

CASE No.

377

NORTHERN DISTRICT

LAND IN BUTTE COUNTY GRANT

DIONISIO HERNANDEZ et al

CLAIMANT

Microfilm

FND

LAND CASE 377 ND 42 pgs.

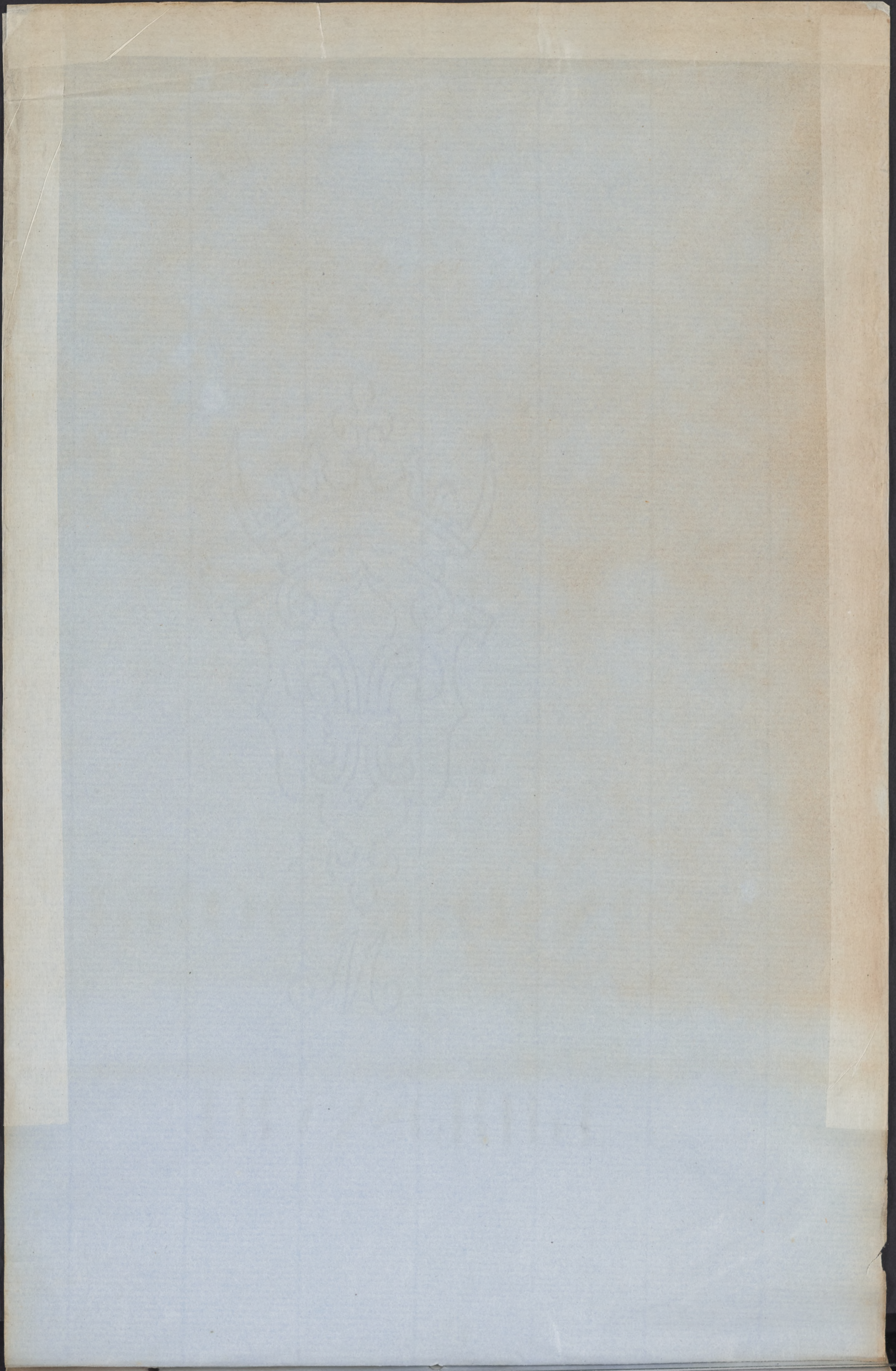
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DEC 19 1962

109

M. M. Campbell

Supp



TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 109.

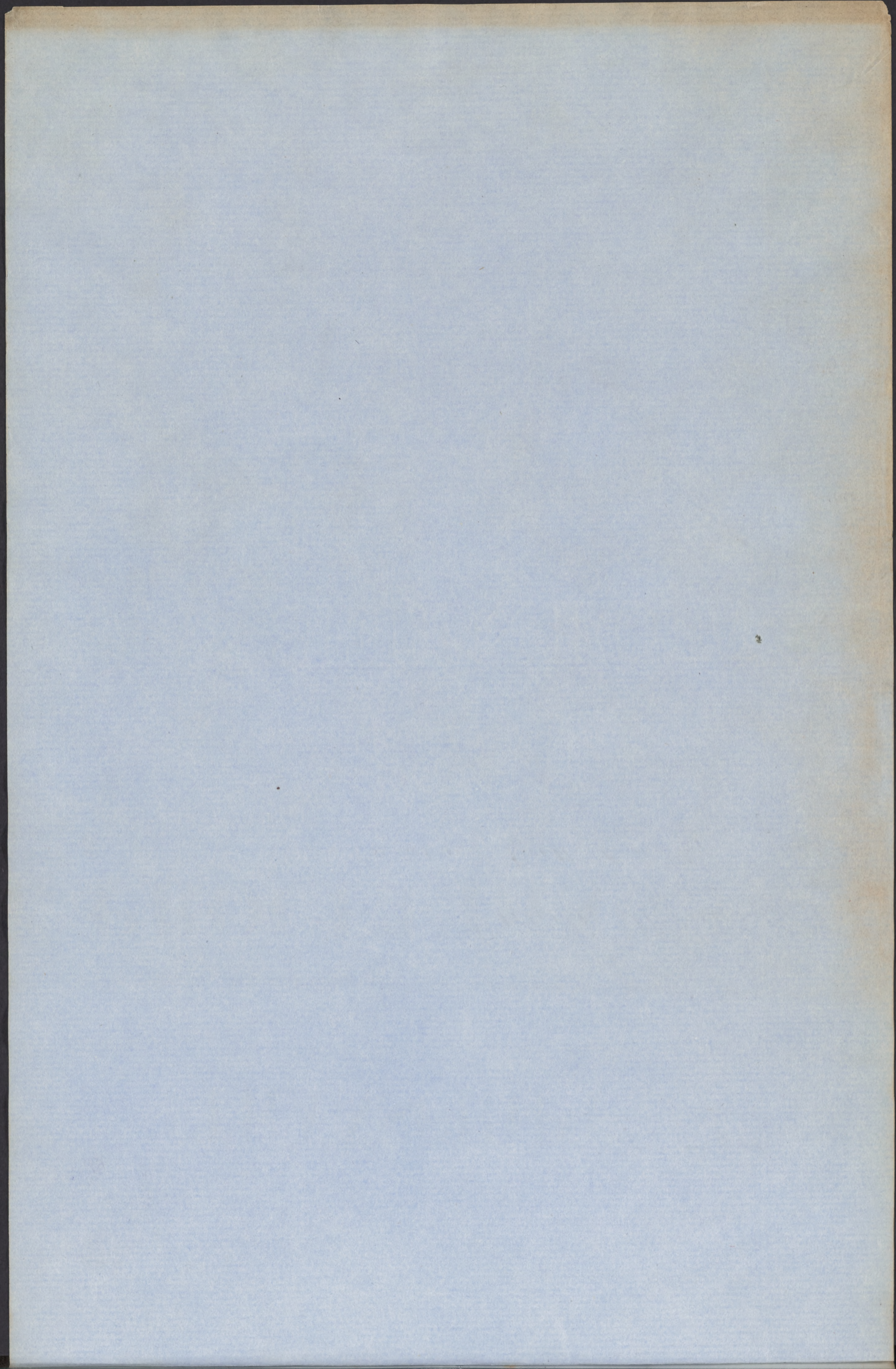
Dionisio Hernandez, et al. CLAIMANTS

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Land in Butte County.



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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PAGE 2

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

The Petition of Dionisio Hernandez et al. for the Place named Sand in Butte County, was presented, and ordered to be filed and docketed with No. 109 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 June 2 1853.

In case no. 109, Dionisio Hernandez et al: for land in Butte County, the deposition of Thomas C. Larkin, a witness in behalf of the claimants, taken before Commissioner Alpheus Felch, with documents marked B & C, annexed thereto, was filed;

(Vide page 5 of this Transcript.)

San Francisco, October 21 1853.

In the same case the deposition of J. J. Warner, a witness in behalf of the claimants, taken before Commissioner Thompson Campbell, was filed;

(vide page 6 of this Transcript)

San Francisco June 23 1854.

In the same case the deposition of John A. Sutter, a witness in behalf of the claimants, taken before Commissioner Peter Sott, was filed;

(vide page 7 of this Transcript)

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San Francisco, November 21' 1854.

Case no. 109 was ordered to be placed at the foot of the 3^a class case on the Trial docket.

~~~~~

San Francisco December 12' 1854

Case no. 109 was submitted under the Rule of March 21' 1854.

~~~~~

San Francisco July 17' 1855

In the same case Commissioner S. B. Fairwell delivered the Opinion of the Board confirming the claim;

(vide page 23 of this Transcript.)

and the following order was made, to wit:

(vide page 26 of this Transcript.)

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N.

On the Board of Commissioners for the purpose of ascertaining



To the Board of Commissioners for ascertaining and settling Private Land Claims in the State of California

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PAGE 4

Your petitioners Dionicio G Fernandez of Monterey County California and Maximo Benon Fernandez of Santa Clara County California and Joseph Belton William R Basham of Santa Clara County California respectfully represent that they claim a certain tract of Land in the County of Butte bounded as follows, on the North by the slopes (Las Sierritas) of the Sierra Nevada Mountains on the South by the lands of John A Fuller and on the East by the Feather River, of the extent of four Leagues as will more fully appear by reference to the Original title and Expediente herewith Annexed and made part of this petition

Your petitioners claim the same in full ownership by virtue of a grant made to the said Dionicio & Maximo Fernandez by Governor Pio Pico then Gov. of California of the date of the 12th of June 1846

Your petitioners Joseph Belton William R Basham claim the undivided two thirds of the said tract of Land granted as aforesaid in virtue of a conveyance made to them by the said Maximo & Dionicio Fernandez of the date of the 16th of August 1850, the Original of which is herewith Annexed

Your petitioners Maximo & Dionicio Fernandez (who have disposed of the undivided two thirds of the said tract of Land granted as aforesaid to the said Joseph Belton William R Basham) and Joseph Belton and William R Basham would represent that in consequence of the troubled state of the County the change of Government, and other causes occurring shortly after the grant was made as aforesaid, no confirmation was or could be had of the said grant by the Department of California. No cases or proceedings have been given for similar reasons -

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Your petitionas present herewith the Original  
grant and the Original Especiments in the  
Spanish Language, together with a translation  
of the same -

Your petitionas have been inform-  
ed by some that Thomas A. Larkin has a  
pretence to have some interfering claim

Wherefore your petitionas pray  
your Honble Board to take in Consideration  
the title herunto annexed and decree the  
it valid and confirm the same and such  
Other and general relief as Justice and  
Equity may require

As in duty bound &c

I And Attorney for Grantors  
Petitioners

Filed in Office March 19th 1853

Geo. Fisher Secy

Recorded General Vol 1 Pages 401, 402, & 403

Geo. Fisher  
Secy

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Deposition of San Francisco June 2<sup>d</sup> 1853  
Thos. A. Larkin

On this day before lewd Alpheus Felch came  
Thomas A. Larkin a witness in behalf of the  
claimants Dionisio L. Fernandez et al and  
was duly sworn his Oath being given in  
English

The U. S. Law Agent was present

In answer to questions propounded by the claimant  
and the witness testified as follows

My name is Thomas A. Larkin I reside in  
San Francisco, My age is fifty years.

I know Pio Pico and am acquainted with  
his signature. I have examined the paper here  
presented marked B case number 109 purpor-  
ting to be a grant made on the 12th day of  
June A D 1846 to Maximino and Leonisco yno  
Fernandez and I believe the signature thereof  
to be the true and genuine signature of said  
Pio Pico

In June A D 1846 said Pio Pico  
was acting Governor of California

I have also  
examined the signature of Jose Mateos Moreno  
on the same paper, and think if the signature  
of said Jose Mateos Moreno I am not so well  
acquainted with Moreno's signature as with  
that of Pio Pico, but believe this to be genuine

I have also examined the  
papers here presented to me marked C in  
case number 109 purporting to be the petition  
and evidence, on application for the grant  
of land above referred to, I am acquainted  
with the signatures of the persons whose  
names appear to be signed thereon, namely  
John A. Sells, Francisco Guerrero, Person  
B Reading Guercamo Stuckley and Manuel  
Leasho, and I believe the signatures of said  
persons respectively to be the true and genuine  
sworn & subscribed

Thomas A. Larkin  
before me this 2<sup>d</sup> day of June A D 1853

Alpheus Felch lewd

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Filed in Office June 3<sup>rd</sup> 1853  
Geo. Fisher Secy  
Recorded in Ev. B Vol 3 p 1  
Geo. Fisher Secy

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Deposition of  
J. J. McNamee

Office of the Board of Commissioners &c &c &c  
This day before Com. Thompson Campbell came  
J. J. McNamee deponent in behalf of claimants  
Leonese Fernandez et al No 109 who after being  
duly sworn deposed as follows

What is your name age and place of residence?  
My name is J. J. McNamee I am forty  
five years of age and reside in San Diego

Look on the paper now shown you and  
marked B and state with the signatures of  
Pedro Pico and Jose Martinez Moreno are these  
are their genuine signatures and state your  
means of knowledge

I am acquainted with their signatures having  
repeatedly seen them write, and believe them  
to be their true and genuine signatures

J. J. McNamee

Associate Secy Agent present

Sworn to and Subscribed before me  
this 31<sup>st</sup> day of October A. D. 1853  
Thompson Campbell Com

Filed in Office Oct 31. 1853

Geo. Fisher Secy

Recorded in Ev. B Vol 3 p 275

Geo. Fisher Secy

Deposition of  
Office of the Board of Commissioners &c &c &c

Deposition of  
John A. Sutter

United States of America }  
State of California } ss.

San Francisco June 23<sup>d</sup> 1854

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This day personally came before Peter Lott a Commissioner for taking Testimony to be used before the Board of U S Land Commissioners in said State John A Sutter a witness on behalf of the Claimant Leonisio Y Fernandez in Case No 109 on the Docket of said Board and said witness being duly sworn On oath deposed in English as follows to wit

The U S Land Agent is present

Questions by Claimants Counsel

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

Answer. My Name is John A Sutter My age Eighty One Years, My residence Sutter County California

2<sup>d</sup> Question. Look at the document marked "C Expediente" and filed in this case and state what you know of the genuineness of the various signatures therein written and your means of knowledge

Answer. On the first page the signature of my own Name to the Mayoral Certificate is my genuine signature written by me at the date of the Certificate. On the same page the signature of Leonisio Y Fernandez is his genuine signature. I know him, have received letters from him and know his hand writing. On page No 2 the name of Francisco Guerrero is his genuine signature. I know him and his hand writing having frequently transacted business with him and seen him write. On page 3 the name of P B Reading is the genuine signature of Person B Reading. He was my Secretary for about 3 years and I know his writing well, have often seen him

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write. On page 4 the name of Guellamo  
Wanchley is the genuine signature of  
Willeam Wanchley (called in Spanish  
Guellamo) I know his hand writing well  
have seen him write and have transacted  
business with him - Such other signatures  
as appear on this document I am not  
acquainted with

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Drop Examined by U.S. Associate Law Agent

Question Was your intercourse with  
these persons whose signatures you say you  
know, of so frequent a character as to enable  
you to testify without doubt, as to those signa-  
tures, and without having your attention  
particularly directed to their writing at the  
same time you saw them write?

Answer. Yes I can testify with-  
out any doubt, and my knowledge of these  
persons and their business and my intercourse  
with them make me very certain of their  
signature

2<sup>d</sup> Question. How often have you  
seen these persons write their names & have  
you received letters from them

Answer. So far as Wanch-  
ley and Guellamo are concerned I have very  
often seen them write and receive letters  
from them. I cannot say how many times  
previously was my Secretary 3 years and  
the other Fernandez I have received letters  
from not so often but several times

J. A. Sutter

Subscribed and sworn to before me  
On this 23<sup>rd</sup> day June A.D. 1854

Peter Gott Commissioner  
for taking testimony &c

Filed in office June 23<sup>rd</sup> 1854

Geo. Fisher Secy  
Records in Ev B Vol 4 p 645 Geo. Fisher Secy

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Doc. C. amicus  
to depts of T. O.  
Larkin.

Sor. Jefe de Paz y Comandante Militar D<sup>o</sup> Juan  
Agustin Sutter.

Maximino y Dionisio Zeon Ferrnandez Mejicanos  
por nacimiento y vecinos de Monterrey ante V. respet  
nosamente nos presentamos y obiamos que absuelto  
visto un terreno baldio en las inmediaciones de este  
establecimiento asia al nte y para la parte de la Sierra  
arabada como consta por el diseño que acompaño de  
cuatrocientos de granulo mayor.

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Puede se obigne conceleer nos el informe para  
poder correr los tramites con el Sr. Gobernador  
de este Departamento. Por tanto Suplicamos se  
sirva excudir lo que pedimos de lo que recibiremos  
gracia. Nueva al Veria 1<sup>o</sup> de Mayo de 1846.

Maximino Zeon Ferrnandez.

Dionisio Zeon. - Ferrnandez.

Certifico que el terreno que solicitan los Señores Ferrnandez  
esta baldio. Nueva Helvetia Mayo 1 de 1846.

J. A. Sutter.

Sor. Subjefe del 3<sup>o</sup> Distrito.

Verba Buena Mayo 12 de 1846.

En vista de la presente y rrequisicio. Maximino y Dionisio  
del yuggado del establecimiento Zeon Ferrnandez  
sobre el pedido de cuatro sitios Mejicanos por nacio  
de granulo mayor por lo que - icito y vecinos de  
solicite las individuos que cono Monterrey: ante V. con  
scan el terreno y obien las el debido respeto y como  
solicitando que acompaño: pues mas halla lugar  
no se practican como se debe en derecho se presenten  
por no haber autoridad, por el y obien: que habiendo  
dumdo pedido: pero los interesados visto un terreno  
obtienen los requisitos necesarios. baldio en las inme  
por lo que para el Sr. Jefe del - iaciones del Estab  
3<sup>o</sup> Distrito resolveré lo que tenga á bien - blecimiento del  
y le clara el pino que supor lo conuagan lo enuente, as al  
en uno de sus facultades. Norte y para la parte

Granle Guerrero.

de la Sierra Nevada.

y como otro terreno se halla en el partido de su  
mundo, solicitamos la informacion de V. a conuente  
una representacion y obien que hicimos al en cargo  
de Justicia dentro el establecimiento del que obtubimos  
una certificacion y para darle el giro que nos con  
- tienen, pedimos se obigne V. conceleer nos el informe  
que conuenga para que presentemos con trata int

18  
inteligencia seguir los trámites correspondientes. Según  
estilo. P. A. A. V. Suplicamos de su favor lo que se le pida  
de lo que se recibirá merced y gracia. Su atento lo que  
arivó de.

Gerba Buena 8 de Mayo de 1846.

Moisés y Dionisio F. Fernandez.  
Sivase V. recibir la presente en papel común por no  
haber del sellado que corresponde.

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Yo, el que abajo  
firmo digo: que en virtud de las creencias  
practicadas y con los peritos correspondientes y  
haciendo mención de el jurage que los señores Don  
Maximo y D. Dionisio, Fernandez solicitan en las  
inmediaciones del establecimiento del Sacramento  
Centipen ser valido y que nunca he tenido, ni aun  
tiene tan poco bueno, ni a favor de otro jurage  
y para constancia hoy el presente escrito en Gerba  
Buena el día 15 de Mayo de 1846.

Abogado.

Yo el abajo firmado, certifico que el jurage de que  
hacen mención los señores Don Maximo y Don  
Dionisio F. Fernandez, se halla completamente valido  
y que hasta la presente no he tenido bueno ni  
ha sido pedido por persona alguna.

Y para que conste hoy el presente hoy día  
de la fecha.

Mayo 15. 1846.

Gerba Buena.  
Guillermo Humbly.

Prefectura del Segundo Distrito.

Por. Srío del Despacho.

Don Dionisio y Maximo Fernandez solicitan en la  
presente instancia se les conceda en propiedad  
un terreno constante de cuatro sitios de ganado  
mayor que se halla en las inmediaciones del Rio  
del Sacramento para el monte colindando con las  
lomas bajas de la Sierra Nevada con el Rio de  
las Plumas y con el terreno de Don Juan Augusto  
Sutter.

Esta Prefectura en vista de las informes prae  
dicadas que acreditan hallarse valido el dicho terreno  
y satisfecha que los pretendientes cumplen las condiciones  
que previene la ley no encuentra embargo para  
que el Gobierno Departamental les conceda la  
propiedad de las cuatro sitios de ganado



3. 11

que piden y en tal virtud las recomiendo a V. S.  
para que promoviendole en el Superior Convenciento  
del mismo interponga sus respetos p<sup>a</sup> que sean  
agraciados preferentemente a cualesquiera extranjeros  
Monterrey. Mayo. 27 de 1846.

Manuel Castro.

Angelos. Junio 12 de 1846.

Vista la peticion con que da principio.

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Filed in office. March. 19. 1852.

Geo. Fisher. Secy.

AD

Translation of the second meeting of the committee on the 10th of August 1892

13<sup>th</sup> Translation  
Espectante #

To the Justice of the Peace and Military  
Commandant D Juan Auguste Gutier

Maximo and Leonisco Leno Fernandez  
Mexicans by birth and citizens of Monterey  
present Ourselves with great respect & say  
that having seen vacant Land in the neigh-  
borhood of this establishment towards the  
North and towards the Sierra Nevada as  
will appear by the accompanying maps of  
your Atlas de terrenos Mayn of four  
square leagues

We respectfully as for the  
necessary information to be transmitted to his  
Excellency the Governor of this Department

wherefore we pray that  
what we as may be granted by which we  
shall receive Mercy

New Helvetia 1<sup>st</sup> May 1846

(Signed) Maximo Leno Fernandez  
" Leonisco Leno Fernandez

Translation No 1

I certify that the Land selected by the  
Messrs Fernandez is vacant  
New Helvetia May 1<sup>st</sup> 1846

(Signed) J. A. Gutier

To the Justice of the Peace

Maximo & Leonisco  
Leno Fernandez Mexicans by birth and  
citizens of Monterey respectfully appear  
and would state, that having seen a vacant  
piece of Land in the neighborhood of the  
Establishment of the Sacramento to the North  
and by the side of the Sierra Nevada and  
as said Land is selected on a piece under  
your jurisdiction, we solicit information  
of your relative to the Land referred to in the  
accompanying petition and maps which  
we have made to the person charged with  
control of the said Establishment from whom  
we obtained a certificate and an Order to  
give it the most convenient course has been  
of you to provide as the proper information that

we may duly proceed to the corresponding proceedings, as it is customary.  
Therefore we beg that you may be pleased to present us what we hence desire, by which we shall receive mercy and favor.

I enclose what is necessary

Yuba Buena 8th May 1846

(Signed) Maximo Leonese Fernandez

Please receive this document upon common paper for there is none of the proper stamp

Translation No 2 Yuba Buena May 13th 1846

Having seen the document and testimony of the person in charge of the Establishment in relation to the application for four square leagues, I have requested two persons who know the Land to inform me about the same and they gave the annexed certificate. The information has not been duly taken, on account of their not having been an authority in that quarter, but the petitioners are qualified. Therefore I shall refer the matter to the Prefect of the 2<sup>o</sup> District who shall resolve as he may deem proper and will give to the proceedings the convenient course by virtue of his powers.

(Signed) Fr<sup>o</sup> Garcia

Translation  
No 3

I the undersigned say, that in virtue of the investigation report made in relation to the Land asked for by Messrs Maximo Leonese Fernandez in the neighborhood of the Establishment of the Sacramento I certify that the same is vacant and has never been occupied. That there is no owner of said place, in proof of which I give this writing at Yuba Buena  
May 15-1846

(Signed) P B Reading

Translation  
No 4

I the undersigned certify that the place described by the Messrs Maximo Leonese Fernandez is entirely vacant and without

15-

an owner, nor has it been asked for by any one. In testimony whereof I give this writing the day of its date

New Mexico May 15. 1846  
(Signed) Guillermo Minckley

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Respect of the Translation No. 5  
2<sup>d</sup> District

To the Secretary of State  
Don Leonisco and Maximo Fernandez solicit by their documents the Conception and ownership of the four <sup>square</sup> leagues of land in the neighborhood of the River Sacramento, bounded on the North by the low hills of the Sierra Nevada by the Father River and the Lances of Don Juan A. Sutter

This Department of the Prefect in view of the evidence that the said land is vacant and that the applicants possess the legal qualifications can discover nothing which can prevent the Government of this Department from granting the ownership of the said four square leagues

They are therefore recommended to your Excellency, and with great respect would state that their petition should be granted in preference to any stranger  
Monterey May 27. 1846  
(Signed) Manuel Castro

Angles June 12. 1846  
Having examined the petition with which begins

I certify the foregoing to be a true and correct translation from the Original Spanish Document on file in this Office in Case 109 Leonisco L. Fernandez et al

U S Land Commission for California  
San Francisco July 26. 1852  
Geo. Fisher Secy

Filed in Office July 26 - 1852  
Geo. Fisher Secy

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MD

1. 17

Pío Pico Gobernador Constitucional del Departamento de California.

Doc. B. annexed to depts. of T. O. Larkin.

Por cuanto los ciudadanos mejicanos <sup>Don</sup> Maximino y Dionisio <sup>Don</sup> Hernandez han pretendido para su beneficio personal un terreno baldio a las inmediaciones del rio del Sacramento colindante al norte con las falaldas de la Sierra Nevada, al Sur con terrenos de Don Juan B. Sutter y al Este con el Rio de las Plumas: practicados previamente las diligencias y averiguaciones convenientes segun lo dispuesto de conformidad con la ley de 18 de agosto de 1826 y reglamento de 21 de Noviembre de 1828 he venido en decreto de este dia en uso de las facultades que estan conferidas a nombre de la nacion mejicana en concederle la p. el espresado paraje, declarando le la propiedad de el por las presentes letras a reserva de la aprobacion de la Exma. Asamblea del Departamento y bajo las condiciones siguientes.

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1º Podrá cercarlo sin perjudicar las traversias, caminos y servidumbres: lo disfrutará libre y esclusivamente destinandolo al uso y cultivo que mas le aconviene.

2º Solicitara al Juez respectivo que les de la posesion juridica en virtud de este despacho por el cual se demarcaran los linderos con las mejoras necesarias.

3º El terreno de que se hace mención es puramente el de <sup>quatro</sup> cinco sitios de granuato mayor conforme al sistema que corre en el espediente. El Juez que otorgue la posesion lo habrá de invertir con arreglo a ordenanza dejando el sobrante que resulte a la nacion para los usos convenientes.

4. En consecuencia mandado que teniendose por firmes y validos se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y deudas suyas. Dado en la Ciudad de las Cruces en este papel comun por falta del Sellado a doce de junio de mil ochocientos Cuarenta y seis.

Pío Pico. José Mathias Moreno.  
Int. Int. Queba teniente razon de este Superior despacho en el libro respectivo.

Moreno.

Filed in office. March 19<sup>th</sup> 1852.

Geo. Fisher. Secy

*[Faint, illegible handwriting covering the majority of the page]*

100  
 100  
 100



19<sup>th</sup> Translation of  
Title B

Pio Pico Constitutional Governor of the  
Department of the Californias

Gov. Seal & Alfercus Maximo and Leonisco  
Donn Fernandez Mexican Citizens  
by birth have selected for their personal  
benefit a tract of unoccupied land on the  
Western side of the River Sacramento bounded  
on the North by the Slopes of the Sierra  
Nevada on the South by John A. Sutter's  
Land. On the East by Father Aren, and the  
required steps having been taken and infor-  
mation obtained concerning said land  
in conformity with the provisions of the Law  
of the 18<sup>th</sup> Aug 1834 and the Regulation of  
21 November 1838 I have resolved by decree  
of this date in the exercise of the powers in  
me vested in the name of the Mexican  
Nation to grant them the aforesaid  
tract hereby declaring them the proprie-  
tors thereof subject to the approbation of  
the Most Excellent Departmental Assembly  
and under following conditions

1<sup>st</sup> They may Enclose it without obstructing  
the crops roads and rights of way, they  
shall enjoy the free and exclusive possession  
thereof dedicating it to the Cultivation or  
use which they shall deem convenient

2<sup>o</sup> They shall select of the proper Judge  
the suitable possession thereof in virtue of  
this patent (also seecho) by whom the limits shall  
be marked out with the requisite Land  
marks

3<sup>o</sup> The tract hereby granted is purely four  
square leagues of land (Cuatro Ligas de  
ganado Mayor) according to the plan accom-  
panying the Expediente

The Judge who shall  
give possession shall cause it to be measured  
according to Ordinance, leaving the Surplus  
which there may be to the State for the proper  
purposes

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I therefore order that the present letter being  
 held as gum and receipt be entered in the  
 Corresponding Book and delivered to the  
 parties concerned for their security and  
 other ends

Given in the City of Angeles (on  
 common paper for absolute want of the  
 proper Stamp) the 12th day of June 1846

Pío Pico

José Malces Moreno  
 Secretary pro tem

This Superior Patent has been entered in the  
 Corresponding Book

Moreno

Translated from the Original

Joseph Scheel                      Exc C  
 State Translator                  R P

Filed in Office March 19th 1853

Geo. Fisher Secy

Deed to Belden  
Ye. D.

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PAGE 19

This Indenture made and entered into this the  
sixteenth day of August All one thousand  
Eight hundred and fifty by and between  
Leoncio <sup>of</sup> San an diez of Monterey California  
and Massimo <sup>of</sup> San an diez and Magdalena  
his wife of San Jose California of the first  
part and Joseph Belden and William A  
Basham also of San Jose California of the  
second part. Witnesseth That for and in  
consideration of the sum of two thousand  
and six hundred dollars (\$2600) good and  
lawful money to them the parties of the first  
part in hand paid by the said parties of  
the second part the receipt whereof is hereby  
acknowledged, they have granted bargained  
sold and conveyed and by these presents doth  
bargain sell and convey unto the said parties  
of the second part their heirs and assigns forever  
all their right title and interest in and to the  
undivided two thirds of a certain tract or  
parcel of Land embracing an area of four  
square leagues, Spanish Measurement situate  
linc lying and being on the West side of  
the Feather River in California and bounded  
as follows On the North by the low hills  
of the Sierra Nevada, on the South by the  
Lanzas of John A Sutter and on the East  
by Feather River it being the same tract of  
Land granted by the Mexican Government  
to Massimo and Leoncio <sup>of</sup> San an diez by  
Deed bearing date the twelfth day of June  
All One thousand Eight hundred and fifty  
Six and recorded in the public Archives

To have and to hold the above  
described tract or parcel of Land to the said  
Joseph Belden and the said William A  
Basham their heirs and assigns forever - and  
the said parties of the first part hereby con-  
sent and agree to warrant and defend to the  
parties of the second part the title to the  
Lanzas hereby conveyed against the lawful  
claim of all persons claiming by through or  
under them the said parties of the second  
part -

In witness whereof the parties of the second  
 part have hereunto set their hands and  
 seals the day and date above written  
 Agreed sealed }  
 and delivered } Leonora <sup>of</sup> Fernandez }  
 in presence of } Massimo <sup>of</sup> Fernandez }  
 Jose Noriega Magdalena Bde Fernandez }  
 Norberto Roche }

Seal  
Seal  
Seal

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State of California }  
 County of Santa Clara } ss

Be it remembered that on this the 17th day  
 of August A.D. 1850 before me a Notary  
 Public in and for the County aforesaid  
 personally came Leonora <sup>of</sup> Fernandez, Mas-  
 simo <sup>of</sup> Fernandez and Magdalena Bde  
 Fernandez his wife, to me known to be the  
 persons described in and signed the forego-  
 ing conveyance and acknowledged that  
 they executed the same freely and voluntarily  
 for the uses and purposes therein mentioned  
 and she the said Magdalena Bde Fernandez  
 wife of the said Massimo Fernandez being  
 by me well acquainted with the contents  
 of said conveyance, on an examination  
 separate and apart from her husband  
 acknowledged that she executed the same  
 freely and without fear or compulsion  
 and in full knowledge of her said husband and  
 that she did wish to retract the execution  
 of the same.

Given under my hand and  
 Notarial Seal at Office the day and  
 year above written  
 H. S. Ryland  
 No. 121 Seal

Filed in Office March 19th 1853  
 Geo. Fisher Secy

Opinion of *Lionisio Fernandez* at *San Juan* leagues  
 Board by *res* *San Juan on Feathers*  
 Com. *Fernandez* *The United States* *River in the County*  
*of Butte*

The petitioner in this case has offered  
 in evidence the Expediente of Maximilian  
 and Leonisio Fernandez dated the first  
 day of May 1846, and a grant issued  
 in pursuance thereof by Governor Pio Pico  
 dated the 12th day of June 1846 - Also  
 a deed of conveyance from said parties  
 of one concedido two thirds of the  
 same to petitioners Joshua Belcher  
 and William A. Baskin bearing  
 date the 16th day of August 1850 -

The documents above referred to are  
 duly authenticated, and from the evidence  
 we think this a valid claim and a  
 decree will be entered accordingly

Confirmed

Filed in Office July 17. 1855

Geo. Fisher Secy

Recorded in Vol 3<sup>d</sup> of Decrees  
 page 141c

Geo. Fisher Secy

24



11  
111

Decree of  
Confirmation

Dionisio Fernandez et al }  
res. }  
The United States }

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In this case on hearing the proofs and  
and allegations it is adjudged by the  
Commission that the claim of the said  
petitioners is valid and it is therefore  
decreed that their application for a  
Confirmation thereof be allowed.

The land of which  
Confirmation is here by given is situated  
in the the County of Butte containing  
four square leagues, and being on the  
West side of Feather River to be hereafter  
located between the loco hills of the  
Sierras on the North and the Sierras of  
Leptum Sutter on the South, according  
to the calls of the grant and with  
reference to the map accompanying the  
Especcante on file in this case

R. Aug. Thompson }

S. B. Farwell }

Commissioners

Filed in office July 17. 1855

Geo. Fisha Secy

Recorded in Vol 3<sup>d</sup> of Decisions p 142

Geo. Fisha Secy

An act appearing to the satisfaction of the Board that the land hereby appropriated is situated in the Northern District of California. It is ordered that two transcripts of the proceedings and decision in this case and of the papers and evidence upon which the same are founded be made and carefully catalogued 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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ND



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Office of the Board of Commissioners,

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

*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  
following *Twenty six* pages, numbered from  
1 to 26, 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. 119, on the Docket of the said Board,  
with

*Donisio Hernandez, et al,* as  
the Plaintiff against the United States, for the place known by  
the name of *Land in Butte County.*

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*



377

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

No. 377. 377

THE UNITED STATES,

vs. *ND*

*J. Hernandez, et al.*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *109*

Filed, December 24, 1855-

*J. A. Moore,*  
Clerk.

*Hoge*

Office of the Attorney General of the United States,

Washington, 11 Feb - 1856.

109) "land in Butte County"

Huiseo Hernandez et al. et al.

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.

*Andrew*

Attorney General.



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

To the Honorable District Court for said district.

The United States

vs

Appellants

377.

D. J. Fernandez et al

Appellees

The petition of the United States by their  
attorney represents: that this cause is an ap-  
plication for a review of the decision of the Board  
of Commissioners of the U. States, whereby the claim  
of the said appellee was confirmed, as appears  
by reference to the record of the case: that  
a transcript of the said record was filed in  
this court on the 24<sup>th</sup> day of December  
A.D. 1835: that a notice of appeal was  
filed on the \_\_\_\_\_ day of \_\_\_\_\_, A.D.  
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

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

No 377

In the U. S. Dist. Court for the  
Northern District of California

The United States

v

D. J. Fernandez et al

Petition for Review -

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

Checked

Respectfully

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Massell

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

The United States

vs

appellants

D. J. Fernandez & others

appellees

The answer of said Fernandez et al respectfully shows that it is true as alleged in the petition of appellants, that the claim of these respondents was confirmed by the Board of U. S. Commissioners: and that a transcript & notice of appeal was filed as alleged in said petition: and that the land claimed lies in the said Northern District

But these respondents allege that their claim is valid, as will appear by reference to the record on file sent from said Commission:

Wherefore they pray that the decision of said Commissioners be affirmed, and that this Court decree the said title to be valid

Respectfully submitted

Stanley & King for  
Claimants.

No 377

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

The United States

v

D. J. Fernandez et al

Answer of Claimants

Filed April 28<sup>th</sup> 1838

Chas. C.  
Deputy.

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No. 377.

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

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The United States } Four Square  
Appellants } Leagues in  
vs } Butte County.  
Dionisio Fernandez et al } Transcript No 109  
Appellees. } of Land Commission.

Stated Term - 2<sup>d</sup> March 1857.

This Cause came on to be heard on this  
day on appeal from the decision of the Board  
of Commissioners to ascertain and state  
the private land claims in the State  
of California under the Act of  
Congress approved on the 3<sup>d</sup> day of  
March 1857 upon the transcript of  
the proceedings and decision of the  
said Board of Commissioners, and the  
papers and evidence on which the  
said decision was founded, and it  
appearing to the Court that the said  
transcript has been duly filed according  
to law, and counsel for the respective  
parties having been heard, it is by the  
Court hereby ordered adjudged and  
decreed, that the said decision be  
and the same is hereby in all things  
affirmed, and it is likewise further ordered  
adjudged and decreed that the claim  
of the Appellee is a good and valid claim,  
and that the said claim be and the  
same is hereby confirmed to the extent

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and quantity of four square leagues being  
the same land described in the grant  
and of which possession was proved to have  
been enjoyed. Provided that the said  
quantity of four square leagues now  
conferred to the claimants be contained  
within the boundaries called for in said  
grant and the map referred to, and if  
there be left there that quantity  
within the said boundaries then  
we confirm to the claimants that  
left quantity.

John Hoffman  
U. S. District Judge

No 377

The United States

vs.

D. J. Fernandez, et al

Decree  
Garrison vs  
Heron.

Filed March 2, 1857  
W. H. Cheever,  
Deputy.

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At a stated Term of the District Court  
of the United States of America for the  
Northern Dist of California held at the  
Court Room in the City of San Francis-  
co, on Monday the 9th day of March  
in the Year of our Lord one thousand  
eight hundred and fifty seven.

Present

The Hon Og Hoffman, Dist Judge.

The United States

{ D. C. 377; D. C. 109.

D. J. Fernandez et al

The Attorney General of the  
United States having given notice <sup>that</sup> ~~no~~ <sup>no</sup> appeal  
will be prosecuted in this case on the part of the  
United States, and a stipulation to that effect  
having been entered into by the U. S. Attorney &  
for leave to the claimants to proceed under the  
decree of this Court heretofore rendered in  
their favor:

Now therefore, on motion of the District  
Attorney it is ordered adjudged and decreed that  
the claimants have leave to proceed under the  
decree of this Court heretofore rendered in their  
favor as under Final Decree

Ogden Hoffman  
U. S. Dist Judge

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L.C. 109

The United States

v

D. J. Fernandez et al.

order

Filed March 9, 1857

W. H. Cheves  
Deputy

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California Land Claims.

Attorney General's Office

9 January 1857.

Sir:

In the case of the claim of Donisio Hernandez et al: confirmed to the claimant by the Commissioners, case no. one hundred and nine, (109), appeal will not be prosecuted by the United States.

I am,

Respectfully,

*Andrew*

Wm Blanding Esq

United States Attorney

San Francisco.

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

The United States

v  
D.C. 377: L.C. 109.

D. J. Fernandez et al

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

San Francisco March 3, 1859

~~J. O. Old, atty for claimants  
expressing a demand of 1/6 part of  
the land claimed.~~

Shandy O. King  
att for claimants

Wm Blandine  
Dist Atty

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S. C. 109

The United States

v

D. J. Fernandez et al

Stipulation

Filed March 9, 1857.

W. H. Cheves,  
Deputy.

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Court No. 377.

Land claims No. 109.

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The United States } In the United States  
vs } Court for the  
D. J. Fernandez et al } Northern District of  
California

"Four leagues in Butte County"

Page of the  
Transcript

13.

Translation of the petition of M J & D J Fernandez dated 1 May 1846, followed by certificates of the proper officers.

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Translation of grant by Governor Pico to Mariano & D. J. Fernandez, dated 12 June 1846 of the four square leagues asked, for according to the map.

15.

Copy of original map referred to

3

Petition of claimants to the Land Commission

5

Affidavit of Thos. C. Sartin 2<sup>o</sup> June 1853

6

" " J. J. Warner " " "

7

" " J. A. Sutter 23 June 1854

21

Conveyance, 16 Augt 1850, from grantee to J. Belden & M. R. Barham of 2/3<sup>o</sup> of the Rancho.

23

Opinion of the Board of Land Commissioners in favor of claimants

25

Decree of Confirmation

No 377.

The U States

vs

J. F. Hernandez et al

United States  
Court for the  
Southern District  
of California

4 Leases in Butte Co.

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Mr. O. Hoffman

Dear Sir - This is the case in  
which I requested a suspension of action

Very

Yours

377 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> 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. 109 on the Docket of the said Board, wherein

*D. J. Fernandez, et, al, are*  
the Claimant against the United States, for the place known by the name of *4 sq. Lea. Butte County.*

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher