

CASE No.

317

NORTHERN DISTRICT

LUP-YOMI GRANT

JOSE Y. LIMANTOUR

CLAIMANT:

NOV 24 1962

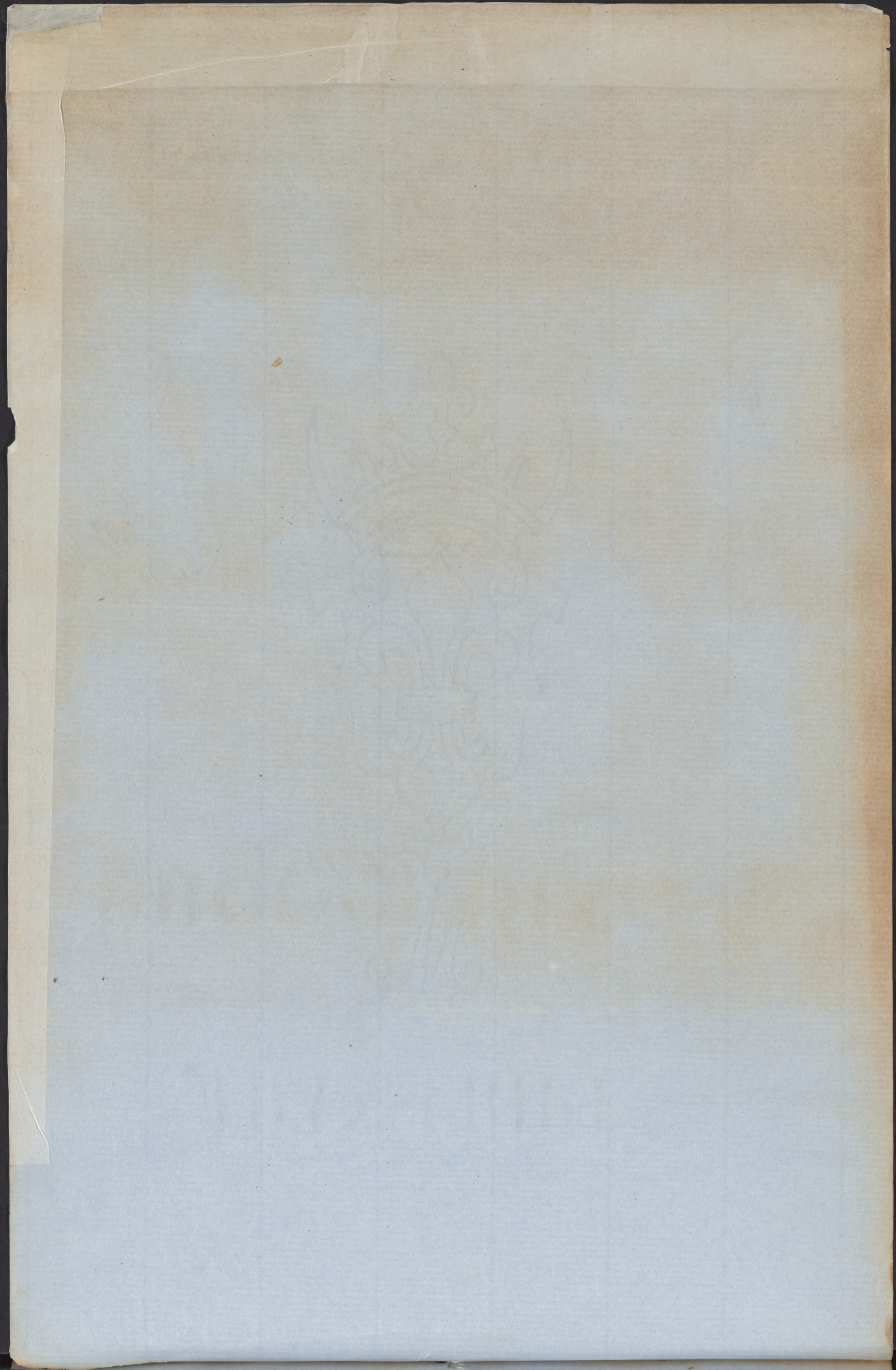
LAND CASE 317 ND

24 pgs.

Permanized
PLOVER BOND
25% COTTON FIBER
U.S.A.

780

Day



TRANSCRIPT

OF THE

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PAGE 1

PROCEEDINGS

IN CASE

NO.

780

Jose G. Simantour

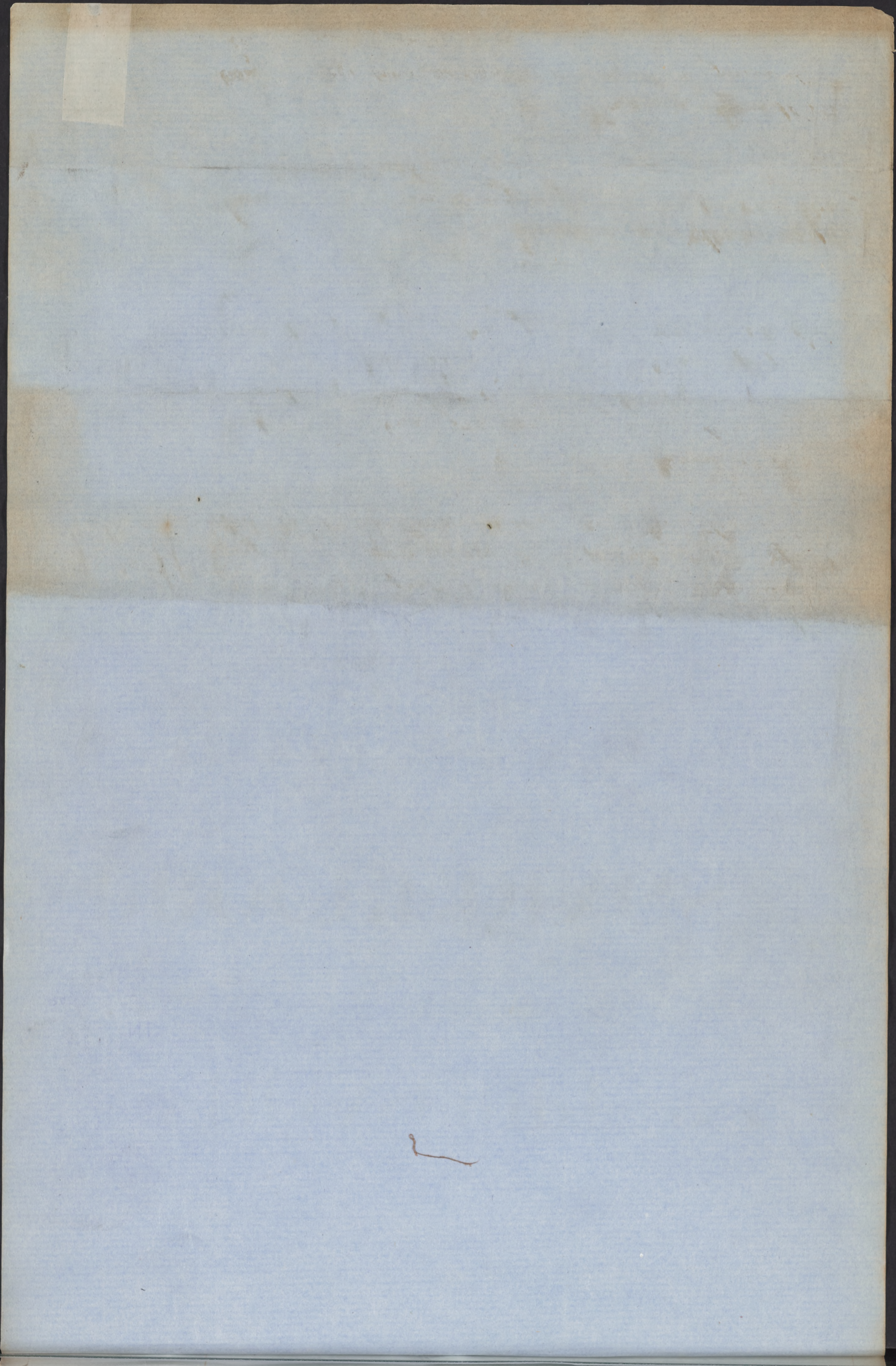
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Souffre-Yonni"



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;

The Petition of Jose G. Simantour, for the Place named

"Sup-yomy",

was presented, and ordered to be filed and docketed with No. 780 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 9' 1855.
Case no. 780, Jose G. Simantour for the place named "Sup-yomy", was ordered to be placed at the foot of the 4th class Cases on the Trial Docket.

