

CASE NO.

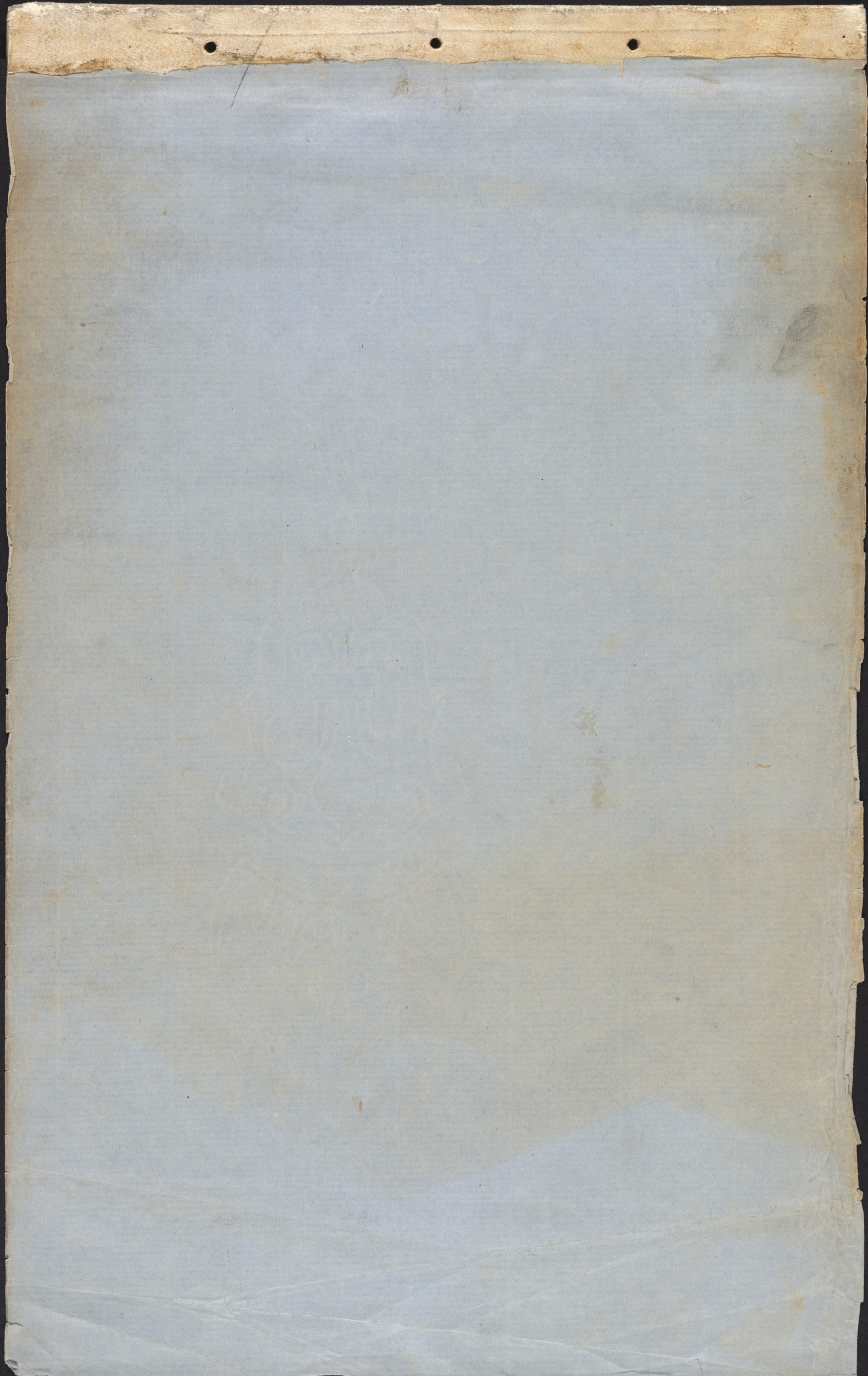
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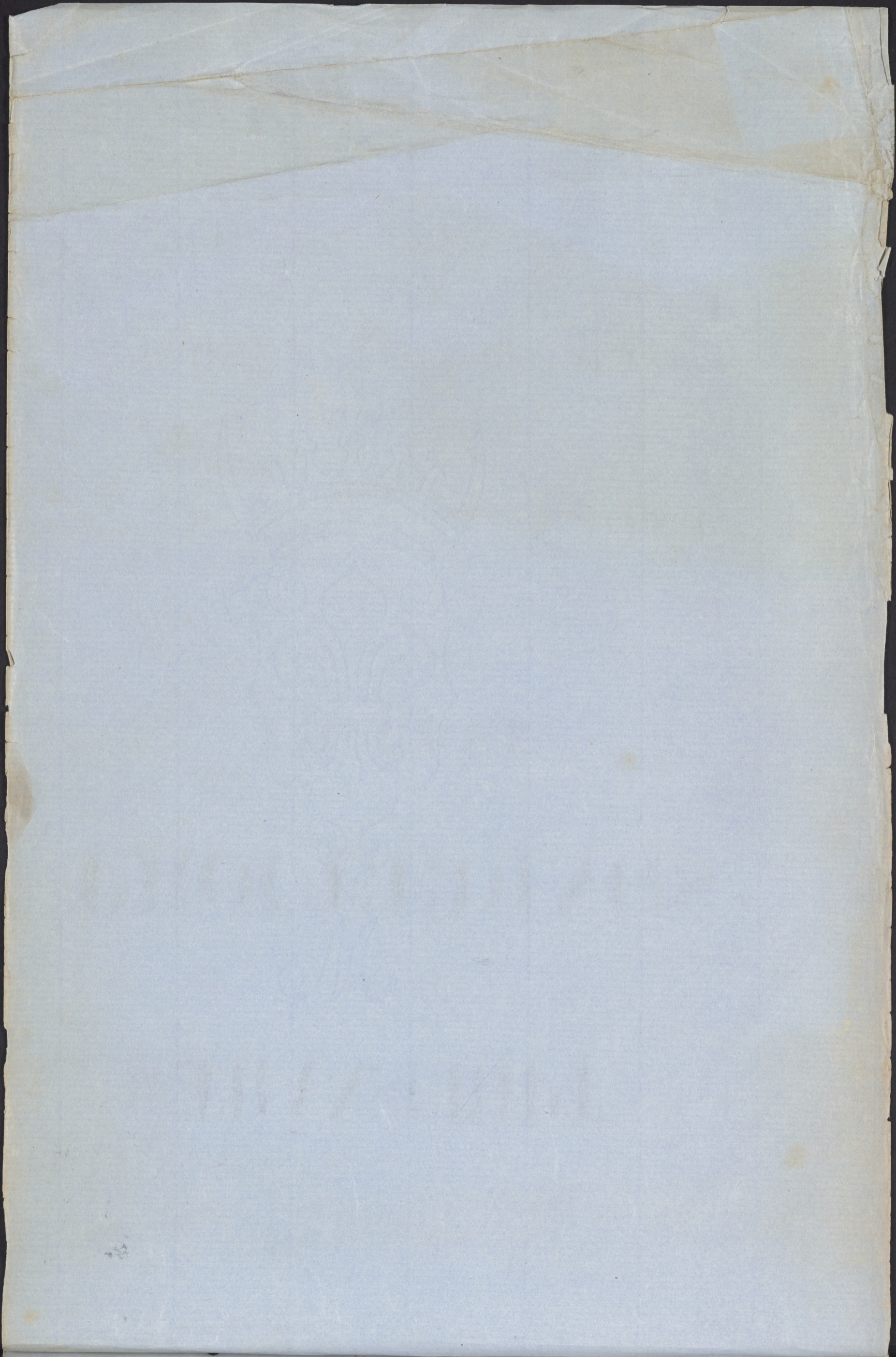
NORTHERN DISTRICT

LLANO de SANTA ROSA GRANT

JOAQUIN CARRILLO

CLAIMANT





TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. *252*

Joaquin Carrillo

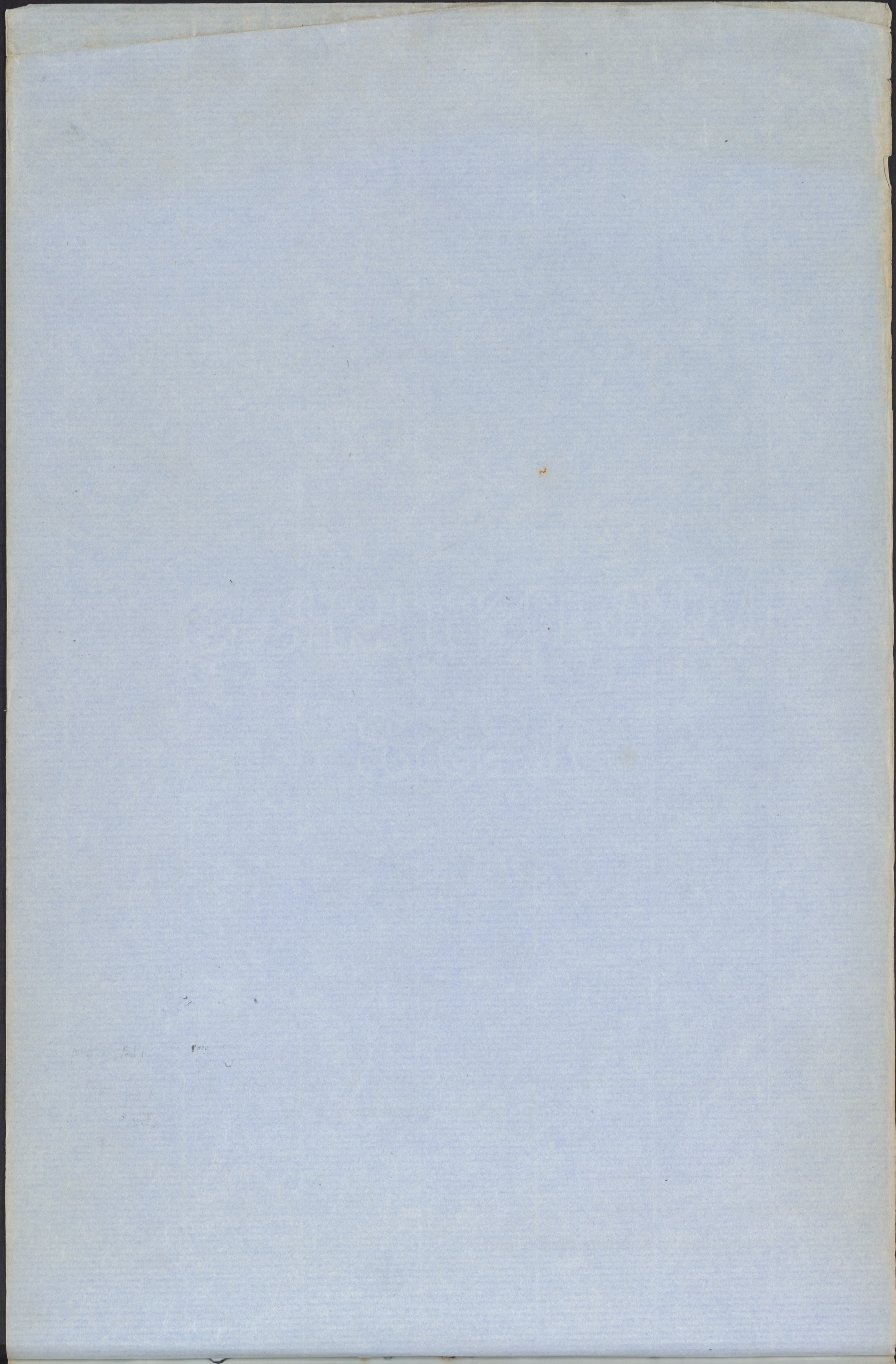
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Llano de Santa Rosa."



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *3rd day of May*, 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 *Joaquin Carrillo* for the Place named *Hano de Santa Rosa* was presented, and ordered to be filed and docketed with No. *252* and is as follows, to wit;

(Vide page *3* of this Transcript.)

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

San Francisco Aug 6th 1852.

In case no *252* *Joaquin Carrillo* for the place named "Hano de Santa Rosa" the deposition of *M. G. Vallejo*, a witness in behalf of the claimant, taken before Commissioner *Harry J. Thomson* was filed;

(Vide page *4* of this Transcript)

San Francisco Jan. 6th 1853.

In the same case the deposition of *Andres Pico*, a witness in behalf of the claimant taken before Commissioner *Harry J. Thomson* with circumstances marked No. *1* N. S. P. annexed thereto was filed;

(Vide page *5* of this Transcript)

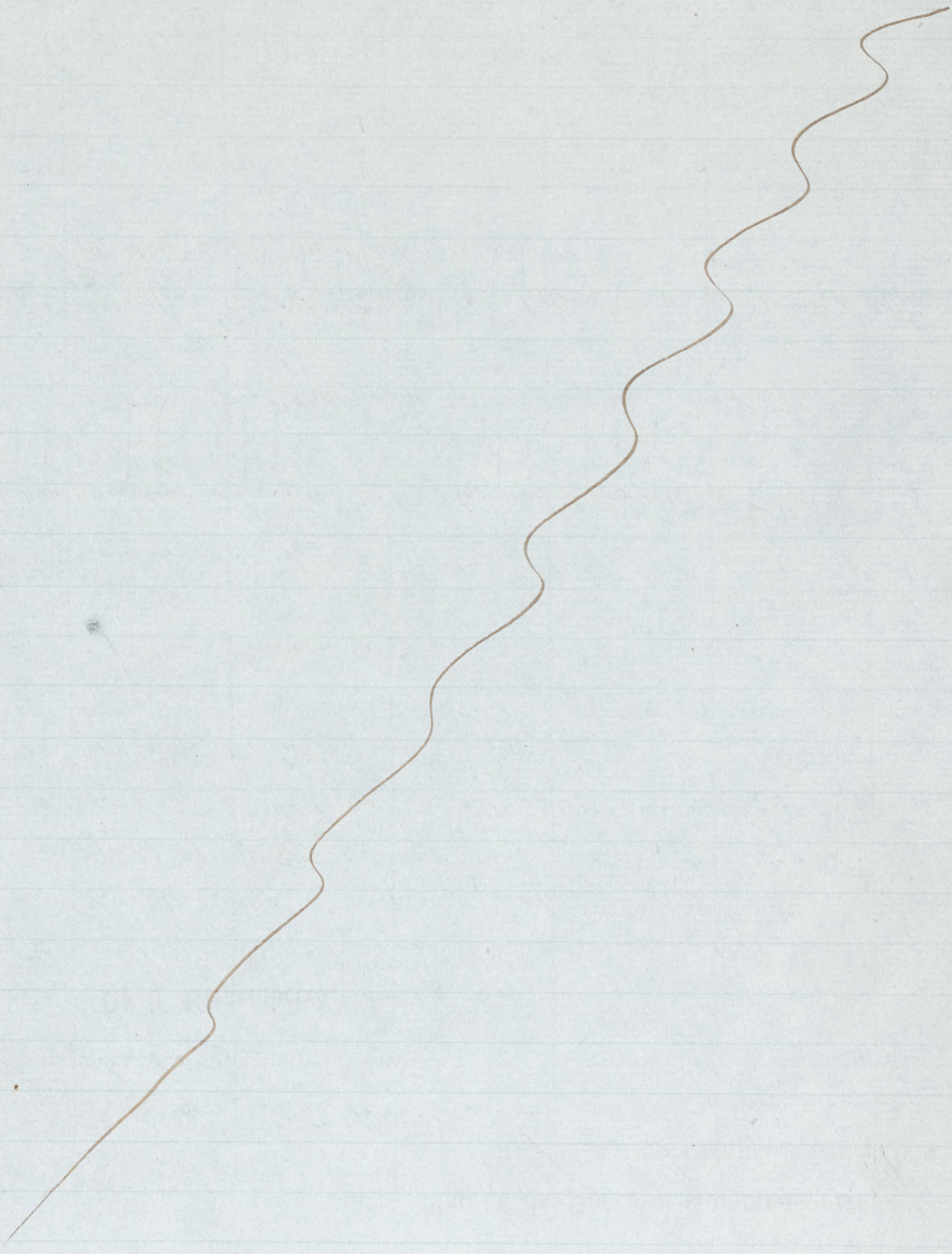
2

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PAGE 3

San Francisco Aug 26th 1853.
Case No. 252 Callan. The counsel for the claimant
read the evidence; argued, submitted and taken
under advisement.

San Francisco Oct. 21st 1853
In the same case Commissioner Thompson Campbell
declined the opinion of the Board confirming
the claim.

(See page 27 of this Transcript)



To the Honorable Commissioners to Little Private
Land Claims in California

Petition

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The petition Joaquin Canillo respectfully shows
that on the 29th day of March A.D. 1844 the annual
Mexican Governor of California by virtue
of authority in him vested, granted to the petitioner
over the tract of land called *La Cuesta de Santa
Rosa* in the then jurisdiction & now county of
Sonoma, containing three square leagues
a little more or less according to the bound-
aries set forth in the title & corresponding
map all of which is shown in the original espe-
dicite a copy of which is submitted herewith
marked A with a translation marked "B".
He also submits a copy of the title marked
C with a translation marked "D".

He also shows that he has been since the
date of the grant & before & now is in the quiet
peaceful & undisturbed possession & occupa-
tion of the said tract of land & has complied
with all the conditions of the grant neces-
ary to make it valid. That the said tract
of land has not been surveyed by the
Surveyor General of the United States but
that its boundaries are fully described
in the map & grant & have been marked
out by the Judicial Surveys.

That he knows of no conflicting claim
that he relies for confirmation of title upon
the original papers copies of which are sub-
mitted herewith, upon the records &
minutes in the archives under the charge
of the Surveyor General & upon such other
of further proofs as he may be advised
are necessary. Wherefore he prays the Com-
missioners to confirm to him the aforesaid
tract of land. By His Atty

Filed in Office May 31 1852
J. Fisher Clerg

Halluk Peasey & Belliss

A

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Deposition

Office of the Board of Com^{rs} of California Land
 Claims San Francisco August 6th 1852
 On this day before me Harry D. Thornton one of
 the Commissioners for ascertaining & settling
 the Private Land Claims in the State of California
 came M. J. Vallejo a witness produced in
 behalf of the claimant Joaquin Camille
 whose petition is No 252 on the Docket of
 the Board & was duly sworn, his evidence
 being given in the Spanish was interpreted
 by the Secretary, The U S Land Agent attended
 1st Question What is your name a good place of residence
 Answer My name is Mariano Landaloupe Vallejo
 My age is 45 years I reside in Sonoma I have
 lived in California all my life
 2nd Question What do you know about the rancho
 called El rancho de Santa Rosa its occupation &
 ownership, Answer I have known the rancho
 called El rancho de Santa Rosa for some 20 ye
 ars, It is situated in Sonoma County 8 leagues
 from Sonoma It was first occupied by
 the present claimant Joaquin Camille
 in the year 1841 or 1842 & has been occupied
 by him ever since, He received a grant
 of this rancho from the Governor of Califor
 - nia in 1844, He built the first house on
 the land in 1843 or 1844 & has since built
 another very large house in which he now
 resides, he has occupied the land ever
 since it was granted with horses & cattle &
 has cultivated from one hundred to three
 hundred acres of the land with corn barley
 beans wheat &c

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I declare cross interrogation

Geo W Cooley M J Vallejo

U S Land Agent present

Sworn & subscribed before me this 6th of
 August 1852 Harry D Thornton Com
 Filed in office Aug 6th 1852 Geo Fisher Secy

f

San Francisco Aug 6th 1833

Deposition

On this day before Court Harry S. Thornton
came Arndus Pico a witness in behalf of the
claimant Joaquin Canella petition No 252 &
was duly sworn his evidence being introduced
by the Secretary

5AD
PAGE 6

The No 1 Associate Law Agent was present

My name is Arndus Pico my age is 42 years I
was born in California & live in Los Angeles
I know the signatures of Manuel Micheltoreau
& Manuel Amario their signatures to the paper
before me I marked No 1 & attached hereto are
Exhibits

Arndus Pico

No 1 Law Agent Present

Sworn to & subscribed before me
the 6th of Aug 1833

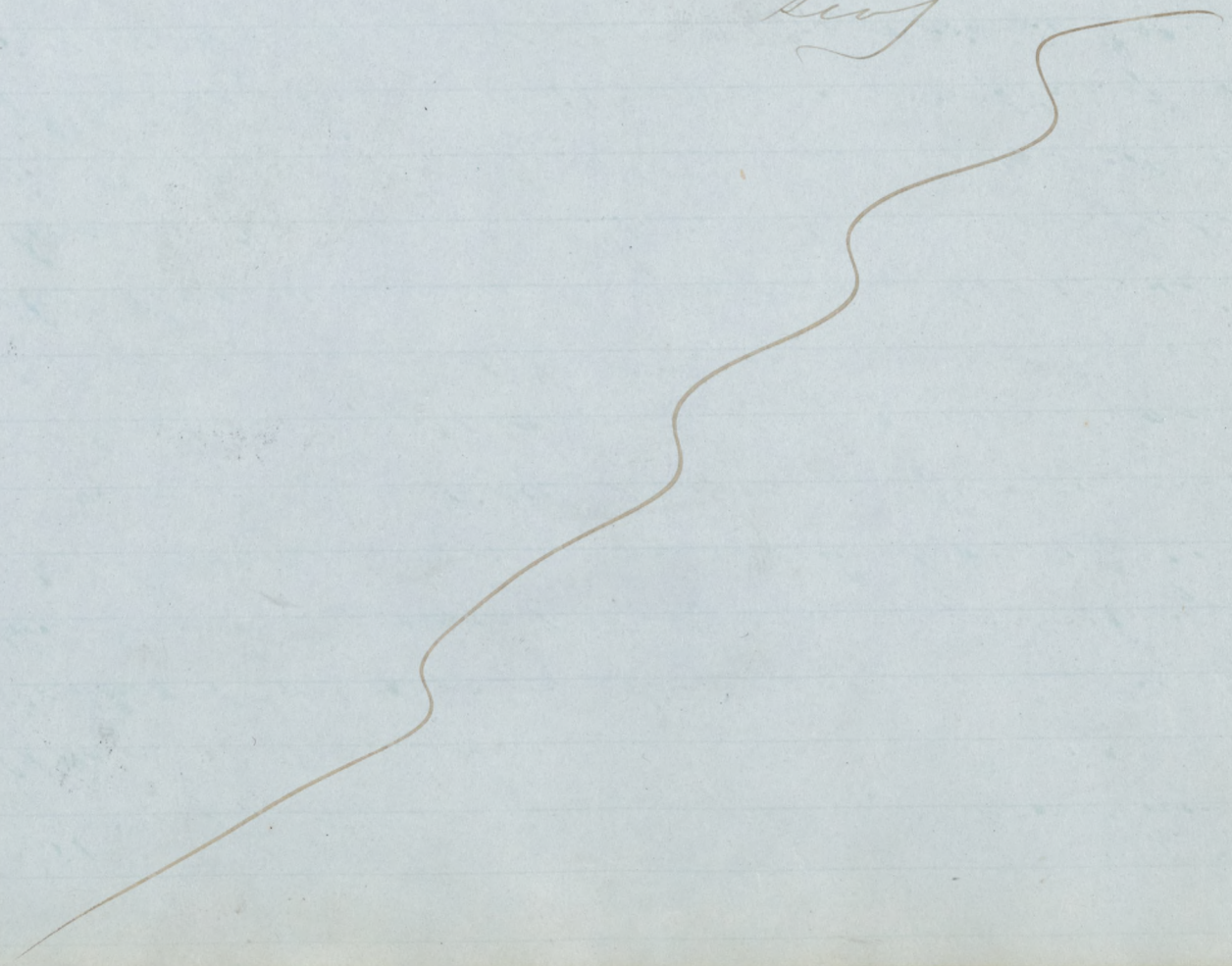
Harry S Thornton
Court

Filed in Office Aug 6th 1833

Geo Fisher

Secy

120



1884

1884

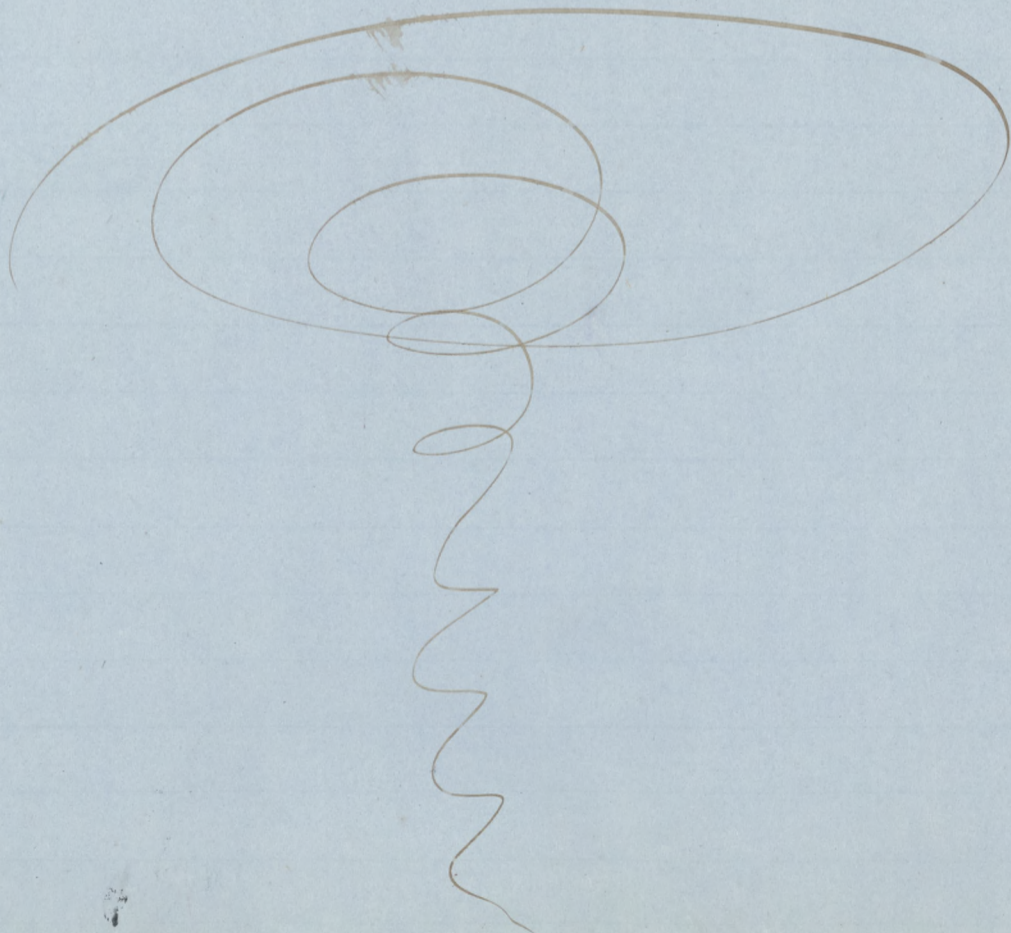
6.

Expediente Promovido por
el Ciudadano Joaquin Cavillo
en peticion del parage nombrado

Glans de
Santa Rosa

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2.º D. D. R.

Sello Cuarto Dos Reales.

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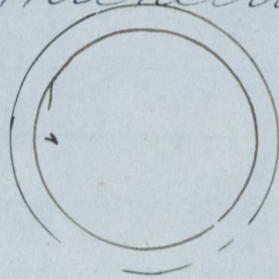
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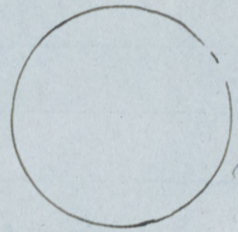
Habilitado provisionalmente por la Aduana Maritima del puerto de Monterey, en el departamento de las Californias, para el año de mil ochocientos cuarenta y tres.

Micheltorena # Manuel Castañares

Expediente



Excmo. Sr. Gobernador.



Joaquin Carillo Ciudadano Mexicano, oriundo en el Presidio de San Diego en esta Alta

California Occidental y residente en la jurisdiccion de Sonoma o frontera del Norte ante V. E. con el mayor y mas debido respeto tomando previamente en la mejor y mas bastante forma que en el si los necesarios derechos halla lugar me alegro y oyo y presento y digo: Que habiendo obtenido mi Señora Madre D.ª Maria Ignacia Lopez de Carillo, el terreno nombrado Santa Rosa en estension de dos sitios de ganado mayor y no siendo estos suficientes asi como p.º un corto terreno y poderle asignar a cada uno de la numerosa familia que tenemos; pues solamente contamos con cuatro hombres siendo el menor de diez y ocho años y tres mugeres fuera de mi Señora Madre solicito se me conceda el terreno que media entre el lindero de Sta Rosa y el de los

J

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Huelucos: perteniente à D.ⁿ Juan Wilson
cuya latitud sera cuando mas de dos millas
y en este intermedio pido registro y demarcacion
de todo este terreno con sus trinecos, estalozes,
maderas, Aguages y Valdios, no pasando
de los limites que prefiga para esto la
ley siendo su latitud desde las lomas
de las Mayacanes, hasta donde la ley
no pueda al permitir y creo no llegara
ni cinco seis sitios mas si pasare el
termino que es permitido Soy muy gusto-
so con que se me rebaje en la parte
que yo elija y si fueren menos que do-
s muy conforme al tiempo que à los Colin-
dantes se les den sus medidas, ofrecien-
do presentar el respectivo duceno tan luego
como V. E. se oia mandar correr los
terminos de esto no haciendolo en el
presente por hallarme à distancia
como de doscientas leguas.

P. Te. a V. E. Duplico acceder à mi
Solicitud en la que recibire merced
y gracia jurando no ser de malicia
y lo necesario.

Ang. Junio 22 de 1843.

Joanⁿ Carillo

Pref.^a del Distrito.

Informe el Encargado de Justicia
de la frontera de Sonoma si el terre-
no que se solicita pertenece à algun
particular y se halla ocupado actual-
mente con lo demas que crea necesario

Monterey Agt.^o 18 de 1843

Extrada.

Juzgado de Sonoma

No habiendo dado aun posesion juridica
à los colindantes con los terrenos q
solicita el interesado se presentara

9

este cuando aquellos obtengan la referida posesion con cuyo requisito no puede valerse cual sera el sobrante q. resulte disponible

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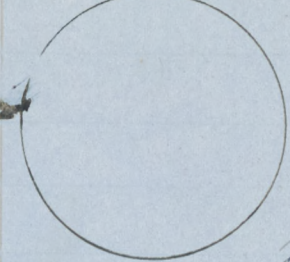
Sonoma y the 20/843.

O. Pardon

Dello Quarto Dos Reales

Habilitado provisionalmente por la Aduana Maritima del puerto de Monterey en el Departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco

Micheltovena. Pablo de la Guerra


 Dono Alcalde del^a Nominacion
 Joaquin Carillo vecino de esta
 jurisdiccion ante V. respetuosamente
 expone q. habiendo presentado
 de Sonoma un memorial al E. S. Governador,
 Puede el m. solicitando todo el terreno
 interesado hacer Valdis entre Sta. Rosa y sus
 la siembra q. colindantes y siendo parte de
 solicita en el dho terreno el resto del llano
 lugar q. designa desde el lindero de Sta. Rosa
 pero de ninguna manera sumo Sur hasta las lagunas
 fabricara casa suplica a V. le Autorize a q.
 hasta q. no recibiera del Gobierno pueda hacer una siembra
 en el expresado llano y
 construir una casa provisional
 el titulo de comunal hasta la superior resolu-
 cion y sera responsable a los respcto a la solicitud q. le
 secretarios de los tiene presentado el escripto
 auenos del terreno y cuya concesion tubo a bien
 ren si los hubiese. D. E. suspender hasta q.
 se. se diese posesion juridica
 de los ranchos colindantes con
 el terreno q. pretende

Sonoma 11/14/1844. Jacobo P. Deese

11
y asegura de nuevo es Valdivia.
P. B. A. V. suplico se sirva decretarlo.
como pide en lo q^o recibira merced.
Jura lo necesario T^e.

Donoma N^o 12. 1844
Joaqⁿ Carrillo.

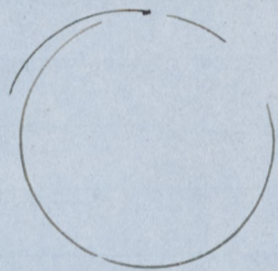
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Sello Quinto un Real.

Habilitado provisionalmente por la Aduana Maritima de Monterey en el Departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltoena

Pablo de la Guerra



Excmo Sr Gobernador.

Monterey Mo. El Ciudadano Joaquin Carrillo Nacional de este departamento y vecino de la jurisdicción del despacho de la frontera de Sonoma ante Micheltoena V. E. con el mas debido respeto en derecho me presento y digo. Que desde el año pp^o lleve a V. E. una instancia solicitando el Sobrante q^o resulta entre los limites que tienen los D^{os} Wilson Marcos, Webster y Cooper, segun explica la solicitud y Dicoño q^o devidam^{te} a compano a N. E. mas como a estos individuos no an pedido al juez respectivo la posesion juridica q^o deber tener conforme la ley de colonizacion. Esta para este motivo paralizado el curso de mi expresada Solicitud. Por lo espuesto suplico a V. E. se sirva disponer lo q^o creyere de justicia p^o de este modo trabafos anel os am^{te}.
P. E. a V. E. mego y suplico provea

comunicado pedido de lo que oviere eternamente
reconocido.

Monterrey Mayo 26 de 1844

Joaquín Carillo.

Señor Gobernador.

Por los informes que aparecen en los docu-
mentos con relación á la precedente instan-
cia y por los que he adquirido de Dⁿ. Juan
Cooper que conoce bien el terreno y el
ser hombre de bien el interesado en
sitiendo que no hay inconveniente alguno
para el decreto de conformidad por su-
getándose á la medición de sus colin-
dantes y a no ocupar mas de tres sitios
de ganado mayor, que sera lo unico que
resulta valido. La determinacion de
D. E. sera lo mejor.

Monterrey 28 de Mayo de 1844

Man. Jimeno

Monterrey Mayo: 28 de 1844

Conf. con curso á lo informado.

Michelt.

Monterrey 29 de Mayo de 1844

Vista la petición con que da principio
este expediente los informes que precedan
con todo lo demas que se tubo presente y
de ver convis de conformidad con las
leyes y reglamentos de la materia decla-
ro á Dⁿ. Joaquín Carillo dueño en pro-
piedad del parage conocido con el nom-
bre de Llano de Santa Rosa en estension
de tres sitios de ganado mayor, sujetándose
á la medición de sus colindantes cuando
se les de posesion del terreno que actual-
mente tienen, colindante con el Rancho
de Botate, con el Rancho de M^a. Ignacia
Gomez de Carillo, con las Tugunas con Dⁿ.
Juan Cooper, con Marcos, West y Dⁿ. Juan
Wilson. Libre el correspondiente. Des.

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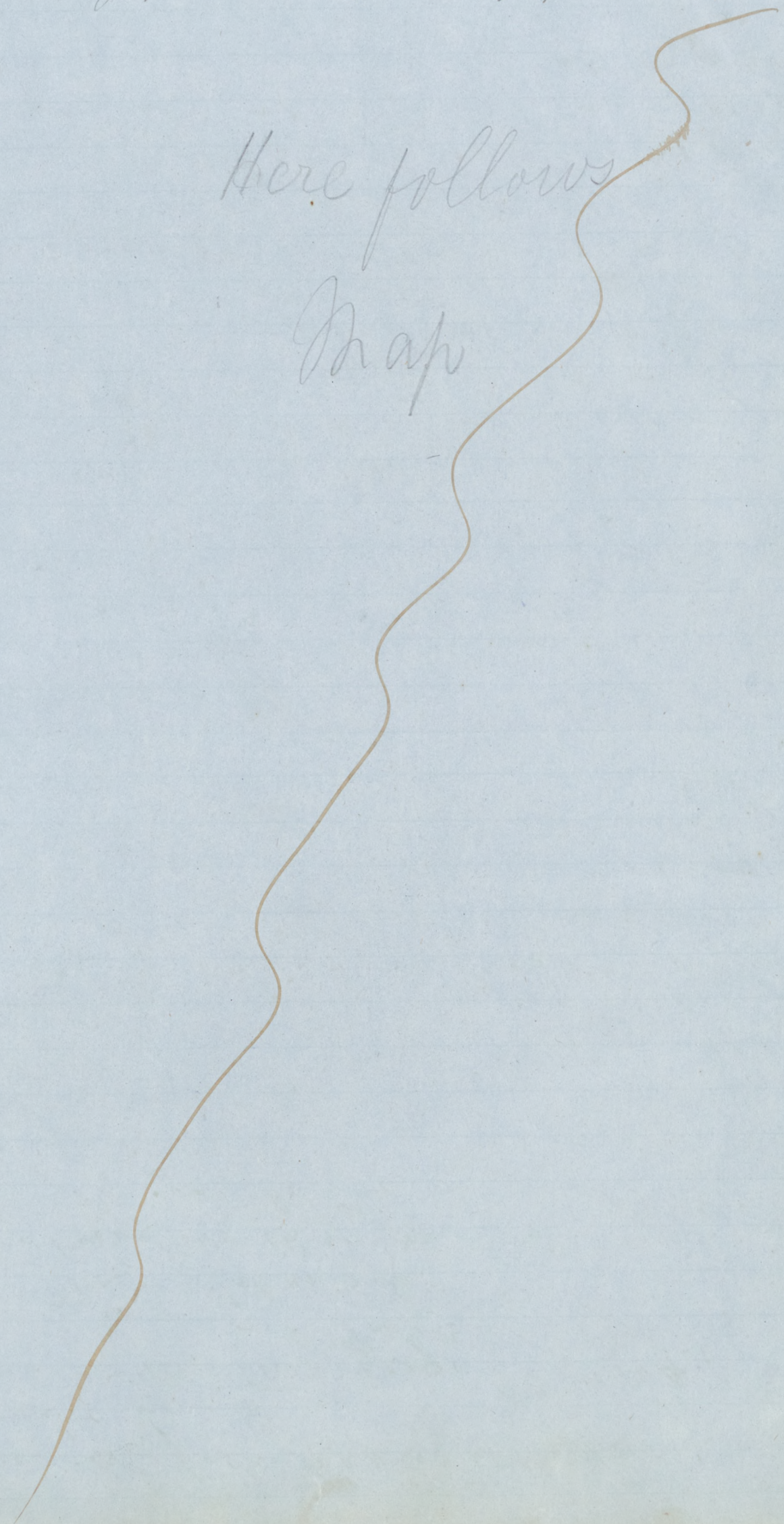
hechos, tomese razon en el libro respectivo.
y dirigase este expediente p^a su aproba-
cion. El C. J. Gobernador y Comand^{te}
General de este Departamento asi lo mando
decreto y firmo de que doy fe.

map 3

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Here follows

Map



El ciudadano Manuel Michetovena General de Brigada del Ejercito Mexicano Ayudante General de la plana mayor del mismo Gobernador Comandte General e Inspector del departamento de las Californias.

Por cuanto el ciudadano Joaquin Carrillo ha pretendido para su beneficio personal y el de su familia el paraje conocido con el nombre de Llano de Santa Rosa colindante con el Rancho de Cotate con el Rancho de D^{na} Ma. Ignacia Lopez de Carrillo con las lagunas con D^{no} Juan Cooper, con Marcos, Webster y D^{no} Juan Wilson; practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por ley es y reglamentos, usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado sujetandose a la medicion de sus colindantes cuando se les de posesion del terreno que actualmente tienen a la aprobacion o desaprobacion de la Comenta Asamblea departamental y bajo las condiciones siguientes

1^a No podra venderlo, enagenarlo ni hipotecarlo, imponer censos, vinculo franja hipoteca ni otro gravamen alguno. 2^a Podra sercarlo sin perjudicar las traversas, caminos y servidumbres. Lo disfrutara libre y exclusivamente destinandolo al uso o cultivo que mas le acomode pero dentro de un año fabricara Casa y estara habitada.

3^a Solicitara del Jefe respectivo que le de la posesion juridica en el virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra a

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mas de las mojoneras algunos arboles fru-
-tales o silvestres de alguna utilidad
4 @ El terreno de que se hace donacion
es de tres sitios de ganado mayor poco
mas o menos segun explica el diceño
respectivo El Quez que diese la posesion
lo hara medir conforme a Ordenanza
que dando el sobrante que resulte a
la Nacion para los usos convenientes;
5 @ Si contraviniese a estas condiciones
perdiera su derecho al terreno y sera denun-
-ciable por otro. En consecuencia mando
que sirviendole de titulo el presente
y teniendose por firme y valedero se tome
razon en el libro que corresponde y se en-
-treque intregue interesado p^o subrogan-
-do y demas fines. Dado en Monterey
a veinte y nueve de Mayo de mil ocho
cientos cuarenta y euabto. Manuel Mi-
-cheltorena. ff Manuel Jimeno Se-
-cretario.

Queda tomada razon de este despacho
en el libro respectivo a fi y vuelta.
Jimeno.

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

J. 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
or Department of Upper California. do hereby
Certify that the fourteen preceding
and hereunto annexed pages of tracing
paper numbered from one to fourteen in-
-clusive and each of which is verified

by my initials. (G. D. R.) exhibit true and accurate copies of certain documents on file and forming part of the said Archives in this Office.

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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. this 12th day of April 1852.

Saml. D. King

Survy. Genl. Cal.

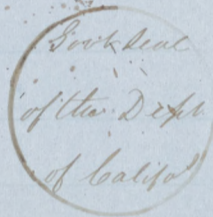
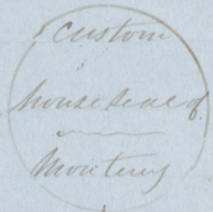
Filed in Office May 31st 1852

Geo. Fisher Secy.

Stamp Fourth Two Meats

Provisionally authorized by the Maritime
Custom House of the Port of Monterey in the Dep-
artment of the California for the year one thousand and
eight hundred forty three

Translation of (by) Micheltorena (Signed) Manuel Castaneda
Expediente



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In His Excellency the Governor
I Joaquin Camilo
American citizen Native of the
Presidio of San Diego in this
Upper California a neighbor
& resident in the jurisdiction
of Sonoma on the frontier of
the North before Your Excellency
with the greatest respect & pro-
fession of respect & in the best & most
sufficient manner which
I can allow present my
information as he self says that my mother
may think proper Doña Maria Ignacia
if he should permit Lopez de la Cruz having
for the purpose having obtained the land named
the cobardantes of the Santa Rosa in extent two
square leagues, & this not
being sufficient either for
the property which we have
accumulated or being a small

Angels June 27^o 1843
Let the Papers of the
1st District have the
produce the report
taking previous of such
information as he
may think proper
if he should permit
for the purpose having
the cobardantes of the
one any
(Sd) Micheltorena

land to assign (a part) to each one of our
large family for we number four brothers
the youngest being eighteen years old & three
sisters besides my mother I request that
may be granted to me the land which
lies between the boundary of Santa Rosa
& that of Los Huencicos pertaining to Don
Juan Wilson the breadth of which is at
most two miles of this interval I request
may be registered & I denounce all other claim
with its rancias & places woods waters and

uninhabited fields not passing the limits
which are defined in the laws for this purpose
its width being from the hills of Mayacama as
as far as the law will permit, which I believe
will not amount to five (or) six square
leagues, but if it should exceed the quantity
allowed, I will be very well pleased if it is
reduced in the part which I may say, if it
should be less when the colon dantes shall
have their measurments made, I will
be well satisfied promising to present the
proper Map as soon as you Excellency
may be pleased to order that this pass through
the usual steps, not doing so at present
because I am two hundred leagues away
(from it) therefore I pray you Excellency
to accede to my request in which I will
receive favor & grace swearing that this
is not done with evil intent & whatever
else may be necessary

August June 22 1843
(Signed) Joaquin Leunilla

Superintendant of the 1st District

Let the person charged with the adminis-
tration of justice on the frontier of Sonora report
whether the land petitioned for belongs to any
individual & whether it is at present occupied
with all other things which he may think
necessary

Monteag. Aug. 18 1843

(Signed) Estrada

Court of Sonora

Judicial possession not having been given
yet to the colon dantes of the lands which the
person interested solicits, the latter will
present himself when the former have obtained
the possession referred to without which req-
uisite it cannot be known what is the disposable

10

275

19

Amplius which may result

Torrona Sept 20 1843

(Signed) Victor Arden

(L. O.)

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Scout of Torrona to the Alcalde of said Torrona
 The person interested
 may make the saying Joaquin Carrillo resident of this
 as he requests in the jurisdiction before you resp
 place he designates carefully appears that leaving
 but he shall not in present a memorial to His
 any manner build. Excellency the Governor soliciting
 should until he all the vacant land between
 obtains from the Santa Rosa its colonos
 Government the being part of their land
 title of grant the the remainder of the plain
 shall be responsible from the boundary of Santa
 to the claims of the Rosa in a southerly direction
 owners of the lands to the Laguna. He prays you
 if there should be to authorize him to make
 any Torrona a saying in the said plain
 March 14 1844 & construct a temporary
 (Sgd) Jacob Ruiz house until the Superior
 Decision of His Excellency the
 Governor relative to the petition which the
 person representing has presented & the grant
 of which His Excellency thought proper
 to suspend until there be given the precise
 possession of the Rancho adjoining the land
 petitioned for which he again assures
 is vacant. Wherefore he prays you to have
 the goodness to deem as he requests by which
 he will receive a favor He swears what may
 be necessary

Torrona March 13th 1844
Signed Joaquin Carrillo

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Stamp Fifth One Real

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Provisionally authorized by the Maritime Custom House of the port of Montevideo in the Department of the Colonias for the years one thousand eight hundred forty four one thousand eight hundred forty five
(Signed) Micheltorena. (Signed) Pablo de la Guerra

(Real)
Montevideo March 27, 1844 To His Excellency the Governor
Let the Secretary of State report. I Hector de Souza
(Signed) Micheltorena. Leanillo native of this Department & resident of the jurisdiction of the frontier of Sonoma before Your Excellency with the most proper respect in I am present myself & say that in last year I sent up to Your Excellency a petition requesting the surplus which results between the limits of the Senores Wilson, Marcos West & Cooper as shown by the petition & map which I duly transmitted to your Excellency but as those individuals have not requested of the proper Magistrate the judicial possession which they ought to have in conformity with the laws of colonization, the course of my said petition is therefore entirely stopped. For the foregoing reasons, I pray your Excellency to be pleased to provide as you may believe to be just & proper by this means to work zealously. Wherefore I pray & beseech your Excellency to decide as I have asked for which I will remain eternally grateful
Montevideo March 26 1844
(Signed) Hector de Souza Leanillo

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5/25
 Señor Gobernador

By the information

which appears in the documents relating to the present petition & by that which I have acquired of Don Juan Cooper who is well acquainted with the land & also the person interested being a man of good character It seems to me that there is no inconvenience whatever in decreeing it to him in conformity with his petition but subjecting him to the measurements of the colindantes & not (allowing him) to occupy more than three square leagues which are all that remains vacant. Your Excellency's decision will be the best.

Montevideo March 26th 1844
 (Signed) Manuel Pizarro

Montevideo March 28th 1844

Let it take its course in conformity with that reported.

(Signed) Nicheitoro

Montevideo March 29th 1844

Having seen the petition with which this Expediente commences the reports which precede with all other things which were represented & proper to be seen in conformity with the laws & regulations on the matter I declare Don Joay in Council owner in fee of the place known by the name of Llanos de Santa Rosa in extent three square leagues subject to the measurements of his colindantes when possession is given them of the land which they actually hold bounded by the rancho of Co. Tato by the rancho of Doña Maria Ignacia Lopez

de Councils by the Lagunas, by Don Juan
 Cooper by Manuel Mesa & by Don Juan Wilson
 Let the corresponding title be issued let
 note be made in the proper book & submit
 this expediente for its approval
 His Excellency the Governor & Commanding
 General of this Department thus ordered
 deeded & signed to which I certify

E. C.

N. P.

[For translation of title see Exhibit D]

65-

Filed in office May 31, 1852
 Geo. Fisher
 Secy

23

Exhibit N^o 15
Deposition of
Andres Pico in
N^o 252.

58 ND

PAGE 23

Dells Segundos Cuatro pesos.

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

Micheltorena P Pablo del C Guero

El Ciudadano Manuel Micheltorena General de Brigada del Ejercito Mexicano Ayudante General de la Plana Mayor del mismo Gobernador Comandante General e Inspector del Departamento de las Californias.

Por cuanto el ciudadano Joaquin Carillo ha pretendido para su beneficio personal y el de su familia el parage conocido con el nombre de Llanos Santa Rosa colindante con el rancho de Cobate, con el de D^a Maria Ignacia Lopez, con las lagunas, con Dⁿ Juan Cooper con el de Dⁿ Marcos West y Dⁿ Juan Wilson practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado. Dirigiendose a la medicion de sus colindantes cuando se les de posesion del terreno que actualmente tienen a la aprobacion a desaprobacion de la Comis^{ion} Departamental y bajo las condiciones siguientes.

No podra venderlo, enagenarlo ni

hipotecarlo, imponer censo, vinculo, panga, hipoteca, ni otro gravamen alguno.

2^o Podrá cercarlo sin perjudicar lastravesías, caminos y servidumbres, lo dispusitara libre y exclusivamente destinándolos al uso ó cultivo que mas le acomode pero dentro de un año fabricara casa y estará habitada.

3^o Solicitara del Juez respectivo que le de la posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra a mas de las mostreras algunos arboles frutales ó silvestres de algun utilidad.

4^o El terreno del que se hace donaciones de tres sitios de ganado mayor por esmas ó menos segun explica el diseño respectivo El Juez que diese la posesion lo hara medir conforme a Ordenanza quedando el sobrante que resulte à la Nacion para los usos convenientes.

5^o Si contraviniere à estas condiciones perdera su derecho al terreno y sera denunciabile por otro.

En consecuencia mando que suviendolo de titulo el presente y teniendose por firme y valedero se tome razon de el y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey à veinte y nueve del mes de Marzo de mil ochocientos cuarenta y cuatro

Man^o Michel^o

Man^o Ameno Orio.

Queda tomada razon de esta consecion en el Libro respectivo à f.^o y vuelta Ameno

9.50

5.10

Stamp Given From Dollars

25

Translation of
Title

Provisionally authorized by the Maritime
Custom House of the Port of Monterey in the
Department of the Californias for the years
of one thousand eight hundred & forty four
& one thousand eight hundred & forty five
(Signed) Micheltorena Signed Pablo de la Guerra

Mark
58 ND
PAGE 25

Maritime
Custom House
of
Monterey

Citizen Manuel Micheltorena General
of Brigade of the Mexican Army Adjutant
General of the Staff of the same Governor
Commandant General & Inspector of the Dep
artment of the Californias

Whereas citizen
Joaquin Carrillo has for his own person and
benefit & that of his family asked for the
place known by the name of Land
de Santa Rosa bounded by the rancho of
Cotate by that of Dona Maria Ygnacia de
Carrillo by the Logaras, by Don Juan Lopez
by that of Don Manuel Nieto & Don Juan Nieto
the measures & examinations concerning it
having been previously taken according to the laws
& regulations, being the powers conferred on
me in the name of the Mexican Nation I
have granted the said land to him subject
to the survey of his colon dantes when possession
is given them (of) of the land which they now
own to the approbation or disapprobation of
the Most Excellent Departmental Assembly
& under the following conditions

- 1st He cannot sell alienate or hypothecate
it. Subject it to tax entails Pledge Mortgage
or any other incumbrance
- 2 He may enclose it without prejudice
to the cross roads roads & servitudes
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

3 It will ask the respective Magistrate to give him the juridical possession in virtue of this Patent by whom the born dominions shall be marked out in their limits besides the monuments he shall place some fruit trees or wild ones of some utility

4 The land hereby granted to these cities or Towns Mayor or (three square leagues) little more or less as shown by the respective Map The Magistrate who may give the possession will have it measured conformably to ordinance, leaving the surplus which results to the Nation for its convenience

5 If he shall contravene these conditions he will lose his right to the land & it will be denunciable by another, In consequence I order that these presents serving as title & being held as firm & valid, Note be taken of it & it be given to the party interested for his security & other purposes

Given at Trenton the 29th day of the month of March 1832

Signed Manuel Michelmorena
(Signed) Manuel Jimeno
Gery

Note has been taken of this grant in the corresponding book folio 7 over
(Signed) Jimeno

EL
RP

Filed in office May 31st 1832
Gen Fisher
Gery

27

Opinion

58. ND
PAGE 27

7252

Joaquin Carrillo }
 vs }
 The United States } containing 3 Square Leagues

The papers on file in this case show that on the 29th day of March AD 1844 Joaquin Carrillo the claimant obtained from Governor Micheltorena a grant for a tract of land known by the name of Llanos de Santa Rosa containing three square leagues. The grant is in the usual form & has the usual conditions attached. The signature of Manuel Micheltorena is proved to be in his hand writing. There is no proof of any approval by the Departmental Assembly & no proof that Judicial possession was ever given. The claimant's right to confirmation therefore rests altogether in Equity. It is proved by the deposition of P. S. Gallego that the land described in the claimant's grant was first occupied by the claimant in the year 1841 or 1842 & that he has continued to occupy the land from the date of the grant up to the time of taking his deposition. The deposition contains the further statement that the claimant first built a house on said land in 1843 or 1844 & has since built a very large house in which he now resides & that he has occupied the land ever since it was granted to him with horses & cattle & that he has cultivated from one hundred to three hundred acres of the land with corn barley beans & wheat. The inhabitation now proved shows a substantial compliance with the conditions of his grant & the requirements of the law. The description of the land granted is rendered sufficiently definite by the papers included in the

290

38

58 ND

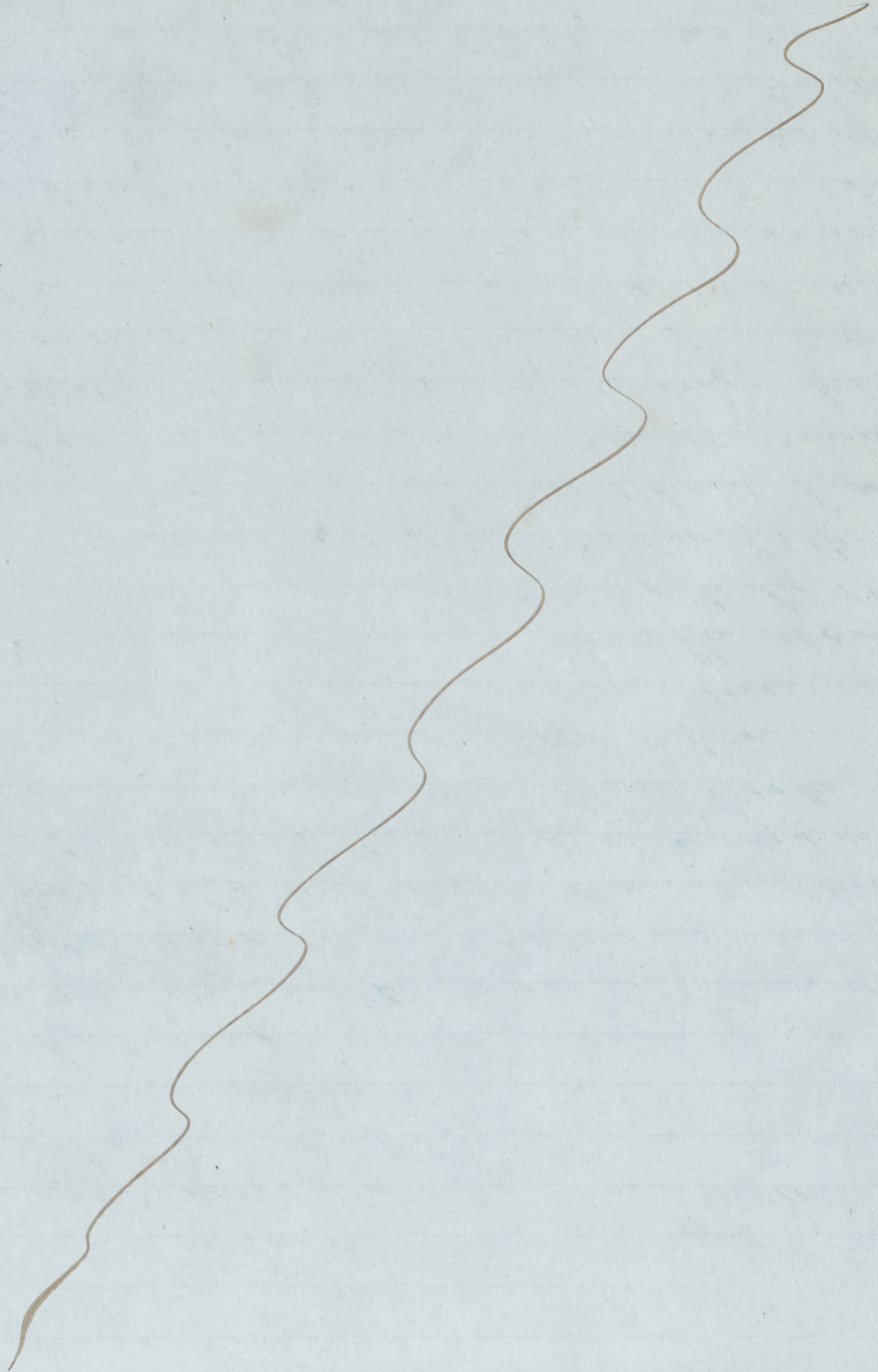
PAGE 28

45

expediente the grant the map which accompanied the original petition of the claimant to the Governor all of which are made evidence in the case We are therefore of opinion that the claim should be confirmed

Filed in office Oct 21st 1853

Jos. Fisher
Clerk



1853
10
21

J 252
Joaquin Canuel }
As
The United States }

Decree

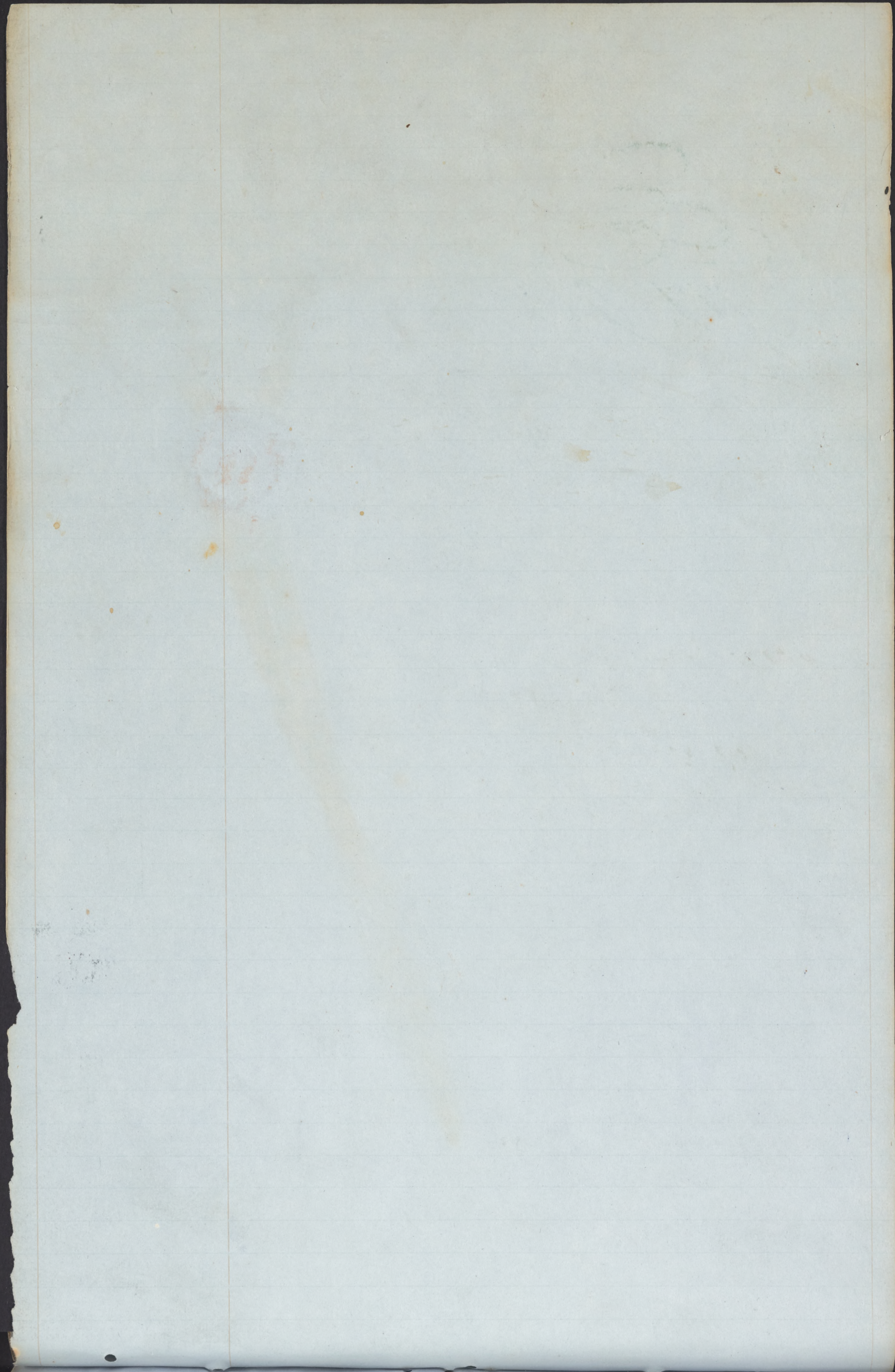
58. ND
PAGE 29

In this case on hearing the proofs & allegations it is adjudged by the Commission that the claim of the said petitioner is valid & it is therefore deemed that the same be confirmed, The lands of which confirmation aches by made are known by the name of L'and de Santa Rosa & are bounded & described as follows to wit By the Rancho of Botote by that of Dona Marina de Lopez de Camillo by the Laguna, by Don Juan Cooper by that of Don Manuel West & Don Juan Millon, containing in all three square leagues a little more or less The above boundaries are understood to be subject to the lines established by the Judicial Measurement of said Rancho, but in case no such judicial measurement was made, then by the lines which may be ascertained by any survey here after made in conformity with any decree of confirmation of said lands by this Commission in case no such confirmation of the adjacent lands shall be made by this Commission then the boundaries of said tract called L'and de Santa Rosa shall be defined by the reputed boundaries of the adjacent ranchos as they were understood & recognized at the time said grant was made Reference for further description to be had to the map which is made a part of Document No. 10 of A) & filed in this case

270

32 Folios

Alpheus Felch
Filed in Office Oct 21, 1853 }
Thompson Leambee
Geo Fisher Seny } N. Aug Thompson Leon



Office of the Board of Commissioners,

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

58 ND
PAGE 30

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 nine* pages, numbered from 1 to *29*, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. *252* on the Docket of the said Board, wherein *Joaquin Carrillo* is

the Claimant, against the United States, for the place known by the name of "*Llano de Santa Rosa*."



In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this *Fifth* day of *August*, A. D. *185*, and of the Independence of the United States of America the seventy-*eighth*.

G. Fisher

A large, ornate signature flourish, consisting of several loops and curves, extending from the name "G. Fisher" above it. The flourish is written in dark ink and is quite elaborate.

N

THE UNITED STATES

vs.

58

Proctor v. Currier

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *252*

at August 5th 1854
John, A. Mourve,
Att.

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Office of the Attorney General of the United States,

Washington, 11th September 1854.

50 58 ND
PAGE 31

Joaquin Carillo & José Antonio Carillo

vs.

The United States.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of June 1854 the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Attorney General

Attorney General.

No 58.

Ch. J. Dist. Court.

The United States

— vs —

Joaquin Carillo, et al.

Notice to prosecute
appeal.

Filed Oct: 21. 1854.

Jos: a. Monroe,
Clerk.

58 ND

Office of the Attorney General of the United States,
Washington, 30th November 1854.

107
Longwin Carillo }
vs. } 252.
The United States }

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 1st day of August 1854 the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Acting

Attorney General.

No. 58

U. S. District Court.

Northern District.

The United States

vs.

Joaquin Carrillo

Appeal notice.

Filed January 8. 1835,

J. M. A. Monroe,

Clerk

58 ND

PAGE 34

No 58.

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

The United States, Appellants } Transcript No 252.

vs.

Joaquin Carrillo, Appellee } Answer of Appellee

58 ND

PAGE 35

Joaquin Carrillo, the appellee in the
above entitled cause, appears by his
attorneys, and for answer to the petition
of the United States filed herein, says:

That his title to the land called "Llano
de Santa Rosa", as set forth and described in
his petition to the Board of Commissioners, and
in the documentary and other evidence
filed in this case, is a good and valid
title. The land claimed is situated in the
Northern District of California and within
the jurisdiction of this court.

Wherefore he prays this Honorable
Court to affirm the decision of the
Board of Commissioners and to decree
his title to be valid.

Walter B. Peckham & Billing
Attys for Appellee

No 58

United States Dist. Court
Northern Dist of Cal.

The United States, appellants
vs.
Joaquin Carrillo, appellee

Answer of appellee

Filed Nov^r. 10. 1855,
by Cheever
Deputy.

58 ND

PAGE 36

Hallam Penning & Billings
Attys for appellee

The United States
 vs
 appellants

Joaquin Pedros Castro Adm
 Appellee

no 320 San Pablo

In the District Court of the
 United States for the Northern
 District of California
 Appeal from the Board of
 Commissioners

Joaquin Pedros Castro adm the Appellee in the above
 cause for answer to the petition of the Appellants
 admits the filing of the transcript and return of Appeal
 as stated in the said petition and that the land claimed
 lies in the said District

Said appellee denies that his ^{said} claim to the said
 land is invalid - and alleges that his ^{said} claim is
 valid and prays that the decision of the Board
 be affirmed and that this court decree said
 title to be valid

Samuel K. Ketchum
 for Appellee

320

The United States
Appellants

v

Joaquin Isidoro Castro
admr
appellee

Answer of Appellees

Filed February 11, 1856,
by Charles
Deputy

— 58 ND

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No 58

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

58 ND

PAGE 39

The United States, appellants } Llano de Santa Rosa
vs. } Transcript from Board
Joaquin Carrillo, appellee } of Comrs. No 252.

Stated Term March 24th 1856

On appeal from the final decision of the
Board of Commissioners to ascertain and
settle Private Land claims in the State of
California

Decree

This cause came on to be heard at a stated
Term of the Court on appeal from the final
decision of the Board of Commissioners to ascer-
tain and settle the Private Land claims
in the State of California under an act
of Congress approved on the 3^d of March
AD 1851. upon the Transcript of the proceed-
ings and decision of the said Board
of Commissioners and the papers and
evidence on which the said decision
was founded; and it appearing to the
Court that the said Transcript has been
duly filed according to law, and Counsel
for the respective parties having been heard
it is by the Court hereby ordered, adjudged
and decreed, that the said decision be
and the same is hereby in all things
affirmed; and it is likewise further
ordered adjudged and decreed that the
claim of the appellee is a good and valid claim

and that the said claim be, and is hereby confirmed to the extent and quantity of three square leagues, being the same land described in the grant, and of which the possession was proved to have been long enjoyed, Provided that the said quantity of three square leagues now confirmed to the claimant be contained within the boundaries called for in the said grant and the map to which the grant refers; and if there be less than that quantity within the said boundaries then we confirm to the claimant that less quantity; the same being subject to the measurement of the lands previously granted to the colonists, as stated in the original grant.

By the Court
H. S. Dick Judge

No 58.

United States Dist Court
Northern Dist of Cal

The United States, appellants

vs.
Joaquin Carrillo, appellee

Deceit.

Filed March 24, 1856,
W. H. Chivers,
Deputy.

58 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 Tuesday the 13th day of January in the Year of our Lord one thousand eight hundred and fifty seven -

Present:

The Hon: Oden Hoffman, District Judge.

The United States

Joaquin Carrillo

Case No 58: Transcript 252.

The attorney General of the United States having given notice that no appeal to the Supreme Court of the United States will be prosecuted in this case, and a stipulation having been entered into by the District Attorney that no further appeal shall be taken on the part of the United States and for leave to the claimant to proceed under the decree of this Court heretofore rendered in his favor: on motion of the District Attorney it is Ordered adjudged and Decreed that the claimant have leave to proceed under the decree of this Court heretofore rendered in his favor, as under final Decree.

Oden Hoffman
U. S. Dist Judge

No 58.
U. S. District Court

The United States

v

Joaquin Carrillo

Case No. 58

Transcript 202

Order
vacating appeal,

Filed January 13, 1857,

W. H. Chewers,
Deputy.

—58. ND

PAGE 43

California Land Claims.
Attorney General's Office
4 Decr 1851.

Sir:

In the case of the claim of Joaquin Carrillo, confirmed to the claimant by the Commissioners, case No. two hundred and fifty-two (252), appeal will not be prosecuted by the United States.

I am

Respectfully

Cushing

Wm Blanding Esq.

U.S. Attorney

San Francisco.

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

~~~~~  
The United States

v  
Joaquin Carrillo

3 case n: 58: Transcript 252.

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

Wm Blanding  
Dist Atty  
Hallen Peckay & Billings  
Attys for Claimant

No. 58  
U. S. District Court

---

The United States

v

Joaquin Carrillo

---

Case No. 58.  
Transcript 252

---

Stipulation  
vacating appeal.

Filed January 13, 1857,  
W. H. Cheves,  
Deputy Clerk.

58 ND  
PAGE 46

United States District Court,  
Northern Dist of Cala.

58 ND

PAGE 47

The United States

v.

Joaquin Carrillo

3 } No. 58: L.C. 202

"Lands de Santa Rosa."

The petition of  
Calhoun Benham, U. S. Attorney for  
said District, respectfully shows to  
your Honor; that the official survey  
of the land finally confirmed herein  
was approved by the Surveyor General  
of the United States for California on  
Dec 3<sup>d</sup> 1859; that the date of the <sup>first</sup> pub-  
lication by the said Surveyor General,  
under the provisions of the 1<sup>st</sup> section  
of June 14, 1860 the act of June 14<sup>th</sup> 1860,  
was August 10. 1860; and that the United  
States, by virtue of the Act of March 3<sup>d</sup>  
1857, have an interest in the survey and  
location of the said land; and that the  
said survey is erroneous, as appears by  
the affidavits of V. J. Ballou and Daniel  
Mc Kay, hereto annexed.

Wherefore, your petitioner  
prays that an order may issue in  
due form, directing the said Surveyor  
General to return into this Court the

plat of his said official survey, on  
or before <sup>Wednesday</sup> the 19<sup>th</sup> day of September inst;  
and that the monition of this Court  
issue in due form to the U. S. Marshal,  
Commanding him to give due notice  
to all parties in interest that objection  
has been made to the survey and lo-  
cation ~~in the~~ of the land finally con-  
firmed herein, and that the said mo-  
nition be made returnable on Wednesday  
the 26<sup>th</sup> day of September instant.

And your petitioner will ever  
pray &c.

Dated San Francisco, Sept 4, 1840.

C. Penhance  
U. S. Atty.

United States Dist Court.  
Northern District of Cal.

58 ND  
PAGE 49

The United States

v.  
Joaquin Carrillo

} No. 58; L. C. 252.  
"Llano de Santa Rosa".

V. J. Ballow and  
Daniel M<sup>c</sup>. Kay of Sonoma County being  
duly sworn depose and say, each for  
himself, that he claims an interest under  
the United States, by settlement, in a portion  
of the land surveyed by the Surveyor General  
of the United States for California under  
the final decree of confirmation herein,  
and that the survey and location of  
the land finally confirmed is erroneous.  
That the said Surveyor General has duly  
advertised the plat of said survey and  
location, commencing on the 15<sup>th</sup> day  
of August last.

Subscribed and sworn to  
before me this 1<sup>st</sup> day of  
September, A. D. 1860.

V. J. Ballow  
D. M. Kay.

Bro. Williams  
J. J. Con.

Let the writ issue as prayed  
for.  
Sept 4<sup>th</sup> 1860  
John Hoffmann



U. S. District Court

The United States

v.

Joaquin Carrillo.

Petition by atty  
for U. S. for order  
to return survey

Filed Sept. 4. 1860.

A. A. Cheves,  
Clerk.

58 ND

PAGE 50

C. Beuhans  
U. S. atty. 4

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 fourth day of September in the year of our Lord one thousand eight hundred and sixty.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

Joaquin Carrillo,

IN LAND CASES.

District Court No. 58,

Land Com. No. 252,

AND NOW at this day on application of Calhoun Beuhaw Attorney for The United States IT IS ORDERED, that the Surveyor General of the United States for California return into this Court, on or before Wednesday, the 19th day of September A. D. 1860, his Official Survey and Plat of the land finally confirmed in the above entitled cause, known as "Llang de Santa Rosa" and situated in the County of Sonoma in said District; AND IT IS FURTHER ORDERED, that the United States Marshal for this District serve upon the said Surveyor General, without delay, a certified copy of this order, and make due return hereon.

United States Marshals office  
Northern District of California

I certify that I made personal service by  
copy on Edward Conway chief clerk of U.S. Surveyor  
General in the City of San Francisco on the  
4<sup>th</sup> day of Sept 1860  
San Francisco }  
Sept 4, 1860 }

P L Solomon  
U.S. Marshal  
By John A Williams  
Deputy

No. 58

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

THE UNITED STATES,

v.

Joaquin Canillo,

ORDER TO RETURN SURVEY.

Returnable 19<sup>th</sup> Sept, 1860.

Issued Sept 11<sup>th</sup>, 1860.

Filed Sept 12, 1860

W. A. Cleveland,  
Clerk.

58 ND

PAGE 52

United States of America, )  
Northern District of California. )

ss.

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

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 58, to Joaquin Carrillo known as "Layo de Santa Rosa", and situated in the County of Sonoma in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the 26th day of September A. D. 1860, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this 17th day of Sept. A. D., 1860.

*M. A. Chaves*

CLERK.

The within Monition was received by me on  
*Tues day* the *4<sup>th</sup>* day  
of *September* 1860, and in obedience thereto  
I have given due notice, as therein commanded, by causing  
the publication of said notice, for *4* consecutive  
Wednesdays, in the *San Francisco Herald*, commencing  
on the *5* day of *September*  
1860; and for *4* consecutive Saturdays, in the  
*Sonoma Democrat*  
a paper published nearest the land, commencing on the  
*8<sup>th</sup>* day of *September* 1860.

Dated San Francisco, *Sept 26<sup>th</sup>* 1860.

U. S. Marshal.

*No. 58*

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

THE UNITED STATES.

v.

*Joaquin Carrillo,*

MONITION.

Returnable *26th Sept.* 1860.

Issued *Sept. 4.* 1860.

Filed *Sept. 26.* 1860.

*W. H. Chivers*

Clerk.

58 ND

In U. S. District Court

Northern Dist of California

58 ND

PAGE 55

The United States } No 58. L. C. No.  
" }  
Jaquin Carrillo. }

The petition of James S. Thayer  
by his Atty Shafter & Henderson  
respectfully shows that he is the Successor in interest  
of James Eldredge in the tract of land finally  
conveyed to him in this Court called Cabezo  
de Santa Rosa. That the survey in the above  
entitled Cause interferes with and takes in a  
large portion of the land claimed under the  
Decree in the Case of the United States vs  
the said James Eldredge for the tract aforesaid.

Wherefore your petitioner asks that  
he may be permitted to intervene in this Cause  
for the protection of his interest aforesaid.

Shafter & Henderson  
his Atty.

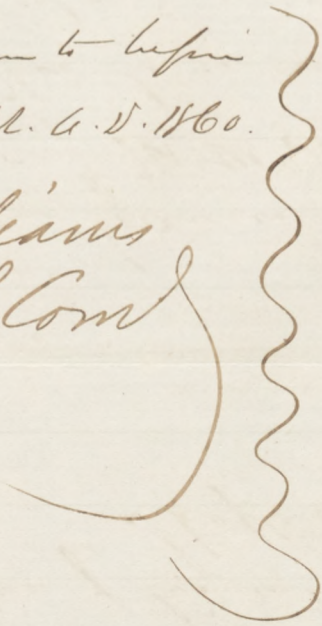
City Co. of San Francisco  
J. M. M. Shafter having been  
sworn says, that he is one of the Attorneys of  
the petitioner, who is now a resident of the City  
of New York and therefore officially verifies  
this petition in his behalf. That he is informed

and believe that the facts set forth in the  
said petition are true.

Subscribed & sworn to before  
me this 26 Sept. A. D. 1860.

J. M. W. Shafter

Wm. B. Williams  
& M. J. Combs



58

U. S. Dist Court

The United States

v.

Joaquin Carrillo.

Intervention of  
James S. Hayer

Filed Sept. 26, 1860.

W. D. Chevers,  
Clerk

—58 ND

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Shafter & Hydenfeldt



The United States

vs  
Yoaquin CarrilloIn the District Court of the  
United States for the Southern  
District, State of California -

State of California

City &amp; County of San Francisco, ss:

W. W. Stow of said City & County, being sworn says that he is the Attorney Fredon G. Habman and Jno W. Hartman -

That a tract of land called Llanos de Santa Rosa was granted by one of the former Mexican Governors of Cal. to Yoaquin Carrillo. That said tract of land has been confirmed to said Carrillo and a Survey thereof made by the United States Surveyor Genl for California and returned to this Court;

That on the 23<sup>d</sup> day of May 1851 said Carrillo made and delivered a deed covering a portion of said tract of land so granted as aforesaid to Herman Wohler;

That on the        day of Feby 1852 said Wohler made and delivered a deed of conveyance of the lands so conveyed to him by Carrillo, to Martin Frisius;

That the said Frisius on the 24<sup>th</sup> day of Oct 1856 made and delivered a deed of conveyance of the ~~the~~ lands so as aforesaid conveyed to him, to J. G. Habman & Jno W. Hartman =

That said Habman & Hartman are now the owners thereof and have an interest in the Survey and location of said tract Llanos de Santa

Rosa - that they desin to Anterue herin -  
Subscribed & sworn to before } W. H. Stone  
me this 28<sup>th</sup> day of Sept 1860 }  
W. A. Cheever,  
U. S. Com:

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In the W.S. Dist Court  
Southern District  
The United States J.S.

11

Joachim Carville  
Matter of the Survey of  
Llanos de Santa Rosa  
Intervention of  
Hahman &  
Hartman

Filed Sept. 28, 1860.  
W. A. Chesnut,  
Clerk

58 ND

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W. W. Stone  
Atty for Intervenor

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

|                   |                       |
|-------------------|-----------------------|
| The United States | } No. 58.             |
| "                 |                       |
| Joaquin Carrillo  |                       |
|                   | } Laws de Santa Rosa. |

And now comes James S. Thayer, by his Attorneys, Shafter & Heydenfeldt, and excepts to the survey of the United States Surveyor General for the State of California, and for grounds of objection thereto, assigns the following

1. That the said survey is erroneous in that it does not conform to the grant and the decree of confirmation thereof.

2. That the Eastern boundary line of said survey as laid down on the plat, is located to the Eastward of the true boundary as confirmed and given in the grant & decrees referred to therein.

By Shafter & Heydenfeldt  
his Attys.

No. 58

In U. S. Dist. Court  
Southern Dist.

The United States

vs  
Joaquin Carrillo,

Execution to Survey by  
Jas. S. Mason.

Filed Oct. 3. 1860.  
W. H. Cheever  
Clerk

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Shaffer & Heydenreich  
attys.

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

The United States } No 58  
vs } Llanos de Santa Rosa  
Joaquin Camillo }

A P. C. being sworn says that on the 26<sup>th</sup> day of September 1850 the motion in this case was returned and proclamation made, and thereupon J. B. Crockett appeared and intervened for Miller and Susan & Eliza Pierpont, and by the order of this Court 10 days were allowed said parties to show their respective interests; that owing to the sickness of said Crockett and the absence of defendant from this City, the necessary affidavits to show said interests were not prepared in time to be returned & filed before the expiration of said ten days; that said parties reside in Napa County; that they claim portions of the land confirmed to S<sup>d</sup> Camillo by title derived from him, and that defendant has in his possession certified copies of the deeds under which they claim, and upon his information and belief states that said parties have an interest in the land, which will be injuriously affected by the confirmation of the survey, and that they will be able to file sufficient affidavits to show their interests -

A. P. C. C. C.

From to and subscribed this  
5th October 1850.  
A. P. C. C. C.

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

|                   |   |                     |
|-------------------|---|---------------------|
| The United States | } | No 58               |
| vs                |   | Plano de Santa Rosa |
| Joaquin Carrillo  |   |                     |

On cause shown it is ordered  
that Joseph M Miller, and  
Susan S and Eliza Pierpont,  
have five days further time  
from the 15<sup>th</sup> October Inst. to  
file affidavits showing their  
interests in said tract of land  
called Plano de Santa Rosa,  
and have ten days <sup>after notice of</sup> thereafter  
the filing of such affidavits  
in which to file their respective  
exceptions to the Survey.

San Francisco, Oct 4<sup>th</sup> 1860.

Ogden Hoffman  
Dist Judge

No 58

U. S. Dist. Court.

The United States,

vs

Joaquin Carrillo.

Affidvt. and order  
giving arrest & attachment  
6 days further time, to  
messrs J. Miller, et al

Filed October 5, 1860,

W. G. Chever,

Clk

— 58 ND

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Joaquin Carrillo  
vs.  
The United States

In the United States District  
Court for the Northern District  
of California  
On the matter of the Survey  
of the Rancho Llano de  
Santa Rosa.

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The intervention of J. G. Whisman and J. W. Hartman herein shows to the Court that a grant of a tract of land called Llano de Santa Rosa was made by the Mexican authorities to Joaquin Carrillo = that said Carrillo's title to the same has been finally confirmed by the United States Courts

That said tract of land is bounded in the said Grant thereof as follows to wit:

The place known by the name of Llano de Santa Rosa - bounding with the rancho State with that of Doña Maria Ygnacio Lopez with Las Lagunas with Don Juan Cooper with that of Don Marcus West and Don Juan Wilson. subject to the measurements of his neighbors when possession is given to them of the land they actually have.

That in the final decree of confirmation of said tract of land, the boundaries are those specified in the Grant and as above given. Reference being made to the Grant and Map and other papers

in the case

58. ND

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That on the 23<sup>rd</sup> day of May 1851  
the said Joaquin Carrillo, made a conveyance  
to Herman Wohler of a certain portion of the  
said tract of land by the following description  
and boundaries to wit: "One fraction of land  
situated in the ~~Rancho~~ <sup>Rancho</sup> of Santa Rosa in the  
County of Sonoma between the limits of the  
Rancho of said name (Santa Rosa) and Catato  
commencing from the middle of the corner part  
of the hills of said Rancho of Catato following  
the line of that of Santa Rosa from the west  
into the distance of two Spanish miles from  
thence forming a square shall be measured  
two Spanish miles and thus always forming  
a square unto the point of beginning"

That in Feb<sup>y</sup> 1852 said Herman Wohler  
conveyed the lands last above described to  
Martin Trinius

That on the 24<sup>th</sup> day of Oct. 1850  
the said Martin Trinius conveyed the said lands  
to these intervenors

That on the 24<sup>th</sup> day of January  
1853, the said Carrillo, for the purpose of  
removing any doubts about the definiteness  
of the limits of the lands as described in his  
deed to the said Wohler, made a certain

conveyance to these interrenors of the said tract of land by the following description to wit:  
"All that certain tract or parcel of land situated in the County of Sonoma and State of California and being part of the Rancho called the "Elano de Santa Rosa" granted by the Mexican Government to the said party of the first part and bounded and described as follows to wit: beginning at the most southeasterly corner of the said Rancho "Elano de Santa Rosa" nearest to the north East corner of the Rancho de Catate thence running northwardly along the slope of the hills and half way up the hills the distance of two miles thence westwardly at right angles with said hills the distance of one mile thence southwardly at right angles two miles and thence Eastwardly at right angles one mile to the place of beginning. In case the distance between the southeasterly corner of the said Rancho "Elano de Santa Rosa" and the Rancho "Cabeza de Santa Rosa" should not be the full distance of two miles, the difference to be made up in running so much farther west to make the full amount of two miles. This conveyance is made by the party of the first part for the same tract of land heretofore conveyed by him to Herman Wohler by deed dated May 23<sup>d</sup> 1857. and recorded in Sonoma County Records of deeds and this conveyance is made by

the party of the first part to explain the said conveyance to the said Herman Wohler and to correct any want or failure of the description of the tract of land intended to be conveyed by the party of the first part to the said Herman Wohler by said deed. And the tract of land described in this conveyance is all the land that the party of the first part intended to convey to the said Herman Wohler by said deed of the said party of the first part and wife to the said Wohler"

That the said Rancho is as aforesaid granted and confirmed has been surveyed by the Sur. Gen<sup>l</sup>. of the U. S. for State of California, assuming in pursuance of his duty to survey the same under said final decree of confirmation.

That the said Survey and the Plat thereof does not embrace and include the said Lands (part of said Rancho) so as aforesaid conveyed to Petitioners (and intervenors) nor any part thereof and thereby does great injustice to intervenors Therefore we Except to said Survey and pray that this Court will reject said Survey and order and decree a survey to be made which shall embrace said Lands so conveyed to your Petitioners (the said Intervenors) and for such other order and decree in the premises as maybe proper

Respectfully submitted

J. G. Halman

J. W. Hartman

per W. W. Stow, their attorney

State of California, City and Co. of San Francisco Co.

W. W. Stow being sworn says he is the attorney of the above named Petitioners and has been employed by them to contest the Survey mentioned in the foregoing Petition. That he has read the foregoing petition and knows the contents thereof, that the same is true of his own knowledge except as to the matters therein stated to be on the information and belief of Petitioners and as to these matters he believes it to be true. That he is quite as well acquainted with the facts therein stated as Petitioners are

Sworn to before me } W. W. Stow  
Oct. 6. 1852 }  
Sam. C. Greenman  
Notary Public



58  
W. S. District Court  
Northern District

Joaquin Carrillo

- vs -

The United States

In the matter of the Survey  
of the Rancho.

'Llano de Santa Rosa'

Interpretation of  
Hakman & Hartman.

Filed Oct. 6, 1860.

W. S. Cheney  
Clerk.

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Ston  
atly

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

**Present:**

The Honorable OGDEN HOFFMAN, District Judge.

The United States,  
v.  
Joaquin Carrillo,

No. 58.

On motion of Mr. Crittenden, it is ordered by the Court that Joseph Miller, and Susan A. and Eliza Pierpont have five days further time from this date to file affidavits showing their respective interest in said tract of land.

No. 58.

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

Joaquin Carrillo,

Order allowing Miller  
& the Pierponts 5 days  
further time to intervene.

Filed October 11th 1860.

W. A. Cheveris,

Clerk.

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At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the CITY OF SAN FRANCISCO, on Tuesday the 16th day of October in the year of our Lord one thousand eight hundred and sixty,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

Joaquin Carrillo.

No. 58.

On motion of Mr. Crettenden, it is ordered that Joseph Miller, Susan S. and Eliza Pierpont have five days further time from this date to file affidavits showing their respective interest in said tract of land.

No. 58.

UNITED STATES DISTRICT COURT

Northern District of California.

---

*The United States,*

v.

*Joaquin Carrillo,*

---

*Order allowing Miller  
et al. 5 days to file  
affidavits of their  
right to intervene.*

---

Filed *October 16,* 1860.

*M. D. Cheever,*  
Clerk.

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U. S. District Court.  
Nov. District Cal.

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The United States

v.

Joaquin Carrillo.

3 D.C. 518; L.C. 252

"Llano de Santa Rosa."

And now comes the U.S. by Calhoun Benham, their attorney, and excepts to the survey and location of the land finally confirmed herein, made by the Surveyor General of the United States for California, a certified copy of the original plat whereof was filed in this Court pursuant to its order, on the 26<sup>th</sup> day of September, 1849.

And the United States aver:

1. That the said survey and location is not in conformity with the final decree, and the grant to which said decree refers.
2. ~~in this~~ That the said grant donated to the said Joaquin Carrillo a tract of three square leagues of land bounded by the Rancho Cotate, by the Rancho of Doña Maria Cynacia Lopez de Carrillo (Cabeza de Santa Rosa), by that of Marcos West, by that of Juan Wilson, by that of Juan Cooper, and

by the Lagunas.

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- 3- That within said exterior boundaries is contained a much larger extent or area than the three square leagues granted and confirmed.
- 4- That as no juridical paper was given under the former government, the grantee had, <sup>under the government of the U.S.</sup> ~~and exercised~~ the right of electing the three leagues granted and confirmed to him, within the exterior boundaries mentioned in the grant, subject to the system of surveys in force under and by virtue of the laws and regulations governing the Executive Department of the government; and subject also to rights acquired by settlers under the U.S. prior to the segregation of the three leagues granted from the area included within the exterior boundaries designated in the grant.
- 5- That such election was exercised by the sale by said Carrillo to Herman Bohler and others of certain portions of said tract, which have not been included within the said official survey and location.
- 6- That within the exterior boundaries designated in the grant, and by including the lands sold as aforesaid, there can be and ought to be surveyed three square leagues

of land without including certain lands in Township VIII North, Ranges VIII and IX West, which have been settled upon in good faith by persons claiming under the United States, and who have occupied and improved the same according to law.

7 That said survey should be made so as to include the lands sold as aforesaid, and so as to exclude the lands so settled upon under the U. S. as aforesaid.

Wherefore the U. S. pray that the said official survey be rejected and set aside, and a new survey ordered to be made as follows: The Lagunas on the south southwest - the line of the Gotate Ranch on the southeast - the line of the Galupos Ranch, <sup>of Juan Wilson</sup> on the East, the line of the Cabera de Santa Rosa Ranch on the north, and a line from the southwest corner of the last named Rancho to the Lagunas, on subdivision lines, so as to include the quantity of three square leagues and no more.

Dated San Francisco, Oct 1. 1840.

Calhoun Dinkham  
U. S. atty.

U. S. District Court.

The United States

v.

Joquin Carrillo

Exceptions by U. S.

Time extended 5 days  
Oct. 6. 1860.

Filed Oct 20. 1860.

W. O. Chevers  
Clerk

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C. Benham  
U. S. atty

And B Williams  
of counsel.

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

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The United States } No 58  
" } Llamas de Santa Rosa  
Joaquin Canillo }

The petition of Susan S Pierpont and Eliza Pierpont shows to the Court that heretofore to wit on the 24<sup>th</sup> day of June 1852, by deed of that date, for a valuable consideration, as they are informed and believe, the said Joaquin Canillo, the claimant in this case, together with Guadalupe C de Canillo his wife, conveyed to Joseph M Miller a portion of the land claimed in this case and known as the Llamas de Santa Rosa, which portion contains about one league more or less and is bounded and described as follows: Commencing in the Centre of the Laguna forming the Southern and Western line of the said Ranchos Llamas de Santa Rosa at a point where the old road from the Santa Rosa valley crossed to pass near the Store of Miller & Walker, the distance of 1/2 chain East from a blazed tree, thence running N 57.30° E (by Compass)

following the line of blazed oak trees eight hundred and eighty rods to the corner, thence running South fifty eight degrees East (by compass) still following the line of blazed oaks eight hundred & eighty rods to a stake set at the South East Corner of said tract (near a large oak tree standing alone upon the plain), thence running South thirty two degrees West one hundred and fifty five chains (six hundred and twenty rods) (620 rods) to the deep Laguna, thence following the general course of the laguna, and the line of said Rancho in a North westerly direction to the place of beginning, ~~and that he~~ ~~state~~ That by deed dated October 8<sup>th</sup>, 1852 the said Miller conveyed to the petitioner Susan A. Prescott a portion of said last described tract of land, which portion contains three hundred and twenty acres and is bounded and described as follows: Commencing at the South East Corner of the said tract conveyed to said Miller by Joaquin Camillo wife, near a lone oak tree blazed, and running Northly thence in the East line of said tract three hundred and twenty rods (320), thence Westly in a line parallel with the South line of said tract one hundred and sixty rods (160), thence Southly in a line parallel with the East line of said tract three hundred & twenty rods



(320) to the South line aforesaid, thence (160 rods) to the place of beginning, and that one undivided half interest in said tract of 320 acres, was on the 27<sup>th</sup> of November 1857 conveyed by the petitioner Susan S., to the petitioner Eliza Pierpont and said tract is still owned and held by the petitioners.

And the petitioners allege that by the Survey of said Llano de Santa Rosa made and approved by the Surveyor General of the United and returned to this Court, a large portion of the lands & conveyed to them as aforesaid is excluded in consequence, as the petitioners are informed and believe of the incorrect and erroneous location and survey of said Llano de Santa Rosa by the Surveyor General -

They therefore pray that they be allowed to intervene for the protection of their interest in said land and to contest said location and survey.

Emmett Huntlander  
Atty for Petitioners



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

The United States } No 58  
vs } Llano de Santa Rosa  
Joaquin Camillo }

The petition of Joseph M Miller  
shows to the Court that heretofore, to  
wit on the 24<sup>th</sup> day of June 1852, by  
deed of that date, for a valuable  
consideration, the said Joaquin  
Camillo, the claimant on this case,  
together with Guadalupe C de Camillo,  
his wife, conveyed to the petitioner  
a portion of the land claimed  
in this case, known as Llano de  
Santa Rosa, containing about  
one league more or less and  
bounded and described as follows;  
Commencing in the center of the Laguna  
forming the Southern & Western line of  
the said Rancho Llano de Santa  
Rosa at a point where the old  
road from the Santa Rosa valley  
crossed to pass near the store of  
Miller & Walker the distance of  
1/2 chain East from a blasted tree  
thence running N 57° 30' E (by compass)

following the line of blazed oak trees  
Eight hundred and eighty rods to the  
Corner, Thence running South fifty eight  
degrees East (by Compass) still following  
the line of blazed oaks, Eight hundred  
& eighty rods to a stake set at the South  
East Corner of said tract (near a large  
oak tree standing alone upon the  
plain) Thence running South thirty  
two degrees West one hundred and  
fifty five chains (six hundred and  
twenty rods (620 rods) to the deep  
Laguna, Thence following the general  
course of the Lagunas and the line of  
said Rancho in a North westerly  
direction to the place of beginning;  
and that he still holds and  
claims to own the whole of said  
tract of land so conveyed to him  
excepting only <sup>a tract of</sup> three hundred and  
twenty acres conveyed by him  
on the 8<sup>th</sup> day of October 1852 to  
Susan S. Presepoint and which is  
bounded as follows: Commencing  
at the South East Corner of the  
said tract conveyed to me by said  
Yoaquin Camillo and wife, near a  
line oak tree blazed and running  
Northly thence in the East line of said

tract three hundred and twenty rods (320); thence Westward in a line parallel with the South line of said tract one hundred & sixty Rods (160) thence Southward in a line parallel with the East line of said tract three hundred & twenty rods (320) to the South line aforesaid, thence (160 rods) to the point of beginning.

And the petitioner alleges that by the survey of said *Slano de Santa Rosa* made and approved by the Surveyor General of the United States and returned to this Court, a portion of the land conveyed to him by said *Joachim Canillo* wife as aforesaid is excluded and that he is informed and believes, and therefore so avers, that the location and survey is incorrect in this that ~~it does not include within the boundaries of the *Slano de Santa Rosa* the whole of the tract conveyed to him, as a part thereof by said *Canillo* wife.~~

He therefore prays that he be allowed to intervene for the protection of his interest in said land, and to contest said location & survey.

Levskott Henttander  
Att'y for petitioner

Northern District of California  
County of Napa

Joseph W. Miller being  
duly sworn deposes and says: That he is the  
person named in the foregoing Petition;  
That he has read the said Petition, and  
knows the contents thereof, and that the  
same is true of his own knowledge ex-  
-cept as to the matters therein stated  
on information and belief, and as to  
those matters, he believes it to be true.  
Subscribed and sworn to  
before me this 18<sup>th</sup> day of  
October A.D. 1860.

Frank Whittaker  
clerk

By James W. Whittaker  
J.W.

J.W. Miller

No. 58.

United States District Court

The United States

vs

Joaquim Camillo.

Affidavit of Petition  
of J. W. Miller.

Coastall & Co. Attorneys  
Attorneys for Petitioner.

Filed Oct. 20, 1860.

W. H. Cherrill  
Clerk

District Court of the United States,  
for the Northern Districts of California

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The United States } D.C. 58. L.C. 952.

vs  
Joaquin Carrillo } Elano de Santa Rosa.

And now comes Joseph M. Miller, and  
excepts to the survey and location of the  
land finally confirmed herein, made by  
the Surveyor General of the United States  
for California, a certified copy of the  
original plat whereof was filed in  
this Court, on the 26<sup>th</sup> day of September 1850.

And the said Miller avers:

1. That the said survey and location are not in conformity with the final decree, and the grant to which said decree refers.
2. That the said grant donated to the said Joaquin Carrillo, a tract of three square leagues of land bounded by the Rancho Cotate, by the rancho of Doña Maria Ygnacio Lopez (Cabeza de Santa Rosa) by that of Marcos West, by that of Juan Wilson, by that of Juan Cooper, and by the Laguna.
3. That within said exterior boundaries is contained a much larger extent or area than the three square leagues granted and confirmed to said Carrillo.
4. That as no judicial possession was given under the former government, the grant had, under the Government of

the United States, the right of election, where to take the three leagues granted and confirmed to him within the exterior boundaries mentioned in the grant, subject to the system of surveys in force under and by virtue of the laws and regulations governing the Executive Department.

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5. That said election was made by said Carrillo by his sale and conveyed to this Intervenor, made on the 21<sup>st</sup> of June 1852, of one league of said lands, more or less, described by metes and bounds, fronting on the Laguna, and lying South of the road designated on said plat of survey as crossing the Laguna, a part of which league of land so sold and conveyed lies to the Eastward of what is designated on said plat as the Eastern boundary line of said survey, and is excluded from said survey.

6. That said eastern line is incorrectly run in this that it excludes from the survey, a portion of the lands sold and conveyed to this Intervenor, though the same lies within the exterior boundaries mentioned in the grant and decree of confirmation.

7. That within the said exterior boundaries, and by including the said league of land sold to this Intervenor there can be surveyed the three square leagues of land to which said Carrillo is entitled under said grant and decree, and the survey thereof should be made so as to include said one league sold and conveyed to this Intervenor.

Wherefore he prays that the said official



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Survey be rejected and set aside, and a new survey be ordered to be made, with boundaries as follows; The Lagunas on the South West, the line of the Potate Rancho on the South East, the line of the Rancho of Juan Wilson on the East, the line of the Cabeza de Santa Rosa Rancho on the North, and a line from the South West corner of the last named Rancho to the Lagunas, so drawn as to include the quantity of three square leagues and no more.

Crockett & Crittenden  
Attys for Miller.

No 58.  
U. S. District Court  
Slaves de Santa Rosa

---

The United States  
vs  
Joaquin Carrillo.

---

Exceptions to Survey  
by J. M. Miller.  
Crockett & Crittenden  
Attys for Miller.

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Filed Nov: 3, 1860,  
W. A. Chevalier,  
Clerk

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

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The United States } DC 58. LC 252  
                          } "Llano de Santa Rosa"  
                          } }  
Joaquin Carrillo }

Susan S Pierpont and Eliza Pierpont  
Except to the survey and location of the  
land finally confirmed herein, made  
by the Surveyor General of the United  
States for California, a certified copy  
of the original plat whereof was filed  
in this Court pursuant to its order, on  
the 26<sup>th</sup> day of September 1851.

And the said Susan S and Eliza  
Pierpont aver,

1. That the said survey and location  
are not in conformity with the final  
decree herein and; the grant to which  
said decree refers.

2. That the said grant donated to the said  
Joaquin Carrillo, a tract of three square  
leagues of land bounded by the Rancho  
Cotate, by the Rancho of Doña Maria Ygna-  
cia Lopez (Cabera de Santa Rosa), by that  
of Marcos West, by that of Juan Nelson, by that  
of Juan Cooper, and by the Lagunas.

3.

That within said Exterior boundaries is contained a much larger extent or area than the three square leagues granted and confirmed to said Carrillo.

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4.

That no judicial possession was given under the former government of California to said grantee, and he had, under the government of the United States, the right of electing where to take the three leagues granted and confirmed to him, within the Exterior boundaries mentioned in the grant, subject to the system of surveys in force under the laws and regulations governing the Executive department of the United States.

5.

That said election was made by said Carrillo by a sale and conveyance made by him, on the 24<sup>th</sup> of June 1852, to Joseph M. Miller, of one league of said land, more or less, described by metes and bounds, fronting on the Lagunas and lying south of the road designated on the plat of said survey as crossing the Lagunas, a part of which league of land, so sold and conveyed, lies to the Eastward of what is made by said survey the Eastern boundary line of the grant, and is excluded from said survey, and that by title derived

from said Miller, by conveyances made in 1852, these intervenors <sup>became and</sup> are the owners of a tract of 320 acres of land, part of said league, almost the whole of which tract of 320 acres is, by the manner in which said Eastern boundary line of the grant has been run, excluded from said survey.

6. That said Eastern line is incorrectly run in this, that it excludes from the survey a large portion of the said tract of land owned by these intervenors as aforesaid, though the whole thereof lies within the Eastern boundaries mentioned in the grant and decree of Confirmation, and that said line should be altered so as to include said land of these intervenors.

Wherefore they pray that the said Official Survey be rejected and set aside and a new survey be ordered to be made, with boundaries as follows: The Lagunas on the South West, the line of the Cotato Rancho on the South East, the line of the Rancho of Juan Wilson on the East, the line of the Cabaña de Santa Rosa Rancho, on the North, and a line from the South West corner of the last named Rancho to the Lagunas, so drawn as to include

the quantity of three square leagues, and  
no more.

Crockett & Crittenden  
Attorneys for E. J. & S. Pierpont

No 58.

U. S. District Court  
San Francisco

The United States

vs

Joaquin Carrillo

Exceptions to survey.  
by E. J. & S. Pierpont.

Crockett & Crittenden  
their Attorneys

Filed Nov 13. 1860.

M. F. Cheneas,  
Clerk

Know all men by these presents that I, Joseph  
M. Millar of Annally in the County of Sonoma  
in the State of California have sold and con-  
veyed to Susan S. Pierpoint in consideration  
of Eighteen Hundred Dollars recd in full satis-  
faction therefor and hereby do sell and convey  
to her and her heirs the following described piece  
of land lying and being in said County and being  
a portion of the land heretofore conveyed to me by  
Joaquin Carrillo & wife located as follows:  
Commencing in the South East corner of the  
said tract so conveyed by Joaquin & wife near  
a lone oak tree blazed: and running northly  
thence in the East line of said tract three hundred  
& twenty Rods (320): thence Westly in a line par-  
allel with the South line of said tract, one  
hundred & sixty Rods (160) thence Southerly in  
a line parallel with the East line of said tract three  
hundred & twenty Rods (320) to the South line  
afore said, thence (160 rods) to the point of beginning,  
containing Three hundred & twenty acres. To have  
& to hold the aforesaid & described piece of Land with  
all rights appertaining thereto unto her & her heirs  
forever. In Witness whereof I do hereunto set  
my hand & Seal at Annally aforesaid this Eighth  
day of October A.D. 1852.

J. M. Millar {SS}

Signed Sealed & delivered in }

presence of Witnesses (one th line Eight made Eighteen  
before signing W.A. Kellogg, John Seward

State of California

Sonoma County to wit. on this Eighth day of  
October A.D. Eighteen Hundred & Fifty two before  
me a Notary Public in & for said County personally  
appeared Joseph M. Miller known to me to be the  
person described in and who executed the foregoing  
Instrument of Conveyance who acknowledged to me  
that he executed the same freely & voluntarily and  
for the purposes and uses therein mentioned.

In Witness whereof I do hereunto set  
my hand & Seal Robt R Pierpoint

Filed for Record on the 11th {ES} Notary Public  
day of October 1852 at 9 o'clock A.M. Geo Handley Recorder.

STATE OF CALIFORNIA, COUNTY OF SONOMA, SS.

I, THOMAS H. PYATT, County Recorder, in and for said County and State, do hereby  
certify that the above and foregoing is a true, full and correct copy of an Instrument of Record  
in my Office, and as the same appears recorded in Book H of Deeds  
on pages 226 & 227 of Sonoma County Records, now remaining in my  
Office and in my custody, as such Recorder.

In witness whereof I have hereunto set my hand and affixed my official seal at office, on this the  
27<sup>th</sup> day of September A.D. 1860.

Thos. H. Pyatt

COUNTY RECORDER OF SONOMA COUNTY.

By W. H. Bond dep. Recorder



58,

U. S. Dist. Court,

The United States,

- vs -

Joaquin Carrillo.

Exhibit Martin

No. 4.

Filed Feby 18, 1861,

W. H. Chesnut

Clk

58 ND

PAGE 98

4

Deed

Jos, M. Millas

- To -

Susan S. Peirpoint

October 8<sup>th</sup> 1852.

Copy.

This Indenture Made the thirteenth  
day of August one thousand eight  
hundred and fifty one between Joaquin  
Cornillo of Sonoma County, State of  
California and Guadalupe Cornillo his  
Wife parties of the first part, and  
James M. Hudspeeth of the same place  
party of the second part, Witnesseth  
that the said parties of the first part  
for and in consideration of the sum of  
**Two** thousand Dollars lawful money  
of the United States to them in  
hand paid by the said party of  
the second part, at or before the  
making and delivery of these presents  
the receipt whereof is hereby acknow-  
-ledged, and the said party of the  
second part, his <sup>heirs</sup> executors and  
administrators for ever released and  
discharged from the same, by these  
presents, have granted bargained sold  
aliened remised released conveyed  
and confirmed, and by these presents  
do grant bargain sell alien remise  
release convey and confirm, unto  
the said party of the second part, and  
to his heirs and assigns for ever, All  
that certain piece of Land situated  
in the Santa Rosa plains, in said county

which is bounded & described as follows  
to wit; Commencing at a Stake (driven)  
about one hundred yards North of the  
Magan Road leading from Badaga to  
Sanama by the way of Santa Rosa house  
North twenty one degrees thirty minutes  
next crossing the Santa Rosa Creek  
to a Stake one mile. Thence making  
a right angle & crossing Santa Rosa  
Creek to a Stake one mile. Thence  
Parallel with the first line one mile  
to a Stake Thence in a straight  
line to the place of beginning, all of  
said lines being run by the Magnetic  
Meridian & the survey made & the  
boundaries marked by G. J. Peabody Esqr  
County Surveyor of said County containing  
in the whole six hundred and forty acres  
of Land, Together with all and singular  
- or the tenements, hereditaments and  
appurtenances thereto belonging  
or in any wise appertaining, and  
the reversion and reversions, remainders  
and remainders, rents issues and  
profits thereof; And also all the  
estate right title and Interest property  
possession, claim and demand what  
soever, as well in Law, as in equity,

of the said parties of the first part  
ofen and to the same, and every part  
and parcel thereof with the appur-  
tenances, To have and to hold  
the above granted bargained, and  
described premises, with appurtenances  
unto the said party of the second  
part, his heirs and assigns, to him  
and their own proper use benefit  
and behoof for ever, And the said  
parties of the first part, for them-  
selves their heirs executors and adm-  
-inistrators do covenant grant and  
agree to and with the said party  
of the second part, his heirs and  
assigns, that the said parties of  
the first part are lawfully  
seised in their own right of a good  
absolute and undisputed estate of  
inheritance in fee simple of and  
in all and singular the above grant-  
-ed and described premises with  
the appurtenances and have good  
right, full power, and lawful  
-l authority to grant bargain  
sell and convey the same in man-  
-ner aforesaid And that the said  
party of the second part his heirs

and assigns shall and may at  
all times hereafter peaceably and  
quietly have hold use occupy possess  
and enjoy the above granted  
premises and every part and parcell  
thereof, with the appurtenances  
without any Let, Suit trouble  
Molestation eviction or disturba-  
-ance of the said parties of the  
first part, their heirs or assigns  
or any other person or persons  
lawfully claiming or to claim  
the same, And that the same  
have and be clear discharged  
and unincumbered of and  
from all former and other  
grants, titles, charges, estates  
judgments, taxes assignments  
~~and~~ assignments, and ~~and~~  
~~incumbrances~~ incumbrances  
of what nature or kind  
soever, And also that the said  
parties of the first part, and  
their heirs and all and every  
person or persons, Whomever  
lawfully or equitably, deriving  
any estate right title or interest  
of in or to the herein before granted

premises by from under or in

premises by from under or in  
Trust for them Shall and will  
at any time or times hereafter  
upon the reasonable request at  
and at the proper costs and charges  
in the Law of the said party of the  
second part, his heirs and assigns  
make do and ~~under~~ execute or  
cause to be made done <sup>and</sup> executed  
all and every such further and  
other lawful and reasonable acts  
conveyances and assurances in the  
Law for the better and more  
effectually Vesting and confirm-  
ing the possession hereby granted  
or so intended to be, in and  
to the said party of second  
part, his heirs and assigns  
for ever, as by the said party  
of the second part, his heirs  
or assigns, or his or their  
counsel Learned in the Law  
shall be advised or required  
And the said parties of the  
first part their heirs <sup>and</sup> the above  
described and hereby granted  
and release premises and  
every part and parcel  
thereof with the appurtenances

unto the said party of the second  
part, his heirs and assigns against  
the said parties of the first part,  
and their heirs and against all  
and every person and persons  
Whomsoever lawfully claiming or  
to claim the same shall and  
will warrant and by these  
presents forever defend, In  
Witness whereof the parties to  
these presents have hereunto interchang-  
eably set their hands and seals the  
day and year first above written  
Sealed and delivered by Joaquin Carrillo seal  
by Joaquin Carrillo by Guadalupe <sup>her</sup> + Carrillo seal  
in presence of <sup>3</sup>  
Martin E. Cooke  
Henrich Regler  
Jos N. McVill

Sealed and delivered in presents  
of us by Guadalupe Carrillo this 12<sup>th</sup>  
State of California county of Sonoma <sup>23</sup> on this 12<sup>th</sup> day of September A.D. 1851  
day of September A.D. 1851 personally  
appeared before me the undersigned  
a Justice of the peace for <sup>the</sup> Township  
of Annally in the County of  
Sonoma. Joaquin Carrillo to me  
personally well known to be  
the person described in and who  
executed the foregoing Instrument  
and acknowledged that he executed

if I could the forgoing instrument  
and acknowledged that he executed  
the same freely and voluntarily  
for the uses and purposes  
therein mentioned In Testimony  
whereof I have hereunto set my hand  
as such Justice of the Peace, the day and  
year first above written,

Chas W Hudspeeth Seal  
Justice of the Peace -

State of California by  
County of San Mateo P. on this 12<sup>th</sup>  
day of September A.D. 1851 personally  
appeared before me the undersigned  
a Justice of the Peace for the Township  
of, usually in the County of Sonoma  
Guadalupe Carrillo wife of Joaquin  
Carrillo to me personally well  
known, and separate and  
apart from her said husband  
also acknowledged that she  
signed & executed the forgoing  
 deed for the uses and purposes  
therein mentioned, that  
she did the same freely and  
voluntarily and without compulsion  
from her said husband In  
Testimony whereof I have hereunto  
set my hand as such Justice of



the Peace the day and year first  
above written

Chas M Quaspath, Just  
Justice of the Peace

58 ND  
PAGE 106

State of California  
County of San Mateo  
I hereby certify that  
the foregoing is a full true  
and correct copy of a deed  
now on record in this office  
in book F of Deeds on Pages  
118 119 & 120

In Witness Whereof I  
have hereunto set my  
hand and seal this June  
2<sup>nd</sup> 1857. M. C. Winkler  
Recorder By John Brown  
Deputy

Deed  
Joanquin Barnilla  
to

J. M. Quaspath  
copy

2-11-57

58,  
999,

U. S. Dist. Court.

The United States.

vs-

Joaquin Carrillo.

Exhibit Martin  
No. 1.

Filed Febry 18. 1861,  
W. A. Devereux  
Clerk

58 ND

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In the District Court of the United States

58 ND

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

PAGE 108

The United States,

IN LAND CASES.

*v.*  
*Joaquin Carrillo,*

Dist. Court No. 58

Land Com. No. 252,

To *Leahoum Beaham, Shafter & Heydenfeldt,*  
*Croskitt & Chittenden,* and  
*Stone & Patterson;*

You are hereby notified that the testimony of

*Abram Martin,*  
in the above entitled cause in behalf of *Claimant*

will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on *Friday* the *15th* day of *February* A. D. 186*1*, at *11* o'clock, *A.M.*, and continuing from day to day until finished, at my office, No. *14*, U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this *9th* day of *February*

A. D. 186*1*.

*W. A. Chever*

U. S. COMMISSIONER.



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No. 58.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Joaquin Carrillo.

NOTICE.

To G. Benham,  
Shafers & Heydenfeldt,  
Brockett & Pittenden,  
and  
Stone & Patterson,

U. S. COMMISSIONER.

Copy of within notice  
received by me on the  
9th Februry 1861,

William Benham  
U. S. Atty

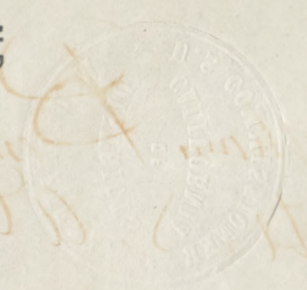
Notice served by leaving  
copy of the within  
at the offices of  
Brockett & Pittenden,  
Stone & Patterson,

and  
Shafers & Heydenfeldt,  
Februry 7. 1861.

W. D. Cheever,  
N. C. Comr.

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58 ND



In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

58 ND  
PAGE 110

The United States,

v.

*Joaquin Barriello.*

IN LAND CASES.

Dist. Court No. *58.*

Land Com. No. *252.*

BE IT REMEMBERED, that on this *15th* day of *February* A. D., 186*1*,  
at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS,  
a Commissioner duly appointed by the Circuit Court of the United States for the Dis-  
tricts of California to take acknowledgments of bail and affidavits, and also to  
take depositions of witnesses, in civil causes depending in the Courts of the United  
States pursuant to the Acts of Congress in that behalf, personally appeared  
*Horace B. Martin* a witness produced in behalf of  
*The Claimant.* in the above entitled cause, now  
pending in said Court under the Acts of Congress to ascertain and settle the private land  
claims in the State of California, who, being duly sworn, testified as follows: ~~his~~  
~~evidence being interpreted by~~  
~~a sworn interpreter.~~

PRESENT:

*Mr Sallick, of counsel for Claimant,  
The U. S. Atty for the U. S. Mr Crittenden,  
for Miller, et al. Mr Shafter for Thayer,  
and Mr Stone for Ahman, et al.*

QUESTIONS IN BEHALF OF THE *Claimant.*

Question 1st,

*What is your name, age, and place  
of residence, and your occupation.*

*Ans.*

*Horace B. Martin, 32 years of age,  
reside at Santa Rosa, Sonoma County.*

am a Surveyor.

2.

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Do you know the land called ~~La~~  
de ~~San~~ de Santa Rosa, claimed  
by Joaquin Carrillo.

Ans.

I do.

3

Do you know the portion of this  
tract claimed by Jas. M. Hudspeth,  
under a deed from Joaquin Carrillo.

Ans.

I do.

4

Examine a certified copy of said  
deed, marked Exhibit Martin  
N<sup>o</sup> 1, and say if you know the location  
of the land there described, with  
reference to the exterior boundaries  
of the official survey filed in this  
case; and if you have a plat of  
survey showing such location, please  
produce it to be filed as an Exhibit  
hereto.

Ans.

I have examined the deed, and  
know the location. I have such  
a plat and now produce it.

(The plat is produced

(The plat is produced  
by witness and marked Exhibit  
Martin N: 2.)

That portion described  
in the deed is the tract represented  
in blue on Exhibit Martin N: 2,  
and marked "J. Hudspeth, 140. A."  
5<sup>th</sup>

Was the position of this tract with  
respect to the exterior boundaries  
of the official survey determined  
by you from actual measurement  
on the ground?

Ans.  
It was.

~~to~~<sup>the</sup>  
Questions by Mr. Leittenger.

Do you know where are the boundaries  
of the Rancho of Cotate, of Dona Maria  
Ignacia de Carrillo, the Rancho of Don  
Juan Cooper, that of Marcos West, that  
of Juan Wilson, adjoining or nearest to  
the Rancho de Lande de Santa Rosa?

Ans.  
I know the boundaries of all these ranchos  
with the exception of Juan Wilson & Marcos  
West which have not been finally  
surveyed, but know pretty near where  
they are. - I refer to the boundaries, contiguous  
to Lande de Santa Rosa. - On this  
Exhibit No. 2 the boundaries are marked  
as follows, viz - of Rancho Cotate colored  
yellow, marked N. ~~82~~<sup>28</sup> 25 E. - that of Ignacia  
de Carrillo is marked Rancho Cabezo de

Santa Rosa and another line of the same  
marked N. 66° E. - the generally received  
line of location West is marked San  
Miguel o Rancho of San Miguel - of  
Juan Lopez is marked Rancho Molino.  
- I can't testify as to the line of Juan  
Wilson, but it is my understanding to be  
very near the ~~line~~ line represented in green  
and in the hills marked N. 70° W. 7<sup>th</sup> 25<sup>th</sup>.

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7  
Are the lagunas delineated on that  
Exhibit - if yea, where?

Ans.

They are - represented by a stream running  
northwesterly and terminating at a corner  
of the Molino Rancho.

8<sup>th</sup>  
Does the line of the Cotate Rancho  
cross the Lagunas?

Ans.

I cannot say. I think the lagunas  
have their source west of the Cotate  
line.

9<sup>th</sup>  
Taking as boundaries the lagunas,  
the Rancho of Cooper or Molino - the  
south line of the Rancho San Miguel  
or West Rancho, then following the west  
line of the Rancho Cabeza de Santa  
Rosa and its southern line to the  
Rancho of Juan Wilson, or Guilicos, then  
following the Guilicos rancho southward  
to the line of the Cotate Rancho, then

following that line southwest



following that line southwest to a point opposite the head of the lagoon, and then running to the head of the lagoon - about how much land will be included?

Ans.

It would be very near four and a half Spanish leagues.

10.

Examine the paper now shown you, and which is herewith annexed marked Exhibit Martin, No 3, and state where the lines of the land described in that paper would fall on Exhibit No 2.

Ans.

They are the lines designated on said Exhibit by the marks following,

1st. N  $57\frac{1}{2}^{\circ}$  E. 220 ch.

2nd. S.  $58^{\circ}$  E. 220.00 ch.

3rd. S.  $32^{\circ}$  W.

4th. The lagoon between the 1st. and 3rd lines.

11.

Examine the deed now shown you marked Exhibit Martin, No 4, and say whether or not the land therein described lies within the tract described in Exhibit No 3.

Ans.

It does.

Questions by Mr Stone.

12.

Examine Exhibit No 4, deed from Carrillo, and wife to Abraham Hartman

and say whether or not the lands therein described are within the boundaries of the rancho Llano de Santa Rosa as explained by you in your answer to question 6.

Ans.

It is.

13.

Are the lands described in Exhibit No 5, within the official Survey now on file in this Court.

Ans.

They are not.

14.

Examine Exhibit No 2, and describe the lands designated in Exhibit No 5

Ans.

As I understand it, it is described by the lines marked as follows.

1. Commencing at a point near the N. E. end of the lotate line, and first marked N.  $7^{\circ}$  W. 70.25 ch.
2. S.  $83^{\circ}$  E. 140.50 ch.
3. S.  $7^{\circ}$  E. 70.25 ch. -
4. N  $83^{\circ}$  E. 140.50 ch. being the parallelogram coloured pink.

15.

Examine Exhibit No 2, and describe if laid down thereon, the lines of the official Survey now on file, and approved by the Surveyor General.

Ans.

Ans.

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The red line of Exhibit No 2, exactly corresponds with the official survey, as may be seen by putting the two together and holding them up to the light.

16. Questions by the U. S. Attorney.

Examine Exhibit No. 2, and starting from the Western corner of the tract conveyed to Miller, and from thence along the lagoon to the line of the Cotate Rancho, thence Northeastly along that line to the tract decided to Wabler, then along Wabler's eastern & northern lines to the S. W. corner of the Cabeza de Santa Rosa, as shown of this Exhibit, thence so as to include the tract sold to Wright, Hudspeeth, and Smith, and including the tract sold to Miller to the place of beginning, state approximately the quantity of land contained within those limits.

Ans.

Very near three leagues, perhaps a little less, which will include all the lands sold, that I have any knowledge of.

17.

Is not the Cotate rancho patented, and consequently a certain settled line.

Ans.

The patent to the Colgate Ranch is on record in Sonoma County.

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18.

Questions by Messrs Shafter,

Ans.

How long have you lived in Santa Rosa.

19.

Nearly ten years.

Ans.

By which ranch is the town of Santa Rosa situated.

20.

Do you know the hill at the N.E. of the Cabeza de Santa Rosa, described in Case 126, as the point of commencement of the boundaries thereof.

Objected to by Plaintiffs Counsel, as not called for by any thing in the direct examination.

Ans.

I do not.

21.

On Exhibit No 2, where do you fix the line marked Cabeza de Santa Rosa, as the Western boundary of that ranch.

Ans.

I take it from the official survey, as represented on the

22.

survey, as represented on the

92.

58 ND  
PAGE 118

Do you know any thing of that  
line being the Western line of  
said ranch independent  
of seeing it marked so on  
the official survey.

Ans.

I had the line shown to me by  
E. S. Peabody Ex County Surveyor  
of Sonoma County. I afterwards  
saw the line run by Easton, a  
practical Surveyor. Easton  
ran a little farther West on  
account of a fraction of an  
inch added on to the Vara.  
This is all the means of knowledge  
I have.

Horace B. Martin

Deposition Closed.

Sworn to, and subscribed this 15th  
day of February, 1861, before me,  
W. D. Chivers,  
N. D. Com: —

No. 58.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Joaquin Casilla.

DEPOSITION OF

Arata B. Martin

on part of Claimant.

Filed Feb. 18. 1861

W. H. Coe

Clerk.

58 ND

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Know all men by these presents that we,  
Joaquin Carrillo and Guadalupe Carrillo (wife  
of the said Joaquin) both of Sonoma County in the  
State of California in consideration of the sum  
of Three thousand one hundred & Twenty five  
Dollars well and truly paid by Joseph M. Miller  
also of said County. the full receipt whereof is  
hereby acknowledged. Have granted bargained &  
sold and by these presents do grant bargain  
sell and convey unto the said Joseph M. Miller  
his heirs and assigns forever. all of a certain tract  
of land located within the Rancho known as the  
"Llano de Santa Rosa" bounded and described as  
follows, viz Commencing in the center of the Laguna  
forming the Southern & Western line of the said  
Rancho at a point where the old road from the  
Santa Rosa valley crossed to pass near the Store  
of Miller & Walker the distance of  $\frac{1}{2}$  chain east  
from a blazed tree Thence running N.  $54^{\circ} 30' E.$   
(by Compass) following the line of blazed oak  
trees Eight hundred and eighty Rods to the corner.  
Thence running South fifty Eight degrees East  
(by Compass) still following the line of blazed  
oaks. Eight hundred & Eighty rods to a stake  
set as the South East corner of said tract (near  
a large oak tree standing alone upon the plain)  
Thence running South Thirty two degrees West  
one hundred & fifty five chains (Six hundred

and Twenty rods (620 rods) to the deep Laguna:  
Thence following the general course of the Lagunas  
and the line of said Rancho in a north Westerly  
direction to the place of beginning. Containing one  
square League more or less. To Have and to hold  
the aforesaid and above described tract of  
Land with all the right and appurtenances thereto  
belonging unto the said Joseph W. Miller and  
his forever in full constant and peaceable pos-  
-session.

In Testimony whereof we do hereunto  
set our hands and affix our seals at Annally  
in said County of Sonoma this Twenty fourth  
day of June A.D. 1852

Signed Sealed and delivered Joaquin Carrillo LS  
in presence of us witnesses Guadalupe Caseres de Carrillo LS  
John Walker, H. B. Martin. Robert R. Pierpoint

State of California }  
County of Sonoma } on this Twenty fourth day of  
June Eighteen Hundred and  
fifty two before me a notary Public in and for  
said County personally appeared Joaquin Carrillo  
personally known to me to be the person described  
in and who executed the foregoing Instrument  
of conveyance who acknowledged to me that he  
executed the same freely and voluntarily and for  
the uses and purposes therein mentioned. Also  
appeared Guadalupe Caseres de Carrillo the  
wife of the said Joaquin personally known to me



to be the person whose name is subscribed to the foregoing conveyance as a party thereto, she was made acquainted with the contents thereof and acknowledged on examination apart from and without the hearing of her husband that she executed the same freely and voluntarily without fear or compulsion or undue influence of her husband and that she does not wish to retract the execution of the same.

In Witness whereof I do hereto set my hand and seal of office at Annally in said County of Sonoma, the day and year above written.

[S.S.] Robert R Pierpoint

Filed for Record on the 28<sup>th</sup> of June A.D. 1852 at 11 o'clock A.M. S.W. Wendley Recorder Sonoma County

Notary Public in & for Sonoma County

STATE OF CALIFORNIA, COUNTY OF SONOMA, SS.

I, THOMAS H. PYATT, County Recorder, <sup>as authorized</sup> in and for said County and State, do hereby certify that the above and foregoing is a true, full and correct copy of an Instrument of Record in my Office, and as the same appears recorded in Book II — of Deeds — on pages 192, 193, 194 — of Sonoma County Records, now remaining in my Office and in my custody, as such Recorder. —

In witness whereof I have hereunto set my hand and affixed my official seal at office, on this the 27<sup>th</sup> day of September A. D. 1860.

Thomas H. Pyatt

COUNTY RECORDER OF SONOMA COUNTY.

By W. M. Bond  
deputy Recorder



58,

U. S. Dist. Court.

The United States.

— vs —

Joaquin Carrillo.

Exhibit Martin  
No 3.

Filed Feby 18, 1861,  
W. H. Cheves  
Clerk

3

Deed.

Joaq<sup>no</sup> Carrillo & wife.

— To —

Jos. M. Miller

June 24<sup>th</sup> 1852

Copy

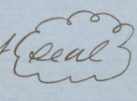
This Indenture, made the Twenty, seventh day of November, in the year of our Lord one Thousand Eight Hundred and fifty seventh Between Susan S. Peirpont of the town of Rutland and State of Vermont of the first part and Eliza Peirpont of the Town of Napo in the State of California of the second part, Witnesseth, That the said party of the first part, for and in consideration of the sum of one Thousand dollars, lawful money of the United States of America, to her in Hand paid by the said party of the second part, at or before the en sealing and delivery of these Presents, the receipt whereof is herely acknowledged, has granted, bargained, sold, released, remised, and conveyed, and by these presents does grant, bargain sell release, remise, and convey, unto the said party of the second part, and to her heirs and assigns forever, All the undivided one half of that certain portion or tract of land lying and being in the County of Sonoma State of California containing Three hundred and Twenty (320) acres said Land being the same that was deeded to me by Joseph W. Miller of the said County of Sonoma on the 8<sup>th</sup> day of October (A.D. 1852) one thousand Eight hundred and fifty two - and is recorded in Book H of Records for said County of Sonoma and is a part of a tract of land conveyed to said Miller by one Juaguin Canillo and wife and Commences in the South East corner of the said land, so

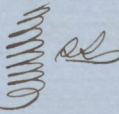
conveyed to said Miller by said Carrillo & wife  
Near a lone oak tree blazed and runs thence  
Wortherly in the east line of said tract - (320) Three  
Hundred and Twenty Rods - Thence Westerly in a  
line parallel with the South line of said tract  
- (160) one Hundred and sixty rods - thence South-  
-erly in a line parallel with the East line of  
said tract (320) Three Hundred and Twenty  
rods, to the South line aforesaid - thence (160)  
one hundred and sixty rods to the place of beg-  
-inning. Together with all and singular the  
Tenements, Hereditaments, and Appurtenances  
Hereunto belonging, or in any wise appertaining,  
and the reversion and reversions, remainder and  
remainders, rents, issues and profits thereof. To  
Have and to hold, all and singular the above  
mentioned and described premises, together with  
the appurtenances, unto the said party of the  
Second part, her Heirs and assigns forever.  
And the party of the first part doth covenant,  
that she will warrant and defend; her right title  
and interest in and to the above premises, agai-  
-nst the acts and deeds of the said party of the  
first part and all persons claiming by, from,  
under or through the said party of the first part  
unto the said party of the second part, her Heirs  
and assigns forever.

In Witness whereof, The said party of

the first part has hereunto set her hand and seal the day and year first above written.

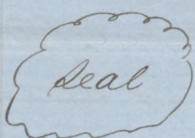
Signed, sealed and delivered in the presence of  
O. W. Langdon

Susan S. Pierpont 

State of California  
County of Napa 

On this Twenty seventh day of November A.D. one Thousand Eight Hundred and fifty eight, before me Robert Bouch, Clerk of the County Court in and for said County personally appeared the within named Susan S. Pierpont to me personally known to be the individual described in and who executed the annexed Instrument, and acknowledged to me that she executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court at office in Napa City, the day and year last above written



Robert Bouch Clerk

Received for Record at request of Lattimer  
Dec 21<sup>st</sup> 1858 at 3 1/2, o'clock P.M. and Recorded  
Dec 22<sup>nd</sup> 1858 at 10<sup>o</sup> clock A.M.

Joel Miller County Recorder  
By Adam Shane Deputy Rec

PAGE 127 STATE OF CALIFORNIA, COUNTY OF SONOMA, SS.

I, THOMAS H. PYATT, County Recorder, in and for said County and State, do hereby certify that the above and foregoing is a true, full and correct copy of an Instrument of Record in my Office, and as the same appears recorded in Book 8 of Deeds on pages 163 & 164 of Sonoma County Records, now remaining in my Office and in my custody, as such Recorder.

In witness whereof I have hereunto set my hand and affixed my official seal at office, on this the 27th day of September A. D. 1860.

*Thomas H. Pyatt*

COUNTY RECORDER OF SONOMA COUNTY.

*By W. H. Bond  
dep. Recorder*

58.

U.S. Dist. Court,

The United States

vs

Joaquin Carrillo.

Copy deed from  
S. S. Pierpont  
to Eliza Pierpont.

Filed Feb'y 18, 1861,

W. G. Chesnut,

Clerk.

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Deed

Susan S. Pierpont

To

Eliza Pierpont

November 27<sup>th</sup> 1857

Copy

This Indenture made the Twenty seventh day of January in the year of our Lord one thousand and eight hundred and fifty eight, between Joaquin Carrillo of the County of Sonoma and State of California of the first part and Theodore Gustave Wahren and John William Hartman of the same place of the second part Witnesseth That the said part of the first part for and in consideration of the sum of Two Thousand Dollars lawful money of the United States of America, to him in hand paid by the said parties of the second part at or before the executing and delivery of these presents the receipt whereof is hereby acknowledged, has granted, bargained sold, aliened remise released conveyed and confirmed and by these presents does grant bargain sell alien remise release convey and confirm, unto the said parties of the second part, and to their heirs and assigns forever All that certain tract or parcel of land situated in the County of Sonoma and State of California and being part of the Rancho Called the "Llano de Santa Rosa" granted by the Mexican Government to the said party of the first part, and bounded and described as follows to wit, beginning at the most South Easterly corner of said Rancho "Llano de Santa Rosa" nearest <sup>to</sup> the Northeast



corner of the Rancho de Cotato thence running Northwardly along the slope of the hills and half way up the hills the distance of two miles thence Westwardly at right angles with said hills one mile thence Southwardly at right angles two miles and thence Eastwardly at right angles one mile to the place of beginning. In case the distance between the South easterly corner of the said Rancho "Llano de Santa Rosa" and the Rancho Cabeza de Santa Rosa should not be the full distance of two miles, the difference to be made up in running so much farther west to make the full amount of two miles. This conveyance is made by the party of the first part for the same tract of land heretofore conveyed by him to Herman Wohler by Deed dated May 23<sup>d</sup> 1831 and recorded in Sonoma County Records of deeds, and this conveyance is made by the party of the first part to explain the said conveyance to the said Herman Wohler and to correct any want or ~~any~~ failure of the description of the tract of land intended to be conveyed by the party of the first part to the said Herman Wohler by said deed, and the tract of land described in this conveyance is all the land that the ~~said~~ party of the first part intended to convey to the said Herman Wohler by said Deed of the said

party of the first part and wife to the said Moller.  
Together with all and singular the tenements her  
edificaments and appurtenances therunto belonging  
or in anywise appertaining and the reversions and  
reversions, remainder and remainders rents issues  
and profits thereof.

And also all the estate right title interest proper  
possession claim and demand whatsoever as well  
in law as in equity of the said party of the  
first part of in or to the above described premises  
and every part and parcel thereof with the appur-  
tenances. To have and to hold all and singular  
the above mentioned and described premises, together  
with the appurtenances, unto the said parties  
of the second part, their heirs and assigns  
forever. And the said Joaquin Carrillo, for  
himself his heirs the said premises in the quiet  
and peaceable possession of the said parties of  
the second part their heirs and assigns against  
the said party of the first part heirs and  
against all and every person and persons  
whomsoever, lawfully claiming or to claim the  
same shall and will warrant and by these  
presents forever defend,

In witness whereof the said party of the first part  
has hereto set his hand and seal the day and  
year first above written

Signed Sealed and delivered } Joaquin Carrillo { Seal

in the presence of Fred<sup>r</sup> Fitch

State of California } SS.

County of Sonoma } On this twenty seventh day

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of January AD one thousand eight hundred and fifty eight before me John Brown a Notary Public in and for said County personally appeared Joaquin Carrillo to me personally known to be the individual, described in and who executed the annexed instrument and acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year first above written.  
John Brown Notary

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State of California, } SS.  
COUNTY OF SONOMA: }

I, Thomas H. Pyatt, County Recorder in and for said County and State, hereby certify that the above and foregoing as hereto annexed, is a true, full and correct copy of an Instrument of Record in my office, as the same appears recorded in Liber 6 of Deeds page 465 of Sonoma County Records, now remaining in my custody as such Recorder.

In witness whereof I have hereunto set my hand and affixed my official seal,

at office on this the Eighteenth  
day of February A. D. 1869.

Thomas H. Pyatt, Recorder Sonoma County.

\_\_\_\_\_, Deputy Recorder.



in the presence of Fred<sup>r</sup> Fitch

State of California

County of Sonoma } On this twenty seventh day  
of January A.D. one thousand  
eight hundred and fifty eight before me John  
Brown a Notary Public in and for said County  
personally appeared Joaquin Carrillo to me personal-  
ly known to be the individual, described in and  
who executed the annexed instrument and acknow-  
ledged to me that he executed the same  
freely and voluntarily and for the uses and  
purposes therein mentioned.

In witness whereof I have hereunto set  
my hand and affixed my official seal  
the day and year first above written.

John Brown Notary  
Public

Received for Record Feb 1<sup>st</sup> 1858 at 10 o'clock & 10 min  
A.M. and recorded at request of F. G. Nahman

Recorded Feb 3<sup>rd</sup> 1858 at 1 1/2 o'clock P.M. Joel Miller  
County Recorder by  
Adam Shaw Deputy

Deeds

Joaquin Carrillo  
vs

Hartman Et al

Copy

U. S. Dist. Court.

The United States

— vs —

Joaquin Carrillo.

Exhibit

Martin No 5.

Filed February 18, 1861,

N. O. Chivers,

Clerk.

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 Friday the first day of  
March in the year of our Lord one thousand  
eight hundred and ~~60~~ 51.

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Present:

The Honorable OGDEN HOFFMAN, ~~Jr.~~, District Judge.

The United States

v.

Joaquin Carrillo.

No. 58

"Lands de Santa Rosa".

This cause came on to be heard upon exceptions to the official survey of the land confirmed, a certified copy plat whereof was filed Sep 26. 1860; and counsel for the respective parties having been heard, and due deliberation had, it is hereby ordered and adjudged that the said survey is erroneous, and the same is hereby annulled and set aside.

And it is further ordered that the Surveyor General of the U.S. for California cause a new survey to be made without delay, in conformity with this order, and return a plat of the same for confirmation and approval.

And it is further ordered that the said survey shall be made as follows:

Beginning at the north corner of the Cotate Rancho as surveyed and patented; thence southeasterly and along the line of said Rancho to where it is intersected by the line dividing Ranges VII and VIII West, Monte Diablo Meridian; thence north

and along said Range line to where it intersects the southern surveyed line of the Rancho Cabera de Santa Rosa; thence south westerly and along the surveyed line of said Rancho to its southwest corner; thence north and along the west surveyed line of said Rancho about 140 chains to a fractional subdivision line in the north half of Section 21, T. VII N. R. VIII W; thence west through sections 21 and 20 about 15 1/2 chains to quarter section post on west boundary of Section 20; thence south along west boundary of sections 20 and 29, 100 chains; thence west about 200 chains to the "Lagunas"; thence southeasterly and along the line of said Lagunas until intersecting the sectional line between sections 21 and 22, T. VI N. R. VIII W; thence east to the Cotate Rancho western line as surveyed and patented; thence along said surveyed line north easterly to the place of beginning; provided that the area embraced within said lines of survey shall not include more than three spanish leagues; and if there be any excess, then such excess shall be taken east of Range line dividing Sections 15, 10 and 3 from sections 16, 9 and 4, and south of the north half of sections 3 and 2 in said T. VI N. R. VIII W, but so as not to include any portion of the land conveyed by Joaquin Carrillo and wife to Joseph M. Miller June 24, 1852 nor any portion of the land conveyed by said Carrillo to J. G. Bahman and J. W. Hartman January 27, 1858.

And it is further ordered that  
a certified copy hereof be served upon the  
Surveyor General of the U.S. for California,  
by the U.S. Marshal of this District.

*John A. Hoffman*  
U.S. Dist. Judge



Served personally by copy on J. M.  
Mandeville March 7<sup>th</sup> 1861.

J. L. Solomon

U. S. Marshal

By S. Lambert

Deputy

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U. S. District Court.

The United States

v.  
Joaquin Carrillo.

Order directing  
new survey.

Filed March 7 1861.  
W. A. Chivers,  
Clerk.

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At a Stated Term of the District  
Court of the United States for  
the Northern District of California  
held at the Courtroom in the City  
of San Francisco on Thursday the  
<sup>twenty</sup> seventh day of ~~May~~ <sup>June</sup>, A. D. 1861:

Present:

Hon Ojden Hoffman, Dist Judge.

The United States

v. Joaquin Carrillo <sup>370: 58; L.C. 252.</sup>  
"Lans de Santa Rosa."

It appearing to  
the Court that the land claimed in  
this case was confirmed to the said  
Joaquin Carrillo by decree of March 24,  
1856; that a stipulation was made  
and an order entered thereupon, that  
said claimant might proceed under  
said decree as final, on July 15<sup>th</sup> 1857;  
that under said order the Surveyor  
General of the United States for California  
caused a survey to be made of the  
land confirmed; that on September 4, 1860  
an order was entered on application of  
the U. S. District attorney directing the  
said U. S. Surveyor General to return  
to this Court for examination and adju-

dications his said survey; that on September 26. 1860, the said Surveyor General returned to this Court a certified copy plat of his said survey; that on the same day, after due notice according to law, proclamation was duly made by the Clerk in open Court that all persons having or claiming to have an interest in the survey and location of the land confirmed make their allegations in that behalf; that thereupon exceptions were duly filed to said survey and testimony taken; that on March 7. 1861, the cause came regularly to a hearing and by consent of the attorneys for the respective parties an order was entered rejecting the said survey and directing said Surveyor General to cause a new one to be made in conformity with said order; that on May 6. 1861 the said Surveyor General returned to this Court a certified copy plat of his new survey of the land confirmed; and that on May 7. 1861, all parties being present by their attorneys, the said survey was approved and confirmed as modified by the consent of the parties to the cause.

Now therefore, it is Ordered, adjudged and decreed that the land known as "Laua de Santa Rosa", lying and being in the County of Sonoma, Northern District of California, and containing within its exterior boundaries three square Spanish leagues, be, and the same hereby is, finally confirmed to the said Joaquin Carrillo.

And it is further ordered, adjudged and decreed that the land hereby finally confirmed to the said Joaquin Carrillo is the same land surveyed under the direction of the U. S. Surveyor General for California in March, 1861, by O. P. Sutton, Deputy Surveyor, a certified copy of the original plat whereof was returned by him and filed by the Clerk on May 6, 1861, modified as follows, by consent of parties, to wit - Course 67 to run northwesterly along the Cotate line 149 chains 30 links, thence west (course 68) 114 chains, 21 links; thence north (course 69) 120 chains; thence east (course 70) 100 chains; thence south (course 71) 40 chains; thence east (course 72) 57 chains, 49 links, to the said Cotate line; thence northeasterly along said Cotate line to the point marked "Beginning, Redwood Post C. 7; thence north  $48^{\circ}25'$  W. (Course 1) to the south line as surveyed of the Rancho

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Cabera de Santa Rosa; and thence along courses 3 to 66, both inclusive, to the beginning point of said course 67; which said survey, so modified, is hereby confirmed, adopted and approved by this Court as the official survey of the land hereby finally confirmed to the said Joaquin Carrillo.

And it is further ordered that the said Surveyor General of the United States for California modify his said survey so as to conform to the aforesaid description, and which survey shall contain, as near as possible, the area of fifteen thousand three hundred and thirty six  $\frac{3}{100}$  acres of land.

And it is further ordered that the said certified copy of the original plat of said official survey, which said certified copy has been modified as aforesaid by consent of the parties to the cause, and filed in this

by the Judge of said Court "Approved, ~~James~~ June 27 1854

by the Judge of said Court "Approved, ~~June 27~~<sup>June 27</sup>  
1841, Ogden Hoffman, Dist. Judge," be attached  
hereto for a more particular and exact  
description of the exterior boundaries of  
the land surveyed as aforesaid and "con-  
taining within boundaries, colored brown,  
13,336 <sup>3</sup>/<sub>10</sub> acres," and heretofore finally  
confirmed to the said Joaquin Carrillo;  
it being expressly understood and intended  
that the tract north of course 18, east of  
course 19, south of course 70, west of  
course 71, south of course 72, and west  
of that part of the western line of the  
Colate Ranch between courses 17 and 73  
~~does~~<sup>is</sup> not included in the survey of said  
finally confirmed land but is excluded  
therefrom as "Public Land."

And it is further Ordered,  
that a certified copy of this decree (except  
the plat) shall be served upon the said  
U. S. Surveyor General for California by  
the U. S. Marshal for this District.

Ogden Hoffman  
Dist. Judge

H. W.

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252 134

U.S. District Court

The United States

Joaquin Barrillo

Final Decree

June 27.

~~May 7~~ 7. 1861.

F. Owens  
Clerk.

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U.S. Marshall's Office  
San Francisco June 29 1861

I, this day served a certified copy  
of this decree upon the Chief Clerk  
of the U.S. Surveyor General in this city  
and left said copy with him -

Wm. Rabe

U.S. Marshall  
by James F. Curtis  
Deputy Marshall

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

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The United States  
Vs  
Joaquin Carrillo

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11/2  
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To the Hon. Ogden Hoffman Judge  
of said Court

Your petitioners

J. C. Kelly, W. Bray, Leibel Smith  
Leth Kelly, James Aaron G. J. Kelly  
Demie Rice Robert McGeorge  
E. C. Bray, A. M. Taylor Demie  
McKay, E. Dodge, E. Van Westley  
Mack Caleb Brooks, D. S. Meyer  
J. E. Danderson, George M. Laury  
A. Leuce, P. M. Dodge, A. W. Bingham  
Nichemiah Clark, Robert Van, A. S.  
Kellogg, John Winton, Henry Gass  
Henry B. Jones, J. J. Drumm, James  
P. Pugh once Christopher Davidson

Respectfully represent to your Honor  
that they are residents of the  
County of Sonoma in the Valley  
of Santa Rosa and are settlers  
and preemptions under the laws  
of the United States upon certain



lands in said Valley as respectively  
held and occupied by them in  
conformity to said Laws; That  
said lands are situated near to  
land adjoining the lands claimed  
to be granted by the Mexican  
Government to Joaquin Becerra and  
finally confirmed to him by the  
Decree of this Court in the above  
entitled cause. Your Petitioners  
further represent that after entering  
the Decree in said cause a survey  
of the lands thereby confirmed was  
made by Deputy Surveyor C. B. Tracy  
in the months of August & September  
1859 which survey was duly approved  
by Surveyor General Manuella on  
the 3<sup>d</sup> day of December of the same  
year; That on the 4<sup>th</sup> day of September  
1860 on motion of the U. S. District  
Attorney the plot of said survey was  
ordered to be returned to this Court  
for the purpose of being revised and  
corrected if found erroneous, That  
subsequently various parties claim-  
ing to be interested in said survey  
and location were allowed by  
this Court to appear by their

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attorneys since returned in said

attorneys could intervene in said  
cause - Your petitioners further  
represent that on the 7<sup>th</sup> of March  
1861 by consent of the parties  
then before the court an order  
was entered setting aside said  
survey and directing a new  
survey to be made in conformity to  
said order. That on the 6<sup>th</sup> of May  
of said year the survey made in  
pursuance of said last mentioned  
order was returned to this court  
and on the 27<sup>th</sup> of June following  
a final decree was entered in like  
manner by the consent of the  
parties then before the court  
approving said survey with certain  
modifications since conforming  
the same to ~~the~~ modified as the  
final location of said claim  
Now therefore your petitioners aver  
and charge that the said last  
mentioned survey as made  
under the order of the 1<sup>st</sup> of March  
1861 and as modified and approved  
by the decree of the 27 of June 1861  
was erroneous and not in conformity  
with the conditions contained

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in the original grant or the decree  
of confirmation, on this that <sup>the</sup> decree  
instead of being in a quadrangular  
form as shown on the plans, as  
the land solicited, is exceedingly  
irregular in shape having no less  
than 14 angles in respect to the  
necessaries lines of the Laguna  
That the numerous angles so  
appearing on said decree were made  
to include or exclude according  
to their respective interests, certain  
parties who were before the court,  
within or from the limits of said decree  
That in order to accomplish this  
object and to carry out this  
arrangement between the said  
parties large pieces of land clearly  
embraced within the limits of  
said grant as shown by the natural  
boundaries and mathematical  
lines laid down on the plans as  
descriptive of the land granted, are  
excluded from survey, and to make  
up this deficiency the boundaries  
have been extended in other direc-  
tions so as to include lands ~~formerly~~  
not embraced outside of the proper

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118  
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some legitimate limits of the grant  
Upon a portion of the lands so,  
improperly ~~included~~ included and situated  
the claims now held and occupied  
by your petitioners, and your honor  
will at once perceive the great  
injustice that is reflected upon them  
if, as they aver, the lands they hold  
do not properly belong to the grant  
and that in order to include them  
other lands which do belong to it  
have been excluded - Your petitioners  
presume that the consent order  
and decree of the 1<sup>st</sup> of March 1861  
and 27<sup>th</sup> of June 1861 were made by  
your honor ~~as in conformity with~~  
~~order~~ where the supposition that  
all the parties in interest were  
before the court, and the United  
States by its attorney consenting, it  
could make but little difference  
whether <sup>the lands</sup> contained in the survey  
were precisely those conveyed by  
the grant or not, and therefore  
entered the decree in the usual  
manner of entering such orders  
without looking into the merits  
of the questions presented; - But when

your petitioners  
as we ever it can be shown to your  
honor that the said order and decree  
were improvidently made, and that  
the <sup>lands</sup> which ~~we~~ <sup>they</sup> intended were improperly  
included were in fact not side of  
the boundaries described in the  
grant and in the same and  
consequently not within the  
jurisdiction of the court. They  
therefore advise the hope that your  
honor will at least give them an  
opportunity to be heard and to defend  
what they firmly believe to be their  
rights in the premises.

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89  
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Your Petitioners further state that  
they have been guilty of no culpable  
laches or excusable negligence in  
not appearing, and by intervention  
according to law and the rules of this  
court, for the protection of their  
interests upon the return of the  
motion in said case, for the  
reason first; that they were not  
included in the original survey  
as made by Deputy Surveyor Tracy  
and approved by the Surveyor General  
on the 3<sup>d</sup> of December 1889 and they  
were led to believe that the right

so to intervene was confined to those

so to interfere was confined to those whose lands were actually so included second; That they had appeared to the same said claimant and others interested in said grant that they did not claim that the lands occupied by your petitioners were embraced within the limits of said grant, and that the boundaries of the same as described in the grant and course of information did not in fact include <sup>them</sup> - Third they were further assured by others who had examined said grant and course and the reasons therein referred to that a location conformable to the restrictions contained in said instruments of title would not include the lands held and claimed by them, and therefore not concerning themselves interested in the matter in issue, they will not consider that they had a right to interfere in said course - Your petitioners further state that they did not hear of the entry of the said claim until the 27 of June 1861 by which their lands were included in said survey

until some ~~business~~ ~~or~~ ~~right~~ days after  
the entry of said decree; that as soon  
thereafter as possible and as your  
petitioners believe one or two days  
before the expiration of the ten days  
within which, according to the rules  
of this court an application to suspend  
said decree should have been made  
J. C. Kelly one of your petitioners came  
to San Francisco on behalf of himself  
and other similarly interested  
and made application to the  
present district attorney for the  
United States to have said decree  
suspended in order to afford them  
and opportunity to be heard in defense  
of their rights in the premises; and  
that on the 8<sup>th</sup> of July, eleven days  
after the entry of said decree, Devise  
de Kay another of your petitioners  
on behalf of himself and others  
made application to said District  
attorney for a similar purpose and  
also employed R. Aug Thompson  
counsel attorney of this court to act  
conjointly with said District atty  
in defense of their interests in  
the premises - That the said R. Aug.

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Thompson immediately called

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Thompson immediately called on said District Attorney in order to ascertain what action he would take in the premises, and whether he would consent that a motion should be made in the name of the Government for a rehearing in said cause; That said Thompson was informed by said Attorney that he had the matter under advisement since that as soon as he had come to a determination on the subject he would communicate to him the result in writing; That said Thompson called on said Attorney from time to time to know to what conclusion he had come in relation to it, but was informed in consequence of other engagements he had been unable to decide when it, until the 6<sup>th</sup> of the present month of August when he received from said Attorney a written communication then declining to act in the name of the Government in the premises and giving his reasons for that determination, the principal of which were that your petitioners



had by their own conduct forfeited  
their right to intervene and be  
heard in the case and that more  
than two days having elapsed since  
the filing of the decree the case  
could not now be opened

62  
117  
179

In view of the facts and circumstances  
your petitioners therefore pray that  
your honor will order the said case  
to be opened, and allow your  
petitioners to intervene under the  
provisions of the act of the 11<sup>th</sup> of June  
1860 and to be heard by counsel in  
defense of what they conceive  
to be their rights in the premises  
To deny them would be in their opinion  
to inflict upon them a great  
wrong and injustice, and to take  
from them property in the improve-  
ment of which they have expended  
large sums of money, which they  
believe they are justly entitled <sup>to</sup> under  
the laws of the United States and  
to give it to others who have no  
legitimate claim to it - Your  
petitioners do not desire to delay  
unnecessarily the final settlement  
of the transactions of the Union;

They do not desire to take any

of the boundaries of the Union,

They do not desire to take any additional testimony on the question all that they ask is that they may be heard by counsel, and that the court will revise its former decision once decide the case upon its merits as presented by the record, confining the boundaries to those described in the grant and never of information without regard to the combination and agreements of interested parties who as your petitioners were have agreed upon boundaries entirely outside of the limits of the grant as defined in the title, and which consequently this court had no jurisdiction to decree to them all of which is respectfully submitted

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Thompson & Glaspice  
Attys for Petitioners

State of California -

City & County of San Francisco.

Northern District of California ss:

J. A. Kelly one of the above named petitioners being duly sworn deposes and says that the foregoing petition has been duly read to him and that he knows the contents thereof. That the same is true of his own knowledge except as to matters therein stated on information or belief and as to those matters he believes it to be true.

Subscribed & Sworn }  
This August 9<sup>th</sup> 1861 } Thos. A. Kelly  
Before me }  
H. H. Cheever }  
M. S. Coan }

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98

M. H. Clark,  
Shapens & Haydenfeldt,  
W. W. Storer,  
Crockett & Britton,  
Hallick, Peach, & Billings,  
John B. Williams.

No. 58,  
District Court U.S.  
N.D. of California.

— " —  
Petition of G. A. Kelly—  
and others.

~~The United States.~~

— as —  
Joaquin Carrillo,

The within is  
allowed to be  
filed

Ogden Hoffman  
Secy Judge

Filed Aug: 12, 1861.

H. A. Cheever,  
Clerk

58 ND

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District Court of the U.S. - N.D. of California.

The United States,

v.

Joaquin Carrillo.

58 ND  
PAGE 158

Please take notice that a petition on the part of T. A. Kelly and others - duly verified, asking the Hon. Court to set aside the decree approving the survey herein <sup>last</sup> made - and for other relief - on grounds set forth in said petition - has been duly filed - ~~with~~ on this day - with the proper certificate of the judge endorsed.

Respectfully -

Thompson & Russell -  
Attys for Petitioners

88  
70  
769  
224  
208  
Aug 12 1861

- To - Messrs Hallick Peachey & Pettibone - Atty for Claimant.
- " Wm H Sharpe Esq U.S. Atty.
- " John B. Wms Assisting <sup>The</sup> U.S. Atty.
- " Shufers & Heyensfeldt - Atty for Interveners -
- " Crockett & Conlinden " " other interveners.
- " W W Storer Esq " " "

Served of a copy of the above notice this day made on me -  
S. P. Aug 12<sup>th</sup> 1861.

Crockett & Conlinden  
for intervenors  
Wm H Sharpe  
U.S. Atty

Shafers & Haydenfeldt } W. W. Story  
Atty's for Intervenor } Atty for Intervenor

Halleck Early & Billing

Wm Williams  
in aid of U.S. Atty.

District Court U.S.  
N.D. of California  
58.  
Original

United States

vs  
Joaquin Garza

Notice of petition  
verified

Filed Aug: 12. 1861  
W. A. Chubb  
Clerk.

Thompson & Cabell

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 *Saturday* the *7<sup>th</sup>* day of  
*September* in the year of our Lord one thousand  
eight hundred and fifty ~~sixty~~ *one*

Present:

58 ND

The Honorable OGDEN HOFFMAN, District Judge.

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The United States

v.

Loaquin Carrillo

no. 58

67  
53  
120

And now at this  
day, the petition of J. A. Kelly and  
others that the final decree heretofore  
entered herein be opened, having  
regularly come to a hearing, and  
the parties heard by their counsel,  
It is ordered, that the prayer of  
said petition be and hereby is  
rejected refused.

Ogden Hoffman  
District Judge



58

UNITED STATES DISTRICT COURT,  
Northern District of California.

*The United States*

vs.

*Joaquin Carrillo*

*Order refusing petition  
of P. A. Kelly, Dothens*

Filed *Sept. 7th* 1861,

*W. D. Chesney,*

CLERK.

By

DEPUTY.

58 ND

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8

89.

United States

No. 58. ND

vs

Joaquin Carillo

September 7. 1861.

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PAGE 162

The survey in this case having been made and duly published it was on the motion of the District Attorney ordered into the Court — ~~There~~ A motion was issued in this Court & at the return day various parties intervened in the proceeding under the provisions of the act of <sup>June 14,</sup> 1850.

Among these intervenors were several parties who had purchased lands from the claimant ~~at~~ which were not included in the survey — The claimant also appeared while others whose lands were as alleged erroneously embraced within it, appeared ~~in their~~ <sup>by</sup> through the District Attorney in the name of the U. S. —

On the hearing the claimant admitted that the tracts sold by him should be included

in the survey and further  
 ascertained, that the location  
 might be so modified as to  
~~include~~ <sup>exclude</sup> all ~~the~~ lands in possession  
 of settlers provided three leagues  
 (the quantity granted) were  
 embraced in the survey and  
 within the limits of the origi-  
 nal grant.

A decree to this effect was  
 entered with the consent of  
 all parties and a new survey  
 made in pursuance thereof  
 has been approved and adopt-  
 ed by the final decree of the  
 Court—

A motion is now made on  
 behalf of certain other settlers  
 whose lands are included  
 in the <sup>last survey</sup> grant to open the  
 decree, and relocate the grant.  
 The effect of this relocation if  
 made as desired will be  
 to include a large number  
 of settlers who are ~~not~~ <sup>now</sup> excluded  
 and conversely to exclude per-  
 haps an equal number who  
 are ~~not~~ <sup>now</sup> included in the ~~survey~~

3

58 ND  
PAGE 164

The District Attorney after examining into the merits of the case came to the conclusion that the location ought not to be disturbed. He accordingly refused to <sup>move</sup> ~~make~~ ~~the~~ ~~motion~~ to open the decree, on behalf of the U. S. — and the motion is now made by private counsel employed by that portion of the numerous settlers on the rancho who are dissatisfied —

There would seem at first sight no reason for admitting these persons to become parties to the proceeding after so long a delay and a neglect to bring their rights to the notice of the District Attorney or the Court — The survey first made did not include their settlements — But that survey was objected to, and ordered into Court — The motions, publications and proclamations gave them ample notice that the survey might be

4

58 ND  
PAGE 165

modified so as to include  
their lands - nor could they  
have been ignorant that the  
chief ground of objection to it  
was the fact that several  
tracts long since sold by the  
claimant to *bona fide* purchasers  
were not ~~included~~ <sup>embraced</sup> <sup>with</sup> <sup>the</sup>  
~~survey~~ <sup>in</sup> - If the survey were  
modified so as to include <sup>they</sup> <sup>tracts</sup>  
it was evident that their  
own settlements must also  
be embraced within it or  
if not necessarily <sup>so</sup> embraced, that  
~~the~~ <sup>a</sup> ~~question~~ <sup>controversy</sup> would arise as  
between various settlers some  
of whom would necessarily be  
included and others left out.  
As against those settlers then  
for who <sup>had</sup> made known their  
rights to the District Attorney  
and in whose behalf he inter-  
vened ~~these~~ ~~was~~ others who  
slept upon their rights would  
seem to have no equities -  
But the difficulty of allowing  
But the statute presents an  
insurmountable difficulty obstacle

5

to allowing these parties now  
to intervene

By the § 3<sup>d</sup> section of the act  
of 1860 it is provided that "all  
parties claiming interests under  
the U.S. by preemption settlement  
or other rights or title derived  
from the U. S. shall not be  
permitted to intervene separately  
but the rights and interests  
of such parties shall be repre-  
sented by the District Attorney  
of the U. S. intervening in the  
name of the U. S. aided by Coun-  
sel acting for such parties jointly  
if they think proper to employ  
such Counsel"

Under this provision the parties  
claiming under the U. S. have  
who brought their claims to the  
notice of the District Attorney  
have been heard — and that  
office now declines to appear  
in the name of the U. S. for  
other parties — I cannot per-  
ceive how under the act of  
Congress I can permit them  
"to intervene separately" and in

b their own names —  
But it is urged that the approved survey is clearly without the exterior limits of the track originally granted — and that the Court on being so informed should on its own motion open and set aside its decree. ~~and~~ 1

But this statement is denied as a matter of fact. To ascertain whether or not it be true the decree must be opened and if necessary further testimony taken — But the decree has already determined that the survey is of the proper quantity and within the limits of the ~~original track~~ <sup>grant</sup>. It is difficult therefore to see how the Court at the suggestion of counsel who in this view are in a mere amicus curiae, and represent no party who has a standing in Court or is entitled to be heard can proceed to reexamine and set aside its own final adjudication

4  
It is said that this ~~is~~ <sup>was</sup> a  
Consent

But it is said that as this  
Decree was by Consent it ought  
not to <sup>be</sup> treated like a deliberate  
determination by the Court of  
Contested questions —

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It is true that the Decree  
was by Consent — that is, that  
the claimant admitted the  
justice of all the objections in  
fact and consented to any mode  
of modification of the survey which  
might be desired provided  
that the <sup>quantity</sup> granted would  
grow to him and that the  
lands sold by him were in-  
cluded — And in this proposi-  
tion all parties acquiesced —

But under such circumstances  
it is at least doubtful whether  
the Court can make itself the  
representative of persons not parties  
to the cause, and who the  
statute declares shall appear  
in the name of the U. S. represented  
by the District Attorney intervening  
in the name of the U. S. —



If the decree be opened the survey which has been approved will still be required in object to by any party in ~~break~~ to the proceeding, and all objections to it must be urged by the Court or by an Amicus curiae who represents its views - Certainly to justify so anomalous a proceeding a very clear case ought to be shown where the Court has been induced by the parties to make a palpably erroneous decree - a case extremely improbable where the interests of the U. S., and all parties claiming adversely to them are represented by numerous and intelligent Counsel.

But in examining the objections urged to the approved survey I find that ~~the~~ <sup>examined</sup> I have now ~~looked into~~ <sup>looked into</sup> the ~~same~~ <sup>same</sup> objections presented to see whether as alleged so clear an error as has been committed by the Court as would induce ~~it~~ <sup>the</sup> ~~to~~ <sup>to</sup> ~~by~~ <sup>by</sup> ~~wise~~ <sup>wise</sup> ~~to~~ <sup>to</sup> ~~have~~ <sup>have</sup> ~~a~~ <sup>a</sup> ~~doubt~~ <sup>doubt</sup>

9  
ful jurisdiction to rectify it  
The original petition of  
Carillo was for a sobrante  
lying between various ranchos  
of which he estimated the  
labeled at about 8 miles and  
extending <sup>in width</sup> from the hills of Maya  
Canes as far as the law per-  
mitted which he supposed to  
be 5 or 6 leagues - but subject  
to the boundaries of the adjoining  
ranchos when they should  
be measured -

Those measurements not having  
been seen made the proceeding  
was suspended, and the appli-  
cant in the mean time allowed  
to occupy but not build upon the  
land -

In the succeeding year the claimant renewed his petition, and apprised <sup>the Governor</sup> that owing to the neglect of the cobundants no measurements had yet been made - He then for prayer for an immediate grant of the land  
Jimeno to whom the petition was referred, reported that there seemed

no objection to making the grant, ~~but~~ subjecting the petitions to the measurements of the colon dantes and not allowing him to occupy more than 3 square leagues which was <sup>all</sup> that remained vacant —

The grant was accordingly issued — The land granted is described as bounded "by the  
 " Rancho de Cotate, by that of  
 " Doña María Ignacio Lopez by the  
 " Sagunas, by the Rancho of Don  
 " Juan Cooper by that of Don Juan  
 " West and by that of Don Juan  
 " Wilson subject to the measure  
 " ment of the colon dantes. When  
 " possession shall be given them  
 " of the lands they actually  
 " possess"

The 4<sup>th</sup> condition is in the usual form — "The land donated  
 " is of 3 square leagues a little  
 " more or less as the respective  
 " diseno explains"

In the diseno a considerable tract of country is delineated but a <sup>smaller</sup> space is enclosed by yellow

lines and marked "what is solicited" - The lines of the survey do not in all respects conform to the yellow lines thus delineated - and the question arises: did the Governor by referring to this *disiño* mean to concede that particular track, or did he as the grant declares intend to concede a ~~tract~~ <sup>of land</sup> of 3 leagues to be taken within the boundaries of the adjoining ranchos to be taken out of a tract of which the boundaries were to be the boundaries of the adjoining ranchos when the same should be established - and to which the grant to the claimant should be subordinate

It appears to me that the latter was more probably his intention - The expediente discloses that the Governor was indisposed to ~~go~~ make any grant to Carrillo until his neighboring lands had been measured

12

and tho' he finally consented to do so, it is not to be presumed that without <sup>any</sup> knowledge of the true location of those boundaries he determined to grant a specific tract which might ~~over~~ <sup>run</sup> ~~any~~ <sup>side</sup> ~~any~~ <sup>possibly</sup> encroach upon them. Now would such a proceeding <sup>have</sup> been just to the claimant - for if the land <sup>granted</sup> was precisely that contained within the yellow lines, and if it in part <sup>included</sup> ~~extended~~ as was in fact <sup>the case</sup> ~~the~~ lands belonging to an adjoining rancho. the claimant would have no means of making up the deficiency: for the ~~best~~ yellow lines would in every sense him on all sides -

It seems to me far more reasonable to suppose that the governor intended to grant 3 leagues to be taken within the tract bounded by the ranchos named and the design was drawn by the petitioner and referred to by the

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Governor as indicating the supposed lines of the Whin Grants - but not as designating by the natural objects delineated the precise location of those lines which <sup>were</sup> ~~were~~ as yet unascertained -

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PAGE 174

If this view be correct it follows that within the limits of boundaries of the adjoining ranchos as ~~was~~ subsequently established the claimant had a right to elect where his 3 leagues should be taken; and having sold portions of the tract to bona fide purchasers for value he <sup>would be</sup> ~~is~~ not at liberty now if disposed to ~~also~~ make a location which would not include these lands -

It is not precluded that the survey is without the limits of the tract bounded as has been stated - The only objection urged is that it is in part without the limits of the tract delineated by yellow lines -

14

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That objection being disposed  
of, & found to be of ~~little~~  
very doubtful validity I see  
no reason for the Court to  
interpose as has been sug-  
gested, of its own motion  
to correct a manifest error

The motion is therefore denied.

U. S. Dist. Court.

The United States.

v.

Joquin Carillo,

Opinion denying  
motion to open decree  
approving survey, and to  
allow Kelly, et al. to intervene.

Filed Sept. 7, 1861.

M. A. Chever,   
Clerk.



At a stated Term of the District  
Court of the United States for  
the Northern District of California  
held at the Court Room in the  
City of San Francisco on Saturday  
the 11th day of November, A. D. 1861.

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Present:

Hon Ogden Hoffman Dist Judge.

The United States

v.  
Saguin Carrillo.

} No. 58.

And now at this  
day, it appearing to the Court that  
the Surveyor General of the United States  
for California has returned to this Court  
his final survey of the land finally  
confirmed in this case by decree filed  
<sup>the field notes whereof were approved October 9, 1861,</sup>  
June 27, 1861; which said final survey  
is shown by the certified copy of the  
<sup>certified by said Surveyor General Oct 21, 1861, and</sup>  
original plat of said survey, filed  
in this Court November 8, 1861; and  
it further appearing to the Court that  
said final survey is correct and  
in accordance with said decree filed  
June 27, 1861, It is ordered, that the  
same be and hereby is approved and  
confirmed as the final survey of the land

confirmed to the said Joaquin Carrillo  
by said decree filed June 27, 1861.

And it is further ordered  
that the said certified copy plat  
filed November 8, 1861, and marked  
"Approved November 9<sup>th</sup> 1861, Ogden  
Hoffman, Dist Judge" be annexed to  
and made a part of this order.

And it is further ordered  
that a certified copy of this order,  
excepting said plat, shall be served  
by the U. S. Marshal for this District  
on the said U. S. Surveyor General  
for his information.

Ogden Hoffman  
U. S. Dist Judge

{ U. S. Marshal's Office,  
Northern District of Cal.<sup>a</sup>.

I hereby certify that I received the  
within order, on the 9<sup>th</sup> day of November,  
1861; and served the same on the  
11<sup>th</sup> day of November, 1861, by de-  
livering Certified Copy to Edw. Conway,  
Esq., Chief Clerk in U. S. Surveyor-  
General's Office.

San Francisco,  
Nov. 11<sup>th</sup>, 1861.

Wm Rabe,  
U. S. Marshal,  
by David R. McKee,  
Deputy.

58 ND  
252-3d

U. S. District Court

The United States

Joaquin Carrillo

Decree  
Order, conforming  
survey made under  
final decree of June  
27, 1861,

Filed November 9, 1861,  
J. H. Ahern,

Clerk.

*Petition.*

To the Hon. John Hoffmann  
Judge of the United States District Court in  
and for the Northern District of California.

In open Court,

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Your Petitioner Geo. F. Kelly of Santa Rosa  
Sonoma County Cal. within said district  
appears by consent of the District Attorney  
(Hon. Selos Lake) in the name of the United  
States and respectfully represents,

That in July 1853 Joaquin Corillo  
obtained of the Board of Land Commissioners  
to settle private land claims a Confirmation  
to three leagues of land in Sonoma County  
called "Rancho de Santa Rosa".

This Confirmation refers to Map A, marked  
"Loge Solicita" for the special tract asked for  
and granted.

In 1856 the District Court in and for said  
district approved of their decision and referred  
to said map as designating the location,  
On the 5<sup>th</sup> of Dec. 1859 the U. S. Surveyor General  
for this district approved of the survey of this  
Rancho which survey embraced the same  
land asked for and confirmed to the Grantor,  
In 1861 a new survey was ordered which  
being made embraced lands not within  
the proper limits of said Rancho and which

includes your petitioner.

This survey was approved by the District Court June 27<sup>th</sup> 1861.

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PAGE 181

By a recent decision of the Supreme Court (No. S. V. S. Sepulveda) it was declared that the district court hath no jurisdiction to set aside surveys made and approved by the Surveyor General prior to the passage of the Act of June 14<sup>th</sup> 1850, which act gives to the district Court power to revise or set aside surveys, before the passage of this act that power was with the Surveyor General and Land Commissioner.

Now therefore your petitioner if his statements be found correct respectfully prays this honorable Court to decree the survey of June 27<sup>th</sup> 1861 null and void, and set aside the decree approving the same, and for such other relief as to your honor shall seem meet.

As a reason for this request your petitioner will have to show, First that this survey does not embrace all the land asked for and given to the grantee, but in lieu thereof embraces land belonging to the U. S. and long occupied by pre-emptors.

Second, that the district Court had no jurisdiction to set aside the survey of Dec 5<sup>th</sup> 1859.

San Francisco Oct 5<sup>th</sup> 1864

Geo. F. Kelley

In the District Court of the  
United States for the Northwest  
of Iowa

Petition

Due service of a copy of the  
within Petition is hereby admitted  
this 14<sup>th</sup> day of October 1864.

Patterson Wallace & Stone

Shaplers & Heydenfeldt

for intervenor

Filed Oct. 19, 1864,  
W. D. Cheney,  
Clerk  
I consent

John Van Alstman

shall appear as  
Consent in the name  
of the United States  
in the death of the  
within Petition -  
Oct 26, 1864

Delos Lake

58 N.D. S. attorney

Patterson & Stone  
Shaplers & Heydenfeldt  
Crockett & Crittenden  
Hallett Peck & Poling  
Jno P Williams

Due service upon this of the within  
petition granted - the 15<sup>th</sup> Oct 1864

consent of intervenor  
for consent

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

58 ND  
PAGE 183

United States  
vs  
Joaquin Canullo

To the above named Defendant &  
all others interested in the above  
Entitled Cause

Take notice that the peti-  
-tion with a copy of which you  
-are herewith subeal will be pre-  
-sented to the said Court by the  
-said Petitioner Geo F Kelly at  
Court room of said District  
Court in San Francisco on  
~~Friday the 14<sup>th</sup>~~ day of Mon  
day the <sup>eighteenth</sup> day of October  
~~next~~ at ten o'clock  
A M of sd day or as soon  
thereafter as Counsel can be heard  
& the <sup>Court</sup> will therefore be  
moved on behalf of said Petitioner  
to grant the relief prayed for  
in said Petition John Warrama

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

United States  
vs  
Jaquin Corilla

Notice of Motion

A true and correct copy of  
the within notice is hereby  
admitted this 14<sup>th</sup> day of Oct  
Nov. 1864.

Sullivan Wallace of them

58 ND Schaffers & Keydonfeld  
PAGE 184 for indenniter  
Thayer  
Filed Oct. 19. 1864.  
H. H. Chenevix  
clerk

John Vanaman  
Atty. Petitioner.  
727 626 Washington



1<sup>st</sup> In the District Court of the United States for the  
Northern District of California.

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United States } Petition of G. L. Kelly  
vs } Plea and Affidavit of  
Joaquin Cerillo } the Petitioner.

This petition being still under  
consideration the applicant for relief desires to  
make a sworn statement of the facts,  
First, the claimant (Cerillo) never asked for  
nor does he claim the lands occupied by  
your petitioner,  
Second the decrees of Confirmation do not  
embrace your petitioner's land.  
Third, the survey of June 27<sup>th</sup> 1861 is based  
on your petitioner's legal rights.

That your honor may be satisfied  
on these points we will refer among other  
proofs to the statements of the U.S. land  
Commissioner R. Aug. Thompson now on  
file at the General Land office of the United States.

He says "That on the 2<sup>nd</sup> day  
of Oct 1853 we entered a decree Confirming  
to Joaquin Cerillo three leagues of land  
called Alvaros de Santa Rosa; the said three  
leagues were to be taken with reference to

2 The Sileno on map accompanying the grant,  
On the 24<sup>th</sup> of March 1856 the district Court  
entered a decree confirming in all its parts  
the decree of the Commission, with reference  
to the grant and map for a more perfect descrip-  
tion; these decrees become the final acts  
of Confirmation and the appeal to the Supreme Ct,  
was dismissed by the U. S. Attorney.

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PAGE 186

In accordance with said decrees and in  
pursuance of the Act of 3<sup>d</sup> of March 1857  
the Surveyor General of the State of California  
caused the said lands to be surveyed, and  
a plat of said survey was duly approved  
by him on the 3<sup>d</sup> of Dec 1859.

Now what I desire to prove to your  
honor is that the survey of June 27<sup>th</sup> 1861  
is a fraud on the legal rights I have  
acquired of the United States as a preemtor as  
my preemption claim is situated about  
three miles east of this grant as above set  
forth. and on this subject I will introduce  
the further statements of Judge Thompson.  
He goes on to show that by a fraudulent  
agreement of interested parties they

3

58 ND  
PAGE 187

secured the Consent of the District Court to make a new survey, the steps taken to accomplish this was First, a Motion by the U. S. Attorney on the 4th of Sept 1860 for a new survey, Second setting aside of the proper and legal survey March 7<sup>th</sup> 1861.

This was done by all the parties implicated in this fraud consenting in open Court through their Attorneys; including Attorneys claiming to represent and demanding rights for preemptors who had settled within the proper limits of said grant after its Confirmation.

On the 8<sup>th</sup> & 9<sup>th</sup> of May the parties were busy in coming to an understanding and finally closed on the mutual chance of June 27<sup>th</sup> 1861. Your petitioner was not aware of these proceedings and could not have acted if he had been until his property and legal rights were involved.

The next day after this survey was approved and continuously up to this time I have done all in my power to save the neighbors, the Govt, and myself from this wrong in every conceivable way.

On the injustice and illegality of this survey the said Commissioner (Thompson Sept 8<sup>th</sup>

4 1<sup>st</sup> " The district Attorney erred in refusing to represent your petitioners.

2<sup>nd</sup> That the reasons given for such refusal are not sustained by the facts, and are insufficient in law.

3<sup>d</sup> That the district Court erred in deciding that your petitioners had no standing in Court except under the sanction of the district Attorney.

4<sup>th</sup> That the district Court in its decree of June 27<sup>th</sup> 1861 erred and exceeded its jurisdiction, by including within the final survey and location of the grant lands not embraced by the terms of the original grant, or by the decrees of Confirmation.

5<sup>th</sup> That said decree excluded lands clearly within the limits of the grant, and includes others which is as clearly not embraced by it, and that neither sales made by the grantee of lands outside of his grant, nor the consent of certain parties then before the Court can give it, the Court jurisdiction to relocate the grant over innocent parties whose lands

5 have never been claimed by the grantee.

6<sup>th</sup> That the assumption of such a power by the Court is clearly an encroachment on the political power of the Govt which alone has the right to make grants of land.

7<sup>th</sup> That the agreement between the parties was in fraud of the rights of Government, and of those who had acquired rights rightfully in pursuance of its laws.

8<sup>th</sup> That some of the parties holding lands which are by the terms of said decree excluded actually paid a valuable consideration for the same to the Claimants, and the deficiency thus created was made up by taking other lands not within the limits of the grant and occupied for years by pre-emption settlers. "The grantee never claimed your petitioner's lands and they did not anticipate that interested parties would be permitted to combine together and pick out the lands to suit their own interests, without regard to the true boundaries of the grant, and at the expense of others who were no parties to the proceedings."

"By confining the grant strictly to its legitimate boundaries no one could

6 rightfully complain, for the grantee would get his land where he himself asked for it, and where the authorities who granted it declared he should take it, and where the Court who confirmed it decreed it to him. The claimants should not be allowed to take lands that belong properly to the Govt or those claiming legally through it."

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"But the most important point presented is the assumption by the District Attorney that the grantee had a right to take his land anywhere in the exterior limits delineated on Map Sisenó without regard to the boundary lines, or particular tract therein designated as *Lo que solicita*;" his position in this cannot be sustained by any rule of construction known to the law, and if applied generally would create irreparable injury and wrong both to the Govt and those claiming under it.

In this case Map Sisenó represents some thirty square leagues of land, within which is delineated by black lines shaded with yellow a tract of three leagues

7 marked "Lo que Solicita" that which is solicited,  
Now what does the grant purport to convey?

The land asked for by the grantee.

What was the land asked for?

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The answer is equally plain, that which  
is marked on the map.

To what purpose was reference made to the map?  
Clearly for the purpose of defining the particular  
tract intended to be conveyed.

Consequently the surveyor in locating the  
land had but to commence at a point  
indicated on the map near the junction of  
Santa Rosa Creek with the Lagunas and run  
out the lines as there laid down, we accordingly  
-ly find the first survey as made by the  
surveyor general and approved Dec 3<sup>rd</sup> 1859  
without reference to the combinations of  
interested parties conforming in all particulars  
to this view, the only material difference being  
that the Commencing point is a short  
distance north of the Creek instead of south  
and the line from the South West Corner of  
Cobaza de Santa Rosa instead of being  
straight has two offsets for the purpose  
of reducing the quantity to three leagues.  
Yet this Survey, which is in accordance

8 with the decrees of Confirmation was under a fraudulent and illegal agreement and combination set aside by interested parties and the extraordinary location obtained by the decree of the district Court in the survey of June 27<sup>th</sup> 1861."

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The glaring discrepancies between this last location and the decrees of Confirmation sufficiently appear on the maps and records in the Clerks office of this Court, and I would respectfully refer your Honor to the proceedings in this land case for a full confirmation of the foregoing statements,

I need not add that those statements coming from one of the Commissioners who confirmed this grant are entitled to the most serious consideration, your Honor will permit me to add that the sarcastic remarks of opposite Counsel concerning my protracted efforts to right a wrong and save myself my neighbors and my Country from the blighting effects of that wrong, will not in the least check my efforts or blast my hopes of final success.



9 The land Commissioners at Washington  
J. M. Edmonds has officially recognized  
your petitioners land as a part of the public  
domain and instructed the Register of this  
district to enter the same as soon as the  
plats of this township are returned to his  
office, yet this is impossible so long as this  
survey stands as the final decree of your  
honors Court, thus we remain estopped  
when this plain act of justice would confer  
on us great benefits and at the same time  
injure no one.

Admitting as our opponents claim that the U. S.  
Attorney did consent to this survey and  
location such consent cannot deprive  
us of our just or legal rights, neither can  
it bind the United States to extort or deprive  
us of property legally guaranteed and long  
enjoyed under her Constitution and laws  
Fraud is not a legal title and can never  
be such however many decrees may stand  
upon the records, but as our opponents are  
using this one to place us in distress  
your honors cannot well refuse to correct the  
error.

That a refusal of this Court to set aside

This Survey or grant the prayer of this petition  
would depraved both us and the United States  
your honor cannot for a moment doubt,  
I trust therefore that this Court will  
not hesitate to correct an error  
comparatively unlimited in its power  
to inflict wrong.

Respectfully submitted Oct 21<sup>th</sup> 1864

G. S. Kelly

George S. Kelly being duly sworn says;  
That the matters and things set forth in the  
foregoing instrument are true to the best  
of his belief and knowledge.

Given to, and subscribed this  
21st October, 1864, before me,

W. H. Cheever

Clark U. S. Dist. Court.

No 58.

U. S. District Court.

The United States

vs.

Joaquin Carrillo.

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Affidavit of  
G. F. Kelly.

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Filed Oct. 22, 1864,

W. D. Chenard,

Clerk

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At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the CITY OF SAN FRANCISCO, on *Friday* the *13<sup>th</sup>* day of *January* in the year of our Lord one thousand eight hundred and sixty-*five*

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States  
v.  
Joaquin Carrillo.

N: 58.

And now at this day, the motion heretofore made and submitted in behalf of G. F. Kelly to <sup>vacate</sup> ~~open~~ the decree approving survey having been duly considered by the court, it is ordered, that the said motion be and the same hereby is denied.

NO 58

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.  
Santiago Carrillo

ORDER denying motion  
in behalf of S. P. Kelly.

Filed

July 13 1865

H. H. Chevers,

Clerk.

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Cubery

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The United States, appellants, vs. Joaquin Carrillo, claiming the Rancho Llano de Santa Rosa.

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No reason for doubting the entire validity of this claim.

Claim for three leagues of land in Sonoma County, confirmed by the Board, and appealed by the United States.

S. W. Inge, United States Attorney, for appellants.  
Halleck, Penney & Billings, for appellee.

saved under the same subject was not as contained  
On the 12<sup>th</sup> March 1844 the claimant applied to the Alcalde of the District for permission to sow, and build a house upon the land during the pendency of his application to the Governor for a grant. The Alcalde granted him leave to sow the land holding himself responsible to the owners of the lands if there should <sup>be any</sup> damage. But he refused him permission to build the house.

On the 26<sup>th</sup> March 1844 the claimant renewed his application <sup>to the Governor</sup>.

44

U. S.  
vs  
Agui Carillo }

124  
March 3<sup>rd</sup> 1844

It appears from the expediente in this case that the claimant on the 22<sup>nd</sup> June 1843 petitioned Governor Michel Tomera for a grant of land on the plain adjoining the Rancho of his mother. The Governor however suspended action on the subject as no judicial measurement had been made of the adjoining ranchos and the extent of the sobrante or surplus reserved under remaining subjects was not ascertained.

On the 12<sup>th</sup> March 1844 the claimant applied to the Alcaide of the district for permission to sow and build a house upon the land during the pendency of his application to the Governor for a grant. The Alcaide granted him leave to sow the land holding himself responsible to the owners of the lands if there should be any damage but he refused him permission to build the house.

On the 26<sup>th</sup> March 1844 the claimant renewed his application to the Governor.

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stating that his petition still remained unacted upon on account of the neglect of the Coloniantes or adjoining proprietors to have their lands measured according to law

The Secretary to whom this second petition was referred reported favorably to it and ~~recommended~~ <sup>advised</sup> ~~the~~ a grant of not more than three square leagues ~~on~~ subject to the measurements of the adjoining proprietors -

In accordance with this report the grant <sup>now</sup> produced by the claimant was made and it appears in evidence that he built first a small house & afterwards a very large one on the land where he on which he has continued ever since to reside - He has also cultivated from one to three hundred acres of with corn barley wheat &c

The handing over of the grant in the possession of the party is fully <sup>proved</sup> and the facts above stated appear in and there seems no reason to doubt the entire validity of this claim



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The Survey map and the designation in the grant of the Cohidantes or continuous owners, abundantly show the locality of the <sup>tract</sup> granted land and the claimants title to the land solicited must be confirmed to the extent of three square leagues, subject to the measurement of the lands previously granted to the Cohidantes —

The decision of the Board must therefore be affirmed —

No 58  
The U. S.

W

Joaquin Canillo

Prision

(16)

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W. S.

<sup>27</sup>  
Joaquin Casillo

No 5-8

Rec<sup>d</sup> of the Clerk Secy  
& Plat "Filed November 9<sup>th</sup> 1861" for  
the purpose of having same traced &c  
at Surveyor Genl's Office  
July 11<sup>th</sup> 1865  
W. W. How

22058

Decree Nov. 9th

Paper taken by  
R.W. & Stow

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Office of the Board of Commissioners,

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

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San Francisco, Aug 3, 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. 252 on the Docket of the said Board, wherein

Joaquin Carrillo is the Claimant against the United States, for the place known by the name of "Llano de Santa Rosa"

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.

58

14 D