CASE NO.

217

NORTHERN DISTRICT

YOKAYA GRANT

CAYETANO JUARES

CLAIMANT

Land Case 217 ND

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 335.

Cayetano Suarez CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Sokaya."

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 Eleventh 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 Cayetano Juarez, for the Place named "Jokaya," was presented, and ordered to be filed and docketed with No. 335, 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 December 20th 1852.

In Case no. 335, Cayetano Juarez for the place named "Jokaya," the Counsel for the Claimant presented a Supplemental petition; ordered to be filed with the papers in the Case;

(Vide page 17 of this Transcript.)

San Francisco February 11th 1853.

In the same Case the deposition of M. G. Vallejo, a witness in behalf of the Claimant taken before Commissioner Harry I. Thornton, with document marked H. I. T. no. 1, annexed thereto, was filed;

(Vide page 4 of this Transcript)

San Francisco Sept. 28th 1853.

Case no. 335 on motion of the Counsel for the Claimants ordered to the foot of the Docket.

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San Francisco. March 21 1854.

In the same Case, on Motion of the U. S. Law Agent in conformity to the notice served upon him, the names of Halleck, Peachy & Billings were ordered to be withdrawn as counsel for the Claimant.

San Francisco September 26 1854.

Case No. 335 on Motion of the Counsel for the claimant with the Consent of the U. S. Law Agent, was ordered to be placed at the foot of the 2d class cases on the Trial Docket

San Francisco Oct. 31 1854.

Case No. 335 was submitted under the Rule of March 21st 1854.

San Francisco November 7 1854.

In the same Case Commissioner Alpheus Felch delivered the Opinion of the Board rejecting the Claim:

(Vide page 23 of this Transcript.)

S. and the following order was made, to wit:

(Vide page 27 of this Transcript.)

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Petition.

To the Honorable Commissioners to Land Private Land Claims in California

The petitioner Cayetano Juarez respectfully represents.

That on the 24th day of May AD 1845 Pio Pico Governor of California by virtue of authority in him vested Granted to the petitioner the tract of land called "Sotoyo" in the present County of Mendocino containing Eight Sitios de ganado Mayor" which Grant was duly approved on the 30th day of Jun AD 1846 all of which was shown by the original Espediente a certified Copy of which in its present State though somewhat Mutilated is submitted herewith marked "A" with a translation marked "B" the petitioner also submits herewith a copy of the original title marked "C" with a translation marked "D".

And the petitioner further represents that having received the possession in the form he has been for more than seven years and now is in the quiet and undisputed occupation of said land.

That he knows of no conflicting claim.

That he asks for Confirmation of title upon the original papers copies of which are submitted herewith upon the records and minutes in the archives of the former Government and upon such other and further proofs as he may be advised are necessary.

Wherefore he prays the Commissioners to Confirm to him the aforesaid tract of land.

By his attys.
Halleck Peachy & Billings

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Filed in Office Sept 11, 1852.
(signed)
Geo Fisher
Secy.

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Deposition
of
M G Vallejo.

San Francisco Feby 11. 1853.
On this day before Comr Henry I Thornton came M G Vallejo a witness in behalf of the claimant Capitan Juans petition No 335 and was duly sworn his evidence duly interpreted by the Secretary.

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

My name is Mariano G Vallejo my age is 45 years I have lived in California all my life -

I know the Rancho called "Jokaya" granted to Capitan Juans in 1845. Juans occupied this land after the grant was made and continued to occupy it till after the Americans took possession of the country He had a house and cattle on it. I sold it for him a short time ago to Capt C Knight - He made a deed of it to me and I handed it to Captain Knight -

I know the hand writing of Pio Pico and Juan Bandini their signatures to the paper marked Exhibit No 1. and filed with this deposition are genuine -

M G Vallejo.

U S Law Agent Present.

Sworn to & subscribed before me this 11th Feby 1853.
Henry I Thornton Comr.

Filed in Office Feby 11. 1853.
(signed) Geo Fisher Secy.

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1/ S.D.K.

1845

Expediente promovido por el Lic.
Cayetano Juarez en pulucion del terreno
conocido con el nombre de Yohaya

452

6

25 D.

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E. S.

Caytano Juarez ciudadano Mexicano y establecido en la frontera de Sonoma de la Alta California ante S. E. con el debido respeto me presento y digo: que tengo Concedido por el gobierno departamental dos sitios de ganado mayor, hace ocho años, y como mis procreaciones crecen y el terreno q. ocupan no les bastan, solicito E. S. se sirva concederme ocho sitios mas ó menos de ganado Mayor en el terreno conocido por Yoltaya al N. O. E. de Sonoma á distancia de 30 Leguas, colindante con el ciudadano Fernando Feliz al S. y con las tierras gentiles por los demas rumbos. P. S.

A V. E. Suplico se sirva acceder á mi solicitud alendiendo Señor á mi Crecida familia de Cuya merced recibiré gracia

Sonoma Abril 8 de 1840

Caytano Juarez

Agosto y Mayo 24 de 1845

Se le concede al interesado lo q. pretende y al efecto libresele el titulo correspondiente. El Gob.or del Departamento asi lo decretó mandó y firmó.

Pio Pico

Admitiendo este en papel Comun por no haver en este lugar del sello q. Corresponde.

3 S. D.

map 12

L. S. A.

Mar.o G. Vallejo Comt.e de Sabal.g
Certifico que el terreno conocido con el
nombre de Yokaya, en las inmedia-
ciones del Cabo Mendocino y treinta le-
guas distante de este lugar, es baldio
y no pertenece a propiedad particular
dado por el Gob.o. Y para que conste
donde convenga doy el presente á pe-
dimento del Ex-alcalde 2.o Cno Cayetano
Juarez en Sonoma a 8 de Abril de 1845
M. G. Vallejo

L. S. D. R.

Queda Tomada razon de este titulo en
el libro respectivo

Angeles Mayo 8 de 1846
Dado cuenta en
sesion de hoy con este espediente a la Exma
Asamblea Departamental de mando / pases
a la Comision de tierras valdias
Pio Pico
Agustin Olvera

Señor
La Comision de tierras val-
dias ha visto con Detenimto el presente espdte
promovido por el C. Cayetano Juarez relati-
vo al parage Yokaya por le fue concedido
por el Gob.o Superior de este Departamto con
con arreglo á las leyes de la materia, en
este concepto pone (L. S. D. R.) pone á la deli-
beracion de V.E. la proposicion siguiente
Se Aprueva la concesion hecha al
C.dno Cayetano Juarez del parage Yo-
kaya de cuatro leguas del Cabo Mendocino
Jurisd.n de Sonoma cualtro de ocho sitios
de ganado mayor segun titulo librado
con fha 24 de Mayo ult.o por el P.o conforme a
la ley de 18 de Agto de 1824 y art. 5.o del regla-
mento de 21 de Nbre de 1828

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Sala de Com.ª en la Ciudad de los Angeles Mayo 26 de 1846
L. Argüello

Angeles 3 de Junio de 1846

En sesion de este dia Aprobó la Excma Asamblea Departamental la Inspeccion del dictamen anterior.

Office of the Surveyor General of the United States for California

I Samuel D. King Surveyor General of the United States for the State of California and as such now having in my Office a portion of the Archives of the former Spanish and Mexican Territory & Department of Upper California, do hereby Certify that the six preceding and hereunto annexed pages of tracing paper numbered from one to six inclusive exhibit true and accurate Copies of certain documents now on file and forming part of the said Archives in my 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 this 7th day of February A. D. 1852

(Seal)

Sam.l D. King
Surveyor Genl Cal

Filed in Office Sept 11th 1852
Geo. Fisher
Secy

"B"

Translation of Espediente

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Most Excellent Sir -

I Caytano Juarez a Mexican Citizen and Establish in the frontier of Sonoma of the Alta California before Your Excellency with due respect appear and say. that I have granted me by the Departmental Assembly two square leagues Eight years ago and as my small property increases and the land which I occupy is not sufficient for them I request your Excellency to have the goodness to grant me Eight square leagues more or less in the land known as "Yokaya" to the North west of Sonoma distant 30 leagues bounded by Citizen Fernandez Feliz on the South and by the unchristianized Indians on the other Sides -

Wherefore I pray Your Excellency to have the goodness to accede to My request attending Sir to My large family by which grant I will receive favor.

Sonoma April 8 de 1845 -

Caytano Juarez.

Angeles May 24 1845.

That which the person interested requests is granted to him and for that purpose let the corresponding title -

The Governor of the Departmt. thus decreed ordered and signed -

Pio Pico

Admitting this as Common paper there being none of the corresponding stamps in this place.

uuuuu.

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Ranciano G Vallejo Colonel of Cavalry
I Certify that the land known by the name
of "Tokaya" in the Neyborhood of Cape
Mendocino and thirty Leagues distant from
this place it is Vacant and does not belong
to any private ownership given by the Govern=
ment. And that it may appear where it may be
required I give the present at the request of
the former 2d Alcalde Captain Juarez in Sonoma
on the 8th of April 1845 -

(signed) M G Vallejo

Note has been made of this title in the respective
book.

Angeles May 8. 1846.

This Expediente was reported in Session of
this day to the Most Excellent Departmental
Assembly it was ordered to pass to the Committee
on Vacant Lands.

(signed) Pio Pico.
President.

(signed)
Agustin Olvera
S. S.

Senor.

The Committee on Vacant Lands
has carefully examined the present Expediente
moved by Citizen Captain Juarez relative to
the place of "Tokaya" which was Granted to
him by the Superior Departmental Government
in Conformity with the laws on the Matter in

this Date places at the deliberation of your Excellency the following proposition —

Approved the grant made to Citizen Cayetano Sainz of the place "Gotaya" near Cape Mendocino. Jurisdiction of Sonoma in extent Eight Square Leagues according to the title issued under date 24th of May of last year in conformity with the law of August 18th 1824 and article 5 of the Regulations of November 21. 1828.

Hall of Committee in the City of Los Angeles.
May 26, 1846.
(Signed)
J. Arguello.

Angeles June 3d 1846 —
In Session of this day the Most Excellent Departmental Assembly approved the proposition of the foregoing Report.

Filed in Office Sept 11, 1852
(Signed)
Jno Fisher
Secy.

Dec. N. J. T.
No. 1.

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Sello Tercero un peso
Habilitado provisionalmente por la Aduana marítima 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 Pablo de la Guerra

(L.S.)

Pío Pico vocal mas antiguo de la Honorable Asamblea del Departamento de California y encargado del Gobierno del mismo por el ministerio de la ley:

Por cuanto D. Cayetano Juarez Mejicano por nacimiento ha pretendido para su beneficio personal y el de su familia el parage conocido con el nombre con el nombre de Yotiaya, al N. O de Sonoma, colindante al S. con el Cuidó. Fernando Ruiz y por los demas rumbos con las tribus gentiles: Practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos: Usando de las facultades que me son conferidas á nombre de la nacion Mejicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes libras sugetandose á la aprobacion de la Excma Junta Departamental y bajo las condiciones siguientes.

1ª= Podrá cercarlo sin perjudicar las travesías caminos y servidumbres; lo disfrutará libre y exclusivamente, destinandolo al uso q.e mas le acomode.

2ª= Solicitara del Juez respectivo que le de la posesion juridica en virtud de este despacho amojonando los linderos poniendo sus mohoneras y algunos arboles frutales ó silvestres de alguna utilidad.

3ª= El terreno de que se le hace donacion es de ocho sitios de ganado mayor segun el diseño que acompaña el interesado. El Juez que diere la posesion lo hará medir conforme á ordenanza dejando lo sobrante que resulte á la nacion para los usos convenientes

En consecuencia mando que teniendose por firme y valedero el presente titulo se tome razon en el libro que corresponde y se entregue al interesado para su resguardo y demas fines.

Dado en la ciudad de los Angeles Capital del Departamento de California a 24 de Mayo de 1845

Pio Pico

Juan Bandini

Se tomó razon
Bandini

Filed in Office
Feby 11 1853
Geo. Fisher
Secy.

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"D"

Translation
of
Title

Stamp Paid. One dollar.

Provisionally authorized by the Maritime Custom House of the Port of Monterey in the Department of the Californias for the years 1844 and 1845.

(Sgd) Micheltorena (Sgd) Pablo de la Guerra.

Paid

I, Pio Pico Senior Vocal of the Honorable Departmental Assembly of Californias and Ex officio Charged with the Government of the Same -

Whereas, Don Caystano Juarez a Mexican by birth has for his and personal benefit and that of his family asked for the place known by the Name of Yokaya to the North East of Sonoma bounded on the South by Estero Temamdo Feliz And on the other Sides by the unchristianized tribes the Proper Measures and Examinations having previously been made as required by laws and regulations, using the powers confided on me in the Name of the Mexican Nation, I have granted him the aforesaid land declaring to him the ownership of it by the present letters subject to the approval of the Most Excellent Departmental Assembly and under the following conditions -

1st. He may enclose it without prejudice to the crossings roads and servitudes he may find it subject and exclusively making such use of it as may best suit him -

2nd. He will request the proper Magistrate to give him juridical possession in virtue of this title marking out the boundaries placing the bounds

and some fruit trees or wild ones of some utility -

3d - The land granted in donation is of Eight square leagues according to the map which the person interested transmits -

The Magistrate who may give the possession will cause it to be measured in conformity with ordinance leaving that which may result surplus to the Nation for the Government uses. -

In Consequence I order that the present title duly held as firm and valid Note be made of it in the proper book and that it be delivered to the person interested for his security and other purposes.

Given in the City of Los Angeles Capital of the Department of California on the 24th of May 1845.

(Signed) Pio Pico.

(Signed) Juan Bandini -

Note has been made -

(Signed) Bandini

Filed in Office Sep. 11. 1852.

(Signed) Geo Fisher

Secy

17.

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Supplemental.

Petition

To the Honorable Commissioners to settle Private Land Claims in California-

In the Matter of the petition of Cayetano Juarez praying for the confirmation of the title to the Rancho called "Cokaya" situate in the present County of Mendocino in this State which petition is on file with the Honorable Board of Commissioners numbered 335.

The petitioner in the foregoing petition and E Knight respectfully show in this their supplementary petition,

That since making the said original petition the said Cayetano Juarez has sold the said Cokaya rancho and conveyed the same to M G Vallejo who has sold and conveyed the same to the petitioner E Knight as will appear by the original deed of sale dated August 16. 1852 from the said Juarez to said Vallejo hereunto annexed and marked Exhibit "No 1" with a translation marked "No 2" and by the original deed of sale from M G Vallejo to E Knight dated August 16th 1852 annexed hereto and marked "No 3"-

They therefore pray that the said E. Knight may be substituted for said Cayetano Juarez and that the confirmation of title to the said tract of land be made to said E Knight in his own name and for his sole use -

By their attys
Hallock Peachy & Billings

Filed in Office Dec 24th 1852.
Sym'd
Geo Fisher Sec'y.

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Conveyance-
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No. 2.

In the Town of Napa of the State of California, County of Napa on the Sixteenth day of the Month of August Eighteen hundred and fifty two Don Cayetano Juarez with the agreement and consent of his wife said that for himself and in the Name of his heirs and successors and of whoever might have title voice and claim he sells and gives in real sale and perpetual donation forever to Don Mariano G Vallejo of the County of Sonoma of the State of California, and to his the Rancho known by the Name of Locaya in quantity Eight Square Leagues in conformity with the titles and the boundaries expressed in the title issued by the Government of the Department of Upper California dated May 24th Eighteen hundred forty four for the Sum of twelve thousand dollars ($12000.) which he has received in current money in his own hand and that therefore he sells hereafter and grants it to said Don Mariano G Vallejo with all his rights of Entry and Exit and appurtenances that he may dispose of said Rancho in the manner which may best suit him and is most convenient making of it such use as may best suit his interests & he also protest that it is free from mortgage and any other incumberance. It is also understood that as well the taxes as the costs which may accrue to him for the purpose of obtaining the confirmation of the titles before the Commissioners of the Government of the United States will be paid by said Don Vallejo and that I Don Cayetano Juarez shall at no time be responsible in any manner direct or indirect for the present Sale, and for the purposes which it may serve I sign this present on the day Month and year aforesaid.

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(signed) Caytano Juarz L.S.

(") Maria de Jesus de Juarz L.S.

Witness -
(sgd) W. W. Culver.

State of California
Napa County } ss

Before me William W Culver Notary public in and for said County personally came Caytano Juarz and Maria de Jesu Juarz wife of the said Caytano Juarz known to me to be the identical persons who Executed the foregoing instrument as parties thereto and acknowledged that they voluntarily Executed the same for the purposes therein Expressed. And the said Maria de Jesu wife of the said Caytano Juarz by me Examined apart from and without the hearing of her said husband and the contents of said instrument being by me made known to her She then acknowledged that She Executed the same freely and voluntarily without fear Coercion or undue influence of her said husband for the uses and purposes therein Expressed and that She still satisfied therewith -

(sgd) William W Culver Cnty

Given under my hand and private seal having not [illegible] a Notarial Seal this August 16, 1852.

(sgd William W Culver.

The insertion of the date to this acknowledgment was made by me at the time of drafting the acknowledgment -

Filed in Office Dec 21, 1852.

(signed) Wm Fisher Secy -

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No. B.

Know all Men by these Presents that I Mariano G Vallejo of the City and County of Sonoma State of California in Consideration of the Sum of Eighteen hundred Dollars in Hand paid to Me, by E Knight of San Francisco County State of California the receipt of which I hereby acknowledge and for the Sum of Two thousand dollars secured to be paid on the within discribed premises the same being hereby pledged therefor on the final Confirmation of the Original Claim or Grant to the Rancho Locoyomi hereinafter contained and for the further Sum of one thousand dollars secured to be paid upon the within discribed premises pledged as aforesaid one year after the final Confirmation and for the further sum of one thousand dollars secured to be paid on the within discribed premises pledged as aforesaid two years after the final Confirmation do hereby Bargain sell and convey unto the said E Knight his heirs and assigns forever all my right title interest Claim and demand in law and Equity in and to a certain piece or parcel of land partly situated in said County of Mendocino and known as the Rancho de Locoyomi containing Eight leagues of land more or less surveyed by Captain Munro and Wolfskill duly dated August Eleventh A.D. Eighteen hundred and fifty two and recorded in Sonoma City and County.

In Witness Whereof I have hereunto signed My Name and affixed My Seal this the Eleventh day of August in the Year of our Lord One thousand Eight hundred and fifty two —

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M. G. Vallejo Deed

Witness
John B Frisbee.

State of California
Sonoma County } ss

On this ninth day of September Eighteen Hundred and fifty two personally appeared before me the above named Mariano G Vallejo to me known to be the person named and described in the foregoing Instrument and who executed the same and acknowledged that the same was executed as his own free act and deed for the uses and purposes therein mentioned -

In Witness whereof I have hereunto set my hand and Private Seal having no Official Seal this ninth day of September A.D. 1852.

Deed. John B Frisbee
Notary Public

Filed in Office Nov. 20th 1852.
(Signed)
Geo Fisher
Secy

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No 335

Notice of Withdrawal

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Claim of Cayetano Suarez & Gokey a"
To U S Law Agent.

Please take notice that we hereby withdraw our names as attys in the above Entitled Claim.

Halleck Peachy & Billings.

San Francisco March 11, 1854.

Filed in Office March 21, 1854.
Signed
Wm Fisher Secy.

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Opinion by Comr. Fitch.

Cayetano Juanz
vs.
The United States

For the place called Tokaya in Mendocino County containing Eight leagues of land.

The claim of the petitioner is founded on a grant made to him by Governor Pio Pico which is given in evidence duly proved and bears date May 24, 1845 -

The approval of the Departmental Assembly appears to have been given but no Judicial measurement was obtained - Without the latter this grant could not be made to apply to the any defined portion of land which could be confirmed to the petitioner -

The locality where the eight leagues granted were to be measured off to the party is itself without description bounded three of its sides being described as bounded "by the unchristianized tribes" with nothing to designate the angles or lines and with no monument to fix any of its limits.

It is difficult to conceive of any proof which could supply the place in such a case of a regular judicial measurement and in the case before us no substitute is offered.

The claim must be rejected

Rejected.

Filed in Office Nov 7. 1852
(Signed)
Wm Fisher
Secy.

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Decree.

Captain Evans.
vs.
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner is not valid and it is therefore ordered that his application for a confirmation thereof be denied.

Alphus Felch
R Aug Thompson
M B Farwell.
Commissioners

Filed in Office Nov. 4. 1837.
(Signed)
Wm Fisher
Secy.

and it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Northern District of Cal. it is hereby ordered that two transcripts of the proceedings 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 U S District Court for the Northern District of Cal. and the other be transmitted to the Atty General of the U S.

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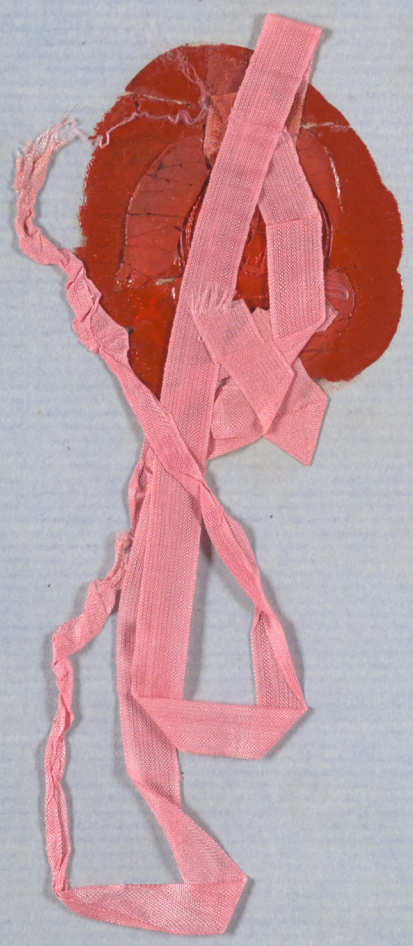
Office of the Board of Commissioners,
To ascertain and settle the Private Land Claims in the State of California.

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 seven pages, numbered from 1 to 27, 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. 335 on the Docket of the said Board, wherein Cayetano Juares is —

the Claimant against the United States, for the place known by the name of Ulkaya —



In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this Twenty fifth — day of May A. D. 1857, and of the Independence of the United States of America the seventy-ninth.

Geo. Fisher
Secy.

U. S. DISTRICT COURT,

Northern District of California.

No. 217. 217

THE UNITED STATES,

vs. ND

Cayetano Soares.

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 335

Filed, Sept 21 1854,

Wm. A. Maxwell,

Clerk.

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

The United States
appellees
v.
Captain Suarez et al
appellants.

No 217 on the Docket of the court — No. 335 on the Docket of the U. S. Land Commissioners.

To. S. W. Inge Esq.
U. S. District attorney

You are hereby notified in pursuance of the act of Congress in such case made and provided, of the intention of the claimants in the above case to prosecute by appeal from the decision of the United States Land Commissioners, rejecting his claim in the above case.

December 1. 1855.

John A. Willy
Attorney for Claimants

In the U. S. District Court for North. Dist of California. No 217.

United States
appellees
v.
Captain Ivanz et al
appellants.

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Notice of intention to prosecute appeal.

Dec. 1. 1855. Due service of a copy of the within notice of appeal is here by accepted.

S. W. Inge

Filed Dec 1. 1855.

J. Ahern
Deputy.

The United States
appellees
v.
Cayetano Juarez
et al. appellants

In the District Court
of the United States for
the Northern District of
California. No 217
of Docket of said Court

To the Honorable Ogden Hoffman Jr, Judge of the District Court of the United States for the Northern District of California.

