

Wess for  
Claimant S

Filed in Office March 3. 1853

(Signed)

Geo Fisher Secy

Read  
from  
Seward  
to  
Martin.

Know All Men by these presents  
that I Theodore Seward of Upper California  
and my heirs and assigns have this day  
given granted and conveyed and by these  
presents do give grant and convey unto  
William Martin his heirs and assigns for  
and in consideration of the sum of Three Hunda-  
red and fifty dollars lawful money of the  
United States in hand paid by the said William  
Martin - All that certain tract or piece of  
land containing one and a half square leagues  
and situated on the Southern side of the Southern  
Bank of Bear Creek Upper California more  
particularly described as follows on the North  
by the said Bear Creek of which it has  
an extension of one league and a half on the  
East by a line running parallel with the  
Eastern boundary of the land of John A  
Sutter and one league and a half East of  
the said land on the South by a line running  
parallel with Bear Creek and one league  
distant from the said land and on the West by  
the land of John A Sutter being the same  
tract or piece of land which the said Theodore  
Seward by a certain and bearing date the twenty  
fifth day of March Anno Domini 1845 granted  
unto the said William Martin his heirs  
and assigns.

To Have and To Hold the  
said one and a half square leagues of land above  
described as firmly and to all intents and purposes  
as the said land is held unto me the said Theodore  
Seward and my heirs in virtue of a document  
which I hold as a general title unto such  
titles as the government shall be able to  
grant a proper title on legal paper and in  
due form unto the said William Martin

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his heirs and assigns forever.

And I the said Theodore Sicard for myself my Executors administrators and assigns do covenant promise and agree to and with the said William Martin his heirs and assigns to warrant and forever defend the said William Martin and his heirs against all and every person claiming by through or under me the said Theodore Sicard or my heirs or assigns.

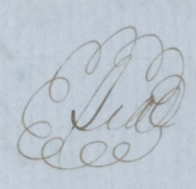
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In Witness whereof I the said Theodore Sicard have hereunto set my hand and seal this tenth day of February in the year of our Lord one thousand eight hundred and fifty one - 1851.

Theodore Sicard. Esq  
Signed Sealed and delivered  
in presence of us  
James Cushing  
J. B. Howard

State of California  
County of Dubuque

On this tenth day of February A.D. one thousand eight hundred and fifty one personally appeared before me James Cushing a Notary Public of the County of Dubuque Theodore Sicard known to me to be the person described in and who executed the foregoing instrument who acknowledged to me that he executed the same freely and voluntarily for the uses & purposes therein mentioned.



Given under my hand & seal,

James Cushing  
Notary Public for the  
County of Dubuque,

Filed in Office March 3. 1853.

(Signed) Geo Fisher Secy



B  
Deed  
from  
Secard  
to  
Black.

Know All Men by these Presents that I  
Theodore Secard of Bear Creek Sacramento  
County for and in Consideration of the sum of  
fifty Dollars to me in hand paid the receipt  
whereof is hereby acknowledged have this day  
given granted and set over and by these  
presents do give grant and set over unto Jo-  
seph Black his heirs and assigns all the right  
title and interest which I hold in and to a certain  
tract of land situated upon the Southern bank  
of Bear Creek which flows from the Sierra  
Sierrada in a westerly direction and empties  
into Feather River on the East side or into  
pools and low lands contiguous thereto and  
beginning at the mouth of a certain Slough  
about two hundred yards above the place  
known as the Old Craying and thence extending  
downwards is bounded as follows. On the  
North by Bear Creek, on which it has an  
extension of one mile, on the East by a line  
which shall be run from the mouth of the  
above mentioned Slough in a southerly  
direction for the distance of one Mexican  
league or the whole width of my claim of  
land as granted by the Mexican Govern-  
ment to the South by a line which limits my  
claim of land is above referred to. On which  
it has an extension of one mile and on the  
West by a line which shall be run in a North-  
Westerly direction parallel with the Eastern bound-  
ary until it reach Bear Creek -

To Have and To Hold  
all my right title and interest in and to the  
said tract of land unto the said Joseph  
Black his heirs and assigns to the only  
propriety and behoof of the said Joseph  
Black his heirs and assigns against every  
and all whom it may concern

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proprietors and attorney of the said Joseph Black his heirs and assigns against each and all person or persons whomsoever lawfully claiming or to claim by them or under their title or any of them shall and well warrant and defend forever by these presents.

In Witness whereof I hereunto set my hand and seal at New Helvetia on this fourteenth day of June in the year of our Lord one thousand Eight Hundred and forty seven -

Thodore Sicard Esq  
Signed Seal and  
delivered in the presence of us

Signed Seal and delivered in my presence  
this fourteenth day of June AD 1847.  
John Sinclair Esq  
Magistrate -  
Sacramento District -

State of California }  
County of Pluma } SS.  
Town of Marysville }

On this twenty ninth day of April one thousand Eight Hundred and fifty personally appeared before me Theodore Sicard known to me to be the person aforesaid in and who executed the foregoing conveyance and acknowledged before me that he executed the same as his free act and deed for the purposes therein mentioned -

Stephen J Hill  
Just. Alcalde of Marysville  
and Justice of the Peace

Filed in Office March 3, 1853.  
(Signed) Geo Fisher Secy.

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C

Went from

Black

to

Lepage,

This Instrument made and Entered into  
 on the twenty sixth day of May A.D. Eighteen  
 Hundred and forty eight by and between  
 Joseph Black of the Pueblo de San Francisco  
 de Yuta in Upper California of the one part  
 and Francisco Lepage and Nicolas Lepage  
 of the same place of the second part.

Witnesseth That the said  
 party of the first part for and in consideration  
 of the sum of Two Hundred dollars to him  
 in hand paid by the said party of the second  
 part receipt whereof is hereby fully confessed  
 and acknowledged hath bargained sold and  
 conveyed and by these presents doth grant  
 bargain sell and convey unto the said party of  
 the second part and to their heirs and assigns  
 forever all his right title interest and claim  
 in and to a tract of land lying and being  
 in the Sacramento Valley being situated upon  
 the Southern bank of Bear Creek which flows  
 from the Sierra Nevada in a westerly di-  
 rection and empties into Feather River on  
 the East side or into ponds and two lands  
 Antiquous thereto and beginning at the mouth  
 of a certain Slough about two hundred  
 yards above the place known as the old  
 crossing and thence extending downward is  
 bounded as follows viz, on the North by Bear  
 Creek on which it has an extension of one  
 Mile at the least by a line which shall be  
 run from the mouth of the above mentioned  
 Slough in a Slough southerly direction for the  
 distance of one Mexican league or the width  
 of a claim of land which is held  
 by Thomas Beard and from which the  
 said party of the first part derived this  
 right by purchase as will be seen by the

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accompanying and from the mentioned Theodore Seard on the South by a line which limits the claim of said Theodore Seard above referred to and on which it has an extension of one mile and on the west by a line which shall be run in a North and two parallel with the Eastern boundary until it reach Bear Creek.

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To Have and To hold the same with all the rights and privileges thereunto belonging to them the aforesaid party of the second part and to their heirs and assigns forever.

In Witness whereof I have hereunto set my hand and seal bearing Evidence to the Signature of the said Joseph Black who signs with me and aforesaid witnesses day and year first above written -

Joseph Black

Chs White Pt Alcalde  
Pueblo de San Jose.

A Chatillo

State of California }  
County of Santa } D.D.

On this twenty ninth day of April AD one thousand Eight Hundred and fifty personally came before Melgostin Chatillo known to me who being duly sworn did depose and say that he resides at Pueblo de San Jose that he knew Joseph Black the person described in and who executed the foregoing conveyance that he saw said Joseph Black sign and execute the foregoing conveyance and deliver the same after the execution thereof

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PAGE 31

to Francisco Lopez and Nicolas Lopez  
the grantee named in said conveyance  
and that at the same time that the said  
Joseph Black executed the said con-  
veyance he acknowledged that he executed  
the same as his present and dead for the  
purpose therein mentioned and that through  
the said Chatelo at the request of said  
Black subscribed his name as a witness  
thereto -

Stephen J Field  
First Recorder of Mansfield  
and Justice of the Peace.

Filed in Office March 3, 1853.

(Signed) Geo. Parker Secy

D  
Lopez et al  
to  
Chatelo.

This Indenture made and entered on  
the twelfth day of September AD Eighteen  
hundred and forty nine by and between  
Francisco Lopez and Nicolas Lopez of the  
Pueblo de San Jacinto Gr<sup>o</sup> in Upper Cali-  
fornia of the one part and Augustin Chatelo  
of the same place of the second part  
Witnesseth that the said  
parties of the first part for and in consid-  
eration of the sum of Twenty Hundred  
dollars to them in hand paid by the said  
parties of the second part receipt whereof  
is hereby fully confessed and acknowledged  
have bargained sold and conveyed and by  
these presents do bargain sell and convey  
unto the said parties of the second part and  
to his heirs and assigns forever all their  
right title interest and claim in and to

110  
111  
112

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a Tract of land lying and being in the Sacramento Valley being situated upon the Southern bank of Bear Creek which flows from the Sierra Nevada in a westerly direction and empties into Feather River on the East side or into ponds and low lands contiguous thereto and beginning at the Mouth of a certain Slough about Two Hundred yards above the place known as the Old Crossing and then

Extending downwards is bounded as follows viz - On the North by Bear Creek on which it has an extension of one Mile on the East by a line which shall run from the Mouth of the above mentioned Slough in a southerly direction for the distance of one Mexican league or the width of a Claim of Lane of land which is held by Thomas Sicard and from which the said party of the first part derived their right by purchase as well as seen by the accompanying deed from the mentioned Joseph Black on the South by a line which limits the Claim of the said Thomas Sicard above referred to and on which it has an extension of one Mile and on the West by a line which shall be run in a northerly direction parallel with the Eastern boundary until it reach Bear Creek To have and to hold the same with all the rights and Privileges thereto belonging to him the aforesaid party of the second part and to his Heirs and Assigns forever -

In Witness Whereof I have hereunto set my hand and Seal bearing Date due to the Signature of the said Francisco Sepap and the said Nicolas Sepap who signs with me and assisting -

Witnesses day and Year first above written -

Francis Lopez 83  
Nicolas Lopez 83

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Attest,  
H. Lamer,

Filed in Office March 3. 1858.

