

"TUOLUMNE-ALPINE BOUNDARY DISPUTE"

Annual Brunch Meeting
Tuolumne County Historical Society

Twain Harte Lodge
Oct. 26, 1975

Tuol Co Hist Soc RH 63 T926 T92
TUOLUMNE-ALPINE BOUNDARY DISPUTE.
Photos & Maps available on request.

TUOLUMNE COUNTY HISTORICAL SOCIETY'S

ANNUAL BRUNCH MEETING

Program:

"Tuolumne-Alpine Boundary Dispute"

Twain Harte Lodge
October 26, 1975

Historical Society's
Annual Brunch
(Oct. 26, 1975)

TAPE 1, Side A

Topics Introduced

Society Business, President Dick Dyer

Introduction of Carlo DeFerrari by Pres. Dyer

Introduction of panelists by Mr. DeFerrari

Judge Ross A. Carkeet

Survey of disputed area (maps used)

Formation of Alpine County (~~1854~~ 1864

Statute cited)

The Issue: location of the "Sonora Trail"

Census Bureau's map of HWY 108 area
considered incorrect by Tuolumne Co.

Bill Speer donated his time to research
the history of the Sonora Trail

1952 public hearings

Mr. Carkeet appointed special counsel
to help Bill Speer

Speer's theory regarding the location
of the Sonora Trail in 1860-64

State Statutes regarding "mutual
recognition of boundaries"

Presentation of evidence at Markleville
and Sonora

Floyd Stirewalt and Jim Rannie

35 mm slide presentation of the
Emigrant Basin and trail and the
Stanislaus Basin and trail

Side B

Judge Carkeet

Tuolumne County lobbying in Sacramento
Jim Rannie assigned by Supervisors
to help Bill Speer

Bill Speer died, 1953

Mr. Rannie's Tax Assessment map (the
area identified on map by Mr. Rannie)

TAPE 1, Side B (Cont'd)

Topics Introduced

Judge Carkeet

Official transactions, early 1953
Superior Court hearing, Modesto, 1954
Favorable decision for Tuolumne County,
June, 1954; appealed, August, 1955
(Mr. Carkeet was elected judge, and
withdrew from the case)

James Hardin

Mr. Hardin was appointed by Supervisors
to replace Judge Carkeet
March, 1957, the appeal was denied by
the Supreme Court
April, 1958, Alpine County successfully
appealed to the state Supreme Court;
trial held in Modesto, Sept. - Oct., 1960
Description of the 1864 boundary survey (read)
Courtroom proceedings attempted to identify
the data used by the 1864 legislature in
establishing Alpine's boundary
Authenticating the evidence
"Wild witness" (researcher) representing
Alpine County
Samples from testimonies presented in court
Dec. 21, 1961, ruling was in favor of
Tuolumne County; final judgment, March, 1963

Carlo DeFerrari's reminiscences

TAPE 2, Side A

(Batteries failing)

Questions and answers

Concluding remarks, Pres. Dyer

Tuolumne - Alpine Boundary Dispute to be Retold

Tuolumne County's legal battle to retain 110,000 acres claimed by Alpine County 26 years ago will be retold at an Oct. 26th brunch planned by the Tuolumne County Historical Society.

Five local experts who played key roles in the county's courtroom victory will take part in a panel discussion at the annual brunch which will begin at 10 a.m. at the Twain Harte Lodge.

Reservations at \$3 per person including tax and tip should be made in advance with Violet Ellinwood (984 - 5351).

Carlo DeFerrari, county historian, will serve as panel moderator as well as discuss his role as a researcher in the case. He joined the research team in 1957 upon the death of William Speer.

Participating with DeFerrari will be Ross Carkeet who as a private attorney, represented the county in the long legal proceedings until he was elected superior court judge; James Hardin who took Carkeet's place and eventually represented the county in the Stanislaus superior court proceedings; Floyd Stirewalt, county surveyor during the dispute and Jim Rannie who, with Stirewalt, researched maps and files relating to the boundary dispute. They will have maps and photographs to display.

The dispute began on Oct 17, 1949, when the Alpine County Board of Supervisors met with the Tuolumne County Board to discuss the border, according to an account in DeFerrari's "The Genesis of Tuolumne County," a special society publication.

The Alpine supervisors were convinced that the legislature had erred in establishing their county's sou-

thern boundary when Alpine county was created in 1864. They believed the line should be further south to encompass a 110,000 - acre area belonging to Tuolumne County.

The basis of their claim was an interpretation of the location of the Sonora Trail, an old emigrant route, designated by the Legislature as Alpine County's border.

There were actually three routes known as the Sonora Trail and Tuolumne County "naturally accepted the northern - most route along the Clark's fork as did most map makers who generally depicted the boundary line as following the stream itself," according to the Genesis article.

"Alpine County, however,

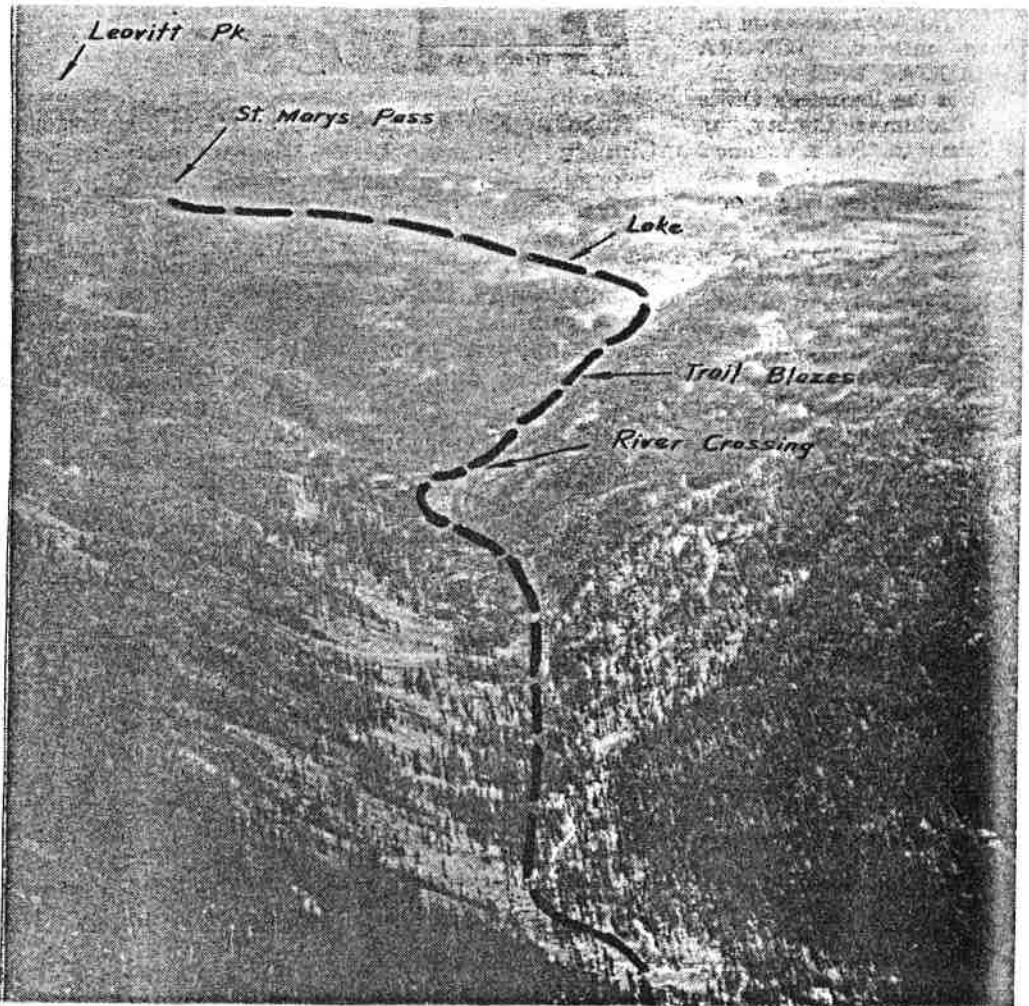
preferred to believe that the Legislature had meant a route farther south," the article also states.

Considerable litigation followed the Alpine supervisor's visit to Sonora. The outcome, a decision rendered on May 11, 1961, after a five week trial in Stanislaus superior court, was favorable to Tuolumne County.

Had Superior Judge George Mellis ruled in favor of Alpine County, Tuolumne County would have lost five percent of its area and considerable revenue generated by utility and government holdings there.

DeFerrari has estimated the dollar loss at \$250,000 annually.

Historians to Retrace Alpine Boundary Case



DISPUTED BOUNDARY—The dotted line in this aerial photograph shows the Sonora trail which was proved to be the correct boundary line

between Tuolumne and Alpine counties. The view is east up the Clark fork of the Stanislaus river. Tuolumne county lies to the right of the line, Alpine to the left.

—Courtesy Floyd Stirewalt

Tuolumne county's legal battle to retain 110,000 acres claimed by Alpine county 26 years ago will be retold at a brunch planned

by the Tuolumne County Historical society on Sunday, Oct. 26.

Five local experts who played key roles in the county's courtroom victory will take part in a panel discussion. The annual brunch will begin at 10 a.m. at the Twain Harte lodge.

Reservations at \$3 per person may be made in advance with Violet Ellinwood (984-5351).

Carlo DeFerrari, county historian, will serve as panel moderator and also discuss his role in the case. He joined the research team in 1957 upon the death of William Speer, a researcher.

Participating with DeFerrari will be Ross Carkett who, as a private attorney, represented the county in the long legal proceedings until he was elected superior court judge; James Hardin who took Carkeet's place and eventually represented the county in Stanislaus superior court; Floyd Stirewalt, county surveyor during the dispute, and Jim Rannie who, with Stirewalt, researched maps and files relating to the boundary dispute. They will have maps and photographs to display.

The dispute began on Oct. 17, 1949, when the Alpine county board of supervisors met with the Tuolumne county board to

discuss the border, according to an account in DeFerrari's "The Genesis of Tuolumne County," a special society publication.

The Alpine supervisors were convinced that the Legislature had erred in establishing their county's southern boundary when Alpine county was created in 1864. They believed the line should be further south to encompass an 110,000-acre area belonging to Tuolumne county.

The basis of their claim was an interpretation of the location of the Sonora trail, an old emigrant route, designated by the Legislature as Alpine county's border.

There were actually three routes known as the Sonora trail and Tuolumne county "naturally" accepted the northern-most route along the Clark's fork as did most map makers who generally depicted the boundary line as following the stream itself," according to the Genesis article.

"Alpine county, however, preferred to believe that the Legislature had meant a route farther south," the article states.

Considerable litigation followed the Alpine supervisors' visit to Sonora. The outcome, a decision made on May 11, 1961, after a five-week

trial in Stanislaus superior court, was favorable to Tuolumne county.

Had Superior Judge George Mellis ruled in

favor of Alpine county, Tuolumne county would have lost 5 percent of its area and considerable revenue generated by

utility and government holdings there.

DeFerrari has estimated the loss at \$250,000 annually.