CASE NO.

179

NORTHERN DISTRICT

LAND IN BUTTE COUNTY GRANT

SAMUEL NEAL

CLAIMANT

LAND CASE 179 ND pgs. 77

NOV 2 1962

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TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 183.

Samuel Neal CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Land in Butte County."

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

The Petition of Samuel Neal, for ~~the Place named~~ land in Butte County, was presented, and ordered to be filed and docketed with No. 183 and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco April 21 1852,

In Case no. 183, Samuel Neal for land in Butte County, the deposition of John Bidwell, a witness in behalf of the claimant, taken before Commissioner Harry I. Thornton, was filed:

(Vide page 4 of this Transcript.)

San Francisco May 13th 1852.

In the same Case the deposition of John A. Sutter, a witness in behalf of the claimant, taken before Commissioner James Wilson, was filed:

(Vide page 10 of this Transcript)

San Francisco November 20 1854.

Case no. 183, on motion of the Counsel for Claimant with the consent of the U. S. Law Agent, was ordered to be placed at the foot of the 3d Class Cases on the Trial Docket.

2

San Francisco December 12th 1854.

Case No. 183 was submitted on briefs and taken under advisement by the Board.

San Francisco January 23 1855.

In the same Case Commissioner Alpheus Felch delivered the opinion of the Board rejecting the claim:

(vide page 17 of this Transcript)

And the following order was made, to wit:

(vide page 22 of this Transcript)

N

3

Petition

179 ND

PAGE 4

To the Hon the Board of land Commission of the U S to settle private land claims in California

The petition of Samuel Neal respectfully sheweth that he is the original & present claimant of 5 leagues of land in Butte County. That the same was granted to him by virtue of a decree of Gov Pichetorena made in December 1844 who derived his authority to grant from the various laws and regulations of the Spanish & Mexican Governments –

That there is no conflicting claim to said land known to your petitioner and he relies upon the documentary evidence here to annexed marked Exhibits –
& the testimony of witnesses to be produced and examined before this Board.

All of which is respectfully submitted for such action as the merits and justice of the case may require.

Crosby & Belknap
Counsel for Petitioner –

San Francisco April 21. 1852

Filed in Office April 16. 1852.
(signed)
Geo Fisher Secy

4

Deposition of John Bidwell

Office of the Board of Commissioners of California Land Claims
San Francisco April 21. 1852

On this day before Henry S Thornton one of the Commissioners for ascertaining and settling Private Land Claims in the State of California came John Bidwell a witness produced on behalf of Samuel Reab claimant in the case of his petition being number 283. on the docket of the Board & after being duly sworn testified as follows.

The Law Agent was notified and attended by Mr Shurtleff.

Questions propounded by the claimant.

Question 1st.

What is your name age & residence

Answer.

My name is John Bidwell. my age thirty two and my residence is Chico Butte County California.

Question 2d.

Are you acquainted with Samuel Reab the claimant in this case.

Answer.

I am & have known him since March 1844.

Question 5.

Do you know whether or not he ever obtained any grant for land in California and if so when & where is such land located.

Answer.

I do know that he obtained a grant in 1844 and the land so granted to him is situated on the East side of big Butte creek adjacent to the foot of the Sierra Nevada. I will

5

State further as to the locality or boundaries of this tract that I have examined a map filed with and attached to the petition filed with the Secretary of the Board of Land Commissioners by Samuel Neal & Numbered on the docket of Case 183 and that the said map is a correct delineation of the land claimed by the said petitioner so far as I believe from my knowledge of the situation of the same.

Question 4th

Will you state if you know them the facts relating to the grant of which you have spoken as to its nature and character.

Answer.

The grant was a general one as it is called being for the benefit of some ten or twelve citizens of Sacramento Valley among whom was Samuel Neal the claimant according to the provisions of that general title those who had selected lands with favorable information obtained from Capt John A Sutter obtained prior to the 22d of December 1844 were secured in their rights and said Sutter was authorized to give to each of the persons thus interested a copy of the said general title which was intended to be presented to the Governor for the purpose of procuring the same title, but in due form upon corresponding sealed or stamped paper.

Question 5th

Do you know or not whether any & what efforts were made to procure the title in form in the case of the claimant Neal.

Answer.

I know that efforts were made to procure it. In the spring of 1846 I had possession of the general title in charge to present it and procure the title in due form but was prevented from going to Los Angeles the seat

of Government for that purpose by the breaking out of hostilities between Mexico & the United States - Its presentment before that time was prevented by a revolution in California which forced Pitts residence and communication from Sacramento where the General Pitts was to Los Angelos dangerous if not impracticable and all Mexican Citizens were ordered into Military service except the insurgents -

Question 6.

Were you at any time present when Micheltorena the Governor of California made assurances to the Volunteers under his Command as to grants or ratifications of Titles to lands in this favor and State of you you know whether an such accasion the Claimant had been present?

Answer.

I was present at the Mission of Soledad when Micheltorena addressed the Troops under his Command of whom the Claimant Real was one and in that address he said that those who were then in Arms to sustain the legitimate authority of the illustrious Republic of Mexico and who desired homes in the Country should after the termination of the Campaign have grants for that purpose and as to such as had therefore petitioned for lands they should be confirmed in their titles this was in substance what he said and in fact his very language.

Question 7.

Do you know whether or not the Claimant Real served through the Campaign of which you speak above.

Answer.

I know that he did

Question 8.

Do you or not know of any occupation and improvement or cultivation by the said Neal upon the land above mentioned as granted to him and if so when and what?

Answer.

In the fall of 1844 he built a house upon it. made a corral and enclosed fields and sowed grain upon it and it has ever since been cultivated & dwelt upon by him. The first building or the house spoken of was an adobe house, other houses have since been erected for dwelling & work shops - In 1844 he also stocked it with cattle & horses & has added to this stock ever since -

Question 9.

Look at the document now presented to you and state if it is the original of a copy filed by the claimant in this case with his petition and marked thereon as Exhibit "A" which petition is number 183 on the docket of cases before the Board of Commissioners to ascertain & land claims in California -

Answer -

I have compared the documents shown me now shown to me is the original of that copied in the claimants petition filed in the office of the Secretary of the Board as stated in the question?

Question 10 -

Is the document a copy of the original titles of which you spoke.

Answer -

It is -

Question 11.

Are you acquainted with the handwriting of John A Sutter -?

Answer.

I am from seeing him write & being well acquainted with his hand.

Question 12.

Is the name of Capt John A Settle where it occurs in or upon the document above shown to you genuine?

Answer.

It is his genuine hand writing –

Cross Questions by the U. S. Law Agent

Cross Qty 1st –

Are the documents above presented to you viz Exhibit A of the petition in this Chief originals and if so state in relation to the first of the series viz. the petition of the Claimant Neal whether there was such a petition in fact made and presented.

Answer –

I know that it was made and presented It is in my hand writing & I now state that it was in fact presented as it purports.

Cross Quest 2.

Was there any petition presented for this land by Neal the Claimant to Mich Ettowed –

Answer.

Not that I know of.

Cross Quest 3.

Do you know that the second in the series of Exhibit A above described being termed the general title was delivered to Claimant Neal by the said Settle –

Answer –

I know that it was so delivered –

Cross Quest. 4.

Do the papers forming said Exhibit

9

It as presented to you Constitute all the original documentary Evidence concerning the Claim of the petitioner Real?—

Answer.

They do as far as I know.

Cross Quest. 5—

Do you know of any other case in which Capt. Sutter delivered a certified copy of the said paper called the General Petition to any person who had not presented a petition for land to the Governor?

Answer—

I do not recollect whether there are other instances in which Capt Sutter has delivered the said Copies or not.

J. Bidwell—

Sworn to and Subscribed
Before me this 21st of April 1852
Hamp S Thornton
Comr &c.

Filed in Office April 21. 1852
Geo Fisher Secy

It is hereby agreed by Geo W Cooley Law Agent of the U. S and E. D. Crosby Counsel for Samuel Real in Case No 183.

Stipulation

That the testimony of Capt John A Sutter as taken in Case of P B Reading No 28 may be read so far as the same relates to the reasons why Judicial possession was not given by him as being the same referred to by said Sutter in this deposition—

Geo W Cooley U S Law Agent

E. O. Crosby Counsel for Real

May 13. 1852.

The above argument of Counsel made and subscribed May 13. 1852.

Before Me
James Wilson
Commr.

Case No 183. Commrs. Docket
For Confirmation of five leagues in Butte County.

Board of Commissioners to ascertain and settle private land Claims in California.

May 13th 1852.

On this day came before Me James Wilson one of said Commissioners John A Sutter a Witness offered by the Petitioner Samuel Real - The said Witness being duly sworn gave the following Testimony.

Deposition of J A Sutter

The Mr Cooley Law Agent of U. S was notified and did attend - The Law Agent reserves all legal Exceptions to the following Testimony -

In answer to questions propounded by Counsel for the Petitioner the Deponent answers as follows -

I know Samuel Real the petitioner in the above cause. he came to the Country with Capt. Fremont in the year 1845. he worked in my Employ for two years subsequent to 1845 - The said Real made application to me to recommend him to the Governor of California for a grant of land.

I did recommend him to the

Governor for a grant. This was done in consequence of Governor Pickettsons having required all persons from that Section of the Territory to bring a recommendation for a grant of land from me.

I did give to the said Real the recommendation and a copy of the General Title which I was authorised to give by the General authority given me by Gov Pickettsons Communication dated Dec 22 1844 and proceed before the Commissioners –

This was given to Real for the reason that he was a good Soldier and deserving of the grant under the promise of the Governor made in his address to the troops at the Mission of Soledad in Sonora on July 1845 Real was then a Soldier in Service under my Command –

I do not remember whether Real obtained the decree of the Governor & the information of Simmons the Secy as in similar cases were done – Many of those decrees and informations were lost – I cannot say how it was with these papers in Reals case.

I have examined an original paper now shown to me it is the original of which the paper marked Exhibit H. on the files in this case purports to be a copy. also the map and find the same to be truly copied

My own signature in the margin of said original paper on the 1st page is my genuine signature –

This paper is the one I gave to Real under my general authority as above stated – The land designated on the map within the yellow lines and marked E represents the land intended to be granted to Real by that general Title – The said Real

requested me to give him Judicial possession of the said land granted -

The request was made to me in the Spring of 1845 and for the reasons which I have frequently given in other cases pending before the Board - I was not able to comply with his request -

These were several of these cases and my action in them all was the same and influenced by the same state of facts.

They all solicited Judicial possession about the same time - The cases I now remember were Wm Johnson. Saml J Hensley. P B Reading. Jab F Rey. Maj. John Bidwell. Theodore Sicard. Wm S. Chard. Theodore Cordua - There may be others whose names I do not now recollect -

I know that the Dead Beat took possession of the land granted to him built a house upon it immediately and stocked it, He purchased some stock of me for that purpose - Beat has occupied it ever since and resides on it now and is an honest industrious and prosperous citizen -

J A Sutter.

May 13th 1852.

Subscribed & Sworn to
Before me
James Wilson
Commissioner

Filed in Office May 13, 1852
(signed)
Geo Fisher Secy

1.18

179 ND
PAGE 14

Exhibit A. Expediente

Sor. Juez de la Jurisdicion del Sacramento.

Samuel Neal, Mejicano por naturalizacion a V. Suplica se sirva informar si el terreno q. manifesta el adjunto diseño es baldio y todo lo demas que V. crea necesario. Que teniendo el solicitante que pasar á la Capital a llevar su peticion a manos del E. S. Gobernador, pa impetrar de su Excelencia dho. terreno y siendo preciso el informe de V. como Juez de la Jurisdicion a q.e pertenece pa obrar á la demarca q.e supira mis instancias en el transito de informe, si tuviesen que venir desde Monterrey hasta aqui pa el, y regresar a aquella capital a V. Suplica se sirva informar al margen de esta Solicitud lo que crea de Justicia y dispensar el uso de papel comun por falta del sellado correspondiente.

Jurisdicion del Sacramento. Nueva Helvetia. Octubre 10 de 1844.

El terreno que solicita el interesado es baldio y no pertenece á individuo, pueblo ni corporacion y para los fines que convengan.

Doy fee.

J. A. Sutter.

Nueva Helvetia. a 10 de Octbre. 1844.

Saml Neal.

Manuel Micheltorena Gral. de Brigada del Ejercito Mejicano, Ayundante Gral. de la Plana mayor del mismo, Gobernador Comandte Gral. é Inspector del Departamento de California.

No pudiendo ahora por estar sumamente ocupado este Pob.no Superior, Departamental estender uno por uno los titulos respectivos á todos los ciudadanos que han solicitado terrenos con informe a su favor del Sor. Dn Augusto Sutter Capitan y Juez encargado de la Jurisdicion de Nueva Helvetia y Sacramento, á nombre de la nacion mejicana les confiero por estas letras la propiedad pa ellos y sus familias de los respectivos terrenos marcados en sus instancias y diseños a todos y a cada uno de los que hallan solicitado y obtenido informe favorable del espresado Sor. Sutter hta. hoy dia de la fha. sin que nadie pueda disfrutar les su propiedad, sirviendo les una copia de este que les daria mas adelante el Sor. Sutter de titulo formal con el que se presentaran

14

a este Gobierno para estenderles el mismo titulo en la debida forma y papel sellado correspondiente: y para la debida constancia en todos tiempos doy este Documento que sera reconocido y acatado por todas las autori-dades civiles y militares de la nacion mejicana en esto y en los demas Departamentos autorizado debidamente con los sellos. militar y de Gobierno en Monterey a veinte y dos de Diciembre de mil ocho cientos cuar-enta y cuatro.

Manl Micheltorena.

Certifico que es copia. Nueva Helvetia. April 25 de 1843

J. A. Sutter.

Here follows a map or plan.

Filed in Office. April 16th 1852.

Geo. Fisher.
Secy.

18

179 ND
PAGE 16

Translation
of
Sacramento.

183. Desp

Senor Judge of the Jurisdiction of the Sacramento –

Jurisdiction of Sacramento.
New Helvetia Oct 10, 1844.

The land the petitioner solicits is vacant & belongs to no individual pueblo or corporation & for the purposes it may serve.

I give faith hereto –

J A Sutter

Samuel Neal Mexican by Naturalization respectfully solicits that you will report if the land denoted on the annexed map is vacant & all other matters you may deem necessary. Desiring to go to the Seat of Government to bear to the hands of his Excellency the Governor the petition asking his Excellency said land & Your Honors report as Judge of the Jurisdiction to which said land belongs, being necessary to obviate the delay that my petition would suffer in transmitting the report if I should have to come from Monterey here for it and return to the Capital –

I pray that you will give the necessary information upon the margin of this petition as may be just and to excuse the use of common paper as I have no paper of the corresponding seal.

Saml Neal

New Helvetia 10th Oct 1844.

Manuel Micheltorena Gen of Brigade of the Mexican Army Adj Gen of the Staff Governor Commandt Genl & Inspector of the Department of the Californias –

16

Not being able now an account of being closely occupied, this Supreme Departmental Government to execute amply and the respective Titles to all the Citizens who have petitioned for lands with a favorable information from Sr Dn Augustus Sutter Captain & Judge in Charge of the Jurisdiction of New Helvetia & Sacramento.

I in the Name of the Mexican Nation by these letters confer upon them and their families the title to the respected lands described in their papers and on their maps to all and each one of them who has solicited & obtained favorable information from said Sor Sutter up to this date, that none may dispute their Title - Sor Sutter will give them hereafter a copy of this to serve as a formal title with which they will present themselves to this Govt to extend the same title in the proper form and upon corresponding sealed paper - And for the Establishment of which fact for all time I give this document which will be recognised and acknowledged by all the Civil & Military authorities of the Mexican Nation in this & the other departments -

(sig) Manl Micheltorena -

I Certify the above is a true copy.

J A Sutter.

New Helvetia April 25, 1845.

Filed in Office April 16, 1852
Geo Fisher
Secy

I Certify the foregoing to be a true and correct translation from the Spanish document on file in this Office in Case No 183 - Land Real - Office of the U. S Land Commission - San Francisco July 9th 1852.

Geo Fisher Secy.

17

Samuel Neal
vs
The United States } For the place called Neals Rancho in Butte County, Containing five Square leagues of land

Opinion by Comr Felch

As set forth in the petition this is a claim under the general title so called issued by Governor Micheltorena dated December 22, 1844 the purport and effect of which were discussed in the Opinion of this Board delivered in Case No 14 h.

The documentary Evidence under which the petitioner claims that his rights are established consists –

First, Of a petition addressed by him to the Judge of the Jurisdiction of Sacramento alleging his intention to apply to the Governor for a grant of the land described in the Map annexed thereto and asking his report of the annexed thereto and asking his report of the necessary information in order to facilitate his application –

Secondly – The report of J. A. Sutter in response thereto and

Thirdly – A copy of the general title of Mich-Ettorena certified by Captain Sutter under date of April 25, 1845 – The petition to Sutter and his report thereon both bear date October 10 1844.

The originals of the document above mentioned are not presented in the Case but alleged copies were filed with the petition – In taking the testimony it seems from the depositions in the Case that certain originals were presented to the witnesses by the Claimant and were sworn to as the originals of which

there were two copies, but the documents thus presented to the Witnesses were not made Exhibits to the depositions nor are they filed in the Case. The originals should have been made Evidence. These being in the hands of the Claimant himself should be produced that the Commission might adjudicate upon them in connection with the other proofs as to their effect as a Title. This is not a case in which copies may be resorted to and used as secondary evidence of the contents of original papers no foundation having been laid for the same.

In this State of the Evidence the case is left without any legal proof of title in the Claimant.

If however these documents were duly authenticated as original and genuine the petitioner would not be entitled to a decree of confirmation –

The general title as was stated in the Opinion in Case No 194 embraced within its provisions as grantees only such persons as had previous to its date presented to the Governor their petitions for grants and in whose favor Captain Sutter had made favorable reports. Neal had made no such petition at that time nor indeed does it appear that he ever at any time either prepared or presented any petition to the Governor for a grant of the land which he now asks to have confirmed to him –

The most he can claim is that he obtained Capt Sutters report preparatory to making an application to the Governor and afterwards procured a copy of the general Title –

This last mentioned document

did not give nor pretend to give to Captain Sutter any right to grant lands.

It was itself a grant by the Governor to certain individuals not named but clearly described as grantees.

They and they alone could take rights under it while Capt Sutter was authorized by it to give certified copies of this document to those actually entitled to claim as grantees under it to be used as a convenient matter of evidence in obtaining a more formal title he had no authority to confer title nor could he by giving a copy to any person who was not one of those designated as a grantee, by Micheltorena make him with any rights.

There is no indication in these documents that Governor Micheltorena intended to commit to Captain Sutter any discretion in making grants or to give him any authority to dispose of any portion of the National domain.

He was authorized merely to give certified copies of a grant placed in his hands to those who were described therein as grantees and that too simply because the Governor had not time at that particular juncture to give to each a separate grant of the land.

Indeed the whole tenor of the document shows that the benefit of it was confined to cases which had received the personal consideration of the Governor and this grant was the result of his own determination as to the respective merits of the applications.

It embraced a class of petitions in the Sacramento Valley whose petitions

had been laid before the Governor and which had been postponed until he could visit the Country and determine for himself on the propriety of granting these Solicitations and to most if not all of whom he had given Orders to occupy the land until the final determination of the question –

It was the action of the Governor on these Cases thus brought to his notice which is found in the grant of December 22, 1844, and the benefit of it as a grant is confined to those whose Claims had thus been presented to him and who has obtained the proof specified in the document

Now others are within the description of grantees specified in it –

The Claimant Real Now having petitioned the Governor for a grant of his land is not one of the grantees designated in the general title, and no act or certificate of Captain Sutter could invest him with a title as grantee under it.

Evidence is given in this case tending to show that during the insurrection against Governor Pichettorena the latter on one occasion at the Mission of Solidad addressed the troops under his Command (of whom the petitioner was one) and promised, that the Soldiers who desired to remain in the Country should have grants of land made to them after the termination of the Campaign and as to such as had already petitioned for grants they should be confirmed in their Titles – The general grant seems intended to cover the latter class of cases but as we have already seen it is not broad enough in its terms to embrace

but broad enough in its terms to embrace

21

the petitioners claim – As to the other class the performance of the promise to Richeto-rena himself was necessarily prevented by his defeat and expulsion which immediately succeeded, and so far as we know it was never recognised by the Mexican authorities – Had if it had been so recognised it would not be within the power of this Commission under the authority given by the act of its organization to confirm the title to land based on an undertaking of this character –

We can confirm only promises granted specifically by metes and bounds or other appropriate description of a defined portion of land –

The general promise to give country lands for services in the army confers title to no particular portion of the national domain – which under any rule adopted in these cases could be confirmed

Segregation is necessary to perfect: while the treaty of Guadalupe Hidalgo guarantees the property of individuals in lands conceded to them by the Mexican Government – It has not imposed on the American Nation the duty of performing the promises of the former to compensate by money or grants of land the services of her soldiers much less to fulfil the vague declarations of officers made to their troops on parade!

The claim must be rejected –

Rejected.

Filed in Office Jan 23. 1855

(Signed)

Geo Fisher Secy

179 ND
PAGE 22

22

Samuel Neal
vs
The United States

Decree

In this Case on hearing the proofs and allegations It is adjudged by the Commission that the claim of the said petitioner is not valid and it is therefore decreed that his application for a confirmation thereof be denied —

Alphus Felch
R. Aug Thompson
S. B. Farwell
Commissioners

Filed in Office Dec 23. 1855.
Attest
Geo Fisher
Secy

And it appearing to the satisfaction of the Board that the land herein adjudicated is situated in the Northern District of Cal it is hereby ordered that the Transcripts of the Proceedings and of the decision in this case and of the plats and evidence upon which the same are founded be made out and duly certified by the Secretary and the Transcripts shall be filed with the Clerk of the U.S. District Court for the Northern District of California in and the other business matters to the attorney General of the United States

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 Twenty two — pages, numbered from 1 to 22., 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. 183. on the Docket of the said Board, wherein Samuel Neal is —

the Claimant against the United States, for the place known by the name of "Land in Butte County"

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this Twenty first — day of July A. D. 1855, and of the Independence of the United States of America the ~~twenty~~ eightieth.

Geo: Fisher

U. S. DISTRICT COURT,

Northern District of California.

No. 179 179

THE UNITED STATES,

179 vs.

Samuel Neal.

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 185.

Filed, July 21st 1855

J. A. Morrow,

Clerk,

Clerks office of the District Court of the United States for the Northern District of California

Whereas the Commissioners constituted for the purpose of ascertaining and settling private land claims in California by the act of Congress of the U.S. of America approved on the 3° of March 1851. Entitled "An act to ascertain and settle the private land claims in the State of California" did on the twenty third day of January A.D. 1855. by their decision of that date decide against the claim presented by the undersigned to the said Commissioners which claim is for lands lying in said Northern District and is number One hundred & Eighty three. (183) on the docket of claims before said board – and the claimant being desirous that the said District Court should review the said decision – Now hereby file this notice in the said Clerks office of his intention to prosecute an appeal as is provided by the 12th Section of an act Entitled "An act making appropriations for the civil and diplomatic Expenses of the government for the year ending the 30th of June 1853. and for other purposes" which said act was approved on the 31st of August 1852.

For Lamont Neal

By E. O. Crosby, of Counsel

To the Clerk of the U.S.
District Court of the Northern
District of California. March 16, 1855.

No. 179

U. S. District Court
Northern District
of California —

Samuel Neal
appellant
vs
The United States
appellee

Notice of appeal.

Filed March 21. 1855,
John A. Monroe,
Clerk

E. O. Crosby for appellants

No. 179
before U. S. L. Com

179 ND
PAGE 27

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

Samuel Neal
vs
The United States

It is hereby agreed that the Deposition of John Pickett, a witness for Claimant be taken in this case & notice is hereby admitted ~~to have~~ been duly given.

San Francisco July 3rd 1855

A. Wassell
Asst. U. S. Atty

No 179

W. D. District Court &c

Samuel Neale

vs

The United States

Notice of taking Deposition of John Bidwell

UNITED STATES DISTRICT COURT,
Northern District of California.

Deposition taken on Notice.

San Francisco, July 3d 1855.

ON this day, before Dr. A. Chevers a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came John Bidwell a witness produced on behalf of the Claimant in Case No. 179, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 183 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — ~~his evidence being interpreted by a sworn interpreter~~

PRESENT: Edward Stanly, Counsel for Claimant, and the U. S. Dist. Atty by A. Wassell, Esq.

QUESTION 1st BY Claimant.

What is your name, age, place of residence, and how long have you been in California.

Answer.

John Bidwell, thirty five years of age, I reside in Butte County, California, and have resided in the State of California since the year 1841.

Question 2d —

Are you acquainted with ~~John~~ Samuel Neal, the Claimant in this case.

Answer.

I am. I have known him since 1843

Question 3d.

Did you give a deposition before the Land Commission in this case in April, 1852,

Answer.

I did. In that deposition I am made to say that there was no petition made and presented by the Claimant Samuel Neal to Micheltorena. This is an error, which I wish to correct, because it is contrary to the fact, for in November 1844, I presented the petition of Samuel Neal to Micheltorena, together with some ten, or eleven others, for other tracts of land. The Petition of Samuel Neal was for the land in question, and was prepared by myself, and also the Map accompanying it. And Micheltorena positively assured me that all the petitioners should have the land they petitioned for, and for that purpose, afterwards, he issued a document now known as the general title, dated 22nd of December, 1844. I know that Micheltorena was personally acquainted with Samuel Neal, the Claimant in this case, and had a high personal regard for him, he was a Blacksmith by trade, and was a very useful man during the War, which occurred in 1844.

Question 4th.

When did you first hear of the error in your deposition of 1852, above referred to,

Answer.

I heard of it for the first time this morning. I was perfectly surprised when Mr Stanly told me I had made such a statement, when previously I had informed him otherwise, that is, that I had presented the petition of Saml. Neal, to the Governor himself. I can only account for making the mistake in this way, that I am deaf in my left ear, and may have misunderstood the question.

Cross examined by the U. S. Atty.

Question 1st.

Have you any interest in the result of this suit?

Answer.

None whatever.

J. B. Idwell

Sworn to before me this 3d July 1855, before me,
W. A. Offered
U. S. Comm.r

No 179

U. S. Dist. Court,

The United States

vs

Saml. Neal.

Deposition of

John Bidwell.

Filed July 3d. 1855,

by Chenes

Deputy

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

Samuel Neal vs. The United States	Claimant for 5 leagues of land in Butte County, California on appeal from U. S. Land Commission No 183. in its docket.

179 ND
PAGE 33

Notice is hereby given that the above named claimant intends to prosecute the appeal taken in the above entitled cause from the decision of the Board of United States Land Commissioners for ascertaining and settling private land claims in the State of California; the said cause being numbered one hundred and eighty three (183) on the Docket of the said U. S. Land Commissioners and number on the Docket of the District Court of the United States for the Northern District of California in which District Court a transcript of the proceedings & decision &c of said Commissioners and of the papers & evidence on which the same was founded was filed on the day of A.D. 185

San Francisco
~~April 20th 1855~~

E D Baker
Counsel for Claimant and appellant

No 179

Decree Court U States
Northern District California

Samuel Neal
vs.
The United States

Notice of Appeal

Filed July 24th 1858
J. A. Monroe
Clk.

179 ND
PAGE 34

E D Baker,
Counsel for claimants

Court No 179.

Samuel Neal
vs
The United States. } Appeal

179 ND
PAGE 35

To the Hon. Ogden Hoffman Jun. Judge of the United States District Court for the Northern District of California.

The petition of Samuel Neal a Citizen of California respectfully represents -

That under the provisions of the Act of Congress of the 3 of March 1851, he presented a petition to the Commissioners appointed under said Act to examine claims to land in California praying for the confirmation of his claim to the tract of land therein described situate in the present County of Butte California under a grant from Governor Micheltorena dated 22 Dec 1844 and accompanied it by evidence of his title; and to which for more full & particular description he begs leave to refer.

That his said claim being designated as No 183 was rejected by them on the 28th Jany: 1855; that said land is situate within the limits of the Northern District of California; that a transcript of the proceedings and decision of the Commissioners in the case was filed in the Office of the Clerk of the Court for that District on the 21st July 1855; and on the

24th July — Notice was filed with the said Clerk that your petitioner appealed from such decision.

Your petitioner prays for a rehearing of the Case upon this Appeal; that the said decision of the Commissioners may be reversed and annulled; and that the Court will make such decree and order as may be necessary and proper to recognize, confirm and declare valid his title & claim to the premises mentioned and referred to in his said petition and evidence of claim.

And your petitioner will ever pray &c

Samuel Neal
by his Attorneys
Stanly & King

San Francisco. Cal
Nov 1855.

Court No 179.

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

Saw & Neal
vs
The United States } Appeal

Petition for review

Filed Nov: 28. 1855.
J. Chevers
Deputy.

Stanly & King
for Claimants

Court No 179.

Samuel Neal
vs
The United States.

US. Court for the Northern District of California
Appeal.

To the Clerk of the United States District Court for the Northern District of California

Notice is hereby given in conformity to law, that the above mentioned claimant appeals from the decision of the Board of US Land Commissioners by which his claim No 183 on the docket of the US. Board of Land Commissioners has been rejected

Samuel Neal
by his Attorneys
Shurtz & King

Court No 179.

Dist. Court for the Northern District of California

Samuel Neal, vs The U. States } appeal

Notice of appeal.

Filed Nov. 28, 1855.

J. Chevers
Deputy.

Stanly & King
for Claimants

No 179.

Samuel Neal
vs appellant
The United States
appellee.

Appeal.

To the Honble Ogden Hoffman Jr Judge of the United States District Court for the Northern District of California.

The petition of Samuel Neal a Citizen of California respectfully represents.

That under the provision of the Act of Congress of the 3 of March 1851. he presented a petition to the Commissioners appointed under said act to examine claims to lands in California, praying for the confirmation of his claim to the tract of land therein described under a grant from Governor Mc Michelltorena of 22 Dec 1844, and accompanied it by evidence of his title; and, to which for more full and particular description he begs leave to refer.

That his said claim being designated as No 183 on the Docket of the said Commissioners was rejected by them on the 23 Jany 1855. that the said land is situate within the limits of the Northern District of California. that a transcript of the proceedings and decision of the Commissioners in the Case, was filed in the Office of the Clerk of the Court for that district on the 21st July 1855 and on the notice was filed with the said Clerk that your petitioner appealed from such decision

Now petitioner prays for a rehearing of the case upon this appeal; that the said decision

of the Commissioner may be reversed and annulled;
and that the Court will make such decree &
order as may be necessary and proper to recognize
confirm and declare valid his title and claim
to the premises mentioned and referred to in his said
petition and evidence of claim.

And your petitioner will ever pray &c.

Samuel Neal
by
Manly O'Kieff
his Atty

No 179

In the District Court for the Northern District of California.

Samuel Neal
vs
The United States.

"Neal's Rancho"
Butte Co.

Petition for review.

Filed April 28th 1856
Chas. C. Sherwood
Clerk

179 ND
PAGE 42

Haugh & King
atts

No 179.

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

Samuel Neal
vs Appellant
The United States
Appellee.

Answer.

The respondents for answer to the petition filed in this case, answer & say

It is true that the lands mentioned in said petition, and in said transcript of the proceedings before the said Board of Land Commissioners, lie within the said Northern District of California, and within the jurisdiction of this Court.

But these respondents deny that the alleged title to the said land is valid, and aver that the same is invalid, and pray that the decision of the said Board be affirmed, and that the title of the petitioner be decreed to be invalid

A. Gladwell
Atty. U.S. Attorney

No 179

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

Samuel Neal
vs
The United States.

"Neal's Rancho"

Answer.

Filed April 28th 1856
Chenery
Deputy

179 ND
PAGE 44

Russell

UNITED STATES DISTRICT COURT,
Northern District of California.

Samuel Neal.
vs
The United States.

San Francisco, October 30th 1855

ON this day, before John A. Monroe a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came John Bidwell a witness produced on behalf of the Claimant in Case No. 179, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 183 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — ~~his evidence being interpreted by a sworn interpreter~~

PRESENT: E. O. Crosby, Atty for Claimant, and the U. S. Dist: Atty. by A. Glassell, Esq.

QUESTION BY Claimant.

What is your name, age, and place of residence.

Answer

John Bidwell, 36 years of age, and reside in Butte County, Cal.

2d —

Look upon the paper now shown you, and marked "Exhibit No. 1, N. H. C." and which is hereto attached, and made a part of your deposition, purporting to be a petition by Samuel Neal, to the former Governor of California, soliciting a grant of land. Said Neal's petition to the Judge of the jurisdiction of Sacramento, dated October 10. 1844, a marginal decree

of the same date, on the same paper signed J. A. Sutter. A copy of paper dated December 22. 1844. signed Manuel Michelorena. with a certificate thereon dated April 25. 1845. and signed J. A. Sutter. Also a map part of the same document. and state what you know of the genuineness of said papers. and the signatures of the respective parties thereto. to wit. the names of Samuel Neal. and J. A. Sutter.

Answer.

I have examined said papers. and know them to be what they purport to be. and are genuine. The body of said petitions. are in my hand writing. the body of the copy of the general grant so called is in the hand writing of J. A. Sutter. The signatures of Samuel Neal. and John. A. Sutter where they appear on said papers. are their genuine signatures. I have seen them both write. and know their hand writing. I also made the said map.

3d –

Are these the same papers referred to by you in your former deposition taken in this case. in this Court.

Answer.

They are. except the copy of the general ~~title~~ so called.

Cross examined by N. S. Atty.

I have no interest direct. or indirect in the event of this suit.

Sworn to & subscribed before me Oct. 30. 1855.

Lucius Moore
U. S. Commr

J. Bidwell

These papers were detached by order of the Court so as to trace the map attached to it. JCL

No. 179

U. S. Dist. Court.

Samuel Neal.

— vs —

The United States.

Deposition of John Bidwell.

Filed April 28. 1856.

Chever.

Deputy.

Court No 179. Transcript No 183.

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

179 ND
PAGE 49

Samuel Neal
Appellant
vs
The United States
Appellee

Decree of Confirmation for "Neal's Rancho" five leagues Butte County

~~[illegible] March 2. 1857.~~

At a Stated Term of the Court held 2nd March 1857
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 all the papers and evidence in the cause, and the pleadings filed in this Court, and counsel having been heard on the part of the United States, and for the claimant.

In consideration of all which the Court is of Opinion that there is error in the decision of the said Board, and that the same should be, and is hereby reversed.

And this Court doth order adjudge and decree that the title of the claimant to the land described in the said transcript and papers is valid, and the same is hereby confirmed to the claimant.

The land of which confirmation is hereby made is of the extent of five square leagues and no more and is situate in the County of Butte at the margin of the Creek called Los Picos, and bounded on the North

East by the Sierra Nevada - on the South East by vacant lands, on the South West by inundated lands and Tulares, and at the North West by the Creek of Los Picos - Reference for a more particular description to be had to the petition of the claimant to Governor Micheltorena dated November 5th 1844, and the map which accompanies it on file in this case.

Ogden Hoffman
U. S. Dist Judge

No. 179.

U. S. Dist. Court.

The United States,

— vs —

Samuel Neal.

Decree.

Filed March 2, 1857.
W. H. Chevers,
Deputy Clerk.

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

The United States

v

Samuel Neal.

} D.C. 179 : L.C. 183

In pursuance of notice received from the U.S. Attorney General, it is hereby stipulated & agreed that no further appeal be taken in this case on the part of the United States and that claimant have leave to proceed under the decree of this Court heretofore rendered in this case in his favor, as under Final Decree.

San Francisco Oct 29th 1859

P. Della Torre

Ass. U. Atty

Stanly & King

Attys for Clt.

179

U. S. Dist Court

The United States

v

Sam Neal

Stipulation

Filed July 30th, 1857.
John A. Monroe,
Clerk
By N. H. Chevers,
Deputy.

179 ND
PAGE 54

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 Thursday the 30th day of July in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
v
Samuel Neal

D.C. 179: L.C. 183

The Attorney General of the United States having given notice that no further appeal will be taken in this case, and a stipulation to that effect having been entered into by the United States Attorney:

On motion of the District Attorney it is Ordered Adjudged and decreed that claimant have leave to proceed under the decree of this Court heretofore rendered in his favor, as under Final Decree.

Ogden Hoffman
U. S. Dist Judge

179

United States District Court, Northern District of California.

The United States

vs. Reasy &c.

Samuel Neal

ORDER.

vacating appeal

Filed July 30th 1857

John A. Monroe, Clerk.

By N. A. Chever Deputy.

179 ND
PAGE 56

At a Special 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 Monday the Eleventh day of July in the year of our Lord one thousand eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

Samuel Neal
vs.
The United States

No 179

Upon Motion of the Said Claimant, by his Attorney, J. J. Papy It is Ordered, that the Surveyor General of the United States for the State of California return into this Court the Survey by him made of "Neal's" Ranch claimed in the above Cause, and that a Certified Copy of this order be served upon Said United States Surveyor General

179

District Court of the United States

IN AND FOR THE

Northern District of California.

Samuel Neal

vs.

The United States

Order to return Survey

Filed July 14th 1859.

W. H. Chevers Clerk.

By

Deputy.

179 ND

PAGE 57

J. J. Papy

for Claimt

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

Clerk's Office,

I hereby Certify the foregoing to be a true copy from the Minutes of the said Court.

Clerk.

By

Deputy.

U. States
vs
Saml Neal

I herewith return the survey of the Rancho Esquon, finally confirmed to Saml Neal —

There being no protest on file on the part of the grantee, the location has been examined and approved by me

Very Respt
J. W. Mandeville
Ga S Sur. Genl

Hon: Ogden Hoffman
U S Dist Judge

No. 179.

U. S.

vs

Saml Neal –

Return of Survey

Filed Oct: 14. 1859.

W. A. Cheves,

Clerk

U S Dist Court
Northern Dist Cal

Samuel Peak
vs
The United States

The claimants in the above entitled cause objects to the Survey made in the above cause for reasons

1st That the Southeastern line of boundary is not in accordance with the original grant — the boundary is by sections and quarter sections instead of a straight line

2nd The Southwestern boundary is liable to the same objection

Wherefore claimant says the Survey should be rejected and a new Survey ordered

J J Pope
Atty for
Claimants

179.

U S Dist Court
Nor. Dist California

Saml Neal
"
The United States

Objections to Jury

Same of Copy accepted
this 15th Oct 1859

Filed Oct. 15. 1859.
W. H. Chevers.
Clerk.

J. J. Pratt for claimant

179 ND
PAGE 62

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 Wednesday the Sixteenth day of November in the year of our Lord one thousand eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

Samuel Neal
vs.
The United States

No 179.

This cause came on to be heard upon exceptions to the Survey and was argued by Counsel for the respective parties and due deliberation had in the premises Wherefore it is Ordered, adjudged and decreed that the Survey made of the land claimed in this case by the United States Surveyor General for California under the final decree heretofore entered herein, the field notes of which were approved by the said Surveyor General, and a certified copy of the plat of the same was filed in this Court pursuant to its order on the 14th day of October 1859, be and the same is hereby approved and declared to be in conformity with the said decree and is adopted and ratified by the Court as the final survey of the land claimed herein. And it is further Ordered that a certified copy of this order be served upon the said U.S. Surveyor General for California for his information and guidance.

Ogden Hoffman
Dist Judge

U. S. Marshals Office
San Francisco, Nov. 16th 1859

I have this day made personal service by copy of this order on J. W. Mandeville U. S. Surveyor General for the State of California,

P. L. Solomon
U. S. Marshal

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

Clerk's Office,

I hereby Certify the foregoing to be a true copy from the Minutes of the said Court.

.....Clerk.

By

.....Deputy.

No 179.

District Court of the United States

IN AND FOR THE

Northern District of California.

Samuel Neal

vs.

The United States

Order adopting Survey

Filed November 16, 1859.

W. H. Chevers Clerk.

By

Deputy.

179 ND
PAGE 63

Manuel Michelltorena Gral. de Brigada del Ejercito Mejicano, Ayudante Gral. de la Plana Mayor del mismo, Gobernador, Comand.te Gral. é Ynspector del Departamento de Californias

No pudiendo ahora por estar sumamente ocupado este Gob.no Supremo Departamental estender uno por uno los titulos respectivos á todos los Ciudadanos que han solicitado terrenos con informe á su favor del Sr. Don Augusto Sutter, Capitan y Juez, encargado de la Jurisdiccion de Nueva Helvecia y Sacramento, á nombre de la Nacion Méjicana les confiero por estas Letras la propiedad p.a ellos y sus familias de los respectivos terrenos marcados en sus instancias y diseños á todos y a cada uno de los que hallan solicitado y obtenido informe favorable del espresado Sor Sutter hta. hoy dia de la fha. sin que nadie pueda disputarles su propiedad, sirviendoles una Copia de este que les dará mas adelante el Sor Sutter de titulo formal, con el que se presentaran á este Gobierno p.a estenderles el mismo titulo en la devida forma y papel sellado correspondiente; y p.a la devida constancia en todos tiempos doy este Documento que serbe reconocido y acatado por todas las autoridades civiles

y militares de la Nacion Mejicana en este y en los demas Departamentos autorisado devidamente con los sellos militar y de Gobierno, en Monterey á veinte y dos de Diciembre de Mil ochocientos cuarenta y cuatro

Sig.º Manl. Michelltorena

Certifico que es copia
Nueva Helvecia Abril 25
de 1845.

J. A. Sutter

Court No 179. Index Land Cases No 183

In United States Court for the Northern District of California

Samuel Neal
to
The United States

179 ND
PAGE 66

Land in Butte County.

Page of Transcript	
15	Copy of Original map which accompanied
15	Samuel Neal's petition dated 10th Oct 1844 & John A Sutter's favorable Certificate same date.
16.	Gov Micheltorena's general title, 22 Dec 1844 - Certified by Sutter to Neal 25 April 1845.
3.	Neal's petition to the Land Commissioners
4.	21 April 1852. Deposition of John Bidwell
9.	Stipulation to admit in this case the testimony of J A Sutter in P. B. Redding's case No 28.
10.	Deposition of J. A. Sutter -
17 & 22	Opinion & decree of the Commr rejecting the claim for want of evidence that the case was seen before the Governor.

Additional evidence

1855. 3 July. Deposition of John Bidwell that there was error in his testimony as before the Land Commrs, as it made him say what was not the fact. "for in November 1844 I presented "the petition of Samuel Neal to Micheltorena "together with some ten others for other tracts "of land - The petition of Samuel Neal was "for the land in question, and was prepared

by

by myself, and also the map accompanying it, and Michiltorena particularly afirmed me that the petitioners should have the land they petitioned for, and for that purpose afterwards he signed a document now known as the general title dated 22d of December 1844. Know that Michiltorena was personally acquainted with Samuel Neal the claimant in this case, and had a high personal regard for him. He was a blacksmith by trade and was a very useful man during the war which occurred in 1844." First heard of the error in his deposition this morning, and was perfectly surprised when he became aware of it — "I presented the petition of Neal to the Governor myself, and can only account for the error in consequence of being deaf in my left ear, and may have misunderstood the question" — Has no interest.

1855 Cov. Affidavit of J. Bidwell identifying the original papers in the case, and which are attached thereto

No. 179.

In United States Court
Northern District of
California

Samuel Neal
vs
The United States.

Landis Butte Co.

Index

Bidwell's deposition
& papers to be filed

No 179.

Samuel Neal,
appellant
The United States
Appellee.

Translation of Spanish documents marked "Exhibit No 1. WAC" attached to deposition of John Bidwell.

No 1.

Most Excellent Governor

Samuel Neal a native of the United States and resident of this Department since the year 1842 before your Excellency with the most profound respect presents himself and says. That being a Mexican by naturalization, and wishing to devote himself to agriculture I beg of your Excellency to have the goodness to grant to me a tract situate at the Mangue of the Creek de los Picos - it contains five square leagues and its boundaries are as follows - at the North East the Sierra Nevada - at the South East vacant lands - at the South West inundated lands and Tulares, and at the North West the Creek de los Picos, as is shown by the accompanying map. Inasmuch as I beg of your Excellency to have the goodness to grant this my petition in which will receive a favor - I swear the necessary &c.

Monterey November 5th 1844

Samuel Neal

No 2.

Mr Judge of the Jurisdiction of Sacramento

Samuel Neal a Mexican by naturalization begs of you to have the goodness to state if the land which is shown by the accompanying map is vacant, and all further that you

may deem necessary - that the petitioner having to proceed to the Capital to take his petition to the hands of the most Excellent Governor, to obtain from his Excellency the said land, and your information being required as judge of the jurisdiction to which it belongs, in order to obviate the delay that my petition would suffer in the transmission for information if it had to be sent from Monterey to this place, and to return to that Capital, I beg of you to have the goodness to inform in the margin of this petition what you may deem just, and to excuse the use of this common paper for the want of corresponding stamped one.

New Helvetia October 10th 1844

Samuel Neal.

Marginal decree on above petition.

Jurisdiction of the Sacramento
New Helvetia. October the 10th 1844.
The land solicited by the interested party is vacant, and does not belong to any individual, town, or Corporation, and to the ends this may be deemed convenient I certify it

Sylvan / John A Sutter.

No 3.

Manuel Micheltorena, General of Brigade of the Mexican Army - Adjutant General of the Staff of the same. Governor, Commander General and Inspector of the Department of the California

Not being able, because this Supreme Departmental government is exceedingly busy, to draw up one by one the the respective titles to all the Citizens that have solicited lands with information in their favor by Señor Don Augustus Sutter in

charge of the Jurisdiction of New Helvetia and Sacramento, in the name of Mexican Nation I do confer to them by these letters the ownership for themselves and their families of the respective lands mentioned in their petitions and maps to all and to every one of those who have solicited and obtained a favorable information from the referred to Mr Sutter up to this date, without any one being able to dispute their property - A copy of this that will be given hereafter by Mr Sutter answering for a formal title, with which they will present themselves to this government to draw to them the same title in due form on the corresponding stamped paper; and for due proof at all times I give this document which will be acknowledged and respected by all the Civil & Military Authorities of the Mexican Nation in this, and in the other departments. Duly authorized with the Military Seal of the Government.

At Monterey on the 27th of December 1844

Signed Manuel Micheltorena

I certify that this is a copy

New Helvetia April the 25th 1845

(Signed) John A Sutter.

No 179

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

Jane Neal
vs
The United States

Additional Evidence

Translation of Spanish document marked "Exhibit No. W4C. attached to deposition of John Bidwell taken on 30 Oct 1855 in Case No 179 –"

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.

Micheltorena.

Pablo de la Guerra.

Excmo Señor Gobernador.

Samuel Neal natural de los E. U. y residente en este Departmto desde el año 1842, ante V. E. con el mas profundo respeto me presento y digo:

Que siendo naturalizado Mejicano, y deseando de[illegible]ne á la agricultura, suplico á V. E. se digne concederme un terreno situado á la orilla del arroyo de los Picos, consta de cinco sitios de ganado mayor, y son sus linderos: al N. E. la Sierra Nevada, al S. E. tierra baldia, al S. O tierra inundada y tulares, y al N. O. el arroyo de los Picos; como manifiesta el diseño q.e acompaña:

P. S.

A. V. E. ruego se digne acceder á esta my peticion

en cl.o q.e recibiré Merced.
juro lo necesario etc.
Monterey á 5
de Novr.e de 1844

Saml. Neal.

NN

Sor. Juez de la jurisdiccion del Sacramento

Samuel Neal Mejicano pr. naturalizacion, á V. suplica se sirva informar si el terreno q. manifiesta el adjunto diseño, es baldio y todo lo demas q. V. crea necesario: Que teniendo el solicitante q. pasar á la capital á llevar su peticion á manos del S. Gobernador pa. impetrar de su excelencia dho. terreno; y siendo preciso el informe de V. como Juez de la jurisdiccion á q. pertenece; pa. obviar la demora q. sufriria mis instancias en el transito de informe, si tuviesen q. venir desde Monterey hasta aqui pr. él, y regresar á aquella capital; á V. suplica se sirva informar al margen de esta solicitud lo q. crea de justicia, y dispensar el uso de papel comun pr. falta de sellado correspondiente

Jurisdiccion del Sacramento
Nueva Helvecia
Octubre 10 de 1844.
El terreno que solicita el interesado, ~~como consta por el diseño~~ es baldio y no pertenece, á individuo, pueblo, ni corporacion, y pa. los fines que convengan doy fé
J. A. Sutter

Nueva Helvecia á 10 de Octre.
de 1844

Saml. Neal

Exhibit No. 1 —
W. H. C.

Attached to deposition
of John Bidwell
taken on 30th October
1855. in case No. 179