(Signed) Geo. Fisher Secy.

Read  
from  
Chatelle  
to  
Hoyt.

I know all men by these presents  
that I Augustus Chatelle of the City of San  
Jose County of Santa Clara and State of  
California for and in consideration of the  
sum of Two Thousand dollars to me in  
hand paid by Charles H Hoyt of the  
County of Yuba and State of California  
the receipt of which is hereby acknowledged  
and confessed have granted bargained  
sold and conveyed and by these presents do  
hereby grant bargain sell and convey unto  
the said Charles H Hoyt and unto his  
heirs and assigns forever all my right title  
interest and demand in and to a certain piece  
or tract of land lying in the Sacramento  
Valley and in the County of Yuba in said  
State of California and described as fol-  
lows: Being situated upon the Southern  
bank of Bear creek which flows from the  
Sierra Nevada in a westerly direction and  
empties into Feather River on the East side  
or into ponds and low lands contiguous there-  
to and beginning at the mouth of a certain  
Stream about two hundred yards above the  
place known as the old crossing and then  
extending downwards is bounded as follows  
viz - On the North by Bear creek on which

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it has an extension of one mile on the East  
 by a line which shall run from the Mouth  
 of the above mentioned Slough in a Southern  
 direction for the distance of one Mile or  
 thereabouts or the width of a claim of land  
 which was held by Theodore Deard on the  
 South by a line which limits the claim of said  
 Theodore Deard above referred to and on  
 which it has an extension of one mile and on  
 the west by a line which shall run in a North  
 East direction parallel with the Eastern boundary  
 until it reaches Bear Creek River the said  
 track or portion of land conveyed to me  
 by and from Francis and Nicolas Lopez  
 dated the 12th day of September AD 1844  
 and recorded at Mansfield in Liber 1 of  
 Deeds pages 151 & 152 on the 29th day of April  
 1850.

To Have and To Hold the  
 same together with all and singular the rights  
 privileges tenements and appurtenances therunto  
 belonging or in any wise appertaining unto  
 him the said Charles H. Hoyt his heirs and  
 assigns forever free from the claim or claims  
 of all and every person or persons claiming  
 the same by through or under me -

In testimony whereof I the  
 said Augustin Chatuto have hereunto set  
 my hand and seal this the second day  
 of July AD 1852

A Chatuto EB  
 State of California  
 County of Santa Clara

At this second day of  
 July AD 1852 personally came before me a  
 Notary Public in and for the said County  
 Augustin Chatuto known to me to be the person  
 described in and who executed the foregoing



instrument as a part, thereto and who acknowledge to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

Seal

Witness my hand and private seal having no notarial seal provided, this day and date above mentioned.

J. C. Minor  
Notary Public,

Filed in Office March 3, 1853.

Esquid, Geo F. Ship Secy.

F.  
Recd  
From  
Receipt  
To  
Turner

Know all Men by these Presents that I Charles H. Hoyt of the County of Yuba and State of California for and in consideration of the sum of One Thousand Two Hundred and fifty Dollars to me in hand paid by John Turner of the County of Sacramento and State of California the receipt whereof is hereby acknowledged and expressed have granted conveyed and sold and conveyed and by these presents do grant bargain sell and and convey unto the said John Turner and unto his heirs and assigns forever all of my right title and interest and demand in and to and undivided half of all that certain tract piece or parcel of land lying being and situated in the Sacramento Valley and County of Sutter in said State of California and bounded and described as follows -

"Being situated upon the Southern Bank of Bear River which flows from the Sierra Nevada in a westerly direction

Southern Bank of Bear Creek which flows from  
the Spring Branch in a westerly direction

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and empties into Feather River or into ponds  
and low lands contiguous thereto and begin-  
ning at the Mouth of a certain Slough about  
two hundred yards above the place known as  
the Old Camp and then extending downwards  
is bounded as follows. On the North by Bear  
Creek on which it has an Extension of one  
Mile on the East by a line which shall run  
from the Mouth of the above mentioned  
Slough in a southerly direction for the dis-  
tance of one Musican league or the width of  
a claim of land which was held by Theodore  
Dicard. On the South by a line which limits  
the claim of said Theodore Dicard above  
referred to and on which it has an Extension  
of one Mile and on the West by a line which  
shall be run in an northerly direction paral-  
lel with the Eastern boundary until it reaches  
"Bear Creek" Being the undivided one half  
part of the same tract of land conveyed  
to me by and from Augustin Chatelle  
dated this second day of July AD 1832

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To Have and To Hold the  
same together with all and singular the  
rights privileges tenements and appurtenances  
thereto belonging or in any way appertaining  
unto him the said John Demer his heirs  
and assigns forever free from the claim or  
claims of all and every person or persons  
claiming the same by through or under me.

In Testimony whereof I the  
said Charles H Hoyt have hereunto set  
my hand and seal this the second day  
of July AD 1832.

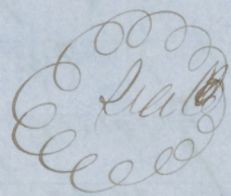
Charles H Hoyt ES  
Signed Sealed and Delivered  
in presence of  
James M. Mayes

State of California  
County of Santa Clara 3<sup>rd</sup> Jo.

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On the second day of July  
AD 1852 personally appeared before me  
a Notary Public in and for said County  
Chas H Keyt satisfactorily proved to me  
to be the person disinterested in and who executed  
the foregoing conveyance by the oath of James  
M Massey a competent and credible witness  
for that purpose by me duly sworn and he  
the said Chas H Keyt acknowledged that  
he executed the said freely and voluntarily  
for the uses and purposes therein mentioned

In Testimony whereof I have  
hereunto set my hand and affixed  
my seal Official Seal at Office  
in the City of San Jose on the  
24 day of July AD 1852.



William S. Smith  
Notary Public

Filed in Office March 3, 1853

Copied! Geo Fisher Secy

G  
Read  
from  
Sumner  
to  
Sumner

Know all Men by these Presents that  
I John Turner of the County of Sacramento  
and State of California for and in considera-  
tion of the sum of one thousand Five Hundred  
dollars to me in hand paid by Thomas P Turner  
of the County of Sacramento and State of  
California the receipt whereof is hereby ac-  
knowledged and confessed have granted  
conveyed and sold and conveyed and by  
these presents do grant bargain sell and convey

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into the said Thomas P. Turner and unto his  
 his heirs and assigns forever and my right, title  
 and interest and demand in and to one undi-  
 vided half of all that certain tract piece or  
 parcel of land lying and being in the Sacramen-  
 to Valley and County of Sutter in said  
 State of California and bounded and describ-  
 ed as follows. Being situated upon the Southern  
 bank of Bear Creek which flows from  
 the Sierra Nevada in a westerly direction  
 and empties into Feather River on the East  
 side or into ponds and low lands contiguous  
 thereto. And beginning at the mouth of  
 certain Slough about two hundred yards  
 above the place known as the Old Crossing  
 and then extending downwards is bounded  
 as follows. On the North by Bear Creek on  
 which it has an Extension of one Mile on  
 the East by a line which shall run from the  
 mouth of the above mentioned Slough in a  
 southerly direction for the distance of one  
 Indian league or the width of a claim of  
 land which was held by Mariano Serrano. On  
 the South by a line which limits the claim  
 of said Mariano Serrano above referred to  
 and on which it has an Extension of one  
 Mile and on the West by a line which shall  
 be run in a northerly direction parallel  
 with the Eastern boundary until it reaches  
 Bear Creek. Being the undivided and  
 half part of the same tract of land con-  
 veyed to me by and from Chas McHenry  
 dated the second day of July AD 1852.

In Witness Whereof I have signed the  
 same together with all and singular the rights  
 privileges tenements and appurtenances thereto  
 attaching or in any wise appertaining unto him  
 the said Thomas P. Turner his heirs and

assigns forever free from the Claim or Claims  
of all and every Person or Persons Claiming  
the same by through or under Me.

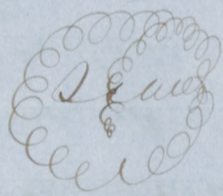
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In Testimony whereof I  
the said John Turner have hereunto set my  
hand and Seal this the twenty second day  
of October AD 1852.

John Turner ES  
Signed Sealed and delivered  
in presence of  
Chas Sackett.

State of California  
Sacramento County } St.

On this 22<sup>nd</sup> day of  
October AD 1852 before me Chas Sackett  
a Notary Public came John Turner to me  
known as the person described in and who  
acknowledged that he executed the same  
truly and voluntarily for the uses and  
purposes therein mentioned.



In Testimony whereof I  
have hereunto set my hand  
and affixed my Notarial  
Seal.

Chas Sackett  
Not Public.

Filed in Office March 8. 1853

Cyrod  
Geo Fisher  
Secy

This Indenture...

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This Indenture Made and Entered into this third day of September in the year of our Lord one thousand eight hundred and fifty two between Charles H Hoyt of the County of Yuba and State of California of the first part and Henry Robinson of Sacramento City of the second part.

II  
Read from  
Hoyt to  
Robinson

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Witnesseth That the said party of the first part for and in consideration of the sum of three thousand dollars to him in hand paid by the said party of the second part before the executing and delivery of these presents the receipt whereof is hereby acknowledged by the said party of the first part hath bargained sold and conveyed and by these presents doth grant hereby bargain sell and convey unto the said party of the second part all the right title interest estate claim and demand of him the said party of the first part of and unto the undivided one half portion or moiety of all that certain tract or parcel of land lying and being in the County of Yuba and State of California and bounded and meted as follows.

Being situated on the Southern bank of Bear Creek which flows from the Sierra Nevada in a westerly direction and empties into Feather River and beginning at the Mouth of a certain Slough about two hundred yards above the place known as the "old crossing" and then extending upwards is bounded as follows. On the North by Bear-Creek on which it has an extension of one mile On the East by a line which shall run from the Mouth of the above mentioned Slough in a Southernly direction for the distance of one American league or the width of a claim of land which was had by Theodore DeCard

On the South by a limits line which limits the claim of said Shuamie Island above referred to and on which it has an extension of one mile and on the west by a line which shall be run in a northerly direction parallel with the Eastern boundary until it reaches Bear creek - Allowing the undivided one half portion or moiety of the same tract of land conveyed to the said party of the first part by and from Augustus Chatuto dated July second AD 1852.

To Have and To Hold the same unto the said Henry Robinson his heirs and assigns to his and their sole and proper use and behoof forever.

And the said party of the first part for himself his heirs Executors and administrators the said before aforesaid half portion of said tract of land with all the appurtenances therewith belonging or in any wise appertaining unto the said party of the second part his heirs and assigns against the claims of any and all persons whatsoever claiming or to claim from by through or under him the said party of the first part his heirs Executors or administrators with warrant and former defend by these presents.

In testimony whereof the said party of the first part hath hereunto set his hand and affixed his seal the day and year first above written -

Chas H. Keyes Seal

In presence of  
Jno S. Radan

State of California  
County of Butte      3/6 Personally appeared

before me this 3rd day of Decr AD 1852 the

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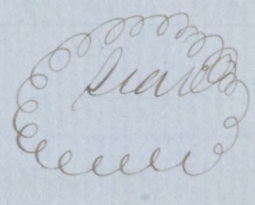
Before Me this 3<sup>d</sup> day of Sept 1833 the above named Chas Mc Hoyt known to Me to be the person described in and who executed the foregoing instrument of writing and who acknowledged to Me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

Witness My hand and private Seal (No official Seal having been provided the day and year last above written -

Saml B Smith  
Notary Public for  
De Witt County

Filed in Office March 3. 1833

By my C<sup>o</sup> Justice Secy.



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"I"  
Wid  
from  
Robinson  
to  
Bauer.

This Indenture made and entered into this twenty seventh day of January in the Year of our Lord one thousand eight hundred and fifty three by and between Henry E Robinson of the City and County of Sacramento and State of California of the one part and Albert Rowe of the same place of the second part

Witnesseth that the said party of the first part for and in consideration of the sum of one thousand Dollars lawful money of the United States to him in hand paid by the said party of the second part the receipt whereof is hereby acknowledged hath granted bargained sold and by these presents doth hereby grant bargain and sell unto the second part said party of the second part all the rights title interest claim



Estate or demand of him the said party of the first part of in or to the undivided one half portion or moiety of all that certain tract or parcel of land lying and being in the County of Sutter in said State and bounded and described as follows: Being situated on the Southern bank of River Bear Creek which flows from the Sierra Nevada in a westerly direction and empties into Feather River and beginning at the mouth of a certain Slough supposed to be about two hundred yards above the place known as the "Old crossing" and thence extending downwards is bounded as follows. On the North by Bear Creek on which it has an extension of one mile. On the East by a line drawn which may be run from the mouth of the above mentioned Slough in a southerly direction for the distance of one Mexican league or the width of a claim of land which was formerly held by Theodor Dickard and on which it has an extension of one mile, and on the West by a line which may be run in a northerly direction parallel with the Eastern boundary until it reach Bear Creek - It being the same tract of land conveyed to the said party of the first part by and from Charles W. Hunt & dated the third day of September AD 1832 and recorded at Richolans in Book "C" of Aids pages 228, 229, & 231.

To Have and To Hold the same to the said party of the second part and to his heirs and assigns forever.

In Witness whereof the said party of the first part hath hereunto set his hand and seal the day and year above written -

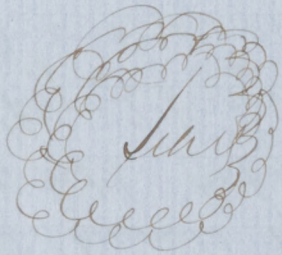
W. C. Robinson

Signed Sealed and Delivered  
In presence of.

State of California  
County of San Francisco } D.

On this fourth twelfth  
day of January 1853 before me personally  
appeared Henry & Robinson to me well  
known to be the individual described in and  
who executed the foregoing instrument and  
acknowledged that he executed the same  
freely and voluntarily for the uses and purposes  
therein mentioned.

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In Witness whereof I have  
hereunto set my hand and  
affixed my official seal  
in the City of San Francisco  
on the day and year first  
above written.  
L. W. Stout  
Notary Public

Signed in Office -  
(signed)

Recd  
from  
Sealed  
to  
Chana.

This Instrument made the first day of  
June in the year one thousand Eight hundred  
and forty nine between Shudine Seard  
party of the first part and Claude Chana party  
of the second part -  
Witnesseth that the said  
party of the first part for and in considera-  
tion of the sum of Six thousand dollars  
lawful money of the United States of America  
to him in hand paid by the said party of the  
second part at or before the Ensigning hereof

delivery of these presents the receipt whereof is hereby acknowledged has granted bargained sold aliened released conveyed and confirmed and by these presents does grant bargain sell alien release convey and confirm unto the said party of the second part and to his heirs and assigns forever:

All that certain piece or parcel of land situated on the Southern bank of Bear creek in Sacramento Valley Upper California and bounded and described as follows, on the North by said Bear creek, which creek flows from the Sierra Nevada and empties into Feather River, on the East by the Sierra Nevada, on the South by a line running parallel with said Bear creek and distant in length three miles from said creek on the west by the land of Joseph Doro the parcel of land hereby conveyed being in all parts three miles in width and two leagues in length the same being part of the land granted to said Thomas Searns by Manuel Micheltorena Governor of California, and the whole of the land thus granted to Thomas Searns except that portion which was conveyed by him to Joseph Black by and bearing date the fourteenth day of June one thousand eight hundred and forty seven, and except also that portion which has been this day conveyed by said Searns to the said Joseph Doro above mentioned.

Together with all and singular the tenements hereditaments and appurtenances therunto belonging or in any wise appertaining and the Reversion and Reversions remainder and remainders rents issues and

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profits thereof - And also all the Estate right  
title interest property possession claim and  
demand whatsoever as well in law as in Equity  
of the said party of the first part of in or to the  
Above described premises and every part and  
parcel thereof with the appurtenances -

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To have and to hold all  
and singular the Above mentioned and described  
premises together with the appurtenances unto  
the said party of the second part and his  
heirs and assigns forever -

And the said party of the  
first part and his heirs, the said premises  
in the quiet and peaceable possession of the  
said party of the second part & his heirs and  
assigns against the said party of the first  
part & his heirs and assigns and against all  
and every person and persons who may law-  
fully claim or to claim the same. Shall and  
will warrant and by these presents forever  
Relinquish -

In Witness whereof the said party  
of the first part has hereunto set his hand  
and Seal the day and year just above written  
Theodore Deane

Signed Sealed and delivered  
in the presence of  
"words "Upper California" returned before execution  
words " forty nine" written over and erased before  
Execution

Wm S. Howard  
George C. Gorham

State of California }  
County of Colusa } S.S.  
Town of Marysville }

On this twenty ninth day of  
April 1881 One thousand Eight hundred and

fifty personally appeared before me Theodore Friend known to me to be the person described in and who executed the foregoing conveyance and acknowledged before me that he executed the same as his free act and deed for the purposes therein mentioned

Stephen J. Field  
Just. of the Peace  
and Justice of the Peace

Marysville April 24. 1850.

Filed in Office April 21. 1852.

(Signed) Geo Fisher Secy.

No 144. Claud Clona. Claimant.

Stipulation

In this case it is agreed between the United States Law Agent and the Counsel for the Claimant that the depositions of Capt John A. Settle and the original document of General Settle from Governor Buchanan made an Exhibit to his said deposition, as also the deposition of Bidwell taken in Case No 201 of Samuel J. Hensley vs The United States, be read and considered as evidence as if retaken -

Robert Grunhow  
Asst Law Agent

Merinton.

Filed in Office Aug 9. 1853.

(Signed) Geo Fisher  
Secy.

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United States Land Commission

Claudio Chama

vs  
The United States

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Ch 146

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Stipulations  
are

It is hereby agreed between  
the United States Law Agent & Claimants  
Counsel in the above case that the map  
made by John Bidwell & attached to the  
disposition of Thomas A Larkin filed in claim  
No 2118 together with the disposition of  
said Larkin settlement & considered as  
filed & used as fully as if said disposition  
were returned & filed together with said map  
herein -

Wase for Claimant

Louis Blanchard

Ass't Law Agent.

Filed in Office Nov 21, 1854.

(Signed)

Geo Fisher

Secy.

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57 Deposition of Case No. 201 upon the Docket  
Jno. A. Sutter 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 Melson one of said Comm-  
issioners before John A. Sutter a witness offer-  
ed by Samuel J. Hensley, Petitioner and  
being duly sworn gave the following  
testimony

Geo. M. Cooley Secy Agent of the United  
States was notified and was present  
to the taking of the testimony of said  
Witness

In answer to interrogatories  
propounded by petitioner's Counsel, the  
deponent answers as follows

I am acquainted with the hand writing  
of Gov. Micheltorena and have seen him  
write very often. The paper now shown  
to me as an original paper and purporting  
to be the certificate of the Governor of  
Naturalization of Saml J. Hensley as a  
Citizen of Mexico, is a genuine paper and  
the signature of Manuel Micheltorena  
to said paper is his true signature -  
The Commissioner has affixed  
his initials to said paper and marked  
it as follows. J. M. No. 1. I have also com-  
pared said paper with Document  
Marked Exhibit C on the files in this  
Case, and I 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

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shown one is a genuine paper and the signatures of Gov. Manuel Micheltorena Secretary Manuel Tamayo, the signature of Saml J Hensley, and my own signature where they occur on said paper, are all genuine signatures of those several persons.

The last paper attached to Exhibit A marked by the Commission as follows J W I have carefully examined and state that I give a copy of this original paper which I had received from Gov. Micheltorena to Saml J Hensley as security for the land he claims until such time as he could perfect his title to the same according to the forms required. I give that copy to J. J. Hensley about the 20th of April April A.D. 1845.

The map which is attached to the original paper marked J W No 3 is an original of which a copy is attached to Exhibit A in this case.

I was Military Commander of the Northern Frontier and exercised civil jurisdiction in all the North Eastern portion of the Territory of Upper California in the year 1844 & 1845. I know the Rancho Aguas Nuevas claimed by Samuel J Hensley, and the same was within my jurisdiction.

It is on Buete Creek in the Sacramento Valley, about one hundred miles north of Sutter Fort. Mrs Hensley applied to me in the Spring of 1845 to be put in judicial possession of the Rancho Aguas Nuevas. I did not give him judicial possession of the same as he requested for the reason that I was engaged in a military campaign and had to depart with Gov. Micheltorena from July 1845 to the 1st of April

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1845, immediately on my return from the  
Savie Campaign I had to go out again  
on Indian Campaign, soon after my return  
from Savie Indian Campaign, Genl Thomas  
Came with his party into that section  
of the Territory and a general revolution  
followed throughout California. I soon  
ceased to exercise Military Command or  
Civil jurisdiction. In these recesses I  
ceased not Comply with his request

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Upon Examination of the Witnesses by  
G. W. Cooley Esq, Special Agent of the  
U. S. the Witness says his Civil jurisdic-  
tion extended from the San Joaquin  
Northward over the whole Sacramento  
Valley

J. A. Fuller

The Special Agent G. W. Cooley Esq objects  
generally to the foregoing deposition as  
unimpeached and reserving generally all  
legal objections

May 13th 1853. Subscribed before me  
Before me

James Allison Commissioner

Filed in Office May 13. 1853

Geo. Fisher Secy

Recorded in Book of Evidence Vol 1  
Page 514

Geo. Fisher Secy

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201

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original exhibited by Capt<sup>r</sup> Sutter & proved before me  
W. May. 13. 1853.

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Aqua Nieves.

Manuel Micheltorena Genl de Brigada del  
Ejército Mexicano, Ayudante Genl. de la Plana  
Mayor del mismo, Gobernador Comandante  
Genl. e Inspector del Departamento de California.  
(Seal)

Doc. H. Hall. S. N. } Gobierno del Depto. } No pudiendo ahora por estar  
Pr. by Sutter & } de California. } sumamente ocupado este Gobierno  
Brewell ordered } Supremo Departamental, extender uno por uno  
to the Depo. of } los titulos respectivos a todos los individuos  
the latter before } que han solicitado terreno con informes a su  
Com. H. Hall. } favor del Sr. D. Augusto Sutter Capitan y Sacer  
sucumbido de la Jurisdiccion de Nueva Elvira  
y Sacramento a nombre de la nacion Mexicana  
les copien por estas letras la propiedad por  
In cas. n.º 235. ellos y sus familias de los respectivos terrenos  
Exhibis. to Depo. maneados en sus instancias y obediencia a todos  
of Sr. A Sutter. y a cada uno de los que hallan solicitado y  
D. obtenido informe favorable del espresado Sr.  
Sutter Mto. hoy dia de la fha. sin que nadie  
pueda disputar les la propiedad, Sirviendo les  
Recorded in second una copia de este que les dara mas adelante  
of Sr. Vol. 6 el Sr. Sutter de titulo formal con el que se pres-  
pages 289. & 290. entaran a este Gobierno para extenderles el  
mismo titulo en la debida forma y papel  
sellado correspondiente y para la debida cons-  
tancia en todos tiempos doy este documento  
que sera reconocido y acatado por todas las  
autoridades Civiles y Militares de la Nacion  
Mexicana en este y en los demas Departamentos  
autorizados debidamente con las sellas Militar  
y de Gobierno, en Monterrey a veinte y dos  
de Diciembre de mil ochocientos cuarenta y  
cuatro.

Manuel Micheltorena.

State of California }  
 { Sacramento County. } On this 28<sup>th</sup> day of June  
 a. D. 1850 I Lewis a Notary Public hereby certify that  
 John Bidwell, Samuel J. Heasley, George McKinstry  
 and Isaac J. Moss severally came before me  
 and being duly sworn by me, and being all  
 of credible witnesses depose and say on oath that  
 they know Michael Torero 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. I witness whereof I Lewis a  
 Notary Public 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. Bindall.

Recorder. S. C.

California.

Filed in Office. Aug. 28. 1853.

Geo. Fisher. Secy.

Translation of Grant

Manuel Micheltorena Gen. of Brigade of the Mexican Army Captain General of the Staff, Governor, Commandant General, and Inspector of the Department of the Californias -

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Not being now able, on account of being closely occupied, this Supreme Departmental Government to extend one by one the respective letters to all the Citizens who have petitioned for Lands with a favorable information from Don In. Alquistes Sutter Captain & Receiver in Charge of the Intendancy of New Helvetia and Sacramento - I in the name of the Mexican Nation by these letters confer upon them and their families the Lands described in their Applications and maps to all and each one of them, who has solicited and obtained favorable information from Sacer Don Sutter up to the day of this date, so that no one can dispute their title - Don Sutter will give them a copy of this in furtherance of a formal title with which they will present themselves to this Government to extend the same title in the proper form and upon Corresponding paper, and for the establishment of each said land for all time I give this document which will be known and acknowledged by all the Civil and Military authorities of the Mexican Nation in this and the other Departments -  
Highly Authorized with the Seal of the Government and the Military Seal, in Monterey the 22<sup>nd</sup> of December 1844  
(Signed) Micheltorena

I certify the above is a true Copy  
New Helvetia 1844

J. A. Sutter  
Filed in Office Aug 27. 1852

Recd in Recd of Col Vol 7. p 289  
Geo. Fisher Secy

5-8

186.

5

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J-9

Deposition  
of Thomas C  
Larkin

Case No 144

Office of Commissioners of Land Claims in  
California

This day before Commissioner Robert A  
Thompson came Thomas C Larkin a witness  
in behalf of Claimants Charles Lovell and  
etal No 144 who after being duly sworn  
deposed as follows

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Present W. C. Jones Esq  
attorney for Claimant

Question by Claimant's Attorney  
What is your name age and place of  
residence

Answer My name is Thom-  
as C Larkin age fifty years and residence  
San Francisco California

Question by same

Look at the map  
mentioned you marked with the letter  
A and the initials R T and furnish  
facts and state all you know in relation  
to it

Answer

This map was made  
some eight or ten years since and prior to  
the occupation of California by the American  
armies It was made by John Bidwell  
one of the best hunters and trappers at that  
time on the Sacramento River

It was  
made at my instance and from it  
has been in my possession ever since  
except when I have occasionally loaned  
it to friends Mr Bidwell about that  
time made one for Governor Micheltorena  
of which this is a duplicate They were  
both in my hands and both in the  
hands of Micheltorena and it was care-  
fully examined and compared by the former  
the former's Secretary and the latter's app-  
earingly true and correct by said Secretary  
was made by him in my presence



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There is also a cut of a map of its being a true copy of the before mentioned map signed by Pablo de la Guerra at the time Collector of the Customs House for California and Counter signed by Jose Abrego Treasurer of the Department of California now on said map which was also made and signed by them in my presence

I was at that time United States Consul for California and my object in procuring said map was to enable me to give correct information to the Americans on the Sacramento River who frequently applied to me in my official capacity for information in relation to lands in that region of the Country and also their business generally

With the exception of the before mentioned cut of a map which I have made out of the map since found it from the hands of Mr. Bennett is the insertion of the word "North" in one place and the words "Kaukaia Hartnell" on another which words were inserted by William C. P. Hartnell in my presence but without my approbation and I feel from what he was doing

Inserted by same

So you know what has become of the original map of which you state this one to be the duplicate

Answer I do not know where I last saw it, it was in a very bad and dilapidated condition and I do not believe it is now in existence

United States Law Agent Mr. Hayward objects to all evidence in relation to this map referring to the above deposition further to say that the said map is not cut of by Mr. J. J. J. J.

2/2487

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ante 1851 and because the original maps  
if produced would not be competent  
testimony

Law Agent

Trustee of United States

When did you compare  
this map with the original  
one

I do not know

it was a good many years ago and  
further this document is not  
signed

Thomas C. Larkin

Superior to any Subscribers

Reference this 31st day

of September 1853

A. Aug. Thompson  
Commissioner

I have Fustin Secretary of the Board of  
United States Commissioners to ascer-  
tain and settle the Private Land Claims  
in the State of California hereby certify  
the foregoing to be a true and correct copy  
of its original as filed in this office in  
Case Number 147 Charles Coulter et  
al and in my charge and custody as  
such Secretary

Witness my hand this  
21st September 1853

signed

Geo Fustin  
Secretary

Filed in Office September 13th 1853

signed

Geo Fustin  
Secretary

Records in Case B Volume 30 184

signed

Geo Fustin  
Secretary

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MP

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opinion  
of the  
Board

Claude Lehmann was }  
 of }  
 The United States } For the place called  
 } } Mendocino in Gorda  
 } } County containing  
 } } four square leagues of  
 } } Land

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 7

The Petition in this case was filed origin-  
 ally by Claude Lehmann alone for an undi-  
 vided half of the land described in his  
 Petition and subsequently the attorney  
 in the case filed two supplemental Peti-  
 tions one in behalf of Thomas Turner and  
 Albert Hunt and the other in favor of  
 William Martin claiming distinct  
 portions of said premises.

These Petitions  
 were all presented before the time for  
 filing claims under the act of March  
 3rd 1851 expired.

The case must be re-  
 garded as a petition filed by all the claim-  
 ants above named jointly yet setting out  
 and seeking compensation according  
 to their respective interests in the premises.

All  
 these Petitions claim title derived  
 through Messrs. companies from Thomas  
 Secord to whom they allege a grant was  
 made by the Departmental Government  
 of California.

The documentary evidence  
 offered in support of said title consists  
 of an Espediente proved to be original  
 and genuine which comprises

First  
 an appointment by said Secord to John  
 A. Sutter Judge, charged with the juris-  
 diction of the Sacramento asking whether  
 the land represented on the map pre-  
 sented to him was vacant with such  
 other information as might aid him

in obtaining a grant of the lands dated July 1st 1844

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Second a marginal note signed by said Sutter declaring said lands to be vacant and not belonging to any person Public or private as of the same date as the above

Third Secaid's Petition to the Governor for a Grant of the lands dated July 6th 1844

Fourth a Marginal decree by the Governor dated July 25th 1844 referring the matter to the Secretary of the Government for a report

Fifth The report of the Secretary given dated July 26th 1844 as follows

To many petitions of a like nature with the preceding have been made, the necessity of waiting until your Excellency can make the visit up to the River Sacramento and San Joaquin and as also there is no general map of those lands the discussions which are sought cannot be made perhaps with effect but if your Excellency deem proper this expedient may be done as it is until the petitions to which I refer shall have been dispatched  
Montgomery July 26th 1844

Manuel Jimeno  
Sixth The following decree of the Governor

Let him occupy it provisionally until my decision on my visit above  
Micheltun

This is followed by a certified copy of a decree issued by Governor Micheltun attested by John A. Sutter in three names Manuel Micheltun Brigadier General of the Mexican Army and Captain General

of the same name and bearing signatures of the same

47167

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of the staff of the same Government  
- mandant General and Inspector of the  
Department of the California.

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This paper  
- is Departmental Government not being  
at this time on account of being dis-  
- sibly occupied to extend and beyond the  
- respective titles to all the citizens who  
- have solicited lands with information  
- in their favor by Surveyor General Augustus  
- Sutter Captain and Judge Charles with  
- the jurisdiction of San Francisco and Sac-  
-ramento

In the name of the Mexican  
- nation I grant by these letters the own-  
- ership of the lands and their parcels  
- of the respective lands designated  
- in their Petitions and Maps (attached)  
- to all and to each one of those who may  
- have solicited and obtained favorable  
- reports from the said Surveyor Sutter  
- up to the day of this date.

So that no one  
- may dispute this ownership except of this  
- which the said Sutter shall at some  
- future time give them for a period  
- till with which they shall present  
- themselves to this Government that there  
- may be no dispute to them the same  
- till made from any correspondence  
- and sealed paper

and for all purposes  
- and in all things I give this docu-  
- - ment which shall be recognized and  
- inspected by all the authorities civil  
- and military of the Mexican Nation  
- in this and the other Departments  
- it being duly authenticated by the  
- Military Seal and that of the Government  
- in Mexico on the twenty second  
- of December 1844

Manuel Michelena

Scutches this to be a copy, San Francisco 20  
tho May 1846

J. W. Sutter

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The documents filed in this case disclose  
the facts also well known in the history  
of the County that during the adminis-  
tration of Governor Micheltreina applicants  
begain to be made for grants of land in  
the Upper Valley of the Sacramento River  
that the Geography of the County was  
then imperfectly known

That the Governor  
designed making a visit into that  
region and selecting sites of ground for  
certain National purposes that the  
said applicants for grants were con-  
sequently advised the Governor thereby all-  
owing the Petitioners to occupy the land  
until the visit should be made

and  
residing actually to his own discontent  
his future action with the prayer of their  
Petitioners that while these applications  
remained in this position an insur-  
-action broke out against his Govern-  
-ment and the settlers in the Sacramen-  
-to Valley with General Sutter in com-  
-mand were solicited to aid the Government  
in resisting the adverse power

and that  
finally Micheltreina was compelled  
to abandon the Country his departure  
took place in March 1845 for December  
previous and at a time when his power  
as the Civil and Military head of the  
Department was undiminished  
the document abovesaid in favor of  
those whose applications for grants had  
been presented to him the case now  
under consideration is an equal case  
and should in number presented to  
this Commission in which land is

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claims under documents of this character  
 - under the Postmaster of the 22nd Decem-  
 - ber 1844 is proved to be genuine and  
 to have been put in duplicate into the  
 hands of General Sutter by carriers soon  
 after its date and the copy annexed to the  
 - 0 - complaint filed in this case was deli-  
 - 0 - vered to Secary in May 1846

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From these papers I think it evident that Secary's ar-  
 - 0 - rived notice to the petitioners under the  
 brief date of July 26th 1844 the appli-  
 - 0 - cant petitions for a grant the Govern-  
 - 0 - ment declined to give an answer to that Peti-  
 - 0 - tion until the receipt of information which  
 it could consistently be considered to have  
 when the receipt was in the region where  
 the land is located and obtain the  
 necessary information to enable him  
 to decide

His decision is expressly post-  
 - 0 - poned until the return and the temporary  
 - 0 - occupancy which was permitted was  
 clearly not to be allowed to embarrass  
 that decision its terms exclude the  
 idea of its being a full grant or of its  
 - 0 - comprising any title or interest legal or  
 - 0 - equitable as against the Mexican  
 Government

It cannot therefore be the  
 - 0 - basis of a valid claim to compensation  
 under the act of Congress of March 3rd  
 1855 the rights of the claimant of any  
 - 0 - one established in the case must de-  
 - 0 - pend on the document of the 22nd  
 of December which in the discussions  
 before the Commission has been usually  
 - 0 - denominated the General Title

In its  
 - 0 - terms this document curiously in  
 the first place is a grant not the promise  
 of a grant in future time but a solemn



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Grant in present in the name of the  
Mexican Nation and in virtue of the  
civil and military seals of the Govern-  
ment of the ownership of the property  
conceded

Secondly the grants are described  
not named they are all those citizens  
who had petitioned the Government for  
grants and obtained in their behalf the  
favorable reports of General Sutter.

Third  
The lands granted were those which  
were designated in the respective petitions  
and maps of said grants which had  
already been presented to the Government.  
The document also provides for a copy  
of the same to be given by General Sutter  
who was then charged as Captain and  
Judge with the jurisdiction of the Sacramento  
into portions of the Department to each  
of the persons entitled to the benefit of  
the grant.

- + + + +

This copy is clearly not intended  
and to be the document by which the  
title was passed to the grantees. The grant  
was made by the original at all which  
has the seal of the Government and the  
signature of the Governor and not of the  
copy certified by General Sutter which  
is given General or Special to make  
a grant.

The copy was sent to each  
person entitled to evidence of the grant  
made to him simply because there  
being several persons entitled to the  
benefit of the original could not  
be furnished to any one of them.  
The duplicate of each each of these  
individuals but in his own name  
the original duplicate in his own case  
containing his petition to the Government  
the report of Sutter that of Governor

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the Sutter and the two decrees of the  
Governor one requiring information and  
the other postponing the application for the  
grant and giving the permission to occupy  
temporarily to the Government directors a cer-  
tified copy of the General Grant to be supplied  
as evidence of the further activity of the Gov-  
ernment in his behalf by granting his  
petition

All these documents contemplated  
the issuing of further title papers to the party  
The most formal document from the  
hands of the Governor could not be final  
without the approval of the Departmental  
Assembly or the Supreme Government of  
Mexico If the original documents had  
been presented for approval of the Assembly  
or Supreme Government it is clear that  
it was unnecessary to have a grant made  
by the Governor and of course no such  
approval could have been given

But the  
addition of the copy of the title as grant  
of December 2nd and certified by General  
Sutter would unquestionably have  
been regarded as sufficient evidence of  
the correctness of the ownership  
of the premises occupied under the first  
decree

General Sutter was not at that time  
Judge in the District where the lands  
were situated and the Spanish system  
by which documents of an important  
and especially of an official character  
were retained in the public offices and  
copied and authenticated were used to the  
parties interested with the full force and  
effect of originals would have secured  
in regard to such copy as evidence of  
the Mexican Authorities It was only as  
such evidence that the copy to be issued  
by Sutter was obtained

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It was not the instrument which gave  
the title nor the final document proving  
title the form was the Grant itself signed  
by the Governor and the copy was in that  
document declared to be the evidence upon  
which in commission with the esquire  
already in his hands each party in trust  
might obtain his full and final title paper  
and as against the Government the equitable  
title of an individual embraced within  
the class of persons assigned as grantees  
in this General title measure establishing  
without having obtained a copy of the  
document from General Sullivan with  
it.

With these views as to the terms and  
tenor of the document we proceed to  
consider two objections which are urged  
to its validity as a grant.

The first relates  
to the description of the grantees the second  
to the delivery of the document.

The restrictive  
rules of the Commonwealth have never  
been carried so far as to preclude  
a grant (and in some instances the  
grantee was not mentioned by name in  
it) it is true that grantees are usually described  
in a deed by their Christian and Surname  
but this is not strictly necessary.

Deeds have  
been held good where apart of the name  
has been omitted or where connected with  
other descriptors entirely mistaken  
conjunctions are good in many cases says  
Chancellor Kent when made to a grantee  
by a certain designation without the men-  
tion of either the Christian or Surname  
4 Kent Com 510 Justice Peck in Thomas  
vs Mansfield 10 Pick R 36 says it is  
not essential to the validity of a grant that  
the grantee or grantees should be named

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but if not named they must be ascertained by description, so as to be distinguished from all others and any uncertainty in this respect will render the grant void Thus a grant to the eldest son of A to the wife of B or to the heirs at Law of C (including dead) without naming any of them is good. See as Lord Mansfield 1447 Hall vs Leonard 1 Pick R 27. Davis vs Hagan 9 Mass R 314

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Mr Williams says on this subject that it is enough that the party can be identified and distinguished from all others. Still 234 and also in that Apprs in such cases the rule is certain quod potest non est curia

In the case under investigation the description of persons intended as parties cannot be mistaken. Hence those whose applications for grants have been presented to the Governor and whose merits and priority had already been brought to his notice and which had been the favorable recommendation of Captain Sutter the local Judge and Military Commandant

upon which they were designated and identified by their evidence which could lead to further doubt nor confusion of the name of each person who had made the original application for a grant with the favorable report of General Sutter has been written in the journal. Grant the identity could scarcely have been more certain.

Based on this document was not intended for the final manuscript till after it had been approved as a part of the evidence on which the approval of the Assembly or the Supreme Government was to be obtained and the final document of the

Subsequently issued in each case. It is to be  
understood that the presenters of the petitions  
already formed and would have been  
attached to it constituting but a part of  
the entire evidence of Petitioner's right and  
thus to be made to refer directly to it without  
accounts thus presented in connection  
all ambiguity must necessarily cease.

It is to be understood that persons purposed of this legiti-  
mate title (and no other can be claimed)  
that there is no objection unless grounds  
to the validity of the General title.

It is to be understood that the delivery of this  
Grant to Sutter is sufficient to secure the  
rights of the persons intended to be benefited  
by it as grantees.

