CASE NO.
401
NORTHERN DISTRICT

OJO de AUGA de FIGUEROA GRANT
JUANO BRIONES de MIRANDA et al
CLAIMANT

LAND CASE 401 ND 44 pgs.

310 maps &
Dep. Gen. Entries

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 310.

Juana Briones de Miranda, et, al. CLAIMANTS.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Ojo de Agua de Figueroa.

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* thirty first *day of* August, *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 Juana Briones de Miranda et al; *for the Place named* "Ojo de Agua de Figueroa", *was presented, and ordered to be filed and docketed with No.* 310 *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 September 28. 1853.
Case No 310, Juan Briones de Miranda, for the place "Ojo de Agua de Figueroa", was ordered to the foot of the docket.

San Francisco September 26. 1854.
Case No 310, was ordered to be placed at the foot of the 2d class cases on the trial Docket.

San Francisco September 29. 1854
In the same case the depositions of Carmen S. de Bernal, and Charles Brown, witnesses in behalf of the Claimants, taken before Commissioner Peter Lott, the last with documents marked Exhibits No 1. & 2. P.L. annexed thereto, were filed.

(Vide page 47 of this Transcript)

San Francisco Oct 3d 1854.
In the same case, the Counsel for the Claimants

presented the following motion, to wit:
(Vide page 12 of this Transcript)

San Francisco Oct 12, 1854.
In the same case the deposition of Juan B. Alvarado, a witness in behalf of the claimants, taken before Commissioner Peter Lott was filed;
(Vide page 11 of this Transcript)

San Francisco October 31, 1854.
Case No 310 was submitted on briefs and taken under advisement by the Board.

San Francisco October 23d 1855.
In the same case Commissioner S. B. Farwell delivered the opinion of the Board rejecting the claim,
(Vide page 17 of this Transcript)
and the following order was made, to wit;
(Vide page 19 of this Transcript)

To the Honorable Commis=

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Petition.

To the Honorable Commissioners to settle private land claims in California.

The petitioners Juan Bruno de Miranda Viudo and Juan Miranda, Tomas Miranda, Jose de Jesus Miranda, Dolores Miranda, Presentacion Miranda, Manuela Paula Miranda and Petronilo Miranda children of the late Apolinario Miranda deceased respectfully show.

That on the 16th day of September AD 1833 the aforesaid Apolinario Miranda applied to the Commandant of the Presidio of San Francisco for a lot of land 100 varas square called "Ojo de Agua de Figueroa" which was duly granted in conformity to law by Jose Sanchez the Commandant of the said Presidio on the 16th day of November AD 1833 all of which is shown by the original petition and decree of title a copy of which is submitted herewith marked "A" with a translation marked "B".

That said solar or tract was immediately occupied by said Miranda and continued to be so occupied until the time of his death which took place in California in the year 1848 and ~~that~~ the petitioners his Widow and children succeeded to all the rights of the original grantee who died intestate.

That said land has not been surveyed by the Surveyor General of the United States but that its boundaries

are well known and the position and extent designated in the title and that the said Miranda and the petitioners have been in the possession and occupation of said land some 20 years.

That they know of no conflicting claim.

That they pray for confirmation of title upon the original grant a copy of which is submitted herewith upon the records and minutes in the archives of the former Government of California and upon such other and further testimony as they may be advised are necessary.

Wherefore they pray the Commissioners to confirm to them the aforesaid tract of land.

By their Attys
Halleck, Peachy & Billings

Filed in Office Aug 31. 1852.
Sgnd
Geo Fisher Secy

United States of America
State of California } ss.
San Francisco Sept 28. 1852

This day came before Peter Sohl a Commissioner for taking testimony to be used before the Board of U S Land Commissioners in said State Carmen Sibrian de Bernal a witness on behalf of the claimants. The Heirs of Apolinario Miranda in case No 310

Depo. of Carmen Sibrian de Bernal

[illegible] said Witness being sworn deposed

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on the docket of said Board and said Witness being sworn deposed in Spanish which was interpreted by to said Board as follows.

The U. S Associate Law Agent is present.

Questions by Capt Hendrick attorney for Claimant.

1 Question.

What is your name age and residence?

Answer.

My name is Carmen Sibrian de Bernal my age 50 years my residence at the Mission Dolores in San Francisco County California.

2 Question.

Did you know Apolinario Miranda if yes is he still living?

Answer.

I knew him he is now deceased he died some years ago. I think it was after the War.

3d Question.

Did he leave a widow or children if yes can you name them?

Answer.

Yes he left a Widow named Juana Briones de Miranda and seven children named as follows.

Presentacion Tomas Narciso Refugio Jose de Jesus Maria Manuela & Jose Dolores and they are all still living —

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4th Question.

Do you know the place called Ojo de Agua de Figueroa if you state what where it is and what you know of its occupation?

Answer.

I do know the place. It is situated near the Presidio in San Francisco County. I know that Apolonario Miranda built a house there about 20 years ago and lived with his family in the house. It was a small place about 100 varas square and he had it all enclosed embracing the Spring (Ojo). He continued to occupy the place had fruit trees there and cultivated all the ground and so remained there till after the War and the Americans came.

5th Question.

Where did the family of said Miranda live after the Americans came here.

Answer.

They lived here in San Francisco in a house belonging to Juana Briones near the old hospital

6th Question.

To what use did they devote the place Ojo de Agua de Figueroa after they moved into town?

Answer.

They used it as a garden and also kept their cattle in a corral there at night.

7th Question.

State if you know whether

State if you know whether

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the remains of the old fence are still there about the lot in question?
Answer.

Yes, portions of the posts are still to be seen there.

Carmen Sibrian de Bernard.

Subscribed and Sworn to before me Sept 28th 1854.
Peter Lott
Comr &c.

Filed in Office Sept 29, 1854.
(Signed)
Geo Fisher
Secy.

United States of America }
State of California } ss
San Francisco Sept 28, 1854

This day came before Peter Lott Commissioner for taking testimony to be used before the Board of U S Land Commissioners in said State Charles Brown a witness on behalf of the Claimants Heirs of Apolinario Miranda in Case No 310 on the docket of said Board and said witness being sworn on oath deposed as follows.

Dep: of Chas. Brown

The U S Associate Law Agent is present.

Questions by Capt Hallick Attorney for Claimants.

1 Question.

What is your name age and

residence?

Answer.

My name is Charles Brown, my age 40 years, my residence at the Mission Dolores San Francisco County California.

2d Question.

Do you know the place called Ojo de Agua de Figueroa if you where it is situated and state what you know of its occupation.

Answer.

I do know the place. It is some 3/4 of a mile East of the Presidio of San Francisco in this County.

In 1833 & part of 1834. I lived on the place in the house of the then occupant and owner Apolinario Miranda who resided there with his family.

He had a fence round the whole lot which is 100 varas square he had a corral fruit trees and cultivated at that time all the ground except that devoted other uses corrals &c.

They remained there till about 1842 when the family moved to town and he continued to cultivate said land and kept his cattle there till 1846, or thereabouts then the Soldiers and others from the Presidio got to killing the cattle and the widow was obliged to move them off She continued to occupy and cultivate the land after that.

I was out there at the place about a week ago and saw

the ruins of the old house some remains of the posts.

place about a week ago and saw

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the ruins of the old fence some remains of the posts.

3rd Question.

Look at the map now shown you marked inside Exhibit 1 to deposition of Charles Brown Sept 28. 1854" and annexed to this deposition and state whether or not it correctly delineates the position and form of the land in question?

Answer.

Yes I think this a fair representation of the lot. this green spot on the southerly side of the map is the Spring and I think it about 50 varas from the Spring branch to the fence on Eichin side.

It was intended to be 100 varas square and as near as I can judge from the position of the Spring here I should say this is about where the old fence stood according to the outer lines of this map.

4th Question.

Do you know the hand writing of Apolinario Miranda and Jose Sanchez if yea state your means of knowledge and look at the document now shown you and marked "Exhibit 2 to deposition of Charles Brown Sept 28. 1854. PL" and state whether their signatures thereto written are their genuine signatures?

Answer.

I am acquainted with the hand writing of both of them. I have seen them both write and I believe their signatures here in this document are

are genuine.

Cross Examined by U S Associate Law Agent.

1st Question.

Do you know of any means by which the lines of the old claim can be ascertained?

Answer.

The position of the Spring near the Southerly line would enable a Surveyor easily to find that line and the ruins of the old fence are visible now nearly all around the lot.

Charles Brown.

Subscribed and Sworn to before me Sept 28. 1854.

Peter Sohr
Commr &c.

Filed in Office Sept 29. 1854.

Signed

Geo Fisher Secy.

United States of America
State of California } ss.
San Francisco October 11. 1854.

This day came before Peter Sohr Commissioner for taking testimony to be used before the Board of U S Land Commissioners in said State Juan B Alvarado a Witness on

State Juan B Alvarado a witness on

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behalf of the Claimants Juan a Briones de Miranda et al in Case No 310 on the docket of said Board and said Witness being sworn deposed in Spanish which is interpreted by the interpreter to said Board as follows.

Dep: of J. B. Alvarado

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The U. S Land Agent is present.

Questions by Capt Halleck Attorney for Claimant.

1st Question.

What is your Name age and residence?

Answer.

My Name is Juan B Alvarado My age 45 years My residence in Contra Costa County California.

2d Question.

Did you ever know Jose Sanchez if you what Office if any did he hold in 1833 and look at the document now shown you marked A 2 Exhibited in this deposition and hereto filed in this case and state whether you know the handwriting of said Sanchez your means of knowing it and whether his signature on the margin of said document is genuine?

Answer.

I knew Jose Sanchez well he died several years ago. He was in 1833 Commandante of the Presidio of San Francisco. I know his handwriting by seeing his signature in many places and seeing communications from

him. I now saw him write from what I have seen of his Signatures.

I think this is his genuine Signature. I feel satisfied that this is his rubric I have no doubt of it.

Juan B Alvarado

Subscribed and Sworn to before me in this 11th day of October A.D. 1854.

Peter Dott Comr.

Filed in Office Oct 12. 1854.
(Signed)
Geo Fisher Secy

No 311.
Claim of Heirs of
Apolinario Miranda
To
"Ojo de Agua de Figueroa."

Motion

Moved to amend the petition in this case by substituting "Narcisa Miranda" for Juan Miranda, "Jose Dolores Miranda" for Dolores Miranda, "Maria Manuela Miranda" for Manuela Miranda, "Paula Miranda and Refugia Miranda for Petronilo Miranda.

San Francisco Oct 3. 1854.

Halleck Peachy & Billings

Filed in Office Oct 3. 1854.
(Sd) Geo Fisher Secy

Sor. comandte. de las Armas.

1.3

Exhibit. 3. to Deposition of Chas. Brown - Sept 28 1854. S. S.

S. P. L. Exhibit to the Depo. of Juan B. Alvarado Oct. 11. 1854.

Sor. Comandte. de las Armas.

Apolinario Miranda, cabo de Escuadra de la compañia de San Francisco ante V. represenda por medio de este escrito diciendo presente que estando proximo para acceder del servicio de las armas y deseoso de establecerme en otro Presidio con mi familia y recallando en V. las facultades de poder conceder solares suplico me conceda el solar que llaman el ojo de agua de pgerva en donde he formado una casa Provisional. Pr lo. qe. A. V. pido verdadaueute me atiendo en esta mi solicitud en lo que recibiré gracia y justicia.

Presidio de San franco. 16 de Setiembre 1852.

Apolinario Miranda.

S. Franco. 16 de qbre. de 1833.

Se le concede a esta parte el solar que pretende, arreglando a la ley que son sus varas cuadradas.

Sanchez.

Filed in Office. Sept. 29. 1854.

Geo. Fisher Secy.

B.

Translation of Title.

Senor Commendant of Arms.

Apolinario Miranda Corporal of squadron of the Company of San Francisco before Your Honor presents himself by means of this writing and representation makes that being about to separate himself from the service of arms and desiring to establish myself and recognising in your Honor in said Presidio with my family and recognising in your Honor the power of granting "Solares", lots,

I pray you to grant me the lot called "Ojo de Agua de Figueroa" where I have built a temporary house.

Therefore I pray that you will attend to this my petition by which I shall receive favor and justice.

Presidio of San Francisco
September 16, 1833.

(Signed)
Apolinario Miranda.

(In the margin)

San Francisco Nov 16, 1833.

There is granted to this party the lot which he asks for in accordance with the law being 100 varas square

(Signed) Sanchez.

Filed in Office August 31, 1852.
Geo Fisher Secy.

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Opinion of Board by Com^r Felch

The Heirs of Apolinario Miranda vs The United States } For the place called Ojo de agua de Hig uera, 100 varas square in San Francisco County

The petitioners, widow and children of Apolinario Miranda, deceased, have given in evidence, as the basis of title in him, a petition for a grant of the Lot claimed, made to the Senor "Commandant of Arms", September 16th 1833, and a marginal decree thereon granting the land signed "Sanchez". Jose' Sanchez is proved to have been at the date of this instrument, Commandant of the Presidio of San Francisco, and the Witnesses think this is his genuine signature.

We know of no authority existing in the Commandant to dispose of the National domain, at the time this instrument bears date. The Supreme Government of Mexico, very soon after their independence, provided by law & Executive regulations, for the disposition of these lands, committing the power of making grants of it to the civil officers, who were designated for that purpose. The Military Commandant had no such authority, and this grant cannot therefore avail as a title, either legal or equitable to the land

The proof shows that the deceased occupied the land from about the time of the grant until his death, & his legal representatives have since continued the possession.

There is nothing to indicate that any claim to title derived from the Government, except the Document from the Commandant, was ever set up by any person interested in the property.
Nothing is stated which can raise the slightest presumption of a grant from any one having authority over the subject.

Long possession has sometimes been regarded as sufficient to induce our Government, to release their interest in lands to the ancient occupant, but it can be done only by act of Congress.
And in the Law organizing this Board possession, without title, is not such a basis of a confirmation.
We cannot do otherwise in such a case than to enter an adverse decree.

Decree accordingly.

Filed in Office Oct 23rd 1855
Geo Fisher Sec'y

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Decree

The Heirs of Apolinario Miranda
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 petitioners is not valid, and it is therefore decreed that their application for a confirmation thereof be denied.

Alpheus Felch
R. Aug. Thompson
S. W. Roswell
Commissioners

Filed in Office Oct 23. 1855
Geo Fisher Sec'y

And it appearing to the satisfaction of the Board that the land hereby 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, 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 Nineteen — pages, numbered from 1 to 19, both inclusive, to contain a true, correct and full 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, on file in this Office, in Case No. 310 on the Docket of the said Board, wherein Juana Briones de Miranda, et, al, are the Claimants against the United States, for the place known by the name of Ojo de Agua de Figueroa —

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 eigth — day of January A. D. 1856, and of the Independence of the United States of America the ~~seventy~~-eighth

Geo: Fisher
Sec.

401

U. S. DISTRICT COURT,

Northern District of California.

No. 401 — 401

THE UNITED STATES,

(N1)

vs.

Juan Bautista de Miranda

et al.

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 311.

Filed, January 30 1856

J. W. Lowrie,

Clerk

No 401.

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

Mrs. Juana Briones et al, appellants
vs.
The United States, appellees

Transcript No 310.
Ojo de Agua de Figueroa.
100 varas.

Juana Briones de Miranda, widow, and Presentacion, Tomas, Narcisa, Refugio, José de Jesus, Maria, Manuela and Jose Dolores, children of Apolinario Miranda, deceased, claimants for the lot of land called "Ojo de Agua de Figueroa", 100 varas square, in the county of San Francisco and Northern District of California, hereby give notice of their intention to prosecute an appeal from the decision of the Board of Commissioners rendered in their claim for said land which was presented to said Board and by them rejected; their said claim being that which is numbered on the Docket of said Board No 310, and the Transcript whereof as filed in this office is numbered 401.

Halleck Peachy & Billings
Attys for Appellants.

No 401

Jemma Briones et al appellants
vs
The United States, appellees

Notice of intention to prosecute appeal

filed Feby 12, 1855

Filed Febry 12. 1856.
Geo Thevenet
Deputy.

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Halleck Peachy & Billings
Attys for appellants.

No 401

In the United States District court for the Northern District of California.

Mrs. Juana Briones et al, appellants
vs.
The United States, appellees

Transcript No 310
"Ojo de Agua de Figueroa"
100 varas.

Your petitioners, the appellants in the above entitled cause, Juana Briones de Miranda, widow, and Presentacion, Tomas, Narcisa, Refugio, José de Jesus, Maria Manuela, and Jose Dolores, children of Apolinario Miranda, deceased, respectfully show unto this Honorable court, that on the 31st day of August A D 1852 they filed before the Board of Commissioners their petition (the same being amended on the 3d day of October 1854) praying for confirmation of title to the lot of land called "Ojo de Agua de Figueroa", 100 varas square, situate in the present county of San Francisco and in the Northern District of California, which petition (so amended) is hereby referred to for a description of the land claimed and the title of the claimants; and that on the 23d day of October A D 1855 the said Board of Commissioners decided upon the validity of their said claim and rejected it.

And your petitioners further show, that a Transcript of the proceedings and evidence in the aforementioned claim before the said Board of Commissioners was filed in the office of the Clerk of the United States District court for the Northern District of California on the 30th day of January

A D 1856, and that a notice of claimants' intention to prosecute the appeal from the decision of said Board of commissioners was duly filed in the office of said Clerk of said Court on the 12th day of February A D 1856.

And your petitioners pray this Honorable court to review the decision of said Board of commissioners and on the hearing of this cause to reverse said decision and to confirm their title to the aforesaid lot of land.

Hallett Peachy & Billings
Attys for appellants.

No 401

Juana Briones et al appellants

vs.

The United States, appellees.

Petition for Review

Filed Febry 14. 1856.
by Clerk.
Deputy.

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Halleck Peachy & Billings
Attys for Appellants.

District Court of the United States
Northern District of California

The United States
vs
Juana Briones et al } No. 401.

The United States by their Attorney deny the validity of the above entitled claim set out in the petition of the said claimants, and pray that the decision of the Board of Commissioners be affirmed - and that the said title be declared to be invalid -

A. Russell
Asst. U.S. Dist. atty.

No. 401.

U.S. Dist Court

The U States
v
Juana Briones
et al

Answer

Filed Feby 14, 1856.
by Chevers
Deputy

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Wassell

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 Tuesday the thirteenth day of November in the year of our Lord one thousand eight hundred and fifty-eight

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Juana Briones de Miranda, widow, & Presentacion, Tomas, Narcisa, Refugio, José de Jesus, Maria Manuela & José Dolores, children of Apolinario Miranda, dec.

D. C. 401 ; L. C. 310.

In this case, on application of P. Della Torre Esq. U. S. attorney, it is ordered by the Court that an appeal in behalf of the United States from the final decision of this Court rendered in said cause at the present term be, and the same is hereby granted, and that a certified transcript of the pleadings, evidence, depositions and proceedings in the said cause be sent to the Supreme Court of the United States without delay.

Ogden Hoffman
Dist Judge

401

UNITED STATES DISTRICT COURT,

Northern District of California.

The United States

vs.

J. B. de Miranda, et al

Order granting appeal

Filed Nov: 30 — 1858,

W. H. Chevers

CLERK.

By

DEPUTY.

Towne & Bacon, Printers, 125 Clay Street, corner Sansome.

UNITED STATES OF AMERICA, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judge of the District Court of the United States, for the Northern District of California

Greeting:

Whereas, lately, in the District Court of the United States, for the Northern District of California before you, in a cause between Juana Briones de Miranda, Widow & Narciso Miranda Pesentacion Miranda, Tomas Miranda Refugio Miranda, Jose de Jesus Miranda, Maria Miranda, Manuela Miranda, José Dolores Miranda, Children of Apolinario Miranda deceased claimants & appellants & The United States appellees, wherein on the twenty sixth day of November A.D. 1858, a decree was entered in said cause confirming the land claimed therein to said claimants & appellants.

as by the inspection of the ~~transcript of the record~~ certificate of the Clerk of said Court under the Seal _____ of the said District Court, which was brought into the Supreme Court of the United States, by virtue of an appeal

agreeably to the act of Congress, and the rules of the said Supreme Court _____ in such case made and provided, fully and at large appears.

And whereas, in the present term of December, in the year of our Lord one thousand eight hundred and Sixty three the said cause came on to be heard before the said Supreme Court, ~~on the said transcript of the record, and was argued by counsel: On consideration whereof~~ and it appearing that the said appellants have failed to have their cause filed and docketed in conformity to the rules of this Court it is now here, ordered, adjudged & decreed by this Court that this appeal from the District Court of the United States for the Northern District of California be and the same is hereby docketed & dismissed, & that this cause be and the same is hereby remanded to the said District Court.

15th March

You, therefore, are hereby commanded that such _____ proceedings be had in said cause, _____

as according to right and justice, and the laws of the United States ought to be had, the said appeal notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the first Monday of December in the year of our Lord one thousand eight hundred and Sixty three

COSTS OF ~~~

Clerk..... $ ~~~

Attorney... $ ~~~

$ ~~~

~~Taxed by~~ Duplicate

L. W. Middleton

Clerk of the Supreme Court of the United States.

No 401.

No. 372 December Term, 1863.

MANDATE

SUPREME COURT UNITED STATES.

a State of Illinois et al

Filed May 28, 1864.

C. W. Greene,

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 Thursday the 28th day of July in the year of our Lord one thousand eight hundred and sixty-four.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

vs

Juana Bruines de Miranda et al, claimants

No. 401.

In the matter of the lands called "Ojo de Agua de Figueroa"

And now come the said claimants by Mr. John W. Dwinelle their counsel, and present the mandate of the Supreme Court of the United States in the above entitled cause: and thereupon on motion of Mr John W. Dwinelle of counsel for said claimants and Mr W. H. Sharp District Attorney for the United States for this District appearing and not objecting

It is ordered that said mandate be filed, and made a part of the records of this Cause in this Court, and it is further ordered that the claimants herein have leave to proceed under the decree of this Court heretofore rendered in their favor as under final decree,

Ogden Hoffman
Dist Judge

No. 401.

UNITED STATES DISTRICT COURT

Northern District of California.

The United States,

v.

Juana Ritiones de Miranda. et al.

Order to file Mandate, etc.

Filed July 28. 1864

W. H. Chevers, Clerk.

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UNITED STATES OF AMERICA, SS.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court of the United States, for the Northern District of California

greeting:

Whereas, lately, in the District Court of the United States, for the Northern District of California before you, _____ in a cause between Juana Briones de Miranda, widow, and Narcisa Miranda, Presentation Miranda, Tomas Miranda, Refugio Miranda, José de Jesus Miranda, Maria Miranda, Manuela Miranda, and José Dolores Miranda, Children of Apolinario Miranda, deceased, appellants, and The United States, appellee, the decree of the said District Court was in the following words, viz:—

"This cause came on to be heard at a stated term of the court, on appeal from the final decision of the board of Commissioners to ascertain and settle private land claims in the State of California, under the act of Congress approved on the 3d of March A.D. 1851, 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 hereby is

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reversed; and it is further ordered, adjudged and decreed that the claim of the appellants is a good and valid claim, and that the said claim be and the same hereby is confirmed to the extent and quantity of one hundred varas square, being the same land described in the grant, and of which possession was proved to have been long enjoyed by the grantee, and since his death by the claimants, his widow and children."

as by the inspection of the transcript of the record _____ of the said District Court, which was brought into the Supreme Court of the United States, by virtue of an appeal agreeably to the act of Congress, _____ _____ in such case made and provided, fully and at large appears.

And whereas, in the present term of December, in the year of our Lord one thousand eight hundred and Sixty the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: On consideration whereof, it is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby affirmed. — (Jan: 24 —

You, therefore, are hereby commanded that such further _____ proceedings be had in said cause, _____

as according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the first Monday of December in the year of our Lord one thousand eight hundred and Sixty.

~~COSTS OF~~

~~Clerk~~ ..... $

~~Attorney~~ .... $

$

Taxed by

Wm. Th. Carroll

Clerk of the Supreme Court of the United States.

401.

No. 52, December Term, 1860.

MANDATE

SUPREME COURT UNITED STATES.

No 401,

U. S. District Court.

Nor: Dist: of Cal.

U. States vs. Miranda's heirs

Filed Sept: 9, 1864,

M. A. Orenno,

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 Friday the ninth day of September in the year of our Lord one thousand eight hundred and sixty-four.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States.

v.

Juana Briones de Miranda, et al.

No 401.

And now at this day comes W. H. Sharp, U. S. Atty: for said District, and presents the Mandate of the Supreme Court of the U. S. affirming the decree of the said District Court, and moves that the same be filed. Whereupon it is ordered by the Court that the said Mandate be filed, and made a part of the records of this Court in said cause.

No. 401.

UNITED STATES DISTRICT COURT

Northern District of California.

The United States.

v.

Juana Briones de Miranda, et al.

Order to file Mandate U. S. Supreme Court.

Filed September 9, 1864

W. H. Chevers, Clerk.

No 401.

In the United States District court in and for the Northern District of California.

Juana Briones de Miranda, widow, and Narcisa Miranda, Presentacion Miranda, Tomas Miranda, Refugio Miranda, Jose de Jesus Miranda, Maria Miranda, Manuela Miranda, and José Dolores Miranda, children of Apolinario Miranda, deceased appellants.

vs.

The United States, appellee.

Transcript No 310
Lot
100 varas square
in San Francisco county.

Stated Term of the Court. Nov: 26th 1858.
Hon Ogden Hoffman judge.

On appeal from the final decision of the Board of Commissioners to ascertain and settle Private Land claims in the State of California.

Decree.

This cause came on to be heard at a stated term of the court on appeal from the final decision of the Board of Commissioners to ascertain and settle private land claims in the State of California under the act of Congress, approved on the 3d of March AD 1851, 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 hereby is reversed; and it is further ordered, adjudged, and decreed that the claim of the appellants is a good and valid claim, and that the said claim be and the same hereby is confirmed to the extent and quantity of one hundred varas square, being the same land described in the grant and of which possession was proved to have been long enjoyed by the grantee and since his death by the claimants, his widow and children,

Ogden Hoffman
Dist Judge

No 401

In the U.S. Dist Court
Northern Dist of Cala.

Juana Briones de Miranda
et al, appellants

vs

The United States
appellees.

Decree.

Filed Nov: 26. 1858.
W. H. Chevers
Clerk

Office of the Board of Commissioners,

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

San Francisco, Jany 26 1856

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. 310 — on the Docket of this Board, wherein Juana Briones de Miranda, et al. (Heirs of Apolinario Miranda) are the Claimants, for the place known by the name of "Ojo de Agua de Figueroa" —

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

I am, Respectfully,
Your Obt Servant,

Geo: Fisher
Sig.

To ~~the Hon~~ J. A. Monroe Esq.
~~Attorney General of the United States,~~
~~Washington, D. C.~~
Clerk of the U. S. Dist. Court for the Northern Dist. of Cal.