

CASE NO.

15

NORTHERN DISTRICT

RANCHO DE GERMAN GRANT

CHARLES MAYER, ET AL

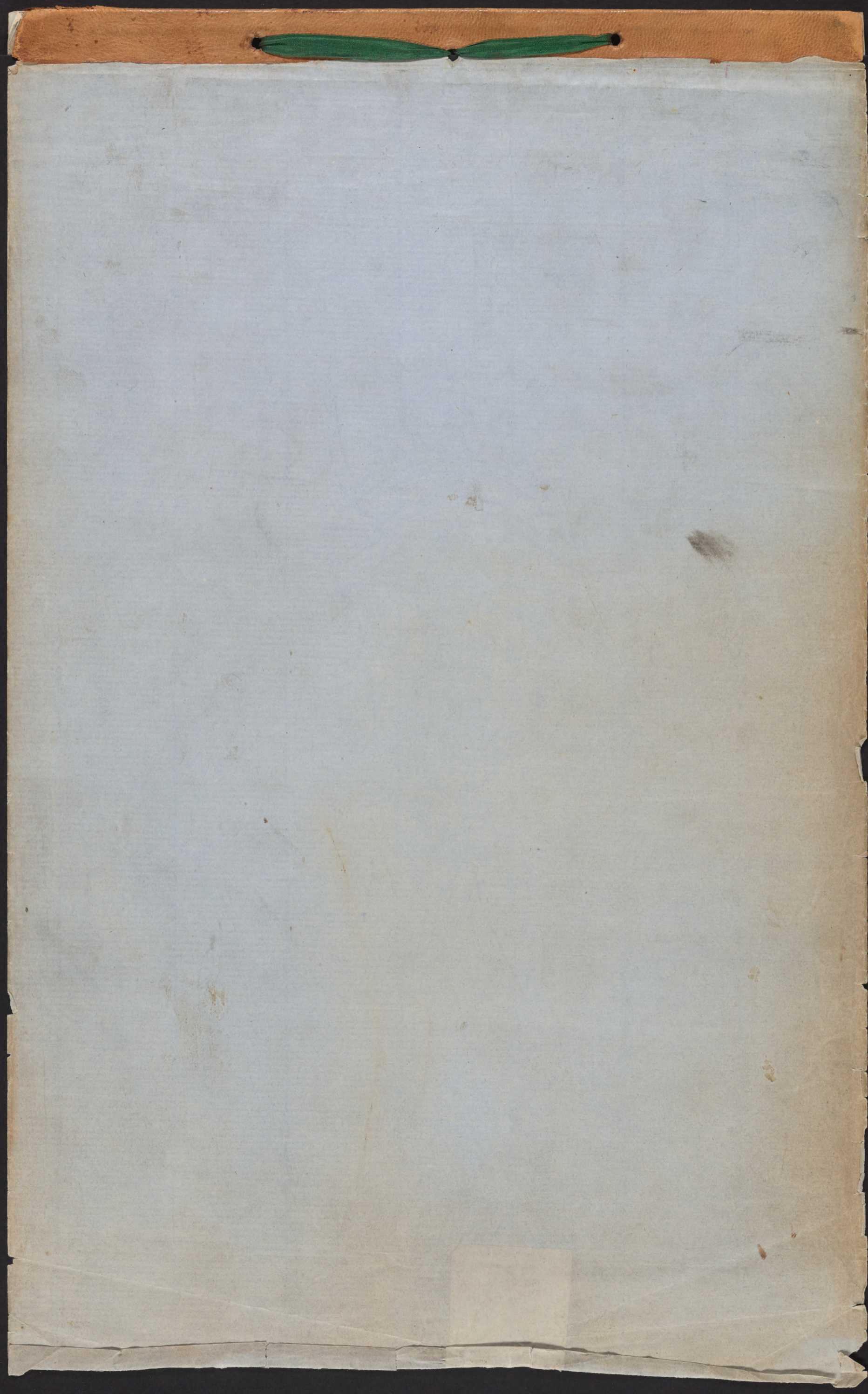
CLAIMANT

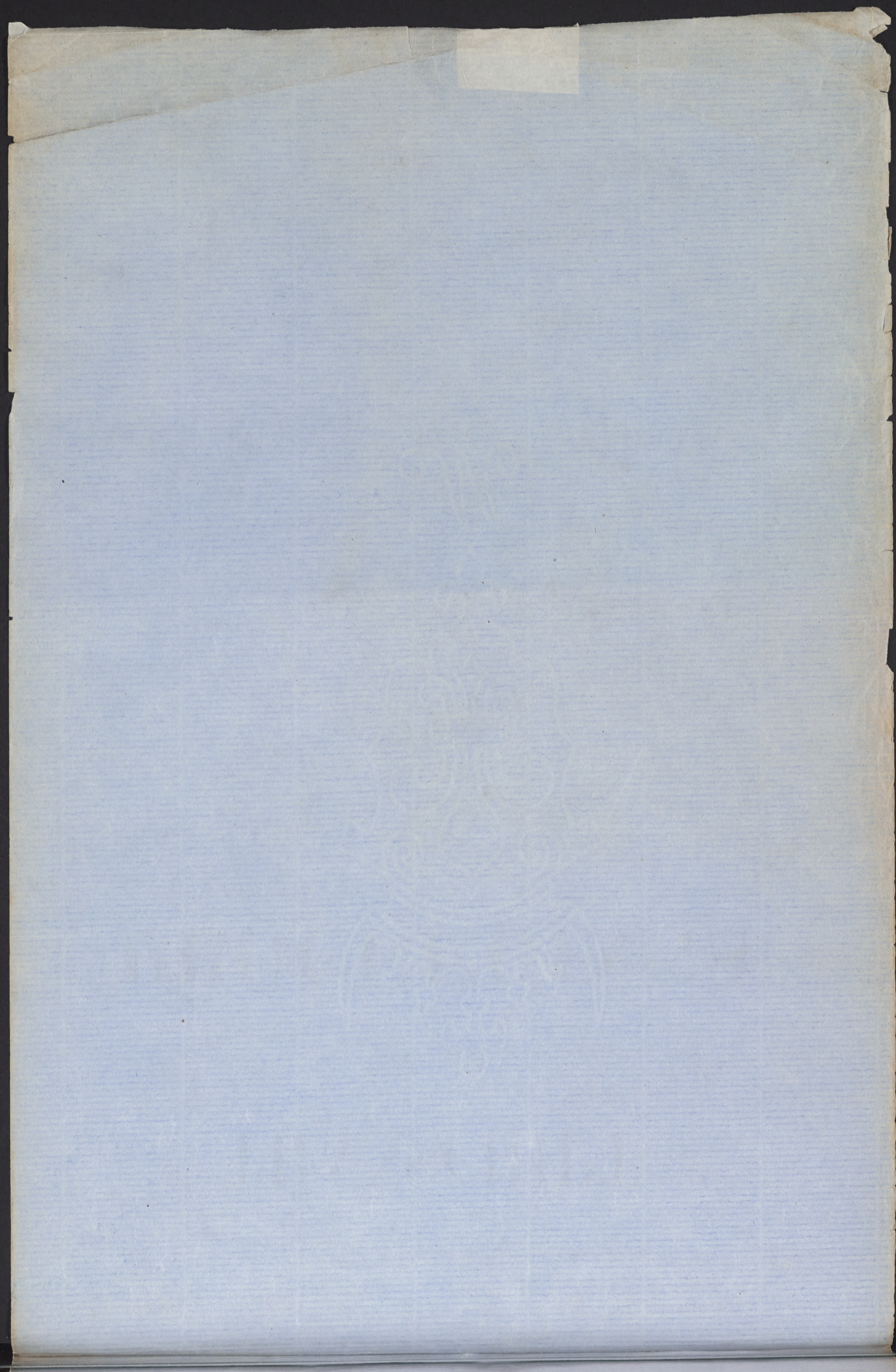
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TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 199.

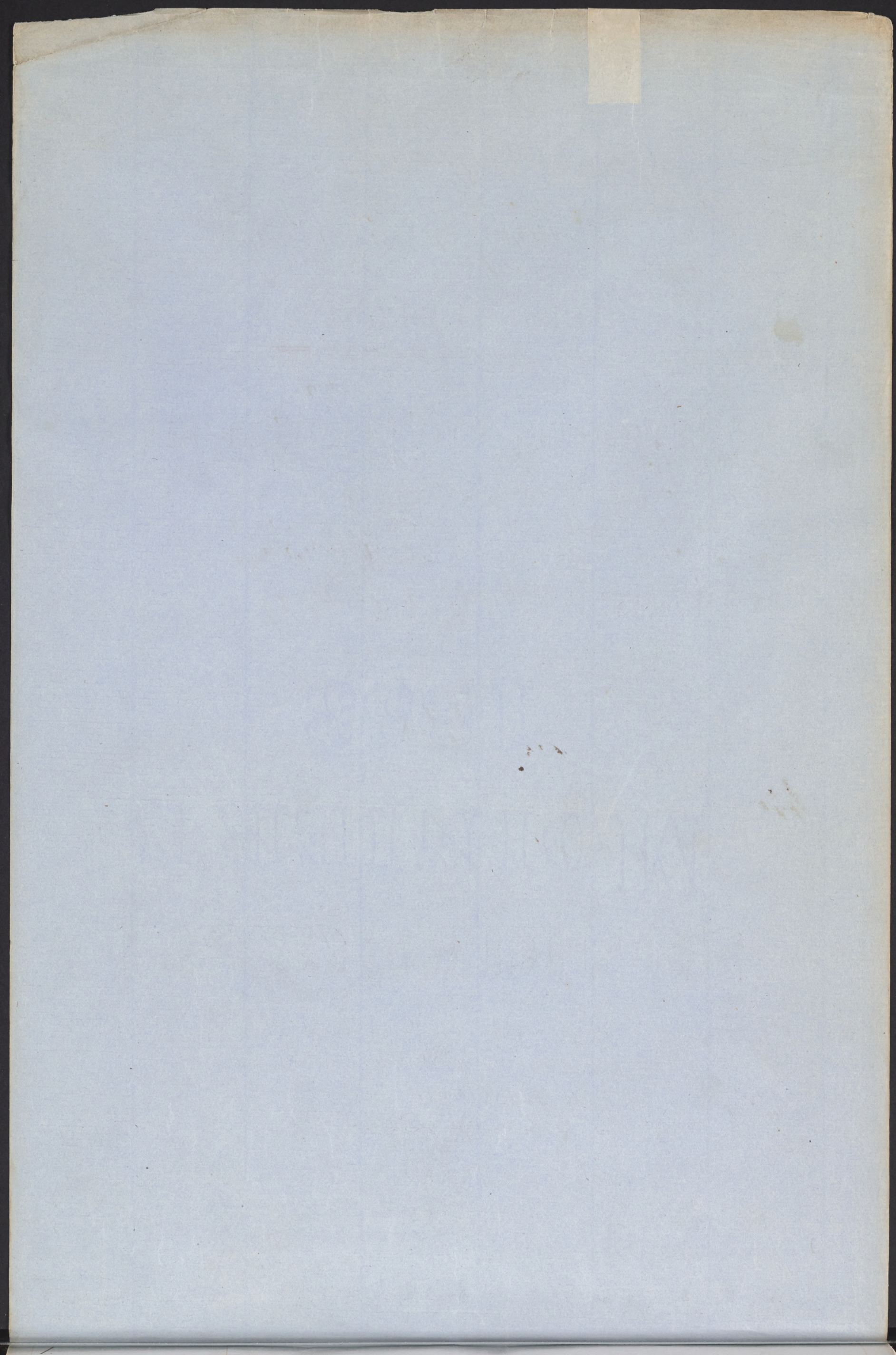
Charles Mayer CLAIMANT'S

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"*Rancho de German*"
Mendocino Co.



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 twenty seventh day of April, 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 Charles Meyer et al
for the Place named
"Rancho de German"
was presented, and ordered to be filed and docketed with No. 199 and is as follows, to wit;

(Vide pages 3 & 4, of this Transcript.)

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

Wednesday, April 28th 1852.

In Case No 199, Charles Meyer et al; the Deposition of Ernest Rufus a witness in behalf of the claimant, taken before Commissioner Harry S. Thornton, was filed and is in the words and figures as follows, to wit: (Vide pages of this Transcript-3-6-7-8-9- and 10.)

Thursday, May 6th 1852.

Case No 199, Charles Meyer et al, on motion of the counsel for the claimants set for hearing on Sunday the 18th Instant.

Tuesday, June 1st 1852.

Case No 199, Charles Meyer, et al, was set in its order for hearing.

Wednesday, December 22nd 1852.

Case No 199, Charles Meyer, for the place named "German", called. Argument by the Counsel for the claimant opened; Answered by the U. S. Associate Law Agent, and closed by the claimant; case submitted, with the Evidence; and taken under advisement by the Board.

Thursday, December, 23rd 1852.

In Case No 199, Charles Meyer, for the place named "German", Commissioner Harry S. Thornton delivered the opinion and the Decree of Final Confirmation of this Board.

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

Which opinion and decree are in the words and figures as follow, to wit: (vide pages of this Transcript. 25. and 26.)

Petition.

To the U. S. Land Commission for the ascertain-
ing and settling of private Land Claims in
California.

The petitioners of Charles Meyer, William
Bernady, Carlos S. Glenn, Heand and
Duncan respectfully sheweth, that heretofore, to
wit on the 21st of July 1845, a certain Ernest
Rufus made and presented his petition in writ-
ting to José de la Rosa, first-Alcalde of Sono-
ma, soliciting of him the permission to occupy
a certain tract of land, known as "Rancho de
Germán", an accurate description of which
will be given hereafter.

That said Alcalde on the 21st of July 1845, gave
such permission accordingly.

That said Rufus on the 7th of April 1846 pre-
sented a petition in writing to Pio Pico, Gov-
ernor of California, praying for the grant of said
land so occupied by him, and that said Governor
thereupon to wit on the 8th of April 1846, declar-
ed said Rufus the legal owner of said land, and
directed the proper documents, constituting title
to be executed and delivered to said Rufus.

That a formal grant issued accordingly to the
same on the 8th day of April 1846; and that
the Departmental Assembly at Monterey in their
session on the 10th of June 1846 fully approved
and confirmed the same.

That said Rufus by various conveyances trans-
ferred the whole of said land to your petitioners,
and that the same are at present the owners of
the same, and in possession thereof.

And your petitioners further say, that the petitions
of said Rufus, the report of the Alcalde, a duly
certified copy of the grant and of the original
map, together with the action of the Departmen-
tal Assembly on the subject, are on file in the
Archives of California now in possession of the

Surveyor General of the U. S. of America for the State of California, and that duly certified copies and translations of the same are herewith submitted to your Honor's inspection and prayed to be made a part of this petition. That the original grant and the conveyances from Rufus to your petitioners are in the hands of your petitioners and ready to be offered in evidence, whenever required. And your petitioners further say, that said land is known under the name of "Rancho de German", is situate in the present County of Mendocino, North of the Fort-Ross, and is bounded as follows:

Commencing at a point on the coast of the Pacific Ocean, about one and a half league, North of the Fort-Ross, where the "Arroyo Dickwatta" empties in the sea ^{thence running along the low water mark of the Pacific Ocean to the mouth of the "Arroyo Valate".} Thence along the middle of said Arroyo, Southwesterly about two leagues and a half; thence in the nearest direction to the Sierra.

Thence along the ridge of the Sierra Selomite, at a distance of three quarters of a league from the seashore, about two leagues and a half to a point due East of the mouth of the Arroyo Dickwatta first above named.

Thence due West to the place of beginning; - containing five square leagues, more or less. And your petitioners further say, that the said Ernest Rufus has in the possession of said land, since he obtained the permission of occupancy by the Alcalde aforesaid, and that your petitioners succeeded said Rufus in the possession and ownership thereof in the days of his said conveyances to them. That they are not aware of the existence of any title conflicting with, or superior to their own. They therefore claim to be the legal owners of said land and pray that your Honorable body will confirm and validate their claim and title thereto.

Clarke, Taylor & Becke.
Attys. for Petitioners.

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Filed in Office April 27th 1852.

(Signed) Geo Fisher.

Secy.

Deposition of
Ernest Rufus.

Office of the Board of Land
Commissioners for California.
San Francisco April 28. 1852.

On this day before me Harry J. Thornton, one of the Commissioners for ascertaining and settling private Land Claims in California, came Ernest Rufus, a witness produced in behalf of the Claimants Charles Meyer, et al; whose petition is No 149, on the Docket of said Commissioners. The witness being duly sworn testified as follows. The Law Agent of the United States was notified and attended by Mr Greenhow.

Questions by Claimant.

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

Ans. My name is Ernest Rufus, my age 40 years, my place of residence Sonoma, State of California.

Quest 2. Do you know the land claimed in this petition.

Ans. I do.

Quest 3. State if you obtained a grant for it, and at what time?

Ans. I did obtain a grant for it in April 1846, from Pio Pico at that time Governor of California.

Quest 4. Have you examined page 4, and the first part of page 5 of document marked (C), purporting to be a translation of the copy of said grant contained in the expediente, a certified copy of which is on file in this case marked 'B'; If so, state whether the same is a correct translation of the grant made by Pio Pico to you?

Ans. I have examined the said pages on the said document, and I think it is a correct translation having compared it with the original grant now shown to me.

Quest 4. Are you acquainted with the hand writing of Pio Pico, and if so, state whether the signature to said grant is the genuine signature of said Pico, and if so, at what time was said grant signed by him?

Ans. I am acquainted with the hand writing of Pio Pico, and know it to be his signature, as I saw him sign it, I know it to have been signed in the month of April 1846.

Quest 5. State whether you took possession of and made improvements on the land granted; and if so, at what time, and to what extent?

Ans. I had possession of the land before I asked for the grant; and continued in possession until I sold it to the present petitioners in 1849,

I built a dwelling house, and several Indian habitations, and Grist Mill. The house and the Indian huts were completed within one year from the time of getting the grant. And the Mill was in such a state of forwardness that it was completed within fifteen months, after the grant was made. I had placed some four hundred cattle and horses on it in the course of the first year after the grant. and by the time I sold it they had increased to 850. I cultivated in grain about forty acres of land.

Quest 6. At the time you obtained the grant, had you become a naturalized Citizen of the Mexican Republic?

Ans. I had. I obtained my naturalization papers in May 1844 from Governor Micheltorena.

Quest 7. State if you found any difficulty in getting your grant on account of your not being a Native Citizen of Mexico?

Ans. Upon my application for this land, I was informed that from its situation in relation to the Sea Coast, I could not obtain the grant, although a naturalized Citizen, unless certain things had been done by me, such as bearing Arms for the Country, or having done service as Civil Officer, or had introduced some useful art or manufacture. I was informed distinctly by the Secretary that grants of land so situated could not be made except to Native Citizens, or to naturalized Citizens, unless they possessed some of the qualifications above mentioned. Whereupon I proved by Andreas Pico & Juan Castañeda, who were Officers then in the California service, that I had served as a Lieutenant with Micheltorena, against Castro and his party, under a commission of Lieutenant obtained from Micheltorena, and that I continued

in service some twelve or fifteen months.

Quest 8. State whether the present Claimants took possession of the land, upon their purchase from you, and if so, whether they are now in possession, as the recognized owners?

Ans. They did take possession of it; and hold it at present.

Questions by the United States Law Agent.

Quest 1. Did you receive the title now presented, from Governor Pico himself or from anyone else?

Ans. I received it from himself, at the time when he signed it.

Quest 2. From whom did you receive the Act of Confirmation by the Assembly?

Ans. I did not receive it.

Quest 3. Why did you not receive it?

Ans. Because the Assembly was not in session at the time I got the grant.

Quest 4. Do you know that the title was confirmed by the Assembly, and if so, when?

Ans. I heard accidentally that it was confirmed, but was not sure of it.

Quest 5. Did you remain at Angeles during all the time of the session of the Assembly after receiving your title?

Ans. I was at Angeles for my land, at which time the As-

9.

Ans. Immediately on receiving my grant, I left Los Angeles for my land, at which time the Assembly was not in session.

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Quest 6. Do you know that the Assembly was in session at Angeles after you left that place?

Ans. I understood that it was from some Californians.

Quest 7. Did you ever receive juridical possession of your land?

Ans. I made application to the Alcalde of Sonoma, for juridical possession of the land. He told me that he would have occasion to survey other lands in that neighbourhood soon. But the American war breaking out he was removed from his Office before he did so.

Quest 8. When you served as Lieutenant under Micheltorena against Castro, did you not also serve against Pio Pico the Governor from whom you received your grant?

Ans. I did. But he was not Governor when I served against him.

Quest 9. Did you believe that he had authority as Governor to grant your title?

Ans. I did believe that he had authority to make a grant, and that his grant was good, because it was said that he had been recognised as Governor of California, by the Mexican Government.

The Law Agent present. Ernest Rufus.

Subscribed and sworn to
before me this 28th of April 1852.

Henry J. Thornton.

Com'g.

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Filed in Office April 28th 1852.

(Signed) Geo: Fisher.

Secy.

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1846.

*Espediente promovido por Don Ernesto Prufus
en pretencion del terreno nombrado German.*

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Jusq.º 1.º de Sonoma.
 puede ocupar lo provisoriamente la parte interesada por el término de un año, y si cumplido el tiempo no se presentare con su títulos legales sera denunciabile como valdío.
 Ernesto Rufus, naturalizado Mexicano y arrendado en esta frontera de Sonoma, ante V. con debido respecto y como mejor halla lugar en Vro. digo q. teniendo un numero considerable de ganado y caballos, y careciendo de un terreno propio para su seguridad: Solicito de V. se digne conceder me licencia provisional para q. pueda fabricar casa y meta mis bienes en el paraje valdío llamado Rancho de Ross, mientras ocuro al gobierno para conseguir legalmente los títulos.

Sonoma, Julio 21.

de 1845.

José de la Rosa.

Por tanto a V. suplico se digne acceder a mi pedido de q. recibire gracia.

Pross. Julio. 21. de 1845.

Ernesto Rufus.

No va en papel sellado por no haver lo en este lugar.

" here follows a map or plan "

Pío Pico, Vocal Océano de la Asamblea Departamental y Gobernador provisional de las Californias.

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Por cuanto D.^o Ernesto Rufus, Ciudadano Mexicano por naturalizacion ha pretendido para su beneficio personal el paraje nombrado Plancho de German en las fronteras de Sonoma al Norte de este departamento y mas arriba del establecimiento de Ross q. ocuparan los Rusos, practicados previamente las averiguaciones convenientes, usando de las facultades q. me son conferidas a nombre de la Nacion Mexicana, he venido por decreto de este dia en concederle el expresado terreno declarandole la propiedad de el por las presentes letras, de conformidad con la ley de 18 de Agosto de 1824. y reglamento de 21 de Noviembre de 1825, a reserva de la aprobacion de la Exma. Asamblea Departamental, y bajo las condiciones siguientes.

- 1.^o Podrá cercar lo sin perjudicar las travecias, caminos y servidumbres, lo disfrutará libre y exclusivamente, destinandolo al uso y cultivo q. mas le acomode.
 - 2.^o Solicitara del Juez respectivo le de la posesion juridica en virtud de este despacho por el cual se demarcaran los linderos con las mojoneas necesarias.
 - 3.^o El terreno de q. se hace donacion es puramente el de cinco sitios de ganado Mayor. El Juez q. lo poseione lo ha de medir conformes a ordenanza quedando el sobrante q. resulte a la nacion p.^o los usos que sean convenientes. =
- En consecuencia mando q. teniendose, el presente titulo por firme y valido. Se tome razon de el en el libro a. q. correspondida y se entregue al interesado para su resguardo, y demas fines. Dado en la ciudad de los Angeles en este papel comun por falta de Sello a ocho de Abril, de mil ochocientos cuarenta y seis.

Angeles. Mayo 8.^o de 1846.

Dado cuenta en Sesion de hoy con este Expediente, mando pasar a la Comision de terrenos baldios.

Pío Pico. Presidente.

Agustin Olvera. (Secretario)

(3)
16.
Exmo. Sr. Gob.^{or}

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Ernesto Rufus, natural de Alemania y naturalizado en la Republica como consta en la adjunta carta, ante V. E. respetuosamente y como mas haya lugar en derecho me presento y digo; que en el año pasado me concedia el Sr. Alcalde de Sonoma, ocupar provisionalmente el terreno conocido con el nombre de Rancho de Pross, q. ocuparon los Russos en aquella frontera, manifestando á V. E. que hay la equivocacion en la instancia q. presenté al solicitar dicho terreno de haberse presto el Rancho de Pross, debiendo ser el Rancho de German, como consta en el diseño que debidamente acompaño, y como esté al esperar el termino q. se me señaló para solicitar el título correspondiente de que carezco.

A. V. ocurro suplicando le tenga la bondad de mandarse me estienda aquel documento de cuya gracia y espero merecer vivir á V. E. reconocido, sirviendose admitir esta en papel comun por falta de sellado correspondiente.

Angelus. Abril 7. de 1846.

Ernest Rufus.

Angelus. Abril. 8º de 1846.

Vista la peticion con q. da principio este Expediente lo q. en el se ha praticado con todo lo demas q. se tuvo presente y ser con vino de conformidad con lo dispuesto en la ley de 18 de Agosto de 1824 y reglamento de 21 de noviembre de 1828. se declara dueño en propiedad del paraje nombrado Rancho de German en las fronteras de Sonoma y mas arriba del establecimiento Pross q. ocupaban los Russos, al ciudadano por naturalizacion Ernesto Rufus.

Libresele el título correspondiente al interesado en estension de cinco sitios de ganado Mayor y somítase esta concession á la aprovacion de la Exma. Asamblea Departamental.

Pío Pico, Gobernador de las Californias por Ministerio de la ley así lo mandé, decreté y firmé doy fe.

Pío Pico.

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La Comision de terrenos baldios a examinado con atencion el presente Expediente, promovido p.^o el Ciudad.^o por naturalizacion Ernesto Rufus del paraje conocido Rancho de German q. se fue concedido p.^o el Superior Gobierno Departamental con arreglo a las leyes de la materia, en este concepto pone a la deliberacion de V.E. la siguiente proposicion.

Se aprueba la concesion hecha al Ciudadano p.^o naturalizacion Ernesto Rufus del paraje conocido Rancho de German, Jurisdiccion de Sonoma, en estension de cinco sitios de ganado Mayor, segun titulo librado con fha. 8.^o de Abril, del presente año, conforme a la ley de 18.^o de Ag.^{to} de 1824 y al artículo 5.^o del reglamento de 21 de g.^{to} de 1825.

Sala de Comis.^o en la Ciudad de Los Angeles
Junio 2. 1846.

J. Arguello.

Angeles. Junio. 10 de 1846.

En Sesion de este dia, aprobo la Exma. Asamblea Departamental, la proposicion del dictamen anterior.

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

I Samuel D. King, Surveyor General of the United States for the State of California and as such now having in my Office and under my charge and control a portion of the Archives of the former Spanish and Mexican territory in Department of Upper California, do hereby certify that the eleven preceding, 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.) exhibit true and accurate copies of certain documents on file and forming part of the Said Archives in this Office.

In testimony whereof I have hereunto signed my name officially and affixed my private Seal (not having a Seal of office) at the City of San Francisco Cal^o this 1st day of April 1852. — Samuel D. King. Surveyor Gen^l.

To the First Alcalde of Sonoma.

1st Justice's Court
of Sonoma.CASE 15 ND
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Ernesto Rufus, a naturalized Mexican and a resident of this frontier of Sonoma, with the party concerned due respect and in the best legal form says: can occupy it proving that having a considerable number of cattle - usually for the team and horses, and wanting a suitable piece of one year, and if at of land for its security, I solicit you that the end of that time you may please to grant me provisional he shall not prevent permit that I may be enabled to build a house himself with his legal and keep my property on the vacant location little it shall be called Rancho de Cross. While I apply to the government to obtain the legal title.

Translation.

Document .C.

N^o 199.

Rancho de German.

Sonoma July 21st

1815.

Signed. I. S. de H.

- Rosa.

Therefore I pray that you may please to comply with my petition, whereby I shall receive favor.

Nov. 21st July. 1815.

Signed. Ernesto Rufus.

Not written on stamped paper because there is none in this place.

Most Excellent Governor:

Ernesto Rufus, a native of Germany and naturalized in the Republic, as appears from the annexed certificate, respectfully and in the most just way, presents himself before your Excellency and says:

That last year the Alcalde of Sonoma granted me the provisional occupation of the land known by the name of Rancho de German, which is vacant and higher up than the establishment of Cross, which the Russians in that frontier occupied, showing your Excellency that there is a mistake in the document which has been presented in soliciting said land, they having written the "Rancho de Cross," instead of the "Rancho de German," as appears from the sketch that I duly forward and as the period that is prescribed to me for soliciting the corresponding title is going to expire, I apply to your Excellency entreating you

that you will have the goodness to order that document made out to me, which favor I hope to deserve and for which I shall be obliged to your Excellency, this being admitted on common paper for want of the corresponding stamped.

Angeles. April 7th 1856.

Signed. Ernesto Profus.

Angeles. April. 8th 1856.

Having examined the petition that heads this record of proceedings, that which has been done pursuant to it, with everything else that has been born in mind and was proper to attend to in conformity with the requisition in the Law of 18th of August 1822 and regulation of 21st November 1828, I declare the naturalized Citizen Ernesto Profus, owner in fee of the place called Rancho de German on the frontier of Sonoma and above the establishment Pruss, which the Russians occupied

Let the proper title deed, be issued to the party for the extent of five square leagues and submit this grant to the approbation of the most Excellent Departmental Assembly.

Pio Pico, Governor ad. interim of both Californias thus ordered, decreed and signed. I attest it.

Signed. Pio Pico.

Pio Pico, Senior member of the Departmental Assembly and provisional Governor of both Californias.

Whereas Don Ernesto Profus, a Mexican Citizen by naturalization has solicited for his personal benefit the location called Rancho de German, in the frontiers of Sonoma at the north of the Department and above the Establishment of Pruss, which the Russians occupied after having previously made the necessary investigations in the exercise of the powers vested in me in the name of the Mexican nation, I have by decree of this day granted him the mentioned land, declaring it to be his property by these letters patent, in conformity with the Law of the 18th of August 1822 and regulation of the 21st

November 1828, Subject to the approbation of the Most Excellent Departmental Assembly and under the following conditions:

1^o He may fence it, without any prejudice to the crossings, roads, and servitudes; he will enjoy it freely and exclusively, appropriating it to the use and culture, that may best suit him.

2^o He shall solicit from the respective Judge to give him Juridical possession in virtue of this document, by whom the boundaries shall be marked with the necessary laid marks.

3^o The tract of land, granted is merely of an area of five square leagues (Sitios de ganado Mayor.) The Judge who shall give possession of it, will have it measured conformable to ordinance, leaving the surplus that may result to the nation for convenient purposes.

Consequently I order that the present title being held as firm and valid, it be entered in the corresponding book and be delivered to the interested party for his security and other purposes.

Given in the City of Los Angeles on this common paper for want of stamped, on the 8th of April 1826.

Los Angeles. May 8th 1826.

In today's session were reported and ordered to be transmitted to the Committee on public lands.

Signed. Pio Pio. President.

Signed. Agustin Olvera. Deputy Secretary.

Excellent Sir!

The Committee on public lands have examined with attention the present proceedings at the instance of the naturalized Citizen Ernesto Rufus, for the parcel of land called Rancho de German, which was granted to him by the Superior Departmental Government, conformable to the laws on the subject, in virtue of which the Committee submits to your Excellency's deliberation the following proposition:

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They approve of the grant made to the naturalized citizen Ernesto Brusca of the place called Rancho de German in the Jurisdiction of Louisa, extending five square leagues (5 Sitios de ganado Mayor) according to title deed, issued on the 8th of April instant, conformable to the law of 18th August 1824 and the Article 5th of the regulations of 21 November 1828.

Hall of Committee in the City of Los Angeles
June 2^d 1846.

Signed. S. Argüello.

Angeles. June. 10th 1846.

In to day's Session the most excellent Departmental Assembly approved of the proposition in the foregoing opinion.

Filed in Office. April 27th 1852.

Geo. Fisher.
Secy.

Recorded in Record of Evidence Vol. 1. pages 190 to 193.

Geo. Fisher.
Secy. —

Pío Pico Vocal decano de la Asamblea Departamental y Gobernador provisional de las Californias.

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Por Cuanto D^o Ernesto Rufus Ciudadano Mexicano por naturalizacion ha pretendido para su beneficio personal el porraji nombrado Rancho de German en las fronteras de Sonoma al norte de este departamento y mas arriba del establecimiento de Ross que ocuparon los Rusos, practicadas previamente las averiguaciones convenientes, mandado de las facultades que me son conferidas a nombre de la nacion Mexicana, he venido por Decreto de este dia en concederle el espresado terreno, declarandole la propiedad de el por las presentes letras de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828 a reserva de la aprobacion de la Santa Asamblea Departamental y bajo las condiciones siguientes:

- 1^o Podrá cercarlo sin perjudicar las travesias caminos y derridumbres, lo disfrutará libre y esclusivamente destinandolo al uso y cultivo que mas se acomode.
- 2^o Solicitara del Juez respectivo si de la posicion juridica en virtud de este despacho por el se demarcaron los linderos con las mojanceras necesarias.
- 3^o El terreno de que se le hace donacion es puramente de cinco sitios de ganado mayor. El Juez que lo poseione lo hara medir conforme a ordenanza, quedando el Sobrante que resulte a la nacion para los usos que sean convenientes.

En consecuencia mandado que teniendo el presente titulo por firme y validero, se tome rayon de el en el libro, a que correspondia y se entregue al interesado para su resguardo y demas fines. Dado en la Ciudad de los Angeles en este papel comun por falta de sellado a ocho de Abril de mil ochocientos cincuenta y seis.

Pío Pico.

Traspaso el derecho q. me esta conferido en el arriba titulo a favor de Carlos Meyer y Guillermo Benmet, y para la constancia formo el presente hoy, dia ocho de Junio de 1859
Testigos. Sr. Mendic. S. A. D. C. R. Ernesto Rufus.

Charles Meyer, et al, assignees, } No 194, German.
 vs } Opinion by Com.
 The United States. } missioner Thornton,
 and Decree of Final Confirmation.

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Opinion by
 Comr. Thornton.

The claim presented in this case is founded upon a grant, made on the 8th of April 1846, under and 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 Pio Pico, Governor of California to Ernest Rufus, whose interest therein was transferred to the present claimants by various successive conveyances. This grant is for five leagues of land, and was approved by the Departmental Assembly, on the 10th of June 1846. The occupation of the land was had, and peaceably enjoyed by the grantee, prior to the issuance of the grant, and from thence to this time, by him and those claiming under him. The genuineness of the grant and the authority of the grantor, as well as the other facts above recited are fully established by regularly authenticated documentary evidence from the Public Archives of the former Governments of the Country, and by other testimony on file in the case. It is apparent that the land is within the ten littoral leagues; and there is no evidence, of any measurement of the tract, or delivery of possession thereof, by any Judicial Officer of the former Government. The objections founded on the last recited facts, and all others urged against the validity of the claim have been already fully considered by this Board, and overruled in the case of Cruz Cervantes No 56, the opinion in which is on file in the Office of the Secretary of this Commission. In view of all which, and in accordance with the principles of decision prescribed to this Board, by the Act of the 3^d of March 1837, organizing the same, we declare the claim to be valid, and that it ought to be confirmed.

to the claimants. Commissioner Hall concurs in the result thus announced. Whereupon we now make the following decree of Final Confirmation, viz;

Harry J. Thornton.

Decree of Final Confirmation. 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 of final confirmation viz: It is decreed that the said claim be confirmed to the claimants to the extent and quantity of five (5) square leagues, or sitios de ganada mayor, and for no more; being the same land described in the grant and expediente referred to therein, and of which possession was proved to have been held and enjoyed under the said grant: Provided, that the said quantity of land granted, and now here confirmed, be contained within the boundaries called for in the said grant: 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 by the Ordinance of 21st November, 1828.

Wilford Hall.

Harry J. Thornton } Commissioners.

Filed in Office December 23rd 1852.

(Signed) Geo. Fisher.

Secy.

Office of the Board of Commissioners,

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

CASE 15 ND

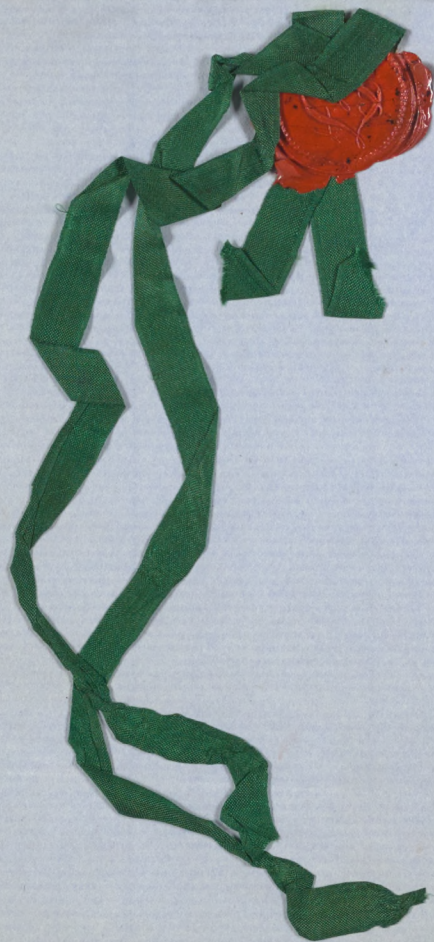
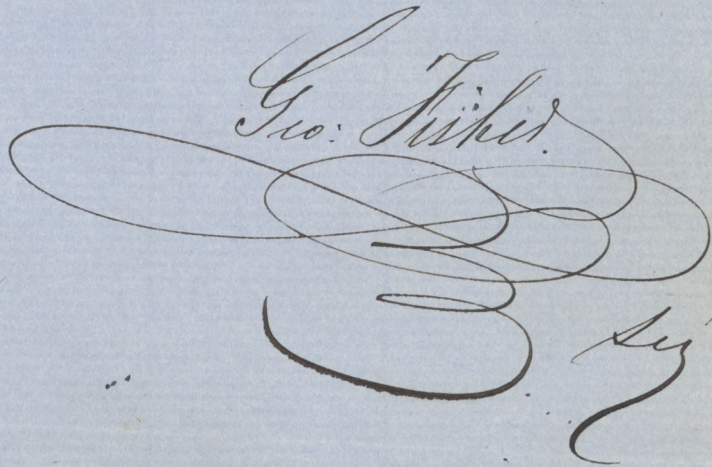
PAGE 24

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 twenty six pages, numbered from
1 to 26, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. 199 on the Docket of the said Board,
wherein Charles Mayer et al are,

the Claimant s against the United States, for the place known by
the name of Rancho de German

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
twenty third day of February
A. D. 1854, and of the Independence of the
United States of America the seventy-eighth,

Geo. Fisher



Handwritten green ink mark resembling the letter 'K' on the left side of the cover.

Fragment of a library label with the following text:
MAY
" "
15 NO

15

15

CASE 15 ND
PAGE 25

Attorney General's Office
15th July 1852.

Charles Myer et al. Claimants.

vs.

The United States.

199.

You will please take notice that an appeal in the above case (a transcript of the proceedings in which was received at this office on the 15th of March 1852), from the decision of the Commissioners to ascertain and settle the 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.

Cushing
Attorney General U.S.

W. S. Dist. Court ^{one}
No. 15

The United States

vs

Charles Meyer and

Notice of appeal

Filed Aug. 21, 1894

J. W. C. Munnell *clerk*

CASE 15 ND

PAGE 26

To the Honorable Federal Court
of the United States in and for the
Northern District of California.

The United States
Appellants
vs
Chas. Meyer et al } No. 15.

The petition of the United States by
their Attorney represents: that this
Cause is an Application for a review
of the decision of the Board of Commis-
sioners whereby the claim of the said
Appellants was confirmed as appears by
reference to the records in the case.

That a transcript of the said Records
was filed in this Court on the 23^d day
of February, 1854; that a notice of Appeal
was filed on the 21st day of Aug: 1854
and that the land claimed lies in
the said District.

That the said claim is invalid.
Wherefore Appellants pray that the said
decision of the Board be reversed &
that this Court decree the said title
to be invalid. Respectfully,
W. Russell
Asst. U.S. Atty.

^{two}
U.S. Dist Court

No. 15.

The U.S.
vs
Chas. Meyer et al

Petition

CASE 15 ND

PAGE 28

Filed June 20, 1855,
by Chevers
Deputy

District Court of the United States
Northern District of California.

The United States

vs
Charles Meyer No 15. (S. C. Docket No 199)

Charles Meyer the Appellee
and claimant in the above entitled cause
in answer to the Petition therein filed,
avows and says that his title to the land
therein claimed is valid

He therefore prays that the de-
cision of the Board of Land Commissioners
be affirmed and the title of the said
claimant be decreed to be valid.

J. Charles
Atty for Claimant.

of the
Northern
District of California.
no 15 three

The United States

vs

Charles Meyer et al

Answer

CASE 15 ND

PAGE 30

Filed June 27, 1855.

by Charles

Deputy

G. Clarke
Atty for Claimant

CASE 15 ND
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At a Stated Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court Room, in the City of SAN FRANCISCO,
on *Tuesday* the *twenty fourth* day of
March in the year of our Lord one thousand
eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States

v

Charles Meyer et al

D. C. 15; L. C. 199.

In this case, on application of the United States attorney, made in open Court, it is ordered by the Court that an appeal in behalf of the United States from the final decision of this Court rendered at the present term, be, and the same is hereby granted; and that a certified transcript of the pleadings, evidence, depositions and proceedings in the said cause, be sent to the Supreme Court of the United States without delay.

15

United States District Court, Northern
District of California.

The United States

vs.

Charles Meyer et al

ORDER.

granting appeal

Filed *March 24th* 1857

John A. Mours

CLERK.

By *W. H. Chever*

DEPUTY.

CASE 15 ND

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CASE 15 ND
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At a Stated Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court Room, in the City of SAN FRANCISCO,
on *Tuesday* the *thirtieth* day of
June in the year of our Lord one thousand
eight hundred and fifty-~~seven~~ *eight*.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Charles Meyer,
William Bennett, Carlos J.
Glein, — Hanel & — Duncan

D.C. 15; L.C. 199.

In this case, on application
of P. Della Torre, Esq., U.S. attorney, it is ordered
that an appeal in behalf of the United States
from the final decision of this Court rendered
at the June, 1855, term in said cause, be and
the same is hereby granted, and that a certified
transcript of the pleadings, evidence, depositions
and proceedings in the said cause be sent to
the Supreme Court of the United States without
delay; and the appellants are ordered to serve
the usual citation according to law.

Ogden Hoffman
District Judge

15

United States District Court, Northern District of
California.

The United States

vs.

Charles Meyer et al

ORDER.

granting appeal

Filed *June 30th* 1858

A. A. Cheney
CLERK.

CASE 15 ND

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By

DEPUTY.


United States of America,

To Charles Meyer, William Bennett, Carlos
J. Glein, Hanel and Duncan,
Greeting;

You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be holden in Washington on the first Monday in December next, pursuant to an order of appeal granted on this thirtieth day of June, A. D. 1858, in open Court, by the District Judge of the District Court of the United States for the Northern District of California in a certain suit where in The United States are plaintiffs and you are defendants on appeal, to show cause, if any there be, why the decision in the said appeal mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness my hand and seal at San Francisco, this thirtieth day of June in the year of our Lord one thousand eight hundred and fifty eight.

Edw. Hoffman
U. S. Dist. Judge



San Francisco July 1, 1858. Due service of copy
within citation admitted this day.

John Clarke
Attorney for Plaintiff

15

U. S. District Court.

The United States

v.

Charles Meyer et al

Citation.

Filed July 2, 1858,

W. A. Chenevix,

Clk.

CASE 15 ND
PAGE 36

UNITED STATES OF AMERICA, SS.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges 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 Charles
Meyer, William Bennett, Carlos T. Glein, — Stand
and — Duncan, appellees, the decree of the
said District Court was in the following words,
viz:

"It is hereby ordered, adjudged and decreed,
that the decision of the said Commissioners
be hereby affirmed; and it is further hereby
ordered, adjudged and decreed that the claim
of the appellees be confirmed to them to the
extent and quantity of five (5) square leagues
and no more, being the same land described
in the grant and expediente filed herein,
and of which possession was proved to have
been held and enjoyed under said grant:
Provided said quantity of land be contained
within the boundaries called for in said grant;
and if there be less than the said above named
quantity within the said boundaries, then said
less quantity is hereby ordered, adjudged and
decreed to the said appellees." _____

CASE 15 ND

PAGE 38

as by the inspection of the transcript of the record _____

_____ of the said *Circuit*
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 nine* 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,~~ on the motion of *Messrs Benham and Gillit* of Counsel for the appellees, and with the assent of *Mr. Attorney General Black* of Counsel for the appellants. 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. —

31 Jan: —

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 nine.

COSTS OF
Clock... \$
Attorney... \$
\$

Filed by Wm. H. Carroll
Clerk of the Supreme Court of the United States.

No. 15
13, December Term, 1859.

MANDATE
SUPREME COURT UNITED STATES.

M. Watts vs. Meyer and

Filed Sept. 10, 1860,
W. H. Churchill
Chanc

CASE 15 ND
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CASE 15 ND
PAGE 41

At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the CITY OF SAN FRANCISCO, on Monday the Tenth day of September in the year of our Lord one thousand eight hundred and sixty.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States
Appellants
V.
Chas. Meyer et al.
Appellees

D. C. 15;
L. C. 199.

And now come the Claimants, Chas. Meyer et al., by their attorney S. Clarke Esq., and present the Mandate of the Supreme Court of the United States, affirming the decree of this Court made herein, as more particularly appears, by reference to the said Mandate; Whereupon and on motion of the said Claimant by their said attorney:

It is Ordered that the said Mandate be filed, and made a part of the record of this Court, in this cause, and that the said Claimant may proceed under the said Mandate, and under the decree of this Court as thereby affirmed, as under Final Decree.

Ogden Hoffman
Dist Judge

No 15

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

Chas. Meyer et al.

Order to file
Mandate U. S. Sup. Ct.

Filed September 10th 1867

W. A. Cheney
Clerk.

CASE 15 ND

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Vertical handwritten notes in the left margin, including "Allman's..." and "10th Sept 1867".

Vertical handwritten notes in the center margin, including "10th Sept 1867" and "Mandate U. S. Sup. Ct.".

Vertical handwritten notes in the right margin, including "Allman's...".

The United States

CASE 15 ND

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Appellants

vs

Charles Meyer, William
Bennett, Carlos J. Glenn
Hurd and Duncan

vs. Court U.S.

probation

City of Cuba

Appellees

On the 8th April 1846 a grant was issued in conformity with the Colonization Law of Mexico of 18 Aug. 1824 and the general Regulations of Nov 21. 1828 to one Ernesto Ruffus by Governor Pio Pico, by which the location called "Rancho de German" in the frontier of Sonora at the North of the Department of ~~and~~ and above the establishment of Russ was granted to the said Ruffus. On the 2^d day of June 1846 this grant was approved by the Departmental assembly.

Amongst the usual conditions annexed to the Mexican grant, the following was attached to the one in question.

The tract of land granted is an area of five square leagues (sitio de Germana Meyer) the Judge who shall give possession of it shall have it

measured or payable to or deemed
leaving the surplus that may re-
-sult to the Nation for convenience
purposes.

The genuineness of the grant and
the authority of the grantor are au-
-thenticated by documentary evi-
-dence from the public domain.
Indeed, as this case like many
others, have been submitted by the
Sighted Attorney U.S. with the
understanding that where no
objection is made to the genui-
-ness of the signature, to the grant
the production of the original
in this Court is dispensed with,
the authenticity of the documen-
-tary title in this case may
be considered as established.
The grant in this case Emmet
Rufus, is the only witness, sworn
He proves his having taken out
the grant, proves the expedient
on file to be a correct copy of the
original having personally com-
-pared them, states that he was
in possession of the land prior
to the issuance of the grant to him

and that he continued in pos-
 session until 1849 when he sold
 the land to the appellees. This
 witness also states that he built a
 dwelling house ^{and} several In-
 dian habitations, within one year
 from the date of the grant - that he
 built a mill on the land which
 was completed within fifteen
 months, from that date, and that
 he cultivated about fifty acres
 of the land in grain besides hav-
 ing cattle on it - and that ap-
 pellees were into possession of the
 land in at the time they pur-
 chased and remain in posses-
 sion at the present time.

Under the testimony, a full com-
 pliance with the conditions ^{of the Grant} of
 with the single exception of not
 having obtained judicial pos-
 session, is established. The witness
 states he applied to the Alcalde
 of Sonoma for Judicial possession
 who postponed ^{giving it} ~~to~~ ^{him} on the
 ground that he had other lands to
 survey in that vicinity, when
 he was employed with the writer
 of the witness, but the American War

breaking out, the Decade resigned
 and others, was not able to ob-
 tain the Judicial Possession.
 The Under the Decision, however,
 only made by this Court, the
 failure to obtain such posses-
 sion cannot be under the cir-
 cumstances of this case op-
 -rate to revoke the claim.
~~For the same~~ The remaining
 objection is, that the law a gen-
 -eral ~~and~~ ^{is} situation within the
 League of the Sea. There upon
 this point the doctrine main-
 -tained by this Court in the case of
 The United States vs. Cleveland,
 must be observed. The settled rule
 of this Court must be reversed by a
 higher Tribunal. The decision
 of the Commissioners, ^{in favor of the claim} must be
 therefore affirmed.

The United States
 Appellants
 41
 Charles Meyer,
 William Bennett,
 Carlos J. Gleim
 Hand & Bureau

} vs. Court U.S.
 An vs. of Case

This cause came on to be heard at a stated term of this Court on appeal from the final decision of the Commission to ascertain & settle private land claims in the State of California, under the Act of Congress approved 3^d March 1851 upon the transcript of the proceedings & decision, and the papers and evidence on which said decision was founded, and it appearing to this Court that said transcript has been duly filed according to law. And Counsel for the respective parties having appeared, It is hereby ordered, adjudged & decreed, that the decision of the said Commission be hereby affirmed, and it is further hereby ordered and decreed and decreed that the claim of the appellee, be comprised therein to the extent and quantity of five (5) square leagues, and no more; being the same land described in the grant and expedient herein before and of which possession was proved

to have been held ten years under
said grant. Provided said quan-
-tity of land be contained within the
boundaries called for in said grant,
and if there be less than the said
above named quantity within
the said boundaries, then said
less quantity, is hereby made
a portion and decreed to
the said trespasser

15

The U.S.

Meyer & others

Copy opinion &
decrees -

CASE 15 ND

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9/10-1955-

Office of the Board of Commissioners,

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

CASE 15 ND

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San Francisco, Feb. 23^d 1854

John A. Monroe, Esq.

Clerk of the U. S. District Court for the

Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 199 on the Docket of the said Board, wherein

_____ Charles Meyer et al are _____
the Claimant against the United States, for the place known by the name of Rancho de German _____

and request your receipt for the same.

I am, Respectfully,

Your Obt. Servant,

Geo. Fisher.