The delivery of the Grant to  
General Sutter was clearly assigned by the  
Government to fulfill the intent of all the persons  
who were to take under it.

In Louisiana and  
Florida the original Grant was not delivered  
to the Grantee this was kept in the Government  
archives and a copy authenticated by the  
proper officer was assigned to the party  
as evidence of his title. The original however  
of the Protocol was never presented under  
the Spanish System to be taken from  
the public archives but the official copy  
had the full force of an original. It was  
by Law a public writing admissible  
every where as evidence without extrinsic  
evidence proof of its authenticity or genuineness.  
United States vs Perdue 7 Pet 113

- Same vs " 9 Pet 10
- Same vs Wiggins 14 Pet 334
- Same vs Acosta 14 How 24
- Same vs Slesburn 15 Pet 226

In California the System of making Grants  
was different.

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The original document was delivered to the Grantee under the 8th article of the Negotiations of 1828 the final document signed by the Political Chief was to be issued to the Grantee and to constitute his own receipt of the land and was not to be kept in the Government office in a book of records for that purpose.

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The practice here was in accordance with these provisions and obtaining not only in cases of final title after the approval of the Departmental Assembly but in regard also to private interests to give equitable rights in lands before the proceedings to obtain title had been settled in a perfect grant the original document intended to secure his rights was in all such cases delivered into the hands of the party interested.

Under the System in Florida the making of the grant by the Government or his decree of concession and the delivery of the original copy thereof to the grantee possibly the more decree of the Government and securing to the grantee the full benefit of the concession.

There the delivery of the original document to the party interested was the act which consummated his right under the law and since the Government might treat his concession as a concession and like an individual who has not yet made a binding offer and might refuse to invest the applicant with the privileges of a concession which is granted directly to an individual not by a legislative act as by an act of Congress the Law secures itself and the title passes when the Law is complete but where several acts are to be done

by public functionaries and especially when the separate action of several public officers is required there must be some point of time in the course of the proceedings when the right of the claimant attaches and the Government is bound by its concession.

And as in the Reportations of 1828 as well as of the uniform custom and practice in California the original of the Grant was itself delivered to the Grantee in evidence of his right and regard to this delivery like the case of the spring the time when his title under it was established.

The general principles recognized in our own jurisprudence in similar cases although not as such the law of these cases seem nevertheless in their spirit to be in accordance with the rules and customs of the subject in California.

It is also in the common Law Courts even it has more been held that the actual placing of a deed into the hands of the Grantee was necessary to constitute a valid delivery. Numerous cases are reported where the deed was delivered to a third person without the knowledge of the Grantee.

In these cases the rule seems to require that where a deed is thus delivered to a stranger if it afterwards comes into the possession of the Grantee he not only holds the Estate granted under the deed but that the deed takes effect by operation of the law of delivery to the stranger and secondly that the delivery to a stranger with the express declaration by the Grantor that he delivers it as his deed is a sufficient delivery to put it out of the power of the Grantor to resume the property.

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without the consent of the Grantor and  
entitles the latter to claim any part of  
the estate.

It is said in some of the author-  
ities that no man can be made a grantor  
without his consent while others  
say that that consent is always to be  
presumed in a case where the land is gran-  
ted to another and no condition or  
burden of payment is imposed on the  
Grantor.

But in the Grantor's case the general  
rule was all petitioners to the Govern-  
ment land officers to them respectively  
and the Grant is simply in accordance  
with their prayer. This is the most complete  
proof of assent if no subsequent act was  
shown.

The obtaining of the copy of the Grant  
from Captain Sutter subsequently the  
settlement of the land and his prosecution  
of the claim before this Commission  
all show the Grantor's continuing claim  
on the Grant, the Grant itself also  
contains the express declaration that it  
was intended to keep Sutter and his family  
of the Grant and it was intended to be  
a special act of the Government in its  
administration to invest the Grantor with  
all the rights which its terms purport  
to give and such I think was its effect.

It has been attempted in the argument  
of this case to base the authority of this  
document on some supposed fraud in  
any form committed by the Supreme  
Government of Mexico or Tlaxcala  
while the latter was Governed by the  
republic. We have already seen that no  
such fraud or any fraud was needed  
to sustain the validity of the Grant nor  
is there any reason to suppose that any



such Special authority was claiming  
 the Governor or approved by the Grants  
 to have been exercised by him in his action  
 in the matter the applications of such  
 Grants were evidently pursuant to the  
 power conferred and with the usual  
 conditions imposed by the Colonization  
 Law of 1824 and the Regulations of 1828  
 and the concession was intended to follow  
 that power and those terms

Secondly

1st That the document cited and shown  
 as the General bill was not intended as an  
 authority to Captain Sutter to make a  
 grant, but in its terms and legal  
 effect itself a grant in private hands  
 the Governor

2nd That the Grants are all three persons  
 who had previous to its date presented  
 their Petitions to the Governor for a grant  
 of the lands and had obtained letters on  
 the original Petition or in answer to a  
 decree for information of the General  
 of Captain Sutter in reference to the  
 same

3rd That the names appearing in the  
 names are those which were designated  
 in their respective Petitions and maps

4th That the delivery of said title papers  
 to Captain Sutter for the benefit of said  
 Grants was a sufficient act on the part  
 of the same to give validity to the grant and  
 to entitle them to the benefit of a  
 and the terms therein expressed

5th That the Grant was made in  
 the terms and subject to the usual con-  
 ditions of colonization grants under the  
 Law of 1824 and the Regulations of 1828

The testimony on this case is sufficient  
 to establish the right of said title bene-  
 fit of the concession as one of the Grants  
 designated in the General bill,

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as to his title it remains only to en-  
quire just whether the description  
contained in his petition to the Governor  
and the map accompanying it sufficiently  
describe and segregate the premises gran-  
ted them leaving them no judicial means  
remains

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Secondly whether the con-  
dition of circulation or cultivation  
imposed by the Law was complied with  
as to the last the testimony of John Bin-  
nell shows that said Secain bought a  
house on the land within a year after  
the grant was made enclosed part of  
the land sowed grain and put stock  
on the place and continued to occupy it  
until 1849

The land is described in the petition  
titled Governor's situation on the margin  
of Bear Creek or Tancas and known by  
the name of Nemaha the grounds of  
which are on the north Bear Creek on  
the east the Surra Nevada on the south  
vacant lands and on the west the land  
of Senior Fuller and consists of four square  
leagues as the map which only accom-  
panies this represents

The map is drawn  
with any considerable care delineating  
the location and bound lines of the land  
concerned according to the description con-  
tained in the petition and being one  
league in width and four in length  
By the aid of the description in the petition  
and the nature objects called for therein  
with the map the scale of distance as there  
given and the apparently accurate deli-  
neations thrown across of the land nearly  
seem to be free from difficulty. The petition  
describes the eastern portion of said  
land by names and bounds and as  
set forth in the case made testimony of said

Secans mandate of June 1st 1849 The  
Petitioners William Martin claims one and  
a half square leagues of land situated on  
the western portion of said tract by virtue  
of said petition from said Secans dated  
February 10th 1851

The Petitioners Thomas  
P. Furm and Albert Rouse claim an  
other portion of the premises in proof of  
which they have given in evidence  
First Advers from said Secans to Joseph  
Black dated June 14th 1847

Secans advers  
from said Black to Francis LePage and  
Nicolas LePage dated May 26th 1848

Third ad  
vers from said Francis and Nicolas  
LePage to Augustin Whittle dated Sept  
ember 12th 1849

Fourth Advers from said  
Whittle to Charles H. Hoys dated July  
2nd 1852

Fifth advers from said Hoys to John  
Furm dated July 2nd 1852 of one  
undivided half of the premises cla  
ims

Sixth advers same from said John Furm  
to Thomas P. Furm one of the Petitioners  
dated October 2nd 1852

Seventh advers of  
his part claiming one undivided half from  
said Charles H. Hoys to Henry Robinson  
dated September 3rd 1852

Eighth advers  
same from said Robinson to Albert  
Rouse one of the Petitioners dated Jan  
uary 27th 1853

By these circumstances the  
Petitioners Furm and Rouse became  
the owners as tenants in common of the  
of the portion of the premises claimed  
in their Petition

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V

advice will be returned conforming to  
the Petitioners then title to the portions of  
said premises then held by them respectively  
conforming

Filed in Office January 23rd 1855  
Squires

Geo Fisher  
Secretary

Records in Record of Decisions Vol 2  
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Squires

Geo Fisher  
Secretary

Order  
of  
Occupation

Claude Mann et al

vs  
The United States

In this case  
on hearing the proofs and allegations of  
the parties it is adjudged by the Commission  
that the claim of the said Petitioners is  
valid and it is therefore hereby decreed  
that the same be confirmed to them in  
the manner herein after specified

The premises  
of which confirmation is hereby made is a  
portion of a tract of land situated in Yuba  
County and known by the name of numbers  
which was originally conveyed to and occu-  
pied by John C. ... containing four square  
leagues of land and bounded and situated  
as follows to wit

Situated on the margin  
of Bear Creek or Tamas and bounded on the  
north by said Bear Creek on the east by the  
river Nevada on the south by ...  
lands and on the west by the land  
represented to belong to Geo Fisher the  
said tract of land being located on the  
south side of said ... league in  
width and extending along said creek  
four leagues agreeably to the head of the

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same constituting part of the Esplanade  
and in this case to which reference for  
further description is to be had

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and there  
is hereby confirmed to the said small lots  
within the limits of said premises of  
which they have shown themselves the  
owners by letters viewed from said  
Deeds

To Have and To Hold the same in  
severalty as follows to wit

To said Claude  
Maurice the eastern portion of said  
premises being bounded on the south  
and northern and eastern sides by the  
line of said tract as above described and  
on the west by lands known as the lands  
of Joseph Vero (also a part of said lands)

The  
said lands hereby confirmed to said Claude  
Maurice being one league in width from said  
Bear track and extending two leagues  
along said track

To the Petitioner William  
Martin the portion of said premises at  
the western end thereof which is bounded  
on the north south and west by the line  
of said tract called Nemshas as above  
described and on the east by a line  
parallel to the west line of said tract  
and at the distance of one league  
and a half from the same

The parcel  
hereby confirmed to said Martin being  
one and a half league in length along  
said track and extending one league  
back from the same

To the Petitioners  
Thomas P. Finner and Albert Rume  
all that portion of said premises first  
above described which is designated  
and bounded as follows to wit

On the north by Bear Creek and which it  
has an extent of one mile on the east  
by a line which may be run from the  
mouth of the above Slough in a southerly  
direction to the distance of one Mexican  
league to the southern line of said  
two back up land

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On the south by said  
southern line running toward west  
one mile and on the west by a line run  
in a westerly direction parallel with  
the eastern boundary above mentioned  
until it reaches Bear Creek and thence  
by said creek to the place of beginning  
Alphons Pich

R. Aug. Thompson

S. B. Farnell

Commissioner

Filed in office January 23rd 1855

Geo. Fisher

Secretary

Records in Record of Decisions Vol 2  
page 455

Geo. Fisher

Secretary

---

and it appearing to the satisfaction of  
the Board that the land hereby ascribed in  
this is situated in the Northern District  
of California it is hereby ordered that two  
transcripts of the Prolongings and of the  
decisions in this case and of the papers  
and views appurtenant thereto are  
summarily to be made out and duly certified  
to the Secretary of the said transcripts  
shall be filed with the Clerk of the United  
States District Court for 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 *Eighty one* pages, numbered from  
1 to *81*, 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. *196*, on the Docket of the said Board,  
wherein

*Claude Chana* is

the Claimant against the United States, for the place known by  
the name of "*Nemshas*"

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

*Geo. Fisher.*





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

No. *302*      **302**

THE UNITED STATES,

vs. *ND*

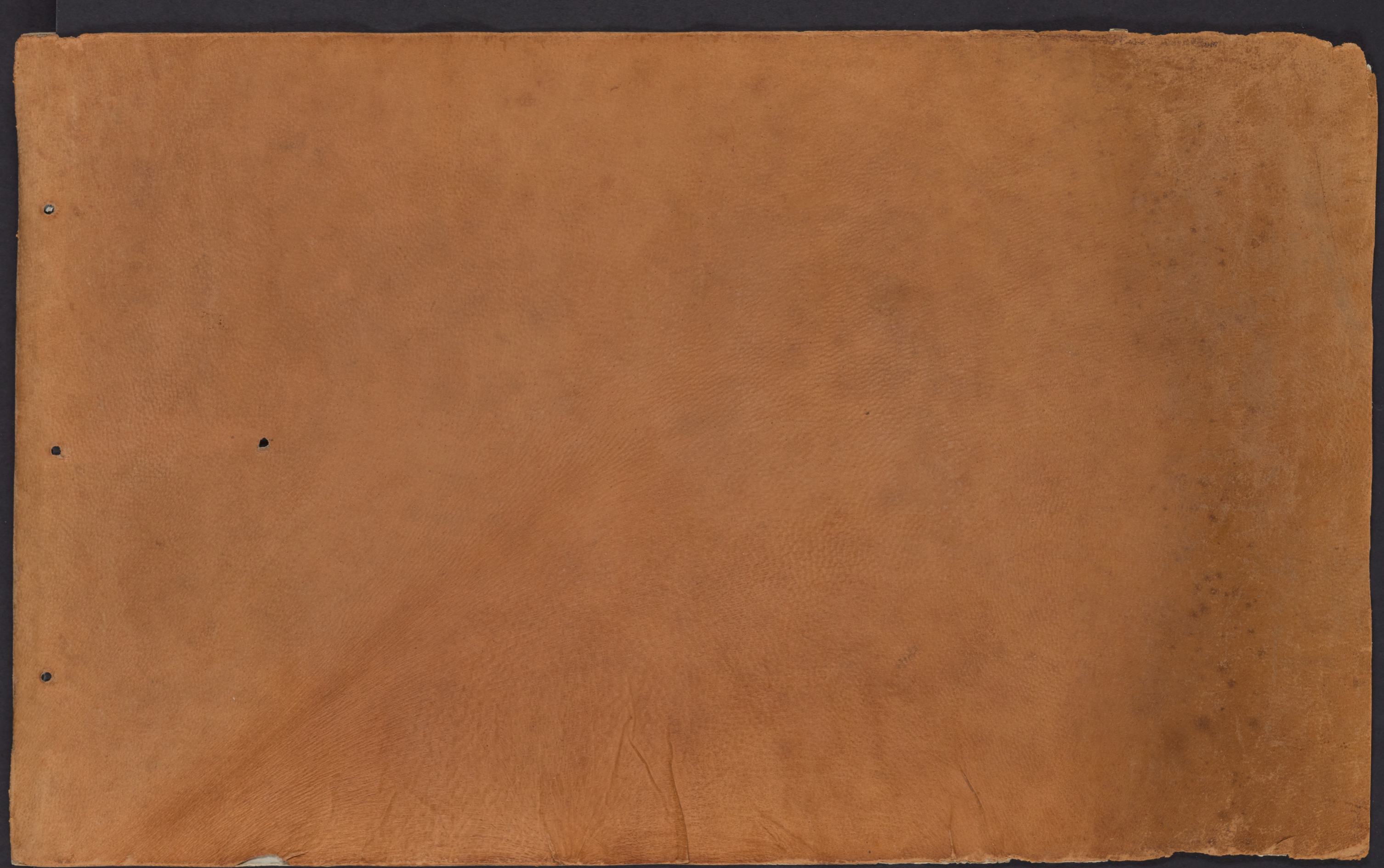
*Claude Chama,*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *196*

Filed, *October 23, 1855*  
*J. A. Murre,*  
*Clerk.*



Office of the Attorney General of the United States,

Washington, 3 December, 1855.

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196. "Kruskas"

Claude Chana. 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 20th day of November, 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 302

W. S. District Court

Northern Dist. of Cal<sup>if</sup>

United States

vs

Claude Brown, et al;

Notice of Appeal in

Case no. 196.

Filed February 1, 1856,

by Charles

Deputy.

One

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

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No:

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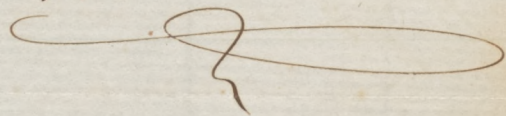
Claude Chana dals Appellees

vs  
The United States Appellant -

For answer to the petition  
filed in this case, the said Appellees an-  
swer and say it is true that the Land  
claimed in this case, lies in the Northern  
District of California and within the Ju-  
risdiction of this Court -

But he denies the  
allegation that his claim to the same  
is invalid, and avers that his claim  
and title are valid and prays that the  
decree of the said Board of Commissioners  
confirming the same may be affirmed,  
and that this Honble Court will decree  
the validity of his said claim -

Thornton Williams Thornton  
for Appellees -



U.S. Dist. Court, N. Dist.

No. 302

Claude Chanardals

vs  
The United States

Answer

Filed April 20, 1856.

Chevers,

Deputy.

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302 ND  
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Thornton Williams Thornton

In the District Court of the United States  
in and for the Northern District of California

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No.

302

The United States Appellant  
vs  
Claude Chana dals Appellees

The Petition in the above cause, on  
the part of the United States by the District Attorney  
respectfully represents, that this is an application  
for a review of the decision of the Board of  
Land Commissioners to ascertain and settle  
private Land claims in California, whereby  
the claim of the said Appellees was confirmed.

That the Transcript of the proceedings and  
decision of said Board was duly filed in  
the Clerk's Office of this Court on the 23<sup>rd</sup> day of  
October 1855 and notice of intention to prosecute the  
Appeal, on the February 1<sup>st</sup> 1856.

That the Land claimed in this case lies in  
the Northern District of California and within  
the jurisdiction of this Court.

That ~~that~~ the claim of the said  
Appellees is invalid.

Your Petitioner therefore  
prays that the decision of the said Board of  
Commissioners confirming said claim may  
be reviewed and reversed and that said  
claim may be decreed to be invalid and

W. Russell,  
Acting U. S. Dist. Atty.

U.S. Dist. Court. N. Dist.

No. 302

The United States

vs  
Claude Channodals

Petition

Filed April 20, 1856,

Chevers,

Deputy.

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Clapell



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

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The United States }  
vs No - 302 } Stated Term  
Claude Chanasal } October 16<sup>th</sup> 1836

This cause coming on this  
day to be heard upon the Pleadings  
and upon the Transcript of the Record  
of the proceedings and decision of the  
Board of United States Land Com-  
missioners, was argued by counsel,  
In consideration whereof this Court  
is of Opinion, there is no error in the  
decision of the said Board of Com-  
missioners, and that the same should  
be and is hereby affirmed -

And this Court doth adjudge  
order and decree that the title of  
the said Claimants is valid and  
that the same be and is hereby con-  
firmed - The land of which con-  
firmation is made is situated in  
the County of Yuba and <sup>portion of the tract</sup> known by the  
name of Nemshas, which was originally  
conceded to and occupied by John  
Secord, containing four square

leagues of Land and bounded and described as follows, to wit; situated on the margin of Bear Creek or Tancas, and bounded on the north by said Bear Creek, on the East by the Sierra Nevada on the South by vacant lands and on the West by the land reputed to belong to Señor Sutter, the said tract of Land being located on the South side of said Creek, one league in width and extending along said Creek four leagues, agreeably to the plat of the same, constituting part of the Expediente on file in this case, ~~for~~<sup>to</sup> which reference for further description is to be had - And there is hereby confirmed to the said several Petitioners the portions of said premises of which they have shown themselves the owners by titles derived from said Record, to have and to hold the same in generalty as follows, to wit;

To said Claude Chana the eastern portion of said premises being bounded on the Southern, Northern and Eastern sides by the lines of said tract, <sup>as</sup> above described, and on the West by lands known as the lands of Joseph Vero (also a part of said Nemehas) the

said Lands hereby confirmed to said Chama being one league in width from said Bear Creek and extending two leagues along said Creek, ~~containing two leagues~~  
To the Petitioner William Martin, the portion of said premises at the western end thereof which is bounded on the North, South and West, by the lines of said Tract called ~~Stemmed~~ as above described, and on the East by a line parallel to the west line of said entire tract, and at the distance of one league and a half from the same; the parcel hereby confirmed to said Martin being one and a half league in length along said creek and extending one league back from the same.  
To the Petitioners Thomas P. Turner and Albert Rowe, all that portion, of said premises first above described, which is designated and bounded as follows, to wit - Beginning on said Bear Creek at the mouth of a certain Slough, supposed to be about two hundred yards above the place known as the "old crossing" and extending downwards is bounded as follows, On the North by Bear Creek, on which it has an extension of One mile; on the East by a line which may be run from the mouth of the above mentioned Slough in a southerly direction for the distance of one Mexican league to the southern line of

said entire tract of Land, on the South by  
said Southern line, running thereon  
westerly, one mile; and on the West  
by a line run in a northerly direction  
parallel with the Eastern boundary above  
mentioned until it reaches Bear Creek  
and thence by said Creek to the  
place of beginning — For more  
particular description reference is  
to be had to the deeds contained in  
the transcript of the Record from the  
said Board of Land Commissioners.

Ogden Hoffman  
Test True

No - 302  
U.S. Dist. Ct. Northern  
Dist. of Cal.  
The United States  
<sup>vs</sup>  
Claude Chanabal  
~~vs~~  
Decree  
~~vs~~

Filed October 16, 1856,  
Cheves,  
Deputy.

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fine

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 *Wednesday* the *first* day of  
*April* in the year of our Lord one thousand  
eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v

Claude Chana

D. C. 302; L. C. 196

In this case, on application of the U. S. Attorney ~~it~~ 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 without delay.

Ogden Hoffman  
Dist. Judge

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United States District Court, Northern  
District of California.

*The United States*

vs.

*Claude Chaua*

ORDER.

*granting appeal*

Filed *April 1st* 1857

*John A. Monroe,*

CLERK.

By *W. H. Cheever,*

DEPUTY.

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*Leix*

Indenture made this fourth day of September A.D. one thousand eight hundred and fifty seven between Theodore Sears of the County of Butte party of the first part and Claude Chana party of the second part:

Whereas heretofore, to wit: on the first day of June A.D. 1849 the party of the first part sold to the party of the second part a certain tract of land situated at present in Butte County for the consideration of six thousand dollars and intended by a conveyance bearing date of that day received and delivered to the said party of the second part to grant and convey to him the premises which in this instrument are hereinafter described, but by mistake designated the said premises in the description thereof as "bounded on the West by the land of Joseph Vero"; and whereas the said party of the first part is desirous of correcting the error in the description of said premises so as to convey the premises actually sold to the said party of the second part:

Therefore this Indenture witnesseth, in consideration of the premises ~~of~~ and of one dollar to him in hand paid the receipt



whereof is hereby acknowledged the said party  
of the first part has remised, released and  
quit claimed and by these presents do hereby  
remise, release and quit claim unto the  
said party of the second part and to his heirs  
and assigns forever all his right title, interest,  
estate claim and demand both at law and in  
Equity and as well in possession as in reversion  
and to all that contain free or parcel  
of land situated on the Southern bank of Bear  
Creek in Sacramento Valley, Upper California  
and bounded and described as follows: On the  
North by said Bear Creek which creek flows from  
the Sierra Nevada and empties into the Feather  
River, on the East by the Sierra Nevada; on  
the South by a line running parallel with said  
Bear Creek and distant in every part three  
miles from said creek; and having extensions  
upon said last mentioned line that is to say two  
leagues, one mile and six hundred yards,  
and from thence at right angles in a  
straight line to said Bear Creek; the said  
parcel of land hereby conveyed being in all  
parts three miles in width and two leagues  
one mile and six hundred yards in length  
except those portions heretofore conveyed by him  
to Joseph Black by deed bearing date the  
14th day of June 1847 and also excepting

that portion conveyed to Joseph Nero by deed bearing date June 1st 1859 with all and singular the hereditaments and appurtenances thereto belonging.

To have and to hold the said premises with their appurtenances unto the said party of the second part forever.

In witness whereof the said party of the first part has hereunto set his hand and seal the day and date first above written.

Given, Sealed and delivered in presence of  
W. M. [unclear]

Theodore Sitare

State of California  
County of Yuba

On this fourth day of Sep-  
tember one thousand eight hundred and fifty  
seven personally appeared before me a Notary  
Public in and for said county Theodore Sitare  
personally known to me to be the individual  
described in and who executed the above in-  
strument and acknowledged to me that he ex-  
ecuted the same freely and voluntarily and  
for the uses and purposes therein mentioned.

In witness whereof I hereunto

Theodore Seard  
to

Claude Chana

Quit Claim

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Seven

Filed for Records Sept 5<sup>th</sup>  
AD 1857 at 10 o'clock  
A.M. and duly Recorded  
in Book E of Deeds Record  
of Sutter County on Pages  
174-546-

C. E. Wilcox County  
Recorder

per D. C. Hamblen Deputy

Filed October 17 1857

J. Edgumy  
Deputy

Fee \$3. Paid



Get my name and office my  
date this day and date in  
his certificate about further  
D. M. Wilcox  
C. E. Wilcox  
John C. [unclear]  
[unclear]

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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 *Saturday* the *sixth* day of *July* in the year of our Lord one thousand eight hundred and ~~forty~~ *sixty-one*.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Claude Charnabal

No. 302.

And now at this day comes Mr. H. Sharp, U.S. attorney for the Northern District of California, and presents the mandate of the Supreme Court of the United States in the above entitled cause; whereupon It is ordered, that the said mandate be filed by the clerk.

and it is further ordered, that in accordance with the terms of said mandate, the petition of the above named claimants be, and the same is, hereby dismissed.

Ogden Hoffman  
Dist Judge

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UNITED STATES DISTRICT COURT,  
Northern District of California.

*The United States*

vs.

*Claude Chauvetail*

*Order to file mandate*

Filed *July 6th* 18*61*.

*W. A. Chivers.*

CLERK.

By

DEPUTY.

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THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court  
of the United States, for the Northern District  
of California.

greeting:

Whereas, lately, in the District Court of the United States, for the Northern District  
of California before you, in a cause  
between The United States, appellants, and Claude Chana, Wil-  
liam Martin, Thomas P. Turner and Albert Rowe, appellees, the  
decree of the said District Court was in the following words, viz:  
"This cause, coming on this day to be heard upon the pleadings and upon  
the transcript of the record of the proceedings and decision of the United  
States land commissioners, was argued by counsel.

In consideration whereof, this Court is of opinion there is no error in  
the decision of the said board of commissioners, and that the same should  
be and is hereby affirmed.

And this Court doth adjudge, order and decree that the title of the said  
claimants is valid, and that the same be and is hereby confirmed. The  
land of which confirmation is made is situated in the county of Yuba,  
and is a portion of the tract known by the name of Nemshas, which was  
originally conceded to and occupied by John Seward, containing four  
square leagues of land, and bounded and described as follows, to wit:  
situated on the margin of Bear Creek or Tanecas, and bounded on the north  
by said Bear Creek, on the east by the Sierra Nevada, on the south by vacant  
lands, and on the west by lands reported to belong to Señor Sutter; the said  
tract of land being located on the south side of said creek, one league in  
width, and extending along said creek four leagues, agreeably to the  
plat of the same constituting part of the expediente on file in this case,  
to which reference for further description is to be had. And there is here-  
by confirmed to the said several petitioners the portions of said premises of  
which they have shown themselves the owners by titles derived from the  
said Seward: to have and to hold the same, in severally, as follows, to wit:

To said Clause Chana the eastern portion of said premises, being bounded on the Southern, Northern and eastern sides by the lines of said tract as above described, and on the west by lands known as the lands of Joseph Vero, (also a part of said Nemshas) the said lands hereby confirmed to said Chana being one league in width from said Bear creek, and extending two leagues along said creek.

To the petitioner William Martin, the portion of the said premises at the western end thereof, which is bounded on the north, south, and west, by the lines of said tract called Nemshas, as above described, and on the east by a line parallel to the west line of said entire tract, and at the distance of one league and a half from the same; the parcel hereby conveyed by said Martin being one and a half league in length along said creek and extending one league back from the same.

To the petitioners Thomas P. Turner and Albert Rowe, all that portion of said premises first above described which is designated and bounded as follows, to wit: Beginning on said Bear creek at the mouth of a certain slough, supposed to be about two hundred yards above the place known as the "Old Crossing", and extending downwards, is bounded as follows: on the north by Bear creek, on which it has an extension of one mile; on the east by a line which may be run from the mouth of the above mentioned slough, in a southerly direction, for the distance of one Mexican league to the southern line of said entire tract of land; on the south by said southern line, running thereon westerly, one mile; and on the west by a line run in a northerly direction, parallel with the eastern boundary above mentioned, until it reaches Bear creek; and thence, by said creek, to the place of beginning. For more particular description, reference is to be had to the deeds contained in the transcript of the record from the said board of land commissioners."

as by the inspection of the transcript of the record \_\_\_\_\_

\_\_\_\_\_ of the said District

Court, which was brought into the Supreme Court of the United States, by virtue of an appeal \_\_\_\_\_

agreeably to the act of Congress, \_\_\_\_\_

\_\_\_\_\_ in such case made and provided, fully and at large appears.

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *sixty* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: On consideration whereof, *it is now heretofore ordered* adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby reversed, and that this cause be and the same is hereby remanded to the said District Court with directions to dismiss the petition of the claimants.

*of the Jan'y*



You, therefore, are hereby commanded that such further proceedings be had in said cause, in conformity to the opinion and decree of this court as according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the first Monday of December in the year of our Lord one thousand eight hundred and sixty.

COSTS OF  
Clerk.....\$  
Attorney.....\$  
\$

Issued by

Wm. Ho. Carroll  
Clerk of the Supreme Court of the United States.

302,  
No. 82 December Term, 1860.

MANDATE  
SUPREME COURT UNITED STATES.

Widates vs. Chancery.

Filed July 6th, 1861,  
W. H. Cleveland,  
Clerk.

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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, Oct. 15<sup>th</sup> 1855.

J. A. Monroe 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. 196 on the Docket of the said Board, wherein

Claude Chama is  
the Claimant against the United States, for the place known  
by the name of "Nemshas"  
and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher  
S. J.