

CASE No.

391

NORTHERN DISTRICT

CURTIDURIA de la MISSION

de DOLORES GRANT

THOMAS DORLAND

CLAIMANT

LAND CASE 391 ND PAGES 38

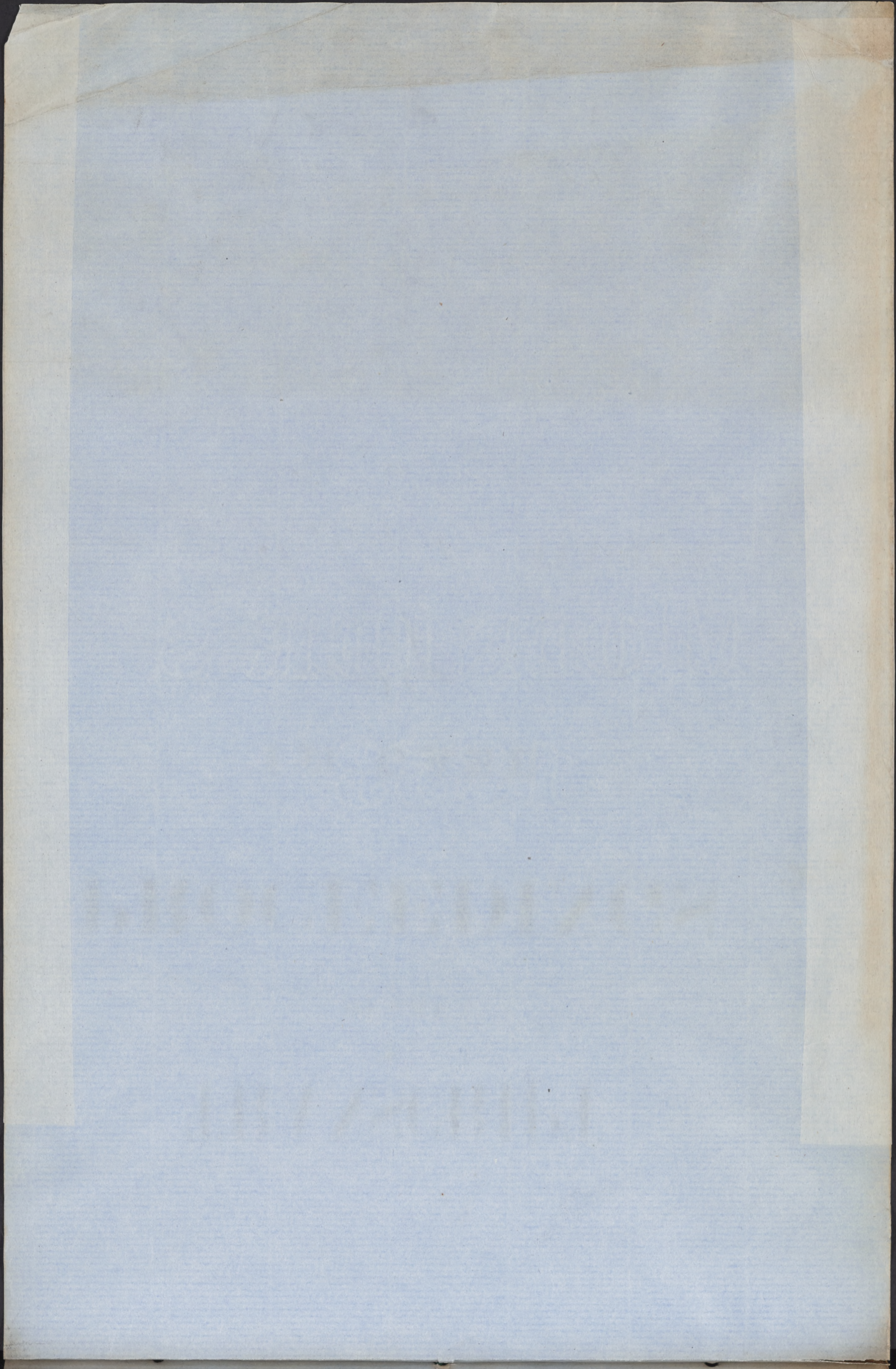
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DEWEY BOND
D. M. Dewey

U.S.A.
COTTON FIBRE

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TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 29.

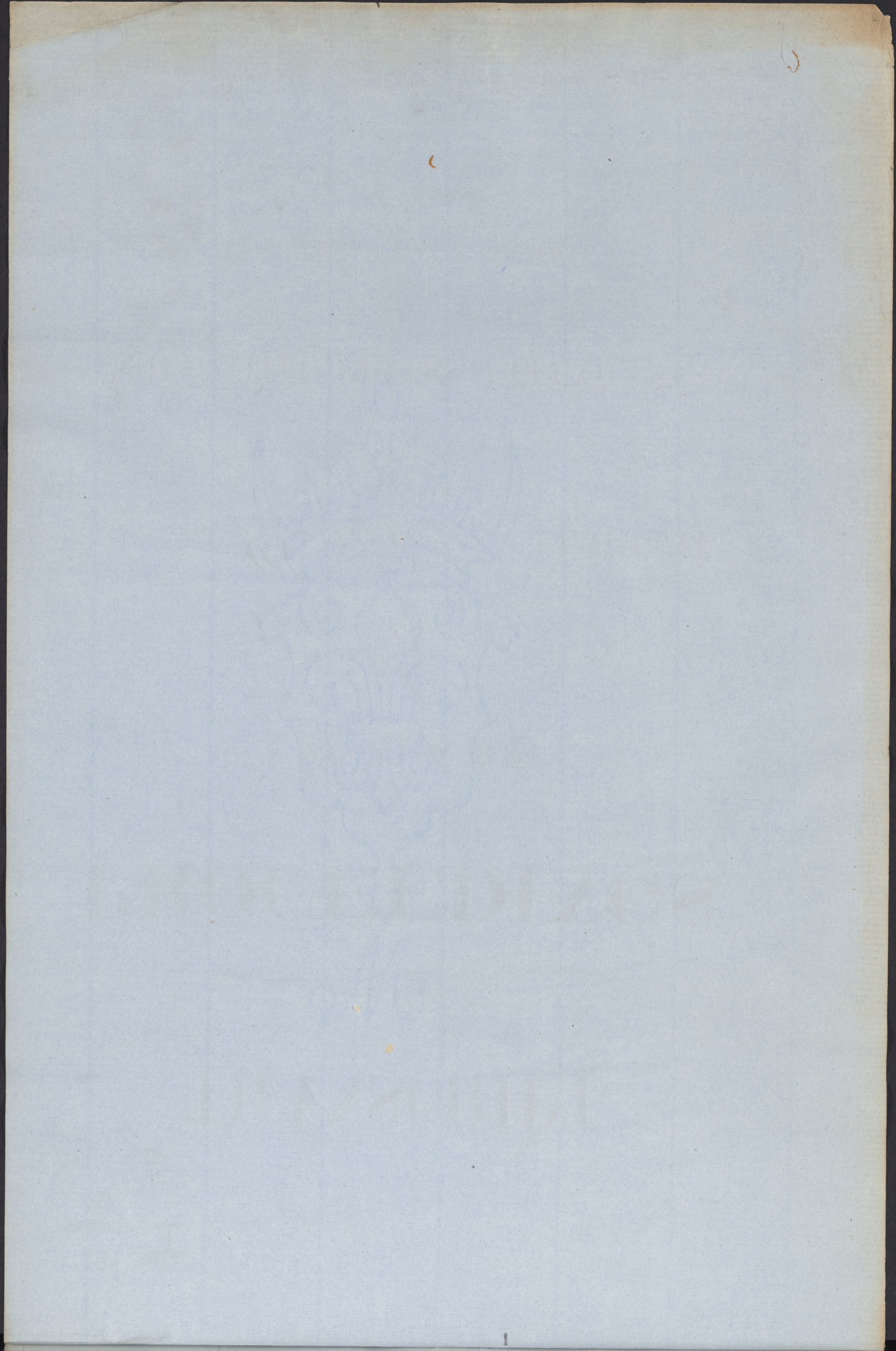
Thomas Dorland CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Acristiduna de la Misión Dolores.



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 ninth day of February, 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 Thomas Ireland, for the Place named *Centinaria de la Mision de Dolores*, was presented, and ordered to be filed and docketed with No. 29 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 July 26' 1853.

In case no 29, Thomas Ireland for the place named *Centinaria del Establecimiento de Dolores*, the deposition of Mrs. S. Berreyra, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, with document marked A. F. A. annexed thereto, was filed;

(Vide page 6 of this Transcript.)

San Francisco Aug. 20' 1853.

In the same case the deposition of Charles Brown, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed;

(Vide page 8 of this Transcript.)

San Francisco June 13' 1854.

Case no. 29 was ordered to be placed at the foot of the 1st class cases on the Trial docket.

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San Francisco July 10' 1854.

In the same case the counsel for the claimant filed the following stipulation, to wit:

(See page 19 of this Transcript.)

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San Francisco August 9' 1854.

In the same case the deposition of Toribio Tombarone, a witness in behalf of the claimant, taken before Commissioner Peter Lott, was filed:

(See page 10 of this Transcript.)

San Francisco Aug. 17' 1854.

Case no. 29 was submitted on briefs and taken under advisement by the Board.

San Francisco, Sept. 25' 1855.

In the same case Commissioner R. Aug. Thompson delivered the Opinion of the Board rejecting the claim:

(See page 33 of this Transcript.)

and the following order was made, to wit:

(See page 35 of this Transcript.)

N.

Petition.

To the Honorable the Commissioners to ascertain and settle the land claims in the State of California.

The petition of Thomas Dorland, a resident in the county of San Francisco in the State of California, respectfully Shows unto your honorable body,

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That on the nineteenth day of April in the year 1846, at which time the territory now comprised in the State of California, formed a part of the United Mexican States, Toribio Fanfaran, a resident of the 2^d. district of California, made and presented his petition in writing to Francisco Guerrero, then Subprefect of the said 2^d. district, duly qualified and acting as such, praying for a grant of a certain piece or parcel of land situated at the Mission of Dolores known as the Curtiduria of the said Mission and containing two hundred varas square.

That there upon the said Francisco Guerrero, subprefect, as aforesaid, passed the said petition by his entry in writing therein signed by him, dated the 20th day of April 1846, to Manuel Castro, Prefect of said 2^d. district, setting forth in said entry that the land prayed for by the said Fanfaran was actually vacant and that said Fanfaran had the necessary qualifications as such petitioner.

That upon the said petition and the information communicated by the said Subprefect in said

entry, the Manuel Castro, then prefect of said 2^o district, duly qualified and acting as such, did concede to the said Toribio Fanfaran the said two hundred Varas square of land in the place named the Curtiduria of the establishment of Dolores, on condition that the said Fanfaran should submit himself to the laws of the police of the place and should manifest the decree of concession to the corresponding authority which said concession was made by a decree in writing signed by the said Manuel Castro prefect as aforesaid dated the 2^o day of may 1846, at Monterey in said 2^o district.

That in view of the said Superior decree by an of possession in writing dated the 18th day of may 1846 and signed by José de la Cruz Sanchez, then Justice of the peace of the Jurisdiction of San Francisco, duly qualified and acting as such, the José de la Cruz Sanchez, Justice of the peace, as aforesaid, did recognise the land prayed for by said Fanfaran and certifying that it had not belonged to any private person, did give possession thereof to the said Fanfaran according to the order him thereunto moving.

That the said several Officers, herein before named, had at the date of thus said several acts full power and authority to do the said several acts and things in the said several acts by them undertaken to be done; and that by thus said several acts the said Fanfaran became and was seized of the said

land in his demesne as of fee the said
Janfaran having submitted himself to the
laws of police of the place and having man-
ifested the said decree of the said prefect
to the corresponding authority.

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That on the said 18th
day of may 1846 the said Toribio Janfaran
was in actual and peaceable possession
of the said land so granted to him, as
before said, and that he and these Claims
under him, as herein after set forth, have
continued in actual peaceable and uninter-
rupted possession of the same and that
there is not to the knowledge or belief of
the petitioner . . . or conflicting
Claim respecting the said Land.

That on the 27th day of
december 1850 the said Toribio Janfaran
by indenture in Writing dated that
day and duly executed by him, did
bargain, sell and transfer the said land
to One Charles Brown, in consideration of
the sum of One Thousand dollars paid him
by the said Brown.

That on the 1st day of
march 1851, the said Charles Brown by
indenture in Writing dated that day
and duly executed by him, did bargain,
sell and convey the said Land to One
Russell C. Perkins in consideration of
the sum of _____ dollars paid
him by the said Perkins, and

That on the 21st day of
april A.D. 1851, the said Russell C.
Perkins by indenture in Writing, dated
that day and duly executed by him, by
his attorney, in fact Charles Brown, by
letter of attorney, under seal, dated march

the 15th 1851 made by said Perkins, did bargain, sell and transfer the said land to Thomas Dorland, your petitioner, in whom the title to said land is now vested.

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A Copy of the petition information, decree and act of possession herein before referred, constituting the original grant to said Sanfaran is hereto annexed, together with a translation of the same and is prayed to be taken as part of the same.

Wherefore your petitioner prays that you will decide that his said Claim is valid, and that you will certify the same according to law and your petitioner &c.

Brown, Mannah & Tracy,
attys for Thomas Dorland.

San Francisco Feb^y 6 1852

Filed in office Feb^y 9 1852

(Signed)
G^o. Fisher, Sec^y.

Office of the board of Land
Commissioners for California

San Francisco July 26th 1853

Deposition
of
Jose S. Berreyusa
On this day before me A. Phelps Felch, One of the Commissioners for ascertaining and settling private Land claims in California, Came Jose S. Berreyusa a witness produced in behalf of the claimant Thomas Dorland, being N^o 29 on the docket of the Commissioners and, after being duly sworn, testified as follows:

Questions

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Questions by M^r Tarry, Counsel for
Claimant.

1st question:

What are your Name, age -
and place of residence?

Answer. My Name is José S. Berreyesa
my age thirty five years and my place
of residence Martinez in Contra county,
California.

2^d question.

Do you know Manuel Castro,
Francisco Guerrero and José de la Cruz -
Sanchez?

Answer.

I did know them.

3^d question.

What means had you of
knowing their hand writing?

Answer.

I have often seen them write.

4th question.

Look on the paper now
presented, marked exhibit A with the
initials M. F. and hereto attached -
and purporting to be a grant of Land
Called the Curtiduria from Manuel
Castro, prefect, to Toribio fanfaran, dated
may 2^d 1846, and say whether you
recognise as genuine the signature there
in?

Answer.

I have examined the papers
and recognise as genuine the signatures
of Francisco Guerrero, Manuel Castro,
José de la Cruz Sanchez and Francisco
de Haro. - I have also often seen Fran-
cisco de Haro write.

José S. Berreyesa

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M^r. Greenhow, assistant.

Law agent was present at the taking of this deposition. The witness gave his testimony in the Spanish language. M^r. Greenhow by consent of parties acting as interpreter having been first duly sworn for that purpose.

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Subscribed and sworn to before me this 26th day of July A. D. 1853

Alpheus Felch
Commissioner

Filed in office July 26th 1853

(Signed)
Geo. Fisher, Sec^y.

Office of Commissioners
of Land claims in California
San Francisco.

This day before me Commissioner Alpheus Felch, came Charles Brown, witness in behalf of claimant Thomas Dorland, Case n^o. 29, and after being duly sworn, deposed as follows:

Depo of
Ch^s. Brown.

Questions by M^r. Tarry, attorney for claimant.

1st Question.

What are your name, age and place of residence?

Answer.

My name is Charles Brown,

9
my age thirty eight years and I reside at
Mission Dolores, in California.

2^d Question.

Do you know a lot of land
at the Mission-Dolores Called the Curti-
-duria?

Answer.

I have known it since 1833
and once Owned it myself.

3^d Question.

Of Whom did you buy it?

Answer.

Of Toribio Fanfaran.

4th Question.

Were there any improvements
on the land when fanfaran owned it, and
if so what were they?

Answer.

There was an adobe house
on it which had ten in it. Fanfaran
had some men living in it in 1850.

There were posts around
the lot when Fanfaran had it, but the
fence was destroyed or burnt up.

I afterwards fenced the
lot. There is a Spring of Water on it. Where
all the 100 men in Mission Dolores used
to wash. a food there now.

5th Question.

What was the size of the lot
around which the posts you refer to were
placed?

Answer.

The lot is not square. I
suppose there may be One or two hun-
-dred varas of it in all.

Charles Brown.

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Mr. Greenhow, associate law agent was present at the taking of this deposition but declined to propound any questions.

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Sworn and subscribed -
before me at San Francisco this
twentieth day of August A.D.
1853.

Alpheus Felch,
Commissioner.

Filed in office August 20th 1853
Geo. Fisher, Secy

United States of America
State of California
San Francisco August 8th 1854.

This day personally came before
Peter Lott, Commissioner for taking
testimony to be used before the board
of U. S. Land commission, in the said
State, Toribio Janfaran, a Witness on
behalf of the claimant Thomas Dorland,
in case N^o 29 on the docket of said board,
and said witness being duly sworn on
oath deposed as follows:

Depo of
Toribio Janfaran.
Tanjoran

The U. S. associate Law agent was
present.

Questions by claimant's counsel.
1st question.

What are your name,
age and residence?

Answer.

My name is Toribio Jan-

11
-Jaran, my age 29 years, my residence San Francisco, County of California.

2^d Question.

Are you acquainted with the tract of land claimed in this case, called "Curtiduria"? If yea, how long have you known it, and state what you know of its occupation and improvements?

Answer.

I am acquainted with said tract and have known it some 16 years. It is situated in the County of San Francisco, at the mission Dolores. The place was granted to me in the Spring of 1846, by Manuel Castro, the prefect who was at Monterey.

The month after I got the grant, I enclosed it with a pole fence which was built for me by some Indians I employed for the purpose and I also at the same time repaired the house of the tannery. I had men living there and I kept cows on part of the place and hogs on another portion, and a portion of it I planted that same season in 1846 with vegetables for the use of myself and the people in my employment.

I continued to occupy the place till 1847 or 1848 when I sold it to Charles Brown. He went immediately into the occupation; after that he made a new fence round it and had it cultivated. He kept a man there whose name I do not know. He (Brown) kept it some five months and then sold it to Thomas Dorland who shortly after he purchased it, began to make brick on the place and has used it for that —

purpose ever since and is still making
brick on the place.

3^d Question.

How much land is embraced
in the tract?

Answer.

Two hundred varas square.

4th Question.

Have you any interest in
the confirmation or rejection of the
claim in this case?

Answer.

None whatever.

Cross examined by W. S. associate
Law agent.

1st Question.

What do you know of the
conveyance of said land from Brousse
to Dorland?

Answer.

I lived there and saw
the property went out of Brown's pos-
session into Dorland's and heard them
both say that it was so sold and
Dorland has ever since occupied it
peaceably. I never saw the deed.

2^d Question.

Do you know of any law
authorizing prefects to grant land,
and if yea, to what extent could they
so grant? and what was usually
the extent of grants made by them?

Answer.

I know nothing about
such matters and do not know what
was the usual custom in such cases.

Toribio Janfaran.

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Subscribed and Sworn to
before me on this 8th day
of August A.D. 1854

Peter Lott
Com^r

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Filed in office Aug 9 1854

(Signed)

Geo. Fisher

Sec^y

04

15-

En sub. prefecto del 2º Distrito
 Sub. Pref. del ^{ay} Toribio Jeanfaon ante
 2º distrito ^{ay} V. como mas haya lugar
 Kermec. Abril } se presenta y dice que se
 20 de 1846 } cesandolo un pedazo de
 En Vista de la } tierra para fabricar casa
 Exhibta. presente se pre- } y plantar al mismo tiempo
 with initials sentacion quem } una huerta de hortaliza
 A. G. annex estando en mis } a V. duplica se sirva
 to the Depo. of facultades en } concederle doscientas
 José S. Bene conceder lo que } Varas cuadradas en
 yca. pide la parte pa } el paraje nombrado la
 ras de. el son pre } Cortadura, in cluso los
 fecto del distrito } Rincos que existen en
 paro que lo aprae } dicho lugar.
 con el tenero of pida } a V. suplico se sirva
 allandose actual } aee avar a esta mi soli
 mente Valais y } citud en caso que V.
 el solicitante obt } tenga facultades y asi
 ne los requisitos } recibir la gracia de
 de la ley. pta ut } que sea elevada esta
 supna } mi solicitud a la parte
 Francisco de Vene } superior y con su informa
 cion por tener V. } conveimto
 de mi persona, } disponiendo al mismo
 tpo. sea hecha } en papel corriente
 por no haber } del sello correspond.
 Misiva de Dolores } abril 19 de 1846

Exhibta. presente se pre-
 with initials sentacion quem
 A. G. annex estando en mis
 to the Depo. of facultades en
 José S. Bene conceder lo que
 yca. pide la parte pa
 ras de. el son pre
 fecto del distrito
 paro que lo aprae
 con el tenero of pida
 allandose actual
 mente Valais y
 el solicitante obt
 ne los requisitos
 de la ley. pta ut
 supna
 Francisco de Vene
 cion por tener V.
 de mi persona,
 tpo. sea hecha
 por no haber
 Misiva de Dolores

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^{ay} Toribio Jeanfaon
 Prefecto del 2º Distrito
 Monterey Mayo 2 de 1846.

Se le conceder a la parte interesada las
 doscientas Varas cuadradas en el pa
 raje nombrado la Cortadura del Est
 blicimiento de Dolores sometiendose
 a las leyes de policia de aquel punto
 manifestando este Decreto a la autori
 dad correspond.

Mam. Castro

Juzgado de paz de la jurisdiccion
 de S. Francisco.

En Vista del superior Decreto que ante
 eede se reconoció el tenero que solicita
 D. Toribio Jeanfaon; y no habiendo sido

16

de ningún particular se le dio posesion
segun el Orden estipulado.

mayo 18 de 1846

L. de la C. Sanchez

Procurador de Haro Div.

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Uleam Office July 26th 1853

Geo. Asha Dean

17
Señor Subprefect of the 2.^o district.

Exhibit
B.
Translation
of
Grant.

Toribio Fanfaran before your excellency as is most suitable presents himself and says that he needs a piece of land that he may build a house and at the same time plant a vegetable garden and he prays that you will condescend to grant him two hundred varas square in the place called the Curtiduria including the ruins which exist in that place.

I pray that you will condescend to accede to this, my solicitude, in case you have the authority and if not, that I may receive the favor that this, my solicitude, may be sent at to the superior authority — and with your information, as you know me personally; excusing at the same time that this is made on common paper, on account of not having proper (sealed) paper.

Mission Dolores April 19th 1846

Toribio fanfaran

(In the Margin)
Subprefect of the second district -

San Francisco April 20th 1846.

Seeing in regard to the present representation that is not in my power to concede that which is asked by the party; let it pass to his excellency the prefect of the district that if he finds it well he may favor (the petitioner) with the land which he prays for, which is actually vacant

18
and the petitioner obtains the requisites
of the Law.

Date *supra*
Francisco Guerrero.

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Prefecture of the 2^o district.
Monterey May 2^o 1846.

Be it concluded to the party interes-
ted the two hundred Varas square in
the place named the (Curtiduria) of
the establishment of Dolores, submit-
ting himself to the laws of police
of that point and manifesting this
decree to the corresponding authority
Manuel Castro.

Office of Justice of the
Peace of the Jurisdiction of
San Francisco.

In view of the Superior
decree aforegoing, I recognized the land
prayed for by Don Foribio
Sanfaran; and as it has not belonged
to any private individual, I give
him possession according to the order
prayed for.

May 18th 1843

J^o de la C Sanchez
Jose de la Cruz Sanchez
Francisco de Maro. }
Secretary } }

Filed in office February 9th 1852

(Signed)

Ge. Fischer, Sec'y

19
Thomas Dorland }
The United States } No 29

Stipulation

It is hereby agreed and stipulated that the deed of Toribio Sanfaran to Charles Brown, the copy of the deed of Charles Brown to R. C. Perkins, the deed of R. C. Perkins by Charles Brown, his attorney in fact, the copy of power of attorney of R. C. Perkins to Charles Brown, marked respectively exhibit No 1, 2, 3 & 4, may be received in evidence in this case and read upon the trial thereof as though the instrument were fully and formally proved and the originals of said copies produced - proved and filed.

July 10 1854.

J. M. Mac Kune,
U. S. Law agent.

Filed in office July 10 1854

(Signed)

G. Fisher, Sec^y.

Deed
Sanfaran
To
Brown.

This Indenture made the twenty seventh day of december A. D. One Thousand Eight hundred and fifty by and between Toribio Sanfaran, of the first part, and Charles Brown, of the second part, witnesseth

Exhibit
No 1.

That the said Toribio San Fernan for and in consideration of the sum of One Thousand dollars to to him in hand, paid by the said Charles Brown

of the second part, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, aliened and transferred and by these presents doth grant, bargain, sell, alien and transfer unto the Said Charles Brown his heirs and assigns all that certain tract and parcel of land situate, lying and being in the County of San Francisco near the mission Dolores, bounded and as follows: On the north by the lands of Ramon Valencia, on the south and south west by lands of Gregorio Escelente, on the east by the road recently laid out and declared a public road by the Court of Sessions of said County and on the west by the old road leading from the Mission Dolores to the Pueblo of San Jose, containing six acres, more or less.

Together with all and singular the rights, privileges, hereditaments and appurtenances thereunto belonging or in any wise appertaining and all the right, title, estate property, claim and demand of the Foribio Sanfarnan in and to the same.

To have and to hold the said tract of land and appurtenances unto him the said Charles Brown his heirs and assigns forever

And the said Foribio Sanfarnan for himself, his executors, administrators and heirs doth covenant to and with the said Charles Brown, his heirs, executors and administrators that he, the said Foribio Sanfarnan, will warrant and defend the title to the said premises against all and every

person claiming or to claim the same.

In Witness Whereof the said party of the first part has hereunto set his hand and seal the day and year above written.

Toribio Fanfaran

Signed, Sealed and delivered in presence of

J. R. Kelly

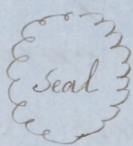
F. P. Tracy

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State of California
County of San Francisco

Personally appeared before me a Notary public in and for the County of San Francisco to me known to be the person described in and who executed the foregoing instrument who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned

Witness my hand and seal of office this fifteenth day of January A. D. eighteen hundred and fifty one.



F. P. Tracy
notary public

Filed in office July 10 1854
(Signed) G. Fisher,
Secy

Deed From
Brown
To
Perkins

Exhibit No 2.

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Know all men by these presents that I Charles Brown of San Francisco in the County of San Francisco, in consideration of the sum of twenty thousand five hundred dollars paid by Russell C. Perkins of the County of San Francisco the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, remise, release and for ever quite claim, unto the said Russell C. Perkins, his heirs & assigns all that certain lot or parcel of land situate, lying and being in the county of San Francisco known as - Brownsville, bounded and described as follows, viz:

Commencing on the top of the Mother Mountain and on the west line of Willow Copin land; thence running N. 74° E true 6424 feet; thence N. 45° E 100 feet; thence N. 18° E 1500 ft.; thence N. 101° E 1200 feet; thence N. 14° E 1100 feet; thence N. 81° E 300 feet; thence 31° E 500 feet; thence 31° 30' E 100 feet; thence N 32° W 200 feet; thence 52° 30' E 100 feet; thence N 31° E 100 feet; thence N 10° W 100 feet; thence 10° W 50 feet; thence N 43° E 100; thence N 8° E 100 feet; thence 22° E 100 feet; thence N 103° 100 feet; thence N 54° E 100 feet; thence N 40° E 200 feet; thence N 66° 45' E 100 feet; thence N 34° E 100 feet; thence N 20° W 200 feet; thence N 66° W 100 feet; thence N 5° 30' W 100 feet; thence N 50° W 200; thence N 75° W 100 feet; thence N 15° E 100 feet; thence N 11° W 100 feet; thence N 82° W 100 feet; thence N 75° W 100 feet; thence N 125° W 100 feet;

N 75° W 100 feet; thence N 72.5° W 100 feet;

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thence N 48° W 100 feet; thence N 29° W
 100 feet; thence N 8° W 400 feet; thence
 N 26° W 100 feet; thence N 21° W 100 feet;
 thence N 42° W 100 feet; thence north 100 feet;
 thence N 14° W 100 feet; thence N 6° W
 750 feet; thence N 95° E 300 feet; thence N
 60° E 300 feet; thence N 49° E 1200 feet;
 thence N 98° E 700 feet; thence N 27° E
 800 feet; thence N 3° E 300 feet; thence N
 92° E 800 feet; thence N 45° E 600 feet;
 thence N 155° E 700 feet; thence N 108° E
 30' E 800 feet; thence N 92° E 425 feet;
 thence N 19° E 200; thence N 147° E
 700 feet; thence N 176° W 610
 thence N 147° E 700 feet; then N 176° N
 130° 30' E 600 feet; thence N 154° E
 1000 feet; thence N 153° E 700 feet; thence
 N 149° E 600; thence N 169° E 350
 feet; thence N 49° E 400 feet; thence N 75°
 E 250 feet. to Martin's Mill thence N
 174° E 500 feet; thence N 174° E 500 feet;
 thence N 113° E 700 feet; thence N 173
 E 900 feet; thence N 148 E 1000 feet;
 thence N 154° E 800 feet; thence N 130°
 E 800 feet; thence N 144° E 700 feet; thence
 N 125° E 600 feet; thence S 21° W 400
 feet; thence N 131° 800 feet; thence N 128°
 E 2150 feet; thence N 90° E 900 feet;
 thence N 109° E 800 feet; thence N 174°
 E 900 feet; thence N 163 30' 1300 feet;
 thence N 169 E 400 feet; thence N 153°
 E 2400 feet; and thence N 154 W 9093
 feet to the place of beginning.

Also all that certain
 lot or parcel of land situate in the
 mission of Dolores on which stands
 the present dwelling house of said Charles
 Brown being by computation fifty varas

front on Centre feet, and fifty varas in depth southerly from said Street; also all that certain lot of land also situate on the Mission of Dolores on which stands the present dwelling house of said Charles Brown being by computation fifty varas front on Centre Street and fifty varas in depth southerly from said Street; also all that certain lot of land situate in the Mission of Dolores on the East side of Dolores Street, being the lots upon which the ancient tannery of the Mission stands, being two hundred varas in front on Dolores Street by two hundred varas in depth easterly from said Street

To have and to hold the above released premises with all the privileges and appurtenances thereto belonging, to the Russell C Perkins, his heirs and assigns to is and their us and behoof forever, and I, the said Charles Brown, for myself and my heirs executors and administrators, do covenant with the said Russell C Perkins his heirs and assigns that the premises are free from all incumbrances made or suffered by me, excepting only a Mortgage for the sum of six thousand dollars made by me in favor of Julius K Rose Frank Turk and others upon the rancho of Brownsville first above described and that I will and my heirs, executors and administrators shall warrant and defend the same to the said Russell C Perkins, his heirs and assigns forever against the lawful claims and demands of all persons claiming by through or under me them or either of them, but


under me them or either of them, but

25-

none other

In testimony whereof I, the said Charles Brown, have hereunto set my hand and seal the first day of March in the year of our Lord eighteen hundred and fifty one.

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Charles Brown 

Signed, sealed and delivered in the presence

of

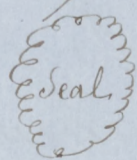
Jos Mannan
F J Tracy

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}
}

State of California
County of San Francisco

Personally appeared before me Frederick J Tracy, a notary public in and for the County of San Francisco, Charles Brown, known to me to be the person described in and who executed the within instrument, who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

Witness my hand and seal of office, at San Francisco the first day of March A. D. 1851



F J Tracy,
Notary public.

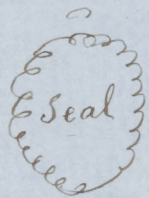
A true Copy of the original recorded March 3rd 1851 at 1/4 to 10 o'clock P. M.

John A. Mac Gynn,
County Recorder

County of San Francisco
County recorders office

I, hereby, Certify
that the foregoing is a full, true and
Correct copy of record deposited and
remaining in this office as Will appear
by reference to liber 5 of deeds page 17

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Witnesses my hand and
Official Seal this tenth
day of July A. D. 1854
James Grant
County Recorder

Filed in office July 10 1854.

(Signed)

Ge. Fisher, secy.

Exhibit No 3
Deed from
Brown, atty.
in fact for
Perkins
To
Dorland.

This Indenture made this -
twenty first day of april in the year
One thousand eight hundred and fifty
One, between Russell C Perkins, of the
County of San Francisco by Charles -
Brown, his attorney in fact, the party
hereto of the first part and Thomas
Dorland, of the city of San Francisco
the party hereto of the second part.

Witnesseth that the said party
hereto of the first part for and in
consideration of the sum of One thousand
and eight hundred dollars to him in
hand paid by the said party of the
second part at and before the sealing
and delivery hereof, the receipt where-
of is hereby acknowledged, have Granted,
bargained, sold, aliened, released, Conveyed

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and Confirmed and by these presents do grant, bargain, sell, alien, release, Convey and Confirm unto the said Thomas Dorland, his heirs and assigns all that certain piece or parcel of land situate in the city of San Francisco, Commencing at the south west corner of the lands of Valencia on Dolores street; thence running easterly along said Valencia's line; two hundred varas thence southerly at right angles along a picket fence two hundred varas; thence along said fence southerly to the corner of the same and thence northerly and westerly by and with said fence to the place of beginning. being the lot sold by Charles Brown to the said Russell C. Perkins with the land that has been added to the same by the enclosure of the said fence.

Together with all and singular the buildings and improvements, rights, privileges, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversions and remainders rents, issues and profits thereof.

To have and to hold the said piece or parcel of land with the appurtenances unto him the said Thomas Dorland, his heirs and assigns to his and their sale, use, benefit and behoof forever

In Witness whereof the said parties have hereunto set their hands and seals the day and year first above written

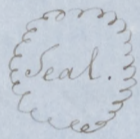
Russel C Perkins
By his attorney in fact
Charles Brown

Sealed and delivered in presence of
Jos Hanna,
F. P. Tracy.

State of California }
County of San Francisco }

Before me Frederick P Tracy, a Notary public in and for the County of San Francisco, personally appeared Charles Brown, known to me to be the person described in and who executed the Within instrument as attorney in fact for Russell C Perkins, who acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

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Witness my hand and seal of office at San Francisco - this twenty second day of April A. D. Eighteen hundred and fifty one
F. P. Tracy
Notary public

Filed in office July 10 1854

(Signed) G. Fisher,
Secy.

Exhibit N. 11.
Power of attorney from Perkins to Brown.

Know all men by these presents that I Russell C Perkins, of the County of San Francisco, State of California, do hereby make, constitute and appoint Charles Brown, of the City of San Francisco, of the State and County aforesaid, my true and lawful attorney for me and in my name, place and stead to enter into and take possession of all such lands, tenements, hereditaments and real estate whatever in the County of San Francisco whereof I am or may

of San Francisco whereof I am or may
be in any way entitled or interested, and
to grant, bargain and sell the same or any
part or parcel thereof for such sum and
price and in such times as to him shall
seem meet and for me and in my name
to make, execute, acknowledge and deliver
good and sufficient deeds and conveyances
for the same, either with or without
Warranty and further to do, let and
demise the said real estate for the best
rent that he can procure until such
time as he may sell the same to collect
all moneys, dues, and owing to me, and
generally for me and in my name to
transact all business, touching all

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and effects of whatever name or
nature and to do and perform every act
and thing whatsoever requisite and neces-
sary to be done in and about the premises
as fully to all intents and purposes as I
might or could do if personally present,
hereby ratifying and confirming all that
my said attorney shall lawfully do or
cause to be done by virtue hereof.

In witness whereof I
have hereunto set my hand and seal
this 15th day of march in the year of
our lord One thousand eight hundred
and fifty one

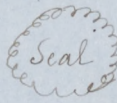
Russell C Perkins

Sealed and delivered
In presence of
Mo. H. W. Christie

State of

State of California
County of San Francisco

On this 15th day of March
A. D. 1851, before me M. K. W. Clarke
a notary public under the great Seal of
the State of California, duly Commissioned
and Sworn, dwelling in the City of San
Francisco, personally Came and appeared
Russell C. Perkins, to me known to be
the person described in and who executed
the foregoing power of attorney who ack-
nowledged to me that he executed the
same fully and voluntarily for the uses
and purposes therein mentioned

In Witness Whereof I have
hereunto set my hand and
Seal of office the day and
year last above written
Henry K. W. Clarke 

A true Copy of the Original recorded
March 15th 1851 at 1/4 to 11 O'c A.M.

John A. M. Glynn
County Recorder

County of San Francisco.
County Recorder's Office

I hereby Certify
that the above is a full, true and
Correct Copy of record deposited and
remaining in this office as will appear
by reference to Liber , Powers of attor-
neys. Page 295.



Witness my hand and
Official Seal this 10th of July A.D.
1854.

James Grant
County recorder.

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Filed in office July 10th 1854
(Signed)
Geo. Fisher,
Secy.

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Opinion of Thomas Doland }
 Bona by vs }
 Comr. Thompson The United States }

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 PAGE 32

This is a claim for a tract of Land of 200 Varas square situated near the Mission Dolores and known as the "Curtiana".

It purports to be founded on a grant made by Manuel Casto Prefect of the 2^o District to Torilio Sanjurjo on the 2^o of May 1846.

The power of the Prefect to make grants of Land was fully discussed in the Opinion of the Board delivered in Case No 297 Manuel Larios vs The United States, in which it was decided that the authority of that officer over the subject was restricted to the common lands of the Pueblos -

There is nothing in the present case to show that the lands here claimed come within that description, and as a necessary consequence the power of the prefect to make the grant is not established by the proof -

The presumption in Law in favor of the validity of an act performed by a public officer can only arise in cases where the act comes within in a general power conferred on the officer over the subject matter - But where the power of the officer, as in the present case is limited by express enactment, in order to give validity to the act, it must be shown to be within the compass of the power - For instance in California, the general subject of

of the Colonization and granting of the public lands was committed to the Governor, a presumption in Law would therefore arise in favor of any grant made by him within the limits of the Territory or Department - But by the Law of 1837 a Special Authority was delegated to the prefects to grant the common lands of the Pueblos; in order therefore to give validity to his acts in the premises, it must be shown that the lands granted were subject to the special jurisdiction conferred on him by the Law,

The present Decree having failed to establish this point in his case we must presume that the grant was made without proper authority and is therefore invalid -

The grant was made but a short period prior to the occupation of the Territory by the Americans, and there are no Ejectments proceeding out of long possession and occupation, and the continued acquiescence of the public authorities in the rights of the grantee can be recommended to the favorable consideration of the Commission, or to create a presumption in its favor - In any aspect of the Case, we think the petitioner has failed to show himself entitled to a Confirmation and an adverse decree must be entered

Filed in office Sept. 25. 1855
Geo. Fisher Secy

Decree

Thomas Lorcana
vs
The United States

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 a Confirmation of the same be and is hereby denied

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Alpheus Felch
R. Secy. Thompson
S. B. Furness

Commissioners

Decree in Office Sept. 25. 1855

Geo. Fisher Secy

And it appearing to the satisfaction of the Board that the land hereby adjudicated is situated in the Nathan 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 out and duly certified by the Secretary, one of which transcripts shall be filed with the Clerk of the United States District Court for the Northern Judicial District of California and the other be transmitted to the Attorney General of the United States -



Office of the Board of Commissioners,

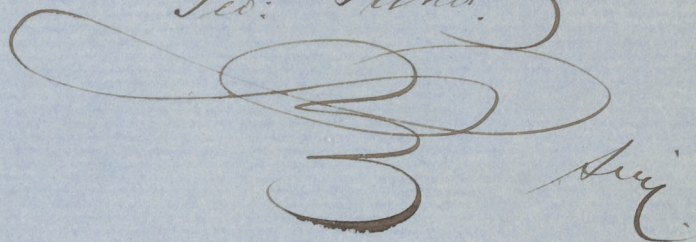
To ascertain and settle the Private Land Claims in the State of California.

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 *thirty five* pages, numbered from
1 to *35* 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. 29. on the Docket of the said Board,
wherein

Thomas Ireland is
the Claimant against the United States, for the place known by
the name of "*Sanctidunia de la Mission de Dolores.*"

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

Geo. Fisher



391 (N1)

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

No. 391-391

THE UNITED STATES,

vs.

Thomas Portland

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS

In Case No. 29

*J. A. [unclear]
[unclear]*



At a stated Term of the Dist 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, Dist Judge.

The United States } D. C. 391; L. C. 29
 ad }
Thomas Doiland

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.

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L. C. 29

U. S. Dist Court

The United States

vs

Thomas Dorland

order

Filed Febry 23. 1857.
W. H. Cheverus,
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. 28th 1855

Sir;

I am directed by this Board to 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 the said Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 29 on the Docket of this Board, wherein

Thomas Dorland is

the Claimant, for the place known by the name of "Custiduria de la Mission de Dolores"

Which Transcript I have the honor to accompany herewith, and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.

To the Hon. G. E. Larr Esq.

Attorney General of the United States,

Washington, D. C.
Clerk of the U. S. Dist. Court for
the Southern Dist. of Cal