

At the March board meeting of the Anderson Historical Society it was decided to try a monthly electronic newsletter that combines announcements with history articles. We have a commitment for at least one article a month for a year but the long-term goal is to have local writers and members submit additional material. The articles are not close ended in that some may ask for additional material, corrections, or comments from the public. We also welcome requests to research specific topics from the membership. An article submission form will be developed but for now please note that the Society reserves the right to accept or decline any article or material at its discretion. The Society is not responsible for the loss of or damage to any submitted material so please keep a copy for your records. We need two things from all members: please be sure the Society has a current e-mail address and please spread the word to friends and neighbors about the newsletter. You do not have to be a member to appreciate local history and learn about local events. Please contact us at: _____.

The March edition consists of two articles: The Founding of Anderson and Notes on Wilhelm Benitz and Rancho de Briesgau. The first article was a presentation at the Founder's Day event for those that were unable to attend.

The Founding of Anderson
By Ron Jolliff

There has been a lot of talk lately about alternative facts and generally I believe there should only be one agreed upon and provable set of facts. When considering a speech for Founder's Day, I hit upon a simple theme: why is the town of Anderson north of Elias Anderson's American Ranch? That question led to a web of alternative facts and insider trading that would make today's Federal Trade Commission jump into action.

To answer who is the real founder of Anderson and how the location of the town came to pass we need to look at two seeming unrelated events: 1) the death of Major Pierson B. Reading and 2) the decision of the California & Oregon Railroad to build north from Marysville. We will start with the latter: the California & Oregon Railroad was started by a group of Marysville businessmen in 1857. In 1861 a line was run southeast to Junction (now Roseville) in anticipation of joining the Central Pacific transcontinental line. In 1863 the C&ORR was designated to build the California portion of a rail line to Portland, Oregon but they had two problems: a lack of funds and the Central Pacific didn't reach Junction until 1864. To resolve the issue of funds the railroad sought land grants to aid construction. The grants finally came in 1866 but by 1867 the railroad was controlled by the "Big Four" (Huntington, Hopkins, Stanford and Crocker). So in 1869 when the C&ORR finally starts to build north from Marysville it is a holding of the Southern Pacific Railroad and the Big Four. In 1870 the C&ORR is "leased" to the SPRR but retains the name until 1884.

As the tracks start northward there is a lawsuit underway concerning the Reading Ranch. Reading's had a long time friend Samuel Hensley who had mapped the Mexican land grant for him, had been a business partner in the Sacramento

trading firm of Hensley, Reading & Company, and in the Latona Company here in Shasta County. When the Reading family was pressed for liquid funds in the 1860s it was Hensley who helped. In 1866 a mortgage was drawn up using Rancho Buena Ventura as collateral. In 1868 Hensley is dead and Reading suddenly dies. Hensley's widow brought suit to recover \$34,125. In the absence of proof of repayment the Court ordered the ranch with the exception of prior sales and 1507 acres around the mansion to be sold to satisfy the mortgage. (As a historical note sufficient receipts were later found to question the validity of the finding but the family chose not to pursue legal action.) So James Ben Ali Haggin in 1871 pays \$34,438.32 which is sufficient to settle the Hensley mortgage and owns roughly 20,000 acres through which the C&ORR will have to pass.

So far it appears to be unrelated events until research is done on the background of James Ben Ali Haggin. James got his middle names from his maternal grandfather who was a physician and Janissary captain in the Ottoman Empire. He was captured in the Russo-Turkish War of 1768 and feared being tried for surrendering some of his Greek troops. When released from Russian captivity he moved to Britain then settled in Philadelphia about the time of the American Revolution. James' immediate family was from Kentucky and both influential and wealthy. James was trained as a lawyer and in 1849 he set out for California not to mine but to practice law. He started a practice in Sacramento where he joined Lloyd Tevis, his future brother-in-law. In 1853 Haggin and Tevis moved to San Francisco and started a firm specializing in land and mining law. The partners joined George Hearst to form Hearst, Haggin, Tevis & Company that for many years was the largest mining firm in the United States. In 1868 Tevis joined D.O. Mills and three of the Big Four (Stanford, Hopkins and Crocker) in forming the Pacific Union Express Company. The company gained an exclusive contract to operate over Central Pacific and Union Pacific rail lines thereby driving down Wells, Fargo and Company stock. Tevis and his associates purchased large blocks of Wells, Fargo & Company stock and by 1869 owned the controlling interest. In 1870 the two companies were consolidated with Tevis as vice-president. By 1872 Tevis was president of Wells, Fargo & Company and Haggin is vice-president.

It is not a large leap of faith to believe that Haggin knew of the plans of the C&ORR when he purchased the Reading property as he was a business partner with three of the Big Four. The quid pro quo for the insider information seems to rest in the terms of the land grants for railroad construction. The railroad was granted alternating sections of land along the line. They could not preempt patented land and so were allowed to take other available land out to what was called the twenty-mile railroad limit. In Shasta County that was roughly a north-south line seven or eight miles west of Ono.

So when in 1872 the C&ORR finally approached Cottonwood Creek most of its path at least to current day Redding was already secured by Haggin. That left a few isolated pockets of private ownership for the Southern Pacific's land agent, Benjamin Redding to deal with. Even though two of the private holdings were at strategic creek crossings none of the owners dealt from a position of strength as Haggin held the surrounding land. The railroad with a slight alteration of routes could threaten to isolate the private holdings. Everyone chose to negotiate but not

with equal success. Jacob Foster held the first crossing at Cottonwood Creek and negotiated for a depot at his holdings. Elias Anderson in the weakest position was next and granted the easement, I believe, under the condition that the railroad provided a fence. Last was J.J. Bell at Clear Creek who negotiated for a siding (Girvan). Haggin in turn not only performed on his quid pro quo he donated the railroad compound in the soon to be built town of Redding. It makes me wonder if the decision not to put a spur line to Shasta was part of the quid pro quo as doing so would detract from Haggins' holdings at Redding.

At this juncture, the C&ORR and probably Elias Anderson had analyzed that the population to the east of the Sacramento River would best be served by a depot at Cottonwood or Anderson rather than Shasta or even the proposed town of Redding. Jacob Foster's control at Cottonwood limited the economic advantages for Haggin so he did not invest in a town site there. Elias Anderson may have hoped that his ownership of the American Ranch Hotel along with the American Ranch Post Office and sufficient population to form a voting precinct and school district would dictate the building of a depot at American Ranch. I don't think that in dealing with land speculators Anderson saw that they were looking at the long-term advantage rather than immediate ease. Again it is a question of economic advantage and the quid pro quo. The C&ORR passed just north of Anderson's land then built a depot in almost totally vacant land where James Ben Ali Haggin had laid out a new town. Haggin did name the town Anderson on plot maps but he was the one who would reap the profits of the new Anderson. It made no difference to the C&ORR as they knew toll fees would come from Anderson or American Ranch but the quid pro quo got them a huge easement and two depot sites. In 1876 Elias Anderson gave in and moved the hotel to the Haggin designed town of Anderson and in 1878 the U.S. Post Office followed. So who is the founder of Anderson: Elias Anderson or James Ben Ali Haggin?

In the end land sales in Anderson as well as Redding were slow to develop. Haggin sought investments elsewhere and in 1877 sold all the remaining land to his agent Edward Frisbie, who went on to found the Bank of Northern California. Haggin is only remembered for the term Haggin Title in some real estate transactions. Reading had had his ranch surveyed by William Macgee for the US Land Commission that heard Mexican Land Grant claims. There were some imperfections in the Macgee survey that were corrected when Haggin had the property surveyed around 1871. The local courts generally prefer to go back to federal ownership in land cases but found it better to rely on Haggin's survey and avoid the imperfections leaving Haggin a small forgettable place in local history.

In the end who was the founder of Anderson? I'll let the audience decide if standard history is better than alternative facts or if the two should be combined.

Notes on Wilhelm Benitz and Rancho de Briesgau

The article has two purposes: to provide biographical data on William Benitz and to correct misconceptions about his Mexican land grant in Shasta County. Edward Peterson states, "the grant was not confirmed, and by 1856 Benitz had sold his interest to squatters, including A. Love, Dr. Winsell, S. B. Sheldon, and others."

The statement is only partially correct: the Supreme Court of the United States granted Wilhelm's claim (William in English and Guillermo in Spanish) for 7,500 acres of the Mexican Grant in 1856. In his words he lost 14,500 acres and \$12,000 by the decision. So there were two Mexican era land grants in Shasta County: a reduced Rancho de Briesgau and P. B. Reading's Rancho Buena Ventura. Secondly, the squatters' claims were honored under preemption law by the Government Land Office, while Benitz sold his 7,500 acres to Jeremiah Clarke of San Francisco.

Wilhelm Benitz seems never to have lived on Rancho de Briesgau and may never have visited the grant but he did perfect the grant under Mexican law. He did therefore impact Shasta County and deserves to be recognized. During his life time he was a citizen of the Grand Duchy of Baden, the Republic of Texas, the Republic of Mexico, the United States of America and the Republic of Argentina.

1815 Wilhelm Boniz (Boeniz) was born in Endingen, Briesgau, Grand Duchy of Baden. He was the sixth child of Franz Antonius Boniz and Maria Anna Wagner. His father was a master cooper or barrel/cask maker. It is not clear how far Wilhelm progressed in school but he may have attended an apprenticeship or university in Freiburg for a period of time. Wilhelm's older brother Thaddeus took over the family business which may have induced him to seek employment elsewhere.

Note: Wilhelm never had a middle initial going through his whole life simply using WB as initials but he is sometimes listed as Wilhelm Otto Benitz. The middle name was invented by either his children or grandchildren and was never used by Wilhelm himself.

1832 By family history Wilhelm left Baden at age seventeen as a sailor on a merchant brig trading with the Americas. Wilhelm cited he arrived in America in 1832 but the family history is a little more dramatic. The brig was wrecked off the coast of the Mexican province of Texas and he lived for several months with Indians or Mexican families. Little is known of the next four years but it seemed he altered his name to Benitz to be closer to Spanish usage. It is conjecture but he may have joined German settlers brought into Texas by Stephen F. Austin beginning in 1831.

1836 Wilhelm enlisted in the Army of the Republic of Texas under the Anglicized-name of William Bennett. Wilhelm served as a private in Company II, 1st Regiment of Permanent Volunteers from October 1836 to August 1837. Wilhelm was honorably discharged by the Surgeon General and as Texas was land rich and money poor he received a small amount of cash and a voucher for 1,708 acres of land. Wilhelm sold the voucher to J.J. Clayton signing his name as Benitz even though the documents stated Bennett.

1842 Wilhelm claims to have come to California but the route is not stated. As he was picked up by John Yates, the captain of John Sutter's schooner which shuttled supplies from Sacramento to San Francisco it is presumed he came by ship.

1843 Wilhelm was employed by John Sutter to manage the Hock Farm (the northern part of Sutter's holding around present day Marysville). Later in the

- year Wilhelm was transferred to Sutter's property at Fort Ross that was purchased from the Russian-American Company in September 1841.
- 1844 Wilhelm as a Catholic applied for naturalized as a Mexican citizen under the name Guillermo Benitz and was approved by Governor Manuel Micheltoarena. Wilhelm applied for the land grant of Rancho de Briesgan (Breisgau the political division of Baden where he was born) that consisted of approximately 15,300 acres on the East side of the Sacramento from roughly Cow Creek southward straddling what in now Shasta and Tehama County to the lower end of Bloody Island. The map for the grant was inaccurate having greatly exaggerated the size and that caused problems later. In court testimony Adolph Brenheim stated he had been to the grant site and recommended it to Benitz. Benitz drew a map for the grant but it is not clear where the information came from. None of those testifying later in court were sure if Benitz ever visited the grant site himself. In any case the grant was provisional with final authorization depending on Governor Micheltoarena visiting the site.
- 1844 In November a rebellion lead by Juan Bautista Alvarado and Jose Castro, both native Californians, broke out against the Governor (he had been appointed in 1842). Foreigners fought on both sides. John Sutter who was already in the Mexican militia forces raised two companies (the Sacramento Riflemen with Benitz as a Lieutenant and an Indian Company under Lt. Ernest Rufus) in support of Governor Micheltoarena. Some sources stated that Micheltoarena gave final confirmation to Benitz for his capture of an important rebel near San Luis Obispo. What came out in the Supreme Court appeal was that Micheltoarena sent Sutter a blanket final approval for all those settlers Sutter had recommended for grants.
- Note: the rebellion did not go well for Micheltoarena. The foreign forces from both sides held a conference at Los Angeles and resolved to withdraw from the conflict. Without the foreign assistance Micheltoarena quickly agreed to be deported. Benitz claimed to the U.S. Land Commission that the grant of New Briesgau was for serving in the Mexican Army without pay since 1840. It would seem more accurate to say Benitz and others obtained their final approvals for thier services in the Mexican Army without pay.
- 1845 In March Benitz attempted to establish his ownership by making required improvements. Benitz offered a French-Canadian named Julian and John Yates a portion of the Rancho de Briesgau for improving the grant. Yates later testified that he and Julian accepted the offer and in 1845 erected a tent, then planted an acre of cane before starting to erect a wood house. Yates continued that the Indians became so troublesome that he left but Julian decided to stay. Yates also testified that they brought seeds to start other crops. Adolph Brenheim testified that he knew Julian was on the grant for 14 to 18 months and made trips to Sutter's Fort for supplies. Brenheim stated that Julian lived in a house of grass, sticks, tules and willows with his wife. Ernest Rufus testified that Julian took horses and cattle to the grant to start herds.
- Note: John Sutter was known to have a Miwok Indian named Julian in his

- employ and was known to have hired a few French-Canadians but no definitive information was found about Julian.
- 1845 Benitz and partner Ernest Rufus leased Sutter's holdings at Fort Ross. Note: The Mexican Republic did not recognize the Russian-American Company settlement as legal and in turn did not recognize Sutter's claim of ownership. The Mexican government granted the four leagues around Fort Ross to Manuel Torres and Captain Stephen Smith as the Muniz Rancho.
- 1845 Benitz and Rufus leased the Muniz Rancho.
- 1846 Julian was killed by Rogue River Indians from Oregon. Note: Samuel Hensley testified before the U.S. Land Commission on the Reading grant that he and P.B. Reading spent ten days on the Rancho Buena Ventura in August 1845 picking suitable sites for fields and building locations and left Julian to build a house and keep possession. What is left out of the testimony is if Julian was working for more than one employer. Since the two grants are adjacent it could be possible that Julian came up to Rancho de Briesgau for Benitz in March 1845 and agreed to work for Reading in August 1845. Hensley cited Julian was a Frenchman which would probably demonstrate that Julian was not the Miwok employee of Sutter. All the testimony cited that Julian's house was burned but no testimony specifies where the exact location was: did Julian start a wood house on both ranches for the owners? Note: a number of Native American tribes from Oregon entered California to "trade" for both horses and slaves. Sutter as a militia commander and the major land owner had a difficult time with some groups and at one time there was a blood feud to kill Sutter or some of his employees for death of Indian raiders killed in California. One group of Native American asked Julian if he worked for Sutter, implying the feud was about the time Julian settled in Shasta County. Some testimony on the death of Julian cites the Rogue River Indians while others simply use Indians without naming a specific group. There was no testimony that Benitz tried to find other employees immediately after Julian's death, although he did attempt to have Ernest Rufus develop the grant in 1849. There was testimony that Benitz continued to claim ownership after the death of Julian.
- 1846 Benitz with Ernest Rufus petitioned the Mexican governor for the 17,580 acre Rancho de Hermann (German) near Fort Ross. The grant of five leagues was made to Ernest Rufus alone. Rufus invited Frederick Hugal and Henry Haegler to develop the property in return for one league each.
- 1846 The Bear Flag Revolt occurred in June 1846 and was quickly followed by the American military occupation in July 1846. California was to remain under a military governor until the inauguration of Peter Burnett in December 1849. The Mexican-American War formally came to an end with the Treaty of Guadalupe Hidalgo in February 1848.
- 1846 (Registered February 1847) William Benitz married Josephine (Josefa) Kolmer (Kolmerer) who was born in 1830 in Endingen, Grand Duchy of Baden. Josephine's parents Michael Kolmer and Josefa Wagner had arrived in California in October 1845 as part of the large Grigsby-Ide party. Benetz

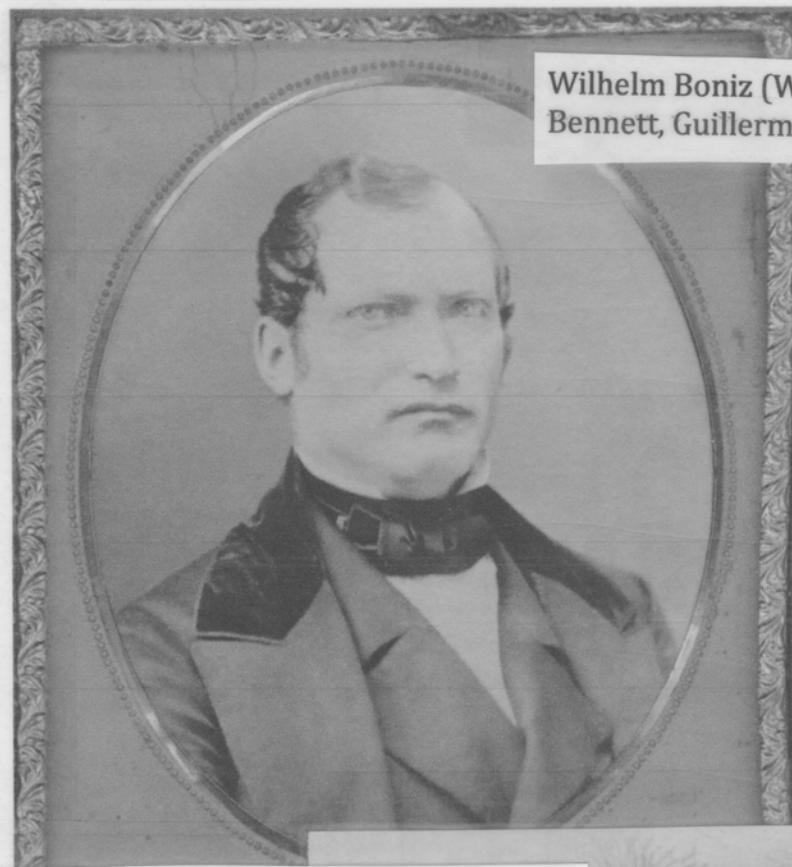
- knew the family in Baden and signed the Mexican bond to let them settle legally.
- 1846 William and Josephine set up home at Fort Ross where they lived for the next twenty years and where the couple raised their ten children. Benitz had the help of the local Kashaya (Pomo) Indians. In 1848 one hundred and sixty-two Kashaya lived at Ft. Ross, some forced to work for eight dollars a month plus room and board by decree of the military government.
- 1847 Benitz and Ernest Rufus bought 640 acres of Rancho Agua Caliente five miles north of Sonoma possibly as a way station for cattle. William also owned a house with a small plot of land on the plaza in Sonoma .
- 1848 By virtue of the Treaty of Guadalupe Hidalgo, Benitz becomes a citizen of the United States.
- 1848 Benitz with new partner Charles Meyer purchase Rancho Muniz.
- 1849 Benitz and Meyer exchanged one half of New Briesgau and \$1,000 for one half of Rufus' Rancho Hermann. Hugal signed a quit-claim deed for his one league of Rancho Hermann. There was some later testimony that one of the purposes for the exchange was to have Rufus develop the land in Shasta County. Development may have been the intent but it was not carried through.
- 1850 Around this time Benetiz bought 482 acres of Rancho Canada de Jonive.
- 1851 Benitz and Meyer bought Ft. Ross from Torres using a promissory note for \$5,000. The purchase settled ownership for the land granted under Mexican law but did not settle the question if the Russian-American Company had any legal rights to ownership.
- 1851 Benitz gives his father-in-law, Michael Kolmer, 215 acres in Timber Cove near Ft. Ross.
- 1852 Squatters establish claims on part of Rancho de Breisgau.
- 1853 Benitz and Meyer sold their portion of Rancho Hermann (resurveyed at 2 ½ leagues) and the livestock on the ranch to William Bihler and Charles Wagner for \$26,500.
- 1853 Benitz was not drawn into the rush for gold other than as a capitalist. He is known to have only made one trip to the gold fields to mine. In a letter to his brother he states he has \$36,000 invested (presumably in mining ventures) with a return of about \$500 per month. In a follow-up letter, he stated that he was going to visit the mining area with an intention of investing.
- 1853 The United States Land Commission rules that Benitz had insufficient proof of title to Rancho de Briesgau. The Commission, which was set up specifically to review Spanish and Mexican land grants, found Benitz's other holding to be valid. Benitz appealed the decision on Rancho de Briesgau but the appeal was denied. Benitz appealed to the U.S. Supreme Court. Benitz was hampered by the fact that his map of the grant was vague as well as the issue of inhabiting the grant.
- 1855 The U.S. Supreme Court voted in favor of Benitz on part of his claim in April 1856. The Supreme Court allowed Benitz 7,500 acres of the Rancho de Briesgau claim. The claims of squatters in the area outside of the grant were later granted under preemption law. The appeals cost Benitz \$12,000 in

legal fees. In a September 1856 letter to his brother Benitz complained of losing 14,500 acres of land and \$12,000 in cash. Some time around the time of the confirmation Benitz must have transferred his half of Rancho de Briesgau to Ernest Rufus as he in turn sells the whole "five leagues" to Jeremiah Clarke for \$5,000. Clarke was the San Francisco attorney with Clarke, Taylor & Beckh who represented Benitz before the U.S. Land Commission, U.S. Appeals court and U.S. Supreme Court.

- 1855 Jeremiah Clarke was born in 1816 in Massachusetts. He graduated from Dartmouth College in 1837 and began to practice law. He came to California from North Carolina and practiced land law with the firm of Clarke, Taylor & Beckh (Gustavus W. Beckh). He represented many of the northern California land grants before the U.S. Land Commission establish to determine the validity of Spanish and Mexican land grants. He also invested in land and at the time of his death in 1890 (after suffering a paralytic stroke several years before), he was worth two to two and a half million dollars. He was married to Charlotte Kane and the couple had five children. Per Dottie Smith, Clarkville, an election district on the lower half of Rancho de Briesgau, was probably named after him and his land development attempt.
- 1855 Benitz buys Meyers share of the Muniz Grant for \$22,500.
- 1857 Benitz pays off the \$5,000 promissory note to Torres.
- 1857 Benitz sold the 482 acres at Rancho Canada de Jonive near Occidental, the 640 acres on Rancho Agua Caliente, and the house on the Sonoma Plaza.
- 1859 Benitz settled a law suit brought by John Sutter and others over the Fort Ross title. He settles for a payment of \$6,000 and \$2,000 in legal fees to clear the title.
- 1859 Benitz bought 125 acres at Rancho Canada de Jonive.
- 1860 Rancho Muniz surveyed by the U.S. Survey and patented at 17,760 acres.
- 1860 Benitz sells 1,500 acres on the Russian River to J. Orr and F. Sheridan for \$3,000. During the Civil War period the economy was hard on Benitz and he began to sell off his land holdings. In 1863 and 1865 he sold the mineral rights to Rancho Muniz.
- 1860 Benitz was joined by his brother, Franz Xaver Boniz, who had been a grocer in Cleveland. Franz left his wife Alexandrina Josephine Seeger (Seiger) in Cleveland facing a law suit over debts. (Alexandrina died in Cleveland in 1888.) Franz remained in California until 1866 when he immigrated to Argentina and was a founding member of Colonia California.
- 1865 Benitz continues to sell off his land holdings and buys a home in Oakland.
- 1866 Benitz sells a 1,500 acre parcel and 103 acre lot in Timber Cove, as well as 1,900 acres on the Russian River.
- 1867 Benitz sells 7,000 acres of Rancho Muniz to James Dixon for \$30,000 and 7,000 acres to Lord Charles Fairfax for \$25,000.
- 1867 Benitz moves the family to Oakland so his children can improve their education.
- 1873 Franz returns to California to visit and touts Argentina for its available land.
- 1874 Benitz liquidates his holdings for about \$1,000,000 and immigrates to Argentina. With the help of the British embassy he purchases 26,690 acres

for \$426,000. Benitz names his estancia near present Las Rosas in Santa Fe Province "La California."

1876 In June 1876, Benitz dies at La California. Josephine lives on until 1912. Benitz's children remain in Argentina and prosper.



Wilhelm Boniz (Wilhelm Benitz, William Bennett, Guillermo Benitz)

Grant map of Rancho de Briesgau.
Courtesy of Bancroft Library

