

CASE NO.

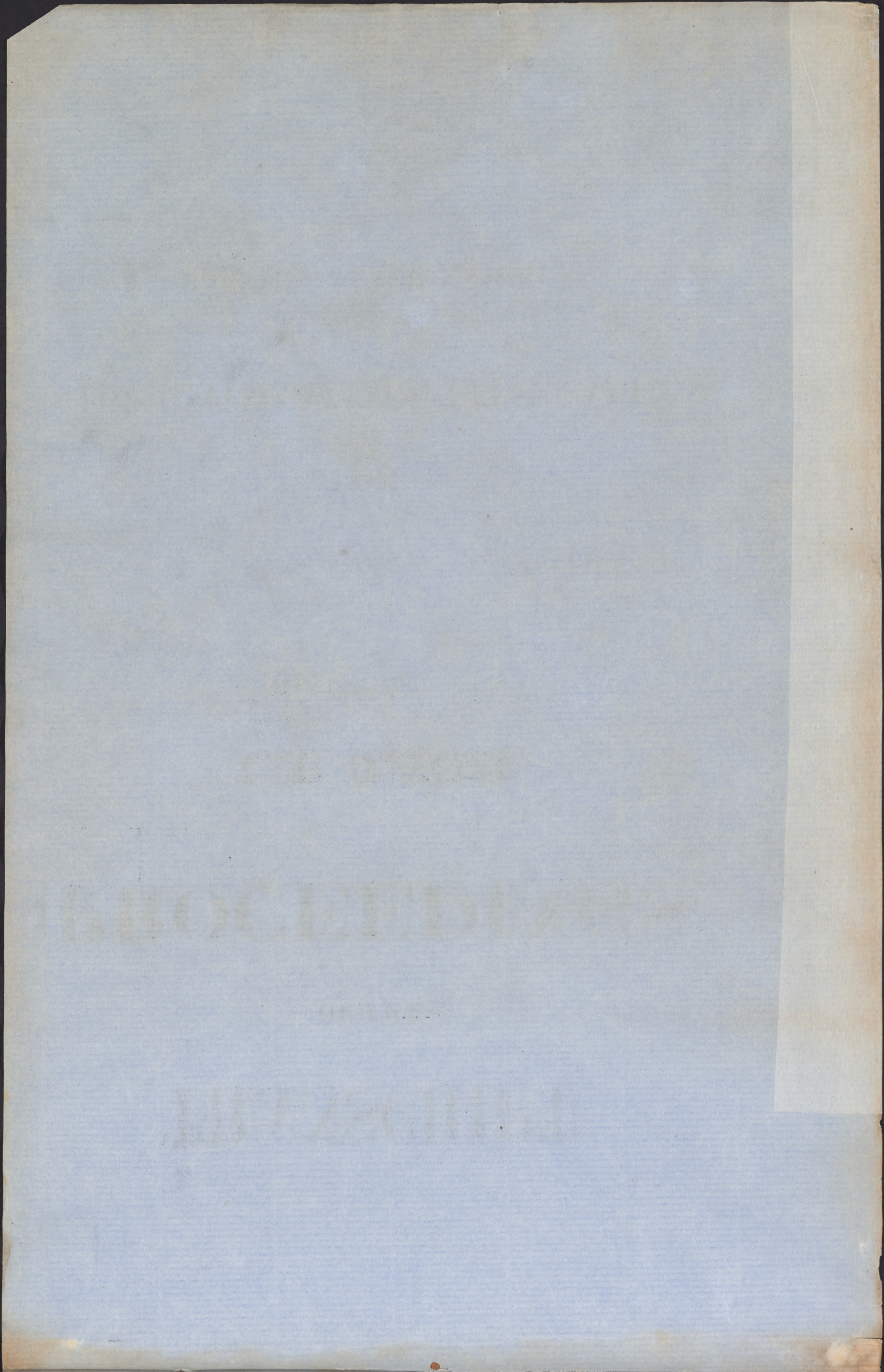
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NORTHERN DISTRICT

JOHNSON'S RANCHO GRANT

WILLIAM JOHNSON

CLAIMANT



TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 91.

William Johnson

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Johnson's Rancho.

FOR THE STATE OF

THE UNITED STATES OF AMERICA

IN

IN

PROCEEDINGS

OF THE

JUDICIAL

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this eighth day of March, Anno Domini One Thousand Eight Hundred and Fifty = 1852, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of William Johnson,
for the Place named
Johnson's Rancho,
was presented, and ordered to be filed and docketed with No. 91 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 March 29th 1852.
In Case no. 91, William Johnson for the place named "Johnson's Rancho," the deposition of John Bravell, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed.

(Vide page 7 of this Transcript.)

San Francisco April 2nd 1852.
In the same case the deposition of John A. Sutter, a witness in behalf of the claimant, taken before Commissioner Meland Hall, was filed.

(Vide page 12 of this Transcript.)

San Francisco April 29th 1852.
Case no. 91, on motion of claimant's counsel was set for hearing.

San Francisco June 25th 1852.
Case no. 91 was ordered to be placed on the trial

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casket.

Los Angeles Sept. 6th 1852.
Case no. 91 called: The counsel for the claimant,
N. Rose, opened the argument and concluded. Answered
by the U. S. Law Agent, case submitted to the Board
and later under advisement.

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Los Angeles Oct. 2nd 1852.
In the same case the counsel for the claimant
filed a supplemental petition, by leave had
and obtained, and is as follows, to wit:

(See page 6 of this Transcript.)

Los Angeles Oct. 5th 1852.
In the same case the deposition of Jose Inguin
de la Pone, a witness in behalf of the claimant,
taken before Commissioner Melan Hall, was filed,
(See page 18 of this Transcript.)

San Francisco December 15th 1852.
In the same case the deposition of John Braxell,
a witness in behalf of the claimant, taken before
Commissioner Harry J. Thornton, was filed,
(See page 20 of this Transcript.)

San Francisco December 21st 1852.
In the same case the deposition of John A. Sutter,
a witness in behalf of the claimant, taken before
Commissioner Harry J. Thornton, was filed,
(See page 23 of this Transcript.)

San Francisco Jan'y 4th 1853.
In the same case the deposition of Samuel S. Hemley,
a witness in behalf of the claimant, taken before
Commissioner Harry J. Thornton, was filed,
(See page 27 of this Transcript.)

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San Francisco Aug. 9th 1853.

In the same case the Counsel for the Claimant filed the following Stipulation, to wit:

(See page 67 of this Transcript)

San Francisco Sept. 5th 1853.

In the same case the Counsel for the Claimant filed the following Stipulation, to wit:

(See page 67 of this Transcript)

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San Francisco September 15th 1853.

Case no. 91 was called, submitted on briefs and taken under advisement by the Board.

In the same case the deposition of John Bidwell, a witness in behalf of the Claimant, taken before Commissioner Henry J. Thornton on the 30th Dec. 1852, was filed:

(See page 28 of this Transcript)

San Francisco Sept. 12th 1854

In the same case the U. S. Law Agent filed the following Affidavit, and Motion, to wit:

(See page 68 of this Transcript)

taken under advisement by the Board.

San Francisco February 27th 1855.

In the same case the U. S. Law Agent filed the following Stipulation, to wit:

(See page 70 of this Transcript)

Whereupon, it is

Ordered, That the said case be restored to the Trial docket and placed at the foot thereof.

San Francisco March 22nd 1855.

Case no. 91 was assigned for hearing on the 3rd day of April next.

San Francisco April 16th 1855.

In the same case the deposition of Joseph Vera, a witness in behalf of the United States, taken before Commissioner R. Aug. Townsend, was filed:

(See page 32 of this Transcript)

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San Francisco April 19th 1855.

In the same case the deposition of Samuel S. Newley, a witness in behalf of the Claimant, taken before Commissioner S. B. Farwell, was filed,
(See page 37 of this Transcript)

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San Francisco May 9th 1855.

In the same case the deposition of Thomas Fallon, a witness in behalf of the United States, taken before Commissioner R. Aug. Thompson, was filed:

(See page 41 of this Transcript)

Case no. 91 was submitted on briefs and taken under advisement by the Board.

San Francisco Aug. 4th 1855.

In the same case Commissioner S. B. Farwell delivered the Opinion of the Board concerning the claim,
(See page 73 of this Transcript)

and the following order was made, to wit:

(See page 77 of this Transcript)

N.

5-
To the Hon the Board of Com-
missioners for settling private land claims
in California -

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Petition

The petition of William
Johnson respectfully submits to your
Hon Board the accompanying title map
& Translation of the grant of land known
by the name of "Johnson's Rancho," which
said grant was made to Pablo Gutierrez
in the summer of 1844 by Captain John
A Sutter who derived his authority to
grant from Gov Micheltornna by letter
dated the 22^d Dec 1844.

Said Gutierrez was
assassinated in the same year his house
burnt & his title papers with it.

On the 29th April 1845
said Sutter in his capacity as Judge of
the Jurisdiction of the Sacramento said
said grant to satisfy and discharge
the indebtedness of said Gutierrez and
caused the same to your petitioner by
deed dated as last above mentioned

Said grant has been survey-
ed and contains five leagues. It is situ-
ated on Bear River a tributary of the
Sacramento and there is no conflicting
claim to it as known to your petitioner -

The evidence which
upon to support said title is the testi-
mony of witnesses to be produced before
your Hon Board.

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

Robert Rose.

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Filed in Office March 5th 1852.

(signed) Geo. Fisher Secy.

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To the Hon^{ble} the Board of
Commissioners for ascertaining & settling
private land claims in California -

Supplemental
& Amended
Petition.

The Supplemental petition and
amended petition of William Johnson
respectfully submits to your Hon^{ble} Board
the accompanying title papers of the
grant of land known by the name of
"Johnson's Rancho" which said grant
was made to Pablo Gutierrez in the term
year of 1844 by virtue of a general title
issued by Governor Manuel Micheltorena
on the 22^d December 1844, -

Said Gutierrez was
assassinated in January of the follow-
ing year his house burnt and his papers
with it -

On the 29th April 1845 said
Sutton in his capacity as Judge of the
Jurisdiction of the Sacramento "sold said
grant to satisfy and discharge the in-
debtedness of said Gutierrez & conveyed
the same to your petitioner by deed
dated as last above mentioned said
grant has been surveyed and contains
five leagues of

It is situated on Bear
River a tributary of Feather River and
there is no conflicting claim to it as
known to your petitioner -

The Enclosed which

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upon to support said title is the testimony of witnesses and such other and further evidence as your petitioner is advised may be necessary.

Your petitioner also represents that said Gutierrez was put in judicial possession of said land that he built a house on it cultivated and improved the land & that the same has constantly been occupied and improved from the date of the grant to the present time.

Wherefore your petitioner respectfully prays Confirmation of his title by your Hon. Board.

R. R. R.

Counsel for Claimant -

Filed in Office Oct 2^d 1852.

(signed)
Geo. Fisher Secy.

Office of the Board of Commissioners of California Land Claims -

San Francisco March 29. 1852.

On this day before me Henry J. Thornton one of the Commissioners for ascertaining and settling Private Land Claims in the State of California Came John Redwell a witness produced in behalf of William Johnson Claimant being No 91 on the docket of the Commissioners. being duly sworn testifies as follows.

Depo of
Geo Redwell

The Law Agent was notified and attended -

Questions propounded to Witness by claimants counsel.

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1st Question -

What is your name age and residence?

Answer.

My name is John Bidwell
My age 32. residence Chico Butte County.
2nd Ques.

Do you know or not whether a grant of land was made to Pablo Gutierrez what was the extent of said grant where situated! Did or did not said Gutierrez claim a horse upon said land and occupy it within a year from the date of the grant.

Ans.

Yes, I know that a grant of land was made to Pablo Gutierrez I made the original map of it and it is situated on the North side of Bear creek and East of Captain Sutters grant it consists of five square leagues -

3rd Quest -

What was the nature of said grant?

Ans.

It was granted by a general grant or title which was given to Capt. Sutter the nature of that title was. It granted the lands to all of the citizens who had taken proper steps and obtained favorable information

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from Capt Sutter.
Quest 4.

Do you know or not how said Gutierrez came by his death?
Ans.

He was sent by Capt Sutter to Monterey with dispatches to Governor Micheltorona and soon returned.

It was reported that on his way he was arrested and hung in the revolutionary disturbances early in June 1845.

Quest 5.

Were the title papers of said grant destroyed or not & how?
Ans.

He had possession of these papers and his house was burned by the Indians and the papers never having been seen since my inference is that they were destroyed in that way.

Quest 6.

What disposition was made of said grant after the death of said Gutierrez and burning of his house?
Ans.

All his personal property as well as his real estate was sold in order to pay his debts and amongst the rest all interest or right he had in this land, to William Johnson by Capt Sutter in his judicial capacity.

Quest 7.

What was said grant called after the sale to said Johnson?
Ans.

Up to the sale it was called Pablos Ranch. After the sale it was called

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Johnson's Ranch.

Quest 8.

Did said Johnson have a house built, occupy, and cultivate said grant or part? & has it or not been continued in such occupation & cultivation ever since?

Ans.

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Yes, this was sold to Johnson early in the Spring of 1845 and from that time has been occupied & cultivated either by Johnson or others to whom he has sold up to this date.

Quest 9.

Do you know or not whether any efforts were made to have the general title given by Captain Sutter to said Johnson for said grant after the said sale and purchase transmitted to the said seat of Govt to be changed for a regular and complete title as required by the terms of said general title?

Ans.

Yes, the papers of that grant were in my hands from the time of Johnson's purchase of the land till the beginning of the war in this country in 1846.

Quest 10.

State at length what efforts were made at what time and why they were unsuccessful?

Ans.

In the year 1845 It was my intention to have gone down to Los Angeles for that purpose but did not ascertain that the Departmental Assembly

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was doing business until the procla-
mation of Pio Pico was promulgated
recommanding all foreigners to leave the
country which at that time was con-
sidered as embracing the Naturalized
Citizens as well as foreigners.

By time the excitement
was over the rainy season was at hand
which rendered it impossible to go.

In the year 1846 I was
proposed to go having made arrangements
with my horses to proceed on this
business but the war broke out and
prevented it - this war continued until
the conquest of the country was effected
by the United States.

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Crafo Interrogatorio by the Law
Agent.

Crafo Inter 1.

Was there any approval
of this general grant either by the
Departmental or Territorial Assembly or
the Supreme Government.

Ans.

I know not.

Interrog 2.

What were the terms of said
grant as to changing it or obtaining
a complete title -

Ans.

The grantees were required by
the terms of the grant general title to
present themselves thereafter to the
Government to receive the same title
in due form and on corresponding
sealed paper.

J. Bidwell

Sworn to and Subscribed
before me this 29th of March 1852.

Henry Thornton

Commr.

Filed in Office March 29th 1852.

(signed)

Geo Fisher Secy.

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San Francisco April 2, 1852.

On this day before Heiland Heald one of the Commissioners for ascertaining and settling private land claims in the State of California came John A Sutter a Witness produced in behalf of the claimant in the case of the petition of William Johnson being number 41 on the docket of the Commis- sioners and was duly sworn.

The Law Agent was notified and attended -

In answer to questions the Witness testified as follows.

Questions by Claimants Counsel.

Question.

What is your name age and residence?

Answer.

My name is John A Sutter
My age is 49 years and my residence is at Herch Farm in Sutter County.

Ques.

How long have you resided in California?

Deputy of
J. A. Butcher

Ans.

Since 1839.

Just.

State whether or not you were or not acquainted with Pablo Gutierrez and whether a grant of land was made to him by whom by what title where situated and for how many leagues was or not occupied & cultivated by him.

Ans.

I was acquainted with him. A grant of land was made to him by Gov. Micheltornia by what was called a provisional title. It is situated on Bear River and contains five leagues. He built him a house on it occupied and cultivated it before the title was given him and continued to cultivate till the time of his death.

Just.

State if you know how said Gutierrez came to his death what became of his title papers and what disposition was made of his property after his death?

Ans.

He was hung near the Pueblo of San Jose by persons engaged in the insurrection against the government in January 1845. His house was burnt by the hostile Indians his papers were burnt with it and his land was sold by me to pay his debts.

I was then Judge of the jurisdiction of the Sacramento of said said by virtue of my office to William Johnson to whom I gave a bill of sale accompanied by a

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copy of the general title given me by
Gov Micheltorina to give to grantees
in my jurisdiction.

Just.

State whether said Johnson
built a house occupied it & cultivated
it?

Ans.

He built him a house & took
immediate possession & cultivated the
land!

Just.

State if you know why a provis-
ional title was given to the settlers.

Ans.

Gov Micheltorina intended at that
time to visit the upper Sacramento which
was then the frontier for the purpose of
selecting a place for an Arsenal for
the protection of said frontier and
also a large National farm for the
support of the troops to be stationed
there and would not give complete titles
until that selection had been made.

Just.

State why a copy of the general
title was given to said Johnson and the
other settlers?

Ans -

Before Gov Micheltorina was pre-
pared to visit the valley of the Sacramento
the revolution or insurrection of 1845 broke
out which prevented his going & being in
consequence of the Revolution constantly occu-
pied was unable to extend to each settler
a complete title in place of the provisional
one he had before given he drew up what

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was called a general title which he sent me. Lying then Judge of the Jurisdiction of the Sacramento with instructions to give a copy of it to Camp cutter who had before obtained a provisional title which would secure the land to them until the Gov could give them a title in due form on sealed paper for which purpose they were required by the terms of the general title to present them selves before the government whenever quiet should be restored to the country.

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Ques.
State whether or not any efforts were made to have these general titles changed for complete titles or titles in due form and on sealed paper?

Ans.
John Bidwell was employed by all the settlers in the Sacramento Valley and had all their titles to go to Los Angeles the seat of government some time in 1846 to have them changed or perfected by receiving the same title in due form & on corresponding sealed paper according to the terms of the general titles.

Ques.
State if you know why said efforts were unsuccessful?

Ans.
Because of the revolution and the great distance between the Valley of the Sacramento & Los Angeles the seat of government.

The difficulties during the whole time of the revolution from its commencement to the conquest of the country by the American Troops were so great & the danger so imminent that

No communication could be made between the two places mentioned without risk of life.

Ques.

Was any particular time prescribed within which these titles or their titles were to be presented to the Government for the purposes mentioned?

Ans.

There was no particular time pre-

scribed.

Ques.

Are you the same person whose name is signed to the document now here shown to you. If you state if you signed the said document whether or not the same is genuine & executed when it bears date, which said document is filed with the petition of William Johnson in the office of the Sec of the Board of Land Commission for California. Marked Exhibit B & referred to in said petition which is No 91 on the docket of said Board.

Ans.

I am the person who signed said document and the signature to it is genuine & was made at the time the paper bears date.

Question by Mr Cooley the Law Agent.

1 Question.

Was the proximal or general title approved by the departmental assembly?

Answer.

No.

2.

How do you know that Gutierrez title papers were burnt.

Answer.

Search was made for the papers

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after the house was burnt they could not be found.

3^d Quest.

To what extent did Gutierrez cultivate the land?

Answer.

He cultivated a garden say fifty varas square, he had some fifty hives on it & a few cows.

Quest 4.

Was judicial possession ever given of the land to any one?

Answer.

I was Military Commander of the Northern frontier & Judge of the Jurisdiction of Sacramento I went to the place & put Gutierrez in possession.

The land was not measured and no land marks were set up. It was afterwards surveyed as appears by a plat filed in this case and now shown me with my Certificate on it dated November 5 1857. The land is exhibited on the plat as I intended to give him possession.

5th Quest.

What were the terms & conditions of the provisional title?

Answer.

The person was permitted to occupy the land to put stock on it and cultivate it - A complete title was not given because the governor might want it to put an arsenal upon it. He was not allowed to sell it. The date of the provisional title was in 1844.

G. A. Satter.
Sworn & Subscribed before me
Herold Hall Comm.

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Filed in Office April 2 1853

'Signed' Geo Fisher Secy.

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Office of the Board of Comrs
of California Land Claims
Los Angeles Oct 5, 1852.

On this day before Heiland Heald
one of the Comrs for ascertaining and
settling private land claims in California
Comr Jose Jaquin de la Torre a witness
produced in behalf of the claimant William
Johnson whose petition is no 91 on the doc-
ket of the Board and was duly sworn. His
evidence being given in the Spanish Tongue
was interpreted by the Secretary.

Depto of
Jose J de la
Torre.

The U. S. Law Agent was notified and
attended.

In answer to questions by the
lawyer for the claimant the witness
testified as follows.

My name is Jose Jaquin
de la Torre. I am forty years of age and
I reside at Monterey and am a native
of that Town and have always resided
there.

I knew Pablo Gutierrez two or
three years previous to the war between the
Californians and Mexicans under Governor
Micheltorná. He resided at the Sacra-
mento in the employ of Captain Sutter
and about six months previous to his
death I understood from him that he
was establishing a Rancho for himself -
Gutierrez informed me he had

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an Indian woman living with him by whom he had a child. but I did not suppose she was his wife.

I believe he had no relations in this country. He came from Mutumoras on the Rio Grande in Mexico and was a Mexican by birth. He was an Express rider between Los Micheltorona at Monterey & Capt Sutter on the Sacramento and during the difficulties before mentioned he was found dead at a place called Cannadero about five leagues from San Juan Bautista he having been killed by Indians or Rancheros or our party.

It was at the commencement of the before mentioned difficulties - He was in the employ of the government as a courier at the time of his death.

I was at the time in the command of all the Californians opposed to Micheltorona and was stationed at San Jose. I knew at the time that Gutierrez was in the employ of Micheltorona and it was generally known that he was by those opposed to Micheltorona. It was known that he had previously been going backwards and forwards between the Governor and Capt Sutter carrying dispatches. It was generally known to our party that Capt Sutter was sustaining Micheltorona & making a common cause with him in opposition to the Californians.

I cannot tell the length of time Gutierrez had been employed by the government before his death. It might have been two or three months. He was so employed from the commencement of the difficulties. Gutierrez was a man

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Extensively known & I knew of no other
Pablo Gutierrez in the country. I think
Gutierrez told me he was establishing
his Rancho on Bear River.

Gutierrez never told
me he had a family out of California
and I think he would have told me if
such had been the fact as we were
intimately acquainted, and he was in the
habit of relating to me the circumstances
and transactions of his previous life -

In answer to questions by the
Law Agent the witness says he was never
himself on the Sacramento River -

Jaago de la Torre.
Sworn & Subscribed
Before me
Richard Head Comm.

Filed in Office Oct 5. 1852.
(signed)

Geo Fisher Secy

San Francisco Dec 15th 1852.

On this day before Lemmy Hoag &
Thornton came John Bidwell a witness
in behalf of the claimant Am Johnson
petitioner No 91 and was duly sworn his
evidence being given in English -

The U. S. Associate Law Agent was
present -

Depto of
Jno Bidwell

July 1st.

What is your name age and place of residence?

Ans.

My name is John Bidwell my age about thirty three and my residence Chico Butte County California.

Question 2^d.

Did you or not make a map which accompanied the petition of the grantee for the land claimed in this case.

Ans.

I did make a map which accompanied the original petition.

Question 4.

Do you know who wrote out the original petition for the grantee in this case claimed to the Governor and when was it written?

Ans.

I believe I wrote the petition and made the map referred to before they were presented to the Govr.

Question 5 -

Do you know what action was had by the Governor on the petition & afterwards.

Ans.

I know that there was the usual order or marginal decree for information which was afterwards directed to Capt John A Sutter who was Judge of the Jurisdiction of the Sacramento. Capt Sutter responded to this in the usual report that the land was vacant and could be granted to the petitioner. Upon this examination information had from Sutter the petitioner returned to the Governor with

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the papers. I do not know that I saw
the papers after his return from the
Governor and only know that it was gener-
ally understood that the Governor had
made in the case the same kind of decree
that he made generally upon applications
in that locality at that time which are
"Let him occupy provisionally until my
going up when I will dispatch the lease-
info.
Cross Questions by the U. S. Lem Agent.
1st.

Do you distinctly recollect that
you at any time saw the papers of
Gutierrez the grant related to the alled-
ged grant after you drew up the petition -
Ans.

I did see them when he returned
from Monterey with them with the decree
for information to Capt Sutter whose
deposed to by me which was in the
Spring of 1844.

My impression is that
I saw them after that but am not positive
about it -
Quest 2.

Is the map now shown you
on file in this case marked D. the same
identical map or the original which you
say you made to accompany the petition
of the said Gutierrez -
Ans.

It is not the original one, I
made this for Johnson afterwards from
the original sketches in pencil marks
retained by me.
J. Bidwell -

The Law Agent present

Sworn to and Subscribed
before me this 15th of December 1852.
Henry J. Thornton

Filed in Office Dec. 15. 1852.

(Signed) Geo Fisher Secy.

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San Francisco Dec 21. 1852

On this day before Com Henry J
Thornton came John A Sutter a witness
in behalf of the Claimant William Johnson
petition No 91 and was duly sworn his
residence being given in English.

Diplo of
J.A Sutter -

The U S. Associate Law Agent
was present

Questions propounded to John A
Sutter in Claim No 91.

Question 1.

Did you or did you not give a
copy of what is called the general title
sent by Micheltorn to you dated Decem-
ber 22nd 1844 to Pablo Gatinis and whom
Answer.

I did give to him the
copy thereof soon after the general title
was given to me.

Just 2^o -

Will you state whether the
map filed with the papers in this
claim and certified by you to be the
original map of Gatinis land was the

original map of said land or will you explain what you meant by that being the original map!

Ans.

I think it was a map of the same land and exactly like it a true copy of the one given to Guttunus and I think was burnt in his house.

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Cross Interrogatory by U. S. Law
Agent.

Quest.

From whom did you receive your authority as Judge?

Ans.

First from Govr Alvarado and confirmed by all the other Govrnors in the Country.

Quest 2^d.

Did you ever receive any commission as Judge from a Prefect or sub Prefect.

Ans.

No I did not, but directly from the Govrnors.

Quest 3.

Was the Govr authorized by the laws of Mexico to appoint Judges.

Ans.

Certainly in the wild Country to which I was sent at that time.

Quest 4th.

What has been done with the property of Guttunus since his death?

Ans.

It has been sold to pay his debts.

Quest 5.

Did he have any heirs in California.

Ans.

No. He had an Indian Numan who died without heirs.

Quest 6.

Did he have any heirs in the place of his birth including or disclaiming heirs -

Ans.

I don't know any thing about any heirs of his any where. He was in my service twelve years, having been a Soldier before -

Quest 7.

Did you cause any Enquiries to be made for his heirs at any place.

Ans.

I did not make any. It took every thing to pay his debts.

Quest 8

Was there any record kept by you of your appointment of the Almir of Guatemala.

Ans.

No. I believe not. There are a large quantity of old papers at my house among which possibly there may be something about it -

Quest 9.

Was any record kept by you of the tithes delivered by you under the general authority given to you by Genl Micheltorona.

Ans.

I kept no formal or regular records but there was a register of all such documents -

Quest III.

Did you make any report of these titles to the Govt after the departure of Micheltornia -

Ans.

Of some there was a report made and of the remainder Major Bidwell took them to take down & but was prevented.

Quest II.

Was there no communication between the Sacramento and Los Angeles subsequent to the departure of Micheltornia

Ans. It was very rare. Thus I reflected as very much out there all such communication was at my own expense that I ever made.

Question by W. S. Law Agent.

Had not the learning in a state much more quiet after the departure of Micheltornia than before.

Answer.

It was for a very short time but not long afterwards -

W. S. Law Agent present.

Sworn to & Subscribed
before me this 21st Decr 1852.

Henry I. Thornton
Comge.

Filed in Office Dec 21, 1852.

(Signed) Geo Fisher
Secy

San Francisco Jan 4. 1853

Depto of
S. J. Hemslus

On this day before Lemm Henry & Thornton came Samuel J Hemslus a witness in behalf of the Plaintiff William Johnson petition No 91 and was duly sworn, his evidence being given in English -

The U.S. Associate Law Agent was present.

Questions by Plaintiff.

Quest 1.

What is your name age and place of residence and how long have you resided there?

Answer.

My name is Samuel J Hemslus My age is about 55 and my residence is San Francisco and I have resided in California generally in the Sacramento to Valley since the year 1843.

Quest 2.

Are you acquainted with the land claimed in this case and if so what do you know about its occupation and settlement.

Ans.

I saw Gutteries the original grantee living on the land in the year 1844 who lived there till the winter of 1844 about the time he was supposed to have been killed.

In 1845, 1846, 1847, & 1848 I saw Mr Johnson the present claimant living on the same place - Gutteries built a Palo house upon the land. Johnson built an adobe house on it & cultivated.

about 800 acres in 1845 and had on it two or three hundred head of cattle horses & other stock -

James D. Henshaw.

