CASE NO.

115

NORTHERN DISTRICT

LARKIN'S RANCHO GRANT

FRANCISCO LARKIN, ET AL.

CLAIMANT

130

Northern Division

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 130

Francisco Larkin et al CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED
"Larkin's Rancho"

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, *that on this* twenty fourth *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 Francisco Larkin et al; *for the Place named* "Larkin's Rancho," *was presented, and ordered to be filed and docketed with No.* 130, *and is as follows, to wit;*

(Vide page 5 *of this Transcript.)*

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

San Francisco, Aug. 14th 1852.

In Case no. 130, Francisco Larkin et al: for the place named "Larkin's Rancho," on motion of the Counsel for the Claimants, the following Order was granted, to wit:

(Vide page 75 of this Transcript)

San Francisco, Jan 4 1853.

In the same Case the deposition of John Bidwell, a witness on behalf of the Claimants, taken before Commissioner Harry I. Thornton, was filed;

(Vide page 6 of this Transcript)

San Francisco, April 2d 1853.

In the same Case the deposition of David Spence a witness in behalf of the Claimants, taken before

Commissioner Harry I. Thornton with document marked "H. I. T. no. 1," annexed thereto, was filed:
(Vide page 8 of this Transcript)

San Francisco, April 8th 1853.
In the same Case the deposition of P. H. Woodside, a witness in behalf of the Claimants, taken before Commissioner Helena Hall, was filed:
(Vide page 9 of this Transcript)

San Francisco, Aug. 9 1853.
In the same Case the deposition of William G. Chana, a witness in behalf of the Claimants, taken before Commissioner Thompson Campbell, was filed:
(Vide page 12 of this Transcript)

In the same Case the deposition of Henry L. Ford, a witness in behalf of the Claimants, taken before Commissioner Alpheus Felch, was filed:
(Vide page 10 of this Transcript)

San Francisco, Oct 22 1853.
In the same Case the deposition of Antonio Maria Pico, a witness in behalf of the Claimants, taken before Commissioner Thompson Campbell, with documents marked "T. C. E. F. & H." annexed thereto, was filed:
(Vide page 14 of this Transcript)

San Francisco, Nov. 4 1853.
In the same Case the deposition of Jacob P. Leese, a witness in behalf of the Claimants, taken before Commissioner R. Aug. Thompson, was filed:
(Vide page 15 of this Transcript)

San Francisco, Nov. 4th 1853.
In the same case the deposition of P. B. Reading, a witness in behalf of the Claimants, taken before Commissioner R. Aug. Thompson, was filed;
(Vide page 17 of this Transcript.)

San Francisco, Nov. 5th 1853.
In the same case the deposition of Peter Lassen, a witness in behalf of the Claimants, taken before Commissioner R. Aug. Thompson, was filed;
(Vide page 20 of this Transcript.)

In the same case the deposition of James M. Ide, a witness in behalf of the Claimants, taken before Commissioner R. A. Thompson, was filed;
(Vide page 19 of this Transcript.)

San Francisco, Nov. 25 1853.
In the same case the deposition of John Bidwell, a witness in behalf of the Claimants, taken before Commissioner R. Aug. Thompson, was filed;
(Vide page 22 of this Transcript.)

San Francisco, April 11th 1854.
Case No. 130 was called, submitted on Briefs and taken under advisement by the Board;

San Francisco, April 25 1854.
In the same case Commissioner Thompson Campbell delivered the opinion of the Board confirming the claim;
(Vide page 81 of this Transcript.)

San Francisco, June 27 1854.
In the same case the Counsel for the claimants filed the following petition, affidavit and motion, to wit;
(Vide page 65 of this Transcript.)
which motion was taken under advisement.

San Francisco, July 11th 1854.

In the same Case Commissioner Alpheus Felch delivered the decision of the Board upon the motion heretofore filed, to wit on the 17th June last by the Counsel for the Claimants asking leave to file a supplemental petition, granting the said motion.

In the same Case the Counsel for the Claimants filed the following Stipulation, to wit;

(vide page 70 of this Transcript)

Also the deed of conveyance mentioned in said stipulation marked "H," which is as follows, to wit;

(vide page 73 of this Transcript)

Whereupon the following order was made to wit;

(vide page 71 of this Transcript)

(For amended decree vide page 91 of this Transcript)

San Francisco, Aug. 15 1854.

In the same Case, on motion of the United States Law Agent, the following order was made, to wit;

(vide page 4 of this Transcript)

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

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Petition

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To the Board of Commissioners for ascertaining & settling private land claims in the State of California.

Your petitioners Francis Larkin & his two wives Caroline Ann Larkin, & Sophia Adelaide Larkin, all of the City & County of San Francisco, in the State of California respectfully represent to your Honorable Board.

That they claim a certain tract of land on the Westerly side of the Sacramento River, called the Larkin Ranch - comprising the Rancherias of Quiete, Dacdac, Sojet & Sunu, containing Ten leagues more or less, situated in the County of Colusi in the State of California, that they claim the same in fee by virtue of a grant made to them - the said Francis, Caroline Ann & Sophia Adelaide Larkin under the authority of the Mexican Government by Manuel Micheltorena, Governor, Commandant General & Inspector of the Department of Californias, - bearing date the fifteenth (15th) day of December one thousand eight hundred and forty four (1844) & approved by the Territorial Deputation on or about the Twenty second (22d) day of April One thousand eight hundred & forty six (1846)

Your petitioners would further represent that the boundaries of said tract of land have been designated & defined & that the said grantees & those claiming under them have been in the peaceable possession thereof ever since; & that they have no knowledge of any interfering claim.

Your petitioners present herewith a copy of the original grant of said land in the Spanish language, together with a translation of the same, & will make further proof of title if required by the Board.

Your petitioners pray your Honorable Board to take into consideration their claim to said tract of land, & decree their title to be valid & confirm the same.

And your petitioners will ever pray.

A. C. Whitcomb.
Counsel for Claimants.
F. C. & S. A. Larkin.

San Francisco
March 24th 1852.

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Filed in Office March 24th 1852.
Geo: Fisher. Secy.

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Deposition of John Bidwell.

San Francisco Jany 4th 1853.

On this day before Comr Hany J. Thornton, came John Bidwell, a witness on behalf of the claimants Thomas O. Larkin, petition No 129, & was duly sworn, his evidence being given in English.

The U. S. Associate Law Agent was present.

Questions by Claimant.

Question 1st What is your name, age & place of residence, & what has been your experience in surveying & drafting maps.
Ans. My name is John Bidwell, my age is thirty three & my residence is Chico, Butte County. I have resided in California more than eleven years in Sacramento valley, & I have been engaged much of my time in surveying and making maps.
Question 2d Do you know the Ranches called the Semino Ranche, the Ranch of Larkins children on the Sacramento river, & the Ranche called the Flagge Ranch on the West side of Feather River.
Ans. I am acquainted with these Ranches & have known them ever since the year 1843, I resided on the land which they occupy.
Question. 3rd When were those ranches occupied, how & by whom.
Ans. In the spring of 1847 I visited the Rancho of Larkin's children, it was then occupied by a man the name of John Williams & had been so occupied for some time previous, there was a dwelling house in which there resided several families, & there was stock upon the place at that time

& it has been occupied ever since down to this time. I was employed in 1847 by Mr Larkin to build for him a house on the Flagge Ranch, which I did in the Spring of 1848 not being able to do it sooner. A man by the name of Yates was first in the house & occupied the place from 1849 until some short time since under Mr Larkin. The house which I built was burnt & Yates built another. As to the Simons Rancho, I saw a house upon it which was occupied in 1848 I know that the house so occupied had been built before that time.

(Signed) J. Bidwell.

U. S. Law Agent present.
Sworn & subscribed before me
this 4th day of Jany 1853.

Harry S. Thornton.
Comr &c.

Jany 4th 1853 Before Judge Thornton.

It is hereby agreed by Counsel that the deposition of John Bidwell taken this day before his Honor H. S. Thornton, may be used in each of the following three cases viz. No 129. No 130. No 131. being three cases pending.

(Signed) Robt Greenhow.
Asst Law Agent of U. S.

(Signed) James Wilson.
for Petitioners.

San Francisco, Jany 5th 1853.

I certify that the aforegoing is a true & correct copy of the original on file in case No 129 in this office.

Geo: Fisher. Secy.

Filed in Office Jany 5th 1853.

Geo: Fisher. Secy.

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No 130. San Francisco April 2d 1853.

On this day before Comr H. J. Thornton, came David Spence, a witness on behalf of the claimants Francis Larkin, et al, petition No 130 & was duly sworn, his evidence being given in English.

Deposition of David Spence.

In answer to enquiries by Counsel for the claimants the witness testified as follows.

1st What is your name, age & place of residence.
Deponents Answer. My name is David Spence, my age is about 55. & I reside in Monterey in the State of California.
2nd Are you acquainted with the hand writing of Don Manl Micheltorena & of Manuel Jimeno, if so, look at the paper now shown to you & marked Exhibit No 1, & attached to this deposition & say if the signatures of said persons are their genuine signatures.
Depo. Answer. I am well acquainted with the signatures of Don Manl Micheltorena & Manl Jimeno, having often seen them write & upon examination of the paper above referred to I do not hesitate to say that their signatures thereto are their genuine signatures.
3rd Did you know anything of the circumstances of the grant of land by Micheltorena to the petitioners in this case.
Answ. I know nothing more about it than that I heard it spoken of about the time of the date of this grant, that such an one had been made.

D. Spence.

U. S. Law Agent present.
Sworn to & subscribed before me this 2d of April 1853.

Harry I. Thornton. Comr &c

Filed in Office April 2d 1853.

Geo. Fisher Secy.

San Francisco Apr. 8th 1853

On this day before Comr Hiland Hall, came P. K. Woodside, a witness on behalf of Francis Larkin et. al, petition No 130, & was duly sworn, his evidence being given in English.

Deposition of P. K. Woodside.

The U. S. Associate Law Agent was notified and was present.

In answer to inquiries by counsel for the claimants the witness testified as follows.

My name is P. K. Woodside, my age is twenty, one years, & I reside in San Francisco.

In the fall of the year 1848 I was in the employ of Thomas O. Larkin as clerk. I know the ranchos on Sacramento river their claimed by Thomas O. Larkin in one called the Jimino ranch & the other called the children's ranch. I was at the upper ranch in the fall of 1848. John Williams & family, Williams being a tenant of Larkin, then lived there – There were at that time over a thousand head of cattle on the land & probably 150 horses – I went there for the purpose of selling the stock for Larkin & sold them & paid the money to him. The stock belonged to Larkin or his children. I do not know which. I have not been there since.

P. K. Woodside.

Sworn & subscribed
Before me

Hiland Hall.
Comr.

Filed in Office April 8th 1853.
Geo: Fisher.
Secy.

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Office of the Board of Commissioners of land claims in California.
San Francisco, Aug 9th 1853.

Deposition of Henry L. Ford.

This day came before Alpheus Felch one of the Commissioners to ascertain & settle the private land claims in California, Henry L. Ford a witness produced in behalf of the claimants Francis Larkin, et al. being case No 130. on the docket of the said Commissioners & after being duly sworn deposed as follows.

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

Question by A. C. Whitcomb, Attorney for the Claimant.

1 Question. What are your name, age & place of residence.
Answer. My name is Henry L. Ford, my age is thirty years, & I reside in Colusi County, in the State of California.
2 Question. Do you know the tract of land known by the as the Rancho of Larkins children.
Answer. I do know a tract of land known as the Children's Rancho, granted to Larkins children. It is situated on the West bank of the Sacramento River, between the Ranch, known as the Jimeno Ranch, & the Ranch granted Rodriguez.
3 Question. When did you first know this Ranch, & what do you know about its being occupied.
Answer. I first passed over it in November 1845. I was not on it again until April 1847. It was then occupied by a man by the name of Williams, in Mr Larkins employ. There was then a house built on it, & from fifty to seventy five acres of wheat, and another enclosure of five or twelve acres in corn, potatoes, & garden vegetables. There were twenty five

or thirty hogs & about the same number of horses at that time on the place. In the month of May in the same year I went with Mr Williams to Sebel Valley in Ranch at Petaluma & received from the General five hundred & eighty head of breeding cattle & two hundred head of breeding mares, & drove them on to the Ranch where the larger portion have remained until this time. In 1849 Mr Larkin sold that stock, but it has never been taken from the Ranch. Mr Williams died in the spring (May) of the year 1849 & was succeeded in possession of the Ranch by Charles B. Sterling, who is still in occupation of it.

Questions by Mr Howard, Law Agent.

1 Question. How do you know that there was a grant of the land to the children of Mr Larkin.
Answer. I saw the grant or a copy of it in Mr Larkin's hands. He told me it was a grant to his children. I did not examine it.
2. Question. What were the names of the children.
Answer. I did not read the grant, & do not recollect the names of the children, although I have heard their names.
3 Question. Do you recollect the date of the grant.
Answer. I cannot state the month, but it was in the year 1844.
4 Question. Where did Mr Larkin reside in the year 1844, & in what capacity was he acting.
Answer. He resided at Monterey in California & was Consul of the United States.
5 Question. Of what country is Mr Larkin a native.
Answer. I think of the United States. I have heard him say so. I think he said of the State of Massachusetts, but I am not certain as to the State.
6 Question. Where did here children reside at the time of this grant.

Answer. At Monterey.
7 Question. Do you know the age of them, or of any of them.
Answer. I do not.
8 Question. Was any one living on the Ranch when you were first there in 1845
Answer. There was not that I saw. There was no house on it & no part of it was cultivated, so far as I saw.

Henry L. Ford.

Subscribed & sworn at
San Francisco this 9th
day of August A.D. 1853.
Before me
Alpheus Felch.
Commissioner.

Filed in Office Aug 9 1853.
Geo: Fisher Secy.

Deposition of
William G. Chard.

Office of the Board Commissioners
of Land Claims in California.
San Francisco, August 4th 1853.

This day came before Thompson Campbell, one of the Commissioners to ascertain & settle the private land claims in California, William G. Chard, a witness produced in behalf of the claimants Francis Larkin, et al, No 130 on the docket of the said Commissioners & after having been duly sworn, testified as follows. The Assistant Law Agent was in attendance.

Quest 1st What is your name, age & place of residence.
My name is William G. Chard, my age is forty five years, I reside generally in Sacramento Valley, & have resided in California since 1832, & have known Thomas O. Larkin about fifteen years.

Quest 2. Do you know the tract of land called the Rancho of Larkin's children? If so, where is the same situated, & how long have you known it.

Ans. I do know the tract of land called the Rancho of Larkin's children, it is between Rodriguez ranch & Jaminos on the western side of the Sacramento river. I have known it since 1847 when I was first on the ground, at which time it was occupied by one John Williams, it was understood that he was Mr Larkin's Steward, & was taking care of the place for Mr Larkin. There was at that time to which I have just referred, two houses on the Ranch, & a considerable quantity of stock, consisting of horses, mares & cattle. Williams remained on the Ranch in the employment of Mr Larkin, until his death, which took place as nearly as I can recollect some time in the year 1849. I think Mr Larkin had about two or three hundred Indians living on the ranch, some of whom were at work on the place. Mr Sterling succeeded Williams as agent of Mr Larkin, & is still there, at least was there a few days since I was in Monterey when the grant was given in 1844, - about which time Mr Larkin supplied the government with provisions & stores, & I have frequently seen him give them money, & he was the principal purveyor of government from about the year 1836 up to the year 1845. I have frequently heard him express doubts, about receiving his pay. In explanation of what I have said in relation to Williams acting as the Agent of Larkin, I would further state that Williams told me himself that he was acting as an agent for Mr Larkin.

William. G. Chard.

Mr Gunnison declined to ask any questions.

Sworn to & subscribed before me this 4th day of August A. D. 1853.

Thompson Campbell.
Comr.

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Filed in Office Aug 9 1853.

Geo: Fisher. Secy.

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Office of the Board of
Commissioners &c &c.

Deposition of Antonio Maria Pico.

This day before Comr Thompson Campbell came Antonio Maria Pico, a witness in behalf of claimants Francis Larkin, et al, No 130, who after being duly sworn deposed as follows.

What is your name, age & place of residence.

My name is Antonio Maria Pico, I am forty three years of age, & I reside at San José.

Where did you reside in 1844, & what office did you hold at that time.

In 1844 I resided in San José and was Alcalde of the place.

Look on the papers now shown you & usually marked. D. E. F. G. & H. the paper D. being attached to the deposition of David Spence, the other four annexed to this deposition, & state whether the signatures of Manuel Michelltorena & Manuel Jimeno, where they appear on said paper are their genuine signatures, & also state your means of knowledge.

I recognize the signatures of Manuel Michelltorena & Manuel Jimeno, where they appear on said papers to be their genuine signatures. I have seen them both write frequently, & am well acquainted with their handwriting.

Associate Law Agent present.

Antonio Mª Pico.

Sworn to & subscribed before me
this 22d day of October A.D. 1853.

Thompson Campbell. Comr.

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Filed in Office Oct 22 1853.
Geo: Fisher Secy.

Case No 130.

Deposition of Jacob P. Leese.

Office of the Board of Commissioners &c &c.

This day before Comr K. Aug. Thompson, came Jacob P. Leese, a witness in behalf of claimants Francis Larkin et al, No 130, who after being duly sworn deposed as follows.

Testimony on behalf of Claimant.
Present Whitcomb Counsel for claimant & R. Gunnison Esqr Asst Law Agent.

Witness states that his name is Jacob P. Leese, age forty four years & residence Monterey Cal.a
Question by Claimants Atty.
Do you know the tract of land claimed in this case called Rancho of Larkin's children; if so, where is it situated.
Answer. I know the land. It is situated on the western side of the Sacramento River - & is bounded on the North by a Rancho known as the Rancho of Sacramento Rodriguez about four leagues below the river crossing.
Question by same.
State what you know in relation to the settlement & occupation of said Ranch.
Answer. In the year 1844 Mr Larkin bought of me about one hundred mares & colts for the purpose of stocking said Ranch. The steward of the ranch named John Williams in the month of August or September of that year, received them of me on my ranch in Sonoma, & in the spring of 1845 - he came back to my place & informed me that some of the animals had strayed away & asked me if I had seen any thing of them. He also told me that he had taken the

animals to the ranch at the time he got them from me the preceding fall or summer.

Question by same.

What office did you hold in California during the years 1844 & 1845.

Answer. I was the Alcalde of the Jurisdiction of Sonoma in 1844 & until June 1845.

Question by same.

State if you know anything of the juridical possession of this ranch being asked for or given.

Answer. Early in the spring of 1845 Mr Larkin enquired of me as to the proper person to give him juridical possession of the Ranch in question. I told him that the extent of the Jurisdiction of Sonoma was disputed between Genl Vallejo & Capt Sutter – That Genl Vallejo claimed the Jurisdiction of Sonoma to the West side of the Sacramento River & Capt Sutter also claimed said West side down to the valley of Suisum – and that I intended to write to the Governor for information, & there had been various applications made to me for juridical possession in that section of the country & if he informed me it was in my jurisdiction I would give him the possession. I applied to the Governor but before I got the information Genl Micheltorena had left the country.

Question by Mr Gunnison.

Have you ever seen the Ranch since it was granted to claimant –

Answer. I have not. I saw it 1843.

Question by same.

When you saw it in 1843 was there any Indian tribe on the land now embraced in said Ranch.

Answer. Yes. – there was a large Indian village on it.

J. P. Leese.

Sworn to & subscribed
before me Nov 4th 1853.

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R. Aug. Thompson.
Comr.
Filed in Office Nov 4 1853.
Geo: Fisher Secy.

Deposition of P. B. Reading.

Case No 130.

Office of the Board of Commissioners &c &c.

This day before Comr R. Aug. Thompson, came P. B. Reading a witness in behalf of claimants Francis Larkin et al, No 130, who after being duly sworn deposed as follows.

Testimony on behalf of Claimant.
Present Whiteman counsel for claimant & R. Gunnison Asst Land Agent.

Witness states his name to be Pierson B. Reading, age thirty one years, residence Shasta Co Calª.
Question by Claimant's Atty.
Do you know the Rancho claimed in this case, if so, state where it is situated, & what you know of its occupation and improvement.
Answer I have been on said Rancho. I was first there in Oct 1847. At that time John Williams whom I know well was living in a log house on the land with his wife. He was living there as he informed me, as the Agent of Mr Larkin the father of the present claimants. He was engaged in cultivating the land & in taking care of the stock then on this Rancho consisting of cattle, horses & hogs. The house I should judge had been built about two years. He was then putting up an adobe house as a dwelling. He also had an adobe house stored with grain, that I should judge had been built about one year.
Question by same.

Do you know the creeks called Arroyo Chico & Arroyo de las Pecos, if so look upon the map in the traced copy of the expediente filed in this case & state whether in your opinion in connection with the scale there given, there would be any difficulty in locating & identifying said land.

Answer. I know those creeks well, & if the map & scale are correct there would be no difficulty in locating the land by reference to them – Those creeks are indivisions objects & I have always known them by those names & no others.

Question by same.

How far was the house occupied by John Williams south of or below the mouth of Capuz or Stone creek.

Answer. About twenty five miles.

Question by same.

State what you know of the Indian Ranchiries on said land.

Answer. When at Mr Williams in October 1847 I saw a number of the Dadac Indians in his employment. He informed me that their Ranchiries was about two miles from his house.

Question by same.

What has become of John Williams & who succeeded him on said Ranch.

Answer. Mr Williams is dead, & since his death a man by the name of Sterling has been in constant charge and possession & is still so.

P. B. Reading.

Sworn to & subscribed
before me Nov 4 1853.

R. Aug. Thompson.
Comr.

Filed in Office Nov 4 1853

Geo: Fisher.
Secy.

Case No 130.

Office of the Board of Commissioners &c &c.

Deposition of James M. Ide.

This day before Comr R. Aug. Thompson, came James M. Ide, a witness in behalf of claimants Francis Larkin et al, No 130, who after being duly sworn deposed as follows.

Testimony on behalf of Claimants.
Present Whiting & Martin Attys for Claimts & R. Greenhow Esq Associate Law Agent.

Witness states his name to be James Ide, his age thirty two, residence Colusi County California.
Question by Claimants Atty.
When did you come to this country & with whom & where have you resided since.
Answer. I came to California in the fall of 1845 in company with my brother William B. Ide & have resided ever since in the Sacramento valley.
Question by same.
Were you about the year 1846 on the place known as the Ranch of Larkin's children, if so state when, & for what purpose you went there.
Answer. I was there in the spring of 1846 to get some stock belonging to my brother which had come in company with some stock of Mr Larkins from the Valleje Ranch in the neighborhood of Sonoma. My brother was engaged in the taking of Sonoma under the bear flag - I went to the Ranch for the cattle prior to that time. *.
Question by same.
Who was in charge of said Ranch at that time.
Answer. A man by the name of Williams. We separated our stock from Mr Larkins & drove it up the river & left Mr Larkins on the Ranch.

James M. Ide.

Sworn to & subscribed

before me the 5th Nov 1853.

R. Aug. Thompson

Comr.

*. After the deposition was closed witness states that he thinks he must have gone for the cattle to Larkin's Ranch after, instead of before the taking of Sonoma under the Bear Flag.

Filed in Office Nov 5th 1853.

Geo: Fisher. Secy.

Deposition of Peter Lassen.

Case No 130.
F. Larkin et al,
vs
U. States.

Office of the Board of Commissioners &c &c.

This day before Comr R. Aug Thompson, came Peter Lassen a witness in behalf of claimants No 130, who after being duly sworn deposed as follows –

Testimony on behalf of Claimant –
Present – Whitcomb Atty for claimant & H. Grunhow Esq Asst Law Agent –

Witness states that his name is Peter Lassen, age fifty four years, residence in Sacramento valley Cal. Butte Co.
Question by Claimants Atty.
Do you know the land called Rancho of Larkin's children, if so, state where it is situated & what you know of its settlement, occupation & improvement.
Answer. I know the Ranch. It is situated on the West side of Sacramento River. I was on said Ranch in November or December 1845. John Williams was then living on the land, he had a small house which he inhabited with a family by the name of Anderson. Williams was then engaged building another house – There was

there in the ranch stocks of cows, horses & hogs but I dont know the quantity he was also making rails & preparing to enclose land for cultivation, there were also corrals. I was also there in 1846 & 1847 at which times he had large quantities of grain which he had raised on the place. In the spring of 1846 there was a good large field enclosed & in cultivation, I cannot state the number of acres. In the same spring of 1846 Mr Larkin brought up a large stock of cattle & placed them on the Ranch. I understood from Williams that he was occupying it for Mr Larkin or his children to whom the ranch was reputed to belong.

Question by same

Where have you resided since the Winter of 1843 & have you had frequent opportunities of seeing the Ranch in question.

Answer. I have lived since 1843 on my ranch on Deer Creek on the East side of Sacramento river about twenty five miles above the Ranch claimed in this case. I have been there generally three or four times a year & assisted in marking the stock, it was the custom of the valley for the settlers to assemble & assist each other on these occasions. Mr Williams remained there until his death in about the year 1849, & was succeeded by a man named Sterling who is I believe still there - in the same capacity formerly filled by Williams.

Peter Lassen.

Sworn to & subscribed
before me Nov 5th 1853.

R. Aug. Thompson
Comr.

Filed in Office Nov 5th 1853.

Geo: Fisher
Secy.

18/130

Case No 130.

Office of the Board of
U. S. Commissioners &c &c.

This day before Comr R. Ang. Thompson, came John Bidwell a witness on behalf of the claimants, Francis Larkin, et al, No 130 & being duly sworn deposed as follows.

Deposition of John Bidwell.

Testimony in behalf of Claimants.
Present Norton Atty for claimants & R. Grundon Esq Asst Law Agent.

Witness states his name is John Bidwell, his age thirty four years & residence Chico Butte Co Cal.
Question by Claimants Atty
What was your occupation in the years 1843 & 1844 Look at the traced copy of the expediente from the archives of California now in the custody of the U. S. Surveyor General for the State of California, duly certified & filed in this case marked II particularly at the map thereon & state if you know who made the original of the same.
Answer. I am a surveyor by profession. In the years 1843 & 1844 I was engaged in making reconnoissances of the country & maps for various persons - the map of which a copy is contained in the copy of the expediente now shown me, was made by me in the month of July 1844.
Question by same.
At the time you made said map, were you or were you not acquainted with the lands therein contained, & if so, state whether the Indian Rancherias Sunn, Sejit, Dueduc, & Quiti are designated therein, & in what manner, also whether they now there, & are now well known points, & whether with said map & scale of distances is varas marked upon it - the land contained in it could be identified, & accurately defined & located.

Answer. I was at that time acquainted with the land — The Ranchorias named in the question are all laid down on said map, & are designated by their respective names, & by the small tent shaped marks, opposite each, intended to represent the Ranchorias or villages. They are then & are now well known points particularly that called Logot — at these villages there are almost invariably found considerable mounds which remain for many years, & are noted land marks, the huts are always built on these elevations which remain long after all vestiges of the huts have disappeared. I have no doubt the land intended to be contained in the map could with ease be easily identified & located, the starting point would be the northern boundary on the Sacramento river — that point is just two leagues north of the Ranchori. of Logot.

J. Bidwell.

Sworn & subscribed
before me Nov 25th 1853.

R. Aug Thompson.
Comr.

Filed in Office Nov 25th 1853.

Geo: Fisher.
Secy.

25
7.

Espediente promovido por los hijos de
D. Thomas O. Larkin.

Sello Cuarto Dos reales.
Habilitado provisionalmente por la Aduana Maritima del puerto de Monterrey en el Departamento de las Californias para los años de mil ochocientos Cuarenta y cuatro y mil ochocientos Cuarenta y cinco.
(Seal) Micheltorena. Pablo de la Guerra.

Monterrey. Abril 24 de 1844.
Informe el Srio de mi Despacho.
Micheltorena.

Exmo. Sor.
Thomas O. Larkin en nombre de su hijo Francisco y de sus dos hijas Carolina Ana y Sofia Ardaiza, todos naturalizados en esta Republica ante V.E. con el debido respeto comparezco y digo: que teniendo Dhos mis hijos una Cantidad Considerable de ganado y carecienlo de un terreno propio en donde colocarlo, ocurran por medio mio á la bondad de V.E. para que se sirva concederle un parage que haya baldio al lado del Oeste del rio del Sacramento y comprendidas las Rancherias de Quieti, Dacdue, Sajor y Suma, con estension de cinco leguas de Sur á norte y dos leguas de Oriente á Poniente como se esplica en el diseño que acompaña, comprendiendose el terreno total que se solicita de diez sitios de Ganado Mayor poco mas ó menos. Por tanto A V.E. suplico se sirva decretar como llevo pedido por ser de Justicia.
Monterrey 14 de Diciembre de 1844.
A nombre de los Interesados. Tomas O. Larkin.

Exmo Señor.
El terreno que solicita los interesados en esta instancia esta baldio y habiendo ellos obtenido ya sus cartas de naturaleza soy de parecer que no hay ni conveniente alguno á acceder a su solicitud, mas la determinacion de V.E. sera la mas acertada.

Monterrey fecha ut supra. Manuel Jimeno.

Monterrey. 12 de Obre. de 1842.

Espídase título. Micheltorena.

Jurisdicion del Rio Sacramento.

El terreno que solicito el Señor Don Thomas O. Larkin Consul de los Estados unidos del norte y que es representado en un diseño esta desenpeñado y doy esta certificacion para los fines que convengan.

Nueva Helvetia. Julio 7. de 1844. J. A. Sutter.

Sello Cuarto. Dos Reales.

Habilitado provisionalmente por la Aduana Maritima del Puerto de Monterrey en el Departamento de las California para los años de mil ochocientos Cuarenta y cuatro mil ochocientos Cuarenta y cinco.

Micheltorena. Pablo de la Guerra.

(Leas) Excmo. Señor.

Thomas O. Larkin ante V.E. con el debido respeto compareco y digo: que con fha. de 2 de Setiembre del corriente año me tome la libertad de presentar á V.E. un memorial solicitando Cartas de naturaleza para mi hijo Francisco y mis dos hijas Carolina Ana y Sofia Adelaida todas nacidas en este Departamento que V.E. despues de ver el informe del Señor Secretario del Despacho se sirva con fha. 18 de Octubre de estar que el Gobierno se hallaba en la mejor disposicion para acceder á mi solicitud pero que suspendia el hacerlo hasta la llegada en la Goleta "California" que traer probablemente la ley que cita el Sor. Secretario del Despacho, sobre la edad que deben tener los hijos de estrangeros nacidos en la Republica que desean naturalizarse, V.E. mas impuesto que nadie de las ultimas acontecimientos de Mejico y por lo siguiente facilmente acharan de ver que el regreso de dha. Goleta se hace cada dia mas incierto y mis hijos estan perdiendo mucho tiempo por que ya una cantidad bastante considerable de ganado que podrian solicitar un terreno propio en donde colocarlo hasta que obligen de la bondad de V.E. sus respectivos

27
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cartas de naturaleza. Por tanto A. V. E. rendidamente suplico que en vista de todo lo espuesto y en atencion á lo que para ello tienen soberanisimas facultades, se sirva de una vez decretar como llevo pedido por considerarlo así de Justicia protestando no proceder de malicia y lo neces ario.

Monterrey. 12 de Diciembre de 1844. Tomas C. Larkin.

130-1

Exmo. Sor.

Siendo Ud. tomase en consideracion las razones manifestadas en la precedente solicitud y para que sirva de conocimiento al tomar su acuerdo en el presente asunto debo informar que los hijos del Señor Larkin ya han manifestado querer naturalizarse en la Republica Mejicana que es donde se nacieron y lo han hecho asi por que han pasado de la edad que por derecho se requiere consentir cuyo requisito es bastante para poder adquerir su naturalizacion y por cuya razon, manifiestan tambien tener derecho para solicitar un terreno por su cultivo y ocupacion y el que pretende está baldio y en estado de poderse conceder á los pretendientes bajo las condiciones que el Gobierno tuviese por conveniente estipularles.

Monterrey. 13 de Diciembre de 1844.

Manuel Jimeno. Monterrey. 13 dic.re de 1844.

Con arreglo á lo espuesto.

Espinosa. Rá 14.

Michelorena.

Bene Letters a Chan on Plan.

115 ND
PAGE 27

29

cartas de naturaleza. Por tanto A. V. E. rendidamente suplico que en vista de todo lo espuesto y en atencion á ~~lo~~ que para ello tienen Soberanisimas facultades, se sirva de una vez decretar como llevo pedido por considerarlo asi de Justicia protestando no proceder de malicia y lo necesario.

Monterrey. 13 de Diciembre de 1844. Lemas C. Larkin.

130-1

Exmo. Sor.

Siendo Ud. tomase en consideracion las razones manifestadas en la precedente Solicitud y para que sirva de conocimiento al tomar su acuerdo en el presente asunto debo informar que los hijos del Señor Larkin ya han manifestado querer naturalizarse en la Republica Mejicana que es donde se nacieron y lo han hecho asi por que han pasado de la edad que por derecho se requiere consentir cuyo requisito es bastante para poder adquerir su naturalizacion y por cuya razon, manifiestan tambien tener derecho para solicitar un terreno por su cultivo y ocupacion y el que pretende está baldio y en estado de poderse conceder á los pretendientes bajo las condiciones que el Gobierno tuviese por conveniente estipularles.

Monterrey. 13 de Diciembre de 1844.

Manuel Jimeno. Monterrey. 13 dic.re de 1844.

Con arreglo á lo espuesto.

Espinosa. # 14.

Michelorena.

Bene Letters a than on plan.

El Ciudadano Manuel Micheltorena General de Brigada del Ejercito Mejicano, Ayudante General de la Plana Mayor del mismo, Gobernador Comandante General é Inspector del Departamento de las Californias.

Por cuanto Francisco Larkin y sus dos hermanas Carolina Ana y Sofia Adelaida, Mejicanos por naturalizacion han presentado para su beneficio personal el parage situado al lado oeste del Rio Sacramento que comprehenden las Rancherias Quiete, Dacdao Sojor y Suma con una estension de cinco leguas de Sur al Norte y dos leguas de Oriente á Poniente como se esplica en el diseño que se acompaña para el Expediente: practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas á nombre de la nacion Mejicana he venido en conceder le el terreno mencionado declarandoles la propiedad de él por las presentes letras sujetandose á la aprobacion de la Honr. Asamblea Departamental y bajo las condiciones siguientes.

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

2º Podrán cercarlo sin perjudicar las veredas caminos y servidumbres, lo disfrutarán libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode pero deberán en un tiempo fabricar una casa y estará habitada.

3º Cuando se les confiere la propiedad, solicitaran del Juez respectivo que les dé la posesion Jurídica en virtud de este despacho por el cual se demarcaran los linderos en cuyos límites podrá á mas de sus moradas algunos arboles frutales ó silvestres de alguna utilidad.

4º El terreno de que se hace donacion es de 5 sitios de Ganado Mayor poco mas ó menos segun esplica el diseño respectivo. El Juez que tuviere la posesion lo hará medir conforme á ordenanza guardando el sobrante que resulte á la Nacion para los usos convenientes.

5º Si contravinieren á estas condiciones perderan su derecho

3
f. 1

y sera atendible por otro. En consequencia mando que sirviendoles de titulo el presente y teniendose por firme y valedero, se tome razon de el en el libro respectivo y se entregue á los interesados para su resguardo y demas fines. Dado en Monterey á los quince dias del mes de Diciembre de mil ochocientos cuarenta y cuatro.

Cuenta tomada razon de este Despacho en el Libro respectivo á fojas 8.

Angeles. Mayo 10 de 1846 = Dado Cuenta en sesion de hoy á la Honorable Asamblea con este Espediente se mando pasar á la comision de terrenos baldios.

Pio Pico. Pte. Agustin Olvera. Secretario.

Señor.

La Comision de terrenos baldios a examinado con atencion el espediente promovido por los hijos de Don Thomas O. Larkin del parage situado al lado del Oeste del Rio del Sacramento y el Gobierno Departamental concedio a estos Jovenes con fecha 15 de Diciembre de 1844 diez sitios de ganado Mayor. La Comision advierte que en una instancia del Sor. Larkin de 12 de Dbre del año citado hace referencia haber solicitado con fha. 20 de febrero Carta de naturaleza por sus hijos con el fin indicado y que el Sor. Secretario del Despacho del Gobierno con fha 8 de 8bre decreto suspendia hacerlo hta la llegada de la Goleta "California" que traeria probablemente la Ley sobre la edad que deben tener los hijos y estrangeros nacidos en la ~~Republica~~ Republica de esta providencia en lo conf-orme al titulo 2.º art.º 12 de las bases organicas empero se vé que sin este requisito el Gobierno se les estendio como se advierte por el decreto, si info del 1º del Gobierno con fha. 13 de Dbre del mismo año ya citado, y por el contesto al titulo con que da principio el titulo de propiedad que se les espedio. En este concepto opina la Comision que la en tal virtud este Espediente en lo que la circula ilustracion del S. en vista de este documento tenga á bien resolver. Sala de Comisiones

de la L. Asamblea de California. Abril 13 de 1846.

S. Argüello.

Angeles. Abril 22. de 1846.

En Servicio de hoy se aprobó la Suma Asamblea del decreto precedente. Pio Pico. Presidente.

Agustin Olvera. S.S.

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

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

In testimony Whereof I have hereunto signed my name officially and affixed my private seal (not having a seal of office) at the City of San-Francisco Cal. this 8th day of May. 1852.

Samuel D. King.
Surveyor General. Calf.

Filed in Office Jany. 5th 1853.

Geo. Fisher.
Secretary.

Record of Proceedings at the instance of the children of Don Thomas O. Larkin.

417.

J.

Translation of Jurisdiction of Sacramento River.

The tract of land solicited by Señor Don Thomas O. Larkin, Consul of the United States of North America which is represented by means of a sketch, lies unoccupied & I grant this certificate for any convenient index.
New Helvetia, July the 17th 1844.
(Signed) J. A. Sutter.

Monterey, December the 24th 1844.
Let my Secretary of Government report.
(Signed)
Micheltorena.

Excellent Sir.
I, Thomas O. Larkin, in the name of my son Francisco & of my two daughters Carolina Ann & Sophia Adelaida, are naturalized in this Republic, appear before your Excellency with due respect & say: that in as much as my said children have a considerable quantity of cattle, & are in want of a tract of land of their property whereunto place it, they ask by means of me to your Excellency's kindness, that V. E. be pleased to grant to them a site that lies unoccupied on the northern side of the river Sacramento, & which comprises the rancherias of Luete, Daodac, Lopt & Sumi, its extent being five leagues from South to North & two leagues from East to West, as it is explained in the accompanying sketch, the entire space of ground solicited being comprised of ten square leagues (sitios de ganado mayor) a little more or less.
Therefore I entreat V. E. to design to decree favorably to my request, since it is in accordance with right.
Monterey, December the 14th 1844
In the name of the parties concerned.

(Signed) Thomas O. Larkin.

Excellent Sir.

The land solicited by the parties concerned in this instancy (instancia) lies unoccupied, & in as much as they have already obtained their letters of naturalization, I am of opinion that there is nothing hindering to accede to their request, but V. Excellency's determination will be the most fitting.

Monterey, date ut supra.

(Signed) Manuel Jimeno.

Monterey December the 14th 1844.

Let a title deed be issued.

(Signed) Michel Torena.

Excellent Sir.

I, Thomas O. Larkin, appear before V. Excellency with due respect & say: that under date of Sept the 20th of last year I took the liberty to present to V. E. a memorial soliciting letters of naturalization for my son Francisco & my two daughters Carlena Ana & Sophia Adelaida, all born in this Department, & V. E. after having seen the report of the Secretary of Government was pleased to decree under date of October the 8th, that the Government found itself in the best disposition towards acceding to my request, but that it suspended so doing until after the arrival of the Schooner California, which would probably bring the Law guided by the Hon. the Secretary of Government, concerning the age which the children of foreigners, born in the Republic & who wish to become naturalized, ought to have. V. Excy is better informed than anybody about the last events in Mexico, & therefore V. E. may easily perceive that the return of said Schooner becomes

every day more uncertain, & my children are losing much time, because they have already a rather considerable number of cattle & they shall not be enabled to select the property of a tract of land whereon to place it, until after having obtained from V. Excellency's kindness their respective letters of naturalization. Therefore, I submissively entreat V. E. that in consideration of all what has been represented, & likewise of the fact of their having more than sufficient ability (facultades) V. E. be pleased at once to decree agreeably to my request, considering it just, & I protest that I do not proceed maliciously, & whatever else it is necessary to attest.

Monterey December the 12th 1844.

(Signed) Thomas O. Larkin.

Excellent Sir,

The reasons manifested in the preceding request being worthy of notice, & in order that it may serve as information at the time of V. Excellency's resolutions in the present case, I ought to report that Señor Larkin's children have already shown to be wishing to become naturalized in the Mexican Republic, which is their birth place, & they have done so because they have passed the age required by law for consenting, which requisite is sufficient to enable them to acquire their naturalizations, & on account of which they show likewise to have a right to ask for a tract of land for its cultivation & occupancy, & that which they petition for is unoccupied & susceptible of being granted to the soliciting parties under what conditions the Government may find expedient to stipulate to them.

Monterey December the 13th 1844.

(Signed) Manuel Jimeno.

Monterey, December the 13th 1844.

Conformably to the report let them

be issued.

(Signed) Michelorena.

The citizen Manuel Michelorena, General of Brigade in the Mexican Army, Adjutant General on the Staff of said Army, Governor, General Commander & Inspector of the Department of California.

Whereas Francisco Larkin & his two sisters Cardina Ana & Sophia Adelaida, Mexicans by naturalization have solicited for their personal benefit the location situated on the Western side of the Sacramento River, consisting of the Rancherias Leuti, Daudac, Sojie & Suma, the extent thereof being five leagues from South to North, & two leagues from East to West as it is explained in the sketch which is next accompanying for the record of proceedings, the investigations thereto concerning having been previously accomplished, according to the prescriptions of the laws and regulations, by virtue of the authority in me vested in the name of the Mexican Nation, I have found expedient to grant to them the aforementioned tract of land, declaring the same to be their property by the present letter, subject to the approval of the Excellent Departmental Assembly & under the following conditions.

1st He shall not have power to sell, alienate or mortgage it or incumber it with any annual charge by contract, (censo) lien or entail (vinculo) usury, (fianza) or any other incumbrance.

2nd He may enclose it without obstructing the cross paths, roads & servitudes, he shall have the free & exclusive enjoyment of it, destining it to what use or cultivation may best suit him, but within one year he shall build a house, which shall be inhabited.

3rd When the property be confirmed to them, they

shall solicit the respective Judge to give them the juridical possession by virtue of this patent, whereby the boundaries shall be marked out, & on the limits of which he shall place besides its landmarks, some trees either fruit-bearing or fruit trees of some utility.

4th The tract of land granted is of ten square leagues (diez de ganado mayor) a little more or less, as the respective sketch explains. The Judge who should give the possession thereof, shall cause it to be measured according to ordinance, & the residue resulting is to remain to the Nation for convenient use.

5th If he should violate any of these conditions, he shall lose his right to the land & shall become liable to be denounced by others.

Consequently, I order that the present document concerning the possession of a title deed to him, & being held as firm & valid, the same be entered in the corresponding book & be delivered to the parties interested for their security & other ends.

Given in Monterey on the 15th day of the month of December one thousand eight hundred & forty four.

A due entry of this patent was made in the respective book, folio the 8th.

Angel March the 16th 1846.

Account being rendered in this day's session to the Honorable Assembly, with this Record of Proceedings, it was ordered to be referred to the Committee on vacant lands.

(Signed) Pio Pico.

(Signed) Agustin Olvera
Secretary.

Sir.

The Committee on Vacant Lands has attentively examined the Record of Proceedings at the instance of the

children of Don Thomas O Larkin about the location situated on the Western side of the River Sacramento which the Departmental Government granted to these young people under date of the 15th December 1844 of ten square leagues (sitios de ganado mayor). The Committee remarks that in an instancy of Señor Larkin of the 12th day of Dec of the mentioned year, he makes reference to his having solicited under date of the 20th of September, a letter of naturalization for his children with the indicated end, & that the Hon Secretary of Government under date of the 8th of October denied that he suspended so doing until after the arrival of the Schooner California, which might probably bring the law concerning the age that the children of foreigners, born in the Republic ought to have. This provisional determination (providencia) is in conformity with letter the 3rd article the 12th of the Organic Bases, yet, it appears without this signate Government granted them to the parties, as it is seen in the Decree or report of the Secretary of Government on the 13th of Decr of the same year already mentioned & by the contest of the letter which constitutes the beginning of the title of property issued to them. Such being the case, the Committee is of opinion that this record of proceedings, may remain in such same case, Y. Excellency's qualified illustration may please to receive in consideration of this opinion.

Hall of Committees of the Honorable Assembly of California.

April the 13th 1846. (Signed) S. Argüello.

Angeles April the 22nd 1846.

In this day session the Excellent Assembly approved the preceding opinion. (Signed) Pio Pico. President.

(Signed) Agustin Olvera. Secretary.

Filed in Office Jany 5th 1853. Geo. Fisher. Secy.

Sello primero: Cero pesos.

Habilitado provisionalmente 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 ochocientos cuarenta y cinco.

(Seal) Micheltorena. Pablo de la Guerra.

El Ciudadano Manuel Micheltorena, General de Brigada del Ejercito Mejicano, Ayudante General de la plana mayor del mismo, Comandante General e Inspector del Departamento de Californias.

Por cuanto Francisco Larkin y sus hermanas Carolina Ana y Sofia Adelaida, Mejicanos por naturalización han pretendido para su beneficio personal y el para que situado al lado del Oeste del Rio de Sacramento que comprehende las Rancherias de Quiti, Doctoc, Sojot y Sumu con una estension de cinco leguas de Sur á Norte y dos de las leguas de oriente á Poniente, como se esplica en el diseño que acompaña al Espediente: practicadas previamente las diligencias y averiguaciones consecuentes segun lo dispuesto por las leyes y reglamentos: usando de las facultades que me son conferidas á nombre de la nacion Mejicana, he venido en concederles el terreno mencionado, declarandoles la propiedad de él por las presentes letras, sujetandose á la aprobacion de la Suma Asamblea Departamental y bajo las condiciones siguientes. 1º No podrá vender lo, enagenarlo, ni hipotecarlo: imponer censo, ni censo, ni censo ni otro gravamen alguno. 2º Podrá cercarlo sin perjudicar las travesias caminos y servidumbres: lo disfrutará libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode, pero dentro de un año fabricará casa y estará habitada. 3º Cuando se les confiere la propiedad, solicitará del Juez respectivo que les dé la posesion Jurídica en virtud de este Despacho por el cual se demarcarian los linderos en cuyos límites podrán á mas de sus moradas algunos arboles frutales ó silvestres de alguna utilidad. 4º El terreno de que se les hace

Vde.
D.
Exhibit No. 1. to the Deposition of David Spence

mencion es de diez sitios de Ganado Mayor, segun es plica el diseño respectivo. El Juez que diere la posesion lo hará medir conforme á ordenanza quedando el sobrante que resulte á la Nacion para los usos convenientes. 5° Si contravenieren á estas condiciones perderá su derecho al terreno y será denunciable por otro.

En Consequencia mandó que sirviendoles de titulo el presente y considerarse por firme y valedero se tome razon de él en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en la Ciudad de Monterey á los quince dias del mes de Diciembre del año de mil ocho cientos cuarenta y cuatro. Manuel Micheltorena. Manl Jimeno. Srio.

Dras 18 ps. Queda tomado razon de este Despacho en el Libro respectivo á fojas. 8.

Jimeno. Dras. 18. pesos.

Received for record at 10. 10 A.M. at the 27. September A.D. 1851. Recorded Sep. 27 A.D. 1851. folios. 53 & 54. Lib A.

N. S. Mowrow. Recorder. Colusi County.

Jno T. Reynaw Dep.y. Recorder.

Recorded in book (B) of records of the Municipality of Monterey. page 11. March. 7th 1850.

Wm L Johnson. acting Recorder Clerk.

In new book of Records. page 11. No 12 1/2 Hugo Reid.

Filed in office. Jany 5th 1853.

Geo. Fisher.

Secretary.

Translation.

K. Translation of D.

The Citizen Manuel Micheltorena, General of Brigade of the Mexican Army, Adjutant General of the Plana Mayor of the same, Governor, Commandant-General, & Inspector of the Department of the California.

Whereas Francis Larkin & his two sisters Caroline Ann, & Sophia Adelaide, Mexicans by naturalization have petitioned for their own personal benefit for the certain piece or tract of land on the Westerly side of the Sacramento River, comprising the Ranchorias of Quiti, Daddao, Sejot & Lumi, extending five leagues from North to South & two leagues from East to West as is described in the plan accompanying the petition. The preliminaries & investigations required by the laws & regulations having been previously gone through by virtue of the power & privileges in me vested, in the name of the Mexican Nation I have concluded to grant unto them the said piece a tract of land declaring them to be the owners & proprietors thereof by these presents provided said presents meets the approbation of the Honorable the Legislature of the Department under the following conditions, to wit.

Firstly. They can neither sell, alienate nor mortgage said property nor demand any rent for the use thereof nor in any way encumber nor engage the same.

Secondly. They may enclose it provided they do not prejudice the roads, byways, & other mediums of communications. They will enjoy the same freely & exclusively employing exclusively it in the way which may appear unto them best but within a year they will erect thereon a building to be used as a dwelling house.

Thirdly. When the title of proprietorship shall have been confirmed unto them they will select of the proper authority the lawful possession of the same by virtue of these presents by which the boundaries shall be described within which boundaries land marks shall be put up besides

which some fruit-bearing or other trees of some utility are to be planted.

Fourthly. The land which is disposed of by this grant is composed of two pasture grounds for black cattle (a little more or less) as is shown in the corresponding map. The Judge who will give possession will order said land to be measured in conformity to the regulation thereof, and whatever is over & above is to remain the property of the Nation to be applied to whatever purposes may be convenient.

Fifthly. Should the above conditions be violated by them they will forfeit their right to the land which it will be in the power of Government to grant unto some other person.

In consequence whereof I order that these presents constituting their title shall be considered as binding and valid shall be recorded in the proper book & delivered to the petitioners for their personal security & satisfaction.

Given in Mendoza on the fifteenth day of December one thousand eight hundred & forty four.

(Signed) Manl Michelloreno.

(Signed) Manl Jimeno.

Secy.

The above is recorded in the book of records folio 8.

(Signed) Jimeno.

Filed in Office Jany 5th 1853.

Geo: Fisher.

Secy.

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2.

El que suscribe Secretario del Gobierno Departamental de California certifica: que el diseño que se acompaña en este Documento es firmado por el mismo encargado de la Secretaria por estar exactamente igual al original que existe en el Espediente respectivo, el cual está en la dicha Secretaría.

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Igualmente está dispuesto por el Exmo. Sor. Gobernador General Dn Manuel Micheltorena que en razon de estar este pais sitiado combulsiones politicas, se prorogue por dos años mas contados desde esta fecha el tiempo que tenia señalado en su titulo para hacer Casa Dn Thomas O Larkin como representante de sus hijos a quienes se les concedio un terreno en los marjenes del Rio del Sacramento Monterey. Tres de Enero de mil Ochocientos Cuarenta y Cinco.

Manl Jimeno.

115 ND
PAGE 41

II.

Certificate of Map.

Reg. Johnson

Received for Records at 10 O'k on the 27 of September A.D. 1851. Recorded 27th September. A.D. 1851. Jn. SS Woods A.

Recorded in the book (B) of records of the Municipality of Monterey page 12. March. 2nd 1850.

Wm S. Johnson. Acting Recorder's Clerk.

In the new book of Records page 12. No 12.

Hugo Reid.

Filed in office. Jany 5th 1853.

Jno. Fisher.
Secretary.

45

Manuel Michelt orena General de Brigada del Ejercito Mejicano, Ayudante General de la plana mayor del mismo, Gobernador Comandante General è Inspector del Departamento de Californias.

Habiendo D. Francisco Larkin cumplido con las condiciones y requisitos Regl.os (a) que previene la ley respectiva que arregla el modo con que deben concederse la Carta de Naturalizacion à los Estangeros y acompañando los documentos que lo acreditan declaro al referido D. Francisco Larkin por las presentes naturalizado en la Republica Mejicana en virtud de la autoridad que por aquella ley se me confiere.

E

annexed to the Deposition of Antonio Maria Pico.

115 ND
PAGE 42

Monterey 13. de Diciembre de 1844

Man.l Michelt.a

Man.l Jimeno Seno

Filed in Office Jany 5th 1853.

Geo: Fisher Secy

46

The undersigned Secretary of the Department of Gover

47

Translation
No. 76.
Certificate &
Map.
annexed to the
deposition of Antonio Maria Pico
Oct 22d 1853

The undersigned Secretary of the Departmental Government of California certifies: That the plat which is accompanied in this document is signed by himself as Secretary as being exactly equal to the original which exists in the respective Expediente which is in the said Secretary's Office.

Also it is decreed by the Most Excellent Governor, Don Manuel Michelorena, that, in consequence of the political disturbances which this country is experiencing, the time which was stipulated in the title to Don Tomas O Larkin as the representative of his children to whom there was granted a tract of land on the margin of the Sacramento River to build a house thereon, is prolonged two years from this date.

Monterey January third One thousand eight hundred & forty five.

(Signed) Manl Jimeno

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PAGE 43

I, Geo. Fisher, Secretary to the U. S. Land Commission to ascertain & settle the private land claims in the State of California hereby certify the foregoing to be a true & correct Translation of a Spanish document in case No 130. wherein Francis Larkin et al, claim the Rancho de Larkin, now on file in this Office.

In testimony whereof I have hereunto signed my name & affix the Seal of the above named Commission at the City of San Francisco, this 3d day of April A.D. 1854

Geo: Fisher.
Secy.

Filed in Office Jany 5th 1853.
(Signed) Geo: Fisher.
Secy.

48

2/130

115 ND
PAGE 44

Translation
E. J. C.
Naturalization
Paper.
Annexed to deposi-
tion of Antonio
Maria Pico Oct.
22d 1853.

Manuel Michelltorena, Brigadier General of the Mexican Army, Adjutant-General of the Chief Staff, Governor, Commandant-General & Inspector of the Department of the California.

Don Francisco Larkin having complied with the conditions & requirements prescribed by the respective law which regulates the manner of granting letters of naturalization to foreigners & being accompanied the documents which confirm it, I hereby declare the said Don Francisco Larkin naturalized to the Republic of Mexico by virtue of the authority with which I am vested by the said Law.

Monterey December 13th 1844.

(Signed) Manl. Michelltorena

(Signed) Manl Jimeno.
Secy.

Recorded on the 14th page, overleaf—

I, Geo. Fisher, Secretary to the U.S. Land Commission to ascertain & settle the private land claims in the State of California, hereby certify the foregoing to be a true & correct translation of a Spanish document in case No. 130. wherein Francisco Larkin, et, al, claim the Rancho de Larkin now on file in this Office.

In testimony whereof I have hereunto signed my name Office of the Secretary of the above named Commission, at the City of San Francisco, this 3d day of April A.D. 1854.

Geo. Fisher. Secy.

Filed in Office Jany 5th 1853.
(Signed) Geo. Fisher Secy.

49

Manuel Michel Torena General de Brigada del Ejercito Mejicano, Ayudante General de la plana Mayor del mismo, Gobernador, Comandante General è Inspector del departamento de California.

Habiendo Doña Sofia Adelaida Larkin cumplido con las condiciones y requisitos q. Reg.dl. @ previene la Ley respectiva que se fojas 14 regla el modo con que deben conceder de la Carta de Naturalizacion à los Estangeros y acompañado los documentos que lo acreditan, declaro à la referida Doña Sofia Adelaida Larkin por las presentes naturalizada en la Republica Mejicana, en virtud de la autoridad que por aquella Ley se me confiere.

115 ND
PAGE 45

G
annexed to the Deposition of Antonio Maria Pico.

Monterey 13. de Diciembre de 1844

Man.l Michel.a

Rem.l Simeon Ortiz

File in Office Sonny 8th 1853

Geo: Fisher Secy.

57

Manuel Michelorena, General de Brigada del Ejercito Mejicano, Ayudante General de la plaza Mayor del mismo Gobernador, Comandante General é Inspector del departamento de California.

Habiendo Doña Carolina Anna Larkin, cumplido con las condiciones y requisitos que previene la Ley respectiva que Reg.d. Q. arregla el modo con que deben conceder se la Carta de Naturalizacion á los Extangeros y acompañado los documentos que lo acreditan, declaro á la referida Doña Carolina Anna Larkin por las presentes naturalizada en la Republica Mejicana, en virtud de la autoridad que por aquella Ley se me confiere.

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PAGE 46

E
annexed to the Deposition of Antonio Maria Pico.

Monterey 18 de Diciembre de 1844

Man.l Michelt.a

Manuel Jimeno Soto.

Ferlea m Office Janry 5th 1853

Geo: Fisher Deeny.

53

Manuel Micheltorena, Brig. General of the Mexican Army, Adjutant Genl. of the Chief Staff thereof, Gouvr. Commandant Genl. & Inspector of the Department of the California.

Translation G. T. C. Doc. of Naturalization. Annexed to the deposition of Antonio Maria Pico Oct 22d 1853.

Doña Sofia Adelaida Larkin, having complied with the conditions & requirements prescribed by the respective Law which regulate the manner of granting letters of naturalization to foreigners, & being accompanied which confirm it, I hereby declare the said Doña Sofia Adelaida Larkin naturalized to the Republic of Mexico, by virtue of the authority vested in me by the said Law. Monterey, December 13th 1844

(Signed) Manl Michelt.a

(Signed) Manl Jimeno

Secy.

115 ND
PAGE 47

Recorded on the 14th page or leaf.

I, Geo: Fisher, Secretary to the U. S. Land Commission to ascertain & settle the private land claims in the State of California, hereby certify the foregoing to be a true & correct translation of a Spanish document in Case No 130. wherein Francis Larkin, et al. claim the Rancho de Larkin, now on file in this Office.

In testimony whereof I have hereunto signed my name & affix the Seal of the Secretary of the above named Commission San Francisco this 3d day of April A. D. 1854.

Geo: Fisher.

Secy.

Filed in Office Jany 5th 1853.

Geo: Fisher.

Secy.

Translation.
F. T. C.
Naturalization Doc.
Annexed to deposition of Antonio Maria Pico.
Oct 22' 1853.

Manuel Michelltorena, Brig. General of the Mexican Army, Adjutant-Genl of the Chief Staff thereof, Governor, Commandant-Genl & Inspector of the Department of the Californias.

Doña Carolina Anna Larkin, having complied with the conditions & requirements prescribed by the respective Law, which regulate the manner of granting letters of naturalization to foreigners, & being accompanied the documents which confirm it, I hereby declare the aforesaid Doña Carolina Anna Larkin, naturalized to the Republic of Mexico, by virtue of the authority in me vested by said Law.

Monterey December 13th 1844

(Signed) Manl Michelltorena

(Signed) Manl. Jimeno.

Secy.

Recorded on the 14th Page or leaf.

I George Fisher, Secretary to the U.S. Land Commission to ascertain & settle the private land claims in the State of California, hereby certify, the foregoing to be a true & correct Translation of a Spanish Document in Case No 130. wherein Francis Larkin et al, claim the Rancho de Larkin, now on file in this office.

In testimony whereof I have hereunto signed my name Office of the Secretary of the above named Commission, at the City of San Francisco, this 3d day of April A.D. 1854.

Geo: Fisher Secy.

Filed in Office Jany 5th 1853.

Geo: Fisher Secy.

55

Espediente promovido por Dn. Manuel Jimeno en presencion de un terreno en el Rio del Sacramento.

L. 13

Sello Cuarto Dos Reales.

Habilitado provisionalmente por la Aduana Maritima de Puerto de Monterey en el Departamento de las Californias, para los años de mil Ochocientos Cuarenta y cuatro y mil ochocientos Cuarenta y cinco. Chichelturena. Pablo de la Guerra.

Monterey. noviembre 1º de 1844. = No pudiendo informar el S. interesado por ser lo ya la vez sin el Despacho, á la tenga á la vista cada lo que conviene tenerse presentes para proveer.

Chichelturena.

Exmo Sor. Gobernador.

Manuel Jimeno vecino de este Departamento ante V.E. con el debido respeto hago presente: que conviniendo á mis intereses establecer un Rancho por el Rio del Sacramento segun el diseño que acompaño suplico á V.E. se sirva concederme le por estar completamente baldio y sin que se haya pedido persona alguna el terreno segun manifiesta el Mapa General que se ha formado en este año por el Agrimensor Bertrell. de cuya Gracia recibire merced de V.E. Monterey Noviembre 1º de 1844.

Manuel Jimeno.

Monterey 8 de Noviembre de 1844. = Vista la peticion con que da principio este Espediente, el estado en que se encuentra el terreno solicitado segun la Mapa general que se ha formado del Rio Sacramento con todo lo demas que se tubo presente y ver lo nuevo de conformidad con las leyes y reglamentos de la materia, Declara á Don Manuel Jimeno diseño de once Sitios de ganado Mayor entre el Rio del Sacramento el Rancho que han solicitado los hijos del Señor Larkin y las tierras baldias por la parte del Sur segun manifiesta el diseño respectivo. Librese el correspondiente Despacho, tomese razon en el Libro respectivo y entregueseal interesado para su resguardo y demas fines. Monterey. fha. la ut sup. Chichelturena

El Ciudadano Manuel Micheltorena General de Brigada del Ejercito Mejicano, Ayuntamiento General de la Alta Mayor del mismo, Gobernador Comandante General é Inspector de Departamento de las California. = Por cuanto Don Manuel Jimeno ha pretendido para su beneficio personal el sitio que se halla desocupado en el Rancho que se le ha concedido á los hijos de D. Thomas O. Larkin el del Río del Sacramento y las tierras baldias que estan por la parte del Sur, todo conforme á se demuestra en el Diseño respectivo: practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos de la materia, usando de las facultades que me son conferidas á nombre de la nacion Mejicana, he venido en conceder le el terreno mencionado, sujetandose á las condiciones siguientes. 1ª Podrá cercarlo sin perjudicar las transitas caminos y servidumbres, lo disfrutará libre y exclusivamente destinado lo al uso ó cultivo que mas le acomode. 2 Sobrevendrá del Juez respectivo que le dé la posesion Jurídica en virtud de este despacho por el cual se demarcarán las lindenas en cuyos limites podrá á mas de sus moronenas algunos arboles frutales ó silvestres de alguna utilidad. 3ª Si contravinieren á estas condiciones perderá su derecho al terreno. ~~y será otro cualquiera por otro~~ = En consecuencia mando que teniendose por firme y valedero el presente titulo se tome razon de él en el libro, respectivo y se entregue al interesado para su resguardo y demas fines.

Dado en Monterrey á cuatro de noviembre de mil ochocientos cuarenta y cuatro.

Manuel Micheltorena.

Manuel Jimeno Sria,

Quedo tomada razon de este despacho en el libro respectivo. a fojas =

Rec. Jimeno a Chas. or Calen.

159

115 ND
PAGE 51

Ex.mo Junta Departamental.

Manuel Jimeno ante V.S. con todo el respecto debido digo presente: que por el titulo adjunto se acredita haber se concedido á mi favor un terreno en las margenes del Rio Sacramento y como á V.S. corresponde dar ~~la posesion~~ su aprobacion Suplico se digne otorgarla de la que recibire gracia y merced. Junto lo necesario de sencillo dispensar me el papel comun por no haber del correspondiente. Monterrey. Abril 21 de 1846.

Manuel Jimeno. Muy eles. Junio 3º del 846

Dado cuenta en sesion de hoy á la E. A. Departamental con estas instancias, se mandó pasar á la comision de en union de Ayuntamiento terreno valdivia. Agustin Olvera.

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

I Samuel D. Bury, Surveyor General of the United States for the State of California and as such now having in my office and under my charge and custody a portion of the archives of the former Spanish and Mexican territory or Department of Upper California Do hereby certify that the seven preceding and hereunto annexed pages of tracing paper, numbered from one to seven inclusive and each of which is signed by my initials (S.D.B.) exhibit a true and accurate copy of certain documents now on file and forming part of the said archives in this office.

In testimony whereof I have hereunto signed my name officially and affixed my private seal (no new having a seal of office) at the city of San Francisco. Cal. the twenty seventh day of January 1853.

Samuel D. Bury.
Surveyor Gel Cal.

Entered in Office. April 11. 1853.

Geo Pleiber.
Secretary.

5.63

Espediente
promovido por Jacinto Rodriguez en pretencion de un terreno por el Rio del Sacramento. 121.

Sello Quinto un Real.

130-3

Habilitado provisionalmente por la aduana Maritima del puerto de Monterey en el departamento de las Californias para los años de mil ocholientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

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Mischeltorena. Pablo de la Guerra.

Monterey. Julio 6 de 1844.

Informe el Sor. Srio. del Despacho tomando antes los que necesitare al efecto.

Espediente II

Mischeltorena.

Ex.mo Sor. Gobernador.

Jacinto Rodriguez Mejicano por nacimiento y natural del puerto de Monterey ante V.E. con el debido respeto y como mas halla lugar en derecho respuesto y digo: que siendo dueño de un numero de Ganado bacuno y caballar bastante considerable y careciendo de un terreno para el adelante de dichos bienes; he adquirido noticias que arriba del Rio del Sacramento por la parte del Poniente se halla un, conocido por el nombre del Rio del Pleito y el Rio de los Cervos que colinda por la parte y del Oriente con el Rio del Sacramento por el Poniente con la Sierra madre por el norte con un arroyo que se halla al adelante del Rio de los Cervos distante como dos leguas poco mas ó menos y por el sur con la gentilidad y como dho. terreno se halla enteramente baldio en todas sus partes suplico A V.E. se sirva concederme ocho Sitios de Ganado Mayor en el mencionado parage del Rio del Pleito que halla delante del Rio de los Cervos por el Margen del Rio Sacramento como lo demuestra el diseño que debidamente acompaño del mencionado terreno. Por tanto á V.E.E. suplico rendidamente se sirva acceder a esta mi solicitud de lo que recibiré merced y gracia, Jurando no ser de malicia y lo necesario. E.E. Angeles Julio 3 de 1844

Angeles. 3 de 1842. Jacinto Rodriguez. =

Como Dispone el Sumo. Sor. Gobernador óigase informar el S. Alcalde 1º de Sonoma sobre el contenido en la precedente instancia.

Fecha la misma. Manuel Jimeno.

Sr. Secretario del Despacho. = El terreno que se hace mencion es baldio y no pertenece á Pueblo ni Corporacion ninguna. Monterey. Julio 8 de 1842.

Jacob P. Leese.

Sumo. Sor. Gobernador.

Por el informe del Alcalde de Sonoma y por el merito y posibilidad del que representa estimo que no hay incon-veniente alguno para que se acceda a su pretencion. La Superior Disposicion del S. hará lo que mejor convenga.

Monterey. 8 de Julio. de 1842. Manuel Jimeno.

Monterey. Septbre 8 de 1842.

Habiendose presentado hasta hoy esta Solicitud no obstante la fha del anterior Informe, concede á ellos el pedido que se hace vistos los informes.

Micheltorena.

El Ciudadano Manuel Micheltorena, General de Brigada del Ejercito Mejicano, Ayudante General de la Plana Mayor del mismo, Gobernador Comandante General é Inspector del Departamento de las Californias.

Por Cuanto D. Jacinto Rodriguez ha presentado para su beneficio personal el terreno que se halla donde la embocadura del Rio de Lopez en la Orilla del Rio del Sacramento rumbo al Sur hasta donde midan Cuatro leguas, debiendo ser de dos de ancho por la parte del Este para que resulte tener el terreno Ocho leguas quadradas: practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos de la materia: usando de las facultades que me son conferidas á nombre de la Nacion Mejicana he venido en conceder le el terreno mencionado, sujetandose á la aprobacion de la Sumo. Asamblea Departamental y á las condiciones siguientes. 1ª Podrá cercarlo sin perjudicar

las travesias caminos y servidumbres, lo disfrutará libre y esclusivamente, destinando lo al uso ó cultivo que mas le convenga. 2º Solicitará del Juez Respectivo que le dé la posesion Jurídica en virtud de este despacho por el cual se demarcaran los linderos en cuyos límites quedará á mas de las moronas, algunos arboles frutales ó silvestres de alguna utilidad. 3º Si contravenisere á estas condiciones perderá su derecho al terreno y será denunciable por otro. En consecuencia mandó que teniendose por firme y valedero el presente título se tome razon de él en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en Monterey á Dos de Setiembre de mil ocho cientos cuarenta y cuatro. Nicolas Gutierrez. = queda tomada razon de este Despacho en el libro respectivo. Jimeno. Srio.

Bera Jeluma a Chief on Plan.

Office of the Surveyor General of the United States for the State of California.

I John C. Hays, Surveyor General 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 Territory or Department of Upper California by virtue of the power vested in me by law, do hereby certify, that the seven preceding and hereunto annexed pages of tracing paper numbered from one to seven

inclusive an exhibit a true and accurate copy of certain documents 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 Calif. this twenty sixth day of October. A.D. 1853.

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

Filed in office. April 11. 1853.

Geo. Fisher.
Secretary.

Fin

Stab

65

Francis Larkin, et al.
vs
The United States.

Motion to amend petition & further purposes.

And now at this day comes the said claimants, by their Attorney, Thompson Campbell, & upon the petition of Frederick Hobson Larkin & Alfred Olis Larkin by their next friend Thomas O. Larkin, herewith filed, move the Commission for leave. First. To suggest on the record the death of Sophia Adelaide Larkin one of the above named claimants. Second. To amend the original petition by making Frederick Hobson Larkin & Alfred Olis Larkin, parties thereto. Third. To file proof of the death of the said Sophia Adelaide. — Fourth. To file proof of heirship in Thomas O. Larkin. Fifth. To file, nunc pro tunc, a certain deed of conveyance bearing date from the said Thomas O. Larkin to Frederick Hobson Larkin & Alfred Olis Larkin. Sixth. To amend the decree heretofore entered in the above entitled cause so as to confirm the one undivided third part of the lands therein described to the said Frederick Hobson & Alfred Olis Larkin & to the heirs representatives of the said Sophia Adelaide Larkin deceased.

Campbell
Atty for claimants.

Filed in Office June 27 1854. Geo: Fisher
Sec'y

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State of California
County of San Francisco } S.S.

Affidavit.

Personally appeared before the undersigned United States Land Commission, A. C. Whitcomb, who being duly sworn on his oath says, that he is the Attorney of record in case No 130, wherein Francis Larkin, Caroline Ann Larkin & Sophia Adelaide Larkin, are claimants & the United States are respondents which case has been decided by the Board of United States Land Commissioners, & that he presented & filed the petition in said case, in the name of the said claimants, having no knowledge of the death of the said Sophia Adelaide Larkin, but supposed she was at that time still living. And this affiant would also state that, he was employed to prosecute said claim by one William T. Eance, in the absence of Thomas O. Larkin from this State, & during the time he the said Larkin was paying a visit to the Atlantic States, & that it was during that time the petition was prepared & filed in said cause.

A. C. Whitcomb.

Subscribed & sworn to
before me this 27th
day of June 1854.

Alpheus Felch.
Commissioner.

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

Petition.

To the Honorable, the Board of United States Land Commissioners, for settling the private land claims in California.

Your petitioners Frederic Hobson, Larkin & Alfred Otis Larkin, minors under the age of

twenty one years, by their next friend Thomas O. Larkin, would respectfully represent: That on the 24th day of March 1852, a petition in the names of Francis Larkin, Caroline Ann Larkin & Sophia Adelaide Larkin, was filed before your Honorable Board, in which it is represented that they the said Francis, Caroline Ann, & Sophia Adelaide, claimed a certain tract of land, situated on the Westerly side of the Sacramento River, called the Larkin Ranch, containing ten leagues more or less, that they claimed the same by virtue of a grant made to them, by Governor Michelteena, bearing date the 15th day of December 1844, & approved by the Territorial Deputation on the 22d day of April 1846.

Your petitioners would further represent that said claim, presented as aforesaid, was on the day of 185, duly submitted to your Honorable Board for adjudication & decision, & that on the 15th day of April 1854 the decision of your Honorable Board confirming said claim to the said Francis, Caroline Ann, & Sophia Adelaide was duly filed in the Secretary's office of the said Board of Commissioners, & on the same day a decree of confirmation thereon, was duly entered & filed & which is in the following words.

Francis Larkin, Caroline
Ann Larkin & Sophia
Adelaid Larkin.
vs
The United States.

In this case on hearing the proofs & allegations it is adjudged by the Commission that the claim of the said petitioners is valid, & it is therefore decreed that the same be confirmed.

The lands of which confirmation is hereby made are known by the name of the "Rancho of Larkin's children" & are bounded & described as follows, to wit: Commencing at the

northern boundary line of said Rancho, at a point on the Sacramento River just two leagues northerly from the Rancheria called Sejit; & running south on the margin of said river, the distance of five leagues, thence west two leagues, thence north in a parallel line with said river, the distance of five leagues; thence east two leagues to the place of beginning, containing in all ten square leagues.

Reference for further description to be had to the map, which forms a part of the traced copy of the Espediente filed in this case & also to the original grant."

Your petitioner would further represent that at the time of filing said petition in said claim as above set forth, & long before that time, to wit; during the war with Mexico, one of the said petitioners, to wit; Sophia Adelaid had departed this life, & that the said Thomas O. Larkin who represented & acted as the agent of the said petitioner, did through inadvertence neglect & wholly failed to inform the Attorney employed to present & prosecute said claim before your Honorable Board of the death of the said Sophia Adelaid, & the said Attorney as your petitioner are informed & believe, was at the time of presenting & filing said petition, altogether ignorant of the death of the said Sophia Adelaid, & believed her to be still living at that time.

And your petitioner would also represent that the said Thomas O. Larkin, is the father of the said Sophia Adelaid deceased, & according to the law in force at the time of the death of the said Sophia Adelaid, he was the sole & only legal heir of his said daughter, & as such heir inherited & became possessed of the one undivided third part of the said tract of land granted as aforesaid to the said Francis, Caroline Ann & Sophia Adelaide Larkin, -

And your petitioner would further represent

& State, that by said deed of conveyance, executed as afore-said by the said Thomas O. Larkin, they became the legal representatives of the said Sophia Adelaid Larkin, & as such representatives were entitled to the confirmation of the one undivided third part of said tract of land; & they further aver & show, that at the time when they became so possessed as aforesaid, to wit, on the 30th day of September 1852, the time within which this said claim was, by the law of the 3d of March 1851, authorized to be presented to your Honorable Board, had not transpired & did not transpire until the 3rd of March 1853.

Your petitioners therefore pray that the said decree entered as aforesaid whereby the undivided one third part of said tract of land was confirmed to & in the name of the said Sophia Adelaid deceased, be so far opened corrected & varied as to allow your petitioners, the said Frederic Hobson Larkin & the said Alfred Otis Larkin to be made parties thereto, & that they be allowed to introduce as evidence nunc pro tunc the said deed of conveyance executed by the said Thomas O. Larkin as aforesaid; & they further pray that said decree be so amended as to confirm the interest heretofore adjudged by your Honorable Board to be in the said Sophia Adelaide deceased, to her legal representatives as aforesaid. And your petitioners will ever pray &c.

Frederic Hobson Larkin
Alfred Otis Larkin.
By their next friend
Thomas O. Larkin.

Campbell
Atty for Petitioners

State of California
County of San Francisco } S.S.

Personally appeared before me Alpheus Felch, United States Land Commissioner, the

undersigned Thomas O. Larkin, who being duly sworn on his oath says, that the allegations, averments, & facts set forth in the foregoing petition are true & correct according to his information & belief.

Sworn to & subscribed before me this 27 day of June 1854.

Alpheus Felch.
Commissioner &c.

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

Stipulation. In the matter of the application of Frederic Hobson Larkin & Alfred Otis Larkin to be made parties to the decree heretofore rendered in case No 130 wherein Francis Larkin, Caroline Ann Larkin & Sophia Adelaide Larkin are claimants & the United States are respondents; it is hereby stipulated by & on the part of the United States Law Agent that the amendment prayed for in said application may be made, & that the deed of conveyance therein referred to may be filed as evidence in the case, nunc pro tunc; & it is further agreed on the part of said Law Agent that the fact of the death of the said Sophia Adelaide Larkin, as alleged in said application is admitted, & it is also admitted that the said Thomas O. Larkin, the grantor in the said deed of conveyance, is the father of the said Sophia Adelaide deceased as aforesaid. And it is further stipulated & agreed on the part of the said Law Agent, that the said Sophia Adelaide was at the time of her death unmarried, & that she died without issue of any kind.

June 27th 1854.

J. H. McKune
Law Agent.

Filed in Office July 11 1854. Geo: Fisher Secy.

The Commission after due deliberation allowed the Motion heretofore made, to prevail.

And it is further ordered & decreed that said petition filed as aforesaid, stand as a supplemental petition to the original petition filed in the cause, & that said petitioners be made parties thereto; which petition is as follows to wit:- (vide Record of Petitions vol. p.)

Order of Commission allowing Motion.

It is also ordered & decreed that an amended decree be entered in said cause confirming to the said Frederick Hebron Larkin & Alfred Otis Larkin & to the legal representatives of Sophia Adelaide Larkin deceased, as tenants in common with Francis Larkin & Caroline Ann Larkin, the one undivided third part of the tract of land heretofore confirmed to Francis Larkin, Caroline Ann Larkin & Sophia Adelaide Larkin, which amended decree is in the following words & figures, to wit- (vide Record of Decrees vol. p.)

Filed in Office July 11 1854.

Geo: Fisher
Secy.

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Ded.
16

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Know all men by these presents that I, Thomas O. Larkin of the city of San Francisco, State of California for & in the consideration of the natural love & affection which I have & bear for my sons Frederic Hobson Larkin & Alfred Otis Larkin, as also for the better support, maintenance & livelihood of my said sons, have this thirteenth day of September one thousand eight hundred & fifty two, given, granted, & confirmed & by these presents do give, grant & confirm unto my said sons Frederic Hobson Larkin & Alfred Otis Larkin, their heirs & assigns forever, the undivided one third part of all that tract, or piece of land in the County of Colusa, State of California known as Larkin's Children's Rancho, being & situated on the western bank of the Sacramento River, running & lying on said River five Spanish leagues; containing an area of ten Spanish leagues, which tract or piece of land, was given & granted on the day of one thousand eight hundred & forty four, by Manuel Micheltorena, Commander in Chief & Governor of California, at that time to Francisco Rogers Larkin, Caroline Ann Larkin & Sophia Adelaide Larkin, who were born in Monterey said California, & are children of said Thomas O. Larkin, to whom was denied the children named, undivided one third part of said tract or piece of land, by the death in San Francisco, California, of his said child Sophia Adelaide Larkin, which undivided one third of said tract of land, together with all & singular the hereditaments & appurtenances thereto belonging, or in any wise appertaining & the rents & revenues, remainder & remainders, rents, issues & profits thereof now or hereafter, & all the estate right, title, interest, property, claim or demand whatsoever of the said Thomas O. Larkin of, in, & to said undivided one third part of said premises, part & parcel thereof with the appurtenances thereof. To have & to hold, all & singular the premises hereby given & granted, unto the said Frederic Hobson Larkin & Alfred Otis Larkin their heirs & assigns to their own proper use & benefit forever.

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In witness whereof the said Thomas O. Larkin, hath hereunto set his hand & seal the day & date first mentioned.

Thomas O. Larkin. (seal)

In presence of
John B. N. Cooper.

State of California
County of San Francisco } s.s.

On the thirteenth day of September A.D. 1852, before me the undersigned Notary Public in & for said County, personally appeared Thomas O. Larkin, known to me to be the person described in & who executed the foregoing conveyance, & acknowledged that he executed the same freely & voluntarily for the uses & purposes therein set forth.

Witness my hand & official seal the day & date above written.

(seal)

Wm Stanwood.
Not Public.

Rec'd from Thomas O. Larkin & filed for Record Sept. 24th A.D. 1853 at 7 o'clock A.M. & recorded in Book A. of Deeds on pages 381 & 382.

E.D. Whaley.
Recorder.
By J. B. Laing. Deputy.

Recording $4.40. (Paid)

Filed in Office July 11 1854.

Geo: Fisher.
Sec'y.

Order of Survey

For the purpose of determining with precision & certainty the limits & boundaries of the land claimed by Francisco, Caroline Ana, & Sophia Adelaide Larkin in their petition No 130 pending before the Commissioners, it is on motion of the counsel for the claimants, ordered that an initiatory survey under the Superintendence of the United Surveyor General of California be made of the land known by the name of the Larkin Ranch or the Rancho of Larkin's children to the extent of ten sitios de ganado mayor, on the westerly side of the Sacramento River comprising the Ranchos Sueti, Durdac, Sogit & Sunu, having its upper or Northerly boundary line in the lower or southerly boundary line of the tract of land called the Rodriguez Ranch, with an extension of five leagues from Northerly to Southerly, & two leagues from Easterly to Westerly, as appears on the map, plan or sketch making part of the Expediente in this case, locating the said quantity of ten sitios according to the claim of the above mentioned claimants, & having reference to the plan or sketch annexed to the said expediente, but in such a manner as to confine such location within the said limits, & to include in the survey to be made, the said quantity of ten sitios.

But this order is not in any manner to determine as against the United States, either the question of title, the construction of the grant, the location, boundaries or extent of the land, to which the claimants may be entitled.

Filed in Office August 14th 1852.

Geo: Fisher.
Secy.

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Copy of Survey Notes.

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Copy of Notes in the Survey of the Rancho de los Nenas. Francisco & Caroline, Adelaida Larkin.

Station	Bearings	Distance	Station	Bearings	Distance	Station	Bearings	Distance
1	S. 59° 30' W	748.4	30	N. 89° 00' W	1226.2	59	S. 71° 10' W	557.4
2	S.	102.96	31	S. 57° 00' W	219.3	60	S. 29° 15' W	281.9
3	S. 22° 30' E.	393.9	32	S. 15° 10' W	830.4	61	S. 13° 50' W	606.4
4	S. 63° 15' E.	356.4	33	S. 53° 5' E.	853.3	62	S. 41° 00' E.	844.5
5	N. 72° 30' E.	121.4	34	N. 62° 12' E.	1228.8	63	South	1378.9
6	N. 15° 7½' W	264.	35	S. 37° 15' E.	1566.6	64	S. 54° 15' E	732.7
7	N. 50° 40' E.	958.2	36	S. 21° 30' E.	507.3	65	East	121.1
8	S. 33° 22½ E.	257.3	37	S. 3° 30' E.	965.1	66	N. 45° 00' E	678.68
9	N. 45° 20' E.	311.	38	S. 18° 45' E.	726.2	67	N. 9° 00' E.	678.2
10	N. 28° 15' E.	353.5	39	S. 10° 5' W	364.2	68	East	164.6
11	N. 35° 15' W	551.	40	S. 57° 50' E.	582.78	69	South	643.8
12	N. 17° 40' E.	737.7	41	S. 9° 15' E.	1001.2	70	S. 11° 37½ W	606.9
13	S. 84° 30' E.	537.2	42	S. 39° 52 W	499.	71	S. 72° 00' W	876.9
14	S. 25° 15' E.	773.1	43	W.	566.4	72	S. 25° 30 W.	263.6
15	S. 35° 20' W.	640.8	44	N. 12° 45' W	610.1	73	S. 22° 20' E.	415.7
16	S. 20° 30' E.	1173.	45	N. 3° 40' E.	166.	74	S. 1° 45' E.	320.6
17	N. 88° 30' W	1105.8	46	N. 45° 5' W	778.	75	S. 24° 22½ E	272.4
18	N. 54° 00' W	442.4	47	S. 64° 00' W	919.	76	S. 61° 15' E.	1349.9
19	S. 37° 00' W	631.5	48	S. 12° 50' E.	603.7	77	S. 48° 20' W.	502.4
20	S. 31° 00' E.	575.1	49	S. 21° 45' E.	52.2	78	S. 69° 7½ W	1107.5
21	S. 52° 00 E.	454.6	50	S. 71° 15' E.	1423.	79	S. 2° 28 W	917.7
22	S. 1° 30' E.	466.6	51	S. 63° 30' W	134.	80	S. 77° 45' W	277.5
23	S. 21° 30' E.	333.1	52	S. 2° 15' E.	581.1	81	S. 55° 55' W	602.5
24	S. 2° 40' E.	751.7	53	S. 30° 50' W	610.2	82	S. 35° 5' E.	857.1
25	S. 67° 40' E.	854.4	54	S. 22° 12' E	628.6	83	S. 23° 30' W	1337.6
26	S. 76° 30' E.	470.89	55	S. 30° 15' E.	380.3	84	S. 32° 00' E.	549.4
27	S. 11° 43' E.	706.	56	S. 46° 00' E.	176.7	85	West	942.76
28	S. 63° 45' W	347.8	57	S. 4° 48' W.	735.4	86	N. 7° 35' W.	2500.
29	S. 74° 45' W	590.4	58	S. 56° 15' E.	876.4	87	East.	9540.

Commencing on a line bearing south, three degrees (3°) twenty five minutes (22') East, distant twenty thousand (20,000) varas from the mouth of Capay River, at the South East corner of lands owned by Doctor William H. McKee.

containing Ten Leagues & twenty two thousand, two hundred & fifty two (22.252) square varas, after deducting Three million, eleven thousand, seven hundred & eighty eight (3.011,788) square varas to balance the contents of offals, being the amount contained by the meandering of the Sacramento River, less than the lines of survey. A true copy as surveyed in October 1847.

William B. Ide
Land Surveyor in & for the Northern
District of Upper California.

Monterey Upper California
13th March 1848.

Monterey, Upper California,
13 March 1848.

Thomas O. Larkin.

To William B. Ide Dr.
Surveyor of the Northern District of
Upper California.

To running lines (meandering a portion of the Sacramento River) of the Ranche granted to Francisca Hardine Adelaida Larkin amounting to Thirty one & sixty one hundredth Miles (31 61/100) @ three dollars $6. per mile.	$189.66
To running three lines on the same Ranche in open lands the ends & back, amounting to twenty six & four tenths Miles (26 4/10) @ three dollars ($3. 1 per Mile	79.20
Two hundred & sixty eight 86/100 Dollars.	$ 268. 86

Received, Monterey Upper California, this 13th day of March 1848, from Thomas O. Larkin, the sum of Two hundred & sixty eight dollars & eighty six cents, in full for the

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full surveying, mapping, noting & putting in stakes (at least nine inches in diameter, three feet in the ground) at the chief corners, where there is no propriety to mark & complete said survey. I am to furnish said Thomas O. Larkin with a fair & fair map of the survey of said Rancho within thirty (30) days from this date & hereby guarantee this survey & map & accompanying notes to be full & correct (as the rules of surveying require) for the present & future use of said Larkin.

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$268.80 William B. Ide

Copy of Survey Notes 75 Children's Rancho by Wm Ide, Surveyor. 1848.

Filed in Office Jany 5th 1853.

Geo: Fisher,
Secy.

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130. Francis Larkin, Caroline Ann Larkin & Sophia Adelaide Larkin vs The United States. } Rancho of Larkin's Children, containing 10 Leagues.

Opinion of the Board by Comr Thompson Campbell.

In this case the petitioners have placed on file as evidence of their right to demand of the United States a confirmation of their claim to the lands described their petition to the Commission the following documentary proofs, First. A duly certified traced copy of an Expediente taken from the United States Surveyor General's office for this State. Secondly. A grant duly proved and authenticated, made by Governor Micheltorena to the petitioners in this case, bearing date the 15th day of December A. D. 1844. Thirdly. A certified copy of the original map presented by the petitioners as a part of their petition to the Governor. Fourthly. Two original papers duly proved to be genuine, showing the naturalization of the petitioners as Mexican Citizens, before they secured the grant in question. Fifthly. Two certain Expedientes belonging to other grants. Sixthly. A survey purporting to be made by one William B. Ide, on the 13th of March 1848.

The foregoing papers embrace all the documentary proofs filed by the petitioners in the case.

In addition to the foregoing documentary evidence the claimants have adduced a mass of oral testimony, in the shape of depositions, the greatest portion of which is entirely irrelevant & immaterial, only such portions as are deemed material or essential will be considered, & the same will be referred to when the points are taken up for discussion to which it is pertinent.

The Law Agent amongst other objections which he has raised against the confirmation of this claim, insists that the grantee, at the date of their grant now

minor children of Thomas O. Larkin, & for that reason the grant is void. In answer to this objection it may be replied, that there is no proof that the grantees at the time they received the grant under consideration, were minors, & if they were, it was a fact susceptible of proof, & which proof most clearly devolved upon the party alleging it; this the government has not done, & we do not feel at liberty to assume it as true. But if they were minors does the conclusion of law, suggested by the Law Agent follow? I am not prepared to say it would. There is certainly nothing in the Colonization law of 1824 or in the regulations of 1828, that justify any such conclusion, & the Law Agent has not referred us to any law whatever, fixing the age at which persons were permitted to receive grants of the Mexican domain. In the absence of such law this Commission cannot declare a grant void for the reason assigned by the officer representing the government. The whole question was brought to the notice of the government before the grant was made, & seems to have been fully & maturely considered. In a communication which forms a part of the expedients filed in the cause, & which bears date the 13th of December 1844, addressed by Jimeno at that time Secretary of State, to Governor Micheltorena, the following language is used. He says "I ought to report that Señor Larkins children have already shown to be wishing to become naturalized in the Mexican Republic, which is their birth place, & they have done so because they have passed the age required by law for consenting, which requisite is sufficient to enable them to acquire their naturalization, & on account of which they show likewise to have a right to ask for a tract of land for its cultivation & occupancy." The Secretary of State to whom the subject had been referred, informs the Governor that

the applicants have not only arrived at that age when by law they were entitled to apply for papers of naturalization, but that they were also entitled to a tract of land for the purpose of occupying & cultivating it. This I conceive to be conclusive of the right of the petitioners to ask for & receive a grant of the public lands, under the colonization laws of Mexico. The report of Simmons exists in the strongest & most conclusive manner the allegation of fraud upon the Mexican government on the part of the Father of the petitioners, which is made by the Law Agent in the brief which he has filed in the case.

That a father should manifest some parental solicitude for the welfare of his children, is not a very singular or very suspicious circumstance, & in the case before us, there seems to have been no attempt at concealment of any kind, the whole truth was brought to the notice of the government, & every question connected with the right of the grantees to ask for & receive a grant of the public domain was investigated, considered, & reported upon by the proper officer. Besides it is in proof that at the time the petitioners received their grant, their Father Thomas O. Larkin, was acting as Consul of the United States at Monterey. His public character was therefore well known to the authorities & no deception was or could have been imposed upon them. It is true that the petition asking for the grant is signed by the father of the petitioners, but the petition itself explains the capacity in which he acted, and expressly states, that the children on whose behalf he asked for the grant, had at that time a considerable quantity of cattle, & that they stood in need of a tract of land upon which to put them; & the petition is signed in the name of the parties concerned. From all this it is apparent that Thomas O. Larkin acted as the agent of his children, not only in

obtaining the grant, but in taking care of it afterwards, all of which it seems, was in no way repugnant to the laws in force at that time. We are therefore of opinion that the grant is a valid grant, so far, as the legal capacity of the grantees to receive it, was concerned.

An objection has been raised to the form of the approval made by the Departmental Assembly, & it has been insisted that it is not an unqualified approval of the grant. The Committee on public lands to whom the subject had been referred by the Assembly, consider the legality of the grant, & in their report refer to all the proceedings in regard to the naturalization of the grantees & although the Committee express a doubt in regard to the propriety of the course pursued in the question of naturalization, yet, they say, as the government had granted the papers of naturalization, they are of opinion that the record of proceedings should remain in the same state, unless the Assembly should see fit to gratify them. The report & opinion of the Committee were subsequently approved by the Assembly, without modification or qualification of any kind. I think it is therefore entitled to be considered as an unqualified approval of the grant. If the Assembly had not intended it as such, they would either have refused their approval altogether, or they would have amended the report of the Committee to suit their views.

The grant now comes before us, under the sanction of an approval by the Departmental Assembly made in view of all the facts & circumstances of the case, & the first question to be determined is, have the petitioners shown a substantial compliance with the conditions of their grant.

The deposition of Peter Larsen establishes the following facts - He testifies that he knew the Ranchos in question, that it is situated on the West

side of the Sacramento River, that he was on it in November or December 1845 - at which time John Williams was living on the land, that he (Williams) had a small house which he inhabited with a family by the name of Anderson, that Williams was engaged in building another house, that at that time there were on the place stocks of cows, horses & hogs, but the witness could not state the quantity, that Williams was also making rails & preparing to inclose land for cultivation & that there were also corrals on the place. The witness further states that he was again on the place in 1846 & 1847, at which times he (Williams) had large quantities of grain which he had raised on the place, that in the Spring of 1846, there was a good large field inclosed & in cultivation, he could not state the number of acres, that in the Spring of 1846, Mr Larkin brought up a large number of cattle & placed them on the Rancho, & that witness understood from Williams, that he was occupying the place for Mr Larkin or his children to whom the rancho was supposed to belong. The same witness further testifies that since the year 1843, he has lived on his rancho situated on deer creek on the east side of the Sacramento river, & about twenty five miles above the Larkin rancho, that he had been at said rancho as often as three or four times a year, assisting in marking the stock, & that it was the custom of the Valley for the settlers to assemble & assist each other on such occasions.

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Perrin B. Reading an other witness on the part of the claimants testifies that, he was first on said Rancho in the month of October 1847, at which time John Williams whom he knew well was living in a log house on the land with his wife, that he was living there, as Williams informed him, as the agent of Mr Larkin, the father of the present claimants, that at that time he (Williams) was engaged in cultivating the land & in taking care of the stock then on the Rancho, consisting of cattle, horses & hogs, that the house in the

opinion of the witness, had been built about two years, that Williams was then putting up an adobe dwelling house, & that he saw another adobe house stored with grain which he judged had been built about one year.

Henry L. Ford another witness on the part of the claimants deposes that, he was acquainted with the Larkin rancho situated on the West side of the Sacramento river, that he first passed over the place in November 1845; but was not on it again until April 1847, at which time it was occupied by a man by the name of Williams in Mr Larkin's employ, that there was then a house built on it & from fifty to twenty five acres of wheat, & another inclosure of ten or twelve acres in corn, potatoes & garden vegetables, that there were about twenty five or thirty hogs & about the same number of horses on the place. The same witness on his cross examination by the Law Agent states, that at the date of the grant under consideration, the grantee resided at Monterey, & in reply to a question whether any one was living on said Rancho when he was there in 1845, he replied in the following words "There was not that I saw - There was no house on it, & no part of it was cultivated as far as I saw".

The foregoing depositions embrace all that is deemed material of the oral testimony on file in regard to the inhabitancy & cultivation of the land claimed. Several other depositions are on file in the case, but the knowledge of the witnesses, although they show large & extensive improvements, is confined to a period subsequent to the time within which the conditions of the grant could be performed.

There is no pretence set up in this case, that the grantee ever had a personal occupancy of the land described in their grant, & if they are entitled to a confirmation at all, it must be on the ground

of cultivation alone.

This Commission has heretofore repeatedly decided that, as the cultivation of the soil was the great desideratum of the Mexican government, & indeed constituted the chief policy of the colonization laws of 1824, proof of that fact, dispensed with the necessity of showing an actual inhabitancy of the land by the grantee, & constituted, in the judgment of this Commission, a substantial compliance with the conditions & objects of the Mexican Colonization laws. The question then presents itself, have the petitioners, by the proofs which they have adduced established that fact, within the time prescribed by law.

The grant bears date the 15th of December 1844, & according to the second condition of the grant, the parties had one year within which to build a house and inhabit the same. The proofs show that a house was built & persons living in it before the expiration of that time, but the fact of cultivation within the same period is not so clearly shown. The following document however, extending the time of performing the conditions of the grant, relieves the subject of all embarrassment in this particular. It is in the following words. "The undersigned Secretary of the Departmental Government of California hereby certifies. That the sketch attached to this document is signed by himself the said Secretary it being exactly like the original existing in the expediente relating thereto, which is in the office of the said Secretary. Likewise that it is directed by his Excellency Governor General Don Manuel Micheltorena that, by reason of this Country being undergoing political convulsions, the time appointed for building a house, as in the title of Mr Thomas O. Larkin as representative of his children to whom a tract of land on the margin of Sacramento river had been granted, be extended for two years longer

to be computed from this date, Monterey, January 30 1845.

(Signed) Manuel Jimeno.

By the terms of the foregoing document the time limited in the grant for the performance of the material condition of building a house is extended for two years from the 30 of January 1845, which would take it to the 30 of the same month 1847. The proof shows cultivation of an extensive character long before that time, as well as the erection of substantial & desirable dwelling houses.

Taking them into consideration all the evidence adduced in this case, we think the claimants have established a substantial compliance with the conditions of their grant, & have made such an equitable showing as clearly entitles them to a decree of confirmation, if the land claimed can be identified & located.

The parties having failed to prove that any judicial measurement of the land described in their grant was ever made we must look to the grant itself for such a description of the land as will make an officer to identify & locate it, with certainty & precision.

The grant described the tract of land granted in the following words –

"Whereas Francis Larkin & his two sisters Caroline Ann, & Sophia Adelaide, Mexicans by naturalization, have petitioned for their own personal benefit, for the certain price or tract of land on the Westerly side of the Sacramento river, comprising the Rancherias of Zuelo, Dacdac, Sojot, Sunu, extending five leagues from North to South & two leagues from East to West as is described in the plan accompanying the petition."

The 4th condition attached to the grant is in the follow-

The 4th condition attached to the grant is in the following words.

"The land which is disposed of by this grant is composed of two pasture grounds for black cattle, (a little more or less) as is shown on the corresponding map. The Judge who will give possession will order said land to be measured in conformity to the regulations thereof, & whatever is over & above is to remain the property of the nation, to be applied to whatever purpose may be convenient."

The description given in the grant fixes the location of the land on the western side of the Sacramento river, & also fixes the quantity, making the tract granted to extend up & down said river five leagues & in depth two leagues, & then the grant refers to a plan which accompanied the petition, & which is thereby made a part of the grant. The map referred to in the grant is to be found in the traced copy of the expediente which is in file as evidence in the cause. This map delineates with great accuracy the tract of land described in the grant, & contains a representation of the different Rancherias which compose the land in question, & designates the location of each.

The deposition of John Bidwell, the Surveyor who made the map referred to shows that the Rancherias or Indian villages mentioned in the grant, are all designated on said map by their respective names, & by the small lint shaped marks opposite each of them. He further states that the starting point when a survey of the land should be commenced would be the northern boundary on the Sacramento river, & that that point is just two leagues north of the Rancheria of Sojit, which Rancheria the witness testifies is a well known point; By applying the divides to the scale of distance which the witness

states the northern boundary line to be from the Ranch-
-eria of Sogit is precisely the same, as laid down on the
map & the starting point on the northern boundary line
may be thus ascertained with absolute certainty, after
which there will be no difficulty in ascertaining the exact
quantity of land granted. Beginning at that point &
running south on the bank of the Sacramento river, the
distance of five leagues, extending back two leagues,
will give the exact quantity called for in the grant. We
do not perceive the force of the objection raised by the
Law Agent in regard to the question of boundary. The
rule by which surveys are made, when one side of the
land is bounded by a navigable river is well understood
by surveyors, & no difficulty can possible arise from that
cause. The survey made by William B. Ide in 1848
is not considered as evidence, on the ground that it is re
mere private survey, made without authority of law.

The land confirmed is in extent ten square
leagues, making to each grantee three & one third leagues.

A decree made in conformity with this opin-
-ion will therefore be entered.

Filed in Office April 25 1854.

Geo: Fisher.
Secy.

130.

Decree of Confirmation.

Francis Larkin, Caroline
Ann Larkin, & Sophia
Adelaide Larkin.
vs.
The United States.

In this case on hearing the

proofs & allegations it is adjudged by the Commission that the claim of the said petitioners is valid, & it is therefore decreed that the same be confirmed.

The lands of which confirmation is hereby made are known by the name of the Rancho of Larkin's children, & are bounded & described as follows, to wit:- Commencing at the northern boundary line of said Rancho at a point on the Sacramento river just two leagues northerly from the Ranchería called Sopit; & running south on the margin of said river the distance of five leagues, thence west two leagues, thence north in a parallel line with said river the distance of five leagues, thence east two leagues to the place of beginning, containing in all ten square leagues. Reference for further description to be had to the map which forms a part of the traced copy of the Expediente filed in this case, & also to the original grant.

Alfheus Felch.
Thompson Campbell.
R. Aug. Thompson. } Commissioners.

Filed in Office April 25th 1854.
Geo: Fisher.
Secy.

Amended Decree of Confirmation.

Francis Larkin, Caroline Ann Larkin, Frederick Hobson Larkin & Alfred Otis Larkin.
vs
The United States. } Amended Decree.

In this case on hearing the proofs & allegations it is adjudged by the Commission that the claim of the said petitioners is valid, & it is therefore

deemed that the same be confirmed.

The lands of which confirmation is hereby made are known by the name of the Rancho of Larkin's Children, & are bounded & described as follows, to wit:- Commencing at the northern boundary line of said Rancho at a point on the Sacramento river to just two leagues northerly from the Ranchoria called Sojot, & running south on the margin of said river the distance of five leagues, thence west two leagues, thence north in a parallel line with said river the distance of five leagues, thence east two leagues to the place of beginning containing in all ten square leagues.

The lands of which confirmation are hereby made, are confirmed to the said petitioners in the following proportions, to wit- to Francis Larkin the one undivided third part of said tract of land; to Caroline Ann Larkin the one undivided third part of said tract of land; to Eugene Hobson Larkin & Alfred Olin Larkin & to the legal representatives of Sophia Adelaide Larkin deceased, the remaining one undivided third part of said described tract of land, the same petitioners to hold said lands as tenants in common. Reference for further description to be had to the map which forms a part of the traced copy of the Expediente filed in this case, & also to the original grant filed as evidence in the cause.

Alphens Felch.
R. Aug. Thompson. } Commissioners.

Filed in Office July 11 1854.

Geo: Fisher
Secy.

And it appearing to the satisfaction of this Board that the land is situated &c (See page 4 of this Transcript.)

Office of the Board of Commissioners,

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

I, George Fisher Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing— ninety two pages, numbered from 1 to 92, 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. 130 on the Docket of the said Board, wherein

Francisco Larkin et. al

the Claimant against the United States, for the place known by the name of "Larkins Rancho"

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

Geo: Fisher

115 ND

U. S. DISTRICT COURT,

Northern District of California.

No. 115

THE UNITED STATES,

vs.

Francis Larkin et al.

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 130

Filed, November 2d 1854

Wm. H. Monroe

Clk

Office of the Attorney General of the United States,

Washington, 10th February 1855.

Francisco Larkin et al.
vs.
The United States.
130.

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 12th day of November 1854, the appeal in the district court of the United States for the Northern Judicial district of California will be prosecuted by the United States.

Cushing

Attorney General.

U. S. District Court for
Northern District, Cala.

The United States

vs

Francisco Larkin, et
al. No. 115

Notice of Appeal.

Filed March 20. 1855
Wm. A. Monroe,
Clerk

Office of the Attorney General of the United States,

Washington, 10th February 1855.

Francisco Larkin et al.
vs.
The United States.
} 130.

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 12th day of November 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 115

U. S. D. Court N. Dist.

The United States
vs.
Francisco Larkin et al

Appeal notice.

Filed May 5. 1855.
J. W. A. Chevers,
Deputy

2

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

The United States appellants

vs

Francisco Larkin et al: appellees

You are hereby notified, that according to the rule of said Court, it is required that a petition be filed in this ~~case~~ named case

Respectfully
Edw Stanly
Atty for Claimant
San Francisco June 21st: 1855

To Hon: J. W. Inge
U. S. District Atty &c

No 115 In the District Court of the United States in the Northern District of California

The United States

vs

Francisco Larkin & others

Notice to file petition –

Received a copy of this notice this 21st day of June 1855 –

O Glassell
Asst U.S. Atty

Filed June 22, 1855.
by Chase
Deputy

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

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

The United States
Appellants
Francis Larkin & others —
Children of Thomas O. Larkin
Appellees
} No: 115. —

The Appellees claimants in in answer to the petition of the Attorney of the United States respectfully represent that said claim was confirmed by the Board of U. States commissioners: that a transcript was filed as stated in the petition, & a notice of appeal also as stated in said petition: and that the land claim is in the Northern District as alleged

But said claimants deny that their claim is invalid: and they allege it is in all respects valid; that the grant was genuine & proved to be so in said Commission & was confirmed by the Departmental assembly & the usual conditions complied with Wherefore they pray that said claim may be confirmed according to law in such case made & provided &c —

Shurtz & King for
Claimants.

No 115

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

The United States
vs
Francis Larkin &
others – children of
Thos. O. Larkin –

Answer &
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Filed Jany 14. 1856.
by Chevers
Deputy.

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

The United States
Appellants
vs
Francis Larkin et al
Heirs of Thos. O. Larkin

No. 115

The Petition of the United States by their Attorney represents: that this cause is an application for a review of the decision of the Board of Commissioners whereby the claim of the said Appellee was confirmed as appears by reference to the records in the case: That a transcript of the said Records was filed in this Court on the 1st day of Jan. 1855; that a notice of appeal was filed on the 2nd day of Jan. 1855. 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 the Court decree the said Title to be invalid. Respectfully &c

S. W. Inge
U. S. Dist Atty.

No. 115

U.S. Dist Court.

The U. States

v

Francis Larkin et al
children of T. O. Larkin

Petition

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Filed Nunc pro tunc
January 14. 1856.
by Ohlewell,
Deputy.

Oxlawell

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At a Stated Term of the District Court of the United States of America, for the Northern District of California, held at the Court House in the City of San Francisco, on Tuesday the 18th day of March in the year of our Lord one thousand eight hundred and fifty-six.

Present: The Honorable OGDEN HOFFMAN, Jr., District Judge.

The United States
vs
Francis Larkin et al.

In this case on the application of the United States Attorney made in open Court, it is ordered by the Court that an appeal on behalf of the United States from the final decision of this Court rendered in said Cause at the present term be, and the same is hereby granted — and that a certified transcript of the pleadings, evidence, depositions and proceedings in the said Cause be sent to the Supreme Court of the United States without delay.

No. 115

United States District Court, Northern District of California.

The United States,

—vs.—

Francis Larkin, et al.,

Order granting Appeal,

Filed March 18, 1856,

John A. Monroe,

Clerk.

by W. H. Chesebro

Deputy.

At a stated Term of the District Court of the United States of America for the Northern District of California, held at the Court Room in the City of San Francisco on Tuesday the tenth day of February in the Year of our Lord one thousand eight hundred and fifty seven.

Present:

The Hon: Ogden Hoffman, District Judge.

The United States
v
Francisco Larkin, et al
} No 115 : Jr 130.

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 United States attorney for vacating the order granting an appeal to the Supreme Court of the United States, and for leave to the claimants to proceed under the decree of this Court heretofore rendered in their favor: On motion of the District attorney it is Ordered adjudged and decreed that the order granting an appeal in this case to the Supreme Court of the United States be, and the same is hereby vacated and the claimants have leave to proceed under the decree of this Court heretofore rendered in their favor as under Final Decree

Ogden Hoffman
a. J. Dist Judge

No. 115

United S. Dist Court

The United States

v

Francisco Larkin et al

No. 115: Dr 130

Order

Filed Febry 10. 1857.
W. H. Chevers,
Deputy.

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California Land Claims.
Attorney General's Office
24 December 1856

Sir:

In the case of the claim of Francisco Larkin et al., confirmed to the claimants by the Commissioners, case no. One hundred and thirty, (130), appeal will not be prosecuted by the United States.

I am,
Respectfully,
C. Cushing

Wm. Blanding Esq.
U. S. Attorney,
San Francisco.

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

The United States
v
Francisco Larkin, et al,

No 115: Dr 130.

In pursuance of a notice from the Attorney General of the United States, hereunto annexed, it is hereby stipulated and agreed that an order be entered of record in this case, vacating the order of appeal heretofore granted, and that the claimants have leave to proceed under the decree of this Court heretofore rendered in their favor, as under final decree.

Wm Blanding
Dist Atty.

Stanly & King
Attys for Claimants.

No. 115 —

U. S. District Court

The United States

v

Fran.s Larkin et al

No. 115: Ex 130

Stipulation

Filed Feby 10. 1857.
W. H. Chevers,
Deputy.

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Court No. 115 Land Claims No. 130

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The United States vs Larkin's Children } Appeal - Dist. District Court for the Northern District of California.

Page of Transcript

For Larkin's Rancho on the Sacramento.

33 - 1844. 14 Dec. Larkin petitions for a grant of ten leagues, according to the design, for his children, they having stock &c.

35. 48. 53. 54 1844. 13 Dec. Governor Micheltorena declares Larkin's children to be naturalized

36. 41 1844. 15 Dec. Grant made by Gov Micheltorena according to the petition

47 1845 3 Jany. Micheltorena in consequence of the disturbed state of the country extends the time for building, &c, to two years from date.

37. Approval of Departamental assembly

Testimony

11. & 22 - John Bidwell - Has known the land since 1843 made the map attached to the Expediente in July 1844. In Spring of 1847 Williams lived on the land - there was a dwelling house and stock on it then.

8. D. Spence - Proves the title papers - and that the making of the grant was known at about its date.

9. P. K. Woodside - That Williams as the tenant of Larkin lived on the Ranch in 1848 - there were then 1000 cattle & 150 horses on it belonging to Larkin & his children.

Pap

10. H. L. Ford. Was on the land in 1845 - knows that Williams was there with stock in 1847.

12. Wm. G. Chard. Has known the Rancho since 1847 - Williams then lived there as steward for Larkin - there was a house & considerable stock on the land - Williams remained there in the employ of Larkin until his death in 1849. Sterling succeeded Williams as Larkin's agent & is still there.

14. Andrew Pico proves certain papers.

15 Jacob P. Leese - In 1844 Larkin bought of him about 100 horses & colts for the purpose of stocking this Rancho

17. P. B. Reading - Knew the Rancho in Octr 1847 - Williams & family were then living in a house thereon as agent & tenant of Larkin - thinks that the house was then two years old He was cultivating the land & taking care of the stock.

19. J. M. Ide - Was on the Rancho in the Spring of 1846, to get such of his brother's stock as was then there separated from Larkin's, and Williams was then there.

20. Peter Larson - Was on the Rancho in Decemr 1845 - Williams was then living in a house thereon as the tenant of Larkin and taking care of his stock. In 1846 & '47 he raised much grain thereon.

81. Opinion of the Commissioner

90 Decree of Court confirming the claim

91 Amended decree in consequence of the death of one of the children

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

The United States
vs
Larkin's Children.

No 115

Abstract of Title & Evidence.

Stanly & King
for Claimants

The United States
vs
Francis Larkin et al

This case was unanimously confirmed by the Board of Commissioners - ~~the~~ It has been submitted to us without argument or the statement of any objections to it on the part of the appellants

The points made by the Law agent before the Board are all fully considered in their opinion contained in the transcript and we deem it enough to say that we see no reason to differ dissent from the conclusion at which they arrive

Of the genuineness of the grant there can be no question - It was approved as the Board and as we consider in an unqualified manner by the Departmental Assembly and the conditions have been substantially complied with.

The description in the grant and the delineation on the map which is unusually ac

curate indicate or mis take by the locality and boundaries of the granted land - And the decree of the Commissioners which we are asked to affirm particularly designates the boundaries of the tract, the title to which is confirmed to the claimants.

A decree of affirming this decision must be entered as prayed for by the claimants.

R. B. (No petition or ans filed)

115 — The U.S. vs Francis Larkins et al — Petition

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3 Cases

Larkins Rancho, Sacramento Valley.
Confirmed - 10 leagues.
Stanly & King

District Court of the United States
Northern District of California

This United States
vs.
Francis Larkin
Caroline Ann Larkin
Frederick Hobson Larkin
Alfred Otis Larkin

Decree No. 115.
Stated Term.
Jany. 12th 1856.

Appeal from the final Decision of the Commissioners to ascertain and settle private land claims in California.

This cause coming on this day to be heard upon the transcript of the proceedings and decision of the Board of Land Commissioners of the United States to ascertain and settle the private land claims in the State of California, and the papers and evidence on which the same were founded, and the pleadings filed in this Court, and Counsel having been heard on the part of the United States and for claimants,

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 adjudge, order and decree that the title of the said claimants

to the lands described in said transcript is valid, and the same is hereby confirmed.

The land of which confirmation is hereby made is known by the name of the Rancho of Larkin's Children and is bounded and described as follows to wit.

Commencing at the Northerly boundary line of said Rancho at a point on the Sacramento River just two leagues Northerly from the Rancheria called Sajot, and running Southerly on the margin of said river to a point which is five leagues South of the place of beginning, thence West two leagues, thence North in a parallel line with said river and two leagues therefrom, five leagues, and thence East two leagues to the place of beginning and so as to contain the area of ten square leagues within said lines.

The lands of which confirmation is hereby made, are confirmed to the said claimants in the following proportions, to wit, to Francis Larkin the one undivided third part of said tract of land, to Caroline Ann Larkin the one undivided third part of said tract of land, to Frederick Hobson Larkin and Alfred Otis Larkin and to the legal representatives of Sophia Adelaide Larkin deceased, the remaining undivided third part of said described tract of land

the said petitioners to hold said land as

the said petitioners to hold said land as tenants in common, Reference for further description to be had to the map, which formed a part of the traced copy of the expediente filed in this case, before said Land Commission, and also to the original grant filed as evidence in the cause

Ogden Hoffman
U. S. Dist. Judge

(Endorsed) Filed Jany. 14th 1856
John A. Monroe Clerk
by W. H. Chevers Deputy

At a Stated Term of the District Court of the United States of America for the Northern District of California held at the Court Room in the City of San Francisco on Tuesday the tenth day of February in the year of our Lord one thousand eight hundred and fifty seven.

Present,
The Hon. Ogden Hoffman District Judge.

The United States
— v —
Francisco Larkin et al } No. 115. Ex. 130.

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 United States Attorney for vacating the order granting an appeal to the Supreme Court of the United States, and for leave to the claimants to proceed under the decree of this Court heretofore rendered in their favor,

On motion of the District Attorney it is ordered, adjudged and decreed that the order granting an appeal in this case to the Supreme Court of the United States, be and the same is hereby vacated, and the claimants have leave to proceed under the decree of this Court heretofore rendered in their favor as under Final Decree.

Ogden Hoffman,
U. S. Dist Judge

(Endorsed) Filed February 10th 1857.
John A. Monroe Clerk
by W. H. Chevers Deputy.

I, W. H. Chevers Clerk of the District Court of the United States for the Northern District of California do hereby certify the

District of California do hereby certify the

writings annexed to this certificate to be full, true, and correct copies of their respective originals now on file and remaining of record in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court this 28th day of July A. D. 1858.

W. H. Chevers.
Clerk

No 115

United States
vs
Francis Lucini
and others

$3.50

No 115

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

The United States
vs
Francis Larkin
Caroline Ann Larkin
Frederick Hobson Larkin
Alfred Otis Larkin

Decree No 115.

Decree
State of Term
Confirmation
~~Feby~~
Jany 14, 1856.

This cause coming on this day to be heard upon the transcript of the proceedings and decision of the Board of Land Commissioners of the United States, to ascertain and settle the private land claims in the State of California, and the papers and evidence on which the same were founded, and the pleadings filed in this Court, and Counsel having been heard on the part of the United States, and for claimants:

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 adjudge, order, and decree that the title of the said Claimants to the land described in said Transcript is valid and the same is hereby confirmed.

The lands of which confirmation is hereby made is known by the name of the Rancho of Larkins' Children, and is bounded and described as follows, to wit:

Commencing at the Northerly boundary line of said Rancho at a point on the Sacramento River just two leagues Northerly from the Rancheria called Sojot, and running Southerly on the margin of said River to a point which is five leagues South of the place of beginning - thence West two leagues - thence North in a parallel line with said River and two leagues therefrom, five leagues, and thence East two leagues to the place of beginning, and so as to contain the area of ten square leagues within said lines.

The lands of which confirmation is hereby made are confirmed to the said claimants in the following proportions: to wit. to Francis Larkin the one undivided third part of said tract of lands: to Caroline Ann Larkin the one undivided third part of said tract of lands - to Frederick Hobson Larkin, and Alfred Otis Larkin, and to the legal representatives of Sophia Adelaide Larkin deceased, the remaining undivided third part of said described tract of land. - the said petitioners to hold said lands

as tenants in common. Reference for further description to be had to the maps which forms a part of the traced copy of the Expediente filed in this case, before said Land Commission, and also to the Original grant filed as evidence in the cause.

Ogden Hoffman Jr
U. S. Dist Judge

No 115.

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

The United States
vs.
Francis Larkin,
Caroline Ann Larkin,
et als

Decree.

Entered

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