San Francisco March 20' 1855.
In the same Case the Counsel for the Claimant filed the following Affidavit, to wit:

(Vide page 5 of this Transcript.)
and the prayer of the petitioner therein was taken under advisement by the Board.

San Francisco March 22' 1855.
Case no. 780 was assigned for hearing on the 3rd day of April next.

San Francisco April 10' 1855.
Case no. 780 was submitted without argument & taken under advisement.

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San Francisco April 24' 1855.

In the same Case Commissioner A. Aug. Thompson delivered the Opinion of the Board rejecting the claim.

(Vide page 11 of this Transcript.)

And the following order was made, to wit:

(Vide page 12 of this Transcript.)

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To the Honorable the Board of Commissioners
for settling private land claims in California.

To the Honorable Board of Commissioners
for settling private land claims in California.

Petition.

Your petitioner José V. Siman-
cós of the city of Mexico respectfully shows
to your Hon. Board, that a certain tract
of land was granted to him in the State
of California by D.^{no} Manuel Micheltrona
the twentieth / 20th / day of October one thou-
sand eight hundred and forty four / 1844 /
as will more fully appear by reference to
the grant thereof, a copy and translations
of which are herewith presented marked re-
spectively B and C.

That the said D.^{no} Manuel Mich-
eltrona was at the time of making such
grant, acting Governor of said California
under the Government of Mexico, with full
and extraordinary powers to make the
grant as aforesaid.

That the quantity of land claim-
ed herein by your petitioner consists of
Eleven square leagues (once sitos de gana-
do mayor)

That the description, bounds &
locality of the said tract of land are as
follows: to wit: the land known by the
name of Supyomy, on the border of Sono-
ma bounded by the North by the Mina de
Plomo (lead mine) on the East by the
Chamisal and on the West by the Rancho
of D.^{no} Salvador Vallejo, comprehending
at the same time as far as the Arroyo
del Pinal (Pine Stream).

That the said tract of land has
not been surveyed by the Surveyor General
of the United States.

That said petitioner is not aware

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of any conflicting claim to the said tract of land known as Sufyomy.

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That the said tract of land was granted to your petitioner so as aforesaid, not solely as a matter of grace and favor but in consideration of certain loans of money and effects made by your petitioner to the said Government of Mexico in said California.

Wherefore your petitioner prays his said claim to this Hon. Board, and prays that said Board will pronounce in favor of the same, and will confirm the validity thereof, and of his right and title to said described parcels and premises.

Dated San Francisco March 1st 1853.

