

CASE No.

350

NORTHERN DISTRICT

CANADA VERUE GRANT

JOSE ANTONIO ALVISU

CLAIMANT

LAND CASE 350 ND

7¹/₂ pgs.

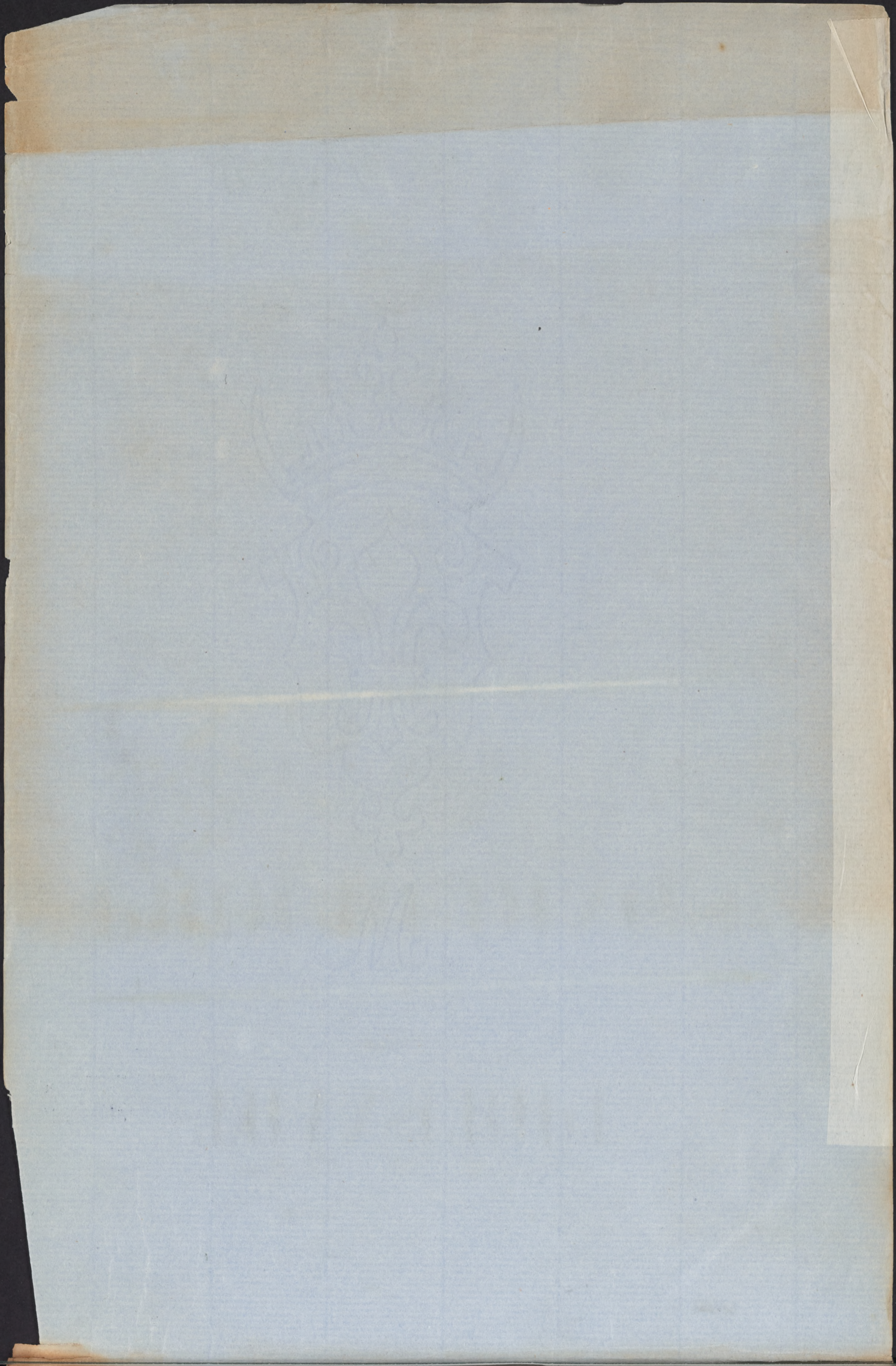
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350 ND
PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 359

José Antonio Albiser

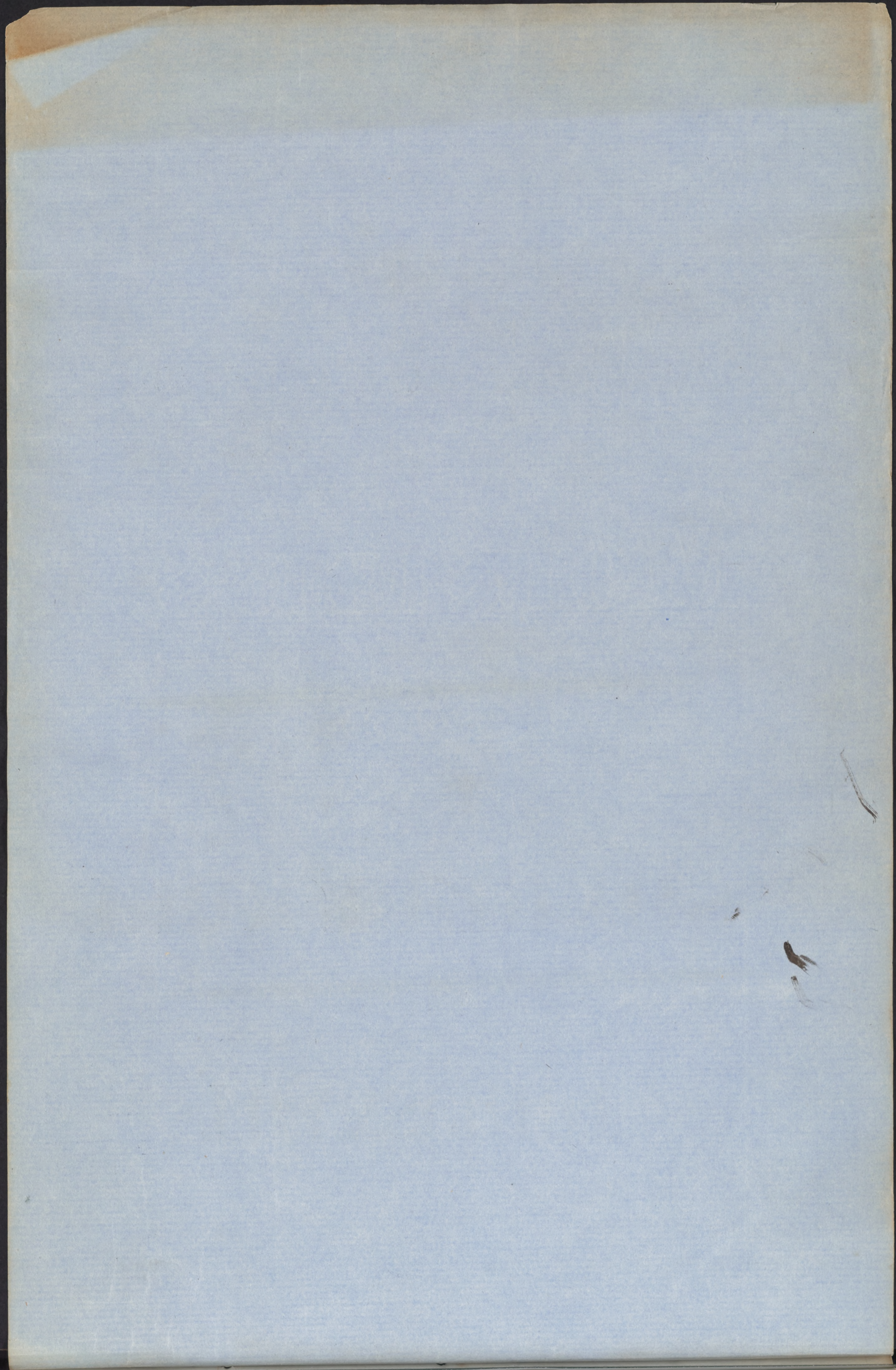
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Cañada Verde"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *twenty third of September*, 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 *José Antonio Albisu*,
for the Place named
"*Cañada Verde*"

was presented, and ordered to be filed and docketed with No. 359 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, February, 12. 1853.

In case No. 359, José Antonio Albisu for the place named "*Cañada de Verde*" y "*Arroyo de la Purisima*" the deposition of Pedro Chaboya, a witness in behalf of the claimant, taken before Commissioner Harry J. Winton, with document marked H. J. W. 1. and 2 and translation thereof annexed, thereto was filed
(vide page 4 of this transcript)

San Francisco February 23. 1853

In the same case the deposition of Manuel de Marantez, a witness in behalf of the claimant, taken before Commissioner Holand Hall, was filed:
(vide page 8 of this transcript)

San Francisco Feb 24. 1853.

In the same case the deposition of Manuel de Marantez, a witness in behalf of the claimant taken before Commissioner Holand Hall, with docu

ment marked H. H. Not annexed thereto, was filed:
(vide page 9 of this transcript)

San Francisco, February 24, 1853

In the same case the deposition of Jaco Castro, a witness in behalf of the claimant, taken before Commissioner Heland Hall with document marked H. H. Not annexed thereto, was filed:

(vide page 11 of this transcript)

San Francisco, March 12, 1853

In the same case the deposition of Jaco de la Cruz Sanchez, a witness in behalf of the claimant taken before Commissioner Heland Hall was filed:

(vide page 5 of this transcript)

San Francisco May 2, 1854

Case No 359 was ordered to be placed at the foot of the first class cases on the trial sheet

San Francisco, July 25, 1854

In the same case the deposition of Jaco Martin Cervantes, a witness in behalf of the claimant, taken before Commissioner Peter Tate, was filed:

(vide page 11 of this transcript)

San Francisco Aug 1, 1854

Case No 359, was submitted on briefs and taken under advisement.

San Francisco July 19, 1853

In the same case Commissioner J. B. Parnell delivered the opinion of the Board confirming the claim

(vide page 29 of this transcript)

and the following order was made, to wit:

(vide page 31 of this transcript)

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To the Board of U. S. Land
Commissioners for California.

Petition

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Your Petitioner Jose
Antonio Alvarer respectfully sheweth that
he claims to be the owner of a tract of land
known as La Canada de Arroyo de
la Purissima of the extent of two square
leagues situate in the North western part
of the County of Santa Cruz described and
bounded as follows viz.

On the North by the Arroyo de
la Purissima of the extent of two square
leagues situate in the North western part of
the County of Santa Cruz described and
bounded as follows viz.

On the North by the Arroyo
de la Purissima or creek separating the
same from the Rancho of Candalariv Maria =
Montes.

On the East by the Sierra or side
of Mountains running nearly parallel with
the Coast.

On the South by the Rancho formerly
by granted to Antonio Buena and

On the west by the Ocean.

That Your petitioner claims the
said land by purchase from his brother
Jose Maria Alvarer made April 10th 1840.

That on the 23rd of April AD
1837 the said Jose Maria Alvarer presented
his petition to Genl B Alvarado then
Governor of California his petition praying
in the usual form for a concession to himself
of the said Tract of land.

That said Alvarado referred
said petition to the Administrator of the Pri =
son of San Francisco for a report and

at the same time made a provisional grant to said Jose Maria authorizing and empowering him to occupy said land upon the coming in of said report a more formal grant should issue.

That immediately thereupon the said Jose Maria took possession of said land occupied and cultivated it making it the home of himself and family.

That on the 30th of April 1840 the Administrator of the Es. Mission of San Francisco to whom the said petition had been referred made his report upon the same to the effect that the land was vacant and could be granted and returned said documents to the said Jose Maria who thereupon pursuant to a contract of sale theretofore made of said land by him to your petitioner executed at the foot of said report a conveyance of said land to your petitioner.

That your petitioner and his said brother being in possession and the reputed owners of said land and the said documents being deemed full evidence of ownership your petitioner neglected to perform the mere formality of returning them to the Governor and receiving from him which would have been a matter of course the usual and formal definitive grant until a change of Government made this step impracticable.

Your petitioner states however that the occupation of himself and his said brother of said land commencing as aforesaid has continued now for more than fifteen years, that not only has

added by the neighboring inhabitants but

5-

Said ownership been universally acknow-
ledged by the neighboring inhabitants but
that it has been recognized and acted upon
by the Judicial Tribunals under the Mexican
Government.

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Your petitioner further states
that the documents above referred have
been kept by him as his Mementos of
title up to the present time and that he
offers them to the inspection of the Board.

Your petitioner knows of
no claim to said land conflicting with
his own and he prays that his said claim
to said land may be confirmed by your
Honorable body.

Clark Taylor & Beck.
Attas for Pet.

Filed in Office Sept 23rd 1852.

(Signed)
Geo Fisher Secy.

San Francisco March 14, 1853.

On this day before Court Richard Heald
came Jose de la Cruz Sanchez a witness in
behalf of the claimant Jose Antonio
Alvares petition No 359 and was duly sworn
his evidence being given in Spanish and
interpreted by the Secretary.

Depo of
Jose de la
Cruz Sanchez.

In answer to enquiries by counsel
for the claimant the witness testified
as follows,

My name is Jose de la Cruz
Sanchez My age is fifty six years & I re-
side in the County of San Francisco.

A paper is now shown me
which is attached to the deposition of

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of Manuel de Maraites heretofore
taken in this case & marked H. No. 1.

The report to which
my name is attached was made by me
when I was administrador of the Mission
of San Francisco de Asis and my genuine
signature which now appears to it was
placed there at the time it bears date.

I know the rancho called de
la Purisima. It has been occupied by
Jose Antonio Alviso for some years but
I cannot tell how long. He had a house
there & lived there before the Americans
but I cannot state how long before.

D. de la C. Sanchez.

Sworn & Subscribed

Before me

Highland Head Comr.

Filed in Office March 14, 1853.

(Signed)

Geo Fisher Secy.

San Francisco Feb 12, 1853.

Depo of
Pedro Chaboya.

On this day before Comr H. J. Thorton
Comr Pedro Chaboya a witness in behalf
of the claimant Jose Anto Avila petition
No 554 and was duly sworn his evidence
being interpreted by the Secretary.

Questions by claimant.

Just 1st.

What is your name age and
place of residence?

Answer.

My name is Pedro Chaboya
my age about twenty three years and

I reside at My Rancho in the Pueblo
of San Jose.

Quest 2^d.

Look at the document
now shown you marked Exhibit 1 and
attached to your deposition purporting to
be an agreement executed by Jose Maria
Alonso in favor of his brother Jose
Antonio Alonso dated the 2^d of May 1840
signed by the said Jose Maria Alonso
by making the sign of a cross and at-
tested by Pedro Chakoya.

State what you know con-
cerning said document, and whether the
cross thereto as the signature of the said
Jose Maria Alonso was so affixed by
him.

Answer.

I was present when the
said agreement was made and executed
I saw Jose Maria Alonso make the
cross upon said document and signed my
own name thereto and there as a witness thereto.
Question 3^d.

Look at the document now
shown you marked Exhibit 2 and attached
to your deposition purporting to be a
provisional Cession made by Jose
Castro to Jose Antonio Alonso on the
10th of June 1839.

State what you know
concerning said document and whether
the signature thereto is genuine?

Answer.

I am well acquainted with the
hand writing of Jose Castro having
frequently seen him write.

The signature to the

document shown me is the genuine
signature of Jose Castro.

Pedro Chabaya,
Service Recognized.

R. Gammelin Asst Law Agent.
Sworn to & Subscribed

Before me this 12th of July 1853.

Henry J Thornton
Comr.

Filed in Office July 12, 1853.

(signed) Geo Fisher Secy.

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Depo of
Manuel de
Marantes

San Francisco July 28, 1853.

On this day before Comr. Heiland Heald
came Manuel de Marantes, a witness in
behalf of the Claimant Jose Antonio
Alvares petition No 354, and was duly
sworn his evidence being interpreted by
the Secretary.

The U. S. Associate Law Agent was
present.

In answer to enquiries by Counsel for
the Claimant the witness testified as follows.

My name is Manuel de Marantes
My age is forty four years & I reside
in the County of Santa Clara.

I know the Rancho called
La Purissima claimed by Jose Antonio
Alvares and have known it ever since
1840. It is on the coast of the Ocean
twenty or thirty miles from this place
and is bounded on the North by Comodoro

Bulnes on the East by John Coppington

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Marimontes on the South by Antonio
Bulno on the East by John Copping
a Mountain covered by red wood being
the division between them and on the West
by the Ocean.

In the year 1840 the said
Alvise put 140 head of cattle on the land
with two small cabins one for sleeping
and the other for cooking.

In 1845 he built a
good modern house on it. Up to that
time he had occupied the land & had
some twenty acres fenced in & under
cultivation & his stock had been constantly
increasing.

In 1845 he moved his family
into the said house and they resided
there fourteen years and for a portion
of the time ever since I was herdsman
for him from 1840 to 1842.

his
Manuel de Marimontes
Mark.

Sworn to & Subscribed
Before me

Heiland Heall
Clerk.

Filed in Office Feb 23. 1853.

(Signed)
Geo Fisher Secy.

San Francisco Feb 24. 1853.

On this day before me Heiland Heall
Clerk Manuel de Marimontes a witness in
behalf of the claimant Jose Antonio Alvise
petition No 359 and was duly sworn his
evidence being interpreted by the Secy.

Depto of
Manuel
de Marimontes

The U.S. Associate Law Agent was present.

In answer to enquiries by Counsel for the Plaintiff the witnesses testified as follows.

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My name is Manuel de Maramba. My age is forty four years and I reside in the County of Santa Clara.

I am acquainted with the Rancho La Pinesma. Jose Ma. Alvarado had a grant of the Rancho from Governor Alvarado. he was owing money and it was agreed between him and his brother Jose Antonio Alvarado that Antonio should pay the debt and receive for it the land.

This agreement was made early in the year 1840 in my presence & the paper now shown me & which is hereto attached and marked H, H, No 1 was then handed over by Jose Maria to said Antonio and I have often seen it in said Antonio's possession since that time. I was after that herdsman for said Antonio for eighteen months in 1840 1841 & 1842.

Manuel de Maramba
Mark

Seems Subscribed
Before me

Heiland Head Comm.

Filed in Office July 24, 1853.

(Signed) Geo Fisher Secy.

San Francisco July 26. 1853.

Depo of
Jose Castro

On this day before Comm Heiland
shall came Jose Castro a witness
produced in behalf of the Claimant
Jose Antonio Alvarado petition No 359
and was duly sworn his evidence being
interpreted by the Secretary.

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The U. S Associate Law Agent was
present.

In answer to enquiries by the
Associate Law Agent, the witness testified
as follows.

My name is Jose Castro
My age forty four years and I reside
at Monterey

A paper now shown me
marked H. H. not and hereto attached
is a genuine original paper & was signed
by me at the time it bears date.

Jose Castro,
Sworn & Subscribed
Before me
Heiland Heall Comm.

Filed in Office July 26. 1853.

(Signed)
Geo Fisher Secy.

United States of America
State of California 325

San Francisco July 25. 1854.

Depo of
Jose M
Covarrubias

This day personally came before Peter
Lopp Commissioner for taking Testimony
to be used before the Board of U. S
Land Commission in said State Jose M

Leovarrubias, a Witness on behalf of the
Claimant Jose Antonio Alvarado in
Case No 354 on the docket of said Board
Said Witness being duly sworn on oath
deposed in Spanish which being interpret
ed by the interpreter as follows.

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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 Jose Maria Leovar-
rubias My age 46 years My residence Santa
Barbara County California -

2nd Question.

Do you know the handwriting
of Juan B Alvarado former Governor of
California, if you state your means of
knowledge and look at the document
marked H. H. not annexed to the depo
of Manuel de Maramba &c and filed in
this case and state whether the name of
Said Alvarado as it appears in the Mar-
ginal diera of said document opposite the
dising is his genuine signature?

Answer.

I was personally and intimately
acquainted with said Alvarado have
often seen him write and sign his
Name and this is his genuine signature
without any doubt.

Filed in Office
July 25. 1854.

(Sgd) J.
Geo Fisher
Secy.

J. M. Leovarrubias.
Subscribed and sworn to before me on
this 23rd day of July A.D. 1854. Peter Gott Com &c

Secy. this 25th day of July 1838. Peter Gott Comr

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Dr. [unclear] [unclear]

Sr. Jefe Sup^{or} Polita

H. H. N. 1.
annexed to the
Deposition of
Manuel de Marante.

Itoblara
Mzo. 25 de 1838
Informe el
Administrador de la
Exencion de
Sr. Juan ex. de sis
en concepto de
siendo baldio el
terreno menciona
do puede el interes
sado en virtud de
este decreto ocupar
provisionalmente
endo acompañar el
diseño correspondiente
Alvarado.

El Ciudadano Jose Ma.
Alvise ante V. S. respetu-
osamente me presento y
digo que deseando dedi-
carme al interesante ramo
de la agricultura por ser
este el giro a que me
inclina mi profesion para
el adelanto de algun
numero de bienes de campo
que poseo, suplico a V. S.
se sirva concederme conforme
a las leyes de coloniza-
cion dos sitios de ganado
mayor en las tierras que
hay desde el arroyo de
la Purisima a los linderos
del rancho del Ciudadano
Antonino Buelna. Este
terreno es baldio no pertene-
ciendo a la propiedad de
ningun individuo pueblo

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o Misión. P. F.

A. V. S. suplico se sirva dar a esta mi instancia el giro correspondiente sirviendose al mismo tiempo concederme provisionalm^{te} su ocupación mientras se resuelve el expediente jurando lo necesario y sirviendose admitir esta en papel común por no haber del sello que corresponde en este lugar.

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Sta. Clara Mayo. 25
de 1838.

Jose M.^o Albiso.

El Administrador de la Ex Misión de S. Fran.^{co} de Asis: en vista del Decreto que antecede dice: con respecto al terreno que solicita el interesado en la instancia precedente que dho. terreno es valdío y nunca se ha ocupado ni reconocido por propiedad de este Establecim^{to} ni de otro particular, en tal concepto; puede considerarlo. Establecim^{to} de Dolores

Abril 30 de 1840.

Jose de la C. Sanchez

Le do mi derecho que por la presente concecion me pertenece a mi Hermano Jose Antonio Albiso y para los efectos que le combengan firmo la presente en

Sta. Clara Abril 30 de

1840.

Jose Maria Albiso
+

Filed in Office Feby. 24th 1853.

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Mr Superior Political Chief,

B.
Translation
of
A.

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The Citizen Jose Maria Aloisio respectfully presents himself before Your Honor and represents that being desirous to dedicate himself to the interesting pursuit of agriculture, this being the occupation to which he is inclined by profession as well as by the fact of his possessing a number of cattle he solicits that being it may please Your Honor to concede to him conformably to the laws of Colombia two square leagues of land in the Territory situated between the Arroyo de la Purissima and the borders of the Rancho of Citizen Antonio Buena. This land is vacant and does not appertain to the property of any individual Pueblo or Mission.

Wherefore he asks that Your Honor would see fit to subject this his petition to the corresponding course of procedure being pleased at the same time to concede to him provisionally the occupation of the land while the Expediente is in process of being formed having taken the necessary oath &c. asking that this be admitted on common paper for the reason that there is no corresponding stamped paper in this place.

Jose Maria Aloisio,
Santa Clara April 25th 1838.

(In the Margin)

Santa Clara April 25th 1838.

Let the Administration of the

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Ex Mission of San Francisco de Assis report. In view of which the land described being vacant the interested party (petitioner) may occupy it provisionally by virtue of this decree which should also be accompanied by the corresponding map (desmo)

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Alvarado.

The Administrator of the Ex-Mission of San Francisco de Assis in view of the preceding decree reports in regard to the land which the party to the foregoing petition solicits that the said land has never been occupied nor recognized as property by this Establishment nor by any private individual.

Establishment of Dolores April 30, 1840.

José de la Cruz Sanchez.

The interest pertaining to me by virtue of the above concession I convey to my brother José Antonio Alvarado and for such objects as may serve him I execute these presents in Santa Clara April 30th 1840.

José Maria Alvarado

Filed in Office Sept 23, 1839.

Sejma, Geo Fisher
Secy.

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Exhibit

No 1.

annexed to
the Depo. of
Pedro Chaboya
before Comr.
W. J. Thornton

No conformandose mi hermano
Jose Antonio Alviza con la simple
seccion que de mi derecho hago del
terreno solicitado por mi, he convenido
con mi dicho hermano en vendersele
de acuerdo con mi esposa, en la
cantidad de mil doscientos pesos,
los que he recibido en moneda
corriente a mi entera satisfaccion
compromitiendose por su parte a
requirir los cursos que le convengan
ante el Gobierno. Y por este y por
la mia renuncio cuanto a mi derecho
haya lugar a nombre de mis herederos
y sucesores para que en ningun tiempo
puedan hacer reclamo alguno;
siendo testigos de este contrato y
venta los Señores Don Tomas Pacheco
y Don Pedro Chaboya, rubricado
por mi parte con una señal de
Cruz por no saber. En la Mision
de Santa Clara a dos de Mayo
de mil ochocientos cuarenta.

Pedro Chaboya.

Filed in Office Feby. 12. 1853.
Geo. Fisher
Secy.

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The first thing I noticed
 when I stepped out of the
 train was the fresh air.
 It felt like a breath of
 life after being cooped up
 in the city for so long.
 The sun was shining
 brightly, and the birds
 were chirping happily.
 I took a deep breath
 and smiled. This was
 my chance to start
 over. To leave behind
 all the stress and
 worry of the city and
 embrace the peace and
 beauty of the countryside.
 I had heard so much
 about the beauty of the
 mountains and the
 rolling hills. I had
 seen pictures and read
 books, but nothing could
 prepare me for the
 real thing. The view
 was absolutely stunning.
 The mountains were
 majestic and the hills
 were so peaceful. I
 felt like I had found
 a new world. A world
 where I could finally
 relax and enjoy the
 simple pleasures of
 life. I had come to the
 right place. I had found
 my home.

Translation
of
Exhibit No. 1.
Annexed to
Deeds of
Pedro Chabaya

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My brother José Antonio Alvarado
not being satisfied with the simple
cession of the right I have to the land
solicited by me. I have agreed with
my said brother to sell it to him with
the assent of my wife for the quantity of
Twenty Hundred dollars which I have
received in current money to my entire
satisfaction. Leaving myself on his part
to take the steps belonging thereto before
the Government.

And for that and for
my part I renounced my right thereto
in the name of my heirs and successors
so that at no time any reclamation may
be made. The witnesses to this contract and
sale being the Seniors Don Tomas Pacheco
and Don Pedro Chabaya. Signing for
my part with a sign of the cross because
I do not know how to write.

In the Mission of Santa Clara
the second of May Eighteen
hundred and forty.

(sign) +

(sign) Pedro Chabaya.

Filed in Office Feb 12. 1853.

(sign) Geo Fisher
Secy

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Exhibit
N.º 2.
annexed to
the Dep.º

Esta la peticion con que el
Cuid.º Jose Antonio Albiza hace a
la Prefectura de mi cargo del
terreno de la Cañada Verde se le
debuelvo para que la eleve al Excmo.
Gov.º Gobernador para su consecucion,
disponiendo por mi parte que puede
provisionalmente ocupar el terreno
por constarle a la Prefectura de
mi cargo el ser valido entendida la
parte interesada que el Excmo. Gov.
Gobernador es la quien corresponde
por la ley conceder los terminos como
ella lo previene.

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Dios y Libertad.

Pueblo de S. Jose Junio 10
de 1839.

José Castro.

Gov. D. José Antonio Albiza.

Filed in Office Feby. 12. 1853.
Geo. Fisher
Secy.

The first part of the paper
 is devoted to a general
 description of the
 country and its
 resources. The second
 part is a detailed
 account of the
 various industries
 and occupations
 of the people. The
 third part is a
 description of the
 climate and the
 seasons. The fourth
 part is a description
 of the government
 and the laws of the
 country. The fifth
 part is a description
 of the education
 and the sciences
 of the country. The
 sixth part is a
 description of the
 arts and the
 manufactures of the
 country. The seventh
 part is a description
 of the commerce
 and the trade of the
 country. The eighth
 part is a description
 of the military
 and the naval
 forces of the country.
 The ninth part is a
 description of the
 religion and the
 customs of the
 country. The tenth
 part is a description
 of the history and
 the events of the
 country. The eleventh
 part is a description
 of the present
 state of the country
 and the prospects
 for the future. The
 twelfth part is a
 description of the
 population and the
 distribution of the
 people. The thirteenth
 part is a description
 of the language and
 the dialects of the
 country. The fourteenth
 part is a description
 of the coins and the
 currency of the
 country. The fifteenth
 part is a description
 of the weights and
 the measures of the
 country. The sixteenth
 part is a description
 of the public works
 and the buildings
 of the country. The
 seventeenth part is a
 description of the
 public institutions
 and the societies of
 the country. The
 eighteenth part is a
 description of the
 public libraries and
 the museums of the
 country. The nineteenth
 part is a description
 of the public parks
 and the gardens of
 the country. The
 twentieth part is a
 description of the
 public works and the
 buildings of the
 country.

Translation
of
Exhibit No 2
annexed to
Diplo of
Faro Chubya.

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Having seen the petition which the
Citizen Jose Antonio Aliso has made
to the Prefecture under my charge of
the land of the Lunada lands, I restored
it him so that he may bring it to his
Excellency the Governor for its concession
disposing on my part that he may provis-
ionally occupy the land.

It has appeared to the
Prefecture under my charge to be unoccu-
pied the interested party understanding
that His Excellency the Governor is the
person to whom pertains by law the
concession of lands as provided by the
law.

God and Liberty —
Puerto of S. Jasi' June 10. 1839.
(Signed)
Jose' Castro.

Filed in Office Feb 13. 1858.
(Signed) Geo. Fisher Secy.

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Don H. H.
N.º 1.
annexed to
the Dep. of
Jose Castro

El Ciudadano Jose Castro
Teniente Coronel de Caballeria y
Comandante General interino del
Departamento de California.

Certifico que en el año de
mil ochocientos cuarenta siendo
Prefecto de este Distrito solicito Don
Jose Antonio Albiso el terreno llamado
Cañada Verde lindero hanollo de
la Purissima, en estension de medio
sitio de Ganado Mayor. Ya pedimento
del interesado le doy el presente por
los usos q. le combengan. en Monterrey
a veinte y seis de Abril de mil
ochocientos cuarenta y seis.
Jose Castro.

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Filed in Office Feb. 26. 1853.
Geo. Fisher
Clerk.

Translation
of Doc
H. H. No. 1.
ann^d to disp^o
of Jose Castro.

The Captain Jose Castro
Lieutenant Colonel of Cavalry and
Commander General "ad interim" of the
Department of the Californias -

I certify that in the year
Eighteen Hundred and Forty being Prefect
of this District Don Jose Antonio Alviso
solicited the land called Canada Ardo
from the Comandante of the Arroyo of Puris-
simo in Estacion of half a Liga de
Canada Mayor, and at the solicitation of
the interested party I give him the
present for the uses that may suit
him.

Monterey Twenty Sixth of
April Eighteen Hundred
and Forty 24 -

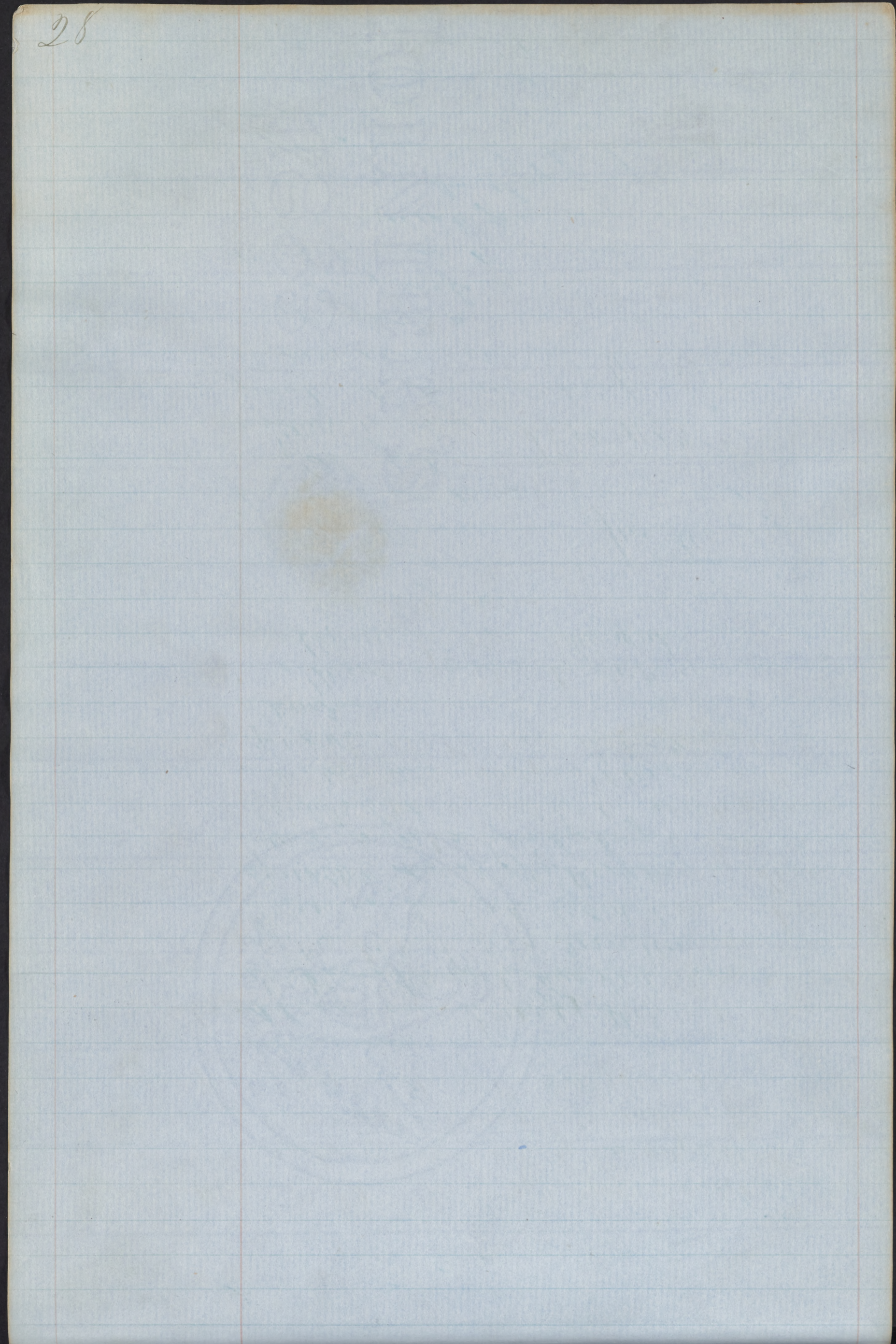
(signed)

José Castro.

