

CASE NO.

91

NORTHERN DISTRICT

---

RIO DE LOS MOLINOS GRANT

---

ALBERT G. THOMAS

CLAIMANT



LAND CASE 91 N D

49 pages

OCT 11 1962

19 Mar 1963

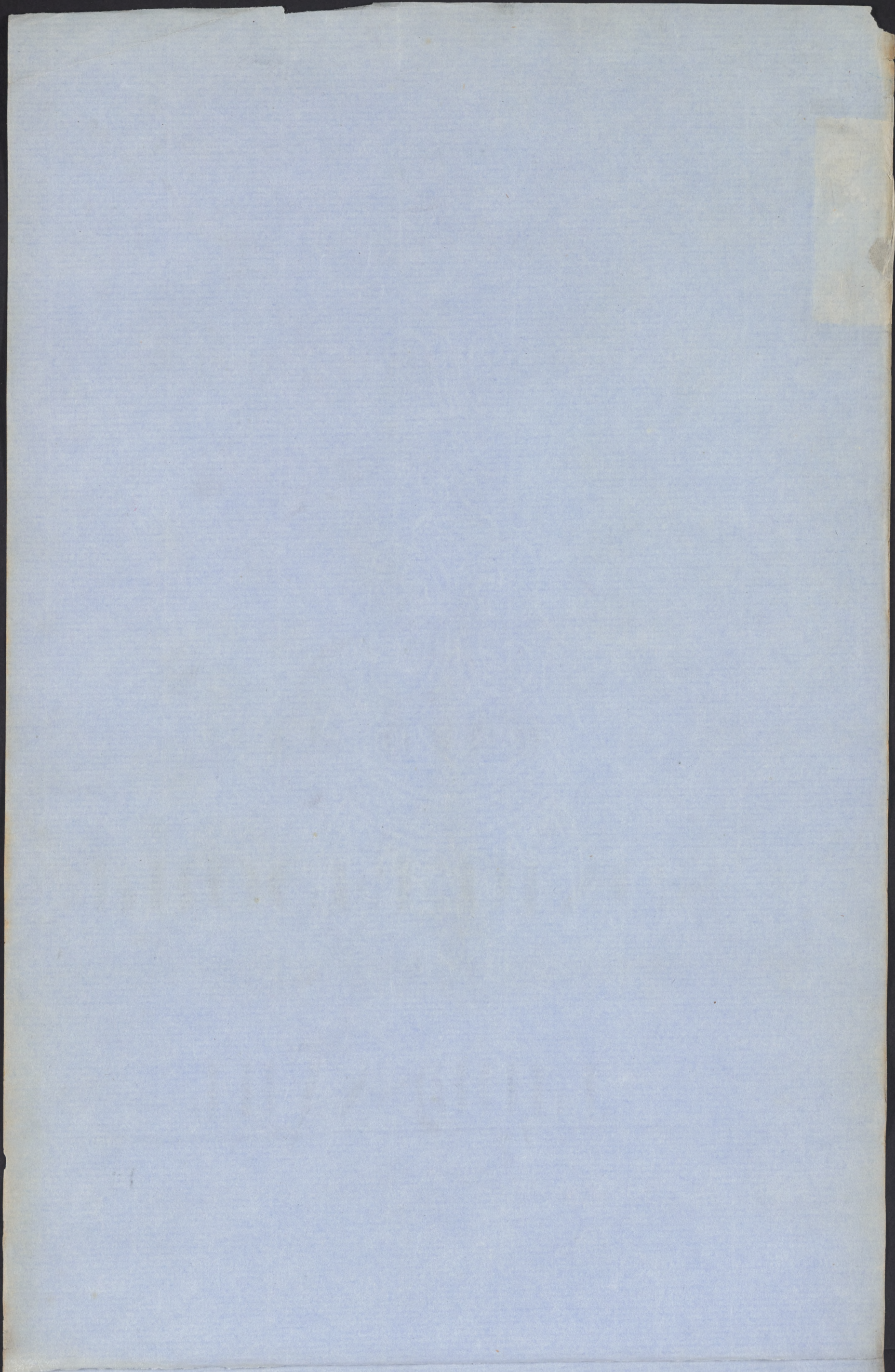
MAR 20 1963

*Permanized*  
Plover Bond  
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U.S.A.



106







TRANSCRIPT  
OF THE  
PROCEEDINGS  
IN CASE

NO. 106

*Albert G. Thomas*

CLAIMANT

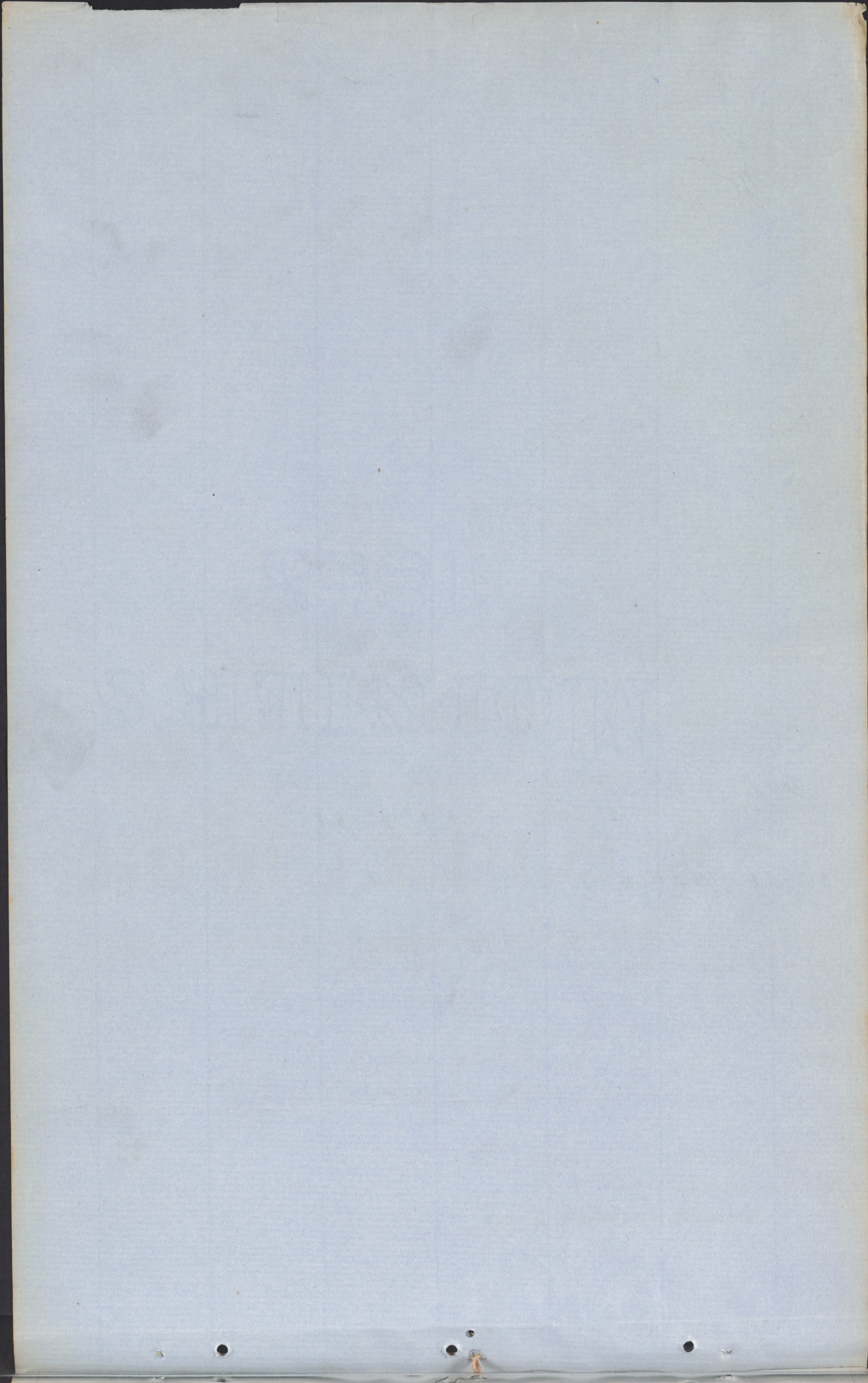
VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Rio de los Molinos"*







Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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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 Albert G. Thomas  
"Rio de los Molinos," for the Place named  
was presented, and ordered to be filed and docketed with No. 106 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 1852  
In Case no. 106 Albert G. Thomas, the depositions of Pearson B. Reading and Peter Lassen witnesses in behalf of the claimant, taken before Commissioner Meland Hall were filed;

(Vide page 4 of this Transcript)

San Francisco June 30 1852  
In the same case the deposition of Peter A. Sutter a witness in behalf of the claimant taken before Commissioner A. J. Houston was filed;

(Vide page 5 of this Transcript)



San Francisco September 26<sup>th</sup> 1853.

Case no. 106 Calced; Submitted on Breeseon  
both sides and taken under advisement.

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San Francisco November 4<sup>th</sup> 1853.

In the same case the counsel for the claimant  
filed the following Deposition to wit;  
(Vide page 28 of this Transcript)

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San Francisco Jan. 17<sup>th</sup> 1854.

In the same case Commissioner Stephens  
filed the opinion of the Board  
confirming the claim;  
(Vide page 26 of this Transcript)

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Petition of To the Board of Commissioners for Ascertaining  
Albert G Toomes And settling private Land Claims in the State of California

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PAGE 4

Your Petitioner Albert G Toomes of Seduci County in  
the State of California respectfully represents to your  
honorable board that he claims a certain tract of land  
called River of the Mills (Rio de los Molinos) containing  
five leagues lying and being in the County of Butte  
State of California bounded as follows beginning  
at the mouth of the Antelope Creek (Arroyo de los  
Bernardos) when it empties into the Sacramento  
River thence due East one league, thence on a Southwesterly  
direction five leagues by a direct line to a point one  
league due east from the said River Sacramento  
thence due west one league to the said River Sacramento  
thence along the Bank or main channel of said river  
to the place of beginning as will more fully appear by  
reference to the original map and title papers here  
unto annexed and made part of this petition

Your petitioner claims this land in full ownership  
by virtue of a grant made to him under the autho-  
rity of the Mexican Government by Manuel Mich-  
atoma Governor of the Department of the California  
bearing date the 20<sup>th</sup> of December 1844 and approved  
by the Departmental Assembly on the 8<sup>th</sup> of October 1845  
Your petitioner would further represent that he  
made application for judicial possession to the respec-  
tive Magistrate of the Sacramento District  
John A. Sutter, but that the said Magistrate did not  
comply with his demand This application was  
made in the fall of the year 1845 And further  
Your petitioner would represent that about this  
time he took possession of 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 map with the confirmation of  
the Departmental Assembly in the Spanish lan-  
guage together with a translation of the same



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Wherefore Your petitioner prays your Hon<sup>ble</sup> Board  
to take into Consideration his title herunto Annexed  
and Claim to said tract of land and desire the  
same to be valid and finally to confirm the Claim  
and grant such other and general relief in the  
premises as justice and equity may require

As in duty bound &c P Ora  
Filed in Office March Attorney for Grantor & Petitioner  
18<sup>th</sup> 1852 Geo Fisher Secy

Depositions

San Francisco April 30 1852

of Pearson B Reading On this day before me Hedana Keali one of the  
and Peter Lysan Commissioners for ascertaining & settling private  
land claims in the State of California came Pearson  
B Reading a witness produced in behalf of the Claim-  
ant Albert G Toomes whose petition is 106 on the  
Docket of the Board & after being sworn testified  
as follows The Law Agent was notified and attended  
by Mr Greenhow

In answer to questions put by Counsel for the  
petitioners the witness testified as follows  
My name is Pearson B Reading my age 35 years &  
I reside in Yuba County California I came to  
California in November 1843 & have resided here  
ever since for most of the time in Sacramento Valley  
I am acquainted with Albert G Toomes & have known  
him since December 1843 I know a Rancho now  
occupied by a tenant of his & formerly by himself  
He commenced the occupation in November 1845  
It is situated on the Eastern bank of Sacramento  
river about eight miles above the mouth of Deer  
Creek; A substantial log house was built on the  
place in November 1845 & a large Corral for the  
holding of Cattle, He has fenced a portion of the land  
& made ditches About 300 head of Cattle, several  
horses & a number of brood mares were taken on  
the Rancho in November 1845 & stock was kept there  
until about 1850 when a portion of it was sold off



f

a portion of it remains there yet the distance of eight miles before mentioning has reference to that part of the Rancho which is improva

subscriba & sworn P P Reading  
 before me Hedana Keall Com<sup>r</sup>

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 PAGE 6

Peter Lapsen in answer to questions put by the Council for the petitioner the Law Agent being present testified as follows; Peter Lapsen aged fifty two years a resident of Butte County California testifies & says that he has heard read the foregoing deposition of Pearson P Reading, that the facts stated in the same in regard to Albert G Loomes & his Rancho are within his personal knowledge & are truly stated Peter Lapsen  
 subscriba & sworn April 30 1852

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

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

Geo Fisher Secy

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 Stanton 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 Albert G Loomes being No 106 on the Docket of said Commissioners and being duly sworn testified as follows The Law Agent of the U. S. being present  
 Questions by claimants counsel

Ques 1. What is your name, age and place of residence?

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

Ques 2. Do you know the claimant Albert G Loomes the petitioner in Case No 106?

Ans - I do know him and have known him since 1840

3 - Do you know whether he ever got a grant for land and if so by whom was the grant made?



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Ans - He did get a grant of land made by General Michitlorina

4 - Examine the Original grant filed with the petition in this case and the Map and the approbation of the Departmental Assembly marked (B) and say whether 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 map in May 1845 but the approval of the Assembly I have not seen until the present time

5 - Are you acquainted with the bona writing of Manuel Michitlorina of Manuel Jimeno of Pio Pico of Jose Maria Covarrubias and if so state whether or not whenever they appear in and upon the document above referred to they are their genuine signatures?

Ans - I am acquainted with the signatures of the persons named in the interrogatory and their signatures when 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 map which you say was seen by you and by whom?

Ans - B These documents were brought to me and presented to me by Mr Toomes in the fall of 1845 as I believe who as the Owner of the land granted requested me to give him possession of it because I was the authorized person at that time to give judicial possession to grantees in that District

Ques 7 - Did you or did you not give him as he 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 Sutters Fort my residence



to Mr Goomes' farm was very great being about one hundred and fifty miles - I could not give him judicial possession as I was then engaged in a Military Campaign with Micheltorna immediately after my return from the said Campaign I had to go out again on an Indian Campaign soon after my return from the Campaign against the Indians Col Foremont came with his party into that Section of the Territory and a general revolution followed throughout the Territory I soon ceased to exercise Military Authority or Civil Jurisdiction for these reasons I could comply with his request & Do you know whether Mr Goomes at the time he made application for judicial possession had Cattle which he was driving to the land which had been granted to him by Governor Micheltorna

Ans - He had a large number of Cattle but I do not recollect exactly the quantity and also horses which he was driving to the land granted to him for the purpose of Stocking it

Question by the Law Agent

1 At what precise time did you go out on the Campaign with General Micheltorna?

Ans - On the 1<sup>st</sup> of January 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 now recollect we returned about the 17<sup>th</sup> or 18<sup>th</sup> of April 1845

Que 3 When did Col Foremont come with his party to that part of the Territory?

Ans - It was in the Spring of 1846



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Ques<sup>t</sup> 11. How long did you exercise Civil Jurisdiction in that District?

Ans<sup>r</sup> It was until the 18<sup>th</sup> of June 1846

Q<sup>u</sup> Do you know the time that Mr Toomes applied to you for judicial possession?

Ans<sup>r</sup> It was in the fall of 1845

Examination Continued on the part of the Claimant

Q<sup>u</sup> Were you engaged in the fall of 1845 when Mr Toomes solicited judicial possession in any Military or Civil duties which rendered it impracticable for you to go with Mr Toomes to give him judicial possession of the land granted by Governor Micheltonna as appeared by the title and map which were presented to you?

Ans<sup>r</sup> 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 judicial possession as solicited. The Country at that time was in a very confused and disordered state and I could not consistent with my Civil and Military duties then pressing upon me leave Nuova Hibernia to give possession as solicited. The Country continued in this disturbed state until the revolution of June 1846 headed by Col Forrest. The U S Law Agent present J A Sutter sworn to and subscribed before me this 3<sup>d</sup> of June 1852 Henry J Thornton Com<sup>r</sup> &c

Examination Opened at the request of the Law Agent for further Interrogatories

Questions by the U S Law Agent

Q<sup>u</sup> State specifically what were the Civil and Military duties you were engaged in which prevented you from giving Mr Toomes judicial possession after his application?

Ans<sup>r</sup> My Civil duties were those as Justice of the Peace My Military duties were as Commander of the Fort



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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

Q What was impending that led you to have such  
apprehensions?

Ans because there was two parties existing 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 mentioned above were those of General  
Leandro and Pio Pico

The Law Agent present J A Sutter  
sworn to & subscribed again

before me this 3<sup>rd</sup> of June 1852

Henry J Thornton

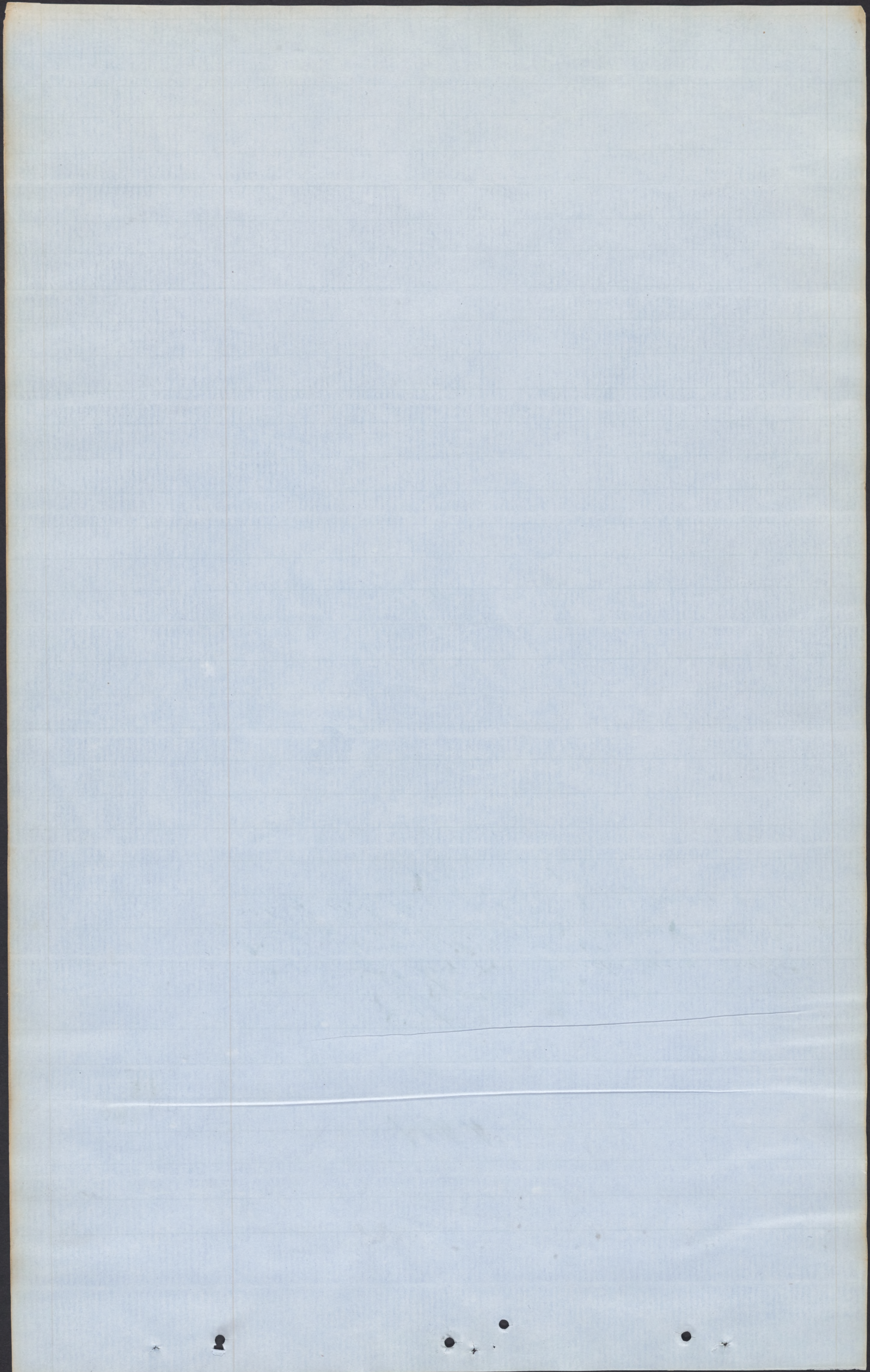
Filed in Office June 3<sup>rd</sup> 1852

Geo Fisher

Geo Fisher

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1844

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Expediente  
Promovido por el Ciudadano natura-  
lizado D.<sup>o</sup> Alberto G. Torres en soli-  
citud del terreno que se expresa en la  
Solicitud

405

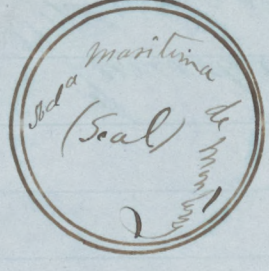


Sello Cuarto Dos Reales

Habilitado provisionalmente por la Aduana ma-  
ritima del Puerto de Monterey en el Departa-  
mento de las Californias para los años de  
mil ochocientos cuarenta y cuatro y mil ochocien-  
tos cuarenta y cinco

Micheltuena

Pablo de la Guerra



Exmo. Sr. Gobernador

Alberto G. Torres natural  
de los E. U. Casado con Mexicana y resi-  
dente de este Departamento desde el año  
de 1841 ante V. E. con el mas profundo  
respeto me presento y digo: Que hallan-  
dome poseedor de algunos bienes del Cam-  
po y deseando dedicarme a la agricul-  
tura suplico a V. E. tenga la bondad de con-  
cederme el terreno situado en las margenes

Monterey Dto  
16 de 1844

Unpl. el Sr. Jefe  
del Despacho  
tomando los que  
crea necesarias al  
efecto

Micheltuena

del Rio Sacramento cuyo  
paraje es valdiz consta  
de cinco sitios de ganado  
mayor y son sus linderos  
al Norte el Rancho de  
Dye al E. tierra valdiz  
al S. Rancho de Lauen  
y al Pon. el Rio Sacra-  
mento como manifiesta  
el adjunto dibujo.

