

CASE NO.

90

NORTHERN DISTRICT

LA CANADA DEL RINCON GRANT

PEDRO SANSEVAIN

CLAIMANT

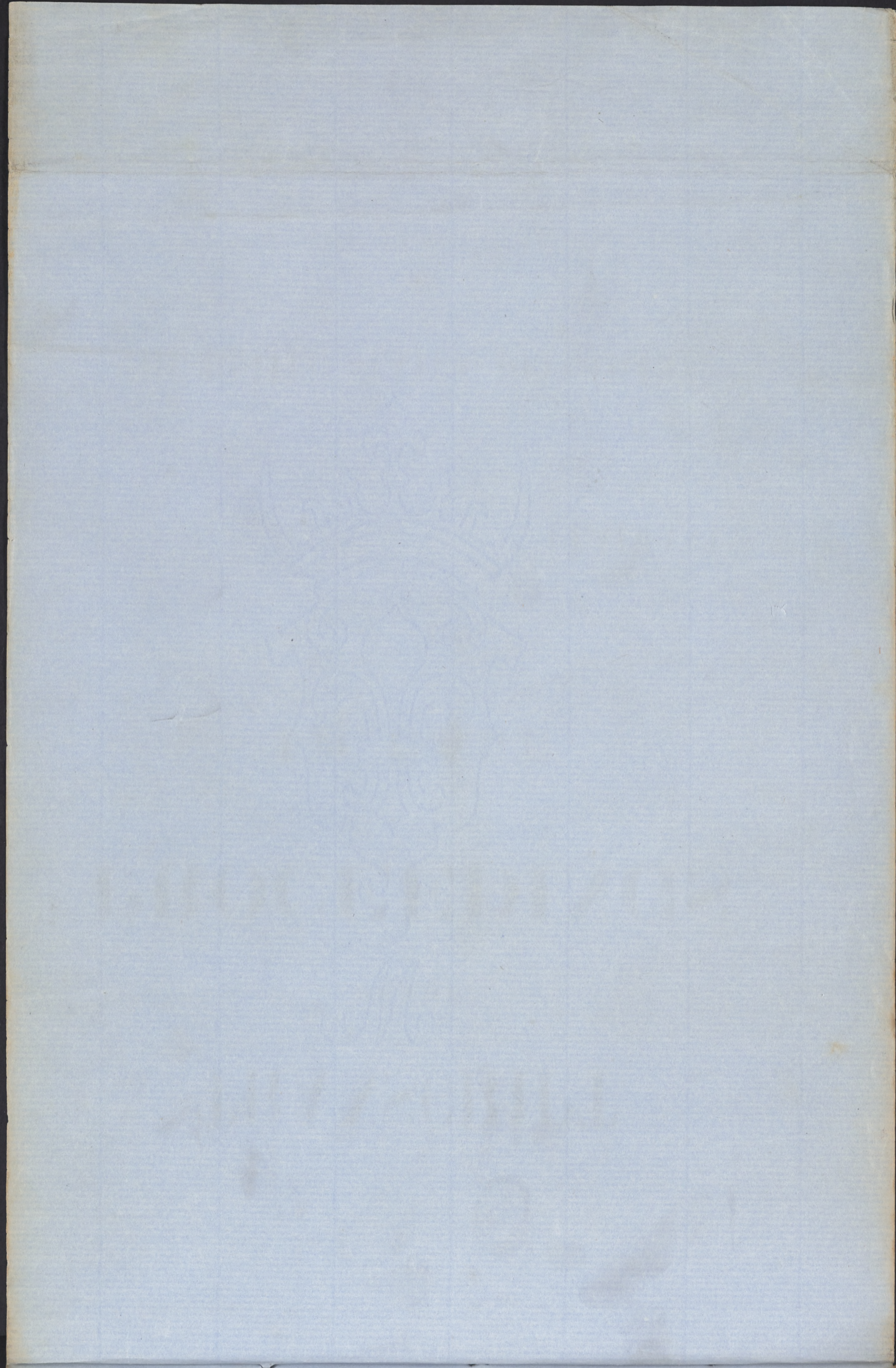
LAND CASE 90 N D

67 pages

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283



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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 283

Pedro Sansevain

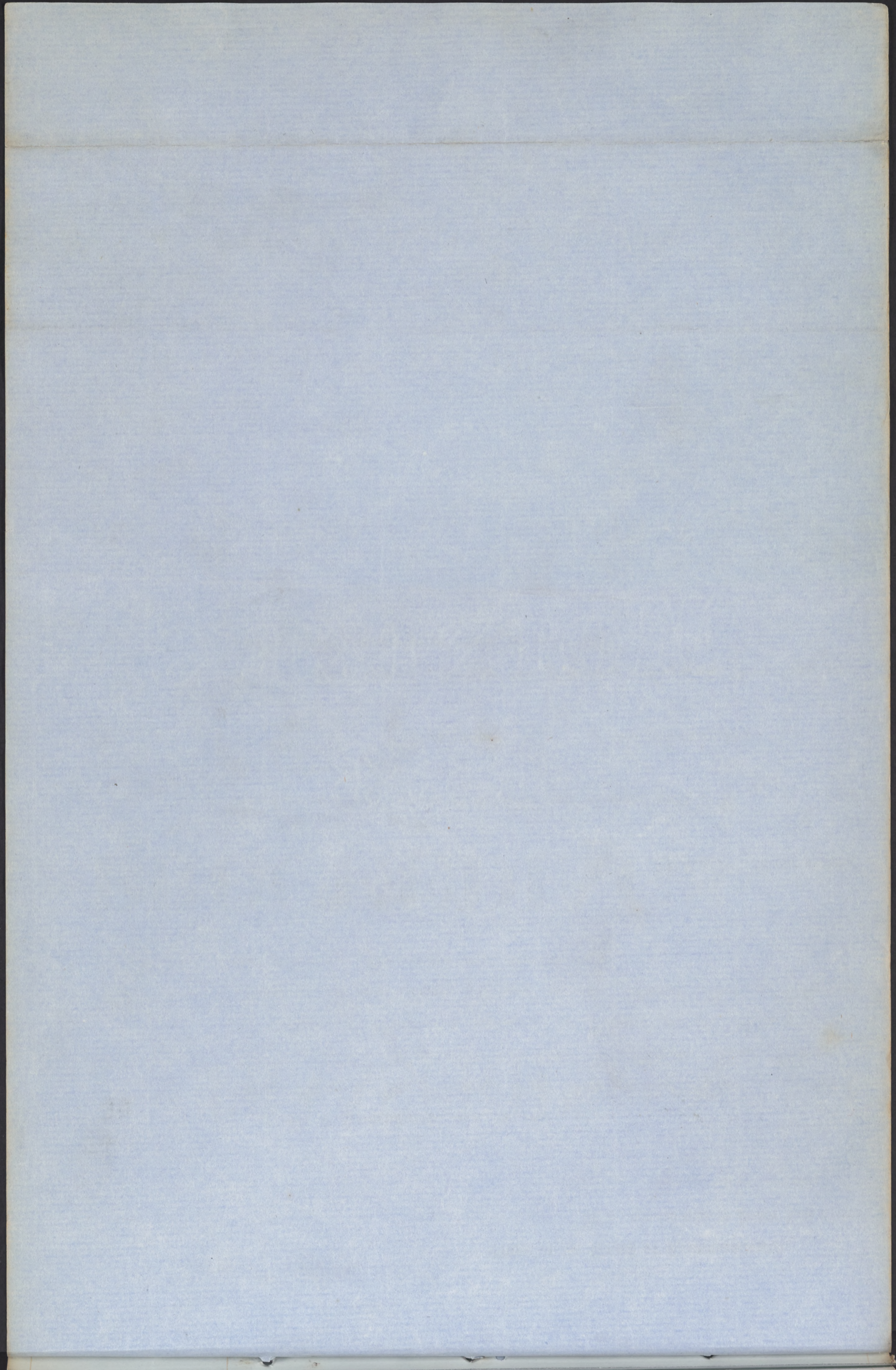
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"La Cañada del Rincon."



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *sixth day of July*, 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 *Pedro Sainserain* for the Place named *La Cañada del Rincon* was presented, and ordered to be filed and docketed with No. 283 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 January 17th 1853.
In case no. 283 Pedro Sainserain for the place named "La Cañada del Rincon" the deposition of Manuel Jimeno, a witness in behalf of the Claimant taken before Commissioner Juanita Hall, with documents marked N. P. M. 1 annexed thereto was filed.

(Vide page 4 of this Transcript)

San Francisco Jan. 20th 1853
In the same case the deposition of N. F. Fiehemacher, a witness in behalf of the Claimant taken before Commissioner Wang J. Thornton was filed.

(Vide page 5 of this Transcript)

San Francisco February 16th 1853

In the same case the deposition of James W. Weeks, a witness in behalf of the claimant taken before Commissioner Meland Hall was filed;
(Vide page 8 of this Transcript)

In the same case the deposition of Charles Ross-
sion a witness in behalf of the claimant
taken before Commissioner Meland Hall was
filed;

(Vide page 7 of this Transcript)

San Francisco September 26th 1853.

Case No. 253 called; Submitted on Briefs
and taken under advisement by the Board,

San Francisco Jan. 17th 1854

In the same case Commissioner Thompson
Campbell concurred the opinion of the Board
confirming the decree.

(Vide page 27 of this Transcript)

San Francisco Sept. 12th 1854.

In the same Case the United States Law Agent
filed the following stipulation, to wit:

(Vide page 26^{1/2} of this Transcript.)

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To the Commissioners appointed to ascertain & settle private land claims in the State of California.

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Petition

Pedro Sanseverain, a citizen of California, humbly presents & prays the confirmation of his title to a tract of land called the Canada del Rincón, lying on the river San Lorenzo, in the county of Santa Cruz, with the boundaries specified in the grant & containing two leagues, which was granted to him provisionally on the 10th July 1843 by Manuel Micheltorena, then Governor of California & afterwards completely on the 21st April 1846 by Pio Pico, then Governor of California, under authority of the laws & regulations in force at the time of the two several grants. He represents that he took possession of said tract of land in the year 1843 & put up a mill & other build dings upon it & has occupied it ever since - That on the 10th June 1846 the concessions of this land to him was approved by the Departmental Assembly. That he knows of no other claim to any part of the land. In support of his claim he refers to the copy of the Expediente & other papers marked A. the translation thereof marked B. the copy of the grant marked C. all of which are herewith filed, & to such other evidence as he may hereafter offer.

A. P. Christensen,
Atty for Petitioner.

Filed in Office July 6th 1852.

Geo. Fisher.
Secy.

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San Francisco Jan'y 17th 1853.

On this day before Court Hotel Hall, came Manuel Jimeno, a witness in behalf of claimant Pedro Sainsevain, petition No 283. I was duly sworn his evidence being interrupted by the Secretary. The U. S. Associate San Agent was present.

Questions by Claimant.

Deposition of Manuel Jimeno.

Int 1. What is your name, age & place of residence?

If you say that you reside in California, state since when.

Ans. My name is Manuel Jimeno, I am forty nine years of age, I reside in Monterey, California & have resided there for the last twenty four years.

Int 2. Are you acquainted with the signatures of Pio Pico, & Jose Matias Moreno? If yes, examine the document marked Exhibit No. 1. now shown to you & which will be attached to this deposition & say whether or not the signatures of those persons wherever they appear on said document are genuine?

Answer. I am acquainted with the signatures of Pio Pico & Jose Matias Moreno. I have examined the document referred to. Their signatures are genuine wherever they occur therein.

Int 3. What office in California did Pio Pico fill in April 1846, if any?

Answer. He was then Governor of California.

Int 4. Who was acting as Secretary of the Governor at that time?

Ans. Don Jose Matias Moreno & Don Jose M. Covarrubias were both acting at that time as Secretary.

The latter lived at Santa Barbara, & the former at Los

5

Angles, & it depended upon the place where any deed was made, whether it was signed by the one or the other.

Int. 5.

Mmanuel Simons.

Sworn & subscribed

Before me

Richard Hall. Comr.

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Filed in Office Jan'y 17th 1833.

Geo. Foster.
Secy.

San Francisco, Jan'y 20th 1833.

Deposition of
H. F. Teschmacher.

On this day before Comr H. J. Thomlson, came H. F. Teschmacher a witness in behalf of the claimant Pedro Sainsevain, petition No 283. & was duly sworn his evidence being interpreted by the Secretary.

The U. S. Associate Law Agent was present.

Questions by Claimant.

Question 1st What is your name, age & place of residence. & how long have you resided there.

My name is Henry F. Teschmacher, my age is thirty years, my residence in San Francisco, California in which county I have lived about eleven years.

Question. Are you acquainted in the place called Camada del Rincon, El Rincon, in the County of Santa Cruz, California. If yes, state where it is situated & what you know of its occupation & cultivation & settlement.

220

Answer. I am acquainted with the place called

I have been for some eight years, it is situated in Santa Cruz County, near the town of Santa Cruz. This place was occupied when I first knew it by Mr Carlos Bon-sillon who lived upon it. He owned a saw mill which was in operation on the place from which I have superin-tended the transportation of sawed lumber. He had also a dwelling house & I think two other houses for his workmen upon the place. The only cultivation that I remember was of a garden or small patch for raising vegetables. This place was to my knowledge & continued to be occupied & used as I have stated up to 1847 & from reliable information has been so ever since.

Question. Do you or not know on whose account Mr Bon-sillon occupied as you have stated, at any time of such occupation.

Ans. I was informed by Mr Bon-sillon & also by Mr Sain-wain the claimant, that they were in partnership in this property in the year 1843 & 1846. They may have been so jointly interested before that, but I have no know-edge further about it.

W. S. Saw Agent present - H. F. Tschumacher.
Sworn to & subscribed before me
this 20th of Jan'y 1833.

Harry J. Thornton.
Clerk

Filed in Office Jan'y 20 1833.

Geo: Fisher.
Sey.

7

San Francisco, Feby 16 1853.

On this day before Comr Heland Hall, came Charles Roussillon, a witness in behalf of the claimant Pedro Samsorain, petition No 283, & was duly sworn, his evidence being given in English -

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The U. S. Associate San Agent was present -

Deposition of
Charles Roussillon.

In answer to inquiries by counsel for the claimant the witness testified as follows.

My name is Charles Roussillon, my age is thirty nine years, & I reside at Santa Cruz. Upon the rancho called Canada del Rincon - Samsorain & myself built the mill together, but it was built for him - I am now a part owner of the land claimed in this case.

Ch Roussillon.

Sworn & subscribed

Before me

Heland Hall. Comr.

Filed in Office Feby 16 1853.

Geo: Fisher.
Secy.

100

San Francisco Feb'y 16' 1853.

On this day before Corn'r Meland Hall came James W. Weeks, a witness in behalf of the claimant Pedro Samserain, petition No 283. & was duly sworn his witness being given in English. The U. S. Associate Sam Agent was present.

In answer to inquiries by counsel for the claimant
Deposition of the witness testified as follows—

James W. Weeks. My name is James W. Weeks, my age is thirty eight years, & I reside at San Jose.

I know the rancho called Cañada del Rincon in the county of Santa Cruz, on the river San Lorenzo. The lower boundary of the rancho is about three quarters of a mile from the church of Santa Cruz. I owned the land adjoining the lower or southern boundary of the tract. The southern boundary was very near the fence that enclosed my cultivated land. I was there four years & sold out & left in the year 1844. Pedro Samserain & Company built a saw mill on the place in 1843 as I think, & other houses for carrying on the sawage business. Such occupation has continued to the present time.

James W. Weeks.

Sworn & subscribed

Before me

Meland Hall.

Cornr.

Filed in Office Feb'y 16' 1853.

Geo. Fisher.
Secy.

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9

1846

S. D. K

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PAGE 10

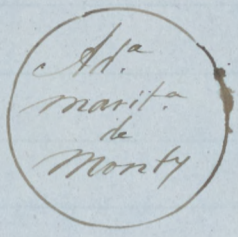
Expediente

Promovido por D. Pedro Sainsevain
en pretension de la propiedad del terreno
donde tiene un molino de aserrar
madera en la mision de
Santa Cruz

508

90 ND
PAGE 11

Ello Torero Unpudo
Habilitado provisionalmente por la Aduana marítima
del puerto de Monterey, en el departamento de la
California, para el año de mil ochocientos cuarenta
y tres.
Micheleorena Manuel Castañares



Excelentísimo Señor Gobernador
y Comandante General

Ang. Julio 3 de Pedro Sainsevain, Subdito francés
1843 y vecindado en este departamento,

A
Expediente

Díjase informar como mas haya lugar en derecho me
el MR. P. Residente presento y digo: Que deseando poner
de las misiones del Norte una máquina de acarar madera, y
buscando un parage propio, se hayado
una cañada en el establecimiento
de Sta Cruz, nombrada el Rincon
en el rio de S. Lorenzo, cuyo diseño
q. adjunto a esta solicitud muestra el terreno q. pretendo.

Y resultando un beneficio al departamento
por esta industria, denuncio en debida forma el mencio-
nado terreno que se halla valdío como lo aprasan los
informes q. acompaño de las autoridades a q. me he
dirijido como creo conveniente al efecto.

2 S. S. K.

P. S. a V. E. Suplico si es posible
mi solicitud, me otienda el título respectivo, en
lo q. recibiré gracias y justicia; juro no proceder de
malicia.

Angela á 3 de Julio de mil ocho
cientos cuarenta y tres.
Pedro Sainsevain

Yo
como Sr

En debido obediimiento al Superior decreto de
V. E. pha 3 del Corriente, de q. informe a ve
Gobierno sobre el terreno q. en la Misión de Sta Cruz
solicita el Sr D. Pedro Sainsevain, debo decir á V. E.
q. no teniendo un consumo práctico del Estado

21 / 20

terreno, ni noticia actual de si esta valdío, o pertenece a
algun individuo o comunidad, no me es dable como
deseara el Satisfacer á V.E. con un informe especificativo.
Sin embargo como presumo q. la extinguida Misión
de Sta Cruz no podrá cultivar el terreno, sin podrá
4 S.D.K. V.E., si fuere de su superior agrado, el adjudicarlo
a q. n. lo solicita; p.º al acto de dar la posesion
deberan citarse los Colindantes, y en todo supuesto, mi dictamen
nunca podrá refluir en contra de sus derechos q.º en
dho acto Sabran muy el manifestarlo, aun que yo
repto ignoro si la adjudicacion del terreno en cuestión
pertenece o no a algun individuo.

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En cuanto tengo el honor de informar á
V.E. con referencia al Superior decreto citado augu-
rando a V.E. mi respetuosa Consideracion.

Sta Barbara y Julio 7 de 1843
Fr. J. M. de S. Gonz.

[Handwritten signature]

12 S.L.K.

90 ND
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Ello Cuarto de Reales
Habilitado provisionalmente por la Aduana marítima
del Puerto de Monterrey en el Departamento de la Cali-
fornia, para el año de mil ochocientos Cuarenta y tres
Micheltorona Manuel Castañares

Ad.
marita
de
Monty

Señor Prefecto del p.^o Distrito

Pedro Sainserain, Subdito francés
y vecindado en este Departamento se presenta ante V.
y dice: Su fin es forzoso para el adelanto de sus
negocios poner una máquina para arrasar madera,
y habiendo visto en Santa Cruz un paraje muy propio
para el efecto con el nombre de Rincon en el río S.^o
Lorenzo que por ahora está baldío como lo especifica
el Certificado que adjunto, suplico a V. se sirva informar
al Señor General D. Manuel Micheltorona, si no hay
inconveniente ninguno para que se conceda al interesado
dicho terreno.

Por tanto suplico a V. se sirva acceder a mi
Solicitud de lo cual recibire mereced y justicia.

7 S.L.K.

Monterrey Junio 23 de 1843
P. Sainserain

Señor Sr. Gobernador

Visto el informe del encargado del establecimiento
de Sta Cruz, se le pareció esta Prefectura se le conceda
al interesado el terreno que solicita, dejándolo a la
deliberación de V. E.

Monterrey Junio 23 de 1843
Jose Retrada

Establecimiento
de
Santa Cruz

8 S.L.K.

Por pedimento del Sr. D. Pedro Sain-
serain q.^o solicita poner una máquina de arrasar
madera en el paraje dicho el Rincon, en el río de
S.^o Lorenzo, por presente está desocup.^o dicho terreno,
y doy este Certificado al interesado por los fines q.^e
convenza.

24
13
3
283

Santa Cruz a 22 de Junio de mil ochocientos
y Cuarenta tres

José Bolcoff
Encarg.º del Establecim.º de Santa Cruz,

Ang.º Julio 10 de 1843

Gob.º
Polít.º de
California

9 S. D. K.

Por tener q.º marchar y no haber
tiempo, y en vista de los informes q.º antecedon,
sirva al interesado de título provisional con
obligacion de ocurrir á que se le espida en forma cuando
definitivamente se establezca este Gobierno.
Micheltá

90 ND
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Monterrey Nov. 20 de 1843

Con presencia de todo lo espuesto y antecedente,
q.º haya a pesar del anterior decreto, informe el Sr. Srío
de este Gob.º.

Micheltá

11 S. D. K.

Como Sr. Gobernador

El Sr. D. Pedro Sainsevain no está naturalizado y
es requisito p.º adquirir, indispensablem.º, propiedad territorial,
pero en consideracion a los grandes gastos que tiene emprendidos
en la ferrica que ha establecido en el terreno pretendido,
puede permitirsele el Corte de madera inter.º se naturalice
p.º expedirle el título que pretende.

La disposicion de V. E. será lo que mejor
conbenja. Monterrey Nbre 20 de 1843
Man.º Jimeno

11 S. D. K.

Donardo Cota, Regidor Decano y Alcalde
2.º inter.º de la Ciudad de los Angeles & Ca

Certifico: que D. Pedro Sainsevain me
ha presentado un documento del tenor siguiente.

11 Sello Cuarto = El Ciudadano Manuel
Micheltorena, Jeneral de Brigada del Ejercito Mexicano,
Ayudante Jeneral del mismo, Gobernador, Comandante
Jeneral e Inspector del Departamento de California =
Habiendo Don Pedro Sainsevain, originario de
Francia, cumplido con las condiciones y requisitos que

14

12 S. D. K.

90 ND
PAGE 15

previene la Ley respectiva, para Conceder Carta de naturaliza-
ción a los extranjeros y acompañado los documentos correspondientes;
declaro al referido Don Pedro Sainsevain, naturalizado en
la Republica Mexicana en virtud de la autoridad que por
aquella Ley se me confiere — Monterrey, Siete de Octubre
de mil ochocientos cuarenta y cuatro — Manuel Michel-
torona — Manuel Jimeno. Secre: //

Cuyo documento se sacó fiel y legalmente de
su original en esta foja de papel común por falta de
sellado. — Angeles Abril veinte y uno de mil ocho
cientos cuarenta y seis.

ama
Jgo. Coronel

ama
Rafael Guirado.

13 S. D. K.

Excelentísimo Sr. Gobernador del Departamento
Pedro Sainsevain, Mexicano por naturalización, radica-
do en este Departamento y vecino del Pueblo de San Jose
Guadalupe, ante V. E. con todo respeto parezco y digo:
Que habiendome concedido por el anterior de V. E. la
fabrica de un molino en las inmediaciones de la extinguida
Mision de Stalrua, verifique los gastos bajo el seguro de
habermese expedido el titulo correspondiente y cuando ya estaba
para concluir la fabrica y consentido en que no se me
pondria obstaculo para obtener el documento prometido,
por el decreto superior que con fecha 10 de Julio de 1843
corre en el expediente que tengo el honor de acompañar
a V. E. habiendo ocurrido me encontré que se me
negaba, por las circunstancias de ser extranjero, obligan-
dome por a que me naturalizase: me sorprende,

14 S. D. K.

Excelentísimo Señor, y no permitiendome por entonses cambiar
mi Ciudadania, me contenté solo con que no se me molestase
en la empresa. Despues por convencion asi, me resolví a
solicitar la tal naturalización, y me fue concedida por
el Sr. Gral Don Manuel Micheltorona, en ejercicio del
mando de este Departamento como se informara V. E. por la
copia certificada que obra al fin del propio expediente. En tal
virtud y siendo cumplida la condicion que motivo la
suspension del titulo correspondiente, espues de dar a V. E. enten-
dome el respectivo a la propiedad de los terrenos solicitados

2da
4
2.83
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en mi primera Solicitud, que obra en cabera del mismo expediente,
cuyo tramite quedan concluidos, por lo tanto

A. V. E. Suplico haga como pido por dar de rigurosa
justicia; juro no ser de malicia y lo recurro a su permision
— done. el uso del papel comun por falta del sellado en el
lugar.

Angel Abril 21 de 1846
P. Sainsovain

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15 S.D.K

Angel Abril 21 de 1846

Vista la peticion con que da principio este expediente,
los informes y mas diligencias practicadas que en el aparecen,
con todo lo demas que se tuvo presente y ver Comiso, de conformidad
con lo dispuesto en la ley de 18 de Agosto de 1824 y reglamento
de 21 de Noviembre de 1828, se declara al Ciudadano Mexicano
por naturalizacion Pedro Sainsovain dueño en propiedad de la
cañada de del Rincon donde corre el rio de San Lorenzo
en las inmediaciones de la Misión de Sta Cruz. Se hace
el titulo correspondiente al interesado en situacion de dos sitios de
ganado mayor conforme al diseño que corre agregado y remitan
esta concesion a la aprobacion de la Santa Asamblea Departamental.

Pio Pico, Gobernador Constitucional del Departamento
de California así lo decreto, mandé y firmé, de que doy fe.

Pio Pico, Gobernador Constitucional del
Departamento de las Californias.

16 S.D.K

Por cuanto Don Pedro Sainsovain, Ciudadano
Mexicano por naturalizacion ha pretendido para su beneficio
personal y el de su familia un terreno conocido con el nombre
de la Cañada del Rincon donde corre el rio llamado San
Lorenzo en las cercanias de la Misión de Santa Cruz,
colindante con las Siembras de Don Guillermo Wiquis y el
rancho denominado Payante; practicadas previamente
las diligencias y averiguaciones concernientes, segun lo dispuesto
por ley y reglamento, usando de las facultades que me son
conferidas a nombre de la Nacion Mexicana, he venido
en decreto de esta fecha en concederle el expresado terreno, decla-
— randole la propiedad de el por las presentes letras, entendiendose
esta Concesion de entera conformidad con las leyes, a reserva
de la aprobacion de la Santa Asamblea Departamental,

y bajo las condiciones siguientes.

1.^a Podrá cercarlo sin perjudicar las travesías, caminos y servidumbres; lo disfrutará libre y exclusivamente dedicándolo al uso y cultivo que mas le acomode.

2.^a Solicitará del Juez respectivo le de la posesión jurídica en virtud de este despacho por el cual se demarcaran los límites respectivos, en cuyos lugares pondrá el intusado las mojones necesarias.

3.^a El terreno de que se hace donación es puramente el de dos sitios de ganado mayor conforme al diseño que corre agregado al expediente original. El Juez que diere la posesión lo hará medir con arreglo a ordenanza dejando el sobrante a la Nación para los usos convenientes.

En consecuencia mando que tomados por firme y válidos el presente título, se tome razón de él en el libro a que corresponde y se entregue al intusado para su resguardo y demás fines. Dado en la Ciudad de los Angeles en este papel común por falta de sellado a veinte y uno de Abril de mil ochocientos cuarenta y seis.

Queda tomada razón de este Superior despacho en el Libro respectivo

18 S.D.K.

Angeles Mayo 8 de 1846

Dada cuenta en sesión de hoy con este expediente a la E. Asamblea Departamental, se mandó pasar a la Comisión de terrenos baldíos.

Pío Pico Presid^{te}

Agustín Rivera S. S.

Señor

La Comisión de terrenos baldíos a examinado el presente Exped^{te} promovido por el Ciudad^o p. naturalización Pedro Sainserain del paraje nombrado El Pincon donde corre el río de S. Lorenzo q. le fue concedido por el Sup.^{or} Gobierno Departamental conforme a las leyes de la materia; en consecuencia pone a la deliberación de V. E. la proposición siguiente:

Se apruebe la concesión hecha al Ciudad^o p. naturalización Pedro Sainserain del paraje nombrado Pincon en el Río de San Lorenzo, jurisdicción de Monterrey,

19 S.D.K.

24
17
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Segun titulo librado con fecha 21 de Abril de este año,
conforme a la ley de 18 de Agosto de 1824 y al art. 5.^o
del reglamento de 21 de octubre de 1828.

Salade Com.^o en la Ciudad de los Arys: Junio
2 / 1846

J. Arguillo

Angelos 10 de Junio de 1846

En sesion de este dia aprobo la misma Asamblea
Departamental la proposicion del dictamen anterior

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

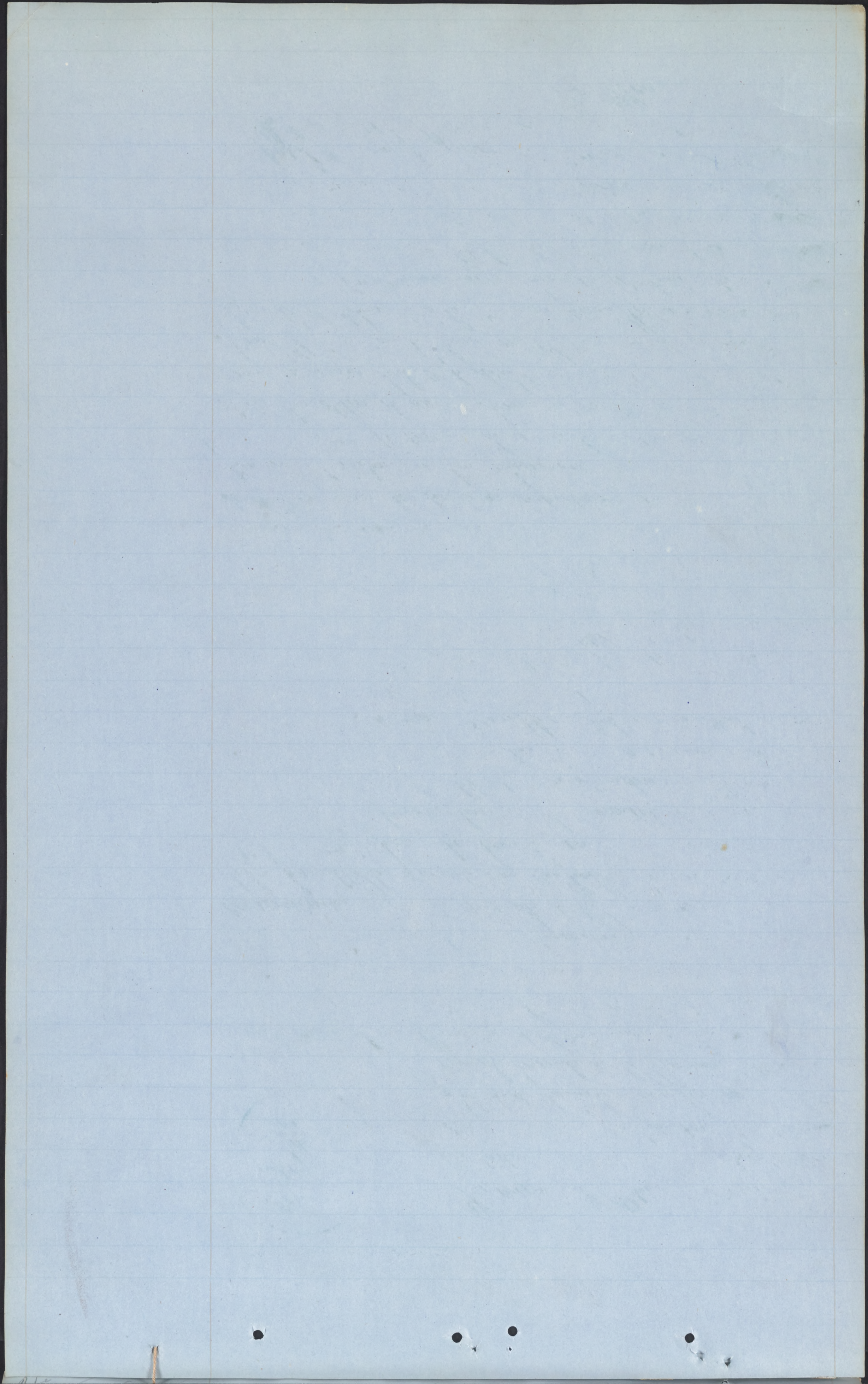
I, Samuel D. King, Surveyor General of
the United States for the State of California, and as such,
now having in my office, and under my control a portion
of the Archives of the former Spanish and Mexican
Territory or Department of Upper California, do hereby
certify that the nineteen preceding and herunto annexed
pages of tracing paper, numbered from one to nineteen
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 herunto
signed my name, officially, and affixed my private
seal (not having a seal of office) at the City of San
Francisco, Cal., this 17th day of May 1852

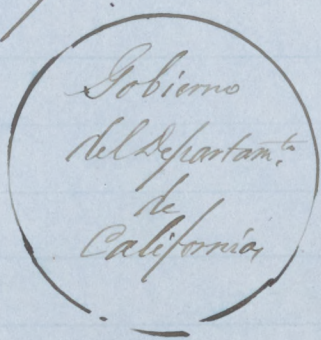
Sam^l D King
Surv^r Gen^l Cal

Filed in office July 6th 1852

Geo: Fisher
Sec



18 7/283
Pío Pico, Gobernador Constitucional del
Departamento de las Californias.



El N.º 1
Por cuanto D. Pedro Sanisvain,
Ciudadano Mexicano por naturalización
ha pretendido para su beneficio personal
y el de su familia un terreno conocido
con el nombre de la Cañada del Mincón

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donde corre el río llamado de S. Lorenzo en las cercanías
de la Misión de Sta Cruz, colindante con las estancias de Sr.
Guillermo Wequi y el rancho denominado Cayante:
practicadas previamente las diligencias y averiguaciones
convenientes, según lo dispuesto por leyes y reglamentos, usando
de las facultades que me son conferidas a nombre de la
Nación Mexicana, he venido, en decreto de este día, en
concederle el expresado terreno declarándole la propiedad
de él por las presentes letras, entendiéndose dicha concesión
de entera conformidad con las leyes, a reserva de la apro-
= vación de la misma Asamblea Departamental y bajo
las condiciones siguientes:

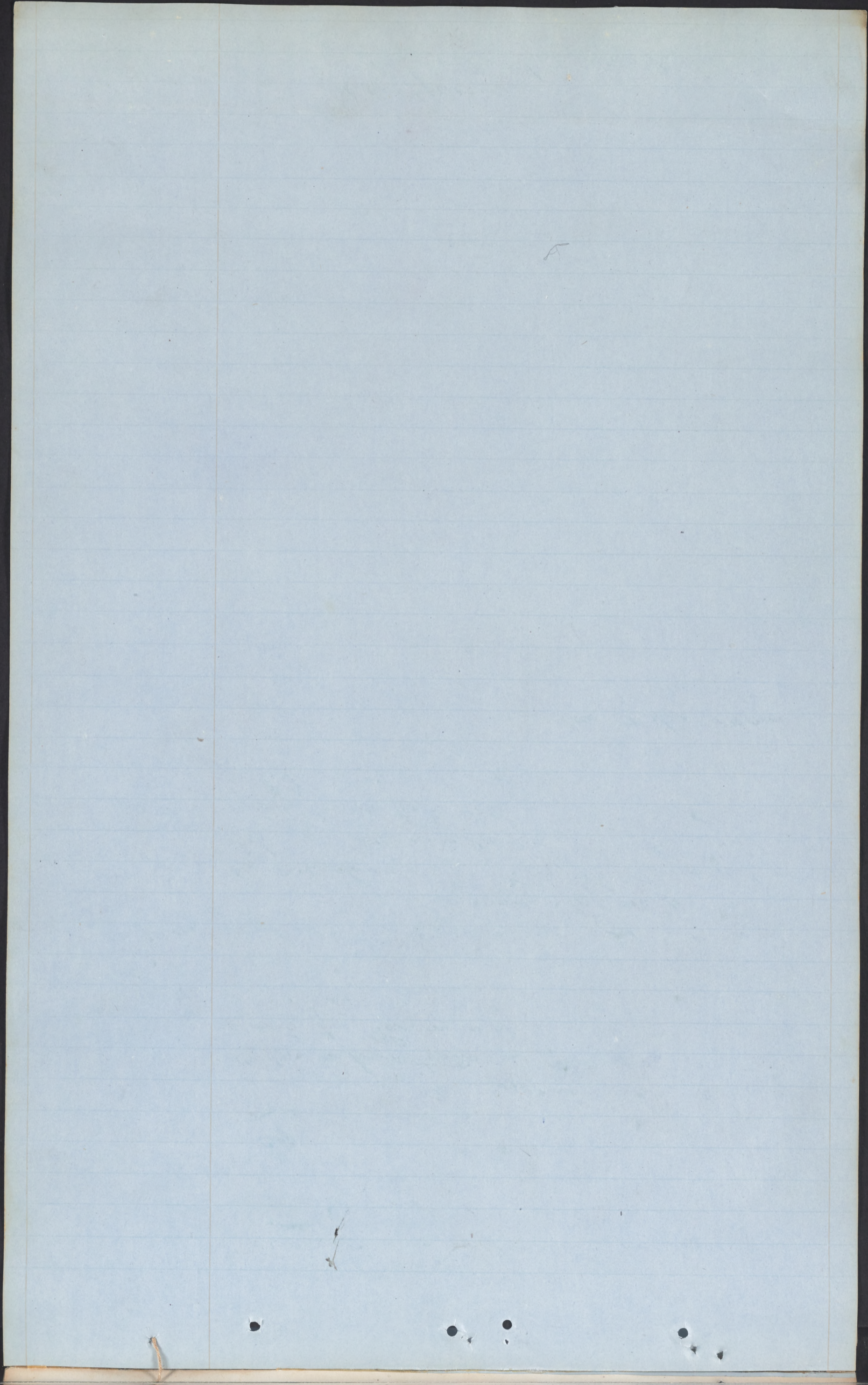
1.ª Podrá cercarlo sin perjudicar las traversías,
caminos y servidumbres; lo disfrutará libre y exclusivamente
dedicándolo al uso o cultivo que más le acomode.

2.ª Solicitará del Juez respectivo le de la
posesión jurídica en virtud de este despacho p.º la cual
se demarcaran los linderos respectivos, en cuyo lugar
pondrá el interinado las mojones necesarias.

3.ª El terreno de q.º se hace donación es puramente
el de dos sitios de ganado mayor conforme al diseño que
corre agregado al respectivo original. El Juez que
diere la posesión lo hará medir con arreglo á ordenanza
dejando el sobrante á la Nación para los usos convenientes.

En consecuencia mando q.º teniendo por firme
y válido el presente título, se tome raxon de él en el libro
a q.º corresponde y se entregue al interinado para su resguardo
y demás fines. Dado en la Ciudad de los Angeles en
este papel común por falta del sellado, a veintinueve de
Abril de mil ochocientos cuarenta y seis.

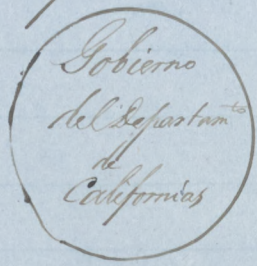
Pío Pico



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Pio Pico, Gobernador Constitucional del Departamento de las Californias



La Suprema Asamblea Departamental en sesion del dia 10 de Junio ha tenido á bien decretar lo siguiente:

Se aprueba la Concesion hecha al

ciudadano por naturalizacion Pedro Sainsevain del parage nombrado Rincon en el rio de San Lorenzo, jurisdiccion de Monterrey, segun titulo librado en fecha 21 de Abril de este año conforme a la ley de 18 de Agosto de 1824 y al art. 5.º del reglamento de 21 de Noviembre de 1828

y para resguardo de la parte del Ciudadano por naturalizacion D. Pedro Sainsevain lo hago así saber. Dado en la Ciudad de los Angeles en papel comun por no haber sellado a trece de Junio de mil ochocientos Cuarenta y seis.

Pio Pico

José Maria Moreno

Seco int.º

Document
N.º 1
annexed to the
definition of
Mont. Jimeno

90 ND

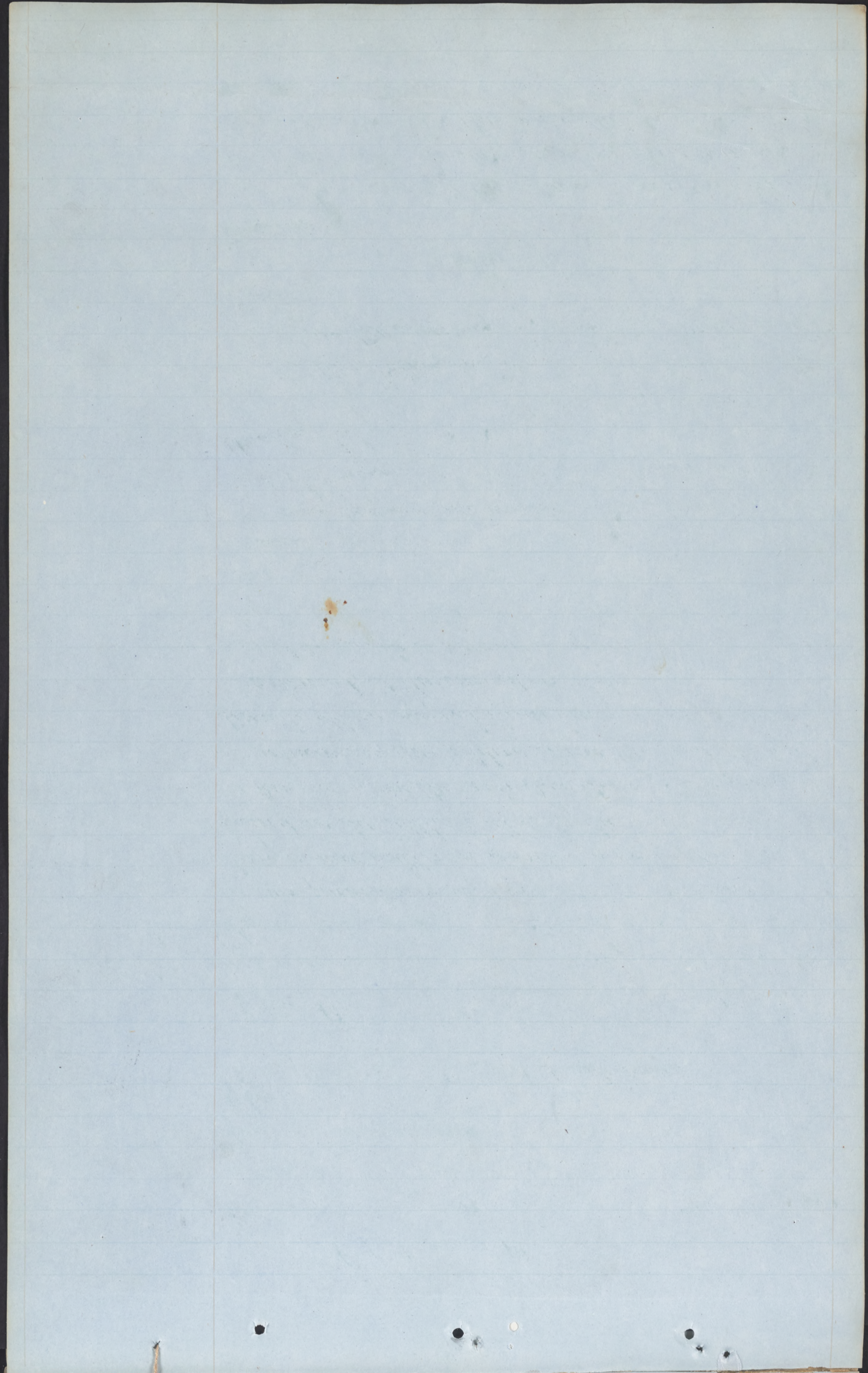
PAGE 20

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Mat
no 2

Filed in Office July 17th 1853

Geo. Fisher Sec



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Sello tercero, Un peso.
Habilitado provisionalmente por la Aduana Maritima
del puerto de Monterey en el Departamento de las Cali-
fornias para el año de mil ochocientos cuarenta
y tres.
Micheltosna, Manuel Castanares.

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NB.
Espectante -
Translation.

To the Most Excellent Governor General in Chief.
I Pedro Samsorain, a French subject, resident in this
Department, in the manner which may be most effective
in law, present myself & say: that being desirous of
erecting a saw mill & in search of a proper place I have
found in the settlement of Santa Cruz, a valley named
the Rinose, upon the river San Lorenzo - the plan of which
accompanying this petition, shows the land which I
desire to obtain my enterprise being a benefit to the De-
partment, I denounced in proper form the land above
referred to which is vacant as appears from the informa-
-tion hereto attached given by the authorities to whom
I have applied as I believe is requisite, wherefore if it is
possible to grant my request I pray that the proper
lotte may be given me whereby I shall receive favor and
justice, I swear that I do not proceed with malice &c.
Angels, July 7th 1843.

Pedro Samsorain.

Let the Rev. Father, the President of the Missions of the
North give the necessary information, Angeles, July 7th
1843.

Michelt^a,

Excellent Sir.

In obedience to the superior decree of your Ex^{ty} of
the 7th and that I should give information to the govern-
-ment in relation to the land of the Mission of Santa
Cruz which Pedro Samsorain solicits, I should say to your

Ex^{ty} that having no actual knowledge of this land or cer-
 -tain information whether it is vacant or the property of
 some individual or community, it is not in my power
 as I should wish to satisfy your Ex^{ty} with any precise
 information; nevertheless as I presume that the late
 Mission of S^{ta} Cruz will not be able to cultivate this land
 your Ex^{cell^y} may well grant it to whomsoever may
 solicit it, if you should think proper to do so, but when
 possession is given the adjoining proprietors should be
 cited & in that event their rights cannot be affected since
 they will have the opportunity of asserting them self, I
 repeat I am ignorant whether this land does or does not
 belong to any individual. This is what I have the honor
 to say to your Ex^{ty} of my respectful consideration.

S^{ta} Barbara, July 7th 1843.

Fr^{te} J^{no} M^{do} de S^{te} Gonzalez.

To the Prefect of the First-District.

I, Pedro Samsorain a French subject & resident in this
 department, present myself before you & say that being
 obliged to put up a saw mill in order to carry on my
 business, & having seen at Santa Cruz a place very appro-
 -priate for the purpose, called the Rincon upon the river
 San Lorenzo, which is now vacant as the accompany-
 -ing certificate shows. I request you to inform Gen^l
 Man^{te} Micheltona whether there is any objections to
 his granting me this land & beseech you to grant my
 request as a favor & an act of justice.

Monterey June 23rd 1843.

Pedro Samsorain.

To his Ex^{ty} the Governor.

In view of the information of the of the establishment
 of Santa Cruz it is the opinion of this prefecture that the
 permission which he solicits may be granted to the

3 25-

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applicant - if thought proper by your Excellency -
Monterey, June 23rd 1843.

Jose R. Estrada.

Establecimiento of Santa Cruz.

At the request of Don Pedro Samsorain who solicits per-
-mission to erect a saw mill on the place called the Rincon
on the river San Lorenzo, the said land being at present un-
-occupied I give him this certificate for the purposes he
deems suitable.

Santa Cruz June 22nd 1843.

Jose Belcoff.

Superintendent of the Establecimiento of Sto Cruz.
Government of the Department of California.

Angeles July 10th 1843.

Being upon a journey & wanting time, in view of the prece-
-ding informations (reports) I give this to the party in-
-terested to serve him as a provisional title, requiring
him to have it made out in form when the government
may be definitely established.

Micheltorona.

Monterey November 20th 1843.

In view of all the foregoing & notwithstanding the former
decree let the Secretary of this Government report.

Micheltorona.

To his Excellency the Governor.

Don Pedro Samsorain is not naturalized an indis-
-pensable requisite in order to (obtain) acquire property in
this territory, but in consideration of the great expense
which he has incurred in erecting works upon the land
he desires to obtain he may be permitted to cut wood
upon it until he is naturalized & can receive the title
he desires; what your Excellency directs will be best.

Monterey Nov 20th 1843.

Mmanuel Amereu.

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Leonardo Cota Regidor de Alcalde 2^o inter of the city of Los Angeles &c, I certify that Don Pedro Samsevain has presented to me a document of the following tenor -
Sello cuarto - The citizen Manuel Micheltona, Brigadier Genl of the Mexican Army, Adjutant Genl, of the same, Commanding Genl, & Inspector of the Department of the Californias - Don Pedro Samsevain, a native of France, having complied with the conditions & requisites prescribed by law for the grant of a letter of naturalization to a foreigner & having presented the proper papers I declare him Naturalized in the Mexican Republic in virtue of the authority conferred by law.

Montreux 7th October 1844. Manuel Micheltona.
Manuel Jimeno. Secretary -

Which document is faithfully & legally copied from the original upon this sheet of common paper for want of sealed. Angeles, 21st April 1846.
Utiquss. Leonardo Cota.

Ignacio Coronel.

Rafael Guisardo.

To His Excellency the Governor of the Department.
I, Pedro Samsevain, a Mexican by naturalization settled in this department & resident of the Pueblo de San Jose Guadalupe, respectfully present myself before your Ex^{ty} & say: that the right to build a mill in the vicinity of the late Mission of Santa Cruz having been granted to me by your predecessor, I incurred great expense in so doing relying upon the paper title which was promised me should be made when the mill was about to be finished & that in the mean time I should not be disturbed. That I applied to obtain this title promised me by the superior dated July 10th 1843, as appears from the papers, which I have

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the honor to lay before you, & it was refused me because I was a foreigner, & I was required to be naturalized, this surprised me, Your Ex^{ty} & I not being then disposed to change my citizenship was satisfied with the assurance that I should not be disturbed in my understanding. Afterward it being convenient, I desired to ask this naturalization which was granted me by Gov. Man^l Micheltorena commanding this department, as your Ex^{ty} will see from the certified copy which accompanied this espediente. Wherefore the condition being fulfilled which caused the suspension of the title to the land selected in my first petition, at the commencement of the espediente in which all the steps have been taken. I beseech your Ex^{ty} to grant what I request as of strict right. I swear that I do not proceed maliciously &c, the use of common paper being permitted for want of sealed in this place.

Angles, April 21st 1846.

Pedro Samsorain

Angles, April 21st 1846.

In view of the petition with which this petition begins the reports which are here made, & all other things in the premises & it being in conformity with the directions of the law of August 18th 1824, & the regulations of November 21st 1828. Pedro Samsorain a Mexican citizen by naturalization is declared owner in full property of the valley of the Rancon in which flows the river San Juan in the vicinity of Santa Cruz. Let the proper title be delivered to him for two leagues of the larger size in conformity to the map which accompanies this this concession to be subject to the approbation of the Most Excellent Departmental Assembly.

I, Pio Pico, Constitutional Governor of the Department of the Californias, do hereby order, & sign this giving it faith — Pio Pico.

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PAGE 26

Pico Pico, Constitutional Governor of the Department of the Californias.

Whereas, Don Pedro Sainsevain a Mexican citizen by naturalization, has solicited for his personal benefit & that of his family, a tract of land known by the name of the *Camada del Rincon* where the river San Lorenzo runs, in the vicinity of the mission of *St. Cruz*, bounded by the seven lands of Don Guillermo Ugnis & the rancho called *Sayante*, the necessary steps & inquiries having been taken in the premises, as required by law & the regulations, in virtue of the powers which are conferred upon me in the name of the Mexican Nation, I have thought proper by a decree of this day to grant the said land to him declaring it his full property by these presents - It being understood that this concession is in entire conformity with the laws, subject to the approbation of the Excellent Departmental Assembly & upon the following conditions.

1st He shall have power to enclose it without interfering with the crossings, roads & servitudes, he may enjoy it fully & exclusively, devoting it to the use or cultivation which he may prefer.

2nd He shall solicit of the proper Judge to be put in judicial possession in virtue of this patent, by whom shall be marked out the proper boundaries, on which the party interested shall put the necessary monuments.

3rd The land hereby granted is two leagues of the larger size in conformity with the map which accompanies the original expediente. The Judge who shall give possession shall have it measured as required by law, leaving the surplus to the nation for its own use.

Wherefore I order, that this title being recognized as firm & valid, shall be recorded in the proper book & be delivered to the party for his protection and

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& other purposes. Given in the city of Los Angeles upon this common paper for want of sealed paper, the 21st April 1846.

Let this be registered in the proper book.

Angies, May 8th 1846.

I give notice of this expediente to the Departmental Assembly in its session of to-day.

Referred to the Committee on vacant lands.

Pro Pico.

Agustin Obros. Ds-

Pret.

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PAGE 27

The committee on vacant lands has examined this expediente, granted by the naturalized citizen Pedro Samsorain of the place called the Rincon, where the river San Lorenzo was granted by the Governor in conformity to the laws upon this subject & presents for your deliberation the following proposition.

The concession made to the naturalized citizen Pedro Samsorain of the place called the Rincon on the river San Lorenzo in the jurisdiction of Morongo, according to the title of the 21 of April of the present year in conformity to the law of the 18th of August 1824 & the 3rd Article of the regulation of the 21st of Nov, 1828, is approved.

Hall of the Committee in the city of Los Angeles, June 2 - 1846.

S. Urquello.

Angies 10th of June 1846.

In its session of this day, the Departmental Assembly approved the foregoing proposed decree. Filed in Office July 6th 1852.

Geo. Fisher. Secy.

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No. 283.

"El Rincon."

Stipulation.

It is hereby stipulated and agreed that the land claimed in this case lies North of parallel 37° of North Latitude.

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September 8th 1854.

(Signed.) J. H. McKane,
Law Agent,

(Signed.) W. P. Cuttenden,
Atty for Claimants

Filed in Office Sept. 12th 1854

(Signed.) Geo. Fisher,
Secretary.

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Pedro Sainsevain
vs
The United States. } La Cañada del Rincon
D. Seaguis.

The grant in this case was made on the 21st of April, A. D. 1845, & confirmed by the Departmental Assembly on the 10th day of June A. D. Opinion by Court 1846. It does not appear that any judicial possession Thompson Campbell was ever given, or that any judicial measurement was ever made. The grant is proved to be genuine & the signature is shown to be in the hand writing of Governor Pio Pico. The inhabitancy & occupation of the premises are proved to be in conformity with the conditions of the grant. The only questions of difficulty in this case is, the want of identity & ascertainable locality of the land granted. The expediente filed in the cause, shows that the petitioner applied for the same tract of land to Governor Micheltoune on the year 1843, & that he received a provisional grant, but on account of being a foreigner, his application for title was denied, in the mean time he obtained his naturalization papers, after which he applied to Governor Pico & received the grant above referred to. In the first petition which the party addressed to Micheltoune, he described the tract of land which he solicits as being situated in the settlement of Santa Cruz, a valley named the Rincon upon the river San Lorenzo, the plan of which accompanied his petition. No further description is found in the proceedings until they reach the first commission made by Pico. Where he describes the property granted in the following words: "Pedro Sainsevain, a Mexican citizen by naturalization, is declared owner in full property of the valley of the Rincon, in which flows

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the river San Lorenzo, in the vicinity of Santa Cruz.
 In the title in form the land granted is thus described:
 "a tract of land known by the name of Cañada del Páramo,
 where the river San Lorenzo runs, in the vicinity of
 the Mission of Santa Cruz, bounded by the crown lands
 of Don Guillermo Uignis & the ranchos called Sayante."
 The 3^d condition annexed to the grant is in the fol-
 lowing words: "The land hereby granted is two leagues
 of the largest size in conformity with the map, which
 accompanies the original expediente. The Judge who shall
 give the possession shall have it measured as required
 by law, leaving the surplus to the nation for its own
 uses." The map which by reference is made part of the
 grant, represents a tract of land of an oblong shape, -
 through which the river San Lorenzo is represented as
 flowing, the Mission of Santa Cruz is also represented,
 & which according to the scale laid down on the map
 is about half a league distant from one end of the
 tract, the rancho of Sayante is designated by name at
 one end of the tract, & the boundary of Guillermo Uignis
 is written at the other end. The points of the compass
 are not given on the map. The word *Sorra* is written
 on both sides of the designated tract, which no doubt is
 intended to indicate the tract as a valley lying be-
 -tween two mountains or hills. The scale as laid down
 on the map represents three miles, by applying the
 scale to the tract as designated on the map, the tract
 would only be four miles in length & a fraction over
 one mile in width, this measurement, if made ac-
 -cording to the scale would make the tract of land
 fall far short of the quantity, which the condition
 above granted, calls for, & specifies as the quantity
 contained in the tract as designated on the map.

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Neither the grant nor the map calls for or represents any natural objects, except the Rio de St. Lorenzo, which the map designates as running through the center. The fact that the tract is designated in the grant, by the name of *Camada del Rincon*, gives no additional certainty to its location, other than it is descriptive of a valley, of which it composes a part. I have no doubt it was the case, in this instance, as it generally was, that this particular tract of land, was first designated by the name it now bears, by the party himself, when he solicited the concession, the name by which the land should be called, was a part of his petition, & although it was usual for ranchos to take either the name of the most prominent natural object within their limits, or as in this case, to be designated by fit terms, descriptive of their peculiar location, the name by which they happened to be called, was not by way of description, the tract never having been known as designated by that name or any other anterior to the grant itself, unless as was sometimes the case, occupying preceded the grant. These names are singularly characteristic & beautiful, the beauty & euphony of which, on being sadly named, by the introduction of the more unharmonious terms, townships, sections, half & quarter. This innovation upon the beauty of names, can only be tolerated on the ground of the greater certainty which the latter mode of description has over the former.

The question now presented & the one most difficult, whether in the absence of the judicial measurement contemplated by the grantor, the tract granted is described with such certainty, as to separate it from the other lands, of a like character by which it is surrounded. First, the tract clearly lies on both sides of the Rio Santa Lorenzo & includes that stream, Secondly, it is bounded by the range of mountains (Sierra) which form the valley,

through the center of which, the San Lorenzo flood. The description contained in the grant, bounds that part of the tract which faces the Mission of Santa Cruz, with the cultivated lands of Guillermo Ugnis, & the remaining part or end of the tract by the rancho called Sayunta, thus enclosing the tract with the Sierrason two sides, & with a rancho at each end. If the scale heretofore referred to, affords anything like an accurate means of ascertaining the size of the tract, as designated on the map, the limits above described embrace a much less quantity, than the party according to his grant, is entitled to receive. It is here proper to state that, where the fact that the limits within which the particular grant is to be located, do not contain more than the quantity granted, is made to appear by proof otherwise, the necessity of showing a location by judicial measurement is dispensed with, so far as that particular object is concerned. The Law Agent in a brief which he has filed in this case, insists that the grant made by Governor Pico, on the 21st of April 1846, is a forgery, & for that reason the claim should be rejected. In support of this assumption, he relies particularly upon the fact, that the grant is only signed by the Governor & not by his Secretary. While there is nothing in the law which requires the signature of the Secretary to be attached to a grant, still it was the usual way in which grants were signed, but I have discovered that in cases of the genuineness of which no question has been entertained, the signature of the Secretary most likely through inadvertence had been omitted. It is true that the signature of the Secretary in all cases an additional guaranty of the genuineness of the grant, but I am not prepared to

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admit that its absence, is of itself, a sufficient cause of condemnation. In this case the signature of Governor Pio Pico is proved to be genuine, & that too by the old Secretary, Sumner, who it is supposed was well acquainted with Pico's hand writing. The history of the case, as contained in the traced copy of the espediente, I think protects it from the suspicions to which the Law Agent thinks it is obnoxious. After an examination of the whole case, together with the objections which have been urged against the genuineness of the grant, we are of opinion, that the claim should be confirmed.

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Filed in Office Jan'y 17th 1854.
Geo. Fisher Secy.

Pedro Sainseraon
of
The United States.

Decree of
Confirmation.

In this case on hearing the proofs & allegations it is adjudged by the Commission that the claim of the said petitioner is valid, & it is therefore decreed that the same be confirmed. The lands of which confirmation are hereby made, are described & bounded as follows, to wit: on the end which faces the Mission of Santa Cruz, by the rancho of Guillelmo Uignis, on the opposite end by the rancho called de Sagante, & on the sides by the sierras, which form the valley through which the rio de Santa Leonzo flows. The tract embraced within the above described boundaries is known by the name of La Canada del Rancon & contains two square leagues

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a little more or less. Reference for further descrip-
-tion to be had to the map, which is a part of
document marked A. & filed as evidence in
this cause.

Alpheus Felch. 3
Thompson Campbell. 3
W. Aug. Thompson 3 Commissioners

Filed in Office Jan'y 17' 1834.

Geo. Fisher.
Secy.

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5200-5202 files.

● Office of the Board of Commissioners,

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

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I, *George Fisher*, Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Thirty-two* pages, numbered from
1 to *32*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. *283* on the Docket of the said Board,
wherein *Pedro Sainsevain* is

the Claimant, against the United States, for the place known by
the name of "*La Cañada del Rincon*."

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
twelfth day of *September*
A. D. *1851*, and of the Independence of the
United States of America the seventy-ninth



Geo. Fisher
Geo. Fisher

90 ND

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

No. 90

THE UNITED STATES,

vs.

Petro Samiswain

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 283

Filed, *Sept 15th* 1854

John A. Monroe
Clerk

NP 283

UNITED STATES DISTRICT COURT,
Northern District of California.

San Francisco, February 10th 1855.

ON this day, before *W. D. Cheever* a
Commissioner of the United States for the Northern District of California, duly
authorized to administer oaths, &c., &c., came *Carlos*
Roussillon a witness produced on behalf of the
Claimant
in Case No. *90*, being an appeal from the Board of Commissioners to ascer-
tain and settle the Private Land Claims in the State of California, in Case
No. *283* on the Docket of the said Board of Commissioners, and was duly
sworn and testified as follows — his evidence being interpreted by

Henry M. Nagler a sworn interpreter

PRESENT. *John J. Williams*, of counsel for
Claimant, and the U. S. Dist. Attorney by
A. Glassell, Esq.

QUESTIONS BY *Claimant, Atty.*

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

Answer,

Carlos Roussillon, am forty years of
age, my place of residence is Santa
Cruz, California, where I have resided
upwards of eleven years.

Question 2^d

Are you acquainted with the rancho called
"La Cañada del Rincon," ^{clipped in this case} If yes, how long
have you known it,

Answer,

I do know said rancho, and have known
it upwards of eleven years.

Question 3^d

State whether or not the said rancho is well known as the rancho "La Cañada del Rincon," with well defined, and generally recognized limits.

Answer.

Said rancho is well known by that name. The neighboring ranchos have always known, and recognized its limits.

Question 4th.

Please state the boundaries of said rancho as so known, and recognized.

Answer.

It is bounded on the side towards Santa Cruz, by a line between the above rancho, and Meek's land, which extended ~~west~~ ^{by the E} by a straight line to the "Sanjon Grande" to a tree in front of a large rock ~~which is~~ on the edge of the sea. Then running northwardly by the boundary line of Bolcoff following said "Sanjon" to the top of the ridge ^{or sierra} thence along the top of said Sierra by the boundary line of Bolcoff about two leagues and one third from said rock, the rock being about one third of a league from the boundary line of Meek's extended, and where it intersects with Bolcoff's line. On the eastern side, commencing at a point where the boundary line of Meek's extended eastwardly intersects the top of the ridge east of the San Lorenzo creek, thence along the Sayante road, which runs along the top of the ridge to the boundary line of the Sayante Rancho, then westwardly

along the boundary line of the Sayante
rancho to the San Lorenzo Creek,
Then along the San Lorenzo Creek as-
cending the same, to a point opposite
the ^{western} termination of the boundary line
with Bolcoff, which makes two
leagues of land.

Question 5th

What improvements, if any, did Pedro Saucedo
again make upon the land which you
have just described.

Answer.

In the year 1843, he ^{built} made houses and
a mill, upon the place, and has worked
said mill up to the present day. He
lived on the place, and made it his
home, I lived with him for ^{the last} eleven
years, except two years, upon the said
rancho La Cañada del Niemon.

Cross Examined by N. S. Atty.

Question 1st

What are your means of ascertaining
the correctness of the boundaries you have
described.

Answer.

In the year 1843, Bolcoff, who was alcalde
of Santa Cruz, at that time, pointed the
said boundaries out to me. A man
by the name of Neeks, who had a tract
~~granted~~ adjoining, also pointed out
to me the limits.

Question 2^d

What was your occupation during the
time you were living on the rancho as
aforesaid.

Answer,
I was engaged there under the em-
ployment of the Claimant Pedro
Saussevain, directing the mill, and
other works on the place.

Question 3d.

Have you any interest in the event of
this suit.

Answer,

I have no interest whatever.
I own to, and subscribed *Ed. Roussillon*
this 10th day of February, 1855,
before me,
W. H. Chevers
U. S. Com^{rs}.

one
No 20

U. S. Dist. Court.

The United States

— vs —

Pedro Saussevain,

Deposition of
Carlos Roussillon.

Took Feb^y 10th 1855.

John A. Monroe,

Clark

Attorney General's Office
27 July 1855.

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Dear Sir:

I have yours of this date, enclosing that of Messrs Thornton, Williams & Thornton, and in reply, state, that it appears by my Docket that the transcript in the case of "La Guñada del Rincon" was received at this office on the 30th August 1854.

I am,

Yours truly,

Clushing

Montgomery Blair Esq.

No 90 — ^{three}

U. S. Dist. Court,

The United States,

— vs —

Pedro Susevain,

Letter of U. S. Atty Genl
to Messrs. Hornum Williams,
and Hornum

Filed Sept 3 - 1855,

by Chivers,
Deputy.

90 ND

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1800

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

The United States
Appellants
vs
Pedro Sansonini } No. 90.

The Petition of the United States by their
Attorney represents; that this Cause is
an Application for a review of the
decision of the Board of Commissioners
whereby the Claim of the said Appellee
was Confirmed as appears by reference
to the records in the Case:

That a transcript of the said Records was
filed in this Court on the 1st day
of Aug. 1834; that a notice of Appeal
was filed on the 13th day of Aug. 1834.
& 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. Hassell
Asst U.S. Atty

No. 90

U.S. District Court

The United States

vs

Proo Sanson

Petition

Filed Sept. 3, 1838

J. Cheever
Deputy

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Massell

United States of America,
Northern District of California, S. D.

The United States Land lease
as - No 90 on the
Pedro Painservain, docket of U. S. Dist
Court, U. S. of Cal.,

"La Cañada del Pincen".

I, John A. Monroe, Clerk of the District
Court of the United States of America, for
the Northern District of California, do hereby
certify that the Transcript in the above cause
from the Board of U. S. Land Commissioners
to ascertain, and settle private Land Claims
in California, was filed in my office on
the 13th day of September, A. D. 1854. That
said claim was confirmed to the
said Claimant by said Board on the
17th day of January, 1854, as appears
by reference to said Transcript, and that
no appeal notice of appeal from said
decision has been filed in my office.

In testimony whereof I have
hereunto set my hand, and
affixed the seal of the said Court
this 20th September, A. D. 1855,
and of our Independence, the
eighteenth.

John A. Monroe, Clerk,
by W. H. Chever, Deputy,



No 90^{four}

N. S. Dist: Court.

The United States.

— vs —

Pedro Sainsevain,

Certificate of
Order

Given Sept 20. 1855.
by Charles
Deputy.



Attorney General's Office
1. February 1856

Sir -

Permit me to call your attention to the case no 283 in the said Commission, in which Pidas Saussevain is claimant of "Canada del Pinson"

I have received a letter from the secretary of the Interior informing me that application has been made at the General Land Office for a patent to be issued in this case, and requesting my opinion as to the lawfulness & propriety of such application -

It is alleged that the Attorney General failed to give notice of appeal within the time limited by law - consequently that the U. States are barred from all further proceedings in the case and the claimant, as entitled to receive a patent upon the confirmation of the said Commission

Upon examination of my Docket it appears that the Transcript of record in the case was received in this

office August 30th and
that notice of appeal therein
was given November 30th 1854

Acknowledgement of the re-
-ceipt of this notice is to be found
in your letter of January 11. 1855
addressed G. M. Stone Esq
U.S. Law Agent a copy of which
is kept upon the files of my office -

You will perceive that
notice of appeal was given by
the Attorney General, was received
in California and its receipt
duly acknowledged, before the
time of statute limitation had
elapsed -

I have communi-
-cated these facts to the Sec-
-retary of the Interior and
have requested that no steps
toward issuing a patent in
the case be allowed until
more particular information
regarding it can be obtained
and I respectfully request
therefore that you will inform
me what subsequent pro-
-ceedings have taken place
and why, if it be the fact,
my notice of appeal was

was not filed in the District
Court.

I am very respectfully
(signed) C. Cushing

C. E. Carr Esq

Clerk U.S. Dist Court

S. D. Cal

90 ND
Letter from
Attorney General

In the Matter
of Claim No 283-
Peter Saussevain

1. February 1856

(Copy)

The United States
vs } No 90 In District Court for
Pedro Sainsevain Northern District of Cal.

90 80 ND

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In this ^{case} appearing from the records of this Court, that the certified transcript of the proceedings and decision, and of the papers and evidence on which the same are founded, prepared by the Board of Commissioners on private land claims in California, was filed with the Clerk of this Court, on the 13th day of September 1854 — in pursuance of the 12th section of the Appropriation Act of the 31st of August 1852 chapt. 108. And ~~it~~ further appearing that the said claim was decided against the United States, and that the transcript of the said case according to the provision of the said Act was received by the U States Atty Genl. on the 30th day of August 1854 — and further it appearing from the records of this Court that no notice has been filed that the appeal would be prosecuted by the U States, and six months having elapsed since the receipt of the said transcript It is therefore ordered and decreed that the said appeal be ~~dismissed~~ be dismissed, as provided in the said Act.

No 90

U. S. Dist. Court,

The United States,

— vs —

Pedro Saussevain,

Form of Decree
which Claimants
Counsel wish to
have entered,

90 ND
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United States
vs

90 ND
PAGE 52

Pedro Sainsevain } Before me, Richard H. Pustel a
Justice of the Peace of the Town of Santa Cruz, Santa Cruz
County, State of California, personally appeared Joseph
& Prayers who after being duly sworn, depose and
say, that he has been a resident of the County of
Santa Cruz ever since the year eighteen hundred
and thirty four, that under the Mexican government
he filled the office of Alcalde, Sub Prefet, Treasurer
& Collector in the Pueblo of Santa Cruz, knows Pedro
Sainsevain Claimant for Rancho Canada del Rincon,
knows the Northern and Southern boundaries of the
Rancho Canada del Rincon as surveyed by Gen. J. Lewis
United States Deputy Surveyor, knows ^{that} the distance from
the Catholic Church on the public square in the town
of Santa Cruz to the Northern boundary of the
Rancho Canada del Rincon as now located is about
one league, a little more or less, knows that the Town
of Santa Cruz was acknowledged as a Pueblo by the
Mexican government ever since the year eighteen hundred
& thirty seven or earlier and from that time
or until the Americans took possession of California
knows that the Pueblo of Santa Cruz and the jurisdiction
of the Alcalde thereof extended one league each way
from the Catholic Church in the Town of Santa Cruz,
knows that the Rancho Canada del Rincon as located
by Gen. J. Lewis United States Deputy Surveyor is within
the limit of the lands of the Pueblo of Santa Cruz, knows
that said Pedro Sainsevain came to Santa Cruz in the
year eighteen hundred forty three, went with Omer Fay
and Charles Roussillon in the Canada del Rincon, they put
up a Saw Mill there and sawed lumber, they did so
by a permit of the Authorities of the Pueblo of Santa Cruz, the permit

was not in favor of said Pedro Sainsevain, he could not get a permit because he was not a Citizen of Mexico, it was in favor of Omnes Guy, him agreeing to pay one tenth of all the lumber he saved to the Authorities of the Town of Santa Cruz, Samuel Boole, George Chapell, William Charr and many others were living in the Canada del Rincon before Sainsevain came there and while he was living there and afterwards and Samuel Boole is living there yet in the house which he built before Sainsevain came there, all persons what were living in the Canada del Rincon as well as the people of the Pueblo of Santa Cruz and village of Principito enjoyed the same privileges in the Canada del Rincon as Pedro Sainsevain from the time the Mission of Santa Cruz was secularized and Santa Cruz pronounced a Pueblo untill the year eighteen hundred and fifty or later, they cut timber there built houses and saved lumber during this time without the said Sainsevain or anybody else ever hindring them or without the said Pedro Sainsevain ever pretending to claim the land and the timber on it by virtue of a grant from the government of Mexico, that the said Pedro Sainsevain has left the Canada del Rincon and the County of Santa Cruz in the year eighteen hundred forty four, and that he has not been residing there since, Omnes Guy was living all the time in the Canada del Rincon from the time he got a permit to go there untill in the year eighteen hundred forty nine, that the Canada del Rincon is included and is the principal part of the Rancho Canada del Rincon as now located, that the said deponent never heard Pedro Sainsevain having a grant for the Rancho Canada del Rincon untill some time after the Americans had taken possession of California and said deponent believes by information and belief that sufficient evidence can be produced to prove that the grant for the Rancho Canada del Rincon by the Mexican government in favor of Pedro Sainsevain was executed and signed after the war between the government of the United States

and Mexico had commenced, that this deponent has such information and belief from Omnes Guy who is residing in Watsonville Santa Cruz County, that said deponent was Alcalde of the Pueblo of Santa Cruz in the early part of the year eighteen hundred forty six untill the Spring of eighteen hundred forty seven, that said Pedro Sainsevain never applied to said deponent for permission to locate the Rancho Canada del Rincon and that he the said deponent did not give possession of the Rancho Canada del Rincon to Pedro Sainsevain or others, that said Pedro Sainsevain admitted at several times to this deponent that Charles Bousillon was part owner of the Rancho Canada del Rincon, that to the knowledge of this deponent the said Pedro Sainsevain never made the Canada del Rincon his home or his residence except for a short time

Subscribed and sworn to before J. L. Maynes

In the 24th day of February A.D. 1854

Richard K. Fettel

Judge of the Peace

U. States
by
Pedro Saussevain

a copy of an
affidavit of
Los. L. Major

(No. 5)

United States
vs
Pedro Saussevain

Before me Richard N. Vestel a justice of the peace for the Town of Santa Cruz County State of California personally appeared Baptiste Davide who being sworn deposes & says that he has been a resident of the Town of Santa Cruz since the year eighteen hundred & forty four that he has been residing there ever since that, he knows Pedro Saussevain claimant for the Rancho Cañada del Rincon, that he knows the Rancho Cañada del Rincon, the southern boundary as now located is about one half a mile in a direct line from the Catholic Church in the Town of Santa Cruz & knows that as long as California belonged to the Mexican Government said Saussevain had no title of the Mexican Government for the Rancho Cañada del Rincon — knows that he only had a permit to put up a mill in the Cañada del Rincon & to cut timber there — any body else had the same right as said Saussevain to cut timber & saw Lumber in the Cañada del Rincon. The permit to put up a mill & to cut Lumber in the Cañada del Rincon was not given to Pedro Saussevain but to Amnes Guy; the said Saussevain could not have the permission to do so because he was not a naturalized Citizen of Mexico and deponent saw the permit referred

to, to put up a Mill and saw lumber in the
cañada del Rincon - saw it in the year
eighteen hundred & forty four or eighteen hundred
& forty five - Amnes Guy lived all the time
in the cañada del Rincon from the year
eighteen hundred & forty four to the year
eighteen hundred & forty nine - He lived
and worked there just as he pleased acted
like owner of the place said deponent
does not know if Amnes Guy was owner
of the Mill, or if he was hired but the
land was his

Subscribed and
sworn to before me
This February the 24th day
of A. D. 1857

Baptist. Dabadie

Richard R. Vestel
Justice of the Peace

U. States

Pedro Sauterain

a copy of an
affidavit of
Baptiste Dabadie

(1857)

United States

vs.

Pedro Sansevan Before me Richard
Vestal a Justice of the Peace of the Town &
County of Santa Cruz & State of California personally
appeared Cornelius Perry after being duly
sworn deposes & says that he is born
in the Village of Branceforte opposite the
Town of Santa Cruz, that he is 47 years of age
old that he has been residing ~~in~~ the
Village of Branceforte all his life time; Knows
Pedro Sansevan claimant of Rancho del
Cañada del Rincon; Knows the boundaries
of the Rancho Cañada del Rincon as
located by Wm. Lewis United States' Deputy
Surveyor; Knows that the Rancho Cañada
del Rincon as now located within the
limits of the lands of the Pueblo of Santa
Cruz; Knows that the town of Santa Cruz
always was acknowledged by the Mexi-
can government as a Pueblo since the
Mission was secularized which was about
1835; Knows said Sansevan since the
year 1843; said Sansevan came there to
Santa Cruz, obtained permission of the
authorities of the Pueblo of Santa Cruz to
build a ^{saw} mill in the Cañada del Rincon &
to saw lumber there - said deponent never
heard said Sansevan having a grant for
the Rancho Cañada del Rincon until
in the year 1850. said Sansevan never
pretended to the knowledge of this deponent
to have a grant for the Rancho Cañada del

Rincon until the year 1850. The Cañada del Rincon is within the boundaries of the Rancho Cañada del Rincon as now located, Samuel Poole, George Chapell & many other persons has houses & sawed Lumber in the Cañada del Rincon, before Saussevain came there, they continued to live there some of them Samuel Poole is living there yet cutting timber and making shingles. The people of the Pueblo of Santa Cruz and the village of Branceforte always used to go in the Cañada del Rincon to cut timber or get wood from ~~there~~ ^{Santa Cruz} time the Mission was secularized until the year 1850. without any body hindering them & without ever Saussevain or ~~other~~ others for him tried to prevent them, doing so by virtue from government of Mexico that in the year 1844, this deponent signed a petition to the governor of California praying the government not to grant in any way & to any person the Cañada del Rincon & particularly not to Charles Roussillon & Pedro Saussevain because the people of the Pueblo of Santa Cruz & the village of Branceforte used the Cañada del Rincon as the most convenient place to cut timber for Lumber or other purposes & that the said people of the village of Branceforte & Pueblo of Santa Cruz never would relinquish

this right in the Cañada del Rincon as lands belonging to the Pueblo of Santa Cruz. Manuel Rodriguez Simon Perry & most of the ~~other~~ inhabitants of the Pueblo of Santa Cruz & the village of Branceforte signed this petition. Said deponent saw Pedro Sausevan several months afterwards, he the said Pedro Sausevan reproached this deponent for having signed a petition against him & said that he the said Sausevan had received a letter from the government of California in which he was informed that the Cañada del Rincon could not be granted to any body, because the people of the Pueblo of Santa Cruz & the village of Branceforte opposed it.

Subscribed & sworn } Cornelius ^{his} Perry
to before me this March } mark

14th A.D. 1857.

Richard K. Vestal
Justice of the Peace.

U. States
vs

P. Saussevan

copy of C. Perry's
affidavit —

(No 6)

United States

^{vs}
Pedro Saussevain

Before me Richard
K Vestel a justice of the Peace, for the County
of Santa Cruz Santa Cruz County State of California
personally appeared Francisco Sorio who after
being sworn deposes & says that he has been
a resident of the Village of Branceport
County of Santa Cruz since the year eighteen
hundred & twenty three, that he has been
residing there ever since, that he is a
land owner - that he knows Pedro Saussevain
claimant for the Rancho cañada del Rincon
that he knows the land where the Rancho
cañada Rincon is now located - knows
that the same is within ~~the~~ the limits
of the Pueblo of Santa Cruz - knows that
the Mission of Santa Cruz was pronounced
a Pueblo by Ignacio Vallo by order of the
government of Mexico about in the
year eighteen hundred & thirty five - knows
that the Pueblo of Santa Cruz always has
been ever since Pueblo of the Mexican
government - knows the said Saussevain
went in the cañada del Rincon only with
the permission to put up a mill & to cut
lumber by paying one tenth of all the
lumber he saved to authorities of the Pueblo
of Santa Cruz - knows that during the time
Saussevain lived in the cañada del
Rincon up to the year eighteen hundred
& forty nine & later many other persons

were living in the neighborhood of said
Sansevain's house, that they were cutting
timber and sawing lumber, that said
deponent was alcalde of the Pueblo of Santa
Cruz in the year eighteen hundred & forty five
that he did ^{not} give Sansevain or ~~others~~
possession of the Rancho cañada del Rincon
to Pedro Sansevain or others, that Pedro
Sansevain never applied to him the said
deponent never heard of said Sansevain
having a grant for the Rancho cañada
del Rincon until some years after the
americans had taken possession of
California

Francisco Gonia

Subscribed and sworn
to before me this
February the 24th A.D. 1857.
Richard K. Vestel.
Justice

U. States

vs

Pedro Sansevain

a copy of an
affidavit of

Francisco Gonia

No. 4

90 ND

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United States
vs
Pedro Sausevain

Before me Richard K. Vestel a Justice of the Peace of the Town & County of Santa Cruz State of California, personally appeared Benito Amallo, who after being duly sworn deposed & says that he is a resident of the County of Santa Cruz since the year eighteen & thirty seven, that he was living in the Cañada del Rincon from the year eighteen hundred & forty three to the year eighteen & fifty - that he was working while living there for Pedro Sausevain Claimant for the Rancho Cañada del Rincon & Charles Roussillon - that Pedro Sausevain & Charles Roussillon as partners of Pedro Sausevain went in the Cañada del Rincon on the lands said Sausevain now claims in the year eighteen hundred & forty three by a permit of the alcalde of the Pueblo of Santa Cruz Jose Bolcoff the said Sausevain & Roussillon agreeing to pay to the authorities of the Pueblo of Santa Cruz one tenth part of the lumber they sawed, said deponent said Charles Roussillon delivering Lumber to Jose Antonio Amallo who came to the Mill in the Cañada del Rincon to receive the rent from said Sausevain & Roussillon this was the year eighteen hundred & forty four - said deponent never heard said Sausevain had a grant for the Rancho Cañada del Rincon until in the year eighteen hundred & forty nine

That in the year eighteen hundred & fifty
said Sansevain & Roussillon told this
deponent that they had bought the
timber on the east side of the River
San Lorenzo from William Boole, that at
that time & before & afterwards the
said Pedro Sansevain acknowledged
and said that the said Charles Roussillon
was partner in the land, timber & Mill
in the cañada del Rincon & that Charles
Roussillon was half owner of the Rancho
cañada del Rincon - said deponent
knows that the Rancho cañada del
Rincon as located by W. J. Lewis deputy
surveyor of surveyor general of Cali-
fornia is within the limits of the lands
of the Pueblo of Santa Cruz - said deponent
was a chain carrier with W. J. Lewis
when he surveyed the Rancho cañada
del Rincon, that before the year eighteen
hundred & forty three Samuel Boole,
Robert King, Omer Guy, William
Pechaco, George Chappell & others were
living on the lands included in the
present boundaries of the Rancho cañada
del Rincon, that Samuel Boole has
been continuing to live there
ever since

subscribed & sworn to Benito Analla
before me this February the
twenty second A. D. 1867

Richard K. Vestel justice of the Peace

U. States
vs
Pedro Sanchez

a copy of an
affidavit of
Bonita Amalo.

(No 2)

90 ND
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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, Sept. 13th 1854

John A. Merrill 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. 283 on the Docket of the said Board, wherein

Pedro Sainsevain is the Claimant against the United States, for the place known by the name of La Canada del Rincon

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

G. Fisher