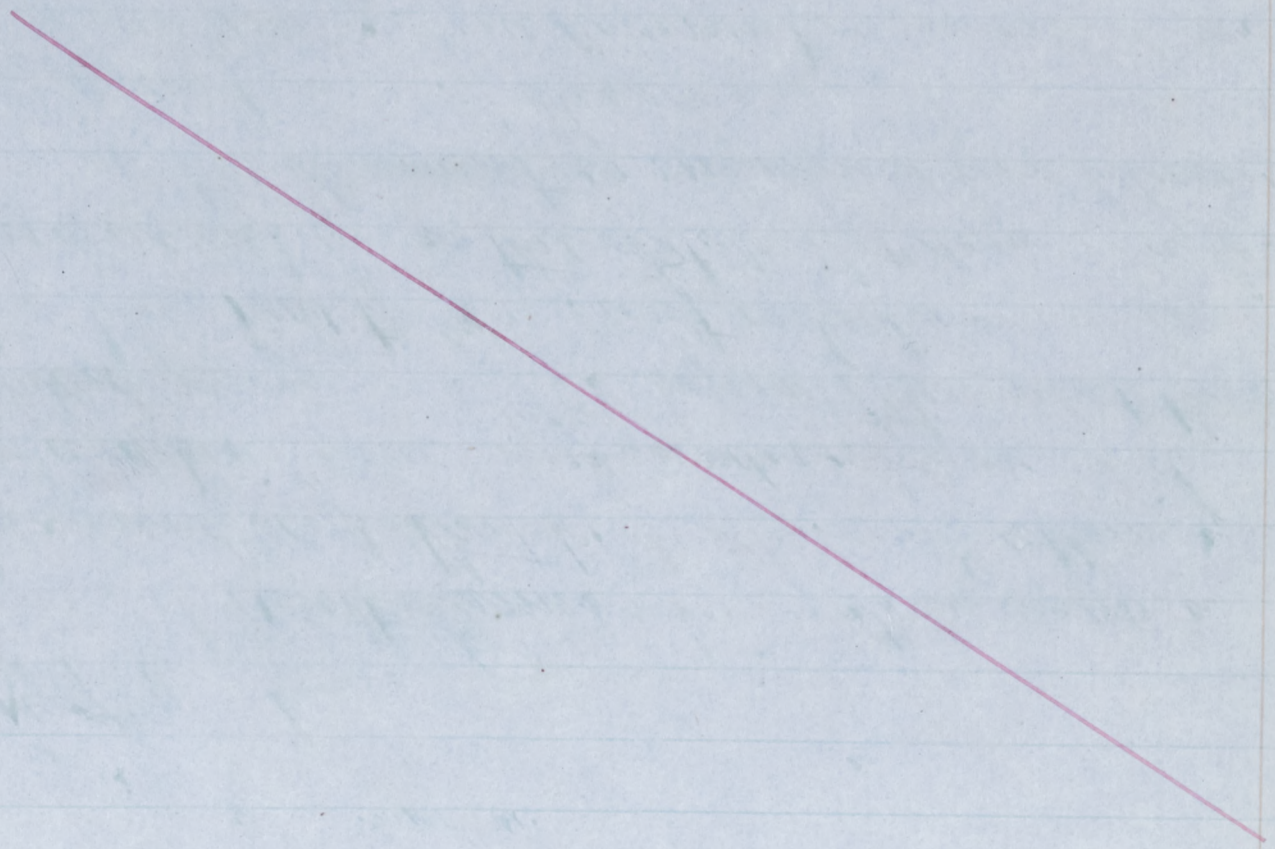
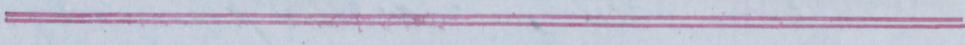
N. W. Chittenden.

Robert Simson

Atty & counsel for claimant

Filed in Office March 2nd 1853.

Geo. Fisher
Dicy



W. S. Board of Land Commissioners for settling private land claims in California -

No 780.

Affidavit.

Robert Sumner being duly sworn, deposes and says that he is claimant's attorney in a certain cause now pending before said Board numbered 780 upon the docket thereof.

That the claimant in said cause is now absent from the State of California being as the deponent is informed and believes in the Republic of Mexico.

That as the deponent is informed and believes the said claimant has been and now is detained in said Mexico by reason of the revolutionary disturbances now prevailing in that country; that when said claimant left California he intended to be only temporarily absent therefrom and to return thereto within a few months after his leaving the same.

That the deponent cannot prepare the said cause for submission to this Board without the presence of the said claimant therein or without said claimant's written directions in answer to letters long since sent to him in respect to the conduct of said cause, which answers and also the presence of said claimant the deponent believes to have been delayed and prevented by the said revolutionary disturbances.

That the deponent is desirous to postpone the submission of the said cause for at least three months, in order to give further time for the return of said claimant or for the receipt of communications from him respecting the said claim and the conduct of the said case.

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Robert Simson
Subscribed and sworn to
before me on this 20th
day of March A. D. 1855

S. B. Farwell.

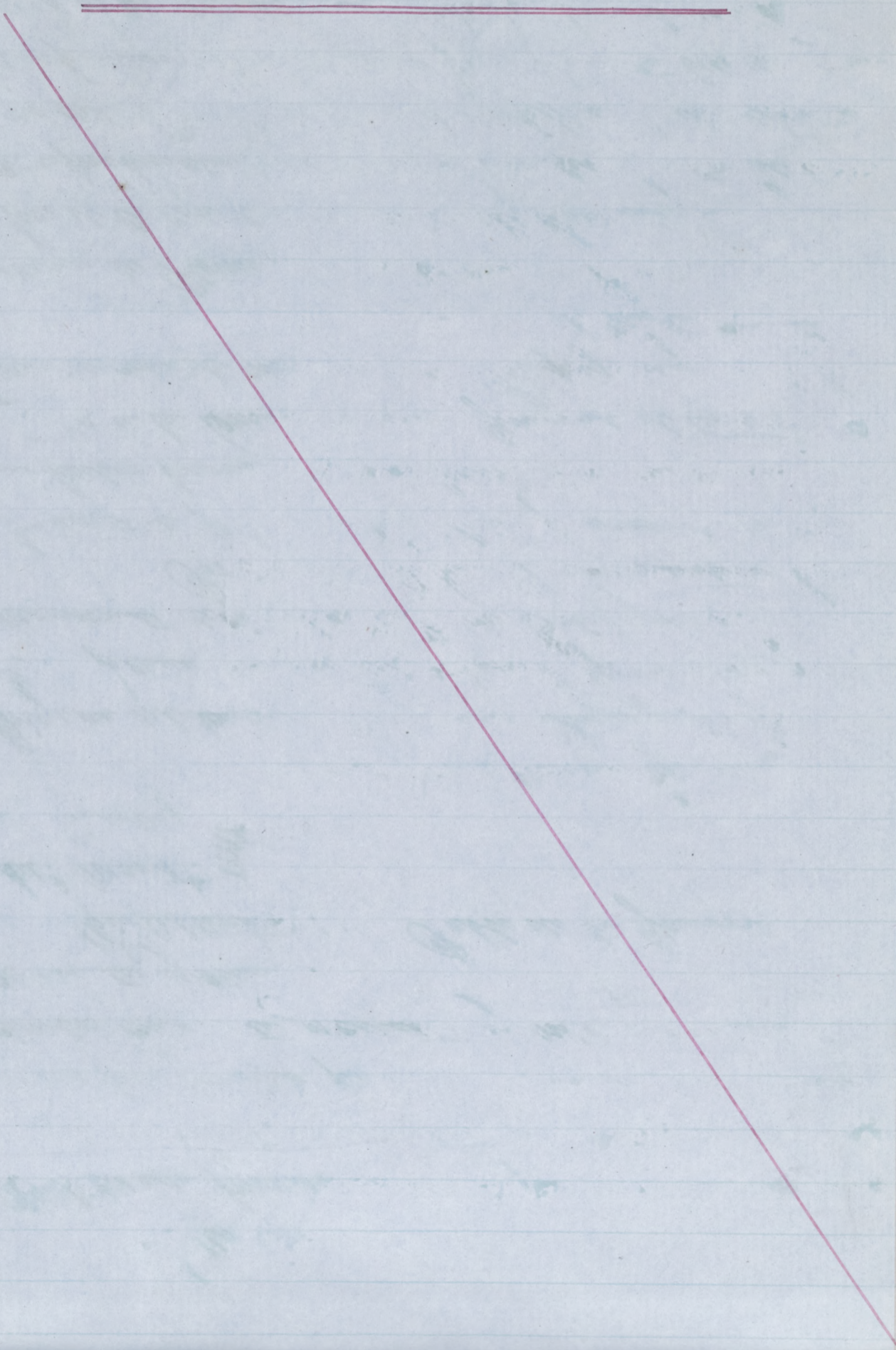
Comor.

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Filed in Office March 20 1855

Geo. Fisher.

Deey



7
Sello Primero Cero Pesos.

Habilitado provisionalmente por la Aduana Ma-
ritima del Puerto de Monterey en el Departamento
de las Californias para los años de mil ochocien-
tos cuarenta y cuatro y mil ochocientos
cuarenta y cinco.

Micheltorona. Pablo de la Guerra.

Ad.^o Marit.^o 3
de Monterey 3

Mamul Micheltorona General de
Brigada del Ejercito Mexicano Ayudante General
de la plaza Mayor del mismo Gobernador y Com-
mandante del Departam^{to}. de Californias.

Por cuanto D. Juan Y. Limantour ha
pretendido para su beneficio personal, en razon
de haber hecho algunos prestamos en dinero y
efectos a la Comandancia General el terreno co-
nocido con el nombre de Loupeyomy en la fron-
tera de Sonora, colindante por el Norte con la
Mina de Plomo, por el E. con el Charisal, y
por el O. con el Rancho de D. Salvador Vallejo,
comprehendido al mismo tiempo hasta el Cerro-
yo del Pinal segun se esplica el dicho
respectivo; practicadas previamente las diligen-
cias y averiguaciones concernientes segun lo dis-
puesto por las leyes y reglamentos de la Ma-
ritima usando de las facultades con que me ha-
llo investido y con presenciam de licencia que otorgo.
D. Limantour ha obtenido del Supremo Gobierno
para adquirir propiedades en este Departamento
en nombre de la Nacion Mexicana he venido a
concederle el mencionado terreno declarandole la
propiedad de el por las presentes letras.

El terreno de que se hace donacion es
de once sitios de ganado Mayor pero mas o me-

B.

Grant.

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ND

nos, de los cuales podrá el interesado disponer li-
bre y exclusivamente destinandolos al uso ó cul-
tivo que mas le acomode.

En consecuencia mando que teniendose
por firmes y validos el presente titulo se tome razon
de él y se entregue al interesado para su resguardo.
Dado en Monterey á veinte de Octubre de mil ochocientos cuarenta y cuatro.

(Firmado) Aban. Michel.^o

Por Accion del Sr. Mio.

Francisco Arce.

Oficial 1.^o

Queda tomada ~~la~~ razon de el libro res-
pectivo que obra en la Secretaria del despacho.
Arce.

Filed in Office March 2^d 1853.

Geo. Fisher
Secy.

9
First Deal, Eight Dollars

Qualified provisionally for the Maritime Custom House of the port of Monterey, in the Department of the Californias, for the years one thousand eight hundred and sixty four and one thousand eight hundred and sixty five.
Micheltrona. Pablo de la Guerra.

C.
Translation.

Ad^m Maint^o
de Mont^o

Mamuel Micheltrona, Brigadier General of the Mexican Army, Adjutant General of the grand staff of the same, Governor and Commander General of the Department of the Californias.

Whereas Don Julián Simancas has asked for his personal benefit, in consideration of having made certain loans of money and effects to the Commander General, the land known by the name of *Supyemy*, on the border of Sonora, bounded on the North by the Mina de Plomo (lead mine) on the East by the Chamisal, and on the West by the Rancho of Dⁿ Salvador Vallejo, comprehending at the same time as far as the Arroyo del Pinal (Pine Stream) as it is described and set forth in the map relative thereto: The necessary steps and proofs concerning the same having been previously taken and made in the matter as the laws and regulations prescribe; In making use of the powers with which I am invested and in view of the privilege that said Simancas has obtained from the Supreme Government to acquire estates in this Department, in the name of the Mexican Nation have and do hereby grant to him the said land, declaring the *Seu* thereof to be in him by these presents. The land of

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which grant is made consists of eleven square leagues more or less, of all which the grantee may dispose fully and exclusively, destining the same to the use or cultivation which may suit him best.

In consequence I order that the present title shall be held good and valid and that the same be registered, and delivered to the grantee for his entry.

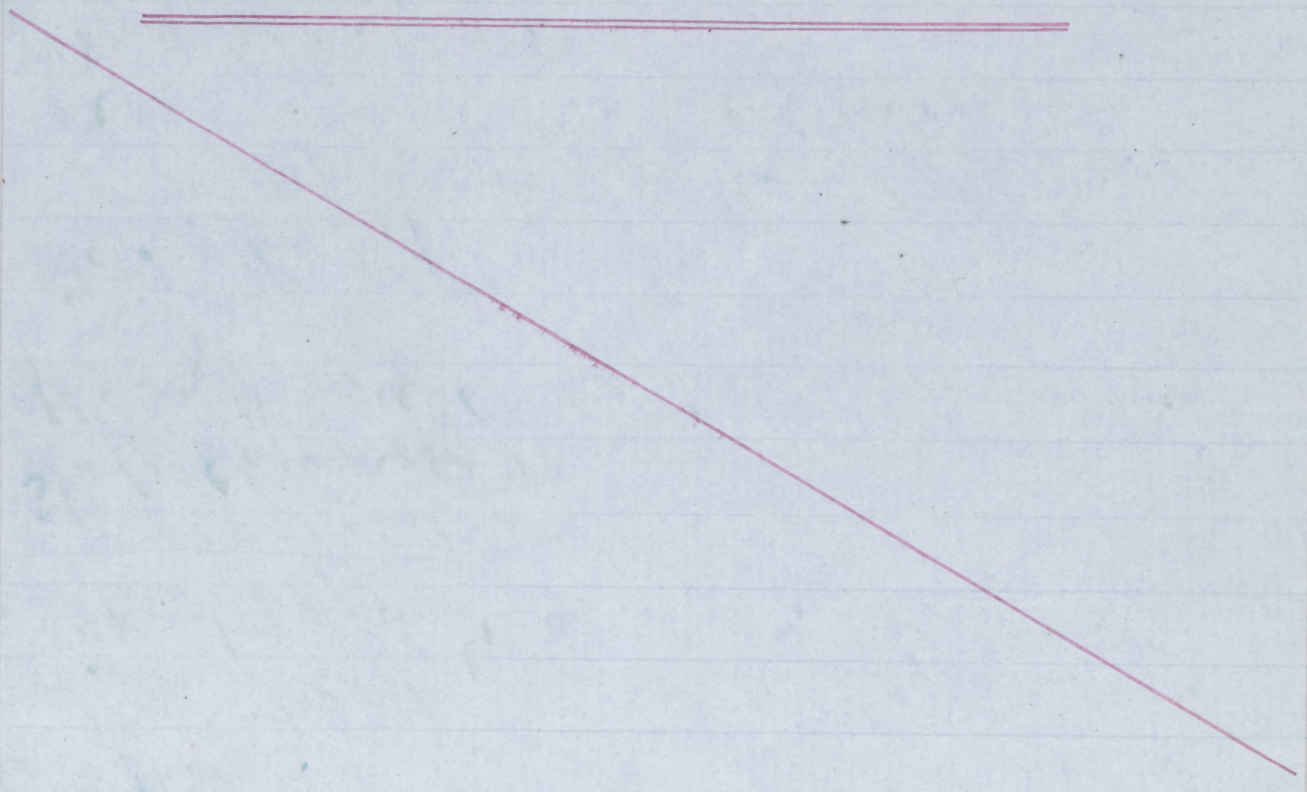
Given in Montevideo this twentieth of October one thousand eight hundred and forty four.

Francisco Michel^o

In the absence of the Secretary
Francisco Arce.
Official Secy.

Register made in the proper book in charge in the office of Secretary.
Arce.

Filed in Office March 2^o 1853.
Geo. Fisher,
Secy.



Opinion of the Jose Y Simuntan }
Boena by ^{vs} } Secp Yomi
Com. Thompson The United States }

This claim is unsustained by proofs
of any kind and is therefore rejected.

Filed in Office April 24. 1855
Geo. Fishu Secy

Recorded in Record of decisions
Vol 2 pag 642

Geo. Fishu Secy

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Decree Jose Y Simuntan }
^{vs} }
The United States }

In this case on hearing the proofs and
allegations it is adjudged by the Comm
ipim that the claim of the petitioner is
not valid, and it is therefore decreed
that his application for a confirmation
thereof be and the same is hereby
denied.

R. Aug Thompson }

S. B. Fawcett }

Commissioners

Filed in Office April 24. 1855

Geo. Fishu Secy

Recorded in Record of decisions
Vol 2 pag 642c

Geo. Fishu Secy

And it appearing to the satisfaction
of the Board that the same hereby
authorized is situated in the Northern
District of California It is ordered
that two transcripts of the proceedings
and decision in this case and of
the papers and exhibits 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.

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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 *Twelve* pages, numbered from
1 to 12, 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. 780 on the Docket of the said Board,
herein

José Y. Simantur is

Claimant against the United States, for the place known by
name of "*San Yornis*"

In Testimony Whereof, I hereunto 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-eighth*.

Geo. Fisher
Geo. Fisher

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U. S. DISTRICT COURT,

Northern District of California

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No. 317-

THE UNITED STATES,

ND

vs.

Jose M. Simenton

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *780*

Filed, *October 23* 185*4*

John A. Moore,
Clk.

United States District Court
Northern District of California

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No 317

José Y. Limantour

^{or}
The United States of America

The United States Land Commission
to ascertain & settle private land claims in the State of
California having rendered its decision in the ^{above} case
designated on the docket of said Commission as No.
780 against the claim and title of the said claimant
to the place or land called "Lupuyomy" situated in
said District, Notice is hereby given that it is the
intention of the said claimant to prosecute this
appeal from the said decision

April 15th 1856

Robert Simson
Claimant's Attorney

No 317

United States District Court
Dist of California

José Y. Limantour

vs
The United States of America

Claimants Notice of intention
to prosecute appeal

780 Lupyomy

Held April 16, 1886,
Clerk,
Deputy;

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U. S. District Court
Northern District of California

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The United States }
vs }
Jose G. Simantour }
Appellant }

Robert Sinson being duly sworn deposes and says, that in two causes entitled as above, he is attorney of the appellant therein, viz Nos 307 & 317 - That on the part of the appellant therein the deponent cannot safely proceed to trial of the said causes for that he has been unable to procure the Expediente and documents relating to the title of the appellant to the lands mentioned in the said causes respectively, That the deponent has had the said documents in his possession and the same were as deponent is informed and verily believes delivered by the partner of deponent to the said appellant, who shortly thereafter departed from the said district without communicating with the deponent in respect to the said documents, That the said partner of deponent has had the management of the said causes almost exclusively, and is now also absent from said district, but will return as deponent believes during the month of May -

That the deponent desires that said causes be continued for such time as will allow a communication to be sent to the City of Mexico, and an answer thereto to be received, that by the last mail the deponent wrote to said City of Mexico in respect to the same and expects to receive such answer by return of mail as will enable him to submit the said causes without prejudicing said appellant thereby

And the deponent further says that he cannot safely proceed to trial of said causes or either of them without said documents and without communicating with the appellant as aforesaid, who is as deponent is informed and verily believes in the said City of Mexico -

That the motion for continuance of said causes based on this affidavit is made not for delay but for purposes of justice -

Sworn to & Subscribed

before me, March 9, 1857.

W. A. Chivers,

Deputy Clerk

Robert Simpson

U.S. District Court
Southern Dist of California

The United States

Jose Y. Limantour

affidavit for Contum

No 317

Filed March 9, 1857.
W. H. Chevers,
Deputy.

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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 *Eleventh* day of
March in the year of our Lord one thousand
eight hundred and fifty-seven.

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Present:

The Honorable OGDEN HOFFMAN, District Judge, and
~~Mr. Hall, Attorney, Circuit Judge~~

The United States

Joe Yves Limantour C

D. C. 317; L. C. 780.

Decree

This cause came on to be heard on appeal from the final decision of the Board of Land Commissioners to ascertain and settle the private land claims in the State of California, under the Act of Congress approved March 3^d A. D. 1851, upon the transcript of the proceedings and decision of the said Board of Commissioners, and the papers and evidence on which the said decision was founded; and it appearing to the Court that the said transcript has been duly filed according to Law; and counsel for the respective parties having been heard, it is by the Court, hereby ordered, adjudged and decreed that the said decision declaring the claim of the petitioner invalid and rejecting the same, be, and the same is hereby in all things affirmed.

Ogden Hoffman
U. S. Dist Judge

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United States District Court, Northern
District of California.

The United States

vs.

José G. Simantour.

~~ORDER.~~

Decree

Filed March 11, 1857

John A. Monroe,

CLERK.

By W. H. Chivers,

DEPUTY.

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The United States

J. J. Simantour

D. C. 217: L. C. 780.

Rejected by Land Commⁿ.

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The land claimed is eleven square leagues on the borders of Sonama, and is called "Lup Comi" -

A copy of a document is given purporting to be a grant of said tract from Gov Micheltorena to claimant, dated Oct 20, 1844.

Not the first particle of Evidence ^{was} ~~is~~ offered and the claim was necessarily rejected by the Board.

It must be rejected also in this Court.

San Francisco Feb 6/57

Wm. Blandring
Dist Atty

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The United States

of
Jose Y. Limantour

Brief

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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, Oct. 20th 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. 780 on the Docket of the said Board, wherein

José M. Simantour is

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

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher