A PROMISED LAND:
GRANTEES, SQUATTERS, AND SPECULATORS IN
THE HEALDSBURG LAND WARS

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A thesis submitted to
Sonoma State University
in partial fulfillment of the requirements
for the degree of

MASTER OF ARTS

in

History

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August 5, 1990
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Purpose of the Study:
Conflict over land ownership was a critical and prominent factor in the early history of the State of California. Throughout the 1850’s, 1860’s, and 1870’s many American settlers occupied and defended land they did not legally own. Usually this contested land was part of large tracts previously granted by the Mexican government to its citizens. Historians have maintained that these "squatter wars" were at base a contest between the rights of American citizens and those of the newly-vanquished Mexican Californians. With few exceptions they have maintained that American settlers victimized these original land grantees.

The purpose of this study is to examine in detail one squatter uprising in northern California, the Healdsburg Land Wars from 1852 to 1864, thereby testing prior assumptions and interpretations.

Procedure:
All known documentary evidence regarding these land wars was consulted, including local, state, and regional governmental and judicial records, newspaper accounts, and information contained in personal diaries, journals, and other studies and publications. In addition, a wide variety of local/regional historical literature was consulted to gather biographical data on all parties involved in these squatter uprisings.
Findings:

Conflict between the American settlers and the original Mexican land grantees, although at times extremely violent, lasted only a short time, and actually preceded the outbreak of organized squatter rebellion in this area. The ownership of the contested land had already been transferred to other parties, usually land speculator/attorneys, by the time major large-scale hostilities broke out. A majority of the militant squatters were rural agriculturalists from the slave states of the southern United States. During the course of these wars political affiliations emerged in the local press. The Republican or "Union Party" newspaper was the nominal advocate of the squatters, while the Democratic newspapers consistently sided with the landowners.

Conclusions:

The Healdsburg Land Wars were a manifestation of a conflict between American citizens of distinctly different backgrounds and beliefs. The attitude of the land speculator/attorneys, advocating large-scale enterprise, economic growth, and monopolistic ownership, was directly at odds with the ultranativistic "Americanism" of the rural agrarians who believed that the land was a sacred trust that should be democratically distributed to the people. The political parties in the region polarized on these issues, as they did on the larger manifestation of some of these same issues during the Civil War. The Mexican land grantees were victimized by, but unaligned, with either camp. This was a war between, for, and about Americans.

Chair: 

Signature

MA Program: History  Date: Sept. 7, 1990
Sonoma State University
Acknowledgements

I am indebted to the members of my thesis committee, Dr. Daniel Markwyn, Dr. Dennis Harris, and Dr. Glenn Price, for the invaluable gift of their time, energy, and knowledge. I am especially grateful to Dr. Markwyn who first suggested the subject of this investigation, and whose encouragement and endless patience allowed this thesis to develop at its own natural pace. Finally I wish to thank my husband, John Howland, who learned more about the Healdsburg squatters than he ever wanted to know.
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INTRODUCTION: LAND, LAW, AND INTERPRETATION

During the first two decades of California's existence as an American state, it was the site of sporadic uprisings by American settlers who persistently inhabited, and defended, land they did not legally own. These "squatter" rebellions have become one of the standard elements in the recounting of early California history, yet they are understood little better in the late Twentieth Century than they were in the late Nineteenth. Historians have duly recorded the time and place of individual squatter rebellions, but analysis has tended to treat them collectively. Assuming their uniformity, little effort was spent on investigation and careful descriptions of specific events outside the main urban centers of Sacramento and San Francisco. ¹ Little new information has been gathered about the California squatters, urban or otherwise, in this century. The result is the persistence of certain untested

¹ Hubert Howe Bancroft, The History of California, vol. 23 (San Francisco: the History Company, 1886), 529-536, 571-573; vol. 35, 397, 398. Josiah Royce, "The Squatter Riot of '50 in Sacramento", Overland Monthly 6, no. 33 (September 1885): 225-246. W.W. Robinson, Land in California (Berkeley, Los Angeles, London: University of California Press, 1948; repr., 1979), 111-115, 127-132. Historians generally sought an explanation for the entire squatter phenomenon, a phenomenon that embraced an extremely eventful thirty year period in California. Since the early uprisings in San Francisco and Sacramento seemed the most important to state history, these are the cases that are often described in depth, and other cases are assumed to conform to the conclusions drawn about these. The result is sometimes erroneous statements concerning the lesser, uninvestigated, examples given.
assumptions and generalizations that were formed almost one hundred years ago.

A practical definition for the California squatter is difficult for many reasons, not the least of which is that initially the actions of the squatter were indistinguishable from the actions of any other California settler. The squatters themselves never accepted the term, always referring to themselves simply as settlers, like any other. The distinction is one of time and place of settlement and, as will be shown, one of degree.

The rights of pre-emption, to settle and improve any unappropriated, unimproved public lands, had become an American tradition by 1848. Soon after the Revolutionary War settlers took advantage of these informal privileges and the accompanying privilege of eventually buying such land at a minimum price without competition. The American west was largely settled through pre-emption, although such rights were not officially recognized by Congress until 1841, after tremendous political pressure. By 1853 this legislation was applied to public lands in California. 2

Of the tens of thousands of American settler/farmers who migrated to California after 1848, most soon sought out the fertile coastal and central valley regions. A great

majority of these arable lands were included in the thirteen to fourteen million acres already claimed in the form of over 800 land grants made by the Spanish or Mexican government. ³ By strict definition, all of those new settlers on privately claimed land were squatters, but the political mood of the times left settlers in suspense over how the United States government would rule on such vast holdings.

The 1848 Treaty of Guadalupe Hidalgo guaranteed that all valid Mexican claims would be honored, but charges of fraud, especially against grants made in the years just prior to the War with Mexico, necessitated some vehicle for validation. Political opinion pivoted on the point of burden of proof: should the Mexican land titles be viewed as perfect unless challenged for insufficiency or fraud; or should all titles be reviewed and each grantee be required to prove his claim? Attorney William Carey Jones, as confidential agent of the United States government, and H. W. Halleck, California's Secretary of State, both made reports to Congress on the status of land claims in California and were diametrically opposed in their views. Jones viewed the titles as mostly perfect, Halleck claimed

the opposite. The United States legislature was similarly divided on the issue, but the measure introduced by Senator William C. Gwin, Democrat from California, finally prevailed. Gwin held that the Mexican titles were vague and should be proven before a board, with an accompanying right to appeal board confirmation or rejection to a higher court. Most California settlers would agree with his assertion that the land titles in California were the equity of the American people, and irregularities should be viewed with suspicion. *

To enact Gwin's measure, Congress passed the Land Act of 1851, establishing a three person Land Commission to review evidence for "each and every person claiming lands in California by virtue of any right or title derived from the Spanish or Mexican government." The Land Commission had the power to confirm or reject each claim, yet in practice all but nineteen of the 809 different cases ruled on by the Commission were appealed to a higher Court. Historian J.N. Bowman estimated the average length of time between a grantee's first petition filing and the receipt of a United States patent as seventeen years. 5 In the interim American


settlers moved in, built houses and fences, planted crops, felled forests for lumber, and even laid out towns on the land.

Many squatters also found time to join one of the hastily organized "Settler's Leagues" that proliferated throughout the state in the 1850's. Although some such leagues were no doubt spontaneous manifestations of concern for the rights of the honest settler, many were instigated by interested attorneys. These attorneys, on retainer, would harass grantees by initiating writs and injunctions against them in the lower courts. Making use of secret passwords and handshakes, the leagues held clandestine meetings. Some went so far as to hire "professional" squatters to intimidate landowners and vandalize their property.

Much has been written about the vagaries and hardships imposed on the Mexican landholders by the grant confirmation process. A small amount has been written about the harm and injustice it did to the American settler. The single most

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damaging element for Californios (Mexican Californians) unfamiliar with the American judicial system was the need for the services of expensive American attorneys, who represented their own interests as often as they represented the interests of their clients. Grantees had to prove their titles from two to six times before various commissions and courts, and attorneys often prolonged litigation further, past any reasonable need. The burden of proof, and the burden of payment, inevitably fell on the landowner, who if not able to pay in cash, was forced to settle with acreage and stock. In the worst cases, grantees lost their entire ranchos and means of livelihood simply by carrying out the legal requirements of proving their title. 7 Years of legal proceedings did more to diminish the vast California ranchos than any number of armed settlers could.

Historian Paul Gates has made the case that the American settler was victimized by the review process even more than land grantees. He asserts that a large number of settlers were genuinely ignorant of rancho boundaries and claims when they settled on the land. Owing to the delays and inherent contradictions in various state and federal legislation, these settlers wasted years of hard work and

were never compensated for improvements. He also stresses the point that some grants were indeed fraudulent (190 land grants were eventually rejected for insufficiency or fraud), and that settlers often had good reason for their many court appeals. Gates further states that the higher courts, liberally interpreting the law, tended to favor claimant's rights over the rights of settlers. The problem of grant boundaries is pointed out, Gates contending that not one of the grants had been surveyed by 1849. Finally he cites the plight of settlers who were careful to locate their homesteads outside of the original grant boundaries, only to have these homesteads later marked as a part of a grant by unscrupulous land surveyors in league with claimants.

The scope of this thesis does not permit comment on much of Gates' evidence, but it does cast a shadow of doubt on two of his assertions. One of the two ranchos dealt with in this thesis, the Sotoyome grant, was properly surveyed before 1849. In the case of later fraudulent surveys, Gates cites as a major example the other grant examined in this

thesis, the Tzabaco grant. The evidence for a fraudulent survey favoring the grantees in the Tzabaco case is nil, as will be shown. Here Gates relied too heavily on the claims of the Tzabaco squatters. Despite such small lapses, Gates' overall description of the political and legal injustices experienced by settlers is a valuable counterweight to the overwhelmingly critical view of California squatters prevalent in historical literature. He convincingly demonstrates that real needs and concerns often motivated the squatters, and that these needs must be recognized in analyzing the most violent and politically complex issue in early California.

With the single exception of Gates' recent revisions, historians have been uniformly negative in their assessment of the squatter and his motives. The scant amount of Twentieth Century literature dealing directly with the subject routinely summarizes the conclusions of Hubert Howe Bancroft and his Nineteenth Century contemporaries. To Bancroft the squatters could be broken down into two elements, those "utterly destitute of honorable principle" and those who had faith in a "higher law" that "they were entitled to lands as free Americans, to whom all that was Mexican was suspicious and mysterious, not to say diabolic". He includes both elements in his overall conclusion that the

California squatters were "professional gulls" hovering around every "broad-acred pelican" (grantee), hoping to "get something for nothing". 10

Squatters who made use of the courts to defend their claims usually challenged the validity of the specific Mexican land grants they occupied. This has led all historians, including Gates, to conclude that the conflict was at base a contest between American settlers and Mexican land grantees. The role of national and political sentiment - the rights of American citizens versus the rights of newly vanquished Mexican citizens - is also prevalent in all interpretations. 11 Most have held the squatters culpable for a great injustice to the grantees. Gates has merely reversed that culpability, chastising the "shortsightedness of the large owners in attempting to retain intact their immense holdings" at the expense of the settler's needs. 12

Thus far there has been insufficient examination of the circumstances surrounding specific events and the changes in land ownership during the long period of litigation over the grants. Whatever their orientation, historians have relied on the cumulative results of statewide squatter conflict,


11 Ibid.

rather than analysis of particular processes and participants, for their interpretations. The end result of the contest over land in early California was the eventual loss of ownership, and usually financial hardship, for almost all original grantees; it may be just as true that most American settlers also suffered hardships and loss through the same process. In a sense both groups lost these localized, armed struggles. Which leaves the question remaining: who, if anyone, really won the battle over land in California, and how?

The investigation at hand does not attempt an overview of the California squatter wars, nor a formulation of generalizations, new or old, about them. This is an intensive study of one series of events that took place between 1852 and 1864 in northern California, a portion of Sonoma County in and around the present towns of Healdsburg and Geyserville. Of course, intensive examination of one case constitutes an inherent challenge to the old interpretations.

The Healdsburg Land Wars are not entirely typical as a sample case. Most squatter rebellions were short-lived bursts of sporadic or organized resistance. Healdsburg's squatter conflicts continued in two distinct forms for more than a decade. This difference however makes it a fertile field for documentary evidence. Numerous court cases and testimony naming over 150 individuals, newspaper accounts,
and personal recollections provide unusually lucid descriptions and varied viewpoints.

The Healdsburg Land Wars are not explained by any of the aforementioned historical interpretations. Violent conflict in this case fell into two very distinct phases. The earlier phase, from 1852 to 1856, is more in keeping with traditional views. It was characterized by sporadic acts of violence by individual squatters, whose aim was the intimidation of the grantee families. Although their tactics were extreme, including the destruction of grantee property and the murder of one member of a Mexican landholding family, the squatters evidenced no organization or cooperative action at this time.

Some of the conflict, even in this early era, was between the squatters themselves. An early encounter indicated that the American settlers were ready to drive off all other foreign-born settlers, even educated Englishmen. Nor was the distinction between American citizens and all others a hard and fast one. Violence on the two larger grants, held by Mexican nationals, was over by mid-1853. Only one incident in 1856, directed against an American landholder, was recorded after that date.

From 1853 to 1858 all was apparently peaceful on the land. The grantee families had been successfully blocked from the use of their vast acreage by the presence of hundreds of American squatter families, and the grantees
dared not attempt their removal. It was during this relatively peaceful era that legal transfer of title to American citizens took place. A single group of American businessmen/attorneys and their associates, working through the influence of a certain very prominent Californio, gained control of the majority of land on both grants. Far from protesting these sometimes illegally maneuvered "purchases", the squatter population tacitly approved of this process. Significant evidence indicates that some squatters initially cooperated and actively conspired with the speculators - until 1858.

That year brought a drastic change both in the attitude and tactics of the squatters. A militant core group of about 200 families organized themselves into a pseudo military band. Over the next six years this armed "Committee" of squatters successfully defended their illegal homesteads and held martial control over the majority of the land. Their enemies were not the original grantees, who in one ironic twist they were called on to defend in court. Their nemesis was the highly respectable, politically powerful, and legally competent circle of American businessmen who now owned the grants. The process that wrought this drastic change of heart in the squatters is by nature complex and shrouded in a degree of uncertainty. Yet all evidence points to a speculator double cross of classic
The majority of the squatter families who chose to risk their respectability and safety by defying the United States government and its appointed enforcers shared a common background. They were small-scale agriculturalists originating in the slave states of the American south. They believed that every free American (and in this case only free Americans) deserved an equal chance to attain prosperity and well-being, and that the vehicle for that equity, as Senator Gwin so succinctly expressed it, was the land. This land, achieving almost sacred proportions, was their promised birthright. By virtue of this "higher law" they were justified in dividing among themselves and clinging tenaciously to what the "monopolists" would form into huge and hideous plantations of profit.

Like the nation at large, a civil war raged in this tiny fraction of California between 1858 and 1864. But on this provincial and somewhat isolated frontier the political ideals and affiliations were jumbled and skewed, and the roles nearly reversed. Here the "rebel" outlaws espoused some of the radical Republican sentiments of the legitimate legislators in Washington; sentiments that were then tearing the nation asunder. Unlike the nation at large, where for a short time these ideals prevailed, the radicals of northern Sonoma County would bend under the weight of conservative California.
THE TZABACO AND SOTOYOME GRANTS, 1840-1849

Although it looked virginal to the first Mexican and European visitors in the 1820's, present-day northern Sonoma County had been intensively used, and roughly divided into territories, for thousands of years. The Pomo-speaking Indian tribes probably pushed out other groups, violently or peaceably, in order to occupy it centuries before. Like the small island of Wappo-speaking people who still sheltered in the valley north of Suno (now Fitch Mountain), the other tribes simply moved on. In those days there was enough land for everyone.

The Spanish/Mexican colonials probably first explored the area after the founding of Mission San Rafael in 1817 and Mission San Francisco de Solano in Sonoma in 1823. Like the other groups that came after, what they saw here depended on what they were looking for. Mexican military officials at Sonoma, about thirty-five miles south, searched for signs of infiltration by Russian colonists and a human harvest. They viewed it as the frontier of their northward spread, buffer zone against the thirty year influence of the Russian coastal outpost at Fort Ross, fifty miles due west. The region was within easy reach of the Mexican army, which

made occasional forays into the valleys to punish Indian
raiders or kidnap labor for the Mission and civilian fields.
Despite those raids and the decimation of imported diseases,
the remnants of southern Pomo and Wappo tribelets still
populated several village sites. 14 Such communities offered
settlers the possibility of a potential labor force.

American Cyrus Alexander considered that convenient
labor pool when he scouted the area for a prospective cattle
ranch in 1840. Alexander served as agent for an expatriot
merchant sea captain and trader, Captain Henry Delano Fitch.
Hearing rumors of the lush green lands north of Yerba Buena
(now San Francisco), Fitch was anxious to add such a ranch
to his portfolio of holdings but was unwilling to leave his
home and increasingly tangled business affairs in San Diego.
Down on his luck after nine years of failed trapping and
manufacturing ventures, Alexander eagerly accepted Fitch’s
offer to manage the northern rancho. 15


In addition to the crucial labor force, Alexander noticed a widely varied landscape of gentle rolling hills and valleys, partly open land rich with grasses to fatten stock, partly forested with thick groves of oak, madrone, and redwood to fuel his fires and build his tools and furnishings. A small wooded mountain at the east end of the tract promised shelter from the prevailing winds and added an aesthetic touch. The land surrounded the confluence of several waterways, the largest of which was the Russian River. An abundance of creeks and innumerable natural springs, as well as the untapped fertility of the valley soil, would be as appealing to later settlers as it was to Alexander.

In 1841 Fitch petitioned for and was eventually granted eleven square leagues (roughly 48,800 acres) of land known as the Rancho Sotoyome. That was the limit allowed to one citizen by the Mexican government. 16 Alexander utilized the Pomo to build a large adobe dwelling and other necessary rancho establishments. For his part Fitch arranged for the

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money, materials, and stock for development from his base in San Diego. 17

Only barely settled in, Alexander acquired his first white neighbor in the person of an eleven year old boy named Jose German Pina. Despite his youth Pina was also scouting out land for a family cattle operation, and his first choice was a portion of the Sotoyome. He moved upriver when Alexander informed him that the land had a prior claim. Pina settled in the present-day Dry Creek Valley, which bordered the Sotoyome on the northwest, and by 1841 he had established the rudiments of a rancho. When he was fourteen years old, in 1843, he was officially granted four square leagues, roughly 17,000 acres, the Rancho Tzabaco. 18

Captain Fitch and German Pina had reason to hope that their claims would be approved quickly by the Mexican government. Mexico was eager to settle the lands north of


18 For complete references concerning the identity and age of Jose German Pina (erroneously listed as "German Pena" in most historical literature) see Hannah M. Clayborn, "Teenage Rancheros on the Tzabaco, the Pinas of Dry Creek", Russian River recorder, no. 30 (Healdsburg Museum, Healdsburg, California: Summer 1985), 8-15. California, Expediente No. 312 (German Pina, grantee), translated from the original Spanish, 1843 (Sacramento: California State Archives). Hoffman, Report of the Land Cases, vol. 1, appendix, 41, 100. General Land Office Docket 167, Tzabaco Rancho, testimony of Cyrus Alexander, microfilm copy, (Berkeley, California: Bancroft Library, file C-I-100, 1858). The meaning or origin of the name "Tzabaco" has never been established.
the Sonoma Presidio to preclude any claim by a foreign power. Two government attempts to colonize the region in the 1830's had failed. " The Governor might have granted the land to any citizen requesting it, but Fitch and Pina had the added allure of good family connections.

A Massachusetts native, Fitch came to California in 1826 with the wave of American merchant seamen capitalizing on the expanding hide and tallow trade. By 1829 he had achieved a controversial marriage to Josefa Carrillo, daughter of powerful Don Joaquin Carrillo of San Diego. Risking the disapproval of his Congregationalist ancestors, Fitch was baptized a Catholic in the same year and became a Mexican citizen in 1833. Aside from the many political influences wielded by the large Carrillo family, Fitch enjoyed a family tie to General Mariano Vallejo, now the commandant at the Sonoma Presidio, who had married Josefa's sister. 60

Even the youthful German Pina had powerful family friends. He was the son of Alferez (Second Lieutenant)

19 Ferguson, "The Historical Development of the Russian River Valley", 36-40, 45, 46, 52-56.

Lazaro Pina, who had served under General Vallejo since 1838. Lazaro often acted for the General and was sometimes left in charge of the Sonoma fort in Vallejo's absence. Evidence seems to indicate that Lazaro was also acting for Vallejo when he applied for a smaller land grant near Sonoma, the Agua Caliente, in 1840. In this way Pina would have helped his commandant to circumvent the government's limit of eleven square leagues per citizen, as Vallejo already owned sizable properties in the area. 

Both Fitch and Pina complied with the governmental requirements for settling a grant. On each a rough boundary survey was carried out on horseback. A map (diseno) was filed indicating notable land formations and the location of improvements. Each saw to the construction of a dwelling and either inhabited it himself, as Pina did, or found someone to occupy it, as Fitch did. Orchards were planted and the ranchos stocked with sheep and cattle. Alexander exceeded government requirements by setting up a grist mill and a tannery. He even maintained a thriving cottage industry, a cigar manufactory, with tobacco supplied by

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Fitch. German Pina’s 1843 diseno shows grain and corn fields, and three large "rancherias", or Indian villages, providing labor for the entire operation.  

Life on the ranchos revolved around the livestock. Cattle was the primary reason for the rancho and the economic mainstay of the California ranching family. Between 1840 and 1850 much more effort was given to enumerating and accounting for stock than to delineating the exact acreage they grazed on. Although this later caused rancho families many legal problems, it was clearly a question of value. At the end of the decade the Tzabaco Rancho was appraised at an average of $1.18 an acre, while one cow could be worth as much as $25.  

Even taking into consideration the inflated value of stock during the Gold Rush era, this indicates that the inherent value of the land was secondary to its ability to sustain the prized cattle herds. Rancheros often used cattle as a replacement for specie, bartering them for other goods or using them to pay wages. These dealings could become quite complex. In one instance Captain Fitch became dissatisfied with a payment of heifers delivered by General Vallejo’s brother, Salvador.

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** This price per acre appraisal is in 1850 dollars. Sonoma County, California, Probate File #70 (German Pina), 1847.
Salvador provided the cattle as partial payment on a debt he owed Larkin, who was in turn making partial payment on a debt he owed Fitch. The complexity of these debts would later haunt both rancho families.

The stock roamed at large on the vast rancho acreage. Weekly rodeos served to gather in the herds and count them. Neighboring rancheros would attend to spot their own strays by their "fierro" (brand) or "senal" (ear mark). The yearly "mantanzas", or slaughter, was by far the most important annual event. Here stock was killed for the hides, tallow, and meat that constituted the family's yearly income, if they relied solely on their ranching. Visiting Americans, like naval officer Joseph Revere, found the event spectacularly dramatic. In 1846 he described a matanzas on the Sotoyome Rancho:

Thus amidst clouds of dust, through which might be caught indistinct glimpses of agitated horns, fierce-rolling eyeballs and elevated tails - an occasional wild-looking, naked Indian vaquero, with his hair and top-knot streaming out, or a Californian vaquero, known by his fluttering serape - the bellowing rushing herd approached the corral. 

Newcomers to California invariably had a difficult time understanding the casual maintenance of the rancho herds.

** Miller, "Henry Delano Fitch", 195.

One of the first squatters on the Sotoyome, Englishman Frank Marryat, even insisted that a native species of "wild" cattle roamed the northern California hills, and he describes in detail the elaborate methods he used to "hunt" them. These were, of course, the highly-prized, but loosely guarded, domestic herds of the California ranchero.

The years 1846 and 1847 brought many changes to California, including the political chaos of the War with the United States. These changes reached even to the northwestern frontier, and were especially critical for the Pina family. Patriarch Lazaro Pina, a soldier to the last, left his sons and daughter and new wife to fight under Santiana soon after war was declared in 1846. He was killed in the battle of Cerro Gordo the next year.

Sensing the instability of affairs between the white men, many of the local Indians chose this time to attempt an ouster of the ranchero families from ancestral Pomo lands. Although such depredation usually consisted of cattle theft

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66 Frank Marryat, Mountains and Molehills, or Recollections of a Burnt Journal (Stanford, California: Stanford University Press, 1952), 121.

67 Bancroft, History of California, vol. 4, 780. Sonoma County, California, Probate File no. 16 (Lazaro Pina), petition of Maria Ignacia Pina, 11 January, 1851 (Santa Rosa, California: County Clerk’s Office). Emily B. McCain, "Pina Family Geneology", (Visalia, California: n.d.).
and nocturnal raids on crops and ranch houses, several violent incidents were recorded. 

The original Tzabaco grantee, German Pina died during this era, on June 17, 1847, at the Sonoma Mission. He was just 18 years old. German may have died as a result of wounds sustained in an altercation with the Indians on the Fernando Feliz (aka Felix), or Senal Rancho near present-day Hopland. Whatever the cause of his untimely death, the youth had time to dictate a lengthy will that divided the Tzabaco Rancho and its stock equally between his surviving four brothers and one sister. 

By this time the management of the Sotoyome had changed hands. According to the arrangement between Fitch and Alexander made in 1840, Alexander was to receive two square leagues of Sotoyome land (about 8,800 acres) and one half the increase in rancho stock at the end of four years. In 1845 Alexander received his payment and settled into ranching in the present day Alexander Valley. Fitch

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Alexander, Life and Times, 75, 76. Revere, Naval Duty in California, 114-117.

Sonoma County, California, Probate File no. 70 (German Pina), Last Will and Testament of José German Pina, 17 June, 1847 (Santa Rosa, California: County Clerk’s Office). Bancroft, History of California, vol. 5, 668, footnote 3.
replaced him with Moses B. Carson, brother of the famous Kit Carson. 30

As the War with Mexico progressed Alexander, like most other Americans in the vicinity, moved his family to the protection of the fort at Sonoma for the duration. The Alexanders did not reside on the ranch again until 1848. 31 Captain Fitch remained in San Diego, leaving Moses Carson to deal with the Indians and protect his holdings in the north. At one point during the war American troops commandeered twenty-nine Sotoyome horses, leaving Carson unable to round up and count the cattle that season. 32

Despite the political turmoil and Indian uprisings in the area during the war, Fitch periodically expressed a desire to move his family to the north. It might be conjectured that a combination of inertia and snarled business affairs kept him anchored in San Diego. By this time it appeared that the city would never be the great shipping port that he hoped for. Certainly he would have

31 Ibid., 76-78.
32 Miller, "Henry Delano Fitch", 196.
had company in Alta California as many of his in-laws had already come north. 23

Between 1840 and 1847 Fitch’s estate had grown considerably. In addition to the Sotoyome he owned two other land grants, the large Valle de las Palmas in Baja California, and a tract of land on the San Francisco Peninsula south of the Presidio, the Paraje del Arroyo. The bulk of his time went towards the management of several sea-going merchant enterprises and partnerships, but he still found time to run the trading post adjacent to his San Diego home and acquire numerous lots in San Francisco and ten whole or partial lots in San Diego. 24

It took the discovery of gold in the north to finally persuade him to change his base of operations. In the summer and fall of 1848 he traveled to San Francisco and the Sotoyome to collect hides from old debts and secure new goods. While there he heard a report (certainly erroneous) of a gold discovery within his rancho boundaries. Like other merchants Fitch capitalized on the new boom economy by raising prices in his San Diego store and shipping mining equipment north. Yet he sensed a darker side to the boom,

23 Soon after the death of Don Joaquin Carrillo (Josefa’s father) in 1835 or 1836, Fitch’s mother-in-law and her younger children settled on the Rancho Cabeza de Santa Rosa, 15 miles south of the Sotoyome. General Vallejo, Fitch’s brother-in-law, lived 35 miles south in Sonoma. Ibid., 78.

24 Ibid., 196-198.
confiding in a letter to a friend that "the mines will be the ruin of the country". 

That same fall Fitch made plans to move his entire family to the Sotoyome Rancho by March of 1849. Preparations ended abruptly when Fitch succumbed to a sudden infection of typhus complicated by pneumonia. He died in San Diego on January 13, 1849. Anxiety over the safety of his northern holdings - possibly in the path of a flood tide of miners - and a somewhat genteel lust for gold obviously both played a part in his decision to relocate. Historian Ronald Miller also believes that Fitch anticipated the end of a leisurely California lifestyle, a lifestyle that he had enjoyed for almost thirty years. He did not feel equal to the challenge that the new gold rush economy and resultant population explosion posed. By retreating to the Sotoyome Rancho Fitch vainly hoped to preserve that way of life awhile longer. 

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25 Ibid., 177-178, 199.

26 Ibid., 199-200.

27 Ibid., 178. Ruby Alta Ferguson interviewed Fitch's daughter, Mrs. Anita Fitch de Grant, on June 27, 1930. She states: "It is the belief of his daughter that Fitch's interest in acquiring this large amount of land (the Rancho Sotoyome) lay in his desire to prevent what he foresaw as inevitable strife between the Yankee settlers and Spanish overlords. To make settlement less difficult for his former countrymen, he planned selling off his extensive holdings at twenty-five cents an acre, a price which he believed to be within the reach of everyone." Ferguson, "The Historical Development of the Russian River Valley", 65, footnote 3. There is no evidence from any other source, written or oral, that Fitch had any such plan, however, and his extant
GOLD AND GRAIN: AMERICAN SETTLEMENT

The vanguard of American settlers began to arrive in late 1848, weary and often wracked with scurvy from the journey; disillusioned by the roisterous competition and hard labor at the mining camps. Their arrival, and the explosive growth of the mining towns, might have seemed at first a blessing for some northern California landowners.

Specie was scarce in California before 1848, and a frontier cattle rancher rarely had much cash. Now suddenly the homely vegetable plot adjacent to every family adobe became a source of profit. The modest wheat and corn fields, usually meant only to feed family, Indian laborers, and stock, could readily be converted to gold. If Cyrus Alexander's experience was typical, the local rancheros made a killing in the early 1850's. He cleared $1,200 profit on one crop of onions freighted to the gold camps by oxcart in 1850 and sold twenty five hogs for $1,000. For him the yearly "matanzas" was a thing of the past, because for the first time cattle were more valuable for their meat than for the industrial uses of their hide and tallow. Ranch livestock of almost any kind brought "fabulous" prices at the mines, and passing drovers would buy up all they could

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writings and actions would indicate that his object in acquiring the land was at least partially, if not wholly, for personal profit.
with bags of gold dust. Newcomers to California may have been a motley crew, but they were invariably and uniformly hungry. Food staples were in such short supply that by the winter of 1852/53 some of these settlers would be starving, unable to pay the $18 price tag for a bag of coarse flour.

The earliest squatters on the Sotoyome and Tzabaco Ranchos were mostly single men, drawn to the area not for its agricultural potential, but by employment opportunities at its lone industry, a sawmill. Captain Fitch had been trying to contract skilled labor to build such a mill on the Sotoyome since at least 1846. Moses Carson, his second manager, succeeded in finding a man in that year, but the venture was interrupted by the war. William J. March was working on the rancho in 1847 when he entered into an agreement with Fitch to build the mill. Fitch would provide cash and equipment for construction in return for a

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28 Alexander, Life and Times, 67, 89, 90, 92, 95.

specified amount of lumber. Whether Fitch intended the new mill as a commercial enterprise or as a means to develop his own properties is not known, but it was still unfinished at the time of his death in January, 1849. Progress was probably delayed by lack of manpower. Most men in the area (and perhaps March himself) made at least one trip to the gold mines during the initial excitement of 1848. The Indians, who were used for almost all rancho labor, had little carpentry skill and adobe was an unsuitable material for the high structure.

In the fall of 1849 March learned that a millwright, Samuel Heald, was recuperating in Napa after a difficult journey across the plains. He offered Heald employment on the long postponed mill construction. By September, 1850, the combination saw and grist mill was in operation, Heald being paid a relatively luxurious wage of $9 a day for 108 1/2 days labor. Heald had come to California from Missouri with two of his brothers. Reunited in Sonoma after failed stints at the mining camps, Harmon and Thomas Heald heard of their brother's good fortune and hurried to join him on the

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* Letter from Moses Carson to H.D. Fitch, 1 November 1846; as reprinted in Ferguson, "Historical Development of the Russian River Valley", Appendix F, 147. Agreement between William J. March and H.D. Fitch, 30 August 1847; as described in Miller, "Henry Delano Fitch", 196, footnote #17, 217. Fitch would pay $600 for construction and supply teams, chains, and driver. Miller states that there is no evidence that the mill was ever actually built, but he did not consult Sonoma County historical sources.
Russian River that autumn. With his wages and money loaned by his brothers, Samuel bought an interest in the mill. All three Healds were soon employed there, and Thomas soon became manager of operations. "

An English adventurer, Frank Marryat, found March (a "tall, sinewy" Missourian) and the Heald brothers at their "backwoodsman’s hut" in the late summer of 1850. " Marryat marvelled at that mill, "a glorious instance of what energy will accomplish, and the rapidity with which each man in an American colony contributes toward the development of the new country’s resources." The mill, at least partially financed by Fitch or his estate, also "contributed" to the well being of a few Americans. By the time of the 1850 Census it employed no fewer than ten men, roughly 25% of all the inhabitants in the immediate area. "

Although Marryat’s background and superior education were not at all typical of the early Sotoyome and Tzabaco

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41 Bancroft, History of California, 213, 214, 217. Heald, "The Heald Family", 4-6, chapter XIV (no pg. no.). County tax assessments show that March was assessed for 200 acres of Sotoyome land in 1855.

42 Marryat, Mountains and Molehill, 96.

43 Ibid., 96, 97.

44 Heald, "The Heald Family", 4-6. United States Census, 1850, Mendocino County, 104, 105. (In 1850 all land on the north side of Russian River was in Mendocino County. The boundary was changed to include both the Tzabaco and northwestern Sotoyome grant within the boundaries of Sonoma County in 1859).
squatters, his actions upon arriving were. After enjoying the hospitality of the millwrights, Marryat used a map drawn by March to locate a small valley that lay within the borders of the Sotoyome Ranch.

As the land we were on belonged to the United States government, I determined to take March’s advice and ‘squat’ on this valley, for I became at once enchanted with it as indeed were my companions. I therefore affixed to the redwood trees a paper I had long prepared, and kept in my knapsack for immediate use, and which ordered all men to take notice that F.M. claimed, under the laws of pre-emption, 150 acres of land measuring from that spot, and that he intended to defend his right by force of arms. 45

As the "long prepared" notice attests, Marryat’s decision to squat was not spontaneous. He, like those that soon followed, was searching for prime agricultural land. That land did not belong to the United States government (as March well knew), and Marryat, an English citizen, would not have had pre-emption rights in any case.

Neither was the Sotoyome an untended rancho. Fitch’s widow, Josefa Carrillo de Fitch, stayed on in San Diego after her husband’s death, probably to run the store adjacent to their home. In 1850 she sent her three oldest sons, Henry, William, and Frederick to run the ranch, as Moses Carson’s contract had expired. In addition she hired a new major domo (manager) who arrived in August, 1850. All

45 Marryat, Mountains and Molehills, 95-99.
four were present when Marryat arrived. Josefa and her remaining children moved north in the spring of 1851. 

Still, it was not the Fitch family or their agents who drove Marryat from his romantic seclusion in the summer of 1851. Journeying back to his homestead from the gold mines in June Marryat found that

Settlers were flocking in from all sides...[and] were beginning even to invade MY dominions, and not only was the romance of the place destroyed, but the game was retiring very rapidly." [More significantly], "the crowd of settlers that were now hunting for pre-emption claims...knew, as...there were a few Philadelphia lawyers among them, that as an alien I had no right to the valley. 

The Englishman decided to make "a virtue of necessity" after a confrontation with the new settlers, and turned over his homestead to a backwoodsman. He consoled himself with the assurance that he "never could have resided among such a set as were not 'locating' themselves about the place." 

In this early instance the decisive confrontation was not between grantees and settlers, but between the settlers themselves.

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47 Marryat, Mountains and Molehills, 183-185, 188.

48 Ibid., 188.
Many of these new settlers came from the direction of the town of Sonoma, thirty-five miles southeast of the Sotoyome. As the center of Mexican authority on the northern frontier, Sonoma soon became a busy trading post and political center during the war. Americans from surrounding areas met there in sufficient numbers to stage the Bear Flag Rebellion in 1846, and adventurers and immigrants continued to gather there for news and trading throughout the gold rush era. Settlement spread from Sonoma to the fertile valleys and plains like the fingers on a hand: west, north and east. The Sotoyome and Tzabaco lay at the northern tip of this spread. With its rich soil and abundant water, this was the place that many immigrants, like Marryat before them, chose to stop. From here a trip to the trading post on which they depended was a reasonable one day journey.

A handful of farming families were already squatting before the large influx of settlers began in 1851. Even those initially drawn to the area to work at March's sawmill went on to agricultural pursuits. Harmon Heald, who had suffered bouts of typhoid and scurvy during his overland journey, picked a partially sunny spot on the main rancho road leading to the northern counties and built himself a cabin to recuperate in during the fall of 1851. Presumably

"Ferguson, "The Historical Development of the Russian River Valley", 97."
revived, he cleared ten acres of land the next spring with Indian labor and planted wheat. The crop brought eight cents a pound, and with the proceeds he built a small addition to the cabin, stocked it with goods, and opened a store in October of 1852. That small store not only made the area even more attractive to settlers but laid the foundation of the town of Healdsburg. Millwrights Samuel and Thomas also turned to farming on adjacent lands, although the area was so settled by that time that Thomas Heald was forced to buy out the "rights" of an established squatter. As commonly occurred in the case of "Forty-Niners", the rest of the large Heald family, and at least several of their neighbors, left the Missouri farm to join the brothers as soon as they were established in California.

Farther north on the Tzabaco Rancho Elisha Ely, who would later become a major squatter organizer, settled at the present site of Geyserville in 1851. His neighbors multiplied sufficiently to warrant another store in 1854.

30 Munro-Fraser, History of Sonoma County, 217. Heald, "The Heald Family", 4-6, chapter XV (no pg. no.). Healdsburg Enterprise, 19 February 1887, as quoted in: Russian River Recorder October, 1976, 7. Russian River Flag (Healdsburg), 11 August 1881, 3:4. 100 Indians are living adjacent to the Heald family in 1852; it is assumed that they were utilized for farm labor by the Healds. California State Census 1852, Mendocino County, 216.

31 Munro-Fraser, History of Sonoma County, 467. Norton, Life and Adventures, 353.
By 1852 most of the best land had been "taken up" by squatters and tensions began to mount as ever more Americans poured in. The unusually severe winter of 1852/53 left many latecomers starving and desperate to establish themselves by spring. A smallpox epidemic in the area only added to their plight. Those that did not lay claim to the land began raiding the Sotoyome redwoods for lumber to build homes in surrounding areas. 

After 1851 the typical immigrants changed from single men to families, sometimes groups of families, who headed west together. Of the 151 individuals named as squatters from all sources between 1858 and 1863, marital status can be determined or deduced for 106. Of the latter, at least 41% were married with families upon arrival and another 21% came with family members, usually their parents. Only 38% came without kin. By 1860, the height of the organized squatter uprisings, 60% of the squatters had families of their own. Another 19% lived with extended families,

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usually parents and siblings. Only 21% were solitary settlers. (see Appendix 1)

A majority of these families came from the southern states, largely from the upper south or border states of Missouri, Kentucky, Virginia, Tennessee, and North Carolina. Almost all came to farm. Of the 103 squatters for which origin can be established, 60% were born or reared in slave states. Only 32% came from the free states of the north, which includes the 6% from the Old Northwest, mainly Indiana Territory. Foreign born account for the remaining 7%. (See Appendix 1) Despite the large contingent of southern farmers, evidence can be found for only two families who owned black slaves by 1860. This might indicated a lack of great wealth, as slaves were expensive in that era. Neither is extreme poverty evidenced. An averaging of evaluations of personal property on the 1860 census

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All of this data is taken from or extrapolated from the U.S. Census 1860 for Sonoma County unless other biographical information was available. (see Appendix 1). Most settlers came to the area between 1852 and 1858. If a settler had three or more children by 1860 he was counted as having been married with children at time of settlement. If the census showed two or less children in 1860 he was counted as single at the time of settlement. In 1860 43% were married with children, 13% were single living with family members, and 15% were solitary. No information was found on the remaining 29%.

The two families with blacks living in household with the same last name are John Morris Sr. and Alexander Skaggs (see Appendix 1)

approaches $1,000 per family. Some may not have been able to afford $18 bags of flour when they first arrived in California, but they cannot generally be characterized as being in abject poverty either. Overall, the families settling in the Dry Creek and Russian River Valleys in the mid-1850's were the closest thing to a middle class that California could offer in that era.

By late 1852 squatter population density had created a critical shortage of prime land. As previously described, most of the best land on the outskirts of the Sotoyome and Tzabaco had already been settled. Now the squatters began to encroach even within sight of the adobe homesteads of the Pina, Fitch, and Alexander families. This was the beginning of the short-lived era of violent confrontations between individual squatters and Mexican land grantees.

Cyrus Alexander was the first landowner to admit the futility of attempting to stem the flood of settlers. For four years he successfully warned off the squatters, much as he had warned off the young German Pina in 1840. In 1852, realizing that the determination of the squatters was now greater than threats could neutralize, he disposed of his cattle, surveyed his ranch, and sold the land in lots, reserving two 600 acre parcels for himself. Even this solution was temporary, for the steady stream of settlers flowed unabated. In 1856 one stubborn squatter family took
up residence with their stock in one of Alexander’s wheat fields. After being driven off by the sheriff, the squatter burned Alexander’s large barn to the ground, torching with it an entire crop of freshly-threshed grain and all of his farm machinery, including the first and only threshing machine in that part of the county. 58

It took a much more tragic incident to convince the Pina family that their days as masters of the Tzabaco Rancho were over. The four remaining brothers ranged in age from twenty-four to sixteen years when the surge of settlement began in 1850. Their sister, Clara, was just fourteen. They may not have fared so well as Alexander did in the economic boom of the early 1850’s. The Pinas could neither read nor write, and their limited understanding of English and inexperience may have meant their business dealings with the Americans were less shrewd than Alexander’s. Despite his squatter problems, Alexander was generally happy to have his countrymen as neighbors. The Pina’s feeling towards the newcomers could not have been as warm, having lost a brother and father during the war. Alexander could quickly repudiate his long-time cooperation with the Mexican government, claiming as he did in reference to a demand made on him by the Catholic Church, that “here I was alone under the Priest’s rule, with Indians, and I thought it not safe

58 Alexander, Life and Times, 103, 109, 110.
to rebel." The Pinas could not. They were young, inexperienced, probably embittered Californios, now increasingly isolated by a growing circle of hostile strangers.

The squatters seemed to ignore the Pina family as best they could, and there is no evidence that the Pinas ever attempted to remove them from the rancho. But relations were obviously strained. One of the early squatters on the Tzabaco, Susan Laymance, later recounted to a reporter that soon after her family came to Dry Creek Valley a small pox epidemic broke out. The disease killed one of her children on February 8, 1853, and afflicted three others:

A few days later three Spanish horsemen stopped at the door. Mrs. Laymance thought their errand was not a friendly one as they had not extended a very cordial welcome to the new white settlers - so she asked Francis to sit up in bed so they might see his eyes were swollen shut with smallpox. They decamped 'instantly'.

Whether they credited the validity of the Mexican grants or not, it seems odd that the Laymances would fail to identify the purported landowners, or remember their name, for the "Spanish horsemen" were undoubtedly three of the Pina brothers. Such was the disdain in which these native

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58 Obituary Susan Laymance, Healdsburg Tribune, 10 August 1910, 2:3. Death date of infant William Laymance: Munro-Fraser, History of Sonoma County, 509.
Californians were held by the American settlers. Neither did these settlers evidence much concern when one of the Pina family was murdered.

In April, 1853 two northern California newspapers reported on the shooting death of Antonio Pina, then twenty-two years old. Second oldest of the surviving Pina brothers, Antonio died of his wounds on April 16. His assailant was described as an American squatter on the Tzabaco, apparently angered by the trampling of his fences and crops by Pina cattle. No local account of the murder has been uncovered in any form; in fact no memoir or biography of the early American settlers even mentions the Pinas by name at all. Thus the Daily Alta California's report that "there was quite an excitement caused by the event", is the most detailed information available. 59

That was the last violent episode in the first phase of squatter conflict on the Tzabaco and Sotoyome Ranchos. At least two of the Pina heirs needed no further persuasion to convince them that they could not hold their land intact. Several months after the murder of their brother two of the Pinas signed over their entire interest in the Tzabaco

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59 "Violent Death", Daily Alta California, 20 April 1853, 2:1. San Francisco Daily Evening Journal, 19 April 1853, cited in: Paul Gates, "California's Embattled Settlers", 109. No record of an indictment for the murder has yet been located in County court records. All but one of the five existing substantial Sonoma County histories misspell Jose German Pina's name, and none include any biographical information.
Rancho to John B. Frisbie, an American also acting as their attorney. The stated compensation was $20,000. That deed, and all it entailed, would not go into effect for five years. Its enactment would herald the opening of large-scale squatter uprisings in 1858. During the five ensuing years all appeared calm on both ranchos. Although the squatters continued to reside there in ever increasing numbers, not a single violent incident between the grantees and squatters was recorded. The apparent calm was deceptive, for much was transpiring behind the scenes.

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THE SOTOYOME LAND AUCTION

Grantees had other difficulties besides murder, theft, destruction of property, and occupation of their land by American squatters. In 1852 the Sonoma County Board of Supervisors made the first land assessment for tax purposes. This was a new expense for the rancheros, who received an income from only a small fraction of their total land. "The majority of Tzabaco and Sotoyome produce, in the form of untaxable income from crops, went to squatters. Yet the grantees were held responsible for taxes on land that they could neither use to graze their cattle nor develop, for fear of squatter reprisal.

Like hundreds of other California grantees, the Pina and Fitch families filed their claims with the Land Commission in 1852, thus initiating the tortuously slow legal review process to establish patents for their ranchos. The Fitch Sotoyome grant was confirmed with relative ease. All of the original documents for the grant were preserved and in order. In consolidating what had originally been two tracts of land granted separately in 1841 and 1844, H.D. Fitch had fortunately spent the time and money needed to have the entire rancho accurately surveyed and reapproved by Governor Pico in 1845. Josefa Carrillo de Fitch's

experienced grant attorney, E.O. Crosby, filed the first claim for the Sotoyome with the Commission on February 2, 1852, and confirmation of 48,836.51 acres was granted only a little over one year later on April 18, 1853.

If the Sotoyome squatters were dismayed by the Land Commission’s decision, they were probably close to desperation when the news was made public, in August, 1855, that the District Court upheld the Commissions's decision. Many settlers had hoped that the United States would eventually invalidate the majority of Mexican grant lands. But further appeals in this case seemed futile, as the Sotoyome grant was unassailable for legal deficiencies. Unless something was done, the loss of years of hard work and improvements was imminent for some settlers.

At the same time, Josefa was taking steps to secure the two other Fitch grants, with less luck, and to deal with the myriad holdings of her late husband. Totally ignorant of

"Miller, "Henry Delano Fitch", 208. Hoffman, Report of the Land Cases, appendix, 3. Elisha Oscar Crosby was an eminent participant in early California political and legislative circles. He served as a delegate to the first Constitutional Convention, was elected State Senator in 1849, and was Chairman of the Judiciary Committee through the first two sessions of the State Legislature. Out of the 812 land grant cases that come before the Land Commission, Crosby represented claimants in nearly 100 cases. See: Bay of San Francisco, vol. 1 (Chicago: Lewis Publishing Co., 1982), 108, 109; and Elisha O. Crosby, Memoirs of E.O. Crosby, Charles A. Barker, ed. (Los Angeles: Ward Ritchie Press, 1945), 68-72.

" Sonoma County Land Patents, Book A (Santa Rosa, California: County Recorder’s Office), 27."
United States law and with little, if any, ability to speak or read English, Josefa was forced to rely on her attorney, her husband's business partners and managers, her prominent brother-in-law, General Vallejo, and her older sons for information and advice.

Fitch’s will, drawn up a week before his death, divided his entire estate equally between his wife and nine children. Josefa and her two oldest sons were to serve as executors. As each heir turned twenty-one they would be allowed to withdraw one half of their interest in the estate, the other half not to be withdrawn until all had reached majority. This plan, theoretically a good one, ensured the younger heirs a stable and sizeable income and provided for all. But if Fitch's business affairs were complex to him before his death, they became even more so to his heirs after. And the timing of his demise could not have been worse, on the eve of the birth of a disorganized and grasping infant state.

Josefa’s oldest sons, Henry and Fredrick, had been educated in the east, returning to California in 1849, just after their father's death. Their youth (Henry, the eldest,

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"The Land Commission rejected Josefa Fitch's claim to the Paraje del Arroyo in San Francisco in 1854; the district Court upheld that rejection in 1857. Various legal problems surrounded the Valle do las Palmas grant in Baja, Mexico. Miller, "Henry Delano Fitch", 206-208. Last will and testament of Captain H.D. Fitch, Sonoma County Probate File no. 41, 1856 (Santa Rosa: County Clerk's Office)."
was just 20 years old when sent north to help oversee the Sotoyome in 1850) and their unfamiliarity with their father's business concerns hampered their ability to manage rancho affairs. "

Fitch's few debts and the debts of his business associates must have been a worrisome tangle to Josefa. She had not even officially taken possession of the Sotoyome when a dispute over Fitch cattle confiscated and sold at auction by the County Sheriff (as payment for an alleged debt to Lindsay Carson, brother of ex-rancho manager, Moses Carson) arose to compound her problems. The case eventually went to the State Supreme Court, and although it was finally decided in her favor, court testimony illustrates Henry Jr.'s inability to handle some ranch affairs. Describing how he managed to persuade Henry to round up and separate out cattle that the Fitch family allegedly owed his brother, Moses Carson, Lindsay Carson confessed, "I went to see Henry about a rodeo(sic) in July, 1851. I thought he was fool enough to do it, and pay for the brands." Henry was fooled, (for the family owed nothing to Moses Carson) and thereby lost nearly 300 head of family cattle. "

There is little doubt that Fitch's impressive estate was sadly mismanaged after his death. Just how mismanaged


it was becomes apparent in documents submitted to the Sonoma County Probate Court in 1856. On January 8 attorney Crosby submitted a petition, signed by Josefa, asking for the immediate sale of the remaining nine leagues (roughly 40,000 acres) of the Rancho Sotoyome. That petition was based on the unannotated assertion that the heir's income was "small and uncertain", that the Rancho was held in large part by squatters who were despoiling it, that the land taxes were "large and onerous", and that Josefa and the three male heirs over the age of twenty-one desired it sold. 67 Finally, the petition alleged that the rancho could be sold for about $100,000, which was sufficient for the support of the minor heirs after all debts were paid.

The estate inventory and financial accounting that accompanied this petition contains many inconsistencies, and there is evidence that the enumeration of goods and properties held by Captain Fitch at the time of his death is incomplete. Relying only on the information contained in these documents it is evident that although most of the Fitch real property was still intact in 1856, the large majority of rancho stock, both in San Diego and Sonoma County, had been liquidated to provide income. A total of $33,745 was received by the family for stock sold between

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1849 and 1856. Additional stock were used to pay off Fitch’s old debts, feed the family and employees, or were lost. A herd that numbered well over 3,000 in 1849 was reduced to 230 by 1856. And still it appears this income could not keep up with Josefa’s expenses. "

Rulings in the Probate Court preceded swiftly. Less than one month after the filing of the first petition, on February 5, 1856, Judge William Churchman ruled (without requesting further evidence) that the sale was "necessary...for the benefit of the wards". He ordered the Sotoyome Rancho to be surveyed, divided into small tracts, and sold at public auction. Ignoring the conditions of Fitch’s will, Churchman allowed that each adult heir could bid for a portion of the land not to exceed their full one-tenth interest in the estate. The land was sold at three such auctions on April 7, May 19, and May 28, 1856. Total proceeds were stated as $74,941. All sales were confirmed by the court on the day following the final auction and Josefa was ordered to execute deeds to the new owners. She did so on June 26, 1856. "

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On the surface it appears to have been a simple, proper, and legal probate sale that came off without a hitch. Yet by 1859 this sale had divided the Fitch family, and the American settlers, into two camps. Far from proper, one camp charged, it was a "nefarious and wicked conspiracy". 70

On January 26, 1859 the five youngest Fitch heirs (three of whom were still minors), filed suit against all current and past holders of deeds to Sotoyome land postdating the 1856 land sale. The case proceeded by appeal through the judicial circuit, from the District Court in Sonoma County to its ultimate failure in the State Supreme Court. Because these charges also appeared and reappeared in other squatter court cases involving the Sotoyome between 1859 and 1862, it is important to evaluate the evidence here. 71 The substance of all charges can be summarized as follows.

The Sotoyome land sale was instigated not by Josefa Carrillo de Fitch for the benefit of her children, but by

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70 Sonoma County District Court Case no. 308 (Joseph Fitch et al vs. John Mollison et al), Amended Complaint to the Superior Court, 1859, (Santa Rosa, California: County Clerk’s Office).

71 Ibid., District Court Cases nos. 897 (Josephine Bailhache vs. Cornelius Bice et al), court testimony during motion for a new trial, no pg.no., 23 June 1858; 925 (Joseph Fitch et al vs. Thomas Miller et al), transcripts of court testimony, no pg. no., June 1859. Hepburn, California Reports, vol. 20 (Fitch vs. Miller), 353-387.
Josefa's creditors. Despite the seemingly sizable income received by the family from 1849 to 1856, Josefa and her two oldest sons managed to contract a "private" debt of their own, apparently unrelated to normal rancho or estate operations. According to Josefa's testimony this debt, originally $7,000, was owed to one Martin E. Cooke, attorney for and a close associate of her brother-in-law, General Vallejo. Sometime before 1856 the debt was transferred to Levi C. Frisbie (Vallejo's son-in-law and brother of the 1853 purchaser of the Tzabaco Rancho, John Frisbie) and John N. Bailhache. Compounding at 5% interest per month, this debt led Josefa and her sons to sign a mortgage, not only on their share (roughly three-tenths) of the Sotoyome Rancho, but on the whole 40,000 acres. 72

According to the charges, Frisbie and Bailhache, determined to collect on the now astoundingly multiplied sum, enlisted the aid of Josefa's experienced grant attorney, E.O. Crosby. Crosby convinced Josefa that in order to liquidate three-tenths of the Sotoyome Rancho she must first petition the Probate Court for sole guardianship

72 District Court Cases nos. 925, court transcripts, no page no., June, 1859; 897, court testimony during motion for a new trial, no page no.; 308, Amended Complaint to Superior Court, 1859. Martin E. Cooke was a close enough friend and associate of General Vallejo to be buried in the Vallejo family burial plot when he died April 13, 1857. Sonoma County Cemetery Records 1846-1921, (Santa Rosa, California: Sonoma County Genealogical Society, Inc., 1976), 289.
of all heirs, and then for the sale of the entire 40,000 acres. Desperate over her predicament, and thus lied to by her attorney, Josefa signed that first petition to the court. Thereafter, stated the court complaint, Crosby carried out all necessary legal arrangements, forging her signature on all documents needed to effect the sale. 

Meanwhile, according to the suit, Frisbie and Bailhache enlisted the cooperation of the community of American settlers on the Rancho, all of whom were technically squatters facing the probable loss of their homesteads. At an alleged meeting of Crosby, Frisbie, Bailhache, and an established Settler’s League, a conspiracy to defraud the Fitch heirs was worked out. All parties mutually agreed that only a select few (including Frisbie and Bailhache) would bid on land parcels at the first auction. The majority of the parcels were to be passed with no bid. At the second sale only Crosby, the land surveyor E.T. Peabody, squatters currently residing on those parcels, or members of the Settler’s League would bid. Finally, all lands still remaining unsold at the third and final auction would be reserved for Frisbie, unless by secret sign he indicated that other bids could be made. The agreements were enforced

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72 District Court Case no. 308, Amended Complaint to the Superior Court, 1859.
by threat of death to any party who interfered in the
approved plan.  

All did proceed according to plan until after the
Probate Court's confirmation of the sales on May 29. It was
then that Josefa discovered that neither she, nor her
children, would receive any cash from the three land
auctions. The largest portion, sold to Frisbie for $16,495,
was credited against her debt to him. Other portions, sold
to Crosby and the land surveyor, were likewise credited to
debts owed them. It was alleged that after the above debts
were paid there were still other outstanding debts, so that
after all of the proceeds of the sale were absorbed
($74,942), a balance was still owing. At this point,
finally realizing that her minor children would receive
nothing from the disposal of 40,000 acres of prime land,
Josefa refused to sign or execute the court-ordered deeds to
the new landowners.  

One of the smaller bidders at the auction later
testified that he was one of a party of individuals who
visited Josefa at her home during this standoff. He related
that she steadfastly refused to sign the deeds that the men

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74 Ibid. The actual wording of the official complaint
to the court states that "to maintain said plan [conspiracy]
the life of any interfering person would be taken." In
regard to Frisbie's secret sign it states that "defendants
would not bid, unless L.C. Frisbie consented they might."

75 District Court Case no. 925, court transcripts, June 1859.
had prepared and proffered. Only after appeals were made "to her honor, and to her fears, and long persuasion" did she finally relent. Josefa later testified that she agreed to execute the deeds to land bid out by John Bailhache only after he assured her that he would personally take care of all her remaining outstanding debts. He paid no money for those deeds and had not honored his promise two years later.

Bailhache was not only one of Josefa's creditors but had also recently become her son-in-law. He married Josefa's daughter and namesake, seventeen year old Josephine, just twelve days after the first petition to sell the Sotoyome had been filed in the Probate Court. He was now in a very favorable position, having managed to secure, without money, not only the land he bid out, but his wife's share as well.

Although the charges filed by the five Fitch heirs in 1859 never prevailed in a courtroom, the existing evidence

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76 Ibid.: John P. Spence (listed in land sale records as J.F. Spence) was the witness described above. He was involved in a land transfer involving 15 acres between Henry P. Mollison and widow Matilda Koger at the April 7, 1856 auction, and purchased 160 acres for himself at the May 28 auction. See: Probate file no 41, Schedule A: Account of the Sales Made by James E. Wainwright, 1856.

77 District Court Case no. 897, court transcripts during motion for a new trial, 23 June 1858.

78 Healdsburg Tribune, 7 August 1902, 1:5 (obituary of John N. Bailhache).
and unchallenged court testimony is significant. An examination of probate documents clearly shows that Josefa did, in fact, sign only the original petition for sale. All subsequent documents relating to the land sale, except the final deeds, bear her name in the handwriting of attorney E.O. Crosby. The pattern of bidding at the land sales is even more incriminating.

The first land auction was well-publicized, both in the largest county newspaper and on dodgers that were posted in public places. The land was offered in parcels averaging 160 acres. Yet despite the bargain prices, (averaging $2.31 per acre for all land sold that day) attractive terms (25% down with three years to pay), and the number of land hungry settlers in the area, only seven individuals bought land at the first auction on April 7, 1856. By far the majority of land sold that day went to the partnership of Frisbie and Bailhache (3,675 acres, averaging $1.57 per acre). The next largest amount went to Josephine Fitch, now Mrs. John Bailhache (1,675 acres, averaging $2.48 per acre). The five other buyers were farming families who had been settled on Rancho land for two to five years. They purchased from 160 to 335 acres each. (1100 acres, averaging $4.47 per acre)

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79 Sonoma County Probate File no. 41, documents requesting approval of sales, May, 1856.
Much of the land was passed with no bid. Such a pattern of bidding is subject to several interpretations, but one apparent aspect aside from the very few individual buyers is the widely varying average price per acre paid by each group. The five farmers paid almost three times the price paid by Frisbie and Bailhache. All of the land sold at the first auction was prime valley land, not hillside parcels. If a secret sign by Frisbie was established to allow normal bidding on certain parcels, it seems to have driven the price of land up considerably.

The second auction drew a greater number and variety of buyers, nineteen in all. They fall into three categories. Four members of the Fitch family took advantage of the Probate Court's allowance that they might bid out their entire one-tenth interest in the estate. Josefa, although supposedly indebted for her share, bid out 3,860 acres (averaging: $4.59/acre). Three of her eldest sons bid out a total of 2,935 acres (averaging: $3.23 per acre). Those who had charges against the estate, attorney E.O. Crosby and land surveyor E.T. Peabody, bid out 325 and 160 acres.

Ibid. In 1987 the Healdsburg Museum acquired one of the original advertising dodgers for the sale, printed on parchment, in 1856. It had been saved and passed down by the family of Thomas McClish, who purchased 160 acres at the first land auction. Probate File no. 41, Schedule A: Account of the Sales Made by James E. Wainwright, 7 April 1856. The five other buyers were Aquilla B. Aull, George T. Espy, Thomas McClish, Henry P. Mollison, and Joel Reagan (see Appendix 2).
respectively (averaging: $2.70/acre). The rest consisted mainly of prominent local businessmen and farmers (2,580 acres averaging: $2.48/acre).  

The third and final auction drew nineteen more farmers and local businessmen (some had purchased at an earlier auction) who bid out smaller parcels averaging 222 acres (total of 4,335 acres, averaging: $1.90/acre). The County Administrator, William B. Atterbury, and the County Treasurer (and ex-Clerk of the Probate Court) John Hendley, bid out 840 acres (averaging: $1.34/acre). But by far the lion’s share of land that day went to Levi Frisbie, Josefa’s creditor, who walked away with 26,024 acres (averaging: $.57/acre). When that acreage is added to land he bid out earlier in partnership with Bailhache, it appears that Frisbie garnered a total of 29,699 acres, or roughly 75% of the entire Sotoyome Rancho.  

The average price for all land sold at all three auctions was a reasonable $1.57 per acre. However, on a closer look, everyone at the land sale except Frisbie and Bailhache paid an average of $2.98 per acre. Frisbie and his partner, Bailhache, paid $.59 an acre. As a general rule, a higher price paid should indicate more bidding. The highest land prices were paid by the five farmers at the

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Ibid., 19 May 1856 sale (see Appendix 2).

Ibid., 28 May 1856 sale (see Appendix 2).
first auction ($4.47 per acre), and Josefa Fitch ($4.59 per acre). The farmers may not have been organized, as yet, in their bidding. If they had been they might have kept the final sale prices lower. At the last two auctions the farmers paid much less. Certainly, there was little competition when Frisbie and Bailhache were involved.

It may be impossible to untangle the web of deeds and land transfer documents related to the Sotoyome land sale. It is significant, however, that court testimony alleging that no money ever reached Josefa, or changed hands for consideration of the deeds executed on June 26, 1856, was never challenged in court. Attorneys for the defense would simply argue, and the judge would repeatedly agree, that the fraudulent nature of the sale was irrelevant, as the deeds were in order. It is unclear to whom and in what manner money was collected from the smaller land purchasers. All of Frisbie's land was credited to his mortgage on the entire Rancho. Many other parcels were likewise credited to debts owed by Josefa Fitch. If the money went to the County Administrator or Treasurer (both purchasers in the sale), no records have been found of its dispersal. Some of the land was immediately transferred without cash payment to secondary parties. Attorney E.O. Crosby, for example,
transferred his parcel to squatter George P. Brumfield without any - official - exchange of money. "

No matter what convoluted channels or illegal methods were used during the Sotoyome land sales, the end result for the Fitch family was clear. Only seven years after H.D. Fitch's death their most valuable holding was gone, with no proceeds, and what little land was left to them was mortgaged for unpaid debts. This was a sorry and swift end to the dynastic empire envisioned by Captain Fitch.

Josefa's full role remains inconclusive. She, and perhaps her two oldest sons, were culpable for the original "private" debt (never mentioned in official estate records) and the mortgage of the entire Rancho. These three were further accused in court of squandering other portions of the estate. " The official probate records contain documents that also indicate mismanagement.

In the summer and fall of 1856 three of the suretors of the court bond for the Sotoyome land sale, all prominent Sonoma County landholders, petitioned the court to be discharged from that duty. All three gave similar reasons,

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" District Court Cases nos. 308, 897, 925 (See footnote no. 72). Hepburn, California Reports, vol. 20 (Fitch vs. Miller), 353-387.

** District Court Case no. 925 (See footnote no. 72).
best expressed by Julio Carrillo, Josefa’s brother:

1. I think and am informed that said guardian (Josefa) is not discharging her duties in a proper manner. 2. That she is misappropriating the estate of said infants. 3. That she is using and appropriating said funds for her own use and benefit. 4. That she is insolvent as I am informed.

Julio Carrillo and one of the other suretors later retracted their requests to be discharged. No documents have been found to establish whether or not the court honored these retractions.

It is a matter of record that Josefa at one time enjoyed gambling. Early in the Fitch marriage Josefa remained at home in San Diego, confined by pregnancy, while Captain Fitch attended a wedding in a nearby city. Josefa apparently enlivened his absence by gambling away $1,000 in a card game. Upon his return the enraged Fitch not only filed suit against his wife but obtained a court-ordered separation as well. Josefa repented and court actions were withdrawn, with no evidence that she incurred further gambling debts during his lifetime.

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"Sonoma County Probate File no. 41, letters from Julio Carrillo 23 July 1856, B. Hoen 22 July 1856, Pedro J. Vasquez 19 November 1856.

Yet each venality and incompetence exhibited by the Fitch executors was magnified in the pitiless, greedy environment that surrounded them. It appears that those most able to help and advise Josefa - her experienced attorney, her new American son-in-law - played the largest roles in the dissolution of the estate. It is impossible at this date to prove or disprove the actual existence of the alleged triumvirate cooperative conspiracy (creditors, attorney, and Settler's League) to defraud the Fitch heirs of the Sotoyome rancho. It may be unnecessary. No alleged conspiracy could have been more successful in dismantling the vast Sotoyome than the known participants were. In less than six months a 40,000 acre rancho (newly confirmed by the District Court) was divided and distributed without violence or court battles, and apparently with very little cost to anyone except the Fitchs.

There is no mystery concerning the landbuyers themselves, whose motives are obvious. The mystery concerns those who did not buy. Scores of American families who had been squatting for up to five years on Sotoyome land did not take advantage of this opportunity to purchase their land at highly reasonable prices and terms. Census data for 1860 showing evaluations of personal property indicate that many of these families were not penniless farmers and could well have afforded the average price of a 160 acre parcel sold at the auction ($476; $119 down with three years to pay
balance). Better still could they have afforded the average price of the thousands of fertile acres garnered by Frisbie and Bailhache for a fifth of that price. Yet they did nothing while the partnership bought out the land they depended on for their livelihood. There is no record that any of these squatters protested or demonstrated any disapproval over the confirmation of the Sotoyome grant by the District Court, or the 1856 Sotoyome land sale - until 1858.

A stubborn refusal to acknowledge the validity of the Mexican grants, even after District Court confirmation, may be one explanation, the one traditionally offered by historians. Another, seemingly more plausible, explanation would be that deference was shown to Frisbie and Bailhache because they held the "keys" to the rancho, the outstanding debts of Josefa Fitch. During the covert negotiations that may have preceded the sale, Frisbie and Bailhache may have made promises to those settlers, promises which, like the promises to Josefa Fitch, they did not keep. This interpretation also explains the outbreak of large scale, organized squatter uprisings that began two years after the dust had settled on the Sotoyome land actions.
TRANSFER OF THE TZABACO LANDS

The Sotoyome land sale demonstrates how easily two American businessmen, perhaps conspiring with local squatters and County officials, eliminated one grantee family as a factor on the land by 1856. Although the particulars are at once more violent and less clear, a similar process involving the same group of men was at work on the Tzabaco Rancho. This case is even more complex, with several simultaneous chains of events.

As described previously, the original Tzabaco grantee, German Pina, died in 1847 leaving his eldest brother, Jesus, executor of his estate. The boys' father, Lazaro, died in the same year while fighting in the War between the United States and Mexico. The estate property, including the Tzabaco land (approximately 17,000 acres) and significant amounts of livestock, remained unprobated for five years. The first inventory did not take place until 1853. Since several of heirs were still minors, the Pinas may have felt no need to divide the property.

Yet from 1850 onward the Pinas were increasingly charged with debts. In January, 1850 all of Jesus Pina's one-sixth interest in the estate of his brother was sold at public auction by the County Sheriff. In November and December of the same year all of the deceased Lazaro Pina's interest in German's estate, and his own town lot in Sonoma, were also auctioned for debts. In the latter sale the
buyers were Christian Brunner and Martin E. Cooke (the holder of the original "private" debt of Josefa Fitch). It remains unclear how Jesus and Lazaro's interest in an unprobated (and therefore uninventoried) estate could be calculated.

The Pinas filed their first petition to the Land Commission for confirmation of their grant on August 5, 1852, and later that same month Jesus Pina made his first petition to the Probate Court for executorship of German's estate. This petition was approved. His attorney for filing was Captain John B. Frisbie, brother of the major purchaser of the Rancho Sotoyome, Levi C. Frisbie.

As stated, squatter settlement began on the Tzabaco in 1851 on the eastern end near the present town of Geyserville which borders the Russian River. Soon other squatters began to settle on the lands bordering Dry Creek in the very center of the Pina rancho. Pressure continued to mount as ever more settlers poured into the region. The inevitable

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7 Sonoma County Land Deeds: Jesus Pina to Jose M. Castro, Book E Deeds, 1 and 3, 12 January 1850; Lazaro Pina to Christian Brunner, Book F, 29, November 1850; Lazaro Pina to Martin E. Cooke, Book F, 77, December 1850. A review of such forced sheriff sales in Sonoma County in this era indicates that the party charging the debt was often the same party who purchased the majority of the property sold at auction.

8 Hoffman, Report of the Land Cases, vol. 1, appendix, 41, 100. Sonoma County Probate File no. 70 (German Pina), petition for executorship of Jesus Pina 28 August, 1852.
clash between cattle and crops apparently sparked the murder of Antonio Pina in April, 1853.

Before he died Antonio had time to dictate a will, naming General Mariano Vallejo, his father’s old commandant and friend, executor. General Vallejo took over executorship of all three Pina estates when Jesus resigned in his favor two months later. How little else the Pinas owned aside from land and livestock is illustrated by the listing of Antonio’s worldly possessions at the time of his death in 1853: one trunk, one hat, one rifle, one saddle, one reata (lasso), one bit, and one serape. °°°

As the Land Commission’s review of the Tzabaco proceeded between 1852 and 1855 a heated controversy developed regarding the grant’s true eastern boundary. At stake were the rich agricultural lands at the north end of Alexander Valley bordering the Russian River. The squatters who settled there must have agreed with Cyrus Alexander’s first assessment of that valley, "the brightest and best spot in the world", for they refused to concede that these flat expanses of rich alluvial soil, a grain farmer’s dream, were part of the Pina rancho. °°°

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°°° Sonoma County Probate File no. 71 (Antonio Pina), Inventory of the Estate of Antonio Pina, by M.G. Vallejo, 27 May 1853.

°°° Alexander, The Life and Times, 59.
Although the written description of the boundaries of the original grant may have been open to interpretation, the 1843 diseño (map) clearly showed this region as a part of the Tzabaco. Pina’s corn fields, tended by a nearby Indian village, are plainly marked as bordering the Russian River (Rio Grande) at that spot (See Tzabaco diseño, Map 4). Furthermore, the other three boundaries being fairly well established, the amount of acreage allotted the Pina family (four square leagues) would indicate that this region must be included in its boundaries. 

In October, 1853 U.S. Surveyor General John Hays instructed his deputy, T.H. Whitacre, to survey the area surrounding the grant. Despite the 1843 diseño, and the case still pending before the Land Commission, Hays instructed Whiteacre to section off the north end of Alexander Valley as public land and to place monuments to permit settlers to describe and patent their claims. 

Hays may have been influenced by his good friend and employee, John Clar. Clar had business dealings with Hays regarding purchases of land on the Perralta Grant in Oakland even before the former went to work at the General Land

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" California, "Espediente no. 312 (German Pena, grantee)", 1843, diseño of the Tzabaco Rancho (see Map no. 4).

Office in 1852. When Hays was appointed Surveyor-General the next year, Clar's salary was raised and he was named "Keeper of the Spanish and Mexican Archives in the Office of the Surveyor-General". Clar obviously had designs on the upper Alexander Valley. Although it is not known when he took up residence there along with the other squatters, an 1857 map (drawn two years after the confirmation of the Tzabaco for the purpose of showing the location of confirmed Mexican grants) shows nothing for the Tzabaco area. According to Clar's grandson and biographer, "a single place name marked this isolated portion of California. The name on the map was CLARVILLE". If there was ever a fraudulent survey done in the Tzabaco area, as historian Paul Gates has claimed, it was this first one favoring the squatters around present-day Geyserville in October, 1853.

With a family member recently murdered, mounting debts, and squatter pressure for a new government survey which deleted a large part of their rancho, things were grim for the Pina family. One month after the survey two of the surviving Pina brothers, 21 year old Francisco and 19 year old Luis, signed a deed relinquishing all 17,000 acres of the Tzabaco to their attorney, Captain John B. Frisbie, for a stated $20,000. Two of the principal heirs, 27 year old Jesus and 17 year old Clara, did not sign. General Vallejo,

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Ibid., 116-117, 123-124.
acting now as the executor for all three Pina estates, may have advised and/or arranged this sale. Since 1851 John Frisbie had been Vallejo’s son-in-law. Vallejo’s associate and friend, Martin E. Cooke, once again witnessed and notarized the deed. **

A mortgage has not yet been found, but there is a possibility that Francisco and Luis had indebted themselves to John Frisbie. This would explain why only two signatures appear on the deed. Levi Frisbie and John Bailhache (aided by Martin Cooke) would use precisely this method to acquire the Sotoyome Rancho three years later: obtain a mortgage on the entire rancho through the debts of one or more members of the family, then pressure all heirs to agree to a settlement to satisfy the debt.

Meanwhile the Land Commission’s review of the grant and the controversy over its eastern boundary continued in San Francisco. In January, 1854, two months after his son-in-law ostensibly acquired at least two-fifths of the Tzabaco Rancho, General Vallejo testified before the Commission regarding that boundary. Astoundingly, he testified against the Pina heirs. Vallejo stated, “The valley described on the map as Rio Grande (Russian River) lying northeast of

** Sonoma County Land Deeds, Jesus Pina et al to John B. Frisbie, Book M, 354, 14 November 1853. Clara Pina was still a minor at the time of this deed and her signature may not have been required. Jesus Pina’s portion of the rancho had ostensibly been sold at auction in 1850, yet his name appears in the text of the 1853 deed.
said Rancho is not included in it." As the most influential Californio in the area and the principal witness to the Land Commission on the matter, this was damning testimony by Vallejo.

His motivation remains unclear. An attorney representing John Frisbie in a later court case against the Geyserville area squatters hinted strongly that Vallejo had designs on the valley himself. This seems unlikely as a number of American settlers had already staked out claims in the area. On the surface his testimony would seem detrimental to the interests of his son-in-law. Had there been any serious doubt about the traditional boundaries of the Tzabaco (aside from the squatter's claims) Vallejo's action might have made more sense. In 1858, during depositions taken in the above-mentioned court case, several long-time residents of the area, all prominent Americans, directly contradicted Vallejo's testimony. All agreed that the eastern boundary of the grant was well known among the early settlers of that region, and some described the crops and building that German Pina had once had on the site.

Vallejo may have caved in to political pressure and/or threats from influential squatters in the Geyserville area.

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**Clar, Quarterdecks and Spanish Grants, 118.**

**Ibid. 118, 130. General Land Office Docket 167, Tzabaco Rancho, Testimony of Jasper O'Farrel, Jacob Leese, John Knight, and Cyrus Alexander (Bancroft Library, Berkeley, California).**
like John Clar and Dr. Elisha Ely (see Appendix 1). There is even a remote possibility that he was simply mistaken. It may have been a ploy to intimidate the other two Pina heirs into signing the November, 1853 deed to John Frisbie. A final speculation, one that helps to explain later events, is that the Geyserville portion of the rancho was part of the "compensation" offered the squatters to insure their cooperation in the sale to Frisbie. If so, Frisbie apparently thought better of the offer when he gained legal control of the land in 1858. His influence seems to have been even more widespread, for if the Tzabaco boundaries were understood by all older residents, why did these prominent Americans wait until 1858, when John Frisbie legally owned the rancho, to testify? Unfortunately for John Clar and the Tzabaco squatters, the Land Commission was apparently unimpressed by either the 1853 Hays survey or Vallejo's testimony. On June 26, 1855 they confirmed the Tzabaco grant in its entirety, including the disputed portion along the Russian River. Following the inevitable appeal, the case was sent on to the District Court, which duly upheld the Commission's Decision on April 2, 1857. 97

There is no evidence that the Pinas actually received the $20,000 stipulated in the 1853 deed to John Frisbie.

The deed itself lay dormant in the County records, apparently unexecuted, until another, almost identical, deed was executed (this time signed by all principal Pina heirs except Clara) on February 10, 1858. Another difference in the two deeds is the exception of 200 acres, not to be included in the second sale. Frisbie may have been awaiting the District Court's decision, or the final probate of the Pina estates, before acting on the first deed. He may have needed the five year interim to persuade the remaining heirs to sign. It is important to note in regard to the latter hypothesis that the Pinas were repeatedly approached about the sale of their land by other parties. They consistently refused these offers between 1852 and 1855. John Knight, who already owned considerable acreage in the vicinity, tried to purchase Tzabaco lands and was turned down in 1852. Settler Duvall Drake Phillips approached the Pina family for the same purpose in 1855, and was likewise refused. Phillips finally purchased 137 acres along with the Pina's original adobe house, in November, 1856. This accounts for most of the 200 acres reserved in the 1858 deed to Frisbie. "

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The final probate of German and Antonio Pina's estates was concluded in 1855, and its outcome may have had a bearing on the actions of the Pina family thereafter. After two years of executorship Vallejo was finally ordered by the Probate Court to report on the settlement of the estates, which he did on November 25, 1855. His report describes past sales of livestock and other property (with no mention of the Tzabaco lands), showing a deficit for the Pinas and a balance owing himself. A majority of the livestock was purchased by his ubiquitous business associate, Martin E. Cooke, who also notarized the sale. Three days later William Fitch, Clara Pina's husband, petitioned the court for Vallejo's removal as administrator, charging mismanagement. Fitch also alleged that Vallejo had never settled with the heirs. Vallejo's hasty reply denied these charges, claiming, "there is not sufficient property of said estate to pay costs of administration." His request to be released from his duties was apparently approved by the court, and the Pina estate was declared insolvent. 100

100 Sonoma County Probate Files no. 70 (German Pina), account of the sales of personal property made by M.G. Vallejo, 25 November 1855; petition of William Fitch for the removal of M.G. Vallejo as executor, 28 November 1855; reply from M.G. Vallejo 28 November 1855. Sonoma County Probate File no. 71 (Antonio Pina).
Clara Pina Fitch and her husband appealed the estate decree in 1862 and 1891. Luis Pina, youngest and last surviving of the Pina brothers, made a final appeal in 1895. This last appeal, coming as it did almost forty years after the fact, suddenly threw doubt on the ownership of one-fifth of the entire rancho. By 1895 this involved the property of approximately 250 Dry Creek ranchers. The sudden uproar subsided when the courts denied this appeal as they had the previous two. 101

Clara Pina Fitch never did sign the deed to Frisbie, either in 1853 or 1858. Her one-fifth interest in the estate was conveyed to another party, Jose Leandro Luco "of the Rancho Ulpines, Solano County", for $5,000 on February 10, 1858. This was the same day that Frisbie's deed was signed by the other Pina heirs. 102 Two factors concerning this sale are at this point almost tiringly redundant. One is a prior business connection between Frisbie and Luco; the other is a mortgage debt. Several months before the Pina/Luco sale, John Frisbie purchased land from Luco in Mendocino County. In fact, several months after Luco purchased the Tzabaco land he resold it to Frisbie for more

101 Sonoma County Probate File no. 71 (Antonio Pina). Healdsburg Tribune, 28 March 1895, 2:2; and 16 May 1895, 4:2.

102 Sonoma County Land Deeds: William Fitch and Clara Pina (his wife) to Jose Leandro Luco, Book 6 Deeds, 512, 10 February 1858.
than a 200% profit. But Luco’s historical fame does not rest with the Tzabaco land sale. His claim to 50 leagues of land known as the Ulpinos Rancho in Solano County has been distinguished by historian Hubert Howe Bancroft as "one of the most carefully prepared of the crooked cases" ever to come before the California courts. The inevitable debt in the Tzabaco transaction was a $3,800 lien and mortgage held by Luco against Clara and William Fitch, mentioned in the deed between Luco and Frisbie.

Striking parallels are obvious when the complexities of the transfer of ownership of Tzabaco lands are compared to the Sotoyome land transfers. In both cases a valuable estate was left unprobated for several years, continuing to be run as a communal family operation. In the interim both families become associated in some way with the Frisbie brothers and Martin Cooke, and soon fell into debt. Each family had a prior close relationship with General Vallejo, father-in-law to both Frisbies and a close associate of Martin Cooke. Although the Tzabaco case is less certain, both families eventually lost their ranchos because of

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103 Sonoma County Land Deeds: John B. Frisbie to Jose Leandro Luco of Solano County, (Rancho del Norte, Mendocino County), Book 6 Deeds, 192 and 546, 1 September 1857. Jose Leandro Luco and Juan Manuel Luco of Mendocino County to John B. Frisbie, Book 7 Deeds, 363, 4 August 1858.

104 Bancroft, History of California, vol. 6, 555.
mortgage debts to the Frisbies or parties associated with them.

Apart from a single act of violence against the Pinas—the murder of Antonio Pina by a farmer apparently enraged by the trampling of his crops—the squatters did not appear to play a large role in this process. Although both ranchos were virtually covered with squatters by 1856, and their presence was keenly felt by the grantee families, no organized uprisings or raids occurred to protest ownership by the Pinas or Fitches. Significantly, two critical events passed with no evidence of squatter reaction of any kind. If the squatters were indeed challenging the validity of the Mexican grants, an appeal or protest of some kind would be expected when the Sotoyome land auction of 1856 put 75% of the rancho acreage in the hands of Levi Frisbie and John Bailhache, acreage that was home to hundreds of squatters. Likewise it would be expected that some form of protest would have followed the Land Commission's confirmation of the Tzabaco Rancho in 1855; and certainly the District Court's concurrence in 1857.

The court suit instigated by the younger Fitch heirs in 1859, described previously, alleged that the squatters, in the form of a Settler's League, actually cooperated and conspired with Frisbie and Bailhache to effect the 1856 Sotoyome land auction. Similar covert negotiations between the Tzabaco squatters and John Frisbie would explain
Vallejo's 1854 testimony to the Land Commission regarding
the eastern boundary of that grant. More importantly, this
hypothesis explains the long period of detente on both
ranchos, and the vehemence with which armed violence and
rage erupted in 1858. For covert negotiations would suggest
that the squatters could expect some concessions from the
Frisbies and their partners. In 1858 it became apparent to
the squatters that no such concessions would be forthcoming.
THE HEALDSBURG RAID

The Sotoyome land auction was the opportunity that many settlers had been waiting for. Although they had garnered less than 15% of the total Sotoyome acreage, those few settlers who purchased land at the 1856 auction soon had many customers. A flurry of secondary land sales and subdivisions ensued, one of the latter creating the town of Healdsburg, laid out by Harmon Heald in March of 1857. Heald soon sold off his town lots to all comers at $15 a piece. There was never any real challenge to the title of these smaller parcels. The controversy and settler dissatisfaction drifted to those large tracts still in the hands of speculators like the Frisbie brothers and John Bailhache.

These three had much in common. Each became intimate with Californio families early in their careers in the state; each solidified that influence by marriage to an "hija del pais" (daughter of a landowning family); and each ended up owning a great deal of northern California land. Of the four Frisbie brothers who came to California from New York, two (Levi and another brother Edward) came as medical doctors. The other two (John and Eleazer) came first in 1846 as soldiers in General Stevenson's regiment. Captain John B. Frisbie seemed the most ambitious of all. By 1847

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105 Munro-Fraser, History of Sonoma County, 217-220.
John was billeted with his regiment at Pueblo Sonoma. Within a year he abandoned the military, establishing himself as an attorney in that city. But his ambitions ranged higher, as he made an unsuccessful bid for the office of lieutenant governor of the new state in 1849. Thwarted in his political aspirations, John soon became known in the area as the "right hand man" of General Mariano Vallejo. He and his brother, Levi, both married daughters of General Vallejo in the early 1850's and both became two of the most prominent founders of the city of Vallejo. They shared an interest in a wide variety of businesses and industries including banking, retail, railroads, farming, and, of course, land speculation. 106

The full extent of the Frisbie brothers' land purchases in Sonoma and Solano counties has not yet been established. Preliminary research indicates that beginning in 1848 they purchased several tracts of land in Sonoma County from such notables as Jacob Leese, General Vallejo, Jose de los Santos Berryessa, and Julio and Ramon Carrillo (Josefa Fitch's brothers). The Frisbies also formed partnerships with General Vallejo and others to buy up land from grantee families, as they had with the notorious Jose Leandro Luco

to buy the Tzabaco land in 1858 (described in the preceding section). 107

John N. Bailhache was a relative latecomer to the state, not arriving in Sacramento until the spring of 1850 from Illinois. He had the good sense to forgo mining for the more lucrative gold country grocery business, and for a short while formed a partnership with Leland Stanford and others. His interest in merchandising may have brought him to Solano County where he made the acquaintance of Vallejo merchant, Levi Frisbie. The two soon become business partners, and their business apparently extended to the purchase of the mortgage incurred by Josefa Fitch. Bailhache probably met the Fitch family through his business partner’s wife, as Mrs. Frisbie was Josefa Fitch’s niece. While holding a mortgage on the Sotoyome Rancho, Bailhache married Josefa’s daughter, seventeen year old Josephine, just three months prior to the Sotoyome land sale in 1856. 108

After gaining a wife and considerable acreage during that land sale, Bailhache left suddenly to reside in

107 Sonoma County Land Deeds: Lease to Frisbie, 1848, Book B Deeds, 103; Vallejo to Frisbie, 1849, Book C Deeds, 143; Berryessa to Frisbie and Vallejo, 1849, Book E Deeds, 166; Carrillo to Frisbie, 1849, Book F Deeds, 58; Vallejo to Frisbie, 1850, Book E Deeds, 181.

Marysville. There are conflicting reports as to whether his new wife accompanied him. It may be conjectured that the move allowed tempers to cool, for within a year he was back in Healdsburg. Bailhache began to study the law seriously in 1858, at the same time that he initiated court proceedings (in his wife’s name) to remove the squatters from their Sotoyome land. In the same year he entered the Santa Rosa law office of Judge Jackson Temple, who along with a succession of partners acted for Josephine Fitch Bailhache in most of the court cases against squatters on the Sotoyome Rancho. Bailhache was admitted to the Sonoma County Bar in 1860. 109

It seems that all of the large landowners on the old Sotoyome and Tzabaco Ranchos began to move against the squatters at about the same time. By 1858 the largest Sotoyome parcels were in the hands of John and Josephine Bailhache, Levi Frisbie, and San Franciscan Egbert Judson, who purchased half of Frisbie’s interest in August, 1856. All three owners took legal steps to remove the squatters in early 1858. 110 Immediately after their final purchase of all

109 See footnote no. 108. Sonoma County District Court Cases nos. 897 and 925 (see footnote no. 72). Judge Jackson Temple ran unsuccessfully for the California State Senate in 1862. He was accused of being a “Secessionist” Democrat by James McNabb, editor of the Petaluma Argus, See: Petaluma Argus, 4 June 1862, 2:3.

110 Sonoma County Land Deeds: L.C. Frisbie to Egbert Judson and Marcellus Farmer, 1856, Book B Deeds, 554. Sonoma County District Court Cases: (Josephine Bailhache plaintiff) nos. 344, 353, 897. Colonel L.A. Norton, Life
but 200 acres of the Tzabaco in February, 1858, John Frisbie and Jose Luco requested an official survey of their land, an action that usually preceded subdivision and resale. """

Due to the now obvious interrelationship of these owners, the settlers came to view the two grants as one. Incidents on one rancho could ignite retribution on another. The seemingly concerted actions by owners in early 1858 galvanized the squatters on both grants and gave birth to the organized, pseudo military Squatter's League that would reign in northeastern Sonoma County for the next six years.

The rebellion began on a sunny spring morning, April 9, 1858, on the Tzabaco Rancho (the exact anniversary of Antonio Pina's murder on the same land five years previously). Deputy Surveyor C.C. Tracy was busy conducting a final official survey of the grant under orders from U.S. Surveyor General Mandeville. Mandeville had replaced John C. Hays as Surveyor General in September, 1857. Until Mandeville's appointment, John Hays had made sure that all official surveys near the Geyserville area showed that tract


""""More of the Healdsburg Outrage", Daily Alta California, 17 April 1858, 1:3. Letter from "SHANGHAI" in Geyserville (dated 12 April), Sonoma Daily Democrat (Santa Rosa), 22 April 1858, 1:2.
as public land. As previously described, he did so despite the Land Commission and District Court's confirmation of that tract to the Pina heirs in 1855 and 1857. Deputy Tracy, now under Mandeville, apparently felt no such constraint. On the eighth day of the survey, Tracy and his men neared the disputed Tzabaco land near Geyserville.

There are five separate recorded versions of the ensuing events, some of which vary considerably at critical points. One version maintains that a small group of squatters had been actively soliciting support, "trying to incite the others to the top of a mob spirit" for the previous eight days. Finally, on the eighth day, the squatters received a letter from their attorney in San Francisco assuring them that Frisbie had no legal grounds to request such a survey. By all accounts it is agreed that a group of fifty to seventy armed and mounted settlers approached Tracy in the field that day.  

To begin the settlers confiscated Tracy's survey notes and perhaps destroyed them on the spot. They then ordered

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118 Letter from "ON IT" (dated 9 April), Sonoma Daily Democrat, 15 April 1858, 2:3. John Clar was "discharged" from his duties in the Surveyor General's office on October 5, 1857, less than one month after Surveyor General Hayes retired from his post on September 5. Clar, Quarterdecks and Spanish Grants, 106.

119 "ON IT", Sonoma Daily Democrat, 15 April 1858, 2:3. Quote: "Outrage at Healdsburg", Daily Alta California, 14 April 1858, 2:1.
Tracy to stop the survey forthwith, enforcing their command with some degree of physical threat ranging to the extreme of assuring him that, otherwise, he would be "shot dead".

Their first mission accomplished, the League made a parting recommendation that Tracy make "as hasty a survey between here and San Francisco as possible". Tracy quickly complied. "According to the most complete version, the same party then:

proceeded to the house of Don Luis Pina, on Dry Creek, surrounded it and made prisoner of Signor Luco, and arraigned him before a court of their making, where some were for hanging, and some for riding on a rail, but gentler counsel prevailed...and they abstained from violence...but forced him to sign a paper for the relinquishment of all right, title and interest to the Pina rancho, for which he had paid twenty-five thousand dollars, and gave him notice to leave or suffer death at the hands of the Committee."

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"Squatter Riot at Healdsburg" (letter from Charles Austin dated April 12), San Francisco Daily Evening Bulletin, 13 April, 1858, 2:1. * "Outrage at Healdsburg" (report of "acquaintance in Sonoma County"), Daily Alta California 14 April 1858, 2:1. * Letter from "ON IT" (dated April 9), Sonoma Daily Democrat, 15 April 1858, 2:3. * Letter from "ON IT" with additional comments, Daily Alta California, 17 April 1858, 1:3. * Letter from "SHANGHAI" (dated April 12), Sonoma Daily Democrat, 22 April 1858, 1:2. * Letter from "A LOOKER ON IN HEALDSBURG" (dated April 17), Sonoma Daily Democrat, 22 April 1858, 2:5.

Letter from "SHANGHAI", Sonoma Daily Democrat, 22 April 1858, 1:2.
Thus emboldened by their success the "Committee" might have received reinforcements, for some observers put the band at 150 by the time they reached the town of Healdsburg, a "fortress which had hitherto been considered impregnable." Whether they came, "dashing into town, armed to the teeth", or came "quietly into town without uttering a word", by all accounts they came looking for Dr. Levi Frisbie. One of the armed men, Judge James Forsee, acted as spokesman for the group. Upon reaching the center of downtown Healdsburg he cried out, "Bring out Dr. Frisbie", while his men charged to and fro in the streets searching for the doctor. Finally locating Frisbie in one of the buildings (two reports place him in hiding in a Healdsburg hotel) the committee could not extract him, perhaps because of the "determined attitude" of several Healdsburg citizens. While most townsfolk were stopped by the squatter's "horrid imprecations and threats of vengeance", one account claims that the settlers were informed that no mob would be allowed to remove anyone from town without provocation; another that the squatters were informed "in a friendly or quiet way" that the Sheriff had been sent for and was now nearing town to arrest them. Whatever the reason, the squatters removed themselves from the scene, perhaps after threatening to "burn down the town for its opposition." 116

116 (see footnote 114)
Most reports of the incident condemn the squatters for their lawlessness. Reactions ranged from thinking the acts "premature and rash" to calling the settlers "lawless ruffians". Only one letter (to the Sonoma Daily Democrat) defends their actions. By this account the number of squatters involved were far fewer (twenty-eight), they were unarmed (except for one man carrying a rifle home), and they acted "with extreme civility" at all times. This anonymous squatter explained the summons of Dr. Frisbie thus:

That Dr. Frisbie was called for, we don't deny. If an accusing conscience filled his soul with cowardly fear and bloody horrors from an imagined retribution near at hand, he alone is responsible for all the tortures he suffered. What dreadful suspense! What drops of agony must have oozed from his forehead, as he heard his name shouted by ten or a dozen honest men! A conscience void of offence would not have construed a compliment of this kind into a hydra-headed monster, a bloodthirsty mob, seeking a victim in broad daylight, in the most public street in the village, nor would it have suggested a retreat to the attic of a hotel. 17

At the same time this squatter advocate chastises the newspaper for defaming all settlers through the publication of a negative account by another reporter and vaguely threatens the author of that unsigned report.

17 Letter from "A LOOKER ON IN HEALDSBURG", Sonoma Daily Democrat, 22 April 1858, 2:5.
Even if nearly unanimous in disapproval, only one of the five reporters, Charles Austin, had the courage to sign his name. By his description the grants were occupied and in forcible possession of an organized body of not less than 200 squatters who repeatedly attempted to assassinate the "proprietors of the soil" by shooting them from ambush. "It is but right to state", he continues, "that many of the more intelligent and respectable settlers upon these ranches publicly disclaimed all connection with or countenance of the acts of these lawless ruffians." 

More disturbing than any of the accounts of the events of April 9, 1858, was a letter sent to the Sonoma County Democrat from Geyserville, dated April 12. It described a "reign of terror" then afflicting the tiny village. Mounted armed men were "constantly charging through the streets", while on each side sentinels were stationed to watch the comings and goings of suspicious individuals. "Martial law" had been "proclaimed throughout the township", and all the settlers were now obliged to take a stand on one side or the other - "Vigilance or Anti-Vigilance".

According to this concerned resident, it was not the settlers in the main who were provoking the situation, but "two or three individuals attempting to remove from their paths to distinction, certain men who they correctly believe

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"Letter from Charles Austin, San Francisco Daily Evening Bulletin, 13 April 1858, 2:1."
to be in their way". Not meeting with success in their recruitment, these settlers had "hushed up until about a week ago when they succeeded to a miraculous degree" in "the raising of a Committee". This self-proclaimed settler wanted the public to know that the entire affair was perpetrated in order to "hoist the Marshall of the Vigilantes into the Legislature next fall". He closed with the mysterious assurance to his readers that the Geyserville settlers were "Democrats, and can't stand the Press."

The last published reports of the affray appear on April 22, 1858. Two aspects of this first organized raid on Healdsburg illustrate the interrelatedness of events on both the Tzabaco and Sotoyome. James Forsee, spokesman for the Geyserville area squatters on the Tzabaco, was then acting as defense counsel for the first of the many squatters to be charged in suits brought by Josephine Fitch Bailhache on the Sotoyome (the first suit was filed March 22, 1858). Two of Forsee's sons, Peter and Thomas, were squatters in the vicinity, each on a different grant. (see Appendix 1) Dr. Levi Frisbie, the focus of Tzabaco squatter hostility, was

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119 Letter from "SHANGHAI", Sonoma Daily Democrat, 22 April 1858, 1:2. The word "Press" is capitalized as it appeared in the newspaper, but it does not refer to any proper name of any known newspaper existing at that time. The meaning of this reference is unknown.

120 Sonoma County District Court Cases: (Josephine Bailhache plaintiff), nos. 344, 353, 897. For background of Forsee family see Appendix 1.
not the legal owner of that land. It was his brother, John B. Frisbie, who instigated the 1858 survey of the Tzabaco. As the largest single land buyer at the 1856 Sotoyome land auction Levi had no direct connection to the Tzabaco, but it was he whom the Tzabaco squatters clearly abhorred.

The evidence points to the possibility that the squatters felt betrayed by the Frisbie brothers and their various business partners. After their initial cooperation in the suspect Sotoyome land auctions, and their apparent acquiescence following the District Court’s confirmation of the Tzabaco in 1857 (no appeal to a higher court was filed), these same settlers were now in the uncomfortable position of needing to prove that the sales were fraudulent, or that the original grant was fraudulent, in order to retain their homesteads. The villainous cause for the formation of their impressive vigilante force was not the grantee families, but these politically and judicially competent American land speculators, who would not sell off those parcels at low prices as (perhaps) they had promised in 1856. As the alarmed Geyserville resident perhaps astutely realized, the purpose of this sudden vigilance was primarily the removal of "certain men who they correctly believe to be in their way." 

The settlers may have believed that the only way to foil the Frisbie brothers and their kind, aside from armed

1a1 Letter from "SHANGHAI", Sonoma Daily Democrat, 22 April 1858, 1:2.
resistance, was to "hoist" their own marshal into the state legislature.
THE LONG SIEGE

The squatter uprising of 1858 brought into sharp focus the fact that there were now two distinct groups of settlers. Those few who had the foresight or privilege to buy land in 1856 (as well as those who made secondary purchases thereafter) had as great a stake in protecting their holdings as the squatters. Their interests lay in upholding the legality of the original grants and the Sotoyome land auction. As the last notes sounded in this real estate version of musical chairs, the squatters on speculator-owned land were left standing. And their chagrin ignited a small civil war.

Confrontations between squatters and landowners, their agents, or tenants rocked the area fairly continuously from 1858 to 1864, and isolated aftershocks affected the political mood until at least 1869. Suits and countersuits argued in various courtrooms added a constant, agitating background noise. 1st

Although the armed Tzabaco uprising in 1858 did not achieve its goal of stopping the official government survey,

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1st Contemporary newspaper accounts emanating from Santa Rosa and Petaluma create the impression that the Healdsburg Land Wars consisted of an 1858 siege, and a longer campaign from June of 1862 to March of 1863. This is not an accurate portrayal as many less dramatic but completely similar episodes went unreported in newspapers in the interim.
it did accomplish a great deal for the squatters.

Controlling the majority of the land in the Russian River and Dry Creek Valleys, the Settler's "Committee" flourished. \textsuperscript{182} Bailhache, Judson, and the Frisbie brothers were forced to retreat to safe distances, relying on ineffectual law enforcement officials to carry out futile court ejectment edicts. \textsuperscript{184} Legal settlers, their sympathies divided, refused to interfere. One newcomer to Healdsburg, attorney L.A. Norton, incredulously described the extent of squatter confidence in the early 1860's when "they actually paraded the streets of Healdsburg, both men and women, with music and banners waving." \textsuperscript{185}

Norton was a refugee from the periodic fires and economic decline of the Placerville gold mining region, where he initiated his law practice in 1853. He chose to settle in Healdsburg for several reasons, not the least of which was job opportunities created by the continual litigation over the grants. One of the first to approach Norton when he arrived in Healdsburg was an old acquaintance

\textsuperscript{182} Norton, \textit{Life and Adventures}, 342, 343.

\textsuperscript{184} Sonoma County District Court Cases to July, 1860 (cited in chronological order of filing): 897, 1021 (L.C. Frisbie et al vs. Lovejoy et al); 344 (Josephine Bailhache vs. I.C. Laymance); 427 (J.B. Frisbie et al vs. Charles Lambert et al); 963 (Josephine Bailhache vs. I.N. Stapp et al); 968 (Josephine Bailhache vs. James Williams et al).

\textsuperscript{185} Norton, \textit{Life and Adventures}, 346.
from El Dorado County, Judge James Forsee. As Norton recalled,

The old man informed me that there was a fine opening in Sonoma County, but that I must not go in with the land-grabbers. . . . [The] country was covered with spurious grants, purporting to be Mexican grants, but which were all fraudulent; and that he [Forsee] had united himself with the settlers to resist the claimants under Mexican title, both legally and forcibly. 186

"Old Man" Forsee, late of Virginia, was not just boasting. 187 He led the squatter raid against Surveyor Tracy and fronted the charge into Healdsburg to find Levi Frisbie just one month before. Forsee's motives may not have been entirely selfless, as he is the most likely candidate for the "Marshall" of the Vigilantes, the man allegedly hoping for a "hoist" into the state legislature. The Frisbie brothers and their considerable political influence stood in his way.

Not a man to ignore the knock of opportunity at his own door, Norton immediately investigated the record of the Sotoyome and Tzabaco grants. Unlike Forsee, he concluded that they and all subsequent deed were valid. Seemingly distressed over the lowered resale value of the land, he summarized the entirely unfortunate situation: "Though the

186 Ibid., 274-278, 334, quote: 335. Judge Forsee apparently had three sons: Peter, Thomas, and George. Only Peter and Thomas were indicted as squatters. (see appendix 1).

187 See Appendix 1.
fairest domain on which the sun ever shone, yet people
shunned it, as there was no title or undisputed
possession." 188

In the summer of 1858 Norton was approached by Egbert
Judson, Levi Frisbie's partner and owner of the thickly
forested western portion of the Sotoyome. Hearing of
Norton's reputation as a rough and ready veteran of the
Mexican War, Judson asked him to rid his woods of "more than
a hundred trespassers who are cutting down and carrying away
my timber." 189 Norton listened to Judson's warning that
these squatters were desperados, intent on killing anyone
who stood in their way, and - after fixing on an agreeable
compensation - took the job anyway. In typically heroic
style, Norton reports that he ordered his employer to "go
back to San Francisco: you are afraid of these men, and
within two weeks you will find your worst fears realized, or
I will be in possession of your land." 190

Thus began Colonel Norton's career as the squatter
buster of northern Sonoma County. Hired in succession by
every major landowner on both grants, Norton credits himself
with bringing the squatter era to an end in Healdsburg seven
years later. But many dangerous and thrilling episodes lay

188 Norton, Life and Adventures, 335, 336, 345.

189 Ibid., 336.

190 Ibid., 336, 337.
in between. Despite their vivid detail and color, Norton’s recounting of his squatter exploits are too numerous to describe here. His life was threatened continually, it seems, the first time only two days after Judson hired him (A sniper’s bullet allegedly passed through his vest in 1864, but left him unscathed.) The first squatter challenge came in the form of a note which threatened to hang Norton from any handy redwood. That note precipitated the first of many armed rides to confront the surly lawbreakers, that "bombastic set of cowards," who came so to hate him. Norton met the squatters singly, or in mobs, at noonday on the main street of Healdsburg, or in the black cover of night on some isolated homestead; but always he prevailed by force of logic and steadfast courage - at least according to his own account. 121

One typical episode involved sixteen squatter families on the east side of Russian River. Accompanied by a deputy from the United States Marshall’s office, Norton confronted the previously notified families, now all gathered at the house of A.C. Weber. For over an hour Norton tried to get the families to sign Judson’s lease, all the while eyeing the knives and pistols they carried. He had no success, and so returned the next day to confront the same group. Holding the squatters at bay with his cocked revolver,

121 Ibid., 333-356, quote: 344.
Norton directed the deputy to throw out all the household goods. The squatters made a motion to rush the pair, but stopped when warned off. Everything was successfully removed from the house but one old woman who clung tenaciously to her homestead floor. Even she departed on her own power when Norton commenced to carry her out. When the last lady squatter was ousted, Weber finally agreed to sign Norton's lease. 122

Having established his reputation by clearing the squatters from Judson's redwoods, Norton went to work for Levi Frisbie about October, 1860. Not all of his encounters with squatters in this era were violent. In some cases Norton succeeded in selling or leasing the disputed property to the settlers without much fuss. But later comments indicate that rents and sale prices were high, and court orders and an armed posse were usually necessary to effect eviction. 123

While Norton was thus occupied, violence continued to break out on the tracts owned by John and Josephine Bailhache. This series of events escalated into what are commonly called the "Healdsburg Land Wars" or "Westside Wars", as they were fought on the west side of the Russian River in 1862. Due to voluminous coverage in County

122 Ibid., 341-342.

123 Ibid., 342, 343, 353.
newspapers, and the four year time lapse since the 1858 uprising was covered in the press, most historians consider the Westside Wars the extent of land conflict in northeastern Sonoma County, ignoring earlier altercations. Norton claims he was excluded from these confrontations by the express order of the County Sheriff, J.M. Bowles, and his disappointment was evident.

During the entire course of the squatters wars over 150 settlers were indicted in various ejectment suits. This particular series involved Cornelius Bice, Robert Neely, James Miller, I.N. Stapp, C.C. Clark, Thomas L. Forsee (Judge Forsee’s son), James Williams, A.M. Green, and Alexander Skaggs. (see Appendix 1) In October, 1859 John Bailhache won a judgement of restitution against the first three squatters in District Court; in June of 1860 the court ruled against the remainder. The judge stipulated, however,

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125 Norton, Life and Adventures, 343.

126 Sonoma County District Court Cases: (Josephine Bailhache plaintiff), nos. 353 (vs. Cornelius Bice); 963 (vs. I.N. Stapp et al); 964 (vs. Alexander Skaggs); 965 (vs. C.C. Clark); 966 (vs. Thomas Forsee et al); 968 (vs. James Williams, A.M. Green et al).
that the ruling not be enforced until December, 1860 to allow the settlers to harvest their crops. Some of the squatters allegedly signed a lease for a nominal sum. The lease was to expire on that date, after which they were to peaceably surrender the land. At the appointed time Bailhache demanded the premises and allegedly made proposals to the squatters for sale or continued lease of the land. Apparently no bargain was struck, for beginning in January of 1861 Sheriff Bowles and his deputies served various writs on these squatters to little effect. 127

Bailhache proceeded to win judgments against Bice, Miller, and Neely in the same court for $1,100 in damages for the broken leases (which the settlers claimed they never signed). The situation began to escalate when the Sheriff and his deputies confiscated stock belonging to the squatters to satisfy the above damages. Managing to get some of the stock to Healdsburg, the officials found that "an excited multitude had congregated." They and the stock got away only with great difficulty. 128

On June 17, 1862, five days after the incident of the confiscated stock, the squatters staged an impressive


128 Ibid.
display of force in downtown Healdsburg. Eighty mounted
men, variously armed, marched their horses double file to
the central Plaza. After giving three loud cheers the men
dismounted. It was rumored that these men were a detachment
of the settlers's army now gaining recruits on the outskirts
of town. 139

The squatters attempted to defend themselves in the
press which, with only one exception (the Republican, or
"Union Party", Petaluma Argus), was unanimously against
them. Letters were apparently sent to all of the County
papers, but they were not published by most. According one
Democratic editor, Thomas L. Thompson, the squatter letters
were denied publication because the authors wished to remain
anonymous and the content of the letters included personal
attacks on certain individuals. 140 It should be noted that
almost all of the reports on these confrontations were
unsigned, or signed by pseudonym. What little information
was published from the squatters appeared in the Petaluma
Argus. Aside from the inevitable charge that the Sotoyome

139 "The Healdsburg War", (as quoted from the
Healdsburg Review), Petaluma Argus, 25 June 1862, 2:3.

140 "The Trouble at Healdsburg", Sonoma County
Democrat, 26 June 1862, 2:1. The editors of the Petaluma
Argus (a Republican or "Union Party" paper) and the Sonoma
County Democrat often disagreed on local issues, including
the squatter issue, and made their disagreements and
accusations public. See especially: "The Argus and the
Squatters", Sonoma County Democrat, 21 July 1862, 2:1.
grant was fraudulent and the claim that squatter homesteads lay outside legal grant boundaries, the squatters mainly protested the 1856 Sotoyome land auction. They, as well as five of the Fitch heirs, claimed it was a total fraud. Citing the case then pending in the courts initiated by the minor Fitch heirs, the squatters maintained that Bailhache acquired the land illegally and therefore his title was invalid. 141

In those uncertain times, when it seemed half the nation, and now perhaps half the County, had become lawless rebels, the press replied that fraud was irrelevant. Newspaper editor (and "Copperhead" Democrat), Thomas L. Thompson said,

"The great question is not to whom does the land belong... but as to whether the law is to be supported, and the mandates of our court obeyed, or scoffed at and spit upon by every man who arrogating to himself legislative, judicial and executive power, decides he had been aggrieved." 142

Only the editor of the Petaluma Argus showed much sympathy for the squatter's plight. Although he echoed the common concern for law and order, Republican James H. McNabb allowed, "We know the settlers of California have been


goaded almost to desperation by the exactions of unscrupulous cormorants...but defiance of the law will not redress their wrongs." 143 When it became clear that the squatters would defy all government agents, McNabb insisted that "we unqualifiedly deplore the action of the settlers in offering resistance to the arm of the law." Yet still be complained, "The fairest portion of our State seems to be completely at the mercy of avaricious land-lawyers" 144 In an open letter to the squatters McNabb recounted the early days of the state when "California swarmed with speculators who seemed to have left soul and conscience on the other side of the Rocky Mountains." 145

On July 15, 1862 Sheriff Bowles gathered a "posse comitatus" to remove the residents of the Bice homestead. Members of this posse, made up of 230 of the most prominent County citizens, later reported that the foray was a complete farce. The entire County had been thrown into an "unusual state of excitement" by the impending encounter, and on the appointed morning the road from Santa Rosa to Healdsburg was crowded with wagons, carriages, and men on horseback eager to answer the Sheriff's call to duty. The

143 "Settler Troubles at Healdsburg", Petaluma Argus, 18 June 1862, 2:2.

144 "The Settler War Again", Petaluma Argus, 16 July 1862, 2:1.

mood was decidedly festive, as the call for liquor even at that early hour strained the reserves at Raney's Hotel in downtown Healdsburg. At 9:00 a.m. the unarmed group assembled and made the ten minute stroll through massive oak groves to the Bice homestead (just northwest of Healdsburg adjacent to the current Grove Street.)

Their destination was a picturesque redwood residence surrounded by a picket fence on the opposite side of which the huge posse found about forty armed squatters, including a few old men and young boys. (One reporter had reason to believe, however, that 200 armed settlers were poised nearby should reinforcements be needed.) From the group immediately visible a "captain", Alexander Skaggs, stepped forth. Sheriff Bowles read his court writ aloud and then inquired if the squatters intended to resist these orders and his imposing posse. To a man, the squatters replied, "yes". Skaggs spoke for the rebels, stating that the settlers were willing to do what was fair, but that they had been wrongly dealt with. While he spoke "quite a number of females" emerged from the Bice home to watch the proceedings from their front porch gallery. Turning to face his unarmed horde, the Sheriff asked if they would assist him in enforcing the writ. The posse seemed ambivalent according to one reporter: "Many answered no, others remained silent; while a few consented to do so, if they were furnished with arms." Thereupon Bowles dismissed the posse, earning the
cheers of all the squatters and not a few members of the posse. 146

Apparently wishing no ill feelings, Skaggs ascended a gatepost and invited "all the friends of the settlers" within earshot to attend a barbecue at the Skaggs ranch. About 100 of the posse made the thirty minute walk north to attend. The squatter potluck, prepared by the wives and daughters of the residents, turned out to be a merry occasion. several rounds of speeches by local politicians (accompanied by a small drum) and ample food and drink satisfied the company. The afternoon was climaxed by a "vigorous production" authored by one of the squatters' wives, Mrs. R.A. Clark, and read by a Mr. Hereford. Although the gathering seemed a resounding success, at least a few of the pretended posse were somewhat disgusted by the entire affair, and were not apparently swayed by the squatter's oration. 147

Mrs. Clark began by recounting the hardships that the settler women had endured in crossing the plains to follow or join their husbands seeking a better life in

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147 See footnote no. 146.
California. For their trouble they had gained little:

Many of us have been here ten or twelve years, yet we have no homes that we can call our own...We thought by coming here that Uncle Sam would give us homes as he did our mothers and sisters who went to Oregon and Texas...Little did we think that California was covered over with Spanish grants, then bought up by speculators to cheat and defraud the Government...for the sake of peace our husbands have proposed to buy their homes if the speculators will give them a good warrantee deed, but they tell us they will give us a quit claim deed...Our husbands refuse to buy because they believe this to be Government land...Our husbands have paid out thousands that the government ought to have; they have had to employ counsel to defend suits and lost, nine times out of ten, until our money is spent and we have nothing left but our homes. 148

As might be expected, Mrs. Clark’s charges regarding the technical validity of the Sotoyome grant and its legal boundaries are rather muddled. Her discussion of the Sotoyome land auction seems more pointed, charging that speculator-owned mortgages deprived the minor Fitch heirs of "every dollar that was due them." She further claims that several of the Fitch heirs urged settlers not to buy land from John Bailhache, and that some hapless squatters had already purchased their homes two or three times from different parties claiming legal ownership. In closing Mrs.

Clark righteously declared:

...it was heavy taxes that caused them [our forefathers] to burst the bonds asunder that bound them to serve the English Crown. Yes, they shed their precious blood in the defense of the liberties which we have so long enjoyed. Their course was, like ours, a just one, and they were protected by the hand of an allwise Providence. 149

Evidence indicates that sympathy ran high in favor of the squatters in some localities. One letter to a local newspaper stated that "a very strong feeling exists in the upper portion of the County in favor of the settler cause." 150 Evidence also indicates the law enforcement officials were not trying very hard to evict the squatters. The District Attorney later charged that Sheriff Bowles informed the squatters that he only "intended making a show" of enforcement. Worse yet, Bowles allegedly wrote each squatter a letter telling them when he planned to arrive with his posse. 151 When ordered by the court to sell a squatter's stock to pay for assessed damages due the Jailhaches, one of Bowles' deputies, David Campbell, sold the stock back to the same squatter for ten cents. 152

Divided sympathies made for a messy affair.

149 Ibid.

150 Letter from "FABIUS JR.", Petaluma Argus, 16 July 1862, 2:3.

151 Sonoma County District Court Case: no. 238, People vs. Sheriff J.M. Bowles.

152 Sonoma County Democrat, 19 June 1862, 2:1.
As early as June, 1862, Sheriff Bowles petitioned governor Stanford to send in the State Militia to execute the writs. The militia finally arrived in late September of that year in the form of twenty-three members of the Emmet Rifles and about an equal number of the Petaluma Guard. In a very orderly, military manner, the militia (augmented by about twenty-five more armed citizens) spent one week evicting the squatters and their possessions from each respective homestead. Most of the squatters left peaceably, offering no resistance while the authorities were present. The single, and very novel exception, was a "Captain" G.F. Kelly "and his whole squad of women", who assaulted the unfortunate soldiers with "buttermilk, eggs, hot water and bed wrenches" - and an "endless amount of slang". The female brigade, under Kelly's leadership, met the militia at several locations and finally took up position at the rear of the militia, marching along behind. Though they were not able to halt the evictions, they drew the courtesy of an address from Captain Hewlett of the Petaluma Rifles. Much to the dismay of a newspaper reporter present, Captain Hewlett assured the ladies that he had "performed a disagreeable duty, but if required by his superior officer he should do it again if necessary." That reporter was further scandalized when Hewlett allowed the ladies to march
with the soldiers back into the town of Healdsburg, "as if escorted by the military and posse." ¹³³

G.F. Kelley, the "Captain" of the Ladies Brigade described the scene differently:

Mrs. B [Bice] and the ladies previously dispossessed, surrounded by their children, were there dressed in mourning. The Angels were there to gaze upon that scene which will never be forgotten by those who witnessed it. The beautiful star spangled banner waved in the breeze, a smaller one on the housetop, with crapes [sic] attached thereto for each family turned out...After singing 'Home, Sweet Home',...the ladies formed in procession, and marched in tears from the premises, to the tune of 'Yankee Doodle'. Capts. Hewlett and Baylis here tendered their respective companies as an escort to town...On arriving at the plaza [Healdsburg] the soldiers filed to the right and left, and the ladies [marched] through between the lines...The ladies were then marched to a beautiful grove nearby where they were appropriately dismissed... ¹³⁴

Apart from buttermilk, eggs, and slang, the only violence reported during the week was a shot fired from some brush on the evening of the first day. It was assumed that the shots were aimed at John Bailhache, "who was at the time


¹³⁴ "The Closing Scene at Healdsburg", letter from G.F. Kelly, Petaluma Argus, 1 October 1862, 2:3.
considerably in the rear of the military." Even with the
woman's brigade nearby, most squatters vacated their
premises with grace. But the militia and Bailhache might
have saved themselves the effort, and the $1,100 expense to
the taxpayers, for the same squatters who so cordially left
their homes, just as cordially returned to them a day or two
after the soldiers departed.  

Several of the squatters were subsequently jailed for
short periods of time and fined for contempt of court.
These gestures, like the militia's evictions, seemed
entirely ineffectual. By this time the Healdsburg Land Wars
were becoming a symbol of righteous rebellion - or lawless
disorder - to the rest of the county, depending on point of
view. One of the evictions gives some evidence that the
squatter's rebel stand was at least in part a matter of
principle. The soldiers had little trouble removing the
possessions of one A.M. Green, a native of Tennessee. They
had only to transport them a short distance away to the land
Green legally owned, adjacent to the land he insisted on
occupying. Unlike most of the other squatters, Green had
other land that he could have occupied legally, but he
insisted on defying John Bailhache and the law enforcement

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125 Sonoma County Democrat, 25 September, 1862, 2:3&4.
126 "Contempt of Court", Sonoma County Democrat, 23
October 1862, 2:5. "Destruction of Fort Bice", Sonoma
County Democrat, 14 February 1863, 2:1.
officials. Green had purchased his legal acreage at the 1856 Sotoyome land auction, the same auction that made John Bailhache a land baron. (see Appendix 2) 157

Sonoma County Democrat editor, Thomas L. Thompson, summed up the position of the law and order party, "this is not now a contest with an individual, but against the very government itself. The law must be sustained, the writs of our courts executed, and the resisters punished, or our State would not exist one hour." 158 Parts of Healdsburg were described as enemy territory, as the same editor explained to his readers that the Bice homestead "has for several years been the stronghold of a number of rebels who infest that vicinity." Nothing seemed to daunt these settlers, and patience in the press was growing thin:

Will there never be an end to these troubles? There appears to be no reason in these men who are arrayed against the law. We hear they are now more defiant than ever... such lawlessness as has characterized their actions during the past twelve months will not long be tolerated by the people. They have already done the county much injury both in pocket and reputation, and it behooves every good citizen to assist in putting down such lawlessness. 159


158 "The Consequences", Sonoma County Democrat, 30 October 1862, 2:2.

159 Sonoma County Democrat, 14 February 1863, 2:1.
Even the editor of the Argus had lost all patience with the squatters:

The late decision of the Courts in favor of Bailhache has done away with the pretext on which they predicated their right to resist the Sheriff's posse... We cannot, however, believe that our neighbors of Healdsburg will be guilty of lighting the match of civil war in our midst.  

As Colonel L.A. Norton summed up the events of 1862, "Two thousand men had met and confronted each other in bloodless combat; both parties marched and countermarched until the farce was played out."  

Norton soon had his chance to do better.


161 Norton, Life and Adventures, 343.
THE RESOLUTION

During the unrest of 1862 a party of squatters "made a raid" on John Bailhache, forcing him into hiding in a Healdsburg hotel. Norton asserts that he came to Bailhache's rescue by marching out to meet the mob with a cocked revolver, once again dissuading them with his resolute courage. Soon after this incident Bailhache discovered that he had pressing business at Fort Yuma in the extreme southeast corner of California. He departed, leaving his family in Santa Rosa. Norton received a letter from Bailhache a few months later giving him full authority to remove the squatters from the Bailhache property in whatever manner the attorney thought fit. Accordingly Norton convinced the ambivalent Sheriff Bowles to relinquish his authority in the matter to his under-sheriff, and Norton selected his own deputy, J.D. Binns, to aid in an experiment with "a new system of warfare." 142

Norton tested his new system in February of 1863. Along with his deputies Norton once again stormed and took "Fort Bice", as it had come to be called in the press. In place of the dispossessed squatters he put in residence five young men, who were immediately and continuously harassed by that determined brigade of "squatter ladies" in the area. According to one enthusiastic account these "she devils"

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142 Ibid., 346, 347.
from whose eyes seemed to glare the "fierce flames of hell", collected about the place, "bandying epithets and using language too vulgar" for the reporter's pen. The next evening, just as darkness began to fall, all of the several buildings on the Bice homestead went up in flames simultaneously. The spectacular conflagration drew the entire town of Healdsburg to feel its heat. 163

The identity of the arsonist (or arsonists) has never been established. The next day squatter "captain" Alexander Skaggs filed suit for malicious mischief against John Bailhache and four other prominent citizens of Healdsburg, alleged culprits in the fire. All were quickly acquitted. Despite the "flames" that shone from the eyes of some squatter's wives, no evidence or comments made publicly indicate that the squatters themselves were suspects. Oddly, Colonel Norton neglects any mention of this critical episode in his very detailed memoirs. 164 Norton does describe what he and his deputies did next:

I put in teams and went to work hauling off fencing from the farms on the west side of Dry Creek, thus rendering the land useless to the holders. This drove them to desperation. The teams had been hauling all day, and at evening when they were coming in with the last load for the day, as they were approaching Dry Creek...two shots from rifles were


164 Ibid.
discharged in rapid succession, and a bullet from one of them struck a Mr. [Robert] Ferguson just above the knee, and running down the leg shattered the bones in a terrible manner; it was a death shot. 142

The teams were returning from the squatter homestead of Sylvester Prouse. Prouse’s brother Daniel attacked and critically injured another agent of Norton’s a few months later. The same Daniel Prouse attacked and nearly killed a land surveyor with an axe in 1870. Yet no one was ever indicted for the murder of Robert Ferguson, who died three days later after an unsuccessful leg amputation. 143

Whoever was responsible for Ferguson’s shooting not only committed an inhumane act, but also committed a fatal tactical error for the cause of the squatters. While the white population of the county might ignore, or soon forget, the murder of an Indian or an Hispanic rancher like Antonio Pina, they would neither forget nor forgive the murder of a 28 year old Missourian, brother-in-law of the County Clerk, popular young man on the rise who was intent only on carrying out his assigned law enforcement duties. A correspondent who signed himself, "JUSTICE", made sure that

142 Norton, Life and Adventures, 347.

every agonizing detail of Ferguson’s death was described:

Could he who took his life have been with me, as I sat by his bedside and heard the verdict of his physicians when they told him he must die, and have seen the gentle sister approach him weeping, then kneeling, while both offered up to Heaven an appeal for mercy, his heart were it not made of stone, were it not lost to all feelings of honest manhood, would have melted into pity!...in that short time you allotted him to appear before that final tribunal, where he with clean hands, will stand as a witness against you, while your very soul will be crimsoned with his blood! Citizens of California, shall we permit the laws thus to be trampled underfoot?...Shall we maintain the law, or shall we let a few base assassins rebel against the authority of the State?  

Norton claims that the murder of young Robert Ferguson led him to put together an armed posse of ten men to wipe out the squatters once and for all on the Bailhache property. Beginning in late February, 1863, Norton proceeded to throw out the contents of each squatter homestead and burn each to the ground. The squatters followed the incendiaries en masse to each location, yet no violence was reported. Perhaps recent events had also shocked, and demoralized, members of the "rebel stronghold" in northeastern Sonoma County. As Norton told it, "Although I had reduced the dwellings to smoldering ruins, the squatters continued to hang around, like French soldiers

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167 Sonoma County Democrat, 21 February 1863, 2:4.
around a burning Moscow, until the elements drove them away to the hills, where some of them put up temporary abodes on the adjacent government land." 148

The ambivalent community of legal landowners and citizens who had aided and abetted the squatter cause, even if only by letting them be, would not tolerate the murder of white Americans in their county. No more bright squatter banners and music would be allowed to fill the main streets of Healdsburg. For these particular squatters, some of whom had lived and worked on this land for a decade, all was now lost in Norton's smoke.

C.C. Clark, a squatter who had been elected to the office of Justice of the Peace the preceding fall, was the last squatter on the Bailhache ranch to be burned out. The newspaper account of the last eviction was published on March 14, 1863. It is perhaps coincidental that the same issue carried news of the murder of Jesus Pina, eldest of the Pina brothers that once owned the Tzabaco Rancho; coincidental that Jesus was the Pina family member most responsible for the final signing of the Tzabaco deed to John b. Frisbie in 1858; coincidental that Jesus Pina's murderer, one William Eller, lived with Thomas Forsee, son of the "Marshall of the Vigilantes" James Forsee; and just

coincidental that William Eller and Thomas Forsee had just recently been ousted from their comfortable home by the torches of L.A. Norton’s posse. In contrast to Ferguson, Jesus Pina’s murder drew only one short paragraph in one issue of the same newsheet.  

Having cleared the Bailhache property, the last squatter stronghold remaining was the oldest - the settlers near Geyserville who staged the 1858 attack on Deputy Surveyor Tracy. In retrospect, their removal seems anticlimactic. Once again, L.A. Norton was called on to officiate. John B. Frisbie hired Norton and gave him sole power of attorney to “survey, segregate, and sell all the lands upon such terms as [Norton] should deem proper, being accountable to no one...” This he did in late 1863 and early 1864 after hearing that the Tzabaco Settler’s League had passed a resolution calling for his assassination. But this time his technique was refined by experience and he went out armed with a quart bottle of old bourbon instead of his rifle and torch.

Norton knew the Geyserville squatters were not as confident as they had once been. Two court judgments were


\[170\] Norton, Life and Adventures, 350-355.
currently hanging over them, each involving damages of $10,000. He directed his liquor-laden buggy first to the homesteads of farmers in outlying areas of the Tzabaco, where he surprised them with a "shot in the neck" of the old bourbon. Thereafter he had little trouble convincing them to buy the land they farmed at a reasonable price with attractive terms. (Norton asserts that his price was much lower than had previously been offered by John Frisbee.)

And so he proceeded, farm to farm, his ammunition ever scarcer, until all on the Tzabaco had agreed to his offer. 171

Thus the Healdsburg Land Wars were brought nearly to a close. However, squatters, and squatter sympathies, did not suddenly end in 1864, rather they faded slowly away. One-time squatters became prosperous farmers and citizens of Healdsburg and Geyserville. Prosperity engendered respect and sometimes social prominence. Soon the rebel squatters could not be distinguished from any other local landowners. As Norton declared over two decades later, "Our old feuds are now looked upon as a feverish and disturbing dream, or treated as a subject of mirth, and as for myself, the most of the men who once wanted to see my throat cut are among my warmest friends." 172

171 Ibid.

172 Ibid., 355.
The hostility of the dispossessed settlers did not fade so quickly, and at least one was not among the Colonel's "warmest friends." Norton was seriously wounded in 1868 in a downtown Healdsburg barroom. He claimed that his assailant, Byrd Brumfield, was a one-time squatter who was paid $500 to assassinate him. Acquitted by a Ukiah jury the next year, Brumfield was no doubt helped by a change of venue that set the trial in Mendocino County. With large sections that were never part of a Mexican grant, Mendocino County was a refuge for many Sotoyome and Tzabaco squatters and, as evidenced by Brumfield's speedy acquittal and various comments in the local newspapers, squatter sympathies there still ran high into the 1870's.  

Some former squatters blended in, some moved on, a few got rich, and a few got richer. For the Pina, Fitch, and Ferguson families, however, life was never the same again.

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CONCLUSIONS

The Healdsburg Land Wars, like any other wars, were a manifestation of complex competing interests bottled in a set of inescapable circumstances. In this case the needs of the American settlers for cheap or free arable land were at odds with the interests of the legal landowners. The inescapable circumstance was California. The state had a very limited amount of prime agricultural land, and the majority had already been claimed by 1850. The cause of the conflict is obvious; it is rather the evolution of tactics and ideology used to wage this war that is remarkable, for by the time an uneasy peace was forced in 1864, not only had the tactics changed, but so had the antagonists.

Political influence channeled through powerful families is a factor in every government at every time. But in Mexican California it was an especially critical factor. Political power was vested in a few elite families who, if amenable to the current regime, could influence political policy and extract favors. In turn these families could dispense such favors through their influence over government officials to the more lowly of their associates or dependents.

A certain type of American businessman, the trader/merchant who came by sea to California in the 1820’s, had already recognized and infiltrated this system long before the Gold Rush. Captain Henry Delano Fitch became a
prosperous landowner partly because of a marital alliance to the powerful Carrillo family. He was no doubt aided in his 1841 petition for the eleven square leagues of the Sotoyome Rancho by this alliance and by his resultant status as brother-in-law of General Mariano Vallejo, commandant of the northern California frontier. Jose German Pina, youthful claimant to the Tzabaco Rancho, also profited by his father’s military service under Vallejo. One of those services apparently included acting as a front man for Vallejo in obtaining the Agua Caliente grant near Sonoma.

There was an important difference between Americans like Captain Fitch and the men who would follow the course he charted after the war. Fitch may have capitalized on his alliances in early California, but he also lived by the tacit standards and "rules" of that society. As evidenced by his very complex and patiently-endured debts, he in a sense became a Californio. Although it is impossible to predict what course he may have taken had he lived through the 1850’s, it seems unlikely that his actions would have brought about the downfall of his extended family and associates. Until his death in 1849 he acted as the typical Don would. As he prospered, so did those who relied on him, like the once-destitute Cyrus Alexander and his wife’s relations.

Another type of American businessman entered on the scene in the form of the Frisbie brothers. Like Fitch they
had the acumen to see the advantages of alliances to California's old families and to identify the junction box of this complex and interdependent network in Alta California, General Mariano Vallejo. Levi and John Frisbie wasted precious little time in California before ingratiating themselves to the General and marrying two of his daughters. Through Vallejo and his widespread influence over the grantee families in northern Sonoma County, these "right hand" men of the Don were placed in the very heart of the elite family network. And by all evidence and the pitiful result - the utter bankruptcy of the Fitch and Pina family fortunes - they astutely recognized the fatal weaknesses in some parts of that net.

The Fitch and Pina families shared some attributes that made them especially vulnerable to money lender/speculators like the Frisbies and their associates. Each family lost their head of household in the years just prior to statehood. Like many other native families each was in the habit of contracting casual debts that could linger on for years. In Mexican California interest on such debts generally had more to do with the productive capability of the cattle herds (a fraction of the natural increase in stock) than in cash interest points. Trusting no doubt in their esteemed relationship to Vallejo, the Fitches and Pinas made the mistake of borrowing money on usurious terms
from his new American business associates in the early 1850's.

The American settler/farmers who overran the north County at the same time shared little in attitude with either Fitch or the Frisbie brothers. These mostly rural agriculturalists from America's expanding frontier did not bother to study or unlock the social secrets of the Californios. Indeed, if one judges their concern by the content of their recorded history, one would conclude that they barely noticed the Californios at all. Some historians have asserted that the American settler had an instinctive suspicion and hatred for things Mexican. 174 This study would indicate rather that, like the Indian natives they had encountered on older frontiers (who also needed no names), these native Californians were considered only if they could provide a potential labor force, or if they got in the settler's way. The rancheros were too proud and too few for the former, so they were mainly conspicuous for the latter.

Life in California was not the promised Eden for these new American settlers. Weakened by disease and confronted with a severe shortage of food staples upon their arrival, most had a desperate need for fast employment, or to establish themselves quickly on the land. Despite their extreme ethnocentricity and nativism, these were not the

scavenging "professional gulls" that historian Hubert Howe Bancroft describes, hovering around every industrious "broad-aced pelican" landowner, hoping just to "get something for nothing." 175 In many cases these were people with a real problem.

As settler Susan Laymance's smallpox tale suggests, these families were often sick and weary of travel. To make a profitable living on the land required a specific combination of climate, soil, and proximity to large supplies of manufactured goods. Without modern farming and irrigation techniques, suitable land was scarce, even in Sonoma County. It was no accident that the lands first claimed and most hotly contested in later years were the rich alluvial plots bordering the Russian River and Dry Creek. Here too was the convenient labor pool to toil in the fields, the remnants of the Pomo and Wappo Indian populations. Unlike the expensive black slave labor in the south, the Indians could be induced to work for a meager investment by the farmer.

Neither can the aesthetics of the area be ignored as a factor in the settler's choice of a homestead site, and the tenacity with which he would cling to it. Over and over again the first settlers described their immediate attachment to the visual beauty surrounding them: to

175 Ibid., vol. 35, 397, 398.
Alexander it was the "best and the brightest spot in the world"; Marryat became hopelessly "enchanted" by his valley; and Norton deemed it "the fairest land on which the sun ever shone." Although intangible and impossible to quantify, in most humans beauty engenders the desire to possess.

A few of the squatters might not have known they were settling within rancho boundaries, as Paul Gates has claimed. However, in this case it seems highly unlikely. The Sotoyome and Tzabaco boundaries were well known to all long-time residents, and after 1852 one trip to Heald's Store would have cleared up any confusion. Many surely thought (or hoped) that the United States government would offer them some venue to acquire the land, either by invalidating the grants or by forced sale at non-competitive prices. Many were veteran immigrants, finally alighting in this choice spot after trial runs on other, older frontiers. In one or two generations some had lived in three or more western states or territories, and they came to expect that their government would provide for them as it had before.

By 1852 too many settlers were crowding into the valleys. From the very beginning some of the conflict over land was between the settlers themselves. Any foreigner, not only Mexicans, were apt to be ousted in favor of "Americans", as was the Englishman Marryat. The lavish prices that grain brought on the early California market made this a much-coveted area. If there was no room for an
educated Englishman in this grain farmer’s paradise, there was certainly no room for the cloven hooves of Pina cattle. Cyrus Alexander gave up his vast acreage and cut his losses in 1852, but the Pinas insisted on continuing rancho operations amid the newly-built redwood shanties and sprouting corn. Pina cattle may have wandered errantly into a squatter’s fields or have been purposely directed there to discourage encroachment into Dry Creek Valley. In either case, Antonio Pina was murdered for it. The telling detail was that the Pinas did not shoot back. To do so, in April, 1853 or thereafter, would be suicidal, surrounded as they were by hundreds of hostile strangers.

Jesus Pina, the eldest surviving brother, had ostensibly lost his interest in the Tzabaco at a forced sheriff’s auction in 1850. In November, 1853 the two youngest brothers signed over their interest in the rancho (if the illiterate monolingual young men know what they were signing) to the man acting as their attorney, John B. Frisbie. Therefore, with the exception of holdout Clara Pina’s interest, the Tzabaco was virtually lost by the Pinas to General Vallejo, the expensive executor of the Pina estates, and the money lender/attorneys from 1853 on. In some way these mortgages and deeds must not have been legally binding, however, for the entire process was repeated, with Jose Luco now claiming Clara’s portion, in 1858.
The overt battle between the Tzabaco and Sotoyome squatters and the grantee families was over after 1853. No violence was recorded on either rancho for the next five years and the Pinas and Fitches made no attempts to remove the settlers. Only American Cyrus Alexander, trying to protect his remaining 1200 acres in 1856 was burned out by that one "unreasonable and dare-devil" squatter family. The squatters registered no alarm or protest when the Land Commission approved the Tzabaco grant in 1855, or when the District Court confirmed that decision in 1857.

The confirmation of the Sotoyome grant, made public in 1855, may have been another matter. Unlike the Pina brothers the members of the Fitch family were prominent Californians, both for their Mexican Carrillo and American Fitch heritage. Intimidation by murder in this case would have been unacceptable and no doubt actively prosecuted. Although the same group of money lenders had been as busy working behind the scenes on the Fitch family fortunes as they had been on the Pina’s, their mortgages were blocked by the legal protections of the minor heirs so thoughtfully stipulated in their father's will. With an airtight grant, and official District Court confirmation imminent, the widow Fitch and her nine children still owned all 40,000 acres of the Sotoyome.

If later allegations were true (and they were never substantially challenged in court) Levi and John Bailhache
had to work a little harder for the Sotoyome lands. First they must enlist the cooperation of those close to Josefa, her attorney, E.O. Crosby, and perhaps Vallejo, to convince her that the entire ranch must be sold to free her from her terrifying debt. John Bailhache's sudden marriage to Josefa's oldest daughter two months before the land sale was probably added insurance. Next they must enlist the cooperation of County officials, who were apparently paid off in Sotoyome land. Finally, and most importantly, they must negotiate with the squatters, by now a formal Settler's League, to keep the Sotoyome Land Auction from becoming a free-for-all.

Judging by the results of the auction the settlers were free to bid among themselves for about 25% of the land. Subtracting the acreage bid out by the adult Fitch heirs, that left the settlers about 15%, a reasonable commission for their cooperation. The deal may have been sweetened by other promises, like the speedy resale of Frisbie and Bailhache holdings to the other squatters at bargain prices. The squatters would not yet have reason to distrust the Frisbies. Vallejo had shown his good will in 1854 by testifying in the squatter's favor to the Land Commission regarding the eastern boundary of the Tzabaco grant. This no doubt pleased the Geyserville area residents. Given the circumstances, the squatters might have felt that 15% of the land was better than nothing, which they were in danger of
receiving if the Sotoyome was retained by the Fitch family. At this point the interests of the squatters and speculators converged.

Thus transfer of ownership was successfully and neatly concluded by 1856. Not a single settler protested the land auction, and a number willingly participated in it. The District Court's confirmation of the Sotoyome grant came and went in 1857, with no apparent reaction or appeal.

Suddenly, in early 1858 the peacefully slumbering squatters awoke with a start. On the Sotoyome John Bailhache and the other major landholders instituted court proceedings to oust the squatters if they would not lease or buy at their price. On the Tzabaco John Frisbie re-enacted his dormant 1853 deed and arranged for the sale of Clara's interest (enough land to include the entire Geyserville area) to another speculator, Jose Luco. Worse yet, Frisbie had arranged for a new survey to match the Land Commission's ruling on the Tzabaco boundaries, superceding the squatter-backed 1853 Hays survey. The Geyserville homesteads would now be right in the middle of Luco's land.

The squatters organized quickly. Their pseudo military band temporarily stopped the survey and forced Luco to sign a paper relinquishing all his interest in the lands that they farmed. Next they went looking not for the other owner of the Tzabaco, John Frisbie, but for his brother, Levi
Frisbie, the now-detested negotiator in the Sotoyome land auction.

The few recorded remarks by the squatters indicate a strong sense of betrayal by the Frisbie brothers. Levi Frisbie's "accusing conscience" alone was "responsible for all the tortures he suffered" during that first armed raid. Later on the Sotoyome one squatter would try to explain that the squatters had been "wrongly dealt with" by these attorney/speculators. In the best tradition of the American bar, the Frisbies ignored any prior verbal assurances and were now stressing to full advantage their legal rights on paper to soak this prime land for as much profit as possible.

Attorneys like James Forsee, who attempted to defend the squatters in court, would challenge the validity of the Mexican grant and introduce other more esoteric technicalities. The squatters had too few legal footholds to ignore a major popular issue then raging throughout the state. But the heart of their complaint seemed centered around the illegal maneuvering before, during, and after the Sotoyome Land Auction of 1856.

Squatters penned attacks on their enemies and attempted to defend themselves in the press. The few letters that were published did not rail against the monopolistic inclinations of the Fitch and Pina families, so effectively subdued years before without recourse to organized
vigilanteism or court battles. On the contrary, the squatters were now in the ironic position of defending the patrimonial rights of the younger Fitch heirs, ignored with such mercenary zeal in 1856. During their own courtroom testimony the squatters repeatedly cited the court appeal instigated by the Fitch heirs, and offered to add further testimony on the subject. At the time the California courts seemed concerned only with determining who legally owned the land after it escaped original grantee hands, not how it was acquired.

The course of the squatter uprisings in Healdsburg from 1858 to 1864 cannot be viewed in a provincial vacuum. In many interesting ways they were tied to that particular time in California and the United States. Historian Hubert Bancroft correctly maintains that the California squatters were "strong in the faith that by the 'higher law' they were entitled to lands as free American citizens." 176 His Nineteenth Century contemporary, Josiah Royce, explains that the squatter movement was "plainly an agrarian and ultra American movement, opposed to all great landowners." 177 Royce's Sacramento squatters, unlike Healdsburg's, were given an uncensored voice, one declaring in a Placerville newsheet that the settlers organized themselves to maintain


177 Royce, "The Squatter Riot of '50", 235.
what "country, nature, and God" had given to them. Both historians ignore some of their own evidence to assert that what these agrarians saw as "un-American" was the Mexican land grant system. They neglected to add that monopolistic ownership of land in all its forms, including land speculation, seemed just as "un-American" to these settlers.

At least 60% of the Tzabaco and Sotoyome squatters were small farmers from slave-owning states. Most of these agrarians came from the upper south, and that portion of the country embraced a wide economic and social spectrum. Yet many of these settlers may have seen this same monopolistic monstrosity develop in their home states, not in the form of land grants, but in the form of vast, monopolistic slave-labor plantations, against which they could not hope to compete. It was no accident that the only County newspaper to even remotely espouse the squatter cause was decidedly Republican in orientation; or that the Democratic sheets continually sided with and shielded the speculators. For it was a radical wing of the Republican party, espousing free labor ideology, that helped plunge the nation into civil war, and was the major proponent of land reform in the South after the Civil War. At the same time that the Healdsburg squatters were parading down the main streets of Healdsburg

178 Ibid.
179 McPherson, Ordeal by Fire, 44, 397, 506, 509.
with bright banners waving, President Lincoln declared, "Free Society" allows the poor man "to better his condition." The principle "that all should have an equal chance...clears the path for all, gives hope to all, and by consequence enterprise and industry to all." After the Civil War radical Republicans declared, "No such thing as a free, democratic society can exist in any country where all lands are owned by one class of men and cultivated by another." Whether they knew it or not the Healdsburg squatters were free labor capitalists who, if they had lived long enough, might espouse the Populist sentiments of William Jennings Bryan a generation later.

In a small, but very real, sense the Healdsburg Land Wars were Sonoma County's version of the great Civil War. It was no mere coincidence that these provincial wars and the national crisis developed simultaneously, for they both sprang from some of the same turbulent issues. Paradoxically, the roles were reversed here, for the "rebels" in Healdsburg lost, while their counterparts throughout the nation prevailed.

Yet for five long years, from 1858 to 1863, the Healdsburg and Geyserville squatters maintained practical sovereignty in their coveted valleys, policed by their own

180 Ibid., 44.

181 Ibid., 397.
paramilitary organization. Although some truly feared these rebels, that sovereignty was mainly based on the sympathetic cooperation of the other local citizenry who passively abetted their cause. Eventually the squatters made several tactical errors that cost them that crucial support.

The validity of the Sotoyome and Tzabaco grants was not a real issue. It was a necessary legal expedient, a means to unseat the despised speculators. But by pressing this issue and the legality of the 1856 Sotoyome Land Auction in court the squatters lost the sympathy of many now-legitimate settlers. Those settlers depended on the security of the Pina and Fitch titles and on the many deeds that the land sale spawned. Over the years some of them had risen to prominence, owning stores and businesses that would prosper as the town prospered. After six years of full scale fighting they tired of the interminable struggle that branded their community as a lawless backwater in the eyes of outsiders.

The final mistake was the murder of Robert Ferguson by the anonymous ambusher. L.A. Norton once complained about the absurdity of this "bloodless combat", where 2,000 men had marched and countermarched to no discernable effect. But the battles lost their thrilling, almost festive charm for Healdsburg townsfolk when the first American blood was spilt. In fairness, it may have had the same effect on many of the squatters in Dry Creek Valley, for they offered
little resistance to Norton or his men thereafter.

There still remained the squatters who organized and initiated the wars, Elisha Ely and his band in Geyserville. It took the legal knowledge and confirmed eccentricity of attorney L.A. Norton to break that impasse in the north. Only an outsider like Norton could form alliances with both the speculators and the newly legitimate settlers and eventually work out an agreement between the speculators and the squatters. That agreement of 1864, an offer to sell the land at reduced prices, satisfied those remaining Geyserville rebels who had recently witnessed the results of squatter intransigence on the Bailhache tract. Originally a despised figure, Norton represented the inevitable end of the Healdsburg Land Wars - a sensible truce by compromise. It is not surprising that Norton soon became a very popular figure, elected first mayor and city attorney of Healdsburg.

In short, relations were normalized so that all could go about their business of raising families, making farms and businesses grow, and developing civic institutions. As soon as they could this enterprising American community forgot the old passions that had afflicted them, those "feverish and disturbing" dreams that Norton alludes to in his biography. So effectively had they forgotten, that when it came time to record their own history they almost forgot that there was anything unusual about the early days of their town. Some remembered vividly that once the state
militia had come to town, and so this was recounted repeatedly in County histories. Because they had married Americans, locals remembered the Fitch family and their descendants in Healdsburg. The Pina family was much more vague. By the turn of the century no one could remember much of anything about them. They did not seem to figure at all in historically important events, and so they were not mentioned in those same County histories. Certainly no one remembered the sight of Jesus Pina lying dead on the dirt in 1863, a squatter's bullet in his brain.

In a way the townsfolk were correct. The Pinas and the Fitches were almost helpless bystanders during the Healdsburg Land Wars, victimized by, but unaligned with, either camp. They had already lost almost all before the real war began. As they might rightfully have protested at the time, these wars were between, for, and about, Americans.
APPENDIX 1

SQUATTERS ON THE TZABACO AND SOTOYOME GRANTS

Alphabetical listing of defendants or plaintiffs in court cases involving squatters, or named in other sources.

Summary

Total individuals named: 151
Total estimated families named: 138

Place of birth or substantial rearing

Slave States (1860): 62
Free States (1860): 28
Territories (1860): 6
Foreign: 7
Unknown: 48

Marital/familial status in 1860

Married: 65
Single living with family: 20
Single: 22
Unknown: 44

Estimated marital/familial status at settlement target date 1855 (where other information is unavailable, 3 or more children in 1860 = married; 2 or less children in 1860 = single)

Married: 45
Single living with family: 22
Single: 40
Unknown: 44

KEY: numbers and citations directly following names indicate the number of the Sonoma County District Court cases in which they were named, or other sources naming them as squatters. Subsequent citations reference biographical data.

"A" = U.S. Census, Sonoma County, Mendocino Township, 1860.
"B" = Washington Township 1860;
"C" = Russian River Township 1860;
"D" = Santa Rosa Township 1860;
"E" = California State Census 1852, Mendocino County;
"F" = State Census 1852 Sonoma County.
Allen, George M. (427/953; 978); Tzabaco. b. 1830 England; farmer; wife and 1 stepchild in 1860. (B679-3)

Allen, Licivy Jane (427/953), Tzabaco. wife of George.

Allen, William T. (427/953), Tzabaco. b. 1818, Shawneetown, Illinois; moved with widowed mother to Kentucky; moved to Missouri 1831; came overland to California 1849; mined for 8 months; settled 6 miles south of Healdsburg with Joseph Gordon 1850; farmed near Healdsburg until 1853; married Jane Capell (see below) in 1853; elected Justice of Peace 1855; elected to Sonoma County Board of Supervisors 1856/57; 4 children; married Lucinda Rackliff in 1878. (A460-16; F177; Munro-Fraser, History of Sonoma County, 500.)

Arbuckle, Tacitus Ryland (1021; Norton, Life and Adventures, 343), Sotoyome. b. 1836 or 1839 Missouri; farmer; wife and 3 children in 1860. (B668-37)

Archambeau, Peter T. (427/953; 978); Tzabaco. b. 1820; married Matilda (native of Tennessee) in Missouri 1847; couple came overland with 2 children in 1850, in 1851 settled 2 miles north of Geyserville; had 9 children; Peter killed in accident 1876; was a farmer all his life near Geyserville; Matilda died on farm 1915. (Healdsburg Enterprise 17 April 1915; Cemetery Records, 23)

Bailey, David (1021); Sotoyome.

Bailey, J.P. (427/953; 978); Tzabaco. (J.B. Bailey) b. 1820 Virginia, no occupation and single in 1860. (B667-39)


Bell, H.H. (427/953); Tzabaco. son of Margaret Bell (see below); b. 1839 Mississippi; farmer; single living with mother in 1860. (A453-12)

Bell, Margaret (427/953), Tzabaco. b. 1806, 1808, or 1810 Richmond, Virginia; moved to Kansas at 12 years; married Samuel Bell in 1823; few years later moved to Missouri; Samuel died in 1854; Margaret crossed plains with her younger children in 1857 and settled in Dry Creek Valley near Healdsburg; 10 children, 7 survived; 4 living with her in 1860; died 1890. (A453-8; Healdsburg Enterprise 3 January 1891; Oakmound Cemetery Records)

Bennett, Sanford (427/953), Tzabaco. b. 1817 New York; farmer; single in 1860; d. in Healdsburg 1890. (Healdsburg Tribune 13 November 1890; A463-12)
Berry, James (1021); Sotoyome. b. 1833 England, farmer, single in 1860 (C443-20)

Bice, Cornelius (353, 897); Sotoyome. b. 1816 Shelby County, Kentucky; moved to Indiana 1833; married Mary J. Koger (see App. 2) (b. 1827 Virginia) in 1846; moved to Missouri 1849; settled on Sotoyome 1852 or 1853; first farm on Sotoyome "one of the best in Sonoma County"; moved to central Healdsburg after dispossession by Norton 1863; recovered fortune by development of mining properties in Idaho and Nevada; bought and sold property in Healdsburg; bought and settled ranch on Mill Creek, Healdsburg in 1867; also bought ranch in Potter Valley; 13 children; 10 survived him; d. 1879 aged 63. (A454-30; Munro-Fraser, History of Sonoma County, 500; Healdsburg Enterprise 24 July 1879 & 18 September 1915.)

Boggs, A.B. (427/953; 1021); Tzabaco. b. 1795 Virginia, farmer, wife and 4 children in 1860; d. Alexander Valley, Healdsburg 1873. (B666-12; Cemetery Records, 55.)

Bond, Moses (427/953); Tzabaco. b. 1836 Ohio; farmer, single in 1860 living with 75 year old father and 54 year old mother; died in Healdsburg 1900 (A463-26; Healdsburg Tribune 27 September 1900).

Bonee (Bony), Hiram (427/953; 978; 1021); Sotoyome and Tzabaco. b. 1811 Kentucky; farmer; wife and 3 children 1860. (B675-35)

Botrice, --- (427/953); Tzabaco.

Brown, Josiah H. (1021); Sotoyome. b. 1826 Tennessee; wife and 3 children in 1860; d. 1863 Healdsburg area. (A447-23; Cemetery Records)

Brumfield, Byrd W. (Norton: 432; Democratic Standard 5 & 14 Sept. 1868) Accused by Norton of being paid by squatters to assassinate him in 1868. Although never convicted, he did assault Norton in a downtown Healdsburg barroom. (see text). b. 1839 Virginia; came with his mother and father, George P. Brumfield b. 1813 Virginia, to Healdsburg area 1852; d. 1875 Healdsburg area. (Healdsburg Enterprise 1 January 1925; Cemetery Records; C443-28)

Bryant, William Cullen (fictitious) (427/953); Tzabaco.

Bunsby, John (427/953); Tzabaco.

Cambell, David (427/953; 978); Tzabaco. b. 1832 Ohio; farmer; single in 1860; a David Cambell died in Santa Rosa in 1862. (B668-26; Cemetery Records, 296)
Capell, C. W. (427/953); Tzabaco.  (William Capell) b. 1831 Kentucky, farmer; wife and 2 children in 1860; d. 1891 Healdsburg.  (A455-1; E217; Cemetery Records, 63)

Casberly, Richard (1021); Sotoyome.

Clark, Cardwell C. (965; Sonoma County Democrat 19 June 1862); Sotoyome.  b. 1810 Virginia; wife and 3 children in 1860; served as Justice of the Peace Healdsburg 1861/62.  (A477-5; Munro-Fraser, History of Sonoma County, 713.)

Clark, M. (1021); Sotoyome.

Clarke, Robert (427/953; 1021; 978)

Cooper, Thomas (427/953; 978); Tzabaco.  b. 1823 Pennsylvania; farmer; wife and 6 children in 1860; d. 1899.  (B677-40; Cemetery Records, 44)

Coston, Corrordon (Corridon) (1021); Sotoyome.  b. 1835 New York, farmer; living with brother Volney in 1860.  (A464-44)

Cozzens, (Cousins) Davenport (427/953; 978); Tzabaco.  b. 1830 New York; came to California 1849; settled in Geyserville area 1851; farmer; wife and six children in 1860; for many years ran general store on Skaggs Springs Road; d. Healdsburg area 1908.  (B677-25; E214; Healdsburg Enterprise 11 Oct. 1919; Clar, 120; Cemetery Records, 44)

Crist (Christ), G.W. (427/953; 978); Tzabaco.  b. 1822 Virginia; saloonkeeper; single in 1860.  (B667-35)

Criton?, ---- (1021); Sotoyome.

Cummins (Cummings), Eli (427/953; 978); Tzabaco.  b. 1835 North Carolina; farmer; wife and 2 children in 1860 (5 year old born in Ohio); still living near Healdsburg 1917.  (B678-20; Healdsburg Tribune 8 Nov. 1917)

Cuttle, Capt. C. (427/953); Tzabaco.

Dickenson (Dickinson), H.W. (427/953); Tzabaco.  b. 1820 Massachusetts; hotelkeeper; wife and 0 children in 1860; advertised ranch for sale in 1868 "one of the cheapest and most desirable places in Healdsburg".  (B667-25; Russian River Flag 17 Dec. 1868)

Dittemore (Dittamore), William M. (N) (427/953); Tzabaco.

b. 1825 Indiana, no occupation and single in 1860 living with 67 year old mother and father Thomas (b. Virginia).  (A462-14)

Dittimore, K--- (427/953); Tzabaco.
Dodge, Simon (1021); Sotoyome.

Eaton, --- (1021); Sotoyome. may be Lysander Eaton, b. 1833 Missouri, blacksmith and single in 1860. (A473-14)

Edwards, Joseph (1021); Sotoyome. may be J.G. Edwards b. 1835 North Carolina, wife and 3 children in 1860. (B665-1)

Eller (Ellers), William (427/953); Tzabaco. murdered Jesus Pina 1863 (see text) b. 1831 Indiana; farmer; wife and stepchild? in 1860; living with Peter Forsee (see below) 1860. (A461-4)

Ely, Dr. Elisha (427/953; 978; Norton: 353), Tzabaco. b. 1825 or 1819 New York City; family Calvinist Presbyterians from Connecticut; graduated medical school as surgeon in 1847 or 1848; arrived San Francisco April 1849; practiced surgery in S.F. until cataracts interfered with his eyesight; moved to Sonoma Valley, back to S.F., then to Cloverdale, and finally settled on Tzabaco grant at present site of Geyserville 1851; listed as single M.D. in 1852; described by Norton as "the brains and managing man of the squatters"; served as County Coroner 1853/54; originally was a Whig but later became a Republican; ranched on Tzabaco until 1873 when he moved to Healdsburg; 4 children, 2 survived; moved to San Bernadino to live with daughter 1890. (B678-8; E214; Munro-Fraser, History of Sonoma County, 504, 711; Cassiday, Illustrated History, 311; Healdsburg Tribune 13 Nov. 1890)

Ely, Oliver C. (978), Tzabaco. b. 1826 New York City; brother of Dr. Elisha Ely. (B678)

Filbert, Luke (427/953; 978); Tzabaco. b. 1821 Indiana; farmer; wife and 7 children in 1860. (B676-19)

Fisher, Green B. (1021); Sotoyome. b. 1827 Missouri, no occupation, living with wife or sister and brother in 1860. (A463-34)

Fisk, Charles (427/953; 978); Tzabaco. b. 1825 Maine; farmer; single in 1860; (668-28)

Fogerty, Michael (1021); Sotoyome. b. 1832 Missouri, farmer, wife and 0 children in 1860. (A476-6)

Forsee, "Judge" James (492; 897 attorney; 966; Norton: 343), Sotoyome and Tzabaco. Called "Judge", "old man", or "Capt." Forsee by Norton; allied himself with squatters; mustered "2,000" squatters to fight militia; led raid on Surveyor Tracy and town of Healdsburg 1858 (see text); he and his sons mentioned in several newspaper articles (see text and see sons below.)
Forsee, Peter A. (427/953), Tzabaco. Son of James Forsee?; b. 1815 Virginia; single in 1860. (A461-7)

Forsee, Thomas L. (966); Sotoyome. Son of James Forsee?; b. 1822 Virginia; single in 1860. (A467-38)

Frazer, Allen (427/953); Tzabaco. b. 1842 Missouri, no occupation and single in 1860. (B676-9)

Galloway (Gallaway), Andrew J. (427/953; 978); Tzabaco. b. 1817, Knox County, Tennessee; moved at 16 to Morgan Co. Indiana; moved to Missouri 1833; moved to New Mexico 1838; moved back to Missouri 1839; came overland to California 1850; mined for 3 years; farmed and raised stock in Yolo County; returned to Missouri 1857; married Deborah Price 1857; returned to Yolo County with stock 1859; moved to Sonoma County and settled 3 miles above Geyserville circa 1860; in 1864 located at ranch adjacent to Dry Creek; had 5 children; Deborah d. 1873 Alexander Valley; Andrew was raising grapes and fruit in 1889; d. near Healdsburg 1902. (B678-39; Cassidy, Illustrated History, 385; Healdsburg Tribune 12 June 1902; Death Records, 10)

Gammon, Oilyn (427/953); Tzabaco.

Gardiner (Gardner), Johnson (427/953); Tzabaco. b. 1828 Indiana; day laborer in 1860; wife and 2 children in 1860. (A463-1)

German, Joseph (1021); Sotoyome.

Green, Alexander M. (968); Sotoyome. b. 1823 Washington County, Tennessee; single in 1860; died of typhoid in 1870 in Dry Creek Valley leaving a wife and 3 stepchildren. (A455-16; Russian River Flag 27 October 1870; Cemetery Records, 72)

Grover, James M. (1021); Sotoyome. b. 1839 Missouri, stockraiser, living with brother Thomas and John Snyder (see below) in 1860; came to Healdsburg with his family and the Cornelius Bice family (see above). (A460-14; Healdsburg Tribune 20 Feb. 1930)

Grover, Thomas J. (1021); Sotoyome. b. 1837 Missouri, stockraiser; married Lavinia Bice (see above) in 1869. (A460-15; Russian River Flag 12 Sept. 1869)

Guernsey, Otis (1021); Sotoyome. b. 1834 Canada; farmer, wife and 1 child in 1860. (A454-8)

Greenwood?, --- (1021); Sotoyome. may be George J. Greenwood; b. 1818 New York, horticulturist; wife and 0 children in 1860. (A454-8).
Gum, Isaac (427/953); Tzabaco. b. 1835 Henry Co., Indiana; moved to Illinois 1840; emigrated overland to California 1854; farmed on Dry Creek near Healdsburg for 6 years; speculated in mining in Virginia City until 1865; returned to Sonoma county and farmed until 1870; moved to Healdsburg; married Clara Zane in 1865; 4 children, 3 survived; d. 1893 near Healdsburg. (A462-34; Munro-Fraser, History of Sonoma County, 507; Cemetery Records, 73.)

Hague, John (1021); Sotoyome.

Hamilton, George (first listed fictitiously as Noel Lord Byron) (427/953); Tzabaco. b. 1806 Tennessee; farmer; wife and 3 children in 1860. (A460-8)

Harlow, Ichabod (427/953); Tzabaco. b. 1824 Massachusetts, farmer, single in 1860. (A461-11)

Harris, S. (1021); Sotoyome. may be Sylvester Harris.

Hatfield, John (1021); Sotoyome. b. 1829 Missouri, wife and 4 children in 1860. (B663-35)

Hawkins, Duff Green (first listed fictitiously as Julius Caesar) (427/953); Tzabaco. b. 1838 Ralls Co., Missouri; was 14 years when his father, Arculus (native of Virginia) brought family overland to California in 1852; his father bought 500 acres of old "Las Pintos Ranch"; while family lived in wagon his father went to redwood district of Sonoma County (probably Sotoyome Rancho) to cut trees for boards and hauled back to the ranch; Duff settled on Tzabaco with wife and 2 children prior to 1860; engaged in cattle sales; then took over las Pintos ranch, where he was living in 1904; married Mary Lewis who died leaving 6 children in 1869; later married Willie J. Spurr and had six more children. (A461-16; Guinn, History of the State of California, 1049; Cemetery Records, 74.)

Heaton, Samuel O. (427/953); Tzabaco. This is a mistaken listing. Heaton was one of the few settlers to buy land directly from the Pina family. He purchased land in partnership with D.D. Phillips in 1856 (see Phillips, Duvall Drake). He was indicted along with all residents in court case.

Hoen, --- (1021); Sotoyome.

Hollingsworth, John (1021); Sotoyome.

Jinsburn?, John (1021); Sotoyome.
Johns, Hugh L. (427/953; 978); Tzabaco. b. 1814 Tennessee; blacksmith in 1852, married with 3 children 1852; farmer in 1860; (B678-15; F169) 1860.

Judson, --- (968); Sotoyome. may be Lemon Judson, b. 1808 Vermont, farmer, wife and 2 children in 1860. (A466-9)

Judy, Joseph (427/953); Tzabaco.

Kelly, "Capt." G. F. and family (Sonoma County Democrat 2 April 1858 and 30 October 1862), Sotoyome. Mentioned in newspaper articles as major belligerent in squatter wars (see text); no background information has been found; seems to have been relation by marriage to Rice family (see above); a George F. Kelley sold 30 acres of Dry Creek Valley land in 1917 (Healdsburg Tribune 8 March 1917)

Kilgore, Allen C. (427/953; 978); Tzabaco. b. 1813 Ohio; farmer; settled next to Cozzens (see above) on west side of Geyserville in 1857; wife and 3 children (all born in California) in 1860; d. 1883 Geyserville. (B677-34; Clar, Quarterdecks; 120; Cemetery Records, 44.)

Korr (Corr), Owen (427/953); Tzabaco. b. 1825 Ireland; farmer; wife and 2 children in 1860. (A460-24)

Laird, R.A. (427/953; 978); Tzabaco. b. 1808; d. Sonoma County 1873. (Death Records, 10)

Lamb, Charles (427/953); Tzabaco.

Lamb, Downing (427/953; 978); Tzabaco. b. 1811 Missouri; farmer; wife and 7 children in 1860; signed his name as President on a resolution of the "citizens of Washington Township and on the Tzabaco grant" praising the "impartial" efforts of L.A. Norton as agent between grant holders and "settlers". The resolution was published in two County newspapers some time after the hostilities had ended. (B676-37; Norton, Life and Adventures 355, 366.)

Lamb, Jonathan (1021); Sotoyome, may be John Lamb, b. 1810 Tennessee, farmer, single in 1860. (D412-10)

Lamb, Josiah (Joshua) E. (427/953; 978); Tzabaco. b. 1825 Tennessee; farmer; wife and 4 children in 1860. (B668-31)

Lambert, Charles (427/953); Tzabaco. b. 1818 Rockbridge County, Virginia; came to California with wife Margaret from Iowa in 1852; had 4 children by 1860; Margaret died leaving Charles and six children in 1870; Charles died near Healdsburg in 1886. (A463-38; Russian River Flag 24 Feb. 1870; Cemetery Records, 79)
Lawrence, George (Sonoma County Democrat 30 October 1862); Sotoyome. may be George Lawrence b. 1830 Canada; came to California around Horn 1849; married Lorinda Wheeler 1859; lived in Healdsburg as harness shop owner and tradesman until 1879 when he moved to San Francisco; died in Alameda 1894. (Healdsburg Tribune 4 Oct. 1894).

Laymance, Isaac C. (344), Sotoyome. b. 1821 Morgan County, Tennessee; moved to Georgia at 14; to Missouri at 22; married Susan Miller (b. North Carolina) in 1844; became a Christian 1848; came by land to California 1849; mined on Feather River until 1851; returned to Missouri with family, then returned to California in 1852, settling on 160 acres in Dry Creek Valley on Sotoyome; helped to build 2 Baptist churches in Healdsburg; 11 children, 7 survived; Isaac d. 1907 near Healdsburg; Susan d. 1910. Laymance home is still standing (much altered) on Dry Creek Road. (A465-9; E216: Munro-Fraser, History of Sonoma County, 509; Healdsburg Tribune 17 January 1907; Cemetery Records, 79)

Lewis, Jasper N. (427/953); Tzabaco. b. 1836 Missouri; farmer; lived with wife or sister, and mother in 1860; d. 1878 near Healdsburg. (A461-20; Cemetery Records, 80.)

Livereau, Joe (427/953; 978); Tzabaco. b. 1825 Missouri; farmer; single in 1860. (B679-10; E216)

Lovejoy, Edwin (1021); Sotoyome. b. 1828 New York; farmer; single in 1860. (A464-31)

Low (Lowe), William W. (427/953); Tzabaco. b. 1821 Indiana; farmer; wife and 5 children in 1860; died in Santa Rosa 1878. (B675-21; Russian River Flag 29 Aug. 1878.)

Mann, Ja--- (1021); Sotoyome.

Mann, Samuel (1021); Sotoyome.

Mann, Washington (1021); Sotoyome.

Martin, Simon B. (1021); Sotoyome. b. 1830 Virginia; farmer, wife and 3 children (all born in California) in 1860; sells a lot in town of Healdsburg in 1872. (A464-16; Russian River Flag 18 January 1872.)

Mather, Cotton (fictitious) (427/953); Tzabaco.

Matticks, --- (1021); Sotoyome.
Maxwell, Kennedy, (427/953); Tzabaco. b. Kentucky; may have been a physician, was referred to as "Dr."; came to California with wife Martha in 1857; lived near Healdsburg until about 1872; moved to Los Angeles for 10 years; lived in Oakland until his death circa 1888; 13 children; Martha d. Oakland 1908; all buried Healdsburg. (Healdsburg Tribune 19 March 1908.)

May, J.J. (427/953); Tzabaco. b. 1824 Tennessee; came to California from Arkansas; single? 1852. (F169)

McCabe, --- (Norton: Life and Adventures, 338); Sotoyome. Norton had his first hostile encounter with a squatter near Healdsburg, an "Irishman McCabe"; in the summer of 1858; no record of such a man has been found; he probably left the area soon after.

McElhenly, William H. (1021); sotoyome.

McMannis, --- (1021); Sotoyome.

McReynolds, Stephen (427/953); Tzabaco. b. 1814; longtime resident near Geyserville; was killed near Healdsburg in 1869 while driving empty wagon back from Petaluma after hauling a load of hay from his farm; he was drunk and was crushed by wagon when he fell off after horses bolted; left a wife and 4 children. (Russian River Flag 4 Nov. 1869)

Miles, Burk (427/953); Tzabaco. b. 1826 Indiana; came to California from Texas; hunter in 1852; farmer, wife and 5 children in 1860; probably brother of John M. and son of William Sr. (see below). (A463-19; E216)

Miles, John M. (427/953); Tzabaco. b. 1835 Illinois; not listed in 1852; came with father (William Sr.? ) to Dry Creek Valley, Healdsburg, 1854; farmer, wife and 1 child in 1860; died on his Healdsburg farm in 1866 from heart attack brought on by series of recurrent nightmares; his widow Jane Allman Miles later married John D. Snyder (see below). (A463-5; E216; Democratic Standard 23 May 1866)

Miles, William Sr. (427/953); Tzabaco. b. 1804 New York; crossed plains to California from Texas 1850; farmer in 1852; no wife but 3 sons 1852; settled near Healdsburg until 1853 when he recrossed plains alone to retrieve his family; family resettled in Dry Creek Valley 1854; lived there until a few months before his death, when he joined his sons in Tulare County in 1879. (E216; Healdsburg Enterprise 2 Jan. 1879)
Miller, James (Sonoma County Democrat 17 July 1862), Sotoyome. 
b. 1821 Ashe County, North Carolina; moved to Missouri 1833 
or 1834; came with brother by land to California 1849; brother 
died on journey; mined at Placer diggings until 1852; returned 
to Missouri; returned to California 1852 or 1853 settling of 
300 acres on Sotoyome Rancho; married Martha Walters 
(b. North Carolina) in 1857; 10 children; brother of Mrs. 
Isaac Laymance; died at home in Dry Creek Valley 1901; Martha 
died there 1913. (A447-18; Munro-Fraser, History of Sonoma 
County, 510; Healdsburg Tribune 4 April 1901)

Moore, Thomas (may be fictitious) (427/953): Tzabaco.

Morris, James Jackson (1021); Sotoyome. was building home in 
Healdsburg 1869. (Russian River Flag 11 Nov. 1869.)

Morris, John Sr. (427/953; 978); Tzabaco. b. 1803 Kentucky; 
farmer; wife and 4 children in 1860; have two blacks in 
household of same last name 1860; d. Alexander Valley 1880. 
(B676-31; Cemetery Records)

Morris, J.P. (427/953; 978); Tzabaco. b. 1837 Missouri; living 
with father John Sr. (see above) in 1860. (B676-33)

Morris, William (427/953; 978); Tzabaco. b. 1838 Missouri; 
living with father John Sr. (see above) in 1860; cannot 
confirm that this is same William Morris that initiated and 
edited the Democratic Standard newspaper in Healdsburg from 
1865 to 1867. (B676-34)

Mulgrew, Pat (427/953); Tzabaco. b. 1828 Ireland; farmer; 
single in 1860. (A474-19)

Neely, Robert (897), Sotoyome. b. 1819 Tennessee; moved to 
Missouri; "life-long partner" of James Miller; came to 
California 1852, returned to Missouri; returned to California 
1853; settled on land owned jointly with James Miller in Dry 
Creek Valley until 1877; owned 116 acres in Dry Creek at time 
of death July 30, 1880; never married. (A447-21; Russian 
River Flag 5 August 1880.)

O’dell, P. David (427/953; 978); Tzabaco. b. 1816 Ohio; farmer; 
wife and 8 children in 1860. (B668-15)

Paige, Joseph W. (427/953; 978); Tzabaco. b. 1831 Vermont; 
farmer; single in 1860. (A463-37)

Patten (Patton), Joseph (first listed fictitiously as Quintius 
Curtius) (427/953); Tzabaco. b. 1822 Missouri; farmer, wife 
and 2 children in 1860; d. near Healdsburg 1910. (A461-12; 
Cemetery Records, 45.)
Petre, --- (1021); Sotoyome. probably member of Healdsburg pioneer Petray family, R.A. or George, but cannot confirm.

Philpot, Peter (427/953); Tzabaco.

Phillips, Duvall Drake (427/953); Tzabaco. This is a mistaken listing. D.D. Phillips was one of the few settlers who bought land directly from the Pina family (137 acres in 1856 for $1,112), and was not a squatter. He was listed along with all the other resident in the court indictment. (Book B Deeds, 555, Sonoma County)

Pickle, Peregrine (may be fictitious: although there was a local family named Pickle in 1870's, no Peregrine) 427/953); Tzabaco

Pierce, --- (1021); Sotoyome.

Post, --- (427/953); Tzabaco.

Price, John (1021); Sotoyome. b. 1821 Indiana; "reared in south"; farmer; wife and 2 children in 1860, also lived with schoolteacher brother; was elected Justice of the Peace for Healdsburg for several terms beginning in 1869; was known as "Squire" Price and owned a good deal of property by middle age; his wife Mary Ann died in 1873 after protracted illness leaving him in debt with several children; soon remarried widow (Mrs. Richards) with young children of her own; struggled to regain prosperity but lost mortgaged farm; started over again farming on rented land at age 64; judging by newspaper accounts was one of most popular men in Healdsburg when he died, relatively poor, in 1903. (Russian River Flag 4 Nov. 1869; Healdsburg Enterprise 30 Oct. 1903; Cemetery Records, 22)

Provs (Prouse), Daniel (1021; Norton, Life and Adventures, 349; Sonoma County Democrat 2 October 1862), b. 1821 Virginia or West Virginia; came to California from Ohio in 1852 and settled in Dry Creek Valley in 1854; accused by Norton of burning hay of a Mr. Peacock and later assaulting him; main suspect in murder of Robert Ferguson in 1863 (see text); convicted of attacking W.T. Garrison with an axe during a land survey in 1870; lived in Dry Creek Valley until committed to asylum in Ukiah in 1896; died in 1898. (A461-40; Russian River Flag 16 June, 23 June, and 21 July 1870; Healdsburg Tribune 28 April 1898; Cemetery Records, 88.)

Provs (Prouse), Frank (427/953; 978; Norton, Life and Adventures, 349), Tzabaco. b. 1832 Virginia; brother of Daniel Prouse and Sylvester Prouse (8678)
Proves (Prouse), Sylvester (427/953; 978; Sonoma County Democrat 23 & 30 October 1862), Tzabaco. b. 1825 Virginia; crossed plains through Mexico with brothers Daniel and Frank and took steamer to San Francisco in 1851; went to Sacramento to cork ships (his trade); then "made a fortune" at Placerville mines; then located in Healdsburg; sent for wife in Ohio and "purchased" several hundred acres on Sotoyome grant about 1857; then settled down "to a quiet farm life"; later married Elizabeth Eaton; died a "highly respected pioneer" in 1897. (B678-25; Healdsburg Tribune 14 January 1897)

Pugh, James (1021); Sotoyome. b. 1823 Tennessee; no occupation, wife and 6 children, living in Santa Rosa in 1860. (D420-39)

Punch, Julius (427/953); Tzabaco.

Quirk, John (may be fictitious) (427/953); Tzabaco.

Reid, Joseph (427/953; 978); Tzabaco. b. 1825 Missouri; farmer; wife and 3 children in 1860. (B677-14)

Reynolds, P.G. (427/953); Tzabaco. (probably Ezekiel G. Reynolds) b. 1827 Rhode Island; wife and 2 children in 1860; five children of "Zeke" Reynolds are buried together in the Upper Dry Creek Valley Cemetery with no first names and no dates. (A460-39; Cemetery Records, 289)

Robinson, Ezekial (1021); Sotoyome.

Roe, Richard (probably fictitious: another form of John Doe) (427/953); Tzabaco.

Scholl, Asahel D. (427/953); Tzabaco. b. 1814 New York; farmer; single in 1860. (A461-10)

Scott, John C. (427/953); Tzabaco. b. 1839 Illinois; farmer; lived with Reynolds family (see above) in 1860; had a newborn daughter in 1867. (A461-3; Democratic Standard 4 April 1867)

Sevard, A.J.? (427/953); Tzabaco. b. 1831 Illinois; farmer; single in 1860. (A462-32)

Shaw, J.R. (427/953; 978); Tzabaco. (J.K. (R?) Shaw) b. 1827 Maine; merchant; single in 1860. (B668-4)

Skaggs, Alexander (964; Sonoma County Democrat 17 July and 2 October 1862), Sotoyome. b. 1826 Baron or Green County, Kentucky; married Eliza Thomas (b. Kentucky) in 1850; moved to Jackson County, Missouri 1852; came by land to California driving herd of cattle in 1853; raised stock in Nevada County 1853 to 1857 on 400 acres of hill land; moved to Sonoma County
1857; first settled and lived on Sotoyome grant; later purchased 1300 acres of land known as Skaggs Springs Resort (outside Sotoyome and Tzabaco boundaries); first used Skaggs Springs land for grazing stock in partnership with William Skaggs and William and John Knight, then became sole proprietor; owns black slaves in 1860; ran well-known Skaggs Springs Resort from 1860 until 1889 when it was taken over by his son George; bought ranch in Santa Rosa in 1885; moved to San Francisco; 4 children; died 1897. (A447-39; Munro-Fraser, History of Sonoma County 34, 528; History of California and Biographical Record, 1303; Healdsburg Enterprise 16 January 1889; Healdsburg Tribune 11 December 1890; Cemetery Records, 213)

Smith, John C. (427/953); Tzabaco. two possibilities: John C. Smith b. 1822 Tennessee; no occupation in 1860; wife and 3 children (all born in Utah) in 1860; or J.C. Smith, b. 1817 Missouri; farmer; wife and 3 children in 1860. (A462-36 & B667-33)

Snap, Francis (427/953); Tzabaco. there is a Snap headstone with no first name in Skaggs family cemetery Upper Dry Creek Valley; inscription says "died April 13, 1873, age 42 years".

Snyder, John D. (427/953); Tzabaco. b. 1828 Kentucky, single and living with Grover brothers (see above) in 1860; married Jane Miles, widow of John Miles (see above) before 1870; builds $3,000 house in Dry Creek Valley in 1878; d. 1900; Jane Miles Snyder d. 1929. (A460-13; Healdsburg Enterprise 7 Mar. 1878 & 19 Sept. 1929)

Stapp, Isaac N. and Martha (963; Sonoma County Democrat 17 July 1862), Sotoyome. Isaac b. 1843 Missouri; came to Dry Creek Valley before 1860; widow Martha Dillingham (b. 1832 Virginia) came to Dry Creek in 1853 with her husband J.K. Dillingham and five children from Missouri; J.K. Dillingham died in 1860; Isaac Stapp married Martha Dillingham in 1860 or 1862 (co-habiting in 1860); Martha and children remained in Dry Creek Valley but Isaac became a hotel keeper in Ukiah by 1897; Martha died 1897. (A45-13; Healdsburg Tribune 2 January 1897)

Thompson, James H. (427/953); Tzabaco. b. 1828 Ohio; farmer; married Eliza (b. Ohio circa 1829); came overland in 1849 with wife and children; settled on farm near Healdsburg; 4 children by 1860; probably displaced from farm during squatter wars; moved into town of Healdsburg in 1864 and built small house still standing at 317 Tucker St.; had 9 children; James died circa 1876; Eliza died 1909. (A462-18; Healdsburg Tribune 30 July 1909; Clayborn et al, Historic Homes of Healdsburg #12)
Thompson, Madison (1021); Sotoyome. may be M. Thompson: b. 1833 Illinois, single and living with Joseph Edwards (see above) in 1860. (B665-6)

Titmouse, Tittlebach (fictitious) (427/953); Tzabaco.

Tolman (Tolemen), Nathan (427/953; 978; 1021); Tzabaco. b. 1819 Maine; carpenter; wife and 2 children in 1860. (B667-29)

Vaughn (Vaughan), Thomas H. (427/953); Tzabaco. b. 1810 Virginia; farmer; married Louisa J. (b. 1807 Louise Co. Virginia) 1829; moved to Missouri 1836; came with children to Healdsburg 1857; Thomas d. 1865; Louisa d. 1878; daughters married into prominent Sonoma County families: Hassett and Walker. (A460-32; Healdsburg Enterprise 5 Dec. 1878; Cemetery Records.)

Vessor, Capt. --- (Norton, Life and Adventures, 352); Tzabaco.

Walters, --- (968); Sotoyome. probably William Walters (who lived next door to Cornelius Bice (see above); b. 1817 North Carolina; wife and 6 children by 1860; wife Jerusha d. Healdsburg 1877. (A454-22; Cemetery Records, 96.)

Ware, George (1021); Sotoyome. probably George W. Ware, "well known citizen of Healdsburg in pioneer days"; b. circa 1824; veteran of War with Mexico; came to California 1849; lived for a time at Napa; at one time owned farm near Geyserville; later ran a livery stable; uncle of prominent Healdsburg clergyman and newspaper editor, Rev. E.B. Ware; George d. San Benito, California 1904. (Healdsburg Tribune 31 March 1904)

Weber, A.C. (427/953; Norton, Life and Adventures, 342); Tzabaco.

Whitney, A.C. (427/953; 978); Tzabaco. b. 1800 New York; farmer; wife and 5 children in 1860. (B667-18)

Wiedersheim, H. (427/953; 978); Tzabaco.

Williams, James (427/953; 968), Tzabaco. b. 1817 Alabama; lived in Arkansas and Missouri before coming to California; had a wife and 7 children in 1860. (A464-35)
APPENDIX 2

PURCHASERS AT SOTOYOME RANCHO LAND AUCTIONS, 1856

KEY: Number immediately following name indicated the specific auction at which the land was purchased:
1 = auction of April 7, 1856
2 = auction of May 19, 1856
3 = auction of May 28, 1856

Subsequent citations reference biographical data. See Appendix 1 for key to census data.

ACRES

150

ASBELL, ROSS 3

640/200

ATTERBURY, WILLIAM B. 3 (partner with Hendly, see below). b. 1827 Kentucky; Sonoma County Public Administrator 1855-56; residence Santa Rosa; farmer by 1860. (Munro-Fraser, History of Sonoma County 711; D406-15: Duplicate Tax Assessment list, Sonoma County, 1857-58)

260

AULL, AQUILLA B. 1 Constable, Healdsburg 1863;

Sonoma County Supervisor 1864. b. 1818 Kentucky, farmer, wife and 1 child in 1860; d. 1869; wife was sister of Mrs. Harmon Heald (see below) (A448-10; Munro-Fraser, History of Sonoma County 711; Russian River Flag 23 Dec. 1869)

3,675

BAILHACHE, JOHN N. 1 b. Ohio 1828; came to California 1849 and entered grocery business with Tevis and Stanford in Sacramento area; married Josephine Fitch January 20, 1856; became large landowner on Sotoyome through marriage and partnership with J.B. Frisbie (see text); later engaged in merchandising, became an attorney in Santa Rosa, farmed on Sotoyome, served as president of Healdsburg bank; 8 surviving children; died Healdsburg 1902. (Gregory, History of Sonoma County, 495-97; Tuomey, History of Sonoma County 618; Healdsburg Tribune 7 Aug. 1902)

160

BARBADOS, FRED B. 3

160

BELL, WILLIAM 3 (partner with Gibbon, see below); full name derived from Sonoma County Land Deeds.
BIDWELL (BEDWELL), JOHN C. 3 b. 1820 or 1823 Missouri; farmer; single in 1852 and 1860 living with brother Thomas (below), and nearby other family members, family also lived in Tennessee. (B665-30; F176)

BIDWELL (BEDWELL), THOMAS 3 b. 1833 or 1835 Missouri; farmer; single in 1852 and 1860, living with brother John (see above). (B665-32; F176)

BODGER, J.P. (?) 2 (partner with Johnson, see below); resided in Santa Rosa 1857-58. (Duplicate Tax Assessment, Sonoma County, 1857-58)

BROWN, A.W. (A.M.) 3 in later years an Andrew Brown was in livestock business with W.A. Judson in Healdsburg; partnership dissolved 1869. (Russian River Flag, 30 Oct. and 4 Nov. 1869)

COGER, MRS. SEE Koger

CROSBY, ELISHA OSCAR; 2 acted as attorney for Josefa Carrillo de Fitch during land sale, (see text and footnote no. 62)

DODGE, WILLIAM R. 3 (partner with Dow, see below); Dodge and Dow formed another partnership to buy the first blacksmith shop in Healdsburg from a Mr. Morse in the early 1850's; full name taken from Sonoma County land deeds. (Healdsburg Enterprise 19 February 1887)

DOW, WILLIAM B. 3 (partner with Dodge) b. 1815 New Hampshire; blacksmith; widower with children? in 1860; formed partnership with Dodge (see above) to buy first blacksmith shop in Healdsburg. (A468-29)

ESPY (ESPEY), GEORGE T. 1 b. 1829, Tennessee; moved with family to Missouri 1838; farmer and stockraiser on father's farm till 1852; came with ox team to California; arrived fall 1852; located at Mark West Creek; labored for I.C. Smith. Married Margaret Smith (sister of Mrs. Harmon Heald, see below). In fall of 1853 located near Healdsburg; bought land that is now downtown Healdsburg in 1856, but resold to his brother-in-law Harmon Heald who laid out town the next year; had 4 children by 1860; farmer and stockraiser until 1868; moved to Mendocino County; sheep raizer till 1875; then back to Mark West Creek on rented land; in 1880 bought land in Analy
township, Sonoma County; 7 children; member of Methodist Church South; Democrat; d. 1911. (Illustrated History of Sonoma County, 590-591; A452-36; Cemetery Records, 67.)

150

### Fitch, Frederick
2 (see text)

### Fitch, Josefa Carrillo de
2 (see text)

### Fitch, Joseph
2 (see text)

### Fitch, Josephine
(Bailhache) 1 (see text)

### Fitch, William
2 (see text)

### Frisbie, Dr. Levi C. 1/3
b. Albany, New York; came to California circa 1850 (probably with brother Edward, also a medical doctor) to join other brothers Eleazer and John B. who came in 1846 with General Stevenson’s regiment; by 1852 was living in Vallejo and had married a daughter of General Vallejo; became a merchant and land speculator; one of the founders of the town of Vallejo; was one of the group of speculators that garnered most of the Tzabaco and Sotoyome Rancho land; according to one source the Frisbie’s names "are among the most prominent and honored names in the history of California"; (see text). (Memorial and Biographical History, 249, 311; Bay of San Francisco, vol. 1, 500; Bancroft, History of California vol. 20, 750.)

### Gibbon, William T.
3 (partner with Bell); full name taken from Sonoma County land deeds.

### Gird, Richard
3 brother of Alexander Valley pioneer Henry S. Gird, who took over this acreage when Richard moved to Los Angeles soon after this purchase; Henry died on the ranch in 1907 and the estate was inherited by his illegitimate children by his common-law Indian wife, Alice Bennett, after a lengthy court battle. (Healdsburg Tribune 19 March, 4 April, 14 May 1909)

### Green, A.M.
3 b. 1825 Tennessee; farmer; single in 1860; was one of those removed from squatter-held parcels on Bailhache tract of Sotoyome Rancho by the state militia in September, 1862 (see text). (A455-16)

### Harrison, Richard
2 elected Sonoma County Supervisor 1854, State Assemblyman 1856. Held a squatter’s claim to Geyserville area land on Tzabaco Rancho in early 1850’s; according to C. Raymond Clar, "Harrison can be found in Mendocino County history as a grantee of the first deed of record when that county began to function
in 1859. He is also said to have been the first judge to sit in that county. He was an attorney who handled the estate of members of the Pena (sic) family. Richard appears frequently in land exchange records of Sonoma County, as does his brother Thomas. The latter operated a store in Geyserville in 1864." (Clar, Quarterdecks 125)

HEALD, HARMON G. 3 b. 1824 Ohio; came to California from Missouri with two brothers, Samuel and Thomas in 1849; settled at March's sawmill on Sotoyome grant 1850; built first store on the Sotoyome grant 1852; purchased other land from A.B. Aull and George Espy just after this land auction and on it laid out the town of Healdsburg; married Sarah Smith 1852, who died 1857; Harmon died of consumption in Healdsburg 1858; one child survived him (see text). (Heald, The Heald Family)

HEALD, JACOB G. 2 b. 1827 Ohio; brother of Harmon Heald (see above); came to California with the second group of Heald family members from Missouri in 1852; Jacob was involved in several business concerns in Healdsburg and owned a large ranch in the Cloverdale area; died Sonoma County 1895. (Heald, The Heald Family; Cemetery Records, 74.)

HENDLY, DR. JOHN 3 (partner with Atterbury, see above) b. 1821 Kentucky; came to California as physician; served as Sonoma County Clerk (and clerk of County Probate Court) 1850-52; served as Sonoma County Treasurer 1856-1860; d. in Santa Rosa 1875. (D388-20; Cemetery Records, 12; Munro-Fraser, History of Sonoma County 711)

HUDSON, THOMAS W. 2 b. 1818 Virginia; family moved to Missouri; boyhood friend and neighbor of Heald family in Missouri (see above); followed the Heald brothers to Sonoma county by 1850; carpenter with 4 children by 1850; elected Constable 1859; by 1860 was a farmer. (A447-6; F172; 175; Heald, The Heald Family, 13; 1850 Census, 10B-4)

KIRBY, H.W. 3

KOGER, MATILDA b. 1809 Virginia; widow; housewife in 1860. (A451-32)

JOHNSON, --- 2 (partner with Bodger, see above)
MC CLISH, (MC CLEISH), THOMAS 1 b. 1808 or 1811
Franklin County, Ohio; in 1838 went to Van Buren Co. Iowa to work in sawmill till 1843; married Eliza Loughlin 1841; then farmed until 1853; crossed to California spring 1854; arrived fall 1854; first settled on land that later became second ranch of Cornelius Bice (on Mill Creek); lived there 2 years; then settled and farmed site on Westside Rd. 4 mi south of Healdsburg; 4 children; Eliza d. 1877; Thomas d. Healdsburg 1888. (A450-19: Munro-Fraser, History of Sonoma County 510; Healdsburg Enterprise 16 May 1888; Healdsburg Tribune 16 May 1888; Cemetery Records, 82)

MOLLISON, HENRY P. 1/3 b. 1821 New Jersey; carpenter in 1852; farmer with wife and 3 children in 1860. (A447-1; E216)

MOORE, G.W. 2

PEABODY, E.T. 2 b. 1814 or 1815 Boston; came to California from Kentucky before 1850; County Surveyor from at least 1850 to 1856; surveyor for Sotoyome land auction 1856; single in 1852. (Census 1850, Sonoma County 12B-21; F169)

PECK, GEORGE 2 b. 1830 New York; no occupation listed, wife and 2 children in 1860. (A464-27)

PECK, JOHN R. 2 b. 1816 or 1819 Lake Pleasant New York; married Nancy Bacon (b. 1821 Vermont) in Illinois 1840; in 1840 couple moved to Wallace County Wisconsin, then in 1850 to California; came overland in "Peck train" with John acting as captain; settled first near Rough and Ready; came to Dry Creek Valley to farm in 1853; after 1853 neither Peck ventured farther from home than Petaluma before their deaths, adopted one child; known by locals as "Aunt Nancy and Uncle Johnny" Peck; John d. 1897; Nancy d. 1909. (A464-27; Healdsburg Tribune 13 Feb. 1896, 21 Oct. 1897; 10 Dec. 1909, 5 Jan. 1910.)

REASON, --- 3 (partner with Tompkins, see below)

REGAN, JOEL 1 b. 1814 Tennessee or Missouri; single farmer in 1852. (E216)

SEAMAN, J.F. 2 b. 1828 or 1831 Westchester County New York; was a grocer in home state; came to California with his siter (Mrs. Roderick Matheson) around Horn in 1852. (Matheson arrived S.F. 1849 and became very prominent in politics etc. and became
Comptroller of San Francisco.) Seaman was grocer for a short time in S.F. then went to work for Matheson in Comptroller’s Office; in 1855 went to Mexico; this land actually purchased in partnership with Matheson who moved his family to Healdsburg in 1856; Seaman worked on Matheson farm until his death in 1916; remained bachelor; Republican. Matheson very prominent in Healdsburg; died a Civil War hero. (see Healdsburg Museum archives.) (A466-15; Illustrated History, 1889, 652; Healdsburg Tribune 24 Feb. 1916)

80/80

SNIDER, CHARLES C. 2/3 b. 1834 Virginia, by 1860 had wife and 1 child (born Indiana); Sonoma County tax assessor 1859-1860; Snider family farmed in Dry Creek area (Tzabaco Rancho) for generations; Charles d. 12 Jan. 1863. (B669-23; Munro-Fraser, History of Sonoma County 711; Cemetery Records, 92)

160

SPENCE, JOHN FIFE (P.) 3 (involved in sales to Koger/Mollison); testified during Sonoma County District Court Case #925 that he and others helped pressure Josefa Fitch to sign the deeds to Sotoyome land after these sales (see text); d. 1864 Santa Rosa. (Cemetery Records, 203)

45/160

STANLEY, SOLOMAN 2/3 b. 1815 Kentucky; was married farmer by 1852; wife and 2 children by 1860. (A448-5; E217)

200

STORY (STOREY), GEORGE 3 b. 1824 New York; at age 5 moved to North Carolina with family, then back to New York; watchmaker’s apprentice until he fought in War with Mexico (Company C) in 1846; came to California March 1847 around Horn; lived in Sonoma City until June 1848; then to El Dorado County gold mines; moved to San Francisco to make watches, then returned to Feather River mines; returned to Sonoma City and started Union Hotel with Dow and Higgins; in 1850 finally settled on farm just south of Healdsburg and remained there until his death in 1913; married Susan Plum 1854; 9 children. (A449-25; California State Census 1850, Sonoma County, 16:39; Healdsburg Tribune 13 March 1913)

700

TOMPKINS, WALTER M. 3 (partner with Rea, see above); full name taken from court testimony. (Hoffman, California Reports, vol. 20, 357)

345

VALLEAU, T.P. 2

? WAINWRIGHT, JAMES E. 1/2/3 auctioneer; took 10% of all sales at all three auctions.
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353 Josephine Bailhache vs. Cornelius Bice, 1861?
492 People vs. James Forsee, 1862.
855 Josefa Carrillo de Fitch vs. Sheriff Israel Brockman, 1852.
897 Josephine Fitch (Bailhache) vs. Cornelius Bice et al; 35 defendants, 1858.
925 Joseph Fitch et al vs. Thomas Miller et al, 1859.
963 Josephine Bailhache vs. I.N. Stapp et al, 1860.
964 Josephine Bailhache vs. Alexander Skaggs, 1862.
965 Josephine Bailhache vs. C.C. Clark, 1860.
966 Josephine Bailhache vs. Thomas and James Forsee, 1862?
968 Josephine Bailhache vs. James Williams et al, 1860?
1021 L.C. Frisbie vs. Edwin Lovejoy et al; 45 defendants, 1860.


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Mariano Vallejo to J.B. Frisbie, 1849, Agua Caliente Grant lands; Book C Deeds, 143.
S. Berryessa to J.B. Frisbie and Mariano Vallejo, 1849; lands in Sonoma County; Book E Deeds, 166.
Julio Carrillo to J.B. Frisbie, 1849, Rancho Cabeza de Santa Rosa; Book F Deeds, 58.
J.B. Frisbie and Mariano Vallejo to Josefa Fitch, 1849; for house and land in City of Sonoma (see Jacob Leese to Frisbie above); Book F Deeds, 119.
Jesus Pina to Jose Castro (by Sheriff Brockman), 1850, Tzabaco lands; Book E Deeds, 1-3.
Mariano Vallejo to J.B. Frisbie, 1850; for Rancho Roblar de Miseria lands; Book E Deeds, 181; Book F Deeds, 111.
Lazaro Pina (deceased) to Christian Brunner (by Sheriff Brockman), 1850; lot in town of Sonoma; book F Deeds, 29.
Lazaro Pina (deceased) to Martin Cooke (by Sheriff Brockman), 1850, Tzabaco lands; Book F Deeds, 77. (Mariano Vallejo bought same land from Cooke, but it was not officially recorded until 1858, Book 7 Deeds, 694.
Josefa Fitch et al to Mallagh, Hendley, Eldridge, Hooker and Thompson; 1852 and 1853; Rancho Cabeza de Santa Rosa, Books M Deeds, 277, and Book N Deeds 76, 648.
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M.G. Vallejo to Martin Cooke; 1854; Petaluma Ranch lands, Book N Deeds, 42.
H.D. Fitch (deceased) to L.C. Frisbie, 1856; Sotoyome lands; Book B Deeds, 217, 219, 224, 226.
L.C. Frisbie to Egbert Judson and Marcellus Farmer, 1856; Sotoyome lands; Book B Deeds, 554.
William and Clara (Pina) Fitch to D.D. Phillips and S.O. Heaton, 1856; Tzabaco lands; Book B Deeds, 555.
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Jesus Pina et al to J.B. Frisbie, 1858, Tzabaco lands; Book 6 Deeds, 510.
William Fitch and Clara (Pina) Fitch to Jose Leandro Luco, 1858, Tzabaco lands; Book 6 Deeds, 512.
Francisco Pina et al to Blas Pina, 1858; 200 acres Tzabaco; Book 7 Deeds, 115.
Jose Leandro Luco and Juan Manuel Luco to J.B. Frisbie, 1858; Tzabaco lands; Book 7 Deeds, 363.
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Sotoyome Land Auction Dodger (poster); advertising sale of Sotoyome Rancho, 1856 (Healdsburg Museum, Healdsburg, California.)
Map 1

Source:
Illustrated Atlas of Sonoma County, California, 1898
(Santa Rosa: Reynolds and Proctor, 1898)
Map 2
Sonoma County

Source:
Illustrated Atlas of Sonoma County, California, 1898
(Santa Rosa: Reynolds and Proctor, 1898)
Map 3B

Sotoyome Rancho

Source: Illustrated History of Sonoma County, California, 1898 (Santa Rosa: Reynolds and Proctor, 1898)
Diseno (Map) of the Tzabaco Rancho, 1843

This map accompanied the petition of Jose German Pina to Governor Micheltorena for four square leagues (approximately 17,000 acres) of the Tzabaco Rancho. In the early 1850's a controversy arose between squatters and the grantees regarding the true eastern boundary of the grant (shown here at the bottom of the map, as the north-south indicator is not oriented correctly).

The river at the top of the map, marked "Ria" is the present Dry Creek. The river at the bottom, marked "Rio Grande" is the current Russian River. Bordering the Russian River on the west side are plainly marked corn fields, "milpas" adjacent to an Indian village, "Ra'c [Rancheria] Canogia". Also marked on the map is a spring, "ojo de agua". All of these were once near the present town of Geyserville on the west side of the Russian River.

One government survey in 1853 indicated that this land was not part of the Tzabaco Rancho, and the community of squatters that had settled near the present town of Geyserville claimed that their homes were on government land. A later survey, and the decisions of the courts, however, eventually confirmed these disputed parcels as part of the Tzabaco grant.

Source:
Espediente No. 312, Tzabaco Rancho, Jose German Pina, grantee (Sacramento, California: California State Archives)