P. D.

A. V. E. enega se digne acce-  
der a esta mi peticion en lo que recibire  
merced y gracia

Monterey de de 1844

Alberto G. Torres

Exmo =



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Sr. Gobernador

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D. Alberto G. Torres tiene acreditada su honradéz y posibilidades para ocupar el terreno que pide a V. E. Esta Casado con Mejeana y tiene su establecimiento de Cerveceria en esta Capital en union de Roberto H. Torres y ambos han satisfecho al publico en su buen servicio, y como por su industria han adquirido un numero crecido de ganado mayor y mas que han enriquecido de las personas que pagan en este articulo en lugar de plata, se encuentra en la necesidad de un terreno en donde poner estos bienes. Por lo que no encuentro inconveniente para que V. E. les conceda sus pretenciones si asi lo tubiere habien.

Monterrey 19 de Diciembre de 1844.

Manuel Jimeno

Monterrey Diciembre 20 de 1844

Concedido  
Michelt

Jurisdiccion del Rio Sacramento

El terreno que solicita en este pedimento el Ciudadano D. Alberto G. Torres es valdío y desocupado y no pertenece a pueblo ni individuo alguno, y doy esta certificacion para los fines que convingan Nueva Helortia a 10 de Octbre de 1844 J. A. Sutter



*See previous map*

El Ciudadano Manuel Michelto-  
rena General de Brigada del Ejercito  
Mexicano Ayudante General de la Maná  
Mayor del mismo Gobernador Coman-  
dante General e Inspector del Departamen-  
to de las Californias.

Por cuanto D. Alberto G. Torres Mexi-  
cano por naturalizacion ha pretendido para  
su beneficio personal y el de su familia  
el terreno conocido con el nombre de el  
Rio de los Molinos Colindante con las  
Margenes del Rio Sacramento Comen-  
zando los linderos desde el arroyo de  
los Berrendos hasta donde midan cin-  
co sitios de ganado mayor por la par-  
te del Sur; practicadas previamente  
las diligencias y averiguaciones conser-  
vadas segun lo dispuesto por leyes y  
reglamentos mandos de las facultades  
que me son conferidas a nombre de la  
nacion Mexicana he venido en con-  
cederle el terreno mencionado declaran-  
do la propiedad de el por las presen-  
tes letras sujetandose a la aprobacion de la  
Exma. Asamblea Departamental y bajo las con-  
diciones siguientes = 1<sup>a</sup> No podra  
venderlo, enagenarlo ni hipotecarlo, in-  
poner en su vinculo fianza ni otro  
gravamen alguno = 2<sup>a</sup> Podra cercarlo  
sin perjudicar las linderas, Camerinos



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y sus herederos lo disfrutara libre y exclusivamente destinandolo al uso o cultivo que mas le acomode pero dentro de un año fabricara casa y estera habitada = 3<sup>a</sup> Solicitara del juez respectivo que le de la posesion juridica en virtud de este Despacho por el cual se demarcaran los linderos en cuyos limites pondra a mas de sus molineras algunos arboles frutales o setos de alguna utilidad = 4<sup>a</sup> El termino de que se hace donacion es de cinco sitios de ganado Mayor; El juez que diere la posesion lo hara medi conforme a ordenanza quedando el sobrante que existe a la nacion para los usos comunales = 5<sup>a</sup> Si contraviniere a estas condiciones perdera su derecho al termino y sera denunciabile por otro = En consecuencia mando que sirviendole de titulo el presente y terminose por firme y valido se tome razon de el en el libro respectivo y se entregue al interesado para su engruado y demas fines. Dado en Monterrey a veinte de Diciembre de mil ochocientos cuarenta y cuatro = Lida tomada razon de esta comision en el libro respectivo a folios 14.

Anguila Octubre 8 de 1845

Dado cuenta en sesion de hoy con este expediente a la Exma Asamblea Departamental se mando pasar a la Comision de Terrenos baldios.

Pio Pico Presidente  
Agustin Olvera  
Lrio

Exmo. Senos.

Habiendose hecho cargo con la escrupulosidad posible la Comision de terrenos



baldios del expediente promovido por el Ciudadano Mexicano por naturalizacion Alberto G. Torres en pretension del paraje nombrado Rio de los molinos, situado en las margenes del Rio Sacramento y conbenida la Comision de que las diligencias practicadas en dicho expediente fueron suficientes para que el Superior Gobierno del Departamento hubiese concedido el mencionado paraje por la aprobacion de V. E. lasiguiente proposicion

Se aprueba la concesion hecha por el Superior Gobierno del Departamento en titulo librado con fha 2.º de Diciembre de 1844 en favor del Ciudadano Mexicano por naturalizacion Alberto G. Torres del paraje conuido con el nombre de Rio de los molinos situado en las margenes del llamado Sacramento, en estension de cinco sitios de ganado mayor de conformidad con la ley de 18 de Agosto de 1824 y el articulo 3.º del Reglamento de 21 de Noviembre de 1828. Sala de Comisiones en la ciudad de los Angeles Octubre 4 de 1845

Juan de la Guerra Narciso Botello

Angeles Octubre 8 de 1845

En sesion de hoy se aprobo por la Exma. Asamblea Departamental la proposicion del dictamen precedente, mandando se devuelva el expediente original para los fines que sean convenientes.

Pio Pico  
Presidente

Agustin Olvera

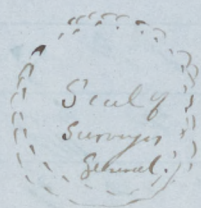
En la fha se libro a la parte la copia respectiva.



Office of Surveyor General  
of the United States for California

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I, John C. Hays Surveyor General  
of the United States for the State of Cali-  
fornia, and as such, having in my Office  
and in my charge and custody a portion of  
the archives of the former Spanish and Mexi-  
can Territory or Department of Upper Ca-  
lifornia, by virtue of the power vested in me  
by law, Do hereby Certify that the so preceding  
and herunto annexed pages of tracing papers  
numbered from one to ten inclusive, exhibit  
a true and accurate copy of a certain document  
now on file and forming a part of the said  
archives in this office.



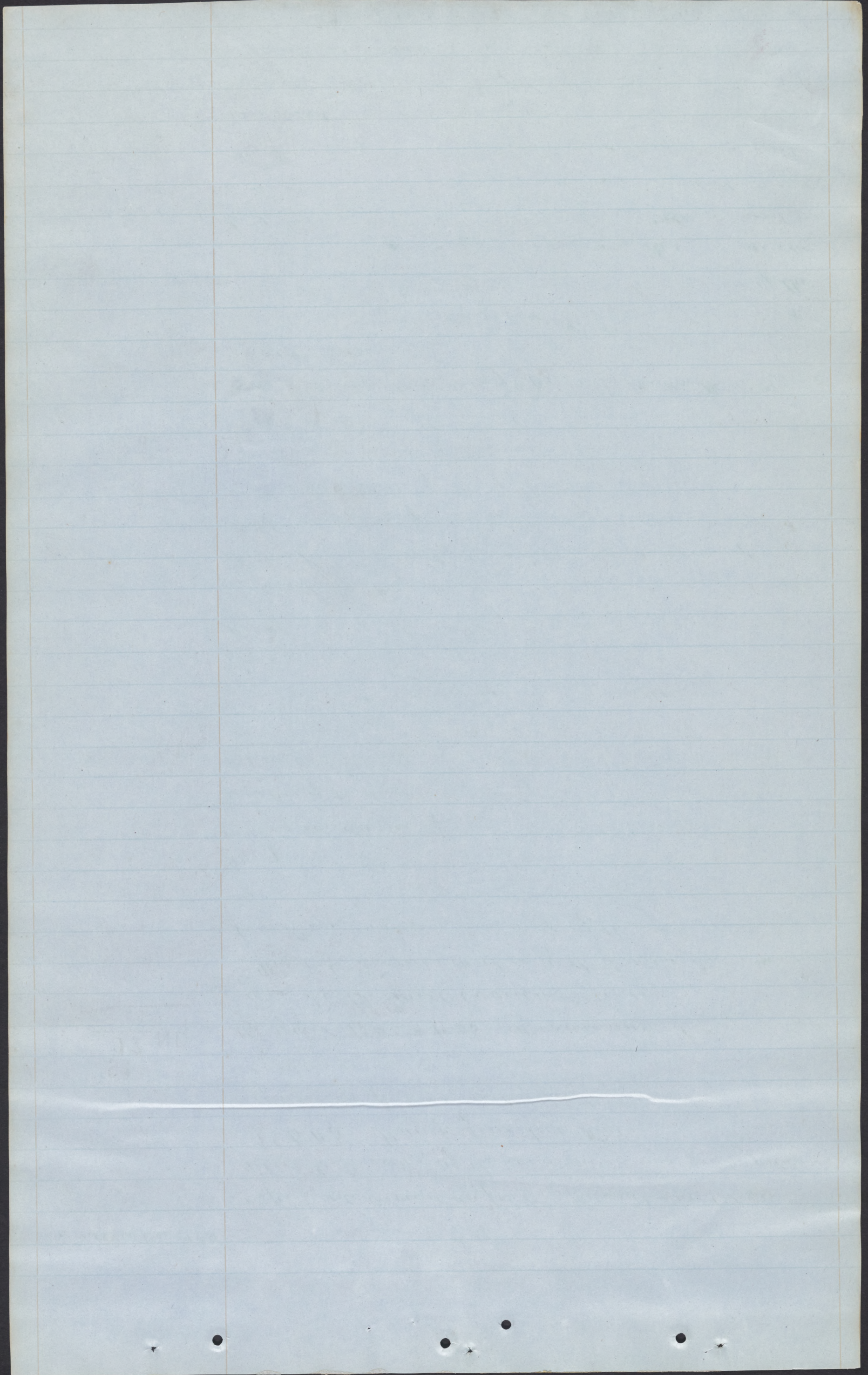
In testimony whereof I have here-  
unto signed my name officially and  
caused my Seal of Office to be affixed  
at the City of San Francisco this  
twenty sixth day of October 1853

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

Filed in Office  
October 29th 1853

Geo. Fisher  
Secy-







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Translation  
of Expediente

1844

Expediente carried on for the Naturalized Citizen Don  
Albert G. Toomes of the land mentioned in the petition  
N<sup>o</sup> 405 Stamp four two Reals

Authorized provisionally for the Custom House of  
Monterey in the Department of the Californias for  
the years 1844 & 1845 Michittorana Pablo de la Guerra

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To the Most Excellent Governor

Albert G. Toomes native of the United States married  
to a Mexican and resident of this Department since  
the year 1841 presents himself before your Excellency with the most profound respect & says: That  
being the owner of some agricultural things and  
wishing to devote himself to agriculture begs  
your Excellency will have the goodness to concede  
to me the land situated on the banks of the river  
Sacramento which place is vacant and is of  
the extent of five square leagues, and its boundaries  
on the N<sup>o</sup> rancho of Dye on the E<sup>o</sup> vacant land  
on the S<sup>o</sup> the Rancho of Lopez and on the West the  
River Sacramento as appears by the accompanying  
Map Therefore your Excellency will please accede  
to this petition - giving thanks

Monterey fe 1844 Albert G. Toomes  
Monterey Dec 16 1844 - The Secy of the Dep<sup>t</sup>  
will take the necessary steps in the matter Michittorana  
Keone Governor

Don Albert G. Toomes has a good  
character as a man of honor for the occupation of the  
land he asks for of your Excellency He is married  
to a Mexican woman and has his establishment as  
a Carpenter in this Capital in Company with Robert  
Mc Thomas and both have satisfied the public with  
their good services and have acquired also by their  
industry numerous breeding Cattle which they have  
received in payment for their labor in place of money  
they are therefore in want of a trace of land where



they can put their cattle for which reason no inconvenience  
can result from your Ex<sup>ca</sup> according to their request  
Monterey 19 of December 1844 Manuel Jimeno  
Monterey December 20 1844

Let the Concepcion be made Micheltorana  
Jurisdiction of the River Sacramento  
The land solicited in this Petition of the Citizen Albert  
G Torres is vacant and unoccupied and is not  
the property of any town or person In Testimony of  
which I give this Certificate for the necessary ends  
Nueva Helvetia J A Sutter

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

The Citizen Manuel Micheltorana Brigadier  
General of the Mexican Army Adjutant General  
of the Mexican Staff of the same Governor Comman-  
dant and General and Inspector of the Department  
of the Californias Whereas Don Albert G Torres  
a Naturalized Citizen of Mexico has solicited for his  
personal benefit and that of his family the land  
known by the name of the River of the Mills (Rio de  
los Molinos) bounded by the banks of the River Sacra-  
mento commencing the boundaries at the Arroyo  
de los Borrudos and running south five square  
leagues 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  
aforesaid 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 crossing  
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



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and it shall be inhabited

3<sup>rd</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 he shall put beside the land marks some fruit trees or wild ones of some utility

4<sup>th</sup> The land of which donation is made consist of five square leagues The Judge who gives possession shall cause it to be measured according to ordinance and the over plus shall remain to the Nation for its convenient purposes

5<sup>th</sup> If he shall violate these conditions he shall forfeit his rights to the land and it may be annulled by another I therefore Command that these presents being held as firm and valid be entered in the respective 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 The foregoing has been entered in the respective Book at folio 14 Angeles October 8 (3<sup>rd</sup>) 1846

Let a report be made in the Session of to day upon this Expediente by the Excellent Departmental Assembly & let it be passed to the Committee on Vacant Lands Augustin Alvera Secretary Pio Pico Post Excellent Sir

The Committee on Vacant Lands having made the most careful examination of the Expediente carried on for the Naturalized Citizen Albert S. Toomes asking for the place named Rio de los Molinos Situated on the banks of the River Sacramento the Committee have concluded that the necessary examinations & steps having been made in said Expediente were sufficient for the concession of said place by the Superior Government of the Department Now submit to your Excellency the following proposition 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

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PAGE 21

Naturalized Mexican Citizen United & Soames of the  
place known by the name of Rio de los Molinos situa  
ted on the Banks of the Sacramento River of the extent  
of five square leagues in conformity with the law of the  
18 of August 1824 + of art 5 of the Regulations of the  
21<sup>st</sup> of November 1828 Chairman of the Committee  
in the City of Los Angeles October 4: 1845  
Juan de la Guerra Narciso Bottello

Angels October 8 1845

In the Session of to day the Excellent Departmental  
assembly approved the foregoing proposition directing  
the original expediente to be returned for necessary  
uses Pio Pico Port<sup>o</sup> Augustin Olivera Sec

On same date delivered to the party the proper copy

Filed in Office Oct 27 1853

Geo Fisher

Secy



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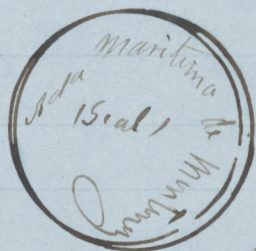
Sello Segundo Cuatro Pesos

Habilitado provisionalmente por la Aduana Ma-  
ritima del Puerto de Monterey en el Depar-  
tamento de las Californias para los años  
de mil ochocientos cuarenta y cuatro y mil  
ochocientos cuarenta y cinco

Micheltana

Pablo de la Guerra

91 ND  
PAGE 22



El Sr. Manuel Micheltana  
General de Brigada del Ejer-  
cito Mexicano Ayudante General de la  
Plana Mayor del mismo, Gobernados  
Comandante General e Inspector del  
Departamento de las Californias

Por cuanto D. Alberto G. Jones  
Mexicano por naturalizacion ha pre-  
tendido para su beneficio personal y  
el de su familia el terreno conocido con  
el nombre de el Rio de las Molinos co-  
lindante con las Margenes del Rio  
Sacramento comensando los linderos  
desde el arroyo de los Berandos has-  
ta donde midan cinco Sitios de gana-  
do mayor por la parte del Sur, prac-  
ticadas previamente las diligencias y  
averiguaciones consiguientes segun lo  
dispuesto por las leyes y reglamentos  
mando de las facultades que me son  
conferidas a nombre de la Nacion Me-  
xicana he venido en concederle el  
terreno mencionado declarandole la  
propiedad de el por las presentes letras  
sugiriendose a la aprobacion de la Exma  
Asamblea Departamental y bajo las con-  
diciones siguientes

1a- No podra venderlo ni arrendarlo  
ni hipotecarlo ni gravarlo con gravamen alguno.



2<sup>a</sup> - Podrá cercarlo sin perjudicar las  
travías caminos y servidumbres lo di-  
frutaria libre y exclusivamente destinando  
lo al uso o cultivo que mas le acomode  
pero dentro de un año fabricará casa  
y estaca habitada

3<sup>a</sup> - Solicitara del Juez respectivo que  
le de la posesion juridica en virtud de  
este Despacho por el cual se demarca-  
ran los linderos en cuyos limites pon-  
dra a mas de sus fronteras algunos  
arboles frutales o silvestres de alguna utilidad

4<sup>a</sup> - El terreno de que se hace donacion  
es de cinco sitios de ganado mayor. El  
Juez que da la posesion lo hará me-  
dir conforme a ordenanza quedando  
el sobrante que esulte a la nacion  
para los usos convenientes.

5<sup>a</sup> - Si contraviniere a estas condicio-  
nes perderá su derecho al terreno y sera  
denunciado por otro.

En consecuencia mando que sirviendole de  
titulo el presente y teniendose por firme  
y valido se tome razon de el en el libro  
respectivo y se entregue al interesado para  
su guarda y demas fines. Dado en  
Montevideo a veinte de Diciembre de mil  
ochocientos cuarenta y cuatro

Man. L. Michelena

Manuel Jimeno  
Srío.

Queda tomada razon de esta concecion  
en el libro respectivo a fojas 14  
Jimeno

*Here follows map*



23

Pío Pico Gobernador Interino  
del Departamento de las Californias

108

La Exma. 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 1840 en favor del ciudadano Mexicano por naturalizacion Alberto G. Torres del parage conocido con el nombre de el Rio de los Molinos situado en las Margenes del llamado Sacramento en intencion de cinco sitios de ganado mayor de conformidad con la ley de 18 de Agosto de 1824 y articulo 5 del Reglamento de 21 de Noviembre de 1828; y para enguardo de la parte de D<sup>o</sup>. Alberto G. Torres lo hago asi saber. Dado en la ciudad de los Angeles en este papel comun por falta del sellado a ocho de octubre de mil ochocientos cuarenta y cinco

Pío Pico

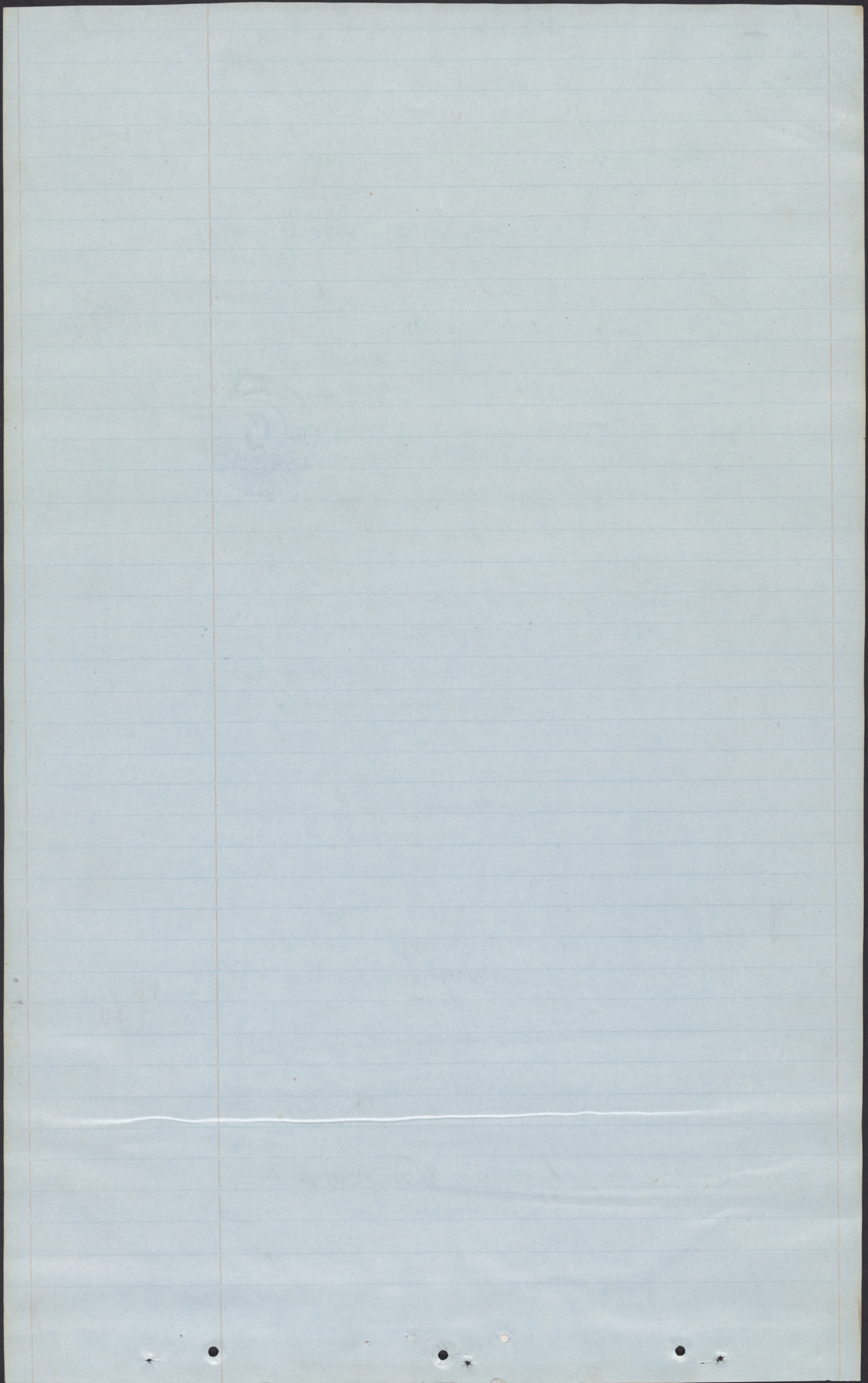
José Maria Covarrubias  
Srio

Filed in Office  
March 15<sup>th</sup> 1852

Geo. Fisher  
Secy.

91 ND  
PAGE 24







24

Translation

No 1

91 ND  
PAGE 25

Stamped paper \$ Four Dollars  
 Presumably authorized by the Mexican Custom  
 House of the Port of Monterey in the Department of  
 the Californias (one thousand eight hundred and  
 fifty four & five Michitona. Pello de la Guerra  
 (Genl) Lectoren Manuel Michitona 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 Albert G Torres a Natu-  
 ralized Citizen of Mexico has solicited for his personal  
 benefit and that of his family the land known by the  
 name of the River of the Mills (Rio de los Molinos)  
 bounded by the banks of the river Sacramento, commencing the boundary at the Arroyo de los Perros  
 and running South five square leagues the previous  
 investigations and measures having been made agree-  
 ably 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 above mentioned  
 land according to him the Census of the same  
 by these presents subject to the approbation of the  
 Most excellent Departmental Assembly, to the follow-  
 ing 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 & 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 (Sitios de Ganado Mayor)  
The judge who gives possession shall cause it to be  
measured according to ordinance and the surplus  
shall remain to the Nation for its convenient pur-  
poses

91 ND  
PAGE 26

5<sup>th</sup> If he shall violate these conditions he shall forfeit  
his right to the land and it may be announced by another  
I therefore command that these presents being held as  
firm and valid be entered in the respective book and they  
be delivered to the party interested for his security and  
further ends Given in Monterey the twentieth of Dec-  
ember eight hundred and forty four  
(Signed) Manuel Jimeno Secy (Signed) Manuel Michittorna  
The foregoing has been entered in the respective book  
at folio 14 (Signed) Jimeno

No 2

Pio Pico Governor ad interim of the Department of  
the Californias & The Most Excellent Departmental  
Assembly in the Session of to day have decreed the following  
They approve of the Concession made by the Supreme Governor  
of the Department in the title issued on the 20 of Decem-  
ber 1844 in favor of the Naturalized Mexican Citizen  
Allert G Toomes of the place known by the name of  
Rio de los Molinos situated on the banks of the Sacra-  
mento River of the extent of five square leagues in  
conformity with the Law of the 18<sup>th</sup> of August 1824  
& of Art 5<sup>th</sup> of the regulations of the 21<sup>o</sup> of November  
1828 and for the security of the party of Don Allert  
G Toomes 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) Jose M<sup>a</sup> Leovarubias Secy  
Officer of the Board of Land Commissioners for California  
Los Angeles Sept 15 1852 - I certify the foregoing to  
be a true and correct translation of the original document  
in Spanish in file in this office in the case of Allert G  
Toomes N<sup>o</sup> 106 Geo Fisher Secy

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

Geo Fisher Secy



26

Opinion of the  
BoardAlbert G. Thomas  
vs

The United States

For the place called Rio de los  
Indios containing five square  
leagues of land situated in  
Butte County

91 ND  
PAGE 27

The Petitioner claims the land described in his Petition under a grant made to him by Manuel Micheltorina Governor of California on the 20<sup>th</sup> day of December 1844. This grant is given in evidence and the signatures to it are proved by the Deposition of John A. Sutter who also proves a Certificate of Governor Pico showing the approval of the grant by the Departmental Assembly on the 8<sup>th</sup> day of October 1845. The same witness states that the Claimant applied to him as the proper Officer to give him judicial possession of the land and exhibit his title to the land in the fall of 1845 but he failed to comply with his wishes. It does not appear that any such possession was ever given.

The Conditions of the Grant required the Grantee to build a house on the premises within a year and that it should be inhabited. It is shown by the Depositions of Pearson B. Reading and Peter Lopsen that a house was built on the land within a year of the date of the grant - that he at the same time took cattle and horses on the place and built a large Corral. He has continued to occupy the premises at first personally and more recently by his tenants cultivating portions of the land to the present time.

The land granted is described in the grant as bounded by the banks of the River Sacramento commencing the boundaries at the Arroyo de los Perendos and running south five leagues & containing five square leagues of land. The petition for the grant on which the Concession is made is still more explicit as to the boundaries and location of the land granted and is accompanied with a Map showing its precise location and defining its exterior limits. It forms



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PAGE 28

a parallelogram fronting five leagues on the Sacramento River by one league in depth and commencing for its Northern boundary at the point where the Arroyo de los Berrandos enters the Sacramento There would seem to be no difficulty in making the Survey under a description so clear and explicit

The grant is Confirmed

Filed in Office Jan'y 17 1854

Geo Fisher

Decree of  
Confirmation

Albert G Toomes

Secy

Yes

The United States

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 it is therefore hereby decreed that the same be confirmed

The land of which Confirmation is hereby made is the same known by the name of Rio de los Molinos situated in Butte County and in the occupation of said claimant bounded and described as follows to wit; Lying along said River Sacramento on the east bank thereof commencing at the point where the Arroyo de los Berrandos empties into said River and extending Southwardly down said river the distance of five leagues and extending Eastwardly back from said River the distance of one league The said premises containing five square leagues of land are bounded on the West by said Sacramento River on the East by a line parallel to the course of said River and at the distance of one league from it; On the North by a line run Eastward from the Mouth of the Arroyo de los Berrandos and on the South by a line parallel to that last mentioned and at a distance of five leagues from it According to the grant of said land to said Claimant and the map attached to the Expediente a true and correct copy of which



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from the Archives is on file in this case and to which  
reference is to be had

Alpheus Felch }  
Thompson Campbell } Commissioner  
A Aug Thompson }  
}

Filed in Office Jan'y 17 1854

Geo Fisher

Suy

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No 106

Stipulation

Office of the U States Land Commissioner  
San Francisco Oct 4 1853

It is Stipulated that a true  
Copy of the Original Expediente from the Archives  
in the possession of the U States Surveyor General  
of California may be used as Evidence in this case  
by either the U States or the Claimant

P. Ora Atty for Claimant  
A G Toomes

Robert Greenhow

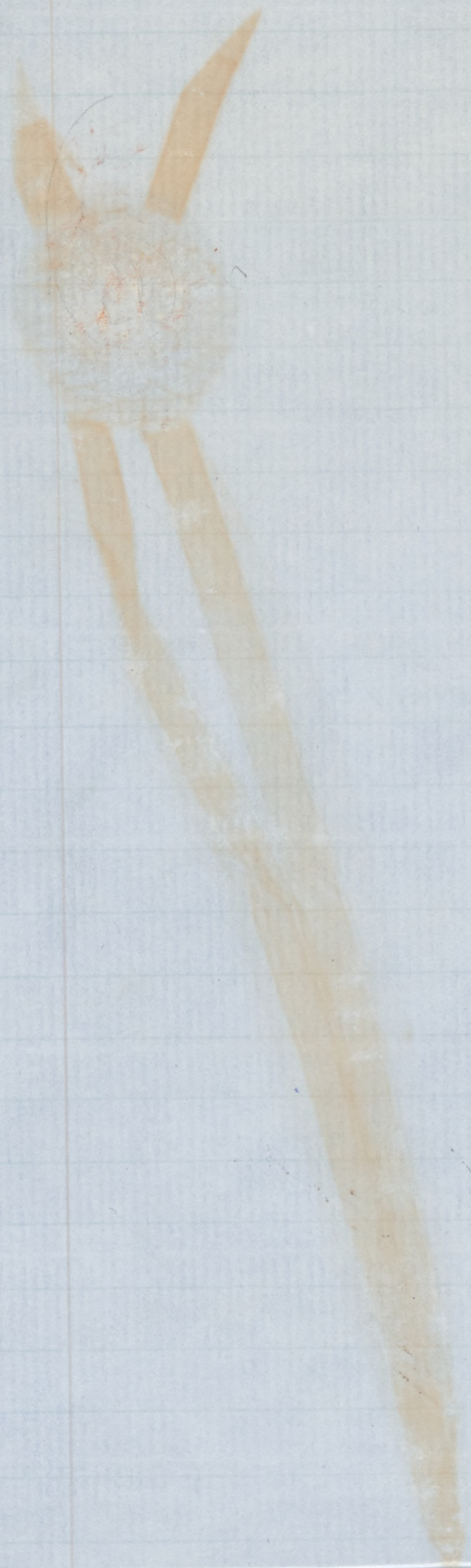
Asst Law Agent

Filed in Office No 4 1853

Geo Fisher

Suy







Office of the Board of Commissioners,

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

91 ND  
PAGE 30

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-eight* pages, numbered from 1 to 28, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 106 on the Docket of the said Board, wherein *Abut G. Thomas* is \_\_\_\_\_

the Claimant against the United States, for the place known by the name of "*Rio de los Molinos*" \_\_\_\_\_



In Testimony Whereof, I herunto 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.*  
*G. Fisher*



91

91 ND

ND

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 106

Filed, Sept 13th 1854

John A. Monroe,  
Clerk.

11116



Office of the Attorney General of the United States,

Washington, 30th November 1854.

Albert G. Townes

vs.

The United States.

} 106.

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 18th 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.

Cushing

Attorney General.



No 91

U. S. District Court

Northern District

The United States

vs

Albert G. Loomes

Appeal Notice

El Rio de los Rios  
Filed January 8, 1855.

J. M. A. Morris,

Attorney

91 ND

PAGE 32



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

The United States  
Appellants } No. 91.  
vs  
A. S. Thomas }

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 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.  
& 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. 91.  
U.S. District Court

The United States

vs

W. Thomas

Petitioner

Laid August 27, 1855,  
by Cheever  
Deputy

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PAGE 34

Massell



No. 91.

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

The United States.

vs.

Albert G. Toomes.

No. 91.

Transcript No. 106.

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 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. O. Crosby

Atty for appellee



No. 91.

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

The United States

vs

Abner G. Toomes.

answer.

Filed Nov 14<sup>th</sup> 55

J. A. Monroe

clerk.

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PAGE 36

E. O. Crosby  
Atty for appellee.



United States District Court for the  
Northern District of California

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No 91.

The United States  
vs  
Albert G. Foomes-

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. O. Crosby Atty  
for Claimant



No. 91  
U.S. District Court for the  
Northern District of California

The United States.

vs  
A. G. Toomes -

answer -

Filed July 28. 1856.  
J. Cheever,  
Deputy.

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PAGE 38

E. O. Crosby Atty  
for Claimant



The United States }  
vs. }  
Albert G. Toomes }  
Held Term March 3, 1856,  
N<sup>o</sup> 91.

91 ND  
PAGE 39

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 de-  
cision 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 claimant Albert G. Toomes, 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 Rio de los  
Molinos, situated in Butte County California,  
and is in the occupation of said claimant,  
bounded and described as follows, to wit:  
Lying along the River Sacramento, on the east  
bank thereof, commencing at the point where  
the Arroyo de los Berrendos empties into said  
River, and extending southwardly down said  
River the distance of five leagues, and extending  
eastwardly back from said River the distance



of five leagues one league. The said premises containing five square leagues of land are bounded on the West by said Sacramento River; on the East by a line parallel to the course of said River, and at the distance of one league from it; on the North by a line run eastward from the mouth of the Arroyo de los Borrendos; and on the South by a line parallel to that last mentioned, and at a distance of five leagues <sup>provided that the said boundaries run & the land located</sup> from it; according to the grant of said land, <sup>to said claimant</sup> and the Map attached to the expediente, a traced copy of which from the Archives is on file in this case, and to which reference is to be had.

By the Honorable  
U. S. District Judge



No 91.

The United States  
as

Albert G. Toomes.

Decree of Confirmation.

Filed March 3, 1856,  
John A. Mowbray,  
Clerk,  
By W. H. Church,  
Deputy.



California Land Claims.

Attorney General's Office

19 September 1856.

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PAGE 42

Sir:

In the case of the claim of Albert S. Somes, confirmed to the claimant by the Commissioners; Case no. one hundred and six (106), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

I am

Respectfully

Cushing

Wm 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

The United States

v.

Albert G. Doornes

} Lease  
No. 91.

In pursuance of  
Instructions from the Attorney General  
of the United States, herunto annexed,  
it is hereby stipulated and agreed that  
an order be entered of Record in this  
Case, that the claimants have leave to  
proceed under the Decree of this Court  
heretofore rendered in his favor as an  
Final Decree.

Nov. 1. 1856

Wm Blanding  
U.S. Dist Atty.

E. S. Crosby

Atty for claimant.



In the District  
Court.

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United States

v. } lease  
} No 91.

Albert G. Jones

---

Stipulation

---

Filed November 6, 1856,  
W. H. Chewers,  
Deputy,



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-~~five~~ <sup>six</sup>

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Albert G. Thomas.

Case No. 91.

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  
U. S. District Judge



United States District Court, Northern  
District of California.

The United States  
vs. } Case  
      } No. 91.  
Albert G. Joomes

appeal, Order dismissing  
Entered within 10 d.

Filed November 6, 1856,  
J. A. Munroe,  
CLERK.  
J. W. A. Cheney  
DEPUTY.



The United States }  
vs }  
A. G. Thomas }

The claim of the appellee was confirmed by the Board of Commissioners - No additional testimony on the part of the U.S. has been taken in this Court nor has any reason for reversing the decision of the Board been suggested - the case having been submitted on both sides without argument.

On looking into the transcript we find the genuineness of the original title fully established ~~where~~ by proof - The expediente is duly produced from the archives containing the petition & usual documents and also the approval of the Departmental Assembly.

The conditions of the grant seem to have been substantially complied with - and as to the locality of the land as indicated with great precision by the descriptions in the grant & petition and in the delineation on the map which accompanies <sup>is found</sup> the expediente.

The decree of the Board must therefore be affirmed -



A. G. Thomas Jones  
El Rio de los Molinos  
E. O. Cook 5 leagues  
Punta Cu

~~91 ND~~  
The U. S.  
A. G. Jones  
Union

4



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 31<sup>st</sup>,  
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. 106 on the Docket of the said Board, wherein

A. G. Thomas is  
the Claimant against the United States, for the place known  
by the name of "El Rio de los Molinos"

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher