

CASE NO.

60

NORTHERN DISTRICT

ARROYO de ALAMEDA GRANT

JOSE De JESUS VALLEJO

CLAIMANT

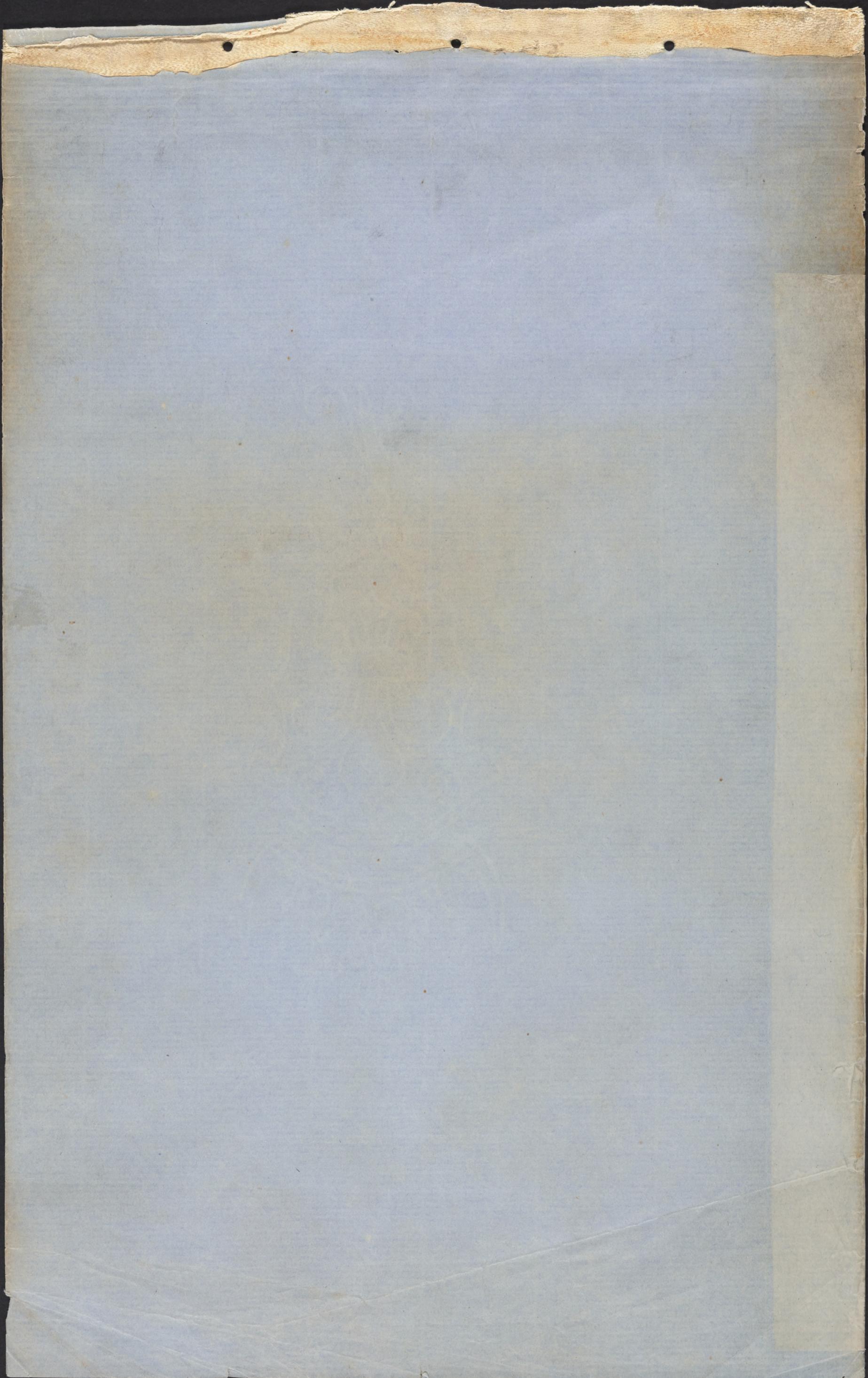
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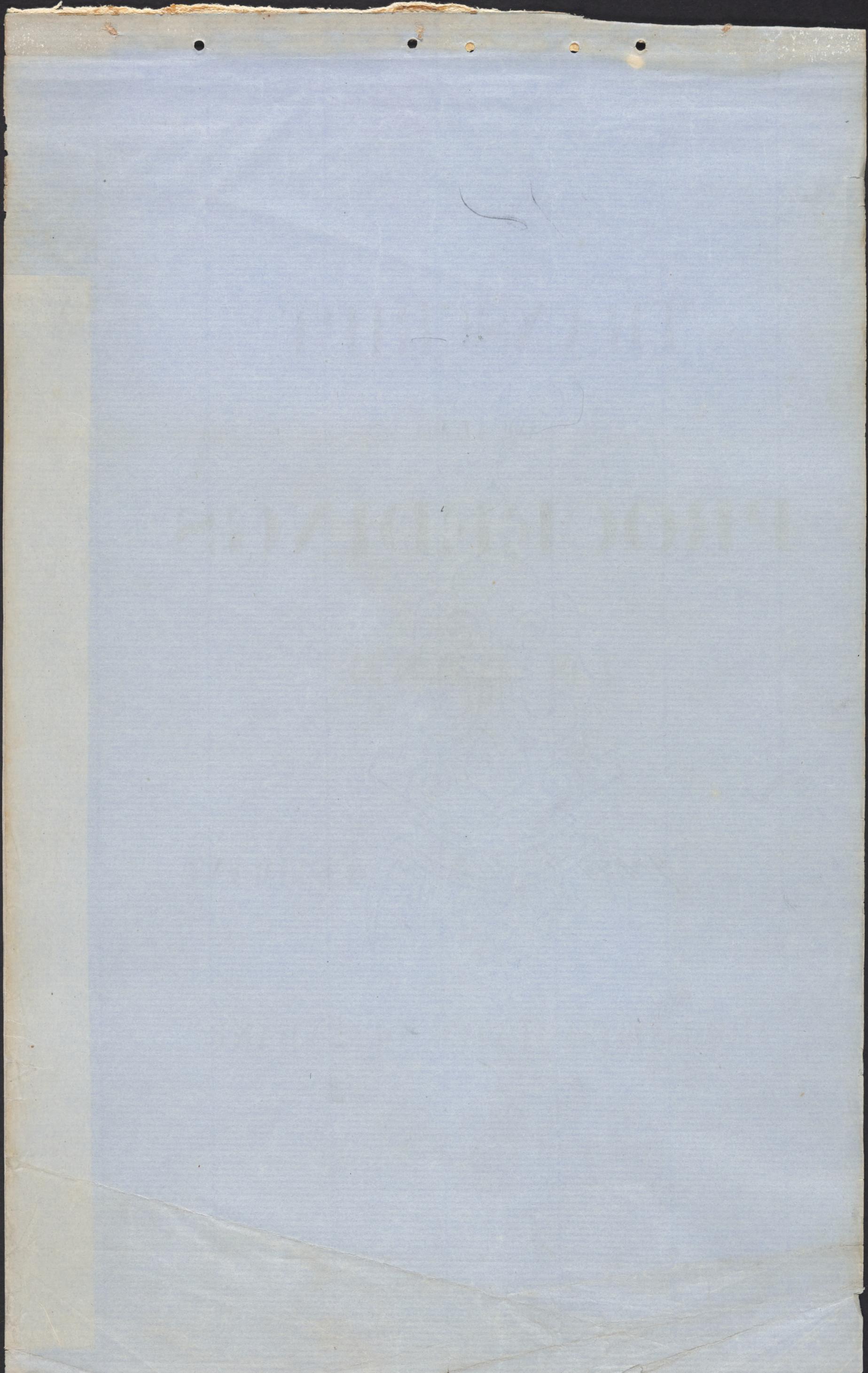
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LAND CASE 60 ND pgs. 41

