

CASE NO.

93

NORTHERN DISTRICT

SANJON DE LOS MUKELEMES GRANT

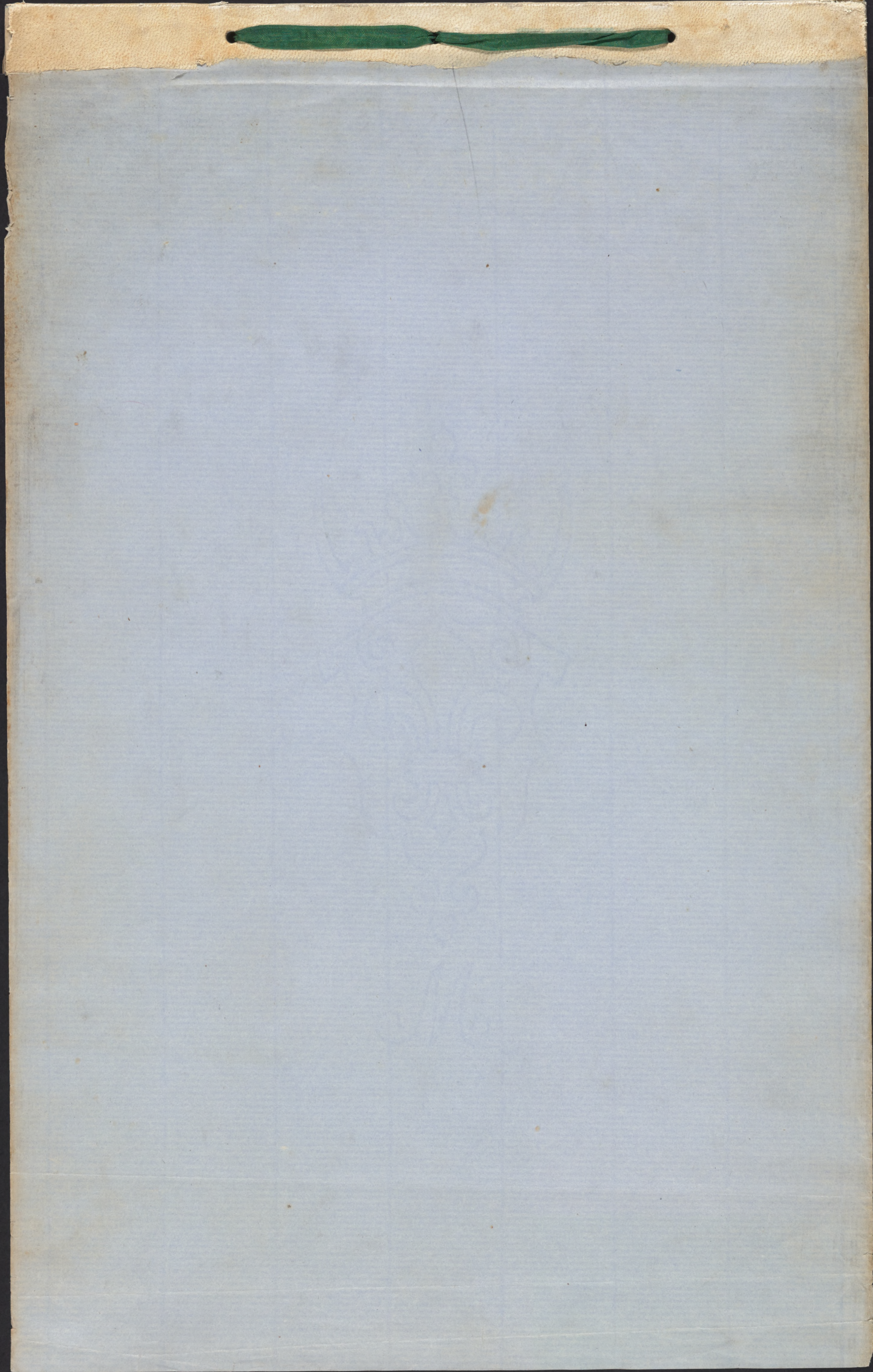
ANASTACIO CHABOLLA

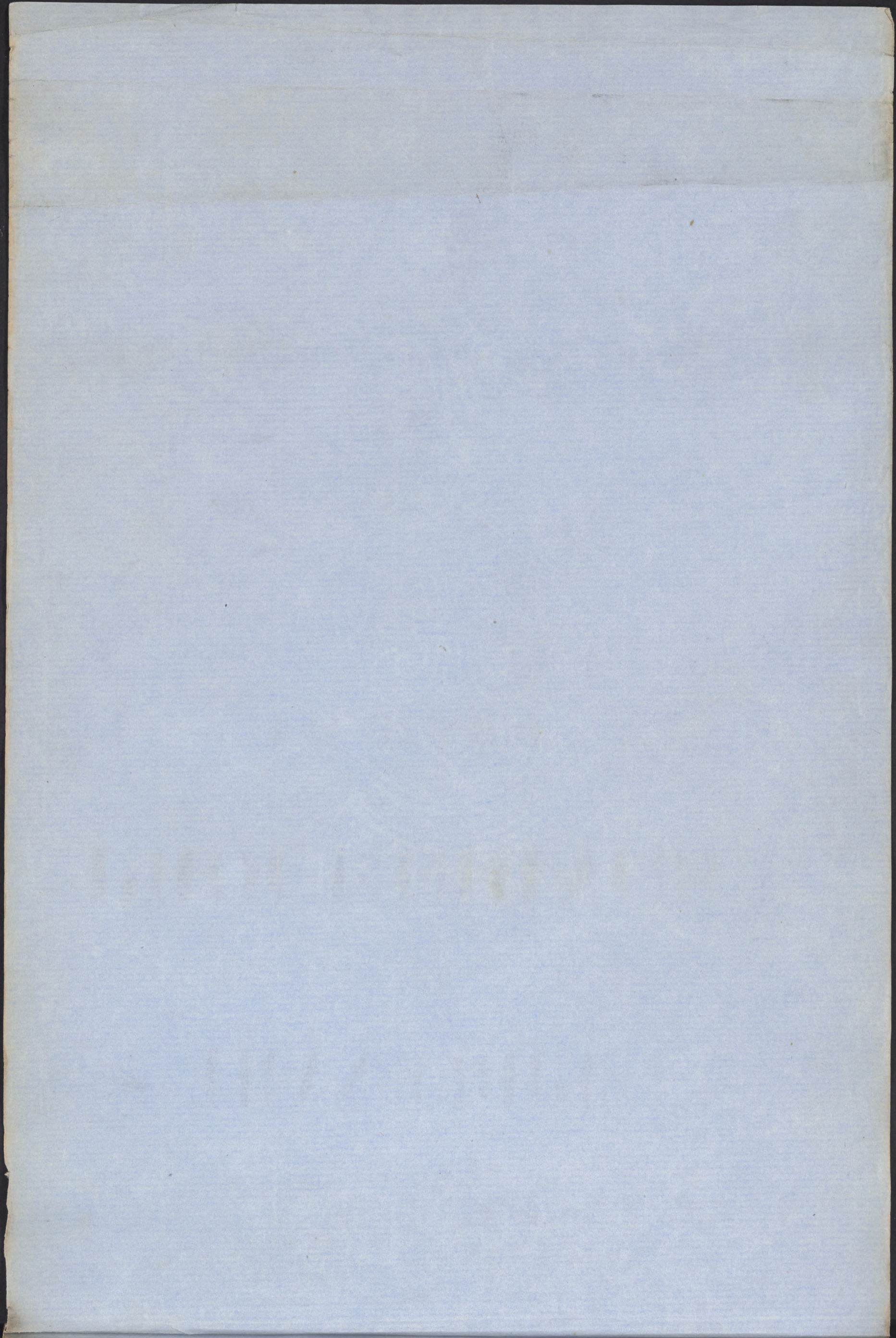
CLAIMANT

LAND CASE 93 N D

26 pages

OCT 11 1962





TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 393

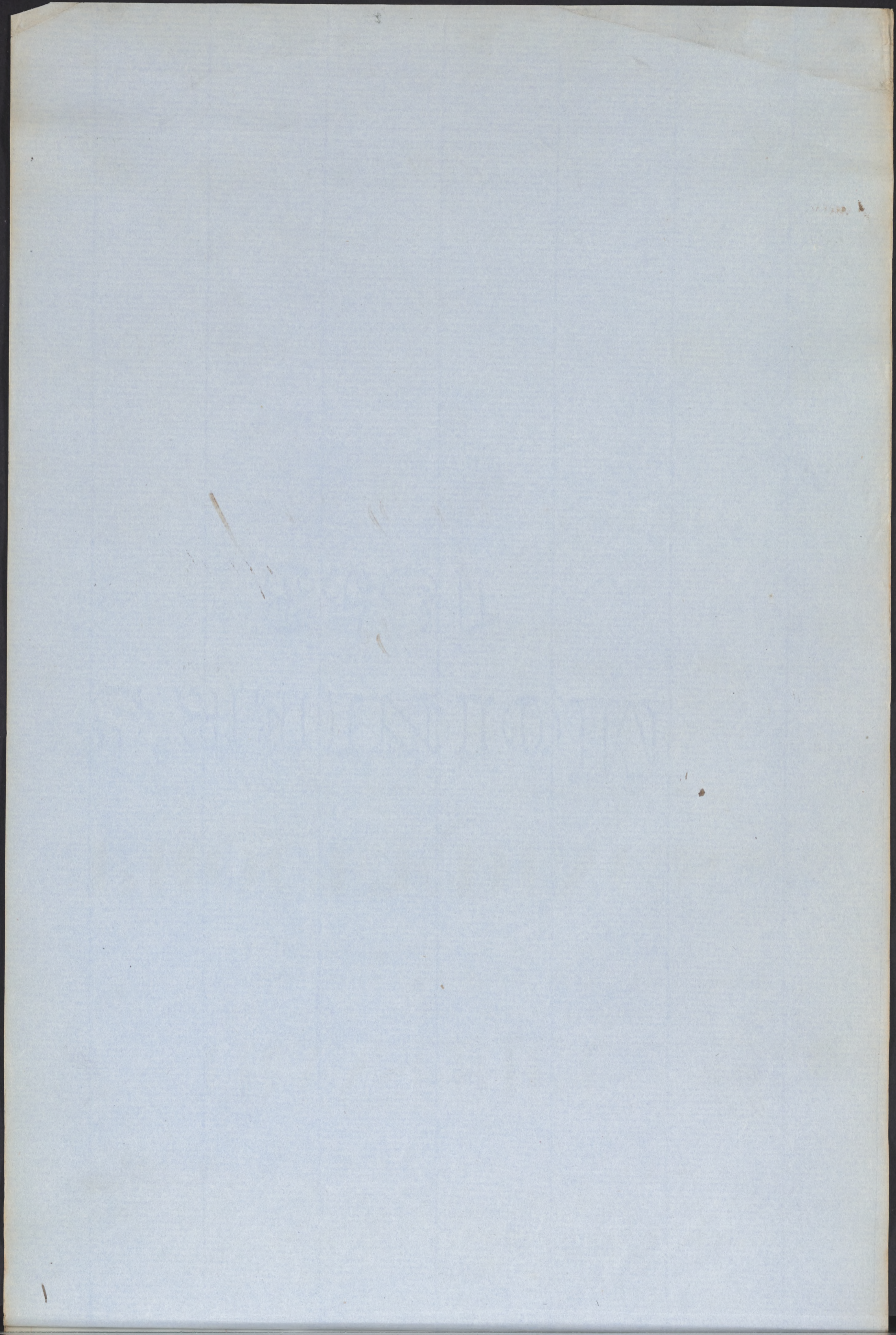
Anastacio Chabolla CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Sanjou de los Mukelernes"



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 *seventeenth* day of *October*, 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 *Anastasio Chabolla*

for the Place named

"Sanjon de los Mukelomos"

was presented, and ordered to be filed and docketed with No. 393 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;

Los Angeles October 18th 1852.

In case no. 393 *Anastasio Chabolla* for the place named *"Sanjon de los Mukelomos"* the deposition of *Ignacio de Valle*, a witness in behalf of the claimant taken before Commissioner *Melania Hall* with the document marked *A. N. B* and the translation thereof marked *b.*, annexed thereto, was filed.
(Vide page 4 of this Transcript)

San Francisco January 19th 1853

In the same case the deposition of *Antonio Maria Pico* a witness in behalf of the claimant taken before Commissioner *Melania Hall* was filed;
(Vide page 5 of this Transcript)

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San Francisco September 26th 1853.
Case no. 393 Cuccini. Submitted in Brief on both
Sides and taken under advisement by the Board.

San Francisco January 24th 1854.
In the same case Commissioner Thompson
Campbell declined the opinion of the Board
rejecting the claim;
(Vide page 28 of this Transcript)

To the Hon. Commissioners for ascertaining & settling private land claims in California -

Anastasio Chabolla represents that on the 24th of January 1844, Manuel Micheltorona then Governor of California, under authority vested in him by the laws then in force, granted to the petitioner a tract of land called Sanjon de los Moguleros or las Calaveras, containing eight leagues more or less as described in the grant - which tract of land lies partly within the limits of the County of Sacramento & partly in the County of San Joaquin. That in the description of the land granted, by mistake the words San Joaquin are inserted instead of the word Moguleros - the land intended to be granted being that lying in the angle formed by the two rivers Sacramento & Moguleros & fronting two leagues on the Moguleros.

That immediately after the grant was made he occupied the land & continued to occupy it for several years making some improvements & having a large stock of cattle upon it. He knows of no other claim to any part of the land.

He herewith files a certified copy of the expediente from the office of the Surveyor General of the U. S. for California, marked Exhibit A. the original grant marked Exhibit B. with translations thereof severally marked W & B.

For the support of his claim he relies upon the papers filed & such other evidence as he may hereafter produce, & prays its confirmation.

A. P. Crittenden.

Atty for Claimant.

Filed in Office Oct 16th 1852 Geo. Fisher Secy

Petition.

Office of the U. S. Land Commissioner—
Los Angeles—

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On the 18th day of October 1852 before me Heland Hall,
one of the Commissioners for ascertaining & settling private
land claims in California, personally appeared Ignacio
del Valle, a witness produced on behalf of Anastasio
Chabolla, claimant of the Sanyos de los Muquitos
Deposition of Ignacio del Valle in the case which is No 393 in the desk of said Commis-
sioner, who having been duly sworn, testified as follows—
The Associate Land Agent was notified & attended.

Question First. What is your name & age & where do you
reside?

Answer. My name is Ignacio del Valle, I am forty four
years of age & reside in Los Angeles, California—

Question Second. Are you acquainted with the signatures
of Manuel Micheltona & Manuel Simons—
Ans— Yes—

Question Third. Examine the document on file in this
case marked Exhibit B. being the original grant—
& say whether or not the signatures of said persons to the
grant & that of Simons to the certificate which follows
it, are genuine.

Answer. I have referred & examined the document aforesaid
to, the said signatures are genuine—

Question Fourth. What offices in California, if any, did
the same persons hold on the 24th of January 1844.

Answer. Manuel Micheltona was Governor & Manuel Si-
mons— Secretary—

Sworn & subscribed

Ignacio del Valle

Before me

Heland Hall. Commr—

Filed in Office Oct 18th 1852. Geo. Foster. Secy.

San Francisco Jan'y 19th 1853.

On this day before Comr Holland Hall, came Antonio Maria Pico, a witness in behalf of the claimant Anastasio Chabolla, petition No 393, & was duly sworn his evidence being interpreted by the Secretary - The U. S. Associate Survey Agent was present -

Deposition of
Antonio M^o Pico - Questions by Claimant -

Int 1. What is your name, age & place of residence? If you reside in California, state for how long you have lived here -

Ans - My name is Antonio Maria Pico, I am forty four years of age, was born in California & have lived here all my life -

Int 2. Are you acquainted with Anastasio Chabolla, if so, since when?

Ans. I do know him. I have known him ever since I was a child.

Int 3. Do you know of any land ever having been granted to him in the vicinity of the San Joaquin, Mokelumne, or Cosumne rivers?

Ans. Yes. I know that a grant of land was made to him of land in the neighborhood of the Cosumne & San Joaquin rivers - sometime - about the 1844 - I think by Gov Michelena -

Int 4. Do you know anything of Anastasio Chabolla, having occupied the land or having servants there & cattle, if yes? state what you know.

Ans - I was on the rancho in 1846 or 1847 for ten days, at which time I saw about three hundred head of cattle & forty or fifty horses then belonging to said Chabolla - There was a house on which an owner

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land. There were Indian servants, corrals & land under cultivation, I do not know how long the cattle & horses had been there. The house & corrals were on the bank of the Coconino river. There was a lake nearby the house. I think the cattle were taken from San Jose to the rancho in 1844. I saw them when they were taken away.

Antonio M^a Pico.

Sworn & subscribed

Before me

Herland Hall.

Comr.

Filed in Office July 19th 1853.

Geo. Fisher,
Sicry.

1844

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Espediente promovido p.^o el Ciudad.
Anastacia Chaboya, en solicitud del paraje
nombrado Sanjon de los Magueles, y p.^o
otro nombre Las Cala

329

Excmo. Sr. Gobernador

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Anastasio Chabolla Mexicano
 p:^o nacimiento y abecindado en el
 Monterrey Pueblo de S. Jose Guadalupe ante
 Sep.^o 30 de 1843 S. E. con la Mayor Sumision bajo
 la manera mas legal q. a mi
 Sirvase info- derecho conbenga me presento y
 mas el S. Srío digo ; Que hace el termino de
 del Despacho un año cuatro meses y veinte
 Michelt^a y siete dias a q. solicite del ante
 seros de V.E. D.^o Juan Bautista

Albarado p:^o medio de la representacion
 y Disiño q. con esta incluye un terreno
 q. se haya p:^o la parte de los eos sigue
 Demuestra el Disiño) este Sr me ordeno
 pasara al Establecim.^o de D.^o Juan Suttis
 p.^a q. el informare si el terreno estaba
 baldio o pertenecia a algun yndividuo yo
 como interesado lo benifique; y el dho Sr
 S. p.uter en lugar de darne el informe aba
 jo del decreto dado p:^o el Gobierno balido que

yo no tenia mayor cono-
 Como dispone el E.S. cinto en asuntos de ese
 Gobernador pase esta naturalera despues de ha-
 instancia al encar- burme enq.ñado dicien do-
 gado de la frontera me que se alegraba bastan-
 del Sacramento D.^o te que yo fuera a vivir
 Augusto Suttis para tan cerca de el me dio un
 que informe sobre oficio para el Gobierno el
 su contenido y diga cual yo lo traje hasta Mon-
 si el terreno que terrey sin saber lo que
 pretende esta val- continia; el Gobierno visto
 dio y en seguida q. dicho Sr Suttis no ho-
 dirigase al pueblo braba con legalidad regreso
 de S.^o Jose p.^a q. de nuevo dichos papeles
 esponga todo lo an al juzgado de dicho pue-
 to le ocurra y con- blo en donde hasta la
 cluido que sea fecha han estado detenidos

2

3

9

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vuelva a esta Siria para cumplir con lo prevenido en el Superior decreto marginal de 30 de Septiembre ultimo. Monterrey D. Mex. 17 de 1843

por desentendimiento de los jueces; al mismo tiempo E. S. yo he visto que el parage que solicito lo estan fundando D^{ns}. Guillermo Gutierrez D^{ns}. Pedro Lanza y otros todos extranjeros y sujetos que cuando yo hice mi solicitud ni por la ima-

ginacion tenian de ser rancheros; estos favorecidos por Shultes uno de los que intenta quitarnos los derechos que tenemos los hijos del pais, pues en el hecho de no informar como se le ordinaba manifiesta que quiere proteger a sus paisanos como lo esta verificando.

Yo he informado al gobierno en mi oficio que el Sr. Chabolla trajo y no en el decreto o representacion propuesta. Los pedian un terreno tan grande bastante para hacer muchos ranchos y sobre esto yo informo al gobierno para que no es posible a ver claro y saber segun un diseño mal hecho. Hace dos años que yo no recibia ninguna respuesta del gobierno, el Sr. Chabolla tampoco me ha dicho nada mas

Ahora espero que V. E. despues de premeditar este asunto se sirva obsequiandola justicia y mirando por bien de nuestro pais disponer lo que creyere por conveniente para yo excusar gastos que tal me sean infructuosos.

Por tanto a V. E. suplico se sirva acceder a favor del interesado en lo que escribi gratia y merced jurando no ser de malicia y lo necesario de Dispensando el papel comun por career en esta parte del sellado que a V. E. corresponde.

Pueblo de S^{ta}. Jose Mayo 17 de 1843 Anastasio Chabolla

5

6

10

en todo este tiempo parado y por esto yo he con-
siderado estos terrenos baldios, por consiguiente
muchos otros han venido para pedir al gobierno
estas tierras que ahora no son mas baldias
Nueva Helvetia Enero 3 de 1844
J. A. Shuttis

Juzgado de Paz
del Pueblo de S. Jose

7 Como en el decreto de
17 de Dbre del año 1840 que esta al mar-
gen de la representacion del Sr. Chabolla
se requiere informe de este Juzgado
visto que el del Sr. Shuttis no es conforme
al que se le pide que el citado Chabolla hace
dos años que pretendio el parage que de-
muestra en su dicho antes que este fuera
pedido por otro, y por lo tanto considero
que sera acordar a la gracia que suplica
se le haga.

Pueblo de S. Jose Enero 10 de 1844
Antonio Maria Pico

b. S. D. K.

Exmo. Sr. Gobernador

8 Una estension como la que demarcaba
el internado en sus primeros dichos con-
tenia muchos sitios de ganado mayor,
pero ahora que ha reformado el dicho
se ha sugerido a unos limites regulares en
un terreno baldio por las Margenes del
Rio de S. Joaquin y Rio de los Bosques y
entiendo no hay inconveniente alguno
para que se le puedan conceder sus
ocho sitios de ganado mayor citando
a que es un hombre de bien con muchos bienes
y esta cargado de familia, mas la determina-
cion de V. E. sera la mas acertada

Monterrey Enero 23 de 1844 Manuel Jimenez

Monterrey Enero 24 de 1824

9 Expedase el título con ocho sitios atun-
diendo a tener siete hijos y ser hijo del
país y Ciudad Mexicano; p.º al caso pue-
de denunciar el resto de los seis un extranjero
naturalizado.

Micheltá

Monterrey 24 de En.º de 1844

10 Vista la petición con que da principio
este expediente los informes que proceden
con todo lo demás que se tuvo presente y
ver consiso de conformidad con las leyes y
reglamentos de la materia declaro á D.
Anastasio Chabolla dueño de la estancia
de ocho sitios de ganado mayor en las
Margenes del Rio Cosumés Embos al Sur
y en el de Sr. Joaquin Sufitandise á los
linderos que se le señalaron al tiempo de la
posesion la que medira dos sitios en la
ribera del Rio Sr. Joaquin y lo demás para
el llano que mira al oriente. Librese el
Correspondiente despacho, tomese en el libro
respectivo y dirijase este expediente a la Exma.
Asamblea Departamental para su aproba-
cion. El E. Sr. Gobernador asi lo mando y
firmo.

map

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

11 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 Mexican and
Spanish Territory or Department of Upper
California do hereby certify that the

Montreuy Enero 24 de 1824

9 Expedase el titulo con ocho sitios atun-
diendo a tener siete hijos y ser hijo del
pais y Ciudad Mexicano; p.º al caso pue-
de denunciar el esto de los seis un extranjero
naturalizado.

Michelt.^a

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Montreuy 24 de En: de 1844

10 Vista la peticion con que da principio
este expediente los informes que proceden
con todo lo demas que se tuvo presente y
ver con vino de conformidad con las leyes y
reglamentos de la materia declaro a D.
Anastasio Chabolla dueño de la estancia
de ocho sitios de ganado mayor en las
Margenes del Rio Cosumés rumbo al Sur
y en el de Sr. Joaquin supitandose a los
linderos que se le señalaron al tiempo de la
posesion la que media dos sitios en la
ribera del Rio Sr. Joaquin y lo demas para
el llano que mira al oriente. Librese el
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map

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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 Mexican and
Spanish Territory or Department of Upper
California do hereby certify that the

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eight preceding and herunto annexed
pages of tracing papers numbered from
one to eight 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 offi-
ce.

12

In testimony whereof I have
herunto signed my name offi-
cially and affixed my private
seal not having a Seal of office
at the City of San Francisco
Cal, this 29th day of March
A. D. 1852

Saml. D. King
Surgeon Genl. Cal

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Filed in office
Oct. 16th 1852
Geo. Fisher
Secy.

Espediente undistaken (promovido) by the citizen Anastasio Chabolla, in solicitation of the tract called Sanjos de los Muquetines & by another name las Calaveras -

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A. Translation of Espediente

Montrey September 30th 1843. Let the Secretary of the Despach reply.

Micheltorina.

As his Excy orders in his order that the Encargado of the Sacramento frontier D. Agustin Sutter should report as to the contents of state whether the land asked for is vacant and afterwards to the Pueblo of San Jose that it may set forth everything pertinent, & when finished to be returned to this Secretary's office in order to comply with the directions of the superior marginal decree of the 30th of September last -

Montrey 17th Dec 1843 -

Manuel Jimenez.

I have reported to the

(329)

To his Excy the Governor I, Anastasio Chabolla, Mexican by birth & domiciled in the Pueblo of San Jose de Guadalupe before your Excy with the greatest deference &

As his Excy orders in his order that the Encargado of the Sacramento frontier D. Agustin Sutter should report as to the contents of state whether the land asked for is vacant and afterwards to the Pueblo of San Jose that it may set forth everything pertinent, & when finished to be returned to this Secretary's office in order to comply with the directions of the superior marginal decree of the 30th of September last -

This officer commanded me to proceed to the settlement of Don Juan Sutter, that he might report whether or not the land was vacant or belonged to any individual, which I as the party in interest performed & the above Mr Sutter in place of giving me a report under a decree issued from the government. (Founded on my slight acquaintance in matter of that nature) having decided me in saying that he was overjoyed at my going to live so near him,

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government in my ^{despatch} gave me a despatch for the govern-
 ment, which I brought to Merced
 that Mr Chabolla took - without knowing its contents, the
 & not in the despatch - without knowing its contents, the
 - sentation, for this per- government aware that Mr Sutter
 - en asked for a tract or did not act with propriety, & paid
 large, enough to make papers to the Inz gade of the Public
 many ranches, upon which they have remained up to this
 this I suspected to the date neglected by the Judge, at the
 government, for it is same - your Excy I have seen that
 not possible to explain this tract asked for by me is being
 - by & to know from settled by D. Guillermo Guzman,
 a map badly drawn D. Pedro Loren, & others all claim,
 It is true, that I have & persons that when I petitioned did
 not receive an answer from not even dream of becoming ranches
 the government, without - these favored by Sutter, one of
 has Mr Chabolla said those who attempt to deprive us
 anything more to me the sons of the country of our right,
 during the time past, for by the fact of reporting, as ordered
 therefore I have considered he shows that he wants to favor his
 these lands vacant, & country men as he is doing. Now I
 accordingly others have hope that your Excy after consider-
 asked from these lands - sing this matter will doing just-
 which now are not - ice & seeing the good of our country
 vacant - dispose what you deem suitable

New Helvetia, Jan'y 3rd
1844

J. A. Sutter

that I may save expenses, that
 might be unrequited. Therefore
 I pray your Excy to be in favor of
 this party in interest, who will
 obtain grace & favor, affirming that it is not through
 malice & the ruffian &c. You will pardon this
 common paper as we have no sealed paper which to
 your Excy is due.
 Public of San Jose May 17th 1843. Anastasio Chabolla.

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Juzgado of the Peace of the Pueblo of San José.

Whereas in the decree of the 17th of December last, existing on the margin of the representation made by Mr Chabolla, a report is wanted from this Juzgado.

Knowing that Mr Shuter's is not in conformity with what is demanded from him, that it is two years since Chabolla, solicited for the tract shown in his map, before another asked for it, I therefore consider that he is (clearly) a creditor of the grant he solicits —

Pueblo de San José, Jan'y 10th 1844.

Antonio M^o Pico.

To the Governor.

An extent like that denied by the party in interest in his first map contained many sitios for large cattle but now that he has corrected it, he has submitted to moderate limits within the vacant lands on the borders of the rivers San Joaquin & the Coquimbo. I believe that there is no obstacle to making him a concession of six or eight sitios of large cattle, in as much as he is a honest man with a great many cattle & burdened with family but your Ex^{ty}'s decision will be more correct.

Monterey Jan'y 23rd 1844.

Mamuel Ferrero.

Monterey Jan'y 24th 1844.

I come to him the title with eight leagues (or six sitios) in as much as he has seven children, & as he is a son of the province & a Mexican citizen for at any rate the remainder can be denounced if by a naturalized foreigner.

Michel Torona.

Monterey Jan'y 24th 1844.

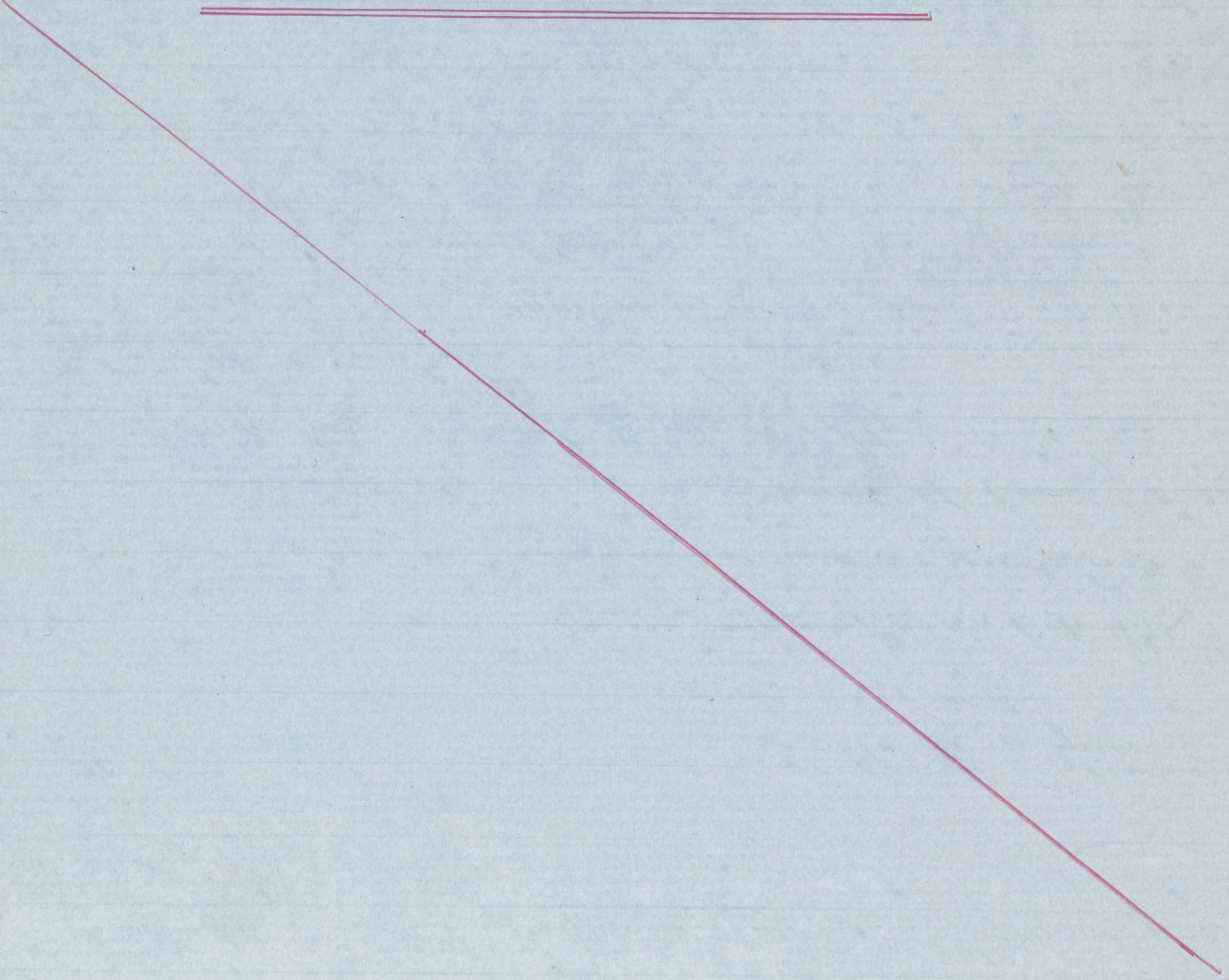
Having seen the petition with which this expediente begins, the preceding reports, with all that was presented & proper to be considered, in conformity

with the laws & regulations in the premises I declare
 Anastasio Chabellas owner of the extension of eight le-
 agues for large cattle (ocho sitios de ganado mayor)
 on the borders of the river de los Cozumnes, southward
 & on that of San Joaquin, submitting to the boundaries
 to be designated to him at the time of possession, which
 possession he shall measure two leagues, on the banks
 of the river San Joaquin & the rest on the plain running
 to the East. Let the corresponding dispatch (título)
 be issued, let it be recorded in the respective books, &
 let this expediente be directed to the Ex^{ta} Depart-
 -mental Assembly for its approval.

The Ex^{ta} Governor thus commanded
 & signed.

Filed in Office Oct 10th 1852.

Geo: Foster,
 Secy.



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Sello Segundo cuatro pesos

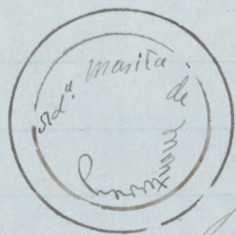
Habilitado provisionalmente por la Aduana maritima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco

Micheltorina

Pablo de la Guerra

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Manuel Micheltorina General de Brigada del Ejercito Mexicano Ayudante General de la Plaza Mayor del mismo Gobernador Comandante General e Inspector del Departamento de las Californias.

Por cuanto el Ciudadano Anastasio Chabolla ha pretendido para su beneficio personal y el de su familia, la estension de ocho sitios de ganado mayor, el Rio de los Cosumes rumbo al Sur y el de San Joaquin, debiendose medir dos sitios por las margenes del espresado Rio de San Joaquin y lo demas por el llano que mira al Poniente: practicadas provisoriamente las diligencias y averiguaciones consiguientes segun lo dispuesto por leyes y reglamentos; usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes libras sujetandose a la aprobacion de la Exma. Asamblea Departamental y bajo las Condiciones siguientes.

1^a = No podra venderlo, enagenarlo, hipotecarlo, imponer censo, vinculo, fianza ni otro gravamen alguno.

2^a = Podra cercarlo sin perjudicar las Travesias Caminos y servidumbres; lo disputara libre y esclusivamente destinandolo al uso o cultivo que mas le acomode pero dentro de un año fabricara casa y estara habitada.

3^a = Solicitara del juez respectivo que le de la posesion juridica en virtud de este Despacho por el cual se demarcaran los linderos en cuyos limites pondra a mas de sus mejoras algunos

arboles putales o silvestres de alguna utilidad
 3 4^a = El terreno de que se hace donacion es de
 ocho sitios de ganado mayor bajo la condicion
 que se tiene referida, y segun explica el dueño
 respectivo. El juez que diere la posesion lo hara
 medid conforme a ordenanza quedando el sobrante
 que resulte a la Nacion para los usos convenientes
 5^a = Si Contravenire a estas condiciones perdera su
 derecho al terreno y sera denunciabile por otro.

4 En consecuencia mandando que sirviendole
 de titulo el presente y teniendose por firme y bale-
 dero, se tome razon de el en el Libro a que corres-
 ponde y se entregue al interesado para su res-
 guardo y demas fines. Dado en Montevideo
 a vinticuatro de Enero de mil ochocientos cua-
 renta y cuatro.

Man. Micheltia

Man. Jimeno
 Lrio.

Queda tomada razon de este despa-
 cho en el Libro respectivo a fs. 6^o
 Jimeno

Filed in Office
 Oct. 16th 1852

Geo. Fisher
 Secy.

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Real

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13.
Translation of
Grant

Manuel Micheltona, Brigadier General of the Mexican Army, Adjutant General of the Staff, Governor, Genl Commanding & Inspector of the Department of the Californias.

Whereas the citizen Anastasio Chabolla has solicited for his own benefit & that of his family the extent of eight leagues of the larger size, the river Comunes, southward & the river San Joaquin, measuring two leagues on the banks of the said river San Joaquin & the rest on the plain which looks to the west; the necessary inquiries having been made & informations taken as required by the laws & regulations, by virtue of the power which are conferred upon me, in the name of the Mexican Nation I have granted him the said land, declaring it his property by these letters, subject to the approbation of the Departmental Assembly & under the following conditions.

- 1st He shall not have power to sell, alienate or hypothecate it, nor impose upon it any tax, entail, servitude, nor other charge.

- 2^d He may enclose it without interfering with the paths, roads & sentinels, he shall enjoy it freely & exclusively, appropriating it to the use or cultivation which may suit him, but within one year he shall build a house & it shall be inhabited.

- 3^d He shall by virtue of this decree solicit the judicial possession of the proper judge, by whom the boundaries shall be marked, on which besides the land marks he shall put some fruit trees or useful forest trees.

- 4th The land hereby granted is eight leagues of the larger size measured as above stated & according to the divisions. The Judge who shall give the possession shall have it measured in conformity to law, leaving the surplus which remains to the nation for its use.

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5th If he should violate these conditions he shall lose his right to the land & it shall be open to disencumbrance by another.

Wherefore I order that these presents among as a note & being held firm & valid, be registered in the proper book & delivered to the grantee for his protection & other purposes.

Given in Monterey the 24th of January 1844.

Manuel Jimeno.

Manuel Micheltorena.

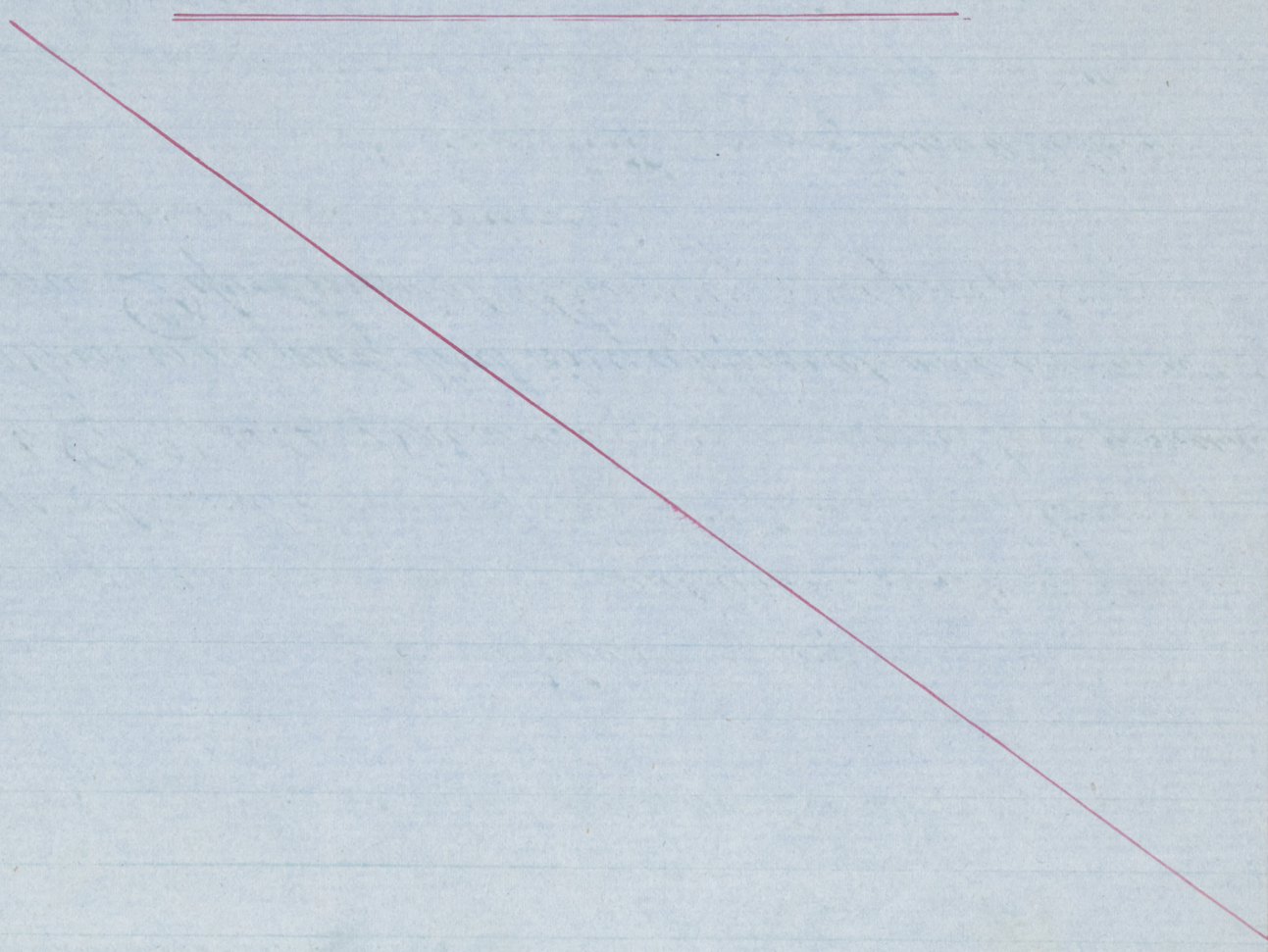
Sis.

This decree is registered in the appropriate book - page 6 -

Jimeno.

Filed in Office Oct-16th 1852

Geo: Fisher.
Secy.



Anastasio Chabolla
 or
 The United States. } Sanjo de las Muqueles
 } Eight square leagues.

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The petitioner in support of his claim has placed on file his original grant made by Governor Micheltotina & bearing date the 24th day of January Opinion of the A. D. 1844. The above grant is proved to be genuine. Board by Comr. There is no proof that any approval was ever made by Thompson Campbell, the Departmental Assembly, & no proof that judicial possession was ever given.

No legal title having been established, the party must depend for a confirmation of his claim upon the proof which he has adduced in regard to the performance of the conditions annexed to the grant. The proof on this question is to be found in the deposition of Antonio M^a Pico, this witness states that he was first in the rancho claimed in 1846 or 1847, at which time he saw three hundred head of cattle & forty or fifty horses, belonging to the petitioner, there was at that time a house on the place in which an livid, & there was also Indian servants & corrals on the place, and land under cultivation. The witness further states that he thinks the cattle were taken from San Jose to this rancho in the year 1844. The foregoing embraces all the testimony in regard to the performance of the conditions of the grant. The grant bears date the 24th day of Janry 1844, & according to the terms of the second condition the party was required to build a house within a year, & inhabit it within that time. The time when the witness first knew the house is uncertain, it was either in the year 1846 or 1847, but giving the party the benefit of the most favorable construction of this statement, the witness knew nothing of the premises

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in question until two years after the date of the grant, & even at that time, the party was not in personal possession of the lands.

The proof in this case we consider is insufficient & does not show such a performance of conditions as should entitle the petitioner to a confirmation of his claim, the same is therefore denied.

Filed in Office Jan'y 24 '1854.

Geo: Fisher
Secy.

Decree

Anastasiu Chaballo.
vs
The United States.

In this case on hearing the proofs & allegations it is adjudged that the claim of the said petitioner is not valid, & his application for a confirmation thereof is therefore denied.

Alphus Felch
Thompson Campbell.
R. Aug. Thompson. Commissioners.

Filed in Office Jan'y 24 '1854.

Geo: Fisher
Secy.

2770 = 275/4

Office of the Board of Commissioners,

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

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PAGE 24

I, *George Fisher* Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *Twenty Four* pages, numbered from 1 to *24*, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 393 on the Docket of the said Board, wherein

Anastacio Chabolla is

the Claimant against the United States, for the place known by the name of *Saujon de la Mukelimes*



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. 1854, and of the Independence of the United States of America the seventy-ninth

G. Fisher.

G. Fisher.

93 ND

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

No. 93-

THE UNITED STATES,

vs.

Anastasio Chabolla

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 393

Filed, *Sept 13th* 1854

John A. Monroe
Clerk.

No 298



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

The United States
Appellants
vs
Arastusio Cruball } No. 93.

The United States by their
Attorney deny the validity of the
title set out in the petition of
the said Appellants; and pray
that the decision of the Board
of Commissioners be affirmed,
and that the said title be
decreed to be invalid.

A. Russell
Asst U.S. Atty.

No 93

U. S. Dist. Court.

The U. States,

v

A. Chaballin

Answer

Filed October 15, 1855,

J. Cheever,
Deputy.

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Massell