

CASE NO.

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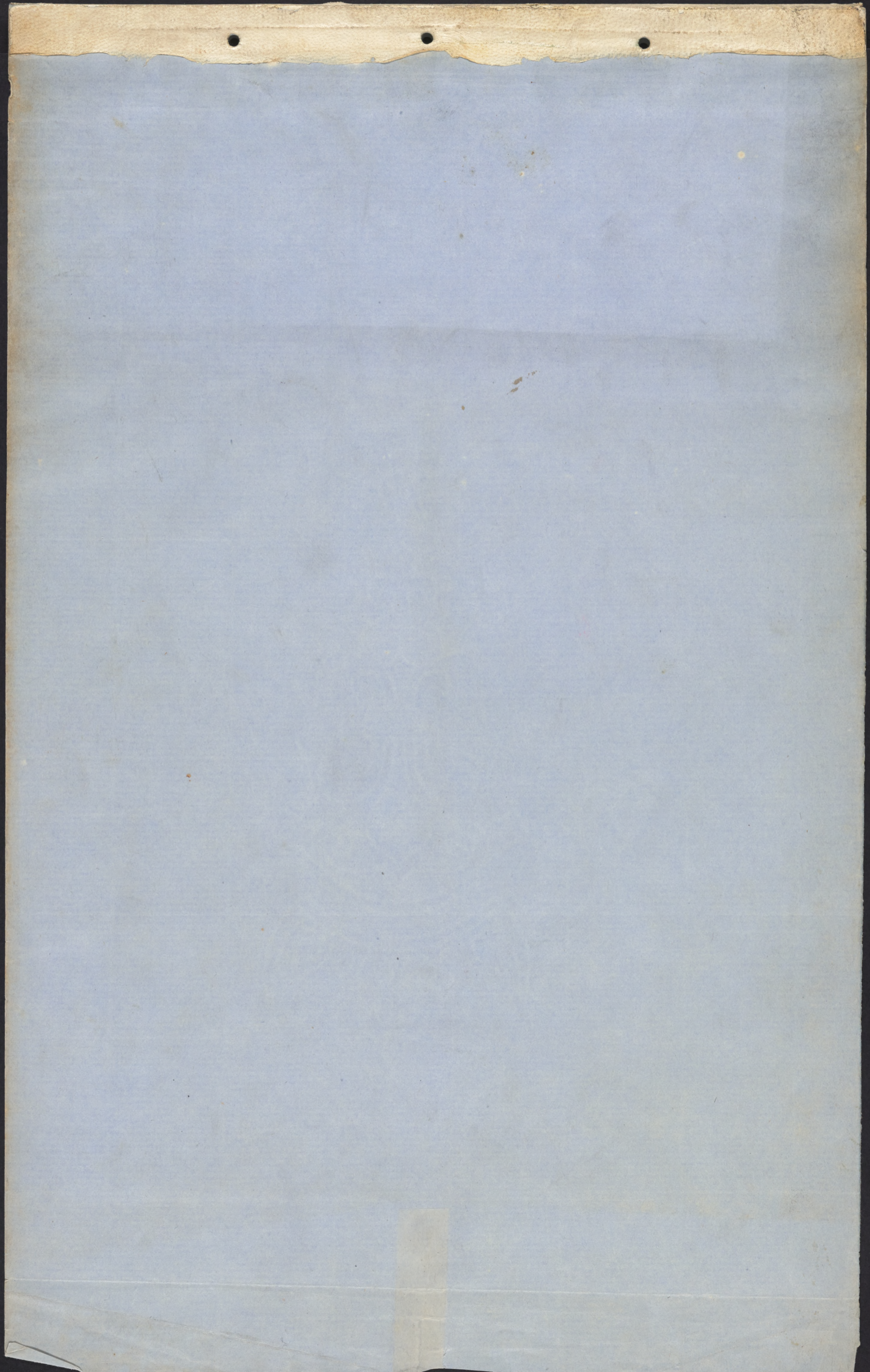
NORTHERN DISTRICT

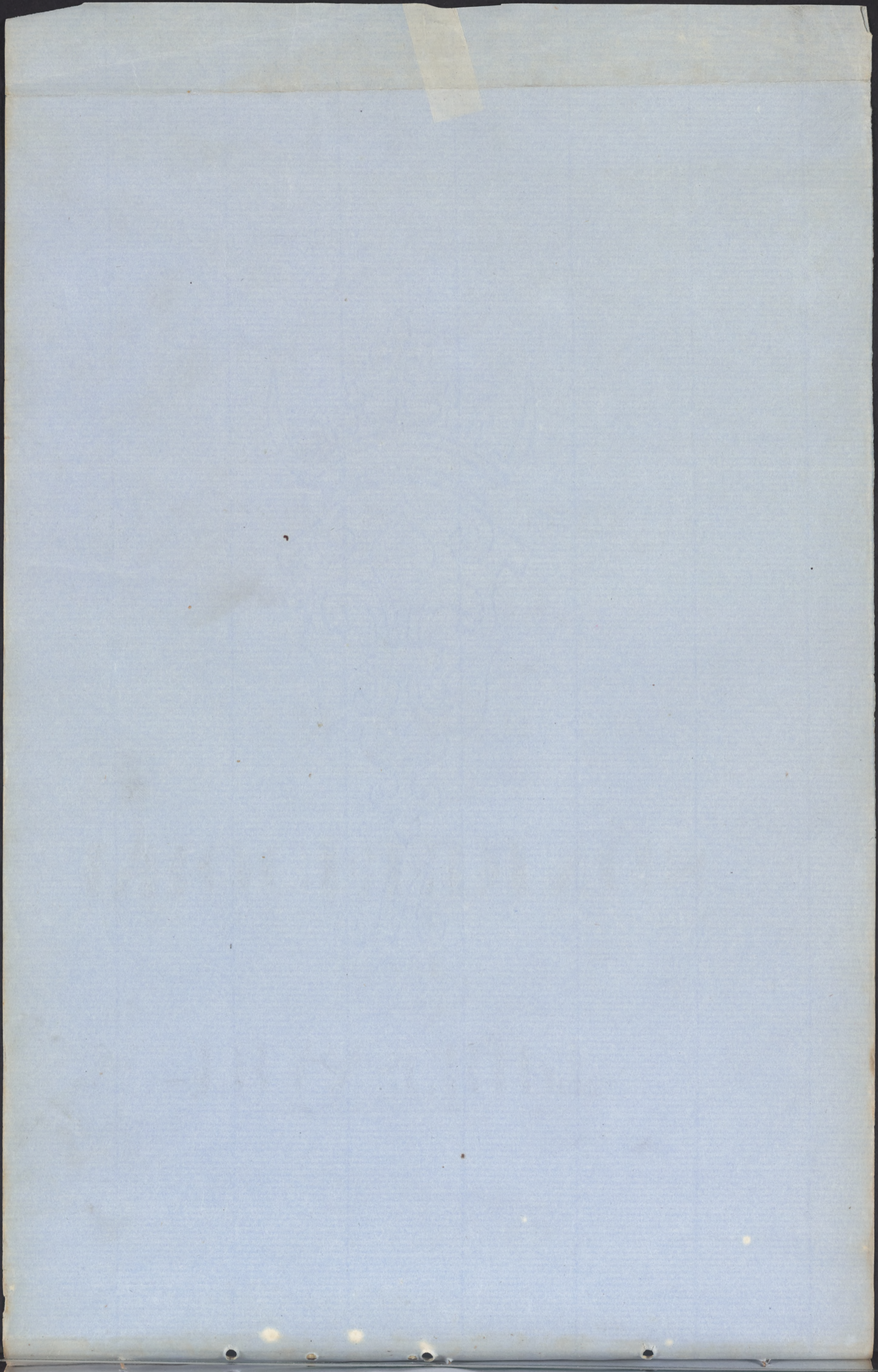
CANADA de HERRERA GRANT

DOMINGO SAENZ

CLAIMANT

U.S.A.
25% COTTON FIBER
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65 ND
PAGE 1

TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO.

84

Domingo Saenz

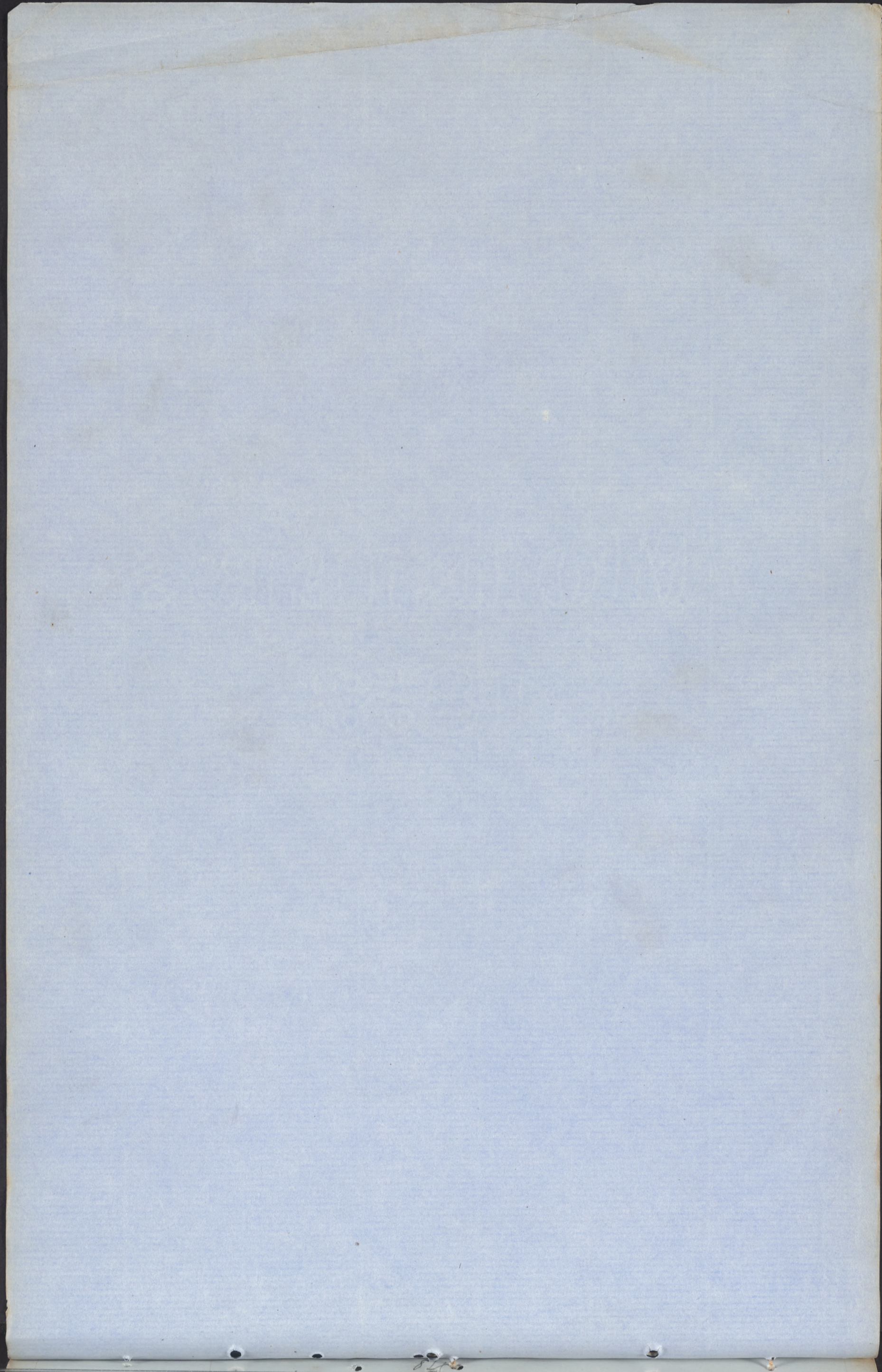
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Canada de Herrera"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

65 ND
PAGE 2

Be it Remembered, that on this *Second day 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 *Domingo Saens*,
for the Place named
"Cañada de Herrera,"

was presented, and ordered to be filed and docketed with No. 84 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 Decr 28th 1853

In case no. 84 Domingo Saens for the place named "Cañada de Herrera" the deposition of José Abrego, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton with documents marked H. J. T. nos. 1 & 2 annexed thereto was filed;

(Vide page 3 of this Transcript)

San Francisco Mar. 17th 1853.

In the same case the deposition of Wm. A. Richardson a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton was filed;

(Vide page 6 of this Transcript)

San Francisco Aug. 1st 1853.

On motion of the United States Associate Law Agent Case no. 84 was ordered to be placed in the Trial Serket.

