

CASE No.

291

NORTHERN DISTRICT

MEDANO GRANT

JAMES ENRIGHT et al

CLAIMANT:

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TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 691

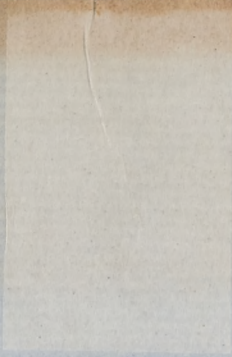
James Enright, et al. CLAIMANT *S.*

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

a Medana. c



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 James Enright et al;
for the Place named

"Medano"
was presented, and ordered to be filed and docketed with No. 691 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 27 1855,
Case no. 691, James Enright et al for the place named "Medano", was ordered to be placed at the foot of the 4th class cases on the Trial docket,

San Francisco March 21 1855,
Case no. 691 was submitted under the Rule of March 21 1854.

San Francisco March 24 1855,
In the same case Commissioner S.B. Farnell delivered the Opinion of the Board respecting the claim,

(Vide page 3 of this Transcript)
and the following objection was made, to wit;
(Vide page 6 of this Transcript.)

X.

Petition

Before The Commission To settle Private Land Claims in California

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James Enright, Michael Murray and Ellen Fallon give notice that they claim a tract of land in said State, in the County of Contra Costa, known as the Rancho of "Medanos". Said land was granted on the 20th November 1834 by Don Juan B. Alvarado Governor of the Department of the Californias to Don Jose Antonio and Jose Miguel ~~Alvarez~~ Maza, and from said granters has passed by proper means and conveyances to the present claimants.

Said land has been occupied according to law. It has not been surveyed but is claimed according to the boundaries expressed in the grant.

The original grant and a translation of it are herewith filed as a part of this petition and the claimants pray that their claim may be speedily examined and enforced.

By their Attornies
James Crockett & Barker

Filed in Office March 2^d 1853

(Signed) Geo. Fisher
Secy

[Faint, illegible handwriting throughout the page, likely bleed-through from the reverse side.]

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Sello 1^o Seis Pesos -

Rehabilitado provisionalmente por la Aduana marítima
de Monterey para los años de 1839 y 1840 -

A.
Original Grant.

Alvarado -

Antonio M^o Osio -

L. S. } Juan B. Alvarado Gobernador Constitucional^o
del Departamento de las Californias -

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Por cuanto los Ciudadanos Jose Antonio
y Jose Miguel Mesa han pretendido para su beneficio
personal y el de sus familias, el terreno conocido con el
nombre de Medans, colindante al Norte con el Rancho
del Ciudad^o Salvo Pacheco, al Sur con el del Sr. Jose Norie-
ga, al Oriente con el Rio de San Joaquin y al poniente
con las Lomerias: practicadas previamente las diligencias
y averiguaciones concernientes segun lo dispuesto por leyes
y reglamentos, usando de las facultades que me son con-
cedidas a nombre de la Nacion Mexicana, he venido en con-
cederles el mencionado terreno, declarandoles la propiedad de
el por las presentes letras, sujetandose a la aprobacion de la
Exma. Junta Departamental y a las condiciones siguientes:

1^a Podrá cículo sin perjudicar las trayectorias
Caminos y servidumbres; lo disfrutará libre y exclusi-
vamente destinandolo al uso ó cultivo que mas les acomode;
pero dentro de un año ó lo mas fabricarán Casa y estera ha-
bitada -

2^a Cuando se les confirme la propiedad solicitarán
del Juez respectivo que les dé la posesion juridica en virtud de
este despacho por el cual se demarcarán los lindos en cu-
yos limites pondrán unas de las maderas algunos arboles
frutales ó silvestres de alguna utilidad -

3^a El terreno de que se hace donacion es de dos
sitios de ganado mayor poco mas ó menos, segun demuestra
el diseño que corre en el Expediente - El Juez que diere la
posesion lo hará en conformidad a Brauayza, quedando el
estrante que resulte á la Nacion para los usos convenientes -

4^a Si contravinieren á estas condiciones perderá

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su derecho al terreno y será denunciado por otro -

En consecuencia mando que sirviendole de título el presente y teniendose por firme y validos se tome razon en el libro respectivo y se entregue á los interesados para sus espaldas y demas fines - Dado en Monterrey á veinte y seis de Noviembre de mil ochocientos treinta y nueve -

Juan B. Alvarado -

Mant. Jimeno

Srio. del Despacho -

Queda tomada razon de este despacho en el libro de acientos sobre adjudicacion de terrenos baldios á f.º 12 v.º

Jimeno -

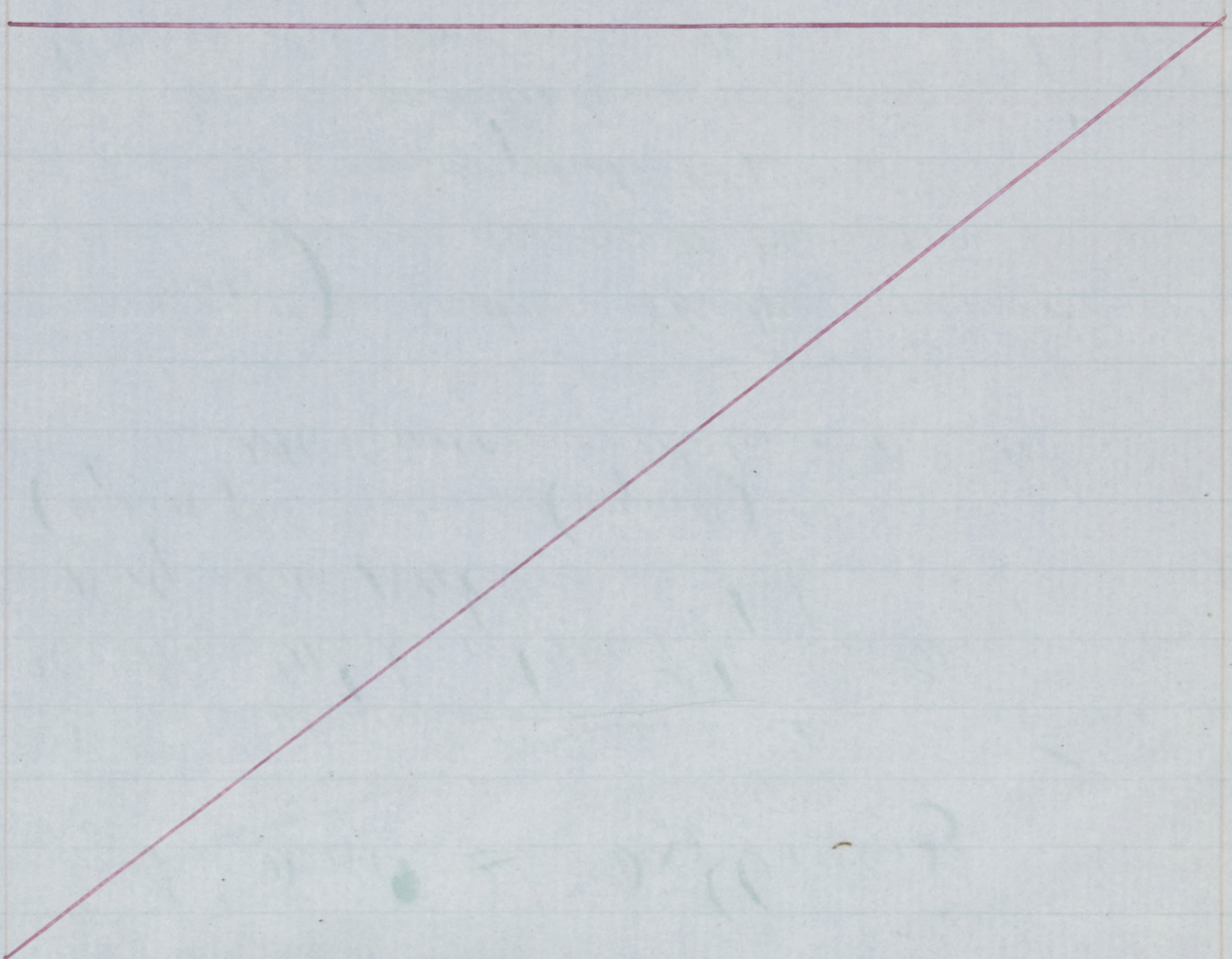
El Excmo. Sr. Gobernador ha dispuesto se tome razon de este título en la Prefectura del Primer Distrito -

Jimeno -

Filed in Office March 2, 1873 -

Geo. Fisher

Secy -



N^o. Seal # Six Dollars

Provisionally qualified by the Maritime
Custom House of Monterey for the years
1839 and 1840

(Signed)

(Signed)

Alvarado

Antonio M^o Ortiz

SB
Translation

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Seal

Juan B Alvarado Con-
stitutional Governor of The
Department of the Califor-
nia

Whereas citizens Jose Antonio and Jose
Miguel Maza have solicited for their per-
sonal benefit and that of their families
the tract of land known by the name of
"Medana" (sand bank in the sea shore)
bounded at the North by the Rancho
of citizen Juan Pacheco, at the South
by that of citizen Jose Nunez, at the
East by San Joaquin's River (Rio
de San Joaquin) and at the West by
the group of Hills (Sierra) the proper
steps and investigation's having been
previously taken according to the dispo-
sition of the laws and regulations using
the powers conferred on me in the name
of the Mexican Nation I have conceded
to them the said tract declaring to them the
ownership thereof by these present letters
subject to the approval of the M^o Excel^o
Departmental Board

So They may inclare it without in-
juring the passages roads and commery
They shall enjoy it freely and exclusively
applying

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applying it to the use or cultivation that
suits best to them - but within one year at
the longer, they shall build a House the
same must be inhabited.

2^a When the ownership thereof is con-
firmed they shall solicit the proper Judge
to give them judicial possession by virtue
of this Dispatch, whereby the boundaries
shall be marked out in the limits of which
they shall put besides the land marks
some fruit or useful wild tree

3^a The tract, whereof the grant is made
is of two square leagues (sitios de ganado
mayor) a little more or less as shown by
the sketch accompanying the Dispatch
(Expediente) the Judge who may give the
possession shall cause it to be measured
according to ordinance the remaining surplus
to be for other uses of the Nation.

4^a If they contravene these conditions
they shall for ever quit their right to the land
and that shall be denounceable by others.

Whereupon I order that the present
serving as title to them and being held as
firm and valid - entry thereof be made
in the proper Book and it be returned
to the parties interested for their safety
and other ends.

Given in Mexico, on the twenty
sixth of November One thousand eight
hundred and thirty nine

Juan P. Alvarado

Manl. Jemine

Secy

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The entry of this Dispatch is made in
the Book of registry in adjudication of
vacant lands at page 12

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Simone

H. E. the Governor has directed this
title to be registered in the Office of
the Prefect of the said District

Simone

Filed in Office March 2^d 1833

(Signed) Geo. Fisher
J. J. J.

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WIDE
MD

Deed
James Enright
to
Cinnich Green

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I was all men by these presents that
I, James Enright of Santa Clara County
and State of California for and in con-
sideration of the sum of Four thousand
(4000) Dollars to me in hand paid by
Cinnich Green of the city and County
of San Francisco and State aforesaid
the receipt of which is hereby fully
conferred and acknowledged I have
bargained sold and conveyed and by
these presents do bargain sell convey
Grant and confirm unto the said Cin-
nich Green his heirs and assigns for-
ever all my right title interest Estate
claim or demand that I have or might
have of or to the undivided one
third part of the Northern Half of all
of a certain tract of land lying and being
situated in Contra Costa County and State
aforesaid known by the name of Madam
or Megans Ranch bounded and described
as follows to wit) on the North by the
River San Joaquin on the South by J
S. Stevenson & on the East by S. Marsh and
on the West by S. Pacheco

The above mentioned premises being
the same land conveyed to Jas. Walsh as
will appear by the Contra Costa County
Records in Volume one of land titles page
67 and 8 the 10th day of June 1830 and
being the same conveyed by the said Jas. Walsh
to M. Murphy as will appear by the Contra
Costa County Records volume one page 350
June 20th 1837 and by the said Martha Murphy
to James Enright as will appear in said
Records

Records in Volume one page 544 & 545
May 28th 1832, To Have and to hold
the said one third part of all the Mer-
-them half of said tract of land with
all rights, privileges and appurtenances
to the same belonging to the said Dimmick
Given his heirs and assigns forever.

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In Witness whereof the said James
Enright has hereunto set his hand
and seal this thirtieth day of June
One thousand Eight Hundred and
fifty three (June 30th 1853)

(Signed) James Enright Seal

In presence of
William Lynch

State of California
County of San Francisco

On this thirtieth day of June
One thousand Eight Hundred and fifty
three personally appeared before me a
Notary Public in and for said County
James Enright known to me to be the person
described in and who executed the foregoing
instrument who acknowledged to me that
he executed the same freely and voluntarily
and for the purposes therein men-
tioned.

(Signed) Joseph Grant
Seal

Filed in Office February 12th 1855
(Signed) Geo. Fisher
Secy

James Enright et al
 as
 Claimants for a
 place called
 "Medanos" in the
 County of Contra
 Costa,
 vs
 The United States
 Opinion

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The Claimants, in this claim as assignees of Jose Antonio and Jose Miguel Moya who they allege in their petition obtained a grant for the land on the 20th day of Nov. 1839 from Juan B Alvarado the then Governor of California and have placed on file what purports to be a grant as aforesaid but have offered no evidence to establish its authenticity nor have they offered any proof of the performance of the conditions of the grant by the grantee or any person in his behalf nor any evidence of a segregation of the land. The papers do not show any right in the part of the Claimants to a confirmation and a Decree will be issued respecting the same.

Rejected

Filed in Office March 27. 1855
 (Signed) Wm. Fisher
 Secy

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[Faint pencil sketches of a landscape or architectural structure, possibly a dome or a large arch, with some lines and shading.]

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James Enright et al }
 vs }
 The United States } }

Decree

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In this case on hearing
 the proofs and allegations it is adjudged
 by the Commission that the Claim of
 the Petitioner is invalid and it is
 therefore Decreed that his application
 for a confirmation thereof be denied

(Signed)

Alpheus Fitch

(Signed)

R. Aug. Thompson

(Signed)

S. B. Farwell

Commissioners

Filed in Office March 27. 1835

(Signed)

Geo. Fisher
 Secy

Order

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And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Northern District of California, it is hereby ordered that two transcripts of the proceedings and of the decisions in this case, and of the papers and evidence upon which the same are founded, be made out and 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.

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I, *George Fisher* — Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing, *Sixteen* — pages, numbered from
1 to 16, 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. 191, on the Docket of the said Board,
wherein *James Enright, et al,* are —
the Claimant against the United States, for the place known by
the name of "*Medano* —

In Testimony Whereof, I herewith 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-eighth*

Geo. Fisher.



U. S. DISTRICT COURT,

North District of California.

No. ~~291~~ **291**

THE UNITED STATES, *MD*

vs.

James Enright, et al.

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *691*

Filed, *October 1* 1853

J. A. Mowbray,
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. 26th 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. 691 on the Docket of the said Board, wherein James Enright, et al, are the Claimant against the United States, for the place known by the name of "Medano" and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

G. Fisher