

CASE NO.

53

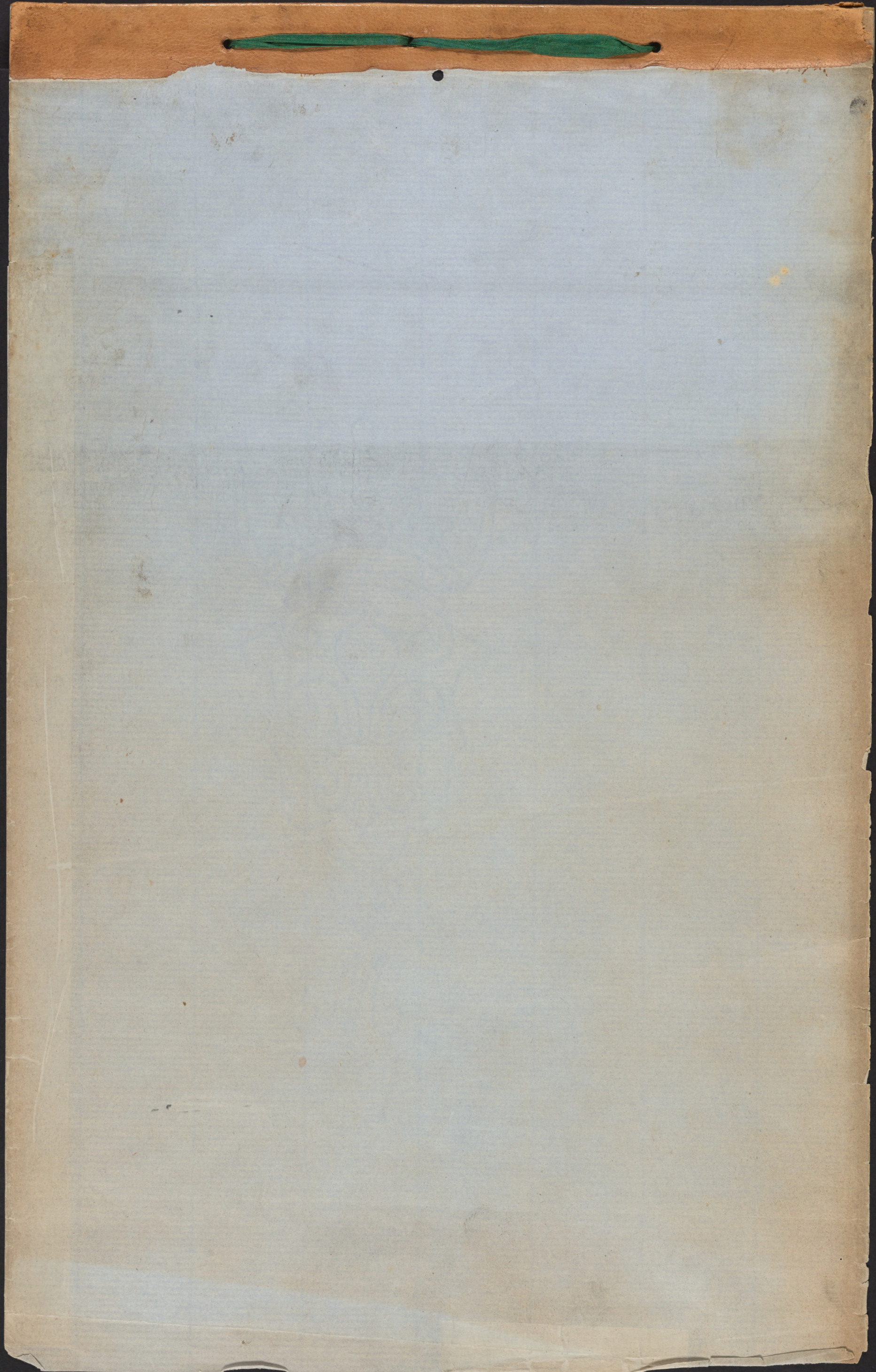
NORTHERN DISTRICT

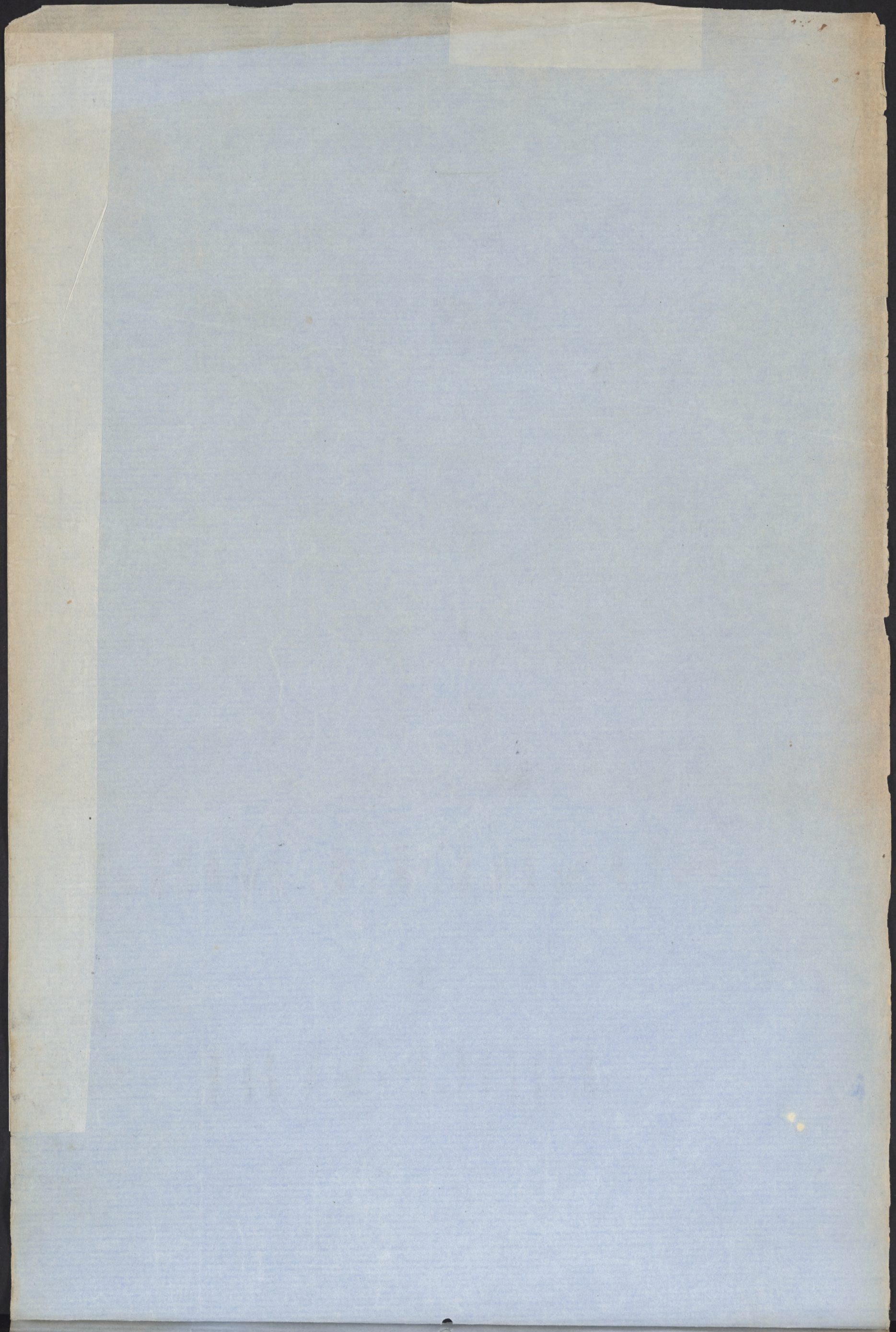
RANCHO del PASO GRANT

SAMUEL NORRIS

CLAIMANT

Patented
Plover Brand
100% Cotton Fiber
U.S.A.





