CASE NO.

81

NORTHERN DISTRICT

RINCON DE SAN FRANCISQUITO GRANT

TEODORO AND SECUNDINO ROBLES

CLAIMANT

OCT 1 0 1962

Land Case

81 ND 303 pages

ALSO AVAILABLE ON MICROFILM

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TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 200

Isidoro & Secundino Robles CLAIMANTS

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Rincon de San Francisquito."

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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, *that on this* twenty second *day of* April *, 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 Teodoro and Secundino Robles *for the Place named* "Rincon de San Francisquito" *was presented, and ordered to be filed and docketed with No.* 200 *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 December 30th 1852.

In Case No 200 Teodoro Robles and Secundino Robles, for the place named Rincon de San Francisquito" the deposition of José Arrego, a witness in behalf of the claimants, taken before Commissioner Harry I. Thornton, with documents marked N. I. T. Nos 1 & 2 annexed thereto, was filed:

(Vide page 4 of this Transcript)

San Francisco March 15 1853.

In the same Case the deposition of José de la Cruz Sanchez, a witness in behalf of the claimants, taken before Commissioner Ireland was filed, was filed:

(Vide page 5 of this Transcript)

San Francisco Aug. 10th 1853.

Case No. 200 Teodoro and Segundino Robles for the place named "Rincon de San Francisquito", called; Mr Connize for the claimant read the Evidence; argued and submitted, and taken under advisement.

San Francisco Nov. 29th 1853.

In the same case Commissioner Hoffman delivered the Opinion of the Board, confirming the Claim.

(vide page 26 of this Transcript)

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Petition

To the U S Land Commission for the Ascertaining and Settling of Private Land Claims in California

The Petitioners Theodore Robles and Secundino Robles respectfully represent to Your Honorable body That heretofore to Wit on the 23d of February 1841 One José Peña made and presented his petition in writing to Don Castro then prefect of the first district Soliciting for himself the grant of a tract of Land Situate in the present County of Santa Clara and known under the Name of "Rincon de San Francisquito" a description of which will be given hereafter; That said Castro on the 28 of February 1841 referred said petition to the administrator of the Mission of Santa Clara in Order to obtain his report thereon Who on the 1st of March 1841 reported that said land was originally Mission land but was now unoccupied and could well be granted to the petitioner That said Castro thereupon transmitted all the proceedings taken in the matter to Governor Alvarado Who on the 29th of March 1841 by a decree under his signature declared said Jose Peña the lawful Owner of said land and directed the proper document constituting title to be executed and delivered to said Peña That said Peña having Petitioned for a piece of land including two small tracts of territory heretofore granted to one Francisco Estrada and one Antonio Buelna purchased on the 19th of March 1841 and on the 22d of March 1841 all the right title and interest which said Estrada and Buelna had or might have had under former grants to them — That on the 29th of March 1841 a formal grant under the signature of Governor Alvarado issued to said Jose Peña declaring him the legal Owner of the said tract petitioned for including the two small pieces above referred to And your Petitioners further say that on the 10th day of September 1847 said Peña conveyed and transferred all his right title and interest in and to the land so granted to him to your Petitioners Theodore Robles and Secundino Robles Who took possession thereof and have always hitherto been in the quiet and undisputed possession of the same, And your Petitioners further State that the petition of said Peña, reference, report, decree, the various conveyances from Buelna and Estrada a Certified Copy of the original grant and Map 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 and that duly Certified Copies and translation of the same

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are herewith submitted and prayed to be made a part of this petition That the Original grant itself and the Convey ance of José Peña to your petitioners are in the possession of Your Petitioners and ready to be offered in evidence whenever required That the said land is situated in the present County of Santa Clara is known under the name of "Rincon de Sanfranciscquito" and is bounded accor ding to the terms of the grant by the Rancho of Donna Antonia Meza by the Rancho of Don Antonio Budna by the Rancho of Donna Guadalupe Briones and by a Range of hills known as lomas Divisorias until they strike the point "Amastradero, Containing Squan leagues more or less; And your Petitioners further Say that said Peña was in the actual possession of said land from the time said grant issued to him until he made the Conveyance above referred to, to Your Petitioners And that they have since then been in the uninterrupted possession and undisputed ownership thereof and are Not aware of the existence of any title conflicting with or paramount to their own Wherefore Claim to be the lawful owners of said land and pray that your Honorable body will confirm and Validate their claim and title thereto

Clarke Taylor & Bickh
Attys for Petitioners

Filed in Office April 27th
1852 Geo Fisher
Clk

San Francisco Dec 30th 1852

Deposition of José Abrego

On this day before Com Henry I Thornton came José Abrego a witness in behalf of the claimants Theodora Robles and Secundio Robles petition No 200 and was duly sworn his evidence being interpreted by the Secretary The U.S. Associate Law Agent was present

Questions By Claimants

Quest 1st What is your name, age and place of Residence?
Answ. My name is José Abrego I am forty years old and reside in the City of Monterey
Quest 2. Look at the two documents now shown you the one purporting to be an original grant from Juan B Alvarado to Dn José Peña of the land named "Rincon de San Francisquito" dated Monterey 29th March 1841 which said document Marked Exhibit 1 is attached to your deposition and now filed in this cause the other a conveyance of said land from José Peña to José Theodoro Robles and

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Secundino Robles interpreta and signed by Ignacio Alviso Eusebio Galindo Diego Alex. Forbes and Augustin Des forges dated Mission of Santa Clara 10th September 1847 which said document Marked Exhibit D is also attached to your deposition and filed in this cause State if you are acquainted with the hand writings of Juan B Alvarado Manuel Jimeno, Jose Peña Ignacio Alviso Eusebio Galindo Diego Alex Forbes and Augustin Desforges And if so Whether the signatures attached to said Original documents are the genuine signatures of said persons respectively

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Answer, I see the two documents referred to in your question I am acquainted with all of the hand writings of Juan B Alvarado, Manuel Jimeno, Jose Peña Ignacio Alviso D A Forbes and Augustin Desforges I know them to be genuine, Eusebio Galindo has no signature but puts only his mark

Jose Arrigo

U S Law Agent present

Sworn to and subscribed before me this 30th Decr 1852

Harry I Hunton Com

Filed in Office Decr 30th 1852 Geo Fisher Clk

San Francisco March 15th 1853

Deposition of Jose de la Cruz Sanchez

On this day upon Com Hiland Hall came José de la Cruz Sanchez a witness in behalf of the Claimants Teodoro Robles et al petition No 200 and was duly sworn his evidence being interpreted by the Secretary The U S Associate Law Agent was present

Questions by Claimant

Quest 1. What is your Name Age & place of Residence?

Ans. My Name is José de la Cruz Sanchez My age fifty six years and I reside on My rancho of San Rafael in San Francisco County

Ques 2 Do you know the land Claimed in this petition if so State what you know in regard to its occupancy

Ans I have known it sometwelve or fourteen years ago it was then occupied by Manuel Peña who resided upon it and used it for agricultural and grazing purposes from him it passed to Alexander Forbes who lived upon and occupied it in the same way Forbes sold it to the present occupan

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I think some seven or eight years ago Who have lived upon and Cultivated it ever since up to the present time.

Jose de la Cruz Sanchez

Sworn and Subscribed before
me Heiland Hall
Com.

Filed in Office March 15th
1853 Geo Fisher
Sec

1 S. D. K.

Espediente

Promovido por el Ciudadano José Peña

en Solicitud del paraje conocido con el

nombre de Rincon de San Francisquito

1841

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2 S. D. K.

Sõr Prefecto del primer distrito

S. Juan de Castro
Febr. 28 de 1844
Informe el Admor. del establecimiento de Sta Clara lo q. juzgue Comberiente, Con referencia de todas las razones q. espone el Solicitante
Castro

B.
Espediente

Sr Prefecto del 1er. Distrito
En Cumplimto. al decreto q. antecede: debo decir q. el terreno q. se pretende en esta Solicitud, no lo ocupa el Establecimto. de mi cargo y ni aun le es necesario, por lo Cual puede Concedersele al pretendiente. Por lo q. respecta al pedazo de tierra mas de aumento q. el Solicitante pretende, se le puede Conceder por no perjudicar á ninguna persona, pues aun que está Comprendido en el diseño de D. Franco Libada, quedó este Sõr en mi presencia

José Peña con el debido respeto que debe ante la Superioridad de V. S. espone y dice: que desde el dia quatro de Junio del año de 1837 tiene Solicitado el rincon de San Francisquito y despues de haver tomado el Sor Gobernador informe del Sõr Algalde del pueblo de San Jose Guadalupe q. lo hera D. Juan Alvires, al año entrante Solicitó el finado Rafael Soto dho paraje, poniendose este a Sembrar Sin Conocimiento del Sor Administrador y Como falleció el mencionado Soto, la viuda no quiso perder lo que su esposo había trabajado pero atendiendo el Sõr D. José Castro a la primacia que me asiste de mi Solicitud y de mis pocos meritos, me propuso que Con tal de que yo no perjudicara a la esposa del finado Soto q. hera en donde me quitaba que se me amejoraria el Sitio, pues dha señora no Solicitaba mas de las puras tierras de labor hasta unas paredes viejas, pero se le aumentó Cosa de unas tres cientas Varas mas, que llegan sus limites hasta el Ortigal: el Sõr Antonino Buelna podrá decir si es verdad lo que llevo espuesto. En atencion a lo que se me permitió he solicitado desde el

2
Nº 200

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de cedérselo á Don
José Peña. V.S.
Sin embargo resolverá
lo q.e crea mas
Justo.
Sta Clara
Mzo 1.º de 1844
Ygn.º Alvisu

Arroyito de las Yeguas hasta
Colindan con los Sres Macsimo
Martínez, Antonino Bustos
la viuda Ant.ª Mesa y por la
parte del Sur con el neofito Gorgonio:
pero el Sor Macsimo Martínez,
biendo que yo solicité este Sitio, se
presentó al Gobierno pidiendo el
que se le aumentara el terreno
con el fin de quitarme Sitio a
hecho Suerte de tierra, siendo
así que el paraje que poseo hasta
de dos, pues mal se considera que necesita de mas
terreno, cuando el aumento que ha conseguido
se lo ha concedido a la Sra Guadalupe Briones.
En tal virtud de que se me ha quitado el aumento
que a dho Sor se le ha hecho, solicito de la Vondad
de V.S. se me aumente el terreno desde el
Arroyito de las Yeguas que son los límites, hasta
el primer Sausalito que queda para la parte del Este.
Por el diseño que es adjunto puede V.S. quedar enterado
de mi Solicitud.
Por tanto
A V.S. pido provea a favor del Suplicante
de que recibirá merced y gracia. Sino no ser
del malicia
Sta Clara Febro 23 de 1844
Jose Peña

4 S.D.K. Va en papel Comun, por no haver en este lugar
del Sello que corresponde

Ecmo Sr
Don Jose Peña en la adjunta instancia
Solicita de la bondad de V.E. se le conceda el
terreno Conocido con el nombre de Rincon de S.
Franciquito.
Esta Prefectura, visto el informe del
Admr. de Sta Clara, cree puede V.E., si fuere
de Su Sup.r agrado, beneficiar á Peña, quien por
Sus buenas circunstancias y numerosa familia

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es digno del patrocinio de V. E.

El aumento q.e tambien solicita me consta q.e D. Fran.co Estrada está pronto á cedérselo. Esta es la opinion de esta Prefectura q.e espresa gustosa a la Sup.a de V. E.

Jose T. Castro

S. S. D. K.

Monterrey 29 de Marzo de 1844

Vista la peticion con que dá principio este esped.te, el informe del encargado del establecim.to de Santa Clara, y el del Sor Prefecto del 1.er Distrito, con todo lo demas que se tubo presente y ver convino, de conformidad con leyes y reglamentos de la materia, declaro á D Jose Peña dueño en propiedad del paraje conocido con el nombre de Rincon de San Francisquito, colindante con el rancho de D.a Ant.a Meza, con el terreno de D Antonino Buelna, con el de D.a Guadalupe Briones, con las Lomerias hasta el punto conocido con el nombre de arrastrado y linderos del terreno de D. Fran.co Estrada. Líbrese el despacho correspond.te, tomese razon de el en el Libro respectivo y diríjase este esped.te á la Exma Junta Departamental para su aprovacion. Lo Sor D. Juan B. Alvarado, Gob.r Constitucional del Departamento de la, California, asi lo mandó, decretó y firmó, de que doy fee.

Mar

Pozo

11 7 S. D. K.

Digo yo Franco Estrada q.e por este me obligo a cederle á D. José Peña diez pedazos mas de aumento de tierra que solicita como consta en su solicitud y dicen y para que conste le doy el presente documento en el establecimto de Santa Clara a diez y nueve de Marzo de mil ochocientos cuarenta y uno

Francisco Estrada.

200-1

Certifico ser colindante Const.e José Peña del terreno q.e ocupa por la parte de abajo del Chamisal asi al Norte y por la parte de arriba la Viña Guadalupe Briones, p.a los fines q.e combengan doy este en Sta Clara á los 22 dias del mes de Mzo de 1841

Antonino Bulna

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8 S. D. K.

Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias

Por cuanto D. José Peña ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Rincon de San Francisquito, colindante con el rancho de D.n Ant.o Meza, con el terreno de D. Antonio Bulna, con el de Guadalupe Briones, con las Lomerias, hasta el punto conocido con el nombre de Arrastradero, hasta colindar con el terreno de D. Franco Estrada: practicadas prontamente las diligencias y averiguaciones concernientes, segun lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas á nombre de la Nacion Mejicana, he venido en concederle el terreno mencionado declarando=dole la propiedad de el por las presentes letras y sugeto a la aprovacion de la E. Junta Departamental y a las condiciones siguientes.

9 S. D. K.

1.a Podrá cercarlo sin perjudicar las travesias, caminos y servidumbres: lo disfrutará libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode, pero dentro de un año fabricará casa y estará habitada.

2.a Solicitará del Juez respectivo que le dé posecion jurídica en virtud de este despacho, por

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el Cual se demarcaran los linderos, en cuyos límites pondrá
amas de las mojoneras algunos arboles frutales o silvestres
de alguna utilidad.

3a El terreno de que se hace mención es de
de ganado mayor poco mas o menos segun
aplica el dictamen respectivo. El Juez que le dirije la
posesion lo hara medir conforme á ordenanza quedando
el sobrante que resulte á la Nacion para los usos convenientes.

4a Si contraviniere a otras condiciones
perderá su derecho al terreno y será denunciable por otro.

En consecuencia mando que teniéndose por
10 S. D. K. firme y Valedero este título se tome razon de el en el
libro respectivo y se entregue al interesado para su resguardo
y demas fines. Dado en monterey á veinte y
nueve de Marzo de mil ochocientos cuarenta y uno.
Juan B. Alvarado — Manuel Jimeno — Srio

Office of the Surveyor General of the United
States for California

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 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. D. K.)
exhibit true and accurate Copies of Certain documents
on file and forming part of the said archives in this 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 San
Francisco, Cal, this Sixth day of April 1852

Saml D. King
Surv Genl Cal

Filed in office April 27th 1852
Geo: Fisher Sec.

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Espediente

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Record of Proceedings

At the instance of the Citizen Jose Peña Soliciting the land known by the Name of "Rincon de San Francisquito"

1841. 230

To the Hon. Prefect of the 1st District

Jose Peña with due respect before Y. H. exposes and says that since the 4th day of June 1837 he has solicited the "Rincon de San Francisquito" and after the Governor had taken information from the Alcalde of the Pueblo of San Jose de Guadalupe who was Mr Juan Alvarez the deceased Rafael Soto solicited in the following year said place putting it under cultivation without the Administrators knowledge and as the said Soto and the widow did not wish to lose what her husband had worked but Sr Dr Jose Castro considering the precedence that favors me in my solicitation and my small services he proposed to me that provided I should not prejudice the widow of the deceased Soto I might look for the little place that pleased me for said lady did not solicit more than the only cultivated land to some old walls but they increased it about 300 Varas more which reach to the "Arbogal" (Willow growth) Mr Antonio Buelna will be able to say whether what I have exposed be true In consideration of what they promised me I have solicited the lands from the Noroyebo de las Yequas (Brook of the Mares) to the boundaries of Messrs Maximo Martines Antonio Buelna the widow Antonia Mesa and Southward those of the Neophite Gregorio but Mr Maximo Martinez seeing that I solicited this place presented himself to the Government asking that the land might be given to him with the View of depriving me of 6 or 8 parcels of land (Suerte de tierra) it being the case that the land I possessed was two Suertes for it is wrongfully considered that he needs more land when the enlargement he has attained has been ceded to Mrs Guadalupe Briones: For the reason that they have deprived me of the enlargement they have made to said gentlemen I solicit from your Honor goodness to award me the land from the Arroyito de Yequas which are the limits to the first Sausalito (willow grove that remains towards the East By the adjoined Sketch your Honor may be informed of my solicitation Therefore I ask your Honor to confer this favor upon your petitioner whereby he will receive Mercy and grace I swear there is no malice in it

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Santa Clara February 23 1841

José Peña

San Juan de Castro July 28th 1841

Let the administrator of the establishment of Santa Clara report what he thinks convenient with reference to all the points set forth by the Petitioner Castro

To the Prefect of the 1st District

In compliance with the preceding decree I have to say; that the land solicited in this petition is not occupied by the establishment in my charge nor even is it necessary wherefore it can be granted to the petitioner As regards the piece of land in addition that the petitioner solicits it may be held that it is not to the prejudice of any person for though it is comprized in the Sketch of D Francisco Estrada this gentleman agreed in my presence to cede it to Mr José Peña Notwithstanding. Your Honor will resolve what you believe most just

Santa Clara March 1st 1841

Ignacio Alviso

It is written on common paper not having in this place the corresponding Stamped one

Most Exc. Sir Don José Peña in the adjoined instance solicits of your Excy goodness to grant him the land known by the name of "Rincon de San Francisquito" His prefecture having seen the report of the Administrator of Santa Clara believes your Excy can if it should be your Supr pleasure benefit Peña who for his good qualities and numerous family is worthy of your Excys patronage The addition that he also solicits it is evident to me that Mr Francisco Estrada is ready to grant it to him This is the Opinion of this prefecture which it submits to your Excellency's Superior Opinion

José Castro

Monterey Dy 9th March 1841

Having seen the petition with which this Espediente commences the report of the person in charge of the establishment of Santa Clara and that of the Prefect of the 1st District with every thing else that was born in mind and was convenient to look into in conformity with laws and regulations upon the matter I declare Don José Peña owner in fee of the place known by the name of Rincon de San Francisquito" bordering upon the Rancho of Da Antª Meza with the land Dn Antonio Buelna with that of Da Guadalupe Briones with the high lands to the point known with the name

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of Narastrado and boundaries of the land of Don Fran
cisco Estrado, let the proper patent be delivered enter
ed in the respective book and direct this Record of
proceedings to the Most Exc. Departmental Assembly
for its approbation Ser Don Juan B Alvarado
Constitutional Governor of the Department of both Californ
nias thus ordered decreed and signed Which I certify

Map

I Francisco Estrada say that I hereby oblige myself
to cede to Don Jose Peña the additional piece of land
he solicits as it appears in his petition and sketch and
in order to make it evident I give the present
document in the establishment of Santa Clara on
the 19th of March 1841

Francisco Estrada

I Certify that I am a bordering neighbour with Don Jose Peña
in the land which he occupies on the lower part of the Chamisal
towards the North and with Señora Guadalupe Briones in that
which she occupies on the upper part For the end which
may be convenient I give this in Santa Clara on the 22
of March 1841 (Signed) Antonio Buelna

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Remark the elliptical construction of the Spanish Certificate allows of four different translations of which the following seems to be the best

Juan B Alvarado Constitutional Governor of the Depart
ment of both Californias

Whereas Don Jose Peña has solicited
for his personal and his families benefit the land known
by the name of 'Rincon de San Francisquito' bordering upon
the Rancho of Dn Anta Mesa on the land of Don Antonio
Buelna and that of Dn Guadalupe Briones on the high
lands to the point known by the name of Arastradero
bordering together with the land of Dn Francisco Estrada
after previously having taken the proper steps and made
investigations according to the requirements of laws
and regulations in exercise of the powers vested in me
in the Name of the Mexican Nation I have concluded to
grant him the mentioned lands declaring unto him the
ownership of it by these present letters and subject to the
approbation of the E Departmental Assembly and to
the following conditions

1st He may fence it without prejudice to the Ordenary
roads and servitudes he will enjoy it fully and
exclusively appropriating it to the use and Culture
that may best suit him but within One Year
he shall build a house to be inhabited

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2 He shall solicit of the respective judge to give him juridical posession in virtue of this document by whom the boundaries are to be defined an which extremities he will set besides the landmarks some fruit trees or wild ones of some espelengs

3 The Mentioned land is of Le ganado Mayor a little more or less as the respective Sketch shows the judge who may give the posession will cause it to be measured conformable to ordenance leaving the surplus that may result to the Nation for convenient purposes

4th If he should violate these conditions he shall lose his right to the land which may be denounced by any other party

Consequently I ordain that this title and being held as firm and Valid it be entered in the respective book and delivered to the interested party for his security and other purposes

Given in Monterey on the 29th of March 1841

Juan B Alvarado

Manuel Jimeno
Secretary

Filed in Office April 27th 1852
Geo Fisher
Secy

E le
R.P.

17 Nº 200

Sello 1º Diez pesos
Habilitado provisionalmte. por la Aduana marítima de
Monterrey para los años de 1839 y 1840
Alvarado Antonio Mª Osio
Valga p.a los años de 1841 y 1842
Alvarado Antonio Mª Osio

Adª. marit.ª de Monty

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

Document
H. H. No. 1
annexed to the
Depo. of
Jose Arrego

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Por cuanto Dn José Peña ha pretendido para
su beneficio personal y el de su familia el terreno
conocido con el nombre de Rincon de San Franciscito,
colindando con el rancho de Dª Antonia Ulloa, con el
terreno de D. Antonino Buelna, con el de Dª Guadalupe
Briones, con las Lomerias, hasta el punto conocido
con el nombre de Arrastradero, hasta colindar con
el terreno de D. Francisco Estrada: practicadas previamente
las diligencias y averiguaciones concernientes, segun
lo dispuesto por leyes y reglamentos, usando de las facultades
que me son conferidas á nombre de la Nacion Mejicana
he venido en concederle el terreno mencionado, declarandole
la propiedad de el por las presentes letras, sugetandose
á la aprovacion de la Junta Departamental
y a las condiciones siguientes.

1ª Podrá cercarlo sin perjudicar las
travesias, caminos y servidumbres: lo disfrutará libre y
esclusivamente destinandolo al uso o cultivo que mas le
acomode, pero dentro de un año fabricará casa y
estará habitada.

2ª Solicitará del Juez respectivo
que le dé posecion juridica en virtud de este despacho
por el cual se demarcaran los linderos en cuyos limites
pondrá ámas de las mojoneras algunos arboles frutales ó
silvestres de alguna utilidad.

3ª El terreno de que se hace mencion
es de la estension que demuestra el diseño que corre
en el espediente. El Juez que dirija la posecion

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lo hará medir conforme a ordenanza quedando el sobrante que resulte a la Nacion para los usos convenientes.

4.ª Si contraviniere a estas condiciones perderá su derecho al terreno y será denunciable por otro.

En consecuencia mando que teniendose por firme y valedero este titulo se tome razon de el en el libro respectivo, y se entregue al interesado para su resguardo y demas fines. Dado en Monterey a veinte y nueve de Marzo de mil ocho cientos cuarenta y uno

Juan B. Alvarado

Manl. Jimeno
Srio

Queda tomada razon de este Despacho en el Libro de acientos sobre adjudicacion de terrenos valdios a f.º 3 vt.

Jimeno

El Exmo Señor Gobernador dispone se tome razon de este titulo en la Prefectura del 1.er Distrito

Jimeno

En cumplimto. del anterior Superior decreto tomese razon

Castro

Queda tomada razon de este titulo en el libro respectivo a f. 2

Prefectura del 1.er Distrito. Abril 7 de 1841

Manl. Castañares
Srio

Queda trasladado este titulo a favor de los Sres. Leandro Robles y Jose Teodoro Robles segun escritura de venta otorgada por mi hoy dia de la fha diez de Setе. 1847

José Peña

Eusebio Galindo
asª.

Agustin Desforges
asª.

Exhibit no. 1 to deposition of Alvarado in no. 200. H. S. T.
Filed in office Dec. 30th 1853
Geo. Fisher Sec.

19 Translation of Doc No. I. T. 84 Annx to Dep. Jose Arrigo

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2.00

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First Stamp Six Dollars
Provisionally Authorized by the Maritime Custom House of Monterey for the years 1839 & 1840
(Signed) Alvarado (Signed) Antonio Ma Osio
Revalidated for the years 1841 & 1842
(Signed) Alvarado (Signed) Antonio Ma Osio

(Custom House stamp)

Juan B Alvarado Constitutional Gounor of the Department of the Californias

Whereas as Don Jose Dona has petitioned for his personal benefit & that of his family the tract of land known by the name of "Rincon de San Francisquito" bounded by the Rancho of Dona Antonia Meza by the land of Don Antonio Buelna by that of Doña Guadalupe Briones by the ranges of the hills as far as to the point known by the name of "Arastradero, until reaching the land of Dn Francisco Estrada all the steps and investigations concerning thereto having been first taken as required by laws & regulations exercising the powers conferred upon me in the name of the Mexican Nation I have granted him the said tract declaring to him the ownership thereof by these presents to be subject to the approval of the Mt Excellt Departmental Board (Junta) & to the following conditions

1st He may fence it without injuring the passages roads & servitudes may enjoy it freely & exclusively appropriating it to such use or cultivation as may suit him best but within One year he shall build a house & it shall be inhabited

2nd He shall apply to the proper Officer to give him juridical possession by Virtue of this title by whom the boundaries shall be marked out at the limits of which he shall place besides the landmarks some fruit or useful forest trees

3rd The tract of land of which Mention is made is of the extent as shown by the Sketch annexed to the Espediente The Officer who may give the possession shall cause it to be Measured according to Ordinance The surplus thereof to remain to the Nation for convenient purposes

4th If he shall contravene these Conditions he shall forfeit his right to the tract & shall be liable to be denounced by Another

Wherefore I Order that this title being duly issued and valid entry thereof be made in the proper Book & the same be delivered to the party concerned for

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his Deputy & others and

Given in Monterey on the 29th day of March 1841

Signed Juan B Alvarado

(Signed) Manuel Jimeno

Secy

Entry of this title is made in the book of Registry an adjudication of Vacant Lands at fo 3 & over

(Signed) Jimeno

His Excellency Senor Governor directs that entry of this title be made in the Office of the Prefect of the 1st District

(Signed) Jimeno

In pursuance of the foregoing Superior Order let an entry be made

(Signed) Castro

Entry of this title is made in the Proper Book at fo 2

Office of the Prefect of the 1st District April 7th 1841

Signed Manl Castañares

Secy

This title is transferred unto Senors Secundin Robles & Jose Teodoro Robles according to a Deed of date executed by myself this day of the date the 10th of Sept 1847

(Signed) Jose Pena

Witnp

(Sig) Eusebio Galindo

Witnp

(Sig) Agustin Desforges

I Certify that the forgoing is a true & correct translation of a Spanish document being Marked "Doc H. I. T. No 1. Annexed to Dep. of Jose Alvarado taken before Comr Henry I Thornton in case No 200 wherein Teodoro & Secundino Robles claim the "Rincon de San Francisquito" Now on file in this Office

In testimony Whereof I have hereunto signed my Name Office of the U S Land Commission to ascertain & settle private land claims in California at San Francisco this 19th day of November A D 1853

5
21 pr200

En la Mission de Santa Clara, a los diez días del mes de Setiembre de mil ochocientos cuarenta y siete, ante mi Ignacio Alviso, Juez de Paz auxiliar de la jurisdiccion de San Jose de Guadalupe y ante los testigos de mi asistencia con quienes actuo en forma debida, Compareció D.n José Peña, cuya persona, mayor de edad, doy fe conozco; y dijó que por si y a nombre de sus hijos, herederos, y Sucesores, y de quienes de ellos hubiere titulo, voz y causa en cualesquiera manera, vende y dá en venta Solemne y enagenacion perpetua todo el terreno Comprehendido en el titulo de Concesion con que fue agraciado por el Gobierno Departamental, en fha veinte y nueve de Marzo de mil ochocientos cuarenta y uno, a que se refiere, y tambien vende todo el ganado que actualmente posee el otorgante, en dho Sitio, cuyo numero deberá pasar de dos ciento cabezas, la casa ó casas, huerta, Corrales, y todo y cada una de las fincas que en dho terreno hubiere; á los Señores Jose Teodoro Robles y Secundino Robles. Y declara y asegura el enunciado D. Jose Peña que no tiene vendido, empeñado, ni enagenado el dicho sitio, conocido por el nombre del Rincon de San Francisquito, y tanto el terreno como las fincas y bienes, estan libres de todo gravamen perpetuo, temporal, especial, general, tacito y espreso: y como tal se los vende en precio y cantidad de tres mil y quinientos pesos fuertes, que le tienen entregado los Compradores; y el otorgante ha recibido á su entera Satisfaccion. Y asi mismo declara y asegura que su justo precio y verdadero valor del enunciado Rancho con los bienes y fincas que tiene son los mencionados tres mil y quinientos pesos y que no vale mas; y que en caso que mas balga o valor pueda del exceso en poca o mucha Suma, lo hace a favor de los Compradores y de sus herederos y Succesores, gracia y donacion pura, perfecta é irrevocable, que en derecho se llama inter vivos, con insinuacion y demas firmezas legales, con la circunstancia que se le entregara á los mencionados Sñr Jose

Document No. 2 annexed to the deposition of José Arrego

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Teodoro Robles y Secundino Robles, el expresado Rancho o terreno Con todos Sus bienes moviente y Semovientes dentro de Cinco dias de esta fha: Y los Compradores han condescendido.

Y el enunciado D. Jose Peña renuncia las leyes que tratan de Contratos Compras y ventas, trueques o Cambios; y de otras en que hay lesion en mas o menos de la mitad del justo precio: Y que desde el tiempo estipulado en adelante para siempre jamas, Se desapodera, quita y aparta y á sus hijos, herederos y Sucesores del dominio, propiedad, posesion, titulo, voz, recurso y otro Cualesquiera derecho que le Competa al enunciado rancho del Rincon de San Francisquito. Lo Cede, renuncia y traspasa en las personas de los Compradores y en quienes los representen para que lo posean, gocen cambien, enagenen, usen y dispongan de ello, á su eleccion Como de Cosa Suya adquirida Con justo y legitimo titulo y á la observancia de todo lo referido, Se obliga el referido D. Jose Peña Con Sus bienes habidos y por haber: y Con ellos Se Somete a los Jueces y Justicias que de Sus Causas deban y puedan Conocer Conforme a dro; para que a su Cumplimiento le Compelan y apremien Como por Sentencia definitiva, Consentida y pasada en Cosa juzgada; que por tal la recibe y renuncia todas las leyes que en el Caso le favorezcan.

En cuyo testimonio lo firmo Conmigo y los testigos en papel Simple el dia y mes arriba citados, de que doy fe

Ygnacio Alvisu — Jose Peña

Juez auxiliar

ta

Agustin Dosforges

Eusebio Galindo

Diego Alex. Forbes

A fojas Ciento veinte y dos del libro de asientos aparece la escritura de Compra echa por el apoderado D. Diego Forbes por

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los Señores Robles y para resguardo del Comprador
se estiende este Certificado a 14 de Julio
de mil ocho Cientos Cuarenta y nueve

Antonio Mª Pico
Alcalde

Exhibit nº 2 to deposition of Abrego
in nº 200

H. J. T.

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Filed in office Decr 30th 1852
Geo.' Fisher
Sec

2.60

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Translation
of Doc. No 13 & 12
Annx-to Dep of
Jose Abrego

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6

In the Mission of Sta Clara on the 10th day of the
Month of Sept 1847 Before me Ygnacio Alviso Assistant
Justice of Peace of the jurisdiction of S Jose de Guadalupe
& before my accompanying witness with whom I act
according to law appeared Don Jose Peña Which person who
is of full age I certify to know & stated that for himself &
in the name of his Children heirs & successors & of whom
they may have, right, power & authority in any way
whatsoever he hereby sells and grants in solemn sale &
perpetual alienation All that tract of land Mentenia in
the title of Concepcion wherewith he was granted by the
Departmental Government dated the 29th day of March
1841 which the same refers to and also he hereby sells
all the cattle which he the Dn J Peña actually possesses
in the Dn place the quantity of Which will be above two
hundred head, the house or houses Orchard Corrals
& all & every property that there is in the said place
unto Señores Jose Teodoro Robles & Secundino Robles
and the said Don Jose Peña hereby declares and assures
that he has not sold mortgaged or alienated the Dn
place known by the name of "Rincon de San Francisquito"
& the land as well as the possession and property are free
of all incumbrances perpetual temporal especial
general tacit & express & as such he sells them for &
in consideration of the sum of three thousand & five
hundred hard dollars which the Vendees have already
Pd to him & the Dn J. P. has received to his full satisfaction
and likewise he declares & assures that the said 3500 are
just price & real value of the Dn Ranchos & the possessions
& property therein & they are not worth more & that in
case they should or may be worth more all of the
Surplus whether in great or small sum he makes
unto the Dn purchasers their heirs and successors
a grant and donation pure perfect & irrevocable
which in laws is called intervivos with the prohibition
thereof & other legal securities with the condition that
the Dn Rancho or tract of land together with all the
Chattels & Cattle Stock shall be delivered within five
days from this date unto the Dn Señores Jose Teodoro
Robles & Secundino Robles & the said Vendees have agreed
thereto And the Dn Don Jose Peña hereby renounces
the laws hearing on contracts purchases & sales barter
or exchange & others bearing upon frauds in Sale
More or less of the Moiety of the just price & that from
the Period Stipulated hence forward and forever he

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disposes himself of, quits & withdraws himself & his Children, heirs and successors from the domain for possession, right, title & resources & any other rights whatsoever pertaining to the same the Sd Rancho of Rincon de S. F.c Which he yields renounces & transfers unto the persons of the Vendees or whom may act for them that they may possess enjoy, barter, alienate, use & dispose thereof as their own property acquired by right & legitimate title and for the observance of all above mentioned the Sd D. I. P. binds himself & his Estate had & to be had & therewith he submits to the Courts & Justices Who ought & may cognize of such a case according to law in Order that for the fulfilment thereof they may judge & Compel him as by a definitive judgment & passed to a true case and as such he shall admit it & renounce such law which may favor him in the case

In testimony Whereof he signed his name hereunto with myself & the witnesses it being on Common paper the day & Month just above mentioned

Which I attest

(Sd) Ignacio Alvisu — (Sd) Jose Peña
Asist Justice of Rea

Witnp — Witnp
Cristeo Galindo — Agustin Desfuges
(Sd) Diego Alex Forbes

"

At folio 122 of the book of Reg.s there appears the Deed of Purchase made by Don Diego Forbes Attorney of Sra Rolle & for the Safety of the Vendee this Certificate is made the 14th day of July 1849

(Sd) Antonio Mc. Pico
Alcalde

Pico in Office

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Opinion of the Board

Teodora Robles et al
Secundino Robles
vs
The United States

for the tract of Land called Rincon de San Francisquito

The Petitioners allege that the land for which they ask a confirmation was granted by the Government to Jose Peña through whom they claim title by his conveyance to them They have given in evidence a traced copy of the Espediente showing that said Peña presented his petition for the land to the Prefect of the First District January 23rd 1841 that information was attained in the usual manner and transmitted to Governor Alvarado who on the 29th March of the same year made the Concession and issued the grant the original of which duly proved is filed in the case There is no evidence of approval by the Departmental Assembly Nor is there any proof of juridical possession The deposition of Jose de la Cruz Sanchez shows that said Peña occupied the premises residing thereon and using the land for agricultural & grazing purposes as far back atleast as the year in which the grant was made that Alexander Forbes succeeded him and lived on the premises occupying it in the same way and and that some seven or eight years ago the present Claimant purchased the Property of said Forbes and has lived upon and cultivated it ever since A Deed of Conveyance of the land made by said Peña directly to the Claimant in the case is introduced and proved bearing date the 10th day of September 1847
The land granted is described by Metes and bounds and by reference to the Map and to the limits of the surrounding tracts Mentioned in the grant as boundaries, it is believed a Survey of it can be made with little difficulty The Claim appears to be Meritorious and it is therefore Confirmed

Filed in Office Nov 29th
1853 Geo Fisher Sec'y

81 ND
PAGE 27

Decree of Confirmation

Teodoro Robles and
Secundino Robles
vs
The United States

In this case on hearing the Proof and Allegations it is adjudged by the Commission that the said Claim of the petitioners is Valid and the same is therefore hereby Confirmed The land of which Confirmation is hereby made is the place Known by the name of "Rincon

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PAGE 28

de San Francisquito being the same on which said Claimants now reside and bounded and described as follows to wit Bounded on the Northwardly side by the Rancho of Doña Antonia Mesa by the land of Don Antonio Buelna and by that of Doña Guadalupe Briones; On the West side by the range of hills from the land of said Guadalupe Briones to the point known by the name of Arastradero, On the South side by said Arastradero until it reaches the land of Francisco Estrada and thence by said Estradas North line to the East end of the same and on the East side by the Bay to the South line of the Rancho of said Antonia Mesa just Mentioned at the South East corner thereof. The limits of the land hereby Confirmed to be subject to the Settlement and location of the said lines of the Ranchos and lands above Mentioned as the same have been defined and settled by juridical Survey or as the same shall be defined and settled under Confirmations by this Commission or in default of both as the same are understood and settled at the time of the grant of the premises hereby Confirmed to Jose Peña on the 29th day of March 1841 Reference to be had to said grant and also to the Map or Plan of said premises on file in this case attached to and forming a part of the traced Copy of the Expediente duly certified from the Office of the U S Surveyor General for California

Alpheus Felch
Thompson Campbell } Commissioners
R Aug Thompson

Filed in Office Nov 29
1853

Geo Fisher
Sec

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Office of the Board of Commissioners,
To ascertain and settle the Private Land Claims in the State of California.

I, Geo. 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 seven —— pages, numbered from 1 to 27, 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. 200 on the Docket of the said Board, wherein Juan and Secundino Robles are the Claimant's against the United States, for the place known by the name of "Rincon de San Francisquito."

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

Geo. Fisher.

Sy.

81 No. 81.

N.D.

U. S. District Court
Nor: Dist: of California.

The United States
vs.
J. and L. Robles.

Transcript of the Record from the
Board of U. S. Land Commissioners
In Case No. 200.

Filed Aug 23rd 1854.
John A. Monroe,
Clerk.

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Office of the Attorney General of the United States,

Washington, 30th November 1854.

Teodoro and Secundino Robles
vs.
The United States
200.

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 18th 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.

Attorney General.

No 81

U. S. District Court

Northern District

The United States

vs.

Teodoro and Secundino Robles —

Appeal Notice —

Union de San Francisco

Aug 23/54

Filed January 8. 1855.

J. M. A. Monroe,

Clerk

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

The United States.
Appellants
vs.
Teodoro & Secundino Robles
No. 81.

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 Appellees 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 1st day of Jan. 1855; that a notice of Appeal was filed on the 1st day of Jan 1855 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

A Wassell
Asst U S. Atty

No 81.

U. S. Dist. Court

The United States
vs
J. & S. Robles

Petition

Filed June 27. 1855.
by Ohenert
Deputy.

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Passed

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

The United States
Appellants
vs
Teodoro y Secundino Robles

No 81

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 this 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,

A Glassell
Asst. U.S. Atty.

U. S. District Court

No 81 2/2

The United States
Appellants

vs

Teodoro y Secundino Robles

Petition

Filed June 27, 1855,
by Owens
Deputy

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A. Gansell
Asst. U. S. Atty.

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District Court of the United States Northern District of California

The United States
Appellants
vs
Teodoro y Secundino Robles

No. 81 L.C. Docket No. 209

Teodoro and Secundino Robles Appellees and claimants in the above entitled cause, in answer to the Petition therein filed aver and say that their title to the land therein claimed is valid.

They therefore pray that the decision of the Board of land commissioners be affirmed and the title of the said claimants be decreed to be valid

J. Clarke Atty
for Claimant.

U. S. District Court

No 81

The United States
Appellants

vs

Teodoro y Secundino Robles

Answer

Filed June 27, 1855.
by Chaves
Deputy

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J. Clarke Atty for
Claimant.

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The United States
v
Leocadio Robles and
Secundo Robles

No 81

Statted Term
Oct 29th 1855

Appeal from the final decision of the Commissioners to ascertain and settle private land claims in California

This cause coming on to be heard at a statted term of this court on an appeal from the final decision of the Board of Commissioners to ascertain and settle private land claims in the State of California under the act of Congress approved March 3d 1851 upon the Transcript of the proceedings and decision and the papers and evidence on which said Claim was founded, and it appearing to the Court that such transcript has been duly filed according to law: and counsel for both parties having appeared, It is ordered adjudged and decreed that said decision be affirmed: and it is further ordered adjudged and decreed that the claim of the appellees be confirmed to the tract of land known as "Rincon de San Francisquito" being the same on which appellees now reside and bounded and described as follows viz. On the Northwardly side by the Rancho of Doña Antonia Mesa, by the land of Don Antonino Buelna

Doña

and by that of Guadalupe Briones;
on the west side by the range of hills
from the land of said Guadalupe Bri-
ones to the point known as "Arastradero"
on the South side by said Arastradero
until it reaches the land of Francisco
Estrada, and thence by said Estrada's north
line to the East end of the same, and
on the East side by the Bay to the South
line of the Rancho of said Antonia Ma-
ria, first mentioned, at the South East
corner thereof. The limits of the land
hereby confirmed to be subject to the set
tlement and location of the said line of
the Ranchos and lands above mentioned
as the same have been defined and set-
tled by Judicial survey or as the same
have been defined and settled upon con-
firmations by the said Board of Commis-
sioners and by this Court
sioners, or, in default of both, as the
same were understood and settled at
the time of the grant of the premises
hereby confirmed to José Peña on the
29th day of March 1841. Reference to be
had to said grant and also to the map or
plan of said premises on file in this case
attached to and forming a part of the
traced copy of the Expediente duly cer-
tified from the Office of the United
States Surveyor General for California

Ogden Hoffman
U. S. Dist Judge

No 81

The United States

vs

Teodoro Robles et al.

Decree

Filed Oct. 29, 1855.

N. H. Chevers,

Deputy.

(1)

Ex 1

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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 twenty fourth day of March in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
vs
Teodoro & Secundino Robles
} D. C. St: L. C. 200.

In this case, on application of the United States 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, evidence, depositions and proceedings ~~are~~ in the said cause, be sent to the Supreme Court of the United States without delay.

81

United States District Court, Northern District of California.

The United States

vs.

Teodoro & Secundino Robles

ORDER.

granting appeal

Filed March 24th 1857

John A. Munroe,
CLERK.

By W. H. Chevers,
DEPUTY.

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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 thirtieth day of June 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.

Teodoro & Secundino Robles

D. C. 81 ; L. C. 200.

In this case, on application of P. Della Torre Esq, U. S. attorney, it is ordered that an appeal in behalf of the United States from the final decision of the Court rendered in said Court at the June 1858 term, be and the same is hereby granted, and that a certified transcript of the pleadings, evidence, depositions and proceedings in the said cause be sent to the Supreme Court of the United States without delay; and the appellants are ordered to serve the usual citation according to law.

Ogden Hoffman

Dist Judge

81

United States District Court, Northern District of California.

The United States

vs.

Teodoro Secundino Robles

ORDER.

granting appeal

Filed July 1st 1858,

W. H. Chevers

CLERK.

By

DEPUTY.

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United States of America,

To Teodoro and Secundino Robles.
Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be holden in Washington on the first Monday in December next, pursuant to an order of appeal granted on this thirtieth day of June, A.D. 1858, in open Court, by the District Judge of the District Court of the United States for the Northern District of California in a certain suit wherein The United States are plaintiffs and you are defendants on appeal, to show cause, if any there be, why the decision in the said appeal mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness my hand and seal at San Francisco, this thirtieth day of June in the year of our Lord one thousand eight hundred and fifty eight.

Ogden Hoffman
Dist Judge

Jos Clark.

81

U. S. District Court.

The United States

v.

Leo: & Seamd: Robles

Citation

Due service of copy within admitted this 2d day of July 1858.

J. H. Clark
Atty for Ct.

Filed July 2, 1858.

W. H. Chevers,
Clerk

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UNITED STATES OF AMERICA, SS.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

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

greeting:

Whereas, lately, in the District Court of the United States, for the Northern District of California _____ before you, _____ in a cause between The United States appellants and Teodoro and Secundino Robles appellees the decree of the said District Court was in the following words viz:—

"This cause coming on to be heard at a stated Term of this court on an appeal from the final decision of the Board of Commissioners to ascertain and settle private land claims in the State of California under the act of Congress approved March 3d 1851 upon the transcript of the proceedings and decision and the papers and evidence on which said claim was founded; and it appearing to the Court that such transcript has been duly filed according to law and counsel for both parties having appeared it is ordered adjudged and decreed that said decision be affirmed; and it is further ordered, adjudged and decreed, that the claim of the appellees be confirmed to the tract of land known as "Rincon de San Francisquito" being the same on which appellees now reside, and bounded and described as follows viz: On the northwardly side by the rancho of Doña Antonia Mesa by the land of Don Antonio Buelna, and by that of Doña Guadalupe Briones; on the west side by the range of hills from the land of said Guadalupe Briones to the point known as "Arastraderos" on the south side by said "Arastraderos" until it reaches the land of Francisco Estrada; and thence by said Estrada's north line to the east end of the same; and on the east side by the bay to

the south line of the rancho of said Antonia Mesa, first-mentioned, at the southeast corner thereof. The limits of the land hereby confirmed to be subject to the settlement and location of the said line of the ranchos and lands above mentioned as the same have been defined and settled by Judicial survey, or as the same have been defined and settled under confirmations by the said Board of Commissioners and by this Court, as, in default of both, as the same were understood and settled at the time of the grant of the premises hereby confirmed to José Peña on the 29th day of March, 1841. Reference to be had to said grant, and also to the map or plan of said premises on file in this case, attached to and forming a part of the traced copy of the espediente, duly certified from the office of the United States Surveyor General for California." ——

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

And whereas, in the present term of December, in the year of our Lord one thousand eight hundred and fifty nine the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was ~~argued by counsel: On consideration whereof,~~ submitted to the Court by Mr E. M. Stanton of Counsel for the Appellants - On consideration whereof and on the motion of Mr. Gillet of counsel for the appellees - it is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby affirmed. -

Feb: 20th

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

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

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

~~COSTS~~, ~~~~

~~Clerk,.....$~~ ~~~~
~~Attorney,....$~~ ~~~~
~~~~
$ ~~~~

~~Taxed by~~

Wm. k. Carroll

*Clerk of the Supreme Court of the United States.*

No. 93, December Term, 1859.

**MANDATE**

SUPREME COURT UNITED STATES.

U. States vs. Robles

Duplicate.

Filed May 21, 1860.
W. A. Adams
Clerk

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Ex 2.
~~~~

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At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court House, in the City of San Francisco, on Monday the twenty first day of May in the year of our Lord one thousand eight hundred and ~~fifty~~ sixty, for the trial of land cases.

Present:

M. Hall McAllister. Circuit Judge.

The Honorable ~~OGDEN HOFFMAN, *District Judge*~~.

The United States,
Appellants.

vs.

Teodoro & Secundino Robles.
Appellees,
and Claimants.

D. C. No. 81.
L. C. No. 200.

And now come the said Claimants Teodoro & Secundino Robles, by their attorney Jeremiah Clarke, and present the Mandate of the Supreme Court of the United States affirming the decree of this Court made herein, as more particularly appears by reference to the said Mandate. Whereupon, and on motion of the said Claimants by their said attorney, It is now here ordered that the said Mandate be filed, and made a part of the ~~said~~ Record of this Court in this cause, and that the said Claimants may proceed under the said Mandate, and under the decree of this Court as thereby affirmed, as under final decree.

M Hall McAllister
Circuit Judge

No. 81.

District Court of the United States

IN AND FOR THE

Northern District of California.

The United States

vs.

L. T. & L. Robles.

Order Re File Mandate

of S. Supr. Ct.

Filed May 21st 1860

W. H. Reed Clerk.

By

Deputy.

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

Clerk's Office,

I hereby Certify the foregoing to be a true copy from the Minutes of the said Court.

Clerk.

By

Deputy.

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District Court of the U. States
Northern District of California

The U. States
vs
José Teodoro Robles
Lecundino Robles

No. 81.

The Petitioner Jeremiah Clarke respectfully shews to the Court and unto That Petitioner is the owner by purchase through diverse mesne conveyances from José Teodoro Robles and Lecundino Robles of the principal part of the tract of land confirmed in the above entitled cause, and that as such owner by succession to the rights of Claimants he is directly interested in the survey of the said tract — That the claim of said Claimants having been finally confirmed in said cause, a survey, purporting to be an official Survey of the tract so confirmed was approved by the United States Surveyor

General for California on the 19th day of November 1860, and that the first publication of the notice of said survey was made in the San Francisco Herald on the 20th day of November 1860.

Petitioner states that said Survey is exceedingly erroneous — that not a single boundary line is thereby correctly located and that by means of these errors the quantity of land surveyed and platted is very much less than that surveyed in said claim

Petitioner therefore asks for an order requiring the said Surveyor General to return said Survey to this Court for adjudication and correction

J. Clarke
[illegible] Dawson [illegible]
Atty for Claimants

Jeremiah Clarke, the Petitioner above named maketh

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oath that the statements in the foregoing petition, touching the subject of petitioner in the last thereof mentioned are true.

J Tulashe

Sworn to and subscribed
Dec: 3rd, 1860. before me,
W. H. Chevers,
U.S. Com.

U. S. Dist. Court

No. 81

The U. States
vs
Jose J. Robles &
Secundino Robles

Santa Clara

Filed Dec: 3. 1860.
W. H. Clevers.
Clerk

Petition
for return of Survey

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At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the CITY OF SAN FRANCISCO, on Monday the Third day of December in the year of our Lord one thousand eight hundred and sixty.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

V.

J. & S. Robles.

IN LAND CASES.

District Court No. 81.

Land Com. No. 200.

AND now at this day on application of Jeremiah Clarke, Attorney for Russell, IT IS ORDERED, that the Surveyor General of the United States for California return into this Court, on or before Wednesday, the 26th day of December A. D. 1860, his Official Survey and Plat of the land finally confirmed in the above entitled cause, known as "Rincon de San Francisquito" and situated in the County of Santa Clara in said District; AND IT IS FURTHER ORDERED, that the United States Marshal for this District serve upon the said Surveyor General, without delay, a certified copy of this order, and make due return hereon.

United S. Marshal Office
San Francisco Dec 3/60.

Served personally by Copy on J W Mandeville
U S ~~Marshal~~ Surveyor General for California
this 3rd November 1860

P. L. Solomon
U S Marshal
R. S. Lamkin
Depty

No. 81

UNITED STATES DISTRICT COURT
Northern District of California.
IN LAND CASES.

THE UNITED STATES,
V.
R. & S. Robles.

ORDER TO RETURN SURVEY.

Returnable 26th Dec. 1860

Issued 3rd Dec. 1860

Filed 5th Dec. 1860

W. H. Chevers *Clerk.*

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District Court of the U. States
Northern District of California

The U. States
vs
Jose Leodoro Robles
Leandino Robles
No.

Jeremiah Clarke, Successor in interest to the Claimants in the above entitled cause, excepts to the survey returned in said cause by the U. States Surveyor General pursuant to the order of this Court heretofore made therein, for this that said survey has not been made, and does not purport to have been made in conformity with the final decree of confirmation herein, except in the single particular of following the "Crashadero road for a short distance, as a boundary: but that Northwest wardly of the said portion of the said road so followed, the said Surveyor instead of following and adopting said road, as a boundary, as for

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Northwardly as Maximo Martinez Tract; as by said Deed he was required to do: ~~but~~ in lieu thereof, has adopted certain exterior lines of an erroneous location and survey of a tract, thereto for confirmed by this Court to one Juana Briones, by a Deed thereof confirming an assumed grant of said tract to one Gregorio which grant this Exceptor states was fraudulent and forged, and thereupon, ~~said~~ together with the Deed confirming the same void as against this Exceptor: and 2d Instead of following the ridge of hills, constituting, at the date of the grant in this case the Eastern boundary, of the then land of said Martinez, viz the arroyo Laguna, thereto for granted to him by Gov. Figueroa in 1833, said Surveyor has adopted an official survey of three leagues confirmed to said Martinez, including with said arroyo Laguna, an augmentation of two leagues granted to said Mar-

tuer in 1844 by a grant of
Gov. Micheltorena, which any
mentation consists wholly of
lands covered by the grant of
Gov. Alvarado to José Reyes, made Feb. 1841,
confirmed in this cause, and was
therefore inoperative and void.
And 3d, instead of following as
the Northern boundary of
the tract herein confirmed, the
true Southern boundary of
the tract granted Antonino Bud-
na, and of the tract granted to
Maria Antonia Mesa, said Sur-
veyor has adopted the errone-
ous Southern lines of said two
tracts hereto for made by him
and returned to this Court, and
now before the same for exam-
ination and correction, by adopt-
ing which last named erroneous lines, about
two thousand acres of land have
been taken from the tract con-
firmed in this cause and added
to said two tracts, so granted to said
Budna and said Mesa: and
3d Said Surveyor, instead of mea-
ly following the remaining por-

tion of said "Crashaden" road southeasterly to the two league tract formerly granted to one Estrada, and thence along the latter's boundary, to the Bay, as required by the Decree herein, and as said lines were actually run by the sworn Deputy of said Surveyor, in surveying the tract herein confirmed, pursuant to the instructions of said Surveyor and in conformity to law, as shown by the field notes of said Deputy viz the eastern South and East blue lines ~~represented~~ upon the plat returned in this cause, said Surveyor has volunteered to protract upon and across said plat of survey, certain additionary, and uncalled for lines, and to suggest to the court, that the same should be substituted, for the said lines so actually run and described in said field notes, as the Southern and South eastern boundaries of the tract confirmed herein.

J. H. Clarke
Successor to
Claimants

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U. S. Dist. Court

No 81

The U. States

vs

José T. Robles &
Leonardo Robles

Filed January 2, 1861.

N. D. Sievers.
Clerk.

Exceptions to
Survey

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J. Valadez

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In the District Court of the United States in and for the Southern District of California —

The United States

vs.

J. & S. Robles.

In the matter of the survey and location of the Rancho Rincon de San Francisquito ———

The petition of Maria Heniedad Peralta de Castro respectfully shows to the Court, that she is the lawful owner in fee of that certain tract of land lying in the County of Santa Clara in the Southern District of California known as the Rancho Refugio or Pastoria de las Borregas, which said Rancho lies south of and adjoining the Rancho Rincon de San Francisquito confirmed by this Court to Teodora Robles and Secun-

dino Robles that the lines of the said last named Rancho as surveyed and marked under the direction of the Surveyor General of the United States for California and by him approved conflict with the boundaries of the said rancho of petitioner upon the northern side of her said rancho, the said survey including within the lines thereof a large tract of land which is a part and portion of said Rancho Refugio that the southern boundary line of said Rancho Rincon de San Francisquito as established by the decree of this Court confirming the title to said rancho Refugio is the northern boundary line of the rancho of petitioner which is the Arroyo de las Vegas and that the lines of said survey so marked and approved as aforesaid extend south of said Arroyo upon the lands of said Rancho Refugio so that the whole of said Arroyo is included within the said survey of said Rancho

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Rancho de San Francisquito——
Wherefore your petitioner prays that she be permitted to intervene in said cause, that she may thereby protect her interest in the matter of the location and survey of said Rancho Rancho de San Francisquito, now pending in this Court——

S. O. Houghton
Atty for Petitioner

State of California
County of Santa Clara } S.S.

Mª. Trinidad Prado de Castro being duly sworn upon her oath says that she has heard the foregoing petition read and knows the contents thereof that the same is true of her own knowledge except those matters therein stated on information and belief and as to those matters she believes the same to be true——

Trinidad P. de Castro her mark

Subscribed & sworn to before me this 24th day of December A. D. 1860——

Wm. T. Herron County Clerk
of Santa Clara County

District Court
of the 81
United States for
the Northern District
of California

The United States
vs.
J. & S. Robles

Petition of
Mª J. Peralta de Castro
to intervene

Filed Jany. 2. 1861.
W. H. Eldred
Clerk.

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S. O. Houghton
Atty for Petitioner

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

The United States
vs
J & S. Robles
} Rancho Rincon de
San Francisquito-

The Petition of Juana Briones respectfully Shows, that she and her children are the part owners and copremiers of a Rancho adjoining the lands claimed in the above entitled cause,-

That the owners of the last mentioned lands have caused the survey thereof to be returned into this Hon Court for examination and publication, with the view of obtaining such modification thereof, as to extend its lines over and upon the lands confirmed and surveyed to her & her children, the Claimants pray leave to intervene in the matter of the survey and location of the said Rancho Rincon de San Francisquito for the protection of her own and her childrens' rights, under the provisions of the act of Congress approved June 14. 1860 - And your petitioner will ever pray &c

Juana Briones
by her Counsel
Thornton Williams & Thornton

Affidavit to the above petition is by consent waived —

J. C. Clarke
Atty for Claimants

Calhoun Benham
U. S. Atty.

81
U. States
vs
F. J. Robles

Intervention of
Juana Briones

Filed Jany 3 1861.
W. H. Chevers
Clerk

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United States of America,) ss.
Northern District of California.)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,
To the Marshal of the United States for the Northern District of California,

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 81—, to L. & D. Robles known as "Rincon de San Francisquito", and situated in the County of Santa Clara in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the 26th day of December A. D. 1860, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this third day of December A. D., 1860.

W. A. Skene

CLERK.

No. 81.

UNITED STATES DISTRICT COURT,
Northern District of California.
IN LAND CASES.

THE UNITED STATES.

v.

T. & S. Robles.

MONITION.

Returnable 26th Dec. 1860.

Issued 3rd Dec. 1860.

Filed January 2, 1861.

W. H. Chevers
Clerk.

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The within Monition was received by me on Monday *the* 3rd *day of* December 1860, *and in obedience thereto I have given due notice, as therein commanded, by causing the publication of said notice, for* 4 *consecutive Wednesdays, in the San Francisco Herald, commencing on the* 5 *day of* December 1860; *and for* 3 *consecutive Saturdays, in the* San Jose Tribune *a paper published nearest the land, commencing on the* 8th *day of* Dec. 1860

Dated San Francisco, Dec. 26 1860

R L Solomon
U. S. Marshal.

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

The United States

vs.

S. & J. Robles

In the matter of the confirmation of the survey and location of the Rancho Rincon de San Francisquito

Now comes Maria Jesusa Peralta de Castro and intervening herein by leave of the Court first duly obtained and objects to the survey of the Rancho Rincon de San Francisquito as the same has been made and approved by the Surveyor General of the United States as shown upon the plat thereof heretofore returned to this Court for confirmation, and says that all proceedings herein ought to be stayed until a survey and final location shall have been made of the Rancho Refugio or Pastura de las Borregas, confirmed

by this court to her the said Maria Trinidad Peralta de Castro by this Court, because the south boundary line of said Rancho Rincon de San Francisquito as established by the decree of this Court confirming the title thereto is the Northern boundary line of Francisco Estrada ~~etc~~ ~~xx~~ who was the original grantee of said Rancho Refugio and thence to whom the said Maria T. P. de Castro derives title, and she says that the south line of said Rancho Rincon de San Francisquito cannot be ascertained until a final location be made of the north line of her said rancho, the said rancho Rincon being bounded on the south by her north boundary line—

And further objecting to said survey she says that a small creek known as the Arroyo de las Vegas is the north boundary line of said Rancho Refugio, and that the survey of the said Rancho Rincon de San Francisquito

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as made and approved by the said Surveyor General includes a large tract of land belonging to said Rancho Refugio; and the said Arroyo is wholly included within the limits of said Rancho Rincon; whereas the same should be the South boundary line thereof ——

S. C. Houghton
Atty for M. T. P. de Castro

District Court
of the -81-
United States

Southern District
of
California

The United
vs
J & S. Robles

Objections to Survey
by
Mr. J. P. de Castro

Filed January 11. 1861.
W. H. Chevers.
Clerk

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

J. & S. Robles

IN LAND CASES.

Dist. Court No. 81

Land Com. No. 200

To C. Benham. U.S. atty. John S. Williams and S. C. Houghton.

You are hereby notified that the testimony of R. C. Hopkins, Wm. Smith, S. A. Eaton, R. C. Matthewson et al, in the above entitled cause in behalf of the claimants will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on Monday the 25 day of February A. D. 1861, at 10 o'clock A.M., and continuing from day to day until finished, at my office, No. 14 U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this 18 day of February A. D. 1861.

W. H. Chace

U. S. COMMISSIONER.

No. 81

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

J. & S. Robles

NOTICE.

To Benham -
nSalty
J. J. Williams
& S. Houghton

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U. S. COMMISSIONER.

Service accepted this 18th day of July, 1861

[illegible]
U. S. Atty

Sent copy to S. Houghton, San Jose, by
mail - August 15, 1861. -

Sent copy of notice to J. J. Williams -

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Teodora Z Secundino Robles

IN LAND CASES.

Dist. Court No. 81

Land Com. No. 200

BE IT REMEMBERED, that on this 23rd day of Febry. A.D., 1861, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared William J. Lewis a witness produced in behalf of Claimants in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: ~~his evidence being interpreted by a sworn interpreter.~~

PRESENT: Jeremiah Clarke for claimts.
U.S. Atty. for U.S.
J. D Thornton - for Juana Bonnis

QUESTIONS IN BEHALF OF THE Claimants

Question 1st,

Whatis your name, age, residence and occupation

Ans William J. Lewis, 48 years

San Francisco - Civil Engineer & Surveyor -

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Look at paper marked Exhibit Lewis No. 1 - purporting to be a Certified Copy of a Map from the office of the Surveyor of Santa Clara County, and also look at papers marked Exhibits Lewis Nos. 2, 3. 4, 5. 6 & 7, purporting to be deeds of Conveyance by Miguel Castro of portions of tract called "Potrero de las Borregas" under a Power of Atty, to Peter Davidson, herewith filed as Exhibit Lewis 8. - State if you are the Person referred to in said deeds as having made the Survey of said tract in 1850 - and say if Exhibit 1 correctly represents the portions of said tract described in said deeds?

Ans. I am the man that made the Survey of the Rancho called "Potrero de las Borregas" in 1850, and of several Subdivisions thereof - and am the person described in

these deeds as having made

these deeds as having made said Survey - Exhibit No 1 -
Correctly depicts the several parcels of land surveyed by me and described in said deeds -

3 State if said Survey was made by the direction or concurrence of Mariano Castro and which of the tracts described in said deeds did Jm Survey?

Ans The Survey of the whole tract was made by order of the District Court for Santa Clara County - The subdivisions were made under the direction of Peter Davidson Attorney for Mariano Castro -

I made the Survey of all the tracts described in these deeds except that to Maria Josefa Davidson - by direction of said Attorney -

4 State if said Exhibit 1 represents the Laguna de la Punta de la Rabla mentioned in the original title papers of Mariano Castro? If so mark upon said Exhibit where said Laguna appears -

Ans The Laguna does appear on said Exhibit, and is now marked "Laguna de la Punta del Robla"

3- In Surveying said tract at said time, why did you run the two lines from said Laguna in the particular directions indicated by the Map?

Ans. The lines that I run were pointed out to me by Antonio Sunol and Jose Fernandez as the lines of the Judicial Boundaries of the tract as given by them -

Mariano Castro & Peter Davidson were with Messrs, Sunol, Fernandez & myself at the time these lines were pointed out - and afterwards to them

1, Look upon Exhibit "B. M. H. C." attached to deposition of A Van Dorn in case of United States vs Juana Briones No. 130 - and state if the subdivision already referred to by you appear upon said Exhibit -

Ans. It does with the exception of the subdivision of Yontz' tract, of which subdivision I know nothing

(As the foregoing testimony is objected to by Counsel of Juana Briones - Interveor as irrelevant and inadmissible)

Cross Ex. by J. D. Thornton Esq.

7 Did you not once make a Survey of the Rancho "Pastoria de las Borregas" according to the Judicial Perspicion? If yes, does Exhibit-Lewis No 1, correspond with that Survey - If it does not correspond state how it differs - and state how many acres are included in the tract surveyed according to the Judicial Perspicion?

Ans. I did make a survey of said Rancho in accordance with Judicial Perspicion -

Exhibit-Lewis No 1 corresponds with that Survey as far as said Exhibit extends - The map of the whole Survey is best shown by the Green shading on the Map attached to the deposition of Van Dorn - marked Exhibit B. W. H. C.

I cant say how many Acres the tract Comprises It is over 3 Leagues, I think. I know it is over 2 Leagues - excluding the Ynigo tract - as laid down on said Exhibit B. W. H. C -

The evidence of Juridical Possession, of which I have spoken was oral, and not written -

Wm. J. Lewis.

Deposition Closed

Subscribed & Sworn to before me this 25. day of Feby A.D. 1861 -

W. A. Pryor
U.S. Comm.

No. 81

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

T. & S. Rabbeson.

DEPOSITION OF

Wm. T. Sesnon.

on part of Claimants.

Filed March 2, 1861

W. H. Chesebrough

Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Isadora y Secundina Robles

IN LAND CASES.

Dist. Court No. 81

Land Com. No. 200

BE IT REMEMBERED, that on this 25th day of July A.D., 1861, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared R. C. Matthewson a witness produced in behalf of Claimants in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: ~~his evidence being interpreted by~~ _____ ~~a sworn interpreter~~.

PRESENT: Jeremiah Clark for Claimts
U. S. Atty for U.S.
S. D. Thornton for Juana Robles

QUESTIONS IN BEHALF OF THE Claimants

Question 1st,

What is your name, age residence and occupation?

Ans R. C. Matthewson 42 years

San Francisco - Civil Engineer and U.S. Deputy Surveyor -

2- State if you are the Deputy of the U.S. Surveyor General who made the Survey returned in this Case -

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Ans. I made the Survey - and I am the deputy who made that Survey -

3 Look at Map marked Exhibit Matherson No 1 - and attached to deposition of R. C. Matherson - and state if it correctly represents the lines actually run by you on the ground in making said Survey - and why the portion thereof bordering upon the Matadero Creek was excluded from the plat in this Case actually returned by the U.S. Surveyor General ?

Ans. The line shaded Yellow from Station 1 to Station 12 represents the line of said Survey as run by me, and the portion between that line and the Matadero Creek

was excluded by order of the Surveyor General, because it was already included in the Survey of the Grant Lines last, as heretofore surveyed & approved -

4 Was there any difficulty in ascertaining, upon the ground, what were the actual calls of the decree of confirmation, in this case as to this line to be excluded - Further ands was the Arad traders road along said line at all difficult to find?

(objected to by L.D. Thornton as calling for the opinion of the Witness)

Ans. I think there was no difficulty in tracing the line according to the decree of Court - as the line shaded yellow on Exhibit Matthewson No 1 - covers the Old Arad Traders road from Station 2 to Station 12 -

5 State if from Station one the line extending North westwardly to the San Francisquito Creek - and thence to the Bay of San Francisco, runs parallel to the boundary line of this tract called Rancho

de San Francisquito on the one hand and the Ranchos El Cote de Madera & San Francisquito and Rincon de Arroyo de San Francisquito were actually run by you on the occasion of making the Survey of this track - & whether they were adopted as the boundary lines of the other tracts fixed by the ~~Cor~~ former Survey thereof -

Ans They were not run by me, but adopted as given to me at the office of the U.S. Surveyor General -

1/ Look upon Map marked Exhibit marked Exhibit B. W.H.C. attached to Van Doms deposition in Case of U States vs Juana Briones - No. 130 - and state if there is represented upon it the tract returned in this Case by the Surveyor General, and also the tract actually surveyed by you in this Case -

Ans. The lines with the heavy brown shade as "Exhibit B. W.H.C." represent the Survey of the Rancho Rincon de San Francisquito - as approved by the Surveyor General - and the tract

marked E. B. C. G to the South, together with the tract within the lines shaded blue, lying to the East, added to the Survey as approved will indicate ~~the nearly~~ indicate the Survey made by me and marked Exhibit Matthewson No 1. with a slight difference as to the Bay line -

Cross Ex. by J. D Thornton Esq -

7 Q Not the Survey indicated in Exhibit Matthewson No 1, a Private Survey?

Ans. It is not approved by the Surveyor Genl - and I suppose may be considered a Private Survey -

8 At whose request did you make it?

Ans. Under instruction of the Surveyor General - at the request of Jeremiah Clark Esq.

9 Q Is there any thing at present indicating the road marked "Casa Traders" to be a road of that

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Character?

Ans. There is a road there which may possibly suit to me as the Arastradero. It appears to be a road that has been traveled a good deal -

10 What is the meaning of the word "Arastradero"?

Ans I suppose it means the road along which timber is dragged by teams -

11 At the time of making the Survey were there any signs of timber having been dragged along it?

Ans I saw no signs of timber being recently dragged along it - There were no marks there, at that time, indicating that timber had been dragged along it -

R. C. Matthewson

Deposition closed -

Subscribed & Sworn to before me this 25th day of Feby A.D. 1861

U.S. Comm'r

No. 81

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

J. S. Robles

DEPOSITION OF

R. C. Matthewson

on part of Claimants

Filed March 2nd 1861

W. A. Cheever

Clerk.

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City of San Jose Dec. 6. 1850.

Know all men by these presents that I. Mariano Castro of the county of Santa Clara in the State of California. reposing special trust and confidence in W. Peter Davidson of Santa Clara County and State aforesaid have made ordained authorized nominated and appointed and by these presents do make ordain authorize nominate and appoint him the said Peter Davidson my true and lawful attorney for me and in my name and for my own proper use and benefit to take the sole and entire charge and management of my farm known as (El Rancho del Refugio) lying and being situate in the County and State aforesaid, to use, cultivate, rent, bargain Sell and convey or otherwise dispose of the same. and to do all other lawful acts or things whatsoever concerning the above named premises as fully and entirely in every respect as I myself might or could do were I personally present at the doing thereof In testimony whereof I have hereunto set my hand and affixed my Seal, the day and year first above written. Mariano his X mark Castro (Seal)

Done in presence of Wm. Bartlett. James T. Reed

State of California } ss. Be it remembered that
Santa Clara County } on this 6th day of December

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A.D. 1850. before me personally appeared Mariano Castro personally known to me to be the person described in and who executed the foregoing Instrument and acknowledged that he executed the same freely voluntarily and for the uses and purposes therein mentioned, In testimony whereof I have hereunto set my hand and affixed my private seal (there being as yet no official Seal) the date last above written.

Seal. John J Richardson

Recorder in & for said County

Filed 11½ Oclk A.M. 6. December 1850.

J. J. Richardson Recorder S.C.C.

I John R. Welson Recorder in and for Santa Clara County do hereby certify that the above and foregoing on pages 192. is a full true and correct copy of an Instrument now of record in my office in Book B of deeds on page 163. In Witness whereof I have hereunto set my hand and affixed my official Seal this 16th day of February A.D. 1861.

Jno R. Welson

County Recorder

No 81

Manuel Castro
2o 3 Power of Atty
Peter Davidson —

The United States.
— vs —
J. & S. Robles.

Filed March 2. 1861
W. H. Chevers,
Clerk

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200

81 ND
PAGE 95

This Indenture made the twenty ninth (29) day of October A.D. Eighteen hundred and fifty five (1855) between — Mariano Castro and his wife Maria Trinidad Peralta de Castro of the County of Santa Clara State of California. party of the first part. and William J. Lewis of the City and county of San Francisco. party of the second part Witnesseth that the said party of the first part. for and in consideration of the sum of One thousand ($1000.) dollars to them in hand paid by the said party of the second part. at or before the ensealing and delivery of these presents. the receipt whereof is hereby acknowledged, have bargained. Sold and conveyed, and hereby do bargain, Sell and convey unto the said party of the second part. his heirs and assigns forever, all that certain piece or parcel of land situated, lying and being in the said County of Santa Clara and bounded and described as follows. Viz; Beginning at a Stake on the South side of the upper road leading from Santa Clara to San Francisco, placed for the North East corner of Leonard Norts land — thence South. fifteen degrees twenty three minutes West. (true course) Sixty

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Eight chains along said Hosts Eastern line to a Stake (which bears South thirty Six degrees eight minutes West, true course, three chains fifty four links from a live oak tree marked. M) thence South Seventy four degrees thirty Seven minutes East (true course) thirty two chains to a Stake, (which bears North Sixty nine degrees Seven minutes West. true course. fifty links from a cherry tree marked "N") thence North fifteen degrees twenty three minutes East (true course) Sixty five chains Seventy ~~five~~ (67) links to a Stake on the South Side of aforesaid Road, thence along the South Side of said Road, North Seventy four degrees thirty Seven minutes West. (true course) Six chains thirty links, thence South fifteen degrees twenty three minutes West. (true course) twenty five links to an oak tree marked "32" thence on the last mentioned course Eleven chains to a corner, thence North Seventy four degrees thirty Seven minutes West. (true course) Eleven chains twelve links to a corner, thence North fifteen degrees twenty three minutes East. (true course) Eleven chains twenty five links to a Stake on the South Side of the aforesaid Road, thence following the South Side of aforesaid road North —

Sixty five degrees fifty three minutes West fourteen chains Seventy five links to the place of begining. Containing two hundred (200) acres and being part of the Rancho or land known as the Rancho del Refugio. This conveyance being made in pursuance and fulfillment of a certain agreement between the said Mariano Castro acting by his attorney in fact Peter Davidson and the said party of the second part dated the Seventeenth day of December A.D. Eighteen hundred and fifty and also an agreement Supplimentary thereto between the same parties dated the twelfth day of December A.D. Eighteen hundred and fifty one, recorded in the office of the ~~County~~ Recorder of said County of Santa Clara in Book of Deeds "D" pages 415 & 416. on march Second A.D. Eighteen hundred and fifty two. To Have and to hold the said described premises with the appurtenances unto the said party of the Second part, his heirs and assigns forever. So that neither the said party of the first part. nor either of them, nor the heirs of them or either of them. nor any other person or persons. claiming by, from or under them or either of them. or any of.

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them. Shall or will by any means, or in any manner have claim or demand, any right or title to the above conveyed premises or any part or parcel thereof. _____

In Witness Whereof the said party of the first part have hereunto set their hands and Seals the day and year first above written. _____ Mariano his X mark Castro (Seal)

_____ Mª Trinidad Peralta de his X mark Castro (Seal)

Signed Sealed and delivered in presence of Austin M. Thompson. Robert Sanson } attest

State of California } ss. On this twenty
County of Santa Clara } Sixth (26th) day of December A.D. one thousand eight hundred and fifty five (1855) before me a Notary Public in and for said County, personally appeared Mariano Castro and his wife Mª Trinidad Peralta de Castro. Known to me to be the persons described in, and who executed the foregoing instrument, and the said instrument having been first translated and explained to them in my presence in the Spanish language, acknowledged to me that they and each of them executed the same freely and voluntarily and for the uses and purposes therein mentioned, and the said Mª Trinidad Peralta de Castro wife of the said Mariano Castro having

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been made acquainted by me with the contents of said Instrument acknowledged to me on an examination apart from and without the hearing of her said husband. that she executed the said instrument freely and voluntarily without fear or compulsion or undue influence of her said husband. and that she does not wish to retract the same. In Witness whereof I have hereunto set my hand and affixed my official Seal. the day and year last above written, _____

(Seal) Austin M. Thompson Notary Public

Filed for record at request of W. G. Lewis at 10½ Oclock A.M. January 3rd A.D. 1861. S.A. Clark Recorder

---

I John R. Wilson County Recorder of Santa Clara County do hereby certify that the above and foregoing on pages numbered 1.2.3.4.5. is a full true and correct Copy of an Instrument now of record in my office in Book K. of deeds on pages 141 and 142 — Witness my hand and official Seal this Fifteenth day of February A.D. 1861.

Jno R. Wilson
County Recorder

81

U. S. Dist. Court

The United States

vs

J. S. Robles

Exhibit Lewis
No 4

Filed March 2. 1861
W. A. Cheeney
Clerk

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Mariano Castro et ux
vs
William J. Lewis

4

$3.50

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This Indenture made this Sixteenth day of April A.D. Eighteen hundred and fifty three between Mariano Castro of the County of Santa Clara in the State of California of the one part and Maria Josefa Davidson daughter of the said Mariano Castro and Wife of Peter Davidson of the County aforesaid of the other part. Witnesseth that the said Mariano Castro as well for and in consideration of the natural love and affection which he the said Mariano Castro hath and beareth unto the said Maria Josefa Davidson, as also for the better maintainence, Support and livelihood of the said Maria Josefa Davidson hath given granted and confirmed and by these presents doth give grant and confirm unto the said Maria Josefa Davidson her heirs and assigns a certain tract of land being a part of the Rancho del Refugio Situate in the County aforesaid Smoron bounded and described as follows to wit. Commencing at a Stake marked D. at the corner of Martin Murphys land running thence South 16° West (one) (158.9) one hundred and fifty eight chains and nine links to the upper San Francisco road at a Stake marked D. thence N. 65° W. (30.45) thirty chains and forty five links to a Stake near an Oak marked D. thence N.

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16° E. (151.54) one hundred and fifty one chains and fifty four links to a stake near the corner of Whisman's ditch. thence S. 76° 22' East. (30.30) thirty chains and thirty links to the place of beginning and containing said tract herein granted (453 3/4) four hundred and fifty three and three quarters acres; together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining. To have and to hold all and singular the premises hereby granted and confirmed. with the appurtenances unto the said Maria Josefa Davidson, her heirs and assigns. to the only proper use and behoof of her the said Maria Josefa Davidson her heirs and assigns forever. In Witness whereof. the party of the first part hath hereunto set his hand and seal. the day and year first above written. Mariano his X mark Castro Seal

Witness. Fredrick Hall.

State of California } ss. On this 16th day of
Santa Clara County } April A.D. 1853. personally appeared before me a Notary Public in and for said County. Mariano Castro. known to me to be the person described in. and who executed the foregoing instrument. who acknowledged to me that he executed the same freely and voluntarily. and for the uses and purposes

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therein mentioned. In testimony whereof I have hereunto set my hand and affixed my official Seal at San Jose.

Seal Frederick Hall Notary Public

Filed for record at 2½ Oclk P.M. April 16th A.D. 1853. J. M. Murphy Recorder By E. O. Houghton Deputy.

I John R. Wilson County Recorder of Santa Clara County do hereby certify that the above and foregoing on pages numbered 1.2.3. is a full true and correct copy of an instrument now of record in my office in Book D of deeds on pages 90 and 91. Witness my hand and official Seal this Fourteenth day of February A.D. 1861.

John R. Wilson
County Recorder

80

U.S. Dist. Court

The United States

vs

J. & L. Robles

Exhibit-Lewis

No 2

Filed March 2. 1861

N. D. Cheverd.

Clerk

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Mariano Castro

to

Deed

Maria Josefa Davidson

2

$2.50

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(1)

This Indenture Made concluded and entered into this twelfth day of April A.D. 1851 by and between Mariano Castro of the County of Santa Clara and State of California of the first part and John Gontz of the County and State aforesaid of the second part. Witnesseth, That the said Mariano Castro of the first part for & in consideration of the Sum of Two Thousand dollars to me in hand paid by John Gontz. the receipt of which is hereby acknowledged doth bargain, sell and convey unto John Gontz his heirs and assigns all my right. title and interest to all that tract of land lying & being in the County of Santa Clara and State of California and bounded as follows (viz) Begining at a live oak on the South side of the upper road from — San Francisco to Santa Clara and on the Western line of James M. Jones land running West along said line 73.80 chains to a live oak tree, thence a true course North 48.97 chs to the South West corner of John A. Priors land, thence a true course East along said Priors line 34.49 chs to the South East corner of John A. Priors land, thence true course North 29.00 chs to the North East Corner of John A Priors land, thence a true

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comme East 31.26 chains to a stake on the South side of the upper road leading from San Francisco to Santa Clara. Thence along said road a South Easterly direction 78.42 chs to the live Oak at the place of beginning. containing about Four hundred and forty acres. less or more with all the privileges & appurtenances thereunto belonging. The same being a portion of the Rancho del Refugio. To have and to hold the said premises unto the said John Goutz. his heirs & assigns in fee simple forever. And I the said Mariano Castro for myself and my heirs executors and administrators do hereby covenant with the said John Goutz. his heirs and assigns that the aforegranted premises are free from all incumbrances made or suffered by me and that I will. and my heirs executors and administrators shall warrant and defend the same to the said John Goutz. his heirs and assigns forever. against the lawful claims and demands of all persons claiming by through or under me but against none other. In testimony whereof I the said Mariano Castro have hereunto set my hand and seal at San Jose this twelfth day of April Eighteen Hundred and fifty one.

Signed Sealed & } Dn Mariano Castro } Seal }
delivered in presence } By his Atty in fact
of. William L. Smith } Peter Davidson

of William L. Smith } Peter Davidson

(3)

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State of California }
County of Santa Clara } On this twelfth day of April A.D. 1851. Don Mariano Castro by his Attorney in fact Peter Davidson known to me to be the person described in and who executed the foregoing instrument, appeared before me a Notary Public in and for said County, who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned. In Testimony whereof I have hereunto set my hand and affixed my notarial seal at Office in the City of San Jose this 12th day of April A.D. 1851.

} Seal } William L. Smith. Notary Public.

Filed 5 39/60 Oclk P.M. 21st April A.D. 1851.

J. D. Richardson Recorder S.C.C.

I John R. Wilson County Recorder of Santa Clara County do hereby certify that the above and foregoing on pages 202-203 is a full true and correct copy of an instrument now of record in my office in Book "C" of Deeds on pages 405 and 406. Witness my hand and Official Seal this Fourteenth day of February A.D. 1861.

John R. Wilson

County Recorder

81

Mariano Castro
To
John Gontzy

5

U. S. Dist. Court

The United States

vs

J. S. Robles

Exhibit Lewis
No. 5

Filed March 2. 1861
W. D. Chevers
Clerk

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$2.75

Know all Men by these Presents, that whereas I, Mariano Castro, by formal deed of Sale, dated at San José, County of Santa Clara, on the Seventh day of July last, (1850) for the consideration of One Thousand dollars Cash, and five hundred Dollars in legal Services, paid and rendered me by James M. Jones, of said County, did bargain, sell and convey unto the said J. M. Jones all my right, title and interest in and to all that portion of the Rancho del Refugio, lying East of the land sold to Martin Murphy by me; and whereas the Eastern and Southern line of said land were, by the said deed erroneously described; Now Know Ye, that for the consideration of Fifteen hundred Dollars as aforesaid to me said, and a further consideration of One Dollar cash to me said by said Jones, I do hereby give, Grant, bargain, sell and convey unto the said J. M. Jones his Heirs and Assigns, all my right, title and interest in and to all that portion

of the Rancho del Refugio, lying East of the land of Martin Murphy, bounded as follows. viz: Commencing at the North Eastern Corner of the land of Martin Murphy, on the Bay of San Francisco, running thence along the shore of said Bay Easterly about Eighteen hundred Varas to the mouth of a small arroyo, at a point marked H on the map of said Rancho made by W. S. Lewis in October 1850. Thence South three degrees thirty nine minutes West 236.77 chains to the Eastern bank of the Laguna at the point of the Roble (San Pedro & San Pablo) at a point marked A on said Map. Thence South forty eight degrees and forty nine minutes West. One hundred and ninety Six chains to a point about one mile beyond the Upper San Francisco road, being the South Eastern Corner of said Rancho marked B on said Map, thence magnetic West, about five hundred Varas to a point magnetic South from the South Eastern Corner

of Martin Murphys land - thence Magnetic North to the South Eastern corner of Martin Murphys land - where there is a marked boundary tree, thence Magnetic North along said Murphys Eastern line to the point of commencement: With all the privileges and appurtenances thereunto belonging.

To Have and To Hold the said premises unto the said James M. Jones his heirs and assigns in fee simple forever. And I, the said Mariano Castro do hereby and recognize the said Sale of July 7: 1850, to the said J. M. Jones, of said land - and all sales made to any persons by the said Jones, in consequence thereof. And I the said Mariano Castro, for myself and my heirs, executors and administrators do hereby covenant with the said J. M. Jones, his heirs and assigns that the afore granted premises are free from all incumbrances, made or suffered by me - and that I will and my heirs, Executors and Administrators shall warrant and defend the same to

the said D. W. Jones, his heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under me, but against none other.

In testimony whereof, I the said Mariano Castro have hereunto set my hand and seal, at San José, this twenty fifth day of November, Eighteen Hundred and fifty

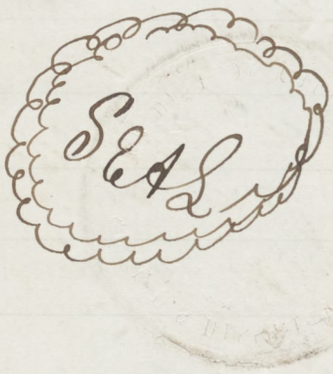
Signed, Sealed and delivered in presence of
Wm Claude Jones
Peter Davidson

Mariano his X mark Castro

State of California }
County of Santa Clara } ss.

On this twenty fourth day of November, A.D. 1850, before me R. A. Redmayn, Notary Public within and for the State and County aforesaid, personally came Mariano Castro, personally known to me to be the person described in and whose name is subscribed to the foregoing instrument

and acknowledged that he executed the same for the purposes therein specified.



In testimony whereof I have hereunto set my hand and official Seal the date last aforesaid

R. A. Redman
Notary Public

Endorsed

Mariano Castro - Deed
To
J. W. Jones -

Filed 8th Oct. A. M. 2 April 1851 -

J. B. Richardson
Recorder &c.

Recorded in Book of Deeds "C" page 373 & 374 in the Archives of Santa Clara County - California -

J. B. Richardson
Recorder
J. Flournoy
Dept.

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

The United States
vs
Jesus S. Robles
No. 81

I, William H. Sievers, clerk of the District Court of the United States for the Northern District of California, do hereby certify the foregoing to be a full, true and correct copy of a Paper offered in evidence by Jeremiah Clarke Esq. in the above entitled cause. -

In testimony whereof I have hereunto set my hand and affixed the Seal of said Dist Court this 2d of March, 1861

Clerk

81

U. S. Dist-Court

The United States

vs

J. & S. Robles

Exhibit Penis
No 7.-

Filed March 2. 1861
M. A. Cheves
Clerk

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J. S.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

J. & S. Robles.

IN LAND CASES.

Dist. Court No. 81

Land Com. No. 200

To C. Benham. U. S. Atty: John. C. Williams. and S. O. Houghton.

You are hereby notified that the testimony of R. G. Hopkins. W. M. Smith. J. H. Eaton. R. C. Matteson. et al. in the above entitled cause in behalf of the Claimants. will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on Friday the 25th day of January A. D. 1861, at 10 o'clock A. M., and continuing from day to day until finished, at my office, No. 14 U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this 18th day of January A. D. 1861.

W. A. Chevers.

U. S. COMMISSIONER.

Copy of this Notice forwarded by mail to S. O. Houghton at San José, Jany 18. 1861.

Service of a copy of within Notice is hereby admitted this 18th January. 1861.

Calhoun Benham
U S Dist Atty
C. E. Clifford

Geo J Williams
Atty for Juana Briones

No 81.

UNITED STATES DISTRICT COURT
Northern District of California.
IN LAND CASES.

THE UNITED STATES,

v.

Pat S. Richardson

NOTICE.

To

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U. S. COMMISSIONER.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Teodora J Secundino Robles

IN LAND CASES.

Dist. Court No. 81

Land Com. No. 200

BE IT REMEMBERED, that on this 26th day of Jany. A. D., 1861, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Rufus C. Hopkins a witness produced in behalf of Claimants in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: ~~his evidence being interpreted by a sworn interpreter~~.

PRESENT: Jeremiah Clarke Esq for Claimts - J. J. Williams, Esq for Intervenor Juana Briones - U.S. Atty for U.S.

QUESTIONS IN BEHALF OF THE Claimants

Question 1st,

What is your name, age residence & occupation?

Ans. Rufus C Hopkins, 21 Years and upwards - San Francisco,

Keeper of the Spanish Archives in the U.S. Surveyor Generals office for the State of California -

2 Look on the document now shown You - and State whence it comes and what it is ?

Ans. This document comprises the original title papers filed in the case of Juana Briones for the Rancho of La Punta = = Rima Concepcion - filed by the Claimant in case No 119 on the docket of the late Board of the Land Commissioners.

3 Does that document purport to be, or was it ever, a part of the Mexican Archives - or was it simply filed by said Claimant, as her private title papers ?

Ans It was filed by the claimant as her private title papers in the Land Commission.

4 Look

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Look at the document marked No 3, Constituting a part of said papers, and purporting to be a Grant of the land claimed from Juan B. Alvarado, of Pa = risima Concepcion, followed by a note, purporting to describe the boundaries of said tract, State if you recognize anything in the paper on which said Grant and note are written, or in the water mark thereon to indicate the period of time subsequent to which the Grant must have been written -

Ans. This Grant is written upon paper with the water mark of Casa d*oal, At the request of Counsel for Claimant I have examined the Expediente for 1840, and the Correspondence for 1840, and have found no paper bearing a similar water mark for that year - We have found, so far as I have examined any paper bearing this water mark earlier than the Year 1845.

State if you are familiar with

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(Counsel for Juana Briones objects to Question and Answer immediately succeeding, as being irrelevant and incompetent testimony and as seeking to go behind the final decree of confirmation.)

3- State if you are familiar with the water mark and the paper bearing it - and if so state for what purpose said paper was used, and to what extent and by whom.

(Same objection)

Ans. This paper appears to have been in common use in the years 1845 and 1846. To what extent it was used I cannot say. It seem to have been in common use in the Secretary of States office with other papers of this stamps.

4, What description was used in Grants and Expenditures in 1840, with reference to Water marks?

(Same objection)

Ans. I remember one water mark paper used at that time was Al mas. and Ben. oito. picaro. the only two I remember now

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7 Look upon the word "Alvarado" pointing to the the signature to the Note, was at the foot of the Trait, and State whether it appears to have been written with a Steel Pen or Quill Pen?

(Counsel for Defendants objects on the ground of irrelevancy and incompetency).

Ans All that I can say in relation to this signature is that it appears different from the signature of Alvarado on the same page. It seems to be somewhat stiffer. Both whether written with a Steel Pen or Goose Quill I can not say. It is written with pale ink than the balance of the writing on the page.

8 State whether said Paper appears to have been subjected to any particular treatment or manipulation to give it an appearance of age. And if so what?

(Same objection)

Ans. It appears to have had the

Stiffness taken out of it. but
whether by the ordinary pro=
cess of handling or not, I
cant say. It has some=
thing of a strange appearance
which is not found in the
other sheets of the document
but whether this is the re=
sult of an accident or design im=
possible for me to say. The
8 pages following this document
are somewhat of ten years later
date.

9 State if there is any thing
in the spread of the ink
upon said Grant or any thing
else in its appearance to in=
dicate whether the Sugar with
was imparted to it before
the writing was completed?
(same objection)

Ans. The ink is considerably spread,
showing that the paper on
of a spongy character when
written upon. This might
have resulted from the bad
quality of the paper or be=
cause the surface had been
destroyed by manipulation.
I think if the paper had been
sized before written upon that
the ink would not have adhered

as it appears to have done upon this Paper -

10

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State if in the numerous instances of Grants and Re-
-grants made during 1845 and 1846, upon this description of paper, that is upon paper containing this water mark, You have observed any ~~looseness~~ sponginess or looseness after sizing, or other infirmity of quality, which would cause ink to spread?

(Same objection)

Ans. I dont remember that I have - I have, however, made no examination to ascertain that fact - My recollection of that paper is that it was of good quality -

11

State if the decree, constituting one of the papers in question, is so attached to, or connected with any of the other said papers, as to indicate when or by whom it was made, or whether it was ever before the Governor?

(Same objection)

Ans. The diziñ is upon a single half sheet of Paper - Stitched in with the other documents, I am not acquainted with the hand writing of the dizing - there is nothing upon it shewing when or by whom it was made -

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Cross Ex^d. by J. J. Williams -

12 State if in making the Examination, to which you have referred, you have examined the original Grants and all other documents in the Surveyor Generals Office for the Year 1849.

Ans. I have not examined the Grants, nor do I say that I have examined all the documents written in 1849 -

13 Were not all the Evidences, or Grants all that you examined for that Year, written upon Habilitated Paper?

Ans. I think most of the Evidences

of 1849 Contained Habilitated

of 1840, Contained habilitated paper -

14

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Look at the Original Grant, to which You have already referred, And State in whose hand writing, if you know, it is written?

Ans. I think it is in the hand writing of Juan B. Alvarado - And the signature is also in the hand writing of Alvarado - The note forming a part appears to be in the hand writing of Jimeno. The signatures of Jimeno appear to be in his hand writing, as far as I can judge - The signature of Alvarado to the note is manifestly different from his signature to the Grant - I am not able to say whether the signature to the note is Alvarados - And it might be counterfeited so as to look as much like his signature as that - or he might - under certain circumstances, have written it as this is written - ~~The Rubric / Alvarados Rubric~~ - I cant speak in reference to the Rubric - I am chiefly acquainted with the hand writing of Alvarado from Conversation with the

Archives

15

Are there not original documents among the Spanish Archives in the Possession of the Surveyor General of the United States for California recognizing & adjudicating the Grant of the Ranchos La Ranchita Concepcion, to be valid?

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Ans. In the Grant to Maximo Martinez of the Cañada Corte de Madera and in the Robles Grant, the Grant in this case, it is mentioned in the Papers that they bound with the Indian Gregonia, and on the Maps & Expediente of those Grants it is shown that they bound with the Indian Gregonia

16

Look upon the original Map in this Case, of the United States vs Berreyesa and Secundino Robles, and state whether or not said Ranchos is not recognized thereon as an existing Rancho

Objected to by Mr Clark, as substituting Secondary evidence

81 ND

for the record, which Clark

for the record, which speaks for itself)

Ans This -

X Examination continued to Thursday next. 31st January - at 10 o'clock A.M.

31st Jany - 1861 - Examination resumed -

Present -

17 Question by Mr Thornton -

Look at the Seal on the page of the Exhibits marked 3 - in the Book for the Parishes Orleans and State whether it is the Seal which was used during the year 1840?

Ans. The Seal found upon said Page was the one used in 1840 -

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18 Look at the signature of Michel Lorena on page marked 6 of same Exhibit, and say whether or not, in your opinion, the same is genuine?

Ans. I think the signature of Michel Lorena on page 6 is genuine -

19 Look at the order commencing at the foot of page 6 on same Exhibit, and say in whose hand writing said order is, and whether the signature to the same, of Manuel Simens, is or not genuine?

Ans. The said order appears to be in the hand writing of Manuel Simens - and I think the signature was made by himself -

20 Look at the papers contained in pages 8 & 9, and state in whose hand writing the same is, and whether the signature thereto is genuine -

Ans. It is in the hand writing of Antonio Maria Ozio - and I

think the signature thereto is

think his Signature thereto is Genuine -

Re direct Exn - resumed -

21 Q. In the papers herein which You have referred in Your Answer to Question 15, is there anything which indicates, acknowledges or assumes that any Grant of land had ever been made to Gregonio ?

Ans. I do not think that any Grant to Gregonio is mentioned -

22 Q. Is there anything in the Archives to indicate what quantity of land Gregonio occupied or claimed or petitioned for ?

Ans. I think not -

23 Q. Is the petition of the documents filed in this case purporting to be a Grant au folio 3 - any part of an Expediente in the ordinary or usual Course of that Expedition ?

Ans. It is not connected with the balance of the papers in this documents - In the way that

Grants are usually connected with the proceedings in obtaining the same.

24 During what periods of time was the Seal upon said Document, and to which you have referred, used either officially or otherwise. As indicated by the documents now in the possession of the Surveyor General?

Ans. It was used in the Year 1840. and some time before and after that time, but I cant tell how long before or after.

25 Do You know what became of the Seal from which these impressions were taken?

Ans. I do not.

26 Is the impression of that Seal, found upon documents now in the Archives manifestly not genuine, and made at a comparatively recent period?

Ans. I dont Know but they are. ~~I do not recollect~~

23

27 You have stated Your opinion of the Genuineness of the Signature of Michel Cuna to Page 6. of the document referred to, Are You willing to state Your opinion of the Genuineness of the Signature of Alvarado to the Notarial following the Grant upon folio 3 of said document?

Ans. I can give no other more specific answer to this question than I have already done - It might have been forged so as to resemble his Signature as much as this does — Under certain circumstances Alvarado might have written his Signature worse than this —

28 State if there is any connection between that portion of the document referred to found on folios 3 3/4, purporting to be a Grant and diseño, and the foregoing Part of said document - folios 1 3/2 by which to indicate that they belong together or that they refer to the same subject matter - or that said Grant could have been made in the regular

or official Course of action -
or any thing to indicate that
if these documents are not
Stitched together they should
be Collocated as you now
find them?

Ans The documents preceding this
Grant and Diseño shew that
the Indian Gregorio was by
order of the Governor empar-
cipated, and that he received
by Concession of some land,
but which of the land described
in the Grant and delineated
upon the Map, the Papers do
not shew.

29 Do you know any other case
of this, as appears by the
Papers in this case, the last
act of the Governor, upon the
Petition, was to declare that
the land which was the sub-
ject matter of the Petition had
been already Granted to the
party, and that the Petitioner
must look and his measurements
beyond said land, and left the Gover-
nor without any further action,
reference or reports has pro-
ceeded at once to make a
Grant of the lands men-
tioned in the Petition?

Ans. I do not recollect—

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Cross Qs. resumed

30 Explain what you mean in your answer to question 28?—

Ans. I mean to say that the papers in this Expediente do not refer one to the other as is usually the case in an Expediente of a land Grant—

Counsel for Juana Briones objects to all evidence of hand writing based upon comparison—

Counsel for Claimants objects to the intervenors objection to testimony introduced by himself—

Deposition closed—

R. C. Hopkins.

Subscribed & Sworn to before me this 31st. day of Jany 1861—
H. H. Elmendorf
U.S. Comm.

No. 81

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

J. & S. Robles

DEPOSITION OF

R. C. Hopkins

on part of Claimants.

Filed March 22 1861

W. A. Cheever

Clerk.

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Know all men by these presents that L. Peter Davidson by virtue of a Power of attorney for and in behalf of Mariano Castro & Wife of the Pueblo de San Jose Santa Clara County State of California of the first part and Thomas J. Calloway and David Ackerman of the said Pueblo County and State aforesaid, have upon this 21st day of January A.D. 1851 have agreed by this Indenture as follows. To wit. That the said party of the first part for and in consideration of the sum of One thousand dollars to him in hand paid by the said Calloway & Ackerman of the second part the receipt whereof they do hereby acknowledge, have granted, bargained, sold and conveyed & by these presents, do grant bargain sell and convey unto the said partys of the second part all that part or parcel of land lying and being in said County and described as follows. To wit: Beginning at a stake on the South side of the upper road leading from Santa Clara to San Francisco placed for the North East corner of Saunders purchase, thence South Sixty three degrees Seven minutes East thirty chains fifty four links, to a stake which bears South twenty eight degrees twenty three minutes West One chain twenty three links

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PAGE 137

from an oak tree marked (I) thence South fifteen degrees twenty three minutes West, Sixty Seven chains twenty links to a Stake. thence North Seventy four degrees. thirty Seven minutes West. twelve chains Seventy links to a Stake in the middle of the arolla Cupertino opposite a white oak tree marked with three notches. thence following the middle of Said arolla forty Six chains to a Stake at Saunders Eastern line. thence along Said line North Seventy Six degrees Twenty three minutes East forty three chains to the place of beginning Together with all and Singular the rights privileges and appurtenances thereunto belonging or in anywise appertaining To have and to hold the Said lots or parcels of land unto the Said parties of the Second part their heirs and assigns forever. And the Said party of the first part do by these presents warrant and defend the Said party of the Second part in the quiet possession of the Said premises against all & every claim or claims whatsoever except the Government of the United States. In Testimony where of I have hereunto Set my hand and affixed my Seal this the date first above written. ___

_____ Jos Marians Castro by Agt ___

_____ Peter Davidson Seal

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State of California } S.S.
Santa Clara County } On this 21. day of January A.D. 1851. before me personally came Peter Davidson personally known to me to be the person described in and who executed the foregoing conveyance and acknowledged to me that he executed the same freely voluntarily & for the uses and purposes therein mentioned. In Witness Whereof I have hereunto set my hand & affixed my private Seal. This the date last above written, (Seal) J. D. Richardson Rec. in & for S.C. Co.
Filed 10½ Oclk A.M. 21. January 1851.
John D. Richardson Rec. J. Hounsoy Dep.

I John R. Wilson County Recorder for Santa Clara County do hereby certify that the above and foregoing on pages numbered 1. 2 & 3. is a full true and correct copy of an Instrument now of record in my office in Book C. of deeds on pages 242 and 243.

In Witness Whereof I have hereunto set my hand and affixed my official Seal this 16th day of February A.D. 1861.

Jno R Wilson County Recorder

Mariano Castro
No 3 Deed
Calloway & Ackerman

3

$250

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U. S. Dist. Court

The United States

vs

J. S. Robles

Exhibit Lewis
No 3

Filed March 2. 1869
N. D. Cheverts
Clerk

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Know all men by these presents that I. Mariano Castro by my attorney in fact Peter Davidson. of the City of San Jose. County of Santa Clara and State of California. for and in consideration of One thousand dollars lawful money of the United States of America to me in hand paid by Leonard Rost of said County. the receipt whereof I hereby fully acknowledge. have granted. released. remised and forever quit-claimed. and do by these presents. grant. remise release and forever quit claim. unto the said Leonard Rost and unto his heirs and assigns forever. all that tract of land. situated in the said County of Santa Clara. known as part of the "Rancho del Refugio" and bounded and described as follows. to wit: Beginning at a stake at the South side of the upper road leading from Santa Clara to San Francisco. and which stake bears South. fourteen degrees twenty three minutes East one chain seventy links from an Oak tree marked with three notches: thence South fifteen degrees twenty three minutes West. Sixty seven chains fifty links to a stake which bears North eighty one degrees and thirty seven minutes west two chains from a Sycamore marked I.: thence South Seventy four degrees thirty seven minutes east.

Twenty nine chains fifty two links to a stake which bears South thirty Six degrees eight minutes West three chains fifty four links from a live oak marked M; thence North fifteen degrees twenty three minutes East Sixty eight chains to a stake on the South side of the aforesaid road, thence along said road North Seventy five degrees thirty seven minutes West twenty nine chains fifty two links to the place of beginning, containing two hundred acres. To have and to hold the said premises with all the privileges and appurtenances thereto belonging, To the said Leonard Vost and to his heirs and assigns forever, and I do hereby covenant with the said Leonard Vost that I will warrant and defend the said premises to the said Leonard Vost and his heirs and assigns against the lawful claims of any and all persons whatever, except the Government of the United States of America, and D. Mª Trinidad Peralta wife of said Mariano Castro for the consideration aforesaid, do hereby release my right of dower to the said premises, In Testimony whereof we have hereunto set our hands and affixed our Seals this thirty first day of July A. D. 1854 _____ Mariano Castro (Seal)

Wit _____ per his attorney in fact

Joseph A. Scull ____ Peter Davidson _____

_____ Maria Trinidad P. de Castro (Seal)

(3)

State of California } ss.
County of Santa Clara }

81 ND
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On this 31st day of July A.D. 1854. personally appeared before me a Justice of the Peace in & for the above County. Peter Davidson. Attorney in fact aforesaid and Maria Trinidad P. Castro both personally known to me. who having Signed & Sealed the same in my presence. acknowledged that they executed the above Instrument freely and voluntarily and for the uses and purpose therein mentioned. And the said Maria Trinidad P. Castro being examined by me seperate and apart from her husband acknowledged that She executed the same without fear favor or undue influence of her husband. Given under my hand at the City of San Jose July 31st 1854.

Thos L. Vermule J. P.

Filed for record (at request of Leonard Foust) at 9 55/60 Oclock A.M. August 7th A.D. 1854.
S. A. Clark Recorder By F. Ferris Deputy

I hereby certify that the above and foregoing on pages numbered 1.2.3. is a full, true and correct copy of an Instrument now of record in my office in Book E. of deeds on pages 372 and 373. Jno R. Wilson
County Recorder
Santa Clara County

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Mariano Castro et ux

To 3 Deed

Leonard West

U.S. Dist Court

The United States

vs

J. S. Robles

Exhibit Govts

No 6

Filed March 2, 1861

W. A. Cherry

Clerk

81 ND

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6

$2.50

Jeremiah Clarke Esqr

pb.

SELLO CUARTO DOS REALES

Habilitado provisionalmente por la Aduana marítima del puerto de Monterrey, en el Departamento de las Calyfornias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltorena.

Pablo de la Guerra.

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A.D.A MARIT.A DE MONT.Y

Escmo Sor Gobernador.

Macsimo Martinez anturab de este Departamto y recidente en el Pueblo de Monterrey Mxo de S. Josè Guadalupe ante la justificacion de V.E. y como mas halla lugar en drho digo; que en el año de 1833 se me concedio por el Gobno de este Departamento en compañia de D. Domingo Peralta, un sitio de ganado Mayor conocido con el nombre de la Cañada del Corte de Madera, en la Sierra que corre para Sta Cruz y Nacimto del arroyo llamado S. Francisquito, y habiendome sedido el Sor Peralta en 19 de Mayo de 1834 su drho al mencionado terreno, como lo acredito por el documto que debidamte acompaño, y por el cual se me dio posesion juridica en 23 de Febrero de 1836.

Mas teniendo yo una crecida familia y no serme para su subsistencia suficiente este pequeño terreno que en la actualidad poseo, suplico a V.E se

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digne en atencion á lo que llebo espues
to, Concederme dos sitios mas que se
hallan valdios junto á mi re
ferido terreno como se vé en-
el diseño que acompaño, lin-
dando por el Norte, con el Rancho de Dª
Soledad Ortega, por Oriente, con el de
D. José Peña, por el Poniente, con Dª
Encarnacion Valencia, y por el Sur, con
el Yndigena Gorgonio, se me estienda
un solo titulo de tres sitios de ganado
Mayor en solo mi derecho.

P. F. A SS.E. pido se digne proveer como
llebo dicho en lo que recibire gracia
y justicia, juro no ser de mali
cia y lo necesario. &.

Pueblo de S. Jose Guadalupe. Marzo
21. de 1844.

Maximo Martinez

Como=

81 ND
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El Ciud.no Manl Michelena Grāb de Brigada del Ejercito Mexicano Ayud.te Grāb de la Plana mayor el mismo Gob.or Comand.te Grāb é inspector del Dep.to de California

Por cuanto el C.no Maximino Martinez ha pretendido p.a su beneficio personal y el de su familia el aumento de dos Sitios de ganado mayor á continuacion del que le tiene concedido desde 10 de Junio de 1833 y habiendose practicado las dilig.s y observaciones consecuentes Seg.n lo dispuesto por leyes y reglam.tos vigentes de las facultades que me son conferidas á nombre de la Nacion Mexicana he venido en concederle el aumento referido, siendo el Terreno de todo el terreno tanto del ocupado como del que actualmente se concede, con los rumbos de la Sierra Pena, con el de las Bolsas, con el del indio Gregorio y con la Sierra de Sta Cruz, sujetandose á la aprovacion de la Exma Asamblea Departamental y á las condiciones sig.tes

1a No podrá venderlo enagenarlo, imponer censo vinculo, fianza, ni otro gravamen alguno

2a Podrá cercarlo sin perjudicar las veredas caminos y servidumbres, lo disfrutara libre y exclusivam.te destinandolo al uso ó cultivo

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que mas le combenga por dentro de un año fabricara casa y estara habitada

3ª Solicitará del Juez respectivo que le dé posesion Juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites ponga I mas de las mencionadas algunos arboles frutales ó silvestres de alguna utilidad

4º El terreno de que se hace donacion en aumento al que ocupa, es de dos sitios de ganado mayor poco mas ó menos, bajo los linderos mencionados y sin perjudicar los limites del terreno que pertenece á la tercamentaria del finado Antonino Bustillos. El Juez que diere la posesion lo medira conforme á ordenanza quedando el sobrante que resulta á la Nacion p.ª los usos convenientes

5º Si contrabiniere á estas condiciones perdera su derecho al terreno y será denunciable por otro

En Consecuencia mando que sirviendole de titulo el presente, y teniendose por firme y valedera se tome razon de el en el libro respectivo y se entriegue al interesado p.ª su resguardo y demas fines Dado en Mont.ª á primero de Mayo de mil ochocientos cuarenta y cuatro = Manl Micheltorena = Manl Jimeno Srio =

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

I, **J. W. MANDEVILLE,** *Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the* **Archives** *of the former* **Spanish** *and* **Mexican** *Territory, or Department of* **Upper California,** *as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law,* **Do Hereby Certify,** *that the* five *preceding, and hereunto annexed pages, of tracing paper, numbered from one to* five *inclusive, exhibit a true, full, and correct copy, of* the petition and marginal order, Diseño and Boundaries of the grant, all forming a part of the original Expediente, now on file and forming part of the Archives aforesaid in my Office, entitled "1844. Expediente promovido por Don Ignacisimo Martines en pretension del paraje nombrado Cañada del Conte de Madera, 3 hh. "

EXAMINED AND FOUND CORRECT.

Keeper of Archives.

In Testimony Whereof, *I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this* tenth *day of* April *1861*

J. W. Mandeville

U. S. Surveyor General, for California.

81 NC
200 B9

U.S. Dist. Court

The United States

vs

J. & S. Robles

Exhibit R.C.M
No 3.

Filed January 2. 1862.
W. A. Okeover
Clerk

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2

Jeremiah Clark Esqr

#1. 5D

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SELLO CUARTO UNA CUARTILLA.

Habilitado provicionalmente por la Comisaria subalterna interina del puerto de Monterrey de la Alta California, para los años de mil ochocientos treinta y uno y ochocientos treinta y dos.

Victoria. Sor. Comandante. Militar J. J. Gomes. Errada

Monterrey 19 de Dicre. de 1832.

Los Suidadanos Macimo martines Y Domingo Peralta, Con la mallor Sumicion Y devido rrespeto que deben ante V. Se prxesentan, aciendo la Solisitud del paraje nomvrado la cañada del Coste de madera, el que esta entre los linderos de la mision de Santa Clara, Y el de el finado capitan Suidadano D.n Luis Antonio arguello para fomentarlo. Con agricultura de lavores, Y su gerion en los Unos Cortos bienes, pues Tengo Consultado con ambos colindantes Y prometen no ponernos en Barazo, Reduciendonos desde la punta del Sausal de la laguna asta los linderos de Santa Clara, con las lomas q.e tiene al sur Y poniente asta la laguna de Gillermo, Teniendo el mexito, de abersido nuestros Padres Yaguelos

Puedan los interesados en esta Jurisdiccion hacer sus siembras en el paraje q.e se refieren; en el concepto de no perjudicar a los colindantes q.e tubieren y ademas cuidaran de hacer los requisitos de Ley á la vez q.e se presente en el Territ.o el Sr. Jefe Superior Politico, quien resolverá en la materia lo q.e tubiese p.r conveniente.

Z. Amorano

81 N.D
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fundadoxes de latierxxa, Y nosotxos abexservido de buena conduta en laepoca en el servisio de las armas, dicha solisitud a sernos en calidad de pxestado, que dando sufetos a pxesentax. nos, despues conforme la lei pr tanto = a V. Suplicamos se sirba pxovex a favox delos hinteresados de que lesvibiran reconosidos;

Pueblo de sanjose de Guadalupe 16 de di-
siembxe de 1832

A ruego delos hinteresados firman

Jose Ma Busques

SELLO TERCERO
Para los años de mil seis y ochocientos
DOS REALES.
ochocientos veinte y veinte y siete.
81 ND
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Sor. Com.te Gñal y Defe Sup.or Dpto

Los ciudadanos Macario Martinez Y Domi-
ngo Peralta. Vecinos del pueblo de San Jose
de Guadalupe. Y naturales del prezidio de San
Franco. Hijos Y Ñetos de fundadores desta tierra
Su Religion Catholica apostolica Romana Sin
xo ficio labradores ante V.S. Con el mas debido
respeto. Y Sumicion conforme alla lugar
en derecho a ben presente, q.e abiendose
presentado Con fecha de 16 de diciembre.
en el año. proximo ppdo Son. Comandante
Militar Suidadano Agustin Bicente-
Samorano, Como consta del papel que me
presentante a Compañan a V.S. en solici-
tud del paraje llamado la cañada del corte
de madera q.e tiene los linderos que se espresan
en el citado papel, p.a fomentar lo conagri-
coltura de labores, Y ponen sus cortos vienes
y desto modo poder ocurrir alas necesidades,

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de sus cresidas familias en los terminos
qe. lles espresa el repetido memorial
acompañando tambien a V.S. el diseño
del citado paraje para qe. V.S. se
Rasiente del, sin siguiendo a V.S.
aber ambos serbido a la nacion con
onrrades; el primero once años en la
caballeria y dinco en la milicia de artilleria
y el segundo aberse lastimado en el serbicio.
pr. cuya causa lo dieron su licencia asoluta
a no temer y sentan difuso y molestar la
ocupadicima atencion de V.S. me estenderia
mos. pero como siendo la alta penetracion de V.S.
con su gran benignidad esperamos se digne su
superioridad aseder a nuestra peticion pr qe.
amos de no perjudicar a nadie nos ara felices
pr. tanta;

A V.S. pedimos y suplicamos se digne prober
en fabor siaci lo allare en justicia en qe. re-
cibiremos gracia y merced;

A Ruego de los interesados Jirma Jose Maria Basquez

José Figueroa General de Brigada de los Exercitos Mexicanos Comandte general Inspector y Gefe Superior Político del Territorio de la Alta California.

81 ND
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Por cuanto Maximo Martinez y Domingo Peralta han precendido pa su veneficio personal y el de sus familias el terreno conocido con el nombre de la Cañada del Corte de Madera colindante con la Mision de Sta Clara, Rancho de las Pulgas y Sierra de Sta Cruz; practicadas provicionalmente las diligencias y averiguaciones conducentes segun lo dispuesto pr. leyes y Reglamentos: usando de las facultades q. me son conferidas en decreto de cinco del Corriente á nombre de la Nacion Mexicana he venido en concederles el terreno mencionado declarandoles la propiedad de el pr. las presentes letras entendiendose dha concesion con enteramente con formidad á lo dispuesto pr las Leyes á reserva de la aprovacion ó desaprovacion de la Exma Diputacion Territorial y del Supmo Gobno y bajo las condiciones siguientes

1a Que se someterán á las q. establecieren el Reglamento q se hade formar pa la distribucion de terrenos Valdio y q. mientras no los agraciados ni sus herederos podran dividir ni enagenar el q. de les adjudica: imponer censo, vincular, fiadiza, hipoteca ni otro gravamen, aunque sea pr. causa piadosa, ni pasarlo á manos muertas

2a Podran cercarlo sin perjudicar las veredas, caminos y servidumbres. lo disfrutaran libre y exclusivamente destinandolo al uso ó cultivo q. mas les acomode; pero dentro de un año á lo mas fabricaran casa y estará habitada

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3ª Cuando se le confirme la propiedad solicitaran del Juez respectiva q. les dé posecion Juridica en virtud de este despacho pr el cual se demarcaran los linderos en cuyos limites pondrán á mas de los Mohoneras algunos arboles frutales, ó silves de alguna utilidad.

4ª El terreno de que se los hace donacion es de una legua cuadrada segun esplica el diseño q. corre en el expdte el Juez q. diere la posecion lo hará medir conforme á Ordenanza pª señalar los linderos quedando el sobrante q. resulte á la nacion pª los usos convenientes.

5ª Si contravinieren á estas condiciones perderan su derecho al terreno y será denunciable pr otro.

En consecuencia mando q. sirviendole de titulo el presente y remitirse pr Jorme y valedero, se tome razon en el libro q. corresponde y se entregue á los interesados pª su resguardo y demas fines. Dado en Monterrey á diez de Junio de 1833 —

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

I, **J. W. MANDEVILLE,** *Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the* **Archives** *of the former* **Spanish** *and* **Mexican** *Territory, or Department of* **Upper California,** *as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law,* **Do Hereby Certify,** *that the* Seven *preceding, and hereunto annexed pages, of tracing paper, numbered from one to* Seven *inclusive, exhibit a true, full, and correct copy, of a* **portion** *of an original Expediente, being the original petition, marginal order, Diseño, and Borrador of the Grant, forming part of said Expediente; now on file among the Archives aforesaid in my office and forming part of the same, and which said Expediente is entitled;*

" Jurisdiccion del Pueblo de S. Jose Guadalupe, No 8, Año de 1833.

" Expediente Sobre el terreno nombrado Cañada del Corte de Madera solicitado

" p.r su cultivo por Macsimo Martinez y Domingo Peralta. &

Keeper of Archives.

EXAMINED AND FOUND CORRECT.

In Testimony Whereof, *I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this tenth day of April 1861*

J. W. Mandeville U. S. Surveyor General, for California.

81 ND
200 B1

U.S. Dist. Court

The United States

vs

J. S. Robles

Exhibit R.C.M
No. 2

Filed January 2. 1862.
W. H. Abbott.
Clerk

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

The U. States
vs
J. J. & S. Robles
} No 81

Take notice that on Wednesday May 22d 1861 at 10 o'clock A. M. at the office of the U. S. District Court I shall take the depositions of R. C. Matthewson. Melvin Smith and E. B. Drake. to be read in evidence in the above entitled cause.

Respectfully
J. Coleman
for Claimants

To Wm J. J. Williams
and S. C. Houghton
Atts for Intervenors

A copy of the within notice received
May 15th 1861 Williams & Thornton
Attys for James Brooks

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Copy of within notice filed in S. F. Post Office
addressed to L. C. Washington at-
torney for Mariano Castro, May 15th 1861
J. Estudillo

U. S. Dist. Court
No 81.
The U. S. States
vs
J. J. & J. Robles
Notice to take
Depositions

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PAGE

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Teodoro Secundino Robles

IN LAND CASES.

Dist. Court No. 81

Land Com. No. 200

BE IT REMEMBERED, that on this 24 day of May A.D., 1861, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared R. C. Matthewson a witness produced in behalf of Claimants in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: ~~his evidence being interpreted by a sworn interpreter~~.

PRESENT: Jeremiah McClarke for Claimts.
U.S. atty. for U.S. J.D. Thornton
for ~~U.S.~~ Intervenors Juana Briones

QUESTIONS IN BEHALF OF THE Claimants

Question 1st,

State your name, age residence and occupation?

Ans. R. C. Matthewson - Lawful age - San Francisco - Surveyor

and Civil Engineer -

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State whether, after making the official Survey, returned in this case by the Surveyor General, You proceeded, at the instance of the claimants, to extend the Survey of the Arastradero road Westerly, adjoined to the said Survey, Westerly? If so describe said continuation of said road -

Ans. Said - I commenced at an oak tree S. F. 2 - on South side of Arastradero road and East side of a branch of Matadero Creek, and ran a traverse line Westerly along said road & to the Stanford Creek -

3

Look at Exhibit now shown You marked "K. C. M." and state whether it was made by Your direction - and whether it represents said Arastradero road as run by You?

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Ans It was made from my field notes taken on the Ground, and the dotted line Commencing at oak S.T. 2, and running Westwardly to a dead willow on the left bank of the Stanislaus Creek represents the line as run by me, of the old Coal-Diggers road.

4 What is represented by the dotted line extending Eastwardly from said point S.T. 2.

Ans. It represents a continuation of the same road Eastwardly - According to a traverse line which I ran along the road at the time I made the official survey of the Rancho Rancho de San Francis quito -

5 State in what way the Stanislaus Creek has been laid down on Exhibit R.C. No. 9

Ans. The course of it was taken

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by one at the dead willow and the line projected to its Junction with the San Francisquito Creek Approximately from the filed notes of the Pulgas Rancho and the Rancho Corte de Madera, as returned officially to the Surveyor Genals office.

1/

Give the topography of the country lying between the point where said road crosses the Stancas Creek and the San Francisquito Creek with reference to its being hill, valley or plain?

Ans. Immediately to the West of the Stancas Creek is a large Chaparral Mountain which extends for some distance in a Northerly direction, and after rounds turns in a North Westerly direction almost parallel to the Sierra Coast range.

Lying West of this

lying West of this

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mountain and between Arana Santa Cruz Mountains - or Sierra de Santa Cruz - is the Corte Madera or Maxima Martinez Valley -

7 Look on Exhibit now shown you marked "R.C. M. 2", purporting to be the diseño of the Grant of Maximo Martinez a one league of land called Cañada Corte de Madera, and State what portions of said diseño correspond with what portions of said Exhibit R.C. M 1st -

Ans - What is marked "Arroyo Permanente" upon the diseño, appears to represent the Stanford Creek on said Exhibit R.C. M. 1st What is marked "Arroyo Seco" on diseño - represents the Arroyo San Francisquito on Exhibit 1 And, what is called "Lomeria Baya" on diseño - represents what is called "Large Chaparral Mountain" on Exhibit 1 -

What is called the "Cañada del Corte de Madera" on the diseño, & pursuant Corte de madera of Maximo Martinez Valley on Exhibit 1. –

8 Look at Exhibit now shown you marked R. C. M. 3, purporting to be the diseño to Maximo Martinez' Grant for 3 Leagues including said one league – and state if you recognize any lines upon it other than those upon R. C. M 2 – corresponding to any lines upon R. C. M. 1?

Ans The Arroyo del Matadero, which I suppose corresponds with the Arroyo del Matadero delineated on Exhibit R. C. M. 1

9 Where is ~~the Arroyo Cañada~~ situated the Creek represented on R. C. M 3 as "Arroyo Cañada Colinda con en carnaicion Valencia"?

Ans. I take that Arroyo to be what

Ans. I take that Arroyo to be what

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is now called the Arroyo Honda, which is a branch of the San Gregorio Creek - has its source in the Santa Cruz mountains, and runs South Westerly into the Pacific Ocean -

Adjourned for cross examination until Wednesday the 29. May - at 12 O'clock -

29. May, 12 Oclk —
Adjourned by consent to 3d
~~May~~ June 2 Oclk P. M -
3d May June 2 P. M
And by consent the direct Examination is resumed.

Ques.

10 - What is represented upon Exhibit "K C. No 1" by the crooked line marked "Chaparal"?

Ans. It represents the Southern margin of a growth of Chaparal, as seen by me

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The courses & distances of which are set forth in my deposition in case of United States vs C. V. de Rodrigues No 206.-

Cross Examination

11 How did you ascertain the road called "Arastradero"

Ans. It was pointed out to me by J. Clarke Esq & C. F. Hill - Mr Clarkes tenant as being the Arastradero road to the West of "Oak S. F. 2" and the portion to the East thereof was pointed out by Maximo Martinez, as the old Arastradero road, - also by the said Clarke & Hill -

12 Has that road any other appearance now than that of an ordinary travelled road

road

Ans. It has not

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Re-direct-

13- In following that road West wardly, after reaching that portion of it which is inside of that part of Exhibit R. C. M. 1- designated as "Rancho Punsima Concepcion", State whether the topography of the Country, the position of the hills and Valleys render it necessary that a road having the general direction of this, should have the position as here laid down-

(Objected to as asking the opinion of Witness)

Ans. I should place the road there if I had to make one - to follow the valleys and avoid the hills. It seems to be the natural position for a road-

Cross of the

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opinion that that Arastradero is the one laid down on the Robles diseño -

Deposition closed

R. C. Matthewson

Subscribed & sworn
to before me this
3d day of June 1861
W. T. Thompson
U.S. Com.

No. 81

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

D. & S. Robles

DEPOSITION OF

R. C. Matthewson

on part of claimants.

Ter. Clerk.

Filed January 2. 1862.

W. H. Chevers.

Clerk.

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Feling Exhibit $6.90

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

S. & S. Robles.

IN LAND CASES.

Dist. Court No. 81.

Land Com. No. 200

To W. A. Sharp, Jeremiah Clarke, and S. O. Houghton,

You are hereby notified that the testimony of Juan B. Alvarado, Antonio Suñol, and Antonio María Pico.

in the above entitled cause in behalf of the interveners Juana Briones.

will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on Saturday the 31st day of August A. D. 1861, at 11 o'clock, A. M., and continuing from day to day until finished, at my office No. 14 U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Witness my hand and official seal at the City of San Francisco, in said District, this 22nd day of August A. D. 1861.

W. A. Chevers

U. S. COMMISSIONER.

81.

Aug: 31. 1861.

Copy of within notice
mailed by me this
day to S. O. Houghton
at San Jose'.
Aug: 22. 1861.
W. A. Cheney,
U. S. Com.

I hereby accept ser-
-vice of a copy of the
within notice this
22nd August. 1861.
J. Clarke
Atty for Pl't
W. H. Sharp
U S Atty

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

P. & S. Robles

IN LAND CASES.

Dist. Court No. 81

Land Com. No. 200

BE IT REMEMBERED, that on this 30th day of August A.D., 1851, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Juan B. Alvarado a witness produced in behalf of Intervenor Juana Briones in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being interpreted by A. D. Splivalo a sworn interpreter.

PRESENT: A. D. Thornton Esq. for Intervenor Juana Briones, Jeremiah Clarke Esq. for Claimant and W. H. Sharp U. S. Atty for the U. S.

QUESTIONS IN BEHALF OF THE Intervenor Briones

Question 1st,

What is your name, age, and place of residence?

Ans.

My name is Juan B. Alvarado, my age is fifty eight years, and I

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reside in San Pablo Contra
Costa County.

2.

What offices have you filled in
California?

Ans.

I have held the offices of Secretary
of the Territorial Deputation,
Colonel of the Militia of California,
and Governor of both the
Californias, and Prima Vocal
of the Territorial Deputation.
and others.

3.

Look at the papers here shown
you and upon the leaves of
that paper marked "1" "2" "3"
and state how much of said
paper is in your handwriting.

Document endorsed "No. 119
"Juana Briones, La Purisima
"Concepcion. Exhibits Nos. 1, 2, 3 &
"4 annexed to deposition of Pablo
"de la Guerra, taken March 14.
"1854. R. S. Filed in office
"Dec: 09, 1853 Geo. Fisher Secy.
"Recorded in Rec. of Evidence Vol. 12

"pages 19 to 23. Geo: Fisher Secy."

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"pages 19 to 23. Geo: Fisher Secy."
which is produced by R. C.
Hopkins, from the Archives in the Office of
the U. S. Surveyor General for
California, is now shown the
witness.

Counsel for claimants
states that he admits the
genuineness of all the documents
prior to the grant contained
in the document shown to
witness.

Ans.

The writing on leaf "1" is not
mine. The writing on leaf
"2" and the signatures thereon
are mine. The writing on
leaf "3" is also mine excepting
the "Nota" on the back (Vuelta)
and the two signatures of
Jimeno. My two signatures on
said leaf are genuine

4.

In whose handwriting is the
Nota on the Vuelta of the
leaf "3"?

Ans.

Manuel Jimeno. Secretario
del Despacho.

5.

Did you ever see the said Manuel Linero write?

Ans.

I did.

6.

Were these signatures of yours above referred to, made at the time that the papers bear date, to which they are attached?

Ans.

They were.

7.

Look at the signatures on leaf "6" of this document and state whether the signatures thereon are genuine?

Ans.

The signatures of Michelena and Linero are genuine, the signatures of Antonio Maria Pico I recognise by the hand-writing, and think it to be genuine. I do not exactly recollect the signature of Josè de la Rosa. I do not know the other signatures.

8.

Did you ever see ~~him~~ Michelena write?

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write?

Ans.

I did.

Cross Examination
Questions by Counsel for
Claimant.

Ques: 9.

Do you know that the body
of the grant on leaf "3" was
written by you, simply from
knowing the handwriting, or
do you recollect the fact of
writing it, and the particular
place where, and the occasion on
which it was written?

Ans.

I do not exactly recollect the
fact of writing it, but I have
a recollection that about that
time I made some grants because
of the Indians of Santa Clara,
and I think that Gregario the
individual herein named was
one of them.

10.

Did you know the individual
named in this grant personally?

Ans.

I did not, perhaps I may have seen him, but I do not recollect.

11.

Do you remember what you did with the grant after making it out, and signing it?

Ans.

Yes, I think I delivered it to the Secretary.

12.

Do you remember when the Note was written out?

Ans.

I do not.

13.

The word "Alvarado" at the bottom appears to have been written with a steel pen, both from the fact that the curves of the name and the rubrica appended, are not free and graceful, as they appear in the previous signatures of Juan B. Alvarado, and also from the fact that the ink ~~has~~ spreading into the paper, shows inconsistency.

How do you explain those

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How do you explain those facts, and also the fact that the two signatures appear entirely unlike each other?

Ans.

Certainly I notice a little difference between my signature at the bottom of the page, and the one at the top, the one at the bottom is whiter but it is not caused by rust or writing with a steel pen, I think I can explain the difference in color by saying that it must have been written with another kind of ink, also by writing with another pen than the signature on the top, it may not be so free, however I recognize that signature at the bottom to be genuine, and though it was not written with the same pen and ink as the one at the top, yet it was written with all the ease that I attached to my signatures. Certainly it was not written at the same time with the signature at the top

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nor with the same materials, but the signature itself, and the document, the signature of Simons and all appearances lead me clearly to say, that that signature is my own and genuine signature.

14.

Is there anything in the spread of the ink in the second signature to indicate at the time it was made the texture of the paper had become much looser, from handling or other cause, than it was when the other writing was done upon it?

Ans.

I cannot say because I do not know what effect writing would have on old paper, the kind of ink though has generally much effect on paper that has been handled.

15.

Was the <u>rectrica</u> to the second signature made with a quill or a steel pen?

Ans.

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Ans.

I think that it is made with a quill pen, because such were the pens that I generally used, although I also had steel pens on my desk, but I think this signature was made with a quill.

16.

Were the other parts of said document which precede the grant, before you at the time of your making out that grant?

Ans.

It is very probable, but I do not remember, as I did not use to pay much attention to such matters.

17.

Examine said previous parts of said document and state if they contain any petition for a grant of land, or any thing else except to be emancipated from the authority and control of the Mexican, or anything to indicate that the grant has any connection with those papers?

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Objected to upon the ground that the papers are in existence and speak for themselves, indicating clearly their contents, and these papers are in fact the best and only legal evidence of what they contain.

Ans.

Leaf "1" shows that they, the Indians, were already occupying a rancho, and my decrees on leaf "2" show that they had already asked for the posesion of the rancho, and that the Government had already ordered that posesion should be given to them.

18.

How do you explain the fact that your last order, dated May 25 1840, on said document shows that the land premises had been granted to Prado Mesa, and that the petitioners must extend their land to ward the San Francisquito creek, and then that on the 30th June 1840 you should make a grant of the same land to the

petitioners?

grant of the same land to the

petitioners?

Ans.

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If Prado Mesa has a title and the Indians also have a title to said premises the titles will speak for themselves before the Court. However I have a kind of recollection that there were some questions about said premises between Mesa and the Indians, but I do not remember the nature of it. They order shows that Mesa had already a grant, and as I said before if the Indians also had a grant the titles must speak for themselves, and he who has a previous title must have a better right.

19.

Was the diseño which constitutes a part of the documents before you at the time of making the grant?

Ans.

I do not remember.

20.

Is there anything in the appearance of the diseño which

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is suspicious, anything of greasiness or dirtyness, or in its rumpled appearance to indicate that it has been manipulated by by private parties to make it appear old?

Ans.

Anything can be judged as to the appearance of a diseño as the rancheros who are generally ignorant generally made said diseños on whatever piece of paper they could find, traced it as best they could, and perhaps carried it for some time in their pockets before delivering it to the Governor. As diseños came to the Government on different kinds of paper, sometimes all blacked or dirty according to the ordeal they had passed through.

21.

How does it happen that there is nothing in the archives to indicate the making of this grant, and why was it if the preceding papers referred to and the diseño were sufficient to

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authorise the issuing of a grant, that they were not archived as an expediente and numbered?

Ans.

According to what I see I think it must have been the fault of the Secretary ~~not to archive said~~ that the papers were not archived, as it was customary to do.

22.

If these papers were intended by you to be archived as an expediente upon which a grant should issue, why did you not write upon it, the ordinary decree of conclusion, commencing "Vista la peticion" etc specifying that the document was to be archived?

Ans.

This is the fault which follows the Secretary's fault of not having ordered an expediente. However this was an infraction on the ordinary rules of the Secretary's office.

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23.

Were you not compelled by
disease to intermit the functions
of Governor during a portion of that year,
and to devolve them upon the
Secretary Jimeno?

Ans.

About that time I did on
account of disease transfer
some powers to Jimeno, not
however a full power to act
as if he were myself; for
example he could not make
a grant of land, without my
consent, and so in many
other cases.

24.

Don't you remember that with
the exception of this grant
you made none in the
months of June and July
of that year?

Ans.

I do not remember.

Juan B. Ortteaviedo

Subscribed and sworn to this
30th day of August A.D. 1861. before me
W. A. A. Chevers U. S. Comm.-

No. 81

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

P. & S. Robles.

DEPOSITION OF

Juan B. Alvarado.

on part of Intervenor

Juana Briones.

Filed April 14, 1862,

W. H. Chard,

Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Teodore and Secundino Robles

IN LAND CASES.

Dist. Court No. 81

Land Com. No. 200

BE IT REMEMBERED, that on this 21st day of April A. D., 1862, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Domingo Peralta a witness produced in behalf of the ~~Intervenors~~ Juana Bilons in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being interpreted by Starkey Valencia a sworn interpreter.

PRESENT: John J. Williams Esq. - for Intervenors -
S. Clarke Esq. - for claimants
U.S. Atty. for U. States

QUESTIONS IN BEHALF OF THE Intervenors -

Question 1st,

What is your name, age, residence and occupation?

Ans

Domingo Peralta, 65 years - Rancho San Antonio - Rancher

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2

Are Qm acquainted with the Rancho of Juana Boines in Santa Clara County? If so, how long have Qm known it?

Ans-

I know the Rancho Goyoma, the same Ranch; I have known it since the Year 1834, or 1835- more or less-

3

Do Qm know the road in that neighborhood called the Cruztraderu?

Ans.

Yes-

4

Look at paper now shown Qm, marked Exhibit- Peraeta No 1- attached to this deposition- and say by or whom it was made?

Ans-

I made it-

5-

Look at said Exhibit, and say whether or not the Cruzstra Del Road is correctly laid down, or not, thereon?

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Ans-
I think it is right-

6-
Was there any road between the house of Juana Briones (and to the north thereof) and the Matadero Creek, called, prior to the coming of the Americans to this County, the Arastradero Road?

Ans.
I never knew of any road called the Arastradero between the points indicated either before or since the time spoken of in the question-

There was a trail there, as marked on said Exhibit- ~~marked~~ "Vereda de Vaqueros" &c

Cross Examination-

7
How far up towards the mountains did the trail spoken of in last answer extend?

Ans
It might have gone up into the

mountains as far as the cattle wished to run - but I was never up there - It runs to the Potrero and then turns towards the house that I lived in the Maximo Martinez Rancho - a wooden house -

8

Was that wooden house that you built in the Cañada de Corte de Madera?

Ans -

It was - in the Southern part of the Cañada - I do not know how far the house was from the foot of the mountains -

9

How far was the house from any of the branches of the San Francisquito Creek?

Ans -

Pretty far.

10

Do you know where Maximo Martinez now lives, or has lived for the last 4 or 5 years?

Ans -

I do not - Haven't been there

11

Did Jm ever know where Maximo Martinez lived in the Cañada de Este del Madera?

Ans.

I knew he was living where I left him, in October or Nov 1834 - I have never been there since -

12

Have Jm ever been on the land marked on on said Exhibit - since that time?

Ans.

I was there once, after Xmas in 1850 -

13 -

How far was Antonio Pulnas house from the Crossing of the Francisquito Creek by the Road which Jm have marked on said Exhibit as "Camino del Cantradas &c"?

Ans -

It was very close to it -

14

How far was it from this Crossing to the Rancho of Cañada de

Corte del Madera?

Ans-
I dont know exactly how far-
I was not interested about the
distance - and don't know -

15
If you were going from that
Croking to the Corte Madera
Rancho, owned by Jno Cook the
Creek or down - or how?

Ans.
Jn have to Jump the Creek.

16
Mark on said Exhibit - where
the Cañada de Corte Madera
was and is -

Ans.
Witness marks as requested - with
the words "Saw emidio ynla Cañada
del Corte de Madera", on said Ex-
hibit -

17
Does one branch of the San
Francisquito Creek run through
the ~~Ranchos~~ Cañada Corte Madera?

Ans-
A Creek runs through it and joins
the San Francisquito Creek

18

Is there any other Creek that joins the San Francisquito either above or below the one just spoken of?

Ans-

There was another little Creek which joins it below - -

19

Are the hills to the East of the Canada del Cate Madera very high hills or not?

Ans-

Middling - not very high - ~~hills~~ pretty level and handy enough to make a road over them -

20

How did the road go from the crossing of the San Francisquito Creek?

Ans-

Just as I have marked it on my Exhibit -

21

How far was it from the lower crossing of the Creek by the road as you have traced it on said Exhibit - to the next crossing

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above?

Ans

I don't know - quite a distance -

22

Was the bend or ripples crossing above or below the entrance of the little Creek, of which you have spoken, into the San Francisquito Creek?

Ans.

I don't remember -

23 -

Was there any other branch of the Arastradero - going towards the mountain - above the crossing of the San Francisquito Creek?

Ans -

There used to be a road in that direction - which joined the Arrastradero, but I don't recollect on which side of the Creek it joined it -

Jose Domingo Peralta

Subscribed & Sworn to
before me this 21st April, 1860

W. H. Glen
U. S. Comm.

No. 81.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

v.

Jr S. Robles

DEPOSITION OF

Domingo Peralta

on part of Intervenors -

Maria Briones.

Filed April 21, 1862,

W. H. Reeves,

Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

J. and S. Robles.

~~[illegible]~~

IN LAND CASES.

Dist. Court No. 81,

Land Com. No. 200.

BE IT REMEMBERED, that on this 13th day of June A. D., 1862 at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared R. C. Hopkins a witness produced in behalf of the Claimants in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: ~~his evidence being interpreted by a sworn interpreter.~~

PRESENT: Jeremiah Clarke for Claimants, J. J. Williams for intervenor Juana Briones. H. H. Sharp, U. S. Atty for the U. S.

QUESTIONS IN BEHALF OF THE Claimants.

Question 1st,

In your answer to the 12th question in your deposition in this case commenced 26th January 1861 you state that you had not examined all the grants made by Gov: Alvarado

in that year, state if since the taking of that deposition you have made any further examination of said grants, and papers and if so, state whether as the result of said examination you would wish to vary your answer to question 4. in said deposition.

Ans.

I have examined the grants made by Gov: Alvarado in 1840, and have not found any of said grants made on paper bearing the water mark of "Casa D^t Val" This is the only variation I wish to make in my answer to question 4. in said deposition.

Cross examined by Mr Williams, Atty for Juana Briones.

2nd.

Were not the grants so examined by you as above stated, on habil= =itated papers,

Ans.

In making said examination, my attention was not directed to the

habilitation of the paper, but my impression is that the grants of 1840 are mostly, ~~if not wholly~~, on habilitated paper.

3rd.

Do you not find a whole sheet of the paper referred to in an expediente of 1842.

Ans.

I find a whole sheet of said paper ~~sheet~~, in said expediente, embracing the date of 1842 to 1845, upon which sheet is pasted a map, which is preceded by a certificate of Manuel Jimeno referring to said map, dated October 14, 1842.

Direct Resumed.

4.

State if said sheet is wholly blank, and whether there is any thing to indicate that it was filed as a part of said expediente earlier than 1845.

Ans.

Said sheet is wholly blank, and there is nothing upon it to indicate the time at which the map was pasted on it.

R. C. Hopkins.

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Sworn to and Subscribed June
13th. 1862. before me,
H. B. Chears,
U. S. Com'r.

81.

U. S. Dist. Court.

The United States.

vs.

J. & L. Robles.

Deposition of
R. C. Hopkins
on part of Claimants.

Filed June 13. 1862.
H. A. Clement.
Clerk

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In the District Court of the United States in and for the Southern District of California.

The United States
vs.
J. & S. Robles

It is hereby stipulated and agreed by and between the undersigned that the depositions of Wm D. Lewis, Antonio Sunic - Jose Fernandez - Peter Davidson and Cayetano Castro taken in the case of the United States vs. Mariano Castro be held and considered as depositions taken in this cause, & that they have the same force & effect as though the same had been taken in said cause of U. S. vs. Robles pursuant to notice — S. C. Houghton
Atty for Castro

J. Clarke
for Claimant

No 81 —

The United States

vs.

J. & L. Robles

Stipulation

admitting depositions of Lewis, Manuel Fernandez, Davidson & Castro taken in No 97.

Filed June 28, 1862.

W. H. Chevers,
Clerk

(5/2)

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52.

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The U. S. } No. 81.
vs } ND
Teodoro & Secundino Robles—

The Same } No. 130.
vs } ND
~~Josefa~~ Juana Bioues } Dec: 10. 1862.

The official survey of the Rancho of La Purisima Concepcion confirmed Bioues is objected to on the part of the Robles owners of the adjoining Rancho "Rincon de San Francisquito originally granted to José Piña= It is contended on the part of the latter that the Northern boundary of the Bioues tract should be the dividing line traced upon the diseño of Piña, which it is claimed is identical with and was intended to represent ~~the~~ a "Arastradero road" running from the Punta del Arastradero in an easterly direction, and known as the Arastradero road— On the part of Bioues it is contended that all the land surveyed is within the exterior boundaries of the grant to Gorgonio and the which he claims, as shown

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by the diseño attached to the Expediente — and that she is entitled to locate it as surveyed notwithstanding that she it may include a portion of the land granted subsequently to Piña — To this it is answered that the land beyond the arastradero road the perhaps within the general tract duly delineated by on the diseño was cut off & appropriated to Piña by the subsequent grant to him — and that the claim to of Briones, can & ought to be satisfied out of the remaining land included within his exterior limits —

It appears by the Piña expediente that in February 1841 he presented a petition to the Governor setting forth that since June 4th 1839 he had solicited the "Rincon de San Francisquito," but that it had been subsequently applied for by Rafael Soto deceased who had called it without the knowledge of the Administrator administrator of the Missions — but wishing to do Piña justice further explains

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3 that not wishing to disturb
the widow of Soto in her ~~her small~~
possession of the small portion
which she was cultivating he
solicited ~~an enlargement~~ the
lands from the brook of Las
Yeguas to the boundaries of Max
imo Martinez, Antonio Buelna
the widow Antonia Mesa and
southward the lands of the
neophyte Gorgonio - but Maximo
Martinez presented himself and
obtained from the Government an
enlargement of 6 or 8 suertes thereby
depriving him of that quantity
of land - In view of these cir
cumstances he solicits an aug
mento or enlargement from the
Yeguas to the first Sausal to
the East - as shown on the
map -
~~The grant which~~
The Governor &c &c having received
favorable reports and being in
formed that Estrada within
whose exterior limits the tract
beyond the Yeguas lay, assented
to the Concession, granted to
Pena the land bounded by the

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"Rancho of Dña Antonia Mesa
by that of Dona Antonio Buelna
by that of Dona Guadalupe Briones
and by the high lands to the
Point known by the name of Arroyo
Tadero, and by the land of Fran
cisco Estrada—
The extents of the augmentation
thus obtained has been considered
in the case of Mariano Castro in
which the Representatives of Dña
Josefa intervened and were heard—
The only boundary with which we
have now Dona any concern is
the Southern boundary or that
dividing the lands of Dña from
those of the Neophyte Gorgonio.
On the Plan diseño this line is
plainly indicated
It Commences at the high lands
or Lomas divisorias and running
in an easterly direction crosses
the Yeguas & reaches the main
road to San José
at its near its point of beginning
are written the words Arroyo
dero y limites— and immediately
to South and not far from
where the Yeguas is represented as

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issuing from the hills a house is represented, and the words "Colindante Don Gorgonio" written —

It is evident that the point where this line begins, ~~so~~ inscribed "Arastradero" on the diseño is the "Punta del Arastradero" called for in the grant and it is probable that the line it self was intended to coincide with that of the old Arastradero road —

As to the existence and location of that road at the date of the grant the evidence is not very satisfactory — but it appears from the deposition of Mr Matthewson that a road now exists, ~~conforming in its~~ direction starting from the point indicated on the diseño and conforming in its general direction with the line thereon laid down thereon — It not only has the appearance of ~~having~~ having been one of the ancient roads, (and no evidence has been offered to show its recent con

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6 Struction / but the Topographical features of the Country are such as to require that any Road Running in that direction would to avoid the hills passing to be laid down Subs Tantially as the present Road runs.

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7

It seems most probable therefore that the line drawn on the Plano diseño was intended to represent the road laid down on Mathewson's map as the "old Arastradero road"—

But even if this be regarded as not sufficiently established, the location of the line can be determined without difficulty—

It commences at a point in the Lomas divisorias called the Punta del Arastradero a short distance south of the place where the Matadero Creek crosses from and turns in a Northeasterly direction towards the Bay—

That this "Punta del Arastradero" is identical with the point where the road claimed to be the Arastradero road skirts the same hills, cannot I think be doubted by any one who will compare the diseño with the map of the County compiled from actual surveys and filed as an Exhibit in the Cause—

From this point the line is drawn on the diseño in a direction

8 not far from East— and
both the grant and the di
seño show that it was intend
ed to strike the San José
road at a point not far from
opposite to the fish sausal
or willow thicket to the East
of the Teguas—
we have thus the points of
beginning the general direction
and approximately the termina
tion of the line— It is found
to conform with as much accuracy
as could be expected to the line
of the present road claimed to
have been intended to be repre
sented— and it cannot now be
located if the indications of the
diseño be followed so as materially
to depart from the line of that
road as laid down on Mathew
son's map—
It is apparent therefore that
the grant to Piña embraced
all the land lying between
the lomas divisorias and the
Tegueas, and north of the Arra
nadero road or a line drawn
nearly identical with it drawn

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from the Punta del Arastradero towards the fish Sanchito eastward of the Yeguas.
This land has been included in the survey of the Rancho of Juana Briones.

The expediente in the case of the Rancho La Purisima Concepcion shows that some time previous to the year 1836 the Indians Gorgonio & his son José Ramon had obtained from Gov. Figueroa a grant for a piece of land on which they had been then established They therefor solicited the Governor to grant them their emancipation-papers and to liberate them from the services which the Mission exacted of them, and which interfered with their private industry -
On the 12th June 1837 the Governor granted their prayer on condition that they divide on the land granted to them out of the Mission lands -
On the 10th December 1837 the Governor being informed that they had not obtained the possession of the land, directed the Administrador of the Mission the land to be mea-

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med and its boundaries desig
nated giving to the Indians the
preference over all other persons—
~~that the~~ ~~the~~ ~~byke~~
Neither the boundaries or the extent
of the land thus granted appear
The ~~by~~ grant from Figueroa if any
formal title was issued is not
produced— But we are justified
in assuming that the Indians had
requested some rights from the
statements in their petition and
the recognition of their claims by
Alvarado.—
On the 24th March 1839 a grant
was made to Prado Mesa which
included within its extent the
land occupied by Gorgonio and
which probably the land granted to
him by Figueroa
On the 22d May 1843 the Governor
directed the Mayor Domo of the
Mission to summon Prado Mesa
"to whom the land mentioned
has been granted", and to endea
vor to induce the Indians to
"extend ~~themselves~~ their measure
ments towards the Sau Joaquin
to such a long understood that

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11 Mesa is to allow them to
remain on the land, endeavoring
in every thing to satisfy the peti
tioners in order that they may
remain constantly at their labors
How the conflict was adjusted
does not clearly appear but it
seems that on the 30th June a for
mal title was issued to Gregorio
for one league of land — on this
grant a note is endorsed in the
handwriting of Jimeno and signed
by him & by Alvarado stating that
that the land granted is bounded
on the west by the Sierra on the
North west & North the arroyo
del San Antonio Maladero & on
the South & East the arroyo de
San Antonio.
The original diseno of Prado Mesa
as well as the description in his
grant included the land to the North
of the San Antonio and as far
as the Maladero —
There is found however an additional
expediente which by some accident
is so obliterated as to become
illegible — Appended to it is a
map in which the "land claimed"

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12 is designated and which def
fers from the original desire in
fixing the San Antonio as the
Northern boundary while the width
of the tract is extended across the
hills which formed the original
Eastern boundary—
It would seem therefore that as in
the case of the Indian Tiago whose
lands were granted out of the tract
already given to Estrada, the grant
was made to Gorgonio out of the
tract granted to Prado Mesa—*
Calame it is that the said Gorgonio
continued to occupy the land until
he sold to Juana Briones, and
that the latter has continued in
its possession to the present day
It is stated by Hernandez and
Mayino Machuca that Mesa
applied for the Judicial posession
but as Gorgonio's presenting
his papers the Alcalde refused
to give the Mesa the possession
of any land north of the San
Antonio, which the
But whatever conflict may have
existed between Mesa & Gorgonio
there is no trace of any dis

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pale between the latter and Peña
The Peña Loma petition and diseño
show that in his application he
respected the rights of Gorgonio, &
it is not probable that he would
intentionally have included within
his boundaries lands already
granted to the Indians.
The grant to Gorgonio or rather
the note indorsed upon it refers
to & the diseño indicate but 3
boundaries - viz the Sierra &
the two arroyos San Antonio
& the Maladero running from
the 4th or Northern boundary
is not specified.
The Governor therefore in When he
he adopted the Arastradero road
or the line drawn from the Pass
to the Arastradero as Peñas
Southern boundary may reasonably be supposed to have in
tended thereby to indicate the
Northern and as yet unsettled
boundary of Gorgonio -
That it was so considered by Gor
gonio is I think evident from
the terms of his conveyance in
1842 to Juana Briones -

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The latter having in 1844 obtained permission from the Governor to purchase of Gorgonio a cession of the land was made to him before the Alcalde and attesting witnesses and in 1847 a further deed was executed to him in which the boundaries of the land are mentioned

It is described as ~~adjoining the~~ bounded by the land of the deceased Prado Mesa by that of José Piña "Doña Margarita Martinez de of Antonio Buelna"

As the boundary of Piña on the side of Gorgonio had been fixed by this grant and disño more than six years before it is fair to conclude that that boundary must have been referred to in this conveyance — especially as the grant and disño of Gorgonio was silent as to the northern bound ary of the latter —

If this be so the conveyance may be received as a declaration by Gorgonio and an admission by Juana Briones that the land extended not ~~so far~~

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ma Peñas land as might be necessary to complete the quantity of one league, but only up to the ~~to~~ Peñas southern line as the same was established by his grant

~~Gorgonio~~ It does not seem to have been claimed by Gorgonio or his grantee Briones, at any time during the existence of the former government that she was entitled to encroach upon the limits of Peña to obtain her quantity — and the fact that Peña from the year 1837 had selected the land which he finally obtained in 1841 renders it doubtful whether the Governor would have counseled to allow Gorgonio to encroach upon a tract to the equitable right to which acquiescently the just Mohalahoe appears to have generally respected.

Under these circumstances it would not be clear that Briones would now have the right to take from Peña a portion of the land granted to him low if necessary to complete the

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~~the~~ one league granted to Gorgonio — notwithstanding that the grant to the latter is some 9 months older than that to Riña —

But it appears to us that she can have no such right unless it be absolutely necessary to take the land of Riña to obtain the quantity of one league —

It would seem that the official survey has ~~not~~ while it has included a piece of land north of the Arasiadero road, has failed to include a piece ~~from~~ another a portion of the tract lying along the base ~~of~~ the Sierra & embraced within the limits of of Gorgonios grant —

That the Sierra is the principal boundary or base line is I think plain from the diseño and the language of the note endorsed on the grant —

In that note the Sierra is first mentioned ~~as the~~ and the tract delineated on the diseño is evidently ~~bounded~~ by intended to lie along the base of the Sierra

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and between the two brooks
the Sierra of Santa Cruz or the
Sierra Morena is a range of lofty
mountains running in Northwest-
and South East lofty direction forming
forming the western boundary of the
along ~~the~~ the valley of Santa Clara
~~from the coast.~~
on the diseños of the ranchos of
Prado Mesa, of Gorgonio and of
Raymundo Martinez this range is
more or less widely represented—
and the streams issuing
from it the Arroyo de San José
Cupertino, the San Antonio, & the
Matadero ~~and the streams~~ are
delineated as flowing towards
the bay in a direction at right
angles to its general course, and
forming the lateral boundaries of the
ranches as lying along its base
The Mountain range does not
however as might be inferred
from the diseños rise abruptly
out of an alluvial plain— But
the foot hills extend far towards
the bay and as in the case
of the Gorgonio ~~rancho~~ rancho nearly
to the Northern limits of the tract
It is therefore not easy precisely to

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define the line of the base of the Sierra—

On the Arroyo of Gorgonio the San Antonio is represented as running down the sierra and flowing for a short distance at right angles to its course when it bends curves round towards the East—

~~But in fact the stream~~

When however the stream is ascended it is found to flow for a considerable distance along the base and parrallel with the sierra until ~~its~~ the head waters of its principal branch ~~reaches~~ are nearly due South of the points where the ~~Maladeros~~ affluents of the Maladero unite to form and give identity to that stream—

In the Survey of the Gorgonio Rancho the southern boundary of the it has not ~~been~~ attempted to follow either the base of the sierra or the course of the San Antonio. After ascending the ~~latter~~ this stream and following ~~the brook~~ it in a short distance along the base of the sierra, the ~~Survey~~ Surveyor has departed both the ~~course of the~~ latter line & the principal branch of the San Antonio

~~both~~ has come up
If ~~as~~ started, and a small
and hardly distinguishable affluent
~~of~~ the Tejeray followed, which is traced
~~it~~ towards the North west in
a direction away from, and
almost at right angles to the
Sierra — This affluent is followed
~~to~~ its head in the foot hills to
the North, where a divide is
then crossed ~~the~~ and the head
of a similar tributary of the
Matadero is reached which is
followed to its junction with
the main stream —

It results that except for the
small portion of
the line where the San Antonio
flows along the base of the
Sierra the latter line is wholly
disregarded, and the rancho
with the exception of the narrow
divide between the heads sources
of the two affluents referred to is
bounded on three sides by
the Matadero & the San Antonio
or rather by small tributaries
of those streams which are
adopted as their main ~~streams~~ channels
respectively —

20 The Rancho of Maximo Martinez is ~~were~~ ~~indicated~~ represented ~~on~~ the Diseño of Gorgonio as bounding him on the West – The Eastern bounda ry of that Rancho is the Mata deros In locating this line the creek has been ascended so far as its identity could be traced – ~~That~~ this point is indi cated by the letter "F." on the large Exhibit (B) filed in the cause – Above this point it is impractica ble to determine which of the affluents, which there unite to form the stream should be adopted – The Surveyor General has therefore followed the rule of the Land office established in such cases by ~~protracting the~~ neglect ing all the tributaries and ~~protract ing~~ drawing a line from the point F. to the Sierra in the direction of the general course of the stream below the point of junction ~~of its tributaries~~ –

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This line has been adopted as the Eastern boundary of Maximo Martinez –

The same rule has not however been ~~adop ted~~ followed in the location of the Western

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21 boundary of his neighbor Gorgonio, but an affluent of the San Antonio has been followed up to the North west, and an affluent of Matadero down, in the same direction to its junction with the latter stream—

There is thus left between the two Ranchos a triangular wedge of land unappropriated to either while the Northern boundary of Gorgonio has, to obtain quantity been bended so as to include a large & valuable part a considerable piece of the Rica Rancho—

The land thus excluded, though hilly, does not appear to be much more so than portions of the Rancho lying to the East of it and included in the survey—

It cannot be said to have been excluded because it lies beyond either the San Antonio or the Matadero— for the principal branch of the latter flows beyond it and it is for those the points "I" beyond which the Matadero ceases to be traceable

Where

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If is not adhered because the base of the Sierra, the south western boundary, is reached - for it is not pretended that that line has been attempted to be followed. If the location which has been made interfered with no adjoining grants the might perhaps safe for its remain undisturbed - Although the plain indications of both the Gorgonio Sierra, and that of the original Mesa track, each of which the former was adopted points to the base of the main Sierra as the principal and most noted boundary of the grants - But when by abandoning this line it becomes necessary to encroach upon the lands of a neighbor, and to pass his boundary line established by the Governor and apparently recognised in the deed under which the present owner of the Gorgonio tract claims title. I think it very clear that the call boundary called for in the grant should be sought & scrupulously observed in order that if possible the quantity may

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be obtained and the rights of the ocupantes respected —

It is also objected that a small piece of land has been excluded which if included would with the triangular wedge before spoken of make be sufficient to give to the claimant the quantity of one league without passing the boundary of Peña — This piece of land to the North East is evidently within the limits of the Gorgonio grant — There seems to be no good reason for not including it especially when by so doing the grant to Gorgonio may be satisfied with out encroaching upon the legal limits of the Peña rancho.

My opinion therefore is — that the Arastradero line should be followed as the Northern boundary of the Gorgonio grant — and that the Southern & Southwestern boundary should be established by ascending the San Antonio from the point marked "G" on

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24 on Exhibit "A" W. H. C. White
(the line now changes to the N. West)
to the point H. and thence
along the line of the Maximo
Martinez Rancho to the point
"O." thence down the Maladero
Creek to the Punta del Arras
tradero in the said on the Peña
diseño thence along the arastra
dero road, or the line drawn
on the Peña diseño as the
Southern boundary of his grant
to the Yegnas creek.

No. 81.
U. S. District Court.

The United States.
vs.
J. & L. Robb.

No. 130.
U. S. Dist. Court.

The United States.
vs.
Iowa Brines.

Opinion respecting
Official Survey.

Filed December 10. 1862,
W. D. Chenery,
Clerk.

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United States District Court for the Northern District of California.

United States
vs:
W. T. P. de Castro

United States
vs:
T & S. Robles.

The Petitioner J. Clarke, Intervenor and claimant in the case "United States vs: T & S. Robles" now pending in this Court upon the question of location and survey, and also Intervenor in the case "United States vs: W. T. P. de Castro" also so pending in this Court, shews to the Court that opinions of the Court touching the surveys in said causes have recently been filed by the Court ~~in said causes~~, but that no decrees touching said locations and surveys, have yet been filed.

Your petitioner askes that a rehearing may be granted in said causes in respect merely to the location of the dividing line between the two

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tracts claimed therein, respectively for the following reasons.

The Surveyor General had surveyed into the Robles tract, a piece of land to the East of the Yeguas Creek called the "Augmentation" intending to that end to adopt and locate a line represented in the Robles diseño as "linea del augmento" and Petitioner in his exceptions herein, objected to the location of that line as being to the West of its true position, while the Claimant in the Castro case, in her exceptions to the Robles survey objected altogether to the establishment of any line to the East of the Yeguas creek, and claimed that the Yeguas creek was the boundary of and between the two tracts, claiming herself all the land included in said survey lying to the east of said creek, and verifying her claim by her own affidavit.

Petitioner shows that the issue thus formed between Petitioner and said Castro was whether the Yeguas creek, or said "linea del Augmento" was the true boundary dividing said

two facts, that upon that issue then was no evidence offered except the original papers of the Grant to Peña, dated in 1841, showing the linea del augmento as a boundary, ~~under whom~~ ~~Petitioner~~ ~~claims~~ and the original papers of the grant to Estrada under whom said Castro claims, dated in 1842 showing the Yegueas Creek ~~as boundary~~; and that when said causes were submitted to the Court for adjudication of said questions as well as of questions between said Castro and other parties, ~~the~~ Court observed to the Counsel for Castro that unless, he could make some other showing, than he had yet done the "linea del augmento" would necessarily be adopted, whereupon said counsel asked and obtained leave to file a brief, undertaking and agreeing to show ~~it~~ said brief to petitioner before he should submit it to the Court. Petitioner ~~states~~, however, that said brief was placed before the court, without having been first shown to or read by the Petitioner, that said brief contains important misstatements of facts, and misrepresentations

of testimony, and this for the purpose of establishing a position not only altogether novel, but entirely foreign to any question at issue in the cause, viz: that a line, which was neither the "linea del augmento" nor the Yeguas but a tertium quid, viz a line once measured by Antonio Señol should be adopted by the Court, to the displacement of the boundary established by the title papers; the courses being drawn partly from the original legal force and effect of the measurement, and partly from the assumed fact of its having been agreed to by the parties.

Petitioner represents, that if allowed to argue the question at issue in this cause and to collate the evidence bearing upon it, he will be able to show beyond a doubt, that the line of eighty cordels in length, originally measured by Señol, was ~~a line~~ run not for the purpose of establishing a line of division between collindantes, but to ascertain the breath of ~~the~~ available land within the supposed boundaries of the Estrada grant; that as there was no motive for fixing that line

or recollecting the exact ground over
which ~~the~~ measurements were carried
so no means were taken to effectuate
such ~~an~~ object; that the subsequent
attempts of Señol to fix that line
from memory, differing as they do in
the two instances in which they have
been committed to paper by American
surveyors, to the extent of one half
the land in controversy, were palpable
and conscious frauds; and that the
third location of the same line, viz:
that sworn to by Chyscuto Castro
and which is exactly half way be-
tween the other two, is no less a
matter of pure fancy.
Petitioner will be able to show,
that the statements made and attemp-
ted to be substantiated in said brief
that the line measured by Señol, had
been agreed to by the parties and had
continued to be recognized as the dividing
line until lately, is not only wholly
without foundation, but ~~in view of the~~
~~record in this case~~, ridiculous to the last
degree; and this, not merely from the obvious
impossibility that three conflicting lines
could at the same time constitute a

single agreed line, or the extreme impossibility of ingenuity the existence of an ascertainable line from the conflicting statements of the only witnesses assuming to know its location, but from the facts shown in the record in this case viz: that the map originally filed by Castro before the land commissioners, represented the Yeguas creek as the western boundary of the land claimed, that the testimony of Lewis, was put in by the claimant to the effect, that the survey was so made by the instructions of Señol. That Señol in his own testimony says and intends to say in effect, that his was a virtual measurement of the creek, as Lewis' was an actual one,— and finally that the ~~position that there was~~ an agreed and generally recognized line between the parties, is not only a novel one, put forth for the first time after Petitioners claim to the entire tract between the Limen de Augmento and the Yeguas, had been ~~interposed~~ ~~by~~ ~~Court~~ to ~~two~~ leagues, and then sought to be established by the most indelicate and unseemly introduction of a son and son-in-law of the claimant Castro as witnesses; but that it is impossible to be

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correct ~~the~~ unless the Surveyors who have testified in this case have been fools, and unless the Claimant certainly has perjured herself ~~in this case~~ herein! the fact being that both Lewis and Healy the one in 1850 the other in 1862 found it necessary to take Denivel with them all the way from Santa Clara to the premises, to show them the line which he only was supposed to know, a thing they would never have done if the parties on the ground knew and agreed to ~~say~~ same, nay if all the neighbors knew and recognised it? and lastly, if the claimant ~~herself~~ Castro had ever dreamed of the existence in fact of such an established and agreed boundary ~~in fact~~, or even that her counsel would find it necessary to put forth such a pretence, she never would have sworn as she has deliberately sworn in her exceptions to the survey in this very case that the Yegua creek was her true boundary and the one, which this Court should recognize and adopt.

Petitioner further states that there are now ~~are~~ pending in various legal proceedings instituted within this Court

former years, various statements of the claim
ant ~~in this case~~, verified by her own oath
to the effect that the Yaquas creek
was, at the time of making such statement
the boundary of the Rancho de los
Pozos claimed in this case, and that
claimant has made at least one such
sworn statement since the proceed
ings touching the survey have been pend
ing in this case. Petitioner asks the privi
lege upon the rehearing, either to be allowed
to introduce the written admissions of the oth
er, or duly certified copies of the same touching
the boundary in question

J. Clarke
in person

U. S. District Court
Northern District
of California.
No 61.

United States
vs.
Rancho Los Pozos

U. S.
vs.
Ts. J. Bolles.

Petition for rehearing
Filed Dec: 24, 1862.
W. H. Chevers
Clerk
J. Clarke

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

The United States
vs
Teodoro & Leandino Robles

This cause coming on to be heard upon the exceptions to the Survey heretofore made and returned herein, and counsel for all parties having been heard, it is now ordered adjudged and decreed that the said Survey be and the same is hereby rejected and set aside, and it is ordered that the Surveyor General do forthwith make a new Survey of the tract herein confirmed bounded as follows viz, On the North by the Southern boundary of the tract confirmed to Mesa Antonia Mesa, as fixed by the Survey of said tract finally approved by this Court. Also by the Southern boundary of the tract confirmed to M. C. V. de Rodriguez

as hereto for surveyed by the Survey
or General (except that the Eastern
portion of said boundary is to conform
to the Survey by Dr. Matthewson of
the line of chemical, the Alabama
field notes of which are in evidence
in this cause.)

On the West by the Eastern
boundary of Mariano Martinez
tract as surveyed and patented
thence along said Martinez boun-
dary to the Arastracino road
thence Southeasterly along said
road as the same has been establish-
ed by this court as the Northern
boundary of Juana Briones tract
as far as the Zizinas creek, thence
along said road, as surveyed in
this cause as far as the Southern
boundary of the tract of Mariano
Castro as surveyed by W. J. Lewis
in 1850 the field notes of which
survey are on file in the cause U. S.
v Mariano Castro in this Court
thence along said Southern bound-
ary to a point about sixty chains from
Zizinas creek, thence in a straight
line to a point in the Base of the
line North thirty six degrees East to a point

in the Shore of the Bay, at the mean high
~~bay~~ at the Western termination
of course fifty six of the plat
returned in this cause. Thence
Northwardly along the Shore of
the bay to the place of begin-
-ning.

And that the said Sur-
-veyor General make a return
of said Survey to this Court.

Ogden Hoffman
U. S. Dist Judge

No 81.

The U. States
vs
T. & S. Roberts

Order for
New Survey

Filed Jany: 30th 1863
W. A. Cheever
Clerk

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At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the CITY OF SAN FRANCISCO, on Monday the 16th day of March in the year of our Lord one thousand eight hundred and sixty-three.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States.

V.

Ferdinand Secundino Robles.

81.

And now at this day on motion of Sidney L. Johnson. Esq. it is ordered by the Court that George Gordon be, and he is hereby allowed to intervene herein, for the protection of his interests.

No. 81.

UNITED STATES DISTRICT COURT

Northern District of California.

The United States.

V.

T. and S. Robles.

Order allowing Geo. Gordon to intervene.

Filed March 16. 1863.

W. H. Chever.

Clerk.

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In the United States District Court
Northern District of California

The United States
vs
J. & S. Rahlis

No 81.

To S. O. Houghton Esq.
Attorney [illegible] U. S. [illegible]
Intervenor in said Cause

Please take notice that a certified copy of plat of Survey made by the United States Surveyor General for California pursuant to the order for a new Survey entered in said Cause on the 30th of January 1863 has this day been returned by said Surveyor and filed in said cause - and that on Thursday next at 11 o'clock, I shall move for a Confirmation of the same by said Court, and for the entry of a final decree of confirmation thereof, the draught of which has been lodged with the clerk.

Respectfully
J. Hoche
Atty for Claimants

San Francisco
March 9th 1863

J. Clarke maketh oath that on Monday the 9th day of March 1863. he deposited in the Post Office at San Francisco with the proper postage paid a notice (of which the foregoing is a copy) addressed to S. C. Houghton attorney for Intervenor Castro in the above entitled cause

J Clarke

Sworn to and subscribed March 16. 1863. before me.
W. H. Chevers,
U.S. Com.

U.S. Dist. Court
No 81
The U. States
vs
J. S. Robles

Notice of Motion & affidavit of Service.

Filed March 16. 1863.
W. H. Chevers
Clerk

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

The United States
vs
J. & J. Robles
Rincon de San Francisquito
No 81

The petition of George Gordon
who resides in the City and County of
San Francisco

respectfully shows

That by a decree of this Court rendered
herein on the 30th of January 1863
the survey filed made in this case on the 19th
of December 1860 was rejected and a
new survey ordered to be made, and that
the new survey is ordered to be made in
such a manner as to include therein
a considerable portion of the San Fran-
cisquito Palo Alto rancho, which is claim-
ed in suit of the United States vs M. G.
V. de Rodriguez et al.; No 206.

That your petitioner holds by
mesne conveyances from the heirs of
the original grantee of the rancho
last named and from the claimants
thereof a large portion, more than one
undivided half of said last named

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rancho and is thus largely interested in the adjudication of the questions affecting the final survey thereof and he is advised that he is interested in the said decree in the above entitled case No 81 on the docket of this Court and is entitled to intervene therein for the protection of his interest.

Wherefore your petitioner prays leave to intervene herein for the protection of his interest and to be allowed to oppose the new survey ordered under the above mentioned decree of this Court, in so far as the lines of the former survey are changed to the prejudice of the said Rancho San Francisquito Palo Alto.

Sidney L. Johnson
Atty of Petitioner

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State of California }
Northern District }
City & County of San Francisco ss.

George Gordon the petitioner named in the foregoing petition being duly sworn says that he has read the same and knows the contents thereof and that the same is true.

Geo. Gordon

Subscribed & Sworn to before me this 21st day of February A.D. 1863

Wm. V. Sawyer
Notary Public

U. S. District Court
Northern District
of California

The United States
vs
T. & S. Robles

Petition of George
Gordon for leave
to intervene.

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

The United States }
vs. } Rincon de San Francisquito
T. & J. Robles } No 81

On motion of Sidney L. Johnson of counsel for George Gordon, it is ordered that the claimants and parties interested in the above entitled claim show cause on Thursday the 12th instant at the opening of this Court or so soon thereafter as counsel may be heard why the accompanying petition of intervention of the said George Gordon should not be filed herein and leave given to him to oppose the new survey filed in the above entitled case on the 12th instant so far as the said new survey has changed the lines of the former survey herein to the prejudice of the claimants and owners of the Rancho known as the San Francisquito Palo Alto, claimed in the suit of the United States vs M. C. V. de Rodriguez Nal. No 206 on the

docket of Land cases in this Court.

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San Francisco March 10th 1863

Gentlemen

Please take notice that by leave of Court granted this day the above motion will be heard on short notice at the time mentioned therein

Sidney L. Johnson
Atty of Geo. Gordon

To Jeremiah Clarke Esq. Atty of T. & S. Robles
Wm H. Sharp Esq. U.S. District Atty
W. J. Brownson Esq. Atty of M. C. V. de Valencia & al.

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U.S. District Court

Northern District of

California

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The United States

vs.

T. & S. Robles

Filed March 16. 1863.
N. D. Cheever, Clerk

Petition of Geo. Gordon

for leave to intervene

Motion & Notice of Motion

Due service of the within
petition and motion
acknowledged.
on Monday at noon

Wade & Brouns on

Attys for

In C. V. Rodriguez

Evals. (7)

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

The United States
vs.
J & S. Robles

Now comes the intervenor herein Maria F. P. de Castro and excepts to the Survey made under the order of this Court a plot of which was filed in this Court on the 9th day of March A. D. 1863 because:

1st The said survey is not made in accordance with the decree of this Court directing a resurvey of the land confirmed in this case—

2d The dividing line between the tract confirmed in this case and the Rancho Pastoria de las Borregas has not been located in making said re-

survey in accordance with the stipulation made between J. Clarke Atty for the Claimants herein and S. O. Houghton Atty for said Claimant of the said Rancho Pastura de las Bonegas filed in the Case of the United States vs. Manuel Castro herein in the name of Maria P. P. de Castro, by which said line was located as follows: to wit: Commencing at a point on the southerly line of the said Rancho Pastura de las Bonegas as heretofore surveyed by the Surveyor General of the United States. Sixty Chains easterly from the Arroyo de las Vegas and running thence in a straight line to the most westerly end of Course number fifty six at the edge of the salt marsh as the same appears upon the plat of the survey heretofore made and filed in this Cause —

S. O. Houghton
Atty for Intervenor
Ma P. P. de Castro

81

District Court
of the United States
for the Northern
Dist of Cal.

The United States

vs.

J & S. Robles

Exceptions
to
Report —

Filed March 17, 1863,
W. H. Chevers.
Clerk,

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The United States
vs
J. & L. Robbs

No 81

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On motion of George Gordon intervening for his interest in the tract called San Francisquito, it is ordered that the order for a new Survey herein dated January 30th 1863 be amended by striking out the words "except that the Eastern portion of said Boundary is to conform to the ~~Boundary~~ Survey by Dr. Matthewson of the line of Channisal the plat and field notes of which are in evidence in this cause" and that the Surveyor General return a plat of the Survey herein in conformity with this order as so amended.

Dated March 24. 1863.

Ogden Hoffman
Dist Judge

No 81

The U. States

vs

J. & S. Robles

Order amending
order for Survey

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No. 81.

U. S. District Court.

The United States.

vs.

T. and S. Robles.

Order amending order of 30th January, 1863. and for a new Survey. &c.

Filed March 24. 1863.

W. D. Shearer.

Clerk

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At a stated Term of the District Court of the United States for the Northern District of California held at the Court room in the City of San Francisco on the ~~First~~ Twenty-second day of March in the year of our Lord Eighteen Hundred and Sixty Three.

Present Hon. Ogden Hoffman, District Judge.

The United States
vs:
Teodoro and Secundino Robles

No. 81.

In the matter of the Survey and location of the Rancho "Rincon de San Francisquito."

This cause came on to be again heard this day and was argued by counsel, and it appearing to the satisfaction of the Court, that the modified survey of said Rancho made by the Surveyor General of the United States for the State of California is in accordance with the Decree of this Court heretofore rendered in this cause and directing said modifications it is now therefore ordered,

adjudged and decreed, - the counsel for the Government being present and not objecting, - that said modified survey be, and the same is hereby approved and confirmed, as a true and correct survey of said Rancho. The Survey hereby approved contains Six Thousand Seven Hundred and Eighty Six 72/100 acres of land, a plat of which was returned and filed in the Clerks office of this Court on the ~~Ninth~~ Twenty seventh day of March A.D. 1863 and which said plat is hereunto annexed as a part of this Decree. Marked "Approved March 27th 1863 Ogden Hoffman Dist. Judge."

Ogden Hoffman
Dist Judge

No. 81. ND
200 Bd

U.S. Dist: Court

The United States
vs.
T & S. Robles

Decree approving Survey.

Filed March 27th 1863
W. H. Chevers,
Clerk.

April 8th 1863. Order ent'd vacating this decree

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United States District Court
Northern District of California

The United States
vs. } No 81
I x S. Robles

To Thomas H. Blake Esq

You will please take notice that a petition for a rehearing in the matter of the confirmation of the rescript ordered in the above cause has been certified by the Judge of said Court and this day filed in the office of the Clerk thereof together with the affidavit accompanying the same — March 31st 1863

S. C. Houghton
Atty for Intervenor
Thos. J. D. de Castro

Service acknowledged this 31st day
of March -

J. Clarke

No. 81.

U. S. Dist. Court
Northern District
of California

The United States
vs.
J. & S. Robles

Notice of the filing
of certified petition
for a rehearing -

Filed March 31, 1863.
W. H. Chevers,
Clerk

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In the District Court of the United States in and for the Southern District of California.—

The United States
vs. No 77
J. & S. Robles

The Intervenor herein Manuel P. de Castro moves that a rehearing be granted herein in the matter of the decree of the last confirmed to said claimants upon the grounds following to wit:

1st That on the day preceding the day on which the order was entered directing a rehearing in this cause a stipulation in writing was made and signed by Ethelbert Clarke and S. O. Houghton acting respectively on behalf of the claimants of the Ranchos Rincon de San Francisquito and ~~de San~~ Pastoria de las Borregas fixing the location of the dividing line between said ranchos, to which

said stipulation the said se-
curity does not conform —
2d Because the order confirming
the said security was obtained
by fraudulent misrepresentation
made to this Court —
Which said motion is made
upon the affidavit of S. O.
Hauptman here to attached —

S. O. Hauptman
Atty for Intervenor
In C. L. P. de Castro

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

The United States
vs.
J. & S. Robles
No. 97

In the matter of the approval and confirmation of the resurvey order herein.

S. C. Houghton being duly sworn upon his oath says: that he is the attorney for the claimant in the cause now pending in this Court entitled The United States vs. Manana Castro, owner in the name of Maria J. P. de Castro and that he is also the attorney for said Maria J. P. de Castro in the intervention herein; that in the months of January 1863 and while the question of the location of the dividing line between the rancho Rincon de San Francisquito confirmed to the said J. J. & S. Robles, and the rancho Pastura de las Borregas

confirmed to the said Maria L. P. de Castro ~~as~~ was pending and undetermined in this Court, affiant representing the said Maria L. P. de Castro as her attorney in her said Intervention herein and also in the matter of the survey and location of the tract confirmed to her called Las Bolsas, entered into a stipulation in writing with Stanton Clarke who represented the claimants herein as their attorney, and himself as intervenor, by which said stipulation it was agreed between said Clarke and affiant who were acting in behalf in their respective Clients aforesaid, that the line of division between the said ranchos should be fixed and established as the same is described in the said stipulation which is in the words and figures following, to wit:

"U. S. District Court"

The United States }
vs. } No 97

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In. L. P. de Castro –

San Francisco Jany 29. 1863 –

It is hereby stipulated and agreed by and between the claimant by her atty S.O. Houghton and Jeremiah Clarke intervenor herein, for his interest under the Robles rancho, that an order may be entered for a new survey which shall establish the dividing line between the land confirmed to J and S. Robles and the land confirmed in this cause as follows: Commencing at a point on the southerly line shewed upon upon the plat filed Dec 29. 1861 in this cause sixty chains southeasterly from the Arroyo de las Yeguas: thence by a straight line in a direction about thirty six degrees east of north to the point shown on the plat filed in case 87 December 19. 1860 as the western termination of course forty six (56)

J. Clarke
in person and
for J & S. Robles
S.O. Houghton
Atty for Mrs L. P. de Castro "

that the day after said agreement and stipulation were made and signed as aforesaid, to wit: on the 30th day of January 1863, an order was entered in this cause directing that a resurvey of the said Rancho Paso de las Bonegas should be made and that the said dividing line should be located as fixed by said stipulation; that on the same day an order was made directing a resurvey of the tract confirmed to said J. S. Robles which said last mentioned order was drawn by Thomas Clarke and the signature of the Judge of this Court obtained thereto by said Clarke without the knowledge of affiant, by which said order the said dividing line was located in a manner differing from the location as agreed upon by the same had been made by said stipulation, that affiant was utterly ignorant that said decree or order so drawn by said Clarke did not conform to said

stipulation until the early part of the month next after said order was made, when affiant for the first time learned the contents of the said order, which was not until after the survey had been made ~~under said order~~ in pursuance thereof. That said stipulation was the basis upon which the Court acted in making both of said orders for a re-survey. That no other agreement was had at any time entered into by affiant or in any manner assented to either expressly or impliedly establishing said dividing line, or any other manner than according to the terms of said stipulation; by affiant —

That the said survey made in pursuance of said order drawn by said Clarke as aforesaid so locates said dividing line as to give to said Rancho Rincon de San Francisquito about one hundred acres of land which according to the terms

of said stipulation belongs
to and should be included
within the limits of said
Rancho Paslmia de las Borregos

S. C. Hemphill

No. 81

U. S. Dist. Court
Northern District
of California

The United States
vs.
J. & S. Robles

Petition
for
a rehearing

The reading the
foregoing it is ordered
that Petitioner have
leave to move for
a rehearing.

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Ogden Hoffman
Dist Judge

Filed March 31, 1863.
W. H. Chevers
Clerk

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United States District Court in &
for the Northern District of Cal^{a}

The United States
vs. } No 81 —
F & S. Robles

To Shenuck Clarke Esqr Atty
for said Claimants —

You will please take notice
that on Tuesday the 7th day of
April 1868 at the opening of
said Court on said day or as
soon thereafter as Counsel can
be heard, I will call up for
~~argument~~ the motion made herein
for a rehearing upon the matter
of the confirmation of the re-
survey of the land confirmed
to said Claimants —

S. C. Houghton —
Atty for Intervenor
Maria I. P. de Castro

State of California }
County of Santa Clara } S.S.

S. O. Houghton being sworn says that he served the within notice on Fremont's Clarke by leaving a true copy thereof on his desk in his office in the City of San Francisco between the hours of two & three O clock P. M. on the 31st day of March 1863. said Clarke being absent therefrom — S. O. Houghton

No. 81.
U. S. District Court
Northern District
of California

The United States
vs. } No. 81 —
J. & S. Robles

Notice of motion for a rehearing

Filed March 31, 1863.
W. H. Chevers
Clerk

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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 eighth day of April in the year of our Lord one thousand eight hundred and sixty-three

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

J. J. S. Robles

No. 81

This cause came on to be heard upon the motion for a rehearing made by S. O. Houghton Esq in behalf of the intervenor M. T. P. de Castro, and counsel for the respective parties having been heard, and the said motion granted, the cause was reargued and submitted; Now therefore, due deliberation being had in the premises, It is Now Ordered adjudged and decreed, that the decree approving the survey herein filed March 27. 1863, be and the same hereby is vacated and set aside: And it is further ordered that the order for a new survey filed June 30. 1863 be amended so as to conform to the stipulation made and filed in case No. 97 on June 29, 1863, and that the Surveyor General of the U. S. for California modify his survey of the eastern line of the land confirmed herein accordingly - that is to say, in the words of said stipulation as follows: "Commencing at a point on the southerly line

shaded brown shown on the plat filed Dec 24, 1861 in this cause (No. 97) sixty chains southeasterly from the Arroyo de las Legnas, thence by a straight line in a direction about thirty six degrees east of north to the point shown on the plat filed in case #1, Dec 19, 1860 as the western termination of course fifty six (56).

Ogden Hoffman
Dist Judge

No. #1

UNITED STATES DISTRICT COURT
Northern District of California.

The United States
v.
J. L. C. Cobbler

Order vacating Decree of March 27/63 & suspending order of Jan 30/63

Filed April 1st, 1863.
W. H. Chevers, Clerk.

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

The United States
vs
J. & L. Robles

No. 81.

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An Motion of Counsel for
Claimants, and it being suggested
that the Survey heretofore
made in this cause, the line call-
ing for the shore of the Bay, has
been run not at ordinary high
water mark, but at the line of
the extreme high tides of Winter.
It is now ordered, the Attorney
for the United States being
present and not objecting, that
the order for a new Survey filed
herein January 30th 1863. be amend-
ed by adding after the words
"along the shore of the Bay": the words
"as the same is found at ordina-
ry high tide".

Ogden Hoffman
District Judge

81.

U. S. District Court.

The United States.

vs.

J. & S. Robles.

Order annulling order of 30th January 1863.

Filed May 27, 1863.

W. A. Clevert,
Clerk,

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At a stated term of the District Court of the United States for the Northern District of California held at the Court room in the city of San Francisco on the twenty first of August 1863

Present Hon. Ogden Hoffman District Judge

The United States } No 81.
vs
Leodino and Secundino Robles }

In the matter of the Survey and location of the Rancho "Rincon de San Francisquito".

This cause coming on to be again heard, and having been argued by counsel, and it appearing to the satisfaction of the Court that the modified Survey of said Rancho made by the Surveyor General of the United States for the State of California is in accordance with the Decree of this Court

heretofore rendered in this cause and directing said modifications It is now therefore ordered adjudged and decreed. that Counsel for the Government being present and not objecting, that said modified Survey be and the same is hereby approved and confirmed, as a true and correct Survey of said Rancho. The Survey hereby approved contains Eight Thousand four hundred and Eighteen 81/100 acres of land, a plat of which was returned and filed in the Clerks office of this Court on the Eighteenth day of August A. D. 1863 and which said plat is hereunto annexed as a part of this Decree marked "Approved August 21st 1863. Ogden Hoffman Dist. Judge".

Ogden Hoffman
Dist Judge

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200 BY

U. S. Dist. Court

The U. States
vs
J. & S. Robles

Decree

Filed Aug: 21. 1863.
W. H. Chevers.
Clerk

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

The U. States
vs
L. & L. Robles

No 81

To the U. S. District Atty — Messrs J. J. Williams — S. C. Hancock Sydney Johnson and Edward Stanly — Attys for Intervenors

Gentlemen —

You will please take notice that a copy of the new Survey made by the U. States Surveyor General, pursuant to the order of the court in the above entitled cause, has this day been returned and filed in said cause and that on Friday next (August 21 1863) at the opening of the Court or as soon thereafter as Counsel can be heard I shall move said Court for a final decree approving and adopting said Survey

Respectfully
J. Caballero
for Claimants

San Francisco
Aug. 18. 1863

Rec'd a copy of the within Aug. 18. 1863
W. H. Sharp
U. S. Atty
by J. B. Williams

Edw. Smith

H. L. Johnson

I served a copy of the within on J. J. Williams and L. C. Houghton this 18th Aug. 1863
J. Clark

Sworn to and Subscribed
Aug: 21. 1863 before me.
N. D. Chevers
U. S. Com

No 81
U. S. Dist. Court

The U. S. States
vs
T. & S. Rebellion

Notice Motion
& Affidavit Attorney.

Filed Aug: 21. 1863.
N. D. Chevers
Clerk

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U. S. District Court.
Nor. Dist. Cala.

The United States
v.
J. & S. Robles
No. 81.

San Francisco, Feby 24. 1865.

To Delos Lake Esq, U.S. atty.
Jeremiah Clarke, Esq
Jno J. Williams, Esq,
S. O. Houghton, Esq:

Gentlemen,

Please take notice that on Thursday next, the second day of March A. D. 1865, at 11 O'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, we will move the court for an order granting an appeal to the Circuit Court of the United States in the above entitled cause in behalf of Intervenor George Lyndon Lowe Jr.

Patterson Wallace & Shaw

attys for Intervenor Geo Lyndon.

Service of copy within admitted this 24th day of Feb A.D. 1865.

S. O. Houghton
Atty for Intervenor
Maria F. P. de Castro

Williams & Thornton, atty for Briones

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State of California

I hereby certify that I served on the twenty fourth day of February 1865 copy of the within notice on Delos Lake and J. Clark by leaving copy of the within at their offices

J. Hall

Notice to prosecute appeal

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At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the CITY OF SAN FRANCISCO, on ~~Monday~~ Saturday the Eleventh day of March in the year of our Lord one thousand eight hundred and sixty-five.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

V.

J. & S. Robles

No. 81

And now at this day on application of George Endow, intervenor in the above entitled cause, and upon notice duly given as required by the rules, It is Ordered, that an appeal in behalf of said intervenor from the decree of this court entered August 21. 1863, approving the survey of the land confirmed herein, to the Circuit Court of the United States for the Tenth Circuit in and for the northern district of California be and the same hereby is granted, and that a transcript of the record on appeal, as provided by the rules, shall be sent to said Circuit Court without delay, and ~~the~~ a citation issued as required by said rules.

Ogden Hoffman
Dist Judge

No. 81

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

J. & S. Robles

ORDER granting appeal in behalf of Intervenor George Endom.

Filed March 11, 1865.

W. H. Chevers

Clerk.

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U. S. District Court.
Northern District of Cala

The United States
v
J. & S. Robles.

No. 81

San Francisco March 11 1865.

Notice is hereby given to all whom it may concern that the appeal to the Circuit Court of the United States in and for the northern district of California from the decree of August 21. 1863, approving the survey of the land confirmed herein, granted in behalf of Intervenor George Gordon, will be prosecuted.

Patterson Wallace & Stow
attorneys for appellant.

To W. H. Chevey, Esq.,
Clerk of ~~the~~ U. S. Dist. Court.

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U. S. Dist Court

The United States

v

J & S. Robles

Notice
of intention to prosecute appeal.

Filed March 14, 1865.
W. H. Clement.
Clerk

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

No 81.

The United States
vs
Teodoro & Leonedino Robles,
Claimants of the tract called
Rincon de San Francisquito

Notice is hereby given that
the claimants above named, and
Jeremiah Clarke, Intervenor for
his interest herein, hereby appeal
to the Circuit Court of the United
States for California, from the
decree of the said District Court
herein, approving the plat and
survey of the above named tract.

J. Clarke, Intervenor
& Attorney for Claimants

No 81.
U.S. Dist. Court

The U. States
vs
J. S. Robles

Notice of Appeal

Filed June 27th 1885
Geo. C. Gorham
Clerk
By Daniel Sullivan
Deputy

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The United States
Appellants
vs
Teodoro Robles
Secundino Robles
appellees

The appellees claim through a mesne conveyance from Alexander Forbes, whose title is derived from one Don José Peña the grantee. The grant was issued to the said Peña by Gov. Alvarado on the 29. March 1841 and was for a tract of land known as by the name of "Rincon de San Francisquito" bounded by the Rancho of Santa Antonio Moya, by the land of Santa Guadalupe Bri-ones, by the ranges of the hills as far as to the point known by the name of "Anathaden" until reaching the land of San Francisco Estrada. The third condition describes the land to be of the extent as shown by the Sketch annexed to the "Expediente". The genuineness of the grant the original of which was lost the Commissioners established and the Board testimony ascertains the occupancy of the land by the grantee from

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the year in which the grant was issued, the subsequent occupation by Faber at the time of his purchase from the grantee until some ~~forty~~ eight years ago, when latter sold to the appellees, since which time they have lived on and cultivated the premises. — A deed of conveyance from Faber for the property is in evidence — The only objections to the claim are, the want of approval by the departmental assembly, & the failure to obtain judicial possession — These cannot under the circumstances of this case, avail to defeat the claim — The decision of the Commission must be therefore affirmed.

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The U States
v
Teodoro and Secundino Robles } No. 81

Page 3 Petition of Claimants before the Board

" 7 to " 12 Expediente showing title the concession to Jose Peña, the vendor of Claimants.

" 13 to " 16 Translation of the Expediente

" 17 & 18 Original Grant to Peña

" 19 & 20 Translation of Grant

" 21st & 22d Act of Sale from Peña to Claimants

24th & 25th Translation of the Act of Sale

" 4 Deposition of Jose Arrego, showing the circumstances of the Documents

" 5 Deposition of Jose de la Cruz Sanchez showing improvements and residence under the grant continuously from its date to the present time

" 26 Opinion & decree confirming the claim

The U.S
vs
Jose L. Robles

Index to the
Record

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

IN LAND CASES.

Dist. Court No. 81

Land Com. No. 200

J. & S. Robles

To C. Benham. U. S' atty

You are hereby notified that the testimony of R. C. Hopkins, W. M. Smith, D. H. Eaton, R. C. Matthewson - Dr'al.
in the above entitled cause in behalf of the Claimants will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on Monday the 25 day of Febuary A. D. 1861, at 10 o'clock, A. M., and continuing from day to day until finished, at my office, No. 14 U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this 18 day of Febuary A. D. 1861.

W. H. Chevers
U. S. COMMISSIONER.

No. 81

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

J. & S. Robles

NOTICE.

To C. Benham
U.S. atty

U. S. COMMISSIONER.

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At a Stated Term of the District Court of the United States for the Northern District of California held at the Court room in the City of San Francisco on the Twenty Seventh day of March in the year of our Lord Eighteen hundred and Sixty three

Present

Hon Ogden Hoffman
District Judge

The United States
vs
Teodoro and Secundino Robles } No 81

In the matter of the Survey and location of the Rancho "Rincon de San Francisquito"

This cause came on to be again heard this day and was argued by Counsel, and it appearing to the satisfaction of the Court, that the modified Survey of said Rancho made by the Surveyor General of the United States for the State of

California is in accordance with the Decree of this Court heretofore rendered in this cause and directing said modifications it is now therefore ordered, adjudged and decreed, the Counsel for the Government being present and not objecting, — that said modified survey be, and the same is hereby approved and confirmed, as a true and correct survey of said Rancho.

The survey hereby approved contains Six thousand Seven hundred and Eighty Six 72/100 acres of land, a plat of which was returned and filed in the Clerks Office of this Court on the Twenty Seventh day of March AD 1863 and which said plat is hereunto annexed as a part of this Decree marked "approved March 27. 1863. Ogden Hoffman Dist Judge."

Signed Ogden Hoffman
Dist — Judge

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United States of America
Northern District of California } ss

I George L. Gorham Clerk of the Circuit Court of the United States Northern District of California and Ex-Officio Clerk of the District Court of the United States Northern District of California do hereby certify the foregoing to be true copy of the decree of the District Court aforesaid approving survey in the Case of the United States vs W. S. Robles filed March 27 1863 And I do further certify the within map is a true and correct copy of the Original Map accompanying said decree of confirmation filed as aforesaid

Witness my hand and the Seal of said Court this 25th day of September A.D. 1866

Geo L. Gorham Clk
by D. Meade D.C.

No. 81 ND
200 Bd

U. S. Circuit Court

The United States

vs.

J. S. Robbs

Copy

Decree approving Survey

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

I. & S. Robles.

IN LAND CASES.

Dist. Court No. 81.

Land Com. No. 200.

To S. O. Houghton.

You are hereby notified that the testimony of Hopkins. Smith. Eaton. Masterson & Fisher in the above entitled cause in behalf of Claimants, will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on Friday the 25th day of January A. D. 1861, at 10 o'clock, A. M., and continuing from day to day until finished, at my office, No. 14, U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this 18th day of January A. D. 1861.

W. A. Clevers.

U. S. Commissioner.

No. 81.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

F. & Jacobs —

NOTICE.

To

U. S. COMMISSIONER.

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Office of the Board of Commissioners,
To ascertain and settle the Private Land Claims in the State of California.

San Francisco, August 23 1851

John W. 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. 200 on the Docket of the said Board, wherein Teodoro and Secundino Robles are the Claimant against the United States, for the place known by the name of Rincon de San Francisquito

and request your receipt for the same.

I am, Respectfully,
Your Obt Servant,

Jno. Hoge