

CASE No.

288

NORTHERN DISTRICT

CAPAY GRANT

PEARSON B. READING

CLAIMANT:

NOV 21 1962

52# COTTON FIBER
FLOWER BOND

212
Dup

8

TRANSCRIPT
OF THE
PROCEEDINGS

288 ND
PAGE 1

IN CASE

NO. 212.

Pearson B. Reading CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Capay"

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 *third* day of *May*, 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;

288 ND
PAGE 2

The Petition of *Pearson B. Reading*
for the Place named
"Capay"
was presented, and ordered to be filed and docketed with No. 212 and is as follows, to wit;

(Vide page of this Transcript.)

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

San Francisco November 28 1854.
Case no. 212, *Pearson B. Reading* for the place named *"Capay"*, was ordered to be placed at the foot of the 3^d class cases on the Trial Docket.

San Francisco December 17 1854.
Case no. 212 was submitted under the Rule of *March 21 1854.*

San Francisco March 6 1855.
In the same case Commissioner *S. B. Farwell* delivered the Opinion of the Board respecting the claim;

(Vide page of this Transcript.)

And the following order was made, to wit;

(Vide page of this Transcript.)

x

2

3
Petition

To the Honorable the Board of Commissioners
for Settling Private Land Claims in
California

The Petitioner of Pleasanton
Reading of Contra Costa County California
specifically represents that he is the owner
of a certain tract of land in Colusa County
California bounded as follows

288 ND
PAGE 3

Beginning on
the west bank of the Sacramento River
at a certain point opposite to the termination
or mouth of Pine Creek which creek is
situated on the east bank of the Sacramento
River and running thence northward by
five leagues along the west bank of the
said Sacramento River five league
back of the same east and west

That the
said described tract of land is the north
or upper half of a tract of ten leagues of
land granted by General Manuel Mich
eltun in December 1844 to Jose Gaspar
as more fully appear by reference to the
petition of the said Jose Gaspar and accom
panying papers number 157 filed in
this Office on the 5th of April 1852

Your
Petitioner claims the above described
five leagues in virtue of a conveyance
made to him by the said Jose Gaspar
of the date of the 16th of January 1844
a copy of which is hereto annexed marked
A

Your Petitioner would represent that
he entered into and took possession of the
said tract of land shortly after the
date of the aforesaid conveyance and
that he has ever since held and now
holds the possession of the said tract
of land. Wherefore your Petitioner asks
that his claim may be approved and
deemed valid and that a patent may
issue for the same in his name and
such other and General relief as Justice
and Equity may require

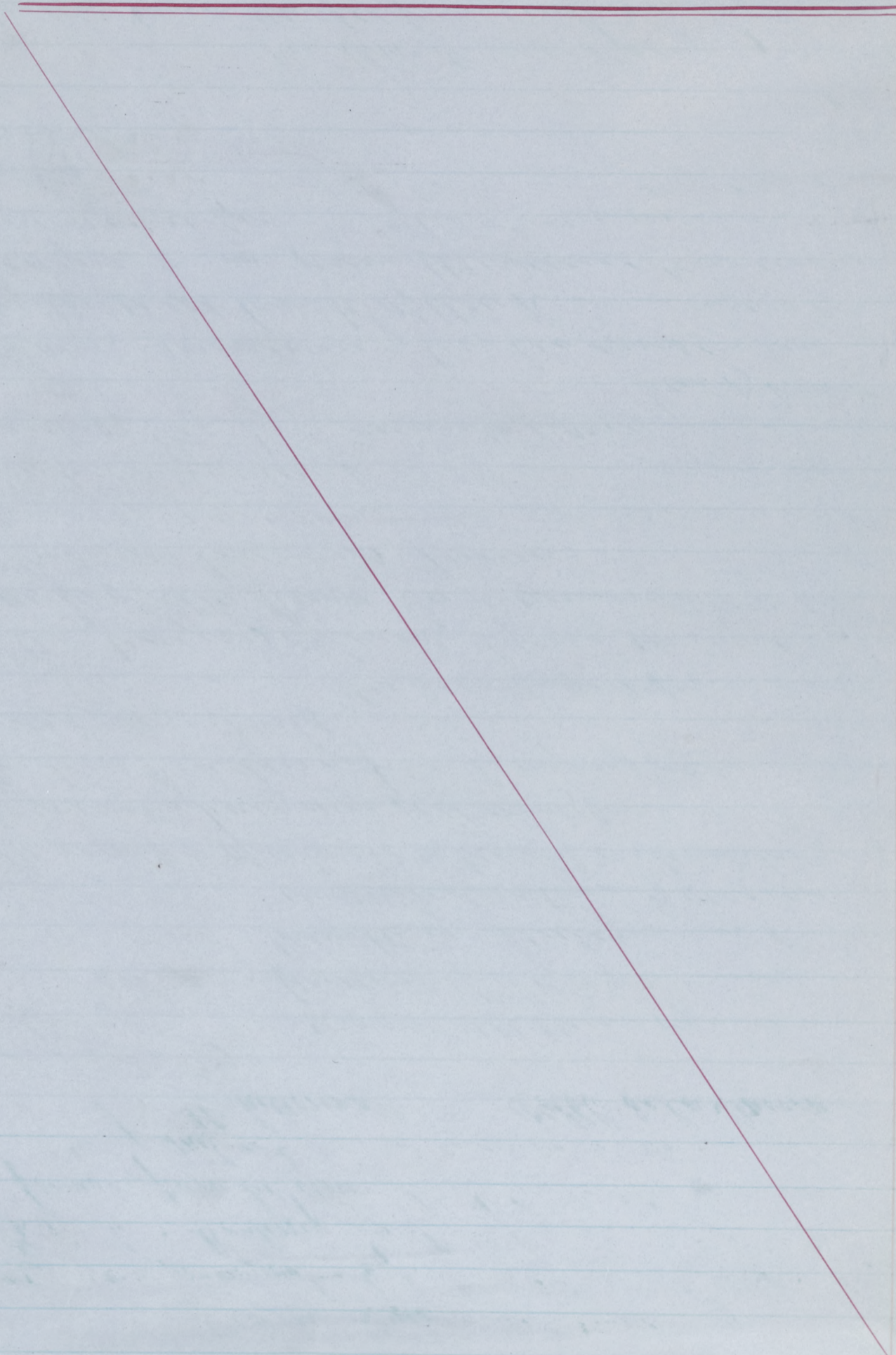
H

P. Ord
Attorney for Claimant

Filed in Office May 3rd 1852
George Fisher
Secretary

288 ND
PAGE 4

Records in Records of Petitions Vol. 176
George Fisher
Secretary



Conveyance
Alto Quinto...
I hereby certify that the above is a true and correct copy of the original as the same appears in the records of the office of the Secretary of the Interior.

5-A

Conveyance

(copy)

Ello Quinto Por Reales

Habilitado provisionalmente por la Aduana Maritima del Puerto de Monterey en el Departamento de las Californias, para los años de mil ocho cientos cuarenta y cuatro y mil ocho cientos cuarenta y cinco.
Micheltorona Pablo de la Guerra

288 ND
PAGE 5

Know all men by these
Seal & Signatures that I Josefa Soto of
Monterey California for and
in consideration of one dollar
the receipt of which is hereby acknowledged
do grant bargain sell and convey to Person
Benton Reading five leagues of land as
certified as follows

The tract or portion half
of ten leagues of land lying on the west
bank of the River Sacramento the middle
of said ten leagues being at a certain point
opposite the termination or mouth of Peice
Creek which bank is situated on the east
bank of the Sacramento River

Said tract
of land running ten leagues in length
on the west bank of the River and one
league back from the same and as much
in a decree given by the Government of
California dated January the 30th 1844
granting to said Josefa Soto the above
ten leagues

Further more Josefa Soto do
herby bind, warrant, execute, administer
and assigns to warrant and defend for
ever to Person Benton Reading his heirs
administrators and assigns all the right
title privileges and appurtenances of said
land against all persons claiming or
pretending to claim said land

In testimony
whereof I herunto put my signature this
16th day of January 1844

Josefa Soto
Seal & Signatures
munk

6

Witness signed George Allen A G Towns
W. J. Faynor M & Thomas
Personally appeared before me W. B. Ide County
Judge of Colusa County California at Minner
- ville this 5th day of December 1851 A G Towns

288 ND
PAGE 6

Personally known to me as the person whose
name is subscribed to the foregoing conveyance
as witness thereto who being duly sworn
says that Joseph Loto whose name (by which
is subscribed) to the foregoing conveyance as
a party to the same described and who execu-
- ted the same in his presence on the day
of its date that such person Joseph Loto
executed the conveyance and subscribed his
name thereto as a witness thereto

Signed A G Towns
Sworn and subscribed before me on this 5th
day of December A D 1851 Signed W. B. Ide
County Judge

State of California
City and County of San Francisco }
Personally appeared before me a Notary
Public in and for said County on this
25th day of March A D 1852 John Bedwell
to me personally known who being by me
duly sworn says that he resides in the
County of Butte in the State of Kansas
that he knows

George Allen in his life-
- time one of the subscribing witnesses to
the execution by Joseph Loto to the foregoing
conveyance to Thomas B. Reading and was
acquainted with his hand writing that
the signature of said George W. Allen
as such

Subscribing witness is the genuine
hand writing of said George W. Allen now
deceased signed of Bedwell that subscri-
- bed and sworn to by the said John Bedwell
in witness whereof I have hereunto set my
hand and seal the day and year last
above written signed A G Kendall

Notary Public
Filed in Office May 3rd 1852
George Festin Sey

7

Opinion
of the
Board

Number 212
Reasons Reading }
of }
The United States }
of Louisiana

The claimant in this case has presented
in evidence a deed of conveyance for the
land claimed by him by one Joseph
Lota on the 16th day of January 1845

288 ND
PAGE 7

and
The claimant states in his Petition
that the land of which complainant
stands seised is the north half of a
tract of land that he alleges was granted
to the said Lota by Governor Mitchell
in December 1844.

But he has not pro-
- vided the Board with any proof that
any such grant was ever issued by the
said Mitchell.

We are therefore of the
opinion that this claim is invalid and
a decree rejecting the same will be
entered.

Rejected

Filed in Office March 16th 1855

Signed

Geo. Fisher

Secretary

Received in Record of Deeds Vol 27 p 550

Signed

Geo. Fisher

Seal

Order

Number 212
Reasons Reading }
of }
The United States }
In this case on hearing
the proofs and allegations
it is ascertained by the Commission that the
claim of the Petitioner is invalid and it is

8

Alonzo Adams that his application for
a transcript of the records
of the Alphonis Fetch
N. Aug. Thompson

288 ND
PAGE 8

S. B. Farnell
Commissioner
Filed in Office March 16th 1855
Signed Geo. Fisher
Secretary

Recorded in Record of Decisions Volume
2 page 330

Signed Geo. Fisher
Secretary

and it appearing to the satisfaction of
the Board that the land in question
is situated in the Northern
District of California it is hereby ordered
that the transcripts of the proceedings and
of the decision in this case and of the
papers and evidence upon which the same
are 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.

J. George Fisher

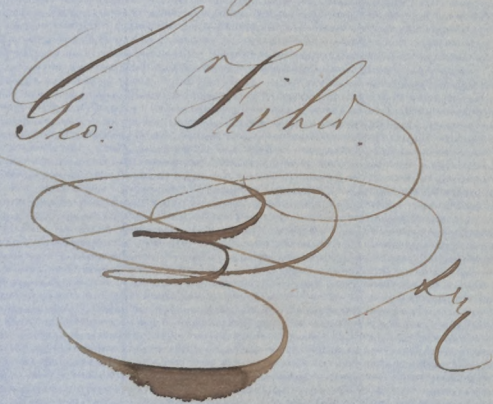
Secretary to

the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing Eight pages, numbered from 1 to 8, 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. 212, on the Docket of the said Board, wherein

Pearson B. Reading is

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

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

Geo. Fisher


288 ND
PAGE 9

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

No. 288- **288**

THE UNITED STATES,

vs. **MD**

Pearson B. Reading.

TRANSCRIPT OF THE RECORD

FROM THE

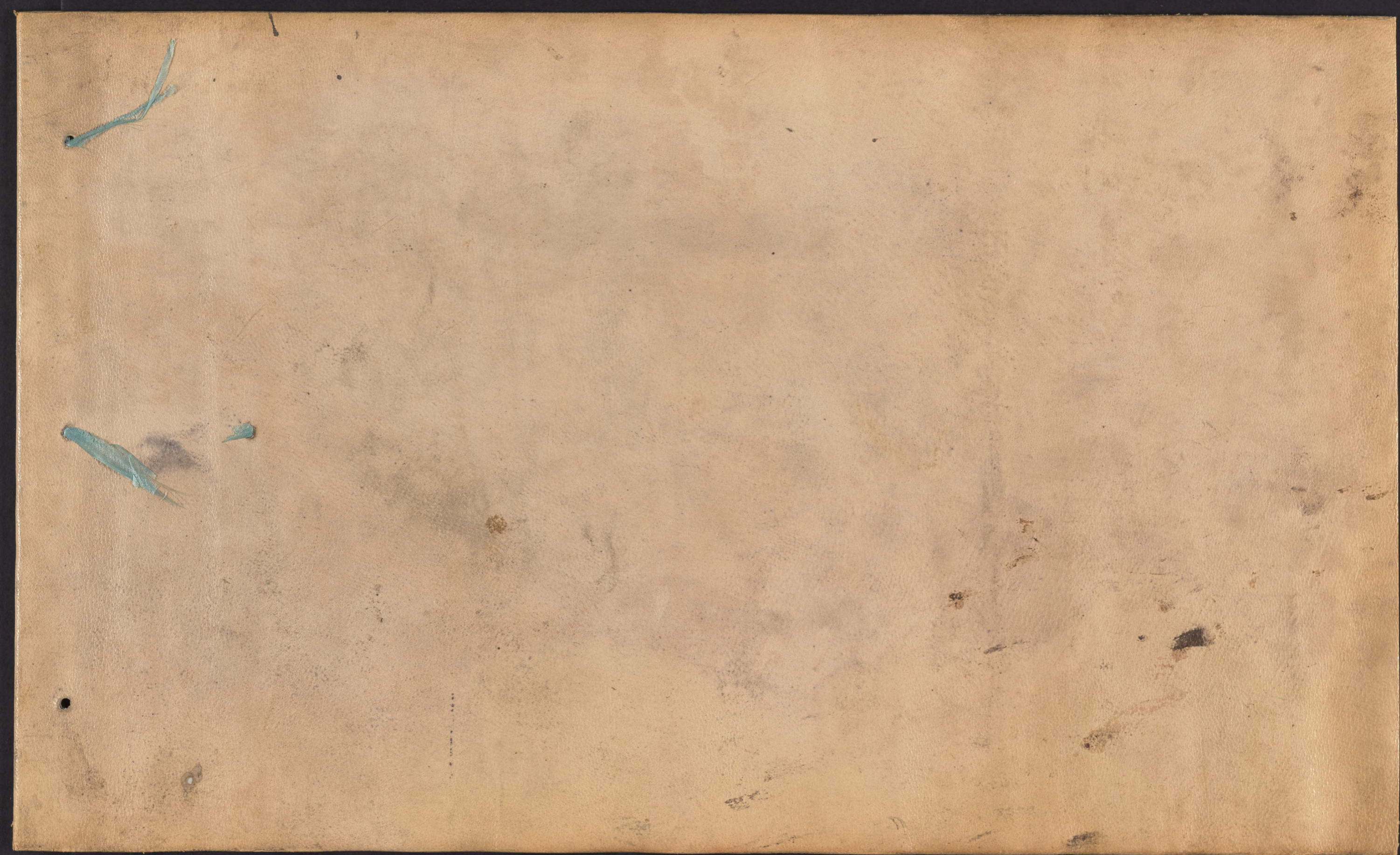
BOARD OF U. S. LAND COMMISSICNERS.

In Case No. *212*

Filed, *October 1* 1853

J. A. Monroe,
Clerk.

212



The United States }
Pearson B Reading } N^o 288.
(Book^o 212)

288 ND
PAGE 10

An appeal from the
Appellate Court

You will please take notice that
in the above case, decided by
the Commission, to ascertain
& settle the private-land claims
in the State of California, ~~in~~
~~form of~~ against the Claimant
and an appeal in the District
Court of the United States for
the Northern District of California,
the appeal will be presented
by Claimant.

E. J. Crosby }
of counsel. }

P. O. H.
Att'y for Claimant
& Appellant.

^{No 288.}
Dist Court U.S.

The United States

vs

The United
Pearson B Reading

Notice of appeal by
Claimant.

Filed Nov. 12. 1855.
J. Cheever
Deputy.

288 ND
PAGE 11

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, appellants and
Pearson B. Reading, appellee, the decree of
the said District Court was in the following
words, viz:

"This cause coming on for hearing at the
above stated term, on the record, on appeal from
the Board of United States Land Commissioners,
appointed to settle private land claims in Cal-
ifornia, under the act of Congress of March 3^d. 1851,
and also upon the affidavit of the party claiming,
and depositions and proofs taken in this court, and
the argument of counsel for the United States, and for
claimant, being heard, and the cause fully considered
by the court, therefore -

"It is ordered, adjudged and decreed by the
court, that the judgment of said Board of United States
Land Commissioners be confirmed.

"It is further ordered, adjudged and
decreed, that the said Pearson B. Reading be
confirmed in his said title to the land in this
case claimed, according to the grant for the same."

10 11
12 13

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 *fifty five* 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. ~

11 Jan 56

You, therefore, are hereby commanded that such _____ 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 *fifty five*.

COSTS: _____
 Clerk,\$ _____
 Attorney, ...\$ _____

Paid by

Wm. H. Carroll

Clerk of the Supreme Court of the United States.

No. *1*. *December* Term, 1855.

288

MANDATE
 SUPREME COURT UNITED STATES.

United States vs Reading

Filed April 21. 1856.
Chambers
Deputy.

288 ND
 PAGE 15

At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the CITY OF SAN FRANCISCO, on Tuesday the tenth day of June in the year of our Lord one thousand eight hundred and sixty-two

Present:

The Honorable OGDEN HOFFMAN, District Judge.

Pe arson B. Reading
v.
The United States

No. 288

This cause came on to be heard on appeal from the decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California, under the Act of Congress approved March 3, 1857, upon the transcript of the proceedings and decision of the said Board of Commissioners and the papers and evidence on which said decision was founded; and it appearing to the Court that the said transcript has been duly filed, Now therefore, this cause having been regularly brought to a hearing, and due deliberation had, It is Ordered, Adjudged and decreed, that the said decision be and hereby is in all things affirmed, that the claim of the said Pe arson B. Reading is not a valid claim, and that the said claim be and hereby is rejected.

Ogden Hoffman
Dist. Judge

N^o 288

UNITED STATES DISTRICT COURT

Northern District of California.

Carson B. Reading

v.

The United States

*Decree
rejecting claim.*

Filed *June 10th* 1862

W. D. Cheever,
Clerk.

288 ND
PAGE 17

Francis B. Reading } N. 288,

vs. } The United States, } Exors N. 212.

288 ND
PAGE 18

It is admitted that ^{on the 21st of December 1844} ~~Josefa Soto~~ Governor Michel Comens granted to Josefa Soto, ten leagues of land, ^{lying on the West bank of the Sacramento River, Cal.} as alleged in claimants petition; that the said Josefa Soto, presented to the U.S. Land Comm. ^{for Cal.} her claim for the confirmation of said grant; that said claim was, on the 11th of April 1853, confirmed by said Comm. (Case N. 157); that, on the 16th day of July 1855, the ^{decision of said Comm. in favor} said ~~claim~~ ^{of said Josefa Soto}, was, on appeal, ~~confirmed~~ ^{affirmed} by the District Court of the United States, for the Southern Dist. of Cal. ^(Case N. 42); that, on the 25th day of November 1855, the U.S. Atty for said Dist. in pursuance of ^{a notice} ~~instructions~~ from the Atty Genl. of the U.S., stipulated that ~~the~~ ^{the} appeal from the decision of said Dist. Court ~~for the purpose of an appeal would be taken~~ ^{be vacated, & in virtue of which} by the U.S., ~~by which the said confirmation~~ of said claim for said ten leagues of land became final; and that ~~the~~ ^{an} ~~engagement~~ ^{agreement} ~~from said Josefa Soto~~ to said Francis B. Reading, is for the one half of said leagues of the said tract of land, &c. ~~granted & finally Conf. as aforesaid.~~

F. B. Reading P. Della Torre
atty for claimant vs. U.S. atty

N^o 288.
Pearson B. Reading
of
The United States

Department of
Consent of U.S.

Attorney General's Office,
Washington, July 11th, 1853.

Pearson B. Reading Claimant.

v.s.

The United States.

You will please take notice that
the appeal in the above case, from the decision of the Commissioners
to ascertain and settle the Private Land Claims in the State
of California, to the District Court of the United States for the
Southern District of California, will be prosecuted by the United
States.

Clerking

Attorney General United States.

To The Clerk of the District
Court of the United States
for the Southern District
of California

Los Angeles

288
ND

288 ND
PAGE 21

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

San Francisco, August 21st 1855.

J. A. Monroe Esq.
Clerk of the U. S. District Court for the
Northern District of California.

Sir;

I herewith transmit you, pursuant
to the requirements of the Act of Congress, approved August 31st,
1852, a Transcript of the Record of the Proceedings and of the
Decision of this Board, of the Documentary Evidence and of
the Testimony of the witnesses upon which the same is founded,
in Case No. 212 on the Docket of the said Board, wherein

Pearson B. Reading is
the Claimant against the United States, for the place known
by the name of "Sapay"
and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

G. T. Smith