

CASE NO.

156

NORTHERN DISTRICT

---

COTATE GRANT

---

THOMAS S. PAGE

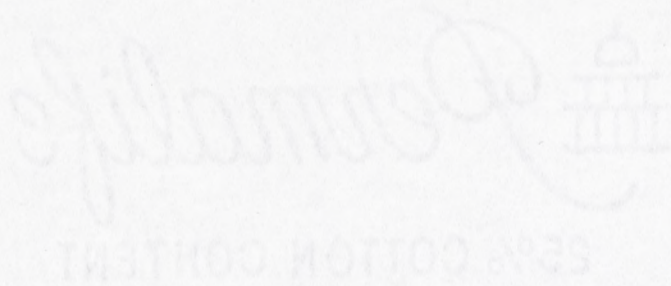
CLAIMANT

Microfilm

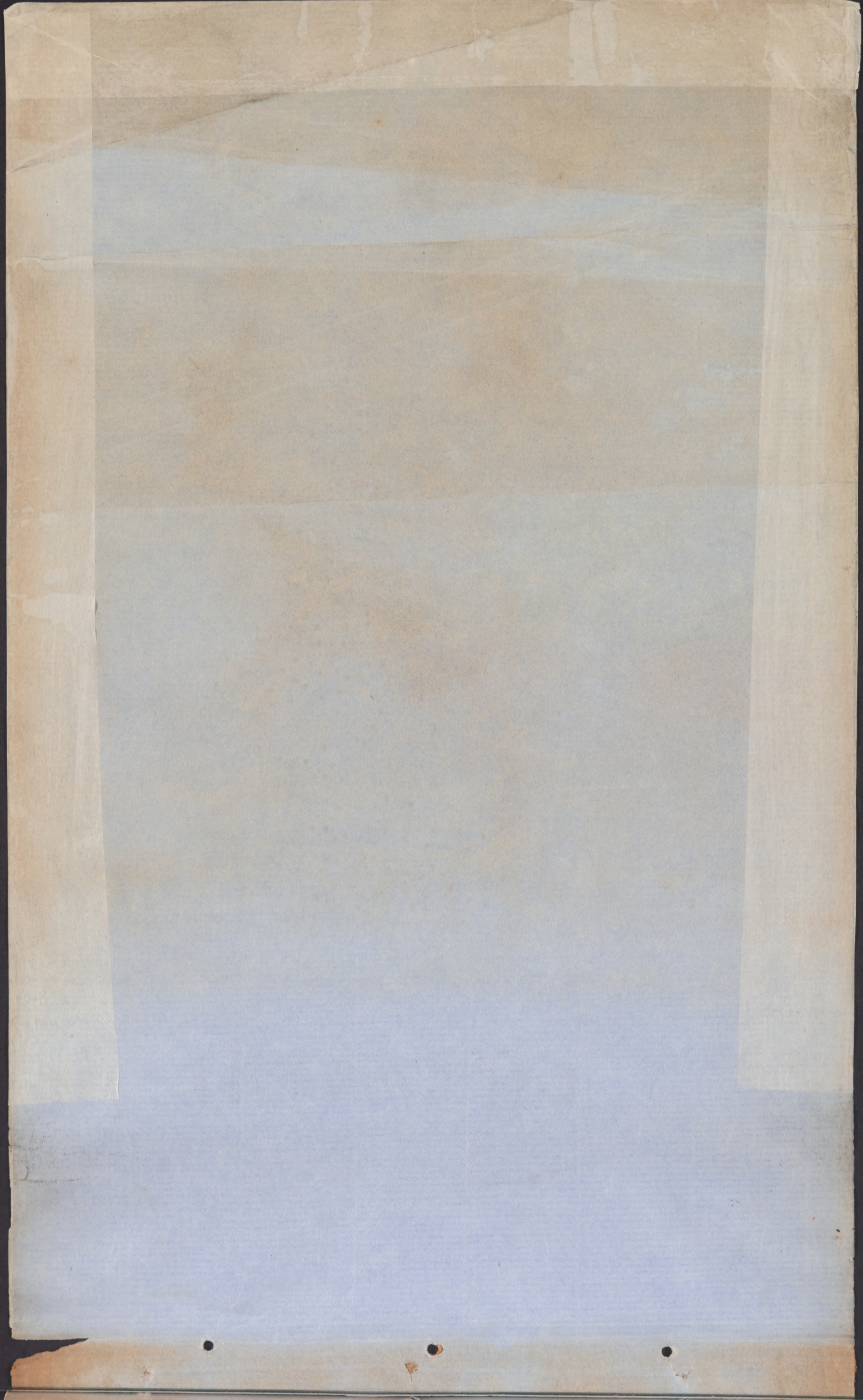
N.D.

LAND CASE 156, N.D.

ALSO AVAILABLE ON MICROFILM



350



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PAGE 1

TRANSCRIPT  
OF THE  
PROCEEDINGS

IN CASE

NO. 357

*Thomas S. Page*

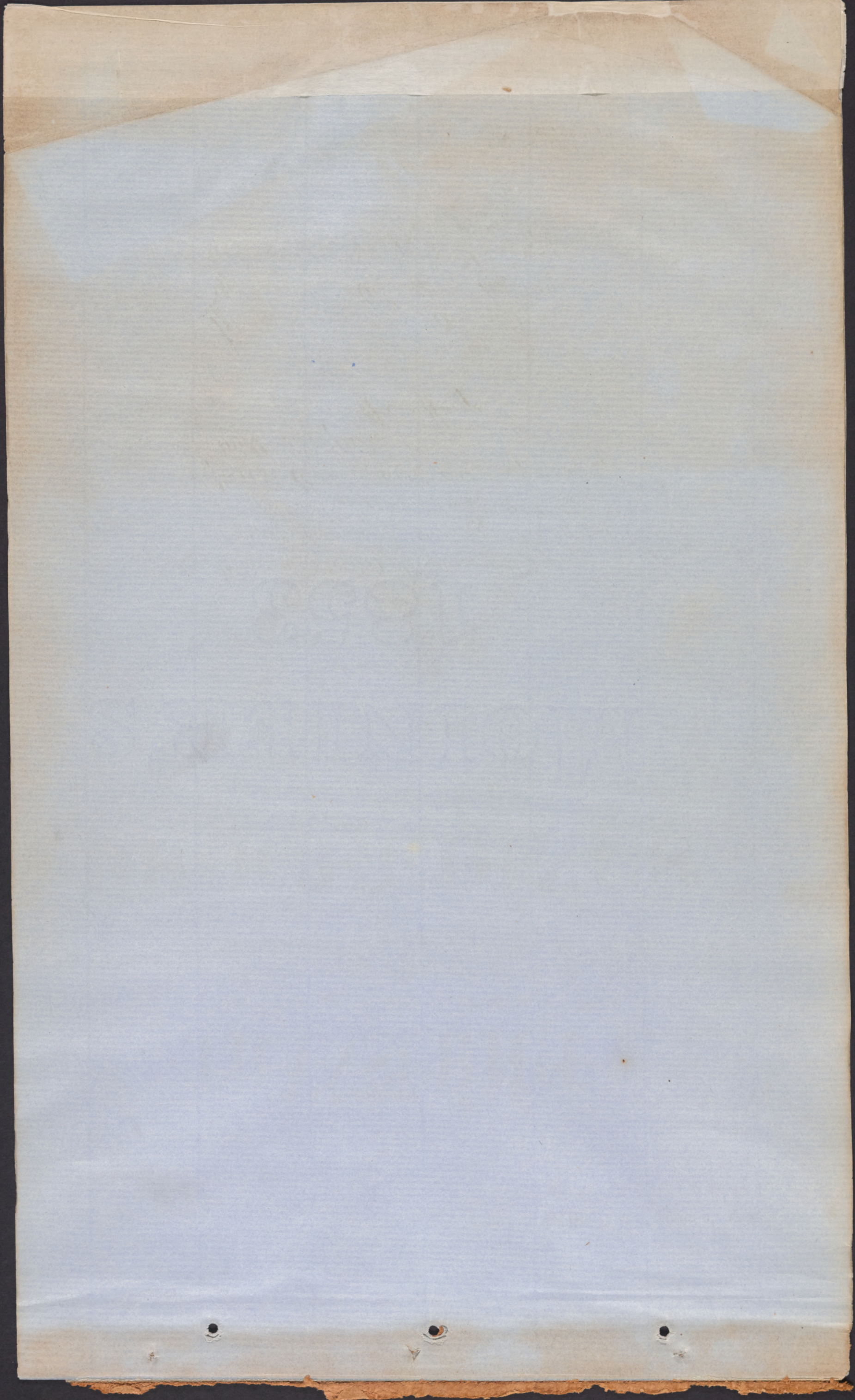
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

" *Cotate* "



## Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this *Twenty-first day of September*  
*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 *Thomas S. Page*,  
 for the Place named  
 "*Lotate*,"

was presented, and ordered to be filed and docketed with No. 350, and  
 is as follows, to wit;

(Vide page 5 of this Transcript.)

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

*Los Angeles September 28<sup>th</sup> 1852.*  
 In case no. 350, *Thomas S. Page* for the place named  
 "*Lotate*", the deposition of *Henry W. Hallock*, a witness  
 in behalf of the claimant, taken before Commissioner  
*James Wilson* with accompanying document *J. W.*  
*No. 1*, was filed;

(Vide page 6 of this Transcript.)

*San Francisco December 23<sup>rd</sup> 1852.*  
 In the same case the deposition of *Jacob P. Lese*, a  
 witness in behalf of the claimant, taken before Com-  
 missioner *Harry J. Thornton*, was filed;

(Vide page 6 of this Transcript.)

In the same case the deposition of *José S. Berroyera*,  
 a witness in behalf of the claimant, taken before  
 Commissioner *Harry J. Thornton*, was filed;

(Vide page 8 of this Transcript.)

San Francisco April 7<sup>th</sup> 1853.

In the same case the deposition of Juan B. Alvarado, a witness in behalf of the claimant, taken before Commissioner Aland Hall, with document marked D, H, M, and translation thereof, annexed thereto, was filed:  
(Vide page 9 of this Transcript)

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San Francisco April 11<sup>th</sup> 1853.

Case no. 350 was ordered, on motion of the U. S. Associate Law Agent, to be placed on the Trial docket,

San Francisco April 11<sup>th</sup> 1853.

Case no. 350 called; The Counsel for the claimant, Mr. R. Roe read the petition and the papers in evidence; the U. S. Associate Law Agent filed his brief, submitted and taken under advisement by the Board.

San Francisco April 22<sup>nd</sup> 1853.

Commissioners Aland Hall and Harry J. Thornton returned to the Secretary the papers appertaining to Case no. 350 (and others) which they had under advisement, without making decisions thereon; after which act they withdrew and ceased to act as Commissioners and members of this Board.

San Francisco July 11<sup>th</sup> 1853.

On motion of the United States Law Agent, Case no. 350 was ordered to be placed on the Trial docket;

San Francisco July 22<sup>nd</sup> 1853.

In the same case the deposition of Jose S. Berreyera, a witness in behalf of the claimant, taken before Commissioner Thompson Campbell, was filed:  
(Vide page 19 of this Transcript)



San Francisco July 28<sup>th</sup> 1853.

In the same case the deposition of Jacob P. Leese, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed:

(Vide page 9 of this Transcript.)

San Francisco Aug. 2<sup>d</sup> 1853.

Case no. 350 Called: The counsel for the claimant read the evidence and opened the argument, followed by the United States Law Agent, and closed by the claimants - Case submitted and taken under advisement by the Board.

San Francisco July 11<sup>th</sup> 1854.

In the same case Commissioner Alpheus Felch delivered the decision of the Board upon the motion heretofore filed, to wit, on the \_\_\_\_\_ day of \_\_\_\_\_ by the Law Agent, asking that the case be reinstated on the calendar with leave to introduce new evidence - overruling the motion.

San Francisco Aug. 16<sup>th</sup> 1854.

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

(Vide page 49 of this Transcript.)

Also the four documents marked F. G. H. I. being those mentioned therein: which are as follow to wit:

(Vide pages 35. 37. 39. 41 of this Transcript.)

San Francisco Aug. 22<sup>d</sup> 1854.

In the same case Commissioner Alpheus Felch delivered the opinion of the Board, confirming the claim:

(Vide page 53 of this Transcript.)

San Francisco Aug. 29<sup>th</sup> 1854.

In the same case, on motion of the U. S. Law Agent, the following order was made, to wit:

(Vide page 51 of this Transcript.)

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Petition

To the Honorable the Board of Commissioners for  
ascertaining and settling Private Land Claims in  
California

The Petition of Thomas J Page respectfully  
represents to this Honorable Board that on  
the 17th of July 1844 a grant of four square leagues  
of land called Cotate was made to Juande Gas  
tanea Captain in the Mexican Army by Governor  
Micheltorena by virtue of the existing laws which  
said grant is situated in Sonoma County between  
the Ranchos of Petaluma Guadalupe Santa Rosa Mar  
win tosh and Kistler that said grant has been surveyed  
and that there is no conflicting claim known to your  
Petitioner

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Your Petitioner further represents that the  
title to said grant was taken from the Office of the Alcal  
de of the Town of Sonoma by an Officer of the American  
Army in 1846 and has never been returned or heard  
of since by your Petitioner which said title however  
was confirmed by the Departmental Assembly on the  
12th of June 1846

Your Petitioner further represents that  
said Gastanea sold and conveyed said grant to  
Thomas O Larkin by deed dated 25th September 1846  
and by said Larkin and his wife Rachel to Joseph S  
Recher by deed dated 4th September 1849 and by  
said Recher to your Petitioner by deed dated 7th Nov  
ember 1849

Your Petitioner further shows that said land  
has been in constant occupancy and cultivation from  
the date of the grant to the present time all which will  
appear by reference to the documents accompanying  
this Petition marked Expediente B, Translation C  
approval Departmental Assembly D and Certificate  
E

Your Petitioner prays confirmation of said grant  
by this Honorable Board

Rose for  
Claimant

Filed in Office 21st September 1852  
Geo Fisher

Secretary

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Deposition of Office of the Board of Commissioners of California  
Henry M Land Claims  
Hallcock

Los Angeles September 28th 1852

On this day before James Wilson one of the Commissioners  
- us for ascertaining and settling Private Land  
- claims in California came H H Hallcock a wit-  
- ness produced in behalf of the claimant Thomas  
I Page whose Petition is No 350 on the Docket of the  
Board and was duly sworn his evidence being given  
in English

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Law Agent by R Grunbun Esq was present and did  
not object

H H Hallcock a witness offered by the claimant  
Thomas I Page for the Rancho Cortate being duly sworn  
testifies and says

That upon Examination of the Paper  
now shown to me marked J W Post (H H Hallcock  
Deposition) marked in the files as Exhibit E I know  
the signatures of Jacob P Luse Jose Alvariz John B R  
Cooper Walter Cotton William A Garsow M J Vallaji  
I have frequently seen each of said persons write

their several  
signatures to the said paper marked J W Post and these  
persons signatures

H H Hallcock

September 28th 1852

Subscribed and Sworn  
to Before me

James Wilson

Commissioner

Filed in Office September 28th 1852

Geo Fisher

Secretary

Deposition of Office of the Land Commissioners of California  
Jacob P Luse

San Francisco October 1st 1852

On this day before me Henry J Thornton one of the  
Commissioners for ascertaining and settling Pri-  
- vate Land Claims in California came Jacob  
P Luse a witness produced in behalf of the  
claimant Thomas I Page whose Petition  
is No 350 on the Docket of said Commission

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The Petition being duly sworn testified as follows  
Question 1. What is your name age and place of residence

Answer My name is Jacob P. Leese my age is 43 years and my place of residence is at Huntington  
Question 2. State what you know in regard to the grant of the land made by the Mexican Government to Captain Juan de Castañeda whether said land was ever occupied by said Castañeda in what way and whether he ever received a title to the same if so what has become of said title state what else you may know about said grant  
Answer I know that a grant of land was made by Governor Michotoma to said Castañeda some time in the year 1844 which I was advised of the Town of Summa,

I gave the requisite information as to whether the land was vacant which at that time was vacant said land is situated between the Ranchos of Santa Rosa and Petaluma in Summa County I know that said land was occupied by said Castañeda at the Date of the grant and that he had stock and improvements on it

I have seen the title to said grant of land which was in the usual form of titles given by the Governor to grantees of land

I have heard from reliable sources that some time in the fall of 1846 John Sims Captain in the service of the United States broke into the house of Jose de los Santos Benjusa and took away his papers among which was said title

Jacob P. Leese

Noted accepted

A Greenham

U S Land Agent

Grown to and subscribed

Before me on the 21st of October 1852

Henry J. Thornton  
Commissioner

Filed in Office December 23rd 1852

Geo Fisher Secretary

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Deposition  
of Jose S.  
Benayesa

Office of the Board of Land Commissioners for  
California

San Francisco Nov 19th 1852

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On this day before me Henry J. Thornton one of the  
Commissioners for ascertaining and settling Private  
Land Claims in California came Jose M. Benayesa  
a witness produced in behalf of the claimant  
Thomas Page whose Petition is Number  
330 on the Docket of said Commission

The witness being duly sworn testified as follows  
I Jose Benayesa in claim No 330  
witness states that he is thirty four years of age and  
resides at Monterey

That he is acquainted with  
Captain Juan de Castañeda and knows that a  
grant of land was made to said Castañeda  
by Governor Micheltorena which was called Lotate  
and situated in Sonoma County between the Ranchos  
of Petaluma and Santa Rosa That he (witness) was  
on said land in 1844 when he saw where now  
which was then occupied by said Castañeda

That besides  
the house there was a canal near it and ground in  
cultivation there was also stock of horses and cattle  
on said land owned by said Castañeda but witness  
states that said land has been in an interrupted  
occupancy from 1839 to the present time by said Cas-  
tanea and those who purchased from him

He also  
states that some time in 1846 when said Castañeda  
was called into the service of the country during the revo-  
lution he said Castañeda placed the title to  
said Rancho in his hands for safe keeping he  
being then Alcalde of Sonoma which he put in a  
trunk with other papers and that in the spring  
of the same year Captain Sims of the American Army  
broke open said trunk and took from it said  
title with several other papers which have never  
yet been returned or heard of but are supposed to  
have been destroyed or lost said title was in the same  
form of titles made by the Swarms of California

Jose S. Benayesa

Notary accepted

Robert Franklin as to Law Agent

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Sworn to and Subscribed Before me this 19th of  
November 1852

Henry Thornton  
Commissioner

Filed in Office December 23rd 1852

Geo Fisher  
Secretary

Deposition of  
JB Alvarado

San Francisco April 7th 1853

On this day before Commissioner Heland Hall  
came Juan B Alvarado a witness on the part of  
Thomas Page Petition No 330 and was duly sworn  
his evidence being interrupted by the Secretary

The U S Associated Law Agent was present  
In answer to inquiries of counsel for the claimant  
the witness testified as follows

My name is Juan B  
Alvarado my age is forty three years and I reside in  
Santa Costa County I am acquainted with the name  
writing and signatures of Pio Pico

A paper is now shown  
me purporting to be a certificate of approval by the  
Departmental Assembly of agents to Juan Castaneda  
and is here attached marked A A and I believe the  
signature of Pio Pico to said paper to be genuine

Juan B Alvarado

Sworn and Subscribed  
Before me

Heland Hall  
Commissioner

Filed in Office April 7th 1853

Geo Fisher  
Secretary

Deposition of  
Jacob P. Leese

Office of the Board of Commissioners of California  
Land Claims San Francisco July 28th 1853

On this day  
before me Alphons Fitch one of the commissioners  
for ascertaining and settling Private Land Claims  
in the State of California came Jacob P.  
Leese a witness produced in behalf of  
the claimant Thomas G Page being

No 350 in the Docket of the Commissioners and after being duly sworn testified as follows  
Questions by Judge Thurston attorney for the claimant

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

Answer My name is Jacob P. Lusk my age forty four years and my residence Manting in the State of California

Question Look on the map here presented annexed to the Deposition of H W Hallett being done and marked J. W. Not filed in this case with the Secretary of the Board of United States Commissioners to adjudicate and settle Private Land Claims in California and State whether the signature of said document is your genuine signature and whether the facts stated therein are true to the best of your knowledge and belief

Answer It is my genuine signature and the facts are true as therein stated

J. P. Lusk

Mr Greenham the Associate Law Agent was present at the taking of this Deposition and declined putting any interrogatories  
Subscribed and sworn before me at San Francisco this 28th day of July AD 1853

Alphus Felch  
Commissioner

Filed in Office July 28th 1853

Geo Fisher Secretary

Deposition

San Francisco July 21st 1853

On this day before Commissioner Thompson Campbell Jose G. Buryesa came for J. Buryesa a witness in behalf of the claimant Thomas G. Page Petition No 350 and was duly sworn  
The U S Associate Law Agent was present

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

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

Answer Jose G. Buryesa age thirty four years and resides at Manting in the County of Contra Costa



Question 2. Are you acquainted with the Rancho  
 botate which is the subject of this claim if so state  
 when it was first occupied and by whom  
 answer I think in the year 1839 it was first occupied  
 by Don Castañeda

Question 3. Do you know anything of the title or grant  
 in this case

answer about the beginning of the year 1846 Don  
 Juan Castañeda left this title in my hands at  
 Linnua when he went to Monterey on business in  
 June 1846 The Americans took possession of Linnua  
 in force when upon that time being Alcalde  
 of Linnua retired to my Rancho in Napa & taking  
 carrying with me all my papers in trunks the  
 Americans however suspecting that I was in connec-  
 tion with the Mexican troops below came to my  
 house under Captain Sears when they broke open my  
 trunks and carried away all the papers including  
 three original titles amongst which was the title  
 to this Rancho since which time I have never been  
 able to recover it

I have examined the paper or  
 Expediente Number A and shown to me  
 and to the best of my recollection this paper which  
 purports to contain a copy of the original grant to  
 which I have already referred is substantially a  
 true copy of the same according to my recollection  
 at this time

The limits and the extent of the tract  
 of land together with the map correspond with the  
 description and the map as described and repre-  
 sented in the original papers

Question 4. To what extent did Castañeda own  
 the Rancho above referred to

answer He had a house on it in which he lived  
 and cattle to the number of at least three hundred  
 head

Castañeda was the reputed owner of the land  
 referred to & acknowledged to be the owner of the  
 neighborhood generally

He pastured his cattle  
 on that tract of land to the exclusion of all others

Question 5. Look at the paper Number H H  
 attached to the deposition of Alvarado and purport-  
 ing to be the act of approval of the said grant by the

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Departmental Assembly and state whether the  
signatures attached to the same are genuine  
Answer I believe they are the genuine signatures of  
the persons whose names are there written but I  
have never seen either of them with I believe  
them to be genuine because I have seen the same  
signatures to other documents which I know to  
be genuine

Cross examined by Mr Granbow

Question 1 Do you know any thing of your own per-  
sonal knowledge respecting the approval of the  
grant

Answer I do not

Question 2, Have you ever heard any thing of the fate  
or disposition of the papers taken from you in the  
manner stated in your examination in chief

Answer In relation to the paper connected with this  
case I have heard nothing

Jose G. Bengesa

Sworn to and Subscribed

Before me this 21st day of  
July AD 1853

Thompson Campbell  
Commissioner

Filed in Office July 22 1853

Geo Fisher  
Clerk

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Espediente  
promovido por D.<sup>o</sup> Juan Castañeda en pretension  
del  
Terreno llamado "Cotate".  
432.

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A  
Espediente and  
Grant.

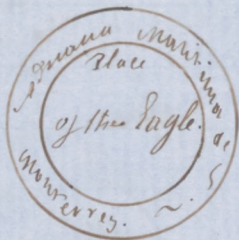
Sello cuarto dos reales.

Habilitado provisionalmente por la aduana Maritima del puerto de Monterrey para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltorena.

Pablo de la Guerra.

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Excmo. Sr. Gobernador y Comandte General. Juan de Castañeda, Capitan de Caballeria Permanente ante V.E. respetuosamente espone: que desde el año de 1837 se le adjudico provisionalmente en la frontera de Sonoma, el terreno conocido con el nombre de Cotate que consta de cuatro sitios de Ganado Mayor pero mas o menos se devuelva del diseño adjunto para recabar el titulo correspondiente, dirigir a V.E. en 22 de Mayo del año anterior la instancia que actualmente acompaña en copia con los documentos necesarios a justificar su pedido los que por desgracia se extravian y no llegaron a este Superior Gobierno como V.E. mismo tubo la bondad de oír al esponente y como hasta la fecha no se ha obtenido el titulo y espuesto a que se le denuncie el terreno que tiene ocupado con bienes de su propiedad hoy reitera su solicitud manifestando a V.E. que hallandose aqui el Alcalde de Sonoma, a cuya Jurisdiccion pertenece el terreno citado puede dar los informes que sean necesarios al efecto y si le consideran suficientes. A. V.E. Suplica se sirva mandar se le estienda el titulo que solicita de cuya gracia le vivirá reconocido.

Monterrey. Julio 6 de 1844. J. de Castañeda.

Instancia a que se le refiere la solicitud que antecede. Sr. Comte General = Juan Castañeda Capitan de Caballeria ante V.E. respetuosamente espone: que en el año de 1839 se le concedia en esta frontera el terreno conocido con el nombre de Cotate, cuyo diseño acompaña a la instancia que entonces promovio al solicitarlo y excecando del titulo correspondiente. A. V.E. Suplica se sirva mandar se le estienda este documento de cuya gracia vivirá reconocido y admita este en papel comun por no haber en este punto del Sello que corresponde. Sonoma. Mayo 24 de 1843 = J. de Castañeda = Sonoma Mayo 24 de 1843 = El Capitan Don Juan Castañeda solicitó y se le concedió provisionalmente el terreno que menciona el año de 39 de donde

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cuya fecha ha reconocido por de su propiedad. Vallejo  
 Monterey. Julio 6 de 1844. Informe el Sr. del despacho  
 Micheltorena: Como dispone El E. S. Gobernador, sirase  
 informar el Sr. Alcalde 1º de Sonoma sobre el contenido  
 de la presente instancia = Fecha la misma = Manuel Jimeno  
 Juegado 1º de Sonoma = En cumplimiento del decreto del  
 Sr. Sr. del Gobierno dice: que el terreno que solicita el  
 interesado está ocupado con bienes de su propiedad desde  
 el año pasado y es conocido por Sujo. Monterey Julio  
 6 de 1844. Jacob P. Keese. E. S. Gobernador. = Segun los  
 informes que preceden como el tiempo que hace que ocupa  
 el terreno el interesado que pretende estiendo que no hay  
 inconveniente ninguno para que se le conceda en pro-  
 -piedad = La Superior disposicion de V. E. hara lo que  
 mejor convenga. Fecha ut Supra. Manuel Jimeno  
 Monterey. Julio 6 de 1844. = Espidarse el título. Michelt<sup>o</sup>

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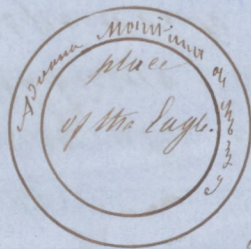
Sello cuarto dos reales.

El 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.

Micheltorena.

Pablo de la Guerra.

El ciudadano Manuel Micheltorena  
 General de Brigada de Ejército Mexicano  
 Ayudante Gnal. de la plaza Mayor del  
 mismo, Comandante General e Inspector  
 del Departamento de las Californias.



Por cuanto Dn. Juan Castañeda, ciudadano  
 Mexicano ha pretendido para su beneficio personal y el de  
 su familia el terreno conocido con el nombre de Cotate  
 que se le concedio provisionalmente desde el año de  
 mil ochocientos treinta y nueve, en Ciudad con el nombre  
 de Petalumas, Guichos, Santa Rosa, Mackintosh y  
 Nixjet, practicadas previamente las diligencias y ar-  
 -rugas concernientes, segun lo dispuesto por las  
 leyes y reglamentos, usando de las facultades que me  
 son conferidas a nombre de la nacion Mexicana, he  
 venido en concederle el terreno mencionado declarando  
 le la propiedad de el por las presentes letras y sujetan-  
 -dose a la aprobacion de la Exma. Asamblea Dep-  
 -artamental y bajo las condiciones siguientes.

1º Podrá cercarlo sin perjudicar las travesias  
 caminos y servidumbres, lo disfrutará libre y exclusivo

destinándolo lo al uso y cultivo que mas le convenga. 2º  
Solicitará del Juez respectivo que le dé la posesion Juridica  
en virtud de este despacho por el cual se demarcan los  
linderos en cuyos limites podria à mas de las maderas  
algunos arboles frutales ó silvestres de alguna utilidad.

3º El terreno de que se hace donacion es de cuatro  
cuerpos de ganado Mayor pero mas ó menos segun se  
demuestra el diseño respectivo, de cuyos limites que en el  
se mencionan esta ocupado con bienes y casa el paraje  
que con autoridad à Don Joaquin Carrillo Jefe de los  
linderos que ya se hacen mencion tiene ocupado el  
referredo Castañeda.

4º Si contraveniere à estas condiciones perderá  
su derecho al terreno y será denunciabile por otro.

En consecuencia mandó que sembrandole de titulo el  
presente y teniendose por firme y valedero, se tome razon  
de él en el libro à que corresponde para su resguardo  
y demas fines. Dado en Monterrey a siete de Julio  
de mil ochocientos Cuarenta y cuatro.

Manuel Mispeltorena.

Manuel Jimeno. Srío.

Queda tomada razon de este despacho en  
el libro respectivo a foyas seis.

Jimeno.

*Done Adonias a Man...*

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

map 4

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I Samuel D. King Surveyor  
General of the United States for the State of California  
and as such now having in my Office and under my  
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 eight proceed-  
ing and hereunto annexed pages of tracing paper  
numbered from one to eight inclusive and each of  
which is verified by my initials (S. D. K.) exhibit true  
and accurate copies of certain documents now on file  
and forming part of the said Archives in this Office.

In testimony whereof I have hereunto  
signed my name Officially and affixed my private  
Seal (not having a Seal of Office) at the City of San  
Francisco Cal. this 7<sup>th</sup> day of June. 1852.

Samuel D. King.  
Surveyor General. Cal.

Filed in Office. September. 21<sup>st</sup> 1852.

Geo. Fisher.  
Cory.





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B  
Translation  
Espediente  
and Grant

Most Excellent For Governor & Comd General  
Juan de Castañeda Captain of Permanent Cavalry  
to you Excellency respectfully represents that from  
the year 1833 there was provisionally granted him  
the land in the frontier of Sonoma known by the  
name of lotate which consisting of four leagues  
(de ganado mayor) a little more or less as shown  
by the annexed design

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In order to obtain the com-  
— pending title I addressed to you Excellency on the  
22 of May of the past year the Petition of which a  
copy and by accompanying the necessary documents  
to prove his request which through misfortune was  
lost and did not reach the Superior Government  
as you Excellency had the goodness to see this app-  
— licant and as up to the said date he was without  
said title and the land was exposed to be alienated  
which he had composed with ground of his own he now  
repeats his Petition showing to you Excellency that  
— finally he the just Alcalde of Sonoma to whose juris-  
— diction the said land belongs he can give the  
necessaries which may be necessary for this  
purpose and which is considered sufficient I  
supplicate you Excellency to command that  
the title which is solicited be issued for which  
favor I will be grateful

Montevideo July 6th 1844  
J de Castañeda

The Petition to which the preceding Petition refers  
His Excellency For Ann mandante General  
Juan Castañeda Captain of Cavalry respectfully  
represents unto you Excellency that in the year  
1839 there was granted in this frontier the land  
known by the name of lotate,

A design of which accom-  
— panies the Petition which was then presented at the  
time the solicitation was made and when he  
was without the corresponding title he prays  
you Excellency to command that this document  
be issued to him with which favor he will be grateful  
and he also prays that this be admitted on com-  
— mon paper as there is no corresponding sealed paper  
in this place Sonoma May 22 1843  
J de Castañeda

Guama May 24 1843 Captain de Juan Castañeda  
solicited and there was granted him provisionally  
the same tenencia land in the year 1839 from which  
date it has been known as his property

Kallip Monterey July 6, 1844

Let the Gov Secretary of Government give infor-  
- mation in regard to this despatch previously  
taking the necessary steps

Michitorea

And His Excellency the Governor has com-  
- manded the Gov Sec of Guama give infor-  
- mation on the subject of the foregoing Petition same  
date Manuel Ferrer in Office of the Mage of First  
Instance of Guama

In compliance with the decree  
of the Gov Secretary of the Government I would state  
that the land which the interested person solicited  
has been occupied with goods of his own since  
since the past year and it has been known as  
his own Monterey July 6th 1844

Jacob P. Luso

Most Excellent Gov Governor

According to the foregoing  
information and in consideration of the time the  
interested person has occupied the land he petitions  
for I believe that there is no objection whatsoever  
of the granting of it to him in fee The superior  
disposition of Your Excellency will do what is most  
proper date as above

Manuel Ferrer

Monterey July 6th 1844 Let the title issue

Michitorea

The citizen Manuel Michitorea Brigadier  
General of the Mexican Army Captain General  
of the General Staff of the same Governor Com-  
- mandant General and Inspector of the Depart-  
- ment of the Californias

When as the Captain of Cavalry Juan Castañeda  
- was a Mexican citizen has made application  
for his personal benefit and that of his family  
for the land known by the name of Legate which  
has been provisionally granted to him since  
the year 1839 bounded by the Ranchos of Petatun  
Guillermo Santa Rosa Macdonald & Nogal the steps in question  
- concerning being previous to made according to the disposition of the laws and

regulations using the authority conferred upon me  
in the name of the Mexican Nation I have come  
to grant to him the mentioned land declaring  
in him the ownership of it by these means letters  
subjecting to the approval of the Departmental  
Assembly and under the following conditions  
1st He may enclose it without prejudice to the crown  
and heretics he shall enjoy it freely and  
exclusively destining it to the use or cultivation which  
best suits him

2. He shall obtain the respective maps to give  
him juridical possession in virtue of this despatch  
by whom the lines shall be marked out in the limits  
of which he shall place besides land marks  
some fruit trees or forest trees of some use

3. The land of which donation is made is of  
four leagues de Guanaco Mayor more or less as is  
shown by the respective map the place within the  
limits of which as designated by the said maps  
is occupied by the aporizada Castañeda with a  
house and stock according to Don Joaquin Gavillo  
within the limits already mentioned

4. If he contravene these conditions he shall lose  
his right to the land and it shall be deemed  
to be by another

Whichever of these presents being as a title and not being  
it as firm and valid nor entry be made of it in  
the proper book

July 1844

Given in Santiago the 7th

Manuel Melchiorra  
Manuel Jiminir

Entry has been made of this Despatch in the  
proper book in folio C.

Jiminir

I certify the foregoing to be a true and correct  
translation from an authentic Pacífico  
copy of a Spanish document in file in the  
U.S. General Land Office which Pacífico  
copy is in file in this Office in Case No 350 Thomas  
Spang for the place named Gotate

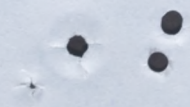
Geo Fisher Secretary

Filed in Office September 24th 1852

Geo Fisher Secretary

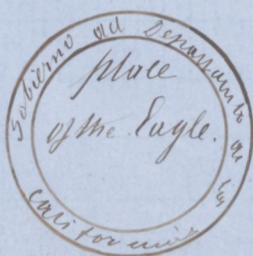
*[Faint, illegible handwriting, possibly bleed-through from the reverse side of the page]*

ND



23

Pro Pro. Gobernador Constitucional del Departamento  
de las Californias.



La Junta. Asamblea Departamental  
en sesion del dia 12 de Junio tubo a bien  
decretar lo siguiente.

„ Se apruebo la concesion hecha  
a favor del ciudadano Juan Castañeda  
del paraje nombrado "Cotate" en Sonoma  
y le fué concedido por el Supremo Gobierno Departamental  
segun titulo librado con fecha seis de Julio de mil  
ochocientos cuarenta y cuatro de conformidad con la  
ley de 18 de Agosto de 1824 y artículo 5º del reglamento  
de 21 Noviembre de 1828.

Y para resguardo del mismo  
Juan Castañeda lo hizo asi saber. Dado en la  
Ciudad de los Angeles y en este papel comun por falta  
del Sello a quince de Junio de mil ochocientos  
cuarenta y seis.

Pro Pro. José Mathias Moreno. S. Int.º

Filed in Office. Sep<sup>or</sup> 21. 1852.

Geo. Fisher.  
Secy.

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PAGE 21

.....

*[Faint, illegible handwriting covering the majority of the page]*



4/30 +

25-

D. Pio Pico Constitution of the Government of the Department  
Translation of laws of the California  
Approval

The most Excellent Departmental Assembly in session on the 12th of the present month of June decreed as follows

Has been approved the commission made in favor of the citizen Juan Castaneda of the place named Cetate in Guernica and which was conceded by the Superior Departmental Government according to the title issued under date of the 6th of July 1844 in conformity with the Law of the 18th of August 1824 and Article 5th of the regulations of 21st November 1828

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PAGE 22

And for the security of the party the citizen Juan Castaneda should in this be known

Given in the city of Los Angeles and in this common paper on the 15th June 1846

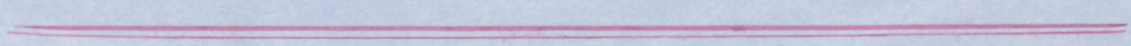
Pio Pico  
Jose Matias Romero  
Secretary

Identify the foregoing to be a true and correct translation from the original Spanish document on file in this Office in Case No 35 of Thomas Page for the place named Cetate

Gaspar  
Secretary

Filed in Office September 21st 1852

Gaspar  
Secretary



*[Faint, illegible handwriting]*

*[Faint, illegible handwriting]*

*[Faint, illegible handwriting]*

*[Faint, illegible handwriting]*

*[Faint, illegible handwriting]*

*[Faint, illegible handwriting]*

*[Faint, illegible handwriting]*



Sesion del dia 12 de Junio. 1846.

Presidida por el Sr. Figueroa, Don Francisco  
 Aprobada la acta de ayer se les dio primera escritura  
 a 11 dictámenes de la Comision de terrenos Valotos que  
 corren en otros tantos expedientes de varios individuos  
 y habiendose les dispensado los tramites de regla-  
 mento al union del Sr. Arquiello, le pusieron a  
 discrecion en lo que rural y sin ella fueron aprobados  
 se procedio en seguida a la discucion  
 de entrar uno de las proposiciones que sin ellas fueron  
 aprobados.

Minuta para pasar al libro de actas.

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 PAGE 23

Extract.

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

I Samuel D King, Surveyor  
 General of the United States for the State of Califor-  
 nia and as such now having in my office and  
 under my custody a portion of the Archives of the  
 former Spanish and Mexican Territory or Depart-  
 ment of Upper California do hereby certify that the  
 preceding and annexed page of tracing paper exhibit  
 a true and accurate copy of a portion of an unbound  
 book of Sessions of the Departmental Assembly for  
 1846 now on file and forming a part of the said Archi-  
 ves in this Office.

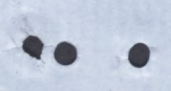
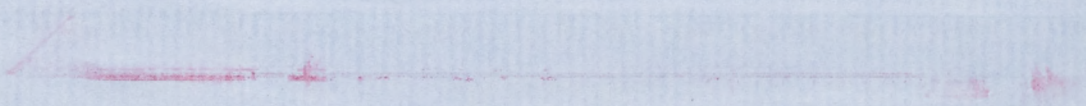
In testimony whereof I have hereunto  
 signed my name officially and affixed my private  
 Seal not having a Seal of Office at the City of San  
 Francisco Cal. the 21<sup>st</sup> day of January. 1853.

Samuel D King.

Surveyor G. Calif.

Filed in office. Aug<sup>t</sup> 3<sup>d</sup> 1853.

Geo. Fisher  
 Surg.



Translation  
of Extracts of  
the Minutes  
of Departmental  
assembly

Session of the 12th June 1846  
Presided over by Sen Don Francisco Fiqueroa

Approved the act of any paper yesterday. The report  
number 11 leaves from the committee in vacant lands  
which relate to other like expedients of various indi-  
viduals passed to a first reading and the usual  
proceedings being assumed with in motion of Sen  
Aguillo, it was proposed to discuss in vote upon the  
propositions en masse but they were approved  
without discussion

Filia in Officio August 2na 1854

Geo F. Wilson

Secretary



31

Indice de los terrenos adjudicados y personas a quienes se les han concedidos.

Las Virgenes.	concedido.	1.
Salinas.	negado.	2.
San Pedro.	A.	3.
Cotate.	concedido a D <sup>o</sup> Juan Castañeda.	432.

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

I John C. Hayes, Surveyor General of the United States for the State of California and as such now having in my office and in my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power in me vested by law, Do hereby certify that the preceding and hereunto annexed page of tracing paper exhibit a true and accurate copy of Extracts from certain loose papers, purporting to be an Index of Grants in the Books of "Registros de Fiecos" y Señales. = Titulos de Razon. There is no Registry or entry of a Grant to Juan Castañeda for "Cotate" = all of which said loose papers & Books are now on file and forming part of the said Archives in this Office.

In testimony Whereof I have hereto signed my name officially and affixed my Seal of office at the City of San Francisco this 3<sup>rd</sup> day (Seal) of May. A.D. 1854.

John C. Hayes. U.S. Sur<sup>or</sup>.

Filed in office. July. 11<sup>th</sup> 1854.  
Geo. Fisher. Secy.



En el Puerto de Monterrey de la Alta California, a los veinte y cinco dias del mes de Setiembre de mil ochocientos cuarenta y seis, ante mi Walter Colton, Juez de paz de esta demarcacion y ante los testigos que subscriben comparecio Don Juan Castañeda y dijo: Que por si y a nombre de su esposa Donna Marguerita B. de Castañeda y de sus herederos y sucesores y de quien de ellos hubiere titulo, voz y fama en cualquiera manera, vendí y dar en venta publica y enajenacion perpetua por fin de heredad y para siempre jamas a Don Thomas O. Larkin de esta vecindad, un terreno que le pertenece en propiedad por concecion que de el le hizo el Sr. Comandante General y Gobierno del Departamento Don Manuel Micheltorena con fecha seis de Julio del presente año. Dicho terreno llamado "Colate" esta situado en la jurisdiccion de Sonoma y consta de cuatro leguas cuadradas poco mas o menos. Declaré el vendedor no tenerla enajenada, empeñada y que esta libre de todo gravamen publico y como tal se lo vende en el precio de quinientos pesos (1500) que tiene recibidos a su entera satisfaccion. que desde a hora, se desprende y aparta del dominio, propiedad y otro cualquier derecho que le exista al referido terreno, renunciando y traspasando lo en el comprador para que disponga de el como de cosa propia. Obligandose el otorgante a que esta venta le sea cierta, segura y efectiva al comprador y que no le inquietará ni en forma pleito alguno. Mas como el dicho otorgante no tiene en su poder en la actualidad el referido terreno titulo de concecion no puede por ahora pasar lo a manos del comprador, empero por las presentes se obliga a conseguirlo mas pronto que pueda y a tras pasarlo con toda formalidad a manos del ya citado Don Thomas O. Larkin. Y para que conste todo lo dicho lo firmé con miyo y los dos testigos que subscriben.

Walter Colton.

J. de Castañeda.

Chief Magistrate of Monterey.

Just. del. Marston. Man. del.

William B. Gomez.

Secretary of the Magistrate's Office.

En dicho día, mes y año comparecio igualmente ante mi y los ya mencionados testigos Donna Marguerita B. de Castañeda esposa de Don Juan Castañeda y dijo. Que en nombre suyo y de sus herederos y

Sucesores y de quien de ellos hubiese titulo voz y fama en cualquier manera da por bien vendida el parage ante mencionado y que renuncia espontanea y voluntariamente todo derecho que a el pudiese tener ellas y sus Mrs. herederos.

Walter Colton. Margarita B. de Castaneda.

Chief Magistrate. Monterey. Manuel Lewis.

Juan Solomundo Hardwell. Secy of the Magistrate Office.

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PAGE 27

This instrument of writing was signed and delivered in this office and in my presence this twenty fifth day of September one thousand eight hundred and fifty.

Walter Colton.

Chief Magistrate of Monterey.

William B. Garner.

Secretary (Seal)

State of California. On this 4<sup>th</sup> day of Oct<sup>r</sup> County of Sassa. { A.D. 1852 before me personally appeared Juan de Castaneda known to me to be the person desceded and who executed the written instrument and acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

Given under my hand and Seal of office this 4<sup>th</sup> day of Oct<sup>r</sup> A.D. 1852.

(Seal)

John W. Sewell. Recorder.

J. D. Graham. Copy Recorder.

Filed for record on the 24<sup>th</sup> day of September 1852 at C. Clerk. p. M.

Mr. Mendley Recorder.

Sonoma County.

And Recorded in book No. of Sonoma County Records of Land Titles on pages 215 & 216. September 24<sup>th</sup> A.D. 1852.

John Mendley.

Recorder by.

John A. Brewster.

J. Johns. G. 3.00. {  
noty. 1.50. {G. 4.50.

Filed in office August 16<sup>th</sup> 1852.

Geo. Fisher. Secy.



35-

Translation of all the Part of Menting in the Upper California in documents and the twenty fifth day of the month of September in the year one thousand eight hundred and forty six before me

F.

the year one thousand eight hundred and forty six before me the Notary Public Justice of the Peace of these confines and before the said son being witnesses appeared Mr Castaneda and stated that for himself and in the name of his wife Mrs Margarita de Castaneda and other heirs and successors and of what power of them who may acquire right power and cause in any way whatsoever he hath sold and doth hereby sell as a sale to be known beyond all and in perpetual alienation perpetually and forever unto Mr Thomas Clarkin of the same place a tract of land containing to him by right of property by virtue of a grant thereof made to him by His Excellency Don Manuel Michitorea Commanding General and Governor of the Department bearing date the 5th day of July in the year one thousand eight hundred and forty four

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PAGE 28

which grant having been approved by the Right Honorable the Departmental Assembly at the session of the 12th day of June of the present year that the said tract of land is called Cotate and situated in the District of Sonora and is comprised of four square leagues of land a little more or less

And the Vendor hereby declares not having sold nor mortgaged the same and that it is free from all incumbrances and as such he doth hereby sell in consideration of one thousand and five hundred dollars which he has received to his entire satisfaction

That from henceforth he the said Castaneda quits and withdraws himself from the said right of property and any other right whatsoever that from he may have to the said tract of land hereby relinquishing and transferring the same unto the Vendor that he may dispose of it as his own property and the Vendor hereby covenants that this sale shall be true firm and effective to him the Vendor and that he the Vendor shall not disturb him or bring any action (in respect thereof) But as the Vendor has not actually in his possession the title of the said concession he can not at this time deliver the same to the Vendor

and therefore of these presents he binds himself to find it as soon as possible and to give it formally to the said Thomas C. Larkin

In witness whereof he the said Juan Castaneda has hereunto subscribed his name together with myself and the two persons being witnesses

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PAGE 29

Sequin Waterbottom (sgd) J de Castaneda  
Chief Magistrate Montoya  
(signed) Guillelmo Hartwell (sgd) Manuel Dias  
(signed) William R. Garner

Secretary of the Magistrates Office  
On the said day month and year herein appeared before me and the witnesses above mentioned Mrs Margarita R de Castaneda and stated that in her name and of her heirs and successors and of which ever of them who may acquire right Power and cause in any way whatsoever she comes in the sale of the place above mentioned and that she relinquishes voluntarily all rights that she and her said heirs may ever have to the same

Sequin Waterbottom  
Chief Magistrate Montoya  
(signed) Margarita R de Castaneda  
(signed) Guillelmo Hartwell  
" Manuel Dias  
" William R Garner

Secretary of the Magistrates Office

I Geo Fisher Secretary to the Board of the U S Land Commission + c + c do hereby certify that the foregoing is a true and correct translation of the document marked No 1 Transfer filed in case No 330 on the docket of said Board.

San Francisco this first day of May 1854  
Geo Fisher  
Secretary

Filed in Office May second 1854  
Geo Fisher  
Secretary

37 Dec  
G.

156 ND  
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This instrument made and entered into this fourth  
 &c day of September AD one thousand eight hundred  
 and one party mine in the Town of Monterey  
 Territory of California by and between Thomas  
 O'Leary and Rachel his wife of Monterey Territory  
 of California parties of the first part and Joseph  
 M. McKee of the Town of San Francisco Territory  
 of California party of the second part but under the  
 that the said Thomas O'Leary and Rachel his  
 wife parties of the first part for and in consid-  
 eration of the sum of Sixteen thousand dollars  
 to them in hand paid by the said Joseph M.  
 McKee party of the second part the receipt whereof  
 is truly acknowledged and confessed have granted  
 bargained sold and conveyed and by these presents  
 do grant bargain sell and convey unto the said  
 Joseph M. McKee party of the second part and to  
 his heirs and assigns forever all their right  
 title interest and estate in and to a certain tract  
 or parcel of land situated lying and being in  
 the district of Sonoma Territory of California  
 bounded and described as follows to wit lying  
 between Petaluma and Santa Rosa Ranchos  
 in the district of Sonoma bounded on the South  
 East by said Petaluma on the North west by said  
 Santa Rosa on the South west by the Rancho  
 de Padilla on the North East by some high hills  
 called Tomas de Colate according to a map  
 of said tract of land annexed to the said Thomas  
 O'Leary of this date in confirmation thereof  
 the said tract of land being called Colate  
 and containing four square leagues  
 of land or cuartos sito de Sanado Mayor (little  
 more or less) and excepting one mile square  
 occupied by Jasper C. Percell or J. M. Haspeth  
 which said tract or parcel of land was derived  
 to the said Thomas O'Leary from Juan  
 Custodia and Margarita de Custodia  
 his wife by and being date in the part of  
 Monterey the twenty fifth day of September  
 one thousand eight hundred and one party six  
 also derived from Governor Manuel Micheltorena  
 and by and being date the sixth day of July  
 AD one thousand eight hundred and one party  
 which will more particularly and at large appear in the

being had to the Acturis of California in  
 mounting Page 6 To Have and To Hold the  
 same with all the rights privileges and appurtenances thereto belonging or in anywise  
 appertaining as fully as the same was held or  
 could be held by the said Thomas C. Larkin  
 and Rachel his wife always with above excepted  
 portion excluded from the land hereby conveyed  
 unto the said Joseph Runkle party of the sec-  
 ond part and to his heirs and assigns forever  
 In testimony whereof The said Thomas C. Larkin  
 and Rachel his wife parties of the first part have  
 hereunto set their hands and seals with the form  
 of mounting Testimony of California the day and year  
 first aforesaid

Thomas C. Larkin *seal*  
 Rachel Larkin *seal*  
 delivered in presence of  
 Lewis Dent

W. E. P. Hartwell

Testimony of California 3 18  
 jurisdiction of mounting 3 Be it remembered  
 that on the fifth day of September AD one thousand  
 eight hundred and forty nine before me the  
 said within and in the jurisdiction aforesaid  
 came the above named Thomas C. Larkin and  
 Rachel his wife and acknowledged the above  
 written instrument to be their act and deed and  
 avowed that the same might be recorded as such  
 according to Law. The said Rachel being by me  
 duly examined separate and apart from her  
 said husband and the contents thereof being  
 first made known to her did and that she  
 did voluntarily and of her own free will and own  
 free as her act and deed without the said instrument  
 without any coercion or undue influence of her said  
 husband. In witness whereof I have set my  
 hand and seal the day and year aforesaid

Jacinto Rodriguez *seal*  
 Alcalde

Pages 175 & 176

Recorded in the office of the Alcalde Book 14 of  
 Land titles in San Francisco the 6th day of November  
 AD 1849 at 11 o'clock am

Jacinto Rodriguez  
 Filed in Office Aug 16th 1854 Geo Fisher Clerk

39

Deed  
A

This Indenture made this twentieth day of November in the year of our Lord one thousand eight hundred and forty nine between Joseph S. Kuchel of San Francisco in the Territory of Upper California, first part and Dr. Thomas S. Page of Valparaiso in the Republic of Chile of the second part

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PAGE 32

Witnesseth that the said party of the first part for and in consideration of the sum of fifteen thousand dollars to him in hand paid at and before the sealing and delivery hereof by the said Dr. Thomas S. Page the receipt whereof the said Joseph S. Kuchel doth hereby acknowledge and thereof acquit and forever discharge the said Dr. Thomas S. Page his heirs executors and administrators of these presents hath granted bargained sold conveyed and confirmed and by these presents doth grant bargain sell convey and confirm unto the said Dr. Thomas S. Page and to his heirs and assigns forever all his right title interest and estate in and to a certain tract or parcel of land situated lying and being in the District of Sonoma Territory of California aforesaid bounded and described as follows to wit

Lying between Pitavuma and Santa Rosa Ranchos in the said District bounded on the South East by said Pitavuma on the North West by said Santa Rosa on the South West by ~~San~~ <sup>San</sup> Pedro de Padilla on the North East by some high hills called San as de Botate the said tract of land being called Botate and containing four Spanish square leagues of land or Centro Siete de Cuadrados Mayor (a little more or less but excepting from the said tract or parcel of land hereby conveyed one mile square thereof which is marked in a certain plan thereof of the Estate of Botate made by Jasper O'Farrell of the date of the 15th December 1847 as section No 2 and which section is described as follows

Commencing at Point Number 6870 <sup>3</sup>/<sub>4</sub> varas on the East boundary line of Botate running north 31° 50' East 1777 <sup>2</sup>/<sub>3</sub> varas from thence North 40° 10' West 1666 <sup>2</sup>/<sub>3</sub> varas from thence South 31° 50' West 1777 <sup>2</sup>/<sub>3</sub>

pieces from the South 44<sup>th</sup> W East 66<sup>th</sup> 2/3 runs  
to the point of beginning the tract or parcel of land  
fully conveyed being known as the Ranch of Letate  
and being the same premises which Thomas Larkin  
of Monterey and Rachel his wife gave under two  
bearing date at Monterey the fourth day of Sep-  
tember last past for the consideration therein men-  
tioned and want and convey unto me the said  
Joseph Rucker my heirs and assigns forever  
which Indenture is recorded in Book 14 page 175  
176 of Land titles in the Office of the Alcalde of San  
Francisco in said Territory

Together with all and  
singular the ways roads waters water courses rights  
liberties privileges immunities and appurtenances  
whatsoever unto belonging or in anywise appurta-  
ining and the services and remunerations Rents issues  
and profits thereof

To Have and To Hold The said  
tract or parcel of land fully conveyed with the same  
status exception with the appurtenances unto the  
said Thomas Page his heirs and assigns forever

In witness whereof the said  
Joseph Rucker have hereunto set my hand and  
seal the day and year first herein written

J. Rucker (Seal)

Sealed and delivered in  
the presence of  
Henry Crocker  
J. Francis

Territory of California  
District of San Francisco

Be it remembered that on the twenty second day of  
November AD one thousand eight hundred and  
forty nine Joseph Rucker came before me and  
personally acknowledged that he had executed  
the above written conveyance and I certify that I  
know the said Rucker to be the person whose dis-  
cribed in and who executed the said conveyance  
Two W. Years past Alcalde

State of California County of Sonoma I hereby cer-  
tify the within and to be of Record in this Office in  
Pages 86, 87 of Book 2 of the Record of Land titles  
of Sonoma County witness my hand and official  
Seal this 27th day of September AD 1852 John H. Hasty  
Deputy Sheriff of Sonoma County by J. Bonister Deputy  
John in Office Aug 16th 1854 Geo. Fisher Scribe

41  
Deed of  
Embroyance

J

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PAGE 34

This Instrument made and entered into this fourth day of September one thousand eight hundred and forty six in the Territory of California by and between Thomas C Larkin and Rachel his wife of County of Monterey and Joseph S Ancho of the County of San Francisco, Parties of the first part and Joseph S Ancho of the County of San Francisco, Parties of the second part, Antecedent to this said Thomas C Larkin and Rachel his wife, Parties of the first part for and in consideration of the sum of Six thousand dollars to them in hand paid by the said Joseph S Ancho Party of the second part the receipt whereof is truly acknowledged and confessed have granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said Joseph S Ancho Party of the second part and to his heirs and assigns forever all their right title interest and estate in and to a certain tract or parcel of land situated lying and being in the District of Sonoma County of California bounded and described as follows to wit lying between Petatuma and Santa Rosa Ranchos in the District of Sonoma bounded on the South East by said Petatuma on the North West by said Santa Rosa on the South West by Rancho de Pavia on the South East by some high hills called Lomas de Colate according to a map of said tract of land drawn by the said Thomas C Larkin of this date in identification thereof the said tract of land being called Colate and containing four Spanish square leagues of land or exactly Sitio de Guadalupe Mayor or little more or less and excepting one mile square occupied by Jasper C Farnica & Co, Messrs, which said tract or parcel of land was drawn to the said Thomas C Larkin from Juan Gutierrez and Margarita R de Gutierrez his wife by deed bearing date in the Port of Monterey the twenty fifth day of September one thousand eight hundred and forty six who derived from Governor Manuel Michelmen by deed bearing date the sixth day of July AD one thousand eight hundred and forty four all of which will more particularly and at large appear before being seen to the end of California now in Monterey (Case C) To Have

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and to hold the same with all the rights privileges  
and appurtenances thereto belonging or in anywise  
appertaining as fully as the same was held or could  
be held by the said Thomas O Larkin and Rachel  
his wife along with the above excepted portion exclu-  
ded from the land hereby conveyed unto the said Joseph  
Rachel part of the second part and to his heirs and  
assigns forever

In testimony whereof the said Thomas  
O Larkin and Rachel his wife parties of the first  
part have hereunto set their hands and seals in  
the Town of Monterey County of California the  
day and year first above said

(Signed) Thomas O Larkin (Seal)  
Rachel Larkin (Seal)  
delivered in presence of  
Lewis Dent

W. C. P. Hartwell

Town of California }  
Jurisdiction of Monterey } He is now indebted there  
on the 14th day of September AD one thousand  
eight hundred and forty nine

Before me Alcalde  
public and for the Jurisdiction aforesaid came  
the above named Thomas O Larkin and Rachel  
his wife and acknowledged the above written in-  
strument to be true and correct and advised  
that the same might be recorded as such accord-  
ing to Law

The said Rachel being by me duly exam-  
ined separate and apart from her said husband  
and the contents thereof being first read to her  
she declared that she did voluntarily and of her  
own free will and accord seal as her act and deed  
above the said instrument without any coercion  
or undue influence of her said husband

In witness  
whereof I have set my hand and seal the day and  
year aforesaid

(Signed) Jacinto Rodriguez (Seal)  
Alcalde

Pages 175 + 176

Recorded in the office of the Alcalde in book #  
of Land titles in San Francisco the 14th day of Sep-  
tember AD 1849 at 11 o'clock AM

(Signed) Joseph Amigun Mendez (Seal)



13/35

43

State of California  
County of San Francisco

156 ND  
PAGE 36

Know all men by these presents that Thomas O'Leary  
— and D Fraser a Notary Public in and for the County  
aforesaid who having been by me duly sworn do certify  
— that the foregoing is a true and faithful copy of an orig-  
inal deed of conveyance executed by the defendant  
and Rachel his wife to and in favor of Joseph G  
Rucker

That the signatures to said deed are the true  
and genuine signatures of the defendant and  
of his said wife and that the said Notary do hereby  
certify that the said original deed was prepared by  
me at the request of said defendant and as acting  
as the attorney of said Rucker the grantee in said  
deed mentioned

And I do further certify that the  
foregoing is a true copy of said deed of conveyance  
the same having been collated by me in testimony  
whereof I have hereunto set my hand and seal  
the twenty first day of August ad 1852

D Fraser

Filed in Office September 21st 1852  
Geo F. Fisher  
County

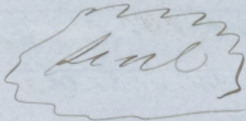
44

45  
No 3  
Transfer

156 ND  
PAGE 37

This instrument made this 7th day of November in the year of our Lord one thousand eight hundred and forty nine between Joseph S. Riche of San Francisco in the Territory of Upper California, United States of America of the first part and Dr Thomas G. Page of Alpais in the Republic of Chile of the second part witnesseth that the said party of the first part found in consideration of the sum of Sixteen thousand dollars to him in hand paid at and before the sealing and delivery hereof by the said Dr Thomas G. Page the receipt whereof the said Joseph S. Riche doth hereby acknowledge and that of acquit and never discharge the said Dr Thomas G. Page his heirs executors and administrators by these presents hath granted bargained sold conveyed and confirmed and by these presents doth grant bargain sell convey and confirm unto the said Dr Thomas G. Page and to his heirs and assigns forever all his right title interest and estate in and to a certain tract or parcel of land situated lying and being in the District of Sonoma Territory of California aforesaid bounded and described as follows to wit lying between Pitavuma and Santa Rosa Ranches in the said District bounded on the South East by said Pitavuma on the North West by said Santa Rosa on the South West by Rancho de Padilla on the North East by some high hills called Tomas de Cotate the said Tract of land being called Cotate and containing five Spanish Square leagues of land or equates sitio de Sonoma Mayor (a little more or less) but excepting from the said tract or parcel of land hereby conveyed one mile square thereof which is marked on a certain plan of the estate of Cotate made by Joseph C. Faneel of the date of the 15th December 1847 as Section No 2 and which section is described as follows Commencing at Picher marked 6870 2/3 varas in the East on the N.E. corner of Cotate measuring North 31° 50 East 1777 2/3 varas from thence North 44° 10 West 666 2/3 varas from thence South 31° 50 West 1777 2/3 varas from thence South 44° 10 East 666 2/3 varas to the point of beginning the tract or parcel of land hereby conveyed being known as the Rancho of Cotate and being the same premises which Thomas G. Larkin of Monterey and Rachel his wife by an

Indenture bearing date at Monterey the fourth of  
 September last past for the consideration therein  
 mentioned did grant and convey unto me the said  
 Joseph Nuchel my heirs and assigns forever which  
 Indenture is recorded in book 4 pp 175 + 176 of Land  
 titles in the office of the Alcalde of San Francisco  
 in the said County together with all and sing-  
 -ular the ways roads waters paths courses rights  
 liberties privileges immunities and appurtenances  
 whatsoever thereto belonging or in any wise ap-  
 -pertaining and the messuages and tenements  
 rents issues and profits thereof To Have and To Hold  
 the said tract in parcel of land hereby conveyed with the  
 above stated exceptions unto the appurtenances  
 unto the said Thomas Page his heirs and assigns  
 forever

In witness whereof the said Joseph Nuchel  
 have hereunto set my hand and seal the day and  
 year first herein written  
 signed and delivered J. Nuchel   
 in the presence of Henry Gentry

J. Fraser

Justices of California }  
 District of San Francisco }  
 do hereby certify that on the 22nd day of November  
 1851 one thousand eight hundred and fifty one  
 Joseph Nuchel came before me and personally  
 acknowledged that he had executed the above written  
 conveyance and I certify that the said Nuchel  
 to be the individual described in and who executed  
 the said conveyance signed John B. Sears

State of California }  
 County of San Francisco }  
 do hereby certify that the foregoing is a  
 true and faithful copy of an original and of  
 conveyance executed by J. Nuchel that I saw the said  
 J. Nuchel execute the original deed that with  
 Henry Gentry became a subscribing witness thereto in  
 faith and testimony whereof I have hereunto set my  
 hand and seal of office the 21st day of August one  
 thousand eight hundred and fifty one J. Fraser Notary  
 Public Filed for record June 10th A.D. 1851 in and in  
 in book 2 pages 86 + 87 Archives of Land titles  
 Yuma Filed in Office September 21st 1852 Geo. Fisher  
 Secretary

47

I Jacob P. Luse of Sonoma California and  
 Doenunt promulgat alcaide of said Town do hereby certify that  
 Marked J.W. in the year one thousand eight hundred and  
 two hundred and forty four Captain Juan Castañeda citizen  
 of the Deposition of Mexico and Captain in the Mexican Army  
 of N.W. Hall who applied to me as alcaide of Sonoma promulgation  
 — respecting the Rancho called Cortate between  
 the Ranchos of Petatuma, and Santa Rosa  
 all then within my jurisdiction which infor-  
 — mation in his favor by due promulgation according  
 to the Laws of Mexico at that time was granted to  
 him by me for Ciento setios de Ganado Mayor  
 or four Spanish Square Leagues of Land

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 PAGE 39

This  
 information he presented to General Mariano  
 Michelena Governor of California through  
 who gave him title and according to the laws  
 of Mexico giving and granting said Castañeda  
 said Rancho called Cortate containing Ciento setios  
 de Ganado Mayor or four Spanish Square Leagues  
 which title I have seen

I further certify that said  
 Castañeda in the years one thousand eight hun-  
 — dred and forty four forty five and forty six had  
 on said Rancho whose horses and cattle and  
 was in quiet and full possession of the same

On the American  
 taking possession of Sonoma in August 1846 and  
 forty six they took from the alcaide of said Town all  
 the archives including the deed or title said Castañ-  
 — eda had on said Rancho from Governor Michelena  
 which he had left in the alcaide's hands for safe  
 keeping which deed has never been returned

Thomas  
 Alachon by Purchase from said Juan Castañ-  
 — eda having become the owner of said Rancho I  
 therefore give him this Instrument of writing this  
 twenty ninth day of March Eighteen hundred  
 and forty seven in Monterey Capital of Califor-  
 — nia

Jacob P. Luse

Jose Alonzo  
 John B. R. Cooper

Given to the day above mentioned before me at the

Walter Colton  
Magistrate of Monterey California

Walter Colton  
William R Gann  
Secretary

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PAGE 40

I Mariano G Vallejo of Sonoma former Com-  
mandant General of California do this twenty  
ninth day of March one thousand eight hundred  
and forty seven in Monterey California  
freely certify that I am acquainted with the  
accompanying statement signed by Jacob P  
Luce former Alcalde of Sonoma and know that  
the statement contains to be true in every  
part and that Juan Bautista at the time the  
proas of the United States took possession of Cal-  
ifornia was the true and legal possessor of the  
Rancho called the Lotate and in your pos-  
session of the same

M G Vallejo

José Amigo  
John B Cooper

Given to before me  
Walter Colton Magistrate  
Magistrate in Monterey  
Capital of California this  
twentieth day of March  
one thousand eight hundred  
and forty seven

Walter Colton  
William R Gann  
Secretary

Filed in Office September 28th 1852  
Geo Fisher  
Secretary

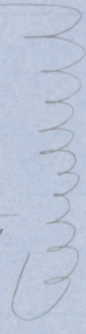
49

Stipulation

Thomas I Page

No 330 Cotato

The United States



It is hereby agreed that the conveyances from Juan Castaneda and wife to Thomas O Larkin from said Larkin and wife to Joseph S Rachel and from said Rachel to the claimant may be filed and considered as evidence in this case to prove the mesne conveyances

J. A. McKinnis  
W. G. Law Agent

August 15th 1854

Filed in Office August 16th 1854  
Geo. Fisher  
Clerk

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PAGE 41

*[Faint, illegible handwriting, likely bleed-through from the reverse side of the page]*

NOTE





57

Sello cuarto Dos reales.

Habilitado provisionalmente por la aduana marítima del puerto de Monterey en el Departamento de las Californias por el valor de mil ochocientos cuarenta y mil ochocientos cuarenta y cinco.

Micheltorena

Pablo de la Guerra.



Excmo. Sr. Gobernador.

Enotero Murphy vecino de esta Jurisdicción ante V.E. con toda sumisión y respeto se presente y dice:

Monterey. Dic<sup>o</sup> 16<sup>ta</sup> de 1854.

Que habiendo fabricado una casa en San Rafael en el año de 1839 situado como seiscientos varas más o menos al Oeste de la latitud ya arriba mencionada y cuya

Informe el Sr. Sriv del despacho.

Micheltorena.

Solar es de treinta varas en frente y cien en fondo: y deseando asegurar mi propiedad (pagando los derechos correspondientes) y ponerme a cubierto de cualquiera reclamación que haya y pudiera haber a V.E. Suplico se sirva mandar se me dé posesión jurídica y legal del expresado terreno. P. F. M. S. Suplico que se digna acceder a esta mi petición de lo cual recibiré merced y gracia. Jurando no ser de malicia y lo necesario.

Monterey. 13 de Ene. de 1854.

Enotero Murphy.

Excmo. Sr. Gobernador.

No encuentro obstáculo alguno para que el Juez de San Rafael le dé la posesión al interesado del solar que tiene ya fabricado, enjuyendo los derechos de reglamentos para gastos de Jurgado pero V.E. dispondrá lo que mejor convenga.

Fha la misma.

Fha id. Comprado con lo informe ordeno su cumplimiento.  
Micheltorena.

Filed in Office. March. 16<sup>th</sup> 1852

Geo. Fisher. Secy.

5-2

5-3

Appn in of the Board

Thomas S Page  
vs  
The United States

For the place called Lotate  
in Yuma County contain-  
ing four square leagues of  
Land

156 ND  
PAGE 43

The claimant alleges in his petition that a grant of the land in question was made to Juan de Castañeda by Governor Manuel Micheltreana on the 7th July 1844 and that the miners have been occupying and cultivated ever since by the grantee and persons following under him

The title paper is not given in evidence but the proof shows that in 1846 Castañeda was called into Mexico and deposited his title in the hands of Jose S Benavente then Alcalde of Yuma for safe keeping that the Mexicans soon after took possession of Yuma and Benavente retired to his Rancho taking with him the papers in his possession in a trunk. That an Officer in the Mexican Army took open the trunk and carried away this grant with several other papers and that they have never yet been returned or heard of but are supposed to have been destroyed or lost

Jacob P. Lee testifies that he knows said Castañeda had a grant of the land from Governor Micheltreana in 1844 that he gave the requisite information as Alcalde that the land was vacant that he had seen the title and that it was in the usual form of Titles given by Micheltreana. A true copy of above annexed in file. Among the Archives in the Surveyor General's Office purporting to be an Expediente in the matter of said grant is filed in the case

The papers comprising it are in the usual form commencing with the petition of Castañeda dated July 6th 1844 a response to the Alcalde for information the report of Jacob P. Lee Alcalde then the report of Manuel Pizarro and the discovery grant by Governor Micheltreana. The Expediente closes with a grant in the usual form. It appears however that this document in the archives is not composed of original papers

but is supposed to be a copy per se planation of this circumstance is given

The facts appearing in these papers are nevertheless in accordance with the statement of witnesses on all the points in which a compensation can be made and are also in accordance with other kind evidence. The grant of the place called Leotate to said Leatomans is entered in an index found with the Archives in loose sheets of paper but no record of the grant is found.

The Archives of these parts are very imperfect a certificate duly certified showing that the Departmental Assembly approved the grant made by the Governor of the place called Leotate to said Leatomans is given in evidence. The real and documentary evidence above referred to appears to me abundantly sufficient to show the making of the grant by the Governor and its delivery to the grantee.

Its subsequent loss is sufficiently explained the contents are proved in general terms by several witnesses but the most direct evidence on the subject is that of the witness Boruyesa. He swears that the paper with which the expediente closes is to the best of his recollection substantially a true copy of said grant and that the limits and extent of the tract of land together with the map annexed with the description and the map as given are represented in the original papers. In this copy the land is described as bounded by the Ranchos of Petatoma Guilicos Santa Rosa Macchutsh and Hojer and is alleged to contain four square leagues. Reference in the description is also made to the map which exhibits the boundaries as above defined and shown by the scale which is given that the contents are the same as above stated.

The grant recites the fact of the occupancy of the mines by the grantee at the time the grant was made. The testimony of the witnesses also shows that said Leatomans occupied the land as early as 1839.

That in 1844 he had some of the mines in cultivation and had a house in the place which was then occupied by him that he had cows and stock in the place and that

5-5

he and persons claiming under him have had the uninterrupted occupancy of the premises from 1839 to the time the testimony was taken

The grant under the right in Louisiana to the premises under it seems to me to be fully established by this proof

To establish his title to the premises the present claimant has given no evidence

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PAGE 45

First conveyance of the same made by said Louis-  
-Louisiana and wife to Thomas Clarkin on the 23th  
-day of September 1846

Second conveyance made by Thomas Clarkin  
and wife to Joseph Shuck This deed conveys the  
premises above mentioned with the exception of one  
square mile of the land which is reserved The  
conveyance was made September 4th 1849

Third conveyance of the premises described in  
the deed last mentioned made by said Shuck  
to Thomas Page the present claimant dated  
November 7th 1849

The claimant is entitled  
to a confirmation and a decree will be entered  
accordingly

Confirmed

Filed in Office August 22 1854

Jos Fisher

Secretary

Decree of  
Confirmation Thomas Page

vs  
The United States

In this case on hearing the  
proposed allegations it is adjudged by the Com-  
-mission that the claim of the said Petitioner  
is valid and it is therefore decreed that the  
same be confirmed The land of which confirma-  
-tion is hereby made is known by the name of  
-lotate and is situated in Louisiana, County and  
-parish in possession of the said Petitioner and is bound  
-and described as follows to wit Bounded by

56.

156 ND  
PAGE 46

the Ranchos of Petatumas Indios Santa Rosa  
Machinish and Roger as is shown in map  
on file in this case constituting apart of the  
true copy of the Expediente cut from by the United  
States Survey General for California containing  
four square leagues of land excepting and  
reserving from the Rancho above described and  
from this reservation one mile square thereof  
which is marked on certain plan of the Estate of  
botate made by Jasper O Farwell of the date of  
the 15th December 1847 as section No 2 and which  
section is described as follows

Commencing at  
Pike marked 670 73 poles on the East boundary  
line of botate running North 31° 59' East 1777 2/3  
poles from thence from thence North 44° 10' West  
1666 2/3 poles from thence South 31° 59' West 1777 2/3  
poles from thence South 44° 10' East 1666 2/3 poles  
to the place of beginning

Alphons Felch

A. Aug. Thompson

J. B. Farwell

Commissioners

Filed in Office August 27th 1854

Geo. Fisher

Secretary

And in appearing to the satisfaction of this Board  
that the land hereby adjudicated is situated in  
the Northern District of California it is hereby or-  
— and that two Transcripts of the Proceedings and  
of the decision in this lease and of the papers and  
evidence upon which the same are founded be  
made out and duly certified by the Secretary  
one of which Transcripts shall be filed with the  
clerk of the United States District Court for the  
Northern District of California and the other  
be transmitted to the Attorney General of the  
United States

Office of the Board of Commissioners,

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

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PAGE 47

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 *Fifty six* — pages, numbered from  
1 to *56*, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
said Board, of the Documentary Evidence and of the Testimony  
of the Witnesses, upon which the same is founded, on file in this  
Office, in Case No. *350* on the Docket of the said Board,  
wherein *Thomas S. Page* is —  
the Claimant against the United States, for the place known by  
the name of "*Cotate*" —

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



*G. Fisher.*  
*G. Fisher.*

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156  
ND

Thomas S. Page

Thomas S. Page  
1850

John A. Thomas  
1850



Office of the Attorney General of the United States,

Washington, 7<sup>th</sup> March 1858.

Thomas S. Page

vs.

The United States.

} 350.

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 30<sup>th</sup> day of December 1854, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Clushing

Attorney General.

No. 156

U. S. Court N. D.

United States

vs.

Thomas S. Page

Appeal Notice

Filed April 14, 1855

by W. St. Cherey

Deputy

Office of the Attorney General of the United States,

Washington, 7<sup>th</sup> March 1855

Thomas S. Page

vs.

The United States.

} 350.

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 30<sup>th</sup> day of December 1854, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

*Cushing*

Attorney General.

No 156

U.S. Court N. Dist.

The United States

vs.

Thomas S. Page

Appeal Notice.

Filed May 5. 1855.

J. W. F. Chevers,  
Deputy.

156 ND

PAGE 51

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

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PAGE 52

The United States.

Appellants.

vs  
Thomas S Page

Appellee

No: 156

The petition of the United States by  
their attorney represents: that this cause  
is an application for a review of the  
decision of the Board of Commissioners  
whereby the claim of the said Appellee  
was confirmed as appears by reference  
to the records in the case:

That a transcript of the said Records  
was filed in this Court on the 9<sup>th</sup> day  
of January 1855: that a notice of appeal  
was filed on the 14<sup>th</sup> day of April <sup>1855</sup> & 5<sup>th</sup> of May  
and that the land claimed lies in the  
said District.

That the said claim is invalid.  
Therefore appellants pray that the said  
decision of the Board be reversed  
& that this Court decree the said title  
to be invalid. Respectfully &c.

A. Russell  
Asst. U.S. Atty

No: 136

U. S. District Court  
Northern Dist: ~

The United States

vs  
Thomas S. Page

Petition

Filed June 30. 1856.  
by W. St. Charles,  
Deputy.

156 ND  
PAGE 53

A. G. Lapee

In the District Court of the United States  
for the Northern District of California  
-no.

156 ND  
PAGE 54

Thomas S. Page  
vs — No 156  
The United States

This Respondent for answer to the  
Petition filed in this case, answers says: That  
that the land in the said petition mentioned, lies  
within the Northern District of California and  
within the jurisdiction of this Court.

But he denies that it is true, as  
alleged in said petition, that his title to the said  
land is invalid, but avers that the same is  
valid, and prays that the decision of  
the said Board of Commissioners confirm-  
ing his claim, may be affirmed, and that  
his title thereto may be decreed to be valid.

Thomas S. Page  
by his counsel  
Thornton Williams & Thornton

No: 156

U. S. District Court  
Northern District

Thomas S. Page

advs

The United States

Answer

Filed June 30, 1858,  
by Cheves  
Deputy

156 ND  
PAGE 55

Th: Wms & Th:



At a *Special* Term of the District Court of the  
United States of America, for the Northern District of California,  
held at the *Courthouse* in the City of SAN FRANCISCO,  
on *Monday* the *17th* day of  
*September* in the year of our Lord one thousand  
eight hundred and fifty-*five*.

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PAGE 56

Present:

The Honorable OGDEN HOFFMAN, JR., District Judge.

*The United States*  
*vs*  
*Thomas J. Page*

*No 156*

*On motion of the*  
*Plaintiff's Counsel,*  
*Ordered by the Court, that the transcript in*  
*the above suit, be returned to the Secretary of the*  
*Land Commission for the correction of a*  
*clerical error, and upon such correction*  
*being made, that said Record be returned to*  
*the Clerk's Office of this Court, with all com-*  
*petent fees.*

No 156

United States District Court, Northern  
District of California.

The United States,

—vs.—

Thos. S. Page,

Order to send Record  
to Secty. Land Comm. &c.

Filed

Sept 17

1853

John A. Monroe,

Clerk.

J. W. A. Cheever

Deputy.

156 ND

PAGE 57

California Land Claims.  
Attorney General's Office  
4 Feby, 1857.

Sir:  
In the case of the claim of  
Thomas S. Page, confirmed to the  
claimant by the Commissioners, case  
no. three hundred and fifty, (350),  
appeal will not be prosecuted by the  
United States.

I am,  
Respectfully,  
Ours truly,

W<sup>m</sup> T. Manning Esq  
U. S. Attorney.  
San Francisco.

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

The United States }  
v } D.C. 156; L.C. 350 C  
Thomas J. Page }

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

San Francisco      Nov 21st 1857

Wm Blanding  
Dist Atty

Thornton, Williams & Thornton  
Atty. for claimant

156  
350

U. S. District Court

The United States

Thomas J. Page

Stipulation

Filed March 21, 1857,  
W. H. Cheever,  
Deputy.

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 *21st* day of *March* in the year of our Lord one thousand eight hundred and fifty-seven.

Present :

*The Honorable* OGDEN HOFFMAN, *District Judge.*

*The United States*

*v*

*D. C. 154; L. C. 350.*

*Thomas S. Lape*

*The Attorney General of the United States having given notice that no further appeal will be prosecuted in this case, and a stipulation to that effect having been entered into by the U. S. Attorney:*

*On motion of the District Attorney, it is Ordered, adjudged and decreed that claimant have leave to proceed under the decree of this Court heretofore rendered in his favor, as under Final Decree.*

*Ogden Hoffman*  
*U. S. Dist Judge*

156

United States District Court, Northern  
District of California.

*The United States*

vs.

*Thomas J. Lays*

ORDER.

*Final Decree.*

Filed *March 21,* 1857

*John C. Monroe,*  
CLERK.

By *H. A. Chevers*  
DEPUTY.

No 156

The United States  
vs } District Court Northern District  
Thomas S. Page of California.

This cause coming on this day to be heard upon the Transcript of the Proceedings and Decision of the Board of Land Commissioners and of the Papers and Evidence on which the same were founded, and the Readings filed in this Court, and Counsel having been heard on the part of the United States and for Claimant. In consideration of all which, the Court is of Opinion, that there is no error in the Decision of the said Board and that the same should be and is hereby affirmed -

And this Court doth adjudge order and decree that the Title of the said Claimant to the Land described in said Transcript is valid and the same is hereby confirmed.

The Land of which confirmation is hereby made, is known by the name of Lotate and is situated in Sonoma County and now in possession of the said Claimant and is bounded and described as follows, to wit, Bounded by the Ranchos of Petaluma, Guillecos, Santa Rosa,

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PAGE 63



Mackintosh and Nejos as shown by  
the map constituting a part of the es-  
timate certified from the office of  
the Surveyor General of California  
containing four square leagues of  
Land, excepting and reserving from  
the premises above described and  
from this Confirmation one mile  
square thereof which is marked  
on a certain plan of the Estate of  
Cotate, made by Jasper C. Farrell of  
the date of the 15<sup>th</sup> of December 1847 as  
Section No 2 and which Section  
is described as follows - Commencing  
at Point marked 6870 $\frac{2}{3}$  varas on the  
east boundary line of Cotate running  
North 31° 50' East 1777 $\frac{2}{3}$  varas thence  
North 44° 10' West 1666 $\frac{2}{3}$  varas thence South  
31° 50' West 1777 $\frac{2}{3}$  varas thence South  
44° 10' East 1666 $\frac{2}{3}$  varas to the point  
of Beginning ~

Jedediah Hoffman  
U. S. Dist Judge

No. 156

The United States

vs

Thomas S. Page

deceit

Jan 14, 1857

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PAGE 65

The United States }  
Thomas <sup>vs.</sup> S. Page }

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The claim in this case was confirmed by the Board of Commissioners.

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It appears that the original grant was not produced but its existence and location are proved beyond all reasonable doubt by the depositions of the witnesses and the production of the Expediente from the Archives containing ~~and~~ the usual documents and also a certificate of approval by the Departmental legislature. The grant is also mentioned in the index of grants by the former government.

There is no doubt as to the validity of the Commission as to the sufficiency of the proofs on these points. Nor is any objection raised in this Court in regard to them.

The evidence discloses a full compliance with the conditions and the description <sup>in the grant</sup> & the map determine its locality. No objection is raised on the part of

The appellants to the confirma-  
tion of this claim. And on  
looking over the transcript we  
have not perceived any rea-  
son to doubt its entire validity.

The decree of the Board must  
therefore be affirmed —

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The Mulco Slab

By  
Thomas L. Page

Attorney

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Office of the Board of Commissioners,

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

San Francisco, Dec 30<sup>th</sup> 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. 350 on the Docket of the said Board, wherein Thomas S. Page is

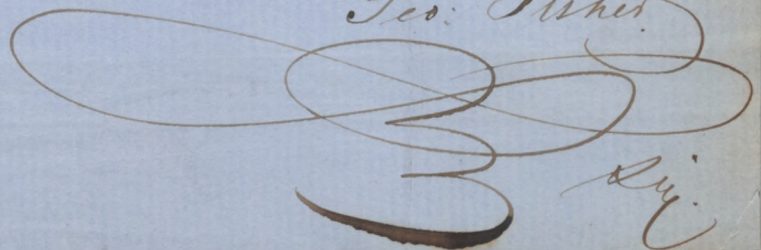
the Claimant against the United States, for the place known by the name of "Cotate"

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher



The questions relative to the character  
or contents of the papers shown to the  
witness and marked respectively Exhibits

R. No 3. R. No. 4. R. No 5. R. No 6. R

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No 7 and R. No. 8 were objected to  
by <sup>the claimant</sup> as they were put and the answers  
objected to as they were given - on  
the grounds that the papers must  
explain themselves - and that the  
evidence is incompetent, irrelevant  
and immaterial - The questions  
and answers thus objected are  
from ~~Book~~ Number Four to Twelve  
inclusive -

The papers attached as Exhibits  
and numbered respectively Exhibit  
R. No 3. R. No 4 R. No 5. R. No  
6. R No 7<sup>+</sup> R. No 8 were severally  
objected to <sup>by the claimant</sup> as they were offered on  
the ground that they were not  
properly proven - and for the further  
reason that each and all of them are  
incompetent, irrelevant, immaterial  
and immaterial to the issue.

The Exhibits marked respectively H.H. No  
1 to No 13, <sup>as also Exhibit No. 9.</sup> inclusive were severally objected

Rancho de Macintosh

Rancho de

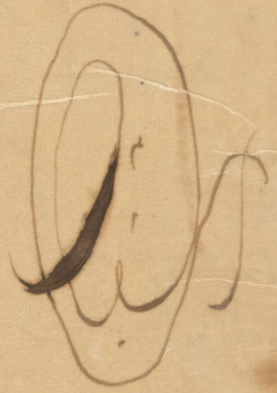
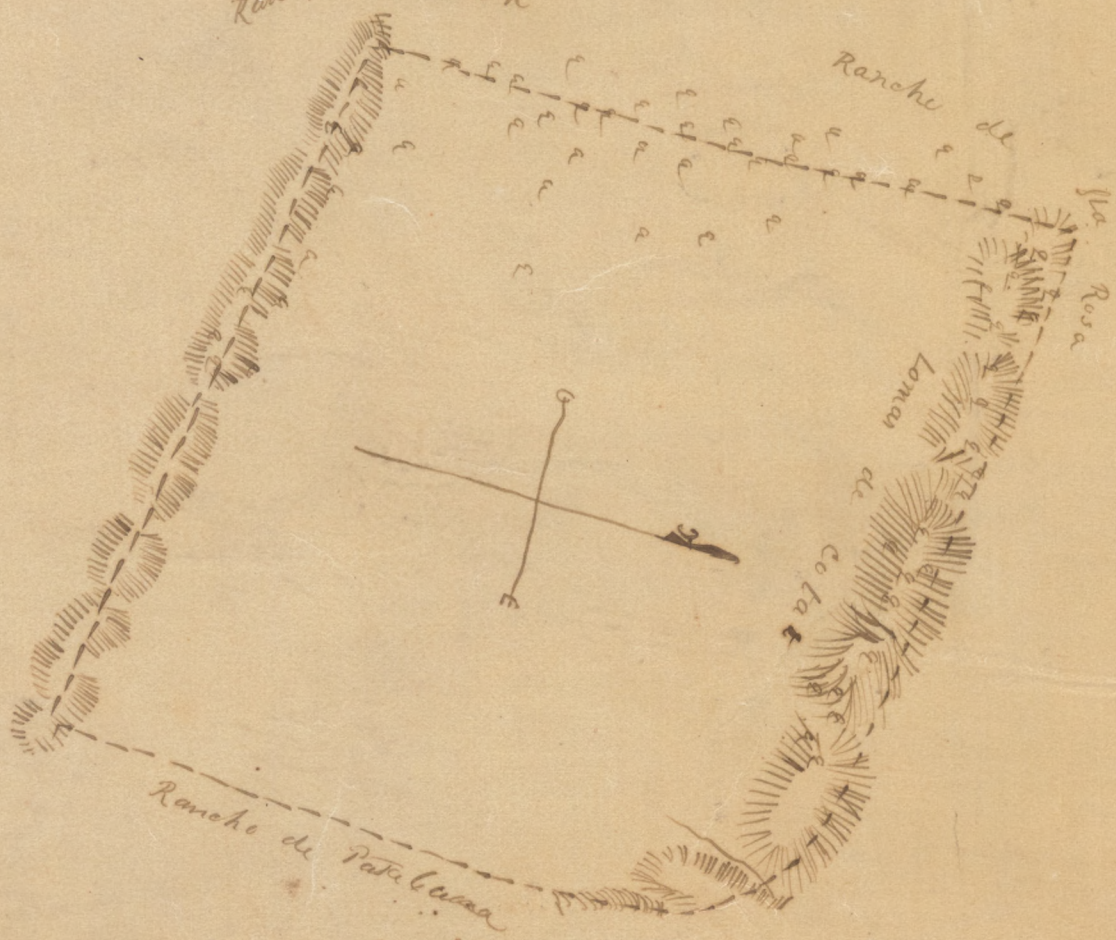
La Rosa

Loma de

Cola

Rancho de Patalana

Escala de 10000 Varas = 2 leguas castellanas  
2 leguas



man 4

*Handwritten signature or initials*

No. 156 ND  
Thomas S. Page, Clmt  
"Cotate"  
Sonoma County  
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*map*  
U.S. DISTRICT COURT  
LAND CASE *map*  
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