

CASE NO.

105

NORTHERN DISTRICT

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CANADA DE GUADALUPE GRANT

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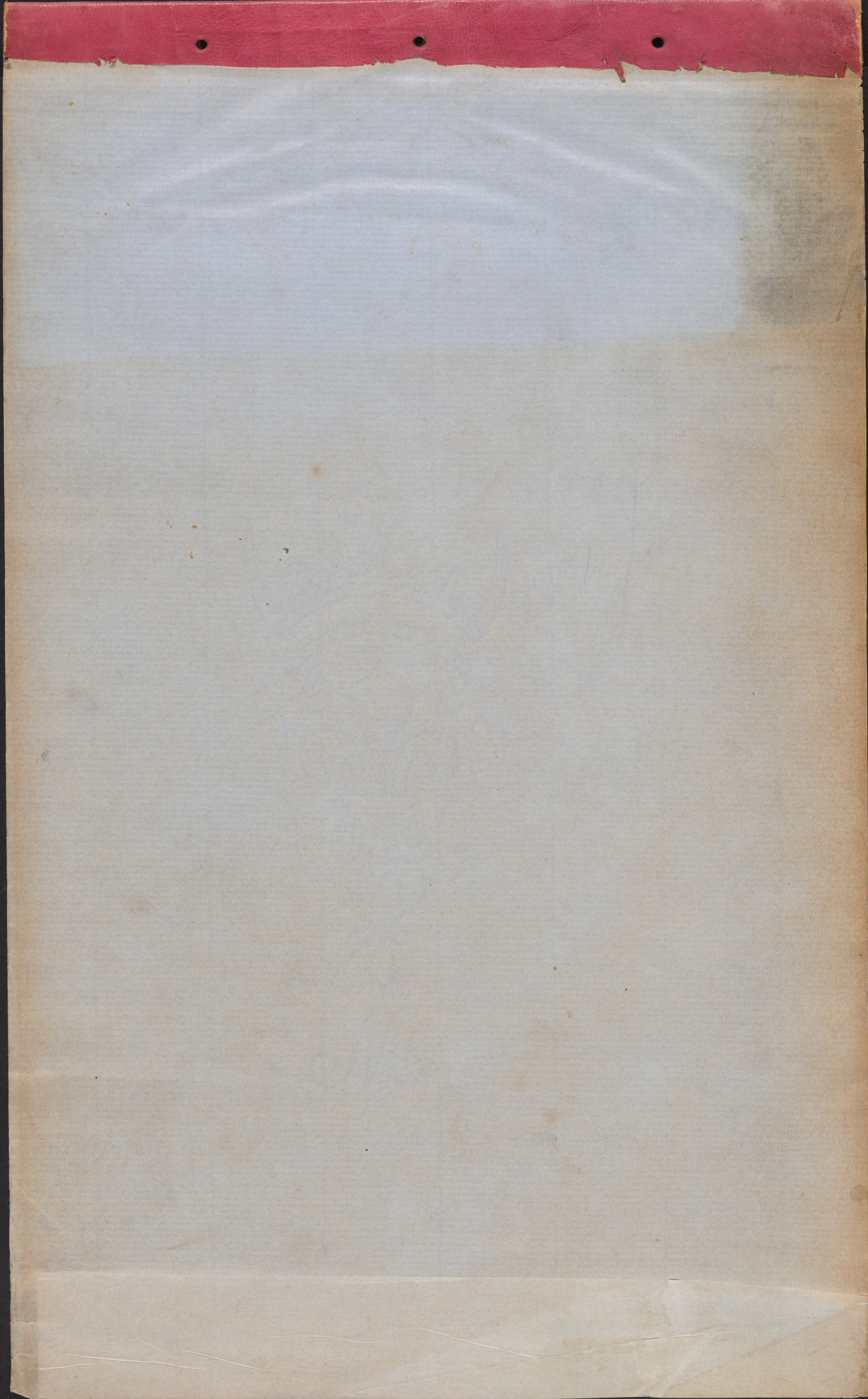
PRESENTACION DE RIDLEY, ET AL

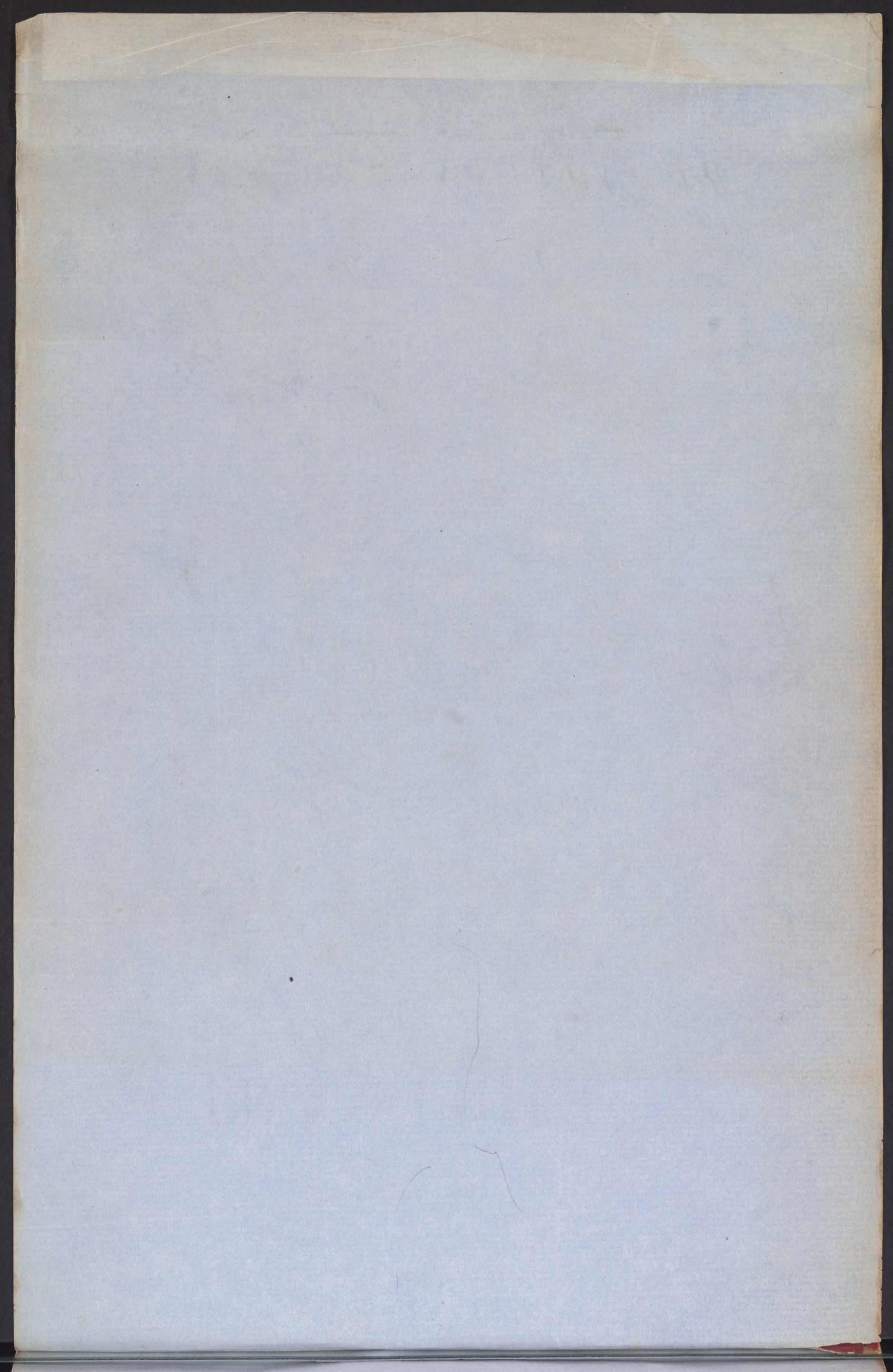
CLAIMANT

OCT 15 1962

OCT 18 1962

U.S. DISTRICT COURT  
MICHAEL BOND





# TRANSCRIPT

1-05 ND  
PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. 670

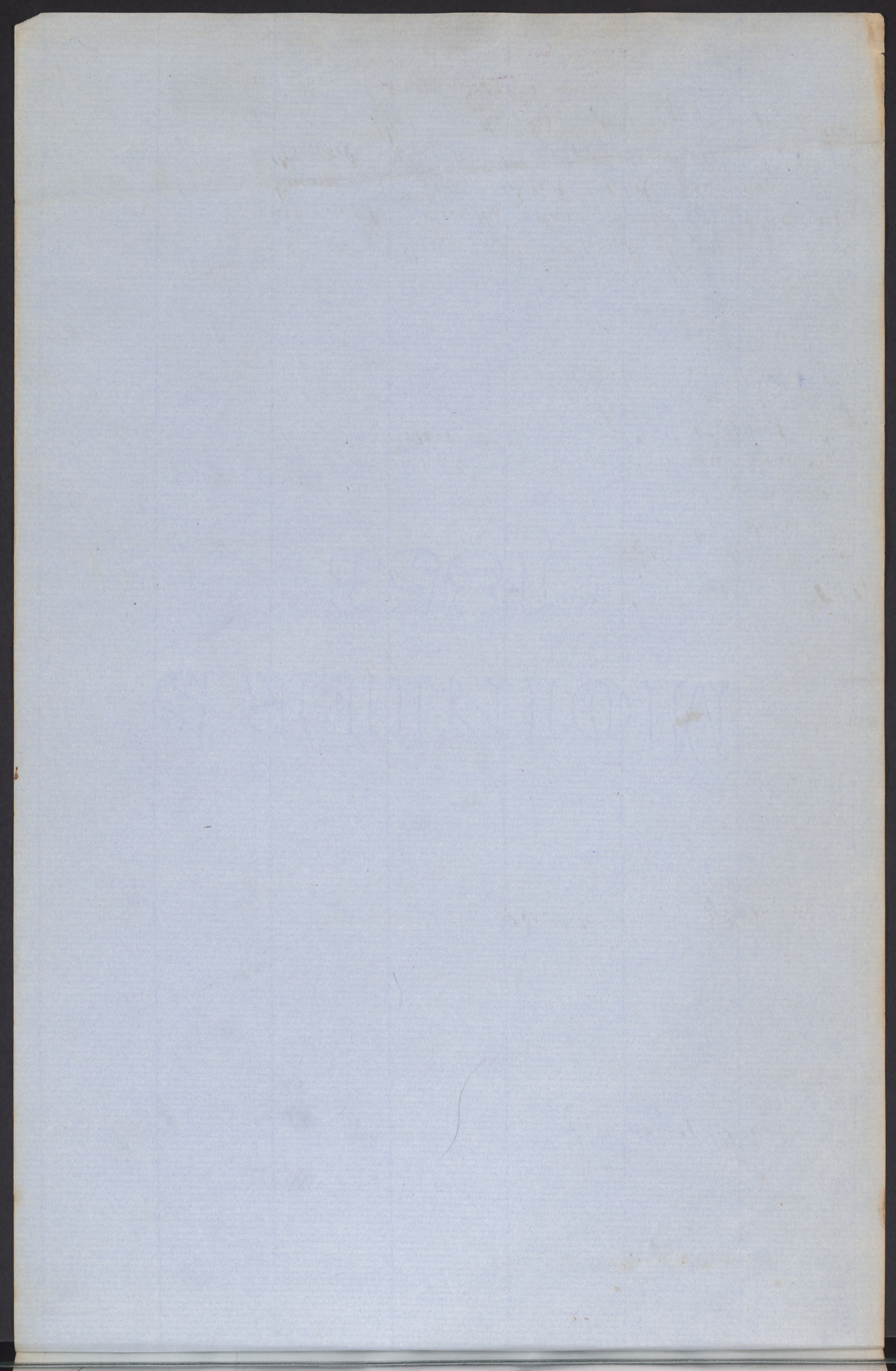
*Presentacion de Ridley & als* CLAIMANT'S

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"CANADA de GUAYNE"



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 first-day of March, Anno Domini One Thousand Eight Hundred and Fifty-Three, 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 Presentacion de Ridley et al  
for the Place named  
Canada de Guadalupe  
was presented, and ordered to be filed and docketed with No. 670 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;

Tuesday March 21<sup>st</sup> 1854  
It is Ordered in Case 670, Presentacion de Ridley et al, Claimants, On Motion of the United States Survey Agent, in conformity to the notice served upon them by Messrs. Yallock, Peachy and Billings, that their names be withdrawn hence forward as Counsel for the Claimants in this case

Tuesday April 11<sup>th</sup> 1854  
Case No 670, Presentacion de Ridley et al Claimants, for the place called "Canada de Guadalupe" was called, and for want of Counsel, for the Claimants, ordered to be placed at the foot of the Calendar of the 1<sup>st</sup> Class on the Trial Docket—

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Tuesday July 18<sup>th</sup> 1854

Case N<sup>o</sup> 670, Presentacion de Ridley et al  
Claimants, for the place named "Canada  
de Guadalupe" was submitted under the rule  
of March 21<sup>st</sup> last —

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Tuesday August 1<sup>st</sup> 1854

In Case N<sup>o</sup> 670, Presentacion de  
Ridley et al, for the place named  
"Canada de Guadalupe"  
Commissioner Phelps, Felch delivered  
the Opinion of the Board, rejecting  
said Claim  
(Vide page 7 of this Transcript)



To The Honorable Commissioners to Settle  
Private Land Claims in California.

The Petitioners Doña Presentación  
de Ridley, widow, and Clara Ridley  
and Robert Ridley, minor children of the  
late Roberto Ridley, respectfully represent:  
That on the 31<sup>st</sup> day of July A.D.  
1857 Juan B. Alvarado, Governor of California,  
by virtue of authority in him vested, granted  
to Jacob P. Leese the tract of land called  
"Canada de Guadalupe y La Visitacion",  
in the present County of San Francisco,  
containing two square leagues of land,  
more or less, with the boundaries described  
in the grant and corresponding map, all  
of which is fully shown in the original  
espiente of record in the Archives of the  
former Government and now in the  
charge of the Surveyor General.

That on the      day of December  
A.D. 1850, the said J. P. Leese sold and  
conveyed the said tract of land to said Roberto  
T. Ridley:

That on the      day of November  
A.D. 1857, the said Ridley died intestate  
in California leaving the petitioners,  
his widow and only legitimate children:

That the petitioners and those under  
whom they held have been for more than  
ten years and the petitioners now are  
in the lawful possession of said  
land.

That the petitioners before the  
hearing of said claim will produce the  
documentary and verbal testimony upon  
which they rely, and which they may  
be advised are necessary for the con-  
firmation of their said claim.

Wherefore they pray the Commissioners  
on the hearing of this their claim, to  
confirm the aforesaid tract of land.

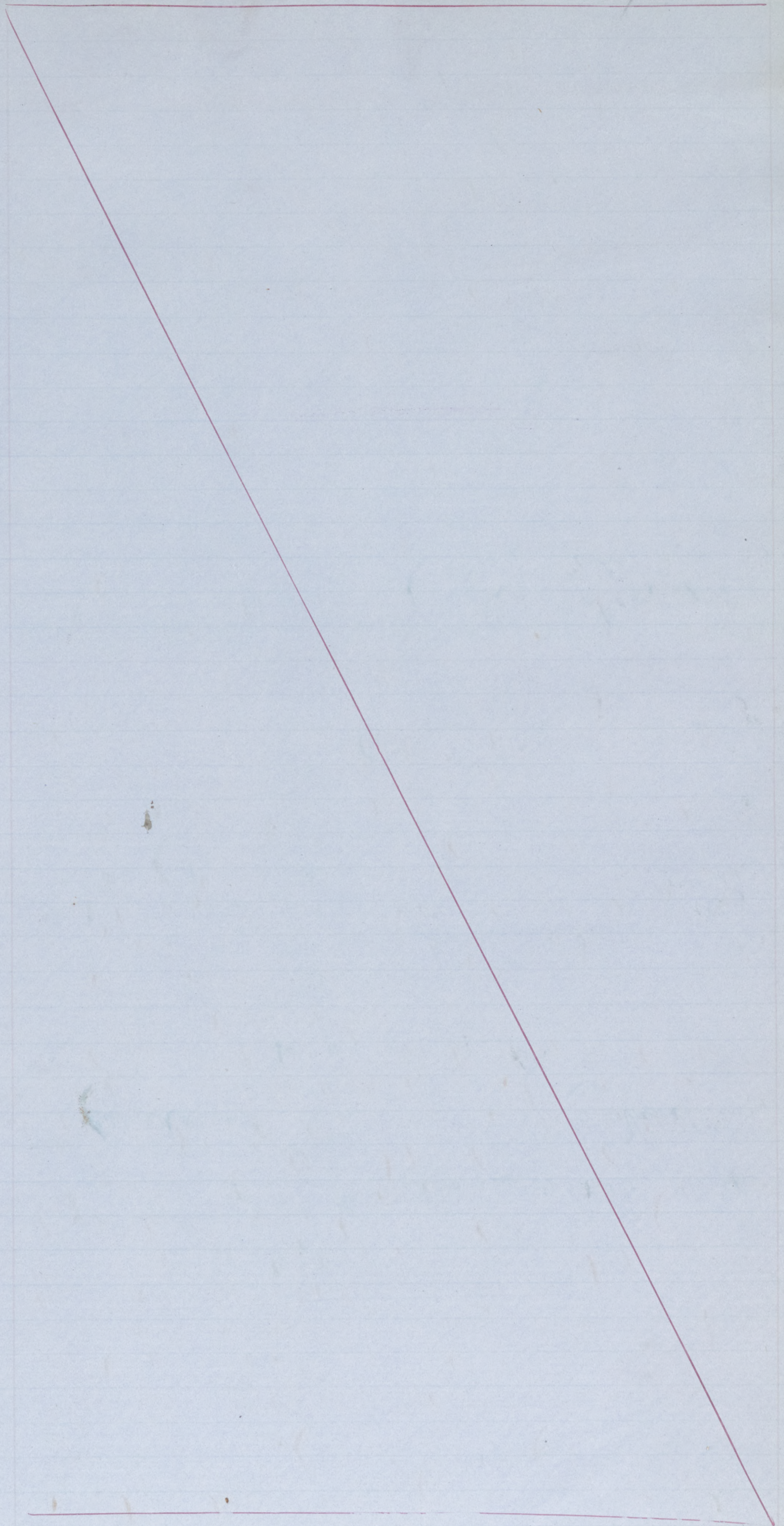
By their Atty's  
Hallek Beachy & Billings

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Petition

Filed in Office  
March 1<sup>st</sup> 1853,  
Secy. Fisher  
Sec

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No 670

Claim of Doña Presentación de Ridley et al.  
 To  
 Canada de Guadalupe y La Visitación  
 To the W. S. Land Agent.

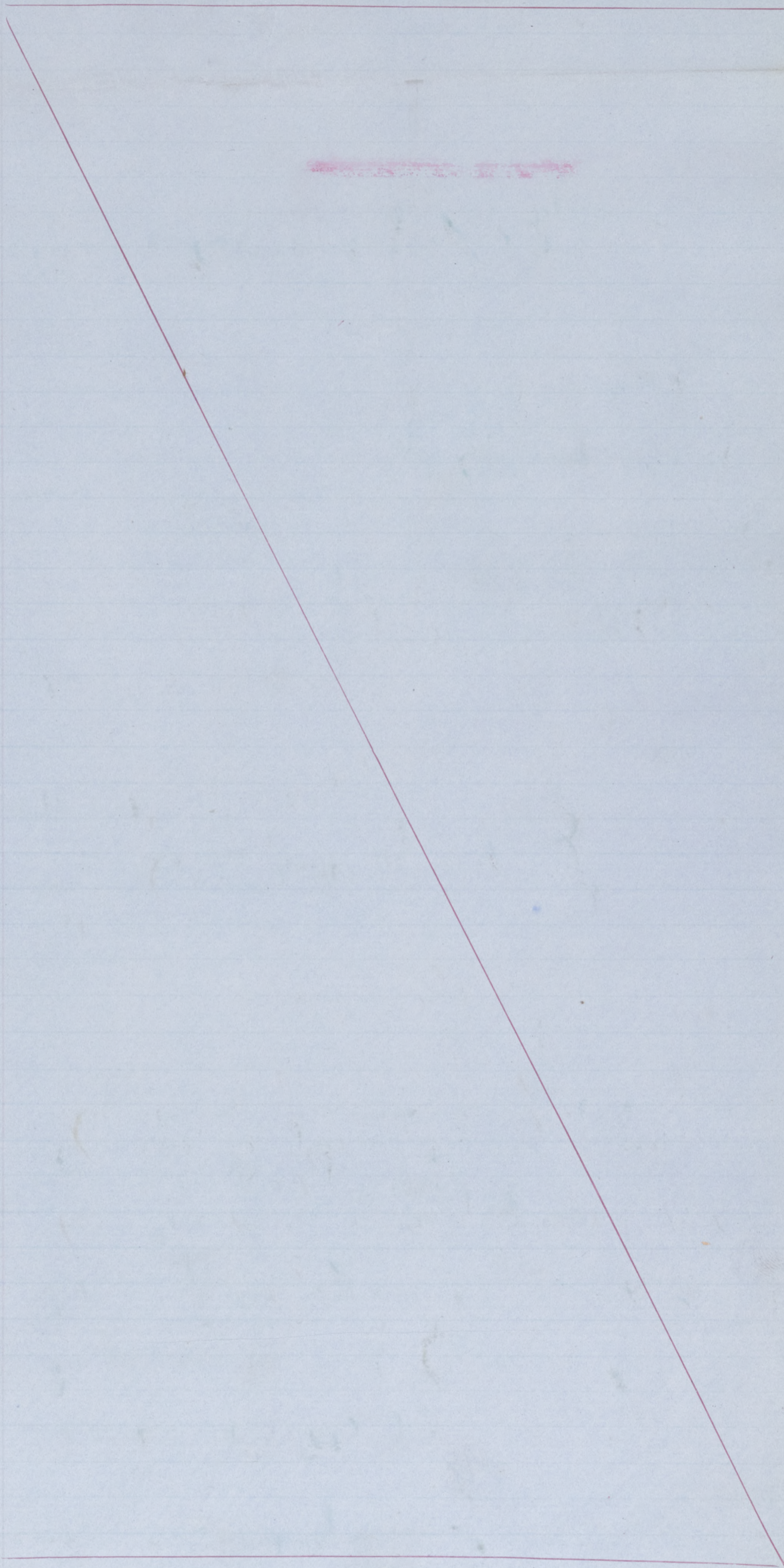
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Withdrawn  
 of  
 Counsel.

For  
 Please to take notice  
 that we withdraw our names as Atty's  
 for the Claimants in the above entitled  
 Case.  
 San Francisco March 14<sup>th</sup> 1854.  
 Walleck Peachy & Billings

Filed in Office March 20<sup>th</sup> 1854.  
 Sec<sup>y</sup> Fisher Sec.

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Presentacion de Ridley et al

<sup>vs</sup>  
The United States

For the place called Canada de Guadalupe  
of la Visitacion in San Francisco County  
containing two square leagues of land,

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Opinion by  
Alphens Delch,

No evidence of any grant of the land  
claimed or of any right thereto in the  
petitioners is given in the case.  
The claim must therefore be rejected,

Rejected

Presentacion de Ridley et al

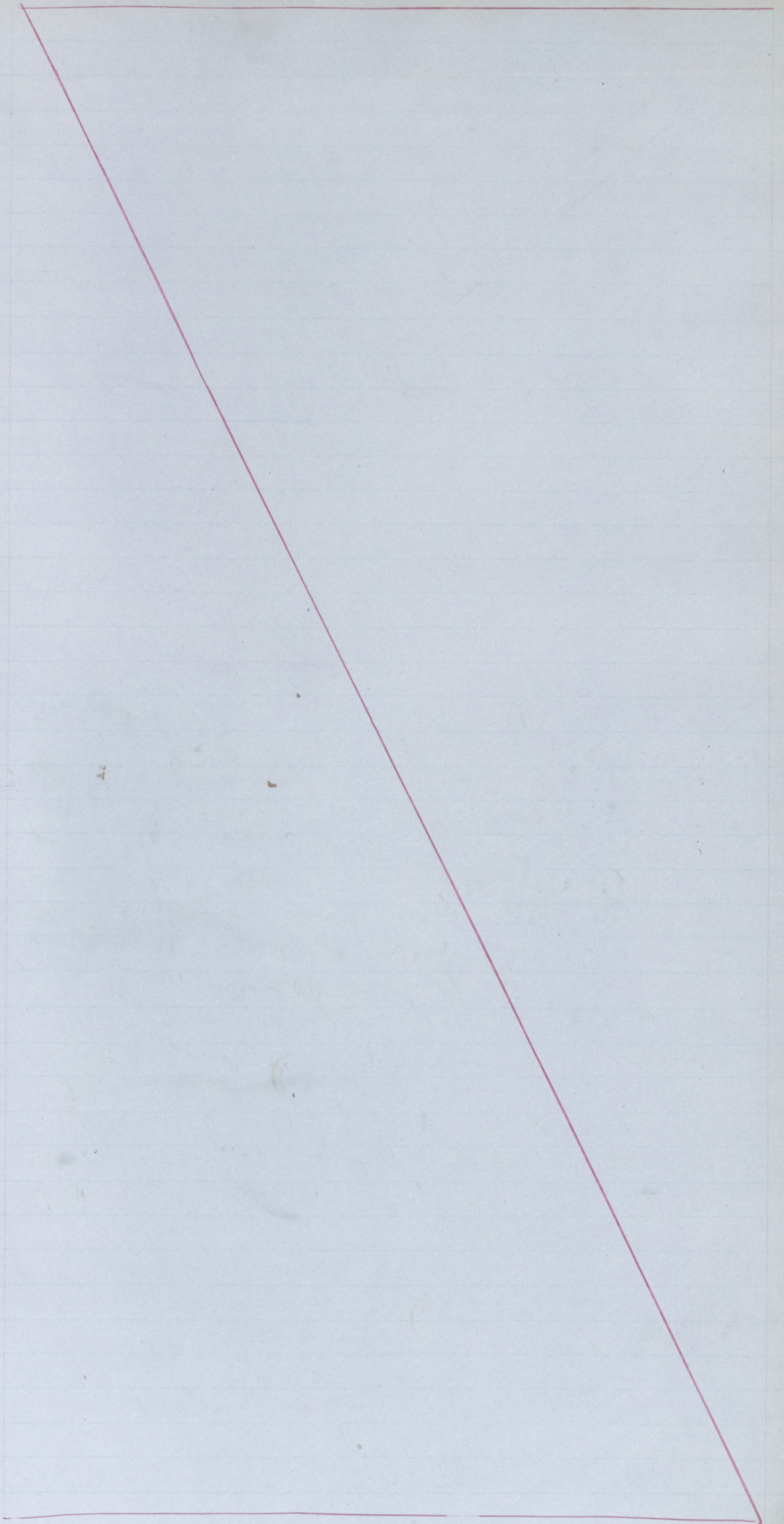
<sup>vs</sup>  
The United States

In this case on hearing the proofs and  
allegations it is adjudged by the Commission  
that the claim of the said Petitioners is  
not valid; and therefore it is decreed that  
their application for a confirmation  
thereof be denied.

Alphens Delch  
R. Aug Thompson  
S. B. Farwell  
Commissioners

Filed in Office Aug 1 1854.  
Geo. Fisher Sec.

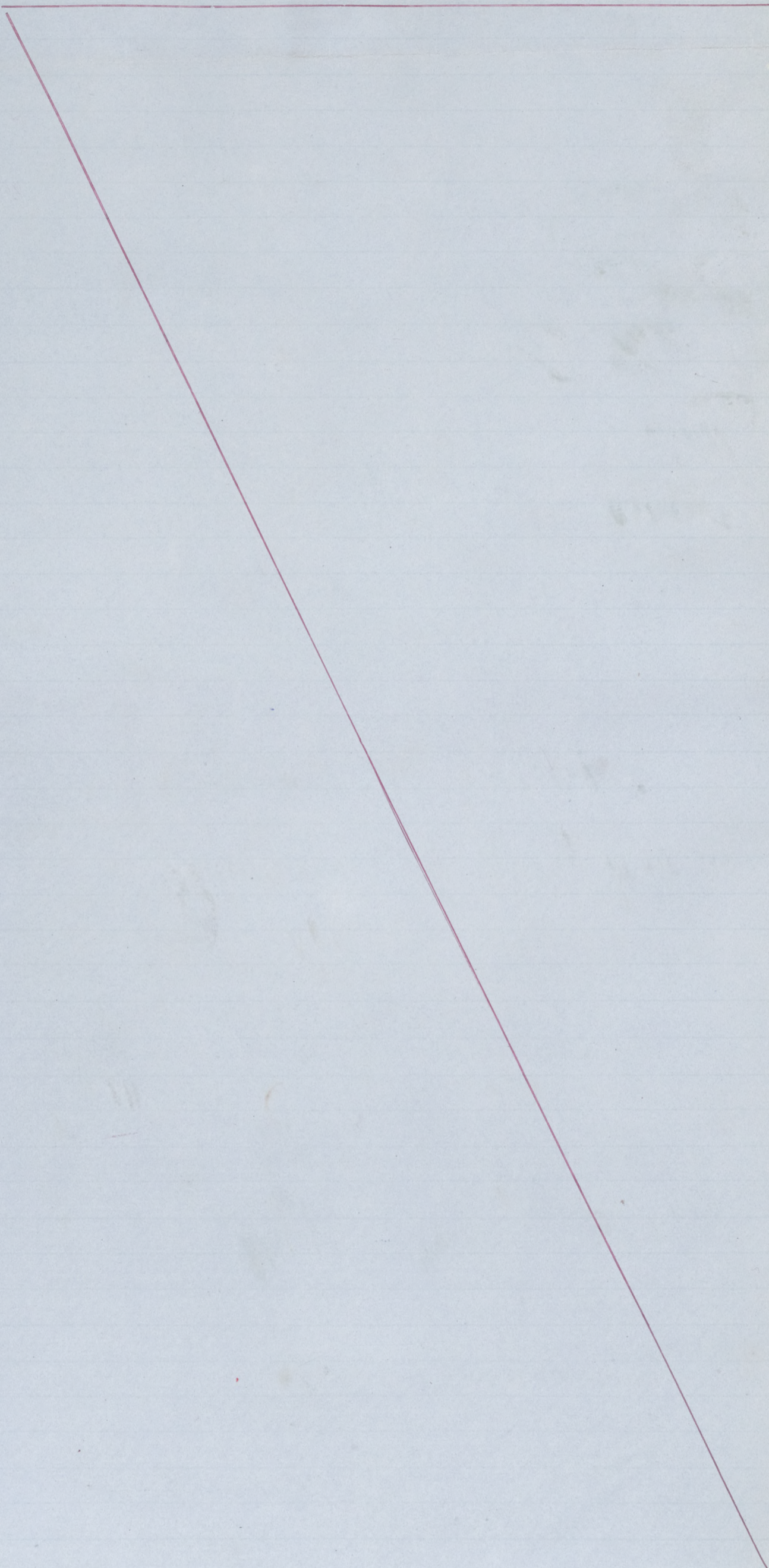
8.



b

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And it appearing to the satisfaction  
of this Board that the land hereby  
adjudicated is situated in the Northern  
District of California it is hereby  
Ordered, that two transcripts  
of the Proceedings and of the Decisions  
in this case and of the papers and  
evidence upon which the same are  
founded be made out and duly certified  
by the Secretary, one of which transcripts  
shall be filed with the Clerk of the United  
States District Court for the Northern Dis-  
trict of California, and the other be  
transmitted to the Attorney General of the  
United States.



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● Office of the Board of Commissioners,

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

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I, George Fisher Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing ten pages, numbered from  
1 to 10, 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. 670 on the Docket of the said Board,  
wherein Presentacion de Riley et al are  
the Claimant against the United States, for the place known by  
the name of "Canada de Guadalupe"

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

Geo. Fisher.

U. S. Dist. Court.

No 105

105

P. de Ridley, et al.

- vs -

The United States.

Transcript in case no:

670

Filed October 28<sup>th</sup> 1854.

Proctor & Moore  
clerk

A. Thomas

clerk of court

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

Presentacion Miranda de Redley

v.

United States.

Presentacion Miranda de Redley, the above.  
Claimant being duly sworn, deposes and says:  
That on the 31<sup>st</sup> day of July 1841, as she is informed,  
John B. Alvarado, then Governor of the Californias,  
granted to one Jacob P. Leese, a certain tract  
of Land situated in what is now the County of  
San Francisco, known by the name of "Cañada  
de Guadalupe, la visitacion y rodeo viejo,"  
which is the same land claimed in this case, and  
bounded as is stated in the case; that the said  
grant was sign by the said Governor; that as  
this deponent is informed and believes, the said  
Leese deposited the said grant and expediente  
with Francis J. Lippitt as an attorney in the  
early part of the year 1851, that on the  
2<sup>nd</sup> of May 1851 the <sup>office of</sup> said Lippitt was burned  
with every thing it contained as this affiant  
is informed and believes and that the  
said grant was also burned and destroyed,  
that all necessary search has been made  
where it was likely to be found, but without  
success; that the said Lippitt is not in the  
United States, but in Europe as this affiant  
is informed and believes, and that it is im-  
possible to procure his testimony as to the  
destruction of the said grant.

Presentacion Miranda Redley

Worn to & subscribed before me this 12<sup>th</sup>  
day of December, A. D. 1854,

W. A. Cheever  
U. S. Commissioner.

No 105-

U. S. Dist. Court,

P. de Ridley, et al

-vs-

The United States,

return

Affidavit of P. de  
Ridley,

Filed Dec. 12. 1854,

Wm. A. Moore,

Clark

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

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Dona Presentacion De Ridley

vs

The United States

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

Your petitioner Dona  
Presentacion De Ridley would respectfully represent to  
your Honor that on the 31<sup>th</sup> day of July 1841  
John B Alvarado then Constitutional Governor of the  
California Granted to one Jacob P. Leese than a citizen  
of Mexico a tract of Land situated in what is now the  
County of San Francisco State of California known by  
the name of "Canada de Guadalupe la Visitacion y  
Rodeo Viejo" containing two leagues bounded as follows  
to wit on the east by the Sea on the west the public  
Road and portuquelo on the north by the Rancho of  
P<sup>r</sup> Cornelia Bernal and on the south by the  
Ranch of Don Jose Sanchez

That in the Year of 1840 the said Leese occupied  
and improved the said described Land and built one  
or two houses that he kept stock upon it and  
continued to occupy it till 1842

That the said Leese after the said grant and in  
the year 1841 made application to Francisco Guerrero  
than the Alcalde of the District in which the said  
granted Land was situated for judicial possession

which the said Alcade promised to give but failed to do so  
That in 1842 the said Jacob J. Lese sold the said  
Rancho Robert Y. Ridley that the said Ridley  
took possession of the same and continued to occupy  
the same till after California was ceded to the United  
States by the Mexican Government

Your petitioner would further state that the said  
Robert Y. Ridley died in the Year 1851 leaving your  
petitioner his widow and two Children Clara & Robert  
Ridley by your petitioner his Lawful Wife that your  
petitioner presented her claim and also that of the said  
Children before the United States Land Commission  
established and organized under & by Virtue of an act  
of Congress entitled "an act to ascertain and settle the  
private Land Claims in the State of California" Approved

March the 3<sup>d</sup> 1851 that since the presentation of the said  
Claim to the Commission the said Clara & Robert  
Ridley have died without issue that the Claim so  
presented to the said Rancho by your petitioner  
and by order of said Board of Commissioners  
was rejected by the said Board of Commissioners, a  
transcript is placed on file in this Court in Compliance with  
the Statutes of the United States in such case made and  
provided that your petitioner would further state that  
He appeals from the judgement of the said Board  
of Commissioners in this case to this Honorable Court  
In Consideration of all of which your petitioner prays  
that the said tract of Land may be Confirmed to her  
and as duty bound will ever pray

A Thomas  
Attorney for Petitioner

No 105-

U.S. District Court

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Presentacion de Midley

vs

United States

Petition

Filed Dec: 12, 1854,

John A. Monroe,

Clerk,

A Thomas

atly for Petitioner

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

The United States }  
vs } D.C. 105: L.C. 670.  
P. de Ridley et al }

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The United States by  
their attorney deny the validity of the  
title set out in the petition of the  
appellants and pray that the decision  
of the United States Land Commission  
be affirmed and that the said title  
be decreed invalid.

San Francisco Feb 12. 1857.

Wm Blanding  
U. S. Atty.



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The United States

vs

P. de Kildy et al

Answer

Filed Febry 12, 1857.

W. F. Chevers  
Deputy.

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Am Blanding  
W. S. Atty.

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

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Isaac W Thorne being duly sworn doth say that he became acquainted with Robert J. Ridley and Presentacion Ridley his wife in the fall of 1849. — that during a part of the years 1850 and 1851 he boarded with them at their house in the Mission Dolores, and at that time they had no children living — that he frequently heard them talk of their deceased children, during said time, and spoke of said children as Robert and Clara — heard the said Robert J. Ridley say that the said children were killed by the mal-practice of the physician who attended them during their last sickness — that from conversations had with the said Robert J. Ridley & Presentacion Ridley at various times during the years 1850 & 1851. he the said deponent received the impression and now believes that the said children Robert and Clara died, one in the year 1847 and the other in 1848, and that he knows that the said Robert J. Ridley died in October A.D. 1851. and left no surviving children

Subscribed and sworn to } Isaac W. Thorne  
Before me this }  
15<sup>th</sup> day of June A.D. 1858. }  
Geo. Penn. Johnston U.S. Comm.

No. 105

U. S. Dist. Court.

P. de Ridley, et al.

vs

The United States.

Affidavit of  
J. A. Thorne.

Filed June 16, 1858,

H. A. Chever,

Clerk

105 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 *16th* day of  
*June* in the year of our Lord one thousand

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

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

vs

P. deKidley et al.

D. C. 105; L. C. 1/10.

This cause came on to be heard on appeal from the final decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California, under the act of Congress approved March 3, 1851, upon the transcripts of the proceedings and decisions of the said Board of Commissioners, and the papers and evidence on which the said decision was founded; and it appearing to the Court that the said transcripts has been duly filed according to law; and the cause having regularly come to a hearing; it is by the Court hereby ordered, adjudged and decreed that the said decision be and the same is hereby in all things affirmed; that the claims of the appellants is invalid, and that the same be and hereby is rejected.

Ogden Hoffman,  
U. S. District Judge

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United States District Court, Northern District of  
California.

*The United States*

*vs.*

*P. deKidley et al*

**ORDER.**

*Decree rejecting claim.*

Filed *June 21,* 1858,

*H. G. Chivers*  
CLERK.

By

DEPUTY.

105 ND

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