

CASE NO.

238

NORTHERN DISTRICT

RINCON DE LOS ESTEROS GRANT

ELLEN E. WHITE

CLAIMANT

file

ND

ALSO AVAILABLE ON MICROFILM

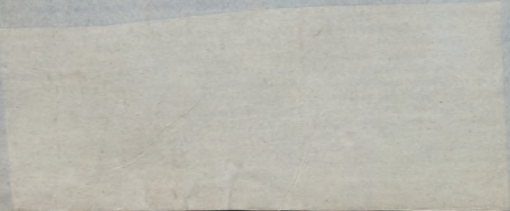
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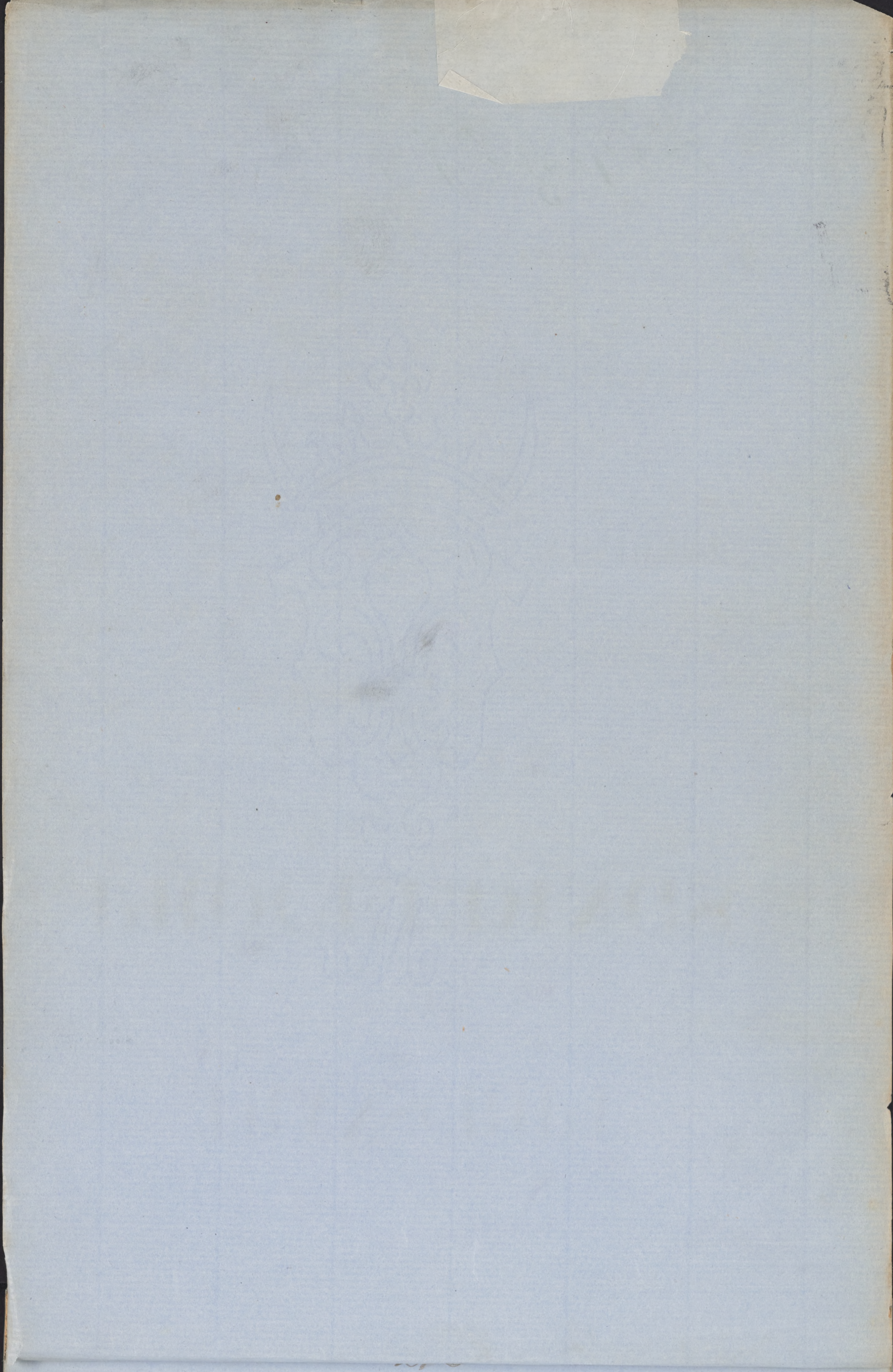
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TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *292*

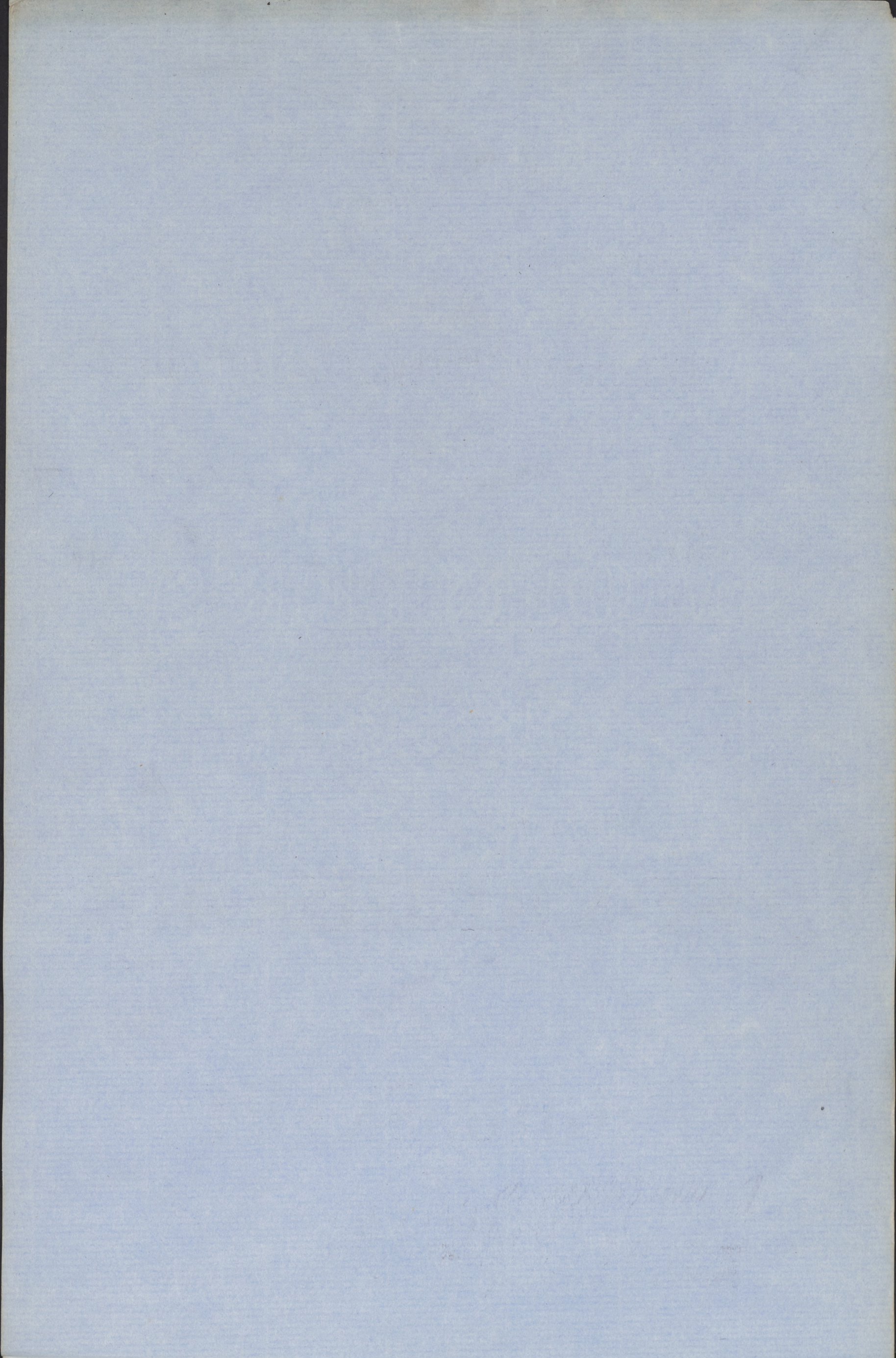
Ellen E. White CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

" Rincon de los Esteros "



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

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The Petition of *Ellen E. White*,
for the Place named
"Rincon de los Esteros,"
was presented, and ordered to be filed and docketed with No. 292 and is as follows, to wit;

(Vide page 3 of this Transcript.)

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

San Francisco September 3^d 1853,
In case no. 292. *Ellen E. White* for the place named
"Rincon de los Esteros," the Counsel for the claimant
filed the following Stipulation, to wit;

(Vide page 4 of this Transcript.)

San Francisco, November 9th 1853.
In the same case the Counsel for the claimant filed
the following Affidavits, to wit:

(Vide page 5 of this Transcript.)

San Francisco, January 10th 1854.
In the same case the deposition of *James Alexander Forbes*,
a witness in behalf of the claimant taken before commis-
sioner *R. Aug. Thompson*, was filed;

(Vide page 5 of this Transcript.)

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San Francisco November 28th 1854.
Case no. 292 on Motion of the Counsel for the claimant with the Consent of the U. S. Law Agent, was ordered to be placed at the foot of the 3^d class cases on the Trial Docket.

San Francisco December 5th 1854.

In the same case the Counsel for the claimant filed the following Affidavit, to wit:

(Vide page 5-7 of this Transcript.)

San Francisco, December 12th 1854.

Case no. 292 was submitted without argument and taken under advisement by the Board.

In the same case the Counsel for the claimant filed the following Stipulation, to wit:

(Vide page of this Transcript.)

San Francisco December 19th 1854.

In the same case Commissioner Alpheus Felch delivered the Opinion of the Board confirming the claim;

(Vide page 59 of this Transcript.)

and the following order was made, to wit:

(Vide page 64 of this Transcript.)

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To the Hon. the Board of W. S.
Commissioners for the Settlement of Private
Land Claims in California -

Petition

The petition of Ellen C.
White respectfully sheweth that she is the
present claimant of a tract of land located
in the County of Santa Clara containing about
two thousand acres and forming the Eastern
part of the Rancho de "Pineon de las Estrias"
lying between the creeks called Coyote and
Penitencia -

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That said tract of land was
granted to Ignacio Alvarado on the 14th day of
February AD 1838 by the Mexican Government
through Governor Juan B. Alvarado the then
Governor of the Californias who acted under and
by virtue of the laws then existing and in force
with reference to the granting of lands in the
Departments of the Californias - That said
grant was approved on the 26th day of May AD
1840 by the Departmental Assembly.

That on or about the 8th day
of August AD 1848 said grantee Ignacio
Alvarado departed this life having a last will
and testament whereby he ordered that that
portion of the Rancho de "Pineon de las Estrias"
which lies between the creeks or rivers called
Coyote and Penitencia be sold for the payment
of his debts - That in pursuance thereof the
said portion of said Rancho was duly sold
in legal form and purchased by Charles White
of said County on the 28th day of August AD
1848. That on the 4th of November AD 1851
said Charles White sold and conveyed said
land to your Petitioner by deed of that date

That there are no conflicting claims
known to your Petitioner and in support of her
claim she refers to the original grant and

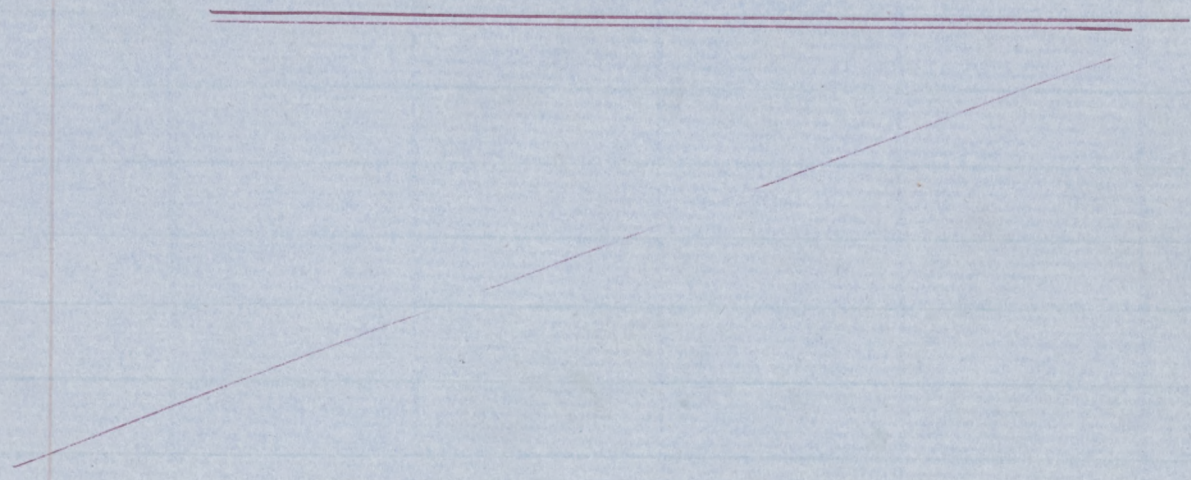
other documents and papers connected therewith and to the papers now on file in the Office of the Secretary of this Hon Board in Case No 244 in the docket of Cases and to the following documents Copies whereof are herewith filed and marked Exhibits A B C D E F G. to wit, Copy of the original grant and Confirmation - Translation of the original will of Ignacio Alviso de and order admitting the same to Probate - Translation of the original will of said decedent Copy of the original deed from Agustin Alviso Executor of the last will and testament of said decedent to Charles White - Translation of the said last mentioned deed Copy of the deed from Charles White to Claimant and also to the testimony of witnesses to be produced and examined before this Honorable Board

All of which is respectfully submitted for such action as the nature and justice of the case may require with the prayer of that Your Honorable Board confirm the title of Plaintiff to said claim &c.

Wm Wallace & Ryland
Attorneys for Ellen O White Claimant.

Filed in Office July 14, 1852.

(Signed) Geo Fisher Secy



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Case No 292.

Office of the Board of
W States Land Commissioners
San Francisco Jan 2. 1854.

Deposition
of
J A Forbes

On this day before Commissioner B
Aug Thompson Case James Alexander
Forbes a witness in behalf of Claimant Edwin
White No 292 who after being duly sworn
deposed as follows.

Present Claimants Atty and W S Left
Law Agent.

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Witness states his name is James Alexander
Forbes his age forty eight years and residence
Santa Clara Co Cal.

Question by Claimants Atty.

Were you acquainted with Charles White
now deceased Augustin Alviso and Jose
Antonio Alviso and Guadalupe Rinjisa
if so state whether you know of a deed for
land being made by the then last named
person or either of them to said Charles
White what land was conveyed where sit-
uated and all you know of the circumstances
Answer.

I know all the persons named in the
question - Charles White, Guadalupe Rinje-
sa are dead, the others are living - I know that
in the latter part of August 1848 Augustin
Alviso being the first named Executor of the
will of his Father Ignacio Alviso made a
conveyance of land to the late Charles
White according to an order in that will for
the payment of the debts of the said testator
for the sum of two thousand dollars which
was paid to the said Augustin Alviso by the

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Said White as the Consideration for said land
in my presence in two payments -

The said deed of conveyance
was drawn up by me in the Spanish language
and was executed in my presence before an
Alcalde according to the usages of the Country
at that time - I being one of the assisting
witnesses -

The land conveyed is situated
in the present County of Santa Clara on
the South and west of the old road which
leads from the Mission of San Jose to the
town of San Jose - It is bounded on the
North East by the Stream known as the Arroyo
de Pintuacia on the North west by the
Estuary's of the Bay of San Francisco called
South and South west by the Arroyo de Coyote
on the South East by the continuation of a
line starting near the old Bridge over the
river Guadalupe and running in an easterly
direction to a certain Sycamore tree situated
in the plain to the west of the Arroyo de Coyote
which tree stands alone and is a conspicuous
object to the point where said line intersects
the Arroyo de Pintuacia. Said land being a
strip off of the East side of the Rancho
known as El Rincon de los Estros.

Justified by Same.

What was the usual form of
making and executing wills according to the
Customs of the Country in California and how
long have you been familiar with such Customs.
Answer -

I have been acquainted with
these Customs for more than twenty years.
The uniform manner of execut-
ing wills was before an Alcalde and

two assisting witnesses and the Certificate of the Alcalde on the roll of its due Execution was the only Evidence of probate and was always received in the Courts as sufficient proof of that fact.

The roll after being Certified by the Alcalde was allowed to the party appointed to execute it. No record of rolls was ever kept to my knowledge in the Western part of California where I resided.

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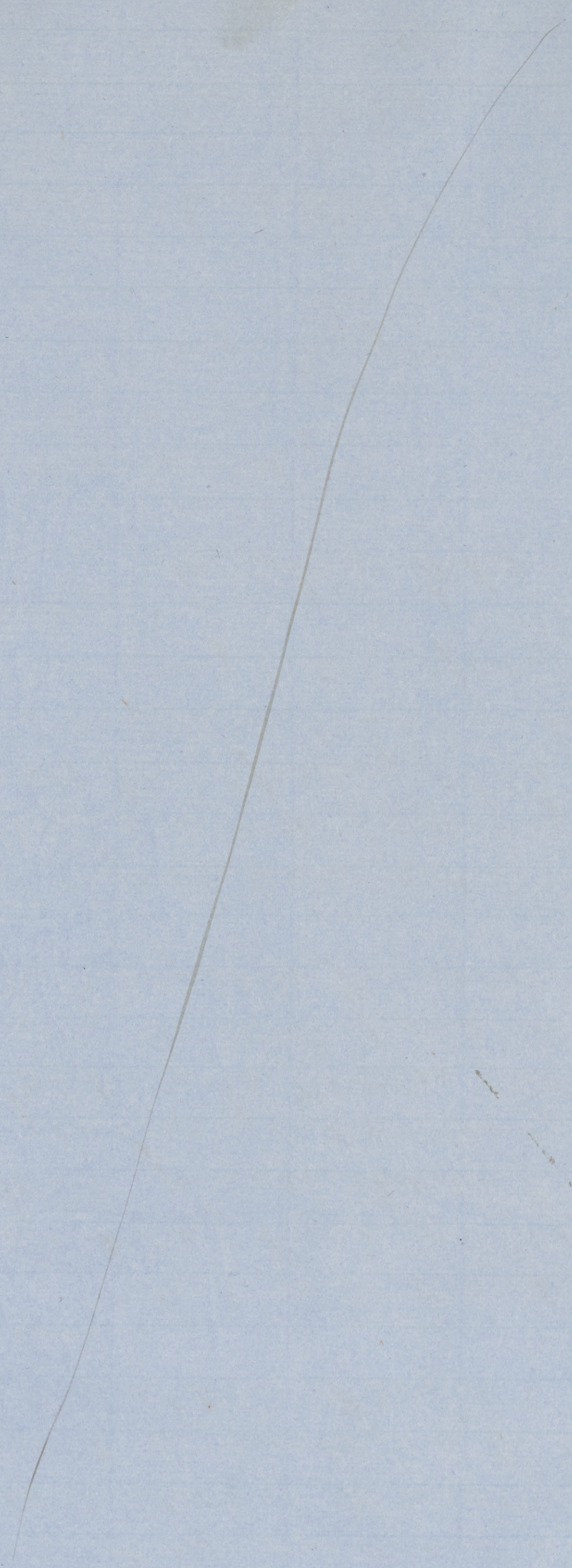
Question by Same - Look at the Certified Copy of the roll of Ignacio Alviso now shown you and shew with filed as Exhibit No 8 and state what you know of the Execution of the original and whether such Execution was in accordance with the usual forms and customs of the Country at the time it was done.
Answer.

Said original was executed in my presence - I was one of the subscribing witnesses - I do not know positively whether Salvo Pacheco was an Alcalde at the time but I know he had been acting in that capacity for many years before -
Jas. Ash. Fisher.

Sworn to and Subscribed
Before me Jan 11, 1852.
R. Aug Thompson
Cmr.

Filed in Office Jan 11, 1852.
Signed by
Jas Fisher
Secy

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9
B. Ciudadano Juan. D. Alvarado Lope

9
El Ciudadano Juan B. Alvarado Jefe
político Interino de la Alta California.

A.
Grant en el
approval.

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Por cuanto Ignacio Alvarado Mexicano por nacimiento, ha pretendido para su beneficio personal y el de su familia el terreno conocido en el nombre de Rancho de Los Coteros dentro de los linderos señalados en el diccionario que acompaña a la solicitud de dicho sitio; practicadas mericemente las leyes y reglamentos, usando de las facultades que me son conferidas a nombre de la Estacion Mexicana he venido en concederle la propiedad de el por las presentes le has entendiendo se dicha consecuencia en enter a conformidad a las leyes a reserva de la aprobacion o desaprobacon de la Camara Diputacion y bajo los condiciones siguientes.

1.º El aparcado ni sus herederos, podran dividir ni enagenar el que se le adjudica imponerle seso vinculo ficanga hipoteca, ni otro gravamen aunque sea por causa piedadosa ni pasado a manos muertas.

2.º Podra sercarlo sin perjuicio en la travecios, caminos y servidumbre o lo disputara libre y conclusivamente destinandolo al cultivo y uso que mejor convenga.

3.º Cuando se le conforme la propiedad solicitara del juez respectivo, le de la posesion privada en virtud de este despacho por el cual se demarcan los linderos y pondra sus mohoneras.

4.º El terreno de que se le hace donacion es puramente el que se expresa en la solicitud del interesado y se demarcan en el diccionario que corre agregado con este expediente y el juez que lo poseinare pasara aviso a esta Gobierno del numero de sitios que componen de.

En consecuencia mando que sirviendo de titulo el presente y teniendo por firme y validero se tome razon en el.

libro of. corresponde de entrego al interesado para su resguardo y demas fines.

Estado en Monterey en el Departamento de las Californias a Diez de Febrero de mil Ocho cientos treinta y Ocho

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Juan. B. Alvarado.

Juan. B. Alvarado Gobernador Constitucional del Departamento de las Californias.

La Exma Junta Departamental en sesion del dia 26 de mayo del presente año aprobo la concecion of. este Gobierno hizo con fha 10 de Febrero de 1838 del tenen conocido con el nombre del Rincon de los Esteros. al Ciudadano Ignacio Alvarado en los terminos siguientes Art. 1º Se aprueba la concecion hecha por el Gobierno Departamental con fha 10 de Febrero de 1838. del tenen nombrado Rincon de los Esteros en la persona del Ciudadano Ignacio Alvarado.

Y Para Resguardo del interesado se cotiene el presente en de mil Ocho cientos cuarenta.

Juan. B. Alvarado

Manr. Jimeno
Sno del Despacho

1852. Filed in Office July 19th
Geo: ^{del} Krishna Deery

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Constitutional Court of Justice for the
Puerto de San José de Guadalupe.

Assents and given at the Petition of
Ygnacio Alvar for the Judicial possession
of the lands known by the name of Rincon de
las Estrozas. Year 1838.

"B"

Translation
of
Grant and
Approval

The Citizen Juan B. Alvarado Polito -
Chief Functionary Pro tempore of Upper
California - Inas much as Ygnacio Alvar
a Mexican Citizen by birth has petitioned for
his personal and family welfare for the lands
known by the name of Rincon de las Estrozas with
in the boundaries laid down in the plan accom-
panying his petition for said tract first taking
the measures and complying with the provis-
ions in conformity with the laws and rules
I making use of the powers in me vested
in the name of the Mexican Nation have
thought fit to grant to him the said property
this grant to be in full conformity with the
laws goerned by the approval or disapproval
of the Most Exat. Repatation and under the
following conditions -

1st - The grantee nor his heirs shall have
power to divide nor transfer the same to any
person who shall impose a tax require a
perpetual transfer bond or obligating Mort-
gage or other obligations to pay whether for
a pious or charitable purpose nor shall they
assign it to the Church.

2nd - Hee shall have power to fence the same
in without obstructing or injuring the roads
or thorough fares - Hee shall enjoy the
same fully and exclusively adopting it for

whatsoever Cultivation and use he may think proper.

3^d. - When the grant shall have been confirmed he shall petition from the proper Magistrate or Officer the Judicial possession thereof by virtue of this grant and from which he shall make out the boundary lines and place his stakes -

4th. The lands donated to him are solely and positively those described in his petition and laid down in the plan attached to this instrument and and the Officer who shall give him possession shall note by this Government of the Number of "Sitios" comprehended in the same.

Therefore I Command that these presents serving him for a title and the same being of full value and force that this be registered in the proper book and delivered to the petitioner for his Security and other purposes -

Given at Monterey in the Department of the Californias 11th day of February 1838.

Juan P Alvarado.

uuu.

Juan P Alvarado Constitutional Governor of the Department of the Californias.

The Most Excellent the Departmental Assembly in a sitting on the 26th day of May of the present year approved the grant that this Government made on the 11th of Feb. 1838. of the lands known of Rincon de las Estrozas to the Citizen Ignacio Alvarado under

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the following conditions to wit -

Article 1. Be it approved the grant made by the Departmental Government on the 11th of Febry 1838 of the lands annorimata Pincon de las Esteras to the person of the Citizen Ignacio Alonso -

And for the security of the petitiona these presents are issued in printing on the 30th day of May 1841.

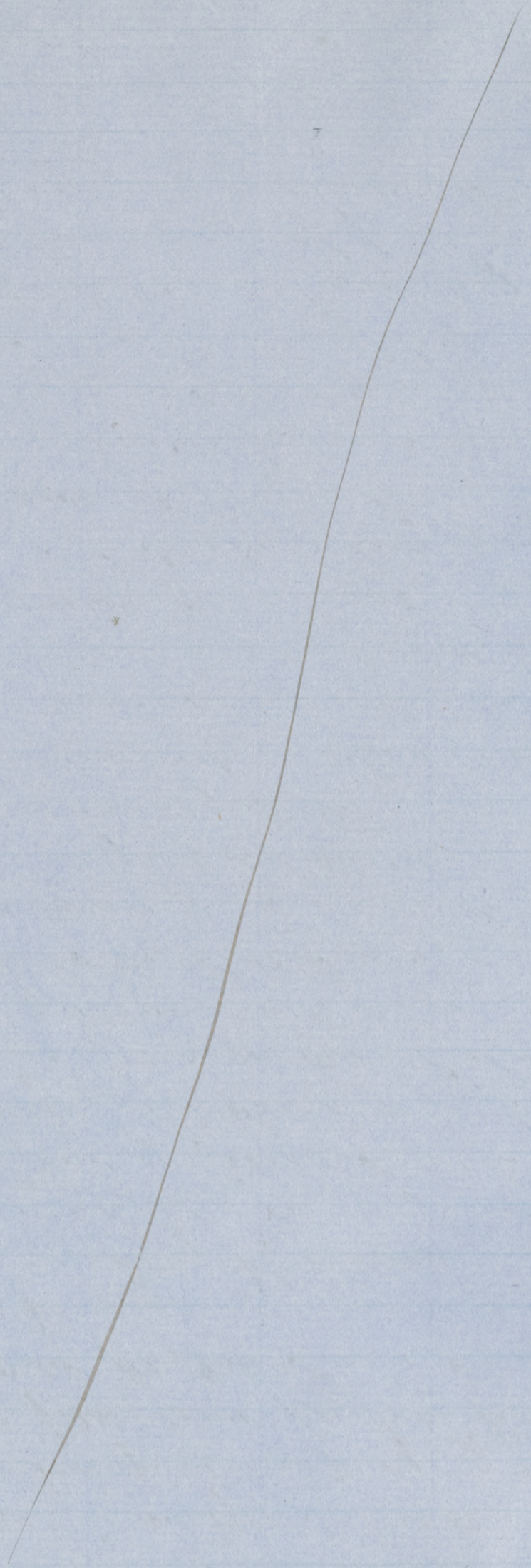
Juan P. Alvarado.

Manuel Amigo
Secy of State

Attd in Office July 19th 1852,
(Signed) Bro Fishw
Secy

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En el nombre de Dios Todo Poderoso, uno
 en esencia y trino en persona, Yo Ygnacio A-
 visu, Natural de Ermosillo, Jurisd^{ca} de Sonora,
 y vecino de la Mision de Santa Clara, hijo
 legitimo de Domingo Avisu M.^a Angela
 Tijar, havandome enfermo en cama de la
 enfermedad que Dios Nro. Sr. se ha servido
 enviarme, pero en mi entero juicio y cabal
 memoria, Creyendo como firmemente creo
 todos los misterios de Nra. Santa Rei Catol-
 lica, en cuya fe y creencia quiero y pro-
 testo vivir y morir, y esperando en la
 divina Misericordia me seran perdona-
 das mis culpas y pecados, p^{or} la in-
 tercesion Ma. Sma. Nra. Sra. a cuyo patrio-
 sinio me hago para que con el Santo
 Angel de mi guarda Santo de mi nombre
 y demas Santos de mi devocion, me am-
 paren y favorezcan, en el trance de mi
 muerte, hago testigo y ordeno este mi tes-
 tament^o en la forma siguiente.

Primeramente encomiendo mi alma a Dios
 q^{ui} la creo de la nada, y mi cuerpo a la tierra
 de que fue firmado, y es mi voluntad que mi
 cuerpo sea enterrado en el lugar sagrado
 de esta Mision de Santa Clara, que se
 me diga la Misa de Cuerpo Presente como
 es de costumbre y cincuenta misas mas
 Jtem. Declaro ser casado de segundas nup-
 cias con M.^a Luisa Peratta, q^{ui} trajo de dote
 el numero de cinco cabezas de ganado
 mayor, el cual se agrigo al fundo de mis
 bienes que con su progreso aun existen; y
 de cullo matrimonio no emos tenido sucesion.

Jtem. Declaro que fui casado de primeras
 nupcias con M.^a Margarita Bernal, de
 cullo matrimonio tube quinze hijos, doce
 varones y tres mugeres, de los cuales

C.
 Copy of the
 Will of Yg-
 nacio Avisu

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viben tres varones y dos mugeres, y todos Casados
Item. Declaro que es mi ultima voluntad y
que soy deudor al Sr. D.ⁿ Antonio Aguirre a
D.ⁿ Enrique Melis a D.ⁿ Guillermo Jaquay
a D.ⁿ Santiago Maguile y a D.ⁿ Eulogio Se-
lis, a cuyos individuos se les pagara lo q.^e
se les debe presentando cuentas justificadas.

Item. - Declaro q.^e me son deudores Tomas
Boni Cuarenta fanegas de trigo; Juan Ber-
nal segundo dos pesos, un extranjero que
esta en el rancho de Guillermo Castro, siete
fanegas de trigo.

Item. - Despues de cumplido y pagado mis
deudas del producto de la venta de una par-
te del terreno que me pertenece del Rancho
del Einguu de los esterros, culla parte ven-
dida sera la que queda entre los arrollos
del Collote y Arrollo de la Penitencia, que-
dando todo el Sobrante del expresado Ran-
cho del Rincon de los esterros a beneficio
y propiedad de mi hija Dolores y de los
hijos legitimos de mi finado hijo Domini-
go en la manera siguiente: la mitad por
parte del Noroeste, para haquilla y la
otra mitad hacia el Suriente para estos

Item. - Declaro que en virtud de tener la
viuda del finado mi hijo Jue.^a M.^a una
Casa ubicada en la parte de dho. terreno
que es llamado Chino y con terreno propio
al lado occidental del Rio Guadalupe, es
mi voluntad que se le permita a la dha.
viuda permanecer en tranquilidad en la
finca de su casa, con entera libertad para
crear sus Bomas y Ganado Mance,
y hacer las Siembras como hasta ahora
lo ha beneficiado.

Item. - Declaro que soy dueño Tamvien

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del terreno nombrado Rancho de Tito adquirido por compra segun los titulos, cullo terreno deyo para para el beneficio de mi esposa M^a Luisa Peratta en plena propiedad de mi nieto Manuel Moises unico hijo de las primeras nupcias de mi hijo J^o M^a y Manuela Galindo, difuntos, en la inteligencia que se les asignara quinientas Cabezas de Ganado Mayor inclullendo todas mis Bacas Mansas, diez y lluntas de Bueyes, a satisfaccion de mi dho nieto Manuel, y trescientas Borregas, siendo tambien de mi dho nieto todos los Caballos que pertenecian al finado su padre o que lo halla adquirido despues.

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Item - Declaro que en caso que no alcansa el antedho. producto de la venta de la Citada parte del Rancho del Rincon de los Entres a cubrir los sufragios de mi alma, gastos de mi entierro y mis otros deuitos, se paga en lo que faltare del ganado que quedare de mi pertenencia, y el sobrante se reparti- ra por iguales partes entre mis hijos y hijas, J^o Antonio, Agustina y M^a Concepcion y Dolores entendiendose q^d la misma reparticion se hara con el sobrante de las Borregas.

Item - Declaro q^d en atencion de que en varias ocasiones e dado ganado a mi hijo Gabriel, que este lo ha malberrado y q^d ha faltado a sus obligaciones pa^o conmigo, avindome demandado ante justicia, mandandolas facultades que me conceden las leyes, desdiero en terante de mas participacion de mis bienes y propiedades que despues de mi dias le podia tocar si uiese sido hijo obediente, le pribo y apartado del dho. q^d ha bello podia entender, sin

que por esta desheredacion pueda anularse este mi testamento en tiempo alguno, pero a la hija M.^a Ylana del dho mi hijo Guarnel se le dara, antes de la susodicha reparticion de mis bienes cincuenta Cabezas de Ganado Mayor y cincuenta Borrugas.

Itm. Declaro que soy dueño de una casa ubicada en esta Mision en la que actualmente vivo, a culla casa le pertenece el solar en que esta situada, que contiene cinco y diez varas en cuadro cercado con madera y plantado con una viña y arboles frutales, todo lo cual junto con todos los muebles q.^e actualmente existen en dha casa, sin excepcion de cosa alguna, deyo a mi esposa M.^a Luisa Peratta, y cuando esta fallezca queda todo lo expresado en este parrafo a beneficio de mi antecito nito Manuel, quedando mi citada esposa tutora y curadora de esta durante su minoridad. - Y hacianimo nombro a mi dha esposa tutora y curadora de mis nitos M.^a Isabel, M.^a Antonia M.^a Geronima y Juan Ignacio, nacidos bajo matrimonio de mi hijo Anastasio Alvisa y M.^a Antonia Altamirano ya difuntos quedando a su cargo de mi esposa la educacion y matencion de estos durante su menor edad, y tambien su premio segun sus portes con ella, q.^e no dudo lo beneficiara con generosidad.

Itm = Nombro por testamentarios ab-
sacados y ejecutores de este mi testamento a mis hijos Agustín Alvisa, p.^o primero, José Antonio Alvisa por segundo y a mi hermano Guadalupe Berreyra por tercero, dandoles todo mi poder cumplido y bastante para la debida ejecucion de este mi ultimo testamento, cello fiel cumplimiento

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les encargo y mando a todos y a cada uno de ellos por su orden segun su representacion y lo dispuesto por las leyes, con la bendicion de Dios y la milla, y por el presente cetro y anulo cualquiera otro testamento o testamentos Codicilo o Codicilos q. yo halla hecho y otorgado p.^a que no balsa ni tenga efecto alguno aunque pareca en juicio ni fuera de el ahora, ni nunca, ni en lo futuro que sea mostrado, aunque tenga clausulas derogativas y palabras particulares de que halla de hacer especial mención de las q. al presente no me acuerdo y doy por expresadas literalmente, y quiero y mando que el presente se cumpla y egieste como mi ultima y deliberada voluntad en la forma y modo que mejor haya lugar en dho - hazi lo otorgo y firmo ante el presente escribano, en la Mision de Santa Clara a los ocho dias del mes de Agosto del año del Sor. mil ochocientos cuarenta y ocho siendo testigos D.^o Diego Alejandro Verbes Isidoro Guillen y Agustín Desforques vecinos de este lugar, y yo el escribano, doy fe q. conyzo al otorgante, quien se haya en su entero juicio y cumplida memoria. En testimonio de lo cual lo firmo siendo este en papel comun ha falta total del sellado, y esta comprendido en tres fojas utiles y numeradas de una a seis. Ignacio Alisa que por no saber firmar usó la señal de la Santa Cruz

Salvio Pacheco escribano

Diego Alex. Verbes Isidoro Guillen
Agustín Desforques

Joseph H. Scull Maketh oath
and Saith that the foregoing eight pa-
ges contain a true and correct Copy of
the last will and Testament of Ig-
nacio Aloisio deceased.

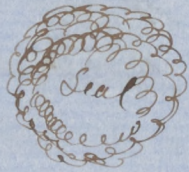
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Joseph H. Scull

Subscribed & Sworn
to before me this 15
day of July 1852
H. C. Melone Clerk

State of California }
County of Santa Clara }

I, H. C. Melone
Clerk of the County of Santa Clara
and ex-officio Clerk of the Probate Court
do hereby Certify that the foregoing eight
pages contain a true and correct Copy
of the original last will and testament
of Ignacio Aloisio Dec. now on file
in my office



Given under my hand and
private seal there being no
official seal yet provided
at office this 16th day of
July A. D. 1852

H. C. Melone Clerk

State of California }
County of Santa Clara }

Be it remembered that
at a regular Term of the Probate Court
within and for the County of Santa
Clara and State of California begun and
held at the Court house in the City of
San Jose on the second day of September

A.D. 1850 were present Hon. J. W. Redman Probate Judge and H. C. Melone Clerk at which among others were had the following Proceedings "to wit"

Estate of Ygnacio Alviso deceased

In the matter of the application to Probate the last will of Ygnacio Alviso deceased.

In this case the heirs having been cited and publication duly made and an attorney having been appointed to represent the absent and minor heirs of said Alviso decd. and no opposition having been made to the Probating of said Will and it appearing from the evidence of one of the subscribing witnesses that the said will had been duly and regularly made.

It is therefore ordered adjudged and decreed by the Court that the said will be admitted and filed and recorded as duly probated and confirmed, and it is further ordered that Letters Testamentary be issued to the said Guadalupe Bernyza as executor of the last will of said Ygnacio Alviso deceased upon his filing bond with security as required by Law in the sum of Fifty thousand dollars.

In the matter of the	}	April 10 1852
Petition of Charles White		
vs	}	Petition for title to land
Jan. A. Forbes Adm ^r		
of the Estate of Ygnacio Alviso deceased		

Now comes Charles White Pff. and satisfactory evidence having

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been produced to the Court and due notice having been served on J^o. A. Forbes Adm^r. on the Estate of said Ygnacio Aliso Deed. to show Cause why a title heretofore executed to said Charles White by Agustin Aliso J^o Antonio Aliso & Guadalupe Berreyusa the Executors named in the last Will and Testament of said Ygnacio Aliso Deed. should not be confirmed; and the matters and things therein being fully understood by the Court:

It is therefore ordered and decreed by the Court, That the title heretofore made to the said Charles White by the said Agustin Aliso J^o Antonio Aliso and Guadalupe Berreyusa as executors of said Y. Aliso Deed. be confirmed to him (White) his heirs and assigns forever to wit. Toda aquella parte y porcion del terreno o Rancho de los esteros perteneciente al mencionado Ygnacio Aliso y que se contras a la parte que queda enclauso entre los arroyos del Coyote y la Penitencia

State of California }
County of Santa Clara } J. H. C. Melone County Clerk
of the County of Santa Clara and ex-officio Clerk of
the Probate Court do hereby Certify that the foregoing
is a true and perfect copy of the order admitting the
last will and testament of Ygnacio Aliso Deed. to Pro-
bate and of the order confirming the sale made by Agus-
tin Aliso J^o Antonio Aliso and Guadalupe Berreyusa
as executors of the last will of Ygnacio Aliso deceased
to Charles White as appears now of Record in this Office.

Filed in office
July 19th
1852

Geo. Fisher
Secy.

Given under my hand and private seal there being
no official seal yet provided at office this 15th
day of July 1852 = N. C. Melone Clerk

"D"
Translation
of
My Will

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In the Name of God we in substance
 and thro' a pastor - I Ignacio Alviso
 born at Esmeraldas Jurisdiction of Sonora
 and a resident of the Mission of Santa
 Clara and a lawful Son of Domingo
 Alviso and Maria Angela Sefar finding
 myself ill in bed with a sickness which it
 has pleased God our Lord to send unto me
 yet in My Entire Judgement and full Memory
 believing in all the Mysteries of the holy Catholic
 faith in which faith and Creed I believe and
 do protest to live and die and hoping unto
 the Divine Mercy for the forgiveness of My faults
 and sins through the Mediation of the blessed
 Mary our Lady unto whose protection I take
 My refuge that she with My holy guardian
 Angel with the Saint of My Name and all
 the Saints of My devotion may protect and
 help me in My agonies do make grant and
 order this My last will in the following form.
 First - I commend My soul to God who
 created it of nothing and My body to the Earth
 of which it was made and it is My will that
 My body be buried in the Church yard of this
 Mission of Santa Clara that Mass be said
 before My body and fifty Masses more -
 Also - do I declare that I am married
 in second Marriage with Maria Louisa Se-
 ratta who brought me for her dowry the
 number of one hundred and five heads of
 black Cattle (ganado Mayor) which were
 added to the bulk of My property which
 with their offspring do exist still and by
 which Matrimony we have had for issue.
 Also do I declare that I have been married
 in first Marriage with Maria Marganta
 Remal of which Matrimony I had fifteen
 children twelve Sons and three daughters, three

of my sons and two daughters are living
all married -

Also - as I declare that it is my last will
that I am a debtor to Mr Antonio Aguero
to Emiriquo Mills, to Guillermo Saquay, to
Santiago Magarillo and to Calogio Seta, to
which individuals shall be paid what is
due to them, presenting they their acknowl-
edged bills.

Also - as I declare that there are owing
my Thomas Bano forty dollars, Anselmo
Romero four fanegas of wheat, Juan
Peralta the second two dollars, a stranger
who lives in Guillermo Custers Rancho seven
fanegas of wheat.

Also - After having satisfied and paid
my debts with amount of the sale of a part
of the land which is owned by me of the
Rancho del Pinon de las Esteras, which part
to be sold shall be that which has between
the mounts Cutoto and the rivulet of Smitontra
all the rest of said Rancho de las Esteras
has to remain for the benefit and as the
property of my daughter Dolores and of the
lawful children of my deceased son
Doningo, in the following manner the half
to the side of the North west for her, and the
other half to the South west to those.

Also - as I declare that by virtue of the
will of my deceased son Jose Maria
holding a house situated in that part of the
land which is called Chino with land belong-
ing to it, on the western side of the River
Guadalupe, it is my will that it be per-
mitted to the said widow to remain immo-
bilized in the possession (fueca) of her house
with entire liberty to breed her sheep and

her domestic cattle and to sow the land as she has done until now.

Also - do I declare that I am the owner of the land called Rancho de Sito obtained by purchase according to the title which had I gave for the benefit of my wife Maria Louisa Peratto in full property of my grandson Manuel Alves, only son in his first matrimony of my son Jose Maria and Manuella deceased with the understanding that there will be marked out to them five hundred heads of black cattle including all my domestic cows, some boxes of Oxen to the satisfaction of my grand son Manuel - Three Hewardt sheep belonging also to my grandson Manuel, all the houses that belonged to his deceased father or that I may have obtained afterwards.

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Also - do I declare that in case the afore said amount of the sale of the mentioned part of the Rancho de Rincon de los Esteros should not afford to ballance the prayers for my soul and the expences for my burial and my other obligations, what should be wanting has to be paid out of the cattle which will remain my own and that the remainder of said cattle shall be divided in equal parts amongst my sons and daughters Joao Antonio and Augustin and Maria Conception and Dolores having it to be understood that the same partition shall be made with the remainder of the sheep.

Also - do I declare that in consequence that on several occasions I have given cattle to my son Gabriel and that he did rigate it badly and did fail in his duties towards me having sued me before the Court I using the power which the

laws allow me do utterly disinherit him
 of any participation of my goods and prop-
 erty which after my days would have fallen
 to his share had he been an obedient son
 I deprive him of and set aside from him
 the right which he could pretend to it with-
 out that for this disinherison my test will
 could be annulled at any time. Yet my
 daughter Maria Heliana of said son Gabriel
 shall be given before the partition of my goods
 fifty heads of black Cattle and fifty sheep.
 Also do I declare that I am the owner
 of a house situated in the Mission in
 which I am actually residing to which
 house does belong the ground on which it
 stands which is one hundred and ten acres
 square fenced in with wood and planted with
 a vineyard and fruit trees. The whole of
 which with all the furniture that is actually
 in said house without exception of any
 thing I leave to my wife Maria Louisa
 Matto and after her death the whole which
 is set forth in this paragraph remains for
 the benefit of my aforesaid grandson Manuel
 my said wife remaining guardian and
 Curator of him during his minority and
 also do I appoint my said wife as guar-
 dian and Curator of my Grand Child -
 Maria Isabel, Maria Antonio, Maria
 Guineca and Juan Ignacio born in Matu-
 rony of my son Anastasio Alvaro and
 Antonio after Maria already deceased. being
 at this charge of my wife the education
 and support of them during their minority
 and receiving a reward in proportion to
 their parts of which I have no doubt she
 will take advantage generally.

Also do I appoint as testamentary trusts and Executors of this My will My sons Augustin Alviso as first Jose Antonio Alviso as second and My son in Law Guadalupe Bonyea as third giving them all My full and sufficient power for the execution of this My last will with the faithful performance of which I charge and direct them all and Each of them in his turn according to their representation and the provisions of the laws with the blessing of God and of Mine and by the present do I repeat and annul whatever other last will or wills Codicil or Codicils which I may have made or granted that it shall not be valid nor have any force though it appear in Court, nor without of it - be it produced now or ever or in the future - though they contain Avogatory clauses and particular words of which I might have to make peculiar mention - that I do not ^{mean} recollect and that I give as expressed by writ and I wish and direct that the present be fulfilled and executed as My last and deliberate will in the form and manner as will be most convenient according to law. So do I grant and sign it before the Notary Public present in the Mission of Santa Clara on the Eighth day of the Month of August in the year of our Lord one thousand Eight hundred and forty Eight -

Being witnesses -
 Diego Sebastian Forbes
 Pedro Guillin and
 Augustin Desforges residents -

Of this piece and of the Notary given audience that I do know the grantor who

finds himself in his Entire Judgment and
full memory -

In witness of which I say it
being this ordinary paper for want of stam-
ped paper and is contained on three useful
leaves and numbered from one to six -

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Ygnacio Alvar
Not knowing how to sign his name made the
sign of the holy cross +.

signed.
Salvador Pacheco Notary
Diego Alvar Torres
Augustine Desforjas &
Pedro Guillen -

Filed in Office July 10th 1852
(signed) Geo Fisher
Sic

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E.

Copy of deed from
Augustin Alvisa de Pedro
to Charles White.

En la mision de Santa Clara a los veinte y ocho dias del mes de Agosto de mil ochocientos Cuarenta y ocho Comparecio D.^{no} Augustin Alvisa a cuya persona doy fe Carozco, y dijo que de Conformidad con la ultima disposicion testamentaria del finado Alvisa de quien el otorgante es primo Alvisa, vende y da en venta solemnemente y enagenacion perpetua, (Todo aquella parte y porcion del terreno o Rancho de los Esteros perteneciente al mencionado Ygnacio Alvisa y que se contrae a la parte que queda inclusa entre los arroyos del Coyote y la Purisima) a D.^{no} Carlos White y quien le representa en precio y cantidad de dos mil pesos en oro de Pedro Arazon de diez y seis pesos peranza, de cuya cantidad ha de escribir el otorgante al tiempo de firmar este documento, el valor de un mil y doscientos pesos y los restantes ochocientos pesos dentro el termino de tres meses con el aumento de cincuenta pesos mas, y si no pudiera el Comprador cumplir con dho. pago dentro del termino especificado entonces solo tendra' derecho a la mitad del expresado terreno que tomara a su eleccion, y declara el enunciado Augustin Alvisa que el mencionado terreno no esta vendido enagenado ni hipotecado; que esta libre de todo gravamen y como tal se lo vende al dho. Carlos White en los terminos ya dichos y que desde ahora para en adelante por siempre firmes se desapodera quitau todos los herederos del enunciado Ygnacio Alvisa del dominio posesion titulo voz y recurso al dho. terreno lo ceden y traspasan conforme a este Mandado por la ante dha. voluntad testamentaria de su dueño el finado Ygnacio Alvisa en la persona del Comprador y sus herederos para que la posea goze, disfrute en aque

Cambie como mejor le parezca como de cosa
suya adquirida con justo y legitimo titulo.

Y para la observancia de todo lo espuesto se somete
el mencionado Augustin Alvaru con sus bienes ha-
bidos y por haber a las justicias que de sus causas
pueden y deben conocer conforme a derecho. Asi
lo otorgo y firmo conmigo y los testigos de mi asis-
tencia de que doy fe: Augustin Alvaru +
Ysidoro Guillen Juez Auxiliar de Sta Clara
Testigo. Diego Alex. Forbes Oliva Maguans.

Certifico en toda forma haber reci-
bido hoy dia de la fecha, ochocientos pesos en
oro de polvo como esta estipulado en este con-
trato que con los mil y doscientos pesos que
recibi al otorgar esta escritura son el valor
total de los dos mil pesos precio y cantidad
del terreno que ha Comprado el Sr. Carlos White
quien queda en posesion legitima del expresado
terreno en la inteligencia de que el lindero el
Oeste sera la medianca de la Caja del arroyo
del Coyote, y para su debida constancia he
firmado este en la Mision de Santa Clara
el dia treinta de Setiembre de 1848

Testigo Augustin Alvaru
Diego Alex. Forbes 1^o Abogado
Robert Birnie 2^o Abogado Jue Antonio Alvaru

Filed in Office July 19th 1852.
Geo. Fisher
Secy.

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Translation
of
Deed "C"

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In the Mission of Santa Clara the twenty eighth day of the Month of August one thousand eight hundred and forty eight appeared before me Sr Augustin Alvariz who is personally known to me and says that in conformity to the last testamentary disposition of the deceased Sr Ignacio Alvariz of whom the grantor is just executor, sells and gives in solemn sale and perpetual alienation all that part and portion of land or Rancho de las Esteras belonging to the forementioned Ignacio Alvariz and which is included between the Canasos, Lagote and Simituca creeks to Sr Carlos White and his representatives for the sum of two thousand dollars in good dust at the rate of fifteen dollars per ounce of which sum the grantor shall receive at the signing hereof the sum of one thousand two hundred dollars and the remaining eight hundred dollars within the term of three months with an increase of fifty dollars more. But if the purchaser cannot comply with the aforesaid payment within the time specified then he will only have the right to half of said land which half he has a right to choose.

And the said Augustin Alvariz declares that the said lands have not heretofore been sold, alienated nor mortgaged and that it is free of all incumbrances and as such he sells to the said Carlos White on the terms aforesaid and from this time hereafter and forever he does dispossess totally from and separates all the heirs of the said Ignacio Alvariz from the domain possessed title voice and recourse to the said land he cedes and makes over in conformity

Conformity to the said Command by the
aforesaid testamentary will of its owner
Ygnacio Alvariz deceased in the person of
the purchaser and his heirs that they may
possess and enjoy, alien and exchange it in
the manner that seems best as a thing of his
acquired with legitimate and just title -

And for the absence of the
aforesaid the aforementioned Augustin
Alvariz subjects himself with all the prop-
erty he now has or hereafter may have to the
Courts which in such cases may and
should know in accordance with right -

Thus he grants and signs
with me and my assisting witness of which
I give faith -

Augustin Alvariz
Witness

Rufo Alex Forbes
Chief Magistrate

Pedro Guillen
Auxiliary Justice
of Sta Clara,

I certify in all form to have received this day
Eight thousand dollars in gold dust as stip-
ulated in this contract which with the one
thousand two hundred dollars received at the
granting of this instrument which makes up
the value of Ten thousand dollars the price and
quantity of the land which the said Charles White
has bought and who remains in the legitimate
possession of the said land with the under-
standing that the western line shall be the middle
of the bed of the Cayote Creek, Subdivisions of
which he signs this in the presence of Sta Clara
the thirtieth day of September 1848.

Justo Rufo

Alex Forbes

Robert Burins

Augustin + Alvariz

1^o Alvariz

José Antonio Alvariz 2^o Alvariz

Filed in
Office
July 19, 1852
1852

Chas Forbes
Secy

G.
Conveyance.

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This Indenture Made and Entered
into on the fourth day of November A.D.
Eighteen hundred and fifty one by and be-
tween Charles White of the City of San Jose
County of Sta Clara and State of California
of the first part and Ellen Elizabeth White of
the same place of the second part. Witnesseth
That whereas the said party of the first part
is at this time clear of all debts dues and
demands against him and whereas the party of
the second part has been a good and faithful
wife to the party of the first part and by her
industry and economy is justly entitled to one
half the property acquired since marriage and
whereas all the property which the party of the
first part now holds has been acquired by the
industry of the said party of the first and
second parts since their marriage. Now
therefore of the said party of the first part
for and in consideration of the love and affec-
tion which I bear to the party of the second
part as my wife and for and in consideration
of the labor of raising and educating my children
and for the further consideration of the sum of
one dollar to me in hand paid by the said
party of the second part receipt whereof is
hereby fully acknowledged hath bargained
sold and conveyed unto the said party of
the second part and to his heirs and as-
signs forever all that tract or parcel of
land lying and being in the City of San
Jose and State of California being known
on the map of said City as being bounded
on the North by Pike Street, on the East by
Whites Park and Market Street, on the
South by Green Street and west by the River
Guadalupe and containing forty acres
of land more or less (being understood

that the parties hereto do not acknowledge such tracts as Pike or Green (except as described) Also all that tract or parcel of land laying in the City of San Jose being known on the plat of said City as being bounded on the North Side by Taylor Street East by fourth Street South by Empire Street and West by first Street excepting the lot belonged to Bradford being half of lot (2) and containing thirty acres more or less - Also all that lot or messuage of land laying and being in the City of San Jose State of California being laying on the North Side of Santa Clara Street being bounded by the lot of Amos Moulton on the West and by the lot of Peter Davidson on the East and being eight bars front on Santa Clara Street and forty bars deep - Also all that tract or parcel of land laying and being in the County of Santa Clara and State of California being known as that portion of the Rancho de Los Esteros granted to Ignacio Alonzo de la Cruz being all the land laying between the arroyo de la Penitencia and arroyo del Cuyote from the line of the 500 acre lots of the Pueblo de San Jose to the Bay and containing 2000 acres of land more or less - Also all that half of the Rancho of San Justo and San Pomeroy laying and being in the County of Monterey State of California being the undivided half of said Rancho the boundaries of which are more explicitly set forth in the original grant to Jose Rafael Gonzalez and recorded in the United States Surveyors General's Office and marked Escondido No 134 - To Heard and To Heard the

35-

aforsaid tracts and parcels of land with all the rights and privileges thereunto belonging woods usages ways waters houses and all other appurtenances therein together with the rents and profits thereof to her the said party of the second part and to her heirs and assigns forever -

In witness whereof the party of the first part hath hereunto affixed his hand and seal the day and year first above written - Charles White

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State of California }
Santo Clara County }

Personally came before me Charles White personally known to me to be the person described in and who executed the foregoing conveyance and acknowledged to me that he executed the same freely voluntarily and for the uses and purposes therein mentioned -

In testimony whereof I have hereunto set my hand and affixed my private seal this being as yet no official seal this 6th day of November AD 1851.

Seal

John T Richardson
Recorder in and for said County.

Filed in Office July 19. 1852
(signed) Wm Fisher
Decl.

36

Case No 277 2 Before the Board of
 " " 278 3 The Land Commrs
 Deputations " " 292 3 Juntas de Abogados and
 " " " 3 Juntas de Abogados in
 the State of California

In the above numbered cases being
 for a tract of land situated in the
 county of Santa Clara under the
 delos Encinos de Misagua and Deputations
 that all magistrates, Juntas and Commissions
 together as well as all of them relating
 to one tract of land and claims under
 the same original grant

Quentin 12th 1854

Wallace & Hylans

Attys for Claimants

José Blandino y Esteban Aguirre

Filed in Office Dec 12th 1854

Sir Fustro

Surj

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Office of Commissioners of
Land Claims in California.

Deposition
of J. A. Forbes

This day before Court Thompson Campbell came James West Forbes a witness in behalf of claimant Francisca Bonifacio Case No 247 who after being duly sworn deposed as follows.

What is your name age and place of residence?
Ans.

My name is James Alexander Forbes, I am forty eight years of age and reside at Santa Elena, Calif.

Look at the paper now shown you and marked "A" and state whether the signatures of Juan B Alvarado and Manuel Jimeno on the places where they appear on said paper are their genuine signatures?
Ans.

I recognize the signatures of Juan B Alvarado and Manuel Jimeno where they are written on said document to be their genuine signatures. I have frequently seen them write and sign their names.

At the time said signatures were attached to said document Alvarado was acting as Secretary of the Department of Government of California.
Just.

Will you state whether the grant was made in conformity with the laws usages and Customs then in force.

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Ans.

Both the title and the approval of the departmental Assembly are in conformity with the laws, usages and customs then in force. I have been acquainted with the customs of the country over twenty years.

Quest.

Are you acquainted with the land mentioned in said grant marked A and if so please describe it.

Ans.

I am acquainted with the land described in said grant. The said land is situated in the County of Santa Clara.

It is bounded on the West and South West by the River Guadalupe, on the North West and North by the Estuaries of the Bay of San Francisco. On the North East and East by a stream called Arroyo de la Penitencia. On the South East and South by a line drawn from the old bridge of Santa Clara over the aforesaid River Guadalupe striking a large tree which stands in the plain towards the Arroyo de la Penitencia.

Quest.

Will you look at the Map now shown you and attached to the document marked (A) and state whether it presents a correct representation of said land.

Ans.

It does substantially present a correct representation of the land.

Quest.

State how long Alarid was in

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possession of said land before his death
Ans.

He was in possession of said land eighteen years lodged one night in his house in the beginning of the year 1831. The ranch was called Rancho de las Esteras.

Quest.

At what time did Ignacio Aloisio die?

Ans.

He died on the tenth day of August 1848.

Quest.

Do you know whether he made a will.

Ans.

He did make a will I was present when he did and was one of the subscribing witnesses.

Quest.

Look on the document now shown you and marked Est. in the file of this case and state whether the signature of H. C. Melony, whom it appears in said document is his genuine signature?

Ans.

It is his genuine signature I have seen him write repeatedly he was at that time acting as clerk of that court.

Quest.

Was you acquainted with the wife of Guadalupe Porreya?

Ans.

I was acquainted with her. She was the daughter of the deceased Ignacio Aloisio she is the person of

H 11

of that name named as deceased in the
will of Alvaro and she and her husband
both died in the autumn of 1851.

I think that left six
children whose names to the best of my
recollection are, Francisco, Pauline Susana
and Jucho and Enrique who is dead,
and also one whose name according to
the best of my recollection was Guada-
lupa.

Quest.

Where do the said children
now reside?

Ans.

At the house of their deceased
parents on the north west part of
said tract of land. I am not positively
certain as to their present place of residence
but according to my information some
of them reside on the old place?

Gas. M. Torres,
Associate and Agent Present.

Sworn to & Subscribed
before me this 3d day of
Sept AD 1853.

Thompson Campbell
Commr.

Filed in Office Sept 3. 1853.

(Signed) Geo Fisher Secy

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Office of the Board of
Commissions &c.

Deposition Case, Jose Moraga a witness in behalf
of Jose No. of Francisco Bimpo No 24 who
Moraga - after being duly sworn deposes as follows.

Mr Fisher Secretary of the Board acting
as Interpreter.

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Questions by Mr Ryland attempted
for testimony.

1 Question. What are your name and
place of residence?

Answer. My name is Jose Moraga
my age is fifty three years and I reside
at San Jose in California.

2 Question. Do you know the Rancho
Rincin de las Asturias? if yes where is it
situated?

Answer. I know the Rancho. It is at
the Embudoadero of San Jose in the
County of Santa Clara. I have known
it about 15 years.

3 Question. Who has occupied it during
that time and what improvements have
been made on it?

Answer. Ignacio Alonzo has occupied
it. He lived on it with his family from
the time I first knew the place until

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within a year or two of his death
After he died his children continued
living there up to the present day.

Said Alvedo built him-
self on the place. There were two large
houses and several small ones on the
place when I first knew it. There were
also corals upwards of fifteen hundred
head of cattle and a large quantity of horses
and sheep. He also cultivated the land
extensively and raised wheat and
corn and had a garden and fruit
trees there.

Jose Noriega

Mr Greenhow Associate
San Agent was present at
the taking of this deposition
but propounded no questions
to the witness.

Subscribed and sworn to
before me this tenth day of
November 1853.

Alphus Fitch
Commissioner

Filed in Office Nov 10, 1853.

(Signed) Geo Fisher Secy

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United States Land Commission
San Francisco Dec 5, 1854.

Deposition
A. Redman

On this day before Commissioner
Alpheus Fitch came Augustus Redman
a witness in behalf of the Claimant
Francisco Bompasa in case No 27 who
after being duly sworn deposed as
follows.

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Question by Mr Ryland attorney
for Claimants.

1 Question. Please state your name
age and place of residence?
Answer.

My name is Augustus Redman
My age is twenty four years and I reside in
Santa Clara County California

2 Question.

Are you acquainted with the
Rancho Rincon de los Costeros in the
County of Santa Clara. If you have
long had you known it?

Answer.

I am acquainted with the
Rancho named and have known it
since December 1849.

3 Question.

What are its boundaries?

Answer.

As I have generally under-
stood it its boundaries are as follows
the River Guadalupe on the west side
of it, the Pueblo of San Jose on the
South, the creek called the Penitencia

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on the Eastern side and the length
of the Rail on the North side.

4 Question.

Look on the Map
now here shown to you, being part of
document marked Exhibit A" annexed
to the deposition of James West. Fordees
heretofore taken and filed in this
case and state whether the same is a
correct delineation of the tract of
land known as the Rancho above
named.

Answer.

I have examined said
Map and find it a correct representa-
tion of said premises.

5 Question.

What quantity
of land is contained within the bound-
aries above named by you and
represented on said Map.

Answer.

Between one and a half
and two square leagues.

Question.

What quantity of land
in your opinion is there between the
creek called Sanitmeia and the Campolo
creek which is laid down on said
Map?

Answer.

There must be between
two thousand and twenty five hundred
acres.

Testimony of Mr. Blandin
Associate Law Agent

1 Question.

Are the Sloughs on the Northern side of the Rancho permanent or changeable.

Answer.

That may be considered permanent. The tide sometimes flows so as to form small sloughs that are not there at other times. But the large Sloughs are permanent. Coals run up some of them.

2 Question.

What is form of said Rancho and what its dimensions.

Answer. It is wider on the Northern side than on the Southern. The lines running on the Eastern and Western sides are longer than those on the North and South.

The land is about one and two thirds leagues in length from North to South, and the average width about a league. It is a little over a league wide at the North end and less than a league at the South end.

The lines are not directly North and South or East and West.

3 Question.

Is the Southern line marked in any way.

Answer.

I have always understood the Southern line of this Rancho to be the Northern line of the Pueblo. This is a well known line. It

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commenced at the Old Santa Clara
Bridge and runs in an easterly direction
by an old oak tree which formerly
stood there to the Sintonica creek.

I am not certain whether
the oak tree is now standing or not.

The Bridge which I
mean is represented on the map above
mentioned and marked "Puente de Sta
Clara." The tree is also represented on
said map.

Augustus Ridman.

Subscribed and sworn to
before me this 5th day of
December 1851.

Alpheus Titch
Commissioner

Filed in Office Dec 5, 1851.

Wynid
Geo Foster Secy

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Case No 292.

Indultation
uuu

We agree that the testi-
mony taken in Case No 244 may be used
in Case No 292 as far as the same may
be applicable -
Sept 3rd 1853.

Wallace & Ryland
Attys for Plaintiff.

Robert Grayson
Asst. Law Agent.

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Filed in Office Sept 3rd 1853.

(signed) Geo Fisher
Secy

Consented
from
Charles White
to
C. C. White,
uuu

This Indenture Made and Entered
into on the fourth day of November AD
Eighteen hundred and fifty one by and
between Charles White of the City of San
Jose County of Santa Clara and State of
California of the first part and Ellen
Elizabeth White of the same place of the
second part. Witnesseth That whereas the
party of the first part at this time Char-
of all debts and demands against
him and whereas the party of the second part
has been a good and faithful wife to the
party of the first part and by her industry
and economy is justly entitled to one
half the property acquired since marriage
and whereas all the property which the
party of the first part now holds has been
acquired by the industry of the said parties
of the first and second parts since their
marriage - Now Therefore I the said
party of the first part for and in Consider

Consideration of the labor of raising and
 Educating my Children and for the further
 Consideration of the sum of one dollar to me
 in hand paid by the said party of the
 second part receipt whereof is hereby fully
 acknowledged hath been gained sold and
 conveyed unto the party of the second part
 and to his heirs and assigns forever. All
 that tract or parcel of land lying and
 being in the City of San Jose and State
 of California being known on the map of
 said City as being bounded on the North
 by Pike Street on the East by 20th
 Park and Market Street on the South
 by Green Street and west by the River
 Guadalupe and containing Forty acres of
 land more or less (being understood that
 the parties hereto do not acknowledge
 such a Street as Pike or Green except
 as discriptive) Also all that tract or
 parcel of land lying in the City of San
 Jose being known on the plat of said City
 as being bounded on the North side by Taylor
 Street East by 10th Street South by
 Empires Street and west by First Street
 (excepting the lot bargained to Beaford
 being half of lot 62) and containing Thirty
 acres more or less - Also all that lot or
 Messuage of land lying in the City of San
 Jose State of California being lying
 on the North side of Sta Clara Street being
 bounded by the lot of Arno Manbis
 on the west and the lot of Peter David-
 sons on the East and being Eighteen as
 front on Sta Clara Street and forty seven
 deep - Also - all that tract or parcel of
 land lying and being in the County of

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2529

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Santa Clara and State of California being known as that portion of the Rancho de las Estras granted to Ignacio Aliso Alcazar being all the land lying between the Arroyo de la Finitencia and Arroyo del Coyote from the line of the 500 acre lots of the Pueblo de San Jose to the Bay and containing 3000 acres of land more or less. Also all that half of the Rancho of San Justo and San Bernardo lying and being in the County of Monterey, State of California being the undivided half of said Rancho the boundaries of which are more or less explicitly set forth in the original grant to Jose Rafael Gonzalez and recorded in the United States Surveyor General's Office and marked Españoles (No 34) -

To Have and To Hold the aforesaid tracts or parcels of land with all the rights and privileges therunto belonging woods ways roads houses and all other appurtenances theron, Together with the rents and profits thereof to her the said party of the second part and to her heirs and assigns forever -

In witness whereof the party of the first part hath hereunto affixed his hand and seal the day and year just above written -

The words (and State of California) interlined before signing between 5th and 11th lines from bottom -

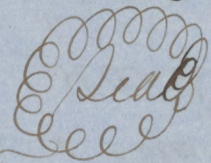
Charles White Esq

State of California
Santa Clara County S. J.
Personally Called

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before me Charles White personally known
to me to be the person described in and
who executed the foregoing conveyance and
acknowledged to me that he executed the
same freely voluntarily and for the uses
and purposes therein mentioned -

In testimony whereof I
have hereunto set my hand and affixed
my private seal (there being as yet no
official seal) this 10 day of November
AD 1857 -



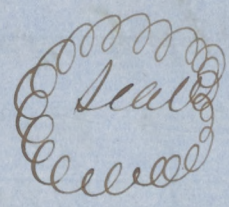
John T Richardson
Recorder in and for said County.

Filed 11th 257th Clerk Am
10th November AD 1857.

J T Richardson Recorder.

State of California
County of Santa Clara }

I hereby certify that
the foregoing is a true copy of a deed from
Charles White to Ellen Elizabeth White on
record in this Office in Book of Deeds
D. pages 124 & 125 -



Gives under my hand and
private seal (having no
official seal provided),
this 31st day of August AD
1853.

J. M. Murphy
County Recorder

Filed in Office Sept 3, 1853
(Signed) Geo Fisher
Secy. }

State of California
County of Santa Clara 3 fs.

Affidavit

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Ellen E White makes oath and saith that she is the wife of the late Charles White, that she is the Administrator of the Estate of said Charles White deceased and as such Administrator has charge and custody of all the papers of said decedent that she has made thorough and diligent search for a and found Augustus Aloiso Madaleno Romero and Jose Antonio Aloiso as Executors of the last will and testament of Ignacio Aloiso deceased to Charles White for that portion of the Rancho called Rincon de las Estrellas lying between the crosses called Coyote and Penitencias in the County of Santa Clara and being the same that was conveyed by said Charles White deceased to this affiant and for which she has presented her claim before the Board of United States Commissioners to ascertain and settle land titles in California. That after diligent search she is unable to find the same. That the said Charles White deceased had charge of his business up to his death and the keeping of the papers. That he was on his way to San Francisco to attend to business before said Board of Commissioners when he was suddenly killed by the explosion of the Steamer *Smyth* on the 11th of April AD 1853. That said deed was lost or misplaced and cannot now be found. That affiant is informed and believes that said deed never placed on Record by those who have made search for it among the Records.

of the County of Santa Clara and further
Affiant Faith not -
Ellen & White.

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Sworn to and Subscribed before me
this the fifth day of November 1853.

Seal

Witness My hand and

Notarial Seal

J. M. Murphy

Notary Public.

Filed in Office Nov 9, 1853.

(Signed)
Geo Fisher }
Clerk }

In the Probate Court.
April 11th 1851.

Copy of
Decree of
Probate.

In the Matter of the }
Petition of Charles White }
vs } Pet for Title
Jas A Forbes Adms of } to land.
The Estate Ignacio Alviso decd. }

Now comes Charles White
Plff and satisfactory Evidence having
been produced to the Court and due Notice
have been served on Jas A Forbes admr
of the Estate of said Ignacio Alviso decd
to show cause why a Title hitherto conce-
ded to said Charles White by Augustin Alviso
Jose Antonio Alviso & Guadalupe Rompasa
the Executors named in the last will and
testament of said Ignacio Alviso decd
should not be confirmed and the Matters

53

and things therein being fully understood
by the Court.

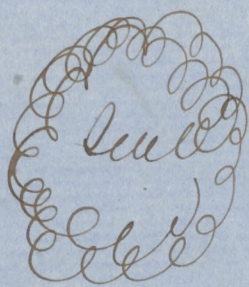
It is therefore ordered and
decreed by the Court that the title heretofore
made to the said Charles White by the
said Augustin Alvarez. Doña Ant. Alvarra
& Guadalupe Benjua as executors of said
Y. Alvarez dec'd. be confirmed to him
(White) his heirs and assigns forever to wit

"Toda aquellas partes y porciones del
terreno o Rancho de los Esteros perteneciente
al fincionado Ignacio Alvarez y que se
embras a la parte que queda 'incluso entre
las arroyos del Coyote y la Penitencia' -

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I John B. Henson County
Clerk of Santa Clara County and ex officio
Clerk of the Probate Court of said County do
hereby certify that the above is a true and
correct copy of the original order made in
the above entitled Cause as now appears
of Record in this Office -

In Testimony whereof I
have hereunto set my
hand and affixed the
Seal of the Court this
5th day of November AD 1853.
John B. Henson Clerk
By Lin J. Fitch D.C.



Filed in Office No. C. 1153
(second) Geo Fisher
Sicep.

Conveyance
from
Charles White
to
E. E. White
in

His Indenture Made and
Entered into on the fourth day of November
and Eighteen Hundred and fifty one by and
between Charles White of the City of San
Jose, County of San Clara and State of
California of the first part and Ellen
Elizabeth White of the same place of the
second part witnesseth - That whereas
the party of the first part is at this time
clear of all debts due and demands against
him and whereas the party of the second
part has been a good and faithful wife to
to the party of the first part and by her
industry and economy is justly entitled
to an half of the property acquired since
marriage and whereas all the property which
the party of the first part now holds has
been acquired by the industry of the said
parties of the first part and second parts
since their marriage now therefore I the said
party of the first part for and in consideration
of the love and affection which I bear to
the party of the second part as my wife
and for and in consideration of the labor of
raising and educating my children and
for the further consideration of the sum of one
dollar to me in hand paid by the said
party of the second part receipt whereof is
hereby fully acknowledged hath conveyed
sold and conveyed unto the said party of the
second part and to her heirs and assigns
forever all that tract or parcel of land being
and lying in the City of San Jose and
State of California being known on the Map
of said City as being bounded on the North
by Pike Street on the East by Whites Park

5-5-

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and Market Street on the South by Green Street and west by the River Guadalupe and containing forty acres of land more or less (being understood that the parties hereto does not acknowledge such a street as Pike or Green except as a description also all that tract or parcel of land lying in the City of San Jose being bounded on the North Side by Taylor Street East by fourth Street, South by Empire Street and west by first Street (excepting the lot being added to Bradford being half of lot No 12) and containing thirty acres more or less also all that lot or Messuago of Land lying and being in the City of San Jose State of California being lying on the North Side of Sta Clara Street being bounded by the lot of Arno Manbes on the west, and by the lot of Pedro Vardson on the East and being eight varas front on Sta Clara Street and forty varas deep also all that tract or parcel of land lying and being in the County of Sta Clara and State of California being known as that portion of the Rancho de las Estromos granted to Ignacio Alviso de A. being all the land lying between the Arroyo de la Penitencia and Arroyo del Coyote from the line of the 5000 acre lots of the Pueblo de San Jose to the Bay and containing 2000 acres of land more or less - also all that half of the Rancho of San Justo and San Bernardino lying and being in the County of Monterey State of California being the undivided half of said Rancho the boundaries of which are more explicitly set forth in the original grant to Jose Rafael Vizcaino and recorded in the United States Survey or

Grant Office and Marked Esquadrante No
134. To Have and To hold the afore-
said tracts and parcels of Land with all
the rights and privileges therunto belonging
woods ways waters houses and all other
appurtenances theron together with the rents
and profits thereof to her the said party of
the second part and to her heirs and assigns
forever.

In witness whereof the party of
the first part hath hereunto affixed his
hand and seal the day and year first above
written.

The words "and State of California"
intertined before signing between 5th and
6th line from bottom.

Charles White.

State of California }
Santa Clara County } So.

Personally came before
me Charles White, personally known to me
to be the person described in and who execu-
ted the foregoing conveyance and acknowledged
to me that he executed the same freely
voluntarily and for the uses and purposes
therein mentioned -

In testimony whereof I have
hereunto set my hand and
affixed my private seal
there being as yet no official
seal & this 6th day of November
AD 1857.

John F Richardson
Recorder & for said County.



Filed in
Office Nov
12, 1857.

10587
Geo Fisher
Secy

57

Before the Board of W. S
Land Commissioners to adjudicate
Land Titles in California -
Case No 292.

Ellen C White Claimant
for part of the Rancho "Rincón
de las Esteras".

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State of California
County of San Francisco Es
Applicant

C. F. Ryland Maketh
oath and faith that he is one of the Attorneys
for the Claimant in Case Number 292
for a part of the Rancho de las Esteras in
Santa Clara County that he filed the
petition and papers in said case that at
the time the case was placed in his hands
he received from Charles White now
deceased a copy of an instrument purporting
to be a conveyance from Agustin and
Antonio Alviso as Executors of the last
will and testament of Ignacio Alviso
deceased to said White for that part of
the Rancho Rincon de las Esteras lying
between the creeks called Cayote y Peni-
tencia containing about one half league
which paper this affiant filed and is
marked -

That affiant understood
that said White had the original at
that time that said White generally con-
trolled and managed the business and
property of Ellen C White he being her
then husband - That said Charles
White was killed on board the Steamer
Army Lind sometime in April AD 1853

while on his way to the City of San Francisco - That this affiant has made diligent search among the papers Charles White decd, and also among the papers of said Ellen & White and also among the records of Santa Clara County being the County in which said land is situated and in other places where said original Conveyance likely to be found without avail -

That this affiant believes the same to have been lost or misplaced and further affiant saith not.

C. S. Ryland,

Subscribed and sworn to
before me this 5th day of December
1854.

Alphus T. Cook,
Commissioner

Filed in Office 5th Dec. 1854.

(Signed)
Geo Fisher
Secy.

5-9

John O White

The United States

For a part
of the place
called Rincon de las
Estero in Santa
Clara County containing
about 2000 acres of land.

Opinion

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PAGE 58

The land claimed is alleged in the petition to be the Eastern part of the Rancho called Rincon de las Esteros which was granted to Ygnacio Aloisio by Governor Juan B Alvarado February 10, 1838. The grant is given in Evidence

The proof also shows that it received the approval of the Departmental Assembly on the 26th day of May 1840 and that he lived upon and cultivated the place Estero's early commencing several years before the grant was issued and continuing until near the time of his death which occurred on the 10th day of August 1848.

The occupation has since been continued by his children and others deriving title from the same source.

The grant is by metes and bounds, and its location and limits are well defined.

In proof of her title to the land the petitioner has given in Evidence of the will of said Ygnacio Aloisio dated August 8, 1848 and probated on the 2^d day of September 1850.

By this will the testator bequeathed his property to different individuals excepting the parcel of land

claimed in this case, which is expressly ordered to be paid for the payment of debts and incidental expenses.

To carry his will into effect he appoints as testamentary trustees and executors his son Augustin Alvisu as first, Jose Antonio Alvisu as second and Guadalupe Rimpisa as third giving each of them in his turn as above enumerated full power for the due execution of the trust.

The claimant has proved by the deposition of James St Forbes the due execution of a conveyance of said land by said Augustin Alvisu under the power contained in the will to Charles White in the latter part of August 1848. The loss of said conveyance is established by affidavits.

A deed of the same from said Charles White to Ellen E White the present claimant is also presented and proved dated November 11, 1851.

A certified copy of an order of the Probate Court ratifying and confirming the conveyance of said land to said Charles White.

This order unanimously recites that the conveyance was made by the three persons named in said will as executors in conscientious order. This decree was made April 10th 1852.

We think the claim entitled under the evidence to a decree of confirmation. Filed in office Dec 19, 1852.
Geo Fisher Secy.

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Ellen E. White
 as
 The United States

Decree

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner is valid and it is therefore hereby decreed that the same be confirmed.

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The lands of which confirmation is hereby made are a part of the place called Rincon de las Costas in Santa Clara County formerly occupied by Ygnacio Alonzo which place is bounded as follows to wit, Bounded on the west and southwest by the River Guadalupe on the north west and north by the Estuaries of the Bay of San Francisco, on the north east and east by a stream called Arroyo de la Penitencia, on the south east and south by a line drawn from the old Bridge of Santa Clara over the aforesaid River Guadalupe striking a large tree which stands on the plain and extended to the said Arroyo de la Penitencia.

That portion of the above described property of which confirmation is hereby made comprises the land which lies between the Arroyo de la Penitencia and the Arroyo de los Arroyos and bounded on the north easterly side by said Arroyo de la Penitencia, on the north westerly side by the Estuaries of said Bay, on the south westerly side by said Arroyo de los Arroyos and on the south

64.

Easterly side but the continuation of a
line drawn from the Old Bridge above
mentioned through the Sycamore trees
above referred to and extended to said
Arroyo de la Penitencia.

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Said premises
containing two thousand acres of land
be the same more or less.

Alphus Felch

R. Aug. Thompson

S. D. Farnell

Commissioners

Filed in Office Dec 14. 1834.

(signed)

Geo Fisher Secy

and it appearing to the satisfaction of
this Board that the land hereby appropria-
ted is situated in the Northern
District of Cal it is hereby ordered that
the transcripts of the proceedings and of
the decision in this case and of the papers
and evidence upon which the same are
found, be made out and duly certified
by the Secretary and deposited in the
files of the Clerk of the U S
District Court for the Northern District
of Cal and the other be transmitted to
the Attorney General of the U S

Office of the Board of Commissioners,

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

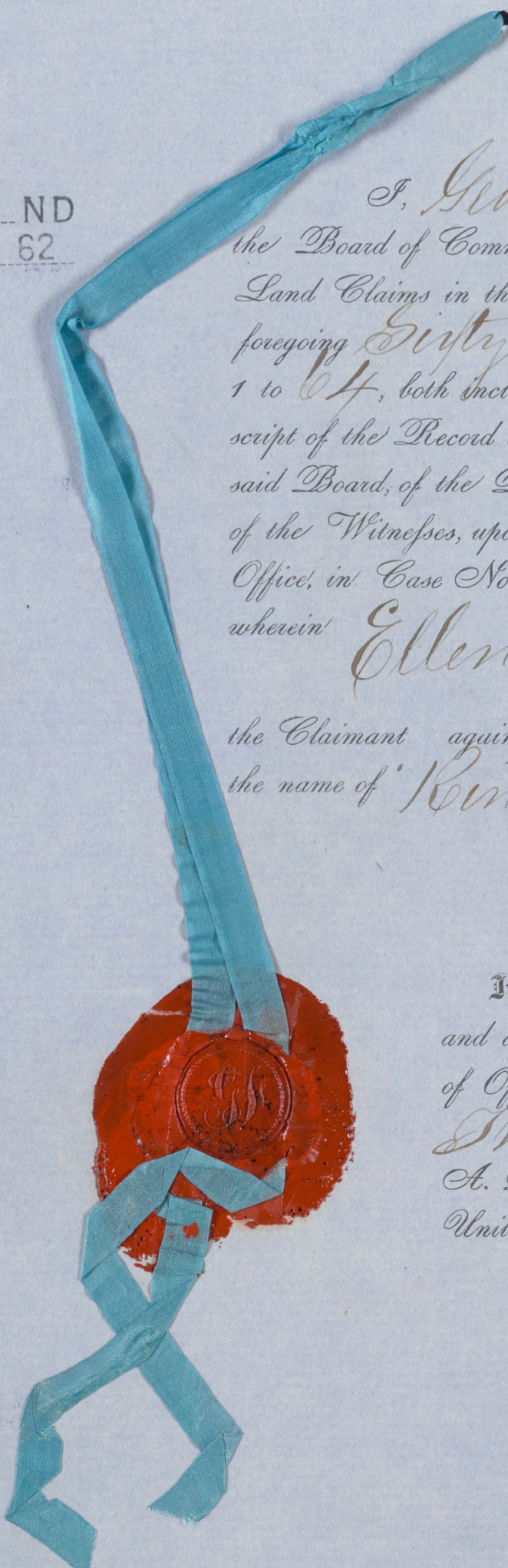
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PAGE 62

I, *George Fisher* — Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Sixty four* — pages, numbered from
1 to *64*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. *292* on the Docket of the said Board,
wherein *Ellen E. White* is —

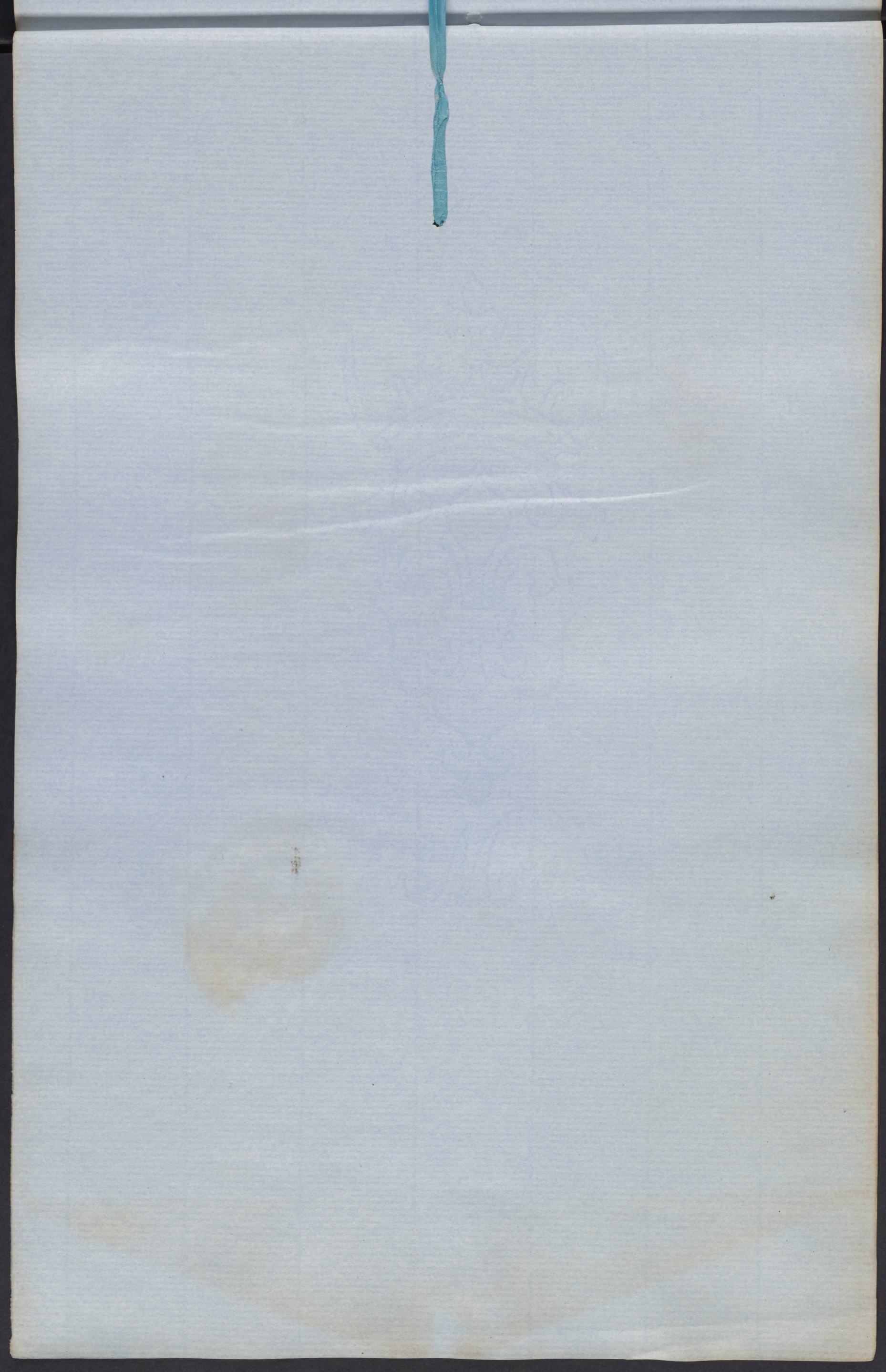
the Claimant against the United States, for the place known by
the name of *Remon de los Cetros* —

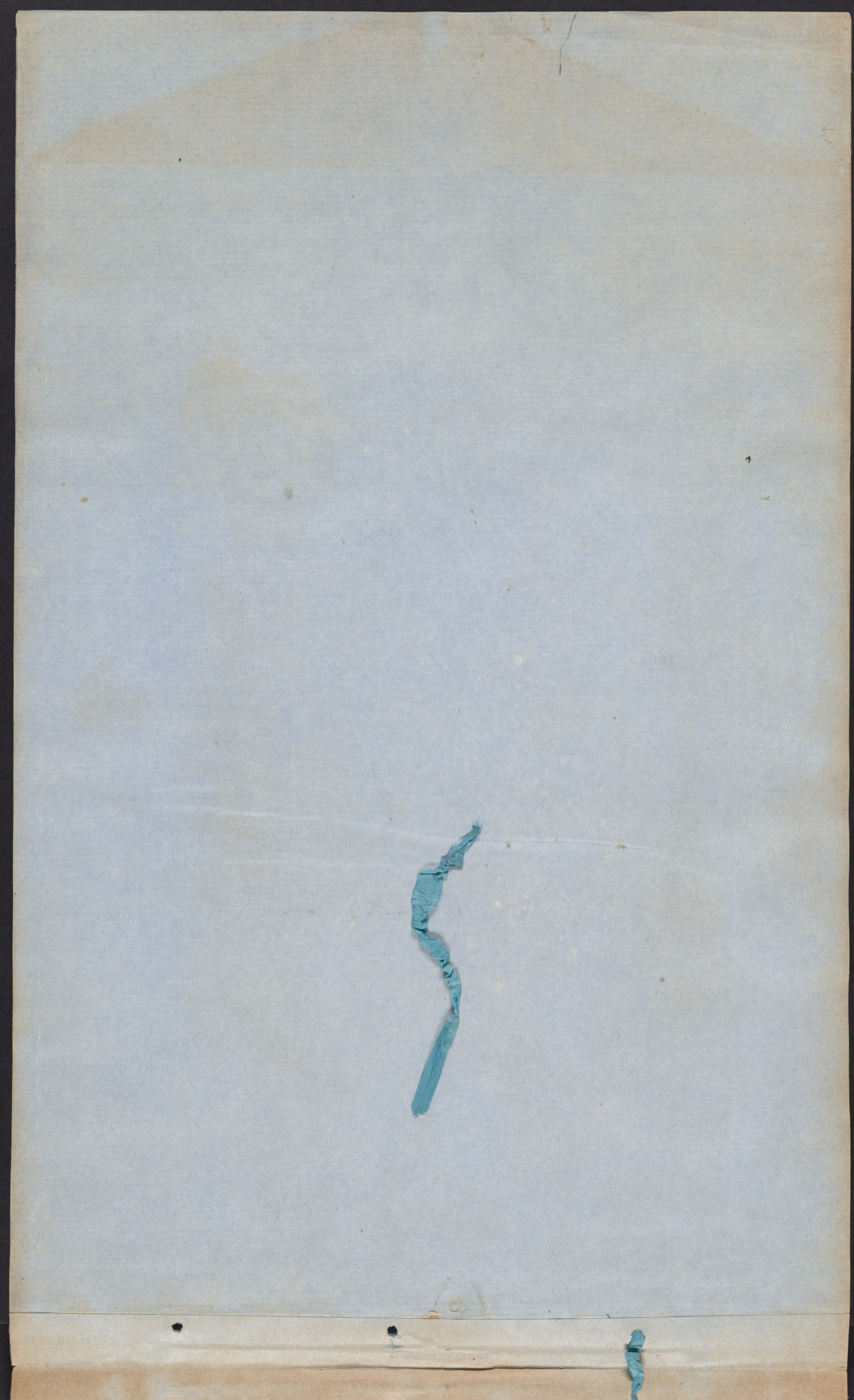
In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Thirtieth — day of *June*
A. D. 1853, and of the Independence of the
United States of America the seventy-*ninth*.

Geo. Fisher.









U. S. DISTRICT COURT,
Northern District of California.

No. ~~238~~ 238

THE UNITED STATES,

vs. *ND*

Ellen E. White.

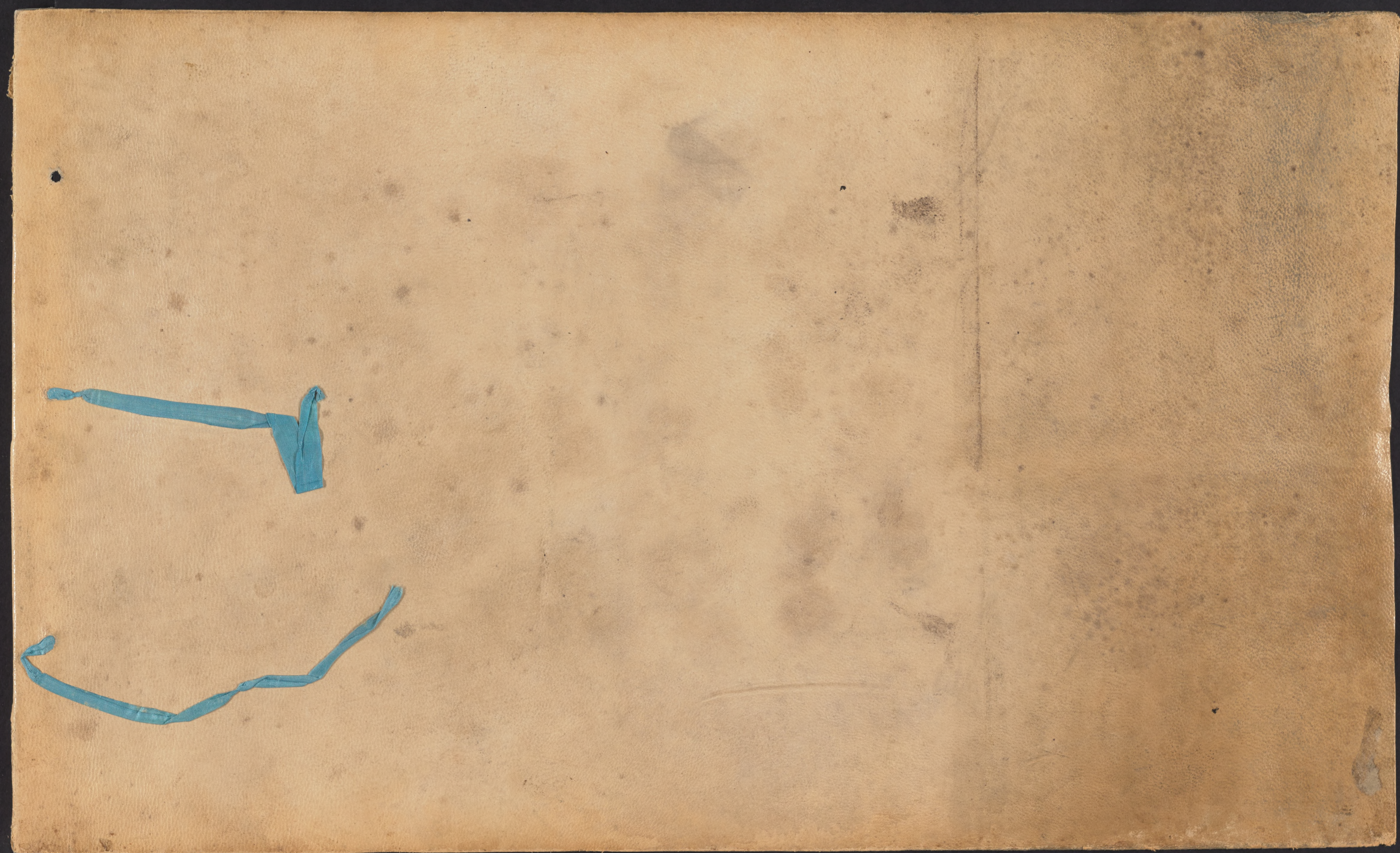
TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *292*

Filed, *July 7th* 1855

John A. Cannon,
Clerk



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

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The United States
Appellants
vs
Ellen E White
Appellee } Case No 238

The Petition of the United States by their
Attorney represents; that this cause is
an application for a review of the
decision of the Board of Commissioners
whereby the claim of the said appellee
was confirmed as appears by reference
to the records in the case; That a
transcript of the said records was
filed in this Court on the 7th day
of July A.D. 1855; that a notice of
appeal was filed on the day of
 and that the land claimed
lies in the said District.

That the said claim is invalid.
Wherefore appellants pray that the said
decision of the Board be reversed &
that this Court decree the said title
to be invalid. Respectfully
S. W. Ingr
U. S. Dist. Atty.

Case No 238,

The United States

vs

Ellen E. White

Petition

Filed Sept 4, 1855,

by Cheever
Deputy.

238 ND

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Glassell

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

Ellen E White
Appellee

vs
The United States
Appellants

Case No 238

Ellen E White the Appellee in the
above cause by her Attorneys
denies the allegations in the
petition of the Appellants.

Appellee alleges that her claim,
set out in the petition filed before
the Board of US Land Commis-
sioners, and by said Board of Com-
missioners confirmed, is a valid
claim, and that her title to the land
claimed, is a valid and equitable
title. Wherefore Appellee prays
that the said decision of the said
Board of Commissioners be
affirmed and that the Court
decree her title to be valid

Wallace & Ryland
Attorneys for Appellee

Case No 238

Ellen E White

ads

The United States

Answer.

Filed Sept 14. 1855,
by Cheever
Deputy.

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PAGE 66

Wallace R. Lynd
Attor for Appellee

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

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The United States }
vs } Case No 238
Ellen E White }

The United States }
vs } Case No 204
Rafael Alvizu stals }

The United States }
vs } Case 239
Francisco Beneyesa stals }

It is hereby stipulated and agreed that
the three cases above named (each for
a portion of the Rancho de Los Est-
ros in Santa Clara County) may be
submitted together and that the testi-
mony taken in one may used in the
others, whether that testimony be oral
or documentary, and also that the testimony
taken in Case No 226 (Mannel Alvizu claimant) may be used
in the above cases.

A. Glassee Dist. U.S. Atty.

Wallace Ryland
Attor for the Appellees

Case No 238.

The United States

vs

Ellen V. White

Stipulation

Filed Sept 30. 1855

By Cheever
Deputy,

Office of the Attorney General of the United States,

Washington, 10. October, 1855.

292. } "Rincón de las Esteros"

Allen E. White, Claimant.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 1st day of August, 1855, the appeal in the district court of the United States for the *Northern* district of California will be prosecuted by the United States.

Clouting

Attorney General.

No. 238—

W. J. Deatman Court
Northern Dist of Cal^a,

United States
"

Ellen E. White,

Notice of Appeal in
Case no. 292,

Filed Nov: 22. 1855—
by Cheever
Deputy,

At a Stated Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court Room, in the City of SAN FRANCISCO,
on *Monday* the *28th* day of
December in the year of our Lord one thousand

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eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Ellen C. White.

No. 238 - L. C. 292

This cause came on to be heard on appeal from the final decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California under the act of Congress approved on the 3^d of March A.D. 1851, upon the transcript of the proceedings and decision of the said Board of Commissioners, and the papers and evidence on which the said decision was founded, and it appearing to the Court that the said ~~decision~~ transcript has been duly filed according to law, it is by the Court hereby ordered, adjudged and decreed, the attorney of the United States consenting thereto, that the said decision be and the same is in all things affirmed, that the claim of the said appellant is a good and valid claim, and that the same is hereby confirmed in accordance with the decree of the said Board of Commissioners.

Ogden Hoffman
U. S. Dist Judge

United States District Court, Northern District of
California.

The United States

vs.

Ellen C. White

~~ORDER.~~

Decree of Confirmation

Filed *December 28th* 1857

John A. Monroe CLERK.

By *Prayer Hughes* DEPUTY.

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At a Stated Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court Room, in the City of SAN FRANCISCO,
on *Tuesday* the *ninth* day of
February in the year of our Lord one thousand
eight hundred and fifty-seven. *eight*

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Ellen E. White

No. 238; L. C. 292.

The Attorney General of
the United States having given notice that
appeal will not be prosecuted in this case, and
a stipulation having been entered into to that effect:
On motion of P. Della Torre Esq. U.S.
Attorney, it is ordered that claimant have
leave to proceed under the decree of this Court
heretofore rendered in her favor, as under final
decree.

Ogden Hoffman
U. S. District Judge

238

United States District Court, Northern District of
California.

The United States

vs.

Ellen E. White,

ORDER.

vacating appeal.

Filed *February 9,* 1858

John A. Sumner,

CLERK.

By *W. F. Cheney*

DEPUTY.

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California Land Claims.

Attorney General's Office

10 January 1857.

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PAGE 75

Sir:

In the case of the claim of Ellen E. White, confirmed to the claimant by the Commissioner, case no. two hundred and ninety two, (292), appeal will not be prosecuted by the United States.

I am

Respectfully,

Cluding

Wm. Blauding Esq

U. S. Attorney,

San Francisco.

U. S. District Court

The United States

v.

D. C. 238; L. C. 292.

Ellen C. White

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In pursuance of a notice from the U. S. Attorney General, herewith annexed, it is hereby stipulated and agreed that no further appeal be taken in this case on the part of the U. S., and that claimant have leave to proceed under the decree of this Court heretofore rendered in her favor, as under Final Decree.

San Francisco, July 9 1858.

P. Della Torre

U. S. atty

Wallace Ryland
Atty for Claimant

U. S. District Court

The United States

v.

Ellen C. White

Stipulation

Filed Febry 9. 1858.
W. D. Cheverus,
Deputy.

Faint handwritten notes on the right page, including the word "Stipulation" written vertically.

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

San Francisco, June 30th 1855.

J. A. Monroe Esq.

Clerk of the U. S. District Court for the
Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 292 on the Docket of the said Board, wherein

Ellen E. White is —

the Claimant against the United States, for the place known by the name of *Rincon de los Esteros* —

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.