

CASE NO.

2

NORTHERN DISTRICT

SUISUN GRANT

ARCHIBALD A. RITCHIE

CLAIMANT

on Microfilm

10

Transcript of the Proceedings
in Case No. 3,
"Suisun,"

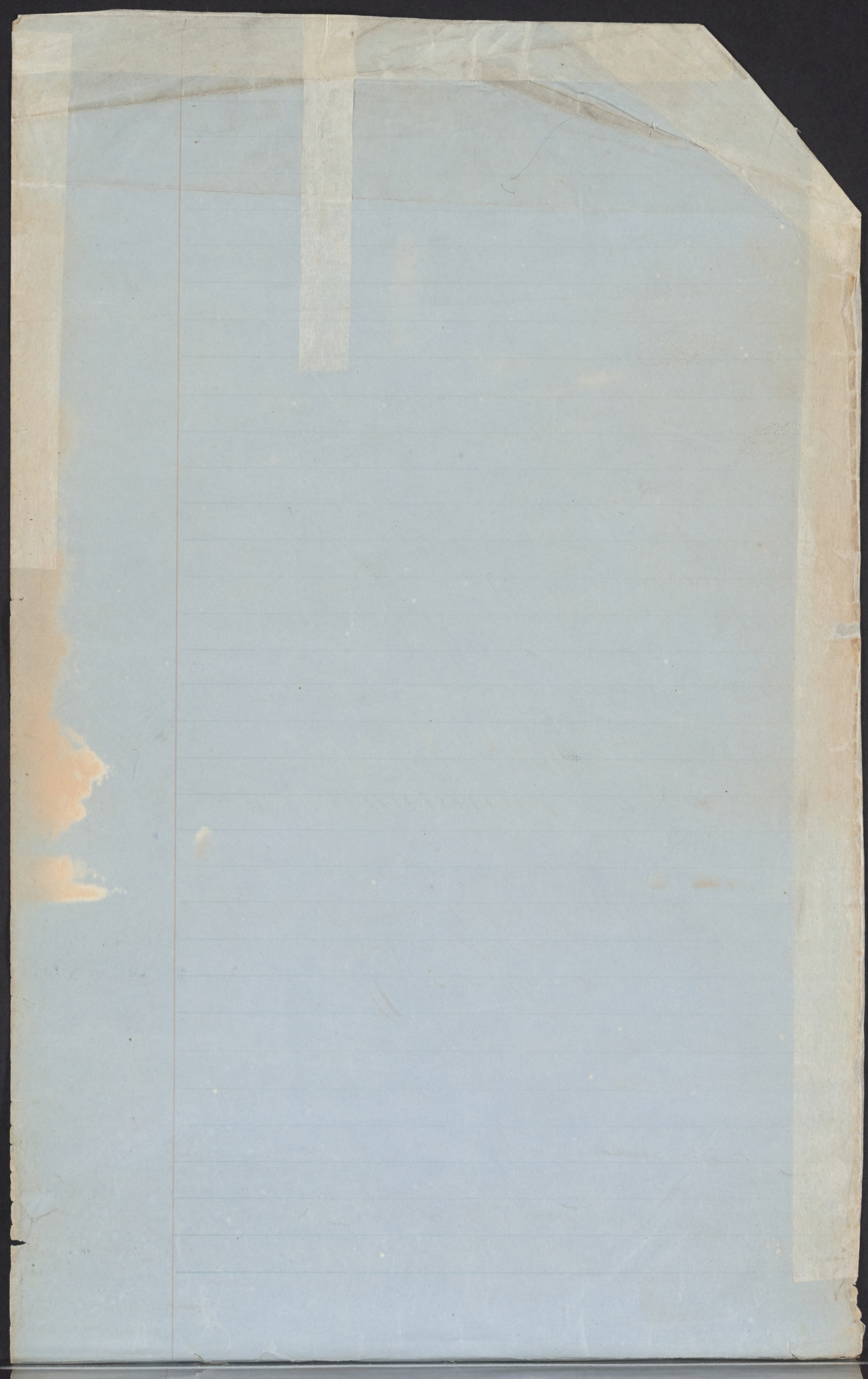
CASE NO. 2 ND

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Archibald A. Ritchie, claimant

vs

The United States, defendant



Office of the Board of Commissioners to ascertain and settle the private Land Claims in the State of California.

Be it remembered that on this Wednesday, the twenty first day of January, Anno Domini, one thousand eight hundred and fifty two, 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 Archibald A. Ritchie for the Rancho de Luisun, was presented and ordered to be filed and docketed No. 3, and is as follows, to wit:

No. 3. Archibald A. Ritchie, claimant,
vs
The United States, defendant.

To the Honorable Commissioners to settle private Land Claims in California:

The Petitioner, Archibald A. Ritchie, respectfully shows, that on the twenty eighth day of January, A. D., one thousand eight hundred and forty two, Juan B. Alvarado, Governor of the Department of the Californias, by virtue of the authority of his office, granted to Francisco Solano, the tract of land known by the name of Guisun, situate in the jurisdiction of Sonoma, and in the now County of Solano, comprising four square leagues of land (four sitios de ganado mayor) with the limits as shown in the map accompanying the petition of said Solano.

That on the third day of October, A. D., 1845, the Departmental Assembly of the Department of California approved the said grant in the due form of law; copies of which petition, map, grant, and approval are hereto annexed, marked A, with translations, marked B.

The petitioner further shows that on the 10th day of May, A. D., 1842, the said Francisco Solano by public act sold and conveyed the said tract of land to Mariano Guadalupe Vallejo, a copy of which act of sale is hereto annexed, marked C, with a translation marked D.

That on the 29th day of August, A. D., 1850, the said Mariano Guadalupe Vallejo and Francisca Benicia, his wife, sold and conveyed the said tract of land to him, the said Archibald A. Ritchie, a copy of which conveyance is annexed hereto, marked E.

That at the time of the said grant to the said Solano, he, the said Solano, was

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in the actual use and occupation of the said land, and remained in possession until the sale thereof to Vallejo; at which time the said Vallejo took possession thereof, and was in its actual use and occupation until he sold it to the said Ritchie, who, by said sale and actual occupation, became seized and possessed of the said tract of land.

That the said Solano, the original grantee of said tract of land, and the said M. G. Vallejo, the purchaser from Solano, have done and performed in the due form of law all the requirements of said grant, necessary to make the grant aforesaid full, perfect, and absolute.

That the petitioner knows of no interfering claim.

That judicial possession was given of the land in the year 1842, in or about the month of April.

That the land has not been surveyed by the Surveyor General of the United States, but the same has been frequently surveyed and the boundaries are definite and well known.

The petitioner relies for confirmation of title upon the original papers, copies of which are hereto annexed, upon the documents and minutes concerning the same, in the Archives in the possession of the Surveyor General, upon proof of judicial possession, and such other proofs as he may be advised are necessary.

Wherefore he prays the Commission

4. to decide upon the validity of said grant in
the said Francisco Solano, and to confirm
the same to himself.

By his Att'ys,
(Signed) Halleck, Peachey & Billings.
Filed Jan'y 21st. 1852.

J. B. Carr,
Secretary.

Upon which petition the following subsequent
proceedings were had, in their chronological
order, to wit:

Thursday, March 18, 1852.

In Case No. 3, Archibald A. Ritchie, the Depo-
sition of Manuel Baca, a witness in behalf of
the claimant, taken before Commissioner
Heiland Hall, was filed, and is in the words and
figures following, to wit: (vide page 56, of this Transcript)

In the same case, the Deposition of Mariano
Gaudalupo Vallejo, a witness in behalf of the
claimant, taken before Commissioner Heiland
Hall, was filed, and is in the words and
figures following, to wit: (vide p. 58, of this Transcript)

In the same case, the Deposition of Juan Felipe
Peña, a witness in behalf of the claimant,
taken before Comm^r Heiland Hall, was filed,
and is in the words and figures as follows,
to wit: (vide page 62, of this Transcript.)

Friday, March 19, 1852.

In Case No. 3, Archibald A. Ritchie, the Depo-
-sition

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of Marcos Baca, a witness in behalf of the claimant, taken before Commissioner Heiland Hall, was filed, and is in the words and figures as follows, viz: (vide page 63, of this Transcript.)

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In the same case, the Deposition of Julio Carrillo, a witness in behalf of the claimant, taken before Commissioner Heiland Hall, was filed, and is in the words and figures as follows, to wit: (vide page 65, of this Transcript.)

Saturday, March 20, 1852.

In Case No. 3, Archibald A. Ritchie, the Deposition of Salvador Vallejo, a witness in behalf of the claimant, taken before Commissioner Henry J. Thornton, was filed, and is in the words and figures as follows, to wit: (vide page 67, of this Transcript.)

Monday, March 29, 1852.

In Case No. 3, Archibald A. Ritchie, the Deposition of Manuel Jimeno, a witness in behalf of the claimant, taken before Commissioner Henry J. Thornton, was filed, and is in the words and figures as follows, to wit: (vide page 82, of this Transcript.)

Friday, May 7, 1852.

In Case No. 3, Archibald A. Ritchie, the Deposition of Salvador Vallejo, a witness in behalf of the claimant, taken before Commissioner Heiland Hall, was filed, and is in the words and figures as follows, to wit: (vide page 92, of this Transcript.)

6.

Saturday, June 12, 1852.

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In Case No. 3, Archibald A. Ritchie, the Deposition of Jacob P. Geese, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed, and is in the words and figures as follows, to wit: (vide page 86. of this Transcript.)

Tuesday, June 15, 1852.

Case No. 3, Archibald A. Ritchie, was set for hearing in its order, and placed on the Trial Docket.

Friday, August 6, 1852.

In Case No. 3, A. A. Ritchie, the Deposition of M. G. Vallejo, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed, and is in the words and figures as follows, to wit: (vide page 88, of this Transcript.)

Monday, September 20, 1852.

In Case No. 3, Archibald A. Ritchie, the Deposition of Pablo de la Guerra, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed, and is in the words and figures as follows, to wit: (vide page 89, of this Transcript.)

In the same case, the Deposition of Pablo de la Guerra, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed, and is in the words and figures as follows, to wit: (vide page 104, of this Transcript.)

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Thursday, December 23. 1852.

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Case No. 3, Archibald A. Ritchie, called;
The counsel for the claimant opened the
argument, and the case continued for ar-
gument to Monday morning next, 27th.
inst, at 11 o'clock.

Monday December 27. 1852.

Case No. 3, Archibald A. Ritchie, called; ar-
gument by the U. S. Law Agent commenced,
and concluded; case submitted with the
evidence, and taken under advisement by
the Board.

Monday, January 3. 1853.

In Case No. 3, Archibald A. Ritchie, Com-
missioner Henry J. Thornton delivered the
opinion of the Board, and the Decree of
Final Confirmation.

Ordered, that the opinion and Decree of
Final Confirmation of this Board, delivered
this day in this case, be recorded on the
Journal.

Which opinion and decree are in
the words and figures as follow, to wit:

Archibald A. Ritchie, assignee, &c. }
vs }
The United States. }
No. 3. "Guisun".

Opinion by Commr H. J. Thornton.

The claim in this case presented, is

founded on a grant made on the 28th of January 1842, by virtue of the Decree of the Mexican Congress of the 18th of August 1824, and of the Executive Ordinance of the 21st of November 1828, by Juan B. Alvarado, Governor of California, to Francisco Solano; which grant, on the 3d of October, 1845, was approved by the Departmental Assembly of California. In accordance with the usual requirement, within the year of the grant, an accurate measurement of the land was made, and judicial possession thereof delivered to the grantee. Prior to the Petition for the grant in full property, as early as 1837, the grantee was put in possession of the identical land, under a provisional title by General Vallejo, who was military commander of the Northern frontier, and director of Colonization. Whilst thus in possession, Solano built upon the premises, a large dwelling house, a number of large store-houses, and smaller ones, for his people and retainers. He enclosed, and cultivated considerable portions of the land, and occupied other portions with his herds of cattle and horses. The present claimant derives his interest in the land, through mesne conveyances from the grantee, in whom and those claiming under him, the peaceable occupation, and uninterrupted enjoyment of the premises, has been had from the year 1837, down to the acquisition of the country by the Government of the United States. The genuineness of the grant, the authority of the grantor, as well as all the facts above

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cited, are fully established, by duly authenticated transcripts from the public archives of the former governments, and by other evidence on file in the case. The proceedings in this instance, from their incipient state, to the final consummation of the title by the grant of the full property; and the performance of all the conditions annexed, are so regular and complete, that the only objections against the confirmation of the claim, which have been suggested, are to the capacity of the grantee, to receive a grant of land; or to dispose of it by alienation, as was done in this case. It must be conceded, that a grant made in California, in violation of the public law of Mexico, in virtue of which it purports to be made, is void; and that the land thus attempted to be granted, will remain a portion of the public domain. The supposed illegality of this grant consists in a fact which, if not necessarily inferable from the grant itself, is abundantly verified by the record; that is, that the grantee was an Indian, born on the spot which he solicited. In the grant he is declared to be "Indigena", which means a native, or original inhabitant, and also to be, Chief of the Tribes of the frontiers of Sonora.

It must be observed, that private property, if it be not founded on Natural law, is at least so well established by the common consent of all mankind, that it is coeval with the history of our race; and has now all the force of a law of Nature. We may consid-

it then, as of the dignity of a law of Nature, that all persons of the human species, who are not idiots, madmen, or infants, are capable of accepting property; and that full property in any subject, is the right to use it to any purpose, and to dispose of it as we please. That there is no incompetency in the grantee in this case, by the general law of nations, there is no doubt. He is one of the human species; he is neither an idiot, a madman, nor of such infantile age, as not to have attained to the exercise of a rational volition. On the contrary, the record shows that he was endowed in a more than ordinary degree, with the attributes of an elevated, moral, and intellectual character. He was a Commissioned Officer, of the grade of Captain, in the Mexican Service. The Governor of California, who, by the 2d and 3d articles, of the Ordinance of the 21st of November, 1828, was the person designated to pass upon the qualifications of the applicants for land, states, that he was "a Chief of the Tribes of the Frontiers of Sonoma", and "worthy of reward for the quietness which he caused to be maintained by that unchristianized people". It is true that the general law on this matter, is subject to such municipal modifications, as may be made by the legislative authority of different nations; and that such modifications have been often made, must also be admitted. The question is, whether any such decree, or municipal regulation existed in Mexico, at the date of this grant,

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as forbad the grantee in this instance to be the recipient of a donation of land; or, would forbid its alienation by him, any more than by any other grantee. The learned counsel in this case have extended their researches with most commendable industry and discrimination, into the various sources of Spanish and Mexican law on this interesting subject. Want of time, only, prevents me from making that thorough examination, to which the arguments submitted, so persuasively invite. I have however, taken a view of the question, which has led my mind to a satisfactory conclusion, and I will submit it with as much conciseness and brevity, as the pressure of time will allow.

The Plan of Iguala, which is the first stable land mark, amid the continued mutations that agitated the country from 1810, at least to the 27th of September, 1821, is based upon what has always been known in the history of those times, as "the Three Guarantees," which were, The Independence of the Country; the exclusive maintenance of the Catholic Religion; and the abolition of all distinction between the inhabitants founded on race, or descent. The last of these Guarantees, which is the only one now to be regarded, is contained in the 12th article of the said Plan, and is in the following words, — "That all the inhabitants of New Spain, without any distinction

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between Europeans, Africans, or Indians, are citizens of this monarchy, with eligibility alike, to every employment according to their merit, and virtue". By the treaty of Cordova, between the Spanish Generalissimo and the Revolutionists, which was adjusted on the 24th of August, 1821, the Plan of Iguala was re-affirmed in all its parts. In the Declaration of Independence solemnly promulgated on the 28th of September, 1821, the Plan of Iguala and the treaty of Cordova are announced as the bases of the..... Government about to be established. By an express decree of the Constituent Congress, on the 17th of September 1822, in the Reign of Iturbide, under the title of Augustin the 1st, the fulfillment of the 12th article of the Plan of Iguala above quoted, was enforced by a strong, and pointed enactment. And lastly on the 8th of April, 1823, on the overthrow of the Empire, and the establishment of Republican Institutions, the Constituent Congress re-affirm "The Three Guarantees of the Plan of Iguala. The Indian, Francisco Solano, is expressly within the letter, of the last enumerated Guarantee, so early announced, and so perseveringly recognized and re-affirmed, through all the vicissitudes of her Revolution, down to the final establishment of the Republic of Mexico. There is no Constitutional Provision, nor decree of the Mexican Republic, which I have been able to find, that destroys the equality of civil, and political rights, which is conferred upon all the inhabitants

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of New Spain, by the Plan of Iquala, in which they are all declared to be "citizens of this Monarchy". All who were citizens of the Monarchy, in the sense of the term citizens, as used in the Plan of Iquala, I presume became successively citizens of the Empire, and of the Republic. I think, it may then be legally predicated of Solano, that he was a citizen of the Republic; and in view of all the laws which we have just adverted to, stood on the same footing with any other citizen, with regard to the acquisition and alienation of property. But notwithstanding the necessary conception, that he was a freeman, a native inhabitant of the Territory, a citizen of the Republic, and capable generally of acquiring, and alienating, property, yet that he is incapable of becoming a grantee under the Decree of 1824, and Ordinance of 1828; because he is not of the description of persons mentioned as the recipients of lands therein. By the 1st section of that Ordinance, the Political Chiefs of the Territories are authorized to grant vacant lands to empresarios, families, to single individuals, Mexicans, or foreigners. It is said that Solano is in neither of those categories. He is clearly not an empresario, nor a family, nor a foreigner. If embraced in the Decree then, he must come under the class, Mexicans. I think it can be demonstrated that Solano is a Mexican. All Indians, by the Plan of Iquala, are declared to be citizens of the monarchy; all citizens of the Monarchy, became citizens of the

Republic; so that, Solano became a citizen; and surely there can be nothing more, than a mere verbal difference, between the terms Mexicans, in the sense of the Ordinance, and, citizens of Mexico. I will only add in conclusion, that as to the legality of the grant to the Indian Chief, and Mexican Captain, Francisco Solano, although the question involves the propriety of the conduct of the Governor who made it, yet the presumption, is in favor of the correctness of his construction of the Ordinance, which he was appointed to administer, and will stand, until rebutted by the production of clear evidence of its error. And, as to the right, and capacity of Solano, to alien the land granted to him, the usage, as proved in the case, was for Indians, holding full property, to dispose of it, in the same manner, as other citizens of the country.

In view of all which, and in accordance with the principles laid down for our government, in the Act of the 3d. March, 1851, the claim is declared to be valid; and ought to be confirmed. In this result Commissioner Hoall concurs. We therefore enter the final decree of confirmation, viz:

(Signed) Harry S. Thornton.

This Board, upon full consideration of the various grounds affecting the validity of the said claim, having come to the conclusion that the same is valid: Therefore now proceeds to make, and does hereby make, the following decree, or report

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of final confirmation, viz: It is decreed, that the said claim be confirmed to the claimant to the extent and quantity of four (4) square leagues, or sitios de ganado mayor, and for no more; being the same land described in the grant, and expediente referred to therein, and of which possession is proved to have been held and enjoyed under the grant, by the grantee, and those claiming under him: Provided, that the said quantity of land granted, and now here confirmed, be contained within the boundaries called for in the said grant, and map to which the grant refers; and if there be less than the said above named quantity, within the said bounds, then we confirm to the claimant that less quantity; it being apparent that said quantity exceeds the minimum of two hundred varas, as prescribed in the Ordinance of the 21st of November, 1828. Witness our hands this 3d of Jan'y, 1853.

(Signed) Heiland Hoall, }
 (") Harry V. Thornton } Comm'rs.

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MEMORANDUM
FOR THE RECORD

12-1-54

12-1-54



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Office of the Board of Commissioners
of California Land Claims.

San Francisco, March 18. 1852.

No. 23 (copy)

Samuel D. King, Esq'r,
Surveyor General:

Sir,

There is pending before the Board of Commissioners a petition in favor of Archibald A. Ritchie, being No. 3, on the Docket of the Board, claiming a tract of land under a grant from Governor Juan B. Alvarado, to Francisco Solano, dated January 28th, 1842, which tract of land is called, "Guisun", jurisdiction of Sonoma, and is described as follows: viz; from the Potzuelo to the Salinas (salt-works) of Licha, said land containing four sitios de ganado mayor (4 square leagues) situate in the County of Solano.

Will you please inform the Board whether the Mexican Archives in your office show that such a grant was made; whether it was approved by the Territorial or Departmental Deputation, and when; whether the papers relating to said grant appear in all respects fair and genuine, and whether any particular circumstances have come to your knowledge calculated to cast suspicion on the fairness and validity of the claim.

Very respectfully yours,
(Signed) Geo. Fisher,
Secretary.

San Francisco, March 22, 1852.

To the Secretary of the
Commissioners of California Land Claims:

Sir,

In reply to your inquiry,
No. 23, I have the honor to state, that there is
among the Archives in this Office, an Expedi-
ente, No. 266, purporting to show that such
a grant was made, as is specified in your
inquiry. Said document shows the approv-
al of the Departmental Assembly, Oct'r 3, 1845.

The papers appear fair and genuine,
and I know of nothing among said Archives
calculated to cast suspicion thereon.

Respectfully yours,

Sam'l D. King,

Surveyor General.

Filed in Office, March 23, 1852,

(Signed,) Geo: Fisher,

Sec'y.

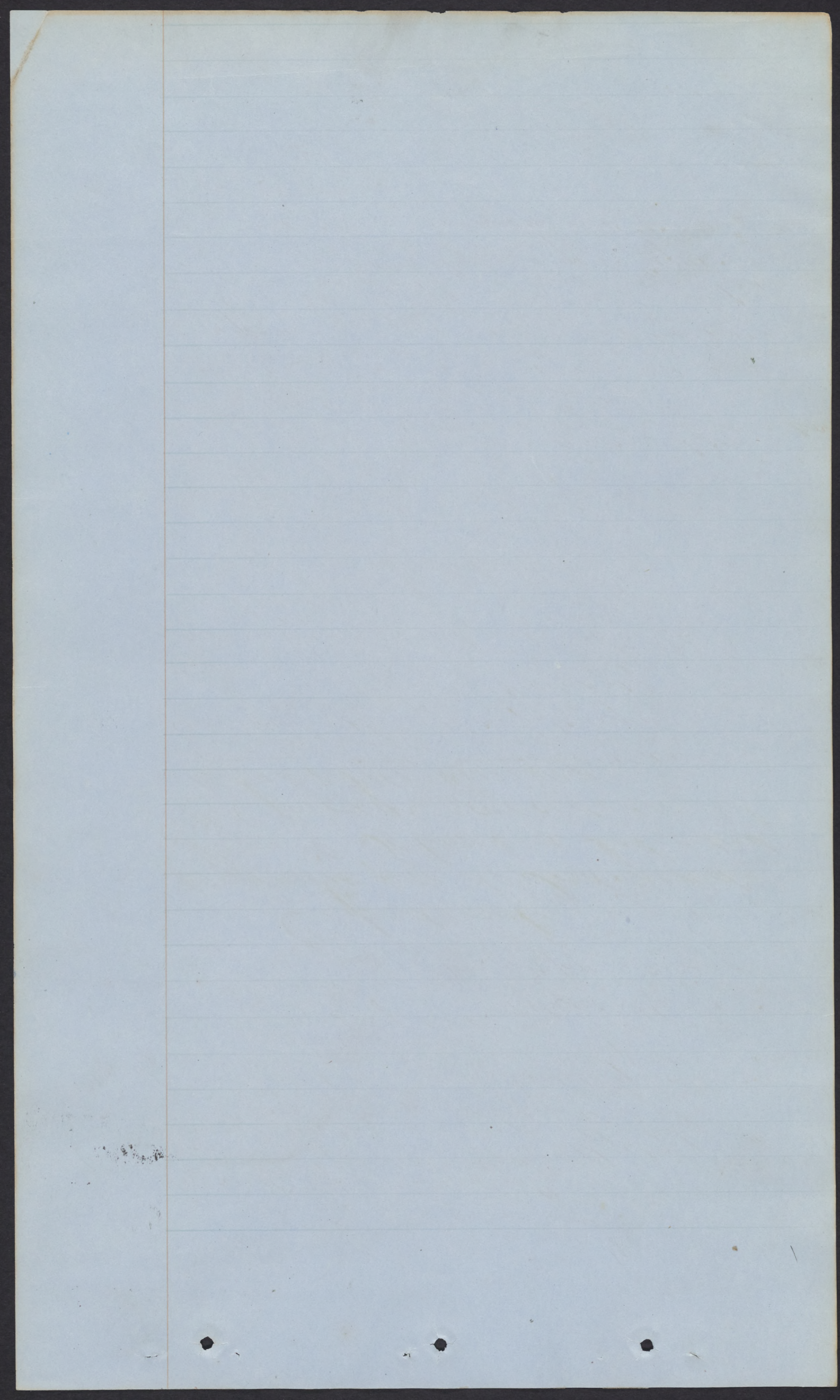
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Expediente
promovido por el Indígena
Francisco Solano en solicitud
del pasaje conocido con el
nombre de Guisun.

(266)



19.

Sello Cercos Dos Reales

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Habilitado provisionalmente, por la Aduana
maritima del Puerto de Monterey, en el De-
partamento de las Californias, para los años
de mil ochocientos cuarenta y mil ochocien-
tos cuarenta y uno.

Ahorado - Antonio Maria Osio

Rehabilitado por la misma, para
el año de mil ochocientos cuarenta y dos.

Ahorado - Antonio Maria Osio.



Excmo. Sr. Gov.

El infrascripto vecino de Sonoma ante V.E.,
con el mas humilde respeto se presenta y supli-
ca, que en virtud de los derechos q. le asisten,
como constan en la adjunta solicitud y del de-
creto marginal de la misma poseo de echo
el terreno conocido con el nombre de Guisun
con sus dependencias; y para asegurar y
legalizar dicha propiedad, verdaderamente
impetra de V.E. q. atendiendo al referido docu-
mento adjunto, se sirva otorgarle el correspon-
diente titulo legal de consecion perpetua y here-
ditaria, del mencionado terreno para que en ningun
tiempo ni el suplicante ni sus herederos sean
perturbados en el pacifico goze de su propiedad.

P. S. a V.E. ruego se dignen otorgarle
la merced que implora, jurando no ser de ma-
licia y lo necesario.

Monterey En: 15 de 1842.

Como apoderado del solicitante

(Firmado) Juan Antonio Vallejo.

Monterey Enero 28 de 1842.

Vista la peticion con que da principio este expediente el informe del Sr Comandte General y los meritos y servicios que ha prestado en la frontera de Sonora el indigena llamado France Solano, lo declaro dueño en propiedad del parage nombrado Suysun, en estension de cuatro sitios de ganado mayor, y bajo los limites que demuestra el dibujo respectivo. Extiendase el Despacho correspondiente con las condiciones estipuladas y dirijase este expediente a la Exma Junta Departamental para su aprobacion.

El Sr D^o Juan B Alvarado Gob.^o Constitucional del Departamento de las Californias, asi lo mandó decretar y firmó de que doy fe. —

Sr Comandte Gral.

Sonora Enero 18 de 1837.

France Solano Jefe prot de los indios gentiles y Capt^o natural del Suysun, ante V.S. como mejor conveniga exponiendome a V.S. que siendo libre y teniendome an^o Solano Jefe de tanto numero de ganado vacas las tribus de esta cunoy caballar^o fundar frontera y Capt^o de un rancho, solicita de la Suysun, el tenenos de esta justicia y bondad de V.S.

21. este nombre por parte se digno encenderle el
CASE NO. 2ND ND ^{reciente de derecho un terreno del Superun con}
PAGE NO. 22 ^{tural y porque lo esta sus tierras conocidas que}
^{poseyendo actualmen^{te} seran poco mas o menos}
Dicho terreno se compr- cuatro sitios de ganado
→ ende desde el portezgo mayor desde el portezgo
elo hasta las salinas elo hasta la salina
de sicha. El interes de Sicha. Dicho terre-
do solicitaré los títu- no me portense por de-
los de estilo del Gob^o derecho hereditario de mis
del Estado p^a que se pades y actualmen^{te} celo
hagan valideros sus poseso asi mismo quisiedo
dho segun el nuevo revalidar mis derechos se
orden de colonizacion. gun las leyes vijentes
(Firma) de nuestra republica
M^{do} G. Vallejo. y de colonizacion ulti-
mamente decretadas por
el Sup^o Gob^o -

En Fé V. S. Duplico se digno
encedarme el terreno que pido, y reedime
de onde converga los titulos que sean
necesario p^a mi seguridad, si oviendose
admitir esta en papel comun por no
haber en este lugar del sello que con-
responde.

Lima Cneso 16 de 1837.

(Firma) Fran^{co} Solano.

Juan, P. Alvarado Gobernador
 por Constitucional del Departamento
 de las Californias.

Por cuanto el Indígena
 Francisco Solano ha pretendido para su
 beneficio personal y el de su fa-
 milia el terreno conocido con el nom-
 bre de Suison, de donde es natural
 y Jefe de las tribus de la Frontera
 de Sonoma y aereador al mercedito
 por el sociégo que procura mantener
 ha aquella inutilidad; practicada pro-
 piamente las diligencias y averigua-
 ciones conserrantes según lo dispu-
 esto por leyes y reglamentos usando
 de las facultades que me son con-
 feridas a nombre de la Nacion Me-
 jicana he venido en concederle el
 terreno mencionado, declarándole la
 propiedad de él por las presentes
 letras sujetándose a la aprobación
 de la Junta Departamental
 y bajo las condiciones siguientes:

1.^a Toda vez que lo ha perqui-
 rido las trancias, caminos y servidum-
 bres, lo disfrutará libre y exclusiva-
 mente destinándolo al uso o cultivo que
 mas le acomode pero dentro de un año
 fabricará casa y estará habitada.

2.^a Solicitará del Jefe res-
 pectivo que le de la posesion jurídica
 en virtud de este despacho, por el cual
 se demarcaran los linderos en cuyos li-

23.

límites pondrá á más de las mofoneras algunos árboles frutales ó silvestres de alguna utilidad.

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3^o El terreno de que se hace mención es de cuatro ditios de ganado mayor, en los límites que demuestra el diccionario que se acompaña en el expediente respectivo. El juez que viere la posesión lo hará medir conforme á ordenanza quedando el sobrante que resulte á la Nación para los usos convenientes.

4^o Si contrabiniere á estas condiciones perderá su derecho al terreno y será inamovible por otro.

En consecuencia mando que teniendo por firme y válido el presente se tome razón de él en el libro á que corresponde que entregue al interesado para su resguardo y demás fines. Dado en Monterrey á veinte y ocho de Enero de mil ochocientos cuarenta y dos.

Anges Agosto 3 de 1845.-
 Dado cuenta en sesion de hoy en
 este expediente a la Exma Asamblea
 Departamental le mandó pasar a la
 comision de terrenos baldios.

(Firmado) Jo. Rico
 Presidte
 (Firmado) Agustin Obra
 Seco.

Como Sr-

La Comision de terrenos baldios
 se ha impuesto del expediente promo-
 vido por el Indigena Franc^o Solano,
 en pretension del paraje conocido con
 el nombre de Suisun y satisfecha la
 comision de q. las diligencias practi-
 cadas en dicho expediente fueran bas-
 tante b^a que el Superior Gobierno hu-
 liere concedido el mencionado paraje
 para a la delivencion de V. Q. la sigui-
 ente proposicion:

Se aprueba la concesion hecha por el
 Superior Gobierno del Departamento
 en titulo legalmente librado, con fecha
 28 de Enero de 1842 en favor del Indig-
 gena Franc^o Solano del paraje conoci-
 do con el nombre de Suisun sito en la
 jurisdiccion de Sonoma de conformidad
 con la ley de 18 de Agosto de 1824 y el

25. artículo 5^o del reglamento de 21 de
Noviembre de 1848. —

Sala de comisiones en la Ciudad
de Los Angeles Setiembre 29 de 1848.

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(Firmado) Narciso Botello,
(Firmado) Fran^{co} de la Guerra,

Angeles Octubre 2 de 1848.
En sesion de hoy se aprobó por la Exma
Asamblea Departamental la proposi-
cion del precedente dictamen, mandando
se devuelva el expediente original al
C. S. Gobernador para los fines conve-
nientes.

(Firmado) Pio Pico,
(Firmado) José
Agustin Aron
Pro. —

En la propia fha se libró a la parte
la copia respectiva. —

Office of the Surveyor General of
the United States for California.
I, Samuel D. King, Surveyor Gen-
eral 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

26.

Spanish and Mexican Territory or
Department of Upper California, do,
herby, certify that the eleven pro-
ceeding and hereunto annexed pages
of tracing paper numbered from one
to eleven inclusive and each of which
is verified by my initials (S. D. K.) ex-
hibit true & accurate copies of certain
documents on file and forming part
of the said archives in this office.

CASE NO. 2 ND
PAGE NO. 27

In testimony whereof
I have herunto signed
my name officially,
and affixed my private
Seal, (not having
a Seal of office) at
the City of San Fran-
cisco, Cal., the 14th
day of August 1852.
Signed, Saml. D. King
Sur Genl Cal.



Filed in office Sept 11th 1852.

(Signed) Geo. Fisher
Scty -

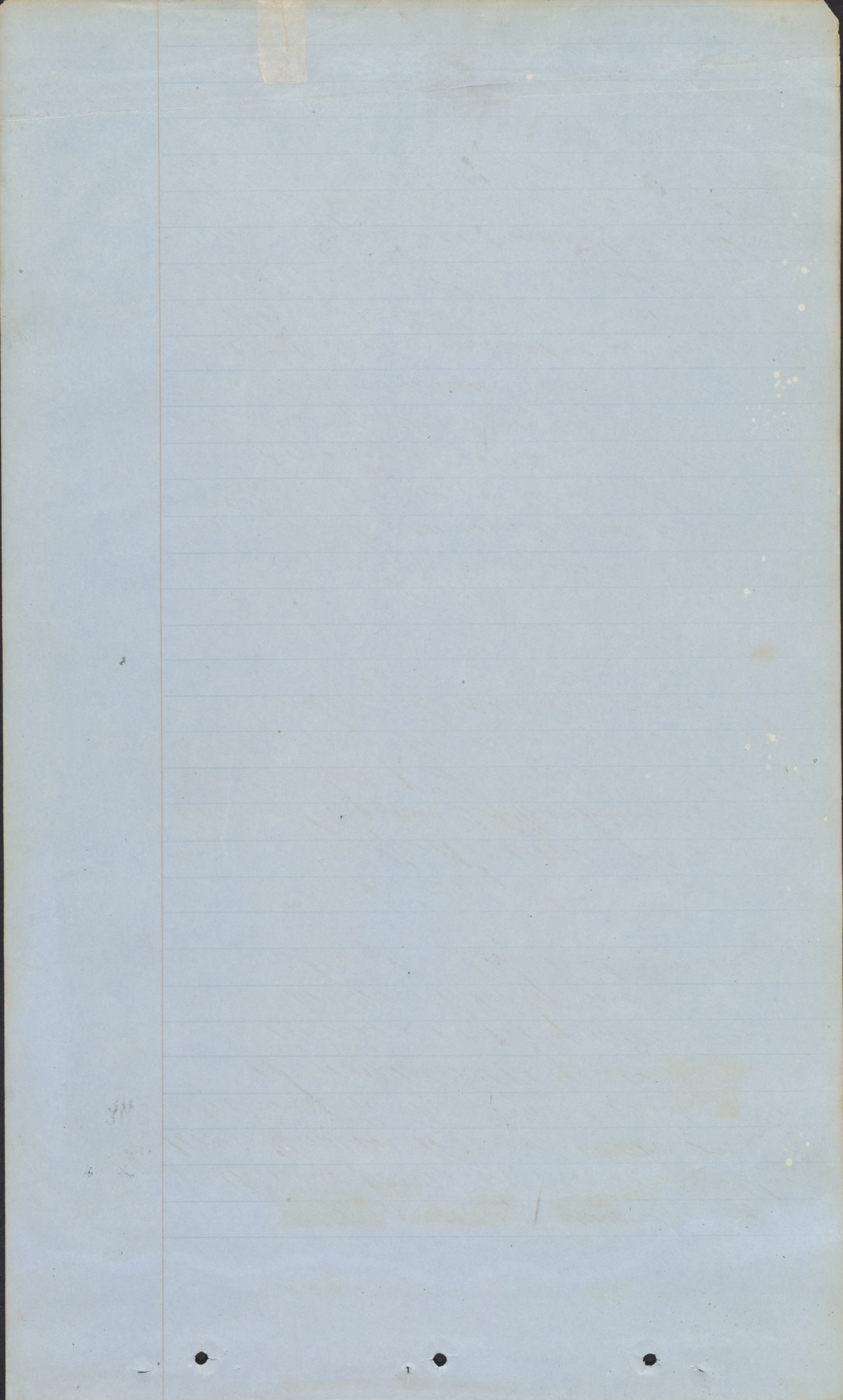
28.

CASE NO. 2ND

PAGE NO. 28

Expediente
Caused by the Aboriginal
(Indigena) Francisco Solano,
soliciting the place known by
the name of Surosur.

(266.)



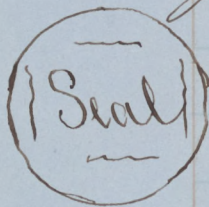
This Stamp-Dir Seales.

Authorized provisionally by the Maritime Custom House of the Port of Monterey in the Department of the California for the years in thousand eight hundred & forty, and one thousand eight hundred & forty one.

(Signed) Alvarado - (Signed) Antonio Maria Oria.

Authorized by the same for the year Eighteen hundred & forty two.

(Signed) Alvarado - (Signed) Antonio Maria Oria.



To his Excellency the Governor.

The undersigned, a resident of Sonoma, respectfully appears before your Excellency & representation makes: That in virtue of the rights which belong to him, as shown in the annexed petition and the Marginal Decree, he is in actual possession of the land known by the name of 'Suisun', together with its dependencies, and in order to secure and legalize said ownership, he humbly petitions that your Excellency, in consideration of the document referred to, may be pleased to grant him the corresponding title of conception, perpetual & hereditary, of the aforesaid land, in order that in no time, may the Petitioner or his heirs be molested in the pacific enjoyment of his property. —

Therefore your Petitioner prays that your Excellency will deign to grant him the farm which he asks for, he swearing that he is actuated by no malice, and no interest is required & that

Monterey January 15. 1842.

As attorney of the Petitioner.

(Signed) Juan Antonio Vallejo

Monterey, January 28th 1842.

In consideration of the Petition at the beginning of this Expediente, the Report of the Comandante General, and the merits & services of the Indian called Francisco Solano, rendered in the Hunter of Summa, I declare him to be owner in fee of the place called Suwun, in extent four square leagues, and with the boundaries shown in the corresponding map. The corresponding Patent will be made out, and this Expediente directed to the Most Excellent Departmental Junta for its approbation.

Juan B. Alvarado, Constitutional Governor of the Department of the California, thus ordered, decreed, and signed, of which I certify.

To the Commandant General,

Francisco Solano, principal chief of the unconverted Indians, and Don Captain of the Guisun, in due form before your Honor represents: that, being a free man, and owning a sufficient number of cattle & horses, he wishes to establish a Rancho, he solicits from the strict justice and goodness of your Honor, that you be pleased to grant him, the land of "Guisun", together with its known appurtenances, which share a little more or less than four square leagues, from the "Portigueli", to the "Salina de Sicha". Said land belongs to him by hereditary right from his ancestors, and he is actually in possession of it, but wishes to re-validate his rights in accordance with the existing laws of our Republic, and of the Colonization, recently revised by the Supreme Government.

He therefore prays that your Honor be pleased to grant him, the land which he asks for, and to procure for him from the proper sources the titles which may be necessary for his security, and that you will also admit this on common paper, there being none of the corresponding stamp in this place.

Tuuma January 16th 1837.

(Signed)

Francisco Solano.

Monterey July 18th 1837.
 The undersigned grants temporarily and provisionally to Francisco Solano, Chief of the Tribes of this Nation, and Captain of the Fusión, the lands of that name as belonging to him by natural right & actual possession. Said land is comprehended between the "Solezualo," and the "Salinas de Sicha." The party interested will ask from the Government of the State the usual titles, in order to make valid his rights in conformity with the new order of colonization.

(Signed) M. G. Vallejo.

Stamp First Six Dollars
 Provisionally authorized by the Maritime
 Custom House of the Port of Monterey,
 for the years 1839 & 1840.
 (Signed) Abarado - (Sgd) Antonio Maria Osio.

Good for the year 1842.
 (Signed) Abarado - (Sgd) Antonio M. Osio.

(Seal) Juan B. Abarado Constitutional
 Governor of the Department of the California.

Whereas the aboriginal, Francisco Solano, for his own personal benefit and that of his family has asked for the land known by the name of of "Suiza," of which place he is a native, and chief of the tribes of the frontier of Sonora, and being worthy of reward for the quietude which he causes to be maintained by that unchristianized people, the proper proceedings & examinations having previously been made, as required by the laws & regulations; using the powers conferred on me, in the name of the Mexican Nation, I have granted to him the above mentioned land, adjudicating to him the ownership of it, by these presents, it being subject to the approbation of the Most Excellent Departmental ~~Assembly~~ Junta, and to the following conditions, to wit:

1st That he may enclose it without prejudice to the crossings, roads and servitudes, and enjoy it fully & exclusively, making such use or cultivation of it as he may see fit, but within one year he shall build a house, and it shall be inhabited. —

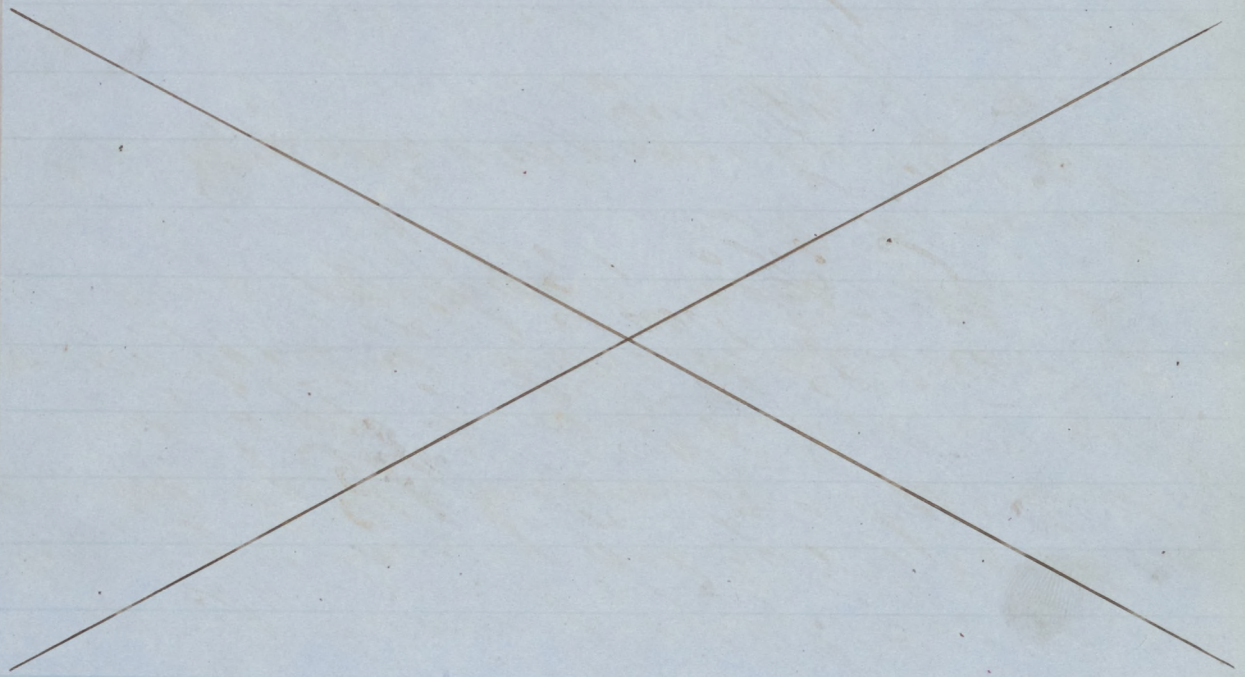
2^d He shall ask the Magistrate of the place to give him juridical possession of it, in virtue of this order by whom the boundaries shall be marked out, & he shall place in them besides the said marks, some fruit, or forest trees of some utility.

3rd The land herein mentioned is to the extent of four "sitios de ganado mayor" (four square leagues) with the limits as shown in the map accompanying the respective expediente. The Magistrate who gives the possession will have it measured according to ordinance, leaving the excess that may result, to the Nation for its convenient uses.

4th If he should contravene these conditions, he shall lose his right to the land, and it may be denounced by another. —

In consequence, I order that these presents be held firm & valid, that a register be taken of it in the proper book, and that it be given to the party interested for his voucher and other purposes.

Given this twenty eighth day of January, one Thousand Eight Hundred & forty two, at Monterey. —



Angeles August 2^o 1845.

An account of this Expediente having been given this day to the most Excellent Departmental Assembly it ordered the same to be referred to the Committee on vacant lands. —

(Signed) Pío Pico

President —

(Signed) Augustin Alvará
Secy. —

CASE NO. 2ND

PAGE NO. 35

Most Excellent Sir,

The Committee on vacant lands has considered the Expediente formed at the instance of the Indian (Indi-
gena) Francisco Solano, for the place known by the name of Suisun, and being satisfied that the proceedings had in the said Expediente were sufficient for the purpose that the Superior Govern-
ment should have granted the said place offers to the deliberation of your Excellency the following proposition:

The grant made by the Superior Government of the Department, by a title legally issued with date 28th January 1842, in favor of the Indian, (Indigena) Francisco Solano, of the place known by the name of Suisun, situated in the jurisdiction of Sonoma, in accordance with the law of the 18th August 1824, and article 5 of the Regulations of November

36. 21st 1828, is approved.

Call of the Committee in the
City of Los Angeles, September 29, 1845.

CASE NO. 2ND

PAGE NO. 36

(Signed) Francisco de la Guerra.
() Narciso Botello.

Angeles, October 3rd 1845.

In session of this Day, the proposi-
tion of the foregoing Report, was appro-
ved by the Most Excellent Departmental
Assembly, ordering the original Expediente
to be returned to his Excellency, the Govern-
or, for the suitable purposes.

(Signed) Jo Pico
President
(Signed) Agustín Mera
Secty—

On the same date the proper Copy was
issued to the party interested.—

I certify the foregoing to be a true & cor-
rect Copy of the Original Spanish
Expediente on file in the office of
the U. S. Surveyor General for Califor-
nia, which the same Copy is on file in this
office, in Case N^o 2, Archibald A. Ritchie,
for the place named "Quincy".—

(Signed) Geo. Fisher Secty.—

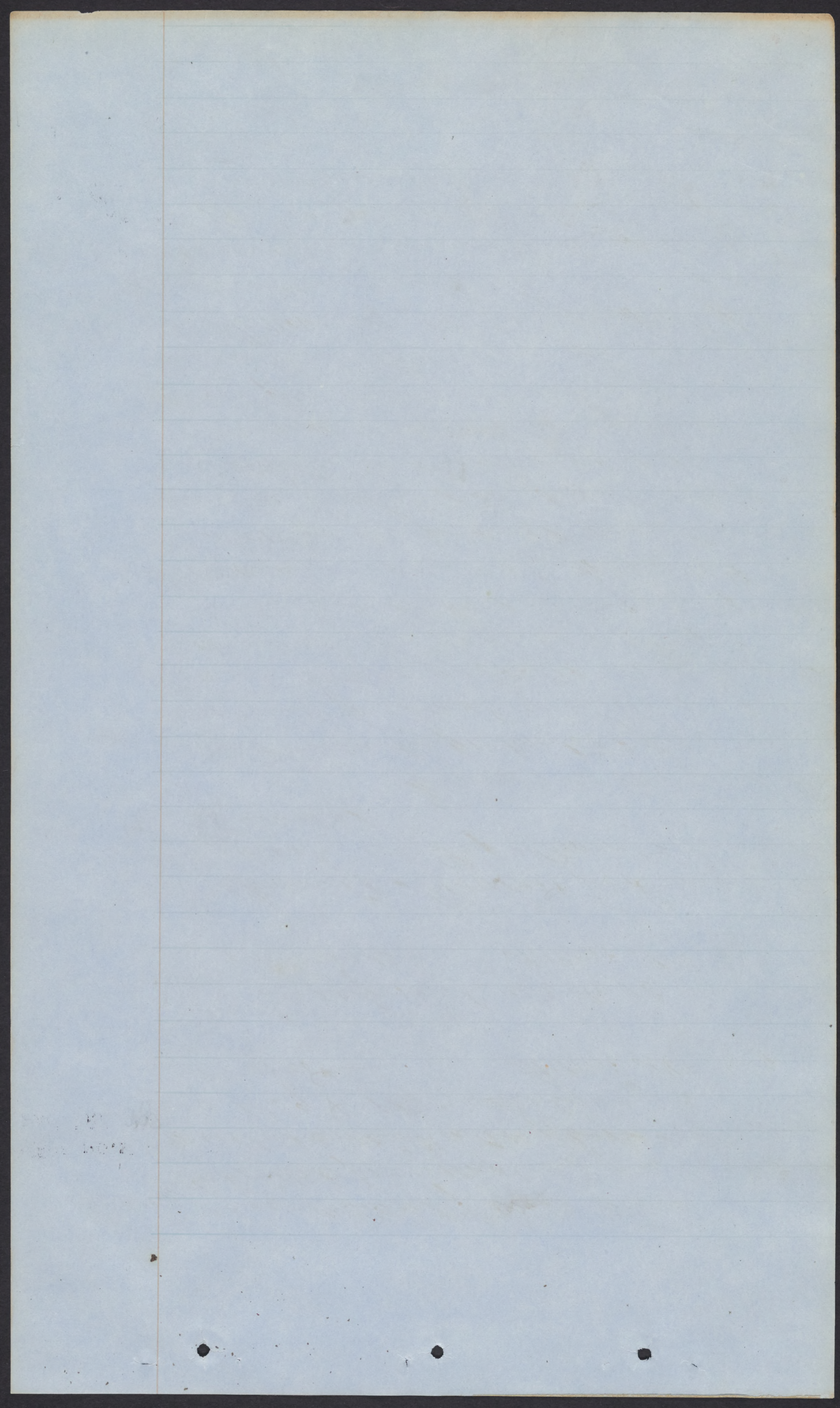
37.

Winn office Dec 27th 1852.

CASE NO. 2ND

PAGE NO. 37

(Signed) Geo. Fisher
Scty -

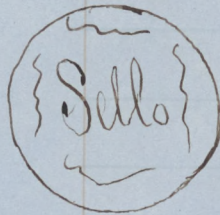


Sello 1.^o Luis Potosí.

Habilitado provisionalmente por la Aduana
marítima de Matamoros para los años
de 1839 & 1840. —

Alvarado —

Antonio M^{te} Osio.



Válga para el año de 1842.

Alvarado —

Antonio M^{te} Osio.

Juan B. Alvarado Gobernador Consti-
tucional del Departamento de las
Californias. —

En cuanto el Indígena Fran-
cisco Olano ha pretendido para su
beneficio personal y el de su fami-
lia el terreno conocido con el nombre
de "Chisim", de donde es natural y
Jefe de las Tribus de la frontera de
Sonora, y acordar al sujeción por
el sociego que procura mantener en
aquella gentilidad; practicadas pre-
viamente las diligencias y inri-
guaciones consiguientes de que lo dis-
puso por leyes y reglamentos; usando
de las facultades que me son conferi-
das a nombre de la Nación Mexicana
he venido concederle el terreno men-
cionado declarándole la propiedad de
el por las presentes letras sujetándose
a la aprobación de la Junta De-
partamental y bajo las condiciones
siguientes:

1.^a Entrá a usarlo sin perfec-

prejudicar las trabecias, caminos y caminos; lo disfrutará libre y exclusivamente destinándolo al uso o cultivo que mas le acomode pero dentro de un año fabricará casa y estará habitada.

2^a Solicitará del juez respectivo que le de la posesión jurídica en virtud de este despacho por el cual se demarcarán los límites en cuyos límites pondrá a mas de las maderas algunos arboles frutales y silvestres de alguna utilidad.

3^a El terreno de que se hace mención es de cuatro sitios de ganado mayor con los límites que demuestran el diccionario que se acompaña en el expediente respectivo. El juez que da la posesión lo hará medir conforme a ordenanza quedando el sobrante que resulte a la Nación para los usos convenientes.

4^a Si contraviniere a estas condiciones, perderá su derecho al terreno y será denunciabile por otro.

En consecuencia mando que terminase por firme y valeroso el presente se tome razón de el en el Libro a que correspondia y se entregue al interesado para su resguardo y demás fines. Dado en Monterrey a veinte y ocho de Enero de mil ochocientos cuarenta y dos. —

(Firmado) Juan B. Alvarado —
(Firmado) Manuel Jimeno — Seco. —

40.

Lucha tomada según de este Despa-
cho en el libro de acientos sobre adju-
dicación de terrenos baldíos a f.º 9. -

CASE NO. 2ND
PAGE NO. 40

(Firmado) Jimeno.

El Sr. Gobernador ha dispuesto se
tome según de esta concepción en la In-
spectura del 1.º Distrito.

(Firmado) Jimeno.

Tomase según -
Fido, Estrada -

Lucha tomada según de este
Sup.º Título en el cuarterno respectivo
de esta Inf.º

Monterey Feb.º 4 de 1842.

(Firmado) José M.ª Castañares
Fido Interior. -

El Sr. D. Gobernador Interino
del Departamento de las Californias.

CASE NO. 2 ND

PAGE NO. 41

La Honorable Asamblea De-
partamental en sesion de hoy ha
acordado lo siguiente:

"La prueba la concesion
hecha por el Superior Gobierno del
Departamento en titulo legalmente
librado con fecha 28 de Enero de 1842
en favor del Indigena Francisco Olano,
del paraje conocido con el nombre de
"Guirun" sito en la jurisdiccion de Sano-
ma, de conformidad con la ley de 18 de
Agosto de 1824 y el articulo 5º del re-
glamento de 21 de Noviembre de
1828."

Y para resguardo de la parte
de Francisco Olano lo hago asi sa-
ber. Dado en la Ciudad de los Angeles,
en este papel comun por falta de ab-
lado a tres de Octubre de mil ocho
cientos cuarenta y cinco. —

(Firmado) D. D. Sico.
(Firmado) José M. Coronubias
Sico. —

Filed in Office Decr 27th 1852.

(Signed) Geo. Fisher
Secty. —

42.

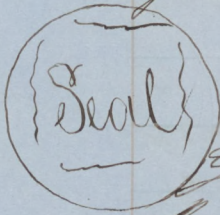
CASE NO. 2ND

PAGE NO. 42

Stamp First Six Dollars.

Provisionally authorized by the Honorable
Custom House of Monterey for the years
1839 & 1840.
(Signed) Alvarado — (Signed) Antonio M^o Rio.

Good for the year 1842.
(Signed) Alvarado — (Signed) Antonio M^o Rio.



Hon. A. Alvarado Constitutional
Governor of the Department of the Ca-
lifornia.

Whereas the aboriginal Francisco
Golano, for his own personal benefit &
that of his family, has asked for
the land known by the name of
"Quinn," of which place he is a native,
and Chief of the Tribes of the Timucians
of Sonoma, and being worthy of reward
for the quietude which he causes to be
maintained by that unchristianized
people; the proper proceedings and ex-
amination having previously been made,
as required by the laws & regulations;
using the powers conferred on me in the
name of the Mexican Nation, I have
granted to him the above mentioned
land, adjudicating to him the ownership
of it, by these means, it being subject
to the approbation of the most Excel-
lent Departmental Junta & to the
following conditions, to wit:

1st That he may enclose
it without prejudice to the crossings,

43. roads & servitudes and enjoy it freely and exclusively, making such use or cultivation of it as he may see fit, but within one year he shall build a house, and it shall be inhabited.

2^d He shall ask the Magistrate of the place to give him juridical possession of it, in virtue of this Order, where the boundaries shall be marked out, and he shall place in them beside the land marks, some fruit or forest trees of some utility. —

3^d The land herein mentioned is to the extent of four *littos de ganado mayor* (four square leagues) with the limits as shown in the map accompanying the respective expediente. The Magistrate who gives the possession will have it measured according to ordinance, leaving the excess that may result, to the Nation for its convenient uses. —

4th If he should contravene these conditions, he shall lose his right to the land, and it may be denounced by another.

In consequence I order that these presents be held firm and valid, that a Register be taken of it in the proper Book, and that it be given to the party interested for his voucher and other purposes. Given the twentieth eighth day of January, one thousand, eight hundred and forty two, at

44.

Monterey.

(Signed) Juan B. Alvarado.
(Signed) Manuel Jimeno.
Secretary. —

CASE NO. 2ND

PAGE NO. 44

A register of this Despatch has been
taken in the Book of entries of grants
of vacant lands. fol 9.
(Signed) Jimeno.

His Excellency the Governor has or-
dered that this grant be registered in
the Prefecture of the First District.

(Signed) Jimeno.

Let it be registered.
(Signed) Estrada. —

Register has been taken
of this Superior title in the respective
book of the Prefecture.

Monterey February 4th 1842

(Signed) José A. Castañares
Acty ad-interim. —

Do. Do, Governor ad-interim of the
Department of the California.

CASE NO. 2 ND

PAGE NO. 45

The Honorable Departmental assembly in session this day, passed the following:

"The Grant made by the Supreme Government of the Department by title legally issued under date of 20th of January 1842, in favor of the aboriginal Francisco Solano, of the place known by the name of 'Tusun', situate in the jurisdiction of Sonora, in conformity with the law of 18th August 1824, and article 5th of the Regulation of the 21st of November 1828, is approved."

And for the security of the party Francisco Solano, it thus make it known, Given in the City of Los Angeles on this common paper, for the want of stamped paper, October third, One Thousand Eight Hundred & forty five.

(Signed) Do. Do.
(Signed) José M. Carrubias
Secretary. —

A correct translation. —

(Signed) Geo. Fisher
Secty

Filed in office Jan 21 1842.

(Signed) Geo. Fisher
Secty —

46.

Territory of California } Before L. W. Boggs,
District of Sonoma } Alcalde July 28th
1847.

CASE NO. 2ND

PAGE NO. 46

M. G. Vallejo }
vs } Actio of Trespass.
Francisco Armijo }

Summons issued returned
to me on the 3rd Monday in August 1847. Sub
poena issued in blank for Deft. M. G. Vallejo
Subpoena issued for the following persons:
witnesses on the part of the Plaintiff,
Cayetano Suarez, Julio Canillo, Salvador
Vallejo, Francisco Plano, Jose Chamico,
Miguel Ardenetta, Theodoro Miranda,
Francisco Salapa, Jacob Luis, Jose de la Rosa,
Clemente, Manuel Baca & Marcus Baca.

7th Monday in August 1847.

M. G. Vallejo }
vs }
Francisco Armijo }
The parties appeared in
Court & the Court was informed by them,
that they had agreed to refer the matter
to arbitration. M. G. Vallejo chose Cay
etano Suarez, on his part, and Francisco
Armijo selected Don Salvador Vallejo, the
arbitrators were then sworn & the following
is the decision of the arbitrators to wit:
In the undersigned, appointed

Arbitrators by and for Mariano Gallego and Francisco Armijo, to decide on the question existing between them, for having the last trespasser his limits, and usurped part of the land belonging to the farm of the first, as it is expressed in the complaint presented before the Alcalde of this jurisdiction, L. M. Bogg, and after hearing the declarations of both parties, and examination made of the proof and documents presented to us: We find that the limits of each farm are clearly determined in their respective titles, being those of Solenas farm according to the deed to the said "Suicour" rivulet, (and running from it), which lays at N. N. E. of Elizuri, and beginning from thence as the first limits mentioned, then are to be measured three leagues, running at E. N. E. as the ridge (Sierra) runs being the said ridge the natural limit, which laying between the two farms separate them, leaving one at the N. & the other at the S. Thus neither of the both parties is prejudiced, and the literal meaning of the respective titles to both farms are fulfilled with; and in order to so not burden one part more than the other, the costs of the judgment & those of the tribunal, ought to be paid equally by both parties.

And for the fulfilment of the contents of this present writing, we sign

48.

it by our hands & seals, before the Alcalde of this Jurisdiction, on the sixteenth day of August A.D. 1847. —

Cayetano Ortega — Salvador Vallejo —
M. G. Vallejo — Franco Arroyo

CASE NO. 2 ND

PAGE NO. 48

I certify the foregoing to be a true & correct translation of the annexed Spanish Document on folio 2, authenticated by John Hendley, Clerk of the County of Sonoma & State of California, and filed in this office in case of J. Archibald & A. Ritchie for the Race named "Chisum".

(Signed) Geo Fisher
Scty —

Los que firmamos, arbitros nombrados por D^{no} Mariano, G. Vallejo y D^{no} Francisco Armijo, para fallar en la cuestión de litigio, que existía entre ellos, con respecto a haber traspasado el último sus linderos y usurpado parte del terreno del primero; según la queja presentada por este ante el Sr. Alcalde de esta jurisdicción D^{no} L. M. Boggs; después de oír las declaraciones de las partes, y examinadas las pruebas y documentos que presentaron, hallamos que los linderos de cada rancho están claramente determinados en los respectivos títulos, siendo los de Tolena según el experimento del mismo rancho, el arroyo de Suisun, que corre al N. N. E. de Suisun, y tomándolo por punto de partida como primer lindero citado, se deben medir tres sitios al E. N. E. según corre la Sierra madre, la que interfiere entre los dos ranchos, el y el, forma un lindero natural que los divide. De esta manera ninguna de las dos partes queda perjudicada, y se cumplió a la letra con lo expresado por los títulos de uno y otro rancho. Y para no gravar mas a una parte que a otra entre ambos pagaran igualmente los costos del juicio y tribunal. Y para que obre los efectos convenientes firma-

50. firmamos el presente ante el Sr Alcalde
de este pueblo a los diez y seis dias
del mes de Agosto de mil ochocien-
tos cuarenta y siete. — Cayetano
Suarez — Arbitro por D. J. Vallejo —
Salvador Vallejo — Arbitro por D.
Francisco Armijo — Mariano G.
Vallejo — Francisco Armijo. —

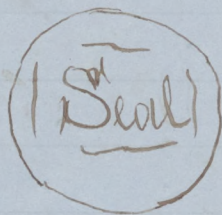
CASE NO. 2 ND

PAGE NO. 50

State of California }
County of Sonoma }

John Hendley,
County Clerk of Sonoma County, do, here-
by certify that the foregoing is a
true & correct copy of the proceedings
in a cause, wherein M. G. Vallejo is
Plaintiff and Francisco Armijo is De-
fendant. Before L. W. Briggs, formerly
Alcalde of the District of Sonoma,
as appears by the records of said
Alcalde, now of Record in this office.

In testimony whereof I
herunto set my hand
& seal of Court at
office in the City
of Sonoma this 19th day
of February A.D. 1852.



(Signed) John Hendley
Clerk.

51.

Filed in office, Dec 27th 1852.

CASE NO. 2 ND

PAGE NO. 51

(Signed) Geo. Fisher
Scty -

52.
E.
Conveyance
from
Vallejo
& Wife
to Ritchie.

CASE NO. 2ND
PAGE NO. 52

This Indenture made this twenty ninth day of August, in the year of our Lord eighteen hundred and fifty, between Mariano Guadalupe Vallejo of Sonoma in the State of California, and Francisca Benicia, wife of the said Vallejo, parties of the first part; and Archibald A. Ritchie of the said State, party of the second part; Witnesseth: that the said parties of the first part, in consideration of the sum of Ten thousand dollars, to them in hand paid by the said party of the second part, at and before the ensembling and delivery of these presents, the receipt whereof they do hereby acknowledge, and for the further consideration of the sum of Forty thousand Dollars, to them secured to be paid, by the said party of the second part, have given, granted, bargained, sold, released, and conveyed, and by these presents do give, grant, bargain, sell, release, and convey unto him, the said party of the second part, all that piece or parcel of land, lying and being in the County of Solano, in the State of California, known or called by the name of "Guisun", and containing four leagues of land, which said tract of land was heretofore granted to Francisco Solano, by Juan B. Alvarado, Governor of California, by grant or patent dated at Monterey, on the twenty eighth day of January, A. D. Eighteen hundred and forty two, and duly approved by the Departmental Assembly of California, on the third day of October, A. D. Eighteen hundred and forty five; the said original grant and certificate of approbation, being recorded, or Copies

thereof deposited, in the Public Archives of the former Government of California, and which was subsequently granted by the said Francisco Solano to the said Mariano Guadalupe Vallejo, one of the parties of the first part, by a written conveyance made and executed in due form at the said Sonoma, on the tenth day of May, A.D., eighteen hundred and forty two, - which original grant, together with the certificate of approbation, and the last mentioned conveyance, are hereby referred to and made part of this deed; - the said parties of the first part meaning hereby to convey unto the said party of the second part all of the aforesaid tract or parcel of land, saving and excepting certain parts and sections thereof which have heretofore been granted and sold to Patten, to Abram Fine, to Geo. H. Fine, to Alfred, and to Persifer F. Smith, said parcels or sections not exceeding one English square mile each, - To Have and to Hold unto him the said party of the second part, his heirs and assigns forever

And the said Mariano G. Vallejo, for himself, his heirs, executors and administrators doth hereby covenant and agree with the said party of the second part, his heirs and assigns, in manner and form, and to the effect following, - that is to say, - that he the said Vallejo is now the owner of the said premises, and is seized of a good and indefeasible estate of inheritance therein, that he has full right and power to sell and convey the same in fee simple absolute;

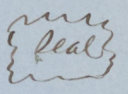
574.

CASE NO. 2 ND
PAGE NO. 54

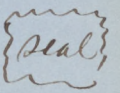
that the said premises are free and clear of all incumbrances; that he, the said Vallejo, will forever warrant and defend the hereby conveyed land and premises unto the said party of the second part, his heirs and assigns, against the lawful claims and demands of all persons whatsoever; that he, the said Vallejo, and all persons claiming under him, will at any time hereafter, at the request and expense of the said party of the second part, his heirs or assigns, make all further assurances for the more effectual conveying of the said premises, with the appurtenances, as may be reasonably required by him or them.

In witness whereof the parties have hereunto set their hands and seals the day and year first above written.

(Signed) M. G. Vallejo



(") Benicia F. de Vallejo



Signed, sealed and delivered
in presence of
(Signed) Martin E. Cooke
(") John B. Frisbie

State of California }
County of Sonoma } SS.

On this twenty ninth day of August, A.D., 1850, personally appeared before me the undersigned Notary Public, in and for said County, Mariano G. Vallejo and Francisca Benicia, his wife, to me known to be the persons described in,

and who executed the foregoing instrument, and they severally acknowledged that they executed the same freely and voluntarily, and for the purposes therein mentioned, and the said Francisca Benicia being by me duly examined separate and apart from, and without the hearing of her said husband, and the contents of the said foregoing instrument being fully made known to her, declared that she did voluntarily seal, execute and deliver the same, without any fear, compulsion, or undue influence of her said husband, and that she did not wish to retract the same.

{ seal. }

In testimony whereof, I have hereunto set my hand, and affixed my Notarial seal.

(Signed) Martin E. Cooke
Notary Public

Filed in Office, Dec' 27, 1852
(Signed) Geo. Fisher,
Sec'y.

Rec'd for Record, August 30th, 1850, at 5 o'clock, P.M., and Recorded in book "C." pages 376, 377 + 378, of the records of Solano County California,

(Signed) Marshal Byman,
County Recorder,

Fees }
{ 6.75 }

56.

San Francisco, March 17, 1852.

CASE NO. 2 ND
PAGE NO. 56

On this day before Heiland Hall, one of the Commissioners for ascertaining and settling private Land claims in the State of California, came Manuel Baca, a witness produced in behalf of the claimant, in the case of the Petition of Archibald A. Ritchie, being No. 3, on the Docket of the Commissioners, who was duly sworn as such witness. The Law Agent was duly notified and attended. The witness gave his testimony in the Spanish language, which was interpreted by the Secretary.

The testimony is taken subject to all just objections to the same and to all parts of it.

In answer to inquiries made by Mr. Halleck, Counsel for the Petitioner, the witness testified as follows.

My name is Manuel Baca, I am sixty seven years of age, and I reside in the town of Sonoma, in this State, and have resided in California since 1841, I know the Rancho Guisun and have been living near it ever since I came to California. I know the boundaries of the Rancho. They are as follows; beginning at the Embarcadero of Guisun, thence running along the Guisun Creek north to the foot of the range of hills, thence along the edge of the range of hills in an easterly direction, and thence around to the place of beginning. — When I first

came to California Guadalupe Vallejo was in possession of the Rancho - I knew Francisco Golano - He lived in Guisun and died there about a year ago. He was an Indian Chief of the Northern Indians - and commanded all the Indians on the Northern frontier, or controlled them - He was friendly to the Government and the people, and rendered important services in preserving the peace between the Indians and the whites - I knew Francisco Amijo - He lived in the Rancho Guisun and built a house there which is still standing - While he lived there he several times told me that he was there by permission of Guadalupe Vallejo - that the land belonged to Vallejo, and that Vallejo had warned him not to build a house upon the land because he would lose the land and his improvements if he did - but at the time of Vallejo's being at Sacramento a prisoner of war, Amijo built the house - This took place when Colonel Fremont was at Sonoma with the American forces - I cannot give the date with certainty -

In answer to inquiries made by the Law Agent, the witness testifies - that General Vallejo had stock on the Rancho and farmed it - They raised corn, wheat, potatoes, peas, and various kinds of vegetables - A considerable quantity of land was cultivated, but I cannot specify the quantity.

(Signed) Manuel ^{his} Baca
mark

58.

Sworn as above, and subscribed,
this 18th day of March, 1852,
before me,

(Signed) Heiland Hall,
Comm'r.

Filed in Office, March 18th 1852.

(Signed) Geo. Fisher,
Secy.

CASE NO. 2 ND

PAGE NO. 58

San Francisco, March 18, 1852.

On this day before Heiland Hall, one of the Commissioners for ascertaining and settling private land claims in the State of California, came Mariano Guadalupe Vallejo, a witness produced in behalf of the claimant, in the case of the petition of Archibald A. Ritchie, being Number 3, on the Docket of the Board, and was duly sworn. The Law Agent was notified and attended.

The testimony and all parts of it is taken subject to all just exceptions.

In answer to inquiries made by Mr. Halleck, counsel for the petitioner, the witness testified as follows.

My name is Mariano Guadalupe Vallejo; my age is forty four - I reside in Sonoma, and have always resided in California - In 1837 I was Commander in Chief of the Mexican troops in California - and held a Commission for colonizing the North frontiers of Sonoma. I knew Francisco Solano - He was the greatest and prin-

Principal Chief of the whole frontier, was a civilized Indian and was friendly to the Mexican Government, and the white people. His rendezvous or head quarters had always been on the Guisun — In 1835, according to the rules of secularization he acquired the rights of possession, and I put him in possession, by direction of Governor Figueroa. He continued in possession until 1842, when I bought the Rancho of him. I took possession and continued in possession until about the year 1850, when I sold it to the present claimant — While the land was in my possession I occupied it with a large number of cattle and horses, and raised crops on it, of corn, wheat, barley, beans, peas, and other vegetables, also vines and fruit trees — I had five thousand cattle and two thousand horses — I raised large crops. I had a large adobe House on it and also a stone house — the House was there in 1842. Solano, while he occupied the land had an adobe house on it, also cattle, and cultivated the land extensively — I recollect that one year he raised on it between four and five thousand fanegas of beans — A fanega I understand is over two and one quarter bushels — also a very large quantity of other vegetables were raised by him — His Adobe House was built in 1835 — He had other houses for the Indians — there were several hundred houses for the accommodation of the tribe — Solano received judicial possession of the Rancho in 1842, from Don

60.

Salvador Callejo, the Alcalde.

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PAGE NO. 60

When I gave Solano possession of the Rancho in 1835, the line enclosing it began at the Embarcadero on the Guisun, thence following the foot of the nearest hills in a northerly direction until it reaches the Solenas hills - thence easterly along the foot of the high range of mountains till it comes opposite the potrero of Guisun, thence to said Potrero which was then included in the rancho, and thence along the edge of the marsh in a westerly direction to the place of beginning. - The mode of my giving possession was that I went there with some fifty soldiers and went round the Rancho pointing out the boundaries to Solano - a large number of Indians attending us - there was no measurement and no land marks set up - there were natural boundaries that were understood.

In answer to inquiries put by Mr. Cooley, the Law Agent, the witness testified that Solano was put in possession of the land for his own benefit, and not for the tribe. I was Commissioner for the secularization of the Mission as well as Commander of the Military force - The usage in building a house in order to comply with the conditions of the Mexican grants, was to make it of poles filled in with mud - the poles being upright with cross poles - the house in Spanish is called enlatado - If an adobe house was built it was considered

that there could be no question but the requirements of the law had been complied with.

On further examination by Mr. Heald for the Petitioner, the witness says — Francisco Amijo built an Adobe house on the Guisun Rancho immediately after I was taken prisoner in June 1846 by the Bear party. I was taken prisoner June 14, 1846, and kept prisoner in Sacramento two months — The house was commenced while I was thus absent — On my return at the end of two months the house had been built about one foot high — I cited him before the Alcalde, and the Alcalde told him if he went on he would lose his labor — The country was in a state of revolution and he went on finished the house — After this in 1847, I think, there was an arbitration in regard to the land before the Alcalde, and it was decided that the house was on the Guisun land. The Alcalde was G. W. Boggs.

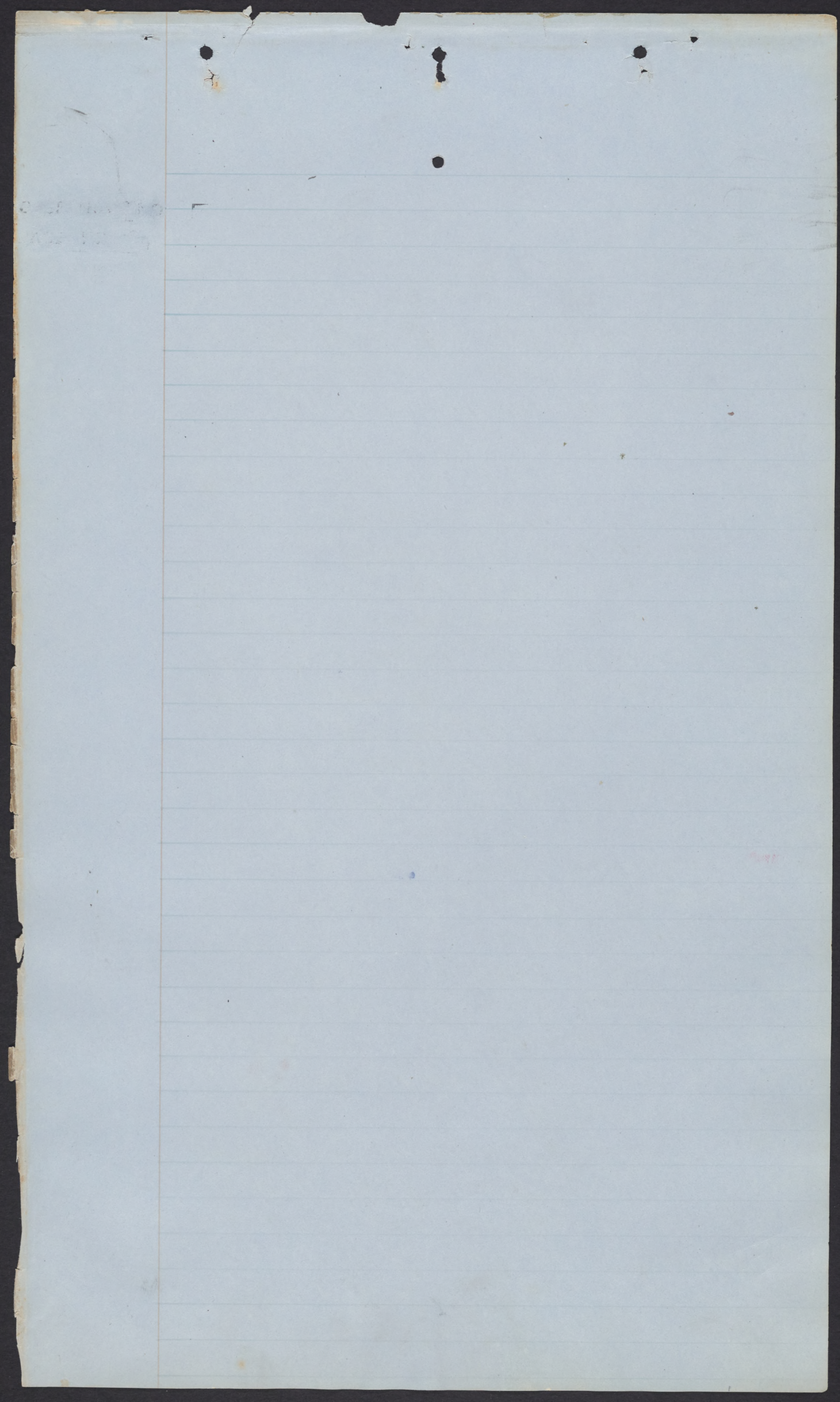
(Signed) M. G. Vallejo.

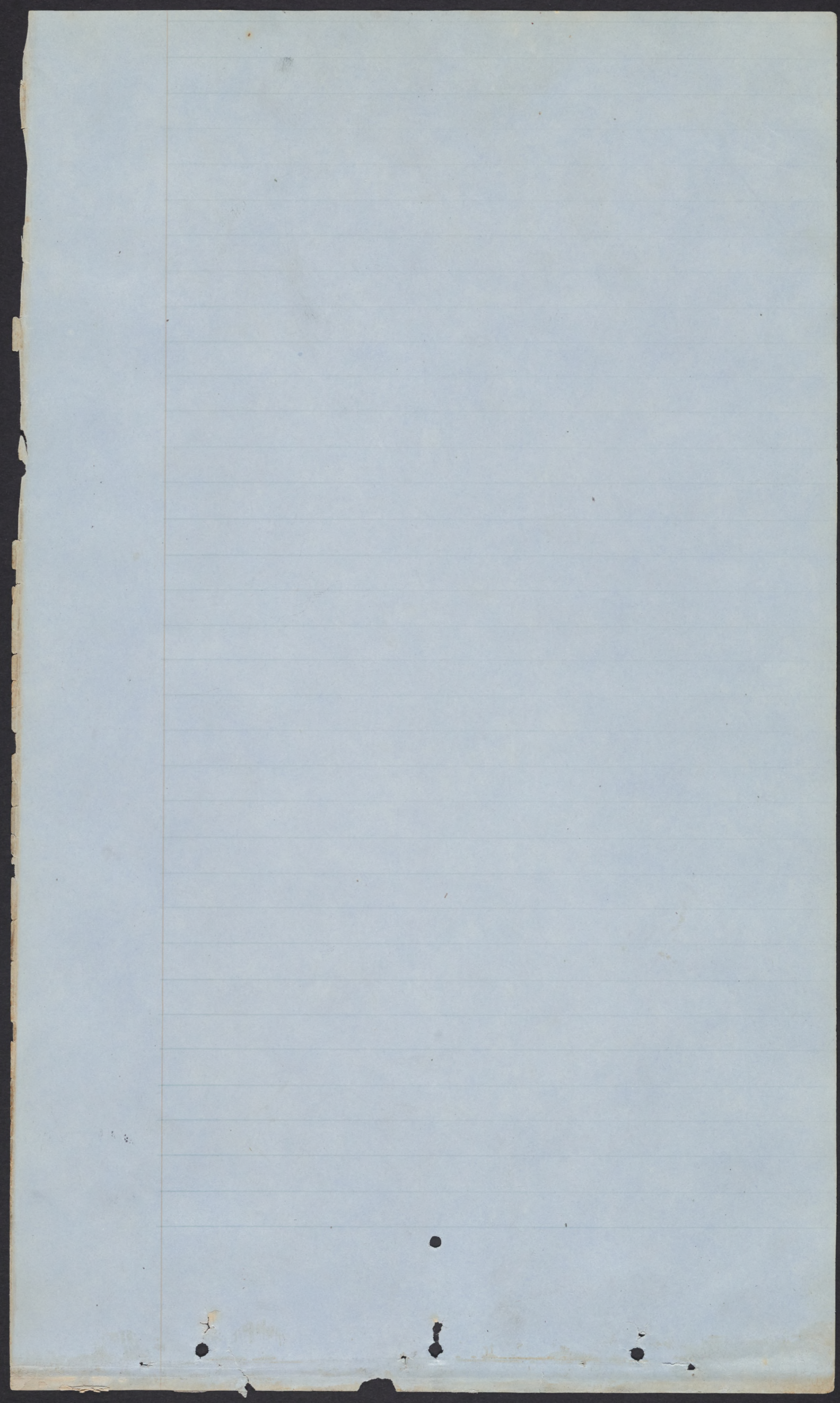
Sworn and subscribed
before me.

(Signed) Heiland Heald,
Comm^r.

Filed in Office March 18th, 1852.

(Signed) Geo: Fisher,
Secy.





62.

San Francisco, March 18, 1852.

CASE NO. 2ND
PAGE NO. 62

On this day, before Heiland Hoall one of the Commissioners for ascertaining and settling private land claims in the State of California, came Juan Felipe Peña, a witness produced in behalf of the claimant in the case of the petition of Archibald A. Ritchie, being No. 3, on the Docket of the Board, and was duly sworn. The Law Agent was notified and attended. The testimony was given in the Spanish language and interpreted by the Secretary.

In answer to inquiries made by Mr. Halleck, counsel for the claimant the witness testifies as follows

My name is Juan Felipe Peña, I am fifty years of age, and I reside at my Rancho called San José de Gracia, about eighteen leagues from Sonoma — I lived where I now reside for twelve years — I have known the Rancho Guisum for that length of time — I know the boundaries — They run from the Embarcadero of Guisum along the edge of the range of hills to the Tolenas in a northerly direction, thence with the same range of hills to the valley of Guisum, and to the Potrero, and thence along the edge of the Bay to the Embarcadero —

I knew Francisco Armijo — He built a house on Guisum, near the Tolenas — It was at the time General Vallejo was taken

63.

prisoner by Col. Fremont - I live about
two leagues from Guisum - At the time
the house was built Guadalupe Vallejo was
in possession of Guisum.

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(Signed) Juan Felipe ^{his} Peña
mark

Subscribed and sworn
before me,

(Signed) Heiland Hoall
Comm'r.

Filed in Office, March 18, 1852,

(Signed) Geo. Fisher,
Sec'y.

San Francisco, March 19, 1852.

On this day, before Heiland Hoall, one
of the Commissioners for ascertaining and
settling land claims in the State of Cal-
ifornia, came Marcos Baca, a witness
produced in behalf of Archibald A. Ritchie,
being No. 3, on the Docket of the Commission,
and was duly sworn. The Law Agent
was notified and attended - The testi-
mony was taken subject to all just exceptions.
It was given in the Spanish language
and interpreted by the Secretary.

In answer to questions put by
Mr. Halleck, counsel for the Petitioner the
witness testified as follows,

My name is Marcos Baca, I
am thirty six years of age, and reside in
the County of Solano, and have resided
there for eleven years past. I know the

64.

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Rancho Guisum, and live about two leagues and a half from it — I have known the Rancho ever since 1841, — I know Francisco Armijo who died about two years ago. He built a house on Guisum in 1846 — It was reputed to be on the Guisum Rancho which was understood to belong to Guadalupe Vallejo, who occupied it with cattle and horses and cultivated the land from 1842 to 1846.

In answer to inquiries made by Mr. Cooley the Law Agent, the witness says that General Vallejo cultivated about one square mile of the Rancho.

(Signed) Marcos ^{his} Baca
mark

Witness,
(Signed) Geo. Fisher.

Sworn and subscribed
before me,
(Signed) Heiland Hall,
Com^r.

Filed in Office, March 19th, 1852.
(Signed) Geo. Fisher,
Secy.

San Francisco, March 19, 1852.

On this day, before Heiland Hoall, one of the Commissioners for ascertaining and settling private land claims in the State of California, came Julio Carrillo, a witness produced in behalf of the claimant in the case of the Petition of Archibald A. Ritchie being No. 3, on the Docket of the Commissioners, and was duly sworn.

The Law Agent was notified and attended. The testimony was given in the Spanish language, and interpreted by the Secretary.

The testimony was taken subject to all just objections to all parts of it.

In answer to questions put by Mr. Halleck, counsel for the petitioners, the witness testifies as follows.

My name is Julio Carrillo, I am twenty six years of age, and reside in the County of Sonoma, and have resided there from 1836 to the present time. I know the Rancho Luisun, and have known it ever since 1836. I knew Francisco Armijo - who is now deceased. He built a house on the Luisun - It was commenced at the time the American forces under Fremont were there - I think in the month of August 1845 or 1846 - I first saw the house building on my return from Sacramento where I had been a prisoner with General Vallejo, and with whom I returned to

66. Sonoma — The land was General Vallejo's
as I considered.

(Signed) Julio Canillo.

The foregoing deposition was sworn
and subscribed before me,

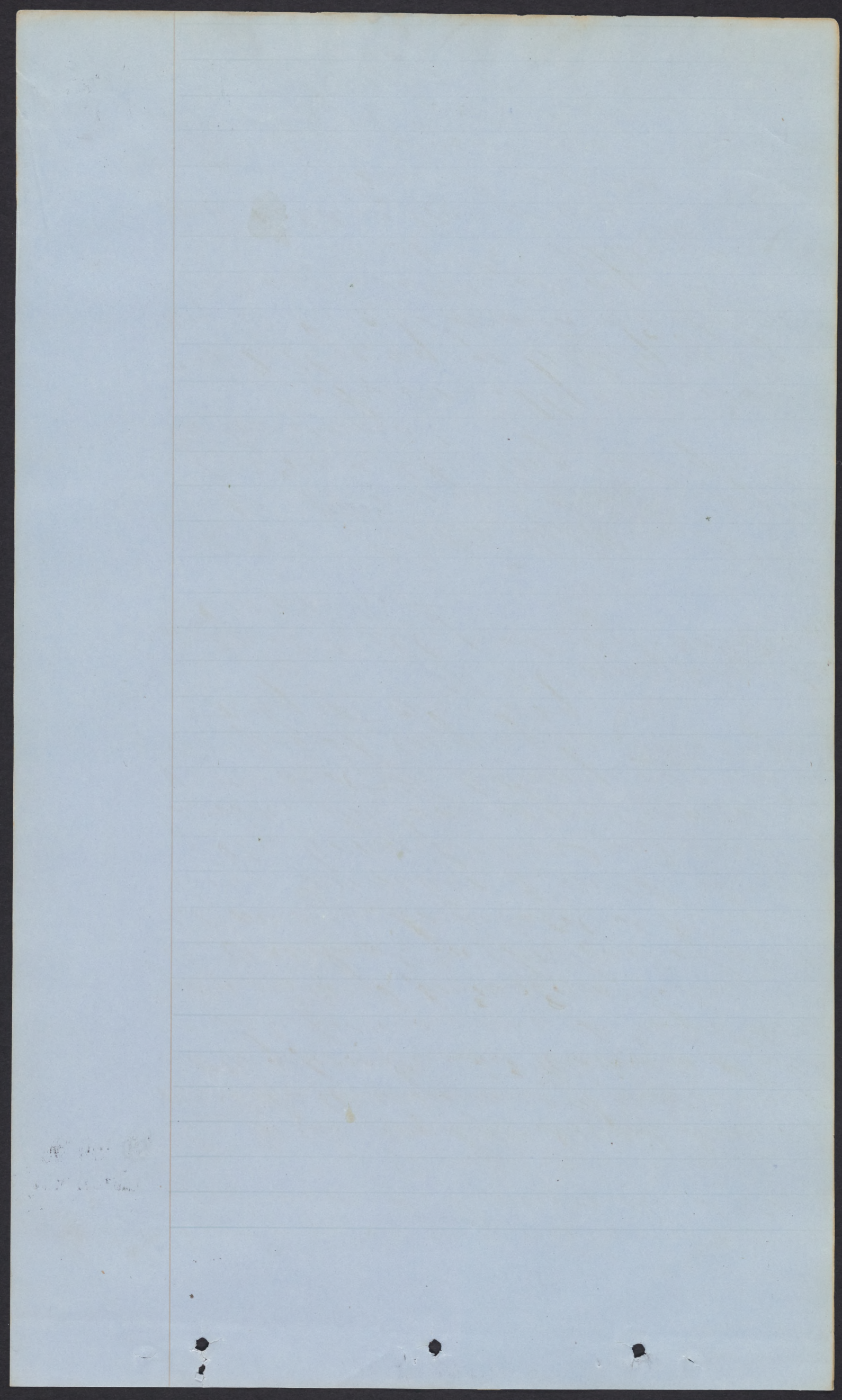
(Signed) Heiland Hall,
Com'r.

Filed in Office March 19, 1852.

(Signed) Geo: Fisher,
Sec'y.

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67.

San Francisco March 20 1852

CASE NO. 2 ND

PAGE NO. 67

On this day before Henry D. Stanton, one of the Commissioners for ascertaining & settling private Land Claims in the State of California came Salvador Vallejo, a witness produced in behalf of the Claimant in the case of the Petition of Archibald A. Ritchie, being number 2 on the Docket of the Commissioners, and was duly sworn. The Law Agent was notified & attended. The testimony was given in the Spanish language, and interpreted by the Secretary—

The testimony was taken, subject to all just objections, to all parts of it.—

Question by Claimant.

Q^t What is your name, age & place of residence & how long have you lived in California?

Answer— My name is Salvador Vallejo; my age is thirty eight years, my residence is Sonoma, and I have lived in this State all my life.—

Quest 2^d— What offices have you held in California?

Answer— I held the office of civil Magistrate, also at times the Military command at Sonoma.

Quest 3^d— Are you acquainted

68. acquainted with the Rancho of
Suisun?

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Answer— I am & have been
for the last twenty two years.

Quest 4th— Who occupied the
Rancho previous to the year 1842
& after & how or in what light?

Answer— Francisco Solano
occupied prior to 1842 on his own
account & then to Gen Vallejo,
for whom he acted as Mayor
& so afterwards. —

Question 5th What do you
know of the occupation & cultivation
of this Rancho?

Answer— Francisco Solano
had a house in it in which
he lived and he cultivated the land.
after he transferred as above stated
to Vallejo, he made further imp-
rovements and more extensive cul-
tivation, and raised stock upon
it. —

Quest 6th— Did you
whilst you were acting as civil
Magistrate or not ever give judicial
possession of this Rancho to anyone;
if yes, to whom & when?

Answer— I gave offi-
cially possession to many persons,
& among others I remember distinctly
putting Francisco Solano in posses-
sion of this Rancho, but the year
in which I did so, I do not now

69.

Distinctly remember, but I believe it was in the year 1842. —

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Just yth Was there any written expedient or document made by you witnessing this act of giving possession by you to said Solano & if so can you tell what was done with it, or what has become of it?

Answer— There was such writing or document made by me in duplicate: one of which I gave the party & the other was deposited in the archives at Sonoma. I know nothing of what has been done further with either of them I have not seen them since.

Just yth Do you or do you not know any thing about the loss or destruction of the archives deposited at Sonoma; if, yes, state what you know on that subject?

Answer— In the Spring of 1846 there was a disturbance or insurrection in which I was made prisoner and the archives in my possession forcibly seized upon and taken away; also the Magistrate who succeeded me was assailed and the public archives plundered by those who were engaged in this outbreak, being American soldiers, who made

use of the Archives for the purpose of making cartridges. I lost my own title papers at the same time.

Question 9—When & where did you regain your own title papers taken at the time of the outbreak of which you have been speaking?

Answer—Two or three months after my seizure I was upon a man of war vessel in the port of San Francisco, belonging to the United States of America, and saw in a box of the vessel a heap of the Archives, among which I recognized my own, being covered up in black cloth & in the presence of the commanding officer at the charge of it.—

Quest 10th Who was secretary to you at the time of giving the judicial possession of the Rancho as above stated?

Answer—A retired officer by the name of Damazo Rodriguez who is now dead.—

Question 11th In what manner did you proceed in giving the judicial possession of the Rancho to Francisco Solano?

Answer—I went upon

the ground with a compass, accompanied by five persons two measurers & three witnesses, and commenced at a point called the Embarcadero on the estuary of Guisun, and measured with a cord in a westerly course along the slope of the range of hills to a place called Tolenas, from thence along the same range of hills to its termination from thence to the Estuary of Tulpines, from thence along the margin of the Estuary to the place of beginning, including within said measurement the valley of Guisun.

Question 12th Do you remember the names of the persons who you have stated accompanied you when you gave the judicial possession stated above?

Answer - I remember the names of Paulino Pasquez & Francisco Niquera, alone of the number, also my Secretary Damaso Rodriguez who accompanied me as Notary Public.

Question 13th Do you, or not know whether Francisco Anzips built a house on or near this Rancho & if so when?

Answer - He did build a house on it in the year 1846.

Question - Was this house which

72.

you say was built by Amigo, built or not, within the limits or bounds of the Rancho as marked out or delineated by you and put judicially in the possession of Francisco Solano?

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Answer— It was built within the limits above mentioned.

Cross interrogatories propounded by the United States Law Agent.

Cross duty 1st What was the length of the first line which you measured beginning at the Embarcadero?

Answer— I do not remember the length of the line.

Cross duty 2^d On which side of the Sun-son Creek did you commence to measure that line and did you cross the said Creek in measuring it?

Answer— I commenced on the westwardly side of the Creek & crossed it once & recrossed it in closing the survey or measurement.

Cross duty 3^d How near did you pass to the "Portucllo" or gap, where the road from Benecia to Sacramento crosses the range of hills; on which hand did you pass said Portucllo & how near it did you pass?

Answer— The portucllo was on

73.

the left hand side of the line westward of it.

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Cross duty 4th— Did you pass within five hundred yards of said Portuells?

Answer— I do not remember or cannot say.

Cross duty 5th— Was there any natural or artificial object at the end of the first line you run, or can you in any manner designate the point where said line ended.

Answer— I cannot designate it here, if I were on the ground I could, there were some trees at the point above referred to.

Cross duty 6th— Do you know the Cañada de Solenas?

Answer— I do know it. —

Cross duty 7th— Did you include it or surround it in your measurement?

Answer— I have travelled over it, but did neither include nor surround it in my measurement. —

Cross duty 8th— Do you know the Creek called Kululato?

Answer— I do know it.

Cross duty 9th— Does that Creek run through or border upon the Cañada of Solenas?

Answer— It neither runs through

7/4. nor does it border upon it.

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Cross July 10th Did you cross said Creek, in crossing the first or the second line, as above stated?

Answer - I did not cross it at all.

Cross July 11th - About how near it did you pass?

Answer - I do not recollect.

Cross July 12th - How far did you pass it within five leagues?

Answer - I do not know.

Cross July 13th - In making your measurement, how near did you pass to the Cañada de Toleras?

Answer - I do not recollect.

Cross July 14th - In what direction is the Kululato Creek from the Cañada de Toleras? At what distance, and in what direction it runs, and where does it empty?

Answer - I believe it is to the East. I do not know the distance and the direction it runs; it empties into the Sacramento River. -

75.

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PAGE NO. 75

Cross duty 15th What Documents if any, were presented to you by Solano, when you proceeded to him, judicial possession?

Answer— A petition addressed to me as the Magistrate, accompanied with this Title papers.

Cross duty 16th What do you mean by Title Papers?

Answer— I mean to say, the Title from the Government. (El Título del Gobierno.)

Cross duty 17th Did you attach the paper containing the record of your proceedings of the judicial possession, to the paper or document handed to you by Solano?

Answer— I have deposited the same into the archives of my office, and the Document handed to me by Solano, I have returned to him.

Cross duty 18th Did you issue any notifications to any persons, in the course of your proceedings, and if so to whom & for what purpose?

Answer— I did not, the witnesses went with me, and there were no coterminal neighbors. (Colindantes)

Cross Duty 19th— Did you administer oath to any person in the course of your proceedings, and if so, to what persons?

Answer— I have, to all who accompanied me, as witnesses and measurers, according to the Ordinance, namely to Damasio Rodriguez, Francisco Figueroa, Paulino Pasquez and others, whose names I do not recollect. I mean the ordinance of the Spanish Government relative to the surveying of land.—

Cross Duty 20th Did you cause the cord to be measured as a measure, and if so, how many varas in length was it?

Answer— I did, but I do not recollect its length, because the length of the cord, in various surveys, is different.

Cross Duty 21st Did you take any information as to the identity of the lands referred to in the title?

Answer— I did, through the witnesses, under oath, as required by the Ordinance.—

Cross Duty 22^d Did you set up any Land-marks on the boundaries of the said land?—

77.

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Answer— I have inquired the party interested to put up the land-marks.

Cross Duty 23rd? Did the party interested erect the land-marks in your presence, at that time?

Answer— He did not.

Cross Duty 24th— What description of house did Solano erect, and how soon after the grant was obtained?

Answer— Ever since I know the place, which is about twenty two years, Solano had a house on the premises; it was built of adobe, but I cannot tell when it was built.

Cross Duty 25th— Do you know or not whether Solano obtained the grant of the said land for his own benefit, or for the benefit of any other person?

Answer— For himself & his family.

Cross Duty 26th— State the name of the vessel, and the commander of it, on which you found a part of the Archives, as stated in your answer to Interrogatory No 9?

Answer— I cannot tell the name

of the vessel, the Commander's name was Montgomery.

Crossed July 24th Have you now the Ordinance, under which you acted, at the time above stated, and how did you procure it?

Answer - I have lost it, during the war with the United States. I bought it from the late Francisco Navarro, who was Alcalde, at the time, at the Mission of Dolores, who has several copies.

Examination resumed by the Counsel for the Claimant.

Question 1st Will you examine the Map in your hand and state whether or not you recognise it as a correct Map of the Rancho of Suisun?

Answer - To the best of my knowledge and belief, it is a correct Map, with the exception that apart from the land embraced within the boundaries of Suisun, is left out on the Map. The part left out, is to the North East from the Embarcadero.

Question 2^d What divides the Valley of Suisun from the Cañon of

79.

Tolones?

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Answer— The range of Hills; the lower part is called the Valley of Suisun, and the upper part the Cañada of Tolones.

Quest 2^d— Does the water from the Cañada of Tolones run to the Valley of Suisun?

Answer— It does.—

Question 4th— Are the different parts of the same Creek called Tolones & Suisun?

Answer— They are; the upper part of it is called Tolones, the lower part Suisun.—

Question 5th— In giving judicial possession of the Rancho of Suisun, did you establish the point separating the Rancho of Suisun from the Tolones?

Answer— I saw the line between the two places, where the Hills approximate each other the nearest.

Question 6th— Does or not, this line cross the Creek at the opening of the Cañada of Tolones upon the Valley of Suisun?

Answer— It does.—

Cross Examination by the U.S. Law

Agent resumed —

Crossed July 1st — Were you present at the survey, upon which the Map, now before you, was drawn, and annexed to this Deposition, marked A.

Answer — I was not present.

(Signed) Salvador Vallejo,
Sworn to & Subscribed
before me this 20th March
1852.

(Signed) N. S. Stanton.
Com^r —

Filed in Office March 20th 1852.

(Signed) Geo. Fisher
Scty —

Office of the Board of
Commissioners of California
Land Claims.

San Francisco March 29th 1852.

On this day before me Harry, J. Stanton, one of the Commissioners of said Board, concerning & settling Private Land Claims in the State of California, came Manuel Jimeno a witness produced in behalf of A. A. Ritchie, Claimant, being N^o 3, on the Docket of the Commissioners, being duly sworn testified as follows, his evidence being given in the Spanish Language and interpreted by the Secretary, George Fisher by consent of the Counsel for Claimant. —

The Law Agent was notified & attended.

Questions propounded by the Claimant.

Question 1st What is your name, age and place of residence and how long have you resided in California?

Answer — My name is Manuel Jimeno, my age forty nine years, my present Residence Monterey. I have resided in California twenty four years.

Question 2nd What office have

you held in California?

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Answer— I have held various offices in California, among them the following:

Constitutional Alcalde of Monterey, Collector of Customs, and Commissary General of Monterey, Secretary of State, acting Governor three different times; also member of the Departmental Assembly and of the Territorial Deputation.

Question 3^d— Are you acquainted with the hand writing of Juan B. Alvarado, Manuel Jimeno, José Ramón Estrada, José María Castañares, Pío Pico and José María Comanubias, if yes, state if their signatures on and to the Documents now here shown you are genuine, and if they are the originals of the Copies which are filed with the Petition of A. A. Ritchie in the office of the Secretary of the Board of Land Commissioners for California, marked exhibit A and referred to in said Petition, which is #3 on the Docket of said Board?

Answer— I am acquainted with the hand writing of Juan B. Alvarado, Manuel Jimeno, José Ramón Estrada, José María Castañares, Pío Pico, and José María Comanubias; and I recognise their signatures.

84. signatures affixed to the Documents now shown to me and which I now hold in my hand as the genuine signatures of those persons; and I know the Documents to be the originals of the Copies which are filed with the Petition of A. A. Ritchie in the Office of the Board of Land Commissioners of California, marked Exhibit A, which Copies I also hold in my hand, and have compared them with the said original and found them correct; and that the signature of Manuel Jimeno is my own signature.

Question 4 - Whether by the Laws and Customs of this Country, when it was under the Mexican Government an emancipated Indian had the same right to acquire, sell and alienate Lands and other property as any other Citizen, and if any other forms were required in his case than in any other purchases or sales between White Citizens?

Answer - The emancipated Indians, at the time referred in the above interrogatory enjoyed all the rights, privileges and immunities of Mexican Citizens and were subject to all the duties and obligations required of such Citizens, and had the same right of buying and selling Land

85. and other property.

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1 Signed, Manuel Simons

Sworn to & Subscribed
Before me this 29th March
1852.

1 Signed, Harry L. Stanton
Com^{rs}

Filed in Office March 29th 1852.

1 Signed, Geo. Fisher
Secty -

86.

✓

CASE NO. 2 ND
PAGE NO. 85Office of the Board of Commis-
sioners of Land Claims in
California.

San Francisco, June 12, 1852.

On this day, before me, Henry D. Thornton, one of the Commissioners for ascertaining and settling private Land Claims in California, came Jacob P. Leese, a witness produced in behalf of the claimant, A. A. Ritchie, being No. 3, on the Docket of said Commissioners, and being duly sworn, testified as follows. The Law Agent of the U. S. was notified and attended;

Questions by claimant.

1st Question. What is your name, age, and place of residence?

Answer. My name is Jacob P. Leese; my age is fifty three years; I have resided in Monterey since 1849, and previous to that in Sonoma.

2d. Do you know any thing about the sale of the tract of land called "Guisun", by Francisco Solano; and if so, say what you know?

Answer. In the year 1840, Francisco Solano offered to sell me the Rancho of "Guisun" for the sum of one thousand Dollars; I examined the land, and declined the offer, considering it, as land sold at that time, as a pretty high price. In 1841 Solano offered it at the same price to Capt. Henry D. Fitch; Capt Fitch examined the land, but declined the offer. It was also offered by Solano in

1841, to one Hermittinger who went on the land, but afterwards declined to purchase.

In May 1842, Solano sold the land to M. G. Vallejo, for one thousand dollars.

3d. Question. Did you, or not, consider that sum as a fair price for the land?

Answer. I did consider it a high price at the time; I could have purchased it for that sum, and I know it was offered to others for that sum.

4th. Question. Did you, or not, consider at the time that by the usage and custom of the country, Solano had a right to sell his land?

Answer. By the usage and custom of the country, Solano had a perfect right to sell the land; no one to my knowledge expressed any doubt of his right to sell his land; I did not want the land at that price, and for that reason did not purchase; I had no doubt about the title.

5th. Question. How long have you lived in California, and what offices have you held?

Answer. I have lived in California 19 years; I was 1st Alcalde and Judge of 1st instance of the District of Sonoma in 1844 and part of 1845.

(Signed) Jacob P. Leese.

{ The Agent of the U. S. present
and declines to cross-examine

Sworn to, and subscribed before me,
this 12th of June.

(Signed) Harry J. Thornton, Comm'r. &c.
Filed in Office, June 12, 1852.

(Signed) Geo. Fishw, Sec'y.

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CASE NO. 2 NO
PAGE NO. 87

Office of the Board of Commis-
sioners of California Land Claims.
San Francisco, Augt 6, 1852.

On this day, before me, Henry J. Thorn-
ton, one of the Commissioners for ascertaining
and settling private Land Claims in the
State of California, came M. G. Vallejo, a
witness produced in behalf of the claimant,
A. A. Ritchie, whose petition is No. 3, on the
Docket of the Board, and was duly sworn.
His evidence being given in the Spanish
language, was interpreted by the Secretary.
The Law Agent was notified and attended.

Questions propounded ^(by) the claimant.

1st Question. What is your name, age, and
place of residence?

Answer. My name is Mariano Guadalupe
Vallejo; my age is 45; I now reside in
Sonoma, and have resided in California,
all my life.

2d Question. State, if you know, whether Fran-
cisco Solano, the original grantee in this
case, held any office or Commission under
the Mexican Government; and if so, what
office, and at what time?

Answer. When I held the office of Comman-
dant of the Northern frontier, I received a
letter from the Minister of War in Mex-
ico, enclosing a Commission of Captain
in the Mexican Army for said Francis-
co Solano, which was given by me to
Solano, and which he continued to hold
until the taking of this country by the

United States. I think he was commissioned as Captain in the year 1836. He was a brave officer, and rendered very important services to the Mexican Government against the wild Indians on the Northern frontier.

(Signed) M. G. Vallejo.

I decline cross Interrogation,

(Signed) Geo: W. Cooley,

U. S. Law Agent.

Sworn to, and subscribed before me,
this 6th of August, 1852.

(Signed) Harry J. Thornton,
Comm^r & c^r.

Filed in Office, August 6, 1852

(Signed) Geo: Fisher,

Secretary.

Office of the Board of Land Commis-
sioners in California

Los Angeles, September 14th 1852.

On this day, before me, Harry J. Thornton, one of the Commissioners for ascertaining and settling private Land claims in California, came Pablo de la Guerra, a witness produced in behalf of the claimant, A. A. Ritchie, whose petition is No. 3, on the Docket of said Commissioners, and after being duly sworn, testified as follows: The Law Agent of the U. S. was duly notified and attended.

1st, Question. What is your name, age, and place of residence?

Answer. My name is Pablo de la Guerra;

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CASE NO. 2 ND

PAGE NO. 89

2d.

my age about 32 years: I reside in Santa Barbara, and have resided in California all my life.

Question. What was the usage and custom of the country with respect to sales of lands by Indians, which had been granted to them by the Governor: Was there any distinction in this respect between Indians and whites?

Answer. I know of no distinction; I have always understood that Indians had the same rights of property under the Mexican laws as white men. I have frequently known Indians to sell lands which had been granted to them, and such sales were always considered legal under the Mexican Government.

Questions by the U. S. Law Agent.

Quest. 1. What action have you ever known to be taken by the Mexican Government which would show that said Government considered sales made in California by Indians legal?

Answer. I know of no action by the Government or public authorities, either approving or disapproving such sales.

Quest. 2. Have you ever known any action taken either by the public authorities in California, or by people living in California, which would show that such sales by Indians were considered legal?

Answer. I know of no action taken either

by the public authorities, or by the people in regard to this matter. I know of no instance where the Governor of California recognized the right of an Indian to sell land. I refer to the letter which is among the papers in case No. 50 - Dated San Luis Obispo, July 11th, 1846, - I have frequently known of sales made by Indians to white people, and considered by them as valid.

Quest. 3. How many such instances have you known?

Answer. I now remember distinctly four such instances.

Questions by claimant's counsel.

Quest. 1. Whether or not sales by Indians of lands granted to them by the Government, were made as freely and as generally in California as such sales were made by whites, in proportion to the relative number of the two kinds of grants?

Answer. They were made as freely and as generally.

(Signed) Pablo de la Guerra,

I acknowledge and notice of the time and place of taking the above deposition.

(Signed) Geo. W. Cooley,

U. S. Law Agent.

Given to and subscribed before me,
this 14th September, 1852.

(Signed) Henry J. Thornton, Comm'r, U. S.

Filed in Office, Sept. 20th, 1852

(Signed) Geo. Fisher, Sec'y.

Office of the Board of
Commissioners of California
via Land Claims.
San Francisco May 7th 1852.

On this day, before me Hilario Hall,
one of the Commissioners for ascertain-
ing & settling Private Land Claims
in the State of California, came Salvador
Or Vallejo, a witness produced in be-
half of the claimant, Archibald
A. Ritchie, whose petition is No 3 in
the Docket of the Board & was duly
sworn. The Law Agent was noti-
fied & attended.

In answer to questions put
by the Counsel for the claimant
the witness testified as follows:

My name is Salvador Vallejo,
my age is forty years and I reside
in Sonoma in this State & have
always resided in California.

A paper purporting to be
a deed from Francisco Solano to Ma-
cian Guadalupe Vallejo, dated May
10th 1842 being shown me I say
that the signatures of Fran^{co} Solano,
Jose de la Rosa, Cayetano Suarez
& my own signature appearing upon
the same are genuine. That I signed
the same myself at the date which

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the instrument bears & saw the other
 said persons sign the same at the
 same time. My own signature
 & that of Rosa & Quarez appear
 upon said instrument in two places.
 The instrument was executed in the
 proper form to convey land under the
 Mexican law in force in California
 at the time, before me as a Civil Ma-
 gistrate. - The said instrument is
 marked N^o 1 N.H. -

1 Signed / Eduardo Vallejo
 Sworn & Subscribed

Before me

1 Signed / Hiland Hall
 Com^{ry}

Attest in Office May 7th 1852.

1 Signed / Geo. Fisher
 Secy. -

En el pueblo de Sonoma de la Alta California a los diez dias del mes de Mayo del año de mil ochocientos cuarenta y dos ante mi el Capitan Don Salvador Vallejo, Comandante militar de dho punto ejerciendo la jurisdiccion civil y testigos, Francisco Solano, vecino de el, Ego: que por si y en nombre de sus hijos, herederos, sucesores y de quien de ellos hubiere titulo, voz y causa en cualquiera manera, vende y da en venta real y enajenacion perpetua por puro de heredad para siempre para el Sr Coronel y Comandante General D. Mariano Guadalupe Vallejo, vecino tambien del mismo Pueblo de Sonoma, y a los suyos el terreno del "Huicun" en cantidad de cuatro sitios de ganado mayor que pertenece en posesion y propiedad, colindante al poniente con el Rancho de Orzol y Tulcan, y al noroeste con Soleras segun consta por los titulos de pertenencia que adunan esta escritura, por los cuales corresponde en posesion y propiedad al otorgante, el cual declara y asegura no tenera vendida ni empeñada y que esta libre de tributo, memoria capellanias, vinculo, Patronato, Fianza y de otro gravamen perpetuo, temporal, especial general, tacito y expreso, y como tal se lo vende con todas sus entradas, sa-

salidas, fabrica, usos, costumbres,
 regalías, sermientes, y demas cosas
 necesarias que ha tenido, tiene y le
 pertenecen segun derecho, por mil
 pesos fuertes mexicanos, que tiene
 recibidos en numerada pecunia
 segun el mismo confeso, y renun-
 cia la ley 9 del tit. 14 Partida
 5^a y asimismo declara que el justo
 precio, y verdadero valor del referido
 terreno, son ocho mil reales, y que
 no vale mas, ni halló quien
 tanto les halla dado por el, y si mas
 vale, o valer puede, adeseo en
 poca o mucha suma hacia fa-
 vor del comprador, y de sus herederos
 y sucesores, gracia y donacion pura,
 perfecta e irrevocable, en soli-
 dad con insinuacion y demas fi-
 mezas legales, y renuncia la ley
 2^a tit. 14 l. 10 N. B. que trata de los
 contratos de venta, trueque y de otros
 en que hay lesion en mas, o menos
 de la mitad del justo precio, y
 los cuatro años que se prefieren para
 pedir su rescion o suplemento
 a su justo valor, los que da por
 pagados como si efectivamente
 lo estuvieran. Y desde hoy en a-
 delante para siempre se debe poder
 resistir, quitar y apartar, ya si o here-
 deros y sucesores del dominio o pro-
 piedad, posesion, titulo, voz, recurso
 y otro qualquiera derecho que le com-

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CASE NO. 2 ND

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competencia al enunciado terreno del Sur,
 se cede, renuncia y tras pasa en las
 acciones reales y personales, útiles,
 mixtas, directas y ejecutivas en
 el comprador ya quien la suya
 represente, para que la posea, goce,
 cambie, enajene, use y disponga
 de ella a su elección como de cosa
 suya, adquirida con legitima y
 justo título. Y le confiere poder
 irrevocable en libre fianca y gene-
 ral administración, y como tal tuvo
 Procurador actos en su propia
 causa, para que de su autoridad
 entre, y se a padre del nominado
 terreno y prometa la real tenencia
 y posesión que por derecho le compete
 y para que no necesite tomarlo me-
 dide que le de copia autorizada
 de esta escritura, con la cual sin
 otro acto de aprehención ha de
 servirse haberla tomado; aprehen-
 dido y transferido, y en el interin
 se constituya su inquilino, tenedor,
 y poseedor en legal forma.
 Y se obliga a que dicho terreno sea
 cierto, seguro y efectivo al compra-
 dor, y nadie le inquietará su mor-
 ra, ni objeto sobre su propiedad, po-
 sesión, goce y disfrute, ni contra el
 aparcera o quovimen alguno, ya si a le
 inquietare, muriere o desapareciere, luego
 que el otorgante, y sus herederos
 sucesores sean requeridos conforme

a derecho, saldrán a su defensa,
 y lo seguirán a sus expensas en
 todas instancias y tribunales,
 hasta ejecutarlo, y dejar al
 comprador y a los suyos en su li-
 bre uso y quietud y pacífica pose-
 sión; y no pudiendo conseguirlo,
 le darán otro igual en valor de
 fábrica, sitio, renta y comodida-
 des, y en su defecto le restituirán
 la cantidad que ha desembol-
 sado, las mejoras útiles, precisas
 y voluntarias que a la sazón ten-
 ga, al mayor valor y estimación
 que en el tiempo adquiriera, y todos
 las costas, gastos, daños, intereses
 o menoscabos que se le siguieren
 e incurrieren por todo lo cual se le
 ha de poder ejecutar solo en vir-
 tud de esta escritura, y juramento
 del que la posea, o de quien le
 represente, en quien dependa su im-
 porte y le eleve de otra prueba,
 y a la observancia de todo lo re-
 ferido obliga su persona y bienes
 habidos y por haber. Y confiere
 amplios poderes a los Señores Jue-
 ces y tribunales de la Nación
 que de este negocio deben conocer
 conforme a derecho, para que le
 apremien a su cumplimiento como
 por sentencia definitiva de juez com-
 petente, pasada en autoridad de
 cosa juzgada y consentida, que por

98.

tal lo recibe.

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(Firmado) Juan^{co} + Solano

(Firmado) Salvador Vallejo,

Jefe de Asa

(Firmado) José de la Rosa.

Jefe de Asa

(Firmado) Cayetano Suarez.

En el infrascrito doy fe con lo de asistencia de su base extendido la antecedente escritura en papel común por no haber en este lugar el sello que corresponde. Fecha ut supra.

(Firmado) Salvador Vallejo,

Asa

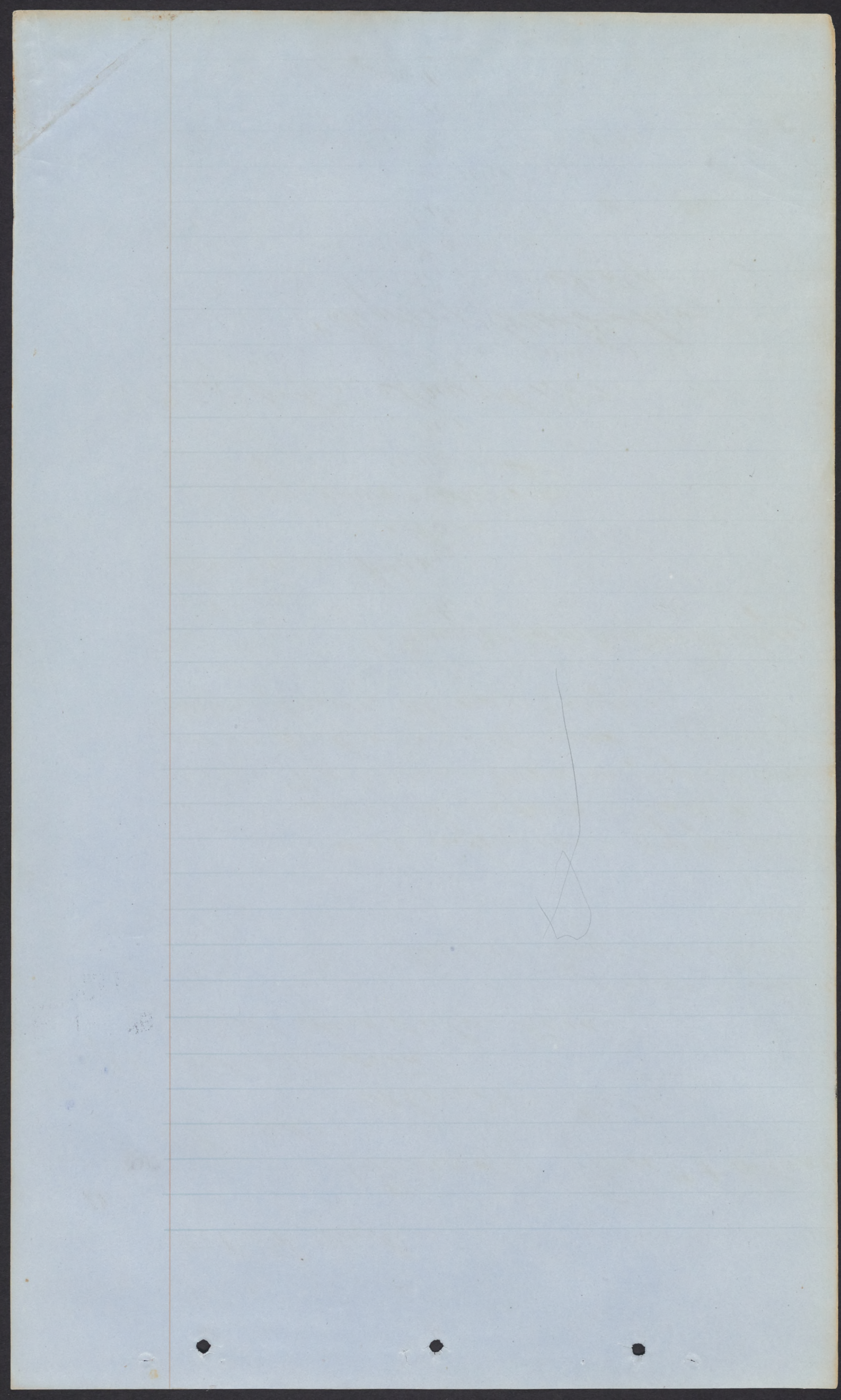
Jefe de la Rosa,

Asa

Cayetano Suarez.

Filed in office May 7th 1852.

(Firma) Geo. Fisher
Clerk



99.

D.

Translation
of
Exhibit
Nos. H.H.

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In the Pueblo of Sonoma of Alta California this 10th day of the Month of May, of the year One thousand, eight hundred and forty two, before me, Captain Salvador Val-
 lizo, Military Commandant, exercising the Civil Jurisdiction of said place, and witnesses, appears Francisco Solano, resident of the place, and says, that for himself, and in the name of his children, heirs, successors, and whosoever of them may have title, voice, or cause in what-
 ever manner, he sells and gives in real sale, and perpetual alienation, by right of inherit-
 ance forever, to Colonel and Commandant General Don Mariano Guadalupe Vallejo, also resident of the same Pueblo of Sonoma, and to his heirs and successors, the land of Guisun, in quantity "four sitios de ganado mayor", which belongs to him in possession and prop-
 erty, bounded on the west by the Rancho of Guscol and Tolenes, and on the North-east by Tolenes, as appears by the titles of ownership which are annexed to this conveyance, by which it belongs in possession and property to the grantor who declares and gives assurance that he has not sold nor pledged it, and that it is free from tax, demands, Church due, entail, charitable or pious charge, Bond, or other incumbrance, perpetual, temporal, spe-
 cial, general, tacit and expressed, and as such he sells it with all its rights of way, improvements, uses, customs, perquisites, servitudes, and other appurtenances, which it has held, holds, and which pertains to it of right, for One thousand hard Mexican Dollars, which he has received

in cash, as he himself acknowledges, and he relinquishes the benefit of Law 9 of Title 1st Partidas 5th, and he also declares, that the just price and true value of the said land, is eight Thousand reales, and that it is worth no more, nor did he find one who would give so much for it; and if it is, or may be worth more, whether the excess be great or small, he makes of it, to the purchaser, his heirs and successors, a grant and donation, pure, perfect, and irrevocable, being in sound mind, and full understanding, and with due form. And he relinquishes the benefit of Law 2d Title 1st, Lib. 10 N. R. which treats of contracts of sale, barter, and others, in which there is lesion in more or less than a half of the just price, and the four years for asking its rescission, or a supplementary payment to its just value, which he considers as past in the same manner as if they had already expired; and henceforth and forever he and his heirs, and successors, release, desist, retire, and withdraw from the dominion, property, possession, title, voice and recourse, and whatever other right pertains to the land of Guisun, he grants, relinquishes, and makes it over, with the actions, real, personal, useful, mixed, direct and executive, to the said purchaser and his representatives, so that he may possess, enjoy, exchange, alienate, use, and dispose of it at will, as his own acquired by legitimate and just title. And he confers upon him irrevocable power, with free, full and general administration, and appoints him his Attorney in fact, in order that with his authority

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CASE NO. 2 ND
PAGE NO. 100

he may enter upon and take the said land and hold the real tenure and possession which by right belongs to him. And that he may not need to ask me that I give him a certified copy of this conveyance, with which without any other act of taking possession, he shall be considered as having taken possession seizin and conveyance, and in the interim he (the vendor) constitutes himself the tenant holder and temporary possessor for the vendee in due form of law. And he binds himself that the said land shall be the certain, secure and full property of the vendee, and that no one shall disturb, nor institute a suit against his ownership, possession, enjoyment and profit, nor shall appear against him any incumbrance and if any thing should trouble, molest, or appear against him, immediately that they are required by law, the vendor and his heirs shall appear in his (the vendee's) defence, and they shall, at their own expense, pursue the matter in all the proceedings and tribunals, until the conclusion, and until the vendee and his heirs and successors, shall be left in the free use, and quiet and peaceable possession; and not being able to succeed, they, the vendors shall give to him, the vendee, another piece of land equal in value, improvements, situation, rents and accommodations; and in default of this, they will restore to him the amount which he has expended, and reimburse him for the useful, necessary and

voluntary improvements, which he may have at that time, at the best value and appraisement, which in time it may acquire, and all the costs, expenses, damages, interest or deteriorations, which may be suffered or sustained, for all ^{of} which he may be executed by the mere virtue of this conveyance, and the oath of him who may propose the same, or of whosoever represents him, for which he confesses judgment without other proof. And for the observance of all the foregoing, he binds his person and property, both acquired, and hereafter to be acquired: and confers full power upon the magistrates and tribunals of the nation, which maybe authorized by law to act in this matter, to force him to the fulfillment, as by a definitive judgment of a competent court, passed with the authority of res judicada, and consented to, and as such received by him, the vendor.

(Signed) Francisco Solano
his
mark

(Signed) Salvador Vallejo

Present witnesses

(Signed) José de la Rosa.

(Signed) Cayetano Suarez.

I the undersigned certify with the attending witnesses, that the preceding conveyance was issued on common paper, there being in this place, no paper of the corresponding stamp. Date as before

(Signed) Salvador Vallejo

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Attending witnesses,
(Signed) José de la Rosa.
(Signed) Cayetano Suarez.

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The above documents as corrected in the
margin, are faithful translations.
(Signed) J. B. Carr.

Filed in Office, Jan'y 21st, 1852.
(Signed) Geo. Fisher,
Sec'y.

100-100-100
100-100-100

104.

CASE NO. 2 ND
PAGE NO. 103

Office of the Board of
Commissioners of Califor-
nia Land Claims.
Los Angeles Sept 14 1852.

On this day before Harry S. Thom-
ton one of the Commissioners for ascer-
taining & settling private Land Claims
in California, came Pablo de la
Guerra a witness produced in behalf
of the Claimant, A. A. Ritchie, whose
Petition is No 3 on the Docket of the
Commission & was duly sworn, his evi-
dence being given in English. —

1st Question — What is your name
age & place of residence?

Answer — My name is Pablo de
la Guerra, my age is about 32 years;
I reside in Santa Barbara, and have
resided in California all my life.

2^d Quest — Examine the pa-
pers before you & say whether you
know the signatures, and whether
the Copy annexed hereto is a true Copy
of this Original?

Answer — I am acquaint-
ed with the signatures of Manuel
Michelena & Manuel Jimeno; their
signatures to this paper are genuine,
and the Document itself is to the best

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CASE NO. 2 ND
PAGE NO 104

of my knowledge & belief genuine
and an original, and the paper annexed
hereto is a true copy of the original.

(Signed) Edw. de la Guerra.

U.S. Lar Agent.

notified & consenting.

Sworn to & Subscribed

Before me this 14th of
Sept 1852.

(Signed) Nancy J. Thurston
Com^{rs}

Filed in office Sept 20th 1852.

(Signed) Geo. Fisher
Clerk

Sello Luinto Va Real.

Habilitado provisionalmente por la Aduana
maritima del Puerto de Monterey, en el De-
partamento de las Californias, para los
años de mil ochocientos cuarenta y cuatro
y mil ochocientos cuarenta y cinco.

Micheltorna Pablo de la Guerra.



Exmo Sr.

Monterey Oct^o
30 de 1844.

Supl^o el Sr. Srío
universal de el
Despacho de este
Gobierno, tomando
precedencia los que
necesitare. —
(Firmado)

Micheltorna

Aduana Primeres, natural
del Departamento de Califor-
nia y residente en la Yerba
Buena, ante la Alta justi-
ficación de V. E. y como mejor
conviene, tomando pre-
cedencia los que
necesitare. —
Família y teniendo un nu-
mero considerable de ganado
vacuno y caballar consi-
derando de un terreno donde tener mis
dhos bienes para su seguri-
dad, se me proporciona un
terreno que me vende José Gorgonio nofite
de la Misión de Sta Clara, que le fué an-
cedido en propiedad como consta por los
documentos que adjunto á V. E. por lo que
le suplico se digné concederme la li-
cencia de comprarlo; como igualmente
la de venderlo el propietario pues este
no tiene con que cultivarlo y á mi me es
beneficio para beneficio de mi numero-
sa familia.

Por tanto á V. E. suplico se dignen acceder á mi solicitud de quien espero merecer y gracia. — Esos que lo dicho es la verdad. —

Monterey Octubre 30 de 1844. —

En no saber firmar le doy poder á D. José de la Rosa. —

Conforme á la voluntad del Gobierno, fue la interesada al Juez del Pueblo de S. José, quien por la ley tiene facultad de autorizar la venta que se trata en solicitud de la queitta, lo que como luído tiempo se devuelve por dicho Juez, á la interesada, por su debido usguardo. —

Monterey Octubre 30 de 1844.

(Firmado) Man. Jimeno.
Srio. —

Filed in Office Sept 20th 1852.

(Signed) Geo. Fisher
Secty. —

Stamp Fifth One Real
 Provisionally authorized by the Ma-
 ritime Custom House of the Port of
 Monterey in the Department of the
 California, for the years one thousand
 eight hundred forty four & one thousand
 eight hundred forty five -
 Micheltorna - Cablodela Buena



Most Excellent Sir,
 Monterey Oct 20 1844 - I Juana Briones,
 a native of the Department
 Let the gene of California, and resident
 val Secretary in Santa Buena, before
 of the office of your Excellency's High Jus-
 this Government certification, and as best I
 port, taking pre may in law, say: that
 visously the exam being burdened with a
 nations which he family and having a consi-
 may require. - Suitable number of meat
 cattle & horses, being granted
 Micheltorna, of a land where I may
 keep my said property for
 its security, a land is offered
 to me which Jose Yorgona
 neophyte of the Mission of Santa Clara
 sells to me, which was granted to him
 in fee, as appears by the documents
 which I transmit to your Excellency,
 wherefore I pray you to give me leave
 to purchase it, as also to the owner
 permission to sell it, for he has no means
 of cultivating it, and to me it is a benefi-

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for my numerous family.

Therefore I pray your Excellency to have the goodness to accede to my request, of whom I will expect favor & grace. I swear that the foregoing is the truth.

Monterey October 30th 1844.

Not knowing how to write, I give authority to Don (Signed) José de la Rosa.

CASE NO. 2 ND

PAGE NO 108

In compliance with the wish of the Government, let the person interested pass to the Magistrate of the Pueblo of San José, who by law has authority to authorize the sale treated of in the foregoing petition; which being finished let all (the papers) be returned by said Magistrate to the person interested for her due security.

Monterey October 30th 1844
(Signed) Manuel Amens.

I certify the foregoing to be a true and correct translation from the Spanish document annexed to the deposition of Pablo de la Guerra, taken before Commissioner H. D. Thomson, Sept^r 20th 1852, in Case No 3, Archibald A. Ritchie, for the place, named "Luisen".

(Signed) Geo. Fisher
Secty -

Filed in office Sept^r 20th 1852.

(Signed) Geo. Fisher Secty -

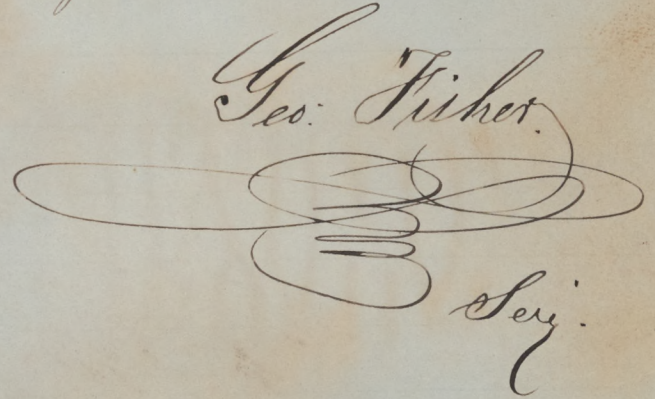
110.

CASE NO. 2 ND
PAGE NO. 109

I, George Fisher, Secretary to the Board of Commissioners to ascertain and settle the private Land Claims in the State of California, do hereby certify the foregoing 15~ pages, numbered from 1 to 15~ both inclusive, to contain a true, correct and full Transcript from the Journal of proceedings of the said Board, in Case No. 3, Archibald A. Ritchie, claimant, against the United States, for the place named "Guisun". I further certify the foregoing 94~ pages, numbered from 15, to 109~ both inclusive, to contain a true, correct, and full copy of the original Depositions of witnesses, and other documents, any evidence on file in this Office, in the same case.

In testimony whereof, I hereunto set my hand, and affix my private Seal, not having a seal of Office, at San Francisco, California, this eighteenth day of May, A. D., 1853, and of the Independence of the United States of America, the seventy seventh.

Geo. Fisher.



Secy.



#2

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2

[Faint, illegible handwritten text]

2

No 2 - N D
Ritchie - N W
"Seison"

Transcript of the Proceedings

CASE NO. 2 ND

PAGE NO. 110

in Case No. 3

"
Luisun
"

Archibald A. Richie Claimant

^{vs}
The United States Defendant

230 folios

CASE NO. 2 ND
PAGE NO. 111

Office of the Board of Commissions
to ascertain & settle the
Private Land Claims in the State
of California

Be it remembered, that on this Wednesday
the twenty first day of January Anno Domini
One Thousand Eight hundred and fifty two
before the Commissioners to ascertain and settle
the private Land Claims in the State of Cali-
fornia sitting as a Board in the City of
San Francisco in the State aforesaid in the
United States of America, the following proceed-
ings were had to wit

The Petition of Archibald A Ritchie
for the Rancho de Luisen was first ordered to be filed
and docketed No 3 and is as follows to wit

No 3 Archibald A Ritchie Claimant

The United States ^{vs} Defendant

To the Honorable Commissioners
to settle private Land Claims in California

The Petitioner Archibald A Ritchie res-
pectfully shows that on the 21st day of January
AD One thousand Eight hundred and fifty two

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Mariano B. Alvarez, Governor of the Department of the
Colombias, by virtue of the authority of his office
granted to Francisco Solano, the tract of land
known by the name of LUISMA situated in the
jurisdiction of Sonoma and in the now County
of Solano, comprising four square leagues of land
(four sitios de ganader mayor) with the limits
as shown in the map accompanying the pe-
tition of said Solano

That on the third day of
October A.D. 1845 the Departmental Assembly approved
the said grant in the due form of law, copies of
which petition, map, grant and approval are
hereto annexed marked A with translations marked
B.

The petitioner further shows that on the
10th day of May A.D. 1842, the said Francisco Solano
by public act sold and conveyed the said
tract of land to Mariano Guadalupe Vallejo
a copy of which act of sale is hereto an-
nexed marked C with a translation marked
D.

That on the 29th day of August A.D. 1850
the said Mariano Guadalupe Vallejo, and
Francisca Benicia his wife, sold and conveyed
the said tract of land to him, the said Archibald
A. Ritchie, a copy of which conveyance is annexed
hereto marked E.

That at the time of the said grant to the
said Solano, he the said Solano was in the
actual use and occupation of the said land
and remained in possession until the sale thereof

to Tallijo; at which time the said Tallijo took possession thereof and was in its actual use and occupation until he sold it to the said Hetchi, who by said sale and actual occupation became seized and possessed of the said tract of land.

That the said Solano the original grantee of the said tract of land and the said M. Tallijo, the purchaser from Solano have done and performed in the due course of law all the requirements of said grant, necessary to make the grant aforesaid full perfect and absolute.

That the Petitioner knows of no interfering claim,

That judicial possession was given of the land in the year 1842 in or about the month of April.

That the land has not been surveyed by the Surveyor General of the United States but the same has been frequently surveyed and its boundaries are ^{definitely} well known.

The Petitioner relies for Confirmation of title upon the original papers copies of which are hereto annexed, upon the documents and minutes concerning the same, in the Archives in the possession of the Surveyor General upon proof of judicial possession and such other proofs as he may be advised are necessary.

Wherefore he prays the Court please to decide upon the validity of said grant to the said Francisco Solano and to confirm the

same to himself

By his atty

(Signed) Halleck Peachy & Billings

Wid. Com. 21st 1852

O'Brien,
Depty

Upon which petition the following subsequent
petition proceedings were had in their chrono-
logical order, to wit;

Thursday March 18th 1852.

In case No 3 Archibald A Ritchie, the deposition
of Manuel Baco, a witness in behalf of the
Claimant taken before Commissioner Heland
Hall was filed and is in the words and
figures following to wit (vide page 66 of this
transcript.)

In the same case the deposition of
Mariano Guadalupe Talleyo, a witness in be-
half of the Claimant, taken before Commissioner
Heland Hall was filed and is the words &
figures following to wit (vide pp 58 of this transcript)

In the same case the deposition of
Juan Felipe Peña a witness in behalf of the
Claimant taken before Comm^r Heland Hall
was filed and is in the words & figures as
follows to wit (vide page 62 of this transcript)

Friday March 19th 1852

In case No 3 the Archibald A Ritchie, the Dep

deposition of Marcos Basa a witness in behalf of the Claimant taken before Commissioner Heiland Hall was filed and is in the words and figures as follows to wit (vide page 63 of this transcript)

In the same case the deposition of Julio Carillo a witness in behalf of the Claimant taken before Commissioner Heiland Hall was filed and is in the words and figures as follows to wit, (vide page 65 of this Transcript)

Saturday March 26th 1852
In case No 3, Archibald A Ritchie, the deposition of Salvador Tallyo, a witness in behalf of the Claimant taken before Commissioner Henry J. Thomson was filed and is in the words and figures as follows to wit, (vide pp 67 of this Transcript)

Monday March 29th 1852
In Case No 3 Archibald A Ritchie the deposition of Manuel Jimeno a witness in behalf of the Claimant taken before Commissioner Henry J. Thomson was filed and is in the words and figures as follows to wit (vide page 82 of this transcript)

Friday May 7th 1852
In case no 3 Archibald A Ritchie the deposition of Salvador Tallyo a witness in behalf of the Claimant, taken before Commissioner Heiland Hall and is in the words and figures as follows to wit (vide page 92 of this transcript)

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Saturday June 12th 1852

In case No 3 Archibald A Ritchie, the Deposition of Jacob J. Lee a witness in behalf of the Claimant taken before Commissioner Henry J. Thornton was filed and is in the words and figures as follows to wit (vide page 86 of this transcript)

Tuesday June 15th 1852

Case No 3, Archibald A Ritchie was set for hearing in its order, and placed in the trial block.

Friday August 6th 1852

In Case No 3, A A Ritchie, the Deposition of M. J. Vally a witness in behalf of the Claimant taken before Commissioner Henry J. Thornton was filed and is in the words and figures following to wit (vide page 88 of this transcript)

Monday September 20th 1852

In case No 3, Archibald A Ritchie the Deposition of Pablo de la Guerra a witness in behalf of the Claimant taken before Commissioner Henry J. Thornton was filed and is in the words and figures as follows to wit

(vide page 89 of this transcript)

In the same case the Deposition of Pablo de la Guerra, a witness in behalf of the Claimant, taken before Commissioner Henry J. Thornton was filed and is in the words and figures as follows to wit - (vide page 104 of this transcript)

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Thursday December 23rd 1832
Case No 3, Archibald A Ritchie, called
The Counsel for the Claimant opened the
argument, and the Case continued for argu-
ment to Monday morning next 27th inst at 10 o'clock

Monday December 27th 1832
Case No 3, Archibald A Ritchie - called
Argument by the U S Law Agent commenced
and concluded, Case submitted with the evi-
dence and taken under advisement by the board

Monday January 3rd 1832
In case No 3, Archibald A Ritchie, Com-
missioner Henry S Thomson delivered the
opinion of the Board, and the decree of final
confirmation

Ordered, that the opinion and decree of final
Confirmation of this Board, delivered this day in
this case, be recorded on the Journal

Which opinion and decree are in the
words and figures as follows to wit

Archibald A Ritchie assignee of
The United States }
as

Opinion by Comr. H S Thomson

The Claim in this case presents
ed is founded on a grant made on the 28th of Jan'y

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1842 by virtue of the Decree of the Mexican Congress
of the 18th of August 1824 and of the Executive
Ordinance of the 21st November 1828 by Juan B
Alvarado Governor of California to Francisco
Solano, which grant on the 30th of Oct 1845 was
approved by the Departmental Assembly of
California, In accordance with the usual
requirement within the year of the grant an
accurate measurement of the land was made
and judicial possession thereof delivered to
the Grantee, Prior to the Petition for the grant
in full property as early as in 1837 the grantee
was put in possession of the identical land
under a provisional title by General Vallejo,
who was Military Commander of the Northern
frontier and Director of Colonization whiled then
in possession, Solano built upon the premises
a large dwelling house a number of store houses
and smaller ones for his people and retainers
He enclosed and cultivated considerable por-
tions of the land and occupied other portions
with his ^{herds} Cattle & horses, The present Claimant de-
nies his interest in the land, through mesne con-
veyances from the grantee, in whom and those
claiming under him, the peaceful enjoyment and
uninterrupted enjoyment of the premises has been
had from the year 1837 down to the acquisition of
the Country by the Government of the United States
The Validity of the Grant the Authority of the Grant
as well as all the facts above cited are fully estab-
lished by duly authenticated transcripts from
the public Archives of the former Government and
by other evidence on file in this case. The proceeds

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ings in this instance from their imperfect state
to their final consummation of the title by
the grant of full propriety, and the performance
of all the Conditions annexed are so regular and
complete that the only objection against the con-
firmation of the Claim, which have been suggest-
ed, are to the Capacity of the grantee, to re-
ceive a grant of land, or to dispose of it by alien-
ation as was done in this case, It must be con-
ceded that a grant made in California, in
violation of the public law of Mexico, in virtue
of which it purports to be made is void and
that the land thus attempted to be granted will
remain a portion of the Public Domain. The
supposed illegality of this grant consists in
a fact which if not necessarily inferable from
the grant itself, is abundantly proved by the
record, that is that the grantee was an Indian
born on the spot where he solicited, On the
grant he is declared to be "Indigena" which means
a native or original inhabitant, and also to be
Chief of the tribes of the frontiers of Sonora

It must be observed that private
property if not founded in natural law
is at least so well established by the Common
Consent of all mankind that it is equal with the
history of our race and has now all the force
of natural law of nature. We may consider it
then as of the dignity of a Law of Nature that
all persons of the human species, who are not
idiots or madmen or infants are capable of acquir-
ing property and that full propriety in any

subject is the right to use it for any purpose and to dispose of it as we please, that there is no incompetency in the grantee in this case by the general law of nations there is no doubt, He is one of the human species, he is neither an idiot, or madman nor of such infantile age as not to have attained to the exercise of a rational volition, On the contrary the record shows that he was endued in a more than ordinary degree with the attributes of an elevated moral and intellectual character, He was a Commissioned Officer with the grade of Captain in the Mexican Service, The Governor of California who by the 2nd & 3rd Articles of the Ordinance of the 21st Nov 1828, was the person designated to pass upon the qualifications of the Applicant for land states that he was "a Chief of the Tribes of the Frontiers of Sonora" and worthy of reward for the services he caused to be manifested by that unchristianized people", It is true that the general law on this matter is subject to such municipal modifications as may be made by the legislative authority of different nations, and that such modifications have been often made must also be admitted, The question is whether any such decree or municipal regulation existed in Mexico at the date of this grant as forbade the grantee in this instance to be the recipient of a donation of land or would forbid its alienation by him any more than by any other Grantee, The learned Counsel in this case have extended their researches with most

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Commendable industry and discrimination
into the various issues of Spanish & Mexican
law on this interesting subject, Want of time
only prevents me making that thorough exam-
-ination to which the arguments submitted so
persuasively invite, I have however taken a
view of the question which has led my mind
to a satisfactory conclusion and I will sub-
-mit it with as much concision and brevity
as the pressure of time will allow.

The plan
of Iguala which is the first stable land
mark amid the continued mutations that
agitated the Country from 1810 at least to the
27th Sept 1821 is based upon what has always
been known in the history of those times as
the "three Guarantees" which were the Indepen-
-dence of the Country, the exclusive maintenance
of the Catholic Religion and the abolition of
all distinction between the inhabitants founded
upon race or descent, The last of these guarantees
which is the only one now to be regarded is
contained in the 12th Article of the said plan
and is in the following words, "That all the in-
-habitants of New Spain without any distinction
between Europeans Africans or Indians are
Citizens of this Monarchy, with eligibility alike
to every employment according to their merit
and virtue" By the Treaty of Cordova
between the Spanish Generalissimo and the
Revolutionists which was adjusted on the 24th
of August 1821 the plan of Iguala was reaffirm-
-ed in all its parts, In the Declaration of Inde-

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providence solemnly promulgated on the 28th of
September 1821, the plan of Iguala and
the treaty of Cordoba are announced as the
bases of the Government about to be established
By an express decree of the Constituent Con-
gress on the 17th of September 1822 in the
reign of Iturbide under the title of Augustin
the 1st the fulfilment of the 12th Article of the
Plan of Iguala above quoted was enforced
by a strong and pointed enactment, and
lastly on the 5th of April 1823 in the overthrow
of the Empire and the establishment of Repub-
lican institutions the Constituent Congress re-
affirms "the three guarantees of the Plan of Iguala
The Indian Francisco Salas is expressly
within the letter of the last enumerated Guar-
antee so earnestly announced and so perse-
veringly recognized and reaffirmed, through
all the vicissitudes of his revolution down to
the final establishment of the Republic of Mexico
There is no Constitutional Provision in decree
of the Mexican Republic which I have been able
to find that destroys the equality of civil
and political rights which is conferred upon
all the inhabitants of New Spain by the plan
of Iguala in which they are all declared to be
Citizens of this Monarchy, All who were Citizens
of the Monarchy in the sense of the term Citizens
as used in the Plan of Iguala I presume
became successively Citizens of the Empire and
the Republic, I think it may then be legally
predicated of Salas that he was a citizen of
the Republic and in view of all the laws which

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we have just admitted to stand in the same footing with any other Citizen, with regard to the acquisition and alienation of property. But notwithstanding the necessary Conception that he was a freeman a native inhabitant of the Territory a Citizen of the Republic and capable generally of acquiring and alienating property, yet that he is incapable of becoming a grantee under the Decree of 1824 and Ordinance of 1828, because he is not of the description of persons mentioned as the recipients of lands therein. By the first section of that Ordinance the political Chiefs of the Territories are authorized to grant vacant lands to empresarios, families to single individuals, Mexicans or Foreigners. It is said that Solano is in neither of these categories. He is clearly not an empresario, nor a family, nor a foreigner. If embraced in the Decree then he must come under the class Mexicans. I think it can be demonstrated that Solano is a Mexican. All Indians by the Plan of Iguala are declared to be citizens of the Monarchy, all citizens of the Monarchy became citizens of the Republic; so that Solano became a citizen and surely there can be nothing more than a mere verbal difference between the terms, Mexicans in the sense of the Ordinance and Citizens of Mexico. I will only add in conclusion that as to the legality of the grant by the Indian Chief and Mexican Captain, Huerfano Solano although the question of the propriety of the conduct of the Governor who made it yet the presumption is in favor of the correctness of this construction of

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the Ordinance he was appointed to administer and will stand until rebutted by the production of clear evidence of its error and as to the right and capacity of Tolano, to alienate the land granted to him, the usage as was proved in the case, was for Indians holding full property to dispose of it in the same manner as other citizens of the Country.

In view of all which and in accordance with the principles laid down for our government in the Act of the 3rd March 1851, the claim is declared to be valid and ought to be confirmed. In this result Compañia Real concurs, We therefore enter the final decree of Confirmation viz

(Signed)

Henry Thornton

This Board upon full consideration of the various grounds affecting the validity of said claim, having come to the conclusion that the same is valid, therefore proceeds to make and does hereby make the following decree or report, of final Confirmation viz: It is Decreed that the said claim be confirmed to the claimant to the extent and quantity of four (4) square leagues or sitios de ganado mayor and for no more, being the same land described in the grant and expediente referred to therein and of which possession has been proved to have been held and enjoyed under the grant by the grantee and those claiming under him, Provided, that

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The said quantity of land granted and now
here confirmed be contained within the boundaries
called for in the said grant and map to
which the grant refers, and if there be less than
the said above named quantity within the
said bounds then we confirm to the Claimant
that less quantity, it being apparent that said
quantity exceeds the minimum of two hun-
-dred acres as prescribed in the Ordinance of
the 21st November 1828

Witness our hands this 3rd of July 1853

(Signed) Holland Hall }
(") Henry Thornton } Clerks

Office of the Board of Commissioners
of California Land Claims

San Francisco March 18th
1852

No 23 (Copy)

Samuel W. King Esq
Surveyor General,
Sir,

There is pending before the Board of Commissioners a petition in favor of Archibald A. Ritchie, being No 3, on the Warrant of the Board, claiming a tract of land under a grant from Governor Juan B. Alvarado to Francisco Solano, dated January 20th 1842 which tract of land is called "Luis and" jurisdiction of Sonoma and is described as follows viz; from the Portizuelo to the Salinas (saltworks) of Licha, said land containing 4 sitios de ganaderia mayor (4 square leagues) situate in the County of Salano.

Will you please inform the Board whether the Mexican Archives in your office show that such a grant was made, whether it was approved by the Tribunal or Departmental Representation and when, whether the papers relating to said grant appear in all respects fair and genuine and whether any particular circumstances have come to your knowledge calculated to cast suspicion on the fairness and validity of the claim.

Very Respectfully Yrs
(Signed) Geo Fisher
Secy

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Surveyor General's Office

San Francisco March 22nd 1852

To the Secretary of the
Commissioners of California Land Claims

Sir

In reply to your inquiry No 23, I have the honor to state, that there is among the Archives in this Office an Expediente No 206 purporting to show that such a grant was made as is specified in your inquiry, said document shows the approval of the Departmental assembly Oct 30th 1845.

The papers appear fair and genuine and I know of nothing among said Archives calculated to cast suspicion thereon

Respectfully Yours,
Saml W King
Surveyor General

Filed in Office March 23rd 1852

(Signed) Geo Fisher
Secretary

Office of the Surveyor General of the
United States for California

I Samuel W. King Surveyor General
of the United States for the State of California
and as such now having in my office and in
my custody a portion of the Archives of the
former Spanish and Mexican Territory or Depart-
-ment of Upper California do hereby certify
that the items preceding and hereunto annexed
pages of tracing paper numbered from one to
seven inclusive and each of which is signed
by my initials (S.W.K.) exhibit true and ac-
-curate copies of certain documents on file and
forming a part of said Archives in this Office

In testimony whereof I have here-
-unto signed my name affi-
-rmedly and appended my private
seal (not having a Seal of Office)
at the City of San Francisco
the 14th day of August 1852

(Signed) Samuel W. King
Sur Genl Cal

Filed in Office Sept 11th 1852

(Signed)
Geo Fisher
Secy

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Ej pediente
Caused by the Aboriginal (Indigena)
Francisco Solano, selecting the place
known by the name of Luisu

(266)

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Sello Tercero, Nos Reales

Rehabilitado provisionalmente por la Aduana
Mantiva del Puerto de Monterey en las
Repartimientos de las Californias para las
armas de mil ochocientos cuarenta y mil ochocientos
cuarenta y uno

Alvaredo Antonio Maria Osio

Rehabilitado por la misma
el ano de mil ochocientos cuarenta y dos

Alvaredo Antonio Maria Osio

Seal

Excmo Sr Gov^{or}

El infrascripto se empo de Sonoma ante Ue
con el mas humilde respeto se presentar y
suplica en virtud de los derechos q le asis ten
Como constan en la adjunta solicitud y del
decreto marcial de la misma fecha de ochocientos
del tenente conrado con el nombre de Surson
con sus dependencias y para asegurar y legal
izar dicha propiedad remediamente impu
na de VE y otorgado al referido documento
adjunto su suva ptoque el correspondiente
titulo legal de consecion perpetua y hereditaria
del mencionado tenente para que en ningun
tiempo ni el suplicante ni su herederos sean
perturbados en el pacifico goze de su propie
edad

FF, a VE ruego se di que pto
gole la muced que implora jurando no
ser de malicia y lo me reparo

Monterey Ene 13 de 1842
Comandante del Batallón
(Firmado) Juan Antonio Vally

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Monterey Ene 28th 1842

Vista la petición en que
da principio este expediente el informe del
Sr Comandante General y los meritos y servicios
que ha prestado en la frontera de Sonora
el indigena llamado Franc^o Salas lo
declaro dueño en propiedad dueño del
paraje nombrado Suisun en es herencia
de cuatro sitios de ganado mayor y bajo
los limites que demuestra el dicho respectivo
estándose el despacho correspondiente con
las condiciones estipuladas y dirigase este
expediente a la Junta Departamental
para su aprobacion

El Sr Don Juan B Alvarado G^o B^o
Constitucional del Departamento de las
Californias asi lo mando decretó y firmo
de que doy fe

Sonora Ene 18 de 1837
El q suscribe con sede
interina y provisional
mente a Franc^o Salas
Jefe de las tropas de esta
Frontera y Capitan del
Suisun el terreno de
Sr Comandante G^o B^o
Franc^o Salas Jefe
prol de las Indias quietas
el Capitan natural de Suje-
sum, ante V^o como me-
yori conenga espone
que siendo libre y tenien-
debas tanto numero de

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este nombre por pertenencia de derecho natural y porque lo esta poseyendo actualmente,
Dicho terreno se comprende este desde el portazo hasta las palmas de Richa, el interesado solicita, los titulos de estilo del Gob^o Est^o que se hayan validados sus dchos segun el nro orden de Colonizacion

ganado vacuno y cabalero para fundar un rancho solventa de la recta justicia y bondad de U.S. si se digna conceder el terreno del Rancho con sus tierras cercadas que seran por lo menos o menos cuatro o cinco de ganado mayor desde el portazo hasta la palma de Richa Dicho terreno me pertenece por derecho hereditario de mis padres y actualmente lo poseo asi mismo quisiera reválidame mis derechos segun las leyes vigentes de nuestra republica y de colonizacion ultimamente decretadas por

el Sup^o Gobernador

Por lo que U.S. suplico se digna concederme el terreno que pido y sacarme de donde conenga los titulos que sean necesarios para mi seguridad por ser admitido esta en papel comun por no haber en este lugar del bello que corresponde

Sonoma Calif 16^{ta} de 1837
(Firmado) Fran et Solano

Juan B Alvarado Gobernador Constitucional
-al del Departamento de las Californias

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In quanto el Indigena Francisco Salas
ha pretendido para su beneficio personal y
el de su familia el terreno concedido con el
nombre de Luisan de donde es natural y
Jefe de las Tribus de la frontera de Sonoma
y accedió al merced & por el preigo que con
previsión mantener ha aquella gentilidad
practicadas por su parte las diligencias y
averiguaciones convenientes segun lo dispuesto
por leyes y reglamentos usados de la fac-
-ultades que me son conferidas a nombre de la
Nacion Mexicana he venido a concederle el ter-
-reno mencionado declarandole la propiedad
de el por las presentes letras sujetandose a la
aprobacion de la Exma Junta Departamental
y bajo las condiciones siguientes

1^{ra} Podrá sembrar sin perjudicar las transi-
cammas y sembradumbres lo dispuesto libre
y exclusivamente des tinando lo al uso o cul-
-tivo que mas le acomode pero dentro de un
año fabricara casa y estara habitada

2^{da} Solicitara del Puez respectivo que le de
la posesion juridica en virtud de este des-
-pacho por el cual se demarcaran los liti-
-dos en cuyas linderas pondra a mas de las
mojoneras algunas arboles frutales o set-
-os de alguna utilidad

3^{ra} El terreno de que se hace mencion es de
cuatro sitios de ganado mayor, con los linderos
que demuestra el deseno que se acompaña

en el expediente respectivo, El Juez que dice
la posesion lo hara medir conforme a ordenaza
quedando el potrante que resulto a la Nacion
para los usos Comunes

4^{ta} Si contratimere a estas condiciones per-
-dera su derecho el terreno y sera denunciado a
por otro

En consecuencia mando que termin-
-dase por firmis y valdero el presente se tome
razon de el en el libro o que corresponde y se
entregue al interesado para su resguardar
y demas fines, Dado en Montevideo a veinte y
ocho de Enero de mil ochocientos cuarenta y dos

Montevideo Agosto 3 de 1845

Dado cuenta en sesion de hoy con
este expediente a la Exma Asamblea Depart-
-mental le mando pasar a la Comision de
terrenos baldios

(Firmado)

Pío Pico

Presidente

(Firmado)

Agustini Alzola

Jefe

Exmo Sr

La Comision de terrenos baldios
se ha suipuesto del expediente promovido
por el Indigena Francis Solano en pretension
el parage conocido con el nombre de Surian

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y satisfecha la comision de y las diligencias practicas en dicho expediente fueron bastantes para que el Superior Gobierno hubiese concedido el mencionado parage por la delimitacion de D. E. la siguiente proposicion,

Se aprueba la concesion hecha por el Superior Gobierno del Departamento en titulo legalmente librado con fecha 28 de Enero 1842 en favor del Indigena Fran et Salas del parage conocido con el nombre de Suisun cito mi jurisdiccion de Suomo de Confir- midad con la ley de 18 de Agosto de 1824 y el articulo 5^o del reglamento de 21 de Noviembre del 28

Sala de Comisiones en la Ciudad de los Angeles Septiembre 29 de 1845

(Firmado) Narciso Botello

(Firmado) Francisco de la Guerra

Angelas Octubre 3^o 1845

En sesion de hoy se aprobo por la Exma Asamblea Departamental la pro- pposicion del precedente, dictamen y man- dandose se devuelva el expediente original al Sr. Gobernador para los fines convenientes

(Firmado)

(Firmado)

Fco Fico

Agustini Alvarado

Pres d^{te}

Priv

En la propia fha se libro a la parte la copia respectiva

Third Stamp Two Reales

Authorized provisionally by the Maritime
Custom House of the Port of Matanzas in the
Department of the Capitanía for the years one
thousand eight hundred and forty and one

(Signed) Alvarado (Signed) Antonio Mairó Otis

Reauthorized by the same for the year
Eighteen hundred and forty Two

(Signed) Alvarado, (Signed) Antonio Mairó Otis

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Seal

To His Excellency the Governor

The undersigned a resident of
Sonoma respectfully appears before your excellency
and representation makes, that in virtue of the
rights which belong to him as shown in the
annexed Petition and Marginal bleed, he is an
actual possessor of the land known by the name
of "Suison" and its dependences and in order to
secure & legalize said ownership, he humbly
petitions that your Excellency in consideration
of the document referred to may be pleased to
grant him the corresponding title of conception
perpetual & hereditary of the aforesaid land
in order that in no time may the Petitioner
or his heirs be molested in the pacific en-
joyment of his property.

Therefore your Petitioner
prays that your Excellency will deign to
grant him the favor which he asks for, he feeling
that he is actuated by no malice and whatever

is required &c &c &c

Monterey January 15th 1842
As Attorney of the Petitioner

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(Signed) Juan Antonio Vallejo

Monterey Jan 28th 1842

In consideration of the Petition at the beginning of this Expedient the report of the Commander General and the merits and services of the Indian called Francisco Solano, rendered on the frontier of Sonoma I declare him to be owner in fee of the place called Susun, in extent four square leagues and with the boundaries shown in the corresponding map. The corresponding patent will be made out and this Expedient directed to the most excellent Department of Santa Fe for its approbation.

Juan B. Alvarado, Constitutional Governor of the Department of the Californias thus ordered decreed and signed of which I certify

To the Commandant General

Francisco Solano principal chief of the unconverted Indians and born Captain of the Susun in due form before your Honor represents, that being a free man and owning a sufficient number of Cattle and horses to establish a Rancho, he solicits from the strict justice and goodness of your Honor that you be

pleased to grant him the land of "Suisun" together with its known appurtenances which are a little more or less than four square leagues from the "Portiguels" to the "Salina de Sicha", said land belongs to him by hereditary right from his ancestors and he is actually in possession of it, but wishes to re-assert his right, in accordance with the existing laws of Our Republic and of the Colonization recently decreed by the Supreme Government, He therefore prays that your Honor be pleased to grant him the land which he asks for and to procure for him from the proper sources the titles which may be necessary for his security and that you will also remit this on Common Paper there being none of the corresponding stamp in this place

Sonoma January 16th 1837
(Signed) Francisco Solano

Sonoma May 18th 1837
The undersigned grants temporarily and provisionally to Francisco Solano, chief of the Tribe of this Frontier Captain of the "Suisun" the land of that name as belonging to him by natural right and actual possession, said land is comprehended between the "Portiguels" and the "Salinas de Sicha". The party interested will ask from the Government of the State the usual titles in order to make valid his rights in conformity with the new order of Colonization

(Signed) M. J. Vallejo

Stamp First Six Dollars

Provisionally authorized by the Maritime Custom House for the Port of Monterey for the years 1839 & 1840

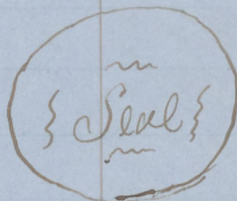
(Liquid) Alvarado (Signed) Antonio Maria Osio

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Good for the year 1842

(Gd) Alvarado, (Gd) Antonio M^o Osio



Juan B Alvarado Constitutional
Governor of the Department of the Californias

Whereas the aboriginal Francisco Tolano for his own personal and benefit and that of his family has asked for the land known by the name of "Suismo" of which place he is a native and chief of the Tribe of the frontiers of Sonoma and being worthy of reward for the quit rents which he causes to be maintained by that unchristianized people, the proper proceedings and examinations having been previously made as required by the laws and regulations using the powers conferred on me in the name of the Mexican nation, I have granted to him the above mentioned land, adjudicating to him the ownership of it, by these presents it being subject to the appointment of the Most Excellent Departmental Junta and to the following conditions to wit:

1st That he may enclose it without prejudice to the easings, roads & servitudes and enjoy it freely

and exclusively making such use or cultivation of it as he may see fit, but within one year he shall build a house and it shall be inhabited.

2nd He shall ask the Magistrate of the place to give him judicial possession of it in virtue of this order, by whom the boundaries shall be marked out and he shall place in them besides the land marks, some fruit or fruit trees of some utility.

3rd The land herein mentioned is to the extent of four "sitios de ganado mayor" four square leagues, with the limits as spoken in the map accompanying the respective expediente, the Magistrate who gives the possession will have it measured according to ordinance, leaving the excess that may result to the nation for the Government's use.

4th If he should contravene these conditions he shall lose his right to the land and it may be denounced by another.

In consequence I order that these presents be held firm and valid, that one copy be taken of it in the proper book and that it be given to the party interested for his archives and other purposes.

Given this twenty Eighth day of January
One thousand Eight hundred and forty five
at Monterey.

Angelos August 3rd 1845

On account of this expediente having been given this day to the most excellent Departmental

Apertly, it orders the same to be referred to
the Committee on vacant lands
(Signed)

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(Signed)

Augustin Urbina
Secretary

Pio Pico

President

Most Excellent Sir,

The Committee on vacant
lands has considered the Expediente formed at
the instance of the Indian (Indigena) Francisco
Solano for the place known by the name of
Amisim and being satisfied that the proceed-
ings had in the said Expediente were suffi-
-cient for the purpose that the Superior Government
should have granted the said place as per the
deliberation of your Excellency the following prop-
-osition

The grant made by the Superior Govern-
-ment of the Department by a title legally issued
with date 28th January 1842 in favor of the Indian
(Indigena) Francisco Solano of the place known by
the name of Amisim, situated in the Jurisdic-
-tion of Sonoma in accordance with the law of the
18th August 1824 and article 3 of the regulations of
November 21st 1828 is approved

Hall of the Committee in Los
Angeles September 29th 1845

(Signed) Francisco de la Guerra
(") Narciso Batello

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Angelas Oct 3rd 1845

In review of this day the preparation of the foregoing Report was approved by the Most Excellent Departmental Assembly ordering the original Expediente to be returned to his Excellency the Governor for the suitable purposes
(Signed)

Pio Pico
President

(Signed)
Augustin Alonzo
Secretary

On the same date the proper copy was issued to the party interested

I certify the foregoing to be a true and correct Translation from an authentic fac simile copy of the original Spanish Expediente on file in the Office of the U.S. Surveyor General for California, which fac simile copy is on file in this Office in Case No 3, Archibald A. Ritchie for the place named "Suison"

(Signed) Geo. Fisher
Secretary

filed in office Dec 27th 1852

(Signed) Geo. Fisher
Secretary

Sello 1^{er} Seis Pesos.

Habilitado provincial en ⁵ para la Aduana
Marítima de Monterey para los años de 1839 y
1840

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Alvarado

Antonio Ma Osis

Sello

Valga para el año de 1842

Alvarado

Antonio Ma Osis

Juan B Alvarado Gobernador Constitucion
-al del departamento las Californias.

Por cuanto
el Indígena Francisco Solano ha pretendido
para su beneficio personal y para su familia
el terreno conocido con el nombre "Luisma"
de donde es natural y Jefe de las Tribus de
la frontera de Sonora y a creditos y merecimientos
por el peligro que procurer mantener ha
aquella gentilidad practicadas proxiamente
las diligencias y negociaciones consiguientes
segun lo dispuesto por leyes y reglamentos
usando de las facultades que me son con-
-feridas a nombre de la nación Mexicana
he venido a concederle el terreno mencionado
declarandole la propiedad de el por las
presentes letras sugeriendose a la aprobación
de la Exma Junta Departamental y bajo
las condiciones siguientes

1^{er} Podrá ser usado sin perjudicar las labores
comunes y servidumbres lo disputara libre
y esclusivamente destinandole al uso o cultivo
que mas de acaerle por dentro de un año
fabricara a casa y estara habilitada

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2nd Salvo el uso del Juez respectivo de la
de la posesion judicial en virtud de este
despacho por el cual se demarcaron los
lindos en cuyos limites podria a las demas
mojoneros algunos arboles frutales o filices
de alguna utilidad

3^{ra} El terreno de que se hace mención es de
cuatro sitios de ganado mayor con los limites
que demuestran el duceno que se acompaña
en el expediente respectivo. El Juez quedara
la posesion lo hara medir conforme a
ordenanza quedando el sobrante que re-
sulte a la Hacienda para los usos convenientes

4^a Si Contraviniere a estas condiciones per-
dura su derecho al terreno y sera denunciado
por otro

En consecuencia mando que teniendo
dese por firme y valido el presente se tome
razon de el en el libro o que corresponda y
se entregue al interesado para su resguardo
y demas fines, Hado en Montevideo a veinte y
ocho de Enero de mil ochocientos cuarenta
y dos (Firmado) Juan B. Alvarado
(Firmado) Manuel Simeon
Qui

Queda Tomada razon de este despacho
en el libro de asientos sobre adjudicacion
de terrenos baldios a fh 9
(Firmado) Simeon

El Excmo Sr Gobernador ha despedido
de bome ragon de esta consuecion en la Pre-
=fectura del 1^{er} Distrito

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(Firmado) Ameno

Fuere ragon
(Firmado)
Estrada

Pueda tomada ragon de este
Supr Titulo en el cuartermo respectivo de es-
=ta Pref^a

Montevy Feb 4th de 1842

(Firmado) Jose Manuel Castaneda
Su Interino

Dio Pío Gobernador Intero del
Departamento de las Californias

La Honorable Asamblea Depart.
=mental en sesion de hoy, ha acordado lo siguiente

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Se aprueba la concesion hecha
por el Supremo Gobierno del Departamento en virtud de
legalmente, librado con fecha 28th de Enero de 1842
un favor del Indigena Francisco Solano de paraje
conocido con el nombre de "Suisun" sito en la
jurisdiccion de Putuma de conformidad con la
ley de 18 de Agosto de 1824 y el articulo 5^{to} del
reglamento de 21 de Noviembre de 1828

Y para resguardar de la parte
Francisco Solano lo hago asi saber, dado en
la Ciudad de Los Angeles en este papel comun
por falta de sellado a tres de Octubre de mil
ochocientos cuarenta y cinco

(Firmado) Dio Pío
(Firmado) José Ma Carranubias
Suio

Hecho en Oficio de 27th 1842

(Firmado) Geo Fisher
Suio

Stamp First, Int Hollars
Permissively authorized by the Maritime
Custom House of Monterey for the years 1839
& 1840
(Signed) Alvarado. (Signed) Antonio M^a Ochoa

Seals

Juan B Alvarado Constitutional Gov-
ernor of the Department of the Californias

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Whereas the Original Francisco Solano
for his own personal benefit and that of his fam-
ily has asked for the land known by the name
of "Suisun" of which place he is a native and
chief of the Tribes of the Adventurers of Sonoma
and being worthy of reward for the quietude which
he caused to be maintained by that unchur-
-stranged people, the proper proceedings and
examinations having been previously made
as required by the laws and regulations, using
the powers conferred on me in the name of the
Mexican Nation, I have granted to him the a-
-bove mentioned land adjudicating to him the
ownership of it by these presents it being subject
to the approbation of the most excellent Depart-
-mental Junta & to the following conditions to
wit,

1st That he may enclose it without prejudice to
the Croppings roads & easements and enjoy it fully
and use it wily making such use or cultivation of it
as he may see fit, but within one year he shall build
a house and it shall be inhabited

2nd He shall ask the Magistrate of the place to give him judicial possession of it, in virtue of this order, by whom the boundaries shall be marked out and he shall place in them besides the landmarks some fruit or forest trees of some utility.

3rd The land herein mentioned is to the extent of four "sitios de ganado mayor" four square leagues, with the limits as shown in the map accompanying the respective expediente. The Magistrate who gives possession will have it measured according to the ordinance bearing the exception that may result to the nation for its consent was.

4th If he should contravene these conditions he shall lose his right to the land and it may be denounced by another.

In consequence I order that these presents be held firm and valid that a register be taken of it in the proper book and that it be given to the party interested for his voucher and other purposes, Given this 28th day of January, One thousand Eight hundred & forty two at Monterey.

(Signed) Juan B. Alvarado
Signed Manuel Jimenez
Secretary

His Excellency the Governor has ordered that this grant be registered in the prefecture of the First District.

(Signed) Aurelio

Let it be registered
(Signed) Estrada

Register has been taken of this
Superior title in the respective book of this Prefect
me

Monteury Feb 4th 1849

(Signed) José M^o Castaneda
Subj^o ad-interim

Pro Pro Governor ad-interim of the De-
partment of the Californias

The honorable Department of Assembly
in session this day passed the following

The Grant made by the Supreme
Government of the Department by title legally in-
sured under the date of 28th Jan^y 1842 in favor
of the Aborigine Francisco Salas of the place
known by the name of "Suisun" situate in the
jurisdiction of Sonoma in conformity with
the Law of 18th August 1824 and Art 5 of the reg-
ulations of the 21st December 1828 is approved"

And for the security of the party
Francisco Salas, I thus make it known,
Given in the City of Los Angeles on this common
paper for the want of the stamped paper, at the
number One Thousand Eight hundred and forty
five

(Signed) Pro Pro
(Signed) José M^o Castaneda
Subj^o

A Correct translation
(Signed) Geo Fisher

Filed in Office Jan 7 28 1852
(Signed) Geo Fisher
Scty

CASE NO. 2 ND
PAGE NO. 151

Territory of California }
District of Sonoma } before L M Boggs
Alcalde July 25 1847

M Y Vallejo }
as } Action of trespass
Francisco Arriaga }

Summons issued returnable on
the third Monday in August 1847, subpoena is-
sued in blank for Defto witnesses, Subpoena is-
sued for the following persons, witnesses on the
part of the plaintiff, Cayetano Suarez, Julio
Cavillo, Salvador Vallejo, Francisco Salano, José
Chamero, Narciso Hortemelta, Theodoro Miranda
Francisco Salapa, Jacob Lusi, José de la Rosa
Clemente, Manuel Baea and Marcos Baeza

3rd Monday in August 1847

M Y Vallejo }
as }
Francisco Arriaga }

The parties appeared in Court
and the Court was informed by them they had

agreed to refer the matter to arbitration. Mr. J. Talley's chosen Arbitrator Manuel on his part and Francisco Arriaga selected Don Salvador Talley. The arbitrators were then sworn & the following is the decision of the arbitration board:

As the undersigned appointed arbitrators by and for Mariano Talley and Francisco Arriaga to decide on the question existing between them for having the last trespassed his limits and usurped part of the land belonging to the former the first as it is expressed in the Complaint presented before the Alcalde of this jurisdiction L. P. Boggs and after hearing the declaration of both parties and examination had of the proof and documents presented to us, we find that the limits of each farm are clearly determined in their respective titles, being those of Talenas farm according to the deed to the said the Suisun Rivulet (and running from it) which says N. W. E. of Suisun and beginning from thence as the first limits mentioned, then are to be measured three leagues running at E. N. E. as the Ridge (Sierra) runs being the said ridge the natural limit, which separating between the two farms separate them, leaving one at the North & the other at the South, Thus neither of the both parties is prejudiced and the literal meaning of the respective titles to both farms are fulfilled with and in order to so not burden one part more than the other, the Costs of the Judgment and those of the Tribunal ought to be paid equally by both parties.

And for the fulfilment of the

contents of this present writing we sign it by our hands
and seals before the Alcalde of this Jurisdiction on
the sixteenth day of August A.D. 1847.

Cayetano Suarez = Salvador Vallejo
M. G. Vallejo = Manuel Arriaga

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Certify the foregoing to be a true and
correct translation of the annexed Spanish Docu-
ment, in folio's authenticated by John Kennedy
Clerk of the County of Sonoma & State of Cali-
fornia and filed in this office in case No. 3
Archibald A. Ritchie for the place named
Luisian

(Signed) Geo. Fisher
Scty

Lo que firmamos arriba nombra-
dos por Don Mariano Y Vallijo y Don Francisco
Armiño para fallar en la cuestión de litigio
que existía entre ellos con respecto a haber
traspasado el último sus lindas y usurpado
parte del terreno del prunco según la queja
presentada por este ante el Sr. Alcalde de esta
jurisdicción Don L. W. Boggs después de oídas las
declaraciones de las partes y examinadas las
pruebas y documentos que presentaron hallamos
que los lindas de cada rancho están clar-
amente determinadas en las respectivas títulos
siendo las de Talenas según el Expediente del
mismo rancho el arroyo del Suisun que corre al
NNE de Suisun y buendoto por punto de par-
tida como primer lindero citado se liben medi-
nes sitas al ENE según es la Sierra madre
la que sita puesta entre los dos ranchos N y S
forma un lindero natural que los divide, de
esta manera ninguna de las dos partes queda
perjudicada, y se cumplió a la letra con lo
expresado por los títulos de uno y otro rancho, y
para no gravar mas a una parte que a otra entre
ambos pagaran igualmente las costas del juicio
y tribunal, y para que obre los efectos convenien-
tes firmamos el presente ante el Sr. Alcalde de este
pueblo a los es y seis días del mes de Agosto de
mil ochocientos cuarenta y siete, Capitan Suarez
Arbitro por Don M. Vallijo - Salvador Vallijo
Arbitro por Don Francisco Armiño - Mariano Y Vallijo
Francisco Armiño

State of California
County of Sonoma

CASE NO. 2 ND

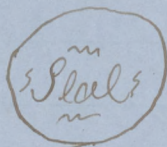
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I John Hendley County Clerk of Sonoma County do hereby certify that the foregoing is a true and correct copy of the proceedings in a case, wherein M. G. Fallon is Plaintiff and Francisco Arroyo is Defendant before L. W. Briggs formerly Alcalde of the District of Sonoma as appears by the Records of said Alcalde now of record in this Office

In testimony whereof I have hereunto set my hand and seal of Court at Office in the City of Sonoma this 19th day of February A.D. 1852

(Signed)

John Hendley
Clerk



Filed in Office Dec 27th 1852

(Signed)

Geo Fisher
Clerk

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This Indenture made this twenty ninth day of August in the year of our Lord Eighteen hundred and fifty between Mariano Guadalupe Vallejo of Sonoma in the State of California and Francisca Benicia wife of the said Vallejo parties of the first part, and Archibald A. Ritchie of the said State party of the second part Witnesseth that the said parties of the first part in consideration of the sum of Ten thousand dollars, to them in hand paid by the party of the second part at and before the enrolling and delivery of these presents the receipt whereof they do hereby acknowledge and for the further Consideration of the sum of Forty thousand dollars to them secured to be paid by the said party of the second part, have given, granted, bargained sold, released and conveyed, and by these presents do give, grant, bargain, sell, release and convey unto him the second party of the second part, all that piece or parcel of land by might being in the County of Solano in the State of California known or called by the name of "Luisen" and containing four leagues of land which said tract of land was heretofore granted to Francisco Solano by Juan B. Alvarado Governor of California by grant or patent dated at Monterey on the twenty eighth day of January and Eighteen hundred and forty two and duly approved by the Departmental Assembly of California on the third day of October and Eighteen hundred and forty five, The said original grant and certificate of approbation

being recorded or copies thereof deposited in the Public Archives of the Government of California and which was subsequently granted by the said Francisco Solano to the said Mariano Guadalupe Vallejo on the parties of the first part, by a written conveyance made & executed in due form at the said Sonoma, on the tenth day of May Eighteen hundred and forty two, which original draft together with the certificate of approbation and the last mentioned conveyance are hereby referred to and made part of this deed. The said parties of the first part meaning hereby to convey unto the said party of the second part all of the aforesaid tract or parcel of land, saving and excepting certain parts and sections thereof which have been heretofore granted and sold to Patten to Abraham Stone, to John H. Stone, to Alfred and to Percival H. Smith, said parcels or sections not exceeding one English square mile each, to have and to hold unto him the said party of the second part his heirs and assigns forever.

And the said Mariano Vallejo for himself his heirs, executors and administrators doth hereby covenant and agree with the said party of the second part, his heirs and assigns in manner and form and to the effect following, that is to say that he the said Vallejo is now the owner of the said premises and is seized of a good and undisturbed estate of inheritance therein, that he has full right and power to sell and convey the same in fee simple absolute, that the said premises are free and clear of all encumbrances that he the said Vallejo will forever warrant and

defend the hereby conveyed land and premises unto the said party of the second part, his heirs and assigns against the lawful claims and demands of all persons whatsoever, that he the said Vallejo and all persons claiming under him, will at any time hereafter at the request and expense of the said party of the second part, his heirs or assigns, make all further appearances for the more effectual carrying on of the said premises with the appointments as may be reasonably required by him or them

In witness whereof the parties have hereunto set their hands and seals, the day and year first above written

(Signed) M^o Vallejo *M^o*

(w^o) Benicia Vallejo *Seal*

Signed sealed and delivered
in presence of

(Signed) Martin E. Cooke

(") John B. Frisbee

State of California
County of Sonoma

On this twenty ninth day of August A.D. 1850 personally appeared before me the undersigned Notary Public in and for said County, Mariano Vallejo and Francisca Benicia his wife to me known to be the persons described in and who executed the foregoing instrument and they severally acknowledged that they executed the same freely and voluntarily and for the purposes therein mentioned and the

said Francisca Benicia being by me duly ex-
-amined separately and apart from and without
the hearing of her said husband, and the contents
of the said foregoing instrument being fully made
known to her, declared that she did voluntarily
read execute and deliver the same without any
fear, compulsion or undue influence of her said
husband and that she did not wish to retract
~~the same~~

In testimony whereof I have here-
unto set my hand and affix-
-ed my Notarial Seal

(Signed) Martin C. Brooke
Notary Public

Filed in Office Dec 27th 1852

(Signed) Geo Fisher
Deputy

Received for record August 30th 1850 at
5 o'clock P.M. and Recorded in Book "C" pages
376, 377 & 378 of the Records of Solano County Cal-
-ifornia

(Signed) Marshal Cymon
County Recorder

His #675

San Francisco March 17th 1852

On this day before Nelson Hall one of the
Commissaries for ascertaining and settling private
Land Claims in the State of California came
Manuel Baca a witness produced in behalf of the
Claimant in the Case of the Petition of Archibald
A. Ritchie being No 3 in the Docket of the Commissari-
es who was duly sworn as such witness, The Law
Agent was duly notified and attended, The wit-
ness gave his testimony in the Spanish Lan-
guage which was interpreted by the Secretary

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The testimony is taken subject to all just
objections to the same and to all parts of it

In answer to inquiries made by Mr. Hall's
Counsel for the Petitioner the witness testified
as follows:

My name is Manuel Baca, I am sixty
seven years of age and reside in the town
of Sonoma and in this State and have resided
in California since 1841, I know the Rancho Su-
isun and have been living near it ever since I
came to California, I know the boundaries of the
Rancho, they are as follows, beginning at the
Embarcadero of Sonoma, thence running along
the Sonoma Creek north to the foot of the range
of hills in an easterly direction and thence around
to the place of beginning, When I first came to
California Guadalupe Vallejo was in possession
of the Rancho, I knew Francisco Solano, he lived

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in Suisun and died there about a year ago, He was an Indian Chief of the Northern Indians and Commanded all the Indians on the Northern Frontier or Controlled them, He was friendly to the Government and the people, and rendered important services in preserving the peace between the Indians and the Whites, I knew Francisco Amijo, He built a house in the Rancho Suisun which is still standing, While he lived there he several times told me that he was there by permission of Guadalupe Vallejo, that the Land belonged to Vallejo, and that Vallejo had warned him not to build a house upon the land because he would lose the land and his improvements if he did, but at the time of Vallejo's being at Sacramento a prisoner of war, Amijo built the house, This took place when Col Fremont was at Sonoma with the American Forces, I cannot give the date with certainty.

In answer to inquiries made by the Law Agent the witness testifies that General Vallejo had stock on the Rancho and farmed it. They raised Corn, Wheat, potatoes peas and various kinds of vegetables, A considerable quantity of land was cultivated but I cannot specify the quantity.

(Signed) Manuel X. Baca
his mark

Gave as above and
subscribed this 18th day of March 1852

before me - (Signed) Nelson Hall, Comdr

- filed in Office March 18th 1852

Geo Fisher
Scrib

San Francisco March 18, 1852

On this day before Edward Hall one of the Commissioners for ascertaining and settling private Land Claims in the State of California came Mariano Guadalupe Vallejo, a witness produced in behalf of the Claimant in the case of the petition of Archibald A. Ritchie being No 3 on the Warrant of the Board and was duly sworn. The Law Agent was notified and attended

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The testimony and all parts of it is taken subject to all just exceptions

In answer to inquiries made by Mr. Hat-
tick Counsel for the Petitioner the witness tes-
tified as follows,

My name is Mariano Guadalupe Vallejo
my age is forty four, I reside in Sonoma and
have always resided in California, In 1837 I
was Command-in-Chief of the Mexican troops
in California and held a Commission for col-
lecting the North frontiers of Sonoma, I knew
Francisco Solano, he was the greatest and prin-
-cipal Chief of the whole frontier, was a civil-
-ized Indian and was friendly to the Mexican
Government and the white people, His rendezvous
or head quarters had always been on the Russian
In 1835 according to the rules of secularization
he acquired the rights of possession and I put
him in possession by direction of Governor
Figueroa, He continued in possession until
1842, when I bought the ranch from him, I took
possession and continued in possession until
about the year 1850 when I sold it to the present

Claimant. While the land was in my possession I occupied it with a large number of cattle and horses (and raised crops on it of corn, wheat, barley, beans, peas and other vegetables also raisins and fruit trees, I had five thousand Cattle and two thousand horses, I raised large crops, I had a large adobe house on it and also a stone house, the house was there in 1842, I saw while he occupied the land had an adobe house on it also Cattle and cultivated the land extensively I recollect that one year he raised on it between four and five thousand fanegas of beans, a fanega I understand is over two and a quarter bushels, also a very large quantity of other vegetables was raised by him. His Adobe House was built in 1835, He had other houses for the Indians, There were several hundred houses for the accommodation of the tribe, I saw several judicial papers in of the Rancho in 1842 from Don Salvador the Alcalde.

When I gave Dolan papers in of the Rancho in 1835 the line enclosing it began at the Encaradero on the Suisun thence following the foot of the hills in a northerly direction until it reaches the Tolenas Hills. Thence Eastly along the foot of the high range of mountains till it comes opposite the Portero of Suisun thence to said Portero which was then included in the rancho and thence along the edge of the marsh in a westerly direction to the place of beginning. The mode of my giving papers in was that I went there with some fifty soldiers and went round the rancho, pointing out the boundaries

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to Solano - a large number of Indians attending us - There was no measurement and no land marks set up - there were natural boundaries that were understood.

In answer to inquiries put by Mr Cooley the Law Agent, the witness testified, that Solano was put in possession of the land for his own benefit and not for the tribe, I was Commissioner for the secularization of the Missions as well as Commander of the Military force. The usage in building a house in order to comply with the conditions of the Mexican Grants, was to make it of poles filled in with mud, the poles being upright with cross-poles, the house in Spanish is called "entatada". If an adobe house was built it was considered that there could be no question but the requirements of the law had been complied with.

On further examination by Mr Hall for the Petitioner, the witness says - Francisco Armijo built an Adobe House on the Suisun Rancho immediately after I was taken prisoner in ^{July} 1846 by the Bear Party, I was taken prisoner June 14 1846 and kept prisoner in Sacramento two months. The house was commenced while I was thus absent. On my return at the end of two months the house had been built about one foot high, I laid him before the Alcalde and the Alcalde told him if he went on he would lose his labor. The Country was in a state of revolution and he went on and finished the house, After this in 1847 I think there was an arbitration in regard to the land before

The Alcalde and it was decided that the
house was on the Spanish land
The Alcalde was L. W. Boggs
(Signed)

CASE NO. 2 ND

PAGE NO.

165

I am subscribed
before me

M. Y. Vallejo

(Signed) Holland Hall
Commiss^r

Filed in Office March 18th 1852
(Signed)

Geo Fisher
Secy

San Francisco March 18, 1852

On this day before Holland Hall one of
the Commissioners for ascertaining and set-
tling Private Land Claims in the State of
California came Juan Felipe Peña a witness
produced in behalf of the Claimant in the
case of the Petition of Archibald A. Ritchie
being No 3 in the District of the Board and was
duly sworn. The Law Agent was notified and
attended. The testimony was given in the Span-
ish language and interpreted by the Sec-
retary

In answer to inquiries made by Mr
Haskell Counsel for the Claimant testifies as
follows

My name is Juan Felipe Peña, I am

fifty years of age and I reside at my Rancho called "San José de Gracia" about eighteen leagues from Sonoma, I lived where I now reside for twelve years, I have known the rancho Suisun for that length of time, I know the boundaries, they run from the Embarcadero of Suisun along the edge of the range of hills to the Tolenas in a North by direction, thence with the same range of hills to the Valley of Suisun and to the Patux and thence along the edge of the bay to the Embarcadero.

I knew Francisco Arrijo, he built a house in Suisun near the Tolenas, it was at the time General Vallejo was taken prisoner by Col Fremont, I live about two leagues from Suisun, at the time the house was built Guadalupe Vallejo was in possession of Suisun

(Signed) Juan Felipe ^{his} Peña _{mark}

Subscribed & sworn
before me

Signed, Holland Hall
Commiss^r

Filed in Office March 18th 1852

(Signed) Geo Fisher,
Clerk

San Francisco March 19th 1852
On this day before Holland Hall one of
the Commissioners for ascertaining and settling

private land claims in the State of California
 came Marcos Baca a witness produced in
 behalf of Archibald A. Ritchie being No 3 on
 the Roll of the Commissioners and was duly
 sworn. The Law Agent was notified and at-
 tended. The testimony was taken subject
 to all just exceptions, It was given in the
 Spanish language and interpreted by the
 Secretary

In answer to questions put by Mr
 Hallack Counsel for the Petitioner the witness
 testified as follows, My name is Marcos Baca
 I am thirty six years of age and reside in
 the County of Solano and have resided there
 for eleven years past, I know the Rancho
 Swissum and live about two leagues and a half
 from it, I have known the Rancho ever since
 1844 I know Francisco Arroyo who died about
 two years ago, he built a house on Swissum in
 1846, I was reputed to be on the Swissum Rancho
 which was understood to belong to Guadalupe
 Tallyjo who occupied it with Cattle & Horses and
 cultivated the land from 1842 to 1846

In Answer to inquiries made by Mr
 Coolidge the Law Agent, the witness says that
 General Tallyjo cultivated about one square mile
 of the rancho

Witness
 (Signed) Geo Fisher

(Signed) Marcos ^{his} Baca
 mark

Jarra is absent
 before me

(Signed) Kendall Hall, Clerk

Held in Office March 19th 1852,

Geo Fisher - Secy

San Francisco March 19th 1852

On this day before Holland Keall one of the Commissioners for ascertaining and settling private Land Claims in the State of California came Julio Carrillo a witness produced in behalf of the Claimant in the Case of the Petition of Archibald A Ritchie being No 3 on the Report of the Commissioners and was duly sworn - The Law Agent was notified and attended The testimony was given in the Spanish language and was interpreted by the Secretary

The Testimony was taken subject to all just objections to all parts of it -

In answer to questions put by the Appellate Counsel for the Petitioner the witness testifies as follows:

My name is Julio Carrillo, I am twenty six years of age and reside in the County of Sonoma and have resided there since 1836 to the present time, I know the Rancho Luisum and have known it ever since 1836, I know Francisco Aramijo who is now deceased, he built a house on the Luisum, It was commenced at the time the American forces under Fremont were there, I think in the month of August 1845 or 6 - I first saw the house building on my return from Sacramento where I had been a prisoner with Genl Vallejo and with whom I returned to Sonoma, The land was Genl Vallejo's as I considered

(Signed)

Julio Carrillo

This foregoing deposition was
sworn and subscribed before me
(Signed) Heiland Hall
Comar.

Filed in Office March 19, 1852
(Signed) Geo Fisher
Deputy

CASE NO. 2 ND
PAGE NO. 169

San Francisco March 20th 1852
On this day before Harry S. Thurston one
of the Commissioners for ascertaining and settling
private Land Claims in the State of California
Came Salvador Tallejo a witness produced in
behalf of the Claimant in the Case of the Pe-
tition of Archibald A. Ritchie, being number
"3" in the Pocket of the Commissioners and was
duly sworn, The Law Agent was notified & attended.
The testimony was given in the Spanish Language
and interpreted by the Secretary.

The testimony was taken subject to all
just objections to all parts of it

Question by Claimant

1st What is your name, age & place of residence
How long have you lived in California?

Answer - My name is Salvador Tallejo, my age is
thirty eight years, my residence is Sonoma and
I have lived in this State all my life

Quest 2nd What Offices have you held in Cal-
ifornia?

Answer, I held the Office of Civil Magistrate
also at times the Military Command at Sonoma

Quest 3rd Are you acquainted with the Rancho of Luisium?

Answer - I am and have been for the last twenty years -

Quest 4th Who occupied the rancho previous to the year 1842 and after & how & in what right?

Answer - Francisco Solano occupied it prior to 1842 in his own account & then he sent Tal-
-ley for whom he acted as Mayor Domo after-
-wards

Quest 5th What do you know of the occupation & cultivation of this rancho?

Answer, Francisco Solano had a house on it in which he lived and he cultivated the land after he transferred as above stated to Talley, he made further improvements and made extensive cultivation and raised stock upon it

Quest 6th Did you whilst you were acting as Com Magistrate or not give judicial possession of this Rancho to anyone, if yes, to whom & when?

Answer - I gave officially possession to many persons, among others I remember distinctly putting Francisco Solano in possession of this Rancho, but the year in which I did so I do not now distinctly remember but I believe it was in the year 1842

Quest 7th Was there any written Expediente or document made by you witnessing this act of giving possession by you to said Solano & if so can you tell what was done with it or what has become of it?

Answer There was such writing or document made by me in duplicate, one of which I gave the party and the other was deposited in the Archives at Sonoma, I know nothing of what has been done further with either of them I have not seen them since

Quest. 8th Do you or do you not know anything of the loss or destruction of the archives deposited at Sonoma, if yes, state what you know on that subject?

Answer, In the Spring of 1846 there was a disturbance or insurrection in which I was made prisoner and the Archives in my possession forcibly seized upon and taken away, also the Magistrate who succeeded me was assaulted and the public Archives plundered by those who were engaged in this outbreak, being American soldiers who made use of the Archives for the purpose of making cartridges, I lost my own title papers at the same time

Quest. 9th When and where did you regain your own title papers taken at the time of the outbreak of which you have been speaking?

Answer. Two or three months after my seizure I was on a man of war vessel in the Port of San Francisco, belonging to the United States of America and saw in a berth of the vessel a heap of the Archives among which, I recognized my own being enveloped in black cloth and in the presence of the Commanding Officer I took charge of it

Quest. 10th Who was secretary to you at the time of giving judicial possession of the ranchos

as above stated?

Answer, A retired officer by the name of Domingo Rodriguez who is now dead
 Quest. 11th. In what manner did you proceed in giving the judicial paper of the Rancho to Francisco Salas?

Ans. I went upon the ground accompanied by five persons, two measurers and three witnesses and commenced at a point called the embarcadero on the estuary of Suisun and measured with a chain a westerly course along the slope of the range of hills to a place called Tolenas, from thence along the same range of hills to its termination from thence to the estuary of Tolpines from thence along the margin of the Estuary to the place of beginning including within said measurement the Valley of Suisun -

Quest. 12th. Do you remember the names of the persons who you have stated accompanied you when you gave the judicial paper of the Rancho above?

Answer, I remember the names of Paulino Pasquez and Francisco Figueroa alone of the number also my secretary Domingo Rodriguez who accompanied me as Notary Public.

Quest. 13th. Do you or not know whether Francisco Amigo built a house on or near this rancho, if so when?

Answer He did build a house & on it in the year 1846

Quest. Was this house which you say was built by Amigo, built or not within the limits or bounds

of the ranch as marked out or delineated by you
and put judicially in the papers in of Francis-
co Salano

Answer, It was built within the limits above
mentioned.

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Cross Interrogatories propounded by the
United States Law Agent

Cross Interrogatory 1st What was the length of the
first line which you measured, beginning at
the Embarras d'Arroyo?

Answer, I do not remember the length of the
line.

Cross Interrogatory 2nd On which side of the Suisun
Creek did you commence to measure that line
and did you cross the said Creek in measur-
ing it?

Answer, I commenced on the west side of
the Creek and crossed it once and recrossed
it in closing the survey or measurement.

Cross Interrogatory 3rd How near did you pass the
Portoqueto or gap where the road from Ben-
evicia to Sacramento crosses the ranges of
hills, on which hand did you pass the said
Portoqueto and how near it did you pass?

Answer, The Portoqueto was on the left hand side
of the line westward of it.

Cross Interrogatory 4th Did you pass within five hundred
varas of the said Portoqueto?

Answer, I do not remember and cannot say.

Cross Interrogatory 5th Was there any natural or artificial
object at the end of the first line you run to can.

you in any manner designate the point where said line ended?

Answer, I cannot designate here if I were on the ground, I could, there were fence lines at the point above referred to

Crop July 6th Do you know the Canada de Tolomas

Answer, I do know it -

Crop July 7th Did you include it or surround it in your measurement?

Answer, I have travelled over it, but did not include or surround it in my measurement

Crop July 8th Do you know the creek called Hualulab?

Answer - I do know it

Crop July 9th Does that creek run through or border on the Canada de Tolomas?

Answer, It neither runs through nor does it border upon it -

Crop July 10th Did you crop said line in running the first or second line, as above stated?

Answer - I did not crop it at all

Crop July 11th About how near it did you pass

Answer, I do not recollect

Crop July 12th How near you passed it within five leagues?

Answer, I do not know

Crop July 13th In making your measurement how near did you pass to the Canada de Tolomas?

Answer, I do not recollect

Crop July 14th In what direction is the Hualulab Creek from the Canada de Tolomas, at what distance and in what direction it runs and where

does it empty?

Answer, I believe it is to the East, I do not know the distance and direction it runs, it empties into the Sacramento river

Cross July 18th What documents if any were presented to you by Salano when you proceeded to give him judicial possession?

Answer, A petition, a duplicate of me as the Magistrate, accompanied with his title papers -

Cross July 16th What do you mean by Title Papers -

Answer, I mean to say the Title from the Government (El Título del Gobierno)

Cross July 17th Did you attach the paper containing the Record of your proceedings of the judicial possession to the paper or document handed to you by Salano?

Answer, I have deposited the same into the Archives of my Office and the Document handed to me by Salano I have returned to him.

Cross July 18th Did you issue any notifications to any persons in the course of your proceedings and if so to whom and for what purpose?

Answer, I did not, the witnesses went with me and there were no cotemporary neighbors (Colindantes)

Cross July 19th Did you administer oath to any person in the course of your proceedings and if so, to what persons?

Answer, I have, to all who accompanied me as witnesses and measurers according to the Ordinance, namely to Ramirez Rodriguez.

Francisco Herquena, Paulino Basquez & others whose names I do not recollect, I mean the Ordinance of the Spanish Government relative to the Surveying of Land.

Cross July 20th Did you cause the cord to be measured as a measure and if so how many varas in length was it?

Answer, I did but I do not recollect its length because the length of the Cord in various surveys is different.

Cross July 21st Did you have any information as to the identity of the land referred to in the title?

Answer, I did, through the witnesses, under oath as required by the Ordinance.

Cross July 22nd Did you set up any land marks on the boundaries of the said land?

Answer - I have to do the party interested do put up the land marks.

Cross July 23rd Did the party interested erect the land marks in your presence at that time?

Answer - He did not.

Cross July 24th What description of house did Solano erect, and how soon after the grant was obtained?

Answer, I can since I know the place where it is about twenty two years Solano had a house on the premises, it was built of adobe but I cannot tell when it was built.

Cross July 25th Do you know or not whether Solano obtained the grant of said land for his own benefit or for the benefit of any other person?

Answer, For himself and his family -

Cross July 26th State the name of the vessel and the Commander of it in which you found a part of the Archives as stated in your answer to Interrogatory No 9

Answer, I cannot tell the name of the vessel, the Commanders name was Thoutgeney

Cross July 27th Have you seen the Ordinance under which you acted at the time above stated and how did you procure it?

Answer - I have lost it, during the war with the United States, I bought it from the late Francis or Henry who was at Calder at the time at the Mission of Dolores, who had several copies -

Examination resumed by the Counsel for the Claimant

Question 1st Will you examine the map in your hand and state whether or not you recognize it as a correct map of the Rancho of Suisun?

Answer - To the best of my knowledge and belief it is a correct map, with the exception that a part from the land embraced within the boundaries of "Suisun" is left out in the map. The part left out is to the North East from the Embarras.

Question 2nd What divides the Valley of Suisun from the Canada of Toleras?

Answer - The range of hills, the lower part is called Suisun and the upper part the Canada of Toleras

Question 3rd Does the water from the Cañada of Tolenas run to the Valley of Suisun?

Answer - It does

Question 4th Are the different parts of the same creek called Tolenas and Suisun?

Answer - They are, the upper part of it is called Tolenas, the lower part Suisun

Question 5th In giving judicial possession of the Rancho of Suisun did you establish the point separating the Rancho of Suisun from the Tolenas?

Answer - I drew the line between the two places where the hills approximate each other the nearest

Question 6th Does or not this line cross the Creek at the opening of the Cañada of Tolenas upon the Valley of Suisun?

Answer - It does -

Cross Examination by the U.S. Law Agent - resumed

Q. Now by 1st When you present at the survey upon which the map now before you was drawn and annexed to this deposition, marked "A"?

Answer - I was not present -

(Signed) Labradon Valley's

Given to & subscribed
before me this 20th March
1852

(Signed) Henry J. Thornton

Comm^r

Filed in Office March 20th 1852

(Signed) Wm. Fisher
Secy

Office of the Board of Commissioners
of California Land Claims
San Francisco March 29th 1852

CASE NO. 2. ND

PAGE NO.

179

This day before me Henry S. Houston one of the Commissioners for ascertaining Private Land Claims in the State of California came Manuel Ameno a witness produced in the behalf of A. A. Ritchie, Claimant being No 3 on the docket of the Commissioners, being duly sworn testified as follows, his evidence being given in the Spanish language and interpreted by the Secretary George Fisher by consent of Counsel for the Claimant.

The Law Agent was not present & attended

Questions propounded by the Claimant

Question 1st What is your name, age and place of residence and how long have you resided in California?

Answer, My name is Manuel Ameno my age forty nine years, my present residence Monterey, I have resided in California twenty four years

Quest 2nd What offices have you held in California

Answer, I have held various offices in California amongst them the following -
Constitutional Alcalde of Monterey, Collector of Customs & Commissions General of Monterey Secretary of State, acting Governor three different times also member of the Departmental Assembly and of the Territorial Deputation

Quest 3rd Are you acquainted with the handwriting of Juan B Alvarado, Manuel Ameno

José Ramon Estrada, José Maria Castanares
Pío Pico and José Maria Coronarias, if you
state if their signatures on and to the Documents
now here shown you are genuine and if they are
the originals of the Copies which are filed with
the petition of A. A. Ritchie in the Office of the Sec-
retary of the Board of Land Commissioners
for California marked exhibit A and referred to
in said petition which is No 3 on the docket of
said Board?

Answer, I am acquainted with the hand writing
of Juan B. Alvarado, Manuel Linares, José Ramon
Estrada, José Maria Castanares, Pío Pico and
José Maria Coronarias and I recognize their
signatures affixed to the Documents now shown
to me and which I now hold in my hand as
the genuine signatures of those persons and I
know the documents to be the original of those
Copies which are filed with the petition of A.
A. Ritchie, in the Office of the Board of Land
Commissioners of California marked Exhibit A
which Copies I also hold in my hand and
have compared them with the said originals and
found them correct and that the signature of Man-
uel Linares is my own signature

Question 4th Whether by the laws and Customs of this
Country when it was under the Mexican Government
an emancipated Indian had the same right to
acquire, sell and alienate lands and other property
as any other citizen and if any other forms were
required in his case than in any other purchase
or sale between white citizens

Answer & the emancipated Indians at the
time referred to enjoyed in the above interrogatory
enjoyed all the rights privileges and immunities
of Mexican Citizens and were subject to all the
duties and obligations required of such Citizens
and had the same right of buying and selling
land and other property

(Signed)

Manuel Amador

CASE NO. 2 ND

PAGE NO. 181

Given to & subscribed
before me this 29th day of
March 1852

(Signed)

Henry J. Thomson
Clerk

Filed in Office March 29th 1852

(Signed)

Geo. Fisher
Scty

Office of the Board of Commis-
sioners of Land Claims in
California

San Francisco June 12th 1852

CASE NO. 2ND

PAGE NO. 182

On this day before me Henry P. Thurston
one of the Commissioners for ascertaining and set-
tling private Land Claims in California came
Jacob P. Lease, a witness produced in behalf of
the Claimant, A. A. Ritchie being to 3 on the docket
of said Commissioners and being duly sworn tes-
tified as follows. The Law Agent of the U.S. was
notified & attended

Questions by Claimant

1st Question. What is your name age and
place of residence

Answer, My name is Jacob P. Lease, my age is
fifty three years, I have resided in Monterey
since 1849 and previous to that in Sonoma

2nd Do you know any thing about the sale of
the tract of land called Suisun, by Francisco
Solano, and if so state what you know

Answer In the year 1840 Francisco Solano offered
to sell me the Rancho of Suisun for one thous-
and dollars, I examined the land and de-
-clined the offer, considering it as land sold
at that time a pretty high price, In 1841 Solano
offered it to Captain Henry W. Hitch, Capt.
Hitch examined the land but declined the offer

It was also offered by Solano in 1841 to Termit-
-tinger who went on the land but afterward de-
-clined to purchase, In May 1842 Solano sold
the land to M. G. Talley for one thousand dollars

3rd Question, Had you or not consider that sum as

a fair price for the land?

Answer - I did consider it a high price at the time, I could have purchased it for that sum and I know it was offered to others for that sum

4th Question - Did you or not consider at the time that by the usage and custom of the Country Solano had a right to sell his land?

Answer - By the usage and custom of the Country Solano had a perfect right to sell the land, nor one to my knowledge expressed a doubt of his right to sell his land, I did not want the land at that price, and for that reason did not purchase. I had no doubt about the title

5th Question - How long have you lived in California and what offices have you held

Answer - I have lived in California 19 years. I was first Alcalde and Judge of 1st instance of the District of Sonoma in 1844 and part of 1845

(Signed)

Jacob P. Leese

{ The Agent of the U.S. present
{ declines to cross examine

Sworn to & subscribed before me this 12th June 1852

(Signed)

Henry J. Thornton
Clerk &c

4
Signed in Office June 12th 1852

(Signed)

Geo. Fisher
Secy

Office of the Board of Com-
missioners of California Land
Claims

CASE NO. 2 ND



PAGE NO. 184

San Francisco August 10, 1852

On this day before me Henry J. Thornton
one of the Commissioners for ascertaining and
settling private land claims in the State of
California came M. G. Valley a witness produced
in behalf of the Claimant A. A. Ritchie, whose
petition is No 3 on the docket of the Commissioners
and was duly sworn, His evidence being given
in the Spanish language was interpreted by
the Secretary,

The Law Agent was notified and attended

Questions propounded by the Claimant
1st Question, What is your name, age & place of res-
idence?

Answer. My name is Mariano Guadalupe Valley &
my age is forty five, I now reside in Sonoma
and have resided in California all my life

2nd Question, State if you know whether Francisco
Salano, the original grantee in this case, held
any office or Commission under the Mexican
Government and if so what office and at what
time?

Answer. When I held the office of Commandant on
the Northern Frontier, I received a letter from the
Minister of War in Mexico enclosing a Commission
of Captain in the Mexican Army for said Salano
which was given by me to Salano, and which he
continued to hold until the taking of the Country
by the United States, I think he was Commissioned

as Captain in the year 1836. He was a brave
officer and rendered very important services to the
Mexican Government against the wild Indians
on the Northern Frontier

CASE NO. 2 ND
PAGE NO. 185

(Signed)

M G Vallejo

Decline of examination

(Signed) George W. Crocker

U S Law Agent

James he subscribed before me
this 6th August 1852

(Signed) Henry J. Thornton

Commiss. &c

Filed in Office August 6th 1852

(Signed)

Geo Fisher

Secretary

Office of the Board of Land
Commissioners in California -

Los Angeles, September 14th 1852

On this day before me Henry J. Thornton
one of the Commissioners for ascertaining and
settling private land claims in California
Came Pablo de la Guerra, a witness produced
in behalf of the Claimant A A Kitchin whose
petition is No 3 on the Roster of said Commission-
ers and after being duly sworn, testified as fol-
lows. The Law Agent of the U S was duly notified
& attended.

1st Question, What is your name age and place
of residence?

Answer, My name is Pablo de la Guerra, my age about 32 years, I reside at Santa Barbara and have resided in California all my life
2nd Question, What was the usage and custom of the Country with respect to sales of lands by Indians which had been granted to them by the Governor was there any distinction in this respect between Indians and Whites?

Answer, I know of no distinction, I have always understood that Indians had the same rights of property under the Mexican laws as white men, I have frequently known Indians to sell lands which had been granted to them and such sales were always considered legal under the Mexican Law.

Questions by the U S Law Agent

Quest 1st What action have you ever known to be taken by the Mexican Government which would show that said Government considered sales made in California by Indians legal?

Answer, I know of no action by the Government or Public authorities either approving or disapproving such sales

Quest 2nd Have you ever known any action taken either by the public authorities in California or by people living in California, which would show that such sales by Indians were considered legal?

Answer, I know of no action taken either by the Public Authorities or by the people in regard to this matter, I know of no instance where the

Governor of California recognized the right of an Indian to sell land, I refer to the letter which is among the papers in Case No 50, dated San Luis Obispo, July 11th 1846. I have frequently known of sales made by Indians to white people and considered by them as valid.

Quest. 3rd How many such instances have you known?

Answer I now remember four such instances

CASE NO. 2 ND

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Question by Claimants Counsel

Quest. 1st Whether or not sales by Indians of lands granted to them by the Government were made as freely and as generally in California as such sales were made by the whites, in proportion to the relative number of the two kinds of grants.

Answer, They were made as freely and as generally

(Signed)

Pablo de la Guerra

I do acknowledge due notice of the time and place of taking the above disposition

(Signed) Geo W. Crocker

U.S. Land Agent

I am to & subscribed before me
this 14th September 1852

(Signed) Henry J. Morrison
Clerk

Filed in Office Sept 20th 1852

(Signed) Geo Fisher

Subj

Office of the Board of Commissioners
 of California Land Claims
 San Francisco May 17th 1852

On this day before me Heiland Heall one of the Commissioners for ascertaining and settling private Land Claims in the State of California came Sabado Talley a witness produced on behalf of the Claimant Archibald A. Ritchie whose petition is No 3 on the Roll of the Board was duly sworn, The Law Agent was notified & attended

In answer to the questions put by the Counsel for the Claimant, the witness testified as follows

My name is Sabado Talley, my age is forty years and I reside at Sonoma in this State I have always resided in California
 A paper purporting to be a deed from Francisco Golano de Marinan Guadalupe Talley, dated May 10th 1842, being shown me I say that the signatures of Francisco Golano José de la Rosa, Cayetano Suarez and my own signature appearing upon the same are genuine, that I signed the same myself at the date which the instrument bears and saw the other said persons sign the same at the same time, My own signature and that of Rosa and Suarez appear upon said instrument in two places, The instrument was executed in the proper form to convey land under the Mexican laws in force in California at the time, before me as a Civil Magistrate. The said instrument is marked No 1 A H.

(Signed) Sarah Ann Kelly
Given & Subscribed 3
before me 3
Signia Nell and Hall
Cromwell

Filed in Office May 7th 1892

CASE NO. 2 ND

PAGE NO. 189

(Signed) Geo. Fisher
Secretary

(34401)

CASE NO. 2 ND
PAGE NO. 190

En el pueblo de Sonoma de la Alta Cal-
ifornia a lo diez y seis del mes de Mayo del año
de mil ochocientos cuarenta y dos ante mi
el Capitan Don Salvador Vallejo Coman-
dante Militar de otro punto ejerciendo la
jurisdiccion civil y testigos Francisco Salas
de el dho, que por se y en nombre de sus hijos
huerfanos sucesores y de quien de ellas hubien
titulo roz y causa en el dho. quenda manera ven-
-da y da mi renta real y magestacion perpetua
por juro de huerdad para siempre mas al Sr
Coronel y Comandante General D. Mariano
Guadalupe Vallejo recien tambien del mis mo
pueblo de Sonoma y a los suyos el teniente del
"Suroeste" un cantidad de cuatro sitios de ganado
mayor que le pertenece al posesion y propiedad
contigentes al punto con el rancho de Sozer
y Tulcom y al Noroeste con Toleras segun consta
por los titulos de pertenencia que adjuntan esta
escritura por las cuales corresponde en posesion
y propiedad al otorgante el cual declara y ase-
-gura no tener le servidumbre ni imperada y que
esta libre de tributa memoria capellanias ramos
patronato a Franca y de otra gravamen, perpetuo,
temporal, tacito y expreso y como tal se lo vende
con todas sus entradas salidas fabricas, masos,
Costumbres, regaladas servidumbres y demas
casas anexas que ha tenido tiene y le pertene-
-cer segun derecho por mil pesos fuertes mexicana-
-nos que tiene recibidos ni numerada pecunia
segun el mismo confiesa y renuncia la ley 9 del
Libro 1.º Partida 5.ª y asi mismo declara que el punto

precio y verdadero valor y referido tenen
su efecto más real y en que vale más su haber
que en tanto les halla dado por el y de más
vale o valer puede al cesesa en poco a mucha
suma hara a a favor del Comprador y de
sus herederos y sucesores gracia y donacion
pura perfecta y irrevocable en conformidad con
nuestra cion y demás firmezas legales y penun-
cia ley 2, título 10 de RL que trata de las con-
tratos de renta trueque y de otros en que hay
lesion en mas o menos de la mitad del justo
precio y los cuatro años que prescribe para
pedir su rescion o suplemento a su justo
valor los que da por pasados como si efectiva-
mente lo estuvieran y desde hoy en adelante para
siempre se desapodera resiste quita y aparta
a sus herederos y sucesores del dominio o pro-
piedad, posesion título oq recurso y otro qua-
quiera derecho que le competia al renunciado
tenen del Snyfun lo cedo renuncio y respase
con las acciones reales y personales, utiles mixtas
directas y eventuales en el Comprador y quien la
suyo el presente para que la posea goce cumba
enajene use y disponga de ella a su elecion
Cande casa suya adquirida con legitimidad y
justo título y le confiere poder irrevocable con libe-
franca y general administracion y constituyes
procurador actas en su propia causa para
que de su autoridad entre y se a pader del
nombrado tenen y perjudica la real tenen
y posesion que por derecho le compete y para
que no se cessite tomar lo que se pide que de la
deprá autorizada de esta escritura con la cual

CASE NO. 2 ND
PAGE NO. 192

En otro acto de aprehension ha de ser visto
haber la tomada aprehendida transcurrida le
y en el mismo se constituye su siguiente
tenedor pasador en leg al forma
Se obligan a que dicho tenedor sea cierto
seguro y efectivo al comprador y nada ni qui-
etada ni cosa alguna sobre su propiedad pas-
sion gase y disfrute ni contra el aprehen-
gravamen alguno y si de la inquietud o nueva
a paracion luego que el otorgante y sus herederos
sucesores sean requeridos conforme a derecho
paldran a su defensa y lo requiriran a sus expen-
sas en todas instancias y tribunales hasta y sobre
haciendo y dejar y comprador y de los suyos en su
libre uso y goza y pasaje y posesion y uso
pudiendo conseguir lo ledran otro igual en
valor de fabrica renta y comodidad de su
en su defecto la restituyan la cantidad que
ha desembalsado, las mejoras utiles presas
y voluntarias que a la sazón tenga a su
valor y estimacion que con el tiempo adquiera
y todos los costas, gastos danos intereses o
menor o otros que se le requiriran e irrogaren
por todo lo cual se le ha de poder y justicia
solo en virtud de esta escritura y juramento
del que la pasara o de quien le represente en
quien dijere su importe y se retenga de otro
punta y a la ausencia de todo lo referido
obligan su persona y bienes habidos y por haber
Y consuen amplio poder a los Señores Jueces
y Tribunales de la Nacion que de este
negocio deban conocer conforme a derecho
suces que se apremien a su cumplimiento

Como por su tenencia deputada de juez
competente parada en autoridad de casa
juzgada y consentida que por tal lo recibo

CASE NO. 2 ND

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(Humado) Franc^o his Salas
(") ^{mark}

Salvador Vallejo

Jefe de casa
(Humado)

Jefe de la Casa

Jefe de casa
(Humado)

Cayetano Aranz

Yo el infrascrito doy fe en los
de asis tenencia de haberse extendido la au-
=tencia escrita en papel comun por no
haber en este lugar del sello que corresponde
Hecho + supria

(Humado)

Salvador Vallejo

Ape
Jefe de la Casa

Cayetano Aranz

Hecho en Ofici May 7th 1852

(Signada)

Geo Fisher
Jefe

Translation
of Exhibit
No. 111

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PAGE NO. 194

In the Pueblo of Sonoma of Alta California
this tenth day of the month of May of the year One
Thousand Eight hundred and forty two, before
me Captain Sabado Tally's Military Command-
-ant, exercising the Civil Jurisdiction of said
place and witnesses, appears Francisco Tallas
resident of the place and says, that for himself
and in the name of his children, heirs, successors and
whosoever of them who may take rise or cause in
whatever manner, he sells and gives in real sale
and perpetual alienation by right of inheritance
forever to Colonel and Commandant General Don
Mariano Guadalupe Tally's also resident of
the same Pueblo of Sonoma and to his heirs &
successors, the land of Sonoma, in quantity the
"fourthias de ganado mayor" which belongs
to him in possession and property bounded
on the west by the Rancho of Suscol and Tolmie
and on the North East by Tolmie, as appears
by the titles of ownership which are annexed to this
conveyance by which it belongs in possession &
property to the Grantor who declares and gives
appearance, that he has not sold or pledged it
and that it is free from tax, demands, church
dues, entail, Chautabla or pious charge, Bond or
other incumbrance, perpetual, temporary, special,
general, tacit and express and as such he sells it
with all its rights of way, improvements, uses, customs,
perquisites, servitudes and other appurtenances
which it has held, holds and which pertain to it of
right for One Thousand hard Mexican dollars,
which he has received in cash as he himself
acknowledges and he relinquishes the benefit of

CASE NO. 2 ND
PAGE NO. 195

Law 9 of Title 1st, Partidas 5th and he also declares that the just price and true value of the said land is Eight thousand Reales and that it is worth no more, nor did he find one who would give so much for it, and if it is or may be worth more whether the excess be great or small, he makes of it to the purchaser, his heirs and successors a grant and donation, pure perfect and inalienable being in sound mind and full understanding and with due form, and he relinquishes the benefit of Law 2nd Title 1st Lib 10, N.R., which treats of Contracts of sale, but in and although in which there is lesson in more or less than a half of the just price and the four years for asking its rescission or a supplementary payment to its just value, which he considers a part in the same manner as if they had already expired, and henceforth and forever he and his heirs and successors, release desist retire and withdraw from the dominion, propriety and possession, title price and recourse and whatever other right pertains to that land of "Suisun"; He grants relinquishes and makes it over, with the actions, real, personal, useful, mixed, due et and executive, to the said purchaser and his representatives so that he may possess, enjoy, use charge alienate use and dispose of it as well as his own acquired by legitimate and just title And he confers upon him inalienable power with full and general administration and appoints him Atty in fact in order that with his authority he may enter upon and

take the said land and hold the real tenure
and possession which by right belongs to him
and that he may not need to ask me, that I
give him a certified copy of this conveyance,
with which without any other act of taking
possession, he shall be considered as having
taken possession, seized, and conveyed
and in the interim, he (the Vendor) constitutes
himself the tenant holder and temporary pos-
-sessor for the vendor in due form of law, and
he binds himself that the said land shall be
the custom, secure and full property of the
Vendor, and that no one shall disturb or in-
-terrupt a suit against his ownership, posses-
-sion, enjoyment and profit, nor shall appear
against him any incumbrance and if any
thing should trouble or appear against
him, immediately that they are required by
law, the Vendor and his heirs shall appear in
his (the Vendor) defense and they shall at their
own expense, pursue the matter in all the pro-
-ceedings and tribunals, until the conclusion
and until the Vendor and his heirs and succes-
-sors shall be left in the peace and quiet and
pleasant possession and not being able to sue-
-ceed, they the Vendors shall give to him the
Vendor another piece of land equal in value im-
-provements, situation, rents & accommodations and
in default of this, they will restore to him the amount
which he has expended and reimburse him for the
useful, necessary and voluntary improvements which
he may have at that time, at the best value and ap-
-praisement, which in time it may acquire and

all the Costs of penses damages interest or de-
terinations which may be suffered to or sustained
for all of which he may be executed by the
instrument of this Conveyance and the oath of
him who may paper up the same or of whosoever
represents him, for which he consents judgment
without ~~other~~ ^{other} proof. And for the observance of all the
foregoing he binds his person and property, both acquired
and hereafter to be acquired and confers full power
on the magistrates and tribunals of the nation, which
may be authorized by law to act in this matter
to force him to the fulfilment as by a definite
judgment of a competent Court papered with
the authority of res judicada and consented to
and as such received by him the Vendor

(Signed) Francisco ^{his} Solano
mark

(Signed) Salrador Vallejo

Present Witnesses

(Signed) José de la Rosa

(Signed) Cayetano Suarez

The undersigned certify with the attending witnesses
that the preceding Conveyance was issued on
Common Paper, there being in this place no paper
of the corresponding stamp, that is before

(Signed) Salrador Vallejo

Attending Witnesses

(Signed) José de la Rosa

(Signed) Cayetano Suarez

The above documents as corrected in the margin are faith-
ful translations

(Signed) J. B. Carr

Filed in Office Jan 21st 1852 - (C) Geo Fisher, Secy



Office of the Board of Commissioners
of California Land Claims

Los Angeles Sept 14th 1852

CASE NO. 2 ND

PAGE NO. 198

On this day before Henry J. Thomson one
of the Commissioners for ascertaining & settling
private land claims in California came Pablo
de la Guerra a witness produced on behalf of
the claimant A. A. Ritchie whose petition is No 3
on the Roster of the Commissioners Swears duly sworn
his evidence being given in English

Q^d Question, What is your name, age & place of residence?
Answer - My name is Pablo de la Guerra my age is
about 32 years I reside in Santa Barbara and have
resided in California all my life

Q^d Question, Examine the papers before you
and say whether you know the signatures of
whom the Copy annexed hereto is a true Copy of
this original?

Answer - I am acquainted with the signatures
of Manuel Micheltarena & Manuel Lujano, their
signatures to this paper are genuine, & the document
itself is to the best of my knowledge & belief genuine
and an original, and the paper annexed hereto is
a true Copy of the original

(Signed) Pablo de la Guerra

U. S. - Law Agent notified & consenting
I am so subscribed
before me 14th of Sept., 1852

(Signed) Henry J. Thomson
Comm^r

Filed in Office Sept 20th 1852

(Signed) W. Fisher
Secy

CASE NO. 2 ND
PAGE NO. 199

Stamp Fifth, One Real
Provisionally authorized by the Maritime
Customs House of the port of Monterey in the
Department of the California for the years
One thousand Eight hundred and forty four
and One thousand Eight hundred and forty
five

Micheltorrea Pablo de la Guerra

Most Excellent Sir

Monterey Oct 30
1844

I Juan Ponce

Let the general
Secretary of the
Office of this Gov-
ernment report
taking previously
the examinations
which he may
require

a native of the Department of
California and resident in
Yuba Puna, before Your Excel-
lency's high justification and
as best I may in law say that
being burdened with a family
and having a considerable
number of neat Cattle shares
being in want of lands where

(Igd)

Micheltorrea

I may keep my said property
for its security, a land as offer-
ed to me which Don Gorgonio

Scophy of the Purpuri of Santa Clara sells
to me which was granted to him in fee as
appears by the documents which I submit
to Your Excellency, wherefore I pray you
give me leave to purchase it, as also to the
owner permission to sell it for he has no means
of cultivating it, and to me it is a benefit
for my numerous family.

Wherefore I pray

your Excellency to have the goodness to accede
to my request of whom I will expect favor and
grace

Monterey October 30th 1844
Not knowing how to write I give authority
to You (signed) José de la Rosa

CASE NO. 2 ND

PAGE NO. 200

In compliance with of the Government
let the person interested pass to the Magis-
trate of the Pueblo of San José who by law
has authority to authorize the sale treated of
in the foregoing petition, which being
finished let all (the papers) be returned by
said Magistrate to the person interested for
his due security

Monterey Oct 30th 1844
(Signed) Manuel Suenis

I certify the foregoing to be a true &
correct translation from the Spanish Document
annexed to the deposition of Pablo de la Guerra
taken before the J. Thomson Sept 20th 1852 in
Case No 3 Archibald A. Ritchie for the place
named Suison

(Signed)
Geo Fisher
Scri

Filed in Office Sept 20th 1852

(Signed)
Geo Fisher
Scri

CASE NO. 2 ND
PAGE NO. 201

Sello Dunto Uno Real
Rehabilitado provisionalmente por la Aduana
Mantiva del punto de Monterey en el Depar-
tamento de las Californias para los años de mil
ochocientos cuarenta y cuatro y mil ochocientos
cuarenta y cinco

Micheltorrena Pablo de la Luna

Seal

Exmo Sr

Monterey Oct
30th de 1844

Suplico a V. E. que
me permita de el
Despacho de este
Gobierno tomar
permanente los
que necesitare
(Famiada)
Micheltorrena

Quena Priones natural
del Departamento de Californias y
residente en Yerba Buena ante
la alta justificacion de V. E. y
como mejor halla lugar en derecho
digo que hallandome en cargo
de familia y teniendo un numero
considerable de ganado vacuno
y caballar carisimo de un
reino donde tengo mis dhas bienes
para su seguridad se me propor-
ciona un terreno que me vende
Jose Gorgonio moysa de la Luna

de Sta Letana que le fue concedido su
propiedad como consta por los documentos
que adjunto a V. E. por lo que le suplico se dign-
me concederme la licencia de comprarlo, como
igualmente lo de venderlo el propietario pues
este no tiene con que cultivarlo y a mi me es
beneficio para beneficio de mi numero la fami-
lia.

En tanto a V. E. suplico se digna acceder
a mi solicitud de que se repare merced y gracia

Invoque lo dicho es la ciudad
Monterey Oct 30 de 1844
Por no saber firmar le doy poder a de José
de la Rosa

CASE NO. 2 ND

PAGE NO 202

Conforma a la voluntad del Gobierno pasiva
interesada al Juez del Pueblo de San José
quien por la ley tiene facultad de autorizar
la venta que se trata en consecuencia de la
vuelta lo que concluido todo se desuelva
por dicho Juez a la interesado por su deber
resguardar.

Monterey Oct 30 de 1844

(Firma)

Manuel Amador
Jefe

Filed in Office Sept 20th 1852

(Signed)

Geo Fisher
Jefe

I George Fisher Secretary of the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the "15" foregoing pages numbered from 1 to 15 both in enclosure to contain a true correct and full transcript from the Journal of proceedings of said Board in Case No 3 Archibald A Keith Claimant against the United States for the place named "Suision" I further certify the foregoing 94 pages numbered from 15 to 109 both in enclosure to contain a true correct and full copy of the original depositions of witnesses and other documentary evidence on file in this Office in the same case

In testimony whereof I hereunto set my hand and apply my private seal not having a seal of Office at San Francisco California this Eighteenth day of May A.D. 1853 and of the Independence of the United States of America the twenty seventh

Geo Fisher
Secretary

Office of the Board of Commis-
sioners for ascertaining and
settling the Private Land claims
in the State of California -

CASE NO. 2 ND

PAGE NO. 204

San Francisco May 19. 1853

John M. Wood Esq.

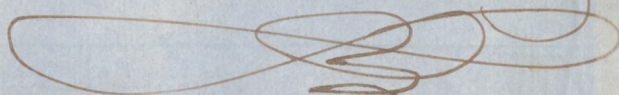
Clerk of the United States District Court
for the Northern District of California

Sir

Pursuant to the requirements of the
Act of Congress, approved August 31, 1852, I here
with transmit you the Transcript of the pro-
ceedings &c. in case No 3, on the Docket of this
Board, wherein Archabald A. Ritchie is the
Claimant vs the United States, for the
place known by the name of "Luisun" and
request your receipt for the same -

I am very respectfully
your Obedient-Servant

Geo. Fisher


Sey

CASE NO 2 ND

PAGE NO. 205

Letter of Geo Fisher
Sept
to accompany Land
Claim No 2

Filed October 5, 1853

Filed May 19, 1853

John A Mendenhall
Clerk

CASE NO. 2. ND.

Attorney General's Office
Washington D.C. August 18th 1873

Archibald A. Ritchie Claimant,

v.

CASE NO. 2 ND
PAGE NO. 206

United States;

You will please take notice, that the appeal in the above case from the decision of the Commissioners to ascertain and settle private land claims in the State of California, to the District Court of the United States, for the Northern District of California, will be prosecuted by the United States.

Clark
Attorney General U.S.

Laud Claim No. 207

12ND

A. A. Ritchie
Claimant
vs

The United States

Filed Sept. 20th 1853
J. W. McCune
Clk.

Notice of Appeal

CASE NO. 2. ND.

CASE NO. 2ND
PAGE NO. 207

(Next page)

U. S. Comm^{rs} Office

The United States Testimony de bene et
A. A. Ritchie. by Consent, raising
Notice &c.

Don. Salvador Callejo, being duly sworn says.

Question, Did you execute the judicial pos-
session & survey for Francisco Solano
of the Rancho, Suirio.

Answer, I did, don't remember the year

Question, When did you begin the survey
and when end it?

Answer, I commenced the line in an
opening of the Mountain a pass
where stood a tree, near the Embarcadero
about two yards from it. The tree is immedi-
ately upon the river, estuary or creek,
There was a small mound there, some trees
near it, I commenced from one of these trees
(Map "Exhibit A" being shown the witness)

Question, State whether you have compared
this Map with the original in
the Grant, and whether it is a correct rep-
resentation of the grant as surveyed by you,

Answer, I have compared them, and it
is a correct representation of the
original, but an error exists in both in one
particular viz the dotted line, marked
"error" in red ink, should be drawn across
the slough and terminate at the point
marked "C" in red ink, opposite to its present

Termination.

Question. Who marked the dotted lines on the original Map, as they appear on this?

Answer. Joaquin Peña and Francisco ^{Reiguerd} ~~Reiguerd~~, assisting with papers in delivering possession, marked them when they returned from making the survey and delivering possession, somewhere between the years 1842 & 45. The papers will show.

Question. For what purposes were these dotted lines made?

Answer. For the information of all persons interested and to define the boundaries of the land.

Question. Were the lines which you actually measured & run upon the land, the same with those indicated on the Map?

Answer. The lines run by me, were probably not as straight as those indicated by the dots on the Map, because we had to wind around the mountains in running them.

The lines on the plains were run straight, but those among the mountains were varied somewhat.

I used a Compass, & rope for measuring. The Rope was measured by Spanish W Yards, before we commenced Survey. We surveyed entirely around the tract. We marked ~~at~~ ~~the~~ the corners, and I gave orders for setting the corner posts.

I calculated the Area after Survey, and

Made it four (4) leagues of land.
I was a Civil Judge, and Military Com-
mander at this time, I executed it as
Judge, I was a just Alcalde at the time.

CASE NO. 2 ND

PAGE NO.

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I knew Francisco Solano, he was a Roman
Catholic and in regular Communion with
the Church, at that time

I have seen him vote & exercise the right
of citizenship. I knew him to be an offi-
cer of the Mexican Army

Question Can you mark with a cross the
position of the tree near the San
Barcadero, of which you spoke,
Answer, La Casca, and how so marked
it.

Albador Vallejo

X

United States of America, }
Northern District of California. } ss.

I, Henry B James a commissioner duly appointed by the District Court of the United States, for the Northern District of California, under and by virtue of the Acts of Congress, entitled "An Act for the more convenient taking of Affidavits and bail in civil causes, depending in the Courts of the United States," passed February 20th, 1812, and the Act of Congress, entitled "An Act, in addition to an Act, entitled 'An Act for the more convenient taking of affidavits and bail in civil causes, depending in the Courts of the United States,' passed March 1st, 1817, and the Act entitled "An Act to establish the Judicial Courts of the United States," passed September 24th, 1789, **Do hereby Certify**, That the reason for taking the foregoing *deposition* is, and the fact is, the witness was material and necessary in the cause in the caption of the said deposition named, and that ~~in the same~~ was taken - by consent of parties interested

CASE NO. 2 ND

PAGE NO. 211

~~I further Certify, That~~ ~~notification of the time and place of taking the said~~
~~deposition signed by me, was made out and served on the~~

~~to be present at the taking of the deposition and to put interrogatories, if he or they might think fit~~

I further Certify, That on the 26th day of October in the year of our Lord one thousand eight hundred and fifty three I was attended by Volney Howard Esq + J W Arge Counsel for the parties and by the witness who of sound mind and lawful age, and the witness being by me first carefully examined and cautioned, and sworn to testify the truth, the whole truth, and nothing but the truth, and the *deposition* was by me reduced to writing, in the presence of the witness and from his statement and after carefully reading the same to the witness who subscribed the same in my presence. I have retained the said *deposition* in my possession for the purpose of returning the same to

the same with my own hand to the Court for which the same was taken.

And I do further Certify, That I am not of Counsel nor Attorney for either of the parties in the said *deposition* and caption named, nor in any way interested in the event of the cause named in the said caption.

In testimony whereof, I have hereunto set my hand and seal, this 21th day of October in the year of our Lord one thousand eight hundred and fifty three and of the Independence of the United States the seventy eighth,

Henry B James

United States Commissioner, duly appointed by the District Court of the United States, for the Northern District of California.



Vol.

No. 2 ND
334

United States District Court,
For the Northern District
of California

The United States

vs.

A. A. Ritchie

Vally's Deposition on the part of the
Claimant taken before

Henry B. James
United States Commissioner, on the 26th

day of October 18 53,

Filed the 21th day of Oct^r 1853

Geo. A. Munroe
Clerk

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CASE NO. 2 ND

U. S. District Court
Northern District of California

The United States vs Archibald A. Ritchie
Special Term
November 8th 1832
Appellant vs Appellee
Jose de la Rosa

being duly sworn in open Court deposes & says,
I know Francisco Solano of Suisun, he
was a Roman Catholic - he was married - I
was present on two occasions when he was
married he was married three times - he was
married in Church according to the form of
the Catholic Church - his wives were Christians
they were Indians - he was considered a legal
voter in Sonoma - I saw him vote twice -
in the year 1839, Solano received a Commission
as Captain of Infantry signed by ^{then President of Mexico} Genl. Bustamante,
I have had that Commission in my hands &
have seen it - There was an Adobe house built
at Suisun in 1842 -

Jose de la Rosa

The above deposition was taken in open Court in
the presence of the U. S. Dist. Attorney by consent -

John A. McCreavey
Clerk

W. I. West: Court
Land Claim No. 2⁴

2ND
The United States

— . 10 —
A. A. Ritchie

Deposition of L. Dela Rosa

Filed Nov. 8. 1835

Geo A. Mowbray
clerk

CASE NO. 2ND

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CASE NO. 2ND

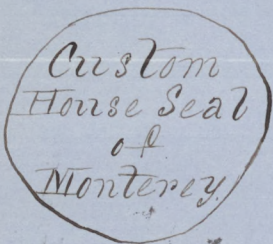
Third Seal. Two Reals.

Provisionally authorized by the Maritime Custom House of the Port of Monterey, in the Department of the California, for the years Eighteen hundred and forty and Eighteen hundred and forty one.

(Sd) Alvarado. (Sd) Antonio Maria Osio.
private mark. private mark.

Reauthorized by the same for the year Eighteen hundred and forty two.

(Sd) Alvarado. (Sd) Antonio Maria Osio.
private mark. private mark.



The undersigned Secretary of the Departmental Government, Certify that the design which is exhibited on the following page is exactly similar to the original which is added to the respective "expedientes" which exists in the office under my charge.

Monterey, 15th March, 1842.

(Sd) Man? Jimeno.
private mark.

J. W. A. Tillinghast, Translator by order of the U. S. District Court hereby Certify

CASE NO. 2 ND
PAGE NO. 215

that the writing on the foregoing and
following pages is a true and faithful
translation of the paper marked
Exhibit C.

W. N. Pillingham

CASE NO. 2 ND

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Third Seal. Two Reals.

Provisionally authorized by the
Honorable Customs House of the port
of Monterey in the Department of the
California, for the years Eighteen
Hundred and forty and Eighteen
Hundred and forty one.

(Sd) Alvarado.
private mark.

(Sd) Antonio Maria Osio.
private mark.

Reauthorized by the same for
the year Eighteen hundred and forty
two.

(Sd) Alvarado. (Sd) Antonio Maria Osio.
private mark. private mark.



CASE NO. 2 ND
PAGE NO. 217

Map of Prison.

Land Claim No 24
2 ND

Exhibit, Copy of
original Grant

Filed Nov. 8. 1833
J. A. Mann
Clerk

CASE NO. 2 ND

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CASE NO. 2 ND

United States of America
Northern District of California

CASE NO. 2 ND

PAGE NO. 219

Archibald A. Ritchie of the town of
New Castle and state of Delaware being duly sworn
says: that during the last three years he has made
diligent and frequent search for a Copy, or record
of the "Judicial Possession" of the "Lad of Suisun"
that he has thoroughly examined the few remaining
records of the Alcaldes office of the former district
of Sonoma which are now in charge of the Recorder
of Sonoma, and has sought every where he thought
information in regard to said record might be
obtained, without being able to get any knowledge
or trace of it, and that he has been informed &
believes it to be true, that said record of the
Judicial Possession of Suisun was with many other
Public Documents taken from the Mexican Alcaldes
possession in June 1846 and destroyed by the
American Invaders usually styled the "Bear
Party" who attacked and took possession of
Sonoma in the month & year last above written
and further deponent saith not -

Shown to before me
this 8th day of November 1853
(Henry B. James)
U.S. Commissioner

Archibald A. Ritchie

U. S. District Court
Land Claim No 4

52 ND
CASE NO. 2 ND
PAGE NO. 220

The United States

vs

A. A. Pitcher

Affidavit

Filed Nov. 8th 1833
J. A. Morrison
ck

CASE NO. 2. ND.

U. S. District Court
Northern District of California

The United States ³ Special Term
— ¹⁰ — appellants ³ November 8th 1853
Archibald A. Ritchie ³ appellants ³ J. J. Vallejo

Adly sworn in open Court - deposes & says that
Map I now hold in my hand marked Exhibit
"C" is a correct copy of the original - I compared
it with the original in Surveyor General's office this
morning - I am familiar with the signatures -
the signatures in the Original Map of Alvarado
four times - Antonio Maria Peio four times &
Manuel Jimeno once - are genuine - The original
Map of which this is a copy formed part of the
Original title of Suisun and is the same
Map referred to in said title - I recollect
the point that was known as "Salina del Sicha"
and have marked the same with a cross on
the Map - Judicial Possession was given in 1842
Suisun is distant from the nearest Point of
the Coast 18 or 20 Leagues - (Eighteen or twenty Leagues)
Suisun Rancho is distant two or three miles from
Suisun Bay - The Bay of Suisun is from Eighteen
to twenty Leagues from the Golden Gate or the
nearest outlet to the ocean.

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J. J. Vallejo

The above deposition was taken in open Court in
the presence of the U. S. District Attorney by consent
J. J. Vallejo Clerk

U. S. Dist. Court
Land Claim No. 3-

^{2ND}
The United States

vs
Asst Pitches

Deponent of G. G. Vallejo

Filed Nov. 8. 1833
Geo A. Morrison
Clerk

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CASE NO. 2. ND

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At a *Special* 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 *Tuesday* the *eighth* day of
November in the year of our Lord one thousand
eight hundred and fifty-*three*

Present:

The Honorable OGDEN HOFFMAN, JR., District Judge.

The United States Appts
vs
Archibald A. Ritchie -

This cause having come up on appeal from
the Board of Commissioners to ascertain &
settle land claims in California and the
objection urged by the District Attorney to
the confirmation of the decree of said board
having been duly considered it is now ordered
adjudged and decreed by the Court that
the said decree and decision of the said
board be and the same is hereby confirmed

Ogden Hoffman Jr
D. I. Dist Judge

U. S. Dist. Court
Land Claim No 4

2ND

The United States
Appellants
vs

Archibald A. Ritchie
Appellee

Final Decree on Appeal

Filed November 8th 1853

Jno A Morrison
Clerk

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CASE NO. 2. ND.

By the Hon. Ogden Hoffman Jr. Judge
of the United States for the Northern Dis-
trict of California:

To Archibald A. Ritchie:

Whereas the United States have lately ap-
pealed to the Supreme Court of the Uni-
ted States, from a decree lately rendered
in the United States District Court for
the Northern District of California,
in favor of you the said Archibald
A. Ritchie confirming your claim to the
tract of land called the Mission and a-
gainst the said United States: You
are therefore hereby cited to appear be-
fore the said Supreme Court at the
City of Washington on the first Monday
of December next, to do and receive what
may appertain to justice, to be done in
the premises.

Given under my hand
at the City of San Francisco in the Nor-
thern District of California, the 8th day
of November A.D. 1853. and in the year
of Independence of the United States, the
Seventy Eighth.

Ogden Hoffman Jr.
U. S. Dist. Judge

2 ND

Service accepted

Nov^r 14. 1833

Archibald A. Ritchie

The United States

vs

Archibald A. Ritchie

Citation

Filed Nov^r 10 1833

John A. Monroe
clerk

CASE NO. 2 ND

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CASE NO. 2. ND:

The United States, Appellant. }
vs. }
Archibald A. Ritchie, Appellee }

To the Honorable the Supreme Court
of the United States.

CASE NO. 2 ND

PAGE NO.

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The appeal of the United States, the above appellant respectfully sheweth, that on the Twenty first day of January A. D. 1852, the above named appellee filed a claim before the Board of United States Commissioners for ascertaining and settling the private land claims in the State of California, under the act of Congress of March 3rd, 1851, praying for their confirmation of his right and title to certain lands therein described.

That on the third day of January A. D. 1852, a final Decree was made by said Board of Commissioners confirming said claim, wherein it was in substance adjudged that the said Appellee had a good and lawful right and title to said lands described in said claim.

That after such final Decree, an appeal was duly taken according to law, therefrom, to the District Court of the United States for the Northern District of California, and the Cause was removed thereby unto the said District Court and there tried anew, And such proceedings were had in the said District Court that afterwards, to-wit, on the Eighth day of November A. D. 1853, the said District Court

made a final Decree whereby it was decreed that the said Decree of the said Board of Commissioners be in all things confirmed.

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Which said Decree of the said District Court is, as this Appellant is advised, erroneous and ought to be reversed.

Wherefore this Appellant Appeals from the whole of said Decree of said District Court, to the Supreme Court of the United States, and respectfully prays that the said Decree of the said District Court and all the pleadings, evidence and proceedings in said Cause may be sent to the Supreme Court of the United States without delay, and that the said Supreme Court will proceed to hear the said Cause anew. And that the said Decree of the District Court and every part thereof may be reversed, and a Decree made rejecting said Claim with Costs against the said Appellee or such other decree as to the said Supreme Court shall seem just.

Dated San Francisco }
Nov. 8th A.D. 1853. }

S. W. Inge
U.S. Dist. Attorney

Land Claims No. 4

3

2ND

The United States

vs.

Archibald A. Ritchie

Appeal.

Filed Nov. 11. 1833

Jno. A. Mowman
clerk

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CASE NO. 2. ND.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judge of the District Court of
the United States, for the Northern District of
California _____

greeting:

Whereas, lately, in the District Court of the United States, for the Northern District
of California before you, _____ in a cause,
between The United States, Appellants and
Archibald A. Ritchie, appellee, the decree
of the said District Court was in the following
words, viz:

"This cause having come up on appeal
from the Board of Commissioners to ascertain
and settle private land claims in California,
and the objection urged by the District Attorney
to the confirmation of the decree of said Board
having been duly considered, it is now ordered,
adjudged, and decreed by the Court, that the said
decree and decision of the said Board be and
the same is hereby confirmed!" _____

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as by the inspection of the transcript of the record _____

_____ of the said *District*
Court, which was brought into the Supreme Court of the United States, by virtue of *an appeal*

agreeably to the act of Congress, _____

_____ in such case made and provided, fully and at large appears.

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *fifty four* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: On consideration whereof, it is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby affirmed. — Mar: 10.

You, therefore, are hereby commanded that such *further* _____ proceedings be had in said cause, _____ as according to right and justice, and the laws of the United States, ought to be had, the said *appeal* notwithstanding: Witness the Honorable *Roger B. Taney* Chief Justice of said Supreme Court, the *first* Monday of *December* in the year of our Lord one thousand eight hundred and *fifty four*. —

COSTS

Clerk,\$ _____
 Attorney, ...\$ _____
 \$ _____

Taxed by

Wm. H. Carroll

Clerk of the Supreme Court of the United States.

No. 44, December Term, 1854.

MANDATE

SUPREME COURT UNITED STATES.

U. States vs Ritchie

Filed May 21st 1855 -
Geo. W. Brown
clerk

CASE NO. 2 ND
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The President of the United States of America, **To** *Salvador*
Ballejo - Cayetano Luraz, José de la Rosa &
M. S. Ballejo -

GREETING :

WE COMMAND YOU, that all and singular business and
excuses being laid aside, you and each of you appear and attend
before the Judge of the District Court of the United States of
America, for the Northern District of California, at a

Special Court, to be held at the Court-Room in the
City of San Francisco, in and for the said Northern District of

California, on the *Northwith* day of ~~at~~ ~~o'clock~~
in the ~~noon~~, to testify and give evidence in a certain cause pending in the said
Court, and then and there to be tried between *The United States &*

A. A. Pitcher on behalf of the Appellee

And this you, or any of you, are not to omit, under the penalty, upon you, and every of
you, of two hundred and fifty dollars.

WITNESS, the Hon. OGDEN HOFFMAN, JR., Judge of the District Court of the United
States, at the City of San Francisco, the *18th* day of *October*
in the year of our Lord eighteen hundred and fifty-three.

Wm. A. Murray

Clerk.

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I authorize and depole

J. H. Brown to serve this

Subpoena

CASE NO. 2. ND.

PAGE NO.

Oct 18th 1853

W. H. Richardson

U. S. Marshal

By W. W. Smith Dy

I have executed the
within by leaving a
copy of this subpoena
with Salvador Malle
-es and Jose De La
Rosa

Atapa valley oct
19th A.D. 1853

also on the 20th
left a copy with
the wife of
M. G. Vallejo
for him

Sonoma oct 20th
1853 W. H. Richardson
U. S. Marshal

By J. H. Brown Dy

U. S. District Court.

W. H. Stata

and

W. A. Ritchie

vs.

CASE NO. 2. ND.

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Original SUBPOENA. for

Salvador Vallejo

Cayetano Inaug

Jos La Rosa

W. J. Vallejo

and I also tendered
the above their
fees

J. H. Brown