U. S. Land Agent present.

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Sworn to & Subscribed
Before me this 4th of Jan'y
1853 -

Henry J. Thornton

Comm'r

Filed in Office Jan'y 4, 1853.

(Signed)

Geo Fisher Secy

Deposition of John Bidwell
in Claim No 91 as filed in the
Office of U. S. Land Commission -

My name is John Bidwell I am
33 years of age reside at Chico Butte
County and have been in California over
thirteen years. I was knowing to the fact
that in the latter part of 1843 and during
the year 1844 a number of persons American
and as well as others who had resided in
this country the requisite term went from
the frontiers of the Sacramento & vicinity
to Monterey then the Capital of the Depart-
ment obtained letters of Naturalization
and subsequently presented to the Governor
petitions for land.

Depo of
Jno Bidwell

Pablo Gutierrez a
Mexican citizen by birth, also about the
same time made application to the Govern-
or for a tract of land. The petitions

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were invariably referred to the Magistrate or Officer in whose jurisdiction the land lay for information as to whether the land was vacant (Caldio) and could be granted.

This information being obtained from the proper authority and being all that the law seemed to require on the part of the Crown it was confidently expected that upon a re-presentation of their petitions to the Governor the titles to the lands would be issued to the respective applicants.

I was one among the number of such persons and I will add that we felt mutually interested in each others success.

There were but a handful of men on a Texas frontier which had for a long time been exposed to the ravages of roving bands of "horse thief and hostile Indians" and were dependent upon each other for mutual protection.

One of the greatest grievances suffered by the frontier settlers was the alarming depredations committed by the Indians who inhabited the Tularo Valley and the adjacent regions.

They annoyed every part of the country from the frontier down to the older settlements and Missions and to the Bay Coast.

No part of the country was exempt. Murders and robberies committed there.

The whole country was in a state of constant alarm and it

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was an almost daily occurrence for Ranches and even whole settlements to be swept of all their horses.

To remedy these outrages Governor Micheltornia in the year 1844, contemplated the establishment of Military posts along the frontiers of the San Joaquin and Sacramento, -

When application was made from time to time by citizens for the titles to the lands they had petitioned for with the necessary information from the proper Officer of the District (who was Capt John A Sutter) the issuing of the titles was deferred for want of a general Map of those regions and until the Governor should make his contemplated visit for the purpose of selecting proper sites for such Establishments as will be seen by reference to many of the petitions presented about that time which bear this statement in writing -

The citizens who had gone thus far and done all that could be required on their part were waiting for a time in suspense for the long expected visit of the Governor

They had one common object in view in settling upon the frontier and that was the titles to their lands to secure them in the possession of their homes and their property -

They were few in number and consequently clinging together for mutual protection - The interest of one

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was the interest of all. The affairs of each were known to all the others and this was particularly the case in the progress made in obtaining the titles to land.

I made the maps of the land petitioned for by Pablo Gutierrez and I believe I made his petition to the Governor also. He presented his application to the Governor early in 1844 and it was referred as those of other citizens were to Capt Sutter for information -

This was obtained in his favor and although I do not remember to have seen his papers after this time yet it was well known that he had obtained as favorable decrees from the Governor and had gone as far to wards completing his title as other citizens had, and I distinctly remember when Pablo Gutierrez who was the bearer of the general title from God Micheltorona to Capt Sutter arrived at New Helvetia in the latter part of December 1844, that the news of the granting of that document was received with great satisfaction and was a subject of mutual congratulation among us. Each one considered himself secure in his title & none more so than Pablo Gutierrez -

J. Bidwell -
Sworn to & Subscribed before
me this 30th of Dec. 1852

Henry J. Thornton
Comm. 3

I consent that the above Sworn

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statement of Mr Bidwell may be filed
and read as evidence in the claim of W
Johnson no 91 subject to such further
examination as I may in the mean time
deem expedient -

R. Granford
Asst Law Agent.

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Filed in Office Sept 15. 1853.

(signed) Geo. Fisher Secy

United States of America }
State of California } fo.
San Francisco April 16th
1855

This day came before Commissioner
R. Aug. Thompson came Joseph Caro
a witness in behalf of the United States
in case no 91 on the docket wherein
William Johnson is the claimant for the
place named Johnsons Ranch and
being duly sworn deposed as follows.

Depo of
Joseph Caro.

The Counsel for the claimant
Judge Thornton is present.

Questions by the U. S. Law Agent.
1st Question -

What is your name age
and place of residence?
Answer.

My name is Joseph Caro
forty four years old and I reside
on the Bear River -

2nd Question -

2^d Question -

How long and where have you resided in California?
Answer.

I have lived in California since the Spring of 1844 and have been on Bear River since 45. The first Summer I worked for Captain Sutter -

3^d Question.

Were you acquainted with Pablo Gutierrez in his life time if yes how long did you know him where did he live in what business was he engaged and when and where did he die?

Answer.

I was acquainted with Pablo Gutierrez in his life time. I first knew him in the fall (September) of 1844 -

I went up to the Mountain with him and Captain Sutter in September of that year he lived on the place now called Johnsons Ranch the land claimed in this case he had a few horses & cows there. I do not know what business he was engaged in particularly. He died in the winter of 1844 and 1845 and I was told that he was killed near the San Jose Mission somewhere.

4th Question -

Are you acquainted with the land claimed in this case now called Johnsons Ranch. if yes how long and how intimately have you known it state whether said Gutierrez ever cultivated

any of said land.

Answer.

I am acquainted with said land. I have known it since 1844. I have been there since 45, steady living just cross the River - Gutierrez born cultivated any of said land that I saw. there was a brush corral there and a tulo cabin - I lived part of the time about 18 months on this land. Gutierrez lived in the cabin -

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5th Question -

Were you present at the time John A Sutter sold the effects of said Gutierrez if you state when that proceeding took place who were present what notice was given what did Captain Sutter sell and what he stated to the bystanders was the character of the title to the land sold by him?

Answer.

I was present at said sale - said sale took place in the Spring of 45. Mr. Farwell, Mr. Kiser, Thos. Peckham, Shadden, Samuel Neal, Jos. Sicard, Leoto who is now dead were there. there were there many have been there but if so I have forgotten with Captain Sutter -

I do not remember what notice was given if any he Sutter wanted to sell the four leagues of land for the heirs of Gutierrez and Capt Sutter said at the time there were no papers for the land but that

Pier would give papers for it to whomsoever would buy it and that he would assist the purchaser to obtain them -

Sutter said he was selling the land that belonged to Gutierrez - 6th Question -

To whom was the property sold and for what price?
Answer.

The property was knocked off to Farwell, I had bid eighty five dollars and Farwell overbid me.

I do not know what price he paid. Farwell never went upon the land.

7th Question -

How long did the purchaser hold the land and to whom was it subsequently sold -

Answer.

Farwell did not hold the land further than the first day when he sold to Keiser. Thos Shaddon & Fallon who went on to the land.

He never saw a deed of sale and only knows from hearsay that they purchased from Farwell. I heard this from those men. I also heard that Johnson bought from Fallon and Shaddon the whole of the ranch but he did not go into possession till the fall of 45 -

I heard this from Johnson & Fallon -

8th Question -

Are you acquainted with Mr Johnson the claimant

in this case if you state whether he was present at the time of the sale?

Answer.

Yes. I know him. I am not certain but I do not think he was present at the sale before mentioned by Sutter -

9th Question -

When did Johnson first go on the Ranch?

Answer.

In the fall of the year 1845, I think in October -

Cross-Examination by Judge Thornton -
1st Question.

Did you ever settle or have a squatter claim on this Ranch?

Answer.

I first settled upon the land as a squatter but have since caught it - my claim - from Keast who was agent for the owner.

2nd Question -

Do you know in what business Gutierrez was engaged when he was killed?

Answer.

I understood that he was at that time carrying dispatches from Michitsonna to Sutter -

3rd Question -

When did you first know this land to be called Johnsons Ranch.

Answer.

In the year 41 or 42 was the first time I heard it so called - I

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do not know which of these years.

Joseph ^{his} & Vera
mark

Subscribed and sworn to
before me this 16th April
1855.

R. Aug. Thompson
Comm.

Filed in Office April 16, 1855.
(Signed)

Geo Fisher Secy

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United States of America
State of California 3 fs.

San Francisco April 19
1855.

This day came before Commis-
sioner S. B. Farwell one of the Commis-
sioners to ascertain and settle the
private land claims in the State of
California Samuel J. Hemshus a
Witness in behalf of the claimant in
Case No 91 on the docket wherein Mr
Johnson is the claimant for the place
named Johnsons Rancho and being
duly sworn deposed as follows.

Depto of
S. J. Hemshus

The U. S. Associate Law Officer is
present.

Questions by Judge Thornton,
At Question -

What is your name age
and place of residence?

Answer.

My name is Samuel J. Hemshus

my age 38 years, and I reside in San
Jose
Dr. Justin -

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I am acquainted with the land claimed in this case and come in with Pablo Gutierrez the original grantee of your State. what you know of the said Gutierrez of his settlement under his claim on the land the time when he settled and whatever you may know of him concerning his death and claim to this land.

Answer.

I am acquainted with the land claimed in this case and from thirty six up to the time of the death of said Gutierrez I know him he settled on this claim in the summer of 1844 he built a cabin and had some cattle and horses in that year I visited him there and was in his house at that date -

In December 1844 he took dispatches from Sutter to Micheltorona and brought with him the paper called the general title the original of which is on file in the case before this Board in which I am claimant.

He brought said paper up in his shoe and the stain of the leather is still upon it. I saw him deliver it to Sutter - I was in the room at the time it was so delivered to Sutter and know all that was going on in regard to it -

Sutter started him back with

dispatches to Micheltorna about
the last of December of 1844 or the
first of January of 1845 and he de-
scribed the said dispatches to Micheltorna
and on his return to Capt Sutter
he was assassinated early in January
of 1845 near the Pueblo of San Jose
3^d Justin.

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Do you know the claimant
in this case Wm Johnson? if you state
what you know of his ownership of this
land how he became the owner then
he first settled it and all you know of
his settlement and residence there,
Answer.

I know said Johnson very
well and have known him since the
Spring of 1844. I was told he purcha-
sed the place at public sale at
Capt Sutter's Fort in the Spring of
1845. the place was sold by Capt
Sutter to pay Guttering debts, said
Sutter was the only Government Officer
we had in that district. Military and
Civil and sold the effects of said
Guttering as a public Officer. I was
told of this sale by Mr Johnson Capt
Bidwell and Capt Sutter.

In June 1845 I saw
said Johnson with tools and pro-
visions going on to said ranch -

I was then leaving the
Sacramento Valley on a trapping expedi-
tion to the North, after my return
which was about the month of Sep-
tember of that year -

I visited said Johnson
at his ranch and staid all night with

him and visited him often during
the winter of 1845.

I was at his house
again in the Spring of 47 as I was
leaving for the Atlantic States & found
him there on my return in September
of 1848.

This Ranch was known as
Pablos Ranch up to the Spring of 1845
and since that time as Johnsons
Ranch. It was notoriously called
so being the first ranch which emi-
grants coming across the plains would
come to.

4th Question.

Was you acquainted
with a man named Farwell mentioned
in the deposition of Joseph Cox taken
in this case if you if you know him int-
imately and did you ever hear of his
being the purchaser of the Pablo Ranch
Answer.

I know him intimately I
know him in this country prior to my
going to the States and he returned
with me in 1848 and my acquaintance
with him continued up to the time
of his death and I never knew of
his being the purchaser of the Pablo
Ranch to the best of my recollection.

Signed J. Hemslus.

The Associate Law Agent
declines asking the Witness
any questions -

H1

Sworn & Subscribed before me
this 14th day of April 1855 -

S. B. Farwell
Commissioner

Filed in Office April 19, 1855.
(Signed)

Geo. Fisher Secy

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United States of America }
State of California } ss.
San Francisco May 8, 1855.

Depto of
Thos Fallon

This day came before R. Aug
Thompson one of the Commissioners to
ascertain and settle the private land
claims in California Thomas Fallon
a witness in behalf of the United States
in case no 91 on the docket of the
Board, who being duly sworn deposed
as follows.

Judge Thornton appears for
Claimant
Questions by the U. S. Law Agent.
1st Question:

Please state your
name age and place of residence?
Answer.

My name is Thomas Fallon
my age is thirty one years & I reside
in San Jose Cal.

2nd Question -
How long and where
have you resided in California?

Answer.

I have been here since March 1844 and have resided in various parts of California, part of the time in the Sacramento valley and part on the coast, with the exception of five months absence to the Eastern States.

3^d Question -

Are you acquainted with Pablo Gutierrez in his life time and are you acquainted with Mr Johnson the defendant in this case and John A Sutter if you have long and how intimately have you known each

Answer. I was acquainted with said Gutierrez in his life time and with said Johnson when he lived in California and said Sutter -

I know Pablo in the Summer of 1844. I saw him several times. I know Johnson in the Spring (I think) of 1845 and in the fall of that year I had dealings with him and saw him frequently. I have known Sutter ever since I arrived in the country and am well acquainted with him.

4th Question -

Are you acquainted with the Ranch claimed in this case if you have long and how intimately have you known it?

Answer.

I know the ranch I have known it since 1844. I know it intimately for Jones owned half of

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it. I built a house on it in the
Summer of 1845. I also built a corral
on it and I had cattle and horses on
it.

5th Inst.

Where did Mr Johnson
live before he went to the Bear River
district and what time did he go to
this Rancho?

Answer.

I understood that he used
to live down here in San Francisco
and used to be a trader.

He caught the
half of the ranch from me in September
or October of 1845. I think it was in
the latter part of September. I think
he moved on to it immediately after
purchasing it.

I saw him there in the
following Spring - in March 1846.
Qth Question -

Where and in what
kind of a house did Gutierrez live on
said Rancho and state whether he
ever cultivated any part of said Rancho.
Answer.

He lived on the north
bank of Bear River - He lived in a
small house built of poles and
decked over with mud and covered
with tule close to the base of the
Sierra Nevada. I do not know whether
he ever cultivated any of said Rancho.
Qth Question.

If he had made any culti-
vation on said Rancho would you
have known it?

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H4

Answer.

It might have been
Overtaken and I not have known it.
9th Question -

Was you present at the
Sale of said Rancho by said Sutter
in 1845 if you who else were there?

Answer.

I was present at said sale
there was quite a number of persons
there - Kysar, Edward & Farwell
(who was the auctioneer) and myself
were the three principal bidders -

Farwell finally bid
it in and became the purchaser. this
I know distinctly as I was angry
with him for bidding against me.
9th Question -

What notice of said
sale was given and what property
was sold?

Answer -

I do not know what notice
was given - It was generally known and
I knew it several days before hand.

The sale as I understood
it was sold under an administrators
sale by Sutter as I supposed under
the Mexican laws.

10th Question -

What did Capt
Sutter say at the time he made such
sale as to the character of the title
to the land?

Answer.

I heard him say both
before and after the sale that it was

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perfectly good is the title to that
Ranch and that Michelsonen had
conferred extraordinary powers on
him acting as Alcalde thereby let
people off from certain restrictions
or conditions. These observations were
made to me by Sutter also on the
day of the Sale and he was appa-
rently anxious that I should get
the place.

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At the time of the sale
there were a number of us standing
together and in his usual way of con-
versing he made these same observa-
tions to us.

Before the Sale Mr
Sutter made both publicly and private-
ly the observations which I have al-
ready given -

(The foregoing Answer is objected to by
the U. S. Law Agent as unresponsive
to the question)
11th Question -

The question is Did
Capt Sutter make any public an-
nouncement by others as to the
nature of the title to this property, if
yes what was it?

Answer -

He did not hallow out
he spoke in his usual voice to myself
to Kuyser and a number of us standing
by. I am under the impression his
announcement was made officially
as he was acting as Alcalde and we
were influenced in our bids by what
he said?

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12th Question.

At what price did Farwell bid it in and how long did he retain the property?

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Answer.

I would not be certain about the price but I think it was in the neighborhood of Three hundred dollars. He retained the property but a few days.

13th Question -

At the time of such sale where did you reside and how long after such sale was it before Johnson removed to the Ranch?

Answer.

I resided in Sutter's Fort. I think he moved there six or seven months after the sale -

14th Question -

If Mr Johnson had been present at the sale and bid on the property would you not have known it, and state your reason for believing he was not the purchaser.

Answer.

I do not recollect whether Johnson was there or not. There were some persons there I did not know, and I did not know Johnson at that time I think -

I know that Johnson was not the purchaser at that sale for Farwell who was the Auctioneer - The counsel for the Claimant deems asking any cross interrogatories - Thomas Fallon -

Fieldin office
May 9. 1855 -

(offl)
Geo Fisher
Seal

Sworn to & Subscribed before me this 8th May 1855.
R. A. Thompson
Comm.

sworn to & subscribed before me this 8th day of May 1853.
R.A. Thompson

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Case No 201 upon the Docket, for Confirmation of the grant of Rancho Agua Nueva.

Board of Commissioners to ascertain and settle private Land Claims in California

Deposition of John A. Sutter

On the 13th day of May A.D. 1853 came before me James Wilson, one of said Commissioners, Capt. John A. Sutter, a witness offered by Samuel J. Hensley, petitioner, and being duly sworn gave the following testimony:

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George W. Cooky San Agent of the United States was notified and did attend to the taking of the testimony of said witness.

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In answer to interrogations propounded by Sutter's Counsel the deponent answers as follows:

I am acquainted with the handwriting of Gen. Manuel Michelena, 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 Samuel J. Hensley as a citizen of Mexico is a genuine paper, and the signature of Manuel Michelena to said paper is his true signature. The Commissioner has affixed his initials to said paper and marked it as follows: J. W. Hol. I have also compared said paper with document marked Exhibit C in 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 shown me is a genuine
 paper and the signatures of Gen. Manuel
 Micheltreua, Sicj Manil Jimeno, the signature
 of Saml J. Kinley and my own signature when
 they occur on said paper, are all genuine sig-
 natures of those several persons. The last paper
 attached to said Exhibit A marked by the Court
 in mine as follows J. W. I have carefully examined
 and I state that I gave a copy of the original
 paper which I had received from Manuel
 Micheltreua to Saml J. Kinley a 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. Kinley about the 20th of April A.D. 1845.
 The map which is attached to the original
 paper marked J. W. No. 2, is an original of which
 a copy is attached to Exhibit A in this cause.
 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 years 1844 and 1845. I know the Rancho
 of Agua Nieves claimed by Saml J. Kinley,
 and the same was within my jurisdiction.
 It is on both banks in the Sacramento Valley,
 about one hundred miles north of Sutter fort.
 Mr. Kinley applied to me in the Spring of
 1845, to be put in judicial possession of the
 Rancho Agua Nieves, 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 Gen. Micheltreua from January
 1845 to the first of April 1845 immediately on
 my return from the said campaign I had
 to go out again in an Indian campaign.
 Soon after my return from the said Indian
 campaign Gen. Fremont came into his party

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into that section of the territory and a general
revolution followed throughout California
I soon ceased to exercise military command
or civil jurisdiction. For those reasons I could
not comply with his request

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Upon the examining of the
by G. W. Conley Esq. Law Agent of the U.S. the
writup says that his civil jurisdiction extends
from the San Joaquin Riverward over the
whole Sacramento Valley

J. A. Lutter

The Law Agent G. W. Conley
Esq. objects generally to the foregoing depositions
as incompetent, reserving generally all legal
objections.

May 13th 1852
Subscribed and sworn to
before me James Wilson
Commissioner

Filed in office May 13, 1852.
(Signed) Geo. Fisher Frey

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Deposited This day before Comr. Robt. A. Thompson came
Thomas O. Larkin, a witness in behalf of claim,
ants. Charles Corittand, et al., No 147, who after
being duly sworn deposed as follows:

Sworn W. C. Jones Atty for Claimant

Question by Claimant's atty

What is your name, age
and place of residence?

Answer. My name is
Thomas O. Larkin, age fifty years, and residence
San Francisco, California

Question by same. Look at
the map now shown you marked with the letter
A and the initials N. 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 Americans
it was made by John Bidwell, one of the
best known surveyors at that time on the
Sacramento River. It was made at my instance
and for me, it has been in my possession ever
since except when I have occasionally loaned for
short periods. Mr. Bidwell about that time
made ^{one} for General Micheltoune of which this
is a duplicate. They were both in my hands
and both in the hands of Micheltoune and
it was carefully examined and compared by
Manuel Jimenez the governor's secretary, and
the certificate appearing thereon subscribed by
said Secretary, was made by him in my presence.
There is also a certificate of its being a true copy
of the before mentioned map, signed by Pablo
de la Guerra, at that time Collector of the
Custom House for California and countersigned
by Jose Abrego, treasurer of the department
of California, over on said map, which was
also made and signed by them in my presence
I was at that time United States Counsel for

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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 as to their business generally. With the exception of the before mentioned certificates the only change or alteration which has been made on said map since I received it from the hands of Mr. Pittell is the insertion of the name "Meritt" in one place, and the words "Ranch de Hartwell" in another, which words were inserted by William C. Hartwell in my presence, but without my approbation and before I knew what he was doing.

Question by same, Have you known what has become of the original map of which you state this one to be the duplicate? Answer, I do not know, when I last saw it, it was in very disreputable and dilapidated condition, and I do not believe it is now in existence.

United States Law Agent for Mr. Howard objects to all evidence in relation to the map referred to in the above deposition for the reason that the said map is not certified by Manuel Jimenez until 1854, and because the original map if produced would not be competent testimony.

Question by United States Law Agent
When did you compare this map with the original? Answer I do not know it was a good many years ago, and further the deponent says no.

Thomas J. Leekin

Sworn to and Subscribed

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before me this 5th day
of September, 1853.

A. Aug. Thompson
Clerk

Filed in office Sept 6th 1853.

(Signed) C. D. Fay
Secy. Dubois Fay

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11/10

Jurisdiccion del
Sacramento. Habiendose asesinado el Sr. Pablo Gutierrez cuando estaba en camino con correos del Exmo. Sr. Gobernador Manuel Micheltorena el principio del mes de Enero de este año: y habiendose destruido su casa con todos los muebles q. tenia, y varios bienes del rancho en este tiempo de revolucion me hallé obligado como Jefe encargado de la jurisdiccion de este distrito a ofrecer a venta subasta publica los bienes muebles y raices q. quedan pertenecientes al estado del difunto Pablo Gutierrez (quien no dejó heredero ninguno) p^a alcanzar el pagamento de sus deudas y p^a la seguridad y resguardo de Don Guill^{mo} Johnson uno de los compradores de los bienes doy el certificado siguiente.

B.
Expediente.
annexed to the Depo.
of Lt. Sutter.

9
El mencionado D. Guill^{mo} Johnson, ciudadano p^r naturalizacion, es comprador de los bienes raices corrales, fundaciones, derecho y intereses en el terreno etc. del estado del espresado difunto Pablo Gutierrez. Mexicano por naturalizacion naturalmente. El espresado difunto Pablo Gutierrez pidió el terreno de su rancho que constaba de cinco sitios de ganado mayor en el verano del año de mil ochocientos cuarenta y cuatro presentandose con las instancias en la debida forma, ante el Excmo. Sr. Gobernador Manuel Micheltorena: regresó p^a pedir las cédulas necesarias de este juzgado de mi cargo y habiendolo cumplido con todos los requisitos legales, volvió ante el Excmo. Señor p^a que le estendiese el título. Pasamos instancias con muchos otros de la misma naturaleza, se puso la providencia de esperarse hasta que el Excmo. Sr. Gobernador se servió por haberse sumamente ocupado en las relaciones del Gobierno, conceder todas los terrenos a los ciudadanos de este distrito: que habian cumplido con los requisitos necesarios p^r un título general que tengo encargado. No obstante las instancias del espresado

del expresado Pablo Gutierrez se pidieron en su favor con todo el decreto del Sr. Gobernador y las informes necesarios dho. terreno fue concedido por el mencionado Titulo general del que lo siguiente es la copia.

„ Manuel Micheltovena Genl de Brigada del
 „ Ejercito Mexicano, Ayudante Genl de la Plaza
 „ Mayor del mismo Gobernador, Comandante
 „ Genl e Inspector de Departamento de California.

„ No pudiendo ahora prestar sumamente
 „ ocupado este Gobierno Supremo Departamental
 „ extender uno por uno los titulos respectivos a los
 „ ciudadanos que han solicitado terrenos con informes
 „ a su favor de Sr. J. Aquino Sutter Capitan y Genl.
 „ en cargo de la jurisdiccion de Nueva Elvada y
 „ Sacramento a nombre de la nacion Mexicana les
 „ copiero por estas letras la propiedad por ellos y
 „ sus familias de los respectivos terrenos marcados
 „ en sus instancias y diseños a todos y a cada uno
 „ de los que hayan solicitado los mismos y obtenido informe
 „ favorable del expresado Sr. Sutter hasta hoy o dia
 „ de la fecha sin que nadie pueda disputarles su
 „ propiedad sirviendoles una copia de este que les
 „ dara mas adelante el Sr. Sutter de titulo formal
 „ con el que se presentarian a este Gobierno pidiendoles
 „ el mismo titulo en la debida forma y papel
 „ sellado correspondiente y para la debida constancia
 „ en todos tiempos doy este documento que sera
 „ reconocido y acatado por todas autoridades civiles
 „ y militares de la Nacion Mexicana y en este
 „ y las demarcaciones, autorizado debidamente
 „ con los sellos militar y de Gobierno en Choluteca
 „ a veinte y dos de Diciembre de mil ochocientos
 „ cuarenta y cuatro. - Manuel Micheltovena.

Y para se le sirva de titulo esta copia como
 autentica, orige y manifiesta el referido titulo
 general al Sr. J. Gutierrez Sobresu Mexicano
 por naturalizacion se doy este documento en

9. 57.

Nueva Elveia a veinte y ocho de Abril de mil
ochocientos cuarenta y cinco.

J. A. Sutter.

Jefe encargado de la Jurisdiccion de Nueva Elveia
y Sacramento.

Wm Johnson. Deed.

Proc^o from record Feb. 6 A.D. 1851 at 7 o'clk. 50 min⁵
from & duly recorded in Deed. Book. B. pages 156. 199.
Marysville. Yba Calif.

Alfred Leaton.

Recorder.

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Recorded in Book of Records of Evidence Vol. 1. pages
84. & 85.

Geo. Fisher. Secy.

Filed in Office. March. 8th 1852.

Geo. Fisher. Secy.

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Jurisdiction
of
Sacramento

"6"
Translation
of
B

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Pablo Gutierrez having been murdered when on the Road with dispatches of the Gov. the Governor Manuel Micheltorena in the early part of the month of January of this year and his house having in these Revolutionary times been destroyed with everything it contained including various articles belonging to his Ranch I found it necessary as Judge in Charge of the Jurisdiction of this district to sell at public auction all the Effects furniture lands and other property belonging to the Estate of the deceased Pablo Gutierrez who died leaving no heir whatever to meet the payment of his debts and for the security and protection of Mr Wm Johnson one of the purchasers of this property I give the following certificate.

The said Wm Johnson a Naturalized Mexican Citizen is the purchaser of the Effects, movables, buildings, right title and interest in all the lands &c. of the Estate of the said deceased Pablo Gutierrez a Mexican by birth -

The said deceased P Gutierrez solicited the ground of his Ranch which consists of 5 square leagues in the Summer of the year 1814 presenting himself with his petition in due form before H E, the Governor Manuel Micheltorena and returned to obtain the necessary information from this Court under my charge and having complied with

all the legal requisites he returned to H.C. the Governor in order to get his title issued. But on his petition as also on many others of the same nature he wrote his petition as also on many others of the same nature he wrote decrees that he should wait until H.C. the Governor should be pleased being thus much occupied in the affairs of Government to grant the corresponding lands to all those citizens of this district who had complied with the requisites necessary by a general Title which I now hold.

Notwithstanding the petition of said Pablo Gutierrez was destroyed in his house with the decree of the Governor and the necessary information said land was granted under the aforesaid general title of which the following is a copy

Manuel Micheltorona Genl of Brigade in the Mexican Army Adjutant General of the Staff of the same Governor Commander in Chief and Inspector of the Department of California.

"This Supreme Departmental Government not being able in consequence of being much occupied to issue one by one separate titles to each citizen who has solicited lands with reports in their favor from Augustus Sutter Captain and Judge in Charge of the Jurisdiction of New Elvira and Sacramento in the name of the Mexican Nation I grant by these presents the

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ownership to them and their families of the tracts of land marked in their petitions and map to each and all those who have asked for and obtained favorable reports from the said Augustus Sutter up to this date and no persons shall dispute their ownership of the same. a copy of this decree which shall be given to them hereafter by Srmo Sutter serving as a formal title with which they will apply to this Government in order that he may issue the same title in due form on the corresponding stamped paper -

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In Witness Whereof for all time I give this document which must be recognized and respected by all authorities civil and military of the Mexican Nation in this and the other departments being duly accompanied with the civil and military seals.

Montreux 22^d of December 1844.

Manuel Micheltorona

And that this copy as ordered authorized and manifested in said formal title may serve as a title to said Wm Johnson a Naturalized Citizen.

I give him this document in New Orleans this 25th day of April 1845.

J. A. Sutter Judge in Charge of the jurisdiction of New Orleans and Sacramento.

I certify the foregoing to be a true
and correct Translation from the
original Spanish au file in this Office
in Case No 91. Wm Johnson -

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(signed)
Geo. Fisher
Secy

Filed in Office March 8. 1852.

(signed)
Geo Fisher
Secy

3. 63

Manuel Micheltorena, Genl de Brigada del
Ejército Mexicano Ayudante Genl. de la plaza
Mayor del mismo, Gobernador Comandante Genl
e Inspector del Departamento de las Californias.

No pudiendo por ahora estar permanentemente
ocupado de este Gobierno Supremo Departamento
estender uno por uno los títulos respectivos a todos
los ciudadanos que han solicitado terrenos con
requisitos a su favor del Sr. Don Augusto Sutter
Capitan y Genl. encargado de la jurisdicción de
Nueva Helvecia y sacando a nombre de la nación
Mexicana les confiero por estas letras la propiedad
por ellos y sus familias de los respectivos terrenos
marcados en sus instancias y diseños a todos
y a cada uno de los que hallándose litado y
obtenido requisitos favorables del espresado Sr.
Sutter hasta hoy día de la pta. sin que nadie
pueda disputarles su propiedad, serviendo le
una copia de este que les dará mas adelante
el Sr. Sutter de título formal con el que se
presentaran a este Gobierno para estenderles el
mismo título en la debida forma y papel
sellado correspondiente y por la debida conformidad
en todos tiempos de este documento y sera recono-
cido y aceptado por todas las autoridades milit-
-ares y civiles de la Nación Mexicana en este
y en los demas Departam.^{tos} autorizando debida-
-mente con los sellos militares y de Gobierno
en Montevideo a veinte y dos de Diciembre de
mil ochocientos cuarenta y cuatro.

La copia que certifico. Nueva Helvecia.

27 de Diciembre. de 1844.

J. A. Sutter.

Filed in Office. March. 8th 1852.

Geo. Fisher. Secy.

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Here follows a map or plan.

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Mmanuel Micheltorina Gen of
Brigade of the Mexican Army Gen
Adjutant General of the Staff Governor
Commandant General and Inspector
of the Department of the Californias -

J

Translation

of

Genl of the
Dept of the
Californias

Gen Commdt
of atty
California

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The Supreme Departmental
Government not being able in consequence
of pressing engagements at present to
issue separately the respective titles
to all the Citizens who have petitioned for
lands with a report in their favor
from Mr Augustus Sutter Captain
and Judge in charge of the jurisdiction
of New Helvetia and Sacramento in
the name of the Mexican Nation I
authorize them and their families of the
lands respectively noted in their petitions
and maps to all and each one of
them who have petitioned and obtain-
ed favorable reports of the said Mr
Sutter to the date hereof so that none
may dispute their ownership they using
a copy of this that Mr Sutter may
give them a formal title with which
they may present themselves to the Govern-
ment to issue to them the same title in
due form and on the corresponding
sealed paper and in witness whereof

in all times. I give this document which
will be recognised and respected by all
the Civil and Military Authorities of the
Mexican Nation in this and other Depart-
ments, being duly authenticated with the
Military and gubernatorial seal at
Mexico this twenty second of Dec-
ember one thousand eight hundred
and forty four.

(signed)

Manuel Michitoma -

It is a true copy which
I certify -

New Helvetia 27th Decr 1844.

(signed)

J. J. Sutter.

Filed in Office March 8. 1852.

(signed)

Geo Fisher Secy

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U. S. Land Commission -
No. 91.
William Johnson Claimant -

Stipulation.

In this case it is agreed between the United States Law Agent and the Counsel for the Claimant that the depositions of Captain John A. Sutter and the original document of General Felt from Gov. Micheltorina made an exhibit to said deposition, as also the deposition of Redwell taken in case No 261 of Samuel Hensley as United States be read and considered as evidence as if retaken.

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R. Grantham
Asst Law Agent.

H. J. Thornton.

Filed in Office Aug 9. 1853.
(signed)

Geo Fisher Secy

Stipulation.

Commission of Land Claims
California -

No. 91.
"Johnson's Ranch"

Guttering original Petitioner.

It is agreed that the deposition of Thomas O. Larkin in case No 147 Lovilland & Co Claimants may be read in Evidence and a certified copy thereof be filed in the above named case No 91

together with the map Exhibited, as if the same had been taken in the same, subject to all legal objections.

H. J. Thornton V E Howard

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Filed in Office Sept 5th 1853.

(signed)
Geo Fisher Secy

Case No 91.

Before the Board of U. S Land Commissioners to ascertain and settle private land claims in California.

Affidavit

E. Allison says on oath that he resides in the County of Yuba in which the land claimed in this case is situated, that the said case has been submitted to said Board for decision upon a partial statement of facts.

That it can be proved by Joseph Dero a resident of the County of Sutter in said State that Gottfried Moor built a house on said land or cultivated it, that when J. A. Sutter sold the land he gave public notice that there was no title to it in existence but that he thought the purchaser of the personal property might apply for and obtain a title from the Governor, and that said Sutter did not sell said land to Johnson at all -

That immediately after it

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was known that the above facts could be proved the above named witness was procured and V E Howard then Law Agent was applied to for the purpose of introducing the testimony in apposition to said claim but said Howard informed the party applying to him that the Evidence of the case had closed and that further testimony could not be taken in the case and that if this case shall be opened for the purpose of taking further testimony the above mentioned facts can be distinctly proved so this affiant is informed and firmly believed - and further affiant saith not.

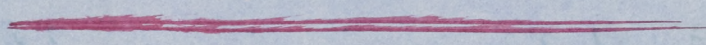
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Subscribed and sworn to before me this 20th day of Aug 1854.

Cyra Allison
C. B. Forbes
Justice of the Peace
Yuba Co. Cal.

Motion on the facts set out in the foregoing affidavit to reinstate upon the Calendar to take further testimony.
J. N. McKim
Law Agent.

Filed in Office Sept. 12. 1854.
(Signed) Geo Fisher
Secy.



U. States Land Commission

No 91.

Affidavit on motion to restore
the case to the docket -397 ND
PAGE 67Stipulation
and
Affidavit.

• Ezra Allison says on oath that he resides in Dubuque County in the State of California on the North Side of Bear River, that he has been acquainted with the land claimed in this case since February 1857.

That he has conversed with Joseph Vero of Dubuque County who has resided near and has been acquainted with said land as affiant is informed since 1844.

That the said Vero informed affiant that he was present at the time Sutter sold effects of Guttering - that said Sutter then and there informed those bidding at the sale that there never had been any title given to Guttering for the land, but that any person buying the claim of Guttering might apply to the Governor and get a grant of the land -

That after said announcement the effects of said Guttering were sold at public auction by said Sutter to a man by the name of Farrell, and that Mr Johnson never had any interest in said Rancho till the fall of 1855 and that he purchased from Sutter -

That it was a matter of general notoriety among all the inhabitants of that district of country that the

of that district of country that the

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said Guttering never had any children
cultivation on said land at any time
and never built a house there nor
ever had any title to the said land
either by the general title or by grant
directly to him by name from the
Governor, all of which facts affiant
says he expects to prove by said
Deo and other witnesses among which
are Tullon Myo and second if said
case is restored to the docket for the
purpose of taking further testimony -

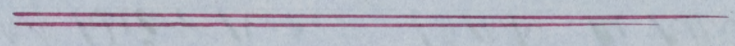
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Erna Allison -
The Surat of Judge Lott
was appended.

The above is agreed to be sub-
stituted as the affidavit filed but
casually mislaid -

Thronton -
McKone -

Filed in Office Feb 24 1855 -
(signed)
Geo. Fisher
Secy



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No 91

William Johnson

The United States

For a place called
"Johnson's Ranch"
in the County of
and containing five
square leagues

Opinion of the Board
delivered by Commissioner
S. B. Farnwell

This claim is based on what
has been designated the general
title issued by Governor Micheltaine
on the 22d day of August 1843 and
for the benefit of all in the vicinity of
the Sacramento and San Joaquin who
had applied for lands in due form and
prior to that date and had obtained a
favorable report from Capt. John A.
Sutter

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The evidence in the case presents
the following facts:

That sometime in the year 1843
one Pablo Gutierrez commenced a settle-
ment on the land in question, and in
the fore part of the year 1844, built a
small house on the place, and resided
therein, and about the same time pre-
sented his application to the Governor
for a grant and obtained a provisional
grant to serve him as a title until
the same could be perfected, and had
obtained the favorable recommendation
of the said Sutter previous to the emanation
of the Governor

And, also, that some time in the
latter part of the same year or in the
fore part of the year 1845, the said
Gutierrez was murdered and his house
on the place burned by the Indians, and
with it his papers and among them the

expediente or petition for the aforesaid land and the Governor's concession therefor.

And, also, that the said Gutierrez died intestate, and without any known heirs, and in debt, and that John A. Sutter, acting in an official capacity on the 28th day of April 1845, sold the interest of the said Gutierrez in said Ranchos, for the sum of dollars, at auction, for the purpose of paying the outstanding debts of the said Gutierrez deceased, and that the present claimant being the highest bidder became the purchaser thereof, and received a certificate to that effect from the said Sutter together with a copy of the general title which was filed in this case and made evidence herein.

The evidence in this case leaves no doubt that Gutierrez had at the time alleged a provisional title to the land in question, and that his claim was included in what is denominated the general title, and which has been already adjudicated by the Commission and adjudged valid, and to invest all coming within its provisions with an equitable right to a confirmation.

The evidence in the case presents the following subject of inquiry for our consideration:

Had Sutter the right by virtue of his official position, to dispose of the estate of the deceased in the manner that the records of this case show that he did, and if he had not what right the present claimant Johnson has to a confirm

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mation by the Board?

John A. Sutter swears that he was judge of the Sacramento District and the only judicial officer in said district, and also that he was the military commandant, and that as such judge he found himself under the necessity of selling the estate of the said Gutierrez, deceased for the purpose of paying his debts, and made the sale, and the present claimant becomes the purchaser as aforesaid.

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It is somewhat difficult to determine the full extent of the power and jurisdiction of Spanish and Mexican judges under their laws inasmuch as they were governed more by local usages and customs than by legislative enactments. It is clear however that these local judges had the exclusive power to carry out and enforce the provisions of a will when the testator appoints an executor and to execute or cause to be executed a will where none was appointed by the testator.

We have not been able to find any authority which requires the judge directly to appoint an administrator to settle the estate of an intestate deceased, but the subject is left in a way to leave a fair inference that the judge had the power either to appoint an administrator to settle the estate or to transact the business himself by virtue of his office.

We think on the whole showing of this case that the petitioner has established an equitable right to a confirmation as against the government.

leaving the heirs of Antueros if any should hereafter be discovered to enforce whatever rights they may have through the proper tribunals of the State

A decree will be entered corresponding with the prayer of the petition

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Filed in Office August 7, 1855

(Signed)

Geo. Fisher Geay

No 91

William Johnson
vs
The United States

Decree of
Confirmation

In this case on hearing the proofs and allegations, it is adjudged by the Commission that the claim of the said petitioner is valid, and it is therefore denied that his application for a confirmation thereof be allowed

The land of which confirmation is hereby given, is situated in the County of Yuba on the north side of Bear River and is called "Johnson's Rancho" and contains five square leagues to be hereafter located according to law with reference to the map on file in this case and attached to the depositions of John Bidwell

R. Aug. Thompson

S. B. Farnell

Commissioners

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Filed in office August 7, 1855

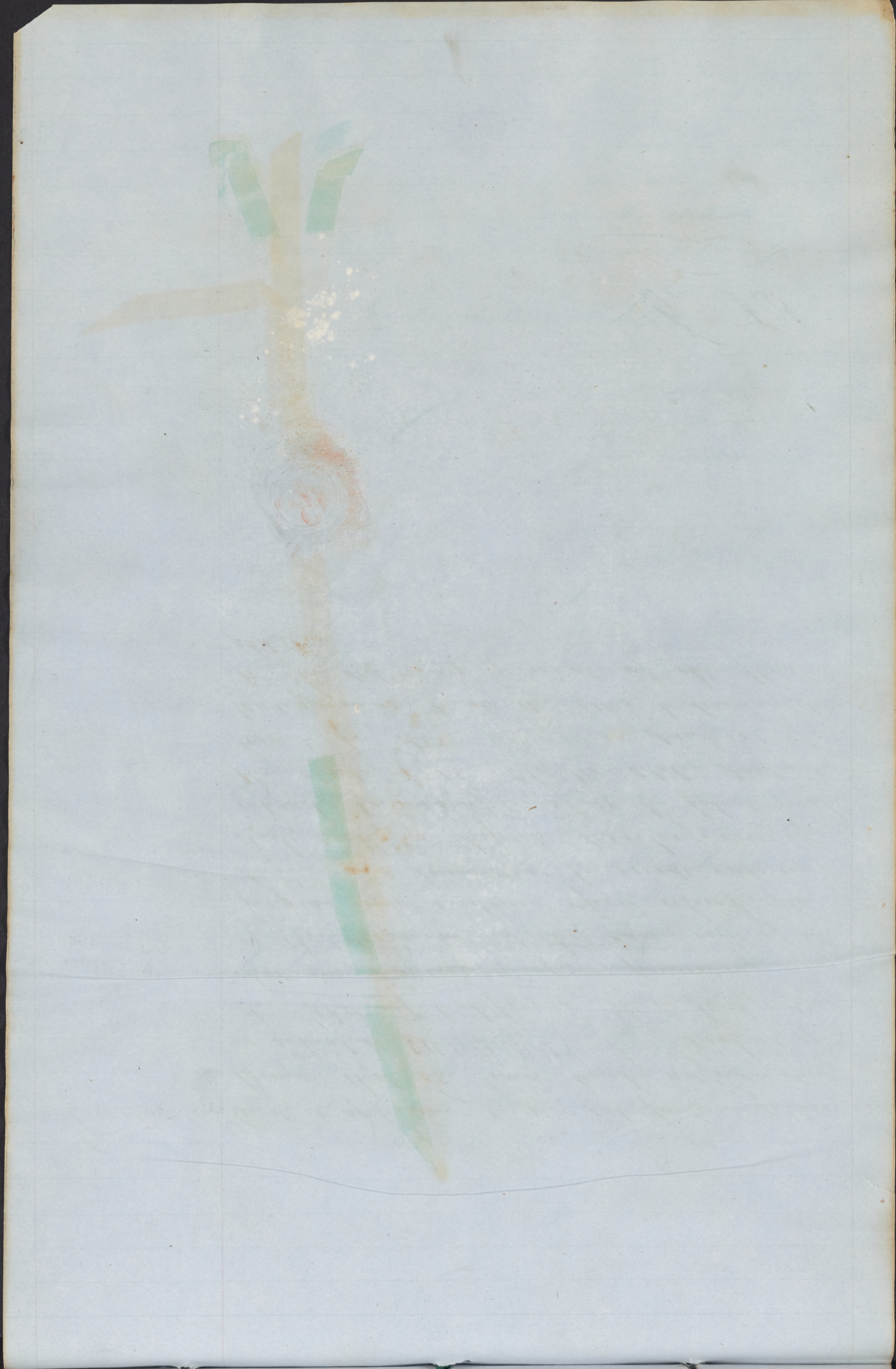
(Signed)

Geo. Fisher Gray

Order

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

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Office of the Board of Commissioners,

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

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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 *Seventy seven* pages, numbered from
1 to 7, 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. 91. on the Docket of the said Board,
wherein

William Johnson is
the Claimant against the United States, for the place known by
the name of *Johnson's Rancho*

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Seventeenth day of *January*
A. D. 1856, and of the Independence of the
United States of America the *seventy-eighth*.

Geo. Fisher
Geo. Fisher

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U.S. DISTRICT COURT,
North District of California.

No. *267* 397

THE UNITED STATES, *NY*

vs.

William Johnson

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS,
In Case No. *91*

Filed, January 10, 1856
J. A. Moore,
Clerk



Office of the Attorney General of the United States,

Washington, 11. February, 1856.

91. "Johnson Ranch"

William Johnson, 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 17th day of January, 1856, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Clatting

Attorney General.

No - 397

United States

- ad -

Wm Johnson

Appeal Notice

No - 91

Filed April 4. 1856,
Cherock,
Deputy.

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At a stated Term of the District
Court of the United States of America
for the Northern District of California
held at San Francisco on the 18th
day of November a. D. 1856

Present The Hon Ogden Hoffman. Dist. Judge

The United States

v.

William Johnson

} Case No. 397.
Transcript No. 91.

The Attorney General
of the United States having given notice that no
Appeal will be further prosecuted in this case
and a stipulation having been entered into by
the United States District Attorney for the dismiss-
sal of the Appeal from the decision of the Board
of the United States Land Commission, and for
leave to the Claimant to proceed under the Decree
of the Land Commission heretofore rendered in
his favor

On Motion of the District Attorney,
it is Ordered, Adjudged and Decreed, that the
Appeal pending in this Court be dismissed,
and that the Claimant have leave to proceed under
the Decree of the Land Commission heretofore rendered
in his favor as on Final Decree:

Ogden Hoffman
U. S. Dist Judge

397.
U. S. District Court,
Northern Dist. of
California

United States

v. }

William Johnson

Case No. 397.

Transcript No. 91.

Order vacating Appeal,

Filed Nov: 18, 1856,

W. H. Chewes,
Deputy

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California Land Claims.

Attorney General's Office

17 October, 1856.

Sir:

In the case of the claim of William Johnson, confirmed to the claimant by the Commissioner, case no. ninety-one (91), appeal will not be prosecuted by the United States.

I am

Respectfully

Yours

Wm Blanding Esq.

U. S. Attorney

San Francisco.

In the District Court of the United
States, Northern District of California -

The United States

vs

No: 397 -

William Johnson Transcript. No. 91.

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In pursuance of a
notice from the Attorney General of the
United States, herewith annexed, It
is hereby stipulated and agreed,
that the appeal heretofore taken in
this case from the decision of the United
States Land Commission, to ascertain
and settle private Land Claims in
California, be dismissed, and the notice
of intention to prosecute said appeal
filed in this Court by the Attorney
General of the United States, be with-
drawn, and that the Claimant have
leave to proceed under the decree
of the said Land Commission, in
his favor as under final decree.

Nov 15, 1856.

Wm Blanding

Dist Atty

Thornton Williams & Thornton
Attys for Claimant -

W. S. ³⁹⁷
District Court.

United States

v. } Case
No. } No. 397.

William Johnson

Stipulation
Filed Nov. 18, 1856,
A. A. Chivers,
Deputy.

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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, June 17 1856

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. 91. on the Docket of the said Board, wherein

William Johnson is the Claimant against the United States, for the place known by the name of "*Johnson's Ranch*."

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher
Esq