

CASE No.

368

NORTHERN DISTRICT

---

PART OF SAN ANTONIO GRANT

JAMES W. WEEKS

CLAIMANT

LAND CASE 368 ND PAGES 74

DEC 18 1962

U.S.A.  
20% COTTON FIBER  
PLASTER BOARD  
Manufactured

708. Specimen taken  
from English & French  
papers in 706 on water

ВВЕДЕНИЕ

ОБЪЕМ РАБОТЫ

1. ОБЩИЕ СВЕДЕНИЯ  
2. ЦЕЛЬ РАБОТЫ  
3. ЗАДАЧИ РАБОТЫ

4. МЕТОДЫ РАБОТЫ  
5. РЕЗУЛЬТАТЫ РАБОТЫ

6. ВЫВОДЫ

ЛИТЕРАТУРА

ПРИЛОЖЕНИЯ

СПИСОК ЛИТЕРАТУРЫ

1977  
111

TRANSCRIPT  
OF THE  
PROCEEDINGS

IN CASE

NO. 708

*James W. Weeks* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

*part of*  
FOR THE PLACE NAMED

*San Antonio.*

FOR THE YEAR 1871.

THE UNITED STATES DEPARTMENT

OF THE INTERIOR

IN COME

PROCEEDINGS

OF THE

COMMISSIONERS

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 *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 *James W. Weeks*,  
part of  
for the Place named  
*"San Antonio"*  
was presented, and ordered to be filed and docketed with No. *708* 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, 1855*  
Case No 708 James W. Weeks for part of San Antonio was ordered to be placed at the foot of the 4<sup>th</sup> slip case on the trial docket;

*San Francisco March 13, 1855.*  
Case No 708 was submitted on briefs and taken under advisement by the Board

*San Francisco July 10, 1855.*  
In the same case Commissioner R. C. Thompson delivered the opinion of the Board rejecting the claim  
(vide page *5* of this Transcript)  
and the following order was made, to wit:  
(vide page *6* of this Transcript)

*San Francisco July 17, 1855*  
In the same case the counsel for the claimant moved, that the decree of rejection hereupon entered

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Verdict, to wit on the 10<sup>th</sup> instant, be set aside and  
the case be restored to the docket; and filed the  
following stipulations marked, Nos. 1, 2 & 3,  
respectively, to wit:

(vide pages 748 of the transcript)

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San Francisco July 21<sup>st</sup> 1855

In the same case Commissioner R. C. C. Thompson  
delivered the decision of the Board upon the motion  
of the counsel for the claimant, made on the 17<sup>th</sup>  
instant, overruling the same.



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To The Board of Commissioners for ascer-  
taining & settling the private Land Claims  
in the State of California.

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Petition

Your Petitioner James W. Weeks of San  
Jose in the State of California respectfully  
represents to your Honorable Board that he  
claims a certain piece or parcel of land which  
is the one fourth part, that is to say, the  
south half of the south half of a certain  
Tract of land known & described as "San Antonio"  
situated in the County of Santa Clara in said  
State of California, the whole of said Tract  
of land known & described as "San Antonio"  
being bounded on the south by the Creek of  
San Jose Capertino, on the north by the  
Creek of Metadero, on the west by the  
Sierra Madre de (Mother mountains of)  
Santa Cruz and extending eastwardly to the  
edge or termination of the Lomas Bajas  
(Low Hills) and the piece or parcel claimed  
by your petitioner containing three thou-  
sand and fifty one acres.

That your petitioner claims the 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 24<sup>th</sup> 1839 and approved by the  
Departmental Assembly on the 22<sup>nd</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 A.D. 1848 sold & conveyed by the

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Executor of his will & his heirs at law under the sanction and by the direction of the judicial authorities having jurisdiction in the matter to John Ricord;

That said John Ricord conveyed the said South Half of the said South half of said Tract known as "San Antonio" to your Petitioner on the 25<sup>th</sup> day of March 1849.

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

Your Petitioner presents herewith a diagram of the said South Half of said Tract known as "San Antonio" marked A and prays leave to refer to a copy of said original grant & a translation thereof presented to your honorable Board with the joint petition of your Petitioner & William A. Lora & Henry P. Lora for a confirmation of their claim to the whole of said South Half of said Tract known as "San Antonio" & to present such further proof of title as may be required by the Board.

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

Filed in Office  
March 2. 1853,

James W. Weeks  
By Edward Norton his Counsel

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James Weeks  
vs  
The United States } Part of San Antonio  
Santa Clara County

Opinion by  
Comm. R. Aug  
Thompson

This claim is unsupported by  
by testimony of any kind and is therefore  
rejected

Filed in Office July 10, 1855  
Case Fisher Sec

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Decree

James Weeks  
vs  
The United States

In this case on hearing the  
proofs and allegations it is adjudged  
by the Commission that the claim of  
the Petitioner is not valid, and it  
is therefore decreed that his applica-  
tion for a confirmation thereof be  
denied.

R. Aug Thompson  
S. B. Farwell  
Commissioners

Filed in Office July 10, 1855  
Case Fisher Sec


6 Order

And it appearing to the satisfaction of the Board that the land hereby adjudicated is situated in the Northern district of California, it is ordered that two transcripts of the proceedings and 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

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United States Land Commission  
for California

Case No 708.  
James W. Weeks  
vs  
The United States  Part of San Antonio

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Stipulation

It is stipulated that the deed from John Ricord to Wm H. McKee of a part of the premises claimed in this case dated March 25<sup>th</sup> 1849 and proved before A. A. Mix, County Recorder for the County of San Joaquin; Also the deed of a part of said premises from John Ricord to James W Weeks dated March 25<sup>th</sup> 1849 & proved before J. S. Richardson County Recorder for the County of Santa Clara; Also the deed of a part of said premises from William H. McKee to William A. Dana & Henry J. Dana dated the 30<sup>th</sup> day of April 1851, and acknowledged before Royal H. Waller, a Notary Public for the County of San Francisco, may be given in evidence & read on the hearing in this case without other proof of their execution than such as is contained in the certificates of the proof & acknowledgement endorsed upon such deeds by the officers above named and an affidavit of Wm H. McKee this day taken in this case. It is further stipulated and agreed that in the above entitled cause the Decree respecting the claim shall be set aside and the case reinstated for further testimony. July 16<sup>th</sup> 1855

J. H. McKee, W. S. Law Agent

Filed in office July 17, 1855

Geo. Fisher Sec.

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No 708 James W. Weeks. Claimant

Wm H. McKee says on oath; That he was acquainted with John Ricord whose name is signed to two deeds referred to in a stipulation this day entered into between the Atty for claimants & the U. S. Land Agent and with his hand writing having seen him write and that he believes his signatures in said deeds now shown to him are genuine and that the deed referred to in said stipulation as signed by affiant was signed by him and the deed executed as therein set forth. (sgd)

Wm H. McKee

sworn to & subscribed

Before me this 16<sup>th</sup>  
day of July 1855.

(Signed) J. B. Farwell

Cour.

Stipulation

I hereby consent that the foregoing copy of an Affidavit made by the above named Wm H. McKee in case No 708 be used in evidence in this case with the same force and effect as if said copy was an original deposition regularly taken in this case.

July 16. 1855

J. H. McKee

U. S. Land Agent.

Filed in Office July 17. 1855.

Geo. Fisher

Sec

Office of Board of Comm<sup>rs</sup> &c

This day before Com<sup>r</sup> Alpheus Fiech came Jose Maria Covarrubias a witness in behalf of claimants Wm A. Dana et al No 706, who after being duly sworn deposed as follows:

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Questions by Mr Norton  
Atty for the Claimant's

Deposition  
of  
Jose Maria  
Covarrubias

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

Answer, My name is Jose Maria Covarrubias, my age forty five years and I reside in Santa Barbara.

2<sup>nd</sup> Question, Where did you reside and what was your occupation or office from 1838 to 1841?

Answer, In 1839, I became secretary to the Parish District and resided as such in San Juan Bautista until the middle of the year 1840,

3<sup>rd</sup> Question, Look at the Document now here shown to you being original Expediente Number 136 and the same Document exhibited by Thomas Evershed a witness, whose Deposition was this day taken in this case, in your presence and which is described in his deposition, and state what signatures if any appearing thereon you recognise as genuine?

Answer, I have examined the Document designated, and recognize as genuine the signatures appearing thereon as the several signatures of Juan B Alvarado, José Estrada, & José Hernandez, my own signature in part obliterated, those of J. Arguello, Manuel Jimeno, & José Rafael González. I have often seen these several persons write and am acquainted with their handwriting.

J. M. Covarrubias

Mr Greenhow Associate Law Agent attended at the taking of this deposition but propounded no interrogatories to the witness.

Subscribed & sworn to  
before me at San  
Francisco this thirteenth  
day of October A. D. 1853,

Alphens Felch  
Commissioner

Filed in Office Oct 13, 1853,  
Geo. Fisher Sec

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Office of the Board of Commissioners, &c. &c.

This day before Com<sup>r</sup> Alpheus Felch came Thomas E. Evershed a witness in behalf of the Claimants W<sup>m</sup> A. Dana & Co. No 706, who after being duly sworn deposed as follows:

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Questions by Mr Boston, Attorney for the Claimants.

Deposition of Thomas E. Evershed

1 Question, What are your name, age and place of residence?

Answer. My name is Thomas E. Evershed, my age twenty nine years and reside in San Francisco California.

2 Question, What is your present occupation?

Answer. I am clerk in the office of the United States Surveyor General for California and as such clerk have charge of the Archives of the former Spanish and Mexican Government in California.

3 Question, Is the Expediente now here produced by you marked "Expediente Promovido por el Alférez Prado Sobral el paraje nombrado Sr. Antonio 136" a part of said Archives?

Answer. It is a part of the said Archives and is one of those embraced in the Class of Complete Expedientes.

4 Question. Please look on the Expediente on tracing papers now presented marked "A" and also marked

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Exhibit No 1 with the "Initials A. A." and annexed to this Deposition and state whether the same is a fac simile copy of said original Expediente and made in the office of the Late Surveyor General of California.

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Answer. I have examined the Document. This is a true fac simile copy of the original Expediente above mentioned and was made in the Office of said Surveyor General.

Thos. E. Eversted.

Mr Greenham, Associate Law Agent was present at the taking of this Deposition but proffered no Interrogatory to the Witness.

Subscribed and sworn to before me at San Francisco this Thirteenth of October A.D. 1853

Alphens Felch  
Commissaire

Filed in Office Oct 13<sup>th</sup> 1853,  
Geo. Fisher Sec.

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Case No 706.

United States Land Commission

San Francisco, Jan. 14, 1854.

On this day before Com<sup>o</sup> R. Aug. Shanks, son came James A. Goell, a witness, in behalf of claimant, W<sup>m</sup> A. Dana Det, at, Case No 706, who, after being duly sworn, deposed as follows.

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Deposition  
of  
James A. Goell.

Present Claimant, Atty & U.S. Agent

Witness states his name is James A. Goell, his age twenty six years and residence Santa Clara County and my occupation that of an Atty at Law.

Question by Claimant, Atty

State what you know in relation to the existence, loss, search for, and contents of, the last will and testament of Prado Mesa Dec<sup>o</sup>.

Answer. Some time in the Summer of the year 1851 I saw a paper purporting to be the will of Prado Mesa, in the Spanish language among the Archives of the Mayors Office of the City of San Jose, it was signed by Jose Invol with whose hand writing I am familiar, as one of the subscribing witnesses. Many of the papers from the Office of the old alcaldes were transferred to said Mayors Office.

I am well acquainted with the Spanish language, and at the time I speak of I read said will and left it in said Office. About a year since

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I was employed by Mr Norton Counsel of the Claimants in this case, to search for and produce a copy of said will. I went to the Mayors Office and searched carefully among the Archives, where I had left it and could not find it. I made enquiry of all the persons who had been in charge of said Archives - but could find no trace of it. The said will mentioned to the best of my recollection an enumeration of the property of the testator which was left to be distributed among his children subject to the payment of his debts, which were also enumerated in said will; it also contained a clause preferring in every thing his eldest daughter Encarnacion

Question by same. Look at the paper now shown you marked with the initials R. J. No 1, annexed to the Deposition of Pedro Mesa filed in this case and state whether the signature of James W. Weeks thereon is genuine or not?

Answer. I know the writing of said Weeks, have often seen him write, said signature is his genuine handwriting.

Question by same.

Look at the document now shown you marked R. J. No 1 hereto annexed and state whether said signature thereon is genuine or not?

Answer. The signature of said Weeks thereon is genuine.

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Question by Ap<sup>te</sup> Land Agent.  
Did you read said  
accidently, or as a matter of business,

Answer, I had been  
appointed Administrator of the Estate  
under the impression that Mesa had  
died intestate. I was informed  
there was a will, and went to search  
for it and found it as above stated.

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J. Alexander Goell

Sworn to & subscribed

Before me Jan 14, 1854,

R. Aug. Thompson,  
Comm<sup>r</sup>

Filed in Office Jan 14, 1854,  
Geo. Fisher Sec

No 706.

United States Land Commission  
San Francisco Jan 12, 1854.

Deposition  
of  
Jose Toriega

On this day, before Commissioner R.  
Aug. Thompson, came Jose Toriega a  
witness in behalf of claimants, William  
A. Dana et al. Case No 706, who being  
duly sworn, deposed, as follows, his  
evidence being interpreted by the Secretary

Present claimants Atty  
and U.S. Associate Land Agent.

Witness states his name  
is Jose Toriega his age fifty three  
years and residence San Jose, he has  
resided in California twenty years.

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Question by claimant's Atty.

Look upon the Document  
now shown to you marked with the initials  
R. S. and herewith filed as Exhibit to  
1, and state what you know of its execution

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Answer, I am a subscri-  
-bing witness to said Document, the sig-  
-natures of all the parties thereto with  
the Exception of that of Antonio Mesa  
which I do not recollect were made  
and acknowledged in my presence -  
as also that of the Alcalde Charles White  
The said White was 1<sup>st</sup> Alcalde of San  
Jose when said Document was executed

Jose Boniga

Sworn to & subscribed

Before me Jan 12. 1854,

R. Aug. Thompson  
Cant.

Filed in Office Jan 14, 1854,

Geo. Fisher Sec.

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Office of the Board of  
Commissioners &c &c

This day before Comr. Thompson Campbell  
came Antonio Maria Pico, a witness in behalf  
of claimants Wm. A. Dana et al. No. 706,  
who after being duly sworn deposed  
as follows;

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Deposition

of  
Antonio Maria  
Pico

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 in San Jose.

Were you acquainted  
with Juan del Prado Mesa in his  
life time, if so how long had you known,  
is he dead, and when did he die?

I have known him ever  
since my boyhood, he is dead, and died  
as near as I can now recollect within  
the year 1843 or 1844.

Do you know of his having  
made any last will and testament, if so  
state by whom it was drawn, and  
when and where was it executed, and  
the names of the persons who were  
present at its execution?

I do know he made a  
will which was written by me at his  
request about two months before his  
death, he signed it and I as alcalde  
signed it also, Jose Suro one of  
the subscribing witnesses was present  
at the execution of said will. Pedro  
Mesa the brother of the deceased was  
appointed Testamentary Executor,

was also present but I do not recollect whether he signed as a subscribing witness or not, the will was executed at the Town or Pueblo of San Jose I believe, but I don't clearly recollect that Antonio Mesa son of the deceased was appointed Testamentary Executor.

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Were you familiar with the mode of executing wills in California at the time said will was executed, and if so state whether said will was executed according to the usual form.

I was acquainted with the usual form of executing wills at that time, and can state that said will was drawn up and executed in conformity with the forms and customs known to the law at that time.

Have you seen said will since the death of Pedro Mesa, and if so where did you see it, and have you recently looked for it in that place, and did you find it, or do you know what has become of it?

I have seen it once in a box where the Pueblo Archives are deposited in the Office of the Mayor of the Town of San Jose, I have recently searched for it, but did not find it, I do not know what has become of it.

Where did Prado Mesa and his family reside at the time of his

death and how long had he lived there?



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death and how long had he resided there?

He lived on his Rancho about three or four leagues distant from San José, where he had houses, corrals, fences, had cattle and horses, and cultivated considerable grounds. He lived there for many years more than I can specify but at least five years previous to his death.

Had the wife of Prado Mesa died before he did, and did his family consist of young children except his oldest Antonio?

His wife died first, Antonio the oldest son and the daughter were present at the time of his death, the other children were small, and I don't recollect their names.

Look at the signature of Juan del Prado Mesa, on the copy of the Expediente on tracing paper in this case, and say if you recognize it as a fair imitate of his signature.

I have examined said traced copy of the Expediente and the signature is the genuine signature of Prado Mesa it looks a little blurred, but it is his genuine signature. It is the copy of the original, and it is his exact hand writing (The Associate Lead Agent objects to the foregoing question and answer.)

Antonio Ma Pico

Sworn to & subscribed

Before me this 20<sup>th</sup> Oct 1853.

Thompson Campbell Com<sup>r</sup>

Filed in Office Oct 20<sup>th</sup> 1853. Ge<sup>o</sup> Fisher Sec

Case No 706.

United States Land Commission  
San Francisco, Jan'y 14, 1855.

On this day before Court R. Aug Thompson came Pedro Mesa, a witness in behalf of claimants William A. Dana et al, Case No 706, who after being duly sworn, deposed as follows, his evidence being interpreted by the Secretary.

Present claimants Atty & U.S. Asst. Land Agents.

Deposition of  
Pedro Mesa

Witness states his name is Pedro Mesa, his age is forty six years, his residence in the County of Santa Clara.

Question by claimants Atty  
Did you know Pedro Mesa,  
if so what was his relationship with  
you?

Answer, I know him  
he was my Brother;

Question by same, did  
you know the Ranch on which he resided,  
if so state where it is situated,

Answer, I know said  
Ranch it is situated in the County of  
Santa Clara,

Question by same,  
Look at the Original Expedi-  
ente referred to in the deposition of Tho:  
E. Evershed heretofore filed in this case  
and marked Expediente Promovido por el  
Alferes Prado sobre el paraje nombrado  
San Antonio 136" and now shown you  
and state whether the signature to the

original petition in said Expediente is the genuine signature of said Prado Mesa or not?

Answer, I know the handwriting of said Prado Mesa, I have seen him write, and have no doubt that his signature to said Document is genuine.

Question, Is the Ranch described in said petition the same on which the said Prado Mesa lived?

Answer It is the same.

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Question by same, State when your Brother first resided on said Ranch; whether he resided there before he petitioned for the grant, and how long he resided there.

Answer, It is about 17 or 18 years perhaps more, since he first went to reside on it by the permission of the Padres of the Mission and some five or six years afterwards he petitioned for the grant; he continued to reside there until his death which occurred about ten years ago, he left seven children his wife died before him - His children are named Jose Antonio, Encarnacion, Maria, Francisca, Ramon, Justitiano, & Micandro,

Question by same, What became of the family and what was done with the Ranch after his death.

Answer, They continued to occupy the Ranch, I lived there with them for two or three years after my Brothers death - The eldest daughter is

married to Juan Chrysostimo Sota, and three of the Children live with her; one with the brother of witness on said Ranch, the two oldest boys live in Sonora.

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Question by same. In what manner did your Brother occupy said Rancho, and what improvements had he on it.

Answer. When he first went there by permission of the Padres, he built a small wooden house, and afterward another in which he lived with his family; before his death he commenced a large Adobe house which I completed afterwards. Before his death he had about 800 Varas by 400 of the land enclosed which he cultivated, also another field which about 300 by 200 Varas, he also had an orchard, 800 head of Cattle at the time of his death, and a band of sixty mares. The same cattle ranged about the Creek of Matadero, and the wild Cattle on the Arroyo de San Jose.

Question by the same.

Were there to your knowledge any land marks on the boundaries of said Rancho, and if so how did you know them to be such.

Answer. There were land marks which were shown me by my Brother. On the side of the Matadero there is a hill on which is a pile of stones raised for a landmark - on the other side the line runs along the wall to the Arroyo de San Jose de Capentino.

called below Arroyo del desecho, from thence  
it runs up the creek and binding there-  
on to a hill called de visdoro, which is  
one of the Landmarks.

Question by same. Do you  
know the Range of Mountains called Sierra  
Madra de Santa Cruz, and in which direc-  
tion from those mountains do the creeks  
on Arroyos spoken of in your former  
answer, run.

Answer. I know said Moun-  
-tains, the creeks referred to run towards  
the embarcadero on the Bay.

Question by same. Were  
the houses built by your Brother on  
the plain or on the hills;

Answer. The small woo-  
-den houses were situated on the Arroyo  
de San Antonio about 100 yards from it  
and the adobe House on a small hill  
about 200 varas from the other.

Question by same. Did your  
Brother make a will, and if so what  
became of it?

Answer. He did, I gave  
it to Guillermo Weeks who was then  
Alcalde. By request of the judge I  
took charge of the papers & accounts  
of the Estate embracing the will -  
I kept them until after the Americans  
took possession of the Country after  
which on the demand of the Alcalde I  
delivered them to him and took a receipt  
for them.

Question by same.

Who were named Executors  
in said will?

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Answer, His Oldest son  
Jose Antonio and myself,

Question by same. Look  
at the Document now shown to you marked  
with the Initials R.J. and annexed to  
the Deposition of José Noriega as Exhibit  
No. 1 and filed in this case and state  
whether the signature of "Antonio Mesa"  
which appears thereon is the genuine  
signature of said José Antonio Mesa.

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Answer, I have seen  
him write and I recognise the signature  
on said Document as genuine.

Question by same.

Look at the Document  
now shown you marked with the Initials  
R.J. No. 1 and herewith filed and state  
whether the signature of the said Antonio  
Mesa thereon is genuine or not?

Answer, I have examined  
said signature, it is genuine.

Question by same.

Why did you cease to  
act as Executor Executor to said will

Answer, I had a disa-  
greement with the other Executors and the  
matter was brought before the Alcalde  
and I resigned.

Padro Mesa

Sworn to & subscribed  
Before me Jan 13 1854,

R. Aug Thompson  
Com.

Filed in Office Jan 14, 1854,

Geo. Fisher Sec

United States of America  
State of California

San Francisco April 27<sup>th</sup> 1854.

This day personally came before Peter Holt, a Commissioner, for taking testimony to be used before the Board of U.S. Land Commissioners in said State, José Junol, a witness on behalf of the claimants in case No 706 on the Docket of said Board, wherein William A. Dana and others are claimants, and the said witness being duly sworn on oath deposed in the Spanish language, which was interpreted into English by the Interpreter to said Board, as follows to wit:

The U.S. Land Agent is present.

Questions by the Attorney  
for claimants

1<sup>st</sup> Question, What is your name, age, and present residence?

Answer. My name is José Junol, my 29 years, my residence in Alameda County, California.

2<sup>nd</sup> Question. Did you know Prado Mesa in his life time, and did you see him execute his last will and testament, and was you a subscribing witness to the same, and state the circumstances!

Answer. I did know him. I saw him sign his last will, I was a subscribing witness to wit. It was a short time before he died,

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Deposition

of  
José Junol

at the Pueblo of San José, at his (the deceased)  
Brother's house.

3<sup>d</sup> Question, Was said  
Mesa of sound mind and memory when  
he executed said will?

Answer, He was infirm  
of body, but his mind was sound.

Cross-Examined by U. S. Army Agent.

1<sup>st</sup> Question, Who was pre-  
sent when the will was executed besides  
yourself?

Answer, I recollect  
Pedro Mesa was present, and another  
person I do not recollect whether  
it was Antonio Maria Pico, or some  
one else.

José Juvol.

subscribed and sworn  
to before me on this 27,  
day of April A. D. 1854,

Peter Scott Commissioner  
for taking testimony &c

Filed in Office April 27, 1854.

Geo. Fisher Sec



United States of America  
State of California

San Francisco April 14, 1854

This day personally came before Peter Scott a Commissioner appointed to take testimony to be used before the Board of U.S. Land Commissioners in said State, Chester S. Seymour, a witness on behalf of the claimant in case No 706 on the Locket of said Board wherein William A. Dana et al, are claimants; and said witness being duly sworn on oath deposed in the English as follows to wit:

Deposition  
of  
Chester S.  
Seymour.

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The U.S. Land Agent is present,

Questions by the Attorney for Claimants,

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

Answer. My name Chester S. Seymour, my age 40 years, I reside in New Haven Connecticut

2<sup>nd</sup> Question. Where did you reside, and what was your occupation in the early part of the year 1848?

Answer. I resided at that time at San Jose in this state, my occupation was that of a Surveyor. I was appointed a Surveyor for that portion of the Country by Col Mason, the then Military Governor,

3<sup>rd</sup> Question. Did you

in that year make a survey of the Southern half of the Rancho of San Antonio in the present County of Santa Clara, if you did you or not make a diagram of such survey and reduce to writing a memorandum of the description of the boundaries thereof, if you state whether the paper now shown you is the memorandum so made by you which is now marked Exhibit 1 annexed to C. S. Leyman's deposition "P. 50" and when and where you made it, and also look at the paper marked "Exhibit 2 annexed to this deposition" and say whether the diagram thereon marked and laid down is a correct copy of the one made by you of the survey you are here interrogated about.

Answer I did make a survey of the South half of the Rancho you mention at that time. I made a diagram or map of the survey and an abstract of the field notes in writing,

This is the abstract I made, it is in my hand writing, I made it soon after I made the survey at San Jose,

I cannot say whether it is a correct copy of my map or not.

The general outline seems to correspond with my survey. I recognize the various points here very readily

4<sup>th</sup> Question. Why did you commence the survey at the point you have described as your place of beginning in the paper just shown you marked "Exhibit-1 & c"

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Answer It was because the owners of the Ranch are claimants, John Ricard, and James W. Weeks and the Spanyard Mesa claimed that to be their Northern boundary, and I was employed by Ricard to survey their claim.

5<sup>th</sup> Question. Did or did not the claimants you have named claim all the vacant land down to Castro's line?

Answer. They did.

6<sup>th</sup> Question. Is the line you call Castro's line well defined, if yes what is it?

Answer. The line I mean is the one between Castro's Ranch and the Rancho of San Antonio, claimed in this case. There is a certain road leading from the upper road between San Francisco and San José, where the last mentioned road crosses the Cupertino creek, the first mentioned road leads to the Mesa House, that road is the line and a plain road at that time.

7<sup>th</sup> Question. When you made the survey mentioned were the Mesa family occupying and cultivating the land near the Castro line?

Answer. They were occupying and cultivating portions of the land near the line in the plain, below the low hills, and within the line of my survey. The fact that they were so occupying a portion of the valley was additional reason why I embraced it in my survey, and

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my impression is I have heard Castro admit that the line I ran was the correct boundary, but I am not positive.

Cross. Examined by the U. S. Law Agent.

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1<sup>st</sup> Question. Had you the Title with you when you made the survey and were you governed by it in fixing your point of beginning as described in your field notes?

Answer. I had the Title, I was governed by it in all the survey I made except the portion in the plain. I departed from the description in the Title on that portion for the reasons I have already mentioned, that the persons who employed me to make the survey claimed it, that they were occupying it and that I did not understand Castro as questioning it as the true boundary.

The words of description were in Spanish, substantially translated as follows: "Bounded by the Creek of San José Capetino on the East, by the Sierra Madre of Santa Cruz on the West, by the Low hills and on the North by the Creek del Matadero"

2<sup>nd</sup> Question. Describe the mountains on the South side of the Rancho where you surveyed, and say why you ran the line at the base instead of the top of the mountains?

Answer. The mountains there are quite steep, about 2000 feet high. They rise abruptly, and the base is a

definite boundary. It is a deep & plainly marked ravine between the main mountains and the foot hills, I took the base instead of the top, for many seasons.

They were useless lands such as are never claimed or understood to be of any use for ordinary purposes, the tops are several miles distant and impracticable places, for surveying, and I did not for a moment understand the title to call for them as the line.

L. S. Seymour

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Subscribed & sworn to Before  
me on this 14<sup>th</sup> day of April  
A. D. 1854.

Peter Leatt, Commissioner  
for taking Testimony &c.

Filed in Office April 14, 1854,  
Geo. Fisher Sec

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MD

La Biblioteca de la Iglesia de San José  
de la ciudad de Panamá, respectivamente ha

R. J. No. 1  
annexed to  
the Dcho. of  
pedro Mesa

El Alcalde del pueblo de San José  
El abajo firmado respetuosamente hace  
presente que es hijo y heredero del difunto  
padro Mesa que dijo su testamento fue  
nombrado uno de los Albaceas y mi tío padro  
Mesa el Oho y el mismo Sr se he resignado  
su fianza deponiendome solo de manera de  
dho estado el Difunto mi padre en el tiempo  
de su muerte devia devitos a la suma  
de un mil tres-cientos y treinta y siete pesos  
no teniendo mas propiedad para pagar  
estos devitos mas que una Rancho conocido  
en su jurisdiccion por el nombre de San  
Antonio de padro Mesa y algunos bienes  
del Campo de ganado mayor que no pasa  
de tres-cientas cabezas. Los devitos del  
difunto mi padre era por moneda y propiedad  
siendo en el tiempo que estava vivo y los  
acreedores han Esperado quatro años para  
sus pagos del propiedad del Estado  
pero no hay mas Esperanza que sean  
pagados: sin hacer venta de algun porcion  
de su propiedad:

Siendo yo el hijo mayor  
y heredero como un tanto Albacea del Es-  
tado no tendia ningun embarazo que se hace  
Venta de Esta propiedad en el nombre de  
la familia; y como soy uno de los Albaceas  
y el unico que este actuando en el presente  
Espero en la Bondad de V. de solicitarme  
con su decreto judicial de hacer un equitativo  
y justo y Valido Venta de algun parte del  
mencionado propiedad por el pagamento  
de los acreedores y que V. M. haga todo a  
su poder de hacer el titulo que doy el com-  
prador legal; los acreedores que hace men-  
cion son los siguientes; A. B. Thompson

que tiene el demanda pueste ante de V. por la cantidad de Ocho cientos y quatro pesos con cinco Reales; y Don Santiago Melinley de la cantidad de Dos cientos cincuenta pesos y dos Reales y Don Valtherm cheu que tiene demanda de Ciento ochenta y un pesos con siete Reales que lo cual es la cantidad de lo que esta espueste ante de V. que mas me apuro

V. V. suplico de proveer como pido por sede justicia jurando no ser de malicia y lo necesario. *V.*

pueblo de San José y de Enero de 1848.

Antonio Mesa

Testigo Henrique Bee

Don Don Antonio Suñol por Alimentos \$<sup>u</sup> 6. 00

En consideracion del Objeto de peticion hecho por el Don Don Antonio Mesa como tambien los repetidos urgencias de los acreedores nombrados para sus pagos de juicios cedido en favor dentro lo pasado; considerando tambien que la propiedad del Estado esta disminuyendose diariamente en su valor en consecuencia del falta de suficiente Gasto por la parte de los Alveasas del dicho hacienda; y que dichas deuitas esta creciendo y ultimamte llegara a trazar toelo el Estado. Solamente que algun convenio de equidad sera obtenido por dichos pagos.

Yo el abajo firmado Alcalde decreto que el Don Don Antonio Mesa el hijo mayor heredero y unico Alveasa del difunto prado Mesa, que ha presentado el Amba peticion tendra la libertad de vender a qual quere comprador que



condes a cual quere comprador que  
asumeran de pagar las mencionados devitos  
en una parte mitad del hacienda como  
sus bienes y no mas. Y por la prest<sup>a</sup> de documento  
yo el Alcalde del pueblo de San José  
de Guadalupe, asi declara valido la  
Venta como un titulo legal con toda fuer-  
za al comprador y sus asignados

Dado en el juzgado del pueblo de  
San José de Guad<sup>a</sup> esta 7. dia de  
Enero de 1848.

James W. Weeks

Alcalde

Filed in Office Janry 14<sup>th</sup>

1854

Geo: Fisher Secy

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To The Alcalde of the Town of San José

The undersigned respectfully sheweth that he is son and heir of the late Pedro Mesa, who left his will at the time of his death; that he was in the said will appointed one of the Executors and his uncle Pedro Mesa another, and the latter has resigned his trust, leaving him alone to manage the estate; that the deceased his father at the time of his death was indebted to the amount of one thousand three hundred and thirty seven dollars - having no other property to pay their debt, than a Rancho known by the name of San Antonio, and a few black cattle not exceeding three hundred head. The debt of his late father was for money and goods had on credit in his lifetime, and the creditors have waited four years for their payments out of the property of the estate; but there is no more hope of their being paid, unless a sale be made of some portion of the property.

That being the oldest son and an heir as well as Executor of the Estate, he has no objection that a sale be made of this property if it were not granted in the name of the family; and as he is one of the Executors, and at present the only one acting in the matter, he hopes your worship will by a Decree direct an equitable and just sale to be made of some portion of the above mentioned property for the payment of the creditors; and that your worship will do it so as to give the legal purchasers

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Translation  
of  
Exhibit R, I,  
No 1

a title . . . The creditors, of whom men-  
tion is made, are the following.

A. B. Thompson who has brought a  
law-suit before your worship for the  
sum of eight hundred and four dollars  
and five reals; Mr Santiago McKinley  
for the sum of Two hundred and fifty  
dollars and two reals, and Mr Nathan  
Spean who had a suit for two hundred  
and eighty one dollars and seven reals  
this is what presses him more.

He supplicates your worship to  
order as prayed - & protests he is  
not acting from malice &c.

Town of San José January 7<sup>th</sup> 1848,  
Antonio Mesa

Witness

Henrique Bee

Mr Antonio Punal for Alimento \$70

In consideration of the object of the  
petition made by Mr Antonio Mesa,  
as well of the repeated Urgency by the  
Creditors. Considering also that the  
property of the estate is daily losing in  
its value in consequence of the want  
of sufficient effort on the part of  
the Executors of said Estate; and that  
said debts are growing, and will  
lastly come to swallow the whole estate  
unless some equitable arrangement be  
made for their payment,

I the undersigned, Alcalde do  
order that Mr Antonio Mesa, the oldest

son, heir, and the only Executor of the late Prado Mesa; who has presented the above petition, be at liberty to sell to any purchaser, who will undertake to pay the above mentioned debts a half of the real as well of the other property, and not more,

And by this document, I the Alcalde of the Town of San José Guadalupe thus declare to be valid such sale, as a legal one with all force to such purchaser and his assigns,

Given in the Court of the Town of San José de Guadalupe this 7<sup>th</sup> day of July 1848.

James W. Weeks  
Alcalde.

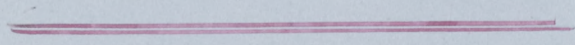
True Translation

Geo. Fisher

Sec.

Filed in Office July 9, 1855.

Geo. Fisher Sec



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En el pueblo de San José del Valle de la

41

R. L. Cachi  
Alcalde de Esta jurisdiccion ante los  
of José Cloué  
ga.

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En el pueblo de San José de Gold de la  
Alta California a los diez dias del  
mes de Abril de mil Ocho cientos cua-  
renta y Ocho. Ante mi Carlos White 1.  
Alcalde de Esta jurisdiccion ante los  
dos testigos de mi asistencia que despues  
se nombraron y con quienes actuó en forma  
devido compareció Dr José Antonio Mesa  
Doña Maria Concecion Masina Mesa,  
Maria Francisca Mesa José Ramon Mesa  
Justiciano mesa y Cheindro Mesa a quien  
Doy fe conozco y dijo que por si y a nombre  
de sus hijos, herederos y sucesores y de quienes  
de Ellos tuviere titulo voy y cauda en  
cual quiera manera vende y da en venta  
solemne y enajenacion perpetua a Dr  
Juan Ricord Ciudadano de Los Estados  
unidos y Residente de Este jurisdiccion  
todo el derecho, interes y titulo que tiene al  
tenido segun el division hecho por Dr G. A.  
Lynman Apunensor del medio distrito del  
Departamento de Alta California del Rancho  
conocido por el nombre de San Antonio del  
propiedad del difunto padre Mesa jun-  
tamte con la Mitad del ganado bueco  
y Leguas que pertenese al dicho Rancho  
los linderos seran mas bien conocidos por  
la Mapa del dicho apunensor y de claro y  
seguro el enuncialdo José Antonio, Maria  
Concecion, Masina, Maria Francisca  
José Ramon, Justiciano y Cheindro Mesa  
no tena vendido enajenado ni empeñado  
el espresado terreno y que esta libe de  
todo gravamen perpetua, temporal Especial  
general tacito y Espreso y como tal se lo  
vende, en precio y cantidad de dos  
mil doscientos treinta siete pesos. \$ 2237/20

cuya valor tiene entregada al comprador  
y recibido el Otorpante a su entera satis-  
faccion y asi mismo declara que es el justo  
precio y verdadero valor del expresado ter-  
reno fanado y yeguas que ahora vende  
en la mencionada cantidad Dos mil  
Doscientos treinta y siete pesos (2237)  
y que no vale mas y aun en el caso que  
mas valga o vales pueda del Exces en  
poco o mucho suma, hace donacion a  
favor del comprador y de sus hijos herederos  
y sucesores y esta Donacion y gracia tiene  
perfecta y inrevocable que le hace se llama-  
mar en derecho entrevivo con insinuacion  
y demas finessas legales en la condicion  
que se entregaba al Referido D<sup>n</sup> Juan Ricardo  
o a quien le Representa el enunciado tiene  
no fanado y Yeguas inmediatamente habiendo  
concedido en ello el comprador y el  
mencionado José Antonio, Maria Concepcion  
Marina Maria Francisca, José Ramon  
Justiciano y Vicencio Mesa renunciaran  
las leyes que tratan de contratos, Ventas  
y trueques y de otros en que hay ley en  
mas o menos del mitad del justo precio  
y queda obligado en que desde ahora en  
adelante y para siempre jamas quite y  
aparte a si mismos y sus herederos y  
sucesores y de quienes de ellos tuvieran  
voz, Recursos y otros cualesquiera derechos  
que le competen el enunciado tienen fanado  
y yeguas como expresado todo lo cual cede  
renuncia y traspasa en el comprador ya  
quien le represente para que le posea goze  
cambio use enageno y disponga de Ello co-  
mo de cosa suya adquirido justo y con  
titulo legitimo y se obliga ademas el Otor-

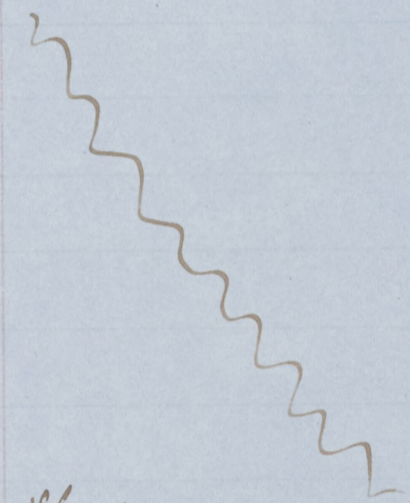


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gan te de conseguir las firmas necesario para hacer Valido la Venta y se somete a los tres jueces y justicias que de sus causas deven y pueden enosev conforme a derecho para que a su cumplimiento y apue mien como sentencia definitiva consentido y pasado en cosa juzgado que por tal loe cibe y renuncio las leyes que en el caso le favorezean.

En cuyo testimonio asi le ortajo y fimo con miso y los testigos que doy pec.

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Josè Antonio Mesa  
Maria Concecion + Mesa  
Marina + Mesa  
Maria Francisca + Mesa  
Jose Ramon + Mesa  
Justiciano + Mesa  
Meanchio + Mesa

Testigo de As<sup>a</sup> = Antonio Mesa Alvarca  
atencion

Josè Monega # James W. Weeks  
Thomas Campbell

Chas. White  
1<sup>o</sup> Alcalde

Filed in Office Jan 14. 1854

Geo. Fisher Secy

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At the ... the upper ...

At the Town of San José de Guadalupe in the Upper California on the tenth day of the month of April Eighteen hundred and forty two. Before me Charles White; 1<sup>st</sup> Alcalde of this jurisdiction and my assistants witnesses herein after named, and with whom I act in due form appeared Don José Antonio Mesa, Doña Maria Concepcion Mesa, Maria Francisca Mesa, José Ramon Mesa, Justiniang Mesa, and Nicandro Mesa, whom I attest I know; and they said that for themselves and in the name of their children, heirs, and successors, and of whomsoever of them who might have right, power and cause in any way: they sell, and grant in solemn sale and perpetual alienation unto Don Inan Ricard, Citizen of the United States, residing under this jurisdiction.

All their rights interest and title they have to the tract of land, according to the division made by Mr C. S. Seymour, Surveyor of the Middle District of the Department of the Upper California, in the Rancho known by the name of "San Antonio" of the Estate of the late Ruda Mesa, together with one half of the wild Cattle and mares now pertaining to the said Rancho, the boundaries will more clearly appear in the map of said Surveyor, and the said José Antonio Mesa, Maria Concepcion, Maria Francisca, José Ramon, Justiniang & Nicandro Mesa, do hereby declare not having sold, alienated or mortgaged the said tract of land, and that the same is free from all perpetual, temporal, especial, tacit and express encumbrance; and as such they sell it to him for and in consideration

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Translation  
of  
Exhibit R. S.  
No 1. to Depo  
of José Boniega

of the sum of Two thousand two hundred and thirty seven dollars (\$ 2237) which sum the vendee has paid and the vendors have received to their entire satisfaction; and likewise they declare the said sum of Two thousand two hundred and thirty seven dollars is a fair price, and real value of the aforesaid tract of land, Cattle, and mares hereby sold and that they are not worth more, and even in case they are so - of the Surplus amount whether in large or small sum they make a donation on behalf of the vendee, his children heirs and successors; and such donation perfect and irrevocable to be considered as it is called in law inter vivos; with the production of these presents before the proper judge for his judicial authority and other legal securities - with the condition that the said tract of land Cattle and mares shall be forthwith delivered to the said Mr Juan Ricard or his attorney. And the said Jose Antonio, Maria Concepcion, Maria, Maria Francisca, Jose Ramon, Justino, and Alejandro Mesa hereby relinquish all laws regarding contracts, Sales, and barter, and other against part or more or less the moiety of a price, and they bind themselves from henceforth & for ever, to quit and desist from all claim, they and their heirs & successors may have to the said tract of land Cattle, and mares, - all of which they hereby grant relinquish and transfer unto the vendee and his assigns to hold enjoy use, alienate, and dispose of them as their own property acquired with just and lawful title - and the vendors further bind themselves to obtain other necessary

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signatures to make this sale valid, and they submit themselves to the three judges & Justices who ought and are to take cognizance in such a case according to law in order to compel its fulfillment as a definitive judgment consented and passed in a tried cause and as such they admit it; and relinquish the law in their favor.

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In Witness whereof they have hereunto signed their name together with myself & the witnesses - which I attest,

	Jose Antonio Mesa
Apt Witnesses	Maria Concepcion + Mesa
Jose Toriega	Majina + Mesa
James W. Weeks	Maria Francisca + Mesa
Thomas Campbell	Jose Ramon + Mesa
	Justiniang + Mesa
	Alexandro + Mesa
	Antonio Mesa Executor.

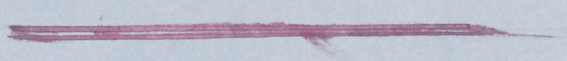
Chas. White  
Pr. Alcalde

True Translation  
Geo. Fisher

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Saled in Office July 9, 1853,  
Geo. Fisher

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1. L. D. R.  
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et

# Expediente

Espect. Promovido por el Alferes Prado

Exhib. No.  
1. A. L. an  
necesario de  
no. of Thomas  
E. Greensted  
Taken Oct.  
13. 1853.

Sobre el paraje nombrado

San Antonio

136  
m  
1/2m

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D. L. D. R. Sta Clara My<sup>o</sup>  
23 de 1838

Informe el Ad. } Como La Gobernada  
ministrada de } Prado Meza Alfere de la  
Esta Misión } compañía permanente de  
Alvarado. } D<sup>o</sup> Francisco ante V. S. como

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mejo proceda y el derecho  
permite hago presente que  
teniendo un numero de ganado mayor que  
se compone de trescientos Reses y setenta  
bestias he venido a suplicar le me conceda  
un sitio de fundo en el paraje nombrado  
D<sup>o</sup> Antonio que segun el dieño que acom-  
pañó a V. S. se compone de desde el Anas  
del Mataclero distante de Esta. Exemi-  
sion como tres leguas.

D. L. a V. S. suplico se sirva conceder  
me el dho paraje para cultivarlo y fomen-  
tarlo para la mantencion y subsistencia  
de mi exccia familia - juncando lo nece-  
sario V. S. por no haber papel sellado lo  
hago comun.

Sta Clara My<sup>o</sup> 23 de 1838

Dian del Prado Meza

Sta Clara 24 de Marzo. 1838

El paraje que se solicita en Esta instan-  
cia es conocido por pertenecer a Esta Ex-  
mision, pero por mi parte no hay inconv-  
eniente se le conceda al solicitante. V. S.

D. L. D. R. disponcha lo q. tubiere por con b<sup>te</sup>.

Jose Estada

Sta Clara Marzo 24 de 1838

Vista la peticion con que da principio  
Este Exped<sup>te</sup> el informe del Administra-  
dor de esta Exmision por el que ac-  
cede a la pretencion del interezado supuesto  
que no perjudica al Establecim<sup>to</sup> a que  
se refiere pertenese por hallarse Valdivia



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con todo lo demas que se tuvo presente  
y con rino de conformidad con las leyes  
y Replamentos de la materia se declara  
a D<sup>no</sup> Jacinto Meza dueño en propiedad de  
su sitio de ganado mayor según demuestran  
el diccionario adjunto, sujetándose a lo pre-  
venido en la Ley de 18 de Agosto de 1824  
y el Replamento de 21 de Noviembre 1828  
libres el Despacho correspondiente tomese  
Razon en el libro que corresponde y dirija  
este Expediente a la Diputacion para  
su aprobacion.

Asi yo el Jefe Superior politico interno de  
la Alta California. Juan B. Alvarado lo  
mando decrete y firmé.

Juan B. Alvarado

Monterey 19 de Mayo de 1840.

Dado cuenta a la C. Junta Departamental  
acordado en sesion de Este Dia que pase  
a la emision de apicult.

Jose J. Fernandez  
Dio

En 22 del Mesmo lo devolvi con el Dis-  
tamen of. de acompaña.

Fernandez

H. L. D. R

Here follows  
Map

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52. 5. L. D. R. Juan. B. Alvarado Gobernador Constitucional  
al del Departamento de las Californias  
Por cuanto el Alférez Pedro Meza ha pre-  
tendido para su beneficio personal y el de  
su familia el terreno conocido con el nombre  
de Sr. Antonio colindante con el Arroyo  
de Don José Capistrano por el N. con las Lomas  
bajas y al E. con el Arroyo del Matadero;  
practicadas previamente las diligencias y  
averiguaciones concernientes según lo dispuesto  
por leyes y Reglamentos: usando de las  
facultades que me son conferidas a nom-  
bre de la Nación Mexicana he venido en  
concederle el terreno mencionado de cla-  
randole la propiedad de el por las presen-  
tes letras sujetándose a la Aprobación de  
la Coe[m]a Junta Departamental y bajo  
las condiciones o sig[ue]s

1<sup>ra</sup> podrá cercarlo sin perjudicar las ave-  
cias caminos y servidumbre o lo disputa-  
ra libre y voluntariamente destinándole al  
uso o cultivo que mas le acomode; pero dentro  
de un año fabricará casa y botana habitada

2<sup>a</sup> Solicitara del juez Respectivo que ce-  
de la posesion jurídica en virtud de este  
despacho por el cual se demarcaran los

Q. S. D. R. linderos en ciertos limites pondrá a mas  
de sus moroneras algunos arboles fru-  
tales o silvestres de alguna utilidad.

3<sup>a</sup> El terreno de que se hace donacion  
es de un sitio de fanado mayor por lo mas  
o menos según esplica el Diseño Respectivo  
El juez que diese la posesion lo hará medi-  
conforme a Ordenanza quedando el sobrante  
que resulte a la Nación para los usos con-  
vencidos

4<sup>a</sup> Si conterminare a estas condiciones



S. L. D. R. posesion juridica

por el cual se

limites por el

algunos arbo

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3<sup>ra</sup> - El terreno

en sitio de forma

para explicar

te. El juez q

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te que resulte

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4<sup>ra</sup> - Si con har

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finis

M. 30 de mil Ocho cientos treinta y nueve

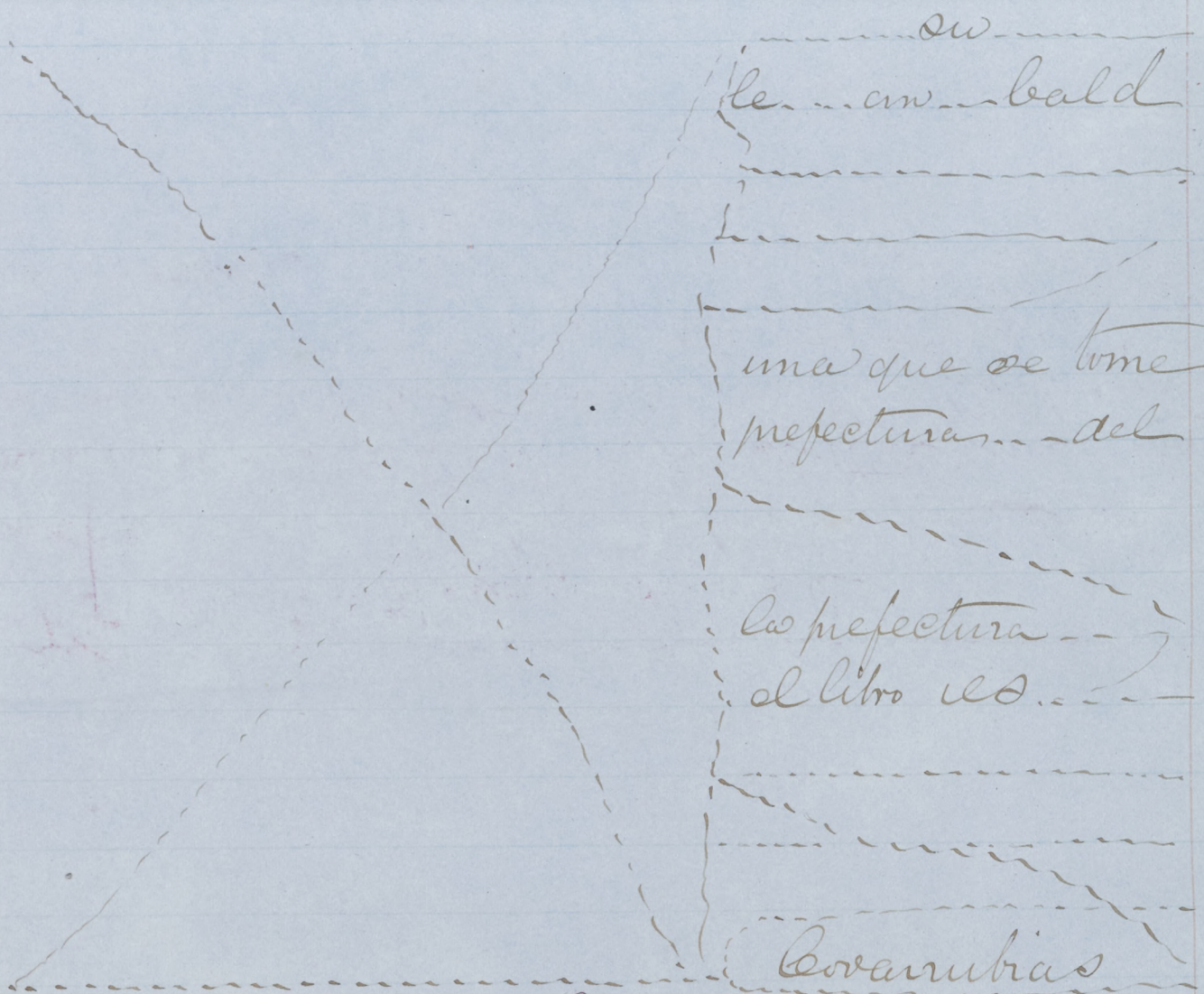
las habecias ca  
tara libre y es  
o cultivo que  
de un año fabri

itada  
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Note. By the Overseer General  
The corresponding page in the Original is  
nearly all Obliterated. The dotted lines show  
the only legible portions thereon. The Words of the  
last line "Mil Ocho cientos treinta y nueve"  
seem to have been Written since the Writing has  
been partially Obliterated.

559. S. D. R.

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PAGE 51



Note by the surveyor General  
 The corresponding page in the Original is nearly all Obliterated. The dotted lines show the only legible portions thereon.

10. S. D. R. Sello Genero Dos Reales:

Habilitado provisionalmente por la Aduana Maritima del puerto de Monterey en el Departamento de las Californias para los años de mil Ocho cientos cuarenta y mil Ocho cientos cuarenta y uno  
 Alvarado Antonio Maria Orio

Sello

Constitucional  
 mental en seccion del  
 probos la consecucion  
 que de Marzo. ocho

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PAGE 52

Note By the Surveyor General,  
The page is nearly all obliterated  
in the Original; and the dotted  
lines show the limits of the only  
portions which now appear in  
the same.

D. Prado Mesa  
Decreto de hoy que  
obra buente a la parte  
nos que le convenyan  
1840.  
Alvarado  
Man: Jimeno

11. L.D.R

Here follows }  
} Map }

12. L.D.R

Excmo Sr  
La Comision de Agricultura y Comercio mi-  
das encargadas p<sup>te</sup> V. E. de dictaminar  
los Exped<sup>tes</sup> que en la seccion anterior acom-  
pano el Excmo Sr Gob<sup>no</sup> y concedidos p<sup>te</sup> el  
mismo Gobierno. y encontrandolos conformes  
segun lo actuado e informes y de mas que ver  
comino se ha podido proponer a Deliberacion  
de V. E. los articulos sigtes  
art. 1.º Se aprueba la Concesion hecha por el  
Gobierno Departamental con fha 24 de Mayo  
de 1838. en la persona de D. Prado Mesa del  
paraje nombrado San Antonio.

WLD  
WD

... a ...

57

2<sup>o</sup> Que se devuelva al Excmo La. Gobernador  
el Expedite pas los fines enbent<sup>os</sup>

Monterey Mayo 21 de 1840.

José Rafael }  
Gonzales } J. Argüello.

B. L. D. R. Monterey 22 de Mayo de 1840.

En Decion de Este dia aprobo la E.  
Junta Departamental los dos articulos  
en que concluye el Distamen anterior 26  
Jun<sup>do</sup> 22 anterior<sup>do</sup> Q.

Manuel Jimenez } José J. Fernandez  
Medell<sup>do</sup> } Dto.

14. L. D. R. teney 10 de junio de 1840.

En Vista de la Aprobacion Otorgada en  
26 de Mayo procm<sup>do</sup> pas<sup>do</sup> por la E. Junta  
Departamental, libese testimonio de  
Ella a la parte de D. Pedro Mesa en confir-  
macion del terreno de S. Antonio que obtuvo  
en 24 de Mayo de 1838. Ee con D. Juan  
B. Alvarado Gobernador Constitucional  
del Departamento de las Californias asi  
lo puse y firmo de que doy fe.  
Alvarado

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

J. Samuel. D. King Survey  
General of the United States for the State  
of California. and as such now having  
in my Office and under my custody a portion  
of the Archives of the former Spanish and  
Mexican Territory or Department of Upper  
California. Do hereby certify that the  
fifteen preceding and hereinto annexed  
pages of tracing paper numbered from One  
to fifteen inclusive Exhibit true and

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PAGE 53

5-8

accurate copies of certain documents on  
file and forming part of the said archives  
in this Office.

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*Seal* In Testimony whereof I have  
hereunto signed my name Officially  
and affixed my private seal (not having  
a seal of Office at the City of San Francisco  
Cal. the 2<sup>nd</sup> day of January 1853  
Sam<sup>l</sup> D. King  
Surveyor Gen<sup>l</sup> Cal

Filed in Office March 2<sup>nd</sup> 1853

Geo. Fisher Deery

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5-8



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Translation from the Spanish

"Expediente"

on proceeding at the instance of Second Lieutenant Prado in relation to the place called:

San Antonio

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PAGE 55

"B"

His Excellency the Governor

Translation

of Expediente.

Prado Mesa Second Lieutenant of the Permanent Company of San Francisco, before Your Honor in the best form, and as the law permits, do represent; that owning a number of Cattle composed of three hundred head & sixty beasts of burden, I have come to request Your Honor to grant me one "Sitio" square league at the place called San Antonio, which according to the plan I herewith annex is comprehended from the Creek of San José Caperting to the Creek of "Matadero" about three leagues distant from this Ex Mission.

Santa Clara  
March 23.  
1838.  
See the  
Admin.  
instructions  
of this  
Ex. Mis.  
since  
put upon  
the same  
Alvarado.

Wherefore I request Your Honor to be pleased to grant me the forementioned place that I may cultivate and improve it for the support & subsistence of my numerous family - Making the necessary oath &c - There being no stamped paper I write it on this of the common King.

Santa Clara March 23, 1838.

Juan del Prado Mesa.

Santa Clara March 24<sup>th</sup> 1838

The place solicited in this petition is known to belong to this Ex. Mission but for my part I find no objection to its being granted to the petitioner.

Your Honor will dispose what may be most convenient,  
 José Estrada.

Santa Clara March 24<sup>th</sup> 1838.

In view of the petition at the head of these proceedings, the report of the Administrator of said Ex. Mission by which he accedes to the petition of the interested party because it does no injury to the establishments to which it is inferior it belongs, and the fact of its being vacant with every thing else that was considered to bear in the matter, in conformity to the laws and regulations on the subject, Don Prado Meza is declared owner in fee of his "sitio de ganado mayor" (one square league) at the place called San Antonio as is shown by the annexed plat, subject to the requirements of the Law of August 18, 1824 and the regulations of November 21, 1828.

Let the corresponding patent be issued, let it be entered in the proper book, and let this Expediente be transmitted to the most Excellent Diputación for its approval.

This I the Political Chief, ad interim of Upper California, Juan B. Alvarado Command it to be decreed, and I signed it,

Juan B. Alvarado.

Monterey May 19, 1840.

It having been communicated to the Excellent Departmental Board, it was agreed in their session of this day, that it be transmitted to the Committee on Agriculture  
 José F. Fernandez.

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 PAGE 57

On the 22<sup>nd</sup> of the same month it was returned with the accompanying opinion,  
 Fernandez

Mon —  
 The first map in the original is inserted here.

Juan B. Alvarado, Constitutional  
 Governor of the Department of the Depart-  
 ment of the Californias.

Whereas Second Lieutenant Prado Mesa has petitioned for his personal benefit and that of his family, for the tract of land known by the name of San Antonio, bounded by the creek of San José Lupertino on the East by the "Sierra Madre of Sta Cruz" (mountain range of Santa Cruz), on the west by the low hills, and on the north by the "Creek del Matadero" having previously complied with the requirements & investigations on the subject agreeably to the laws and regulations: now in the exercise of the Authority in me vested, in the name of the Mexican Nation I have thought proper to grant to him the forementioned tract of land, declaring the same to be his property by these presents, subject to the

approval of the Most Excellent Departmental Junta, and under the following conditions:

1<sup>th</sup> He may fence it without obstructing the Crossings, roads & Servitudes; he shall enjoy it freely & exclusively, putting it to such use or culture as may best suit him, but within one year at furthest he shall build a house & it shall be inhabited.

2. He shall solicit the respective Judge to give him judicial possession by virtue of this patent, by which the boundaries shall be marked out, at the limits of which he shall set besides his landmarks some fruit trees or else wild ones of some usefulness.

3. The land of which donation is made is of one "sitio de ganado mayor" (square league) little more or less as is exhibited by the respective Plat-

The judge who may give possession will cause it to be measured agreeably to ordinance, leaving the excess which may result to the Nation for convenient uses.

4<sup>th</sup> If he should contravene to these conditions he shall lose his right to the land, and it shall be opened to denouncement by another.

Consequently I command that viewing these presents as his title, and holding it as firm and valid; the same be entered in the book to which it corresponds and be delivered to the interested party for

his security and further ends.

Given in Monterey on the 24<sup>th</sup> March  
1839.

Note. The following four pages of the original are so obliterated as to be entirely unintelligible, though they seem to indicate a grant & some consequent proceedings.

After them is to be found in the original a sketch of the land petitioned for by Prado Mesa. Then follow the regular proceedings to wit:

Most Excellent Sir,

The Committee on Agriculture & Commerce United. Charged by Your Excellency to pass their opinion on the Expedientes which in the preceding session were transmitted by His Excellency the Governor, granted by the same Government, finding them in conformity with the acts, reports & with every thing else which we have been able to examine, do propose to Your Excellency's deliberation the following articles;

Art 1<sup>st</sup> The Concession made by the Departmental Government on the 24<sup>th</sup> of May 1838 to Don Prado Mesa of the place called San Antonio is hereby approved,  
2<sup>nd</sup> That the Expediente be returned to His Excellency the Governor for the purposes that may be convenient.

Monterey May 21<sup>st</sup> 1840.

José Rafael González S. Arquello



Pueblo de San José Jan<sup>y</sup> 14<sup>o</sup> 1854.

Sir

I have this day purchased of Don Antonio Mesa Executor of the deceased Prado Mesa one equal half of the Ranch belonging to the heirs and estate of said Deceased and an equal half of the Wild Cattle and Mares pursuant to your Judicial Decree made for the payment of certain debts due from the Estate and I have to request that you will grant an order to C. S. Szymman Surveyor of the Middle Department of California to set off to me with metes and bounds the half of said Rancho which falls to my share, and that two disinterested persons be appointed to allow me my proportion of the Stock in your presence on some day when it will best suit your convenience and when I can attend to hand them.

I have the honor to be your

Obt. Servant

John Ricard.

James N. Weeks Esqr  
Alcalde.

To C. S. Szymman Esqr

Surveyor for the

Middle Department of California.

Sir,

You are hereby authorized and requested to comply with the application to me contained in the above petition as far as regards the measurement of land.

The Original Title deeds as well to Prado

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PAGE 61

Translation

Doc R. I. No. 1.

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Men as to the Applicant John Ricord Esqr  
will be found at my office, and will be subject  
to your inspection.

You will bear in mind in making the survey  
that the proportion conveyed to William  
Ricord in the South half and also that  
when said survey is completed it will  
be requisite to deposit with me copy  
of the field notes and a diagram together  
with this original order to serve as vouchers  
between the parties interested.

I am &c

James M Weeks  
Alcalde

Filed in Office Jan 14, 1854.

Geo. Fisher

Sec



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PAGE 62



"Deed"

Exhibit Annexed  
Deposition  
of G.S. Seymour

Know all men by these Presents, that I William H. McKee of the City & County of Monterey State of California, for, and in consideration of the Sum of Seven thousand two hundred Dollars to me in hand paid by Henry J. Dana and William A. Dana both of the City of San Francisco, State of California the receipt whereof is hereby acknowledged, have this day granted, bargained, sold & conveyed and by these presents, do grant, bargain, sell and make over unto the aforesaid Henry J. Dana and William A. Dana, and unto their and each of their heirs and assigns, executors & administrators forever, all my right title and interest, claim and demand, both of G.S. Seymour at law and in equity, in and to all that certain piece or parcel of ground, situate, lying and being in the County of Santa Clara, and known as a part of San Antonio Rancho, formerly the property of deceased Juan Prado Mesa, being about thirty five hundred English Acres, and being precisely that portion of the southern half of San Antonio Rancho which was conveyed unto me (the said William H. McKee) by John Ricord by deed bearing date 25<sup>th</sup> of March 1849 and duly entered on the Records of Santa Clara County at the City of San Jose, in Book of deeds "B" at pages 148 & 149, save and except six hundred acres of the same already sold by me unto Henry C. Curtis and Wm. W. White; all of which will more fully and at large appear, reference being had to the Santa Clara County Archives, said southern half which was sold to John Ricord, by United Heirs of deceased Juan Prado Mesa, being bounded

and described as follows, to wit: Commencing at the Northern Angle of the San Antonio Rancho at a Willow tree on the Southern side of the Upper, Southern or Winter road from San Francisco to San José de Las Caperinas Creek, and extending thence Course South  $54^{\circ}.45''$  West 97 Chains, 90 links, thence South  $51^{\circ}.25''$  West to the edge of the Charrisal; thence South  $44^{\circ}.45''$  West, 66 chains 10 links to an oak on a hill about 50 rods to the South East of Mesa's Adobe House thence South  $21^{\circ}.50''$  West 118 Chains to the base of the mountain; thence along the base of the mountain South  $80^{\circ}.10''$  East 68 chains 40 links to a blazed oak; thence South  $75^{\circ}.25''$  East 75 chains 90 links, to another blazed oak; thence South  $54^{\circ}.20'$  East, 177 chains to a blazed oak on the slope of the hills, thence South  $68^{\circ}.45''$  East 31 chains to the Arroyo de San José Capertino near the foot of a steep bluff and thence down along said Arroyo de San José de las Caperinas to the Willow tree, the place of beginning, said measurement containing Six thousand one hundred and two English Acres; is represented on the accompanying diagram.

To Have and To Hold the before mentioned bargained premises, together with all and singular the rights, privileges and appurtenances therunto belonging unto the said Henry F. Dana and William A. Dana and unto their heirs and assigns forever, to their sole use benefit and behoof forever. And furthermore I the aforesaid Wm. H. McKee hereby do agree to warrant and defend the aforesaid Henry F. Dana and William A. Dana in the

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title to the aforesaid tract of land against the claims of all persons claiming by through or under me or my heirs and assigns, forever; but against no others,

In Witness whereof I have hereunto set my hand and affixed my seal at the City of San Francisco, this thirtieth day of April A.D. (1851) Eighteen hundred and fifty one.

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Signed sealed & delivered

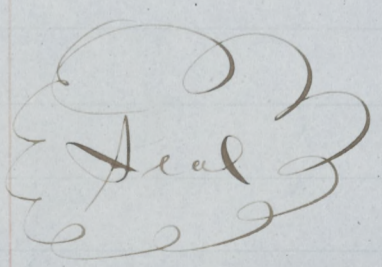
In presence of  
W.W. Brian

Wm H. Ree Seal

State of California  
County of San Francisco



On this 30<sup>th</sup> day of April A.D. 1851 personally appeared before me the subscribed a Notary Public in and for the said County, Wm H. Ree known to me to be the person described in and who executed the foregoing conveyance, who acknowledged to me that he executed the same freely and voluntarily & for the uses & purposes therein mentioned.



In testimony whereof I have hereunto subscribed my name and affixed my Notarial Seal the day and year last above written.

Royal H. Waller  
Notary Public

Filed in Office April 14, 1854,  
Geo. Fisher Sec

This Indenture made & cluded this 25<sup>th</sup> day of March in the year of our Lord one thousand Eight hundred and forty nine.

Between John Ricord of Pueblo de San Jose, in the District of San Jose North-ern Department of Upper California, of the one part, & James W. Weeks of the same Pueblo of San Jose of the other part:

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PAGE 66

Witnesseth that the said John Ricord for and in consideration of the sum of Three thousand Dollars, well and truly paid at or before the enseatiny and delivery hereof, the receipt whereof is hereby acknowledged, has granted bargained sold, transferred and conveyed, and by these presents does grant, bargain, sell, transfer and convey unto the said James W. Weeks, heirs and assigns forever, all his right title and interest, of in and to all that certain lot of land situated and being in the jurisdiction of San Jose as aforesaid and known as the South half of that portion of the Ranch of the deceased I Prado Mesa, which was conveyed to the said John by the United Heirs of said Mesa in concert with and cooperation of Charles White Esqr, Alcalde, as the same was surveyed by G. S. Seymour, Esqr, the field notes & diagram of which survey now remain on file in the Trozgado of Pueblo de San Jose,

"Deed"

John Ricord  
To  
Jas. W. Weeks.

To Have and To Hold all and singular the above, bounded and described lot of ground as aforesaid, together with all the rights, profits, privileges & appurtenances whatsoever, therunto belonging as fully as the same was held and possessed by

ND

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the said John Ricard as aforesaid unto  
the said James W Weeks, his heirs and  
assigns to the only proper use benefit and  
behoof of the said James W Weeks his  
heirs and assigns forever

In witness whereof the said John Ricard  
hath hereunto set his hand and seal, the day  
and date above mentioned.

John Ricard (Seal)

signed sealed and  
delivered in presence of us.

Walter Taylor  
Wm H. McKee.

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State of California  
Santa Clara County ss.

Be it remembered

that on this 14 day of November A.D. 1850  
before me personally came Wm H. McKee  
as subscribing witness to the foregoing deed  
upon being duly sworn deposes and says  
that he is personally acquainted with the grantor  
to the foregoing deed and that he saw the said  
grantor sign the said deed freely volunta-  
rily & for the uses & purposes therein con-  
tained.

In Testimony whereof I have hereunto  
set my hand and private seal (there being  
no official seal) the date above written.

J. S. Richardson

(Seal)

Recorder in and for said County

Filed in Office July 17, 1888

Ge. Fisher Sec

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PAGE 68

This Indenture made and concluded this Twenty fifth day of March in the year of our Lord one thousand eight hundred and forty nine; Between John Ricard of Pueblo de San José in the district of San José, Northern Department of Upper California of the one part and Wm. H. McKee of Monterey of the other part

Witnesseth that the said John Ricard for and in consideration of the sum of Fifteen hundred Dollars to him well and truly paid at or before the sealing and delivery hereof the receipt whereof is hereby acknowledged, has granted, bargained, sold, transferred and conveyed, and by these presents does grant, bargain sell transfer and convey unto the said Wm. H. McKee his heirs or assigns forever all his right title and interest in and to all that certain lot of land situated & being in the jurisdiction of San José as aforesaid and known as the North half of that portion of the Ranch of the late L. Prado Mesa, deceased which was conveyed to the said John Ricard by the United heirs of the said Mesa, in concert with and by cooperation of Charles White Esqr. Alcalde, as the same was conveyed by G. S. Seymour Esqr. by order of James Weeks Esqr. previous Alcalde, the field notes and diagrams of which survey now remain on file in the Juzgado of said Jurisdiction

To Have and To Hold all and singular the above, bounded and described lot of ground as aforesaid, together with all the rights, profits, privileges and appurtenances

"Deed"

Juan Ricard  
To  
Wm. H. McKee

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PAGE 68

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whatsoever therunto belonging as fully  
as the same was held and possessed by the  
said John Ricord as aforesaid unto the  
said Wm H. McKee, his heirs and assigns  
to the only proper use benefit and behoof  
of the said Wm H. McKee, his heirs and  
assigns forever.

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PAGE 69

In Witness whereof the said John  
Ricord has herunto set his hand and seal,  
the day and date above mentioned.

John Ricord (Seal)

Signed sealed and delivered  
in presence of  
Walter Taylor  
R. M. Warner,

State of California  
County of San Joaquin

On this Eleventh day of November A. D.  
1850, personally appeared before me  
Recorder in and for the County aforesaid  
R. M. Warner to me known as a subscribing  
witness to the foregoing Signature, and who  
being sworn deposed and says that the  
aforesaid John Ricord did acknowledge  
the said Deed to be his free act and deed,  
and that he signed his name thereto as a  
witness, Given under my hand  
and seal at Stockton, County and State  
aforesaid,

(Seal)

A. A. Mix.  
County Recorder

Filed in Office July 17, 1855,  
Geo. Fisher Sec

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*[Faint, illegible handwriting throughout the page]*

5.25  
10.00





75-

Boundaries of the Southern half of the Rancho de San Antonio - belonging to John Ricard Esqr.

Commencing at the

Northern Angle, at a willow marked by in the middle of a thick clump of sprouts, on the Southern side of the upper road from Santa Clara to San Francisco, at the intersection of said Road with the Arroyo de San José Cupertino, the boundary runs S 54° 45" W along the land of Mariano Castro, 97

Exhibit No 1  
to the Depo  
of G.S. Seymour

chains 90 links to a live oak marked with three cuts. Thence S 57° 25" W along said Castro's land to an oak with 2 cuts at the edge of the Chamisal - Thence along the other portion of the Rancho de San Antonio S 44° 45' W 66 ch 10 lks to an oak with 2 cuts on a hill about 50 rods South westerly from Mesa's House

Thence along said portion of the Ranch S 21° 50' W (passing a blazed oak on a hill at 81 chains) 115 chains to the base of the mountain. Thence along the base of the Mountain S 80° 10' E 64 ch. 40 to a blazed oak - Thence along said base S 75° 25' E. 75 ch 90 l to another blazed oak on the slope of the hills -

Thence S. 68° 45' E 31 ch to the Arroyo de San José Cupertino near the foot of a steep bluff - Thence along the said Arroyo to the place of beginning.

Said Admeasurement containing 6102

Filed in Office  
April 14. 1854  
Geo. Fisher  
See April 1<sup>st</sup> 1848.

G.S. Seymour  
Surveyor for said  
Depo. W.C.

Pueblo de San José Cpe.

1000  
1000

Office of the Board of Commissioners,

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

368 ND

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I, *George Fisher* — Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Seventy five* — pages, numbered from  
*1 to 75*, 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. *708* on the Docket of the said Board,  
wherein

*James W. Weeks* is —  
the Claimant against the United States, for the place known by  
the 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  
*Tenth* — day of *December*  
A. D. 1855, and of the Independence of the  
United States of America the *seventy-eighth*.

*Geo. Fisher*  
*Geo. Fisher*

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

No. 368 **368**

THE UNITED STATES,

vs.

*James W. Weeks.*

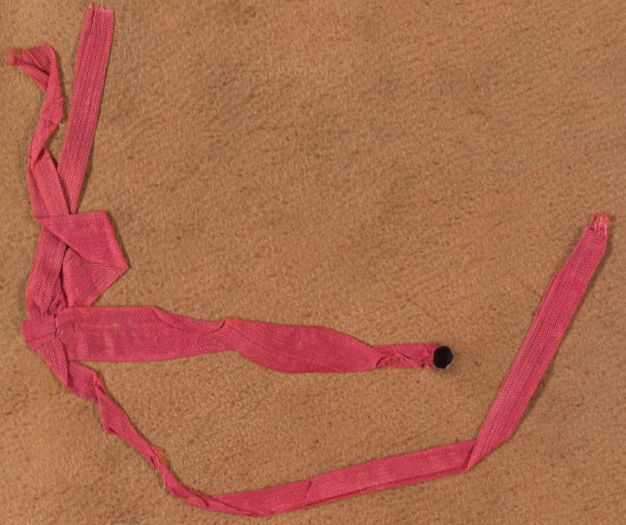
TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *708*

Filed, December 24, 1855

*John A. Monroe,*  
*Clark*



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 twenty third  
day of February in the Year of our Lord  
One thousand eight hundred and fifty seven.

Present:

The Hon Ayden Hoffman, District Judge.

---

The United States }  
vs } D.C. 368; S.C. 708.  
James M. Weeks }

---

It appearing to the satisfaction  
of this Court that the Transcript in this case  
has been filed in this Court more than six  
months; that the Board of Commissioners  
to ascertain and settle the private land  
claims in the State of California, from which  
this case is appealed to this Court, rejected  
the claim set up therein by the claimant, and  
that the proper notice of intention to appeal  
has not been filed in this cause within  
the time limited by Law: It is, therefore,  
on motion of the U. S. Attorney, Ordered  
that this case be dismissed and struck  
from the docket of this Court.

368  
L.C. 708

U. S. Dist Court

The United States

ad

James M. Weeks

order

Filed Feb 23, 1857,  
W. H. Cheves,  
Deputy.

368 ND

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Office of the Board of Commissioners,

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

San Francisco, Dec. 10<sup>th</sup> /<sub>4</sub> 1855

*J. A. Murree* Esq.  
Clerk of the U. S. District Court for the  
*Southern* 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. 708 on the Docket of the said Board, wherein

*James W. Weeks* is

the Claimant against the United States, for the place known by the name of "*Part of San Antonio*."

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

*Geo. Fisher*  
