

CASE No.

279

NORTHERN DISTRICT

YUCUY GRANT

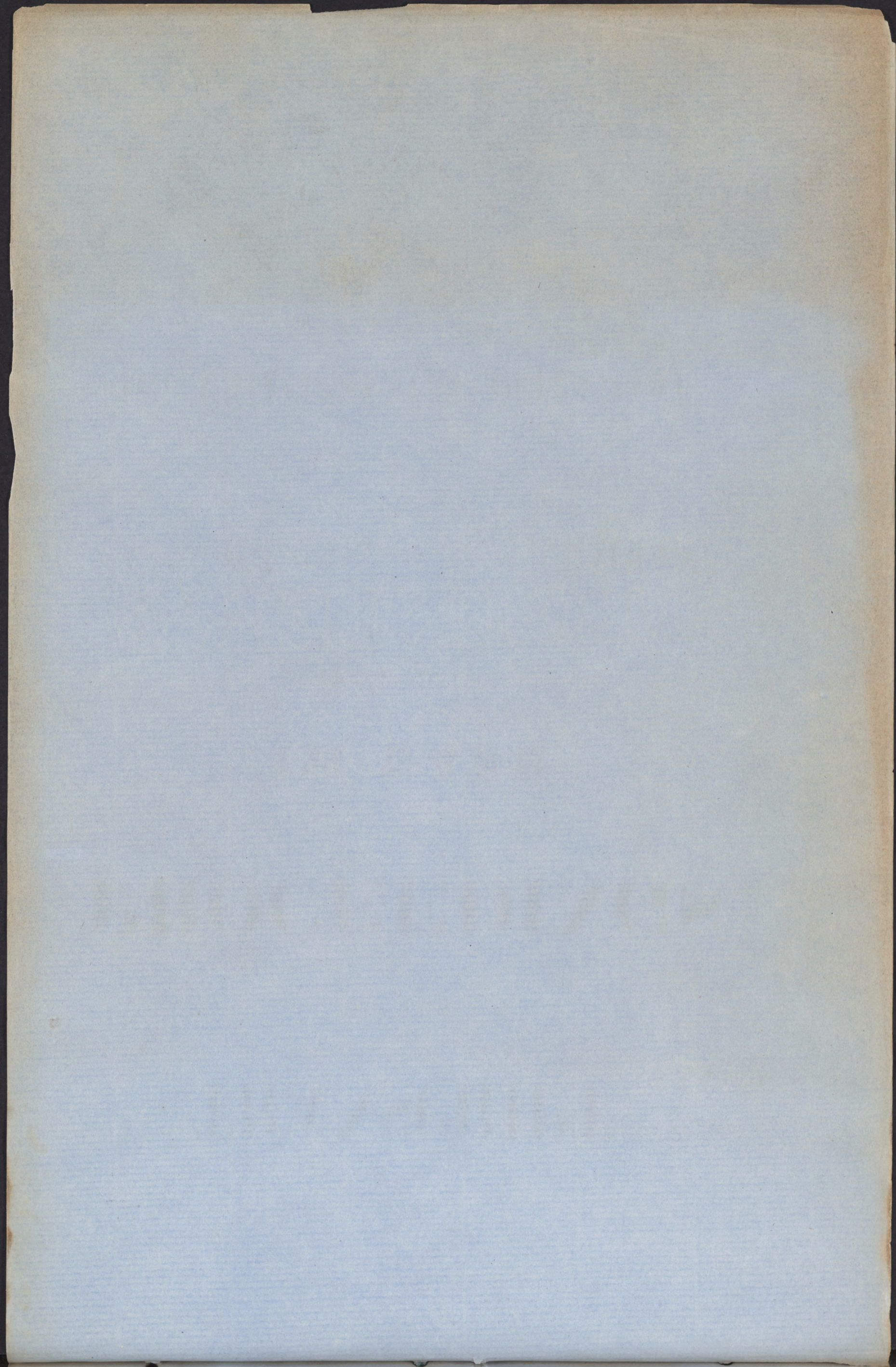
JOSE JESUS BERREYESA

CLAIMANT:

NOV 19 1962

F. S. W.
52 W. COTTON FIBER
BROKER BOND
H. S. W.

768
Dup



TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 768

Jose Jesus Berreyesa

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

" *Guercy* "

1875

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of José Jesus Berreyesa
for the Place named
"Yucuy",
was presented, and ordered to be filed and docketed with No. 768 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 July 26' 1853.
In case no. 768, José Jesus Berreyesa for the place named "Yucuy" the deposition of José S. Berreyesa, a witness in behalf of the claimant, taken before Commissioner Alphens Delch, with document marked "A. F. a." annexed thereto, was filed;
(Vide page 5 of this Transcript.)

San Francisco January 9' 1855,
Case no. 768 was ordered to be placed at the foot of the 4' Class cases on the Trial Docket,

San Francisco March 13' 1855,
Case no. 768 was submitted without argument and taken under advisement,

San Francisco March 27' 1855.
In the same case Commissioner S. B. Farwell delivered the opinion of the Board rejecting

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the claim;

(Vide page 11 of this Transcript.)

N,

and the following order was made, to wit:

(Vide page 14 of this Transcript.)

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Petition

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To the Honorable the Commissioners  
of the United States to ascertain and  
settle the Private land claims in Cal-  
ifornia

The Petitioner of Jose Jesus Ferrera a  
a resident of the County of Napa and  
a citizen of the United States respectfully  
shews to your Honorable Board that on  
the twenty first day of May A.D. 1846  
he presented his petition to the Justice  
of the Peace of Sonoma praying him  
to grant him provisionally the right  
to occupy a certain tract of land eight  
leagues in extent called "Lucero" lying  
at the vicinity of "Clear Lake" and also  
that the said Justice of the Peace would  
take the necessary steps to obtain for  
him the proper title

Your Petitioner further  
says that on the 29<sup>th</sup> May A.D. 1846  
Jose de los Santos Ferrera the first  
Justice of the Peace of Sonoma by his  
Official writing of that date gave to  
your petitioner the said permission to  
occupy said land provisionally while  
he should take the customary steps  
to obtain a title to it from the Su-  
perior Government

And your petitioner says that  
he thereupon took actual possession  
of the said land and has ever since  
continued to occupy and improve it  
and that he has fully on his part  
complied with the conditions and ob-  
ligations

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gations necessary to obtain a perfect title  
from the Mexican Government but  
that in consequence of the conquest of  
the Country (by the United States it  
has been impossible hitherto to perfect  
the said title and your petitioner now  
prays Your Honorable Board to per-  
fect, rectify and confirm his title to  
the said Land

(Signed)  
Brown Pratt & Tracy  
for the Petitioner

Filed in Office March 8<sup>th</sup> 1833  
(Signed) Geo Fisher  
Secy

1833

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Office of the Board of Land  
Commissioners for California  
San Francisco July 26<sup>th</sup> 1853

Deposition  
of  
Jose S. Ramirez

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On this day before me Myself Deane  
one of the Commissioners for ascertaining  
and settling private Land claims in  
California came Jose S. Ramirez a Mexican  
produced in behalf of the claimant. Jose  
S. Ramirez being No 678 on the  
Roll of the Commissioners and after being  
 duly sworn testified as follows,

Questions by Mr. Tracy Attorney for Claimants.

1<sup>st</sup> Question

What are your name age  
and place of residence?

Answer. My name is  
Jose S. Ramirez my age thirty five  
years and my residence Martinez  
Central Costa County California

2<sup>d</sup> Question

Look at the paper here  
presented marked "Exhibit A" with the  
initials "A S" and Certificate attached  
purporting to be a petition addressed  
to you as Justice of the Peace of  
Sonoma by Jose de Jesus Ramirez  
and say whether the decree in the margin  
is your writing and signed by you

Answer.

It is my writing and  
signature

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signature The petition is in the hand writing  
of Don Jose de la Rosa. The name of the  
petitioner is generally spelt in California  
Berrysa

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(Signed)  
Jose B. Berrysa

Mr. Greenhaw Associate Survey  
Agent was present at the  
taking of this Deposition  
The witness gave his testimony  
in the Spanish language  
Mr. Greenhaw by consent  
of parties acting as in-  
terpreter being first duly  
sworn for that purpose

Subscribed and sworn to  
before me this twenty sixth  
day of July A.D. 1833  
(Signed)

Alpheus Fitch  
Commissioner

Filed in Office July 26<sup>th</sup> 1833

(Signed) Geo. Parker  
July

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Sonoma Mayo 29 de 1846

Sor. Juez de Paz 1º de Sonoma.

El Terrero qf. Solicita el inter-  
esado en la pre-  
sente solicitud  
es baldio y no  
pertenece a pro-  
piedad parti-  
cular, y pº lo  
tanto puede  
el interesado  
ocupar probi-  
cionalmente el  
terreno qf. so-  
licita inter-  
corre las tra-  
mites de utilo  
pº Encomis  
el Titulo Com-  
pendiente, con  
el Superior Gobº  
del Departamº.

Jefe de Juntas Berre-  
yusa natural de este Depar-  
tamº y vecino de esta juris-  
dicion ante V. Con el debido  
respeto digo; que teniendo un  
numº Considerable de ganados  
vacuno Caballas y lanar y unas  
surdos; y no siendo suficiente  
el terreno qf. me pertenece soli-  
cito de V. se digno tomar en  
consideracion la necesidad qf.  
Tengo de no separarme de mis  
trabajos con la de concederme  
la licencia de poner mis bienes  
en el terreno baldio enoiedo  
con el nombre de Yucuy"= en  
cantidad de ocho sitios de  
ganado mayor; Como lo de-  
muestra el adjunto diciendo  
esperando igualmente qf. se sir-  
va informar a las autoridades

Jefe de las Jtas.  
Berreyusa

Comisulentes para qf. Enocan  
la legalidad de mi solicitud  
y al mismo tiempo el de  
Cooprar V. en vitarme los  
grandes estragos qf. se me ocasionar an  
en un viaje tan lejor.

Por tanto a V. Suplico se digno  
acceder a mi solicitud esperando gracia  
y merced jurando lo necesario y me  
dispense el uso del papel comun por  
no haver en este lugar del sello qf. Com-  
punde.

Sonoma Mayo 31 de 1846

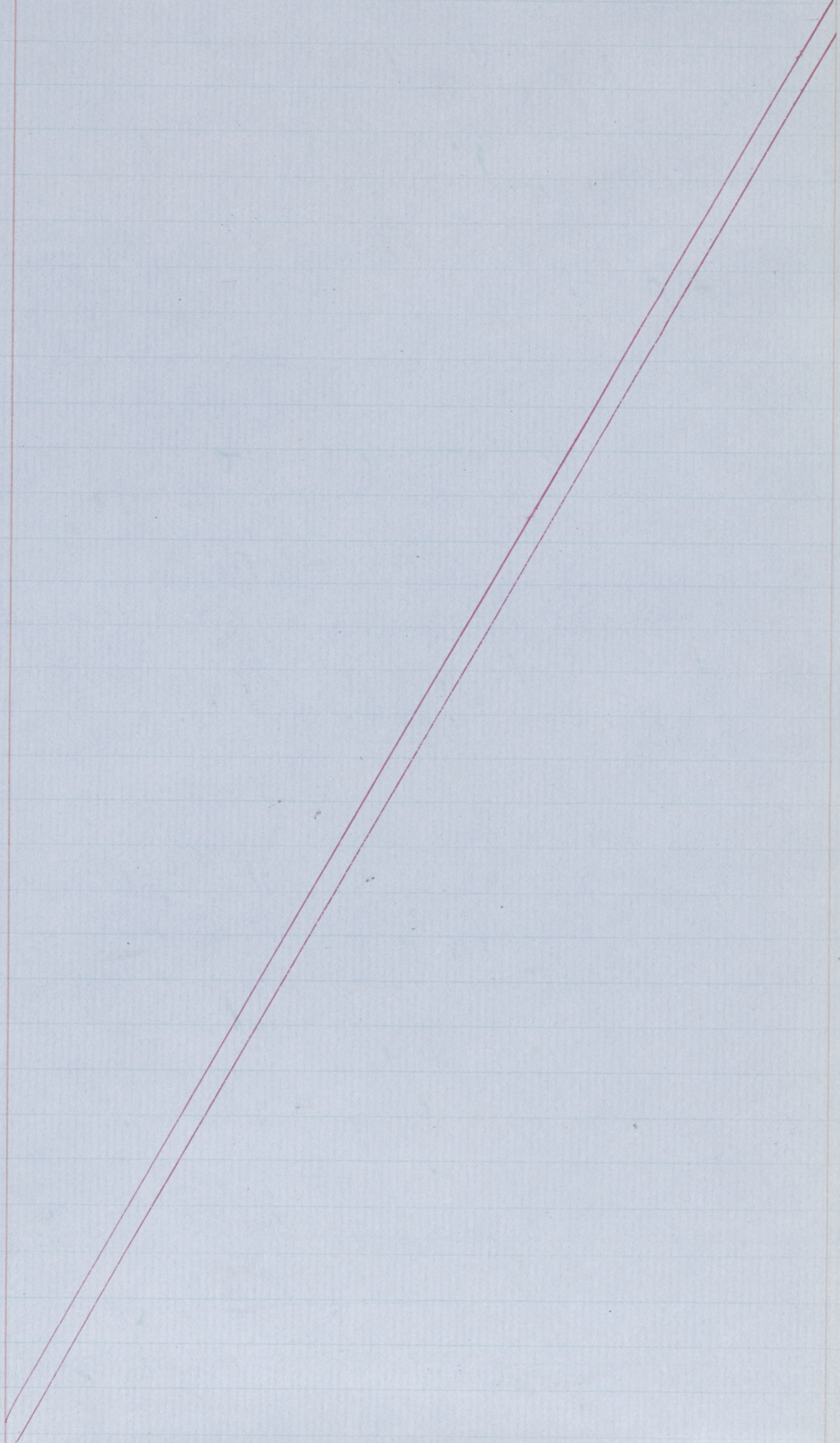
Jefe de Juntas Berreliza

Exhibit A"  
with the ini-  
tials A B"  
Annexed to the  
description of  
Jefe S. Berre-  
yusa.

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Filed in office  
July 26 1853  
Geo. Fisher  
Secy.

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Mr. Justice of the Peace 1<sup>o</sup> of Sonoma

Exhibits)

Sonoma May 29<sup>th</sup>  
1846

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The land asked for in the present petition is vacant and does not belong to any private estate and therefore the Petitioner can occupy it provisionally while he takes the customary steps to obtain a title to it from the Superior Government of the Department.

(sgd)  
Jose de los Santos  
Berrysa

Jose de los Santos Berrysa a Native of this Department and belonging to this jurisdiction with due respect says that having a considerable number of cattle, cows, Horses, sheep, and hogs and not having enough in the land that belongs to me. I solicit you if you please to take into consideration the necessity which I have not to separate myself from my labor and with that to grant me licence to place my property in the vacant land known by the name of "Yucun" in quantity eight sitlas of ganado Mayor as is shown by the accompanying design Hoping equally that it will be agreeable to inform the Competent authorities that they may know the legality of my Petition and at the same time that you will write with with me to save me from the great expense which will be occasioned to me by so long a journey  
Therefore

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Therefore I pray you to be pleased to ac-  
cede to my petition Hoping grace and  
favor and Sweetening what is necessary and  
that you will secure the use of common  
paper because there is not in this place  
any sealed paper of the proper kind

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Seneca May 31 1846  
(Signed)

Jos. de Jesus Benzera

Filed in Office March 8<sup>th</sup> 1853

(Signed) Geo. Fisher  
Secy.



Opinion

Jose Luis Ferratosa

The United States

In a place  
called Guaymas  
in the County  
of Yolo con-  
taining eight  
leagues

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In this case the Petitioner states that on the first day of May 1846 he petitioned a Justice of the Peace of Sonoma to allow him to occupy permanently the above named place situate near Clear Lake and that the said Justice gave him permission to occupy the same until he could procure a grant for the same and that before he could perfect his arrangements the American who broke out and stopped him from obtaining a further title.

We are of the opinion that the showing does not entitle the claimant to a confirmation.

A Decree of rejection will therefore be entered.

Rejected

Filed in Office March 27<sup>th</sup> 1853  
Signed Geo. Fisher  
J. C.

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José Jesus, Berreller

Decree <sup>vs</sup> The United States

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In this case in hearing the proofs and allegations it is adjudged by the Commission that the claim of the said Petitioner is not valid and it is therefore decreed that his application for a confirmation thereof be denied

(Signed) Alpheus Tick  
(Signed) P. Aug. Thompson  
(Signed) J. B. Fenwick

Commissioners

Filed in Office March 27<sup>th</sup> 1833

(Signed) Geo. Fisher  
Secy

Order

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And it appearing to the satisfaction of this Board that the said land adjudicated is situated in the Northern district of California, it is hereby ordered that two transcripts of the proceedings and of the decisions 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 district of California and the other be transmitted to the Attorney General of the United States

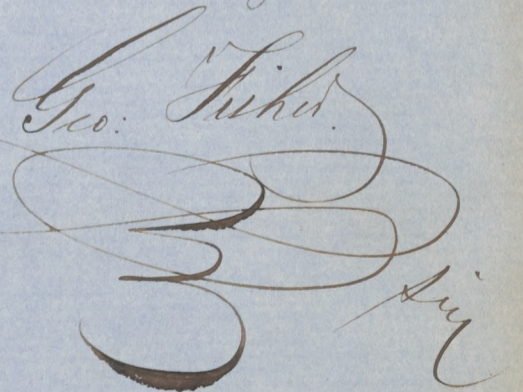
Office of the Board of Commissioners,

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

George Fisher — Secretary to  
 the Board of Commissioners to ascertain and settle the Private  
 Land Claims in the State of California, do hereby certify the  
 foregoing Fifteen — pages, numbered from  
14, both inclusive, to contain a true, correct and full Tran-  
 script of the Record of the Proceedings and of the Decision of the  
 said Board, of the Documentary Evidence and of the Testimony  
 of the Witnesses, upon which the same is founded, on file in this  
 Office, in Case No. 708 on the Docket of the said Board,  
 wherein José Jesus Berreyesa is —

Claimant against the United States, for the place known by  
 name of "Yucury."

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

Geo. Fisher  




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

No. ~~279~~

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THE UNITED STATES,

ND

vs.

*Jose Jesus Borreyda.*

TRANSCRIPT OF THE RECORD  
FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *768.*

Filed, *October 1* 1855  
*J. A. Monroe,*  
*Clk.*



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

San Francisco, Sept. 26<sup>th</sup> 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 31<sup>st</sup>  
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. 768 on the Docket of the said Board, wherein  
*Jose Jesus Berreyesa* is \_\_\_\_\_  
the Claimant against the United States, for the place known  
by the name of "*Yucuy*." \_\_\_\_\_  
and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher