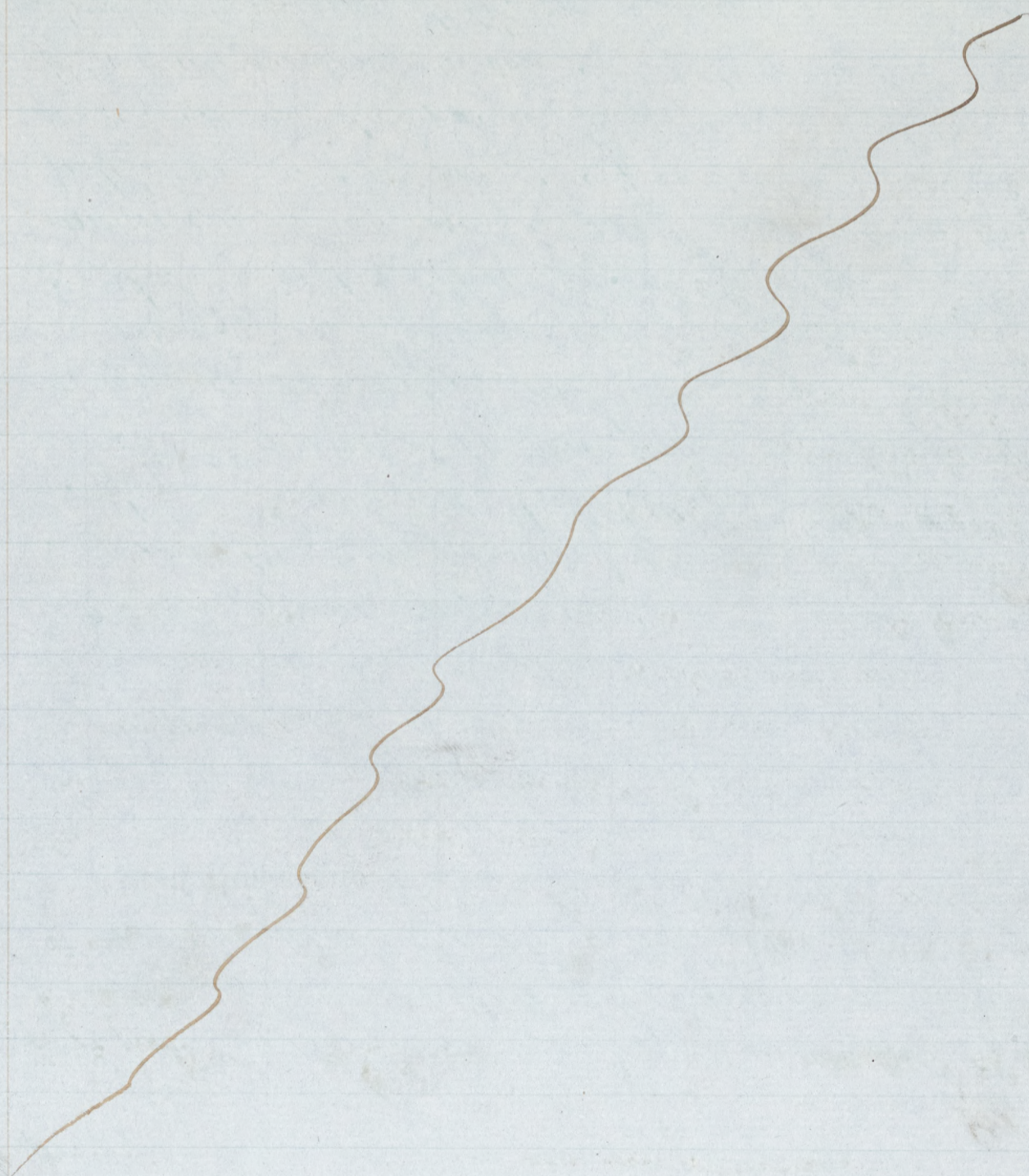
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PAGE 3

Case no 84 called: Submitted on both
on both sides.

San Francisco Oct. 21st 1853

In the same case Commissioner Alphon Felch delivered the opinion of the Board concerning the claim:

(See page 44 of this Transcript)



To the Honorable the Commissioners for settling private Land Claims in California.

Petition

65 ND
PAGE 4

The petition of Domingo Saens, a resident of the County of Marin & State of California respectfully sheweth, that on the 21st of November 1838 he made and presented a petition to M. G. Vallejo, military Commandant of the frontier, in order to obtain permission to occupy a tract of land, situate in the present County of Marin, known under the name of Canãda de Herrera and containing between 1 1/2 & two square leagues (sitios de grande mayor) an accurate description of which will be given hereafter. That said M. G. Vallejo at the 21st November 1838 granted to your petitioner the temporary occupancy of said land. That your petitioner on the first of August 1839 presented a petition to José Castro, then Prefect of the first District praying for the grant of said land, which said petition together with a favorable report thereon, was forwarded by said Castro to the Governor of both Californias, on the 8th of August 1839. That a decree issued thereupon under the signature of Manuel Amaro, being at that time first Vocal of the Departmental Assembly and ex-officio Governor, declaring your petitioner to be the owner of said land, & directing the proper documents to be executed and delivered. That a formal grant issued on the 10th of August 1839. That on the 19th of May 1840 said decree was brought before the Departmental Assembly at Monterey in order to be confirmed, & that said Assembly on the same day referred it for a report to the Committee on Agriculture. That said Committee reporting in favor of said grant on the 22^d of the same month, the Assembly in the sitting of the same day approved and confirmed said grant, whereupon Juan Alvarado, Governor of the Californias ratified the whole proceedings & ordered the proper entries to be made in the

65 ND
PAGE 5

records of the Department. That on the 15th day of October 1841 your petitioner obtained of the respective Judge the juridical possession of said land. That all these documents, as the petitions to M. G. Vallejo, to José Castro, & the reports, references, decess, proceedings of the Assembly & a copy of the grant together with a map of the land are on file in 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 & translations of the same are herewith submitted & prayed to be made a part of this petition. That the original grant together with the documents of juridical possession are in the hands of your petitioner & ready to be offered in evidence whenever required. And your petitioner is further sure that said land is situate in the present County of Marin in the neighborhood of the Mission of San Rafael, that it is known under the name of Cañada de Herrera & that its boundaries, according to the terms of the grant are as follows:

On the North the lands of Santa Margarita; on the South the lands of the Simascal; on the East those of San Rafael, & on the West the land of San Gerónimo, containing between one & one half & two square leagues, more or less. And your petitioner further avers, that ever since the year 1838 he has been in possession of said Cañada de Herrera, & since the year 1840 in the full & undisputed exercise of ownership over said land, & that he is not aware of any title to said Cañada de Herrera superior to his own. He therefore claims to be the lawful owner of said land & prays your Honorable body will conform his claim & title thereto.

Clarke, Taylor & Beckley
Attorneys of Petitioner.

335- Filed in Office March 2 1852. Geo. Fisher. Secy.

5

San Francisco Decr 28th 1852.

On this day before Comr Henry J. Thornton, came José Abrego, a witness in behalf of the claimant Domingo Saez, petitioner No 84, & was duly sworn, his evidence being interpreted by the Secretary.

The U. S. Associate Law Agent was present.

Deposition of Questions by Claimant.
José Abrego.

65 ND
PAGE 6

Quest-1st. What is your name, age & place of residence?
Answer. My name is José Abrego, my age forty years, my residence California.

Quest 2nd. Look at the document now shown you purporting to be an original grant & judicial possession, with map thereto, from Manuel Jimeno to Domingo Saez, dated Monterey 10th of August Eighteen hundred & forty nine, a translation of which marked Exhibit 1, & which original document marked Exhibit 2, are now attached to your deposition & filed in this cause, for the land called Ciénaga de Herrera. State if you are acquainted with the hand writings of Manuel Jimeno & Fran^{co} Arce, & if so whether the signatures attached to said original grant, are the genuine signatures of said persons respectively.

Answer. I am well acquainted with the hand writing of Manuel Jimeno & Fran^{co} Arce, having often seen them write. Their signatures to the document shown me are genuine, as also those of J. B. Alvarado, Salvador Gallego & Emilio Murphy. U. S. Law Agent present. José Abrego.

Sworn to & subscribed before me the 28th of Decr 1852.

Henry J. Thornton
Comr

Filed in Office December 28th 1852.

Geo. Fisher.

Secy.

San Francisco March 17 1853.

On this day before Court H. J. Thornton, came
Wm A. Richardson a witness in behalf of the claimant
Domingo Saenz, petition No 84, & was duly sworn,
his evidence being given in English.

Questions by Claimant.

Deposition of Quest 1st. What is your name, age & place of residence?
Wm A. Richardson Answer. My name is Wm A Richardson, my age
fifty eight years, & I reside on my rancho of Sana-
lito in Marin County.

Quest 2^d. State what you know in regard to the lo-
-cation & occupation of the land claimed.

Ans. I know the land claimed, well, it is situated in
Marin County about four leagues from my rancho
of Sausalito; during the last fourteen years Domi-
-go Saenz has resided upon it with his family,
cultivating it & using it for agricultural purposes,
& have placed upon it the improvements usually
to be found on Ranchos in this country.

Wm A. Richardson.

W. S. Lam present.

Sworn to & acknowledge before me this
17th of March 1853.

Henry J. Thornton.
Court

Filed in Office March 17 1853.

Geo. Fisher.
Secy.

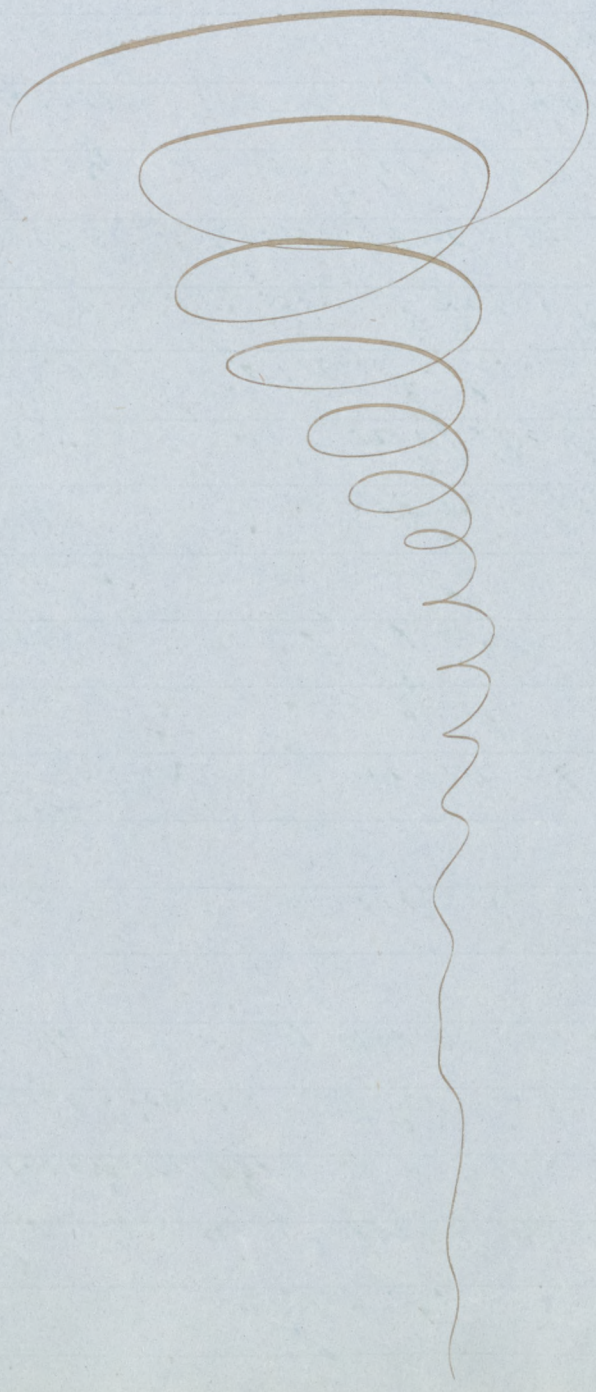
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65 ND
PAGE 8

1839.

*Epediente promovido por el C. Domingo Saens
en pretencion del terreno llamado Cañada de
Herrera.*

167.



J

65 ND
PAGE 9

Pueblo de 1^o Juan de Castro. Sor. Prefecto.
 Agosto 8 de 1839. Domingo Saens, vecindado en jurisdiccion
 Con el consentimiento de la Ex. Misión de S. Rafael, ante V. S.
 informo, elevere al tanto en debida forma comparece y ha oído presente:
 Sor. Gobernador del que. Siendo dueño de bastante numero
 de Ganado vacuno y Caballos, para su
 Seguridad y establecimiento, necesita de la
 propiedad a un terreno p^a este fin, en tal
 virtud acurro a V. S. afín de que en virtud
 sus facultades, se olique concederle el que com-
 prende el diseño que acompaño, llamado
 Cañada de Herrera que tendrá de O. E.
 como una legua y tres cuartos, y de
 ancho tres cuartos de legua más o menos;
 a lindar al N. con el de Sr. Margarita
 y de D. Quintero Murphy; al Sur con
 D. Juan Cooper en el rancho de Temascal; al Este con S. Rafael
 Castro, en el de S. Jeronimo, cuyo terreno esta valdido, y p. tanto.
 A V. S. suplico proveer, segun fusque de Justicia a mi
 presente peticion que hago en papel común por no haber
 de sellado que corresponde suyo lo necesario. Se.
 En Misión de S. Rafael. 1^o de Agosto de 1839.
 Domingo Saens.

Excmo. Sor.
 El terreno que solicita la parte interesada puede ser le
 concedido en propiedad, pues como consta del proceso
 que obtuve de la Comand^{te} militar de la Frontera del Norte
 para ocuparlo, y que obra en este expediente, no parece
 que se perjudiquen la propiedad particular de ningun
 individuo, Pueblo o corporacion.

José Castro.
 Sonoma N.º 21. Sor. Comand^{te} Militar de la Frontera.
 de 1838. Domingo Saens, radicado en S. Mi^{to}
 Puede el interesado ante V. como mejor le convenga, digo: que
 en esta instancia voy pidiendome estubo a establecerme en esta
 en clase de provision Jurisdiccion con mis bienes secudente, y
 al en este extremo nombrado teniendo en que verificarlo por falta
 rarlo la Cañada de de un terreno propio para el efecto, solicito
 Herrera en razon que V. me permita poner mis dichos bienes

9

65 ND
PAGE 10

de estar baldia y no que comenza desde el Temascal por el
pertenencia a propiedad Oriente, hasta rematar contra un Seno
particular. Decreto se que queda al poniente; cuyo terreno lo que
presentara alencargado, endo con sus correspondientes lomas, y como
del establecim^{to} de 1^{ra} antes se manifestado a V. esta Valerio
Pafael que se hara y no pertenecen a la propiedad de panna
saber la pres^{ta} resolucioⁿ alguna. Por tanto.

Puede asi mismo culti. A. N. Suplico se sirva atender a esta
vado interen solcito solcitud de que recien^{te} reconvencio.
del Gal^o Pal^o las docen. Sonoma. N^o 21 de 1838.
tor de propiedad al. Curupal interes ado.

Y panna no se le ponga Aut^o Fern.
impedimento alguno le esta el presente decreto, como en carg
acto de la colonizacion de esta frontera.
M^{no} Vallego.

Iste terreno solcitud, sea llama^{da} Cañada de Herrera
esta baldia de la S^a Misioⁿ de
Sr Pafael. Novem^{bre} 25 de 1838.
Vicente Murphy.

Monte Rey. Agosto 10 de 1839.
Vista la peticion con que da prin
cipio este expediente el informe del Sr Comand^{te} militar
el de el Sr. Prefecto Del 1^{er} Distrito, y todo lo demas que
ver couvius y se tubo presente se Declara al Cui^{no}
Domingo Luens dueño en propiedad del paraje nombra
do Cañada de Herrera, colindante al Norte con el
de Sta Margarita, al Sur con el de el Temascal, al
Este con San Pafael y al Oeste con San. Peronimo, cuyo
terreno es de un sitio de Ganado mayor poco mas o menos
sugestandose a las condiciones que estendian con el titulo.
El Señor. D^o Manuel Luens Casarin primer vocal
propietario de la Decretajina Junta del Depart^o
de las Californias, lo mando. Decreto y firmo de que
Doy fee. Manuel Luens.
Francisco Cañero. Sec.

Oficial Primero.
Monte Rey. 14 de Mayo de 1840.
La da cuenta a la S^{ra} Junta Departamental

en sesión de este día, acordó que pase á la comisión de
agrícola.

José L. Perumuel, Sr.

65 ND
PAGE 11

En veinte y dos del mismo Gobierno lo devolvio la comisión
sacada ter. de la con el dictamen que se acompaña.
aprob^o 24 Julio 1841.

Perumuel.

Monteney trece de Junio de mil ochocientos cuato.

En vista de la aprobacion otorgada en veinte
y dos de Mayo del presente año por la Junta Junta
Departamental, libree testimonio de ella á la parte
de D^o Domingo Saenz en confirmacion del terreno de
Cañada de Herrera que estubo en Agosto año de 1840
p^o p^o = El Sr. D^o Juan B. Atarado, Gobernador
del Departamento de las Californias así lo prorrogo y firmo.
Atarado.

Don Juan B. Atarado

47 sep 4

65 ND
PAGE 12

La comision de agricultura y Comercio me es encargada por V.E. de Determinar los expedientes que en la causa anterior acompaño al Sr. Gobernador y comedidos por el mismo Gobierno y encontrando las copias segun lo actuado e informes y demas y ver se ha podido, propone a la deliberacion de V.E. los articulos siguientes.

Art 1º Se aprueba la concesion hecha por el Gobierno Departamental con fecha 10 de Agosto de 1839. en la persona del Ciudadano Domingo Saens de la cañada de Herrera.

2º que se devuelva al Sr. Gobernador el expediente por las fices convenientes.

Monterrey. Mayo 21 de 1840.

Jose' Rafael Gonzalez. S. Arzuello.

Monterrey 22 de Mayo de 1840.

En sesion de este dia aprueba la Sreuna Junta Departamental los dos articulos con que concluye el Dictamen anterior.

Manuel Jimenez.

Jose' F. Fernandez.

Presidente

Srro.

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

I Samuel A. King, Surveyor General of the United States for the State of California and as such, now having in my office, according my charge and custody a portion of the archives of the former Spanish and Mexican Territory in Department of Upper California Do hereby certify that the ten preceding and hereunto annexed pages of tracing paper, numbered from one to ten inclusive and each of which is verified by my initials (S. A. K.) exhibit true and accurate Copies of certain documents now on file and forming part of the said archives in my office.

In testimony Whereof, I have hereunto signed my name, officially and affixed my private Seal (not having a Seal of office) at the City of

12

Smo. Sr. Gobernador.

4 ref 4

La comision de agricultura y Comercio me es encargada por V.E. de determinar los expedientes que en la Ceca continuan acompañados al Sr. Gobernador y considos por el mismo Gobierno y encontrando las conformes segun lo actuado e informes de Deudas y her se ha podido, proponer a la deliberacion de V.E. los articulos siguientes.

65 ND
PAGE 12

Art 1º Se aprueba la concesion hecha por el Gobierno Departamental con fecha 10 de Agosto de 1839, en la persona del Ciudadano Domingo Saens de la cañada de Herrera.

2º Que se debulla al Sr. Gobernador el expediente por las fines convenientes.

Monterrey, Mayo 21 de 1840.

Jose' Rafael Gonzalez. S. Arquello.

Monterrey 22 de Mayo de 1840.

En sesion de este dia apecho la Smea Junta Departamental los dos articulos con que concluye el Dictamen anterior.

Manl Jimenez.

Jose' F. Fernandez.

Presidente

Sr.

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

I Samuel A. 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 custody a portion of the archives of the former Spanish and Mexican Territory in Department of Upper California. Do hereby certify that the ten preceding and hereunto annexed pages of tracing paper, numbered from one to ten inclusive and each of which is verified by my initials (S. A. K.) exhibit true and accurate Copies of certain documents now on file and forming part of the said archives in my office.

In testimony Whereof, I have hereunto signed my name, officially and affixed my private Seal (not having a Seal of office) at the City of

13

of San Francisco this 20th Day of January, 1852.
Saml D. May,
Surgeon Genl. Cal.

65 ND
PAGE 13

Filed in Office March 2nd 1857.
Geo. Fisher
Secretary.

1839.

Proceedings at the instance of the Citizen Domingo Saens, who solicits a parcel of land called Canãda de Herrera.

Pueblo de San 167.

Juan de Castro To the Honorable Prefect!

Aug 8th 1839. Domingo Saens, a resident of the

jurisdiction of the Ex-mission of San Rafael appears before V.

your Honor in due form & represents,

that as he owns a considerable

number of black cattle & horses,

he wants the right of property of

a parcel of land, for that security

signed Castro. & settles with. Therefore, I have

recourse to V. Honor in order that by virtue of the

authority vested in your Honor, your Honor

may be pleased to grant to me the lands com-

prised within the limits of the accompanying

sketch called Canãda de Herrera, the length of

which if from West to East may be about one

league & three quarters & the breadth of which three

quarters of a league, a little more or less, bordering

towards the North on that of Santa Margarita, the

property of Don Ferminda Muespuy, towards the South

on the property of Dⁿ Juan Cuper in the location

of Temascal, towards the East on San Rafael &

towards the West on the property of Dⁿ Rafael Cacho

near San Gerónimo, which tract of land is vacant

& therefore I beg of your Honor to provide according

to justice as to my present petition, which I have

written on common paper, there not being here any

stamped sheets of the corresponding stamp.

Thus I make oath &

Ex-Mission of San Rafael, August the 1st 1839.

Signed Domingo Saens.

Most Excellent Sir.

The tract of land solicited by the party concerned may be granted to him for property, for as it appears from the submission he obtained of the

65 ND
PAGE 14

C.
Español
Traducción.

65 ND
PAGE 15

Military Commanding authority of the Northern Frontier to occupy it, & to be found in this record of proceedings; it does not seem that any prejudice is implied thereby in the property of any private individual, Pueblo Corporation.

(Signed) José Castro.

Donna Nubra To the Senior Military Commandant of the frontier.

21st 1838.
The party concerned, Don Domingo Sains, solicited in this instance in San Francisco proceed to declare may occupy pre- visionally the tract of land called Caniada de Herrera since it is vacant & does not belong to any individual, he shall appear with this decree, before the party in charge of the establishment of San Rafael, & he will make him acquainted with the present resolution, & he is likewise empowered to cultivate it while he should solicit of the Public Government the documents of property. And in order that he may not meet any obstacle, I have written the present decree as the person charged with the Colonization of this frontier.

before you in the best form of laws, that having resolved to settle on this jurisdiction with my country property & securing a parcel of land suitable for the purpose, I solicit your permission to station my said property in the place called la Caniada de Herrera, which begins from the Termiscal, on the East to a hill which lies on the West, & I intend together with its corresponding hillocks & as I have formerly represented to you is vacant & does not belong to any other party. Therefore I request your present resolution, & I will be grateful to you for it.

Donna Nubra 21st 1838.

At the request of the party.

(Signed) Antonio Peña.

10

This tract of land in request as
called Caniada de Herrera, it
is vacant, of the Ex-mission of
Mariano Guada - lupo Vallejo. San Rafael, Novbr 25th 1838.

65 ND
PAGE 16

(Signed) Simón Muesky.
Monterey August the 10th 1839.

After examining the petition at the head of
these proceedings, the report of the Senior Military
Commandant that of the Prefect of the 1st District
together with whatever else was thought proper to
the purpose, the Citizen Domingo Fainz is declared
the owner in fee of the site called Caniada de Her-
-rrera bounded on the North by the location of San-
-ta Margarita, on the South by that of el Tama-
-cal, on the East by San Rafael, & on the West by
San Gerónimo, which tract of land is of one
square league, (sin sitio de ganado mayor) more
or less, subject to the conditions to be expressed
in the title deed.

Don Manuel Amiano Casanico
1st Member of the Most Excellent Assembly of
the Department of both Californias, ordered,
decreed & signed it, all which I attest.

(Signed) Manuel Amiano
(Signed) Francisco Camarero Arce
Chief Clerk.

Monterey, May the 19th 1840.
After having been presented to the Excellent
Departmental Assembly in to-day's session, the
Assembly decided that it should be referred to
the committee on agriculture.

(Signed) José L. Fernandez. Secretary.
On the 22nd day of same month, the commit-
-tee sent it back with the accompanying opinion.

At testimony of the (Signed) Fernandez.
approval was taken
on the 27th July 1841. Monterey June the 13th 1840.

In consideration of the approbation granted
on the 22nd of May of the present year, by the
Excellent Assembly of the Department, let

65 ND
PAGE 17

a testimony of said approval be delivered to Don
Domingo Saine as a confirmation of the
land of Canada de Herrera, which he obtained
on the 3rd day of August of the year last past.
For Don Juan B. Alvarado, Governor of the
Department of both Californias thus did
order & sign.

(Signed) Alvarado.
Excellent Sir!

The committee on agriculture &
trade conjointly being entrusted by V. E. with
the charge of giving an opinion on the Records
of Proceedings forwarded in the preceding
session by his Excellency the Governor and
granted by the same Government, & the com-
mittee finding them to be consistent, ac-
cording to the juridical proceedings re-
cited & to the reports & every thing else, the
Committee propose to V. E. deliberation the
following articles.

Art 1st. They approve the grant made by
the Departmental Government on the 10th
day of August 1839 to Citizen Domingo
Saine of the Canada de Herrera.

Art 2^o. Let the record of proceedings be return-
ed to his Excellency the Governor for the
convenient purposes.

Monterey, May the 29th 1840.
(Signed) José Rafael González (Signed) S. Arguilla.

Monterey, May the 29th 1840.

The most Excellent the Departmental
Assembly did in their of to-day, approve
the two articles ording the foregoing opi-
-ion.

(Signed) Manuel Ferrero. President.
(Signed) José L. Fernandez. Secretary.

Filed in Office March 9th 1852.
Geo. Fisher. Secy.

18

Canada de Herrera - Domingo Saez. Grant
Sonoma, Justice's Court of Sonoma.

Proceedings instituted for measuring
and giving possession of one & a half square leagues
in the Rancho of la Providencia to the citizen
Domingo Saez on the 16th day of October 1841.

65 ND
PAGE 18

Translation

Judge - D^o Salvador Vallejo
Assistant witnesses - D^o Fernando Feliz.
D^o Rafael Garcia.

D

Manuel Amine Gasarin first proprietary
member of the Excellent Junta of the Depart-
-ment of both Californias, at present exercising
the Government of the same.

Whereas the citizen Domingo Saez
has petitioned for his personal benefit & that of
his family the tract of land known by the name
of Canada de Herrera or Herrera's Glen,
bordering towards the North towards the
lands called Santa Margarita, towards the
South on that of the Simascal, to the East
on San Rafael & to the West on that of San
Geronimo, the concerning investigations
being previously performed according to the
provisions 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 to him the aforementioned
tract of land, declaring by this patent the
same to be his property, subject to the appro-
-val of the Excellent Junta of the Depart-
-ment & under the following conditions:
1st He may fence it without obstructing the
roads, paths & arroyos, he shall enjoy it free-
-ly & exclusively, appropriating it to the use
or cultivation that may best suit him, but
within one year he shall build a house there-
-on & it shall be inhabited.

2nd He is to solicit of the respective Judge to
give him judicial possession by virtue of this
patent, by whom the boundaries are to be marked

65 ND
PAGE 19

placing thereon, besides the necessary landmarks, some plants of fruit trees or forest trees but of some utility.

3^d. The tract of land mentioned is of a league & a half square, more or less, as appears from the sketch accompanying these proceedings, the judge who may give possession of it will cause it to be measured according to ordinance, the surplus resulting, remaining at the disposal of the Nation, for common uses.

4th. If he should transgress these conditions he shall lose his right to the land, & shall become liable to denunciation by any other party.

Therefore I order that the present title deed, being held as firm & valid, the same be entered in the corresponding book, & be returned to the party concerned for his own security & every other purpose.

Given in Monterey on the tenth day of August 1839.

(Signed) Manuel Amador.

(Signed) Francisco Arce. Chief Clerk

A proper entry of this patent has been made in the book on adjudications of common & unoccupied lands on the 10th sheet, "foja".

Juan Bautista Alvarado, Constitutional Governor of the Department of both Californias.

The Excellent Departmental Junta by a resolution of the 22^d day of May of last year, approved of the opinion of the Committee on Agriculture that took cognizance of the proceedings instituted about the tract of land known by the name of Cañada de Herrera, adjudged to the party of Dⁿ Domingo Sanz, the concluding article of which opinion runs so: They approve the grant of the Cañada de Herrera.

310

3/84

20

made by the Department of Government on the 10th day of August 1839 to the person of the Citizen Domingo Suarez.

And by virtue of the decree of June the 13th 1840 appearing in the mentioned proceeding, the present document is delivered to the aforesaid Citizen Domingo Suarez for his security.
Mexico July 27th 1841.

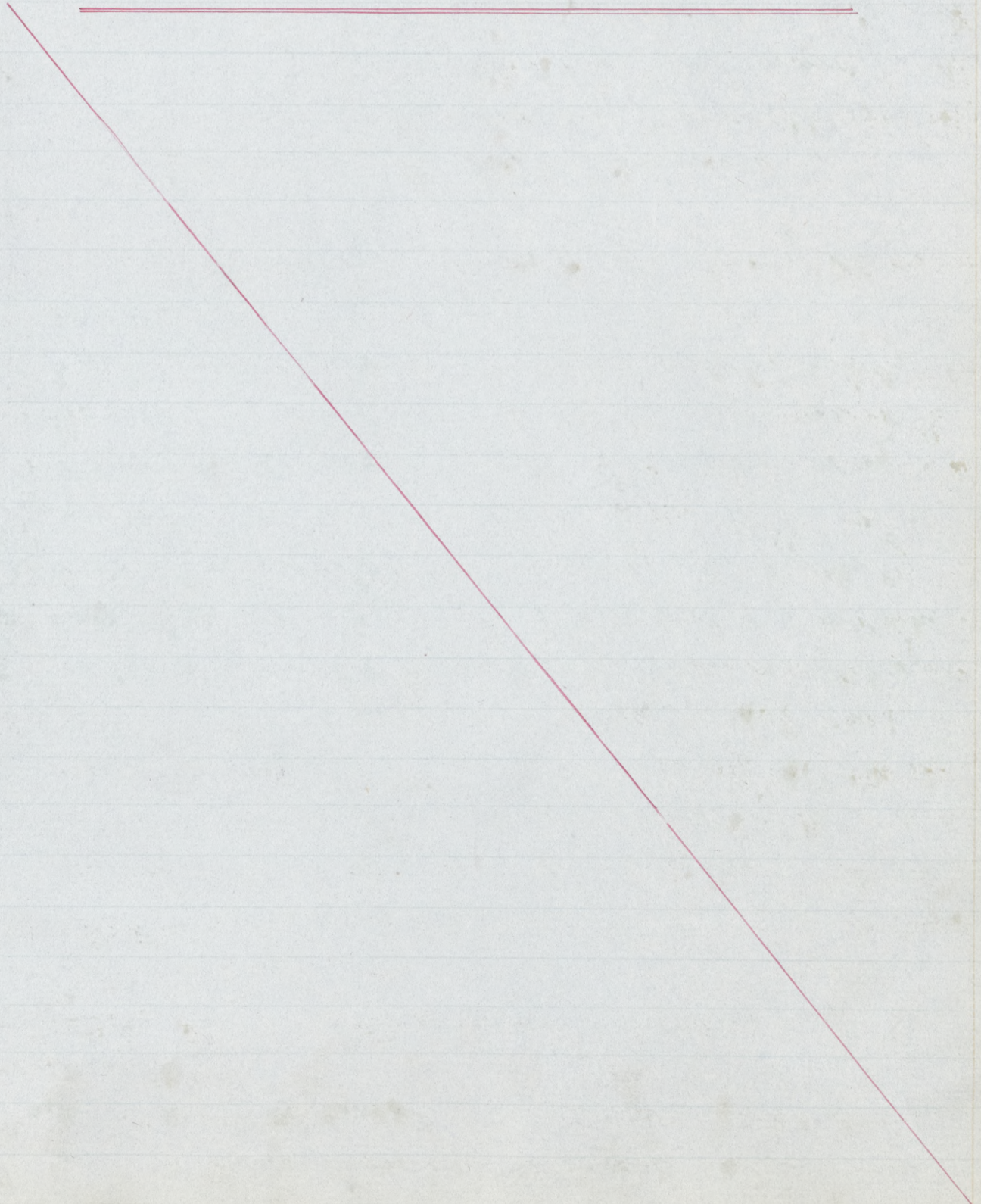
65 ND
PAGE 20

(Signed) Alvarado.
(Signed) Manuel Jimeno.
Secretary.

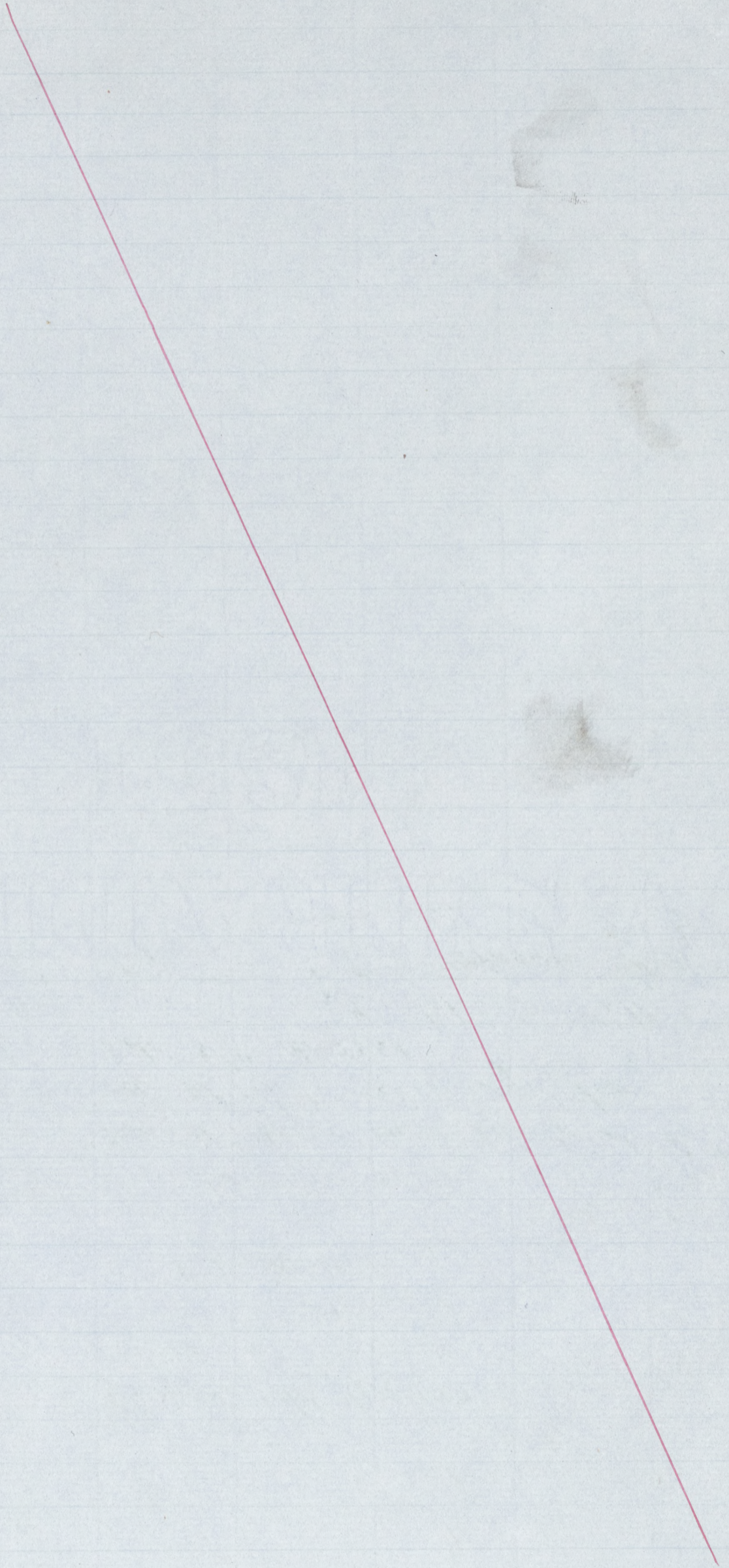
Filed in Office March 2nd 1852.

Geo: Fisher.
Secy.

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21



Expediente Cas. 84
2236 folios \$ 6. 48

65 ND
PAGE 21

Juzgado de Sonoma.

Expediente

Instruido p^r medir y dar posesion de un sitio y
medida de Tomado Mayor en el Rancho de la
Providencia al ciud. Domingo Suez.
el dia 16 de 8^{to} de 1841.

Suez. D. Salvador Vallejo.
Testigos de ova. D. Fernando Feliz.
D. Manuel Garcia.

Sello Primero seis pesos.

Habilitado provisionalmente por la aduana marítima de Monterrey en el Departamento de las Californias para los años de 1839 y 1840.

Atarado.

Ant^o M^o Cid.

65 ND
PAGE 22

(Seal)

Manuel Jimeno, Casarín 1^{er} Vocal propietario de la Junta del Departamento de las Californias en ejercicio del Gobierno del mismo.

Por cuanto el ciudadano Domingo Saenz ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Cañada de Herrera, colindante al Norte con el terreno llamada Santa Margarita, al Sur con el del Temascal, al Este con San Rafael y al Oeste con el de San Geronimo, practicadas previamente las diligencias y abenquecimientos correspondientes según lo dispuesto en leyes y reglamentos, usando de las facultades que me son conferidas a nombre de la Nación Mexicana, he venido en concederle el terreno mencionado, declarándole la propiedad de él por las presentes letras, sujetándose a la aprobación de la Junta Departamental y a las condiciones siguientes.

1^o Podrá cercarlo sin perjudicar las traversas y caminos y servidumbres, lo disfrutará libre y voluntariamente destinándolo al uso o cultivo que más le convenga, pero dentro de un año, fabricará casa y estará habitada.

2^o Solicitará del Jefe respectivo que le dé posesión jurídica en virtud de este despacho, por el cual se demarcarán los límites en cuyos límites, podrá a más de las maderas algunas arboles frutales o árboles de alguna utilidad.

3^o El terreno de que se hace mención es de un sitio y medio de Gavado mayor poco más o menos según explica el oficio que corre en el expediente; el Jefe que otorga la posesión lo hará medir conforme a ordenanza; quedando el sobrante que resulte a la nación para los usos convenientes.

4^o Si contraviere a estas condiciones perderá su

como al terreno y su demarcacion por otros.

En consecuencia mandó que se usen por firme y Valerino este título de tome razon de el en el libro respectivo y de entregue al interesado para su resguardo y deudas firmes. Dado en Monterrey a diez de Agosto de mil ochocientos treinta y nueve.

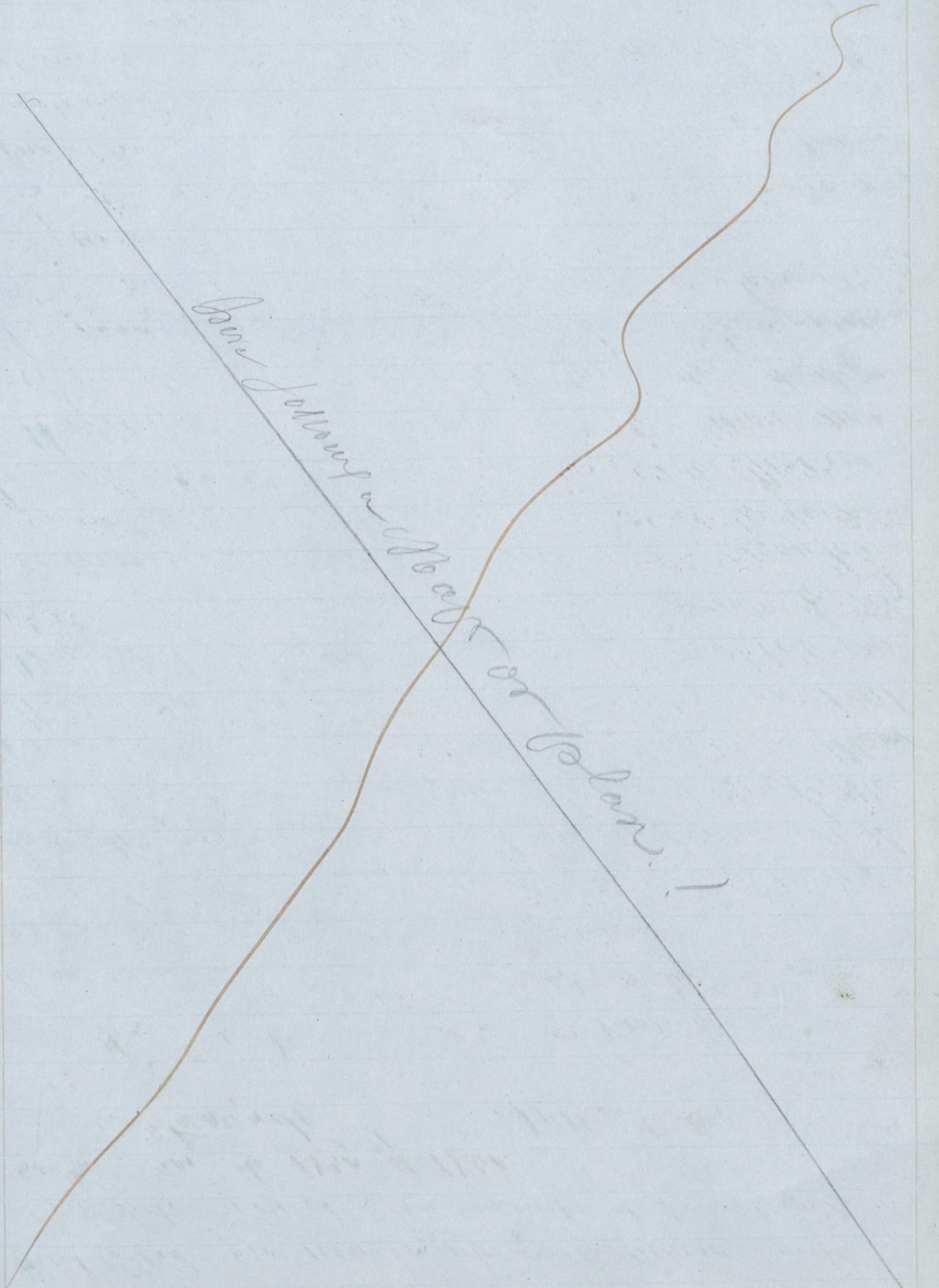
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Man^l Juncos.

Fran^{co} Añe. Oficial Primero.

65 ND
PAGE 23

Queda tomada razon de este Despacho en el libro de acientos de adjudicaciones de terrenos Palacios a favor de Añe.



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25

mes 5

65 ND
PAGE 23

su derecho al terreno y sera denunciado por otro.

En consecuencia mandó que teniendose por firmes y validos este titulo se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey a diez de Agosto de mil ochocientos treinta y nueve.

Man Jimeno.

Fran^{co} Mee. Oficial Primero.

Queda tomada razon de este despacho en el libro de asientos de adjudicaciones de terrenos Salstios a favor de Mee.

Done J. Jimeno a cargo de Fran^{co} Mee.

Sello Forero Los Reales.

Habilitado provisionalmente por la aduana marítima del Puerto de Monterrey en el Departamento de las Californias para los años de mil ochocientos Cuarenta y mil ochocientos Cuarenta y uno.

Simeno.

Antonio María Esid.

Manuel Simeno, Asesor Secretario del Gobierno del Departamento de las Californias.

(Seal)

Certifico que el diseño que se demuestra á la vuelta es igual del original que corre agugado al Expediente de Dⁿ Domingo Saenz, el que es Designo del paraje nombrado Cañada de Herrera, cuyo expediente existe en esta S^{ra} de mi cargo. Y para los fines que le convengan al interesado estendiendo la presente en Monterrey a veinte y seis de Julio de mil ochocientos Cuarenta y uno.

Manuel Simeno.

Sello Forero Los Reales.

Habilitado provisionalmente por la aduana marítima del puerto de Monterrey, en el Departamento de las Californias, para los años de mil ochocientos Cuarenta y mil ochocientos Cuarenta y uno.

Simeno.

Antonio M^o Esid.

(Seal)

Juan B. Alvarado, Gobernador Constitucional del Departamento de las Californias.

La Junta Departamental en acuerdo del día 22 de Mayo del año p^o p^o ap^o aprobó el Dictamen de la comisión de agricultura que concierne en el expediente instruido sobre el terreno conocido con el nombre de Cañada de Herrera, adjudicándolo a la parte de Don Domingo Saenz, cuyo artículo con que concluye dice así:

"Se aprueba la concesion hecha por el Gobierno Departamental con fecha 10 de Agosto de 1839 en la persona del C. Domingo Saenz de la Cañada de Herrera. Y en virtud del Decreto de trece de Junio del año

3
27

de mil ochocientos Cuarenta constante en el expediente
referido de letra el presente al Excmo Sr. Domingo
Saenz para su resguardo. Monterey Bay de Julio
de 1821.

Strarado.

Man Jimeno. Srío.

Sello Tercero Dos Reales.

Habilitado provisionalmente por la Duana marítima
del Puerto de Monterey, en el Departamento de las
Californias para los años de mil ochocientos Cuarenta
y mil ochocientos Cuarenta y uno.

A un año.

Maria Osio (Aut.)

(Seal)

S. Comandte Militar y Encargado de la
Jurisdiccion de la frontera del Norte.

Domingo Saenz, Vecino de esta Jurisdiccion, dueño
del Rancho de la Presidencia, como mejor proceza en
Dño. ante V. pareces y digo: que como consta del título
que presenta con la solemnidad y juramento necesario
tengo en mi Dño rancho uno y medio de leguas
mayor, bajo los linderos que espresa Dño título, y por
necesito p^a que en todo tiempo comte, hasta donde
llegan, y si me perjudican y perjudico a algunos de
las circunvecinos a ellos, se ha de servir V. mandar
y precebiendo las diligencias o costumbres de averiguar
vista de ojos y reconocimiento, se proceda con citacion
de los circunvecinos a la medida de mis Dñas tierras.
pa cuyo efecto nombro Vered^o ahora y p^a cuando el
caso llegue p^r mediador a D^o Ant^o Ortega, vecino
de esta Jurisdiccion, inteligente en la materia, y a los
Vecinos que fueron interesados nombren p^r la suya
a otros medidores y habiendo lo echo así, lo que
nombren con el referido Ortega p^r mi nombrado
aparezcan y acepten y juren en su conformidad
la medida a Dñas medidas.

P. A. V. suplico que habiendo y p^r presentado
estos Dños Documentos se sirva mandar traer
como llevo pedido que sea si me deservian Dñas
recompensas con las diligencias originales que se hicieron.
Sello Tercero Dos Reales.

65 ND
PAGE 25

Habilitado provisionalmente por la Aduana maritima del puerto de Monterrey, en el Departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Simone.

Antonio M^o Oro.

(Seal) p^o en guarda de mi Dho. este escrito, y todo lo necesario.

Providencia. 8^{to} 12 de 1841

Amigo de l'interesado.

Domingo Saenz.

Jg^o Pacheco.

En el pueblo de Sonoma, a diez de Octubre de mil ochocientos cuarenta y uno, Ante mi, el Ciu^o Salvador Vallejo, encargado de Justicia de esta Jurisdiccion, se lego esta peticion y vista la hubi por presentada con el Docum^{to} que espresa, y mande que con citacion de los circunvecinos se haga informacion de identidad, vista de ojos y reconocimiento de Dhas tierras a q^e estoy p^ovido a asistir personalmente. Asi lo provoy, mande y firme con los de mi Dha.

Salvador Vallejo

asa. Rafael Garcia.

asa. Fernando Jesus.

En el Pueblo de S^o Rafael, a catorce de Octubre de mil ochocientos cuarenta y uno, yo el referido Juez con los de mi asist^a para proceder a la informacion de identidad me parecieron ante mi al Ciu^o Gregorio Orriue, vecino de esta Jurisdiccion, de Oficio Labrador, del cual recibí juramento q^e hizo por Dios y la Señal de la Cruz en firma a cargo del cual prometio decir verdad y decir preguntado por el conocimiento de las tierras y parajes, terminos y linderos pertenecientes al rancho de la Providencia o Camada de Herrera Dyo, que hace cuatro años es vecino de esta Jurisdiccion, y sabe q^e las tierras pertenecientes a Dho rancho son del Ciu^o Domingo Saenz y tiene por linderos, al N. el terreno llamado S^o Margarita al S. el temascal al E. S^o Rafael y al O. el de S^o Jeronimo, que las ha visto y reconocido varias veces, y q^e desde que la posee el referido Domingo Saenz, las ha labrado, cultivado,

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29

65 ND
PAGE 27

y han pastado en ellas sus Ganados, y para prueba de lo q. tiene dicho, esta pronto a ir a Dhas tierras con el p^{te} Juez y señalarle los parages, terminos y linderos cuando llegan, y q. lo que lleva Dho esta verdad p^r el juramento que tiene hecho en q. se apruio y ratificó. Declaro ser de treinta y nueve años de edad. y notarle las generales de la ley. y firmo con miq. y los de esta.

Gregorio Arriónes.

Salvador Valdeyo.

así.

Rafael Garcia.

así. Fernand^o Jesús.

En el mismo pueblo, dia mes y año, yo el referido Juez con los de mi asta p^a proceder a la informacion de sientidad hizo parecer ante mi al Ciudadano Ygn^o Pacheco vecino de esta Jurisdiccion de oficio Labrador, del cual recibí juramento que hizo p^r Dios y la Señal de la Cruz en forma de Decir Verdad. y preguntado p^r el cumplimiento de las tierras y parages, terminos y linderos pertenec^{te} al rancho de la Providencia o Cañada de Herrera. Dijo que hace siete años que es vecino de esta Jurisdiccion, y sabe que Dhas tierras son del Ciudadano Domingo Saez y tienen por linderos, al N. Sta. Margarita al S. el Ferruscal; al E. Sr. Rafael y al O. los de Sr. Jeronimo, que las ha visto y reconocido varias veces y que desde que las posee el referido Domingo Saez las ha labrado y cultivado y han pastado en ellas sus ganados, y para prueba de lo que tiene Dho. esta pronto a ir a Dhas tierras con el p^{te} Juez y señalarle los parages, terminos y linderos cuando llegan; y que lo que lleva Dho. es la verdad p^r el juramento que ratificó tiene hecho en que se apruio y ratificó. Declaro ser de treinta y ocho años de edad, y notarle las Generales de la ley.

Ygn^o Pacheco.

Salvador Valdeyo.

así. Rafael Garcia.

así. Fernand^o Jesús.

En el mismo pueblo, dia mes y año yo el referido Juez con los de mi asta. hizo parecer ante mi al Ciudadano Virnoteo Murphy, vecino de esta Jurisdiccion, de oficio Labrador del cual recibí juramento que hizo p^r Dios y

y la Señal de la Cruz en forma a cargo del cual prometió
Decir Verdad y preguntado por el conocimiento de las
tierras, terminos y linderos pertenecientes al Rancho de la
Providencia, conocido con el nombre de Carrizal
de Herrera Dijo; que hace cinco años que es vecino de
esta Jurisdiccion, y sabe que las tierras pertenecientes a Dho Rancho
son del Ciudadano Domingo Salz, y tienen por linderos; al
N. el de Sta Margarita al S. el de Temascal, al E. Sr
Pascual y al O. Sr Jeronimo que las ha visto y conocido
varias veces y que desde que las posee el referido Dom-
ingo Salz las ha labrado y cultivado y han producido
en ellas sus Ganastos y p^a prueba de lo que tiene
Dho. esta pronto a ir con el presente Juez y señalarle
los parages, terminos y linderos donde llegan, y que lo
que lleva Dho es la verdad por el juramento que tiene hecho
en q^e se apivuso y ratificó. Declaro ser de cuarenta
y seis años de edad, y no tocarle las generales obli-
g. oja. Jimoteo Murphy.

Salvador Nallejo. ana.

Pascual Garcia.

Peruando Sesos.

Estando en el campo, en el parage nombrado Laguna
del Temascal, terminos de la Providencia a quiniete
de octubre de mil ochocientos Cuarenta y uno, y el Juez
actuando por receptoria, con dos testigos de asistencia
por falta de ventano publico los testigos por mi camino
actos parte el Ciudadano Domingo Salz, Dueno de Dhas
tierras y los cc. Jimoteo Murphy, Juan Cooper
y Pascual Castro, Coleudantes y circunvecinos
puesati a ver y reconocer las tierras de Dho Rancho, y
por mas claridad puesto a caballo, en camp^a detras
las partes y testigos referidos, cuando a las tardes
me juntaron los parages, terminos y linderos de
ellas segun las Señales que han declarado en sus
Deponiciones, y en su conformidad quisieron al portiguete
de Sr Jeronimo, dejando al S. el camino de los
Bancos, de alli siguieron al E. entre la Carrizal
de Herrera y Sta Margarita y al fin enseñaron
el lugar que desde las tierras de la Mision
y las de la Providencia, y dijeron ser las mismas

terminos y linderos de las espasadas tierras, pertenecientes a Domingo Saz; cuyos parajes yo el referido Saz vi y reconocí con los de mi asfo. testigos nombrados y papeles presentados y coligados con ellas el referido reconocimiento, es cierta la identificación de las mencionadas tierras segun y como lo declararon Dhas testigos, los cuales se hallaron todos reunidos, y entre ellos los coludantes y circunvecinos y haber solicitado unidamente tanto como el Dueño de la Proridencia que se procediere inmediatamente a las medidas del mencionado rancho sin que precediesen las Diligencias de notificación de Dicho. notificación de nombramiento de medidores (las cuales se hallaban tambien presentes) notificación de autos a los coludantes y medidores, citación de partes, libramiento de boleta etc. por estar todos conformes, y queriendo tanto el tiempo posible a causa de la interrupción que sufrían sus trabajos, accediendo a su petición y conviene en que se procediese desde luego a las medidas; y que conste, y no haya reclamo por parte del interesado o circunvecinos, cuando se ponga por Diligencia y se firmen conmigo y los de asfo. todos los presentes que supieron.

Domingo Saz.

Virantes Murphy.

Rafael Cacho, Antonio Ortega.

Salvador Valled. etc. Rafael Garcia. etc. Perud' Sesid.

En el Rancho de la Proridencia a retiro continuo, presenté el curid. Domingo Saz y circunvecinos a Dhas tierras suje comparecer ante mi y los de mi asfo a las 11. Antonio Ortega y Santiago Barry, medidores nombrados y habiendoles tomado juramento en forma los mencio, metieron un cordel de sus medidas por de cuatro palmas castellanas, lo que verificaron fiel y legalmente a vista y presencia del interesado y circunvecinos, y dieron principio a la medida del sitio y medio de Ganado mayor que poseen o menos total y pertenencia al rancho Dho. segun el título y Dicho presentado y enpegado por el dicho de dicho Sr. Rafael y la Proridencia, caminando hacia el N. O. y llegaron al porteyuelo de Sta

Margarita con cincuenta cordeles en cuyo punto levanto el terreno un monton de piedras en señal de posesionera que alli pondra en efecto; de este punto siguiendo la medida p^a la lanchilla que divide la cañada de Herrera de Sto. Margarito rumbo O. Llegaron con treinta cordeles al portezuelo de S^o Geronimo, donde p^a poner la correspondiente señal p^a poner alli tambien su posesionera respectiva; y se prosiguió midiendo rumbo O. N. hasta el portezuelo de la Lagunita con sesenta cordeles donde asi mismo puso otra señal p^a levantar alli otra posesionera y continuando hacia el S. E. Llegaron con cincuenta cordeles al camino de las Chautenes y Tomando el arroyo, pasaran p^a la laguna del tóvaral y llegaron rumbo E. al mismo punto de donde empezaron a medir, con diez cordeles y alli le puso la ultima señal de posesionera. De manera que dando se p^a concluir la medida del terreno que comprende el rancho de la Providencia, del respectivo Domingo Say, en forma de un poligono de siete mil v^os de longitud y mil doscientos cincuenta de latitud, y declararon las enunciadas medidas estar enteras al civil Domingo Say de las tierras que le corresponden segun el titulo y D^o que se hallan a la cabeza de este expediente. Por todo lo cual y en señal de rotatoria posesion y ceremonial a costumbre, arrancó piedras y yerbas, y tiro p^a los cuantos vecinos en manifestacion de su legal y legitimo posesion q^e tiro p^a si. En consecuencia el referido Jefe mandó que para mas claridad de las lindes que han expresados hizo a su costa y mandó hacer unas cuerdas de piedra y cal; en atda de mas de para p^a que en todo tiempo conste, reconocan y queden p^a terminos y lindes de sus tierras p^a los demas circunvecinos de ellas, y de haberse efectuado estas medidas quietas y pacificas sin contradiccion de persona alguna. Lo qual p^a testimonio y el referido Jefe con las de mi atda. lo de haber pasado como Dho. es y las expresadas medidas han sido practicado a todo el legal y saber y entender de las medidas, segun dispusieron, sin dolo, fraude ni engano en contra de ninguno

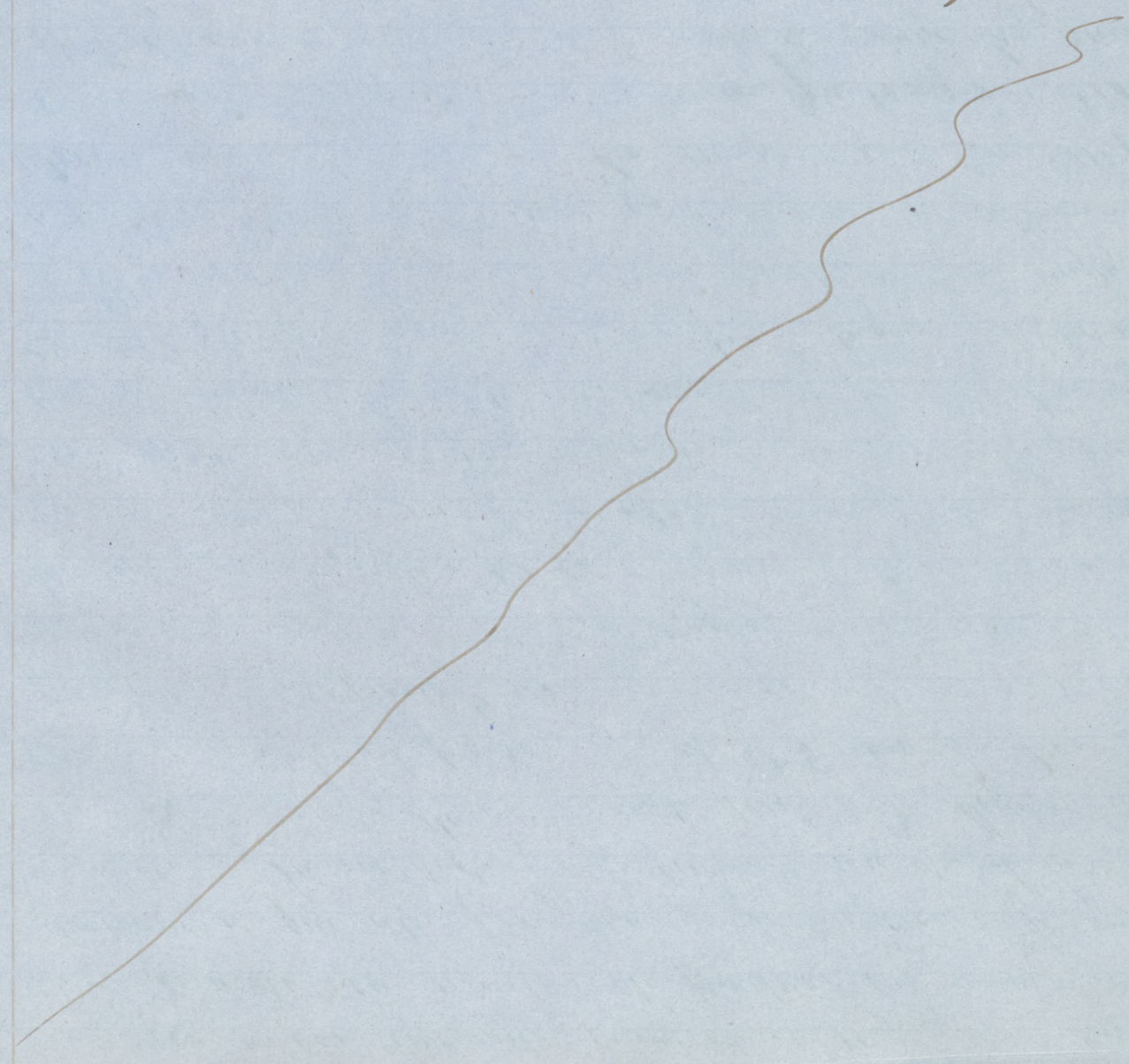
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33

persona y p^a mas seguridad y ratificacion del Juuamento
que tienen hecho, firmuado con miyo y los de mi asta.
Domingo Suez. Timoteo Murphy. Rafael Caero.
Antonio Ortega. Salvador Valleyo.
asta. Rafael Garcia. asta. Poruan^o Jero.

65 ND
PAGE 31

En vista de hallarse concluido este Expediente en q^e consta
haberse dado posesion Juridica del caudal nombrado
Providencia, o Sentencia de dos millas de este pueblo
al Ciudad^o Domingo Suez q^e lo tomo p^r si, entreguandole a la
parte el Original pa los usos q^e le conuengan, con los d^eve
requisitos q^e presenta. El Ciudad^o Salvador Valleyo, encargado
de justicia de esta Jurisdiccion actuando p^r receptoria con
dos testigos de asta. p^r falta de Escribano publico asi
lo procei mande y firme a diez y seis de ~~bre~~ de
mil ochocientos Cuarenta y uno.
Salvador Valleyo.
asta. Rafael Garcia. asta. Poruan^o Jero.

Filed in Office Decem^r 28th 1852.
Rev. Fisher.
Secy.



22

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

22

481

34

65 ND
PAGE 32

Domingo Sainz. Providencia. Judicial Pos-
-session - Exhibits No. 1. to deposition of José Ab-
-rego - No. 1. 1. -

Sonoma, Justice's Court of Sonoma.
Proceedings instituted for measuring & giving
possession of one & a half square leagues on
the rancho of la Providencia to the citizen Domingo
Sainz on the 16th day of October 1841.

Doe No. 1. J. Not. Judge -
Depo - of José
Abrego.

D^o. Salvador Vallejo
annexed to the Assisting witnesses { D^o. Fernando Feliz.
D^o. Rafael Garcia.
Manuel Amador Casarin, first proprietary member
of the Excellent the Junta of the Department of both
Californias. at present exercising the Government
of the same.

Whereas the citizen Domingo Sainz
has solicited for his personal benefit & that of his
family the tract of land known by the name of
Canada de Herrera, bordering towards the North
on the lands called Santa Margarita, towards the
south on that of the Temascal to the east on
San Rafael & to the West on that of San Jeronimo,
the corresponding investigations being previously
performed according to the provisions 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 to him the
aforementioned tract of land, declaring by this
patent the same to be his property, subject to the
approval of the Excellent Junta of the Department
under the following conditions.

1st He may find it without obstructing the roads
paths & servitudes; he shall enjoy it fully and
exclusively, appropriating it to the use or cul-
-tivation that may best suit him, but within a
year he shall build a house thereon & it shall
be inhabited.

2nd He is to solicit of the respective Judge to give
him judicial possession by virtue of this patent,
by whom the boundaries are to be marked, placing

thereon, besides the necessary land marks some plants of fruit trees or forest trees but of some utility.

3rd The tract of land mentioned is of one and a half square leagues, more or less, as appears from the sketch accompanying these proceedings, the title who may give possession of it will caused it to be measured according to ordinance, the surplus resulting, remaining at the disposal of the nation, for convenient uses.

4th If he should transgress these conditions he shall lose his right to the land, & shall become liable to denunciation by any other party.

Therefore Order that the present little deed being held as firm & valid, the same be entered in the corresponding book, & be returned to the party concerned, for his own security & every other purpose.

Given in Monterey on the tenth day of August 1839.

Manuel Amores. Francisco Arce. Chief Clerk.

A proper entry of this patent has been made in the book on adjudications of common unoccupied lands on the tenth folio.

Juan Bautista Alvarado, Constitutional Governor of the Department of both California.

The Excellent Departmental Junta by a resolution of the 22nd day of May of last year approved of the opinion of the Committee on Agriculture that took cognizance of the proceedings instituted about the tract of land known by the name of Cañada de Herrera, adjudged to the party of Don Domingo Sanz the concluding article of which opinion runs so. The approve the grant of the Cañada de Herrera made by the Departmental Government on the 10th day of August 1839. to the person of the citizen Domingo Sanz.

And by virtue of the decree of June the 13th 1840. appearing in the mentioned proceeding, the

36

65 ND
PAGE 34

present document is delivered to the aforesaid
Citizen Domingo Saenz for his security.

Monterey July 27th 1841.

Alvarado. Manuel Jimeno. Secretary.
To the Military Commander & Civil Authority of
the Northern frontier.

I Domingo Saenz, a subject of this
jurisdiction & owner of the rancho de la Providencia
appear & state before you Honor in the best manner
according to law, that, as I am the owner of the
rancho of one & one half leagues, as it will appear
by the title deed, which I herewith present solemnly
& with the necessary oath, within the bounds
expressed in said title, & as I want to have it
appear for all subsequent time, how far they go,
& if I would be prejudiced or would prejudice any
of my surrounding neighbors, it is necessary
for you to order, that after the customary act of
identity, ocular inspection & recognizance pro-
ceedings should be taken, summoning at the same
time the surrounding neighbors, to measure my
said lands, to which purpose I nominate now, &
for the time when it shall come on, as measurers
Don Antonio Ortega a resident within this jur-
isdiction & who is expert in this matter (I propose)
that the other persons, who might be interested,
appoint for themselves, other measurers, & that, it
having been done so, those whom they shall appoint
together with said Ortega, as my referees appear,
accept their commission, swear & conformably pro-
ceed to take said measure. Therefore I pray
your Exc. that after the presentation of this document
you might be pleased to order to do as prayed for,
& that after the necessary proceedings to transfer
to me said title with the original proceedings,
which shall be taken thereon in order to protect
me in my right.

This writing and all that is necessary etc etc -

Providencia October 12th 1841. Domingo Saenz
In the name of the interested party. Ignacio Pacheco

65 ND
PAGE 35

In the Pueblo of Sonoma on the 13th of October 1841
before the citizen Salvador Vallejo the Judge of this
jurisdiction this petition was read, & having seen pre-
sented with the document, which it expresses, I hereby
order that by summoning the surrounding neigh-
bors, the information of identity, ocular inspection
& recognition of said land be had, when I will be
ready to assist personally. So I have decreed, ordered
& signed with my witnesses of assistance.

Salvador Vallejo

ass Rafael Garcia. Fernando Felix
In the Pueblo of San Rafael on the 14th October
1841, the said Justice, with my witnesses of as-
sistance, in order to proceed to the information
of identity, made appear before me the Citizen
Regencia Priores, a resident within this jurisdic-
tion, by profession a farmer, to whom I admin-
istered the oath, which he swore in the name of
God & the sign of the cross, by which he promised
to speak the truth, & being asked whether he
knew the land, & places, boundaries & limits,
belonging to the rancho de Providencia or Ca-
nada de Herrera, he said, that he was a
resident within this jurisdiction these four years, &
that he knows the lands belonging to said Rancho
of the citizen Domingo Saenz, & that they
have for their boundaries on the North the
land called Santa Margarita, on the South the
Sanmascal, on the East San Rafael, on the West
the land of San Geronimo, that he has seen &
recognized them various times, & that since the
before mentioned Domingo Saenz is in
possession thereof, he has worked on it, has cultivated
& pastured his cattle on it. And thus in order to
prove what he has said he is ready to go upon said
land with the present Judge, & to show him
where said places, boundaries & limits go to, &
that what he has said is the truth, in compliance
with the oath he has taken, & under which he signed

Here follows a map

38

65 ND
PAGE 36

and satisfied it. He declared himself to be thirty nine years of age & that the disabilities of the law did not affect him, & signed it with me & the assisting witnesses.

Salvador Vallejo.
Gigorio Bories. ass Rafael Garcia.
ass Fernando Felix.

In the same public day, month & year, the aforesaid Judge with my returns of assistance in order to proceed to the information of identity made appear before me the citizen Ignacio Pacheco resident of this jurisdiction by profession a farmer, to whom I administered the oath, which he took in the name of God & the sign of the cross, to speak the truth, & being asked if he knew the land, places, limits & boundaries belonging to the Rancho de Providencia or Canada de Herrera, he answered that he had been a resident of this jurisdiction since seven years, & knows that said lands belong to the citizen Domingo Sanchez & have for boundaries: towards the North Santa Margarita, towards South the Samascales, towards the East San Rafael & towards the West San Geronimo, that he has seen them & recognized them various times & that, since the aforesaid Domingo Sanchez is in possession thereof, he has worked & cultivated & pastured his cattle on them. And that in order to prove what he has said, he is ready to go to said land with the present Judge, to show him & point him out the places, limits and boundaries & where they run to, & that what he has said is the truth according to the oath he has taken, by which I signed & satisfied this. He declared himself to be 38 years of age & that the disabilities of the law did not affect him.

Salvador Vallejo.
Ignacio Pacheco. ass Rafael Garcia.
ass Fernando Felix.

In the same public day, month & year, the aforesaid Judge, with my assisting witnesses made appear before me the citizen Simoteo Murphy, a resident

within this jurisdiction, by profession a farmer, to whom I administered oath which he swore in the name of God & the sign of the cross in due form, by which he promised to speak the truth, and he being asked if he knew the lands, limits & boundaries belonging to the Rancho de la Providencia, known under the name of Canada de Herrera, answered that it is five years that he is resident within this jurisdiction, that he knows that the lands appertaining to said rancho belong to the citizen Domingo Saenz & have for boundaries, towards the North the land of Santa Margarita, towards the South that of Tamascal, towards the East San Rafael & towards the West San Geronimo, that he has seen & recognized them at different times & that since the aforesaid Domingo Saenz possesses them, he has worked & cultivated them & has pastured his cattle on it, & in order to prove what he has said, he is ready to go with the present Judge & to point him out the places, limits & boundaries where they run. And that what he has said is the truth according to the oath which he has taken under which he signed & satisfied this. He declared himself to be forty two years of age, & that the disabilities of the law did not affect him.

Salvador Nallejo. as Rafael Garcia.
 Eusebio Murphy. Fernando Feliz
 Being in the country on the place called Laguna del Tamascal, the boundary of the Providencia on the 15th of October 1841. The Judge acting by delegation with two witnesses of assistance, in want of a Notary Public, & the witnesses by me examined in the presence of the citizen Domingo Saenz, the owner of said land, Citiz Eusebio Murphy, Juan Cooper & Rafael Cacho as bordering & surrounding neighbors, proceeded to look over & inspect the lands of said rancho, & to see it all the clearer, went on horseback, in company of all the parties & witnesses aforesaid, & ordered the same to show me the places,

40

65 ND
PAGE 38

limits & boundaries of it according to the marks upon which they declared in their depositions, & they in conformity therewith led us to the Portals of San Geronimo, leaving to the South the road from the Paulenes, from there they went along eastward between the Canada de Honora & Santa Margarita & finally they pointed out the place which divides the lands of the Mission & those of Providencia, & said that those were the last limits & boundaries of the said lands belonging to Domingo Sanz the places of which the aforesaid Judge saw & recognized with my assisting witnesses, with the examined witnesses & according to the printed documents. And having compared the said recognizance with such documents I find the identity of the aforesaid lands certain, according to & in the manner as said witnesses declared it, & they in order to find themselves altogether & among them the surrounding neighbors & having unanimously solicited, they as well as the owner of the Providencia, that the proceedings would immediately be taken for the measurement of said rancho, without having the customary proceedings of notification of the map, satisfaction of the appointment of the measurers (who were also present) notification of the decree to the surrounding neighbors and measurers, citation of parties, delivery of summons etc. In order to act conformable & to save all the time we possibly could because of the intemperance which their labor might suffer, I acceded to their petition & permitted them to proceed forthwith to the measurement; & in order that this be manifest and no exception be taken by the interested party & neighbor. I ordered this to be attested, & that all those present persons should sign their names, with me & those of my assistants, who knew about it.

Francisco Murphy. Domingo Sanz &

Rafael Coche & Antonio Ortega.
 ass. Rafael Garcia. Fernando Feliz.
 Salvador Vallejo.

In the Rancho de la Providencia & in continuation of said act, in the presence of the citizen Domingo Suenz & of the surrounding neighbors of said land, I made appear before me & before my witnesses of assistance Messrs Antonio Ortega & Santiago Barry, appointed assessors, & after having them administered the formal oath, ordered them to measure a line of fifty varas (each vara) four Spanish hand breadth in length, which they did faithfully & legally in sight & in presence of the interested party & neighbors & commenced the measurement of the league & on half, which, being a little more or less, takes & belongs to said rancho according to the title & map presented, & beginning on the boundary which divides San Rafael de la Providencia & going towards North West they arrived at the Portezuelo de Santa Margarita with fifty lines, on which point the interested party erected a pile of stones as a sign of the land mark, which he would afterwards really place there; from that point following the measurement for the (knife²) which divides the Comada de Herrera from Santa Margarita, & West, they arrived with twenty lines at the Portezuelo de San Gueronio, where he put the corresponding sign, for the purpose of placing there also a respective heap of stones, & they on measuring due South West, to the Portezuelo of the Laguna with sixty lines, where he also put another sign to erect there another land mark, & continuing their course South East they arrived they arrived with fifty varas at the source of the Baulemas, & taking the course of the river came to the Laguna de Tamasca, & came going East to the same point, where they commenced to measure with one hundred lines, & then he placed the last sign of a land mark.

From the manner in which the measurement of the land which comprises the rancho de la Providencia of said Domingo Suenz appears concluded, it

42

65 ND
PAGE 40

results that it forms a polygon of seven thousand
varas in length, & 1250 in latitude, & the appointed
measurers declared the citizen Domingo Saenz in-
troduced in the lands which corresponds to the
title & map, which find themselves on the head of this
expediente. For all this & to show real & true pos-
session & according to customary ceremonial,
he pulled up stones & grass & threw them to the four
sides to show & declare his lawful & legitimate
possession, which he took for himself. Therefore orders
the hertofore mentioned judge, that to show the said
boundaries clear, he should on their side & habitation
make some land marks of stone & mortar, more than
one vara high, that in all times it should appear, &
everybody of the neighboring owners recognize
& continued to recognize as the limits & boundaries
of his land; & to have said measurement executed
quietly & peacefully without contradiction of any-
body. He prayed for it as a testimony in his
behalf; And the said judge with my witnesses
of assistance certify it to have passed off as it is
(said) described, & that the said measurement was
made, according to the best knowledge & understand-
ing of the measurers; as they disposed without
bad intention, fraud, nor damages against any
person. And for greater security & in satisfaction
of the oath they have taken, they signed it with me
& with my assistant witnesses.

Domingo Saenz & Rafael Chacho &
Simón Murphy. Antonio Ortega.
Salvador Vallejo.
as Rafael Garcia. José Feliz.

Having seen this expediente finished, by which it
appears that juridical possession of the rancho
called Providencia two miles distant from this
Pueblo, was given to the citizen Domingo Saenz,
who took the same for himself, let the original
with the presented documents be delivered to the
interested party, for the purposes that may best
suit them. The Citizen Salvador Vallejo,

43

10/84

65 ND
PAGE 41

appointed justice of this jurisdiction, acting by
delegation with two assisting witnesses, in ward
of a Notary Public, has thus approved, ordered &
signed this 16th of October 1841.

Salvador Nallejo.
ass. Rafael Garcia. Fermido Feliz.

Filed in Office December 28th 1852.
Geo. Fisher.
Secy.

44

Domingo Sainz vs The United States For the Canada de Abasco in Marin County, contain-
ing about two square leagues of land.

65 ND
PAGE 42

Opinion by
Comr
Alphus Field.

The claimant first obtained an order for a temporary occupancy of the land in question from M. G. Vallejo, the Military Commandant of the frontier, & charged with the colonization thereof, on the 21st November 1838 & subsequently, on the 1st August 1839, petitioned to the Prefect of the first District for a full grant. This petition with information as to the facts alleged in it & a report as to the propriety of making the grant, was duly forwarded to the Governor, Manuel Pizarro, & on the tenth of August 1839 that functionary made an order for the concession, which was duly approved by the Departmental Assembly on the 22nd May 1840. The original title paper duly proved, bearing date August 10th 1839, is given in evidence. Proof is also adduced of the judicial survey & possession under the grant October 15th 1841. It is also proved by the deposition of William A. Richardson, that the claimant has lived on the place with his family, has cultivated the ground, & continued to make improvements on it, during the last fourteen years. The description of the premises as surveyed by the Officer who gave the judicial possession is sufficiently clear & definite, by the aid of the map returned by him & filed in this case to separate the land granted from the public domain & to define clearly its limits.

The Claimant is entitled to a confirmation.

Filed in Office Oct 20th 1853.

Geo. Fisher.
Secy.

Domingo Gany
vs
The United States.

65 ND
PAGE 43

Decree of
Confirmation.

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner is valid & it is therefore decreed that the same be confirmed. The land of which confirmation is hereby made is situated in Marin County & is the same on which the said petitioner resides & is known by the name of Cañada de Herrera, and bounded & described as follows, to wit: Beginning in the boundary which divides San Rafael, & said Cañada de Herrera (or La Provi-
-dencia) & going towards Northwest thence to the Portozuelo de Santa Margarita with twenty five hundred varas to a pile of stones thence due west thirty five hundred varas for the line which divides the Cañada de Herrera from Santa Margarita to the Portozuelo de San Gerónimo - thence due southwest three thousand varas to the Portozuelo of the Sagunida thence towards the South east twenty five hundred varas to the road of Bañales - thence taking the course of the River to the Laguna del Samascal, & thence east to the point of beginning five thousand varas, containing one and a half square leagues of land, more or less - reference for further description to be had to the papers and map relating to the judicial survey of the same on file in this case.

Alfredus Felch.
Thompson Campbell.
W. Aug. Thompson. } Commissioners.

Filed in Office Oct 21st 1853.
Geo. Fisher. Secy.

270
6806 = 68 folios

Office of the Board of Commissioners,

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

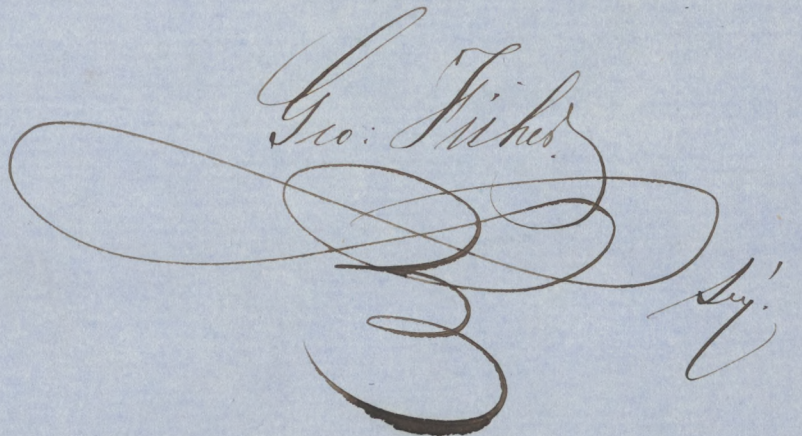
65 ND
PAGE 44

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 *Forty-five* pages, numbered from 1 to *45*, 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. *84* on the Docket of the said Board, wherein *Domingo Saenz* is

the Claimant against the United States, for the place known by the name of "*Canada de Herrera*"

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



65

U. S. DISTRICT COURT,

San Francisco District of California.

No. 65-ND

THE UNITED STATES,

65

Domingo Quinz

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 84

Filed, August 5th 1854

By M. M. ...
By Alex. M. ...

35

No. 84

Office of the Attorney General of the United States,

Washington, 30th November 1854.

Domingo Saenz }
vs. } 84.
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 1st day of August 1854 the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Acubing

Attorney General.

N^o 65—

U. S. District Court

Northern District.

The United States

vs.

Domingo Saenz—

Appeal Notice.

Filed for record the 28th 1855

John A. Monroe,
Clerk

To the Honorable District Court
of the United States in and for
the Northern District of California.

The United States
Appellants

vs

Domingo Suarez

No. 63.

The petition of the United States by their
Attorney represents: that this cause is an
Application for a review of the decision
of the Board of Commissioners whereby the
Claim of the said Appellee was confirmed
as appears by reference to the records in
the case:

That a transcript of the said Records was
filed in this Court on the _____ day of _____
; that a notice of Appeal
was filed on the _____ day of _____
and that the land claimed lies in the
said District.

That the said claim is invalid.
Wherefore Appellants pray that the said
decision of the Board be reversed
& that this Court decree the said title
to be invalid. Respectfully &c.

W. Russell
Asst. U.S. Atty.

U. S. District Court

No 65

The United States
Appellants

vs

Domingo Salas

Petitioner

Filed June 27, 1850,
by Chevers
Deputy

65 ND
PAGE 48

A. Glassell
Att. U. S. App.

District Court of the United States
Northern District of California

The United States
Appellants
vs
Domingo Suenz

No. 65 (L. C. Docket No. 84)

Domingo Suenz the Appellee and
claimant in the above entitled cause in an-
swer to the Petition therein filed avers and
says that his title to the land therein claimed
is valid.

He therefore prays that the decision
of the Board of Land Commissioners be affirm-
ed and the title of the said claimant be decreed
to be valid.

J. Clark Atty
for Claimant.

U. S. District Court

No 65

The United States
Appellants.
vs

Domingo Suarez

Filed June 27, 1855,
by Chevers
Deputy

Answer

65 ND
PAGE 50

J. C. Smith Atty
for Plaintiff

U. S. District Court
Northern District Cal

The United States

v.

} No. 15.

Domingo Saenz

Pedro Sais being
duly sworn says, that the true name of
the claimant herein was Domingo Sais,
that said Domingo Sais died in the month
of October 1854, that affiant is his
son and administrator of the estate; that
said Domingo Sais received the grant of the
land claimed herein after his marriage
with affiant's mother, and that the heirs
at law are Maria Manuela Miranda Sais,
widow of said Domingo, and Pedro, Maria
Vicente, Dolores, Maria Ignacia, Jesus Maria,
Domingo and Maria de la Luce, children
of said Domingo and Maria Manuela
Miranda Sais.

Pedro ^{his} Sais
mark

Subscribed & sworn to
before me May 14, 1858

H. H. Chenevix,

U. S. Comm'r, V. E. Howard

Atty for
Pedro Sais
Claimant

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 *25th* day of
May in the year of our Lord one thousand

65 ND
PAGE 52

eight hundred and fifty-seven.

eight.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Domingo Saenz

n. 65.

On reading the annexed
affidavit, and on application of N. E. Howard
Esq. of counsel, the U. S. Attorney, P. Della Torre
Esq. appearing and consenting thereto, it is
ordered by the Court that the above entitled
case be revived in the name of the legal
representatives and heirs of Domingo Saenz
deceased.

Ogden Hoffman
Dist Judge

65

United States District Court, Northern District of
California.

The United States

vs.

Domingo Sais

aff. + ORDER. *returning*

*suit in name of legal
representatives and heirs
of Domingo Sais, deceased*

Filed *May 25, 1858,*

H. H. Chivers,

CLERK.

By

DEPUTY.

65 ND
PAGE 53

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 *25th* day of
May
in the year of our Lord one thousand

eight hundred and fifty-seven ~~eight~~, *eight,*

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The legal representatives and heirs of
Pedro Sais, admr of
Domingo Sais, decd
ads
The United States.

n: l: v: —

Decree

This cause came on to be heard on appeal from the final 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 March 3, 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 the cause having regularly come to a hearing, 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 that the claim of the appellee is a good and valid claim, and the same is hereby confirmed.

The land of which confirmation is hereby made is situated in Marin County, and is the same on which the petitioner Domingo Sais resided in his lifetime, and is known by the name of "Cañada de Herrera", and bounded and described as follows, to wit: Beginning in the boundary which divides San Rafael and said Cañada de Herrera (or La Providencia) and going towards northwest, thence to the Portonels de Santa Margarita with twenty five hundred varas to a pile of stones - thence due west thirty five hundred varas for the line

which divides the Cañada de Herrera from Santa Margarita to the Portozuelo de San Genovimo - thence due Southwest three thousand varas to the Portozuelo of the Lagunita - thence towards the southeast twenty five hundred varas to the road of Paulines - thence taking the course of the river to the Laguna del Tamascal and thence east to the point of beginning five thousand varas, containing one and a half square leagues of land more or less, reference for further description to be had to the papers and map relating to the juridical survey of the same on file in this case.

Ogden Hoffman
U. S. District Judge

65

United States District Court, Northern District of

California.

The legal representatives of the heirs of Pedro Lasso, admr of Domingo Lasso

VS.

The United States

ORDER.

Decree of Confirmation.

Filed

May 25,

1858

M. D. Chenevix

CLERK.

By

DEPUTY.

65 ND

PAGE 55

702

65 ND
PAGE 56

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 *25th* day of
May in the year of our Lord one thousand

eight hundred and fifty-~~seven~~ *eight*.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States.

v.

The legal representatives & heirs
of Domingo Sais, deceased.

D.C. 15 : L.C. 84.

The attorney General of
the United States having given notice that
appeal will not be prosecuted herein on the
part of the United States, and a stipulation
having been entered into to that effect:

On motion of P. Della Torre Esq. U. S.
Attorney it is ordered that claimants have
leave to proceed under the decree of this
Court heretofore rendered in their favor, as
under Final Decree.

Ogden Hoffman
U. S. District Judge

65

United States District Court, Northern District of
California.

The United States

vs.

*The legal representatives and
heirs of Domingo Sais, dead*

ORDER.

Vacating appeal

Filed *May 25,* 1858

W. H. Church

CLERK.

By

DEPUTY.

65 ND

PAGE 57

California Land Claims.

Attorney General's Office

14 Oct^r 1856.

65 ND
PAGE 58

Sir:

In the case of the claim of Domingo Sanchez, confirmed to the claimant by the Commissioners, case no. eighty-four (84) appeal will not be prosecuted by the United States.

I am

Respectfully

Yours

Wm. Blanding Esq
U. S. Attorney
San Francisco.

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

The United States

v.
The legal representatives heirs of
~~Luis Sais~~ ~~and~~ of
Domingo Sais dec'd.

D. C. 65

L. C. 84.

The Attorney General
of the U. S. having given notice that appeal
will not be prosecuted in the case of Domingo
Sanchez - meaning Domingo Sais - it is hereby
stipulated and agreed that claimants have
leave to proceed under the decree heretofore
rendered in their favor as under Final Decree

San Francisco May 25th 1858.

P. Della Torre - J. Alonzo Atty
U. S. Atty for Claimants

V. E. Howard
Atty for Claimant

65

The United States

The legal representatives and heirs of
~~Don Domingo~~, ~~Admiral of~~
Don Domingo Sais, dec'd

Stipulation

Filed May 25, 1858,

H. H. Church,
Clerk

65 ND
PAGE 60

N^o 3

65 ND
PAGE 61

Office of the Board of Commissioners,

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

San Francisco, Aug 5, 1854

John A. Monroe Esq.

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

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 84 on the Docket of the said Board, wherein

Domingo Saenz is the Claimant against the United States, for the place known by the name of *Canada de Herrera*

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.