Filed in Office Feb 26, 1853.

(signed)

Geo Fisher
Secy



... 259 ... (see plan called ... de ...)

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No 359

Jose Antonio Abrisa

vs
The United StatesFor a place called
"Canada de Verde",
containing two square
leagues in the County
of Santa Cruz.Opinion of the Board
delivered by Comanifino
S. B. Farnell350 ND
PAGE 24

The petitioner in this case claims title under his brother Jose Maria Abrisa and in support of his claim he has offered in evidence the original expediente of the said Jose Maria Abrisa asking a concession of the land, dated the 25th day of April, 1838, accompanying which is a map of the place

To which expediente is also attached an order from Governor Alvarado to the Administrator of the Mission of San Francisco to report whether the land is vacant together with a provisional grant, authorizing the petitioner to occupy the place until the report could be received and a further grant be issued. The order and provisional grant bearing date the 25th of April, 1838

The petitioner has also offered in evidence a deed of conveyance from the grantee to himself dated the 2^d day of May 1840, all of which documents are properly authenticated

The proofs in the case establish the facts that the original grantee went into immediate possession of the same and built dwelling houses and lived on the place with his family, and that he and the present claimant have continued to occupy the same ever since to the time of filing his petition

Lucien. We are of the opinion that the evidence in this case clearly establishes an equitable right to a confirmation, and a decree will be entered accordingly.

Filed in Office July 19. 1855

(Signed)

Geo Fisher Secy.

350 ND
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No 359

José Antonio Alca
vs
The United States

Decree of
Confirmation

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 his application for a confirmation thereof be allowed.

The land of which confirmation is hereby given is situated in the County of Santa Cruz, containing two square leagues, and is called "Carrada de Verde" and to be located between the Arroyo de la Purisima, and the borders of the ranch of Antonio Buelna. Reference being had to the grant and map accompanying the expediente on file in this case.

A. Aug. Thompson

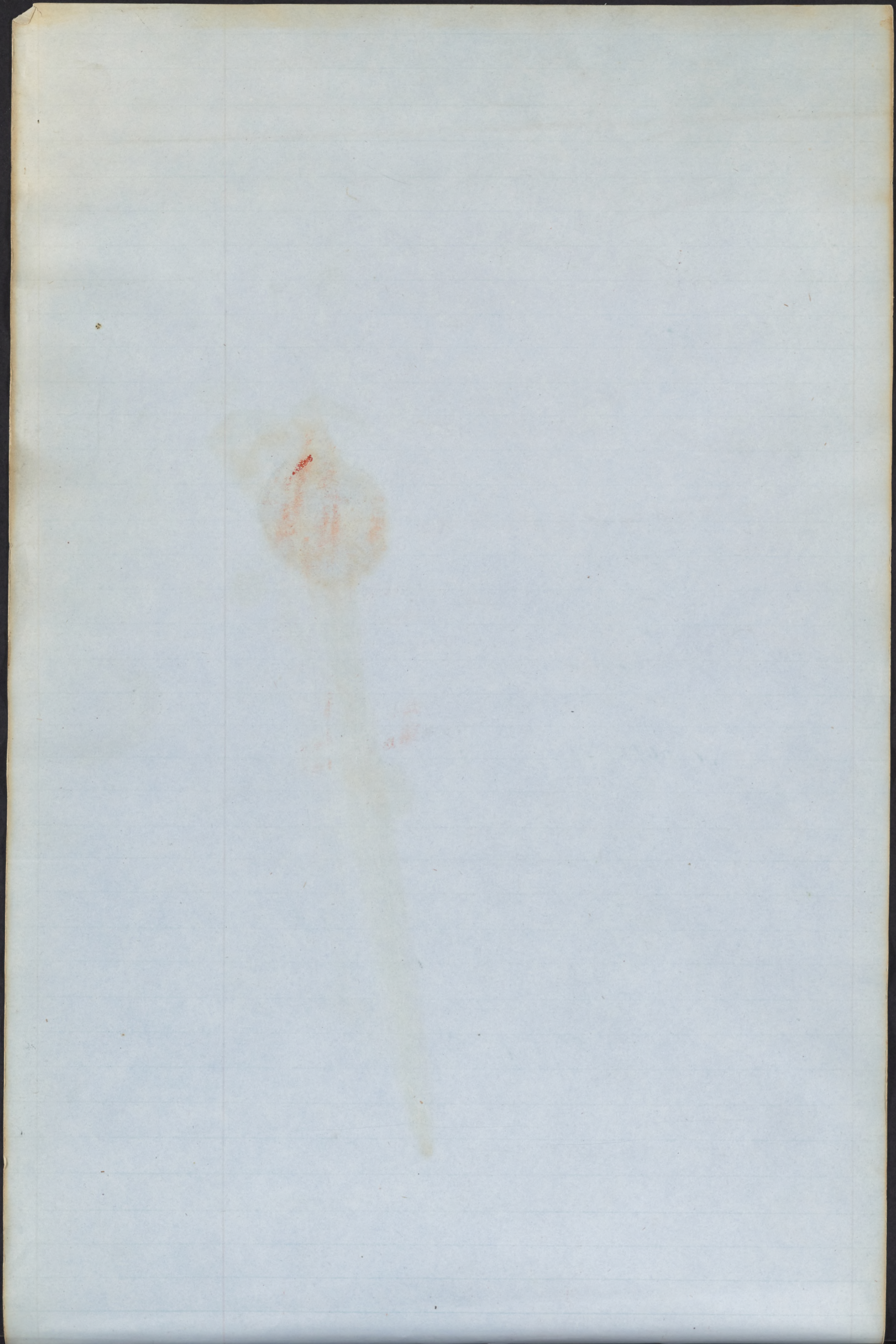
S. B. Farnell

Filed in office July 10, 1855
(Signed) Geo Fisher Secy.

Commissioner

350 ND
PAGE 26

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.

350 ND
PAGE 27

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 one* pages, numbered from
1 to *31*, 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. *359*, on the Docket of the said Board,
wherewith

José Antonio Albino

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

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 first day of *November*
A. D. 1855, and of the Independence of the
United States of America the *seventy eighth*.

Geo. Fisher.

Sig.



350

U. S. DISTRICT COURT,

Northern District of California.

No. 350-

350

THE UNITED STATES,

vs.

ND

Jose Antonio Alvarado

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS.

In Case No.

359

Filed, December 1 1853

J. A. Monroe,

Clerk.

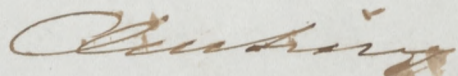
Office of the Attorney General of the United States,

Washington, 31 Dec. 1855.

359. "Cañada Verde"

Jose Antonio Albisu. Claimant

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 10th day of December, 1855, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.



Attorney General.

No. 350

United States
vs
In re Antonio Alvares.

Notice of Appeal in
Case no. 359.

Filed February 11, 1856
J. Cheever,
Deputy.

350 ND
PAGE 29

One

In the District Court of the United States
for the Northern District of California.

The United States,

Appellants,

350 ND
PAGE 30

v.
Jose Antonio Alviso,
Appellee.

No. 350. On Appeal from the Board of
Commissioners etc. etc.

To the honorable the District
Court of the United States for the Nor-
thern District of California:

The Petition of the United
States, by their attorney, respectfully rep-
resents,

That this cause is an appli-
cation for a review of the decision of the
Board of Commissioners whereby the claim
of Jose Antonio Alviso, the Appellee in
the said cause, to the land in the pro-
ceedings mentioned was confirmed as
appears by reference to the transcripts
of the said proceedings;

That the transcripts of the
proceedings in the said cause before the
Board of Commissioners etc. etc. was
filed in this Court on the 1st day of
December in the year 1855;

That a notice of Appeal
was filed in the said cause on the 11th
day of February in the year 1856;

That the land claimed
by the said appellee is situated within
the said Northern District of California,
That the said claim is in-
valid:

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PAGE 31

Wherefore the said appell-
ants pray that the said decision of the
said Board of Commissioners be re-
versed and that this Court decree the
said claim of the said appellee to be
invalid.

Respectfully etc.

S. W. Jones

U. S. District Attorney.

U. S. Dist. Court.

The United States
v. ζ No. 350.
Jose Antonio Aloiso

Petition

of
The United States
on
Appeal.

Filed April 20, 1856,
Charles
Deputy,

350 ND
PAGE 32

S. W. Inge
U. S. Dist. Atty.

In the District Court of the United
States for the Northern District of
California.

350 ND
PAGE 33

The United States,
Appellants,

v.

Jose Antonio Alviso,
Appellee.

No. 350 — On appeal from
the final decision of the Board of
Commissioners to ascertain and set-
tle private land claims in the
State of California.

Answer.

To the honorable
The District Court of the United
States for the Northern District
of California:

The Answer of the above
named appellee to the Petition on Ap-
peal of the above-named Appellants
respectfully sheweth:

350 ND
PAGE 34

That it is true that the
land mentioned and described in the
Transcript of the Proceedings and de-
cision of the Board of Commissioners
to ascertain and settle private land
claims in the State of California
and of the papers and evidence on which
the same were founded, lies in the Nor-
thern District of California;

That his title to the said
land is valid;

Wherefore he prays that
this honorable Court will decree his
said title to be valid and confirm
the said land to him.

J. W. L. G. H.
Att'y for the Appellee.

U. S. Dist. Court.

United States
v. No. 350.
J. A. Aloiss.

Answer.

Filed June 18, 1854,

350 ND
PAGE 35

B. W. Leigh
Att'y for Appellee.

At a Stated Term of the District Court of the United States for the Northern District of California, continued and held in and for the said District, at the Court Room of the said Court, in the City of San Francisco, on Monday the 9th day of March A.D. 1857.

Present:

The Honorable Ogden Hoffman,
District Judge.

The United States,

Appellants,

v. Decree to.

José Antonio Aloiso,

Appellee.

No. 350 - On appeal from the final decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California.

This cause came on to be heard at a Stated Term of the Court

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 an Act of Congress approved on the 3rd day of March A.D. 1851, upon the transcript of the proceedings and decision of the said Board of Commissioners, and of the papers and evidence upon which the said decision was founded; and it appearing to the satisfaction of the Court that the said transcript has been duly filed according to law, and counsel for the respective parties having been heard, it is, by the Court, hereby, adjudged, ordered, and decreed that the said decision be and the same is hereby in all things affirmed save only in the description of the land thereby confirmed: And it is likewise further adjudged, ordered, and decreed that the claim of the said Appellee is a good and valid claim, and the same is hereby confirmed to the said Appellee to the extent and quantity of two square leagues of land being the same land described in the petition of Jose Maria Alviso to Juan B. Alvarado, Governor of the Department of the Californias, dated the 25th day of March, A.D., 1838, and the marginal decree of the said Alvarado,

Governor as aforesaid, written thereon, and of which land the possession is proved to have been long enjoyed: Provided that the said quantity of two square leagues be contained within the boundaries called for by the said petition and the said marginal decree and the map thereto attached - all of which are on file among the papers in this cause; but if there be less than the said quantity of land contained within the said boundaries then the said claim is confirmed to the extent of such less quantity and no more.

Ogden Hoffman
U. S. Dist. Judge

No. 350.
U. S. Dist. Court
S. D. of California.

The United States,
v. No. 350.

Jose Antonio Alviso

Decree.

Filed this 9th day
of March A.D. 1857.
W. A. Chever,
Deputy Clerk.

(3)

350 ND
PAGE 39

B. H. Leigh,
Att'y for the claimant.

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

Present:

350 ND
PAGE 40

The Honorable OGDEN HOFFMAN, District Judge.

The United States

Jose Antonio Alvarado

D. C. 350; L. C. 359.

In this case, on application of the United States Attorney made in open Court, it is ordered by the Court that an appeal in behalf of the United States from the final decision of this Court, rendered at the present term, be, and the same is hereby granted; and that a certified transcript of the pleadings, evidence, depositions and proceedings in the said cause be sent to the Supreme Court of the United States without delay.

350.

United States District Court, Northern
District of California.

The United States

vs.

Jose Antonio Alovia

ORDER.

granting appeal

Filed *March 24, 1857*

John A. Munroe,
CLERK.

By *W. H. Cheever*
DEPUTY.

(4)

350 ND

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At a Stated Term of the District Court of the
 UNITED STATES OF AMERICA, for the Northern District of
 California, held at the Court Room, in the City of SAN FRANCISCO,
 on *Friday* the *27th* day of
August in the year of our Lord one thousand
 eight hundred and fifty-~~seven~~ *eight*,

Present:

350 ND
 PAGE 42

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

José Antonio Aloisio

D. C. 350; L. C. 359

In this case, on application of P. Della Torre, Esq., U. S. Attorney, it is ordered that an appeal in behalf of the United States from the final decisions of the Court rendered in said cause at the December, 1856 term be and the same is hereby granted, and that a certified transcript of the pleadings, evidence, depositions and proceedings in the said cause be sent to the Supreme Court of the United States without delay; and the appellants are ordered to serve the usual citation according to law.

Ogden Hoffman
 U. S. Dist Judge

350

United States District Court, Northern District of
California.

The United States

vs.

José Antonio Alvares

ORDER.

granting appeal

Filed *August 27, 1858,*

W. H. Chivers

CLERK.

By

DEPUTY.

350 ND
PAGE 43

Clark Taylor 1858


United States of America,
To Jose Antonio Alvarado;
Greeting.

350 ND
PAGE 44

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden in Washington on the first Monday in December next, pursuant to an order of appeal granted on the ~~twenty~~ seventh day of August a. D. 1858, by the District Judge of the District Court of the United States for the Northern District of California, in a certain suit wherein the United States are plaintiffs and you are defendants on appeal, to show cause, if any there be, why the decision in the said appeal mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness my hand and seal at San Francisco this 27th day of August in the year of our Lord one thousand eight hundred and fifty eight.

Edw Hoffman
U. S. Dist Judge



350

U. S. Dist Court

The United States

v.

Lore Ant. Aloisio

Citation

Due service of copy within
citation by U. S. Marshal
admitted this 28th day of
August A.D. 1858.

J. Clarke
Atty for U. S.

Filed Aug 28/58

W. H. Chivers,

Clk.

350 ND
PAGE 45

At a Special Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court House, in the City of SAN FRANCISCO, on Thursday the Tenth day of May, 1859 in the year of our Lord one thousand eight hundred and ~~fifty nine~~, *for the trial of land cases,*

350 ND
PAGE 46

Present:

M. Hall McAllister, Circuit Judge,
The Honorable OGDEN HOFFMAN, ~~District Judge~~

The United States,

Appellants,

vs.

Jose Antonio Alviso,
Claimant.

D. C. 350. L. C. 359.

And now comes the said claimant Jose Antonio Alviso by his proper Attorney Russell & Leigh and presents the Mandate of the Supreme Court of the United States affirming the decree of this Court made herein as more particularly appears by reference to the said Mandate; Whereupon and on motion of the said claimant by his said attorney -

It is Ordered that the said Mandate be filed, and made a part of the record of this Court in this cause - and that the said claimant may proceed under the said Mandate and under the decree of this Court as thereby affirmed - as under final decree.

It is Ordered that the said Mandate be filed, and made a part of the record of this Court in this cause - and that the said claimant may proceed under the said Mandate and under the decree of this Court as thereby affirmed - as under final decree.

M. Hall McAllister

Judge

350 ND

No. 350,
District Court of the United States
IN AND FOR THE
Northern District of California.

José Antonio Alvarez,
alias

The United States

*Order directing the
filing of Mandate
at S. Sup. Court.*

Filed *May 10,* 186*0,*
W. A. Chees, Clerk.

By _____
Deputy.

350 ND
PAGE 17

District Court of the United States for the Northern District of California.

Clerk's Office,

of the said Court.

I hereby Certify the foregoing to be a true copy from the Minutes

By _____
Clerk.
Deputy.

UNITED STATES OF AMERICA, SS.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

350 ND

PAGE 48

To the Honorable the Judges of the District Court of
the United States, for the Northern District of
California _____

greeting:

Whereas, lately, in the District Court of the United States, for the Northern District
of California before you, _____ in a cause
between The United States, appellants, and José Antonio
Alvizo, appellee, the decree of the said District Court
was in the following words, viz:—

This cause came on to be heard
at a stated term of the Court, 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 an act of Congress approved on the 3^d day of March
A. D. 1851. upon the transcript of the proceedings and
decision of the said Board of Commissioners, and of the
papers and evidence upon which the said decision
was founded; and it appearing, to the satisfaction
of the Court, that the said transcript has been duly filed
according to law, and counsel for the respective parties
having been heard, it is by the Court hereby adjudged,
ordered and decreed that the said decision be and the
same is hereby, in all things affirmed, save only in
the description of the land thereby confirmed.

And it is likewise further adjudged ordered
and decreed, that the claim of the said appellee is a good
and valid claim, and the same is hereby confirmed to
the said appellee to the extent and quantity of two
square leagues of land being the same land described

in the petition of José Maria Alviso to Juan B. Alvarado, Governor of the department of the Californias dated 25th day of March A.D. 1838. and the marginal decree of the said Alvarado, Governor as aforesaid, written thereon, and of which land the possession is proved to have been long enjoyed: Provided, that the said quantity of two square leagues be contained within the boundaries called for by the said petition, and the said marginal decree, and the map thereto attached, all of which are on file among the papers in this cause; but if there be less than the said quantity of land contained within the said boundaries then the said claim is confirmed to the extent of such less quantity, and no more."

as by the inspection of the transcript of the record _____

_____ of the said District Court, which was brought into the Supreme Court of the United States, by virtue of an appeal

agreeably to the act of Congress, _____

_____ in such case made and provided, fully and at large appears.

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *fifty nine* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: On consideration whereof, it is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby affirmed.

Feb: 27th

You, therefore, are hereby commanded that such *further* _____ proceedings be had in
said cause, _____

as according to right and justice, and the laws of the United States, ought to be had, the said *appeal*
notwithstanding:

Witness the Honorable *Roger B. Taney* Chief Justice of said Supreme Court, the
first Monday of *December* in the year of our Lord one thousand eight hundred
and *fifty nine*

COSTS, _____

Clerk,.....\$ _____
Attorney,....\$ _____
\$ _____

Traced by

Wm. H. Carroll
Clerk of the Supreme Court of the United States.

No. 76, December Term, 1859.

MANDATE

SUPREME COURT UNITED STATES.

W. State vs. Davis

Filed May 10. 1860,

A. D. Cheever,

Clerk.

District Court of the United States
Northern District of California

350 ND
PAGE 52

The United States }
vs }
Jose Antonio Alvarado }
No 350.
L. C. 359.

The Petition of Cahoon Berham
District Attorney of the United
States for the Northern Dis-
trict of California respectfully
sheweth to the court, that a final
order of Confirmation has been re-
solved in the above entitled cause
that a survey purporting to be a
survey of the tract confirmed
has been made by the U. S. Sur-
veyor General for the State of Cal-
ifornia, and that the same was
approved by him on the 30 day of
August ¹⁸⁶⁰ September 1860. that the first
publication of said survey, pursuant
to the Act of Congress was made by
said Surveyor General on the 17th
day of said Sept 1860. That there
is error in said survey in that
it includes all the lands lying be-
tween the Tunitas creek and the
Lobitas creek, whereas all of said

lands should have been excluded from said survey as being outside of the boundaries of the tract confirmed that James Wilson, Richard von Bunnep - Calvin Putnam - J. D. Roberts - Matthew Sims - James Sims jr - William O Brian - Andrew Nelson - J. H. Richardson and Andrew Martin, are in the possession and occupation of said land so between said creeks claiming the same under preemption and settlement, ^{and} under title derived from the United States as pre-emptioners and settlers, and that said title will become valid if said land is excluded from said survey.

Petitioner therefore prays that said survey may by order of this court, be returned thereto for examination and correction.

Calvin B. Whann
Dist. Ct. of U. S. States
J. C. Clarke, of Counsel
for Petitioner

Andrew Martin, one of the settlers in said petition named, me with oath and with that the matters and things set forth in the foregoing petition touching the interests of the settlers therein named in the

Land therein mentioned as being
occupied by them as true

350 ND
PAGE 54

Andrew Martin

Spont. and subscribed
Sept. 26. 1860. before me,
W. A. Chevalier
N. J. Com.

No. 350.
District Court of the
United States
Northern District
of California
No. 350.

The U. S. States
vs
Jon Antonio Alamo

Petition to return
Survey

Filed Oct. Ind. 1860.
W. A. Chesebrough
Clerk

350 ND

PAGE 55

San Mateo.

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 Tuesday the second day of October in the year of our Lord one thousand eight hundred and sixty.

350 ND
PAGE 56

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States,

v.

José Antonio Alvisu,

IN LAND CASES.

District Court No. 350,

Land Com. No. 359.

AND now at this day
on application of Calhoun Benham Attorney
for the United States IT IS ORDERED, that the Surveyor
General of the United States for California return into this Court, on or before Wednes-
day, the 24th day of October A. D. 1860, his
Official Survey and Plat of the land finally confirmed in the above entitled cause, known
as "Cañada Verde" and situated in the County
of San Mateo in said District; AND IT IS FURTHER OR-
DERED, that the United States Marshal for this District serve upon the said Surveyor
General, without delay, a certified copy of this order, and make due return hereon.

Served personally by copy on J. N. Mandeville
U. S. Surveyor General for California.
San Francisco
Sept. 2^d 1860

J. L. Solomon
U. S. Marshal
By J. L. Solomon
Deputy,

No. 350,

UNITED STATES DISTRICT COURT
Northern District of California.
IN LAND CASES.

THE UNITED STATES,

v.

José Anta Almar,

ORDER TO RETURN SURVEY.

Returnable October 24, 1860.

Issued October 2nd, 1860.

Filed Oct. 14, 1860

M. H. Cheney
Clerk.

350 ND
PAGE 57

At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the CITY OF SAN FRANCISCO, on Wednesday the 24th day of October in the year of our Lord one thousand eight hundred and sixty,

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PAGE 58

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

José Antonio Alvariz,

IN LAND CASES.

District Court No. 350

Land Com. No.

AND now at this day the United States Marshal having made return upon the Monition heretofore issued in this cause, that he had given due notice as therein commanded; on motion of _____ Attorney for _____

proclamation was made that all parties having, or claiming to have, an interest in the survey and location of the land finally confirmed in the above entitled cause, appear and intervene for the protection of such interest;

The U. S. Attorney, and Jeremiah Clarke appeared for the U. S. and A. Hassell for claimant, R. A. Lloyd appeared for A. J. McCabe, and James Johnston, and filed their intervention, Mc Donogh, and Sharp appeared for the heirs of C. Miramontes, and on motion ordered that he be allowed five days to file intervention in that behalf. As other party appearing,

whereupon IT IS ORDERED, that the default of all parties not appearing as aforesaid be and the same is hereby entered.

No. 350

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

José Antonio Alvarado,

ORDER ON RETURN OF MONITION.

Filed October 24, 1860

M. A. Cherris,
Clerk.

350 ND
PAGE 59

United States of America,)
Northern District of California.)

SS.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,
To the Marshal of the United States for the Northern District
of California,

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 350, to *José Antonio Alvarado* known as "*Cañada Verde*", and situated in the County of *San Mateo* in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the *24th* day of *October* A. D. 1860, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this *2nd* day of *October* A. D., 1860.

H. A. Keers

CLERK.

1121
No. 350

UNITED STATES DISTRICT COURT,
Northern District of California.
IN LAND CASES.

THE UNITED STATES.

v.

Josi Ant^a Alvaru.

MONITION.

Returnable October 24th 1860.

Issued October 2nd 1860.

Filed Oct. 24 1860.

W. A. Cheves

Clerk.

350 ND
PAGE 61

The within Monition was received by me on
Tuesday the 2nd day
of October 1860, and in obedience thereto

I have given due notice, as therein commanded, by causing
the publication of said notice, for 4 consecutive

Wednesdays, in the San Francisco Herald, commencing
on the 3th day of October

1860; and for 3 consecutive Saturdays, in the
San Mateo Gazette

a paper published nearest the land, commencing on the
24th day of October 1860.

Dated San Francisco, Oct 24 1860

P. L. Solomon

U. S. Marshal.

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

350 ND
PAGE 62

The United States }
vs. }
Jose Antonio Alviso }

The petitioners
Andrew J. Mc Cabe and James John-
ston by their attorney herein
~~Richard H. Lloyd~~
~~Mc Cabe & Co~~ respectfully
show to the Court
That
the approved survey of the
"Cauada Verde" the land in
controversy in this case, has
a petition made for that
purpose been heretofore
deced to be returned into this
San Court for examination
and adjudication, and is
~~now before the Court for~~
that purpose

Our petitioners
say that they are the assign-
ees and present owners and
holders of a bond for a

a deed for a portion of said
lands which said deed was
duly executed by the said
Jose Antonio Alviso the claim
ant and granted herein.

That as such assignees
they are directly interested
in the said examination
and adjudication

Wherefore
your petitioners pray that
they may be allowed to
intervene in this matter
to protect their interest
in the premises.

And your
petitioners as in duty bound
with ever pray &c.

Richard H. Lloyd
~~Richard H. Lloyd~~
Attorney for Petitioners

State of California
County of San Francisco
being duly

sworn deposes and says
that he is not of the
above named petitioners
that the foregoing petition
is true of his own knowledge
except as to the matters which
are therein stated on his infor-
mation or belief and as to those
matters he believes it to be

true
Subscribed & sworn to James Johnston
before me this 24th
day of October A.D. 1860

H. A. Cheever,
N. C. Com.

US Dist Court

350

The United States

Jose A. Alviso
~~_____~~
Petitioner of
~~_____~~
Mc Cabe & Johnston
~~_____~~

Filed Oct. 24, 1860,
W. H. Chivers,
Clerk

350 ND
PAGE 65

Received of Jose A. Alviso
Mc Cabe & Johnston
attorneys for Petitioner

The District Court of the
United States in & for the District
of California
Northern District

350 ND
PAGE 66

The United States
v.
Jose Antonio Alviso

The petition
of Guadalupe Miramontes,
Ramon de Miramontes, Bernado
Miramontes, Santos Miramun-
tes, Vicente Miramontes, Re-
dolpho Miramontes, Ascino
Miramontes, Guadalupe
Miramontes, Juan Jose Mir-
amontes and Ignacio Mira-
montes, by M. Duggall & Sharp
their attorneys respectfully
show to the Court that your
said Petitioner Guadalupe
Miramontes is the widow &
the rest of your petitioners the
children and heirs at law
of Candelario Miramontes
deceased, who in his lifetime
was the original grantee of

the Rancho Runya as the
Munamutes Rancho that
as such heirs your petitioners
have an undivided interest
in said Munamutes Rancho
or as part thereof.

That the Rancho called the
"Cavado Verde" or the land
claimed by the above entitled
survey which has been used to settling with
this court in application and location
Camp is claimed as your
petitioners own land and
belonged by the said Claimant
or his assignees to have for
its northern boundary the
Southern boundary of the said
Munamutes Rancho - and
so your said petitioners say
they are interested in the deli-
cations of the said boundary
line.

Therefore your petitioners pray
that they may be allowed to intervene
to protect their interest in the premises
so they will ever pray &c.

M. D. Quayle Esq
Attorney for Petitioners

State of California
City & County of San Francisco;

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Bernardo Miramontes being of lawful age
& duly sworn deposes and
says so much that he has
heard the foregoing petition
read & knows the contents,
that of which first name is true
of his own knowledge
& except as to the matters which
are therein stated on his own
assumption or belief and
as to those matters he be-
lieves it to be true.

Subscribed and sworn
to before me this 25th
day of October 1860

Bernardo Miramontes

J. Barry
Notary Public

U.S. Dist Court

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The United States

v.

José Antonio Alviso
Petitioner of
Guadalupe Muramonte
et al

Filed Oct. 29, 1860,

M. H. Cheever,

Clerk

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M. Duggan & Sharp
Attys for Petitioner

At a Regular 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 Tuesday
the 24th day of November in the Year of our
Lord One thousand eight hundred and sixty.

Present

The Honorable Ogden-Hoffman
District Judge

The United States

N^o. 350.

— vs —

Jose Antonio Alviso

Place called "Canada
Verde y. Arroyo de la
Purissima"

Si duly certified copy of the plat of the survey
of the land herein claimed by the said Jose Antonio
Alviso called "Rancho de la Purissima" approved by
J. W. Mandeville U. S. Surveyor General for the State
of California, On the 30th day of August A D 1860,
having been returned into this Court on the 25th day
of October A D. 1860. in pursuance of an order
to such effect made by this Court on the second
day of said October upon the petition of the U. S.
District Attorney, & customary mention having been duly
issued by the Clerk of said Court, and by him delivered
to the United States Marshall of the district aforesaid

on the second day of October commanding him to give notice to all parties in interest that objection had been made to said survey and to admonish them to intervene for the protection of such interest on or before the 24th day of October A D 1860, a certain day named therein, or that in default of such intervention their defaults would be taken; And the said Marshall having caused said motion and notice to be duly published on the four consecutive Wednesdays next succeeding the delivery to him of said motion in the "San Francisco Herald" a newspaper published in the City of San Francisco, and on the three consecutive Saturdays next succeeding the said delivery to him of said motion in the "San Mateo Gazette" a newspaper published nearest the land embraced within such survey; And the said Marshal having returned the said motion to the said Clerk with his said proceedings thereunder duly verified on Wednesday the 24th day of said October; And on the said 24th day of October proclamation having been duly made by the Clerk of the said Court, in open Court requiring all persons having or claiming to have an interest in the said proceedings, or desirous to intervene for the protection of such interest to appear and make their allegations in that behalf or that their default would be entered; and thereupon interventions having been made in behalf of the said United States

represented by the United States District Attorney together with J. Clarke Esquire as Assistant-Counsel and also in behalf of Messrs. Mc Cabe and Johnson and the heirs of C. Miramontes de C. represented by Messrs. Mc Dougall and Shaape, their Counsel, and more than 30 days having elapsed, and passed from and after the day of proclamation aforesaid, and none of the parties who intervened, as aforesaid, or their Counsel, or the Counsel of either of them, having filed any Exceptions to the said survey, and no further time for filing such Exceptions having been allowed by the Court, - and notices having been duly served on the said Counsel representing the said intervening parties on the 24th day of November 1860. to the effect that an application would be made by Andrew Glassell, Counsel for and on behalf of said Jose Antonio Olviso, Claimant herein, in open Court at 11 O'clock on Tuesday the 27th day of said November for a default against the said intervening parties, on the ground that they had failed to file their Exceptions to said Survey as required by the rules of said Court, - and for a decree approving and confirming said survey; and proof of the due service of said notices having been duly made and filed; and no opposition being made to such default or decree being made. -

On motion of Andrew Glassell Counsel as aforesaid for said Claimant, It is hereby ordered adjudged and decreed, that the said survey the

plat whereof is now on file in this Court as
aforesaid; - he and the same is in all things
Conformed and approved -

Ogden Hoffman
Sick Judge

350.

N. S. Dist. Court,

The United States,

- vs -

Jac. Antonio Aliso,

Decree approving
Barney,

Filed Nov: 27 1860,

W. St. Cheneid,

Clerk,

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U.S. Dist Court

The United States

vs
Jose Antonio Aloisa

} D.C. 350; L.C. 359

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Confirmed by Land Commission,

The land claimed is called "Canada Verde";
lies in Santa Cruz C^o. and said to contain
two square leagues.

The proofs establish these facts:

That on the 25th April 1838, Jose Maria Aloisa
petitioned Alvarado for the land in question and
asking a provisional grant -

That on same day the petitioner was authorised
by Alvarado to occupy the land provisionally if
the proper officer reported it vacant &c.

That on 30th April 1840 the report required was
made by the proper officer, declaring the land
vacant.

That on the same day the grantee conveyed
to his brother, the claimant, all his right title
and interest in said tract.

That on 2nd May 1840 re-conveyed the tract to
his said brother, the claimant, for an expressed
consideration and with the assent of his wife.

That previous to the conveyance that Jose Castro, Prefect, gave the grantee a certificate of possession dated June 10, 1839. original produced.

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That on 26 ap 1846, Prefect Castro granted to the claimant possession; or rather, repeated the possessory certificate of June 10 1839 to the claimant.

That the grantee has occupied the land from the first and cultivated the same, raised stock &c.; his brother, the claimant, residing there also during the whole time.

The Commissioners in their opinion confirming their claim seem to think it well established, the boundaries being well defined & proofs of the points named being full & satisfactory.

If the Court is of opinion that the provisional concession in this case creates a sufficient equity to entitle the claimant to a confirmation, I interpose no objection to a decree in his favor.

Wm Blanning
Dist Atty.

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D. C. 359

U. S. Dist Court

The United States

v
Jose Antonio Aloisa

Brief

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