ALSO AVAILABLE ON MICROFILM

7/79 - Photos -





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PAGE 1

TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. *J 2*

Jose de Jesus Vallejo

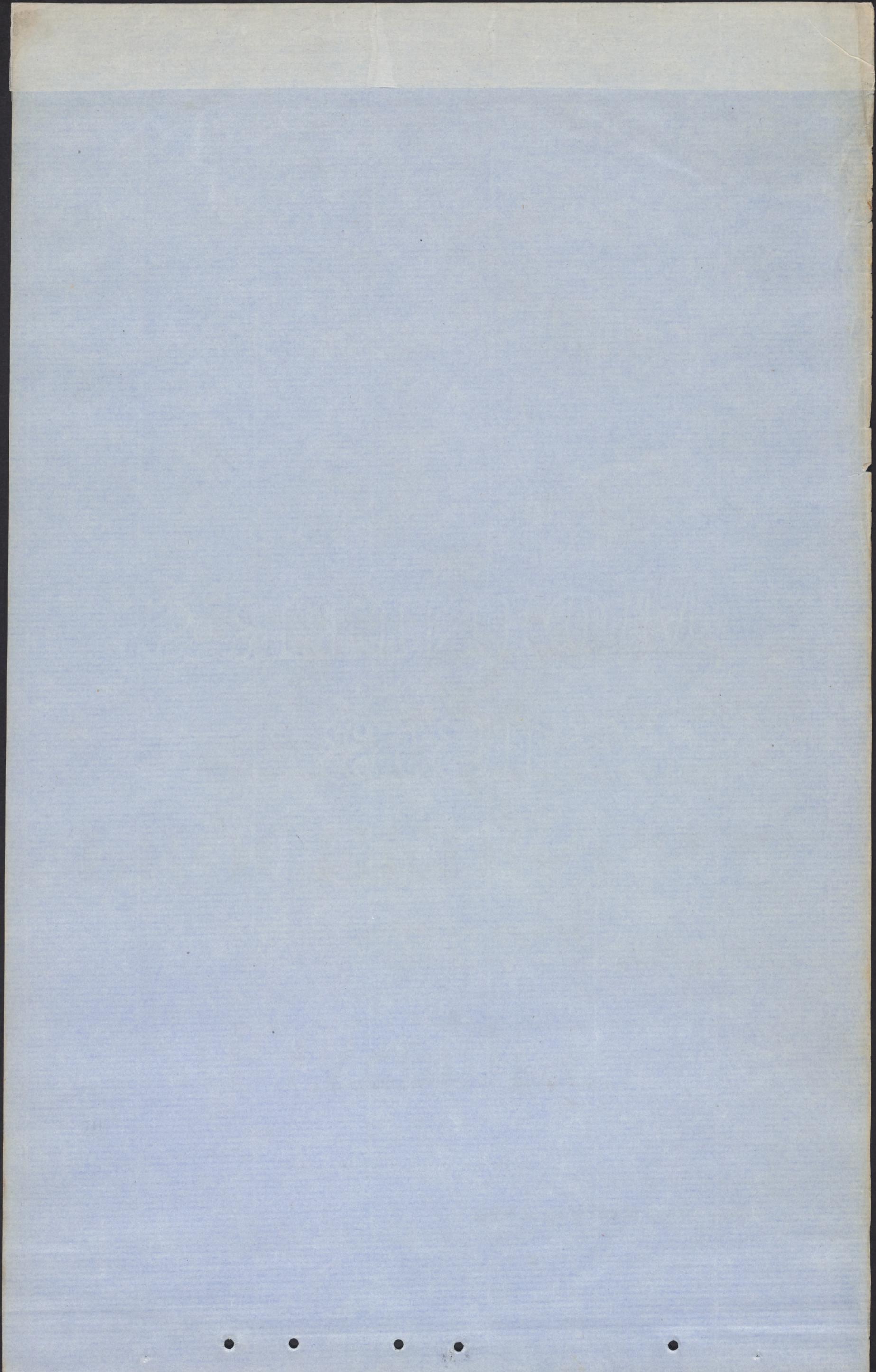
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Arroyo de Alameda."



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 *Tuesday 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 *Jose de Jesus Vallejo*,
for the Place named
"*Arroyo de Alameda*"
was presented, and ordered to be filed and docketed with No. 82 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 Fran December 28th 1852
In Case No. 82 *Jose de Jesus Vallejo* for the Place named "*Arroyo de Alameda*", the deposition of *Jose Abrego*, a witness in behalf of the Claimant, taken before Commissioner *Henry J. Thornton*, with document marked *N. J. T. No. 1*, annexed thereto, was filed;
(Vide page 5 of this Transcript)

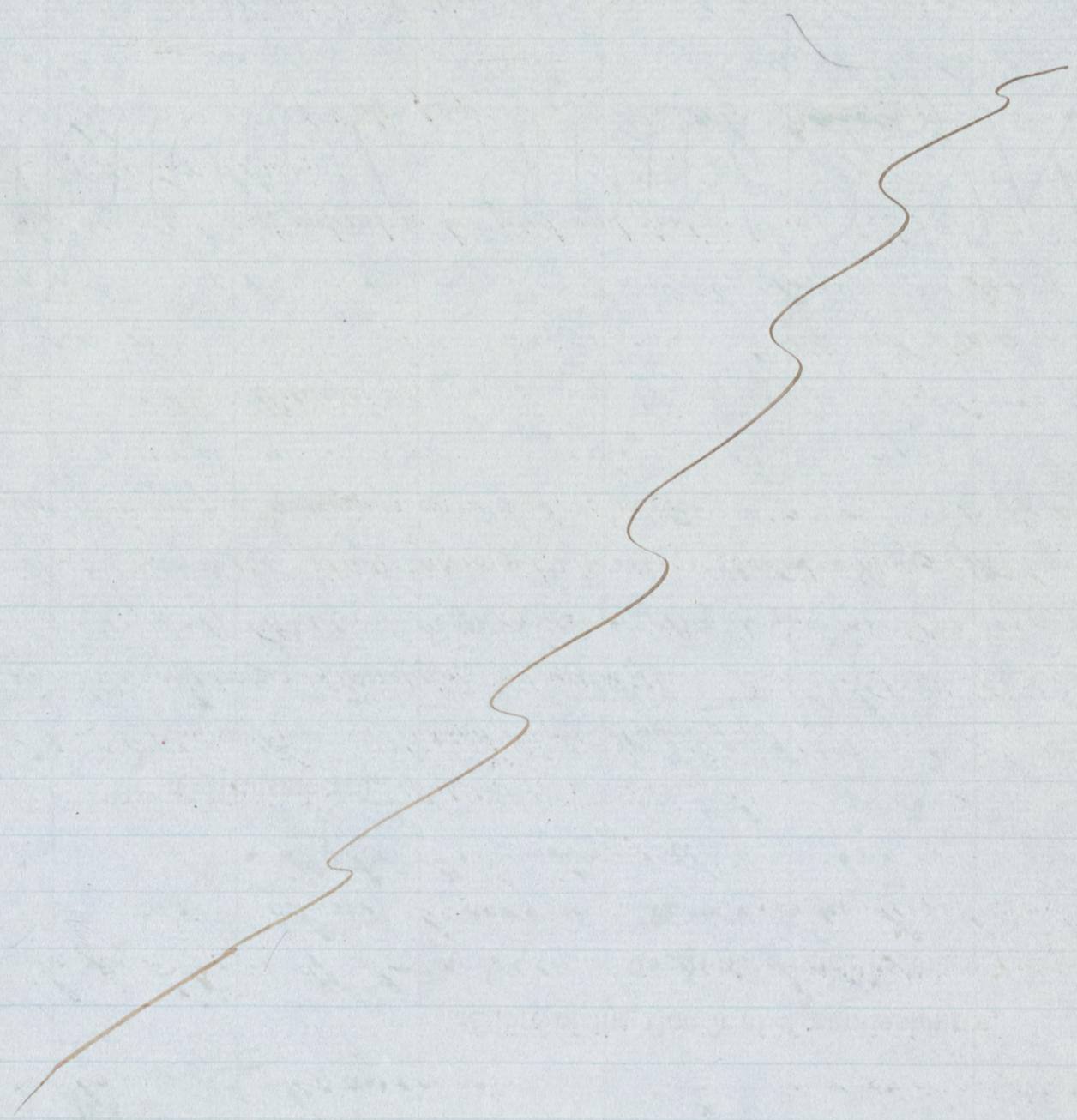
San Francisco March 17th 1853.
In the same case the deposition of *William A. Richardson*, a witness in behalf of the Claimant, taken before Commissioner *Henry J. Thornton*, was filed;
(Vide page 6 of this Transcript)

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PAGE 3

San Francisco Aug. 8th 1853.
Case no. 82, was, on motion of the United States
Associate Land Agent, ordered to be placed on the
Trial Docket,

San Francisco Aug. 8th 1853.
Case no. 82, called; Submitted on Briefs on
both sides, and taken under advisement.

San Francisco Oct. 15th 1853.
In Case no. 82 José de Azun Vallejo for the
place named "Cerro de Alameda", Com-
missioner Alpheus delivered the opinion of
the Board confirming the claim;
(See page 21 of this Transcript)



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To the Honorable the Commissions for the settling of Private Land claims in California

Petition

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PAGE 4

The petition of Jose de Jesus Fallego respectfully sheweth, that being a Mexican by birth & a resident of the Territory of California he made & presented his petition to Jose N. Estrada then Prefect of the first District soliciting therein on the 1st of June 1842 the grant of land known under the name Arroyo de la Lameca containing four square leagues, that the said Prefect forwarded said petition to Juan B. Alvarado then Governor of both Californias together with his the said Prefect's report that said land was not the property of any corporation village or individual & consequently be granted to petitioner without any obstacle. That said Governor Alvarado thereupon to wit on the 8th day of August 1842 by virtue of the authority vested in him as constitutional Governor of California declared the said Jose de Jesus Fallego to be the owner of said lands & ordered the necessary documents constituting title to be executed & delivered to said Fallego that a grant was issued on the same day in accordance with the formalities of the law & delivered to your petitioner in whose hands it now is & who is ready to submit it to your Honors examination when ever required to do so that said petition report & certificate & a copy of said grant together with the map of the land are on file among the archives of California now in the possession of the Surveyor General of the United States of America for the State of California & that duly certified copies of said documents on file & translations of the same are herewith submitted and prayed to

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PAGE 5

See made a part of this petition. That said land is situated in the Southern part of Contra Costa contains four square leagues of territory & is known by the name of Arroyo de la Lameda. That it is bounded according to the terms of said grant as follows On the South by the Arroyo de la Lameda, on the North by the Arroyo del Alto on the West by the Bay of San Francisco, on the East by Sierra Principal And your petitioner further states that ever since said grant was made to him he has been in the sole & exclusive possession of said land has always exercised a full & undisturbed ownership over the same & is not aware of any title paramount to his own. He therefore claims to be the owner of said land & prays that your Honorable body will confirm his claim & title there to

Edmund Taylor & Beckh
Attorneys for ~~the~~

Filed in office March 2^d 1832
Geo Fisher Secy

2/52

San Francisco Dec 28th 1852

Deposition

On this day before Court Harry J Thornton came Jose Abrego a witness in behalf of the claimant Jose de Jesus Vallejo petition No 82 & was duly sworn his evidence being interpreted by the Secretary

The U S Associate Law Agent was present

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PAGE 6

Questions by claimant

Quest 1st What is your name age & place of residence

Answer My name is Jose Abrego my age Forty years & my residence California

Quest 2^d Look at the document now shown you purporting to be an original grant from Juan B. Alvarado to D Jose de Jesus Vallejo dated in Monterey 5th of August Eighteen hundred & Forty Two which marked Exhibit is now attached to your deposition & filed in this cause for the Arroyo de la Laguna State if you are acquainted with the hand writings of Juan B. Alvarado & Manuel Jimeno & if so whether the signatures attached to said original document are the genuine signatures of said persons respectively

Answer I am well acquainted with the hand writing of Juan B. Alvarado & Manuel Jimeno having often seen them write. Their signatures to the document shown me are genuine as also those of Estevado & Manuel Coastro

U S Law Agent present Jose Abrego sworn to & subscribed before me this 28th of Dec 1852

Harry J Thornton
Filed in Office Dec 28th 1852
Clerk
Leo Fisher Senj

San Francisco March 17 1853

On this day before me Court H I Thornton came
Wm A Richardson a witness in behalf of
the claimant Jose de Jesus Nally's Petition
No 82 & was duly sworn his evidence being
given in English

Deposition

Questions by claimant

Quest 1st What is your name age & place of residence

Answer My name is William A Richardson my
age Fifty Eight years & I reside on my Rancho
Sancti to in Marin County

Quest 2^d State if you know the land claimed
in this petition & if so state what you know in
regard to its occupancy

Ans. I have known it for some time more
than twelve years during that time it
has been in the possession of Jose de Jesus
Nally's he having resided there with his
family during that time & having cultivated
& otherwise used the land as a Rancho
he has so occupied it up to the present time

Wm A Richardson

Attest My hand & seal of Office

Sworn to & acknowledged before me
this 17th of March 1853

Humphreys Thornton
Court

Filed in Office March 17th 1853

Geo Fisher

Seal

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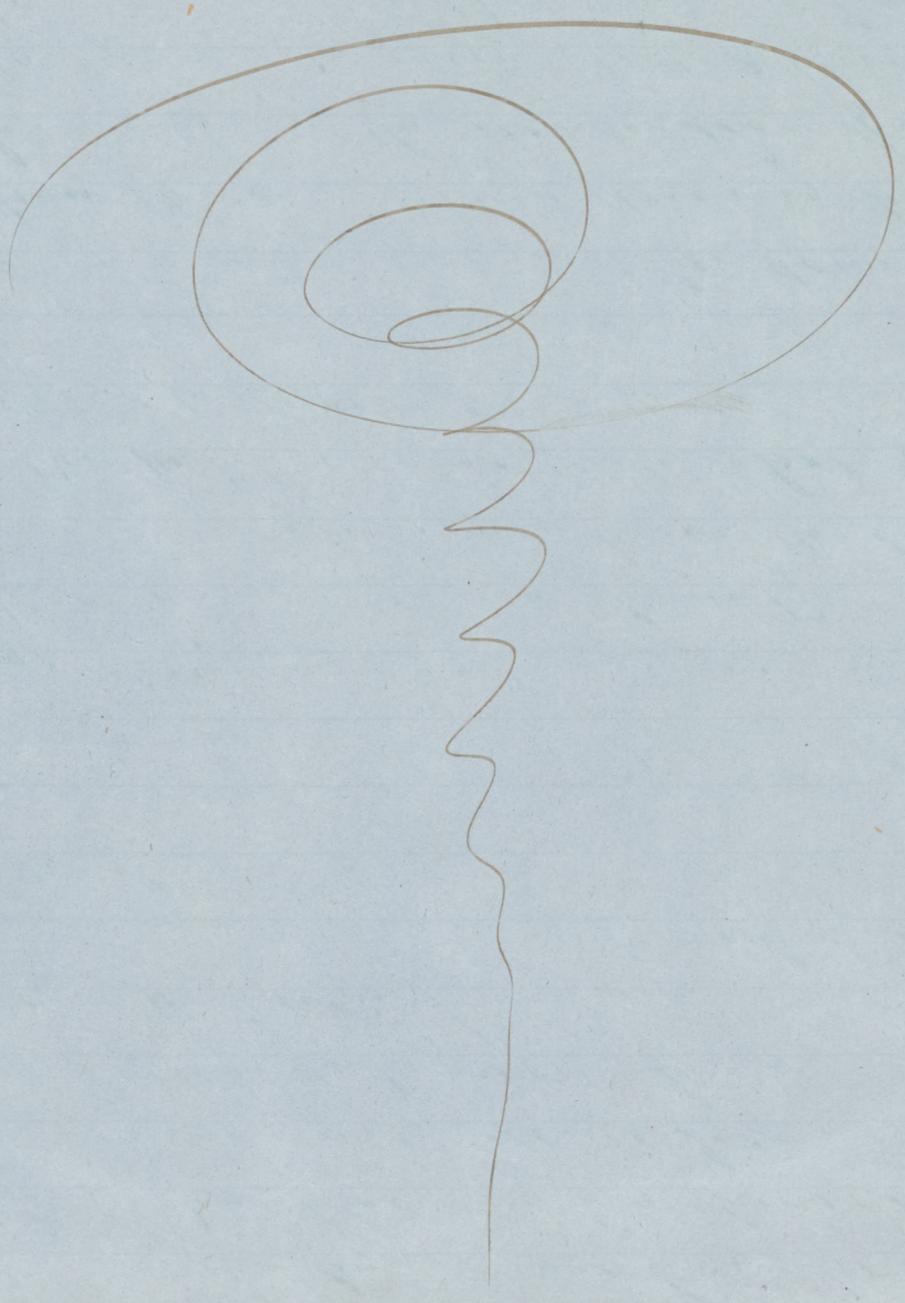
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Expediente

Promovido por D.^{no} Josè de Jesus Vallejo
en pretencion del Paraje nombrado
"Arroyo de la Lameda"

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J

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PAGE 9

Sello Tercero Dos Reales

Habilitado provisionalmente por la Aduana
maritima del puerto de Monterey en el Depar-
tamento de las Californias, para los años
de mil ochocientos cuarenta y mil ochocientos
cuarenta y uno

Ximeno.

Antonio Maria Osio



Revalidado provisionalmente p.
los años de 1842 y 1843.

S. Prefecto del 1^{er} Distrito

Jose de Jesus Vallejo Mexicano por na-
cimiento y vecindadado en este Distrito
Ante V. O. S. como mejor proceda de derecho.
digo; que no teniendo parage donde colocar
novecientas cabezas de ganado mayor que
posey y se hallan espuestos à estraviarse
por falta de querencia ò pastoria propia
pido à V. O. S. se sirva concederme en propio-
dad un terreno que se halla desocupado
del establecimiento de S. Jose constante
de cuatro sitios de ganado mayor y
tiene por linderos el Arroyo de la Aman-
da hacia el S. Arroyo del Alto hacia el
N. la lomeria principal al E. y la Bahia
de S. Francisco del O. todo segun esplica
el disenõ que respetuosamente acom-
paño. Por tanto.

A. V. O. S. Suplico se sirva proveer como
pido lo que recibere un gran beneficio ju-
rando no proceder de Malicia y lo
necesario V.

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Monterey 1^o de Junio de 1842

Jose de Jesus Vallejo

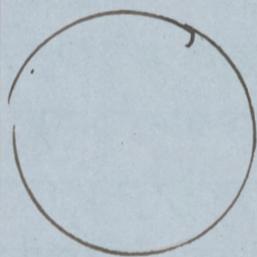
Excmo Sr. Gobernador.

Por las informes que ha recibido esta Prefectura à cerca del terreno que pretende en propiedad en esta colindancia Don José de Jesús Vallejo, esta real y ver daderamente satisfecho que el mismo paraje no pertenece à particular ni corporacion alguna y que en la actualidad se halla baldío, mas reuñendo el interesado los requisitos necesarios para poder ser atendida esta Prefectura. (Sello tercero Dos reales.

Habilitado provisionalmente por la Aduana Maritima de Puerto de Monterey, en el Departamento de los Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno

Ximeno

Antonio Maria Osis



Revalidado por el ^{mlte} p^o los años de 1842. y 1843.

M. Castañares

no encuentra embarazo en que se le conceda al interesado el espresado paraje si fuere del Superior agrado de V. E.

Monterey Junio 20 de 1842.

José M. Estrada

Monterey 8 de Agosto de 1842.

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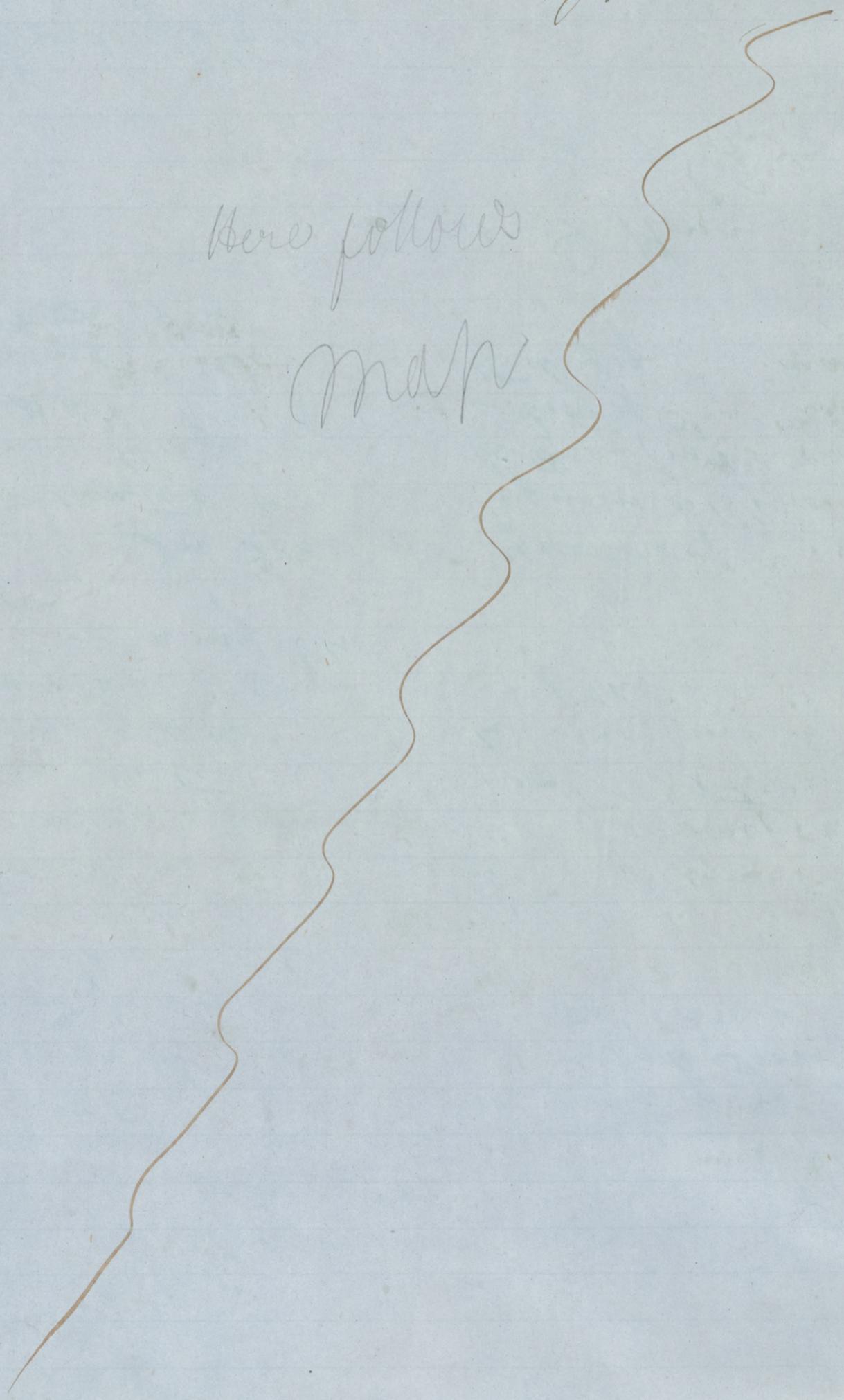
Vista la peticion con que da principio este expediente los informes que anteceden con todo lo demas que se tubo presente y por convenio de conformidad con las leyes y reglamentos de la Materia declaro à Don José de Jesús Vallejo dueño en propiedad del terreno conocido con el nombre de San Lorenzo, colindante con el Arroyo del mismo nombre

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con el del Galito con el Mar y con la
Tierra principal en estension de quatro
sitios de ganado mayor. Librese el correspon-
-dte. despacho tomesse razon en el Libro res-
-pectivo y dirigase este expediente a la C^{ma}
Junta para su aprobacion. El Excmo Sr
Gov^{or} asi lo mandò decreto y firmo.

Here follows
map



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

map 7

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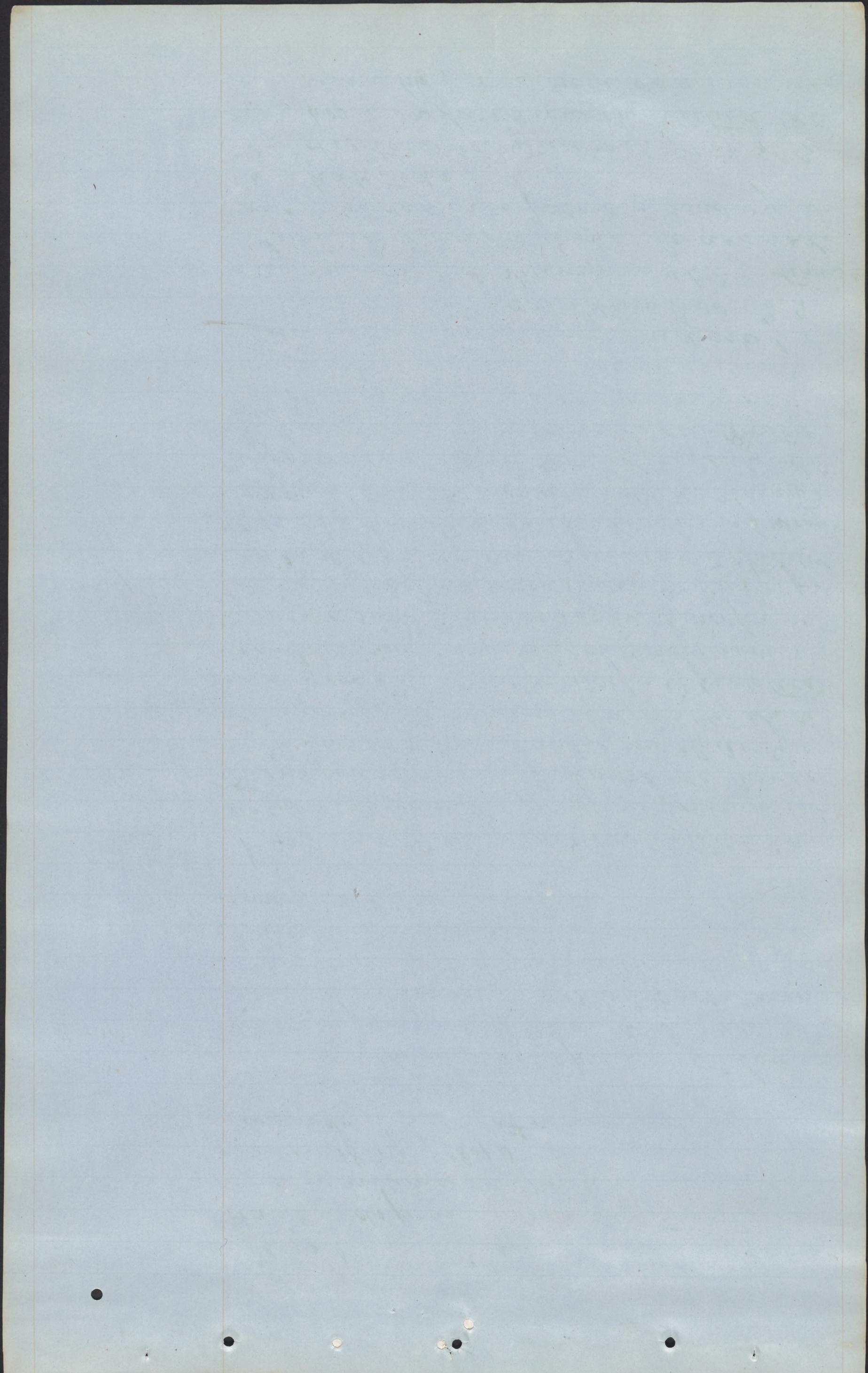
I Samuel D. King Surveyor General of the United States for the State of California and as such now having in my Office and under my charge and control a portion of the Archives of the former Spanish and Mexican Territory or Department of upper California do hereby certify that the six preceding and hereto attached pages of tracing paper numbered from One to Six inclusive and each of the is verified by my initials (S. D. K.) exhibit true and accurate Copies of certain documents on file and forming part of the said Archives in my Office.

In Testimony whereof I have hereunto subscribed my name Officially and affixed my private Seal (not having a Seal of Office) at the City of San Francisco Cal. This twentieth day of February A. D. 1852.

Saml. D. King
Survey. Genl. Cal.

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706

Filed in Office
Mch 2nd 1852
Geo. Fisher
Secy.



Sello 1º seis Pesos.

Habilitado provisionalmente por la adu-
-ena marítima de Monterey para los
años de 1839. y 1840.

Alvarado. Antonio M^a Osio

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Revalidado provis^{te} p^o los
años de 1842 y 1843
Alvarado. Man^t. Castañares

Juan B. Alvarado Gobernador constitu-
-cional del Departamento de las Californias

Por Cuanto D. Jose de Jesus Vallejo ha
pretendido para su beneficio personal el
terreno conocido con el nombre de "Arroyo"
de la Lameda colindante con el Arroyo
del mismo nombre; con el del alto; con el
mar y con la Tierra principal practica-
-das previamente las diligencias y averigua-
-ciones convenientes segun lo dispuesto
por Leyes y reglamentos. Usando de las fa-
-cultades q^e me son conferidas à nombre
de la Nacion Mexicana, he venido en con-
-ceder el terreno mencionado declarandole
la propiedad de el por las presentes letras
sug^{er}andose à la aprobacion del Excmo
Junta Departam^t. y à las condiciones
siguientes.

1^a No podrá cercarlo sin perjudicar las
travesías, caminos y servidumbres; lo dis-
-putar à libre y esclusivamente destinan-
-dolo al uso y cultivo q^e mas le acomode.
pero dentro de un año fabricar a casa y es-
-tara habitada.

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2^a Solicitara del P^uer respectivo q^e le
de la posesion juridica en virtud de
este despacho por el cual se demarcaran

dos linderos, en cuyos limites se pondra
a mas de las mojoneras alg. arboles frutales
o silvestres de alguna utilidad ad.

3.º El terreno de q. se hace mencion es
de Cuatro sitios de ganado mayor segun
explica el disenõ respectivo. El juez q.
diese la posesion lo hara medir conforme
a ordenanza. quedando el sobrante
q. resulta a beneficio de la Nacion para
los usos convenientes.

4.º Si contraviniese a estas condiciones
perderá su derecho al terreno y sera de-
nunciabile por otro.

En consecuencia mando q. teni-
endose el presente por firme y baledero
se tome razon de el en el libro respectivo
y se entregue al interesado para su
resguardo y demas fines.

Dado en Monterey a ocho de A-
gosto de mil ochocientos cuarenta y
dos.

Man. Jimeno Rio. J. Juan P. Alvarado
Queda tomada razon de este despacho
en el libro respectivo.

Jimeno.

El Excmo. Sr. Gobernador dispone se
tome razon de este titulo en la Prefec-
tura del 1.º Distrito.

Yomese Raron J. Jimeno
Estada.

225
4.55

Queda tomada razon de este superior
titulo a fojas 8. del libro correspondiente
que obra en la Prefectura del Distrito

Monterey Mayo 4 de 1843.

Manuel Castro Rio.

Filed in Office Dec. 28th 1852.

Geo. Geister. Secy

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Translation

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PAGE 15

To the Honorable Prefect of the 1st District
I Jose de Jesus Vallejo a Mexican by birth
& resident of this district declare before y^e Honor
in the best form that as I have no site where
on to place some hundred head of black
cattle which I own & which are exposed to go
astray as they want a custom in plains
or a grazing place. I request y^e Honor to grant
to me the property of a tract of land by
ing unoccupied & pertaining to the establish-
ment of San Jose consisting of four square
leagues the boundaries of which are toward
as the South el Arroyo de la Alameda toward
the North el Arroyo de Alto toward the
East the principal ridge of hills Lomeria
& toward the West the Bay of San Francis-
co all duly explained in the accompanying
sketch. Therefore I request your Honor to
comply with my solicitation whereby
I shall receive a great benefit. Thus I make
oath that it is not out of malice & that which
may be necessary &

Trusting I am the 1st 1842
(Signature) Jose de Jesus Vallejo

Excellent Sir Governor

By the informations received in the office
under my charge (Prefecture) relating to the
tract of land the right of property to which is
solicited by Don Jose de Jesus Vallejo the Pub-
lic Prefecture feels really & truly satisfied
that said location does not belong to any
private individual or corporation & that
at present it is lying unoccupied but in as
much as the party concerned possesses the
necessary requisites to be attended to in his
request this Prefecture does not know of
anything preventing the grant of the afore-
mentioned location to the party if it should

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W. Pleau N.E.

Montevideo June 20th 1852
(Signed) Jose R. Estrada

Montevideo August 8th 1852

After examining the petition at the head of
these proceedings, the proceeding reports together
with whatever else was thought to the purpose
in conformity with the laws & regulations
on the matter I declare Sr Jose de Jesus Salas
owner in fee of the tract of land known
under the name of San Lorenzo bordering
on the Arroyo of same name on that of de
Salto on the sea & on the principal ridge
of mountains (Cerro Principal) to the
extent of four square leagues. Let the
corresponding patent be issued & entry
be made in the corresponding book &
this record of Proceedings be submitted
to the approval of the Most Excellent the
Assembly. The Excellent Sr Governor thus
did order decree & sign it

Ex. Sr
P

Felia in officio March 2^o 1852

Los Frutos

Leas



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Don Bantista Alonzo Constitutional Governor of the Department of both Californias

Grant D
Translation

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Whereas Don Jose de Jesus Nalijo has presented for his personal benefit the tract of land known by the name of Arroyo de la Alameda or Rivalet of the Poplar Grove bordering on the Rivalet of same name on that del Salto on the Sea & on the Municipal Town, "Santa Principal" after the previous performance of the investigations concerning it according to the tenor of the laws & regulations, by virtue of the authority in me vested in the name of the Mexican Nation, I have thought proper to grant him the afore mentioned tract of land declaring by this patent the same to be his property subject to the approval of the Excellent Departmental Assembly & to the following conditions

1^o He may fence it in without obstructing the roads paths & servitudes, he shall enjoy it free by & exclusively appropriating it to the use or cultivation that may best suit him but he is bound to build on it a house within the term of one year & it shall be inhabited

2^o He is to solicit of the respective Judge to give him judicial possession by virtue of this patent by whom or whereby the boundaries are to be marked on the limits of which are to be set besides the land marks some plants or fruit trees or forest trees of some utility

3^o The tract of land in mention is of four square leagues as appears from the respective sketch the Judge who may give possession of it will cause it to be measured according to ordinances the resulting surplus remaining at the disposal of the Nation for convenient

usages, 4th If he should transgress these conditions he shall lose his right to the land & shall become liable to denunciation by any other party consequently order that the present title deed being held as firm & valid the same be entered in the respective book & be returned to the party concerned for his own security & every other purpose

Given in Montevideo on the 8th day of August 1842

(Signed) Juan Bautista Alvarado

(") Manuel Jimenez
Secretary

A proper entry of this title was made in the corresponding book

(Signed) Jimenez

The Excellent Sr Governor directed that a proper entry of this title be made in the office of the Prefect of the 1st District

(Signed) Jimenez

Let it be entered

(Signed) Estrada

A proper entry of this superior title has been made on folios 8 & sheet the 8th of the corresponding book which is kept in the office of the Prefect of the District

Montevideo May the 4th 1843

(Signed) Manuel Castero

Sery

Filed in office March 20 1852

Geo Fisher

Sery

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Man B. Alvarado Constitution as Governor of the
Department of the Californias

Translation
of Grant

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PAGE 19

Whereas D. Jose de Jesus Gallego has solicited for
his personal benefit the land known by
the name of Arroyo de la Lameda bounded
by the Arroyo of the same name with that
of the high one with the principal moun-
tain range having previously taken the
action & made investigations concerning it
according to the laws & regulations, using the
faculties invested upon me in the name of
the Mexican Nation I have determined to
concede to him the mentioned land decla-
ring to him the ownership thereof by the present
letters it being subject to the approval of the
most Excellent Departmental Assembly &
under the following conditions

1st He may fence it without prejudice
to the public roads & public uses he
shall enjoy it fully & exclusively destining
it to the use or cultivation which may be
most convenient to him but within one
year he shall build a house & it shall
be inhabited

2nd He shall solicit from the respective Judge
to give him the juridical possession in
virtue of this despatch by which the lines
shall be marked out on whose limits
he shall plant besides the land marks
some fruit or forest trees of some utility

3rd The land of which mention is made is of
four square leagues, as the respective diagram
will show, the Judge who should give
the possession shall cause it to be meas-
ured according to ordinances letting the
surplus remain for the benefit of the Na-
tion for its convenient uses

4th If he should contravene these condi-
tions he shall lose his right to the land

It shall be denunciable by another
In consequence I command that these presents
shall be held as firm and valid in account
to be taken of it in the respective book & to be
delivered to the party interested for his secu-
rity & other uses

Given in Mexico the Eighth of August 1853
thirteen hundred & forty two

Juan B Alameda

Manuel Jimeno
Sey

Notice of this despatch has been taken
in the respective book

Jimeno

His Excellency the Governor orders notice to
be taken of this title in the Prefecture of the 1st
District

Jimeno

Will take notice }
Estrada }

Notice of this Superior Title has been taken
in the corresponding book Vol 8 which is in the
Prefecture of the District

Mexico May 4th 1853

Manuel Leaster

Sey

Filed in office July 3rd 1853

Geo Fisher

Sey

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Jose de Jesus Salgado

The United States

For the place called Arroyo de la Alameda four square leagues of land in Alameda County

Opinion

60 ND
PAGE 21

The proof in this case consists of a copy from the archives of a petition by the claimant for the grant made to the Judge of the First District dated June 1st 1842 & authenticated by the Prefect in favor of the grant which appears to have been forwarded to the Governor with the petition which bears date the 20th of the same month. An original grant signed by Governor Alvarado & delivered to the party bearing date August 9th 1842 is also given in evidence. This document contains the allegation that the grant is subject to the approval of the Departmental Assembly & contains also the usual conditions.

There is no proof of the approval of the grant by the assembly nor is there any evidence of previous possession. The testimony of William Richardson shows however that the claimant has resided on the land with his family more than twelve years & that he has cultivated & otherwise used the land as a ranch & so occupies it at the present time. The equities in this case are such as clearly to entitle it to confirmation if the locality & boundaries are sufficiently definite to separate the land granted from the mass of the public domain. The petition is for four square leagues of land pertaining to the establishment of San Jose the boundaries of which are towards the South El Arroyo de la Alameda towards the North El Arroyo del Alto towards the East the principal ridge of highlands (Sierra) & towards the West the Bay of San Francisco all duly explained by the accompanying

sketch. The conditions of the grant require
practical possession to be obtained & the proper
land marks of boundary to be placed, the sur-
plus of the land remaining at the disposal of
the nation. The only question which presents
itself to raise a doubt in the case is whether
the land embraced in the above boundaries
is intended to be granted to the claimant as
the four square leagues intended to be
or is in fact a larger extent of territory with
in the limits of which he was entitled to
select the quantity by the aid of a judicial
survey but which he has failed to cause
to be located & set apart for that purpose.
In the latter case we take the rule to
be that the party who has failed to
cause the location of the land to be made
cannot now make the segregation or ob-
tain a confirmation of his claim as an
unlocated grant. But if on examination
of the whole case it appears from the doc-
uments that the land intended to be
granted is specified by metes & bounds
or by other words of description defin-
ing its limits & separating it from that
by which it is surrounded so that a
survey by the calls of the grant can
now be made it will be sufficient &
in such case the allegation that the sur-
plus is to remain to the nation will
not be permitted to defeat the claim.
We are satisfied that the case under
consideration is of this description & that
the land within the boundaries described
in the petition & the grant constitutes the
four square leagues intended to be con-
veyed & not a larger tract within which
it was to be selected and located.
The map which was filed with the

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PAGE 23

original application clearly defines the limits & boundaries of the land described & gives the means of approximating the quantity of lands contained within them from which it would seem to be less than four square leagues. This map is drawn with more care than any which has come under my observation & bears evidence of an actual survey specifying some of the corners evidently designed to show the separation of the land described in the petition & grant from the national domain. The reference in the grant to the map is for ascertainment of the land granted as thus defined & separated & as therein laid down. From all the testimony we are of opinion that the concession must be regarded as a grant of the lands by metes & bounds according to the description above recited. The words reserving the surplus introduced probably through inadvertence to the case & cannot defeat what is evidently on the whole case the meaning of the grant.

The title must be confirmed

Filed in office Oct 18th 1853

Geo Fisher

Secy



Jose de Jesus Vallejo
 The United States

Deere

In this case on hearing the proofs & allegations it is adjudged by the Commission that the claim of the petitioner is valid & it is therefore decreed that the same be confirmed. The land of which confirmation is here by made is known by the name of Arroyo de la Alameda being the same on which said petitioner resides the boundaries of which are towards the South El Arroyo de la Alameda towards the North El Arroyo del Alto towards the East the principal ridge of the high land (Loma) & towards the West the Bay of San Francisco the same being of the extent of four square leagues reference for a more particular description thereof to be had to the original grant & map of the same a copy of which is on the file of this Board

Alphus Felch
 Thompson Campbell
 A. Aug. Thompson
 Board

Filed in Office Oct 14th 1833
 Geo Fisher
 Secy

60 ND
PAGE 25

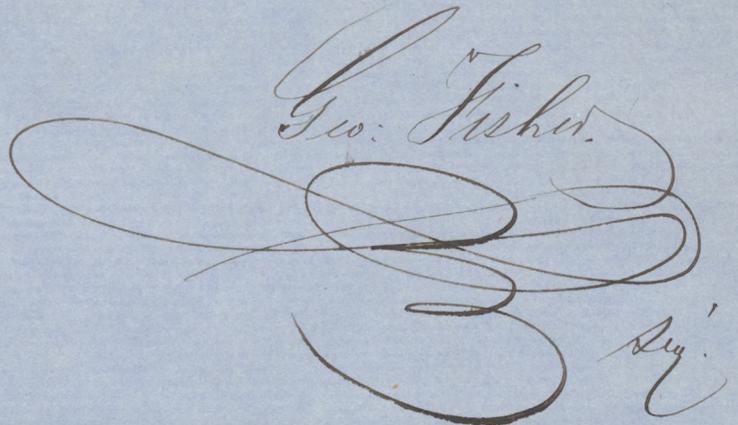
Office of the Board of Commissioners,

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 *Twenty-four* — pages, numbered from 1 to *24*, 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. *82* on the Docket of the said Board, wherein *José de Jesus Vallejo* is the Claimant against the United States, for the place known by the name of *"Arroyo de Alameda"*

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this *fifth* day of *August* A. D. 1854, and of the Independence of the United States of America the seventy-*eighth*.

Geo. Fisher.



Geo. Fisher.



BOND

7282

10/10

Office of the Attorney General of the United States,

Washington, 26th October 1854.

José de Jesus Vallejo.

vs -

The United States.

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 13th day of July 1854 the appeal in the district court of the United States for the northern district of California will be prosecuted by the United States.

Clarkson

Attorney General.

As Dist Court
of D of California
vs de Jesus Vallejo
at Claimant
The United States

No 60

appeal notice

Filed Dec. 2^d 1834
Pro A. M. M. M. M.
at

Rancho "Arroyo de la Alameda"
Court Docket No. 60. Land Comms No. 82.

60 ND
PAGE 28

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

The United States

vs.

José de Jesus Vallejo

The Respondent in answer to the petition
filed in this case answers and says - It is true
that the lands mentioned in said petition
and in said transcript of the proceedings before
the said Board of Commissioners lie within
the said Northern District of California, and
within the jurisdiction of this Court. But
this Respondent denies that his title to the
said land is invalid, and avers that the
same is valid and prays that the decision of
the said Board be affirmed and his title
deemed to be valid

José de Jesus Vallejo

by

Stanley King
his Atty.

No 60.

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

The United States

vs

José de Jesus Vallejo

Rancho,

"Arroyo de la Alameda"
Land Grant No 82.

Answer.

Dated August 31, 1855.

J. Cheever
Deputy.

60 ND

PAGE 29

Shanty & King
Atty

No 60

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

60 ND
PAGE 30

The United States } "Arroyo de la
Appellants } Alameda"
vs. } Transcript No 82.
Jose de Jesus Vallejo } of San Joaquin Co. }

Stated

At a ~~Special~~ Term, held on 2^d March 1857.

This cause came on to be heard on appeal
from the decision of the Board of Commissioners,
to ascertain and settle the private land
claims in the State of California under
the act of Congress approved on the 3^d day
of March 1851, upon the transcripts of the
proceedings and decision of the said Board
of Commissioners, and the papers and evidence
in which the said decision was founded;
and it appearing to the Court that the
said Transcripts 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 Appeller is a good
and valid claim, and that the said
claim be and the same is hereby confirmed
to the extent and quantity of four
square leagues, being the same lands

described in the grant, and of which
possession was proved to have been
long enjoyed. Provided, that the said
quantity of four square leagues now
conformed to the claimant be contained
within the boundaries called for in
said grant and the map to which the
grant refers and filed in the Court, and
if there be less than that quantity
within the said boundaries, then
the claimant is conformed to that less
quantity.

By the Court
U. S. Clerk Judge

This decree is correct.

Wm Blanding
Dist Atty

United States District
Court for the
Northern District of
California
Court No 60.
Laid Transcript No 82.

The United States
vs } appellants
Diego Luis Vallejo }
appellee.

"Arroyo de la"
Alameda

60ND
PAGE 32

Secur of Computat

Laid March 2, 1857.

John A. Curran,
Clerk

J. W. C. Cheney,
Deputy.

60 ND
PAGE 33

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 *Wednesday* the *first* day of
April in the year of our Lord one thousand
eight hundred and fifty-seven.

Present :

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
"
Jose Jesus Vallejo

D. C. 60, L. C. 82

In this case on motion
of the District Attorney made in open
Court, it is ordered by the Court that an
appeal in behalf of the United States
from the final decision of this Court
rendered at the present term, be, and
the same is hereby granted; and that a
certified transcript of the pleadings, evi-
dence, depositions and proceedings in
the said cause be sent to the Supreme
Court without delay.

60
United States District Court, Northern
District of California.

The United States

vs.

Jose de Jesus Vallejo

ORDER.

granting appeal

Filed *April 1st* 1857

John A. Chassee,
CLERK.

By *W. D. Chevers,*
DEPUTY.

At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the City of SAN FRANCISCO, on *Tuesday* the *28th* day of *July* in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States

vs
Jose de Jesus Vallejo

D. C. 40 : L. C. 82.

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

On motion of the U. S. Attorney it is ordered, adjudged and decreed that the order granting appeal to the U. S. Supreme Court heretofore entered herein be vacated, and that claimant have leave to proceed under the decree of this Court heretofore rendered in his favor as under Final Decree.

Ogden Hoffman
U. S. District Judge

60 (2)

United States District Court, Northern
District of California.

The United States
Ready
vs.

José de Jesús Vallejo

ORDER.

Vacating appeal.

Filed *July 28th* 1857
John A. Murren,
CLERK.

By *W. H. Cheney*
DEPUTY.

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

The United States

v.

3
2 D.C. 60; L.C. 82.

José de Jesus Vallejo

In pursuance
of notice received from the U. S. Attorney
General it is hereby stipulated and agreed
that the order granting an appeal to the
U. S. Supreme Court heretofore entered in this
Case be vacated, and that claimant have
leave to proceed under the decree ^{of this Court} heretofore
rendered in his favor, as under final decree.

San Francisco: July 27th 1857

P. Della Torre

U. S. atty.

Stanly King
att'y for Cls

to one

U. S. District Court

The United States

v.

José de Jesús Vallejo

Stipulation.

Filed July 28, 1857,
W. A. Church,
Deputy.

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

The United States
^{vs}
Joaquín Vallero

No. 100.

Abstract of title &
Evidence.

60 ND
PAGE 39 A

Shanty Mining for
Copper

Shanty

The boundary line between the Ranchos of
Barbara Soto and of Jose de Jesus Vallejo
is marked on the original diseño of the latter
"Linderos Norte 62° grados al Este"
"Norte Magnético."

The Variation reported in Surveys of both
Ranchos being $15^{\circ} 30'$ East, makes the
true Course of the above "Lindero" $77^{\circ} \frac{1}{2}$
degrees East, in accordance with
which the line dividing the two
Ranchos has been officiously surveyed
and approved by Surveyor General
San Francisco Cal.
March 19th 1863.

L. Bidwell

Office of the Board of Commissioners,

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

San Francisco, Aug. 3rd 1854

Sir, 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. 82 on the Docket of the said Board, wherein

José de Jesús Vallejo is the Claimant against the United States, for the place known by the name of "Arroyo de Mamuda"

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

G. F. Fisher.

