CASE NO.

269

NORTHERN DISTRICT

LAND IN SANTA CLARA COUNTY GRANT

CANDELARIO MIRAMONTES

CLAIMANT:

LAND CASE 269 ND 139 pgs.

Flotchac 3/17/78

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 354.

Candelario Miramontes. CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Land in Santa Clara County.

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 second day of September, 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;

The Petition of Candelario Miramontes, for ~~the Place named~~ land in Santa Clara County, was presented, and ordered to be filed and docketed with No. 354 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 22nd 1853.

In Case no. 354 Candelario Miramontez for land in Santa Clara County, the deposition of Nicolas A. Dow, a witness in behalf of the Claimant, taken before Commissioner Harry I. Thornton, with document marked N. I. T. No. 1 annexed thereto, was filed:

(Vide page 4 of this Transcript)

San Francisco September 6th 1853.

Case no. 354 called: The Counsel for the Claimant read the Evidence, argued, submitted and taken under advisement by the Board.

San Francisco October 25th 1853.

In the same Case the Counsel for the Claimant filed the following Affidavit, to wit:

(Vide page 44 of this Transcript.)

San Francisco November 3d 1853.

In the same Case the deposition of Maximo Martinez, a witness in behalf of the Claimant, taken before Commissioner R. Aug. Thompson was filed;

(Vide page 3 of this Transcript.)

San Francisco December 27 1853.

In the same Case Commissioner Thompson Campbell delivered the opinion of the Board upon the Motion of the Counsel for the Claimant filed, heretofore, to wit, on the 19th October ult, asking leave to substitute the names of the Heirs of the Petitioner in this Case – which Motion having been sustained, leave was granted and the case ordered to the foot of the Docket, and the following order was made, to wit:

(Vide page 43 of this Transcript.)

San Francisco October 6 1854.

In the same Case the deposition of Peter T. Shenebeck, José de Jesus Noé, Tiburcio Vasquez, and José Antonio Alviso, witnesses in behalf of the United States, taken before Commissioner Peter Satt, were filed;

(Vide pages 7, 8, 10 & 14 of this Transcript.)

San Francisco January 9 1855.

Case no. 354 was ordered to be placed at the foot of the 4th class cases on the Trial Docket.

San Francisco January 30 1855.

Case no. 354 was submitted without argument and taken under advisement by the Board.

San Francisco February 6 1855.

In the same Case Commissioner Alpheus Felch delivered the opinion of the Board confirming the claim;

(Vide page 47 of this Transcript.)

And the following order was made, to wit;

(Vide page 57 of this Transcript.)

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Petition
ann

To the U S Board of Commissioners for the ascertainment and settlement of Land Titles in California -

Your Petitioner Candelario Miramontes a Mexican by birth and a citizen of California respectfully shewth

That he claims to be the owner of the tract of land situate in the County of San Francisco and bounded as follows viz -

On the North by "El arroyo de los Pilarcitos" or the creek of the little pillars -

On the South by "El arroyo de la Paresiana"

On the East by the Sierra at Summit of the range of Mountains and on the west by the Ocean -

That Your petitioner claims the said land under and by virtue of a grant thereof made to Your petitioner on the second day of January AD 1841.

That the said grant and a translation thereof are herewith filed

That the Expediente of said title including a diseno of said tract are on file among the archives of the former government of California and that a copy of the same duly certified by the Surveyor General of the United States for the State of California in whose possession the said archives now are is herewith filed -

That said tract contains about one and a half Square leagues of land that the same is now and has been ever since the date of said grant in the peaceable and exclusive possession of Your petitioner and that Your petitioner knows

of his claim thereto - conflicting with his own -

He therefore prays that his said claim and title may be duly confirmed by your Honorable Board.

Clark & Taylor & Beckett
Attys for Pets.

Filed in Office Sep 22d 1852
(Signd) Geo Fisher Secy

Deposition of N. A. Den.

San Francisco Jany 22. 1853.

On this day before Com. Hamy I Thornton came Nicholas A Den a witness in behalf of the Claimant Candelario Minamontes being sworn in 3rd and was duly sworn his evidence being given in English -

The U S Associate Law Agent was present.

Questions by Claimant -

Quest 1st - What is your name age and place of residence?

Answer.

My name is Nicholas A Den. My age forty years and my place of residence Santa Barbara.

Quest 2d. -

Look at the documents now shown you marked Exhibit 1. and attached to your deposition - purporting to be the original grant from Juan B. Alvarado to Candelario Minamontes with his subsequent petition to Juick-Ettorena for the Solares and the action of the Government thereon in regard to the land known as arroyo de los Tilacetos -

documents and whether the signatures thereto are genuine.

land known as Arroyo de los Tularcitos -

5 -

State what you know concerning said documents and whether the signatures thereto are genuine.

Answer.

I have examined the document above exhibited marked No 1 and filed with this deposition - I have no doubt of its genuiness - I am acquainted with the handwriting of Juan B Alvarado Manuel Jimeno and Pilchitorena having often seen them write and state that their signatures in and upon said document are their genuine signatures -

N. A Den.

Sworn to and Subscribed
before me this 22d of Jany 1853.
Harry I Thornton
Com &c

Service acknowledged
Robert Crunkhorn
Asst Law Agent

Filed in Office Jany 22. 1853.
(signed)
Geo Fisher Secy

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Deposition of Maximo Martinez

Office of the Board of Commissioners &c.

This day before Com R Aug Thompson came Maximo Martinez a witness in behalf of Candelario Minamentes No 354 who after being duly sworn deposed as follows -

Testimony on behalf of Claimant.

Present J Clark Atty for Claimant and R Crunkhorn Esq Asst Law Agent.

Witness states his name is Maximo Martinez

his age sixty three years and residence Santa Clara County? –

Questions by Claimants Atty.

Do you know the land claimed in this case by virtue of a grant to Candelario Briones? If so state where it is situated and what you know in relation to its occupation and improvement –

Answer.

I know said Rancho – It is situated on the Sea Coast in the County of San Francisco – I first knew said Rancho to be occupied by Candelario Briones by license from the Governor in the year 1840 – during the same year he built a house in which he lived with his numerous families he also built corrals and placed his stock on it and began to cultivate it – In 1841 he obtained from Governor Alvarado a grant for the land, this I know because I received the title from the governor at Monterey and brought it myself to said Briones

He continued to reside there until his death and his family have resided there ever since. As the children of said Briones grew up and married they built themselves houses on different parts of the Ranch and there are now on it eleven houses some of Adobe and some of wood occupied by his descendants children & grand children The following are the names of the children of said Briones. Vicente, Ignacio Mariano, who died having a son named Bernardo, Rodolfo, Apolonio, Jose de los Santos, Raimundo – Juan Jose, Guadalupe Ramona – Juan Jose Dolores, married to Stanislaus, Carmel married to Francisco

[illegible] on the Ranch are engaged in [illegible]

Gonzales. – All the decendants of the grantee settled on the Ranch are engaged in Agriculture pursuits cultivating portions of the land and keeping stocks of cattle.

his
Mariano ✕ Martinez.
mark

Sworn to and Subscribed
before me Nov 3, 1853.
R. Aug Thompson
Comr.

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

Deposition of Jose de Jesus Roe.

United States of America }
State of California }
San Francisco October 4, 1854.

This day came before Pedro Lash a Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State Jose de Jesus Roe a witness on behalf of the United States in Case No 254 on the docket of said Board wherein Candelario Buramontes & al are Claimants and said Witness being sworn deposed in Spanish which is interpreted by the interpreter to said Board as follows.

Mr Clark the Claimants Counsel is notified and present.–

Questions by W S Law Agent.

1st Question –

What is your name age and residence?

Answer.

My name is Jose de Jesus Roe

My age 48 years and I reside in the County of San Francisco California -
2d Question -

Are you acquainted with the Rancho claimed by Candelario Briamontes in this case if you have you ever present at a Measurement of said Rancho by Francisco Sanchez the Alcalde and if you what was done on that occasion?

Answer.

Ans - I have saw the Rancho in Question and I have saw any Measurement of it -

J. de Jesus Roe.

Sworn to and Subscribed
before me October 4, 1854.

Peter Lott Commissioner &c

Filed in Office October 6, 1854.
(signed)
Geo Fisher Secy.

Deposition of Tiburcio Vasquez

United States of America }
State of California } ss.
San Francisco October 4, 1854

This day came before Peter Lott a Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State Tiburcio Vasquez a witness on behalf of the United States in Case No 354 on the docket of said Board wherein Candelario Briamontes et al are Claimants and said Witness being sworn deposed in Spanish which was interpreted by the interpreter to said Board as follows -

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Mr. Clark the Claimants Counsel was notified as appears in amended Notice but was not present.

Questions by W. S. Law Agent.

1st Question -

What is your name age and residence?

Answer -

My name is Tiburcio Vasquez My age 60 years, My residence in San Francisco County California -

2d Question -

Are you acquainted with the land claimed in this case by Candelario Miramontes, if yes how long have you known it and state also if you were present at the measurement of said land if yes what was done on that occasion?

Answer -

I am acquainted with said land, I have known it since about 1840 or 1841 - I was present when Francisco Sanchez as Alcalde gave Juridical possession of it to said Candelario Miramontes - The land was measured thus Aganar the Arroyo de los Palacitos and measured to the Canada Vendo, They said it was one league.

Tiburcio X his Vasquez.

Subscribed and Sworn to before me October 4, 1854.

Peter Lott Commissioner &c

No 354.

Case before the U S Board of Land Commissioners -

To Messrs
Clark, Taylor, Beckh & Campbell
Attys for Claimants -

Take Notice that on the 4th day of October 1854 before a proper Commissioner at the Court Room of the Commission at the hour of 10 A.M. or as soon thereafter as the Matter can be reached I shall proceed to take the depositions of Francisco Sanchez Jose de la Cruz Sanchez Tiburcio Vasquez Antonio Alviso and others to be used in Evidence on the trial of said Case on behalf of the United States -

Respectfully
J. H. McKenzie
Law Agent -

Recd Copy of above Notice October 30 1854.

Campbell Taylor & Beckh
Attys for Claimant -

Filed in Office Oct 6. 1854.
(Signed)
Chas Fisher Secy

Deposition of Peter T Shurtleff

United States of America
State of California } ss.
San Francisco Oct 4. 1854.

This day came before Peter Lott a Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State Peter T Shurtleff a witness on behalf of the United States in Case No 554 on the Docket of said Board wherein Candelario Miramontes et al are Claimants and said witness being sworn

Claimants and said witness being sworn

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deposed as follows.

The Claimants Counsel Mr Clark to propound.

Questions by the U S Land Agent.

1st Question –

What is your name age and residence?

Answer –

My name is Otto T Shineback my age 42 years, my residence at San José Santa Clara County California –

2d Question –

Are you acquainted with the Rancho claimed by Candelario Miramontes in this case if yea how long have you known it?

Answer –

I am acquainted with the Rancho I have known it since the beginning of the year 1841.

3d Question –

Were you ever present when said Rancho was measured if yea state what was done at that time?

Answer.

I was present once when said Rancho was measured. I do not recollect distinctly the time though it was in 1842 or 1843, or about that time – Francisco Sanchez the Alcalde came and requested me to go with him as a passing witness to the measurement of said land and I went – Francisco de Haro the Alcalde's Clerk was present and also José Antonio Alviso and some other persons, some 4 or 5, whose names I do not remember –

We commenced measuring at a little gulch near Tobancio Vasquez

house; we ran the line directly South across the plain land to a place called Canada bonda there was a little gulch which runs out to the sea and we made that the Southern boundary of the Rancho - The hills called I think for one league a little more or less -

My measured from said Southern gulch where it strikes the beach out in an Easterly direction to a round hill in the Mountains and then a line from the Northern gulch out Easterly an equal distance with the line which ran to the round hill -

Cross Examined by Mr Clark the Counsel for Claimants -

1st Question -

What was the length of the second lines which you measured? -

Answer -

I do not remember the length of them -

2d Question -

What is the general direction of the Coast on which said Rancho borders?

Answer -

It is nearly North and South tho I think a little bearing towards the a direction from North by East to South by East -

3d Question -

Were the Claimants living on the land at the time you measured it and State what improvements and cultivation they had there?

Answer -

As they were living on the land there

of land under fence and cultivation and a house. Also improvements were near

was a comfortable house some 5 or 6 acres of land under fence and cultivation and a corral These improvements were near the North part of the land we measured –

They had cattle and horses also on the Rancho –

4th Question –

Was there any record made by the Alcalde of the measurement of which you have spoken?

Answer –

I did not see any and do not know whether any was made –

Re Examined by W S Law Agent.

1 Question –

How far is Ignacio Vasquez's house from the Ocean and on which side of the Arroyo Solaritas? –

Answer –

It is a few hundred yards from the sea and on the North side of said arroyo.

2d Question –

State whether Francisco Sanchez the Alcalde of whom you have spoken is still living?

Answer.

Yes. he is still living –

3d Question –

Was Candelario Miramontes the claimant present at the measurement spoken of if so what did he do by way of assenting to said measurement?

Answer –

He was present and after the measurement expressed his satisfaction with it and said it was all right –

Pedro T Shumway

Subscribed and Sworn to
before me October 4. 1854.
Peter Lott Commissioner

Filed in Office Oct 4. 1854.
(Signed) Geo Fisher
Secy

United States of America }
State of California } ss.
San Francisco October 4. 1854.

Deposition of Jose Antonio Alviso.

This day came before Peter Lott a Commissioner for taking testimony to be used before the Board of U S Land Commissioners in said State Jose Antonio Alviso a witness on behalf of the United States in Case No 354. on the docket of said Board wherein Candelario Miramontes et al are Claimants and said witness being sworn deposed in Spanish which is interpreted by the interpreter to said Board as follows —

Mr Clark Counsel for Claimants is present.
Questions by U. S Law Agent.

1st Question —
What is your name age and residence?
Answer —
My name is Jose Antonio Alviso My age about 60 years and I resided in Santa Clara County California —

2d Question —
Are you acquainted with the land claimed in this case by Candelario Miramontes if you how long have you known it

Continued on p 17

and what was the character of your acquaintance with it?
Answer.
I am acquainted with said land I have known it some 13 or 14 years. It is adjoining to my own land I have been very often on the place and am well acquainted with it –
3d. Question.
When did said Berramentes first settle on said lands and what was the character of that occupation?
Answer –
He settled there some 13 or 14 years ago I do not remember exactly the time. It was about the time I settled on the adjoining land. He built a wooden house and a corral fenced in and cultivated some of the land he took on to the place some 30 cows and a band of some 30 mares – He has continued to occupy ever since –
4th Question –
Were you ever present at a measurement of the land in Question if yea who were present what was the object of said measurement and what was done on that occasion?
Answer –
I was present at a measurement of the land – I do not remember the date Francisco Sanchez was the alcalde who measured the land and there were present Peter Sherrick – Florencio Vasquez and Manuel Sanchez and there was an American James Fraser and also Francisco de Haro, – The object was to give Jundical possession of the place to Candelario Berramentes – They measured the land commencing at the door of the house

of said Buramontes they measured from the house South one league and 400 varas to a ditch or gulch (Sanjon) de Canada Verde, which is the boundary of my land. we drove a stake there and then measured in a North westerly direction a half league Then the Alcalde stopped measuring - It was a half league from the Sea to the hills and the Alcalde told Buramontes that he could take the other half league in the hills pointing to the hills he said you can make up your full league in that direction -

5th Question -

How far is Candelario Mira Montes' house from the Ocean, and how far from, and on which side of the arroyo Tolarcitos?

Answer:

It is about six hundred varas from the Sea and about 100 varas South from said arroyo.

6th Question -

How far is it from the mouth of the Canada Verde to the mouth of the Arroyo Tunsima?

Answer -

It is perhaps about a half league

7th Question -

State whether the Canada Verde runs about parallel with the arroyo de los Tolarcitos?

Answer -

It does not run parallel the Canada runs more Northerly as it approaches the Sea - It runs into the land of Buramontes and cuts off a portion of it -

It is near the Land

it is as the road of the Canada.

8th Question

Arroyo, where they both think the sea, that it is at the head of the Canada.

8th Question -

How much land of Miramontes lies South of the Canada Verde?

Answer.

There was no part of Miramontes land South of said Canada - The Canada was Established by the Alcalde as the boundary of Miramontes' land - When I said it cut off a portion of his land. I meant that it would cut it off if his land had been Measured in a Square form but the Alcaldes Measurement made the Canada the boundary line -

9th Question -

Who has been in possession of the land between the Canada Verde and the Arroyo Tierissima since 1840 to the present time?

Answer -

I myself occupied it I lived on it from 1840 till about 2 years ago - I sold it then to Messrs McCoy and Clarkson, Clarkson now lives on it -

Cross-Examined by Claimants Counsel.

1st Question -

Did not Miramontes cultivate a part of the land between the Canada Verde and Arroyo Tierissima?

Answer -

The Miramontes Rancho cultivate there they came there and began to plough the first year of their settlement and I drove them off - It was my land and I would not let them have it -

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2d Question -

How many varas are there in a linal league?

Answer.

There are 11175.

Jose Antonio X Aloiso.

Subscribed and Sworn
to before me October 4, 1854.
Peter Lott Commissioner &c

Filed in Office Oct 6, 1854.
(Signed)
Geo Fisher
Secy.

191. G. D. R.

Año de 1841

Espediente promovido por el C. Candelario Miramontes en pretencion de un sitio de Ganado Mayor en terrenos del Establecimiento de Dn. Jeremia.

No. 21

M. & S. N.

2112. G.D.K

A. Espediente.

Sello

Monterey 15. de Octuhe de 1840. Informe el señor prefecto del 1er distrito sobre el contenido en esta instancia
Limeno

Excmo S. Gobernador
Candelario Muramontes Mejicano por nacimiento y avecindado en San Jerenimo adonde ha prestado todo sus servicios desde su juventud y hallandose con un numero de familia que no tiene adonde ponerlo con unos pocos bienes de ganado bacuno y Caballada se presenta con V.E respetuosamente para q. le conceda el parage que esta por la Costa de S. Jeran.co entre el Arroyo de Cospilarcitos y el de la purisima con el Norte y el Sur y al O. y E. con la sierra y margen del mar siendo la estencion de legua y media poco mas ò menos pues un gran pedazo es esteril por falta de agua y siendo de Ancho tres cuarto de legua. A. V. E pues rendidamente suplica el solicitante le conceda como pide y representa el diseño que acompaña gracia que espero de V.E. no siendo en papel sellado este mi solicitud por no haberle, pues no ser de malicia y lo necesario Ft.
S. Jeran.co Octe 8 de 1840.
Candelario Muramontes

G. S. D. K

Sr. Juan de Castro 22 de Noviembre de 1840.
Pasè esta instancia al juez de paz de San Jeran.co para que informe sobre su contenido y si el terreno que solicita esta Baldio.
Castro.

21. G.D.K

San Jeran.co Dbre. 1o. de 1840.
En virtud del decreto que antesede tengo el honor de informar que el solicitante en esta instancia obtiene los requisitos necesarios p.a ser atendido y que el terreno q. solicita pertenece al Establecim.to de Dolores y solo lo ocupan un corto n.o de ganado bacuno el que se halla perdido por no reconocer Rodeo y anda ambulante en diversos parages de las costas de dicho terreno es de temporal, no esta comprendido en las

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veinte leguas limitrofes y si en las diez litorales y que el solicitante lo esta poseyendo con sus bienes por haverselo permitido desde antes el Gobierno Departamental

Fran.co Guerrero

Esmo Señor Gobernador

El terreno que se pretende se halla en la actualidad ocupado con algunos bienes de campo pero todo se reduce à estar alsado fuera del parage mencionado, y en mi concepto puede V. E. concederlo si lo tuviere a bien, à mas que el interesado tiene una licencia del Gobierno para ocuparlo ente riramente, mientras corren los tramites de Estilo el presente Espedte.

354-Lab

Sn Juan de Castro 29 de Dbre de 1840

José Ma. Castro

S. G. D. R.

Monterey 2 de Enero de 1841

Vista la peticion con que da principio este espediente: el informe del Sr. prefecto del 1er Distrito, con todo lo demas que se tuvo presente y ver convino; se declara al C. Candelario Miramontes dueño en propiedad de un sitio de Ganado menor entre los Arroyos de los pilarcitos y la piniorma, la Sierra y el mar y corresponde al Establiemto de S. Francisco; libese el despacho correspondiente. tomese razon en el libro respectivo y reservase para la aprobacion de la C. junta departamental. El C. S. D. Juan B. Alvarado Gobernador constitucional del departamento de las Californias asi lo mando, y firmò doi fee.

C. S. D. R.

{Here follows Map.}

22 Ay. L. D. R

Juan Bautista Alvarado Gobernador Constitucional del Departamento de las California.

Por cuanto Dn Candelario Mia montes à pretendido para su beneficio personal y el de su familia un sitio de ganado mayor poco mas ò menos entre los Chorros de las pilarcitos y la punta la sierra y el mar practicadas previamente las diligencias y averiguaciones consernientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas à nombre de la Nacion Mejicana he tenido en concederle el parage mencionado declarandole la propiedad de el por las presentes letras sugetandose à la aprovacion de la Exma Junta departamental y à las condiciones siguientes.

1a podrà cercarlo sin perjudicar las travecias caminos y servidumbres lo disfrutara libre y exclusivamte destinandolo al uso ò cultivo que mas le acomode pero dentro de un año fabricara casa y estara habitada.

2a Solicitara del juez respectivo que le de la posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra à mas de las mojoneras algunos arboles frutales o silvestres de alguna utilidad.

3a El terreno de que se hace mencion es de un sitio de ganado mayor poco mas o menos segun esplica el diseño que corre en el espediente respectivo. El juez que diere la posesion lo hara medir conforme a Ordenanza quedando el sobrante que resulte à la Nacion para los usos convenientes

4a Si contravinere à estas condiciones perdera su derecho al terreno y sera denunciable por otro.

En consecuencia mando que teniendose por firme y valedero este titulo se tome razon de el en el libro respectivo y se entregue al interesado

8. L. D. R

Dado en Monterey la cual de Febrero de mil ocho cientos cuarenta y uno.

Office of the Secretary

respectivos se entregue al interesado

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para su resguardo y demas fines.
Dado en Monterey á dos de Enero de mil ochocientos cuarenta y uno.

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 under my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the eight preceeding and hereunto annexed pages of foreing paper numbered from One to Eight inclusive and each of which is verified by my initials S.D.K. exhibit true and accurate copies of certain documents now on file and forming part of the said Archives in this Office

(Seal) In testimony whereof I have hereunto signed my name Officially and affixed my private seal (not being a seal of Office) at the City of San Francisco this 13th day of February 1852

Saml. D. King
Surv. Genl. Cal.

Filed in Office Septr. 22d 1852
Geo. Fisher Secy

Extract of Proceedings at the instance
of the Church Council

Year 1841.

Translation of Expediente.

Record of Proceedings at the instance of the Citizen Candelario Buramontes soliciting one square league on lands of the Establishment of Sta Francisca.

No 214.

Excellent Sir Governor.

I Candelario Buramontes a Mexican by birth and residing in San Francisco where I have rendered all my services from my youth and finding myself with a numerous family and having no place where to put my few black cattle and horses. I present myself respectfully before your Excellency that you may grant unto me the location situate along the Coast of San Francisco between the Arroyo de las Pilarcitas and Arroyo de los Parrisima on the North and South and to the West and East on the Sierra and the margen of the Sea being in extent one league and a half a little more or less as a large piece is sterile for want of water and being in width three quartas of a league.

Therefore the petitioner humbly prays Your Excellency to grant him as asked for and exhibited in the accompanying sketch a favor which he expects of your not using stamped paper because this is not to be the head swearing there is no malice herein and to what else necessary etc.

S. Francisco. October 8. 1841.

(Signed)

Candelario Buramontes

(Marginal)

Monterey 15th October 1840.

The Prefect of the first District will report on the Contents of this instance -

Jimeno.

San Juan de Castro 22d Novb 1840.

Let the instance be referred to the Justice of the peace of San Francisco that he may report on the Contents thereof and whether the land solicited is vacant.

Castro.

San Francisco Decb. 1. 1840.

In virtue of the foregoing decree I have the honor to report, that the petitioner in this instance possesses the necessary requisites in order to be attended to and that the land he solicits belongs to the Establishment of Dolores and is only occupied by a small number of black cattle which is in a state of abandonment on account of not possessing any enclosure and goes ambulatory in sundry locations of the coasts -

Said land is seasonably irrigated is not comprised in the twenty limiting or ten litoral leagues and that the petitioner in possessing it with his stock as having been permitted previously by the Government of the Department -

Franco Guerrero.

Excellent Sir Governor.

The land claimed is in reality occupied with some Country stock but all is reduced to being based out of the mentioned location and in my opinion Your Excellency can

and in my opinion Your Excellency can

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grant it if you should think it expedient the more so as the interested party holds a license from the Government to occupy it ad interim whilst the Judicial procedure is going on through the present Expediente — San Juan de Castro 29th Octubre 1840.

Jose T Castro.

Monterey January 2d 1841.

In view of the petition with which this Expediente commences the report of the Prefect of the 1st District with whatever else borne in mind and was to the purpose the Citizen Candelario Miramontes is declared owner in his own right of one Sqare league of land (Sitios de ganado Mayor) between the Creeks of los Pelarcitos and la Purissima la Sierra and the Sea and appertaining to the Establishment of S Francisco —

Let the corresponding document be issued Entered in the respective book and reserved for the approbation of the Excellent Departmental Assembly —

Don Juan B Alvarado Constitutional Governor of the Department of both California thus did order and sign — I attest it —

Filed in Office Sept 6. 1853.

(Signed) Geo Fisher
Secy —

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Barcelonai

Resumen de los ingresos y egresos de la Aduana marítima de Monterey para los años de 1839 y 1840.

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Sello 1º. Seis pesos:
Habilitado provisionalmte. por la Aduana Maritima de Monterey, para los años de 1839 y 1840.

Candelario Miramontes
Santa Clara County

Doc: H. L. Nº 1. annexed to the Depo: of Nicholas A. Dennis Ber be in terreno que se halla entre el Arroyo de los pilarcitos por el N. el de la piriima por el O. la Tierra por el E. y el mar por el O. pertenecciente al Establicimiento de S. Jeremiaco; practicadas previamte. las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas à nombre de la Nacion Mejicana por decreto de este dia he venido en concederle al referido Candelario Miramontes el terreno mencionado declarandole la propiedad de el por las presentes letras à reserva de la Aprovacion de la E. Junta Departamental y bajo las condiciones siguientes.

por Comr. H. L. G.

Antonio Mª Osio.

Sello

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

Por cuanto el C. Candelario Miramontes Mexicano por nacimiento ha pretendido para su beneficio personal y el de su familia

1ª. Podra cercarlo sin perjudicar las heredades caminos y servidumbres: lo disfrutara libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode pero dentro de un año fabricara Casa y estara habitada

2ª. Cuando se le confiera la propiedad solicitara del juez respectivo que le de la posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en sus limites poniendo à mas de las mojoneras algunos Arboles frutales ó silvestres de alguna utilidad.

3ª. El terreno de que se le hace donacion es de un sitio de ganado mayor poco mas ó menos segun esplica el diseño que corre en el espedte. El juez que diere la posesion lo hara medir conforme a

M&S&V

Ordenanza para señalar los linderos.
4ª. Si contravinere à estas condiciones perde-
ra su derecho al terreno y sera denunciable
por otro.

En consecuencia, mando q.
se entrende de titulo el presente y teniendose
por firme y Valedero se tome razon de el en
el libro que corresponde y se entregue al in-
=teresado para su resguardo y demas fines.
Dado en Monterey à dos de Enero de mil
ocho cientos cuarenta y uno.

Juan B. Alvarado

Manl. Jimeno Srio.

Queda tomada razon de este titulo à fojas
4ª. del libro respectivo de asientos de terrenos Val-
dios. Jimeno.

Sello tercero Dos Reales:
Habilitado provincialmente por la Aduana
maritima del puerto de Monterey en el De-
partamento de las Californias, para los años
de mil ocho cientos cuarenta y mil ocho
cientos cuarenta y uno.

Jimeno — Antonio Maria Osio.

Revalidado para los años de 1842 y 1843.

Alvarado — Antonio Mª Osio.

Monterey Octbr. 14 de 1844. Pa
q. el S. Srio del Despacho y si los necesitare pida otros.

Michelt.a

Excmo Sr. Gov.
Candelario Marimontes natural de este Departamt.o y vecino de la jurisdiccion de S.n Franco. ante la recta justificacion de V.E. como me por proceder en derecho digo: q. hace el espacio de tres años q. estoy poseyendo, con justo titulo el parage nombrado, Arroyo de los pilaricitos en donde tengo ubicada casa, huerta, Labores, Corales &c. como lo podre justificar en caso opesido siendo los linderos principales q. desde el Arroyo mencionado de los pilaricitos hasta la el llamado de la purisima en estencion de un sitio de ganado Mayor poco mas ò menos segun esplica el titulo q. de el dam.o acompaño y demas documentos q. deben obrar en la secretaria del Gobierno y en cum

obrar en la Secretaria del Gobierno y en cum

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=plimiento del Artt.º 2.º del mencionado ti
tulo del fregespectivo me diese la posesion
juridica como demuestra tambien, demues
tran los adjuntos documentos, pero como por des
gracia se carece de la exactitud p.ª la buena
medicion de un terreno p.ª no haber un Agri=
mensor q.ª lo haga con la prolijidad q.ª se
merece, se duda si esta medido este recta
mente; p.ª lo que resulta dentro de los limi
tos mensionados un sobrante de dos mil
varas antes de llegar al limite q.ª señale
que q.ª el Arroyo de la purisima Rumbo
S. p.ª lo q.ª suplica à la clemencia de V.S
se digne darme la confirmacion del
sobrante q.ª resulte, pues à causa de esto
se ha querido escluirme de ese pedaso
q.ª sobra, cuando ha sido solicitado p.ª
el que subscribe primeram.te. Por tanto
A. V. E. pido y suplico provea en sustancia
como llebo pedido de lo q.ª le vivere eterna
mente reconocido pirando no ser de mali
cia y lo necesario. V.E.

S. Fran.co 4. de Octb.re de 1844.

Candelario Miramontes.

Como dispone el Esmo Sor Gobernador
pase esta instancia al Sor Alcalde 1.º
de San Fran.co para que informe previa
citacion de los colindantes y evacuado q.ª
sea buelva à esta secria para los efectos que
corresponden.

Sello tercero Dos. Reales:

Habilitado provisionalmente por la Adua
na Maritima del puerto de Monterey en el
Departamento de las Californias, para
los años de mil ocho cientos cuarenta y
mil ocho cientos cuarenta y uno.

Jimeno Antonio M.ª Osio.

Revalidado para los años de 1842 y 1843.

Alvarado.

Mont.y Octubre 14. de 1844.

Manuel Jimeno.

Llamados los colindantes Don Tiburcio Vas
quez y Don Josè Ant.º Alviso el primero dijo
que no habia en contra y que siempre habia

entendido el Rancho del Dr. Miramontes de ser desde Arroyo à Arroyo y que de estender el Rancho del Dr. Alviso en el modo que pide sera de mucho perjuicio como no que dara una lindera Clara. el segundo protesta conhe el pedido y dice que es el propietario de dicho terreno y siendo sus papeles y titulo en Monterey he referido los dos hasta alla para q. se presenta sus titulos respectivos.

Pueblo de San Josè de Guadalupe.
Octubre 24. 1844.
Guillermo Hinckley

Yerbabuena 15 de 1846. Sr. prez. Propietario
En virtud de no saber la Vicente Miramontes
verdificacion de Dn. Josè vecino de esta jurisdcn
A. Alviso segun el prest. digo ante V. le comunica
Dn. Vicente Miramontes haga lugar se presente
pare à la Sub. prefectu diciendo que el Sr
respeta q. se sirba de Josè Antonio Alviso
cumple la objecion q. debo à hatado esiguos a
à ser adarle à la presente propellar mo sin brenes
el giro que corresponde en el pueblo de Ca pu
à la jurisdiccion q. visina barbelchendo
pertenesca.
J. de Jesus Noe.
asia cuatro dias al
que aban habapado
cuando llego el dcho

Sr Alviso y se les dito el que estubieran ha
bajando la tierra le digo à mis servientes
q. el terreno era de el que se retiraran de
alli al mismo instante me mandaron à
visar los servientes q. los ~~se llamado~~ habian sido de el anillo
de la purisima y à linstante q. se ete
raran los gallanes empeso à Barbechar
el Sr Josè Antonio sobre de mi misma
tierra cultivada.
En virtud de eso pido le manifiesta los do
cumentos del dicho terreno Anillo de la pu
risima para q. diya à ver quien se lo con
sedio este dicho parago. A. V. Suplico se
sirba hacer como pido en lo que recibirè
justicia.
Yerba buena Abril 5 de 1846.
Vicente Miramontes
Yerba Buena Abril 16. de 1846.

Doc: H. Q. Se pesenta q. D. Josè A. Alviso se presenta en
la prefectura en Monterey presentar los

Tarba Buena Abre 16. de 1846.

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Doc: H. J. y
Nº 1. continuado

En virtud de haberme orden del Sor Prefecto pª q. D. José A. Alviso se presente en la prefectura en Monterey a presentar los documentos q. tenga p. haverse introducido en el paraje entre los linderos del terreno pedido por el finado Dn. Mariano Micimontes Pte. ante el Sor prefecto pª su determinacion

Franco. Guerrero.

Sor prefecto de este distrito.
José A. Micimontes por si y à nombre de sus hermanos menores y demas familia ante la justificacion de V. S. como mejor proceda en derecho digo. Que haviendosele concedido en propiedad y con justo titulo à mi finado padre Dn. Candelario Micimontes el paraje conocido con el nombre de Arroyo de los pilaricitos hasta el llamado de la Purisima segun demuestran los adjuntos documentos que delidamte. acompeño. à V. S. y teniendo una cuestion pendiente con Dn. José Anto. Alviso hace algun tiempo por decir este tener en ger[illegible] en el mencionado terreno y ser de su propiedad una parte del enunciado terreno; acarro à la Clemencia de V. S. para q. se digne dar sus Ordenes à donde convengan pª q. à la mayor brevedad posible se presente con sus documentos dho Alvisi en este punto en donde V. S. pueda impartir la justicia que imploro por los grandisimos perjuicios que hemos estado sufriendo todos los herederos por causade este individuo, queriendo enteramente parar nuestros trabajos que tenemos emprendidos y sin motivo que se le considere justo de lo que resultara sino se le pone un dique à este hombre por su tenacidad y notables perjuicios que su total vez, ocacionara alguna desgracia que me he propuesto siempre evitar.
Por otra parte no es la primera Vez que me he presentado contra dho Sor y he tenido q. abandonar mis trabajos poniendome en mucha hasta este punto y nunca he podi

=do conseguir que el espresado Alcsi compa
reca p.a terminar esta concecion.
Por tanto à V. S.a pido y suplico prove a co
mollebo pedido de lo que espero recibir gracia
y merced que juro lo necesario &c. Dispen
sando V. S. el uso del papel comun por no
haber en este lugar del sellado que corres
ponde.
Monterey Abril 13. de 1846.
José A. Moramontes.

Filed in Office January 22. 1853.
Geo: Fisher Deeny.

S. Candelario Moramontes a Rotuno of

35—

Excellent Sir Governor.

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PAGE 34

Translation of Original Expedente

Annexed to Depo of R. A. Dru.

I. Candelario Buramonte a Native of this Department and resident in the Sierra District of S. Francisco before Your high Equity as best may be consistent with law say — That there is a space of three years since I have been possessing with a just title the location called Arroyo de las Palacitas whereon I have built a house and have an Orchard farming and Corrals etc — as I shall be able to Justify in case of necessity the principal boundaries being such as I from the beginning solicited from the Mentioned creek called de la Peressima in extent one square league a little more or less as expressed in the title deed which I duly annex and other documents which must be on file in the Secretary Office of the Government and in compliance with the 2d Article of the said title deed the respective Judge should give me Juridical possession as also is shown by the adjoined documents but unfortunately there is a want of exactness in the good Mensuration of a tract of land on account of there being no land Surveyor who might do it with the Minutiness it requires it is doubted if this may be measured right since there results within the Mentioned limits a surplus of two thousand varas before reaching the limit I marked out which is the arroyo de la Peressima in a Southern direction —

Wherefore I pray Your Excellency's Clemency to be pleased to give me the Confirmation of the Surplus that may result since on reason hereof people have chosen to exclude me from the remaining space when it has

first been solicited by the Subscriber –
Therefore I ask and pray you to provide for the substance of this petition whereby I shall ever remain obliged to you swearing there is no malice herein and to what else necessary.
S. Francisco October 1st 1844.
Candelario Broaments –

(In the margin)
Monterey October 14. 1844.
The Secretary of State will report and if necessary ask for other reports –
Buchananan –

As ordered by the Excellent Sr. Governor let this instance be referred to the Alcalde of San Francisco that he may report after previous summons of the bordering land owners and when this finished return it to this Secretarys Office for the corresponding action –
Monterey Oct 14th 1844.
Pico Amino.

The bordering land owners Don Tiburcio Vazquez and Don Jose Anto Aloiso being called the first named said that he had no opposition but that he had always understood the Rancho del Q Briamonte to be from creek to creek and that to extend the Rancho of Mr Aloiso in the mode he asks will be of much injury as there will remain no clear commdany – the second named protests against the petitions and says that he is the proprietor of said land and their flocks and duds being in Monterey I have referred

and lying in Montery State referred

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them back thither that they may present their respective bills -

Pueblo de San Jose Guadalupe
October 27th 1844

Guillermo Hinckley

To the 1st Justice

Proprietary Vicente Bernamontes a resident of this Jurisdiction as best may be consistent with law presents himself before you saying -

That Mr Jose Antonio Alviso has attempted to go trespassing on our Rancho and prejudice us while my servants were on the Arroyo de los Pirissima ploughing - They had worked four days when said Mr Alviso came and prevented them from working - He told my servants that the land belonged to him and they retired therefrom - At the same instance they ordered me to inform the servants that they had run from the Arroyo de la Pirissima and on their appearing the laborers retired when on Jose Antonio commenced to plough on the same cultivated lands of mine -

On account hereof I ask that he may show his documents to the said land Arroyo de los Pirissima to see whether any one has granted him said location -

I pray you to be pleased to do as asked for whereby I shall receive Justice

Verba Buena April 5th 1846 -

Vicente Bernamontes -

(In the margin)

Verba Buena 15th of ___ 1846.

An account of not knowing the residence (N B residification) of Jose Alviso as

represented by Vicente Bermudez let this be referred to the Subprefecture that it will please to tell me the Objection I ought to make to the present or give it the direction corresponding to the Jurisdiction he may belong to.

J. de Jesus Roé.

Orba Buena April 16. 1846.

There being an order from the Prefect to D José A Alviso to present himself in the Prefecture in Monterey to produce the documents he may have for having introduced himself on the location between the boundaries of the land asked for by the deceased Citizen Bermudez let this be referred to the prefect for his determination –

Teo Guerrero.

Sir Prefect of this District –

José A Bermudez for himself and in the name of his Minor Children brothers and other family as best may be consistent with law says before Your Equity – That my deceased father Candiano Bermudez having been granted in ownership and with a fast title the location known by the name of Arroyo de la Polarcitos to the Arroyo called de la Purisima as is shown by the adjoined documents which I duly accompany to you and having since some time ago pending a question with José Onto Alviso on account of his saying the mentioned land to be included in his own and a part of said land to be his property –

I apply to Your Excellency

of said land with his property -
Apply to Tom Clancy

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to be pleased to give your orders that in a place that convenient in this point for the more brevity possible said Alcaso present himself with his documents when you will be enabled to impart the Justice I pray for on reason of the very grand afairs all the hers have been suffering for the sake of this individual, counting continually to stop our works which we have undertaken and that without any Just Cause whereform there will result some misfortune which I have always proposed to avoid. if there be not put a dike for this Grave tracity and notable afairs -

On the other hand it is not the first time that I have presented myself against said gentleman and I have had to abandon my works setting out on a journey to this point and I have been unable to obtain that said Alcaso be summoned to terminate this question -

Therefore I ask and pray you to provide as I have before asked for whereby I expect to receive favor and mercy swearing to the necessary etc while you will dispense with the use of common paper there being no corresponding stamped paper in this place.

Monterey April 13th 1846
Jose A Inzamontes -

Filed in Office Sept 6. 1853.
(Signed)
Geo Fisher Secy

41

B.
Translation
of
Expediente
&
Grant.

Translation.

Juan B. Alvarado Constitutional Governor of the Department of the Californias –

Whereas the Citizen Candelario Romanientos a Mexican by birth has solicited for his personal benefit and that of his family a tract of land situated between the creek of the tule reeds ("los juncitos") on the North, that of La Purisima on the South the range of Mountains ("La Sierra") on the East and the Bayou the west pertaining to the Establishment of San Francisco having first taken such action and made such investigations as were requisite according to the requirements of the laws and regulations using the powers which are in me vested in the Name of the Mexican Nation I have come by decree of this day to cede to said Candelario Romanientos the land aforesaid declaring it his property by these letters subject to the approval of the Departmental Assembly and under the following conditions –

1st He may enclose it without prejudice to the ways roads and servitudes – He will enjoy it freely and exclusively appropriating it to such use and culture as may best suit him but within one year he shall build a house and it shall be inhabited –

2d. When he shall come to take charge of the property he will solicit of the Justice that he give him juridical possession by virtue of this dispatch by whom the boundaries will be indicated – where he will place besides the land marks he will place some fruit trees or some useful forest trees.

3d. The land thus donated is of one square league or a little more or less as is exhibited by the Map in the Expediente - The Judge who shall give Judicial possession will have it measured according to ordinance to indicate the boundaries -

4th - If he shall violate these conditions he will lose his right to the land and it will be denounceable by another.

Consequently I order that these presents serving him as a title and being held firm and valid an Entry thereof be made in the corresponding book and the same be delivered to the party for his protection and other Ends.

Given in Monterey this Second day of January Eighteen hundred and forty one.

Juan B Alvarado.

Thos Ximino
Srio. §

Entry has been made of this title at folio 4th of the corresponding book of the Matrix of public lands -

Ximino.

Filed in Office Sept. 22. 1852
(Signd)
Geo Fisher Secy

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Affidavit

State of California }
County of San Francisco }

Adolfo Bernamontes being duly sworn deposeth and saith that in the year 1846 Candelario Bernamontes the grantee named in this case has died leaving as his Children and heirs the following persons to wit —

Vicente Bernamontes
Ignacio do
Bonardo an infant son of Mariano Bernamontes deceased who was a son of said Candelario.
Adolfo this affiant.
Jesus
Jose de los Santos.
Raymundo
Juan Jose
Guadalupe Also
Ramona Married to Vicente
Viviana Dolores married to Stanislaus. Carmel. married to Francisco Gonzales all of whom are living upon the land petitioned for —

And further saith not.

Adolfo his ✗ Bernamontes
mark.

Sworn to and Subscribed
before me this 14th October 1853
Thompson Campbell }
Cmr }

1854.

In this case on motion of Clarke Taylor & Beck Attorneys and upon reading the foregoing affidavit it is ordered that the following persons be substituted as claimants

in the place of Candelario Buramontes viz
Vicente Buramontes
Ignacio "
Bernardo "
Adolfo "
Arsenio "
Jose de los Santos "
Raymundo "
Juan Jose "
Guadalupe "
Ramona Rosa "
Rolons Stanislaus and "
Carmel Gonzales "

Filed in Office Oct. 25. 1853.
Sigord
Geo Fisher Secy

Vicente Buramonte and others –
354.

Affidavit

Arsenio Buriamentes one of the Claimants in this Case Maketh oath that he is prepared to prove by Numerous Witnesses that the tract of land claimed in this Case has been occupied by the late Candelario Buramentes and his Children the present claimants for the last twelve years that said Candelario built a house upon the land within a year after obtaining the grant sold in this Case that he took up his residence thereon during said year and continued to reside there with his wife and Children till the time of his death in 1848. that since his death his widow and all of his Children viz the present claimants Eleven in Number have lived upon the land with their families

have lived upon the land with their families

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occupying thirteen dwelling houses which they have erected upon said tract at various times since the grant.

That affiant was not advised of the necessity of making proof of these facts till since this case was submitted that in fact none of the claimants were aware that any other proofs were needed in the case than those offered by the papers filed.

Jesse Benavides

Subscribed and Sworn to before me this 31st October 1853.

Alphens Felch
Commissioner.

Upon the foregoing affidavit the claimants moved the board to open the case for further proofs of possession and improvement

J. Clarke atty.

Filed in Office Oct 31. 1853.
(Signed)
Geo Fisher
Secy

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Bounce by
Com. Tech

Unclaimed Accounts Rec'd

For a block of land

47

Opinion of Board by Com. Felch

Vicente Miramontes et al the heirs at Law of Candelaria Miramontes dec.d
vs
The United States

For a tract of land Containing One Square League in San Francisco County

The petition was originally filed in this case in the name of Candelaria Miramontes, and on suggestion of his death, and on the application of the Claimants Attorney the names of his heirs were substituted on the record.

A grant to said deceased signed by Governor Alvarado dated January 2d 1841, is presented, and duly authenticated. It is also proved that the grantee built a house on the land in 1840, took his stock on to the premises, built Corrals and commenced the cultivation of the land, and that he moved into the House with his family, and continued to reside there until his death; that his family was large and his Children have built houses on the premises and continue to reside there to the present time engaged in agricultural pursuits and in the cultivation of different portions of the land.

In the grant the premises solicited are described as situated between the Arroyo de los Pilarcitos on the North, that of la Purisima on the South; the Sierra on the East, and the Sea on the West. The quantity of land granted was One Square league a little more or less, and the grantee was required to obtain juridical measurement.

The proof shows that a short time after the grant was obtained he procured juridical possession to be given to him by Francisco Sanchez an Alcalde; that they measured the land from the Northern boundary to the South and terminated their line at a gulch running out to

the sea, at a place called Cañada Verde, which gulch they established as the Southern boundary of the Rancho: they also measured back from the sea in an Easterly direction on both the North and South side of the Rancho about half a league, and one of the witnesses testifies that the Alcalde then informed Marianos that he could extend his lines further in that direction among the hills until he made up the full quantity of one league.

It is also in proof that Marianos was himself present at this official measurement, and after it was made expressed his satisfaction with it and said it was all right.

"From the deposition of one of the persons who was present as an assisting witness, it would appear that there probably was no testimonial of these official acts prepared in the usual form. The testimony of three of the persons who were present, however, leaves no doubt of their performance by the proper officer and with due formality.

"The premises thus assigned to Marianos under his grant are defined with sufficient certainty to segregate the land. Bounded on the North by the arroyo de los Felacitos on the South by the gulch or Sanjon de Cañada Verde, it extends back from the sea on the West far enough to embrace one square league of land. If however the Sierra should be intercepted before the quantity is made up, the Eastern limits must be terminated thereby. The grant gives no authority to extend beyond the Sierra as the Eastern boundary.

"The line as fixed by the Alcalde on the South Arroyo de Cañada Verde the boundary instead of the arroyo de

side the boundary instead of the arroyo

la Purisima leaves a strip of land between the two which appears to have been a subject of controversy between Miramontes and Jose Antonio Alviso who claimed to be the owner of the premises on the South side of the claim now under investigation. There is no evidence before us that Alviso had any title to the land in dispute and as to Miramontes the line established by the Alcalde excluded it from his premises. The official act of this Officer establishing this line as a boundary done under the Mexican Laws, and at the request of Miramontes and in the most solemn manner and with the acquiescence and approval of the same at the time he received the formal possession under his grant, we think must be conclusive upon his rights. In October 1844 he presented to the Governor a petition adhering to the measurement above mentioned and alleging that there resulted a surplus within the limits specified in his grant of two thousand varas in width on the South side, and praying for a grant of this sobrante. No final action of the government seems to have been had on this petition, and we think the ownership of the premises in dispute cannot on the showing in the case be regarded as the property of Miramontes.

A decree will be entered confirming the claim of the petitioners limiting the premises to the Cañon de Cañada Verde on the South, and bounded on the East as above specified.

Confirmed

Filed in Office Feb. 6, 1855

Geo. Fisher Secy

Recorded in Record of decrees Vol 2. page 524c

Geo. Fisher Secy

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Cancellaria Inscriptiones, Dec 2
and
The Venerea Ulcera

57 Decree

Vicente Miramontes et al heirs at Law of Candelario Miramontes, decd
vs.
The United States

In this Case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said Vicente Miramontes and Others, the heirs at Law of of Candelario Miramontes, deceased, is valid and the Same is therefore hereby Confirmed to them as such heirs

The land of which Confirmation is hereby made is situated in San Francisco County and is the Same formerly Occupied by said Candelario Miramontes, and is bounded as follows to wit;

Bounded on the North by the Arroyo de los Pilancitos, On the South by the Switch or Sanjon de Buenda Vista, On the West by the Pacific Ocean and on the East by the Sierra, but if On actual measurement the land thus described shall be found to Comprise more than One Square Leagues of Land, the Eastern limits shall be instead of the Sierra a line parallel with the Sea Coast, and at such a distance from it as with the Same and the North and South boundaries above mentioned shall Comprise One Square league of land

Alpheus Felch
R Aug. Thompson
S. B Farwell
Commissioners

Filed in Office Feb. 6. 1855
Geo. Fisher Secy

Recorded in Record of decisions
Vol 2 p 536
Geo. Fisher Secy

5-2

And it appearing to the Satisfaction of the Board that the Land hereby acquired is situated in the Northern District of California, It is hereby Ordered that two transcripts of the proceedings and decision in this Case and of the papers 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 Judicial 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.

I, Geo. 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 Fifty two — pages, numbered from 1 to 52, both inclusive, to contain a true, correct and full Transcript 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. 354. on the Docket of the said Board, wherein Candelario Miramontes is — the Claimant against the United States, for the place known by the name of Land in Santa Clara County.

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

Geo: Fisher.

Sec.

U. S. DISTRICT COURT,

Northern District of California.

No. 269 — 269

THE UNITED STATES,

vs.

VID

Candelaria Moramendez

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 354.

Filed, August 11 1855

J. A. Morrow

Clerk

Office of the Attorney General of the United States,

Washington, 10. October, 1855.

354/ "Land in Santa Clara County" —

Candelario Miramontes, 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 27th 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.

Cushing

Attorney General.

No. 269.

U. S. District Court
Northern District of Cal.

United States
vs
Candelario Miramontes,

Notice of Appeal in
Case no. 354.

Filed Nov: 22. 1855,
by Chevers
Deputy.

One

In the Stow Dist Court of the U. S. in & for the Northern Dist of Cala

The United States
v
Cando Miramontes } D.C. 219: L.C. 304

The petition of the United States by their attorney represents that this cause is an application for a review of the decision of the U. S. Land Commission whereby the claim of the appellee was confirmed as appears by reference to the record in the case: That a transcript of said record was filed in this Court on the 11th day of August 1855: that a notice of appeal was filed on the 22d day of November 1855, 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 Commission be reversed and that this Court decree the said claim invalid.

San Francisco Feb 12. 1857

Wm Blanding
U. S. Atty

269 two

U. S. Dist Court

The United States

v

Cando Miramontes

Petition

two

Filed Febry 12. 1857.
W. H. Sherrod,
Deputy.

2

Planding
U S A

District Court of the U. States
Northern District of California
Vicente Miramontes et al Claimants
v
The United States

The claimants in the above entitled cause, for answer to the Petition filed herein, say that their title to the tract of land confirmed by the Board of Land Commissioners is valid, and they ask that the same may be confirmed.

And for a cross petition in this cause, said claimants say that the original grant under which the claimants claim title to the tract of land for which they asked a confirmation by the Board of Commissioners in this cause, was on the North the Arroyo or Creek called Pillarcitos, on the South the Arroyo called Purisima on the East the ridge of mountains and on the West the Pacific Ocean That no portion of the land embraced in said boundaries has ever been made by the Mexican or California Government, except the grant to the Ancestor of Claimants viz Candelario Miramontes. That no Juridical possession was ever given of said land, although an experimental, and imperfect measurement of a portion of the distance from one of said creeks to the other, was at

on time made with a mule and on horseback. Claimants insist that their title to all of the land within said boundaries, as well that excluded from the confirmation of said Board as that included therein is good they therefore asks for a confirmation of their claim according to the boundaries set forth in the original Grant to their said Ancestor

J. Clark

No 269 three
Candelaria Ximenez
vs
U. S. Statts

Curran & Cross Atts.

three

Filed Feby 12, 1857.
W. H. Chaves,
Depty.

3 vols

J. Clark

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

The United States
vs
Vicente Miramontes
et al

Decree. No. 269.

Status Sem. February 16. 1857.

This cause coming on to be heard upon the transcript of the record thereof before the Board of Commissioners of the United States for the ascertainment and settlement of private land claims in California, and upon the petitions and answers filed in said cause in this Court, and argument of Counsel for the United States, and for claimants having been heard, this Court is of opinion that the title of claimants is valid, and should be confirmed to one square league of land within and according to the original grant thereof to Candelario Miramontes as set forth in said transcript.

It is therefore ordered, adjudged and decreed by this Court that the claim of claimants viz. Vicente Miramontes, Ignacio Miramontes - Bernardo Miramontes - Adolfo Miramontes - Asenio Miramontes, José de los Santos Miramontes - Raimundo Miramontes, Juan José Miramontes - Guadalupe Miramontes, Ramona Rivera Miramontes - Nolasco Stanislaus Miramontes and Carmel Gonzales Miramontes - be and the same is hereby confirmed to the extent of one square league of land ~~bounded as follows~~ within the following boundaries viz. On the North by the Arroyo de Los Pillareitos, on the East by the Sierra, on the South by the Arroyo de la Purisima and on the West by the Pacific Ocean

Ogden Hoffman
U. S. Dist Judge

This decree conforms to the Boundaries set forth in the Grant to the Claimants and is in accordance to the views entertained by the District Court on the hearing of the Appeal from the Land Commission

Wm Blanding
Dist Atty

District Court of the United States

No. 269. 269.

The United States
— vs —
Vicente Miranda
et al.

Decree.

Filed February 16. 1857.
W. H. Chung
Clerk

California Land Claims.
Attorney General's Office
27 Jany 1857

Sir:

In the case of the claim of Candelario Miramontes, confirmed to the claimant by the Commissioners, case no. three hundred and fifty-four, (354), appeal will not be prosecuted by the United States.

I am,
Respectfully,
Cushing

Wm. Blanding Esq
U. S. Attorney.
San Francisco.

In the District Court of the U.S.
For the Northern District of Cala.

The United States
v. } D.C. 269; L.C. 354
Candelario Miramontes

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

San Francisco Mar 21st 1857

Wm Blanding
Dist Atty

J. Alacke
Atty for Claimant

269
354

U. S. District Court

The United States

v

Candelario Miramontes

Stipulation

Filed March 21, 1857.
W. H. Chevers,
Deputy.

~~Fee~~ 6

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 Saturday the 21st day of March in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
v
Candelario Miramontes.

D. C. 269. L. C. 354.

The Attorney General of the United States having given notice that no no further appeal will be taken in this case, and the U. S. Attorney General having entered into a stipulation to that effect:

On motion of the District Attorney, it is Ordered adjudged and decreed that Claimant have leave to proceed under the decree of this Court, heretofore rendered in his favor, as under Final Decree

Ogden Hoffman
U. S. Dist Judge

269

United States District Court, Northern District of California.

The United States

vs.

Cando Miramontes.

ORDER.

Vacating appeal

Filed March 21 1857

John A. Monroe,
CLERK.

By W. H. Chevers
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 ~~first~~ 25th day of ~~June~~ May in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
v
Vicente Meramontes et al

No 269

On motion of the U. S. District Attorney, and the counsel for the claimant having been heard, it is Ordered that the decree in this case, filed Feb 16, 1857, be so altered and amended as to read — "be and the same is "hereby confirmed to the extent of one "square league of land, within the following boundaries."

269

United States District Court, Northern District of California.

The United States

vs.

Vicente Moramontes et al

ORDER.

reforming decree

Filed May 25. 1857

J. A. Monroe, Clerk.

By W. H. Chase Deputy.

8

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

The United States
vs.
C. Miramontes and
the Heirs of C. Miramontes

Messrs McDougall & Sharp, Attorneys on part of Defendants are hereby substituted as attorneys, in the above entitled action, in stead of Messrs Clark, Pringle & Beckh, attorneys of Record, and are fully authorized and empowered to prosecute and attend to all further proceedings &c in said action.

Dated San Francisco, June 1st A.D. 1857

For self & Miramontes

We hereby consent to the above substitution.
June 1st A.D. 1857

You will please take notice that we have been this day duly substituted as attorneys for the defendants in the above entitled action, as appears by the above substitution. Dated June, 2nd A.D. 1857

For the Clerk of
Dist. U.S. District Court.

McDougall & Sharp
Attorneys

~~Eight~~ 9

U.S. District Court

The United States

vs.

C. Alexander et al.

Substitution of Attorneys &c

We hereby acknowledge due service of a copy of the within substitution &c this 16 day of Oct 1857.

P. Dell & Son
U. S. Atty.

D. Lake
of Counsel

Filed Oct 17 1857

H. Zaugyner Deputy

McCoy & Shaw
Atty for Deft

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

The United States
vs.
Vicente Miramontes
et al.

State of California
Northern District } ss.

James A. McDougall being duly sworn says, that he is, and at the times hereinafter mentioned was, an attorney and counsellor of said Court. That the firm of McDougall & Sharp Attorneys &c, of which affiant is a member from a long time previous to the happening of the matters hereinafter stated were and still continued to be the attorneys of the claimant in the above entitled cause.

That heretofore, to wit, on the 11th day of February 1857, a final decree was entered in this cause, which decree was in the words and figures as set forth in the copy thereof hereunto annexed and marked "A"

That thereafter upon the affidavit of Connolly, on file in this cause the District Attorney for the United States moved said Court to amend the said decree, and notice of motion having

been served on Jeremiah Clark Esq, the attorney of record (but not in fact) of claimants, the same was heard on the day of whereupon the Court granted the said motion -

The first notice of this proceeding received by affiant was through the newspapers, as affiant thinks, on the following day, On the same day affiant proceeded to enquire into the matter, first at the Clerks office, and then at the office of the U.S. District Attorney - Wm Blanding Esq the attorney for the United States, then informed affiant that the motion had been made at the instance of a third party, and referred affiant to Lewis Blanding Esq as representing the adverse party in interest - Mr Lewis Blanding and affiant proceeded to the chambers of the judge of the said Court, when and where affiant represented to the said judge that the said Jeremiah Clark was not the acting attorney of the said claimants, and on the part of the said claimants protested against said amendment without a further hearing. After considerable discussion on the subject the said Judge made enquiry as to whether or not said amendment had been made, or the said order of amendement had been entered, and he was then and there informed that said amendement had not been made

said amendment had not been made

or order entered up. Whereupon the said Judge stated that the decree should stand without amendment, and the said order or amendment should not be entered or made, and the said Judge then and there, in the presence of the said Louis Blanding Esq and affiant, gave instructions to that effect.

Affiant further says, that believing the said decree still remained as originally signed, recently and within the past month, he procured from the Clerks office a certified copy of the decree herein, and upon examination found it different in terms and substance from the original decree, whereupon he made inquiry at the Clerks office, and found filed in the office a paper purporting to be an order of amendment unsigned by the Judge - Upon examining the original decree however, he found that the amendments provided for in said unsigned paper purporting to be an order of amendment, had by erasures and interlineations been introduced into the original decree on file, such erasures and interlineations making the modifications of the decree sought for by the motion hereinbefore mentioned -

Affiant further says, that on the day and at or about the time of the said interview with the said Judge, affiant examined the files in this cause, and the

original decree made herein, and that he did not observe or in any way learn that the said decree had been in any respects changed.

This affiant further says, that he communicated to the said Wm. Blanding Esq then District Attorney, the result of said interview with the said judge and that he made no objections thereto and that affiant suggested and proposed then to the said District Attorney that the entire decree should be opened so that upon a further hearing, the Court might pronounce such decree as should be rendered in the premises, and one which would remove all ambiguity, but was informed that he could not give consent but the claimants might move the Court for the opening of the decree

That upon a careful consideration of the decree (being of the opinion that the proper construction thereof gave to claimants their entire claim) affiant took no further steps in regard to the decree until as before stated he called for a certified copy thereof.

Affiant further says, that he makes this affidavit not for the purpose of moving herein, further than to suggest to the Court, that the decree as it now appears of file with erasures and interlineations as aforesaid, and which does not appear

original decree or as amended, is not

as aforesaid, and which does not appear

to be entered up of record either as an original decree or as amended, is not the decree of the said Court, and that in justice to the said Claimants the said decree should stand as originally made and should be so entered of record

Subscribed & sworn to
before me this 19th day of October A.D. 1857

J. McDougall

Agthur Hoffman
Dep Clerk

"A"

"A"

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

The United States
vs
Vicente Miramontes
Et al.

Decree No. 269.

Stated Term
February 11. 1857.

This cause coming on to be heard upon the transcript of the record thereof, before the Board of Commissioners of the United States for the ascertainment and settlement of private land claims in California, and upon the petitions and answers filed in said cause in this Court, and argument of Counsel for the United States and for claimant having been heard; this Court is of opinion that the title of claimants is valid, and should be confirmed to one square league of land within and according to the original grant thereof to Candelario Miramontes as set forth in said transcript.

It is therefore adjudged and decreed by this Court, that the claim of claimants, viz: Vicente Miramontes, Ignacio Miramontes, Bernado Miramontes, Adolfo Miramontes, Arsenio Miramontes, Jose de los Santos Miramontes - Fernando ~~Rivera~~ Miramontes, Juan Jose Miramontes, Guadalupe Miramontes, Ramona Rivera Mir=

aumontes, Dolores Stanislaus Olivaumontes and Carmel Gonzales Olivaumontes be and the same is hereby confirmed to them a square league of land bounded as follows, viz: On the North by the Arroyo de Los Pilarcitas, on the East by the Sierra, on the South by the Arroyo de la Purisima, and on the west by the Pacific Ocean.

(Signed) Ogden Hoffman
U.S. Dist Judge

This Decree conforms to the boundaries set forth in the Grant to the claimants, and is in accordance to the views entertained by the District Court on the hearing of the appeal from the Land Commission.

(Signed) Wm Blanding
Dist Atty

Endorsed:
Filed February 11. 1854.
W. H. Chever
Deputy

269

Clk's District Court

The United States

vs

Vicente Olivarrontis

et al.

Affidavit of J. A. McCord

Filed October 19th 1857

Hugan Guyon

Deputy

~~Fees~~

10

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

The United States
vs.
Vicente Miramontes.
Ebl.

It being suggested to the Court that the erasures and interlineations in the decree of file in this cause were no part of the original decree herein, and that after the motion to amend herein, and after the opinion of this Court expressed granting said proposed amendment, this Court, directed and ordered that no such amendment should be made, and such being the fact the said motion would still remain pending — Upon motion of claimants, the District Attorney for the United States appearing and consenting thereto, it is ordered that the said motion to amend stand for hearing in this Court, and that the Court upon hearing will make such order as in the opinion of the Court should be made in the premises.

Ogden Hoffman
U. S. Dist Judge

269

U.S. District Court

The United States

vs.

Vicente Meraiontes
et al

Order

Filed Oct 19th 1857

J. H. Garlington
Deputy.

~~Dem~~

11

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

The United States
vs.
Vicente Miramontes Et al.
The Heirs of Candalario
Miramontes deceased —

State of California
City and County of San Francisco ss.

Arsenio Miramontes being of lawful age and duly sworn deposes and says, on oath, That he is one of the heirs of Candalario Miramontes, deceased, and as such is one of the claimants in the above named cause. That the said heirs, including this affiant, engaged the services of Jeremiah Clark in said cause, that afterwards, some time in the Spring of the present year affiant paid said Clark in full for his services, and discharged him from further acting for the Claimants in said cause. That sometime in January or February of 1857 the said Heirs, through this affiant, applied to and retained Mess McDougall & Sharp to take charge of said matter and to act for the heirs in said cause. and that said McDougall & Sharp are now and have been since that time the attorneys for and duly authorized to appear and act in said cause for the

said Heirs –

That affiant is informed and believes that said Clark left this State on the steamer of the 5th of October for the atlantic States and is now absent from this State.

Subscribed & sworn to before me this 9th day of October AD. 1857

Ex officio Mississippi County

D. B. Whitstead
Notary Public

No

Ng. District Court

The United States
vs.
Vicente Alvarado
et al.

Affidavit of
Arsenio Alvarado

Filed Nov 11th 1857
Lucius Marrow
Clk

12

75.

U. S
vs
Candelario Muramontes

269
ND

A decree in this case ~~was~~ having been entered at a former term — a motion was made to amend it, by inserting so as to remove an ~~ambiguity in~~ a doubt as to its construction By consent of both parties that motion has been argued at this term with the understanding that the decision of shall be made nunc pro tunc as of the last term, and that decree as now settled by the Court shall be entered as of the term when the case was decided —

The question presented is ~~impor tant & difficult~~ whether the grant was for the quantity of one square league, or for all the land within the boundaries mentioned

The Petition shows the place ("parage") which is on the coast of San Francisco ~~who~~ between (entre)

the Arroyo de los Pillaentos & that of La Purisima on the North and South and on the East and west by (sic) the sierra and the margin of the sea being in length a league & a half more or less as a large part of it is steril for want of water, and being in breadth ~~about~~ three quarters of a league" This petition was accompanied by a diseño on which the two arroyos, the sierra and the sea are widely delineated

After obtaining the usual informe the Governor made his decree of concession declaring the petitioner owner in property "dueño en propiedad" "of one square league between the arroyos of Pillaeito's and Purisima the sierra and the sea" The decree which the corresponding "despacho" to issue — a note to be taken in the respective book, and the title deed for the approbation of the Departmental Assembly

The documents or title produced by the claimant ~~describes the~~ describes the land as "un terreno" or tract which is ("que se halla") between the Pillar cilos on the North that of Purifima on the South, the Sierra on the East and the sea on the West.

The 3d condition describes it as of the extent of "one league more or less" as explained by the descno. ~~based~~ and requires it to be measured conformably to the ordinance in order to establish its boundaries.

No sobrante is reserved —

In ~~the~~ draft or bosquejo of this document contained in the expediente and produced from the archives ~~the~~ land is described as a league more or less between the arroyos &c and the third condition contains the usual sobrante clause reserving the surplus to the nation

Since the ~~above~~ case was ~~written~~ submitted the case of U. S. vs Topatt has been decided by the Supreme Court—

In the grant in that case the words "a little more or less" occur and their force and effect are passed upon by the Court—

The Court says "We reject the "words a little more or less "as having no meaning in a "system of location and sur "vey like that of the United "States and that the claim "of the grantee is valid for the "quantity clearly expressed— If "the limitation of the quantity "had not been so explicitly "declared it might have been "proper to refer to the petition "and diseño or to inquire if "the ~~term~~ names "Capitancillos had "any significance as connected "with the limits of the tract "in order to give effect to the "grant— But there is no ambiguity

for additional inquiries - The grant is not affected with any ambiguities -"

It would seem therefore that the Supreme Court regard ~~as designs~~ the phrase "one league a little more or less" as ~~an~~ so vague a declaration of the quantity intended to be granted as to render improper any reference either to the petition or drawing as also any inquiry whether the name of the ~~tract~~ lands granted was not applied to a specific tract with ascertained and recognised boundaries.

It may be urged that in the case of Topatt the grant only designated 3 boundaries and the fourth had therefore to be determined by the limitation of quantity -

But the petition the drawing or the name of the tract granted might have indicated that boundary as certainly as if it had been mentioned ~~to~~ the

grant
and information from these sources the Supreme Court holds to be inadmissible as the limitation of quantity is in its opinion explicitly and unambiguously declared.

On the authority of this case therefore it is ~~the~~ clearly the duty of this Court to restrict the claim ~~of the~~ grantee to the precise quantity of one league —

The question of its location remains to be considered —

It ~~is~~ is in proof that some time after the issuance of the grant a judicial measurement of the land was made by Francisco Sanchez the Alcalde — The measurement appears to have been begun at the Arroyo de los Rellaceros ~~and~~ on the north and terminated at the Cañada bonda — the latter being established as the southern boundary

The length of this line appears to have been a little over one league and the Alcalde directed the grantee to run back among the hills to make up the quantity of one league granted. It is not shown that any record of this proceeding was made, but the neighbors and adjoining proprietors together with Miramontes were present at the measurement and it appears to have been conducted in the some what loose and informal manner not unusual with the ~~early~~ former proprietors of this country —

Miramontes himself is stated to have expressed his satisfaction with it and the land to the South of the Canada bende and between it and the Arroya Purissima is stated by Alviso the Colindante of Rura

montes on the South to have been since remained in his (Aloiso's) possession

It is true that in 1844 Mr Amontes presented a petition to the governor in which he complains of the incorrectness of this measurement as it left a surplus of 2000 varas before reaching the limits marked out by him over the Arroyo de la Panpima - He therefore asks the Governor to confirm to him the surplus -

The Governor having decided an informe and that the neighbors should be summoned Tetuanco Vasques declares that he has no objection but Aloiso protests against the claim of the petitioner and asserts himself to be the owner of the land asked for.

Muramontes seems subsequently to have made repeated efforts to have his rights judicially settled by without success.

It also appears that the settlement and cultivation of Muramontes was at the northern end of the track and adjacent to the arroyo de los Rillancitos.

As the claim of the Muramontes can as already observed be confined only to the extent one league it seems clear that that league should be now surveyed to him as it was originally measured off by the alcalde and not on the disputed track lying which he himself speaks of in his petition to the Governor as a sobrante or surplus and which he asks may

be confirmed to him in addition to the league measured off to him but ~~not~~ which he does not solicit in lieu of any part ~~of the land~~ of the tract assigned to him by the Alcalde

The fact that his occupation and settlement were adjoining the Pellancitos and that he has always been the undisputed owner and occupant of the league between that stream, the Cana de Verde, the Sierra and the sea, must fix the location of the league to which ~~his~~ ~~conf~~ he is entitled within those limits

A decree must therefore be entered ~~confirming the~~ amendatory of the decree heretofore made and confirming the claim to the extent & quantity of one square league to be bounded on the North by the Arroyos de los Pellancitos on the South by the Cuada

bade on the west by the sea. The Eastern line to run from the northern & to the southern boundaries at such distance from the sea as shall be necessary to make up & include within the four boundaries of the tract the quantity of one square league of land.

Limitation 424
429

Possession 102
102

49

U. S. No. 269

vs

Piramoutes
et al

Filed Dec. 30th 1858.
W. A. Chaves
Clerk

6

No. 269 ND
PAGE 90

At a stated Term of the United States District Court for the Northern District of California continued and held at the Court House in the City of San Francisco on Wednesday the 23d day of November A.D. 1859.

Present,
The Honorable Ogden Hoffman District Judge

The United States
v
Vicente Menamontes
Stals

No. 269

A motion having been made that the Decree heretofore Entered in this Cause be amended so as to remove a doubt as to its construction and Counsel having been heard for and against said motion — And the Court having heard the arguments of Counsel and due deliberation having been had thereupon

It is ordered and adjudged by the Court that the Decree heretofore Entered in this Case be amended by striking out all of the same after the words "be "and the same is hereby Confirmed to the Extent of one "Square league of land" and inserting in lieu of the portion stricken out the words following to wit: "to be bounded on the North by the Arroyo delos Pelar=

" cites on the South by the Canada Verde, on the West
" by the sea, the Eastern line to be run from the Northern
" to the Southern boundaries at such distance from
" the sea as shall be necessary to make up the whole
" within the four boundaries of the tract the quantity
" of one square league of land.

And it is further ordered that an amended Decree in Conformity with this order be Entered in said Case nunc pro tunc as of the 25th day of May 1857.

Ogden Hoffman
Dist Judge

U.S. District Court
Northern District of California

The United States
vs. No. 269
Vicente Martinez
et al.

Order amending
decree

Filed Nov. 25, 1858
W. H. Chevers
Clerk

At a stated Term of the United States District Court for the Northern District of California continued & held at the Court House in the City of San Francisco on the 25th day of May A.D. 1857.

Present:

The Honorable Ogden Hoffman District Judge

The United States v. Vicente Miramontes et al.	Decree No. 269

This cause having been brought on to be heard upon the transcript of the record thereof before the Board of Commissioners of the United States for the ascertainment & settlement of private land claims in California & upon the petition & answers filed in said cause in this Court & argument of Counsel for the United States & for claimants having been heard this Court is of opinion that the title of claimants is valid & should be confirmed to one square league of land within & according to the original grant thereof to Candelario Miramontes as set forth in said transcript

It is therefore ordered adjudged & decreed by this Court that the claim of claimants viz Vicente Miramontes, Bernardo Miramontes, Adolfo Miramontes, Arsenio Miramontes, Jose de los Santos Mir=

amontes, Rumoundo Miramontes, Juan Jose Mira-
montes, Guadalupe Miramontes, Ramona Rivera
Miramontes, Dolores Stanislaus Miramontes,
& Carmel Gonzales Miramontes, be and the same is
hereby confirmed to the extent of one square league
of land. — to be bounded on the North by the Arroyo
de los Pelacates on the South by the Canada Verde
on the West by the Sea, the Eastern line to be run from
the Northern to the Southern boundaries at such
distance from the Sea as shall be necessary to
make up & include within the four boundaries
of the tract the quantity of one square league of
land.

Ogden Hoffman
Dist Judge

No. 269.
U.S. District Court
Northern District of California

The United States
vs No. 269
Vicente Miramontes
et al.
Decree of
Confirmation

Filed Nov. 23. 1854
Ent
May 25th 1855.
W. H. Chevers
Clerk

At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court House, in the City of SAN FRANCISCO, on Friday the 17th day of February in the year of our Lord one thousand eight hundred and ~~fifty-nine~~ sixty, for the trial of land cases.

Present:

The Honorable ~~OGDEN HOFFMAN, District~~ M. Hall McAllister, Circuit Judge.

Vicente ~~Cancelario~~ Miramontes et al. vs. The United States.

D. L. 269.
L. L. 354.

In this case on application of the Attorneys for the Claimant herein, made in open Court, it is ordered by the Court that an appeal in behalf of the Claimants from the final decision of this Court rendered in said cause at the June term, 1859, be, and the same is hereby granted, and that a certified transcript of the pleadings, evidence, depositions, and proceedings be sent to the Supreme Court of the United States without delay, and that the usual citation be served according to law.

u

No. 269.

District Court of the United States

IN AND FOR THE

Northern District of California.

B. Miramontes,

vs.

The United States,

Order granting a lease in behalf of Lett,

Filed February 17, 1860,

W. A. Chenest, Clerk.

By

..... Deputy.

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

Clerk's Office,

I hereby Certify the foregoing to be a true copy from the Minutes of the said Court.

..... Clerk.

By

..... 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 House, in the City of SAN FRANCISCO, on Friday the 19th day of February in the year of our Lord one thousand eight hundred and ~~fifty-nine~~ sixty, for the trial of land cases.

Present:

The Honorable ~~OGDEN HOFFMAN, District Judge.~~ M. Hall McAllister, Circuit Judge,

Pacheco ~~Candelario~~ Miramontes et al. vs. The United States.

D. L. C. No. 269.
L. L. C. No. 354.

And now at this day comes the said Claimant by his Counsel, and moves the Court to fix the amount of Appeal Bond herein. Whereupon it is now here ordered by the Court that the said Appeal be allowed, on the Claimant giving Bond in the sum of $500. with sufficient surety, to be approved by the Court.

No. 269.

District Court of the United States

IN AND FOR THE

Northern District of California.

V. E. Miramontes,

vs.

The United States,

Order Fixing Appeal Bond at $300

Filed February 17, 1860,

W. A. Cheever, Clerk.

By

Deputy.

Sixton

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16½

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

Clerk's Office,

I hereby Certify the foregoing to be a true copy from the Minutes of the said Court.

Clerk.

By

Deputy.

District Court of the United States.
Northern District of California.

The United States, No. 269.
ads. Appellees.
~~Bonaventura~~ Vicente Miramontes et al.
Appellants.

Know all men by these presents that we James S. Johnston and Andrew J. McCabe, of the State of California, are held and firmly bound to the above named United States in the sum of Three hundred dollars, to be paid to the said United States, for the payment of which, well, and truly to be made, we bind ourselves, and each of us, our, and each of our heirs, executors, and administrators, jointly, and severally, by these presents.

Sealed with our seals, and dated the eighteenth day of February in the year of our Lord, One thousand, eight hundred, and Sixty.

Whereas the above named Appellants have prosecuted an Appeal to the Supreme Court of the United States at the City of Washington, in the

District of Columbia, to reverse the decree rendered in the above suit by the District Court of the United States for the Northern District of the State of California;

Now therefore the condition of this obligation is such that if the above named Appellants shall prosecute their appeal to effect, and answer all damages, and costs, if they fail to make their appeal good, then this obligation shall be void, otherwise to remain in full force, and virtue.

Witness our hands, and seals this day, and year above written,

Sealed, and signed in presence of W. H. Chevers.

James Johnston

A. J. McCabe

United States of America
Northern District of California } S. S.

James Johnston, and Andrew J. McCabe, parties to the above bond being duly sworn, each for himself, says that he is worth the sum of Six hundred

dollars, over, and above all his just debts, and liabilities.

Sworn to, and subscribed before me this 18th day of February A. D. 1860.

W. A. Chevers,
N. S. Commissioner.

James Johnston
A J M Cabe

I hereby approve of the foregoing Bond,

M Hall McAllister
Judge Cir. Court U.S.
Dist. of California

San Francisco
Feby 18. 1860.

No. 269.

U. S. Dist. Court.

The United States,

vs.

C. Miramontes.

Appeal Bond.

Filed February 18, 1860.

W. H. Chevers,
Clerk.

United States of America. S. S.

To

Tully R. Wise. Esq. Acting District Attorney of the United States in and for the Northern District of California,

Greeting:

You are hereby cited and admonished to be, and appear at a Supreme Court of the United States to be holden in Washington on the first Monday in December next, pursuant to an order of appeal granted on the seventeenth day of February, A. D. 1860 by the Hon: M. Hall McAllister, Circuit Judge of the United States for the Districts of California, and presiding over the District Court for the Northern District of California, in the discharge of its Appellate jurisdiction over the decision of the Board of Commissioners for the settlement of private land claims in the State of California, in a certain suit wherein Vicente Miramontes, Ignacio Miramontes, Bernardo Miramontes, Adolfo Miramontes, Arsenio Miramontes, José de los Santos Miramontes, Raimundo Miramontes, Juan José Miramontes, Guadelupe Miramontes, Ramona Rivera Miramontes, Dolores Stanislaus Miramontes, and Carmel Gonzalo Miramontes, heirs at law of Candelario Miramontes, deceased, are Plaintiffs and the United States are defendants on appeal, to show

cause, if any there be, why the decision in the said appeal mentioned, should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness my hand, and Seal at San Francisco this Twenty-eighth day of February, in the year of our Lord One thousand, Eight hundred, and Sixty,

M. Hall McAllister
Judge Cir. Court U.S.
District of California.

No. 269.

U. S. Dist. Court.

V. Miramontes, et al,

— vs —

The United States,

Citation.

Due service of a copy within Citation admitted this 28th day of February 1860.

Tully R. Neid
actg Atty U. S. District

Filed Febry 28. 1860.

W. H. Chevers,
Clerk,

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

The United States
vs.
The Heirs of Vicente Miramontes

The petition of Vicente Miramontes by Messrs McDougall & Shaw his attorneys herein respectfully shows to the Court.

That the survey in this cause was approved by the Surveyor General of the United States, for the State of California on the third day of March A.D. 1860.

That the said Surveyor General, in pursuance of the act of Congress of June 14th 1860, first gave notice of such survey in the San Francisco Herald on the 4th day of September A.D. 1860, and in the San Mateo Gazette ~~the~~ as the paper nearest the land in question in this cause on the 8th ~~[illegible]~~ day of September 1860.

That your Petitioner is one of the Children and heirs at law of Candelario Minamonte, deceased who was in his life time the original grantee from the Mexican Government of the land claimed in this cause - and as such heir at law your Petitioner has and claims an interest in said tract of land.

That said survey is erroneous and was made as your Petitioner is informed & believes and so does the truth to be, without authority. Your Petitioner further shows that no final decree has yet been rendered in said cause -

Wherefore your Petitioner prays that said survey may be ordered to to be returned to this Court for adjudication & he will ever pray.

McDougall & Shaw
Attys for Petitioner

City & County of San Francisco } ss.

State of California
City & County of San Francisco } ss: Bol A Sharp being duly sworn deposes and says that he is one of the attorneys of Vicente Miramontes the Petitioner in the foregoing Petition. That said Miramontes resides. is at present without this County. - that affiant has read & knows the contents of said Petition that the same is true of his own knowledge except such matters as are stated on information & belief, & as to such matters he believes it to be true.

Sworn & Subscribed
to before me this
28th day of September 1860.

Bol A Sharp

W. A. Cheever,
N. P. Com:

269.

U. S. District Court.

The United States,

— vs —

C. Miramontes.

Petition to return Survey.

Filed Sept. 28, 1860.
W. A. Reeves.
Clerk

Mc + Shark.
for petitioner.

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 Friday the 28th day of September in the year of our Lord one thousand eight hundred and sixty.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

Candelario Miramontes

IN LAND CASES.

District Court No. 269

Land Com. No.

AND now at this day on application of Mc Dougall and Sharp Attorneys for Vicente Miramontes IT IS ORDERED, that the Surveyor General of the United States for California return into this Court, on or before Wednesday, the 24th day of October A. D. 1860, his Official Survey and Plat of the land finally confirmed in the above entitled cause, known as Land in Santa Clara County and situated in the County of Santa Clara in said District; AND IT IS FURTHER ORDERED, that the United States Marshal for this District serve upon the said Surveyor General, without delay, a certified copy of this order, and make due return hereon.

No. 269.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

C. Miramontes,

ORDER TO RETURN SURVEY.

Returnable Oct. 24 1860.

Issued Sept. 28. 1860.

Filed Oct. 4. 1860

W. H. Rivers

Clerk.

Served personally by copy on Oct. 4, Maria Francisca Miramontes, Juan Francisco Miramontes, Dates San Francisco September 29. 1860.

R. P. Flanner
U. S. Marshal
By C. D. Stimson
Deputy

United States of America,)
Northern District of California.) ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,
To the Marshal of the United States for the Northern District of California,

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 269, to Candelario Miramontes known as "Sauce in Santa Clara County", and situated in the County of Santa Clara in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the 24th day of October A. D. 1860, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this 28th day of September A. D., 1860.

W. H. Chevers

CLERK.

The within Monition was received by me on Wednesday *the* 24 *day of* September 1860, *and in obedience thereto I have given due notice, as therein commanded, by causing the publication of said notice, for* 4 *consecutive Wednesdays, in the San Francisco Herald, commencing on the* 3rd *day of* October 1860; *and for* 3 *consecutive Saturdays, in the* San Mateo Gazette *a paper published nearest the land, commencing on the* 6th *day of* October 1860.

Dated San Francisco, Oct 24 1860

P L Solomon

U. S. Marshal.

D

No. 269

UNITED STATES DISTRICT COURT,

Northern District of California.

IN LAND CASES.

THE UNITED STATES.

v.

C. Miramontes,

MONITION.

Returnable 24th October 1860.

Issued Sept: 28th 1860.

Filed October 24 1860.

W. H. Chevers

Clerk.

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

The United States
vs.
The Heirs of Candalaria Miramontes.

The Petition of Andrew J. McCabe and James Johnston by their Attorneys McDougall & Shurtz respectfully shows to the Court.

That the approved Survey of the lands in Controversy in this Cause has on Petition made for that purpose been heretofore ordered to be returned into this Court for Examination and adjudication, and your Petitioners are informed believe & so state that the Same is now before this court.

Your Petitioners further show that they are interested in a portion of said lands and hold the Same under a bond for a Deed Executed to them by the heirs of ~~the Claimant~~

Candalario Mirramontes, &c.
and so are interested in the
said examination and
adjudication of said Survey
Wherefore your Petitioners
pray to be allowed to intervene
in this matter and to protect
their interest in the premises
And your Petitioners as in
duty bound will ever pray
&c.

McDougall & Shorp
attys for Petitioners

State of California
City & County of San Francisco } ss.

James Johnston
of lawful age and being duly
sworn deposes & says that he is
one of the Petitioners in the foregoing
Petition named that said Petition
is true of his own knowledge
except as to matters which are
therein stated on his information & belief
and as to those matters, he believes
it to be true –

Subscribed & sworn to } James Johnston
before me this 24th day
of October AD 1860
N. D. Cheever
N. S. Com:

269.

U. S. Dist. Court.

The United States.

— vs —

C. Miramontes.

Intervention of
McCabe & Johnston.

Filed Oct. 24. 1860.
W. H. Chenes,
Clerk

McDougal & Shark,
for Intervenors.

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 Wednesday the 24th day of October in the year of our Lord one thousand eight hundred and sixty,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States, *v.* C. Miramontes,	IN LAND CASES. *District Court No.* 269, *Land Com. No.*

AND now at this day the United States Marshal having made return upon the Monition heretofore issued in this cause, that he had given due notice as therein commanded; on motion of ..... Attorney for ..... proclamation was made that all parties having, or claiming to have, an interest in the survey and location of the land finally confirmed in the above entitled cause, appear and intervene for the protection of such interest; the U. S. Attorney and P. Della Torre, appeared for the U. S. Mc Dougal, and Sharp appeared for the Claimant, and also for A. J. McCabe, and James Johnston, and filed their intervention, no other party appearing

whereupon IT IS ORDERED, that the default of all parties not appearing as aforesaid be and the same is hereby entered.

No. 269

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

C. Miramontes,

ORDER ON RETURN OF MONITION.

Filed October 24th 186.

W. H. Chevesl,

Clerk.

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 Wednesday the 20th day of November in the year of our Lord one thousand eight hundred and sixty one.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States.
v.
Candelario Miramontes.

269.

It appearing to the Court, on inspection of the Record, that there has been no translation filed of the Bouvador of Title contained in the Esperdientes given in evidence in this case, it is ordered, that a translation made by R. C. Hopkins Esqr. & now submitted to the Court, be filed with the Record.

Ogden Hoffman
U. S. Dist Judge

269.

UNITED STATES DISTRICT COURT

Northern District of California.

The United States.

v.

C. Miramontes.

Order to file translation of Borradon of Grant.

Filed November 20, 1861.

W. H. Chevers,

Clerk.

Juan Bautista Alvarado, Constitutional Governor of the Department of the California:-

Whereas, Don Leandelario Miramontes has petitioned for his personal benefit and that of his family, one square league, a little more or less, between the Arroyo de las Pilarcitos and the Pansima, the Sierra and the Sea;- the necessary investigations having been previously made, and the proceedings had, as required by the laws and Regulations, by virtue of the authority conferred upon me, in the name of the Mexican nation, I have determined to concede to him the said place, declaring it to be his property by these presents, subject to the approbation of the Most Excellent Departmental Junta, and to the following conditions -

1st He may enclose it without prejudice to the crossings, roads and servitudes; he will enjoy it freely and exclusively, devoting it to the use or cultivation, which may be most convenient, but within one year he shall build a house, which shall be inhabited -

2d He shall solicit the respective Judge to give him juridical possession by virtue of this dispatch, by whom the boundaries shall be marked out, on the limits of which will be placed, besides the landmarks, some fruit trees, or forest trees of some utility:

3d The land of which mention is made, is of the extent of one square league, a little

more or less, as explained by the diseño attached to the respective Expediente - The Judge also may give the possession, will cause the same to be measured in accordance with the ordenance, the excess (sobrante) that may result, to remain to the use of the nation -

4th If he violate these conditions, he will lose his right to the land and it will be denouncable by another - In consequence whereof, I order that this title being held as firm and valid, registry be made of it in the respective book, and that it be delivered to the interested party for his security and further ends - Given in Monterey on the Second of January, One thousand eight hundred and forty one -

The foregoing is a correct translation, from the Original Expediente on file in the Archives under my charge -

R. C. Hopkins.
Keeper of Spanish Archives
in Office of U. S. Genl -

269.

Translation

— of —

Borrador of Grant

— to —

Candelario Miramontes

— — — —

The United States.

— vs —

C. Miramontes.

Filed Nov: 20, 1861.

W. H. Chevers.

Clerk.

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 Friday the sixth day of January in the year of our Lord one thousand eight hundred and sixty-five

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States
v.
Vicente Miramontes et al

No. 269.

And now at this day comes Delos Lake Esq. district attorney of the United States, and presents the mandate of the Supreme Court of the United States in the above entitled cause, whereupon it is ordered that said mandate be filed, and that said claimants have leave to proceed under the decree of this Court heretofore entered November 23. 1859 as under final decree.

No. 269

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

Vicente Minamontes et al

ORDER to file mandate Sup Court U.S.

Filed Jany 6th 1865.

W. H. Chevers,

Clerk.

UNITED STATES OF AMERICA, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court of the United States, for the Northern District of California

Greeting:

Whereas, lately, in the District Court of the United States, for the Northern District of California before you, in a cause between The United States, appellant, and Vicente Miramontes, Bernado Miramontes, Adolfo Miramontes, Arsenio Miramontes, José de los Santos Miramontes, Ramoundo Miramontes, Juan José Miramontes, Guadalupe Miramontes, Ramona Rivera Miramontes, Dolores Stanislaus Miramontes, and Carmel Gonzales Miramontes appellees, the decree of the said District Court was in the following words, viz.—

"This cause having been brought on to be heard upon the transcript of the record thereof before the board of Commissioners of the United States for the ascertainment and settlement of private land claims in California, and upon the petitions and answers filed in said cause in this Court, and argument of counsel for the United States and for claimant having been heard, this Court is of opinion that the title of claimants is valid and should be confirmed to one square league of land, within and according to the original grant thereof, to Candelario Miramontes, as set forth in said transcript.

It is therefore ordered, adjudged, and decreed by this Court that the claim of claimants, viz: Vicente Miramontes, Bernado Miramontes, Adolfo Miramontes

Arsenio Miramontes, José de los Santos Miramontes, Ramoundo Miramontes, Juan José Miramontes Guadalupe Miramontes, Ramona Rivera Miramontes, Dolores Stanislaus Miramontes, and Carmel Gonzales Miramontes, be, and the same is hereby, confirmed to the extent of one square league of land, to be bounded on the north by the Arroyo de los Pilarcitos, on the South by the Canada Verde, on the west by the sea. The Eastern line to be run from the northern to the Southern boundaries at such distance from the sea as shall be necessary to make up and include within the four boundaries of the tract the quantity of one square league of land."

as by the inspection of the transcript of the record _____ of the said District Court, which was brought into the Supreme Court of the United States, by virtue of an appeal agreeably to the act of Congress, _____ in such case made and provided, fully and at large appears.

And whereas, in the present term of December, in the year of our Lord one thousand eight hundred and Sixty three the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: **On consideration whereof,** it is now here ordered adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby affirmed. 15 Feb:

You, therefore, are hereby commanded that such further proceedings be had in said cause,

as according to right and justice, and the laws of the United States ought to be had, the said appeal notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the first Monday of December in the year of our Lord one thousand eight hundred and Sixty three

COSTS OF ~~~

Clerk..... $ ~~~

Attorney... $ ~~~

$ ~~~

~~Taxed by~~ L. W. Middleton

Clerk of the Supreme Court of the United States.

No 269.

No. 120 December Term, 1863.

MANDATE

SUPREME COURT UNITED STATES.

The U. States in Mississippi et al

vs.

Filed January 6, 1865.

A. D. Chenery,

Clerk.

U. S. District Court

The United States
v
Candelaria Rincamontez

City & County of San Francisco ss:

David H Connoly of said city and county being duly sworn says that he is in possession and claims to be the owner of a portion of the land which has been in controversey in this action. That by the decree of the Land Commissioners the grant of land in this case was confirmed to the claimants from the creek called the Pilarcitos on the North, to the Cañada Verde on the South and extending from the Ocean to the mountains. That an appeal was taken to this Court on behalf of the United States; and that on the 16th day of February last the Court after having the case under consideration signed a decree confirming the grant in question but deponent is informed and believes that such decree does not conform to the actual decision and opinion of the Court. And deponent says that he is informed and believes that the decision of the Court was that said grant be confirmed to the extent of one league and no more to be measured off from within the boundaries of the Pilarcitos Creek and the Purissima Creek and extending from the Ocean to the mountains

whereas by the deeds signed (and which as deponent is informed and believes was prepared by the Attorney for the claimants) the claimants insist that they are entitled to have all the lands between the two said creeks although the quantity of land embraced therein exceeds three leagues

Sworn to & subscribed this 15th day of May 1857 before me
Jno A. Monroe
U.S. Commrs.

D. Mooney

U. S. District Court

The United States

v

Candiano Micamontez

U. S. District Court
Northern District of California
The United States
v
Candelaria Miramontez

Take notice that upon an affida=vit with a copy thereof you are here with served and upon the papers orders and decrees on file in this cause I shall on Monday next the 18th inst. at the opening of the Court move the Court to open and set aside the final decree of confirmation entered in this cause for a settlement of the form of the decree in conformity to the opinion of the Court

San Francisco May 15th 1857

Yours &c
Wm Blanding
U S Dist Attorney

To
Lemuel Clark Esq
Atty for Claimant

U. S. Dist Court

The United States

v

Candelario Meximoutz

Affidavit &
Notice of Motion

H. Blanding
U S Dist Atty

Service of a copy of the within affidavit and notice is hereby admitted
San Francisco May 15/57

J. A. Clark
Atty for Claimt

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

The United States
vs.
C. Miramontes, and
The Heirs of C. Miramontes

Mess McDougall & Shaw, attorneys, are hereby substituted as attorneys on part of defendants in the above entitled action, instead of Mess Clark Taylor & Beck, Atty of record, and are fully authorized and empowered to prosecute and attend to all further proceedings in said action — Dated San Francisco June 12 1857.

(Signed)
Arzenio Miramontes

You will please take notice that the above is a true copy of an original substitution, and that we have been substituted as attorneys for the defendants in the above entitled action, as appears by said substitution Dated June 22 1857.

Yrs
McDougall & Shaw

U.S. District Court

The United States

vs.

C. Miramontes
et al.

Copy Substitution of
Attorneys &c

Thos Delos Lakey Esq

Recd & admitted service
~~of copy~~ for D Lakey Esq
J Paul

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

The United States
vs.
Vicente Miramontes
et al.

You are hereby notified that the claimants will suggest to said Court on Saturday the 17th day of October 1857 at 11 o'clock A.M. at the Court Room of said Court at the City of San Francisco, that an error appears on the face of the decree of the Court in this cause, which error consists of the erasures and of the words interlined in said decree and which it will be suggested is no part of the said decree, when and where you are hereby notified to attend.

Dated San Francisco, October 12th 1857

McDougall & Sharp
Attys for Claimants

Mess Wm Blanding &
Della Pore Esq
U.S. Dist Atty.

U.S. District Court

The United States

vs.

Vicente Miramontes
et al.

Notice &c

We hereby acknowledge due service of a copy of within Notice this 12th day of October 1857.

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

San Francisco, August 10th 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. 354 on the Docket of the said Board, wherein Candelario Miramontes is the Claimant against the United States, for the place known by the name of "Land in Santa Clara County,"

and request your receipt for the same.

I am, Respectfully,
Your Obt Servant,
Geo. Fisher
Atty