

CASE NO.

85

NORTHERN DISTRICT

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SAUCOS GRANT

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ROBERT H. THOMAS

CLAIMANT

U.S.A.

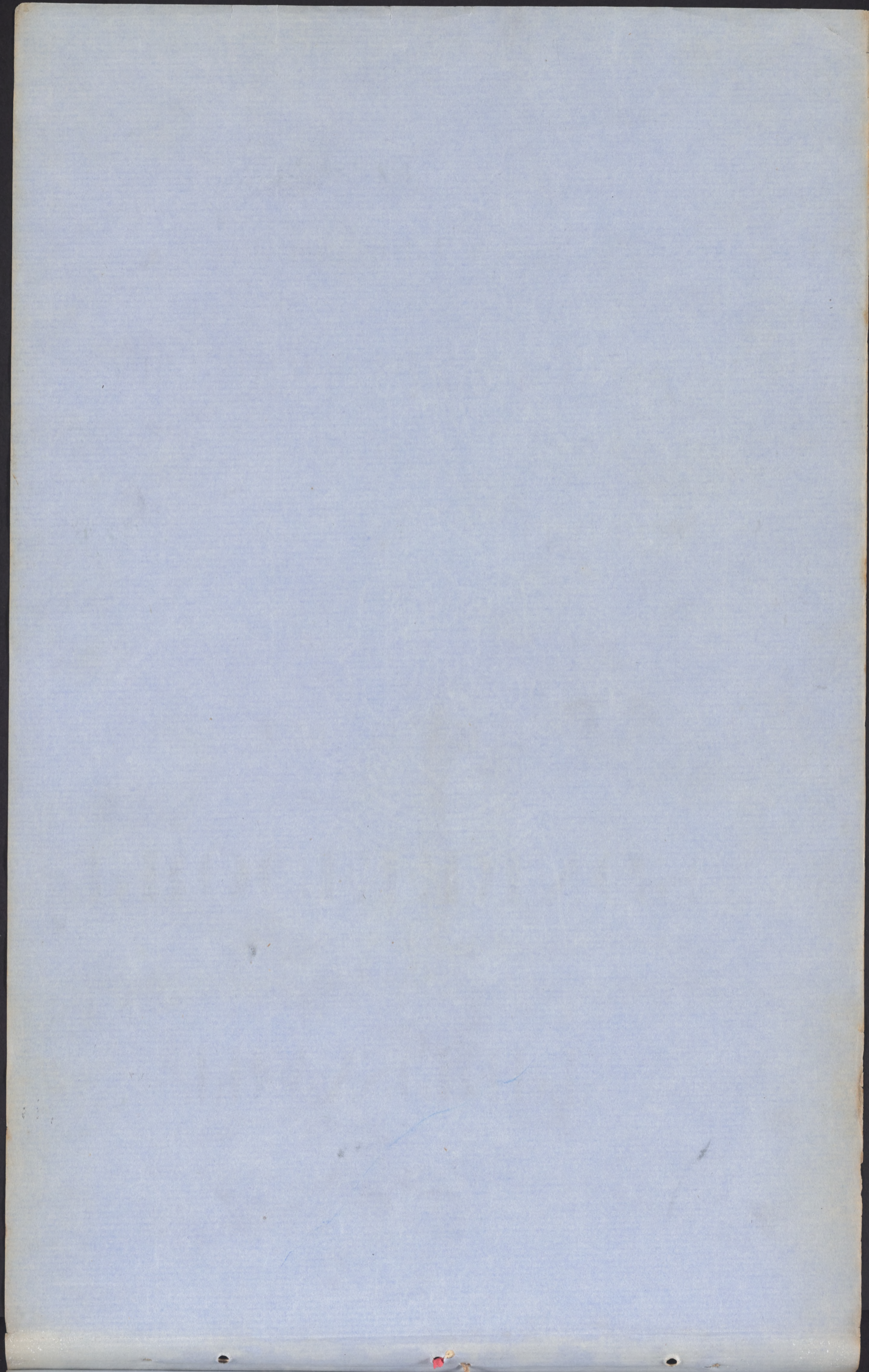
LAND CASE 85 N.D.

47 PAGES

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107



85 ND  
PAGE 1

# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. 107

*Robert W. Thomas*

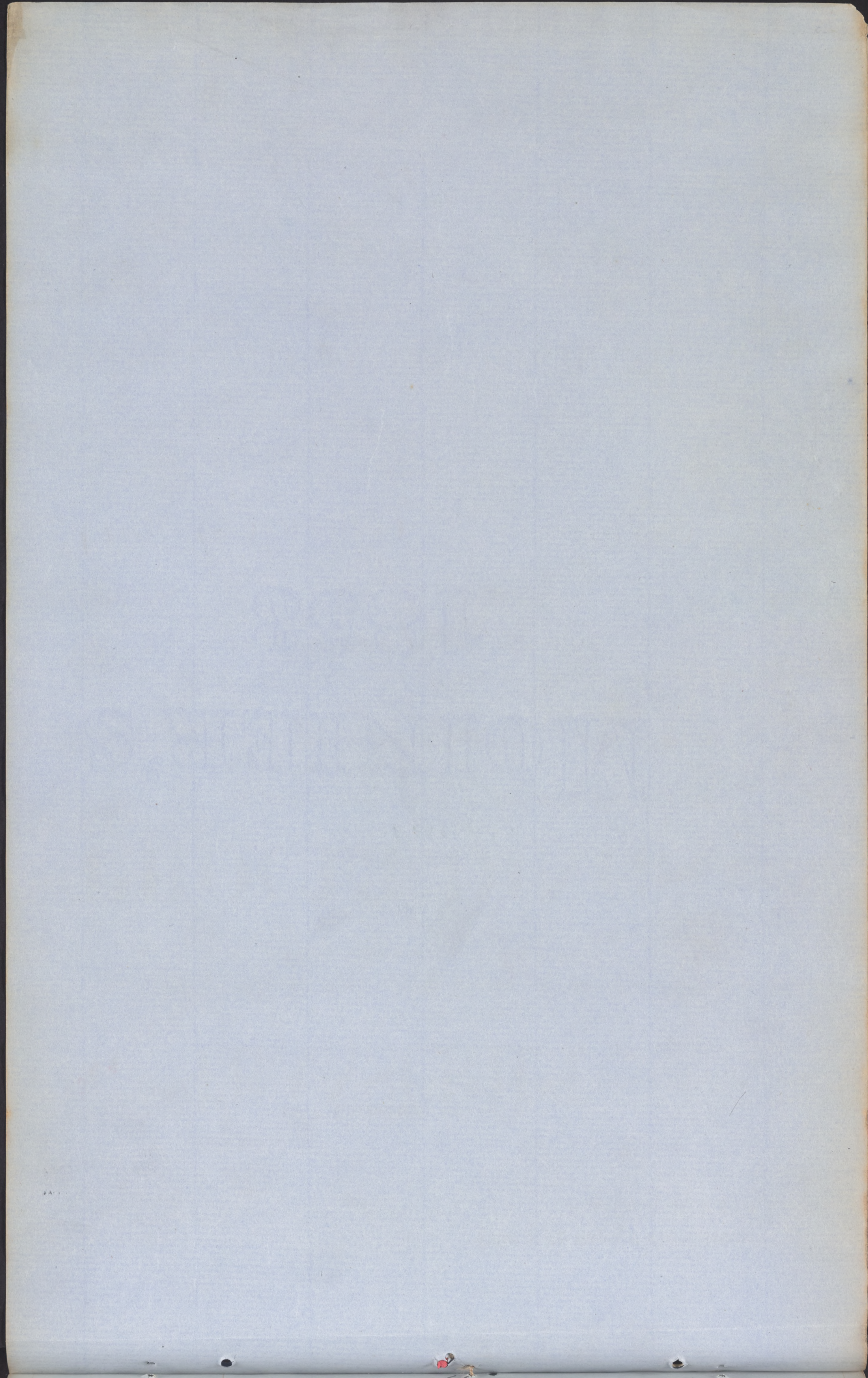
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Saucos."*



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

85 ND  
PAGE 2

Be it Remembered, that on this *eighteenth day of March*, 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 *Robert H. Thomas*  
" *Saucos,*" for the Place named

was presented, and ordered to be filed and docketed with No. *107* 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 30<sup>th</sup> 1852.*

In Case No. *117* *Robert H. Thomas*, the depositions of *Parson B. Reading* and *Peter Lassen* witnesses in behalf of the claimant, taken before Commissioner *Meliana Hall*;

(Vide page *4* of this Transcript)

*San Francisco June 3<sup>rd</sup> 1852.*

In the same case the deposition of *John A. Sutter*, a witness in behalf of the claimant, taken before Commissioner *Mary J. Thurston* was filed;

(Vide page *5* of this Transcript)

San Francisco Sept 26<sup>th</sup> 1853.  
Case no. 107 called; Submitted on Briefs  
on both sides and taken under advisement  
by the Board.

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San Francisco Nov. 4<sup>th</sup> 1853.  
In the same case the Counsel for the Claim-  
ant filed the following Stipulation, & wit:  
(See page 26 of this Transcript)

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San Francisco Jan. 17<sup>th</sup> 1854.  
In the same case Commissioner Albertus Fitch  
delivered the opinion of the Board confirming  
the Claim:  
(See page 28 of this Transcript)

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3

Petition of Robert Mc Thomas and Settling private Land Claims in the State of California

85 ND  
PAGE 4

Your Petitioner Robert Mc Thomas of Colusa County in the State of California respectfully represents that he claims a certain tract of land called the "Elders" (Saucos) lying and being on the west side of the Sacramento River in the said County of Colusa beginning at the Mouth of said Elder Creek and bounded by the said Elder Creek on the North and the River Sacramento on the East the said tract as appears more fully by the original map accompany the Expediente on file in the Archives being in the form nearly of a square Your Petitioner claims the same in full ownership by virtue of a grant made to him under the Authority of the Mexican Government by Manuel Micheltonino Governor of the Department of the Californias bearing date the 20 of December 1844 and approved by the Departmental Assembly on the 8th of October 1845 Your Petitioner would further represent that sometime in the year 1845 he solicited judicial possession of the said tract of land of the respective Magistrate of the Sacramento District but the said Magistrate failed to comply with his demand And further Your Petitioner would represent that about this time he took possession of the said tract of land and has been ever since, and is now in the peaceful possession of the same Your petitioner presents herewith the original grant and a certified copy of the original map with the original Confirmation of the Departmental Assembly in the Spanish language, together with a translation of the same Wherefore your petitioner prays Your Hon<sup>ble</sup> Board to take into consideration his title herewith annexed and claim to said land and decree and confirm the same to be a valid title and such other & further relief as the nature of the case and justice and equity may require As in duty bound &c

Ord Attorneys for Grantee & Petitioner  
 Filed in Office March 18<sup>th</sup> 1852  
 Geo Fisher

Scy

Depositions of  
 P. B. Reading &  
 Peter Lapsen

San Francisco April 30<sup>th</sup> 1852

On this day before me Hedana Keall one of the Comm  
 issioners for ascertaining & settling private land claims  
 in the State of California came Pearson B Reading  
 a witness produced in behalf of the Claimant Robert  
 Mc Thomas whose Petition is No 107 on the docket of  
 the Board and after being sworn testified as follows  
 The Law Agent was notified & attended by Mr Greenhow  
 In answer to questions put by the Counsel for the Petitioner  
 the witness testified as follows

My name is Pearson B Reading my age thirty five  
 and I reside in Shasta County California & have resided  
 in this State ever since November 1843 for the greater  
 part of the time in the Sacramento Valley I am acqu  
 anted with Robert Mc Thomas & have been since Decem  
 ber 1843, In November 1845 he took possession & made  
 improvements on a tract of land on the west banks  
 of the Sacramento river where the town of Tehama  
 now stands, He built at that time a substantial  
 log house on the land and a large Corral & put on  
 over three hundred head of black cattle & a number  
 of horses & brood mares and he has continued in the  
 occupancy of the land ever since, He has now not  
 less than fifteen hundred head of cattle on the place  
 A portion of the land has been under cultivation, encl  
 oed with rail fences & ditches

Sworn & subscribed

P B Reading

Before me Hedana Keall Comm<sup>r</sup>

Peter Lapsen on the same day in answer to questions  
 put by the Counsel for the petitioner testified as follows  
 Peter Lapsen aged fifty two years & a resident of Butte  
 County California testified & says that he has heard read  
 the foregoing deposition of Pearson B Reading that

J

he is acquainted with all the facts therein stated in regard to Robert Mc Thomas this Rancho & know them to be true

Peter Lopez

The Law Agent was notified & present

Subscribed & sworn April 30 1852

Before me Nelson Keall Clerk

Filed in Office April 30<sup>th</sup> 1852

Geo Fisher

Sy

Deposition of  
John A Sutter

Office of the Board of Land Commissioners for California  
San Francisco June 3<sup>d</sup> 1852

On this day before

Henry J Thorton one of the Commissioners for ascertaining and settling private Land Claims in California; came John A Sutter a witness produced in behalf of the Claimant Robert Mc Thomas being No 107 on the docket of said Commissioners and after being duly sworn testified as follows The Law Agent of the U. S. being present Questions by Claimants Counsel

Q 1. What is your name age & place of residence?

Ans. My name is John A Sutter My age forty nine (49) years My residence is Rock Farm Sutter County State of California

Q Do you know Robert Mc Thomas the Claimant in case No 107?

Ans I do know him and have known him since 1843

Q Do you know whether he ever got a grant of land; and if so by whom was it made

Ans He did get a grant of Land made by Genl Micheltorona

Q Examine the Original Grant filed with the Petition in this case and the Map and the Approval of the Departmental Assembly contained in document marked Exhibit (B) and say if you have seen them heretofore; and if so when?

Ans I have examined the papers marked (B) now here shown to me I saw the original title and a like Map in May 1845 but the approval of the

Assembly I have not seen until the present time  
5- Are you acquainted with the hand writing of Manuel  
Micheltorena of Manuel Jimena of Pio Pico of Jose  
Maria Covarrubias; And if yes if or not whenever they  
appear on and upon the document referred to, they  
are then genuine signatures;

Ans I am acquainted with the signatures of the persons  
named above and their signatures where they occur  
in and upon said document marked (B) are genuine  
6- When and for what purpose was the document  
being the original title and a like map which you  
say you saw in May 1848 shown to you and by  
whom?

Ans These documents were brought to me and pre-  
sented to me by Mr Robert Mc Thomas in the fall  
of 1848 as I believe who as the owner of the land  
granted requested me to give him judicial possession  
of it because I was the authorized person at that  
time to give judicial possession to grantees in that  
District

7- Did you or did you not give him as requested  
such judicial possession; and if you did not, state  
the reasons fully why you did not do so? at that  
time or subsequently?

Ans At that time circumstances prevented me  
as the distance from my residence to the farm of  
Mr Robert Mc Thomas was very great being about  
one hundred and fifty miles I could not give him judi-  
cial possession as I was then engaged in a Military  
Campaign with Genl Micheltorena immediately  
after my return from the said Campaign I had to  
go out again in a Campaign against the Indians  
Soon after my return from the Indian Campaign  
Genl Fremont came into that Section of the Territory  
with his party, and a general revolution followed  
throughout the Country I soon ceased to exercise  
Military Authority and or Civil jurisdiction for.

7  
 their reasons I could not comply with his request  
 8— Do you know if Robert Mc Thomas at the time he made application for judicial possession had cattle which he was bringing to the land which had been granted to him by Gov<sup>r</sup> Michittorina

Ans— Hee had a large number of Cattle but I do not recollect exactly the quantity and also horses which he was bringing to land granted to him for the purpose of stocking it He was in Company with Mr A.G. Toomes

### Questions by the Law Agents

1 At what precise time did you go out on the Campaign with Gov<sup>r</sup> Michittorina?

Ans On the 1<sup>st</sup> of Jan'y 1845 and I returned on the 1<sup>st</sup> of April of the same year

2— At what time did you go out on the Indian Campaign and return?

Ans I started on the Campaign as early as the middle of the month of April 1845 I am very confident that I started within that month on the Campaign against the Indians we were out on the Indian Campaign only a few days, as near as I can recollect we returned about the 17<sup>th</sup> or 18<sup>th</sup> of April 1845—

3 When did Col Fremont come with his party to that part of the Country?

Ans It was in the Spring of 1846

4— How long did you exercise Civil Jurisdiction in that District?

Ans Until the 15<sup>th</sup> of June 1846

5— Do you know the time that Robert Mc Thomas applied to you for judicial possession?

Ans It was in the fall of 1845—

### Examination Continued by the Claimant

1 Were you engaged in the fall of 1845 when Robert Mc Thomas solicited judicial possession in any Military or Civil duties which rendered it impracticable for you to go with Mr Thomas to give him judicial

8

85 ND  
PAGE 9

possession of the land granted by Governor Macchittorina as appeared by the title and Map which were presented to you.

Ans I was at that time engaged in Military and Civil duties of an important Character which prevented my going so great a distance to give him judicial possession as solicited. The Country at that time was in a very confused and distracted State and I could not consistently with my Civil and Military duties then pressing upon me leave "Nueva Elvicia" to give possession as solicited. The Country continued in this distracted State until the Revolution of June 1846 headed by Col Foremont.

### Questions by Law Agent

1 State specifically what were the Civil and Military duties you were engaged in which prevented you from giving Mr Robert Mc Thomas judicial after his application?

Ans My Civil duties were those as Justice of the Peace My Military duties were as Commander of the Fort to keep it ready at any time to obey the orders of the Government and for fear something might occur I could not leave for so long time.

2 - What was impending that had you to have such apprehension?

Ans Because there was two parties in the Country and an Order from the Governor could have come and called me on duty for assistance. This was the State of things nearly the whole time after the application until my duties ceased the parties referred to above were those of General Castro and Pio Pico.

The Law Agent present J A Sutter

sworn and subscribed before me this 3<sup>d</sup> June 1852 Henry J Thornton Comr + C

Filed in Office June 3<sup>d</sup> 1852

Geo Fisher

Seal

Care 107.  
18<sup>to</sup> folios  
93.93.  
9

Sello Segundo Cuatro pesos.

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 y mil ochocientos Cuarenta y Cinco.

85 ND  
PAGE 10

Mickeltorena.

Pablo de la Guerra.

(Leal) El ciudadano Manuel Mickeltorena General de Brigada del Ejercito Mexicano, Ayudante General de la Plaza mayor del mismo, Gobernador Comandante Jefe y Inspector de la Departamento de las Californias.

Por cuanto D<sup>n</sup> Roberto A. Thomas Mexicano por natur-  
-alizacion, ha prescuido para su beneficio personal el ten-  
-eno conocido con el nombre de los Saneos, en lindante con el  
Rio Sacramento por la parte del Este, debiendo comensar  
las medidas desde el arroyo de los Saneos, hasta donde se  
mida cinco sitios de ganado mayor segun manifiesta el  
sitio respectivo; practicadas previamente las diligencias y  
averiguaciones concernientes segun lo dispuesto por leyes y reg-  
-lamentos, usando de las facultades que me son conferidas  
nombre de la nacion Mexicana, he tenido en conocerle el  
teneno mencionado, declarandole la propiedad de el por las  
presentes letras sujetandose a la aprobacion de la Junta de-  
-partamental y bajo las condiciones siguientes.

1<sup>o</sup> No podra venderlo, enagenarlo ni hipotecarlo, imp-  
-oner censo, vinculo, fianza, hipoteca ni otro gravamen  
alguno.

2<sup>o</sup> Podra cercarlo sin perjudicar las traversas Caminos  
y servicios, lo disfrutara libre y exclusivamente destinandole  
lo al uso alutero que mas le acomode, pero dentro de un  
año fabricara casa y estara habitada.

3<sup>o</sup> Libertara al Juez respectivo que le di la poses-  
-cion jurisdica en virtud de este despacho por el cual se  
demarcaran los linderos en cuyos limites podra o mas  
de las mojones, algunos arboles frutales o plantar de  
alguna utilidad.

2º. El terreno de que se hace donacion es de Linda Lina  
de ganado mayor segun explica el dictamen las dhas  
respectivas. El Juez que oirne la procecion lo hara medir conf-  
-or me a' ordenanza quedando el sobrante que resutte a' la  
Rauion para los usas convenientes.

3º. Si contraviniere a' estas condiciones perdera su derecho  
al terreno y sera denunciado por otro.

En consecuencia mandado que serviesdale de titulo el presente  
y teniendolo por firme y valedero, se tome rason en el  
libro respectivo y se entregue al interesado para su resguardo  
y otras fines. Dado en Monterey a veinte de Diciembre

de mil ochocientos Cuarenta y ocho. Manuel Morissette  
Manuel Jimeno. Inca, que asi tomara razon de este  
Decreto en el libro respectivo a fº 14.

Jimeno.

*Don Samuel a map of Texas*

Office of the Surveyor Genl of the United States for Calif.  
I, Samuel D. King, Surveyor Genl of the United  
States for the State of California and as such now having  
in my office and under my charge and control a portion  
of the archives of the former Spanish and Mexican terri-  
-tory a Department of Upper California, do hereby certify  
that the above and foregoing map or diagram on tracing  
paper, identified by my initials (S. D. K.) is a true and  
accurate copy of one attached to and forming part of



14

85 ND  
PAGE 12

107

"Expediente promovido por D<sup>o</sup> Roberto N. Thomas, en el  
sitio del paraje conocido con el nombre de las Saneas"  
N<sup>o</sup> 204 now on file and forming part of the said archives  
in this office. In testimony whereof I have hereunto sig-  
-ned my name officially and affixed my private seal, and  
(having a seal of office) at the City of San-Franco Cal. this  
17<sup>th</sup> day of March. 1852. Samuel L. King.

Surreyer Cal. Cal.

Pío Pico Gobernador Interino del Departamento de las  
Californias.

La Junta. Asamblea Departamental en Sesion de  
hoy ha acordado lo siguiente." Se aprueba la concesion  
hecha por el Superior Gobierno del Departamento en  
titulo librado con fecha 20 de Diciembre de 1844 en favor  
del ciudadano Mexicano por naturalizacion Roberto N.  
Thomas, del paraje conocido con el nombre de las Saneas  
situado en las margenes del Rio Sacramento, en extension  
de cinco sitios de ganado mayor, de conformidad con  
la ley de 18 de Agosto de 1824 y el articulo 5 del regla-  
-mento de 21 de noviembre de 1828. Y para averiguarlo  
de la parte de D<sup>o</sup> Roberto N. Thomas, lo hago asi saber  
hecho en la Ciudad de las Angeles en este papel comun  
por falta de sellado a ocho de octubre de mil ochocien-  
-tos Cuarenta y seis lio. v.

Pío Pico. José M<sup>a</sup> Coronado as Seco.

Filed in office March 18<sup>th</sup>. 1852.

Geo. Fisher  
Secy.

1844.

Expediente promovido por D. Roberto M. Luas  
en solicitud del paraje conocido con el nombre  
de las Lunas.

Nº 101.

13

Sello Cuarto Los Reales.

Habiéndose provisoriamente por la Aduana Marítima del puerto de Monterey en el Departamento de las Californias para los años de mil ochocientos Cuarenta y Cuatro y mil novecientos Cuarenta y cinco.

85 ND  
PAGE 14

Micheltorena.

Tabla de la Guerra.

Monterey. Dto de ...

Sr. Gobernador.

Dto de 1844.

Roberto H. Tomas natural de los E. U.

Informe el Sr. D. y residente en este Departamento, de este despacho tomado por el año de 1841 ante V. S. con el mas profundo respeto me presento y digo: Necesarios.

Micheltorena.

que siendo naturalizado Mexicano y descendiente de la agricultura de San Antonio de Valero en el Departamento de San Antonio de los Rios del Norte, he tenido la honra de concederme el terreno conocido con el nombre de Saneos y situado en las margenes del Rio Sacramento cerca de cinco sitios de ganado mayor y son sus linderos, al N. el arroyo de las Saneos, al E. Rio del Sacramento al S. el terreno pedido por Dña Josepha de Soto, y al Norte tierra Valeria como manifiesto el adjunto dice. P. D. a V. S. mezo se

oblique a ceder a esta mi peticion de la que recibire gracia y merced.

Monterey. de ... de 1844.

Roberto H. Tomas.

Sr. Gobernador.

A D<sup>o</sup> Roberto H. Tomas, por quien hay he oído el informe correspondiente en su expediente respectivo y como el terreno es baldío, segun el documento y algunos estenidos no haber ningun inconveniente para que V. S. si lo tuviere le conceda lo que pide.

Monterey Diciembre 19 de 1844.

Manuel Jimenez.

Monterey Dto de ... de 1844.

Concedido, Micheltorena.

Jurisdicciones del Rio Sacramento.

El terreno q. solicita en este pedimento el Ciudadano Don Roberto N. Torres, es baldio y desocupado y alay esta certificacion por las fines q. le Conviengan.

Mexico Helvetia. a 10 de Oct<sup>ra</sup> de 1844. J. A. Lutter.

*Para fallar a favor de Torres.*

El Ciudadano Manuel Michelena, General de Brigada del Ejercito Mexicano, Ayudante General de la Plaza Mayor del mismo, Gobernador Comandante General y Inspector del Departamento de las Californias.

Por cuanto D. Roberto N. Torres, Mexicano por naturalizacion, ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de las Santas colindante con el Rio Sacramento, por la parte del Nte, debian concurar las medidas desde el arroyo de las Saneas, hasta donde medi cinco Sitios de ganado mayor segun manifiesta el libretto respectivo; practica las prevenciones las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas i nombre de la Nacion Mexicana, he tenido en cancelar el terreno mencionado en el caso de la supradicha de i el por las presentes letras sujetas a la aprobacion de la Junta y Asamblea Departamental, bajo las condiciones siguientes.

1. No procha venderlo, enajenarlo, hipotecarlo, imponer

Siendo, fianza, hipoteca ni otro gravamen alguno. = 2.  
 Debe cercarlo sin perjuicio de las teneas cuernas y servidumbres  
 lo disfrutará libre y eseluniamente destinando lo al uso cultivo  
 que mas le aconviene pero dentro de un año fabrica casa  
 y estara habitala. 3º Solicitara del Juez respectivo que le  
 de la posesion juridica en virtud de este despacho por el  
 cual se demarcaran las lindas en lugares límites, pondra o  
 mas de sus mozoneras algunas cruces putales i Sitios  
 de alguna utilidad. 4º. El teneo de que se hace donacion  
 es de cinco Sitios de ganado mayor, segun expresa el  
 - los documentos respectivos. El Juez que diere la posesion  
 lo hará medir conforme a ordenanza quedando el Sobrante  
 que resulte a la Nacion para las usas convenientes.

5º Si concurriere a estas condiciones perderá su derecho  
 al teneo y sera denunciado por otro.

En consecuencia mando que serviendo se de hito el presente  
 y teniendose por firme y valedero, se tome rason de el  
 en el libro respectivo y se entregue al interesado para su sig-  
 -nardo y demas fines. Dado en Monterrey a veinte de  
 Diciembre de mil ochocientos Cuarenta y Cuatro.

Queda tomada rason de este despacho en el libro respectivo  
 a fajas. Hs.

En testimonio de verdad. Manuel Michelarena.

Manuel Jimeno. Srto. Angeles. Oct. 3 de 1845.

Dado cuenta en sesion de hoy con este expediente  
 a la Junta Municipal Departamental se mandó pasar  
 a la Comision de teneas baldias. Sr. Dco. Preside.  
 Agustin Olvera. Srto.

Samo Sor.

La comision de teneas baldias se ha impueto del expediente  
 promovido por el Lindo Mejicano por naturalizacion Roberto  
 N. Gomez en solicitud del paraje conocido con el nombre  
 de las Saneas, situado en la jurisdiccion de Sonoma  
 y satisfecha la comision de qe las diligencias practicadas  
 en dicho expediente, fueron bastantes para que el Superior

Gobierno del departamento Surrese hecho la concesion del expresado paraje; pone a la deliberacion del S. Leogre la siguiente proposicion.

Se aprueba la Concesion hecha por el Superior Gobierno del departamento en todos librado con fecha 20 de Diciembre de 1826 en favor del Ciudadano Mejicano por naturalizacion Roberto N. Tomas, del paraje conocido con el nombre de las Janas, situado en las margenes del rio Sacramento, en extension de cinco sitios de ganado mayor de conformidad con la ley de 18 de Agosto de 1826 y el articulo 5º del reglamento de 21 de Noviembre de 1828. Sala de Comisarios de ~~terreno~~ ~~terreno~~ en la Ciudad de los Angeles. Octubre 1 de 1845.

Francisco de la Guerra. Pascasio Gotetto.

Angel Octubre Sole 1845.

En sesion de hoy se aprueba por la misma Asamblea Departamental la proposicion del dictamen que antece de mandado se devuelva el expediente original al S. Gobernador para las fines convenientes. Pio Pico. Pte. Augustin Olvera. - En la fecha se libro a la parte la copia respectiva.

Office of the Surveyor General of the United States for California. J. John C. Hays, Surveyor General 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 a Department of Upper California, by virtue of the power vested in me by law do hereby Certify that the 9 preceding and hereunto annexed pages of the said paper, numbered from one to nine inclusive, exhibit a true and accurate copy of a certain Document 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 fifth day of October 1853. J. C. Hays Surveyor General California. - Filed in Office Oct. 24. 1853.

Geo. Fisher. Secy.

17

Translation

Stamped paper 2<sup>d</sup> Four Dollars provisionally authorized by the Maritime Customhouse of the Port of Monterey in the Department of the Californias for the years one thousand eight hundred and forty four and five.

Muchittorina

Pablo de la Guerra

Old  
Elders  
Elders

Citizen Manuel Muchittorina Brigadier General of the Mexican Army Adjutant General of the Mexican Staff of the same Governor Commandant and general and inspector of the Department of the Californias Whereas Don Roberto Mc Thomas a Naturalized Citizen of Mexico has solicited for his personal benefit the land known by the name of the Elders (Saucos) bordering on the Sacramento River in the East beginning at the Elder Creek and containing five square leagues according to the accompanying Map the previous investigations and measure having been taken agreeably to the Laws and regulations and by virtue of the power conferred upon me I have in the name of the Mexican Nation granted him the aforementioned land declaring to him the Ownership by these presents subject to the approbation of the Most Excellent Departmental Assembly and to the following conditions

1<sup>st</sup> He cannot sell, alienate or mortgage it, impose land rent, entail, bond or any other burden

2<sup>nd</sup> He may enclose it without prejudice to the Cropping highways + servitudes he shall enjoy it freely and exclusively putting it to the use which may best suit him but within a year he shall build a house and it shall be inhabited

3<sup>rd</sup> He shall solicit the respective Magistrate to give him legal possession in virtue of this title by whom the boundaries shall be traced out in the limits of which he shall put besides the land marks some fruit trees or wild ones of some utility

4<sup>th</sup> The land of which donation is made consists of five square leagues as is explained by the respective Documents

The judge who gives Propriety shall cause it to be measured according to Ordinance and the surplus shall remain to the Nation for its convenient purposes

5<sup>th</sup> If he shall violate these conditions he shall forfeit his right to the Land and it may be denounced by another I therefore Command that these presents being held as firm and Valid an entry thereof be made in the register book and they be delivered to the party interested for his security and further ends

Given in Monterey the twentieth of December Eighteen hundred and forty four

(Signed) Manuel Jimeno (Signed) Manuel Micheltorana  
Sicoy

An entry has been made of the foregoing grant in the corresponding book at folio 14 (Signed) Jimeno N<sup>o</sup> 2. Pio Pico Governor ad interim of the Department of the Californias The Excellent Departmental Assembly in the Session of to day have decreed the following

They approve of the Conception made by the Superior Governor of the Department in the title issued on the 20<sup>th</sup> of December 1844 in favor of the Naturalized Mexican Citizen Robert H Thomas of the place known by the name of the Eldeas (Saucos) situated on the borders of the Sacramento River of the extent of five square leagues in conformity with the Law of the 10<sup>th</sup> of August 1824 and of act 5 of the regulations of the 21<sup>st</sup> of November 1828 and for the security of Don Robert H Thomas this is given

Executed in the City of Los Angeles upon this Common paper for want of stamped paper on the 8<sup>th</sup> of October 1845

(Signed) Pio Pico

(Signed) Juan M. Levarrubias Sicoy

Filed in Office March 18<sup>th</sup> 1852

Geo Fisher

Sicoy



19  
Translation of  
Espediente

1844

85 ND  
PAGE 20

Espediente carried on for Don Robert Mc Thomas as petitioned for of the place known by the name of Los Saucos N<sup>o</sup> 404 Seal fourth two Reals Authorized provisionally for the Maritime Custom House of Monterey in the Department of the Californias for the years 1844 + 1845  
Michittonna Pallo de la Guerra

To his Excellency the Governor  
Robert Mc Thomas a Native of the United States and a resident of this department since the year 1841 appears before your Excellency with the most profound respect & says that being a Naturalized Citizen of Mexico and desiring to dedicate himself to agriculture prays that your Excellency will have the goodness to concede him the land known by the name of Saucos Situated on the banks of the River Sacramento consisting of five square leagues and bounded on the N by the Arroyo of Saucos on the E by the River Sacramento on the S by the land asked for by Mrs Josefa de Soto and on the West by vacant lands as explained by the accompanying Map Wherefore I pray that your Excellency will accede to my request Giving thanks  
Monterey of 1844 Robert Mc Thomas

Monterey Dec<sup>r</sup> 16 1844

The Secretary of the Dept will take the necessary steps

Michittonna

Hon<sup>ble</sup> Governor

As Mr Robert Mc Thomas is in good circumstances and is a partner of Mr Albert G Thomas for whom I have given to day the corresponding information in his respective Espediente and as the land is vacant as appears by the accompanying document it is understood that there are no obstacles to your Excellency granting the land asked for

Monterey December 19 1844

Manuel Jimeno

Monterey December 20 1844

20

85 ND  
PAGE 21

Let the grant be made Micheltorena  
Jurisdiction of Monterey, River Sacramento  
The Land solicited in the Petition by the Citizen Mr  
Robert Mc Thomas is vacant and unoccupied and I  
give this Certificate for the necessary ends  
Nueva Helvetia John A Sutter

10<sup>th</sup> of October 1844

The Citizen Manuel Micheltorena Brigadier General  
of the Mexican Army Adjutant General of the Mexican  
Staff of the same Governor Commandant and General  
and Inspector of the Department of the Californias  
Whereas Don Robert Mc Thomas a Naturalized Citizen  
of Mexico has solicited for his personal benefit the  
land known by the name of the Sauces bounded by the River  
Sacramento on the East commencing the Measure-  
ment at the Arroyo of Sauces thence five square leagues  
as explained in the respective map the previous  
investigations and Measures having been made  
agreeably to the Laws and regulations and in virtue  
of the powers conferred upon me I have in the  
Name of the Mexican Nation granted him the said  
land declaring to him the Ownership of the same  
by these presents subject to the approbation of the  
Most Excellent Departmental Assembly and to the  
following Conditions

1<sup>st</sup> He cannot sell alienate or Mortgage it impose  
Land rent entail or any other burden

2<sup>nd</sup> He may enclose it without prejudice to the Crossings  
highways and servitudes he shall enjoy it freely and  
voluntarily putting it to the use which may best suit  
him but within a year he shall build a house and it  
shall be inhabited

3<sup>d</sup> He shall select the respective Judge to give him legal  
possession in virtue of this title by whom the boundaries  
shall be traced out in the limits of which shall be put  
besides the land marks some fruit trees or wild ones of  
some utility

21

85 ND  
PAGE 22

4<sup>th</sup> The land of which donation is made consist of five square leagues as explained by the respective documents the Judge who gives possession shall cause it to be measured according to ordinances and the surplus shall remain to the Nation for its convenient purposes

5<sup>th</sup> If he shall violate these conditions he shall forfeit his right to the land and it may be denounced by another I therefore command that these presents being held firm and valid be entered in the respective book and they be delivered to the party intended for his security and further ends Given in Monterey the twentieth of December Eighteen hundred and forty four the foregoing has been entered in the respective book at folio 14 In testimonio de verdad Manuel Michittonna

Manuel Jimeno Secy. Angeles Oct 3 1845  
Let a report be made in the Session of to day upon this Expediente by the Excellent Apartmental Assembly  
Let it be papered to the Committee on Vacant lands  
Pio Pico Pres<sup>t</sup> Augustin Alvira Secy  
Excellent Sir

The Committee on Vacant lands having made the most careful examination of the Expediente caused on for the Naturalized Citizen Robert Mc Thomas asking for the place known by the name of Saucos Situated on the jurisdiction of Sonoma the committee having concluded that the necessary examinations and steps having been made in said Expediente were sufficient for the Concession by the Superior Governor of the Department now submit to your Excellency the following propositions - They approve of the Concession made by the Superior Governor of the Department in the title issued on the 20<sup>th</sup> of December 1844 in favor of the Naturalized Mexican Citizen Robert Mc Thomas of the place known by the name of the Saucos situated on the banks of the River Sacramento of the extent of five square leagues in conformity with the law of the 18<sup>th</sup> of August 1824 and of act 5<sup>th</sup> of the regulations of the 21<sup>st</sup> November

22

1828 Chamber of the Committee on the City of Los  
Angeles October 4<sup>th</sup> 1845-

Franco de la Guerra Narciso Botello

Angeles October 8<sup>th</sup> 1845-

In the Session of to day the most Excellent Departmen-  
tal Assembly approved the foregoing proposition dire-  
cting the original Expediente to be returned for incop-  
-any purposes

Augustin Olivero

By Pio Pico Priest

On same date delivered to the party the proper Copy

Filed in Office Oct 27 1853

Geo Fisher

Secy

85

ND

PAGE 23

23

Opinion of the  
BoardRobert H. Thomas vs  
The United States  
For the place called Saucos in  
Colusi County containing five  
square leagues of land85 ND  
PAGE 24

The Claimant has presented an Original grant for the land claimed made to himself by Governor Manuel Michettonna bearing date December 20<sup>th</sup> 1844 with a certificate of the approval of the same by the Departmental Assembly on the 8<sup>th</sup> of October 1845. The genuineness of these documents is proved by John A. Sutter who also swears that he saw the grant and a map of the land similar to that now attached to it in the fall of 1845. When the grantee applied to him to give him judicial possession of the property the engagements of the witness prevented his giving the possession of the land and it seems that no official act of measurement and possession was ever obtained.

A traced copy from the Archives of the Expediente is also presented which shows an application by the Claimant for the grant made in due form the usual proceedings to obtain information, the Governor's decree, of Conception and the grant above mentioned.

The premises as described in the grant consist of the land known by the name of Saucos bordering on the Sacramento River on the East beginning at the Saucos Creek and containing five square leagues according to the accompanying map and in the conditions of the grant the land is stated to be "five square leagues as is explained by the respective documents".

The description in the petition in the petition according to which the Conception was made described the land as bounded on the North by the Arroyo of Saucos on the East by the River Sacramento on the South by the land asked for by Mrs. Josefa de Voto and on the West by the Vacant lands as explained by the accompanying map and containing five square leagues, the map is evidently prepared with much

24

85 ND  
PAGE 25

Case representing the Sacramento River as running towards the South and the Sausos flowing into it from the West nearly at right angles with it And the premises granted are defined by lines drawn to represent the four sides of the same being bounded on the East by the Sacramento and on the North by the Sausos on the West by a line parallel to the Sacramento and on the South by a line parallel to the Sausos This location is precisely in accordance with the description in the Documents - And indeed it would seem that the location could admit of no doubt with the additional aid of the Map which is made a part of the description by the reference to it in the grant No difficulty exists in the location of the premises according to the calls of the grant and no judicial measurement was needed for that purpose The grant contains the condition that the grantee shall within one year build a house on the premises which shall be inhabited the grant was made December 20<sup>th</sup> 1844 and the testimony of Pearson B Reading and Peter Lopez show that in the month of November 1845 the grantee went on to the premises and made improvement built a substantial log house and a large Corral and took his stock there that he has continued in occupation ever since that a portion of the land has been under cultivation enclosed with rail fence and ditches and that he has never had less than fifteen hundred head of cattle on the place.

This proof shows such a compliance with the terms of the grant as to entitle the party to a Confirmation

Confirmed

Filed in Office Jan'y 17 1854

Geo Fisher

Sey

25

Decree of Robert H. Thomas  
Confirmation vs  
The United States

85 ND  
PAGE 26

In this case on hearing the proof and allegations it is adjudged by the Commission that the claim of the said petitioner is valid and the same is therefore by this decree confirmed. The land of which confirmation is hereby made is the same known by the name of Saucos situated in Colusa County and occupied by the said claimant and is bounded and described as follows to wit; Bounded on the North by Arroyo de los Saucos on the East by the Sacramento River on the South by a line running westwardly from said river parallel to said Arroyo de los Saucos and on the West by a line running northwardly to said Arroyo parallel to said Sacramento River - said premises hereby confirmed having a front of two and a half leagues on said Sacramento River measuring down said river from the mouth of said Arroyo de los Saucos and extending back from the same within the North and South limits above mentioned so as to embrace five square leagues of land agreeably to the grant thereof to said claimant and the Map attached to the Expediente a traced copy of which from the Archives now in the Office of the United States Surveyor General for California is on file in this case and to which reference is to be had

Alpheus Felch  
Thompson Campbell  
R Aug Thompson  
Commissioners

Filed in Office Jan'y 17 1854  
Geo Fisher  
Secy

SE

Stipulation  
26

N<sup>o</sup> 167 Office of the U States Land Commissioners  
San Francisco Oct 4 1853

It is stipulated that a traced copy of the <sup>original</sup> Expediente  
from the Archives in the possession of the U States  
Surveyor General of California may be used as evi  
dence in this case by either the U States or the  
claimant

P Ord atty for Claimant

R Mc Thomas

Robert Greenhow

Asst Law Agent

Filed in Office Nov 4 1853

Geo Fishu

Secy

85 ND  
PAGE 27



Office of the Board of Commissioners,

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

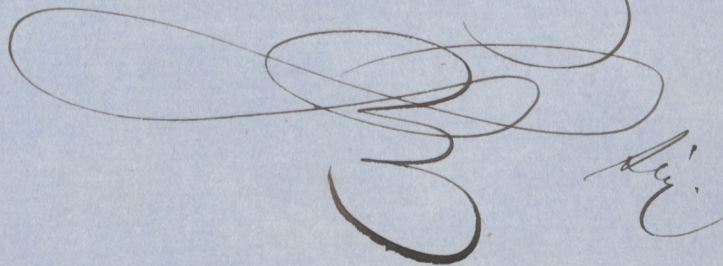

85 ND  
PAGE 28

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 *Twenty six* pages, numbered from  
1 to *26*, 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. *157* on the Docket of the said Board,  
wherein *Robert W. Thomas* is

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

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*twelfth* day of September  
A. D. 1854, and of the Independence of the  
United States of America the seventy-ninth

*Geo. Fisher.*



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

No. ~~85-~~ **85**

THE UNITED STATES,

vs. **ND**

*Robert A. Thomas*

**TRANSCRIPT OF THE RECORD**

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *107*

Filed, *Sept 13th* 1854  
*John A. Monroe,*  
*Clerk.*

*No 107*

Office of the Attorney General of the United States,

Washington, 30th November 1854.

85 ND

PAGE

29

Robert H. Thomas

vs.

The United States.

} 107.

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 August 1854 the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

*Wm. A. Rusk*

Attorney General.

N<sup>o</sup> 83—

U. S. District Court  
Northern District.

United States,  
vs.  
Robert W. Thomas

Appeal Notice:

Filed January 8. 1855.  
John A. Monroe,  
Clerk

85 ND  
PAGE 30

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

The United States  
Appellants  
vs  
Robert H. Thomas } No 83.

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 claims 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 1<sup>st</sup> day of May 1834; that a  
notice of appeal was filed on the  
1<sup>st</sup> day of May 1834 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  
& that this Court decree the said  
title to be invalid. Respectfully  
A. Russell Asst. U.S. Atty

No. 85

U.S. District Court

The United States

vs

Robert H. Thomas

Petitioner

Filed August 27, 1855,

by Cheever  
Deputy.

85 ND

PAGE 32

Massell

No. 85.

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

The United States

vs

Robert H. Thomas

No. 85

Transcript No. 107

The respondent for answer to the petition filed in this cause, answers and says. It is true that the land mentioned in said petition and in said transcript of the proceedings before the said Board of Commissioners lies within said Northern District of California and within the jurisdiction of this Court.

But this respondent denies that ~~his~~ his title to the said land is invalid, and avers that the same is valid, and prays that the decision of the said Board be affirmed, and his title be decreed to be valid.

E. S. Crosby

Atty for appellee

No. 85.

U.S. District Court for the  
Southern Dist. of California  
The United States.

vs

Robert H. Thomas

answer

Filed Nov 14<sup>th</sup> 1885  
J. W. A. Monroe  
Clerk

85 ND  
PAGE 34

E. O. Crosby  
Atty Gen Appellee



United States District Court for the  
Northern District of California

No 85-

The United States,

vs

Robert H. Thomas -

The respondent for answer to the petition filed in this case, answers and says - It is true that the land mentioned in said petition and in said transcript of the proceedings before the said Board of Commissioners lies within said Northern District of California and within the jurisdiction of this Court.

But this respondent denies that his title to the said lands is invalid, and avers that the same is valid, and prays that the decision of the said Board be affirmed - and his title be decreed to be valid -

E. T. Crosby Atty  
for Respondent

No 85

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

—  
The United States

vs

Robert H. Thomas -

answer -

Filed Jan 28. 1856,  
by Charles  
Deputy.

85 ND  
PAGE 36

E. O. Crosby Atty  
for respondent

The United States } Stated Term, Feby 4, 1856.  
vs. } N<sup>o</sup> 85.  
Robert H. Thomas }

85 ND  
PAGE 37

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

This cause coming on this day to be heard  
upon the Transcript of the proceedings and  
decision of the Board of Land Commissioners,  
and of the papers and evidence on which  
the same are founded, and the pleadings  
filed in this Court; and the same having  
been submitted by the Counsel on both sides  
without argument. In consideration of all  
which the Court is of opinion, that there  
is no error in the decision of the said Board,  
and that the same should be, and is  
hereby affirmed. And this Court doth  
order, adjudge, and decree, that the title  
of the said Robert H. Thomas to the land  
described in said Transcript is valid; and  
the same is hereby confirmed.

The land of which confirmation is <sup>hereby</sup> made,  
is the same known by the name of Saucos,  
situated in Colusa County California, and  
occupied by the said claimant; and is  
bounded and described as follows, to wit:  
Bounded on the North by the Arroyo de los  
Saucos; on the East by the Sacramento River;  
on the South by a line running Westwardly  
from said River parallel to said Arroyo de  
los Saucos; and on the West by a line running

Northwardly to said Arroyo parallel to said Sacramento river. Said premises hereby Confirmed having a front of two and a half leagues on said Sacramento river measuring down said river from the mouth of said Arroyo de los Barreras Saucos, and extending back from the same within the north and south limits above mentioned, so as to embrace five square leagues of land <sup>provided that the said boundaries be run and the land located according to the grant</sup> ~~and~~ <sup>thereof</sup> to said claimant, and the Map attached to the expediente, a traced copy of which from the Archives now in the possession of the United <sup>States</sup> Surveyor General for California, is on file in this case, and to which reference is to be had.

Aguedo Hoffmann  
U. S. Dick Proge

N. 85.

The United States

vs.

Robert H. Thomas.

Dene of confirmation.

Filed Feb'y 4. 1856.

John A. Monroe,

Clerk

R. W. H. Cheever,

Deputy.

85

ND

PAGE

39

California Land Claims

Attorney General's Office

19 September 1856.

85 ND  
PAGE 40

Sir:

In the case of the claim of Robert  
H. Thomas, confirmed to the claimant by the  
Commissioners, Case no. one hundred and seven,  
(107), and also confirmed on appeal by the Dis-  
trict Court, appeal in the Supreme Court will  
not be prosecuted by the United States.

I am

Respectfully

Cushing

Wm<sup>no</sup> Blanding Esq.

U. S. Atty for the

Northern Dist. of California.

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

In the United States

v.

Robert A. Thomas

Case  
No 85.

In pursuance of  
Instructions from the Attorney General  
of the United States, hereto annexed,  
it is hereby stipulated and agreed that  
an Order be entered of record in this case,  
that the Claimant have leave to proceed  
under the Decree of this Court heretofore  
rendered in his favor, as on Final Decree

Nov. 1. 1855

Wm Blanding  
U. S. Dist Atty.

E. S. Crosby  
Atty for Claimant

In the District Court  
of United States.

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The United States  
vs. } Case  
No. } No 85.  
Robert. H. Thomas

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Stipulation

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Filed November 6, 1886,  
W. H. Cheves,  
Deputy.

85 ND  
PAGE 42



At a ~~Special~~ <sup>Special</sup> 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 ~~Thursday~~ <sup>Thursday</sup> the ~~Sixth~~ <sup>Sixth</sup> day of ~~November~~ <sup>November</sup>, in the year of our Lord one thousand eight hundred and fifty-~~six~~ <sup>six</sup>

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Robert H. Thomas

Case  
No. 85

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 for leave to the Claimant to proceed under the Decree of this Court, heretofore rendered in his favor.

On Motion of the United States District Attorney, it is ordered, adjudged and Decreed, that the Claimant have leave to proceed under the decree of this Court, heretofore rendered in his favor, as on Final Decree.

Ogden Hoffman  
Judge

United States District Court, Northern  
District of California.

The United States  
vs. } Case  
      } No. 85.  
Robert, W. Thomas

Order dismissing  
appeal.

Filed November 6, 1856,  
J. A. Monroe,  
Enter the within CLERK.  
Hoffman  
M. H. Cheney, DEPUTY.

85 ND  
PAGE 44

The United States  
vs  
Robert H. Thomas

85 ND  
PAGE 45

The claim in this case was confirmed by the Board of Commissioners. An appeal has been taken on the part of the U. States but no reason for rejecting the claim is mentioned by the District Attorney nor does there seem on examining the record to be any grounds for doubting its entire validity. The original grant is produced <sup>as well as</sup> the expediente from the Archives with the record of approval by the Departmental Assembly. The conditions have been fully complied with and the map and the description in the petition to which the conditions of the grant refer.

The claim of the appellee must therefore be confirmed.

Robert H. Thomas Joones  
Saucos 5 leagues  
E. O. Corby, Colusa Co

The U. S.

83-

By  
No. 1 A. H. Murray  
Thomas

85 ND  
PAGE 46

85 ND  
PAGE 47

Office of the Board of Commissioners,

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

San Francisco, Sept. 13<sup>th</sup> 1854

J. A. Monroe, Esq.  
Clerk of the U. S. District Court for the  
Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 157 on the Docket of the said Board, wherein Robert W. Thomas is the Claimant against the United States, for the place known by the name of "Saucos," and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.