

CASE No.

257

SOUTHERN DISTRICT

ISLAND OR PENINSULA AT THE
PORT OF SAN DIEGO GRANT

FREDERICK BILLINGS, ET AL
CLAIMANT

RECORDED

SD

MAR 16 1963

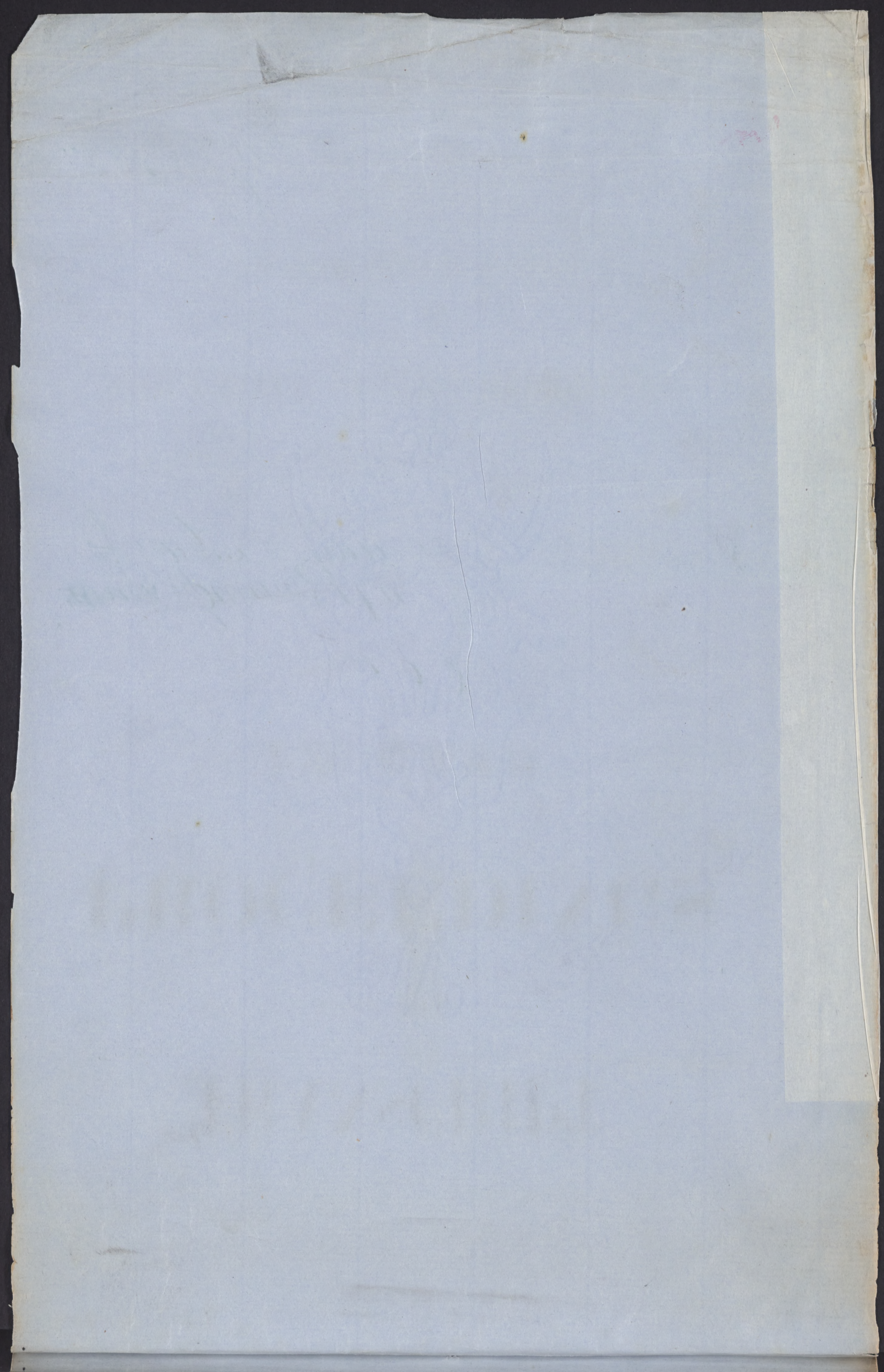
LAND CASE 257 SD 108 pgs.

APR 2 1963

ALSO AVAILABLE ON MICROFILM

COMMERCIAL
BLOWER BOARD
COTTON FIBER

188



TRANSCRIPT

257 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO.

188

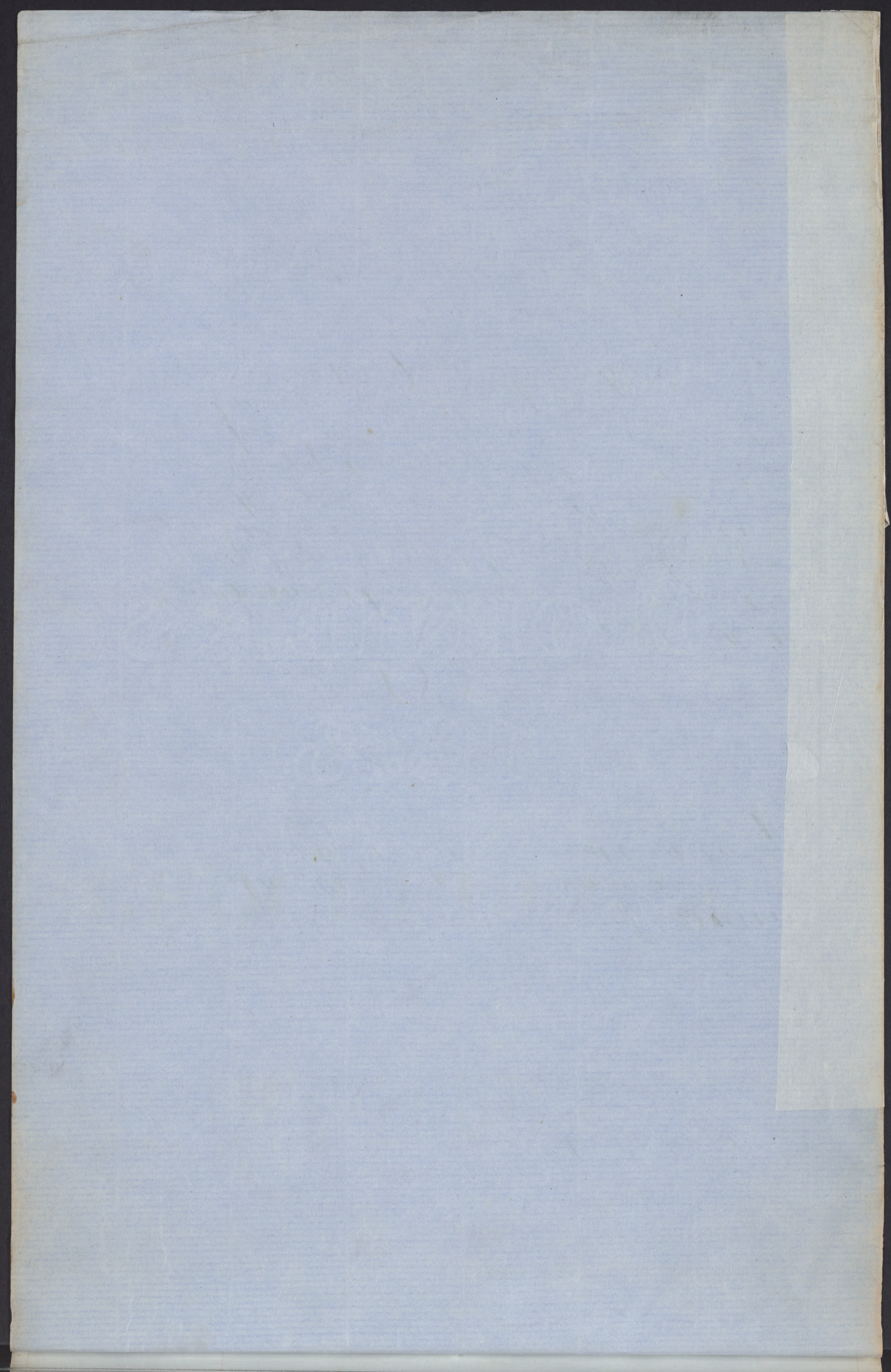
Frederick Bellings, et al; Assignees of Bezar Simmons - CLAIMANT S.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Island or Peninsula at the Port of San Diego"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

257 SD
PAGE 2

Be it Remembered, that on this *twentieth day of April*, Anno Domini One Thousand Eight Hundred and Fifty-two, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of *Frederick Billings et al.*, Assignees of *Bezar Simmons* for the Place named *"Island or Peninsula at the Port of San Diego"*, was presented, and ordered to be filed and docketed with No. 188, 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;

Sos Angeles October 8th 1852.
In Case no. 188, *Frederick Billings et al.*, Assignees of *Bezar Simmons* for the place known as the *Island or Peninsula at the Port of San Diego*, the deposition of *Santiago Arguilles*, a witness in behalf of the Claimants, taken before Commissioner *James Wilson*, with document marked *J. W. no. 1*, annexed thereto, was filed:

(Vide page 5 of this Transcript.)

San Francisco September 23^d 1853.
Case no. 188 called; on motion of the Counsel for the Claimants, ordered to the foot of the Docket.

San Francisco, September 19th 1854.
Case no. 188, on motion of the Counsel for the Claimants, with the Consent of the *U. S. Law Agent*, was ordered to be placed at the foot of the 2^d class Cases on the Trial Docket.

2
San Francisco October 18th 1854.
In the same case the deposition of Thomas
O. Johns, a witness in behalf of the claimants
taken before Commissioner Peter Sott, was filed;
(Vide page 6 of this Transcript.)

257 SD
PAGE 3

San Francisco October 24th 1854.
Case no. 188 was submitted without argument.

In the same case the deposition of Frederick
Billing, a witness in behalf of the claimants,
taken before Commissioner Alpheus Felch, was
filed:

(Vide page 8 of this Transcript.)

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

(Vide page 11 of this Transcript.)

In the same case the counsel for the claimants
filed the following motion, to wit:

(Vide page 11 of this Transcript.)

which having been considered was granted, and
Ordered, that the petition be amended
in accordance therewith.

San Francisco October 31st 1854.
In the same case Commissioner S. B. Farwell
delivered the opinion of the Board rejecting
the claim:

(Vide page 39 of this Transcript.)

5
and the following order was made, to wit:

(Vide page 41 of this Transcript.)

3
To the Honorable Commissioners to
settle private land claims in California.

The petitioners, Frederick Bellings,
James M. Bolton and Henry W. Halleck
assignees of Bezer Simmons, respectfully
show:

Petition.

257 SD

PAGE 4

That on the 15th day of May A. D.
1846, Pio Pico, Governor of California, by
virtue of authority in him vested, granted
to Pedro C. Canillo, the Island or Penin-
sular of San Diego, situate in the present
county of San Diego, containing 2 square
leagues, with the boundaries described in
the grant, a copy of which is submitted
herewith marked A. with a translation
marked B.

That on the 20th day of October 1846,
the said Pedro C. Canillo sold and con-
veyed the said tract of land to the said Bezer
Simmons, a copy of which conveyance is
submitted herewith marked C. with a
translation marked D.

That on the 3^d day of September
A. D. 1850, the said Bezer Simmons,
by deed of assignment conveyed the said
tract of land to the petitioners, a copy of
which deed of assignment is submitted
herewith marked E.

And the petitioners further show
that the said land has not been surveyed
by the Surveyor General of the United
States, such survey, from the nature of the
case being unnecessary, the boundaries
being natural, and not to be mistaken.

That since the year 1846, the
said Pedro C. Canillo, Bezer Simmons,
and the petitioners have been, and the
petitioners now are in the quiet, peaceful,

2/188

and undisputed possessors of the said tract of land;

That they know of no conflicting claim.

That they rely for confirmation of title upon the original papers, copies of which are submitted herewith; upon the records and minutes in the archives now under the charge of the Surveyor General; and upon such other and further proofs as they may be advised as necessary.

Wherefore they pray the Commissioners to confirm to them the said tract of land.

By their Attys.
Halleck, Peckay & Billings.

Filed in Office April 20th 1852.

Geo: Fisher,
Secy.

257 SD
PAGE 5

5
No 188.

Office of the U. S. Land Commission
Los Angeles Oct 8th 1852.

On this day before James Wilson one of the Commissioners for ascertaining and settling private land claims in California, came S. Urquello, a witness produced in behalf of the claimants Maria Antonia Deposition de la Guerra y Sataillade whose petition of S. Urquello is No 188 in the Docket of the Board and was duly sworn, his evidence being given in Spanish was interpreted by the Secretary.

257 SD
PAGE 6

The Law Agent of U. States was present by R. Greenhow Esq and did not object.

1st Question.

What is your name, age and place of residence?

Answer.

My name is Santiago Urquello, my age is sixty years, and I reside near the fort of San Diego, and have lived in California all my life.

2^d Question.

Examine the document before you marked A. W. No. 1. and say whether you are acquainted with the signatures, and if the document is genuine?

Answer.

I have examined the document and am acquainted with the signatures of Pio Pico, José Matías Moreno, José R. Urquello, Pedro C. Carrillo, H. G. Fitch, Santiago C. Urquello, Miguel Pedrona and José S. Snooks, their signatures to this document are genuine, and the

document itself, to the best of my knowledge and belief, is also genuine.

S. Arguillo.

Oct 8th 1852. Subscribed to and sworn before me

James Wilson.
Commissioner.

257 SD
PAGE 7

Filed in Office, Oct 8th 1852.

Geo. Fisher,
Sic'y.

Deposition ¹⁸⁸ of Thomas D. Johns. v. United States of America
State of California 3 s. s.

San Francisco Oct. 18 1854.

This day came before Peter Sott, Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State, Thomas D. Johns, a witness on behalf of the claimants, Frederick Billings et al, in case No 188, on the docket of said Board, and said witness being sworn deposed as follows.

The U. S. Associate Land Agent is present.

Questions by Capt Halleck for Claimants.

1st Question

What is your name, age and residence?

Answer.

My name is Thomas D. Johns,

7
my age 29 years, my residence San Francisco, California.

2^d Question.

Do you know the place called the Island or Peninsular of San Diego, if you, where is it situated, and what are its boundaries?

257 SD

PAGE 8

Answer.

I know the place mentioned, it is a peninsular bounded on the South by the Pacific Ocean, on the North and West by the Bay of San Diego, and on the East by the main land. The boundary line on the East is marked by a sandy beach, a scant half mile wide a low neck of land which separates said peninsular from the main land.

3^d Question.

Do you know of any improvement made on this land, if you, what are they and by whom made?

Answer.

I know of three houses having been erected on different points of the Island in the summer or fall of 1850 by the agent of William H. Cresswell.

Was examined by U. S. Associate Law Agent.

4th Question.

How much land is embraced in said Peninsular?

Answer.

I suppose there are about 1000 acres altogether.

5th Question.

What was the name of that

Agent, and what was the object of building these houses?

Answer.

His name is Charles R. Johnson, & the houses were built to keep possession and keep off squatters.

257 SD
PAGE 9

3^d Question.

How long is said perimeter?

Answer.

It is about 8 miles long.

4th Question.

How do you know said Johnson was Aspinwall's agent?

Answer.

He told me he built those houses under orders from Mr Robinson of this place who is Aspinwall's agent here; he (Johnson) was also Agent of the Pacific Mail Steam Ship Company at San Diego.

Thomas J. Johns.

Subscribed and sworn to before me on this 18th day of October, A. D. 1854.

Peter Sott.

Comr Sec

Filed in Office Oct 19 1854.

Gen: Fisher,
Secy.

Depositions
of Frederick
Billings.

United States Land Commission
San Francisco Oct 24 1854
On this day before Commissioner Phelps

9
Felch, came Frederick Billings, a witness
on behalf of the claimants, Frederick Bil-
lings, et al, case No 188, who after being
duly sworn, deposed as follows.

1st Question.

What is your name, age and
place of residence?

Answer.

My name is Frederick Billings, my
age thirty one years, residence San Fran-
cisco, in California.

2^d Question.

Did you ever know Bazar
Simmons, and if you, is he living, and if
not, when did he die, and who were his heirs?

Answer.

Bazar Simmons was my brother
in law, we came to California together—
know him most intimately. He died on
the 25th or 26th day of September A.D.
1850 in San Francisco—his wife died
before him, and they had no children—
His father and mother are both dead—
they formerly lived at Woodstock Vermont.
His heirs are his brothers and sisters, and
their names are Owen Simmons, Henry
Simmons, Nathan P. Simmons, Benja-
min T. Simmons, Priscilla Simmons,
Ann B. Ryder, and Augusta S. Barthole-
meu— I know them all personally except
the latter—her I only know through in-
formation derived from the others. One
sister, Polly is dead, she died a widow and
left one child. I think the name of
her husband was McCall, but the Chris-
tened name of the child I do not recol-
lect.

10

5/188

Frederick Bellings

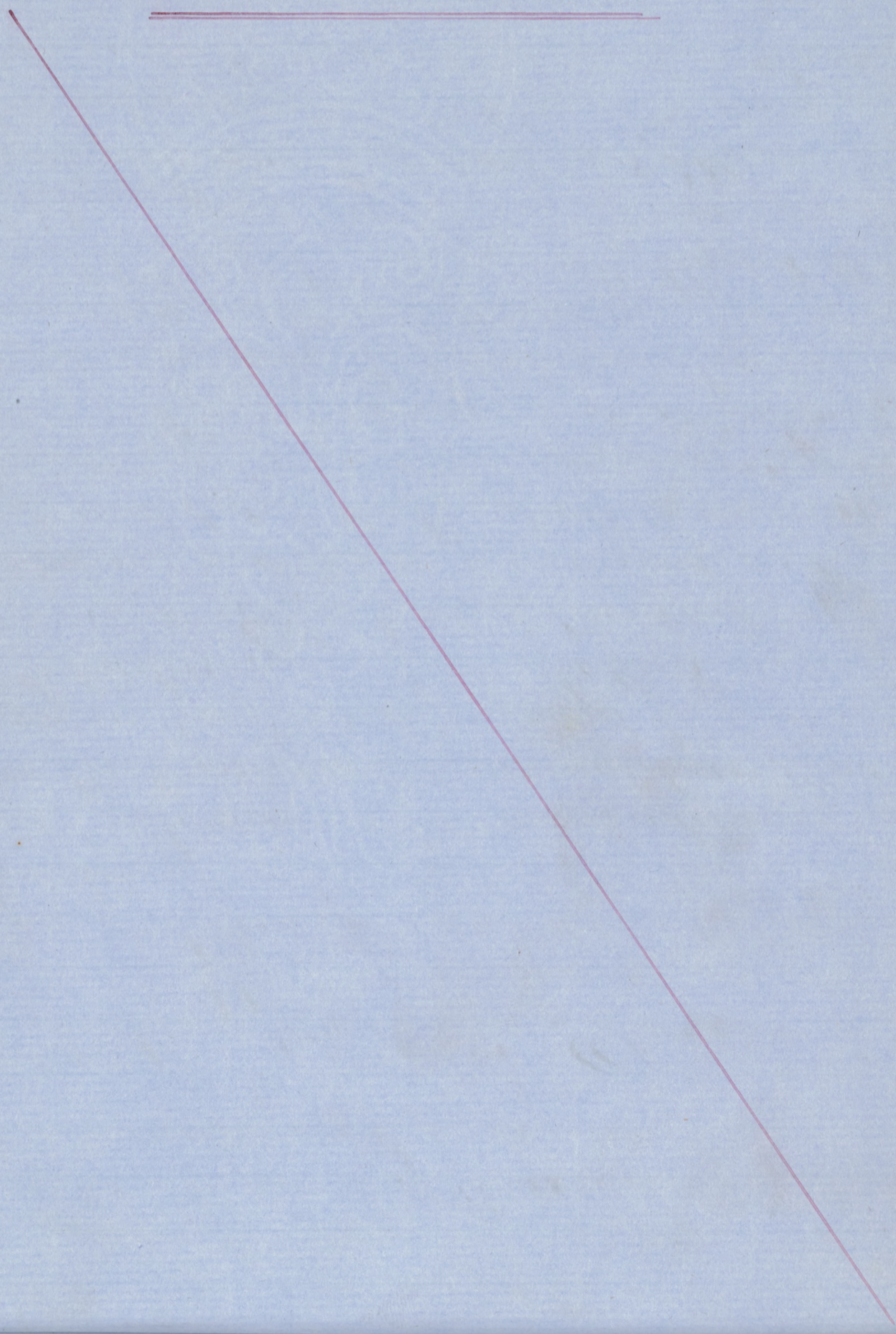
Subscribed and sworn to
before me this 24th day
of October 1854.

Alphons Felch.
Commissioner

257 SD
PAGE 11

Filed in Office Oct 24 1854.

Geo: Fisher.
Secy.



In the claim of Assignees of Bizer
Simmons

To
Isla de San Diego.

Stipulations

257 SD
PAGE 12

It is hereby agreed by the Assistant
Law Agent on the part of the United States
that the counsel for the claimants have
leave to withdraw the original deed of as-
signment of Bizer Simmons to F. Bellings
J. R. Bolton and H. W. Hallick, submitted
as evidence on the trial of this case, and
that the copy marked "B" and filed in this
case and marked "F" shall be deemed
and considered as of the same force and
effect as the original of which it purports
to be a copy.

John Handberg
U. S. Asst. Law Agent.

Filed in Office Oct 24 1854.

Geo. Fisher.
Secy.

Motion to
Amend
Petitions

Before the U. S. Commissioners
to ascertain and settle private land claims
in California.

In the claim of Bizer Simmons
Assignees to Isla de San Diego

Moved that the petitions in this
case be amended by inserting the names

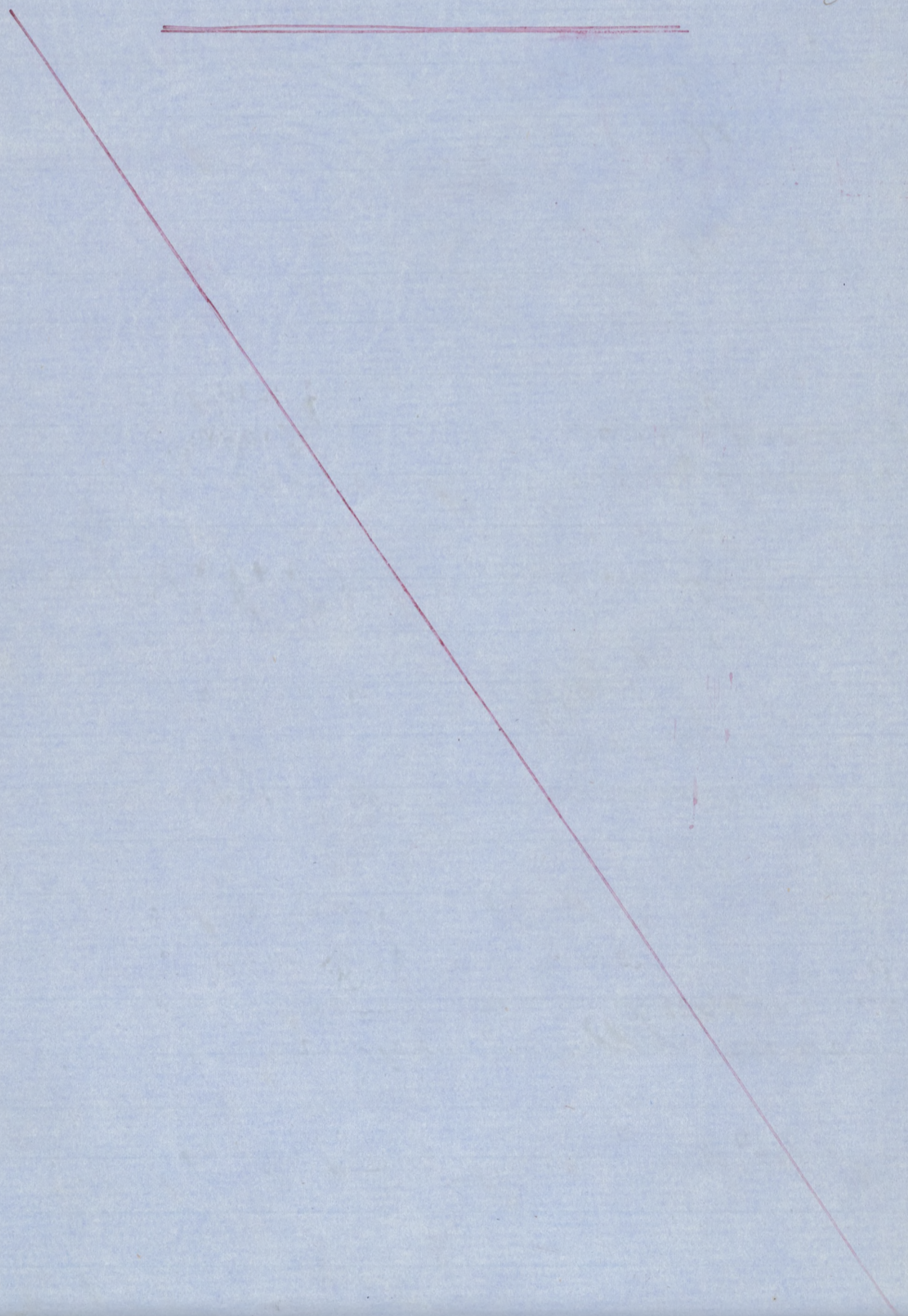
of Orrin Simmons, Henry Simmons, Sta-
than P. Simmons, Benjamin F. Simmons,
Priscilla Simmons, Ann S. Ryder and
Agusta S. Bartholomew Heirs at Law of
Reza Simmons, deceased.

257 SD
PAGE 13

Halleck Pruchy & Billings.
Attys for Claimants.

Filed in Office Oct 24 1854.

Geo: Fisher
Sey.



Expediente promovido por el Ciudadano Pedro C. Carrillo en pretencion del terreno llamado Isla ò Peninsula, situado en el Puente de San Diego compuesto de dos sitios de ganado Mayor.

257 SD

PAGE 14

Not translated

N.º 554.

L. Y. D. R.

Año de 1846.

Expediente promovido por el C. Pedro Carrillo en Solicitud del pasaje de Isla ò Peninsula en la jurisdiccion de San Diego.

14

S. G. D. N. Don Diego Ab. 21. V. Subprefecto del partido
 de 1846. V. Vase } de San Diego.
 informar el juez. } Pedro C. Carrillo natural de
 segundo de esta } este Departamental de Cali
 poblacion acerca } formase y me ciudadada en este
 de la Volicitud } puerto ante V. con el debido
 que hace D. Pedro } respeto y conforme a derecho
 Carrillo si el pa } se presenta y dice. Que carece
 se que pretende } endo de un terreno propio para
 esta Valdis o cor } la cria de ganado mayor y
 responde a parti } menor y baballada y deseo
 lar, corporacion } de fomentar estos intereses
 y herauado que } cito un terreno valdis en los limi
 sea buelba el Co } tes de este puerto por la parte
 pedt: a este } del Sur conocido con el nombre
 Prefectura para } de la Isla o península que
 los demas fines. } forma el puerto de D. Diego
 Arguello. } el cual contiene poco mas o me
 nos dos leguas o ditos segun

257 SD
 PAGE 15

disenio que acompaña, siendo dicho terreno pro-
 pio para un Potero, con cuyo fin lo pide y linda
 al Norte con el entero de dicho puerto al Oriente
 con la punta de D. Augustin Melijo al Sur
 con el Mar y al poniente con la Bahia fond
 cadero de los Buques yuplico a V. que previo
 los informes que tenga a bien tomarse sirva
 con el derme lo pasando el Expediente al Excmo
 Sr. Gobernador del departamento para qd
 se sirva mandar qd se me estienda el corres
 pondt: Titulo de propiedad. Por lo tanto
 a. V. pido yuplico se sirva proveer del modo
 y forma que llevo pedido en lo qual recibire gra
 cia y merced jurando no ser de Malicia y
 lo necesario, admitiendome esta en papel
 comun por falta del sellado.

S. G. D. N.

D. Diego Abril 21. de 1846.
 Pedro C. Carrillo.

D. Diego 21 de Abril 1846.
 El parage que solicita el Ciudadano
 Pedro Carrillo se halla enteramte Valdis y no
 pertenece a propiedad alguna y de consi
 puede considerle.
 Juan M. Orina

Caemo. Tot.

En los informes pedidos con respecto al parage de la Isla ò península que solicita el Cno Pedro Carrillo resulta ser enteramente Valido sin que de su consecucion resulte en perjuicio de nadie. Por tanto. P^r la superioridad del lote ne à bien podra adjudicarlo al solicitante por carecer de terreno propio y concurrir en su persona los requisitos de Colonizacion.

map 34 San Diego Abril 21 de 1846.

Jose R. Arguello.

Angeles Mayo 15 de 1846.

Vista la Solicitud con que da principio este expediente los informes necesarios, con todo lo demas que se tuvo presente y ver convido de conformidad con la Ley de 18 de Agosto de 1824. y reglamento de 21 de Noviembre de 1828 declara à Dⁿ Pedro Carrillo dueño en propiedad del terreno conocido ò nombrado Isla ò península en el punto de S^a Diego.

hacia à la parte del Este, del fundadero Libre el titulo correspondiente y reservese el expediente para someterlo à la aprobacion de la Coma Asamblea Departamental.

Provisio Gobernador Constitucional de California asi lo mando decretar y firmè. doy feè.

Provisio.

Jose Matias Moreno Srio.

Y. G. D. R.

Here follows
map.

16

S. Y. D. N. Principi Gobernador Constitucional del Departamento de California.

Por cuanto D. Pedro Casarino Cavillo ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Isla o península en el puerto de San Diego, practicadas previamente las averiguaciones convenientes, usando de las facultades que me son conferidas a nombre de la Nación Mexicana he venido por decreto de este día en concederle el espresado terreno declarándole la propiedad de él por las presentes letras de conformidad con la ley de 18 de Agosto de 1824 y Reglamento de 21 de Nov. de 1828. a Reserva de la aprobación de la C. A. D. y bajo las condiciones siguientes.

1ª podrá cercarlo sin perjudicar las traversías caminos y servidumbres; lo disputará libre y exclusivamente destinándolo al uso o cultivo que mas le acomode.

2ª Solicitará del juez respectivo que le dé la posesión jurídica en virtud de este despacho por el cual se demarcaran los linderos.

3ª El terreno de que se le hace donación es de dos sitios de ganado mayor y linda al E. con el Coto del puerto de San Diego hacia la población, al O. con la punta del Rancho de San Agustín Melijo, al N. con el mar y el

q. Y. D. N. poniente con la Bahía. o fondeadero de los buques según explica el Diseño que ora en el Exped. El juez que le dé posesión lo hará que así conforme a Ordenanza.

En consecuencia mando que teniendo se el presente título por firme y valdero se tome razón de él en el libro a que corresponde y se entregue al interesado para su resguardo y demás fines. Dado en la Ciudad de Los Angeles en este papel común por falta de sellado @ 15 de Mayo de 1846.

Office of the Surveyor General of the United States for California.
S. Samuel D. King, Surveyor General of the United States for the State of

257 SD
PAGE 17

see page 23

17
of California, and as such now having in my
Office and under my charge and Control a
portion of the Archives of the former Spanish
and Mexican Territory or Department of Up-
per California do hereby certify, that the
nine preceding and annexed pages of tracing
paper numbered from One to nine inclusive
and each of which is verified by my initials
L. D. H.) exhibit true and accurate copies of
certain documents on file and forming part
of the said Archives in this Office.

257 SD
PAGE 18

Seal In Testimony whereof I have here
unto signed my name Officially and
affixed my private seal (not having a
seal of Office) at the City of San Francisco
Cal. this 2nd day of April 1852

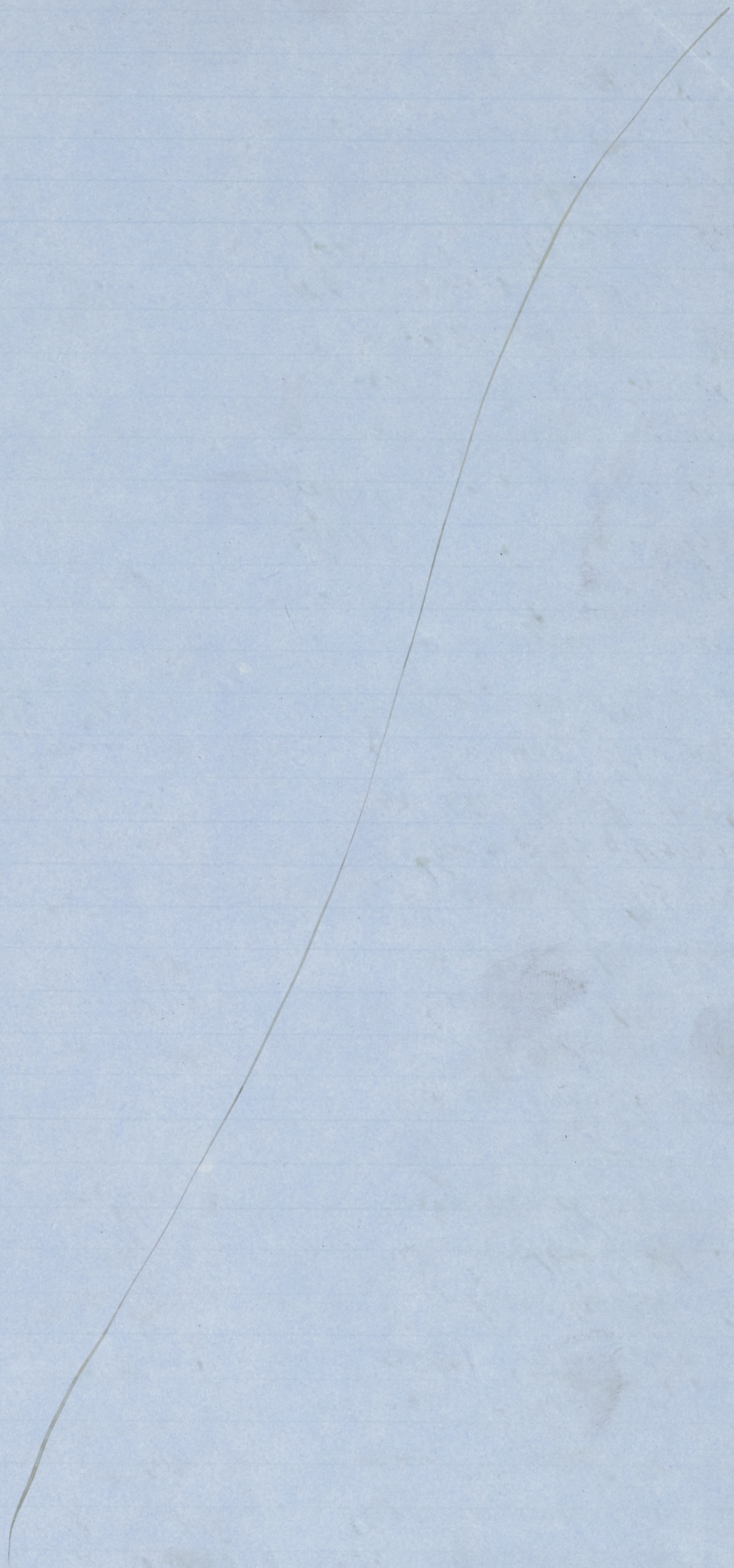
Saml. D. King

Surveyor General Cal.

Filed in Office Sept^r 22nd 1852

Geo: Fisher Secy.

18.



Senior Sub Prefect of the
Partido of San Diego.

San Diego April
21 1846.

Pedro C. Camillo, na-

The 2^o Mag^o of this Department of
 istrate of this town California and resident
 will be pleased to in this post, before you with
 Translation informs relative to due respect and in confer-
 of Expediente the petitions made duly with law, appears
 by Don Pedro C. and says: that being in
 Camillo, if the want of the proper land
 place he petitions for the breeding of cattle
 for is vacant, or both large and small, and
 if it belongs to any person, and desirous of in-
 individual, corpo^r-encouraging these kind of
 ration, and this property, he names a va-
 being complied cant land in the limits
 with, he will se- of this post on the southern
 turn the expediente part known by the name
 to this Sub. Pr- of "la Ysla" or peninsula
 figure for the which the part of San
 other purposes. Diego forms, the which
 Arguello. contains a little more or
 less, two leagues or sitios
 according to the map
 which he transmits, said
 land being fit for a cattle
 farm, for which purpose
 he asks for it, and is
 bounded on the North
 by the estero (creek) of said post, east by
 the place of Don Augustin Meliso; South
 by the sea and West by the Bay and ship
 anchorage, and he prays you that after
 the informations which you may think
 proper to take, you will be pleased to grant
 it to him, passing the expediente to his
 Excellency the Governor of the Department

257 SD
PAGE 19

that he may have the goodness to order the corresponding title of ownership to be issued to him.

Wherefore, I pray and beseech you to be pleased to provide in the manner and form which I have asked, in which I will receive grace and favor; swearing not to act from malice and whatever else may be necessary; admitting this on common paper for want of stamped.

San Diego April 21st 1846.

(Signed) Pedro C. Camillo.

San Diego April 21st 1846.

The place which Citizen Pedro C. Camillo asks for is at present entirely vacant, and does not belong to any ownership, and consequently, may be granted to him.

(Signed) Juan Maria Orona.

Most Excellent Sir.

From the information asked with respect to the place of La Ysla or peninsula, which citizen Pedro C. Camillo asks for, it results that it is entirely vacant, so that its being granted would cause no injury to a third person; wherefore if the superior authority thinks proper, it can grant it to the petitioner, as he is without any land of his own and combines in his person the requisites of colonization.

San Diego April 21st 1846.

(Signed) José R. Argüelles.

Los Angeles May 13th 1836

Having seen the petition with which this expediente commences, the necessary reports, with all other things which were represented and deemed proper to be seen in conformity with the law of August 18th 1824 and regulations of November 21st 1828, I declare Don Pedro Carrillo owner in fee of the land known or named 'Isle' or 'Summita' in the part of San Diego towards the part of — of the anchorage. Let the corresponding title be issued and serve the expediente, in order to submit it to the approval of the Most Excellent Departmental Assembly.

Pio Pico, Constitutional Governor of California thus ordered, decreed and signed, I certify.

(Signed) Pio Pico.
(Sgd) Jose Matias Moreno.

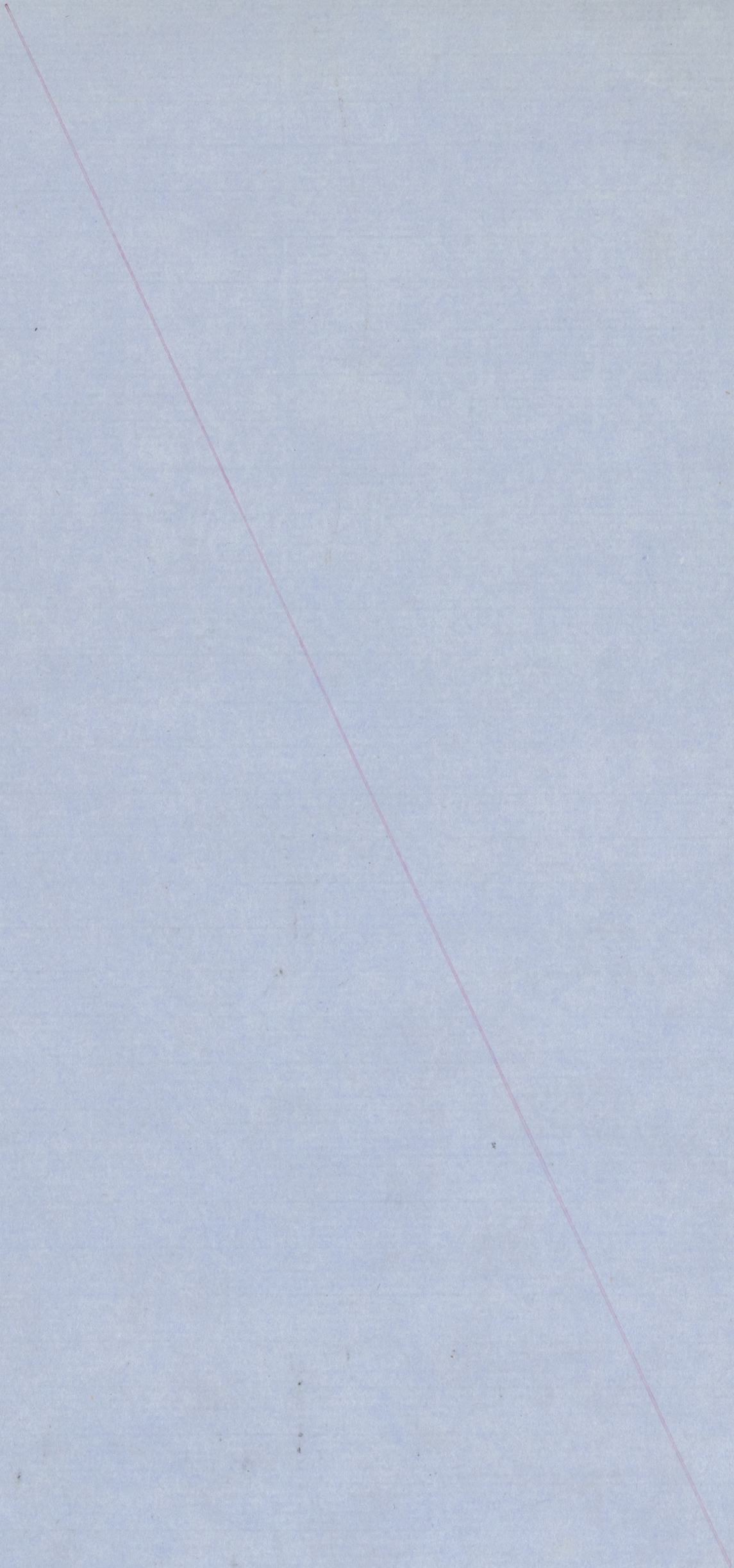
Secretary.

(For Translation of Title see Exhibit "a")

Filed in Office Sept 22nd 1852.

Geo. Fisher
Sicry.

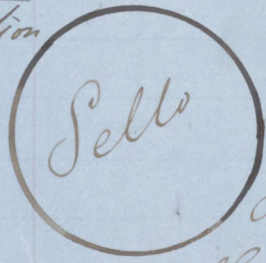
22



23 Doc - Marked

O. W. N. 1 Propio Gobernador Constitucional del
Anexo to Departamento de California.

the deposition
of S. Ar-
guillo



Por cuanto Don Pedro Carrillo ha pe-
tentido para su beneficio personal y el
de su familia el terreno conocido con
el nombre de Isla o península en el
puerto de San Diego practicadas previamente
las averiguaciones consermentes usando de las
facultades que me son conferidas a nombre
de la Nación Mexicana he venido por decreto
de este dia en concederle el espresado terreno de
clarandole la propiedad de el por las presentes
letas de conformidad con la ley de 18 de Agosto
de 1827 y reglamento de 21 de Norte 1828 a
reserva de la aprobacion de la Excm^a Asamblea
Departamental y bajo las condiciones sig^{tes}.
1^a Podrá cercarlo sin perjudicar las haciendas cami-
nos y servidumbres; lo disputará libre y esclusiva-
mt^e destinandolo al uso y cultivo que mas le
aconvide.

2^a Solicitará del juez respectivo le de la posesion
juridica en virtud de este despacho por el cual
se demarcaran los linderos.

3^a El terreno de que se le hace donacion es de
dos sitios de ganado mayor y linda al Norte
con el Estero del puerto de San Diego hacia la
poblacion, al Oriente con la punta del Rancho
de Don Justin Milijo al Sur con el mar y al
poniente con la Bahia o fundaderos de los Bu-
ques segun esplica el diceno que obra en el Co-
ped^t. El juez que le de posesion lo hara medir con
forme a Ordenanza.

En consecuencia mando que teniendo se
el presente titulo por firme y validero se tome razon
de el en el libro a que corresponde y se entregue
al interesado para su resguardo y demás fines
Dado en la Ciudad de Los Angeles en este papel
comun por falta de sellado a 15 de Marzo de
1846.

Propio

Joé Matias Moreno Orio.

Queda tomada razon de este superior despacho
en el libro respectivo. Moreno.

Queda tomada razon de este Oupor despacho

257 SD
PAGE 22

See page 15

@ \$5. multa del Libro respectivo llevada en esta sub-prefectura de mi cargo.

José R. Arguello.

J. N. No. 1
(Continued)

257 SD
PAGE 23

En el pueblo de San Diego Territorio de California a los veinte dias del mes de Octubre de mil ochocientos cuarenta y seis ante mi el Ciudadano Enrique Domingo Kitch Alcalde segundo de este pueblo y en jurisdiccion y por ante los testigos de mi asistencia con quienes actuo por receptoria a mas de los instrumentos que al fin se nominaran comparecio Don Pedro L. Carrillo vecino y residente en este pueblo a quien doy fe con lo que digo. Que con consentimiento de su esposa y en virtud de haber celebrado un contrato con el Capitan de la Fragata Norte Americana Magnolia Don Bejer Orimono Ciudadano de los Estados Unidos del Norte, su residencia en el Estado de Vermont el dia veinte del presente mes y año quien tambien estuvo presente en que se vendio toda el Terreno de su propiedad de la Isla o península que forma el puerto de San Diego hasta colindar con los terrenos de Don Santiago Emigilio Arguello; cuyo terreno es de dos cuartos de ganado mayor, como lo acredita el Titulo expedido por el Excmo. Vto. Gobernador del Departamento Don Pio Pico en la cantidad de un mil pesos plata unico precio en que la estimaron que ninguna le haya ofrecido ni ha encontrado quien le de mas y si mas vale lo vende y dona a favor del expresado Don Bejer Orimono como de voluntad libre y espontanea suya y de su repetida esposa, sin que por lo contrario se pueda proceder por ninguna ley ni titulo pues de todos que le favorecan renuncia y se obliga y compromete desde ahora por si y a nombre de sus herederos subterranos y de quien de ellos hubiere Titulo vno y causa en cualesquiera manera desde este momento se da pasayada en enagenacion perpetua por puro de herencia para siempre jamas al referido Don Bejer Orimono y a los suyos el derecho de propiedad que tiene en el mencionada Isla o Península en tre-

J. W. No. 1
(Continued)

257 SD
PAGE 24

gando el correspondiente título de fecha
quince de Mayo de mil ochocientos cuarenta
y seis cuyo tenor declara no tenerlo vendido
enagenado ni empenado y que este libre de
tributo memoria, capellanía, oneroso panya
y de otro gravamen real perpetuo temporal
especial general tácito y expreso y como tácito
sede y tras pasa y que desde hoy en adelante
para siempre se desapodera desiste quite y aparta
a sus herederos y sucesores, del dominio pro
piedad Título voz, recurso y otro cual escuiera
derecho que le compete al repetido terreno de
la península, le sede, renuncia y tras pasa con las
acciones reales y personales mixtas directas y
ejecutivas en el Sr. D. D. Don Domingo y en quien
su persona representa para que lo posea en
enajene y disponga de ella a su elección como de
cosa suya adquirida con legítimo y justo título
le confiere poder irrevocable con libre fianca y
general administración y se le constituya pro
curador actor en su propia causa para que de
su autoridad o judicialmente entere y se apodere
de la mencionada Isla o península y de ello
tome y aprenda la real tenencia y posesión que
por derecho le compete y para que no necesite
tomar lo pide o le de copia autorizada de la
presente con la cual, en otro acto de apenein
ha de ser visto haberlo tomado aprendido y
trasferido y en el interin se constituye
su inquilino tenedor y precario poseedor en le
gal forma y se obliga ha que la repetida Isla
o península será cierta y seguro y efectivo
y nadie le inquietará ni moverá pleito sobre
la propiedad gose y dispute ni contra ella
parecerá gravamen alguno y si le inquietase
moverse o apareciese luego que el Otorgante
o sus herederos y sucesores sean requeridos
conforme a derecho o al dham a la defenya
en todas instancias y tribunales hasta se se
tonalos y dejar al Sr. Don Domingo
ya los suyos en libre uso quieto y pacífico
posesión y no pudiendo con seguirlo le daran
al igual en Valor y en su defecto restituya
su importe las mesas útiles, preios y volus

...tario que a la Gasca tenga el mayor valor estimacion que con el tiempo adquiera y de todas las costas y gastos y menoscabos que de le signi en su erogacion por todo lo cual de les ha de poder ejecutar en virtud de esta escritura y por amento del que la posee o de quien le represente en quien de fuere su importa y le releva de esta prueba y a la observancia de todo lo preterito, obliga el otorgante en persona bienes havidos y por habery con ellos se somete y renuncia las leyes de su favor y defenza con la general del derecho en forma y con feie amplio poder a los señores Jueces que de este negocio puedan conocer para que lo compelan y apremien por via ejecutiva a su cumplimiento como por sentencia pasada definitiva en autoridad de cosa juzgada ementida y sin otro recurso y que por tal la recibe y la firmo con mi go y los de mi asistencia siendo los instrumentales los ciudadanos Miguel de Pedrena, José G. Anrok Thomas Russel.

257 SD
PAGE 25

H. D. Kitch # Pedro C. Carrillo
Asa. Asa

Señtágo C. Arguello # Alfr. Anzelino
Instrumentales Instrumentales

Miguel de Pedrena # José G. Anrok
Thomas Russel. Instrumental.

Magistrate's Office
San Diego April 20th 1848. In witness whereof
has been duly recorded in this Office

C. L. Brown
Alcalde D. Diego.

Filed in Office Octo 8th 1852

Geo: Fisher Secy.

J. W. No. 1
(Concluded)

27

P. P. Constitutional Governor of the
Department of California.

Translation
of Title.

B.

257 SD
PAGE 26

(seal) Whereas Don Pedro Carrillo,
has for his personal benefit and that of his
family, petitioned for the land known as
the Island or Peninsula in the Port of
San Diego, the proper examinations
being previously made, using the faculties
which are conferred on me in the name of
the Mexican Nation, I have granted him
the aforesaid land in decree of this day, de-
claring to him the ownership of it by three
percent, in conformity with the law of
August 18th 1824, and the Regulation of
Nov 21st 1828, subject to the approval of
the Most Excellent Departmental As-
sembly, and under the following conditions,
1st He may enjoy it without prejudice to
the crossings, roads and arriales, and
enjoy it fully and exclusively, making such
use or cultivation of it as may best suit
him.

2^d He shall request the proper Magistrate
to give him juridical possession in virtue
of this order, by whom the boundaries will
be marked out.

3^d The land of which donation is made
is two square leagues, and is bounded on the
North by the isthmus of the port of San Diego
towards the town, East by the end of the
rancho of San Agustin Melissa, South by
the sea, and West by the bay or anchorage
for ships, as explained by the map which
you will see with the expediente. The magistrate
who may give the possession will cause
it to be measured in conformity with the
ordinance.

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

Given in the city of Los Angeles on this common paper for want of stamped on the 15th of May 1846.

(Signed) Don Pico.

(Signed) José Matías Moreno.

Secretary.

Note has been made of this superior order in the paper book.

(Signed) Moreno.

Note has been made of this superior order on (page) 5, over, in the paper book in this sub prefecture, in my charge.

(Signed) José R. Arguella.

Filed in Office April 20th 1852.

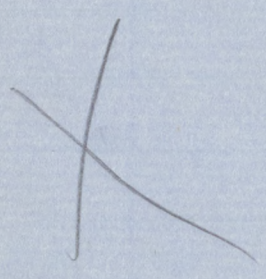
Gen. Fisher. Secy.

In the town of San Diego, Territory of California, on the twentieth day of the month of October eighteen hundred and forty six, before me, citizen Enrique Domingo Fitch, second Alcalde of this town and its jurisdiction, and before the witnesses of my assistance with whom I act in virtue of my office, besides the witnesses to the Translation instrument who will at the end be named, of Envyance, appear Don Pedro Canillo, neighbor and resident of this town, whom I certify I know, and said; that with the knowledge of his wife, and in virtue of a contract entered into with the Captain of the North American Ship Magnolia, Don Bazar Simmons, citizen of the United States of the North, his residence in the State of Vermont, on the twentieth of the present month and year, who also was present, in which he sold all the land of his ownership in the Island or Peninsula which is formed by the Harbor of San Diego, until it touches the lands of Don Enrique Urquell, which land contains two square leagues as shown by the title issued by his Excellency the Governor of the Department, Don Pio Pico - for the sum of one thousand dollars in cash, the only price at which it has been valued, no purchaser having offered him more, and he not finding any person who would give him more, and if it is worth more, he cedes and makes donation of it, in favor of the said Don Bazar Simmons, of his free and spontaneous will, and that of his said wife, so that the contrary cannot be maintained by any law or title, for he renounces all

Q

Translation instrument who will at the end be named, of Envyance.

257 SD
PAGE 28



257 SD
PAGE 29

that can favor him, and binds and com-
plices himself from this time for himself
and in the name of his heirs and suc-
cessors and of whoever of them may have
title, voice or claim in any manner,
from this moment he conveys, trans-
fers and gives in perpetual alienation with
the right of inheritance forever to the
said Don Bizar Sammons and to his
heirs, the right of ownership which he
has in the said Island or Peninsula,
delivering the corresponding title, dated
the fifteenth day of May one thousand
eight hundred and forty six; which land
he declares has not been sold, alienated or
pledged, and that it is free from all tribute,
religious or charitable tax, entail, pledge
or other incumbrance, real, perpetual, spe-
cial, general, tacit and expressed, and as
such he cedes and transfers and from
this time forth forever, dispossesses him-
self and desists from, takes away and
separates from his heirs and successors
the dominion, ownership, title, voice, re-
course and every other right which he has
in the said land of the Peninsula, and
cedes, renounces and transfers them with
the actions, real and personal, mixed,
direct and effective in favor of Don Bizar
Sammons, and in whoever may repre-
sent his person, that he may possess, ex-
change, alienate, and dispose of it at his
pleasure as if his own property, acquired
with legal and just title; he confers on
him irrevocable power with free, full
and general administration, and

constitutes him attorney, in fact in his own cause, that either of his own authority or judicially he may enter upon and possess himself of the said Island or Peninsula, and take and seize the real tenure and possessions of it which by law belongs to him; and that he may not need to take it, he prays that an authenticated copy of this present be given him, by which without any other act of taking, it will be seen that he has taken and seized it, and it has been transferred to him, and in the meantime he constitutes himself his tenant and temporary possessor in legal form - and he binds himself that said Island or Peninsula shall be certain sure and effective, and no person shall molest him or bring suit against his ownership, enjoyment and benefit, neither shall any incumbrance appear against it, and if he should be molested, or suit brought or an incumbrance appear, so soon as the grantor or his heirs and successors may be called upon in conformity with law, they will come forward in the defence in all courts and tribunals until they obtain judgment in his favor, and leave the said Deco Bezar Timmons and his, in peace, quiet and peaceful possession; and not being able to obtain it, they shall give him another equal in value, & in want of such, he will restore its value, the improvements, useful and necessary which at the time he may have, the greatest value and estimation which with time they may acquire, & all the costs, expenses and damages,

257 SD
PAGE 31

which may follow or come to him; — all which shall be executed upon them in virtue of this writing, and the oath of him who possesses it, or of whoever may represent him, to whom he bears it to fix the amount, and he relieves him from other proof. — And for the absence of all the foregoing, the grantor binds his person, his property which he now has or may hereafter obtain, and with it submits himself, and renounces the law in his favor and defence, with the legal exceptions in form, and he confers ample power on the Magistrates who of this matter ought to take cognizance that they may force and compel him by the "via ejecutoria" to comply with it, as a definitive sentence passed in authority of us judges, executed to, and without ~~with~~ other recourse, and as such he secures it. And they signed it with me and those of my assistance, the witnesses to the instrument — being citizens Miguel de Pedrona, José F. Smoak, Thomas Russell.

(Signed) H. D. Fitch.

(Signed) Pedro C. Canillo.

Assty witnesses.

(Signed) Santiago C. Arguillo.

(Sgd) Alf. Usselin —

Witnesses to the Instrument.

(Signed) Miguel J. Pedrona

(Sgd) José F. Smoak.

(Sgd) Thomas Russell.

Filed in Office April 21st 1852. Geo. Fisher Secy.

This Indenture made this third day of September A. D. One thousand eight hundred and fifty between Bizer Simmons of San Francisco in the State of California, party of the first part, and Frederick Billings, James R. Bolton, and H. W. Hallett of said city, parties of the second part—

E.
 Deed of Assignment. Witnesseth, that the said party of the first part in consideration of the sum of one dollar to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, and for the further consideration hereinafter specified, hath given, granted, bargained and sold and by these presents do give, grant, bargain and sell unto them the said parties of the second part, all those lands, tenements and hereditaments lying and being in the state of California, which are more particularly specified and described in a schedule hereto annexed and made part hereof, marked schedule A. To have and to hold unto them the said parties of the second part their heirs and assigns forever, In trust nevertheless and to and for the following uses, intents and purposes, that is to say— that the said parties of the second part shall take possession of all and singular the said lands, tenements and hereditaments hereby conveyed or intended to be, and sell and dispose of the same either at public or private sale, to such person or persons, for such prices and on such terms and conditions, and either for cash or upon credit, as in his judgment may appear best and most for the interest of the parties concerned, and convert the same into money, and

257 SD
 PAGE 32

X

257 SD

PAGE 33

Thompson to execute, acknowledge and deliver good and sufficient deeds, and all instruments of conveyance necessary to effect a sale and transfer of any and all the estates and property hereby conveyed or intended so to be, and by and with the proceeds of such sales, the said parties of the second part shall first pay and discharge all the just, reasonable and usual expenses, costs, charges and commissions of making, executing, and carrying into full effect this assignment and the deeds thereof, and the residue of the proceeds of such sales shall be considered as the nett avails or proceeds of the property hereby conveyed.

And first, by and with the said nett proceeds, the said parties of the second part shall pay and discharge in full all the debts, obligations and demands, due or to become due by the party of the first part or in anywise existing against him, together with all interest that may be due thereon at the time of payment, -
 And Secondly, by and with the nett residue and remainder of said nett proceeds, if any shall remain after the payment in full of said debts and private liabilities of the party of the first part, the said parties of the second part shall pay and discharge the partnership debts, mentioned in the deed of assignment this day made by the said Peter Simmons and William H. Stowell to the said parties of the second part, and hereby referred

to, according to the order and arrangement established by the said deed for the payment of the debts therein mentioned or referred to. And the said party of the first part also assigns and conveys to the said parties of the second part all the goods, chattels, vessels, boats, and personal property of every kind mentioned in the said Schedule A. hereto annexed, in trust for the uses and purposes herein set forth as those to which the proceeds of the real estate above conveyed are to be devoted.

In testimony whereof the party of the first part doth hereunto set his hand and affixed his seal, on the day and year first herein written.

By J. B. Simmons.

Signed, sealed and delivered
in presence of
By J. Arch. C. Peachy.
By J. C. Temple Emmet.

State of California. 3
County of San Francisco. 3 At San
Francisco on this the third day of Sep-
tember A.D. eighteen hundred and fifty
personally appeared before me, a Notary
Public in and for said County, J. B. Simmons well known to me to be the
party described in and who executed the
foregoing instrument, and acknowledged
that he executed the same freely and
voluntarily and for the purposes therein
mentioned.

In witness whereof I have here-
unto set my hand and seal official, the
day and year above written.

(seal) (Signed) C. Temple Emmet.
Notary Public.

7

Schedule A.

257 SD
PAGE 35

Schedule of property belonging to Bizer
Simmons, referred to in his deed of as-
signment.

The rancho known as Novato Ran-
cho in Marin County, purchased of Jacob
P. Leese and Rosalia Vallejo his wife, No-
vember 24 1846, save a small portion
hereof conveyed to Benjamin Franklin
Simmons with the improvements and
my stock thereon.

Seven sixteenth of the Peninsula form-
ing one arm of the Bay of San Diego
purchased of

The following property in the city of
San Francisco, an undivided half
of one hundred vara lot numbered eighty
eight - Forty varas by fifty varas of
Fifty vara lot Numbered two hundred
eighty five - Westerly half of fifty va-
ra lot numbered two hundred and
three - Southern half of lot number
thirty eight (Fifty vara lot)

About One hundred and forty five lots
in Sacramento City, the exact number
and locality of the same can be ascertained
by the original deed of John A. Sutter

37

to said Summons dated November 24th
A. D. 1849, and recorded in Sacramento,
and certain deeds of some of the lots so
conveyed by Sutter given by me to Bethard
Phelps, Isaac T. Mitt, Orrin Farnham,
Franklin N. Bellings, Mrs Ann S. Ryder.

257 SD
PAGE 36

The following property in the city of
Bericia viz: The eastern half of Lot
one (1) in Block Five (5) - Lot one in
Block Twenty one, Lot sixteen in Block
Twenty five - Lots fourteen and sixteen in
Block forty seven - Lot fourteen in Block
forty eight - Lot one in Block fifty - Lot
sixteen in Block fifty one, Lot sixteen
in Block fifty three.

One undivided fourth part of the ship
Magnolia.

A Note for ten thousand dollars signed
by John F. Pope.

Recorded in Co Recorder's office Sept
4th 1850, 10 A.M. in book No 1 of deeds
& trusts page 29.

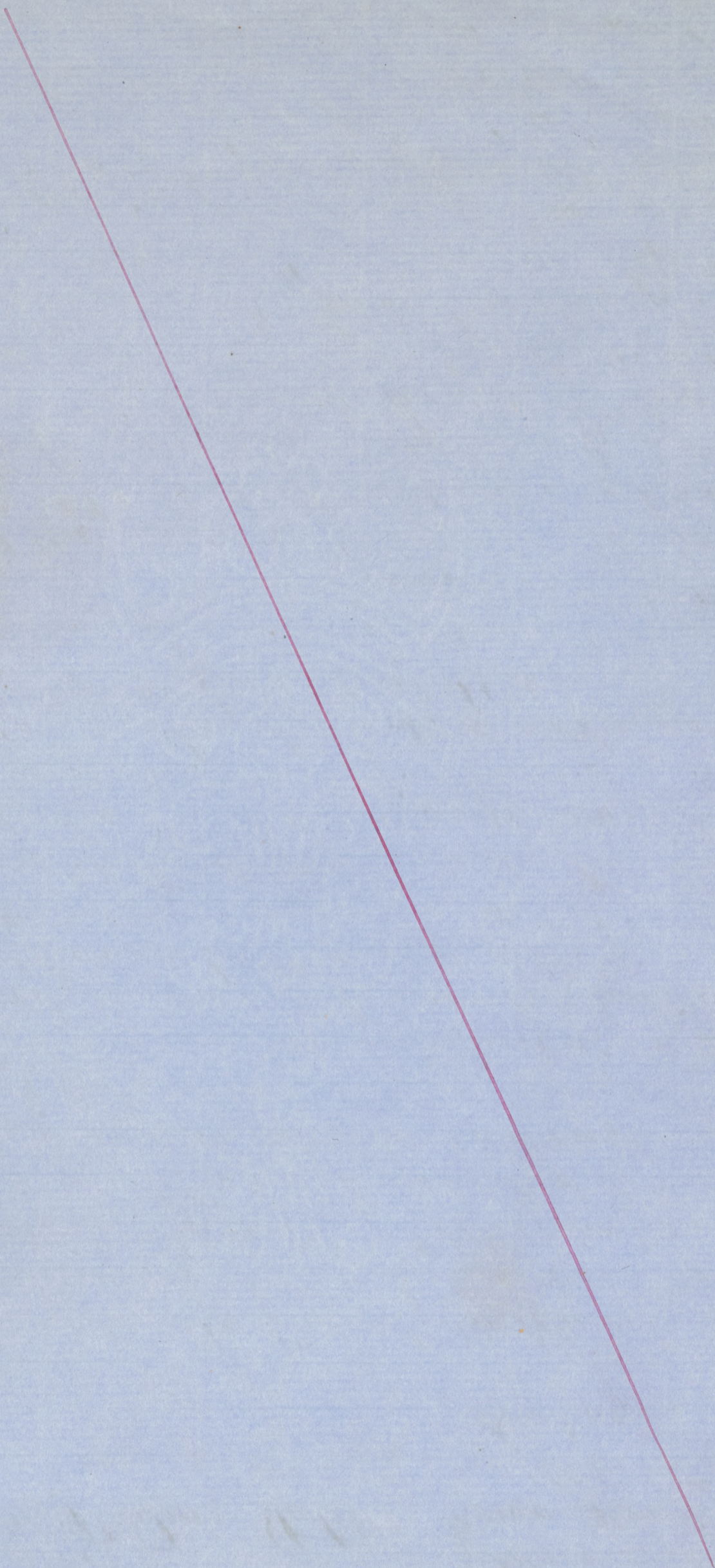
(Signed) John A. McShannon
County Recorder.

By Jas A. Grady
Deputy.

Filed in Office April 20th 1852.

Geo: Fisher
Sicry.

38



Frederick Bellings, et al. } Claim for the
 vs } Island or Pemin-
 The United States. } zuela at Santiago
 in the County of
 Santiago—

Opinion by
 Genl S. B.
 Farwell.

257 SD
 PAGE 37

In this case the claimants have offered in evidence traced copies of the expediente and grant to Don Pedro Camillo. The grant was issued by Pio Pico Governor, and is dated the 15th day of May 1846.

The claimants have also offered in evidence a deed of conveyance from the said Camillo and his wife, of the premises to Don Bazar Simmons dated the 20th day of October 1846.

Also a deed of assignment from the said Simmons to the said Bellings and others, the present claimants, bearing date the 3^d day of Sept 1850.

The genuineness of all said documents is satisfactorily established by the proofs in the case.

The grant contains the usual conditions, and it now remains to be seen whether those conditions have been complied with. There is no evidence whatever that the original grantee ever done anything whatever in the line of improvements or that he or any other person ever inhabited the same up to the day of his sale to the said Simmons. But it does appear from the documentary evidence that he sold the same before he had performed any of the conditions of inhabitancy or cultivation,

257 SD
PAGE 38

in violation of the terms and conditions of the grant. Thomas D. Jones is the only witness in the case produced on the part of the claimants to prove the performance of the conditions of the grant. He testifies that he is acquainted with the premises in question and that he knows that three houses were erected sometime in the summer or fall of 1850 and that they were erected by the agent of William C. Sprinwell in order to keep possession of the Island and keep off squatters.

It is the opinion of the Board that the conditions of the grant and the law under which the same was issued have not been complied with and that the claim is invalid and that the same should be rejected, and a decree will be entered accordingly.

Rejected

Filed in Office Oct 31 1854.

Geo: Fisher.
Secy.

Frederick Billings, et al. vs
The United States.

Decree.

After the hearing of the proofs and allegations in this case, it is adjudged and decreed by the board that the claim here-

Filed in Office in is invalid and confirmation of the same Oct 31 1854. is hereby refused.

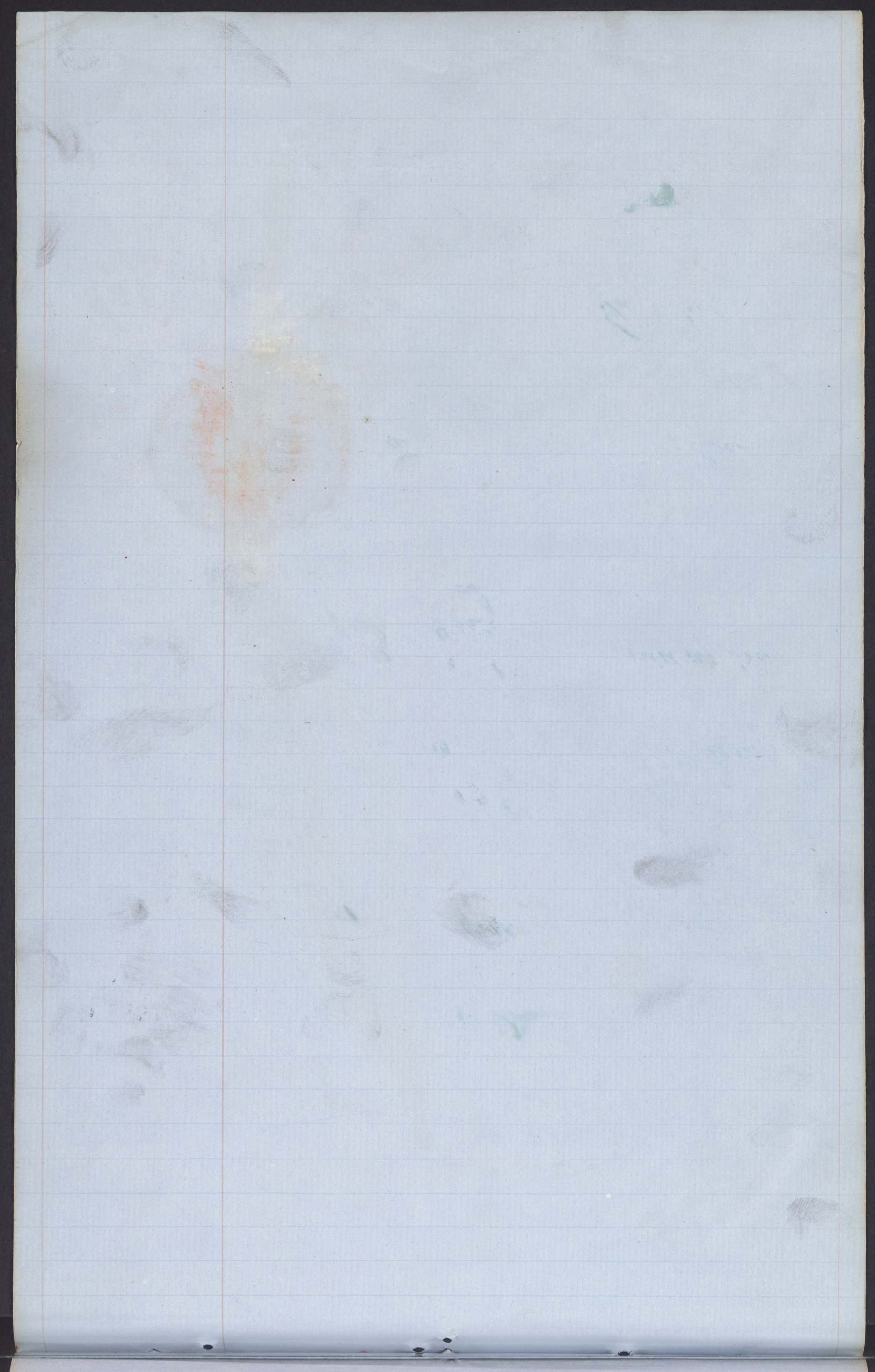
Geo: Fisher.
Secy.

Alphus Felch
R. Aug. Thompson.
S. B. Farwell. Commissioners.

41

257 SD
PAGE 39

And it appearing to the satisfaction
of this Board that the court and
judicially is situated in the Southern
District of California it is hereby ordered
that the transcripts of the proceedings
and of the decision in this case &
of the papers and evidence upon
which the same are permitted to
be made out and only certified by
the Secretary of the Board
shall be filed with the clerk of the
U.S. District Court for the Southern
District of Cal. and the original
transcripts to be returned to
the U.S.



Office of the Board of Commissioners,

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

257 SD
PAGE 40

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 *Forty one* pages, numbered from
1 to *41*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. 188, on the Docket of the said Board,
wherein *Frederick Billings, et al; Assignees*
of Bizer Simmons are
the Claimant, against the United States, for the place known by
the name of "Island or Peninsula at the
Port of San Diego"

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Twentieth day of *June*
A. D. 1855, and of the Independence of the
United States of America the seventy=*ninth*.



G. Fisher
G. Fisher

U. S. DISTRICT COURT,

District of California.

No. 257

257

THE UNITED STATES,

vs.

Frederick Billings, et al,
Assignees of Bizaro
mines — ^{Island or Peninsula etc}
_{San Pedro of San Diego}

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 188.

Filed,

July 2

18

L. E. Carr
Clerk

By A. A. Clark
Deputy

257

United States District Court for the
Southern District of California.

257 SD

PAGE 41

B. Simmons' Assignees }
Appellants } Notice of intention to prosecute
vs } the appeal from the decision
The United States } of the Board of U. S.
Appellees } Land Commissioners.

The above appellants, claimants of the land known as the ~~Island~~ "Isla de San Diego" situate in the Southern District of California, hereby give notice of their intention to prosecute an appeal from the decision of the Board of Commissioners rendered in their claim for the said land which was presented to the said Board of Commissioners and by them rejected. Their claim being that which is numbered on the docket of said Board of Commissioners No 188, the Transcript whereof as filed in this Office is numbered

Nalleck, Peachy, & Billings.
Attorneys for Appellants.

No 257

U. S. Dist Court
Southern Dist of California.

B. Simmons, Assignee.
Appellants

vs.

The United States.
Appellees.

Appeal Notice.

Filed March 16th 1888.

J. E. Farr.
clerk.

257 SD
PAGE 42

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

257 SD

PAGE 43

Fred Billings & others, Claimant
vs

The United States

To The Clerk
of The said District Court

Notice is
hereby given that under the
provisions of law an appeal
will be prosecuted by the
said Claimant from the decisions
of the Board of United States
Land Commission by whom
they rejected the claim number
one hundred and eighty eight (188)
upon their docket of the said
Fred Billings and others to the tract
of land known by the name of
San Diego Island or peninsula

E. Stanley
Atty for Claimant

257.

U. S. District Court

No 188.

Fred Bellings & others

vs

The United States

257 SD
PAGE 44

Notice of Appeal
upon the part of
the Claimant

Filed July 20 1855

C. E. Carr
Clerk

by A. H. Melack - Deputy.

Stanly
atty for claimt

No: 257.

257 SD

PAGE 45

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

Fredrick Billings,
et als: assignees of
Beza Simmons

The United States

} Appeal by claimant

To the Honorable the Judge of the
United States District Court for the Southern District
of California.

The petition of Fredrick Billings,
James R. Bolton, and Henry W. Halleck assignees of
Beza Simmons, and of Orin Simmons, Henry Simmons,
Nathan P. Simmons, Benjamin F. Simmons, Priscilla
Simmons, Ann S. Ryder and Augusta S. Bartholomeu
heirs at law of Beza Simmons deceased. —

respectfully represents that under the provisions of the
act of Congress of 3^d of March 1851, a petition was
presented to the Commissioners appointed under said
act to examine claims to land in California, praying
for the confirmation of the claim of petitioner to the
part of land known as the Island or Peninsula of
~~San Diego~~ the port of San Diego; that said
petition was accompanied by evidence of the title of
said Beza Simmons, and the other petitioners, to
which for more particular information petitioners beg
leave to refer: that the said claim was
designated as No: 188, on the Docket of said
Commissioners, and was rejected by them on the
31st of October 1854: that the said land
is situated in the Southern Judicial District of
California: that a transcript of the pro-
ceedings and decision of the Commissioners was

filed in the office of the Clerk of the Court
for that district on the 2nd day of July 1855.
and that a notice of appeal on behalf of the
claimants was filed with said Clerk, on the
said 2nd day of July 1855.-

257 SD
PAGE 46

Your Petitioners pray
for a rehearing of the case upon this appeal,
that the said decision of the Commissioners may
be reversed and annulled & that the Court
will make such decree and order, as may be
necessary and proper to confirm said claim, to
the premises mentioned and referred to in their
said petition and evidences of claim

And your petitioners will ever pray &c

Los Angeles Sept: 22nd 1855 and Stanley & King
Attys: for Petitioners
Halleck Peck & Pittsburg

No. 257-

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

Frederick Billings
& others

^{vs}
The United States
Petition for review

Filed Sept. 22nd 1858,
O. S. Carrick
By John W. Carson

257 SD

PAGE 47

344

Halleck Peachy & Billings
and
Stanly & King for Claimants

No 257

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

257 SD
PAGE 48

Frederick Billings et als }
Apprecies of Bezan Simmons } Appeal by Claimants

The United States

No. 188 in the Land
Commission

In this case it having been ordered by the
Court that the transcript be returned by the Clerk
of this Court, to the Clerk of the Land Commission
in order that the same may be amended, it
is hereby stipulated and agreed that no right of
the United States or of the Claimant is to be
affected by said order in any respect

Los Angeles Sept. 25th 1855

J. D. M.
Attorney

Hallett Peck & Billings
& Party & King for Claimants

No 257

In the Dist. Co.
of the U. S. in the
So. Dist. of California

Frederick Billings et als
apprecer of Bryan Simons

v

The United States

Deputatim.

Filed Sept 26th 1855.

C. E. Carr clk

By W. W. [unclear] of [unclear]

257 SD

49

PAGE

No 257

257 SD
PAGE 50

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

Fred. Billings et al
appreces of Bezaa Simmons

The United States

} Appeal by Claimants.
No 188 in the Land
Commission

In this case it being suggested by
Counsel for Claimant that the transcript of the
record from the said Commission is imperfect,
it is ordered by the Court, - the District Attorney
being notified and consenting thereto - that
the original transcript be returned to the
office of the Clerk of the Commissioners, by the
Clerk of this Court, that said transcript
may be amended, or that a perfect copy of
the original documents may be transmitted to
this Court

No: 257

In the District Court
of the United States
in the Southern Dist.
of California

Fredewick Billings

et al

v

The United States

Order to transmit
record to the Land
Commission

Exhib

Filed Sept 26th 1855

J. E. Carr
Clerk

4

257 SD
PAGE 51

Attorneys, Peachy & Billings
and Peachy & King for claimants

UNITED STATES OF AMERICA, } SS.
Southern District of California,

257 SD

PAGE 52

TO

The President of the United States,

J. Ord. U.S. Dist. Atty. for the Southern
District of California

Greeting :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *The United States* in the District Court of the United States, in and for the Southern District of California, on the *22^d* day of *September*, in the year of our Lord one thousand eight hundred and fifty-*five*, at the City and County of Los Angeles, in said District, by,

*Frederick Bellings & others assignees of
the heirs at law of Regis Simons, deceased, praying the
Court to review the decision of the U.S. Land Commissioners
respecting their claim to a tract of land called "The Island
or Peninsula of the Port of San Diego"*

and that *you* — are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said Petition, or the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this *15th* day of *December* A. D. 1855.

J. E. San

CLERK.

Marshals Court

Copying Summons - 60
Serving do 3.-
Petition 3.-

\$ 6. 60

No. 257.

UNITED STATES OF AMERICA,

Southern District of California,

U. S. DISTRICT COURT.

Fredrick Billings et al.

or

The United States.

257 SD

PAGE 53

SUMMONS.

Received Dec 17th 1855

Edward Hunter

U. S. MARSHAL.

Dr. M. Goodman Deputy

5-67

I served this Summons, together with a certified copy of the Petition, upon

U. S. Atty for South Dist of Calif
by delivering to him personally a true copy
of the same

at *Los Angeles*

the *26th* day of *Dec*

in the Southern District of California, on

A. D. 1855.

Sworn to and subscribed before me,

December 1855

C. E. Law CLERK.

By Morgan
Deputy

Edward Hunter
U. S. MARSHAL.

Dr. M. Goodman
Deputy

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

Hon Isaac S. Ogier Judge.

Frederick Billings et al.

Assignees of Bejar Simmons, Appellants } N. 257.

vs.

Manuscript N. 188.

The United States, Appellee

The answer of Pacificus Oost, Attorney of the United
States for the Southern District of California, for and
in behalf of the United States, to the petition of ~~Augustine~~
Frederick Billings, James R. Bolton, and Henry W. Halleck,
and of ~~Bejar Simmons~~, Henry Simmons, Nathaniel R. Simmons, Benjamin F. Simmons and
Assignees of Bejar Simmons, Triscilla Simmons, Anne S.
Bydes, and Augusta S. Bartholomew, heirs at law of Bejar
Simmons deceased, for a rehearing of this case; and
that the decision of the Commissioners appointed
under the act of Congress of 3^d March 1851, to examine
claims to land in California, be reversed and annulled,
and their claim to the Island or Peninsula of the Port
of San Diego be confirmed; says, That he denies
all and singular rash and every allegation in
said petition contained. And further this
Respondent denies generally the validity of the
alleged title of the claimants to the said
land claimed by them. And further this res-
pondent denies that the said Billings, Bolton &
Halleck are the assignees of said alleged heirs at
law of said Simmons deceased.

And the said Respondent prays that

This Hon^{ble} Court will affirm the decision
of the said United States Commissioner
in said case; and decree the said
alleged title for said land to be invalid,
And for general relief.

257 SD
PAGE 55

F. D.

Attorney of the United States for the
Southern District of California.

Sewed the within answer
on F. Pillsbury July 4th 1856
for all the parties
Edward Hunter
U. S. Marshal

No 257.

U. S. Dist Court
South Dist of Cal

Frederick Pillsbury, et al.
appls

vs.

The United States,
appes.

Answer of Msalty.

Filed July 4th 1856.

J. C. Lam,
Clerk

257 SD
PAGE 56

Marshals Costs \$~~32~~

for securing same \$21.00
Copies

Frederick Billings et al
app'ts

No 257

The United States

Deposition of Charles R Johnson taken
before the Senior United States Commissioner
for the District of California, at the United
States Court House in the City of Los Angeles
on Friday the 9th day of January A.D. 1857
at 10 o'clock A.M. by Consent & agreement
of parties to be used in testimony on behalf
of the Claimants in a certain Cause now
pending in the U.S. District Court for the
Southern Dist California, being Case No.
257 on the Docket of said Court, wherein
the United States are appellants and Fred-
erick Billings et al are appellants

Present P O N W. S. M. J.
for and on behalf of the United States, and
F Billings, on behalf of Appellants

257 SD
PAGE 57

~~Fredrick Billings et al~~
~~vs~~ ~~appellants~~

~~The United States~~

~~appellants~~

No 257

~~Charles R Johnson being duly sworn on the part of~~
~~appellants deposes & says as follows~~

Ques. What is your name age and place of
257 SD residence:

PAGE 58

Answer. My name is Charles R. Johnson, age
29 years - place of residence in Los Angeles
County

Ques. Do you know the place called the Island
or Peninsula of San Diego - if yes, how
long have you known it, and what
do you know of any occupative things
or any improvements thereon

Ans. I know it well - have known it
since 1849 - There are two houses
built thereon in the latter part of 1850
or first part of 1851 by myself at the
instance of William H. Aspinwall
of New York.

Ques. Did Mr. Aspinwall know these
houses built upon the grant presented
in this case: in other words did
he represent the claimants in this
case and act for them:

Ans. He did - for he has purchased a certain interest in the Island under the grant - which interest he now has - And he acts in making the improvements for all ^{the} persons interested in the grant

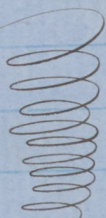
257 SD
PAGE 59

Wm. F. Johnson

Done and sworn to before
me this 9th day of January 1854

Wm. F. Johnson

United States of America
State of California
County of Los Angeles



257 SD

PAGE 60

J. C. Sims

United States Commissioner for the District
of California, hereby Certify that the foregoing
deposition of Charles R. Johnson was taken
before me in accordance with the request and
agreement of said Attorneys, at the United
States Court House in the City of Los Angeles
State of California, that the said Charles
R. Johnson was by me duly sworn according
to law as a witness in said Cause in the
Caption of this deposition mentioned, and
after being so sworn, his testimony was by me
reduced to writing in his presence and that
of the said attorneys, and after having been
by me carefully read to him, and by him
corrected, was by him signed in my presence



In testimony whereof I hereto
set my hand and affix my
private seal (having no seal
of the office) this 9th day
of January A.D. 1857

Columbus Sims
U.S. Commissioner
Distth of Cal

No. 257

U.S. District Court
for Southern Dist. Cal.

Frederick Billings et al
appellants

vs
The United States
appellee

Deposition of Chas. A. Johnson

Filed this 9th day of
1887
C. Sims clerk
of the Court
at San Francisco

6

9 x 10

257 SD
PAGE 61

In the District Court of the United
States within and for the Southern
District of California.

257 SD

PAGE 62

Hon. Isaac S. K. Ogier Judge

December Term 1856

The United States

Appellee

vs

Fredrick Billings & others

Appellants

No. 257

Transcript from the Board of Land
Commissioners No. 188.

This cause coming on to be heard, on
appeal from the decision of the Board
of Land Commissioners to ascertain
and settle private land claims in
California, upon the transcript of
the proceedings and decision of said
Board and the papers and evidence
upon which said decision was founded,
and also upon other evidence taken
and filed in this Court, and
counsel for the respective parties having
been heard it is:

Ordered, adjudged and decreed,
That the decision of said Board
of Land Commissioners rejecting
the claim of the appellants, Fredrick

Billings and others be and the same is
fully proved.

And it is further Ordered, adjudged
and decreed that the title of the
appellants, Inrich Billings and
others to the land claimed by them,
as set forth and described in their
petition to this said Board of Commissioners,
and the documentary and other
evidence in this case, is a good
and valid title, and that their
claim to the said land be and
the same is fully confirmed:

The land of which confirmation is
fully made is in quantity two square
leagues and no more, is known
by the name of the "Island or Penin-
sula of San Diego", is situated
in the County of San Diego, and
is bounded on the North by the Estero
of the Port of San Diego towards the
Town, East by the end of the ranch
of San Augustin Melijo, South
by the Sea and West by the anchorage
for ships, according to the documents
of title and map to which reference
is had: If the quantity within
said boundaries is less than two square
leagues then the confirmation fully
made is for the whole tract, but
if the quantity within said boundaries,
exceeds two square leagues, then
the confirmation fully made is

~ ~ ~ ~ ~

made for two square loaves, and
no more.
Isaac McQuin
Wm Pitts Hodge
for the 1st Unit of Cal

257 SD
PAGE 64

No. 257.

~

The United States
appellee
vs.

Frank Billingschal.
appellant

~

Decree = reversing decision
of Land Commissioners
and confirming the claim.

~

Record in page 130

Filed Aug 13th 1857

257 SD
PAGE 65

James
Clark

Deed of Frederick Billings,
J. R. Bolton & H. W. Wallcut to
A. C. Peachy.

257 SD
PAGE 66

This Indenture made the
ninth day of April in the year of
our Lord, One thousand Eight hundred
and fifty six, between Frederick Billings,
James R. Bolton and Henry W.
Wallcut, all of the City and County
of San Francisco, and State of Califor-
nia as assignees of Bezer Summers
late of San Francisco, parties of the
first part, and Archibald Peachy
of the same place party of the second
part, Witnesseth, that the said
parties of the first part, for and in con-
sideration of the sum of five hundred
dollars lawful money of the United
States of America to them in hands
paid by the said party of the second
part, at or before the ensueing and
delivery of these presents, the receipt
whereof is hereby acknowledged,
have granted, bargained, sold and
conveyed, and by these presents
do grant bargain sell and convey
unto the said party of the second part,
and to his heirs and assigns forever

see their right title and interest
of in and to, that certain tract
or parcel of land lying & being
situated in the County of San Diego
in said State, called the Island
or Peninsula of the Port of San
Diego, bounded on the North by
the Estero of the Port of San Diego
as far as the Town, On the East by
the point of the Rancho of San
Agustin Melijo, On the South by
the sea, and on the West by the bay
or anchorage of vessels, as shown
by the Map or Espectant, being two
square leagues of land more or
less, and being the same land granted
by His Highness Governor of California
on the fifteenth day of May, AD 1840,
to Pedro C. Carrillo and by said
Pedro C. Carrillo conveyed to Peter
Simmons on the 20th. day of
October, AD 1856. The said parties
of the first part claiming the un-
divided seven sixteenth part
of said tract under and by virtue
of a deed of assignment to them
made and executed by the said Peter
Simmons on the 3rd day of

September, A.D., 1850, for certain purposes and trusts therein set forth. Together with all and singular the tenements here-
-detainments 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 possession claim and demand, whatsoever, as well in Law as in Equity, of the said parties of the first part, of in or to the above described premises and every part and parcel thereof.
To have and to hold all ^{of} singular the above mentioned and described premises together with the appurtenances, unto the said party of the second part and his assigns forever. In Witness whereof the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed Sealed & Delivered in presence of
of James M. Grant
Frederick Billings, Assign of Beyer Simmonds Seal
James C. Bolton, Assign of Beyer Simmonds Seal
H. W. Halleck, Assign of Beyer Simmonds Seal

State of California }
County of San Francisco } S.S.

On this Tenth day of April
AD one thousand eight hundred and
fifty six, before me, a Notary Public
in and for said County personally
appeared, Frederick Billings,
James L. Boeton and Henry
W. Beck, assignees of Bezer
Summons and personally known
to me, to be the assignees of the said
Bezer Summons, and the individ-
uals described in and who executed
the foregoing conveyance, and ac-
knowledged that they executed the
same freely and voluntarily and for
the uses and purposes therein men-
tioned as the assignees of the said
Bezer Summons.

In Witness whereof I have
hereunto set my hand and
Seal, affixed my official seal
in the County aforesaid
the day and year first
above written

James W. Grant,
Notary Public.

257 SD
PAGE 70

Received for record April 18th 1856
at 12 O'clock, P.M., and recorded
same day at 2 1/2 O'clock P.M.
in Book, 1, pages 45 + 46, at request
of W. S. Burton.

W. S. Burton,
Recorder.

State of California
County of San Diego

I Geo A Senation County
Clerk & Ex-Officio Recorder in and
for San Diego County, do hereby certify
that the above and foregoing is a
true full and correct copy of a
Deed from Frederick Billings
James K. Bolton and Henry W.
Walleck, a Regent of Bazar Sun-
mons, to Archibald C. Beachy
together with the certificate of ac-
knowledgment of record as the
same appears from records in my
office.



In Witness Whereof, I have
hereunto set my hand and seal
at fixed the Seal of the County

Court of said County of San Diego, State aforesaid this 17th day of November AD 1865.



Geo. A. Sanablan
County Clerk and
Ex. Office Recorder,

Deed

Thos. K. Kellogg
James K. Galton
Sam. Henry W. Yacoch
A. Fagnon
To
Archibald C. Teachey

A Copy.

257 SD

PAGE 71

Filed May 7, 1867

Geo. Clonhamer
John O. W. W. W.

Fee \$3.85

This Indenture, Made the Eighth day of January in the year of our Lord eighteen hundred and sixty six

BETWEEN Frederick Bellinger of the City and County of San Francisco State of California party of the first part and Archiebold C. Peachy of the same place party

of the second part, Witnesseth, That the said party of the first part, for and in consideration of the sum of Fifty 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 ensembling and delivery of these presents, the receipt whereof is hereby acknowledged, has remise, released, and quit claimed; and by these presents Do remise, release and quit-claim unto the said party of the second part, and to his heirs and assigns forever. All

his right title interest and estate in and to that tract of land in the State of California, County of San Diego, known as the Island or Peninsula of San Diego, being the same tract of land which was granted by His Highness Governor of the Department of California to Don Pedro Fariello on the fifteenth day of May A.D. One thousand eight hundred and forty six - and was subsequently sold and conveyed by the said Fariello to Ben Serrano on the twentieth day of October A.D. One thousand eight hundred and forty six

Together with all and singular 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 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 or to the above described premises, and every part and parcel thereof, with the appurtenances.

To Have and to Hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, and to 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 Delibered in the Presence of

A. M. Francis

Frederick Bellinger



257 SD
PAGE 72

State of California }
CITY AND COUNTY OF SAN FRANCISCO. } ss.

On this Eighth day of January A.D. One Thousand Eight Hundred and Sixty six before me, GEORGE C. WALLER, a Notary Public in and for said City and County, duly commissioned and sworn, personally appeared the within named

257 SD
PAGE 73

Frederick Billings

whose name is subscribed to the annexed Instrument as a part thereto, personally known to me to be the individual described in and who executed the said annexed Instrument, and who 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. ss.



Geo. C. Waller
NOTARY PUBLIC.

On the 8th day of January A.D. One Thousand Eight Hundred and Sixty six before me, George C. Waller, a Notary Public in and for said San Francisco County, duly commissioned and sworn, personally appeared the within named

whose name subscribed to the foregoing Instrument as part thereto, personally known to me to be the individual described in and who executed the said foregoing Instrument, and acknowledged to me that 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.

Notary Public

of California,

} ss.

of

On this-----day

-----A. D. One Thousand Eight Hundred and Sixty-----before

-----a Notary Public in and for said-----Country,

do sworn, personally appeared the within named

whose name subscribed to the foregoing Instrument as part thereto, personally known to me to be the individual described in and who executed the said foregoing Instrument, and-----
-----acknowledged to me that-----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.

Notary Public

DEED.

Trustee Billing

TO

Archibald C. Peckey

Dated *Jan 8th* 1866

Recorded at request of

257 SD

PAGE

74

A. D. 186

at...min. past...M.

Filed May 27, 1867

Geo Gorham clk

J. John Wheeler

Deed of Gazar Simmons to F^r Billings
J. R. Bolton and H. W. Halleck.

This Indenture, made this third
day of September A.D. One thousand
Eight hundred and fifty Six, between
Gazar Simmons of San Francisco in
the State of California, party of the first
part, and Frederick Billings, James
R. Bolton & H. W. Halleck of said
City parties of the second part,

Witnesseth: That the said party of the
first part in consideration of the sum of
One dollar to him in hand paid by the
said parties of the second part, the receipt
whereof is hereby acknowledged, and
for the further consideration hereinafter
specified, hath given granted, bar-
gained & sold, and by these presents
do give, grant, bargain and sell unto
them the said parties of the second part,
all those lands, tenements & hereditaments
lying and being in the State of California,
which are more particularly described
and specified in a Schedule hereunto
annexed, and made part thereof
marked Schedule "A." To have and
to hold unto them the said parties of the
second part, their heirs & assigns

forever, in trust nevertheless, and to and
for the following uses, intents & purposes.
That is to say: that the said parties of the
second part, shall take possession of
all and singular the said lands, tenements
& hereditaments, hereby conveyed, or
intended to be, and sell & dispose
of the same, either at public or private
sale, to such person or persons, for such
prices and on such terms and conditions,
and either for Cash or upon Credit, as
in his judgment may appear best
and most for the interest of the parties con-
nected, and convert the same into
money, and thereupon to execute ac-
knowledges and deliver good and sufficient
deeds, and all instruments of convey-
ance, necessary to effect a sale and
transfer of any and all the estate
and property hereby conveyed or
intended to be, and by and with
the proceeds of such sale, the said parties
of the second part, shall first pay
and disburse all the just, reasonable
and usual expenses, costs, charges
and commissions, of making, executing
and carrying into full effect, this as-
signment, and the objects thereof

257 SD

PAGE 76

and the residue of the proceeds of such sale, shall be considered as the net avails, or proceeds, of the property hereby conveyed. And, First, by and with the said net proceeds, the said parties of the second part, shall pay and discharge in full all the debts, obligations and demands, due or to become due, by the party of the second part, or in anywise existing against him, together with all the interest which may be due thereon at the time of payment. And, Secondly, by and with the net proceeds and remainder of said net proceeds, if any shall remain, after the payment in full of said debts and several liabilities of the party of the first part, the said parties of the second part shall pay and discharge the partnership debts mentioned in the deed of assignment this day made by the said Peter Simmons and William H. Storrell to the said parties of the second part, and hereby referred to according to the order and agreement established by the said deed for the payment of the debts therein mentioned or referred

to, And the said party of the first part
also assigns and conveys to the said
parties of the second part, all the goods
chattels, venue, boats and personal prop-
erty of every kind mentioned in the said
Schedule, A summe annexed in
trust for the uses and purposes herein
set forth, as that to which the proceeds
of the real Estate above conveyed are
to be devoted.

In testimony whereof the party
of the first part hath hereunto set
his hand, and affixed his seal
on the day and year first above
written. B. Simmons Seal

Signed sealed &
delivered in presence of
Arch^d C. Peachy
C. Temple Sumner.

State of California
County of San Francisco

At San Francisco on this
the third day of September A.D. Eighteen
hundred and fifty personally appeared
before me a Notary Public, in and for
said County Beyer Simmons, well known
to me to be the party described in and

who executed the foregoing Instrument and acknowledged, that he executed the same freely and voluntarily and for the purposes therein mentioned.

In Witness Whereof I have hereunto
Seal set my hand and seal Officially
the day and year above written.
C. Temple Summit
Notary Public.

Schedule, A,

Schedules of property belonging to Bezer Simmons referred to in his deed of assignments.

The Rancho known as Nyoato Rancho, in Marion County, purchased of Jacob P. Seese and Rosalia Valijo his wife, November 24th, 1856, and a small portion heretofore conveyed to Benjamin Franklin Simmons with the improvements and by stock thereon, seven sixteenths of the Peninsula forming one arm of the bay of San Diego purchased

The following property in the City of San Francisco, An undivided half of one hundred vara lot number

Eighty Eight, forty varas by fifty
varas of Fifty vara lot number two
hundred eighty five, Western half
of Fifty vara lot Number two hundred
and three, Southern half of lot num-
bered thirty eight (Fifty vara lot.)

About one hundred and
forty five lots in Sacramento City
the exact number and locality of the
same can be ascertained by the origi-
nal deed of John A. Sutter to said
Simmons, dated November 24th
A.D. 1849, and recorded in Sacra-
mento, and certain deeds of some
of the lots so conveyed by Sutter
given by me to Bethuel Philips,
Isaac J. Mott, Orrin Farnham
Franklin A. Billings, Mrs. Ann S
Ryder.

The following property in the City
of Benicia, viz: The Western half
of lot one (1) in block five (5), Lot six
in block twenty six, Lot sixteen in block
forty five, Lots fourteen & sixteen
in block forty seven, Lot fourteen
in block forty eight, Lot six in block
fifty, Lot sixteen in block fifty one,
and lot sixteen in block fifty three.

One undivided fourth part of the
Ship Magnolia.

A Note for One thousand dollars
signed by John F. Pope.

257 SD
PAGE 81

Recorded in County Recorder Office
September 4th, 1850, 10 AM, in Book
No. 1, of Deeds of this page 29.

John A. McGlynn
County Recorder
By James O. Grady
Deputy.

Record for record April 18th 1856,
at 12 o'clock, M, and recorded Satur-
day at 1, P.M., in Book 1, pages 42
43, & 44, at request of Capt H. S. Burton,
W. B. Coats
Recorder.

State of California }
County of San Diego } 30

I George A. Swanton
County Clerk & Ex-Officio Recorder
in and for San Diego County, do
hereby certify that the foregoing
is a true full and correct copy.

of a Deed from Geyer Simmons
to F. Billings, J. R. Patton and
H. W. Waack, and of the Schedule
attached thereto and endorsements
made thereon, as the Law appears
of record in my Office.



In Witness Whereof I have
hereunto set my hand and
affixed the seal of the
County Court of San Diego
County, here to, this 17th
day of November, A.D.
1865.

Geo. A. Swadlow
County Clerk and
Ex-Officio Recorder

Deeds.

Geyer Simmons
vs
Fred. H. Billings
James R. Patton
vs
Henry W. Waack.

A Copy

Sept 32 1856

Filed May 7, 1867

Geo. C. Gordon Clerk
John O. W. Waack

257 SD
PAGE 82

Fee \$5.00

Bezer Simmons to W^m H. Aspinwall
Weld for the Moiety of the San Diego
Peninsula.

257 SD
PAGE 83

This Indenture made this
twenty eighth day of Nov, in the year one
thousand eight hundred, and fifty
between Bezer Simmons of San
Francisco, in the State of California,
party of the first part and William
H. Aspinwall of New York, party of
the second part. Witnesseth:

That the said party of the first part
in consideration of the sum of ten
thousand dollars to him in hands
paid, by the party of the second part
at and before the executing & delivery
of these presents, the receipt whereof
is hereby acknowledged, hath given
granted, bargained & sold, and by
these presents, doth give grant, bargain
and sell unto the said William H.
Aspinwall, the undivided moiety
of all that piece and tract of land
in the State of California & County of
San Diego, which is known as the
Island or Peninsula in the Port of
San Diego, it being the same tract of
land which was granted by Pio Pico

257 SD
PAGE 84

Governor of the Department of California,
to Don Juan Carrillo on the fifteenth
day of May, A.D. One thousand eight hun-
dred and forty six, and which was
subsequently sold and conveyed by
the said Juan Carrillo to the said
Beyer Simmons on the twentieth day
of October, A.D. One thousand Eight
hundred and forty six.

To have and to hold the said un-
divided Moiety of the said lands
unto him the said William H. Aspin-
wall, his heirs and assigns forever.

And the said party of the first part, for
himself his heirs, Executors Administra-
tors and assigns, Covenants and agrees
with the said William H. Aspinwall
his heirs and assigns, in the manner
and to the effect following; that
is to say: That the said party of the
first part will make other ^{or} further
conveyance of the property herein
conveyed, according to the boundaries
thereof, when they shall be fixed and
determined by competent persons,
And that he will give his warrant
and defend the said land unto the
said William H. Aspinwall his heirs

and assigns, against the lawful
claims and demands, of all persons
claiming or to claim, by through or
under him the said Bezer Simmons.

In testimony whereof the said
party of the first part hath hereunto
set his hand and affixed his
seal on this, the day and year first
 herein written.

Sealed sealed and Bezer Simmons Seal
delivered in presence of
Arch^d C. Peachy
John M^r Vickar,

State of California
District of San Francisco Co.

On this 28th, day of June, A.D. One
thousand Eight hundred & fifty, personally
appeared, before me a Notary Public in & for
the said County of San Francisco, Bezer Simmons, known to me
to be the person described in & who executed
the foregoing instrument, who declared to me
that he executed the same freely & volun-
tarily and for the uses & purposes therein
mentioned. Given at the City of San Francisco
under my hand and Notarial Seal on the
day and year first herein written

John M^r Vickar
Notary Public San Francisco County.

Received for record August 5th, 1850
at 11, Am, and Registered, August
5th, 1850, at 11.^h 30^m Am.

H. C. Marsee
County Recorder,

State of California
County of San Diego } 3

I George A. Senathen County
Clerk & Ex Officio Recorder of San
Diego County, do hereby certify that
the above and foregoing is a true full
and correct copy of a deed from
Dezer Simions to William H. Aspin-
wall together with the Certificate of
acknowledgment and of record, as the
same now appears of record in my
office. In Witness whereof I have
hereunto set my hand & affixed
the seal of the County and of
said County of San Diego
This afternoon the 18th day
of November, A.D. 1865.

G. A. Senathen
County Clerk & Ex Officio
Recorder,



Deeds.

Dezer Simions
Wm H. Aspinwall

True Copy

June 28th 1850

Filed May 4, 1867
Geo. A. Senathen
John A. Howard

257 SD
PAGE 86

Fee \$3.50

Deed of Bezer Simmons to Fred.
Billings and Arch^d C. Peachy.

This Indenture made this

257 SD
PAGE 87

17th day of December, in the Year
of Our Lord one thousand eight
hundred and forty nine, between
Bezer Simmons of San Francisco
in Upper California, party of the first
part, and Frederick Billings
and Archibald C. Peachy, both of
said San Francisco, parties of the second
part. — Witnesses: That the said
party of the first part, for and in con-
sideration of the sum of Five dollars,
to him in hand paid, by each of the
said parties of the second part, at
and before the executing and delivery
of these presents, the receipt whereof
is hereby acknowledged, hath given
granted, bargained, sold & conveyed
and by these presents, doth give grant
bargain, sell and convey unto them
the said parties of the second part,
the undivided sixteenth part
of all that piece and tract of land
which is known as the Island or
Peninsula in the Port of San Diego
in Upper California, it being the same

tract of land which was granted
by Pio Pico, Governor of the Depart-
ment of California, to Don Pedro
Carrillo, on the fifteenth day of May
A.D. One thousand eight hundred
and forty six, and which was sub-
sequently sold and conveyed, by
the said Pedro C. Carrillo to the
said Bezer Simmons on the twenty-
eighth day of October in the year, One
thousand eight hundred and forty
six. To have and to hold unto
them the said parties of the second
part their heirs and assigns as
tenants in common and not as
joint tenants,

In testimony whereof the said
party of the first part hath hereunto
set his hand and seal on this the
day and year first herein written,
Signed and sealed according to Bezer Simmons Seal
delivered in presence of
C. J. Lawton
Thos. G. Peachy.

State of California
County of San Francisco
On this 20th day of June

257 SD
PAGE 88

A.D., One thousand eight hundred and fifty, before me a Notary Public in and for said County, personally appeared Peter Simmons, known to me to be the person described in, and who executed the foregoing Instrument, who declared to me that he executed the same freely and voluntarily and for the use and purposes therein mentioned. Done at San Francisco, under my hand and Notarial seal on the day and year first herein written.

John M. Vickar
Notary Public
San Francisco County.

Received for record Sept. 10th A.D. 1850, at 1.30^m P.M. and recorded Sept. 20, 1850, at 9^h P.M.

H. C. Mattee
Recorder

State of California
San Diego County

J. Geo. Suddith, County Clerk & Ex. Officer Recorder of San Diego County, do hereby certify

that the foregoing is a true full
and correct copy of a deed
from Bezer Simmons to Fred K
Billings and Archibald C.
Peachy, together with the cer-
tificate of acknowledgment and
of record, as the same now appears
of record in my office.

In Witness Whereof I have
hereunto set my hand and
affixed the seal of the County
Court of said County of San
Diego, this 18th day of November
A.D. 1865

Geo. A. Sanderson
County Clerk and
Ex officio Recorder,



Deeds.

Bezer Simmons
to
Fred K Billings
and Arch - d C Peachy.

A true copy

Dec 9th 1869

Filed May 7/67

Geo Chapman att

John A. Chapman att

257 SD

PAGE 90

File of 2,100

In the District Court of the
United States in and for the Dis-
trict of California.

The United States

vs. 3

Frederick Billings,
James R. Pollock, &
W. W. Wallace Assignees
of Peter Summers -

S. O. Houghton is hereby sub-
stituted as attorney of record
for said defendants and autho-
rized to appear for and represent
them in said cause in all
further proceedings thereon.

D. J. Halliday
By his Atty in fact
D. B. Bostwick

Frederick Billings
By his Atty in fact
D. B. Bostwick

A. C. Grayson
By his Atty in fact
D. B. Bostwick

District Court of
the United States
for California

The United States

vs. }
}

Frederick Pillsbury
et al

Substitution of
Attorney

Filed May 7, 1867

Geo. C. Orham et al
vs. John Wheeler et al

257 SD
PAGE 92

It is stated Term of the United States District Court
held at San Francisco on ~~the~~ the several days of
May as story.

Present for Ogden Hoffman Judge

Fredrick Pilling et al

Assignees of Pizarra's Claims de

Claimants & Appellants

The United States

Appellees

Isle de San Diego

Now at this day

on motion of Counsel for Claimants, and filing deeds
of conveyance in support thereof showing title
to the premises known as the Island or Remi-
-sular of San Diego claimed by and confirmed
to the aforesaid Claimants and appellees to be
in Archibald Beachy and William H As-
-pinwall, the said Beachy being the owner of
the one undivided moiety and the said As-
-pinwall of the other undivided moiety

Now therefore it is hereby ordered, that the
said Archibald Beachy and William H
Aspinwall be and they are hereby substituted
in the place and lieu of Fredrick Pilling et al,
Assignees of Pizarra's Claims herein and that the
cause be and the same is served in the name

of said Archibald C. Beachy and William H.
Aspinwall as Claimants and Confirmer
Herein, and that all further proceedings
shall hereinafter be in their names

257 SD
PAGE 94

John Hoffman
Dist. Judge

District Court of
the United States
for California

The United States
vs. 3

Fredrick Bellings
et al

Order
Substituting parties

Filed May 7, 1867
Geo. Cochran Clk
J. John Wheeler Dep

In the United States District Court for the District
of California

Regular April Term 1867

257 SD

PAGE 96

Frederic Pilling, James B. Patton
and Henry Halleck assignees of
Roger Simmons dec'd.

vs

The United States

Appellants - "Slave of Denmark"

Appellees

Now at this day

the above named Claimants by their attorney presents
and files the mandate of the Supreme Court of the
United States therein duly attested on the first Monday
of December A.D. 1863 and whereas the said
Supreme Court did at its December Term A.D. 1863
the said Cause then being before said Court on
appeal sued out and allowed by the United States from
the Decree of Confirmation rendered therein by the
late U.S. Dist Court for the District of California - order
adjudge and decree that the said appeal be
dismissed and Command that such further pro-
ceedings 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
Now therefore on motion of Counsel for

257 SD
PAGE 97

Claimants. This Court that the appeal
has been ruled out and allowed the United
States from the Decree of Confirmation rendered
in this Cause by the late U. S. District Court for the
Southern District of California, be and the
same is hereby dismissed, and that said
Claimants be and they are hereby allowed
to proceed under said Decree of Confirmation
as under a final decree

John W. Hoffman
District Judge

District Court of
the United States
for California

The United States
vs. }
}

Frederick Pillsbury
et al

Order

Filed May 11, 1867

Geo C Gorham clk

J. John Wheeler Secy

257 SD
PAGE 98

UNITED STATES OF AMERICA, ss.

257 SD
PAGE 99

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court
of the United States, for the Southern District
of California

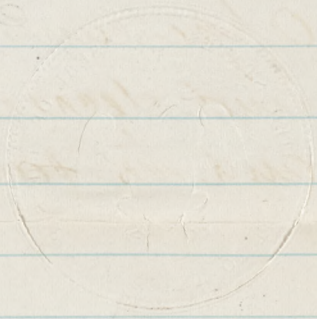


Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District
of California before you, in a cause
between Frederick Billings, James R. Botton, & Henry W.
Walleck, assignees of Pezar Simmons et al, appellants
and The United States Appellee (No. 257th Island
or peninsular of San Diego¹¹) wherein the decree
was rendered in favor of the said appellants.

UNITED STATES OF AMERICA

THE PRESIDENT OF THE UNITED STATES OF AMERICA



257 SD
PAGE 100

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 three* 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 Bates 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. 12 Feb.

257 SD
PAGE 101

You, therefore, are hereby commanded that such further proceedings be had in
said cause,

as according to right and justice, and the laws of the United States ought to be had, the said appeal
notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the
first Monday of December in the year of our Lord one thousand eight hundred
and sixty three

COSTS OF

Clerk..... \$

Attorney... \$

\$

Taxed by

L. W. Middleton

Clerk of the Supreme Court of the United States.

No. 156 December Term, 1863.

MANDATE

SUPREME COURT UNITED STATES.

U. States vs. Bellinger et al

Recd May 7, 1867

Geo. W. Sherman

John Michael

257 SD
PAGE 102

United States of America

IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

257 SD

PAGE 103

UNITED STATES OF AMERICA

vs.

CORONADO BEACH CO.

No. E 34 Eq.

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

U S Dist. Court Nor Dist of Cal.

To Walter B. Maling, as Clerk, /or one of his Deputies

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 Southern District of California, Southern Division to be held at the Court Room of said Court, in the City of Los Angeles, on the 2nd day of December A. D. 1919, at 10 o'clock A. M., then and there to testify in the above entitled cause, now pending in said Court, on the part of the above named ^{complainant} and bring with you the files, records and original papers in case #257 United States of America vs Fredrick Billings, et al

and for a failure to attend, as above required, you will be deemed guilty of contempt of Court and liable to pay to the party aggrieved all loss and damage sustained thereby.

Witness, the HON. Oscar A. Trippet

Judge of the District Court of the United States for the Southern District of California, and the seal of the said Court, this 22nd day of November in the year of our Lord, one thousand, nine hundred and Nineteen and of our independence the one hundred and forty-fourth

[SEAL]

CHAS. N. WILLIAMS,
~~WM. M. VAN DYKE~~, Clerk

By R. S. ZIMMERMAN

Deputy Clerk

No.

624 Eq.

DISTRICT COURT

Of the United States.

Southern District of California.

SOUTHERN DIVISION

UNITED STATES OF AMERICA

vs.

CORONADO BEACH CO.

COPY OF

SUBPOENA.

257 SD
PAGE 104

IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA.
FIRST DIVISION.

THE UNITED STATES OF AMERICA, }

VS. }

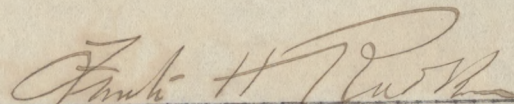
No. 257.

FREDERICK BILLINGS, ETAL,
Assignees of Bezar Simmons,
etc. }

IT APPEARING TO THE COURT that a subpoena has been served on the Clerk of this Court to produce all the papers and files in Case No. 257, The United States, vs. Frederick Billings, etal, assignees of Bezar Simmons, etc., before the United States District Court for the Southern District of California, at Los Angeles, for the purpose of exhibiting them to the Court in a case now on trial before said Court;


IT IS ORDERED that the Clerk of this Court or one of his Deputies be permitted to withdraw the files and papers in the foregoing entitled case from his office for the purpose of exhibiting them before the said District Court at Los Angeles; and that the said papers and files remain in the possession and under the control of said Clerk or his deputy at all times, and that they be returned by him to the records of the Clerk's office of this Court.

Dated; San Francisco, Cal,
November 24, 1919



Judge, United States District Court
Northern District of California.

ATTEST:


Clerk.

OFFICE OF THE CLERK
United States District Court
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

257 SD
PAGE 106

From Hoffman's Reports

188, 257, S.D., 554. Frederick Billings, et al Assignees of Bezer Simmons, claimants for an Island, 2 square leagues, in San Diego county, granted May 15th, 1846, by Pio Pico to Pedro C. Carrillo; claim filed April 20, 1852, rejected by the Commission October 31st, 1853, and confirmed by the District Court January 9th, 1857.

United States

vs.

Fredrick Billings et al.

No 257

257 SD

PAGE 107

Original petitioners. —

Fredrick Billings, James R. Bolton, and Henry M. Halluck, assignees of Roger Simmons

The decree of the U. S. District Court was in favor of these petitioners who were appellants from the decree of Board of Land Commissioners. See Record Decree page 130

The conveyances enclosed show transfer as follows:

Dec 9/49	Simmons to Billings and Peachy	— und? $\frac{1}{16}$
June 28/50	do " Aspinwall	— " $\frac{1}{2}$
Sept 3/56	do " Billings Bolton + Halluck	— all his interest
April 9 th 1836	Billings Bolton + Halluck to Peachy	— all their interest
	Peachy to Billings to "	— all his interest

The ownership is now — und? $\frac{1}{2}$ in J^r M^r Aspinwall — and und? $\frac{1}{2}$ in Archibald C Beachy
Fredrick Billings and decree should be entered in their

U. S. Dist. Court
Southern District

United States

vs

Billings et al

Mem. for Mr. Wheeler
with Mandate, Deeds, etc
Apr 26/67

Vough Schedule

257 SD
PAGE 108

from an *Exhibit in Common.*