

CASE No.

330

NORTHERN DISTRICT

RANCHO del PUERTO GRANT

SAMUEL G. REID. et. al

CLAIMANT:

Microfilm

ND

509

~~1117~~ —

1117 — c

THE UNIVERSITY OF CHICAGO

1911

IN THE

BY THE

OF THE

1911

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 509.

Samuel G. Reid, et al, CLAIMANT *S.*

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Rancho del Puerto ⁴ ₉

THE PROCEEDINGS

OF THE

ANNUAL MEETING

PROCEEDINGS

OF THE

AMERICAN

1888

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

330 ND

PAGE 2

Be it Remembered, that on this seventh day of January, 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 Samuel G. Reid, et al,
for the Place named
"Rancho del Puerto,"
was presented, and ordered to be filed and docketed with No. 509, and is as follows, to wit;

(Vide page 5 of this Transcript.)

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

San Francisco Aug. 9, 1853.

In Case No. 509, Samuel G. Reid et al for the place named "Rancho del Puerto," the deposition of John M. Murphy, a witness in behalf of the claimants taken before Commissioner Alpheus Fitch, was filed:

(Vide page 9 of this Transcript.)

San Francisco August 24, 1853.

In the same case the deposition of Isaac Branham, a witness in behalf of the claimants taken before Commissioner Alpheus Fitch, was filed:

(Vide page 7 of this Transcript.)

San Francisco October 22, 1853.

In the same case the deposition of Antonio Maria Pico, a witness in behalf of the claimants taken before Commissioner Thompson Campbell, with document marked A.F.C. annexed thereto was

filed:

(Vide page 7 of this Transcript.)

San Francisco January 9, 1854.

In the same case the deposition of Pedro Hernandez, a witness in behalf of the Claimants, taken before Commissioner Thompson Campbell, with document marked T.C. No. 1 annexed thereto, was filed:

(Vide page 12 of this Transcript.)

In the same case, the deposition of Jacob P. Luese a witness in behalf of the Claimants, taken before Commissioner Thompson Campbell was filed:

(Vide page 13 of this Transcript.)

San Francisco August 21, 1854.

In the same case, the deposition of Nathan Simonds, a witness in behalf of the Claimants taken before Commissioner Peter Lott, was filed:

(Vide page 14 of this Transcript.)

San Francisco December 5, 1854.

Case No. 509 was ordered to be placed at the foot of the 3^o case classes on the Trial Docket.

San Francisco December 26, 1854.

Case No. 509 was ordered to be placed at the foot of the 4th class cases on the Trial Docket.

San Francisco January 9, 1855.

In the same case the deposition of George J. Spinas a witness in behalf of the Claimants, taken before Commissioner Peter Lott, was filed:

(Vide page 15 of this Transcript.)

San Francisco January 18, 1855.
 In the same case, the deposition of Pedro Hernandez,
 a witness in behalf of the claimants, taken
 before Commissioner Peter Lott, was filed.
 (Vide page 14 of this Transcript.)

330 ND
 PAGE 4

San Francisco March 13, 1855.
 Case No. 509 was submitted on briefs and taken
 under advisement.

San Francisco May 22, 1855.
 In the same case, Commissioner R. Aug. Thompson,
 delivered the Opinion of the Board confirming the
 claim.

(Vide page 35 of this Transcript.)
 And the following order was made to wit:
 (Vide page 38 of this Transcript.)

N.

4

Statement of the Board of Commissioners for Accounting and
Settling private Land claims in the State of
California

3 Petition

To the Board of Commissioners for ascertaining and settling private Land claims in the State of California.

330 ND
PAGE 5

The petitioners Samuel G Reed and Reuben S Mace both of Boston in Massachusetts respectfully represent to your honorable board that they claim a certain tract of Land called the Rancho del Puerto, containing three leagues more or less, situated in the County of San Joaquin, ⁱⁿ said State of California; that they claim the same in fee by virtue of a grant made to Mariano Hermán ^{dey} ^{or Pedro Heruquitas} under the Authority of the Mexican Government by Manuel Micheltorena Governor of the Department of the Californias, bearing date January 20th A D 1844 and approved by the Territorial deputation on the day, if at all to your petitioners now unknown.

Your petitioners further represent that the said grantee on the 16th day of August A D 1847 transferred all their right in said land to Isaac Games, and that said Games by his deed of the Eleventh day of June A D 1850 conveyed all his right being the same received from the said Original grantee to your petitioners.

Your petitioners would further represent that Judicial possession of said tract of Land was given to the said grantee if at all on a day to your petitioners unknown, and the boundaries thereof designated and defined, and that they and those claiming under them have been in the peaceable possession thereof ever since, and that they have no knowledge of any interfering claim.

Your petitioners present herewith a true copy of the Original grant of said Land in the Spanish language together with a translation of the same and will make further proof of title if required by the Board.

Your petitioners pray your honorable board to take into consideration their claim to said tract of Land, and decree their title to be valid and confirm the same. And your petitioners will ever pray

Samuel G Reed
Reuben S Mace
Atty S. G. Shreve

6
Filed in office June 7th. 1853
Geo. Fisher
Secy

330 ND
PAGE 6

Recorded in Vol 1 of Petitions on pages 477-
478
Geo. Fisher Secy

Deposition of
A. M. Pico

Office of the Board of Commissioners &c &c
No. 509, B

330 ND
PAGE 7

This day before Comr. Thompson Campbell
came Antonio Maria Pico a witness in behalf of
Claimants Samuel G Reed et al; who after being
duly sworn deposed as follows

What is your name age and
place of residence

My name is Antonio Maria Pico
I am forty three years of age and I reside at San
Jose

Look at the Paper now shown you
and marked A annexed to this deposition, and
state whether the signatures of Manuel McMillon
na, Manuel Simon, Charles White, Isaac Branham
and John Benton whose they appear on said paper
are their genuine signatures and state your means
of knowledge

I have examined said paper marked
(A) and recognize said signatures as they appear
on said paper to be their genuine signatures.
I have seen all the persons whose names appear
on said paper frequently write, and am
well acquainted with their hand writing

Antonio Ma Pico

Associate Law Agent present

Sworn to and subscribed
before me this 22nd day of October A.D. 1853

Thompson Campbell Comr
Filed in Office Oct 22nd 1853

Geo. Fisher Secy

Recorded in Co. B Vol 3 p 385

Geo. Fisher Secy

Deposition of
Isaac Branham

Office of the Commissioners of
Land Claims in California

San Francisco.

This day before Commissioner Felch came Isaac Bran
ham a witness in behalf of the Claimants Samuel
G Reed et al Case 509 and after being duly sworn
deposed as follows.

Question. What is your name age
and place of residence?

Answer. My Name is Isaac Branham
My age is thirty nine years and my place of residence

is the Pueblo of San Jose Santa Clara County
State of California, where I have resided since
the fall of 1846

Question. Did you in the year 1847
know Pedro Hernandez, Mariano Hernandez
Maria de Rosario Bernall, John Beaton, and
Charles White?

Answer. At the time spoken of I
knew Mariano Hernandez, and his wife Maria
de Rosario Bernall, and a brother of Mariano
Hernandez whose first name I do not now recoll-
ect. I also knew John Beaton who was at that
time Just Alcade of the Pueblo of San Jose and
Charles White who was his Clerk. John Beaton
and Charles White are now dead.

Question. Look upon the Document
marked "Exhibit No 1 A F" filed in this case and
state whether you know the signatures of John Bea-
ton Alcade, Charles White Clk, and Isaac Man-
ham, and if so whether their signatures wherever they
occur in and upon said Document are their true
and genuine signatures?

Answer. I do know the signa-
tures of John Beaton Alcade, and Charles White
Clk. I have often seen them write and sign their
names, and their signatures wherever they occur
in and upon the said Document are true and
genuine. The signature of Isaac Manham
thereupon is my own signature.

Isaac Manham
Mr Isaac Manham was present at the taking
of the deposition but declined putting any interroga-
tories.

Subscribed and sworn to before me at
San Francisco the twenty fourth day of August 1853

Alpheus Fish Commissioner
Filed in Office Aug 24th 1853

Geo. Fisher Secy

Recorded in Ev. B Vol 3 p 79

Geo. Fisher Secy

Deposition of
Jno. M. Murphy

Office of Commissioners of
Land Claims in California
San Francisco

This day before Comr. Alpheus Felch came John
M. Murphy a witness in behalf of the Claimants
in Case No. 309 and after being duly sworn deposed
as follows.

The Associate Survey Agent was present
Questions by Mr. Whitcomb Atty for Claimant
1 Question. What are your name age
and place of residence?

Answer. My name is John M.
Murphy, my age twenty eight years and I reside
at San Jose Santa Clara County California

2^d Question. How long have you lived
in California and what has been your principal
place of residence

Answer. I have been in California
since the fall of 1844 and have resided a greater
portion of the time in Santa Clara Valley

3^d Question. Do you know Mariano
Hernandez and Pedro Hernandez; and if so
when did you first know them?

Answer. I know them both, I know
them ever since I came into the country in the
fall of 1844

4 Question. Do you know the tract
of land called "Rancho de los Puertos" and if
yes where is it situated and how long have
you known it?

Answer. I have known it since
the month of June or July A.D. 1847. I was on
it before that, but only saw over it without
knowing whose it was. It is situated on the
West side of the San Joaquin River. In 1847
Mr. Abram Grimes employed a Surveyor at San Jose
to go and survey the Ranch and I went with
the Surveyor. Mr. Grimes at that time had purch-
ased the Ranch. We went on to the Ranch -
The Surveyor built a pile of stones and put
a stick on it as a corner. The corner was close
to the foot of the hills. He then ran a line in
a North Easterly direction to the River San
Joaquin - He marked some trees at the place

330 ND

PAGE 9

330 ND
PAGE 10

where he struck the river, and then descended up
the river and made another corner close to the
bank of the river, near the mouth of a small
creek called the Crestimber creek. I do not
recollect the distance run between these two
corners. He then struck in a direction about South
West to the hills where he formed a corner -
He then ran along the foot of the low hills
to the place of Commencement

5th. Question. Did you
see any cattle or horses on the place at that
time? and were there any carriages or beebe
camps on it? I saw some horses on it, There was
also a very large canoe on it

6th. Question. Do you know by whom
the canoe was built?

Answer. I do not of my own
knowledge. Mariano Hernandez told me that
he built it. Some persons who were with us at the
time of the survey also said that Hernandez
built it.

Mr. Greenhouse a former Texas Agent objects to this
Answer.

7th. Question. Where is Mariano Hernandez now
Answer. I do not know. The last time
I saw him he was in the custody of the Sheriff
of Santa Clara County, under a charge of murder
and he made his escape from custody -
This was in 1850 or 1851

8th. Question. Look on the document
now here presented to you marked "Exhibit
No 1 with the initials "A F" filed in this case
and here attached purporting to be an original
title given by Governor Micheltorena on the
20th day of January 1844 to Mariano and Pedro
Hernandez

and also on the same paper a deed
of transfer from them and Mariano de Rosales
Bernard to Steam Engines dated August 16
1847. and state whether the signatures of
Mariano Micheltorena Charles White, and
John Burton are their true and genuine
signatures. Please state also whether you are

acquainted with the kind writing of these persons
respectively?

11

acquainted with the hand writing of these persons respectively?

Answer. I know the signatures of each of those persons and have seen them sign frequently. These signatures are the genuine signatures of these persons, Charles White and John Beaton are dead. At the time of the date of the of the above mentioned deed of transfer Isaac John Beaton was Just Alcalde and Isaac White was clerk to him.

330 ND
PAGE 11

Questions by Mr Greenhew Associate Sacer Agent
1st Question. Who made the survey of which you speak?

Answer. James de Kitem.

2nd Question. Was it made under the direction of any Magistrate or other Authority?

Answer. I do not know

3rd Question. Was any Magistrate or other Authority present when it was made

Answer. There was not

Question by Mr. Whitcomb

1st Question. From 1844 to 1847 what was the Condition of the country where the Ranch is situated in reference to Indian depredations?

Answer. The Indians were very bad at that time all along the valleys of the San Joaquin River. No one family would go out there to live at that time. They would not keep stock there.

Question by Mr. Greenhew.

1st Question. Were there any families living in the San Joaquin Valley in the years last mentioned?

Answer. There were not. The last person living there was Mr. Linsky, who was killed in the early part of the year 1845. He lived on the Ranch now claimed by Beaton and Hammond

Filed in office
Aug 19. 1853
Geo. Fisher
Secy

L. M. Murphy

Subscribed and sworn before me at San Francisco this Nineteenth day of August A.D. 1853

Alpheus Fish Commissioner

Deposition of United States Land Commission

Pedro Hernandez

San Francisco Jan 19, 1854

330 ND

PAGE 12

On this day before Commissioner Thompson Campbell came Pedro Hernandez a witness in behalf of Claimants, Samuel G. Reed et al. Case No. 579 who after being duly sworn, deposed as follows his evidence being interpreted by the Secretary

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

Answer. My name is Pedro Hernandez I am thirty four years of age and reside in the County of Santa Clara

2^d Quest. Are you acquainted with the "Rancho de la Puente" if so state all you know in regard to its inheritance and Cultivation, and by whom and also state whether you were one of the original grantees

Answer. I am acquainted with said Rancho, myself and brother went to examine the Land in question to see whether they should petition for, and we built a small house on it. This was in the year 1844. Soon after this my brother went to Monterey and petitioned for said place in our joint names we received the grant when we immediately went to San Jose, and took stock to the Rancho

I believe this was in the month of September of the same year. We had four Melch Coes and about forty head of horses in the same year the grant was made we built a house and another large house we planted Melons & Cabbages. I recollect there a very short time since my brother ~~remained~~ On the place more than a year, my brother left the place on account of the hostility of the Mexicans, he sold the place, and it was properly sold.

3^d Quest. Look on the document now shown you marked "T. L. No 1" and purporting to be a true copy of the Expediente in this case, and state whether the points of the Company as represented on the map which is a part of said document are correctly represented, and state on which side of the

13

330 ND
PAGE 13

San Joaquin area, the Rancho del Puente is situated, and also state whether the Rancho of Valentez Herrera is correctly located on said map, and which end of said Rancho Puente it bounds, and whether the Arroyos represented on said map are correctly located and between which of the Arroyos that represent said Rancho Puente is situated?

Ans. I don't know on which side of the Rancho Puente the Rancho of Herrera is situated - The Rancho Puente lies between the Arroyos de los Juecos and de Cee Puente. Those Arroyos are well known and can now be found. The needs on said map should be reversed in order to represent the true points of the Compad

Apoecate Laco Apoecate present
Jaco^{dis} + Juanandez
Sworn to and subscribed
before me this 10th day of January A.D. 1854
Thompson Campbell Com.
Filed in Office Jan 19. 1854
Geo. Fisher Secy
Recorded in Ev. B Vol 3 p 658
Geo. Fisher Secy

Deposition of
J.P. Seese

United States Land Commission
San Francisco Jan 19. 1854
On this day before Commissioner Thompson Campbell, came Jacob P Seese, a witness in behalf of the Claimants Samuel G Reed et al case No. 509 who after being duly sworn deposed as follows

1st Question. What is your name and place of residence

Answer. My name is Jacob P Seese I am forty five years of age and I reside at Monterey

2nd Question. Are you acquainted with the signatures of Manuel Michelena and Manuel Jimeno, and if so, state your means of knowledge

Ans. I am acquainted with their signatures I have seen both write, and have received

14

Communications from them.

3rd Look on the Document filed in this Case and marked A. J. C. and state whether the Signatures of Manuel Michellona and Manuel Jimeno where they appear on said Document are their genuine Signatures?

Ans. I have Examined said Document and the Signatures of Manuel Michellona and Manuel Jimeno where they appear are genuine

Associate Law Agent present

L. P. Leese

Sworn to & Subscribed before me this 19th day of January A. D. 1854

Thompson Campbell Comr.

Telice in Office Jan 19. 1854

Geo. Fisher Secy

Recorded in Ev. B Vol 3 p 657

Geo. Fisher Secy

Deposition of N. Simonas

United States of America
State of California 3rd D.

San Francisco August 31. 1854

This day came before Peter Gott Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State, Nathan Simonas a witness on behalf of the Claimants Samuel & Rice et al in Case No. 509 on the Docket of said Board, said witness being sworn deposed as follows

The U. S. Law Agent is present

Questions by A. G. Whitcomb Attorney for Claimants.

1st Question. What is your name age and residence?

Answer. My Name is Nathan Simonas My Age 36 years, My Residence San Francisco California

2^d Question. Are you acquainted with the hand writing of Abram Gibbs, David Leachford, Charles Clark and J. M. Clark, if you state your means of knowledge, and look at the Document now shown you and marked "B" and "J. C." and file in this case

and state whether their signatures thereon written are genuine, and state whether you are acquainted with those individuals, and where they now reside?

330 ND
PAGE 15

Answer. I am acquainted with them all, Messrs Burgess and Charles & Samy black live in Boston Massachusetts and Mr James in San Francisco California. I am acquainted with their respective hand writing - I have frequently seen them write and their signatures on this Document now shown me are their genuine signatures.

N. Simons

Subscribed and sworn to before me on this 21st day of August A.D. 1854

Peter Lotte Comm^r of

Peace in Office Aug 21. 1854

Geo. Fisher Secy

Recorded in Ev. B Vol 5 p 307

Geo. Fisher Secy

Deposition of
Geo. J. Grimes

United States of America
State of California

3 ss:

San Francisco January 5th. 1855

This day came and was sworn before Peter Lotte Commissioner for taking testimony to be used before the U. S. Land Commission in said State, Geo. J. Grimes a witness on behalf of the Claimants Samuel & Rebecca in case No. 509 on the Docket of said Board, and said witness deposed as follows

The U. S. Associate Law Agent is present
Questions by claimants Counsel

1st Question. What is your name age and residence?

Answer. My name is George J. Grimes, my age twenty years, my residence in the City and County of San Francisco California

2^d Question. Are you acquainted with Niram James, and were you acquainted in her lifetime with Elizabeth G. James his wife?

Answer. I am acquainted with Niram James

16

and was acquainted in her lifetime with Elizabeth
both to Grimes his wife.

3^d Question. Look upon the document
entitled in this cause marked "B Decree & L"
purporting to be a conveyance from Isaac Grimes
to Samuel G. Rice, & Reuben S. Blake, and
state whether the signatures thereof of Isaac
Grimes and Elizabeth C. Grimes his wife are
their true and genuine signatures and what
are your means of knowledge concerning them?

330 ND
PAGE 16

Answer, I have looked upon
said document & say that said signatures of
Isaac Grimes and Elizabeth C. Grimes his wife
are true and genuine; I have known both of
them since the year 1849 (until Mrs. Grimes
death) & have often seen them write and sign
their names.

Geo. J. Grimes

Subscribed and sworn to before me, on this
5th. day of January A.D. 1855

Peter Lott Commissioner

Filed in Office Jan 9. 1855

Geo. Fisher Secy

Recorded in Ev 13 Vol 11 p 219

Geo. Fisher Secy

Deposition of
Pedro Hernandez

United States of America
State of California

San Francisco January 17. 1855

This day came before Peter Lott Commissioner for
taking testimony to be used before the Board
of U. S. Land Commissioners in said State Pedro
Hernandez, a witness on behalf of the Claimant
Samuel G. Rice et al. in Case No. 509 on
the Docket of said Board, and said witness
being sworn deposed as follows in Spanish
which was interpreted to said Board as
follows

The U. S. Associate Law Agent is present
Questions by claimant's counsel

1st Question. What is your name
age and residence

Answer. My name is Pedro Hernandez
age, my age thirty four years, my residence in

2^d Question. Look at the map...

17
Santa Clara California.

3^d Question. Look at the map contained in the Document No. 1 shown to you marked "A P L" as an Exhibit to this deposition and state on which side of the San Joaquin River the Rancho claimed in this case is located, and on which side of the "Valentine Agency" is located?

330 ND
PAGE 17

Answer. Said Rancho claimed in this case is situated on the West side of the San Joaquin River, and on the South of said Agency's Rancho. In my deposition given in this case before Commissioner Thompson on the 14th day of January A.D. 1854 in my answer to the 3^d question therein I stated as therein written "The Needle on said map should be reversed in order to represent the true points of the Comp." I wish now to correct what I then said as follows; This map is incorrect in its delineation in this way, the San Joaquin River as here laid down appears to be on the West side of the Rancho in question, whereas it ought to be on the East or right hand side of the map, and the hills called on the map "Sierritas" which appear on the said East or right hand side of said map ought to be laid on the West or left hand side.

It will not correct the error by reversing the needle as I before supposed in my former deposition, because the Creeks (Arroyos) are correctly laid down as respects their Northern and Southern relations according to the needle as it stands on the map, and so also is Agency's Ranch North of the Arroyo de la Puente, and the needle is right respecting that. The map is correct in all other respects, except the one I have mentioned. The "Sierritas" mentioned are known as the Sierra of the Pueblo.

3^d Question. When you first went to live on the Rancho claimed in this case were the Indians very troublesome in that vicinity—?

Answer. When I first went onto the said Rancho the Indians were not very troublesome, they were committing depredations to some extent about there, but not to any great extent, but about six months after that they became very troublesome, so that we were in danger, and we were driven off from the place by them in 1845. The next year after we went there to live -

330 ND
PAGE 18

4th. Question. Did you and your brother Mariano ever ask for judicial possession of said place?

Answer. Yes we did several times, of Dolores Pacheco and Galvino Pacheco from the time we went there we began to ask of them, but they never came to give it, on account of the troubles with the Mexicans. They were the Commissioners for giving judicial possession of lands

Crop Examined by the United States Special Land Agent.

1st Question. Do you know the Southern boundary of said Rancho claimed
Answer. The boundary on the South is the Arroyo de Orestembee

2d Question. When you obtained your grant in this case did you know that the Mexicans were troublesome in that quarter

Answer. I did not

3d Question. Did you live in that neighborhood at the time you obtained said grant

Answer. I was living on the land claimed at that time.

Question 4th. Had the Indians been troublesome there at any time while you were getting said grant, or previous thereto?

Answer. No. they had never troubled us to that time

Witnessed and sworn to before me, on this 17th day of January A.D. 1855

Peter Lott Commissioner
Filed in Office Jan 18. 1855 Geo. Isaac Secy

Recorded in
B Vol 11 p 338
Geo. Fisher
Secy

2.19

1. S.D.K.

330 ND

PAGE 19

F.C. N^o 1.

1843.

annexed to deposition
of Pedro Hernandez.

A.P.L. Exhi-
bit to Dipos.
of Pedro Herman-
dez Jan. 17th
1855—

Expediente promovido por los cc. Mariano y Pedro
Hernandez en solicitud del parrage que se expresa.

Numero.

321.

Sello Cuarto vos reales.

Habilitando provisionalmente por la Autoridad Maritima del puerto de Monterrey, en el Departamento de las Californias para el año de mil ochocientos cuarenta y tres.

Micheltorena.

Manuel Castaneres.

330 ND

PAGE 20

(Sul)

Monterrey. nov^e 30 de 1843.

Informe el Sr. Srío del despacho.
tramitando los necesarios.

Micheltorena.

Excmo. Sr. Gobernador.

Mariano y Pedro Hernandez
hermanos y vecinos del pueblo
de San José Guadalupe

ante V. E. con el debido respeto y como mas haya lugar en derecho hace presente: Que desearios de continuar fomentando los pequeños bienes que poseemos y no teniendo un terreno propio y adecuado al efecto, solicitamos de la generosidad de V. E. se digne conceder nos en propiedad uno que se haya inmediato al Rio de San Joaquin, convenientemente las medietas desde llegan las del Ciudadano Balentin Higueroa para arriba rumbo Sur en estension de cinco sitios de ganado mayor, segun explicará el pliego que a su debido tiempo presentare. P. F. A. V. E.

32 DM.

Suplicamos reciviam^{te} a todo a nuestras peticiones de que se vivieren eternam^{te} reconocido.

Monterrey. Noviembre. 30 de 1843.

Mariano Hernandez.

Pedro Hernandez.

Como dispone el Sr. Excmo. Sr. Gob^{ador} informe el Sr. Sub Prefecto del partido de 1^o sobre el contenido de la presente instancia y vuelva para dar el que correspondiente a esta Srío. pta. ut supra.

Manuel Jimeno.

32 DM.

Pueblo de 1^o José Dno. 29 de 1843.

En cumplimiento del Superior decreto que contiene debe decir: que el terreno que de que se hace mencio es baldio pues no pertenece a particular ni corporacion alguna, es cuanto esta sub-prefectura puede informar

321

con lo que creo dar cumplimiento a otro decreto.

Siervo.

Excmo. Sr. Gobernador.

Los vecinos Mariano y Pedro Hernandez son hombres de bien y conyugales de familia y el terreno que pretenden esta buloio y en estado de que V. S. se digna Concedente los si asilo tubiene por conveniente.

Monterrey 10 de Enero de 1844.

Manuel Jimeno.

Monterrey. Enero 10 de 1844.

Presente el diseño para poder decretar.

Micheltorena.

Monterrey. 10. de 1844.

5. D. H. Espidase el titulo con las condiciones legales.

Micheltorena.

Monterrey. 18. de En: de 1844.

Vista la peticion con que di principio este expediente los informes que presiden con todo lo demas que se tuvo presente y ver con vino de conformidad con las leyes y reglamentos de la materia declaro otueros de tres sitios de ganado mayor entre el Rio de San Joaquin la Sierra del Pueblo y los linderos del terreno de D. Valentin Yguera - Libres el correspondiente despacho tomese razon en el libro respectivo y dirijase este expediente a la Junta. Asamblea Departamental para su aprobacion. El Excmo Sr. Gob. Gral. D. Manuel Micheltorena asi lo mando decreto y firmo.

65. D. H.

Here follows a map or plan.

Office of the Surveyor General of the United States
for California.

330 ND
PAGE 22

I Samuel D. King, Surveyor General
of the United States for California, and as such now
having in my office and under my charge and
control a portion of the archives of the former
Spanish and Mexican Territory or Department of
Upper California, do hereby certify that the six pre-
ceding and herewith annexed pages of tracing
paper numbered from one to six, inclusive and
each of which is verified by my initials (S. D. K.) and is
true and accurate copies of certain documents now
on file and forming part of the said archives in this office.

In testimony whereof I have herewith
signed my name, officially and affixed my private
Seal (not having a Seal of office) at the City of San
Francisco this 14th day of May 1852.

Samuel D. King

Surveyor Gen. Cal^o

Filed in office. July 19th 1852.

Geo. Fisher. Secy.

Translation

J. C. No. 1

Annexed to
Deposition of
Pablo Hernandez

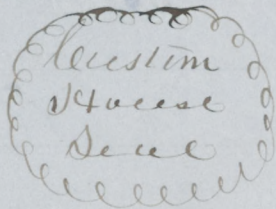
Expediente instituted by Citizens Mariano
and Pablo Hernandez in solicitation of
the place described (therein)
Number 341

330 ND
PAGE 23

Seul Fourth Two Rows

Provisionally authorized by the Maritime
Custom House of Monterey in the
Department of the Californias for the
year One thousand Eight hundred and
forty three.

Micheltuna. Manuel Castaneda



Most Excellent Su Lovern
Mariano and Pablo

Hernandez residents of the Pueblo of
San Jose Guadalupe appear before
your Excellency, with due respect and
in the best form of Law, represent
That desirous of increasing the small
property which they possess and not
having a suitable and adequate tract
of Land for that purpose, they pray
your Excellency in the exercise of
your generosity, be pleased to grant
to them the Ownership of a certain
tract situated ^{on} near the San Joaquin
River the ^{boundaries} measurements commencing
from the termination of those of Citizen
Victorin Segura up the stream
South to the extent of five square
leagues as described in the desino
which in due time they will present
Therefore they humbly pray your
Excellency to grant their petition, whereby
you will merit their everlasting acknowl-
edgments

24

Monterey November 30. 1843

(Signed) Mariano Hernandez

(Signed) Pedro Hernandez

(marginal decree)

Monterey Nov. 30. 1843

The Secy. of State

will report, taking the necessary steps.

(Signed) Micheltuna

330 ND

PAGE 24

His Excellency, the Govern directs that the Hon. Prefect of the Partido of San Report upon the Contents of the preceding petition, and return the same to this Office for its report Date as above

(Signed) Manuel Jimeno

Pueblo of San Jose Dec. 27. 1843

In Obeyance to the foregoing Superior decree I ought to state that the said tract of Land is vacant and does not belong to any individual or Corporation whatever. This is all this Sub Prefect can report, wherewith I deem the said decree Complied with

(Signed) Suñol

To His Excellency the Govern

Citizens Mariano and Pedro

Hernandez are honest men and have large families, and the land they petition for is vacant, and in a state to be granted if your Excellency deem proper to do so

Monterey June 10. 1844

(Signed) Manuel Jimeno

Let the claims be presented

Monterey July 10. 1844

Let the desins be presented
in order to be enabled to decree.

(Signed) Micheltua

Monterey July 10. 1844

Let the title issue
with the legal Comissions

(Signed) Micheltua

330 ND
PAGE 25

Monterey July 18. 1844

In view of the petition at the head of this Expediente, the preceding reports with every thing else that was considered and necessary to be examined in conformity with the laws and regulations on the subject I declare Citizens Mariano Lopez Pardo Hernandez to be the owner of three square leagues (of land) between the San Joaquin River and the Sierra del Pueblo and the boundaries of the land of Don Valentin Higuera.

Let the corresponding title issue, entry be made thereof in the respective Book, and let this Expediente be forwarded to the most Excellent Departmental Assembly for its approval. His Excellency, Don Manuel Micheltua, the Governor, thus ordered decreed and signed it.

I hereby certify the foregoing to be a true and correct translation of Expediente A. P. G. to deposition of Pardo Hernandez January 17. 1855 in Case No. 509 Samuel G Reed et al vs the United States now on file in this office

26

Witness my Official Signature
this 20th. March 1855

Geo. Fishu

Secy

330 ND
PAGE 26

Filed in Office Mar. 20. 1855

Geo. Fishu

Secy

Recorded in Ev. B. Vol. 17. p 692

Geo. Fishu Secy

330 ND
PAGE 26

State of Maryland Provisionally for the

1. 27

Ello Primero Ocho Pesos.

Habilitado provisionalmente por la Aduana Maritima del Puerto de Monterrey, en el Departamento de las Californias, por el año de mil ochocientos Cuarenta y Cuatro y mil ochocientos Cuarenta y Cinco.

330 ND
PAGE 27

Micheltorena

Pablo de la Sierra

A. P. (cal) Manuel Micheltorena, General de Brigada Original Grant. del Ejercito Mexicano, Ayudante General de la Armada to Plaza Mayor del mismo, Gobernador Comandante the Deposition General e Inspector del Departamento de las Californias of Antonio

Maria Pico Pedro Hernandez han pretendido para sus her Oct. 22. 1853

Exhibit no. 1 del terreno de D.º Valentín Neguera: practicados A. P.º
previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederles el terreno mencionado, declarando les la propiedad de el por las presentes letras, sujetandose a la aprobacion de la Junta. Asamblea Departamental y bajo las condiciones siguientes.

1.º No podran venderlo enajenarlo, cingularlo, ni ponerlo a modo de fianza hipoteca ni otro gravamen alguno.

2.º Podran serarlo sin perjudicar las tranvias Caminos y servidumbres lo disfrutaro libre y eternamente destinandolo al uso o cultivo que mas le acomode pero dentro de un año fabricaran casa y estara habitada.

3.º Cuando se le expirare la propiedad de el Solicitantes del que respectivo que les di la posesion definitiva en virtud de este despacho por el cual se demarcaran las lindas en cuyos limites podran sacar de las maderas algunos arboles frutales o

Silvestres ~~fructus~~ de alguna utilidad.

Exhibit No. 1
A. 77 (Conti-
nued)

330 ND
PAGE 28

4º El terreno de que se le hace donacion es de tres sitios de ganado mayor pocas mas o menos. El Juez que les diere la posesion lo hara medir conforme a ordenanza quedando el sobrante que resalte a la nacion para las utas convenientes.

5º Si contraviniere a estas condiciones perderan su derecho al terreno y sero denunciado por otro.

En consecuencia mando que servidos de titulo el presente y tenidos por firmes y validos de toute rason de el en el libro a que corresponde y se entregue a los interesados para su resguardo y demas fines. Dado en Monterrey a veinte de Enero de mil ochocientos cuarenta y cuatro.

Manuel Jimeno. Sr. Manuel Michalona J.
Diceda tomada rason de ^{en el libro} este despacho respectivo a folios 5. N.º Jimeno.

Know all men by these presents that we the undersigned for and in consideration of the sum of three hundred dollars to him in hand paid by Miriam Jones &cept whereof is hereby fully confessed and acknowledged hath bargained sold and conveyed and by these presents do bargain sell and convey unto the said Miriam ^{Jones} and to his heirs and assigns for ever all my right title interest and claims in and to the within claim.

To have and to hold the same with all the rights and privileges therunto belonging to the aforesaid undersigned persons in and for the above said obligating and binding ourselves our heirs and assigns to the faithful performance of this contract.

In witness whereof we have hereunto set our hands and seals this 16th. day of August. A.D. 1847 in presence of the Alcalde and assisting witnesses.

Filed in office.
Aug. 7. 1853.

Pedro Hernandez. Mariana Hernandez. Maria del Rosario.
Jov. Gutierrez. Gernall. Char. White. John Burton. Alcalde.
Isaa. Amador.

29C

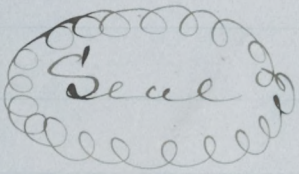
Seal First Eight Dollars

Translation of Accepted provisionally for the Maritime
A. T. Co. Custom House of the Port of Monterey
(In margin) in the Department of the California
"Exhibit B" for the years One Thousand Eight hundred
and forty four and One thousand
Eight hundred and forty five

330 ND
PAGE 29

Micheltorona.

Pablo de la Guerra



Mmanuel Micheltorona General of Brigade
of the Mexican Army Captain General
of the ^{highest Major of the Army} rank therein Governor
Commandant General and Inspector of
the Department of the California

Whereas the Citizens
Mariano and Pedro Hernandez have
solicited for them been pursued benefice
and that of their families three leagues
of Land (tres sitios de ganados Mayn)
between the River San Joaquin the
Mountain of the Pueblo and as far
as where it reaches the boundary of
the lands of Don Valentin Higuera
despatch and investigations concerning
it being first made as is directed
by the Success and Regulations; Exercising
the Authorities which are conferred
on me, in the name of the Mexican
Nation, ^{have} has conceded to grant to
them the land mentioned, declaring
to them the proprietorship of it by these
presents, subjecting them to the appro-
val of the Most Excellent Departmen-
tal Assembly under the following
conditions:

First. They shall not be able to

sell it, to alienate it, impose upon it
annuity, bond, pledge, mortgage, nor
any other incumbrance.

Secund. They shall
have power to enclose it without
prejudicing the Crop-crops, woods and
^{rights of way} streams, they shall enjoy it freely and
Exclusively devoting it to the use or culte
within which best suits it, but within
one year shall build a house and it
shall be ^{inhabited} lived in.

Third. When the propri-
etorship shall be confirmed to them
they shall desire the respective Judge
that he give them ^{indian} pappeim
by virtue of this grant, by which they
shall mark out the boundaries on
whose limits he shall place besides
the land marks, some fruit trees or
forest trees of some utility.

Fourth. The land of which donation
has been made to them is of three
leagues (tres leguas legua de mayn)
more or less. The Judge who may
give them pappeim shall make
it extend conformably to the Ornamane
which gives the Peoples which
remains to the Nation for common
uses.

Fifth. If they shall contra-
vene these Conditions they shall lose
their right to the Land and it shall
be alienable by another.

Wherefore these
presents Command ^{shall serve} for title
to them and to be kept firm and valid

31

presented & announced to be ~~presented~~ in the
last year and to be kept from and return
(that the object of them should be
Copies which is proper for them, and
(should) be delivered to those interested
for their own safety and other ^{uses} ends
Dated at Monterey on the
twentieth of January, One thousand eight
hundred and forty four

330 ND
PAGE 31

Manuel Mechtlan
Manuel Jimeno Secy

(Give the document ^{Record has been taken} to be entered in
the proper Book
Jimeno

(Enclosed)

Recorded in the Book of
Records, Marked A Page 12
Alcala's Office
J. N. Leavenworth } San Francisco
Alcala } William P. Solo

(Enclosed)

Recorded in a Book of Records
entitled Register of Lands page 109

Charles White Clerk

Filed in office July 7. 1853

Geo. Fisher

Secy

ND

DEPT. OF AGRICULTURE
WASHINGTON, D.C.

Recd J. L. Know all men by these presents, that I, William
G. ... of the State of California

Reed P. L.

330 ND
PAGE 32

Know all men by these presents, that I Isaac
Grimes of San Francisco, State of California
for and in consideration of the sum of eight
thousand dollars, to me in hand paid
the receipt whereof is hereby acknowledged
have this day bargained sold and deliv-
ered, and by these presents do bargain
sell and deliver unto Samuel G Reed,
and Reuben S Wallace all my right title
and interest to a certain piece or parcel
of land situate in the State of California
bounded on the River San Joaquin, the
hill of the Pueblo and the boundaries
of the Land now or late of Reuben
Higgin and known as the Rancho
Pescadero, and being the same land
granted by the Mexican Authorities on
the 20th day of January A.D. 1844
known as Rancho del Puerto to Manu-
el and Pedro Hernandez and purch-
ased by Isaac Grimes in August A.D.
1847 and containing three leagues Spanish
measurement more or less, reference
being had to said grant from the
Mexican Government, now delivered
into the hands of Samuel G Reed
and Reuben S Wallace, for a more
particular description of the same
and meaning and intending to convey
said title as described and no more

To Have and to Hold
with all its appurtenances and advan-
tages to them and their heirs and
assigns forever and I the said Grimes
by these presents do warrant and defend
the said Samuel G Reed and Reuben

I place then here and signs in the title to said Land from myself my heirs and assigns forever.

330 ND
PAGE 33

In testimony whereof I the said Isaac Sumner Grimes together with Elizabeth Grimes my wife in token of her relinquishment of dower have hereunto set our hands and seals in the presence of assisting witnesses in Boston (Mass) on this Eleventh day of June in the year of our Lord one thousand eight hundred and fifty

signed sealed and delivered in presence of
Isaac Sumner Grimes
Elizabeth Grimes
David Crook
Charles Clark

Commonwealth of Massachusetts
Suffolk p: City of Boston
Oct. 11th 1850.

Personally appeared the above named Isaac Grimes & Elizabeth Grimes & acknowledged the above instrument by them signed & sealed to be their voluntary act and deed before me.

In testimony whereof I have hereunto set my hand & Notarial Seal the day and year last above written.

Henry Clark
Not. Pub.

Recorded in Book A page 532. San Joaquin County Records 31 March A.D. 1851 at 1/2 past one o'clock P.M.

James S. Craig. Deput. County Recorder

Filed in Office June 7. 1853. Geo. Fisha Secy

35
Opinion of Samuel Rice et al
Board by Com. vs Rancho del Puente
Thompson. The United States 3 square leagues
in San Joaquin Co.

330 ND
PAGE 34

This claim is founded on a grant made by Gov. Manuel Micheltorena to Mariano and Pedro Hernandez on the 20th. of January 1844. The Original of which is filed in the Case and its genuineness proved. A traced Copy of the Expediente from the Archives containing a map of the premises granted is also introduced. It appears from the testimony that an error occurred in drawing said map by representing the land as lying on the East, instead of the West side of the San Joaquin River, but the error is readily corrected by reference to the natural objects and other boundaries represented on the map and called for in the grant with this correction there can be but little difficulty in locating the land claimed. The Evidence shows that the grantees went on the premises shortly after they obtained the grant, built a house in which they lived and a corral, they also placed stock upon and cultivated a portion of it, and continued such occupation until they were compelled to leave to leave in the following year in consequence of the hostility of the Indians. The mesne conveyances from the Original grantees to the present claimants are filed and authenticated by proper proof. The Validity of the claim is established by the testimony, and a decree will be accordingly entered.

36

Teles in Office May 30. 1855

Geo. Fisher Secy

330 ND

PAGE 35

Records in Record of decisions
Vol 3. Page 36

Geo. Fisher Secy

330 ND

3 Decree

Samuel Reid et al
vs
The United States

330 ND
PAGE 36

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner is valid, and it is therefore decreed that the same be confirmed. The land of which confirmation is made is situated in the vicinity of San Joaquin and is known by the name of Rancho del Puente and is bounded as follows: On the East by the River San Joaquin, On the West by the Sierra, On the South by the Arroyo de Horestineles, and on the North by the Arroyo de la Puente, and the boundary of Don Valentine Siguera: to contain three square leagues, a little more or less. For a more particular description reference to be had to the original grant and map contained in the Expediente, except that the positions of the River and ^{mountain} ~~map~~ are to be reversed on the map, so as to locate the land on the West side of the River instead of the East as therein represented.

R. Aug. Thompson

S. B. Farnell

Commissioners

Filed in Office May 22. 1855

Geo. Fisher Secy

Recorded in Record of accession Vol 3 Page 36

Geo. Fisher Secy

330 ND
PAGE 37

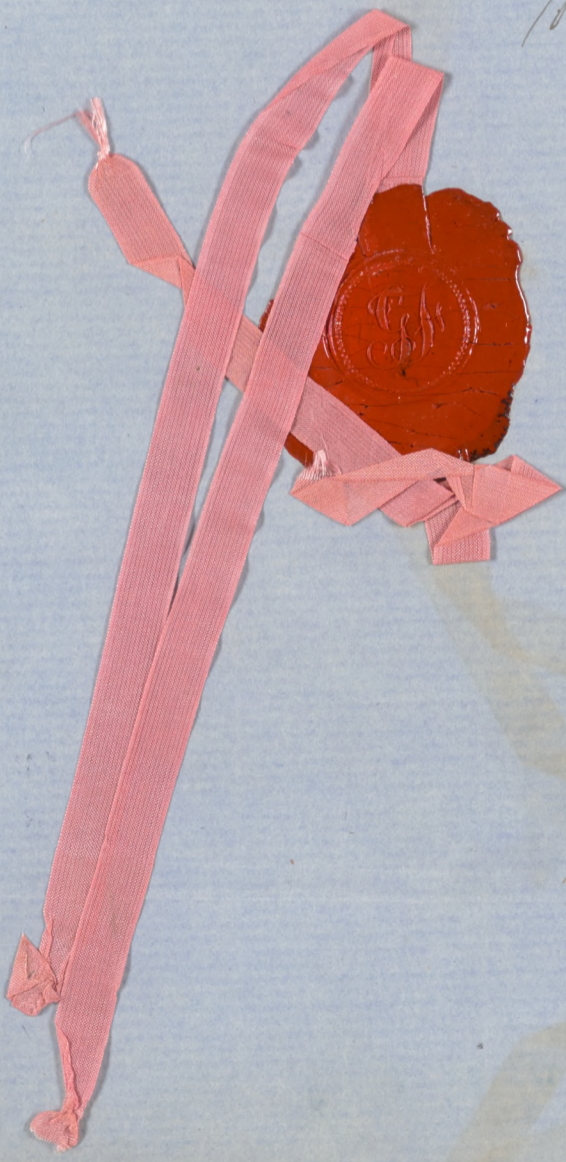
And it appearing to the satisfaction of
the Board that the same hereby refer-
enced is situated in the Northern
District of California, It is ordered that
two transcripts of the proceedings and
depositions in this case and of the papers
and evidence upon which the same are
founded be made out by the said duly
authorized 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

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 *Thirty eight* pages, numbered from
1 to 38, 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. 579 on the Docket of the said Board,
wherein

Samuel G. Reid, et al, are
the Claimant against the United States, for the place known by
the name of *Rancho del Prieto*

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Twenty seventh day of *October*
A. D. 1855, and of the Independence of the
United States of America the *seventy-eighth*

Geo. Fisher



330
U. S. DISTRICT COURT,
Northern District of California.

No. 330-

330

THE UNITED STATES,

ND

vs.

Samuel G. Reid, et al.

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *579*

Filed, *November 7th* 185*5*
J. A. Monroe,
Clk.

Office of the Attorney General of the United States,

Washington, 3 December, 1855.

509 "Rancho del Puerto" —

Samuel G. Reid et al. Claimants

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 20th day of November 1855, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No. 330

United States

vs
Samuel G. Reid et al.

Notes of Appeal in
Case no. 509.

Filed July 11, 1856,
J. Chever,
Deputy.

330 ND
PAGE 40

To the Honorable District Court of the
United States in and for the Southern
District of California.

The United States
Appellants
vs
John P. Ross
J. G. Reid et al
No. 330.

The Petition of the United States by their
attorney represents: that this cause is an
Application for a review of the Decision
of the Board of Commissioners whereby the
Claim of the said Appellee was confirmed
as appears by reference to the records in
the Case: That a transcript of the said
Records was filed in this Court on the 7th
day of ~~August~~ ^{November} 1855; that a notice of
Appeal was filed on the 11th day of
~~August~~ ^{February} 1856 and that the land claimed
lies in the said District.

That the said claim is invalid.
Wherefore Appellants pray that the said
decision of the Board be reversed &
that this Court decree the said title
to be invalid. Respectfully
S. W. Sage,
U. S. Dist. Atty.

No. 330

U.S. Dist Court

The U. States

v

~~John Peabody~~
J. G. Reid et al

P.
Petition

Filed March 10, 1886,

By Chever,
Deputy.

330 ND

PAGE 42

Gassell

District Court of the United States in and
for the Northern District of California

330 ND

PAGE 43

The United States - appellants

vs
Saml. G. Reid et al. - Claimants & appellees

No 330 =

Then come the said claimants &
appellees into Court and for answer to the
Petition of the appellants herein say:

That they admit that the ~~said~~ transcript
and notice of appeal - in the said Petition men-
tioned - were filed as therein stated & averred,
and that the land claimed in this case lies
in the said Northern District of California: but
they deny the allegation made in said Petition
that the claim in this case is invalid. -

And the said Appellees further say that the
claim in this case is a good & valid, and that
their title to the land decreed to them by the
Board of Commissioners - in said Petition mentioned -
is a good & valid one, and ought to be confirmed.

Wherefore they pray that the decision of
the said Board of Commissioners be affirmed,
and that their title be decreed by this Court to be
valid: -

And the said Claimants & appellees will ever pray

A. C. Whitcomb
Counsel for Claimants & appellees

United States
District Court
Northern District of California

No. 330

The United States
Appellants
vs
Samuel Reid et als

Answer.

Filed March 10, 1866,

By Cheever,
Deputy.

330 ND
PAGE 44

A. C. Whitcomb
Counsel for Claimants & Appellees

In the District Court of the United States in
and for the Northern District of California

^{vs}
The United States appellants
Samuel S. Reed &
Reuben S. Wade
Claimants & appellees

Stated term
May 6th A.D. 1836 =

⁴⁴⁷
~~The United States~~
~~Appellants~~

No. 330 =

On appeal from the
decision of the Board of United States Land Com-
missioners to ascertain & settle the private Land
claims in the State of California under the Act
of Congress of March 3rd 1851 = etc

This cause came on to be heard at the
above stated term on a appeal by the United
States from the final decision of said Board,
upon the Transcript of the proceedings, decision
and the papers & evidence, on which said decision
was founded; and the Counsel of both parties
having appeared in Court & submitted the same,

It is hereby ordered, adjudged & decreed
that the decision & decree of the said Board of
Land Commissioners made in this case be in all
things affirmed. -

And it is hereby
further ordered, adjudged & decreed that the claim
of the said Claimants & Appellees is a good & valid one,
and the same is hereby confirmed to the extent and
quantity of three square leagues, a little more or
less - tres sitios de ganado mayor. ~~Free from all~~

The land of which confirmation is here
made is, as described in the decree of the said
Board, situated in the vicinity of San Joaquin,

and is known by the name of "Rancho del Puerto" and is bounded as follows:

" On the East by the River San Joaquin, on the West by the Sierra, on the South by the "Arroyo de Honashimba" and on the North by the "Arroyo de la Puerta" and the boundary of Don Valentin Niquera: to contain three square leagues a little more or less: for a more particular description reference to be had to the Original Grant and Map contained in the Expediente, except that the positions of the River & Mountains are to be reversed on the map, so as to locate the land on the West side of the River instead of the East as therein represented: it being apparent to the Court that there is within said limits more than two hundred varas square the minimum allowed to be granted by the Regulations of the Mexican Congress of 1828, concerning Colonization. —

Agda Hoffman Auf
N. S. Dist Judge

U.S. District Court

No. 320 =

The United States

appellants

vs
Samuel G. Reed &

Benjamin S. Wade

Decease

330 ND
PAGE 46

May 6th 1836 =

No 330

U. S. District Court.

Samuel G. Reed et al

vs

The United States

Decree of Confirmation

Filed May 6, 1856,

W. A. Chenier,

Deputy.

330 ND

PAGE 2

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 *27th* day of
March in the year of our Lord one thousand
eight hundred and fifty-seven.

330 ND
PAGE 48

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States
v
Samuel G. Reed et al

D. C. 330: L. C. 509.

The Attorney General of
the United States having given notice that appeal
will not be prosecuted in this case, and a
stipulation to that effect having been entered
into by the U. S. Attorney:

On motion of the
District Attorney it is Ordered Adjudged and
decreed that claimants have leave to
proceed under the decree of this Court
heretofore rendered in their favor, as under
Final Decree. —

Ogden Hoffman
U. S. Dist Judge

330

United States District Court, Northern
District of California.

The United States

vs.

Sam G. Reed et al

ORDER.

Final Decree

Filed

March 27, 1857

John A Monroe

CLERK.

By

W. A. Cheever

DEPUTY.

330 ND

PAGE 49

California Land Claim.
Attorney General's Office
7 Feby 1857.

Sir:
In the case of the claim of
Samuel W. Reid et al. con-
firmed to the claimants by the
Commissioners, case no. five hun-
dred and nine, (509), appeal
will not be prosecuted by the
United States.

I am,
Respectfully,
Ours

Wm. T. Blauding Esq
U. S. Attorney,
San Francisco.

In the District Court of the U.S.
for the Northern District of Cal.

The United States

Saml. G. Reed et al

{ D.C. 330; L.C. 509

In pursuance of a notice
from the U.S. Attorney General hereunto
annexed, it is hereby stipulated and agreed
that no further appeal be taken in this case
on the part of the U.S., and that claimants
have leave to proceed under the decree of
this Court heretofore rendered in their favor
as under Final Decree.

San Francisco Mar 26th 1859

Wm Blodgett
Dist Atty
A. P. Whitcomb
Counsel for claimants
Saml. G. Reed et al

330
509

U. S. District Court

The United States

^v
Saml G. Reed et al

stipulation

Filed March 27 1857

John A Monroe
Clerk

J. M. A. Chivers
Deputy

330 ND
PAGE 52

U. S. District Court
Northern District of California
No. 330

The United States - Appellants

vs
Samuel G. Reid et al

Index of Transcript

Petition	Page	5.
Deposition of A. M. Pico	"	7.
" " Isaac Brauhaw	"	7.
" " Jno. M. Murphy	"	9.
" " Pedro Hernandez	"	12.
" " J. P. Leese	"	13.
" " A. Simonds	"	14.
" " Geo. T. Grimes	"	15.
" " Pedro Hernandez	"	16.
Espediente	"	19.
Original Grant	"	27.
Deed	"	33.
Opinion of Board by Com. Thompson	"	35.
Decree	"	37.
Translation of Espediente	"	23.
" " Original Grant	"	29.

United States
District Court
Northern District of California

No. 330.

The United States
Appellants
vs.

Samuel J. Reid et al.

Index of Transcript-

330 ND

PAGE 54

A. C. Whitecomb
Counsel for defendant.

Plains
The United States

Samuel B. Reid et al }

330 ND
PAGE 55

The claim in this case was affirmed by the Late Board of Land Commissioners - no additional testimony has been taken in this Court and the case has been submitted without argument or objection on the part of the U. S.

The Grant under which the claim is made was issued by Gov. Michel Tomena on the 20th January 1844 - The signatures to the original document produced by the interested parties are fully proved and the expediente is found in the archives and duly certified by the Suboyor General - That the grant was made does not seem to admit of any question and the error in drawing the design the positions of the San Joaquin River on one side & the Sarranias on the other ^{are} incorrectly delineated and should be corrected - yet the calls in the grant

330 ND
PAGE 56

The natural objects mentioned in the decision, the specification of the linderos, or boundary of Higuera's rancho as one of the boundaries of the tract now claimed, together with the deposition of Hernandez ~~tapas~~ ^{in the transcript} contained, are abundantly sufficient to explain and correct the error.

31

With regard to the occupation and settlement of the land, it is shown that the conditions were in that respect complied with, within the time limited — The fact that owing to the depredations of the Indians the grantees were driven from their property after the murder of Luisay Gamot of course prejudices their claim —

The Mesne Conveyances are proved and ~~seen~~ ^{appear} to be regular and there seems to be no reason for rescinding the decree of the board —

A decree of confirmation must therefore be entered.

U. S. ²⁵ 330 N

S. G. Reed et al

Simon
May 6 1860

330 ND
PAGE 57

330 ND
PAGE 58

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

San Francisco, Oct. 27th 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. 509 on the Docket of the said Board, wherein Samuel G. Reid, et al, are the Claimant against the United States, for the place known by the name of Rancho del Puerto and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher