

CASE No.

375

NORTHERN DISTRICT

MALLACONES OR MORISTUL GRANT

MARTIN E. COOK et al.

CLAIMANT

DEC 19 1962

LAND CASE 375 ND 59 pgs.

RECOVERED

Handwritten signature

657

Map in 5-8 000

Leaf

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TRANSCRIPT

375 ND
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 657

Martin E. Cook, et al. CLAIMANTS

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Mallacomes o' Moristad

1861
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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *twenty eighth day of February*, 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 *Martin E. Cooke, et al:*

for the Place named

"Mallacousi Moristut,"

was presented, and ordered to be filed and docketed with No. 657 and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco August 29th 1853.

In case no. 657, *Martin E. Cooke et al:* for a part of the place named *"Mallacousi Moristut,"* the deposition of *John Cricherson*, a witness in behalf of the claimants, taken before Commissioner *R. Aug. Thompson*, with document marked *R. T. annexed thereto*, was filed;

(Vide page 4 of this Transcript.)

San Francisco December 22nd 1853.

In the same case the Counsel for the claimant, filed the following stipulation, to wit;

(Vide page 5 of this Transcript.)

San Francisco Oct. 13th 1853.

In the same case the deposition of *Israel Brickman*, a witness in behalf of the claimants, taken before Commissioner *Thompson Campbell*, with document marked

A. annexed thereto, was filed;
 (vide page 6 of this Transcript)

San Francisco April 18/1854.
 Case no. 657 was submitted on briefs and taken
 under advisement by the Board.

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San Francisco August 7/1855.
 In the same case commissioner R. Aug. Thompson
 delivered the opinion of the Board confirming
 the claim;

(vide page 45 of this Transcript.)
 and the following order was made, to wit,
 (vide page 47 of this Transcript)

N.

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To the Honorable the Board of United States
Land Commissioners appointed to settle
Private Land Claims in California

Petition

Petition of Martin Cleck and Rufus
Wells respectfully represent

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That they
are the claimants and owners of a certain
tract of land lying and situated in the
County of Santa Clara in the State of California
and being two miles square on the north
west portion of the Rancho known as
Mescaleros. In virtue of the said Rancho
being granted to Jose S. Borjesa by and
from the Mexican Government of California
and dated at Monterey October 11th
1843

The evidence of said grant and its
validity your petitioners expect to prove
before the final hearing of this claim
by the records of the same in the archives
now in custody of the United States
Survey General for California in original
papers and maps and the testimony of
witnesses to be produced before your
Honorable Board,

And your petitioners
further state that the said Jose S. Borjesa
sold and conveyed said lands
to your petitioners Martin Cleck and
Charles B. Weckins by and under the
1st of August A.D. 1850 a copy of the
same being herewith filed as part of
this petition,

And your petitioners further
state that said Weckins sold and
conveyed all his right title and interest
in said lands to your petitioner Rufus
Wells by and under date August 11th 1850
a copy of the same being herewith filed
as part of this petition
and your petitioners further state that

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is in completing claimants reference
to your petition and the said Rancho
has been in the peaceable possession of
the original ^{and title} grant holding under
them from the date of said grant until
the present time.

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The evidence upon which
your petition relies in support of this
claim has been herein stated together
with the original transcripts and to be
produced and proved before your
Honorable Board.

All of which your
petitioners respectfully submit for your
action as the justice and nature of this
claim may require.

E. C. Crosby
of Counsel

Filed in Office February 28th 1853
Signed

Geo Fisher
Secretary

Rec in Volume 2 of Petitions pages 77, 78
Signed

Geo Fisher
Secretary

Depo of
J. Erickson

Case No 657
Office of Commissioners of Land
Claims in California

This day before Commissioner Robert
A. Thompson came John Erickson a
petitioner in behalf of claimant's Case
Number 657 Martin C. Cook et al
vs United States who after being duly
sworn depose as follows

Respect E. C. Crosby
Esq Attorney for claimants
Instructed by claimant's Attorney
What is your name age
and place of residence

S-

Answer

My name is John
Wickerson my age twenty eight years
my residence Sonoma County Calif
of said.

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Question by same

Are you acquainted with
the handwriting of Charles P. Williams
and Lemuel Wilson his wife who state
the papers purporting to be copies from
said Williams and wife to Rufus In-
gles dated 21st August 1850 and to state
copies marked with the initials C P
and state whether or not their signa-
tures to said deed are genuine

Answer

I have seen them
both write and know their handwriting
I have no doubt their signatures to said
papers and are their genuine signatures

I am not so familiar with the handwriting
of the subscribers named to said
deed George Stone whom I have
seen him write and from my knowl-
edge of his handwriting believe his
signature on said deed to be genuine

Question

Do you know

where the said George Stone now lives

Answer

I do not know
certainly where he now is when I
last saw him about the last of June or
1st of July of the present year he was
about leaving on an exploring expedition
with a view to the location of a rail
road from California to the Atlantic
States and for some is now engaged
in that service and further this depen-
dent said deed signed John Wickerson Jr

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sworn and subscribed
before me this 29th day of
August 1853

signed

R. Aug. Thompson
Commissioner

Filed in Office August 29th 1853

signed

Geo. Fisher
Secy

Records in Vol 3 p 3 page 99

signed

Geo. Fisher
Secy

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Depo of
I. Brockman

Office of the Board of Commissioners &c &c
This day before Commissioner Thompson
Campbell came Israel Brockman an
applicant in behalf of claimants Mr
Charles and Peter Fisher after being
and sworn appeared as follows

Question What is your
name and place of residence

Answer My name is Israel
Brockman I am thirty nine years of age
and reside at Sandusky

I further look out the paper
wrought on your behalf and purporting
to be a deed from Joel Ferris to Mr
Charles and Peter P. Withins and state
that the signature of said Ferris
where it appears is his genuine signature
whether your name where it appears as a
subscribing witness is your genuine signature
and the signature of Joel Ferris where it
appears on said document is his genuine
signature and was subscribed in my presence
& my name where it appears was subscribed by me
I is my genuine signature I. Brockman
sworn to and subscribed before me this 13th
day of October 1853 I Campbell Commissioner
Filed in office October 13th 1853 Geo. Fisher Secy

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Exhibit RT
annexed to
Depo of J.
Crickerson

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Know all Men by these presents that
 I Charles P. Wilkins of the County of Sonoma
 State of California for and in consideration of the sum of
 ten thousand dollars in hand to me paid
 by Rufus Ingalls of the United States
 Army the receipt whereof is hereby acknowledged
 and by these presents do hereby
 grant bargain sell convey and
 assign unto the said Rufus Ingalls his heirs and
 assigns forever my right title and
 interest in and to all that certain tract
 of land lying and being in the County
 of Napa bounded as follows

Being the undivided half of the
 six square mile tract first portion
 of the Rancho Mendocino as made a course
 of land situated in the said County being
 granted to Jose Serrano by said Jose Serrano
 and Antonio Barrera of California in
 dated at Monterey October the four
 tenth A.D. 1843 and granted to Martin
 C. Cook and Charles P. Wilkins of Sonoma
 County by said Jose Serrano and
 Antonio Barrera the said A.D. 1850 and
 filed for record in the Recorder's office of
 the County of Napa August the ninth
 A.D. 1854

To Have and to hold the above
 bounded and described tract of land
 unto the said Rufus Ingalls his heirs
 and assigns forever

In witness whereof
 I the said Charles P. Wilkins and
 being duly sworn of the said Charles P. Wil-
 kins in token of public faith of all right
 and title of or to convey with the granted
 premises have hereunto set our hands
 and seals this 21st day of August A.D. 1854

at the City of Sumner

Charles P. Wilkins

Seal

County Wilkins

Seal

signed sealed
and delivered in
presence of
George Stoneham

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State of California
County of Sumner

Personally appears before me R. B. Butler Deputy Recorder County of Sumner Charles P. Wilkins and County his wife known to me as the persons described in and who executed the foregoing instrument,

and the said Charles P. Wilkins acknowledges that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

And County the wife of the said Wilkins being made acquainted with the contents of such conveyance acknowledges and is separated apart from and without the hearing of her said husband that she executed the same freely and voluntarily without fear or constraint or under influence of said husband and that she did not wish to retract the execution of the instrument.

Witness my hand and seal this 20th day of August 1850 at Sumner
By R. B. Butler Deputy
Filed for Record Aug 22, 1850 at 10 o'clock AM
Records in Book App 109.11 & index of
Mapa County with Kennedy number
Filed in Office August 29th 1853
Geo Foster Secy

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Exhibit A
annexed to
Depo of T
Brockman

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This Indenture made the seventh day
of August one thousand eight hundred
and fifty between Jose Barrigosa of the
first part of the Parish of Martines
in the County of Santa Rosa and State
of California and Martin A. Leach and
Charles H. Withins of the County of Sonoma
and City of Sausalito in said State
of the second part.

Witnesseth that the said
party of the first part found in consideration
of the sum of five thousand dollars
lawful money of the United States to
him in hand paid by the said parties
of the second part at or before the usual
day and delivery of these presents the
receipt whereof is hereby acknowledged
and the said parties of the second part
their heirs executors and administrators
prior release and discharge from
the same by these presents has granted
bargained sold aliened remised releas-
ed conveyed and confirmed and by these
presents do grant bargain sell alien
release convey and confirm
unto the said parties of the second part
and to their heirs and assigns forever

All
of that certain tract of land lying and
situate in the County of Santa Rosa
State being four miles square on the
North West portion of the Rancho known
as Matlaconsa situated the said
Rancho being granted to said Jose
Barrigosa by said Francisco
Governor of California at Monterey
October 10th 1843

Together with
all and singular the tenements heredita-
ments and appurtenances thereto belong-
ing or in anywise appertaining and the
rights and reversions remainder and

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some annuities rents issues funds profits
things and also all the testator right title
interest property possession claim
and claim and what power as well in law
as in equity of the said party of the
first part of us and to the same and
any part and parcel thereof with the
appurtenances

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To Have and to hold the
above granted bargained and described
premises with the appurtenances unto
the said parties of the second part their
heirs and assigns to them and their
heirs forever

And the
said party of the first part for his heirs
executors and administrators do
covenant grant and agree to and with
the said parties of the second part their
heirs and assigns that the said party
of the first part at the time of the sealing
and delivery of these presents is lawfully
seized in his own right of a good
absolute and indefeasible estate of inheritance
in fee simple of and in all and
singular the above granted and described
premises with the appurtenances thereto
unto belonging and has good right full
power and lawful authority to grant
bargain sell and convey the same in
lawful manner aforesaid.

And the said parties
of the second part their heirs and assigns
shall and may at all times lawfully
peaceably and quietly have hold use
occupy possess and enjoy the above gran-
ted premises and any part and parcel
thereof unto the appurtenances with-
out any let hindrance molestation
or disturbance of the said party of the
first part his heirs or assigns or of any
other person or persons lawfully claiming

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or to claim the same and that the
same man are free clear discharged
and unincumbered of any person all
person and other man's titles charges
states judgments taxes assessments and
in any branches of what nature or kind
so ever

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and also that the said party
of the first part and his heirs and
all and every person persons whom
- shall lawfully or equitably claiming
any estate right title or interest in or to
the herein before granted premises by
purchase or in trust for them shall
and will at any time or times hereafter
upon the reasonable request and at the
proper costs and charges in the Law
of the said parties of the second part
their heirs and assigns make do and
execute or cause to be made done and
executed all and every such further and
other lawful and reasonable acts convey
ances and assurances in the Law for the
better and more effectually setting and
confirming the premises hereby granted
or so intended to be in and to the said
parties of the second part their heirs
and assigns firm as by the said parties
of the second part their heirs or assigns
or their counsel learned in the Law
shall be reasonably advised or required

and
the said Jose S. Bertrigosa his heirs the
said children and hereby granted premises
and every part and parcel thereof with the
appurtenances unto the said parties of
the second part their heirs and assigns
against the said party of the first part
and his heirs and assigns and against
all and every person persons whom
- shall lawfully claim in or to claim
the same shall and well warrant

and by these presents from Depend
in witness
whereof the parties hereto presents have
presently entered charge of their hands
and seals, this day and year first above
written

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Jose S. Barragosa
Sailed and delivered
in the presence of
A. B. Butler
Isaac Brooker

State of California
County of Sonoma
on this the 7th day of August A.D. 1850
before me A. B. Butler Deputy Recorder
in and for the County of Sonoma Jose
S. Barragosa to me known to be the
person who signed the within and
and who acknowledged that he
executed the same for the purposes therein
mentioned

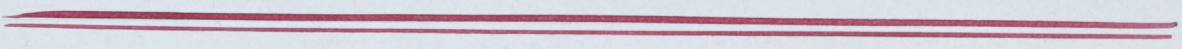
A. B. Butler
Deputy Recorder

Filed for records August 9th 1850 at
4 O'clock P. M.

Recorded in Book A Pages 85, 86, 87
ordains of Napa County
Recording Fees \$7⁵⁰/₁₀₀

Filed in Office October 13th 1853

Signed
Geo. Fisher
Secretary

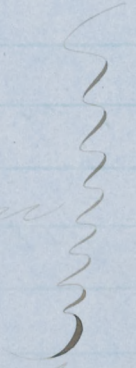


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Agreement
of
Comptrol

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Number 657
United States Land Commission
Martin & Cook and others
Claimants



This is hereby agreed by the United States Land Agent and Claimants Council that the original papers and depositions taken and on file in case Number 58 before the Board may be used in evidence and considered on the trial of this case and any said original papers now on file and said depositions taken in this case.

It is also agreed that the true copies from the minutes in case Number 58 may be used and considered in evidence in this case and parties claiming under the same original title.

V. C. Johnson
C. C. Smith

Filed in Office September 2nd 1853
Signed

Geo. Fisher

Secretary

Recorded in Journal Vol 3 page 415
Signed

Geo. Fisher

Secretary

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Depo of J.J. Berreyesa

San Francisco January 18th 1853
Republic United States Land Commission
is to ascertain and settle the Private Land
Claims in California

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In the matter of
the Petition of Jose Santos Berreyesa
for the Ranch of Santa Elena Petition
Number 38

Jose Santos Berreyesa being
and sworn according to Law appears with
his and says:

I know the Ranch of Santa
Elena it is some times called Huallacoma
or Huonista and place de Agriental
into.

It is situated in the County of Napa
in the Upper end of Napa valley and
is in my judgement some 10 or 12
leagues from the sea coast

I know that
the Petitioner built a house and cultivated
the land to a considerable extent before
the date of the bill which he has so
classes of cultivated very necessary for the
subsistence of said Berreyesa family and
that he has at that time about eight
hundred head of cattle with some horses
and other stock he has also planted a
vineyard.

Berreyesa has lived on this
Ranch until 1849 when he removed
to Martine leaving his son in charge
the Ranch.

Manuel San Juan
Nieto the man wrote many times and
know his signature this signature
to the paper marked but attached to the
deposition of Juan de Castana is genuine

I know also the signature of the
said Juan the signature attached
to the paper in question is his.

Mannual Mictlantecuin inas
of California attached to this front
Jose de Jesus Barrigosa
Sworn and Subscribed
Before me

William Hall
Commissioner

Filed in office January 18th 1853
Signed

San Francisco
Seal

Recorded in Vol B Volume 4 Page 530
Signed San Francisco
Seal

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Depo of
Juan de
Castañada

San Francisco January 18th 1853
On this day before Commissioner William
Hall came Juan de Castañada a
native in custody of the claimant
Jose J Barrigosa Petitioner Number 58
and was duly sworn his evidence being
given in Spanish.

The United States Associate
San Agustinas present

Francisco Trigueros
By claimant for the claimant the witness
testifies as follows

My name is Juan de Castañada
my age is forty five years and I
reside in Sonoma

My paper is transferred
me pertaining to the grant to Jose Barrigosa
dated October 14th 1843

I am acquainted
with the claims writing and signature
of Manuel Mictlantecuin and Manuel
Trigueros and believe their signatures on said
paper to be genuine, His limits attached
and recorded 1844 Vol

I am acquainted with Jose Barrigosa he some
times writes his name Jose Barrigosa

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Know the Rancho called Planda Aguan
California. It is situated in Imperial Valley.
Immediately after Perry's sale of the
grant from Governor Micheltoreen he
built above the three hundred and cattle
on the land and his brother occupied
it for an undetermined term.

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The grantee and
gard and cultivated some of the land
afterwards the grantee occupied the
place in person and continued there
until about ten years ago.

Perry is
an active Californian. He was in the
military service when he came to the country
in the year 1838 and continued in service
until 1845 or 1846. He was a lieutenant
of cavalry.

In answer to inquiries
of the associate Law Agent the witness
says that lands were frequently granted
to officers while in service. A grant was
made to me while in the service.

He testified
before me
before me

John H. Hall
Commissioner
Filed in office January 18th 1853
Signed

Geo. Foster
Secy
Records in Cobb Volume 2 Page 39.
Signed

Geo. Foster
Secy

Depo of
W. E. Cook

Office of the Commissioners of Land
Affairs in California San Francisco
This day before me Commissioner
Campbell Case Norton & Leach witnesses
in behalf of William J. Cook Perry's case

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Number 58 who after being asked to show
departs as follows

What is your name age
and place of residence

My name is Martin
E Leach my age is twenty nine years
and I reside in Sumner within State

Do you own the Rancho
called Mallocanes y agua caliente
and where is it situated

Known to the Rancho as
above described, it is situated in the County
of Napa

Taking a line measuring
north and south through the River of
San Juan does that Rancho lie East or
west of such line

I think it would lie
a little Eastward

How far north of Sumner
does the Rancho lie

I think it is about
twelve or fifteen miles

Associate Law Agent, Sumner
I am to and Martin E Leach
subscribed before

me this 27th day of August A.D. 1853

Thompson Campbell
Commissioner

Filed in Office August 27th 1853

Signed
Geo Fisher

Secy

Recorded in C.B. Volume 3 Page 91

Signed
Geo Fisher
Secretary

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Depo of
J.C. May's

Office of Commissioners of Land Claims
in California San Francisco

This day before me Commissioner Thompson
Campbell came John Lettapauntans
in behalf of claimant Juan Borroja
Case Number 58 who after being duly
sworn deposted as follows

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What is your name age
and place of residence

My name is John
Lettapauntans my age is thirty six years and I res-
ide in the City of San Francisco

What is the length of
the post standard line north to Point
Deablo from the corner of Souwena
west to the shore of the Ocean

The line is thirty (30)
miles in length

From your knowledge
of the direction of the coast of the Ocean
northward from said Standard line
what would be the length of a line
running parallel with said Standard
line from a point due north twelve (12)
miles from Souwena to the shore of the
Ocean

I cannot say what the
length would be

Justice by Law Agent
Associate

How far is the Town of Sou-
wena from the nearest point on the
Bay of San Francisco

This Justice Objected
to by attorney for claimant

It is represented on the
map as being between eight and nine
miles

How far is the Town of
Souwena from the nearest point
on the shore of the Pacific Ocean

It is about (28) twenty eight miles

Sworn to and subscribed before me
this 27th day of August A.D. 1853
Thompson Campbell
Commissioner
Filed in Office August 27th 1853
Signed

Geo Fisher
Secy

Records in Case Volume 3 Page 92
Signed

Geo Fisher
Secy

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Depo of
C. F. Hayes

Office of the Board of United States Lands
Commissioner &c

San Francisco November 29th 1853
This day before me Commissioner of the
Public Land Office California
in behalf of the claimant Jose de los Santos
Berrigosa Petition No 58 and being duly
sworn his name being in Spanish
was interpreted by the Quarters as
follows

Question by Mr. Williams
attorney for claimant

Question What are your
name age and place of residence
Answer My name is
Cajetano Juan, my age is forty three
years and I reside in Napa California

Question Do you acq-
uainted with the Rancho called Maya conio
Yagua Caliente granted to Jose Berrig-
osa and claimant within last year
State what are its boundaries

Answer

I am acquainted
with said Rancho It is situated about
ten or twelve leagues from Napa where
the boundaries from common report they
are from Mountain to Mountain and
from the Place called Agua Caliente

back to the mountains through the whole
of the Canada to the Mountain Museum
told that a great deal of it is one of the
houses of the Ranchos.

On one side of
the Rancho is bounded by the Rancho of
Dr. Ball

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I must also state what you
inquire in regard to building a house on said
Rancho and when it was built by said
Berrigosa

answer

In 1843 or 1844 said
Berrigosa built two or three houses on
said Rancho and lived in them with
his family and servants.

He also had
corrals houses and cattle on the place and
fenced in and cultivated the ground the
contents occupying it from 1843 to 1844
until 1846 or 1847 to my knowledge.

He had
a vegetable garden on it in 1845 or 1846 Mr
Berrigosa built the house when he first
went out to the place. It was there when I
passed by the place but I cannot tell
precisely when it was

Captain Guariz
in Mexican associate Law
agent was present at the taking
of the deposition but was present
no witnesses to the contents

Subscribed and sworn
before me this 29th day of November
1853

Alfonso Filob

Commissioner

Filed in office November 29th 1853

Geo Fisher

Secretary

Recorded in Vol B Volume 3 page 460

Geo Fisher Secretary

Office of the Board of United States Lands
Commissioners &c &c

San Francisco November 29, 1853

Depo of
S. Vallejos

This day before Commissioner Alfred
Pich came Salvador Vallejos ambassador on
behalf of the claimant J. de los Santos
Berruessa Petition Number 58 and being
asked sworn his evidence being in Spanish
was interpreted by the Secretary as
follows

Question by the Auditor
Attorney for claimant

Question What is your
name age and place of residence

Answer My name is
Salvador Vallejos 40 years of age
and reside at Napa in California

Question Are you acquainted
with the Rancho called Maya known as
a grant granted to J. de los Santos Berruessa
and claimant in this case of your
State what are its boundaries

Answer

I am acquainted
with said Rancho and its boundaries
It is bounded on the south by the lands
of the late Sr Balle (now occupied by his
widow) the boundaries all around the
Rancho except the side of Sr Balle's
land are mountains It is situated
in the midst of the mountains

Question State what you
know in regard to building a house and
what it was built by said Berruessa

Answer

I was present at said Rancho
in 1842 or 1843 and I saw said Berruessa
occupying a house with his family and
servants on the Rancho He had gardens
fruit trees grape vines and cereals on
the place and also had some of the grounds
under cultivation

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He had horses and cattle on it & he has ever
- tended to occupy the place ever since and
the greater portion of the time with his family

Salvador Gallego

Mr. Greaves associate
Law Agent was present at
the taking of this Deposition
but proposed no questions
to the witness

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Subscribed and sworn to
before me this 29th day of
November 1853

Alphus Fitch
Commissioner

Filed in office November 29th 1853

Signed Geo Fisher

Secretary

Recorded in Volume B Vol 3 Page 461

Signed Geo Fisher
Secy

Depo of
J.R. Mesa

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

San Francisco Dec 1st 1853

This day before Commissioner Thompson
Campbell came Jose Raimon Mesa
a witness in behalf of Plaintiff Jose
S. Borreroa Petitioner under 58 and
being sworn his evidence being given
in Spanish was interpreted by the Secretary
as follows

A Juror

What is your name
age and place of residence

Answer

My name is Jose
Raimon Mesa I am thirty two years of
age and reside in the County of Contra
Costa

2 Questions

Are you acquainted
with the Rancho Malibon (A Rancho
of Man de Agua Caliente of so state
its boundaries and the quantity of land
they embrace

answer

Answer the Rancho
On three sides it is bounded by the Sierra
Alta and on the other side it is bounded
by the Rancho of Doctor Bale and the
most it contains is four leagues

3 Questions

What is it that
separates this Rancho from Dr Bale's
Rancho

answer

It is separated by
an arroyo which has a water mill on
it belonging to Dr Bale

associate Law Agent present

his

Jose Ramon X Mesa
mark -

Survey to and Subscribed before
me this thirty first day of
December 1853 one thousand
eight hundred fifty three
Leagues

Thompson Campbell
Commissioner

Filed in Office December 31st 1853

(Signed)

Geo Fisher

Secy

Records in Gov Volume 3 page 376

Signed

Geo Fisher

Secy

1.25- 1.1.24.

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Copies of Tistes
papers.

Expediente

A

Expediente. Promovido por el Ciudadano José de los Santos Berreyesa en solicitud del parage conocido con el nombre del Cerro de los Mayacunes.

nº 305.

g. S. D. K.

Sello tercero un peso.

Habilitado provisionalmente por la Columna Maris del puerto de Monterrey en el Departamento de las Calif.^{as} para el año de mil ochocientos cuarenta y tres.

(Real)

Micheltreuca

Mmanuel Castañares

Exmo. Sr.

Monterrey. Oct. 7 de 1843:

José Berreyera Sargto de la Comp^a de Caballeria permanente de San Francisco ante V. E. con toda

Subordinacion y el respeto que me he debido me presento y digo que el Sr. Juan de Somoza fue servido pasar me una nota con fha. 30 del p. pro. es lo que me hizo saber que el Juez de primer Distrito lo pide infirme sobre un terreno que me fue concesi- do y que este se me habia d- ciunado por no haber lo cultivado, no servido me de el por lo que hoy ponga en conoci- miento de V. E. que la causa de que no le viene dado en titulos de estato. el tiempo señalado por la ley La Concesion de dho. el cultivo debido al parage que parage fue hecha me fue conseruido por el Sr. por el que suscribo Director de Colonizacion de la como Director de colo- quella frontera de Sonora - ndacion en aquella que lo heria D^o M. G. Vallejo parte del Depart^o. nombrado Cerro de los Malla

comos y plan de Agua Caliente

S. D. K.

En el tiempo que hacemos hasta hasta per en 2^o lugar hallarme con que dho. Berreyera timvado en el servicio al pie menciono lo cultivo. de la Compañia de San P^o 1^o Los motivos que unido de la que soy Sargento 2^o por por no haber lo hallarse mis bienes en el

comos y plan de Agua Caliente

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2. 27

Verificado y cuanto
esponde V.E. la certifi-
cacion con el cierto Jose
que se le contrahia.

Monterrey, Oct. 7. 1843.

Monterrey, Oct. 7.
de 1843.

M. G. Vallejo.

Monterrey, Oct. 7
de 1843.

Supone el Sr. Srío
del Despacho tom
auto antes los
necesarios.

Micheltorena.

Hasta este año por el mes de
Noviembre que se me consideran quince dias de
licencia para el expresado fin: en los que estare
trabajando con la allada de algunos prones.
que teniendo pagando su trabajo, hiciese un
Corral y Corte Madera para otro, uno corta
y di principio a otro si una pequeña Sombra
tambien meti buelles, bacas de ordena nuevo
al mismo tiempo este bueriga muebles y fierros
pa trabajar por lo que se puede considerar que obre
nigolo algunos gasto hizo empleados los quince
dias: fue un soldo pa hallarme: pa un asunto
instructo del servicio q. considere V.E. con cuanto
un tercio dejaria lo abandonado un trabajo
que con tanto amato deciaaba continuar: y por
hallarme pendiente en el servicio se lo verificaba
de la manera que provia aserlo estando exento
de las obligaciones que p^a estar en la Carrera
de las armas. Como corresponde en esta
misma fecha se halla mirando solo y el corte
numero que asta, o aras hay de crines estan
hallandolos absolutamente y disputar al archo
como asi mismo todo cuanto en el tenga

Rancho del Sr. mi padre.
Jurisdiccion del Pueblo de San
Jose.

3^o Por no haver podido por
ninguna manera conseguir
el permiso de mis Jefes para
dar por principio a la Juris-
diccion de dicho Rancho.

4^o Por la grave dificultad
que se nombra para pasar los
bueyes y la falta de la hecha para
hacerlo en el estecho de la quines

Por todos estos graves inconvenientes
no abia podido dar principio

Hasta este año por el mes de
Noviembre que se me consideran quince dias de
licencia para el expresado fin: en los que estare
trabajando con la allada de algunos prones.
que teniendo pagando su trabajo, hiciese un
Corral y Corte Madera para otro, uno corta
y di principio a otro si una pequeña Sombra
tambien meti buelles, bacas de ordena nuevo
al mismo tiempo este bueriga muebles y fierros
pa trabajar por lo que se puede considerar que obre
nigolo algunos gasto hizo empleados los quince
dias: fue un soldo pa hallarme: pa un asunto
instructo del servicio q. considere V.E. con cuanto
un tercio dejaria lo abandonado un trabajo
que con tanto amato deciaaba continuar: y por
hallarme pendiente en el servicio se lo verificaba
de la manera que provia aserlo estando exento
de las obligaciones que p^a estar en la Carrera
de las armas. Como corresponde en esta
misma fecha se halla mirando solo y el corte
numero que asta, o aras hay de crines estan
hallandolos absolutamente y disputar al archo
como asi mismo todo cuanto en el tenga

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A. S. D. H.

W.D.H.

tanto lo espuesto considera ser de justicia. Sueto Sr.
para que lo no pueda admitir el denunciado de
que se me hace saber despues al mismo tiempo
a la consideracion V.E. todo lo que llevo espuesto.

W.D.H.

P. P. A. V. E. Suplico se sirva tener en consideracion
todo cuanto llevo espuesto hise lo tiene a bien todo
cuanto llevo espuesto, hise lo tiene a bien se sirva
disponer se me estienda el titulo correspondiente
de culla gracia lo vivire eternamente reconocido.

Monterrey. Obre. 6 de 1843.

José Berreyera.

Como dispone el E. S. Gob.^o para este expediente
al Sr. Prefecto para que se sirva decir lo que le
ocura y despues buelva para imprimir el que
suscribe para dar cumplimiento al Superior
decreto de fha. de hoy.

Monterrey. 7 de Obre. de 1843.

Manuel Jimeno.

Sr. Srío del Despacho.

En el expediente promovido por Don Salvador
Vallejo denunciando el parage que se menciona
en esto el cual fue rentado al E. S. Gobernador
Grat. por esta Prefectura consta un informe
firmado por el T. Civil de Sonora.

W.D.H.

Sello Cuarto Dos Reales.

Habilitado provisionalmente por la administracion
de la Aduana Maritima del puerto de Monterrey
en el Departamento de las Californias para el año
de mil ochocientos cuarenta y tres.

Micheltreña.

Manuel Castañares.

Seal)

Don Victor Prudon que claro y terminantemente
dice que aunque cuando denunció dichos terrenos
Don Salvador Vallejo se hallaba baldío ahora
actualmente lo tiene ocupado con sus bienes y
trabajos un dueño Don José de los Santos
Berreyera. Esta prefectura por las Indignaciones
que tiene hechas no duda de la legitimidad

3. 29

de dicho informe y fundada en esta razon que
considera suficiente es de opinion de extender
conforme las leyes a favor del expresado Berreyera
el titulo de propiedad del terreno referido, Si asi
lo estimara justo el supremo Gobierno del Depar-
tamento. Alo deyo a V. S. informe antecedente el
decreto que antecede. Monterrey. Obre. 10 de
1843. J. R. Estruella.

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J. S. D. H.

Sor. Gobernador.

Tanto por las justas manifestaciones de Don José
Berreyera espuestas en su expediente, como por
el tiempo que hace que solicito el terreno nomb-
rado Cerro de los Mayacomes con el plan de
el Agua Caliente, ocupado ya con sus bienes:
y el informe del Sr. Prefecto: se ha hecho adquirir
una justicia para que V. S. se digna declarar
la propiedad de dho. terreno Salvo la disposicion
de V. S. que sera la mas acertada.

(Seal) Monterrey. 11 de Obre. de 1843.

Espidase el titulo en revalidacion del que obtuvo.

S. D. H.

Micheltorena.

Monterrey. 14 de Obre. de 1843.

Vista la peticion con que da principio este
Expediente los informes que anteceden, con
todo lo demas que se tuvo presente y ver-
currido de conformidad con las leyes y regla-
mentos de la materia declaro dueño en prop-
iedad a D. José Berreyera del terreno nombrado
Cerro de los Mayacomes o Abuelo con el agua
caliente, colindante con el Rancho de Don
Solonardo Beal y las serranias, con la extension
de cuatro sitios de ganado mayor. Debese
el correspondiente despacho, tomese razon
en el libro respectivo y dirijase este expediente
a la enima junta para su aprobacion. El Vno
Sor. Gobernador Gral. D. Manuel Micheltorena

J. S. D. H.

asi lo mando decreto y firmo.

Espechiente promovido por el Ciudadano José Berréyera en solicitud del parage nombrado Cerro de las Mallacomes con agua caliente y algunas cosechas enteras al efecto segun la disposicion del Gobierno Militar de aquella parte de Soumaya, haga mi exposicion.

Aha. Oct.^o 10 de 1841.

José Berréyera.

Soumaya. Set.^o 2. 1841.

Sor. Com.^{te} Grad.

El Sor. Comandante Militar de este punto informara si el terreno que se pretende en el balbio, si no hay motivo o enenata que impida la concesion del mismo terreno. Dijo viendo lo que viene sobre el asunto.

M. G. Vallejo.

Aha. ut supra. El terreno que se solicita en esta instancia no pertenece a propiedad particular pues el interesado ocuparlo sin perjuicio de nadie.

J. Vallejo.

José de los Santos Berréyera Sargento de la Compañia de Caballada Perm.^{ta} de San Fran.^{co} y en la union siete hermanos de las hautes N.S. se presentan con toda subordinacion y el respeto que les a debido obediencia que hallandose resueltos en el terreno y radicarse en esta jurisdiccion con sus bienes pertenecientes y no pudiendo renunciarlo para falta de un terreno propio para el efecto solicita N.S. se le sirva concederle cuatro sitios en el terreno que se solicita el parage nombrado Cerro de las Mallacomes que se extiende desde el portezuelo que esta para el parage de Marias, hasta el punto que se indica del Sr. Solovando del y de ancho a la boca de las lomas que forman la cañada. Este terreno esta balbio y no pertenece a la propiedad de persona alguna. P. F. A. V. S. Suplico se sirva concederle esta solicitud q. con la gracia se vean de acuerdo.

Soumaya. Sep.^o 1 de 1841.

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Druego de los Interesados. y José de los Santos Berreyesa.

MSH.

Sonoma. Set. 3 de 1821.

Puede el interesado ocupar el terreno que pretende por estar baldío y no pertenece a propiedad alguna, ocurrirá desde luego al Gob. del Departamento para conseguir. Por títulos sucesivos y se sujetará a las leyes y reglamentos de la materia. M

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Jgo. G. Vallejo.

Here follows a map or plan.

13. MSH.

José Antonio Pico. Ten. y Comand. de la Compañía de San Francisco.

Certifico que la causa de que el Sargento de mi Compañía José de los Santos Berreyesa no le hayo dado el ser debido al parage de los Malla comes que le hizo concebido en Diciembre de 1821 por el Sr. Com. General de este Departamento que lo era D. M. G. Vallejo ha sido por hallarse ocupado al pie de la Compañía de San Fran. de lo que es Sargento sin embargo de las muchas instancias y peticiones que ha solicitado por todas se fueron negadas. Desde el tiempo que corre por cuenta de dicho Sargto no se le ha concebido mas tiempo debido era por otra fin que el de quise otras las que nos supientes para dar le el ser que le quise para libertar al dicho parage de un denunciacion como hoy sabe lo hace don Salvador Vallejo y para que conste doy esta en atencion de las servias

MSH.

que faronesen al espuesado Sargento porque no puden
 ser despojados de un parage donde tiene fijada su
 futura subsistencia.

Louanna Sep^r 21 de 1843.

Ant^o P^{ro}.

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

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

In testimony whereof I have
 hereunto subscribed my name, Officially,
 and affixed my private seal (not having
 a seal of office) at the City of San Francisco
 Cal. this Seventeenth day of February A.D. 1853.

Samuel D King
 Surveyor Genl. Cal.

Filed in Office. Feby. 20th 1853.

Geo. Fisher. Secy.

33

Translation
of Expediente
A. C. and
Grant B.

Records of proceedings at the instance of
Jose de los Santos Perraussa who petitions
for the tract of land known as the
Serradulas Magacomes

No 305

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King's Seal and Gallon
authorized provisionally by the Maritime
Customs House of Montevideo in the Depart-
ment of the Admiralty for the year
eighteen hundred and forty three
Montevideo. Manuel Castellanos
Chief of Customs } Most Excellent Señor
House of Ministers } Jose Perraussa alcaide
& Departmental } in the Mercantile Company
Seal } of Levalle of San Francisco
comes before your Excellency

presenting to you with due respect and firm-
ness the 1843 Let real and represents and states
in Memorial B. that the page of Sumaria
hallazgo de of was please to address me
the end of the article under the 20th of
in the report last month by which he
upon the same made known to me that
Montevideo the page of the 1st District
must be called upon, with preliminary
Señor relative to same land

This more which was granted to me
than two years and which has been done
since I granted various permits and licenses
provisionally the same all of which I make
to Sargento Jose Manuel to your Excellency
Perraussa the tract is called

called the Rancho. The cause of my not
of Magacomes having entered the
with the court land called Serradulas
was that the Dept. Magacomes and plan of
Guamantova a great value granted to
me in the use of the center of colony
customary attention of the frontier of San
The Grant of the area San Juan de los
said tract was called in the time was
made by the criteria by Larrauri the

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understand as the first place for the reason
Directors of Colon that houses contained
zation in said part since at the first of the
of the Department Company of San Francisco
in the time that has elapsed from second
elapsed up to this Sargant

date the said man Secondly my
towns Berreyra property being in my
has not cultivated father's Rancho in the fur
it the reason he is active of the Pueblo of San
alleges for not having pro

verified the same Thirdly for not having
and what he is probable to obtain the
your Excellency will permit some of my subalterns
Qualify with the to begin the cultivation
as common claim of said Rancho
advantage of your

Excellency Fourth For
the great difficulty at the
mountain of Adote time of transportation and
the 1843 no means intention of
W. J. Valley improvement in the works
of agriculture and for all
the great inconveniences
Department of the Government to com-
mence operations before

mountain of Adote this year in the month of
the 1843 may when I was granted
let the Secretary fifteen days for length for
of the report on that purpose occurring which
the same and to obtain means to work with
before hand the the aid of some persons whom
necessary steps was paying for the services
Industrious I

macondo with construction a canal and
the disposition of all cut wood for another
has been cutting the mud also a small house and
gunner letters The quito saw a crop called
Despacho de la mano placed on it some oxen
to the Project in order to carry and some time
that he will make horses at the same time
state what he may see covering the furniture
think proper and tools to work with for all

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and afterwards return
the same to the
to that the Superior
decree of this date
may be complied
with
Montevideo October
9th 1843

of which you will see
that I incurred
since exposed during
the previous days as
came to fresh from
a subject interesting
to the Government
by calling on you
with what regret I

mean to
to abandon the work that with so much
pleasure I was to continue on account
of my being in the service I could not
unify the same as I might have done
had I been exempt from obligations
at the same period my hands were kept
above and the small number of cattle
there are thrown up to this date are exposed
to being stolen together with all the same
on

All of which most Excellent Señor
you will consider so that you will
not admit the amount made
known to me leaving it at the same time
to the consideration of your Excellency

Whom I
hoping that your Excellency will take into
consideration all that I have set forth
and at the same time that you will find
it just to credit the corresponding
title should be granted to me for which
I am sure I am very grateful

Montevideo October 6th 1843
Jose Berrojo
Señor Secretario de Estado

In the proceedings
at the nation of Don Salvador Ballarín
concerning the property mentioned in this act
and which was transmitted to the most
Excellent Governor General by His Majesty
there exists a report signed by Don Antonio
and the justice of law who clearly and
decisively says that not only standing when

Seal of C. H. of Monterey

Said land was owned by Don Salvador Gallego it was vacant it is now in actual occupation of its owner Don Jose de Luis Santos Berrigosa together with his effects and labors.

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This Property left the vicinity a time already, made a doubt of the legality of said information and owners, and the information it contains is sufficient this of opinion that the title ownership of said land, however, be secured in conformity with the laws in favor of said Berrigosa should, the superior government of the Department submit it there just this State to your Excellency in compliance with the foregoing decree

Monterrey October 10th 1843
Jose N. Estrada
Most Excellent Senior Governor

Massimo was for the just Municipality of Don Jose Berrigosa expressed in his proceedings as for the length of time he has occupied the land, that he has had sole title (the land called Surro delos Mallo comes with the plain of Aguas Calientes now occupied with his effects) and the information of the Senior Property he has acquired, ought of justice so that you Excellency may dignify to grant him the ownership of the said land, notwithstanding the acquisition of your Excellency will be best accepted

Monterrey October 11th 1843
Manuel Jimenez
Departamental

Monterrey October 11th 1843
In the title be secured in validation of that which he obtained

Victor Torres

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Inventory October 14th 1843

Having seen

the Petition at the Commune Court of the
in view of proceeding together into the
information which proceeds into all the
others which have been presented and
finding myself convinced in conformity
with the Laws and Regulations of this
Subject for the said and the King's
wishes of the King calling for a
account or more to be and a
bound by the Order of the
Ball and the Mountains the extent of
which is four square leagues (situated
Gaucho Maps)

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Delivered to the
Judicial Patent received in the
book and under this name of proceedings
to the most by all the
appointations the most excellent
Mariano Michelena thousands
sign

H. Book

Record of Proceedings at the instance of
Barriga petitioning for the
land, named, Serrada, Mapa
into the area of land and
circumstances of objection
from the Military Government of
this part of Surinam

Given my signature &c &c &c
Gales October 10th 1841

José Barriga

Surinam September Senior Commandant
2nd 1841

Guinea

The Senior Military
Commandant of Barriga Sergeant of
this point in the permanent company
of the Land of Cavalry of San Francisco
and his vacant is in company
and if there are with him his
in cases or more present himself before
meances which impede him or
with all

the concession of Subcomisarios and
the land mentioned are respect having
expressing what that being resolved for
the grades proper mannerly to establish
upon the subject and plant himself in
Mr. G. Vallejo this jurisdiction into
date at supra his personal (inviolable)

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The land located able to accomplish this
in this instance for want of land office
does not belong over further purpose
to any private person or body that
part.

The party to grant their permissions
interests can occur in the place named
- per it without per two Alas being come
- paid to anyone which returns permitted
Salvador Vallejo Portogallo which is two
- areas the tract of marces
to the summer land of San
Luis and of the
width from side to side
of the mountains which
form the valley which

land is vacant and does not belong
to the property of any one. If you be
any thing that you will grant this petition
as a favor which I shall be to acknowledge
Sociedad September 1st 1841

Prayer for those interests
Jose de los Santos Berruzosa
Sociedad September 3rd 1841

The party interes
- ed may occupy the land which be
vacant as it is vacant and does not
pertain to the property of anyone. He will
apply at once to the Departmental Government
to obtain the necessary titles and will
submit himself to the laws and regu-
lations of the matter

Mr. G. Vallejo

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Sello Cuarto Dos reales.

Habilitado provisionalmente por la Real Cédula del Puerto de Monterrey, en el Departamento de las Californias para el año de mil ochocientos Cuarenta y tres.

Micheltorena. Manuel Castañares.

Manuel Micheltorena, General de Brigada del Ejército Mexicano, Gobernador y Comandante General del Departamento de Californias.

Doc. H. H. N.º 1.

Por Cuerdo D. José Berreyesa ha put

around to the Depo.

of Juan de Castañares

taken before Com^o

H. Hall.

Recorded in Rec.

of Ex. Vol. 13. p. 277

de 378.

ecivido para su beneficio personal el parage de Mollacomes o Monistal y Plan de Agua Caliente colindante por el S. con el Rancho de D. Estanardo Bale y por todos los demas rumbos con la Serrania alta: practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos: usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado declarandolo de la propiedad de el por las presentes letras, sujetandose a la aprobacion de la Junta Departamental y bajo las condiciones siguientes.

1.º Podrá cercarlo sin perjuicio de las traversias comunas y servidumbres, lo disfrutara libre y esclusivamente destinandolo al uso y cultivo que mas le acomode pero dentro de un año fabricara casa y estero habilitada.

2.º Solicitara del Jefe respectivo que de la posesion jurídica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites podra a mas de las no hueros algunos arboles frutales o silvestres de alguna utilidad.

3.º El terreno de que hace mencioy es de cuatros sitios de ganado mayor segun esplica el dictamen respectivo que corre a piezo

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en el Expediente. El Juez que obtiene la posesion
lo hara medir conforme a' ordenanza quedando
el sobrante que resalte a' la Nacion para las usas
Comunes.

2º Si contraviniere a estas condiciones
perdiera su derecho al terreno y sera denunciado
por otro.

En consecuencia mandado que servi-
endole de titulo el presente, se tome razon
de el en el Libro a que corresponde y se entregue
al interesado para su resguardo y buenas fines.
Dado en Monterrey a' catorce de Octubre de mil
ochocientos cuarenta y tres.

Mannul Micheltorena.

Mannul Jimeno. Seco.

Queda tomada razon de esta Concesion en el
Libro respectivo a p. 1. del libro siguiente.

Jimeno.

Filed in Office. Jan. 11th 1853.

Geo. Fisher. Secy.

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Favorable seal For Meales
 Furnished principally by the custom
 House of the Port of Monterey in the
 Department of the Californias
 Miguel Miran Manuel Castañares
 Seal of the
 custom House Miguel Miran
 of Monterey Brigadier General of the
 Mexican Army and Commandant Gen
 eral of the Department of the Californias

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Forasmuch
 as Don Jose Barrera has claimed for
 his personal benefit the tract lands
 of Santa Coma or Novitales and the plain
 of Agua Caliente bounded on the south
 by the Rancho of Don Juan, Bale and on
 the other sides by the high ridge of moun
 tains the previous measures and investig
 ations having been made according to
 the dispositions of the Law and Regulations

In use
 of the powers conferred upon me in
 the name of the Mexican Nation I do
 hereby grant unto him the lands mentioned
 as claiming title his property by these
 presents letters subject to the approba
 tion of the most Excellent Departmental
 Assembly and under the following
 conditions

1st The boundaries of the tract referred
 to in the crossing roads and landmarks
 shall be clearly and exclusively
 assigned to the use or cultivation of
 said Community to be marked within
 a year shall erect above or below the
 landmarks

2nd I shall solicit of the proper magis
 trate that the present and previous
 owners of the said tract of land
 the boundaries shall be marked at the
 limits of the tract shall place besides
 the land marks some fruit or other trees

offense utility

3rd The land which is granted is of four square leagues (four sitios of Spanish measure) as is represented by the respective plan accompanying this record of proceedings. The Magistrate who gives possession will have it measured conformably to the fees which are to be remaining to the nation for its maintenance uses.

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4th If he shall contract these conditions he will lose his right to the land and it will be demanded by another.

Wherefore I decree that the present shall be his title and holding these presents as firm and valid that record them of the map in the proper book and that the land be delivered to the present holder for his security and other purposes given as mentioned the 14th of October 1843 named Fructos. Name given by Siey. This concession recorded in the proper book folio 1st of Book second given by Jose Mariano Qui Suroy of the Company of San Francisco. I testify to whom it may concern by the Sargant of my Company Jose de los Rios and may not have done what may require of the tract of land of Malacamas which was granted therein in Dec of 1841 by the Sor. Comandante Don Antonio de la Torre. I have been because he has been constantly occupying in the Company of San Francisco of which this Sargant is the standing the many applications for parcels which he has made but were always denied.

Since the present requires to said Sargant has had no more time for purchase allowing him further and than fifteen days which may not sufficient to accomplish what the law requires to protect said lands.

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from a communication such as it is now
known has been made by Dr. Salmon
Killey and that this may be clear from
this certificate in view of said matters
to some the persons, Sergeant Pollett the
may not be a suspect of a crime explained
and that he appears for his further and
distance

Sumner September 21st 1843
Antoine Peir

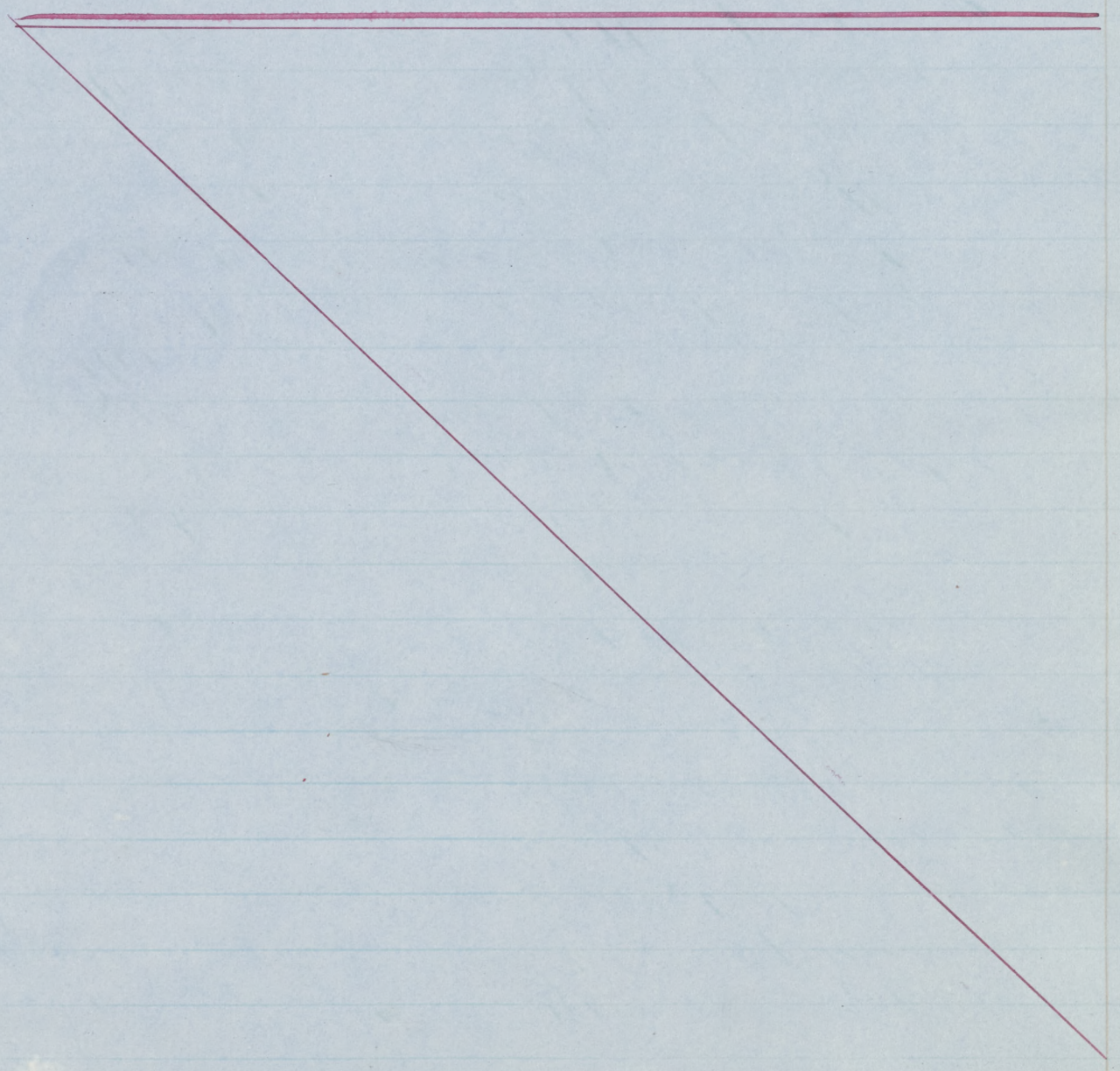
375 ND
PAGE 43

Filed in Office February 20th 1852
Squire

Geo. Foster
Secretary

Number in CVB Volume 13th p 242
Squire

Geo. Foster
Secretary



44

45-

No 57.

Martin E. Cook and Rufus Ingalls
vs
The United States

Opinion

375 ND
PAGE 44

This is a claim for a tract of land two miles square situated in the County of Napa, being part of the lands called "Madoceno" & "Whistful" granted to Jaco S. Berruyesa, by Governor Micheltorna on the 14th of October 1843; the title to which was considered and a decree of confirmation entered by the Commission in case No. 58.

By stipulation between the Counsel for the Claimant and the U.S. Law Agent, the testimony taken in that case, is admitted in this one now under consideration and all the questions arising in the latter having been fully examined and decided in the former, and in case No. 59 for a portion of the land covered by the same grant, it will be sufficient to refer to the opinions filed in those cases.

The claimants having connected themselves by proper means and papers with the original title, a decree of Confirmation will be entered in their favor.

Filed in Office August 7, 1855

(Signed)

Geo. Fisher Jacey

46

No 557

Martin E Cook & Rufus Dugalls

^{vs}
The United States

Decree

375 ND
PAGE 45

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioners is valid and it is therefore decreed that the same be confirmed to them.

The land of which confirmation is hereby made, is a part of the place known by the name of Wallacoon or Murrietah, originally granted to Jose S. Berrypsa, situated in Wagon County as described in the decree confirming the title to the same, entered in case No 58 on the docket of the Commission to which reference is herein made.

That portion of the above described premises of which confirmation is made by this decree is two square miles on the north west portion of the said Ranch as described in the deed from the said Jose S. Berrypsa, to Martin E. Cook and Charles J. Watkins filed among the papers in the case, and to which reference is hereby made for a more particular description.

R. Aug. Thompson

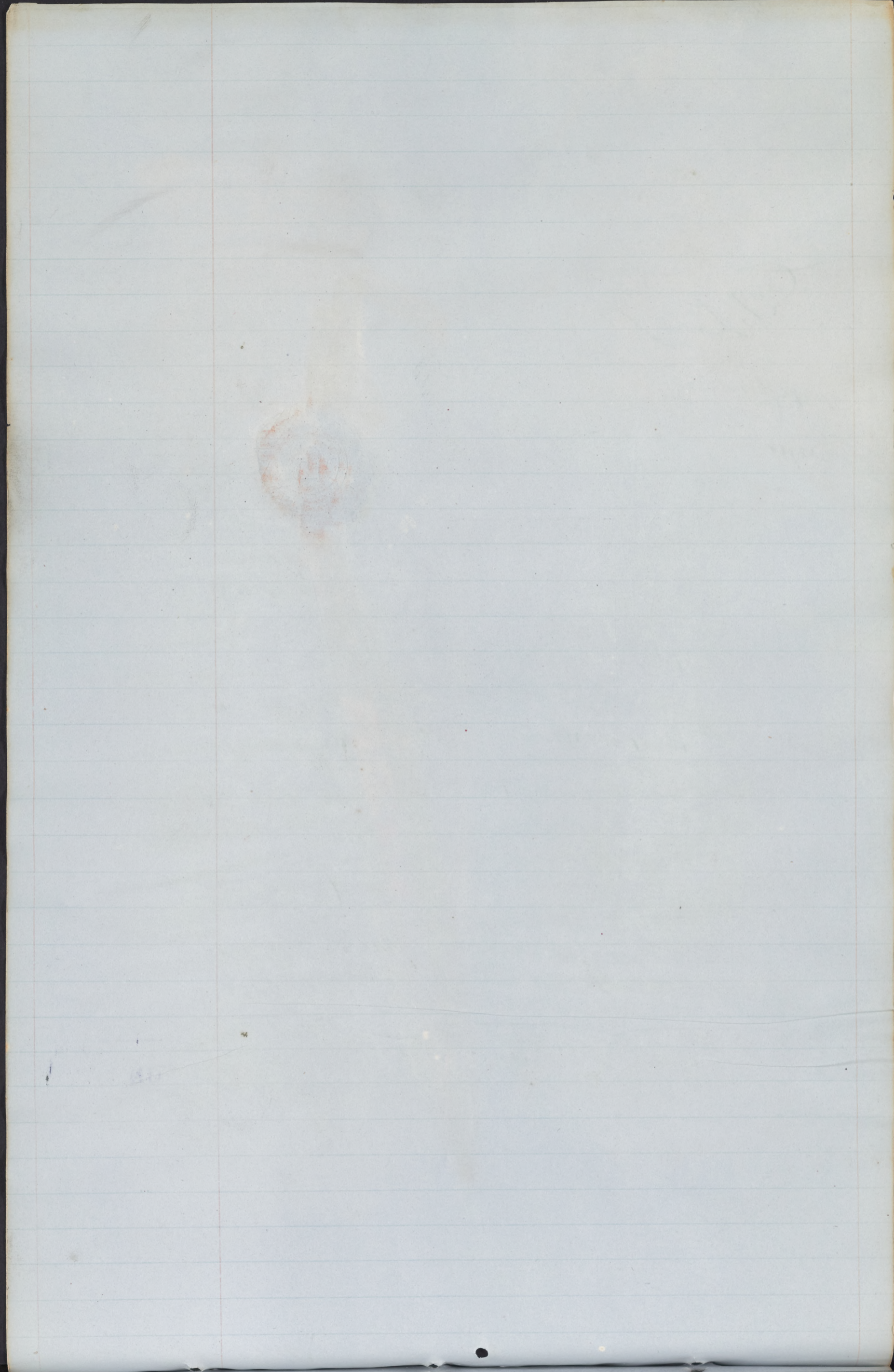
S. J. Parnell

Filed in office Aug 7, 1855
(Signed) Jas. John J. J.

H
Order

And it appearing to the satisfaction of the Board
that the same 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, in which trans-
cripts shall be filed with the Clerk of the United
States District Court for the Northern district
of California and the same be transmitted to the
Attorney General of the United States.

375 ND
PAGE 46



Office of the Board of Commissioners,

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

375 ND
PAGE 47

J. George Fisher Secretary to
Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
going *Forty Seven* pages, numbered from
47, both inclusive, to contain a true, correct and full Tran-
sact of the Record of the Proceedings and of the Decision of the
Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Board, in Case No. *657* on the Docket of the said Board,
in
Martin E. Cook, et al, are
the claimant against the United States, for the place known by
the name of *Mallacomes o' Moristut.*

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*.

J. G. Fisher

375
U. S. DISTRICT COURT,
Northern District of California.

No. 375- 375
THE UNITED STATES,

vs. ND

Martin E. Cook, et al.

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

In Case No. 5-7

Filed, December 24, 1907
J. A. Moore
clerk

Office of the Attorney General of the United States,

Washington, 11. Feby, 1856.

657.) "Mallacones to Moristal"

Martin E. Cook et al Claimants

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 1st day of January — 1856, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Clint

Attorney General.

No. 375.

United States

— ad —

Martin E. Cook

— et al —

Appeal Notice

No. 65-4

Filed April 4, 1856

Cherred,

Deputy.

U.S. District Court

The United States App:

Martin E. Cook Resp'

No. 375

375 ND

PAGE 50

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

The petition of the United States by their attorney represents, that this cause is an application for a review of the decision of the Board of Land Commissioners whereby the claim of the said Appellee was confirmed as appears by the records in the case. That a transcript of the said Records was filed in this case on the _____ day of _____

That a notice of appeal was filed on the 3rd day of April 1836 and that the land claimed lies in the said District. That the said claim is invalid.

Wherefore appellants pray that the said decision of the Board be reversed and that this Court decree the said title to be invalid.

Respectfully &c.

A. Russell

Asst. U.S. Dist. Atty

375

U. S. District Court

The United States

Martin & Cooke

Petition of appeal.

Almanett

~~Almanett~~

Filed April 7, 1856,
Cherous,
Deputy.

375 ND

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

375 ND
PAGE 52

The United States, App^{rs}

Martine E. Cottage, Resp^t

No. 375
Answer

The Respondent for answer
to the Petition filed in the cause answers and
says. it is true that the land in the said
petition mentioned is within the Northern
District of California and within the jurisdic-
tion of this court. but he denies that it is true
as alleged in said petition that his title
to the said land is invalid ~~and~~ ~~is~~ ~~void~~
but avers that the same is valid and prays
that the decision of the said Board of
Commissioners concerning his claim may
be affirmed and that his title thereto
may be decreed to be valid.

V. W. Proctor
atty for defendant

375-

U. S. Dist Ct Court

The United States app

Martin E. Hooker Repr

Answers

B. W. Brook
attn J. Repr

Filed April 7, 1856.
Cherred
Deputy.

At a Stated Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court Room, in the City of SAN FRANCISCO,
on *Thursday* the *16th* day of
April in the year of our Lord one thousand
eight hundred and fifty-seven.

375 ND
PAGE 54

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v
Martin E. Cook

D. C. 375; L. C. 157

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

On motion of the District
attorney it is ordered adjudged and
decreed that the appeal taken from
the decision of the U. S. Land Commission
be dismissed, and that claimant have
leave to proceed under the decree of
said Land Commission heretofore
rendered in his favor, as under Final
Decree.

Ogden Hoffman
U. S. District Judge

375

United States District Court, Northern
District of California.

The United States

vs.

Martin E. Cook

ORDER.

Vacating appeal

Filed *April 16,* 1857

John A. Munsie,

CLERK.

By *M. A. Cheung*

DEPUTY.

375 ND

PAGE 55

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

The United States

v

} D. C. 375; L. C. 657

Martin E. Cook

375 ND

PAGE 56

In pursuance of a notice
from the U. S. Attorney General herewith annexed
it is hereby stipulated and agreed that the appeal
taken in this case from the decision of the U. S.
Land Commission be dismissed; ^{that} and the notice of
intention to prosecute said appeal be withdrawn,
and that claimant have leave to proceed under
the decree of the said Land Commission, here-
tofore rendered in his favor as under Final Decree,

San Francisco

April 16th 1857

W. W. Cook

attor in Resp^t

Wm Blanding

Dist Atty,

375 ND
PAGE 57

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

Sir: In the case of the claim of
Martin E. Cook, et al. con-
firmed to the claimants by the
Commissioners, case no. Six Hun-
dred and fifty-seven, (657),
appeal will not be prosecuted
by the United States.

Yours,
Respectfully,
Cushing

Wm. Handing Esq
U. S. Attorney,
San Francisco -

375

657

U. S. District Court

The United States

Martin E. Cook

Stipulation

Licid April 16, 1857.

W. H. Cheever,

Deputy.

375 ND

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PAGE 59

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

San Francisco, Dec. 11th 1855

J. A. Munroe Esq.
Clerk of the U. S. District Court for the
Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 157 on the Docket of the said Board, wherein *Martin E. Cook, et al,* are the Claimant against the United States, for the place known by the name of *Part of Malcones & Ministul*, and request your receipt for the same.

I am, Respectfully,
Your Obedt Servant,

Geo. Fisher