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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 146

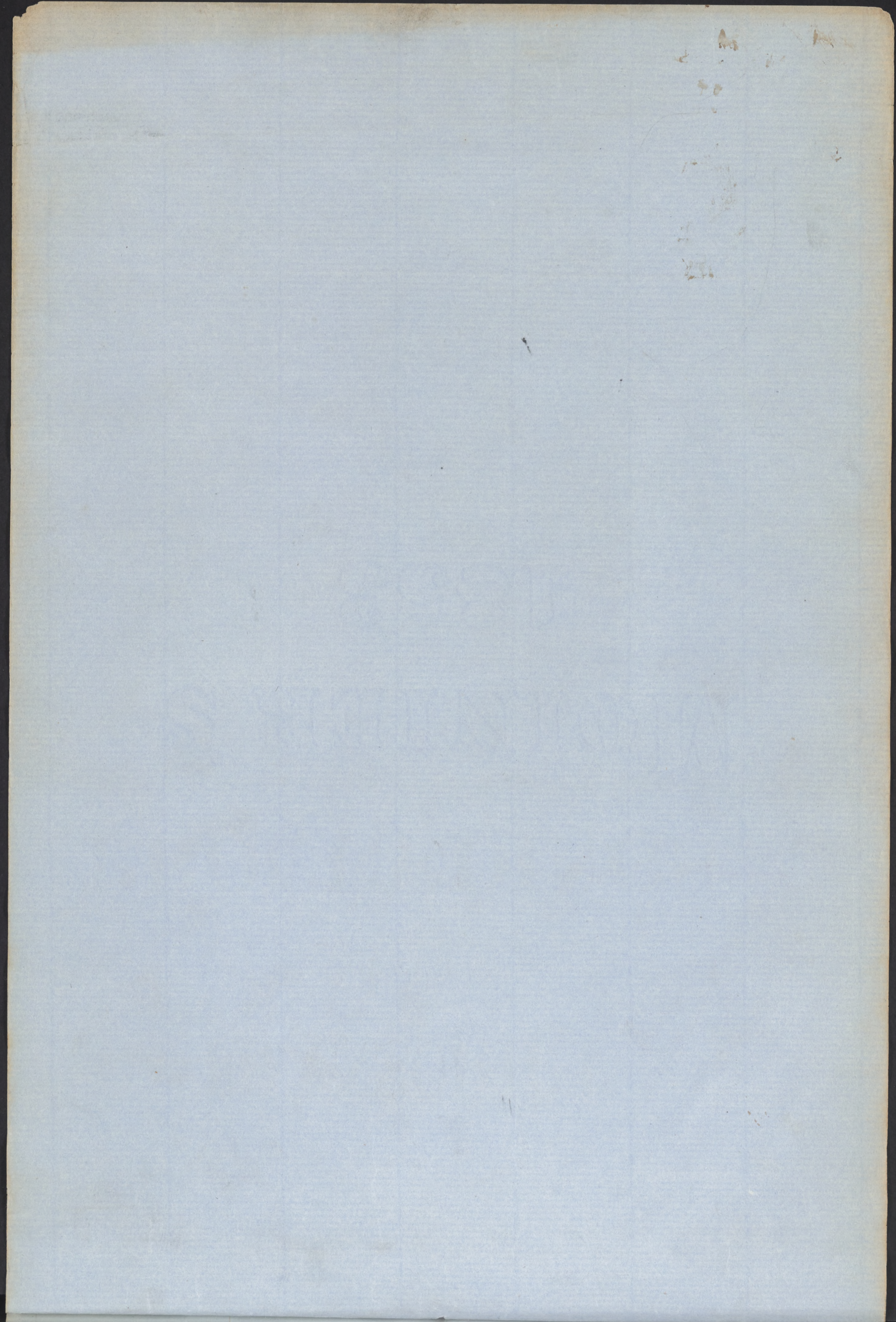
Samuel Norris CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Rancho del Paso."



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims
IN THE STATE OF CALIFORNIA.

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

The Petition of Samuel Norris

for the Place named

"Rancho del Paso"

was presented, and ordered to be filed and docketed with No. 146 and
is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco April 5th 1852

In Case No 146 Samuel Norris the deposition of
John A. Sutter a witness in behalf of the Claimant
taken before Commissioner Neiland Keale was filed
and is in the words and figures as follows to wit
(Vide page 4 of this Transcript)

San Francisco Apr. 11th 1853.

On motion of the United States Associate Law
Agent Case No. 146, Samuel Norris for the place
named "Rancho del Paso" was ordered to be
placed on the Trial Docket.

San Francisco April 11th 1853.

Case No. 146 Samuel Norris for the place named "Rancho del Paso", Calceda: the Counsel for the Relacinant, Mr. Robinson, read the petition and the papers in evidence; the United States Customs Law Agent filed his Brief—submitted and taken under advisement by the Board.

San Francisco Apt. 22nd 1853.

A Statement was read by Commissioner Wiland Hall in behalf of the Board, accompanied with the opinion and the Decree of final confirmation in Case No. 146 (and others mentioned therein); which statement is in the words and figures as follows, to wit:

(vide page 37 of this Transcript)

and which opinion and Decree are in the words and figures as follows, to wit:

(vide page 39 of this Transcript)

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Petition

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To the Honorable the U.S. Commissioner for Settling
Land Claims in California

The undersigned respectfully presents for confirmation a
grant for a tract of land comprising ²⁴ leagues named
"Rancho del Paso" situated in the Northern Bank of the
American River at the distance of one league East of its
Mouth in the river Sacramento following the course of
the American River & by the distance of three leagues
thence towards the North three & half leagues from this
point towards the West three leagues and from the
last-point in a westerly direction until arriving at
the first-mentioned point three leagues which said
tract of land was granted by Michel Ferrera Gov. of
Upper California by a concession dated the 25th of Dec
1844 to one Eliob Guimes a Naturalized Citizen of the
Mexican Nation, which said Guimes dying bequeathed
said tract of land by a Codicil ~~added~~ to his will dated
18th of April 1845 to one Hiram Guimes and by said
Hiram ^{was} sold and conveyed to this petitioner by deed dated
the 8th day of August 1849. The Codicil & Will to which
reference ^{has been} made, is on Record in the Records of the
City of San Francisco in Book A.A. McCullough's
Records pages 42 & 43. A map of a private survey of
said tract of land is also herewith appended

Petitioner knows of no interfering claim, a copy
of the Codicil referred to is hereto annexed marked (C)
The said tract has not been surveyed by the surveyors
for the United States but has been surveyed at the
instance of Petitioner by a private surveyor, from
which said survey the accompanying ^{map} is made
and the boundaries are definite and well known, &
can be made so, the starting point being one of
great notoriety

Petitioner alleges that said Guimes was in possession of
said land at the time of the grant, that he continued
in such possession until the time of his death. That
his devisee Hiram Guimes then became possessed of the
same and had the acceptance thereof until sale
to petitioner and that he has been in possession ever since.

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using and occupying the same
He further shows that a house and houses were built and
inhabited on the tract of land within a year from the
grant. That trees were planted improvements made
and all the other conditions of said grant strictly and
fully complied with. He herewith files a translation
of said grant marked A. The original petition he has
not, nor can he obtain it, it having been lost as he
believes, or abstracted from the Archives where it should
have been on file

A Copy of the conveyance from St James to himself is
herewith attached marked B and made a part hereof
The petition relies for confirmation on the original
documents referred upon proof of possession and
compliance with conditions of said grant, and upon such
proof as may be advised as necessary

Samuel Norris
By Ezra Robinson Atty

Filed in office April 1st 1853

Geo. Fisher Secy

San Francisco April 3rd 1853

Deposition
of John A. Sutter

on this day before me Richard Hall one of the Commissioners
for ascertaining settling private land claims in the State
of California came John A. Sutter a witness produced in
behalf of the claimant in the case of Samuel Norris being No
146 on the docket of the Commissioners and was duly sworn
The Law Agent was duly notified and attended
Question by claimant's Counsel

What is your name age and residence and what
office did you hold under the Mexican Government
Answer. My age is forty nine years - Resided at
Farm Sutter County State of California - In 1844 I was
Military Commander of the Northern Frontier of
California and had sole civil jurisdiction of the
District of Sacramento

Ques. Were you acquainted with Elisha Grimes?
Ans. If so, when did he immigrate to this country?

Ans. I was acquainted with him when he came to this country 1841

5
Ans. I was acquainted with Juan Jimeno he came to this County 1841
when was he first seen in this County
State all the circumstances you are acquainted with
relating to his first settlement here.

Ans. He settled on the North Bank of the Amer-
ican River at a place known as "Rancho de
del Paso in the jurisdiction of the Sacramento in
1841 - a short time after his arrival I gave him
without consideration, in the exercise of my
official power a provisional or temporary right
to settle on said Rancho until he could perfect
his right to become a naturalized citizen of
Mexico, as soon as the period elapsed and
he had complied with the laws of Naturalization
or some time thereafter, said Jimeno applied to
Governor Micheltreano for a grant, for the land
thus occupied by him, and obtained it.

Question. Do you know whether any judicial or legal
possession was given to Jimeno of the said Rancho
or tract of land. If so. State by whom it was given
and by virtue of what authority?

Ans. I as the officer of the Mexican government
immediately after the attainment of the grant
aforesaid, in virtue of my powers of sole civil
Judge of the district or jurisdiction of the Sac-
ramento, gave him formal and full possession
by going on to the land which he was occupying
with him the said Jimeno, and letting him, that
on the part of the Mexican Nation I gave him
the full legal possession of said Rancho.

This was done in conformity with the grant ^{made} and
performed in the usual manner without any
particular ceremony nor was any record or
process verbal of such proceedings made, no
particular form other than mentioned nor any
record being deemed necessary or customary.

Question. Describe as well as you can the land
of which you thus gave the possession

Ans. The tract of which I thus gave the possession
lies on the North Bank of the American River com-
mencing at a point one league to the East of its
mouth into the Sacramento river, thence

running in the direction of the American River three leagues and so in exact conformity with the description in the grant ^{from the ground} in having ten leagues.

Ques. How long did said Grimes live and occupy said land

Ans. Until the time of his death in 1848

Ques. What improvements did he make on said tract of land

Ans. He built houses cultivated the land open fields and fenced them in, placed a large quantity of cattle on it and planted some cotton wood and poplar trees on the same. He made large and valuable improvements, had fine herds and stock and a comfortable and extensive establishment. At the time the grant was made to him he had a comfortable house on the land and continued to inhabit it until his death. In every respect he complied with the conditions of the grant.

Ques. Are you acquainted with Abram Grimes

Ans. I am

Ques. What relation did he bear to Elias Grimes, and in what year did he come to this country

Ans. He was reputed to be his nephew. He came to this country in 1846 or 1847

Ques. Did you know of any other relatives of E. Grimes in this country

Ans. I did not. E. Grimes was an old Bachelor and had no other connection with him but Abram and I never knew any other

Question. Are you acquainted with the signatures of Michel Torres and Manuel Herrera? Examine this grant and state if the signatures annexed thereto are genuine

Ans. I am familiar with their signatures. They are genuine. The paper referred to is marked E.

Ques. Was this grant here produced, the one in relation of which you gave the possession to E. Grimes before mentioned?

Ans. It is the one to which I before referred to and in obedience to which I gave possession.

Was the land measured or surveyed at the time possession was given or were there any land marks set up at the time by you or any one else
 Answer. The land was not measured or surveyed at that time we had a map or plan of the ~~land~~ ^{land} which had previously been made and the possession was given in conformity to the map. The map marked D. The Hall now shown me corresponds so far as I know recollect with that which we then had.

Questions asked by Mr. Cooley the Law Agent
 1. Was there any establishment of land marks in the act of giving judicial possession

Ans. The American Fork was one of the boundaries

There were no other marks made at the time

2. Was the alleged grant ~~at~~ ^{was} approved by the Departmental Assembly

Ans. I do not know that it was approved

3. Describe the houses built by Spinks on the land as to the structure and materials

Ans. He had two adobe houses well finished and a wooden building intended for a mill which his death prevented from being completed

4. Was the land at any time after the date of the grant entirely abandoned and unoccupied
 Answer. It was not. It was at all times occupied

Given in

J. A. Lutter

and subscribed this

5th day of April 1852

Atland Hall

Gov

* Filed in office April 5th 1852

Especente

Translation of
Especente

Presented by the naturalized citizen Eliab Grimes
 selecting the place known by the name of
 Rio del Sacramento y de los Amucanos
 No. 3

Excellent-Sir

I Eliab Grimes of Mexico by natural
 ization respectfully appear before you and say
 that having about two thousand head of horned
 cattle and a considerable of horses and desiring
 to finish my days in this Department I beseech
 your Excellency that you will have the goodness
 to grant me a tract of land of ten square leagues
 which is vacant in the vicinity of Sacramento
 River and Amucan river commencing the
 measurement in the Northern Bank of the last
 mentioned river, at the distance of one league
 to the East $\frac{1}{4}$ South three leagues, thence towards
 the North three leagues and a half, thence
 Westwardly three leagues, thence Southwardly to
 the point of beginning three leagues as is explained
 in accompanying map. Whence I pray your
 Excellency to decree as I have asked protesting that
 I do not proceed maliciously &c
 Monterey Dec. 16th 1844 Eliab Grimes

Monterey Dec. 16 1844

will report-

The Secretary of the office

Michell

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Report of the
Secretary

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Excellent Sir

The land which the party solicits ^{vacant} as it
appears from the general map of the Vicinity
of the Sacramento, made by the order of Mr
Sutter, and the person making the application
has for some time been in charge of a considerable
number of cattle by an agreement which he
made with said Sutter, and is besides a very
Excellent man of sufficient means to improve
the lands which he asks and is a Mexican by
Naturalization

Wherefore if you find no objection it appears to
me he has good claim to the title which he
asks

Monterey Dec. 18th 1844 Manuel Jimeno

Monterey Dec. 1844

Let the title be issued as here

Michelt

The title which here follows is the same as the
Original grant on file and already translated

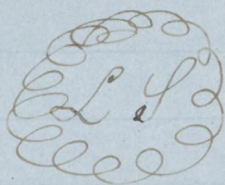
I certify the foregoing to be a true and correct
translation from an authenticated Fac Simile
copy of a Spanish document on file in the office
of the Surveyor General of the U. S. for California
which Fac Simile is on file in the office in
Case ^{no} 146 Samuel Norris for the place called "Rancho
del Paso"

Geo. Fisher Secy

Filed in Office Dec. 22^d 1852

Geo. Fisher Secy

First Stamp Eight Dollars
Provisionally authorized by the Maritime Custom
house of the port of Monterey in the Department
of the Californias for the years 1844 & 1845
Pablo de la Guerra
Micheltorena



Citizen Manuel Micheltorena Brigadier General
of the Mexican Army Adjutant General of the Staff
of the same Governor of the Commandant General
and Inspector of the Department of California
Whereas Don Elias Garcia a Naturalized Mexican has
asked for his personal benefit the location which from
fast-land named Rancho del Paso situated on the
North Bank of the American River, its measurement
beginning on the Northern Bank of said American
River at the distance of one league to the East of its
Mouth in the River Sacramento following the course
of the American River in the direction of three
leagues then from thence towards the North three
and a half ~~three~~ leagues, from this point forward
the West three leagues until arriving at the first-
mentioned point three leagues as appears in the plan
which accompanies the Expediente having previously
taken all the necessary steps and informations
required by the Laws and Regulations by virtue of
the powers conferred on me I have in the name of
the Mexican Nation ceded to him the before-
mentioned land declaring him to be the proprietor
thereof by this present letter subjecting himself to the
approbation of the Most-Excellent Departmental
Assembly and the following conditions
1st He can neither sell alienate nor hypothecate or impose
rent or tax bond nor any other encumbrance whatever on
said land
2. He may find without injury by the byways roads
and sweetwaters, he shall enjoy it freely and exclusively

using it for whatever purpose or cultivation he may see fit but within one year the house built thereon must be inhabited

3. When he obtains the confirmation of the grant he must ask judicial possession from the respective Judge in virtue of this patent the boundaries shall be marked out and the limits of which besides said lands marked he must plant some fruit trees of wild ones of some utility

4 The land granted to him comprises ten sitios de ganado Mayor (Square leagues) a little more or less as appears by the respective plan

The Judge who shall give him possession shall have it measured according to ordinance, the surplus which may result, belonging to the nation for its convenient purposes

5. If he contravene these conditions, he will lose his right to the land, and it may be denounced by another In consequence I command that these presents serving him for a title and being held as firm and valid be entered in the corresponding book and delivered to the party interested for his security and other uses Given in Monterey the 20th of December 1844

Manuel Jimeno Secy Manuel Michel Lorenza

An account of this patent has been taken in the respective folio 13

Jimeno
Eighteen dollars fees for the decree of Concepcion
and title of property
Jimeno

Office of the Board of Commissioners of California
Land Claims - San Francisco

I certify the foregoing to be a true translation from the Spanish document filed in Case 146 Samuel Norris for the place called named "Rancho del Paso" marked Doc. E. He He would to be the deposition of John A. Sutton

April 5th 1852

Geo. Fisher Secy

Made and filed in Office of said 15th 1852

Geo. Fisher Secy

Copy

Will of Elish
Grimes

This is the last will and testament of me Elish Grimes a citizen of the United States of America at present residing at Oahu one of the Sandwich Islands Merchant

I direct that should my decease occur previous to the fifteenth day of December Eighteen hundred and forty two, that all my property and funds of whatever name or nature then invested in the Copartnership existing between myself and Josiah Thompson under the name and firm of Elish Grimes and Company of Oahu Sandwich Islands shall not be withdrawn from said said Concern until such time as said Copartnership shall by indentures between myself and Josiah Thompson expire - say on the 15th day of December 1842 but direct that my interest shall be continued in the said Concern on account of my heirs herein after named until such period expires, any personal property and other of whatever nature or name not invested in the said Concern I direct as soon after my decease as possible by my Executors to be reduced to monies and all my private debts to be paid - After which to my niece Nabby Priest-wife of Asa Priest of Littleton in the County of Middlesex Massachusetts I give and bequeath the sum of One thousand five hundred dollars to be paid to her within one year from the time of my decease, the remainder I give, devise and bequeath equally to my brothers and sisters hereinafter named

Upon expiration of said Copartnership with Josiah Thompson should my decease have occurred, I direct my Executors hereinafter named to close all my parts of said Concern of Elish Grimes and Company in Pacific Ocean, China America and all other parts of said Concern of Elish Grimes the Globe where they may have

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dealings and reduce the same to money with as little delay as possible, and pay the same over to my heirs or their Attorneys

I direct my Executors, should my decease occur after the fifteenth day of December Eighteen hundred and Forty two, to reduce all and singular my property in all parts of the world of whatever name or nature to money with as little loss or delay as possible. I direct all my just debts funeral and testamentary expenses paid the balance to be paid over to my brother and sister hereinafter named. I direct that all my debts due me from my brother William Grimes be forgiven him, and no demand can be made for the same

To my brother William Grimes, Nathan Grimes, and Shaddus Grimes and my sister Mary Bethely or their heirs residing in the United States of America, with the exception of the one thousand five hundred dollars bequeathed to my Niece Mary Priest.

I give and bequeath all and singular my property of whatever name or nature to be equally divided amongst them to have and to hold the same for their own proper use and benefit forever subject to the restrictions hereof ~~made~~ named respecting my partnerships with Josiah Thompson

I do appoint Constable and Ordean Stephen Reynolds Josiah Thompson and Abram Grimes American Citizens at present residing at Oahu of the Sandwich Islands together with my Lady Bartlett of Boston Massachusetts United States of America as my true and lawful Executors to this my last will and testament hereby revoking and annulling all other wills and testaments of whatever description by me heretofore made. In Witness whereof I have hereunto set my hand and seal at Oahu one of the Sandwich Islands this fifteenth day of December Eighteen hundred and thirty six

Eliab Grimes

Signed sealed and published and declared by ~~me~~ the testator as and for his last will and testament in the presence of us who at his request and in his presence

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and in the presence of each other have subscribed our names
as witnesses thereto
John B Von Pfister
Isaac Thomas
I K Thomas Jr
Eliab Gumes

The sum "five hundred" fourth line from the bottom
first page and "five hundred" first page line from 3
page intended by me on this fifteenth day of
December at Oahu. Eighteen hundred and thirty six
presence of Isaac Gumes J B Von Pfister Isaac
Thompson and Thomas K Thomas Jr
In witness whereof I have hereunto set my hand and
seal in the their presence

Eliab Gumes
Witness to signature and seal of Eliab Gumes.
Isaac Gumes, John B Von Pfister, Isaac Thompson
I K Thomas Jr

Recorded the eighteenth day of September 1851
County of San Francisco. State of California
In the matter of the Estate of Eliab Gumes deceased
On proof the publication of the notices required
by Law and the examination of witnesses
It is ordered that the last will of Eliab Gumes
and the second Codicil attached thereto be
admitted to Probate and that Letters Testamentary
with the will annexed issue to Isaac Gumes on filing
proof in the sum of five thousand dollars
Proof having been approved and filed, ordered that
Letters issue to Isaac Gumes. Ordered that Wm H Stephens
Wm H Davis and William H Tiffany be appointed
appraisers of the above Estate

Probate Court
Sept 12 - 1851

dupl

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County of San Francisco.

State of California. Probate Court.

I do hereby certify that the annexed and foregoing is a true copy of the last will and testament of Eleab Grimes deceased as the same stands of record in this Court, and that the subsequent Order for Letters Testamentary to issue to Simon Grimes, and appointment of appraisers in the Estate are Extracts from the Journal of the said Court

In testimony whereof I have hereto set my hand and affixed the official seal of the said Probate Court on the 20th day of December 1852 at the City of San Francisco in the State of California

James C. McNamee Clerk
By Orrin Bailey
Dep. Clerk

Codicil

I Eleab Grimes a citizen of Mexico by naturalization have to add a Codicil to my will and desirous of doing it in the form prescribed by Law of this Republic now declare this to be my will and intentions in presence of the Alcalde of this Jurisdiction his Secretary and two witnesses as follows - Codicil 2^d I give and bequeath to Simon Grimes my Nephew all the right and title granted me by the Mexican Government to a certain farm called "Rancho del Paso" situate on the river called the American Fork as described in a deed and plan the original of which is deposited in the Public Archives of Monterey together with all the cattle horses and all other stock which may be on said Rancho also all buildings farming and cooking utensils and all property which may be found there belonging to me always deducting a certain proportion of all Cattle horses and other stock and produce for those who have charge of said Rancho in payment of their services as per agreement - and in testimony thereof I sign this in the form expressed above this eighteenth day of April 1845 in the Town of San Francisco

Signed Eleab Grimes

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Witnesses
William S. Hinchley }
Nathan Spear } Jose de la Cruz Sanchez
Alcalde

And his absence Robert T. Reilly

3rd Authority Andrew
Secretary Francisco Haro

I here by certify the above to be a true Copy of a paper
laid before me in this Office in record having
been duly compared by me. And I further certify that
said Original hand writing of ~~Eliot Grimes~~ late of
San Francisco paper was brought before me to
be the Original hand writing of Eliot Grimes late
of San Francisco now deceased

J. M. Laurenworth

Alcalde and Chief Magistrate of Dist. San Fran-
cisco U. California January 3rd A.D. 1848
San Francisco Henry Gillingham Clerk

State of California
County of San Francisco
Office of County Recorder

I hereby certify that the
foregoing is a true copy of a Record deposited
and remaining in this office as will appear by
reference to Lib. U.A. of Miscellaneous Records
Page 42 Witness my hand and official seal this
15th day of April A.D. 1842

John M. Glynn
County Recorder
for M. E. Flemington
D. L. R.

Filed in office April 1st 1852
Geo. F. Fisher

17.
Transfer from Juan
Grimes to Saml Morris

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I know all men by these presents that I Juan Grimes of San Francisco California Merchant for and in consideration of the sum of Eighty thousand Dollars to me in hand paid by Samuel Morris of Sacramento City at or before the sealing and delivery of these presents the Receipt whereof is hereby acknowledged have granted bargain sold and conveyed unto the said Samuel Morris his heirs and assigns all my right title and interest in and to the tract of Land named "Rancho del Paso" Situate on the Northern Bank of the American River at the distance of One league to the East of its Mouth in the River Sacramento following the course of the American River in the direction of E by S the distance of three leagues from thence towards the North three and a half leagues and from this last point in a southerly direction until coming at the first mentioned point three leagues, except a strip of Land taken from the Eastern side of the tract above described about one and a half leagues in width heretofore conveyed by the said Juan Grimes to one Henry de Cook as part of the Rancho San Juan by deed dated the 17th of March 1849 - the promises herein conveyed being the same including the strip of Land last mentioned heretofore granted to Eleob Grimes by Manuel Manuel Michel General Governor of the Department of California under Mexico by grant dated the 20th of December 1844 and duly recorded on page 13 of the proper Book of Record at Monterey and afterwards devised to the said Juan Grimes by the said Eleob Grimes by a certain Codicil added to his will on the 18th day of April 1845 in the Town of San Francisco California duly executed attested and recorded in Book AA Miscellaneous Records pages 42 & 43 of said Town together with the appurtenances and together with all houses improvements farming utensils cattle horses pigs and agricultural stock and implements and personal property of every description, now on the said Land here conveyed to the said Morris his heirs and assigns from I Witness whereof I have hereunto set my hand & Seal this 8th day of August in the year 1849
Sealed & delivered in presence (Signed) Juan Grimes

of

Subscribers

Entered - file no 11-1850 at 1091 record - 20ms and returned in
 book Book of logs 535-536 The record Sacramento County
 Book
 Signed J. A. Burrows
 also - names for regarding Oct 21/1842 Return
 ones is only returned in Book of logs 14879
 Signed Henry A. Schrock
 The name of Sacramento State
 of Francisco & Miguel Carrillo at de new

the feque (3) interlined and the word (after) name
 A Russell Gony
 James Fulton

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District of San Francisco
 Henry of California

Personally appeared before me the undersigned one of
 the Alcaldes for the District San Francisco the within
 named Adam Gromes who acknowledged that he
 executed the same freely and for the intent therein expressed
 and I do further certify that the said Adam Gromes is known
 to me to be the same person who executed the within
 as there described

Signed Frank Tuck
 2^d Alcaldes of the District of
 San Francisco

Filed in office April 15th 1852

Geo Fiska Sec'y

Dec'd from Belgium
 to Saml. Nones

Know all men by these presents that I ^{Gromes of San} Adam ^{Francisco} deformed
 Merchant for and in consideration of the sum Eighty three
 and a dollar to me in hand paid by Samuel Nones of
 Sacramento City at or before the sealing and delivery of
 these presents, the receipt whereof is here by acknowledged
 and granted bargained sold and conveyed and by the
 presents doo grant bargain sell and convey unto the
 said Samuel Nones his heirs and assigns and my
 right title and interest in and to all that tract of land
 situate in Upper California which forms part of the land
 named Rancho del Paso situate on the Northern Bank
 of the American River at the distance of one league
 from the East of its mouth in the Sacramento following
 the course of the American River in the direction of E by
 S the distance of 3 leagues then from thence bearing
 the North three and a half leagues from this ^{last} point
 in a southerly direction until arriving at the first mouth
 and point three leagues, except a strip of land taken
 from the Eastern side of the tract of above described
 about one half of a league in width heretofore conveyed
 the said Adam Gromes to me Henry de Cooke

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As part of Rancho San Juan by deed dated the 17th day of March 1849 the premises herein conveyed being the same including the strips of Land last mentioned heretofore granted to Eliaz Grimes by Michelturina Governor of the Department of California under Mexico by grant dated 20th of December 1844 and duly recorded at page 13 of of the proper Books of Records at Monterey and afterwards devised to the said Isaac Grimes by the said Eliaz Grimes by a certain Codicil added to his will on the 18th day of April 1845 in the Town of San Francisco California duly executed attested and recorded in Book Aa Miscellaneous Record pages 42 & 43 of said Town. Together with the appurtenances and together with all houses improvements farming utensils Cattle horses and agricultural stock and implements and personal property of every description now on the land herein conveyed to the said Samuel Norris his heirs and assigns to his sole use and behoof known

In witness whereof I have hereunto set my hand and seal this Eighth day of August in the year Eighteen hundred and forty nine

Sealed and delivered Isaac Grimes

in the presence of - the
 Jaque 3 witnesses and
 the word (after) was

✓ Russell G. James Felton
 Received for registering Oct 2nd 1849 & is duly
 recorded in Book A page 148 & 9
 Henry Schoolcraft Recorder
 Of Sacramento City California

District of San Francisco }
 Territory of California }

Personally appeared before
 me the undersigned one of the Alcalde in and for
 the District of San Francisco the within named
 Isaac Grimes who acknowledged that he

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Executed the same freely and for the contents therein
Expressed and I do further Certify that the said
Adam Grimes is known to me to be the same person
who Executed the within as there described

Frank Tuck

Recorded Sept 11th 1850
104th St. A.M.

2nd Ward for the Dist-
of San Francisco

I hereby certify that the foregoing is a true copy of
Record in my office from Book A of Deeds
pages 535-4536

Given under my hand & Recorder's seal at the
City of Sacramento Cal. Dec. 20th 1852

W. S. Tongue Recorder

By Geo. B. Brown Deputy

Filed in office Dec. 22nd 1853

Geo. Fisher Sec'y

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1844.

Expediente

Promovido por el Ciudadano naturalizado
Dn. Cleal Gumes en Solicitud del
Paraje conocido con el nombre Rio
del Sacramento y de los Americanos.

N^o 403.

D. D. 14. 2

Sello Cuarto Dos Reales.

CASE 53 ND
PAGE 23

Habilitado provisionalmente por la Aduana Maritima del Puerto de Monterey en el Departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro

Expediente y mil ochocientos cuarenta y cinco
Micheltorena

Pablo de la Guerra

Cañon: Señor

N.º 146

El Sr. Don Juan Gomez, Mexicano por natura. Monterey. Licenciado ante V. E. con el mayor Dec. 16 de Agosto de 1844. Respecto compareces y digo: Que teniendo como dos mil Inf. d. d. de Cabesas de ganado vacuno del Departamento, y una cantidad considerable de Caballada, y deseando los crear en este Departamento, suplico a V. E. tenga la bondad de concederme un terreno de diez leguas cuadradas que se halla baldio en las inmediaciones del Rio del Sacramento y de el de los Amecanos; comenzando la medicion en la Orilla del norte: del ultimo Rio a la Distancia de una legua al Oriente, del Sacramento, rumbo E. $\frac{1}{4}$ al S. tres leguas, de alli rumbo al N. tres leguas y media, de este punto rumbo al O.

D. D. 14. 3

Tres leguas y de este ultimo parage rumbo al S. hasta dar con el primer punto nombrado, tres leguas; segun se explica en el diseno que acompaño. Por tanto etc.

Se da en Oficio V. E. mejo de ovra de crear como llevo Dec. 22 de 1852.

pedido, protestando no proceder de Malicia y lo necesario. Monterey 16 de Diciembre de 1844.

Geo. Fisher
Deey

Cañon Sr.

El Sr. Don Juan Gomez

25

CASE 53 ND
PAGE 24

El terreno que solicita el interesado esta
 valdido segun consta por el plan general
 de las mediaciones del Sacramento.
 hecho por el Escribiente del Sr Dutter
 y el pretendiente; hace tiempo que lo esta
 ocupando con una cantidad considera-
 ble de ganado, por un convenio que hizo
 con otro Sr Dutter, y ademas, es muy
 hombre de bien, de bastantes proporciones
 para fomentar el parage que solicita
 y mexicano por naturalizacion, por tanto
 si U. E. no tuviese algun inconveniente
 me parece que es acoedor al titulo que
 pretende. Monterey 18 de Diciembre
 de 1844. Mon: J. Munier
 Monterey Dby 18. de /44.
 Conf. Espidase el titulo
 michell

4. O. D. H

259

5. O. D. H

Here follows map

[Faint, illegible handwriting throughout the page, possibly bleed-through from the reverse side. The text is mostly illegible due to fading and lightness.]

CASE 53 ND
PAGE 25

C. S. D. 12. C. Manuel Micheltorena, General de
 Brigada del Ejercito Mexicano Ayudante
 Jefe de la plana Mayor del Mismo
 Gobernador, Comandante Jefe e Inspe-
 -tor del Departamento de California.
 Por cuanto D. Elicab Gumes Mexicano por
 naturalizacion ha pretendido para su
 beneficio personal, el parage que forma
 parte del terreno conocido con el nombre
 del Rancho del Paso, situado en la Orilla
 del Norte del Rio de los Americanos, debi-
 -endo empezarse su medicion en la Orilla
 del Norte de dicho rio de los Americanos a
 distancia de una legua al Oriente de
 su embocadura en el Rio del Sacra-
 -mento, siguiendo el curso del rio de
 los Americanos rumbo E $\frac{1}{4}$ al S la
 distancia de tres leguas luego de alli
 rumbo al N. tres leguas y media, de este
 punto rumbo al O. tres leguas y de este
 ultimo punto rumbo al S hasta dar el
 primer punto nombrado tres leguas, segun
 se explica en el disenio que se acompaña
 el expediente: practicadas previamente
 las diligencias y averiguaciones necesa-
 -rias segun lo dispuesto por leyes y
 reglamentos; usando de las facultades
 que me son conferidas a nombre de la
 Nacion Mexicana, he venido en conceder
 el terreno mencionado, declarandole la
 propiedad de el por las presentes letras.

Y para que no haya lugar a lo contrario, mande
 Dec. 22^{na} 1859 que se registre en la Asamblea Departamental, y bajo las
 Dec. Terker condiciones siguientes.

Decy.

- 1^a No podrá venderlo, enagenarlo
 ni hipotecarlo, imponer censos, vinculo
 fianza, ni otro gravamen alguna.
- 2^a Podrá cercarlo sin perjudicar las.

278
y S. D. 12

travesías, caminos y servidumbres: lo disfrutará libre y exclusivamente destinándolo al uso o cultivo que más le acomode, pero dentro de un año se ocupará la Casa que haya allí construída.

3^o Cuando se le conforme la propiedad solicitará del Juez respectivo que le dé la posesión jurídica, en virtud de este Despacho por el cual se demarcarán los Cinderos, en cuyos límites pondrá a más de sus mojoneras algunos árboles frutales o silvestres de alguna utilidad.

4^o El terreno de que se hace donación es de diez sitios de ganado mayor, pro más o menos según explica el diseño respectivo. El Juez que diese la posesión lo hará medir conforme a Ordenanza quedando el sobrante que resulte a la Nación para los usos convenientes.

5^o Si contraviniese a estas condiciones perderá su derecho al terreno y será denunciado por otro. En consecuencia mando que enviéndole de Título el presente y teniéndose por Calcedero, se tome razón de él en el libro que corresponde y se entregue al interesado para su resguardo y demás fines. Dado en Monterrey a veinte

Filed in Office de Diciembre de Mil Ocho cientos cuarenta
Dcc: 22^{na} / 1852 y cuatro. Man^o: Michelt^o

Secy: Fisher Man^o: Jimeno Iri^o = Queda tomada
razón de este Despacho en el Libro
Respectivo a fojas 13. - Jimeno.

CASE 53 ND
PAGE 27

Office of the Surveyor General of the United States for the State of California
I Samuel D King, Surveyor General of the United States for the State of California and as such now having in my Office and under my charge a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California Do hereby Certify that the Seven preceding and hereto annexed pages of tracing paper numbered from one to Seven inclusive and each of which is verified by my Initials (S.D.K.) exhibit true and accurate copies of certain documents on file and forming part of the said Archives in this office.

In Testimony whereof I have hereunto signed my Name officially and affixed my private Seal (now having a Seal of Office) at the City of San Francisco this 24th day of May 1852
(Signed)
Saml. D. King
Surv. Gen. Cal.

147

11.91

Filed in Office Dec 22nd
1852. Geo. Geisner Secy.

[Faint, illegible handwriting, likely bleed-through from the reverse side of the page]

Original
Grant.

Tello Primero ocho Pesos.

Habilitado provisionalmente por la
Aduana Maritima del Puerto de
Monterey en el Departamento de las
Californias para los años de mil ocho
cientos cuarenta y cuatro y mil ocho
cuarenta cinco.

Micheltreña.

Pablo de la Guerra

El Ciudadano Manuel Mi-
cheltreña General de Brigada del
Ejercito Mexicano Ayudante General
de la Plaza Mayor del mismo Gobernador
Comandante General e Inspector del
Departamento de Californias

Por Cuanto. D. Elab Grimes. Mexicano
por naturalizacion, ha pretendido para su
beneficio personal el parage que forma parte
del terreno conocido con el Nombre del
Rancho del Paso: situado en la Orilla
del Norte del Rio de los Americanos a
debido de canpear su medicion en la Orilla
del Norte de dho Rio de los Americanos
a distancia de una legua al Oriente de
su embocadura en el Rio del Sacramento
siguiendo el curso del Rio de los Ameri-
canos rumbo E. y al S. la distancia de
tres leguas, luego de alli rumbo al N.
tres leguas y media de este punto rumbo
al N. tres leguas y de este ultimo punto
rumbo al S. hasta dar con el primer
punto nombrado tres leguas segun en el
diseño que acompaña el Expediente:
practicadas previamente las diligencias

y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos; usando de las facultades que me son conferidas à nombre de la Nacion Mexicana he venido en concederle el terreno mencionado, declarandole la propiedad de el por las presentes letras: sugetandose à la aprobacion de la Excmo. Asamblea Departamental y bajo las condiciones siguientes.

1^o. No podrá venderlo, enagenarlo ni hipotecarlo, imponer censo, vinculo, fianza ni otro gravamen alguno.

2^o. Podrá cercarlo con perjuricar las travesaías, caminos, y servidumbres: lo disputará libre y exclusivamente destinandolo al uso ó cultivo que mas le acomode pero dentro de un año se ocupará la Casa que haya allí construida.

3^o. Cuando se le confirme la propiedad solicitará del Juez respectivo que le de la posesion juridica, en virtud de este despacho por el cual se demarcaran los linderos cuyos limites pondrá à mas de Cas moy aneras algunos arboles frutales ó silvestres de alguna utilidad.

4^o. El terreno de que se hace donacion es de diez sitios de ganado mayor poco mas ó menos, segun esplica el diseño respectivo. El Juez que diese la posesion lo hará medir conforme à Ordenanza quedando el Sobrante que resulte à la Nacion por los usos convenientes.

5^o. Si contraviene à estas condiciones

Perderá su derecho al terreno q. será
denunciabile por otro.

En consecuencia mando que Dime-
-nole de Título el presente y teniendose por
firmey valedero; se tome razon de el
en el Libro q. se corresponde y se entregue al
interesado para su resguardo y demas
fines.

Dado en Monterrey @ Veinte de
Diciembre de mil mil Ocho cientos cua-
-renta y cuatro.

Man. Michelt

Man. Jimeno Sec.

Queda tomada razon de este Despacho
en el libro respectivo a fojas. 13.

Jimeno

Son diez y ocho pesos por derecho de de-
-creto de consecion y titulo de propiedad

Jimeno.

Filed in Office Apr. 10th
1852 Leo Fisher Secy.

[Faint, illegible handwriting throughout the page]

Statement,

The following Cases were Submitted for our decision as Commissioners of California Land Claims on the 11th day of April 1853 viz:

No 16	Heirs of Henry D. Fitch	Claimants
" 164	Heirs of F. Guerrero	do
" 166	Heirs of Edward A. Bale & others	do
" 218	John Wilson	do
" 146	Samuel Morris	do
" 49	Jose Carrillo & others	do
" 165	Jacob P. Leese	do
" 220	John Wilson	do
" 86	Lasper A. Danell	do

In all of these Cases Opinions and Decrees were formed & written out by us as Commissioners & signed by the Commissioners who wrote them, prior to any notice whatever of our removal, and were held up for delivery until Monday the 18th instant, the day appointed by us for their entry, when according to our established course of doing business, the blanks which had been left for the dates would have been filled up, & the signature, if not before made, of the other Commissioners would have been appended.

On the 15th instant the Mail Steamer arrived bringing newspapers stating that we had been removed from office & successors appointed, and on the 19th instant a notice purporting to be signed by the Chief clerk of the Department of the Interior, stating our removal & the appointment of our Successors was also seen by us in the National Intelligencer. No other knowledge or notice of our removal has come to us. Under this state of facts we this 22nd day of April 1853. complete the signatures of said

Decrees as of the day they were intended
to have been made and filed them with the
Secretary of the Board — filing also with
the Secretary this statement for the infor-
-mation of all concerned

Heiland Keale

Henry D. Thornton

Filed in Office April 22nd 1883.

Asst. Fisher Secy

Memorandum of Board

CASE 53 ND

PAGE 33

The claim is for a tract of ^{cuerpo} land "Rancho del Paso" situated on the Northern Bank of the American River of ten square leagues in extent.

It appears from Original Documents produced by the Claimant that a grant of the land claimed was made by Governor Michel Tomero to one Eleab Gumes on the 20th of December 1844 which grant is also fully shown by papers remaining in the public Archives in the custody of the United States Surveyor General for California. It is also shown that Eleab Gumes settled on the land in 1841 under a license from ^{Leopoldo} John A. Sutter having as Magistrate civil jurisdiction over that district of country - built a house on the land in which he lived and occupied the land by cultivation and raising large flocks of Cattle. That he was thus occupying it at the time of the grant and continued to occupy it in same manner gradually increasing his improvements until his decease in the year 1848. That by his last will and testament dated in April 1845 he devised to his Nephew Samuel Gumes, and the said Samuel subsequently in the year 1849 conveyed the same to the present Claimant.

There seems to be no doubt of the genuineness of the grant, and of the occupation of the grantee under it. The objections to the grant are its want of evidence of its approval by the Departmental Assembly and the failure of the grantee to obtain judicial possession. We have heretofore held the objections insufficient to invalidate a claim otherwise perfect and we hold the same in this case.

It should perhaps be stated that there is proof in the case that the proper Magistrate went on the land and told the grantee that he gave him judicial possession in due form but - as it appears no measurement was made of the

of the lands no land marks set up and no record made of the proceedings we can only regard it as a mere nullity. As far as it was intended as an attempt to comply with the Mexican Law ^{requiring possession of lands to be shown} - But in conformity with our previous decisions in cases of like character we confirm this claim -

Com. Thornton Concurring in the result
Hiland Hall

No. 146 Samuel Norris Claimant

Decree

This Board on full consideration having come to the conclusion that the claim is valid, now proceeds to make a decree for its final confirmation as follows: It is decreed that the said claim be confirmed to the extent of ten square leagues, being the same land described in the grant and of which the possession was found to have been long enjoyed - provided that the ^{said quantity} ten square leagues be found within the boundaries called for by said grant and if there be less than that quantity within said bounds then we confirm to the claimant that less quantity.

Given under our hands this 18th day of April 1853

Hiland Hall } Commis
Henry J. Thornton } sioners

Filed in Office April 22^d 1853

Geo. Fisher Secy

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 *Forty (40)* pages, numbered from
1 to *40*, 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. *146* on the Docket of the said Board,
wherein

Samuel Norris is
the Claimant - against the United States, for the place known by
the name of *Rancho del Past*

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 seventh day of *July*
A. D. *1854*, and of the Independence of the
United States of America the seventy-*ninth*,

Geo. Fisher



53
NO
U. S. DISTRICT COURT,
Northern District of California.

No 53 53
THE UNITED STATES,

vs.

Samuel Norris
53

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS,
In Case No. 146

d. July 26 1854

Subscribed & sworn to
By A. J. M. Schell, Clerk

53
53

CASE 53 ND

PAGE 36

Office of the Attorney General of the United States,

Washington, 11th September 1854.

Samuel Morris

vs.

The United States,

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 30th day of June 1854 the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Leach

Attorney General.

No 53.

U. S. Dist. Court.

The United States

- vs -

Saml Crossin.

Notice & process
appeal.

Filed Oct: 21. 1857.

John A. Monroe,
Clerk.

CASE 53 ND

PAGE 37

Office of the Attorney General of the
United States, Washington 11th Sept, 1854

The United States,

- vs -
Samuel Morris.

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 30th day of June, 1854. The appeal in the District Court of the United States for the Northern District of California, will be prosecuted by the United States.

L. Cushing
Attorney General.

No 53

U. S. Dist. Court,

The United States,

vs -

Samuel Morris,

Notice of Appeal.

Filed Oct: 21. 1854,

John C. Munroe,

Clk

CASE 53 ND

PAGE 39

In the Southern District Court of the United States
 in and for the Southern District of California
 The United States

Appellants }
 v. }
 Samuel Denis Clumant }

No 53.

Samuel Denis Clumant }

The cause of the Claimant, also named
 Samuel Denis to the Petition of the United
 States appellants filed in this cause in
 the above entitled Court. Represents that the
 Claim of the said Denis to the said
 Lands in his Petition mentioned and
 described has been duly confirmed by
 the Board of N & L Land Commissioners for
 the State of California as appears by the
 Records herewith submitted, and that the
 said Claim is a good & valid one
 and that the decision of said Board
 confirming the same ought to be and
 be prep may be affirmed

Samuel Denis's
 by Robert & Mission
 Atty

No 53.

W J Best Clerk

The W. State

Samuel A. Jones

Answer

Filed July 16, 1855,

by Cheever,
Deputy.

Robert M. Mason

Atty.

CASE 53 ND

PAGE 41

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

The United States appts.

Transcript.

vs

Notes for

Juanito Morris appellee

Rancho del
Paso.

Juanito Morris appellee in the above
entitled cause appears by his attorneys
and for answer to the petition of
the United States filed herein says

That his title to the tract of land
called Rancho del Paso as set forth
& described in the petition filed before
the Board of Commissioners & in
the documentary & other evidence
filed in this case is a good & valid title
& that the land claimed is situated
in the Northern District of Califor-
nia within the Jurisdiction
of this Court.

And they pray this Hon. Court
to affirm the decision of the Board
of Commissioners & to deem ~~their~~
title to be valid.

Johnson & Morrison
Attys for apper
for Hayes

3
No 53
In the U.S. Dist Ct.
New York of Calm
The United States app

vs

Samuel Morris app

Ans of app

Filed July 16, 1855.
Cheney,
Deputy.

CASE 53 ND

PAGE 43

Robinson + Morrison
clerk for app

To the Hon: Dist. Court of the United
States in & for the Northern District
of California:

The United States, } No. 53,
vs. Appellts. } "Rancho del Passo."
Samuel Harris. }

The Petition of the
United States by their Attorney, represents
that this cause is an application for a
review of the decision of the Board of
Commissioners, whereby the claim of the
said Appellee was confirmed as appears
by reference to the Records in the case, that
a manuscript of the said Records was
filed in this Court on the 26th day of
July, 1854, that a notice of Appeal was
filed on the 21st October, 1854, and that
the land claimed lies in the said District,
That the said Claim is invalid, therefore
Appellants pray that the said decision
of the Board be reversed, that this Court
decree the said title to be invalid,

Respectfully &c,
S. H. Ingr,
U. S. Atty,

No. 53 2

U. S. Dist. Court,

The United States,
— vs —
applts.
Samuel Norris,
Appellee.

Petition.

Filed July 16, 1855,
Cherish,
Deputy.

CASE 53 ND

PAGE 45

S. W. Ingle,
U. S. Dist. Atty.

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

The United States
Appellants

vs
Samuel Norris

No. 53.

The Petition of the United States by their
Attorney represents: that this Cause is
an Application for a review of the
decision of the Board of Commissioners
whereby the Claim of the said Appellee
was confirmed as appears by reference
to the records in the Case:

That a transcript of the said Records was
filed in this Court on the 1st day of
Aug. 1854: that a notice of appeal
was filed on the 1st day of Aug. 1854.
and that the land claimed lies in the
said District.

That the said Claim is invalid.
Wherefore Appellants pray that the said
decision of the Board be reversed and
that this Court decree the said title
to be invalid. Respectfully,
W. Stassell
Asst. U.S. Atty

No. 53.
U.S. Dist Court

The U. States
^{vs}
Saml Morris
Petition

Filed July 16, 1855,
by Cheever
Deputy.

CASE 53 ND
PAGE 47

Hassell

NORTHERN DISTRICT OF CALIFORNIA.

UNITED STATES DISTRICT COURT.

CASE 53 ND

PAGE 48

The United States, } *Sand Case No 53,*
 vs. }
Samuel Morris, }
 CLERK'S FEES.

1854

July 26	Filing Transcript on Appeal \$	" 20
Oct 21	" Notice of Appeal,	" 20
1855		
July 16	" Petition, and Answer	" 30
August 13	" Entering Decree of Confirmation,	1 05
	Entering Judgment Record 114 fol at 22 1/2	25 65
1856		
Nov 15	Making Record on Appeal to U.S. Court	
	being 114 folios at 15 cts, and	17 10
	containing 2 Maps at \$ 7.50 each	15 00
	Dockets & Indexes,	4 50
		<u>\$ 64 00</u>

TAXED AT

Sixty four DOLLARS.

John A. Monroe, CLERK.

by W. A. Cheever, Deputy.

United States District Court.
Northern District of California.

No. 53

The United States,

vs.

Samuel Norris,

Clerk's Fees, \$

64.00

Filed

November 15, 1856,

W. A. Cheever,

Deputy Clerk

CASE 53ND

PAGE

49

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 *Monday* the *22d* day of *November* in the year of our Lord one thousand eight hundred and fifty-*six*.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States
v.
Samuel Norris

Case No 53
Transcript No 146

The Attorney General of the United States having given notice that no appeal to the Supreme Court of the United States will be prosecuted in this case, and a stipulation having been entered into by the District Attorney, that no further appeal shall be taken on the part of the United States, and for leave to the claimants to proceed under the decree of this Court heretofore rendered in ~~their~~^{his} favor.

On motion of the District Attorney, it is ordered, adjudged and decreed, that the claimants have leave to proceed under the decree of this Court heretofore rendered in ~~their~~^{his} favor as the final decree.

Ogden Hoffman
U. S. Dist. Judge

53

United States District Court, Northern
District of California.

The United States

vs.

Samuel Morris

Case No 53
Transcript No 146

order

Filed December 22, 1856,

John A. Monroe,

CLERK.

J. M. St. Charles

DEPUTY.

CASE 53 ND

PAGE 51

CASE 53 ND
PAGE 52

California Land Claims.

Attorney General's Office

4 Nov^r 1851,

Sir:

In the case of the claim of Samuel
Norris, confirmed to the claimant by the
Commissioners, case no. one hundred and
forty six (146) appeal will not be proce-
cuted by the United States.

I am

Respectfully

Yours truly

Wm^o Blanding Esq

A. S. Attorney

San Francisco

53
United States
District Court

The United States

vs
Samuel Morris.

Case No. 53
Transcript 146

Stipulation

Filed December 22, 1856,
W. H. Chevers,
Deputy Clerk,

Samuel Norris
 United States

Before the Honorable Ogden
 Hoffman, District Judge of
 the United States for the
 Northern District of California.

To Samuel Norris and to all and every your
 Attorneys, Solicitors agents and assistants whatever,
 Greeting;

You and every of you are hereby com-
 manded and strictly enjoined that, immediately
 after being served with this writ or notice thereof,
 you do not apply for nor sue out a patent
 of the United States of America for the land
 known as Rancho "El Paso", situated in the County
 of Sacramento, in California, and lately confirmed
 to Samuel Norris; but that you and every
 of you do cease and desist from asking, de-
 manding, applying for, or suing out a patent
 for the said Rancho "El Paso" until the further
 order of the Court to the contrary.

Ogden Hoffman
 U. S. District Judge

Dated February 25, 1837.

53,

District Court of
the United States.

Samuel Novin

United States claiming
the Rancho El Paso.

Temporary Injunction

Filed February 25, 1857
W. H. Chevers,
Deputy.

Samuel Norris

United States

Before the Honorable,
 Ogden Hoffman, District Judge
 of the United States for the
 Northern District of California

Whereas Edwin G. Adams and Thaddeus
 Grimes have filed their petition herein praying
 for an injunction to restrain the issuance of a
 patent for the land confirmed to the claimant,
 and it appearing that service of a copy of
 said petition has been acknowledged and more
 than thirty days have since elapsed, and
 whereas, pursuant to the thirtieth section of the
 Act of the Congress of the United States to ascen-
 -tain and settle private land claims, approved
 March 3^d, 1851 Monday February 23^d, 1857 was
 appointed for a hearing of said petition, it is
 ordered that an injunction issue restraining the
 claimant Samuel Norris from issuing out a patent
 for the land known as Rancho "El Paso", until
 the further order of the Court.

Ogden Hoffman
 U. S. District Judge

Done San Francisco
 February 25th 1857.

District Court of the
United States.

Samuel Norris
United States, claiming
the Rancho "El Paso"

Order for a
temporary injunction.

Filed February 25, 1857
W. H. Chew, Jr.
Deputy.

CASE 53 ND
PAGE 58

Samuel Norris
 " "

United States

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

The petition of Edwin Adams and
 Shaddeu Quinn having been this day
 called for a hearing, and it having been
 suggested to the Court by ~~the respondent~~ ^{the claimant} that an action
 is pending in the Circuit Court of the
 United States involving the validity of
 the title to the land claimed by the
 petitioner.

It is ordered that the claimant
 Samuel Norris and his agents and attorney
 be enjoined from seeking out a patent
 for said land, to wit, the Rancho El
 Paso until the further order of the
 Court, without prejudice to the claimant's
 right to name to disclose their
 signature.

Ogden Hoffman
 U. S. Dist. Judge

53

ND
Samuel Morris
of
United States

Supplement.

Filed March 4, 1857,
W. H. Chrous,
Deputy.

CASE 53 ND
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In the matter of the Petition of Edwin G. Adams and Thaddeus Grimes to the Honorable Ogden Hoffman District Judge for the Northern District of California,

The affidavit of Samuel Norris states that in due time he presented to the Board of Commissioners appointed to settle private land claims in California, his claim to ten leagues of land situated on the north bank of the American river and known as Rancho del Paso, which is the same tract of land described in and referred to in the petition in this matter - that after due proceedings had therein, the same was confirmed to him by said Board - and thereafter the same was appealed by the United States to the District Court of the Northern District of California - and after due proceedings therein the decree of the Board of Commissioners was confirmed on the day of 1854, the appeal to the Supreme Court of the United States dismissed by order of the Attorney General of the United States.

Affiant further states - that on the day of 1855 one E. G. Adams instituted an action of ejectment in the Circuit Court of the United States for the District of California in and for the Northern District against this affiant and one Henry D. Cook, that subsequently the Plaintiff amended his complaint in said action and omitted the

said Henry D. Cook as a party thereto - so that this affiant remained and was the only party defendant in said action.

Affiant further states that the title of both the said Adams and himself to the said tract of land called the Rancho del Paso was involved in said action - and was duly tried therein on the day of 1858 - and such proceedings had that after a full trial thereof - a judgment was rendered against the said Adams and in favor of this affiant. Affiant says that there has never been any other title to the said tract of land - the Rancho del Paso, presented to the Board of Commissioners - and never has been confirmed to any one else saving this affiant. Affiant further says that there is no claim before this Court for confirmation, nor has there ever been any in any way conflicting with the claim of this affiant to said Rancho del Paso.

Affiant further says that the petition of the said E. G. Adams and Thaddeus Grimes was served on his Attorneys on the 24th of May 1856, and the orders of injunction were made on the 25th of February and the 4th of March 1857 respectively, as appears from the papers - and that from that time to the present, ample time has elapsed to have enabled the petitioners to prosecute ~~to~~ the final decision, any title they may have had to said tract of land.

Subscribed & sworn to before, Samuel Norris

me a Notary Public
for the County of Sacramento.
This 26th day of February A. D. 1858
J. M. G. English
Notary Public
#

5370

Adams & Son

at Esplanade of
St. Sam: Indico

San Francisco

Filed March 2, 1858.

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The United States } District Court U.S.
 Appellants } for the Northern
 vs } District of Colo
 Samuel Davis }
 Appellee }

The appellee claims ^{through} ~~under~~ ^{me} conveyances from Deab Gaines granted. The grant to latter is from Michotoren, Governor, under date 20. Dec. 1844. The grant was for part of land named Rancho del Puro situated on the North Bank of the American river, its measurement beginning on the North bank of said American river at the distance of one league to the East ~~of~~ ~~the~~ ~~mouth~~ ~~of~~ ~~the~~ ~~river~~ ~~Lacramento~~ ~~river~~ following the course of the American river in the direction of three leagues ~~and~~ ~~arriving~~ ~~them~~ ~~from~~ ~~there~~ towards the North three and a half leagues, from this point forward the West three leagues until arriving at the first mentioned point three leagues as appears in the plan which accompanies the expediente. -

The grant contained the usual covenants, and had the ordinary conditions annexed which are -

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accompanies the Mexican colonization grants. The original grant is not before this Court, but an office copy of it is of file with the transcript, and the genuineness of the signature, to it was proved by John A. Lutter and no evidence has been adduced to assaile it.

The admission of the Petitioner Attorney M. L. to the production of the original before this Court as to this, as to the other copies of similar character. The genuineness of the signature, is therefore considered by the Court as established. The parcel description in the cause proves that grantee went into possession of the premises before the issue of the Grant and was in possession of it at the time of its being void and continued to cultivate and erect various improvements, until his death in 1848 when the parcel to the children of grantee was subsequently commenced it to a ~~part~~. The petitioner ~~John A. Lutter~~ the ~~appellant~~ that he went into the possession John A. Lutter a witness swears that as a local Mexican functionary he went upon the

land immediately after the grant was issued and gave formal possession of the lands but made no measurement of it consequently the form of judicial possession under the Mexican law was not complied with; but the witness testifies that the grantee "in every respect complied with the conditions of the Grant."

The grantee did not obtain the approbation of the departmental assembly. This witness, who for some time had officiated under the Mexican government ^{then and} gives his testimony to the mass of evidence which in other cases has been given to this Court tending to show that the obtaining of the approbation of the departmental assembly was never deemed an indispensable condition to the issue of the documents heretofore settled, this Court cannot consider the business to obtain judicial possession, and the approbation of the assembly under the circumstances, facts, and angles to

to defeat this claim. The decision of the Commission in favor of its validity must therefore be affirmed. It is proper to remark

The United States } Circuit Court
appellant } U.S. for the
vs } Northern Dist.
Samuel Smith } & Co
appellee }

This cause came on to be heard ~~and argued~~ at a stated term of this Court on appeal from the final decision of the Commission to ascertain and settle the public land claims in the State of California under the Act of Congress approved March 3 1851 on the transcript of the ~~proceedings~~ proceedings and decision and the papers and evidence on which said decision was made, and counsel being appeared for the Commission for both parties, having appeared, It is ordered, adjudged and decreed that the decision of said Com. be affirmed and it is hereby further ordered, adjudged and decreed that the claim of the appellee be confined to the extent of the survey begun to the land described in the Grant

Was a statement of fact similar in character to that given in the case of the Western Lumber Co. vs the King of the is a description of the record in this case. In the second place, in opinion in the first case, the decision is affirmed.

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made by Gov. Mitchell memo on
 the 20th day of Dec. 1864 to Eliza G. Smith
 under whom appellee claims, and
 the map referred to therein, copies
 of which are & are in the transcript
 of the Record in this case, provided
 that quantity be contained within
 the boundaries therein described
 and if there be less than that quantity,
 then such less quantity is hereby
 ordered assigned and decreed to
 the senior appellee.

in Court U.S.
Northern District

53 4

The U.S. }
by
J. Morris

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Office of the Board of Commissioners,

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

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San Francisco, July 26th 1854

John A. Monroe Esq.

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

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 3rd 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 146 on the Docket of the said Board, wherein

Samuel Norris is
the Claimant against the United States, for the place known by the name of Rancho del Paso.

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.

SEE ALSO - BANC MSS C-I 16 Pt. I: 94

Answer of Samuel Norris to the petition
of Edwin Adams and Thaddeus Drimes.

GBW
4/19/94