The petition of Cayetano Juarez, a citizen of California, and of C. Patterson, administrator of the Estate of E. Knight Dec'd, also citizen of said State — in behalf of the assignees of the claim in this case, respectfully represents—

That under the provisions of the Act of Congress of March 3d 1851, he the said Cayetano Juarez presented a petition to the Commissioners appointed under the said act to examine claims to land in California, praying for the confirmation of his claim to the tract of land therein described, situated in the present County of Mendocino, California, under a grant from Pio Pico, Governor of California, dated May 24th 1845, and accompanied it by evidence of his title; and to which for more full and particular description, they beg leave to refer—

> Called "Yokaya" containing Eight Square leagues.

That the said claim, being designated as No 335 on the Docket of the said Commissioners, was filed Sept. 11. 1852 — That subsequently thereto — to wit — Dec. 20. 1852 —

the said Captain Juarez and E. Knight, filed a supplementary petition, setting forth a transfer of his interest in the said claim since the filing of his petition, by the said Captain Juarez to M. G. Vallejo, and a transfer of the same by the said Vallejo to the said E. Knight and asking that he the said Knight might be substituted for the said Captain Juarez, and that the confirmation of the said tract of land should be made to the said Knight - that afterwards, to wit on the day of A.D. 185 the said E. Knight died, and that thereupon the said Patterson was appointed Administrator of the Estate of the said deceased - all of which will more fully appear by the said supplementary petition, and documentary Evidence, to be addressed hereafter in this case:

That on the 7th day of November 1854, the said claim was rejected by the said Board of Land Commissioners - That the said land is situated within the limits of the Northern District of California, and within the Jurisdiction of this Court - That on the 2nd day of June 1855, a transcript of the proceedings and decision of the Commissioners in the said case was filed in the office of the Clerk of this Court of the said Northern District

of California, and that on the 1st day of December 1855, a notice was filed with the said Clerk, that your petitioners appealed from such decision.

Your petitioners therefore pray for a rehearing of the case upon the said appeal. That the said decision of the Commissioners may be reversed and annulled, and that the Court will make such decree and order as may be necessary and proper to recognize, confirm, and declare valid the title and claim to the premises mentioned and referred to in the petition of the said Captain Suarez and the evidences of claim, Exhibits A & B thereto.

And your petitioners will ever pray &c &c.

Captain Suarez &
C. Patterson, Admr
of Estate of E. Wright Dec'd
by Edw. A. Hilly,
Attorney for claimants.

In the U. S. District
Court for North. Dist of
California No. 217.

The United States
appellee
v.
Cayetano Arangistue

Petition for Rehearing.

Dec. 1st 1855. Due service of a copy of the within petition is hereby accepted. A. Russell
Asst U. S. Atty

Filed Dec 4th A.D. 1855
Recd December 1/2 55 Clk.

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In the District Court of the U. States
for the Northern Dist of Cala.

The United States
ads
Caytana Inares

D. C. 217; L. C. 335

The United States
by their attorney deny the validity
of the title set out in the petition of
the appellant and pray that the
decision of the U. S. Land Commission
be affirmed and that the said title
be decreed invalid.

San Francisco July 12, 1859

Wm Blanding
U. S. Atty

217

U. S. Dist Court

The United States

ads

Cayetano Ibarra

Answer

Filed Feby 12. 1857.
P. H. Chenes.
Deputy.

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PAGE 34

Wm Blanding
U. S. Atty.

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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 House, in the City of SAN FRANCISCO, on Wednesday the Sixteenth day of February in the year of our Lord one thousand eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States.
vs.
Cayetano Juarez.

No. 217.

On motion of Judge Hastings, Esq. Counsel for the Claimant, the Dist. Atty being present, and consenting thereto. Ordered that this cause be, and the same is hereby restored to the trial Calendar, and either party are hereby allowed the privilege of taking further testimony herein.

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

Clerk's Office,

I hereby Certify the foregoing to be a true copy from the Minutes of the said Court.

.... *Clerk.*

By

.... *Deputy.*

No. 217

District Court of the United States

IN AND FOR THE

Northern District of California.

The United States

vs.

Cayetano Arenas

Order Showing Cause for testimony

Filed February 16 1859.

W. H. Chevers *Clerk.*

By .... *Deputy.*

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UNITED STATES DISTRICT COURT,
Northern District of California,

217 ND
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The United States
vs.
Cayetano Juares

San Francisco, May 26, 1859

On this day, before Me Geo: Pen: Johnston a Commissioner of the United States for the ——— District of California, duly authorized to administer oaths, &c., &c., came Jacob P. Leese ——— a witness produced on behalf of the Claimant ———
in Case No. 217, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No 335 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — ~~his evidence being interpreted by~~ said deposition being taken ~~a sworn interpreter~~ by consent.

PRESENT:

John Curry Esqr Atty for Claimant
and P. Della Torre Esqr U.S. Atty

QUESTION BY

John Curry Esqr Atty for Clt

Question 1. What is your age, and where do you reside, and how long have you resided in California?

Answer. I am my fiftieth year of age - I reside in Monterey, California, and have resided in California since the year A.D. 1833.

Question 2. Did you know Pio Pico, and if so state whether or not he held an official position under the former government of California, and what position, if any, and at what time did he hold such position?

Answer. I did - He, Pio Pico, held the office of governor of the Californias from very early in the year A.D. 1845 until the Americans took possession of California in 1846 - said Pico held the office of

governor by virtue of his being the Speaker or senior vocal of the departmental assembly of California until in the fall of 1845 ~~he was constated~~ when he was confirmed as governor of the departament of California by the Mexican government.

Question 3d. — Have you seen said Pio Pico write and are you acquainted with his hand writing?

Answer. I have seen him write, and am acquainted with his hand writing.

Question 4th. State whether or not the name of said Pico, signed to the document in this case purporting to be a titulo or grant made by said Pio Pico as senior vocal to Cayetano Juares bearing date May 24, 1845 for the place called Tokaya or Yokaya is said Pio Pico's genuine signature.

Answer. It is according to my opinion and belief.

Question 5th. — Did you know Juan Bandini, and if so, state whether he held any official position under the government of California while said Pio Pico was acting as governor. and what position?

Answer. I knew Juan Bandini, ~~and he~~ held

the position of Secretary or Secretary of State under the government of California while Pio Pico was governor in 1845. a part of the time he was such Secretary.

Question 6th - Have you seen said Bandini write and are you acquainted with his hand writing?

Answer - I have seen him write and am acquainted with his hand writing.

Question 7th - State whether or not said Bandini's name signed to said document mentioned in question 4th above, is his genuine signature?

Answer - Such signature is said Bandini's according to my opinion and belief and is genuine.

Question 8th Did you know Cayatena Juares in 1845, and if so who was he?

Answer - I knew said Juares - He was a native of California.

Question 9th Do you know anything respecting the grant made on behalf of the Mexican Nation to said Juares in 1845 of the place called Yokoya?

Answer - I very well remember hearing at the time, in 1845, that such a grant was made to said Cayatena Juares. -

Cross Examination by U.S. District attorney.

Question 1st - Do you remember the dates when Bandini entered upon the offices of Secretary and when he left the office?

Answer - In the Spring of 1845 I was Alcalde of the jurisdiction of Sonoma and received an official communication from said Bandini as secretary to hold an election on the first of June 1845 at Sonoma for the offices of Alcaldes for that year. — I do not know the respective dates above mentioned otherwise than as above stated.

Sworn to & subscribed before me this 26th day of May A. D. 1859

Geo. Pen. Johnston
U. S. Commissioner

J. P. Leese

(217)

U.S. District Court
Northern Dist Calif

The United States
vs
Cayetano Suares

Deposition of Jacob
D. Leares taken on behalf
of Claimant. -

Filed May 26th 1859
W. H. Chevers
Clerk.

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272. 1.

En 24. de Mayo de 1845. se le concedio á Cayetano Juarez el terreno conocido con el nombre de Tokaya—.

En el de Don Cayetano Juarez. Se aprueba la concesion hecha al Ciudadano Cayetano Juarez del paraje Tokaya serranias del cabo mendosino Jurisdiccion de Sonoma en estencion de ocho sitios de ganado mayor segun titulo librado con fecha 24 de Mayo del año pasd.o conforme ala ley de 18 de Agosto de 1824 y. articulo 5.o del Reglamento de 21 de Noviembre de 1828.

1.

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

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I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, **Do Hereby Certify**, that the preceding, and hereunto annexed page–, numbered ~~1~~ one ~~to~~, ~~inclusive~~, exhibits a true, full, and correct copy, of extracts from the Toma de Razon for 1844 & 1845, and proceedings of the Departmental Assembly on the 3rd day of June 1846. as the same appear of record, and on file among said Archives —

> and also a portion of the Archives of the former Spanish & Mexican governments in California

EXAMINED AND FOUND CORRECT
Keeper of Archives.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 20th day of October 1858.

J. W. Mandeville U. S. Surveyor General, for California.

(217)

Claimants

Nkia Rancho

vs

The United States

Abstract of

Records &c

from Surveyor Generals

office

Filed Dec 26th 1859

W. H. Chevers

Clerk

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S. C. Hastings

$1.50

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UNITED STATES DISTRICT COURT,
Northern District of California,

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The United States
vs.
Cayetano Ibarra.

San Francisco, Febry 16. 1859.

On this day, before me H. H. Sheveck a Commissioner of the United States for the ~~———~~ Districts of California, duly authorized to administer oaths, &c., &c., came James Tobin a witness produced on behalf of the Claimants in Case No 217, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No 335 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — ~~his evidence being interpreted by a sworn interpreter~~

PRESENT: S. C. Hastings, of Counsel for Claimant, and P. Della Torre, U. S. Dist. Attorney.

QUESTION BY Claimants Counsel.
What is your name, age, and place of residence.

Answer.
James Tobin, am 39 years old, and reside in the City of San Francisco, am in the employment of the Indian Department, and have been for more than a year. I came to this

country in 1849, and have resided here ever since.

Question 2nd.

State whether or not you are well acquainted with the geography, and topography of the Northern portion of this State.

Answer.

I am from San Francisco to the line of Humboldt County, and from the Sacramento River to the ocean.

3rd.

Do you know a valley called the "Sokaya" valley, and if yea, what do you know about it, and where is it situated.

Answer.

I do. I have known it for several years. It is situated to the Northward of the town of Sonoma, about eight or six miles. The Southern boundary of the valley is the Northern boundary of the Rancho of Fernando Feliz. It extends then in a Northerly direction about twenty miles. The first Southern eight miles is about two miles wide. The next five miles is about one mile wide. The next seven miles is about two miles wide.

On the East.

North and West this valley is bounded by Mountains. Russian River coursing

by Mountains. Russian River coursing

through the length of it.

When I first knew this Valley, all that is included in these boundaries was called the "Yocaya" Valley, including what is now called "Redwood," and "Capella, or "Calpella."

When I first became acquainted with the Valley, I only knew of two houses there.

Question 4

Look at the Map, or diseño contained in the Transcript in this case, and state whether upon inspection you can identify it as the Map of the Country in Controversy.

Answer.

I can. It is not a perfect Map, but enough so to allow me to identify the land about which I have been testifying. I have no doubt, that it is intended to be a Map of Yocaya Valley.

Cross examination Waived by U. S. Atty.

Sworn to and Subscribed
February 16th. 1859 before me
W. H. Cleveland
U. S. Comm'r.

Jas Tobin

No. 217.

U. S. District Court.

The United States.

—vs—

Cayetano Ynares.

Deposition of
James Tobin.

Filed May 26th 1859
W. H. Chevers,
Clerk.

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UNITED STATES DISTRICT COURT,
Northern District of California,

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The United States

vs.

~~Cayetano Suarez.~~
~~C. C. Patterson Admr of Estate of S Knight dec'd~~

San Francisco, Aug 5 1859.

On this day, before Butler McAllister a Commissioner of the United States for the Nor. District of California, duly authorized to administer oaths, &c., &c., came Cyrus Alexander a witness produced on behalf of the Claimants in Case No. 217, being an ~~appeal from the Board of Commissioners~~ to ascertain and settle the Private Land Claims in the State of California, in Case No 335 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — ~~his evidence being interpreted by a sworn interpreter~~

PRESENT:
Fully R. Dixie Actg U. S. Atty
S. C. Hastings for Claims

QUESTIONS BY Atty for Claimants,

Ques Your name, age place of nativity & how long have you resided in California?

Ans Cyrus Alexander — I am 53 years of age — I was born in the State of Pennsylvania — I have resided in California since 1833.

Ques 2, Are you acquainted with Cyaka-
ne Jarez. If so how long have
you known him?

Ans 2, I am acquainted with him
and have known him since
1841-

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Ques 3 State what you know of
the tract called Ukiah or Ukiah
Valley, & where it is situated?

Ans 3. I know from hearsay
since 1843 that there was a tract
of Country called Ukiah - It is
situated on Russian River the
Northern end up above what
is called the Cañon -
(U.S. Atty objects to above answer
as hearsay evidence)-

Ques 4 State what you know of
a grant to any person of said
Ukiah Valley?

Ans 4. I know it was granted
to this man Cyakane Jarez
in 1845-

Ques 5- State what you know
of the occupancy of the tract
by Cyakane Jarez the Gran-
tee?

Ans 5, I know that he had cattle
on the tract in 1845-

Cross Examination -

Ques 6 How do you know that this

tract was granted to Cayetano Juarez in 1845?

Ans 2. I know that that was the talk, that was the general rumour in the County - I know only by hearsay -

Ques 3. How do you know he had Cattle on the tract in 1845?

Ans 3. They passed my house, and said they were going to drive them to that tract -

Ques 4 Where is your house?

Ans 4 On Russian River on what is called Fitch's grant between Ukiah & Lonoma -

Ques 5. How far is your house from Ukiah Valley - ?

Ans 5. About 30 or 35 miles -

Ques 6 Did you ever personally see any Cattle on said tract of land?

Ans 6 No Sir - I have never been on the tract myself -

Cyrus Alexander

Subscribed & sworn to before me this 5th August A.D. 1859

Cutler McAllister

Ukiah

United States Dis-
trict Court. Sou-
thern Dist of Cala

No 217.

The United States

vs

Cayetano Soares.
~~C. D. Satterlee Admr &c~~

Dep of Cyrus Alexander
a Witness for Claimants

Filed Aug: 5. 1859.
W. H. Chevers.
Clerk.

DISTRICT COURT OF THE UNITED STATES,

Northern District of California.

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The United States
VS.
Caytano Juares

San Francisco, November 27th 1859

On this day, before me, WILLIAM H. CHEVERS, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Julio Carrido a witness produced on behalf of the Claimant Caytano Juares, in Case No. 217, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 335, on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows— ~~his evidence being interpreted by a sworn interpreter, to wit.: By~~

PRESENT:

John Curry Esq. of Counsel for Claimant, and Lindly R. Price Esq. Acting U. S. Dist. Atty. for the U. S.

QUESTION 1st, By Counsel for the Claimant

What is your name, age, where were you born, and where do you reside?

Ans.

My name is Julio Carrido, my age is 32 years, I was born in San Diego California, and I reside in Sonoma County, and have resided

there since 1837.

2d.

Do you know where the place call "Yokaya" is situated, if so state where?

Ans.

I am acquainted with the Yokaya valley, it is in Mendocino County, about 30 Leagues from Sonoma City, which is in the Southerly part of Sonoma County.

3d.

Did you ever visit the place called "Yokaya" if so, state when you first visited it?

Ans.

Yes sir, In 1844 was the first time I visited it.

4th.

Was that place then inhabited, if yes, by whom?

Ans.

Nobody, but the wild Indians occupied it in 1844.

5th.

Do you know Capetano Linares if yes, how long have you known him?

Ans.

I know him, and have known him since 1837.

6th.

Where was he residing in 1837?

Ans.

He resided in what was then

Ans.

She resided in what was then known as the Sonoma District. She has continued to reside there till now.

7th

State whether you again visited "Yakaghi," if so, when?

Ans.

In the month of June or July 1845, I visited it again.

8th

Were there any white inhabitants residing there at the time you last mentioned, if yea state who?

Ans.

Mr. Vicente Ynares, brother of Capetano Ynares, was residing there then, and he was the only one living there.

9th

State how he lived there, and what he was doing?

Ans.

He had a small house, corrall, horses, cattle, and he had some civilized indians for servants, one of whom I had seen living with Capetano Ynares in Napa, his name was Senicia.

10th

Did you buy any cattle of

4. Vicente Juarez at that time?

Ans.

Yes sir I bought a heap

11th.

State if you know any thing about the grant being issued to Capetano Juarez, for the place called "Yukuyu", of which you have been speaking?

Ans.

I do not know anything of my own knowledge, of the issuing of the grant

I know that the horses cattle in charge of Vicente

carried there, and understood that they belonged to Capetano Juarez. I also heard at that time, that there was a grant made to Capetano Juarez, for this land.

Cross Examination

Interr. 12th.

From whom did you hear, at the time, explained in your answer to the question 11. that Capetano Judres had received a grant to this land?

Ans.

I heard it from Vicente Juarez, and from my brother Ramon Cervello, and Salvador

5. Vallejo,

5. Vallejo.

13th.

Upon what occasion did these persons tell you of the grant and what led to it?

Ans.

My brother and Capitan Juarez went up to the Sakuyac Valley, and other places to look after Indians and get them to work for them, before I went up in 1844.

In conversations I had with the people I have mentioned 1845 I understood that Capitan Juarez had obtained this grant, I did not understand how many leagues there were in it, but it was bounded on the South by the Fernando Peliz grant, on the North by the Calpella,—a place occupied by a tribe of Indians, of which Calpella was chief and I think it was bounded on the East and West by the mountains.

14th.

From the information derived from these persons, and from the knowledge which you obtained while on the ground, state what quantity of land you consider contained within the limits you have

6. mentioned?

Ans.
I believe that it is from fifteen to twenty miles long, and from two to five miles wide.

Julio Carrillo

Sworn to and subscribed before me Nov. 29. 1859.
W. A. Shirrell.
N. P. Com.

No. 217.

U. S. Dist. Court.

The United States.

—vs—

Caytano Ibarra.

Deposition of
Julio Carillo.

Filed March 6th 1860
W. D. Shepard
Clerk

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UNITED STATES DISTRICT COURT,
Northern District of California,

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The United States
vs.
Cayetano Juarez

San Francisco, Mar 6 1864

On this day, before Butler McAllister a Commissioner of the United States for the Nor District of California, duly authorized to administer oaths, &c., &c., came Henry T. Teschmaker a witness produced on behalf of the Claimants in Case No. 217, being an appeal from the ~~Board~~ of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No 355 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — ~~his evidence being interpreted by a sworn interpreter~~

PRESENT:

Judge Lyng for Claimants
Acting Dist Atty for U. S.

QUESTIONS BY Atty for Claimants

Ques 1. Your age, place of residence, & how long you resided in California?

Ans 37 years of age & reside in San Francisco. I have resided in California for 18 years last past

I came to California from Massachusetts - I am President of the Board of Supervisors -

I Knew Pio Pico. At one time I knew him as Primar Vocal or first Speaker of the Assembly - afterwards he was Governor - He was acting Governor in 1845 & 1846 - He was acting as Governor as early as June or July, I think it was earlier than that, but it was in the Commencement of 1845 - It was in February 1845 I think -

I have seen Pio Pico write, & I am acquainted with his hand writing ~~& can or can not~~

Ques 1 State the name of Pio Pico signed to the document in this case, purporting to be a title or grant made by said Pio Pico as Primar Vocal or Governor to Gaytano Juarez bearing date May 24th 1845 - for the place called "Ukiah" is the said Pico's genuine signature?

Ans 1 To the best of my Knowledge & belief it is his genuine signature -

I Knew Juan Bandini - While Pico was Governor he held the

position at one time of Secretary of State, or a position equivalent to that —

I have seen him write & am acquainted with his hand writing —

I believe that his signature signed to the aforesaid Grant is his genuine signature —

I Knew Cayetano Juarez I believe he was a native Californian —

I Knew him in 1845 & 1846.

I have examined the signature of Rio Rios to the marginal decree in the Expediente in this case, on file in the Surveyor Generals Office & believe it to be his genuine signature —

J. J. Warmuth

Subscribed & Sworn to before me this 6th of March A.D. 1860

Butler McAllister

U.S. Comr

District Court of the
United States Northern
District of California

The United States

v.

Cayetano Juarez

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Deposition of A. F. Teschmaker Clerk Dist Ct

Filed March 6th 1860
W. H. Chevers
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 17th day of May in the year of our Lord one thousand eight hundred and sixty one

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States
v.
Cayetano Marez
No. 217.

And now at this day, on motion of attorney for claimant, the U.S. atty consenting thereto, It is ordered that the proofs in this case be closed within thirty days, and the case set for hearing.

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UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

Copeland Searey

Order that proofs be closed in 30 days.

Filed May 17. 1861.

W. H. Chevers.

Clerk.

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U S Attorneys Office
San Francisco June 1 1861.

Messrs John Curry
John J Williams Esqr.

Gents.

You are hereby notified that Gov Pio Pico is now in San Francisco. As I intend to impeach the validity and genuineness of the grant produced in the case of Cayetano Juarez claiming Tokaya and which purports to have been executed by Gov Pico on the 24 May 1845 I suggest the propriety of your examination of Gov Pico while he is in this City

Respy &c &c

W H Sharp
U S Atty.

San Francisco, June 3. 1861. The original of the above notice was personally served by me on Jno J. Williams Esq this day.

Jno J Williams

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U. S. District Court

The United States

v

Cayetano Suarez

Notice to attys for claimant suggesting the exam^n. of his Pics

Filed June 3, 1861.
W. H. Chevers
Clerk.

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"Toma de Razon"

272

"On the 24th day of May 1845 was conceded to Cayetano Juarez the Land known by the name of GoKaya -"

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Approval of Departmental Assembly

"In the matter of Don Cayetano Juarez was approved the Concession made to Citizen Cayetano Juarez of the place GoKaya in the vicinity of Cape Mendocino, Jurisdiction of Sonoma, in the extent of Eight Square Leagues, according to the title delivered, under date 24th of May of the year last past, in conformity with the Law of 18th of August 1824 and 5th Article of the Regulations of the 21st of November 1828 -"

No. 217.

The United States

vs

Mayeban Juanes -

Translation from
Toma de Razon 1845.
and
Approval of Depart-
mental Assembly -

Filed Sept: 14. 1861.
W. H. Chevers.
Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Caytano Suarez

IN LAND CASES.

Dist. Court No. 217.

Land Com. No. 335.

To I. I. Williams Esq. & Jno Currey Esq.

Joel P. Walker. Elias Barnette. Jesse Beasly. Henry Austin & R C. Hopkins You are hereby notified that the testimony of in the above entitled cause in behalf of the U. S.

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 ~~Tuesday~~ the 29 day of July A. D. 1861, at 11 o'clock, A M., and continuing from day to day until finished, at my office, No. 6 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 22 day of June A. D. 1861.

Butler McAllister

U. S. COMMISSIONER.

Original

No.....

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

Cayetano Juarez

NOTICE.

To

C. M. McAllister

U. S. COMMISSIONER.

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In the District Court of the United States

FOR THE Northern DISTRICT OF CALIFORNIA.

The United States,

v.

Cayetano Juarez

IN LAND CASES.

Dist. Court No. 217

Land Com. No. 335

BE IT REMEMBERED, that on this 6th day of July A. D. 1861, at San Francisco in the District aforesaid, before me, ~~JOHN B. WILLIAMS~~ Cutler McAllister, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Rufus C. Hopkins a witness produced in behalf of The United States 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:

PRESENT: L. B. Williams & Wm. H. Sharp for the United States & Lyd. Wyllys & John Curry for Claimant

QUESTIONS IN BEHALF OF THE United States

Question 1st,

Your name, age, & occupation?

Ans!

My name is Rufus C. Hopkins — I am about 21 years of age & upwards — I am Keeper of the

Archives in the office of the U. S. Surveyor General for the State of California — Have been in such office since 1855 —

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Ques 2d

Look at the papers hereto annexed now shown you marked "Exhibit Hopkins No 1" & state what it is?

Ans 2d

It is a photographic copy of a document purporting to be a grant to Cayetano Juarez of the place called "Yokuya", the original of which is on file in Case No 335 in the docket of the late Board of the U. S. Land Commissioners, as Exhibit No 1 to the deposition of Mariano G. Vallejo taken in this case before the said Board —

(The foregoing document objected to because it does not exhibit fairly or accurately the original grant on file in this cause as is apparent from the inspection and comparison of the two documents)

Ques 3

Ques 3

State by whom the Original of "Exhibit Hopkins No 1" purports to have been signed, and its date?

Ans 3.

It is dated on the 24th day of May 1845, and purports to have been signed by Pio Pico & Juan Bandini who were at that time respectively Governor and Secretary of State -

Ques 4

State whether, from your experience as Keeper of the Archives, you are familiar with the signatures of the former Governors & Secretaries of the former Mexican Department of California?

Ans 4

I am familiar with the signatures of the officials of the Mexican Government, this familiarity however has not been acquired by having seen them write, but only by an examination & comparison of the signatures in the Archives —

— Ques 5 —

Examine the document marked "Exhibit Hopkins No 2" hereto annexed and state what it is?

Ans 5

Exhibit Hopkins No 2 is a photographic copy of the signatures of Pio Pico, Jose Maria Covarrubias and Juan Bandini, which appear to have been taken from Grants on file in the Archives bearing date respectively on the 19th May 1845 — 24th May 1845 — & 26th May 1845 — (The above document is objected to as evidence in this case, as being irrelevant and incompetent)

Ques 6

State from your experience as Keeper of the Archives, whether the signatures of Pio Pico and Bandini appearing on "Exhibit Hopkins No 2", were executed by the same persons, who executed the signatures appended to documents now found in the Archives under your charge, whose genuineness is undisputed?

(Question objected to as being involved and defective in form,

And as testimony incompetent & irrelevant.)

Ans 6.

I think the originals of the signatures of Pio Pico and Juan Bandini as shown upon "Exhibit Hopkins No 2" are genuine - inasmuch as they are like the signatures of those gentlemen as found in the Archives -

Ques 7

Now examine together Exhibits Hopkins Nos 1 & 2, the former dated the 24th May 1845, & the latter bearing the dates of the 18th 24th, 26th of May 1845, and state, whether from your knowledge of the Archives & of the signatures appearing in said Archives, as before stated by you; the originals of said Exhibits respectively, so far as the signatures of Pio Pico and Juan Bandini, are concerned were signed by the same persons?

(Objected to as incompetent).

Ans 7 -

The signatures of Pio Pico, and Juan Bandini as found upon "Exhibit Hopkins No 1" appear to be

somewhat different from the signatures of those Gentlemen as found upon "Exhibit Hopkins No 2," whether this difference be the result of accident or whether they in fact were not written by the same persons this deponent cannot say—

Ques 8.

Examine ~~Hop~~ "Exhibit Hopkins No 3" now attached to your deposition and state what it is?

Ans 8

"Exhibit Hopkins No 3" is a photographic copy of a document purporting to be a grant to Victor Prudhon and Marcus Vaca of a place called Laguna de Santos Calle" on file in the Archives of the former Board of Land Commissioners — it purports to be signed by Pio Pico Governor and Jose Matias Moreno Secretary —

(The above document objected to as incompetent testimony)

Ques 9.

State from ~~the~~ your knowledge of the Archives, if you know in whose handwriting is the body of the grant of which you state that "Exhibit Hopkins No 3" is a photographic

Copy &
(Question objected to as incompetent-

Ans 9.

The handwriting of the body of Exhibit No 3 appears to me to bear some resemblance in its general features to that of Victor Pendhon — The signature of Rio Rico to this document "Exhibit Hopkins No 3" is manifestly different from the signature of Rico as found upon "Exhibit Hopkins No 2" — It is also manifestly different from the signature of Rio Rico on "Exhibit Hopkins No 1" the original grant in this case-

Ques 10-

Now examine Exhibits Hopkins Nos 1 & 3 together, and state whether or not the bodies of each grant are not in the handwriting of the same person &.
(Ques objected to as incompetent)

Ans 10-

The handwritings of the bodies of the two documents bear a strong resemblance to each other-

Ques 11

Do you know what office, if any, Victor Prudon held in the former Government from the 1st May 1845 to the 1st January 1846 &c.

Ans 11

I do not know ~~that~~ whether or not he had any office during that period –

Cross Examination

Ques 12

Are there not grants in the Archives undoubtedly genuine, the bodies of which are written in the same handwriting, as appears on the original Grant in this case?

Ans 12

I think there are genuine grants in the Archives the bodies of which are written by Victor Prudon, I cannot state the dates of said Grants –

Ques 13

Did you examine the Archives as requested by me, to see what evidences there existed of the

fact, that a grant was issued by Governor Pio Pico on the 24th day of May 1845, for the land described in the original grant on file in this case &.

Ans 13

I have made such examination —

Quer 14

State if you please, what you found on such examination?

Ans 14

I have found upon a "Borrador" or memoranda of orders made by the Governor in the Month of May 1845 on entry in the handwriting of Narciso Bortello (who was one of the Clerks of the office of Secretary of State) of which the following is a translation "On the petition of Señor Don Cayetano Juarez presented on the 8th of April, soliciting 8 square leagues, the following decree was made "Angeles May 24th 1845. There is conceded to the interested party, that for which he petitions, therefore let the corresponding title issue" the Governor of

the Department, thus decreed, ordered and signed"—

Across this entry on the original there is drawn a line as a check to show that the order had been entered in the proper book—

(A certified copy of this document is here offered in evidence ~~and~~ and annexed to this deposition marked "Exhibit Hopkins No 4")

There is also found in the Archives the corresponding Expediente for the grant of the place named "Yokaya"—It is numbered 452 and referred to by number and description in the Hartnell index— There is also a registry of a grant to Cayetano Juarez of a place called "Yokaya" in the Toma de Razon of 1845, the date of which corresponds with the date of the Grant in this case— The Journals of the Departmental Assembly for 1845 show the approval of a grant made to Cayetano Juarez on the 24th May 1845, of a place called "Yokaya"—

(Question and Answer 14 together with "Exhibit Hopkins No 4" objected to as irrelevant and incompetent, because the said Exhibit and the other documents referred to as found in the custody of the United States, do not and cannot prove the ~~genuineness of the~~ documents produced by the Claimants in this case which is the original of "Exhibit Hopkins No 1" to be the genuine grant referred to in said Exhibit No 4 and in the other documents referred to in Answer No 14.)

Ques 15.

Look at the marginal order under date May 24th 1845 and over the signature of Rio Rico found on the 2d page of said Expediente, and state what it is, in whose handwriting it is, body & signature.

Ans 15.

This ~~is~~ is a marginal Order & in the handwriting of Juan Bandini who was at the date of the same Secretary of State, and it is signed by Rio Rico, and I think his signature to the same is gen-

nine, this marginal order is the same declaration et literatim with the one referred to and translated in my Answer No 14 -

Ques 16.

Does not the said Expediente show that the proper entry was made in the Toma de Razon &.

(Question objected to as irrelevant because there is a copy of the Expediente on file in this case which speaks for itself).

Ans 16

It does.

Ques 17

Look at the entry on said Expediente under date "Angeles May 5, 1846" and over the signatures of Rio Rico and Agustin Olvera and say in whose handwriting it is, body and signature &.

Ans 17

The said entry is an order of the Departmental Assembly referring the Expediente to the Committee on Vacant lands, it is in the handwriting of Cayetano Ave-

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Res, Who often wrote in the office of the Departmental Assembly & of the Secretary of State- And the signatures are those of Rio Rico Gov President of the Departmental Assembly & of Agustin Olano Secy of State-

Ques 18.

Look at the two concluding entries on the said Expediente, and state what they are and in whose handwriting they are, bodies and signatures &.

Ans 18.

The first is the report of the Committee upon vacant lands, it is in the handwriting of Santiago Arguello the Chairman of the Committee on Vacant Lands & on the date of the Grant, and it is signed by himself-

The second is an entry in the handwriting of Cayetano Arellanes, and it is an approval of the Departmental Assembly upon the preceding report of the Com on vacant Lands

Ques 19-

Do not all said Documents

and entries ~~appear~~ specified in Answer 14, appear fair and genuine, and are they not found in their proper places in the Archives?

(Objected to as irrelevant because the United States do not dispute or question the genuineness of the Expediente and other documents referred to in Answer 14, nor of any other documents found in the proper Governmental Custody, but in this case only question the genuineness of the Grant ~~in this case~~, produced by the Claimants).

Ans 19—

They do, and are so found—

Direct Examination resumed

Ques 20.

Examine "Exhibit Hopkins No 2" in connection with the Expediente referred to in your Cross Examination, and state whether the signatures of Rio Rico appearing

upon said Exhibit X ~~the~~ said

upon said Exhibit & the said Expediente do not appear to have been made by the same person's

Ans 20

They do -

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Ques 21.

Examine the marginal order in said Expediente, which you have described in your cross examination as having been written by Juan Bandini, in connection with the words "Se toma razon" & to which the signature of Bandini appears to be annexed, appearing on the original of Exhibit Hopkins No 1", and state whether the said marginal order and the words & signature appearing on the original of said "Exhibit Hopkins No 1" were written by the same person?

(Ques objected to as incompetent)

Ans 21.

~~The writing referred to upon the Exhibit~~ Upon the original of the Exhibit referred to, the words "Se toma razon" appear to be in the same handwriting with the body of the grant, this is usual

in grants. The signature of "Bandini" appears to be different from the handwriting of Bandini on the Expediente, it is difficult however to draw a just comparison in handwritings where upon one side there is but one word.

R. C. Hopkins.

Subscribed & Sworn to before me this 6th day of July, A.D. 1861.

Cuthbert McAllister

U.S. Comm

No 217

United States District Court, for the Northern District of California

The United States

-v-

Cayetano Suarez

Deposition of R. C. Hopkins U. S. Witness

Filed Nov: 7, 1861.

W. A. Chevers

Clerk

Exhibit Hopkins No. 1.

Habilitado provisionalmente por la Aduana marit^{ma} del puerto de Monterrey, 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.

Pio Pico, Vocal mas antiguo de la Honorable Asamblea del Departamento de Californias y encargado del gobierno del mismo por ministerio de la ley.

Por cuanto D. Cayetano Juarez, Mejicano por nacimiento, ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Yokaya, al S. C. de Monterey [illegible] al G. con el [illegible] y los demas [illegible] con los [illegible]; 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 Mejicana, he venido en concederle el terreno mencionado, declarandole la propiedad de él por las presentes letras, sujetandose a la aprobacion de la [illegible] Departamental, bajo las condiciones siguientes.

1ª — Podrá cercarlo sin perjuicio de las travesias, caminos y servidumbres; lo disfrutará libre y exclusivamente, destinandolo al uso o cultivo que mas le acomode.

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U. S. District Court

The United States

v.

Cayetano Suarez

Exhibit Hopkins No 1

Filed Nov: 7. 1861.
W. H. Chevers.
Clerk.

15

Incomplete
document

[1846 ca.]

[illegible] mismos para [illegible]
y resguardo. Dadiva en la Ciudad
de los Angeles Capital del De-
partamento de California á los diez
y nueve de Mayo de mil ochocien-
tos cuarenta y cinco.

Pio Pico

19 M. 45

C. Sin asistencia del Sr. Vice.

José Mª Covarrubias

Pio Pico

Dado en la Ciudad de los Angeles
Capital del Departamento de
California á veintinueve de Mayo de
mil ochocientos cuarenta y cinco.

Pio Pico

24 M. 45

Juan Bandini
Srio.

Dado en la Ciudad de los Angeles a veinti-
treis de Mayo de mil ochocientos cuarenta
y cinco.

Pio Pico

26 M. 45

Juan Bandini
Srio.

(5)

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Exhibit Hopkins No 2

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U. S. District Court

The United States

v.

Cayetano Suarez

Exhibit Hopkins No 2

Filed Nov: 7. 1861.
W. A. Clevert.
Clerk.

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Exhibit Hopkins N: 3

Habilitado provisionalmente por la Aduana marítima del puerto de Monterrey, 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.

Pio Pico Gobernador Constitucl del Departamto de Californias

Por cuanto los Ciudadanos Victor Prudon y Marcos Vaca han pretendido p.a su beneficio personal y el de sus familias el terreno conocido con el nombre de Laguna de Santos Calle en la jurisd.on de Sonoma practicadas previam.te las averiguaciones y diligencias concernientes, usando de las facultades con que me hallo investido por el Supremo Gobierno, a nombre de la Nacion Mejicana he venido por decreto de este dia en concederles el espresado terreno situado entre el rio de los Putos y abrazando la laguna dicha de Santos Calle colindando con los terrenos del Sor Wolfskill los de D. Manuel Vaca y el Valle, y forma una estencion de once sitios de ganado mayor, poco mas ó menos, como espresan el titulo y diseño adjunto declarandoles por las presentes letras, confirmada la propiedad que obtuvieron de dho parage por titulo del Sor Director de Colonizac.n de la frontera del Norte D. Mariano G. Vallejo, bajo las condiciones siguientes:

1.a Podrán cercarlo sin perjudicar las travesias, [illegible]

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y servidumbres; lo disfrutaran libre y esclusivamente destinandolo al uso y cultivo q^e mas les convengan.

2ª Solicitaran del Juez respectivo les dé la posesion Juridica, en virtud de este despacho por el cual le demarcaran los linderos con las respectivas mohoneras.

3^a El terreno de que se hace mencion es de once sitios de ganado mayor poco mas ó menos. El Juez q^e diere la posesion, lo hará medir conforme á ordenanza.

En consecuencia mando que teniendose por firme y valedero se siente razon de este despacho en el libro q^e corresponde, y se entregue á los interesados para su resguardo y demas fines. Dado en la Ciudad de los Angeles á veinte y nueve de D^bre de mil ochocientos cuarenta y cinco.

Lic^o Pico

José Matias Moreno

Srio Int.^o

Leida tomada razon de este Superior Despacho en el libro respectivo

Moreno

~~20~~

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U. S. District Court

The United States

v.

Captains Suarez

Exhibit Hopkins No. 3.

Filed Nov: 7 1861.
W. A. Clement.
Clerk

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Exhibit, Hopkins.

No. 4.

Translation

At the petition of the Senor Don Cayetano Juares, presented on the 8th of April, soliciting eight square leagues, the following decree was made:- "Augt May 24, 1845 – there is conceded to the interested party that for which he petitions. Therefore let the corresponding title issue – The Governor of the department thus decreed ordered and signed –

Correct translation.
R. C. Hopkins.

A la inst.ª del Señor D. Cayetano Juarez presentada con fha de 8. de Abr
~~[illegible]~~ solicitando ocho sitios de ganado mayor, recayó el decre-
to que sigue. Ang.s Mayo 24 de 1845. se le concede al interesa-
do lo que pretende y al efecto librese el titulo correspon-
diente. El Gobierno del Departamento asi lo decretó man-
dó y firmó

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

E. F. Beale

I, ~~J. W. MANDEVILLE,~~ *Surveyor General of the United States for the State of California, and as such, 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,** *as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law,* **Do Hereby Certify,** *that the ~~one~~ preceding, and hereunto annexed page , of tracing paper, numbered from one to ~~one~~ inclusive, exhibit a true, full, and correct copy, of an entry, found upon a borrador or memoranda of orders made by the Governor, in the month of May 1845, as the same is on file in said Archives*

EXAMINED AND FOUND CORRECT.

R. C. Hopkins.

Keeper of Archives.

In Testimony Whereof, *I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this* 6th *day of* July *1861*

E. F. Beale **U. S. Surveyor General, for California.**

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U. S. District Court

The United States

v.

Caytano Suarez

Exhibit Hopkins No. 4

Filed Nov: 7. 1861.

W. A. Cleveland

Clerk

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In the District Court of the United States

FOR THE Northern DISTRICT OF CALIFORNIA.

The United States,

v.

Cayetano Juarez

IN LAND CASES.

Dist. Court No. 217

Land Com. No. 335.

BE IT REMEMBERED, that on this 2d day of July A. D. 186/, at San Francisco in the District aforesaid, before me, JOHN B. WILLIAMS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Joel P. Walker a witness produced in behalf of The United States 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:

PRESENT: L. B. Williams & W. H. Shaw for U. S. — L. L. Williams for Claimant

QUESTIONS IN BEHALF OF THE United States

Question 1st,

Your name, age, and place of residence?

Ans 1.

Joel P. Walker - I am over 21 years of age - I reside in ~~Solano~~ Bozonas County

Ques 2

When did you first come to California?

Ans 2—

I came here in 1841— In 1841 I was at Capt Suttes at New Helvetia on the Sacramento— I remained there until February 1842— From there I went to Napa Valley about 10 miles above where Napa City now is— I stayed in Napa until sometime in 1843, & from there went to Oregon— I returned to California from Oregon in the fall of 1845 & went to Napa Valley—

Ques 3

Did you know Cayetano Juarez?

Ans 3,

I Knew him— I first became acquainted with him in 1842, I knew him first on his Rancho "Tulucay" near Napa where he then resided— The "Tulucay" was a two league Grant—

Ques 4—

State if you know what number of Cattle, Juarez had on

his Ranch called "Tulucay" in 1843?
(Objected to as irrelevant).

Ans 4.
I cannot tell the number — He did not have many, either horses or Cattle —

Ques 5.
Do you recollect any circumstance occuring at that time, by which you became acquainted with the number of his stock?
(Objected to as irrelevant)

Ans 5.
No, nothing, only in the Spring of 1843. I was endeavouring to buy some cattle to take to Oregon — I tried to get some from Isaac, horses &c, but he said he was just stocking his Ranch "Tulucay" near Napa, and had none to spare —

Ques 6.
Do you know the place called "Yokaya" now called "Ukiah", & if so in what year did you first become acquainted with it?

Ans 6.

I know it - and have been acquainted with it since 1854 - I was in the lower part of the Valley in 1849 - Since 1854 I have travelled all over it up & down -

Ques 7

What was the state of that part of the Country that you saw in 1849 with respect to its occupation by Indians and by White settlements &.

(Question objected to as irrelevant)

Ans 7.

I saw no White persons in that part of the Valley, it was all Indians - The Indians ran off from us, they broke and run to the brush -

Ques 8.

Were you well acquainted with the Country & people, between Napa Valley & Clear Lake from 1849 up to 1854 &.

(Objected to as irrelevant)

Ans 8.

Yes Sir -

Ques 9.

When did you first been there

there was a Mexican Grant
covering the land now occupied
by Ukiah City.

Ans 9.

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It was in 1852 that I first heard
of it - I heard it first from Mr
Phelps when riding with him
from Napa to Benicia - He
said he had a Grant or a
Claim there, or something to
that effect, something that
he had purchased - This
was in 1851 or 1852 It might
have been 1851 -

Ques 9,

When did you first hear of
stock being driven to Ukiah
valley & by whom?
(Objected to as irrelevant)

Ans 9.

In 1849 John Parker drove up
stock to "Yokaya", the stock
was said to belong to Jim
Black & Tim Murphy -

Ques 10

Do you know Cyrus Alexander, &
if so, state how long you have known
him, and whether his memory
with respect to transactions

long past, can be relied upon &
Question objected to as irrelevant
and also as incompetent for
the purpose of impeaching the
testimony of Alexander J.

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Ans 19.

I Know Cyrus Alexander — I became acquainted with him in 1842 — I don't think any body could impeach what Alexander testifies, but as to his ~~between~~ memory he is like all other men, absent minded — But when he knows a thing, nobody knows it better — But Alexander is forgetful —

Joel D Walker

Subscribed & Sworn to before me this 2d day of July A.D. 1861.

Cutler McAllister
Ass Comr

No 217

United States District Court- Northern District of California

The United States

-v-

Caytano Juarez-

Deposition of Joel P. Walker U. S. Witness

Filed Nov: 7, 1861.

W. H. Sherard, Clerk.

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In the District Court of the United States

FOR THE Northern DISTRICT OF CALIFORNIA.

The United States,

v.

Cayetano Juarez

IN LAND CASES.

Dist. Court No. 217

Land Com. No. 335,

BE IT REMEMBERED, that on this 22 day of July A. D. 186/ at San Francisco in the District aforesaid, before me, Cutler McAllister a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Jesse Beasley a witness produced in behalf of The United States 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:

PRESENT: J. B. Williams and Wm. H. Sharp for the United States

J. D. Williams for Claimants

QUESTIONS IN BEHALF OF THE United States

Question 1st,

State your name, age, and place of residence?

Ans'r,

Jesse Beasley - I am about 46 years of age I reside in

Napa County ~~Ques 2.~~

Ques 2

State when you first came to California?

Ans 2

I first came to California in 1843 and went to Sutter's Fort - at that time I stopped there about five months - Then I came down into Napa Valley and Bodega, this was about the first of 1844 - I have lived in Napa & Sonoma Valleys ever since - I lived in Napa Valley until the Bear Flag Revolution in 1846, my home was at old Mans Soutz - Since that time until about two years ago I have lived in Sonoma Valley - At that time I moved back into Napa. -

Ques 3

Did you know Cayetano Juarez who occupies the Ranch called "Tulucay" near Napa, if so, when and where did you first know him - ?

Ans 3.

I know him, I knew him first

in 1844 - I Knew him just on his Ranch in Napa ~~Coun~~ Valley -

Ques 4.

State, if you recollect, how much stock Haraz had on his Ranch in Napa Valley in 1844 and 1845; and your means of Knowledge &.

(Question objected to as irrelevant)

Ans 4.

In those years I saw his stock at his Rodeos, I never counted them, but from the quantity I would say there was somewhere about 2, 3, or 400 head -

Ques 5.

Do you Know the place called Ukiah Valley, and if so, in what year did you first Know it?

Ans 5.

I Know the place that they call Ukiah Valley - I was there in 1845 for the first time to the best of my Knowledge - I went with Julio Carillo to look after some Indians -

Ques 6

Do you Know the Rancho of Yer -

rando Feliz, and if so state its relative position to Ukiah Valley?

Ans 6.

We went through Feliz Ranch in order to get to the Valley –

Ques 7

When you arrived in Ukiah Valley in company with Julio Carrillo in 1845 as you have before stated, who did you find occupying that Valley?

Ans 7.

Nothing but Wild Indians –

Ques 8.

Did you see any Cattle or Stock of any Kind, or Corrals or Houses, or anything indicating any possession by native Californians at that time in Ukiah Valley?

Ans 8.

I saw none – Nothing more than the Animals we took with us –

Ques 9.

State if you recollect in what month in 1845 you visited Ukiah

Valley in company with Julio Carillo &.

Ans 9.

To the best of my Knowledge it was in June or July – I can't say exactly —

Ques 10.

In the deposition of Julio Carillo examined in this case Nov 29th 1859, he stated in answer to Question 7, that "In the months of June or July 1845 I visited it again" (meaning Ukiah Valley) and in answer to Ques 8 – he stated: that he found in the valley Vicente Ivanez the brother of Cayetano Ivanez who was residing there then, and the only one living there; and in answer to Ques 9 – that Vicente Ivanez had a small house, Corral, horses, cattle, and some civilized Indians for servants. Now state if at the time you accompanied Julio Carillo in 1845 to Ukiah Valley, in June or July of that year, you found Vicente Ivanez there in a house with a Corral, horses, cattle,

and civilized Indians for servants?
(Question objected to as illegal in form).

Ans 10.
I saw nothing of him - (~~Vicente~~ Juarez), no house, corral, cattle or stock except what ~~he~~ took with us -

Ques 11.
In the same deposition Julio Carillo states in answer to Question 10; that on that trip he bought a beef of Vicente Juarez - do you recollect on the trip you made with Julio Carillo of buying a beef from anyone?

Ans 11
I did not see him buy any - We never bought a beef until we came back - We had our guns along with us, and shot our meat, such as deer elk &c -

Ques 12.
State the next time you visited Ukiah Valley, after 1845?

Ans 12 -
I think I travelled up again

in Ukiah in 1846, I went up with Jim Nash - I would be certain whether it was in 1846 or 1847 - It was Marcus West that I went with -

Ques 13.

Did you see any signs of occupation on this occasion in the way of houses corrals or by stock &.

Ans 13.

I did not see any at all -

Ques 14

State the earliest period that stock was placed in "Yokaya" Valley to your Knowledge, and by whom was it placed &.

Ans 14.

I don't Know what time the stock first went there, I passed through there sometime in 1850 or 1851 and there was stock there then, with the mark of James Black on them

Ques 15.

Were you acquainted prior to the change of flags, with the mode in which the Mexican Ranchesos in Napa Valley

and its vicinity, made use of the Wild Indians in gathering their harvest, and if you do, please state the means adopted to obtain the services of these Indians &.

(Ques objected to as incelevant)

Ans 15;

I have been with them several times — They generally take about 15 or 20 men, go out and capture a Rancheria of Wild Indians, bring them in and make them harvest for them, and when they got through with them they would go back to their Rancherias —

They got their Indians sometimes in Ukiah Valley and above Ukiah Valley —

Cross Examination
Ques by Counsel for Claimants

Ques 16

How many were in the party at the time you visited "Yokaya" Valley in June or July 1845 &

Ans 16

There were between 25 & 30, including Indians and vaqueros -

Ques 17

State the names as far as you can ?.

Ans 17 -

Myself - Julio Carrillo, the names of the others I dont recollect - Some of the vaqueros were Indians & some Spaniards - I think Julio Carillo's brother was with us -

Ques 18.

Where did Julio Carillo live at that time ?.

Ans 18.

He lived on his Ranch in Santa Rosa -

Ques 19.

Did you bring away any Indians at that time from "Sokaya" ?.

Ans 19.

From there and above there we fetched down a lot of Indians.

Ques 20

What place did you go to above "Sokaya", what valley ?

Ans 20.

I don't recollect of any name

they had for the place-

Ques 21.

Was it a valley or not?

Ans 21.

We were in the rolling hills out from the river, I did not see any valley -

Ques 22

What ~~stream~~ Stream runs through "Yokaya" Valley?

Ans 22

I never heard any name but Russian River for it -

Ques 23,

When is the head of Russian River?

Ans 23.

I don't recollect of ever having been to it -

Ques 24

How far above "Yokaya" valley did you go?

Ans 24

Not a great distance - I can't say how many miles - Don't think we were ten miles above the valley -

Ques 25.

State whether "Yokaya" valley

is longer up and down than it is across?

Ans 25.

I never measured it - It appears to me, from the point where I saw it, that it was longer running with the river than it is across

Ques 26

Did you find any other streams in the valley than the Russian River?

Ans 26.

There was a stream in "Yokaya" valley when we camped running in from the mountains -

Ques 27

On which side of the valley did you camp?

Ans 27.

It must have been on the west side I should judge - It was near the lower end of the valley -

Ques 28.

Did you go on the East side of the Russian River?

Ans 28.

No Sir -

Ques 29.

State whether the "Yokaya"

Valley, and the Feliz Rancho of which you have spoken, both lie in the general Valley of the Russian River?

Ans 29.

They both lay on Russian River I think - I am not able to say whether the "Gokaya" comes down as low as Feliz Ranch or not, it lays above Feliz's -

Ques 30

State whether there are any mountains between the Feliz Ranch & the "Gokaya"?

Ans 30.

The hills close down to the river, We went over some rolling hills to get into "Gokaya" Valley - The Feliz Valley may extend into the Ukiah but the way we went to Gokaya we went over some rolling hills -

Ques 31.

State what was the object of your visits to "Gokaya" in 1844 1845, & 1846 or 1847?

Ans 31.

The first time Castillo invited me to go with him, and I went

with him - The second time I was invited me to go with him & I went with him - These were the only occasions on which I was there prior to 1851.

Ques 32.

Was there any cultivation in "Yokaya" Valley when you went there first in 1845 & the next visit after &.

Ans 32.

I did not see any -

Ques 33.

State whether there was not a large growth of timber in "Yokaya", when you visited it as you have stated &.

Ans 33.

There was groves of oak timber through the valley -

We travelled through places in the valley where there was timber, and in other places there was none -

There was considerable timber in the valley oak timber - I did not notice any pine timber there might have been I don't recollect of seeing any -

Ques 34

At the time you & Carillo went there, how long were you there, and did you separate, at all while you were there?

Ans 34 -

We were up there in "Gokaya" Valley about ~~two~~ ~~days~~ days, we camped in the same place there together two nights — We never while we were there separated any great distance — At times we ~~were~~ might have been 4 or 500 yards apart, what I mean is that we all stayed together in one party —

Ques 35;

Are you sure that the time you went to "Gokaya" with Carillo was in 1844 or 1845?

Ans 35;

To the best of my recollection it was in 1845 — but I can't be positive —

Ques 36.

How many years after you went with Carillo was it that you went with Marcus West?

8.

Aug 36.

I cannot be positive, I think it was the second year after I met with Carillo —

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Aug 37.

What is the character of Julio Carillo &.

Aug 37.

I believe his character is as good as any man's in the County in which he lived — He has a high character and is an honest upright gentlemen — But in this instance one or the other of us must be mistaken I think —

Jesse Bradley

Subscribed and sworn to before me this 2d day of July A.D. 1861.

Caleb McAllister

U.S. Comm

No 217.

United States District Court — Northern District of California

The United States

— v —

Cayetano Juarez

Deposition of Jesse Beasley U. S. Witness

Filed Nov: 7, 1861.

W. H. Chevers.
Clerk.

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In the District Court of the United States

FOR THE Northern DISTRICT OF CALIFORNIA.

The United States,

v.

Cayetano Juarez

IN LAND CASES.

Dist. Court No. 217 –

Land Com. No. 335 –

BE IT REMEMBERED, that on this 22 day of July A. D. 186[illegible] at San Francisco in the District aforesaid, before me, Cutler McAllister a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Elias Barnett a witness produced in behalf of The United States 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:

PRESENT: L. B. Williams & Wm H. Sharp for the United States

L. L. Williams for Claimants

QUESTIONS IN BEHALF OF THE United States

Question 1st,

Your name, age, & place of residence?

Ans 1,

Elias Barnett – Am ~~old~~ 56 years of age – I reside in Napa

County -

Ques 2.

When did you first come to California?

Ans 2.

I came to California in 1842 - went to Suttes Fort, stayed there about 3 months - From there I went to Napa Valley - Stayed there at that time about 2 months & then went to Fitchs Ranch Russian River valley, stayed there about 6 months & and from there I went to Cache Creek, Yolo Co & stayed there about 6 months & returned to Napa in the Spring.

I then lived in Napa County till 1849 - I then moved from there to the Stanislaus in San Joaquin County - In 1853 I went back to the place I am now living at and have been there ever since.

Ques 3.

Did you know Cayetano Juarez & who had a Rancho in Napa valley named "Tulucay", & if so state when you first became acquainted with him?

Ans 3.

I Knew Cayetano Juarez who had said Ranch-

I first became acquainted with him in 1842, at the Gourty Ranch, afterwards knew him on his own Ranch, "Tulucay"-

Ques 4

Did you know the "Tulucay" in 1844 & 1845, & if so state about how many head of Cattle were on the Ranch at that time?
(Objected to as irrelevant)

Ans 4-

I Knew the "Tulucay" Ranch in 1844 & 1845- I heard the Vaqueros who marked the Cattle on that Ranch talking in 1844 one day, they were saying how many they marked in all, and were talking about the number of Cattle, and they said there were 300 head according to the best of my recollection-
(Answer objected to as irrelevant incompetent and hearsay).

Ques 5.

Did you ever hear in 1844 or 1845 that Juarez had taken or sent

stock to the "Yokaya" Valley, & state also, who to your knowledge first took stock into that valley and when?

(Question objected to, the first part as being irrelevant and incompetent, the second part on the same grounds)

Ans:-

In 1844 or 1845 I heard that Juarez had taken or sent stock to the "Yokaya" Valley -

The first man I knew of was John Rankin who took stock there -

Ques 6.

Was your knowledge of the country & of the people, and of stock matters generally in 1844 1845 and 1846 of such a character, as would likely have brought to your knowledge the fact - if any stock had been driven to "Yokaya" in those years?

(Ques objected to on the ground that the inquiry is irrelevant and the testimony sought incompetent, and the question leading)

Ans 6-

Ans 6-

I lived on one of the roads that they would have had to pass - I never knew of any Cattle except the ones that I have specified, being driven into "Yokaya" -

The road that I lived on runs right up Napa Valley to Fitches Ranch, and from thence to "Yokaya & the Coast - The road branched at Fitches Ranch, one branch runs to Ukiah, and the other to the Coast - The road I lived upon was the only one leading up through Napa Valley to Fitches Ranch -

Ques 7.

Were you one of Fremonts party and if so state in what year?

Ans 7.

I was, in 1846. I think -

Ques 8.

State whether to your knowledge while you were in Fremonts party, you procured any horses from "Yokaya" Valley?

Ans 8.

No Sir - I did not - I did not hear of any -

Ques 9.
State whether that party procured any horses at the "Tulucay" Ranch in Napa Valley owned by Cayetano Juarez, and if so how many 6.
(This & preceding testimony objected to as irrelevant).

Ans 9.
I heard the men say they got a few from Cayetano Juarez, and Salvador. — I heard them state the number they got from Salvador, but not what they got from Cayetano —

~~Ques 10~~ —

Cross Examination
Ques by Plnts Atty —

Ques 10
How far was your residence in Napa Valley, above the City of Napa, and in what direction therefrom?

Ans 10
It was about 26 miles above, about Westerly or a little North

of West from Napa

Ques 11.

Was it not necessary in passing from the "Tulucay" Ranch, up and through Napa Valley to the Fitch Ranch on the Russian River, to pass over a range of mountains

Ans 11

It was necessary

Ques 12

About how wide is that range of mountains at the passage through &

Ans 12

About 3 miles —

Ques 13.

Was there a road from the "Tulucay" Ranch to the place where the City of Sonoma now is &

Ans 13.

There was

Ques 14

Was there a road from the City of Sonoma up to the Fitch Ranch

Ans 14

There was —

Ques 15.

How near to the place where you

lived was the nearest portion of the roads last mentioned?

Ans 15.

The nearest part of this road to where I lived was when Napa City now is, the distance was about 26 miles – And from my place to the nearest point on the Road from Sonoma to Fitch's was 20 miles –

Ques 16

What was the general character of the road from "Tulucay" by the way of Sonoma City to Fitch's Ranch at that day?

Ans 16.

That road ~~xxxx~~ was the best road ~~xxx xxx xxxxxxxx xx xxxxx xxxx xxxxxx~~.

his
Elias + Barnett
mark

Sworn to & subscribed by his mark before me this 22 day of July A.D. 1861 –

Butler McAllister
U.S. Comm.

United States District
Court Northern
District of California

-No 217-

The United States

-v-

Cayetano Suarez

Deposition of Elias
Barnett U. S. Witness

Filed Nov: 7, 1861.
W. H. Chevers
Clerk.

J J Williams
$1.50

Junto a la Presa de la Mision de San Gabriel		C Ramon Valencia (Indigena de S. Gabl.)	434
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Office of the Surveyor General,
Of the United States, for California.

E. F. Beale

I, ~~J. W. MANDEVILLE,~~ Surveyor General of the United States for the State of California, and as such, 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**, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, **Do Hereby Certify**, that the ~~one~~ preceding, and hereunto annexed page, of tracing paper, ~~numbered from one to one inclusive~~, exhibit a true, full, and correct ~~copy of~~ ~~one~~ extract of Hartnell's Diary as the same appears among said Archives

The words "Copy of an" erased before signing.

EXAMINED AND FOUND CORRECT.

R. C. Hopkins.

Keeper of Archives.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 8th day of Nov 18 69

E. F. Beale, **U. S. Surveyor General, for California.**

217.

U. S. Dist. Court.

The United States.

vs.

Cayetano Ibarez.

Extract from
Simeno's Index.

Filed Nov: 13. 1861.
W. A. Clemens.
Clerk.

DISTRICT COURT OF THE UNITED STATES,

Northern District of California.

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The United States
VS.
Caytano Ynarez.

San Francisco, April 25th 1860.

On this day, before me, WILLIAM H. CHEVERS, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Vicente Ynarez,
a witness produced on behalf of the Claimant
in Case No. 217, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 335 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by a sworn interpreter, to wit.: By
Thomas Pastor.

PRESENT:
Messrs Carey & Hastings, Counsel for the Claimants, and Jno. R. Wise, Esq. Acting U. S. Attorney, for the U. S.

QUESTION 1st, By Counsel for the Claimants.

What is your name, age and place of residence?

Ans. Vicente Ynarez. 47 years of age, lives in Contra Costa Co. Monte Diablo Rancho

Question 2

Do you know where the place called Sokayo is situated; if so, where?

Answer

I do know the Rancho called Tokaya. It joins the Rancho Sauel, owned by Fernando Feliz - The Russian River passes thorgh Tokaya. I cant tell exactly the distance from Sonoma, but should think it at least 20 leagues to the north.

Question 3.

Were you ever on the Tokaya Ranch; and if so, when did you first go there & how long did you remain.

Answer

I have been on the Ranch. I first went there in April 1845, and staid there five months. I went there to establish a Ranch. Went back there about the last of the year. The first time I went there to establish the Ranch I took with me a band of cattle & horses belonging to my brother Cayetano Suarez, who is now the claimant in this case. I know the grant was made to my brother, but dont know how the case stands now. I was sent to the Ranch by my brother for

the purposes above stated. I staid there, ~~until~~ on the Ranch, after going there the second time, until the Fremont-American revolution, Fremonts party took away the horses, and we came away. They left me but one horse. I left the place because I was afraid to stay there with but one horse, on account of the bad Indians.

Question 4

How much stock did you find on the Ranch, when you returned?

Ans.

When I came back, in Aug: 1846, after the revolution. there was no stock on this ranch, I found a few and ~~a few~~ a one on Pike's ranch, about 10 leagues South of the Sokaya ranch,

Ques: 5.

State what improvements, if any, you made on the Sokaya ranch, when you established the same, in 1845?

Ans.

I built two corrals, one for

the cattle and one for the horses, and a small house on the bank of the river, and houses were also put up, for the Indians which Cayetano Suarez employed on the ranch, Lynch. The Indians were sent by Cayetano Suarez, along with the stock from Napa. I had charge of the Indians and stock as the agent of Cayetano Suarez, whose agent I was in the establishment of the ranch.

Ques. 6.

Did you ever recover the horses which were taken from the ranch, by Fremont's party?

(Question objected to as irrelevant, and because it does not appear that there is any controversy about those horses.)

Ans.

I never recovered them, some of Fremont's party, or those who took the horses, said the Government would pay for them, but it never did.

Question 7.

Was the place called Sokaya in 1825, well known, and has it or not, distinct or well defined boundaries?

Ans.

It was well known previous to that time. The name was given to it by the Indians. The boundaries were well known, but there was only one adjoining ranch, that of Fernando Feliz, called "Sanel."

Cross Examination

Questions by Acting U. S. Atty.

Quest. 8.

When you started to go to Sokaya in 1825, the first time, how did you find the place?

Ans.

I had been at the place previous to establishing the ranch, but had never lived there, before 1825

Ques: 9.

State the time you first went on the place, where you established the ranch in 1845?

Ans.

In 1824. I went there with Carrillo, my brother and others, hunting, and also to get some Indians, Fernando Feliz was at that time on his ranche "Sanel"

Ques: 10.

How long did you stay there at that time with your brother?

Ans.

About ten days, in and about that section of country.

Sokayas, includes the whole valley of that name, and one mile for those ten days, in the valley, and mountains around.

Ques: 11.

Did your brother Carrillo and yourself, visit the valley at that time, for any other purpose, than hunting and pleasure=

ing Indians, as you have stated?

Ans.

In addition we wished to examine the country, with a view of finding a ranch, This was particularly the object of my brother Cayetano.

Ques: 12.

How long after that time did your brother petition for the ranch, and obtain a grant, and was it before you went there in 1825 to establish the ranch, and if so, how long before?

Ans.

I think my brother petitioned for the rancho, about the same time I went there with the stock,

Ques: 13.

In answer to Quest: 3. you state you know the grant was made to your brother, Do you know this from what your brother told you, or did you see the grant, which he obtained?

Ans.

Ans.

I only know from what my brother told me, I did not see the grant myself.

Ques: 14.

Do you know that your brother petitioned for the land, from what he or others told you, or did you see the petition and map, which he presented to the Mexican government?

Ans.

My brother told me that he had petitioned for the ranch, and wanted me to go there and establish it for him, and I did so.

Ques: 15

Have you no knowledge then, that your brother made a petition and received a grant from the Mexican government, except what he told you himself?

Ans.

That is all, He told me, he had

petitioned for the land, and to go and take possession of it and establish a ranch, and afterwards, he told me that he had obtained the grant.

Ques: 16.

From the time you first went there to establish the ranch in 1845, and until the time you left it, in consequence of your difficulty with the Fremont party, was your brother Capetano, ever on the ranch himself?

Ans.

My brother went with me the when I went there to establish the ranch, I think he staid about eight days, left instructions with me, whenhe left in possession of the ranch. My brother was there in the latter part of 1845, and again, after the horses were taken away, my brother went up to take after the cattle. My brother

resided on his other ranch of
two leagues, called "Tuluay"
in Tapaj. I never saw his
papers for the "Tuluay" either.

Ques: 17.

After the horses were taken
away, were any your brother
men up to look after the cattle.
State how long he staid there
at that time, and who he left
in charge of the Tokaya ranch,
when he came away?

Ans.

My brother staid there about three
days, he found no cattle there,
he left two yaqui indians
in charge of the ranch, they
staid there about a month
and then came to Tapaj, they
were Tapa Indians.

Ques: 18.

After these Indians returned
no cattle having been left upon
the ranch belonging to your
brother, did your brother
after that time, send any more

cattle up there, or go there himself. I mean, Did he go back there with cattle, or did he send cattle in charge of any one else between the time that these two Indians returned, and the month of July 1846?

Ans.

My brother had lost all his cattle up there, and he was afraid to send more, the revolution not being completed, and ~~I~~ I cannot not go there because I was detained in San José, my wife being very ill there. It was in August 1846, that my brother and myself went there to look for the cattle. It must have been in the following September that the two vaqueros Indians left the ranch. That whole region ~~part of the~~ about Napa country, at that time was very much excited.

It was about that time, that

old man Berreyesa, was shot by one of the Fremont party.

Ques: 14.

After August or September 1846, did your brother ever occupy the Sukaya ranch, and if so when?

Ans:

No sir, he did not put any more cattle there, I was unwilling to have them there, and refused to do so. Some Indians were left there, and in 1847 and 1848, I sent up there to take beeves to the Indians, who would come down frequently to Napa, work for Capetano Juarez, and return to Sukaya. The Indians at Sukaya, continued to work the fields which I established, and raised watermelons, corn and beans, the seed was furnished by Capetano Juarez, to keep them occupied, on the rancho Sukaya, and keep the possession of the place,

They were not baptized Christians, but they were docile and vaqueros indians, the two Indians first spoken of were christians

Ques: 20.

How long after 1846, has Cayetano Juarez claimed to own this ranch?

Ans.

Until now, whether he has sold it or not, I don't know,

vicente Juarez

Sworn to. and Subscribed this 25th April. 1860. before me,
W. A. Chevers.
U. S. Commr.

No. 217.

U. S. Dist. Court.

The United States.

—ads—

Cayetano Ynares.

Deposition of
Vicente Ynares.

Filed Nov: 13. 1861.
W. H. Chevers.
Clerk

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1.

In the District Court of the United States

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FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Cayetano Suarez

IN LAND CASES.

Dist. Court No. 217

Land Com. No. 335

To W. H. Sharp Esq U. S. Dist: Attorney

You are hereby notified that the testimony of Luis Carrillo, Joaquin Carrillo and Wm. Frazer

in the above entitled cause in behalf of the 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 Saturday the 10th day of August A. D. 1861, at 11 o'clock, A. M., and continuing from day to day until finished, at my office No. 14 U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Witness my hand and official seal at the City of San Francisco, in said District, this 2nd day of August A. D. 1861.

H. H. Cheever
DISTRICTS OF CALIFORNIA
U. S. COMMISSIONER

H. H. Cheever

U. S. COMMISSIONER.

217.

Aug: 10. 1861.

I hereby admit service of a copy of the within notice, San Francisco, Aug: 6. 1861.

W H Shaw
US Dist Atty

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Caspetano Duarez

IN LAND CASES.

Dist. Court No. 217

Land Com. No. 335

BE IT REMEMBERED, that on this Tenth day of August A.D., 1861, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared William B. Frazer 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: Judge Currey, and S. S. Williams Esq of Counsel for Claimant, and Wm. H. Sharp Esq, U. S. Dist. Atty, for the United States.

QUESTIONS IN BEHALF OF THE Claimant

Question 1st,

What is your name, age, and place of residence?

Ans.

My name is Wm B. Frazer, my age is 38 years, and I reside on

Martinez, Contra Costa County.

2.

When did you first come to California?

Ans.

In the Spring of 1845, I came here from Oregon, I emigrated with Ladge Burnett in 1843 across the plains.

3.

Are you acquainted with the Rancho "Sokayo" claimed in this case, and situated in Mendocino County?

Ans.

I was there in 1845, in the month of December, I was also there in 1846 in the month of March.

4.

Was any one in possession and occupation of said rancho on the occasion of those two visits, if so state who, and how it was occupied?

Ans.

There was a Spaniard named Linares there, there was a house

and two places fenced, one a

and two places fenced, one a corral and the other had the appearance of a garden. The garden had some shalks of corn and ~~Melon~~ indications of Melon vines in it, it was a small lot on the Creek. There were horses and cattle on the ranch, I staid there all night and Juares appeared to be living there. There were some Daguerro there and a number of Indians, this was on the occasion of my first visit in December 1845. The Daguerro had their horses staked out.

5.

State what you saw there on the occasion of your visit in 1846?

Ans.

On my visit in 1846 I did not stop at Juares, I saw horses and cattle in the valley, I saw the same ~~in 1845~~ that I did in 1845. I also saw a number of Indian huts on the place.

6.

Do you know whether or not Fremont's party or the Bear flag party obtained any horses from this ranche during the war?

Ans.

I do not personally. I left here ~~with~~ in command of a company of emigrants in 1846, for Oregon

7.

Have you any reason for believing since ~~or before~~ your return from Oregon that such was the case?

Objected to as incompetent because designed to elicit from the witness information derived from third parties, the witness having expressly declared that he knows nothing on the subject of his own knowledge.

Ans.

I have not.

8.

Did you learn any facts while in Oregon that induced you to believe such was the case?

Same objection as the

to believe such was the case?

Same objection as the last.

Ans.

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I cannot say that I believed it, but so I heard. I understood through other parties that the horses were taken from Yokayo.

9.

As a member of the Grand Jury in your County did you not a short time ago serve a subpoena on Vicente Juarez, to appear as a witness?

Ans.

I did.

10.

Was that the same Juarez you saw upon the rancho Yokayo in 1845?

Ans.

I believe it was.

Cross Examination
Questions by Counsel for the U. S.

Ques: 11.

In your answer to ques: 3rd you state you were on the

ranche Yakayo in 1845 and 1846, state the boundaries of that ranche?

Ans.

I do not know the boundaries of that ranche.

12.

How do you know then that you were on that ranche in 1845 and 1846?

Ans.

It was called that by the citizens of Bodega.

13.

What was called that, what extent of country?

Ans.

I cannot say the amount of country.

14.

Cannot you describe in some manner the country that was called Ranche Yakayo by the citizens of Bodega?

Ans.

It was the valley on the West side of the Rufian river. It is so long since I have been there, having

never been there since 1846,

never been there since 1846, that I don't think I could give the exact description of the valley.

15.

Can any you now Vicente Suarez and some vaqueros in that valley in 1845, ~~and~~ At that time could you speak the Spanish language, and if you could, did you have any conversation with Suarez?

Ans.

I spake the Spanish language but very little, enough to merely pass the time of day and ask at the house in a broken manner, for anything I wanted. I had no conversation on any other subject.

16.

Do you know the boundaries of the Yokayo rancho as now claimed?

Ans.

I do not.

17.

I gather then from your testimony that in 1845 and 1846 you visited for a short time

a tract of country known to the citizens of Bodega as Estrays, that you there saw a man ~~you saw the subpoenaed to be~~ named Vicente Juarez whom you believe to be the same man on whom you served a subpoena not long since, under the name of Vicente Juarez, but that you have no knowledge of the boundaries of the ranch claimed in this case, nor whether the said Juarez was at the said time within those boundaries, or that said Juarez was living there as the owner of the land. Am I correct?

Objected to as involved and defective in form, and because it purports to be a summary of the witness's evidence and because the witness has not testified as there narrated.

Ans.

I know that ~~he was~~ Juarez lived within the boundaries

of the tract called Yakayo Valley, with this qualification you are correct.

18.

I must ask you explicitly whether your last anamed refers to the boundaries of the tract you have called the tract of Yakayo, by the citizens of Bodega or to the boundaries of the rancho Yakayo as claimed in this case?

Ans.

I know nothing of the boundaries of the Yakayo rancho as claimed in this case. I learned from Juarez himself at the time that the tract was called Yakayo valley. When I arrived at the place first, I asked if this was the Yakayo ranch, and Juarez told me that it was.

19.

When did you learn that there was such a rancho as the Yakayo rancho, before making the enquiry mentioned in the last anamed?

Ans.

By parties who lived in the Bodega ~~Ranchos~~ country.

20.

How long before your visit did you learn this?

Ans.

I cannot tell the exact time, between three and four months. I learned it from one Manuel Torres, George C. Yount, James Black, Wright and Dickinson

Direct examination resumed

Questions by Counsel for Claimants

Ques: 21.

State whether you were enquiring for a place for yourself when you learned from Torres and others, that there was such a Rancho as Yakaya?

Objected to as leading,

Ans:

Ans.

I learned that there was such a valley as Yokayo valley, and by one James living in the valley. I was enquiring for a place for myself in different portions of the country. They told me of the Yokayo rancho and the valley of the Rufian river.

22.

State whether or not the Rufian river runs through Yokayo valley, and if so its situation in said valley?

Ans.

It runs through the Eastern side of said valley. To my best knowledge the course of the Rufian river was from North to South.

23.

State whether or not the ~~future~~ Yokayo valley was at that time generally known by that name?

Ans.

It was about Petaluma and Sonoma.

William B. Ide

Sworn to, and Subscribed
August 10. 1861. before me,
W. A. Cheever S.
U. S. Com.

No. 217.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Cayetano Ynares

DEPOSITION OF

Wm. B. Frazer

on part of Claimant,

Filed Nov: 13. 1861.

W. H. Chevers

Clerk.

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

Cayetano Juares.
vs.
The United States.

John Currey being duly sworn doth depose and say that he and S. Clinton Hastings claim to be the owners of the tract of land claimed in the above case, called "Yocaya," as the successors in interest thereto of the above named Cayetano Juares, And deponent further says that in the summer of 1859, he purchased one undivided half of said tract of land of said Hastings, and that his purchase was completed in November of the same year by a Deed of Conveyance, made by said Hastings to this deponent for one undivided half of said tract of land. That deponent paid a large sum of money for the interest by him so purchased in good faith, and with the full belief that said claim, was genuine, and that the title to said tract of land was valid and just. And deponent further says that at the time of said purchase, and the payment of the consideration for the interest in said land by him so purchased, and when he obtained the deed therefor, he believed the document on file among the papers of the late United States Land Commission in the office of the Surveyor-General of the United States for the State of California purporting to be a grant of said tract of land, was duly signed by Pio Pico, the Governor of the Cali-

fornia in May 1845; and was in every particular a genuine grant for said tract of land, that deponent never heard the genuineness of said document doubted or questioned, until several months after the date of the completion of deponent's said purchase and payment of the consideration money therefore.

That at that time deponent was unacquainted with the signature of said Pio Pico or the signature of Bandine the Secretary - that deponent relied on the testimony of witnesses and information of persons professing to know the signatures of said Pico & Bandine, and on the documentary evidence preserved among the archives of the former government in the office of said Surveyor General in relation to and effecting the title and claim of said Juares to said tract of land, - and deponent says he does not know whether the said document purporting to be a grant signed by Pio Pico and Bandine is genuine or otherwise, but that several credible and highly respectable persons have testified to its genuineness while other persons of high and respectable character have expressed their opinion that the same is not genuine.

But deponent deposes and says if said document is not genuine he is in no wise or manner at fault for its introduction in evidence. That said document was in evidence in said case long before deponent had anything to do with or had any interest in said case.

And deponent says he has not desired + does not now desire to support said claim by any evidence that is not true in substance and in fact.

And deponent further says that since he heard of doubts suggested as to the genuineness of said document, he has made diligent inquires and investigations in order to find the genuine grant issued in said case, and has inquired of all persons who would be likely to have the grant for said land or to have any information or knowledge respecting it, and has also made inquiry and search for such grant at the archives of said former government, now in the custody of said Surveyor General, but that deponent has been unable to discover or find such grant, and that unless the document aforesaid purporting to be the grant in said case is genuine. the genuine grant issued must be lost, or destroyed and is beyond either the power, control or discovery of this deponent - and deponent further says that he verily believes a grant was duly issued to the said Juares, for said land, because he says that the Archives of the Mexican Government in the possession of said Surveyor General of the United States, namely, the volume known as the "Toma de Razon" and the endorsement of the proceedings of the Departmental assembly on the Expediente in the case and also the proceedings which appear in the original Records of said Departmental Assembly, bear testimony and show that a

grant was issued to the said Cayetano Juares for the land in question.

And deponent further says, that he is informed and believes that no doubt or question has been suggested in relation to the other documentary evidence than the said document purporting to be a grant to said Juares, of said tract of land, but on the contrary deponent has been, informed by Mr. Hopkins the Keeper of the Archives, and others familiar with the records in said archives, that there is no doubt of the genuineness of such other documentary evidence.

And deponent further deposes and says, he is informed and believes that said Hastings purchased said tract of land, at a sale thereof made on behalf of the Estate of Ebenezer Knight deceased sometime in the month of March 1859, at the price of Thirty Thousand ($30.000) Dollars or about that sum. that he believes said Hastings purchased in good faith without any suspicion of the genuineness of the title to said tract of land.

And deponent further says that by evidence on file in said case, before the said Board of Land Commissioners, and which evidence is before this bourt, and which deponent believes to be true, and has relied on as true. it appears that on the fifteenth day of August A.D. 1852, the said Cayetano

Juares conveyed by deed said tract of land to Mariano G. Vallejo, who on the same day conveyed the same tract of land by deed to the said Ebenezar Knight, then in the lifetime of said Knight.

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And deponent says he has prosecuted said claim in good faith with the full belief that it ought to be confirmed, and still believes said claim is equitable and just.

And deponent says he is willing and hereby offers to appear before this honorable Court and subject himself to an examination in respect to the matters connected with this case, and his own relations therewith, at such time as the Court may deem proper, ——

And further deponent says ~~not~~ he desires and therefore prays that he and the said Hastings may be substituted by the order of this Court in the place and stead of said Juares, as claimants in the above case, and that said claim may be confirmed to the present claimants of said tract of land.

John Carey

Subscribed & Sworn
to before me this
5. Dec. 1861
Blair Lamme
Notary Public

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In the District Court of the United States.

Cayetano Juares

vs.

The United States.

Affidavit and Petition

Filed Dec: 6. 1861.
N. A. Cheves
Clerk

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

Caytano Juares

vs

The United States.

S. Clinton Hastings being duly sworn doth depose and say that he is one of the claimants of the tract of land called "Yo caya", for the confirmation of which the above entitled suit has been and is prosecuted - That deponent purchased said tract of land in the month of March 1859 at a sale thereof made on behalf of the Estate of Ebenezer Knight deceased for the price of thirty thousand dollars. And deponent further deposes and says that he was then and still is informed and believes that on or about the Sixteenth day of August 1852 the above named Caytano Juares conveyed, by deed duly executed and delivered, said tract of land to Mariano G. Vallejo, who on the same day conveyed by deed, duly executed and delivered, the same tract of land to the said Ebenezer Knight then in the lifetime of said Knight - that said deeds are now on file with the evidence in

this case duly acknowledged and proved.
And deponent further deposes and says that
sometime after he had purchased said tract
of land as aforesaid he sold and conveyed
by deed the one undivided half of said
tract of land to John Carey who is now
one of the claimants to said tract of land,
and that this deponent and the said Car-
ey claim to own said tract of land
by purchase thereof as aforesaid for
a large and valuable consideration by them
paid therefor.

And this deponent further
deposes and says he made the purchase
aforesaid in good faith and paid for said
tract of land a large sum of money and
had not any doubt or suspicion on his part
of the genuiness and validity of the title
to said tract of land, but that he believed
that the document in evidence purporting to
be the title or grant of said tract of land
was genuine and was duly signed by
Pio Pico while acting as Governor of the
Californias in May 1845 and by the Secre-
tary of State, Bandini, and never heard
the same doubted or questioned until long
after he had sold and conveyed the one
undivided half of said tract of land to said
Carey.

And deponent further deposes and

says that at the time of his said purchase and also at the time he conveyed as aforesaid to said Carey he was unacquainted with the hand writing of said Pico or of said Bandini and relied upon the evidence and opinions of others in relation thereto and on the documentary evidence in the archives of the former government in the office of the Surveyor General of the United States for the State of California relating to the title and claim of said Juares to said tract of land

And deponent further deposes and says he does not now know whether the paper purporting to be the <u>titulo</u> in evidence in this case is genuine or not, but if it is not genuine he does not wish to rely upon it in support of said claim - that said paper was in evidence before deponent made his purchase and that deponent at that time supposed it was genuine - that if it is not genuine, this deponent is not chargeable with any wrong because of its introduction in evidence.

And deponent further deposes and says that since he heard doubts expressed respecting the authenticity and genuine of said <u>titulo</u> or grant, he has endeavored in conjunction with said Carey to discover and find the genuine

grant issued to the said Juares and to that end has with said Currey made inquiries of all such persons as they disputed might have the genuine title deed or grant issued. (if the titulo or grant in evidence is not authentic) but that deponent has been unable after very diligent inquiry and search to discover any other paper or document purporting to be the grant to said Juares of said tract of land - and deponent says that if said titulo or grant now in evidence is not authentic and genuine then he verily believes the true and genuine grant for said land is lost. And deponent deposes and says he has no doubt whatever that a grant was duly issued by said Pico Rico to said Juares, because the archives of the Mexican Government in the possession of said Surveyor General contain evidence which deponent believes to be incontrovertable establishing the fact that a grant or titulo was duly issued in said case.

And deponent further deposes and says that he has aided in

the prosecution of this case in good faith believing the claim aforesaid to said tract of land to be just and Equitable and he still do believes,

And deponent says he is willing to submit himself to an Examination in court by the court or by the counsel for the government in respect to the matters hereinbefore mentioned or any other matters relating thereto. And deponent further says he desires and therefore he prays that he and the said Carey may be substituted by the order of this court in the place and stead of said Juares as the claimants in the above case. and that said claim may be confirmed to the present claimants of said tract of land.

J Clinton Hastings

Subscribed & Sworn
to before me this
4th day of December
A.D. 1861

Blair Lawrence
Notary Public

No. 217.

U. S. Dist. Court

The United States

v

Caytano Suarez

Affidavit of

S. C. Hastings

Filed Dec: 6. 1861.

W. H. Reeves.

Clerk,

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District Court of 7th Judicial District State of California, County of Sonoma

Ebenezer Knight
vs
Bethuel Phelps

The Complaint of the above named plaintiff respectfully shows to this Court, that the defendant on or about the twelfth day of August 1852 being desirous of purchasing a certain piece or parcel of land partly situated in the County of Sonoma and partly in the county of Mendocino and known as the Rancho de Jacaya containing Eight leagues of land more or less, borrowed of the plaintiff the sum of Eight thousand dollars to be applied towards the purchase thereof and agreed with the plaintiff by an instrument of writing signed by the defendant and dated the day and year last aforesaid that the title of said tract of land should be taken in the name of the plaintiff as security for the loan of the Eight thousand dollars for the term of five months at the rate of five per cent per month, a copy of which instrument of writing is hereto annexed, which plaintiff prays may be taken as a part of this his complaint

And the plaintiff further shows that afterwards on or about the Sixteenth day of August 1852, the said defendant completed the purchase of the said tract of land, and on the day and year last aforesaid caused a deed to be made for the same by Mariano G. Vallejo to the plaintiff a copy of which is ~~hereto~~ annexed hereto, and which plaintiff prays may be taken as part of this his said complaint.

And the plaintiff further shows that the said Deed was duly acknowledged and certified so as to entitle it to be recorded and the same was afterwards duly recorded in the office of the County Recorder of Sonoma County on the tenth day of September 1852

And the plaintiff further shows that on the Seventeenth day of August 1852 the defendant made his promissory note in writing for Eight thousand dollars whereby he promised to pay to the order of the plaintiff three months after the date thereof the said Sum of Eight thousand dollars with interest at the rate of five per cent a month from date and then and there delivered the same to the plaintiff as further Evidence

of his said indebtedness, and also delivered to him the said last mentioned deed as security for the payment of the said promissory note, a copy of which said promissory note is annexed hereto and which plaintiff prays may be taken as part of this his complaint.

And the said plaintiff further shows that the said defendant has failed to pay the said sum of eight thousand dollars which became due on the twelfth day of January 1853, and that there is now justly due to the plaintiff the sum of eight thousand dollars with interest thereon from the twelfth day of August 1852 at the rate of Five per centum per month.

The plaintiff therefore prays that the defendant and all persons claiming under him may be barred and foreclosed of all right, claim lien and equity of redemption in the said tract of land; that the said tract of land may be decreed to be sold according to law; that the moneys arising from the sale may be brought into Court; that the plaintiff may be paid the said sum of eight thousand dollars due by the said defendant with interest to the time of such payment, and the costs

and expenses of this action so far as the amount of such moneys properly applicable thereto will pay the same, and that the defendant may be adjudged to pay any deficiency which may remain after applying all of said moneys so applicable thereto, and that the plaintiff may have such other or further relief, or both, in the premises as shall be just and equitable

McAllister, Smith & Rose
For Plff
Office in Howards Building
San Francisco

County of San Francisco ss: Ebenezer Knight the above named Plaintiff being duly sworn says that he has read the foregoing Complaint and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters which are therein stated on his information or belief and as to those matters that he believes it to be true

Sworn before me this
Seventh day of June 1853
Thomas A Lynch
L.S. Notary Public

E. Knight

The undersigned acknowledges the receipt of

The undersigned acknowledges the receipt of a letter of credit for $8000. from E. Knight Esq. the nature of which is as follows - he is to purchase of M. Vallejo a ranch called the Yokaya on Russian River - the title deeds of which is to be in the name of said Knight, as security for the loan of the said $8000 for the term of five months at the rate of 5% per month - and as additional security the said Phelps agrees to give a mortgage to said Knight on lots Nos 9, 13, 14 in Block 73 in Benicia & 3 & 7 in Block 74 and in case of non-fulfillment in giving said security, he acknowledges this a debt that may be sued for and recovered as though it were a note of hand

San Francisco Aug. 12. 1852

(signed) Bethuel Phelps

witness
G. W. P. Bissell

Know all men by these presents that I Mariano G. Vallejo of the City and County of Sonoma and State of California in consideration of the sum of Eight thousand dollars in hand paid to me by E. Knight of San Francisco County State of California, the receipt of which

I hereby acknowledge, and for the sum of Two thousand dollars secured to be paid on the within described premises, the same being hereby pledged thereon on the final confirmation of the original claim or grant to the Rancho Yoeayo, hereinafter conveyed - and for the further sum of one thousand dollars secured to be paid upon the within described premises pledged as aforesaid one year after the final confirmation, and for the further sum of one thousand dollars secured to be paid on the within described premises pledged as aforesaid two years after the final confirmation do hereby bargain sell and convey unto the said E. Knight his heirs and assigns forever All my right title interest claim and demand in law and equity in and to a certain piece or parcel of land partly situated in said County of Sonoma and partly in the County of Mendocino and known as the Rancho de Yoeayo containing Eight leagues of land more or less conveyed by Caytano Lanes and wife to me

by deed dated August fifteenth A.D.

by and dated August Sixteenth A.D. Eighteen hundred and fifty two, and recorded in Sonoma City and County.

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In Witness whereof I have hereunto set my name and affixed my seal this the Sixteenth day of August in the year of our Lord one thousand eight hundred and fifty two

Witness
John B. Frisbie

(Signed) M. G. Vallejo L.S.

State of California
Sonoma County } On this ninth day of September Eighteen hundred and fifty two personally appeared before me the above named Mariano G. Vallejo to me known to be the person named and described in the foregoing Instrument and who executed the same and acknowledged that the same was executed as his own free act and deed for the uses and purposes therein mentioned. In Witness whereof I have hereunto set my hand and private seal having no official seal this ninth day of September A.D. 1852

John B Frisbie
Notary Public

Ed. S.

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San Francisco Aug 17th 1852

$8000

Three months after date for Value Received I promise to pay to E. Knight Esqr or order the sum of $8000, Eight thousand Dollars with interest at the rate of 5% Five per cent a month from date. Should this obligation not be redeemed at the Expiration of the aforesaid three months, it is agreed that the interest from and after that date shall be paid monthly in advance

Witness (signed) Bethuel Phelps
G. W. P. Bissell "

State of California
County of Sonoma } ss; I, Frank M. Shattuck Clerk of said County and Ex officio clerk of the District Court of the Seventh Judicial district in and for said County do hereby certify that the foregoing is a copy of the complaint and the instruments in writing referred in said complaint, filed in the action of Ebenezer Knight plaintiff against Bethuel Phelps defendant in said District Court in said County on the Ninth day

of June A. D. 1853 and the whole of such original complaint and instruments of writing therein referred to as a part of said complaint - In Witness Whereof I have hereunto set my hand and affixed the Seal of said District Court the 21st day of November A. D. 1859.

Frank. W. Shattuck Clerk

By James A Reynolds Deputy

In the District Court of the Seventh Judicial District of the State of California in and for the County of Sonoma.

Carlile P. Patterson
Administrator of the
Estate of Ebenezer Knight, deceased
vs
Bethuel Phelps.

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And now by leave of the Court comes Bethuel Phelps the above named Defendant, by John Burney his Attorney and answering to the complaint filed in this action by Ebenezer Knight in his life-time says, that he, the defendant admits as true at the time of the filing of said Complaint each and every allegation in the stating part of said complaint contained.

And the said defendant further answering says the plaintiff ought not to have and maintain said action further against the defendant, because he says, that after said action was commenced, and after the decease of said Knight, to wit on the fifteenth day November in the year Eighteen hundred and fifty three, the defendant, for the purpose of paying the indebtedness mentioned in said Complaint, transferred and delivered to the said Carlile P. Patterson as the administrator of said estate two certain

promissory notes, which were the property of the defendant, made by Mowry W. Smith and Jesse Potter payable to the order of Henry A. Breed and Benj. W. Mudge, and by the said Breed & the said Mudge duly endors=ed and delivered to the defendant, which notes were dated the 18th day of August 1853 and were each in the sum of Ten Thousand Dollars and each was payable as aforesaid to the order of the said Henry A. Breed and Benj. W. Mudge on the first day of December Eighteen hundred and fifty three, and each of which notes, the defendant is informed & believes was then and still is in the words & figures following that is to say:

"San Francisco Aug. 18th 1853.

$10.000:

On the first day of December next, for value received, we jointly & severally promise to pay to the order of Henry A. Breed and Benj. W. Mudge, Ten Thousand Dollars. and if not paid at maturity then with interest at the rate of five per cent per month from next december until paid

Mowry W. Smith
Jesse Potter"

which said notes were severally endorsed in blank by the said H. A. Breed and B. W. Mudge respectively, and for a valuable consideration

at the date thereof delivered to the defendant.

And the defendant further says that at the time of the transfer and delivery of said notes by the defendant to the plaintiff as aforesaid the same were so transferred and delivered by the defendant, and were by Plaintiff accepted and received of defendant as a means of payment to plaintiff of the indebtedness mentioned in said complaint- And the defendant says that plaintiff in consideration of such transfer and delivery of said notes to said plaintiff, there to wit, on said fifteenth day of November Eighteen hundred and fifty three, executed, signed and delivered to the defendant an agreement in writing in the words & figures following.

"Received San Francisco November 15th 1853 of Bethuel Phelps two certain promissory notes signed by Mowry W. Smith and Jesse Potter payable to the order of and endorsed by H. A. Breed & B. W. Mudge, dated Aug 18. 1853. payable on the 1st day of December 1853 for the sum of Ten Thousand Dollars each making Twenty Thousand Dollars in the whole.

Said notes are received as collateral to the payment of an indebtedness from

Bethuel Phelps to the Estate of Ebenezer Knight; said indebtedness with interest up to Dec. 1. 1853 is twelve Thousand nine hundred and seventy eight dollars, and Sixty seven cents ($12.978.67/100.) besides the costs of suit brought by said Knight in his life-time against said Phelps in Sonoma County. On said sum of Twelve Thousand nine hundred and Seventy eight 67/100 Dollars the said Estate of said Knight is to receive the benefit of the interest which is expressed in said notes, should they not be paid at maturity, but the balance between said Knights account of $12.978 67/100. & the said notes being $702 33/100 is to be returned to said Phelps with interest such as may be collected thereon.

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And D. Barlide P. Patterson, administrator to the said Knights Estate agree upon the full payment of said debt & costs due by said Phelps, to convey to the said Phelps the "Yocaya" Rancho which was deeded to said Knight by said Phelps direction, as security for said indebtedness, and I further agree to discharge a mortgage which was given to said Knight on certain lots in Benicia as additional security,

at the time said indebtedness was created.

Carlile P. Patterson"

And the Defendant further says that on the first day of December Eighteen hun=dred and fifty three, the amount due from defendant to the estate of said Kn=ight was the sum of Twelve Thousand nine Hundred and Seventy eight dollars and sixty seven cents, the same being the principal and interest of the promissory note mentioned in the said Complaint, and the costs of said action, which at that time, did not exceed fifty dollars; which sum of money to be due on said promissory note mentioned in said com=plaint on the day and year last aforesaid, it was understood and agreed by and between said Plaintiff and said defendant, at the time of the execution and delivery by Plain=tiff of the agreement a copy of which is herein before set forth, was to be received and recovered by the plaintiff from the said parties to said promissory notes trans=ferred and delivered as aforesaid to the Plaintiff, and to be by the plaintiff applied to the payment and liquidation of said sum of Twelve Thousand nine hundred and Seventy eight Dollars and sixty

seven cents, the same being the indebtedness mentioned in said complaint which would be due on the said first day of December Eighteen Hundred and fifty three and the balance of said two promissory notes, so transfered and delivered as aforesaid, to wit, the sum of Seven Thousand and twenty one dollars and thirty three cents, which should remain after the payment of the said indebtedness of defendant, the plaintiff, at the same time, to wit, on the said fifteenth day of November, also agreed and undertook to collect of the parties to said promissory notes transfered and delivered to him as aforesaid by said defendant, and to pay or return the same to the defendant with such interest as might be collected thereon.

And the defendant further says that said promissory notes made by said Smith and Potter and endorsed by said Breed and Nudge, as aforesaid, were transfered and delivered as aforesaid, before the same or either of them became due and that at the time said last mentioned notes became due and payable they were held by and were entirely under the control and custody of the plaintiff.

And the defendant further says that he is informed and believes and upon such information and belief he charges the truth to be, that when said last mentioned notes became due and payable according to the tenor and effect thereof, the Plaintiff did not nor did any one in his behalf present, or make any effort to present said notes or either of them to the makers or to either of the makers of the same for payment - nor did the plaintiff or any one in his behalf cause due notice to be given to said endorsers of said notes, or to either of them, of any non-payment or dishonor of said notes or either of them. nor did the plaintiff or any one in his behalf do any act or thing to render said endorsers or either of them liable as endorsers of said notes when said notes became due and payable or in due time thereafter.

And the defendant further says that he is informed and believes, that a long time, after, said notes became due, to wit; ninety days thereafter, the Plaintiff procured the endorser thereof Benj. W. Mudge to write something over his name upon said notes which plaintiff now pretends

amounted to a waiver by him of due pre=
sentment of said notes to the makers of
the same, and of notice of the non payment
thereof at their maturity, but the defendant
says he is informed and believes that such
writing so made by said Mudge did not
amount to a waiver by him of due and
proper presentment of said notes to the
said makers of the same, for payment.

And the Defendant further says
that he is informed and believes that at the time
the said Mudge made said writing over his
name as aforesaid on said notes, the said Plain=
=tiff agreed to and with said Mudge that in
consideration thereof, and in consideration
that he said Mudge, would pay Plaintiff
the sum of Two Thousand dollars on one
of said notes, he, the plaintiff, would not
call upon the said Mudge for any further
payment on said notes or either of them
for a long time thereafter, and the Defend
=ant says he is informed & believes that
said Mudge did then, in consideration of
the said last mentioned agreement of
said Plaintiff, pay plaintiff Two Thousand
Dollars as aforesaid.

And the defendant
further says that he is informed and

believes, and he therefore charges the truth to be, that when said notes became due as aforesaid, and for some time, to wit, for the space of four months, thereafter, the said Smith and Potter, and the said Breed and Mudge, or some one or more of them were able to pay and could have paid said notes or so much thereof as would have been necessary to discharge the indebtedness of the defendant to the Estate of said Knight and the costs that had then accrued in said action if due and reasonable care and diligence had been taken, employed and used by the plaintiff or on his part, to render the said endorsers liable and responsible as endorsers of said notes, and if proper and reasonable care and diligence and means had been employed and used on the part of plaintiff to collect the monies due on said notes. but the defendant says the plaintiff disregarding his duty and obligations in the premises wholly neglected and omitted to call upon the said makers of said notes or either of them for the payment of said notes or either of them when the same became due and payable according to the tenor and effect thereof, or at any time thereafter and also the plaintiff wholly neglected

and omitted to do any act or thing, to render the endorsers liable upon said notes or either of them, or to fix and secure the liability and responsibility of said endors=ers, to pay the amount due upon said notes or either of them as endorsers thereof.

And the defendant further says that ever since said notes were transfer=red and delivered by the Defendant to the Plaintiff as aforesaid, for the purpose aforesaid, the plaintiff has held and had the possession and entire control of said notes and still holds and has the possess=ion and entire control of the same.

And the defendant further says that since said notes became due and payable as aforesaid and since the am=ount thereof, sufficient to pay and li=quidate the indebtedness which was due said Estate from defendant on the first day of December eighteen hundred and fifty three, could and ought to have been collected and received by the Plaintiff on said notes, the said Manry W. Smith has become so greatly em=barrassed and involved in his circum=stances and affairs as to be unable to pay said notes or either of them - and

The defendant says he is informed and believes said Smith has become and is quite insolvent and unable to pay his debts. And the defendant says that he is informed and believes, that since said notes became due as aforesaid the said Potter has died, leaving his estate insol=vent or so nearly insolvent that said notes or either of them could not at any time since the death of said Potter have been or be collected of or from his Estate.

And the defendant also says, that since said notes became due and payable as aforesaid and since the am=ount thereof sufficient to pay and satisfy the indebtedness due from defendant to the said estate of said Knight deceased on the first day of December in the year eighteen hundred and fifty three, could and ought to have been collected and received by the Plaintiff on said notes the said Henry A. Breed has become insolvent and unable to pay his just debts, and that some time heretofore, but at what precise time defendant is not informed, and cannot state, but long since the day and year last aforesaid, the said Breed made application to a

Court of competent jurisdiction for a discharge from his debts under and in pursuance of the provisions of an act of the Legislature of said State entitled, "An Act for the relief of insolvent debtors and protection of creditors", and has obtained such discharge from his debts. And the defendant also says that he is informed and believes that said Mudge, for a long space of time to wit: for the period of eighteen months last past, has been and still is in embarrassed and insolvent circumstances and unable to pay his just debts and wholly unable to pay said notes or either of them - besides the insolvency and inability of the said Bund and Mudge or either of them to pay said notes or either of them, the defendant says he is informed and believes, and upon such information and belief he alleges the fact to be that the said Bund and Mudge were severally discharged from all liability on said notes, as endorsers thereof because of the omission of the plaintiff to have said notes duly presented to the makers thereof for payment at the maturity of said promissory notes, and due notice thereof given to the said endorsers.

And the defendant further says that by reason of the laches and negligence aforesaid of the plaintiff and on his part, the amount due on said notes has been lost, and the defendant because of such laches, negligences and omissions of the plaintiff, which defendant alleges have been gross and inexcusable, has lost the amount due by said notes which by said written agreement herein before set forth, was specified to be paid on the debt therein mentioned as owing by the defendant to the Estate of said Knight deceased, and which was the same debt mentioned in said Complaint, excepting only the said sum of Two Thousand dollars paid as aforesaid by said Nudge to the plaintiff - and also by reason of such laches and negligences and omissions the defendant has lost the said sum of Seven Thousand and twenty one dollars and thirty three cents, which became due on said notes to the defendant on said first day of December eighteen hundred and fifty three, as the balance which remained after deducting from said amount due by said notes, the sum of Twelve Thousand nine hundred and seventy eight dollars

and sixty seven cents.

And the defendant further says that notwithstanding, the said laches, negligences and omissions of the Plaintiff, the plaintiff claims and pretends that said action should proceed against this defendant, and that the Plaintiff should have and obtain from this Court the judgment and decree for which the plaintiff in said Complaint prayed at the time of the filing thereof, and the plaintiff is persisting in such claim and urging said action against this defendant, all which actings and doings and pretences of the plaintiff, the defendant believes and alleges are contrary to equity and good conscience and tend to the injury and oppression of the Defendant.

In consideration whereof and of the premises the defendant prays the aid of this honorable Court in the premises, and prays that this Court will upon the hearing of this action order adjudge and decree that the plaintiff credit upon the debt or demand mentioned in the said Complaint, and also in said written agreement, as due

and owing by the defendant to the said Ebenezer Knight in his life-time and after his death to the estate of said Knight deceased, full payment and satisfaction thereof. And also that plaintiff give to the defendant a receipt and discharge of and from the costs of said action which had accrued at the date of said written aqueement, and also that it may be ordered and adjudged and decreed that the promissory note given by said defendant to said Knight in his life time a copy of which is set forth with said complaint be delivered up by the plaintiff to the defendant, and also that plaintiff execute, acknowledge and deliver to the defendant a proper deed of conveyance of the said tract of land called the Yocaya Rancho mentioned in said complaint and in said written aqueement - and also that plaintiff execute acknowledge and deliver to the defendant a satisfaction of the mortgage which the defendant gave to said Knight in his life time on certain lots in Benicia in Solano County as additional security for said indebtedness mentioned in said complaint reference to which mortgage is made in

said written agreement.- and also the defendant prays for such other or further relief or both in the premises as the nature of the case may require and as shall be agreable to Equity and good conscience.

John C Currey
Atty. for Dft.

State of California
County of Sonoma } ss. Bethuel Phelps the above named defendant being duly sworn deposes and says that he has read the foregoing answer and knows the contents thereof and that the same is true of his own knowledge except as to the matters which are therein stated on his information or belief and as to those matters he believes it to be true

Bethuel Phelps.

Sworn and subscribed
to before me this 27th day of
December 1855 as witness my
hand and official seal this
day and year at the County
and State aforesaid

C Dickinson
Notary Public

Seal.

State of California
County of Sonoma }

D Frank R Wharton

Clerk of Sonoma County and ex officio Clerk of the District Court of the 7th Judicial District County and State aforesaid do hereby certify that the above and foregoing is a full true and correct copy of the ~~the~~ an Original answers in the within entitled ~~cause~~ cause now on file in my Office

In Witness whereof I have hereunto set my hand and affixed the seal of the District Court of the 7th Judicial District County and State aforesaid this 25th day of November A.D. 1859

Fran R. Wheatman Clerk
By Wm H Crowell Deputy Clerk

Sonoma County

District Court

Carlile P. Patterson
Administrator &c

v

Bethuel Phelps

Copy Answer.

John Carry
Atty

Filed Dec 29th
1855.
N. Mc Menefee Clerk
By Joel Miller
Deputy

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Paid $2.00

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State of California
County of Sonoma } ss: I, Frank W. Shattuck County Clerk of the County of Sonoma and Ex-officio clerk of the District Court of the Seventh Judicial District of the State of California in and for said County having in my charge and custody all the records of said Court do hereby certify that as appears from such records, on the 21st day of November A.D. 1854, at a term of the District Court aforesaid, held in said County of Sonoma, in a certain action then depending in said District Court in said County wherein Ebenezer Knight was plaintiff and Bethuel Phelps was defendant the said District Court made an order which is in the words and figures follows that is to say

Ebenezer Knight
vs
Bethuel Phelps

Now comes Carlile P. Patterson by his attorney Sidney V. Smith and respectfully shows that the above action was commenced in this Court on the 9th day of June 1853, that a summons was issued on said day and was returned served on the defendant and filed on the 9th day of July 1853.

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that the default of the defendant was entered in said action on the 31st day of August A.D. 1853, that the above named plaintiff departed this life in the City of San Francisco on the 11th day of October 1853, and that on proper proceedings being had for the purpose in the Probate Court of the County of San Francisco, Carlile P. Patterson upon Petition was duly appointed Administrator of the Estate of said Ebenezer Knight, and that letters of administration were duly issued to said Patterson by said Probate Court on the 31st day of October 1853. Whereupon said Petitioner Carlile P. Patterson prays that an order may be made in the above action that said action may be continued by him said Patterson as administrator of said Estate

Whereupon the Court makes the following order to wit. That the above action be continued by the said Carlile P. Patterson administrator of the Estate of Ebenezer Knight deceased."

In testimony whereof I have hereunto set my hand and affixed the seal of said District Court at my office in said County of Sonoma on 21st day of November A.D. 1859.

Frank. W. Shattuck Clerk
By James A Reynolds Deputy

Order Substituting Patterson as
Plff-

Carlile S. Patterson
administrator &c
vs
Bethuel Phelps

District Court
7th Judicial District

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It is hereby stipulated and agreed that the above action shall be referred to Thompson Campbell Esq. of the city of San Francisco to hear the Evidence try the issues and report a judgment thereon. It is further agreed that said Referee in making up his report of judgment shall therein make reference to the Evidence taken as the Evidence upon which he has founded the conclusions to which he may have arrived, and shall annex all such Evidence to his report and that it shall be deemed a part thereof. It is further agreed that the time for the commencement of the trial of said action shall be fixed by said Referee and that the trial shall continue without delay until the same is finally concluded. It is further agreed that all depositions heretofore taken or hereafter to be taken by either Party in said action

may be read and used by either party on the trial and without recalling the witnesses again, though they may be in the county.- The Referee to have the same powers and rights to pass upon and decide all questions of law and fact as the court would have had, if the said action had been tried by the Court.

Dated San Francisco July 30. 1856

John Lemmy
attorney for Defendant
Sidney V. Smith
for Rff

It is hereby ordered in accordance with foregoing stipulation that the within named action be referred to Thompson Campbell Esq. of the city & County of San Francisco to try and determine the issues in said action and report thereon a judgment as provided in said Stipulation

September 26th 1856

(signed) E. W. McKinstry
Dist. Judge

District Court of the 7th
Judicial District
Sonoma County

Carlile P. Patterson
administrator of the
Estate of Ebenr Knight dec'd
vs
Bethuel Phelps

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On motion of the attorney for the dependent, It is hereby ordered that the above action be referred to Thompson Campbell Esq of San Francisco as Sole Referee, to hear the Evidence and to decide all questions and report a judgment in conformity and in accordance with the stipulation or agreement entered into between the attorneys for the respective parties in said action which agreement it is ordered shall be filed in said action upon the making and filing his report in said action. And it is also ordered that the clerk of this Court furnish to said Referee the Pleadings in this action

(Signed) E. W. McKinstry
District Judge"

State of California
County of Sonoma } ss: I, Frank W. Shattuck clerk of said County and Ex-officio clerk of the District Court of

said County do hereby certify that the foregoing is a true copy of a stipulation signed by Shulenburg as attorney for dfendant in the action in said court therein entitled and by Sidney D. Smith attorney for plaintiffs in such action, and a true copy of the order of E. W. M Kinstry Distrit Judge endorsed on said stipulation, which stipulation appears by an endorsement thereon to have been filed in said action in said court on the third day of February A.D. 1858. And I further certify that the written order last above this certificate written is a true copy of an order made and signed by E. W. M Kinstry Distrit Judge and filed in said action in said court on the 29th day of October A.D. 1856

In Witness Whereof I have hereunto set my hand and affixed the seal of said court at my office in said County the 21st day of November A.D. 1859.

Frank N. Shattuck Clerk
By James A Reynolds Deputy

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State of California
District Court of the Seventh Judicial
District — County of Sonoma

Carlisle P. Patterson
Administrator of the Estate of
Ebenezer Knight Dec'd
vs
Bethuel Phelps

Decree of
Foreclosure

Judgment February 4th 1858

This action having this day been brought on to be heard upon the Complaint filed herein and the general answer of the Defendant, and upon the report of Thompson Campbell Esqr a referee duly appointed by the Court, which report bears date the 30th day of January 1858 and was made in pursuance of an Order of this Court, made in this action on the 26th day of September 1856 referring it to the said Thompson Campbell to try and determine the issues in said action and report thereon a Judgment as provided in a Stipulation made in said Cause on the 30th day of July 1856—

On reading and filing the report of the referee named in the Order of reference by which report it appears that.

Thirty Thousand three hundred and

Seventy three Dollars and thirty three cents was at the date of said report due to the Plaintiff upon the Mortgage set forth in said Compelaint. And on motion of F. A. Fabens Attorney for the Plaintiff it is hereby adjudged and decreed that the Mortgaged premises described in the complaint in this action as hereinafter set forth or so much thereof as may be necessary, and may be sold seperately, without prejudice to the owner thereof, be sold at public Auction in the County of Sonoma, by the Sheriff of said County, that the said Sheriff give public notice of the time and place of such sale according to law and the practice of this Court, that either or any of the parties to this action may purchase at such sale, that the said Sheriff execute to the purchaser or purchasers a certificate of sale of the said premises that out of the monies arising from such sale, after deducting the amount of his fees and expense on such sale the said Sheriff pay to the Plaintiff or his attorney the sum of three hundred & twenty two & 90/100 Dollars adjudged to the Plaintiff for costs and

disbursements in this action with interest from the date thereof and also the amount so reported due as aforesaid together with interest thereon at the rate of five per cent per month from the date of the said report or so much thereof as the purchase money of the said mortgaged premises will pay of the same and take a receipt therefor and file it with his report of sale and that he bring the surplus monies arising upon said sale if any there be into Court without delay to abide the further order of this Court, that he make a report of such sale and file it with the Clerk of this Court with all convenient speed, that if the proceeds of such sale be insufficient to pay the amount so reported due the Plaintiff with the interest & Costs as aforesaid, the said Sheriff specify the amount of such insufficiency in his report of sale, and that the Defendant pay the same to the Plaintiff or that execution issue therefor.

And it is further adjudged and decreed that the Defendant and all persons claiming under him, be forever barred, and foreclosed of all

right, title, interest and equity of redemption in the said Mortgaged premises so sold or any part thereof,

And it is further adjudged and decreed that at the expiration of the time allowed by law for the redemption of the said Mortgaged premises after the sale thereof, if no redemption shall have been previously made the said Sheriff do execute and deliver to the purchaser of said premises an absolute deed therefor—

The following is a description of said mortgaged premises— all that certain piece or parcel of land, partly situated in the said County of Sonoma and partly in the County of Mendocino, and known as the Rancho de Yocayo containing Eight Leagues of land more or less.

It is therefore ordered adjudged and decreed by the Court that the whole of the above mentioned and described property and Real Estate with the appurtenances or so much thereof as shall be sufficient to fully pay and satisfy the amount of said Judgment against the Defendant

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Bethuel Phelps and in favor of the said Plaintiff, Carlisle P. Patterson (Admr.) of the Estate of E. Knight) with the interest thereon shall be sold according to law and the proceeds of said sale be applied to the payment & satisfaction of said Judgment with the interest thereon, and if the whole of said property shall not be sufficient to fully pay and satisfy said Judgment and the costs of this action that the Plaintiff have Execution against the Defendant for the residue

E. W. McKinstry
Dist. Judge

Whereupon Judgment is this day February 4th A.D. 1858 duly entered up against the Defendant Bethuel Phelps for the sum of Thirty Thousand Six hundred & twenty Six & 44/100 Dollars principal and interest and Three hundred and twenty & 90/100 Dollars Costs said Judgment to bear interest at the rate of Five per cent per month.

For which let Execution issue

Principal & Interest $30,626.44
Costs 322.90
$30949.34

Wm H. Crowell
Clerk

State of California
County of Sonoma
In the District Court of the Seventh Judicial District

To the Sheriff of said County
Greeting

You the said Sheriff of the County of Sonoma are hereby commanded and required, to proceed to notice for sale, and to sell the premises hereinbefore described, to apply the proceeds of such sale to the satisfaction of said Judgment, with the interest thereon, and costs, together with your fees, and to make and file your report of such sale to the Clerk of the said District Court, within sixty days from the date hereof, and to do all things according to the terms and requirements of the said Judgment and the provisions of the Statute in such case made and provided.

Witness the Hon. E. W. McKinstry Judge of the District Court of the Seventh Judicial District of the State of California, and the seal of said Court, this the 23rd day of February A.D. 1859

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Seal

Wm H Crowell, Clerk
By W. H. Bond Deputy Clerk

(The following endorsements appear upon the back of the above instrument.)

Note

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"District Court, Seventh Judicial District
Carlisle P. Patterson Admr of the Estate of
Ebenezer Knight dec'd vs. Bethuel Phelps.
Order of Sale. Filed on return this Thir
teenth day of March A.D. 1859. Wm H. Crowell
Clerk, By W. H. Bond Deputy Clerk"

State of California
County of Sonoma
Carlisle P. Patterson
Admr of the Estate of
Ebenezer Knight deced,
vs
Bethuel Phelps

In the District Court
of the Seventh Judicial
District in and for
the County of Sonoma

In pursuance and by virtue of a decree and Judgment of the Court made in the above entitled action by the Judge of said Court at a term of said Court held in said County of Sonoma on the fourth day of February in the year One thousand Eight Hundred and fifty-Eight by which it was among other things

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ordered adjudged and decreed that all and singular the Mortgaged premises mentioned in the Complaint in said Action and hereinafter described or so much thereof as might be sufficient to raise the amount reported and adjudged due to the Plaintiff as therein mentioned, for principal interest, Counsel fees, and Costs in the action, and the expenses of sale, and which might be sold seperately and without material injury to the parties interested, be sold at public auction by or under the direction of the Sheriff of the County where said Mortgaged premises are situated, and that said sale be made in said County, and that said Sheriff give public notice of the time and place of said sale according to the Course and practice of the Court, and the law relative to sales of Real estate under Execution, and that the Plaintiff or any of the parties to the suit might become the purchaser at such sale and that the Sheriff after the time allowed by law for redemption has expired, Execute a deed or deeds

to the purchaser or purchasers of the mortgaged premises on said sale, and that the said Sheriff out of the proceeds of said sale retain his fees disbursements and commissions on said sale, and pay the Plaintiff or his attorney his cost in this suit Taxed at Three hundred and Twenty Two 90/100 Dollars adjudged to the Plaintiff for cost and disbursements in this action, with interest from the date hereof and also the amount so reported due as aforesaid together with interest thereon at the rate of five per cent per month from the date of the said report or so much thereof as the purchase money of the said mortgaged premises will pay of the same, and take receipts therefor and file it with his report of sale, and that he bring the surplus monies arising from said sale if any there be into Court without delay to abide the further Order of this Court.

That he make a report of such sale and file it with the Clerk of this Court with all convenient speed. That if the proceeds of such sale be insufficient to pay the amount

so reported due the Plaintiff with the interest & cost as aforesaid, The said Sheriff specify the amount of such insufficiency in his report of sale, and that the Defendant pay the same to the Plaintiff or that execution issue therefor.

And it is further adjudged and decreed that the Defendant and all persons claiming under him, be forever barred, and foreclosed of all right, title, interest and equity of redemption in the said mortgaged premises so sold or any part thereof.

I the subscriber the Sheriff of said County of Sonoma do hereby respectfully certify and report that in pursuance and by virtue of the Order and decree aforesaid, I advertised said premises to be sold by me as Sheriff of said County in front of the Court House door in the Town of Santa Rosa in Sonoma County State of ~~aforesaid~~ California on the Twenty fifth day of March the year one thousand Eight hundred & fifty nine.

That previous to said sale I caused notice thereof to be publicly

advertised in a Newspaper published at Santa Rosa in said County called "The Sonoma County Democrat" for four weeks successively immediately before said day of sale as follows Viz. On the third day of March and the Tenth day of March and the Seventeenth day of March and the Twenty fourth day of March in the year aforesaid, and by posting up Notices of such sale and the time and place thereof in the manner and for the length of time required by said decree and the practice of this Court, and by the Statute in such cases made and provided, ~~and~~ which Notice contained a description of said mortgaged premises.

And I further report and certify that on the said Twenty fifth day of March in the year one thousand Eight hundred and fifty nine the day on which the said premises were so advertised to be sold as aforesaid at Twelve Oclock at noon of that day I attended at the place fixed for said sale, and exposed at public-

Auction said premises for sale to the highest bidder and the said premises were then and there fairly struck off and sold to S.C. Hastings to whom the Judgment and decree in the above entitled case has been duly assigned, at the sum of Thirty Thousand Dollars, he being the highest bidder therefor, and that being the highest sum bidden for the same_

And I do hereby further certify and report that I have executed and filed the usual Certificate of sale for said premises and also executed and delivered to said Hastings a duplicate of such certificate and have disposed of the purchase money or proceeds of said sale as follows Viz: I have paid the Printers bill for advertising said premises for sale as aforesaid the sum of Fifteen Dollars. I have also retained in my hands Two hundred and fifty five Dollars and sixty cents being the amount of my fees Commissions and disbursements on said sale as will appear by reference to the statement

of items thereof annexed to this my report, And I have paid to the assignee the sum of Thirty Thousand Dollars less Five hundred and fifty-five and 60/100 Dollars and have taken a receipt therefor which is hereto annexed—

And I further certify that on the day of the sale of said premises the sum due from the Defendant Bethuel Phelps to the assignee as reported and adjudged on the thirtieth day of January in the year one thousand Eight hundred and fifty-Eight, together with interest thereon at five per cent per month in the manner before mentioned and the costs taxed in said action amounted to the sum of Fifty Five Thousand thirteen and 40/100 Dollars, And that after deducting therefrom the sum of Twenty nine Thousand Seven hundred and forty four and 40/100 Dollars paid to Assignee by me as aforesaid there remained a balance due of Twenty Five Thousand Six hundred and ninety Dollars with interest as

aforesaid, due from said Defendant Phelps to said Assignee.

And I do further certify and report that the premises so sold as aforesaid were described in said decretal order and in the advertisement or notice of sale aforesaid as follows to wit:

All that certain piece or parcel of land, partly situated in the said County of Sonoma and partly in the County of Mendocino and known as the Rancho de Yocayo Containing Eight Leagues of Land more or less with the tenements hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversion and reversions Rents issues and profits thereof and all the Estate right title interest and Claim and demand whatsoever as well in law as in Equity which said Plaintiff at the date of said Mortgage set forth and described in the Complaint of this Action had or held in and to said property and premises and every part and parcel thereof with the appurtenances

Dated at Santa Rosa March 26th 1859

C. L. Green Sheff of Sonoma County
By A. P. Valley Und Sheff

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Carlisle D P Patterson
Admr of the Estate of
Ebenezer Knight dec'd
vs
Bethuel Phelps

In the District
Court of the Seventh
Judicial Distrct
of the State of Calfornia
in and for the
County of Sonoma

Statement of Sheriff for Commissions & disbursments on the Sale reperd to in the preceding report. Printers fees for publishing Notices of Sale of Mortgage premises $16.00
& penses of Sale disbursments fees and
Commissions 239.60
Amt in the aggregate $255.60

Given under My hand at
Santa Rosa Sonoma County
March 26th 1859
E L Green Sheriff of Sonma County
By A B Nally Und Shff

Received of E L Green Sheriff of Sonoma County by A B Nally Under Sheriff Thirty Thousand Dollars $ & $255,60 percentage Costs and Clerks accruing costs being the amount of Sale under Order and Decree of Court in the Case of Carlisle D Patterson Administrator of Ebenezer Knight Dec'd vs Bethuel Phelps on foreclosure of Mortgage on Tzabo Rancho
Santa Rosa March 25th 1859 J Temple Atty for S C Hastings Assignee of said Judgment & Degree

Carlisle D Patterson
Admr of the Estate of
Ebenezer Knight Dec'd
vs
Bethuel Phelps

In the District Court
of the Seventh Judicial
District in and for
Sonoma County and
State of California

On reading and duly Considering the Report of E L Green the Sheriff of said County filed in this action of the Sale of the Mortgaged property and premises mentioned and described in the decree made in said action and on motion of the attorney and Counsel for said Plaintiff

It is ordered that said Report be in all things Confirmed. And it appearing from said report that the Mortgaged property and premises were sold by said Sheriff as ordered and directed in and by said decree for the sum of Thirty Thousand Dollars and that after the payment of said Sale and the disbursements and Commissions which accrued by reason thereof were paid out of the sum of Money last mentioned and after application of the remainder of such sum was made towards the Satisfaction of the amount reported due from the Defendant Bethuel Phelps to the Plaintiff Carlisle D Patterson Admr &c and by said decree determined to be due

the Plaintiff from said Defendant there remained a deficiency of the amount due the Plaintiff from said Defendant Phelps in the sum of Twenty two Thousand Six Hundred and Ninety Dollars and it appearing that such last mentioned sum of Money still remains due by said decree to the Plaintiff and that the Defendant Bethuel Phelps is liable to the Plaintiff therefor with interest thereon at the rate of five per Cent per month from the twenty fifth day of March A D One thousand Eight hundred and fifty Nine; the day of the Sale made by said Sheriff

It is therefore ordered and decreed that said Plaintiff have Execution against the property of the Defendant Bethuel Phelps for the said Balance or deficiency of twenty two thousand Six hundred and Ninety Dollars with interest thereon at the rate five per Cent per Month from the twenty fifth day of March A D One thousand Eight hundred and fifty Nine and for such further interest as shall accrue thereon at the rate aforesaid

Given under my hand in Open Court at the Court House in the County of Laurens the 21st day of October in

the Year of our Lord one Thousand
eight Hundred and fifty
Nine
E. W. McKinstry
Dist-Judge

Whereupon Judgment is this 21st day of
October AD 1859 duly entered up as above
mentioned for the Sum of Twenty Two Thousand
Six Hundred and Ninety Dollars with inter
est thereon at the rate of five percent per
month from the twenty fifth day of March
AD 1859 and for such further interest
as shall accrue thereon at the date
aforesaid

Entered at Santa Rosa this 21st
day of October AD 1859
Frank W. Shattuck Clerk

State of California
County of Sonoma

I Frank W.
Shattuck County Clerk of said
Sonoma County and Ex Officio Clerk
of the said District Court do hereby
Certify that the above and foregoing
is a true, full and correct copy

of the Decree of Foreclosure & Judgment
Order of Sale, Sheriffs Return
of Sale and Order of Court
confirming said Sale and decree
and Judgment for balance remain-
ing due, in the above entitled
Cause now on file and of
Record in my Office

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In witness whereof I have
hereunto set my hand and
affixed the seal of the said
District Court this 4th
day of November A.D. 1889
Frank W. Shattuck
Clerk

In the District Court

Carlisle P. Patterson
Admr &c
vs
Bethuel Phelps

Copy
of
Decree of Foreclosure & Judgment
Order of Sale
Sheriffs Return of Sale &
Order confirming Sale & Judgment for balance due

217.

U. S. Dist. Court.

The United States.

vs.

Cayetano Suarez.

Copy of decree of foreclosure. etc.

Filed January 4. 1862.
W. H. Chevers.
Clerk

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This Indenture, made and executed this Thirtieth day of September A. D., 1859, by Edward L Green Sheriff of the County of Sonoma in the State of California: WITNESSETH, That, Whereas, in and by a certain Order of Sale issued out of the Seventh Judicial District Court of the said State of California, in the action of Carlisle L Patterson Administrator of the Estate of Ebenezer Knight deceased against Bethuel Phelps duly attested the 23rd day of February A. D. 1859, and to me, as such Sheriff, duly directed and delivered, I was commanded to sell the property hereinafter described, at Public Auction, according to law, and to apply the proceeds of such Sale towards the satisfaction of the Judgment in said action, amounting to the sum of Thirty thousand six hundred and Twenty six 44/100 dollars, and the interest thereon, and costs of suit and expenses of Sale, as by the said Order of Sale, reference being thereunto had, more fully appears.

That, Whereas, in pursuance of said Order of Sale, I did duly levy on, and on the 25th day of March A. D. 1859, at 12 o'clock, noon, at the Court-House door, in the Town of Santa Rosa in said State, I did duly sell the premises, hereinafter described, at Public Auction, according to law, to L Clinton Hastings who was the highest bidder therefor, for the sum of Thirty thousand ($30,000) dollars, which was the whole price paid by him for the same,---I having first given due notice of the said sale, by the publication of the said time and place thereof, and of the description of said property, hereinafter set forth, once in each week, for twenty-one days, in the Sonoma County Democrat a Newspaper, published in said County, and posting copies of such notice and description daily, for the same period, in three public places of ~~the~~ said County of Sonoma ~~of Santa Clara Rosa Sonoma~~

And, Whereas, the time allowed by law for the redemption of said property has expired without such redemption having been made: Now, Therefore, I, the said Edward L Green Sheriff of said County of Sonoma in pursuance of the said Order of Sale, and of the Statute in such case made and provided, and for and in consideration of the payment to me of the said sum of Thirty thousand ($30000) dollars, so bid as aforesaid, the receipt whereof is hereby acknowledged, Have granted, bargained, sold conveyed and confirmed, and by these presents do---grant, bargain, sell, convey and confirm unto the said L Clinton Hastings his heirs and assigns, the Real Estate in said Order of Sale described as follows, to wit: All that certain piece or parcel of Land situated in the Counties of Sonoma and Mendocino, and known as the Rancho Yocayo containing Eight Leagues of Land more or less, with the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, rents issues and profits thereof and all the Estate right

title interest and claim and demand — whatsoever as well in Law as in Equity of

And further described as the Place formerly called "Yokaya" and bounded on the South by the Rancho of Don Fernando Felis and on the North East and West by the Country — inhabited by the unchristianized Indians and containing Eight (8) Leagues of Land, more or less

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To Have and to Hold the same unto the said S. Clinton Hastings his heirs and assigns forever.

In Witness Whereof, *I, the said Sheriff, have hereunto set my hand and affixed my seal the day and year first above written.*

Signed, Sealed and delivered in presence of

Wm Neely Johnson

Edward L Green
Sheriff of Sonoma County
in the State of California

State of California, } ss.
COUNTY OF Sonoma }

On this Thirtieth day of September A. D. One Thousand Eight Hundred and Fifty Nine before me, John Brown a Notary Public, in and for said ——— County, personally appeared Edward L. Green Sheriff of the Said County of Sonoma to me personally known to be the individual described in and who executed the foregoing 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 Public.

Received

of him the said Bethuel Phelps

DEED.

E L Green. Sheriff
Sonoma County.

TO

S. Clinton Hastings

Dated September 30th 1859.

Received for Record October 3d 1859 at 8 o'clock Am. G. Canning Smith Recorder.

Recorded October 3d 1859 at 8 o'clock Am. in Deeds No 1. Pages 29 + 30. at request of S. Clinton Hastings. G. Canning Smith Recorder

$2.35.

217.

U. S. Dist. Court.

The United States.
vs.
Cayetano Juarez.

Deed from Green.
to
S. C. Hastings.

Filed January 4. 1862.
W. H. Chenery.
Clerk

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This Indenture Made the fourth day of November in the year One thousand eight hundred and fifty nine Between Bethuel Phelps of San Francisco in the State of California of the first part, and J Clinton Hastings of Benicia in the County of Solano in said State 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 him in hand paid by the said party of the second part at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged has granted bargained, sold and conveyed, and by these presents Does grant, bargain sell, and convey unto the said party of the second part and to his heirs and assigns forever All the right, title, interest and Estate, which the said party of the first part now has, either at law or in equity in and to all that certain tract of land situated

on Russian River Mendocino County and State of California Containing Eight Square leagues of land and known as the Yokiah Ranch according to its natural and artificial boundaries granted to one Cayitano Juarez by Pio Pico acting Governor of California by a grant dated May 24th AD 1845.

Together with all and singular the right title and interest of the said party of the first part in and to the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also, all the Estate, right, title interest property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part of in and to the above described premises, and every part and parcel thereof, with the appurtenances.

To Have and To Hold, all and singular

the said right, title and interest of the said party of the first part in and to the above mentioned and described premises, together with the appurtenances unto the said party of the second part his heirs and assigns forever. ——

But it is Expressly agreed and understood by and between the parties hereto that this Indenture is made and taken without any Covenant or Warranty either express or implied.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written

Signed Sealed and delivered in presence of } Bethuel Phelps

C W Clayden

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the said right, title and interest of the said party of the first part in and to the above mentioned and described premises, together with the appurtenances unto the said party of the second part his heirs and assigns forever. ——

But it is Expressly agreed and understood by and between the parties hereto that this Indenture is made and taken without any Covenant or Warranty either express or implied.

In Witness Whereof, the said party

No. 3. Sold by Wm. B. Cooke & Co.

State of California,
County of Solano } On this fourth day of November A. D. One Thousand, Eight Hundred and fifty seven before me, C W Hayden a Notary Public in and for said Solano County, duly commissioned and sworn, personally appeared the within named

Bethuel Phelps

whose name is subscribed to the annexed Instrument as a party thereto, personally known to me to be the individual described in and who executed the said 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 in this Certificate first above written.

C W Hayden

Notary Public.

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B. Phelps
to
S C Hastings

Deed

Yokeak

Received for Record November 10' 1859
at 5 o'clock P. M.
G. Canning Smith
Recorder.

Recorded November 10' 1859 at 5
o'clock P. M. in Deeds No 1. Page 35.
G. Canning Smith
Recorder.

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$1.95

217.

U. S. Dist. Court.

The United States.

vs.

Cayetano Suarez.

Deed from Phelps.
to Hastings.

Filed January 4. 1862.
W. H. Chever,
Clerk

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This Indenture made the Seventh day of November in the year of our Lord One thousand eight hundred and fifty nine, between S. Clinton Hastings of Benicia in Solano County and State of California of the first part and John Currey of the same place of the second part Witnesseth, That the said party of the first part for and in consideration of the sum of Ten Thousand Dollars lawful Money of the United States of America to him in hand paid by the said party of the Second part before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold aliened and conveyed, and by these presents does grant, bargain, sell, alien and convey unto the said party of the Second part and to his heirs and assigns forever, All the equal undivided half part of all that certain piece parcel and tract of land situate and being in the County of Mendocino and known as the Rancho "Yo caya" containing Eight Leagues of land more or less. And further discribed as the place formerly called "Yokaya" and bounded on the South by the Rancho of Don Fernando Feliz and on the North, East and West by the Country inhabited by the Unchrishanized Indians and containing Eight Leagues of land more or less — The same being the tract and Rancho of land heretofore sold and conveyed by Edward L. Green Sheriff of Sonoma County in said State to the said S. Clinton Hastings as appears by a Deed duly executed by said Sheriff to said Hastings bearing date the Thirtieth day of September in the year aforesaid and recorded on the third day of October in said year in Book No. 1. of Deeds on pages 29 & 30 of the Records of said Mendocino County in said State — Together with all and singular the one undivided half part of the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof. And also the one undivided half of all the estate, right title, interest, property, possession, claim and demand whatsoever as well in law as in equity, of the said party of the first part, of in and to said undivided half of the above discribed tract of land and premises and every part and parcel thereof with the appurtenances, subject however to no covenant of warranty express or implied — To have and to hold all and singular the one undivided half of the above Mentioned and discribed land and premises and appurtenances unto the said party of the second part his heirs and assigns forever.

In Witness Whereof the said party of the first part has hereunto set his hand and Seal the day and year first above written —

Signed, Sealed and
delivered in the presence of
P. B. Johnson

S Clinton Hastings

No. 3.

Sold by Wm. B. Cooke & Co.

State of California,

County of Solano } On this Seventh day

of November A. D. One Thousand, Eight Hundred and fifty nine before me,

W. Hayden a Notary Public in and for said Solano County, duly

commissioned and sworn, personally appeared the within named

S. Clinton Hastings

whose name is subscribed to the annexed Instrument as a party thereto, personally known to me to be the individual described in and who executed the said annexed instrument, and duly 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 in this Certificate first above written.

W. Hayden

Notary Public.

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"Rancho de Yocaya"

S. C. Hastings

To

John Currey

Deed

Received for Record November 10th 1859
at 5 o'clock P. M.
G. Canning Smith, Recor.

Recorded November 10th 1859 at 5 o'clock
P. M. in Deeds Vol. Page 36.
G. Canning Smith
Recorder.

$2.15.

217.

U. S. Dist. Court.

The United States
vs.
Cayetano Juarez.

Deed from Hastings
to John Currey.

Filed January 4. 1862.
W. H. Chevers.
Clerk.

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2.

U. S. District Court.
Nor. Dist. of Cal.
No. 217.
"Tokaya."

The United States
vs
Cayetano Juares

Nov: 19. 1862.

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The Expediente in this case shows that on the 8th April 1845 Cayetano Juares petitioned Gov. Pio Rico for "eight square leagues more or less "in the land known as "Tokaya" "to the North west of Sonoma dis- "tant 30 leagues and bounded on "by citizen Fernando Feliz on the "South and on the other sides by "the unchristianized Indians"

The petition was accompanied by a map delineating upon it the land solicited and by a certificate of Gen Vallejo that the land was vacant, and did not belong to any private person.

On the margin of this petition is a decree of the Gov dated May 24. 1845, which is as follows "That which the interested party "requires is granted to him and "for that purpose let the corresponding title be issued" The "Governor of the Department thus "decreed ordered and signed Pio Rico"

To this petition was a note is added which however is not signed stating that a note of the title has been made in the respective book =

There exists to this note succeeds a memorandum dated May 8th 1846 stating that the expediente was on that day reported to the most excellent department Assembly and ordered to be passed to the Committee on vacant lands - This memorandum is signed by Pio Pico President and Agustin Olvera Secretary -

The report of the Committee follows It is dated Monterey May 26. 1846 and after recommending the adoption contains a proposition for the approval of the grant -

On the third of June 1846 the proposition of the Committee is adopted by the Assembly -

The genuineness of this expediente and of the signatures to the documents which compose it is unquestioned - It is found amongst the records of the former government duly numbered and it is noticed on the Archivan index made by

3 Messrs Hartnell and Halleck in continuation of Jimeno's index The marginal order directing ~~a~~ that a title be issued is in the handwriting of Juan Bandini who was at that time Secretary of State - The signature of Pio Pico to the order is undoubtedly genuine -

The order referring the expediente to the Committee on vacant lands is in the handwriting of Cayetano Arenas who often wrote in the office of the Departmental assembly and of the Secretary of State & ~~the signatures~~ it is signed with the genuine signatures of Pico the President of the assembly & of Olvera the Secretary - The report of the Committee is in the handwriting of & signed by Santiago Arguello ~~the~~ its chairman of the Comm, and the entry of the approval is in the handwriting of Cayetano Arenas.

There is also found in the Archives ~~in~~ among the ~~an~~ borradores or rough drafts of ~~an~~ orders made by the Governor in the month of May 1845 an entry in the handwriting of Man

Jasso Botello (who was one of the Clerks in the office of the Secretary of State) of the decree made on the petition of Juarez. It is a literal copy of the decree in the margin of the petition - and across it a line is drawn as a check, to show that the order had been entered in the proper book -

This book, commonly known as the book of Toma de Razon is also found in the archives. It contains under date of May 24th - 1845 a note in the usual form that a title grant was made to Cayetano Juarez of the place known as Tokaya -

In scanning to the Journals of the Departmental assembly we find the proceedings of that body with respect to the grant recorded precisely as in the testimonio or certificate of approval contained in the Expediente -

There is thus produced in support of this claim all the evidence which the Records of the Mexican

Govemment could in any case afford with the single exception that the expediente does not contain as is usual, the undersigned borrador or copy of the titulo delivered to the party—

2d The existence of the expediente in the archives with its numerous signatures and handwritings of unquestionable genuineness the note of the grant and description of it in the continuation of Simeon's index—

The entry in the Toma de Razon and the record in the Journals of the Departmental Assembly prove beyond all doubt that a grant was made on the 24th May 1845 to Cayetano Juarez for 8 leagues in the place called "Tokayo"—

This claimant has also produced the titulo alleged to have been delivered to the claimant—

But the signatures to this document present a most suspicious appearance— That of Pio Pico is very unlike his genuine signature at the date of the instruments. The handwriting too of

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The body of the instrument is that of Hector Pinder, by whom the grant produced in the case of E. L. Brown ~~was~~ as H. S. was written and which is undenia bly a fabrication—

I think from the character of the signatures and the whole appearance of the document the conclusion that it is not genuine—

But that the grant was made is, as we have seen clearly proved by ~~testimony~~ evidence far more the most reliable that is afford ed in this class of cases— viz the official records of the former government—

The fact that the document pro duced by the party is forged is readily explained by supposing that the grant issued to him has been lost, and that he has been tempted to manufacture another of the same import to ~~supply the deficiency~~ replace it. Ignorant, and not scrupulous, alarmed lest the absence of his title papers should be fatal

7 to his claim it is perhaps
not to be wondered at, that
he has yielded to the suggestions
of Rhodes, accepted the offer
of Rhodes to furnish supply
the missing documents a service
which it was is well known that
same person liberally rendered
now in cases where no grants
whatever had been now been
obtained from the former Govern/t
by whom this grand was procured
to be committed cannot now
be ascertained. It was certainly
not done by those who were
their cases at first now before
Court the rights of the original
grantee - Nor is it probable
that it was the signal grantee
was concerned in it - For it
appears that Chares had con
veyed his entire interests in the
grant to M. G. Vallejo before the claim was
presented to the Board, to M. G.
Vallejo.

Rejecting then the title papers
produced by the claimants as
not genuine there still remains
the most clear and indubita

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8 the proof that a grant in fact issued to Suares for the land now claimed and that this grant was approved by the departmental assembly and thus became "definitively valid"

It was thus for private and not public land at the date of the acquisition of the country and in ~~the adopted principle~~ the principles laid down by the Supreme Court in the case of the heirs of Marcos Vecat (22 How p. 315) A title must be confirmed to the representatives of the claimant unless it has been forfeited by abandonment or neglect to fulfil the conditions.

With respect to the occupation and settlement effected by Suares there is some conflict of testimony.

It is proved however beyond any reasonable doubt that at about the time he applied for the grant Suares sent his brother to the land with cattle and horses to establish a rancho. Vicente Suares himself

9 upon the land about 5 months
when he left - but returning after
a short absence continued to
reside there until a party under
Fremont in the early part of 1846
carried off the horses -
Pacuala Linares states that while
he was on the Rancho he built
two corrals and a small house
on the bank of the river - Houses
were also put up for the Indians
employed on the Rancho - When he
first went to establish the Rancho
Cayetano, the Linares accompanied
him and remained about 8 days
leaving Jesus Pecuto in charge
He returned towards the again
visited the Rancho towards the
end of 1845, and again in 1845 after
that when the horses were carried
away by Fremont he came after
to look after the cattle - he
remained a few days he returned
to Napa, leaving two vaqueros &
Indians on the Rancho - They
staid about a month when
they returned to Napa -
Not more cattle appear to have
been placed on the Rancho after

10 But but it is stated by Vicente that Indians some left there during the years 1847 and 1848 & that he went to the Rancho too ~~to~~ & in those years to carry beeves to them - They occasionally came to Napa to work for Cayetano, but returned to Sonoma where they continued to work the fields established by Vicente - planting corn, melons, and beans with seed which Cayetano furnished to keep them occupied & to keep up the possession of the place

The testimony of Vicente Soares is corroborated by Julio Carillo who states that he visited the Rancho in June or July 1845 - He found Vicente residing on the Rancho with some civilized Indians one of whom he recognised as having lived with Cayetano at Napa and whose name he gives - Vicente had a small house, corrals, horses, & cattle on the land.

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" Isaac Beachey a witness on behalf of the U. S testifies that he accompanied Carillo on this occasion to Tokaya in 1845 - but that he did not see Vicente Sua ez there nor any Cattle horses or houses on the land nor any signs of its occupation - When asked as to the character of Carillo however he says that "it is as " good as any man's in the County " where he lives" - "He has a high " character and is an honest upright gentleman But in this in " stance one or the other of us is " mistaken" If this estimate of Carillo's character be correct, and it is not questioned, there is little difficulty in deciding which of the two is mistaken - Carillo testifies that he went to Tokaya in 1844 before the establishment of the Rancho and again in 1845 when Vicente was in the occupation of it as has been stated - Independently therefore of the impossibility of his having made any honest mistake as to the circumstances detailed by him

worth so much particularly ~~as he has that proves~~ it is most probable that Beasley ~~was~~ is mistaken as to the year in which he went there himself - and that he accompanied Carillo on the ~~ey~~cursion of 1844 and not on that of 1845.

The testimony of Bamett a witness for the U. S. is ~~of~~ inconclusive He merely states that he ~~was~~ heard of Cayetano Soares' having sent ~~his~~ stock to Sokaya or that Fremonts party of which he was one took horses from that Rancho - He admits however that the men told him they had obtained some horses from Cayetano - from what Rancho he wrongfully does not know, for he could not have been with the party when the horses were procured as he learns the fact from the statements of his companions.

An attempt was made to show that stock could not have been sent there - as the witness lived on the road and did not

13 see them pass— But it ap
pears that another the other road
which was the best and most
travelled was at the distance
of more than 20 miles from
the residence of the witness.
The evidence of Carillo and Ma
des is further corroborated by
that of William B. Frazer.
This witness states that he was
on the Tokaya Rancho in 1845
and again in March 1846
He found there a Spaniard
named Soares— There was a
house and two places fenced
one a corral and the other
had the appearance of a gar
den— The garden had some
stalks of corn and indications
of melon vines. There were
horses & cattle on the land—
The witness staid there all
night & Soares seemed to be
living there with some Indian
vaqueros— This was in Decembr
1845
In 1846 he did not stop— but
saw horses & cattle and the
same houses he had seen in

14 in 1845 – also a number of Indian huts on the plain – The witness further states on cross examination that he was told of the Rancho of Juares in Sokaya valley before going there by several persons whose names at Bodega, and that the valley was generally known by the people that name at Bodega about Bodega & Sonoma.

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The above is all the testimony material of any importance relating to the occupation of the land. The statements of Vicente Juares as it will be noticed corroborated by the testimony of two other witnesses who swear to facts about which they cannot have been mistaken – Their characters are unimpeached – and I know of no reason for disbelieving the statements of either Vicente Juares or Carillo – both of whom belong to that familiar class of professional witnesses with whom the Court is familiar – or for refusing to

accept as accurate the estimate of Carillo's character given by Beasley.

It does not appear that since the occupation of California by the American forces any serious attempt has been made by the grantee to resume the occupation and cultivation of the land—

But so much the ruling in the case of the U. S. vs Fremonts does neglect taken on that account be charged to the grantee as a ground of forfeiture— After that court "he could do nothing" says the supreme Court "which could in any degree affect the rights "of the U. S to the public property" And it has in several cases been clearly intimated if not expressly declared by that tribunal that the rights to be passed upon in those class of cases are those which existed at the time of the acquisition of the country— The forfeiture by abandonment must therefore have accrued if at all before the California

it was subjected to the American rights of the U.S. or of the claimant Amts — and to the land re-
mained in its then condition
& the facts or proofs on the
case might have been affected
by any acts or omissions
of the grantee —
If the testimony in this case
is to be believed and I see
no reason to doubt it the
certainly had been no abandon
ment of his rights by the grantee
during the existence of the for
mer government now if a for
feiture for that cause could
now be enforced in the case
of a grant made "definitively
valid" by the approval of the
Departmental Assembly a point
not yet decided by the Supreme Court — & any subsequent
neglects or delays are accor
ds decided by that Court in
natural —
It is urged that the des
cription of the land is so
vague that it cannot be identi
fied —
But it appears by the testimony

of James Tolin that the valley of Tokaya is a clearly defined piece of land lying along the Russian River and bounded on the East West and South by Mountains - The Southern boundary of the valley is the Northern boundary of the Rancho of Fernando Pehr, which we have seen is mentioned in the petition ~~and grant~~ as the Southern boundary of the tract solicited - Mr Tolin adds that the map tho not perfect is nevertheless sufficient to enable him tho to identify the land & tract represented on it as the Tokaya valley described by him. My own knowledge of the Country ~~evidences~~ leads me to the same opinion And a Surveyor required to measure off 8 ~~leagues~~ square leagues of land in the Tokaya valley north of the Pehr Rancho, would I am persuaded have no difficulty in locating & determining its limits with as much precision as is usual in ~~any~~ other this class of cases -

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In the whole my opinion is that the grants having been undoubtedly made by the former governments, the grantees rights have not been forfeited, and the claims must be confirmed.

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U. S. Dist. Court.

The United States.

vs.

Cayetano Chavez.

Opinion
confirming Claim.

Filed Nov: 19, 1862.

W. A. Clevenger,
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 17th day of April in the year of our Lord one thousand eight hundred and sixty-three.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

V.

Cayetano Juanes-

L.C. No: 335-

D.C. No: 217-

This cause came on this day to be heard and was argued by Counsel, and thereupon and in consideration thereof, It was ordered adjudged and decreed as follows: viz That the decision of the Land commission be and the same is hereby reversed and set-aside: and it is further ordered adjudged and decreed, that the claim of the said Cayetano Juanes is a good and valid claim and that the same be and is hereby confirmed to him. The land of which confirmation is hereby made is known by the name of "Gokaya" and is situated in the County of Mendocio, to the North west of Sonoma and bounded by the lands" of Fernando Feliz and on all other sides by the unchristianized tribes, containing Eight Square leagues of land, and being the same land described in the grant and delineated on the diseño accompanying the same, copies of which are

are contained in the record on file in this cause, to which grant and diseño, and to the Expediente reference is made for more particular description of the land hereby confirmed to the said Cayetano Juarez.

Ogden Hoffman
Dist. Judge

No. 217.

UNITED STATES DISTRICT COURT

Northern District of California.

The United States,

v.

Cayetano Juarez,

Decree of confirmation.

Filed April 17, 1863.

W. H. Chevers,
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 first day of May in the year of our Lord one thousand eight hundred and sixty-three

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

V.

Cayetano Suarez

No. 217.

And now at this day, on application of Wm H. Sharp Esq, U.S. Attorney, It is ordered that an appeal in behalf of the United States from the decision of this Court, confirming the claim of the said Cayetano Suarez, rendered at the present term, be and the same hereby is granted; and that a certified transcript of the record in said cause be sent to the Supreme Court of the United States without delay.

No. 217

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

V.

Cayetano Suarez

Order granting appeal to Sup. Court in behalf of the U.S.

Filed May 1st 1863.

W. H. Chevers,

Clerk.

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UNITED STATES OF AMERICA, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court of the United States, for the Northern District of California

Greeting:

Whereas lately, in the District Court of the United States for the Northern District of California before you, in a cause between Cayetano Juarez Appellant and The United States Appellee, (No. 217 for the place called "Gokaya") wherein the decree of the said District Court was in favor of the appellant and against the said appellee.

as by the inspection of the transcript of the record _____

_____ of the said District

Court, which was brought into the Supreme Court of the United States by virtue of an appeal

agreeably to the act of Congress, _____

_____ in such case made and provided, fully and at large appears.

And whereas, in the present term of December, in the year of our Lord one thousand eight hundred and sixty four the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and ~~was argued by counsel. On consideration whereof,~~ on the motion of Mr Attorney General Speed of counsel for the appellants it is now here ordered, adjudged and decreed by this Court that this cause be and the same is hereby dismissed - 16 Janʸ

You, therefore, are hereby commanded that such ——— proceedings be had in said cause, ———

as, according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding:

Witness the Honorable Salmon P. Chase Chief Justice of said Supreme Court, the first Monday of December in the year of our Lord one thousand eight hundred and sixty four. ———

COSTS OF
Clerk...... $
Attorney ... $
$

Duplicate

~~Issued by~~

D. W. Middleton

Clerk of the Supreme Court of the United States.

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No. 129 December Term, 1864.

MANDATE

SUPREME COURT UNITED STATES.

The U. States vs. Juarez

Filed Aug. 29th 1865
Geo. C. Gorham Clk
By Danl. S. Sullivan
Deputy

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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 29th day of August in the year of our Lord one thousand eight hundred and sixty-five

Present;

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Caytano Juarez.

No. 217.

For "Yo Kaya"

And now on this day comes Delos Lake Esq the Attorney for the United States, in open Court, and presents the Mandate of the Supreme Court of the United States, dismissing the appeal taken herein on behalf of the United States to the said Supreme Court, and on Motion of the said Attorney for the United States; It is ordered that the said mandate be filed and made a part of the record of this Court in this cause, and that the said claimant may proceed under the decree of confirmation heretofore rendered in his favor in this Court, as under final decree, and that the Surveyor General of the United States proceed accordingly forthwith to make a final survey of the land heretofore confirmed to the said claimant herein.

Ogden Hoffman
Dist Judge

No. 217

United States District Court,

Northern District of California.

The United States

v.

Cayetano Juarez

Order &c

Filed Aug 29th 1865

Geo. C. Gorham

Clerk.

By Dan'l J. Sullivan

Deputy

217 ND

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U. S.
vs
Cayetano Juares } vs Tokaia

Williams —
The grant was attacked before the Land Board for want of segregation
It is now assailed for fraud —
Archive testimony.
Want of occupation.

Della Torre —
no evidence that this grant now produced is a copy of any grant issued to the Claimants

U. S vs Doe —
If claimant guilty of fraud Court will not interfere —
For the application is in the nature of a bill for specific performance
As to occupation of Rancho
See U. S. vs Teschemacher.

217.

Cajetans Diary.

Notes Argument.

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Court No 217. Transcript No 335.

Cayetano Juares appellant
vs
The United States appellee
} Claiming "Gokaya"

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Transcript

Page 3. Petition of Cayetano Juarez to Land Comm'rs.
4 Deposition of M. G. Vallejo
5 Copy of Expediente No 452
6 " " Original map.
9 Translation of Expediente
11 Approval by Departamental Assembly
13 Copy of Title
15 Translation of Title dated 24 May 1845.
17. Supplemental petition to Land Commissioners representing that the title was vested in E. Knight, submitting chain of title, (pages 19 to 21) and praying that the name of said Knight might be substituted as claimant

25. Opinion of Comm'r adverse to claim on account of vagueness of description
26 Decree of rejection

Remarks -

United States Ct. for the
Northern District of Cala

Court No 217. Transcript 1335

Captain Juarez
vs
The United States
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Court Docket No 217. Land Comm'n No 335.
Cayetana Ibarra, a E Knight
"Bolsa"

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3	Petition to Land Commissioners
4	Deposition of M. G. Valle
5	Copy of Expediente No 452.
6	" " Original map.
9	Translation of Expediente
11	" of appeal by Dep't Assembly.
13	Copy of Title.
15	Translation of Title - dated 24th May 1845
17	Supplemental petition to Land Comm'rs, representing that the title is now vested in E Knight & submitting Chain of title (pages 19 to 21) and praying that Knight be substituted as claimant.
25	Opinion of the Court rejecting claim for vagueness in description
26	Decree of rejection

Remarks- The evidence and papers show that the grantee lived upon the land that he claimed from long before the time he obtained his present grant, & until after the Capture of the Country.

The only ground assumed by the Comm'rs for rejecting the claim was the assumed insufficiency of the boundaries - It was asked for as a well known place, bounded by a particular range upon one side by ungranted & Indian lands on the other - the Map to which reference is made shows the tract to be a Valley or Bolsa surrounded by mountains with an Arroyo running through the

the center. From the impressions apparently the Surveyor will have no difficulty in locating the land, which is much more clearly identified than in many cases which have been confirmed.

Stanley Hoig
Atty for Claimants

In the Land Court of the
Northern District of
California.

C. Evans
vs
United States

"Yokaya"

Court No 217.
Land Cases. 335.

Indep

UNITED STATES OF AMERICA,
STATE OF CALIFORNIA.

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COUNTY OF SAN FRANCISCO.

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

The United States
vs.
Cayetano Suarez
No 217

The President of the United States of America,

TO

Joel P. Walker
Bodega Sonoma Co

GREETING:

You are hereby required, That all and singular business and excuses being set aside, you appear and attend before the District Court of the United States for the Northern District of California, to be held at the Court House in the City of San Francisco, on the second day of July A.D. 1851, at 11 o'clock, A.M., then and there to testify in the above stated cause now pending in said District Court, on the part of the above named United States And for a failure to attend you will be deemed guilty of a contempt of Court, and liable to pay all loss and damages sustained thereby to the party aggreived,

Witness, the Hon. OGDEN HOFFMAN, JUDGE OF THE DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, this 22 day of June in the year of our Lord one thousand eight hundred and eighty one and of our independence the eighty-

Attest, W. A. Reed, *Clerk.*

By ..... *Deputy Clerk.*

MARSHAL'S RETURN.

I have served this Writ personally by copy on Joel P. Walker,
at one o'clock P. M. Tuesday June 25th 1860 on the
town of Sebastopol, Bodega, Sonoma County
Chilyx Clemmens, and paid $5-00

this 25th day of June 1860

J. W. Pitts U. S. Marshal.

By Samuel P. Carriday Deputy.

Charges
Deputy 10.80
Paid 5.00
$16.40

217
(original)

District Court of the United States
FOR THE
Northern District of California.

The United States
vs.
Cayetano Juarez

SUBPŒNA
FOR
Joel P. Walker
Bodega

Filed 18
Clerk.
By Deputy.

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UNITED STATES OF AMERICA,
STATE OF CALIFORNIA.

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COUNTY OF SAN FRANCISCO.

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

The United States
vs.
Cayetano Juarez
No. 217.

The President of the United States of America,

TO Elias Barnetto & Jesse Beasly,
(Napa County)

GREETING:

You are hereby required, That all and singular business and excuses being set aside, you appear and attend before the District Court of the United States for the Northern District of California, to be held at the Court House in the City of San Francisco, on the second day of July A.D. 1861, at 11 o'clock, A, M., then and there to testify in the above stated cause now pending in said District Court, on the part of the above named United States And for a failure to attend you will be deemed guilty of a contempt of Court, and liable to pay all loss and damages sustained thereby to the party aggreived,

Witness, the Hon. OGDEN HOFFMAN, JUDGE OF THE DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, this 22 day of June in the year of our Lord one thousand eight hundred and sixty one and of our independence the eighty-5th.

Attest, W. H. Reed, *Clerk.*

By *Deputy Clerk.*

MARSHAL'S RETURN.

I have served this Writ personally by copy on Elias Barnette in Pope Valley, Napa Co., June 26th, 1861, and on Jesse Beasly in Berreyesa Valley, Napa Co., June 27th, 1861.

this ____ day of ____ 18

Expenses $40.00
Paid Barnette 9.50
" Beasly 11.00

Wm Rabé U. S. Marshal.

By David R. McKee Deputy.

217 (Original)

District Court of the United States
FOR THE
Northern District of California.

The United States
vs.
Cayetano Juarez

SUBPŒNA
FOR
Elias Barnette
Jesse Beasley
Juarez Co

Filed ____ 18

____ Clerk.

By ____ Deputy.

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Claim for the Bolaya Rancho
E. Burgoyne Claimant
v.
The United States.

} Before the U. S. Land Commission No 335.

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Bounded on the South by the land of Fernando Feliz & on the other sides by the unchanged "Arroyo" The grant however refers to a map, which is found in the 4 predente.

This map, by reference, become part of the grant. Sanp. Book. p. 7. "Loup. Jose." "Muniz" id p. 11. "San Jacinto Nuevo" id p. 12. Sausalito id p. 13. "Ballena" id. 46. "Agua Caliente" id p. 47. "Cerro Madera" - p. 47. "Valle de San Jose" p. 48 "Mosquito. p. 49 "White's claim id. p. 54. "Los Feliz" id. Corral de Basilla id p. 57. Guerrero claim id id. p. 58. No 529. p. 60. Cayuamaca id. 64. Arroyo. 65. & 67.

The map, on inspection shows the land known as "Bolaya" to be surrounded by a range of hills, which make a good natural boundary, and thereby identify & segregate the land granted. See an analogous case "Los Pentas." Sanp. Book. p. 8. In that case, the map shows the land known as "Los Pentas" to be bounded by a river encircling the greater portion of the land - thus making the grant specific. - Muniz id p. 11. "Natural boundaries and physical objects" shown on the map important in determining the boundary of San Jacinto Nuevo. id p. 12. "Sausalito" id p. 13. Bounded by the ocean on three sides. id. "Las Mariposas" id p. 24 "If a tract by that name can be found and identified, that tract must be taken to be the subject of the grant." - "Cordano." Natural boundary. id. p. 28. "Cojuma" id p. 51

"Los Pacitas." When the map, & the boundaries on the ground differed, certain matters must according to the map. id 46. 4 Wheaton Rep. 444.

When the description of the land as contained in the grant is of itself altogether too vague & indefinite, a judicial measurement becomes necessary in order to segregate it. "La Sierra" 8 p. 46 2 col.

An actual residence of the grantee on the land in all cases where the grant was sought for grazing purposes alone is indispensable - and such may form the important conclusion of the law by the present Board of Com. id. p. 46. 2 col.

Cultivation alone - a different emphasis with the conditions of a grant under the colonization law.
See Land Cases p. 53.

Yokaya Rancho

Bethel Press

Notes of Decisions on boundary

Ext certified copy of 4 pro minute-
of meet in Book of Titles
1844 - 1845.
of approval by Departmental
Assembly —

No 217 in U. S. District Court.
June 2 1855. Transcript filed.

"Yokaya" } No 335. U. S. Land Commission.

Abstract

Expediente. Petition for 8 square leagues, more or less in the land known as "Yokaya", to the north west of Sonoma 30 leagues. bounded by "Citizen Fernando Feliz, and by the unchristianized indians on the other sides." Dated Sonoma. April 8. 1845, by Cayetano Juarez.

Gen. Vallejo's certificate that the land known by the name of "Yokaya" in the neighborhood of Cape Mendocino, and 30 leagues distant from Sonoma, is vacant &c. Dated April 8. 1845. Title noted in respective book. May. 28. 1846.

~~Expediente reported to Departmental assembly. May 26. 1846.~~

Decree of concession — May 24. 1845. That which the person interested requests is granted to him, and for that purpose, let the corresponding title issue, &c Signed Pio Pico.

Same day - title issued.

(Reciting — Whereas Don Cayetano Juarez, a Mexican by birth has for his own personal benefit and that of his family, asked for the place known by the name of Yokaya to the north west of Sonoma bounded on the South by Citizen Fernando Feliz and on the other sides by the unchristianized tribes — the proper measures & examinations having ~~being~~ previously made, as required by laws & regulations — &c I have granted him the aforesaid land declaring to him the ownership of it by the present letters, subject to Departmental approval & the following conditions —

4 Wheaton Rep 444

1st Right to enclose &c & use as may best suit him.

2nd He will request the proper magistrate to give him juridical possession in virtue of this title, marking out the boundaries, placing the bounds and some fruit trees, or wild ones of some utility —

3rd The land granted in donation is of eight square leagues, according to the map which the person interested may make. The Magistrate who may give the possession will cause it to be measured in conformity with the ordinance — leaving that which may result surplus — to the nation for the convenient uses.

4 Wheaton's Rep p. 444. 5 W. 359.

(None to be implied 10 Peters R. 307 Delay to be [illegible] &c 15 W. 168)
(No conditions of inhabiting, cultivation &c.)

May 8th 1846. The Expediente — reported to the Departmental assembly —

May 26 1846 — Approval of the grant made to Juarez of the place "Yokaya" near Cape Mendocino, jurisdiction of Sonoma, in 8 square leagues, according to the title issued under date of 24th May of last year, in conformity with the law of Aug 18/24. and Article 5 of the regulation of Nov. 21. 1828, recommended by Committee.

June 3 1846 —

Report approved —

Petition.

Petition sets out title and then adds — all of which was shown by the original expediente — a certified copy of which in its present state — tho' somewhat mutilated, is submitted herewith marked "A" — with a tracing taken marked "B." (no map included).

Claimant alleges — that having received the possession in due form, he has been for more than seven years, and now is (Filed in office Sept. 11. 1852) in the quiet & undisputed occupation of said land.

Dec. 20. 1852. Supplementary Petition filed by Juarez & E. Knight — setting forth a sale of the ranch from Juarez to M. G. Vallejo & by M. G. Vallejo to E. Knight — both deeds dated Aug. 16. 1852, and praying a confirmation of the title to E. Knight in his own name & for his own use —

Deed to Knight filed for record & acknowledged Sept 10 & 9. 1852 ~~ar~~ absolutely — without warranty — for $12,500 but with $2000 payable on final confirmation — $1.000 1 year & $1.000 2 years

Feb. 11. 1853 —

Deposition of Vallejo taken —, Knows the Ranch Yokaya. Juarez occupied the land before the grant — & continued to occupy it until after the Americans took possession of the country. He had a house and cattle on it. I sold it for him a short time ago to Capt. Knight — Knows handwriting of Pico & Bandini — Their signatures to the grant are genuine.

March 24th 1854. Withdrawal of Halleck, Peachy & Billings as counsel for claimant filed.

U. S. Land Com.
"Tokaya"

No 335.

In U. S. Court. No 217.
Transcript filed June 2/58.

Abstract of Papers on
file in the above
case —

Made Feb 28/58.

Claim of Fernando Feliz
for "Tomal" No 300.

Witness — Ignacio Peña "Dry Creek"
James Black, Marin Co
Jose Castro — Petaluma
Sandwiches &c
Ignacio Pacheco.
Marin Co
Manuel Torres
Sausalito.

Supreme Court of the U States - December Term 1855.

The United States
vs appellants
J M. Vaca & J M. Pena
appellees.

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Extract of Opinion -

"The chief objection urged to the grant is the want of a survey, and that there is no sufficient designation of the boundaries, to sever it from the public domain - It is a sufficient answer to this that the quantity is defined and the general locality - The claimant has been in possession before applying for the grant, under a license from Vallejo - the tract was known by the designation of "Los Putos", or "Libraytos" - It was to be located on the Eastern boundary of Wolfskill, and on the margin of the River.

The District Court confirmed the grant on the authority of the case of Fremont vs U States, (17 How.). As that case is directly in point and governs the objections made to this grant, we do not think it necessary to pursue the subject further - The Decree of the District Court is affirmed"

In the case of Cayetano Juares to "Sokaya", "Court No 217", "Comm's No 335" the facts are precisely the same as in the case decided as above - Juarez was in possession & lived on the land, under a permission title for part of it, before he received this grant - the tract asked for is well known by its name - the grant is for a specific quantity to be adjoining another well known claim - and the plat referred to shows it to be what is called a "Special location" having Mountains &c as natural boundaries —

Ct. No 217
Transcpt 335.

Cayetano Juan
to
"Yokaya"

Opinion of U.S. Supreme
Court in similar case.

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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, May 25th 1855

J. A. Morrow 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. 335 on the Docket of the said Board, wherein Cayetano Juarez is ——

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

and request your receipt for the same.

I am, Respectfully,
Your Ob't Servant,

Geo: Fisher