

CASE No.

251

NORTHERN DISTRICT

A LOT IN THE CITY
OF SAN FRANCISCO GRANT

Wm H. DAVES, et al.
CLAIMANT

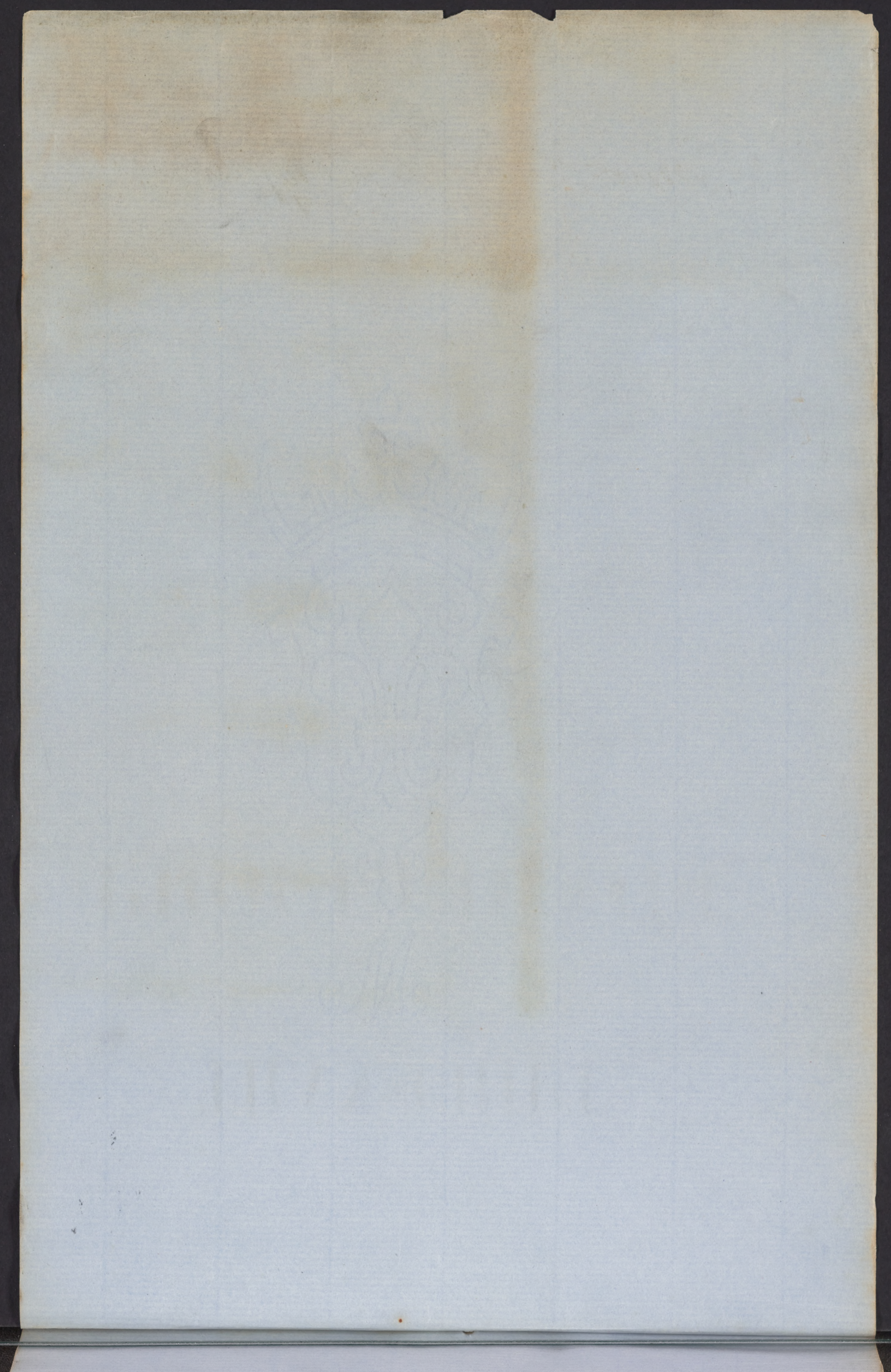
LAND CASE 251 ND 14 pgs.

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Plowman
PLOWMAN BOND
50% COTTON FIBER
U.S.A.

811

Sup



251 ND
PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 811.

Wm H. Davis, et al, CLAIMANT &

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

A lot in the City of San Francisco.

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of *W^m H. Davis et al:* *~~~~~* for the Place named *~~~~~* "A lot in the City of San Francisco," was presented, and ordered to be filed and docketed with No. 811 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 January 9 1855.
Case no. 811 was ordered to be placed at the foot of the 4th class cases on the Trial Docket.

~~~~~
San Francisco January 23 1855.
Case no. 811 was submitted under the Rule of March 21st 1854.

~~~~~
San Francisco February 6 1855.
In the same case Commissioner R. Aug. Thompson delivered the opinion of the Board rejecting the claim;
(Vide page 13 of this Transcript.)

And the following order was made, to wit;
(Vide page 15 of this Transcript.)
~~~~~



Before the Commissioners of the United States to settle land claims in the State of California.

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Petition

Claim of William H. Davis and Jose Ramon Estudillo Executors of the last will and testament of Jose Joaquin Estudillo to town lot in the City of San Francisco.

Petitioner represents that in the year One thousand Eight Hundred and thirty five upon petition of said Jose Joaquin Estudillo he received from the Political Chief and Government of the Department of California a grant of a lot or piece of land in the Town of Yerba Buena now the City of San Francisco in the State of California Two hundred square feet that said Jose Joaquin Estudillo received possession of and improved said land according to law and in all respects complied with the conditions of said grant -

That said Jose Joaquin died in the year One thousand Eight Hundred and fifty two leaving a will of which petitioner is the Executor and has been qualified as such according to law.

Expediente translation of said grant is herewith filed marked A -

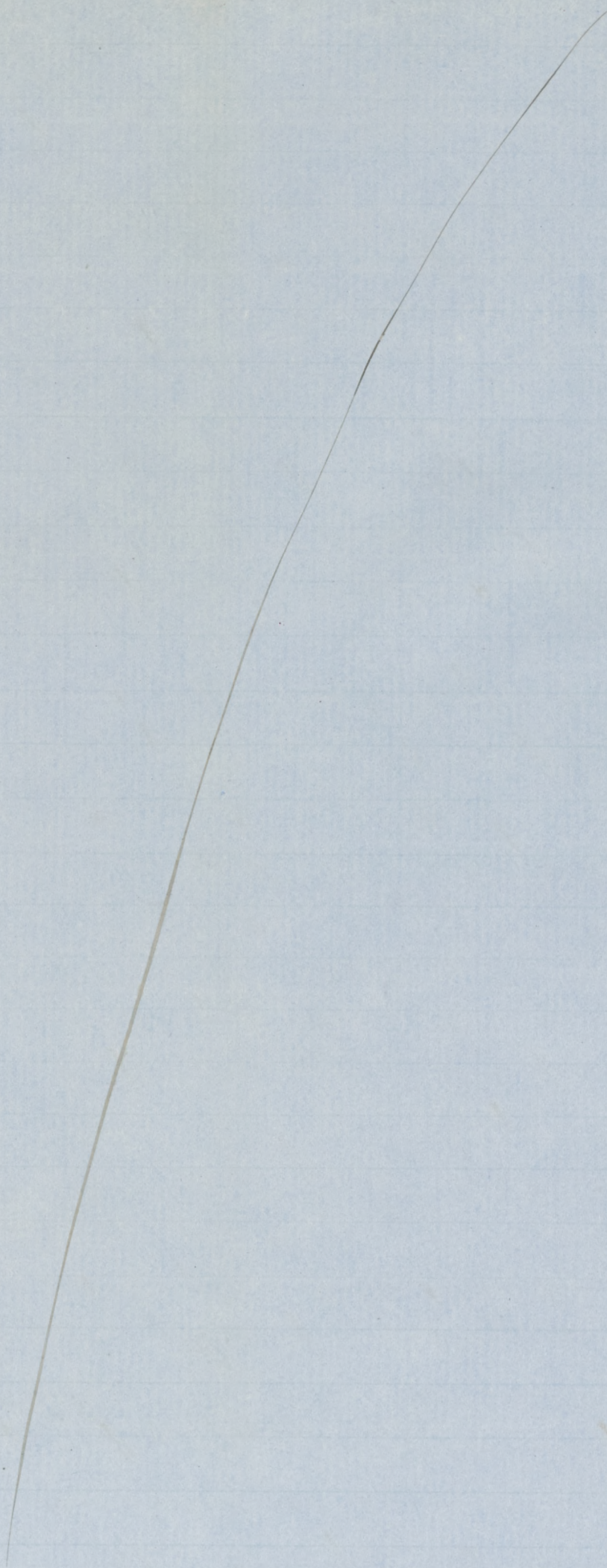
Wherefore petitioner prays that said land may be confirmed to the heirs and representatives of said Jose Joaquin Estudillo deceased as the owners thereof in fee.

Samuel S. & H. S. Leavenworth
Attys for Petitioner.

Filed in Office March 3, 1853.

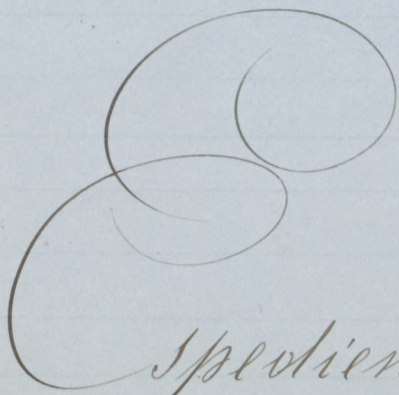
Wm. Fisher Secy

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Speotiente sobre
solicitud para fabricar una casa en el
paraje nombrado Yerba Buena
Por D. José Joaquín Estudillo. ~.~

Sello tercero Dos reales.

Habilitado provisionalmente por la administracion de la Aduana Maritima de Monterrey de la Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa.

A. P. Ramirez.

Pase a la Junta. Diputacion.

Sor. Pepe Polanco.

Castro.

El Ciudadano José Joaquín Estudillo

vecino del Pueblo de San Francisco con todo respeto y conforme halla lugar en este derecho; ante V. S. Se presenta en toda forma p^a que por medio de este Suplicatorio se le permita fabricar una casa en el paraje de la Yerba Buena y 200.0⁰ cuadradas para sembrar y labrar lo que por su cultivo pueda hacer producir p^a de este modo cooperar a la manutencion de su familia: Por tanto: A. V. S. Suplico reverentemente se sirva hacer esta manufactura a la Junta. Diputacion p^a que en uso de sus augustas facultades se sirva acceder a la solicitud del Suplicante. Tendiendo en ser de utilidad.

Monterrey. Sep^{re} 12 de 1835.

José Joaquín Estudillo.

Monterrey. 12 de Febrero de 1835.

En sesion de esta se pasó a la Comision de Gobierno.

Castro.

- Sr. Sor.

La Comision de Gobierno encargada para dictaminar sobre la solicitud del Ciudadano José Joaquín Estudillo vecino del pueblo de San Francisco resalta ha que se le consiente hacer una casa en el paraje de la Yerba Buena: y haues pido 200.0⁰ de tierra cuadrada p^a sembrar en la comision no haber obstaculo p^a su concesion por que aunque topografica estos terrenos están a las playas del mar pero en iguales terrenos están otros terrenos ocupando terrenos que no sea pedido mayor motivo para inspeccionar los terrenos litorales que antes de este aunque se considere perteneciente ha los propios del Ayuntamiento de San Francisco Debera sujetarse al canon que se señala como se va sujetando a los demas que se les concede terrenos de propios p^a lo tanto que la Comision concluye con la siguiente proposicion.

Puede concedersele al C. José Joaquín Estudillo el solar para casar que useda al numer^o.

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me p... en el art. 15. del reglamento de Colonizacion -

de vanas prevenciones en el art. 15. del reglamento de
colonizacion. = tuchado. = y amovidas 300 r. g. solveta.

Monterrey. 15 de Sep^{re} de 1835.

Manuel Jimeno. Salvo Pacheco.

Monterrey. Sep^{re} 22 de 1835.

En sesion de este dia aprobo la Santa Diputacion
la proposicion del dictamen antecedente con el articulo
adicional siguiente. 3^o Que el Ayuntamiento
de S^o Francisco puede ceder el solar dicho a
distancia de 300 r. retirado de la orilla del mar
y permitir a otros vecinos se establecen alli bajo de
las mismas retenciones llevando el orden arreglado
de poblacion en libros de mejor policia.

Juan B. Miranda. Dep^o Secretario.

Office of the Surveyor General of the United States for
California.

I Samuel D King Surveyor General
of the United States for the State of California and
as such now having in my office and under my
charge and control a portion of the Archives of
the former Spanish and Mexican Territory or
Department of Upper California Do hereby certify
that the four preceding and herewith annexed
pages of tracing paper numbered one and two
three and four each of which is verified by my
initials (S. D. K.) exhibit a true and accurate copy
of certain documents on file and forming part
of the said archives in this office.

In testimony whereof I have
herewith signed my name officially and affixed
my private seal not having a seal of office at
the City of San Francisco. Cal. this 26. day of
April. 1852.

Samuel D King.
Surveyor Gen. Cal.

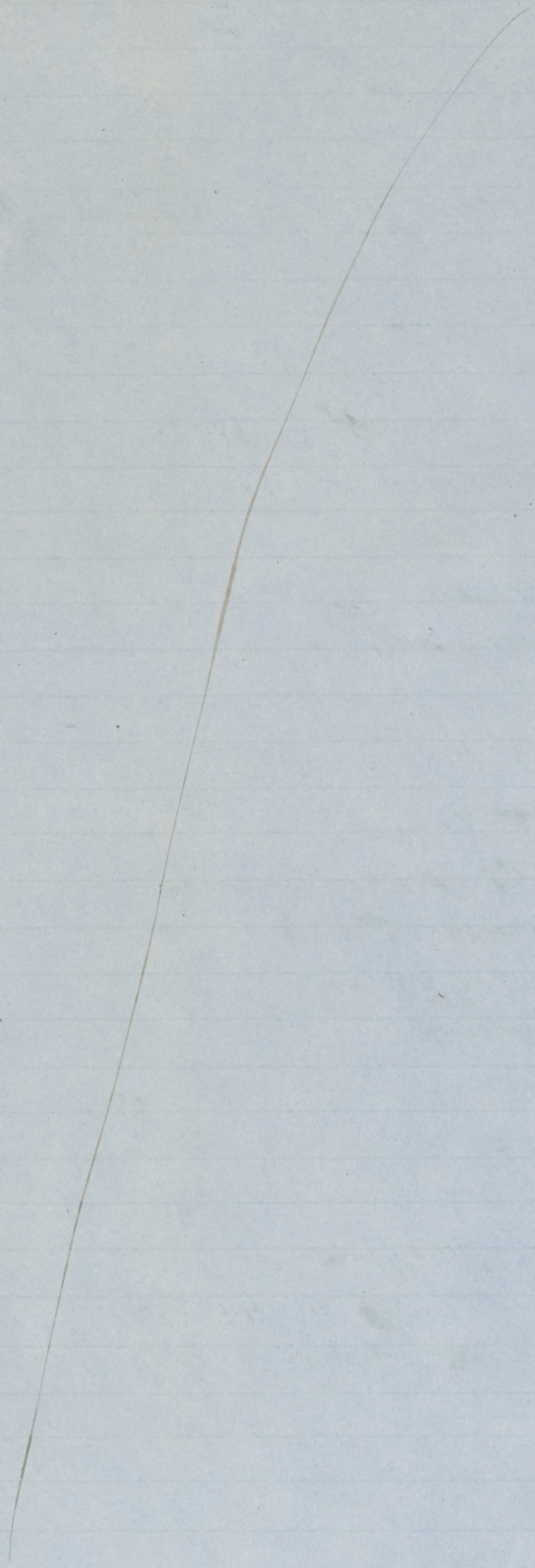
Filed in office. March. 3. 1853.

Gen. Fisher. Secy.

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1

Handwritten text at the bottom edge of the page, including the number '1' and some illegible characters.

Stamp Used, Two Reales.

Provisionally used by the Administration
of the Maritime Custom House of Monterey
of Upper California for the Dues Eighteen
Reales and thirty four and Eighteen Reales
and thirty six.

Inguino -

St Ramirez.

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Translation
of
Grant

Take this to the
Most Excellent
Deputation -
Castro,
in

Monterey Sept
12. 1835 -
At a Session
of this day,
Ordered
that this should
be presented to
the Government
Commission -
Castro,
in

Senior Political Chief.

The Citizen Jose Joaquin
Estudillo a Resident of the
Port of San Francisco with
due respect & in due form
of right presents himself
before Your Excellency by
means of this petition and
requests that he may be
permitted to erect a house
in the place called Yerba
Buena also to have 200
varas to cultivate or use
in any way that may be
productive by this means to
subsist in the maintenance
of his family -

Wherefore I humbly
make this petition to Your
Excellency so that you can

make it manifest to the Most Excellent De-
putation who by using its ample faculties
will deign to accede to the request of the
petitioner -

Swearing that no evil shall arise
therefrom -

Monterey Sept 12. 1835 -

Jose Joaquin Estudillo -

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Sir. The Commission of the Govern-
 ment ordered to give an opinion upon the
 petition of the Citizen Jose' Jaaguin
 Estudillo a resident of the Town of San
 Francisco wherein he solicits the privilege of
 building a house in Cerro Puma & also
 requests for 200 ^{sq} Squares of land to cultivate

The Commission thinks that
 no obstacle would be in the way of making
 this grant notwithstanding its topographical
 position being immediate to the Beach, in
 equal terms other residents are occupying
 lands because they have not met with any
 means to prevent them the use of land
 near the Beach. And farther than this it
 should be considered as owned by the Ayun-
 tamiento of San Francisco and should be
 subject to the Regulations in the same
 manner as others to whom lands are
 granted in ownership -

Whence the Commission
 concludes with the following proposition -

"There can be granted to the Citizen
 Jose' Jaaguin Estudillo the lot for a
 house without going beyond the quantity of
 varas set forth in Art 15 of the Regulations
 of Colonization - Etotico -
 And also the 200 ^{sq} he solicits -

Manuel Jimeno,
 Salvador Pacheco

unms.

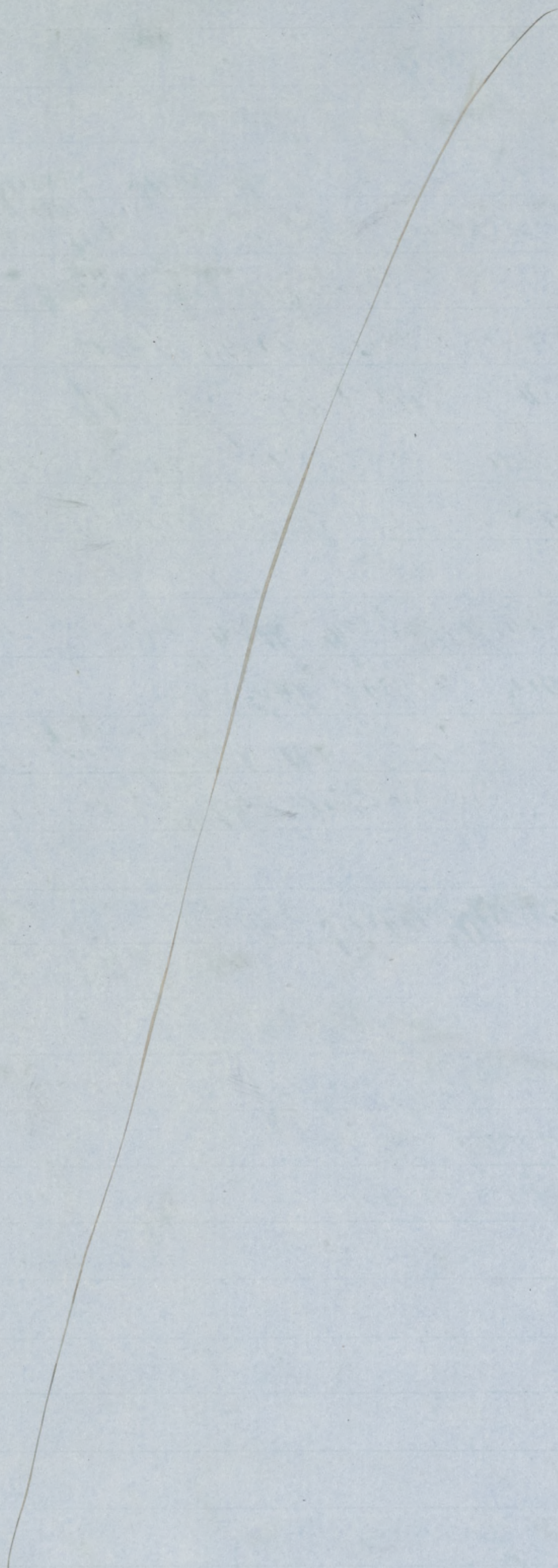
11
Montreal Sept 22. 1835

At a Session of this day the most
Excellent Legislature approved of the foregoing
opinion with the following additional article.

24. The Ayuntamiento of San Francisco
Can grant the said lot at a distance of 200
ft retired from the Beach and can
permit other residents to establish themselves
there under the same restrictions & with the
order regulating a Town under the best
policy -

Juan B Alvarado
Deft Secretary.

Filed in Office March 3. 1853.
(Signed) Geo Fisher
Secy



William H. Davis and
Jose R. Estudillo Exrs. of
the last will and testament of
Jose Joaquin Estudillo decd.

The United States.

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Opinion
by
Comm.
Hampson

This is a Claim for a lot two hundred varas square in the Town of Yerba Buena now the City of San Francisco which the petitioner alleges was granted to the said Jose Joaquin Estudillo by the Political Chief and Government of the Department of California -

In Support of this Claim the petitioners have presented a traced Copy from the Archives in the Custody of the United States Surveyor General for California containing:

First - The petition of the said Estudillo for a grant of two hundred varas square of land and a house lot in the place called Yerba Buena dated Sept 12. 1835 -

Second. The order of the Government referring the same to the Departmental Assembly -

Third. The proceedings of that body in relation to the matter concluding with the following resolutions.

1st. That there can be granted to the City in Jose Joaquin Estudillo the lot for a house with out going beyond the quantity set forth in article 15th of the regulations of Colonization and also the two hundred varas he solicits -

2^d - The Ayuntamiento of San Francisco can grant the land said lot at a distance of 200 varas retiro from the Beach and can permit other residents to establish themselves there under the same restrictions and with the order regulating a Town under the best policy -

There is no Evidence introduced in the case showing that any grant was ever made under those resolutions either by the Political Chief or by the Ayuntamiento of San Francisco on whom the right to make it was conferred. nor is there anything to show that the alleged grantee ever possessed occupied or claimed any lands by virtue of the rights conferred by said documents.

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The petitioners having failed to show any title to the premises claimed their application for a confirmation must be denied.

Filed in Office Feb 5. 1855.

(Sgd) Geo Fisher Secy.

William H Davis Esq
The United States

Decree.

In this case on hearing the proofs and allegations - It is Alleged by the Commissions that the Claim of the said petitioners is not valid and it is therefore decreed that their application for a confirmation must be denied.

Alphus Fitch

R Aug Thompson

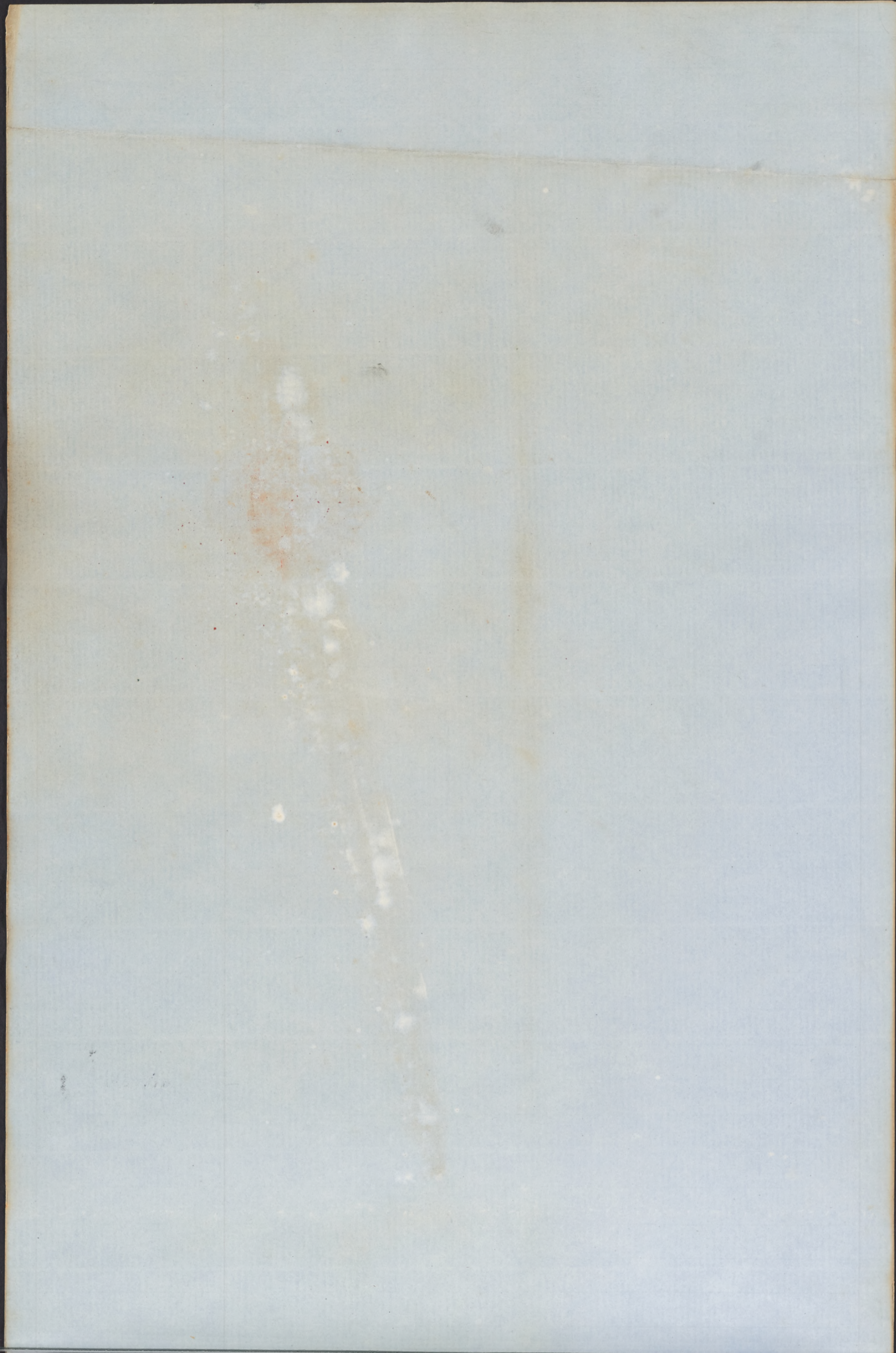
S. B. Farwell

Filed in Office Feb. 5. 6. 1855.

(Sgd) Geo Fisher Secy.

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and it appearing to the satisfaction of the Board that the land hereby adjudicated is situated in the Northern District of California it is hereby ordered that two Transcripts of the Proceedings and of the decision in this case and of the returns and evidence upon which the same are founded be made out and duly certified by the Secretary and of which Transcripts shall be filed with the Clerk of the US District Court for the Northern District of California and the other pertinent matters to the Attorney General of the United States



Office of the Board of Commissioners,

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

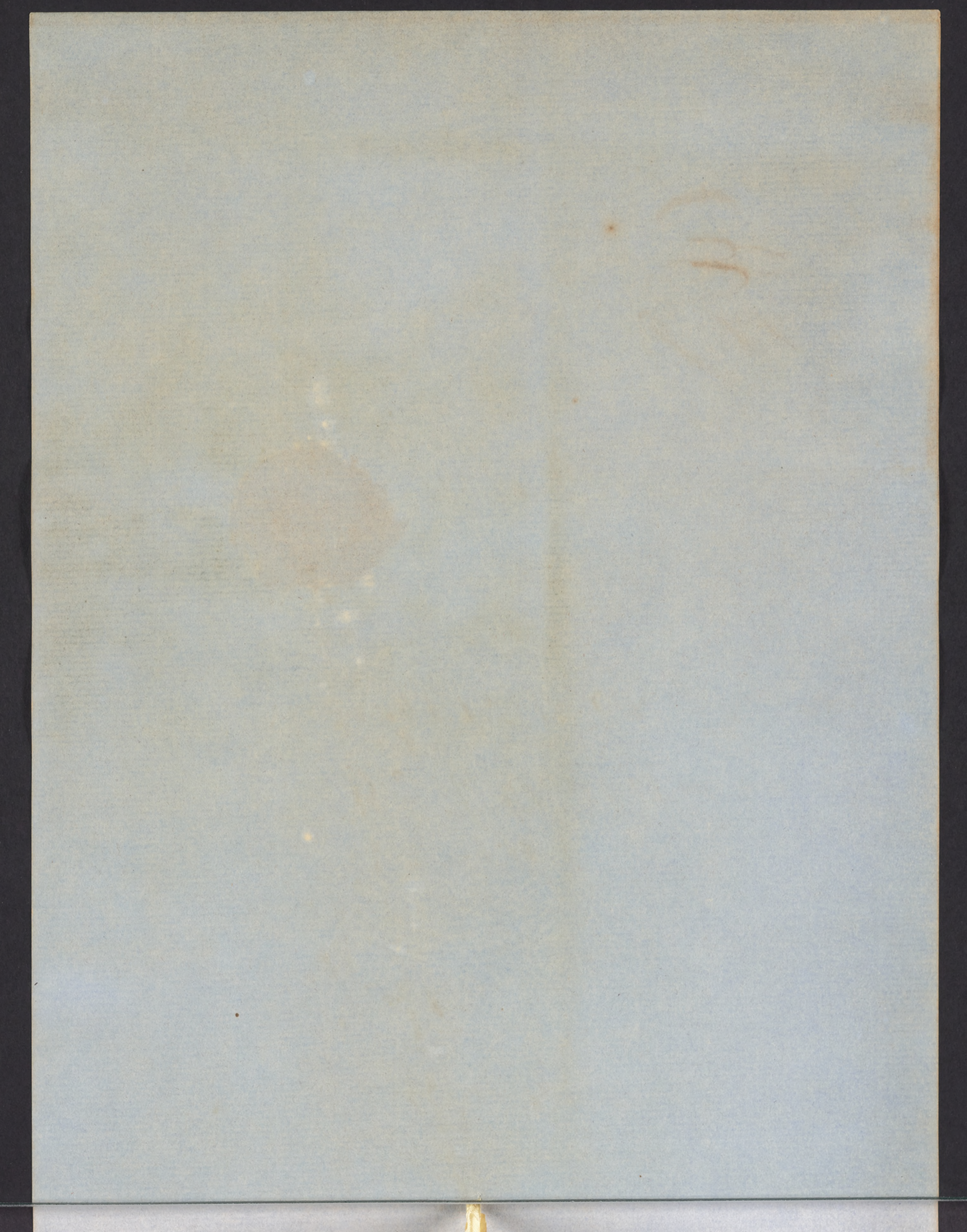
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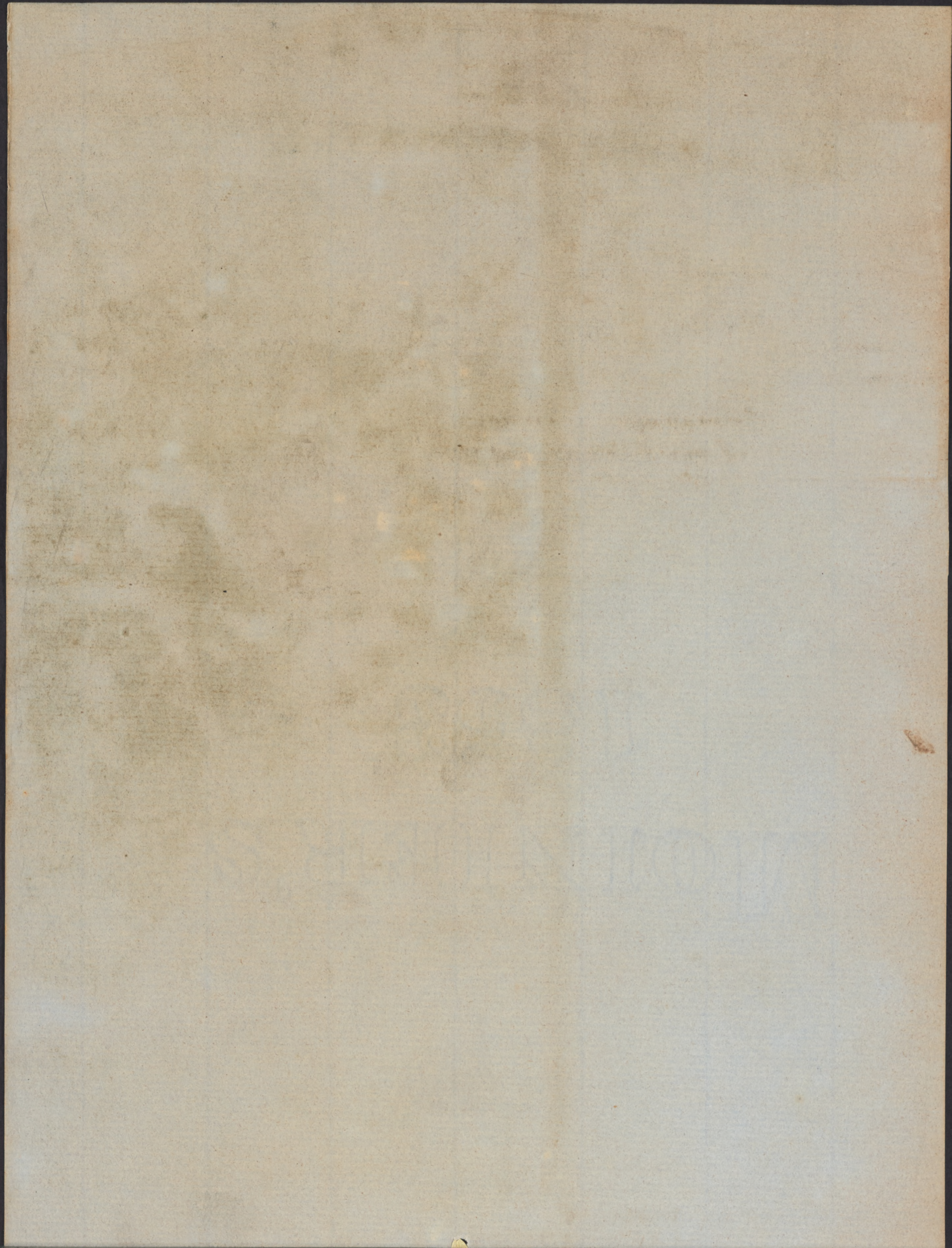
I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
following *Fifty* pages, numbered from
1 to *50*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses on which the same is founded, on file in this
Office in Case No. *811* on the Docket of the said Board,
wherein *Wm. H. Davis, et al.* are

Wm. H. Davis, et al. are
the Claimants against the United States, for the place known by
the name of *A lot in the City of San Francisco.*

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

G. Fisher
Geo. Fisher





U. S. DISTRICT COURT,

Northern District of California.

No. 251- **251**

THE UNITED STATES,

vs.

ND

Wm H. Davis, et al.

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *811*

Filed,

July 21st 1853
J. A. Moore,
Clerk.

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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, July 21st 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. 811, on the Docket of the said Board, wherein *M^{rs} H. Davis, et al,* are the Claimant against the United States, for the place known by the name of "A lot in the City of San Francisco" and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.