

CASE No.

333

NORTHERN DISTRICT

PART OF AUGA CALIENTE GRANT

THADDEUS M. LEAVENWORTH

CLAIMANT:

LAND CASE 333 ND 124 pgs.

U.S.A.
25% COTTON FIBER
Plover Bond

NOV 29 1962

760

July

TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 760

Thaddeus M. Seaverworth CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

part of
FOR THE PLACE NAMED

"Agua Caliente"

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 second 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 Thaddeus M. Seavenworth
for the Place named
"Agua Caliente,"
was presented, and ordered to be filed and docketed with No. 760 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 9th 1855.
Case no. 760, Thaddeus M. Seavenworth for the place named "Agua Caliente" was ordered to be placed at the foot of the 4th class Cases on the Trial Docket,

San Francisco January 23rd 1855.
Case no. 760 was submitted under the Rule of March 21st 1855.

San Francisco January 30th 1855.
In the same case the counsel for the claimant filed the following motion and Affidavit, to wit,
(Vide pages 43+44 of this Transcript.)

San Francisco February 6th 1855.
In the same case Commissioner Alpheus Felch delivered the decision of the Board upon the Motion of the counsel for the claimant filed on

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the 30th January last granting the same,
Whereupon it is ordered, That the
Case be placed at the foot of the Trial Docket.

San Francisco March 13th 1855.

In the same case the counsel for the claimant
filed the following Affidavit, to wit:

(Vide page 44 of this Transcript.)

San Francisco March 22nd 1855.

Case no. 760 was assigned for hearing on the 30th
day of April next.

San Francisco March 29th 1855.

In the same case the deposition of Juan B.
Alvarado, a witness in behalf of the claimant,
taken before Commissioner S. B. Farwell, was filed;

(Vide page 7 of this Transcript.)

In the same case the counsel for the claimant
filed the following Affidavit, to wit:

(Vide page 45 of this Transcript.)

San Francisco March 30th 1855.

In the same case the deposition of Salvador Vallejo, a
witness in behalf of the claimant, taken before Com-
missioner R. Arg. Thompson, was filed;

(Vide page 12 of this Transcript.)

San Francisco April 2nd 1855.

In the same case the counsel for the claimant
filed the following Stipulation, to wit:

(Vide page 47 of this Transcript.)

San Francisco April 3rd 1855.

Case no. 760 was submitted without argument
and taken under advisement.

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In the same case Commissioner S. B. Farwell

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San Francisco April 24' 1855.
In the same case Commissioner S. B. Farnell
delivered the Opinion of the Board confirming
the claim;

(Vide page 49 of this Transcript.)

And the following order was made, to wit;

(Vide page 52 of this Transcript.)

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H

To the Hon. the Board of U. S.  
Land Comm.



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To the Hon<sup>ble</sup> the Board of U. S.  
Land Commissioners appointed to settle  
land claims in California.

Petition

The petition of Thaddeus  
M. Loomis respectfully states,

That on or about the 13<sup>th</sup>  
day of July 1840 Juan B. Alvarado then Governor  
of California in the name of the Mexican Nation  
by virtue of the laws of Mexico then in  
force the laws usages and customs of the  
country affecting grants of land in California  
granted in full property unto Lazaro Pina  
the tract of land and Rancho situated in the  
present County of Sonoma and known by the  
name of Agua Caliente and more particularly  
described in the papers and maps relating to  
said grant of land papers and maps now  
remain in the archives in custody of the U. S.  
Surveyor Genl for California and so soon as  
copies of the same can be procured and transla-  
ted your petitioner prays have to file the same  
as part of this petition.

And your petitioner further  
states that judicial possession of said  
lands and the Rancho was duly given by  
the proper Officer and said grant was duly  
approved by the Departmental Assembly  
all of which facts appear by the papers  
and maps relating to said grant of land  
as above stated.

And your petitioner further  
states that said Lazaro Pina sold and  
conveyed all his right title and interest in and  
to said lands and rancho unto M. J.  
Vallejo by and a copy of said deed being  
herewith filed as part of this petition.

And your petitioner further

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states that said Dalley sold and conveyed all his right title and interest in and to said lands and Rancho unto Andreas Hoepfner by deed dated August 12, 1846 a copy of the same being herewith filed as part of this petition -

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And your petitioner further states that said Hoepfner sold and conveyed unto your petitioner certain portions of said lands and Rancho by deed dated March 6, 1849 a copy of said deed being herewith filed as part of this petition.

The evidence upon which your petitioner relies to support this claim consists of the records of papers in the archives in custody of the U. S. Surveyor General for California original papers and maps and documents to be produced and proved and the testimony of witnesses to be produced before your Honor's Board.

And your petitioner further states that said Poma and those holding under him have been in the peaceable occupation of said lands and Rancho from the date of said grant to the present time and have made large and valuable improvements thereon, and there are no conflicting claims thereto known to your petitioner.

Your petitioner therefore prays confirmation of the said grant to said Poma for the benefit of those claiming under him.

Respectfully submitted for such action as the justice and this claim may require -

J. M. Trumbull  
in person of counsel.

Filed in Office  
March 2, 1853.  
(44)  
Geo Fisher Secy



United States Land Commission  
San Francisco March 24 1855.

Dep. of  
J. B. Alvarado

On this day before Commissioner S B  
Furnell came Juan B Alvarado a witness  
on behalf of the Claimant Thaddeus M  
Luscomb in Case No 460 who after being  
duly sworn deposed in Spanish as follows  
his evidence being interpreted by the inter-  
preter for the Board.

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Question.

What is your name age and  
place of residence?

Ans.

Juan B Alvarado age forty six  
years. Contra Costa County.  
I. Question.

Look at the document now  
shown you marked A and purporting to  
be a certificate of approval of the Depart-  
mental Assembly of a grant for a place  
called "Ayuda Caliente" to Lazaro Trina  
upon which is endorsed a writing pur-  
porting to be a conveyance from M. G  
Vallejo to Andrew Schoepner of said land  
and state if you are acquainted with the  
signatures therewith attached and if so are  
they the genuine signatures of the persons  
they purport to be.

Answer.

I am acquainted with the signa-  
tures of Pio Pico José María Covarrubias  
M. G. Vallejo and Jacob. P. Leese. I  
have often seen them write and their  
signatures when they occur in and upon the  
said document referred to in the question  
and now before me are the genuine signa-  
tures of the said persons respectively.



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3<sup>d</sup> Question.

Do you know anything of the issuance of the grant referred to in the said document if so state what you know in regard to the same?

Answer.

The title of grant for the place of "Agua Caliente" was issued to Lazaro Tineo in the year 1840 by myself. I then being Governor of California -

4<sup>th</sup> Quest.

Do you know what the contents of the said grant were, if so please state them?

Answer.

It was a grant for a tract of land in the neighborhood of Sonoma to the said Lazaro Tineo being in length two leagues and a half and one fourth of a league in width. bounded on one side by the Arroyo de Sitaluma. on another by the lands of the vicinda of Sonoma. on another side by the Rancho called "Quilacas" belonging to a Mr Wilson, and on the other side by a range of hills that divided this Rancho from that of Mr Goumt.

This as well as I remember is substantially what the said grant contained.

5<sup>th</sup> Question.

State as near as you can remember what was the form of the said grant?

Answer.

The grant referred to as well as I remember was issued in the usual form and I think with the accustomed conditions observed in making grants of



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Conditions observed in making grants of  
land while I was Governor.

Cross-Examined by U.S. Law Agent  
1<sup>st</sup> Question.

How often did you see the  
said grant after issuing it?

Answer.

I never saw it after signing  
it.

2<sup>d</sup> Question.

How many times did you  
read the said grant before you signed it?

Answer.

I remember to have read each  
time before signing it.

3<sup>d</sup> Question.

Can you from memory describe  
each grant you made in that year as  
you have this of how why and how can  
you recollect the contents of the one in  
question so well?

Answer.

I cannot remember each grant  
as referred in the question so well as to  
describe it. but I remember this one from  
the fact that the grantee was about two  
years an officer in my guard and drill  
sergeant of the National Militia of which  
I was Colonel and was a worthy man  
and I remember the pleasure it afforded  
me to confer upon him the favor he asked,  
these circumstances impressed the matter  
upon my mind.

4<sup>th</sup> Question.

Who was present when  
you signed it?

Answer.

I do not remember who was



present or whether any one was. I think  
no one was.

5th Question.

Was the signature the Secretary  
affixed before you signed it?

Answer.

No, it was not.

6th Question.

Who presented you the grant  
to sign and in whose hand writing was it?

Answer.

I think it was presented by Tom  
Ciser Arce who was just Clerk in the  
Office of the Secretary and I believe it  
was in the hand writing of the said just  
Clerk.

7th Question.

How many and what were  
the conditions in the grant and how are  
you enabled to remember the details of  
the concession?

Answer.

I would not now undertake  
to state verbatim the contents of the conditional  
part of said grant. Nor can I say positively  
how many conditions it contained but as  
well as I can remember was that prohibiting  
him from conveying it in mortmain  
selling or mortgaging it &c. that requiring  
him to ask the proper Judge to give him  
the judicial possession thereof and I  
think other usually inserted conditions.

I remember the details of the  
concession as I have said before because  
it afforded me a pleasure to confer a  
benefit upon the said grantee as a person of  
merit.

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the title.  
Answer.



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8th Question.

To whom did you deliver  
the title.

Answer.

I believe I delivered it to the  
Laford Monument just Club Francisco Cal.

9th Question.

Were you present at the  
last Session of the Departmental Assembly in  
1835 or do you by any means know on what  
day the Assembly held its last Session in  
that year.

Answer.

I was not present at the said  
last Session nor do I by any means know  
on what day the said Assembly held its  
last Session in the said year.

10th Question.

When did Lazaro Pena leave  
your Service and what did he then do and  
where did he go?

Answer.

I think it was about the latter  
part of 1838 or the first of 1839 that the said  
Pena left my Service and he then went to  
Sonoma a *Comandante Militaire* -

11th Question.

How many Officers and  
Soldiers had you in your guard Band  
Each State what was your object in having  
a guard what services did it perform  
what did the general do during the year  
next after you made the grant?

Answer.

It was generally composed of  
from about ten soldiers to more accord-  
ing to the necessity. the said guard was  
relieved periodically and I cannot now



give them better names than Soldados or dependants of their Country.

Juan B Alvarado  
Sworn to and subscribed  
before me this 29th day of  
March 1855.

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S. B. Stewart Comr.  
Filed in Office March 29, 1855.  
(signed)  
Geo Fisher Secy.

United States Land Commission  
San Francisco March 30, 1855.

Dep<sup>o</sup> of  
Salvador  
Valajo

On this day before Commissioner R Aug  
Thompson Clerk Salvador Dallo a witness  
on behalf of the Claimants in case No 10 who  
after being duly sworn deposed as follows  
his evidence being interpreted by the interpreter  
for the Board.  
In suit Claimants Atty & U.S. Law Agent.

In answer to question witness states  
that his name is Salvador Dallo his age  
forty years and residence Napa County  
California.

1st Question by Claimants Counsel.

Do you know Lazaro Pinu if  
you have long have you known him?  
Answer.

I have known him for more  
than twenty years in Monterey and Sonoma  
He resided in that valley on the Rancho  
called "Agua Caliente" from the year 1839  
or 1840 until a short time before the



or 1840 until a short time before the  
American occupation of California.

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

What improvement if any did he make on said Rancho and what was the Character of his occupation.

Answer.

In the year 1840 he built an adobe house on the land in which he lived with his family. he enclosed fields in the same year and sowed them in wheat corn and beans. he had the year before erected corals and had put about three hundred head of cattle on the place.

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

Do you know the name formally called the Anayo del Rancho de Petatlana.

Answer.

Yes I know it. It is now known as the Rancho Rio de Sonama and divides the Rancho of Petatlana from the town of Sonama and from the Rancho of Agua Caliente.

Cross Examined by U. S. Law Agent.  
1<sup>st</sup> Question by same.

Do you know the boundaries of said Rancho of Agua Caliente and if you know do you know them?

Answer.

Yes. I know them before Pina made his petition for the land I went on the place with him for the purpose of Examining and fixing upon the boundaries.

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

Examined the map contained in the Expediente now shown on marked Exhibit No 1. R. I and hereto annexed and point out on the same the position of the



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house and improvements described in your  
Answer to question No 2 of your Examination  
in Chief.  
Answer.

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The house was situated near  
where the words "Casa del Rancho" occur  
on the Map on the right hand side of the  
road leading from the Pueblo of Summa  
and about 400 yards from said Road  
and 600 or 1000 yards from an Arroyo  
that runs between the house and the Pueblo.

The savings were on the  
opposite side of the road near the river and  
near the Southern corner of the Rancho.

Salvador Dullio.

Sworn to and Subscribed  
before me March 30th 1855.

R. Aug. Thompson  
Comr.

Filed in Office March 30, 1855 -

(signed) Geo Fisher  
Secy.



(1. L.P.N.)

Espediente promovido por el Ciudadano Lazaro Pina en pretension del terreno conocido con el nombre conocido la Agua Caliente-

Exhibit No. 1.  
R. T. to Depo  
of  
S. Vallejo.

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(L.P.N. 2)

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Exmo. Sr. Gobernador  
Visto lo contenido en esta instancia y el parecer del Comandante General elvise al Exmo. Sr. Gobernador del Departamento ante quien por via de informes expuso. Que el interes en esta solicitud obtiene los requisitos legales para ser atendido, y que el terreno q. pretende se halla baldio y puede serle concedido en propiedad dejandolo a la deliberacion de V.E.

Sr. Prefecto del 1<sup>o</sup> Distrito en la Alta Calif<sup>a</sup>

Lazaro Pina mi hermano por nacimiento Sargento 2<sup>o</sup> de Artilleria Permanente y residente en este Departamento ha veintium años, ante V.S. como mas haya lugar en derecho dijo: - Que habiendose concedido por el Sr. Comandante General (a reserva de solicitar del Gobierno los títulos de estilo como conste del documento que acompaño) el terreno conocido con el nombre de la Agua Caliente, y deseando para mi mayor seguridad y seguridad, recabar la propiedad del citado terreno; cuyo dicho terreno tambien acompaño; A V.S. suplico se sirva proveer en justicia a fin de que me sea libre-

San Juan de los Rios  
Cuerpo 9 de Julio



de 1840  
Jose M<sup>a</sup> Villar<sup>o</sup>

do por el Gobierno del De-  
partamento el titulo de  
propiedad del terreno que  
solicito; y sirviendose ad-  
miterme este en papel co-  
mum por no haber en este

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punto del sello que corresponde - Juro  
lo necesario & a -

Sonoma Junio 23 de 1840.  
Lazaro Pina -

(L.P.N. 3)

Sr. Comand<sup>te</sup> Gral.

Sonoma Octubre  
13 de 1839 -

Se concede  
al interesado el  
terreno que soli-  
cita á reserva  
de solicitar del  
Gob<sup>no</sup> Político  
los titulos de  
estilo -

M<sup>no</sup> J. Vallejo

Lazaro Pina Sargento  
2<sup>o</sup> de Artilleria Permanente  
ante V.S. Con el debido respeto  
y en la mejor forma que  
presento y digo: Que hallan-  
do con numerosa fami-  
lia, y teniendo algunos bi-  
nos de Campo, carezco de  
un terreno en que poder  
radicarme para asegurar  
en lo futuro la precisa  
subsistencia en cuanto

me sea posible para cuyo efecto he  
registrado y solicito un terreno en la  
extension de dos leguas y media y  
un cuarto de legua de ancho, conocido  
con el nombre de la Agua Caliente,  
situado al N. O. de San Solano, lin-  
dando al sud oeste con el Arroyo que  
separa la propiedad del Sr. Comand<sup>te</sup>  
Gral. D. Mariano Guadalupe Vallejo,  
al sud este con la Poblacion de So-  
noma, al Norte con las Lomas y Cer-



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que median y dividen el Rancho de  
George Yount, y al Noroeste con el Ran-  
cho de Don Juan Wilson -

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Por tanto á V.S. suplico se sir-  
va acceder á mi solicitud en lo que  
recibiré merecer y justicia gracia.  
Juro no ser de malaicia y lo necesario &c.

(L.S.N. 4)

Sonoma Octubre 14 de 1839 -

Lazaro Pina

Mon-

Por no haber papel sellado  
viene en Comum -

(Here follows the map.)

(L.S.N. 6.) = Terey 13 de Julio de 1840

Vista la peticion con que da  
principio este Expediente, el parecer  
del Sr. Comandante General y el  
informe del S. Prefecto del 1<sup>o</sup> Dis-  
trito con todos los demas que se tuvo  
presente y ver convenir, de confor-  
midad con las leyes y reglamentos de  
la materia declaro al Ciudadano La-  
zaro Pina dueño en propiedad del  
terrapo conocido con el nombre de  
Agua Leuiente, colindante al Sud-  
ueste con el Arroyo del Rancho de  
Petaluma al S. E. con el Pueblo de  
Sonoma, al N. con las Lomas y Ser-  
ros que median y dividen el Ran-  
cho de Jorge Yount. y al N. O. con el



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(L.N. 7)

Ranchos de Don Juan Wilson - Libre-  
se el despacho correspondiente, tomase  
razon en el Libro respectivo y diri-  
jese este Expediente á la Exma. Junta  
Departamental para su aprobacion.  
El Sr. D. Juan B. Alvarado Guber-  
nador Constitucional del Departa-  
mento de las Californias, asi lo man-  
do, decreto y firmo hoy fe-

Angelos Octubre 3 de 1845-

Dada cuenta en sesion de hoy  
con este Expediente á la Exma. Asam-  
blea Departamental, se mando pa-  
sar á la Comision de Terrenos Bal-  
díos -

Pis Pico

Preside.

Agustin Olvera  
Srio.

(L.N. 8)

Exmo. Señor.

La Comision de Terrenos Baldíos  
ha visto con el necesario detenimiento  
el Expediente promovido por el Ciudad.  
Lozano Pina en pretension del pa-  
cage conocido por de "la Agua caliente"  
y no existen en todo el, otro documento  
que indique la estension del parage  
dicho, sino tan solo la del interesado,  
pues el diseño que corre en el referido  
Expediente no se halla sujeto a Es-  
cala alguna, y el decreto de conce-

ion no expresa la cantidad de sit



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ion no espresa la cantidad de sitios de que fue hecha, la Comision fundada su dictamen de aprobacion en solo la estension solicitada que es de dos y media leguas de largo y un cuarto de legua de ancho, pues no es de suponerse haya agraciado el Gobierno al interesado un mayor estension que la solicitada, y por consiguiente la Comision somete a la decision de V. E. la proposicion siguiente:

Se aprueba la concesion hecha por el Superior Gobierno del Departamento con fecha 13 de Julio de 1845 en favor del Ciudadano Legarza Piña del Paraje de la Agua Caliente en estension de dos y media leguas de largo y un cuarto de legua de ancho.

(D. N. 9)

Sala de Comisiones Angles  
Octubre 7 de 1845-

Fran<sup>co</sup> de la Guerra  
Narciso Botello -

Angles Octubre 8 de 1845-

En sesion de hoy se aprobó por la Excm<sup>a</sup>. Asamblea Departamental la proposicion del dictamen precedente, mandando se devuelva el Expediente original al E. S. Gobernador para los fines convenientes -

Pio Pio  
Presid<sup>te</sup>

Agustin Oloro  
Srio -

En la fecha se libro a la parte



la copia respectiva -

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

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I Samuel D. King Surveyor General of the United States for the State of California and as such now having in my Office and under my custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the nine preceding and herewith annexed pages of tracing paper numbered from one to nine 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 -

In testimony whereof I have herewith signed my name officially and affixed my private seal (not having a seal of Office) at the City of San Francisco Cal. this 29<sup>th</sup> day of January 1853 -

- Samuel D. King  
Sur. Gen. Cal -

Filed in Office Feb. 20, 1853 -

Geo. Fisher

Secy -



Record of Proceedings.  
 At the instance of the Citizen Luzaro  
 Peña soliciting the tract of land known  
 by the name of la "Agua Caliente".  
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Translation  
 of  
 Exhibit No 1

Sir Prefect of the 1<sup>st</sup> District in  
 Upper California.

I Luzaro Peña a Mexican  
 by birth 2<sup>d</sup> Lieutenant in the Permanent  
 Artillery and resident of this Department  
 for 21 years before your Honor as best may  
 be consistent with law say,

That having by the  
 Comandante General been granted con-  
 siderable reservation of soliciting of the  
 Government the judicial title papers as  
 is shown by the document I accompany  
 the tract of land known by the name  
 of la Agua Caliente and desiring for my  
 better safety and security to complete the  
 ownership of said land the sketch of which  
 I also accompany I pray your Honor  
 to be pleased to provide in justice for the  
 purpose of being issued to me by the Depart-  
 mental Government the title deed of owner-  
 ship of the land solicit being pleased  
 to admit this on common paper on ac-  
 count of stamped paper and being had in  
 this place.

I swear to the necessary  
 etc.

Sonoma June 25<sup>th</sup> 1840.

Luzaro Peña.

(In the Margin)

Excellent Sir Governor.

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In view of the contents of this  
 instance and the opinion of the Commandante  
 General let it be forwarded to the Excellent  
 Sir Governor of the Department before  
 whom by way of report I show that the  
 interested party in this instance possesses  
 the legal requisites in order to be attended  
 to and that the land he solicits is vacant  
 and can be granted him in ownership leav-  
 ing it to your Excellency's disposition.

Jose Ma bella.

San Juan de los Rios. }  
 9th of July 1840. }

Sir Commandante General,  
 I, Lazaro Peña 2<sup>o</sup> Sergeant of  
 permanent Artillery before your Honor with  
 due respect and in the best form present  
 myself and say.

That finding myself  
 with a numerous family and having  
 some country stock I had a tract of  
 land in which I can devote myself to  
 secure in the future the necessary subsis-  
 tence as far as it may be possible for me  
 to which effect I have surveyed and  
 solicit a tract of land of the extent of two  
 leagues and a half and one quarter of a  
 league in width known by the name of  
 Agua Caliente situated to the Northwest  
 of San Solano bordering to the Southwest  
 on the creek separating the property of  
 the Commandante General D. Mariano  
 Guadalupe Calles to the Southeast on the  
 hills of Sonoma to the North on the  
 tops and rock hills intermediate of and  
 dividing the Rancho of Jose Yant.

Therefore I pray your



dividing the Rancho of Jorge Yunta

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and to the North west on the Rancho of Don Juan Wilson.

Therefore I pray your Honor to be pleased to accede to this my solicitation whereby I shall receive favor and Mercy. I swear there is no Malice herein and to what else necessary.

Luzaro Pina.

Sonoma October 14 1839.

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(In the Margin)

Sonoma October 13. 1839

The interested party is hereby granted the tract of land he solicits under reservation of soliciting of the Political Government the judicial title papers.

M<sup>re</sup> G. Dalgo.

For want of stamped paper it goes on common paper.

Montreux July 13<sup>th</sup> 1840

In view of the Petition with which the Expediente commences the opinion of the Commandante General and the report of the Prefect of the first district with any thing else to be come in mind and was to the purpose in conformity with the laws and regulations on the subject.

I declare the Citizen Luzaro Pina owner in his own right of the location known by the name of Liza Caliente bordering to the Southwest on the Creek of Rancho of Tehaluma to the Southeast on the Pueblo of Sonoma, to the North on the tops and rock hills intermediate of and dividing the Rancho of Jorge Yunta



and to the Northwest on the Rancho of Don Juan Wilson.

Let the corresponding document be signed enter it in the respective book and let the Expediente be directed to the Excellent Departmental Assembly for its approbation.

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Don Juan P. Alvarado then Constitutional Governor of the Department of Lower California thus did order decree and sign of which I bear testimony.

Hearing in to days Session given notice to the Excellent Departmental Assembly of this Expediente it was ordered sent to the Committee on vacant lands.

Sir Pico President  
Augustin Alvarado Secretary.

Excellent Sir —

The Committee on vacant lands has seen with the necessary circumspection the Expediente at the instance of the Citizen Lazaro Pina in solicitation of the location known by "la agua Caliente" and there not existing in the whole of it any other document to indicate the extent of said location but the solicitation of the interested party for the sketch attached to the said Expediente is without any scale and the decree of concession does not express the amount of leagues granted. The Committee leaves its opinion of approbation only on the extent solicited which is two and a half leagues in length and one quarter of a league in width. Because it is not to be supposed that the Government has awarded to the



posed that the Government has awarded to the interested party a larger Extent than that solicited and consequently the Comunita submits to your Excellency's decision the following proposition.

333 ND  
PAGE 25

At approval of the grant made by the Superior Government of the Department under date of 18th of July 1840 in favor of the citizen Lazaro Pina of the location of Agua Caliente in extent two and a half leagues in length and one quarter of a league in width.

Head of Comunita  
Cuyula October 7. 1845

Marcos Botella

Troca de la Guerra.

Cuyula October 8. 1845.

In to-day's session the Executive Departmental Assembly approved of the proposition in the preceding opinion, ordering the Expediente to be returned to the Excellent Sir Governor for convenient purposes.

Sio Pico

President.

Augustin Olasco Secretary.

Under the same date the respective copies was made out to the party.

Filed in Office Feb 20. 1855.

(Signed)

Geo Fisher Secy.



The first part of the paper is devoted to a general  
 discussion of the problem. It is shown that the  
 problem is equivalent to the problem of finding  
 the minimum of a certain function. This function  
 is defined as follows: Let  $f(x)$  be a function  
 defined on the interval  $[a, b]$ . Then the  
 minimum of  $f(x)$  on  $[a, b]$  is the smallest  
 value of  $f(x)$  for  $x$  in  $[a, b]$ . It is shown  
 that this minimum exists and is unique. The  
 proof of this theorem is given in the next  
 section. The next section is devoted to the  
 study of the properties of the minimum. It is  
 shown that the minimum is attained at a point  
 where the derivative of the function is zero.  
 This is the well-known necessary condition for  
 a local extremum. The next section is devoted  
 to the study of the sufficient conditions for  
 a local extremum. It is shown that if the  
 second derivative of the function is positive  
 (negative) at a point where the first  
 derivative is zero, then the function has a  
 local minimum (maximum) at that point.  
 The next section is devoted to the study of  
 the global minimum. It is shown that the  
 global minimum of a function on a closed  
 interval is attained at one of the endpoints  
 or at a point where the derivative is zero.  
 The next section is devoted to the study of  
 the global maximum. It is shown that the  
 global maximum of a function on a closed  
 interval is attained at one of the endpoints  
 or at a point where the derivative is zero.  
 The next section is devoted to the study of  
 the global minimum and maximum of a  
 function on an open interval. It is shown  
 that the global minimum and maximum of a  
 function on an open interval are attained at  
 points where the derivative is zero. The  
 next section is devoted to the study of the  
 global minimum and maximum of a function  
 on a closed interval. It is shown that the  
 global minimum and maximum of a function  
 on a closed interval are attained at one of  
 the endpoints or at a point where the  
 derivative is zero. The next section is  
 devoted to the study of the global minimum  
 and maximum of a function on an open  
 interval. It is shown that the global  
 minimum and maximum of a function on an  
 open interval are attained at points where  
 the derivative is zero. The next section is  
 devoted to the study of the global minimum  
 and maximum of a function on a closed  
 interval. It is shown that the global  
 minimum and maximum of a function on a  
 closed interval are attained at one of the  
 endpoints or at a point where the  
 derivative is zero.



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Sis Pico Gobernador interino del Departamento de las Californias -

B  
Copy Dued  
to  
Koeppner

La Exma. Asamblea Departamental en sesion de hoy ha acordado lo siguiente =

"Se aprobó la concesion hecha por el Superior Gobierno del Departamento con fecha 13 de Julio de 1840 en favor del Ciudadano Lazaro Pina del Paraje de la Agua Caliente en estension de dos y oncia leguas de largo y un cuarto de legua de ancho".

Y para resguardo de la parte del Ciudadano Lazaro Pina lo hego asi saber. Dado en la Ciudad de los Angeles en este Papel Comun por falta de sellado á ocho de octubre de mil ochocientos cuarenta y cinco -

Sis Pico -

Jose M<sup>a</sup> Covarrubias  
D<sup>o</sup>.

El que suscribe certifica - Que habiendo comprado legitimo y formalmente al C. Lazaro Pina el terreno de la Agua Caliente á que se refiere la anterior aprobacion de la Asamblea Departamental de la Alta California cdo y traspaso todos los derechos que tengo al mencionado terreno en favor de D. André L. Koeppner que haga del el uso que mas le convenga - Y para los fines y usos



nusarios doy esta en Sonoma á 12  
de Agosto de 1846 -

M. G. Vallejo -

Testigos -

A. A. Henderson

Assistant Surgeon

U. S. Ship Portsmouth

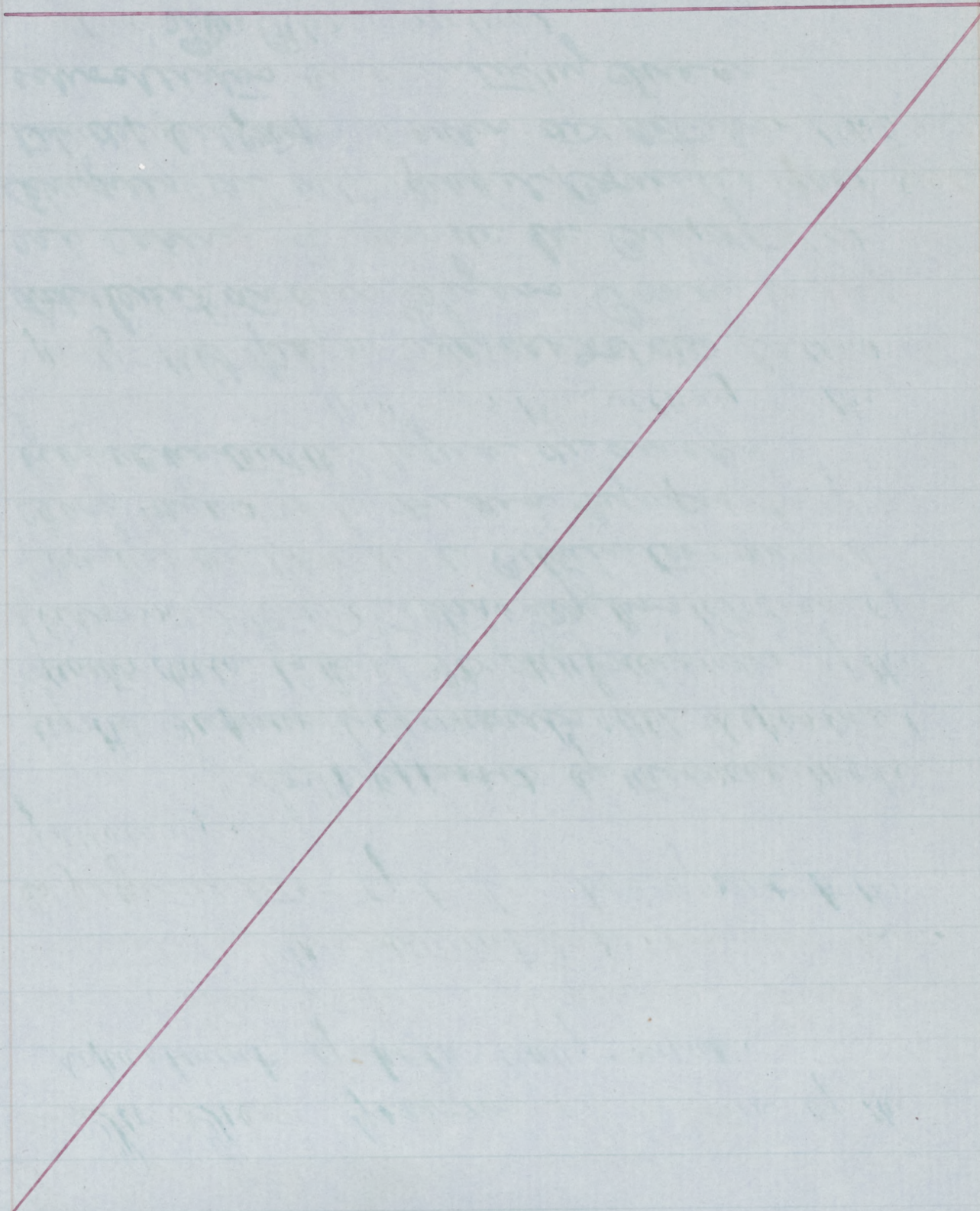
Jacob P. Luse -

333 ND  
PAGE 27

Filed in office March 2<sup>a</sup> 1853 -

Geo. Fisher

Surgeon -





## Translation.

Translation  
of  
Approval of  
Grant No

Sir Pio Governor ad interim of the  
Department of both Californias.

The Excellent Departmental Assembly  
in Session of to day has agreed to the  
following.

"It approves of the grant made  
by the Superior Government of the Department  
under date 13th of July 1846 in favor of the  
Citizen Lazaro Pina of the location of  
La Agua Caliente in extent two and a  
half leagues in length and one quarter of a  
league in width."

And for the Security of the  
party the Citizen Lazaro Pina I thus  
Make it known.

Given in the City of Las  
Aguilas on this common paper for want of  
stamped paper on the 8th of October 1845.

Pio Pio.

Josi Ana Covarrubias

Secretary

The Subscriber certifies that  
having bought legitimate and formally of  
Citizen Lazaro Pina the land of La  
Agua Caliente to which the foregoing  
approbation of the Departmental Assembly  
of Alta California refers. I cede and  
transfer all the rights I have to said land  
in favor of D. Amos Heapson who will  
make the use of it that best may suit him

And for the necessary ends  
and purposes I give this in Sonoma on



30

the 19th of August 1846.  
M. G. Vailly.

Atmipso.

A. H. Hemanson

Assistant Surgeon of the  
U. S. Ship Portsmouth.

Jacob P. Luce.

Filed in Office Feb 20, 1853.

(signed)

Geo Fisher Secy.

333 ND  
PAGE 29

ND



A  
Copy Deed  
to  
Vallijo -

333 ND  
PAGE 30

Sello tercero dos reales = Para los años de mil ochocientos veinte y seis y mil ochocientos veinte y siete = Valga para los años de mil ochocientos treinta y mil ochocientos treinta y uno = Valga para los años de mil ochocientos treinta y siete = Valga para los años de mil ochocientos treinta y ocho y mil ochocientos treinta y nueve = En el Pueblo de Sonoma de la Alta California á los cuatro dias del mes de Diciembre de mil ochocientos treinta y nueve ante mi el Capitano D. Salvador Vallijo Comandante militar ejerciendo la jurisdiccion civil y testigos, D. Sezaro Pina vecino de dho. Pueblo dijo: Que por si y en nombre de sus herederos, hijos y sucesores y de quien ellos hubiere titulo, voz y causa en cualesquiera manners, vende y da en venta real y enajenacion perpetua por juro de heredad para siempre jamas al Sr. D. Mariano G. Vallijo vecino tambien del mismo Pueblo de Sonoma y á los suyos el terreno de la Agua Caliente en cantidad de dos leguas y media de largo y un cuarto de ancho poco mas ó menos segun esplica el titulo que acompaña esta escritura los que le pertenecen en posesion y propiedad, colindante con los Guilarecos, Retatuma, la Poblacion de Sonoma y la Serania al norte segun consta por los dichos titulos de pertenencia respectivos por los cuales le corresponde en posesion y propiedad al otorgante, el cual declara



y asegura no tenerlo vendido ni en-  
 puñado, y que está libre de tributo,  
 memoria, capellanía, vicencio, patro-  
 nato, fianza y de otro gravamen per-  
 petuo, temporal, especial, general, tu-  
 cito y expreso, y como tal se lo vende  
 con todas sus entradas y salidas, fabri-  
 ca, usos, costumbres, regalios, servidum-  
 bres y demás cosas anexas que ha ti-  
 nido tiene la pertenencia según derecho  
 por dos mil pesos, que tiene recibidos,  
 en pesos fuertes, y bienes inmuebles,  
 siendo estos últimos entregados por Fran-  
 cisco Jalapa lo que el mismo confiesa  
 haber recibido, mitad por mitad re-  
 nuncia la ley 9<sup>a</sup> título 1<sup>o</sup> Partida 3<sup>a</sup> y  
 asimismo declara que el justo precio y  
 verdadero valor del referido terreno es la  
 cantidad antes dicha de dos mil pesos,  
 y que no vale mas, ni halla quien tanto  
 le haya dado por el, y si mas vale ó  
 valer pueda, del exceso en poca ó mu-  
 cha cantidad, hace á favor del com-  
 prador y de sus herederos gracia y dona-  
 cion pura, onosa, perpetua é irrevoca-  
 ble, en sanidad con insinuacion y de-  
 mas firmezas legales y renuncia la  
 ley 2<sup>a</sup> tit<sup>o</sup> 1<sup>o</sup> L. 1<sup>o</sup> N. R. que trata de  
 los contratos de venta trueque y de o-  
 tras en que hay lecion en mas ó me-  
 nos de la mitad del justo precio y los  
 cuatro años que prescribe para pedir  
 su rescision ó suplemento a su justo  
 valor, los que de por pasado como si  
 efectivamente lo estuvieran. Y desde hoy



en adelante para siempre se desapo-  
 deru, desista, quite, y apartu, y á  
 sus herederos y sucesores del dominio ó  
 propiedad, posesion, título, voz, recurso  
 y otro cualesquiera derecho que le com-  
 pete al enunciado terreno de la Agua  
 Caliente, lo cede, renuncia y traspasa  
 en las acciones reales y personales, úti-  
 les, mixtas, directas y ejecutivas en el  
 Comprador y en quien la suya repre-  
 sente, para que lo posea, goce, cam-  
 bie, enajene, use y disponga ello á su  
 elección como de cosa suya adquiri-  
 da con legítimo y justo título, y le  
 confiere poder irrevocable con libre,  
 franca y general administracion y  
 constituya procurador actor en propia  
 causa, para que de su autoridad entre  
 y se apodere del nominado terreno y  
 prescinda la real tenencia y posesion  
 que por derecho le compete; y para  
 que no necesite tomada me pide que  
 le de copia de esta escritura con la  
 cual sin otro acto de aprehension ha-  
 de ser visto haberla tomado aprehendo  
 y transferido y en el interior se consti-  
 tuya su inquilino tenedor y precario  
 poseedor en legal forma. Y se obli-  
 ga á que dicho terreno será cierto,  
 seguro y efectivo al Comprador y  
 nadie le inquietara ni moverá pleito  
 sobre su propiedad, posesion, goce, y  
 disfrute, ni contra aparecerá grava-  
 men alguno, y si se le inquietare,  
 moviere ó apareciere, luego que el otor-



gante y sus herederos, sucesores sean  
 requeridos conforme á dichos Saldores  
 á su defensa y lo seguirán á sus es-  
 pensas en todas instancias y tribuna-  
 les, hasta ejecutoriarlo, y dejar al com-  
 prador y los suyos en su libre uso y  
 quietud y pacífica posesion, y no pudi-  
 endo conseguirlo le darán otro igual en  
 valor de fabrica, sitio unto y comodida-  
 des, y en su defecto le restituirán la  
 cantidad que ha desembolsado, las mejo-  
 ras utiles, precisas y voluntarias que á  
 la sazón tenga el mayor valor y esti-  
 macion que con el tiempo adquiriera y  
 todos los costos gastos daños intereses y  
 onerosos que se le siguieren y ero-  
 garan por todo lo cual se le ha de po-  
 der ejecutar solo en virtud de esta es-  
 critura y juramento del que la posea  
 ó de quien le represente en quien defin-  
 se su importe y lo releva de otra pro-  
 ba. Y á la observancia de todo lo  
 referido obliga su persona y bienes  
 habidos y por haber, y confiere amplis  
 poder á los Señores Jueces y tribunales  
 de la Nacion que de este negocio deban  
 conocer para que le apremien á su  
 cumplimiento pasada autoridad de  
 Cosa juzgada y consentida que por tal  
 le recibe = Lazaro Pina = ante mi =  
 Salvador Vallejo = De asistencia = Le-  
 ytano Joarcs = de asistencia Francisco  
 Jalapa = Miguel Alvarado = Juan N.  
 Padilla =



State of California }  
County of Sonoma } 11:

I hereby certify the foregoing to be a true and correct copy of the Records in this Office as exhibited on pages 41 and 42 of Book "F."

333 ND  
PAGE 34

Witness my hand and seal. Of  
file at Sonoma this 9<sup>th</sup> day of February  
A. D. 1853.

John Hurdley Recoran  
of Sonoma County  
By John A. Brewster  
Deputy.

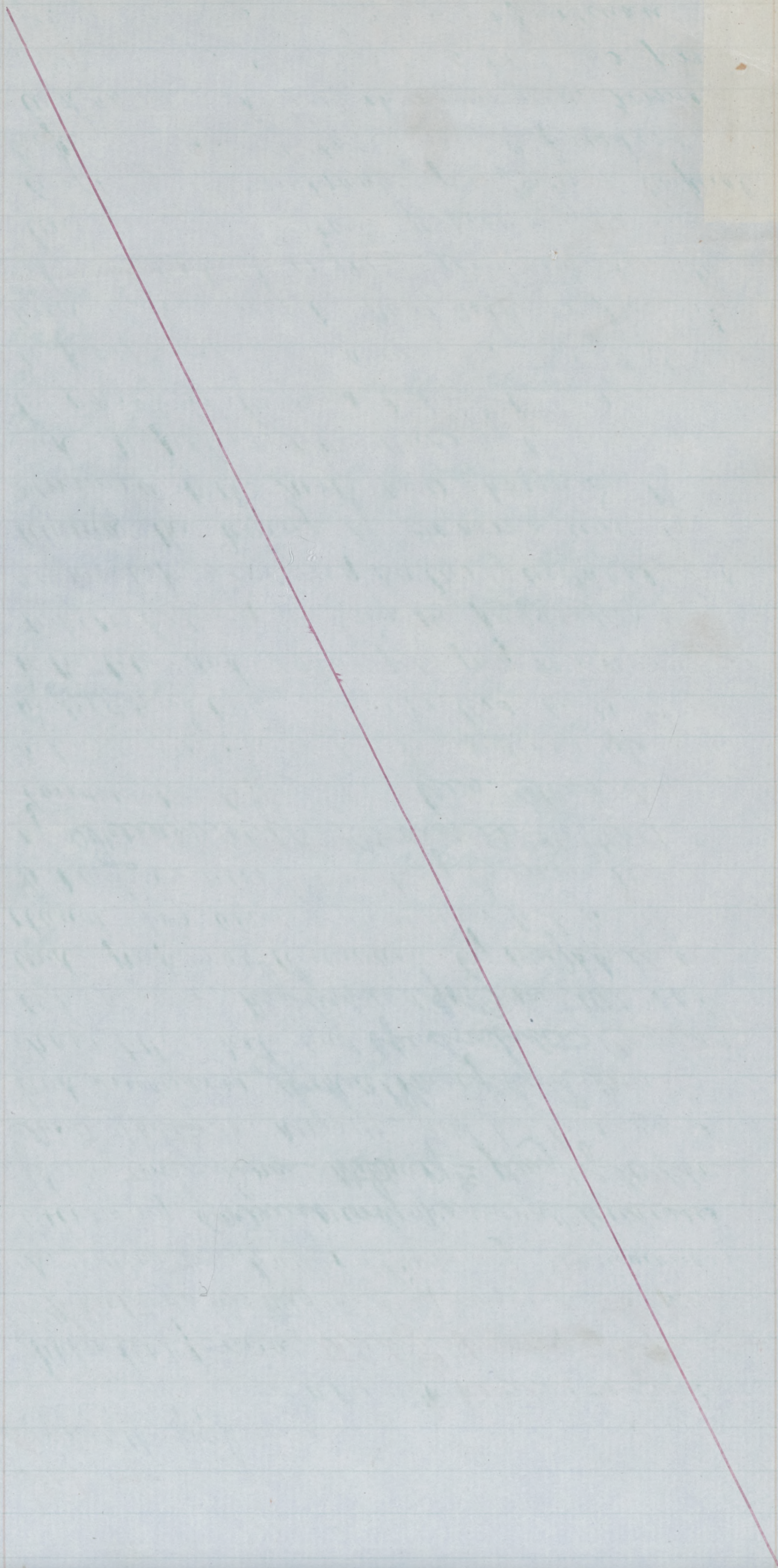
Filed in Office March 2<sup>d</sup> 1853 -

Geo. Fisher

Secy -



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## Translation.

Translation  
of  
Causance  
to  
Ballyo

333 ND  
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About the said  
Causance

In the Pueblo of Sonoma in  
Upper California on the 4th day of the  
Month of December 1834 before me Captain  
D. Salvador Ballyo Military Commander  
Exercising civil jurisdiction and witness  
D. Lorenzo Pina resident of said Pueblo  
says That for himself and his heirs sons  
and successors and whom of them might  
have title both and caused in any manner  
whatsoever he sells and gives in real sale  
and perpetual alienation by bought of in his  
stance for always and ever to D. Mariano  
Ballyo also resident of the same Pueblo  
of Sonoma and to his assigns the tract of  
land of la Agua Caliente in extent two and  
a half leagues in length and one quarter  
in width a title more or less as is shown  
in the title and accompanying this writing  
which belongs to him in possession and  
ownership according to las Guindas. Sit-  
uated the Village of Sonoma and la  
Sonoma to the North as is shown in the  
said respective title and of ownership  
by which it belongs to him the grantor  
in possession and ownership who declares  
and affirms not to have sold or pledged  
it and that it is free from any tribute  
tithe cenfisco entail patronato land or  
any other encumbrance perpetual temporal  
especial general tacit and expressed  
and as such he sells it with all its rooms  
apartments buildings uses customs profits  
rights servitudes and other appurtenances  
which it has had has and belongs to it



according to law for two thousand dollars which he has received in lawful money and movable property being this last advised by Francisco Salas which the same he confesses to have received half by half

He renounces the law of 9th title 1<sup>o</sup> partida 3<sup>a</sup> and he likewise declares that the just price and true value of the said land is the aforesaid sum of two thousand dollars and that it is not worth more nor did he find anybody willing to give him so much for it and if it may or can be worth more of the excess in a title or large sum he makes in favor of the purchaser and his heirs and successors gift and entire donation perfect and irrevocable in vigour with public exhibition before a judge and other legal formalities and he renounces the law 2<sup>a</sup> title 1<sup>o</sup> L<sup>o</sup> R<sup>o</sup> treating of contracts of sale exchange and others in which there is damage in more or less than the half of the just price and the four years preferring to demand its rescission or supplement to its just value which he considers as if they were effectually repealed

And from this day henceforward forever he dispossesses releases quits and parts himself and his heirs and successors of the dominion and ownership possession title legal recourse and any other right what soever which might stand in competition to the said tract of land of la Agua Caliente.

He also renounces transfers it in the due pursuit useful implied direct and executive causes of action in the purchaser and in whom may represent his cause in order that he may possess enjoy exchange alienate use and dispose of it



Exchange Allocated use and dispose of it

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at his option as a thing of his own acquired  
by legitamate and just title -

And he confers on him inno-  
cuate power for free independent and general  
administration and Constitutes him attorney pro-  
curator in his own cause that under his Authority he  
may enter and possess himself of the aforesaid  
land and seize the hat-tenancy and possession  
which by right stands in opposition to him  
and that he shall not need to take it he asks  
me to give him a copy of this writing with which  
without any other act of seizure has to be  
looked upon as being taken seized and trans-  
ferred and in the mean time he is constituted  
its tenant holder and possessor in legal form

333 ND  
PAGE 37

And I bind myself that  
said land shall be certain secured and effective  
to the purchaser and nobody shall disturb him  
nor institute law suit upon his ownership  
possession enjoyment and usufruct nor  
against it appear any incumbrance and if  
he shall be disturbed said or there shall  
appear any encumbrance the grantor and  
his heirs and successors shall presently  
be required conformable to law to satisfy to his  
defence and follow it up at their expense in  
all instances and tribunals until executed  
and to leave the purchaser and his assigns  
in its free use and quiet and peaceable pos-  
session and not being able to obtain it  
they shall give him other Equivalent in  
value of annuities site rent and commod-  
ities and in default thereof they shall restore  
the sum he has disbursed the useful neces-  
sary and voluntary improvements which on  
reason hereof he may have to the highest  
value and estimate at the time acquired  
and with all the costs expenditures damages



interests or deteriorations consequent thereon for all of which he will have to be enabled to execute solely in virtue of this writing and merely by him who may possess it, or whom may represent him to ~~see~~ whom is yielded its import and he is relieved from other proof.

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PAGE 38

And for the observance of all the foregoing he binds his person and property which he has or may have and he vests full power in the Judges and tribunals of the Nation who ought to take cognizance of this affair conformable to law that they may construe him to its fulfillment as by definitive sentence of a competent Judge passed in authority of Suit adjudged and consented which as such he admits it.

Lezaro Pina.

Before me Salvador Calleso,  
Attesting Witnesses  
Cayetano Suarez  
Francisco Julosa  
Miguel Alvarado  
Juan G. Padilla

Filed in Office Feb 20, 1855.

Signed / Geo Fisher Secy.



Courtesy.

This Instrument made and concluded this 14 day of March in the year of our Lord one thousand eight hundred and forty nine between Andrew Koepner and Anna Koepner his wife in the District of Sonoma Northern Department of Upper California of the one part and J M Leasworth of the District of San Francisco Upper California of the other part.

333 ND  
PAGE 39

Witnesseth that the said Andrew Koepner and wife for and in consideration of the sum of Nine thousand dollars well and truly paid at or before the executing and delivery hereof the receipt whereof is hereby acknowledged hath granted conveyed sold transferred and conveyed and by these presents do grant convey sell transfer and convey unto the said J M Leasworth his heirs or assigns forever all their right title and interest of and to all that certain lot of land situated and being in the District of Sonoma as aforesaid known and described as follows to wit:

It being bounded on the North by the land belonging to George Smith and on the West by Sonoma creek, on the East by the Mountains dividing Grapa from Sonoma on the South by the boundary line of the Town of Sonoma to contain eight hundred acres more or less the same being a part of the land added to said Koepner by M G Dalrymple and bearing date the 12th day of August 1846.

To Have and To Hold all and singular the above bounded and described lot of ground as aforesaid together with all the rights profits privileges and appurtenances what soever therunto belonging as fully as the same was held and possessed by the said



Andrew Heepner and wife as aforesaid unto the said J. M. Leavenworth, his heirs and assigns to their only proper use, benefit and behoof forever.

333 ND  
PAGE 40

And the said Andrew Heepner wife for themselves their heirs and assigns do hereby covenant to and with the said J. M. Leavenworth his heirs and assigns to warrant and promise to defend the title to the said granted and bargained premises from the lawful claim or demand of any person or persons whatever claiming or to claim the same.

In witness whereof the said Andrew Heepner & wife have hereunto set their hands and seals the day and date above mentioned

A. Heepner  
Annie Heepner

Chas. Meyer.

Territory of California }  
District of } Personally appeared before the undersigned Alcalde of the said District Andrew Heepner and Annie Heepner his wife both being known to me as the persons whose names are subscribed to the foregoing deed as having executed the same and acknowledged the same to be their act and deed for the purposes therein mentioned, and the said Annie Heepner his wife being by me first made acquainted with the contents of the said deed and examined separately and apart from her said husband whether she executed the same and relinquished her dower to the lands and tenements therein mentioned voluntarily and freely without compulsion or under the influence of her said husband.

Given under my hand at Office in Sonoma this the Sixth day of



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Office in Sonoma this the Sixth day of  
March A.D. 1849.

J. M. Boggs.  
Filed in Office Feb 20. 1855.

(Signed)

Geo Fisher Secy

333 ND  
PAGE 41

U.S. Land Commission

J. M. Leamworth,

Applicant

vs.

The United States

No 466.

State of California

County of Son Francisco } p.

J. M. Leamworth

Claimant herein being duly sworn says  
that the taking of the testimony in this case  
has been dependent upon other cases before  
this Board all claiming portions of land  
under the same title and that the taking of  
said testimony has been prevented by the  
absence from this City and County of Gen  
M. G. Bally, the principal witness who has  
been and still is confined at his home in  
Sonoma County by sickness.

Deponent further states  
that he had expected to be able to submit  
this case without the aid of counsel and  
that he has not had counsel until very  
recently and that at the last session of  
this Hon Board when this case was sub-  
mitted under the rule both deponent and  
his counsel were necessarily absent from  
this City.

Deponent further states that the  
necessary testimony is at hand and he expects  
to be able to file the same and submit the



case at once if the same be restored to the  
calendar.

J. M. Lammworth.

Sworn before me this  
30th January AD 1855.

Alphus Felch  
Commissioner

333 ND  
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U. S. Land Commission

J. M. Lammworth

as.

The United States

No 460.

On the foregoing affidav-  
it the above Claimant prays that this  
case No 460 be restored to the calendar of  
cases to be called that he may have oppor-  
tunity to take further testimony therein.

Respectfully  
D. P. Bulknap  
Counsel for Clmt.

Jan'y 30<sup>th</sup> 1855.

Told in Office Jan 30, 1855.

Respectfully

Geo Foster Secy

Thaddeus M. Lammworth

as.

The United States

No.

Part of Uqua

Caliente County of  
Sonoma.

Affidavits

Same title as claim No 739, 745.

State of California

City and County of San Francisco

D. P. Bulknap Counsel for  
the Claimant in this case being duly sworn  
says that M. G. Ballou a resident of the



town and County of Sonoma State aforesaid  
is a material and necessary witness for the  
claimant in this case without whose testimony  
he cannot safely proceed to trial

333 ND  
PAGE 43

That as Claimant informs  
deponent said Wallyo is the only witness by  
whom he can prove the existence and delivery  
of the original grant.

That said witness has  
been sick with a fever for some months  
past at his residence and is now recovering  
but still too unwell to be able to leave  
for this city.

That he has promised to  
attend and give his testimony herein and  
deponent expects to be able to procure  
the same as soon as the health of said  
witness will permit.

D. S. Belknap.

Sworn before me  
March 18<sup>th</sup> 1855.

S. B. Farnell Comr.

Filed in Office March 18. 1855.

(Signed)

Geo Fisher Secy

U. S. Land Commission

Affidavit

Thaddeus M Larnworth

The United States

Thaddeus M Larnworth

is the claimant in this case appears  
and being duly sworn states as follows.

That he has no knowledge  
of where the original grant or title paper



found to Luzaro Peña the original grantee  
of the lands claimed in this case nor is  
that the same is to this claimant lost.

That this claimant has  
made every search and enquiry relative to  
the same of Messrs. his grantee and others  
and all the answer he can obtain is that  
said grant or title is lost or was taken to  
Mexico by said Luzaro Peña who left Califor-  
nia some years ago and has never been returned.

J. M. Sussworth.

Subscribed and sworn to  
before me March 29, 1855.

S. B. Farnell Clerk.

Filed in Office March 29, 1855.

(Signed)

Geo Fisher Secy

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U.S. Land Com -

Thaddeus M Larnmont

vs.

760.

Stipulation

The United States

It is hereby stipulated

and agreed between the United States Land Agent and the Counsel for the Claimant herein that any evidence touching and concerning the grant or concession of the land known by the name of Agua Caliente to Lazaro Pina taken in the cases before this Board 734 & 775 being for portions of the said tract of Agua Caliente, or filed therein be considered as taken and filed in this case and that the certificate of the U.S. Surveyor General filed in case no 734 that there is no record in the Archives of any former title or grant of the said tract of land to the original grantee shall be taken as evidence of that fact herein and further that the Pina conveyances are filed in this case be considered as proved.

April 2, 1853.

Louis Blandin  
Ass. Land Agent -

D. P. Burkup

Counsel for Clmt.

Filed in Office April 2, 1853.

(Signed)

Geo Fisher Secy.

333 ND  
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1850  
MD



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Opinion  
of the  
Board

Number 760  
G. M. Leavenworth  
of  
The United States

} For a part of a place  
} called Agua Caliente  
} situated in the County  
} of Sonora

333 ND  
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The Petitioner in this case has offered in evidence in support of his claim a true copy of an Expediente of Don Nazario Ruiz dated June 25th 1840 from the archives of state and what amounts to a copy of a grant issued by Governor Alvarado in pursuance thereof on the 13th day of July of the same year

Also a true copy of the approval of the Departmental Assembly dated the 8th day of October 1845. also a copy of a comparee from the said Ruiz to Mr. Hallyp dated December 4th 1839 and also a copy from the said Hallyp to another Hooppum full of whole page dated August 2nd 1846 and a copy from Hooppum and wife to the present claimant dated March 1st 1849

The claimant has shown to the satisfaction of the Board that a beneficial grant was issued as alleged in the Petition and that the same is lost and the contents of said grant proven by the testimony of Governor Juan B. Alvarado who issued the grant the boundaries of the land shown to be well defined and ample proof of settlement and cultivation on the part of the original grantee

The documents constituting the entire conveyance are satisfactorily established as genuine and we are of the opinion from the showing that this claim is



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valid and adone will be entered a con-  
-angly (Causation)

333 ND  
PAGE 47

Films in Office April 24th 1855

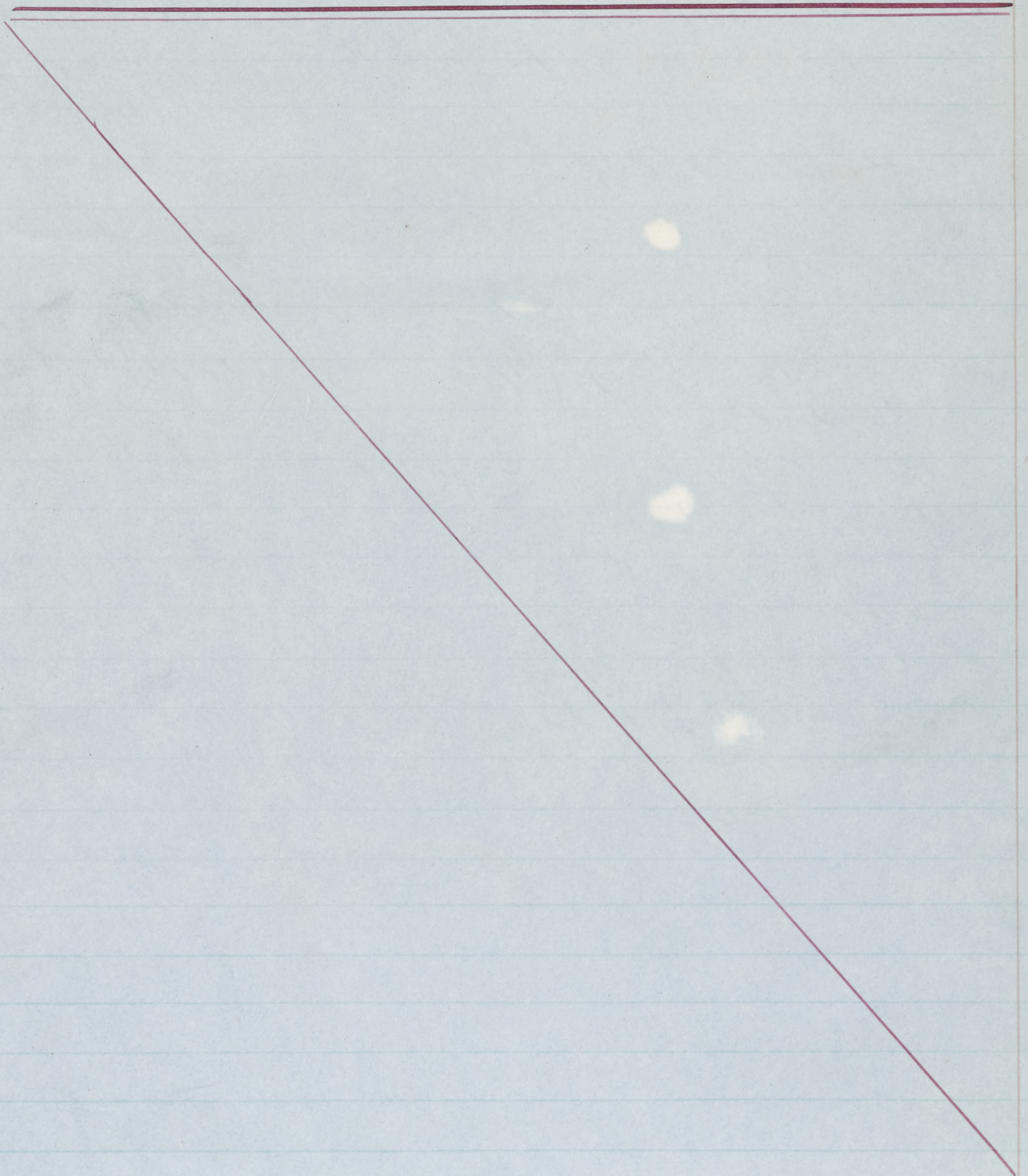
Signis

Geo Fisher  
Secretary

Records in Record of Decisions Vol 2 p 674

Signis

Geo Fisher  
Secretary





Decree of Number 760  
Confirmative of the Licensure  
of  
The United States

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Matters case after 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 his application for a confirmative license be allowed.

The land of which confirmation is hereby given is situate in the country of Sonoma and known as a part of the place called Agua Caliente and bounded as follows to wit

On the north by land situate unto George Smith on the west by Sonoma creek on the east by the mountain dividing Sonoma from Napa and on the south by the boundary line of Sonoma containing eight hundred acres more or less

Reference being had to the map on file in this case and attached to the transcript copy of the certificate

A. Aug. Thompson  
S. B. Farnell

Filed in Office April 24th 1835.

Septis

Geo Fisher  
Secretary

Recorded in Record of decisions No 2065

Septis

Geo Fisher  
Secretary

Commissioner



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PAGE 49

and it appearing to the satisfaction of  
the Board that the land hereby as pro-  
- ceeded is situated in the Northern  
District of California it is hereby ordered  
that the 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 and  
of which transcripts shall be filed  
with the Clerk of the U.S. District  
Court for the Northern District of California  
and the other documents relating to the  
attorney general of the U.S.



Office of the Board of Commissioners,

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

*J. George Fisher* Secretary to  
Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Fifty two* pages, numbered from  
1 to *52*, 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. *700*, on the Docket of the said Board,  
wherein

*Maddens M. Seavernth* is  
the Claimant against the United States, for the place known by  
name of "*Aqua Caliente*,"

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Twenty seventh* day of *October*  
A. D. *1855*, and of the Independence of the  
United States of America the *seventy-eighth*

*J. G. Fisher*

*J. G. Fisher*





333 1

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

No. *333 1* 333

THE UNITED STATES,

vs.

*ND*

*J. M. Swannorth.*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *760.*

Filed, *November 7th* 185*5*  
*J. A. Moore,*  
*Clk.*





Office of the Attorney General of the United States,

Washington, 3. December, 1855.

760. "Aqua Caliente"

Shuddens B. Leavenworth, Claimant

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 20th day of November, 1855, the appeal in the district court of the United States for the northern district of California will be prosecuted by the United States.

Cushing

Attorney General.



No 333

United States

J. M. Leavenworth

Notice of Appeal in  
Case no. 760.

Filed Febry 11, 1856  
J. Cheever,  
Deputy.

333 ND

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To the Hon Dist Court of the U. S. in &  
for the Northern Dist of Cal

The United States

v

2 } D. C. 333; L. C. 760

J. W. Leavenworth

The petition of the United States by their Attorney represents that this <sup>is an application for a</sup> cause is a review of the decision of the U. S. Land Commission, whereby the title of the appellee was confirmed, as will appear by reference to the record in the case; that a transcript of said record was filed in this Court Nov 7, 1855, and a notice of appeal Feb 11, 1856; that the land claimed lies in the said District and that said title is invalid.

Wherefore appellants pray that this Court reverse the decision of the Land Commission, and decree said title invalid.

San Francisco July 21. 1857

Blair  
W. J. A.



333

D. C. 760

U. S. Dist Court

The United States

vs

J. M. Leavenworth

Petition

Filed Sepy 21. 1857,  
W. A. Cheever,  
D. C.

333 ND

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Plauding  
J. M.



March 2, 57

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

333 ND

Before Hon. Ogden Hoffman

PAGE

55

Judge

333

The United States }  
vs. Appellants } Doc N<sup>o</sup>: 333  
J. M. Linnworth } Trans. N<sup>o</sup>: 760

Appellee  
Stated Term, March 2, 1857.

This cause coming on to be heard  
on an appeal from the final  
decision of the United States Land  
Commission for ascertaining and  
settling private land claims in  
the State of California under an  
act of Congress approved on the 3<sup>d</sup>  
of March 1851 upon a transcript  
of the decision, proceedings, papers  
and evidence upon which such decision  
was founded, and it appearing to  
the Court that said transcript has  
been duly filed according to law  
and ~~correct~~ the respective parties  
having been heard It is hereby ordered  
adjudged and decreed that the said  
decision of the said Land Commissioners  
be and the same is hereby affirmed,  
and it is further ordered adjudged and  
decreed that the claim of the said  
appellee to the land situated in the  
County of Sonoma California and  
known as a part of the place called  
the Agua Caliente and bound  
ed as follows to wit on the North  
by the lands ~~formerly~~ <sup>belonging to</sup> Gory Smith



on the West by the Creek  
of Sonoma, on the East by  
the Mountain dividing Sonoma  
from Napa, and on the South  
by the boundary line of Sonoma  
containing eight hundred acres  
more or less Reference being  
had to the plat on file in this  
case and attached to the traced copy  
of the Expediente, is a good and  
valid claim and the same  
is hereby confirmed to the said  
Appellee as herein before described

Edwin Hoffman  
U. S. Dist Judge

This decree is correct in form.

Wm Blanding  
Clerk Atty.



*E. H. [unclear]*

No 333.

U. S. Dist. Court,

The United States,

vs  
J. M. Leavenworth,

Deer,

Filed March 2, 1857,  
W. H. Chesebrough,  
Deputy.

333 ND  
PAGE 57

*Deer*

*Wm. H. [unclear]*

*vs*

*J. M. Leavenworth*

*No 333*



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

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

J. M. Leavenworth

D. C. 333: L. C. 760

The Attorney General of the United States having given notice that 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 claimant have leave to proceed under the decree of this Court heretofore rendered in his favor, as under Final Decree.

Ogden Hoffman  
U. S. District Judge



333

United States District Court, Northern  
District of California.

*The United States*

vs.

*J. M. Leavenworth*

ORDER.

*vacating appeal*

*Final Decree*

Filed *April 3rd* 1857

*John A. Monroe,*

CLERK.

By *W. H. Channing*

DEPUTY.

333 ND

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

The United States

J. M. Leavenworth

} D. C. 333; L. C. 760

In pursuance of a notice  
from the U. S. Attorney General herewith  
annexed, it is hereby stipulated and agreed  
that no further appeal be taken in this  
case, and that claimant have leave to  
proceed under the decree of this Court  
heretofore rendered in his favor, as under  
Final Decree.

San Francisco April 3rd 1857

Waddam N. Ciaramatta

Wm Blauding  
Sistat



333  
760

U. S. District Court  
The United States

J. M. Seavenworth

Stipulation

333 ND  
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California Land Claims  
Attorney General's Office  
6 Feby 1857.

Sr:

In the case of the claim of  
Thaddeus M. Leavenworth,  
confirmed to the claimant by the  
Commissioner, case no. Seven hun-  
dred and sixty, (760), appeal will  
not be prosecuted by the United States.  
I am,

Respectfully,

Cushing

Wm. T. Plauding Esq  
U. S. Attorney,  
San Francisco.



No. 333.

U. S. Dist. Court.

The United States.

vs

J. M. Searsworth.

Stipulation.

Filed April 3, 1857.

W. H. Chew,  
Deputy.

333 ND

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U.S. District Court }  
Northern District Cal<sup>a</sup> }

The United States  
as  
O. S. M. Sarsenworth et al.

333 760  
~~700~~ : L.C. ~~250~~

The petition of  
D. O. Shattuck, one of the attorneys of Record in  
the case of the United States vs the City of  
Sonoma N<sup>o</sup> 423; respectfully shows that  
the survey of the land finally confirmed  
in the above entitled cause was approved  
by the U. S. Surveyor General for Cal<sup>a</sup> on  
the 4<sup>th</sup> day of January A.D. 1860; that the  
first publication by said Surveyor General  
of his said approval was made in San  
Francisco on the 15<sup>th</sup> day of August last,  
and in the paper published nearest the  
land, on the 17<sup>th</sup> day of August last, and  
that said survey is erroneous inasmuch as  
a portion of the lands included within it  
are claimed by the said City of Sonoma  
whose case is still pending in this Court.

That the City of Sonoma has such an  
interest as appears by the foregoing  
Statement, <sup>as will entitle her</sup> to intervene for the protection  
of such interests.

Therefore your petitioner  
prays for an order directing the return of



said survey into this Court for examination  
and adjudication returnable on or before the  
10<sup>th</sup> day of October next, and that the  
motion of this Court issue in due  
form returnable on the same day

D. O. Shattuck  
Atty for Sonoma City

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Northern Dist of Calif.

D. O. Shattuck

being duly sworn deposes and says  
that the matters set out in the foregoing  
petition are true to the best of his  
knowledge and belief.

Subscribed and sworn to }  
before me this 13<sup>th</sup> day of }  
September A. D. 1860 }  
D. O. Shattuck

Wm. B. Williams  
U. S. Court.



333.

U. S. Dist. Court.

The United States,

vs

T. M. Seavernock,

Petition for Return  
of Surety.

Filed Sept. 13, 1860,

W. H. Cheves,  
Clerk

333 ND  
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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 13th day of September in the year of our Lord one thousand eight hundred and sixty.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

*T. M. Seavernish,*  
*at al.*

IN LAND CASES.

District Court No. 333,

Land Com. No. 760.

AND NOW at this day  
on application of D. O. Shattuck Attorney  
for the City of Sonoma IT IS ORDERED, that the Surveyor  
General of the United States for California return into this Court, on or before Wednes-  
day, the 26th day of September A. D. 1860, his  
Official Survey and Plat of the land finally confirmed in the above entitled cause, known  
as "Agua Caliente" and situated in the County  
of Sonoma, in said District; AND IT IS FURTHER OR-  
DERED, that the United States Marshal for this District serve upon the said Surveyor  
General, without delay, a certified copy of this order, and make due return hereon.



U.S. Marshal's Office  
San Francisco Sept 13<sup>th</sup> 1860

I have this day made personal service  
of this summons by copy on J W Mandeville  
U.S. Surveyor General for California

D L Solomon  
U.S. Marshal

No. 333

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

J. M. Lawrence & Co.,

ORDER TO RETURN SURVEY.

Returnable 26<sup>th</sup> Sept. 1860.

Issued Sept. 13. 1860.

Filed Sept. 14. 1860.

M. A. Chew,  
Clerk.

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United States of America,)

SS.

Northern District of California.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,  
To the Marshal of the United States for the Northern District  
of California,

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 333, to *J. M. Seaman* known as "*Agua Caliente*", and situated in the County of *Sonoma* in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the *10th* day of *October* A. D. 1860, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this *13th* day of *September* A. D., 1860.

*W. D. Cheard*

CLERK.



*Santa Rosa Democrat*

No. 333

UNITED STATES DISTRICT COURT,  
Northern District of California.  
IN LAND CASES.

THE UNITED STATES.

V.

*J. M. Searey vs. ...*

MONITION.

Returnable *October 10th* 1860.

Issued *Sept. 13* 1860.

Filed *Oct. 10* 1860.

*W. A. Chereau*

Clerk.

333 ND

29 7/31 PAGE 70

The within Monition was received by me on  
*Thursday* the *13* day  
of *September* 1860, and in obedience thereto  
I have given due notice, as therein commanded, by causing  
the publication of said notice, for *4* consecutive  
Wednesdays, in the *San Francisco Herald*, commencing  
on the *19<sup>th</sup>* day of *September*  
1860; and for *4* consecutive Saturdays, in the  
*Sonoma County Journal*  
a paper published nearest the land, commencing on the  
*15* day of *Sept* 1860.

Dated San Francisco, *Oct 10<sup>th</sup>* 1860.

*P. L. Solomon*  
U. S. Marshal.



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 twentieth day of October in the year of our Lord one thousand eight hundred and sixty,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

*T. M. Seaneuworth,*

IN LAND CASES.

District Court No. 333,

Land Com. No.

AND now at this day the United States Marshal having made return upon the Monition heretofore issued in this cause, that he had given due notice as therein commanded; on motion of \_\_\_\_\_ Attorney for \_\_\_\_\_

proclamation was made that all parties having, or claiming to have, an interest in the survey and location of the land finally confirmed in the above entitled cause, appear and intervene for the protection of such interest;

*The U. S. Attorney appeared for the U. S. and the Claimant appeared in propria persona. Mc Cabe, appeared for the City of Sonoma, and on motion is hereby allowed ten days to intervene in behalf of the said City. No one else appearing.*

whereupon IT IS ORDERED, that the default of all parties not appearing as aforesaid be and the same is hereby entered.



No. 333,.....

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

*T. M. Searnworth,*

ORDER ON RETURN OF MONITION.

Filed October 10, 1860.

*W. A. Cherris*

Clerk.

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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 *3<sup>rd</sup>* day of *October* in the year of our Lord one thousand eight hundred and sixty,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

J. M. Leavenworth,

No. 333.

On motion of James McCabe, Esq. D. O. Shattuck being present, and not objecting thereto, ordered that the said McCabe be substituted as the Attorney for the City of Sonoma in this case.



No. 333

UNITED STATES DISTRICT COURT

Northern District of California.

The United States,

v.

J. M. Searensworth,

Order substitution  
of atty for the City  
of Sonoma.

Filed October 31, 1860.

W. A. Cheres  
Clerk.

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

The United States  
vs  
J. M. Leavenworth

The Mayor and Common Council  
of the City of Sonoma by their attorney and counsel in-  
tervening, in the above entitled cause, under the  
permission and order of said Court to that effect  
for the protection of the rights and interest of  
said City as owner and claimant of the City lands  
of said City mentioned and described in the  
records and proceedings depositions and other  
papers in Case Number 423 in said Court:  
which case is now pending in said Court;  
And the said City of Sonoma makes the following  
objections and exceptions to the survey in the above  
entitled cause made and approved by the United  
States Surveyor General for the State of California,  
a transcript of which survey is on file in this  
Court

1st Because the said City of Sonoma claims a  
portion of the land included in the said survey  
of the "Agua Caliente", to wit, all that piece or  
parcel of land lying between the "Agua Caliente"  
or hot Springs (as defined on said map of  
"agua Caliente" ranch) and "Agua Caliente" creek,  
or in other words the City claims that the Springs is the



~~the~~ boundary of said City or Town claim.

2<sup>d</sup>

The so called aquacaliente creek is not the boundary of said Town or ranch, and the said creek was never called aquacaliente until within the last few years and has been so named for the purpose of defrauding the said City of its property.

3<sup>d</sup>

Because the said City of Sonoma has the best right to the land in dispute because the grant to said City or Town for said land was made June 24<sup>th</sup> 1835 and the grant of the ranch "aquacaliente" purports to have been made July 13<sup>th</sup> 1840, and the latter grant is made to bound upon the lands of said City or Town of Sonoma

4<sup>th</sup>

Because the said case number 423 wherein is involved the title of the said City or Town of Sonoma to the land claimed by said City, is yet pending and undetermined in this Court

James McLaughlin  
Atty for the City of Sonoma



District Court of the  
United States for the  
Northern District of  
California 333.

The United States  
vs

J. M. Leavenworth

Exceptions to the  
Survey, and on  
behalf of the City of  
Sonoma

Filed Nov: 13, 1860,  
W. D. Chevers,  
Clerk

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James McJohn  
Atty for Sonoma Ctr



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 Monday the first day of April in the year of our Lord one thousand eight hundred and sixty - one,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

|                                                                                           |   |                        |
|-------------------------------------------------------------------------------------------|---|------------------------|
| <p>The United States,</p> <p style="text-align: center;">v.</p> <p>S. M. Seavenworth,</p> | } | <p><u>No. 333.</u></p> |
|-------------------------------------------------------------------------------------------|---|------------------------|

On reading certified copy of resolution of the Com. Council of the City of Sonoma, on file in case ~~423~~<sup>423</sup> of this Docket, and on motion of J. D. Greigh, it is ordered by the Court that he be authorized to appear as counsel for the City of Sonoma.



No. 333,

UNITED STATES DISTRICT COURT

Northern District of California.

The United States,

v.

P. M. Searensworth,

Order allowing  
J. D. Loreigh to appear  
as counsel for the  
city of Sonoma.

Filed April 1st, 1861.

W. H. Cheever,

Clerk.

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In the District Court of the United States  
FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

IN LAND CASES.

*J. W. Seavernuth*

Dist. Court No. *333*  
Land Com. No. *769*

BE IT REMEMBERED, that on this *Sund* day of *May* A. D., 1861,  
at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS,  
a Commissioner duly appointed by the Circuit Court of the United States for the Dis-  
tricts of California to take acknowledgments of bail and affidavits, and also to  
take depositions of witnesses, in civil causes depending in the Courts of the United  
States, pursuant to the Acts of Congress in that behalf, personally appeared  
*Ernest Rufus* a witness produced in behalf of  
*City of Sonoma* in the above entitled cause, now  
pending in said Court under the Acts of Congress to ascertain and settle the private land  
claims in the State of California, who, being duly sworn, testified as follows: ~~his~~  
evidence being interpreted by \_\_\_\_\_  
a sworn interpreter.

PRESENT:

*J. D. Lough for City of Sonoma*  
*J. W. Seavernuth in person*  
*U.S. Atty for U States*

QUESTIONS IN BEHALF OF THE

Question 1st,

*City of Sonoma*  
What is your name, age  
residence and occupation?

*Ans. Ernest Rufus. 49 years*



Sonoma County - Farmer -

State, if you know, where  
the City of Sonoma is  
situated -

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3  
Ans  
3

In Sonoma County -

Do you know where Sonoma  
Valley is situated? If so  
State, as regards Geomancy, its  
natural boundaries by natural  
objects -

Ans. North and East by mountains  
South by the Bay of San  
Pablo, and West by the moun-  
tains of Petaluma Grant -

4

State in what part of the  
valley of Sonoma, the City  
of Sonoma is situated?

Ans.  
5

In the North East part.

How long is it since you  
first knew that part of the  
Country - What Year?



Ans. I think it was in 1845 -

333 ND  
PAGE 82

Do you know where Petaluma Valley is? If so state its direction from Sonoma and what, if any thing divides Sonoma valley from Petaluma Valley?

Ans. Yes. It is in about a westerly direction from Sonoma Valley - A range of mountains divides Petaluma Valley and Sonoma Valley -

7 Are you acquainted with Mr. J. Valley? If you do you know whether he had any grants for land called Petaluma. If you where are they situated and their boundaries, and whether you know of them of your own knowledge or from other persons? State particularly what these boundaries were reputed to be and from whom you heard them. And whether the parties from whom you heard



them, are living or dead.

Ans. - I am acquainted with Genl  
Valley. I know he had  
grants for land called for Peta-  
luma. - It comprises the lands  
between Sonoma City, to the  
West, - I dont know how far  
they stretch. - I dont know  
the boundaries. I have seen  
a petition to Gov. Pio Pico, I think  
in 1846 for a tract of land  
extending to the Sonoma  
Grant. - that is all I know  
about it.

8  
Did you ever hear of the  
boundaries of the Petaluma  
Ranch or Grant, running along  
the dividing hills between  
Sonoma and Petaluma Valley?  
If so, state how you derived  
that knowledge? If from  
persons, from whom?

Ans. - I have heard of it. I have  
heard it from several people  
at different times. - I dont



remember their names -

9 State, if you can, when  
you first heard it?

333 ND  
PAGE 84

Ans. I think it was at the time  
the Surveyor laid out the  
town of Sonoma.

10 Do you know whether there is  
a spring called Agua Caliente  
in the valley of Sonoma, and  
if so, where is it situated?

Ans. Yes. It is about 150 yards  
from Sonoma Creek, and about  
a quarter of a mile, more or less,  
from the dry creek running  
along the present town of Sonoma.

11 Is there any other Agua Caliente  
or hot Spring in or near that  
neighborhood?

Ans. I don't know of any other

12 Do you know the stream which  
runs along and calls for the  
South Eastern boundary of S.  
E.



Leaving on the claim. called Agua  
Caliente creek in the official  
Plat of Survey in this case.

Ans. I dont know the name for  
that creek - I know a creek  
there -

13 How long is it since you first  
knew it?

Ans. Since 1845 -

14 Do you know where it rises -  
and how high it empties into  
Sonoma creek?

Ans. I dont know where it rises -  
It empties into Sonoma creek  
at a point I cant designate the  
spot -

15 Do you recollect <sup>the old</sup> a house that  
was said to have been built  
by Lazarus Peno? If yes, on  
which side of the road that leads  
from Sonoma to what is now  
called Santa Rosa is it.



Ans. I know the house. It is  
on the left side going to  
Santa Rosa.

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I recollect years ago there  
were the remains of an old  
house, said to have been  
occupied by Sazao Piro.  
It is to the right of the road  
to Santa Rosa.

16  
I have spoken of an Arroyo  
on the South Eastern side of  
D. Seavernth's claim and  
called it one of his boundaries.  
Is it a hot or cold water stream?

Ans. Cold water

17  
Did you ever know it to be  
called "Agua Caliente Creek" in  
former times, when you first  
knew it?

Ans. I don't remember having heard  
it called by that name

18  
State, if you know, whether



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There are any Springs near  
that ~~Stream~~<sup>Spring</sup>, which you spoke  
of in answer to a former ques-  
tion? If so, are they hot or  
Cold water Springs?

Ans. There are Springs I don't  
recollect of any Springs being  
very near it - Those that I do  
know are Cold water.

18  
Do you know, of your own  
knowledge whether there is  
a hot Spring within half a  
mile of the one referred to as  
Agua Caliente? If so, state  
where?

Ans. I don't know of any.

19  
Do you know a place formerly  
called Salvador Vallejos Vine-  
yard? And if it has it been known  
and called one of the boundaries  
of the Pueblo of Sonoma

Ans. I do - It was always considered  
and called one of the boundaries



of the Pueblo of Sonoma

20.

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Do you know whether there is a Rancharia called Qui chica? If so, where is it?

Ans. Yes - It is in an Easterly direction from Sonoma - about 4 miles from Sonoma - towards ~~the~~ maps

21 - Do you know where the boundary of the Sonoma and Qui chica Ranches <sup>was</sup> - when did you first hear of it and from whom?

Ans. It was said to be on the Rancharia before spoken of - on Qui chica creek - I think I heard of it from Nicolas Guerra, who is dead - but don't recollect in what year - Guerra died about 1849 or 1850 -

22  
When



22

What portion of the time since 1845, have you been absent from Sonoma Valley?

Ans. I have been absent. I passed through Sonoma in 1845 and lived on the coast. I came to live at Sonoma in 1849 and lived there till 1852. But during the time I frequently came to Sonoma from 1845 to 1849. In 1853 I went down to San Angeles - was about a year there - and came back to Sonoma and remained, more or less, another year. In 1854 I went home to Europe & staid till the end of 1855. Since that time I have lived in Sonoma.

23

Did you ever know Peña of whom you have spoken?

Ans. I did. He was living on Russian River. I never knew him to live in Sonoma valley.



he had already sold out  
when I first went there

24

Do you know whether Peña  
built the house you have  
spoken of, or whether he ever  
lived there?

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PAGE

Ans. Only from hearsay

25

Can you swear that there  
are no warm water springs  
flowing into the <sup>stream</sup> ~~spring~~ you  
have mentioned as ~~flowing~~ <sup>draining</sup>  
along the South Eastern bound-  
ary of Sevensmiths Ranch?

Ans. I cant swear to that.

26

What was that stream  
called when you first knew  
it?

Ans. I know of no name for it.

27

How near to that stream  
did you ever reside, and might  
it not have been called Agua



Caliente, and you not know  
it by that name?

Ans. I was living at the city of  
Sonoma, about two miles from  
the Stream. I lived there about  
6 months in 1856.

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I cant tell  
whether it might or might not  
be called Agua Caliente and  
I dont know it.

28. Did you ever hear any name  
given to that Stream?

Ans. I dont remember ever to have  
heard any

29 How long has the Vineyard of  
Salvador Vallis been in ex-  
istence?

Ans. It was in existence before  
I came to the valley.

30

Have you visited said Vine-  
yard. When did you first  
visit it and how frequently



Have you visited it?

Ans. - I have. I think, first,  
in 1846 - and I have visited  
it several times since - I  
was there about a year ago -

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31 State whether there are not  
warm Springs in that vicinity  
or in the neighborhood thereof?

Ans. I dont remember whether  
there are warm Springs there -  
but there is a Sulphur Spring  
there -  
Ernest Rufus.

Subscribed & sworn  
to before me this  
2<sup>d</sup> day of May  
1861  
W. H. Cheever  
U. S. Comr.



It is agreed by the parties hereto  
that the foregoing deposition is  
subject to all legal objections  
W. D. Chevers,  
U. S. Comr.

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No. 333,

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

T. M. Searunoth.

DEPOSITION OF

Ernest Rufus.

on part of

the City  
of Sonoma.

Filed Sept. 18, 1861,

M. H. Cheney  
Clerk.

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In the District Court of the United States  
FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

*T. M. Searensorth,*

IN LAND CASES.

Dist. Court No. *333.*

Land Com. No. *760.*

To *Cachren Benham, U. S. Atty.,*  
*and T. M. Searensorth,*

You are hereby notified that the testimony of

*Mr. Woods, and Mr. Rufus,*

in the above entitled cause in behalf of the  
*Intervenor City of Sonoma,*  
will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on *Thursday* the *2nd* day of *May* A. D. 1861, at 11 o'clock, A. M., and continuing from day to day until finished, at my office No. 14 U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Witness my hand and official seal at the City of San Francisco,  
in said District, this *17th* day of *April*  
A. D. 1861.



*N. A. Cheresed*

U. S. COMMISSIONER.



rec'd. under 19. April

I hereby accept of service of the within notice  
by copy this day received of me.

T. M. Leavenworth

No 333

The U. States

v

T. M. Leavenworth

Copy

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

333 ND

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The United States,

IN LAND CASES.

J. W. Seavenorth

Dist. Court No. 333

Land Com. No. 760

BE IT REMEMBERED, that on this Second day of May A.D., 1861, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared

J. B. Wood a witness produced in behalf of the City of Sonoma in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his

evidence being interpreted by a sworn interpreter

PRESENT: J. D. Bright for City of Sonoma  
J. W. Seavenorth in person -  
U.S. atty: for U States

QUESTIONS IN BEHALF OF THE

City of Sonoma

Question 1st,

What is your name, age, residence and occupation?

Ans John B. Wood - 48 years -



Petaluma - Sonoma County -  
Acting County Surveyor of Sonoma  
County -

2.

Do you understand Surveying?

Ans I think I do.

3

Have you pursued that business  
for any length of time - if you  
how long?

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Ans I have been surveying more  
or less, ever since I was a boy -

4

Are you acquainted in Sonoma  
County - and particularly in the  
neighborhood of Sonoma City?  
If you, how long?

Ans.

I have been partially acquainted  
with the County about Sonoma  
City about 5 years, or more.

5-

Do you know the boundaries  
contained in the Grant to the  
City of Sonoma, and now  
shown to you - marked "A P L"



Exhibited in deposition of J. G. Valley - in the transcript from the Board of U.S. Land Comm<sup>rs</sup> on file in this court. If you where, and describe them.

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Ans.

(Objected to because the boundaries of the city will be shown by the official map)

I cant say that I do. I have once or twice been at a spring called the "Caliente," also saw a line from this Caliente to what is now known as the Salvador Cal-leyo Vineyard.

(Objected to as immaterial and incompetent)

6

State where that agua Caliente Spring is situated.

Ans. Perhaps 2 miles above Sonoma City. probably 12 rods on the East of Sonoma Creek

7

State whether or not you were ever prevented from running



Surveying  
a line from that Spring, and  
if you, who prevented you and  
when was it? And the object  
of running that line.

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Ans (Objected to as immaterial)

Ans. I was prevented from running  
said line - I was prevented by the  
By Seaman, Mr. Kotton - Mr.  
Swift, Mr. Sears, Mr. Carriger  
and several others whose names  
I dont recollect - I should suppose  
in all, 15 to 25 -

I should think  
it was 4 or 5, maybe 6 months  
ago - The object of the Survey  
was to determine the boundary  
lines of the City of Sonoma.

8

At the time you were prevented  
from running the line where  
or at what place were you, and  
where did you intend to run  
the first course - And what  
did those persons do to  
prevent you from running it -



(Same Objection)

Ans. I was at this Caliente or Spring when I was prevented from running said line -

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I intended to form a direct line from that point to Salvador Vallijos Vizcaino -

To prevent me from running the line they forcibly took the chain from my chainmen -

9

Who employed you to make that Survey?

Ans. I was ordered to do so by the Common Council of the City of Sonoma.

Objected to because - "if the Common Council gave such order it should have been a written order - And if the order was written it should appear)

10

Do you know whether there is any other Agua Caliente in that



neighborhood? If yes, state where located.

Ans. I have no knowledge of any other.

" I have said you are a practical Surveyor - from your knowledge of Surveying could a Surveyor readily make a Survey by the boundaries mentioned in the Grant before referred to - marked "A.P.S." and state from what point the corner commence and how he comes over his courses?

(Objected to because immaterial and because the Witness has not identified the boundaries of the City as being those contained in said Grant)

Ans. It is a difficult question to answer. In the first place a Surveyor would have to determine, by the best evidence in his power the boundaries of the adjoining Grants. He



would then take this Agua Caliente & this Vineyard, extending these lines East and West to the Petaluma and Heui Chia, and then close the survey.

12/ State, if you know, whether the city of Sonoma is situated within the calls of the Grant referred to.

(Objected to because it is not the best evidence) There being an official Plat of the city)

Ans. - According to my understanding of the Petaluma & Heui Chia Grants I think and the Agua Caliente & Vineyard are the northern boundary line. I think it is situated within the calls of the Grant.

13/ State if you know, Is there a valley called Sonoma. If so what is its extent. East and West. And its general boundary?

Ans. There is - I would suppose that







So what is it. and the distance between those points?

Ans. Some two months back I ran a line from one point to the other. I think the bearing is  $S 79\frac{1}{2}^{\circ} E$ . Part of it I measured and part of it I guessed at. and I suppose the distance is about  $3\frac{1}{2}$  miles.

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17 Where on that line comes the out lots of the City of Sonoma he located?

Ans. I dont think the line touches the out lots at all.

18

Prop. Ex. by Claimant.

18

At the time when you say you were prevented from going to run the line spoken of by you, at whose request did you go, and for what particular object?



Ans. At the request of the Common  
Council of the City of Sonoma -  
And for the object of determining  
the boundary lines of the City  
of Sonoma -

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19

Where was your residence at  
that time?

Ans. The town of Petaluma Sonoma  
County

20

Did you not inform the parties  
who objected to your running  
the line, and while upon the  
ground, near said Spring, or on  
the rancho "Agua Caliente", that  
you came from Petaluma by the  
request of one or two settlers, or  
men from San Francisco, to sur-  
vey or mark out private claims  
for them?

Ans. I can't recollect. I went over there  
for that purpose at one time, but  
whether it was at that time or  
not I am not certain. but did  
not know the object of the visit



or survey before I left home -

21

Did you not say to Dr  
Seaman on that day  
that you expected to meet  
two men there, who had  
sent for you, and that be-  
cause the drawbridge was  
up you could not see them  
as you came over, and there-  
fore they were not there - or  
words to that effect?

Ans. I must have told him so  
or some body else - because  
these are the circumstances -  
but whether on that particular  
day or not I am unable to  
say -

22

You say in your direct Exam-  
ination that you went to what  
you were told was the "Gua  
Caliente" - Do you know of  
your own knowledge that the  
Spring you went to is the Gua  
Caliente named as the boundary  
or point in the Survey from which



The line should be run which  
you have named?

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Ans. Only from the best evidence  
I could procure - which evidence  
was from some papers that were  
handed to me, that purport to be  
a copy of some original papers -  
of the Grant to the City of Sonoma.

33

State whether the Spring Agua  
Caliente was laid down in the  
copy of those papers, and whether  
you were directed to it by the  
papers alone, or whether some  
person directed you to the Spring -  
Also, whether there is more than  
one 'Agua Caliente' mentioned in  
the copy of those papers? If yes  
whether the other Agua Caliente  
or Calientes were shown you?

Ans. I don't recollect whether it was  
marked on the diseño or not.  
It was in the specification of the  
boundaries - I was not directed  
to said Spring by the papers alone -  
It was pointed out to me by Dr.



Searched some months before  
as the Agua Caliente Spring, but  
I don't mean to say he said it  
was the boundary -

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I don't recollect  
of but one Agua Caliente being  
pointed out by the papers spoken of.

24

If with the copies of the papers  
you have spoken of, as a guide,  
you had been directed to an  
Agua Caliente one mile north  
or one mile South of the Agua  
Caliente to which you were di-  
rected, would you not have taken  
either one of them as readily for  
the <sup>place</sup> ~~spring~~ named in the Grant as  
the Agua Caliente shown you?

Ans. Of course if I had found two I  
would have been in some doubt -

25

But if you had found but one,  
and that one had been a mile  
north or a mile South of where  
you did find an Agua Caliente,  
would you not have taken that  
one to be the place named?



Ans. If I had found no other  
I should have undoubtedly taken  
that as the Spring mentioned in the  
specification - There was nothing  
in the papers to designate the  
exact spot.

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Re direct.

26. At the time you went over to own  
the line, for the City, when you say  
you were prevented from running  
it, who was the person that called  
upon you to own the line, and who  
compensated you for it?

Ans. Before I went to survey over to  
make the survey I received a commu-  
nication from some one of the  
Council of the City - I don't recollect  
which. In my answer I fixed  
a certain time I must be at Sonoma  
I met them there in Council - and  
made the contract with them for  
the survey - and they were responsible



for the compensation for making  
said survey -

27

Was the time referred to in your  
last answer the same time you  
told Dr. Seavernth you had  
made an arrangement with  
two men to meet them - referred  
to in Question 21 -

Ans. I don't recollect whether it was  
the same time or not -

Cross Ex. resumed

28.

Is not the Agua Caliente  
you have spoken of on the  
Ranch of Dr. Seavernth?  
That was in possession of Dr.  
Seavernth at that time?

Ans. Yes.

29

Did you notify Dr. Seavernth  
that you were about to enter on  
his land to make a survey -



or did you ask his permission  
to do so?

Ans. I did not.

30

These you not told to disist and  
leave the premises before any  
one touched the chain referred  
to, or before you were forcibly  
stopped.

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Ans. I cant recollect. It is probable  
it might have been so.

31

State, if you know, who the  
parties were, at whose request  
you first went over there?

Ans. I cant tell you their names -  
Mr. John Morris made the  
application in their behalf -

32

Had you not reason to suppose  
that your services were required  
to survey portions of the land  
occupied by Dr. Seaman and  
others for persons who  
designed to squat or occupy



These lands against the wishes  
of the owners or parties in  
possession. And do you not  
know that your survey was  
opposed because this was  
the understanding of those  
who opposed you?

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Ans. - I did not think I had reason  
to suppose so before I went there.  
I may have so understood it  
after I went there.

I did not know  
that the owners of the lands had  
any such understanding alluded  
to in the question.

Deposition closed.

John B Wood

Sworn & Subscribed  
before me this  
9<sup>th</sup> day of May  
AD 1861 -  
W. D. Chase  
U.S. Commr.



This agreed by the parties hereto  
that the foregoing deposition is  
subject to all legal objections  
W. A. Cheever,  
U. S. Com.

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No. 333

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

J. W. Seavenorth

DEPOSITION OF

J. B. Wood

on part of City of Sonoma

Intervenor

Filed Sept. 18. 1861,

W. A. Cheever.

Clerk.

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

The United States Land Commission }  
v. }  
J. M. Leavenworth } D.C. Case No  
} 333

Now Comes J. M. Leavenworth above named and moves the Court that the Survey of the Surveyor General of the United States for the State of California of the land of which Confirmation is made in the above entitled Case approved by him January 4. 1860 filed in this Court on the 10th day of November 1860 and now on file therein, and all proceedings thereon be dismissed from this Court on the ground that the Court has no jurisdiction over the same

L. Aldrich  
att'y for Leavenworth



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

The United States

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J. M. Seavenworth

Land Case No 333.  
Northern District.

To / Walter Van Dyke Esq  
U. S. Dist. Attorney and  
J. D. Craig Esq Attorney for the  
City of Sonoma in the above  
written case.

You will please take notice that  
on Saturday the 24<sup>th</sup> day of October 1874 at  
11 O'clock A.M. of that day or as soon  
thereafter as Counsel can be heard the  
above named J. M. Seavenworth will  
move the Court to dismiss the survey  
of the U. States Surveyor General of the  
land of which confirmation has  
been made in <sup>on file therein</sup> said case, and all  
proceeding on said survey, a copy  
of which motion is hereto annexed

L. A. Smith

Atty for Seavenworth.



333

U. S. District Court

333 ND

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United States

vs

J. M. Deavenant

Due service of the  
within notice and  
copy of motion acknowledged  
adjud this 19 day of  
October 1874

Walter Vandyle  
vs & cts

Motion to dismiss  
~~appeal on survey~~  
+ all proceedings thereon  
Filed October 20 1874  
Edw R. Cotter Clerk  
By J. M. Greenwood  
Deputy Clerk



In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

J. M. Seaneuworth,

IN LAND CASES.

Dist. Court No. 333.

Land Com. No. 760.

To

Calhoun Benham,  
U. S. Attorney.

You are hereby notified that the testimony of  
*Francisco Leaseris, Jose S. Berreyisa, George C. Point, M. M. Boggs and S. M. Brudstetter,*  
in the above entitled cause in behalf of *City of Sanoma,*

will be taken before me, the undersigned, a Commissioner duly appointed by the  
Circuit Court of the United States for the Districts of California to take acknowledg-  
ments of bail and affidavits, and also to take depositions of witnesses, in civil causes  
depending in the Courts of the United States, pursuant to the Acts of Congress  
in that behalf; commencing on *Saturday* the *16th* day of *March*  
A. D. 1861, at *10*, o'clock, *A.M.*, and continuing from day to day until finished, at  
my office, No. *14*, U. S. Court Rooms; and you are hereby further notified to then  
and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this *9th* day of *March*  
A. D. 1861.

*A. A. Chivers.*

U. S. COMMISSIONER.





Mr. Bentham you  
offer and very  
open I deposit  
the three all  
on my part  
reception  
of Deeds  
9 March/61

No. 333.

UNITED STATES DISTRICT COURT  
Northern District of California.  
IN LAND CASES.

THE UNITED STATES,

v.

John Leavenworth.

NOTICE.

To

Dist. Court No.

Land Court No.

IN LAND CASES.

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U. S. COMMISSIONER.



*[Faint handwritten signature or text]*



In the United States District Court  
for the Northern District of California  
Before Hon. Cyden Hoffman  
Judge.

The United States }  
-vs- Appellants } Doc. No. 333  
D. M. Leavenworth } Trans. No. 760  
Appellee }

Stated Term March 2. 1857.

This cause coming on to be heard on an appeal from the final decision of the United States Land Commission for ascertaining and settling private land claims in the State of California under an act of Congress approved on the 3<sup>d</sup> of March 1851, upon a transcript of the decision, proceedings, papers and evidence upon which such decision was founded, and it appearing to the Court that said Transcript has been duly filed according to law, and the respective parties having been heard. It is hereby ordered adjudged and decreed that the said decree of the said Land



Commissioners be and the same is hereby affirmed, and it is further ordered, adjudged and decreed that the claim of the said Appellee to the land situated in the County of Sonoma California, and known as a part of the place called the Agua Caliente and bounded as follows to wit, on the North by the lands belonging to George Smith, on the West by the creek of Sonoma, on the East by the mountain dividing Sonoma from Sapa, and on the South by the boundary line of Sonoma containing eight hundred acres more or less, Reference being had to the plat on file in this case and attached to the traced copy of the expediente is a good and valid claim and the same is hereby confirmed to the said Appellee as herein before described.

Ogden Hoffman



U. S. Dist. Judge.  
This decree is correct in form  
Wm. Blanding  
Dist. Atty.

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Endorsed:

Filed March 2<sup>d</sup> 1857.  
John A. Monroe Clerk  
By Wm. Blanding Deputy.

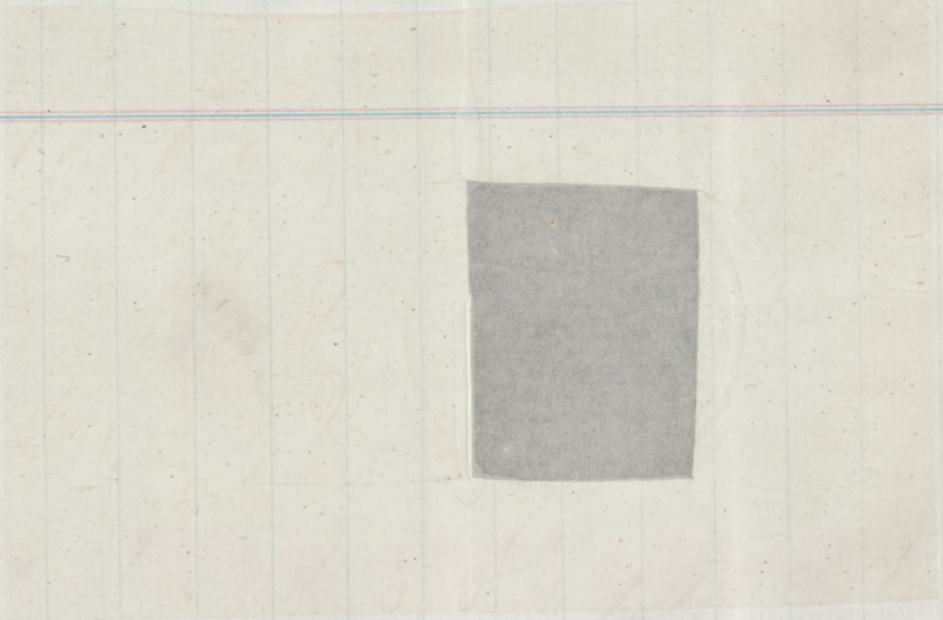
I, William H. Chevers Clerk of  
the District Court of the United  
States for the Northern District  
of California do hereby certify  
the foregoing to be a full true  
and correct copy of the original  
"Decree" now on file and remaining  
of record in my office in the  
cause entitled "The United States  
vs. E. M. Leavenworth No. 333"

In testimony whereof  
I have hereunto set  
my hand and affixed  
the seal of said Court  
this 6<sup>th</sup> day of August  
A. D. 1864.

W. H. Chevers,  
Clerk.



333  
MP





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

San Francisco, Oct. 27<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. 76, on the Docket of the said Board, wherein Shaddens M. Gavenworth is the Claimant against the United States, for the place known by the name of "Agua Caliente" and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher