

## Addendum Letter to the “Cultural Resource Study of the Fortner Family Trust Property in Mariposa County”, dated December 2011

This addendum letter is commissioned at the request of the Fortner Family to address the concerns and potential impact to cultural resources noted in the original study. The original cultural resource study consisted of a records search and field study completed in November, 2011. This study revealed one minor prehistoric (food processing) feature, one historic feature (rock wall) and one historic site (old barn complex). The Cultural Study recommended that the two historical features and the historic site be preserved. The State required forms for all three cultural sites have been submitted to the Central California Information Center at CSU-Stanislaus and a photographic inventory was completed at the time of the field study.

The first historic feature, the single isolated milling station has been adequately documented and photographed so that no further action is necessary. The second historic feature, the stone wall should be conserved for historic and scenic value but it is not necessary to establish an easement around it. However, Mr. Fortner has vowed to protect both features by restrictions in the CC&R's for the project.

The historic site of the old barn complex includes the barn, a small structure with a stone foundation and a wooden well house. At the time of the Cultural Study, both the barn and the well house were being used as part of the ranching operation. The records search by the Central California Information Center at CSU-Stanislaus revealed no historical information about the barn complex or inclusion in State or Federal registers.

However, since the original Cultural Study, additional information has been presented for consideration of the barn complex's historic character. After the review of this information, a determination was made that the barn complex meets the California state requirements to qualify as a historically significant site. The criteria for recognition is an age at least 50 years, association with a significant event and/or person(s), and architectural significance. The barn complex satisfies all three of these criteria.

The proposed project will divide the current tract of land into parcels for commercial and residential use. The Barn is located on a proposed 12+ acre residential lot site. Without mitigation, the project has the potential to cause a substantial adverse change in the significance of the historic resource.

A recommended mitigation measure is to designate a five foot no disturbance set-back around the barn and the wooden structure with the stone foundation. Additionally, the two structures should be recognized for their historic significance at the County and State levels.

However, at this time, recognition of the barn complex only at the local level may be advisable. The recognition at the local level will afford protection to the barn complex site and potentially allow for stabilization of both buildings under the immediate jurisdiction of the County. Working at the County level may be more efficient and productive than at the State level. Mr.

Fortner has expressed a desire to work with the community in efforts to make a future determination of a practical usage or possible relocation to an area with the proper zoning. A recommended sequence of events is:

- Establish a five foot no disturbance set-back around the barn and the wooden structure with the stone foundation. This will allow for protection of the structures and establish mitigation measures for the project.
- Recognize the two structures as historically significant at the County level. This will allow for the preservation and possible stabilization under County jurisdiction.
- Make a determination between the owner and the community of a proposed end use for the structures. Should the structures remain in their historic location or be relocated for an alternate use.
- Seek historic recognition for the structures at the State level.

Relocation of a State recognized structure can be accomplished. *The California Historical Building Code*, Part 8 of Title 24, governs for all qualified historical buildings or properties in the State of California. The following section cites for the allowance of relocation:

***“8-102.1.2 Relocation. Relocated qualified historical buildings or properties shall be sited to comply with the regular code or with the solutions listed in the CHBC. . Nonhistorical new construction related to relocation shall comply with the regular code. Reconstruction and restoration related to relocation is permitted to comply with the provisions in the CHBC.”***

Qualified professional legal advice should be obtained prior to changes in the current usage or efforts to relocate any historic site. However, this should be accomplished separate from and outside of the requirements for the project.

The well house is an operational feature of the ranch operations. Mr. Fortner has advised that the structure probably was constructed later than the barn and wooden structure with the stone foundation since it contains a working drilled well with an electric pump and motor. The structure has had work done to it since the Cultural Resource Study to refurbish and secure the equipment inside. Therefore, it is recommended that no setbacks or historic site recognition be given to the well house.

Reference to an “old schoolhouse road” has been made. At the time of this writing, no historic documentation is available giving evidence as to existence or location. No notable remaining features were observed. Only operational “ranch” roads are visible.

During the field work for the Cultural Resource Study, no other archaeological resources were discovered. However, it is recommended that if any of the structures of the barn complex were to be demolished for safety reasons or moved to another location, an archaeological excavation be done to determine any hidden artifacts for documentation or preservation.

Dudley M. Varner, Ph.D.  
VARNER ASSOCIATES.  
923. E. Foxhill. Dr  
Fresno, CA 93720  
559-434-3287  
[dudley\\_varner@yahoo.com](mailto:dudley_varner@yahoo.com)  
Dated February 1<sup>st</sup>, 2017



California  
History and Genealogy Research  
[www.mariposaresearch.net](http://www.mariposaresearch.net)

## The Cathey Family and their Descendants

by Thomas Hilk

(see also Cathey Family by Betty Cathey McRee )

Andrew Dever Cathey, Daniel his son, and son in-law Benjamin Wills came to California in 1849. After taking a good look around, they found California to their liking. Andrew and Benjamin returned to Arkansas. In 1852, they started on their trip to California from Fort Smith, Arkansas, with a wagon train of about 20 wagons. Most of the people on the original wagon train were related in one way or another. Andrew was elected Captain of the wagons train, and as they traveled more wagons joined them.

We are very lucky to have part of a journal done by John Boyd Hamond and stories by Sarah Cathey and Nathan (Nat) Cathey. Sarah was a young girl of about 10 when the family left Arkansas, and she had to walk most of the way to California. In her story she was intrigued by all the discarded items left by parties that had past over they trail before them. One item she picked up was a like new brass candle stick, which she carried to California.

Nat, who was 18, had the job of driving a wagon pulled by a team of oxen. In his story he tells about seeing a wagon where the Oatman family were massacred by Indians. All were killed, except two little girls who were captured by the Indians and a little boy who was left for dead. One of the girls died in captivity and the other was sold to the Mohaves. The boy that survived was instrumental in rescuing his sister, and she later wrote a book about the massacre.

He also tells about taking the wagons apart to make them into rafts, so they could cross the Rio Grand, and then having to put them back together to continue the journey.

One serious incident was when the party's water, which was stored in wooden barrels began to get low. Orders were issued that no more water could be given to the animals and that only one or two swallows could be given to people; then only when there was a real need. It had been days upon days since a stream had been crossed, and the trail they were on was through the middle of a huge valley. The mountains were so far away they could not be seen through the haze. In the middle of the next afternoon when nearly all had given up hope of finding water, one of the teamsters at the head of the train suddenly noticed his oxen raising there heads and sniffing the apparently dry air. All the other wagons and loose stock followed the lead oxen team and after what seemed a long time, the teamster could see a knoll at the top of a mound of big boulders resting over a large rock basin almost full of fresh water, far more than enough to refill all the barrels and to water the stock.

The family finally arrived at Indian Gulch after a 9 month journey, the Catheys lived in tents and wagons for two years, selling milk from their herd and working in the mines. Daniel Cathey, Andrews oldest son who stayed in California when they returned to Arkansas, joined the family at Indian Gulch.

In the year 1854 Andrew and Benjamin Wills purchased the Louisiana Ranch from George Evans and Jacob Hill for \$1,500. The Louisiana Ranch was known as Valleita (little valley), but after the purchase, it became Cathey's Valley. The property was divide between Andrew Cathey and his son in-law Benjamin Wills. Both men built their permanent homes there.

A little Genealogy of Andrew and Mary Cathey and some of their descendants.

Andrew Cathey was born 1804, in North Carolina, the son of Daniel Cathey and Jemima Oliver Hyatt. Andrew married Mary Mariah Deaver in the year 1828 in North Carolina; they had eight children.

Mary Mariah was born in Illinois, the daughter of Nathaniel Deaver and Arabella Jemima Gray, after her father died she was raised by her uncles families in North Carolina. Her mother remarried and became one of the first white women in Texas. The town of Brenham, Texas is on some of the land Mary's mother owned.

Andrew died in 1886 and Mary Mariah in 1892, both lived to be 81 years old and they are buried in the Cathey's Valley Cemetery.

Their oldest child, Jemima Amanda married Benjamin Wills; they had 10 children. George Carlisle married Usibbie Laird, Mary Frances married Hiram Cornett, Sarah married Thomas R. Givens, Susan married Samuel Givens, Eva married Thomas Givens Pool, a nephew of Thomas and Samuel; Virginia married Dr. Harvey Castle, Sophronia married James Price; Jessie married Samuel Cornell and Emma never married.

Daniel Cathey never married. Nathan Lucius Cathey married Mary Ann Wilkinson, but they had no children. William Pearson Cathey married Louisa Duncan Palmer, they had four children. Walter Scott of Jerseydale and Betty Cathey McRee of Chowchilla are descendants of this line. Sarah Melvina married a cousin of Benjamin Wills, James Wills; her second marriage was Joseph Thompson. She had four children. Andrew McCurdy Cathey married Ellen Caroline Young, no children. James Newton Cathey never married. John Wisenor Cathey never married, he died at a very young age and he was the only child of Andrew and Mary Cathey to be born in California. He might well have been the first child born in Cathey's Valley, January 4, 1855.

In research of the Cathey Family and descendant I have found they owned a considerable amount of Cathey's Valley. From the Bull Run Ranch to the Houlihans place on Bear Creek with many ranches in-between. Andrew gave land to the community for the School, Church and the Cemetery. The home place of Andrew is stilled owned by a great-great-great granddaughter of Andrew Cathey, Judy Westfall Huffman.

### MORE MARIPOSA FAMILY CHRONICLES

### TO MARIPOSA HISTORY AND GENEALOGY RESEARCH

posted May 9, 2001



The 1879 Givens Barn in Catheys Valley History  
Caroline Wenger Korn  
Historian, Catheys Valley Historical Society  
ckorn@sti.net

Samuel Benjamin Givens with his wife Maymie Wilkenson Givens bought this property, probably from Tom Cathey before 1900 when they were married. They lived there until the 1930s but the family lost the ranch to foreclosure during the Depression after Samuel's death. Samuel died in 1935. They are buried at the Catheys Valley Cemetery. Their children were Fay Givens Dyer, Vernon Givens and a baby girl who died in infancy. Fay's granddaughter Lynn Givens Rumsfeld still lives in the county. Vernon had a son, Vernon David Givens, who is Lynn's father. He still lives in Mariposa County. His brother John who also lives here works at the sheriff's department.

We have recently learned it was Tom Cathey, not Andrew Cathey who donated land for the Schoolhouse in 1879. Andrew donated land for the church..

Vernon David Givens states that family information confirms that the barn was built by the Cathey family for the Givens in 1879. The main timbers of the barn show square nails.

Earl Gordo, a longtime Catheys Valley resident, remembered the house still being used in the late '30s or early '40s when he attended Catheys Valley School. A family was living there. They were not the Givens but may have been dust bowl era people. Both Vernon and Fay Givens attended Catheys Valley School. They are pictured in a photograph in the files of the Catheys Valley Historical Society.

The only road from Merced to Mt. Bullion and on to Mariposa ran east of the barn, directly in front of the house. The school is about 5 minutes walk from the barn. Vernon David Givens says that when Highway 140 was built in the early 1930s the house had to be moved because the highway ran too close to it.

Samuel B. Givens was County Supervisor for three terms in the early to mid '30s. He died while in office. They lived there then. Fay Givens was teaching at the emergency school on the Davis place. She later taught in Merced and was Director of Audio Visual Services. Virgil Givens and his brother, Earl Gordo said, had a mine and stamp mill east of the Price place (or the old Mizener's place).

Another memory given by Earl Gordo is that Virgil Givens, a relative of Samuel, came along with a truck and a piece of mining machinery. He got stuck in the mud near the church. None of the roads were paved then. "I remember someone came down from the Givens place with their old County Cat 30 to pull out the truck.. Probably it was John Carter whose family was living in a little house at Givens' place. John used to do quite a bit of (non-county) work snakin' in wood for old Sam Givens."

Today the barn, milk house and 20 foot deep hand dug well in its well house and the viewshed they inhabit are the only remaining readily visible buildings that exemplify Catheys Valley's agricultural past as "The bread basket of the Southern Mines". Visitors from nearby and even distant lands stop to photograph and paint them.

Many people in the Catheys Valley community hope we can preserve the barn and its surroundings strengthening it and adapting it for the benefit of the community.

Conversations about the Green Barn with Janet Bibby, Leroy Radanovich and Cathey's Valley Historical Society President January, February '08

I mentioned to Janet that the Land and Legacy Committee had been talking about saving the Green Barn, its wetland and viewshed.

Janet said first we should contact the County Historic Sites Commission to request that the barn, wetlands and viewshed be placed on their roster of Historic Sites.

Janet recognized the iconic nature of the barn area. However she expressed concern about an ill advised "swap" of the area to be saved for land presently designated as ag exclusive which she believes "would be improper use of taxpayers' funding"

In drafting a letter to the Historic Sites Commission, I called to ask advice of Leroy Radanovich who is on the Commission. He told me:

Even if the barn were listed on the roster, it would not prevent the owner from doing with it whatever he wants, even demolishing it. He suggested doing the following first:

Prepare a written proposal to the landowner, Steve Fortner, outlining who proposes to save the barn, its adjacent wetland and viewshed. Tell what we would like to do and how we propose to accomplish it.

This brings up the question of the need for a 501 ( c ) ( 3 ) organization that could take ownership of the land. If a 501 ( c ) ( 3 ) receives a donation worth over \$5,000 various documents must be filed with the IRS.

So, as we've said and as Leroy emphasized, we need an attorney knowledgeable in non-profit matters, land transactions and about our County General Plan.

I asked Richard Westfall whether he thought the Historical Society could sponsor this project. Of course it would have to be decided by the Board of Directors. Richard said in his opinion it would be good to save the barn, wetland and viewshed. The Historical Society could be involved in preliminary work such as contact with the owner, seeking an engineer to survey the barn's stability on a pro bono basis, and seeking pro bono guidance from an attorney. His concern, and that of the Board of Directors, would be liability, sources of funding and sources of volunteer work..

Leroy said that in his opinion using a small acreage of land to save an iconic historic site, even if it eventually involved removing some land from AE would be justifiable. He believes that Mariposa County ag land is primarily valuable as open space since few people can make a living from it today. So a hidden subdivision such as Steve Fortner proposed some years ago would not detract from open space. (We did not discuss water issues).

Leroy also mentioned that, as he remembers, the Fortner Subdivision was approved pending certain road construction. Steve never put in those roads, so the subdivision went nowhere.

That's something we should verify as well as the present land ownership.



Vernon David Givens Re his family's barn. I called him 12 8 16  
Caroline Wenger Korn

Some information here was given in an interview in 2008 by Lynn Givens Rumfelt, David's daughter. I had talked with David several times over the years about his family's home place in Catheys Valley.

He says the Catheys built that barn and dairy house in 1879 as documented by his family. The name Cathey is on the cement footing of the dairy house. The Givens bought the ranch from their relatives, the Catheys. The barn is 137 years old this year.

Vernon David's grandparents, Samuel B. Givens and Mamie Wilkerson Givens were married in 1900 and the family occupied the ranch from then until Samuel died. Samuel B. Givens was three times Mariposa County Supervisor for Catheys Valley and died in office in 1930. The ranch was sold at trustees sale for \$6,700 for the 3,764 acres. It was bought by the Federal Land Bank.

Vernon David's father was Samuel and Mamie's son Vernon. His aunt, their daughter Fay Givens Dyer, (1909-1994) was a beloved teacher in Mariposa County, at the emergency school on the Davis Ranch. Later she taught in Merced and was in charge of Audio Visual Services for Merced County. Both Vernon and Fay attended Catheys Valley School which was also build in 1879 on part of the Cathey-Givens Ranch with land donated by the Cathey and Givens family. [I had interviewed Fay years ago. The emergency school was on our (Davis) ranch. -cwk)

Debbie Lester, Catheys Valley Community Planning Advisory Committee says, since the barn was built by the Cathey family, the founders of this community, that certainly should make it unique and should qualify it to be on the State Registry of Historic Sites. 12 8 16

Givens home and barn, 1902, commercial photograph

