

CASE NO.

102

NORTHERN DISTRICT

---

EL VALLE DE SAN JOSE GRANT

---

ANTONIO SUNOL, ET AL

CLAIMANT



OCT 14 1962

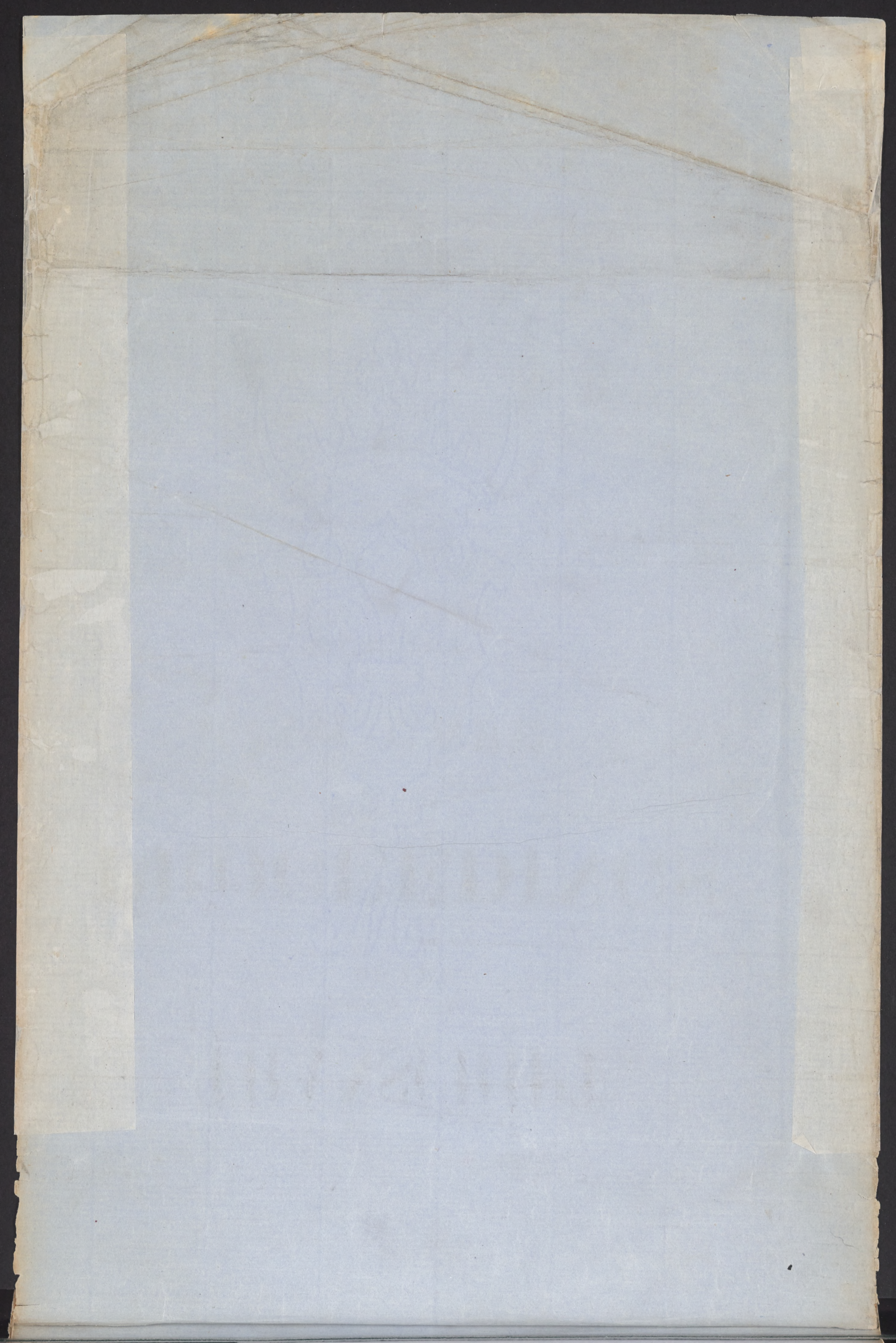
OCT 15 1962

WAS A INTEND TO  
HIGHWAY BOND  
Community



231







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# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. 231

*Antonio Suñol, et al,* CLAIMANT J.

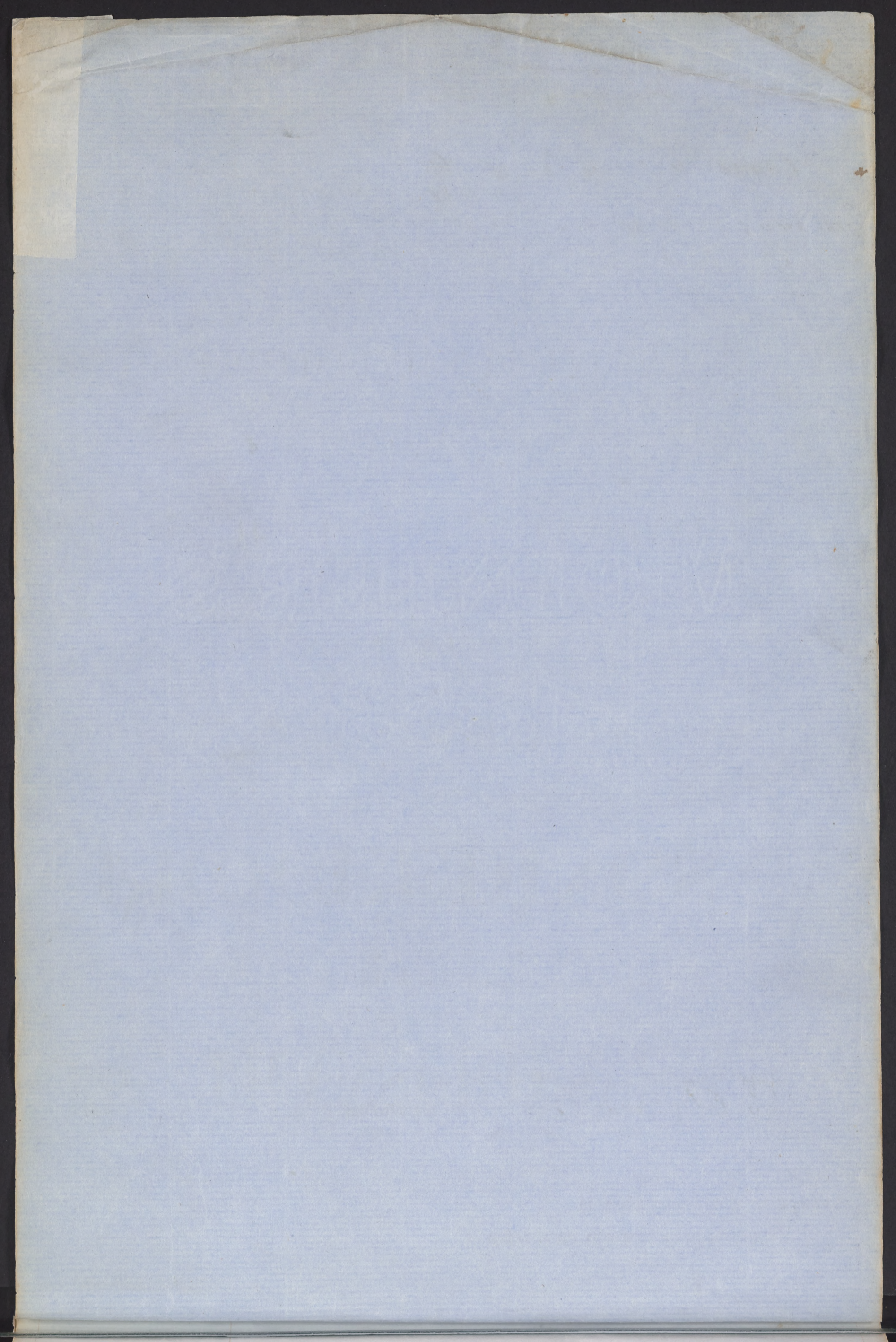
VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"El Valle de San José"*







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 *Eighteenth day of May*, 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 *Antonio Suñol et al:* for the Place named "*El Valle de San José*" was presented, and ordered to be filed and docketed with No. 231 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 17 1853.*  
In Case no. 231 Antonio Suñol et al. for the place named "El Valle de San José" the deposition of Antonio Maria Pico, a witness in behalf of the claimant, taken before Commissioner Melana Hall, with document marked H H no. 2 with translation thereof annexed thereto, was filed.  
(Vide page 4 of this Transcript)

In the same case the deposition of Manuel Jimeno, a witness in behalf of the claimant, taken before Commissioner Melana Hall, with document marked H H no. 1 annexed thereto was filed.  
(Vide page 5 of this Transcript)



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San Francisco Sept. 21<sup>th</sup> 1853.  
Case no. 231 Called: The counsel for the  
claimant read the evidence, argued, sub-  
mitted, and taken under advisement.

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San Francisco January 31<sup>st</sup> 1854.  
In the same case Commissioner Thompson  
Campbell delivered the opinion of the Board  
confirming the claim.  
(vide page 40 of this Transcript)



Petition

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

Antonio Suro, Agustin Bernal & Juan Bernal, citizens of California, herewith, submit & pray the confirmation of their title to the tract of land lying in the County of Contra Costa, known by the name of El Valle de San Jose which was granted on the 10<sup>th</sup> day of April 1839 by Juan B Alvarado, then Governor of California, acting under authority of the laws then in force, to Antonio Maria Pico, & the petitioner; & the interest of said Pico in which was assigned & conveyed by him to the petitioner Antonio Suro on the 6<sup>th</sup> December 1842, & by him to the petitioner Juan Bernal on the 10<sup>th</sup> November 1849.

The said tract of land being described in the grant by natural boundaries, the quantity is not stated. It is supposed to contain eleven leagues more or less.

The petitioner know of no claim of any other person to any portion of this land.

In support of their claim they refer to the expediente & grant copies of which & a translation thereof are filed, & such other evidence as they may hereafter offer.

A. P. Cristóbal.

Atty for Petitioners

Filed in Office May 18<sup>th</sup> 1852.

Geo. Fisher,  
Secy.



San Francisco June 17 1853.

On this day before Court Holdand Hall, came Ant<sup>o</sup> M<sup>o</sup> Pico, a witness in behalf of the claimants - Ant<sup>o</sup> Suroel, petitioner No 239, & was duly sworn, his evidence being interrupted by the Secretary.

Deposition of  
Ant<sup>o</sup> M<sup>o</sup> Pico.

The U. S. Associate Law Agent was present.

Questions by Claimant

Int 1. What is your name, age & place of residence, & if you say that you reside in California, state where.

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

Int 2. Are you acquainted with the Rancho called El Valle de San Jose? If yes, set state where it is, when granted & to whom.

Ans. I am acquainted with this Rancho. It lies to the Northward of the Mission of San Jose at a distance of about three miles, & is partly in the County of Contra Costa & partly in the County of Santa Clara. It was granted about the year 1839 to Don Juan Bernal, Aposton Bernal, Antonio Suroel & myself.

Int 3. Have you any interest now in this land or the claim to it.

Ans. None. I sold all my interest in the land to Don Antonio Suroel many years ago.

Int 4. Do you know anything of the occupation of the land or improvements made on it. If yes state what you know.

Ans. Directly after the grant was made, within six months, the grantees put a thousand head of cattle on the land, & built a house & corral on it - & commenced the cultivation of the land. The land has been ever since occupied by the grantees, or some of them. Don



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Antonio Samuel, Juan Peral & Agustin Peral, have each of them built houses on the land since they first went on it - & since the first year, each of them has cultivated a portion. The stock of cattle originally put on the ranch by each of them has been greatly increased & there is now on the ranch something like seven thousand head of cattle, & a number of horses & sheep. When they first went on the ranch they put up but one house & cultivated land in the same vicinity, in order to keep together for protection against the Indians, who were very hostile. Frequent attacks were made upon them by the Indians & it was necessary to go always armed.

Q. Examine the document now shown to you & which will be attached to this deposition, marked Exhibit No 2, & say whether or not it is signed by you & whether it was signed by Tomas Pacheco & the witnesses, whose names are signed therein, in your presence.

A. It was signed by me & by all the other persons whose signatures appear thereon in conjunction with mine, in my presence.

Antonio M. Pico.

Sworn & subscribed  
Before me

Heiland Hall.

Filed in Office Jan'y 17<sup>th</sup> 1853. Corner.  
Geo: Fisher Secy.

Deposition of  
Manuel Somera.

San Francisco Jan'y 17<sup>th</sup> 53.

On this day before Corner Heiland Hall, came Manuel Somera, a witness in behalf of the claimants Antonio Samuel, et al, petition No 230. & was duly sworn their evidence being interpreted by the Secretary.

The U. S. Associate Law Agent was present.



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Questions by Clannant.

Int-1. What is your name, age & place of residence, If you say that you reside in California, state for how long a time you have resided here.

Ans. My name is Manuel Ferrero, I am forty nine years of age, I reside in Monterey, California I have resided there twenty four years.

Int-2. Are you acquainted with the signature of Sr Juan B. Alvarado, & how?

Ans. I am acquainted with his signature from having often seen him write.

Int-3. Look at the document now shown you marked Exhibit No. 4 which will be attached to your deposition & say whether or not the signature of Alvarado, wherever it occurs in said document is genuine? and also whether or not your own signature is genuine wherever it appears in said document.

Ans. I have examined the document referred to. The signature of Sr Juan B. Alvarado, & my own wherever they occur are genuine.

Int-4. What office in California did Sr Juan B. Alvarado, hold during the years 1839 & 1840; & what office did you hold during the same years.

Ans. Sr Juan B. Alvarado was Governor of California & I was his Secretary.

Int-5. Are you acquainted with the signature of Francisco C. Arce. If you, examine the certificate in said document which purports to be signed by him & say whether or not it is genuine.

Ans. I am acquainted with his signature. The one referred to is genuine.

Sworn & subscribed Manuel Ferrero.

Before me

Richard Hall. Comor.

Filed in Office Aug 17 1853. Geo. Fisher. Secy.



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Expediente  
Sobre el parage sumbrado  
de Valle

Solicitado por  
Antonio M. Pico, Agustín  
y Juan Bernal y D.ª M. Dolores Bernal

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2 S. D. K.

Dello Tercero para los años de mil ochocientos veinte y ocho [L.S.] y ochocientos veinte y siete

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Impression of stamps for the year 1828, 1829 on original

Impression of stamps for the year 1830 & 1831 on original

Impression of stamps for the year 1832 & 1833 on original

Impression of stamps for the year 1834 & 1835 on original

A  
Expediente

Señor Jefe Sup. Político

Los Ciudadanos Antonio M. Pico Agustín y Juan Bernal y D.ª María Dolores Bernal aboa del español D. Antonio Sured, previo el consentimiento de su esposa, ante V. S. con el debido respeto, decimos: que desemos de formar una finca rustica con el mayor lustre posible, útil no solo a los fundadores de ella sino a sus descendientes y aun a todo el territorio, contandole para verificarlo con los elementos necesarios, nos vemos en el caso de pedir a V. S. los terrenos valdies nombrados el Valle, limitrofe con la mision de S. Jose cuyo diseño acompañamos respetuosamente

Extracto

S. D. K.

Ant. M. Pico, Agustín y Juan Bernal y D.ª Dolores Bernal, Solicitan el paraje nombrado el Valle y al efecto acompañan el diseño

Aunque a primera vista parece que nuestro pedido es excesivo por la amplitud del lugar que pretendemos, no lo es si se atiende a que somos cuatro personas con familia y dos mil cabezas de ganado mayor sobrante de las que puede admitir el rancho titulado Santa Teresa, motivo y al efecto acompañamos por que se hallan agotadas a disminuirse considerablemente si no se les proporciona paraje bastante amplio donde se aguarde en tal concepto, y resultando un pie considerable de ganado mayor, según queda manifestado, con que dar principio a nuestra empresa, creemos no vacilará V. S. en facilitarnos los terrenos indicados, protestando no omitir trabajo ni fatiga por ardua que sea en presentar al territorio una obra digna de él.

el Montroy Julio 24 de 1835

Del Conformidad con las leyes de la materia informe el Ayuntamiento del Pueblo de S. Jose Guadalupe si los interesados en esta

Nada tendremos que oponer respecto

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instancia obtienen los requisitos prevenidos para ser atendidos en esta solicitud; si el terreno que pretenda esta Comandancia en las leguas limitrofes i demas librales que expresa la lei de 18 de Agosto de 1824, si es de regadio temporal o abrevaduo, si pertenece a la propiedad de algun particular o pueblo, con todo lo demas que crea conveniente a ilustrar la materia. Evacuada esta diligencia, pasará este expediente al R. P. Ministro de la Misión de S. J. para que asponga lo que le ocara sobre el particular.

D. S. D. J. Figueroa  
General de Brigada,  
Comandante en Jefe  
Ambustro, Jefe Superior  
Politico de la Alta California  
en lo mandado,  
decrete y firme de lo que doy fe.

D. J. Figueroa  
Jefe  
Fco del Castillo  
Negrete

de los meritos que tenemos, pues a V. S. y a todas las autoridades consta los servicios que siempre hemos prestado por el bien comun, sin la menor escusa y esta Concesion sera un nuevo estímulo a nuestros buenos deseos; por tanto pedimos a V. S. se sirva darnos titulo de propiedad de los terrenos mencionados con presencia del distrito referido con las restricciones que hasta ahora se han atendido y condicionado con hermita hasta que sea necesario, continue ocupando la Misión de S. J. un pequeño lugar que destina para parte de sus ganaderias, con introducir dos mil cabezas de ganado mayor y mejorar cuanto sea posible su finca y labores de las que hasta aqui existen en el territorio, esto supuesto

A. V. S. Suplicamos porra como pedimos, cuya gracia perpetuaremos en nuestro reconocimiento. Juramos no procederse malicia y lo necesario de Aruego de Agustín Bernal por no saber escribir

D. J. Fernandez  
Ante m. Pico  
María Dolores Bernal  
Aruego de Juan Bernal de Sinaloa por no saber escribir  
D. J. Soriego

Habiendo visto con debicion este Jefe Ayuntamiento en la peticion de los C. C. Ant. m. Pico, Agustín Bernal, Sello tercero Dos reales



10  
S.S.K. para los años de mil ochos [L.S.] Cientos veinte y seis  
y ochocientos veinte y [ ] Siete [ ]

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Impresion  
of Stamp for  
the years 1828  
+ 1829 on  
original

Impresion  
of Stamp for  
the years 1830  
+ 1831 on  
the original

Impresion  
of Stamp for  
the years 1832  
+ 1833 on the  
original

Impresion  
of Stamp for  
the years 1834 +  
1835 on the  
original

= Juan Vernal, y J. M. L. Dobres Vernal, como  
el respetable decreto de V. S., de fecha 24 de  
Julio del presente año, ha tenido a bien  
en vista de lo acordado, hacer hacer la apo-  
= sicion siguiente. El terreno es de temporal  
y no es de regadio, no se halla comprendido  
en las veinte leguas limitrofas y si en las diez  
litorales. El expresado terreno se ha reconocido  
por de la Mision de S. Jose, y a la p[ar]te  
se halla desocupado. Los interesados en esta  
instancia son C. C. Mexicanos, y sus padres  
fueron fundadores, tienen bienes de campo  
suficientes p[ar]a obtenerlo.

Pue. de S. Jose 28 de Julio de 1835

Sello  
Dn. Barroera  
Tertiger  
Ignacio Martinez

Salvio Pacheco Tomas Pacheco

Con esta p[ar]te para alas manos del P. Mtro de la  
Mision de S. Jose

Martinez;

Sir =

S.S.K.

Sello Cuarto una Cuartilla

Habilitado provisionalmente por la Administracion de la Armada  
maritima de Montrey para los años de mil ochocientos treinta  
y cuatro y mil ochocientos treinta y cinco

Figueras

Rafael Gonzalez [ ]

= Jefe Superior Politico

El terreno q. en este expediente se solicita, aunq[ue]  
atendidas las calidades y notorio merito de los q. lo pretenden  
seria muy de desear el que V. S. los agraciase con él, p[er]o esta  
Comunidad no puede cedarlo sin perjudicarse ya en sus ranchos  
de barreras, ya en sus Siembras en algun año acaso de aguas  
como el presente q. si no hubiera tenido esta Mision el recurso

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de este, su terreno perdidas sus siembras en los Cielos q. ordina-  
riamente las hace hubiera tenido q. sujetarse a la hambre  
y desolacion, y ya finalm<sup>te</sup> no puede cederse este terreno  
enfabor de los q. lo solicitan p<sup>o</sup> la utilidad y provecho que  
esta Comunidad pretende y puede sacar de el ala q. tiene un  
D<sup>o</sup> incontestable, p<sup>o</sup> desde la fundacion esta poseyendo este  
terreno, lo ha fructificado y al presente lo esta fructificando  
con sus buevas, con siembras y si no ha devuelto alli sus  
ganados ha sido p<sup>o</sup> algunos embarazos y circunstancias q.  
ya no existen y desde luego lo necesita imperiosamente p<sup>o</sup>  
de objeto.

Sobre el merito de los individuos q. lo peticionan  
y las calidades del terreno, junto con lo q. v. S. p<sup>o</sup> su  
decreto de 24 de Julio p<sup>o</sup> ordena q. se informe, nada  
me parece hay q. añadir a lo insertado arriba p<sup>o</sup> el  
Ayuntam<sup>to</sup> del Pueblo de S. Juan Guad<sup>o</sup>.

Mision de S. Juan y Setiembre 6 de 1835  
Fr. J. M. de San Juan<sup>o</sup>

J. S. K.

Monterrey Setiembre 10 de 1835

Siendo el terreno solicitado en este expediente  
de los q. reconoce por suyo i suya la Mision de S. Juan suspen-  
-dida por ahora la continuacion i resolucion de dho expediente.  
Hagase saber a las partes para los usos q. les convengan  
i reserve el expediente. El Sr. Jose Castro primer  
Vocal de la C. Diputacion Territorial i Sep<sup>o</sup> Politico interior  
del Territorio de la Alta California asi lo mando, decreto y  
firmo, de lo que doy fe.

José Castro

Srio

Fco del Castillo Negrete

Monterrey Junio 22 de 1837

Informe al Sr. Administrador de la Mision de S. Juan si entendido en que se encuentra hoy  
en el establecimiento puede acceder a la solicitud con q.  
principia este exped<sup>to</sup>.

Juan B. Alvarado

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El terreno q. en este expediente se solicita, no puede cederse sin perjuicio de esta Comunidad ya en sus ranchos de borregas, ya en sus diambros en algunos años malos de aguas como el presente que se halla muriendo el ganado, y se trata con la mayor brevedad pasar el ganado a dicho sitio, y ya finalmente no puede ceder este terreno en favor de los q. lo solicitan por la utilidad y provecho q. esta Comunidad pretende y puede sacar de el a lo q. tiene un derecho incontestable, pues desde la fundacion esta posesion este terreno, lo a fructificado, y al presente lo esta fructificando con sus borregas, y dentro de pocos dias con sus ganados.

Lo quanto puedo decir sobre el particular. S. J. Are y Julio 11 de 1837

Procurador Valles

J. S. D. K.

Por no haber papel sellado

Monterrey Feb. 23 de 1837

Pueden los interesados en esta representacion ocupar provisionalmente el terreno mencionado, sujetandose al resultado de la instancia que indican tener pendiente.

Comuniquese este decreto al Adm. de S. J. Are para su inteligencia y para que permita la ocupacion del sitio del Valle, en concepto de que se exceptua la parte del terreno solicitado por el Ciudad. Dolores Pacheco si hallarse pendiente su resolu-

Excmo. Sr. Gobernador, El C. Antonio Maria Pico, vecino del pueblo de S. J. Are Guadalupe, por si y por los C. C. Antonio Sunol, Juan Bernal y Juan Bernal, ante la justificacion de V. E. como mas sea conforme a derecho, comparezco y digo: propiedad del parage llamado Valle de S. J. Are y Comiliton, y citando nuestra solicitud corriendo los tramites de ley para la deuda adjudicacion, y que resultando un perjuicio grande a muchos intereses de la demora que puede tener el título que nos de la propiedad a V. E. encarecidamente suplico se sirva concederme permiso provisional para trasladar al esmenado parage algun numero de ganados y construir en el los corrales necesarios a su cuidado, en lo que recibirémos gracia q. imploro.

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Monteney 22 de Febrero de 1839  
Antonio M. Pico  
Agustin Bernal

10 S. D. K.

Monteney Abril 10 de 1839

Vista la petición con que dá principio este expediente, el informe del S. Ayuntamiento del pueblo de San Juan que es conforme al estado en que se encuentra en la actualidad, sin objeto de ocupación alguna y todo lo que en el Conuino; de conformidad con lo dispuesto por las leyes y reglamentos de la materia, declaro a D. Antonio M. Pico, D. Antonio Sandoval, D. Agustín y Sr. Juan Bernal, dueños en propiedad del terreno conuado con el nombre del Valle de S. J. J. demarcado en el diseño que corre en este expediente, y bajo las condiciones que en el título se expresan, siendo sus lindes desde los Corralitos al este, y al oriente á las orillas de las Lomitas de las Pocitas inmediatas a la Agua, y por el Noroeste y Norte con el paraje del Arroyo o Cañada de la Tasajera. Librese el despacho correspondiente, tomase raxon en el libro respectivo y reservase este expediente para conocimiento de la misma Junta Departamental para su debida aprobación. Así el Señor D. Juan B. Alvarado, Gobernador interino del Departamento de las Californias, lo decreto, mando y firmo, de que doy fe.

Alvarado

Monteney 13 de Mayo de 1840

Nota cuenta a la misma Junta Departamental en cecion de este dia, acordó que pase a la Comisión de agricultura

José L. Fernandez

Srio

En veinte y dos del mismo lo devolvió la Comisión con el dictamen que se acompaña

Fernandez

Monteney vece de Junio de mil ochocientos cuarenta

En vista de la aprobación otorgada en veinte y dos de Mayo del año h. p. por la misma Junta

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11 S. D. K.



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Departamental, librese testimonio de ella á la parte  
de D. Antonio Maria Pico y Agustín y Juan Bernal  
y D.<sup>a</sup> Maria Dolores Bernal en confirmacion del  
terreno del Valle que obtuví en primer de Abril de mil  
ochocientos treinta y nueve. El Sr. D. Juan B. Alvarado  
Gobernador del Departamento de las Californias así lo  
proveyó y firmó

Alvarado

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Map of B



15- 14 S.D.K.

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Sr. Gobernador

Antonio Suñol, residente en este territorio por el espacio de veinte años, casado con mexicana y el C. Antonio M<sup>a</sup> Pico ante V.E. respetuosamente nos presentamos exponiendo que con fecha 23 de Julio de 1835, dirigimos al Sr. Jefe Politico una solicitud pidiendo un terreno para la Conservacion y aumento de mas de mil y tres Cientos cabezas de ganado mayor y cien cabezas de caballar, y no habiendo tenido efecto por varias causas nuevamente publicamos a V.E. tener a bien de adjudicarnos el terreno Conquistado por el Valle situado al Nordeste de los Corralitos de S. Jue colindante al S. Oeste con dichos Corralitos por el Oriente con las Pocitas, por el N. Oeste y Norte con el paraje nombrado S. Ramon y por el Nordeste con las Sierras de las Cuevas, lo que queda demarcado en el diseño adjunto seis sitios poco mas o menos.

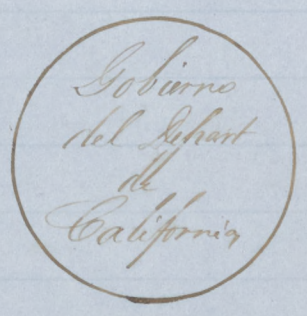
Este terreno no pertenece a ningun particular y aun que en otros tiempos fue ocupado por la colision de San Jue, años que está valdido, Por lo que a V.E. humildemente suplicamos tenga a bien de Concedernos, en lo que recibiremos gracia y justicia, juramos lo necesario N<sup>o</sup>

15 S.D.K.

A<sup>a</sup> Tercera 10 de Febrero de 1839

Antonio Suñol Antonio M<sup>a</sup> Pico

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



Por cuanto D. Antonio M<sup>a</sup> Pico, D. Antonio Suñol, D. Antonio y Juan Bernal, han pretendido para sus beneficios personales, y el de sus familias el paraje conocido con el nombre del Valle de S. Jue, colindante con los

Corralitos al Oeste, y al Oriente a las orillas de las Lomitas de las Pocitas, inmediatas a la agua, y por el Noroeste y Norte con el paraje del Arroyo de la Cañada de la Tasajera, practicadas previamente las diligencias y averiguaciones concernientes, segun lo dispuesto por las leyes y reglamentos, usando de las

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17 S.D.K.

facultades que me son conferidas en nombre de la Nacion Mexicana, he venido en Concederles el cargo mencionado declarandoles la propiedad de el por las presentes letras entendiendo que dicha Concesion con entera conformidad a lo dispuesto por las leyes, a reserva de la aprobacion de la Ilustre Junta Departamental y del Supremo Gobierno, y bajo las condiciones siguientes:

1ª Podran cercarlo sin perjudicar las traversas, caminos y servidumbres; lo disfrutaran libre y exclusivamente destinandolo al uso o cultivo que mas les acomode; pero dentro de un año fabricaran casa y estara habitada.

2ª Cuando se les confirme la propiedad Solicitaran del Jefe respectivo que les de la posesion juridica en virtud de este despacho por el cual se demarcaran los linderos a cuyos limites podran, a mas de las mojoneras, algunos arboles frutales o silvestres de alguna utilidad.

3ª El terreno que se les hace donacion es de la extension que explica el diccionario que corre en el expediente, con sus limites respectivos; el Jefe que dice la posesion lo hara medir conforme a ordenanza para señalar los linderos, quedando el sobrante que resulte a la Nacion p.º los usos convenientes.

4ª Si contravinieren a estas condiciones perderan su derecho al terreno y sera denunciabile por otro.

18 S.D.K.

En consecuencia mando que firmandoles de titulo el presente y teniendo por firme y valido, se tome razon en el libro a que corresponde, y se entregue a los interesados para su resguardo y demas fines. Dado en Montevideo a diez de Abril de mil ochocientos treinta y nueve, estando este despacho en papel comun por no haber sellado que corresponde.

Juan B. Abarado  
Manuel Jimeno, Jefe del despacho

Queda tomada razon de este despacho en el libro respectivo a fojas terceras y para constancia lo firmo  
Manuel Jimeno

250



17 19 J. D. K.

El Sr. Sr. Gobernador ha dispuesto se tomara en  
de este despacho en la Prefectura del primer Distrito  
Simono

Queda tomada razon a h. b. y señalado con el  
n.º 9 del libro Correspondiente que obra en el archivo  
de la Secretaria de la Prefectura del primer Distrito  
Sr. Juan de Castro Abril 11 de 1839  
Juan M. Covarrubias

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20 J. D. K.

Al Sr. Sr.  
La Comision de Agricultura y Comercio unida  
encargada p. V. E. de dictaminar los expedientes q.  
en la Seccion anterior acompaño el Sr. Sr. Gobernador  
y Concedidos por el mismo Gobierno; y encontrando los  
conformes segun lo actuado e informes y demas q.  
se ha podido, propone a la deliberacion de V. E.  
los articulos siguientes:

Art. 1.º Se aprueba la Encomision hecha p. el  
Gobno Departamental con fecha 10 de Abril de 1839  
en las personas de D. Ant. Maria Pico, D. Ant. Suñol,  
D. Agustin y D. Juan Bernal del paraje nombrado  
el Valle.

2.º Que se devuelva al Sr. Sr. Gobernador  
el Expediente p. los fines convenientes.  
Monterrey Mayo 21 de 1840  
D. Rafael Gonzalez S. Arguillo

21 J. D. K.

Monterrey 22 de Mayo de 1840  
En sesion de este dia aprobó la misma Junta  
Departamental los dos articulos con que concluye el  
dictamen anterior  
Man. Simono Jose L. Fernandez  
Presd.º Seco

26

Office of the Surveyor General of the United  
States for California



I Samuel D. King, Surveyor General of the United States for the State of California, and as such, now having in my office and under my charge and custody a portion of the archives of the former Spanish and Mexican Territory, or Department of Upper California, do hereby Certify that the twenty one preceding and hereto annexed pages of tracing paper numbered from one to twenty one inclusive, and each of which is verified by my initials, S. D. K., constitute true and accurate copies of certain documents, now on file, and forming part of the said archives in my office.

In testimony whereof I have hereto signed my name, officially, and affixed my private Seal, not having a seal of office, at the City of San Francisco, California, this first day of September A. D. 1851.

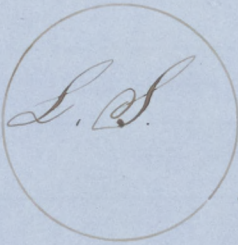
Samuel D. King  
Surveyor General

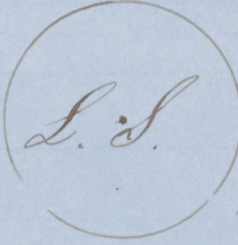
Filed in Office May 18<sup>th</sup> 1859  
Geo. Fisher  
Secy



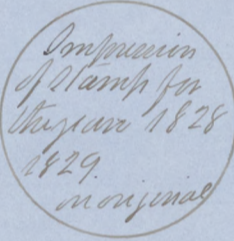
Espediente of the tract called El Valle, solicited by Antonio Maria Pico, Agustin & Juan Bernal & Doña Maria Dolores Bernal.

126.

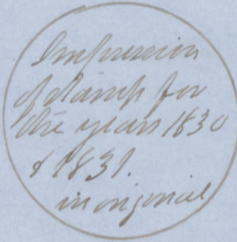
B. Translation. For the year 1826  Two Reals. and 1827.

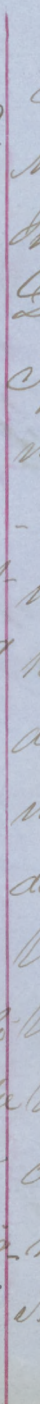
Sello Forcero. Para los años de  Dos Reales. mil ochocientos veinte y siete y siete

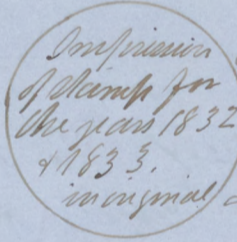
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PAGE 20

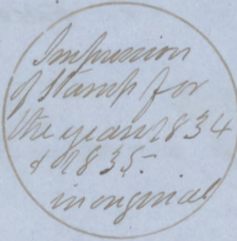
 Impression of stamp for the year 1828 & 1829. in original

Señor Superior Political Chief.

 Impression of stamp for the year 1830 & 1831. in original

Extract. The citizens Antonio Antonio Maria Pico, Agustin and Agustin & Juan Bernal, & Doña Maria Bernal & Maria Dolores Bernal, wife of the Spaniard D. Antonio Luvial petition for the tract called El Valle & the plot is duly submitted.  The citizens Antonio Maria Pico, Agustin and Juan Bernal, & Doña Maria Dolores Bernal, wife of the Spaniard D. Antonio Luvial petition for the tract called El Valle & the plot is duly submitted. with the consent of her husband, before your Honor with due respect we make known. That as we are desirous of forming an estate in the country to the greatest advantage possible, not only to the founders but even to their descendants & also to the whole territory, and common among the respective means in order to carry it into execution, we are

 Impression of stamp for the year 1832 & 1833. in original

 Impression of stamp for the year 1834 & 1835. in original

Montreux July 24<sup>th</sup> 1835.

In desire of the laws in the premises, let the Ayuntamiento of the Pueblo of San Jaco Guadalupe report whether the memorialists possess the qualifications required in order to obtain consideration



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for their demand whether  
 the land petitioned for  
 is embraced within the  
 20 league border or not  
 exact, set forth in the law  
 of the 18<sup>th</sup> of August 1824,  
 whether it be irrigable,  
 tillable or pasture land,  
 or it be private property,  
 or belong to Mission,  
 corporate body or Public,  
 with whatever facts they  
 believe conducive of im-  
 -provement in the  
 matter. When the pro-  
 -ceeding be executed, let  
 this use double be trans-  
 -mitted to the Hon<sup>ble</sup>  
 Father Pastor of the  
 Mission of San Jose, that  
 he may report his opin-  
 -ion in the journals.  
 Sr D. Jose Figueroa,  
 Brigadier General, Com-  
 -mandant General,  
 Inspector Superior Po-  
 -litical Chief of Upper  
 California, did decree,  
 command, & sign which  
 I certify.  
 Sr Figueroa.  
 Secretary.  
 Francisco del  
 Castillo Negrete.

compelled to submit from your Honor  
 the unoccupied lands called El Valle,  
 bounded by the Mission of San Jose, the  
 plat of which we respectfully transmitt.  
 Although at first glance our demands  
 appear immoderate on account of  
 the vast extent which we submit, it is  
 not the case, if you will. There are  
 four persons with families, possess-  
 -ing two thousand head of large cattle  
 more than that the ranch entitled  
 Santa Teresa, may contain, for which  
 reason they own a risk of decreasing con-  
 -siderably if a place be not found suf-  
 -ficiently ample for said cattle to be-  
 -come domesticated. In virtue of the  
 foregoing, & there existing this considerable  
 stock of large cattle wherewith to begin  
 our enterprise we flatter ourselves  
 that your Honor will not hesitate in  
 affording in the lands indicated,  
 availing that neither labor nor fatigue,  
 though it be arduous shall be spared  
 in order to improve the territory with  
 a work such as it deserves.  
 We have nothing to state  
 relative to our merits, because your  
 Honor & all the authorities know the  
 services we have always rendered for  
 the public good, never hesitating, &  
 this concession will be a new stimulus  
 to our good wishes. Therefore do we  
 pray that your Honor will please give  
 us title, in fee of the lands set forth  
 in view of the plat referred to, embracing



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the restrictions usual in their romance & the condition of allowing, until necessary, that the Mission of San Jose will continue occupying a small place used for its sheep; of introducing one thousand head of neat cattle, & of improving as much as possible the property & its village to a better condition than the establishments of this territory are.

Wherefore we beseech your Honor to decree as we request, for which favor we will eternally be grateful. We affirm that our proceedings are not malicians & what may be necessary &c.

Solicited by Agustin Bernal, who could not write.

José Te. Fernandez.

Antonio Maria Pico. Maria Dolores Bernal de Simón.

Solicited by Juan Bernal, who could not write.

José Soriego.

Sello Foroso  
Para los años de  
veinte y ochocientos

S. S.

Do Reales.  
mil ochocientos y veinte y  
siete y siete.

Impression  
of Stamp for  
the year 1828  
\$1829.  
in original

Impression  
of Stamp for  
the year 1830  
\$1831.  
on the original

Having duly considered the petition of the citizens Antonio Maria Pico, Agustin Bernal, Juan Bernal & Doña Maria Dolores Bernal, as well your Honor's order dated 24<sup>th</sup> of July of the present year, this Illustrious Ayuntamiento has deemed proper in view of what is shown to make the following report to wit: The land is tillable & not irrigable, is not within the twenty border, but is embraced in the ten leagues of coast. The said land has been recognized as the Mission of San



Impression  
of Stamp for  
the year 1832  
& 1833.  
on the original

Josi's is not at the present time occupied.  
The memorialists in the petition are  
Mexican citizens & their parents were founders,  
they possess farming stock sufficient to ob-  
tain the favor.

Pueblo de San Jose July 28<sup>th</sup>  
1835.

Ignacio Martinez

Secretary

Josi Romero

Witnesses

Salvador Pacheco. Tomas Pacheco.

Impression  
of Stamp for  
the year 1834  
& 1835.  
on the original

On the same date it was passed to the hands of the Father  
Minister of the Mission of San Jose.

Martinez.

Sello Cuarta una cuartilla.

Habilitado provisionalmente por la Aduana Maritima  
de Monterey para los años de mil ochocientos treinta y  
cuatro y mil ochocientos treinta y cinco.

Figueroa.

Rafael Gonzalez.

Senior Superior Political Chief.

The land solicited in this expediente, although  
in consideration of the qualifications & well known merits  
of the petitioner it would be desirable that your Honor should  
grant to them, but, this community cannot relinquish the  
same without injury to itself both in its sheep ranches, & in  
its crops in such years as bring a scarcity of water like the  
present one if the Mission had not had this land as a  
reserve, with the loss of the crops in the spots where it ordi-  
narily grows them, it would have been forced to bow to  
famine & despair, nor can this tract be ceded to those who  
solicit it because of the uses & projects that this community



claims & denials from the same, to which it has an incontrovertible right; for since its foundation it has possessed this tract it has made it useful & fruitful & at present it is made to use for sheep, for cultivation, & if it cattle have not returned there, the reason is some embarrassments & circumstances that no longer exist & consequently it needs the land most imperiously for this object.

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As to the merits of the sole claims, the description of the land with what your Honor in the order of the 24<sup>th</sup> of July last commands to be reported, there is nothing it appears to me to add to the observations of the Ayuntamiento of the Pueblo of San José de Guadalupe.

Mission of San José September 6<sup>th</sup> 1835.

Fray José María de Jesús González.

Meeting September 10<sup>th</sup> 1835.

The land which in this expediente being of those which the Mission of San José look upon as its property & possessors, let the continuation & result of said expediente be suspended. The parties shall know of this step for their benefit & the expediente shall be reversed.

General José Castro first member of the Excellent Deputation of the Territory & Political Chief and Intendant of the Territory of Upper California, thus did decree, command & sign which I testify.

José Castro

Secretary  
Fco del Castillo Negrete.

Meeting June 22<sup>nd</sup> 1837.

Let the administrator of the Ex Mission of San José report whether or not in the state of affairs existing at the present time in that establishment, the petition at the beginning of this expediente, can be acceded to.

Juan B. Alvarado.



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The land prayed for in this expediente cannot be alien-  
-quished without damage to this community; in its sheep  
ranches + in its crops in these years like the present want of  
water, when the cattle die off, + it is intended to have the  
cattle to that tract as soon as possible, then again this land  
cannot be ceded to the applicants because of the use + profits  
that this community claims + derives from the same, to  
which it has an incontestable right, for since its foundation  
it has possessed this tract, made it fruitful, & at the present  
time it is made to serve for sheep, + in a few days for its  
cattle.

This is all what I can say in the premises.  
San Jose July 11<sup>th</sup> 1837  
Jose de Jesus Vallejo.

As there is no sealed paper.

Montreux February 23<sup>rd</sup> 1839 To His Excellency the Governor.

The citizen Antonio Manabie  
de Guadalupe for himself + for the  
temporarily the land citizens Antonio Suñol, Agustin  
referred to subject to the Reynal + Juan Reynal, before your  
result of the proceedings Excellency's goodness, in the most  
which they represent to becoming manner, appear + set forth  
have pending.

Let this decree be communicated to the  
administrador of San Jose for his information  
& that he may permit the actualy receiving great damage  
occupations of the tract in our property, the result of the  
of El Valle, with the delay in obtaining the patent  
understanding that those which will cost us with the fee.  
must be accepted that I submissively pray that Your



part of the land petitioned for by the citizen Dolores Padua, as the resolution in the matter is pending.

Alvarado.

They may be pleased to grant us temporary permission to transport to the said tract a number of cattle & to construct there the corrals/fences necessary for their keeping, which is a benefit for us which I implore.

Montreux 22<sup>nd</sup> of February 1835.

Antonio Maria Pico.

Agustin Bernal.

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Montreux April 10<sup>th</sup> 1839

In view of the petition with which this expedite began, the report of the Illustrissimos Ayudantes of the Pueblo of San Jose, which is in conformity with the present condition of the same, without any intended occupation whatever, & all that is shown, in obedience of what is ordered by the laws & regulations in the premises I pronounce Don Antonio Maria Pico, Don Antonio Surmel, Don Agustin & Don Juan Bernal, owners in fee of the land known by the name Valle de San Jose designated in the plot attached to this expedite, & under the conditions in the title set forth, its boundaries being from the corrals on the Southeast, & on the East to the edge of the Lomitas de las Pochas, with by the water, & on the Northwest & North by the place of the arroyo (ravage) de la Tarajera: let the proper patent issue let it be entered on the respective book & be this expedite kept for the knowledge of the Most Excellent Departmental Junta, for its due approval.

Thus Juan B. Alvarado, Governor Adjutant of the Department of the Californias did command decree & sign, which I certify.

Alvarado.

Montreux 19<sup>th</sup> of May 1840.

Having been submitted (the Expedite) to the Excellent Departmental Junta in the session of this day it



was referred to the committee on Agriculture.

Jose L. Fernandez.  
Secretary.

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On the 22<sup>nd</sup> of the same month, the committee reported  
the same back, with the accompanying resolution.  
Fernandez.

Montrey June 30<sup>th</sup> 1840.

In view of the approval decreed on the 22<sup>nd</sup>  
of May of this year by the Most Excellent Departmental  
Junta, let a testimonial of the same be issued for Don Anto-  
nio Maria Pico, Agustín + Juan Bernal, + Doña Maria  
Dolores Bernal, in confirmation of the tract of El  
Valle granted the first day of April A.D. 1839.

For Juan B. Alvarado, Governor of the Depart-  
ment of the Californias, thus did decree, &c.  
Alvarado.

For Governor

Antonio Suro a resident of this territory for  
the period of several years, wedded to a Mexican & the cit-  
-izen Antonio Maria Pico before your Excellency we  
respectfully appear alleding that on the 23<sup>rd</sup> day of July  
1835 we addressed to the Political Chief a memorial pray-  
-ing for a tract for the preservation + increase of more than  
thousand hundred head of large cattle, & one hundred head of  
horses, which for various reasons did not succeed. We again  
supplicate your Excellency to deem proper to adjudicate  
to us the tract known as El Valle situate to the Southeast  
of the corralito of San Jose, bounded on the southeast by  
said corralito on the East by the Poblado on the North-  
-west & North by the place called San Ramon, & on the  
North east by the Sierra (mountain) of the Cuernavaca, which  
is made to appear in the accompanying plat, vice utros



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a little more or less.

This tract belongs to no private person, & although at a former period it was occupied by the Mission of San José for many years it has been vacant, for all of which we necessarily beseech your Excellency to grant the same to us, in which we will receive favor & justice, & we will write.  
Santa Fe, February 1<sup>st</sup> 1835.

Antonio Suro. Antonio Maria Pico.

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John B. Alvarado, Governor, ad interim of the Department of the Californias.

(Political Govern.) In as much as Don Antonio  
(-ment of Upper } Maria Pico, Don Antonio Suro,  
(California. } Don Agustin & Juan Suro, have  
petitioned for their personal benefit & that of their families,  
the place known by the name of Valle de San José, bounded  
by the cornaltes, on the Southwest, & on the east by the edge of  
the Sordas (small hills) of the Poblado, adjoining the sea-  
-ter, & on the Northwest & North by the place of the Arroyo or  
Carrada de la Tasajera, the relative proceedings & investi-  
-gations, pursuant to what is prescribed by laws & regulations  
having previously been completed with, in the exercise of the  
power conferred upon me in the name of the Mexican  
Nation, I have thought fit to grant to them the tract  
referred to, declaring the fee of the same to them by three  
payments, with the understanding that said concession is  
in entire conformity with what is provided by the laws,  
but subject to the approval of the Departmental Junta,  
& of the Supreme Government & under the following  
conditions.

1<sup>st</sup> They may reside it without injuring the crossings  
roads or windmills; shall enjoy it fully & exclusively, devot-  
-ing it to the use or cultivation that be most suitable  
to them, but within one year shall build a house, & it-



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shall be inhabitable.

2<sup>nd</sup> When the property is confirmed to them, they shall apply to the proper Judge, to give them judicial possession, in virtue of this patent, by whom shall be designated the boundaries, at the limits of the latter they shall fix in addition to the monuments, some fruit or wild tree of utility.

3<sup>rd</sup> The land granted, is in extent what is shown (explained) in the plat attached to the expediente with its respective limits, the Judge who shall give the possession shall have it measured according to statute, in order to give the boundaries, the surplus that results remaining to the nation for its common use.

4<sup>th</sup> If they should contravene their conditions they shall lose their right to the land / tract / & it will be denounceable by another.

In accordance therewith, I command that three patents among them for title, & the same be held as firm and valid, be registered in the proper book & delivered to the parties in interest for their safeguard & other purposes.

Given at Mexico this tenth day of April A.D. one thousand eight hundred & thirty nine, this patent being issued on common paper, not having any of the proper stamps.

Manuel Jimeno. Juan B. Alvarado.  
Secretary of State.

This patent is registered in the corresponding book on folio three & is valid & sign.  
Manuel Jimeno.

His Excellency the Governor has ordered that this patent be entered in the Prefecture of the first district.  
Jimeno.



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Registered in folio C. & marked as number 9. in the corresponding book belonging to the archive of the Secretary's office of the Prefecture of the first district.

San Juan de Castro April 11<sup>th</sup> 1839

San Maria Covarrubias.

Most Excellent Sir.

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The committee on Agriculture & Commerce charged by your Excellency to report on the expedients which in the preceding session were transmitted by his Excellency the Governor, & were granted by the same Government, which being found lawful in the proceedings, the reforms, uniformity & other things appearing proper for the action of your Excellency the following statement:

1<sup>st</sup> The concession made by the Departmental Government on the 10<sup>th</sup> day of April 1839 to the persons of Don Antonio Maria Pico, Don Antonio Samuel, Don Agustin & Don Juan Bernal of the place called El Valle is hereby approved.

2<sup>nd</sup> Let the expedients be returned to his Excellency the Governor for the proper purposes.

Monterey May 21<sup>st</sup> 1840.

S. Arguella.

José Rafael Gonzalez.

Monterey May 22<sup>nd</sup> 1840.

In the days since the Excellent Departmental Junta approved the statement in the conclusion of the foregoing report.

José L. Fernandez.

Manuel Jimeno.

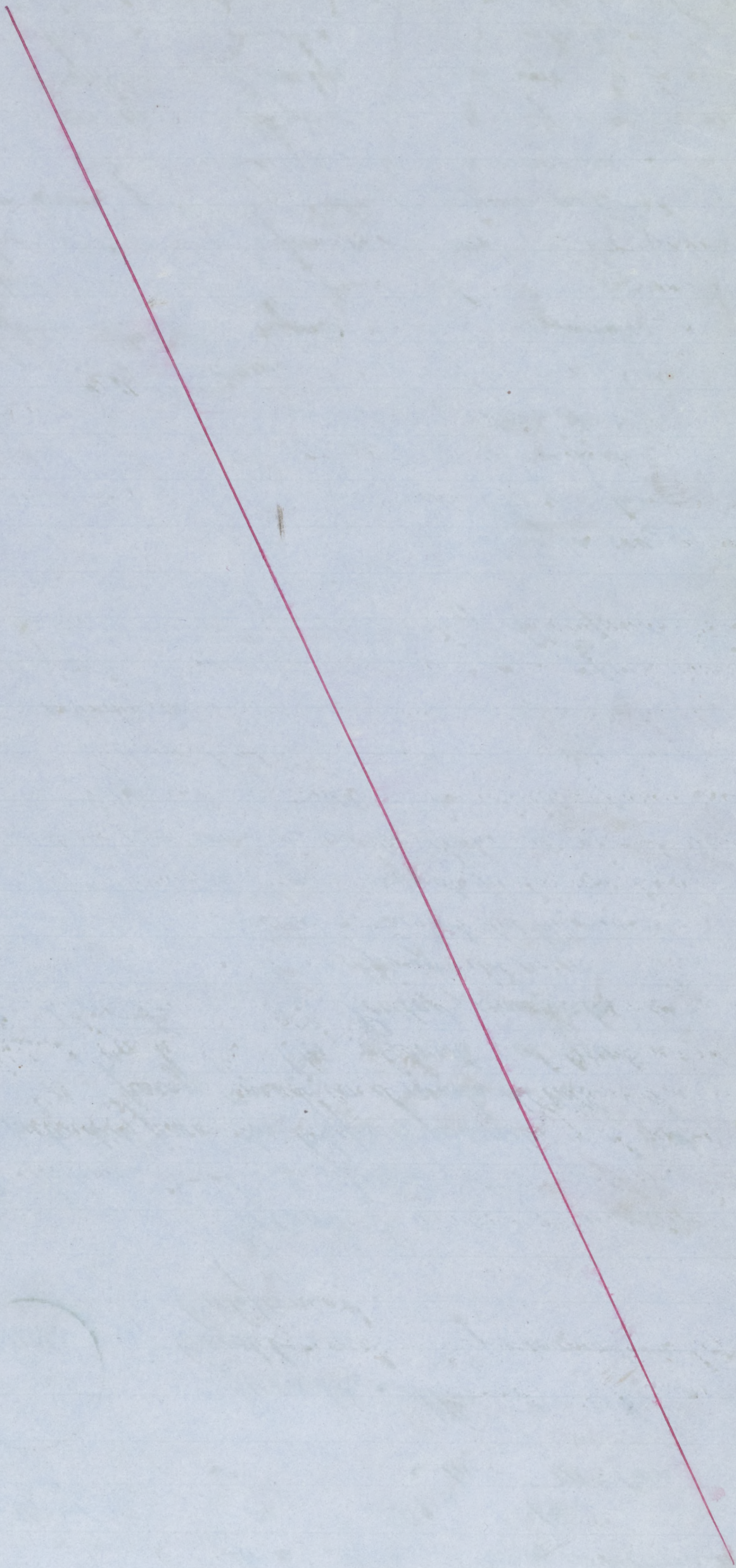
Secretary.

President.

Filed in Office May 18<sup>th</sup> 1852.

Geo. Fisher.  
Secy.



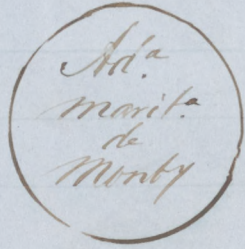




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H.A. n.º 1

Delo primero seis pesos  
Habilidades provisionales por la Aduana marítima de  
Monterrey para los años de 1839 y 1840.  
Avarado Antonio M.º Osio



Juan B. Avarado, Gobernador  
Constitucional del departamento de las  
Californias.

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Document  
H.A. n.º 1  
annexed to the  
deposition of  
Manuel Jimeno

Por cuanto D. Antonio Maria Pico,  
D. Antonio Suñol, D. Agustín y D. Juan Bernal  
han pretendido para sus beneficios personales y de sus  
familias el parage conocido con el nombre del Valle de S. José,  
colindante con los Corralitos, al Sueste: al Oriente a las  
orillas de las Somitas de la Pocatad, inmediatas a la agua,  
y por el Nor oeste y Norte con el parage del arroyo ó Cañada  
de la Tasajera: practicadas previamente las diligencias y averi-  
guaciones concernientes segun lo dispuesto por las leyes y reglamentos,  
usando de las facultades que me son conferidas a nombre de la  
Nacion Mexicana, he venido en concederles el parage men-  
cionado, declarandoles la propiedad de el por las presentes  
letras, entendiendose dicha Concesion con entera conformidad  
a lo dispuesto por las leyes, a reserva de la aprobacion  
de la honorable Junta Departamental y del Supremo Gobierno,  
y bajo las condiciones siguientes

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1.ª Podran recorrerlo sin perjudicar las trayectias,  
caminos ni Serridumbre: lo disfrutaran libre y esclusivamente,  
destinandolo al uso o cultivo que mas les acomode; pero  
dentro de un año fabricaran casa y estara habitada.

2.ª Cuando se les confirme la propiedad,  
solicitaran del Pux respectivo los de posesion juridica, en  
virtud de este despacho, por el cual se demarcaran los  
linderos, a cuyos limites pondran a mas de las mojeras  
algunos arboles, frutales o silvestres de alguna utilidad.

3.ª El terreno que de la hacdonacion es de la  
estacion que aplica el diseño que corre en el expediente con sus  
limites respectivos: el juez que de la posesion se hara  
medir conforme a ordenanza para señalar los linderos,  
quedando el sobrante que resulte a la nacion para los usos



Convenientes.

4.<sup>a</sup> Si contravinieren a estas condiciones perderan su derecho al terreno y será denunciable por otro.

En consecuencia mando que sirviendole de título el presente y teniendose por firme y válido, se tomara en el libro a que corresponde, entregandose a los interesados para su resguardo y demás fines. Dado en Monterrey a diez de Abril de mil ochocientos y cuarenta.

Alvarado

Man. Jimeno

Srio del Despacho

Queda tomada razon de este despacho en el libro respectivo, a fojas tercera: y para constancia lo firmo Jimeno

El Sr. Sr. Gobernador ha desahogado de tomar razon de este despacho en la Prefectura del Primer Distrito Jimeno

Queda tomada razon a f. 6 y señalado con el N.º 9 del libro correspondiente que obra en el archivo de la Secretaria de la Prefectura del 1.º Distrito

San Juan de Castro 24 de Octubre de 1840

Fran. C. Arce

Srio int.º

Dello Tercero de reales

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

Alvarado

Antonio Maria Osio

Ad.<sup>a</sup>  
marít.<sup>a</sup>  
de  
Monty

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

La misma Junta Departamental en acuerdo del día 22 de Mayo del presente año de 1840 aprobó el dictamen de la Comisión de agricultura que conoció en el



...delatamen de la Comision de agricultura, que conoio en a

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mep 3

en el expediente instruido sobre el terreno nombrado Valle de  
S. Jose, adjudicado a las partes de D. Antonio Maria  
Pico, D. Antonio Suenel, D. Agustin y D. Juan Bernal;  
cuyo articulo con que concluye deca asi.

11 Se aprueba la Concesion hecha por el Gobierno  
Departamental con fecha 10 de Abril de 1839 en las personas  
de D. Antonio Maria Pico, D. Antonio Suenel, D. Agustin  
y D. Juan Bernal del parage nombrado el Valle 11

Y en consecuencia del decreto de 13 de Junio  
ultimo constante en el expediente referido se libra el presente  
a las partes interesadas para su resguardo. Monterrey  
4 de Agosto de 1840

Alvarado  
Man. Piruro  
Srio del despacho

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Here follows  
mep

A



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*S*

Infraescrito Secretario de la E. Junta del Departamento de las Californias, encargado interinamente del despacho del Gobierno del mismo

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Gob.  
del dep.  
de  
California

Certifico: que el plano antecedente es fielmente sacado de su original que obra en el expediente respectivo por el que fué concedidos los sitios de ganado mayor que constan en el título, a los interesados, y aprobó la E. Junta en veinte y dos de Mayo del presente año; cuyo expediente queda archivado en esta Secretaría, y al que me remito. Monterrey veinte de Octubre de mil ochocientos cuarenta

José L. Fernandez

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Filed in office Jan 17<sup>th</sup> 1853  
Geo: Fisher  
Sec



324

En el pueblo de San José de Guadalupe a los diez días del mes de Diciembre de mil ochocientos cuarenta y dos: ante mí, Tomas Pacheco, encargado de justicia del juzgado de Paz de dicho pueblo, y por ante mis testigos de asistencia con quienes actúo por receptoría a falta de escribano público, compareció D. Antonio M. Pico, nativo de California, y vecino de este punto, y Don Antonio Suñol, ambos de esta vecindad, a quienes doy fe conozco, y dijo el primero: Que por la presente, en aquella vía y forma que mas haya lugar en derecho, cierto y sabedor del que en este caso le corresponde, y por sí, y a nombre de sus herederos y sucesores, y de quien ellos hubiere título, vez y causa en cualquier manera, vende y dá en venta real y enagenación perpetua para siempajamas, el derecho que tiene en el terreno del Valle de San José, segun consta por el título y aprobación de la Junta Departamental, y cuyo derecho como davo se vende al señor Don Antonio Suñol por la cantidad de cien vaquillas y cincuenta novillos, de los que se dá por recibidos fiel y eficazmente, y por lo cual declara que dicho terreno es cierto y seguro al Comprador, que nadie le inquietará ni moverá pleito sobre su posesion, goce o disfrute; y si se le inquietare o movere saldrá a su defensa y le seguirá en todas abenzas hasta ejecutarlo y dejar al Comprador en libre uso, quieto y pacifica posesion, y de no conseguirlo, le restituirá la cantidad que haya desembolsado, las mejoras que hubiere hecho, y todos los perjuicios que por su causa se le siguieren e irrogare. Igualmente renuncia la ley 2.ª título primero, partida 5.ª Novísima recopilacion, que trata de los Contratos de ventas y otros en que hay lesión en mas o menos de su justo valor. Tambien renuncia el fuero y domicilio si alguno le fueran favorer. Y para la perfecta validacion de lo referido en la presente escritura, obliga su persona, bienes habidos y por haber, y con ellos se somete al fuero y jurisdiccion de los señores jueces que en este negocio deban conocer, para que le comparen y le premien por todo rigor de derecho y vía ejecutiva, por sentencia definitiva de juez competente pasada en autoridad de cosa juzgada,

102 ND  
 PAGE 35  
 Document  
 H. H. n.º 2  
 ann. to the depo.  
 of  
 Ant. M. Pico

450



Consentida y sin mas recurso. Renunciala, loya de su favor y defensa, con la general del derecho en forma; en caso testimonio asi lo otorgo y firmo Carrizgo y los demas asistencia segun derecho.

Tomas Pacheco  
Jose Noriega

Antonio M<sup>a</sup> Pico

am  
Feliz Pulna

a ruego del interesado

Pilar Bernal

Digo yo Antonio Suñol que en la venta antecedente hecha por don Antonio M<sup>a</sup> Pico del derecho del Valle de San Jose, está incluso ademas del expresado numero de ganados importe de su valor, la chancelacion de todas las cuentas que existian entre dicho Señor y yo, hasta aquella fecha.

San Jose de Guadalupe 13 de Diciembre de 1851

Antonio Suñol

State of California

Santa Clara County

On this the 13<sup>th</sup> day of January

A.D. 1851 before me personally came Antonio Suñol personally known to me to be the person described in & who executed the foregoing instrument of conveyance in the third page of this deed & acknowledged to me that he executed the same freely, voluntarily and for the uses & purposes therein mentioned.

Seal

In testimony whereof I have hereunto set my hand and affixed my private seal (there being as yet no official seal) the date last above written.

J. T. Richardson Recorder in & for said County

Filed 1 1/2 O'Clock P.M. 13 January 1851

J. T. Richardson Recorder S. C.

Recorded in Book of deeds C pages 105 & 106 archives of Santa Clara County Cal

J. T. Richardson Recorder

Filed in Office Jan 17<sup>th</sup> 1853

Geo. Fisher Sec

280



Translation

Translation of doc  
No. 2. and  
to the depo of Ant<sup>o</sup>  
M<sup>o</sup> Pico before  
Commr Neiland Hall  
& filed in office Sanj de San Jose,  
17<sup>th</sup> 1853.

102 ND  
PAGE 37

On the eighth day of December of one thousand eight hundred  
& forty two, in the town of San Jose, before me, Thomas Public,  
Justice of the Peace of said town, & my assisting witnesses, with  
whom I am acting, for want of a Notary Public, did appear,  
Antonio M<sup>o</sup> Pico, a native of California & a resident of this town,  
& Antonio Surial both of this place, whom I declare I know, &  
the first named declared; That by three presents, in that form  
which is according to law, well knowing of what in such a case he  
has to do, for himself, & in the name of his heirs & successors, &  
of whomsoever of them may hereafter, arise & claim in whatso-  
ever a manner, he does sell & give in real sale & perpetual  
alienation from, the right he holds on the land of the cattle  
& in stated in the title, & approbation of the  
Departmental Assembly, & the said right of his he does sell to  
Antonio Surial for the sum of one hundred young cows &  
fifty young steers, which he has received completely, & by  
three presents, he does declare that the said land shall be once  
& certain to the purchaser; that no one shall disturb him, &  
nor bring suit against him for its possession, enjoyment  
or the use of it; & in case suit should be brought against him,  
he promises to defend & to make all the necessary expenses,  
which he shall bring it of the said to an end, & leave the pur-  
chaser in the free use & in quiet & peaceable possession of it; &  
in case he could not do that he (the vendor) will return the  
amount (of cattle) which he (the purchaser) has spent, pay  
the improvements he (the purchaser) should have made, &  
all the damages which he (the purchaser) should have suf-  
fered by his (the vendor) faults. At the same time he  
(the vendor) renounces Law 2<sup>o</sup> title first, part 5<sup>ta</sup> last  
rescriptation, that speaks about the contracts of sales & others  
by virtue of which property is deeded away for more or less of  
its just value. And he also does renounce all the privileges  
& special laws (domicilio) which may be in his favor. And  
in order to make what in the present deed has been related  
perfectly valid, he (the vendor) binds himself with his  
honor, & the property he has, & may in future have, & he



37

1251

102 ND  
PAGE 38

submit himself with them to the jurisdiction of the Judges, who in this matter have to decide, that they may compel and oblige him with all the rigor of the law & subsequent execution, by the definitive sentence of the competent Judge given in virtue of the case having been decided & committed to whatever further measure. And he (the vendor) duly understood the laws which are in his favor & defense, with all his right, formally; In testimony of which he (the vendor) did so grant & sign it in my presence & of my assisting witnesses.

(Signed) Antonio M. Pico.

(Signed) Tomas Pacheco at the request of the interested party. (Signed) Pedro Bernal.

(Pico's wife)

assisting witnesses

Felix Bonillar.  
Jose Noriega.

I, Antonio Simol do declare that in the foregoing sale made by Antonio M. Pico, of his right in the Valle de San Jose, is, besides the enumerated number of cattle as purchase him included, the cancelling & settlement of all the accounts that existed between said gentleman & me up to this date.

San Jose de Guadalupe 6 December 1842.

(Signed) Antonio Simol.

Filed in Office





38

Por el presente documento consta pertenecer la parte del terreno del Valle de San Jose que hera de Don Antonio M<sup>a</sup> Pico a D. Juan Bernal, el que con esta fecha me lo compro por el valor de dos mil pesos (2.000 \$) ha quin sido todo el derecho que en el tenia, y para que lo disfrute como propio propietario, le entrego la escritura de venta hecha a mi favor por dicho D. Antonio M<sup>a</sup> Pico. Y para resguardo de dicho Sr. Juan Bernal doy este en el pueblo de San Jose a 10 de Noviembre de 1849.

Antonio Suñol

Exhibit

N<sup>o</sup> 3.

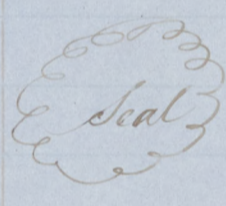
102 ND

PAGE 39

Original deed  
from Ant<sup>o</sup> Suñol  
to Juan Bernal

State of California } ss.  
Santa Clara County }

On this the 20 day of January A D 1851 before me personally, came Antonio Suñol personally known to me to be the person described in & who executed the foregoing instrument & acknowledged to me that he executed the same freely, voluntarily and for the uses & purposes therein mentioned.



In testimony whereof I have hereunto set my hand and affixed my private seal (there being as yet no official seal) the date last above written

John T. Richardson  
Recorder in & for said County

300

Filed 10 1/2 O'Clock A.M. 20 January 1851

J. T. Richardson  
Recorder S. C. C

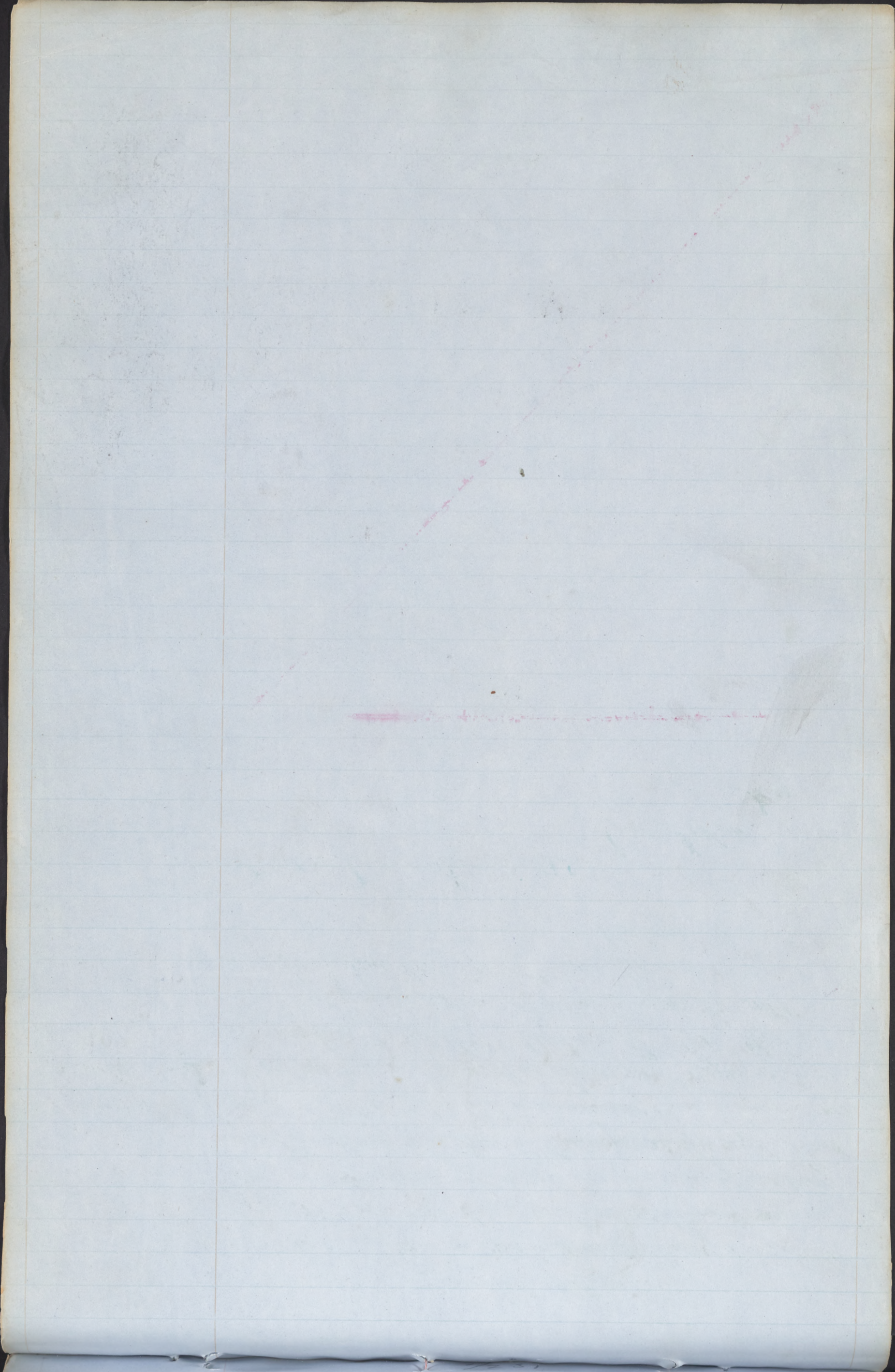
Recorded in Book of Deeds C page 107  
archives of Santa Clara County Cal

J. T. Richardson  
Recorder

Filed in office Sept. 19. 1853

Geo: Fisher  
Sec







39

Transcription of  
Exhibit No 3.

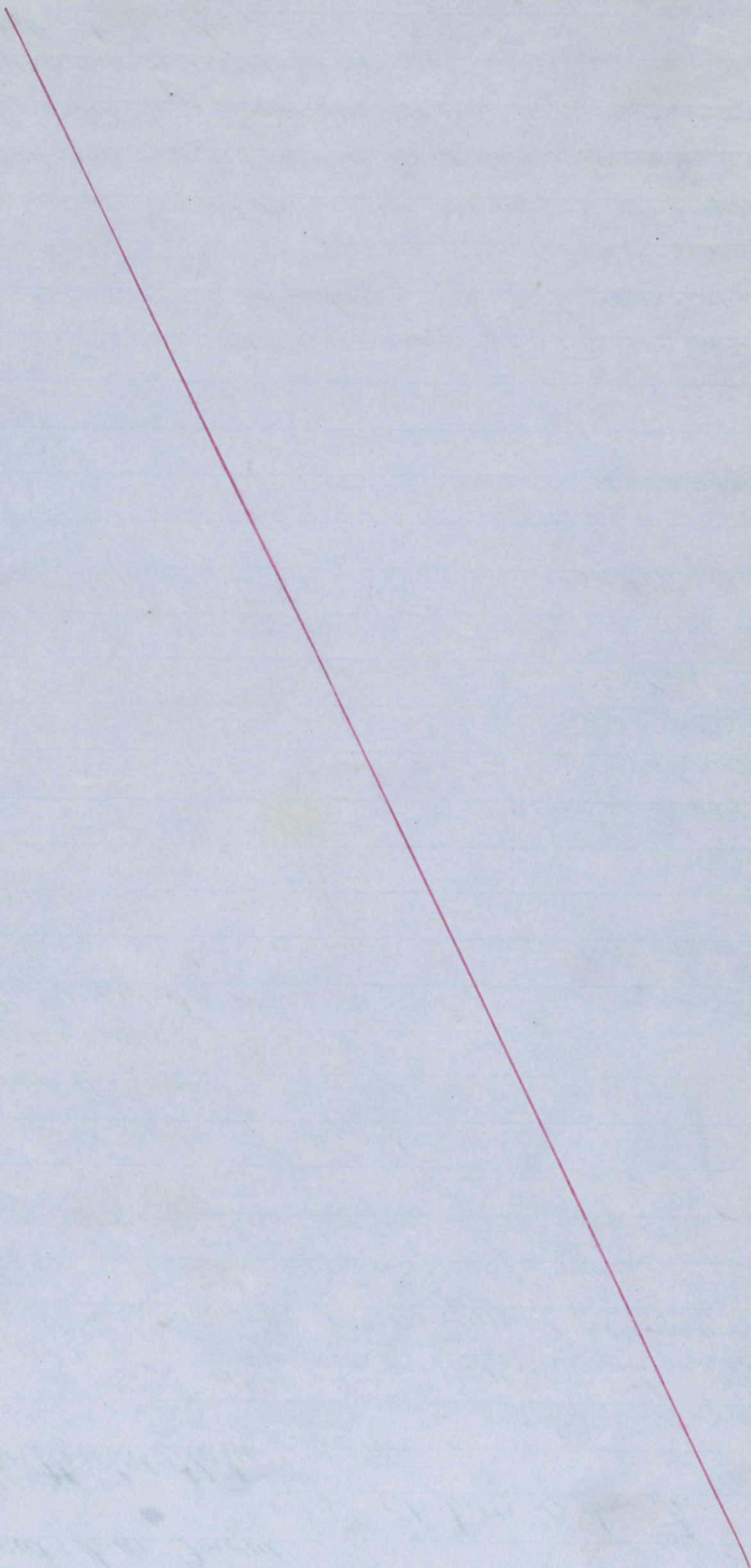
102 ND  
PAGE 40

This document shows that that portion of the land known  
 as the Valle de San Jose, which formerly belonged to D<sup>o</sup> An-  
 tonio M<sup>o</sup> Pico, now belongs to D<sup>o</sup> Juan Bernal, who on  
 this day purchased it from me for the sum of two thou-  
 sand dollars, & to whom I transfer all the right I had  
 in it - And in order that he may enjoy it as his property  
 I declare to him the written instrument of sale executed  
 in my favor by said D<sup>o</sup> Antonio M<sup>o</sup> Pico - And for  
 the benefit of said Juan Bernal, I give this at the  
 Pueblo of San Jose, the 10<sup>th</sup> day of November 1849.  
 Antonio Sureda.

Filed in Office Sept 19 1853.

Geo: Fisher.  
Sicry.







40

Antonio Suro, Agustín  
Bernal & Juan Bernal.

vs  
The United States

El Valle de San José

Opinion of the  
Board by Comr  
Campbell.

102 ND  
PAGE 41

The petitioners in this case represent in their petition that on the 10<sup>th</sup> day of April A.D. 1839, they, together with one Antonio Maria Pico, obtained from Governor Alvarado a grant of land known by the name of El Valle de San José, & they further represent that the said Pico, did on the 6<sup>th</sup> day of December A.D. 1842, sell & convey to the said Antonio Suro, all his interest in & to the place as above granted, & that on the 10<sup>th</sup> day of November A.D. 1849, the said Suro did by his certain deed of conveyance sell & transfer to the said Juan Bernal all the interest conveyed to him by the said Pico.

In support of the foregoing allegations and accounts the said petitioners have produced & placed on file the original grant together with the original deeds, above referred to, all of which are properly proved & authenticated, & were admitted as evidence without objection.

It is also in proof that the said grant was on the 22<sup>nd</sup> day of May A.D. 1840, duly confirmed by the Departmental Junta.

There is no proof that any judicial measurement was ever made of the premises in question.

The evidence we think shows a substantial correspondence with the conditions of the grant, & as the grant is not for any specific quantity, but evidently intended to embrace all the land contained within boundaries, as described in the grant itself, & as laid down & delineated on the map to which reference is made, we are of opinion that the same is sufficiently described, & that the petitioners are entitled to a confirmation of their claim as tenants in common.

Filed in Office Aug 31 1854.

Geo. Fisher Secy.



41

Antonio Siquel, Agustin Bernal, & Juan Bernal

102 ND  
PAGE 42

vs  
The United States.

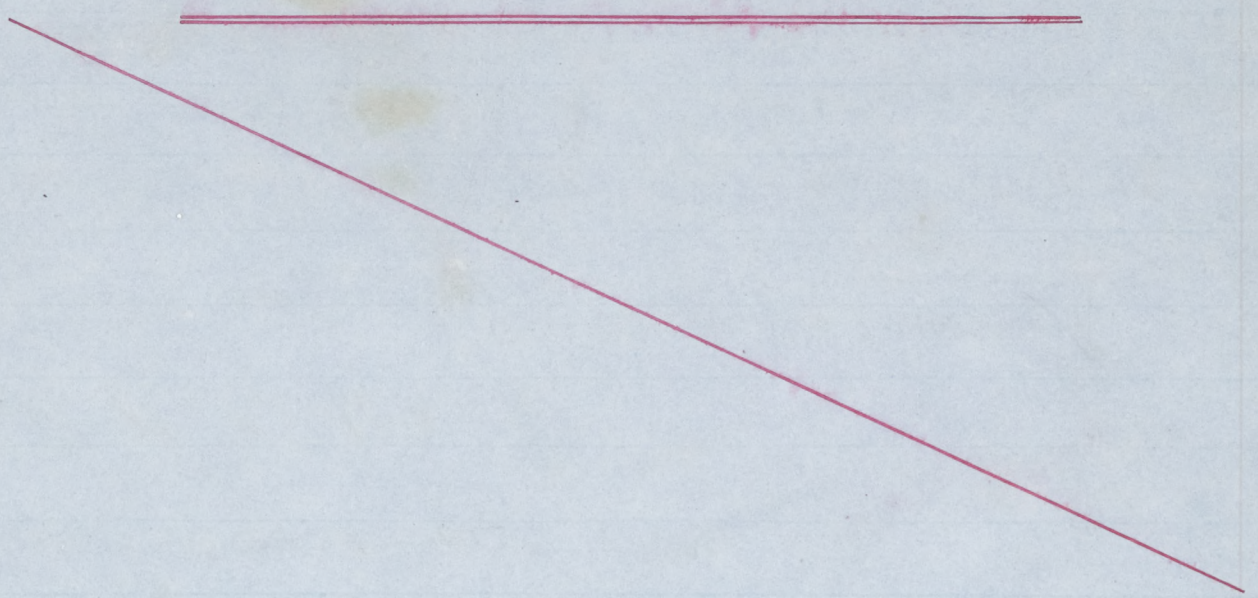
Decree of  
Confirmation

In this case on hearing the proofs & allegations, it is adjudged by the Commission that the claim of the said petitioners is valid, & it is therefore decreed that the same be confirmed. The lands of which confirmation are hereby made are known by the name of 'El Valle de San Jose', & bounded & described as follows, to wit: on the Southeast by the Comalata; on the East by the edge of the the Comata of the Potala, adjoining the water, & on the North west & North by the place of the Arroyo or Cañada de la Tarazona. For a more particular description of said place reference to be had to the map, which forms a part of the traced copy of the expediente filed in this case & marked A. The map to which reference is made, is to be found on page marked 13 of said expediente.

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

Filed in Office July 31 1854.

Geo: Fisher.  
Secy.





Office of the Board of Commissioners,

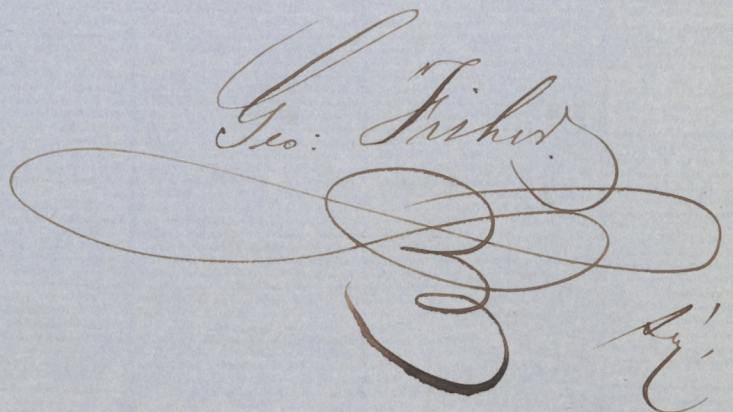
To ascertain and settle the Private Land Claims in the State of California.

102 ND  
PAGE 43

I, *George Fisher* Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *forty-one* — pages, numbered from  
1 to *41*, 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. *231* on the Docket of the said Board,  
wherein *Antonio Sañol, et al*, are

the Claimant <sup>p</sup> against the United States, for the place known by  
the name of "*El Valle de San Jose*" —

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

*Geo. Fisher*  






102 W.D.

U. S. DISTRICT COURT,

*North* District of California

No. 102

THE UNITED STATES,

vs.

*Antonio Sandoval*

TRANSCRIPT OF THE RECORDS

FROM THE

BOARD OF U. S. LAND COMMISSIONERS

In Case No. *231*

Filed

*September 2*

185

*Prothonotary*

*102 W.D.*



Office of the Attorney General of the United States,

Washington, 17th January 1855.

Antonia Suñol et al.

vs.

The United States.

} 231.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 13th day of September 1854 the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.



N<sup>o</sup> 102 One

U. S. District Court  
Northern District

United States

vs

Antonio Serrano, et al.

Notice of appeal

Filed Feb. 20. 1883

In Amount

of



Office of the Attorney General of the United States,

Washington, 17th January 1855.

Antonia Suñol et al. }  
vs. } 231.  
The United States.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 13th day of September 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

*Clayton*

Attorney General.



102  
No 231

U. S. District Court,  
Northern  
Southern Dist of Cal.

The United States,

vs.

Antonia Suñol, et al.

Appeal notice.

By ~~James~~ Northern  
District

102

Filed March 8<sup>th</sup> 1855.

C. E. Farr.  
clk.

102 ND  
PAGE 47

By  
James  
Suñol  
1/11/55



UNITED STATES DISTRICT COURT,  
Northern District of California.

San Francisco, Sept. 7<sup>th</sup> 1855

ON this day, before *Just. Moore* a  
Commissioner of the United States for the Northern District of California, duly  
authorized to administer oaths, &c., &c., came *Antonio*  
*Mario Pico* a witness produced on behalf of the  
*Claimants*  
in Case No. 102, 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. 231 on the Docket of the said Board of Commissioners, and was duly  
sworn and testified as follows — his evidence being interpreted by  
*Hypolito Adler* a sworn interpreter

PRESENT: *A. Glassell* on behalf of  
the United States & *A. P. Crittenden*  
for Claimant. (*A. Glassell* Asst U.S. Dist  
Attorney) QUESTION BY

*Mario Pico* sworn says  
I am forty six years of age and  
reside in San José. Have resi-  
ded there since 32. I know  
the Rancho called *El Valle*.  
It is north from the Mission  
of San José. The original  
grantees were myself  
*Don Antonio Sutil* & *Agus-  
tin Bernal* & *Juan Bernal*.  
I know the boundaries of the  
Rancho. The Rancho is bound-  
ed on the North by the *Cuñada*  
*Joaquina Testera* on the  
South West *Palos Verdes*



and above the Palos Secos there is a range of hills running in the direction of San Jose and on the East by the bank of the waters called Pasitos where there are some low hills and on the South by the Sierra of Buenos Ayres and Calaveras. Dolores Pichero is on the west of the Rancho.

On the dividing line between the two ranchos a part of the Ciénaga de Desagüera & Palos Secos are situated. There is a creek in the Ciénaga which comes from a high hill

The creek is called the Arroyo de Ciénaga de Desagüera - The creek runs through a sort of lake into the tralones.

~~The limits of the lagoon~~  
The boundaries run round the lagoon to the Palos Secos leaving the lagoon on the side of Bernal.

This line was laid out by myself and agreed to by Dolores Pichero & accepted by the Governor as the dividing line. The Sierra of Buenos Ayres runs from South to East. The Ciénaguitas is on the South of the Rancho. I procured the title to the Rancho Teseyra. El valle

The grants to both Ranchos



were made the same day in accordance with an agreement I made with Dolores Pecheo.

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PAGE 50

I presented the application and the grant was made to me to the Honorable El Valle.

Witness being shown a copy of the original grant and a copy of the grant contained in the Expediente and also a copy of the decree of the Departmental Assembly approving the grant all of which are contained in the Transcript and being asked in which of these papers the true date of the grant is stated, says:

~~The~~ The true date is stated in the second paper nominated in the question - that is to say, in the Expediente and also in the copy of the decree of the Departmental Assembly approving the grant. The date is incorrectly stated in the copy of the original grant. It must have been ~~Question~~ ~~How~~ ~~came~~ by the error of the clerk who wrote the original grant that the date was stated to be 1840. There is no difficulty in ascertaining the boundaries of the land granted on the ground itself - because the boundaries are so clearly defined. The Loma Alta is called the Hill <sup>spring from</sup> ~~from~~ which the Arroyo de la Tazadera runs down. It is the only place in the vicinity called the Loma Alta. All the small streams running down from the Loma Alta join together at its base and form the Arroyo



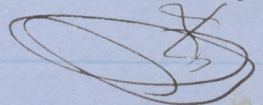
de la Tasagera. This was the boundary which was agreed upon before the Governor between myself and Dolores Pacheco: Pacheco wanted to extend his boundaries and the Governor brought us both before him and the boundary was then settled and the titles issued in conformity with them it.

cross-examined on behalf of the United States.

I have no interest in the event of this cause. Dolores Pacheco and myself appeared before the Governor and had the boundary settled as I have stated in Monterey in the year 1839: Alvarado was Governor and Jimeno Secretary. Jimeno was present when the boundary was settled and also José Santos Abila. Abila made out a plot for the ranch according to the settlement of the boundary for Pacheco.

And further the witness said not.

Antonio M<sup>o</sup> Pico



sworn  
José Figueroa, being also duly sworn under the same circumstances as above in the caption to the preceding deposition stated, said.

I am thirty six years of age and reside ~~at~~ <sup>on</sup> the Rancho "El Valle" I have lived in California all my life; I know the Rancho El Valle; I have known it for eight-

een or twenty years. I know its bound-



een or twenty years; I know its' bound-  
aries; the ~~Western~~ Boundary on the  
side of the Mission of San Jose' are  
the hills called "Los Corralitos" and the  
slope of the Cerro of the Mission of San  
Jose'; on the side of the Rancho of Dolores  
Pacheco, the boundary is the Arroyo de  
la Sasagera which <sup>runs</sup> comes from the  
Loma Alta to the Laguna and from  
thence the line runs to the Palos  
Secos; on the side of the Rancho El  
Talle, opposite the land of Dolores  
Pacheco is the Ranch of Robert  
Livermore; the boundary on this last  
mentioned side of the Ranch is the  
low hills from which comes the water  
called "Coyote".

Cross examined.

I have no interest in this  
matter; I know all that I have stat-  
ed by my own proper knowledge; I  
was on the Rancho El Talle about  
two days ago;

Witness  
Miguelto Nolasco

José M. Figueroa  
Witness

Sworn to before me  
this 7<sup>th</sup> day of Sept  
A. D. 1855-

John A. Mowbray  
U. S. Commissioner.



No 102 <sup>over</sup>

U. S. Dist. Court,

The United States

vs

Antonio Duñol, et al.

Depositions of  
Pico & Figuera.

Filed Sept 7 1835,  
J. Chivers  
Deputy

102 ND

PAGE 53



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

The United States  
Appellants  
vs  
Antonio Estrada  
No 102.

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 15<sup>th</sup> day of  
May 1854: that a notice of appeal  
was filed on the 1<sup>st</sup> day of May 1854  
and that the land claimed lies in  
the said District.

That the said claim is invalid.  
Wherefore appellants pray that the said  
decision of the Board be reversed &  
that this Court decree the said title  
to be invalid. Respectfully  
S. W. Ingraham  
U. S. Dist. Atty.



(102) three  
No. 112,

U. S. Dist. Court

The U States  
v  
Antonio Surool

Petition

Filed Oct 16, 1855,  
J. Cheever  
Deputy

102 ND  
PAGE 55

E. W. Ingraham



102  
No. 102 - The United States  
vs  
Auto Fund & others

102  
No. 102 - The United States  
vs  
Auto Fund & others

It is agreed that the transcript of the record in this case be returned to the Secretary of the Board of Land Commissioners for correction, and for that purpose may be delivered to the Attorney of the Claimants -  
December 8. 1853

Wm. H. Russell  
Asst. U.S. Atty.  
A. P. Leitch  
Atty for Claimants

Ordered in accordance with the above stipulation -  
Dec 8. 1853 -  
Gideon Hoffmann Jr.  
U. S. Dist. Judge

211-



<sup>Dux</sup>  
U. S. District Court

No 102 -

The United States  
vs  
Auto. Sund et als

( Stipulation to  
withdraw manuscript )

Given Dec. 8th 55  
J. Cheney  
Deputy



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

N<sup>o</sup> 102  
The United States  
vs Appellants  
Antonio Suid et als  
Appellees

The appellees Antonio Suid and  
others in answer to the petition  
of the appellants say that the  
title of the appellees is good  
and valid and pray that  
the decision of the board of  
Commissioners be affirmed.

J. A. Pentecost

Att. for Appellees



No 102 four  
U. S. Dist. Court

The United States  
vs  
Antonio Suid  
et al

Answer —

Filed Dec: 10, 1855,  
by Cheever  
Deputy.

102 ND  
PAGE 59



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

The United States  
Appellants  
v.  
Antonio Suro  
et al

No. 102.

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 1<sup>st</sup> day of May 1835  
& that a notice of appeal was filed  
on the 1<sup>st</sup> day of May 1835 and that  
the land claimed lies in the said District.

That the said claim is invalid.  
Wherefore appellants pray that the said  
decision of the Board be reversed  
& that this Court decree the said title  
to be invalid. Respectfully  
S. W. Inge  
U. S. Dist. Atty.



No. 102 two  
U.S. Dist. Court.

The U. States  
v  
Antonio Sural  
et al

Petition

Filed Dec: 10, 1855,

by Cheever  
Deputy

102 ND  
PAGE 61

J. W. Fugate



Gold Seal. Six dollars

Furnished provisionally for the Maritime Custom  
house of Monterey for the years 1839 + 1840 -  
Alvarado - Antonio Ma Pico.

Ada  
María  
de  
Almeyda

Juan B Alvarado, Constitutional  
Governor of the Department of  
the Californias.

Translation of  
Original Grant.  
Document  
H H. N° 1  
Annexed to the  
deposition of  
Mannuel  
Jimeno.

Whereas Don Antonio Maria Pico, Don  
Antonio Suñel, Don Agustín and Don Juan  
Bernal, have solicited for their personal  
benefit and that of their families the  
place known by the name of "El Valle  
de San José" bounded by the Corralitos  
on the South East, on the East by the edges  
of the Somitas (low hills) de las Pocitas  
adjoining the water, and on the North  
East and North by the place of the  
Arroyo or Cañada de la Tasajera,  
the relative proceedings and investiga-  
tions, pursuant to what is prescribed  
by law and regulation, having  
previously been complied with, in  
the exercise of the powers conferred  
upon me, in the name of the Mexican  
Nation, I have thought fit to grant  
to them the tract referred to (the



place mentioned) declaring the purpose (see) of it to them by these presents, the said Concession being understood to be in entire conformity to what is provided by the laws, subject to the approval of the Most Excellent Departmental Junta and of the Supreme Government and under the following conditions

1<sup>st</sup> They may enclose it without injuring the crossings, roads or servitudes; shall enjoy it freely and exclusively devoting it to the use or cultivation that may be most suitable to them, but within one year shall build a house and it shall be inhabited.

2<sup>nd</sup> When the property is confirmed to them they shall apply to the proper judge to give them judicial possession in virtue of this patent, by whom shall be designated the boundaries, at the limits of which they shall put, in addition to the monuments (land marks) some fruit trees or fruit trees of some utility.

3<sup>rd</sup> The land which is granted them is of the extent shown by the map belonging to the Expediente, with its respective limits; the judge who shall give the possession shall have it measured

according to ordinance to designate <sup>(circumstances)</sup>



according to ordinance <sup>(inserted)</sup> to designate  
the boundaries, leaving the surplus  
which remains to the Nation for its  
convenient uses.

4<sup>th</sup> If they shall contravene these conditions  
they shall lose their right to the land  
and it will be denounceable by another.

Wherefore I order that these presents,  
serving them for title and being held  
firm and valid, be registered in the  
proper book and delivered to the parties  
in interest for their safeguard and  
other purposes. Given at Monterey  
the 5<sup>th</sup> of April one thousand eight  
hundred and forty.

Alvarado  
Manuel Jimeno  
Secy of the Office

This patent is registered in the correspond-  
ing book in folio three, in testimony  
whereof I sign this.

Jimeno

His Excellency the Governor has directed  
that this patent be registered in the  
Prefecture of the First District.

Jimeno.



Registered in folio 6 & marked with the  
number 9 in the paper book belonging  
to the Archives of the Secretary's Office  
of the Prefecture of the 1<sup>st</sup> District.

San Juan de Castro. 24 Oct<sup>r</sup> 1840

Man<sup>co</sup> & Aree.

Secy ad interim.



Third Seal. Two bits.

Furnished provisionally by the Maritime Custom  
house of the port of Monterey in the Department  
of the Californias for the years 1840 + 1841.

Alvarado.

Antonio Maria Pico

Ada }  
Mante }  
de }  
Monterey }

Juan B. Alvarado, Constitutional  
Governor of the Department of  
the Californias.

Translation of  
paper forming  
part of  
Document  
St. St. No 1  
annexed to the  
deposition of  
Manuel Jimeno

The Most Excellent Departmental Junta  
in its Session of the 22<sup>a</sup> of May of the  
present year 1840, approved the proposition  
of the Committee of Agriculture which  
appears in the Expediente concerning  
the land called Valle de San José, ad-  
judicated to Don Antonio Maria Pico,  
Don Antonio Sund, Don Agustin <sup>Bernal</sup> and  
Don Juan Bernal, the concluding  
article of which proposition says thus:  
"The concession made by the De-  
partmental Government of date the  
"10<sup>th</sup> April 1839 to Don Antonio Maria  
"Pico, Don Antonio Sund, Don Agustin  
"Bernal and Don Juan Bernal, of  
"the place named "El Valle" is  
"approved."

And in consequence of the



(302)  
decree of the 13 of June last appearing  
in the Expediente referred to, let these  
papers be delivered to the parties in  
interest for their security.

Monterey ~~Agosto~~ August 4, 1840

Alvarado

Manuel Jimeno

Secy of the Office

Translation of  
Certificate on  
Copy of map  
which accom-  
panies the  
Original grant.  
Document  
H. H. N° 1-

I, the Undersigned Secretary of the Junta  
of the Department of the Californias, and  
temporarily in charge of the Office of the  
Government of the Same, Certify - that  
the foregoing map is faithfully copied  
from its original in the proper Expediente  
by which were granted to the parties  
interested the leagues (sitios de ganado  
mayor) of land stated in the title  
which was approved by the Most Excellent  
Junta on the 22<sup>a</sup> of May of the present  
year; which <sup>this</sup> Expediente is registered  
in the Secretary's office and to this  
I refer.

Monterey Oct<sup>r</sup> 20. 1840 -

Jose L Fernandez



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

The United States }  
v }  
Anto Sund et als }

The foregoing is a correct translation  
of the several papers named in  
the margin, and which form  
part of the record in this case  
and it is agreed that the  
same may be now filed as  
of the 1<sup>st</sup> May 1853 -

December 12, 1853

A. Hassell.

Asst. U.S. Atty

A.P. Butterden

Atty for Claimants

102 ND

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Seven  
U. S. District Court

N<sup>o</sup> 102

The United States

vs

Antonio Sund et al

Translations filed by  
Consent —

Filed December 12, 1855,

J. Chivers  
deputy

102 ND  
PAGE 69



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

The United States	N <sup>o</sup> 102.	Decece
vs Appellants	Stated Term	
Antonio Suñol	January 14 <sup>th</sup> 1856	
Juan Bernal &	Appeal from the final de-	
Agustín Bernal	cision of the Commissioners	
Appellees.	to ascertain and settle	
	private land claims in the	
	State of California.	

This cause came on to be heard at a  
 stated Term of this Court on appeal from  
 the final decision of the Board of Commissioners  
 to ascertain and settle the private land  
 claims in the State of California under the  
 Act of Congress Approved the 3<sup>d</sup> of March AD  
 1851, upon the transcript of the proceedings  
 and decision of the said Board of Com-  
 missioners, the papers and evidence on which  
 said decision was founded, the petition of  
 the Appellants and answer of the Appellees,  
 and the further evidence in the cause taken  
 in this Court under the order of the Court,  
 and it appearing to the Court that the  
 said transcript has been duly filed  
 according to law, and counsel for the



respective parties having been heard, it is by the Court Ordered, adjudged and decreed that the said decision be and the same is hereby, in all things, affirmed; And it is further Ordered, adjudged and decreed that the claim of the Appellees, the said Antonio Suñol, Juan Bernal and Agustin Bernal, is a good and valid claim, and that the said claim is hereby confirmed to them in the proportion of their several and respective interests, to wit: to the said Antonio Suñol one undivided fourth part; to the said Juan Bernal one undivided half; and to the said Agustin Bernal one undivided fourth part of the land claimed by them and hereby confirmed.

The land of which confirmation is hereby made is known by the name of "El Valle de San José" and is bounded and described as follows, to wit: on the South East by the Corralitos, on the East by the edges of the Somitas of the Positas adjoining the water, and on the North West and North by the place of the Arroyo or Cañada de la Tasagera; being the same land described in the grant and in the map which



forms a part of the copy of the expediente which appears in the transcript in this case and is found on page marked 13 J. D. R. of said Expediente, and for a more particular description of the land hereby confirmed reference is made to the said grant and map.

Edw Hoffman Jr  
U. S. Dist Judge



No 102. Fine.  
U. S. Dist. Court

The United States  
vs Appellants  
Antonio Suñol et als  
Appellees

Decree —

Filed July 14. 1856.  
W. H. Cherris,  
Deputy.

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

Present :

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

*The United States*

*v.*

*Antonio Suñol et al*

*D. C. 102; L. C. 231.*

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



102 ten  
United States District Court, Northern  
District of California.

The United States

vs.

Antonio Sano et al

ORDER.

granting appeal

Filed March 24<sup>th</sup> 1857

John. a. Monroe,  
CLERK.

By W. H. Cheever  
DEPUTY.

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At a *Stated* Term of the District Court of the  
UNITED STATES OF AMERICA, for the Northern District of Cali-  
fornia, held at the *Court Room* in the City of SAN  
FRANCISCO, on *Monday* the *Third* day of  
*May* in the year of our Lord one thousand  
eight hundred and fifty-*eight*

Present:

The Honorable OGDEN HOFFMAN, District Judge.

No ~~237~~ 102. D.C.

The United States  
vs  
Antonio Suñol, Juan Bernal  
and Agustín Bernal

And now at this day  
came the said Claimants  
Antonio Suñol, Juan  
Bernal and Agustín  
Bernal by their Attorney  
A. P. Bittenden, and  
present the Mandate

of the Supreme Court of the United States  
dismissing the appeal made herein on  
behalf of the United States to the said  
Supreme Court, whereupon and on motion  
of said Claimants by their said Attorney,  
it is ordered that said mandate be  
filed and made a part of the record  
of this Court in this Cause, and that the  
said Claimants Antonio Suñol, Juan  
Bernal and Agustín Bernal may  
proceed under the decree of this Court  
heretofore rendered in favor of the  
claim of said Claimants as under  
final decree —

Ogden Hoffman  
U. S. Dist. Judge



No 102 11.

United States District Court, Northern  
District of California.

The United States,

vs.

Antonio Manuel, et al

Order directing the  
filing of Mandate &c.

Filed

May 3, 1858,

W. D. Chivers

CLERK.

DEPUTY.

102 ND  
PAGE 77



THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judge of the District Court of  
the United States, for the Northern District of  
California \_\_\_\_\_

greeting:

Whereas, lately, in the District Court of the United States, for the Northern District  
of California before you, \_\_\_\_\_ in a cause  
between The United States, appellants, and Antonio  
Lunol, Juan Bernal and Augustin Bernal,  
appellees, wherein a decree was rendered in  
favor of the said appellees - Whereupon the said  
appellants prayed an appeal, which was  
duly allowed by the said District Court, to re-  
move the said cause to the Supreme Court  
of the United States \_\_\_\_\_

102



IN SENATE  
JAN 21 1871

UNITED STATES OF AMERICA

THE DEPARTMENT OF THE INTERIOR

102 ND  
PAGE 79

as by the inspection of the transcript of the record \_\_\_\_\_

\_\_\_\_\_ of the said *District*

Court, which was brought into the Supreme Court of the United States, by virtue of \_\_\_\_\_

agreeably to the act of Congress, and the rules of the said *Supreme*  
*Court* \_\_\_\_\_ in such case made and provided, fully and at large appears.



And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *fifty seven* the said cause came on to be heard before the said Supreme Court, ~~on the said transcript of the record, and was argued by counsel:~~ On consideration whereof, and it appearing that the said appellants have failed to have their cause filed and docketed in conformity to the rules of this court, it is now here ordered and decreed by this court that this appeal from the District Court of the United States for the Northern District of California be and the same is hereby docketed and dismissed, and that this cause be and the same is hereby remanded to the said District Court. —

Jan: 11<sup>th</sup>



You, therefore, are hereby commanded that such \_\_\_\_\_ proceedings be had in  
said cause, \_\_\_\_\_  
as according to right and justice, and the laws of the United States, ought to be had, the said *appeal*  
notwithstanding:

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

COSTS, \_\_\_\_\_  
Clerk, ..... \$ \_\_\_\_\_  
Attorney, ... \$ \_\_\_\_\_  
\$ \_\_\_\_\_

*Paid by*

*Wm. H. Carroll*

Clerk of the Supreme Court of the United States.

*No. 102, 12*

*No. 231, December Term, 1857*

MANDATE  
SUPREME COURT UNITED STATES.

*U. States vs. Smith et al*

*paid May 3, 1858,*

*W. H. Chew,*

*Clerk*



At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the City of SAN FRANCISCO, on *Monday* the *first* day of *November*, in the year of our Lord one thousand eight hundred and fifty-*eight*.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Antonio Sunol, Agustin Bernal  
and Susan Bernal.

D. C. 102; L. C. 231.

In this case, on application of P. Della Torre Esq., U. S. Attorney, it is ordered by the Court that an appeal in behalf of the United States from the final decision of this Court rendered at the December, 1855, term, be and the same is hereby granted, and that a certified transcript of the pleadings, evidence, depositions and proceedings in the said cause be sent to the Supreme Court of the United States without delay, and the appellants are ordered to serve the usual citation according to law.

Ogden Hoffman  
Dist Judge



UNITED STATES DISTRICT COURT,  
Northern District of California.

*The United States*

vs.

*Anto Juroal et al*

*Order granting appeal*

Filed *Nov: 1st* 1858,

*W. A. Chivers*

CLERK.

By

DEPUTY.

102 ND  
PAGE 83




The United States of America,  
To Antonio Suro, Agustin Bernal and Juan  
Bernal.

Greeting;

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

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

Wm. Hoffman  
Dist Judge





United States Marshal's office  
Northern District of California

I hereby certify that this Citation was received  
on the 1<sup>st</sup> day of November AD 1858. and  
that on the 2<sup>nd</sup> day of November AD 1858.  
I served a copy personally on A.P. Coe  
Attorney for Claimants. in the  
City of San Francisco, and at the same  
time exhibiting the <sup>within</sup> Original Citation in  
this cause with the seal of the Court thereon  
Dated San Francisco Nov. 2 1858.

P. L. Solomon

U.S. Marshal

By John H. Williams

Deputy Marshal

102

U. S. District Court

The United States

v.

Antonio Simons et al

Citation

Issued Nov: 1<sup>st</sup> 1858,

Filed Nov 2. 1858

A. H. Chenevix  
Clerk

102 ND  
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At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court House, in the City of SAN FRANCISCO, on Saturday the Seventh day of January in the year of our Lord one thousand eight hundred and ~~forty nine~~, sixty, for the trial of land cases.

Present:

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

The Hon. M. Hall McAllister Circuit Judge

The United States

vs.

Antonio Suñol  
Juan Bernal +  
Augustin Bernal

District Court No 102

Land Commission No 231

It appearing to the satisfaction of the Court that J. S. Black, Attorney General of the United States and M. Blain, Attorney of the said Antonio Suñol, Juan Bernal and Augustin Bernal in the above cause in the Supreme Court of the United States, have signed and filed with the Clerk of the said Supreme Court an agreement in writing directing the appeal of the United States in said case to be dismissed, and it further appearing that the said Antonio Suñol, Juan Bernal and Augustin Bernal have consented to the said agreement and discontinuance, and that the said Clerk has entered the said appeal dismissed pursuant to the 29<sup>th</sup> Rule of the said Supreme Court of the United States; In consideration of which and upon motion of the said Antonio Suñol, Juan Bernal and Augustin Bernal, by their Attorney A. P. Cuttenden, it is now hereby ordered and adjudged that the copy of the above proceedings certified by William J. Carroll, Clerk of the Supreme Court of the United States, under the seal of the Court, be filed in the Clerk's office of this Court, and that the said Antonio Suñol, Juan Bernal and Augustin Bernal be at liberty according to the terms of said agreement to



proceed and obtain a survey and patent in conformity with the decree of confirmation heretofore entered in this cause and the acts of Congress relating to private land claims in California.

M. Hall Mitchell  
Judge in Court US  
District of Cal

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

Clerk's Office,

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

..... Clerk.

By

..... Deputy.

No 102.

District Court of the United States

IN AND FOR THE

Northern District of California.

The United States

vs.

Antonio Lúndol & others

Order of Final  
Confirmation

Filed January 7th 1860.

M. A. Chevalier Clerk.

By

Deputy.

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In the Supreme Court of the United States  
No. 160. December Term 1859.

102 ND  
PAGE 88

The United States	Appellants
vs.	
Antonio Luro & others	Appellees

Appeal from the District Court of the  
United States for the Northern District  
of California -

Having examined the record in  
this case and being satisfied that there  
is no just ground for prosecuting this  
appeal I do hereby discontinue the further  
prosecution thereof and consent that the  
discontinuance be filed and entered  
of record in the Supreme Court and that  
the claimant be at liberty to proceed  
and obtain a survey and patent in  
conformity with the decree of confirmation  
and the acts of Congress relating to private



land claims in California.

Washington }

12 Novem 1859 }

J. S. Black

Atty Genl.

102 ND

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The foregoing discontinuance and consent is hereby accepted.

W Blair

for Appellees

As Counsel of record for Antonio Linnol & others in the above entitled cause I hereby consent that the appeal in this case be discontinued pursuant to 29<sup>th</sup> rule of this Court.

W Blair

for Appellees

(Washington Nov-12/59)

1859 November 12<sup>th</sup> - The above stipulation to dismiss this case having been this day filed and the fees due the Clerk by the parties in this case having been paid, this



case is thereupon now here dismissed  
pursuant to the 29<sup>th</sup> rule of this Court.  
W<sup>m</sup> Tho<sup>s</sup> Carroll  
Clerk of Supreme Court U.S.

102 ND  
PAGE 90

I William Thomas Carroll, Clerk of the  
Supreme Court of the United States do  
hereby certify that the preceding is a true  
copy of the Stipulation filed in the above  
entitled cause and of the entry endorsed  
by me thereon dismissing the said cause  
pursuant to the 29<sup>th</sup> rule of this Court.



In testimony whereof I here-  
unto subscribe my name and  
affix the seal of the said  
Supreme Court of the United  
States at the City of Washington  
this Fifteenth day of November  
in the year of our Lord  
Eighteen hundred & fifty nine  
W<sup>m</sup> Tho<sup>s</sup> Carroll  
Clerk Sup Ct. U.S.



No. 102,  
SUPREME COURT, U. S.

No. 160.

December Term, 1859.

The United States

v.

Antonio Linnol & others

Certified copy of  
Stipulation + dismissal  
from U. S. Sup. Court.

Filed January 7, 1860,

W. A. Chenery,  
Clerk

102 ND  
PAGE 91





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

vs  
Antonio Suñol  
Juan Bernal  
Augustus Bernal

No 102.

Antonio Suñol one  
of the claimants in the above entitled cause  
being duly sworn deposes, that under the  
decree of confirmation in said cause, the  
United States Surveyor General for California  
has caused to be surveyed the lands mentioned  
in said decree & confirmed to the claimants  
therein, & the plat & field notes of said survey  
have been returned into the office of said  
Surveyor General; ~~and~~ and deponent avers that  
said survey is erroneous & does not conform  
to the said decree of confirmation. Wherefore  
he prays that said Surveyor General, be ordered  
to return into said court a certified copy  
of the plat & field notes of said survey, that  
the same may be reviewed by said court.

Subscribed & sworn to Antonio Suñol  
before me this 7<sup>th</sup> June 1869

Luther McAllister

Notary



No 102

U. S. Dist. Court,

United States

vs

Antonio Suñol,  
Augustus Bernal  
Juan Bernal -

affidavits for  
return of survey.

Filed June 7, 1860,

W. D. Cherry,  
Clerk



102 ND  
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At a Term of the District Court of the  
UNITED STATES OF AMERICA, for the Northern District of  
California, held at the Court House, in the City of SAN FRANCISCO,  
on the \_\_\_\_\_ day of \_\_\_\_\_  
in the year of our Lord one thousand  
eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

U. S. Dist. Court.

The United States D. C. 102, L. C. 231.

vs.

Antonio Simal, El Valle de San Jose,  
et al.

On reading, and filing the  
affidavit of Antonio Simal  
one of the claimants herein that the  
Survey made under final decree by  
the U. S. Surveyor General for California  
is erroneous, in pursuance of the rule  
heretofore entered, it is ordered that  
the said Surveyor General return  
to this Court a certified copy plat  
of his official Survey made of the  
land finally confirmed herein.

San Francisco.  
June 8, 1860.

W. D. Cheves,  
Clerk.



Served personally by copy on  
J W Mandeville W S Surveyor for  
California

San Francisco June 8<sup>th</sup> 1860

J L Solomon  
U S Marshal

102  
District Court of the United States

IN AND FOR THE  
Northern District of California.

*The Mercantile*

vs.

*San Joaquin etc.*

Order *to return de m.*

*Served June 8 1860,*

Filed *June 8<sup>th</sup> 1860,*

By *W A Chesebrough* Clerk.

Deputy.

Clerk's Office,  
of the said Court.

I hereby Certify the foregoing to be a true copy from the Minutes

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

By

Deputy.

Clerk.



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

The United States.

vs.

Antonio Simol  
Juan Bernal <sup>and</sup>  
Augustin Bernal.

No. 102.

"Valle de San José."

The Petitioners Antonio Simol, Juan Bernal,  
and Augustin Bernal represent, that a survey  
of the land confirmed to them in the above  
entitled cause, has been made, and was  
approved by the Surveyor General of the  
United States for the State of California  
on the eleventh day of September A.D. 1840; that  
notice of such approval has been given by  
said Surveyor General, by publication first  
made on the 12<sup>th</sup> day of September 1840; that  
they the petitioners, are the same persons to  
whom the claim was confirmed, and together  
with one Antonio Maria Pico, are the original  
Grantees of the land; that the interest therein  
of the said Pico, was by him sold and convey-  
ed to the petitioner Antonio Simol on  
the 6<sup>th</sup> day of December A.D. 1842. and by him  
to the petitioner Juan Bernal, on the 10<sup>th</sup> day  
of November 1849, and the petitioners are now  
the sole owners of said land; and that as



they are advised and believed, the survey made and approved by the Surveyor General is incorrect, and they desire to present exceptions thereto.

Wherefore they pray that an order be made directing J. W. Maudewill, the said Surveyor General to return into this Court, his official survey of said tract of land known as "El Valle de San José" for examination and adjudication.

Crockett & Crittenden  
Attys for Petitioners.

Northern District of California  
County of Santa Clara

ps: Antonio Suñel

one of the above named Petitioners, being duly sworn deposes and says, that the contents of the foregoing Petition are true.

Antonio Suñel

Subscribed and sworn to before me this 8<sup>th</sup> day of October AD 1866

Given under my hand and seal of office this day and date above written

Peter O. Minor  
Notary Public  
Santa Clara Co. Cal<sup>a</sup>





No 102.

U. S. District Court.

The United States

vs.

Antonio Suiñol.  
et al.

24th Oct

102 ND

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Petition for return  
of survey, by Claimants

Crockett & Crittenden  
Attys for Petitioners  
Alameda

Filed October 10, 1860.

W. H. Chesnut,  
Clerk



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

Present:

*The Honorable OGDEN HOFFMAN, District Judge.*

**The United States,**

v.

*Antonio Simol, et al,*

IN LAND CASES.

*District Court No. 102,*

*Land Com. No. 231,*

AND now at this day  
on application of *Brackett & Crittenden* Attorneys  
for *the claimants* IT IS ORDERED, that the Surveyor  
General of the United States for California return into this Court, on or before Wednes-  
day, the *24th* day of *October* A. D. 1860, his  
Official Survey and Plat of the land finally confirmed in the above entitled cause, known  
as "*El Valle de San Jase*" and situated in the County  
of *Alameda* in said District; AND IT IS FURTHER OR-  
DERED, that the United States Marshal for this District serve upon the said Surveyor  
General, without delay, a certified copy of this order, and make due return hereon.



U S Marshals Office  
San Francisco Oct 10<sup>th</sup> 1860

I have this day made personal service by  
Copy of this order on James W Mandeville  
U S Surveyor General for California

P. L. Solomon  
U S Marshal

No. 102

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Antonio Manuel,  
et al.

ORDER TO RETURN SURVEY.

Returnable

Oct: 24, 1860

Issued

Oct: 10, 1860.

Filed

Oct: 11, 1860

W. H. Stewart,  
Clerk.

102 ND

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At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the CITY OF SAN FRANCISCO, on *Wednesday* the *24th* day of *October* in the year of our Lord one thousand eight hundred and sixty,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

*Antonio Invol, et al.*

IN LAND CASES.

District Court No. *102,*

Land Com. No.

AND now at this day the United States Marshal having made return upon the Monition heretofore issued in this cause, that he had given due notice as therein commanded; on motion of  
..... Attorney for .....

proclamation was made that all parties having, or claiming to have, an interest in the survey and location of the land finally confirmed in the above entitled cause, appear and intervene for the protection of such interest;

*the U.S. Attorney appeared for the United States, Crockett, and Cottleman appeared for claimants, J. J. Williams appeared for, and filed intervention of Samuel B. Martin, E. H. F. Sloan appeared for, and filed intervention of J. H. Dougherty, and no other party appearing,*

whereupon IT IS ORDERED, that the default of all parties not appearing as aforesaid be and the same is hereby entered.



No. 102

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

*Sute, Smitol, et al.*

ORDER ON RETURN OF MONITION.

Filed *October 24* 1862

*W. A. Chivers*

Clerk.

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District Court of the United States  
Northern District of California

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The United States

v  
Antonio Suñol et al

No 102,

State of California  
Northern District of California

James W. Dougherty being  
duly sworn deposes and says that he is seized  
of an undivided interest under mesne conveyan-  
ces from Jose Dolores Pacheco, the original  
grantee and proprietor of the adjoining Rancho  
toward the North of the Rancho del Valle -  
which has been finally confirmed in case No  
in this Court. The United States v. John Yantze  
administrator of the Estate of Dolores Pacheco  
deceased. and as such purchaser and alienee is  
interested in the survey and location of the  
Rancho del Valle in this case.

Subscribed and sworn to  
before me this 20th day of October 1860.

W. H. Chewch  
N. C. Com.

James W. Dougherty



District Court United States  
Northern District of California

No. 102.

The United States  
v  
Antonio Suñol  
et al.

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Affidavit of J. W. Dougherty

Filed Oct. 24. 1860.

W. D. Cheverie,

Clerk

102 ND

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E. W. F. Sloan,  
paid,  
for Intervenor N. & C.



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

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

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 102, to *Antonio's Mineral* known as "*El Valle de San José*," and situated in the County of *Alameda* in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the *25th* day of *October* A. D. 1860, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this *25th* day of *October* A. D., 1860.

*M. A. Chevers,*

CLERK.



The within Motion was received by me on  
*Wednesday* the *10<sup>th</sup>* day  
of *October* 186*0*, and in obedience thereto  
I have given due notice, as therein commanded, by causing  
the publication of said notice, for *2* consecutive  
Wednesdays, in the *San Francisco Herald*, commencing  
on the *17<sup>th</sup>* day of *October*  
186*0*; and for *2* consecutive Saturdays, in the  
*Alameda Co. Gazette*  
a paper published nearest the land, commencing on the  
*13<sup>th</sup>* day of *October* 186*0*

Dated San Francisco, *October 24<sup>th</sup>* 186*0*

*P. L. Solomon*  
U. S. Marshal.

*102*  
No. *102*

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

THE UNITED STATES.

v.

*Ante, Suñol, et al.*

MONITION.

Returnable *Oct: 24,* 186*0.*

Issued *Oct: 10,* 186*0.*

Filed *Oct: 24,* 186*0.*

*W. H. Deane*

Clerk.

*102 ND*  
PAGE *106*



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

102 ND  
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Antonio Bernal } No: 102 -  
Juan Bernal & } In the matter of  
Agustin Bernal } the Survey and location  
vs } of the Rancho "El  
The United States } Valli' de San Jose"

The Petition of Samuel B.  
Martin respectfully shows to the  
Court that he is the owner, by title  
derived from the Original Grantee  
of the Mexican Government, of a large  
portion of the lands known by the  
name  
of Santa Rita, granted to Jose Dolores  
Pacheco and confirmed by this Hon. Court  
in case No: 155. That said lands ad-  
join those of the Rancho "El Valli' de  
San Jose" finally confirmed in the  
case first above mentioned.

That the lands so confirmed  
as aforesaid under the name of "El  
Valli' de San Jose" have been sur-  
veyed by the Surveyor General of  
the United States for the State of  
California and the survey thereof  
approved by him under the provis-  
ions of the Act of Congress, of the 3<sup>rd</sup>



of March 1857 and of the 13<sup>th</sup> Section thereof. That the said Antonio Suñal, Juan and Agustín Bernal, pretending to be dissatisfied with the said Survey, have caused the same to be returned into this Hon. Court for "Examination and Adjudication," with the view and object, as your Petitioner is informed and believes, of obtaining or attempting to obtain such a change in and modification of the said Survey, as will extend its lines over and upon, and include a large part of, the lands claimed and owned as aforesaid by your Petitioner. Wherefore Your Petitioner prays, that for the protection of his rights so wrongfully assailed as aforesaid, he may by the order of this Hon. Court, be permitted to intervene in the said case of Antonio Suñal, Juan Bernal and Agustín Bernal vs The United States, under the provisions of the Act of Congress, approved June 14<sup>th</sup> 1860. And Your Petitioner will ever pray &c —

Saml J. Martin



State of California  
City and County of San Francisco. S.S.

Samuel B. Martin being  
duly sworn, deposes and says, That he has read  
the foregoing Petition and knows the contents thereof  
and that the matters and things therein set  
forth are true of his own knowledge, except those  
as therein set forth on ~~his~~ information and belief,  
and as those matters he believes ~~it~~ them to be true

Subscribed and sworn  
to before me this 18<sup>th</sup> day of October  
A. D. 1860

Samuel B. Martin

J. J. Thibault  
Notary Public



No. 102

---

Antonio Sanel et al

<sup>vs</sup>  
The United States

---

Petition of Sanel.

B. Martin asking  
leave to intervene

---

Filed Oct. 24, 1860,

W. H. Cheves,  
Clerk

102 ND

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

**Present:**

The Honorable OGDEN HOFFMAN, District Judge.

The United States.  
v.  
Antonio S. S. et al.

No. 102.

On Motion of Crockett & Crittenden Attorneys for Claimants, ordered that they have ten days from, and after the filing of the Plat of Survey to file exceptions thereto.



No. 102.

UNITED STATES DISTRICT COURT

Northern District of California.

The United States,

v.

A. Smol, et al.

Order granting two  
days from filing of  
survey to except there.

Filed November 3, 1860.

W. A. Chees,

Clerk.

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

The United States } No 102.  
vs. } Valle de San José  
Antonio Suñol } Alameda County,  
Juan Bernal <sup>and</sup> }  
Augustin Bernal. }

The said Defendants and Claimants Antonio Suñol  
Juan Bernal, and Augustin Bernal object to the  
Survey made by the Surveyor General of the  
United States for the State of California, and  
which has been approved by him, and return-  
ed to and filed in this Court, and as the grounds  
of their objection they specify the following  
to wit:

1<sup>st</sup>. That the Northern, Eastern, and Western lines  
of said survey are not run in conformity to the  
Decree of Confirmation made by this Court  
nor to the grant and map therein referred  
to.

2<sup>do</sup> That the said survey includes only the quantity  
of Eleven leagues of land, while the quantity  
of land specified in the grant, map therein  
referred to, and decree of confirmation, is  
more than sixteen leagues.

3<sup>do</sup> That the said survey includes on the East



a large quantity of worthless and barren mountain land not included in the grant, map, and decree of confirmation, while it excludes on the North, all the Valley lands, which is known as the Valley of San José, from which the whole tract of lands took its name, and which was especially the subject of the grant, and which has since the grant, been always in the possession of those claiming under the grant, and on which some of their improvements are situated, and said survey does not extend to nor touch the Arroyo or Cañada de la Pasajera, which is one of the calls of the grant, and of the decree of confirmation.

4<sup>th</sup>. That the Eastern line of said survey, is incorrect in this, that the Southern portion of it, to wit; that portion which lies between the points designated on the plat of said survey by the words and figures, "Post V.S.T. 24", and <sup>Post</sup> "Post in stone mound V.S.T. 25", is run at a distance very considerably to the Eastward of the edges of the Donitas of the Pocitas adjoining the water, which is called for by the grant and decree of confirmation, as the Eastern extremity of the lands, the said Pocitas being certain well known springs, and the said Donitas forming an object easily determined;



while the said Southern portion of said Eastern line should be, according to said grant, map and decree, a line drawn North and South passing through or near the said Picitas.

And that the said Eastern line is incorrect in this that from the point marked on said plat "Cabo V.S.T. 26", it should extend due North until it strikes the main range of hills or mountains at a point distant some five miles from the said point marked on said plat "V.S.T. 26". -

5<sup>th</sup> That the Western line of said survey is incorrect in this, that instead of following the line delineated on said plat, from the point marked "Post. V.S.T. 8" to the point marked in said plat, "Sycamore V.S.T. 28", and which is the Northwestern point of said survey, and terminating at that point, or a little South thereof, it should, from the point marked Post V.S.T. 8, run in a straight line to a place known as the Palos Secos, near the point marked "Sycamore V.S.T. 28", and thence to the most Southernly point of a Gulch swamp near said last named swamp, and thence be continued in a Northwesterly, and thence in a Northeasterly course following the Western edge of the said Gulch or Gulch swamp, to the point where the Pasajera



Creek empties into said swamp, and then  
up the said arroyo or cañada de Pasaje  
until it reaches the main range of hills  
or mountains, at or near or opposite  
to a well known point or peak, known  
as the "Cerro Alto", or high hill.

6th That the Northern line of said survey  
is incorrect in this; that from the point  
marked "Sycamore, U.S.T. 28" on said  
plat, it runs in an Easterly direction to  
the point marked, "Oak U.S.T. 27," and  
thence in a Northeastwardly direction  
to the point marked "Oak U.S.T. 26," which  
is made the Northeast corner of said  
survey, and being so run it excludes  
a large portion of the land included in  
said grant map and decree, and excludes  
the whole Valley of San José which was  
specially intended to be granted  
and which gave its name to the whole  
tract, and which has always been in  
the occupation of the grantees, and  
those claiming under him, and  
which some of their improvements are  
situated; whereas the said Northern  
line in accordance with said grant  
map and decree, should commence  
at a point on the Arroyo or Cañada de



Tasajera, at the foot of the main range of hills or mountains, near and opposite to the high hill known by the name of "Soma Alta", and thence run eastwardly or Southeastwardly, following the said main range of hills or mountains, until it intersects the Eastern line of said lands, which is a line as herein before stated, running due North, from the point marked "Oak V.S.T. 26," on said plat.

Wherefore said claimants pray that the said official survey be rejected and set aside and a new survey be ordered to be made as follows: Commencing on the Southern line of said survey, at a point where it is intersected by a line drawn due South from the Pocitas, and from that point running due North, to the North-eastern line of the present survey, thence following said North eastern line, North Westwardly to the point marked on the plat of said survey "Oak V.S.T. 26," thence due North, to the main range of hills or mountains, thence following said main range of hills North Westwardly to the high hill known as the "Soma Alta," thence to a point on the arroyo or arroyo of Tasajera, nearest and opposite to said "Soma



Alta<sup>?</sup>, thence Southward, down the said  
Pasajero Creek, and following its me-  
andering to the Gulch, or Gull swamp,  
thence following the edge of said  
Gulch Southward to its most Southern  
point, thence Southwardly to the Palos  
Secos, thence in a straight line to the  
point marked on said plat of survey  
"Post U.S.T. 8." and thence following the lines  
designated on said plat, to the place of  
beginning.

Crockett & Crittenden  
Attys for Claimants.



No 102.

U. S. District Court.

The United States

vs.

Antonio Suñol et al

---

Exceptions to Survey.

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Filed Nov: 15, 1860,

W. O. Chivers,  
Clerk,

102 ND

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Crockett & Crittenden,  
Attys for Claimants



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

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The United States  
v. 3 n. 102.  
Antonio Simol et al

---

And now come  
the U. S. by Calhoun Benham their  
attorney, and except to the official  
survey of the land ~~is~~ confirmed herein,  
a certified copy plat whereof was filed  
in this Court, pursuant to its order, on  
the day of 186

And the United States aver:

- 1<sup>o</sup> That the said survey is erroneous,  
because not in conformity with the  
decree and the grant and map to  
which the decree refers.
- 2<sup>o</sup> That the said survey is erroneous,  
because the quantity surveyed and  
located appears by the plat to be 51,542.<sup>43</sup>  
acres, whereas the quantity should be  
six Spanish leagues and no more.

Wherefore the United States pray



that said survey be set aside as erroneous, and an order entered directing a new survey in accordance with the true intent and meaning of said decree, including the area of six Spanish leagues and no more.

Calhoun Beukam  
U. S. Atty,  
by Geo B Williams  
Attorney for settlers.

San Fr: April 1, 1841.

It is hereby stipulated and agreed that the foregoing exceptions of the U. S. be filed herein with the same force and effect as if filed within the time prescribed by the rules. San Francisco, April 1, 1841.  
Crockett & Bentler  
Atty for claimants -



U. S. District Court

The United States

v

Antonio Surob et al

Exceptions of U. S.  
and stipulations

Filed April, 1. 1861.

H. A. Chewed,  
Clerk

102 ND

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Geo B Williams  
atly in aid of Dist atly



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

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The United States

v. } No. 155  
John Yontz, Adm<sup>r</sup> of  
Jose Dolores Pacheco, dec<sup>d</sup>.

Same

v. } No. 144  
Jose Maria Amador

Same

v. } No. 142  
Antonio Sural et al

---

It is hereby agreed  
and stipulated that any and all  
testimony taken or to be taken by any  
or either of the parties or intervenors in  
either one of the above entitled causes  
may be used, so far as the same is  
applicable or pertinent, in each and all  
of said causes on the trial thereof, and  
with like effect as if said testimony  
had been taken in each of said causes,  
subject however to the same legal exceptions  
and objections as the said testimony would



Have been liable to if taken in each  
cause separately, the only intent of  
this stipulation being to waive any  
objection to said testimony predicated  
on the ground that it was not taken  
in the particular cause in which it  
shall be offered. It is further agreed  
that this stipulation be filed in the  
case of the U. S. v. Antonio Suro  
etal N<sup>o</sup> 102.

San Francisco, June 26, 1861.

Wm H. Sharp  
U. S. Atty.  
E. H. F. Sloan Atty.  
for Danaherty.  
Crockett & Ottender  
Atty for Suro, Augustin  
& Juan Bernal,  
Murray & Fuller



U. S. District Court

The United States

v

Antonio Jacob et al

Stipulation

admitting testimony  
in 144 and 155

Filed June 27, 1861,

W. J. Chesnut,  
Clerk

*Mass...*

*[Faint, illegible handwritten text, possibly bleed-through from the reverse side]*



In the District Court of the United States  
FOR THE *Northern* DISTRICT OF CALIFORNIA.

The United States,

v.

*Antonio Suro et al*

IN LAND CASES.

Dist. Court No. 102, *—*

Land Com. No. 231 *—*

BE IT REMEMBERED, that on this *17<sup>th</sup>* day of *August* A. D. 186*1*  
at *San Francisco* in the District aforesaid, before me, *Curtis McAllister*  
a Commissioner duly appointed by the Circuit Court of the United States for the Dis-  
tricts of California to take acknowledgments of bail and affidavits, and also to  
take depositions of witnesses, in civil causes depending in the Courts of the United  
States, pursuant to the Acts of Congress in that behalf, personally appeared  
*Abner W. Dyer* a witness produced in behalf of  
*the United States* in the above entitled cause, now  
pending in said Court under the Acts of Congress to ascertain and settle the private land  
claims in the State of California, who, being duly sworn, testified as follows:

PRESENT:

- Wm. H. Sharp U. S. Atty G. L.*
  - B. Williams for United States -*
  - L. B. Crockett for claimant*
  - L. L. Williams for Intervenor ~~John~~ Martin*
  - E. W. F. Sloan for Intervenor Dougherty -*
- QUESTIONS IN BEHALF OF THE *United States* -

Question 1st,

*Witness sworn on voir dire at  
request of Atty for claimant  
Dues by Atty for claimant*



Quest

Have you any interest in the result of the application to set aside the money in this case?

Ans.

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I have not.

Quest 2.

Do you not claim to own, or are you not interested in lands alleged by Suñol & the Bersuals to be embraced within the Rancho "El Valle de San Jose"?

Ans 2

I do not, & have no interest in them -

Quest 3.

Did you not in November 1858 take up a presumption claim to land lying on the North Bank of Alameda Creek, about three miles above Vallijos Mills, commencing at a blazed willow tree, calling to adjoin the West line of Suñol's Ranch?

Ans 3.

During the year 1858 I took up such a claim, do not recollect the month in which I took it up.



Ques 4

Do you not know that Suñol claims that the said land lies within or some part of it lies within the boundaries of the "El Valle" Rancho?

Ans 4.

I don't know how to answer that, because one of the boundaries of the prescription claim calls for the western line of Suñol's Rancho. I know that he claims part of the land which I then fenced in.

Cross Examination -

Ques by U. S. Atty

Ques 5.

Do you still hold that prescription claim, or do you now claim any interest in the land embraced within its limits?

Ans 5:

I do not - I sold my interest in the claim, & in all the lands I had possession of about two years ago - I gave a quit claim deed for it -



Witness sworn in chief  
Questions by U. S. Atty

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Quest 1.

State your name, age, place of residence and occupation?

Ans 1.

My name is Chew B. Dyer - I am 39 years of age - I reside at Alvarado Alameda County - I am County Surveyor of Alameda County -

Quest 2.

Are you a Surveyor by profession & if so how long have you followed said profession?

Ans 2.

I am a Surveyor by profession, & have followed said profession more or less for the last 15 years. Have been engaged steadily as a Surveyor in California for the last two years -

Quest 3.

Examine the paper now shown you attached to your deposition marked "Exhibit Dyer 101", & state



who made it and what it is?

Ans 3.

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I made the said paper, what it is is described on the paper itself

Ans 4.

What is represented on said Exhibit by the lines enclosing the space colored buff yellow?

Ans 4.

It is the exterior lines of the official survey of the Rancho "El Valle de San Jose" -

Ans 5.

On said Exhibit appears certain topographical delineations, state from whence or how, you obtained those?

Ans 5.

In the vicinity of the forks of the creek called Alameda Creek, \* within one mile, <sup>in every direction</sup> of the forks of said Creek I obtained them from actual survey - said forks I have marked with the letter "F" -

The rest of the topography was compiled from official surveys of Alameda County, found in the office of the Surveyor of said



County -

Ques 6

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When did you make the survey of the mile in every direction from the junction marked "F" on the said Exhibit?

Ans 6

I do not recollect the date exactly it was about two weeks ago.

Ques 7

Did you carefully & accurately make said survey, & is it accurately shown upon said Exhibit?

Ans 7.

I did & it is shown correctly upon said Exhibit.

Ques 8.

Can you state from your knowledge of the County, whether the official surveys from which you compiled so much of the topography, which you have stated was from those sources, accurately shows the topography of the County so far as laid down on said Exhibits?

Ans 8.

I consider it generally correct.

Ques 9



Ques 9.

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What do the lines indicate on said Exhibit running East & West, North & South, and terminating on the said line marked Mount Diablo Meridian at the points marked "0" "0"?

Ans 9.

They represent an offset made by the United States Surveyors in running the Meridian line, so as to avoid crossing high mountains and deep ravines -

Ques 10

How do you know that fact?

Ans 10

I obtained my information from examining the official United States Surveys -

Ques 11.

On the plat of the official survey now shown you, filed in this case November 8<sup>th</sup> 1860, being a plat of the survey made by John La Croze Deputy Surveyor of the land confirmed in this case, the junction of the Alameda Creek appears to be located



some distance West of the same point shown on "Exhibit Dyer No 1"; state which is correct, and the distance in chains between those points as they are respectively located?

Ans 11

The distance is 64 chains.

Quest 12.

On the said plat of official survey the distance from the forks of the Alameda Creek to the nearest point of the mountains, called los Corralitos, appears to be nearly one mile, & upon "Exhibit Dyer No 1", the said mountains appear to approach nearly or quite to the branch of the creek, which is correct?

Ans 12

It is correctly represented on "Exhibit Dyer No 1".

Quest 13.

On the said plat of survey, the mountains on the North & South of the Alameda Creek, West of the forks appear to approach the banks of said creek but in one

to be ...



or two places, while on "Exhibit  
Dyer No 1" those mountains are  
represented as reaching nearly  
or quite to the banks of said  
Creek West of the forks - which  
is correct?

Aug 13-

On my Exhibit, between the line  
marked "Mount Diablo Meridian"  
& the forks of the Creek, the moun-  
tains on the South of the Creek  
extends to its banks - it is the  
same on the North with the ex-  
ception of a small tract of  
land lying near the forks -

Aug 14

On said plat of survey appears  
delineated on the West of that  
Branch of the Alameda Creek  
running Northerly a range of  
small hills, while on Exhibit  
Dyer No 1 is shown on the West  
side of the same fork, what  
appears to be a range of con-  
siderable height & abruptness  
which of the two delineations  
is correct?



Aug 14

There is no stream at the ~~point~~ <sup>place</sup>  
at which the stream is located  
upon the official survey, but  
~~on the ground at that point~~

The stream if correctly loca-  
ted would be represented to be  
about one mile farther East, ~~and~~  
as shown on my exhibit -

Where the stream is loca-  
ted on the plat of the official sur-  
vey, a range of high mountains  
ought to be laid down extending  
very nearly if not quite to the  
banks of the Creek -

Aug 15:

On the said official plat the fork of  
the Alameda Creek running South  
& which is marked Calaveras Creek  
is delineated, state whether its po-  
sition on said plat is correctly laid  
down, & if not, in what respect?

Aug 15:

It is not correctly laid down - It  
is laid down on said plat, about  
a mile too far to the West -

When that fork is laid down  
upon the official plat, ~~there are~~

the Country is rough & hilly -



the County is rough & hilly -  
Quest 6.

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Examine the copy of the desicño filed in this case in the Board of Land Commissioners & marked "Map 2" & state if you know what County said Map is intended to represent?

Ans 6

It is intended to represent the same land, or part of the same land, as is represented in "Exhibit Dyer No 1" - It represents more land than is ~~is~~ in that vicinity than is represented in Exhibit Dyer No 1 -

Quest 7.

Identify if you can, the point on said desicño, which corresponds with the point marked **F** on "Exhibit Dyer No 1"?

Ans 7.

It is a point on said desicño, at which the line marked Arroyo del Alameda forms a junction with a line running in a northerly to a point marked "Pular" -

Quest 8 -

Does any part of the Alameda Creek west of the point marked



From Exhibit Dyer No 1 appear to  
be delineated on said diseño?  
Aug 18.

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It does not.

Aug 19.

Answer the same question with  
respect to the official survey?

Aug 19.

It does - It represents over two miles  
of said Creek west of said  
point -

Aug 20

Identify if you can on said diseño  
the range of hills shown as  
"Exhibit Dyer No 1", as lying between  
the South Fork of the Alameda  
Creek, & the words Las Corral-  
itas &

Aug 20

It is ~~the line~~ shown on said di-  
seño just above the words "Lomi-  
tas de los Corralitos"

Aug 21.

Identify if you can on said diseño  
the mountains shown on Exhibit  
Dyer No 1 as lying west of the  
North Fork of said Alameda Creek?

Aug 21.

They are shown on said diseño



as lying immediately above the  
words "Camino para S. Ramon"

Aug 22,

102 ND  
PAGE 138

Identify on said diseño, if you can,  
the place marked "Tule" on Exhibit  
Dyer 401. 8

Aug 22.

It is the point marked "Tular" on  
the diseño, near the angle of a  
dotted line marked "Línea divi-  
coria" —

Cross Examination

Done by Atty for CLAIMANT

Aug 23.

What is the character of the coun-  
try lying between the dotted line  
on the official survey, the Ala-  
meda Creek, and the South  
Western line of the survey?

Aug 23

It is hilly, rough country, with  
high hills in some places, ~~ex-~~  
cept, very high hills in some pla-  
ces.

Aug 24

What is the character of the Coun-  
try lying between the dotted



line wanted "County road" on  
Exhibit Dyer No 1, the Alameda  
Creek, & the South Western line?  
lying to the North West of said road?

Ans 24

It is hilly rough country except  
a small tract near the point  
at which the road intersects  
the Creek -

Ques 25;

What is the character of the Coun-  
try on the South East side of that  
road & South West of the Creek?

Ans 25;

It is a rough hilly Country with  
the exception of the tract represen-  
ted on Exhibit Dyer No 1 lying bet-  
ween the base of the Corralitos  
& the Creek -

Ques 26

Describe the Corralitos, & state  
what is the character of the hills  
which compose the Corralitos?

Ans 26

What I understand by the Corral-  
itos is a range of hills - Some of  
them are high and some are  
low -



Aug 27

102 ND  
PAGE 140

Do these hills extend fully to the Southern & Southwestern lines of the official survey?

Aug 27

They do. They are higher close to the South Western ~~Aug 28~~ line

~~Are the~~

Aug 28-

Are the said hills or the valleys between them suited for agricultural or grazing purposes, and if so to what extent?

Aug 28

Most of them are good grazing lands, and they are cultivated in some places.

Aug 29

From the South Western line, <sup>of the survey</sup> do not the hills gradually diminish in height as they approach the creek?

Aug 29

They do not diminish but increase in height - <sup>For</sup> from about one mile from the South West boundary in a North Easterly direction towards the creek the increase in height, after that they diminish in height towards the creek -



Ques 30.

Have these hills any distinct well defined termination on the side next the Creek, or do they slope up gradually from the Creek?

Ans 30.

They have a distinct well defined termination towards the Creek -

Ques 31.

Did you lay down these hills on "Exhibit Dyer No 1" by actual survey, or has?

Ans 31.

Within one mile of the Fork of the Creek the base was defined by actual survey, & South of that they were located partly by actual survey & partly by my eye -

E. H. Dyer

Subscribed & sworn to before me this  
17<sup>th</sup> day of August A.D. 1861

Charles McAllister

Notary



No 102  
U. S. Dist Court  
Nor Dist of California

---

The United States

vs-

Antonio Garcia

---

Dep of Eben H. Dyer  
United States Treasr-

---

Filed Nov: 22, 1861,  
Ch. St. Clerks,  
Clk.

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

The United States }  
vs } N<sup>o</sup> 102 D. C.  
Antonio Sured } N<sup>o</sup> 231 L. C.  
Augustin Bernal }  
& Juan Bernal }

In the matter of the Survey and location  
of the Rancho "El Valle de San Jose".

This cause came on to be heard and  
was argued by Counsel and taken under  
advisement by the Court, and the matter  
having been considered together with  
the Consent attached to this decree  
and the written agreement on file in  
this Court and annexed to the decree  
in Case N<sup>o</sup> 155, The United States vs  
John Yontz, Administrator of Jose Dolores  
Pacheco, it is now Ordered, Adjudged,  
and decreed by the Court that the official  
Survey of said Rancho "El Valle de San  
Jose", be and is hereby vacated, annulled  
and set aside.

And it is further Ordered, Adjudged,



and decreed that the Surveyor General of the United States for California do proceed without delay to make another and new survey of said Rancho as follows, to wit: Commencing at a point one mile distant from, and due North of, the point on the official survey of the Santa Rita Rancho (confirmed to John Yontz, Administrator of Jose Dolores Pacheco in case No 155) marked "Post S. R 28," thence South one mile to said "Post S. R 28," thence South, with the line of said Santa Rita Rancho, one mile, to the point marked on the official survey thereof "Post S. R 27," thence in a straight line to the point marked on said survey "Post S. R 22," thence in a straight line to a point midway between the houses of Samuel B Martin and Juan Bernal and on a direct line drawn from one house to the other and Equidistant from each, thence in a straight line through a rodeo ground and through the middle of a small spring on the margin of the Tular where Juan Bernal's people washed, thence on a continuation of said line till it reaches the middle line of said Tular as defined and drawn on the topographical map of W. J. Lewis attached to his deposition in the Case of The

United States vs John Yontz, Administrator, No



United States vs John Gorte, Administrator, No  
155, thence along the middle of said Tular with  
Lewis' said middle line to the Southern point of  
the Laguna at the point on said official survey  
of the Santa Rita Rancho marked "Sycamore  
"V. S. J. 28" and "S. R. 18," which is also the North  
West corner of the official survey of the Rancho  
"El Valle de San Jose", thence South with the line  
of said survey of the Rancho "El Valle de San  
Jose" to the Palos Secos at the point marked  
"Oak tree "V. S. J. 1" and which is the beginning  
point of the official survey of the Rancho "El  
Valle de San Jose", thence following the lines  
and Courses of said official survey of the  
Rancho "El Valle de San Jose", as the same  
are numbered on said survey, to the point at  
the end of Course 25 marked "Oak "V. S. J. 26"  
being a corner also of the preliminary survey  
of the "Rancho de las Positas" confirmed to  
Robert Livermore and Jose Noriega, thence  
in a Northerly direction along the "Western line  
of said preliminary survey to a point opposite  
to, and due East from, the point of commence-  
ment of the survey herein directed to be  
made of the Rancho "El Valle de San Jose",  
and thence due West to said point of



Commencement —

And it is further ordered, adjudged  
and decreed that said new survey, so  
soon as completed, be returned into this  
court by the said Surveyor General, and  
filed in the Clerk's office thereof,

Edwin Hoffman  
U. S. District Judge

It is hereby stipulated and  
agreed that the foregoing order may  
be entered, especially reserving, until  
the new survey be returned the rights  
of all parties who have appeared by  
Counsel in aid of the U. S. District  
Attorney in opposition to the survey  
set aside by the foregoing order; and also  
reserving the rights of all persons claim-  
ing under the United States who



may be affected by the lines of the proposed new survey; and also ~~the~~ reserving until the new survey be returned the question of quantity ~~has~~ raised in this case by the Exceptions of the U. S. on file.

San Francisco March 18. 1862

Wm H. Sharp  
U. S. Atty.

Williams & Houston  
Atty. for S. B. Martin

Crockett & Henttenden  
Atty. for Sims & Bemals -

E. W. Sloan by J. P. Williams  
Atty. for Dougherty &



N<sup>o</sup> 102

U. S. District Court

The United States

vs

Antonio Sinal et als

Order setting aside,  
survey and directing  
new one.

~~Decree~~

Filed March 18, 1862,

W. H. Chevers

Clerk



U. S. District Court

102 ND  
PAGE 149

The United States

v.

3 Mayor

Antonio Suroal et al

And now come the U. S. by their attorney W. W. Sharp Esq, and except to the survey of the land confirmed herein shown by the plat filed by the U. S. Surveyor General June 30. 1862, which survey was made in pursuance of the order of this Court of March 18. 1862, and subject to the stipulation of same date.

And the United States aver —

- 1 That said survey includes certain tracts of land on the west heretofore excepted to by U. S. as wrongfully included in the former survey, and which should be excluded.
- 2 That said survey includes 300 acres more or less, claimed by Thomas Hart and James Johnson, not included in the former survey, but now wrongfully included in the survey shown by said



plat filed June 30, 1862, and which said tract is claimed by said Hart and Johnson under the U.S.

3 That the said stipulation of March 18, 1862, is binding upon the claimants to exclude the tracts of land herein-  
before mentioned.

Wherefore the U.S. pray that said survey be set aside as erroneous, and that a new survey be made excluding said tracts.

Wm. H. Sharp  
U. S. Atty.

San Francisco, August 11, 1862

Same exceptions as foregoing in behalf of Charles Duerr and others for 200 acres more or less.

Wm. H. Sharp  
U. S. Atty.



U. S. Dist Court

The United States

v.

Antonio Surobat

Exceptions by U. S.  
to survey shown by  
plat filed June 30, 1862

Filed Aug: 7 1862,  
H. A. Chever,  
Clerk



57

The United States

Nº 102. XI

vs

Febry. 21. 1863.

Antonio Suro et als

ND

"El valle de San José"

102 ND  
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The Contest between the owners of claimants in this case and the owners of the Santa Rita Rancho, having been settled by mutual agreement the only <sup>remaining</sup> ~~question~~ <sup>question</sup> that ~~remains~~ is whether the official survey is within the exterior limits of the Rancho "El Valle de San José" -

It is objected on the part of the U. S. that a rectangular piece of land on the N.E. is improperly included and <sup>as is</sup> also that a considerable track on the South west.

The first objection is evidently untenable -

On any possible construction of the grant and división, the Valle of San José granted to the claimants extended as far north as the base of the hills called Lomenia on the división - The nor <sup>ther</sup> them it would seem from the indications of the división both <sup>of</sup> the



2 El valle

~~San~~, and of the Santa Rita  
Ranchos, as well as from the  
terms of the respective grants  
to have been intended to be  
drawn from the <sup>Paraje, or Caserío de la</sup> Tassajera ~~which~~  
eastwardly to the Edge of the  
linitas of the Positas which form  
~~and~~ the western boundary of  
the "Las Positas Rancho" —

But a small portion of this  
tract is included in the official  
Survey, the line between the  
Santa Rita & the El valle Ran-  
chos having been settled as be-  
fore stated by agreement —

The grant for El valle contains  
no limitation of quantity — It  
was confined by the Board &  
by this Court without by metes &  
bounds and that decree has  
become final

As then the track on the South  
North East is clearly within the  
limits of the grant there can  
be no reason for excluding it  
from the Survey.

With respect to the land in-  
cluded on the South west there



3

more difficultly—

102 ND  
PAGE 154

The boundaries mentioned in the decree of confirmation are as follows.

"On the South East by the Corralitos  
" on the East by the edges of the  
" Somitas de las Rositas adjoining  
" the water on the North west &  
" North by the Place of the Arroyo  
" or Cañada de la Tasajera"—

The Desierto represents an Arroyo  
issuing from a Tulac swamp or  
lagoon and flowing in a South  
Easterly direction not far from  
the base of a range of hills marked  
on the westward to the west, marked  
"Soma Alta"

Now the range of hills on the  
Eastern side of the Desierto 3  
streams are represented as flowing  
across the plain from East to  
west and nearly at right angles  
to the general course of the creek  
issuing from the Tulac, or the Arroyo  
de la laguna—

The first or most northerly of  
these is the <sup>marked</sup> "Arroyo Macho"  
It still retains its name and its  
identity is not disputed—



4  
The 2<sup>d</sup> <sup>stream</sup> inscribed "Arroyo de las  
Tuanamises", <sup>is represented as flowing</sup> ~~is~~ flows nearly parallel  
to the Macho, sets and empties  
into the Laguna Arroyo de la Laguna.  
Immediately south of it  
and extending across the plain from  
East to West a range of hills  
is delineated which serve to di-  
vide the valley of the Tuanamises  
from that of the Arroyo del Ala-  
meda another creek flowing in  
a similar direction ~~course~~ to the  
south of the hills -

It would seem clear that from  
the topographical maps of Lewis  
that the Arroyo de las Tuanamises  
of the Asiño must be the stream  
now known and laid down by  
Lewis <sup>him</sup> as the "Arroyo ~~del~~ Valle".

The ~~third~~ stream inscribed "Arroyo  
del Alameda" is likewise repre-  
sented on the Asiño as flowing  
from the extreme eastern limits  
of the map, across its entire  
breadth from East to West  
and falling into the Arroyo de  
la Laguna -

It appears to be assumed both  
by the claimants that & the U. S



5 That the stream intended to be delineated is the arroyo de las Calaberas and not the Arroyo de San Antonio.

Mr Syer a witness for the U.S identifies it with the former but Mr Swis a witness for the Claimants, and, who prepared the map exhibited by them, expresses his belief that the Arroyo del Alameda of the diseno is the Arroyo de San Antonio.

If the correctness of this opinion then cannot I think be much doubt.

The Arroyo de las Calaberas flows from the South East and falls into the Arroyo de la Laguna at a point not far from the Confluence of that stream with Arroyo de San Antonio - It issues at ~~an~~ nearly straight angle to the ~~mountains~~ <sup>the hills</sup> - At this point the latter stream makes an abrupt turn, nearly at right angles to its previous course and breaking through <sup>the hills</sup> flows in a direction nearly due west - But the course



of the ~~San~~ Arroyo de la Laguna  
and of the above this point of  
Lunchow, and that of the Calaberas  
tho' the streams flow ~~the~~ one from  
the north & the other from the  
south, form a nearly straight  
line along the western side  
of the plain

But the Arroyo del Alameda of  
the Misino is represented as being  
shaded as flowing <sup>coming</sup> from the  
Mountains ~~at~~ from on the East  
and flowing from East to west  
across the whole breadth of  
the tract on its Southern side.  
If the Arroyo del Alameda be  
not the San Antonio then that  
~~last~~ stream is wholly omitted—  
which notwithstanding that the  
much smaller streams of the  
Machos, & the Arroyo ~~del~~ Valle  
are carefully delineated—

The ~~direction~~ <sup>course</sup> too of the Alameda  
as with reference to the range  
of hills represented as lying be-  
tween it, and the ~~del~~ Valle &  
immediately south of the latter  
stream entirely corresponds with  
that of the San Antonio as laid



ra Lewis' map— while the Calaberas wholly fails to satisfy these indications—

For these reasons I think that Dr Lewis is right in identifying the ~~the~~ San Antonio with the Arroyo del Alameda of the Arisno. The point is not important except as showing that the ~~term~~ <sup>name</sup> "Cornallitos" was intended to apply ~~not~~ <sup>not</sup> merely to the range of hills on the southern portion of the western side, but as indicated by the Arisno to the range lying south of the San Antonio and extending the plain ~~running~~ <sup>running</sup> from west to east ~~across~~ <sup>across</sup> so as to form the southern ~~side~~ <sup>side</sup> of the plain. The ~~same~~ <sup>same</sup> name ~~was~~ <sup>may</sup> ~~have been also~~ <sup>have been also</sup> ~~applied~~ <sup>applied</sup> to the same hills when turning to the north west they form the south western ~~side~~ <sup>side</sup> of the grant—

That the hills on the south of the San Antonio and not merely those west of the Calaberas was intended to be designated on the Arisno under the name of



8 of Carralitos is also to be inferred, from the language of the grant, which describes the tract as bounded by the Carralitos on the South East.

The same description is <sup>given</sup> adopted in the decree of confirmation. Adopting then this construction of the Disiño the ~~mean~~ <sup>mean</sup> intention of the grant is clear— It was to grant all the plain or Valle of San José up to the hills which bound it on the South and the <sup>South</sup> west & the ~~South~~ west— This would necessarily include the valley of the Calaveras— For tho' the junction of the Arroyo de la Laguna and of the Alameda, (and in this connection it is immaterial whether the Alameda be the San Antonio or the Calaveras) is laid down on the extreme South western edge of the Disiño, yet the ~~the~~ indications, of ~~the Disiño~~ & the fact that the Carralitos hills are represented as extending to the point of junction and really connecting with the range on



9 The west show that it was intended to include all the land up to those by bounded by those two ranges. ~~Does not~~  
But

But in running the lines open the South west it has not, as parently seen attempted to follow, the line of the Corralitos Mills expressly mentioned as a boundary both in the grant & the decree -

It has been stated that the <sup>arroyo de la</sup> Laguna de After receiving its affluents, the San Antonio flows the East & the Calaveras from the south turns abruptly at right angles, and flows through the hills in a direction nearly due west. No part of its course in this direction or ~~sets~~ beyond the point of Junction is represented on the ~~Map~~ <sup>Map</sup> - and yet there is included in the survey at least two miles of that stream to the west of the point of Junction -

The western line of the Survey which in descending <sup>the Valley</sup> of the Arroyo



de la Laguna appears in accordance with the design to follow substantially the line of hills which form the western boundary of the valley, on reaching the point where the Arroyo leads to the west, also makes an abrupt deflection in the same direction, and running due west more than two miles turns to the South East so running along the crest or even as stated by Sayer on the western slope of the what the map of Lewis denominates the Corralitos hills.

I can see no reason why the a line ~~above~~ near the base of the hills should not be adopted on the Southern as it is on the South northern portion of the line —

The indications of the ~~no~~ design — the natural limits of the tract, ~~then~~ ~~such~~ now and at the date of the grant known as "el Valle de San José" and the terms of the grant and decree which call for the Corralitos



As a boundary ~~from all~~ ~~proposed~~ show conclusively that those hills were not intended to be included.

It has already been stated that under that name the hills described with that name on the Diseno and mentioned in the grants are probably <sup>the</sup> range on the south <sup>of the San Antonio</sup> rather than those west of the Calaveras on the south west. Tho' perhaps the term may have been applied to both -

But on <sup>either</sup> any supposition the Diseno shows that the back was bounded on the south ~~and~~ <sup>the</sup> south west & the west by ranges of hills - and that boundary should be followed. I therefore think that the official Survey should be modified in this respect, and that the line of hills marked Corralles on Lewis' map should be taken as a boundary -

But this is meant not that their base should be measured - or that the low feet foot -



12

or projecting spurs should be excluded, but that the line should be substantially followed as appears to have been done in the survey of the northern portion of the western line.

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No. 102.

United States District Court,

The United States,

vs.

Antonio Suro.

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Opinion respecting Suro.

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Filed February 21, 1863,

H. A. Cheever,

Clerk.



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

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Antonio Sunol et al

N<sup>o</sup>. 1112

This cause came on to be heard on objections by the United States to the official survey of the land confirmed, made in pursuance of the order of this Court made and entered March 18, 1862, and shown by the certified copy plat filed June 30, 1862; and counsel for the respective parties having been heard, and due deliberation had in the premises, It is ordered adjudged and decreed that the exceptions of the United States be and the same hereby are in part sustained, and that said survey be modified in accordance with this order, and a plat returned to this Court for its approval.

And it is further ordered that the said survey be modified, as follows, so as to exclude the range of hills known as "Las Corralitas," and in accordance with the opinion of this Court, as follows: "But on either supposition the diseño shows that the tract was bounded on the south, the southwest and the west by ranges of hills - and that boundary should



" be followed. I therefore think that the official  
 " survey should be modified in this respect, and that  
 " the line of hills marked Corralitos on Lewis' map  
 " should be taken as a boundary. But <sup>this</sup> is meant  
 " not that their <sup>all</sup> base should be measured, or that  
 " ~~the~~ <sup>all</sup> low foot, <sup>hills</sup> or projecting spurs should be excluded,  
 " but that the line should be substantially followed,  
 " as appears to have been done in the survey of  
 " the northern portion of the western line.

And it is further ordered that  
 a certified copy of this order be served upon  
 the Surveyor General of the U. S. for Cal.

By the Court  
 U. S. District Judge

U S District Office  
 March 24 1863

Rec a copy of above

E. Conway -  
 Chief Clerk

No 102

UNITED STATES DISTRICT COURT  
 Northern District of California.

The United States

v.

Antonio Simóchal

Order modifying  
 official survey

Filed March 4, 1863.

A. H. Chenevix

Clerk.

102 ND  
 PAGE 168



U.S. District Court

102 ND

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The United States

Antonio Junol et al

3 N. 102

San Francisco June 14, 1843.

It is hereby stipulated & agreed by and between the parties hereto, by their attorneys, that the survey of the land confirmed herein, shown by the plat filed June 6, 1843, may be modified as follows: By connecting the point marked "Live oak V.S.J. 16" (termination of course 15) with the nearest course run by C.J. Healey south or west of said "Live oak V.S.J. 16," and thence by the courses & distances as run by said Healey to the line dividing townships 4 & 5 South; and that such modified survey may be approved by the Court as in accordance with the order of the Court directing a new survey, entered March 4, 1843.

Corrobbett & Co attended and

attys for Antonio and

Don H. Sharp

U.S. Atty.

Jno B Williams

in aid of U.S. atty



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

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Antonio Lunal et al

No 102

On reading and filing the annexed stipulation, and on application of the attorneys for the respective parties, It is Ordered, that the Surveyor General of the U.S. for Cal. modify the survey made in pursuance of the order of March 4, 1863, approved June 5, 1863, and plat filed June 6, 1863, as follows: By connecting the point marked "Live oak v. S. T. 16" (termination of course 15) with the nearest course run by C. J. Healey south or west of said "Live oak v. S. T. 16" and thence by the courses and distances as run by said Healey to the line dividing townships 4 and 5 South, Range 1 East; and that said plat be sent to said Surveyor General for the purpose, to be returned to this Court when so modified.

Ogden Hoffman  
Dist Judge



W D Sur Genls Office  
June 17 1863

Received a copy of within -

E J Seal  
Sur Genl  
by E Conway  
Chief Clerk

No 102

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

Antonio Sandoval et al

Order modifying Survey.

Filed June 17. 1863.

W. H. Cheever,

Clerk.

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At a stated Term of the District  
Court of the United States for the  
Northern District of California, held  
at the Court Room in the City of  
San Francisco on Thursday the tenth  
day of September, A. D. 1843:

Present:

Hon. Ogden Hoffman, Dist Judge,

---

The United States

v.

370 102.

Antonio Suro et al

---

And now at this day,  
it appearing to the Court that the Surveyor  
General of the United States for California  
has returned to the Court his survey and  
location of the land confirmed herein,  
made in pursuance of the order of the  
Court entered March 4, 1843, and which  
survey is shown by the certified copy plat  
filed July 22, 1843; and counsel for the  
respective parties being present, It is  
Ordered, adjudged and decreed that the  
survey and location of the land con-  
firmed in this cause, the field notes  
of which survey were approved by E. F.  
Beale, Surveyor General of the United States



for the State of California on the 13<sup>th</sup>  
day of July, 1863, is a good and valid  
survey of the land confirmed to the said  
Antonio Suro and other, Claimants herein,  
and that the said survey and location  
be and the same hereby is approved.

And it is further Ordered ad-  
judged and decreed that the certified  
copy plat of said survey and location  
filed July 22, 1863, and marked "Approved  
Sept 9<sup>th</sup> 1863, Ogden Hoffman, Dist Judge,"  
be attached to and made part of this  
decree for a more full and particular  
description of the tract of land containing  
Forty eight thousand four hundred and  
thirty five  $\frac{93}{100}$  Acres, now finally con-  
firmed to the said Antonio Suro and  
others.

Ogden Hoffman  
Dist Judge



102 ND.  
(231 Bd)

U. S. District Court

The United States

v.

Antonio Suro et al

Final Decree

Filed September 10, 1863,

W. H. Cheverus,  
Clerk.

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N<sup>o</sup> 102

The United States

11

Antonio Suid & others -



102 ND

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In 1835 Antonio Maria Pico, Augustin Bernal, Juan Bernal, and Maria Dolores Bernal wife of Antonio Suid presented a petition to the Governor for a grant of the land claimed in this case -

Page  
19 + 20 -

The Gov<sup>t</sup> Jose Figuerosa made the usual reference of the petition by an indorsement on the margin Dated July 24. 1835 -

19 + 21 -

The Ayuntamiento of San Jose reported July 28. 1835 and the Minister of the Mission of San Jose on the 6<sup>th</sup> September 21 + 22 - 1835 -

21 + 22 -

On the 10<sup>th</sup> of September 1835, the Minister of the Mission of San Jose having objected to the grant being for the reason stated in his report, Jose Castro, Political Chief and interim directed further proceedings to be suspended.

23.

On the 22 June 1837, Juan B Alvarado then Gov<sup>t</sup>, by an order of that date,



page  
23

called upon the Administrator of the Ex  
Mission for a report.

102 ND  
PAGE 174

~~23~~ 24

On the 11 July 1837 the Admin reported  
against the grant.

24

Nothing further was done until the  
22<sup>d</sup> of February 1839 when one of the  
former petitioners Antonio Maria Pico  
for himself, Anto Suid, Juan Bernal and  
Agustin Bernal petitioned for the permission  
to occupy the land, while the applica-  
tion for a title was pending. This per-  
mission was given by Gov<sup>r</sup> Alvarado by  
an order on the margin of the petition

24

On the 10<sup>th</sup> of April 1839 Gov<sup>r</sup> Alvarado  
made a decree of concession of the land  
to the four persons named in the last  
petition, viz - Anto Suid, Anto Ma Pico,  
Juan Bernal & Agustin Bernal.

25 & 29

On the 22<sup>d</sup> of May 1840 the Departmental  
Junta confirmed the grant

26 & 27

There was another petition presented  
by Anto Suid and Anto Ma Pico on  
the 1<sup>st</sup> of February 1839



pages  
27+28

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28+29

The formal title was issued on the 10<sup>th</sup> April 1839 - by Alvarado.

And was registered in the Secretary's office and in the office of the prefecture of the 1<sup>st</sup> District.

8 to 18

The foregoing facts appear from the copy of the Expediente certified by the Surveyor Genl. and the references are to the pages of the translation of the Expediente.

14

There are two maps in the Expediente referred to in the proceedings for a description of the land.

30 to 33

The grant was not only proved by the production of the copy from the archives, but the original was produced - accompanied by a copy of the decree of approval, and of the map referred to -

There is no translation of the original grant it being the same as the copy, the translation of which appears on pages 27+28 - with the exception which will be mentioned. A translation of the grant, approval, & certificate on the copy of the map is filed by consent -



page - The execution of the grant is proved  
6 by Manuel Jimeno, the Secy who  
signed it -

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The original grant is dated the  
10<sup>th</sup> April 1840 - The year is incorrectly  
stated - The traced copy from the  
archives gives the date April 10. 1839  
it is so stated in the decree of the  
Assembly approving the grant; and  
Anto Ma Pico, one of the original grantees,  
Examined in this Court, testifies that  
the grant was made in 1839 -  
The discrepancy is not material -

The compliance by the grantees  
with the condition of the grant in  
regard to occupation is proved by the  
4 + 5 - deposition of Anto. Ma. Pico.

Neither in the petition, decree of Con-  
-cession, nor grant is any quantity  
of land specified. The grant is of  
all the land within designated  
limits and according to the map  
appearing in the expediente - The  
depositions of Anto. Ma. Pico and José  
Higuera, taken in this Court, show



that the boundaries are well defined and that there is no difficulty in tracing them on the ground.

On the 6.<sup>th</sup> December 1842. Anto Ma Pico conveyed his interest in the land 34 to 37- to Anto. Suñol

5 The execution of the conveyance is proved by Pico himself.

On the 10. Nov<sup>r</sup> 1849. Suñol sold and 38 & 39 conveyed this interest to Juan Bernal leaving the several interests of the claimants as follows: Antonio Suñol  $\frac{1}{4}$  - Juan Bernal  $\frac{1}{2}$  - Agustin Bernal  $\frac{1}{4}$  —

41 - The claim was confirmed by the Board of Land Commissioners, the decree of confirmation setting forth the boundaries and referring to the map.



U. S. Dist. Court

N<sup>o</sup> 102

The United States

v

Antonio Sund et al

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U. S. District Court

The United States

vs  
Antonio Suro et al

3  
370102.

San Francisco, June 8. 1845.

Messrs Cockett & Crittenden

Attys for claimants  
Gentlemen.

You are hereby notified that the Surveyor General of the U. S. for Cala has returned to this Court a plat of his survey made in pursuance of the order of the Court entered March 4. 1843; and that on Thursday next, the 11<sup>th</sup> day of June instant at 11 o'clock A. M. or as soon thereafter as counsel can be heard I will move the Court to approve ~~said~~ <sup>the</sup> survey and location of the land confirmed, as shown by said plat.

Yours &c

Jos H Sharp

U. S. atty

by Jno P Williams  
in aid.



102

W. S. Abstract Court

The United States

Antonio's funeral

Notice

Left a copy of the within notice at  
Col. Crockett's office. this 8th June 1863.

Thos. M. Jewett



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

The United States }  
vs } No 102  
Antonio Suid & others. }

You will please take notice that  
on Monday the 11<sup>th</sup> day of August 1862  
at the opening of said District Court  
on that day, or as soon thereafter as  
counsel can be heard, we will move  
the Court for an order confirming  
the survey made in this case by the  
Surveyor General of the United States  
for California under the order of  
this Court filed March 18, 1862  
directing a new survey, the  
plat of which new survey was  
returned by said Surveyor General  
and filed in this Court on  
the 30<sup>th</sup> of June 1862.

July 31, 1862.

Leucke & Hutter  
Attys for Plaintiffs

(over)



W

Wm H Sharp

U. S. Dist. Ct

Messrs Thouten & Williams

for Intervenor Martin

E. W. Sloan

for Intervenor Dougherty

Service of the foregoing notice  
acknowledged - August 5, 1862

E. W. Sloan

for Dougherty

Wm H Sharp

U. S. Atty

Williams & Thouten

attys for Martin



U. S. District Ct

The United States

Auto. Seal  
to this -

Notice of motion  
to confer Harvey -



In the District Court of the United States  
FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

*Antonio Sunda et al*

IN LAND CASES.

Dist. Court No. *102*

Land Com. No.

To *Crocker & Crittenden & C. H. S. Sloan & J. J. Williams*

You are hereby notified that the testimony of *C. H. Dyer* in the above entitled cause in behalf of *the U. S.*

will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on *Wednesday* the *7<sup>th</sup>* day of *Aug* A. D. 186 *1*, at *11* o'clock, *AM.*, and continuing from day to day until finished, at my office, No. *6* U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this *31* day of *July* A. D. 186 *1*.

*Orville McAllister*

U. S. COMMISSIONER.



Service of a copy of the within  
notice this day <sup>made on me</sup> ~~acknowledged~~  
July 31st 1861 — Jno Williams  
Crockett & Grithenday  
Attorneys &c

I certify that I have left a copy  
of the within notice at E. H. F. Sloan's  
office, this 31st day of July 1861.  
Thomas M. Jewett

*(Original)*  
No. 102

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

THE UNITED STATES,

v.

Antonio Sarmiento

NOTICE.

To

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U. S. COMMISSIONER.  
*Arthur M. Alister*



## In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

IN LAND CASES.

*Antonio Smiol, et al.*Dist. Court No. 102,Land Com. No. 231,To *Calhoun Benham, M. C. Atty.*  
*John J. Williams, C. H. F. Sloan,*

You are hereby notified that the testimony of

*Antonio, M. Pico, Jose Noriega,*  
*José Fernandez, Pedro Chabolla,*  
*Christostomo Galindo, Jose Riguera,*  
*Antonio Riguera, Ant. Ma. Wilson,*  
*and William J. Lewis,*

in the above entitled cause in behalf of the

*claimants*

will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on *Monday* the *22nd* day of *April* A. D. 1861, at 10 o'clock, A. M., and continuing from day to day until finished, at my office No. 14 U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Witness my hand and official seal at the City of San Francisco,  
in said District, this *13th* day of *April*  
A. D. 1861.

*W. A. Chesebrough*

U. S. COMMISSIONER.



102. N

San Francisco.

April 13, 1861.

Copy within notice  
is hereby accepted,  
served on me this  
day J. Williams

Burham

U. S. Atty

E. W. T. Sloan  
& Williams

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

The United States. } No 102. D. C.  
vs. } "Valle de Sanford"  
Antonio Serrano et al. }

You will please take notice that on Wednesday  
the 19th day of June inst. at the opening of the  
Court on that day, or as soon thereafter as Coun-  
sel can be heard, we shall move the Court  
for an order fixing the time, within which  
the proofs shall be closed, and for the hearing  
in the above entitled cause.

Dated San Francisco, June 15<sup>th</sup> 1861.

To } Crockett & Britton  
Wm. H. Sharp Esq. } Attorneys for claimants  
Attorney for the U. S. }  
and J. J. Williams Esq. }  
Attorney for Martin }  
and Messrs. C. W. Sloan & }  
J. B. Williams }  
Attorneys for Dougherty. }



No 102.

U. S. District Court.  
"El Valle"

~~A~~ service of a copy  
of within notice, is  
admitted, June 15 1881

Williams & Thoms

Wm Sharp  
Per G. Sharp

Geo B Williams

The United States

vs.

Antonio Escudé

Notice of motion

30 days -

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The United States

<sup>vs</sup>  
Antonio Surocal

*Charge*  
The claim in this case was  
unanimously confirmed by the  
Board of Commissioners

Its validity was proved by the  
production of the original grant  
and of the Expediente from the  
Archives - The Expediente also  
shows that the grant was  
registered in the Secretary's office  
and also by order of the Govern-  
or in the office of the Pro-  
fector of the first district.

Both the Expediente and  
the grant produced by the  
claimant contain the certificate  
of registry and of the appro-  
val of the grant by the De-  
partmental Assembly -

The evidence shows a sub-  
stantial compliance with  
the conditions - and the bound-  
aries and extent of the granted  
land are clearly indicated by  
the description in the grant &  
the delineations on the map.

No objection to the confirmation  
of this claim having been made  
by the District Attorney we do



PAGE

not deemed necessary to recapitulate at length the various proceedings before the Governor nor to refer particularly to the evidence by which its validity has been established

A decree affirming the decision of the Board must therefore be entered -

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The A. S. Light

At

Antonio Samuel

Opinions

✓

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Antonio Samuel et al, Valle de San José, Alameda Co  
tract by metes & bounds supposed to contain  
11 leagues. Confirmed  
Crockett & Cullen



In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

*Antonio Tinol et al*

IN LAND CASES.

Dist. Court No. 102

Land Com. No.

To *Crockett and Crittenden,*  
*E. W. F. Sloan and J. Williams*

You are hereby notified that the testimony of

*E. H. Dyer*  
in the above entitled cause in behalf of *the United States*  
will be taken before me, the undersigned, a Commissioner duly appointed by the  
Circuit Court of the United States for the Districts of California to take acknowledg-  
ments of bail and affidavits, and also to take depositions of witnesses, in civil causes  
depending in the Courts of the United States, pursuant to the Acts of Congress  
in that behalf, commencing on *Saturday* the *17*-day of *Aug*  
A. D. 186 *7*, at *11* o'clock, *AM.*, and continuing from day to day until finished, at  
my office, No. *6* U. S. Court Rooms; and you are hereby further notified to then  
and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this *10<sup>th</sup>* day of *Aug*  
A. D. 186 *7*.

*Caleb McAllister*

U. S. COMMISSIONER.



Copy of the within notice acknowledged this  
10th day of Aug 1861. *J J Williams*

*Wm Rabe*

*E. W. F. Sloan*  
*Crockett & Crittenden*  
*Attorneys for Claimants.*

*Original*  
*No. 102*

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

THE UNITED STATES,

v.

*Antonio Suroal et al*

NOTICE.

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*Leather M. Wheeler*

U. S. COMMISSIONER.



In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

*Antonio Suvol, et al.*

IN LAND CASES.

Dist. Court No. *102,*

Land Com. No. *231,*

To *Calhoun Benham, Esq.,*  
*U. S. Atty,*

You are hereby notified that the testimony of

*Ant<sup>o</sup> M<sup>a</sup> Pico, Jose' Pariza,*  
*Jose' Fernandez, Pedro Chabolla,*  
*Christosomo Faludo, Jose' Agnera,*  
*Antonio Agnera, Ant<sup>o</sup> M<sup>a</sup> Nelson,*  
*and Mr S. Lewis,*

in the above entitled cause in behalf of the

*defendants,*

will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on *Monday* the *22nd* day of *April* A. D. 1861, at *10* o'clock, *A.M.*, and continuing from day to day until finished, at my office No. 14 U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Witness my hand and official seal at the City of San Francisco,  
in said District, this *15th* day of *April*  
A. D. 1861.

*M. A. Chever*

U. S. COMMISSIONER.



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M.S.  
- as  
Enrol. et al.  
In and  
Take testimony  
22nd April, '61.

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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, Sep. 23. 1854

John A. Moore 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. 231 on the Docket of the said Board, wherein

Antonio Duran et al are the Claimant against the United States, for the place known by the name of El Valle de San José

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher  
Suj.



United States District Court

The United States

vs

Antonio Smit et al

No 102 -

## Brief for Smit &amp; others -

Mr Williams in the brief which he has filed undertakes to discuss the question of survey in this case as if it were entirely an open one - as if there had been no previous action of the Court in regard to the location of the land - This is not so. A survey was made by the Surveyor General and filed Nov 8. 1860 to which the claimants objected. On their motion it was brought into Court. They filed their exceptions - A mass of testimony was taken and the case argued and submitted. The controversy was mainly between the claimants and Martin & Dougherty, owners of adjacent lands - the U. S. being an indifferent party to the contest, and Mr Williams in the name of the U. S. appearing for Dyer, Mason & Cheney, three squatters on the south west portion of the tract.

The following were the points of controversy  
 1<sup>st</sup>. Between these claimants and Martin & Dougherty, claimants of the Santa Rita



and San Ramon Ranches - Said others contending that the northern line of the Survey of the Rancho del Valle was erroneous and that under the calls of their grant and diseno they were entitled to run far north of that line and to include the land lying between the Tasajiva Creek and Livermore's Ranches - as far north as the Loma Alta - shown on Exhibit Lewis No 1 -

2<sup>nd</sup> - Between the Claimants and the U.S. - the latter contending that the grant was only for 6 Leagues, while the Claimants insisted it was a grant within certain meters and bounds irrespective of quantity -

3<sup>d</sup> - Between the Claimants and the three Squatters represented by Mr Williams the latter taking the position that all the land included within the Survey at the South West Corner and lying South West of the Culaveras Creek should be excluded - in other words that the Culaveras Creek, or some other Creek which would not take in the land squatted on by them was the South West boundary of the grant.

Before any decision of the case by the Court (except upon the one



point of controversy between the claimants and the U.S. which, I am under the impression was argued and decided, a stipulation was entered into by the parties which is in writing and is on file - It was the result of a compromise between these claimants and Martin & Dougherty, who agreed upon a common line and in accordance with this agreement decrees were entered in the ~~San Ramon~~ Santa Rita case, a line run according to it and the survey approved - As between these parties the agreement removed all ground of contest -

By the stipulation the parties assented to an order for a new survey in this case by which only the Northern line was changed so as to include more land on the north - the greater part of the additional quantity being taken from the tracts claimed by Martin & Dougherty and only a small portion at the North East corner, that is the rectangle (on last survey) north of Oak & S 1. 26, lying outside of what had been included in the surveys of the lands of Martin & Dougherty -

The decree for this new survey



was filed March 18<sup>th</sup> 1852 and a survey made  
in conformity to it was filed June 30<sup>th</sup> 1852

The stipulation is written at the  
foot of it - It reserves the rights of  
Dyer, Mason & Cheney, and of such  
persons as may be affected by the  
change of the northern line -

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It also reserves the question of  
quantity - in order not to preclude the  
United States from insisting upon its  
objection on appeal - but it being  
understood that in this Court the  
objection would not be again pressed

Since the coming in of the new  
survey exceptions have been filed by  
the United States which present the  
points that remain to be considered

The grounds taken are

1<sup>st</sup> "That the survey includes certain tracts  
of land on the west previously excepted  
to by the U. S. as wrongfully included  
in the former survey and which should  
be ~~Ex~~cluded" (This I understand to  
refer to the land in the South West  
Corner between the Culamias Creek  
and the lines of the Survey - being an  
exception - just broad enough to cover  
the squatters Dyer, Mason & Cheney).

2<sup>d</sup> "That said survey includes 320 acres  
more or less claimed by Thomas Hart



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and James Johnson, not included in the former survey but now wrongfully included in the survey shown by said plat filed June 30, 1872 and which said tract is claimed by said Hart & Johnson under the U.S." And there is a little addendum at the foot of these exceptions in behalf of Charles Duerr and others for 250 acres more or less -

Then is another point presented by the Exception - that by the stipulation the Claimants were bound to exclude the lands claimed by the squatters Dyce, Mason & Cheney. This point may be dismissed without further remark than that in the stipulation there is not the slightest shadow of foundation for such an assertion - The stipulation reserves their rights! until the coming in of the new survey, in order that they might then be heard - It is true it was anticipated when the order of survey was made that the claimants, already nearly ruined by the delay caused by the opposition to their survey, would give these three squatters 160 acres apiece to be rid of them - but they demanded so much above that quantity that as to leave the claimants no alternative



but to submit it to the Court to determine what are the rights! of these gentlemen - This explanation is outside of the record it is true - but in making it, I only follow the example set me by Mr Williams as the Court will perceive -

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The questions then to be examined are

- 1<sup>st</sup> - Whether this second survey in its delineation of the boundary on the South West
- 2<sup>nd</sup> - Whether Thomas Hunt, James Gibson, Charles Dueson & others have any rights to "more or less" acres, which are im-  
-properly included in the survey.

Mr Williams undertakes to recite all the proceedings of the authorities in connection with the making of this grant and arrives at the conclusion that there must have been a surplus within the exterior boundaries, because there was a surplus in the grant to Dolores Pacheco, and that because in the case of Pacheco designation of quantity in the petition must be regarded, it must be equally regarded in this case and the claimants limited to six leagues - Such



reasoning has no weight. It would be easy to show from an examination of the Expediente in the two cases that a broad difference existed, and that the conclusion is unassailable -

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But it is not an open question. The decrees of Confirmation both of the Land Court and of this Court make no mention of quantity but confirm to the Claimants all the land within the Exterior boundaries. The decree of this Court, unappealed from as it is, is final and conclusive on this point and in any controversy upon the subject the only question must be whether the land included by a survey is within the Exterior boundaries as described in the Decree -

Further, no such question is raised by the exceptions to this survey -

And again, even if the claimants were limited to six Leagues it would not help either the South West or North East squatters - for the claimants have elected to take the land included in this survey and to take in these ~~squatters~~ squatters and no question can concern them but the single one whether the land they are after so earnestly is within the Exterior boundaries of the grant.



8

And, after all, to that conclusion Mr  
Williams comes - for he says, "we have  
then only to ascertain the out-bow lines of the  
land granted to And & others, within which  
is to be located the six leagues granted"

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And he adds that "it would seem that  
what was evidently understood on the 10<sup>th</sup>  
April 1839 can be substantially ascertained  
now."

Perhaps - but not in the mode adopted  
by <sup>the</sup> ingenious Counsel - It is a mode ~~not~~  
I mean that remarkable and novel - that  
of erasing from a map just so much  
as it may help the Counsel's Cause, or  
as he may think will help it - and to  
erase it upon a bold assumption, unsus-  
tained by a particle of evidence - that  
additions and alterations had been  
made upon the map by the parties while  
in their possession - If the privilege  
were allowed Counsel of thus fixing up all  
the papers of his adversary, he ought to  
be able to win every cause - but he could  
not do unless he should display more  
skill and boldness in the use of the  
privilege than has been shown here - For  
all the supposed alterations and additions  
now proposed to be erased, are entirely  
immaterial and by no possibility can



affect any question in the case - The Counsel to have accomplished his object should have proposed to the Court to consider the "Somera" at the North and all the lines intended to represent it, and also the "Somitas de los Conalitos" and the lines showing the stream at the South West, as evaded - He has not asked enough to do him any

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good - The boundaries of the land confirmed in this case are thus stated in the Decree of the Land Commission - ( I presume they are the same in the decree of this Court which is said to be mislaid ) -

On the South East by the Conalitos, on the East by the edges of the Comatas of the Pocitas, adjoining the water, and on the North West and North by the place of the Arroyo Cañada de la Yacagana. The decree refers to the map mentioned by Mr Williams -

The above description is taken from the words of the grant.

In the record there are 3 maps - The presence of so many is to be explained by the fact of the number of different applications for the land, sometimes made by all the parties and sometimes only by a portion of them - sometimes probably for part of the land - sometimes for the whole of it - and with each application a new design may have



been presented - As far as any question in this case is concerned I care not which map is referred to - whether the one specially mentioned in the decree or either <sup>through the smaller one is a more rough pencil sketch and</sup> of the others - I am content to take the one Mr Williams has selected.

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And looking to the grant, maps and decree let us see whether

1<sup>st</sup> The Survey is correct in regard to the lines at the South West Corner -

Mr Williams says the Creek must be the boundary. I say the hills which line of the survey follows.

The topographical map Exhibit Lewis No 1 shows the exact difference between us -

The Corralito is called for as a boundary both by the grant and decree and the map referred to by Mr Williams (on stamped paper) shows exactly what is intended by the Corralito, where it is, and declares that it is the boundary on the South - "Linderos por el S" - And these are not words which the Counsel asks to have erased - He thinks the "Camino" added - Let it go - the hills remain designated as the boundary -



Compare this design with the topographical map of Mr Lewis. They will be found to agree on this Southern line. The design represents a considerable strip of land as lying between the Culaveras Creek and the top of the Somitas - The same is found on the map. That land is included in the survey - we say properly.

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But Mr Williams objects that as to the Creek the words "Arroyo de la Alameda" have been erased, and the words "Arroyo de las Calaberas" written in their place. Well! What of it? The Creek is still there and it speaks for itself as well without a name as with it - by a wrong name as by a right one - Lewis's map shows that that portion of the Creek is now called the Culaveras. It is one of the streams forming the Arroyo de la Alameda. There can be no doubt what Creek is intended and there can be no doubt that following the lines indicated by the design the grantee has a right to go South of that Creek by any ~~name~~ name and to the top of the Somitas for their Southern boundary.

Mr Dyer has made a topographical map too - & Mr Dyer is the squatter there - our enemy. A Mr Dyer makes a survey which apparently alters the



relation of objects and markers, nearer to the creek than Mr Lewis says they are, a gentle rise for the Fontas - with a plateau above - I am content to leave this question between Mr Lewis and Mr Dyer - The parties are exhausted by a long struggle for the land and have not the means of sending a Photographer to the spot to see what the sun would say. And if they did, twenty witnesses would appear to deny his assertion -

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The large diseño is equally explicit in this point - It represents the Creek calling it "llanada" and the Fontas -

And on the western line at its Southern Extremity the diseño is equally explicit. It shows the hills as the extreme object - the boundary - It has the word "linderos" written on it too - This Mr Williams would expunge. Waving all objection to the want of any proof of alteration, I submit to the Court upon inspection of the paper that these words have not been added - There is no presumption even to that effect. And if it were so, the diseño would remain still as clear and explicit.

And on the large diseño the hills are boldly represented -



When then is Mr Williams warrant for saying that this South Western Corner must be thrown out of the survey.

2<sup>nd</sup>. How are the rights of Thomas Hart, James Johnson, Charles Drew & others to some indefinite quantity of land unjustly affected by this survey?

Where is their land? There is not a particle of evidence to show the Court, nor is there any description in the exceptions to show where this land lies.

Outside of the record, I am told they all have squatters claims in the north east rectangle taken in by the new survey. Located there, they must show that they are outside of the Exterior boundaries of our grant.

The *descrio* is a complete answer to this supposition. It shows the *loma*, the hills, to be the Northern boundary of the grant - Where the hills are will appear from the topographical map of Lewis - They commence above this rectangle -

The large *descrio* shows the same hills -

Upon this point too I would refer the Court to the Expediente, grant and *descrio*



of Pacheco. In the contest between Smit  
 Lathers, and Martin the owner of the  
 Pacheco grant (which was settled by  
 compromise as I have stated - the  
 compromise being that the line now  
 run should be adopted) it was contended  
 by Smit and his associates that they  
 were entitled to go North, following up  
 the Arroyo de la Tasagera as far as  
 the Loma Alta, designated on Lewis Map  
 and the range of hills to which it belongs  
 and to take all the land lying between  
 the Canada de la Tasagera and the  
 Swinburn or Honiga grant - An immense  
 amount of testimony was taken in  
 regard to various matters bearing upon  
 this point - and I submit that it  
 establishes conclusively the right con-  
 tended for by Smit & his associates. I  
 cannot undertake to condense this  
 testimony or examine it in a brief.  
 It all bears more or less on this  
 question and is on file in No 153.  
 It is further unnecessary for the  
 further reason that it was discussed  
 fully before the Court - though no decision  
 was given - I think it will prove  
 unnecessary for the Court to refer to  
 it, for the reason that refer the

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diseno in this very case, in connection with the topographical map of Lewis the Court will be satisfied of the correctness of the survey at this North East corner. If mistaken, and the Court should entertain any doubt upon the subject, it will be wholly removed by an examination of the Expediente, grant and diseno of Pacheco, and the evidence presented in Explanation thereof.

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If I understand Mr Williams' argument in this point is that the diseno of the "Pocitas del Valle" (Aniga a Swinmore Ranch) for its western boundary calls for the boundary of Dolores Pacheco - that therefore Simol's land could not have run so far to the East - and his squatters must be on the land of Pacheco -

Then what becomes of the grant of Simol which declares Simol's Eastern boundary to be the "Edges of the Somitas of the Pocitas, adjoining the water"; and what becomes of Simol's diseno, which shows his western boundary to terminate on the East at a point very far north of the Pocitas and north of any land concluded in this survey. An examination of this diseno of Simol and comparison



if with the Topographical map of Lewis will enable the Court to recognize all the objects represented on the diseno, at the North East corner of the tract - amongst them the streams shown in Lewis' map westward of Severmore's house and the praderas themselves, for undoubtedly the two little ponds on the Eastern line of the diseno were so intended - and between these objects (which are just in the vicinity of this land Mrs Williams would Exclude) and the Northern boundary, the diseno shows a broad space, ~~indicating~~

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ND

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It is not singular that Pacheco's line should have been called for in Arriaga's diseno - The diseno was made before the grant - (The Arriaga, the Simol & the Pacheco grant I think were all made the same day) It was made at a time when both Simol and Pacheco were seeking a grant and when this very land was in controversy between them and before that controversy was decided by the Governor. The mere circumstance that Arriaga should have represented Pacheco's land as adjoining his, weighs absolutely nothing against the formal declaration of the Government that the such was not the fact - a



declaration made or conclusively im-  
plied both in the grants and disencos  
of Simó and Pacheco.

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As I have said before the testimony  
taken in N. 153 upon the controversy  
between these two grants will leave  
no room to doubt on this point.

A. P. Cutler  
For Simó & others



Tunol

Brief for  
Clamant  
of Citterbus