

CASE No.

354

**NORTHERN DISTRICT**

---

PART OF SAN ANTONIO GRANT

HENRY W. CURTIS

CLAIMANT

LAND CASE 354 ND

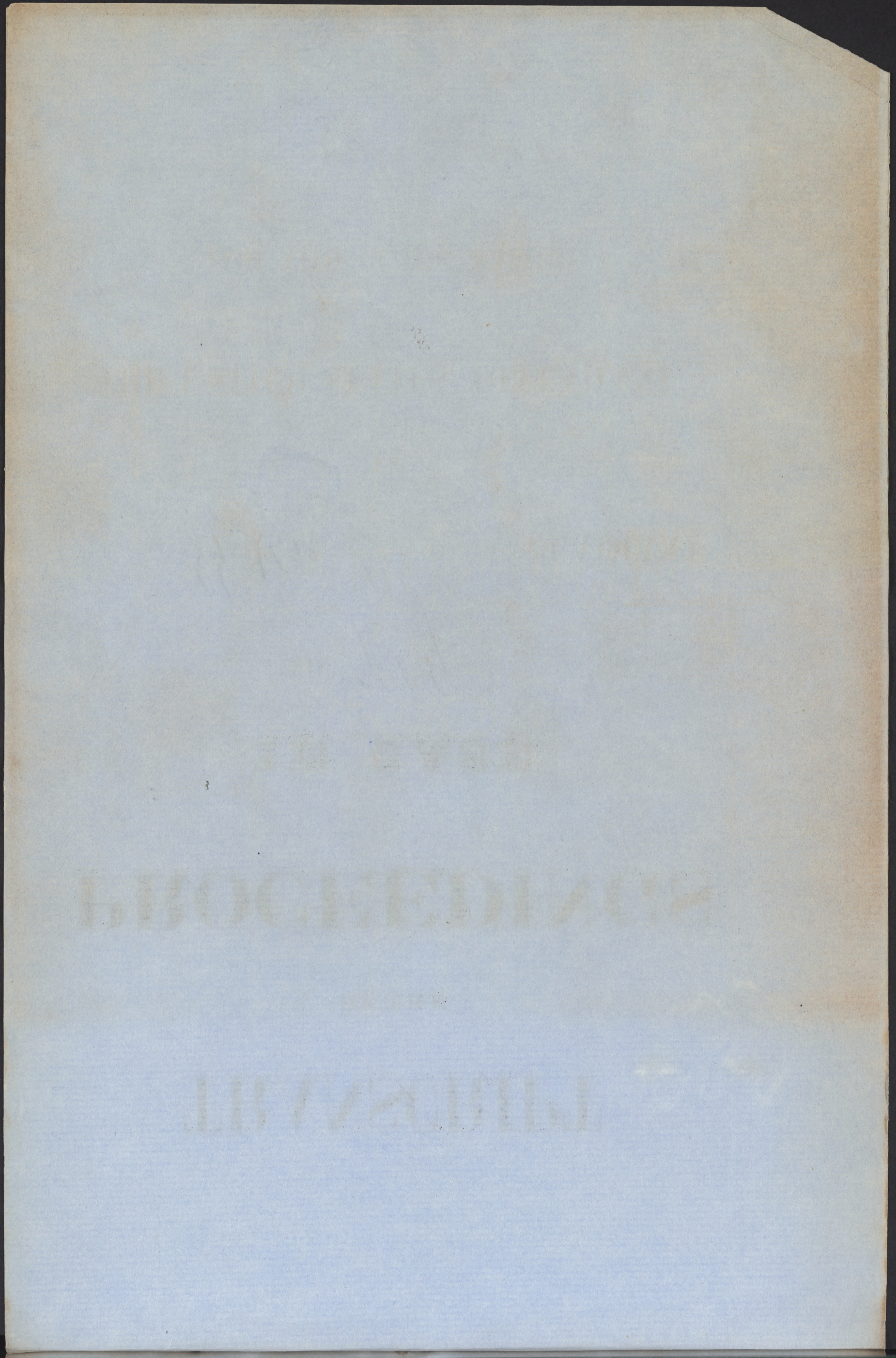
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DEC 11 1962

U.S. DEPARTMENT OF AGRICULTURE  
204 COTTON FIELD  
DOWNEY BOND  
C. M. ...

709

Dup



TRANSCRIPT  
OF THE  
PROCEEDINGS

IN CASE

NO. 709

*Henry W. Curtis*

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

*a part of*  
FOR THE PLACE NAMED

*"San Antonio"*

THE UNIVERSITY OF CHICAGO

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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

354 ND  
PAGE 2

Be it Remembered, that on this Second day of March, Anno Domini One Thousand Eight Hundred and Fifty-three, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of Henry W. Curtis  
for the Place named  
"San Antonio,"  
was presented, and ordered to be filed and docketed with No. 709 and is as follows, to wit:

(Vide page 3 of this Transcript.)

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

San Francisco January 2<sup>d</sup> 1855,  
Case no. 709, Henry W. Curtis for part of "San Antonio," was ordered to be placed at the foot of the 4<sup>th</sup> class cases on the Trial docket.

San Francisco March 13<sup>th</sup> 1855,  
Case no 709 was submitted on briefs & taken under advisement,

San Francisco July 16<sup>th</sup> 1855,  
In the same Case Commissioner R. Aug. Thompson delivered the Opinion of the Board respecting the claim;

(vide page 5 of this Transcript)  
and the following order was made, to wit;  
(vide page 5 of this Transcript)

2



To the Board of Commissioners for ascertaining and settling the private land claims in the state of California

Petition of  
Henry C. Curtis

Your petitioner Henry C. Curtis of Santa Clara County in the state of California respectfully represents to your Honorable Board that he claims a piece or parcel of land containing five hundred acres which is a part of the north half of the south half of a certain tract of land known as "San Antonio" situated in said County of Santa Clara and the whole of which said tract known as "San Antonio" is bounded on the south by the Creek of San José Cupertino, on the north by the creek of Matadero, on the east by the Sierra Madre de (Mount the mountains of) Santa Fe, and extending easterly to the edge or termination of the lower Bayas (Low Hills)

354 ND  
PAGE 3

That your petitioner claims said piece or parcel of land by virtue of a grant of said tract known as "San Antonio" made to Juan Prado Mesa under the authority of the Mexican Government by Juan B. Alvarado Constitutional Governor of the department of the Californias bearing date March 29, 1839 and approved by the departmental assembly on the 22<sup>d</sup> day of May 1840

Your petitioner further represents that said Juan Prado Mesa having died, the said south half of said tract known as "San Antonio" was on the 10<sup>th</sup> day of April 1848, sold and conveyed by the executor of his will and his heirs at law under the sanction and by the direction of the judicial authorities having jurisdiction in the matter to John Reid, that the said John Reid conveyed the said south half of the said south half to William H. McKee on the 25<sup>th</sup> day of March 1849 and that said William H. McKee subsequently conveyed the said piece or parcel of land containing five hundred acres to your petitioner. Your petitioner further

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represents that judicial papering of said tract of land known as "San Antonio" was given to the said grantee soon after said grant was made and the boundaries thereof designated and defined, and that he and those claiming under him have been in the peaceable possession thereof ever since, and that your petitioner knows of no interfering claim.

354 ND  
PAGE 4

Your petitioner further presents herewith a diagram of said north half of said tract known as "San Antonio" marked "A" and exhibiting the boundaries of said piece or parcel of land so conveyed to and claimed by your petitioner and prays that the same may be deemed and taken as a part of this petition, and prays leave to refer to a copy of said original grant and a translation thereof presented to your Hon. Body with the petition of William A. Cava, Henry F. Douca, and James W. Wells for a confirmation of this claim to the whole of said south half and to present such further proof of title as may be required by the Board.

Your petitioner prays your Honorable Board to take into consideration this claim to said piece or parcel of land and claim his title to be valid and confirm the same.

And your petitioner will ever pray  
dated

March 2' 1853.

Henry C. Curtis  
By Edmund Hutton his counsel

Filed March 2' 1853

Signed  
Edmund Hutton

5

Opinion of  
Board by  
Com. R. Aug  
Thompson

Henry C Curtis  
vs.  
The United States

Part of San Antonio  
Santa Clara Co.

354 ND  
PAGE 5

The petitioner in this case has offered  
no evidence in support of his claim,  
it is therefore rejected.

Filed in Office July 10 th. 1855  
Geo. Fisher Secy

Decree

Henry C Curtis  
vs.  
The United States

In this case on hearing the proofs and  
allegations it is adjudged by the Comm  
ipm that the claim of the said petiti  
on is not valid, and it is therefore  
decree that his application for a  
Confirmation be denied

R. Aug. Thompson

S. B. Jewell

Commissioner

Filed in Office July 10. 1855  
Geo. Fisher Secy

Order

And it appearing to the satisfaction of  
the Board that the Land hereby was  
located is situated in the Northern  
District of California It is hereby ordered  
that two transcripts of the proceedings  
and decision in this case and of the  
papers and evidence upon which the

6

Some are found to be made out and  
only certified by the Secretary One of  
which transcripts shall be filed with  
the Clerk of the U. S. District Court  
for the Northern District of  
California, and the other be transmitted  
to the Attorney General of the United  
States -

354 ND  
PAGE 6

354 ND  
PAGE 7

Office of the Board of Commissioners,

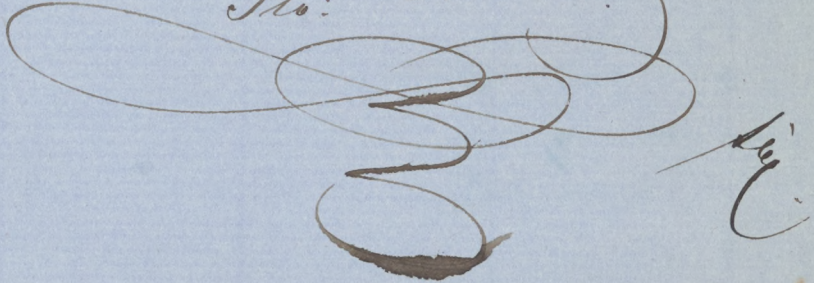
To ascertain and settle the Private Land Claims in the State of California.

I, *George Fisher* Secretary to  
Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Six* pages, numbered from  
1 to *6*, 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. *709* on the Docket of the said Board,  
wherein

*Henry W. Curtis* is  
the Claimant, against the United States, for the place known by  
name of *Part of San Antonio*.

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. *1854*, and of the Independence of the  
United States of America the *seventy-eighth*.

*G. Fisher*  
Geo. Fisher



354

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

No. *354*, 354

THE UNITED STATES, *ND*

vs.

*Henry L. Curtis &*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *709*

Filed, *December 1* 1855

*J. A. Moore,*  
*Clk.*

Henry C. Curtis Claimant } U. S. Dist. Ct.  
 } Northern Dist. of Cal.  
The United States Defendant } No. 354

354 ND  
PAGE 8

To the Clerk of said District Court, and the  
District Attorney of the United States for  
said District:

Please take notice that  
the above named Claimant will  
prosecute the appeal herein, in  
this Court.

Very Respy. &c.

April 28<sup>th</sup> 1856.

J. B. Townsend  
atty. for claimant

July served  
W. Russell  
Asst U S Dist Ct  
Sep 28, 1856.

No. 354

U. S. Dist. Ct. N. H. Co.

Henry C. Curtis

United States

Notice of prosecution  
of Appeal.

and April 28, 1856.

Thomas  
Deputy.

354 ND

PAGE 9

J. A. Townsend  
Atty. for Plaintiff



354 ND  
PAGE 10

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

The United States  
Appellus  
vs  
Henry C. Curtis - } No. 354.

The United States by their attorney deny  
the validity of the title set out in the peti-  
tion of the said Appellants: And pray that  
the decision of the Board of Commissioners  
be affirmed, and that the said title be de-  
clared to be invalid.

A. Russell,  
Acting U.S. Dist. Atty

The United States  
ads

No. 354.  
U.S. Dist Court  
A.D. California,

Answer

The United States  
Ads.

Henry C. Curtis.

— " —  
Answer.

— " —  
Filed April 29, 1856,  
Cheney,  
Deputy.

354 ND  
PAGE 11

Glaswell

Henry C. Curtis, Claimant, } U. S. Dist. Court for  
vs. } Northern District of  
The United States Defendant } California  
Case No. 354

To the Honorable District Court of the  
United States for the Northern District of California

Your Petitioner, the said Henry C. Curtis,  
respectfully represents that, heretofore, to wit:  
on the 2<sup>nd</sup> day of March A.D. 1853, he  
filed before the Board of Commissioners  
of the United States for ascertaining and  
settling the private land claims in the  
State of California, his Petition for con-  
firmation of his claim to a certain  
tract of land, containing five hundred  
acres, situated in the County of Santa  
Clara, in said District and State, and  
being a portion of the South half of  
the tract of land known as "San  
Antonio", granted on or about the 29<sup>th</sup>  
day of March A.D. 1839, by Juan B.  
Alvarado, then Mexican Governor of Cali-  
fornia, to one Juan Pardo Mesa, for  
a particular description of which, as well  
as the derangement of title of your Peti-  
tioner from the said Mesa, he prays  
leave to refer to his said Petition, filed  
before said Board as before stated:

Your Petitioner further states that in  
consequence of no evidence having been

offered in support of his said claim, the same was, on the 10<sup>th</sup> day of July A.D. 1855, rejected by said Board, as appears by their Report and Opinion, filed herein at said last mentioned date, to which he begs leave to refer for the grounds of said rejection:

That on the 1<sup>st</sup> day of December A.D. 1855, a transcript of the record of said cause from said Board, was filed in this Honorable Court, by virtue whereof said cause was appealed to this Court:

That, afterwards, to wit: on the 28<sup>th</sup> day of April A.D. 1856, your Petitioner filed in this Court, and served upon the U. S. District Attorney for said District, a notice that he would prosecute the said appeal in this Court:

Your Petitioner therefore prays, this Honorable Court to review and reverse the decision of said Commissioners, and to adjudge and decree his said claim to said tract of land valid, and to confirm the same, and, as in duty bound, he will ever pray &c.

J. B. Townsend  
Atty. for said Petitioner

Service of a copy of the within Petition  
is hereby admitted April 29<sup>th</sup> 1856.

O. Russell  
Acting U. S. District Attorney

No. 354

U. S. Dist. Ct. N. D. C.

Henry C. Leister

v.

United States

Petition for review &  
Confirmation

Filed April 29. 1856,  
O. Russell,  
Deputy

354 ND  
PAGE 14

J. W. Townsend  
Attorney Petitioner

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

354 ND  
PAGE 15

Present:

The Honorable OGDEN HOFFMAN, District Judge, and

" M. H. McAllister, Circuit Judge

The United States

vs

Henry C. Curtis

D. C. 304: L. C. 709

Decree.

This cause came on to be heard on appeal from the final decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California, under the Act of Congress approved March 3, 1854, upon the transcript of proceedings and decision of the said Board of Commissioners, and the papers and evidence upon which the said decision was founded; and it appearing to the Court that the said transcript has been filed according to law, and counsel for the respective parties having been heard; it is hereby ordered adjudged and decreed by the Court that the said decision be and the same is hereby in all things affirmed; and it is hereby further ordered adjudged and decreed that the claim of the appellee is invalid and is rejected. —

Ogden Hoffman  
U. S. Dist. Judge

354

United States District Court, Northern  
District of California.

*The United States*

*vs.*

*Henry C. Curtis.*

**ORDER.**

*Decree of rejection*

Filed *March 16,* 1857

*John A. Munroe,*

CLERK.

By *W. D. Chevers*

DEPUTY.

354 ND

PAGE 16