

CASE No.

416

NORTHERN DISTRICT

PART OF NEW HELYETIA GRANT

ROLAND GELSTON

CLAIMANT

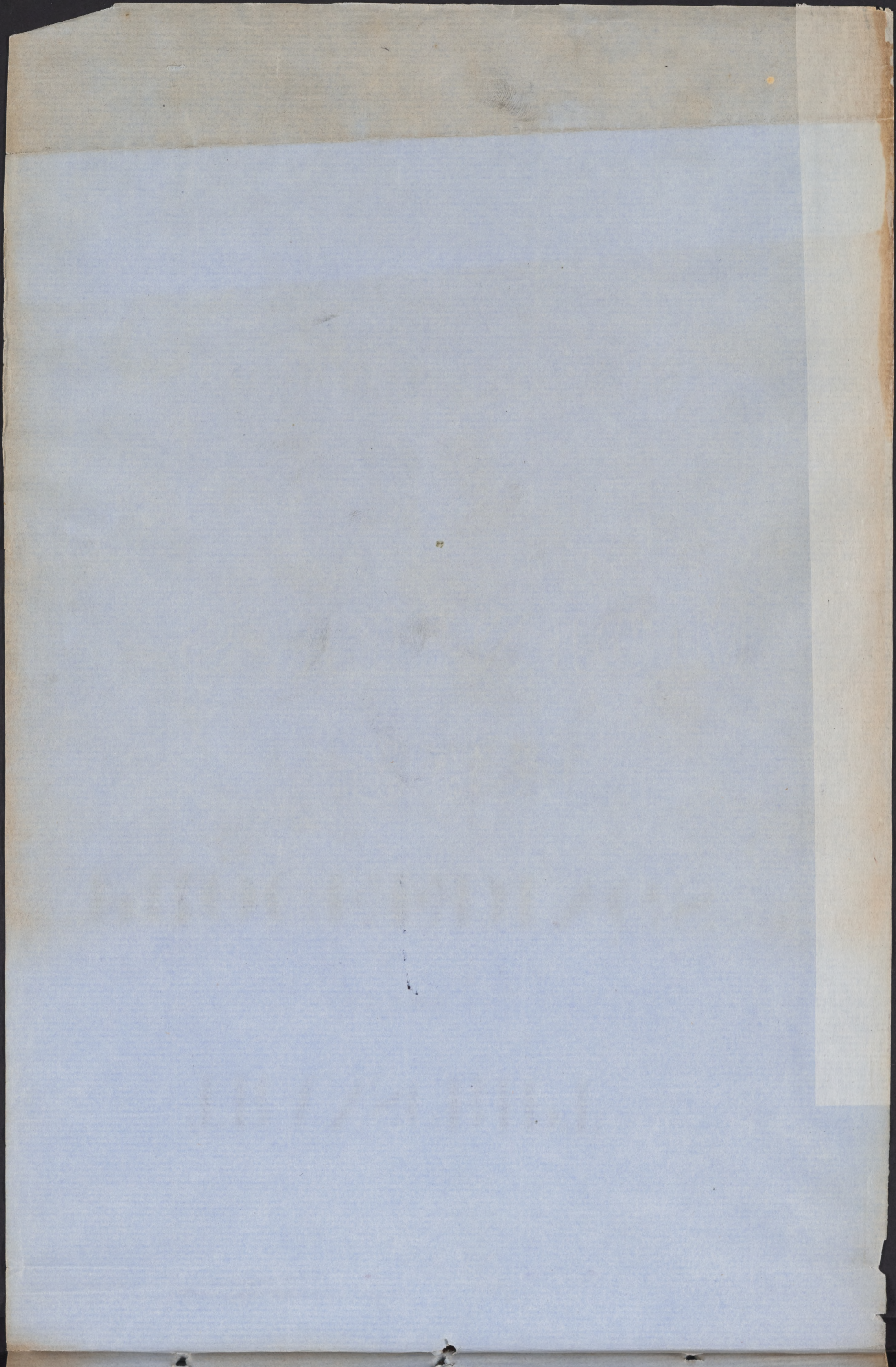
LAND CASE 416 ND

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TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 6

Richard Gelston

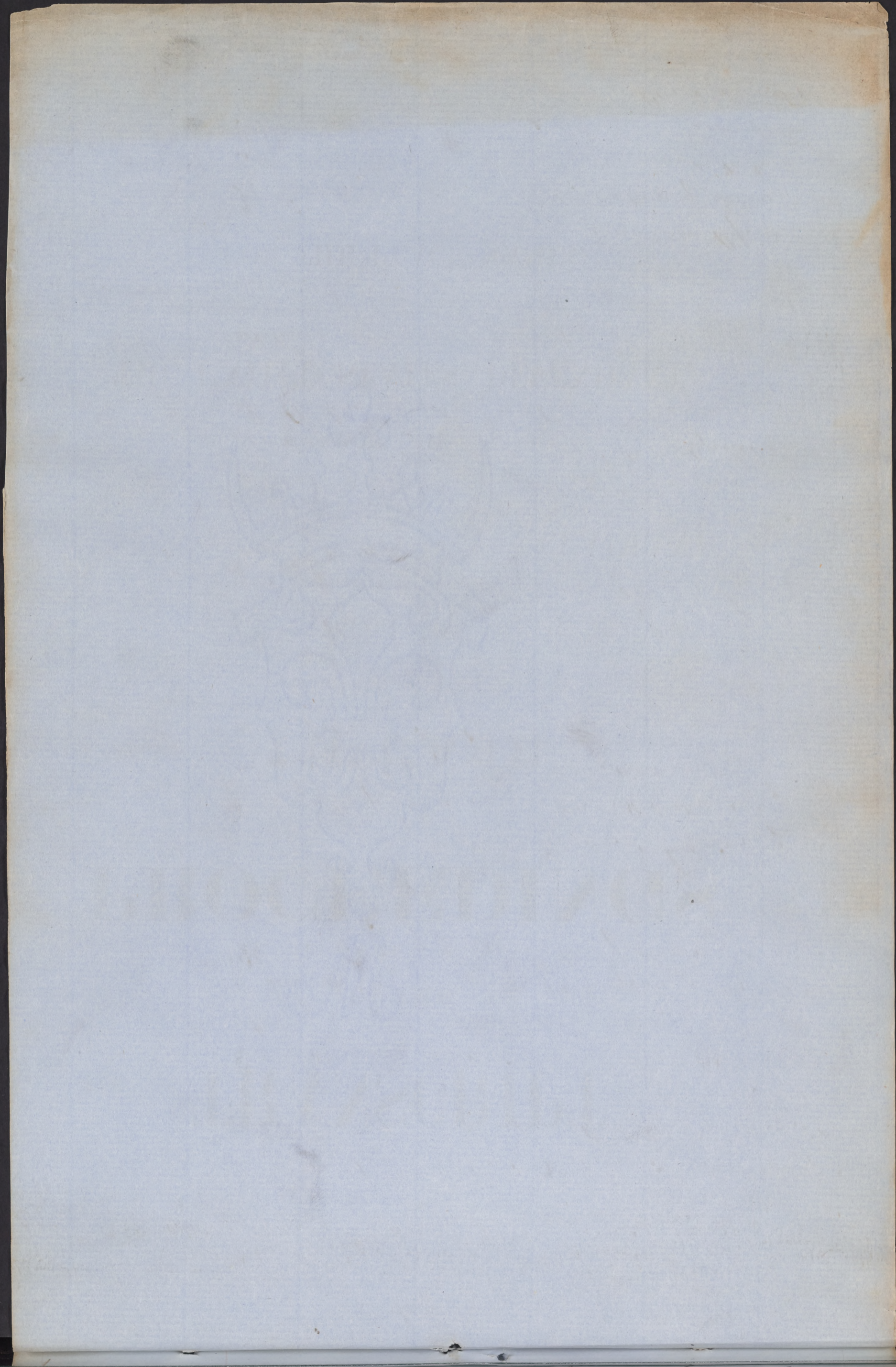
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

a part of
FOR THE PLACE NAMED

New Helvetia



Office of the Board of Commissioners
to ascertain & settle the private land claims
in the State of California.

Be it remembered, that on this twenty first
of January, 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:

The petition of Roland Gelston, for a
part of the place named "New Helvetia" was presented,
and ordered to be filed and docketed with No. 6, which
is as follows, to wit:

(Vide page 5 of this Transcript)

Upon which Petition the following subse-
quent proceedings were had in their chronological
order, to wit:

San Francisco April 5th 1853.

In case no. 6. Roland Gelston for a part of the
place named "New Helvetia," the depositions of
R. A. Chace and S. A. Grant, witnesses in be-
half of the claimant, taken before Commissioner
Miland Hall, were filed:

(Vide pages 9 + 10 of this Transcript.)

San Francisco April 15th 1853.

In the same case the deposition of Tobias Hadd,
a witness in behalf of the claimant, taken before
Commissioner Harry J. Thornton, was filed:

(Vide page 11 of this Transcript)

San Francisco March 14' 1854.

In the same case the Counsel for the Claimant filed the following Amendment to the original petition, which on motion was granted, and ordered, that said amendments be considered as a part of the original petition:

(Vide page 85 of this Transcript.)

416 ND
PAGE 3

San Francisco, March 20' 1854.

In the same case the deposition of John A. Sutter, a witness in behalf of the claimant, taken before Commissioner Peter Satt, was filed:

(Vide page 13 of this Transcript.)

San Francisco April 5' 1854.

In the same case the deposition of Henry M. Huber, a witness in behalf of the claimant, taken before Commissioner Peter Satt, was filed:

(Vide page 21 of this Transcript.)

San Francisco April 6' 1854.

In the same case the deposition of Joseph Clough, a witness in behalf of the claimant, taken before Commissioner Peter Satt, with Exhibit marked No. 1. P. S., annexed thereto, was filed:

(Vide page 27 of this Transcript.)

San Francisco, June 24' 1854.

In the same case the deposition of John S. Fowler, a witness in behalf of the claimant, taken before Commissioner Peter Satt, was filed:

(Vide page 31 of this Transcript.)

San Francisco July 19' 1854.

Case no. 6 was submitted on briefs and taken under advisement by the Board.

3

In the same case the Counsel for the Claimant
filed the following Deposition, to wit;
(Vide page 83 of this Transcript.)

San Francisco, January 29th 1856,

In the same case Commissioner D. Aug. Thompson
delivered the Opinion of the Board confirming
the claim;

(Vide page 87 of this Transcript.)

and the following order was made, to wit;

(Vide page 94 of this Transcript.)

416 ND
PAGE 4

v.

4

5
Petition

To the Honorable Board of Commissioners created by Act of Congress of the United States approved March 3rd A.D. 1837 to ascertain and settle private Land Claims in the State of California

416 ND
PAGE 5

Roland Gelston a citizen of Monmouth County in the State of New Jersey humbly petitioning shews unto your Honorable Body that sometime previous to the 18th day of June A.D. 1841 One Augustus Sutter a Native of the Republic of Switzerland and naturalized in the Mexican Nation did in Conformity with the Law of said Republic enacted on the 18th day of August A.D. 1824 and regulations of the 25th of November A.D. 1828 asked advice more appear by reference to paper hereunto annexed and marked Exhibit (A) for his personal benefit and that of 12 families to lease of Land on the Margins of the River Sacramento in the vacant Lands of the frontiers of the North to Colonize and improve them in the terms mentioned in said Law to which end he has sufficiently accredited his laboriousness, good conduct and other qualifications required in such cases and has already in advance manifested his great efforts his constant diligence and truly patriotic zeal in favor of our institutions by reducing to civilization a quantity of Savage Indians Natives of those frontiers and this Government. Being sufficiently informed that said Lands do not belong to any private property of any individual Town or Corporation, and that consequently they belong to those classified in said Law: I have in Conformity with the powers conferred upon me in the name of the Mexican Nation granted to the said Augustus Sutter, by these presents for himself and his Colonists, the said Land named New Helvetia, subject to the approval or disapproval of the Supreme Government and of the most Excellent Departmental Junta, under the following conditions as well more fully appear by reference to paper hereunto annexed marked Exhibit (B) to which your petitioners beg leave respectfully to refer your Honorable Board for full and further particulars

And your petitioner further humbly shews unto your Honorable Body that in answer

6

416 ND
PAGE 6

to the said petition of the said Augustus Sutter to his Excellency John B Alvarado Constitutional Governor of the California that a certain tract of Land more particularly described in said paper herunto annexed Marked Exhibit (B) as aforesaid to the said Augustus Sutter in manner and form and for purposes, and upon the conditions therein stated and mentioned, and that by virtue of said Grant, said Sutter did enter upon and take possession of the Land described in the aforesaid mentioned Grant as in fee simple, and has for a long time, to wit, for the space of ten years now last passed held and enjoyed the peaceable possession of the Land described in said petition and part exercising the full and exclusive jurisdiction and undisturbed Ownership over the same, surveying and excepting such parts and parcels thereof as the said Sutter has from time to time sold aliened and conveyed by deed to various persons for good and valuable Considerations.

And your petitioner further shows unto your Honorable Body that on the 28th day of January A.D. 1850 said Augustus Sutter did by deed duly executed and acknowledged by him, bargain sell assign, and convey unto your petitioner and Gilbert A Grant a certain tract or parcel of Land being a part of said Land described in the Grant herein before mentioned & particularly described in the above mentioned deed, a copy of which is hereto annexed Marked Exhibit (C)

That subsequently to wit, on the 11th day of May A.D. 1850 said Gilbert A Grant by his release and quit claim bargained sold and conveyed unto Thomas A McComb, John S Day and John F Morse one undivided half part of the whole said tract of Land described in the before mentioned deed of the said Sutter to the said Gilston and Grant, said deed bearing date the 28th January A.D. 1850. as well more fully appear by reference to a copy of said Conveyance from said Grant to said McComb, Day & Morse herunto annexed and Marked Exhibit (D).

7

and that subsequently to the said 11th day of May A.D. 1850, to wit on the 30th day of November A.D. 1850 the said undivided half part of said tract or parcel of land conveyed by said Grant to said McClure, Stuy, and Morse, was conveyed bargained sold and assigned unto the said Roland Gelston by Joseph Cloogh as the Attorney in fact of the said McClure, Stuy and Morse as well more fully appear by Notice of an erroneous cable power of Attorney from said McClure, Stuy and Morse, and assigns, a copy of which is herewith annexed marked Exhibit (E) together with a copy of said Cloogh's deed to said Gelston also herewith annexed marked Exhibit (F) to which reference is also made.

416 ND
PAGE 7

And your petitioner further shows that subsequently to this, to wit, on the 30th day of November A.D. 1850 your petitioner by his Deed of Release and quit Claim did sell assign and convey unto the said Augustus Gutter a certain part of said Original tract or parcel of Land just described as sold and conveyed by the said Gutter to the said Gelston and Grant: said tract or parcel of Land last mentioned being particularly described in the Deed of the said Gelston to the said Gutter, a copy of which is herewith annexed and marked Exhibit (G)

And your petitioner further shows that the balance of said tract of Land just described and mentioned herein, particularly described marked and shown here as per map or diagram of the same hereon to annexed marked Exhibit (H) belongs to your petitioner in fee simple, by virtue of all and singular the Acts and Grants of the Mexican Government and the validity of the several Deeds of Conveyance above mentioned and referred to, saving and excepting, only such right or claim or title of any as may belong to the United States of America

And your petitioner says that in view of the premises, that the said United States of America have no right title or interest whatever in said land all of which

Your petitioner is ready to verify by documentary evidence and the testimony of decess good and true witnesses

And your petitioner further shoves unto your Honorable Body, that all the conditions stipulations and requirements, imposed upon the Saice Acquestes Sutter by the terms of the aforesaid Mexican Grant essential to its validity, have been strictly complied with by the Saice Acquestes Sutter, all of which your petitioner will also show by the testimony of witnesses as aforesaid who by the title of Saice to Saice Land in fee became and was vested in Saice Sutter, and that he was the sole and only true owner of Saice Land and had good right and lawful authority to convey unto your petitioner the Land aforesaid

In view of all which your petitioner prays, that as a Board of United States Commissioners duly appointed for that purpose you will proceed to ascertain settle and confirm this one of the "Private Land Claims of the State of California" meaning the Original Claim of the Saice Acquestes Sutter by reason of the grant aforesaid, or such parts thereof as to your Honorable Board shall seem meet and proper according to the proceedings of Saice in that behalf made and proceeded, saving and securing unto your petitioner all legal and equitable rights Equities and privileges secured to him by law as aforesaid and particularly declared by the Act of Congress approved and entitled as herein before mentioned, to the end that your petitioner may have his right in and title to Saice aforesaid Land of Saice Sutter, determined and confirmed by favorable report of your Honorable Body, to the intent that a Patent from the United States may issue to your petitioner, according to and vesting in him the title of Saice Land in fee simple forever

And as in duty bound your petitioner will ever pray &c.

L. L. Brown

Atty

Deposition of
G. A. Grant

San Francisco April 5. 1853

On this day before
Comr Holland Hall came Gilbert A Grant
a witness on the part of the Claimant Roland
Selston, petition No. 6 and was duly sworn
his evidence being given in English

The Associate Law Agent was present

In answer to inquiries by the Claimants concerned
the witness testifies as follows.

My name is Gilbert A Grant
My age is thirty six years and I reside in San
Francisco.

Question. What do you know about
the Southern and Eastern lines of the Grant
of New Helvetia to John A Sutter?

Answer. I was one of the original
purchasers with Roland Selston of the land
claimed in this case. The Southern line was
pointed out to me by Captain Sutter while
we were on a Steam Boat about the month
of January 1850 & I was directed by him where
to find the blazed tree on the Eastern line
The blazed tree is a few rods above Sutters
Mill down on the American River, about
nine miles from its mouth. The Southern
boundary as pointed out by Capt. Sutter was
a Slough emptying into the Sacramento a
short distance above the house Kadee about
eight to ten miles below the mouth of the
American River. The house of Kadee
stands on the site of the Town of Helvetia
I have never heard these boundaries questioned
in their vicinity. The blazed tree is
on the line between the Sutter Grant & the
Leicasdorff Rancho.

Question by the Associate Law Agent
What is the extent of the land conveyed by
Sutter to Selston

Answer. I suppose it may be
four or five leagues according to the map
which is attached to the petition in this case
If it does not include lands usually overflowed

416 ND

PAGE 9

by the area at high water the quantity would be considerably less

Richard A. House

Sworn & Subscribed before me

William Hall Comr.

Felic in Office April 5th 1853

Geo. Fisher Secy

Recorded in Ev. B Vol 2 p 682

Geo. Fisher Secy

416 ND
PAGE 10

Deposition of
R. A. House

San Francisco April 5. 1853

On this day before Comr. William Hall came Richard A. House a witness on the part of the Claimant Roland Gelstonpetition No. 6 and was duly sworn his evidence being given in English

The U. S. Associate Law Agent was present

In answer to inquiries by Counsel for the claimant the witness testified as follows.

My name is Richard A. House my age is thirty two years & I reside in the City of Sacramento and my profession is that of a Civil Engineer.

Do you know anything about the part of the new selected grant to John A. Sutter lying South of the American & East of the Sacramento River in the vicinity of Sutter's Fort & if so how did you obtain your information & knowledge?

I am acquainted with that locality and obtained my knowledge by a survey of it

What date was furnished you to make the survey?

I was furnished with a copy of the plat of survey by Vogel & Co. dated from John A. Sutter to Roland Gelston

Did you find any and what occurrences in the survey you made?

Answer. I found a blazed tree on the Bank of the American River, about fifty yards above Sutter's dam & a big slough

On the Sacramento river. The distance from the mouth of the American River in a direct line to the beaver tree is about nine miles - The distance of the Sloop from the mouth of the American River along and down the Sacramento might be fourteen or fifteen miles. And in a straight line nine or ten miles. There is another Sloop that empties into the Sacramento on the East side below the mouth of the American until this is reached the Sloop is almost a mile above the house of an Old Settler named Kadee

416 ND
PAGE 11

Look upon a map now shown you which is attached to the petition to the Board of Commissioners in this case marked S. S. No. 1 and say what you know of it?

Answer. It is a copy of the original map which I made from my survey

question by the Associate Survey Agent when was your survey made?

Answer. It was completed in August 1850

How did you know that the trees were in place in New Helvetia

Answer. From the map before mentioned & from common report

Richard A Chase Sworn & subscribed before me Roland Hull Comr.

Taken in Office April 5th 1853 Geo. Fisher Secy

Recorded in Ev. B Vol 2 p 681 Geo. Fisher Secy

Deposition of Tobias Kadee

San Francisco April 15th 1853

On this day before Commissioners Harry J Thorton came Tobias Kadee a witness on the part of the Claimant Roland Gelston petitioner No. 6 and was duly sworn his evidence being given in English

Questions by Claimant
Question 1st. What is your name age and place of residence and how long have you resided there?

Ans. My name is Tobias Kadel my age is 43 years and my ^{residence} is Sacramento County California where I have lived ever since the year 1846

Question 3^d. Are you acquainted with the Land claimed in this Case called New Helvetia, of your State if you know what the boundaries of the said claim are

Ans. I am acquainted with the Rancho called New Helvetia. I am not acquainted with the boundaries of this Rancho I was interested in making myself acquainted with the Southern boundary line for the purpose of obtaining Land for myself so as not to be within it I made several search and examination and ascertained as I believe the beginning or Corner of the said Southern boundary. This was in the year 1846 the Corner to which I allude to and which was indicated by some marks on the trees near on a Slough making a bend from the Sacramento River and about thirty yards from the mouth of the Slough on the South side of said Slough which Slough is about six miles below the mouth of the American Fork by Land

Tobias Kadel

H. S. Case Agent present

Sworn to and subscribed before me this 15th April 1853

Mary J. Thornton Comr.

San Francisco April 18. 1853. Admitted Subject to Objections

Filed in Office April 15. 1853

Geo. Fisher Secy

Recorded in Ev. B Vol 3 p 696

Geo. Fisher Secy

13 Deposition of John A. Sutter }
 United States of America }
 State of California }

San Francisco March 22, 1854

This day personally came before Peter Lott a Commissioner for taking testimony to be used before the Board of U.S. Land Commissioners in said State John A. Sutter, a witness on behalf of the Claimant in Case No. 6 on the Docket of said Board; in which, the said John A. Sutter being duly sworn deposed in English as follows to wit

J. M. McKune Esq. the U.S. Law Agent was present.

Questions by E. Johnson Esq. Atty for Claimant

Question 1. What is your name age and present place of residence

Answer. My name is John A. Sutter my age 51. My residence Stock Farm Sutter County California

Question 2. Please to state what you know of the Eastern boundary of the Grant of New Helvetia to Yonusef.

Answer. It is an Oak tree marked by Capt. Beagle in 1840. That tree is on the South Side of the American River immediately on the Bank of the River a few yards above a mill dam built by me

Question 3. Were you present when Capt. Beagle set this boundary

Answer. I was present, it was in the evening, and I rode home with him

Question 4. In what direction does the Eastern line run from this tree?

Answer. It runs in a Southernly direction bearing Eastward six miles

Question 5. What is the Southern boundary?

Answer. It was a line running Westward about six miles distant, from the American River.

Question 6. For what purpose was this survey made by Capt. Beagle?

Answer. That I was present the plan to the Government.

416 ND
 PAGE 13

Question 7. For what purpose did you wish to present this plan to the Government and what Government do you mean?

Answer. I mean the Mexican Government and my object was to let the Government know what Land I occupied and wished to be granted to me

Question 8. What was the Western termination of the Southern boundary first mentioned by you?

Answer. It was latitude $38^{\circ} 48' 32''$ On the map filed in Case 92 and which is now before me

Question 9. Who was Alcalde of the District when the Grant of New Mexico was made to you by the Mexican Government

Answer. There was no Alcalde there at that time, but I acted as Alcalde - I was the title of President of the Government on the Northern Frontier and charged with the duties of a Justice

Question 10. How long had you then resided on this land

Answer. One year previous or about One year

Question 11. Had you then at the time of the survey, made any improvements on the land?

Answer. Yes I had some adobe houses, some grass houses, corns garden and fields

Question 12. What crops had you planted or sown at that time?

Answer. Wheat and different vegetables

Question 13. In what direction from where the Fort now stands were these things planted

Answer. On the North and West sides

Question 14. Have you ploughed and cultivated the lands East of the Fort

Answer. Yes in 1841. I broke the ground up for a vineyard and planted

15-
 vines where Breghon now stands, in different
 places between Breghon and the fort. I sowed
 wheat wherever there was good ground for it,
 in the fall of 1841 I began to fortify by build-
 ing a bastion on the best side, and continued
 4 years building the fort.

I then began to employ
 all kinds of mechanics, established a tin and
 shoe and saddle factory, blanket factory
 hat factory, horse mill, distillery, and
 brewery, blacksmiths, carpenters & cooper &c.

Question 15. When did you com-
 mence building your mill and in what direc-
 tion from the fort

Answer. I began to build two
 miles in the Spring of 1847 - a saw mill in
 the mountains, and a flour mill on the spot
 where Breghon stands, the mill was erected
 just a little below the Oak tree mentioned in
 this deposition, the mill cost about \$24,000 -
 in horses, cattle and commodities

Question 16. When did the place
 named first receive the title of New Helvetia

Answer. In 1840 I gave it the
 name of New Helvetia, and I asked the Govern-
 ment to give it that name, when I applied
 for the grant. I came in 1839, and called the
 place Nueva Helvetia so soon as I settled
 on it, in 1839

Question 17. State what land was
 embraced in New Helvetia?

Answer. According to the plan
 furnished the Government, I knew it embraced
 more, but the fort was the head quarters of
 New Helvetia before the grant was made or
 application for it, the fort and its vicinity were
 understood to be all of New Helvetia after
 the application and grant. All the land em-
 braced in the plan or map in Claim No. 92 was
 called New Helvetia

Question 18. Was Hook's Farm
 and New Helvetia known as two distinct places
 before the grant was made?

Answer, ^{no}, Hook's Farm was built

about 11 years ago.

Question 19. At the time Capt. Bioge made the survey did he make any observations or remarks to you respecting the latitude?

This question objected to by the U. S. Land Agent as irrelevant and secondary evidence.

Answer. Yes, he said he had surveyed as well as he could with those instruments. He took his observations with an artificial horizon ascertained with Molapex instead of quick silver, and with a quadrant without the Chronometer.

Question 20. Were Stock Farm and New Helvetia known as two separate and distinct places after the settlement was made at the former place?

Answer. Yes. Stock Farm was occupied by my brother and the Fort by myself.

Question 21. Have you any interest whatever in the lands claimed in this case No. 6 by Capt. Belton?

Answer. I have no interest in the land claimed by him in this case.

Question 22. When did you part with your interest in it?

Answer. About the year 1855
Crop Examined by the U. S. Land Agent

Question 1. When did you arrive in California?

Answer. In July 1839

Question 2. What were you and in what employe in July 1840?

Answer. I was at the place called New Helvetia, farming, breeding &c

Question 3rd. Was that before or after the land granted?

Answer. Yes I began to build immediately on my arrival, it was about a year before the grant.

Question 4. How long before the grant was made did you employ Bioge to survey the land?

Answer. About a half a year

Question 5. At what season of the year

17

will he make the survey?

Answer. In the spring about February or March.

Question 6. How long will it take him to make his survey?

Answer. I do not recollect distinctly, about 5 or 6 weeks. I was not with him generally. I sent an Amos Jones with him and I was necessarily at home to look after its protection against the Indians.

Question 7. When did you first see the three Buttes and are they the same mountains called "Les Tres Pices" in your grant?

Answer. They are the same. I went there first, when George first came, before he began the survey. I went to see some Canadians who were there trapping.

Question 8. How far are the three Buttes from Sutter's fort?

Answer. I do not know exactly about sixty miles I think.

Question 9. Where did George first commence his survey?

Answer. I do not know, he took the upper part first.

Question 10. State what land mark is at the Southern Terminus of the Eastern line mentioned in your answer to 2nd Question?

Answer. I do not know of any land mark there.

Question 11. How do you know the Eastern line runs South by East?

Answer. I do not know exactly and don't like to make a mistake, it was fixed by George when I showed him what land to take in.

Question 12. What are your means of knowledge that the Eastern line was ever measured?

Answer. "George told me so, he told me he had surveyed it."

Question 13. Did he describe to you what boundaries he had surveyed?

Answer. Yes he described them to

416 ND
PAGE 17

to me, but I cannot describe them. I cannot without reading over the papers or having my papers, tell much about them.

Question 14. Did Biogge inform you how he run the Eastern line, if you ^{what} information did he give you?

Answer. It is now so long ago I do not know what information Biogge gave me

Question 15. Are there any land marks along the Eastern line to give you in knowing its direction, if you what are they?

Answer. I do not remember any land marks, Capt. Biogge can tell you better, as he run the line.

Question 16. Did you ever see the South Eastern Corner, if you what marks it?

Answer. I do not remember seeing it and do not remember a particular mark I have been out there but do not know any mark I could find the corner if I were there to look. I do not know of any particular mark at the corner. It is an open prairie, the country is changed and many trees have been cut down, and any particular tree marks for a corner may have been cut down.

Question 17. What land marks do you know on the Southern line?

Answer. I know of none, I have to refer to the Surveyor.

Question 18. How do you know the Southern boundary runs at six miles distance from the American line?

Answer. From the later Surveys of Capt. Belton, Col Grant and Mr Hall, the Surveyor of Capt. Seaside.

Question 19. When were those Surveys made, do they all correspond, or which do you refer to?

Answer. Capt. Seaside and I agree there we would have the boundary according to the plat of my Land. I agree with Capt. Belton Jan 28. 1850 my agreement with Seaside

19
 was made to that time. I think was in the year 1844
 the later surveys all correspond with each other
 I have seen the maps, Cape Gelsin's, was made
 by Mr. Chase, Secasdorffs by Mr Hall I think
 in 1845. Gelsin's map was made soon after
 our agreement in 1850

Question 20. Have you described
 all of the Eastern boundary of your grant of
 New Helvidia?

416 ND
 PAGE 19

Answer. From the Oak tree I have
 mentioned to a point 6 miles South by
 East from it is the whole of my Eastern line
 I now refer to the line between my grant and
 Cape Secasdorff, South of the American River
 I cannot explain these boundaries, I am given
 me by the map and cannot testify accu-
 rately without the surveys, they are the basis
 of my knowledge, except in some general
 best line of portions of the boundaries of
 which I have spoken, which I have seen and
 with which I am more familiar

Question 21. Does the Eastern
 boundary of your grant cross the American
 River if you, at what point?

Answer. Yes at the mouth
 of the American Fork.

Question 22. How far north does
 the line then extend after crossing said river?

Answer. I am not personally
 familiar enough with these lines to give
 testimony satisfactory to myself I am not
 willing to make mistakes under oath, and
 I cannot answer the question definitely. I refer
 to the surveys which I have been made by
 Cape Beagle.

Question 23. Do you know where a
 house called Sincerus was situated?

Answer. Yes, on the North side
 of the American River.

Question 24. Do you know what
 the Southern Corner of your grant on the Sacra-
 mento River is?

Answer. Yes it is a Slough

Question 25. Describe a line drawn

from that point to Sinclair's house from any part of the Southern boundary of that grant?

Answer. No.

Question 2. Did you settle on your grant permanently 12 persons between 1841 and 1845, if yes. State their names, where each was settled and when, and how long each one remained so settled?

416 ND
PAGE 20

Answer. Yes a great many more than 12 which were proved more than 2 years ago, I do not now remember the names. I have them at home and am not now prepared to name them. They were settled on different parts of my land. I will give this testimony in writing I cannot now recollect distinctly. Some were below near the Fort and some were as high up as Brighton on the American Fork and even higher than Brighton. I recollect Perry McLeon, he was at the old adobe house above Brighton, he came I think as early as 1840. The man came with him, McLeon left a few years afterwards, Montgomery settled where Brighton is, Sinclair was settled where the Sheep Corral was, Sudd was settled and lived several years, James Smith, just above Montgomery, he was in my employment, and did not build a house this is all I now recollect below, I cannot without referring to my books and papers tell more now.

Reclamation by Attorneys for Claimant

Question 1. Do you know how far Seesdorff's locality like Extension Southward from the blaze tree on the American River?

Answer. I believe it was 4 leagues up the river and two leagues back as far as I can recollect.

Question 2. Did your land extend back from the river the same distance as did Seesdorff's?

Answer. Yes just the same

Question 3. Is or is not the Town of

21

Brighton Settlement near your Mill Seat?

Answer. Yes

Question 4. Is your Old mill seat
situated on the land claimed in this case

Answer. I do now recollect, it is

crop examined by U. S. Land Agent

Question 1. In what year did your
family come to California?

Answer. In January 1850

Question 2. How long did you own
or have settlements at Poplar Bodega
on the Pacific Coast?

Answer. In the year 1841 - and from
that time to this

J. A. Fuller
Deceased & sworn to before me
March 22nd 1854

Peter Lott Commissioner of
taking testimony
Filed in Office March 22nd 1854

Geo. Fisher Secy
Recorded in Ev. B Vol 4 p. 79

Geo. Fisher Secy 4

Deposition of United States of America vs.

Henry A. Delea State of California vs.

San Francisco April 5. 1854

This day personally came before Peter Lott a
Commissioner for taking testimony to be used
before the Board of U. S. Land Commissioners
in said State Henry A. Delea a witness on
behalf of the Claimant in Case No. 6 on the
Docket of said Board wherein Roland
Gelston is the Claimant and the said Henry
A. Delea being duly sworn, on oath deposed
in English as follows to wit

The U. S. Law Agent is present.

Questions by E. Johnson Esq. Atty for Claimant

1 Question. What is your name
age and present residence?

Answer. My name is Henry A
Delea my age 39 years my residence San Francisco
California

2nd Question. Are you acquainted with the Land claimed in this case as the grant to John A. Sutter called New Helvetia?

Answer. I am.

3rd Question. When did you first visit that place?

Answer. I arrived there in the fall of 1841.

4th Question. How long did you remain there?

Answer. Until the latter part of 1844.

5th Question. State what you know of the use, Occupation and Cultivation of that Land by John A. Sutter during that time?

Answer. During that time the Fort was built, fences were fences and ditches and the ground was cultivated with grain and vegetables. I remember that a vineyard was planted on the American Fork, and Corns were there for Sutter's Stock about the year 1843. Sutter had during the time I was there about 3000 head of Cattle on the place, and from 300 to 400 head of horses and mares. There was an excellent house near the bank of the American Fork.

6th Question. Is or is not the Land claimed subject to Bonifacio?

Answer. I do remember of any encroachment above the Fort on the American River.

7th Question. Did you ever hear of any proposition being made to Gen Sutter by the Mexican Government to purchase New Helvetia?

Answer. Yes. It was publicly spoken of that Jose Gaspar was commissioned by the Government to make him an offer for the place.

8th Question. How many families were settled at that time on the New Helvetia name?

Answer. I cannot state positively

416 ND
PAGE 22

23

the number of families at that time settled there, but I suppose there have been from 15 to 20.

9th. Question. How were you employed during the time you remained there?

Answer. I had the superintendance of the agricultural department in John A. Sutter's employment.

10th. Question. Have you visited this land since 1844? if you state what further improvements were there made and if any of the land was then under cultivation.

Answer. I was there in the summer of 1848 found a large mill race built and several houses erected on the land. I found a field of wheat and a mill race cut, there might have been from 30 to 40 acres in wheat

properly examined by the U. S. Law Agent

11th. Question. Do you read Spanish?

Answer. Yes Sir.

12th. Question. Do you know what was the northern boundary of the tract called New Helvetia?

Answer. The northern boundary was said to be near the three Beckles (Tres Beckles) (Tres Picos) They are about 55 or 60 miles from the Fort.

13th. Question. What is the eastern boundary?

Answer. The eastern boundary was said to pass six miles eastward from the Fort in a northerly direction. I cannot state to what precise point tho I suppose to the northern limits as far as the Beckles.

14th. Question. Would not that line comprehend James' Ranch on the north side of the American?

Answer. It is quite evident it would include a part of James' Ranch.

15th. Question. How do you know this land was claimed under the New Helvetia name?

Answer. I was repeatedly infor-

416 ND

PAGE 23

ed so by John A Sutter, that was all the way I knew it.

7th. Question. Were those improvements you have mentioned contained within the tract of Land described as follows " On the North the three peaks, on the East the Margin of the River de las Plumas, on the South Latitude $38^{\circ} 49' 33''$ On the West the River Sacramento?"

Answer. The improvements I spoke of would none of them be included within those boundaries, tho' I do not know precisely what the latitude mentioned in the question runs.

8th. Question. How many families did leave Sutter settle in Sacramento Valley on Land he claimed, what was the name of each when was it settled and how long it remained so settled?

Answer. I am not able to tell their names, Nicolas Alger at Feather River settled in 1842. he still lives there. Gordon at Bear Creek about 1844 one or two miles from the mouth of Bear Creek I do not know whether he has left. Leonard at Yuba River came 1842, left in 1850 I believe Jack Smith at Yuba River in 1843 or 1844 I do not know when he left. He lived there several years

Stannus came 1844 or 1845
Breacham settled on the Sacramento near below the Fork, he came about 1842 he was there several years and may still be there.
McCanna he lives near the mouth of the American Fork he came in 1842 or 1843 he died.

Sonclan at American Fork 3 miles above the fork, he lived there till about 1848 or 1849, he came before I came he must have come in 1839 or 1840. Perry McLoon at American River, came in 1844 or 1845 he lived there some time, do not know whether he died or left.

Three brothers by the name of Williams, they came about 1844

25
 and settled at American Fork, cannot say whether they left. Keyser settled at Bear Creek about 1844 lived there till he died.

Chamberlain lived at the Fort he was there when I came in 1841 and remained there several years. Dayla was also at the Fort when I came he remained there till after I left. Atkinson was settled on the American Fork just below where Chamberlain was, he came about 1843 or 1844. Do not know whether he is still there, he was there when I left. There were a number of families in the Fort whose names I do not recollect.

416 ND
 PAGE 25

9th Question. Were not most of these men working for Capt. Sutter in his Employment?

Answer. No.

10th Question. How many of them had land opened to them?

Answer. I cannot say precisely, I do not know the particulars of that, but all those that were settled outside of the Fort, cultivated the land. I do not know on what terms.

11th Question. When did Capt. Sutter's son come to this country?

Answer. His eldest son I think came in 1848

Recommended by Attorney for claimant

12th Question. Please state what manner of factories were established at the Fort or in the vicinity, and how many men were employed in those establishments?

Answer. There were, the time when I was there, two Blacksmiths shops a wagon maker, a plow maker, a cooper, a soap factory, a hattery, a tannery, a blanket factory, a saddlery, a shoe maker & a Tailor shop. There were employed in these from 20 to 25 men.

13th Question. Have you ever seen the Original map of New Settlement made by Wier?

Answer. I have. I saw it at Sutter's Fort
about 1841 when I arrived.

3^d Question. According to that
map does the parallel of North Latitude
38° 49' 30" South or North of Sutter's Fort?

Answer. On that map, that
degree was laid down as South of the
Fort.

4th Question. Do you know what
the Eastern Land mark on the American
side is of Sutter's Grant?

Answer. I never saw a
blazed tree by Cape Sutter in 1843 as the
mark of his Eastern line there, it was
about six miles East of the Fort on the
South bank of the American River. I am
not positive as to this

Map Examined by U. S. Survey Agent

1 Question. How many Settlements
have Cape Sutter on the Pacific Coast
and what were their names

Answer. We had a Russian
Establishment called Pop and one at
Bocego. They were employed in farming
and cattle raising.

H. A. Heeler

Subscribed and sworn to before me
On this 5th day of April A. D. 1854

Peter Lott Commissioner
for taking Testimony &c.

Filed in Office April 5. 1854

Geo. Fisher Secy

Recorded in Ev. B Vol 4 p 155

Geo. Fisher Secy

27

Deposition of
Jos. Bloech

United States of America
State of California, 3rd.

San Francisco April 6 1854

This day personally came before Peter Soto a
Commissioner of taking Testimony to be used
before the Board of L. S. Land Commission
on said State Joseph Bloech a witness
on behalf of the Claimant in case No 6 on
the Docket of said Board in which Rolando
Belton is Claimant and the said Belton
being duly sworn, On oath deposed in
English as follows to wit.

416 ND

PAGE 27

The U. S. Land Agent is present
Questions by E. Johnson Esq. Atty for Claimant

1st Question. What is your name
age and present residence?

Answer. My name is Joseph
Bloech, my age 34 years, my residence in
San Francisco California.

2nd Question. Look at the paper
marked "Exhibit 1 annexed to deposition
of Joseph Bloech April 6 1854 P. S." and
state if this is a true copy of the origin-
al grant of New Settlement to John A. Sutton
and your means of knowledge

(This question objected to by the U. S.
Land Agent as leading)

Answer. It is a true
copy in my own hand writing. In 1851 I
was employed by Dr. Bucasall the Recorder
of Sacramento County to copy the original
grant into the Records of that County, he
having no Spanish book in his office at
that time.

I took this copy from the Record
and know it to be a true copy. I know
Dr. Bucasall's signature, and the name of
J. A. Bucasall signed to the certificate
on the back of the paper is his genuine
signature

3rd Question. What do you know
of the loss or destruction of the original

grant to John A. Sutter?

Answer. I only know from what John S. Fowler told me and from Comman Depate. I know the grant was in the possession of John S. Fowler, he had his office in Col. Zebuskies building, which was burnt about May 1851 I think. Everything about the building was destroyed.

416 ND
PAGE 28

4th. Question. When did you first visit the land claimed in this case?

Answer. I passed over it the first time about July 1849.

5th. Question. Is or is not this land subject to overflow by the currents of the rivers?

Answer. None of it except 2 islands in the area embracing about 125 acres.

6th. Question. Do you know the Eastern boundary of this land, if you, state what you know about it?

Answer. Yes I do know it. It commences at an Oak tree about 30 or 40 yards above the South bank of the American by one Pattersons Stream, the line runs off South and by East, I do not recollect the line exactly, I collect by the map, it runs about 6 miles then at an angle it runs to a Slough on the Sacramento River the big Slough so called, that is the Eastern and partly the Southern line.

7th. Question. State what improvements were on this land in 1849 or 1850 when you first visited it?

Answer. A mill dam and a mill race 6 miles long, adobe houses, mill stones and a foundation of an extensive grist mill. There was no water running in the mill race.

8th. Question. Who was in possession of this land in 1849?

Answer. I do not know, who was in possession in 1849.

9th. Question. State who was

29

in possession in 1850
Answer. Roland Geeston was in possession of a portion of it. Roland Geeston and Gilbert A Grant.

10th Question. How long did they remain in possession?

Answer. Grant was in possession about 6 months, Geeston still holds it by tenants under leases.

Crop Examined by U. S. Game Agent.

1 Question. Are you acquainted with the hand writing of Gov. Alvarado

Answer. In those days I considered that I could recognize his hand writing from having frequently seen it tho I doubt whether or I could now recognize it I have never seen him write

2^d Question. Name the documents which you have seen his signature appended, which enabled you to think you could recognize his hand writing

Answer. In 1850 and 1851 I translated several documents which had his name on them. I cannot now remember what they were. They were grants of land. I translated some for Casa Nueva, I may have seen a half dozen such. I used to see his name as often as once a week. I translated a great many papers, but don't recollect now any which had his name on them except the one I have mentioned. I think I translated papers for Rinpozo Alvarado bearing Alvarado's name. My impression is one was a grant of Murphy's ranch.

3^d Question. How do you know the documents you speak of as being original was the original document in this case

Answer. I judge it so to be, it has every mark of an original document

4th Question. How do you know the tree you mention at the North East Corner of the Land is the North end of the Eastern line?

416 ND
PAGE 29

Answer. I know it from having been the agent of those lanes, it was pointed out to me by the Surveyor, it was a land mark of Public Notoriety.

5th. Question. How do you know the direction of the Eastern line? Who established it, when was it done and by what Authority?

Answer. I know the line from the Survey and Map, it was established by Capt Folsom and Colonel Geeson through their respective Surveys the line was run for the mutual satisfaction of both parties Early in 1850. The authority so far as I know was that of Ownership.

6th. Question. Is the land of which you speak within this description "On the North a line drawn East and West through the three Peaks, on the East the margin of the Arroyo de las Flechas (Feather River) on the South, latitude $38^{\circ} 49' 32''$ on the West the River Sacramento?"

Answer. I suppose the land to be within those boundaries. I should like to know what that latitude is. I believe it to be down about the mouth of the San Joaquin River.

7th. Question. How far is the tract of land claimed in this case South from the junction of the Sacramento and Feather rivers?

Answer. I believe it is about 25 miles.

8th. Question. Explain then how the land can be within the description above indicated.

Answer. That parallel of latitude was supposed to be about the mouth of that big Slough on the Sacramento River, and that would bring the land within the description.

9th. Question. How then could the Eastern boundary be Feather River?

Answer. That is owing to the Clergy

31

way in which Suttis petition for the land, was drawn.

10th. Question. Are you to any extent whatever interested in the Confirmation of this grant?

Answer. I am not.

11th. Question. Who fixed the South an boundary of this land and when was it done and by what Authority.

Answer. It was fixed by R. A. Chase in 1850. He did it by order of Roland Gelston One of the Claimants

Re Examined by Claimants Attorney

1 Question. Do you consider yourself an Expert in the Examination of Original Spanish Documents?

Answer. I do.

Joseph Blough

Subscribed and sworn to before me on this 6th day of April A.D. 1854.

Peter Lott Commissioner for taking Testimony &c.

Filed in Office April 6. 1854

Geo. Fisher Secy

Recorded in Ev B Vol 4 p 165

Geo. Fisher Secy

Deposition of
No. 1 Fowler

United States of America
State of California

3 ss.

San Francisco. June 24. 1854

This day personally came before Peter Lott a Commissioner for taking Testimony to be used before the Board of U. S. Land Commissioners in said State John S. Fowler, a witness on behalf of the Claimant Roland Gelston in Case No 6 on the Docket of said Board and said witness being duly sworn on oath deposed in English as follows, to wit:

The Associate U. S. Land Agent is present

Questions by Claimants Counsel

1st Question. What is your name age and residence?

416 ND
PAGE 31

Answer. My name is John S. Folsom, my age 35 years, my residence Sacramento County California.

2^d Question. Did or did you not have in your possession the Original 11 league grant of New Alcatraz, by the Mexican Government to John A. Sutter or Don Augustus Sutter, if yes, what became of the same?

Answer. I had the Original grant in my possession, I received it from Capt. Sutter in July 1850, and kept it as his agent in my possession till October 1851, when it was burnt in the office which I occupied, which was at that time with all its contents destroyed by fire.

3^d Question. Look at the paper filed in this case marked "Exhibit 1 annexed to deposition of Joseph Mearns April 6th 1854 P. 2" and state whether it is a correct copy of the Original grant which you here testify?

Answer. So far as I am able to judge I should say it is a correct copy I do not read Spanish very well. The Original grant was recorded in the County Records of Sacramento County, and this being certified by the Recorder to be a correct copy I presume it to be so. I have not compared this paper with the record.

4th Question. Do you know the signature of Juan B. Alvarado, if you see his signature to the Original grant spoken of by you, his genuine signature.

Answer. I was well acquainted with Juan Alvarado's signature and believe the signature of his name to said Original grant was his genuine signature.

5th Question. Did you act as agent of John A. Sutter, when the deed a copy of which is filed in this case marked "Exhibit 1 P. 2" was given by Belton, Mearns and Morse to said John A. Sutter.

Answer. I did

416 ND

32

PAGE

33

6th Question. Did you as Sutter's Agent
or did he at that time suppose that any of the
Lands claimed in this case, were conveyed
to Sutter by Sutter's deed

Answer. Sutter knew nothing in
relation to the transfer by Sutter's deed until
afterwards, I acted as his Agent, and so far
as I am concerned, I do not know the extent
of the Lands claimed in this case by Gelston
So far as the Town of Napa is concerned,
these lands understood to all intents and purposes
both by Gelston and myself to belong to
Gelston and not to be conveyed by Sutter's deeds

416 ND
PAGE 33

Prop Examined by U.S. Associate Law Agent
1st Question. How did you have
in your possession the Original of the Sutter patent
and where was you when you received it

Answer. I have it as the Agent
of Sutter, I received it from him in Sacram
ento, or from Schoolcraft his former Agent
I received a great many papers from both of
them, and do not say positively from
which one these particular papers came
I there quote my former Answer in which
I said I received it from Sutter.

2d Question. Was your attention
directed to the Original so often that you
can swear without doubt to the Copy, of
you, where does your attention so particu
larly to it?

Answer. On the 1st of July 1850
I and three others made a purchase of
Genl. Sutter of all his lands interest in
the State of California which had not
been previously conveyed by him, in view
of that fact, this being one of the grants
that constituted the title to the land, I a
great many times read it over and exam
ined it, to satisfy myself of the validity
of the title and I have no doubt of
this being a correct Copy

3d Question. Is your knowl
edge of Spanish sufficient to enable you

to refer to a copy from memory, as being a true copy of a Spanish document?

Answer. I think it is sufficient

4th Question. Have you seen Gov. Alvarado write, if yes, what was your intercourse with him

Answer. I have seen him write several times, I am very well acquainted with him personally, have known him for several years.

5th Question. What means of knowledge have you of the true intention to be conveyed by the deed of which you testify

Answer. I have lived on a portion of the tract, have been well acquainted with it since 1848 and have been over it hundreds of times, I know it as well as a man does his garden.

6th Question. What was the character of your Agency, was it such as to make it necessary that you should know the extent and position of the land?

Answer. I was a general agent to attend to all of Sutter's business, and I was obliged to know the extent of his property as much as if it had been my own

7th Question. How do you know the original grant of which you speak was an original grant?

Answer. I have heard both Sutter and Alvarado say so and I have also heard the Secretary of State James say so

John S. Fowler

Subscribed and sworn to before me this 24th day of June A.D. 1854

Peter Lott Commissioner

in taking testimony &c
before in office June 24th 1854

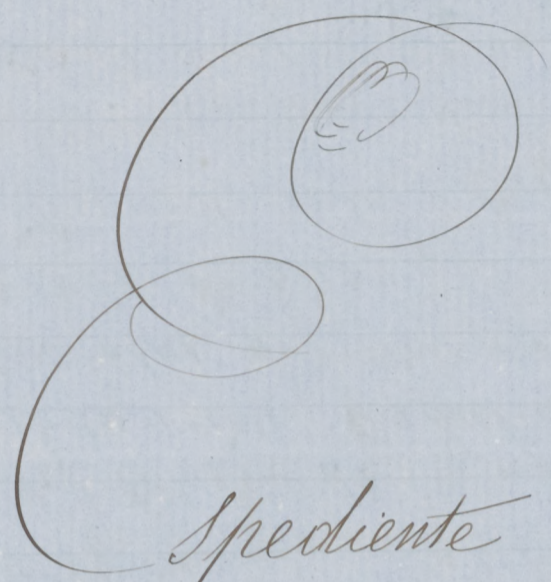
Geo. Fisher Secy

Recorded in Ev B Vol 4 p 654

Geo. Fisher Secy

416 ND
PAGE 34

Espediente.



416 ND
PAGE 35

Espediente Promovido por Dⁿ
Juan Agosto Sutter en solicitud de un terreno
que se halla a las margenes del Rio
Sacramento.

1841.

250.

Sello Terreno Dos Reales.

Habilitado provisionalmente por la Admuni-
on Municipal del Puerto de Monterey en el Dep-
artamento de los Californias para los años de
mil ochocientos Cuarenta y mil ochocientos
Cuarenta y uno.

(Seal) Sineu. Antonio Maria Osio.

416 ND
PAGE 36

Santo Sr. Gob^o de este Departamento.

Don Augusto Sutter, natural de la Republica
Alemana, naturalizado en la Republica Mexicana
y actualmente radicado en este Departamento ante
la autoridad justificacion de V.E. con el respeto debido
hace presente. Que desde su ingreso a este Pais
deceoso de cultivar una parte de las nuevas
terrenos baldios que tiene, recaba de V.E. su superior
aprobacion para establecerse en el terreno que
propone, asociado a algunas familias laboriosas
que quieren seguirlo y como sus trabajos acauden
pronto ya, esperanzas honrosas a su establecimiento
en lo particular y ventajas del Departamento
en lo general, atendiendo a que a ejemplo de los
que lo siguieron han despertado tales labores
a las Pumas habitantes de este Pais suriendo
a la vez por el paraje de su situacion de una
fuente verdadera a las escursiones de los tribus bar-
baras a las poblaciones y de una escuela
de civilizacion y a los indios barbaros ya
testuados a Misiones, quienes en la escuela
de la escuela de años que han vivido recibidos
esto hombres utiles a la Sociedad Comun como
hay tienen el que suscribe la satisfaccion
de que lo sean debido a sus indefatigables tareas
por todas estas razones se ve en la necesidad
para enajenar ces su empresa y establecer con
familias de suplicar a la bondad de V.E. se
sua concederle que le leguas de tierra en su
establecimiento llamado la Nueva Helvetia

3. 37

citando acia el norte con total arreglo al terreno citado en el diseño que tiene el honor de acompañar a V. E. no me incluyéndose en las once leguas citadas, el terreno que periódicamente es inundado de agua en el invierno y protestando a V. E. y la nación Mexicana que serán por el fielmente observadas las leyes de colonización vigentes y todas las que hablan de esta materia. Por tanto a V. E. Suplico se sirva en uso de las facultades y enterponer a la vez su poderoso auxilio ante el Gobierno Supremo de la nación

416 ND
PAGE 37

Sello tercero Los reales.

Habilitado provisionalmente por la estatuta Moritima del puerto de Monterrey en el Departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno. Ximeno. Antonio Maria Osio.

afin de recibir su superior aprobación con cuyo gracia recibire un beneficio el que suscribe y en fomento la agricultura de este país.

Monterrey. Junio 18 de 1841.

Ximeno. Sr.

J. V. Sutter.

Título.

Por cuanto D^o Augusto Sutter, natural de la Republica Suiza y naturalizado en la nación Mexicana ha pretendido conforme a la ley de 18 de Agosto de 1824 y reglamento de 21 de Abo de 1828 para su beneficio personal y el de sus familias once leguas de tierra en las margenes del rio del Sacramento en los terrenos baldios de la frontera del norte, para colonizar los y fomentarlos en los terminos referidos en las disposiciones mencionadas para cuya fin han acreditado suficientemente su laboriosidad, buena conducta y otras calidades que son requeridas en estos casos teniendo ya anticipados sus ocidas esfuerzos, su constante empeño y a lo verdaderamente

patrióticos en favor de nuestras instituciones reduciendo á la entera una posesion de muchos Salvajes, naturales de aquellas fronteras e informando suficientemente este Gobierno de que los terrenos mencionados no pertenecen á la propiedad de ningun individuo que se hallan por consiguiente en las clasificadas en las referidas leyes que me son conferidas en nombre de la nacion Mexicana he venido en concederle al mencionado D^{no} Augusto Sutter por las presentes letras para si y sus colonizadores el terreno referido con el nombre de Mesa Blanca sujetandose á la aprobacion ó reprobacion del Supremo Gobierno y de la I. J. Departamental bajo de las condiciones siguientes.

1^o Podrá llevarlo sin perjuicio de las tareas Caminos y servidumbres, principalmente el trabajo y navegaciones de los rios de los diferentes tribus.

2^o Mantendrá á los naturales Indijenas de aquellos puntos en el goce y libertad de sus funciones sin molestar y solo podrá reducirlos á la civilizacion por los medios de la prudencia y de las relaciones amistosas sin hostilizarlos en manera alguna antes de no obtener las facultades del Gobierno.

3^o El terreno de que se le hace mención es de Ombre Sitios de ganado mayor comprendidos en la estension que abarca el diseño q. corre agregado al respectivo sin incluir las tierras ~~ni~~ incluir las tierras enagenadas por el impulso y los corrientes de los rios siendo la latitud 39. 41. 45. Norte: al Este las mangeras del Rio de las Plumas: al Sur latitud. 38. 49. 32. N. al Oeste el Rio del Sacramento.

4^o Cuando se le confirme esta propiedad Solicitara del Juez respectivo, la posesion del terreno para que sea mediato conforme á ordenanza quedando el Sobrante que usulle á la Nacion

h. 39

pari los usos que le Conveyan.

P. S. Mando que teniendose este por firme y validero se tome razon en el libro que corresp - uende y se dirija este Expediente a la E. A. Depar - tamental. C. G. J. G. S. G. del Departamento de las Californias lo mande, firme de q. Day fe.

Montry. 18 de Junio.

J. S.

Office of Surveyor General of the United States
for California.

416 ND
PAGE 39

I John C. Hayes, Surveyor Genl of the United States for the State of California and as such now having in my Office and in my charge and custody a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law, do hereby certify that the hereunder and hereunto annexed pages of tracing paper, numbered from one to six inclusive exhibit a true and accurate copy of a certain paper now on file and forming part of the said archives in this Office.

In testimony whereof I have hereunto signed my name Officially and caused my Seal of office, to be affixed at the City of San Francisco. This twenty ninth day of March
A. D. 1854.

John C. Hayes.

U. S. Surveyor G. L. Calif.

Filed in Office. May 23. 1854.

Geo. Fisher. Secy.

40

Translation of the ^{Epistle} of St. Augustin on

Translation
of
Espediente

Espediente

Warrant by Don. Juan Augusto Sutter on
application for a tract of land lying on
the Margin of Sacramento River.

1841

250

Stamp Three Two Reals

Provisionally provided by the Marine
Custom House of the Port of Monterey
in the Department of California for the
years One thousand Eight hundred and
forty and One thousand Eight hundred
and forty one.

Numero

Antonio Maria Obis

416 ND
PAGE 40

Señor Most Excellent the Governor of
this Department.

Juan Augusto Sutter a native of Switzerland
naturalized in Mexican Republic and
actually residing in this Department, before
V. E. with due respect represents; That
since his arrival at this Country, being
desirous to cultivate a portion of the
best lands now existing vacant he
obtained from V. E. your Superior approba-
tion to his establishing himself on the tract
which at present he occupies in company
with a few industrious families who
have willingly come with him; and as
an assured work promises new gladden-
ing hopes to his Establishment in particu-
lar, and great advantages to the Departm-
ent in general, Considering that after the
Examples of those who have so come with
them ideas of industry are being exercised
on the other inhospitable parts of this Country—
his place from its location during at the

Same time for a strong lean to the incursions
of the barbarous tribes into the Plains, and
for a school of civilization both to the
barbarous Aborigines, and those converted
to Missions; who after a long series of years
that they have been converted, have not
been useful members to Common Society.
As the consequence now is satisfied that
they are so, owing to his indefatigable labors

416 ND
PAGE 41

By reason of all this, he is under the necessity,
for the purpose of augmenting his
Enterprise and establishing twelve families
to pray N. E. will be pleased to grant him
Eleven leagues of Land for their establish-
ment. Collier received Melville's detailed
Account of the North in total conformity
with the trace of Land mentioned in
the sketch, which he has the honor to
Annex hereto. Not including in the said
Eleven leagues the land which is preordi-
nately is indicated in the plan; hereby
agreeing to N. E. and to the Mexican
Nation that the Existing Colonization
law, and all other bearing on this matter
shall be faithfully observed by him.

Therefore he prays N. E. will
be pleased in exercise of the powers
vested upon N. E. by Law, to accede
to his petition & to interpose at the same
time N. E.'s powerful influence to the
Supreme Government of the Nation in
order to obtain the Superior Appropriation, by
which favor the Undersigned will receive
a great benefit and the encouragement of this
Country an encouragement.

Montney June 15th. 1821

J. A. Sella

43
 "Litta

Whereas Don Augusto Utrera a Native of the Republic of Switzerland, and Native Naturalized in Mexico, has solicited in Conformity with the laws of 18th of August 1834 and regulation of 21st of November 1838, for his personal benefit and that of twelve families, eleven leagues of land on the Margin of Sacramento River on the Western Limits of the National Frontier for the purpose of Colonizing and benefiting them upon the terms mentioned in the said laws and regulation; for which purpose he has sufficiently proved his industry, good Character and other qualifications required in such Cases. Having heretofore shown his increased efforts, his constant Earnest desires, and zeal truly patriotic on behalf of our Institutions by recurring to Civilization a portion of the Native Savage Indians of these Frontiers and this Government having been sufficiently informed that the above mentioned Land does not pertain to private property of any individual, Village or Corporation; and consequently they are as is specified in the said laws; and according to the powers conferred upon me in the name of the Mexican Nation I have granted to him the said five leagues of land by these presents for himself and his Colonists the said tract of Land by the name of Nueva Esperanza to be subject to approval or disapproval of the Supreme Government of the Honorable Legislative Branch under the following Conditions.

1st He may purchase

without detriment to the papago, wages
and easements, particularly the new trade
and navigation.

30. He shall take care of
the Aborigines of the several tribes of those
places in the enjoyment and liberty of their
popeping, without molesting them, and
he may only receive them to civilization
by means of succored and friendly rela-
tions, without committing any hostilities
whatsoever, unless he should obtain
necessary power from the government.

31. The title of Land, of
which donation is made to him, contains
Eleven Sitas de ganado Mayor enclosed
within the extent shown in the sketch
which is annexed to the Expediente, not
including the Marshy Lands from the
impulse of and the Currents of the
River; the boundaries the being on the
North Side of the three Peaks (Los tres
pecos) and latitude $39^{\circ} 41' 45''$ North;
On the East the Margin of Scahuaria
On the South Latitude $38^{\circ} 49' 33''$ N on
the West the River Sacramento.

4th. When the Ownership
thereof is Confirmed to him he shall apply
to the proper Officer for the popeping of
the Land, that it may be measured
according to Ordinance. The Surplus
thereof to remain to the Nation for other
uses as may be Committed.

Wherefore I Command that
this title being read firm and valid
a registry be made in the proper Book
and let this Expediente be forwarded
to the Honorable the Departmental Board

45

Shew J. B. A. G. of the Department
of California, Praced and Segued etc.
Which I allege

Monterey June 18th.

(page 4 and the reverse)

I Geo. Fisher Secretary to the Board
of the U. States Land Commission for ascer-
taining and settling the Private Land
Claims in the State of California do hereby
certify that the foregoing is a true and
correct translation of a Spanish Document
purporting to be an Expediente filed in
Case No 6 on the docket of said Board

416 ND
PAGE 44

In testimony whereof I have
signed and subscribed my name, Office of the
Secretary of said Commission
San Francisco this 29th day of June
A.D. 1854

Geo. Fisher Secy

Filed in Office June 29 1854

Geo. Fisher Secy

46

folha 1ª de seis reses.

Sello 1^o Seis pesos.

Habilitado provisionalmente por la Actuaria
Maritima de Monterey para los años de 1839. y 1840.
Ahorado. Antonio M^a Osio.

Valga para los años de 1821 y 1822.

Ahorado.

Antonio M^a Osio.

Sello de la actuaria de Juan B. Ahorado, Gobernador
Monterrey. Constitucional del Departamento
de las Californias. Por cuanto D^o Augusto Sutter

natural de la Republica Suiza y naturalizado en
la Nacion Mexicana ha pretendido conforme a
la ley de 18 de Agosto de 1824 y al reglamento de
21 de Noviembre de 1828. para su beneficio personal
y el de doce familias once leguas de tierra a las
margenes del Rio del Sacramento en los terrenos
baldios de la frontera del Norte para cultivarlos
y fomentarlos en los terminos referidos en las dos
disposiciones mencionadas para cuyo fin ha acreditado
suficientemente su laboriosidad, buena conducta
y demas cualidades que son requerido en estos casos
termino ya utilizados sus excoitos fueros, su
constante empeño y solo verdaderamente patriotico
en favor de nuestras instituciones, revoluciono a la
civilizacion una porcion de Indios Salvajes, nat
-urales de aquellas fronteras e informado suficien
tamente este Gobierno de que los terrenos mencionados
no pertenecen a la propiedad particular de ningun
individuo, pueblo o corporacion y se hallan por
consequente en las clarificatos en las leyes y confor
-me a las facultades que me son conferidas en
nombre de la Nacion Mexicana he venido en
concederle al mencionado Sr. D^o Augusto Sutter
por las presentes letras por asi y sus colonos
el terreno referido con el nombre de la Nueva
Albion, sujetandose a la aprobacion o reproha
cion del Supremo Gobierno y de la Excm^a Junta
Departamental, segun de las resoluciones siguientes.

47

Exhibit 1.
aux^o to Depo. of
Joseph Clough.

416 ND
PAGE 45

1^o Crea el Sereano su perjuicio las transacciones
-ivas y servidumbres principalmente el tráfico
y navegación de los ríos.

2^o Mantendrá a los naturales indígenas
de los diferentes tribus de aquellos puntos en el
paz y libertad de sus personas, sin molestarlos
y solo podrá reducirlos a la colonización por
los medios de su prudencia y de las relaciones
amistosas sin hostilitarlos en manera alguna
antes de obtener las facultades del Gobierno.

3^o El terreno de que se hace mención es
de ocho Sitios de Ganado mayor comprendidos
en la estension que demarca el distrito que corre
agregado que expediente sin incluir los terrenos
enajenados por el impulso y los corrientes de los ríos
siendo sus linderos por la parte del norte las
terceras y la latitud 39. 41. 45. Norte: al este las
margenes del río de las Plumas: al sur la línea
38. 49. 32. Norte: al Oeste el río del Sacramento.

4^o Cuando se le confirme esta propiedad, soli-
-citara' del Guej respectivo la posesión del terreno
para que será medido conforme a ordenanza
queatazo para los usos que le correspondan.

En consecuencia mandó que tentándose por
firmes y validos este título se tome razón de él
en libro que corresponde y se entregue al interesado
para su resguardo y demás fines. Dado en
Monterrey a diez y ocho de junio de mil ochocientos
cuarenta y uno.

Juan B. Alvarado.

Mmanuel Jimeno. Seco.

Queda tomada razón de este despacho en el
libro de asuntos sobre adjudicaciones de terrenos
baldíos.

Jimeno.

Filed in Office April 21, true copy from the Records Book, 5. 21.
6. 1854. 329. San Francisco, Sacramento, Calif., Ca.
Geo. Fisher. Secy. L. A. Bursell. Co. Recorder.

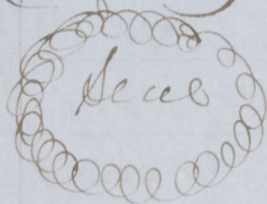
49

Translation

Seal 1st Six Dollars

Exhibe 1 Provisionally authorized by the Maritime Annexed to Depo. Custom House at Monterey for the years one of Jos. Blough thousand Eight hundred and thirty nine and one thousand Eight hundred & forty

Value for the years 1841 and 1842
(Signed) Alvarado . Antonio Mico Osio



Juan B Alvarado Constitutional Governor of the Department of the Californias

416 ND
PAGE 47

Whereas Don Augusto Sutter a native of the Republic of Switzerland and Naturalized in the Mexican Nation in Conformity with the Law of the 18th August 1834 and the regulation of the 31st November 1838 has petitioned for his own personal benefit and that of twelve families, eleven leagues (Once Sello de ganados Mayas) of lands on the Margin of the Sacramento River upon the public Lands of the Nation situated to Colonize and improve them upon the terms specified in the aforesaid Law and regulations for which purpose he has respectfully requested his Majesty's good favour and other qualifications which are required in these cases, having already anticipated his great exertions, his constant delays and truly patriotic zeal in favor of our institutions, receiving a Member of the Nation success in many of those situated to Country, and the Government being respectfully advised that the said Lands do not pertain to the particular property

of any individuals, Pueblo or Corporation and that they are consequently of those classes in the States, and in accordance with the powers which are conferred upon me, in the name of the Mexican Nation I have concluded hereby to grant to the Sr. Don. Augusto Gutierrez for himself and his Colonists the aforesaid tract of Land known by the name of Rio del Norte being subject to the approval of the Superior Government and the most Excellent Departmental Junta under the following Conditions.

1st He may enclose without prejudice to the existing laws and decrees, principally the trade and navigation of the rivers

Second. He shall maintain the Natives of the different tribes of the said Section of Country in the enjoyment and liberty of their possessions without molesting them, and he shall reduce them to civilization only by such means as his prudence may dictate and officiously treatment without hostility to them in any manner, without the previous authority of the Government

Third. The land of which donation is made embraces Alam Jitico de guano Mayo comprehended within the limits designated on the plan which is annexed to the Expediente without including the lands which are inundated by freshets and the currents of the rivers; its boundaries on the North being the three peaks (los tres picos) and latitude $39^{\circ} 41' 45''$ North; on the East, the Banks

57

of Feather River; on the South, Latitude 38° 49' 32" North; on the West the Sacramento River.

Fourth. When this property is confirmed to him he shall select of the respective Decrees to give the possession of the lands in view that it may be measured according to Law, the Surplus which may result therefrom remaining to the benefit of the Nation for the proper purposes thereof.

Therefore, holding this title as firm and valid I order that an Entry be made thereof in the Corresponding Book, and that this be delivered to the interested party for his Security and other Uses.

Given at Monterey on the eighteenth day of June One thousand Eight hundred and forty One.

(Signed) Juan B. Alvarado
(Signed) Manuel Jimeno Secretary

Record is made of this Despatch in the Book of Records of Grants of public Lands folio 1. Reverse
(Signed) Jimeno

I George Fisher Secretary to the U. S. Land Commission to certify and settle private land claims in the State of California hereby certify the foregoing to be a true correct and faithful translation of a Spanish Document in Case No 6. wherein Roland Gelston is the Claimant against the United States and now on file in this Office.

416 ND
PAGE 49

52

In testimony whereof I have hereunto signed
my name -

Office of the Secretary of the
Alameda named Commission at the City of
San Francisco Cal. This 25th day of July
A.D. 1857

Geo. Fisher
Secy

Entered in Office April 6th 1857

Geo. Fisher
Secy

416 ND
PAGE 50

5-3

53

Exhibit C

This Indenture made and executed the
 Twentieth day of June A D Eighteen
 hundred and fifty, between John A
 Butler ^{of the State of California} and ^{his wife} Dulcibella his wife of Hack
 Farm on Feather river in the State of
 California of the first part and Roland
 Weston and Thomas A Markey of
 Sacramento City and State of California of
 the second part, witnesseth that the
 said parties of the first part for and
 in consideration of the sum of Twenty
 five thousand Dollars in hand paid
 the receipt whereof is hereby acknowledged
 and by these presents do grant bargain
 and sell, alien, transfer convey and
 confirm unto the said parties of the
 second part all the following describ-
 ed Real Estate, to wit: all and right
 title and interest, consisting of one
 third part of a certain tract or parcel
 of Land, Situate, lying and being in
 Sacramento District, State of Calif-
 ornia being bounded and described as
 follows, to wit: Commencing at a tree
 about fifty yards above the mill
 dam on the Feather river in the
 District aforesaid, and some seven
 miles above Sacramento City, which
 tree forms the North Eastern boundary
 of the Lands granted to said John A
 Butler by Mexican Government, and
 those granted by the same power to
 William A Sikesdoff deceased, thence
 down said River to and including the
 Old First Mill site and houses at the

416 ND
PAGE 51

out let of said Mill dam race, some
 three or one half miles; thence in a
 direct line to the Mexican boundary of the
 Town of Sutter on the Sacramento River
 thence down said Sacramento River
 to the lower or Eastern boundary line of
 said Sutter's land, past above the town
 of Colusa, at or near a place; thence
 along said Eastern boundary line to
 the American River to the place of
 beginning, including all the right title
 and interest of the parties of the first
 part, to any tracts or parcels of land
 in the aforesaid tract not conveyed by
 the parties of the first part to any
 other person or persons, previous to the
 deed given by said John A. Sutter
 to Robert Gilston and Gilbert A
 Grant for the unenclosed two tracts
 of the above named tract under date
 of January the 28th A.D. Eighteen
 hundred and fifty, said specifica-
 tion intending to include the piece
 or parcel of land, situated lying
 and being on the American River,
 and known as the grove of said site
 situate between the land conveyed to
 Samuel Norris by deed dated Septem-
 ber 18th. A.D. 1849 and the tract or
 parcel of land above named for a
 more particular description of the
 above described premises referred to
 hereby made to the Espectante accom-
 panying the Grant of the Mexican
 Government to John A. Sutter and
 the deed of said Sutter conveying
 two unenclosed tracts in the premises.

3

above described to Gilbert A Grant & Roland Selston, this deed being assigned to include all the right title and interest of the parties of the first above named to any and all Lands lying South of the American Fork River granted by the Mexican Government to John A Sutter that have not been conveyed by said said parties of the first part or since said in Sutters premises to the deed executed by said Sutter to Gilbert A Grant and Roland Selston above particularly specified and referred to bearing date January 28th A.D. 1850

416 ND
PAGE 53

To Have and to Hold the said above described premises with all and singular the appurtenances thereto belonging or in anywise appertaining including houses, improvements, rents and all other things that may become due on said premises to this date from the said parties of the first part above named unto the said parties of the second part their heirs and assigns, to their only proper use benefit and behoof forever

And the said parties of the first part, do for themselves their heirs and legal representatives Covenant and agree, to and with the said parties of the second part, their heirs and legal representatives, that they are well and truly seized of the above granted Land and premises, and have lawful right and authority to convey the same and that they and their heirs shall and well warrant and forever defend

the title to the same, to the said parties of the second part then and legal representatives, against the lawful claims or claim of all and any person unknown.

In witness whereof the said parties of the first part have hereunto set their hands and seals the day and year first above written.

In presence of J. A. Sutter *[Signature]*
R. A. Allison *[Signature]* & A. Sutter in Dubbed *[Signature]*

416 ND
PAGE 54

State of California
County of San Francisco

On the 24th day of June 1850 before me Robert A. Allison a Notary Public of said County personally appeared the within named John A. Sutter to me known, and acknowledged that he executed the within Conveyance freely as his own act and deed and for the purposes therein mentioned, and at the same time personally appeared N. Sutter in Dubbed the wife of said John A. Sutter, to me known and on an examination separate and apart from her husband she acknowledged that she executed the within Conveyance freely and without any fear or compulsion of her said husband.

In witness my hand and private seal, there being as yet no official seal procured for me

R. A. Allison *[Signature]*

57

This is to certify that on the Twentieth day of June A.D. 1850 I received in my name a deed from John A. Sutton & wife for all land not sold previous to 28th. Jan'y 1850 lying South of the American Fork River in Connection with Roland Weston as per annexed deed which I acknowledge by these presents is for the joint use and benefit of myself Wm S. May & John F. Morse and that the same is held by me for our Common use and benefit -

416 ND
PAGE 55

In Witness whereof I have hereunto set my hand and seal this Twentieth day of June A.D. 1850
Witness present Thomas A. Blackop
Chas. A. Elias

State of California }
Sacramento County } of

On this 25th day of June A.D. 1850 personally appeared before me Lewis A. Burdwell Recorder in and for the County of said Thomas A. Blackop to me known to be the person who executed the foregoing instrument of writing and who acknowledged that he executed the same freely and voluntarily for the uses and purposes therein set forth.

L. A. Burdwell
Recorder. Sac^{to} County

Received June 25th. 1850 at 10 o' A M
Th. J. A. by
Lept. Recorder

State of California
County of Sacramento 3^d S.

I certify that
the within and foregoing is a true, true
and correct copy of Deed from John A
Sutter and N Sutter enclosed to
Roland Gelston & Thomas A McLeop
as recorded in Book L of Deeds page
206-207 & 208 Records Sac. Co.

416 ND
PAGE 56

Witness my hand and Seal
of Office this 3^d of March 1854
Notary Public
Sacramento Co.
Witness in Office April 23. 1854
Geo. Fisher Secy

Deed
John A Sutter
To
Gelston & Grant

This Indenture made this twenty eighth
day of January in the year Eighteen hundred
& fifty between J. A. Sutter of Stock in the
Territory of California of the first part and
Roland Gelston and Gilbert A Grant each
of said Territory of the second part Witnesseth:
that the said party of the first part for
and in consideration of the sum of Forty
Thousand Dollars, to him in hand paid
by the said parties of the second part, the
receipt whereof is hereby acknowledged
both buyer and sold and by these presents
doth bargain and sell unto the said
parties of the second part, the undivided
two thirds part of a certain piece of parcel
tract of land, situate lying and being in
Sacramento District in the Territory of Califor-
nia and bounded and described as follows
to wit; Commencing at a tree about fifty

5-9

416 ND
PAGE 57

years above the Mill dam on the American Fork
River in said Territory and some seven
miles above Sacramento City which two
forms the boundary line on said American
Fork between said Sutter Land, and land
formerly owned by Wm A Seedorff running
thence down said American Fork to and
including the old grist mill site and
houses at the outlet of said mill
dam race, some three and one half miles
below on said American Fork, thence in
a direct line to the lower boundary of
the Town of Sutter (State Sutterville) on
the Sacramento River, thence down said
Sacramento River, to the lower or Eastern
boundary line of said Sutter Land
on said Sacramento River just above
the Town of Colusa at or near a Slough
thence in a direct line along said Eastern
boundary line to the American Fork at
the place of beginning, expressly reserving
any land in the above traced tract
granted by me or laid out in lots -
Togethr with all the rights, privileges
and immunities and all the houses
and improvements, waters and water courses
upon or in anywise appertaining or belong-
ing to the above bargained premises.

To Have and to hold the
same unto the said parties of the second
part their heirs and assigns forever, and
the said party of the first part for himself
his heirs, Executors and Administrators with
Consent to and with the said parties of
the second part their heirs and assigns
that the title to the foregoing premises
he well forever warrant and defend against

against the lawful claim or claims of all and every person or persons whatsoever

In testimony whereof the said party of the first part hath hereunto set his hand and seal the day and year aforesaid - The words "Expressly reserving in the above tract any land hereof granted by me or law out in "Secans", intendment I hereby covenant that there is no land in the above tract described, deeded by me except that law out in "Secans"

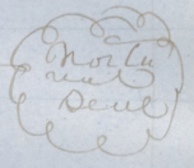
416 ND
PAGE 58

Signed & sealed John A Sutter
and delivered in the presence of - Thos. Kettle
Henry A. Schoolcraft

Territory of California }
District of Sacramento } ss:

On this 4th day of February A.D. 1850 before me, Came J. A. Sutter known to me to be the person whose signature appears to the foregoing deed and acknowledged said signature to be his genuine and the said instrument to be his free act and deed for the purposes therein expressed

Given under my hand and seal the day & year aforesaid
Henry A Schoolcraft
Notary Public
Sacramento California



Noted.
State of California }
County of Sacramento } ss.

I hereby certify that the recitation and foregoing is a full, true and correct copy of a deed from John A Sutter

61

to Roland Gilston and Gilbert A Grant
as recorded in Book A of Deeds page
732 and 733 Records Sacramento Co.

Witness my hand and seal of
Office at Sacramento City this twenty
seventh day of March A.D. 1854

John S Gray Recorder
Sacramento County

Took in Office April 22 1854

Geo. Fisher Secy

Deed
Gilston &
To
J. A. Sutter

Know all men by these presents that we
Roland Gilston, Thomas A. Marbut, Willi
am S. Gray & John F. Morse of Sacramento
California do and in consideration of the
sum of Fifty Thousand Dollars ^{the} in
hand paid before the enclosing hereof
by John ^{A. Sutter} of Stock Farm California, the
receipt whereof is hereby acknowledged
have, bargained, granted sold & quit
claimed & by these presents do bargain
grant sell and quit claim unto the
said John A. Sutter all my right
title and interest in and unto the follow
ing tract of land in California, comm
encing at the S. E. Corner of Norristown
thence in a direct line to the lower bound
ary of the Town of Sutter (late Sutterville)
on the Sacramento River, thence down
said Sacramento River to the lower or
Southern boundary of Sutter's Land
on said Sacramento River just above
the Town of Mclester at or near a Slough
thence in a direct line along said lower
boundary line to a point where a line from
the S. E. Corner of Norristown, running
S 11° 45' E would intersect said Southern

416 ND
PAGE 59

416 ND
PAGE -60

line, thence in a direct course to the S.E. corner of Norristown the place of beginning also to any and all lands lying South of the American River that has not been conveyed by said Sutter, or since been in "Said premises to the 28th. January A.D. 1850 reserving also of the above premises the "right of way" for water to supply Sacramento City through any lands mentioned in this Instrument that may be found between said Sacramento City and the Town of Brighton. To have and to hold the said quit claim ed premises with all the privileges and appurtenances, rents and hereditaments thereto belonging - and ever hereby agreed to and with the said Sutter his heirs and assigns, that we well warrant and defend the premises, against the lawful claims and demands of all persons claiming by grant or otherwise, Provided the said John A Sutter Cancels out all agreements found in writing made by us regarding said lands, said agreements are expressly intended to be leases with privilege of purchase, and one bond for a deed to G Weather and no others -

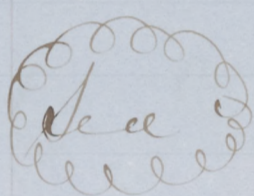
Witness the hands and seals of the parties this the 28th day of November One thousand Eight hundred & fifty
 Roland Kelton
 Thomas A. Marleap
 William S. Hays
 By their atty in fact Jas. Blough

State of California }
 County of Sacramento } Be it remembered that

63

on the 29th day of November A.D. 1850
personally appeared before me
Muelton. A Notary Public in and for
Sutter County Joseph W. W. and
Roland G. G., known to me to be the
persons who executed the within instrument
and acknowledged that the same was
their free act and deed for the purposes
therein mentioned.

Given under my hand
and private seal bearing my Notarial
Seal the day and year aforesaid



Muel W. W.
Notary Public

Recorded July 15. 1851. 10 Oc. A.M.

State of California }
County of Sacramento }

I certify that
the within and foregoing is a full true
and correct copy of deed from G. G.
W. and M. to John A
Sutter as recorded in Book F of
Records pages 344, 345 and 346.
Records Sacramento County

Witness my hand and seal
of office this Tenth day of
March A.D. 1854

Wm. Craig, Recorder
Sacro. Co.

Filed in office April 23. 1854

Geo. Fisher Secy

416 ND
PAGE 61

64 Dec 20.

Markap & Co's
Attorneys
To

Jos. Blough

Town of Atty

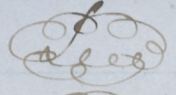
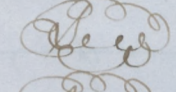
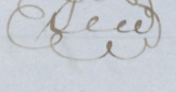
I know all men by these presents that
 I R Riggs Attorney of Thomas Markap
 Wm S Stuy and John F Mass have made
 Constituted and appointed and by these
 presents do make Constituted and appoint
 Joseph Blough our true and lawful attorney
 full and in our name place and stead
 to take in possession, receive sell and dispose
 of all the right title and interest of Thomas
 A Markap, Wm S Stuy and John F Mass
 in and to all those several tracts or pieces
 of Land lying in Sacramento County State
 of California and known as part of the
 tract called New Helvetia a full descri-
 ption of which will be found in two
 deeds from J. A. Sutter, the first bearing
 date Janry 28th 1850 and duly recorded
 July 2th Book A pages 732 & 33. The
 second bearing date June 20th 1850 &
 duly recorded June 25th. Book D. page
 206. With power to sell and convey the
 same and to execute good and sufficient
 Deeds of Conveyance to any and all
 persons, to whom he shall see fit to sell
 the same. Reserving to ourselves no
 power of Substitution or revocation, giving
 and granting unto our said attorney
 full power and Authority to do and
 perform all and every act and thing
 which may be requisite and necessary
 to be done in and about the premises
 as fully to all intents and purposes,
 as we might or could do, if personally
 present, with full power of Substitution
 and revocation, hereby ratifying and
 Confirming all that our said attorney or his

416 ND
PAGE 62

65

Substitutes shall lawfully do or cause to be done by virtue hereof.

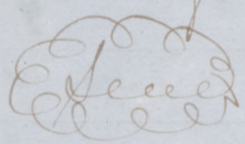
In witness whereof I have hereunto set our hands and seals the sixth day of September in the year 1850

Received and	M. Monson	
delivered in presence of	Wm Grove Deas	
of the Meritt	J. R. Riggs	

416 ND
PAGE 63

United States of America - p.

Be it remembered that on this the sixth day of September 1850 before me Benj. F. Washington a Public Notary in and for the State of California duly Commissioned and sworn dwelling in the City of Sacramento personally came M. Monson, Wm Grove Deas, and J. R. Riggs and acknowledged the above letter of Attorney to be their act and deed. In testimony whereof I have hereunto subscribed my name and affixed my Seal of Office the day and year last above written



Benj. F. Washington
Notary Public

To all persons interested in the within Power of Attorney - Know ye - That we Thomas A. Blair, Lemuel Key and John F. Morse do hereby assent and agree to act and concur in the foregoing powers and stipulations granted by said Power of Attorney given by Murray Monson, Wm Grove Deas, & J. R. Riggs as our witnesses and we do hereby both for ourselves and them ratify, acknowledge and make firm in Law said Power in all its points

and provisions, and we further agree to allow Joseph Blough three per cent, on receipts and disbursements, consequent on the management of the property therein described

Witness to	}	Green Sacramento, County of Sacramento this the sixth	
Wm. S. Key			
Wm. Graves	}	day of September A.D. One	
Witness to			
John F. Morse	}	thousand Eight hundred	
Andrew J. Bennett			
L. D. Bacon for	}	and Fifty	}
Thos. McClure			
			Thomas A. McClure
			Wm. S. Key
			John F. Morse

416 ND
PAGE 64

State of California }
County of Sacramento } ss

I hereby certify that on this the sixth day of September A.D. 1850 personally appeared before me a Notary Public in and for the County of aforesaid Thomas A. McClure, William S. Key, and John F. Morse parties to the annexed instrument and known to me as such and acknowledges that they execute the same freely and voluntarily for the uses and purposes therein mentioned.

In testimony whereof I have hereunto set my hand and affixed my seal of office this day and year aforesaid

True

Benj. F. Washington
Notary Public

Recorded Sept 10th. 1850 at 9 1/2 A.M.

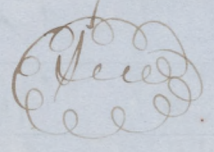
State of California }
County of Sacramento } ss

I John S. Craig Recorder in and for said County certify that

67

that the annexed foregoing is a full true and correct Copy of Deed of Attorney and ratification as recorded in Book A of Records of Attorney pages 130 & 131 Records of Sacramento County

Witness my hand and Seal of Office at Sacramento City this twenty eighth day of March A.D. 1854
Geo. Fishu Secy
Sacramento Co.



416 ND
PAGE 65

Filed in Office April 22^d 1854
Geo. Fishu Secy

Deed from
Marbap vs.
for Sheriff
to
P. Dunlop

This Indenture made and entered into this thirtieth day of August One thousand Eight hundred and fifty one between Benj M Collogg, Sheriff of Sacramento County in the State of California of the one part and Paisley Dunlop of same County and same State. Witnesseth that whereas on the 31st day of May A.D. 1851 in the District Court of the County of Sacramento Ralph Peters recovered judgment against Thomas A Marbap, M.G. Hay and J F Morse for the sum of Two thousand dollars debt, with interest thereon at the rate of three per cent per month from the seventh day of June A.D. 1850 together with sixty one & 5/100 dollars costs of suit and witness, On the second day of August 1851 a writ of execution upon the judgment aforesaid bearing date the day and year last aforesaid in favor of said Ralph Peters and against the said Thomas A Marbap, M.G. Hay and J F Morse signed by the Clerk of said Court under the Seal

thereof reciting the judgment aforesaid with
the date and amount thereof as of the the
Court aforesaid and between the parties aforesaid
said space from the office of said Clerk
of said Court directed to the Sheriff of said
Court commanding him to levy and cause
to be made out of the personal property of
the said Thomas A. McCreep, W. G. Ship
and J. F. Morse and if sufficient personal
property cannot be had then out of their
Real property said sums set forth as aforesaid
said, and also the sum of Sixty One ⁵⁰/₁₀₀
Dollars costs that have accrued since
the rendition of said judgment and that
he should in sixty days from the date
thereof make due return of said writ
which said writ was at 11 A.M. of the
Clock, August 1st delivered to and received
by Benj. McCulloch Sheriff as aforesaid
to be executed. And whereas on the 6th
day of August A.D. 1851 the said Benj.
McCulloch Sheriff as aforesaid and
by virtue of said Execution and according
to the exigency and commands thereof
did levy upon and seize all the right
title interest claim and property of the
said defendants above mentioned in
and to the following property lying and
being in Sacramento County, State of California
nearly to wit, Commencing at a tree about
fifty yards above the Mill Dam on the
American Fork River, and some seven miles
above Sacramento City, which tree forms
the boundary line on the said River between
Sutter's Land and Land formerly owned
by Wm. A. Sidesclaff running thence down
said river to and including the old Chest

69

mill site, and the houses at the outlet of
 Saice Mill dam runs in a direct line to
 the Sacram boundary of the Town of Sutter
 On the Sacramento River thence down Saice
 River to the corner or Eastern boundary line
 of Saice Veltus land on the Sacramento
 River, thence in a direct line along the said
 Eastern boundary to the American Fork at
 the place of beginning also the S W corner
 of Lot No. (5) between first and second
 & I and J Streets being 40 by 80 feet in
 Sacramento City. To Satisfy said Execution
 And whereas afterwards and before the day
 of Sale hereinafter mentioned the said
 Ben McCulloch Sheriff as aforesaid did
 give notice thereof as the Law directs
 by three written advertisements signed
 by him, stating the parties to the Execution
 and the Court from whence it issued and
 giving the same description of the property
 to be sold as heretofore given in the body
 of the Execution, and that said Sale would
 take place at the Court House door in
 the City of Sacramento at the hour of
 Eleven O'clock A.M. on the 30th day of
 August A.D. 1857 which said advertisements
 were by the said Ben. McCulloch Sheriff
 as aforesaid posted up at least twenty days
 in three public places in said County, a
 copy of which was published for two
 successive weeks in the Daily Union a news
 paper published in said County previous to
 the day of Sale. And whereas on the said
 thirtieth day of August 1857 between the
 hours of 10 O'clock A.M. and 5 O'clock
 P.M. of that day at the Court House
 door in the said City of Sacramento in

416 ND
 PAGE 67

Pursuance of said notice the said Ben
 McCulloch Sheriff as aforesaid proceeded
 to sell publicly at auction to the highest
 bidder for Cash all the right title and
 interest Estate and Claim of the said
 Thomas A. McClure, W. S. Stuy, and
 J. F. Mass of or in and to the above described
 property herein before levied upon and
 seized as aforesaid and Presley Dunlap
 being the highest and best bidder there
 for at the price and for the sum of sixty
 five dollars, the same was struck off
 and sold to him for that sum -

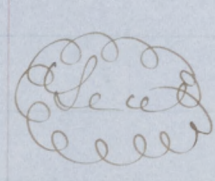
416 ND
 PAGE 68

Now therefore, for and in Consideration
 of the premises and for the said sum
 of sixty five dollars to me in hand paid
 the receipt whereof is truly acknowledged
 by the said Ben. McCulloch Sheriff as
 aforesaid in Execution of the power and
 Authority vested in me by Law in virtue
 of the premises according to the form of
 the Statute in such Case made and
 provided do hereby grant bargain sell
 Assign and Convey unto him the said Presley
 Dunlap all the right title interest claim
 and property of them the said Thomas
 A. McClure, W. S. Stuy and J. F. Mass
 of or in and to all the aforesaid real estate
 together with the appurtenances thereto
 belonging which was levied upon and
 seized as aforesaid as fully as I as
 Sheriff might or could grant bargain
 sell and Convey the same under the
 premises -

To Have and to Hold the
 said real Estate together with all the
 privileges and appurtenances thereto belonging

71

unto him the said Presley Dunlap heirs
 and assigns forever. In testimony whereof
 I the said Ben McCulloch Sheriff as
 aforesaid do hereunto subscribe my name
 and affix my seal the day and year
 herein first above written



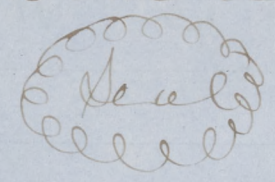
Ben McCulloch Sheriff
 of Sacramento County by
 Geo B James. Deput Sheriff

State of California }
 County of Sacramento }

416 ND
 PAGE 69

On the 24th day of
 April A.D. 1853 before me a Notary Public
 in and for the said county personally
 came Lewis B Harris late Deput Sheriff
 of said county known to me to be the
 person who executed the within instrument
 as the act and deed of Ben McCulloch
 Sheriff of said county, and he the said
 Lewis B Harris acknowledged to me that
 he executed the said instrument as the
 act and deed of the said Ben McCul-
 loch Sheriff of record freely and volun-
 tarily, for the uses and purposes therein
 expressed -

In testimony whereof I have
 hereunto set my hand and private seal
 (Hearing no Notarial Seal yet provided
 the the day and year aforesaid



P. L. Edwards
 Notary Public
 (left by J Dunlap)

Rec'd Secy. 16th. 9 OC Am. 1853

State of California }
Sacramento County } 3d.

I certify that the within and foregoing is a full true & correct copy of Deed from Ben. McCallach, Sheriff to Presley Dunlap as recorded in Book of Deeds pages 538. 539 & 540 - Records Sacramento County

416 ND
PAGE 70

Witness my hand and Seal of Office at Sacramento City this Twenty Eighth day of March A.D. 1854



Wm L Craig, Co Recorder Sacramento Co.

Filed in Office April 23^d 1854
Geo. Fisher Secy

Deed from John A Sullen for Sheriff to Dunlap & Gap

This Indenture made and entered into this 15th day of November One thousand eight hundred and fifty two between A. D. Patterson Sheriff of Sacramento County in the State of California of the one part and Presley Dunlap and John St Gap of Sacramento County and same State the other part witness that whereas, on the 11th day of October A.D. 1851 in the District Court for the County of Santa Clara & 3d Judicial District A Schwab and P. Burkman recovered Judgment against John A Sullen for the sum of One thousand and ten dollars due with interest thereon at the rate of ten per cent per Annum from the tenth day of October A.D. 1851 together with \$219⁷⁰/₁₀₀ dollars Costs of Suit - and whereas on the 30th day of September 1853 a writ of Execution

73

upon the judgment aforesaid bearing date
 the day and year last aforesaid in favor
 of the Said A. Scheuch & J. D. Cushman
 and against the Said John A. Sutter
 signed by the Clerk of Said Court under
 the Seal thereof reciting the judgment
 aforesaid, with the date and amount
 thereof as of the Court aforesaid, and
 between the parties aforesaid issued from
 the Office of the Said Clerk of Said Court
 directed to to the Sheriff of Sacramento
 County commanding him to cause to be
 made by distress and sale of the personal
 property of the Said John A. Sutter of
 sufficient personal property cannot be had
 then real property, Said writ, and that
 he should in sixty days from the date
 thereof make due return of Said writ;
 which Said writ was at 9 A.M. of the
 Clock October 13th. 1852. delivered to and
 received by A. D. Patterson Sheriff as
 aforesaid to be executed, and whereas on
 the 13th day of October A.D. 1852 the Said
 A. D. Patterson Sheriff as aforesaid under
 and by virtue of Said Execution and
 according to the Enjoinment & Command
 thereof did levy upon and seize all
 the right title, interest claim and property
 of the Said John A. Sutter of or and to
 the following property lying and being
 in Sacramento County and State of
 California to wit; Commencing on the
 Southern Bank of the American River
 at a Point where the Said River intersects
 31st Street of Sacramento City, thence
 Southwardly along Said 31st Street to the
 South East Corner of Sacramento City, thence

416 ND

PAGE 71

Westward along Y Street in Sacramento City
 to the Sacramento River, thence Southward
 along the Eastern bank of the Sacramento
 River to the Lower or Southern boundary
 of the lands granted to John A Sutter
 by the Mexican Government, thence in
 a North Eastern direction along the lower
 boundary of the lands granted to said Sutter
 by the Mexican Government to the point
 where said line intersects the American
 Fork River, thence Westward along the
 Southern bank of said American Fork
 River to the place of beginning to date
 of said Execution. And whereas certain
 sales and before the day of sale herein
 after mentioned the Deeds of D Patterson
 Sheriff as aforesaid, and give notice
 thereof as the Law directs by three written
 advertisements signed by him stating the
 parties to the Execution, and the Court
 from whence it was issued and giving
 the same description of the property to be
 sold as heretofore given, and that said
 sale would take place at the Court
 House now in the City of Sacramento
 at the hour of 11 o'clock A.M. on the
 8th day of November 1852 which said
 advertisement was by the said A.D.
 Patterson Sheriff as aforesaid posted up
 at least twenty days in three Public
 places in said County and in each of
 the Townships in which said property
 is situated a Copy of which was published
 for three successive weeks in the
 State Journal a News paper published in
 in said County previous to the day of
 sale. And whereas on the said 8th day

75-

of May 1853 the said Sheriff of Platte
 City postponed said sale until Monday the
 15th inst. and whereas on the said 15th
 day of November A.D. 1853 between the
 hours of 10 o'clock A.M. and 5 o'clock
 P.M. of that day at the Court House
 Room in the said City of Sacramento in
 pursuance of said Notice and postpone-
 ment the said A.D. Patterson Sheriff
 aforesaid proceeded to sell publicly at
 Auction to the highest bidder for Cash
 all the right title interest estate and
 Claim of the said John A. Sutter of in
 and to the above described Real Estate
 hereinbefore levied upon and seized as
 aforesaid, and Presley Denlap for
 Denlap & Gap being the highest and
 best bidder thereof and at the price and
 for the sum of Six thousand (6000) Dollars
 the same were struck off and sold to
 him for that sum -

Now therefore for and in
 Consideration of the premises and for the
 said sum of Six thousand Dollars to
 me in hand paid the receipt whereof
 is hereby acknowledged I the said A.
 D. Patterson Sheriff as aforesaid in Execu-
 tion of the power and Authority vested
 in me by Law in virtue of the premises
 according to the form of the Statute in
 such Case made and proceeded do
 hereby grant bargain sell assign and
 convey unto them the said Presley Denlap
 and John A. Gap and the right title
 interest claim and property of him the
 said John A. Sutter of in and to all
 the aforesaid Real Estate together with

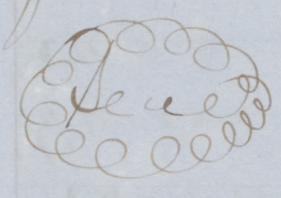
416 ND

PAGE 73

the appurtenances thereto belonging which
was seized upon and seized as aforesaid
as freely as I as Sheriff might or could
of the language see design and convey
the same under the premises -
To have and to hold the said Real
Estate together with all the privileges and
appurtenances thereto belonging unto
them the said Presley Dunlap and
John B. Cap, heirs and assigns forever

416 ND
PAGE 74

In testimony whereof I the
said A. L. Patterson Sheriff as aforesaid
do hereunto subscribe my name and
affix my seal the day and year herein
first above written.



A. L. Patterson Sheriff of
Sacramento County
By D. N. Hunt Under Sheriff

State of California
Sacramento County

On this 18th day of
November A. D. 1853 personally appeared
before me No. 9 Brown a Notary
Public within and for said county David
N. Hunt Under Sheriff of said county
and Deputy for A. L. Patterson Sheriff of
Sacramento County and State of California
and the said Hunt is known to me to
be the person who executed the foregoing
deed of conveyance and acknowledged
that he executed the same freely and
voluntarily for the uses and purposes
therein set forth and expressed in testimony
whereof I have hereunto set my name and
affixed my private seal having no official
seal provided on this 18th day of Nov. 1853

No. 9 Brown Notary Public

77

Received November 18th. 1/2 Oc. P.M. 1853
Left by Dunlap

State of California
County of Sacramento

I certify that the
within and foregoing is a full true
and correct copy of Deed from Sheriff
to Dunlap and Sap as Received in
Book of Deeds pages 374 and 375
County Sacramento Cal.

416 ND
PAGE 75

Witness my hand and Seal of Office
this 28th day of March A.D. 1854

Geo. L. Grunig
Co. Recorder

Filed in Office April 22^d 1854

Geo. Fisher
Deputy

Deed from
G. A. Grant
To
S. A. Dunlap.

Know all men by these presents that I
Gilbert A. Grant in the District of
Sacramento, Territory of California, for
and in consideration of the sum of Twenty
Nine Thousand five hundred dollars to me
in hand paid by Thomas A. Dunlap of
Sacramento City in the said District the
Receipt whereof is hereby acknowledged
have granted bargained sold and convey
ed and by these presents do bargain grant
sell and convey unto the said Thomas A.
Dunlap his heirs and assigns and their
heirs one third part of the following
described tract or parcel of land situate
in said District and bounded and describ
ed as follows: To wit, Commencing at
a tree about fifty yards above the dam
or head of the Mill race on the American

Fork River, in Saice District, some seven miles above Sacramento City which tree forms the North Eastern Boundary of the Lanzas of John A Sutter and the boundary between the Lanzas granted to Saice Sutter by the Republic of Mexico, and those granted by the same power to William A Seicesdorff deceased, thence across the Saice American River to and including the old West Mill Seat and houses at the Outlet of Saice Mill Race, some three and one half miles; thence in a direct line to the Saice boundary of the Town of Sutter on the Sacramento River; thence down the Saice Sacramento River to the lower or South Eastern boundary line of the tract of Lanzas granted to John A Sutter as aforesaid thence along the Eastern boundary of said tract to the place of beginning, hereby intending and meaning to convey to the Saice Heirs of all the property (and no more) acquired by the Saice grant from John A Sutter by Warranty deed dated January Twenty Eighth A.D. Eighteen hundred and fifty, for a more particular description of the above described premises reference is hereby made to the Espediente accompanying the grant to Saice John A Sutter and to the deed of Saice Sutter conveying two undivided shares in the premises hereby conveyed to Gellene A Grant and Robert Weston (by a Warranty deed) under date of January 28th A.D. 1850) To have and to hold the aforesaid granted and bargained premises with all the rights, privileges and appurtenances thereto belonging and all

416 ND
PAGE 76

79

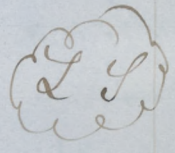
416 ND
PAGE 77

the rents and issues thereof now due or
 falling due to the said Thomas A Black
 has been and assigns forever. And I
 the said Gilbert A Grant for myself
 and for my heirs Executors and Adminis-
 trators hereby Covenant and agree to and
 with the said Thomas A Black has
 been and assigns that the premises are
 free from all incumbrances by Mortgage
 or otherwise that I have lawful Authority
 to Convey the same and that I well and
 my heirs Executors and Administrators
 shall and well warrant and defend
 the same against all claims of Law
 through Coverture with myself and
 against the lawful claims and demands
 of all persons whomsoever.

In witness whereof I have hereunto set
 my hand and seal this Eleventh day
 of May A.D. (1850) Eighteen hundred
 and Fifty

Note. The words "and no more" and "by
 Warranty Deed" and "forever" intained
 before signing

In presence of
 Joseph Grant
 Thomas Chapman

Gilbert A Grant 

This is to certify that on this the Eleventh
 day of May A.D. Eighteen hundred and Fifty
 I received in my name a deed from
 Gilbert A Grant of a certain tract of
 Land in Sacramento District as per annexed
 Deed which I acknowledge by these presents
 is for the joint use and benefit of myself
 William S. Hay and John P. Mass and
 that same is held by me for use Common

uses and benefits -
In Witness whereof I have hereunto set my
hand and seal this Eleventh day of May
A.D. Eighteen hundred & fifty

Thomas A. Warcup

In presence of
Thos. J. Ahy - Volney Spalding

State of California }
Sacramento County }

416 ND
PAGE 78

On this 22nd day of June
A.D. 1850 personally appeared before me
Lewis A. Bussell Recorder in and for the
County aforesaid, Gilbert A. Grant, known
to me to be the person whose name is attac
hed to the foregoing deed & conveyance
who before me acknowledged that he
Executed the same freely and voluntarily
for the uses and purposes therein mention
ed, also at the same time appeared Thomas
A. Warcup personally known to me to be
the person who Executed the above apyn
ment of writing & acknowledged that he
Executed the same freely and voluntarily
for the uses and purposes therein mentioned
and set forth -

Given under my hand & private
seal (there being no official seal) at
office in Sacramento City on the day and
year above written.

Lewis A. Bussell
Recorder Sac Co. Cal
Recd June 22nd 1850
A. H. O. J. M.
L. A. Bussell Recorder

81

State of California }
County of Sacramento }

John S. Craig

Recorder in and for said County certify that the above and foregoing is a full true and correct copy of Deed from Gilbert A. Grant to Thomas A. Mearns for the joint use and benefit of Mearns, Hay and Mose as recited in Book 6 of Deeds pages 435, 436 and 437.

Recorded - Sacramento County. In testimony of which I hereunto set my hand and Seal of Office at the City of Sacramento this thirtieth day of March A.D. 1854

John S. Craig
Recorder

Filed in Office April 23. 1854
Geo. Fisher Secy

Deed
Mearns and
Others
To
R. Gelston

This Indenture made and entered into this thirtieth day of November A.D. One thousand eight hundred and fifty between Thomas A. Mearns, William S. Hay and John H. Mose of the first part and Roland Gelston of the second part Mearns, Hay and Mose of the first part do hereby acknowledge that the said Mearns, Hay & Mose for and in consideration of the sum of Fifteen thousand Dollars to them in hand paid by the said Gelston the receipt whereof is hereby acknowledged have this day bargained and sold and by these presents do bargain and sell unto the said Gelston his heirs and assigns forever all the right title and interest of the said Mearns, Hay and Mose in and to an undivided one half

416 ND
PAGE 80

of a certain tract of Land situated lying
and being in the State of California viz
Commencing at a tree about fifty yards
above the Mill dam on the American River
and some seven miles above Sacramento
City, which tree forms the boundary line
on said American River between "Settlers"
and Seccedaff's party running thence
across said American Fork River to and
including the Old Crest Mill site
and houses at the outlet of said Mill
dam Race some three and one half miles
below on said American River. Thence
with its meanders down to the N. E.
Corner of the Grenville & Pennington tract
thence along the lines of said tract to
the Eastern line of Whistler, thence
along said line to the South East
Corner of said Tract, thence $S 11^{\circ} 45'$
E to the Southern line of the Sella point
thence along said line to the N. E. Corner
of said point thence North $35^{\circ} 45'$ W
478.98 Chains to tree a place of beginning
So have and to hold the aforesaid
premises unto him the said Gelston his
heirs and assigns forever. And the said
Mearns, May & Mass for themselves
their heirs Executors and Administrators
do further Covenant to and with the
said Gelston his heirs and assigns that
the title to the foregoing premises they
well forever warrant and defend a-
gainst the lawful Claims of all persons
claiming by farm or otherwise.

Witness the hands & seals
of the parties, the day and year aforesaid
Thomas A. Mearns

83

signed sealed and delivered in presence of
 John F. Morse
 By their atty in fact
 Jos. Blough Seal
 Peter Kames
 A. A. Peais

State of California }
 County of Sacramento } ss

On this the thirtieth day of November A.D.
 One thousand eight hundred & fifty person
 ally appeared before me Marc Melton a
 Notary Public, in and for the County of
 Sacramento Joseph Blough to me known
 who acknowledged that he executed the
 foregoing instrument freely & voluntarily
 for the uses and purposes therein set
 forth.

416 ND
 PAGE 81

In testimony whereof I have hereunto
 set my hand & affixed my private seal
 bearing the Notarial Seal - the day &
 year aforesaid.

Marc Melton Seal
 Notary Public

Filed in Office June 27. 1854
 Geo. Fisher Secy.

Stipulation

Roland Kelton }
 vs }
 The United States } It is hereby stipulated
 that the map marked
 N. Y. L. No. 1 and filed in Case No. 93 shall
 be taken in evidence in this case, and
 that the plaintiff in this action shall
 substitute a copy of the map in this case
 filed and which has been taken from
 the Secretary's Office, and that such
 copy shall be taken as evidence of said
 copy as decreed to be correct by the
 Attorney -

84

July 20th. 1854 - Subject to all legal obpe
tions as to the Competency of the Examined

J. B. McKim

Supt Agent

Elech Johnson

Deputy Atty.

Filed in Office July 19th 1854

Geo. Fisher

Secy

416 ND

PAGE

82

85

85-

Amendment to U. S. Land Commission for the State of
California

Roland Gelston

vs
The United States

Amendments to the petition
of Roland Gelston for a tract of Land
lying and being in the County of Sacramento
State of California.

2

416 ND
PAGE 83

1st Insert after the words "But Grant" in the
twenty fifth line of the third page the follow-
ing words "One unceasing tract of"

2nd On the same page (3rd) between the thirtieth
and thirty first lines insert the following
words "and subsequently to wit on the
twentieth day of June A.D. 1850 the above
said John A. Sutter and N. Sutter in Deed
their wife, sold and conveyed all their remain-
ing legal title and interest in the last
mentioned tract to your petitioner and one
Thomas A. Murdock by their deed duly signed
sealed and acknowledged a copy of which
your petitioner prays may be annexed to
and made a part of this petition the same
being marked Exhibit A.

E. Johnson
Petitioner's Counsel

Filed in office March 14. 1854
Geo. Fisher
Clerk

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



87

42

Opinion of Roland Gelston
Borne by
Com. Thompson vs
The United States

This is a claim for a portion of the tract of Land situated on the American and Sacramento rivers, and known as New Helvetia, the original title to which was considered and confirmed to the claimant by this Commission in the Case of John A. Sutter vs. The United States being No 92 on the Docket of the Commission.

416 ND
PAGE 84

The present petitioner has introduced and proved in the case various mesne Conveyances from said Sutter to himself by virtue of which, he alleges that the title to that portion of the above mentioned tract of New Helvetia described in said Conveyances became vested in him.

Those Conveyances consist of the following - 1st. A deed from John A. Sutter to Roland Gelston and Gilbert A. Grant dated January 31st 1850 conveying to the said grantees two undivided third parts of the following described premises, to wit; commencing at a tree about fifty yards above the mill dam on the American Fork River and some seven miles above the Sacramento City which tree forms the boundary line on said American Fork between said Sutter and ^{formerly} Sutter, thence thence down said American Fork to and including the Old Great Mill site and houses at the outlet of said mill dam and some three and a half miles below on said American Fork thence in a direct line to the lower boundary

of the town of Sutter (late Sutterville) on the Sacramento River; thence down said Sacramento River to the corner or Eastern boundary line of said Sutter's Land on said Sacramento River just above the Town of Colusa at or near a Slough: Thence in a direct line along said Eastern Boundary line to the American Fork at the place of beginning reversing part of the trace so granted any lands that may be granted or land are in "Succors by said Sutter"

416 ND
PAGE 85

2^d. A deed from said Grants to Thomas A. Marbury of one third of said entire tract dated May 11th 1850 and an instrument written thereunder executed by said Marbury declaring said conveyance to be for the joint benefit of himself W. S. Hayes and John F. Morse.

3^d. A deed from John A. Sutter Heirs to Rolando Gelston and Thomas Marbury June 20th. 1850 of the remaining two third part of said premises with an instrument thereunder written executed by said Marbury declaring that he held the premises conveyed in trust for himself William S. Hayes and John F. Morse.

4th. A deed from said Marbury and Hayes to said Gelston dated Nov. 30th 1850 for one undivided half of said premises.

5th. A deed from said Gelston, Marbury, Hayes and Morse to John A. Sutter dated November twenty eighth 1850 conveying to the grantee Sutter a portion of said lands. All of these conveyances are properly proved and authenticated.

89

and then effect is to vest in the claimant
Belton all the lands conveyed by
Sutton to Belton and Grant except that
portion reconveyed to Sutton by the last
last mentioned of the 28th of Nov. 1850

This deed first conveys to Sutton
by metes and bounds all that portion of
the above described premises lying west
of a line drawn S 11° 45' E from the South
Eastern Corner of Nonstonen to the South
Eastern boundary of Suttons original tract of
New Helviden - After which it contains the
following, "Also any and all lands lying
South of the American River that have not
been conveyed by said Sutton or land over
in towns previous to the 28th of June A.D
1850. This clause, it is contended by the
Law Agent has the effect to reconvey to
Sutton all the lands conveyed by
him to Belton & Grant and as a necessary
consequence to direct the claimant of
thes entire interest therein; hence it is argued
that the title to the premises being shown
to be in Sutton, the present claimant is
not entitled to a Confirmation -

On the other hand it is maintained by
the Counsel for the Claimant that it was
the intention only to reconvey to Sutton
that portion of the tract described in
the deed by particular metes and bounds.

That the general clause
above quoted is inconsistent with this
manifest intention of the instrument and
must therefore be rejected, or made to
apply only to the particular part intended
to be conveyed - Taking the whole deed
together we think this construction is the

416 ND
PAGE 86

91

convey one and Expresses the intention of the parties as evidenced by the other parts of the instrument. The Clause ~~transfer~~ cannot in question cannot therefore operate as a reconveyance of the whole tract but must be construed as applying only to the particular tract described in the deed.

416 ND
PAGE 87

But even admitting that the deed in question did convey to Gutter the whole premises it would not affect the claimants right to a Confirmation.

In the Case of the U. S. vs. Pesham 9th Feb. 57 the Supreme Court says, the Court will not enter into the Enquiry whether the title to the Land has been conveyed or remains in the Claimant, that is a question in which the United States have no interest, and which is not to be decided by the Court; and a deed has accordingly entered confirming the Land to the Claimant, notwithstanding it was shown that he had transferred the title to it many years before.

So in this case the title having been shown to be in Gutter he would be entitled to a Confirmation notwithstanding the subsequent transfer to Gutter.

Such Confirmation would as a matter of course inure to the benefit of his heirs and those claiming under him.

Certified Copies of two Shuff's deeds have been filed by the Law Agent in the Case, one purporting to convey the interest of said Blairup, Hays and Mass in said premises on an Execution against them issued on a judgment recovered May 31st 1851 in favor of Ralph Peters

91
 and the other purporting to convey said
 Sutter's interest therein on an Execution
 issued on a judgment Oct. 10th 1851.
 The premises claimed by the petitioners have
 been conveyed by the judgment debtors Wall
 Map, Hays, and Morse before the judgments
 were reversed against them; the petitioners
 claim under these prior conveyances,
 and of course her interest cannot be
 affected by the Sale on the Executions.
 As to the Sale on the Execution against
 Sutter, the patent which was released
 to him by the deed from Gelston, Wall
 Map, Hays and Morse may have
 passed under the Sheriff's deed, but
 that cannot affect the rights of the
 petitioners, he having joined in the
 deed to Sutter, does not claim or seek
 a Confirmation to that patent of the
 premises.

The mesne conveyances proved
 in the case show that the title to all
 the lands described in the deed from
 Sutter to Gelston and some of the 28th
 1850 was vested in the petitioners
 with the exception of that portion re-
 vealed to Sutter by the deed from Gelston
 Wall Map, Hays and Morse of the 28th
 of Nov: 1850, and whether that deed
 embraced the whole premises or only a
 part, is not, according to the decision
 of the Supreme Court a question for the
 Commission to decide. A Confirmation
 of the whole might therefore be made
 to Gelston which would inure to the
 benefit of the latter in so much as he
 was entitled to under the conveyances

92

to him. But in as much as the petitioner
does not claim the lands conveyed to
Dutton a decree will be entered confirming
to him all the lands described in the
Original Decree from Dutton with the
Exception of so much thereof as is embraced
in the Decree to the latter of the 28 of Nov
1850 leaving the parties to settle their
respective rights under that Decree before
the proper Tribunal.

416 ND
PAGE 89

Filed in Office Jan'y 29 1856
Geo. Fisher
Secy

93

Decees

Roland Gelston }
vs }
The United States }

In this case on hear-
ing the proofs and allegations, it is agree-
d upon by the Commission, that the claim
of the said petitioner is valid; and it
is therefore decreed that his application
for a Confirmation thereof be granted

416 ND
PAGE 90

The land of which confirm-
ation is made is situated in the County
of Sacramento and consists of all that
portion of the tract of land called
New Helvetia which was confirmed by the
Board to John A. Sutter in Case No. 93
on the Order of the Commission, which
is contained within the boundaries described
in the Decees from John A. Sutter to Roland
Gelston & Gilbert A. Grant dated Jan
28th. 1850 Excepting from the same so
much thereof as is acknowledged to said
Sutter by deed from said Roland Gelston
and Thomas M. Muleup, William S. Key
and John F. Mass dated Nov. 28th. 1850
both of which deeds or certified copies
thereof are filed among the papers in
the Case, to which said Decees reference
is hereby made for a more particular
description

Alpheus Felch }
R. Aug. Thompson }
G. B. Fawell }

Filed in Office June 26th 1854
Geo. Fisher Secy

94

And it appearing to the satisfaction of the Board that the lands hereby appropriated are situated in the Northern District of California, It is hereby ordered that two transcripts of the proceedings and ^{pleas} ~~pleas~~ 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 District Court of the United States for the Northern Judicial District of California and the other be transmitted to the Attorney General of the United States

416 ND
PAGE 91

Office of the Board of Commissioners,

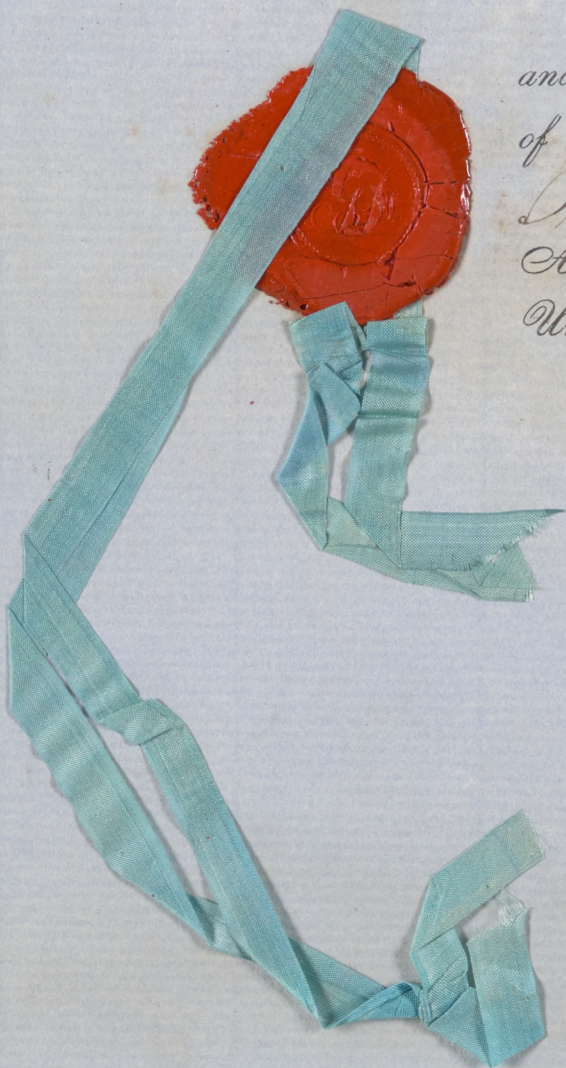
To ascertain and settle the Private Land Claims in the State of California.

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 *Ninety four* pages, numbered from
1 to *94*, 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. *6* on the Docket of the said Board,
wherein

Roland Gelston is
the Claimant against the United States, for the place known by
the name of *Part of New Helvetia*

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Twenty third day of *February*
A. D. *1850*, and of the Independence of the
United States of America the *seventy-eighth*.

G. Fisher
G. Fisher



416
U. S. DISTRICT COURT,
Northern District of California.

No. 416
THE UNITED STATES,

vs.

Rodana Weston

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS,
In Case No. 6.

Filed, July 26 1856
J. A. Moore
clh

Office of the Attorney General of the United States,

Washington, 15 April, 1856.

S. "New Feluctia"

Roland Gelston, 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 1th day of March, 1856, the appeal in the district court of the United States for the ~~Southern~~ district of California will be prosecuted by the United States.

Cushing

Attorney General.

John A. Murren Esq
Clerk W. S. D. C.

No 416

U. S. Dist. Court,

The United States,

vs

Roland Gelston,

Appel Notice.

Filed June 2, 1856,
Charles
Deputy.

416 ND

PAGE 94

In the District Court of the U.S.
for the Northern Dist of Cal.

The United States

v. D. C. # 16; L. C. 6
Roland Gelston

^{Appellants of the}
The United States
by their attorney represents that this
cause is an application for a review of
the decision of the Board of U. S. Land
Commissioners, whereby the claim of the
said appellee was confirmed as appears
by reference to the records in the case.
That a transcript of the said records was
filed in this Court on the 26th day of
July 1856; that a notice of appeal was
filed on the 2^d June 1856; that the land
claimed lies in the said District and that
said claim is invalid.

Wherefore appellants pray
that the said decision of the Board be
reversed and that this Court decree the
said ^{claim} title invalid

San Francisco Feb 24/57

Wm Blanding Jafa

416
6

U.S. Dist Court

The United States

Roland Gelston

Petition

Served copy within
on Elisha Johnson Esq
Filed March 31. 1857
W. H. Cheever,
Clerk of Deputy
office - Mar 31/57

416 ND

PAGE 96

Standing noa

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

416 ND

PAGE 97

The United States,
Appellant
vs
Roland Gelston,
Appellee.

D. C. No. 416. S. C. No. 6.

The aforesaid Appellee, Roland Gelston for answer to the petition in the above entitled cause, avers that he is the present claimant of the land claimed in said cause, and that one John A. Sutter was the original claimant thereof, and that said land was granted to said Sutter by the Government of Mexico, on or about the eighteenth day of June A.D. 1841, and that said Sutter, by various mesne conveyances which are fully set forth in the appellee's original petition, conveyed said land to this appellee; And this appellee further avers that his title to said land is good and valid -

And this appellee further avers that the appellant is not entitled to have the proceedings and decision of the Board of Commissioners, in this cause, reviewed by this Hon. Court, because said appellant did not file his petition in this Court, to have the same

reversed, within the time allowed by law,
viz. within six months from the time
said decision was rendered —

Wherefore Appellee prays that the appeal
in this cause be dismissed, and that the
decision of said Board be confirmed, and
the title of the Appellee be decreed to be
valid —

Ethan Johnson, Atty.
for Appellee —

416 N. D.

8

N. D. District Court

The United States

vs

Orland Gelston

Johnson

Filed April, 6th, 1867.
N. H. Cheney,
Deputy

416 ND

PAGE 98

E. Johnson
Atty for Appellee

Office of the Surveyor General,
Of the United States, for California.

I, JOHN C. HAYS, Surveyor General of the United States for the State of California, and as such, having in my office and in my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law, Do Hereby Certify, that the preceding, and hereto annexed page of tracing paper numbered from one to _____ inclusive, exhibits a true and accurate copy of the map attached to a Document on file in said Archives, endorsed "Especimen presentado por D. Guillermo A. Leedoroff en peticion del terreno Conocido con el nombre del rio de los Americanos"

In Testimony Whereof, I have hereto signed my name officially and caused my Seal of Office to be affixed, at the City of San Francisco, this _____ day of May _____ 1857.



John C. Hays U. S. Surveyor General for California.

Extract from the 2nd Section of the Act of Congress "providing for the Survey of Public Lands in California, and for other purposes," Approved, March 3d, 1855.

"The Secretary of the Interior is hereby authorized to cause an official Seal to be prepared for the Office of the said Surveyor General, [California] and any copy or extract from the plats, field notes and other records and documents on file in his office, when attested as such by the said Seal and the signature of the Surveyor General, shall, in all judicial matters, have the same force and effect as the original."

416

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

Ed. Shepard

The United States

vs

Poland Gelston

Certified Copy of the
map annexed to the
Grant to W^m A. Lueddorff

Filed May 18, 1857.

W. A. Cheever,
Deputy.

416 ND

PAGE 100

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 *Friday* the *Twenty-fifth* day of *November* in the year of our Lord one thousand eight hundred and fifty-*nine*.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.
Roland Gelston.

No. 416; L.C. 6

Decree.

This cause came on to be heard on appeal from the final decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California, under the Act of Congress approved on the 3^d of March, A.D. 1851, upon the transcript of the proceedings and decision of the said Board of Commissioners and the papers and evidence on which the said decision was founded; and it appearing to the Court that the said transcript has been duly filed according to law, and the cause having regularly come to a hearing, it is by the Court hereby ordered adjudged and decreed that the said decision be and the same hereby is in all things affirmed; and it is likewise ordered, adjudged and decreed that the claim of the appellee is a good and valid claim, and the same is hereby confirmed.

The land of which confirmation is hereby made is situated in the County of Sacramento, and consists of all that portion of the tract of land called "New Helvetia" which was confirmed by the Court in case No. 319 which is contained within the boundaries described in the deed from John A. Sutter to Roland Gelston and Gilbert A. Grant, dated January 28, 1850, excepting from the same so much thereof as was reconveyed to said Sutter by deed from said Roland Gelston and Thomas Warbare, William S. Hoyt and John D. Morse, dated Nov 28, 1850; certified copies of

which said deeds are on file in the case, and to which reference is made for more particular description:

Provided, however, that the land hereby confirmed is contained within the limits of the tract finally confirmed to the said John A. Sutter in said case N: 319, and shall be included in the final survey thereof; and if not, then so much only as shall be included within the said final survey of the tract finally confirmed to the said John A. Sutter is confirmed to the said Roland Gelston hereby.

And it appearing to the Court that a survey of the land confirmed to the said Sutter has been made by the U. S. Surveyor General for Cal., and that the said survey is now before the Court for its investigation and determination, it is further ordered that the said Roland Gelston, the claimant herein, be allowed to intervene and become a party to the investigation of the said survey of the lands finally confirmed to the said John A. Sutter in case N: 319.

Ogden Hoffman
Deputy Judge

416
UNITED STATES DISTRICT COURT,
Northern District of California.

The United States

vs.

Roland Gelston.

Decree of Confirmation.

Filed November 25th 1859.

M. A. Cheney
CLERK.

By

DEPUTY.

416 ND
PAGE 102

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

The United States, }
 appellant, }
 vs } D.C. No 44. S.C. No 6
Roland Gelston, }
 appellee. }

416 ND
PAGE 103

The aforesaid appellee
Roland Gelston, for answer to the petition
in the above entitled cause avers that he is the
present claimant of the land claimed in
said cause, and that one John A. Sutter
was the original claimant thereof, and that
said land was granted to said Sutter by the
government of Mexico on or about the
eighteenth day of June A.D. 1841, and that said
Sutter by various means conveyed which
are fully set forth in the appellee's original
petition, conveyed said land to this appellee.

And this appellee further avers that
his title to said land is good and valid.
And this appellee further avers that
the appellant is not entitled to have
the proceedings and decisions of the Board
of Commissioners in this cause reviewed
by this Hon Court, because said appellant
did not file his petition in this Court to

have the same reviewed within the time
allowed by law, viz. within six months
from the time said decision was rendered.

Wherefore appellee prays that the
appeal in this cause be dismissed
and that the decision of said Board be
confirmed, and the title of the appellee
be decreed to be valid —

Edwin Johnson, atty
for appellee

416
6
U.S. District Court

The United States

v.
Roland Gelston

Copy of Answer

Wm. Blawie Esq
Att. atty.

416 ND
PAGE 104

416 ND
PAGE 105

Office of the Attorney General of the United States,

Washington, 15 April, 1856.

6) "New Helvetia"

Olivera Giletan, 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 March, 1856, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Clauting

Attorney General.

John A. Mammie Esq
Clerk. U. S. Dist. Court

416 ND

416 ND

PAGE 106

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

The United States,
Appellant

vs.

Roland Gelston,
Appellee.

D. C. 416. S. C. C -

Wm Blanding Esq. Atty,
for Appellant;

Please to take notice that the above
entitled cause will be brought on for
hearing at the opening of said Court on
Monday next or as soon as said cause
shall be reached on the calendar -

Respectfully yours,

Edwin Johnson Atty
for Appellee -

416
6

U.S. District Court

The United States

vs.

Roland Gelston

Notic

Wm. Blumhug Esq.
U.S. Atty.

416 ND
PAGE 107

416 ND
PAGE 108

Office of the Board of Commissioners,

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

San Francisco, July 23^d 1856

Sir;

I am directed by this Board to 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 the said Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 6 on the Docket of this Board, wherein

Rodand Gelston is

the Claimant, for the place known by the name of

Part of New Helvetia

Which Transcript I have the honor to accompany herewith, and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.

To the Hon. J. A. Monroe Esq.

Attorney General of the United States,

Washington, D. C.

Clerk U. S. Dist. Court for the
Northern Dist. of Cal.