

CASE NO.

182

NORTHERN DISTRICT

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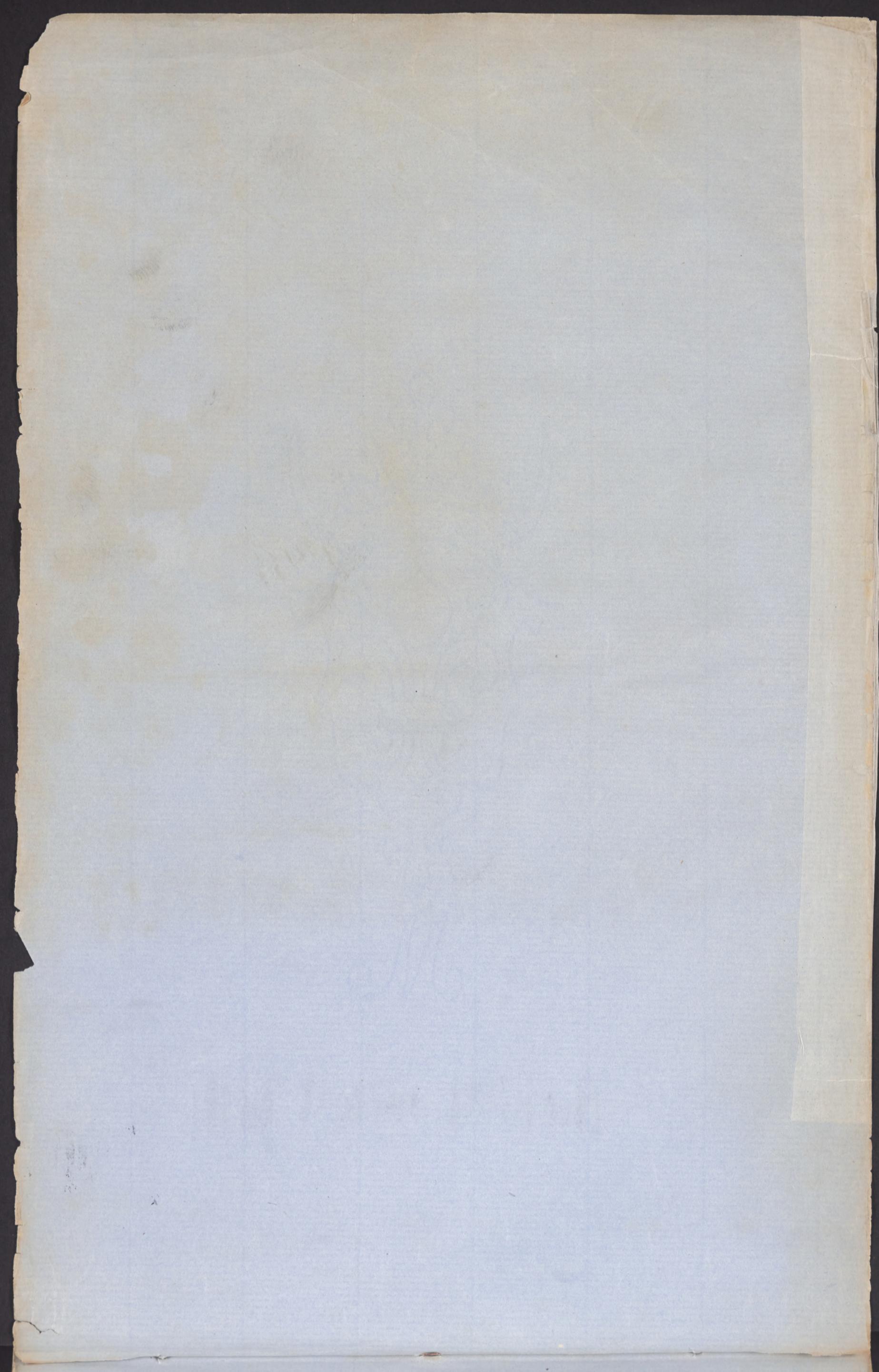
OMOCHUMNES GRANT

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CATHERINE SHELDON, ET AL.

CLAIMANT

173



# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. 173

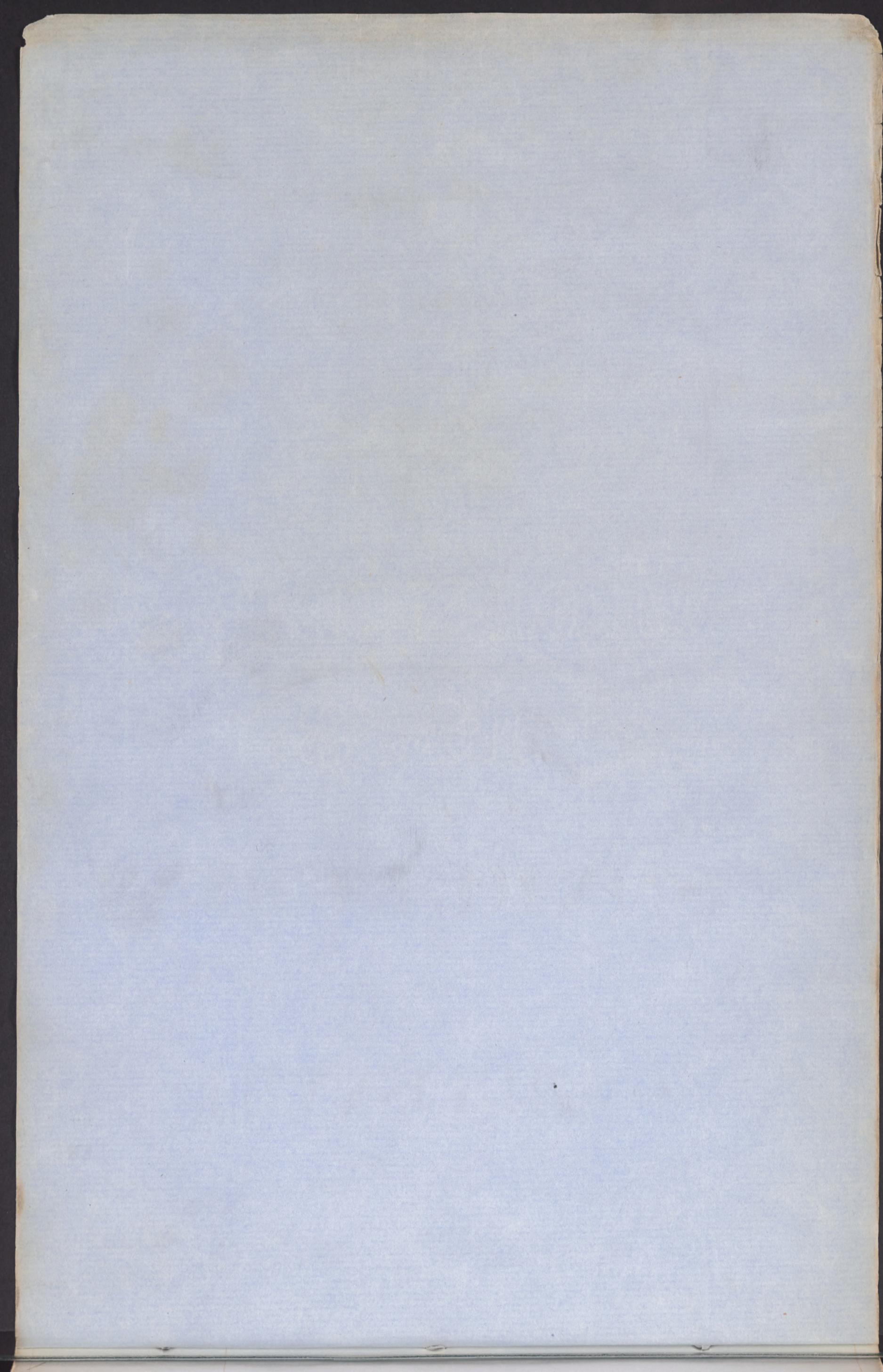
*Catherine Sheldon, et al* CLAIMANTS

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

" *Omochumnes* "



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this tenth 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 Catherine Sheldon et al: for the Place named "Amochumnes," was presented, and ordered to be filed and docketed with No. 173 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 May 28 1852.  
In Case no. 173, Catherine Sheldon et al: the deposition of John A. Sutter, a witness in behalf of the claimants, taken before Commissioner Henry J. Thompson, was filed:

(Vide page 1 of this Transcript.)

San Francisco, October 8 1853.  
In the same case the deposition of Wm E. P. Hartnell, a witness in behalf of the claimants, taken before Commissioner Alpheus Felch, was filed:

(Vide page 13 of this Transcript.)

San Francisco, December 5 1853.  
In the same case the deposition of Samuel Norris, a witness in behalf of the claimants, taken before Commissioner Thompson Campbell, was filed:

(Vide page 15 of this Transcript.)

San Francisco, December 31' 1853.

In the same case the deposition of Wm B. Greenhow, a witness in behalf of the claimants, taken before Commissioner Thompson Campbell was filed:

(Vide page 1<sup>h</sup> of this Transcript.)

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San Francisco March 13' 1854.

In the same case the counsel for the claimants filed the following stipulation, to wit:

(Vide page 17 of this Transcript.)

San Francisco March 21' 1854.

Case no. 173 was called; on motion of the counsel for the claimants, was ordered to be placed at the foot of the calendar of the first class cases on the Trial Docket.

San Francisco May 30' 1854.

In the same case the depositions of David M. Courtney and David A. Shaw, witnesses in behalf of the United States, taken before Commissioner Peter Sott, was filed:

(Vide pages 18 & 23 of this Transcript.)

San Francisco May 31' 1854.

In the same case the depositions of Richard P. Wells, Jonathan C. Sherwood and George C. Snyder, witnesses in behalf of the United States, taken before Commissioner Peter Sott were filed:

(Vide pages 28, 36 & 31 of this Transcript.)

San Francisco June 21' 1854.

In the same case the deposition of John P. Rhoades, a witness in behalf of the claimants taken

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before Commissioner Peter Lott, was filed:  
(Vide page 41 of this Transcript.)

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San Francisco June 26' 1854.  
In the same case the deposition of John Parker  
a witness in behalf of the United States, taken  
before Commissioner Alpheus Felch, was filed:  
(Vide page 48 of this Transcript.)

San Francisco July 7' 1854.  
In the same case the deposition of Emmanuel  
Pratt, a witness in behalf of the Claimants, taken  
before Commissioner R. Aug. Thompson, was filed:  
(Vide page 56 of this Transcript.)

San Francisco July 19' 1854.  
Case no. 173 was submitted on briefs and taken  
under advisement by the Board.

San Francisco October 10' 1854.  
In the same case Commissioner Alpheus Felch,  
delivered the opinion of the Board confirming  
the claim.

(Vide page 119 of this Transcript.)  
and the following order was made, to wit:  
(Vide page 116 of this Transcript.)

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1874

*See the Appendix to the Report of the Board of Directors*

To the Honorable the Board of Commissioners for settling Land Claims in California.

Petition.

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Cuthbert Sheldon, Adm<sup>r</sup> and Gabriel W. Gunn Adm<sup>r</sup> of the Estate of Jared Sheldon dec<sup>d</sup> presents for confirmation a grant to a tract of land consisting of five square leagues lying in Sacramento County situated between the North side of the Sacramento River the Rancheria of the Omuchummas the Rocky hills and the Pass which at S<sup>d</sup> River leads to Mr Sutters Establishment. The grant to which land was made by Nicholas Dominguez, Governor of California on the 8<sup>th</sup> day of January 1844. A translated copy of which grant is herewith attached.

Petitioner further represents that S<sup>d</sup> Sheldon was a duly naturalized citizen of the Mexican Nation as will appear by reference to the papers, copies of which are herewith filed. That he was in the occupation of the land at the time the grant was made, that he built a house and houses upon it within a year of the date of S<sup>d</sup> grant and inhabited the same until the time of his death and that his family have occupied it since. That all the conditions of S<sup>d</sup> grant have been fully complied with. That he applied for the judicial possession to Capt. Geo. A. Sutter then Military Commander of the Northern frontier of California and sole civil Judge of the jurisdiction of the Sacramento in 1844, and was by the S<sup>d</sup> Sutter placed in possession of S<sup>d</sup> tract of land.

Petitioner further represents that a plat of the land claimed accompanied the petition for the grant in conformity with which plat or map the grant was made. A duly certified copy of which plat or map accompanies this application.

Petitioner knows of no interfering claim.

Petitioner further represents that S<sup>d</sup> Sheldon departed this life in the summer of 1857, leaving a widow (one of the petitioners)

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and three children of tender years his heir. That by the Probate Court of the County of Sacramento, petitioners were appointed the administrators of his estate, and that they have been duly qualified to act as such.

Petitioners rely for confirmation of this grant upon the papers which accompany this application, and the laws of Mexico, the customs and usages of California and the laws of the State of California on the official acts of the Officers of the Mexican Government, and on the facts established by such other testimony as they may deem proper to introduce.

Huggins W. Brown  
for Claimants.

Filed in Office April 10<sup>th</sup> 1852.

Geo. Fisher, Secy.

Deposition  
of John A.  
Sutter.

Office of the Board of Land  
Commissioners for California.  
San Francisco May 20<sup>th</sup> 1852.

On this day before me Henry J. Thornton one of the Commissioners for ascertaining and settling private land claims in the State of California, came John A. Sutter a witness produced on behalf of the claimant Catharine Sheldon whose petition is No 173 on the Docket of said Commissioners and being duly sworn testified as follows -

The Law Agent of the United States was notified and attended.

Questions by Claimants Counsel.

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

Ans. My name is John A. Sutter, my

age is 49 years, and my residence is Beck  
Farm, Sutter County, State of California.  
Quest 2. What Office did you hold in the De-  
partment of Upper California, throughout  
the whole of the year 1844.

Ans. I was Military Commander of the  
Northern frontier and sole civil Judge of that  
frontier.

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Quest 3. Did the territory within your juris-  
diction embrace the land lying on the River  
Comanche.

Ans. It did.

Quest 4. What Office did Manuel Michelto-  
una hold in this country in the year 1844.

Ans. He was Governor of the Department  
and Military Commander of the forces.

Quest 5. Are you acquainted with the signa-  
ture of Micheltona and Manuel Jimeno.

Ans. I am.

No exhibit "a"  
appears -

Quest 6. Please look upon the paper now  
shown to you marked Exhibit A. and attached  
to this deposition and state if the signatures  
of Manuel Micheltona and Manuel Jimeno  
whenever they occur in and upon said  
document are the genuine signatures of  
Manuel Micheltona and Manuel Jimeno.

Ans. They are their genuine signatures.

Quest 7. In obedience to the order contained  
in document - Exhibit A. did you deliver judicial  
possession of the land therein described to Joa-  
quin Sheldon, and if so at what time did you  
deliver such possession.

Ans. I delivered him such possession about the  
middle of April 1844.

No exhibit "B"  
appears -

Quest 8. Look upon the paper now shown to you  
marked Exhibit B. attached to this deposition  
and state whether the said document was pre-  
sented to you about the 6<sup>th</sup> April 1844 and if  
the signature of Joaquin Sheldon and the sig-  
nature of yourself therein are genuine.

Ans. I have recognized the said document  
marked Exhibit B. and the signature of Joaquin  
Sheldon and the signature of myself where they  
occur therein are genuine.

Quest 9. Was it part of your official duty to

delivered possession of lands within your jurisdiction to the grantee of the Government.

Ans. Yes, it was.

Quest 10. In what manner did you deliver possession of the land described in document Exhibit A. to Joaquin Sheldon.

Ans. I was myself on the place with Sheldon and rode round the bounds with him and gave him possession of it in conformity with a plan shown to me by said Sheldon.

Ans. Plot marked Exhibit "6"

Quest 11. Look upon the paper now here shown to you marked Exhibit C, attached to this deposition, and state if this is the plat to which you refer in answer to interrogatory 10.

Ans. I have examined the document marked Exhibit C. and recognize it as the same above referred to.

Quest 12. Look at the endorsement upon the paper marked Exhibit C. attached to this deposition, and state if the signature of Manuel Jimine when it occurs thereon is his genuine signature.

Ans. It is the genuine signature of Manuel Jimine.

Quest 13. At the time that you delivered possession of the land to Sheldon, did you designate the boundaries by placing any land marks upon the land.

Ans. No I did not, nor did I consider it necessary at that time to do it.

Quest 14. Was it customary or usual at that time in delivering judicial possessions of land to survey or measure the same to establish land marks thereon or to designate the boundaries thereof.

Ans. It was not customary.

Quest 15. Was the possession which you delivered to Joaquin Sheldon in the manner and form as you have described above in conformity with your usual mode of delivering judicial possessions, and in accordance with the then existing usages and customs of the country, as far as you are acquainted with them.

Ans. It was.

Quest 16. Was the pass of the Sacramento River

that led to establish a settlement at that time well known and well known point on the river

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that led to Sutter's establishment, at that time  
a well known and ascertained point in the geo-  
graphy of the country, and was at then and is it  
now easily identified or ascertained.

Ans. It was well known at that time, and still  
continues to be well known.

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Quest 17. Was the Rancho of the Omuchummes  
at that time a conspicuous land mark in the  
country or not? does it still continue to be so?

Ans. It was and still continues to be so.

Quest 18. State what you know of any improve-  
ments or cultivation put upon this land by  
the claimant? And if any, at what time?

Ans. Within two months after he got the grant  
he built a house and occupied it. The building  
was an adobe building. In the year 1847 he  
built a flour mill and other buildings and  
large and extensive improvements. It was stocked  
with cattle and horses. The land in cultivation  
upon the Rancho was about four hundred acres.  
He cultivated chiefly wheat. And he and his  
family continued to occupy and cultivate  
the same until the period of his death in 1851.

Quest 19. Is Joaquin Sheldon the name men-  
tioned in the original grant the same person  
whose real name is Leonard Sheldon?

Ans. He is the same person.

Quest 20. Will you state by what name the  
place is designated where the road laid down  
in the plat crosses the Cosumnes river, and  
who now lives, if any one, at that crossing?

Ans. I do not know.

### Questions by the Law Agent.

Quest 1. Did you cause the land of Sheldon  
to be measured in giving him judicial posses-  
sion? Did you then cause land marks to  
be established there at? Were any then established  
by him? Were the boundaries of the rancho in  
any manner then designated?

Ans. I did not cause the land to be measured.  
I did not cause any land marks to be established.

He did not set up any land marks at that time. The boundaries were not in any manner then designated.

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Quest 2. Were there any owners of adjoining lands at that time.

Ans. There were not.

Quest 3. Was the Rancharia de los Omoschummes, embraced within the land of which you gave him possession.

Ans. It was.

Quest 4. What amount of land did said Rancharia contain?

Ans. About an acre of the Rancharia was embraced within the limits of the land of which I gave him possession.

Quest 5. Did you ever in giving judicial possession of land within your jurisdiction cause them to be measured and the boundaries thereof to be designated and land marks to be established there at. And if so, in how many instances? And did they occur before or after you undertook to give Sheldon judicial possession.

Ans. I never caused any lands to be measured in giving judicial possession, because there were no surveys. I never caused any land marks to be made or any designation of boundaries, but only such as the map furnished, which was the map presented to me by the party requesting possession. I usually put the parties in possession with reference to the map they presented.

Quest 6. Why did you not usually in giving judicial possession of lands cause them to be measured and land marks to be established & boundaries to be designated.

Ans. Because we had no surveys and the Government was not particular about it, as it was provided for by the words *mas é murado* on

or less, and the sd ceremony I considered idle. I mean by an idle ceremony, the ceremony of measurement as it was used, because it was not correct, because I know it was not correct. I further refer to the ceremony of tearing up grass and throwing it to the winds.

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Quest 7. Did you ever in any instance test the correctness of a measurement to cause to be made by any other judicial officer in giving judicial possession.

Ans. I never did.

Quest 8. Was it not usual at the time you gave this possession with other officers authorized by law to give judicial possession to cause the lands to be measured: land marks to be established thereon, boundaries to be designated when performing the act of giving judicial possession.

Ans. I do not know what the practice was.

### Questions by Claimant

Quest 1. What distance is this land from the sea coast and the borders of any foreign nation.

Ans. It is about ninety or a hundred miles from the sea coast and at least two hundred & fifty miles from the borders of any Nation foreign to Mexico.

Quest 2. Could you have designated at the time you gave judicial possession any land marks more conspicuous than those mentioned in the grant.

Ans. I could not.

The Law Agent objects that the evidence

is incompetent.

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Quest 3. State whether or not the boundaries mentioned in the grant, to wit: the river Co-summer, the Rancheria of the Omuchumnes, the rocky hills, and the pass which at said river leads to Mr Sutter's establishment, conspicuous land marks, and did not these marks clearly define the land purposed to have been granted.  
Ans. They are.

Quest 4. What is understood by the term Rancheria.  
Ans. An Indian Village.

Quest 5. What was the size of the Rancheria of the Omuchumnes?  
Ans. It was about an acre.

Quest 6. In delivering this possession to Sheldon you state that you were guided by the limits laid down in the map. Was the map which you referred to, the one which is now on file and marked Exhibit (C)?  
Ans. It is the same.

Quest 7. What was the mode of measurement which in your cross examinations you stated was generally used in the country and which you considered an idle ceremony.  
Ans. It was done by riding on horseback and with a cord as I understood, I never saw it performed, but this is my understanding about it.

8. Did you make any record of this case in giving judicial possession, or did you make any

record in any case.

Ans. I did not because I was not requested to do so.

J. A. Sutter.

The San Agent was duly notified and present.

Sworn and subscribed before me  
this 20<sup>th</sup> of May 1852.

Harry S. Thornton  
Comr &c

Filed in Office May 20<sup>th</sup> 1852.

Geo: Fisher.  
Sdy.

Deposition  
J. W. E. P.  
Wartnell.

Office of the Board of  
Commissioners to S. & S.

This day before Comr Alpheus Field came  
W. E. P. Wartnell a witness in behalf of claimants  
Catherine Sheldon, et al, No 173, who after being  
duly sworn deposed as follows.

Questions by Mr Cuttenden Attorney for the  
claimant

1 Question. What are your name, age and place  
of residence.

Answer. My name is William E. P. Wartnell  
my age fifty five years, and I reside at Monterey  
in California.

2 Question. Look on the document here presented  
to you marked Exhibit A annexed to the depoi-  
tions of John A. Sutter taken before Commissioner  
Harry S. Thornton filed in this case on the 20<sup>th</sup>

No exhibit "A"

May A. D. 1852, purporting to be a grant from Governor Micheltuna to Joaquin Sheldon, and state when you first saw the document and what you know about the contents of its date.

Answer. I have examined the document, I first saw it on the day it was made namely on the eighth day of January 1844. It is in my own hand writing. It was signed by Governor Micheltuna and Manuel Lemos in my presence on the day it bears date.

3. Do you know of any application to the Departmental Assembly for the approval of this grant, if yes, what.

Answer. I know that such application was made through my own medium sometime in the year 1846 but I did not know until to day the result of said application. The application was made I think by Thomas O. Larkin, at my request to Mr. Stearns at Los Angeles by letter desiring him to apply for the approval personally.

Questions by Mr. Gunbow, Associate Law Agent.

1. Question. Do you know any thing about the occupation of this land.

Answer. I know that it was occupied by Joaquin Sheldon and by his partner Mr. Taylor as early as 1844 or 1845. They had houses, corral, and cattle in it. I did not myself see the place until 1849. The appearance of the houses showed that they had been built as far back as the time mentioned above.

2. Question. Have you any interest in the result of this case.

Answer. None whatever.

W. E. P. Hartwell.

Subscribed and sworn to before  
me at San Francisco the eighth  
day of October A. D. 1853.

Alpheus Felch.  
Commissioner.

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Filed in Office Oct 8' 1853.

Geo: Fisher.  
Sey.

Deputation  
of Samuel  
Norris.

Office of the Board of  
W. S. Commissioners & Co

This day before Comr. Thompson Campbell came  
Samuel Norris a witness in behalf of the claimants  
Catherine Sheldon, et al, petition No  
173 and being duly sworn depose as follows—

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

Ans. My name is Samuel Norris, I am thirty  
two years of age and I reside in Sacramento  
City.

2 Q. Do you know where the Rancho of O-  
mechumner, Sheldon's ranch is situated.

Ans. I do know. I have known it since 1844.  
I was at said Rancho early in the spring of  
1844, at which time they were building a small  
house and corral and enclosing a small piece  
of ground. In the winter of 1846 I again visited  
said rancho, at which time they had a very good  
adobe house, a large amount of land enclosed &  
a growing, also a good many cattle and horses on  
the place. They were at the same time putting

up a flour mill. Sheldon resided on said ran-  
cho from the year 1846 until he died, which was  
in 1857 and his family are still living there—  
3<sup>d</sup> Inst. Do you know where the upper line of  
said Rancho crosses the river.

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Ans. I do know, at the point where said line cross-  
es the river there was a large Indian village—  
which village was situated at the foot of the hill,  
right on the bank of the river, - said village was  
there in the year 1846 and 1849 and there may  
be some remains of it at this time. I owned the  
adjoining place. Said hills are known as the  
rocky hills. They had some cattle and horses  
on the place in 1844, they were just making the  
settlement at that time. I do not know whether  
Sheldon resided on said place from 1844 till 1846  
or not, he might have been there for what I know.

Sam Norris.

Sworn to and subscribed  
before me this 5<sup>th</sup> day of  
December A. D. 1853.

Thompson Campbell.

Comr.

Filed in Office Dec. 5<sup>th</sup> 1853.

Geo. Fisher.

Secy.

Deponent  
of William B.  
Grimshaw

Office of the U. S. Board  
of Land Commissioners &c &c  
San Francisco, Dec 31 1853.

William R  
Grimshaw  
This day before Comr Thompson Campbell  
came William B. Grimshaw a witness in behalf  
of claimants Catharine Sheldon, et al, petition

No 173. and being sworn deposed as follows—

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

Ans. My name is William R. Greenshaw, I am twenty seven years of age, and I reside in Sacramento County.

2. Quert. Were you acquainted with Isaac Sheldon the original grantee, and if so is he dead or living, if dead, give the name of his widow and children.

Ans. I was acquainted with him, and he died in the month of July 1851. The name of his widow is Katharine Sheldon, his son is called William D. Sheldon, and his daughter's name is Katharine L. Sheldon. These two children are all that are now living; one child an infant died shortly after its father.

Associate Law Agent present.

W. R. Greenshaw.

Sworn to and subscribed  
before me this 31<sup>st</sup> day of  
December A. D. 1853.

Thompson Campbell.  
Clerk.

Filed in Office Dec 31<sup>st</sup> 1853.

Geo. Fisher,  
Secy.

Stipulation Katharine Sheldon Val

vs

The United States

No 173.

3 One hundred.

It is hereby agreed between the U. S. Law Agent and the Council for the claimants in the above case, that the document heretofore filed in this case on the 10<sup>th</sup> of April 1852, marked F. purporting to be Letters of Naturalization issued to Dea Joaquin Sheldon and signed by Manuel Micheltuna & Manuel Jimenez, shall be received in evidence and read in this cause without objection as though

said document was fully and formally proved.  
San Francisco March 13<sup>th</sup> 1854.

J. H. McKune,  
Law Agent.

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Filed in Office March 13<sup>th</sup> 1854.

Geo. Fisher,  
Secy.

173.  
Deposition U. S.  
of Thomas United States of America &  
McCartney. State of California. } S. S.

San Francisco, May 30<sup>th</sup> 1854.

This day personally came before Peter Sutt a Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State, Thomas McCartney a witness on behalf of the U. S. in case No 173 on the docket of said Board, wherein Catherine Shelden et al are claimants, and said witness being duly sworn, on oath deposed in English as follows, to wit: -

The Attorney for claimants is present.

Questions by U. S. Law Agent.

1<sup>st</sup> Question. What is your name, age and residence.

Answer. My name is Thomas McCartney my age 44 years, my residence Sacramento County, California.

2<sup>d</sup> Question. Look at the paper marked Exhibit A annexed to the deposition of John Sutter taken before Commissioner Henry Thomson and filed in this case, and state whether you are acquainted with the Country between the Coosumms and American rivers, and whether the map contained in said document

is or not a correct delineation of the land it purports to represent, and describe the land.

Answer. I am considerably acquainted with the country between the two rivers named and this land which this map represents, I do not consider as correctly delineated here. There is a ridge or line of hills running along close to the Cummins river, in some places touching the river, in others a half mile, and a mile distant there from, they will average a half mile or from that to a mile distance from the river, take the claim through. The only part where they touch the river is at the upper end of the claim —

3<sup>d</sup> Question. What is the distance from the pass of the Cummins river at the South West corner of this claim, to the rocky fort hills —  
Answer. It is about 19 miles —

4<sup>th</sup> Question. What is the elevation of the hills concerning which you have testified in your answer to 2<sup>d</sup> Question, and are they rocky or not.  
Answer. The hills in the lower part of the claim are ten to fifteen feet high and then they grow gradually higher as they run up towards the Slough House, where they reach a height of say 100 feet, there are places where there is rock sound stones, one place there is sand stone, they are not what would be called rocky hills, they are mostly susceptible of cultivation, some of them are ploughed.

5<sup>th</sup> Question. Does or not the Cummins river, when it floods, flow back and cover the land up to the foot of said hills.

Answer. I have seen it when there was not 100 acres of land on the whole claim except the hills, which was not covered with water. It is generally so when the river floods.

6<sup>th</sup> Question. Is or is not the land lying back of these hills of the same elevation of the hills as a general thing.

Answer. About half way up the claim the

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Land lying back of the hills is level and about the same elevation of the hills, towards the upper part of the claim, the hills rise a little higher. In the lower part of the claim the land appears to descend slightly back of the hills, but there is no independent range of hills rising as in a surrounding plain, but as a general thing after ascending the elevation from towards the river, the land is like a bench or elevated plateau or table land.

7<sup>th</sup> Question. How long have you resided in that vicinity?

Answer. It will be 3 years I think the 12<sup>th</sup> of next January.

8<sup>th</sup> Question. Is there an Indian name that you know in that vicinity called the Omehummes.

Answer. I do not know of any such name, there are several Rancherias in the claim but none of that name that I know of.

Cross examined by Claimant's Counsel.

1<sup>st</sup> Question. Is there or not between the range of hills of which you have spoken, and the river and pass and junction of said hills with the river a valley of considerable extent and width, and does about the character of the land change immediately with the hills, so as to render the line of the hills marked and distinct, not only by their elevation, but also by the change of soil, and is there or not much more rock along the line of said hills than on either side of them.

Answer. There is a valley of a half mile to a mile in width, perhaps  $\frac{3}{4}$  of a mile. The soil changes in color when you strike the hills, and the foot of the hills is distinctly marked, along the line of the hills is the only part where I have seen any rock, there are round stones in some places along the hills, and

sand stone in one place.

2<sup>d</sup> Question. How long have you known the land in question.

Answer. About 2½ years.

3<sup>d</sup> Question. How do you know the distance of 19 miles you state in your answer to 3<sup>d</sup> Question.

Answer. I know it from my having seen the Township corner of the Government survey, and from having measured the distance with a surveyor's chain, between those corners and the line of the claim, and my knowledge of the distance of the rocky hills from the upper line of the claim, the 19 miles I testify to mean in a direct line, - It would be much further to follow the course of the river.

4<sup>th</sup> Question. Do you know anything about the boundaries of the land claimed in this case except from general rumor.

Answer. I have seen the papers in the case & know what they state and that is the only knowledge I have besides common report.

5<sup>th</sup> Question. Do you live on any portion of this claim.

Answer. It is very doubtful, my object in making the survey was to ascertain that fact and if my measurement is correct, I think I do not live on the claim.

6<sup>th</sup> Question. Look again at the map, you before testified of in this deposition and say where you live.

Answer. I live in what is called the Grave Yard Hill, about 1¾ mile from the junction of the hills with river at the upper line of the Sheldon claim, and about ½ mile from the river. I live just below Taylor's house on the next ¼ section. I live in the valley of which I have testified.

7<sup>th</sup> Question Do you claim this land by

any right or title whatever, if you, by what-  
 Answer. I claim to have a right of pre-emp-  
 tion as a settler upon Government land.

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8<sup>th</sup> Question. Have you employed counsel or  
 contributed to such employment for the defence  
 against this claim.

Answer. I am a member of an association  
 formed for the purpose of defending against  
 the claim and as such member I have contrib-  
 uted to the employment of counsel, in no other  
 way.

9<sup>th</sup> Question. State the boundaries of the Shel-  
 don claim about which you have been testifying  
 Answer. I only know from what the claimants  
 say they claim.

9<sup>th</sup> Question objected to by U. S. Law Agent  
 as incompetent and not cross examinations  
 upon any matter elicited in chief - P. L.

10<sup>th</sup> Question. In your answer to 4<sup>th</sup> Question  
 you state that you have seen the papers in this  
 case, and know what they state. Can you tell  
 the boundaries of the claim from your recolle-  
 ction of the contents of the papers -

Answer. No, I cannot. I could tell the quan-  
 tity claimed, but cannot locate the land from  
 that recollection of the contents of the papers -

Re-examined by U. S. Law Agent.

1<sup>st</sup> Question. Is the description in the title  
 paper sufficient to definitely locate any par-  
 ticular tract of 5 leagues of land -

This 1<sup>st</sup> Question objected to by claimant's coun-  
 sel as calling for matter of opinion of record.  
 N. L.

Answer. I  
 I could not locate the land from the

description in the title and the plat accompa-  
nying it -

Thomas W. Castney -  
Subscribed and sworn to  
on this 30<sup>th</sup> day of May  
A. D. 1854.

Peter Sett. Commr.  
for taking testimony &c.

Filed in Office May 30 1854.

Geo. Fisher, Jr.  
Sey.

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Deposition United States of America -  
of David A. State of California. J. S. S.  
Shaw.

San Francisco May 30 1854

This day personally came before Peter  
Sett a Commissioner for taking testimony to  
be used before the Board of U. S. Land Commis-  
sioners in said State, David A. Shaw, a wit-  
ness on behalf of the United States in Case No  
173 on the docket of said Board, wherein both  
mine Sheldon, et al are claimants, and said  
witness being duly sworn on oath depone in  
the English language as follows, to wit; -

The Attorney for the claimants is present.

Questions by the U. S. Land Agent.

1<sup>st</sup> Question. What is your name, age and  
residence.

Answer. My name is David A. Shaw, my  
age 27 years, my residence Sacramento  
County, California.

2<sup>d</sup> Question. Are you acquainted with the  
country in the neighborhood of Sheldon's  
survey on the Cosumnes river; if yes, how long  
have you known it.

Answer. I am acquainted with it, have  
known it about 3 1/2 years.

3<sup>d</sup> Question. Look at the paper marked Ex-  
hibit A. annexed to the deposition of John

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A. Sutter taken before Commr<sup>s</sup> Henry S. Thornton and filed in this case, and state whether there is any range of rocky hills, running parallel with the Cosumnes river from the Pass to Sutter's and running in a North East direction as delineated on the map in said document.  
Answer. I should say there is not.

4<sup>th</sup> Question. What is the distance from said pass to the rocky foot hills up the river in a direct line.

Answer. I have never been precisely at the pass, I have been within a mile or two of it, and I should say it is 18 or 19 miles from it in a direct line to the Rocky foot hills, the hills run back from the river and not parallel with it.

5<sup>th</sup> Question. Are there any old Indian Names between the two points just named, if you, is there any one of the name of the Amochumnes?

Answer. There are several, but I do not know of any of that name.

6<sup>th</sup> Question. What is the general character of the Country from the Cosumnes towards the American river, is it hilly, rolling or level? and is there any range of hills running parallel with the Cosumnes river, between the two rivers?

Answer. There is bottom land extending for from one to two miles back from the Cosumnes river level, at that distance from the river there are slight-irregular elevations commonly known as plains or plain land, the character of the country, is nearly the same, somewhat rolling to the bottoms of the American river. There is not to my knowledge any range of hills running parallel with the Cosumnes between the 2 rivers with the exception of the elevation I have spoken of.

7<sup>th</sup> Question. Could any particular tract of land

be definitely located from the following description: "Five square leagues of land between the North side of the river Cosumnes, the Rancharia of the Omochumnes, the rocky hills and the pass which at said river leads to Mr Sutter's establishment."

Answer. I think there could not, there being no rocky hills on the North West as spoken of in the description.

Once-examined by Claimant's Counsel.

1<sup>st</sup> Question. Do you know what names the different Rancharias on the Cosumnes river bore in 1844.

Answer. I do not.

2<sup>d</sup> Question. Did you ever measure the distance in a direct line from the pass to the foot of the rocky hill.

Answer. I never have.

3<sup>d</sup> Question. How can you state this distance if you have never measured it and have never been at the pass.

Answer. I stated as near as I could judge from having travelled frequently, from a point near what is said to be the lower line of the Omochumnes ranch to the rocky hills running back from the river.

4<sup>th</sup> Question. How do you know the point from which you started, was near the West line, and did you travel the distance on a straight line.

Answer. I only know it from what others have told me, those who were acquainted with the boundary. I travelled in as direct a line as circumstances would admit, the usual travelled road is tolerably straight.

5<sup>th</sup> Question. What is the general course of the river between the rocky hill and the pass.

Answer. I should say about South West.

6<sup>th</sup> Question. What is the average width of

the valley on the North West side of the river between these points.

Answer. I should say, without having measured it, from one to two miles, I have surveyed it.

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7<sup>th</sup> Question. What is the height above the valley of the elevated land which you have spoken of as bounding it.

Answer. In places it is nearly on a level with the valley, slightly rolling, at other places it is higher and more rolling. I cannot give the height very accurately, there may be elevations as high as 30 feet, but the average I cannot give, it is sterile prairie land very different from the land in the valley. There may be elevations higher than 30 feet.

8<sup>th</sup> Question. Can the general line of separation between the valley and this more elevated land be easily traced.

Answer. I should say it could, at the distance back from the river which I have before mentioned.

9<sup>th</sup> Question. Is this elevated land at all rocky?

Answer. It is not so far as I am acquainted unless small cobble stones could be called rock, in places there are a few of them to be found in barren spots.

10<sup>th</sup> Question. Does the rocky hill of which you have spoken run back and connect with this broken land?

Answer. The rocky hills that I speak of run at right angles with the river and are the foot hills of the Sierra Nevada, and the elevated land I have mentioned as running parallel with the river comes up and touches the foot of the rocky hills.

11<sup>th</sup> Question. Are you a surveyor, and have you any experience in the location of lands.

in any experience in the location of lands.  
 Answer. I am not a surveyor, tho I have had some experience in locating lands in the Western country. I have dealt some in government lands and traced out the boundaries when government surveys had been made.

12<sup>th</sup> Question. If you were told to commence at the pass to follow the river to the foot of the rocky hill, to run along the base of the hill to the point where it was joined by this elevated land and to follow the line separating the elevated land from the valley south westerly such a distance that by running a line to the pass, you would include 5 leagues of land, would you have any difficulty in doing it.

Answer. I would have no difficulty in following the elevated land back of the valley, I should find no difficulty in following up the river from the pass to the rocky hill, or from the river out along the foot of the rocky hill, but I have no idea how much land would be embraced in these lines, or how far down I would have to run to get the quantity of 5 leagues.

13<sup>th</sup> Question. Do you reside on the land claimed in this case?

Answer. I do not, I live about 3 1/2 miles from Taylor's house up the river, in a valley below the rocky hills on the Cosumnes river.

14<sup>th</sup> Question. Do you occupy under any title or as a settler with a free emigration claim—

14<sup>th</sup> Question objected to as by the U. S. Law Agent as irrelevant— P. S.

Answer. I purchased the place and held a quit claim deed for the premises, I did not understand that the person who sold to me had a Mexican title, I understood that he had not such a title.

Re-examined by U. S. Law Agent.

15<sup>th</sup> Question. Is not the bottom land between

the elevated land and the river after ~~receding~~  
often overflowed by the river?  
Answer. The greater portion of it is at times -  
D. A. Shaw.

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Subscribed and sworn to  
before me on this 30<sup>th</sup> day  
of May A. D. 1854.

Peter Lett. Commissioner  
for taking testimony &c.

Filed in Office May 30 1854.

Geo: Fisher.  
Clerk.

Deponent  
of Richard P.  
Wells.

173

U. S.  
United States of America  
State of California. 3 s. s.

San Francisco May 31 1854.

This day personally came before Peter  
Lett a Commissioner for taking testimony to  
be used before the Board of U. S. Land Com-  
missioners in said State, Richard P. Wells  
a witness on behalf of the United States in  
Case No 173 on the docket of said Board when  
in Catharine Mulden, et al, are claimants  
and said witness being duly sworn, on oath  
deposed in English as follows: to wit;

The Attorney of claimants is present.

Questions by the U. S. Law Agent.

1<sup>st</sup> Question. What is your name, age and  
residence?

Answer. My name is Richard P. Wells, my  
age 30 years, my residence Sacramento Coun-  
ty, California

2<sup>d</sup> Question. Are you acquainted with the  
country in the neighborhood of Mulden's  
ranch on the Cosumnes river, if yes, how  
long have you known it.

Answer. I am slightly acquainted with it, I have been there 2 years in the 4<sup>th</sup> of next month, June.

3<sup>d</sup> Question. Look at the document marked Exhibit A annexed to the deposition of John A. Sutter, taken before Commodore Harry S. Thornton, and filed in this case, and state whether there is any range of rocky hills, running parallel with the Cosumnes river from the Pass to Sutter, running in a North Easterly direction as delineated in the map in said document.

Answer. No, I should not say they were Rocky hills, I should term them bench & table land.

4<sup>th</sup> Question. What is the distance from said Pass to the Rocky foot hills in a direct line.

Answer. I should call it 18 or 19 miles to what is termed the Rocky hills in a direct course up the river.

5<sup>th</sup> Question. Are there any old Indian Rancherias between the 2 points just named, if you, is there any one of the name of the Cosumnes?

Answer. There are several such Rancherias, but I do not know any of that name.

6<sup>th</sup> Question. What is the character of the country from the Cosumnes towards the American river. Is it hilly, rolling or level and is there any range of hills running parallel with the Cosumnes river, between the two rivers.

Answer. I should term it level land in general, somewhat inclined to all. There is no such range of hills after leaving the banks of the Cosumnes which are rather higher than the valley back of them, you cross a valley which varies in width from a  $\frac{1}{2}$  mile to 2 miles, you then rise out a more elevated plain of bench or table land, but there is no descent back of that so that I know of no range of hills in that vicinity, running parallel with the Cosumnes.

7<sup>th</sup> Question. Could any particular tract of

land be definitely located from the following description. "Five square leagues of land between the North side of the river Cozumme, the Rancheria of the Amchummes, the rocky hills & the pass which at said ravine leads to Mr Cutters establishment."

Answer. Yes, I think it could.

Case examined by claimants counsel.

1<sup>st</sup> Question. Do you know what names the different Rancherias on the Cozumme bore in 1844 or 1845 or since?

Answer. I do not.

2<sup>d</sup> Question. Did you ever measure the distance in a straight line direct from the pass to the foot of the rocky hills -

Answer. I never measured it - but I have rode it.

3<sup>d</sup> Question. Describe this bench land as to its elevation and the character of the soil -

Answer. It begins to rise gradually as you go in the direction up the river. It may be an average of thirty five feet in height, varying in different spots, the soil is a kind of a yellow earth mixed with small pebbles in many places, it is less fertile than the valley, cattle graze on it some times, and I have seen barley grown on it, tho' I should not think it capable of producing a profitable crop -

Re-examined by U. S. Survey Agent.

1<sup>st</sup> Question. Is there anything in the description contained in the 7<sup>th</sup> Question in chief herein, to define any line running parallel with the river.

Answer. I perceive nothing in the question referred to which would define a line parallel with the river.

This 1<sup>st</sup> Question of re-examination, dictated

Case examined by claimants counsel.

to as irrelevant by claimants counsel. P.S.

Again Cross-examined by claimants counsel.

1<sup>st</sup> Question. Can the line of separation between the bench lands and the valley be traced?

Answer. Yes, it could be traced out. Rich<sup>d</sup> P. Wells.

Subscribed and sworn to before me on this 31<sup>st</sup> day of May A. D. 1854.

Peter Solt, Commr.  
for taking testimony &c.

Filed in Office May 31 1854.

Geo. Fisher,  
Sey.

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U.S.

Depositions  
of George G.  
Snyder.

United States of America 3  
State of California. 3 s.s.

San Francisco May 31 1854.

This day personally came before Peter Solt a Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State, George G. Snyder in Case No 173 on the docket of said Board, a witness on behalf of the United States in said case wherein Catherine Shulder, et al, are claimants, said witness being duly sworn on oath deposed in English as follows, to wit.

The Attorney of claimants is present.

Questions by U. S. Law Agent.

1<sup>st</sup> Question. What is your name, age and residence.

Answer. My name is George G. Snyder, my age 34 years my residence Sacramento County, California.

2<sup>d</sup> Question. Are you acquainted with the country in the neighborhood of Shulder's ranch on the Cosumnes river, if yea, how long have you known it.

Answer. I am acquainted with it, and have been for about  $3\frac{1}{2}$  years.

3<sup>d</sup> Question. Look at the document marked Exhibit A annexed to the depositions of John A. Sutter taken before Commissioner Henry J. Thornton, and filed in this case, and state whether there is any range of rocky hills, running parallel with the Cosumnes river from the pass to Sutter's and running in a North East direction as delineated on the map in said document.

Answer. There is no such range running thus.

4<sup>th</sup> Question. What is the distance from said pass to the rocky foot hills up the river in a direct line?

Answer. From having frequently travelled over it I judge it to be about 18 or 19 miles.

5<sup>th</sup> Question. Are there any old Indian Rancherias between these two points just named, if yea, is there any one of the name of the Cosumnes?

Answer. There are several old unoccupied Rancherias there, but I do not know of any one of that name.

6<sup>th</sup> Question. What is the general character of the country from the Cosumnes towards the American Fork, is it hilly, rolling or level, and is there any range of hills running parallel with the Cosumnes river between the two rivers?

Answer. The land there is rather level or slightly rolling after rising on the bench lands. The land just bordering <sup>the</sup> ~~the~~ <sup>along</sup> the river is higher than it is back of the banks, when there is a valley between them and the elevated land in the rear, this valley is overflowed by nearly every freshet of high water in the river. There is nothing that can be called a range of hills running parallel with the Cosumnes on

this tract, there is a ridge of rolling land elevated above the valley, but I should not call it a range of hills.

7<sup>th</sup> Question. Could any particular tract of land be definitely located from the following description: "Five square leagues of land between the North side of the river Comanches, the Rancheria of the Omuchumnes, the Rocky Hills and the pass which at said river leads to Mr Sutter's establishment."

Answer. Such a tract of land could not be definitely located by that description -

Over-examined by claimant's counsel.

1<sup>st</sup> Question. How far is Sheldon's House below the Rocky foot hills before mentioned.

Answer. I think about 5 miles.

2<sup>d</sup> Question. How far below the Rocky foot hills is Daylor's house?

Answer. Daylor's house is about 1 1/2 miles below the rocky hills in a different direction below from that of Sheldon's.

3<sup>d</sup> Question. Is the land about Daylor's & Sheldon's houses overflowed by any freshet?

Answer. Yes, at times some freshets of it, it is not so apt to be so as the lands below.

4<sup>th</sup> Question. About 1/2 or 3/4 of a mile above Daylor's house is there not a point of a hill or some high land running to the river or near it?

Answer. Yes there is such a point running near the river.

5<sup>th</sup> Question. Describe this high point?

Answer. It is broken and irregular in its direction and elevations, as to height it is to say 20 feet above a usual stage of water when it comes near the river. It is not rocky.

6<sup>th</sup> Question. As the crossing of the road leading

to Sutter's a well known point on the Coconino, spoken of as the Pass?

Answer. This, and is now the crossing of the middle Stockton road.

7<sup>th</sup> Question. Is it possible to run a line back from the Coconino river along the foot of the Rocky hill to where the upland joins it.

Answer. Yes, it would be very easily done.

8<sup>th</sup> Question. Is it possible to trace the line of separation between the valley and the upland mentioned.

Answer. Yes, it could be followed.

9<sup>th</sup> Question. Describe the upland, as to its elevation, soil and topography.

Answer. The soil is much lighter colored than the valley and mixed with fine gravel and sand, rather barren soil, as to elevation it is in the highest places from 20 to 30 feet above the valley, there may be places where it is considerably higher, down towards the pass. It is very low nearly level with the valley, there is not much stone or gravel on it, the whole of the plain or table land is covered with fine stones, finer stones you might call them, it will not produce much.

10<sup>th</sup> Question. Is the point of which you have spoken as running near to the river a half or  $\frac{3}{4}$  of a mile above Daylor's house, a spur or part of this same upland?

Answer. Yes, it is the same.

11<sup>th</sup> Question. What names did the several Indian Rancherias mentioned by you have in the year 1844 or 1845?

Answer. I do not know, I do not know the names of any of the Rancherias there.

12<sup>th</sup> Question. Are you a surveyor or do you know anything about surveying?

Answer. I am not a surveyor and don't

know much about surveying, I have helped survey by carrying chains and the like, but not to great deal.

13<sup>th</sup> Question. State the grounds of your assertion that a tract of land having the description stated in the 7<sup>th</sup> Question of this examination in chief, could not be definitely located.  
 Answer. In my answer to the 9<sup>th</sup> Interrogatory I spoke with reference to the map here in the case, but in my judgment no such tract could be located from my knowledge of the Country. I think so because there is nothing to distinguish one Rancheria from another and the Omochumnes therefore cannot be found or fixed as a boundary. I cannot state any other grounds for my answer.

14<sup>th</sup> Question. Have you any interest in the confirmation or rejection of this claim.  
 Answer. Not a particle.

15<sup>th</sup> Question. Where do you reside?  
 Answer. I live about 4 miles in a North Easterly direction from Dayler's house on the Mangtun road, I keep a public house there some 3 miles from the river Cummer.

Re-examined by U. S. Law Agent.

1<sup>st</sup> Question. Is there anything in the description stated in the 7<sup>th</sup> question in chief herein, to definitely locate a line running parallel with the Cummer river.  
 Answer. There is nothing to locate such a line as I can perceive in the description.

This 1<sup>st</sup> question objected to by claimant's counsel for irrelevancy. P. S.

Subscribed & sworn George G. Snyder.  
 to before me on this

31<sup>st</sup> day of May A. D. 1854.

Peter Lott, Commissioner  
for taking testimony &c.

Filed in Office May 31 1854.

Geo: Fisher,  
Secy.

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Defendant <sup>173</sup>  
Jonathan  
O. Shumwood.

United States of America  
State of California. 3 S.S.

San Francisco May 31 1854

This day personally came before Peter Lott  
a Commissioner for taking testimony to be used  
before the Board of U. S. Land Commissioners  
of said state, Jonathan O. Shumwood a witness  
on behalf of the United States in case No 173  
on the docket of said Board, wherein Catherine  
Sheldon, et, al, are claimants, and said wit-  
ness being duly sworn on oath deposed in Eng-  
lish as follows, to wit:

The Attorney for claimants is present.

Questions by U. S. Law Agent.

1<sup>st</sup> Question. What is your name, age and  
residence?

Answer. My name is Jonathan O. Shumwood  
my age 26 years, my residence Sacramento  
County California?

2<sup>d</sup> Question. Are you acquainted with the  
country in the neighborhood of Sheldon's  
ranch on the Common river, if yea, how  
long have you known it?

Answer. I am acquainted with that coun-  
try and have known it since November 1850.

3<sup>d</sup> Question. Look at the document marked Exhibit A annexed to the deposition of John A. Sutter, taken before Commissioner Henry J. Thornton, and filed in this case, and state whether there is any range of rocky hills, running parallel with the Sacramento river from the Pass to Sutter's, and running in a North East direction as delineated on the map in said document?  
Answer. There is no line of Rocky Hills running as represented here.

4<sup>th</sup> Question. What is the distance of said Pass to the Rocky foot hills of the river in a direct line?

Answer. It is about 18 or 19 miles, I have never measured it, but have often rode over it. I know very well where the two points are, and I know the line of the Government surveys there.

5<sup>th</sup> Question. Are there any other Indian Rancherias between the 2 points just named of you, is there any one of the name of the Amochumnes?

Answer. There are several Ad Rancherias, I do not know the names of any of them.

6<sup>th</sup> Question. What is the general character of the country from the Sacramento towards the American river, is it hilly, rolling or level, and is there any range of hills running parallel with the Sacramento river, between the two rivers?

Answer. The country there is generally rolling, without any plainly marked range of hills such as you speak of.

7<sup>th</sup> Question. Could any particular tract of land be definitely located from the following description. This square league of land between the North side of the river Sacramento the Rancheria of the Amochumnes, the rocky hills and the Pass which at said river leads to Mr Sutter's establishment?

Answer. I do not think it could.

Cross-examined by claimant's counsel.

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1<sup>st</sup> Question. How far is Sheldon's house, & how far is Dwyler's house below the Rocky foot hills, and is the land about these two houses subject to overflow?

Answer. There are three houses which were built at different times by Sheldon, but the one occupied by the widow of Sheldon (since married again) is about 5 1/2 miles below the rocky hills, and Dwyler's is about 4 1/2 miles, and the land about these is subject to overflow.

2<sup>d</sup> Question. About 1/2 or 3/4 of a mile above Dwyler's house is there not a point of a hill or some high land running to the river or near it? If yes, describe it?

Answer. There is, It is a gradual elevation of 30 or 40 feet above the surrounding valley. It rises near the river in an oval form & back of that it is irregular this rather level with slight elevations.

3<sup>d</sup> Question. Is the crossing or pass on the Occumus leading to Sutter's a well known point?

Answer. Yes, it is a well known point.

4<sup>th</sup> Question. Is it possible to run a line back from the Occumus river along the foot of the Rocky hill to where the upland joins it?

Answer. Yes.

5<sup>th</sup> Question. Is it possible to trace the line of separation between the valley and the upland mentioned?

Answer. It would be very easy to follow the line, it is irregular but could be followed.

6<sup>th</sup> Question. Describe the upland as to

its height and soil?

Answer. The soil on that land is light and soft compared with the land in the valley, the color is reddish in places, and in some it is yellow and sandy. The height above the valley varies from 10 to 50 feet. It is not rocky but in places gravelly, and less fertile than the valley land.

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7<sup>th</sup> Question. Is the point of which you have spoken as running near to the river  $\frac{1}{2}$  or  $\frac{3}{4}$  of a mile above Deyler's house a spur or part of this same upland.

Answer. It is.

8<sup>th</sup> Question. What names did the several Rancherias mentioned by you, bear in the year 1844 or 1845 or since?

Answer. I do not know. They have never been inhabited since I have been in the country and I am not acquainted with their names.

9<sup>th</sup> Question. Are you a surveyor or do you know anything about surveying?

Answer. I have surveyed some, not since I came to this country, but formerly I have done something at it.

10<sup>th</sup> Question. On what grounds do you assert that a tract of land having the description stated in the 7<sup>th</sup> Question of the examination in chief in this deposition could not be definitely located?

Answer. Because there is not that amount of land embraced in the bottom lands between the Pass and the rocky hills, and I do not know where the Cimochumnes Rancheria is situated. If I were called upon to locate 5 square leagues of land between the Pass & the Rocky hills on the North side of the Co-summes river I could do it; but if I were confined to the bottom or valley lands between these two points I could not for the land is not there.

11<sup>th</sup> Question. Have you any interest in the confirmations or rejection of this claim?  
Answer. I have none.

12<sup>th</sup> Question. Where do you reside?  
Answer. I live on the South side of the Commons on the Preston road about 25 miles from Sacramento City.

13<sup>th</sup> Question. What is the difference between a rectangle and an equiangular quadrilateral?  
Answer. I think I will make no pretensions to answer this question.

13<sup>th</sup> Question objected to as irrelevant and impertinent by the U. S. Law Agent. P.S.

Re-examined by the U. S. Law Agent.

1<sup>st</sup> Question. Is there anything in the description stated in the 7<sup>th</sup> Question in chief herein, to definitely locate a line running parallel with the Commons river?

Answer. The line that we have already spoken of as marking the table land is easily located. There is no line of rocky hills there running parallel with the river.

This 1<sup>st</sup> Question objected to by claimants counsel as irrelevant — P.S.

Again cross-examined by claimants counsel —

1<sup>st</sup> Question. What is necessary in order to locate a straight line?

Answer. A starting point is all that is necessary.

J. O. Sherrwood.

Subscribed and sworn to  
before me on this 31<sup>st</sup> day  
of May A. D. 1854.

Peter Sott. Commr.  
for taking testimony &c.

Filed in Office May 31 1854.

Geo: Fisher, J.  
Sicily

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Deposition  
of John P.  
Rhoades.

173  
e.

United States of America. 5  
State of California 3 S.S.

San Francisco June 20 1854

This day personally came before Peter Sott a Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State, John P. Rhoades a witness on behalf of claimants bathurine Shelden Adm<sup>r</sup> et al, in case No 173. on the docket of said Board, and said witness being first duly sworn on oath testified before said commissioner to the end of the answer to 3<sup>d</sup> Question in chief, the remainder of the deposition was taken before Judge Felch, one of the Board of Land Commissioners in presence of the San Agent, and the final oath administered by him, as appears by his certificate hereto.

The U. S. San Agent is present.

Questions by claimants counsel.

1<sup>st</sup> Question. What is your name, age & residence.  
Answer. My name is John P. Rhoades, my age 35 years, my residence Sacramento County, California!

2<sup>d</sup> Question. Are you acquainted with the Rancho called Omochumnet, if yea, how

long have you known it?

Answer. I am well acquainted with said Rancho and have known it ever since the fall of 1846.

3<sup>d</sup> Question. What is the distance on a straight line, or by the road from the crossing of the road to Sutter's on the Occoimet to the first Rocky Hill that runs to or near the river?

Answer. The exact distance I do not know, my judgment is that it is about 13 miles or a little over that, I have travelled it very often and thus would be my opinion of the distance on a straight line, By the road which is not straight the distance would be greater, it would by the road as it now runs be about 18 miles.

4<sup>th</sup> Question. What is the situation of this Rocky Hill in reference to Sheldon's house & field.

Answer. The hill was above the house, up the river about half or three quarters of a mile. The base of the hill is immediately at the side of the field at the upper end on the river. The hill does not run all along one side of the field, but touches it at one corner which is the corner on the river.

5<sup>th</sup> Question. Please describe the hill referred to.

Answer. It is the first hill running in on the river above the Pass which is referred to in the grant on the North and West side of the river. It runs to the river terminating in a high bluff nearly perpendicular. The length of the bluff on the river is from three hundred yards to a quarter of a mile but in some places the rock is decomposed and has slidden down a little. I should think the elevation of the bluff not far from sixty feet. The direction of the hill as it runs back from the river is north-north west or a little west of north. It is a prominent and well known hill. It is a

a guide to travel by in that section of the country, and every traveller cannot help but know it. You can see it some fifteen miles off. We have now roads by which to travel, but before they were opened it was the guide of the travellers.

6 Question. Is there any difficulty in surmounting a line from the river along the base of this hill?

Law Agent objects to this question as leading. A. F.

Answer. None.

7 Question. It has been stated that Sheldon's house which is now occupied by his widow, is about five and a half miles below the Rocky hill, and that Taylor's house is about four and a half miles below the hill, is that statement true?

Answer. It is not true. Taylor's house is from a half to three quarters of a mile from the hill. I know it is not over three quarters of a mile. Sheldon's house from the bluff is about a mile and three quarters in a straight line. - There is a stone quarry which has been opened perhaps a year and half or two years; this quarry is about five miles from Taylor's house and perhaps six miles from Sheldon's house; but this quarry is not on the river and is not called the basement of the Rocky hills. - There is rock all the way from the bluff on the river to the top of the Sierra Mountains, with the exception of one or two small valleys.

8 Question. By whom was the house which you call Taylor's occupied when you first knew it and from that time to the year 1849?

Answer. It was occupied by Sheldon & Taylor both, when I first knew it. They were unmarried and were living there together. They lived there until they were married. Sheldon

was married in the spring of 1847 & Taylor a short time before. They were partners in every thing and ran off and on together at the place while they lived.

9<sup>th</sup> Question. Do you know where the Rancho of Omochumhus was?

Answer. I do. It was on the upper end of this grant in the field, and at times they moved a short distance on to the hill. They remained there until they were all killed or died with disease. There maybe a few individuals left scattered about, but they do not exist any longer as a tribe.

Questions by Mr McKune, Law Agent.

1 Question. How high is the hill you call the Rocky hill above the surrounding land?

Answer. On the North and North east side there are ravines and table lands running in, but with these exceptions the land is still more elevated than the hill, rising to the top of the Sierra Mountains; and is broken and mountainous. On the South and south west side the hill is some sixty feet high above the surrounding land.

2 Question. Are you interested in the result of this case? and is the claim prosecuted in part for your personal benefit?

Answer. I have bought a tract of land on this claim. The case is not prosecuted by me and I have no management or control over the proceeding, and I employ no Attorney in it nor do I pay anything in prosecuting it. I have a quit claim deed of the land from Shelden, and he bound himself to make me a warranty deed if his title under the grant was sustained, and if not then to refund me the money paid with six per cent interest per annum. I gave him four hundred and fifty dollars and the land described in the deed was supposed to contain about nine

hundred and fifty acres. There are not three hundred acres of it which is worth paying taxes for. The money which I would receive back would more than pay for the entry of the land if this claim should fail. The arched road and the land this year at one thousand dollars, exclusive of all improvements on it. My improvements there have cost me about fifteen thousand dollars, but would not now sell for half that amount. They are all on the one hundred and fifty acres which I expect to hold by pre-emption, if this title fails. I am the oldest settler there on the river. The table land is rocky, broken and of little value. The bottom land is about three hundred acres, or not far from that.

3 Question. What is the character of the place you call the rocky hills compared with the table land forming the Northern part of the land claimed in this case and the lands adjoining it?

Answer. The country lying North and North East of the rocky hills becomes more and more stony as you go up the hills; but this land is not on the grant.

4 Question. What is there to mark this hill as a Rocky hill more than other hills in that vicinity?

Answer. No cause it is the first rocky hill marking in on the river on that side, as you go up the river, and was also called by the name (Someta's lot pedras) by the early settlers in that part of the country and also by the Indians who speak the Spanish language.

5 Question. Do not the first hills as you go up the river entitled to the name of Rocky, occur east of the house where Pratt now lives.

Answer. They do not. Before you get within between two or three miles of Pratt's house, it is a mass of rocks.

6 Question. Look at the map now presented

See exhibit  
map. 61.

To you marked "H. Espudivote" hereon filed in this case, and state whether the hills of which you speak are correctly laid down on said map. Answer. I have examined said map. The bluff makes up immediately on the river, but I do not see it so marked on the map. The other hills running along on the North and East part of the map appear to be correctly laid down, but they come down to the river as I before stated terminating in a bluff, and this does not appear to be correctly laid down on the map. That is the only thing I see incorrectly laid down.

7 Question. Look at the shaded part of the map extending from the words "Somos o' Mumbi" to and beyond the words "Somos esteriles pedrigoras" and state what is the character of that country?

Answer. It is a poor, barren country and broken, and until you get down some five miles. It is also full of rocks and pebble stones, with the exception of a small valley running in the direction of White Rock Spring.

8 Question. What forms the Northern boundary of this Rancho Omochumnes?

Answer. I do not know, I never read the grant.

9<sup>th</sup> Question. Does the map represent the river and all its sinuities correctly?

Answer. I could take the map and find the valley very easily. The slough is correctly laid down and so are the little lakes, but as to the windings or bends of the river I cannot tell. I know that the sloughs are correct. I think the map generally correct. I except the part relative to the bluff before mentioned.

10<sup>th</sup> Question. What will do you mean in your answer to question 6<sup>th</sup>?

Answer. I mean the hill making from the river out. It is the same which comes to the river at the bluff and runs back into the country.

11<sup>th</sup> Question Would you not have the same difficulty in running that line that you would any other that could be made?

Answer. I do not know how to answer the question. Any surveyor could run a line. There is no difficulty in following the hill above mentioned; a blind man could follow the base of the hill. The top would be still easier followed, because there are sloughs at some points of the base. Back of my house the hill is about sixty feet high. The slopes there are more gradual than they are near the river. At this point the slopes are about a mile or a mile and a half from the ridge of the valley to the top of the hill, and about three miles below in the ridges disappear and it becomes a level poor country.

Mr McKim objects to this whole testimony on the ground of interest in the witness.

John P. Rhoads.

Subscribed and sworn to before me this twentieth day of June A. D. 1854.

Alphus Felch.  
Commissioner.

Filed in Office June 21 1854.

Geo: Fisher.  
Sieg.

United States Land Commission  
San Francisco June 26 1854.

On this day before Commissioner Alpha-  
us Felch, came John Parker, a witness in  
behalf of the United States, in Case No 173.  
in which case Catherine Sheldon, et al, are  
claimants, who after being duly sworn, de-  
posed as follows.

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Deposition  
of John  
Parker

Questions by Mr McKune Law Agent.

1 Question. Please state your name, age and  
place of residence.

Answer. My name is John Parker, my age  
is twenty nine years and I reside in Sac-  
ramento County, on the Common river  
in California.

2 Question. Was you acquainted with Jared  
Sheldon in his life time and with the land  
claimed by him situated on the North side  
of the Common River, in said Sacramento  
County, if yes, state how long you have known  
them and when you have resided during that  
time?

Answer. I knew said Sheldon from August  
1846 until the time of his death. I knew also  
the Rancho mentioned and was on it the first  
time in 1846 and at that time I remained  
on it about two weeks, I returned there in  
August 1847 and remained on the place  
until the 18<sup>th</sup> day of April 1848. I then  
went to the States and again returned and  
went on to the place in August, the eleventh  
1849, and have remained from that time  
until the present.

3 Question. When did Saml Sheldon live when you first saw him.

Answer. In Monterey. The first time I saw him was at that place in 1845 in the spring of the year. I was not acquainted with him then. I did not get acquainted with him until the next year. I understood he was at work at Monterey when I saw him there in 1845 building a house for Mr Hartwell. He was a carpenter.

4 Question. When you first knew the Rancho above mentioned, what was the character of the pass or passes leading from the establishment of New Helvetia to the Southern country crossing the Cosumnes River?

Answer. There was only one Indian trail. There was two of the trails which crossed the river Cosumnes, they were about half a mile apart at the river.

5 Question. What is the character of the scope of country situated between the Cosumnes and the American River, opposite the Rancho claimed by Sheldon.

Answer. From the river back about three quarters of a mile to a mile in width it is bottom land. The remainder is high prairie.

6 Question. What is the average height of the high prairie above the bottom land mentioned.

Answer. I should think from thirty to thirty five feet. It rises gradually except in a few places. The steepest place I think is at a place opposite Doyler's house where it rises about sixty feet.

7 Question. What is the character of the soil

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in the country, constituting the high prairie between the Comanches and the American west. Answer. The soil is red in some places and in others a light clay. That portion of it bordering along the bottom lands of the Comanche river is a red soil and in some places a light clay. It is of the same character as the remainder of the high prairie. There are some places where you can see a little gravel.

8 Question. Are there large stones on any part of the prairie bordering on these bottom lands claimed by Sheldon?

Answer. There are some stones about as big as my two fists and none bigger, which are situated about six miles back from said bottom lands. They are in a flat prairie where the water runs during the rains.

9 Question. Is there anything where the high prairie runs into the Comanche river to distinguish the locality.

Answer. The prairie is all alike but at that place it comes into the river and is almost a bluff. There is a little gravel which is very small and there is no rocky point at that place.

10 Question. How far above the point on the river mentioned in your last answer is it to the first rocky hills or near the river?

Answer. It is six miles as near as I can judge.

11 Question. What was the character of the improvements made in the Ranch in 1846.

Answer. There was on the place in 1846 a

small adobe house which was built before I went there. There was a corral and there was a field partly fenced: they were fencing it when I arrived there. There was some wheat growing on the place at that time which had not then been harvested.

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12 Question. How far was it above the easternmost pass which you have mentioned to the first Laguna emptying into the Coconino river.

Answer. Somewhere from half a mile to a mile. It is not less than half a mile nor more than a mile. It is called the slough. It passes by Mahon's house. There is no other slough, it branches out but comes together again.

13 Question. How far is it from Mahon's house to the mouth of the slough where it enters the river?

Answer. I should think it is not over ten miles. The slough commences at or near the White Rock Springs, I think it is in El Dorado County but am not certain of that. It runs about south until it comes into the valley that adjoins the river; there it runs between the high prairie and the bottom lands: then across the bottom lands into the river. Mahon's house is situated on the North bank of the slough. In a straight line from Mahon's house to the nearest point of the Coconino river, I should think the distance about three quarters of a mile.

Questions by Mr Williams for claimants.

1 Question. What was you doing on the Ranch

in 1846.

Answer. I was doing nothing, I went there with a friend who went there on business.

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2 Question. What in 1847.

At that time I stopped there and helped out a mill on the Cosumnes river for Sheldon & Taylor. I was there at that time about eight months as near as I can recollect.

3 Question. What in 1848.

Answer. When not at work on the mill I was stopping at Taylor's house?

4 Question. What time in 1849 did you return to this property?

Answer. I arrived on Taylor's Rancho on the eleventh day of August in that year.

5 Question. In what business did you then engage and in what business have you been since.

Answer. I stopped there part of the time. I was in the mines a month or two but made that my home, some times I helped Taylor. In 1850 I went up North and was gone a month or two. In 1853 I was at Gilroy's place three or four months. After Taylor's death I leased the lower part of said Rancho from Sheldon. I have been there on the rancho all the time with the exception of the times above mentioned of my absence to the present time.

6 Question. During the various periods above mentioned or previously therein was you ever known by or did you ever go by any other name than John Parker.

Answer. Not on the Common River.

7 Question. By what other name or names were you elsewhere known?

Answer. I was known by the name of Seth Kinn. I was known by that name in Boston. I was called by that name on the road I came here in.

8 Question. Why did you change your name.

Answer. For protection to ship by, I sailed from Boston several voyages to France under the name of Seth Kinn. It was another mans protection that I had but my true name was John Parker. When I came to California I used the same protection that I used when I sailed to France but when I arrived here I assumed my true name of John Parker.

9 Question. Since you arrived in California, have you ever assumed a different name?

Answer. I have not. I may have been called here Seth Kinn by old acquaintances but not by others.

10 Question. In what are you engaged now on this Rancho?

Answer. I am raising stock and farming some.

11 Question. By what title do you hold the land which you are now occupying —

Answer. A squatters title or pre-emption.

12 Question. Do you belong to what is known as the Squatters Association?

Answer. I do not?

13 Question. Have you contributed anything towards the employment of counsel to defend that claim?

Answer. I did pay ten dollars for that purpose about eighteen months ago; but since that I have had nothing to do with Squatters Associations. I have attended no meeting since that?

14 Question. Are you still living there claiming a squatters or pre-emption right?

Answer. I am.

15 Question. You say there are two passes across the Comanche river leading to Sutters's establishment; by what names are they called?

Answer. The only name I have heard is the trail to Sutters's Fort. There is but one trail in fact it divides into two near the river and unites again after passing the river.

16 Question. Do you know which of these two passes is called the Magallowine or the Magallowine Pass?

Answer. I never heard the name.

17 Question. At the point where the range of hills skirting the bottom lands of this Rancho turns into the Comanche River is there not a high and rocky bluff?

Answer. There is a high bluff as I said before. It is not rocky. There are some round stones or boulders by the side of the river at the bottom of the bluff. The bluff itself is covered with grass and weeds the same as the other high land. On the steep side

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is the other high land. On the steep side  
bluff are some of these round rocks or stones.

John Parker.

Mr Williams objects to  
the taking of this testimony.

1. On account of the insufficiency  
of the notice which notice is hereto  
attached.

2<sup>d</sup>. On account of the impolicy  
of introducing evidence in this  
case at a time which will allow  
no opportunity to produce re-  
butting testimony before the sub-  
mission of this case.

3<sup>d</sup>. On account of the incompetency  
of the witness and generally for  
impropriety.

Subscribed and sworn to  
before me this 26<sup>th</sup> day  
of June A. D. 1854.

Alphens Felch.  
Commissioner.

Filed in Office June 26<sup>th</sup> 1854.

Geo. Fishon.  
Sic'y.

Notice.

Case No 173.

Before the U. S. Board of Commissioners,  
Claim for the Rancher Omechumond.

Messrs Haggins & Hartington  
Attys for Claimants -  
Gentlemen.

Take notice that on the 26<sup>th</sup> day

of June 1854 at the hour of 10 A.M. or as soon thereafter as the matter can be reached before a proper Commissioner at the Court Room of said Commission I shall proceed to take the deposition of Parker to be read in evidence on the trial of the above entitled case on the part of the United States.

Respectfully  
J. H. McKim.  
Law Agent.

Received copy of the above notice June 24<sup>th</sup> 1854.

I acknowledge service of a copy of the within but object to the substance of the notice and if the testimony is taken shall insist that it be excluded or that the case be ~~presently~~ passed.  
A. P. Coitlander  
June 24<sup>th</sup> 1854.

Filed in Office June 26<sup>th</sup> 1854.  
Geo. Fishon,  
Secy.

Case No 173.

Deposition  
of Emanuel  
Pratt.

United States Land Commission.  
San Francisco July 7<sup>th</sup> 1854.

On this day before Commissioner N. Aug. Thompson came Emanuel Pratt, a witness in behalf of the claimants Catherine Sheldon et al. case No 173. who after being duly sworn deposed as follows.

Pratt J. J. Williams, Counsel

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for claimants and S. Blanding U.S. Court.  
Law Agent.

Witness states his name is Emanuel Pratt, his age forty eight years, residence Sacramento Co. California.

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1<sup>st</sup> Question by Claimants counsel.

Are you acquainted with Sheldon's Ranch in the County of Sacramento called Om-chummes situated on the Cosumnes river. Answer. I am in part, I have never seen the lower part of it.

2<sup>d</sup> Question by same -

Describe the land on the North East boundary of said Ranch?

Answer. After crossing a slough you ascend a hill which is about eighty feet above high water mark in the river, in which near the bank of the river is a edge of rocks. There is a cave in the edge of rocks in which a person may stand erect. The said edge continues with the meanders of the river from three hundred yards to a quarter of a mile, it is about forty feet above the water. The point of the hill above described is the termination near the river of the range of hills which runs back of or east of Sheldon's Ranch & which from information I derived from old Californians among them Mr Perry Mcboon and Mr Sheldon formed the North Eastern boundary of said ranch.

3<sup>d</sup> Question by same.

How far do you reside from the edge of rocks above described and how far is the nearest part of your land from it.

Answer. I live four miles and half from it and my land extends to said edge of rocks, & as I am informed by Major Bidwell it forms a point in the boundary between my land and Sheldon's Ranch.

Cross examined by Mr Blanding.

4<sup>th</sup> Question by same.

Do you know the boundaries of said ranch generally and have you been over said North Eastern boundary.

Answer. I was over said North eastern boundary a few days ago. I do not know the other boundaries.

5<sup>th</sup> Question by same

Was your attention ever called to the North Eastern boundary in connection with the grant?

Answer. I never saw the grant, my attention was called to said boundary from my wish to ascertain my own southern boundary.

6<sup>th</sup> Question by same.

Who lives near said edge of Rocks and how far is it from Taylor house.

Answer. It is about half a mile from Taylor house, and Mr Pepe lives perhaps nearer.

7 Question by same.

What is the character of said edge of rock and of what kind of stones is it composed large or small?

(continued on page 59 - X) Answer. It is a connected ledge of sand stone rock extending as I have already stated from

Expediente promovido por D.  
Joaquin Shelton en pretencion del  
Terreno nombrado

H.

Los Cosumenes.

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(X continued  
from page 5-8)

three hundred yards to a quarter of a mile.  
Question by claimant's counsel.

Are there any lone boulders on the  
hills of which you have spoken?

Answer. There are - They are from  
the size of my fist to that of my hand, some per-  
haps larger.

(Signed) Emanuel Pratte  
Examined and subscribed  
before me July 7<sup>th</sup> 1854  
R. Aug. Thompson  
Clerk.

Filed in Office July 7<sup>th</sup> 1854  
Geo. Fisher. Secy

111  
S. G. D. E. Don Juan Gutierrez, Encargado de Justicia y  
Representante del Gobierno en las fronteras del  
Rio Sacramento.

Señor

Yo Joaquin Sheldon, Natural de los E. U. de  
la America del Norte de Oficio Carpintero y resi-  
dente en este departamento desde el año de 1840  
antes que V. d. comparece y dice: Que de cuando  
radicarme en el pais, o sea Carta de Naturaliza-  
y solicitar la propiedad de un sitio de cinco  
leguas cuadradas, situado en el lado del Norte  
del Rio de los Cosumenes. Suplico à V. d. qd. tenga  
la bondad de darme una certificacion del tiempo  
que me ha conocido y de la conducta que he ob-  
servado en dicho tiempo; como igualmente de que  
el parage que pretendo se halla Valdivia; para  
con esta certificacion poderme presentar à la  
superioridad con el objeto indicado, ovien dre  
admitir esta en papel comun por no haber del  
lado de ninguna clase.

Nueva Helvetia

13 de Agosto de 1843

Joaquin Sheldon

S. G. D. E.

Yo certifico que D. Joaquin Sheldon es conocido  
cerca seis meses que se halla aqui como hombre  
de bien y de buena conducta.

El parage que pretende es Valdivia.

Nueva Helvetia Agosto 14 de 1843

J. A. Gutierrez.

S. G. D. E.

(Here follows  
Map)

111 J. G. D. R. Dello Quarto Dos Reales.

Habilitado provisionalmente por la Aduana marítima del puerto de Monterey, en el Departamento de las Californias, para el año de mil ochocientos cuarenta y tres.

Michel Lorenca Manuel Castañares

Como Señor.

Señal

Señal

Guillermo Eduardo Hartwell, apoderado de Doaguin Sheldow, organario de Cos. U. de la America del Norte y naturalizado en la Republica Mexicana, ante V. E.

con el mayor respeto comparece y dice Que teniendo mi poder ante un pie de Ganado vacuno y caballo bastante

Monterey Oct. 1843 { respetable que ha adquirido con bde 182, 3 Inf. } el fruto de mas de dos años de haber

el O. Oro del } no asiduo y deseando radicarse en el } Despacho oyer permanecer en este Departa- do de la prefect

tura y demas } otro ganado y dedicarse a la agri- } cultora, de un terreno propio para } el efecto y habiendo reconocido un

Michelt<sup>a</sup> } paraje situado al Norte de los Cos- } umenes y el Oro de los terrenos ocupados por Don

Juan A. Dutler que ofrece todas las ventajas que

a desea sacar de el y que segun el documento que

acompaña otorgado por dho Sr Dutler como enca-

gado de Justicia y Representante del Gobierno

en las fronteras del Rio Sacramento se halla

hasta ahora Valdis; suplico a V. E tenga la bondad

de concederle a dho mi poderante la propiedad

de un terreno de cinco leguas cuadradas. empezando desde el Rio de los Cosumenes en el lado opuesto al paraje en que se hallan demarcados en el adjunto diseno la Rancheria y paso de los Macuelmenes, rumbo al N. N. O. hasta el terreno alto, distante poco mas o menos legua y media y de alto rumbo al E. N. E. y paralelo al citado Rio de los Cosumenes, la distancia necesaria para completar las cinco leguas cuadradas cuya propiedad solicita quedandole de parte del Oro y del Oriente el Rio de Lindero, y por los demas rumbos, los puntos que en la posesion propia y G. D. R. dice señale la autoridad que designe V. E.

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13

Como D<sup>o</sup>.

La comision de terrenos baldios se ha impuesto con atencion del presente expediente promovido p<sup>a</sup> el naturalizado Dr. Joaquin Sheldon en solicitud del parage nombrado Cosumenes en cuyo Expediente no aparece el titulo de concesion del parage solicitado ni el Dec<sup>to</sup>. de Cortillo p<sup>a</sup> el q<sup>d</sup>. se estienden estos documentos pues el ultimo q<sup>d</sup>. aparece fha 23 de Febr<sup>o</sup>. de 1844. Que conforme con el informe del

10. S. D. B

D<sup>o</sup>. Secretario del despacho, y como el del Sr. Sec<sup>o</sup>. parece q<sup>d</sup>. sugeta el pretendiente hasta haver un plano gral de los parages comprendidos en los Rios del Sacramento y los Cosumenes D<sup>o</sup> p<sup>a</sup> que la Comision que el decreto del Gobierno citado recayo a consecuencia de aquel informe pues se advierte q<sup>d</sup>. no se previene se atienda el titulo, y ayo este principio pone a la deliveracion de V. E. las proposiciones siguientes.

- 1<sup>a</sup> No puede la H. Asamblea dar su aprobacion en el prest<sup>o</sup>. Exped<sup>to</sup>. en razon de no aparecer titulo ni constar q<sup>d</sup>. se haya adjudicado en el terreno en propiedad.
- 2<sup>a</sup> Por el conducto respectivo se le hara saber este acuerdo al intercoado p<sup>a</sup> que se le han de conceder el terrenos, lo justifique con documento legal.

Sala de Comisiones de la H. Asamblea Departamental de Calif<sup>a</sup> en la Ciudad de Los Angeles. Abril 13. de 1846.

D. Arguello:

11. S. D. B.

Angeles Abril 22 de 1846

En Sesion de hoy se aprobaron por la Ca<sup>m</sup>a Asamblea Departamental las dos proposiciones con q<sup>d</sup>. concluye el presente dictamen.

Rio piec Prest<sup>o</sup>.

Agustin Olvera. D. Sec<sup>o</sup>

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

I, Sam<sup>l</sup>. D. King Surveyor General of the United States for the State of California and as such now having in my Office and under my control a portion of the Archives of the former Spanish and Mexican Territory,

or Department of Upper California do hereby certify that the Eleven preceding and hereunto annexed pages of tracing paper numbered from One to Eleven inclusive and each of which is verified by my initials (S. D. H.) exhibit true and accurate copies of certain documents on file and forming part of the said Archives in this Office.

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*Seal* 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 the 21<sup>st</sup> day of May 1852.

Saml. D. King.  
Comd. Genl. Cal.

Filed in Office March 5<sup>th</sup> 1853.

Geo. Fisher Secy

Documents in the matter of Don Joaquin Sheldon, soliciting for the tract of land called the Cerros. 123.

J. Don Juan Sutter, Encargado of Justice  
Translation and Representative of the Government on  
of H. the borders of the Sacramento River.

Espedante.  
1843.

Sir. Joaquin Sheldon, a native of the United States of North America, carpenter by trade and residing in this Department since the year one thousand eight hundred and forty (1840) before you say: That wishing to settle himself permanently in the country, become a naturalized citizen thereof, and ask for the ownership of a tract of land of five square leagues situated on the north side of the Cerros river, he now begs you will have the goodness to give him a certificate of the time you have known him, of his conduct during said period, as also that the tract of land now asked for by him is vacant, in order that with said certificate he may present himself before the corresponding authorities and petition them on this subject. You will please admit this present on common paper, having no description of stamped paper.

New Helvetia 13<sup>th</sup> August 1843.

(Sg<sup>d</sup>) Joaquin Sheldon.

I hereby certify that Don Joaquin Sheldon has been known, during the nearly six months that he has been residing here as an honest man and of good

11

conduct.  
New Helvetia 14<sup>th</sup> August 1843.  
(Sgd) J. A. Sutter.

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Fourth Stamp, Two Reals.  
Primarily supplied by the Custom House  
of the Port of Monterey in the Department  
of the Californias for the year 1843.  
Micheltorina. Man. Castanares

Your Excellency.  
Guillermo Eduardo Westcott  
attorney in fact of Joaquin Sheldon, a  
native of the United States of America  
(North) and a naturalized citizen of the  
Mexican Republic before your Excellency  
with due respect says:  
That my constituent has a good  
number of cattle, which he has acquired  
with the process of more than two years  
arduous labor, and wishes to settle per-  
manently in this Department, since  
to be able to — his stock and dedicate  
himself to agriculture, he requires a tract  
of land for this purpose, having furthermore  
found a tract of land to the North of the  
Commons river, to the south of the land  
occupied by Don Juan A. Sutter that of-  
fers all the advantages desired, and which  
is as yet vacant as is shown by the un-  
revised document given by said Senior  
Sutter as Encargado of Justice and  
Representative of the Government on the  
border of the Sacramento river, therefore  
I now by your Exc. will have the goodness

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PAGE 67

to grant to my constituent a tract of land  
of five square leagues, beginning on the  
Cozumme river opposite to the place on  
which is marked on the annexed sketch  
the Rancheria and crossing of the Moquel-  
murus running in north westerly direction  
to the high grounds, being the distance of  
about one and a half leagues, and from  
the high grounds with east north easterly  
direction and parallel with the above named  
Cozumme river, the requisite distance to  
complete the five square leagues; the river  
forming the boundaries on the south and  
east sides and in all other directions be  
limited by the points that may be denoted  
by the authorities, Your Exc. may appoint  
to give me lawful possession of said land,  
And again request your Exc. to decree in  
conformity with this petition, protesting  
that I act in good faith and shall do  
all that may be requisite.

Monterey 5<sup>th</sup> October 1843.

(Sigs) Guillermo Ed<sup>o</sup> de Neustria.

Monterey 6<sup>th</sup> October 1843.

The Hon the Secretary of the  
Despacho will report thereon, consulting the  
Profectura and all other he may deem  
necessary.

(Sigs) Micheltena.

It is ordered by His Excellency  
the Governor that the present petition  
be forwarded to the Hon the Profect of  
the First District that he may report  
on the contents of the preceding petitions  
and when done that it be returned in  
order that the decree of His Excellency

of this date be complied with:  
Monterey 6<sup>th</sup> October 1843.  
(Sig<sup>l</sup>) Manuel Jimenez.

Mr Secretary of the Despacho.

It is proven by the certificate of Don Juan Agustin Salter signed to by the attorney in this petition, that the tract of land asked for is vacant, and as the constituent is of good conduct and industrious and he becoming by naturalization a citizen of the Republic this Prefecture has no obstacle that the said tract of land be granted to him, provided that the Superior Government of the Department deems it just.

Monterey 7<sup>th</sup> October 1843.  
(Sig<sup>l</sup>) Jose R. Estrada.

Your Excellency. By the report in this petition, it appears there is no obstacle whatever in acceding to the petition of the interested party, but it is my opinion that should he obtain this gift, that he will have to submit to the limits that will be pointed out to him by the Encargado of Justice of the Sacramento at the time of occupying the same land as there is no general plan of the land between the rivers of the Sacramento and Cosumnes. Still your Exc<sup>l</sup> will order as he may think proper.

Monterey 7<sup>th</sup> October 1843.  
(Sig<sup>l</sup>) Manuel Jimenez.

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Monterey 23<sup>d</sup> February 1844.

The report of the Hon, the Secretary of the Despacho is agreed to.  
(Sign) Micheltourne.

Angles 16<sup>th</sup> March 1846

An account of these documents having been given to the Hon, the Assembly in its day's session they are referred to the Committee on vacant lands.

(Sign) Pio Pico  
(Sign) Augustin Olvera

Your Excellency.

The Committee on vacant lands has carefully perused the present documents originated by the petition of the naturalized citizen Don Joaquin Shulden, for the tract of land of the Cosumnes, in which documents there does not appear either the title of grant of the land solicited or the customary decree in virtue of which such patents are granted.

The last decree dated 23<sup>d</sup> February 1844 says "the report of the Hon, the Secretary of the Despacho is agreed to," and as it appears that the Secretary, a general plan of the lands within the views of the Sacramento and Cosumnes before complying with his request, the committee therefore seeing that there are no orders given to draw out the title, is of opinion that the decree of said Government was withheld in consequence of said report. Upon this principle they submit the following propositions to the consideration of your Excellency.

1<sup>o</sup>. The Hon, the Assembly cannot give

1/173

711

her approval to the present petition, there appearing not in title, and furthermore there being no proof that said tract of land has been really granted.

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PAGE 70

2<sup>d</sup>. That the interested party, be informed of this resolution by the proper means, in order that if the land has really been granted to him he may prove it by a legal document.

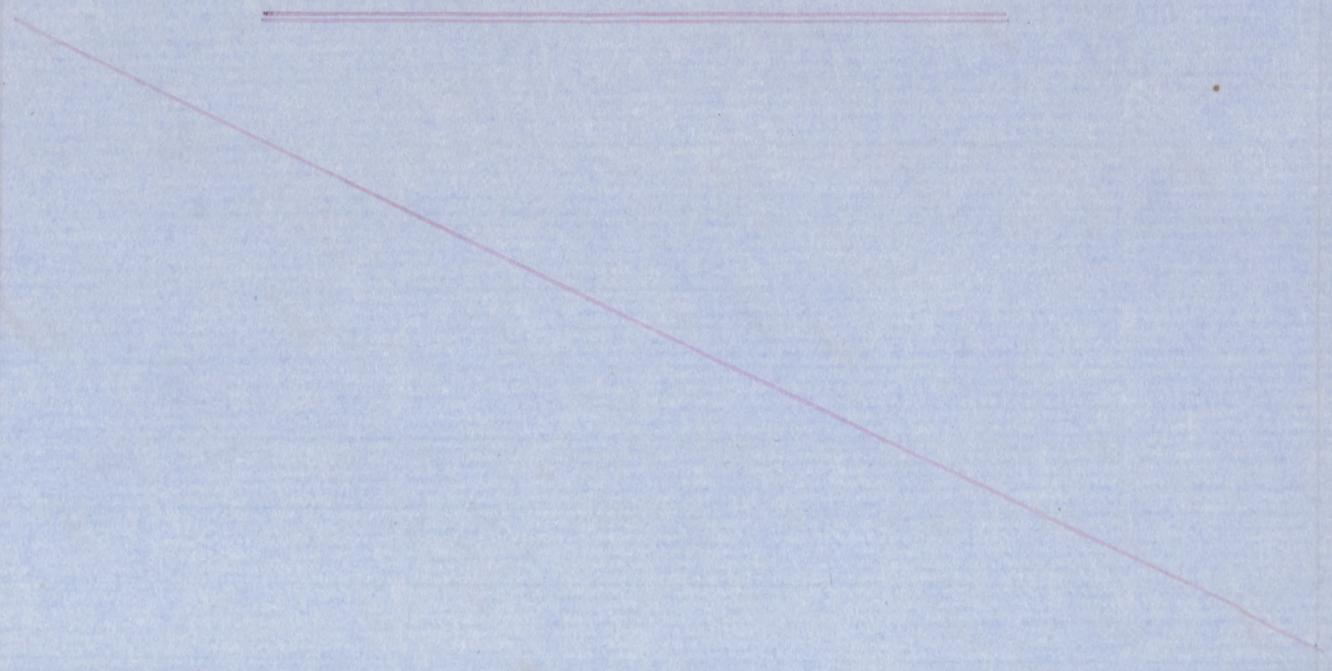
Dated in the Hall of the Committee of the Hon. the Departmental Assembly of Californians in the city of Los Angeles on the 13<sup>th</sup> April 1846.  
(Sig<sup>o</sup>) B. Arguilla.

Angles 22<sup>d</sup> April 1846.

The Hon. the Departmental Assembly has approved in to day's session the two propositions given in the end of the preceding report of the committee of Sig<sup>o</sup> Phi Phi.  
(Sig<sup>o</sup>) Augustin Chorra. Presid<sup>t</sup>:-

Filed in Office March 5<sup>th</sup> 1853.

Geo: Fisher  
Secy.



711.92.16.

Expediente promovido por el Ciudadano naturalizado.

J.

"Joaquin Sheldon" en Solicitud del Parage que se Bepnea.

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1844

328.

J. L. D. B. Como Dño

Monterrey Eno S. de Guill. Cal. Hartwell ante V. C. 1844. Inf. el O. con el mayor respeto comparezco Dño del despacho y digo: Que con fha de 5 de Octu michelt bre del año proximo pasado tome la libertad de hacerle una presentacion en los terminos siguientes.

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Como Dño Guill. Cal. Hartwell, apoderado de Joaquin Oheldon, originario de los E. U. de la America del Norte y naturalizado en la Republica Mexicana, ante V. C. con el mayor respeto comparezco y digo: Que teniendo mi Poder ante un pie de ganado vacuno y caballo bastante respectabile que ha adquirido con el fruto de mas de dos años de trabajo asiduo, y deseando radicarse permanentemente en este Departamto. necesito para poder fomentar otro ganado y dedicarse a la agricultura, de un terreno propio para el efecto y habiendo reconocido un parage situado al Norte

J. L. D. B.

del rio de los Cosumenes y al sur de los terrenos ocupados por D. Juan. C. Outter que apece todas las Ventajas que desea sacar de el y que segun el documento que acompaño de otro Dño Outter otorgado como Encargado de justicia y Representante del Gobierno de las fronteras del Rio Sacramento se halla hasta ahora valido; suplico a V. C. tenga la bondad de concederle a otro mi poderante la propiedad de un terreno de cinco leguas en cuadradas; empezando desde el Rio de los Cosumenes en el lado opuesto al parage en que se halla demarcado en el adjunto diseño la Rancheria y paso de los Moquelmencos rumbo al N. N. O. hasta el terreno "alto," distante por lo mas o menos legua y media, y de alli rumbo al E. N. E. y paralelo al citado Rio de los Cosumenes la distancia necesaria para completar las cinco leguas en cuadradas cuya propiedad solicito; quedandose de parte del Dño y del Oriente el Rio de lindero, y por los demas rumbos los puntos que en la subdivision juridica señale la autoridad que designe V. C.

Por tanto a V. C. rendidamente suplico se sirva decretar como tengo pedido protestando no proceder de malicia y todo lo demas necesario

795

J. L. D. B.

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Monterey 5 de Octubre de 1843.

Guill. Ed. Hartwell.

En esta representacion obtuve informes muy fa-  
vorables tanto del Sr. prefecto como del Sr. se-  
cretario del despacho à cuyos manos mando V.  
E. que pasaria pero despues desgraciadmt.  
se has y no ha vuelto à parecer. Por tanto  
a. V. E. vuelvo à suplicar se dignie decretar a  
hora lo que fuere de su superior agrado sin ven-  
dose admitir esta en papel comun por no haber  
en la actualidad del sello correspondiente  
pero que opezo agregar cuando le haya protes-  
tando no proceder de malicia y lo demas nece-  
sario.

map 2

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Monterey 9 de Enero de 1844

Guill. Ed. Hartwell

Excmo Sr. Gobernador.

En el asunto à que se contrae la precedente  
instanciã ya tengo informado à V. E. que en a-  
tencion à la honradez y la veracidad del in-  
teresado del intereado se le puede conceder  
el terreno que pretende bajo la condicion de su-  
getarse à los linderos que se le señalen por el  
Juez de Dem. Josè ò por la que V. E. se  
dignare condicionar. Mas la determinacion  
de V. E. serà la mas acertada.

Monterey 21 de Enero de 1844.

Man: Jimeno

Monterey Enero 10 de 1844.

Como informa el Sr. D. D. Espinoza el titulo.

Michelt

b. s. D. H

Here follows  
map

uy. J. D. R. Manr. Micheltovena Gral de Brigada del E-  
jército Mexicano Ayudante Gral de la plana  
plana Mayor del mismo Gobernador Comandte  
Gral e Inspector del Departamento de Califor-  
nia.

Por cuanto Joaqr. Oheldon meicano  
por naturalizacion ha pretendido p<sup>a</sup> su benefi-  
cio personal cinco sitios de ganado mayor entre  
el Rio de los Comunes al lado del Norte, ran-  
cheria de los Omuchumeneo, Lomerias pedregosa,  
y el paso que en dicho Rio se toma p<sup>a</sup> el estable-  
cimiento del Sr. Cutter que es donde debe comen-  
zar la medicion hacia el rumbo del N. N. O.  
practicadas previamente las diligencias y  
averiguaciones concernientes segun lo dispuesto  
p<sup>r</sup> leyes y reglamentos de la materia en nombre  
de la Nacion Mexicana he venido en conceder  
le el terreno mencionado declarandole la pro-  
piedad de el por las presentes letras sujetandole  
a la aprobacion de la Exma. Asamblea Depar-  
tamental. y a las condiciones siguientes.

1<sup>o</sup> No podra venderlo, enagenarlo ni hipotecarlo  
imponer censos, vinculo fianza ni otro gravamen  
alguno.

2<sup>o</sup> Podra cercarlo sin perjudicar las travesias  
camino y servidumbres. lo disputara a libre y  
exclusivamente destinandolo al uso o cultivo  
que mas le acomode. por dentro de un año fa-  
bricara casa y estara habitada.

8. J. D. R.

3<sup>o</sup> Solicitara del juez respectivo que le de po-  
sicion juridica en virtud de este despacho p<sup>r</sup>  
el cual se demarcaran los linderos en cuyos li-  
mites pondra a mas de las mojoneas algunos ar-  
boles frutales o silvestres de alguna utilidad  
4<sup>o</sup> El terreno de que se le hace donacion es de cinco  
sitios de ganado mayor segun explica el diccionario  
respectivo. El juez que diere la posesion lo hara  
medir conforme a Ordenanza quedando el so-  
bante que resulte a la Nacion p<sup>a</sup> los usos con-  
venientes.

5<sup>o</sup> Si con haber mere a estos condiciones perdera su  
derecho al terreno y sera denunciado por otro.  
En consecuencia mando que teniendose  
por firme y valedero el presente se tome razon

en el libro respectivo. y se entregue al interesado para su resguardo y demas fines.  
Dado en Monterrey @ 8 de Enero de 1844.  
En testimonio de verdad  
Ameno.

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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 doouch now having in my Office and under my charge a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the Eight preceding and hereunto annexed pages of tracing paper numbered from one to Eight inclusive and each of which is verified by my initials (S. D. K.) exhibit true and accurate copies of certain documents on file and forming part of the said Archives in this Office

**Seal** 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 22<sup>nd</sup> day of May 1852.

Saml. D. King  
Survey. Genl. Cal.

Certified in Office March 5<sup>th</sup> 1853.  
Geo. Fisher Secy.

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*[Faint, illegible handwriting covering the majority of the page]*

*undelivered citizen Judson S. Hill*

Documents in the petitions of the nat-  
uralized citizen Joaquin Shelders for  
the land herein specified.

1844  
328.

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N.  
Translation Your Excellency.  
of J.

Español  
1844.

Guillermo Edwards Headnutt  
before your Excellency with due respect says:  
That on the fifth of October of last year I  
took the liberty to present a petition in  
the following terms:

"Your Excellency: Guillermo Ed-  
wards Headnutt attorney in fact of Joaquin  
Shelders, a native of the United States  
of North America and a naturalized citizen  
of the Mexican Republic before your Excel-  
lency with due respect says:

That my constituent has a good  
number of cattle, which he has acquired  
with the process of more than two years  
assiduous labor and wishes to settle per-  
manently in this Department, and to  
be able to — his stock and dedicate him-  
self to agriculture, he requires a tract of land  
for this purpose; having furthermore found  
a tract of land to the north of the Sacra-  
ment river and to the south of the land oc-  
cupied by Don Juan A. Sutter, that offers  
all the advantages desired and which is as  
yet vacant as is shown by the annexed  
document given by said Señor Sutter as  
Encargado of Justice and Representative  
of the Government on the borders of the  
Sacramento river, therefore I now hereby  
beg your Exc. will have the goodness to  
grant to my constituent a tract of land

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of five square leagues, beginning on the  
 Cosumnes river opposite to the place on  
 which is marked on the annexed sketch,  
 the Rancheria and crossing of the Moquilt-  
 menses running in north north westerly  
 direction to the high grounds, being the  
 distance of about one and a half leagues,  
 and from the high grounds with east  
 north easterly direction and parallel with  
 the above named Cosumnes river the  
 requisite distance to complete the five  
 square leagues, the river forming the  
 boundaries on the south and east sides  
 and in all other directions being limited  
 by the points that may be described by  
 the authorities your Excellency may  
 appoint to give me lawful possession of  
 said land.

And again request your Exc.  
 to decree in conformity with this petition,  
 protesting that I act in good faith, and  
 shall do all that may be requisite.

Monterey 5<sup>th</sup> October 1843.

Gual. Ed. de Hartnell

And this representation obtained very fa-  
 vorable reports both from the Prefecture  
 and the Secretary of the Despacho, to  
 whom your Exc. had ordered it to be referred  
 but unfortunately after that it was made  
 and has never appeared again.

Therefore I again beg your  
 Exc. may please to decree as you may  
 think proper, begging you will admit the  
 present on common paper, having none  
 of the appropriate stamps, but which I  
 offer to annex as soon as it may be

79.

had. I protest that I act in good faith & shall do all that is required.

Monterey 3<sup>d</sup> January 1844.  
(Sig<sup>d</sup>) Guillermo Ed<sup>o</sup> Hartnett.

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Monterey 3<sup>d</sup> January 1844.  
The Secretary of the Dispatches will please report.  
(Sig<sup>d</sup>) Micheltona.

Most Exc<sup>t</sup>. Mr Governor.

In the matter of the above petition I have already reported to your Exc<sup>t</sup>, that in consideration of the honesty & industry of the interested party, the tract of land asked for should be granted under the conditions to submit to the boundaries that may be pointed out to him by the Judge of San José or by the person that your Exc<sup>t</sup>, may please to name for this purpose; still your Exc<sup>t</sup>, will be better able to judge.

Monterey 4<sup>th</sup> January 1844.  
(Sig<sup>d</sup>) Manuel Jimeno.

Monterey 4<sup>th</sup> January 1844.  
In conformity with the report of the Secretary let the title be made out.  
(Sig<sup>d</sup>) Micheltona.

Manuel Micheltona, Brigadier General of the Mexican Army, Adjutant General of the Staff, Governor, General in Chief and Inspector of the Department of the Californias.  
Whereas Don Inaquin Sheldon a Mexican naturalized citizen, has

solicited for his personal benefit, five square leagues (cinco sitios de ganado mayor) between the Acumun river, on the north side, the Rancheria de los Amuchumnes the Rocky Hills and the crossing on said river that leads to the establishment of Sonier Sutter, from which the survey shall commence in north north westerly direction, the usual investigations and inquiry in relation thereto required by law and regulations, having been duly carried through; in the name of the Mexican Nation I have conceded to him the above mentioned land, declaring in him the ownership of the same by these present letters subject to the approbation of the Hon. the Departmental Assembly and to the following conditions:

- 1<sup>o</sup>. He shall not have power either to sell, dispose, mortgage, entail, pledge, or put any rest of burdens on the same.
- 2<sup>o</sup>. He may enclose it without injury to the paths, roads, highways and servitudes; he may freely and exclusively enjoy the same, using it for the purposes that may best suit him, but within one year he shall ~~not~~ have built a house and which shall be occupied.
- 3<sup>o</sup>. He shall request the proper Judge to him lawful possession in virtue of this decree, said Judge will define the boundaries, at the limits of which he shall place besides the land marks, some fruit trees or some useful forest trees.

It <sup>th</sup> is The land hereby granted consists of five square leagues (cinco sitios) as

shown by the annexed map; The Judge who is to give him possession shall have it conveyed according to ordinances, reserving the surplus that may result to the Nation for the purposes.

5<sup>th</sup> If he contravenes the above conditions he will forfeit his right to the land which could then be solicited by another party. Therefore I command that these presents being held as firm and valid, be recorded in the proper book and then be delivered to the interested party for his security & other purposes.

Dated in Monterey this 8<sup>th</sup> day of January 1844.

In witness of the truth.

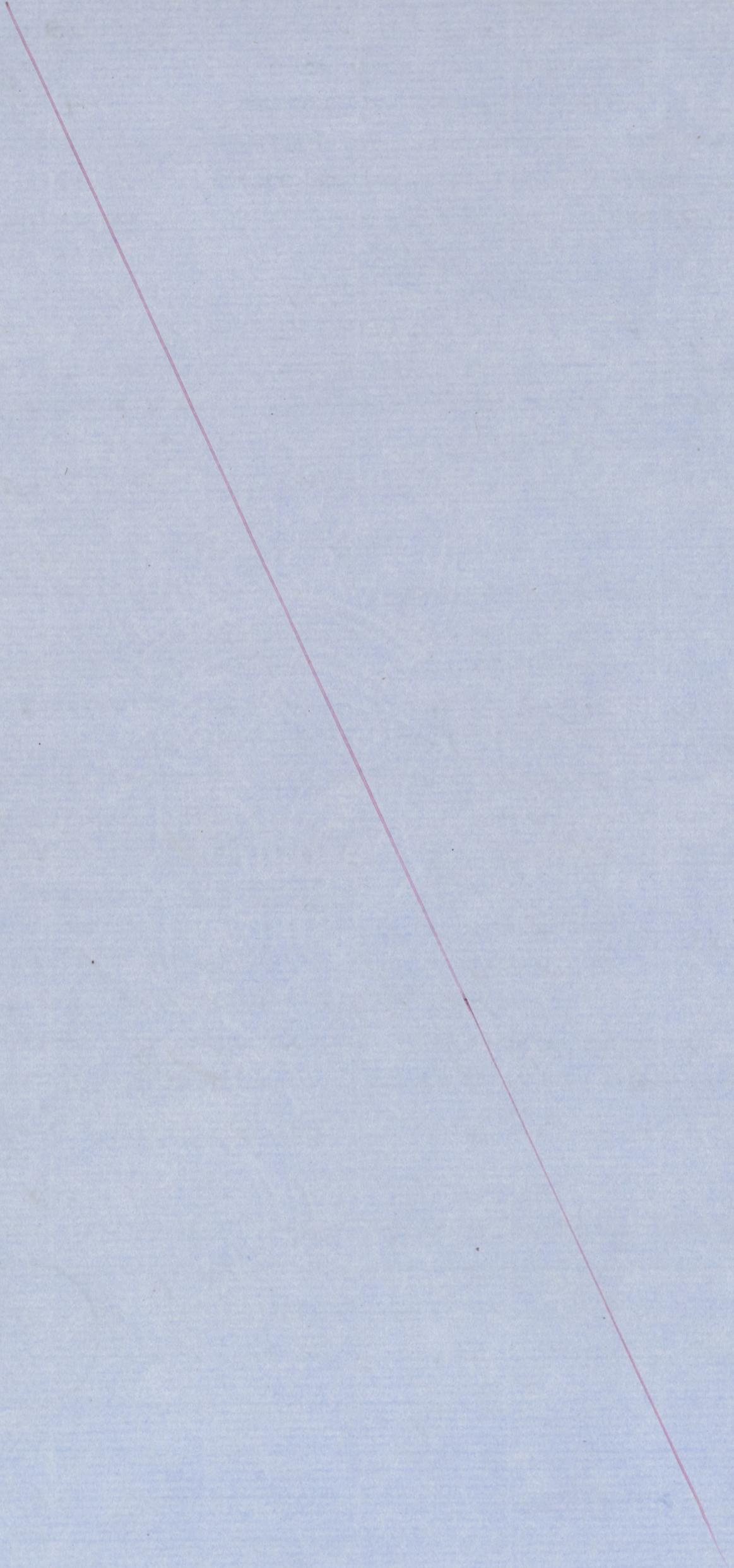
(Sig<sup>l</sup>.) Simon.

Filed in Office March 5 1853.

Geo: Fisher.

Secy.

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Dello numero Ocho pesos:

Habilitado provisionalmente por la Aduana  
 Exhib. A. to dep. Maritima del puerto de Monterey, en el depar-  
 tamento de las Californias para los años de mil  
 ociento ochenta y cuatro y mil ochocientos  
 ochenta y cinco  
 Micheltoena Pablo de la Guerra.

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Seal El Cuid. Manuel Micheltoena, General  
 de Brigada del Ejercito Mexicano Ayu-  
 dante Grial de la Plana Mayor del mismo  
 Gobernador, Comandante General e Inspector  
 del Departamento de Californias.

Por cuanto D. Joaquin Cheldon, Mexicano  
 por naturalizacion, ha pretendido para su benefi-  
 cio personal, cinco sitios de ganado mayor entre  
 el Rio de los Cosumenes al lado del Norte Rom-  
 cheria de los Quichumenes, Lomerias pedregosas  
 y el paso que en dicho rio se toma para el establi-  
 cimiento del Tor Cutter, que es donde debe empe-  
 zar la midicion hacia el rumbo et. et. Q. pla-  
 ticadas previamente las diligencias y averigua-  
 ciones consernientes segun lo dispuesto por leyes  
 y reglamentos usando de las facultades que me  
 son conferidas a nombre de la Nacion Mexica-  
 na he venido en concederle el terreno mencio-  
 ado declarandole la propiedad de el por las  
 presentes letras, sujetandose a la aprobacion de  
 la Coena Asamblea Departamental y a las con-  
 diciones siguientes.

1.º Podrà venderlo enagenarlo ni hipotecarlo  
 imponer censo, vinculo ni otro gravamen alguno  
 2.º podrá cercarlo sin perjudicar las haciendas  
 caminos y servidumbres; lo disputará libre y co-  
 clusivamente; destinandolo al uso o cultivo  
 que mas le acomode pero dentro de un año fabri-  
 -cará casa y estara habitada.

3.º Solicitara del juez respectivo le de posesion  
 juridica por el cual se demarcaran los linderos  
 en cuyos limites pondrà las mojoneras y algunos  
 arboles frutales o silvestres de alguna utilidad  
 4.º El terreno de que se hace donacion es de  
 cinco sitios de ganado mayor como se tiene.

referido y segun esplica el disenno respectivo. El juez que diere la posesion lo hara nielir segun la Ordenanza quedando el sobrante que resulte a la Estacion para los usos convenientes.  
5.º Si contravinere a estas condiciones perdera su derecho al terreno y sera denunciabile por otro.

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En consecuencia mando que teniendose p.ª firmey valedero el presente se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey a los Ocho dias del mes de Enero de mil ochocientos cuarenta y cuatro.

Mand. Michelt. Manuel Jimeno Ferris.

Queda tomada razon de este despacho en el libro respectivo de asientos sobre adjudicaciones de Terrenos Baldios @ folios 5.º del libro 2.º

Jimeno.

Mex. Government. Grant to Joaquin Sheldon  
Filed Oct. 5. 1857.

12. O. C. M. as recorded in Book of Deeds  
pages 318, 319, and 320 records of Sac. County  
Cal.ª.

L. A. Barasall.

Recorder

Recorded in Record of Evidence Vol. 1. pages 487  
& 488.

Geo. Fisher Deery

Por Alcalde de Monterea.

Exhibit B. to cuando el Ciudad. El Ciudad. Joaquin Sheldon ase  
depo of Jno. A. Joaquin Sheldon presente a U. J. en Enero 8 de 1844  
Sutter. A. J. T. quiere no puede. le concedio el sup. Gov. del depar  
dar la posesion del fomento cinco sitios de ganado  
su Rancho. Mayor como consta por el Titulo  
Nueva Helvetia de mi propiedad y siendo una de  
Abril 6 de 1844. las condiciones principales pedir  
J. A. Sutter. al Juez posesion juridica.

Duplica a U. de Cirba tomar las  
medidas segun lo previenen las leyes: para quedar  
cuberto de la falta que tanto me es Interes de esta  
Rancheria de los Omichomenes. Tomas de  
los Gombos. Abril 2 de 1844.

Joaquin Sheldon

85-

Joaquin Sheldon. © Notice

Filed Febry 5. 1851.

12. D. C. N and recorded in Book of Deeds  
page 818. Records of Facts: Co. Cal

L. A. Bidsall.

Recorder.

Recorded in Record of Evidence Vol. 1. page 490

Geo: Fisher & Co.

Delto Cuarto - Dos Reales:

Habilitado provisionalmente por la Aduana  
maritima del puerto de Monterey, en el Departa-  
mento de las Californias para los años de mil ochocientos  
cuarenta y cuatro y mil ochocientos cua-

renta y cinco  
michel Forena

Pablo de la Guerra

Here follows

Map

Exhibit C. to depo. of Geo.

A. Sutter - A. S. T.

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map 3

El que suscribe secretario del Gob<sup>o</sup> del departamento de California.

Certifica: Que el diseño que se demuestra a la vuelta es igual al Original que existe en la Seria del Gobierno agregado en el Espect<sup>o</sup> respectivo.

Y para la debida constancia entiendo la presente en Monterey @ 10 de Enero de 1844.

Man<sup>o</sup>. Ameno.

Larea Sheldon's, Blain: map  
Filed Febry 5. 1851. 12. Q. C. W. and Recorded  
in Book 7e of Deeds pages 314 & 318. Recorded  
of Dec 1<sup>o</sup> 6<sup>o</sup> Cal.

L. A. Birdsell  
Recorder

Filed in Office April 10<sup>th</sup> 1852

Geo. Fisher Deery

Mexican Government  
to  
Isachin Sheldon  
3/2 Translation of  
3 Grant.

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PAGE 85

Citizen Manuel Michelena  
Brigadier General of the Mexican Army  
Adjutant General of the Staff of the same,  
Translation Governor, Commandant-General and In-  
of Title being spector of the Department of the Califor-  
Exhibit A. to nia; whereas Isachin Sheldon a Mexican  
depo of Ju. A. by naturalization has solicited for his  
Sutter A. J. J. personal benefit five sitios de ganaderia  
mayor (square league of land) between  
the North side of the river Cosumnes, the  
Rancheria of the Omuchumnes, the rocky  
hills and the pass which at said river  
leads to Mr Sutter's Establishment; at  
which pass the measurement must begin  
towards the direction of N. N. W. the neces-  
sary steps and investigations having been  
previously taken and made as required  
by laws and regulations, I have by vir-  
tue of the faculties conferred upon me  
granted to him in the name of the Mex-  
ican Nation the before mentioned land  
declaring unto him the ownership thereof  
by these present letters, he subjecting him-  
self to the approval of the most Excellent  
Departmental Assembly and to the fol-  
lowing conditions.

1<sup>st</sup> He shall neither sell, alienate nor  
mortgage it, impose ground rent, entail  
or any other burden.

2<sup>d</sup> He may enclose it without preju-  
dice to the crossings, roads and privileges.  
He shall enjoy it fully and undisturbedly,  
destining it to the use or cultivation  
which may best suit him, but without

one year he must build a house and it shall be inhabited.

3<sup>d</sup> He shall request the respective magistrate to give him judicial possession and said magistrate shall designate the boundaries, at the limits whereof he shall place the land marks and some fruit trees or wild ones of some utility.

4<sup>th</sup> The land of which donation is made comprises five sitios de ganado mayor, square leagues as already mentioned and on the respective plot-effluvia. The Magistrate who may give possession shall have it measured according to law, the surplus which may result remaining to the Nation for the uses which may be required.

5<sup>th</sup> If he transgress these conditions he shall lose his right to the land and it shall be denounceable by another. I consequently command that holding these points to be firm and valid a record thereof be made in the respective Book and they be delivered to the party interested for his security and further ends.

Given in Monterey, the Eighth day of January one thousand eight hundred and forty four.

(Signed) Manuel Michel Arana  
(Signed) Manuel Jiminez  
Secretary.

A record of this title has been made in the book of Registers respecting grants of vacant lands at folio 5 of the 2<sup>nd</sup> Book.  
(Signed) Jiminez.

I the undersigned do hereby certify the foregoing to be a true and faithful translation of the original document in Sheldon's possession and on Record in the Government Archives at Head Quarters.

Dayles's Farm Common River

23<sup>rd</sup> September 1850.

W. E. P. Martnett,  
late Government Translator.

Recorded July 5<sup>th</sup> 1851.

State of California 3  
Sacramento County 3 s.s.

I Lewis A. Birdsall  
County Recorder and for said County  
do hereby certify the foregoing to be a true  
and correct copy of a certain instrument  
on Record in the Records of Sacramento  
County in Liber F. of Deeds. pages 322  
and 323.

Witness my hand and official  
seal at office in Sacramento City this  
the 6<sup>th</sup> day of April A. D. 1852.

L. A. Birdsall.

County Recorder Sac. Co.

(seal)

By D. Stevens. Deputy.

Board of U. S. Land Commissioners  
for California. San Francisco  
Dec 24<sup>th</sup> 1852.

I hereby certify the foregoing to be a true  
and faithful translation of the Span-  
ish original, annexed to the deposition  
of J. A. Sutter in Case No 173 on the  
Docket of this Board and on file in  
this office.

Geo: Fisher. Secy.

+1173

90

Filed in Office April 10<sup>th</sup> 1852.  
Geo: Fisher Secy.

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(Translation)

When Citizen *Francisco* Senior Alcalde of the  
*Joaquin Shelden* Citizen *Joaquin*  
 be pleased I shall *Shelden* represents to you

*D* Translation give him the  
 of Petition possession of his 1844 the Supreme Gov-  
 for Possession Ranch. ernment of the Depart-  
 being Exhibit B. New Helbitia ment granted him cinco  
 to dep. of Mr. A. April 6<sup>th</sup> 1844. sitios de ganado mayor,  
*Sutter A. S. T.* (Signed) (five square leagues) as

that on the 8<sup>th</sup> of January  
 the Supreme Gov-  
 ernment of the Depart-  
 ment granted him cinco  
 sitios de ganado mayor,  
 (five square leagues) as  
 evidenced by a title  
 deed in his favor, and one  
 of the principal conditions  
 thereof being to ask of the  
 Judge a judicial possession.

182 ND  
 PAGE 89

He begs of you to pro-  
 vide agreeably to the requirements of  
 the law, in order that he may comply  
 with that indispensable requisite.

*Rancheria de los Omechumne.*  
*Sanos de los Mumbos* April 14<sup>th</sup> 1844.  
 (Signed) *Joquin Shelden.*

Filed July 5 '1857, 12 o'clock M. and Re-  
 corded in book F. of deeds page 318 Records  
 of Sacto Co., Cal.

*L. A. Birdsell.*  
 Recorder.

Board M. S. Land Commissioners for  
 California, San Francisco Dec 24<sup>th</sup>  
 1852.

I hereby certify the foregoing to be a true  
 and correct Translation of the Spanish  
 Original, annexed to the deposition of  
*J. A. Sutter* in case No 173 and on

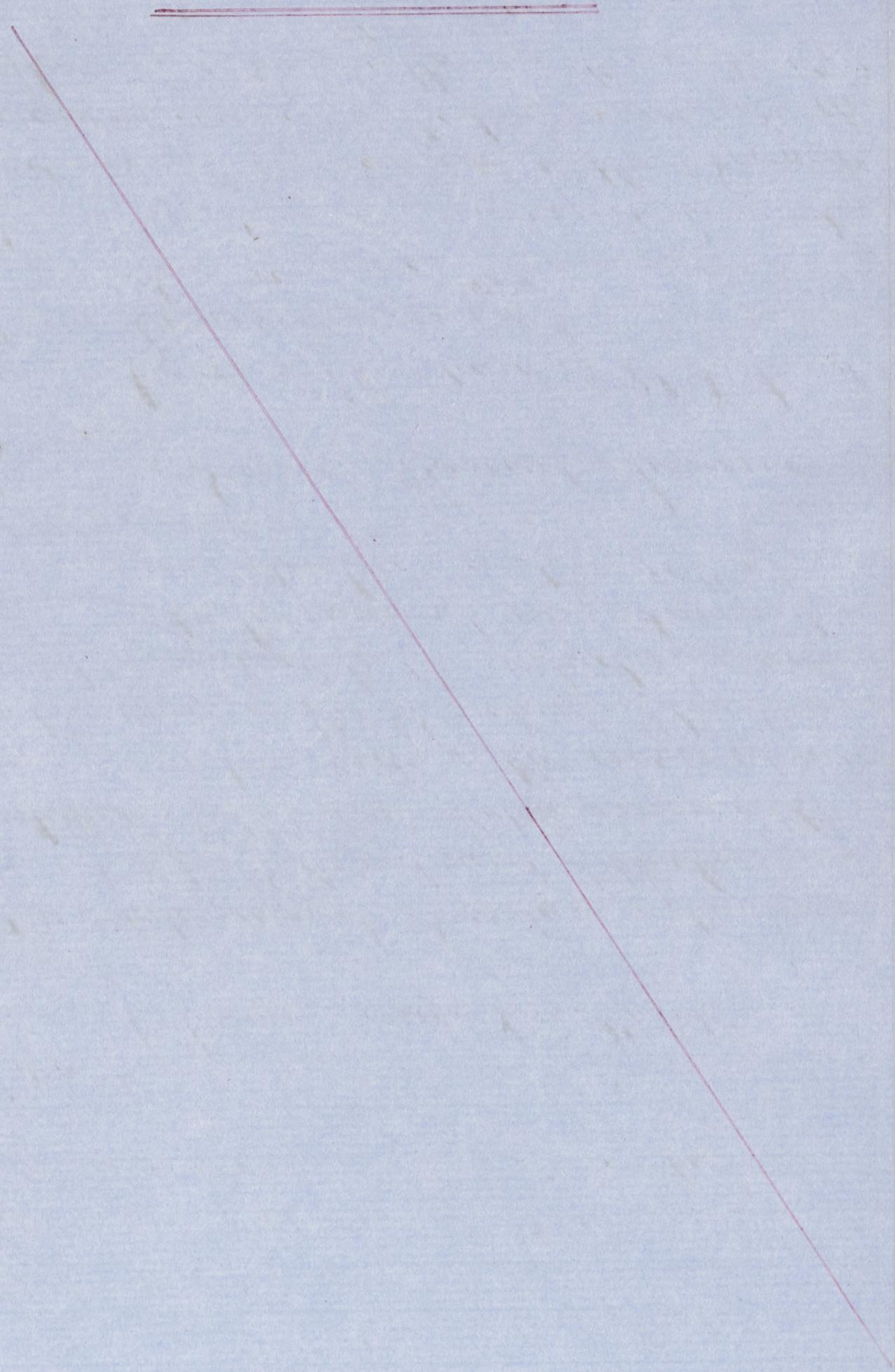
92

21173

file in this office. Geo: Fisher. Secy.

Filed in Office April 10<sup>th</sup> 1852. Geo: Fisher. Secy.

182 ND  
PAGE -- 90



Stamp Fourth Dos Reals.  
 Provisionally authorized by the Maritime  
 Custom House of the Port of Monterey, in  
 the Department of the Californias for  
 the years 1844 and 1845.  
 Micheltreina. Pabls de la Guerra.

E.  
 Translation (seal)  
 of a certificate (Mercuri comes the Map)  
 to a Map,  
 which is Exhibit

The undersigned Secretary of the Govern-  
 it C. to depts. of ment of the Department of the Californias,  
 Jno. A. Sutter - certifies; That the sketch shown on the  
 H. J. J. same is a true copy of the original, filed  
 in the office of the Secretary of the Govern-  
 ment, annexed to the respective expediente.

In testimony thereof I issue the  
 present in Monterey on the 10<sup>th</sup> of June  
 1844.

Signed/ Manuel Américo.

Office of the Board of U. S. Land  
 Commissioners for California.

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

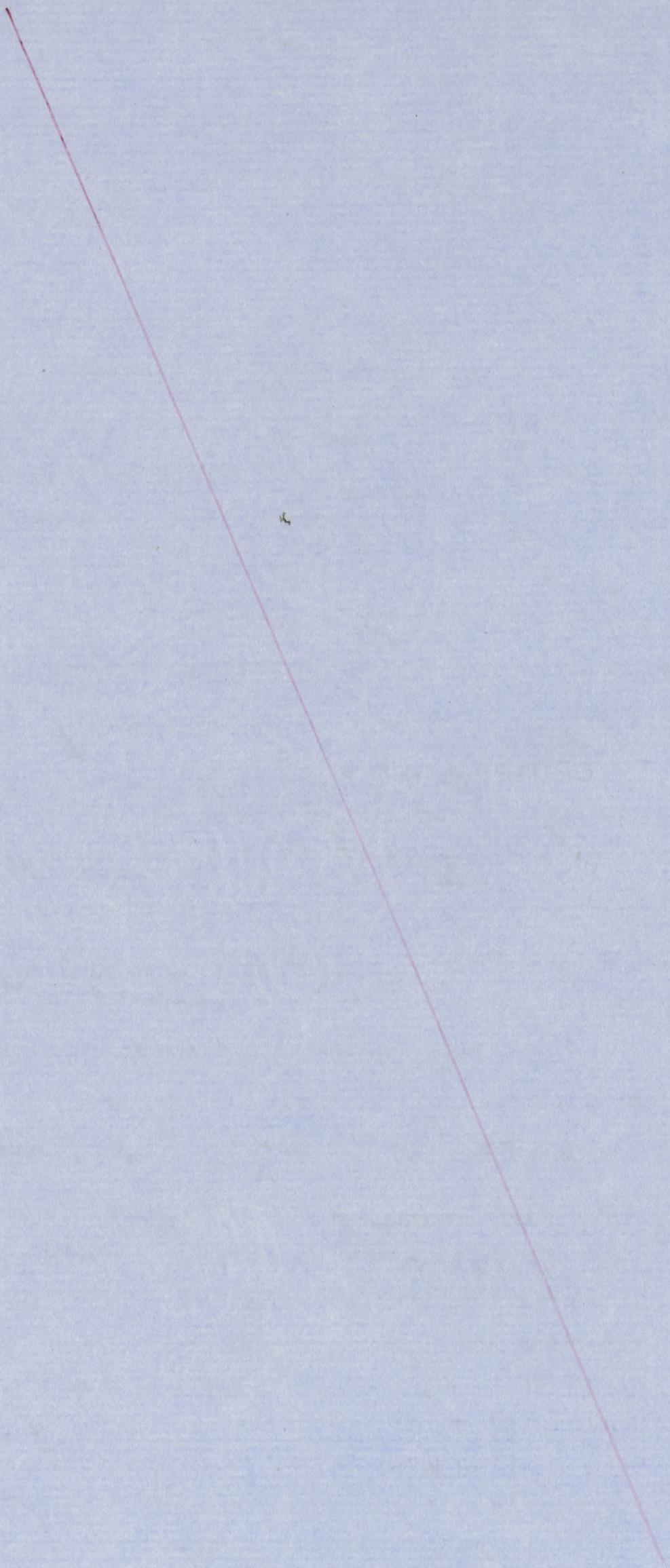
I hereby certify the foregoing to be a true  
 and correct Translation of the Spanish  
 original, annexed to the expediente dep-  
 osition of J. A. Sutter in Case No 173,  
 and on file in this office.

Geo: Fisher.  
 Secy.

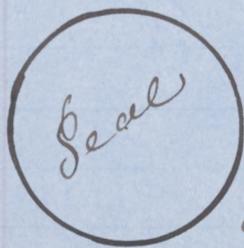
Filed in Office April 10<sup>th</sup> 1852.

Geo: Fisher.  
 Secy.

94



Manuel Micheltoena, General de Brigada del Ejercito Mexicano, Gobernador y Comandante General del Departamento de California.



Habiendo Don Joaquin Sheldon cumplido con las condiciones y requisitos que previene la ley respectiva, que arreglo el modo con que debe concederle la Carta Regd. § 2. de Naturaliza a los Extranjeros y a Ameno. Acompañando los documentos que lo acreditan; declaro al referido Don Joaquin Sheldon por las presentes; naturalizado en la Republica Mexicana; en virtud de las facultades que el Supremo Gobierno me ha concedido.

Monterrey 5 de Octubre de 1843.

Man. Micheltoena

Man. Ameno: Jefe

Filed in Office April 10<sup>th</sup> 1852.

Geo. Fisher Secy.

Letters of Naturalization

H

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PAGE 92

*[Faint, illegible handwriting covering the majority of the page, possibly bleed-through from the reverse side.]*

Mannuel Micheltona Brigadier General  
of the Mexican Army, Governor and  
Commandant General of the Depart-  
ment of California.

Of  
Translation of Government of  
of Naturalization letters of the Department  
of California.

Don Joaquin Sheldon  
having complied with

the conditions and requirements of the  
respective law, regulating the form of  
granting the naturalization papers to  
foreigners strangers; and having an-  
nected the documents testifying the  
same, I declare the aforesaid Don Joa-  
quin Sheldon by these presents, a nat-  
uralized citizen of the Mexican Repub-  
lic, by virtue of the power in me ves-  
ted by the Supreme Government.

Mexico the 5<sup>th</sup> October 1843.

(Signed) Mannuel Micheltona.

(Signed) Mannuel Jimeno  
Secretary.

Recorded #2.

(Signed) Jimeno.

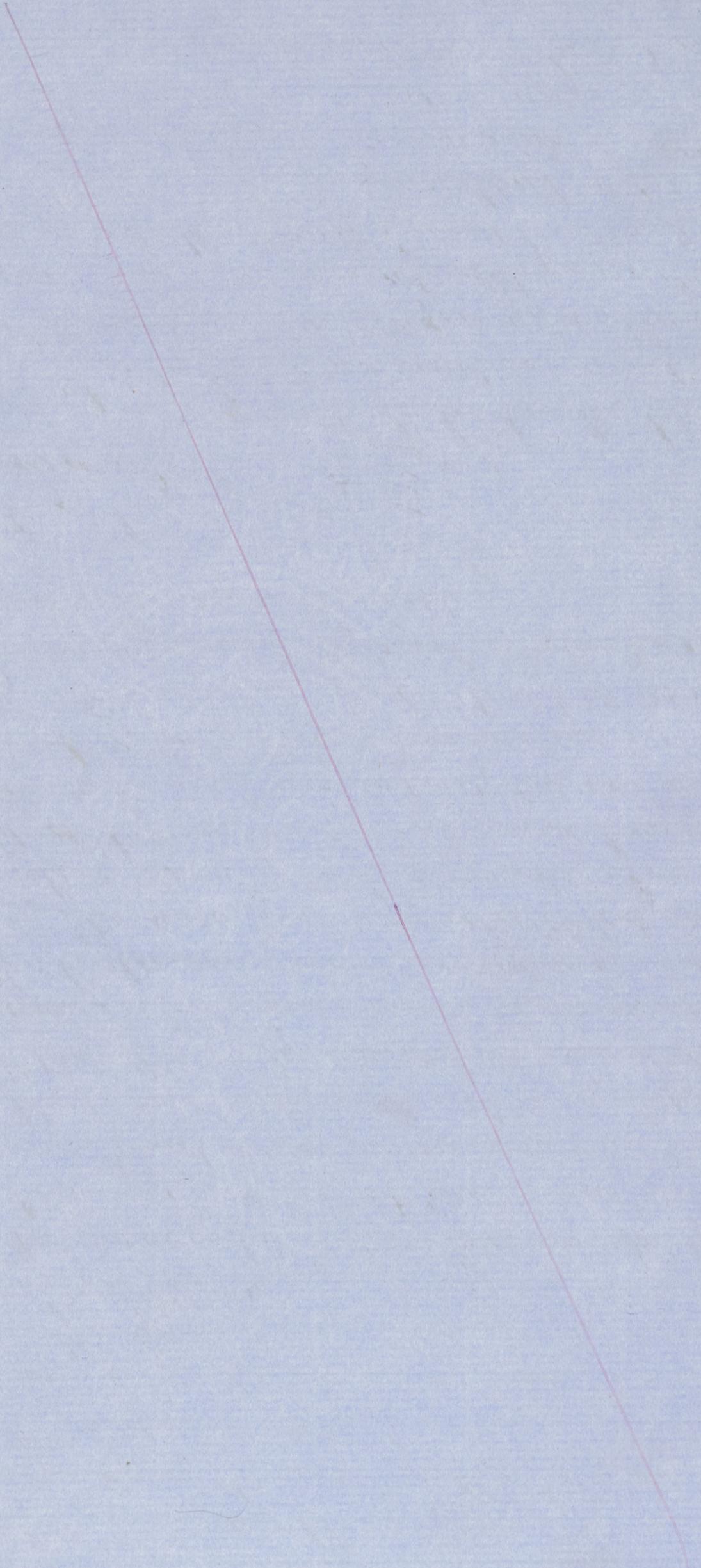
Filed Feb 5 '1857. 12 o'clock M. and  
Recorded in book F. of deeds page 316  
Records of Sacto, Co. Cal. -

L. A. Birdsall.

Recorder.

Filed in Office April 10 '1852.

98



In the matter of the Estate  
of David D. Sheldon, deceased.

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PAGE 94

And now on this day came up to be heard the petition of Gabriel W. Gunn and Katherine F. Sheldon praying to be appointed administrators and administrators Exhibit No. one of the Estate of said decedent, and it certified by appearing to the satisfaction of the Court of Decease of that the legal notice herein had been given Probate Court and that said Gabriel W. Gunn and Katherine F. Sheldon are proper persons for said trust. It is therefore ordered by the Court that the said Gabriel W. Gunn and Katherine F. Sheldon be and are hereby appointed administrators and administrators of the Estate of said decedent upon their filing Bonds in the sum of two hundred thousand dollars conditioned according to law and taking the oath prescribed by law. And it is further ordered that Gelston, Charles Lewis and E. P. January be and is hereby appointed appraisers of said Estate.

State of California.  
Sacramento County.

D. A. C. Hunter, Clerk  
of the Probate Court in and for said County, certify the foregoing to be a true copy of an original entry made on the Records of said Court on the 25<sup>th</sup> day of August 1857, and that on the 1<sup>st</sup> day of Sept G. W. Gunn and K. F. Sheldon filed their bond as admin and admin as required by order of Court, and on the 10<sup>th</sup> of September of same year took the oath of office required by law, also

that they are still the administrators &  
admins of said Est.

Gives under my hand and seal  
of said Court this 11<sup>th</sup> day of October A.D.  
1853.

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PAGE 95

(seal) A.C. Hunter. Clerk. P.C.  
By S. A. Southmayd. Deput.

Filed in Office Oct 14<sup>th</sup> 1853.

Geo: Fisher. Secy.

Copy of Deed.

182 ND  
PAGE 96

This Indenture made and entered into this twentieth day of July in the year of our Lord one thousand eight hundred and fifty two by and between Gabriel W. Gunn Administrator and Katharine F. Sheldon Administratrix of the Estate of Land D. Sheldon deceased, of the first part and William K. Lindsay of the second part, Witnesseth, that whereas at the October term A. D. 1857 of the Probate Court within and for the County of Sacramento and State of California, the following order was entered by the said Court, to wit: Probate Court October Term 1857, Monday October 27<sup>th</sup> 1857, Court met pursuant to adjournment pursuant Hon. E. J. Willis County Judge. Estate of Land Sheldon dec'd. This day was presented the petition of G. W. Gunn admin and K. F. Sheldon admrix of said estate and petitioned the Court for an order to sell the following real estate for the purpose of paying the outstanding claims against said estate to wit: A tract of Land known as the lower farm situated on the Cosumnes River containing  $1\frac{1}{2}$  miles on the River and running three miles back, valued at \$16,000. It is ordered that said real estate be sold upon giving due notice of time and place of sale, and the proceeds of said sale be applied to the payment of claims against said Estate, and whereas in pursuance of the above order the said Gabriel W. Gunn administrator and Katharine F. Sheldon administratrix aforesaid did after giving due notice according to law on the fifteenth day of November 1857 offer the

Land described in said order at public sale to the highest and best bidder for cash in hand at which said sale the said William K. Lindsay party of the second part bid the sum of Sixteen hundred dollars for the following described tract or parcel of land part of said tract described in said order to wit: a tract of land fronting one half of a mile on the river Cosumnes and running back three miles, the same being bounded on the West by a tract of land owned by Hughes, on the east by a tract of land owned by Stephen R. Gelder and containing nine hundred and sixty acres, situated in the County of Sacramento, State of California, the same being a part of the Ranch known as the Cosumnes or Sheldon's Ranch, and the said sum of Sixteen hundred dollars being the highest and best bid for the said part of said tract of land the same was struck off to him the said William K. Lindsay party of the second part, and whereas the said administrator Gabriel W. Gunn and the said administrator Katherine F. Sheldon having reported the said sale to the Probate Court of said Sacramento County in conformity to law and the same having been confirmed by order of the said Court in the words following to wit: Estate of Jared Sheldon dec'd. It is hereby ordered by this Court that the report of the sale of real estate made by K. F. Sheldon and G. W. Gunn admors, and admors, of the estate of Jared D. Sheldon, dec'd under

the order of this court for the payment of the debts of said estate be and the same is hereby confirmed and the said adm'r and adm'rs are hereby authorized and directed to execute a conveyance, conveyances in conformity with said report. Now in pursuance of the authority vested in us by virtue of the said last mentioned order and in consideration of the sum of Eighteen hundred dollars, to us in hand paid by the said party of the second part the receipt whereof we do hereby acknowledge, we Gabriel W. Gunn administrator and Katharine F. Sheldon administratrix of the estate of said Jand D. Sheldon dec'd have granted, bargained, sold and conveyed, and do by these presents grant, bargain, sell and convey unto the said William K. Lindsay his heirs and assigns forever, all the right, title and interest which the said Jand D. Sheldon deceased had at the time of his death in and to the said last described tract of land embraced in said order as fully and completely as we can as administrator and administratrix by law sell and convey the same.

In witness of these presents the said Gabriel W. Gunn and Katharine F. Sheldon administrator and administratrix as aforesaid have hereunto subscribed their names and affixed their seals the day and year first above written.

G. W. Gunn. admr. (seal)  
of the Estate of Jand Sheldon  
dec'd.

(seal) Katharine F. <sup>her</sup> Sheldon.

Adm<sup>r</sup> of said D. Sheldon deceased.  
The word "order" interlined in the fourth  
line from the bottom of the first page  
and the word "first" erased and the word  
"second" interlined in the fifth line from  
the top of the second page before signing.

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PAGE 99

State of California  
County of Sacramento 3 s. s.

On this twentieth  
day of July A. D. 1852 personally appear  
ed before me James L. English a Notary  
Public within and for said County Kath-  
arine F. Sheldon and Gabriel W. Gunn  
known to me to be the persons described  
in and who executed the foregoing in-  
strument of writing; who acknowledged  
to me that he Gabriel W. Gunn as admin-  
istrator and she Katharine F. Sheldon  
as administrative of the estate of said  
D. Sheldon deceased, executed the same  
freely and voluntarily and for the uses and  
purposes therein mentioned.

In testimony whereof I have  
hereunto set my hand and affixed my  
official seal (using my private seal  
therefor) the day and year above written.

James L. English  
Notary Public.

(seal)

Recorded August 31<sup>st</sup> 3 1/2 o'c. P.M.  
1852.

State of California  
County of Sacramento 3 s. S. Inv. S.

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Craig, Recorder in and for said County hereby certify that the above and foregoing is a full, true and correct copy of a deed as it now remains of Record in my office, Book II, Pages 622 and 623 Records of Sacramento Co.

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PAGE 100

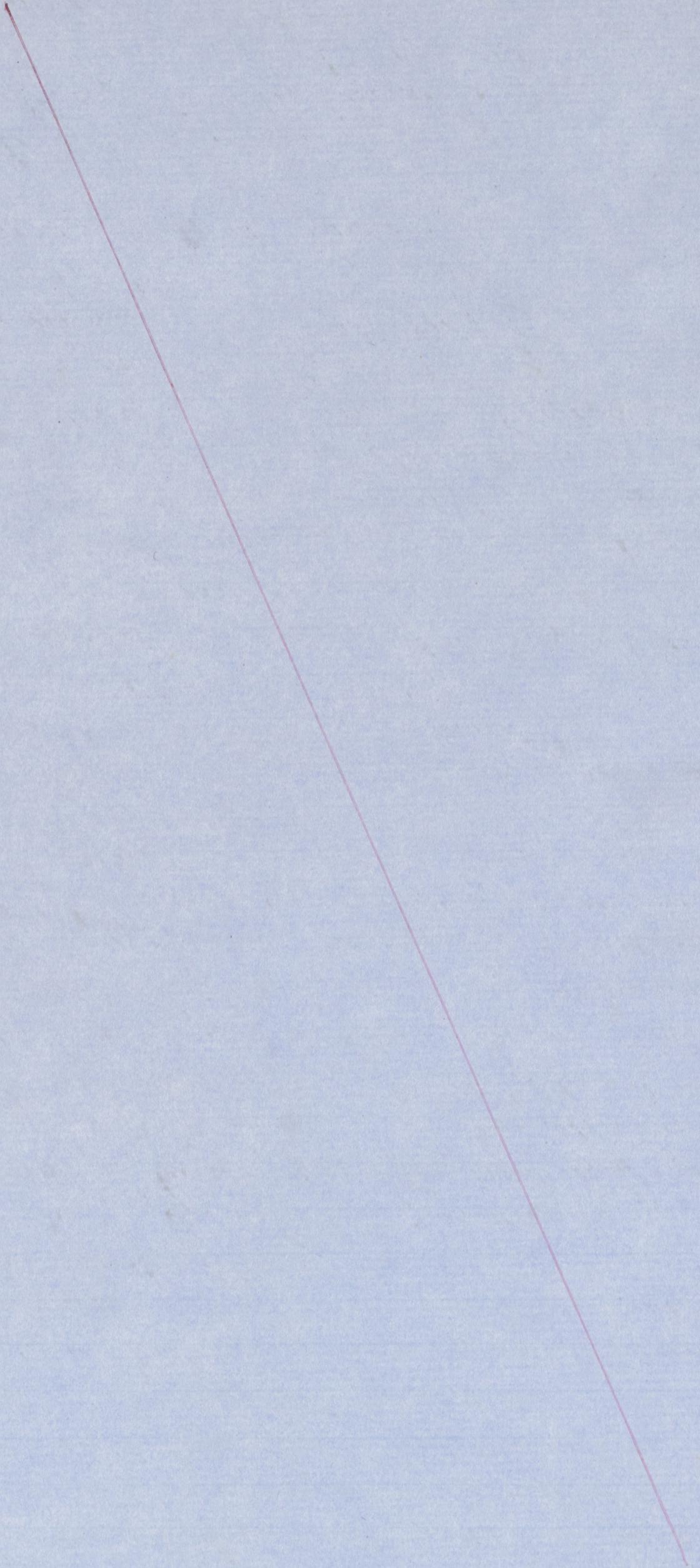
Witness my hand and the seal of said office unto affixed this 15<sup>th</sup> day of May A. D. 1854.

Geo. S. Craig,  
Recorder, Sac. Co.

Filed in Office June 2<sup>d</sup> 1854.

Geo. Fisher,  
Clerk.

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Know all men by these presents that I  
 Jared Sheldon do hereby bargain, sell  
 and dispose of to Martin Murphy a cer-  
 tain piece of land of land lying on the bo-  
 rans river, commencing at the old Ken-  
 thonia at the old crossing and runs North  
 a distance of twenty nine hundred and  
 sixty yards to the point of the lagoon  
 on the road to Capt-Sutters and from  
 there South East to the point of the poston  
 a distance of twenty two hundred and fifty  
 yards making in all three hundred and  
 ninety one acres, which piece of land I  
 do hereby give a clear quit claim deed  
 unto said Martin Murphy his heirs, ex-  
 ecutors and assigns forever provided my  
 land title holds good which I have re-  
 corded from the Mexican Government,  
 If so I do hereby bind myself to the  
 said Martin Murphy to give a warren-  
 ted deed of said piece of land title, and  
 if my land title does not hold, I hereby  
 bind myself to refund the money that  
 I do now receive in consideration of said  
 piece of land, which is the amount of  
 fifty eight dollars and sixty five cents  
 the receipt of which I do acknowledge.  
 \$58.65/100.

Copy of Deed.

182 ND  
PAGE 101

Jared Sheldon.  
 New Helvetia, District  
 of Sacramento June 21<sup>st</sup> 1847  
 Witness, John M. Murphy.  
 Witness, Patrick Brown.

State of California.  
 County of Santa Clara. 3 ss.  
 On this 15<sup>th</sup> day of  
 December A. D. 1852 personally came  
 before me a Notary Public in and for

said County and State, John M. Mussey  
 personally known to me and who made  
 oath in due form of law that he was pres-  
 ent at the signing of the within instrument  
 and saw the said Sand Sheldon sign his  
 name thereto and he did then acknowledge  
 the same to be his free act and deed, and  
 that he executed the same for the uses  
 and purposes therein mentioned.

Given under my hand and  
 private seal, having no seal of office yet  
 provided, the day and date above written.

Thos S. Vermule.

(seal)

Notary Public.

Recorded May 12<sup>th</sup> 1853 at 12 o'c, M.

State of California  
 County of Sacramento 3<sup>es</sup>.

I, Jno S. Craig, Re-  
 corder in and for said County hereby  
 certify that the within and foregoing  
 is a full, true and correct copy of a  
 deed from Sand Sheldon to Martin  
 Murphy as Recorded in Book N. of  
 Deeds, pages 281 and 282 Records  
 Sacramento County.

In testimony whereof I  
 hereunto subscribe my name and af-  
 fix my seal of office at Sacramento City  
 this 15<sup>th</sup> day of May A. D. 1854.

Jno. S. Craig  
 Recorder, Sacramento County.

Filed in Office June 2<sup>nd</sup> 1854

Geo: Fisher. Secy.

182 ND  
 PAGE 102

Catharine Sheldon & al. vs The United States. For the place called Omochumnes in Sacramento County containing five square leagues of land.

Opinion of the Board believed by Genl. J. S. Phelps

The petitioners are the Administrators and Administrative of the estate of Jared Sheldon, deceased, who is alleged to be the grantee of the land claimed and to have been the owner at the time of his death.

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PAGE 103

A grant duly authenticated, is filed in the case, bearing date January 8<sup>th</sup> 1844, signed by Governor Micheltourne and made to Joaquin Sheldon, who is proved to be the same person otherwise known by the name of Jared Sheldon, and whose estate is represented by the petitioners as his administrators.

Traced copies of two Expedientes which are on file among the archives in the Surveyor General's Office are presented. By these it appears that the first application for the grant was made in 1843, and after certain proceedings had thence, the expediente was accidentally mislaid. The second Expediente is commenced by a new petition dated January 3<sup>rd</sup> 1844, stating the loss of the documents on the former application reciting the contents of the first petition and renewing the solicitation. This expediente closes with the draft of a grant agreeably to the Governor's decree of concession. Attached to the first expediente is a memorandum of the proceedings of the Department Assembly in April 1846 showing their refusal to approve the grant to Sheldon for the reason that the expediente before them did not show that any such grant had been issued by the Governor, but they ordered that he should be notified of

their proceedings in order that he might present the proper documentary proof of the land had really been granted to him. It is evident that the first expedient was before the Assembly when these proceedings were had, and not the second. The first was insisted before any grant was issued; the second was then commenced and terminated with the issuing of the grant. It seems that no approval of the grant which was issued was ever had by the Assembly, but there is nothing in the action of that body or the imperfect expedient terminating before the grant was made, which indicates any unwillingness to ratify the grant actually issued or to throw a shadow of suspicion upon it.

The grantee according to the testimony of Captain Butler and Samuel Norris built a house and corral & enclosed a portion of the land early in the spring of 1844, and resided on the place. He continued his occupancy of the premises until his death in 1855, cultivating the land extensively, and adding from time to time buildings and other valuable improvements.

The question of location & boundaries is the one which presents the principal difficulty in the case. Captain Butler gave possession of the premises under the grant in April 1844, but he defined no limits and designated no land marks. Unless the description in the original documents, aided by the oral proof in the case is sufficient to identify the land and segregate the precise premises granted the claim must be rejected. The land solicited is described in the grant as follows, "Five square leagues of land between the north side of the river Coosumnes, the

Rancheria of the Omochumnes, the rocky hills (*Serrania pedregosa*) and the pass which at said river leads to Mr Sutters Establishment; at which (pass) the measurement must begin towards the direction of N. N. W. and in the fourth condition of the grant it is declared that "the land of which donation is made comprises five sitios de ganado mayor (square leagues) as already mentioned and as the respective plot explains." The map thus referred to, a traced copy of which is before us, exhibits the premises with a clear designation of the several limits and objects mentioned in this description; and if they are found on the face of the earth there can be no difficulty in tracing the lines when an accurate survey shall be made. The hills marked *Serrania pedregosa* are clearly laid down on the map, running nearly parallel with the stream; the crossing place of the river and the road running thence towards Mr Sutters Establishment in a direction about N. N. West is placed on the limits of the land on the West side, while the Rancheria of Omochumnes located on the river, limits its extent up the stream. Within these limits the land granted must be located. From the language of the description contained in the grant especially when considered in connection with the prayer of the petition for the concession it is probable that the intention was in locating the five leagues, to commence the measurement on the West side on the road leading from the pass of the river, and extending up the stream between the river and the hills as lateral boundaries until the quantity of five leagues was included. On this point if the hills have an actual existence as represented on the map there

could be no difficulty in locating the premises, so as to give the quantity granted, and a judicial measurement might be dispensed with. If such measurement should carry the up line beyond the Rancho of the Encumbrances of course the land must be limited to that as one of the defined monuments beyond which the premises could not extend. Another principle however is involved in the case which renders it unnecessary to decide this point of construction.

It is claimed on the part of the Sew Agent - that as a matter of fact, the hills laid down on the map & made one of the lateral boundaries by the grant have no existence, and much testimony is given on both sides on the subject. The testimony shows that there is a valley of bottom land extending along the river which is terminated by a plain of a sandy soil the border of which is nearly parallel with the river. McCarty a witness on the part of the Government describes it by saying "there is a ridge or line of hills running along close to the Occumner river, in some places touching the river, in others a half mile and a mile distant therefrom; they will average a half mile or from that to a mile distance from the river take the claims through. The only part where they touch the river is at the upper end of the claim." And again he says - "The hills in the lower part of the claim are ten to fifteen feet high and then they grow gradually higher as they run up towards the Elough House - where they reach a height of say 100 feet; there are places where there ~~are~~ <sup>is</sup> rocks ~~are~~ <sup>is</sup> rock, sand stones, and one place there is sand stone."

and in place there is sand stone

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PAGE 107

The region of country back of this line of demarcation is represented by all the witnesses as an elevated plain or plateau somewhat rolling and unproductive, and generally extending back from the hills above mentioned without sufficient depression to form a distinct range of hills rising above it. The language of the witnesses in describing this elevation is various, but all concur in declaring the existence of a continuous elevation of land varying from ten to one hundred feet in height running nearly parallel to the river and bounding the bottom land of the sandy or gravelly plain, which can be traced without difficulty, and which corresponds generally with the delineation on the map. With the imperfect knowledge of the country then possessed, great accuracy was not to be expected, but it is the duty of the Commission, according to the well known rules of construction, to give effect to the intention of the parties if it can consistently be done. I do not doubt that the delineation on the map running parallel with the river and marked "Terreno Alto" and also "Somera pedregosa", is intended to indicate as the boundary of the land granted, the distinctly marked line between the bottom land and the elevated and more sterile plain beyond. This being designated as the rear line of the premises there is no difficulty in defining the other boundaries, which are the river on the opposite side, the pass running North North West from the ford towards General Sutter's Establishment on the Western side and a line parallel with the last mentioned commencing on the river at the ancient Rancheria of the Omochumnes. Within these limits it is certain from the proofs there is not more than the quantity of land conceded; probably it is considerably less.

The claimant contends that he is entitled to commence his measurement on the river making a front of the whole extent from the pass to the point above where the hills above mentioned comes down to the river a short distance above the Rancharia of Omochumnes and running back from the river sufficient distance to include five square leagues of land. To this proposition there are two objections; first the grant and the map therein referred to make the range of hills the line of the Western side of the premises granted and not of the northern; secondly, the grant expressly limits the premises conceded in that direction to the Rancharia above mentioned and allows an extension of the premises only to that locality, whereas the point where the hills come down to the river is above that position, and cannot therefore be made a boundary. I see no true construction which can be adopted that will give the claimant any thing more than the strip of bottom lands situated on the north side of the river, extending from the Pass to the ancient Rancharia, and running back to the declivity where the sterile highlands falls by the declivity above mentioned upon the bottom lands below; and for this a decree of confirmation will be entered.

Filed in Office Oct 10<sup>th</sup> 1854.

Geo: Fisher  
Secy.

Decree of Catharine Sheldon Cal.  
Confirmation <sup>vs</sup> The United States.

In this case on

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

The land of which confirmation is hereby made is situated in Sacramento County and known by the name of Ormochnunee, being the same premises formerly occupied as his residence by David Sheldon, now deceased; and is bounded and described as follows, to wit: Bounded on the South side by the river Cosumnes, on the North side by the stony hills which form the boundary line between the bottom lands bordering on said river and the table or upland back of the same and running nearly parallel to said river, on the West by a line commencing at the Pass which at said river leads to Captain Sutter's Establishment and following the same in a North north West direction; and on the East by a line commencing on said river at the lower side of the Rancheria of the Ormochnunee and running back from the same to said hills parallel to the last mentioned line; containing five square leagues of land more or less.

Alpheus Felch.

R. Aug. Thompson.

S. B. Farwell.

Commissioners

Filed in Office Oct 10 '54

Geo. Fisher.  
Secy.

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 decision 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 District Court for the Northern Judicial District of California, and the other be transmitted to the Attorney General of the United States.

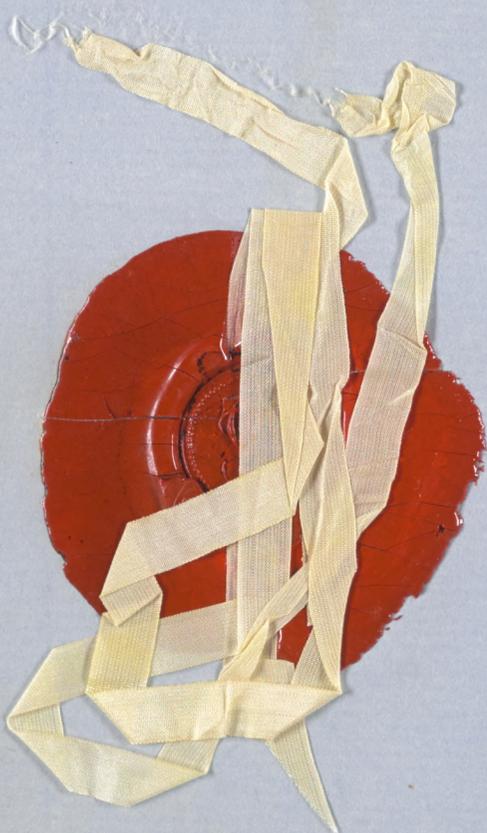
Office of the Board of Commissioners,

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

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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 *One hundred & sixteen* pages, numbered from  
*1 to 116*, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
said Board, of the Documentary Evidence and of the Testimony  
of the Witnesses, upon which the same is founded, on file in this  
Office, in Case No. *173* on the Docket of the said Board,  
wherein *Catherine Sheldon, et al.* are —  
the Claimant against the United States, for the place known by  
the name of "*Ornochumnes*"

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 *March*  
A. D. *1853*, and of the Independence of the  
United States of America the seventy-*ninth*



*Geo. Fisher.*  
*Geo. Fisher*

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

No. *182* - **182**

THE UNITED STATES,

vs.

*MD*

*Catherine Sheldon, et al.*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *173*

Filed *April 3<sup>d</sup>* 185*5*

*John A. Monroe,*  
*Clerk*

N<sup>o</sup> 182

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

Whereas the Commission constituted for the purpose of ascertaining and settling private land claims in the State of California by the Act of the Congress of the United States, approved on the 3<sup>d</sup> of March 1851 entitled "An Act to ascertain and settle the private land claims in the State of California" did on the 10<sup>th</sup> day of October 1854, by their decision of that date, decide against a claim presented by the undersigned, as the same was presented, by refusing to confirm the claim to the full extent of the land included in it, which claim is N<sup>o</sup> 173 on the Docket of Claims before said Board and is for a tract of land called "Onochumnes" lying in the said Northern District -

Now the said claimants being desirous that the said District Court should review the said decision hereby give notice of their intention <sup>prosecute an</sup> appeal therefrom, as is provided by the 12<sup>th</sup> section of an Act of the Congress of the United States

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PAGE 112

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PAGE 113

Entitled "An Act making appropriations  
for the civil and diplomatic expenses  
of the Government for the year ending  
the 30<sup>th</sup> June 1853 and for other purposes"  
which Act was approved on the 31<sup>st</sup>  
of August 1852

Catharine Sheldon, Adm<sup>r</sup>  
& Gabriel Gunn Adm<sup>r</sup> of  
Estate of Jared Sheldon, dec<sup>d</sup>  
by  
Robinson & Morris  
and J B Haggins  
Attys for Claimants

U. S. District Court

No 182

The United States

vs

Catharine Sheldon  
& others

---

Notice by Claimants  
of intention to pros-  
-ecute Appeal

---

Filed May 14, 1855,  
J. W. H. Cherris,  
Deputy,

182 ND  
PAGE 114

Office of the Attorney General of the United States,

Washington, June 13<sup>th</sup> 1855.

173.) *Orochunus* -

*Catherine Sheldon et al. Claimants*

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 16<sup>th</sup> day of March 1855 the appeal in the district court of the United States for the ~~Western~~ *Western* district of California will be prosecuted by the United States.

*Very Respectfully*  
*Cantigny*

Attorney General.

No. 182 —

W. S. District Court  
Northern Dist of Cal<sup>y</sup>

United States

vs

Catherine Sheldon et al,

Notice of Appeal  
in Case no. 173

Filed July 17, 1855,  
by Thomas  
Deputy

182 ND  
PAGE 116

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

Catherine Sheldon et al Appellants

vs.  
The United States —

The Petition of Catherine Sheldon admits  
what may and I believe admits of the  
Estate of John Sheldon dec<sup>d</sup> presents for con-  
firmation a Certain Grant for a tract  
or parcel of Land containing Five Square  
Leagues in the County of Sacramento  
known as the Omochumnes, and situated  
between the North side of the Sacramento  
river, the Rancheria of the Omochumnes  
the rocky hills and the pass which  
at said river leads to Mr Sutters  
Establishment, which Grant was made  
by Michelmorence Governor of California  
on the 8<sup>th</sup> day of January 1844, - and  
was confirmed in part, but not to the  
Extent claimed by the Petitioners the,

Appellants on the 10<sup>th</sup> day of October A.D.  
1854. by the Act the Board of United  
States Land Commissioners - The Petitioners  
now pray this Star Court to review the  
said decision and to enter a decree  
of Confirmation of the said Claim to  
the full Extent of Five Square Leagues  
as contained in the Grant offered  
in Evidence and specified on the Ex-  
hibents accompanying the original  
petition, so that the claimants may be  
entitled to commence this survey & meas-  
urement on the river Cosumnes making  
a front of the whole Extent from the  
pass designated in the Grant to the  
point above where the Hills come down  
to the said river a short distance above  
the place designated in the Grant  
as the Rancheria Columnnes, running  
back from such river frontage a  
sufficient distance to include Five  
Square Leagues of Land, the same

having been the intention of all  
the party at the time of the ex-  
ecution & delivery of the said Grant,

182 ND  
PAGE 119

Your petitioners request and show  
that they are the legal representatives  
of said Land Sheldon Rec<sup>d</sup> the Grant  
there above named, wherefore they pray  
that this their petition may be heard  
& that a decree of confirmation  
may be entered in conformity with  
their prayer —

Catherine Sheldon  
Gabriel W Gunn

Legal reps of Land Sheldon  
Rec<sup>d</sup>

In Witness & presence  
of Council

W I Best Court.  
Nathaniel Best California

Apr. 182 -

Catherine Sheldon  
et al

vs

The United States

Plaintiff 182 ND  
PAGE 120

Robinson & Newman

Attys

Filed Nov. 23, 1855

J. Cheever  
Deputy

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

The United States  
vs  
Catherine Sheldon } No. 173.  
et al

The United States by their attorney  
deny the validity of the title  
set out in the petition of the  
said claimants, and pray  
that the decision of the said  
Commission be affirmed and  
that the said title be decreed  
to be invalid.

A. Glassell,  
Asst. U. S. Atty.

No. 182

U. S. Dist. Court

182

The U States

v

Catherine Sheldon

et al

Answer

Filed Feb 14, 1886,

by Chas. W.

Deputy

182 ND

PAGE 122

Attest



deems that the said decision be and the same is hereby in all things affirmed and it is therein further ordered adjudged and decreed that the claim of the appellee is a good and valid claim & that the same be confirmed.

The land of which confirmation is hereby made is situated in Sacrament County and known by the name of "Crowscreek" being the same premises formerly occupied and resided by Edward Childs now deceased and is bounded and described as follows to wit,

Bounded on the South by the River Canyon on the North by the Story Hills which form the Boundary base line between the bottom lands bordering on said river and the Table or upland back of the same and running nearly parallel to said River on the West by a line commencing at the Pop which at said River leads to Captain Cutler's Establishment and following the same in a North North West direction and on the East by a line commencing on said River at the lower side of the Rancheria of the Crowscreek and running back from the same to said Hills parallel to the last mentioned line containing five square leagues of land more or less

Ogden Hoffman  
U. S. Dist Judge

No. 112

U. S. Dist. Court.

The United States

vs

vs

Catharine Childers  
et al.

Recd

Filed December 3, 1856,

W. A. Cheever,

Deputy Clerk,

182 ND

PAGE 125

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 *Wednesday* the *first* day of *April* in the year of our Lord one thousand eight hundred and fifty-seven.

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PAGE 126

Present :

The Honorable OGDEN HOFFMAN, District Judge.

*The United States*

v

*Catherine Sheldon et al*

*182*  
*D. C. ~~173~~ : L. C. 173.*

In this case on application of the U. S. Attorney made in open Court, it is ordered by the Court, that an appeal in behalf of the United States from the final decision of this Court, rendered 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 without delay.

182

United States District Court, Northern  
District of California.

The United States

vs.

Cath Sheldon et al

ORDER.

Granting appeal

Filed

April 1st 1857

John A. Munroe,

CLERK.

By

W. A. Cheever

DEPUTY.

182 ND

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In the District Court of the U.S.  
for the Northern Dist of Cal

The United States

v.

Cath Sheldon et al

3 } D. C. 182; L. C. 173.

In pursuance of notice  
from the U.S. Attorney Gen. herunto annexed, it  
is stipulated and agreed that the order granting  
appeal to the U.S. Supreme Court, heretofore entered  
in this case, be vacated, and that claimants have  
leave to proceed under the decree of this  
Court heretofore rendered in their favor, as  
under Final Decree

San Francisco }  
Aug<sup>t</sup> 5<sup>th</sup> 1857 }

P. Bella Torre

U. S. Atty

J B Haggin  
Atty for Claimants

182 ND  
PAGE 129

California Land Claims -  
Attorney General's Office  
1 June, 1857.

Sir:

In the case of the claim of Catherine Sheldon, confirmed to the claimant by the Commissioners, and also confirmed on appeal by the District Court, Case no. One hundred and Seventy-three, (173), in accordance with your recommendation of the 4<sup>th</sup> ult., appeal will not be prosecuted by the United States -

I am, respectfully,

J. S. Mark

W<sup>m</sup> Blanding Esq,  
U. S. Atty, San Francisco -

182

U. S. District Court

The United States

v.

Cath Sheldon et al,

Stipulation

Filed Aug: 6. 1857.

W. A. Church,  
Deputy.

182 ND  
PAGE 130

*Handwritten notes in left margin:*  
Cath Sheldon  
Wm. A. Church  
1857

*Handwritten notes in right margin:*  
Cath Sheldon  
Wm. A. Church  
1857

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 *Sixth* day of  
*August* in the year of our Lord one thousand

eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

*The United States*

*v.*

*Catherine Sheldon et al*

*D.C. 182; L.C. 193.*

*The Attorney General  
of the United States having given notice  
that further appeal will not be prosecuted  
in this case, and a stipulation to that  
effect having been entered into by the U.S.  
Attorney:*

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

*Ogden Hoffman  
District Judge*

182

United States District Court, Northern District of  
California.

*The United States*

vs.

*Cath Sheldon et al*

ORDER.

*Vacating appeal*

Filed *August 6,* 185*6*

*John A. Connor,*

CLERK.

By *W. A. Chivers*

DEPUTY.

182 ND

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Office of the Surveyor General of the United States, }  
FOR CALIFORNIA. }

*S. Mason*

I, ~~J. W. MANDEVILLE~~, United States Surveyor General, for the State of California, do hereby certify that the Rancho "*Los Hornos*"

confirmed to *Catherine Sheldon et als.* has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the \_\_\_\_\_ day of \_\_\_\_\_

~~186~~; that I have caused to be published, once a week, for four weeks, successively, in two newspapers, to wit: the "*Sacramento Union*" published in the County of Sacramento, State of California

being the newspaper published nearest to where the said Rancho is located, the first publication being on the *25<sup>th</sup>* day of *April* 1868, and the last, on the *16<sup>th</sup>* day of *May* 1868; also, in the

"*Times*" a newspaper published in the *City and County of San Francisco* State aforesaid

the first publication being on the *23<sup>rd</sup>* day of *April* 1868, and the last on the *14<sup>th</sup>* day of *May* 1868, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me.

And I do further certify, that the said survey and plat were retained in my office during all of <sup>*ninety days*</sup> ~~said four weeks~~, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this \_\_\_\_\_ day of \_\_\_\_\_

*February 27<sup>th</sup>* 1868  
*S. Mason*

U. S. Surveyor General for California.

182

The United States  
of America  
Catherine Sheldau  
et al

Certificate  
Surveyor General

N. Y. July 27 1868  
Geo. Whiting  
G. S. Peace  
D. C.

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PAGE 134 281

73.

Lubyey

The United States

vs

Catharine Mildow

182

ND

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This case has been confirmed by the Board and submitted to this Court without argument or the production of additional testimony -

There cannot be think be any doubt as to the genuineness of the grant - nor does such an idea seem to have been suggested - The temporary loss of the first expediente and its subsequent discovery among the archives and the confusion and mistake which arose one of themselves afford strong evidence of the authenticity of the proceedings -

The grantee appears to have resided on his land from 1844 a few months after he received his grant until his death in 1851 -

We see no reason to doubt

The decree of the Board  
and a decree affirming must  
therefore be entered.

Dec. 5. 1856

43  
182  
United States

Ad

Catherine Sheldon

Opinion —

Dec 5. 1856

182 ND

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Catherine Sheldon Etal }  
vs }  
The United States }

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

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as file

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2<sup>nd</sup> Deposition of Mrs A Sutter pages  
6 et seq.

Deposition of W E P Hartell Page  
13

Deposition of Samuel Harris on  
Page 15. et seq.

Deposition of W<sup>m</sup> R Grimshaw Page  
16.

Stipulation as to Naturalization  
papers. Page 17.

Deposition of Tho<sup>s</sup> M Corney for  
Government Page 18 et seq.

Deposition of David W Shaw for  
United States Page 23. et seq.

Deposition of Rich<sup>d</sup> P Wells. for United

States Page 28 & following -  
Deposition of George S Snyder for  
United States Page 31 & seq.

Deposition of Jonathan C Sherwood  
for United States. Page 36 & seq.

Deposition of Mrs P Rhodes for  
Claimants Page 41 & seq.

Deposition of Mrs Parker for ~~Claimants~~ United  
States Page 48 & seq.

Notice to take Deposition of Parker  
Page 55

Admission of service of notice & objection  
to same Page 56.

Deposition of Emanuel Pratt for  
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1<sup>st</sup> Petition  
&  
papers

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Map with - Page 60 -

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Translations of same Page 65

& following -

2<sup>nd</sup> Petition  
&  
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Expediente with accompanying  
documents, & map Page 71 & seq

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Translation of certificate to Map

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Letters of Naturalization Page 95

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Order of Probate Court of Sacra-  
mento County Page 99

Copy of Deed to Lindsey Page 100.

Copy of Deed to Murphy. "

Opinion of Board by Com. Fish  
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Decree of Confirmation Page  
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Certificate of Secretary of Board

Robt. Morrison  
Att'y

See Page 83 for Ex. A. referred to by Justice

See Page 84 " " B " "

See Page 85 " " C " "

See Page 87 for Translation of Ex. A.

See Page 91 " " " B.

See Page 93. " " " C.

Robt. Morrison  
Attorney

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Case No 173.  
Catherine Sheldon  
et al  
vs.

The United States

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Office of the Board of Commissioners,

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

San Francisco, March 30<sup>th</sup> 1855

James A. Munroe Esq.

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

Sir;

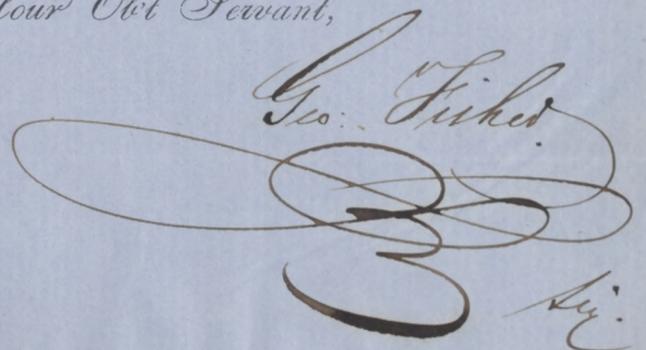
I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 173 on the Docket of the said Board, wherein Catherine Sheldon, et al. are the Claimants against the United States, for the place known by the name of Omochumnes.

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher



*R. Shilow*

*United States*

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