

CASE No.

315

**NORTHERN DISTRICT**

---

LAND NEAR CAPE MENDOCINO GRANT

JOSE Y LIMANTOUR

CLAIMANT:

LAND CASE 315 ND

19 pgs.

NOV 24 1962

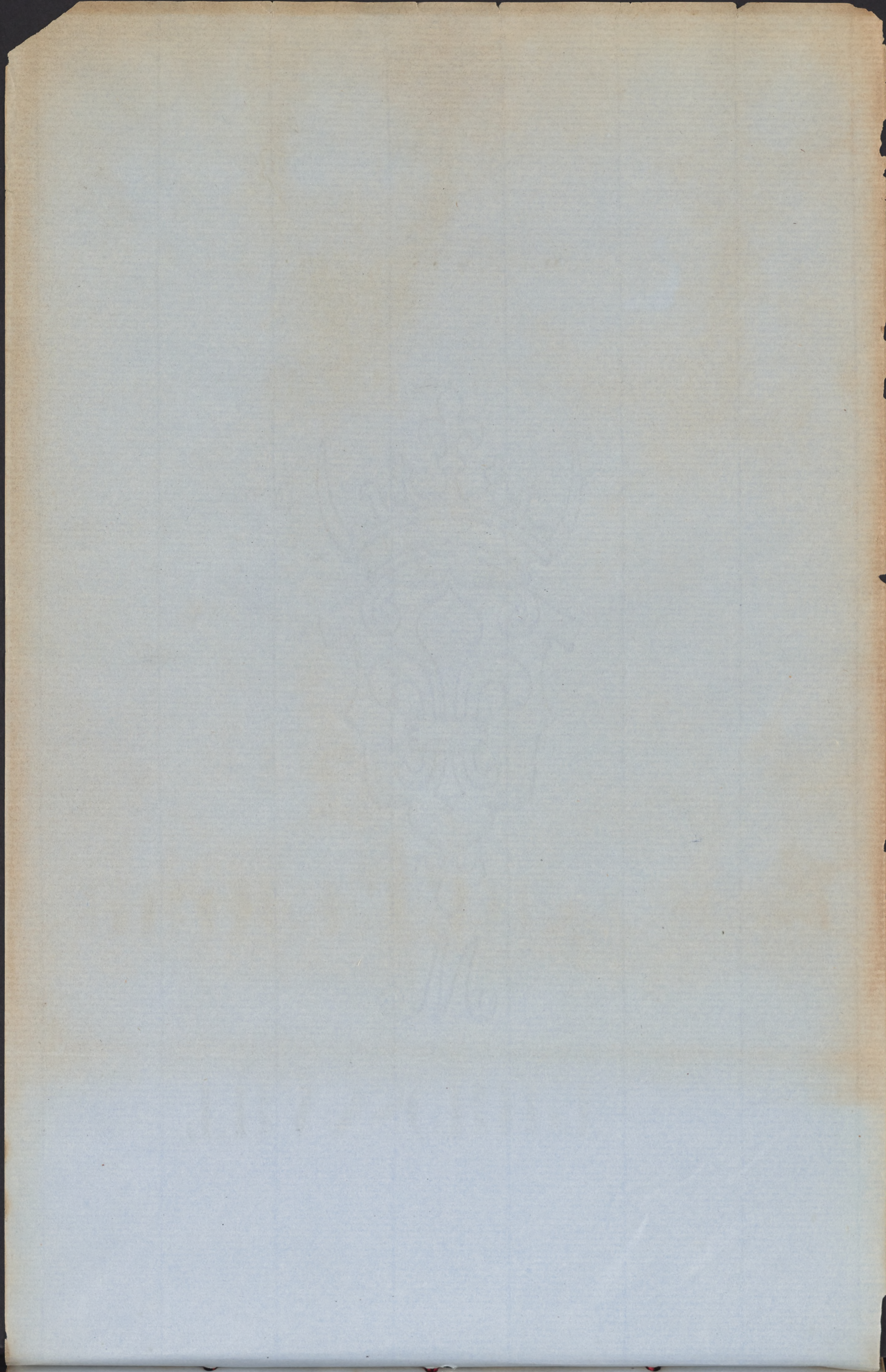
*Permanized*  
Plover Bond

25% COTTON FIBER

U.S.A.

715

Deep



TRANSCRIPT  
OF THE  
PROCEEDINGS

315 ND  
PAGE 1

IN CASE

NO. 715.

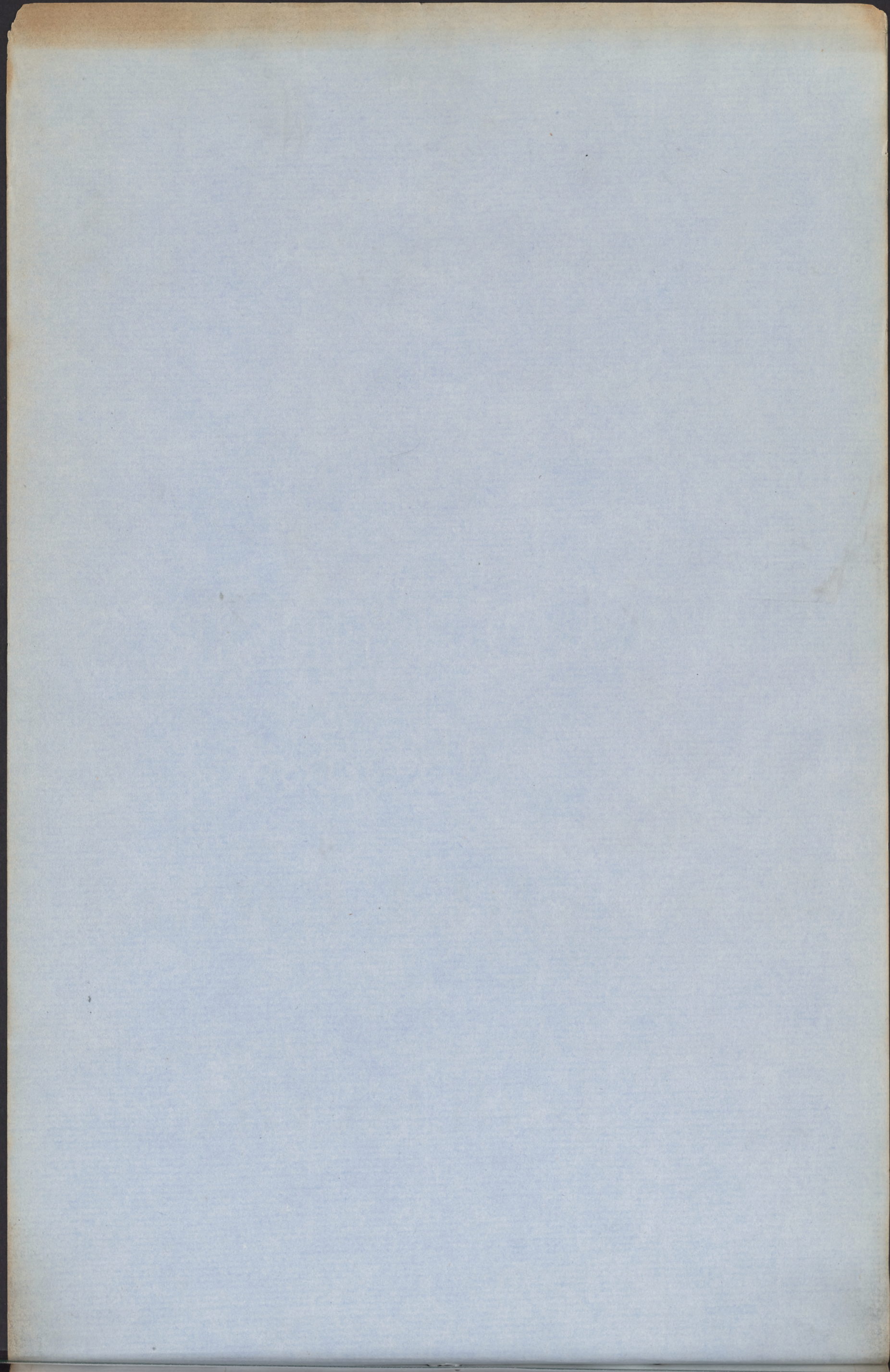
*Jose Y. Simantour* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

" *Land near Cape Mendocino.* "



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 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;

315 ND  
PAGE 2

The Petition of José G. Simantour, ~~was~~ for the Place named ~~land~~ near Cape Mendocino was presented, and ordered to be filed and docketed with No. 415 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 Sept. 26' 1854  
Case no. 415, José G. Simantour for land near Cape Mendocino, was ordered to be placed at the foot of the 2<sup>d</sup> Class case on the Trial Docket,

San Francisco November 28' 1854.  
In the same case the U. S. Associate Land Agent moved for a continuance thereof;

(Vide page 3 of this Transcript)  
Which motion was granted, and the case ordered to be put at the foot of the 3<sup>d</sup> Class case on the Trial Docket.

San Francisco March 26' 1855.  
In the same case the Counsel for the Claimant filed the following Affidavit, to wit;

(Vide page 3 of this Transcript)  
and the prayer of the petition therein was

2. taken under advisement by the Board.

San Francisco March 22 1855.

Case no. 415 was assigned for hearing on the 3<sup>d</sup> day of April next.

315 ND  
PAGE 3

San Francisco April 10 1855.

Case no. 415 was submitted without argument & taken under advisement.

San Francisco April 24 1855.

In the same case Commissioner H. B. Farwell delivered the opinion of the Board rejecting the claim:

(Vide page 15 of this Transcript)

and the following order was made, to wit:

(Vide page 16 of this Transcript)

N.



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

Petition

Your Petitioner  
Joaquin L. Linares  
San Francisco and State of California  
respectfully to your Honorable Board  
that certain a certain tract or parcel  
of land lying and being situated in the State  
of California to the extent of ten leagues  
in length by eight in width

315 ND  
PAGE 4

Said land is situated on the coast of the Pacific Ocean to the north west of Cape Mendocino and is specially reserved to the heirs or assigns of the Archduke Maximilian in possession of the Emperor Maximilian of the Mexican States of California.

Said tract of land commences on the Rio Grande in Latitude 39° 18' on the bearing and of land of Don Guillermo Riera and San Thome along the coast to Latitude 39° 48' extending back from the shore of the Pacific Ocean eight leagues.

Your Petitioner claims the aforesaid tract of land by a deed of purchase for a good and valid consideration paid by your said Petitioner to Don Manuel Gutierrez which deed bears date on the 2<sup>nd</sup> day of December A.D. 1844

Your Petitioner presents herewith a true copy of his said original deed in the Spanish language with a translation of the same, also official copies from the archives relating to the same and will make further proof in regard to his said claim if required by the Board.

Your Petitioner prays

4

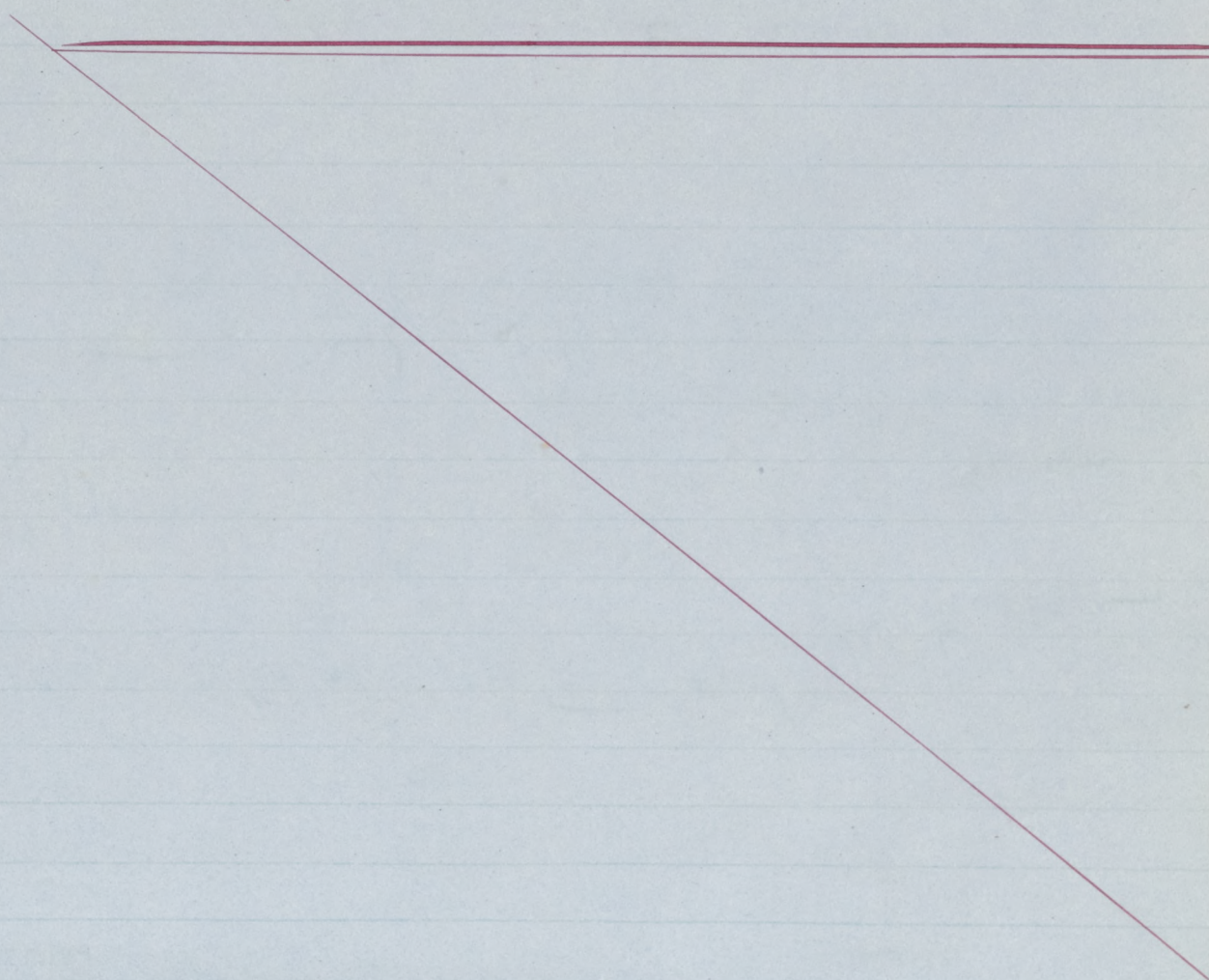
Your Honorable Board to take into  
consideration his claim to said  
tract of land, and decree his title to  
be valid and confirm the same  
and your Petition well con-  
firm

315 ND  
PAGE 5

Jose Y. Semantour  
By James Wilson  
his Attorney

Filed in Office March 2nd 1853  
Seymour New Fishers  
Secy

Recorded in Vol 2 of Petitions on pgs  
109 110  
Seymour New Fishers  
Secy



5- 7. S. D. R. Delo Cuarto Dos Reales:

Habilitado provisionalmt. por la Real Cedula Ma-  
ritima del Puerto de Monterey en el Departa-  
mento de las Californias para los años de  
mil Ocho cientos cuarenta y cuatro y mil  
Ocho cientos cuarenta y cinco.

José Y. Limón Michelbrena

Pablo de la Puena  
Excmo Sr. Gobernador

8 by 10 League  
near Cape  
Mendocino

(Delo)

Monterey D. C.  
18 de 1844  
Vista esta mota  
cia y los docu-  
mentos q. las a-

Jose Limon Capitán de  
la Marina Francesa o suplie  
a D. C. me concede un terreno  
con Estension de diez Legua  
de Latitud y Ocho de Lon-  
gitud en la Costa del N.  
O. asi al Cabo mendocino  
en pago de algunas costas de  
Gobierno concede  
al suplicante el

315 ND  
PAGE 6

tereno q. menciona  
sujecion al  
el titulo respectivamente lo que expresa el  
Michelbrena  
Dicho terreno es Valioso no  
pertenece a ninguna Corpora-  
cion ni pueblo es pura  
mente lo que expresa el  
Diseño que acompaña. El  
tereno que solicita comienza

en el Rio grande latitud 39<sup>o</sup> 18' N.  
Linderos de terreno que pertenece a D. Guil-  
ermo Richardson y sigue al N. O. hasta  
la Latitud de 39<sup>o</sup> 28' y al Oriente Ocho  
Leguas de la Costa comenzado en el mar  
pacífico.

S. S. D. R.

por tanto a D. C. pido y suplico provea como  
llevo pedido.

Monterey 16. Diciembre de 1844

Limón

6

J. S. D. K.

Here follows  
[unclear]

315 ND  
PAGE 7

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 in my  
Office and 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 three preceding and hereunto annex-  
ed pages of tracing paper numbered from one  
to three inclusive, and each of which is verified  
by my initials (S. D. K.) exhibit true and  
accurate copies of certain documents  
on file and forming part of the said Archives  
in this Office.

In Testimony whereof I have  
hereunto signed my name officially  
and affixed my private seal (not having  
a seal of Office) at the City of San Fran-  
cisco Cal. the 29<sup>th</sup> day of January 1853

Saml. D. King  
Survey. Genl. Cal.

Filed in Office October 10<sup>th</sup> 1853

Geo. Fisher Secy.

S. D. K.  
Translation

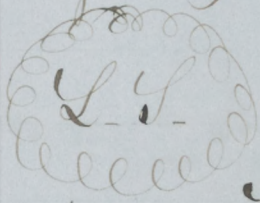
Leaf Fourth Two Reales

Provisionally authorized by the Maritime  
Custom House at the Port of Monterey  
in the Department of the Californias for  
the years one thousand eight hundred and  
forty four and one thousand eight hun-  
dred and forty five

715-1

(Signed) Michelena

(Signed) Pablo de la Guerra



Most Excellent Don Governor  
Don Jose Simantova Captain in the French  
Navy, pray your Excellency to grant me  
a tract of land to the extent of ten  
leagues in length and eight in width  
on the North West Coast towards Cape  
Mendocino in payment of some amounts  
which I furnished to this Department

The said land is vacant  
and does not belong to any Corporation  
or Pueblo - it is simply that which is  
delineated on the cesino which I accom-  
pany herewith.

The land which I solicit  
commences at the Rio Grande latitude  
39° 18' N. the boundary of the land  
belonging to Don Guillermo Richardson  
runs N. W. to latitude 39° 18' and to  
the East eight leagues from the Coast  
commencing at the Pacific Ocean

Therefore I ask and entreat  
your Excellency to determine in accor-  
dance with my petition

Monterey December 16. 1844

(Signed) Simantova

315 ND  
PAGE 8

(In the margin)

Montana December 18. 1844

315 ND  
PAGE 9

Having Examined this  
petition and the accompanying documents  
this Government grants to the petitioner  
the Land described, Subject to the plat  
See the proper title issue  
to him

(Signed) Micheltuna

A true and correct Copy translation of  
a Spanish Document (true Copy) in  
Case No. 715 Jose Y Simenton vs the  
United States On file in this Office  
Witness my official  
Signature this 2<sup>o</sup> day of January A.D.  
1855

Geo. Fisher Secy

Filed in Office June 2<sup>o</sup> 1855

Geo. Fisher Secy

Recorded in Co. B Vol 17. p 585

Geo. Fisher Secy

... del puerto de Monterey en el  
... años de mil ochocientos para

9  
Dello primero Ocho pesos:  
Habilitado provisionalmente por la Aduana  
maritima del puerto de Monterey en el  
Departamento de las Californias para  
los años de mil ochocientos enaenta  
y cuatro y mil Ocho cientos enaenta  
y cinco.

II  
Copy of Grant

Micheltrona Pablo de la Guerra

El Sr. Manuel Micheltrona  
General de Brigada del Ejercito Mexicano  
Ayudante General de la plana Mayor  
del mismo, Gobernador y Comandante general  
del Departamento de las Californias.

315 ND  
PAGE 10

por cuanto Don Jose L. Limantour  
Capitan de la Marina francesa y abe emple  
do en el Departamento despues de haber  
prestado grandes servicios en el mismo y efecto  
a este Gobierno ha tratado de obtener en  
razon de los motivos expresados en su pedido  
la concesion de un terreno en estension de  
diez leguas de Latitud y Ocho de Longitud  
en la costa del N. O. al Cabo Mendocino  
practicados previamente las diligencias  
y averiguaciones concernientes segun lo es  
puesto por las leyes y Reclamatos de la  
materia y resultando de ellas que dicho  
terreno es baldio, usando de las facultades  
con que me hallo investido y conforme  
con la licencia que ha obtenido del supre  
mo Gobierno para adquirir propiedades en  
este Departamento a nombre de la Es  
tacion Mexicana, le concedo la Entera y  
Real propiedad del terreno que espresa  
el Diseno que obra en el Dicho Expediente  
comenzando en el Rio Grande latitud  
39º 18' lineas del terreno que pertenece

á D<sup>o</sup> Guillermo Richardson y siguiendo  
al Nordeste hasta la latitud de 39° 48'  
y al Oriente Ocho leguas de la Costa com-  
menzando desde la Villa del mar pacif-  
ico.

315 ND  
PAGE 11

Podrá ocupar el Espedado paraje  
cuando mejor le convenga y destinarlo  
al uso ó cultivo que mas le acomode  
sin perjuicio de las huercias, caminos y  
servidumbres, El juez que oiere la posesion  
cuando el interesado lo solicite lo hara  
mediante conforme á Ordenanza

En consecuencia mando q<sup>ta</sup>  
teniendo por firme y Valido el presente  
titulo, se tome Razon de el en la secretaria  
del Despacho y se entregue al interesado  
para su resguardo.

Dado en Monterey Capital del  
Departamento á Veinte de Diciembre  
de mil Ocho ciento cuarenta y cuatro.

Man<sup>te</sup>. Michelt

Man<sup>te</sup>. Jimeno Otero

Queda tomada Razon de Esta concesion  
en el Libro respectivo que obra en la  
de mi cargo.

Jimeno

Filed in Office March 2<sup>nd</sup>  
1853.

Geo. Fisher Secy



B.  
Translation  
of  
Grant A

First July Eight Dollars  
Provisionally qualified by the Maritime  
Customs House of the Port of Monterey  
in the Department of the Californias  
for the sum of one thousand eight  
hundred and fifty four and one hundred  
and eighty eight hundred and fifty four  
Mille ochtoenta y ocho de la Nueva  
España  
Mariano Pineda Teniente Brigadier  
General of the Mexican Army a Captain  
General of the Staff of the same  
and Commander in Chief of the  
Department of the Californias

315 ND  
PAGE 12

Whereas  
Don Juan de Sarmiento Captain of  
the French Marine and a member  
of the Department after having given  
aid to this Government great services  
in many and good has sought to  
obtain by reason of the merits  
mentioned in his petition the  
grant of a tract of land to the extension  
of ten leagues of latitude and eight  
of longitude on the coast from  
N to Cape Mendocino and all the  
steps and investigations concerning  
them having been previously taken  
according to the dispositions of the  
Laws and Regulations on the  
matter

And it resulting therefrom  
that said tract is a canton existing  
the papers on it which I am invited  
and in conformity with the course  
before obtained from the supreme  
Government to acquire property  
in the Department in the name  
of the Mexican Nation I can and  
obtain the entire and actual owner  
ship of the tract of land mentioned  
in the sketch which is annexed to the  
expediente beginning with the Rio  
Grande (Bay River latitude 39° 18'

boundary of the land belonging to  
San S. Richardson and following line  
and north west upto the latitude  
39° 48 and towards the east eight  
leagues from the coast beginning  
from the Beach of the Pacific Coast

315 ND  
PAGE 13

He may occupy the said place, whom it  
is more convenient to him, and  
apply it to the use or cultivation, but  
may not him, but without impairing  
the passages, roads and routes.

The  
Magistrate giving the possession  
when the party interested applies  
for it shall cause it to be measured  
according to a plan.

Wherefore I have  
signed that the present title being  
valid, firm and valid, requesting that it  
be made in the office of the Secretary  
of the Department and it be delivered to  
the party interested for his safety  
at mounting capital of the  
Department on the twentieth of  
December one thousand eight  
hundred and forty four.

Juan C. Nieto  
Juan C. Nieto  
Secretary

A Registry is made of this grant  
in the proper Book which is in  
the Secretary's Office under my  
charge

Juan C. Nieto

Filed in Office (Manila) 2nd 1853

Secretary  
San Francisco  
Calif

affidavit

Number 715  
Linnenton  
of  
The United States

315 ND  
PAGE 14

James Wilson Agent  
and attorney for J. Linnenton in case  
Number 715 depositions says that  
General M. S. Vallis is an important  
and material witness for the claimant  
in said cause by the testimony of the  
said Vallis expect to prove that the  
said Vallis was fully cognizant of all  
the preliminary steps taken by said  
Linnenton to procure the said grant  
that he assisted the said Linnenton  
in making out the papers relative  
expedients &c applying for the same  
that

known of the grant having been made  
and of the circumstances upon which  
it was made and the contents of  
the signatures thereto

The said witness  
further deposes and says that about  
the first week of the year 1854 the said  
M. S. Vallis was in this city and on  
several occasions in attendance upon  
the Commission to take testimony  
to be used before this Honorable Board,  
of Land Commissioners  
to give testimony in the above cause  
that

owing to the presence of Lewis's legue  
the Commission was adjourned and oppor-  
tunity was afforded to get the testimony  
of said Vallis that said Vallis left  
this city with his family for his home  
in Indiana on the day of travel from  
this place in the early part of January  
1855 with an intention of returning into this  
affair that he would not be here in  
any way per day and give his testimony

14

in this case Hunt after reaching his home letter said Kallip was immediately taken sick and as your affidavit is information and believes he has been wholly unable from sickness to leave his home since that time

315 ND  
PAGE 15

Your affidavit further says that he has since that time sent three several times a special messenger to see Samuel Kallip and request his attendance to give testimony in this cause and that the messenger has returned each time with the information that Samuel Kallip from same sickness is entirely unable to attend

Your affidavit fully believes he will be unable to procure said testimony and pray a continuance

San Francisco March 19th 1855

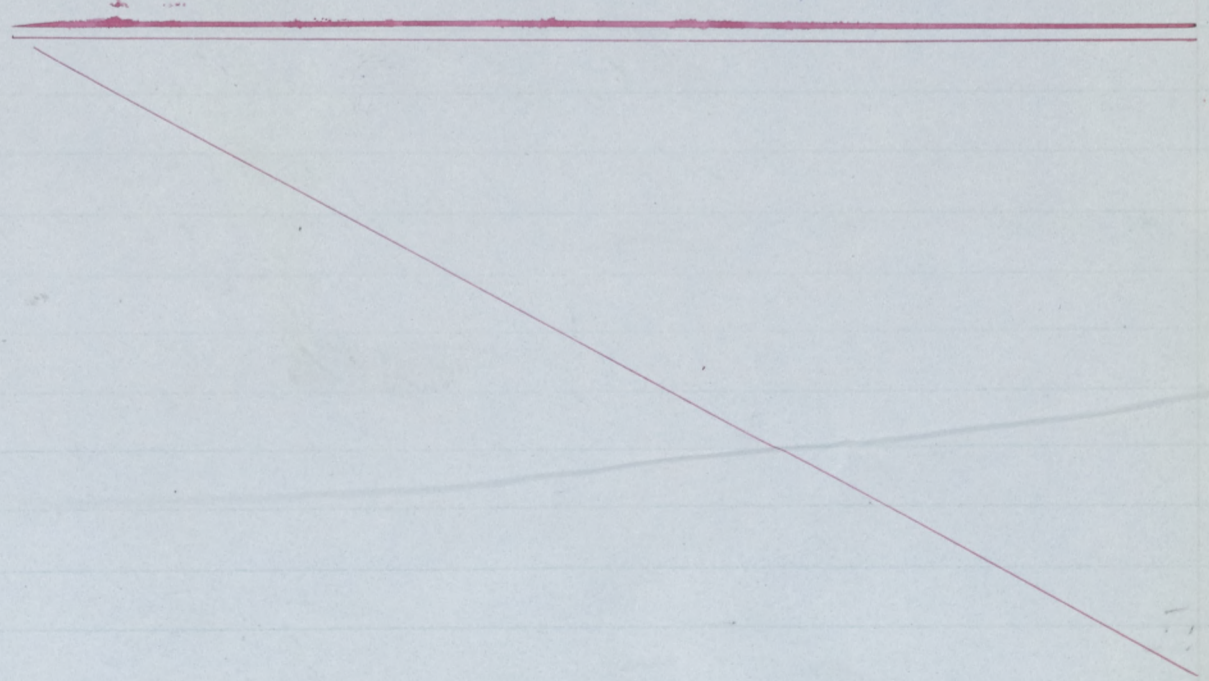
James Wilson

Subscribed and sworn to before me this 20th day of March 1855

Alphons Filch  
Commissioner

Filch in Office March 20th 1855

signed  
Geo. Fisher  
Secy



15-

Opinion  
of the  
Board

Number 715  
Jose G. Lemantun  
of  
The United States

For eight of ten  
Leagues of Land  
near Cape Mendocino  
In this lease the

Petitioner has offered in evidence in supp  
ort of his claim a hand copy of an agree  
ment dated the 16th day of December 1844  
from the files of the archives of state

315 ND  
PAGE - 16

and  
what purports to be a copy of a grant  
issued in pursuance of the said license  
into dated the 21st day of the same month

But  
has failed to offer any proof of the existence  
of the original grant he does not think  
the proofs sufficient in this case to entitle  
the petitioner to a lease pursuant to

an  
order nisi tempore licentiarum rejecting  
the same

(Rejected)

Filed in office April 24th 1855

signed  
Geo Fisher  
Secretary

Recorded in Records of Decisions Vol 2 p 632

signed  
Geo Fisher  
Secretary

Decree

Number 715  
Jose G. Lemantun  
of  
The United States

In this case on  
hearing the proofs and allegations it is  
adjudged by the Commissioner that the  
claim of the said Petitioner is not valid

16

and it is thought desirable that his applica-  
- tion for admission into the territory of the  
- district

Wm. Thompson

S. B. Farnwell  
Commissioner

Filed in Office April 24th 1855  
Signed

Geo. Fisher  
Secretary

Records in Record of Decisions Vol. 2  
page 632

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 and of  
which transcripts shall be filed with  
the Clerk of the United States District  
Court for the Northern District of Cal-  
- ifornia 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.

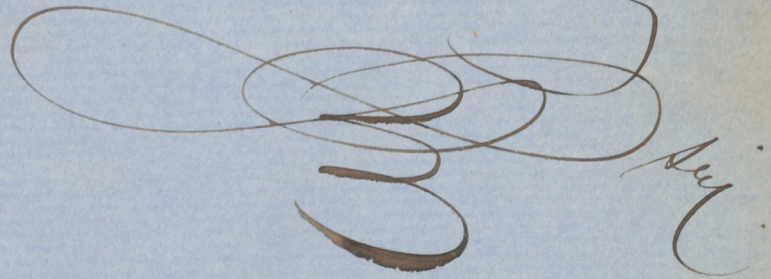
I, *George Fisher* — Secretary to  
Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Sixteen* — pages, numbered from  
1 to 16, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the 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. 715, on the Docket of the said Board,  
herein

*José Y. Sainantouris* —

Claimant against the United States, for the place known by  
name of "Land near Cape Mendocino"

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

*G. Fisher*



315 ND

PAGE 18

315  
U. S. DISTRICT COURT,

*Northridge* District of California.

No. 315

315

THE UNITED STATES,

vs.

NI

*José Y. Gimantov*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS.

In Case No.

715

Filed,

*October, 23, 1855*

*J. A. Monroe,*

*Clerk.*





315 ND

PAGE 19

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

San Francisco, Oct. 20<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 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. 715 on the Docket of the said Board, wherein

José V. Limantour is

the Claimant against the United States, for the place known by the name of "Land near Cape Mendocino".

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Jos. Fisher