

CASE No.

266

NORTHERN DISTRICT

---

PART OF SOTOYOME GRANT

CYRUS ALEXANDER

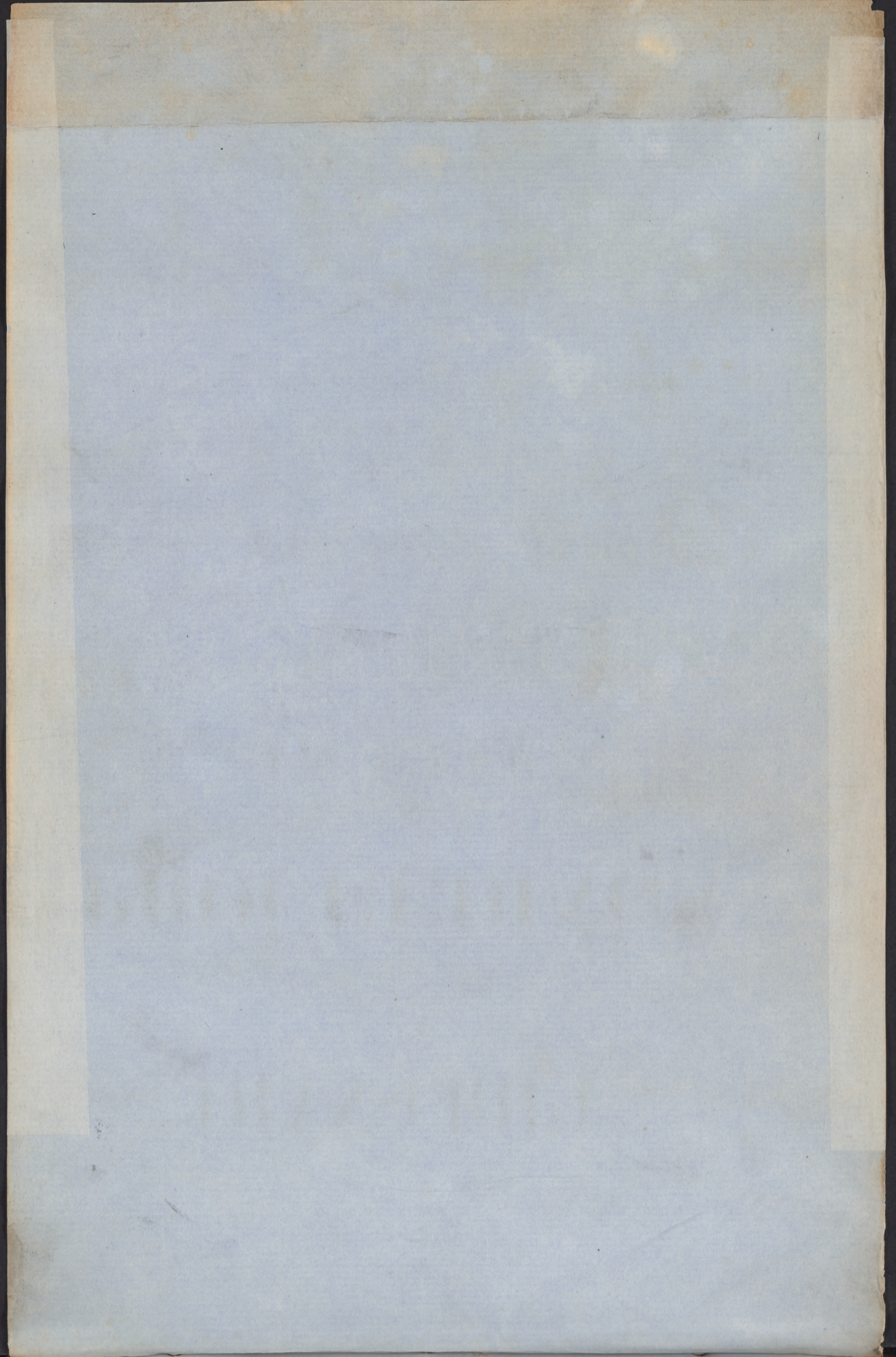
CLAIMANT:

LAND CASE 266 ND 10 pgs.

NOV 12 1962

Unmanuscript  
PRAYER BOARD  
50% COTTON FIBER  
U.S.A.

772



266 ND

PAGE 1

# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. 792.

*Cyrus Alexander* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

*a part of*  
FOR THE PLACE NAMED

" *Sotoyome* "



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

266 ND  
PAGE 2

Be it Remembered, that on this third day of March, Anno Domini One Thousand Eight Hundred and Fifty-three, 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 Cyrus Alexander, <sup>part of</sup> for the Place named "Sotoyome", was presented, and ordered to be filed and docketed with No. 792 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 January 9<sup>th</sup> 1855.  
Case no. 792, Cyrus Alexander for part of the place named "Sotoyome", was ordered to be placed at the foot of the 4<sup>th</sup> class cases on the Trial Docket,

San Francisco January 23<sup>rd</sup> 1855.  
Case no. 792 was Submitted under the Rule of 21<sup>st</sup> of March 1854.

San Francisco February 6<sup>th</sup> 1855,  
In the same Case Commissioner Alpheus Felch delivered the opinion of the Board rejecting the claim;

(Vide page 8 of this Transcript.)

And the following order was made, to wit;

(Vide page 9 of this Transcript.)

for settling private land claims in



To the Hon the Board of Comrs  
for settling private land claims in  
California -

The petition of Cyrus  
Alexander respectfully shews,

Petition

266 ND  
PAGE 3

That on the 2th of Sept  
1841 Saml B Alvarado Governor of Cali-  
fornia by authority of the laws of Mexico  
granted to Henry D Fitch a certain tract  
of land called Stolajome, as more fully  
set forth in the title papers on file in  
claim No 16 in the Office of the Secretary  
of this Board hereby referred to and  
prayed to be made part of this petition.

That on the 2d Sep  
1844 said Henry D Fitch sold and con-  
veyed to Saml Hittionid a certain portion  
of said tract more particularly described  
in the Act of conveyance a certified copy  
of which is herewith submitted marked B.  
That said portion of land  
contains two square leagues.

Saml Hittionid further  
shows that said land has been ever since  
the date of the grant & now is in the quiet  
& undisturbed possession of Saml Hittionid  
& those under whom he holds.

That he relies for confir-  
mation of his said claim upon the title papers  
above referred to & upon such other & further  
proofs as he may be advised are necessary  
wherefore he prays Confirmation  
of his title to said land.

Wase for Clerks

Filed in office March 3, 1853.  
Geo Fisher Secy.

... of Henry B. Smith of the Town of ...

5-

Due  
From  
Fitch  
20  
Alexander

266 ND  
PAGE 4

Now all Men by these presents  
 that I Henry R Fitch of the Town of  
 San Diego in the Territory of California for  
 & in consideration of the sum of One dollar to  
 me in hand paid by Cyrus Alexander the  
 receipt whereof is hereby acknowledged have this  
 day granted bargained and sold and by these  
 presents doth hereby grant bargain sell  
 alien convey unto him the said Cyrus Alex-  
 ander & to his heirs and assigns forever a  
 certain tract or parcel of land by siting  
 & Situate in the District of Sonoma in the  
 Territory aforesaid (the same being a part  
 of the Tract of land granted to me by the  
 Mexican Government on the Treaty eighth  
 day of September in the year 1841 and known  
 as the Rancho Stogomo on Russian River )  
 to be taken off the North Eastern part of my  
 said grant & to be situated between the River  
 & my North Eastern boundaries and to con-  
 tain a quantity equal to two square leagues  
 of land Spanish measure that is to say.

Beginning at the Eastern Cor-  
 ner of my said grant at Letter "I" and thence  
 running along my North East boundary to-  
 wards letter H. G. & J, a sufficient distance  
 so that running a line at a right angle parallel  
 with the Eastern boundary to the river and thence  
 along down the middle of the main channel  
 of the river to the first principal bend in  
 the same thence on a direct line parallel  
 with the North Eastern boundary to a point  
 on the Eastern boundary as at present sur-  
 veyed so as to contain two square leagues  
 Spanish measure.

To Have and To Hold  
 the said granted and bargained promises unto  
 him the said Cyrus Alexander & to his heirs

266 ND  
PAGE 5

and assigns former. And I the said  
Henry D Fitch for myself my heirs executors  
he doth Covenant to and with the said Alexander  
his heirs and assigns to warrant & forever  
defend the title to the said granted and  
conveyed premises from the lawful claim  
or claims of any person or persons whatsoever.

It is further understood that  
the said Alexander should he at any time  
hereafter wish to make sale of said tract of  
land binds himself to give the said Fitch  
the refusal of purchasing the same and  
provided the Government of the United States  
should diminish the size of said grant as  
made by the Mexican Government to give  
the said Alexander is to lose in the same  
proportion that I do.

In Testimony whereof I  
Henry D Fitch hereunto set my hand and  
affix my seal at the Town of Sonoma  
in the Territory of California on this the second  
day of September in the year of our Lord  
one thousand eight hundred & forty seven.  
H. D. Fitch C. L. D.

Note.  
"The foregoing tract of land is  
granted by said Fitch to said Alexander  
in consideration of services rendered in  
accordance with an agreement made with  
him 12 October 1841 it being a part of  
Eight leagues granted to said Fitch by the  
Mexican govt. September 22. 1841.

www

United States of America.  
Territory of California  
District of Sonoma

Personally appeared  
before me the undersigned Alcalde of the  
District of Sonoma Henry D Fitch whose  
Name is subscribed to the foregoing  
Instrument of writing as having executed  
the same and acknowledged the same to  
be his act and deed for the purposes therein  
mentioned -

Given under my hand at office  
in Sonoma this 2<sup>d</sup> day of Sept 1854,  
L. W. Rogers,  
Alcalde.

State of California  
County of Sonoma

I hereby certify that  
the foregoing Transcript being pages 1#  
& 2# contains a true copy of the original  
Record of the debt from Henry D Fitch  
to Cyrus Alexander as Recorded in Book  
"B" on pages 21, 22 and 23, of Sonoma  
County records.

The words "Eight hundred and forty  
and" & "by" "the said" "quantity of" "& acres"  
being erased, and the words "and" "of land"  
"square" "and bargained" "the" being  
interlined by the Recorder.

Witness my hand and seal  
of Office at the City of Sonoma  
this 26<sup>th</sup> day of July 1852.

Seal

John Hemmels County Clerk &  
Ex officio Recorder of Sonoma Co -  
By J. St. Brewster Deputy.

Filed in Office March 8, 1853.

(Sgd) Geo Fisher Secy

Cyrus Alexander

vs  
The United States

} For a part of  
} the place called  
} Sotoyomi in Sonoma  
} County being two  
} square leagues of land.

266 ND  
PAGE 7

Opinion

In his petition the Claimant alleges title in himself by conveyance from Henry A Fitch to whom the land was granted by Governor Alvarado in September 1841. He has presented his Evidence of a grant to many other title in said Fitch. The claim is supported by no Evidence and cannot therefore be confirmed.

Respectd.

Filed in Office Feb. 6. 1855.

(Signed) Geo Fisher Secy.

Cyrus Alexander

vs  
The United States

} In this case on hearing

} the proofs and allegations it is adjudged  
} by the Commission that the claim of the  
} petitioner is not valid and it is therefore  
} decreed that his application for a confirmation  
} thereof be denied.

Verdict

Wm Fitch }  
R. W. Thompson }  
S. B. Farwell }

Filed in Office Feb. 6. 1855.

(Signed) Geo Fisher Secy.

9

266 ND  
PAGE 8

And it appearing to the satisfaction of the Board that the land hereby adjudicated is situated in the Northern District of California it is hereby ordered that ten Manuscripts 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 Manuscripts shall be filed with the Clerk of the District Court of the Northern District of California and the others 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.

266 ND  
PAGE -- 9

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 Nine pages, numbered from 1 to 9, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, on which the same is founded, on file in this Office, in Case 792 on the Docket of the said Board, wherein Cyrus Alexander is

the Claimant against the United States, for the place known by the name of Sotoyome.



In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this Tenth day of August A. D. 1853, and of the Independence of the United States of America the ~~seventy~~ eighty eightieth.

Geo. Fisher.

*[Handwritten signature flourish]*  
Sig.

U. S. DISTRICT COURT,

*Northern* District of California.

No. 266-

266

THE UNITED STATES,

vs.

*NID*

*Cyrus Alexander.*

TRANSCRIPT OF THE RECORD

FROM THE

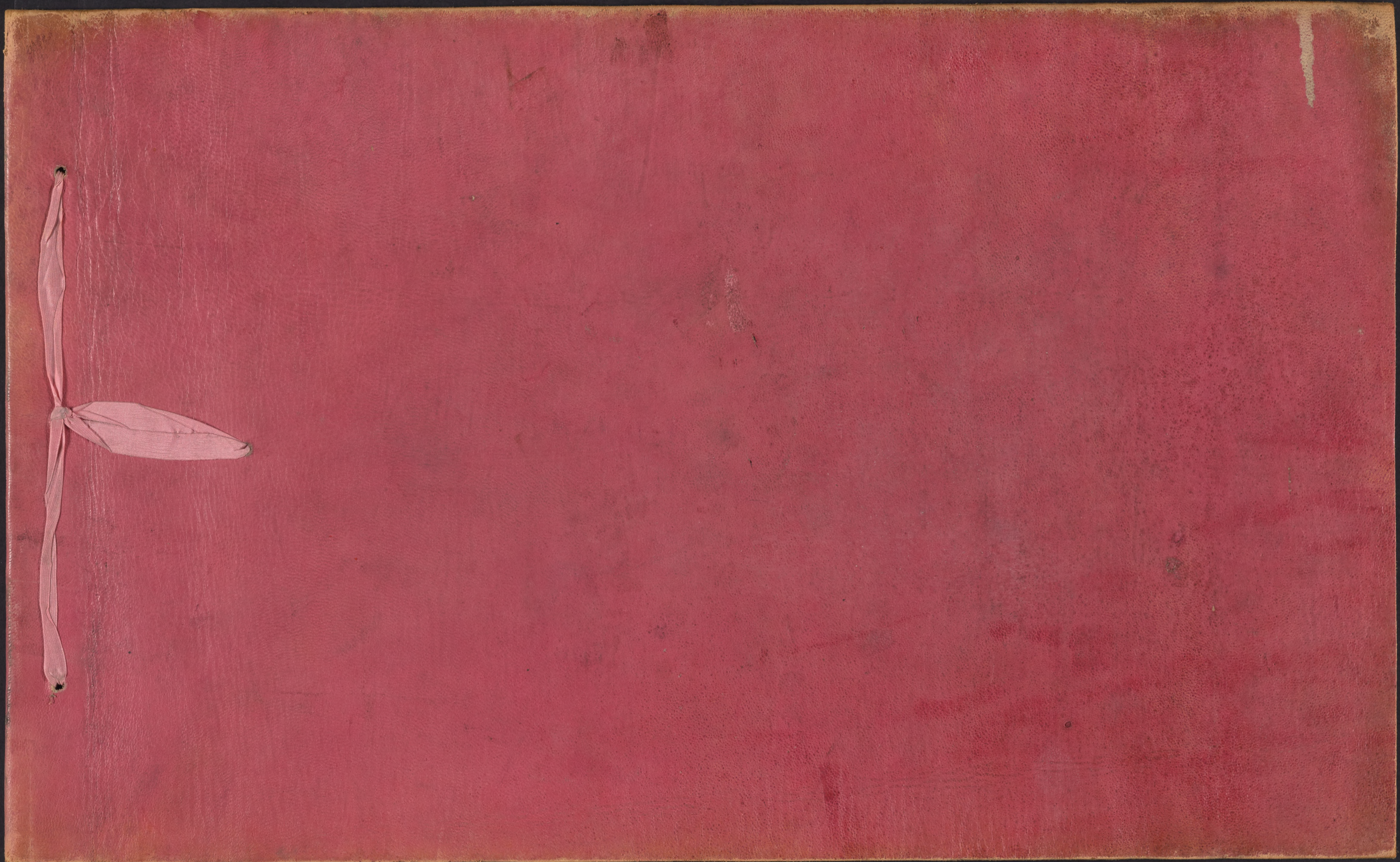
BOARD OF U. S. LAND COMMISSIONERS,

In Case No.

*792*

Filed, *August 11* 185*3*

*J. A. Monroe,*  
*Clark*



~~266~~ ~~ND~~  
PAGE ~~10~~

Office of the Board of Commissioners,  
To ascertain and settle the Private Land Claims in the State of California.

San Francisco, Aug. 10<sup>th</sup> 1855.

J. A. Monroe 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. 792 on the Docket of the said Board, wherein Cyrus Alexander is the Claimant against the United States, for the place known by the name of "Part of Sotayome," and request your receipt for the same.

I am, Respectfully,  
Your Obedt Servant,

G. Fisher.