

CASE NO.

329

**NORTHERN DISTRICT**

---

SOULAJULLE GRANT

JOSHUA S. BRACKETT

CLAIMANT:

CASE NO. 329 N. D.



LAND CASE 329 ND

70 pgs.

*Permanized*  
PLOVER BOND  
35% COTTON FIBER  
U.S.A.

NOV 29 1962



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C.

233

and yard



THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 101

LECTURE 1

MECHANICS

LECTURE 1: MECHANICS

LECTURE 1: MECHANICS



TRANSCRIPT  
OF THE  
PROCEEDINGS

IN CASE

NO. *233*

*Joshua S. Brackett* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Boulajulle"*



FOR THE YEAR 1871

THE UNITED STATES DEPARTMENT

OF THE INTERIOR

NO

11 OVER

PROCEEDINGS

OF THE

COMMISSIONERS



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

329 ND

PAGE 2

Be it Remembered, that on this *twentieth* 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;

The Petition of *Joshua S. Brackett* *~~~~~*  
*~~~~~* for the Place named  
*"Soulajille,"*  
*~~~~~* was presented, and ordered to be filed and docketed with No. 233. 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 August 11 1853.*  
In Case no. 233, Joshua S. Brackett for the place named "Soulajille", the Counsel for the Claimant filed the following stipulation, to wit:

(Vide page 29 of this Transcript.)

In the same case the deposition of *Fre' Ramon Mera*, a witness in behalf of the Claimant, taken before Commissioner *Alphens Fish*, with document marked *N. 1. A. F.* annexed thereto, was filed;

(Vide page 5 of this Transcript.)

*~~~~~*  
*San Francisco December 31 1853.*  
In the same case the Counsel for the Claimant filed the following stipulation, to wit:

(Vide page 29 of this Transcript.)

In the same case the deposition of *Jervis Hawes*, a witness in behalf of the Claimant, taken before Commissioner *Thompson Campbell*, was filed;

(Vide page 9 of this Transcript.)



San Francisco January 14' 1854,  
 In the same case the deposition of José de la Rosa,  
 a witness in behalf of the claimant, taken  
 before Commissioner R. Aug. Thompson, was filed;  
 (See page 8 of this Transcript)

329 ND  
 PAGE 3

San Francisco December 28' 1854,  
 Case no 233 was ordered to be placed at the  
 foot of the 3<sup>d</sup> class cases on the Trial Ticket.

San Francisco Dec. 19' 1854,  
 Case no 233 was submitted under the Rule of  
 March 21' 1854.

San Francisco April 19' 1855.  
 In the same case Commissioner R. Aug. Thompson  
 delivered the Opinion of the Board respecting the claim;  
 (See page 41 of this Transcript)  
 and the following order was made, to wit;  
 (See page 45 of this Transcript)

4.



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

Your Petitioner Joshua S. Brackett of Sonoma in Sonoma County in the State of California respectfully represent to your Honorable Board that he claims a certain tract of land called a part of the Rancho "Sulayulla" containing four square miles or a half league more or less, situated in the County of Marin in said State of California; that he claims the same in fee by virtue of a grant made to Jose Ramon Mesa under the Authority of the Mexican Government by Manuel Micheltorena Governor of the Department of the Californias bearing date 29th March 1844 and approved by the Territorial deputation on the

Your Petitioner further represents that the said Grantee on the 6<sup>th</sup> day of February 1850 transferred his right in said land to W. M. Fuller who on the same 6th day of February 1850 transferred his right in said land to P. J. Vasquez on the 20<sup>th</sup> day of March 1850 transferred his right in said land to your Petitioner who then became the sole owner in fee and that on the 6<sup>th</sup> day of January 1851 your Petitioner Joshua S. Brackett conveyed the above premises to one Lewis D. Watkins who on the 20<sup>th</sup> day of February conveyed the said land to your Petitioner Joshua S. Brackett.

Your Petitioner would further represent that judicial possession of said Tract of Land was given to the said Grantee (Jose Ramon Mesa)

329 ND

PAGE 4

Petition



H

on the day of \_\_\_\_\_ and the bound-  
aries thereof designated & defined, and that  
he and those claiming, and those claiming  
under him have been in the peaceable  
possession thereof ever since; and that  
he has no knowledge of any interfering  
claim.

329 ND  
PAGE 5

Your Petitioner presents herewith  
the original grant of said land in the  
Spanish language together with a trans-  
lation of the same, together with all  
the deeds or conveyances of the same  
down to your Petitioner, and will make  
further proof of title if required  
by your Honorable Board.

He has also filed a copy of the Records  
showing the grant to have been made  
and also a translation of the same.

Your Petitioner prays your  
Honorable Board to take into consid-  
eration his claim to said tract of land  
and decree his title to be valid and  
confirm the same.

And your Petitioner will ever  
pray.  
Donoma May 13th 1852.  
Joshua S. Brackett

Filed in Office May 20<sup>th</sup> 1852,  
Geo. Fisher Sec.

---



Office of the Board of Commissioners  
ers vice.

This day before Court Alphens Felch  
came José Ramon Mesa a witness in  
behalf of claimant Joshua S. Brackett  
No 233 who after being duly sworn  
deposed as follows.

The Secretary Mr Fisher acted as  
Interpreter.

329 ND  
PAGE 6  
Deposition of  
Ramon Mesa

Questions by Mr Spear Attorney for the  
Claimant.

1<sup>st</sup> Question. What are  
your name age and place of residence?

Answer. My name is  
José Ramon Mesa. My age is twenty  
nine years and I reside in the County  
of Contra Costa in California.

2<sup>nd</sup> Question. Look on  
the paper now here exhibited by you pur-  
porting to be a grant by Governor Mich.  
Mittrenea to José Ramon Mesa and  
marked "Exhibit No 1" with the initials  
"A S" and annexed to this deposition and  
state whether you recognize the document  
and if so what it is?

Answer. I cannot  
read or write but I know that this  
paper is the title to my Rancho.  
I know that Micheltrenea and also  
Jimeno signed this paper. They signed  
it in my presence.

(The witness pointed out the signature of  
each on the document.)



6  
3<sup>d</sup> Question. State what you know about the occupation and improvement of the Rancho named in the grant and called Soulayulle?

Answer. The same year when the grant was made to me I settled on this land, built a house and lived in it, put some cattle and horses on the place and built a corral and enclosed and cultivated some of the ground, and made a garden, planted some fruit trees and grape vines.

329 ND  
PAGE 7

I think I planted something like two hundred fruit trees there at that time. I lived on it about four years from the time I first settled on it after which I retired to Sonoma in consequence of sickness, and left my brother on the place occupying it for me. When my brother left the place another man occupied it for me. During all this time we had some men in our employment living on said Rancho.

It was so occupied up to the time I sold it, I sold the greater part of it to Vasquez, and the remainder to some Americans.

4 Question. What are the boundaries of the Rancho above named?

Answer. It is bounded on one side by the lands of the Rancho known by the name of Laguna de San Antonio, on one side by the lands known by the name of Vicacio & on another side by the



boundary of the lands of Juan Martin  
There is a small creek near the house  
of permanent water.

There is also a water hole near  
where the house stood.

5<sup>th</sup> Question. Did you  
ever receive juridical possession of the  
property?

Answer. I never did.

The same year when I was about get-  
ting juridical possession the Americans  
took possession of the Country.

6<sup>th</sup> Question. Have you  
any interest at the present time in the  
land?

Answer. I have not.

7<sup>th</sup> Question. Did you  
ever apply for juridical possession  
of the land? if may, why not?

Answer. I never did  
apply for it because I was afflicted  
with a sore leg for eleven years so  
that I could not move, and did not  
get well until about two years ago.

8<sup>th</sup> Question. In what  
country is the Rancho situated?

Answer. I do not know  
in what country it is. It was in the  
jurisdiction of San Rafael at that time  
Jose Ramon X Mesa

Mr Greenhow, Associate Land Agent  
was present at the taking of this



8  
deposition but propounded no questions  
to the witness.

Subscribed and sworn to before  
me this tenth day of November 1853

Alphus Delch  
Commissioner

329 ND  
PAGE 9

Filed in Office Nov. 10th 1853

Geo. Fisher Sec.

Case No 233

United States Land Commission  
San Francisco Jan 14. 1855.

Deposition  
of  
Jose de la Rosa

On this day, before Commissioner  
R. Aug: Thompson, came Jose de la Rosa,  
a witness in behalf of claimant, Joshua  
S. Brackett, case No 233, and after  
being duly sworn deposed as follows,  
his evidence being interpreted by the  
Secretary.

Present Claimants Atty & U.S. Asst Land  
Agent.

Witness states his name is Jose  
de la Rosa, his age sixty three years  
and residence Sonoma Cal<sup>a</sup>.

Question by Claimants Atty

Do you know Jose Parron  
Mesa and the Rancho de Soutgulle - if so  
state who was in possession of said  
Rancho at the time of the first occu-  
pation of the Country by the Americans

Answer, I know said  
Mesa, and the said Rancho at the time  
of the American occupation of the Country

who was living on it immediately



it was in the possession of said mesa who was living on it, immediately after he obtained his grant he built a house on it.

José de la Rosa

sworn to & subscribed before me Jan 14. 1854,

R. Aug Thompson  
Court

329 ND  
PAGE 10

Filed in Office Jan 14. 1854,  
Case: Fishes See

Office of the U.S. Board of Land  
Commissioners &c &c.

Deposition  
of  
James Hawes.

This day before Court Thompson Campbell, came James Hawes a witness in behalf of claimant Joshua S. Brackett, Petition No 233 and being sworn deposed as follows.

1 Quest. What is your name age and place of residence?

Answer. My name is James Hawes. I am fifty eight years of age, and I reside in Marin County.

2 Quest. Are you acquainted with the Rancho called Soulejulle?

Ans; I am acquainted with it. I lived eight years within about half a mile of it. I know of José Parron Mesa have lived on said place about two years, he had a house, corrals and cattle there, and when he left the place



his brother took possession, and after having lived there about twelve ~~years~~ months they sold out and left. Ramon Mesa first settled there about the year 1845

329 ND  
PAGE 11

3<sup>d</sup> Question, Look on the map now shown you which is a part of the Expediente filed in the case and marked B. and state whether the natural objects represented on said map as the boundaries of said Rancho are so plainly designated that a surveyor could locate the land?

Ans<sup>rs</sup>. There is a creek running right through the Rancho and empties into Tomales Bay. The said tract of land lies between the region of Country called Necasio, and the Laguna San Antonio and that the line dividing the Rancho from the lands of John Martin has been settled by a Justice of the Peace.

### Questions by Mr Greenhow.

1<sup>st</sup> Question, How long did Jose Ramon Mesa live upon the land himself.

Answer. He lived there about twelve months, it might be a little more, he left the place before the Americans took possession of the Country. His brother then lived on it for eighteen months when he left, since which time no one has lived on it. No person to my knowledge has pretended to use it in any way since that time.



Re-Examined by Claimant.

1 Question.

Do you know whether Ramon Mesa by himself and brother occupied said Rancho until he sold it to the present Claimants?

Answer. They did so occupy it by having cattle on it, and the first year they cultivated a part of it.

After Ramon Mesa's brother left the place as I have before stated, they never worked or lived on said place, but they left some horses there.

2. Quest. Who was living on the Rancho at the time the Americans took possession of the Country.

Ans. No one was living on it at that time.

3<sup>d</sup> Quest. At what time did the Americans take possession of the Country?

Answer. It was either in the year 1846, or 1847 I don't remember which.

4<sup>th</sup> Quest. You state that Ramon Mesa settled on said place in the year 1845, that he lived there about one year, and that then his brother took possession and lived there eighteen months, Will you now state whether you are clear in your recollection that Ramon and his brother occupied the place for two years and a half altogether?

Ans. Yes, somewhere thereabouts.

329 ND

PAGE 12



12

Question by Mr Greenhow.

Question. Are you certain that neither Ramon Mesa, nor his brother, nor any other person acting under them, lived on this land, at the time when the Americans took possession of this country?

Answer. No they did not. They had left it before that.

James <sup>his</sup> ~~X~~ Hawes  
<sub>mark</sub>

Sworn to & subscribed  
before me this 31<sup>st</sup>  
day of December A.D. 1853.

Thompson Campbell  
Scriber

Filed in Office Dec<sup>r</sup> 31, 1853  
Geo. Fisher Sec.

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13 1. S. D. R.

1844

B.

Expediente Promovido por el Cuidador  
=clano: José Ramon Mesa en pretencion  
Expediente Del paraje conocido con el nombre de  
Doulayulle.

329 ND  
PAGE 14

365



Nº 2. G. D. R

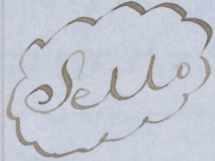
Sello Cuanto Dos Reales:

Habilitado por real cédula de V. M. en la Aduana ma-  
retina del Puerto de Monterey, en el Depar-  
tamento de las Californias, para los años de  
mil Ocho Cientos Cuarenta y cuatro y mil  
Ocho Cientos Cuarenta y cinco.

Micheltonera

Jabón de la Guerra

329 ND  
PAGE 15



Como Señor Gobernador

Monterey Mjº }  
21. de 1844. }  
Infº el día del }  
Despacho tomando }  
antes los of. ne }  
elsite. }

Micheltonera

El Ciudadano José  
Ramon Mesa, natural  
de Este Departamento y  
vecino de la jurisdicción  
de Sonoma, ante V. E. respe-  
tuosamte en derecho y como  
mejor proceda digo que desde  
el año pasado dirigí a V. E. ma-  
instancia en solicitud de un paraje cono-  
cido con el nombre de San Rafael inmediato  
a la Emision de San Rafael, y como sin du-  
da eni habra padecido estaro me veo precisado  
a ocurrir de nuevo a la penevidad de  
V. E. a fin de que en vista del informe que  
delicamte acompaño del encapado de  
dicho Establicimntº me haga la gracia  
de concederme el terreno indicado colindan-  
do por el sur y el Oeste con el paraje llama-  
do Chicicis, por el Norte con la Laguna  
de San Antonio, y por el Este con el Rancho  
de Juan Martin, cuya estension es de tres  
sitios de ganado mayor segun explica el  
diseño que a V. E. tambien adjunto el cual  
Estoy ocupando hace como medio año con  
una pequeña casa un corral, huerta y bienes  
semorientes con consentimntº del repetido en-  
capado, por lo que y en atencion a once años  
de servicio que presto en la Carrera de las  
armas y el que actualmte doy como mayor  
alomo de la predicha misiva. Espero que  
V. E. tomara en consideracion mi pedido.  
Por tanto a V. E. unciadamente suplico se  
agrie a cecear a mi favor de lo cual recibo  
la gracia y justicia puenlo lo necesario etc.

J. G. D. R

instancia en solicitud de un paraje cono-  
cido con el nombre de San Rafael inmediato  
a la Emision de San Rafael, y como sin du-  
da eni habra padecido estaro me veo precisado  
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armas y el que actualmte doy como mayor  
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V. E. tomara en consideracion mi pedido.  
Por tanto a V. E. unciadamente suplico se  
agrie a cecear a mi favor de lo cual recibo  
la gracia y justicia puenlo lo necesario etc.

Como se firmo



15-

Monterey Mayo 21 de 1844.

No de firmas +

Excmo Sr Gobernador

El informe unico que se p[ue]da pedir es el del Encargado de San Rafael el cual ya da su parecer segun consta por la certificacion que acompaña el interesado y siendo favorable y estar el terreno baldio se le puede poner en este mismo Expediente decreto de concesion provisional mientras la secretaria se desocupa de los negocios que V. E. quiere mandas a Mexico por conducto de la Goleta California; pero no obstante la sup[er]ior disposicion de V. E. sea lo mas conveniente.

329 ND  
PAGE 16

J. L. D. R.

Monterey 22 de Mayo de 1844

Man: Jimeno

Monterey Mayo 24 de 1844.

Conf.

Michel

Excmo Sr Gobernador

El interesado esta muy empeñado para que se le estienda el titulo, por que dice que vive muy lejos p[er] volver a concluir su asunto, y si V. E. justa puede entenderse el titulo del terreno que pretende el cual esta baldio; no pertenece a ninguno y los informes son favorables.

Monterey 29 de Mayo de 1844

Man: Jimeno

Conf.

Michel

J. L. D. R. Monterey 29 de Mayo de 1844

Viota la peticion conq[ue] da principio este Expediente, los informes que me se dan con todo lo demas que se tubo presente y de ver en mi de conformidad con las leyes y reglamentos de la materia. declaro dueño en propiedad del terreno nombrado "San Rafael" al ciudadano Ramon Mesa colindante con la Laguna de San Antonio con el terreno de el cacis y con el Rancho de Sr Juan Martin en Estencion de tres sitios de ganado mayor. Librese el correspondiente despacho, tomese Razon en el libro respectivo



y dirigase este Especto a la Exma. A-  
samblea Departamental para su aproba-  
cion. El Excmo. Sr. Gobernador General  
de Brigada del Ejercito Mexicano Ayudante  
General de la plaza Mayor del mismo  
asi lo mandò decreto y firmo. de que doy fe.

329 ND  
PAGE 17

O. L. D. R.

Here follows  
Map

O. L. D. R.

El que suscribe Encargado del Esta-  
blicimiento de San Rafael

Certifico que el terreno llamado  
Daulajulle que se halla bastante distante  
de esta Emision, estaba baldio y le di  
Licencia a Ramon Mesa Mayor como  
de la misma para que fuera a establecerse  
alli por no pertenecer a propiedad particu-  
lar ni corporacion; y lo verifico hace como  
seis meses poniendo en el unca pequena ca-  
sa de Corral, huerta y ganados; y que esta  
Ollanoni tiene tierras suficientes para  
sus bienes y labores; y no necesita de  
dicho terreno

San Rafael 10 de Marzo 1844

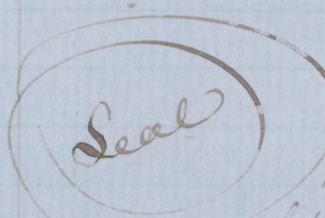
Tomato Murphy



17  
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 seven preceding and hereunto  
annexed pages of tracing paper numbered  
from One to seven inclusive and each  
of which is verified by my initials S.D.K.  
which is true and accurate copies of certain  
documents on file and forming part of  
the said Archives in this Office

329 ND  
PAGE 18  
3

 In Testimony whereof I  
have hereunto signed my name  
officially and affixed my pri-  
vate Seal (not having a Seal of Office  
at the City of San Francisco Cal this sixth  
day of March. A. D. 1852

Sam. D. King

Surv. Gen. Cal.

Filed in Office May 20<sup>th</sup> 1852

Geo. Fisher Secy



18

11 70  
300 110



79  
Fourth Seal, Two Reals

Provisionally Authorized by the Maritime  
Custom House of the Port of Monterey in  
the Department of the Californias for  
the years 1844 & 1845

Micheltorena, Pablo de la Guerra,

329 ND  
PAGE 19

To His Excellency the Governor

(Seal)

"C"  
Translation  
of  
Expediente

Monterey March

21, 1844,

Let the  
Secretary of  
State report  
upon the  
same, taking  
previously  
such infor-  
mation as he  
may deem  
necessary  
(signed)

Micheltorena

The Citizen José Ramon  
Mesa a native of this Depart-  
ment a resident of the juris-  
diction of Sonoma before Your  
Excellency respectfully and in  
due form of law say:

That since last year I ad-  
dressed to your Excy a petition  
soliciting a tract of land known  
by the name of Soutayulle in  
the vicinity of the Ex. Mission  
of San Rafael, and as said com-  
munication has doubtlessly been  
mislayed, I am now compelled  
to renew my application  
to the generosity of your  
Excellency to the end that in  
view of the report - I herewith  
annex of the person in charge  
of said Establishment, you will do me  
the favor to grant me the land above  
referred to, bounded on the South & West  
by the land called Ticacio, On the North  
by the Lagoon of San Antonio & on the East  
by Juan Martin's Rancho, the extent of  
which is three "Sitios de Ganado Mayor"  
(Square leagues) as is shown by the



329 ND  
PAGE 20

map which also accompanies this to Your Excellency. said land I have been occupying about one half year with a small house, a "Corral" (Cattle pen) garden and personal Estate with the consent of the aforesaid person in charge for which reason, and in view of the fact of the eight years service I bore the Arms of my Country, and my actual services as Steward of said Mission, I trust that your Excellency will take my request into consideration.

Wherefore I humbly beseech that your Excellency will deign accede to my request by which I shall receive favor and justice, making the necessary oath  
Monterey March 21<sup>th</sup> 1844

I know not how to write X

To His Honor the Governor.

The only information which could have been asked, must have been from the Administrator of San Rafael, who has already given his opinion as is evidenced by the certificate which the interested party herewith annexes, all of which being favorable, and the land vacant, a decree for a provisional grant may be made on these very proceedings, whilst the Secretary concludes the matter which your Excellency desires to send to Mexico by the Schooner California

Nevertheless Your Excellency's Superior



Disposition of it will be deemed the most proper

Monterey March 29<sup>th</sup> 1844  
Manuel Jimenez

App<sup>d</sup>  
Micheltorena

329 ND  
PAGE 21

To His Excellency The Governor  
The interested party is very anxious that his title should be issued to him, because he says he lives at too great a distance to return for the purpose of completing said business, and if your Ex<sup>ty</sup> please, the title to the land petitioned for can be made to him, the same being vacant land, and not pertaining to anyone, while the reports are favorable.

Monterey March 29<sup>th</sup> 1844  
Manuel Jimenez

App<sup>d</sup>  
Micheltorena

Monterey March 29<sup>th</sup> 1844,

In view of the Petition which heads these proceedings, the preceding report, with every thing else bearing on the subject, all in conformity with the laws & regulations in the matter, I declare the Citizen Ramon Mesa to be owner in fee of the land called Joulapulle, bounded by the Lagoon of San Antonio, by land of Chicaco, and by the Rancho of Juan Martin, said land being to the extent



of three "sitios de ganado mayor" (Square Leagues) Let the corresponding Patent be issued and be recorded in the proper Book, and let these proceedings be transmitted to the Excellent Departmental Assembly for their approval.

His Excellency the Governor, Brigadier General of the Mexican Army, Adjutant General of the Staff of the same thus did command, decree and sign, which I attest.

The undersigned Administrator of the Establishment of San Rafael.

Do hereby Certify that the land called Souleyulle; is far enough from this Ex Mission, that it was vacant, and I gave permission to Ramon Mesa steward of the same, for the purpose of establishing himself thereon, as it did not belong to any private individual or corporation, that he went on and has occupied it these six months, and there built a small house, a "Corral" (Cattle pen) and cultivated a garden, and had Cattle thereon, and that this Establishment has lands sufficient for its own stock and tillage, and needs not the aforesaid land.

San Rafael March 10<sup>th</sup> 1844  
 (Signed) Dimoteo Murphy.

Filed in Office May 20<sup>th</sup> 1852,  
 Ge. Fisher Secy.



III  
Grant

Exhib. N.º 1  
a. L. annex  
to Decho of  
Jose Ramon  
Mesa.

Ello tercer un peso:  
Habilitado provincialm<sup>te</sup> por la Academia  
maritima del Puerto de Monterey en el De-  
partamento de las Californias, para los años  
de mil ochocientos cuarenta y cuatro y mil  
ochocientos cuarenta y cinco  
Micheltreña Pablo de la Guerra

El Ciudadano Manuel Micheltreña  
General de Brigada del Ejercito Mexicano  
Ayudante General de la plaza Mayor de la  
misma, Gobernador, Comand<sup>te</sup> General e  
Inspector del Departamento de las Californias

Por Cuanto. El Ciudadano Ra-  
mon Mesa ha pretendido para su beneficio  
personal y el de su familia, el paraje cono-  
cido con el nombre de "VoulaJullo", colind<sup>te</sup>  
con la Laguna de San Antonio, con el terreno  
nombrado de Chicaia y con el Rancho de  
D. Juan Martin: practicadas previam<sup>te</sup>  
las diligencias y averiguaciones concern<sup>tes</sup>  
segun lo dispuesto por leyes y Replamentos;  
usando de las facultades que me son confe-  
ridas a nombre de la Etacion Mexicana,  
he venido en concederle el terreno menciona-  
do declarandole la propiedad de el por  
las presentes letras, sujetandose a la ap-  
robacion de la Exma Junta Departam<sup>te</sup>  
y bajo las condiciones sig<sup>tes</sup>  
1<sup>ra</sup> No pueda venderlo enajenarlo ni hipote-  
carlo imponer censo, vinculo, fianza, hipote-  
ca ni otro gravamen alguno.  
2<sup>a</sup> No pueda cercarlo sin perjudicar las heredias  
caminos y servidumbres; lo disputara libre y  
Exclusivam<sup>te</sup> destinandole al uso y cultivo  
que mas le acomode: pero dentro de un año  
fabricara casa y estara habitada.  
3<sup>a</sup> Solicitara del juez respectivo que le de  
la posesion juridica, en virtud de este  
Despacho por el cual se demarcaran



los lindes en cuyos limites ponda à mas de sus mofoneras algunos arboles frutales ó del resto de alguna utilidad.

2<sup>o</sup> El terreno de que se hace donacion es de tres sitios de ganado mayor por lo mas ó menor segun explica el diseño Respectivo. El juez que diese posesion lo hara medi conforme à Ordenanza quedando el sobrante que Resulte à la Hacienda para los usos comunitarios.

3<sup>o</sup> Si contraviniere à estas condiciones perderà su derecho al terreno y sera denunciable por otro.

En consecuencia mando que sirviendole de titulo el presente y temendose por firme y Valido se tome Razon de el en el libro à que corresponde y se entregue al interesado para su resguardo y demas fines:

Dado en Monterrey à veinte y nueve del mes de marzo de mil Ocho Cientos cuarenta y cuatro.

Man: Michel<sup>ta</sup>

Man: Ameno Rio

Queda tomada Razon de este Despacho en el Libro respectivo à f. 8.

Ameno

Hecha en Ofici mayo 20<sup>to</sup> 1852

Leo. Lopez Ocerif



Third Seal One Dollar

Provisionally authorized by the  
Maritime Custom House of the Port of  
Monterey in the Department of the  
Californias for the years 1844 & 1845  
Micheltoena Pablo de la Guerra

329 ND  
PAGE 25

"E"  
Translation of  
Grant.

(Seal) Citizen Manuel Micheltoena,  
Brigadier General of the Mex-  
ican Army, Adjutant General of the  
Staff of the same. Governor Comman-  
dant General and Inspector of the  
Department of the Californias.

Whereas the Citizen Ramon Mesa  
has petitioned for his own personal  
use, and that of his family for the  
land known by the name of (Soulajulle)  
bounded by the Lagoon of San  
Antonio the land called Meacio and  
the Rancho of Juan Martin; and whereas  
the requirements and investigations of  
the laws and regulations have been com-  
plied with, now by virtue of the power  
in me vested in the name of the  
Mexican Nation, I have thought pro-  
per to grant unto him the aforemen-  
tioned land, declaring the same by  
these presents to be his property, sub-  
ject to the approval of the Excellent  
Departmental Assembly under the  
following conditions.

1. He shall not sell, alienate, mort-  
gage, nor subject it to entail, bond,  
security, nor to any other incumbrance  
whosoever.



2<sup>nd</sup> He may fence it without obstructing crossings, roads and servitudes.

He shall enjoy it freely and exclusively applying it to whatever use and culture may best suit him, but within one year he shall build thereon a house which shall be inhabited.

329 ND  
PAGE 26

3<sup>d</sup> He shall solicit from the respective Judge the judicial possession of said land by virtue of this patent, by whom the boundaries shall be marked out, at the limits of which there shall be set besides the proper landmarks some fruit trees, or else wild ones of some usefulness.

4<sup>th</sup> The land of which donation is <sup>made</sup> of three "sitios de Gavado Mayor" (square leagues) a little more or less, as is shown by the respective map.

The Judge who may give the possession will cause the same to be measured agreeably to ordinance, leaving the "sobrante" / Excess / which may result to the Nation for such uses as may be deemed proper.

5<sup>th</sup> If he contravene to these conditions he shall forfeit his right to said land, and it shall remain open & denounce, ment by any other person.

I therefore command that vinting this title as firm and valid, the same be entered in the corresponding



2  
Book, and then delivered to the interested party for his own security and further ends.

Given in Monterey this 29<sup>th</sup> day of March 1844,

(Signed) Manuel Micheltoena

(Signed) Manuel Jimeno  
Secretary,

This Patent is recorded in the proper Book at folio 8.

(Signed) Jimeno

Office of the Board of Commissioners  
of California Land Claims.

I certify the foregoing to be a correct translation of the original filed in Office in case No 233  
San Francisco May 24<sup>th</sup> 1852,  
Geo. Fisher

Sec

Filed in Office May 20<sup>th</sup> 1852,  
Geo. Fisher Sec.

---







29

No 233

329 ND  
PAGE 28

Stipulation

It is hereby stipulated and agreed by Robt Greenhow the acting U.S. Law Agent that the testimony or deposition of Jose Ramon Mesa this day taken before Judge Felch Commissioner in the case No 233 shall be considered as taken in the following cases, viz 234, 245, 246, 247 and 797. The same referring to the original grant, under which the claims designated by the above mentioned Nos are all embraced.

San Francisco Nov 10 A.D. 1853

Robert Greenhow  
Asst. Law Agent U.S.  
Robert Hopkins  
Atty for Claimant.

Filed in Office Nov 10 1853  
Geo. Fisher Sec

Stipulation

We agree that the evidence taken in No 233 relating to the Rancho granted to Ramon Mesa shall be used by either party and be equally applicable to nos 234, 245, 246, 247 & 797, involving the same grant. Dec 31st 1853.

Shattuck Spear & Bristol  
for Claimant  
Robt. Greenhow  
Asst. Law Agent U.S.

Filed in Office December 31. 1853  
Geo. Fisher  
Sec



1880

J. José Ramon Liza of the District of  
Sonoma Periton & latomia in consid-



51

329 ND  
PAGE 29

"I"  
Transfer  
Deed

Know all men by these presents that I, José Ramon Isea of the District of Sonoma Territory of California in consideration of the sum of Four thousand dollars to me in hand paid by Wm. H. Fuller of the Town of Sonoma District and Territory aforesaid the receipt whereof is hereby acknowledged, do by these presents grant bargain sell and convey unto the said Wm. H. Fuller, his heirs and assigns, all my right title & interest of in and to all that certain piece or parcel of land situated and being in the district and Territory aforesaid, bounded and described as follows:

Being a part of the tract of land known as the Rancho of San Ramon as granted to said Maser by Michael Feriens, Governor of California A.D. 1843 commencing at the South West corner of the lot of land deeded to Martin S. Combey running westwardly along the line of Captain Coopers two miles and one fourth, thence running north two miles and one fourth, thence eastwardly two miles and one fourth, thence south to the place of beginning supposed to contain half a league or four and a half square miles more or less.

To have and hold all and singular the above described piece of land together with all the privileges and appurtenances whatsoever thereunto belonging to the only proper use, benefit and behoof of the said Wm. H. Fuller his heirs and assigns forever. And I the said Maser will warrant and defend for myself, my heirs



329 ND  
PAGE 30

Executors and Administrators the title to the said premises and every part thereof to the said Wm. M. Fuller his heirs and assigns against the lawful claim or claims of all and every person or persons whatsoever claiming or to claim the same or any part thereof and that I am lawfully seized of an indefeasible estate in fee simple in the real estate hereby conveyed and have good right to sell and convey the same, and that the same is free from all incumbrances.

In witness whereof I the said Ramon Maser hereunto set my hand and seal this sixth day of February A.D. 1850

Jose Ramon Maser <sup>this</sup> X <sup>L.S.</sup> Maser <sub>mark</sub>

In presence of  
J. E. Johnson  
Robert R. Perpont

Territory of California }  
District of Sonoma }

Be it remembered that on this 6th day of February A.D. 1850 personally appeared before me a Justice of the Peace for said District duly commissioned and sworn, Don Jose Ramon Maser who being known to me as the signer and sealer of the foregoing instrument acknowledged the same to be his free act and deed before me.

Peter Campbell  
Justice of the Peace



I certify this to be a true copy  
 of the deed now on file in the Recorders  
 Office of Sonoma County as given by  
 Jose Ramon Maser to Wm. M. Fuller  
 and Recorded in Book "L" page 108  
 Witness my hand and seal at Office  
 this 29th day of January A.D. 1852.

329 ND  
 PAGE 31

(L.S.)

John Hendley  
 Clerk of Sonoma County  
 & Ex Officio Recorder

By L. A. Brewster  
 Deputy,

Filed in Office May 20<sup>th</sup> 1852  
 Geo. Fisher  
 Secy

"C"  
 Transfer

Know all men by these presents that  
 I Wm. M. Fuller of the Town of Sonoma  
 & Clerk of Sonoma Territory of California,  
 in consideration of the sum of three  
 thousand dollars to me in hand  
 paid by P. L. Vasquez and Joshua Brackett,  
 with the receipt whereof is hereby ac-  
 knowledged, do by these presents grant  
 bargain, sell and convey unto the said  
 P. L. Vasquez and Joshua Brackett all  
 of my right, title and interest of, in and  
 to all that certain piece or parcel of  
 land situate and being in the District  
 of Sonoma, District and Territory afoe-  
 said. Bounded and described  
 as follows: viz; being a part of the tract  
 of land known as the Ranch of San Ramon  
 and granted to said Ramon by Micheltorona



Governor of California, commencing at the South West corner of the land deeded by said Maser to Martin D. Gouley and running west two miles along the line of Capt Coopers, thence North two miles thence east two miles, thence South two miles along the line of Gouley's to the place of beginning, said land granted supposed to contain one half League of Land or four square miles more or less:

To Have and To Hold all singular the above described piece of land, together with all the privileges and appurtenances whatsoever therunto belonging to the only proper use, benefit and behoof of the said P. L. Vasquez and Joshua Brackett their heirs and assigns forever,

In Testimony whereof I the said Wm. F. Fuller hath hereunto set his hand and seal the sixth day of February A.D. 1850.

Wm. F. Fuller Seal

Signed sealed & delivered in  
the presence of witnesses  
Robert A. Prescott  
J. C. Johnson

District of Sonoma  
Territory of California

Then came the above named Wm. Fuller and acknowledged the above



Wm Miller and acknowledged the above

35

named Instrument to be his free act and deed, done before me

Chas. P. Wilkins

Profect of the District of Sonoma

329 ND

PAGE 33

Filed in Office May 20<sup>th</sup> 1852,  
G. S. Fische  
Sec.

"No"  
Transfer

Know all men by these presents that I, J. P. Vasquez of the Town and District of Sonoma, Territory of California for and in consideration of the sum of one dollar due in hand paid by Joshua S. Brackett of the same place, the receipt whereof is hereby acknowledged, have by these presents granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said Joshua S. Brackett, et. his heirs and assigns forever all my right, title and interest, of in and to all that certain tract of land, bounded and described as follows: Being all that undivided half of the tract of land deeded from Wm. M. Miller to Brackett and Vasquez by deed bearing date 6<sup>th</sup> day of February A. D. 1850, said land lying and being in the District of Sonoma, State of California. Known as part of the Rancho of San Ramon, the part hereby conveyed being two square miles more or less,



To Have and to hold the above des-  
-cribed land together with all the  
privileges and appurtenances there-  
-unto belonging to the only proper  
use benefit and behoof of the said  
Joshua J. Brackett, his heirs  
and assigns forever,

329 ND  
PAGE 34

In Testimony whereof I have  
hereunto set my hand and seal  
this 22<sup>nd</sup> day of March A.D. 1850

Padre J. Vasquez *[Signature]*

Witness by  
Wm. M. Fuller  
S. M. Malcolmson

*[Initials]*  
*[Initials]*  
*[Initials]*

Territory of California  
District of Sonoma  
March 22<sup>nd</sup> 1850

Then came the above named P. J.  
Vasquez, who acknowledged the above  
to be his free act & deed,

Before me,

Wm. M. Fuller  
Alcalde

Filed in Office May 30<sup>th</sup> 1850  
Geo. Fisher Sec.

FILED  
MAY 30 1850



37

329 N-D  
PAGE 35

"I"  
Transfer

Know all men by these presents, that I, Joshua S. Brackett of the City of Sonoma, County of Sonoma and State of California for and in consideration of the sum of one thousand five hundred dollars (\$1500) some in hand paid by Lewis S. Wat.kins of the same place, the receipt whereof is hereby acknowledged, have by these presents, granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said Lewis S. Watkins his heirs and assigns forever, all my right title and interest of in and to all that certain tract of land bounded and described as follows: viz Being part of the tract of land known as the Rancho San Ramon as granted to said Ramon Mesea by Micheltoreno Governor of California commencing at the South West corner of the land deeded by said Mesea to Martin S. Gornley and running west two miles along the line of Captain Coopers, thence North two miles, thence East two miles, thence South two miles along the line of Gornley's to the place of beginning, said land granted supposed to contain one half league of land or four square miles more or less.

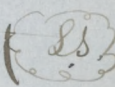
To Have and to hold all any singular the above described piece or parcel of land together with all the privileges and appurtenances whatsoever therunto belonging to the only proper use benefit and behoof of the said Lewis S.



Watkins, his heirs and assigns for ever.

In witness whereof I, the said Joshua S. Brackett have hereunto set my hand and seal this the fourth day of January A.D. 1851.

329 ND  
PAGE 36

Joshua S. Brackett   
Signed Sealed and  
delivered in the presence  
of us, R. B. Butler  
James E. Arlington.

State of California  
County of Sonoma

On this 6th day of January A.D. 1851 before me the undersigned County Clerk of Sonoma County personally appeared Joshua S. Brackett who is personally known to me to be the person whose name is subscribed to the foregoing Instrument as having executed the same and who acknowledged that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

Given under my hand with private Seal, there being no official Seal yet provided, the day & year last above written.

"meser" interlined on "line" John Hendley, Clerk  
(in original)

Filed in Office May 30<sup>th</sup> 1852  
Geo. Fisher Sec



39

329 ND  
PAGE 37

" K "

Transfer

Know all men by these presents that I Lewis S. Watkins of the City of Sonoma County of Sonoma and State of California for and in consideration of the sum of five thousand dollars (\$5000) to me in hand paid by Joshua S. Brackett of the same place the receipt whereof is hereby acknowledged, have by these presents, granted, bargained sold and conveyed and by these presents do grant bargain, sell and convey unto the said Joshua S. Brackett his heirs and assigns forever, all my right title and interest in and to all that certain tract of land bounded and described as follows: *Viz.* Being part of the tract of land known as the Rancho San Ramon as granted to said Ramon Maser by Micheltorena Governor of California, commencing at the South West corner of the land deeded by said Mesar to Martin F. Gornely and running west two miles along the line of Captain Coopers, thence North two miles, thence east two miles, thence South two miles along the line of Gornely's to the place of beginning, said land granted supposed to contain one half league of land, or four square miles more or less.

To Have and To Hold all and singular the above described piece or parcel of land together with all the privileges and appurtenances whatsoever thereunto belonging to the only proper use benefit and behoof of the said Joshua S. Brackett his heirs



and assigns forever.

In witness whereof I the said Lewis O. Watkins have hereunto set my hand and seal this the 22<sup>nd</sup> day of February A.D. 1851.

Lewis O. Watkins (L.O.)

329 ND  
PAGE 38

Signed sealed and delivered in the presence of

A. J. Cox  
J. H. Hurdley

Filed in Office for Record on the 22<sup>nd</sup> Feb. 1851 2.00 PM.

State of California  
County of Sonoma

On the 22<sup>nd</sup> day of February A.D. 1851 Before me the undersigned County Clerk personally appeared Lewis O. Watkins who is personally known to me to be the person who executed the foregoing instrument,

Who acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned

Given under my hand and private seal affixed there being no seal of office yet provided at office in the City of Sonoma, this 22<sup>nd</sup> day of February A.D. 1851

John Hurdley, Clerk.

(Seal)

Filed in office May 20. 1852. G. Fisher sec



41

No 233

Joshua V. Brackett  
vs  
The United States

For a part of the Rancho  
of Doulayulle.  
3 3 1/2 leagues, Marin Co

329 ND  
PAGE 39

Opinion by  
Commissioner  
R. A. Thompson

This is one of several cases for portions  
of the above named Rancho.

The evidence of the original title upon  
which all these claims purport to be  
founded is filed in the one now under  
consideration and stipulations are contained  
in the others between the Counsel for the  
claimants, and the U.S. Associate Survey  
Agent authorizing that testimony to be  
used and made applicable in them,  
with the same effect as if regularly  
taken and filed the same.

The validity of the original grant will  
therefore be considered here with  
reference to all those claims.

The petitioner has introduced in  
support of his claim 1<sup>st</sup> a document  
purporting to be an original grant  
made, by Governor Manuel Michelena  
to Jose Ramon Maser, dated March  
29<sup>th</sup> 1844: 2<sup>nd</sup> a traced copy of an  
Expediente from the Archives in the  
custody of the United States Surveyor  
General for California, duly certified  
containing the preliminary proceedings  
before the Governor in relation to  
said grant, together with a map  
of the land in which the boundaries  
are delineated with sufficient certainty  
to locate the premises granted.

The conditions of the grant appear  
appear to have been substantially performed



and the only question in this branch of the case is, as to the sufficiency of the testimony to establish the genuineness and uncertainty of the grant itself.

The only evidence introduced on this point is that of the original grantee Jose' Ramon Mesa who testified that he can neither read nor write, but states that the original grant filed in the case in the title to his Rancho, and that both Micheltonera and Jimenez signed the same in his presence; he also pointed out their respective signatures on the paper.

It might be questionable how far this testimony vague and indefinite as this would go to sustain the validity of grant in view of the fact shown by the Record that the witness is indirectly interested in the result of case.

In relation to the admissibility of testimony we have adopted the rule which governs in the courts of the State of California, by which, as the law existed at the time the evidence in the case was taken, the interest of the witness in the proceeding, did not affect his competency unless he was a party of Record, or directly interested in the result. Under this rule the evidence was clearly admissible and taken in connection with the Expediente, showing that such a grant was made at the time it bears date and the strong intrinsic evidence of genuineness contained in the paper itself it might be sufficient to establish the validity and



authentically of the title,

But there is another and more fatal objection to the Confirmation of this claim

The lands described in the Mesas conveyances through which the petitioner claims to derive his title, purport to be part of the "Tract" known as the Rancho of San Ramon as granted to said Mason by Manuel Micheltona Governor of California A.D. 1843 while the title which he sets up as the original basis of his claim is a grant from Gov Micheltona to Ramon Mesa of the lands known by the name of Soulayulle made in the year 1844.

There is nothing either in the deeds themselves or in the other evidence in the case to show that the lands claimed and described in them are part of the Rancho of Soulayulle or to connect them in any manner with that title; on the contrary the name of the Rancho referred to, the date of the grant for the same and the boundaries mentioned in the deeds are all different from those described in the grant from which he claims to derive his right.

It is possible and from the circumstances of the case perhaps probable that the lands claimed may be a part of that tract, but the evidence is difficult to authorize such a conclusion: so far from it, it tends strongly to create a presumption to the contrary.

If however such should be the fact the claimant will have an opportunity of showing it before the District

329 ND

PAGE 41



44

Court.

As the case now stands the petitioner has already failed to connect his claim with any right or title derived from the Mexican or Spanish Government, and is consequently not entitled to a confirmation by this Commission. His claim is therefore rejected.

329 ND  
PAGE 42

Filed in Office April 17, 1855  
Gen. Fisher Secy

Joshua S Brackett }  
As }  
The United States }  
Doulayville

Decree

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

R. Aug Thompson

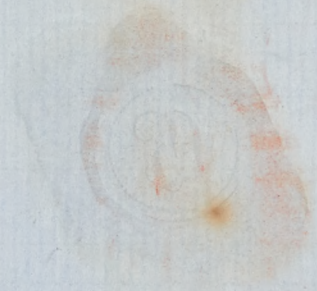
S. B. Farwell Commis<sup>r</sup>

Filed in Office April 17, 1855  
Gen. Fisher Secy



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 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.

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 *Forty five* pages, numbered from  
1 to 45, 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. 233, on the Docket of the said Board,  
wherein

*Joshua S. Brackett* is  
the Claimant against the United States, for the place known by  
the name of "*Soulaville*."

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*8<sup>th</sup>* day of *November*  
A. D. 1855, and of the Independence of the  
United States of America the ~~seventy-~~*eighty*<sup>eight</sup>*th*.

*Geo. Fisher*  






329  
U. S. DISTRICT COURT,  
*Northern* District of California.

No. *329* 329

THE UNITED STATES,

vs.

*ND*

*Joshua S. Brackett.*

TRANSCRIPT OF THE RECORD  
FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,  
In Case No. *233*.

Filed, *November 7th* 1853-  
*by A. A. Monroe,*  
*Clk.*



Joshua S. Brackett  
v. } In the U. S. Dist. Court  
The United States } Transcript No.

329 ND  
PAGE 45

To the U. S. District Attorney

Sir  
Please take notice that  
the claimant in this case appeals from the decision  
of the Board of the United States Land Commission  
rejecting his claim and will present his petition to the  
District Court for a review of such decision and for a  
confirmation of his claim upon further evidence to be  
adduced.

Wm Blanding  
Atty for Claimant



No 329

In the United  
States District Court.

Joshua S. Brackett

v. }  
N.

The United States

Notes of appeal.

Service acknowledged  
copy of this Nov 8 1850

A. Russell  
Asst U.S. Atty

Filed Nov 8, 1850.

Cherney  
Deputy

329 ND  
PAGE 46



In the U.S. District Court  
Northern District of California

329 ND  
PAGE 47

The United States

vs

J. L. Brackett

Appellant

No. 10

The United States by their attorney  
deny the validity of the title  
set up in the petition of the  
said Appellants: And pray  
that the decision of the Board  
be affirmed; and that the said  
Claim be decreed to be invalid.

A. Glassell.

Asst. U.S. Dist. Atty



No. 329

The U. S. Dist Court

The United States

vs

Bracket

Answer

Filed Nov. 8, 1855  
J. C. Cheney  
Deputy

329 ND

PAGE 48

Wassell



To The Judge of the District  
Court of the United States for the Northern District  
of California

The Petition of Joshua S. Brackett  
respectfully sheweth

That on the 20<sup>th</sup> May 1852  
your Petitioner presented his Petition to the Board  
of United States Land Commissioners for the con-  
firmation of his claim to a tract of land situated  
in the present County of Marin, forming part of the  
tract known as "Soulajulli" or "San Ramon"

That this claim is founded on proper Means Convey-  
ances from Jose Ramon Mesa to whom it was granted  
on 29<sup>th</sup> March 1844 by Manuel Micheltorena  
then Governor of California.

That the Transcript from the Land Commission  
was filed in this Court on \_\_\_\_\_ and Notice  
of appeal has been regularly served upon the United  
States Dist Atty, the said claim having been rejected  
by the Board of Land Commissioners.

Your Petitioner therefore prays that this  
Honorable Court will review the decision of the said Board  
and reverse the same and that his title to the said tract  
may be confirmed by the proper Decree.

Wm Blanding  
Atty for Petitioner



No 329  
In the United States  
District Court

Joshua S. Brackett

v. } Transcripts  
      } No

The United States

Petition on Appeal.  
Filed Nov 28, 1855,  
by Chevers  
Deputy.

Wm. Blanding  
atty for Plaintiff



UNITED STATES DISTRICT COURT,  
Northern District of California.

329 ND

PAGE 51

San Francisco, Nov 28<sup>th</sup> 1855-

ON this day, before *Lucas A. Mours* a  
Commissioner of the United States for the Northern District of California, duly  
authorized to administer oaths, &c., &c., came *John Martin*  
& *Rose Ramon Mesa* a witness, produced on behalf of the  
Claimant

in Case No. *329*, being an appeal from the Board of Commissioners to ascer-  
tain and settle the Private Land Claims in the State of California, in Case  
No. *233* on the Docket of the said Board of Commissioners, and was duly  
sworn and testified as follows — his evidence being interpreted by

a sworn interpreter

PRESENT:

*A. Glassell, asst U.S. Dist.  
Atty and Wm Blending Counsel  
for Claimant*

QUESTION BY

*Counsel for Claimant to  
John Martin -*

*What is your place of residence  
and how long have you lived at your  
~~Answer~~ present residence*

*Answer I live at the Casada  
Movaca in Merino County and  
have lived there since 1837.*

*Q<sup>d</sup> 2. Do you know the Ranch  
formerly known as Soubagulle*

*Answer I know the Ranch by  
that name and also by another*



name. The other name was  
the Rancho of Ramon Mesa-

2 What were the boundaries of  
the Ramon Mesa Rancho-?

329 ND

PAGE 52

Answer - It is bounded on the  
East by my Rancho. on the South  
by Mr Black's land called Necasio  
on the North by the Laguna  
de San Antonio. I know the  
title calls for three leagues and  
I think the tract of land con-  
tains about that amount of  
land.

Question - What is the word  
Soulapulle - Spanish or Indian

Answer - It is an Indian  
word. It is the same Rancho  
as that now known as the  
Rancho of Ramon Mesa.

I have no interest whatever in  
this claim.

his  
John X Martin  
Wm

José Ramon Mesa being  
duly sworn deposes & says -

Question First -

Do you know the Rancho  
formerly known as the  
Soulapulle Rancho

Answer - I do.



Question was the Ranch granted  
to you

Answer - It was - I have  
now sold it and conveyed  
it by deed - and now have  
no interest in it whatever.

The Ranch was ~~conveyed~~  
granted to me by the name  
of the Soulapulle Ranch.

Question - Why was it called  
Ramon Mesa Ranch -

Answer - I changed the  
name and called it after  
myself - the Soulapulle and  
San Ramon Ranch are the  
same identically and the bound-  
aries are precisely the same -

his  
Ramon X Mesa  
Mark

Sworn to & subscribed before me  
November 28, 1855,

Sworn before  
U.S. Com. Miss.



No. 329,

U. S. Dist. Court.

Joshua S. Brackett,

— vs —

The United States,

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Depositions of  
Martin & Mesa,

Filed July 19, 1856,  
J. Chivers,  
Deputy



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 Monday the Third  
day of ~~August~~<sup>March</sup>, A. D. 1856.

Present:

The Hon: Ogden Hoffman,  
Dist. Judge.

The United States

vs

3 D. C. 329; d. C. 237.

~~George W. Cornwell~~  
Joshua S. Brackett

This cause came on to  
be heard on appeal from the final 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 3<sup>d</sup> March, A. D. 1851, upon the trans-  
cript 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 the  
cause having regularly come to a hearing,  
it is by the Court hereby Ordered, Adjudged  
and Decreed that the said decision be,



and the same is hereby reversed; and it is likewise Ordered, Adjudged and Decreed that the claim of the appellant is a good and valid claim, and that the same be and is hereby confirmed.

329 ND  
PAGE 56

The land of which confirmation is hereby made is a portion of a tract called "Soufajuelle" in Marin County, (granted to Jose Ramon Mesa March 29<sup>th</sup> 1844) and is bounded and described as follows: Commencing at the southwest corner of the land deeded by said Mesa to Martin J. Gormley, and running west two miles along the line of Captain Coopers, thence north two miles, thence east two miles, thence South two miles along the line of Gormley, to the place of beginning; supposed to contain one half league of land, or four square miles more or less; reference for a more particular description to be had to the Map, grant and transfers filed in the case: Provided, that the land above described be found within the exterior boundaries of the said original grant made to Jose Ramon Mesa by Gov. Manuel Micheltonena on the 29<sup>th</sup> day of March 1844; but if the whole of the above described lands be not found within the exterior boundaries of said original grant, then



only such quantity thereof as may be found  
therein is hereby confirmed.

Edwin Hoffman  
U. S. District Judge

329 ND

PAGE 57



329

U. S. District Court

The United States

v  
Joshua S. Brackett,

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Decees

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Filed March 3, 1856,  
W. H. Cheever,  
Deputy.

329 ND  
PAGE 58

Blanding & Blanding  
attys for Brackett



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 *Friday* the *Seventh* day of *August* in the year of our Lord one thousand eight hundred and fifty-seven.

Present :

*The Honorable* OGDEN HOFFMAN, *District Judge.*

*The United States*

*vs*

*J. S. Brackett*

*D. C. 329: L. C. 233.*

*The Attorney General of the United States having given notice that no further appeal will be taken in this case, and a stipulation to that effect having been entered into by the District Attorney:*

*On motion of the District Attorney it is Ordered Adjudged and Decreed that claimant have leave to proceed under the decree of this Court heretofore rendered in his favor, as under Final Decree.*

*Ogden Hoffman*  
*U. S. Dist Judge*



329

United States District Court, Northern  
District of California.

*The United States*

*vs.*

*L. S. Brackett*

ORDER.

*vacating appeal.*

Filed *August 7th* 1857

*John A. Monroe,*  
CLERK.

By *W. H. Cheever*  
DEPUTY.

329 ND  
PAGE 60



In the District Court of the United States  
for the Northern District of Cala

The United States

vs

2  
2 D.C. 329; D.C. 233.

J. S. Brackett

In pursuance of notice  
from the Attorney General of the United  
States it is hereby stipulated and agreed  
that no further appeal be taken in this  
case on the part of the United States, and  
that claimant have leave to proceed under  
the decree of this Court heretofore rendered  
in his favor, as under Final Decree.

San Francisco Aug<sup>r</sup> 7<sup>th</sup> 1857

P. Della Torre

W. S. Atty

Blundary & Blundary  
Atty for Clerk.



329

U. S. District Court

The United States

vs

J. S. Brackett

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Stipulation.

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Filed Aug. 7, 1857,  
W. H. Chesnut,  
Deputy.

329 ND  
PAGE 62



Joshua G. Brackett }  
vs }  
The United States. }

329 ND  
PAGE 63

The claim in this case is for a part of the Rancho of Soulagulle originally granted by Governor Micheltonera to Jose Ramon Mesa - Various other claims have also be made for other portions of the same Rancho and the validity of those testimony in this case is by stipulation agreed to be used in all those cases as if specially taken and filed in each -

This claim was rejected by the Board not on the ground of the original invalidity of the original title but because it did not appear from the mesne conveyances that the land claimed was a part of the original tract granted to Ramon Mesa -

The further evidence taken in this Court shows that of



And the only question that remains to be decided is as to the validity of the original grant -

The title given to the interested party is produced and altho the evidence of the signatures of the Governor is not as satisfactory as could have been wished or as we had a right to expect from the facility with which Michetomena's signature and Jineco's signature could at any moment be produced in this city yet as no opposing testimony is offered on the part of the U. S. I am inclined <sup>to agree with</sup> to base ~~on~~ <sup>therein</sup> it sufficient taken with the other testimony in the case to establish the authenticity of the grant - Had the District Attorney or the Sew Agent entertained any doubt of the genuineness of the grant it is but reasonable to suppose



That evidence would have been offered to show that the signatures affixed to the title of the grantee were forgeries - The ultimate character of the witness himself suggests the idea that he could have forged the document and no other person could have trusted the proof of its genuineness to the vague and unsatisfactory testimony of such a witness.

But the strongest testimony in confirmation of the claim is found in the facts that the expediente is found in the archives - and that the person grantee has occupied and cultivated his land from the time of his grant until the present time he sold to the various claimants now before this Court - The law conditions of the



Saving thus seen complied  
and the grant itself appear-  
ing to be genuine there is  
no obstacle to the confirm-  
ation of the present claim  
or to so much thereof as  
may be included within  
the limits of the original  
grant.



329.

The N. S.

Wj

J. S. Brackett

Simon

6.

329 ND  
PAGE 67



These cases were all presented to the Land Commission by persons holding under Jose Ramon Mesa, the original Grantee.

The claims were rejected by the Board on the ground that in the Mesa conveyances the land is called "San Ramon" while the original Grant is for a Rancho known as "Soulajulle".

(See the decision of the Board in the Brackett case)

Evidence was introduced in the Brackett case, in this case, to show that the Rancho was known by these names at different times and by stipulation with Dist Atty. filed in the other cases.

(See the testimony in the Brackett case.)

Blanding  
for appellants

68  
ND



Brackets

N. }  
W. S. }

Other Claimants

N. }  
W. S. }



329 ND  
PAGE 70

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

San Francisco, <sup>Nov 8<sup>th</sup></sup> Oct 27<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. 233 on the Docket of the said Board, wherein

*Josina S. Brackett* is

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

and request your receipt for the same.

I am, Respectfully,  
Your Obedt Servant,

Geo. Fisher