

CASE No.

378

NORTHERN DISTRICT

PART OF SAN ANTONIO GRANT

Wm, H. WHITE

CLAIMANT

25% COTTON FIBER
BLOWER BOND
LAND CASE 378 ND 10 pgs.

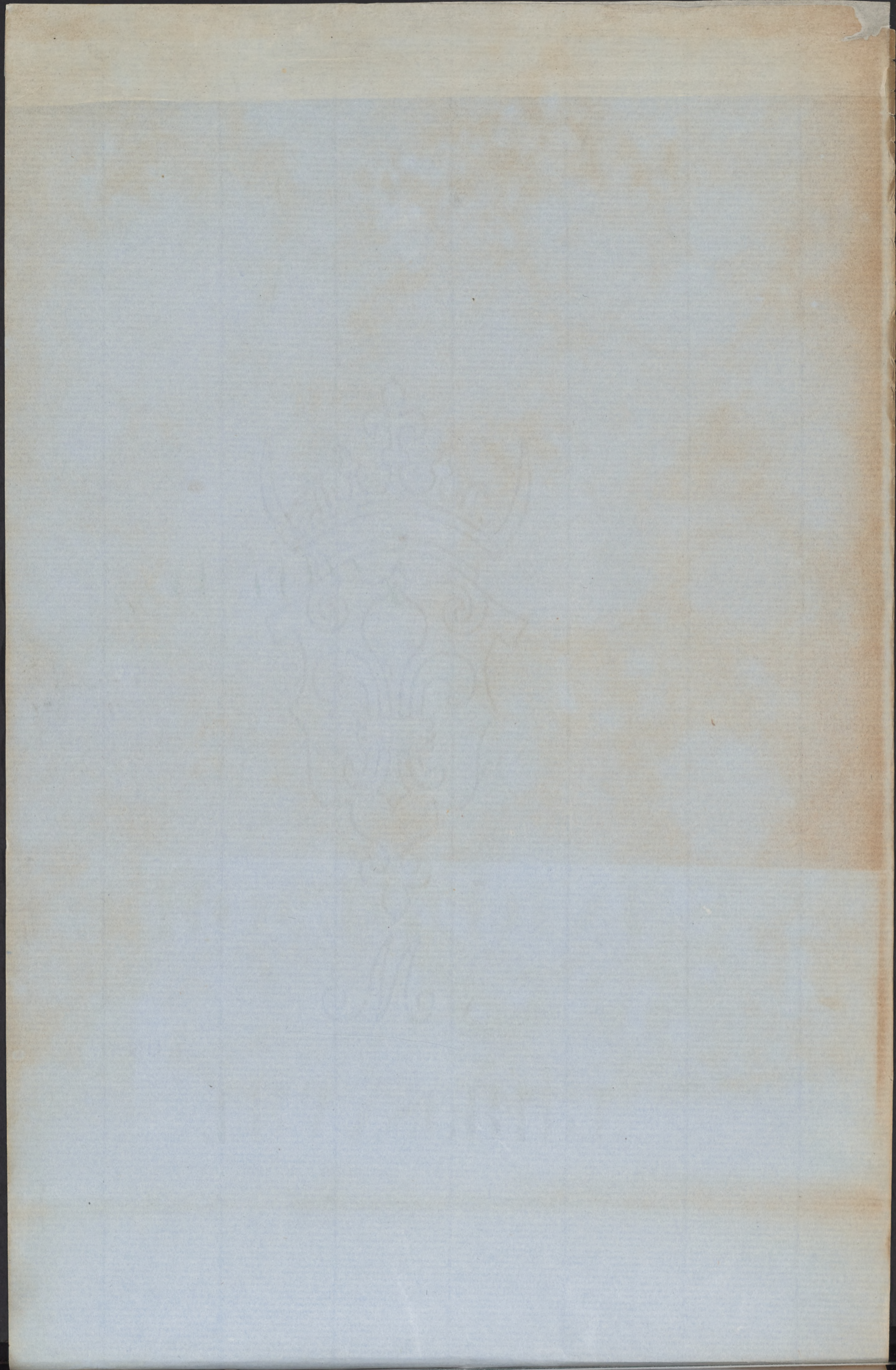
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TRANSCRIPT

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OF THE

PROCEEDINGS

IN CASE

NO. 710.

Wm W White CLAIMANT

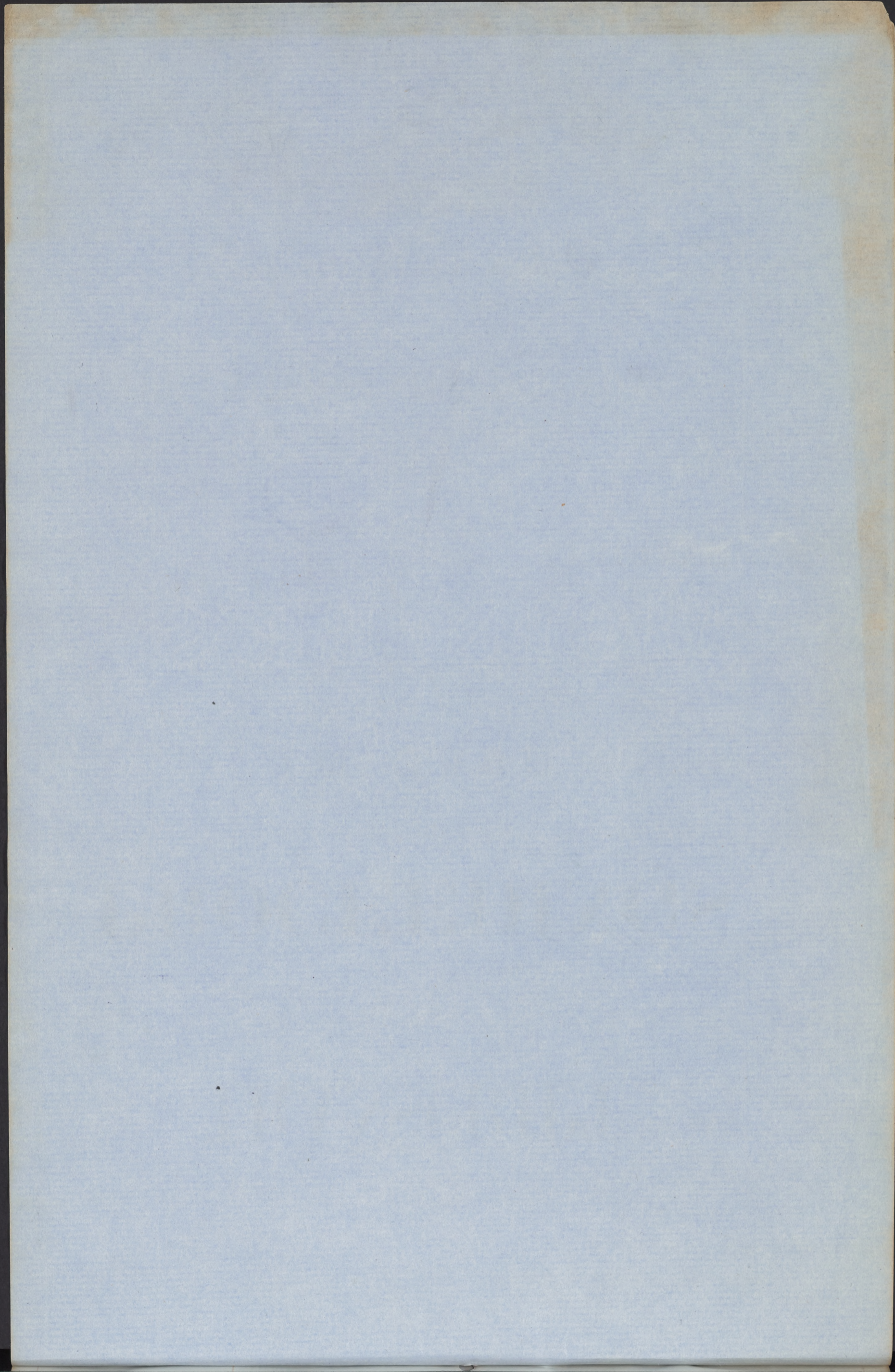
VS.

THE UNITED STATES, DEFENDANT,

part of
FOR THE PLACE NAMED

San Antonio

In the Northern Dist. of Cal



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

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The Petition of *Wm. W. White*, *part of* for the Place named "*San Antonio*" was presented, and ordered to be filed and docketed with No. *719* and is as follows, to wit;

(Vide page *3* of this Transcript.)

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

San Francisco January 2, 1855
Case No 719 *Wm. W. White* for part of "*San Antonio*" was ordered to be placed at the foot of the *41* slip cases on the trial docket

San Francisco March 13, 1855
Case No 719 was submitted on briefs and taken under advisement by the Board.

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

W. G. B.

W. G. B.

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

Petition

Your petitioner William W. White of Santa Clara County, in the State of California, respectfully represents to your Honorable Board that he claims a piece of land (or parcel) containing one hundred acres which is a part of the north half of the south half of a certain tract of land known as "San Antonio" situated in said county of Santa Clara and the whole of which said tract known as "San Antonio" is bounded on the south by the creek of San José Cupertino on the north by the creek of Matacote, on the west by the Sierra Madre de (mother mountain of) Santa Cruz, and extending easterly to the edge or termination of the Lomas Bajas (low hills)

That your petitioner claims said piece or parcel of land by virtue of a grant of said tract known as "San Antonio" made to Juan Prado Mesa, under the authority of the Mexican Government, by Juan P. Alvarado, constitutional Governor of the department of the California bearing date March 24, 1839 and appeared by the departmental assembly on the 24th day of May, 1840.

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

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

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

Your petitioner prays
Your Honorable Board to take into con-
sideration his claim to said piece or parcel
of land and deem his title to be valid
and confirm the same.

And your petitioner will
ever pray

dated March 2, 1853.

William W. White
By Edward Martin his counsel

Filed in office March 2, 1853
Signed

Geo. Parker Jcy

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Opinion of
Board by
Comr. ~~Furze~~
R. A. Thompson

Wm. W. White
vs
The United States

}
} Part of San Antonio
} Santa Clara Co.

This claim is not sustained by evidence
of any kind and is therefore rejected

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Filed in Office July 10. 1855
Geo. Fisher Secy

Decree

William W. White
vs
The United States

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In this case on hearing the proofs and
allegations it is adjudged by the
Commission that the claim of the said
petitioner is not valid, and it is therefore
decreed that his application for
Confirmation be denied

R. Aug. Thompson
S. B. Furze

Commissioners

Filed in Office July 10. 1855
Geo. Fisher Secy

And it appearing to the satisfaction
of the Board that the land here by
adjudicated is situated in the Northern
District of California it is hereby
Ordered that two transcripts of the
proceedings and decision in this case
and of the papers and evidence upon
which the same are founded be made
out and duly certified by the Secretary

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One of which transcripts shall be filed
with the Clerk of the United States
District Court for the Northern Judicial
District of California and the other
be transmitted to the Attorney General
of the United States -

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Office of the Board of Commissioners,

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

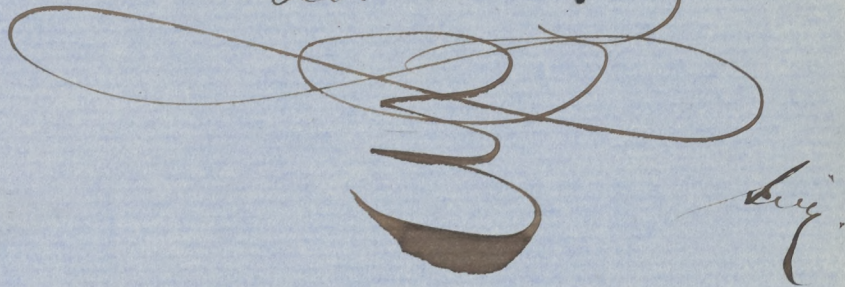
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I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Six* pages, numbered from
to *6*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
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. 710, on the Docket of the said Board;

Wm W White is
the Claimant against the United States, for the place known by
the name of *Part of San Antonio*

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Tenth day of *December*
A. D. 1855, and of the Independence of the
United States of America the seventy-eighth.

Geo. Fisher



378

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

No. 378-

378

THE UNITED STATES,

vs.

MD

John W. White

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 710.

Filed, December 24 - 1855-

J. A. Monroe,
Clerk

At a stated Term of the District Court
of the United States of America for the
Northern District of California, held at
the Court Room in the City of San
Francisco, on Monday, the twenty third
day of February, in the Year of our Lord
One thousand eight hundred & fifty seven.

Present:

The Hon Ogden Hoffman, District Judge.

The United States

vs

Wm W. White

}
}
}

D. C. 378; L. C. 710.

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

378
L.C. 710

U. S. Dist Court

The United States

ad

Mr M. White

Order

Lindley 23,2857,
W. H. Chevers,
Deputy.

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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 10th 1855

J. A. Monroe 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. 710 on the Docket of the said Board, wherein

Wm W. White is

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

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher