

STATEMENT

IN REGARD TO

THE SOSCOL RANCH,

IN

SOLANO COUNTY, CALIFORNIA.

THE SOSCOL RANCH, in Solano County, California, comprising about ninety thousand acres, was claimed, under a pretended Mexican grant, by M. G. VALLEJO, whose title was contested by the United States Government, and was finally adjudged invalid by the Supreme Court at the December term, 1861, and under the existing laws became part of the public domain—open to settlement and pre-emption as other public land.

At the time of the aforesaid decision there were, as appears by the schedule in the Land-Office in Washington, one hundred and sixty-seven individuals claiming title in said lands by purchase from VALLEJO, or his assigns, forty-five of whom are claimants also under the general pre-emption laws, and are content with the title which the laws vouchsafe to them, and of the remaining one hundred and twenty-two, some are dead, and others removed from the country, leaving only eighty-five actual residents on the land claiming under the VALLEJO title from 200 to 3,000 acres each, and all of whom were concluded by the aforesaid decision of the Supreme Court.

Immediately after that decision, citizens of the United States entered upon said lands under the general pre-emption laws, and proceeded to file their declarations in the Land-Office of the district, and paid in the money necessary to defray the expenses of survey; and the Surveyor General was proceeding to make the necessary

plats, &c., when a dispatch was received by him from the Land-Office at Washington, dated January 13, 1863, directing him to stay further proceedings in the matter; and on the 2d of March, 1863, an act of Congress, a copy of which is hereto annexed, was passed, without the knowledge of the pre-emptors, which authorized *the bona fide purchasers from VALLEJO, or his assigns*, to pre-empt the lands so purchased to the extent to which they had been reduced to possession at the time of the adjudication of title by the Supreme Court of the United States.

At the time of the passage of said act, there were 250 actual settlers on said land claiming the right of pre-emption, all of whom, under the construction put upon said act by the Register and Receiver of California, have been excluded from all right of pre-emption in said lands, and the whole Ranch was virtually given up to a few speculators, whose claim the General Government had resisted for years, and to contest whose title Congress had, from time to time, appropriated large sums of money.

Since the passage of said act, these lands have been the source of ceaseless litigation in the courts of California, and dispute, accompanied by the most heinous outrages and brutal murders by the VALLEJO claimants in their attempts to oust the settlers under the general pre-emption laws. Said claimants alleging that the said act gives them a right to all the land to which they can show title from VALLEJO, or his assigns.

The most effectual remedy for the evils resulting from the passage of said act is to be found in its modification in such a manner as shall do justice to the settlers under the general pre-emption laws. An act for this purpose passed the House during the last session of Congress, and was reported with a favorable recommendation from the Committee on Public Lands in the Senate, and Congress is now asked to pass a similar act for the following reasons :

1st. Because the act of 1863 was manifestly procured through the instrumentality of false statements made to Congress, as is manifest from an inspection of the Senate report, upon which said act was based, a copy of which said report is hereto appended. It sets forth that the Soscol Ranch is "settled upon by an enterprising body of agriculturists;" and further, that "the entire Ranch has passed out of the hands of the original grantee into the possession of a multitude of SMALL HOLDERS." What kind of "enterprising agriculturists," and who are the "small holders," is shown by the subjoined list of claimants to pre-emption under the act of 1863, but few of whom ever resided on the land, and one, at least, of whom, to wit: THOMAS S. PAGE, is an alien Englishman, residing in South America :

						Pieces.	Acres.
John B. Frisbie's name occurs in the list	20	times.....	40			7,000	
D. N. Hasting's	25	"	35			4,000	
Singleton Vaughan's	15	"	18			2,500	
C. A. Eastman's	11	"	11			5,000	
Charles Ramsay's	13	"	18			3,000	
W. H. Nichol's	13	"	25			4,000	
Thos. S. Page's	20	"	28			6,000	
John W. Bartlett's	11	"	12			2,560	
John Baker's	11	"	12			1,880	
Joseph Wilson's	11	} "	19			3,200	
John Wilson's	11						
Andrew Goodyear's	11	"	11			4,000	
Andrew Hunter's	9	} "	18			3,240	
James Hunter's	9						
James Hill's	9	"	9			1,040	
John Tormy's	11	"	11			1,600	
John M. Nevill's	8	"	8			1,280	
						294	50,300

It thus appears by the records of the Land-Office that seventeen "enterprising agriculturists," claim more than the one-half of the entire Ranch, and that they are the "*small holders*" whose interests, according to the report, required special legislative protection. But the report further states that "on this Ranch there are settled some three thousand families, and several thousand more." The above list shows that fifty thousand acres are claimed by seventeen individuals, leaving but forty thousand acres for division among three thousand families and several thousand more. The term "several thousand" is quite indefinite, but taking it in the most restricted sense, of which it is capable, it signifies at least three thousand, so that we have six thousand families, according to the report, settled on forty thousand acres, being an average of less than seven acres to each family, and this too, be it known, exclusive of town sites, which are excepted in the act. But a conclusive answer to this claim of protection to the interests of "small holders" is found in the fact that there are not three claimants under said special act who claim less than one hundred and sixty acres.

2d. Because there never was anything in the circumstances of the case to raise an equity in the VALLEJO claimants. They purchased with full knowledge of the uncertainty of the title, and paid but a nominal price—the largest claimant, to wit: JOHN B. FRISBIE, paying, as his deed of conveyance shows, but sixty-six cents per acre. They bought with a certainty of being able to easily reimburse the purchase money out of the products of the soil, which it is notorious that they have much more than done; and they expected to realize princely fortunes if the VALLEJO title should be affirmed. It was a pure speculation, with all the chances in their favor, and by which they consequently lost nothing.

3d. Because, even granting that they ever had an equity, it was

lost in the superior equity of the pre-emptors, many of whom entered upon the land at an early day, and contributed their time and money freely to aid the Government to contest VALLEJO's fraudulent claim, in the firm belief that after the decision of the Supreme Court they could secure the title to their homes of the Government, and whose interests now demand legislative protection for every reason, and upon every principle that ever could have been urged in favor of the VALLEJO claimants.

4. Because the act was unconstitutional in its retroactive effect upon rights vested under the general pre-emption laws, and was in violation of the very practice which the Committee allege in their report as a reason for its passage, to wit: "The uniform practice of Congress to protect settlers."

5. Because such legislation was not asked for, nor needed by the very class for whose protection the Committee, in their report, urged its passage, to wit: "the small holders," they being fully protected under the general pre-emption laws.

6. Because said act was of no benefit to anybody except a few unprincipled speculators, through whose misrepresentations Congress was deceived into giving their sanction to a most gigantic swindle.

For these reasons Congress is asked, in response to the earnest petition of the wives and mothers of the settlers, who ask to be protected from further outrage, and in response to the petition of more than seven thousand citizens of California, who are no further interested in the matter than as it concerns the peace and good order of society, to modify a law which, it is believed, was passed without due consideration, and has been fruitful of nothing but evil.

House Report No. 20, also, Senate Report No. 95, 3d Session, 37th Congress, (the same report having been made to each House.)

37TH CONGRESS,	{	HOUSE OF REPRESENTATIVES.	{	REPORT.
3d Session.				No. 20.

SOSCOL RANCHO.
[To accompany bill H. R. 623.]

JANUARY 30, 1863.—Ordered to be printed.

Mr. POTTER, from the Committee on Public Lands, submitted the following Report:

The facts upon which the Committee on Public Lands base a favorable report upon the above-named bill are as follows:

The Soscol rancho is settled upon and occupied by an enterprising body of agriculturalists, men who have spent their means liberally in making improvements, claiming their lands under the Soscol grant of M. G. Vallejo. In 1847 the town of Benicia was laid out, its projectors and settlers relying on the Vallejo title. It has grown to be a town of several thousand inhabitants, and is among the more important of the interior villages of California. The town of Vallejo is upon the same rancho, was laid out in 1850, and is also of considerable importance, the lands therein being held under the same title.

The entire rancho has passed out of the hands of the original grantee into the possession of a *multitude of small holders*, and is covered by *numerous small farms* and orchards, each enclosed by substantial fences, highly cultivated, and *dotted all over* with *comfortable farm houses and other buildings*. All these settlers upon the rancho hold by purchase of M. G. Vallejo, having paid for their lands in good faith and in the firm belief, supported by the best legal advice attainable, that the title of Vallejo was valid.

Several millions of dollars have been expended in improvements upon the rancho, and hundreds of thousand of dollars are secured by mortgage upon the farms into which the rancho has been divided. It is obvious that great confusion and distress must arise in a community of this character, with porper interests so extensive,

when it is suddenly discovered that their title was invalid, and the wealth they had supposed their own is suddenly taken away and all the accumulations of years swept from them.

There are many circumstances which tended to give to the settlers upon the Soscol rancho confidence in the title which they purchased. M. G. Vallejo, the grantee from the Mexican government, belonged to one of the most influential families in California. In 1827 he was a member of the departmental legislature. He afterwards held a high official position under Governor Figueroa, and still later, in 1839, was commissioned by the supreme government as military commandant of Alta California. At various times during the troubles in Mexico, and its consequent pecuniary straits, he furnished the government large sums of money and other supplies; and, in consideration of these favors to the government, Micheltorena, then governor of California, and invested with extraordinary powers by the home government, granted to Vallejo the Soscol rancho in 1843, several years before the conquest of the State by the United States. From that time Vallejo had the exclusive and undisputed use and possession of the rancho, having upon it his residence, several thousand head of horses and cattle, numerous dependents and retainers, and exercised over it all acts of ownership. Thus matters stood when California became a part of the Union by a treaty guaranteeing, on the part of the American government, protection to the property of Mexican citizens. Complying with the law of Congress requiring the Mexican citizens to prove their ownership of grants, Vallejo presented to the board of land commissioners his claim to the land he had held and owned for years before. That board was satisfied as to the meritorious character of this grant, for after a thorough investigation of the documentary evidence in the case, and an elaborate examination of witnesses, the case was confirmed by said board on the 22d May, 1855. This decision of the board of land commissioners was subsequently confirmed by the higher tribunal of the United States district court for the northern district of California.

After this grant had passed the ordeal of two courts of the United States, and had been indorsed by them as genuine, the owner would naturally feel warranted in selling portions of the same to third parties, and those desiring to purchase would not be apt to doubt the validity of the title against the decision of two courts of the United States. In addition to this, it should be stated that the government, desiring a location for a military establishment near Benicia, caused an investigation to be made into the *bona fides* of this title, under the supervision of the Attorney General, and that officer reporting that the title was valid, the government purchased a portion of the land, and now holds it under the Vallejo title.

After these various decisions the validity of the title was taken for granted until the decision of the United States Supreme Court. That decision was not made upon any alleged fraud, but upon a technical question as to the powers and duties of Micheltorena in making the grant, and this question was raised for the first time in that court.

Justice Grier, who, with Justice Wayne, dissented from the majority of the Supreme Court in rejecting the grant on technical grounds, said:

"If this treaty is to be executed in good faith by this government, why should we forfeit property, for which a large price has been paid to the Mexican government, on the assumption that the Mexican government would not have confirmed it, but would have repudiated it for want of formal authority? Vallejo was an officer in the army, high in the confidence of the government. His salary as an officer had been in arrear. In a time of difficulty he furnishes provisions and money to the government of the territory. How do we know that Mexico would have repudiated a sale of 80,000 acres as a robbery of its territory, when any two decent colonists, having a few horses and cows, could have 100,000 for nothing?

"I believe the Mexican government would have acted honestly and honorably with their valued servant, and that the same obligation rests on us by force of the treaty.

"Now that the land under our government has become of value, these grants may appear enormous; but the court has a duty to perform under the treaty, which gives us no authority to forfeit a *bona fide* grant because it may not suit our notions of prudence or propriety.

"We are not, for that reason, to be astute in searching for reasons to confiscate a man's property because he has too much. Believing, therefore, that in the case before us the claimant has presented a genuine grant for a consideration paid, which the Mexican government would never have disturbed for any of the reasons now offered for confiscating it, I must express, most respectfully, my dissent from the opinion of the majority of the court, *with the hope that Congress will not suffer the very numerous purchasers to forfeit the millions expended on the faith of treaty obligations.*

The bill reported by this committee respects the occupancy of the numerous holders under this title, recognizing it as a pre-emption, and authorizing a sale to them for the minimum price of public lands, they paying the cost of surveys and all other expenses.

It has been the uniform practice of Congress to respect and protect the *improvements* of settlers. By the decision we have referred to, a considerable quantity of land covered with settlers' improvements has suddenly become the property of the United States. To send out a commission to California to appraise those improvements would absorb all the government could realize from the sale of the lands. Yet, to treat the settlers as intruders upon the public domain, and deprive them of the fruits of their labor and investments, would be a gross departure from the practice of the government and a great injustice to the settlers. As the bill proposes to sell them their lands at the government price, they to be at all the expense necessary for surveys, litigating conflicting interests, &c., the government will probably realize more from the lands than it can from any other mode of treatment, while it will

do justice to its citizens whose interests are so deeply involved in the premises.

The legislation proposed in the bill is consistent with the precedents of congressional legislation in land cases. By act of Congress approved June 27, 1851, the right of pre-emption was granted to certain settlers on Maison Rouge granted in Louisiana. The Congress passed the act to take effect "in the event of the final adjudication of the title in favor of the United States."—(9th Stat. at Large, p. 565.) The final decision is reported in 11 Howard, 663, and the act was passed while the case was pending.

Another act, entitled an act for the settlement of certain classes of private land claims within the limits of the Baron de Bastrop grant, and for allowing pre-emption to certain actual settlers in the event of the final adjudication of the title of said de Bastrop in favor of the United States, was approved March 3, 1851.—(9 Stat. at Large, p. 597.) The case is found in 11 Howard, p. 609.

The settlers on the above-named grants were comparatively few in number, and the grants eleven times as large as the Soscol grant, while on the *latter some three thousand families are settled, and several thousand others*, all holding under the Soscol title.

Up to the time of the rejection of the Soscol grant during the present Congress, the settlers were undisturbed by any outside parties; but difficulties have since arisen from the entrance of parties upon the grant on the claim that it is public land, leading to collisions, which must increase if Congress does not intervene. The parties so claiming have entered within the enclosures of settlers, and scenes of violence have hence resulted.

In view of all the facts in the case, the fact that so large a population of industrious agriculturalists have settled upon and improved the grant; that they have bought their lands in good faith; the precedents cited, and the consistent policy of the government towards settlers, with the *bona fides* of the grant itself, the committee report back the bill, and recommend its passage.

Special "Soscol" Law, March 3d, 1863.

BILL S. No. 537.

To grant the right of Pre-emption to certain purchasers on the "Soscol Ranch,"
in the State of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it may and shall be lawful for the Commissioner of the General Land-Office to cause the lines of the public surveys to be extended over the tract of country known as the "Soscol Ranch," in California, the claim to which by Don Mariano Guadalupe Vallejo has been adjudged invalid by the Supreme Court of the United States, and to have approved plats thereof duly returned to the proper district Land-Office: *Provided,* That the actual cost of such survey and plating shall first be paid into the surveying fund by settlers, according to the requirements of the tenth section of the act of Congress, approved thirtieth of May, eighteen hundred and sixty-two, "to reduce the expenses of the survey and sale of the public lands in the United States."

SEC. 2. *And be it further enacted,* That after the return of such approved plats to the district office, it may and shall be lawful for individuals, *bona fide* purchasers from said Vallejo, or his assigns, to enter, according to the lines of public surveys, at one dollar and twenty-five cents per acre, the land so purchased, to the extent to which the same had been reduced to possession at the time of said adjudication of said Supreme Court, joint entries being admissable by coterminous proprietors to such an extent as will enable them to adjust their respective boundaries.

SEC. 3. *And be it further enacted,* That municipal claims within the limits of the said "Soscol Ranch," may be entered under the terms, limitations, and conditions of the Town-site act of twenty-third of May, eighteen hundred and forty-four.

SEC. 4. *And be it further enacted,* That all claims within the purview of this act shall be presented to the Register and Receiver within twelve months after the return of such surveys to the District Land-Office, accompanied by proof of *bona fide* purchase under Vallejo, of settlement, and the extent to which the tracts claimed had been reduced into possession at the time of said adjudication; and thereupon each case shall be adjudged by the

register and receiver under such instructions as shall be given by the Commissioner of the General Land-Office, and no adjudication shall be final until confirmed by the said Commissioner.

SEC. 5. *And be it further enacted*, That any claim not brought before the register and receiver within twelve months, as aforesaid, shall be barred, and the lands covered thereby, with any other tract within the limits of said "Soscol Ranch," the titles to which are not established under this act, shall be dealt with as other public lands: *Provided*, That no entry shall be made of lands reserved and occupied for military, naval, or other public uses, or which may be designated for such purposes by the President, nor shall any claim under this act extend to mineral lands.