

" The Kennedy Mine."

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-: Abstract of Title: -

We would say at the beginning, with reference to this mine, that it is impossible for us to furnish an abstract of title, which will prove wholly acceptable or satisfactory to one unacquainted with the mine and its surroundings. But little record evidence of the mode of its acquisition or its early tenure now exists. Its history, like that of many other mines in this County, depends upon, in a great measure, the unrecorded knowledge and recollections of individuals. We believe however there are witnesses in abundance to every link and feature, in the title to the mine. The claim of the present Owner, the Kennedy Mining Company, and its predecessors and grantors, to the whole mine, so far as we can learn has never been questioned, but appears to have been always fully recognized by the public and they, the owners, have from the commencement enjoyed an unmolested and uninterrupted possession of it.

Any application for a United States patent would meet with no opposition whatever.

-: Locations: -

The Locations of the three several pieces or parcels of quartz property, now constituting the "Kennedy Mine", were made, within a few days of each other, so far as written evidence shows.

FIRST:- A transcript of a location notice, from the office of the County Recorder of Amador County, now in our possession, exhibits the fact, that on the 4th. day of January 1860, Andrew Kennedy, John Fullen, James Berrigan and James Fleming located four claims, in all 480 feet and adjoining Gave<sup>r</sup> & Co. on the North. (This is, what is known as the "Original Kennedy Mine"). The Book, in which this notice was recorded was destroyed by fire, at the same time with the Court House in August 1862.

SECONDLY:- Another Transcript (also in our possession) of a location notice, from the same office, shows, that on the 14th day of January 1860, "John Gave<sup>r</sup> & CO." located ten claims of 120 feet each, adjoining the "Oneida claims" on the North and "Kennedy & Co's claims" on the South. The record of this notice was contained in the same Book destroyed as above stated. No other signatures are appended to that notice.

At this point, we can only rely upon the statement of Mr. John Gaves<sup>R</sup>, for a further history of the mine. He says that in 1855, Andrew Kennedy, James Fleming, himself and others located seven claims, lying South of and adjoining the "Oneida Claims". That about the beginning of 1860, himself and Clairborne Smith located three claims, known as the "Smith & Gaves Claim" extending Southwardly from the above and adjoining the same. Neither of these locations were ever recorded. On January 14, 1860, as before stated, he, John Gaves caused the record of the Ten (10) claims to be made, embracing the above two parcels and as he supposed all the ground lying between the "Kennedy & CO's claims and the Oneida Claims". (The North boundary referred to in the notice of January 4, 1860 must mean the "SMITH & GAVES claim.") The two recorded notices show only together a claim on all of 1880 feet. But a survey after all the claims became consolidated gave to the Kennedy Mining Company 2006 feet, as lying between and abutted by the "Oneida Claims" on the North and the claim of the "Pioneer Quartz Mining Company" on the South ----- the limits of the Kennedy Mine as defined in the Deed to the present owner. We are informed by several of the original owners that notices, posts and stakes, have from time to time been put upon the mine, to exhibit and indicate the extent and character of the claim to the entire Kennedy Mine and work has been done ~~at~~ along its whole length at various points. We would here add that at the dates spoken of, there were no mining laws, so far as we can discover, extending over the Territory in which this mine is situated and consequently no mining records. Occasionally, parties would record their location notices in the County Recorder's office, but that was far from being a general rule. The earliest mining laws of which we can obtain any trace are those of February 7, 1865. This much of the Locations, next as to

-: THE TRANSFERS :-

Upon enquiry of Mr. Gaves, he informs us by letter, that he and Smith in 1860 or 1861 purchased the interests in the ten (10) claims, of all the other owners, with the exception of one, taking Bills of Sale from them, which were never recorded and have since been mislaid, lost or destroyed. The one, from whom they obtained no title, left the Country at an early day and his present whereabouts is unknown. Upon these

claims, he says, that he and Smith expended a large sum of money, in working them. On the 28th. day of December 1861, he, John Gaves sold an undivided one half <sup>interest</sup> in the Ten Claims to "Andrew Kennedy & Co." who consisted of the parties named in the Location Notice of January 4, 1860.

On the 4th. day of March 1862, Clairborne Smith conveyed a one half interest in the same claims to "John Fullen & Co." consisting of Fullen, Fleming and Berrigan three of the parties named in the same notice, both of which transfers are evidenced by Bills of Sale, unrecorded and in our possession. On the 4th. day of October 1861, Andrew Kennedy conveyed his one fourth interest in the Original Kennedy Mine to Thomas Brady and on the 10th. day of May 1862 conveyed a one fourth interest in the Ten (10) claims to the same party; the one of which transfers is evidenced by a Deed acknowledged and Recorded in the office of the County Recorder of Amador County; the other, by Bill of Sale, not of record, also in our possession. On the 17th. day of October 1867, Brady, by Deed recorded in said County Recorder's office, conveyed one fourth of the three several pieces, parcels and claims already described, viz: The Original Kennedy; the Smith & Gaves Claim; and that portion lying between the last mentioned and the "Oneida Claims", embracing the present limits, to B.F. Langford, who, on the 28th. day of October, 1867, by Deed duly acknowledged and Recorded in the County Recorder's office, conveyed the same interests to S.P. Christy. December 30, 1867, Christy, by Deed duly acknowledged and recorded as aforesaid, conveys the same interests to Samuel Langdon. May 20, 1868 Langdon by Deed duly acknowledged and recorded, conveys the same interests back to B.F. Langford.

On the 22nd. day of November 1869, John Fullen, James Fleming, James Berrigan (or Birgen as his name is sometimes written) and B.F. Langford, by Deed, duly acknowledged and Recorded in said County Recorder's office, conveyed the entire Kennedy Mine (embracing the three parcels described) to Michael Geagan and others, who on the 18th. day of April 1870 conveyed the same to the present owner, The Kennedy Mining Company.

We have no opinion to give, as to the validity of the title to the mine, as none has been required of us, but would suggest that the

"Limitation Act" and various decisions of the Supreme Court of this State,  
have an important bearing, towards confirming the title in the present  
claimant.

(Signed) Farley & Pawling

Attorneys at Law.

Jackson July 12, 1870.

Family name <b>KENNEDY</b>	Given name or names <b>Andrew</b>
Address <b>---, Cal.</b>	
Certificate no. (or vol. and page) <b>Minutes-Vol.C,p.13</b>	Title and location of court <b>Co. Ct., Jackson, Cal.</b>
Country of birth or allegiance <b>Ireland</b>	When born (or age) <b>---</b>
Date and port of arrival in U. S. <b>---</b>	Date of naturalization <b>May 25, 1867</b>
Names and addresses of witnesses <b>J. Fleming, ---</b>	
<b>T. Conlan, ---</b>	

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16-17302

Family name <b>KENNEDY</b>	Given name or names <b>Philip</b>
Address <b>---, Cal.</b>	
Certificate no. (or vol. and page) <b>Minutes-Vol.D,p.164</b>	Title and location of court <b>11th DC, Jackson, Cal.</b>
Country of birth or allegiance <b>Birth: Ireland.</b>	When born (or age) <b>---</b>
Date and port of arrival in U. S. <b>Alleg: Great Britain</b>	Date of naturalization <b>June 26, 1867</b>
Names and addresses of witnesses <b>T. Harrington, ---</b>	
<b>M. Tyrant, ---</b>	

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Family name <b>KENNEDY</b>	Given name or names <b>Michael</b>
Address <b>---, Cal.</b>	
Certificate no. (or vol. and page) <b>Minutes-Vol.D,p.04</b>	Title and location of court <b>11th DC, Jackson, Cal.</b>
Country of birth or allegiance <b>Birth: Ireland.</b>	When born (or age) <b>---</b>
Date and port of arrival in U. S. <b>Alleg: Great Britain</b>	Date of naturalization <b>Sept. 10, 1866</b>
Names and addresses of witnesses <b>Charles Boarman, ---</b>	

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