

CASE No.

265

**NORTHERN DISTRICT**

---

LAND NEAR THE MISSION

OF SANTA CLARA GRANT

ANTONIO MARIA OSIO

CLAIMANT:



LAND CASE 265 ND 10 pgs.

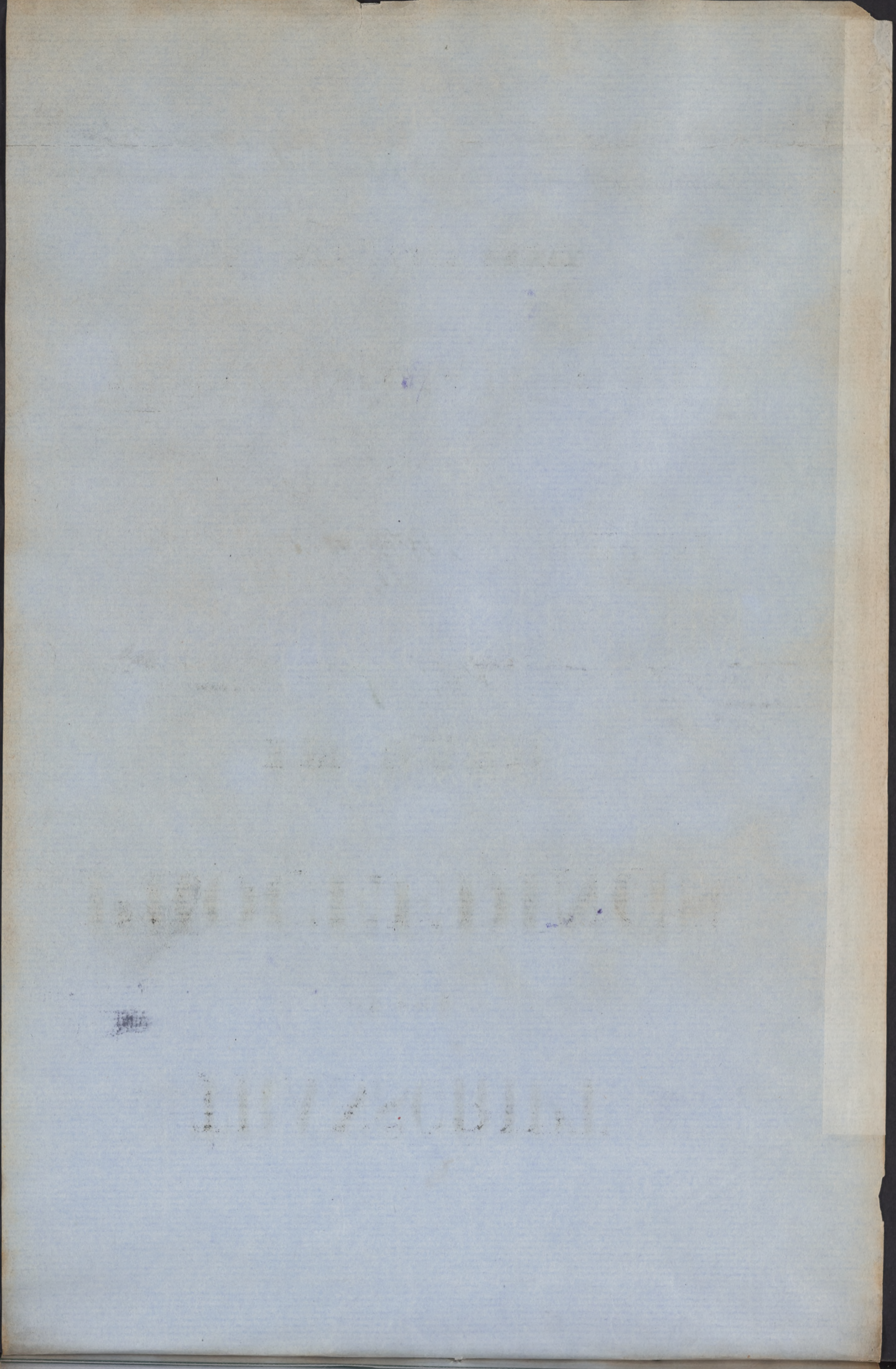
NOV 12 1962

Government  
Plover Bond  
35% Cotton Fiber  
U.S.A.



641  
Dap







# TRANSCRIPT

265 ND  
PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. 641.

*Antonio Maria Ossio*

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Land near the Mission of Santa Clara."*



PROCEEDINGS

OF THE

MEMBER

MB



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 *twenty eighth day of February*, 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 *Antonio Maria Osio*,  
for the Place named  
*lands near the Mission of Santa Clara*,  
was presented, and ordered to be filed and docketed with No. *641* 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 2<sup>d</sup> 1855.  
Case no. 641, *Antonio Maria Osio* for land near the Mission of Santa Clara, was ordered to be placed at the foot of the 4<sup>th</sup> class cases on the Trial Docket.

San Francisco January 30<sup>th</sup> 1855.  
Case no. 641 was submitted without argument and taken under advisement by the Board.

San Francisco February 6<sup>th</sup> 1855,  
In the same case Commissioner R. Aug. Thompson delivered the Opinion of the Board respecting the claim;  
(Vide page *9* of this Transcript.)

And the following order was made, to wit;

(Vide page *11* of this Transcript.)

265 ND  
PAGE 2

8,







*Petition*

To the Board of Commissioners for settling Private Land Claims in the State of California

Your Petitioner Antonio Maria Casio of Monterey in said State of California respectfully represents to your Honorable Board

265 ND  
PAGE 3

That he claims a certain tract or parcel of land called the Orchard of Jesus and the house situated in front of the Mission of Santa Clara in Santa Clara County and State of California,

which was irrigated by the waters from the Pond that he claims said lands and appurtenances in fee and by virtue of a grant made to him by Don Jose Estevan Cuminant and General,

For the northern part of California under the authority of the Mexican Government and by virtue of an order from the Governor of the Department of the Californias Empressor upon said General and General authority to grant lands

and thereby obtain the means necessary for the defence of the county that said grant bears date on the 23 day of June A.D. 1846

That it was made upon a good and valid consideration paid to said Cuminant and General by your Petitioner

That he was put into immediate possession of the lands granted to him as aforesaid by competent authority that the boundaries thereof are well known and understood and your Petitioner is not aware of any good and valid interfering claim to the said lands

Your Petitioner presents herewith the original grant in the Spanish Language together with a translation of the same and will make further proof of title if required by the Board

Antonio Maria Casio  
By Me Attorney Edmund + Rose + James Walker  
His Attorney



14

Filed in Office February 28th 1853  
Geo Fisher

Secretary

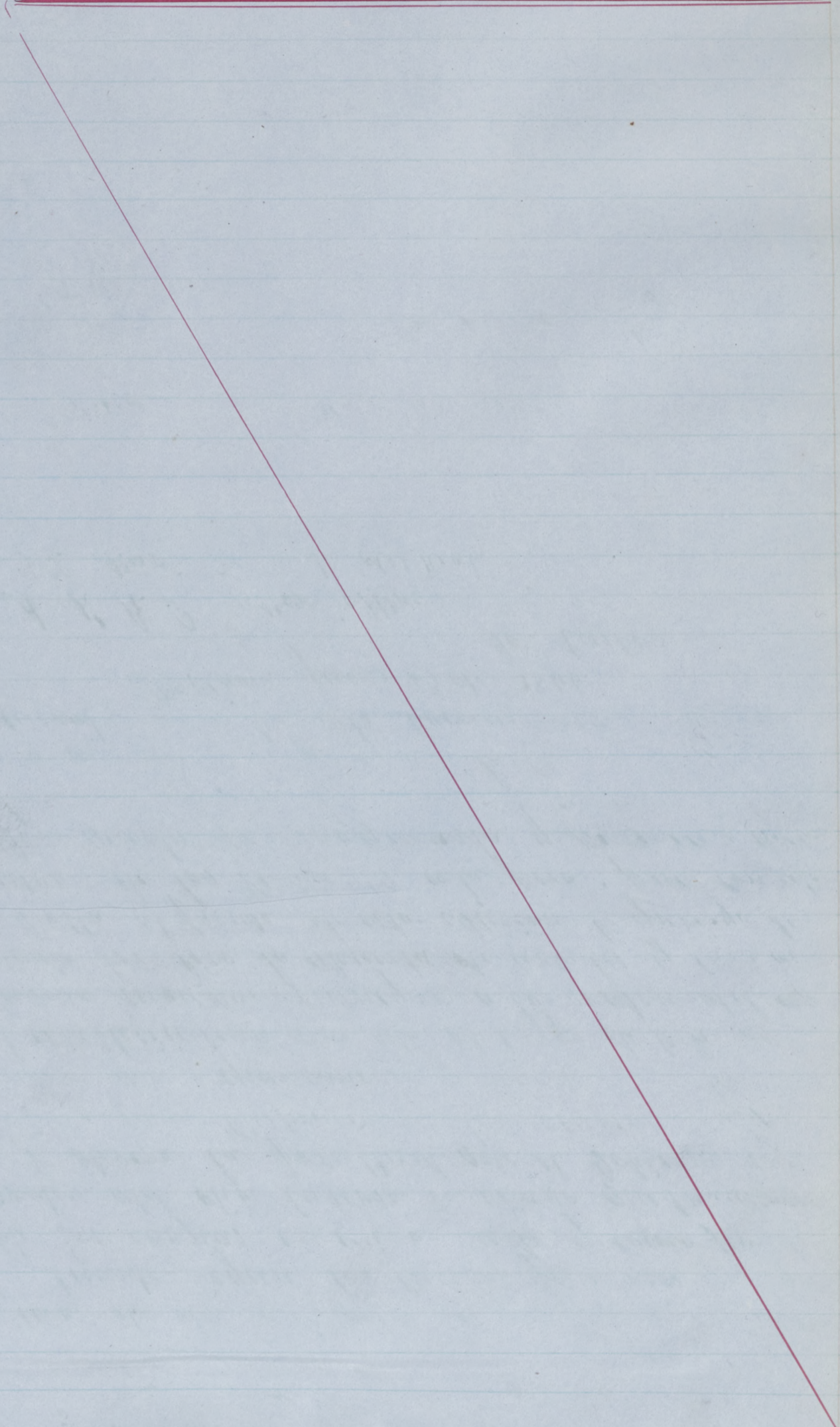
Records in Volume 2 of Petitions of Page 80

Geo Fisher

Secretary

265 ND

PAGE 4



1853  
16

Comunicacion General: Habienda esta comunicacion



1.5

Comandancia General } Habiendo esta Comandancia  
 de la Alta California } cont. recibido del Sr. Don  
 Doctor Alvarado una cantidad que ascende  
 a mas de dos mil pesos los que fueron imputados  
 legalmente segun los cuenros generales en pago  
 de las tropas de mi mando, y como por la  
 orden del dia catorce de Mayo que transmiti  
 a V. Merced la facultad que el Gobierno me  
 confiere para disponer de los recursos con que  
 cuenta este Departamento y siendo uno de ellos  
 el establecimiento que esta al cargo de C. R. de  
 Servina mandar entregar a la orden del exp  
 resado Sr. Pico la cuenta de arboles y caso que  
 se halla al frente de esta Misión cuyo pago se  
 cuenta de las Ventas de la pora: pues con esta  
 pta. queda ya enajenada y pertenece a dicho  
 Sr. Pico a quien la ha vendido en pago o orden  
 o abono de mil pesos de la cantidad que le  
 acuerda asenda esta Comandancia General.

265 ND  
 PAGE 5

Sta Clara. Junio 23 de 1846.  
 José Castro.

A. N. P. Sutter Atro  
 F. Y. Maria del R. I. del Real.

Filed in office. Feb. 28. 1853.

Geo. Fisher. Secy.



6

MB

Sanctum



Translation

B  
Translation  
of  
A

{ General term  
sum of  
Upper California } This General Commandary  
having received from Don  
Antonio Maria Escribana amounting to  
seventeen thousand dollars which were  
legally raised according to the general account  
in payments to the troops under my command

265 ND -  
PAGE 6

and, and as by the order of the 14th of May  
which I transmitted to your Reverence he  
will have seen the authority conferred on  
me by the Government

In order to dispose of the  
resources with which this Department counts  
upwards, one of them being the establishment  
under the management of your Reverence

He shall be pleased to command the delivery to  
the order of the said Escribana of the Fruit Gar-  
den and house situated in front of this town  
- town,

and which is irrigated by the waters  
of the river (poza) as on this day it is con-  
- sidered and belongs to said Escribana to whom  
I have credited in payment of

Satisfactory  
of one thousand dollars of the amount due  
him by this General Commandary  
Santa Clara June 23, 1846

Agustin Jose Castro

To  
The most Reverend Father Minister  
Francisco de Paula de S. de Real

Field Office February 28th 1853  
Gen Taylor  
Serg



8



Opinion  
of the  
Board

Antonio Marinelli  
vs  
The United States

265 ND  
PAGE 7

This is all an invoice  
trans of land, however as the orchards of this  
situated in front of the mission of Santa  
Cecilia in the County of the same name  
and purports to be for a grant made  
by Jose Castro Commandant General  
of Upper California to the claimant  
in consideration of the sum of one thousand  
dollars due him from the Commandant  
General for services advanced in payment  
of the troops under his command.

The only  
evidence of title presented in support of  
the claim is an order from the said Com-  
mandant General to the Post Command  
Francisco Marinero Major of the 1st Regt  
of the 1st Infantry to deliver to the order  
of Don Antonio Marinelli the first garden  
and house situated in front of the mission  
under his management.

As on that day  
it had been conveyed and belongs to the  
said Don Antonio to whom he owes it  
in payment of the sum of one thousand  
dollars due him by the Commandant.

This  
order bears date on the 23rd of June 1846 is  
signed Jose Castro and purports to be  
made under the authority conferred on  
him by the Government on the 14th of May.

There is no proof of the genu-  
ineness of this document but even if it  
was found no order of the Government is shown  
by which he was authorized to make such  
a disposition of the property claimed.

Or to  
alienate any portion of the Public Domain  
in any manner for any purpose, In the



absence of such authority his grant would  
comprize rights of property in the grantee  
The claim is therefore rejected

Filed in Office February 6<sup>th</sup> 1855  
George Fisher  
Secretary

265 ND

PAGE 8

Decree

Muntes 641  
Antonio Marabazzi

The United States

} Factors lease in  
hearing the proofs

and allegations it is adjudged by the commis-  
sion that the claim of the Petitioner is not  
valid and it is therefore denied his applica-  
tion for a lease in virtue of the said

Alphons Fitch

R. Aug Thompson

S. B. Farnell

Mississippi  
Filed in Office February 6<sup>th</sup> 1855  
George Fisher  
Secretary

And it appearing to the satisfaction of this  
Board that the land hereby adjudged 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 patents and evidence upon  
which the same are founded be made out  
and duly certified by the Secretary one of which  
transcripts shall be filed with the clerk of  
the United States District Court for the  
Northern District of California and the  
other be transmitted 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.

265 ND  
PAGE 9

*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 *Seal* pages, numbered from  
1 to *10*, 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. *41*, on the Docket of the said Board,  
wherein *Antonio Maria Osio* is

*Antonio Maria Osio* is  
the Claimant against the United States, for the place known by  
the name of "Land near the Mission of  
*San Clara*"



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~~ *eighty*th.

*G. Fisher.*  
*July*



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

No. ~~265~~ 265

THE UNITED STATES,

vs. *MD*

*Antonio Maria Ossio.*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,  
In Case No. *641.*

Filed, *July 2<sup>nd</sup>* 1855

*J. A. Moore,*  
*Clerk.*







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

San Francisco, July 21<sup>st</sup> 1855.

265 ND  
PAGE 10

*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. *641* on the Docket of the said Board, wherein

*Antonio Maria Osio is* \_\_\_\_\_  
the Claimant against the United States, for the place known by the name of "*lands near the Mission of Santa Clara.*" \_\_\_\_\_  
and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

*Geo. Fisher.*