

CASE NO.

121

NORTHERN DISTRICT

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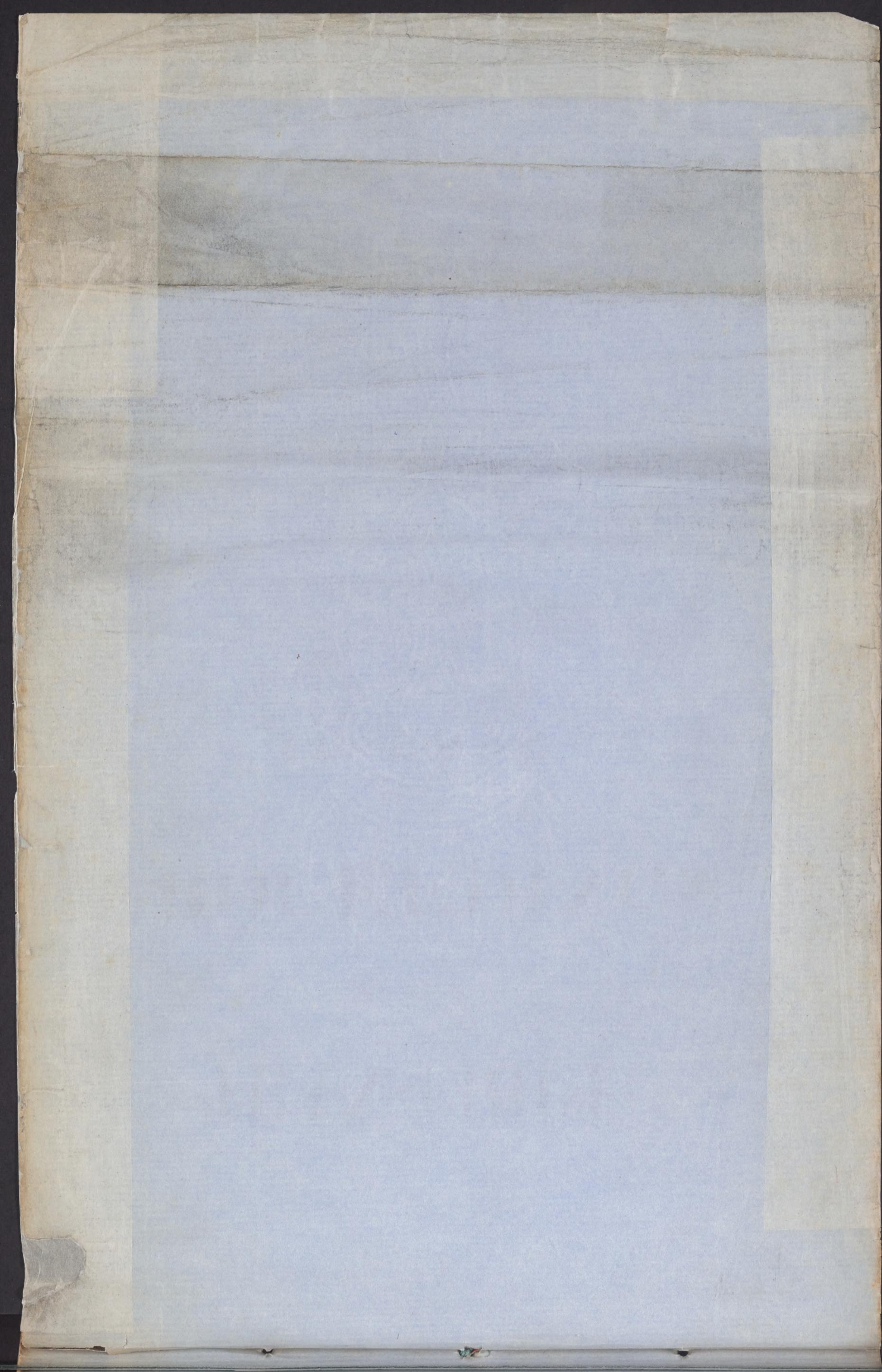
BOLSA DE TAMALES GRANT

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JAMES D. GALBRAITH

CLAIMANT

205-



E 121 ND  
PAGE 1

# TRANSCRIPT OF THE PROCEEDINGS

**IN CASE**

NO. 205

*James D. Galbraith*

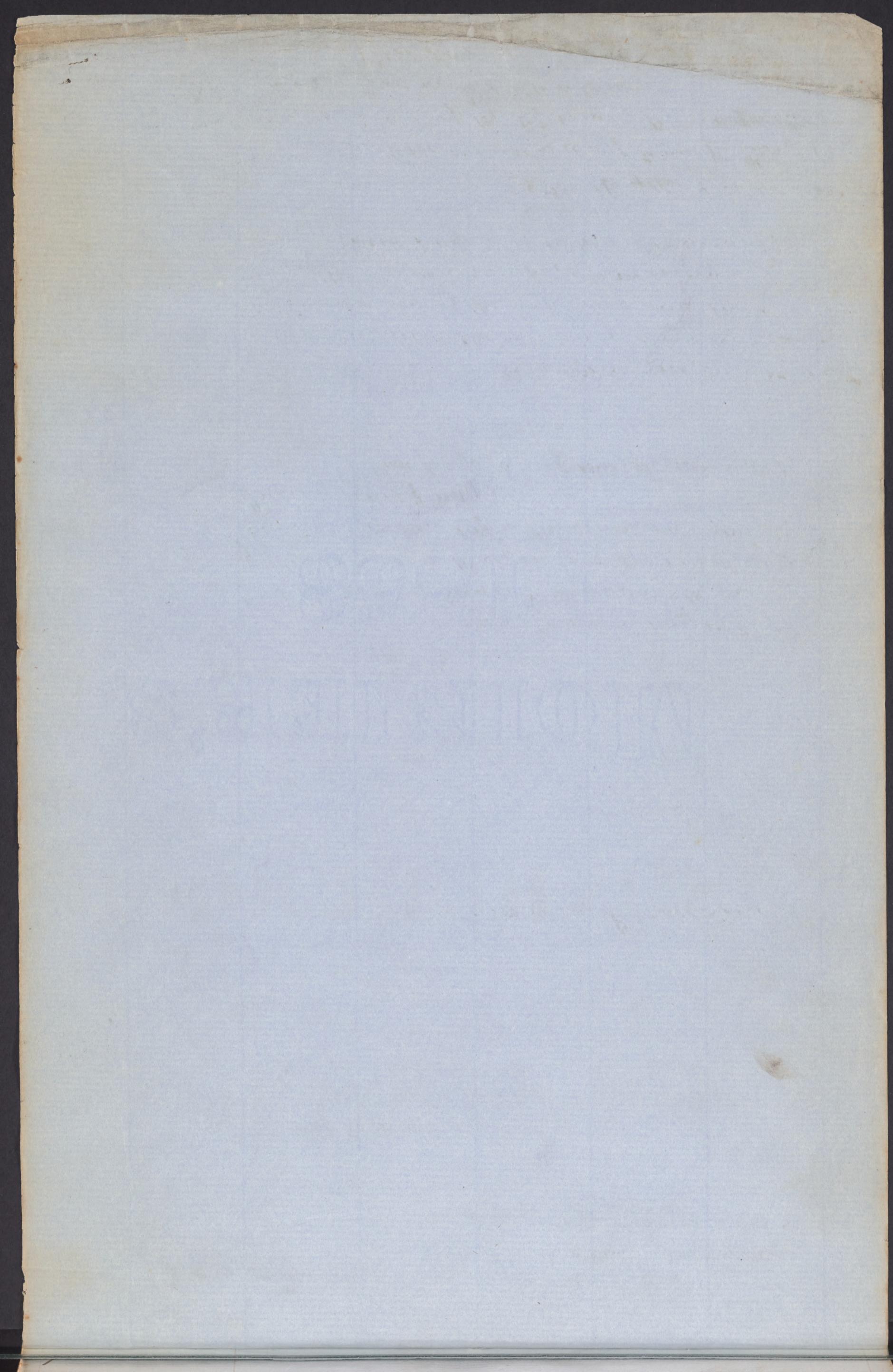
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Bolsa de Tamales."*



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 twenty ninth day of April,  
Anno Domini One Thousand Eight Hundred and Fifty-Two, before  
the Commissioners to ascertain and settle the Private Land Claims in  
the State of California, sitting as a Board in the City of San  
Francisco, in the State aforesaid, in the United States of America,  
the following Proceedings were had, to wit;

The Petition of James D. Galbraith,  
for the Place named  
"Bolsa de Pámales," was presented, and ordered to be filed and docketed with No. 205, and  
is as follows, to wit;

(Vide page 4 of this Transcript.)

Upon which Petition the following subsequent Proceedings were  
had in their chronological order, to wit;

San Francisco, May 19<sup>th</sup> 1852.  
In Case no. 205, James D. Galbraith, the deposition  
of José Francisco Westgate, a witness in behalf of the  
claimant, taken before Commissioner Harry J.  
Thomson, was filed:

(Vide page 8 of this Transcript.)

San Francisco, Aug. 3<sup>a</sup> 1852.  
In the same case the Secretary made and filed  
the translation of the Expediente marked "C," which  
is in the words and figures as follows brevity;

(Vide page 19 of this Transcript.)

Los Angeles, Oct. 12<sup>th</sup> 1852.  
In the same case the deposition of Juan V. Padilla, a  
witness in behalf of the claimant, taken before Commissioner Nealand Hale, was filed;

(Vide page 11 of this Transcript.)

San Francisco, January 3<sup>d</sup>, 1853.

In the same case the deposition of Wm. Barry Jones, a witness in behalf of the claimants, taken before Commissioner Harry J. Thrunder, with document marked Exhibit A, annexed thereto was filed:

(See page 10 of this Transcript.)

~~~~~  
San Francisco October 22<sup>nd</sup> 1853.

In the same case the deposition of J. A. Warner, a witness in behalf of the defendant, taken before Commissioner Thompson Campbell with document marked "P.C. I" annexed thereto was filed:

(See page 7 of this Transcript.)

~~~~~  
San Francisco December 9<sup>th</sup> 1853,

In the same case the counsel for the claimant filed the following stipulation, to wit:

(See page 59 of this Transcript.)

~~~~~  
San Francisco December 19<sup>th</sup> 1853.

In the same case the counsel for the claimant filed the following stipulation, to wit:

(See page 59 of this Transcript.)

~~~~~  
San Francisco, March 16<sup>th</sup> 1854,

In the same case the deposition of Jose Maria Covarrubias, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson was filed;

(See page 12 of this Transcript.)

~~~~~  
San Francisco, April 4<sup>th</sup> 1854,

Case No. 905, was submitted on briefs on both sides and taken under advisement by the Board.

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San Francisco April 11 1854.

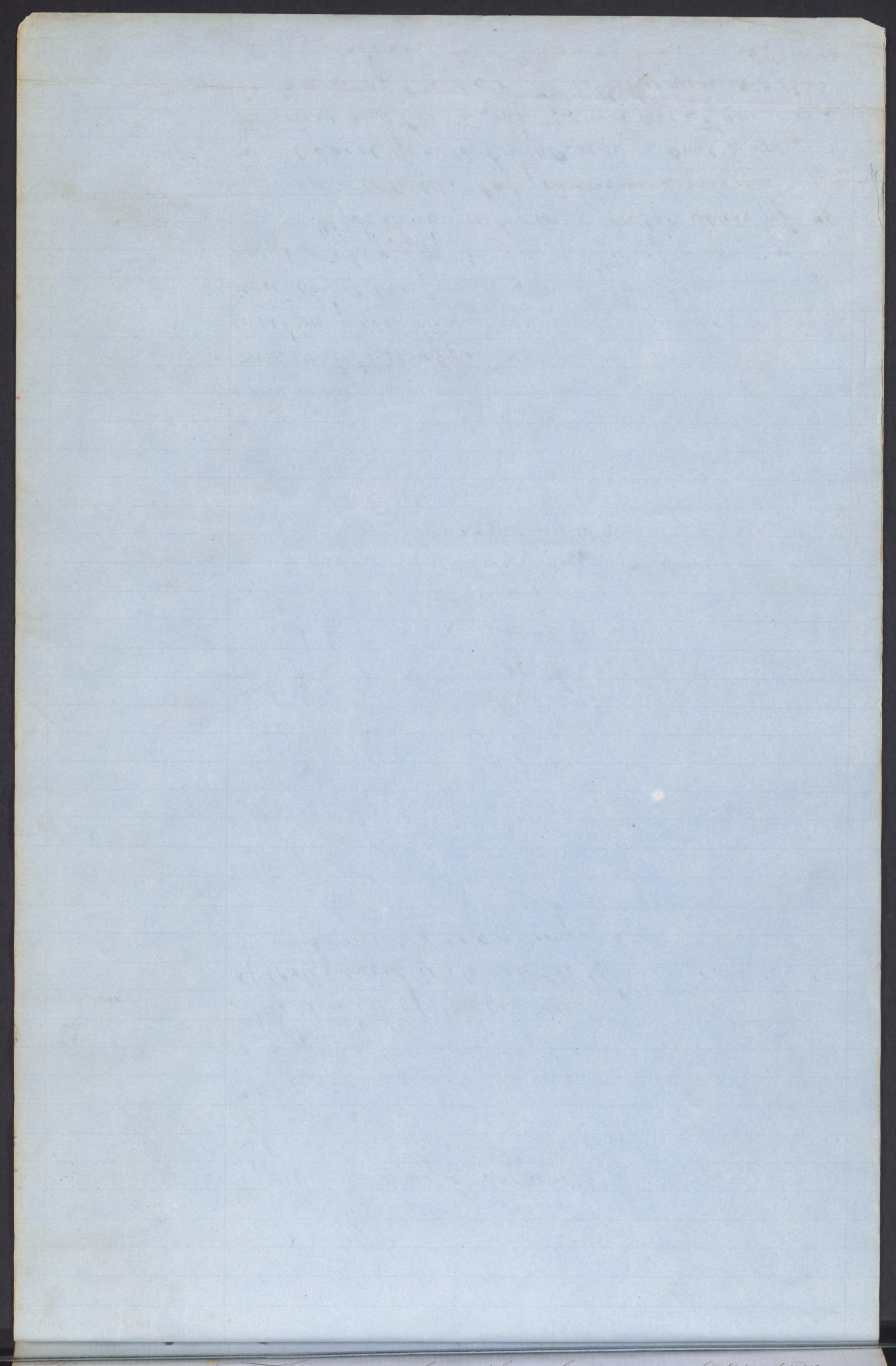
In the same case Commissioner Thompson Campbell delivered the Opinion of the Board confirming the claim;

(See page 65 of the Transcript.)  
~~~~~

San Francisco Aug. 15 1854.

In the same case, on motion of the United States Law Agent, the following order was made, heretofore,  
(See page 69 of the Transcript)

~~~~~



Petition

To the United States Land Commissions to ascertain  
and settle the private Land claims in the State  
of California.

Claim of James D Galbraith, Richard Simms  
John Sinton David T Bagley, to the Rancho  
Bolsa de Tomales-

The petitioners respectfully represent that on the 14th  
day of May A.D. 1846 Juan N Padilla a citizen of  
the Republic of Mexico residing in the Department  
of California submitted the claim of said Depart-  
ment in writing according to Law for a grant of  
certain Land in the jurisdiction of Sonoma in said  
Department called "Bolsa de Tomales" containing  
five square Leagues more or less and bounded and  
described as follows, that is to say - Bounded on  
the East by the property of Dr Bartolo Bojorquez as  
far as the two Stones on the West by the Bay of  
Bodega and the Creek (ninth) of Tomales on the  
North by the Rancho of Dr Juan Vogel and on the  
South by a small arm of the said Creek (ninth)  
of Tomales which runs from West to East -

That afterwards on the 12th day of June A.D. 1846  
the said claim according to Law granted to said  
Juan N Padilla the Land aforesaid, which  
said grant was on the 12th day of June A.D. 1846  
made form of Law confirmed by the Departmental  
Assembly of said Department in Session on the day  
and year last aforesaid all which and the other  
necessary investigations and steps made & taken in  
and about the premises more particularly and at  
large appears by the record thereof in the Office  
of the U.S. Surveyor General for the State of California  
where a certificate copy is herewith filed -

That said grantee completed with and performed  
the terms and conditions of said grant and with  
the Laws of Mexico of the 18th Decryst A.D. 1824  
the regulations of the 1st day of November A.D. 1828

That on the 24<sup>th</sup> day of A.D. 1849 Said Padilla  
sold and conveyed Said Land to Molinero <sup>Perez</sup>  
Barney who on the 21<sup>st</sup> day of September 1849  
sold and conveyed the same to Juan M. Lico; that  
Said Juan M. Lico on the 3<sup>rd</sup> day of December A.D.  
1850 mortgaged Said Land to Juan Manto to  
secure the payment of a debt of \$5000 <sup>or</sup> then  
owing from Said Lico to Said Manto, that on  
the 12<sup>th</sup> day of January 1851 Said Lico conveyed  
all his interest in Said Land to One Ezekiel Barrios  
who afterwards conveyed the same to One Jose Sean  
do Lico, that Said debt and Mortgage were af-  
firmed and transferred to Said Juan N. Padilla;  
that subsequently Said Land under and by virtue  
of Said Mortgage was sold and conveyed to One  
Maximilia Couret that Said Mortgage not having  
been recorded before Said Conveyance from Juan  
M. Lico to Barrios, doubts arose respecting the  
validity of said sale under the same, and the  
Said Juan N. Padilla as trustee of  
Said debt and Mortgage afterwards received  
a conveyance of Said Land executed by Said Juan  
M. Lico and Jose Sean do Lico by way of mortgage  
to secure the debt aforesaid; that afterwards said  
debt and Mortgage were assigned and transferred  
by Said Padilla to One Domingo Hungrado who  
appeared on the 31<sup>st</sup> day of May A.D. 1851 also  
received from Said Maximilia Couret a conveyance  
of all his interest in Said Land by virtue  
of the sale and conveyance aforesaid to him  
or otherwise -

Petitioners further represent that Pio Pico at the  
time said grant to Said Padilla was made  
and espouse was in fact the Governor of said  
Department acting as such under authority from  
the Government of the Republic of Mexico -

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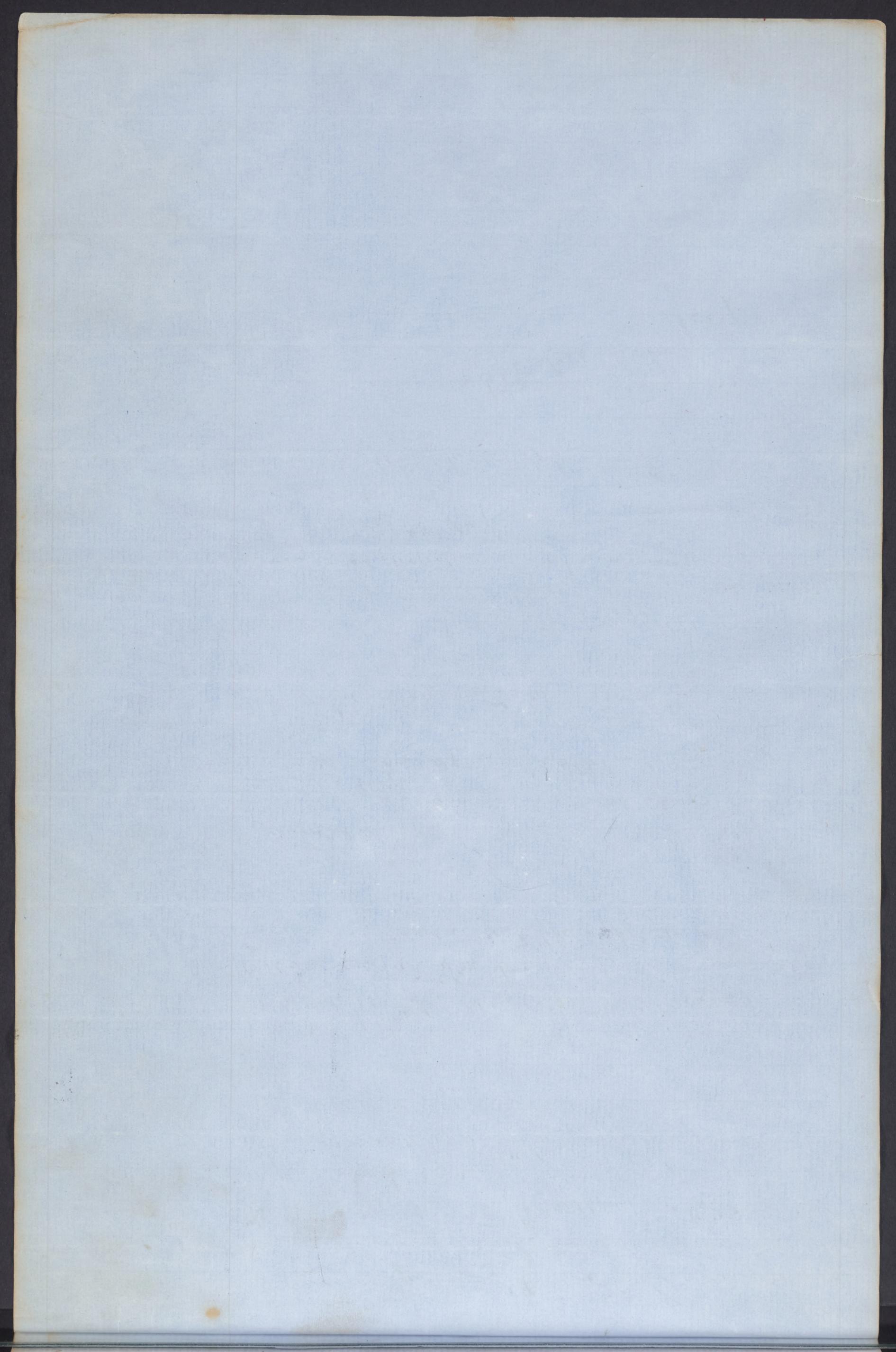
That <sup>they</sup> the said petitioners have become the purchasers  
of said Land and have received a conveyance  
executed according to law by said Juan de Leoco &  
Jose Leandero Leoco by their attorney in fact Don  
go Dampaderro witness and by virtue of a power contained  
in said Mortgage lastforesaid and by said  
Dampaderro of all his interest in said Land  
Wherefore petitioners pray that said land may be  
conveyed to them as granted as aforesaid

Succincts Stephen & Bagley  
Attorneys

Filed in Office April 29th 1852

Geo. Fisher

Sec'y



7  
James D. Gabrath } Office of the Board of  
vs } Commissioners &c. &c.  
The United States }

Deposition of  
J. J. Warner

This day before Lem. Thompson Campbell came  
I. L. Warner a witness in behalf of defendant No. 205  
who after being duly sworn deposed as follows  
1 What is your name age and place of residence?  
My name is J. J. Warner I am forty five years of age  
and I reside at San Diego

Are you acquainted with the hand writing of Geo. Pico  
former Governor of California, and of Jose Matias  
Moreno, and if so, look on the paper now shown you  
and mark it and state whether said signatures  
when they appear on said paper are their genuine  
signatures and if so, state your means of  
knowing -

I am acquainted with said signatures, and have  
seen them both write and have no doubt that the  
signatures attached to this paper are their  
genuine signatures - Associate Law Agent present  
Sworn to & subscribed I. L. Warner  
before me this 22<sup>nd</sup> day  
of October A.D. 1853

Thompson Campbell Lem.

Filed in Office Oct. 22<sup>nd</sup> 1853  
Geo. Fisher

Sec'y

Office of the Board of Land Commissioners  
In California San Francisco May 19th 1852

No. 305 Commissioners Docket. The Petition of  
James L Galbraith and Others for confirmation  
of the Rancho Bolsa de Tomales.

May 19th 1852

Deposition of  
J. F. Westgate

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On this day before me James Nelson one of the  
Commissioners in Ascertaining and Setting Private  
Land claims in California came Jose Francesco  
Westgate a witness produced on behalf of the  
Petitioner and being duly sworn testifies as follows  
The United States Land Agent was notified and  
duly attended -

Jose Francesco Westgate a witness introduced by  
the petitioner testifies and says, that he is well  
acquainted with Juan N Padilla and have  
known him ever since he came into this country  
which was in the year 1834 as I think - He was  
a Mexican and came to California in 1834 as  
above stated - and I have known him ever since -  
I know at that time a tract of land that was  
called Bolsa de Tomales and it has been called  
by that name ever since - To the best of my knowl-  
edge this Juan N Padilla put some cattle  
on that land and built a house in the year 1845  
He put three men on it. The one that had the  
charge of the cattle was a boy by the name of  
Nicholas Fias, one of the others they called  
Lendaro who is now dead. Padilla and these  
people were there on that Rancho in the year  
1846 - This Rancho is situated on the Bay of  
Bodega adyacent to the Rancho of Boporges, the  
house was situated about West North West from  
the two Stones or two rocks so called, at a distance  
of two or three Miles - I have not been there since

The year 1847. since the house was then burned down  
I know that the house built by Padilla and the  
cattle on that Rancho Bolsa de Tomales - I am  
an American by birth and was born in the State  
of Massachusetts and have resided in California  
23 years. I have no interest whatever in the  
Rancho before said and never had any nor am  
I in any way interested in the aforesaid petition.  
To interrogatories to the witness by George W. Loomis Esq  
Law Agent of the United States he answers as  
follows -

I intend to state that Padilla did build a house  
and put some cattle on the Rancho in the year  
1845. He did not reside there himself but had  
people there. He built also a small stable on  
the place at that time. He went to the place frequently,  
as often as twice a week sometimes -  
He went to see to his business. The people that he  
put there continued to occupy the house through  
1845 & 1846 until burned - I do not know that  
Padilla was summoned the occupation. I heard  
that the house was burnt in August or Sept 1846.  
The land of this Rancho is within 10 Leagues of the  
sea levast. Padilla adhered to the Mexican cause  
during the revolution and had the command of some  
men. He with his party killed some Americans at  
Yeroma in 1846. He fled from this part of the country  
immediately afterwards to avoid the Americans who were  
angry at him. The house as I remember it was  
from 15 to 20 feet long and about 12 feet wide. It  
was built by setting posts in the ground and inclos-  
ing it with rough stones. Padilla has been back as  
I have understood - in fact I have seen him since -  
three years ago I saw him in Sonoma.

Questions by Pritchett - I know that cattle have

been on the Rancho since 1846 & 1847. They belonged to two Mothers by the name of Lucos. I last saw cattle on that Rancho in the year 1850 that belonged to the Lucos. I was there hunting cattle when I saw one of the Lucos and we sorted out his cattle from some that I was looking for. Further the defendant said no  
May 19<sup>th</sup> 1852      Jose Francisco Westgate  
Subscribed & sworn to

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Before me James Nelson Commissioner  
Filed in Office May 19<sup>th</sup> 1852  
Geo. Fisher Secy

San Francisco Jan'y 3<sup>rd</sup> 1853

Deposition of  
Wm Jones

On this day before Wm Harry J Thornton came Wm  
Leary Jones a witness in behalf of the claimants James  
D Galbraith et al, petition No 205 and was duly  
sworn his evidence being given in English

Question by claimant

Question First. What is your Name & place of residence

Ans. My name is William Leary Jones. I am 21 years  
of age & I reside in San Francisco California

Question Second. Are you acquainted with the hand  
writing of Pio Pico former Governor of California  
if Yes examine Document now shown you marked  
A & filed herewith & say which or not the name of

Pio Pico Subscribed & there is on his hand writing  
Ans. I am acquainted with the hand writing of  
Pio Pico have seen him write & the signature shown

me is genuine

U S Agent present      Wm Leary Jones

Sworn to & Subscribed

before me this 3<sup>rd</sup> of Jan'y 1853

Harry J Thornton Commissioner

Filed in Office Jan'y 3<sup>rd</sup> 1853

Geo. Fisher Secy

Deposition of

Jean Padillo

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Office of the U. S Land Commission  
Los Angeles Oct. 12<sup>th</sup> 1853

On this day before Alana Hull One of the Commissioners for ascertaining and settling private Land claims in California, came Jean Padillo a witness produced in behalf of the claimants James D Galbraith et al whose petition is No. 305 on the docket of the Board and was duly sworn - His evidence being given in Spanish was interpreted by the Secretary -

The U. S. Law Agent was duly notified and attended. In answer to questions by counsel for the claimants the witness testified as follows -

My Name is Jean Padillo, My age is thirty years & I reside in Los Angeles.

I was the Owner of the Rancho Bulso de Yonoma by virtue of a Comision from Governor Pio Pico in 1846. The previous steps for obtaining the grant have been taken in 1845 in the time of Governor Micheltorena but in consequence of the Revolted Army Movements, the title was not issued until Pio Pico became Governor -

I have possession of the Land in 1844, built on it that year which was occupied by my people. I cultivate the Land and have cattle on it from that time until I sold one to Jesus Molina and Felix Beneygo in the latter part of the year 1848 or the beginning of the year 1849. The Land is situated to the West of Yonoma & in the year 1845 or 1846 after the grant from Pio Pico, I applied to Marcos Vaca the proper Magistrate at Yonoma to give me judicial possession of the Land and he summoned the adjoining neighbors to appear & go on to the Land for that purpose, but they did not appear & the Magistrate declared that on consequence of their non appearance by which he was prevented from giving judicial possession. I should be entitled to all the Land described in the grant which had been made to me by my adjoining Neighbors.

were Juan Vioque & Bartolome Bojorges - part of the land  
was bounded by the sea and there was vacant land  
between mine and land of Stephan Amet.

In answer to questions by the Survey Agent the witness  
says that no formal paper was ever given him  
of the land, nor were the boundaries run by any  
Survey of a public office. That was natural boundaries  
which was never known.

Juan N Padilla

Subscribed & sworn

Before me Island Hull Comr.

Filed in office Oct. 12<sup>th</sup> 1853

Geo. Fisher Secy

Cause No 205.

United States Land Commission

San Francisco March 16. 1854

Deposition of Jose On this day before Commissioner R. Aug. Thompson came  
Mariano as Jose Maria Coronelias, a witness in behalf of the  
Claimant, James D Galbraith case No 205 who after  
being duly sworn deposed as follows his evidence being  
interpreted by the Secretary

Present Clements Atty. of U. S. Law Agent

Witness states his name is Jose Maria Coronelias, his  
age forty five and his residence Santa Barbara Cal.  
Tested by claimants attorney - Look at the document  
now shown you Markee Exhibit "A" and annexed  
to the deposition of Wm Cory Jones filed in this case  
and state if you are acquainted with the hand writing  
writing of Jose Matias Moreno, and if so whether his  
signatures which appear on said document are genuine  
or not, and also your means of knowledge

Filed in office Answer. I am acquainted with the hand writing of Jose  
March 16. 1854 Moreno I have seen him write. I have examined said  
Geo. Fisher Secy document and have no doubt that his signatures which  
appear thereon are genuine J. M. Coronelias

Sworn to & subscribed before me March 16. 1854

R. Aug. Thompson Comr

Given to & sealed before me March 16. 1834

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I.S.D.R.

1846

Bolsa de Tamales concedido  
a Juan Nepomaco Padilla

Nº 371.

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2. S. D. R

Cómo S. D. Gobernador  
 Juan Nepomaco Padilla Mejica  
 nro por nra cumento y Decreto del par-  
 tido de Sonoma, ante Q. C. con el debi-  
 - Angeles Mayo 20<sup>o</sup> - do respeto comparecer y dice  
 de 1846. El S. D. G. que tendrá presente Q. C. la  
 Perfecto del 2º. solicitud que tengo hechay  
 Dicho informac<sup>on</sup> que ha corrido sus caminos  
 sobre el Estado o<sup>r</sup> respectivos para que se me  
 este terreno cuant<sup>a</sup> conceda el terreno nombrado  
 al caso de acons<sup>er</sup> Bolsa de Tamales que con-  
 niente y acuerdo<sup>r</sup>sta de cinco sitios de ganado  
 fijado vuelvar<sup>r</sup> mayor poco mas o menos o q<sup>r</sup>  
 Gobierno para el díe en q<sup>r</sup> que adjunté en el  
 resolver. m<sup>r</sup> mismo expediente cuyo terreno  
 R. co. colinda por la parte del Este  
 con D<sup>r</sup>. Bartolo Bohorquez hasta las dos  
 Piedras; por el Oeste con la Bahia de Bo-  
 degay el Estero de Tamales; por el Norte  
 con D<sup>r</sup>. Juan Vogel y por el Sur con un  
 braso pequeño del Estero de Tamales que corre  
 de Q. C. y estando plenamente justificado  
 ser Valado dicho terreno como lo demuestra  
 el documento q<sup>r</sup> acompaña del S. D. G.  
 to del segundo Dicho q<sup>r</sup> respectuoso q<sup>r</sup>  
 adjunto. Por tanto al C. suplico q<sup>r</sup> en  
 merito de justicia y en virtud de tener yo  
 poblado el dho terreno con bernes competentes  
 espero q<sup>r</sup> Q. C. se verria a mandar entender el  
 titulo de propiedad en lo que recibiere gra-  
 cia q<sup>r</sup> lo necesario & q<sup>r</sup> convendiese ad-  
 mitir la presente en papel comun por folta  
 del sellado correspondiente  
 Monterey Mayo 14 de 1846

Juan N. Padilla  
 Angeles Mayo 12 de 1846.

Questa la solicitud con que da principio este  
espedt<sup>o</sup> y de los informes que obran à continu-  
acion con todo lo demás que se tuvo presente  
very meditar convino con arreglo à la Ley de  
18 de Agosto de 1824 y reglamento de 21 de  
Noviembre de 1828 he venido, en uso de las  
facultades ~~as~~ que me hallo autorizado  
por las presentes letas: en declarar el  
Señor Juan C. Padilla mexicano por naci-

4.- S. D. R onento dueño en propiedad del parage  
Bolsa de Tomales en la jurisdicción de  
Sonoma compuesto de cinco sitios de ga-  
nado mayor colindante al E. con el sitio  
de Dr. Bartolo Bohórquez hasta las dos pie-  
dras al O. con la Bahía de Bodega y Costero  
de Tomales; por el Norte con el Rancho de  
Dr. Juan Mingo y P. el Sur con un trazo  
pequeño del Costero de Tomales que corre  
al O. C. Libreselle al interesado el título  
respectivo que acrede su propiedad y  
reservese el Expediente para someterlo à  
la aprobación de la C. A. Departamento  
Pd. Rico Gobernador constitucional del De-  
partamento de California. así lo mando  
Decreto y firmo. Doy fe  
Pd. Rico <sup>int.</sup> José Matías Moreno. Verio

5 S. D. R Manuel Casto Prefecto del Seg<sup>o</sup> Distrito  
del Departamento de las Californias.

Certifico que el Quir<sup>d</sup>º Juan Nepomuceno  
Padilla ha solicitado en propiedad el ter-  
reno conocido con el nombre de Bolsa de Ta-  
mases en la jurisdicción de Sonoma y q.  
el Expedt<sup>o</sup> practicado q. existe en la Prefect<sup>a</sup>  
de mi cargo acreedita hallarse dicho parage  
valioso y en estado de poderse conceder segun  
los informes de los jueces respectivos. Y. a-

pidimiento del mencionado Dr. Padilla  
doy este en Monterey à diez de mayo de mil  
ochenta y cuatro cuarenta y seis.

Manuel Castro.

G.O.D. Nro. Pio Pico Gobernador constitucional del departamento de California. Por quanto el ciudadano Juan N. Padilla ha solicitado para su beneficio personal y el de su familia el terreno conocido con el nombre de Bolsa de Tamales en la jurisdicción de Sonoma; practicadas previamente las averiguaciones y diligencias correspondientes usando de las facultades con que me hallo autorizado por el supremo Gobierno à nombre de la nación Mexicana, he venido por decreto de este dia en conceder al copresidente Padilla el citado terreno de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828 à reserva de la aprobación de la Exma Asamblea departamental y bajo las condiciones siguientes. 1º Podrá cercarlo sin perjudicar las traverías caminos y servidumbres; lo disfrutará libre y clausivamente destinandolo al uso ó cultivo que mas le convenga. 2º Polic平ará del juez respectivo le dé la posesión justa en virtud de este despacho por el cual se le demarcarán los linderos con las respectivas mojoneras. 3º El terreno de que se le hace donación es de cinco sitios de ganado mayor y linda al Este con el sitio de Dr. Bartolo Bohorquez hasta las dos Piedras por el Oeste con la Bahía de Bodega y Estero de Tamales por el Norte con el Rancho de Dr. Juan Vngat y por el Sur con un brazo pequeño del Estero de Tamales que corre de L.º E. El juez que le diera

la posesion lo hara medir con arreglo a  
ordenanza. En consecuencia mando que  
se mande el presente titulo por firme y  
valedero se tome razon de el en el libro q.  
corresponda, y se entregue al interesado pa  
ra su resguardo y demas fines. Dado en pa  
pel comun por falta de sellado en la ciu  
dad de los Angeles à 12 de Junio de 1846.

Pj Pco. L. M. Moreno Síndico.

D. L. a C. A.

Sr Don P. Jimiu Interemos  
uno del credos Debendoso  
D. D. Gobierno. Gobierno Divos, Divos y Libor  
dad. José M<sup>a</sup>.

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

Samuel D. King Surveyor  
General of the United States for the State of  
California and as such now having in my  
Office and under my charge and control a  
portion of the Archives of the former Spanish  
and Mexican Territory or Department of  
Upper California do hereby certify that the  
seven preceding and herein annexed  
pages of tracing paper numbered from one  
to seven inclusive and each of which is ve  
rified by my initials (S. D. K.) exhibit true  
and accurate copies of certain documents  
on file and forming part of the said Archives  
in this Office.

In testimony whereof I have here  
unto signed my Name officially and  
affixed my private seal that having a seal  
of Office) at the City of San Francisco Cal.

18

this 20<sup>th</sup> day of April 1852

Sam'l D. King

Surveyor Genl Cal.

Filed in Office April 29<sup>th</sup> 1852

Geo. Fisher Secy

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Translation C.  
Espediente -

1846

Judicial Papers concerning a tract of Land known  
as Bolsa de Tamales granted to John Nepom-  
ucene Padilla. No. 571121 ND  
PAGE 20Angles May 20<sup>th</sup> 1846

(Seal) To his Excellency the Governor  
 John Nepomucene Padilla a Mexican by birth  
 His Honor the <sup>and</sup> a resident of the District of Sonoma appears before  
 Prefect of the 2<sup>o</sup> your Excellency with due respect and says: that your  
 District will report Excellency will bring your mind to recollection about the  
 above the State ~~and~~ petition that I have before made, and which has gone  
 of this tract of land through all the proper proceedings so as to entitle me  
 with all the parties to the grant of that which I have given the name of  
 yours concerning the "Bolsa de Tamales" comprising about five square  
 Leagues, and when the Square Leagues (~~Siteas de ganado Mayor~~) as laid down  
 return is made the in the sketch that I annexed or joined with the Especial  
 Governor will resolve. Said Land is contiguous to that of Don Bartolo  
 (Signed) Pico

Boonyas on the Eastern boundary to a point called "Las  
 dos Piedras" bounded Westward by the Bay of Bodega  
 and the creek "de Tamales" Northward bordering with  
 Don Juan "Roget's Land" and Southward with a rivul-  
 et from the creek "de Tamales" that runs from West  
 to East which Land having been duly proven to be  
 vacant, as the annexed document, certified by his  
 Honor the Prefect of the Second District, that I respe-  
 ctfully submit to your Excellency will show therefore  
 I beg that your Excellency will take into consideration  
 the justice of my having occupied said land with the  
 property required. I hope your Excellency will decree  
 that the proper title in fee be issued to me, by which  
 I shall receive a favor. I swear to what may be need-  
 ed. Your Excellency will please license this petition  
 on Common paper, there being none of the corresponding  
 Stamps -

Monterey May 14<sup>th</sup> 1846

(Signed) Juan N Padilla

25

Angeles June 19th 1846

After perusing the petition that heads this Expediente  
and the reports that follow next and taking into considera-  
tion other matters that were investigated and  
meditated which are conformable with the act of  
18th of August 1824 and Municipal Regulations of 1st  
of November 1828. I have decided and declare by virtue  
of the powers I am invested with and by these present  
letters Mr Juan N Pedella a Mexican by birth, owner  
in fee of the tract of Land "Bolsa de Tamales" situated  
in Sonoma. Comprising five square Leagues (Seccios)  
de ganado (meyn) bounded on the East by the tract  
of Land owned by Don Bartolo Bojorquez to a point  
called "Las dos Piedras", on the West with the Bay  
of Bodega and "inti de Tamales" on the North  
with the Rancho of Don Juan "Roque"; and on the  
South with a small branch or ravine that empties  
from the "Creek de Tamales" thence runs to the West.  
I do hereby decree to furnish the claimant with the  
proper title, through which he may show his owner-  
ship and let the Expediente be referred for the pur-  
pose of being submitted to the Most Excellent the  
Departmental Assembly in its approbation.  
Dio Pico Constitutional Governor of the Department of  
California, thus Ordered Decreed and Subscribed  
to which I certify (Signed) Dío Pico  
(Signed) José Matias Moreno  
Secretary ad interim

Manuel Bustos Prefect of the Second Justice of the  
Department of California.

I do hereby certify that the citizen Juan Nepomoceno  
Pedella has made application for the ownership of  
the Land known as the Bolsa de Tamales" situated  
in the jurisdiction of Sonoma and that the Expediente  
concerning the same which is to be found in the

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PAGE 21

21 V 5

Archives of the Prefects Office (Prefectura) under my charge, proves that the said Land is vacant and  
grantable, in accordance with the reports of the respective  
Judges. At the request of said Geron Padilla  
I give this certificate at Monterey the 10th day of  
May of One thousand Eight hundred and forty six

(Signed) Manuel Castro

Si Pico Constitutional Governor of the Department of  
California -

In as much as the citizen John N Padilla has made application for his personal benefit and that of his family for the tract of Land known as "Bosque de Tamales" in the Municipality of Sonoma and after having previously undergone the due preceding enquiry and proceedings, by virtue of the powers I am vested with through the Supreme Government, in the name of the Mexican Nation I have this day decreed and decreed upon the Grant of said Land to said Padilla in conformity with the Law of 18th of August 1824 and the regulations of November 21st 1828 subject to the approval of the Most Excellent the Departmental Assembly, and under the ensuing Conditions -

1<sup>o</sup> He may enclose the land without injury to the existing ranches and swineherds and will enjoy it freely and exclusively; and apply the same to whatever agricultural or other purposes he may find most convenient

2<sup>o</sup> He will make application to the competent Judge to give him previous possession by virtue of the present Concession, by whom the limits will be marked out with the proper Land Marks.

3<sup>o</sup> The Land granted to him contains five square leagues (Sieteas de ganado Mejor) bounded on the East with the tree of Limas owned by Don Bartolome Bajoncitos to a point called "Las dos Piedras" (the two Rocks) on the West by the bay of Bodega and Creek "de Tamales" On the North with the Rancho of

Don Juan "Rogé and on the South with a mouth  
of the creek "de Tamales" that runs from West to East  
The Judge who gives him possession thereof will cause  
the same to be measured according to Ordinance  
Consequently I decree that the just title being held  
as from time past, be entered in the corresponding  
Book and be delivered to the party interested for his  
Security and other purposes - Written on common pap-  
er there being none stamped - At the City of Los  
Angeles the 12th of June 1846

(Signed) Pio Pico

(Signed) J. M. Moreno. Secretary ad interim

Office of U. S. Land Commission

Prove that the foregoing is a  
correct translation of an authenticated copy of  
from the U. S. Surveyor's General's Office now  
on file here, numbered 905

Geo. Fisher

Secy

Filed in Office August 3<sup>rd</sup> 1852

Geo. Fisher

Secy

Pi Poco Gobernador Constitucional del  
departamento de California.

Por quanto el ciudadano Juan Nepomuceno Padilla ha solicitado para su beneficio personal y el de su familia el terreno conocido con el nombre de Bolsa de Tamales en la Jurisdicción de Sonoma; practicadas previamente las averiguaciones y diligencias concerniente usando de las facultades con que me halla autorizado por el supremo Gobierno à nombre de la Nación Mexicana he venido por decreto de este dia en concederle el expreso terreno de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828, à reserva de la aprobación de la Cámara Asamblea Departamental y bajo las condiciones siguientes.  
 1º Podrá cercarlo sin perjudicar las tráves comunes y servidumbres; lo disputará libre y exclusivamente destinando lo al uso ó cultivo que mas le convenga. 2º La policía hará del juez respectivo la de la posesión judicial en virtud de este despacho por el qual se demarcarán los linderos con las respectivas mojoneras. 3º El terreno de que se le hace donación es de cinco sitios de ganado mayor y linda al Este con el sitio de Don Bartolo Bohorquez hasta las dos piedras, por el Oeste con la Bahía de Bodega y estero de Tamales, por el Norte con el Rancho de Don Juan Vinget y por el Sur con un brazo pequeño del Estero de Tamales que corre de Q. @ C. El juez que le diera la posesión lo hará medir con arreglo à Ordenanza. En consecuencia mando

que teniendo el presente título por forme  
y valeadero se tome razón de él en el libro a  
que corresponde, y se enhegue al interesado  
para su resguardo y demás fines. Dado  
en papel común por falta de sellado en la  
ciudad de los Angeles à doce de Febrero  
de mil ochocientos cuarenta y seis.

Pío Pico. José Matías Moreno Siso Anto

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PAGE 25

Añeda tomada razón de este superior des-  
pacho en el libro respectivo.

Moreno.

Filed in Office Envry 8<sup>th</sup> 1853

Geo Fisher Secy.

Translatum

Pio Pico Constitutional Governor of the Department  
of California.

Seal

Govt. of the Dept. In as much as the citizen Juan Nepo  
of California omuceno Pedrillo has solicited for  
his personal benefit and that of his  
family, a grant of the Land known by the name  
of Bolsa de Tamales in the jurisdiction of Sonoma.  
The necessary investigations and other steps having  
been previously made I ordon by virtue of the auth-  
ority vested in me by the Supreme Government &  
in the name of the Mexican Nation, and I have  
by a decree of this date granted to him the said  
Land in Conformity with the Law of 18<sup>th</sup> August  
1824 and Enactment of November 1828 Subject to the  
approbation of the Most Excellent Departmental  
Assembly and under the following conditions.

- 1<sup>o</sup>. He may fence it in so as not to interfere with  
the crossings Roads and Watercourses. He shall enjoy  
it freely and exclusively applying it to the use  
cultivation that to him may seem best.
- 2<sup>o</sup>. He shall apply to the proper Judge to give him  
precedence to present by virtue of this despatch &  
by the said Judge the boundaries shall be mar-  
ked out with their respective Land marks.
- 3<sup>o</sup>. The Land now granted to him is <sup>square</sup> 5 Leagues (5  
Sieteas de ganchos Mayor) and is bounded on the  
East by the property of Dr Bartolo Bojorquez  
as far as the two Stones, on the West by the Bay of  
Bodega and the creek (or Inlet) of Tamales, on the  
North by the Rancho of Dr Juan Vierge and  
on the South by a small arm of the said Creek  
(or Inlet) of Tamales which runs from West to East  
Therefore I order that, the present title  
being held firm and valid. Note be taken thereof

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in the Book to which it corresponds, and that it  
be delivered to the party interested for his safe-keeping  
and other ends -

Given on plain paper in the absence of Stampseee  
in the City the City of Los Angeles 12<sup>th</sup> Feby 1846

(Signed) Pio Pico

" Jose Matias Moreno  
Secretary ad interim

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A Note has been taken of this Dispatch of the  
Superior Government in the appropriate Book

(Signed) Moreno

Filed in Office March 28<sup>th</sup> 1853

Geo. Fisher

Deey

Pío Pico Gobernador Constitucional del  
Departamento de las Californias  
La Cœmœa Asamblea Departamental en sesion del dia 12 de  
este mes de junio tuvo à bien decretar lo siguiente. De aprueba la concesion  
hecha à favor del Ciudadano Juan B.  
Padilla del parage conocido con el nombre  
de Bolsa de Tamales en la jurisdiccion  
de Sonoma que le fué concedida por el anterior  
Gobierno segun titulo librado à su favor  
con anterioridad de conformidad à la Ley  
de 18 de Agosto de 1824 y articulo 5º del regla-  
mento de 21 de Noviembre de 1828.

Para resguardo de la parte del ciudadano  
Juan B. Padilla lo hago saber. Dado en  
la Ciudad de los Angeles en este papel  
comun por falta de sellado à catorce de  
Junio de mil ochocientos cuarenta y seis

Pío Pico  
José Matías Muñoz Seco Intº

Filed in Office 28<sup>th</sup> March 1853.

Geo. Fisher Scov.



Pio Pico Constitutional Governor of the Department of the  
Californiae.

The most Excellent Departmental Assembly in Session  
of the 12<sup>th</sup> day of this Month of June saw fit to decree  
The following

The following grant is approved viz, the grant made  
in favor of the citizen Juan N Padilla of the place  
known by the name of "Bolsa de Tamoles" in the pur-  
isdiction of Sonoma, which was granted to him by  
the Mexican Government according to title already  
shown and in his favor in conformity with the Law  
of the 18<sup>th</sup> August 1824 and Article 3<sup>d</sup> of the Enact-  
ment 31<sup>st</sup> November 1828.

And for the Safeguarde of the Citizen Juan N Padilla  
I do make it known. Given on the City of Los  
Angeles on this plain paper in the absence of  
Stamp - 14. June 1846

(Signed) Pio Pico

(Signed) Jose Matias Moreno

Secretary ad interim

Filed in Office March 28<sup>th</sup> 1853

Geo. Fisher

Deer

ND

PAGE

July 1000

In Pueblo de Sonoma a los 22 dias del mes de Junio  
 del año 1829 ante mi el Juez 1º de oficio. punto se presento  
 Don Juan Parilla vecino de este pueblo y dijó: que por si  
 ya nombre de sus hijos herederos, sucesores y de quien de  
 ellos hubiere título, Voz y causa en cuál quisiera manifiestarse  
 y ala en reuta publica, enaguracion perpetua por uno de  
 propietad para Siempre Yacimientos a los Sres Don Jesus Molina  
 y Don Felix Beneyto vecino de dho. su rancho la Bolson  
 de Tomales en cantidad de cinco pesos de quinientos chayos  
 y los bienes de campo, Guardo la cuna y caballar con el piezas  
 de las bestias muertas de su propiedad que le perteneceen  
 en precios y propiedades y colindante al poniente con la  
 mar de la Bahia y del duero de Bodega al este consiguiente  
 de Don Bartolo Bujarque tra las dos piedras por el norte  
 con el Rancho de Don Juan Ruiz y por el sur con el Rancho  
 de Tomales. Segun cuenta por los títulos de pertenencia  
 que adjunta esta escritura por los cuales corresponde en precios  
 y propiedades al otorgante el cual declaro y asegura no  
 tener lo vendido ni enperdido y que esta libre de tributo, men-  
 oria capellania, Viacrucis, patronato, fiesta y otros gravamen es  
 especia y como tal de los vendidos con todos sus entredos y  
 Salidas fabrias, usos, los tumbres regalias y demás Tumbres  
 y demás cosas que ha tenido, tiene y le perteneceen segun dho. ocho  
 por veinte mil quinientos pesos que tiene encaudados en mun-  
 enata pequeña Segun el mismo comprador jura en la  
 ley univisa del título 1º punto da 5º y así mismo declaro  
 que el justo precio y verdadero valor del rancho dho. Rancho  
 y bienes de campo guardo basmo y caballar son ocho  
 mil quinientos pesos y en caso que mas valga su valor  
 puesta en pie o mucho sumo hace a favor de los compradores  
 y de sus herederos y sucesores y gracia y otorgacion pura  
 mera, pacifica e irreversible en Sanidad y demás firmas  
 legales y renuncia la ley 2º título 1º h. 10. W.R que trata de  
 los contratos de venta truque y otras en Hughacion en mas  
 o menos de lo usual del justo precio y las cuatro años que  
 presina para pedir la la revision o Suplemento o suspenso

valor los que oíá por pasadas como si efectivamente lo estu-  
reían y desease hoy en adelante para siempre la desaparición  
quita y aparta y sus derechos del dominio o propiedad posesión  
título hoy recuso y otro cualquiera derecho que le compete  
al mencionado terreno de Bolivia de Yambales lo ecede teniendo  
traspuesto con las acciones reales, personales, utilles mientas seguno  
y efectivo sus que nacide la exigüete y cuoren pliego, sobre  
la propiedad si contra el aparecenan granamen alguno; y en  
prueba de la observancia de todo lo que esto obliga la persona  
y bienes habido y por saber y confiere amplia poder  
a los Jueces y tribunales de la nación que de este negocio  
tlevén laude conforme a derecho para que le apresuren  
a su cumplimiento como por sentencia de Juez. Compete parar  
en autoridad de cosa Juzgador y juzgado y en su tal lo  
recibe y sus mas recuso y para que la presente tenga la fuerza  
y satis los efectos correspondientes la firme ante el Juez de  
este lugar y las testigos de crata. Juan H. Padilla.

Testigo. Alberto J. Boggs. Sra. L. Bonelli.

{ Territory of California. Personally appeared before me the  
District of Sonoma Undersigned Notary Public  
Juan Padilla who is known to me to be the person whose name  
is subscribed to the foregoing deed as having executed the same  
and acknowledged the same to be his act and deed for the purpose  
therein mentioned. Given under my hand and affixing  
Sonoma this 26<sup>th</sup> day of June 1849.

J.M. Boggs.

State of California. I hereby certify the foregoing  
District of Sonoma. To be a true copy from pages 282  
to 284 of Book "C" of Sonoma County Records in this  
office. Witness my hand and official Seal of Sonoma  
this 21<sup>st</sup> day of March A.D. 1853. T. Newell  
Recorder of Sonoma County by J. B. Busweller Deputy.

I seal in office. Mar 28<sup>th</sup> 1853.

Geo. Fisher.

This far I have copied Thomas —

Secretary.

31 35.

G

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PAGE 32

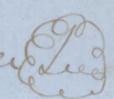
Know all men by these presents that That we Jesus Molence and Feliz Beneyezu of the Town of Sonoma District of Sonoma and Territory of California for and in consideration of the sum of Eleven thousand five hundred dollars to me in hand paid the receipt whereof is hereby acknowledged have granted sole bargained and conveyed and by these presents do bargain part sell and convey unto Juan M. Saez his heirs and assigns for ever all our right title and interest in and to all that piece or lot of land lying and being in the Dist. of Sonoma as known as the Rancho Bolsa Tamales. The terreno de que se hace donacion es de cinco sitios de ganado mayor y menor al e con el sitio de Dr Bartolo Bojorquez hasta las dos pueras parcel o con la Bahia de Bodega y esteros de famelos por el N con el Rancho de D Juan Vinyet y por el San un broso pequeno del estero de formid es que corre del E a E together with all the cattle that may be found on said Rancho having the following mark & conel leheroso all the mares and horses bearing the aforesaid mark with all the privileges and appurtenances therunto belonging to have and to hold all and singular the above described premises unto the said Juan M. Saez his heirs and assigns for ever. In witness whereof we have hereunto set our hands and seals this twenty first day of September A.D. Eighteen hundred and forty nine  
Signed Sealed and <sup>des</sup> <sup>mark</sup> Feliz Beneyezu  
Delivered in the presence of Jesus <sup>mark</sup> Molence  
of Romulus Puebla <sup>mark</sup>  
Wm M. Saez — <sup>mark</sup>

District of Sonoma

Territory California 3 Person ally appeared before  
me Wm M. Saez Alcalde for the District of Sonoma  
the within named Jesus Molence and Feliz Beneyezu

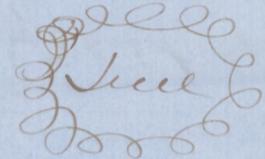
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and acknowledge that they executed the within instrument as their free act and deed for the purposes therein mentioned - Given under my hand and Official Seal, this 21<sup>st</sup> of November A.D. 1849.

Wm M. Fuller Alcalde 

State of California  
County of Sonoma

I hereby certify the foregoing  
to be a true Copy from page 46 of Book "D" of the  
Records of Sonoma County in this Office  
Witness my hand <sup>Official</sup> Seal at Sonoma this 4<sup>th</sup> day  
of March A.D. 1853



John Hinckley Recorder of Sonoma  
County by John A. Brevoort Deputy

Filed in Office March 28<sup>th</sup> 1853

Geo. Fisher

Secy

This Indenture made and entered into this third day  
 of December in the year of Our Lord One thousand  
 eight hundred and fifty six by and between Juan C. Goco  
 of the City of Sacramento and State of California of  
 the one part and Juan Mango of the same place  
 of the second part witnesseth That the said party  
 of the first part in consideration of the debt or sum  
 herein after mentioned and intended to be received and  
 of the further sum of one dollar the receipt whereof  
 is hereby acknowledged has given and bargained and  
 sold, and by these presents doth grant bargain and  
 sell unto the said party of the second part his heirs  
 and assigns for ever the following described property  
 lying and being situated in the District of Sonoma  
 and known as the Rancho de Tamales El Nuevo  
 de que se hace mencion o nomenacion as de cinco altos  
 de ganado Mayor y menor al E con el río de  
 Baloto Bojorquez hasta las dos pedras pnel O  
 con la Bahia de Bodega y estero de Tamales pnel  
 P en el haz pgo de estero de Tomales que corre  
 de O a E - Together with all the cattle that may be  
 found on said Rancho having the following mark  
 T and likewise all the mares and horses bearing  
 the of aforesaid mark with all the privileges and  
 appurtenances thereunto belonging to have and to  
 hold all and singular the above described premises  
 unto the said party of the second part his heirs  
 and assigns forever - Provided always, that these  
 presents are upon this express condition that of the  
 said party of the first part his heirs or assigns  
 shall well and truly pay or cause to be paid to  
 the party of the second part his heirs or assigns a  
 certain note bearing date with these presents and  
 payable on the thirty first day of December A.D.  
 1850 for the sum of five thousand dollars then this  
 obligation to be void Otherwise to remain in full  
 force and virtue and if said sum of money be not

paid at the time of maturity then the said Sean  
McGuire doth appoint Iean Munro his attorney  
and as such doth charge him to sell same from  
his or property at publick Auction, just yong ten  
days notice in one of the daily Newspapers of  
Sacramento City, to the highest bidder therefor and  
in his name to execute a good and sufficient deed  
to the purchaser thereof applying the proceeds to  
the payment of the debt due at the time and costs  
and expenses of sale, the surplus if any to be paid  
to the said Sean McGuire on demand.

In witness whereof the said Sean McGuire has  
hereunto set his hand and affixed his seal the  
day and year aforesaid.

Signed McGuire and Sean McGuire

Delivered in presence of

John N. Pedeece

Henry A. Clark

State of California, Supt.  
Marin County

On this 1<sup>st</sup> day of April A.D. 1851  
before the Subscribers a Justices of the Peace of San  
Rafael Township Township in Marin County just  
then appeared John N. Pedeece and made oath that  
he was present and saw the above instrument of  
writing executed for the purposes therein mentioned  
that he saw the said Sean McGuire sign and seal  
said instrument and that he himself with Henry  
Clark signed the same as witnesses.

Swnn before

A. Birney Justice of the Peace

A.D. 1851 - Entered this 1<sup>st</sup> day of April in the year of  
our Lord 1851 -

Mo. A. Davis

Received payment \$300

Records for Marin County

Mo. A. Davis

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Assignment

Know all men by these presents that I Jean Munzo  
in consideration of the sum of Two thousand dollars to  
me paid by Jean N Padelle, the receipt whereof is  
hereby acknowledged, do hereby grant & give release  
and convey unto the said Jean N Padelle the premises  
within conveyed to me in Mortgage & all my right  
little interest and estate in and unto the same -  
I have and to have the same to the said Padelle  
his heirs and assigns forever. And the said Jean  
Munzo for myself and heirs executors & administrators  
do covenant with the said Padelle his heirs & that  
the premises are free from all incumbrance, the signe  
of redemption excepted. And I will for myself my  
heirs &c. warrant & defend the same to the said Padelle  
his heirs and assigns against the lawful claims  
of all persons claiming under me and that I will  
and my heirs and my heirs &c. shall execute and  
acknowleage any further assignments for the better con-  
veying and upholding of the premises to the said Padelle  
his heirs and assigns which he or they shall  
reasonably require. In witness whereof the said  
Jean Munzo by his attorney David Dangledees his  
kinsman set his hand & seal this fourth day of  
March A.D. 1851

Witnessed  
Hastafford.  
Cameron & Thor

Jean Munzo By  
Domo Dangledees  
his attorney

121 ND  
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State of California  
Sacramento County 3<sup>rd</sup>

On this 4<sup>th</sup> day of April A.D.  
1851 personally appeared Leon Manso by Donno  
Danglade his attorney, who is known to me to be the  
person who executed the foregoing deed by the oath  
of J. Lareff with a competent and credible  
Witness by me duly sworn for that purpose) and  
the said Donno Danglade acknowledge that he  
executed the same free and voluntarily and for  
the uses and purposes herein expressed  
In testimony whereof I Presley Dunlap Clerk of the  
District Court for Sacramento County hereto set my  
hand and affix the seal of said Court at office  
in Sacramento City April 4<sup>th</sup> 1851

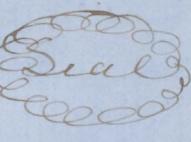
P. Dunlap Clerk  
By W. A. Remond & Co

Filed in Office March 28<sup>th</sup> 1853

Geo. Fisher

Decy

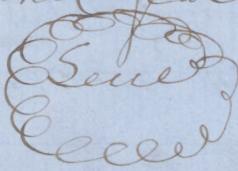
This Indenture made and entered into this twelfth day of Junyay in the year of Our Lord one thousand Eight hundred and fifty one by and between Juan M Luco of the first part and Ezekiel Barros of the second part all of Sacramento City and State of California - Witnespith: That the said party of the first part for and in consideration of the sum of Nine Thousand dollars to him on hand paid by the said party of the second part the receipt whereof is hereby acknowledged hath granted bargained sold and conveyed and by these presents doth grant bargain sell and convey unto the said party of the second part his heirs and assigns forever. All the foecowing described piece parcel or lot of land lying and being situated in the County of Sonoma and State of California, to wit: (Este con el sitio de Don Bartolo Bognoces hasta los dos Picos por el Oeste con la bahia de Bodega y estero de Tamales, por el Norte con el rancho de Dr Juan Bucell y por el Sur con un braso pequeno del estero de Tamales que comedia a este) which translates into the English language is as follows to wit: The land above mentioned is five Leagues square and bounded on the East by the land of Don Bartolo Bognoces up to the two Stones, on the West by the Bay of Bodega and Inlet of Tamales, and on the North by the farm of Don Juan Vinget and on the South by a small arm of the inlet of Tamales which runs from West to East To have and to hold the above described lot or parcel of Land together with all the rights privileges and appurtenances thereto belonging unto the said party of the second part his heirs and assigns forever - and the said party of the first his heirs Executors and Administrators doth hereby covenant to furnish warrant and defend this title against the claim or claims of all other persons whomsoever. In Testimony whereof the said party of the first part has hereunto set his

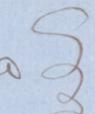
his hand and affixed his Seal at Sacramento City  
on the day just before written -  
Signed Sealed and Juan M. Yucco   
Delivered in presence of  
the Subscribing Witnesses  
Augustus M. Steslop - Henry A. Clarke

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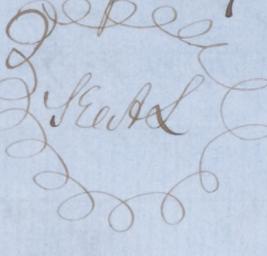
State of California  3<sup>rd</sup>  
County of Sacramento 3<sup>rd</sup> y<sup>r</sup>.

On this Eighteenth day of  
January A.D. Eighteen hundred and fifty one  
personally appeared before me a Notary Public in  
and for said County Juan M. Yucco known to me to be  
the person described in and who executed the foregoing  
instrument and acknowledged to me that he  
executed the same fully and voluntarily and for  
the uses and purposes therein mentioned  
Witness my hand and Notarial Seal this the day  
and year aforesaid

 Bonf. J. Washington Notary Public

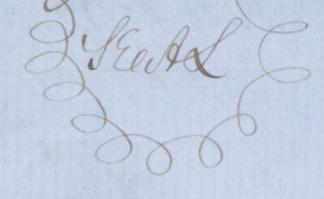
State of California  3<sup>rd</sup>  
County of Sonoma 3<sup>rd</sup>

I hereby certify the foregoing  
to be a true copy from pages 79 & 80 of Book "F"  
of Sonoma County Records in this Office -  
Witness my hand and Official Seal this

 March 4<sup>th</sup> 1853.

John Hindley

Recorder of Sonoma County  
By John A. Brewster Deputy

 Filed in office March 28<sup>th</sup> 1853

Geo. Fisher Sec

39

Power of Attorney

J.

121 ND

PAGE 40

Know all men by these presents that I Juan N Padilla  
of the City of San Francisco and State of California  
have made constable and appointed and by these  
presents do make constable and appoint Domingo  
Dangladee of said City and State my true and  
lawful attorney for me and in my name pluck and  
steal, to ask demand sue for levy recover receive  
and take possession of all such sum or sums of  
money debts groves wares dues accounts and other  
demances and property which are or shall be now or ever  
payable or belonging to me or due and from me  
in any manner of ways or means whatsoever to or  
from any person or persons in the State of California  
whomsoeuer and to do all other matters and things  
in and about my business and property in California  
as fully as I myself might or could do if personally  
present, giving and granting unto my said attorney  
full power and authority to do and perform all and  
every act and thing whatsoever, requisite and needful  
to be done in and about the premises, as fully,  
to all intents and purposes, as I might or could  
do if personally present, with full power of Sub  
stitution and revocation, hereby ratifying and  
confirming all that my said attorney or his Sub  
stitute shall lawfully do or cause to be done by  
virtue hereof-

In Witness whereof I have hereunto set my hand  
and Seal the first day of January in the year  
One thousand eight hundred and fifty one

Sealed and delivered  
in the presence of

I G White

Jose M Munoz

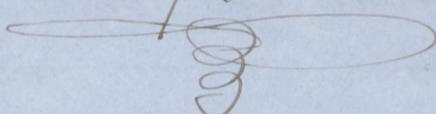
Juan N Padilla

40

State of California  
City and County of San Francisco S.S.  
On this first day of January A.D. 1851, before me  
L.W. Stout Notary Public duly appointed and  
commissioned under the great Seal of the State  
of California, dwelling in the City of San Francisco  
County of San Francisco - came Juan N Padilla  
to me known to be the individual described in  
and who presented the written Letter and power  
of attorney, and acknowledged that he presented  
the same for the purposes thereon mentioned



In testimony whereof I have  
hereunto set my hand and  
affixed my Notarial Seal in  
the City of San Francisco aforesaid  
Saee the day and year above  
written -

L.W. Stout  
Notary Public  


Filed in office March 28th 1853

Geo. Fesha  
Seey

This Indenture made and entered into this tenth day of March in the year of Our Lord one thousand eight hundred and fifty one by and between Ezekiel Bonos of the first part and Jose Lugo of the second part all of Sacramento City State of California, that the said party of the first part for and in consideration of the sum of Twenty one thousand dollars the receipt whereof is hereby acknowledged hath bargained and sold and by these presents doth bargain and sell unto the said party of the second part his heirs and assigns forever all the following parcel of Land lying and being situated in the County of Sonoma State of California to wit: The Land above mentioned is known by the name of "Bolsa de Tamal" and is five Seapies Square and bounded on the east by the land of Don Bartolo Bojorquez upto the two stones, on the west by the Bay of Bodega and Inte of Tamal on the north by the farm of Don Juan Vinger and on the south by a small arm of the Inte of Tamal which runs from west to east. I have and to hold the above described lot or parcel of Land together with all the rights privileges and appurtenances thereto belonging unto the said party of the second part his heirs & assigns forever: And the said party of the first part his heirs executors and administrators doth hereby covenant and agree to give warrant and defend this title against the claims or demands of all other persons whomsoever. In testimony whereof the said party of the second part has hereunto set his hand and affixed his seal at Sacramento City on the day first above written.

Signed sealed and delivered *Ezekiel Bonos*  
in presence of Subscribers *Henry A Clark*  
*James Shon*

142

State of California  
Sacramento County

On this tenth day of March  
in the year Eighteen hundred and fifty one personally  
appeared before the undersigned a Testeece of the  
Peace in said County Ezequiel Banos Salesfaclor  
by known to be the person described in and who  
executed the foregoing conveyance, by the oath of  
Henry A Clark a competent witness by me duly  
sworn for that purpose, who acknowledged that  
he executed the same freely and voluntarily for  
the uses and purposes thereon expressed -  
Given under my hand at Sacramento City in said  
County the day and year above written

Chas H. Swett  
Testeece of the Peace

I hereby certify that the above is a true copy of  
a deed now on Record in my office

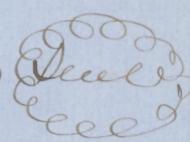
Jas. L. Pinckney  
Recorder Marin County

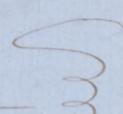
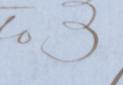
Filed in Office March 28<sup>th</sup> 1853

Geo. Fisher  
Seey

This Indenture made and entered into this 6<sup>th</sup> day  
of May 1851 between Juan M Padilla of the County  
and State of California of the first part  
and Manzana Council of the second part witness  
eth that the said party of the first part for and  
in consideration of the sum of One thousand dollars  
to him in hand paid by the said party of the second  
part the receipt whereof is hereby acknowledged, has  
this day under the provision of a certain Deed of mort  
gage made by one Juan M Lico of the City of  
Sacramento and State of California to one Juan  
Manzo of the same place dated the 3<sup>rd</sup> day of  
December 1850 to secure the payment of a certain  
Note of corresponding date with the mortgage for  
the sum of five thousand dollars - being and  
soles and each by these presents belonging and due  
unto the said party of the second part all the  
right title and interest of the said Juan M  
Lico in and to a certain tract or parcel of Land  
situate lying and being in the County of Marin  
State of California known as the Rancho de  
Tamales containing free Settlements of large size  
and bounded as follows, to wit: On the East by  
the Settlement of Bartolo Bofogues as far as the  
two Stones, on the West by the Pueblo de Bogegas  
and the Lake of Tamales, on the North by Rancho  
of Juan Vengente and on the South by a small  
branch of the Lake of Tamales which runs  
from West to East together with all the cattle  
that may be found on said Rancho having the  
following Mark X and likewise all the mares  
and horses having the beforenamed mark with all  
the privileges and appurtenances thereto belonging  
to have to hold the above described premises unto  
him the said party of the second part forever  
In testimony whereof the party of the first part,

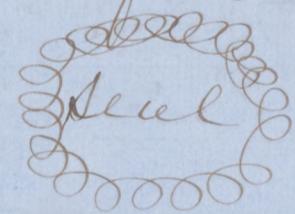
44

has hereunto set his hand and seal the day and  
year just above written  
Signed sealed and  
Delivered in presence John N. Padilla   
By A Bruegier as  
Attorney in fact

State of California   
County of Sacramento 

On the ninth day of  
May A.D. 1851 personally came before me Notary  
Public in & for County aforesaid Adolph Brue  
gier personally known to me to be the person whose  
name is attached to the above written instrument  
and he the said Adolph Bruegier acknowledged  
that he executed the same freely and voluntarily  
and for the uses and purposes therein set forth &  
mentained -

Given under my hand and seal this day and  
year just above written

 Leumann E. Thorn

Entered on Register page 10 this 24<sup>th</sup> day of  
May A.D. 1851

Ina. A. Davis  
Recorder for Marin County

Filed in Office March 28<sup>th</sup> 1853

Geo. Fisher  
Deed

45

Deed

M

121 ND  
PAGE 46

This Indenture made and entered into this day  
of first day of May in the year One thousand Eighty  
Eighteen and fifty one between Maximiliano Gómez  
of the State of California of the first part and  
Domingo Sanglada of the same State of the second  
part witnesseth: That the said party of the first  
part for and in consideration of the sum of one  
thousand Dollars, to him in hand paid by the  
party of the second part, the receipt whereof is here  
by acknowledged, hath bargained sold remised  
released and quiet claimed and by these presents  
doth bargain sell remise release and quiet claim  
unto the said party of the second part all the  
right title and interest of the said Maximiliano  
Gómez in and to a certain tract or parcel of  
Land situate lying and being in the County of  
Marin in the State of California, known as the Ran  
cho de Samuels, containing five Settlemens of  
large size and bounded as follows to wit; On  
the East by the Settlement of Bartola Bofurges  
as far as the two Stones, on the West by the Puerto  
de Bodegas and the Lake of Samuels on the  
North by the Rancho of Juan Vinget and on the  
South by a small branch of the Lake which  
runs from West to East together with all the cattle  
that may be found on said Rancho bearing the  
Mark X and likewise all the mares and horses  
having the aforesaid Mark with all the proveds  
and appurtenances thereto belonging. To have  
and to hold the above described premises unto him  
the said Domingo Sanglada his heirs & assigns  
forever - In testimony whereof the party of the first  
part has hereunto set his hand and seal the day  
and year first above written -

Signed sealed and delivered in presence of  
Horacio Haro. Lee Stoate

Maximiliano Gómez

State of California. S. P.  
County of San Francisco S. P.

On this thirty first day  
of May A. D. 1851 before me came Maximilian  
Kounei to me known to be the individual described  
and who presented the within instrument and  
acknowledged that he presented the same for  
the purposes therein mentioned

In witness whereof I have hereunto set my  
hand and affixed my Officeal  
Seal in the City of San Francisco  
The day and year first above  
written

L. M. Sloat  
Notary Public

Filed in Office March 28th 1853

Geo. Fisher

Seal

This Indenture made and concluded this first day of January One Thousand Eight hundred and fifty one  
 Between Jose Leandro Lucco and Juan Manuel Lucco  
 by Augustino M. Steslop his attorney in fact, all of the  
 County of Sacramento in the State of California  
 parties of the first part and Juan N Padilla by  
 Domingo Dangladea his attorney in fact of the second  
 part witnesseth, "That Whereas the said Juan  
 M Lucco died on the first day of December 1850 make  
 and delivered to one Juan Manso his relation promissory  
 note for the sum of \$5000 - payable on the 31<sup>st</sup> day of  
 the same month and Whereas the said Juan M  
 Lucco for the purpose of securing the punctual paym  
 ent of the said note died on the 3<sup>rd</sup> day of December  
 1850 execute and deliver to the said Manso a certain  
 Indenture of mortgage upon the herein after described  
 property; And Whereas the promissory note and mort  
 gage so given by the said Juan M Lucco to the said  
 Manso have been duly endorsed and assigned to  
 Juan N Padilla the party of the second part to  
 this instrument and have not been paid or satisfied  
 by said Juan Lucco and Whereas proceedings have  
 been taken by the said party of the second part  
 to foreclose to said Mortgage by advertisement  
 and Whereas questions have arisen as to the validity  
 of the said Mortgage and foreclosure and Whereas  
 Leandro Lucco above named claims to be the owner  
 or have some interest in the premises in the said  
 Mortgage and herein after described. And Whereas  
 the said party of the second part hath consulted  
 and agreed at the special instance and request of  
 the parties of the first part, to extend the payment  
 of the said note and mortgage made as aforesaid  
 to said Manso by the said Juan Manuel Lucco and  
 to stay all further proceedings upon the foreclosure  
 aforesaid for the space of six months from receiv  
 ing as collateral security therefor the joint note of

The said parties of the first part for the sum of  
 Five thousand dollars with interest at two per cent  
 per month, payable in six months from the date  
 hereof secured by a mortgage of the said premises  
 executed by both of the parties of the first part with  
 out however intending hereby to waive or surrender  
 any legal rights which he may have by virtue of  
 the aforesaid mortgage made as aforesaid by the  
 said Juan N. Soto on the aforesaid foreclosure  
 thereof. Now therefore the said parties of the first  
 in consideration of the premises and of one dollar to  
 them in hand paid by the party of the second part  
 the receipt whereof is by them hereby acknowledged  
 have granted bargained and sold and by these presents  
 do grant bargain and sell unto the said party of the  
 second part Juan N. Paredes his heirs and assigns for  
 ever the following described property lying and being  
 in the County of Marin and Sonoma in the State of  
 California and known as the Rancho Buelas de  
 Tamales

Known as the Rancho de Tamales containing five  
 settlements of large size and bounded as follows  
 to wit On the East by the settlement of Bartolo Boy  
 argues as far as the two stones on the West by the Bay  
 de Bodega and the Lake of Tamales on the North  
 by the Rancho of Juan Vingt and on the South  
 by a small branch of the Lake of Tamales which  
 runs from West to East. Together with all the  
 cattle that may be found on said Rancho bearing  
 the following mark X and likewise all the mous

and horses bearing the aforesaid mark and with  
all the privileges and appurtenances thereto belonging  
in<sup>g</sup>. To have and to hold all and singular the above  
described premises unto the said party of the second  
part his heirs and assigns forever Provided always  
and these presents are upon this express condition that  
if the said parties of the first part then and now  
assigns shall well and truly pay or cause to be  
paid to the said Juan N Padelee party of the  
second part his heirs or assigns a certain promissory  
note of even date herewith for the sum of five  
thousand dollars payable to the said Juan N Pade  
lee or order at six months after the date hereof and  
bearing interest at the rate of two per cent per month  
the entire whereof is payable in two instalments at  
three and six months from the date of said note  
which said promissory note is executed as herein  
before mentioned as collateral security for the pay  
ment of a certain other promissory note, made for  
the same sum and due on the 31<sup>st</sup> day of December  
1850 by said Juan N Gueco to Juan Manso or order and  
coming by endorsement to and now held by Juan  
N Padelee the said party of the second part  
Now then if the said note of even date herewith as  
aforesaid shall well and truly be paid when the  
same becomes due and all legal interest thereon  
then this obligation and all proceedings heretofore  
taken for the foreclosure of the aforesaid mortgage  
made by said Juan N Gueco before mentioned to  
stand void and of no effect - It is further understood  
and agreed of the parties of the first part make  
default in the payment of the note aforesaid when  
the same becomes due and payable, the said Jose  
& Gueco and Juan Manuel Gueco parties of the  
first part do hereby constitute and empower, and  
by these presents appoint and empower Domingo  
Dangladea their true and lawful attorney to sell the

50

The said Rancho Dolsas de Ymiales at public vendue  
in the Town of Sonoma in the same County to the  
party of the second part or any other person or persons  
after giving ten days notice thereof in the San Fran-  
cesco Herald, The Sacramento Transcript as  
well as one paper published at the City of Vallejo  
The seat of Government if any such paper shall  
then be published, of the time and place of sale  
and further the said Domingo Dangladeo is authorized  
and empowered to sign seal and execute deeds of  
Conveyance with covenants of warranty and to do  
all and every necessary act or acts in the premises  
as well as if the parties of the first part were pres-  
ently present - and after the payment of the note  
agreed with the necessary costs and charges  
including the Attorneys fees not exceeding ten per  
cent, to pay over the surplus upon sale if any  
there be to the said parties of the first part or  
their order on demand.

In witness whereof we have hereunto set our hands  
and affixed our seals the day and year aforesaid  
Sealed at Vallejo

in presence of  
"The wives" then

This obligation  
entitled before execution

Jonathan Edwards Dm<sup>o</sup> Dangladeo

Leandro Luceo Seal  
Lucia M Luceo Seal

By Aug. M. Stesles his Atty in fact

Lucia N Pachella Seal

Atty in fact

State of California  
County of San Francisco On this 7th day of June  
A.D. 1851 before me a Notary Public in and for the  
said County personally appeared Leandro Luceo to  
me known to be one of the persons described in and  
who executed the foregoing instrument and who  
now leaves therel he executed the same freely and

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voluntarily for the uses and purposes therein mentioned  
Also personally appeared before me Augustus M. Steslep  
to me known and acknowledged that he signed the  
Name of Jean M. Sico to the said Instrument as  
his Attorney in fact and as and for the voluntary  
Act and Deed of his said principal - Also personally  
appeared before me Domingo Dunglaedes to me known  
and acknowledged that he signed the name of  
Jean H. Padilla to the said Instrument as his  
Attorney in fact and as and for the voluntary act  
and Deed of his said principal

Witness my hand and official seal  
Jesuses R. Rose  
Notary Public  


Filed in Office March 28th 1853

Geo. Fisher

Seal

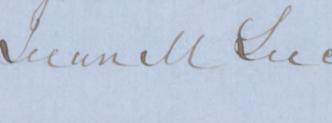
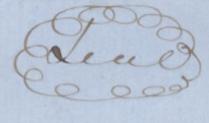
Power of Attorney

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Know all men by these presents that I Jean M. Sico of the  
County of Sacramento State of California have made  
constituted and appointed and by these presents do make  
constitute and appoint Augustus M. Steslep of said  
place my true and lawful Attorney for me and  
in my name place and stead to execute any convey  
ances and other deeds or any instruments of writing  
in connexion with the Rancho Bobo de Tomales to  
execute Notes Receipts or acquittances in reference to said  
Rancho also make covenants of warrants and to sign  
and seal my name to all my instrument of writing  
in reference to the aforesaid Rancho giving and han  
ding unto my said Attorney full power and authority to  
do and perform all and every Act and thing whatsoever  
requisite and necessary to be done in and about the  
premises as fully to all intents and purposes as I might or

could do if personally present with full power of substitution until revocation, hereby ratifying & confirming all that my said attorney or his Substitutes shall lawfully do or cause to be done by virtue hereof.

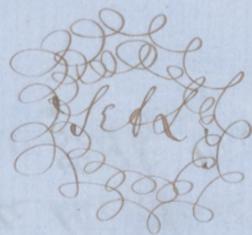
In witness whereof I have hereunto set my hand and seal this fifth day of June in the year One thousand Eighteen hundred and fifty One

Sealed & delivered     
in the presence of   
Henry Adcock  
Birmingham

State of California   
County Sac 3<sup>rd</sup>

Be it known that on this fifth day of June One thousand Eighteen hundred and fifty One before me personally appeared, Geo S Take Notary Public in and for the State of California commissioned at my dwelling in Sacramento City California personally came Jean M Lee and acknowledged the above letter of attorney to be his act and deed.

In testimony whereof I have hereunto subscribed my name and affixed my Seal of Office the day and year last above written

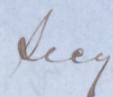


Geo. S Take  
Notary Public  
Sacramento



Filed in office March 28<sup>th</sup> 1853

Geo. Fisher



Know all men by these presents that I Juan Padilla  
 of Los Angeles California in consideration of four thous  
 and dollars to me paid by Domingo Dangladee of San  
 Francisco before this the receipt whereof is hereby acknow  
 ledged have granted bargained sold assigned and set over  
 and by these presents do grant bargain sell and set over  
 unto the said Domingo Dangladee his executors administrators  
 trustees and assigns a certain indenture of Mortgage executed  
 by Jose Leandro Suco and Juan Manuel Secco bearing  
 date the first day of June One thousand Eight hundred  
 and fifty one, unto me the said Juan Padilla on certain  
 lands in the Counties of Sonoma and Marin, in the State  
 of California together with the property notes there  
 in referred to, and the debt thereby incurred and which  
 said Mortgage is recorded in the Office of the Recorder  
 of the said County of Sonoma in Book No. One of  
 Mortgages, page . And also in the Office of the  
 Recorder of Marin County: To have and to hold the said  
 Mortgage and notes and the debt thereby incurred and  
 all the interest annexed by the said Mortgage and  
 to the lands therein described, to the said Domingo Dang  
 ladee his heirs Executors Administrators and assigns to  
 his and their sole use benefit and behoof in w<sup>e</sup>  
 And I do hereby warrant to and with the said Domingo  
 Dangladee that there is still remaining actually due and  
 unpaid upon the said Notes and Mortgage the sum of  
 five thousand three hundred dollars and that I have  
 given right to assign the same. And I hereby constitute  
 and appoint the said Domingo Dangladee my true  
 and lawful attorney irrevocable, in my name or otherwise  
 but to his own use to take collect and receive the moneys  
 aforesaid, and to enforce the payment of the same by all  
 lawful ways and means whatsoever, but the said debt  
 is to be collected at the expense of the said Domingo Dang  
 ladee and not mine.  
 I witness whereof I have hereunto set my hand and seal

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this Twenty Eighth day of October one thousand eighteen  
and fifty one -  
Sealed and delivered  
in the presence of - the  
words "business interest" being  
used

Julius K Rose

Jean N Padeew

State of California   
County of San Francisco

On this 28<sup>th</sup> day of October  
A.D. 1851 before me, a Notary Public in and for ~~San Francisco~~  
County personally appears Jean Padeew, to me known  
to be the person described in and who presented the foregoing  
Instrument and acknowledge there he presented  
the same freely and voluntarily and to the uses and  
for the purposes therein mentioned

Witness my hand and officed seal



Julius K Rose  
Notary Public

Recorded in the Office of the County Recorder of San  
Francisco Oct 3<sup>rd</sup> May page 270 Oct 20 1851 C 30 L and  
40 ments. Jm.

John A M Glynn  
Co. Recorder  
Geo. M. E. F

Filed in Office March 18<sup>th</sup> 1853  
Geo. Fisher  
Decy

55 Deed.

Q

121 ND  
PAGE 56

This Indenture made this thirty first day of March  
One Thousand Eight hundred and fifty two, Between  
Juan Manuel Lico and Jose Leandro Lico of Sacramen-  
to, by Domingo Langlade their attorney in fact of  
the first part James Dell Galbraith, John Sime, David  
J Bagley and Rechard A. Sinton of San Francisco of  
the second part and Domingo Langlade of the third  
part; Whereas, the said parties of the first part heretofore  
executed and delivered to one Juan Pacheco, a  
certain Mortgage upon the premises hereinafter particu-  
larly mentioned and described, to secure the payment  
of the sum of five thousand dollars with interest  
thereon at the rate of two per cent per month at the  
expiration of six months after the date thereof, wherein  
and whereby it was covenanted and agreed that if  
defaute should be made in the payment of the said  
principal sum and the interest when the same became  
due and payable, the said parties of the first part  
constituted appointed and empowered the said  
Domingo Langlade their true and lawful attorney  
to sell the said premises at public sale in the Town of  
Sonoma to the said Juan Pacheco or any other person  
or persons after giving ten days notice of the time and  
place of sale in the San Francisco Herald, the  
Sacramento Lance as well as one paper published  
at the City of Vallejo the seat of Government & should  
any such paper then be published, and to sign  
seal and execute Deeds of Conveyance and do every  
other necessary act on the premises as by reference  
to the said Mortgage or the Deeds thereof in the  
Counties of Sonoma and Marin were more fully  
and at large appears; And Whereas defaute having  
been made in the payment of the said money so  
secured, according to the terms and conditions of  
the said Mortgage the said Domingo Langlade  
and pursuant to the said power of sale therein contained  
On the twenty fourth day of March One thousand Eight

hundred and fifty two having first given ten days  
Notice of the time and place of such Sale in the San  
Francisco Herald and the Sacramento Transcript  
there being at the time no paper published at Vallejo  
proceed to sell the said premises at public auction  
in front of the Court House in the Town of Sonoma  
at which sale the said premises were struck off to  
the said parties of the second part for the sum of  
Seven thousand One hundred Dollars that being the  
highest price bid therefor

Now therefore this indenture witnesseth that the  
said parties of the first part in order to carry into  
Effect the sale so made as aforesaid and for and  
in consideration of the sum of Seven thousand One  
hundred Dollars to them paid at or before executing  
and delivering of these presents, the receipt whereof  
is hereby acknowledged have granted bargained  
sold and Conveyed and by these presents do grant  
bargain sell and Convey, unto the said parties of the  
second part their heirs and assigns all that certain  
tract piece or parcel of Land, Situate lying and  
being in the Counties of Sonoma and Marin and  
commonly called and known as the Rancho Balsas  
de Samales" containing five Mexican Leagues more  
or less and bounded and described as follows: On the  
East by the Settlement of Bartolo Bojorquez as far  
as the two Shores on the West by the Bay of Bodega  
and the Lake of Samales, On the North by the Rancho  
of Juan Vining, and on the South by a small branch  
of the Lake of Samales which runs from West to  
East being the premises originally granted to the said  
Juan Padilla by Gov Pio Gorria of California  
by grant bearing date the twelfth day of February  
A.D. One thousand Eight hundred and forty six and  
also all the cattle and horses or stock running upon  
the said premises bearing the following mark R.

57

Togetha with all and Singuler the tenements heredita  
ments and appurtenances to the said tract piece or parcel  
of Land belonging, or in any wise appertaining -  
To have and to hold the herein before granted and deseu  
bees promises with the appurtenances unto the said par  
ties of the second part their heirs and assigns and to  
them sole use benefit and behoof forever - And the  
said party of the thire part in Consideration of one  
dollar to him paid by the said parties of the second  
part, and for Other good and valuable Considerations  
the receipt whereof is hereby acknowledged hereby  
covenants and agrees to warrant and defend the said  
promises unto the said parties of the second part  
their heirs and assigns against Ezekiel Banos his  
heirs and assigns and all other persons claiming under  
him, them or any of them

In witness whereof the said Parties to these presents  
have hereunto set their hands and seals the day and  
year first above written - The said Juan M. Goco  
and Jose Leandro Goco by Domingo Danglada their  
Attorney in fact thereto lawfully authorized  
and empowered -

Signed and delivered  
in the presence of

J. M. Muñoz  
Julio H. Rose

Domingo Danglada

Juan M. Goco - By  
Domingo Danglada his Attorney  
Jose Leandro Goco - By  
Domingo Danglada his Attorney

B

State of California  
County of San Francisco

S. Y.

On this first day of April  
One thousand eight hundred and fifty two, before  
me Delos Lake Judge of the Fourth Judicial District  
of California personally appeared Domingo Danglases  
and acknowledged that he executed the foregoing deed  
freely and voluntarily for the uses and purposes there  
in mentioned. And the said Domingo Danglases also  
acknowledged that he signs the names of Juan  
M. Succi and Jose Sambro Succi to the said deed  
as their attorney in fact and as for their free and  
voluntary act and deed for the uses and purposes  
thereon mentioned. The said Domingo Danglases being  
known to me to be the person described in and who  
executed the foregoing instrument of writing  
Under my hand and seal (private) at San Francisco  
the day and year above

Delos Lake L.S.  
District Court 4th Dist. 1852

Received April 10th 1852 &  
Recorded in Ledger A. of Deeds  
pages 102 & 103

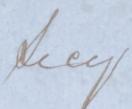
Jas. L. Dondero

Recorder Marin County



Filed in office March 28th 1853

Geo. Fisher



59

James D Galbraith et al  
vs No. 205 For the place called  
The United States  $\begin{cases} \text{Bolsa de Tamales} \end{cases}$

It is hereby agreed between the Associate Law Agent  
and the counsel for the claimants that the Powers of  
Attorney, assignments, Mortgages and mesne convey-  
ances heretofore filed in this case, purporting to  
pass the title in the said Land from the original  
grantee down to the present claimants, shall be  
received in evidence upon the certificates thereon  
to have the same effect, as though they were  
fully and more formally proved.

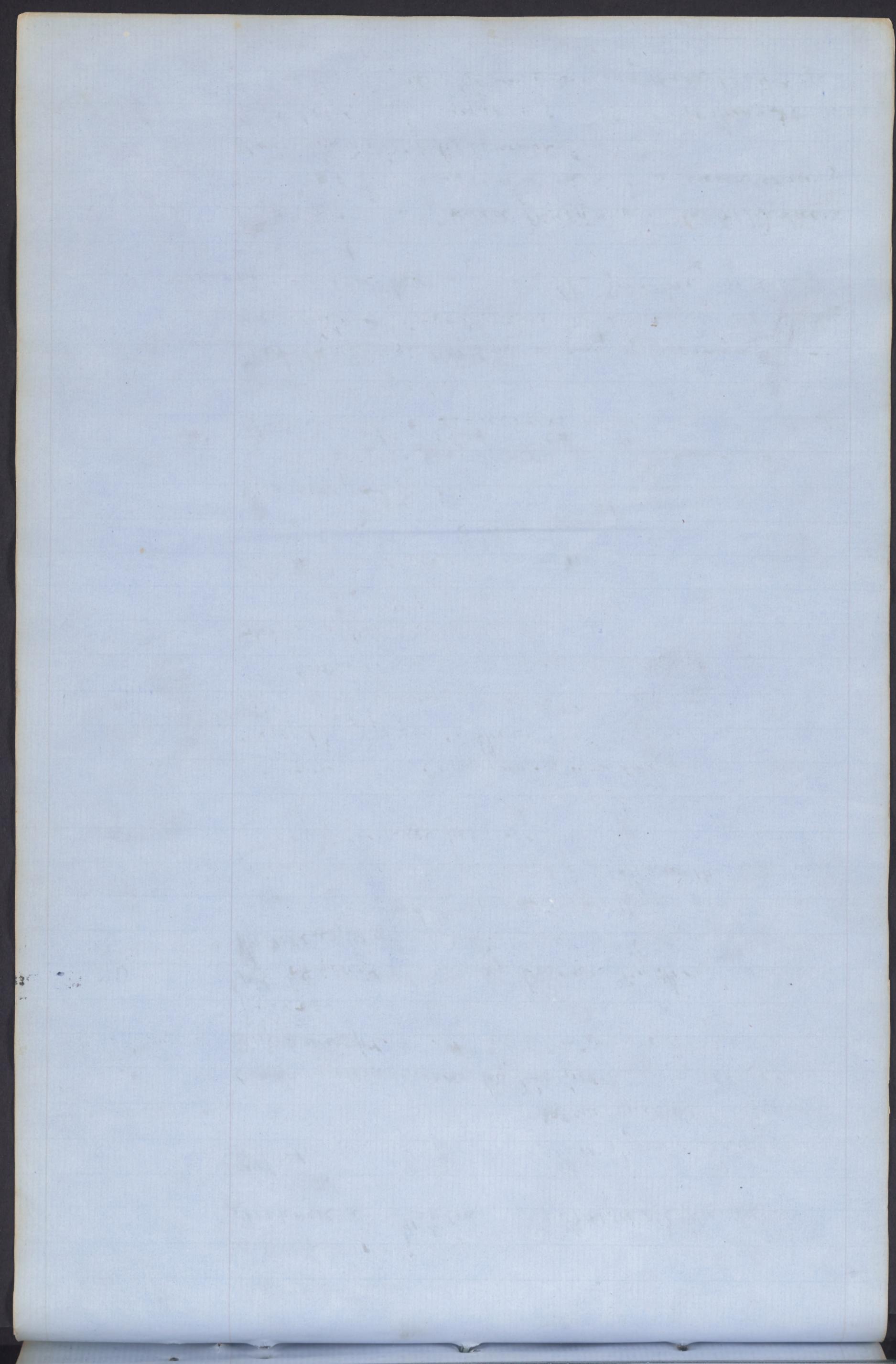
Robert Greenhow  
Apt. Law Agent

Filed in office Dec: 9th 1853  
Geo. Fisher Secy  
James D Galbraith et al  
vs  $\begin{cases} \text{No. 205. Bolsa de Tamales} \end{cases}$   
The United States

It is hereby stipulated that  
the tracée copies filed in this case and certified  
by Mr Ring the late United States Surveyor  
General for the U.S. Government, under his private Seal  
may be received as evidence just as though they  
were fully recopied and certified under the  
Seal now provided for the Surveyor General's  
Office -

Robert Greenhow  
Apt. Law Agent

Filed in Office Dec: 19th 1853  
Geo. Fisher Secy



60

James D Galbraith John Sime  
 David T Bagley and  
 Richard A Stanton

vs  
 The United States

Balsa de Tamales

Five Square Leagues

As evidence of the claim to

conformation made by the petitioners in this case  
 they have placed on file the following documentary  
 proofs

1<sup>st</sup> A grant issued by Governor Pio Pico to one Juan  
 Padilla bearing date the 9<sup>th</sup> of February A.D. 1846

2<sup>nd</sup> A Deed of Conveyance for the premises in question  
 from the said Juan Padilla to Jesus Molina and  
 Felix Benitez bearing date the 24<sup>th</sup> of June A.D.  
 1849.

3<sup>rd</sup> A deed of conveyance from the said Molina  
 and Benitez to Juan M Luceo bearing date the  
 21<sup>st</sup> of September A.D. 1849

4<sup>th</sup> A Mortgage deed executed by the said Juan M  
 Luceo to one Juan Monzo bearing date the 3<sup>rd</sup> of  
 December A.D. 1850

5<sup>th</sup> A Deed of Conveyance from the said Juan M  
 Luceo to Ezekiel Bonos bearing date the 12<sup>th</sup> of  
 January A.D. 1851

6<sup>th</sup> A Deed of Conveyance from the said Ezekiel  
 Bonos to Jose Leandro Luceo bearing date the 10<sup>th</sup>  
 of March A.D. 1851

7<sup>th</sup> A Mortgage deed executed by the said Jose Le  
 andro Luceo and the said Juan M Luceo to Juan  
 N Padilla bearing date the first day of June  
 A.D. 1851

8<sup>th</sup> A transfer of said Mortgage deed by the said  
 Juan N Padilla to Domingo Dangladea bearing  
 date the 28<sup>th</sup> of October A.D. 1851

9. A Deed of Conveyance from the said Juan N Padilla  
 to one Maximilia Louriel bearing date the 6<sup>th</sup> of  
 May A.D. 1851

Opposition of Bond  
 by Mr.  
 Campbell

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10<sup>th</sup>. A Deed of Conveyance from the said Maximilia  
Lourie to the said Domingo Dangladee bearing  
date the 21<sup>st</sup> of May A.D. 1851

11. A Deed of Conveyance from said Domingo Dangladee  
and Juan M. Suco and Jose Sancero Suco  
by their Attorney Domingo Dangladee to James D.  
Galbraith, John Sime, David S. Bagley and  
Rechard H. Stanton the present Claimants in this  
case.

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12. A certain Power of Attorney from Juan M.  
Padilla to Domingo Dangladee bearing date the  
1<sup>st</sup> day of Juneau A.D. 1851

13. A Power of attorney from Juan M. Suco to Augus-  
tus M. Heslep, bearing date the 5<sup>th</sup> day of June  
A.D. 1851.

The original grant to Juan Padilla is proved and  
also admitted by the Officer representing the United  
States to be genuine.

In regard to the regularity of the execution of all the  
other foregoing documents through which the  
settlers deduced title from the original grantee  
I find on file a stipulation signed by the late  
Robert Greenhow at that time Associate Law  
Agent which stipulation is in the following words  
"It is hereby agreed between the Associate Law  
Agent and the counsel for the claimants, that  
the powers of Attorney, Assignments, Mortgages  
and mesne Conveyances heretofore filed in this  
case, purporting to pass the Land from the original  
grantee down to the present claimants shall be  
received in evidence upon the certificates thereon  
to have the same effect as though they were fully  
and more formally proved."

The above stipulation suspends with any examina-  
tion or exception to the execution of the foregoing  
instruments that otherwise might be made.

Juan M Sico on the 1<sup>st</sup> day of June 1851 to Juan N Padilla. As has been before shown Juan M Sico at the date of this Mortgage had no interest either equitable or legal in the premises, but the title was solely in Jose Leandro Sico his brother.

It is recited in this Mortgage <sup>that the mortgage on the 3<sup>rd</sup></sup> December 1850 by Juan M Sico to Juan Mongo together with the note of \$5000-00 had been duly assigned to Juan N Padilla, that the same have not been paid and that proceedings had been taken by said Padilla to foreclose said Mortgage that the said Padilla had agreed to extend the time of payment on said promissory note and to stay all further proceedings on the foreclosure for six months, taking as collateral security the joint note of Juan M and Jose Leandro Sico and also a Mortgage executed by them on the same premises, but without waiving the legal rights of Padilla on the first Mortgage. Said Mortgage contains a power to sue and appointee for that purpose Domingo Danglader. On the 28<sup>th</sup> of October A.D. 1851 said Mortgage together with the promissory note were transferred by Padilla to the said Domingo Danglader and on the 1<sup>st</sup> of May 1851 and made him henceforth the purchaser under the first Mortgage transfer all his interest in and to the land to the said Danglader, making him the holder of whatever title was derived from the sale made by Padilla by virtue of the power contained in the first Mortgage, as well as the owner of the second of the second Mortgage. The second Mortgage it will be remembered contained a power authorizing the premises therein described to be sold on default of the payment of the said promissory note and at the same time appointing Domingo Danglader the agent of the Mortgagors for that purpose, it was by virtue of this power that

premises were sold and conveyed to the petitioners in this case. This deed contains full recitals of the whole proceedings, in which it is averred that all the conditions of mortgage contract were complied with and the deed itself is allowed to be given in evidence without objection on the part of the officer representing the Government. I am therefore of opinion that this deed conveys to the petitioners all the interest of the Malquezos to the premises in question, and further that as Domingo Sanchez is also a party to the deed and signs the same in his own right as well as Attorney for the same Juan Manuel Jose Sandoval Sico, it conveys all the interest which resulted from the sale made under and by virtue of the just mortgage to the petitioners in this case. It therefore follows that the sale under the just mortgage was binding and valid the petitioners are the owners of whatever title was derived from that source. But if on the contrary Sanchez was not the owner of that mortgage and the foreclosure of the same was not legal or valid than the equity redemption being in the signature of Jose Sandoval Sico the same was transferred to the petitioners by virtue of the sale under the former mortgage and the petitioners took the premises subject to the just mortgage. In either event they are the proper persons to demand of the United States a relinquishment of all interest which they may have in the premises in question.

It is objected by the Law Agent that the proof does not show such a compliance with the conditions of the Laws, as brings this case within the rule laid down by the Commission in other cases where confirmations have been made. It is true that the proof does not show that the original grantee never died in habite the lands prior and if the evidence

In addition to the foregoing documentary proofs the said petitioners have placed on file, what purports to be a record of the approval by the Departmental Assembly of the Original grant, which document bears date the 14<sup>th</sup> day of June A.D. 1846. and the genuineness of which will hereafter be considered - They have also placed on file a properly certified true copy of the Especial taken from the Archives now in Custody of the United States Surveyor General in California.

The foregoing instruments embrace all the documentary proofs offered by the petitioners in this case. It is proved by the deposition of Juan N Padilla the original grantee that he obtained a concession of the place called "Bolsa de Samales" from Gwunia Rio Pico in the year 1846, that steps have been taken in 1845 during Mechettences time for obtaining said grant, but on account of revolution it affected the title was not signed until Pico became Gwunia. He further states that as early as the year 1844 he had possession of the same Land, that he built a house on it in that year which was occupied by his people that he cultivated it and had cattle on it from that time until he sold it to Juan Molina and Felix Beneyze in the latter part of the year 1848 or the beginning of the year 1849. He also states that he made either in the year 1845 or 1846 application to the proper officer for the full and proper possession of the premises, which on account of the failure of the adjoining neighbors to appear was not given. Part of the Land he states was bounded by the sea -

It is proved by the deposition of Francisco Mestgale that he knew the place called "Bolsa de Samales" as early as the year 1834 and to the best of his knowledge Juan N Padilla built a house and put some

cattle on the Land in the year 1845. That he (Padilla) had three men on the place, and that the same persons were on the land in 1846. This witness locates the the house, and states that he had not been at the place since the year 1847, at which time the house was burned down - In reply to questions put by the Law Agent, he states substantially as follows "That Padilla had cattle on the Rancho and finished the house in 1845. That Padilla did not reside on the place himself, but had people there, that he had a small comal and that he went to the place as often as twice a week, sometimes, that Padilla went to the place to see about his business - That the people he put there continued to occupy the house through 1845 and 1846 - and until it was burned down, that he heard the house was burnt in August or September 1846 - The deposition contains other statements not deemed material to receipts of late.

The Law Agent in the brief which he has filed in this case amongst other objections raised to the confirmation of this claim insists that the signature of Pio Pico attached to the document purporting to be a record of the approval made by the Departmental Assembly of the grant in question is not his genuine signature -

I llamáu the witness upon whose deposition the claimants rely to establish the genuineness of Pico's signature to this document after having examined it, he states that it is the genuine signature of Pio Pico - This testimony of Villalman stands uncontradicted, except in the manner indicated by the Law Agent in his brief, who he insists is shown to be a forgery by comparison with other signatures of Pio Pico's admitted to be

went no further the claim of the petitioners for confirmation would be denied, but it is proved by the deposition of Isaac N Padilla the original grantee that from the ~~date~~ year 1844 up to the time he sold it in the year 1848 or 1849 he cultivated the lands, cultivation has always been held by the present Comisioners as despensing with the proof of actual inhabitancy - The testimony of this witness should be received I admit with caution as he is the original grantee and by his deed entered into the documents of the ~~Land~~ ~~Surveyor~~ - The state of his state makes him a competent witness, and his interest in the result of the suit goes merely to his credibility - His testimony in several important particulars is fully corroborated by another witness, although not as to the particular point of cultivation - Taking all the testimony into consideration we think it establishes a substantial compliance with the conditions and objects of the law - It is also objected by the law agent that the survey is insufficiently described to effect its segregation from the public domain. The condition of the grant defines the boundaries of the lands granted with more than ordinary precision and also fixes the quantity at five ~~square~~ <sup>up</sup> square leagues - There is no sobrance reserved, and it is evident that the part was intended to be one of metes and bounds, and for that reason unusual precision in the description of the boundaries is observed - We are of opinion that from the boundaries as given in the 3<sup>d</sup> condition already referred to the land may be located and designated with the usual certainty in such cases -

The other objection raised by the law agent remains to be considered - It is apparent from the history of the case as contained in the ~~he~~ copy of the ~~Expediente~~ that there is a strong discrepancy between the date of the grant and all the papers which

usually precede the issuing of that Document -  
The Counsel for the claimants in the brief which they  
have filed admit the discrepancy, but are unable  
to explain it in any very satisfactory way at least  
But I think that if they had given the original  
grant even a cursory inspection the cause of the  
discrepancy would have been very appar-  
ent. In the line next to the last in the original grant  
the word Junio has been very bunglingly altered  
so as to read "Febrero" making the date of the grant  
on the 12th of February 1846 instead of the 12th  
of June 1846 as it was first written. The 12th of  
June corresponds with the copy in the Especiente  
and removes all doubts in regard to the other  
documents in the Especiente which would of  
course precede the grant in point of time -

The motive which the party had in making this  
alteration is not very apparent, but one thing is  
certain, that it was neither Sincere nor honest  
and is calculated to cast a shadow of suspicion  
over the integrity of the whole claim coming as  
it does fresh from the hands of the party after  
that too without explanation of any kind -

Indeed there are many things connected with this  
claim which render the conclusion at which the  
commission has arrived not altogether satisfactory.  
The time when the grant was made only a few  
days before the Americans took possession of the country  
by the violent and palpable attempt to alter the  
date so as to make it appear several months ante-  
rior to the time when it was issued, and the manifest  
want of similarity in the signature of Rio Poco to  
the paper of approval, with the usual mode of signing  
his name are circumstances which greatly detract from  
the and give weight to the claim. The evidence  
however makes out a prima facie case which in the  
absence of any rebutting testimony entitles the petitioners to a  
decree of confirmation and the same will accordingly be entered

James D Galbraith John Lime  
David T Bugley and  
Richard S Stanton

vs  
The United States

In this case on hearing  
the proofs and allegations it is adjudged by the  
Commission the claim of the said Petitioners is  
valid and it is therefore decreed that the same be  
confirmed

The boundaries of which confirmation are hereby made  
are known by the name of "Bolsa de Tamales" and  
are bounded and described as follows to wit On  
the East by the property of Don Bartolo Bojorquez  
as far as the two stones, on the West by the Bay  
of Bodega and the creek (or inlet) of Tamales, on  
the North by the Rancho of Juan Vingel and on  
the South by a small arm of the said creek (or  
inlet) of Tamales which runs from West to East  
containing in all five square leagues. Reference  
for further description to be had to the original  
grant and the translation of the same given as  
evidence on the case

Alpheus Fitch  
Thompson Campbell  
R. M. Thompson

Commissioners

Filed in office April 11. 1854  
Geo. Fisher Secy

And it appears to the satisfaction of  
the Board that the land bounty organization  
is situated in the Ninth District of Califor-  
nia. It is hereby ordered that the Transcripts  
of the Proceedings and of the documents 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  
Chair of the Ninth District Court  
on the Ninth District of California  
and the other be transmitted to the Atty  
Genl of the United States.

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Office of the Board of Commissioners,

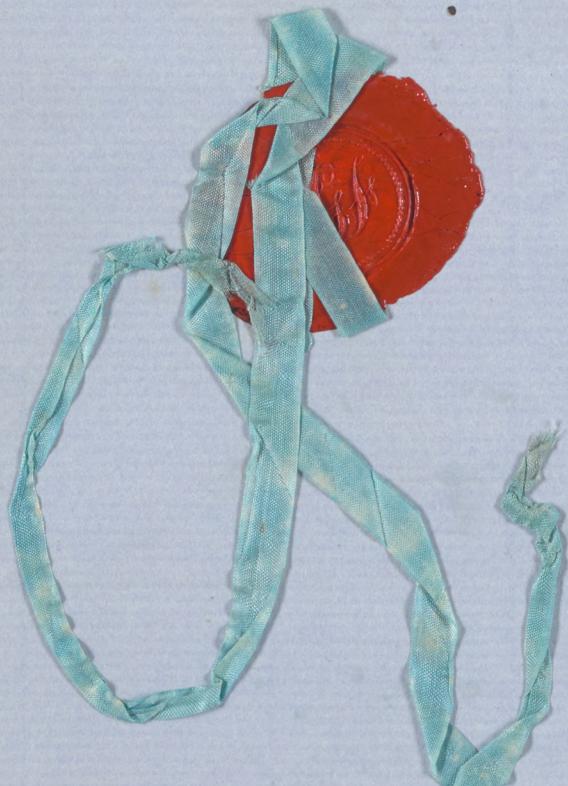
To ascertain and settle the Private Land Claims in the State of California.

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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 sixty eight — pages, numbered from  
1 to 68, 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. 265 on the Docket of the said Board,  
wherein James L. Gabraith is

the Claimant against the United States, for the place known by  
the name of "Boca de Tamales" —

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



Geo. Fisher  
3

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

No. 121

THE UNITED STATES,

vs.

*James D. Galbraith*

---

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 205

---

Filed, November 2<sup>d</sup> 1854

*Prosimonval*  
CN

---

Office of the Attorney General of the United States,

Washington, 10th February 1855.

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James D. Galbraith      }  
vs.                          } 205.  
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 12th day of November 1854, the appeal in the district court of the United States for the Northern Judicial district of California will be prosecuted by the United States.

Alvord

Attorney General.

PAGE  
U. S. District Court for  
Northern District, Cala.

The United States

vs  
James D. Gilbraith  
No. - 121 -

Notice of appeal.

Filed March 20, 1855-

Ahn. A. Monroe,

Clerk

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free

Office of the Attorney General of the United States,

Washington, 10th February 1858:

u. 121 ND  
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James D. Galbraith      }  
                vs.      }  
The United States.      } 205.

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 12th day of November 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.

*on* M 121

U.S.D. Court N. Dist.

The United States

vs.

James D. Galbraith.

Appeal Notice.

Filed May 5, 1855,  
J. W. A. Cheever,  
Deputy -

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*M*

In the U.S. Dist. Court. &c

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The United States } vs  
Galbraith et al } Notice  
No. 205-

Mess. Sanders Hepburn & Bagley:  
Gents:

Please take notice  
that the deposition of  
James Haven a witness on the  
part of the United States will  
be taken in the above entitled  
cause - before ~~John G. Thompson~~  
U.S. Commissioner at his Of-  
fice in the Building of the U.S.  
Courts - in this City - at One  
O'Clock P.M. on Saturday the  
29<sup>th</sup> instant - when and where  
you may attend if you think  
proper -

This September 28, 1835.

Respectfully  
A. Glassell  
Asst U.S. Atty -

U. S. Dist Court

The U. States  
vs  
Galbraith et al

Notice for taking  
testimony  
~~service of summons~~  
~~notice & copy of~~  
written notice  
admitted. 28<sup>th</sup>  
Sept 1888.  
Saunders & Stephens

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Glassell

United States District Court  
Northern District of California

San Francisco Sept 29<sup>th</sup> 1858

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On this day, before me Gen. P. J. Johnstone  
a Commissioner of the United States for the Dis-  
tricts of California, duly authorized to administer  
oaths & to examine James Hanes a witness produc-  
ed on behalf of the United States in Case  
No. 121 being an appeal from the Board of  
Commissioners to ascertain and settle the Pri-  
vate Land Claims in the State of California, in  
Case No. 205 on the Docket of the said  
Board of Commissioners, and was duly sworn  
and testified as follows.-

United States of America *333333*  
vs  
J. D. Galbraith & others

Present

A. Glaspell on behalf of the U. S and  
H. P. Hepburn on behalf of Appellee

Questions by A. Glaspell Esq  
What is your name? James Hanes. What is your age?

I am fifty-eight years of age, - Where is your place of residence? I live in that portion of country now known as Marin County State of California, - How long have you resided there? I have lived there eleven years. Are you acquainted with the old residents of that part of the country prior to its occupancy by the Americans? Yes sir.

Do you know a person by the name of Juan Padilla? I do. - Does he reside now in that county? He does not. - Did you know Padilla prior to the occupancy of the country by the Americans? I knew him for a long time before. - Did he reside in that part of the State now known as the County of Marin? He did. - Do you know where he resided? I do. - Are you acquainted with the tract of country in this State known as "Balsar de Tamalis"?

I am. - Were you ever on this tract of land? Yes sir. - Were you there before the Americans occupied this country? I was there frequently before and since that time. - Do you know where two natural objects called the "Two Rocks" are situated? Yes sir: - I think they are <sup>in</sup> Marin County. - Do you know where the "two rocks" are situated? - Yes. -

Do you know where the said Padilla,  
lived prior to the occupancy of this  
country by the Americans? I do.—  
How far did Padilla live from the said  
Two Rocks? He lived between two and four  
miles from them.— In what direction did  
he live from the said "Two Rocks"? He  
lived about North East from them.— Did  
he ever live upon the said tract of land,  
known as the "Balsar de Tamalis"?  
He never did.— Did he ever occupy  
or cultivate the "Balsar de Tamalis" or any  
part of it? He never did.— Are you  
aware that Padilla ever claimed or  
pretended to own the "Balsar de  
Tamalis" prior to the occupancy of  
the country by the Americans? I  
know he did not.— Within what dis-  
tance of the sea-coast is the tract of  
land known as the "Balsar de Ta-  
malis"? It is bounded on the west  
by the Bay of Tamalis, Bay of Bodega,  
and the ocean.— How far are the Two  
Rocks from the sea-coast? About twelve  
or fifteen miles.— Did you, before the  
occupancy of the country by the Amer-  
icans see any evidence of cultivation occu-  
pancy or habitation on the "Balsar de Ta-

malis?" I did not. - Had you or had you not an opportunity of knowing whether there was inhabitation, occupancy or cultivation of this land prior to the occupancy of the country by the Americans? I had. - Do you know a person by the name of Hosea Francis or Westgate? I do. - Does he now reside in the county of Marin? - He does. - How long have you known him? About twenty odd years. - Have you or have you not had opportunities of knowing his character? I have had plenty. - I have worked with and lived with him. - What is his general reputation is it good or bad? - It is not very good. - What is his reputation for veracity? He has a knack of telling a lie. - From your own knowledge of his character would you believe him on oath? I would not. - Do you or do you not believe he would be generally believed on his oath in the county where he is known? - I do not.

Cross Examination by H. P. Hepburn Esq.  
When you say you would not believe Hosea Francis Westgate on oath is it because of your personal knowledge of him

or from his general reputation? From both -  
What sort of personal knowledge of him  
is it that induces you to say you  
would not believe him on oath? - Be-  
cause he has told me a great many  
falsities. - Do you live within the limits  
of that tract of country known as the  
"Balsar de Jamalis". - I do. - How long  
<sup>you</sup> have <sup>been</sup> lived there? - Eleven years. - How  
much land have you got there in pos-  
session? I claim One Hundred and  
Sixty acres. - ~~What is the extent of the~~  
How do know that Padilla, did  
not live on the "Balsar de Jamalis"? -  
I know where he did live and it  
was not within the boundaries of the "Bal-  
sar de Jamalis". - How do you know  
that he did not cultivate the "Balsar  
de Jamalis"? - I know very well be-  
cause I have never seen any cultivation  
of it. - What are the boundaries of the  
"Balsar de Jamalis"? - The first bound-  
ary is the "Estero Americano" - the second  
boundary is the ocean - the ~~next~~ bound-  
ary is "Raphael Garcia" - the last bound-  
ary the uppermost part is bounded by  
Mr Blact's. - What is the extent of  
lands contained within those bounda-

aries? Ten or twelve leagues. - How often have you been over those ten or twelve leagues? Ten or twelve times. - When were you over it? - Fourteen months ago and twenty eight years ago. - How many settlements are there on it now? God Almighty knows! - How do you undertake to say that there was no cultivation on the ten or twelve leagues? Because I know; - I have been over the place - there was one settlement Victor Castro put some cattle on it.

Direct examination resumed. -

Was this "Balsar de Tamalis" a tract of country or a Rancho? It was a tract of country - not a Rancho. - What Castro was it occupied, that portion of the country? Victor Castro. - What part of this "Balsar de Tamalis" did Victor Castro occupy? His residence was three miles from the point of the "Estero de Tamalis".

The Attorney for the Appellee makes an objection to all leading questions contained in the foregoing deposition and a reservation of all legal objections. - James <sup>his</sup> Herves makes Subscribed and sworn to before me

J. Herves

this 29<sup>th</sup> day of  
September A.D. 1855

Geo. Pen. Johnstone  
U.S. Commissioner

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United States Dist Court  
Northern District of California

No-121-

United States of America

vs

I. D. Galbraith & others

Deposition of James Horco  
on behalf of United States

Filed October 6, 1855,  
by Cheever,  
Deputy.

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United States District Court  
Northern District of California,

121 ND  
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San Francisco November 10<sup>th</sup> 1855

On this day, before me Geo. Par. Johnson a Commissioner of the United States for the Districts of California, duly authorized to administer oaths to whom came Pedro Borjorques — a witness produced in behalf of the United States in Case No 121, being an appeal from the Board of Commissioners to ascertain and settle the private Land Claims in the State of California, in Case No. 205, on the Docket of the said Board of Commissioners and was duly sworn and testified as follows; his evidence being interpreted by Candido Gutierrez as sworn Interpreter.—

Present;

H. Glazell acting U.S. Atty in behalf of the United States and H. P. Hepburn in behalf of Appellees. —

Questions by Atty in behalf of the U. S.—  
"What is your name?" "My name is Pedro Borjorques." — "What is your age?" "About

"thirty seven years?" - "Where do you reside?"  
"In San Rafael, Marin County, California."  
"How long have you resided there?" "From fifteen to sixteen years." - "Do you know a tract of country situated between the Bay of Tomales, the Estero Americano and the two Rocks or "Los dos Piedras," commonly called "the Tomales"?" "I do." - "Were you acquainted with Juan Padilla?" "I was & am." - "Did he ever occupy any portion of the tract of land known as "the Tomales," or do you know of any occupation or improvement thereof previous to the arrival of the Americans in this country?" "I do not know of any improvements before that time there were only Indians living on it near the sea." - "They were not employed by any one - they were living there on their own account." - "Are you the owner of ~~a~~ tract of land adjoining the said "Tomales"?" "Yes - or rather my father is the owner - we have no lands separate." - "Were you the owner of that land as early as 1845 or 1846?" "I was." - "Were you ever notified to attend at any time the giving of judicial process to any portion of this Tomales country to any person whatever?" "I never was."

"Did Juan Padilla claim any land in that part of country now known as Sonoma County?" "He did." "Did he have a home on that claim?" "He did." "Did that place of Padilla's in Sonoma County have a name?" "I know he had a ranch in that county called "Rollar de la Misericordia,"" "Was that Rancho within the boundaries heretofore mentioned?" "It was not."

Questions by H. P. Hepburn Esq in behalf of Appellees. -

"Where did you live before the Americans came to the country?" "I lived on the Rancho Laguna de San Antonio, -" "Do you live in the same place now?" "I do." "Who owns that Rancho now?" "My father does." - "How far is that Rancho from the "Balsar de Tomales"?" "It is about two miles from the Balsar de Tomales". -

Swear to & subscribed Z Pedro <sup>his</sup> Borjergues  
before me this 10 <sup>to</sup> Z mark  
day of November A.D. 1855 Z

Glo. Gen. Johnston  
U.S. Commissioner

United States District Court  
Northern District of California

No 121

United States of America

vs  
I. D. Galbraith & others

Deposition of Pedro Barjorges  
on behalf of United States

Filed Nov. 26. 1855.  
of the record  
Deputy

four

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United States District Court  
Northern District of California

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San Francisco, November 10<sup>th</sup> 1855

On this day, before me Gen. Ben. Johnston a Commissioner of the United States for the Districts of California, duly authorized to administer oaths etc came John Keys a witness produced in behalf of the United States in Case No. 121, being an appeal from the Board of Commissioners to ascertain and settle the private Land Claims in the State of California, in case No. 205., on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows;

Present;

A. Glafell acting U.S. Atty in behalf of the United States and H. P. Hepburn in behalf of Appellees.

Questions by U.S. Atty in behalf of the United States. -

"What is your name?" John Keys. - "What is your age?" I am about thirty two years of age. - "Where do you

reside?" In Marin County, California--"Are you acquainted with the tract of country known as "The Tomales"? I am." "Do you know the land known as "The Bolsar de Tomales"? I do." "What are the boundaries of the Bolsar de Tomales?" It is bounded on the North by "Estero Americano" on the west by the Bay of Bodega or Pacific Ocean on the South by a creek the name of which is unknown to me the eastern boundary I cannot define." I call the creek which bounds the tract on the south the "Estero de Tomales". (The witness here offers a map for the purpose of elucidating his testimony, which the attorney for the appellee, objects to having attached to witness's deposition.) "What are the boundaries of the tract of country known as "The Tomales"? The boundaries are very indefinite - the Bay of Tomales is some 18 or 20 miles long - and the land on each side of the Bay is usually called Tomales as far north as the "Estero Americano". "When did you first become acquainted with the country of "The Tomales"?" In July or August 1850. What do you know of improvements, if any

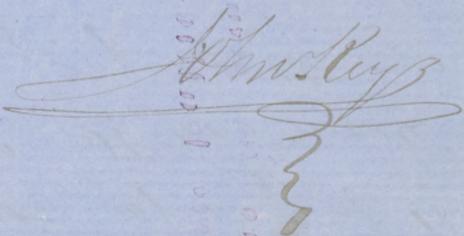
on the Bolsar de Tomales at that time?"  
"There were no improvements on the "Bolsar de Tomales" of any kind at that time." "Were there any signs of occupation, cultivation, or habitation on the "Bolsar de Tomales" at that time?" "None, whatever." "Were there any houses near to it at that time?" "None, which might be called near, there were six or seven settlements around the "Bolsar de Tomales" country - but the nearest was four or five miles north of the northern boundary of the Tomales Country." "When was the first settlement made in the "Tomales" country?" "The first one I know anything about was made in the fall of 1850 or the spring of 1851." "Who was it made by?" It was made by Alexander Nolle & myself - there were traces of Indian Rancherias around the Bay of Tomales previous to that time but I do not regard them as settlements - they were such as exist all along the coast of California to the north as far as I have ever been." "Was this settlement made by yourself & Nolle upon the "Bolsar de Tomales?" No, it was not.

Questions by H. P. Hepburn Esq of Alty for Appellees. -

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"Where do you now live?" "In the place I have heretofore mentioned, as being settled by myself and Nottle." "Is that place within the boundaries of the survey made by Richardson, of the "Bolsay de Tamales" now on file in the Surveyor General's office?" "A portion of that land is within the boundaries of the survey." "Do you claim that land as a settler or as a tenant?" "I claim it as a settler." Sworn to & subscribed before me this 10<sup>th</sup> day of November A.D. 1855

  
H. W. Rupp  
Glo. Rec. Johnston  
U.S. Commissioner

Map of the Tomales Bay Area

Sketch

1880

121 N.D.

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"Bolsa de Tomales"

James D. Culbraugh, Clmt.

MARIN Co.

264-R-1

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Stephen  
Smith

Casper  
or  
Farnell

Rancho  
de  
Dawson  
Tingo

Rancho de  
Viget

Bodega

Esteros Americanos

Bolsar de Tamalis

This portion of Land between these Esteros was granted by Micheltereno  
to Francisco Caseras or Francisco Ballie — Papers Lost

Esteros de Tamalis

For Rockis or Los  
dos Pedro's

N

E

W

S

Pacific

Ocean

Bay of Tamalis

Salalock and Blase

Randall's Ranch

Boundary of Land claimed by

Galbraith & Others

claimed under same title by Judge Heslop

Map representing  
a portion of the  
boundary of the  
Rancho de Tamal.  
And a Rancho  
contiguous to the  
same, named  
Francisco Gómez,  
by Mitchell.

Left by Strokey

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409 307117  
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United States District Court  
Northern District of California

No 121

United States of America

vs

I. D. Galbraith & others

Deposition of John Keye in  
behalf of United States

Filed Nov. 26, 1855,

J. Chevez  
Deputy

Ex 121 ND

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United States District Court  
Northern District of California

San Francisco, November 30<sup>th</sup> 1855

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On this day, before me Geo. Par. Johnston, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths to come F. G. Blume a witness produced in behalf of the United States in Case No. 121, being an appeal from the Board of Commissioners to ascertain and settle the private Land Claims in the State of California, in Case No. 205, on the Docket of the said Board of Commissioners and was duly sworn and testified as follows:

United States of America,

vs  
I. D. Galbraith & others

Present:

U.S. Attorney in behalf of the U.S. and  
H. P. Hepburn in behalf of Appellee

Questions by U.S. Atty;

"What is your name?" "My name is F. G. Blume".

"What is your age?" "I am fifty years of age."

"Where do you reside?" "In Sonoma County, Analla Township, California." "What is your occupation?" "I am a farmer." "How long have you resided, where you now reside?"

"Since the fall of the year, September or October 1846." "Where did you reside before you resided where you now are?"

"In the present town of Sonoma." "Do you know a tract of land or country called the Balsar de Tamales?" "I do." "Do you know any part of the boundaries of that tract?" "I know the northern, western, and southern boundaries of that tract." "What is the northern boundary?" "The Estero Americana." "What is the southern boundary of that tract?"

"The Estero de Tamales." "What is the western boundary?" "The Pacific Ocean." "Do you know a tract of country called the Tamales?"

"I do." "Do you know the boundaries of the Tamales tract?" "Yes sir." "What is the northern boundary?" "The Estero de Tamales." "What is the southern boundary?"

"The Bay of Tamales." "What is the western boundary?" "The Pacific Ocean." "What is the eastern boundary?" "I do not know."

"Is the Balsar de Tamales the same tract of land as the Tamales, or are they different?" "They are different." "What is the name of the place on which you live?" "Barada

de Pogolini". - "How is your place situated, with reference to the "Balsar de Tamales" as described by you?" "My place is bounded by it, on the south." "Do you know a man by the name of John Keys, who lives in that country?" "I do." "Do you know where Mr Keys resides now?" "I do." "How far, on the road to Bodega from Mr Keys' (leading from Mr Keys' to Bodega), is the creek which you call the "Estero de Tamales" which you say is the southern boundary of the "Balsar de Tamales" from the house of Mr Keys?" "Between two and three miles." "Where did you reside before the American flag was raised, at the time they took possession of the country?" "In the town of Sonoma." "Do you know of any occupation, cultivation or improvements, on the "Balsar de Tamales" before the Americans took possession of the country?" "I do not." "Do you know Juan Padilla?" "I do." "When and where did you know him first?" "In the fall of 1846 or the spring of 1847 - in the town of Sonoma." "Do you know whether Juan Padilla ever claimed the "Balsar de Tamales?" "I do not." "Where did Juan Padilla live?" "I believe he lived in Lower California - I only saw him in the town of Sonoma - while he was there transiently." "Did Padilla ever occupy or cultivate the

"Balsar de Tamales?" He never did? "Were you ever notified to attend the giving of juridical possession of the "Balsar de Tamales" to any person whatsoever?" "I never was." "Are you aware of juridical possession having been given to any one, at any time of the Balsar de Tamales?" "I am not." "Did Padillas ever own a Ranch in Sonoma County?" "He did - it was called the "Roblar de la Misericordia". "When did Padillas first own that Ranch?" "I do not know." "Do you know of any causes existing to prevent the cultivation or occupancy of the "Balsar de Tamales" prior to the time when the Americans took possession of the country?" "I do not." "Have you any interest whatever in the event of this suit?" "None, whatever."

Cross Examination by A. P. Hepburn Esqr in behalf of Appellees. -

"Do you know the boundaries of the property, claimed by the claimants in this suit?" "I do not." "Do you own any land in the neighborhood of the "Balsar de Tamales," or of the "Tamales" or within the boundaries of either of those tracts of land, as described by you?" "I hold a pre-emption claim within three miles of the northern boundary of the "Balsar de Tamales" and it is not in the Tamales

tract nor do I own land within the limits  
of either of these tracts - my wife owns a  
Ranch called the "Canada de Pogolini"  
and it is not according to my knowledge  
is not within the boundaries of the "Balsas  
de Tamales" or the Tamales." How long  
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did you live in the Town of Sonoma?"  
I lived there ten or eleven months before  
I moved out to the Ranch where I  
now live." -

Sworn to & subscribed,  
before me this 30<sup>th</sup> day of November 1855  
Gen. Don. Johnston  
U. S. Commissioner

In the District Court of the U.S.  
For the Northern Dist of Cal 1857

No 121-

The U.S. of America  
vs  
I. D. Galbraith & others

Deposition of H. G. Blume a  
witness in behalf of the U.S.

Filed December 1, 1858,

J. Chenev.  
Deputy.

DW

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United States District Court  
Northern District of California

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San Francisco

February 26<sup>th</sup> A. D. 1856

On this day before Geo. P. Johnston, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths he came William B. McDonald, a witness produced on behalf of the United States in Case No. 121. - being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California in Case No. 205., on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:-

The United States  
vs  
James D. Galbraith

Care No. 121 District Court  
and Care No 205- Land Commission

Present:

The U.S. Dist Atty in behalf of the U.S.  
and Saunders & Hopburn on behalf of Claimants & Appellees. - Questions by U.S. Dist Attorney  
"What is your name, age, & place of residence?"

"My name is W<sup>m</sup> B. Mc Donald, my age is fifty-nine years, and I now reside on Russian River, in the State of California."

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I came to this country in 1845, and resided a while at Sutter's Fort when I first came to California and for some time afterwards lived in Yerba Buena, now San Francisco and have been in different parts of the country ever since, wherever I could find employment. - I know a place which is called the Balsa de Tamales - I believe I have passed through it. - The northern boundary of the "Balsa de Tamales" I believe to be the "Estero Americanas." It is bounded on the west by the ocean - that is a part of it is bounded on the west by the Bay of Tamales and a part of it by the ocean. - I can't tell exactly what bounds it on the east - the prominent natural object on the east on boundary is the locality known as "the Two Rocks." As far as I know it is bounded on the south and west by the Bay of Tamales - and the Ranches of Black. - I know where the home of Mr John Keys is - in going from Mr Keys home towards Bodega - I cross only one stream

of any note, before getting to the "Estero Americana," - the stream I cross of which I have spoken heads in the valley of "The Two Rocks" - I know a widow by the name of King who lives on the northern side of the Stream of which I have testified - the tide rises in the stream above the widow King but does not rise so high up the stream as the road, of which I have spoken - the tides sometimes rises so high at the widow King's place that the stream can't be crossed at high tide on horseback - I don't know how far the widow King's or the road of which I have testified is above the mouth of the stream.

"In reference to the stream which you have been describing, does the tract of country called the "Bolsa de Jamales" extend south of it?" It does - how far south of it I can't tell - I know nothing about the width or extent of it - it may extend to another stream which runs on the south of the first-named stream ands of Keys home - (I am not certain of the southern boundary of the "Bolsas de Jamales": "I have known Juan Padillas from having seen him once or twice - ands knew the

Ranch where he lived. - I know Capt H. L. Ford - I served under him in the first part of the revolution in the year 1846 - for the first time in hunting up Padilla and some other ~~and~~ charged with the murder of some Americans near Santa Rosa - we did not find Padilla while on the expedition - we stopped at his house and found nobody there - and passed on to the lagoon of San Antonio; - Padilla's home of which I speak was on the road leading from Petaluma to Bodega - east of "the Two Rocks" - the home of Padilla was situated on what is called the Burnt Ranch - the house was made of poles stuck into the ground and covered with tiles - the house is not there, it was burned down - it was burned by a fire which started up towards Sacramento somewhere and burned the whole country down that way - it was burned in the latter part of 1846. - I never knew Padilla to live at any other place than the one I have named since I have been in the country - I never heard until lately that Padilla or anybody else

claimed the country called to

claimed the country called the "Bolsa de Tamales", I never knew any home to be on it - and, never knew of its occupation or cultivation by anybody before the Americans took the country - except Indians who lived in brushy huts on it. - The opinion of the old settler was that the land would be government land, after the flag was raised - I never looked at the records in Sonoma County - the old settler of whom I have testified or spoken, were a few of those who resided in the country before the flag was raised and consisted of Americans and other foreigners - not native Californians. - I have heard the two names of "Bolsa de Tamales" and "The Tamales" called and mentioned before I was ever in that region of country but never paid any attention to the distinction - the "Bolsa de Tamales" is a part of the Tamales Country - the boundaries I have named, are intended to describe the boundaries of the Tamales country - I don't know the boundaries of the Bolsa de Tamales - except where it commences at the stream by the widow King's. -

W<sup>m</sup>. B. McDonald,  
his f marks

Sworn to & subscribed,  
before me, this 26<sup>th</sup>  
day of February A.D. 1856  
Geo. P. M. Johnston  
U.S. Commissioner

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Examination adjourned until to-morrow, the 27<sup>th</sup> day of February A.D. 1856 at 10½ o'clock A.M.-

Examination of Wm B. Mc Donald, witness on behalf of the U.S. resumed, this 27<sup>th</sup> day of February A.D. 1856.

Questions by U.S. Dist Atty.

"Was there any other expedition sent in pursuit of Padilla except the one in which you were engaged, about which you testified yesterday?" "I don't think there was on the Northern side of the Bay - there may have been on the Southern side." "While the war lasted I was in the region of Sonoma, on the northern side of the Bay all the time. - I was in that country during the whole time of the Revolution spoken of. There was no <sup>other</sup> expedition fitted out against Padilla, that I know of. Padilla left the country, and never returned."

to it during the war, that I know of—  
The house that I stopped at ~~is~~ called the  
Burnt Ranch; it was known at that time  
as Padilla's Ranch ~~and before that time.~~ It ~~is~~ called  
the Burnt Ranch from the fact that the  
~~house~~ had burned down. I am positive  
that the house I stopped at was east of  
the two rocks. There was a spring near  
the house. I saw persons near the  
house, a step son of Padilla's and an Indian  
boy."

Cross examined by the claimant's counsel.  
"I derived the most of my knowledge of the  
boundaries of this place from Squire W'  
Gutash—the place that I spoke of yesterday.  
I never knew that this place was granted—  
always understood that it was government  
land, after the American flag was located.  
I have lived in various parts of the country;  
I have lived about six months at my present  
residence on Russian river."

Swear to & subscribed, I W<sup>m</sup> B. + M<sup>c</sup> Donalds  
before me, this 27<sup>th</sup> his  
day of February A.D. 1856 make

Geo. Pen. Johnston  
U. S. Commissioner

U.S. District Court  
Northern District of Cala

Case No. 121

The United States

vs

James D. Galbraith

Deposition of Wm B.  
McDonald, a witness,  
produced on behalf  
of the United States.

Filed February 27, 1856,  
By [unclear]  
Deputy

Amen.

121 ND

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United States District Court  
Northern District of California

San Francisco January 29<sup>th</sup> 1856.

The United States of America,

vs <sup>3</sup> Case No. 121. Dist Court appeal from Land Comm<sup>r</sup>

I. D. Galbraith et al

On this day before Gen. Pow. Johnston a Commissioner of the United States for the District of California, duly authorized to administer oaths to the parties, Henry L. Ford a witness produced on behalf of the Claimant in Case No. 121, being an appeal from the Board of Commissioners, to ascertain and settle Private Land Claims in the State of California, in Case No. 205 - on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows;

Present: The U.S. Dist Atty on behalf of the United States Appellants and Sanders & Hepburn Atty's on behalf of I. D. Galbraith Appellees. - Questions by Sanders & Hepburn Atty's for Appellee & Claimant. - What is your name age & place of residence?

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"My name is Henry L. Ford. I am thirty three years of age and reside in Colusa County, State of California - I have resided in the State of California since the year 1842."

"Do you know the Ranch now called the "Bolza de Tamales?" I know a Ranch on the Bay of Tamales owned by Juan Padilla which I have learned is called the "Balsa de Tamales." When did you first know anything about that Ranch?" I was first on the Ranch in the month of June near about the 21<sup>st</sup> of June 1846."

"What did you go on it for at that time?" "I was in command of a company of volunteers who were in pursuit of Juan Padilla, and it was during that expedition that I was on the Ranch." At that time what was the name by which that Ranch was known in the neighborhoods, and among people generally, who knew anything about it?" The only name by which I knew it at that time was Padilla's Ranch."

"Was there a home on it, at that time?" There was a small house on it used by the herdsmen of Padilla & a cook house." How did you know that the house was used by the herdsmen of Padilla?" The herdsmen who were occupying the house, informed me

that they were the herdsmen of Padilla."

that they were the herdsman of Padilla?" "What other reason had you for knowing that it was Padilla's Ranch?" "I saw some horses & cattle there with Padilla's brand on them at that time I knew his brand; the horses were used by an Indian herdsman who informed me that he was in the employment of Padilla." "What had been your own occupation before the time when you say you were first on Padilla's Ranch?" "In 1845 I was buying & selling mules & other stock and was acquainted with most of the brands on cattle & stock in that section of country." "Have you visited the Ranch since that time, and when if so?" "I have visited it since then, and was there last Sunday."

(The Claimant here offers a map in evidence, to be attached to this deposition, marked with the initials H. L. F., for the purpose of rendering the testimony of the witness more intelligible on the points referred to in the interrogatories of Claimant's Atty.)

Objected to by U. S. Dist Atty, on the ground that the map has not been proven to be a correct description of the Ranch.

"Look at the map marked H. L. F, and state whether you know <sup>any of the</sup> the two points, shown.

on the map, if so, state whether they are properly located with reference to each other?" "I know the points on the map specified as "Las dos Piedras" and as "Arroyo San Antonio" and the point marked by me as the "Spring" and I think their direction from each other, as shown on the map, is correctly defined." "What is the position of the home marked Padilla's Home" & the "Spring" relative to the "Las Dos Piedras?" The home is situated on the south east bank of a little rivulet which runs from the "Spring" (that is it was so situated, before it was destroyed) and in a south w. west direction according to the points of the compass, as exhibited by the map, but when I was on the Ranch, I thought the location of the home was west or nearly west of the "Las Dos Piedras" — I had no compass by which to form such opinion but judged by the sun &c. — "Do you know who designated the home as in the position assigned it on the map — if so who was it?" "I did it, myself." Did you ever speak to Padilla, about purchasing this Ranch & if so when?" I had some conversation with Padilla about the purchase of this Ranch in 1847 — but did not make the purchase — and now have no

interest in the Ranch and never had." "What was your especial object in going to Padilla's Ranch (as you have heretofore testified), in 1846?" "I was in pursuit of Padilla, and went to the Ranch to get food for my men."

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Cross examination by U.S. Dist Atty.

"Are you acquainted with the boundaries of the Padilla Rancho?" "I am not." "Do you know any of the points of the boundaries of the Rancho?" "I have never seen the ~~title~~ title to the Rancho and do not know what boundaries it calls for." "Of what material was the house built which you say you saw on the Rancho in 1846, and what kind of a house was it?"

"The house was built of small poles set up on end and fastened together at the top, with strings of raw hide, and had a thatched roof; - I don't recollect any boards about the house - there might have been a door made of boards - but I don't recollect it now." "How often were you at that house?" "I was at it but once." "Do you know the name of the herdsman who occupied it, if so what was the name?" "There were four Indian herdsman who were then oc-

copying it - there was one of them who seemed to be in charge, who said, he was the "mayor domo" of Padilla: - I only saw one tame cow at the house, and the horses which were tied up there with the brands of Padilla, on them - there were other cattle & stock in sight the brands on which I could not see - I suppose there were upwards of an hundred head of cattle and quite a drove of horses say from fifty to one hundred, but I did not notice the brands on them - I staid on the Ranch between two or three hours - some of the horses & cattle were near by the house often as far as two miles off: - I do not know how many springs there are on that Ranch but I know there are more than one spring on the lands claimed by Padilla; the house of which I have spoken was the only one on the lands claimed by Padilla in 1846 in my knowledge." Taking the two Rocks specified as "Las Del Piedras" as a point, do you know the direction of the houses of which you have been speaking from that point, if year, what was or is it?" "When I was last there, I thought the direction was about west from "Las del Piedras" to where the house house I staid

Piedras" to where the house formerly stood -  
I had no compass with which to ascertain  
the exact direction:- I think that I heard  
Padilla's Rancho was called "Bolsar de  
Tamales" from some of the present owners  
I think I heard it from Mr. Sinton who  
I think then did and still may own  
some portion of the Rancho - I am positive  
that it was about the 21<sup>st</sup> of June 1846  
when I was first on the Rancho - I went  
there for food for my men and obtained  
dried beef for them as much as they  
wanted - I had I think 22 men with  
me - the dried beef was hanging on poles  
outside of the house in the yard - I never  
heard that Padilla lived there himself  
I think I have heard that Padilla had another  
Rancho in that section of country - but I know  
nothing about it - it may have been in Sonoma  
County -

Swear to & subscribe, Henry F. Gorrell  
before me this 29<sup>th</sup> day of January A.D. 1856

Geo. Pen. Johnston

U.S. Commissioner

U. S. Dist. Court  
North Dist of California

No 121 -

The U. S. of America  
vs Case No. 121 D.G.  
I.D. Galbraith et al

Deposition of Henry  
L. Ford witness pro-  
duced on behalf of  
Claimants.

Filed Aug. 20. 1856.

Chas. C.  
Deputy

121 ND

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To the Hon. Dist. Court of the U. S. in &  
for the Northern Dist. of Cala-

The United States  
vs. Jas. D. Galbraith et al

D.C. 121; L.C. 200

121 ND  
PAGE 119

The petition of the United States by their attorney, represents, that this cause is an application for a review of the decision of the U. S. Land Comm<sup>r</sup>. whereby the title of the appellees was confirmed, as will appear by reference to the record in the case; that a transcript of said record was filed in this Court on the 2<sup>d</sup> day of Novr 1854; that a notice of appeal was filed on the 20<sup>d</sup> day of Mch 1855; that the land claimed lies in the said District, and that the said title is invalid.

Wherefore appellants pray that said decision be reversed and that said title be decreed invalid by this Court.

San Francisco Fe 13, 1857

Blanding

W.F.A.

121

U. S. Dist Court

The United States

Jas D. Galbraith et al

Petition

Filed February 15, 1857.

W. H. Cheves,  
Deputy.

nine

121 ND  
PAGE 120

<sup>149</sup>  
Blanding USA

The United States Appellants

"

James D. Galbraith & others  
Appellees

121 ND

PAGE 121

The Appellees and claimants  
in the above cause file  
this their answer to the  
petition of the Appellants  
in the above cause  
and aver that the claim  
is valid and should  
be confirmed for which  
they pray the court to  
enter a decree.

Saunders & Hepburn  
Atty's for Appellees  
& claimants.

No 121  
The United States

v

J. J. D. G. Wraith  
v.  
Sol.

Answer of  
Appellee &  
Document

Filed March 2, 1857.  
W. H. Davis,  
Deputy

Am.

121 ND  
PAGE 122

UNITED STATES DISTRICT COURT,)  
121 ND Northern District of California. )

PAGE 123

The United States  
vs  
J D Galbraith et al

San Francisco, June 30<sup>th</sup> 1857

ON this day, before  
Special Referee  
Commissioner of the United States for the Northern District of California, duly  
authorized to administer oaths, &c., &c., came Patrick M. Christian  
a witness produced on behalf of the

United States

in Case No. 121, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 205 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — his evidence being interpreted by

a sworn interpreter

PRESENT: U. S. Dist Atty & Henry Wilkins Esq for  
Claimants

QUESTIONS BY

U. S. Dist Atty

What is your name, age and place of residence?  
My name is Patrick M. Christian, 29 years old and I reside in Green Valley Bodega. I have resided in Sonoma ever since the latter end of 1846. I knew a man by name of Padilla in 1846 and I have known him from that time on until he left the Country. He resided when I first knew him on the road from Petaluma to Bodega between 5 and 6 miles from the town of Petaluma. It was said he had a ranch there. He planted grain there and had cattle on it. I do not recollect the name of it but I think I would know it if I heard it. I think it was called the "Roblar de la Misericordia" commonly about the Country (This was in answer by the U. S. Dist Atty to question whether Roblar de la Misericordia was the name).

I do not know by the name, the lands of "Bolsos de Tomales"

I know the land lying between the Estero Americano, Bay of Tomales and the two Rocks. I did not know it by that name except recently (Bolsos de Tomales) I have been upon that tract of land several times - I believe the 1<sup>st</sup> time I was on it was either at the end of 1846 or beginning of 1847 - I have been on it several times since. If there were any improvements on this land prior to 1850 I never saw them: nor was there any cultivation that I ever saw prior to that time. Before that time I was pretty often on this tract of land taking up cattle for McIntosh, and if there had been any improvements I think I should have seen them. I never heard of grant being given by the Mexican Govt until lately - Patrick C. Beattie

Sworn to subscribed before me June 30<sup>th</sup> 1857

Hagar Hymen

Special Commissioner

UNITED STATES DISTRICT COURT,)  
Northern District of California. )

C 121 ND  
PAGE 125

The United States  
vs  
J. D. Galbraith et al)

San Francisco, June 30<sup>th</sup> 1857

ON this day, before  
*Special* *Superior* Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came

J. Edgar Guymes

a

James Black

a witness produced on behalf of the

United States.

in Case No. 121, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 205 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — his evidence being interpreted by

a sworn interpreter —

PRESENT: U. S. Dist Atty and Mr. H. Wilkins for  
claimants

QUESTIONS BY U. S. Dist Atty

What is your name age and place of residence  
My name is Jas. Black, 47 years old and I reside in Maine County, Cal<sup>a</sup>. I resided in Maine County 22 years. I know the place called "Bolsos de Tomales" I do not know the boundaries of it. The common report was that it extended from "Estero Americano" to Estero Tomales. I did not hear that it was occupied. I recollect that Padilla put his cattle down there in 1844 or 1845. The ranchos at which I lived at, joined the Estero Americano on the North side of the Estero. It was about 12 miles from the "Bolsos de Tomales". I never was called upon to <sup>attempt to</sup> give the ~~the~~ judicial possession of a part of the "Bolsos de Tomales". It because I did not own the Bodega Rancho at that time. I was in partnership with Mr. Justosh who then owned the land.

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PAGE 126

I was acquainted with Juan M. Padilla my acquaintance with him commenced in 1841 and ever from that time - He resided in Sonoma where he kept a store. I know him to have resided 3 or 4 miles from the town now called "Petaluma". He owned a ranch 3 or 4 miles from Petaluma, this is the one I speak of as he having resided on.

I never heard of Juan Padilla claiming the ranchos Bolas de Lomales before prior to the occupation of the country by the Americans. -

I know of no improvements of said Ranchos prior to the occupation of the country by the Americans. There was no difficulty of occupying the ranchos on account of Indians that I know of - The neighboring ranchos were occupied -

The reason that Padilla put cattle on said Ranchos was that the place he was living on was burnt off I speak of the grass.

The name by which the Ranchos was known was "Rancho a la Mina". This is the Ranch that Padilla lived on - To the best of my recollection I believe that it was in 1850 that the said Ranchos was <sup>first</sup> occupied - by Mr Keyes & Mr Noble

Swear to Subscribed  
before me June 30<sup>th</sup> 1857

James Black

Hazanbyonez

Special Commissioner.

Q99 1199-166

STATE LIBRARY OF CALIFORNIA  
SAN FRANCISCO MARSHAL LIBRARY

UNITED STATES DISTRICT COURT,  
Northern District of California.

The United States  
vs  
J.D. Galbraith et al

San Francisco,

June 30<sup>th</sup> 1857

ON this day, before  
Special Justice

Commissioner of the United States for the Northern District of California, duly  
authorized to administer oaths, &c., &c., came

George D. Wood

a witness produced on behalf of the

in Case No. 121 ND

PAGE 127

United States

in Case No. 121, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 205 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — his evidence being interpreted by

a sworn interpreter

PRESENT: U. S. Dist Atty and Henry Wilkins Esq for  
Claimants

In answer to QUESTION<sup>6</sup> BY U. S. Dist Atty the  
witness says —  
My name is George D. Wood, 33 years old and I  
reside at Tomales Bay since the fall of 1850.  
I have been since the fall of 1844 resident of that  
part of California now known as Marin & Sonoma  
County. I was acquainted with most of the old resi-  
dents of that part of the County. I knew Juan M.  
Padilla. He resided about half way from the Petaluma  
ranch to the Petaluma house. The Petaluma house was owned  
by Vallejo. Padilla's ranch was about 4 to 4½ miles  
from where Petaluma town now stands. He had a  
ranch there. I do not know whether he owned it or not.  
He had a cultivation there. I never knew any other  
name for it than "Padilla's Ranch". I do not know  
whether that Ranch was called "Roblar de la Mission"

I knew the tract of land called "Bolos de Tomales".  
It is situated between the Estero de los Americanos and  
Tomales Bay - Among the settlers at the land lying  
south of the "Estero Americano" was called Bolos de Londo.  
I first knew the tract in the fall of 1844 but not by that  
name. - I did not see any settlement there when I  
passed thru it. I merely pass thru it in the fall  
of 1844.

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PAGE 128  
I used to take care of the cattle of Mr Black which  
raided upon that tract of land subsequent to 1844 -  
I was often upon it a portion of the same land attending  
to the cattle of Mr Black which ~~strayed~~ <sup>strayed</sup> over in that  
direction - During my visits on those occasions I did  
not notice any cultivation or occupation except a rancheria  
occupied by the Indians. I do not know whether there  
of any other except that I had then been any cultivation  
in the open country I should have known it.

There might have <sup>been</sup> some cultivation in the small valleys  
without my knowing it -

There was some Spaniards living <sup>near</sup> a spring on the  
south side of the Two Rocks on the south side of the  
valley - I saw no cultivation there - It was about  
1 1/4 mile from the Two Rocks. The only ones I saw  
there that I knew were the Bojorques. I do not know  
whether they lived there or not. They had no house - they  
had a fence of poles & bushes. I do not know whether  
they claimed the land. I saw them there 2 or 3  
months - I saw Juan Bojorques there -

The first person that cultivated the land was myself and  
Mr Keys in the fall of 1858 - The same place where I  
live now.

~~I do not know of any one~~

Known to subscribe

before me June 30<sup>th</sup> 1859

Frederick Grayson

G T Wood

Special Commissioner

121.

U. S. Dist Court

The United States

vs.

S. D. Galbraith et al

---

Depositions of James Black  
Patrick Mc Christian and  
G. T. Wood.

---

Filed June 30. 1857.

W. H. Cheever,  
Deputy.

Open

121 ND

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UNITED STATES DISTRICT COURT,)  
Northern District of California. }

121 ND San Francisco, Oct 21<sup>st</sup> 1857  
PAGE 30

ON this day, before the district court  
Commissioner of the United States for the Northern District of California, duly  
authorized to administer oaths, &c., &c., came R. C. Hopkins  
a witness produced on behalf of the

The United States —

in Case No. 121, 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. 205 on the Docket of the said Board of Commissioners, and was duly  
sworn and testified as follows — his evidence being interpreted by

a sworn interpreter

PRESENT: Ogden Hoffman Judge of  
the said Court and the District  
Attorney and the Counsel for Appellee

QUESTION BY Nish Atty —

I am clerk in U. S. Surveyor's  
office — The original grant in  
this case is on file in that  
office having been transmitted  
there from the Board of  
Land Commissioners —

(Original grant produced) —  
Counsel for claimants admit  
an obvious alteration in the  
date from "June" to February —

a paper purporting to be  
the certificate of approval of  
the Assembly is also on file  
from the records of the Board

There is also on file a record  
of Proceedings of Departmental  
Assembly showing a session  
on June ~~14<sup>th</sup>~~<sup>15<sup>th</sup> the succeeding on  
the 15<sup>th</sup> June — This record is  
not in the form of a book but  
on loose sheets — There is no  
record of approval in these papers  
no crop by automation</sup>

R. C. Hopkins

121.  
U. S. Dist Court

The United States  
vs  
James Galbraith et al  
Separation of R. C  
Hopkins  
Old October 21<sup>st</sup>, 1889  
R. C. Hopkins  
Secretary

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

The United States }  
vs. } No. 121  
James D Galbraith et al }  
121 ND  
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Stated Term December 1<sup>st</sup> 1857

On appeal from the final decision of the Board  
of Commissioners to ascertain and settle private  
land claims in the State of California

Decree

This cause came on to be heard at a stated Term  
of the Court on appeal from the final decision  
of the Board of Commissioners to ascertain and  
settle the private land claims in the State of Cali-  
fornia under the act of Congress approved on the  
3<sup>rd</sup> of March A. D. 1851 upon the transcript of  
the proceedings and decision of the said Board  
of Commissioners the papers and evidence on  
which the said decision was founded, the petition  
of the appellants and answer of the Appellee,  
and the further evidence taken in this Court  
by leave of the Court, and it appearing to the  
Court that the said transcript has been duly  
filed according to law and that the land claimed  
is within said Northern District and Counsel

for the respective parties having been heard it is  
by the Court hereby ordered, adjudged, and decreed  
that the said decision, he and the same is hereby  
in all things affirmed; and it is further ordered  
adjudged and decreed that the claim of the petitioner  
is a good and valid claim and that the said claim  
be and the same is hereby confirmed. The land of  
which confirmation is hereby made is known &  
called as the Balsa de Tomales & is five square  
leagues & no more to be taken within the follow-  
ing boundaries, to wit: On the East by the prop-  
erty of Don Bartolo Bajonques as far as the  
Two stones; On the West by the Bay of Bodega  
and the Creek (or inlet) of Tomales; on the North  
by the Rancho of Juan Vioget; and on the  
South by a small arm of the said Creek (or  
Inlet) of Tomales which runs from West to  
East, for further description of the land hereby  
confirmed reference to be had to the original  
grant and the translation of the same filed in  
evidence in this cause.

Oscar Hoffman  
Dist. Judge

No. 121

U. S. Dist Court

N. D. of Cal

The United States

vs  
James D. Galbraith and

Decree

Filed Dec 1<sup>st</sup> 1857

Gagauhymes  
deputy

thru

121 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 fifth day of  
December in the year of our Lord one thousand  
eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

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The United States

v.

J. D. Galbraith et al.

No. 121 : L.C. 205

In this case on applica-  
tion of P. Della Torre Esq. U. S. Attorney, made  
in open court, it is ordered by the Court  
that an appeal be behalf of the United States  
from the final decision of this Court rendered  
in said cause 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.

Ogden Hoffman  
U. S. Dist. Judge

United States District Court, Northern District of  
California.

The United States

vs.

J. D. Galbraith et al

ORDER.

Granting appeal

Filed December 5<sup>th</sup> 1857

John A. Monroe CLERK.

121 ND

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By

Kogaljyma DEPUTY.

forinten

H. P. Hepburn Esq.

121 ND  
PAGE 137

## SUPREME COURT OF THE UNITED STATES.

No. 72.—DECEMBER TERM, 1859.

The United States, Appellants,  
vs.  
James D. Galbraith, John Sine, David T. Bagley and Richard H. Stanton. } Appeal from the District Court of the United States for the northern district of California.

Mr. Justice NELSON delivered the opinion of the Court.

This is an appeal from the district court of the United States for the northern district of California.

The appellees, who derived their title from Juan N. Padilla, the original grantee, presented their claim before the board of land commissioners in 1852, for five square leagues of land known by the name of *Bolsa de Tomales*, situate in the county of Sonoma, California. The board, after hearing the proofs, decreed in favor of the claim, which on appeal to the district judge was affirmed.

The documentary evidence of the title includes a petition to the governor for the tract, dated at Monterey, May 14th, 1846, accompanied with a certificate of Manuel Castro, prefect, that the land was vacant and grantable, dated same place, 10th same month; a marginal reference for information by the governor, Pio Pico, dated Los Angeles, 20th May, 1846; a note of concession, dated same place, 12th June, 1846; and a formal title, dated same time and place, both signed by the governor, and J. M. Moreno, secretary ad interim.

Proof was given of the signatures of the governor and secretary, and that these papers were found among the Mexican archives, which had been transferred to the custody of the surveyor general of the United States for California.

The original grant of the formal title to the grantee was given in evidence by the claimants, dated Los Angeles, 12th February, 1846; also, a certificate of the governor, and secretary, of the approval on the 12th June by the departmental assembly, dated 14th June, 1846.

Some attempt was made to prove possession and occupation by Padilla before and since the date of the grant, which were denied by the government. The clear weight of the proof in the case is against any possession or occupation. The two witnesses in support of it, aside from Padilla, clearly confounded the possession of the ranch of Padilla, called the *Roblar de la Miseria*, with that of the *Bolsas de Tomales*, both of which are in the

No. 72. *The United States vs. Galbraith et al.*

2

same section of country. Padilla states that he had possession of the land in 1844; built on it in that year; that he cultivated the land, and had cattle on it from that time until he sold it to Molena and Berreyesa, in the latter part of the year 1848, or beginning of the year 1849. In this he is expressly contradicted by some half a dozen witnesses, some of whom cannot be mistaken as to the facts. It appears from the evidence that Padilla, at the breaking out of the disturbances in the early part of 1846, adhered to the Mexican government, and was charged with having been concerned in killing some Americans in the fore part of that year; was pursued by an American force, and fled from that part of the country, and did not return until after the war. (See also the testimony of Padilla in the case of the claim of Josefa de Haro and others, No. 101 before the board of commissioners; and see his grant of *Roblar de la Miseria*, 25th November, 1845.)

It is admitted that the original grant of the title in form, which was in the hands of the claimants, has been altered so as to bear date the 12th February, instead of the 12th June, 1846. No explanation was given of the alteration, though it was apparent on the face of the paper.

The genuineness of the signature of the governor, Pio Pico, to the certificate of the approval of the departmental assembly, was doubted by the board of commissioners.

The board say, after alluding to the alteration of the date of the grant, "there are many things connected with the claim which, under the conclusion at which the commission has arrived, were not altogether satisfactory. The time when the grant was made, only a few days before the Americans took possession of the country, the evident and palpable attempt to alter the date so as to make it appear several months anterior to the time when it was issued, and the manifest want of similarity in the signatures of Pio Pico to the papers of approval, with the usual mode of signing his name, are circumstances which greatly detract from the good faith of the claim. The evidence, however, they say, makes out a *prima facie* case, which, in the absence of any rebutting testimony, entitles the petitioners to a decree of confirmation."

The court is of opinion that, in consideration of the doubtful character of the claim, and entire want of any merits upon the testimony, the decree of the court below should be reversed, and the case remitted for further evidence and examination.

P  
121  
ND  
PAGE

No. 121. The United States, Compt. of the  
Second Session of Congress. Before the Trial of the  
Fugitive Slave, in the Circuit Court of the District of Columbia,  
on the 2d of August, 1861, in the cause of the  
United States, Plaintiff, vs. John Brown, Defendant.  
The Plaintiff, John Brown, was indicted for the  
murder of five persons, and for the attempt to  
overturn the Government of the United States.  
He was tried before a Jury, and was found guilty  
of the murder of the five persons, and of the  
attempt to overturn the Government of the  
United States, and was sentenced to death.  
He was executed on the 2d of December, 1861.  
The Plaintiff, John Brown, was indicted for the  
murder of five persons, and for the attempt to  
overturn the Government of the United States.  
He was tried before a Jury, and was found guilty  
of the murder of the five persons, and of the  
attempt to overturn the Government of the  
United States, and was sentenced to death.  
He was executed on the 2d of December, 1861.

121.

U. S. Dist. Comt.

The United States,

-as-  
Jas. D. Galbraith,

Opinion of  
Supt. Comt.

Find Aug: 20, 1860,  
W. A. Cheever,  
Clerk.

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PAGE

UNITED STATES OF AMERICA, SS.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

121 ND  
PAGE 140

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

greeting:

Whereas, lately, in the District Court of the United States, for the Northern District of California before you,

in a cause

between The United States, appellants, and James S. Galbraith, John Fine, David T. Bagley and Richard H. Sinton, appellees, the decree of the said District Court was in the following words, viz: —

"This cause came on to be heard at a stated term of the 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 on the 3<sup>d</sup> of March, A. D. 1851, upon the transcript of the proceedings and decision of the said Board of Commissioners, the papers and evidence on which the said decision was founded, the petition of the appellants and answer of the appellees, and the further evidence taken in this court, by leave of the court; and it appearing to the court that the said transcript has been duly filed according to law, and that the land claimed is within said Northern District, and counsel for the respective parties having been heard, it is by the court hereby 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 is a good and valid claim, and that the said claim be, and the same is hereby, confirmed. — The land of which confir-

mation is hereby made, is known and called as the "Bolsa de Tomales," and is five square leagues and no more, to be taken within the following boundaries, to wit: on the east by the property of Don Bartolo Bajorgues as far as the two stones; on the west by the Bay of Bodega and the creek (or inlet) of Tomales; on the north by the rancho of Juan Vioget; on the south by a small arm of the said creek (or inlet) of Tomales which runs from west to east. For further description of the land hereby confirmed, reference to be had to the original grant, and the translation of the same filed in evidence in this cause".

as by the inspection of the transcript of the record

of the said District

Court, which was brought into the Supreme Court of the United States, by virtue of an appeal

agreeably to the act of Congress,

in such case made and provided, fully and at large appears.

121 ND

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And whereas, in the present term of December , in the year of our Lord one thousand eight hundred and fifty nine the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: On consideration whereof, it is now here ordered, adjudged and decreed by this court that the decree of the said District Court in this cause be and the same is hereby reversed, and that this cause be and the same is hereby remanded to the said District Court for further proceedings to be had therein in conformity to the opinion of this Court. -

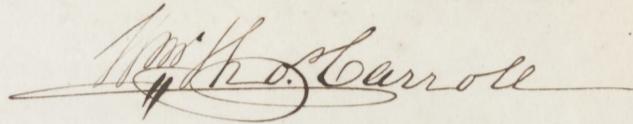
Mar: 12<sup>a</sup>

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

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

COSTS,  
Clerk,.....\$ ~~~  
Attorney,....\$ ~~~ }  
\$ ~~~

Entered by



Clerk of the Supreme Court of the United States.

No. 72, December Term, 1859.  
MANDATE  
SUPREME COURT UNITED STATES.

No. 121.  
Date Aug: 20. 1860.  
W. H. Carroll,  
Clerk.

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Two

At a Term Term of the District Court of the  
UNITED STATES OF AMERICA, for the Northern District of  
California, held at the Court House, in the City of SAN FRANCISCO,  
on Monday the Twenty-first day of  
August, in the year of our Lord one thousand  
eight hundred and fifty-nine, ten

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The Plaintiff } D. C. No. 121. L. C. No. 205  
vs. {

James D. Galbraith

This day came into open  
Court, the claimants, by  
their attorneys, Gunders  
and Stephen, and present a  
mandate from the Supreme Court of the  
United States, duly certified. Whereupon an  
motion of said claimants by their said  
attorneys, and the District Attorney of the  
United States Calhoun Penham Esq., being  
present, and making no objection thereto,

It is ordered, That the aforesaid  
mandate be received and placed on file;  
that the parties respectively have leave  
to take testimony in said cause, and to  
have such other and further proceedings  
as may be necessary to bring the same  
to trial.

Ogden Hoffman  
District Judge

No. 121.  
District Court of the United States

IN AND FOR THE

Northern District of California.

The United States.

vs.

Jas. D. Galbraith.

Order to file  
Mandamus.  
Sup. Court.

Filed August 20. 1850.

R. St. Chevalier, Clerk.

By

One Deputy.

Deputy.

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

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DISTRICT COURT OF THE UNITED STATES,)  
Northern District of California. )

The United States )

vs. )

See D. Galbraith )

San Francisco, August 9<sup>th</sup> 1860

121 ND

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On this day, before me, WILLIAM H. CHEVERS, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c.,

came Angel Bajonquez

a witness produced on behalf of the claimants

in Case No. 121, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 205 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows— his evidence being interpreted by a sworn interpreter, to wit.: By

Richard  
Tatum

PRESENT:

Henry Wilkins Esq. of Counsel  
for Claimant, and Calhoun Penham  
Esq. U. S. Dist. Atty. for the U. S.

QUESTION 1ST, By Counsel for the claimants

What is your name, age and place  
of residence?

Ans.

My name is Angel Bajonquez, my  
age is 53 years, and I reside on  
the ranchos Laguna de San Antonio.  
granted to my Father, Bartolo Bajon-  
quez.

2<sup>o</sup>

Are you acquainted with Juan Padilla,  
Ans.

Ces air.

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3<sup>o</sup>

Did he ask for any ranchos or ranchas, in California, before the occupation by the Americans, if so, name the ranchos or ranchas he asked for?

Ans.

He had my, ranchos, the rancho de la Miseria, and the rancho de Bolsa de Tomales before the Americans came.

4<sup>o</sup>

What are the boundaries of the Bolsa de Tomales?

Ans.

The Laguna de San Pedro, the  
Velvet Ranch, and the Estuary of  
Tomales.

5<sup>o</sup>

State whether or not, Juan S. Padilla occupied the Bolsa de Tomales before the Americans came?

Ans.

Ces air. A brother of mine had a few cattle there. Padilla drove them off and put on his, My brother had about 30 head, and Padilla had 300 there.

6<sup>o</sup>

State all you know about his occupation of that ranch, the house

he had there?

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he had there etc?

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Ans. PAGE 148

Padilla had a little house there made of upright sticks with a thatched roof it was built at the Roca de Cascaos on the Roca de Tomales ranch. It was towards the sea from the das Piedras. There was a little cultivation around the house. He went there about two years before the Americans came. He was a single man, but had an illegitimate son, about two years old.

My brother Juan Bajorguez and Padilla had a difficulty before Marcus Baca the Alcalde, occasioned by Padilla driving off the cattle of my brother from the Roca de Tomales, the Alcalde put my brother in prison

### Court Examination

Questions by Counsel for the U. S.

Padilla had not enclosed any part of the Roca de Tomales.

if?

When you said that Padilla had two ranchos, do you mean to say that you know anything about the titles to those two ranches, or merely that Padilla pastured cattle on them?

Ans.

I knew nothing about the titles he had, I only knew that he

had carrie aw hem.

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his  
Angel + Rayorquez  
mark.

Sworn to and subscribed this 9th day  
of August, 1860, before me,

M. Dr. Cheever

N. P. Com:

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No. 121

U. S. Dist' Court.

The United States

- vs -

S. L. Galbraith

Opposition of  
Angel Rodriguez

Filed Sept. 15, 1860.

W. D. Remond,  
Clerk

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## DISTRICT COURT OF THE UNITED STATES,

Northern District of California.

The United States

VS.

Jos D. Galbraith

San Francisco, August 9<sup>th</sup> 1860No. 121 ND  
PAGE 151

On this day, before me, WILLIAM H. CHEVERS, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c.,

came José Salazar Clement

a witness produced on behalf of the Clement

in Case No. 121, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 205 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows— his evidence being interpreted by a sworn interpreter, to wit.: By

RichardDodin

PRESENT:

Henry Wickins Esq. of Counsel  
for Claimant, and Calhoun Penham  
Esq W. S. Dist: Atty for the W. S.

QUESTIONS, By Counsel for the Claimant.

My name is José Salazar, my age is about 37 years, and I reside on Rancho Laguna de San Antonio.

I know Juan St. Padilla, I know the ranchos Bolon de Tomales, the boundaries of the rancho are the Vogel rancho, the Estuary of

Gonzales, and Laguna of San Antonio. Padilla occupied the Rancho Bolsa de Gonzales before the Americans came. He had a little house there made of upright sticks with a thatched roof; it was built at the Plaza de Cascans and the Bolsa de Gonzales rancho. It was toward the sea from the dos Pedreras. There was a little cultivation around the house. He went there about two years before the Americans came. He was a single man, but had an illegitimate son about two years old.

When Nicolas Trujas was Padilla's Major Dono, he sometimes went to the Gonzales ranch with him to assist him.

He heard of a difficulty between Juan Rayorguez and Padilla, before the Alcalde Marcus Baca, he heard that the Alcalde had put ~~in~~ Rayorguez in confinement, but <sup>that</sup> he had escaped through a window.

### Cross Examination Questions by Counsel for the W.S.

The piece of cultivation around the house on the Bolsa de Gonzales was ~~about~~ perhaps about the size of this house. He never was exposed to it. There was a little

brush fence around it, it was cul-  
minated for about two years.

Rosé <sup>his</sup> Salazar  
mark.

Sprung. And Subscribed this 9th day  
of August. 1860. before me.

W. D. Chavers.  
(N.C. Com.)

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No. 121

U. S. Dist. Court

The United States

-vs-

J. D. Galbraith

Deposition of  
José Salazar.

Said Sept. 15, 1860,  
W. D. Cheever,  
 Clerk

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five

DISTRICT COURT OF THE UNITED STATES,

Northern District of California.

The United States

vs.

Mr. D. Gulbrach

San Francisco, July 9<sup>th</sup> 1860

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PAGE 155

On this day, before me, WILLIAM H. CHEVERS, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c.,

came Nicholas Fries,

a witness produced on behalf of the claimant in Case No. 121, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 205 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by a sworn interpreter, to wit.: By

Richard

Robin

PRESENT:

Henry Wilkins Esq. of Counsel for Claimant, and Calhoun Penham Esq. U. S. Dist. Atty. for the U. S.

QUESTION 1ST, By Counsel for the claimant.

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

Ams.

My name is Nicholas Fries, my age is 33 years, and I reside in Shasta County.

Q

What was your <sup>employment</sup> occupation, before

the occupation of California by the Americans?

Ans.

Cultivating land and trading to business which required me to be on horseback.

3<sup>rd</sup>

There going <sup>at that time</sup> in the employment of any one of so, in whose?

Ans.

I was then in the employ of Juan Padilla,

4<sup>th</sup>

What was emplacement had you under Padilla, What did you do for him?

Ans.

I was acting as his Major Dome, and had charge of his interests.

5<sup>th</sup>

How far back many years before the occupation of the country, were you his Major Dome?

Ans.

For about three years.

6<sup>th</sup>

Did he ask for any ranchos or ranchas in California, before the occupation by the Americans, if he did, name the ranchos or ranchas he asked for?

Ans.

I believe he asked for the ranchos de la Misericordia, and the Rancho de los Tomales.

What are the boundaries of the Tomales ranchos?

Ans.

The Viejet ranchos, the Estuary of Tomales, and Laguna of San Antonio, granted to Bartolo Bayorguez.

State whether or not Juan S. Padilla occupied the ranchos Tomales before the American occupation?

Ans.

He did.

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q.<sup>o</sup>

State in what manner he occupied the ranchos de Tomales?

Ans.

He had some cattle upon it.

10<sup>o</sup>

How many cattle did he have on the ranch?

Ans.

About three hundred head.

11<sup>o</sup>

Who took care of his cattle on the Rancho Bolsa de Tomales?

Ans.

I did. He has <sup>some three</sup> vaqueros also.

12<sup>o</sup>

Where did his vaqueros live?

Ans.

On that ~~on~~ the same rancho.

13<sup>o</sup>

Did Padilla have or have not a house on the ranch?

Ans.

He had a house there.

14<sup>o</sup>

Where was the house situated?

Ans.

At the place called "La Pasa de Casiiano,"

15<sup>o</sup>

In what ranch is La Pasa de Casiiano?

Ans.

On the Damales ranch.

16<sup>o</sup>

Do you know the point called Las das ~~Rosas~~ Piedras?

Ans.

Yes sir.

17<sup>o</sup>

In what direction is La Pasa de Casiiano, from the point called Las das Piedras ?, is it towards or away from the sea?

Ans.

It is towards the sea.

18<sup>o</sup>

What kind of a house was built in La Pasa de Casiiano?

Ans.

It was a little house built of upright shakes, with a thatched roof (Tule).

19<sup>o</sup>

Was there, or was there not some land cultivated about the house?

Ans.

Yes sir, there was a little wheat,  
corn and other things.

Q20<sup>th</sup>

How long before the Americans came,  
did Padilla put his cattle on the  
ranch?

Ans.

About two years before.

Q21<sup>th</sup>

Did Padilla ever tell you, that he  
had a rifle for the Tonaleo ranch  
before the Americans came?

Question objected to by counsel  
for the U. S.

Ans.

I remember that he told me that, but  
I don't remember whether it was  
before or after they came.

Q22<sup>th</sup>

Was Padilla a single or a married  
man?

Ans.

He was a single man.

Q23<sup>th</sup>

Had he or not any children?

Ans.

He had one son.

Q24<sup>th</sup>

What was the age of that son when  
the Americans came?

Ans.

I am not certain about his age, but

I think he was between one and  
two years of age.

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Who lived in the house on the  
ranchos Roblar de la Merced?

Ans.

I lived there with my Master.

26<sup>th</sup>

Was or was not Padilla in the  
habit of visiting the ranchos Roldan  
de Tomales?

Ans.

Yes sir, he was.

27<sup>th</sup>

State the objects of his visits, and  
the duration of those visits?

Ans.

He went there to attend to his busi-  
ness about cattle, and other things  
and remained a day or two, on  
each visit.

28<sup>th</sup>

Did you or did you not hear of the  
difficulty between him and Juan  
Bazquez in relation to the Roldan  
de Tomales, before an Alcalde?

Ans.

I heard of it, but I have no personal  
knowledge of it.

29<sup>th</sup>

Who was the Alcalde before whom  
the difficulty occurred?

Ans.

Marcus Pica.

30<sup>o</sup>

How long did the cattle of Padilla stay on the ranches Cola de Pájaro, and what became of them?

Ans.

They were taken away from there in 1846, I took some, but most of them were taken to Sonoma.

### Cross Examination

Questions by Council for the U. S.

31<sup>o</sup>

Were the cattle taken away by you, at the same time that they were taken to Sonoma?

Ans.

Yes about the same time,

32<sup>o</sup>

What time of the year was it?

Ans.

In the Spring.

33<sup>o</sup>

Where were you living at that time, and where was Padilla living?

Ans.

After we took the cattle away, I believe he came to San José, and I went to the Laguna de San Antonio.

34<sup>o</sup>

What became of Padilla from that time forward?

Ans.

I believe he went to Mexico.

35<sup>o</sup>

What were done with the cattle you took away at that time, and those that were taken to Sonoma? 121 ND

Ans.

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I heard that <sup>most of</sup> the cattle which were taken to Sonoma were killed and the rest were sold, and those which I took from the ranch, I kept on the ranches of Rojasquez, until Padilla returned from Mexico, and then delivered them to him.

36<sup>o</sup>

When was this that Padilla returned from Mexico, and took his cattle from you?

Ans.

I don't remember how long he was absent, but I think it was the following year that he returned.

37<sup>o</sup>

What did Padilla do with those cattle after receiving them from you?

Ans.

I think that he sold them to Don Manuel Torres. He drove a number of them to Bodega and delivered them there. I don't know what became of the others because I ceased to have charge of them at that time.

38<sup>o</sup>

What became of Padilla from that time, - after he came back from Mexico?

Ans.

I met him at Sonoma after that, he was about the country for some time, and then went to Los Angeles

39.

When did you cease to reside in that house on the Roblar de Mexico?

Ans.

In 1846, when the cattle were taken away.

40.

What was the cause of Padilla's selling his cattle, and going to San José and Mexico?

Ans.

He was concerned in the war here, against the Americans, and I believe that was the cause why he went off.

41.

Did you hear of his having killed some Americans, and of his having been punished?

Question objected to by counsel for claimant as immaterial and irrelevant.

Ans.

No sir.

42.

Were those vaqueros of Padilla's, that you have spoken of Indians?

Ans.

They were, those who acted permanently

as vaqueros were, although he sometimes had Spanish vaqueros.

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43<sup>o</sup>

Were you present at the time that little house of pole and shucks, of which you have spoken was built?

Ans.

Yes sir, I was.

44<sup>o</sup>

Was that house built shortly after the Rancho de la Misericordia was burnt over?

Ans.

I think it was before, - a short time before.

45<sup>o</sup>

Did that house have a floor or any furniture, or was it only a place for Indians to sleep?

Ans.

It had no floor, and had only the furniture necessary for preparing food, pots and pans, <sup>and things of that sort</sup>, but no share. When we were not there, the Indians made the fire in the house, and the smoke escaped the roof and sides of the house.

46<sup>o</sup>

From what place did Padilla take his cattle, when he first placed them on the rancho Roldan de Tomales?

Ans.

From the Misericordia rancho.

47<sup>o</sup>.

What was the cause of driving the cattle from the Misericia ranches to the Roldan de Tamales?

Ans.

Because Mr. Padilla claimed, <sup>(putatively)</sup> the Roldan de Tamales,

48<sup>o</sup>.

Did he not also claim to be the owner of the Rancho de la Misericia?

Ans.

He claimed both.

49<sup>o</sup>.

How do you know ~~that~~ he claimed Tamales at that time?

Ans.

Because he told me.

50<sup>o</sup>.

Did he at that time tell you from whom he had obtained the rights to Roldan de Tamales?

Ans.

No sir, if he did tell me so, I have forgotten it.

51.

Was this all that he told you about his rights to the Tamales?

Ans.

Nothing more, he only said that it was his.

52.

Was it in this, the conversation that you speak of in answer to a question propounded by Counsel for Plaintiff that in which you said, that Padilla told

had a title to  
you that he ~~closed~~ had closed the Rancho de  
Tamales?

Ans.

Yes sir.

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33.

How have shaked that Padilla sometimes visited the Rancho de Tamales and remained there a day or two, from what place did he go, or where was his residence at the time of making those visits?

Ans.

From the Rancho de la Misericordia where he lived. He lived in the same house with my Mother, he lived there all the time that he had cattle on the Tamales ranch, and until he went away to San José and Mexico.

34<sup>o</sup>

How far was it from this house in the Misericordia, to the hut on the Tamales?

Ans.

About nine miles I think, I am not a good judge of distances.

35<sup>o</sup>

Do you remember when Padilla drove the cattle to Sonoma and to Bojorquez ranch, whether the grass was green, or whether the season was so far advanced that it had dried up?

Ans.

I think the grass had dried up, except on the Bojorquez ranch, where it is

green <sup>must</sup> all the year. I don't remember  
the month, nor how long the grass  
had been dried.

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Direct resumed

Questions by Counsel for Claimant.

36<sup>2</sup>

In what part of the Paseo de  
Tamales was the house of Leander  
Luce?

Ans.

At the Paseo de la Escuela.

Nicolas Frias

Swear to and Subscribed before me  
this 9th August A. D. 1860.

W. Dr. Chavers,  
N. P. Com.

S. G. 121

U. S. Dist. Court

The United States

v.

J. D. Galbraith

Opposition of  
Nicolas Fries

Filed Sept. 15, 1860.

W. H. Chenet,  
Clerk.

L 121 ND

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*Seven*

DISTRICT COURT OF THE UNITED STATES,

Northern District of California.

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PAGE 169

The United States }  
vs. }  
Pat. D. Gulbraith }  
San Francisco, July 31<sup>st</sup> 1860

On this day, before me, WILLIAM H. CHEVERS, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came *José Geraldo Bajorguez* a witness produced on behalf of the *Claimant* in Case No. 121, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 205 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by a sworn interpreter, to wit.: By

*A. D.*

*Geraldo*

PRESENT:

*Henry Wilkins Esq of Counsel  
for Claimant, and Tully & Moore  
Esq. Acting U. S. Atty. for the U. S.*

QUESTION 1ST, By Counsel for the

*Claimant*

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

*Ans.*

*My name is José Geraldo  
Bajorguez, my age is 43 years,  
and I reside in Mendocino County*

*Q?*

*Did you before the occupation by*

the Americans, of this country,  
visit the Rancho Laguna de  
San Simeon, and if so, how fre-  
quently?

Ans.

I went there frequently, as it  
was the ranch of my Father,

Fr.

Do you know Juan St. Padilla  
if so, how long have you known  
him?

Ans.

I know him. I knew him  
ever since he came to Sonoma.

Fr?

Did he ask for any ranch or  
ranchas in California, before the  
American occupation, if he did,  
name the ranches he  
asked for?

Ans.

First, he asked for the Poblado  
de la Misericordia, and afterwards  
for that of Tomales.

Fr.

What are the boundaries of the  
Tomales ranch?

Ans.

One side by the ranch of C. J.  
Viget, on the other by "Don Jim"  
of my Father, and the Estero de  
los Tomales, and the sea, ~~the~~  
(Bahia of Tomales)

6<sup>m</sup>

State whether or not Juan S.  
Padilla occupied the ranchos Tonales  
before the American occupation?

Ans.

Yes, he did.

7<sup>m</sup>

State in what manner he occupied  
the ranchos?

Ans.

With animals cattle and horses,

8<sup>m</sup>

How many cattle did he have on  
the ranch?

Ans.

About three hundred head of cattle -  
a little more

9<sup>m</sup>

Who took care of his cattle on the  
Tonales Ranch?

Ans.

Nicolas Frias was the head man,  
but there were other vaqueros viz;  
Eduardo Salazar, Cordeiro, and an  
Indian called Brined, Lassano,  
Antonio Pernatta, and Edoé  
Pernatta.

10<sup>m</sup>

Where did they live while they  
took care of his cattle?

Ans.

There on the Ranch in a house.

11<sup>m</sup>

Where was the house situated?

Ans.

From La Pasa de Casiano ~~to~~ across  
across a little hillback, near a  
Cantada and towards the bay (bahia)

12<sup>o</sup>.

In what rancho is La Pasa de  
Casiano?

Ans.

In the ranch of Padilla - rancho  
de Tomales.

13

In what direction is La Pasa  
de Casiano from the point called  
Las das Piedras, is it towards  
or ~~away~~ away from the sea?

Ans.

Towards the sea, about a league.

14.

Describe the house that was built  
in La Pasa de Casiano?

Ans.

It was a house made out of  
straight shakes, covered with  
dry tiles, twelve or thirteen feet  
square.

15<sup>o</sup>.

Did or did not he, Padilla, cultivate  
any land about the house?

Ans.

We cultivated ~~a~~ little places,

16<sup>o</sup>.

How long before the American  
occupation did Padilla commence  
to occupy the rancho Pasa de Tomales?

Ans.  
Think about three or four years,  
17<sup>th</sup>

Did you ever hear that Padilla  
had a grant for the Polda de  
Tamales?

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Question objected to as hearsay.

Ans.

No I never heard.

Crop Examination  
Ques: 18<sup>th</sup>

Do you remember the time when  
the Roblar de Misericordia, was burnt  
over?

Ans.

I did not, but I have heard it  
was about two years before the  
American occupation.

19<sup>th</sup>

Did you not understand that it  
was in consequence of the Roblar  
burning over the Roblar de la  
Misericordia, that Padilla leave his  
apple onto the Polda de Tamales?

Ans.

Yes I understood so.

20<sup>th</sup>

When the dry grass burns up on a  
ranch burns up, does it not spring  
up again, as good as ever the next  
year?

Ans.

The next first year it is not so good, though it may become as good afterwards.

Q18.

Did Padilla pasture his cattle on the Roblar, after this fire?

Ans.

Or he did not pasture them there.

Q19.

When did Padilla quit that part of country finally?

Ans.

Or am not certain perhaps it was in 1843.

Q20.

Where did he go?

Ans.

Or the kind of provocation, by the Americans, he left the country and went down to ~~Los Angeles~~ California where he remained about two years, then he came back again to take his son, and went off again.

Q21.

Did Padilla take an active part in the quarrels between the Americans and Californians?

Ans.

Yes. When two men were killed in Sonoma, he was an officer. The men who were killed were the two Hayes, besides Gantua

and José Reyes Berreyesa,

Q5.

Where were the two Maras, Gantua  
and Berreyesa killed?

Ans.

In San Rafael.

Q6.

Was it understood that Padilla  
took part in the killing of those  
men?

Ans.

Yes sir.

Q7.

Was it understood that Padilla  
escaped from the country, imme-  
diately after those men were  
killed?

Ans.

Yes. he left on that account.

Q8.

How long did your Father live  
upon his ranch, before he got his  
final grant from Pio Pico?

Ans.

Many years, twelve or thirteen aye,  
and 10 Bojangles

Swon to, and Subscribed This  
31st July, 1860, before me,

W. H. Cheever,

A. S. Comm<sup>t</sup>.

No 121.

U. S. Dist. Court.

The United States.

vs -

Jas: D. Galbraith.

Deposition of  
Jas: G. Rodriguez.

Filed Sept: 15, 1860,

W. A. Cheever,

No 121 ND Clerk

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four

Millions.

845

DISTRICT COURT OF THE UNITED STATES,

Northern District of California.

The United States

vs.

J. D. Galbraith sub

San Francisco, July 31<sup>st</sup> 1860

121 ND

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On this day, before me, WILLIAM H. CHEVERS, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c.,

came Juan Rodriguez

a witness produced on behalf of the claimant

in Case No. 121, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 205 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by a sworn interpreter, to wit.: By

J. D.

Salvado

PRESENT:

Henry Wilkins Esq. of Counsel  
for claimant, and Tully R. Kise  
Esq. acting U. S. Atty.

QUESTION 1ST, By Counsel for the claimant

What is your name, age and place of residence?

Anns.

My name is Juan Rodriguez my age is 64 years, and I reside in Santa Clara County.

Q.

Where did you reside before the

occupation of California, by the Americans?

Ans.

By the ranch <sup>called</sup>, or the Laguna San Antonios, granted to my Father, Don Bartolos Boforquez

3<sup>o</sup>

When

When did you first reside at the Laguna de San Antonios, and how long did you reside there?

Ans.

I founded the ranch in 1841, and lived here about seven or eight years after.

4<sup>o</sup>

Do you know Juan St. Padilla, if so how long have you known him?

Ans.

I do know him, I knew him three years, before the occupation by the Americans

5<sup>o</sup>

Did he ask for any ranchos or ranchas in California before the American occupation, if he did name the ranchos he asked for?

Ans.

He did, first for the Roblar de Misericordia, and after for the Roblar de Tomales.

6<sup>o</sup>

What are the boundaries of the

Rancho Bolsa de Tomales?

Ans.

The boundaries are, our ranch of Laguna de San Antonios, the ranches of S. S. Viaget, by the sea, on and towards the sea, the ranches of Capt: Smith, and James Black,

etc.

quire whether or not, Juan St. Padilla, occupied the rancho Bolsa de Tomales before the American occupation?

Ans.

Yes sir, he did occupy it, and I am sure of it, because thinking it to be unoccupied, I placed my cattle there, and he drove them out claiming the ranch as his own.

8<sup>o</sup>

Inquire in what manner he occupied the ranch Bolsa de Tomales?

Ans.

He occupied it with cattle, and two dozen of horses.

9<sup>o</sup>

How many cattle did he have on the ranch?

Ans.

Over three hundred head.

10<sup>o</sup>

Who took care of his cattle on the Rancho Bolsa de Tomales?

Ans.

His vaqueros, they were Nicolas Grino, and Indian called Grino

another by the name of Cardero,  
José Idlazal, Antonio Galaman-  
tas, and different other Indians  
14<sup>th</sup>.

Where did his vaqueros live?  
Ans.

There in his house.

15<sup>th</sup>

Where was the house situated?  
Ans.

In a place called "Las Pasas  
de Casiano,"

16<sup>th</sup>

In what ranch is "Las Pasas de  
Casiano"?

Ans.

On the ranch Salan de Tomales.

17<sup>th</sup>

In what direction is the Rancho  
de Casiano from the point called  
Las das Pedras, is it towards or  
away from the sea?

Ans.

Towards the sea, 18<sup>th</sup>.

Describe the house that was  
built in Las Pasas de Casiano?

Ans.

It was made of large shakes  
plastered and covered with mud,  
the roof made out of dry tiles  
or rushes,

19<sup>th</sup>

Did he or did not he, Padilla,

all in my lands about the

cultivate any lands about the  
house? Ans.

Yes sir.

How long after your return to the  
Laguna de San Antonio, did  
Padilla commence to occupy  
the ranchos Palsa de Tomates?

Ans.

About three years after,

Did you ever hear that Padilla had  
a grant for the Palsa de Tomates?

Ans.

Question objected to as being  
hearsay.

Ans.

He petitioned for it to Gen'l. M.  
G. Vallijo, Marcus Vaca being  
Alcalde, meanwhile, he had possession  
of the ranch, and his cattle pastur-  
ing there, as he had no posse-  
ssione on his ranch, because it  
had been burned, and Marcus  
Vaca told me, that I had been  
too slow, in asking for said  
ranch, and that there was no  
use my trying to get it, as it  
already belonged to Padilla.

: 19<sup>th</sup>

Was it before or after the occupa-  
tion of the country by the Ameri-  
cans, that Marcus Vaca told  
you this?

Ans.

It was before.

Cross Examination

Ques. 20<sup>o</sup>.

How long before the occupation by the Americans was it that Marcus Vaca told you this?

Ans.

About three years, a little more or less.

21<sup>o</sup>.

How long was it before Marcus Vaca told you this, was it, ~~before~~ that you attempted to pasture your cattle on this land, thinking it to be public land, as you say?

Ans.

Perhaps about one year before, the same Marcus Vaca, being Alcaide, called me, and ordered me to take my cattle off that land, and let Padilla have his there.

22<sup>o</sup>.

Spoke if the house, of which you have spoken was already built, at the time when <sup>as</sup> you said Padilla forbade you to pasture ~~your~~ cattle?

Ans.

No, it had not been built as yet.

Q3<sup>o</sup>

How long afterwards was it built?

Ans.

A very little while afterwards,  
The Headie called me, and sent  
me out by force, and then he,<sup>Padilla</sup>  
built his house.

24<sup>o</sup>

Were you present when the house  
was being built?

Ans.

No I was not. When I knew of  
it, it had already been built.

25<sup>o</sup>

Shall whether it was before or  
after this house was built, that  
the rancho Roblar de Misericordia  
was burnt over?

Ans.

It was before, and it was on  
that very account that he, Padilla  
came to the Bolsa de Tomales.

26<sup>o</sup>

Had Padilla a house on the  
Roblar de Misericordia?

Ans.

Yes sir. I don't know whether it  
was burnt or not.

27<sup>o</sup>

How far was this house on the  
Roblar de Misericordia from where  
you lived?

Ans.

I think about two leagues.

28<sup>o</sup>

Shall how long Padilla had been  
living in that house on the Roblar,

and if he had a family?

Ans.

Yes he lived there, and he had a family.

39<sup>o</sup>

Shall if you saw the house after the fire, and if Padilla and his family were then living in it?

Ans.

I did not go there after the burning of the Roblar, as I was never with him because he had caused me to be driven out of the Balsa de Tomales.

30<sup>o</sup>

Did Padilla and his family ever live in the house on the Balsa de Tomales?

Ans.

No, sometimes he went to sleep there, and at other times in his house at the Roblar.

31<sup>o</sup>

Did Genl. Vallejo have a ranch adjoining the Roblar with a dwelling house on it?

Ans.

Yes.

32<sup>o</sup>

What distance was this house from that of Padilla's on the Roblar?

Ans.

About a league and a half.

33'

Where cattle pastured on the Roblar, about a year after the fire?

Ans.

The cattle of Genl. Vallejo pastured there sometimes, when it was not driven out, and some of Padilla's cattle came from the Balsa de Tomales to pasture there, till the vaqueros came to drive them away.

34<sup>th</sup>

In what year was it, that the Americans came to occupy the country?

Ans.

I know not, I was then living on the Rancho Laguna San Antonio, I don't know whether it was in 1846 or 1847.

35,

Do you know where Padilla was living at that time?

Ans.

Yes, he lived on his ranch of Roblar de la Misericordia, and sometimes he used to go to Sonoma.

36,

How frequently did you see him during that Spring and Summer?

Ans.

I used to see him very often, sometimes once a week.

37,

Was Padilla accompanying himself

during that time?

Ans.

Taking care of his cattle.

38.

Q. Is what time did he commence to be engaged, and when did he leave that part of the country finally?

Ans.

Until he sold his cattle, when the Americans came. I don't know whether he sold his cattle all at once, but I know he sold them to Molina and Berreyesa.

Juan + <sup>his</sup> Pajaroquez  
mark.

I have signed and subscribed this 31st of July, A. D. 1860, before me,  
W. H. Cheever,  
U. S. Compt.

San Francisco Cal.

August 9<sup>th</sup> 1860.

Juan Pajaroquez recalled.

Present:

Henry Wickins Esq. of  
Council for claimants, and Culhoun  
Benham Esq: U. S. Dist: Atty for  
the U. S.

Direct examination resumed.

Quico, 39.

Was there a difficulty between you and Juan St. Padilla, before the Alcalde Marcos Bacas if so what was the result of it?

Ans.

When Padilla first put his cattle on the rancho de Tamales, I had done there, and objected to his putting mine off, this was the cause of our difficulty. The Alcalde imprisoned me & broke through a window, and went home.

Cross Examination resumed  
Questions by Counsel for the U. S.

41.

What did Padilla complain of, in that difficulty before the Alcalde?

Ans.

He complained that I was unwilling to take my cattle off the ranch.

42.

What right ~~is~~ <sup>did</sup> regard or title claim in that investigation before Bacas to the Rancho de Tamales?

Ans.

The land was unoccupied then, he wanted to get it, and so did I. He claimed it exclusively to himself.

42.

How did Padilla claim it, if he had no title?

Ans.

I don't know why.

443.

How did Padilla claim to have a right to use the land exclusively himself and to keep your cattle off from it, if it was admitted to be public land?

Ans.

Because his rancho was ruined, and there was grass on the Roldan de Tomales, and he wanted to put his cattle there, he asked my Father to give him the use of some land which he refused to do. I heard nothing of the land being granted or asked for at that time. He Alcalde gave <sup>Padilla</sup> permission to occupy the tract, and ordered me to take my cattle off. I afterwards heard that the land had been granted. After the Americans <sup>came</sup> he went to Los Angeles and brought his papers from there. I had asked for the rancho but finding that he had asked for it before I desisted. I asked for the

|                                  |                         |                              |                                                |                                |
|----------------------------------|-------------------------|------------------------------|------------------------------------------------|--------------------------------|
| <del>Ms. A. 1.21.</del>          | <del>Ms. A. 1.21.</del> | <del>Jas. D. Starkant.</del> | <del>Description of<br/>land of padilla.</del> | <del>121 ND<br/>PAGE 188</del> |
| <del>The Province of this.</del> | <del>—</del>            | <del>—</del>                 | <del>—</del>                                   | <del>Wilkins, &amp; Co.</del>  |

rancho after he had put his cattle on it. He had not yet received his papers, but as Genl. Vallejo desired that he, Padilla, should have it, rather than any one else he was allowed to keep possession

until he got his papers.

44

Do you recollect distinctly, when it was that you heard Padilla had got his papers from Las Angeles?

Ans.

It was after he returned from Las Angeles, and when he had fled down there from the Americans.

45<sup>th</sup>

How long after he ~~returned from~~ having fled to Los Angeles from the Americans, was it, that he returned?

Ans.

I don't know how long he was gone.

46.

Were not some of Padilla's cattle straying on your Father's rancho all the time that Padilla was gone?

Ans.

So sir, some of his cattle occasionally strayed over and mingled with ours, but his ~~cattle~~ vaqueros would come over and take them to the Rincan.

47.

~~book kept~~ Did not Padilla just before fleeing to Los Angeles from the Americans, have a part of his cattle driven to Sonoma, and another part to your Father's ranchos?

Ans.

So sir, all I saw was that sometimes when part of his cattle strayed away the Americans would take them to Sonoma and slaughter them. When

Padilla was gone, <sup>and</sup> a short time  
after, Nicolas Frios brought some  
of them over to our ranch, because  
he was afraid the Americans would  
get them all. I don't know what  
time of the year it was.

48<sup>o</sup>.

When was the <sup>first</sup> ~~last~~ time that you  
saw Padilla, after he went to Las  
Angeles? 121 ND

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Ans.

I don't remember, I think it was  
about a year.

49<sup>o</sup>.

Did you see Padilla shortly after  
he came back from Las Angeles?

Ans.

I saw him soon after his return.

50<sup>o</sup>.

Did you have any conversation with  
him at that time?

Ans.

Yes sir.

51.

Did he say that he had been to Mexico?

Ans.

No sir, only to Las Angeles.

52.

What had happened to make him  
or Frios afraid of the Americans, at  
the time he went south?

Ans.

Because he was the leader of the  
force that opposed the Americans.

53.

Had there been any fights between  
the forces under Padilla, and the  
Americans?

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Ans.

They had a fight at the rancho de  
Champoli between Petaluma and San  
Rafael.

54.

Were there any persons killed in  
that fight?

Ans.

Yes, a man named Cankua was  
killed, a man named Agoston Ruiz  
~~was wounded~~, and another named  
Esadore were wounded. I think  
none of the Americans were killed.

The two Dr Hars bays were killed a  
short time before this fight.

Padilla then went to Sausalito  
crossed over, then went to Sonoma,  
staid there a few days, and then  
met down

Juan <sup>his</sup> + Bajaguez.  
mark

I have signed and subscribe this 9th  
day of August, 1860, before me,

W. D. Cheever,  
N. P. Com.

No 121.

U. S. Dist. Court

The United States

— 21 —

J. D. Galbraith

Deposition of  
Juan Rojorquez

Filed Sept. 15, 1860,

W. H. Cheever,  
Clark

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Three

\$3.00

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

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The United States,

v.

J. D. Galbraith, et al

} IN LAND CASES.

Dist. Court No. 121,  
Land Com. No. 205

BE IT REMEMBERED, that on this *11<sup>th</sup>* day of *October* A. D. 1861,  
at *San Francisco* in the District aforesaid, before me, JOHN B. WILLIAMS,  
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  
*William Leary* the United States — a witness produced in behalf of  
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:

C. Benham Esq., U. S. Atty, &  
Jeremiah Clark Esq. for U. S.  
H. P. Kephren Esq., for claimant,

QUESTIONS IN BEHALF OF THE *United States*.

Question 1st,

State your name, age, residence  
and occupation.

Ans.

William Leary, age 36, residence  
Green Valley, Bodega, I am a farmer.

<sup>2<sup>o</sup></sup>

Do you know the tract of land  
called Bolsa de Tomales?

Aus.

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I do.

<sup>3<sup>o</sup></sup>

How far is Bodega, where you  
now live, from this tract?

Aus.

About seven miles.

<sup>4<sup>o</sup></sup>

Where were you living during the  
years 1844-45-46?

Aus.

In 1844 I was living part of the  
time on MacIntosh's Ranch, and  
part of the time at Bodega, on  
Capt Smith's Ranch. In 1845 I  
was in Sacramento part of the time  
working for Capt Sutter, and part  
of the time at Marcos West's, the  
other side of Santa Rosa, and part  
of the time on MacIntosh's Ranch.  
In 1846, part of the time I was at  
Marcos West, and at MacIntosh's;  
this was previous to the raising of  
the Bear Flag in Sonoma. In July

11  
1841, I went down to the lower country with Fremont, in Capt Ford's company. From the Sacramento we went down to Monterey - from Monterey we shipped on board the Stonington of Stonington and went to San Diego - from there we went to San Luis Obispo - from there to the Pueblo of Los Angeles. I was not always with Fremont - sometimes with him and sometimes with Capt Merritt.

5

What time in the year 1844 did you go to live at MacIntosh's?

Aus.

I think in the latter part of the summer or commencement of the fall.

6

How much of the time were you living at MacIntosh's, from the time you first went there <sup>in</sup> from the summer or fall of 1844, until the raising of the Bear Flag in Sonoma?

Aus.

Six or seven months.

7<sup>c</sup>  
How far was Mac Intosh's Ranch from the Balsa de Tomales?

Aus.

Their lines were divided by the point "Esteros de los Americanos"- they joined each other.

8<sup>a</sup>

Was the name "Balsa de Tomales" understood to be the name of a Rancho occupied as private property, or as a tract of land simply?

Aus

It meant simply this - it was a pocket of land, formed by the esteros running around it.

9<sup>c</sup>

What did it take its name "Tomales" from?

Aus.

I don't know what the name originated from.

10

How far was it from Capt Smith's Rancho to the Balsa de Tomales; and how far from Smiths to Mac-Intosh's?

Aus.

I believe Smith's Rancho and Mac-Intosh's joined. The houses were about three miles apart. Smith's Rancho adjoined the Bolsa at the point of the estero.

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11<sup>c</sup>

Were you living at Mac Intosh's in the early part of 1846, and just previous to the raising of the Bear Flag in Sonoma?

Ans.

I was living there a few days. I went from there to join the Bear Flag.

12<sup>c</sup>

Did you remain with the American forces from the time of the Bear Flag insurrection at Sonoma until you reached Los Angeles?

Ans.

I did.

13<sup>c</sup>

State what opportunities you had during the time you lived at Mac Intosh's and Capt Smith's to become acquainted with the tract of land known as Bolsa de Tomales.

Ans.

While living at Mac Intoshs I went there hunting cattle several times, on the land of the Bolsa. I have rode over it considerable and done some hunting on it.

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14<sup>c</sup>

State whether any part of it was covered with woods, or was it destitute of wood, and has it remained so ever since?

Ans.

I don't recollect of ever seeing an oak tree on it - nothing but willows, and maybe a little hazel brush. The willows grow in little ravines and such places. There were no trees on it then.

15<sup>c</sup>

Whose cattle ranged on that tract during the time of which you have spoken?

Ans.

Some belonging to Jem Black - some belonging to Mr. Intosh - some to Capt Smith of Bodega - and some to Mr. Dawson.

16<sup>c</sup>

How many cattle did MacIntosh have which ranged over that place?

Aus.

W Mcintosh & Blacker cattle were together - these were supposed to have 2100 head. Some of these run over that tract.

16<sup>c</sup>

Did you know Juan N. Padilla at this time; if so, what tract of land did he occupy?

Aus.

I have seen him, but was not personally acquainted with him - knew him by sight - he occupied a farm about six miles from Petaluma, called the Koblar.

17<sup>c</sup>

Did you know any of the men in his employment, living on the Koblar?

Aus.

I don't know that he had any men employed. I knew Nicolas Fries who lived there, and also a woman named Martha. Sometimes Fries would come down to the Rodes grounds at Bodega and

pick out cattle for Padilla

18<sup>c</sup>

after picking them out where would he drive them to?

Aus.

I never saw him drive them anywhere. He used to mark them.

19<sup>c</sup>

Where did Frias live, and describe the place as well as you can?

Aus.

He used to live on the right hand side of the road from Petaluma to Bodega. sometimes he used to live, in the summer time, in a field down by the water in the oaks, on the same tract - half a mile or so from the road. The house was not over 50 yards from the road.

20<sup>c</sup>

Was Mr MacIntosh in the habit of giving Rodeos, and if so, how often?

Aus.

He was - generally once a week; and a general rodeo once in two or three months, whenever called

for by the other neighbors around.

21<sup>c</sup>

Who else in that region of country were in the habit of giving rodeos?

Aus.

On Smith's Ranches at Bodega - Mrs. Dawson used to give Rodeos. Mark West used to give Rodeos. The Carrillas at Santa Rosa used to give them. The Bojorquez used to give them. I never was at a Rodeo at Padilla's. I never knew him to give a Rodeo.

22<sup>c</sup>

Do you know anything about the number of cattle Padilla had?

Aus.

I don't know - it was considered a small number.

23<sup>a</sup>

Describe one of these rodeos - what brought them about - and what occurred at them.

Aus.

A Rodeo is getting up the cattle, bringing them on to a piece of land, and keeping them standing there a certain time - to keep the cattle used to the farm, and for the purpose

of picking out cattle belonging to others. The neighbors around would muster at the general rodeos, and there pick out their own cattle and take them away.

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24

State<sup>to</sup> if what distances the persons giving rodeos would send to inform the neighboring rancheros that they were about giving a rodeo?

Aus.

From farm to farm - the neighbors around - sometimes twelve or fourteen miles.

25

When MacIntosh gave rodeos, which of the surrounding ranch owners would come to pick out their cattle?

Aus.

Any of them that wanted to pick them out. I have seen Rojorguez from the Laguna, Capt Smith from Rodeo, Francisco Garcia and Mr. Dawson - Jim Black - their cattle all run together. I have seen Frias there once in a while marking cattle - they only marked once a year.

I have seen him there at other  
rodeos when they did not mark.

26

Which way from W. Hutch's was  
Marco West's Ranch?

Aus

Nearly north east. about eight  
or nine miles distant.

27

State if there were any dwelling  
houses, or fences, or cultivated grounds,  
on the Rolda de Tomales during all  
this time.

Aus.

I never saw any - never heard  
of any - never knew of any - and  
don't think they could have been  
there or I would have seen them.

28

Were there any Indian huts or  
camps there?

Aus.

Probably there were Indian camps  
or huts there. There were Indian  
habitats all through those on the  
~~road to Key's~~ banks of the coast.

29

Do you know the place on that land

called "oso de Castillana".

Aus.  
I do not. I knew an Indian named Castillana.

30-

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Do you remember the occasion of two Americans by the names of Cowie and Fowler being murdered by a party of Californians commanded by Padilla?

(Objected to, because it assumes<sup>as</sup> the fact which is not proved, that Padilla was a party to a murder; and because it the object is to ascertain not the knowledge of the witness but a mere rumor.)

Aus.

I knew Cowie and Fowler - and saw them the day before they were ~~calle~~ killed. I did not see them afterwards. ~~The next day~~ I was at Mark West's Ranch when Cowie and Fowler passed by on their way to Fitch's Ranch, the day before they were killed. I left there to go to MacIntosh's Ranch - from there I went into Sonoma and joined

the volunteers, and then went down to the lower country.

31.

Were you with the party that pursued and gave battle to Padilla's party?

(objected to as assuming as a fact, not proved, that Padilla commanded a party).

Ans.

I was not. Padilla's party broke up, and it was understood that he got across the bay to join Castro's party. I did not know <sup>where Padilla was</sup> this, nor do I suppose anyone <sup>in the company</sup> knew it where he was.

32.

Did you know of any company or force starting in pursuit of Padilla? or of the persons engaged in the killing ~~Ans.~~ of those two men?

Ans.

There were no hostile Spaniards left on the Sonoma side of the Bay, that I knew of, when we left there. A Spaniard was <sup>a</sup> Spaniard to us, and we were in pursuit of all who had arms <sup>and</sup> a gun in their hands against

the Americans.

The atty for U.S. objects  
to the last answer as ~~unanswerable~~  
to the question and wishes it  
erased - atty for claimant  
objects - and the Commissioner  
desires the witness to give the  
language in which he wishes  
his answer put. He says -

Cross Examination.

Question 32.

Do you know Jose Francis Westgate  
who has heretofore testified in this  
case?

Aus.

I know a man named Westgate,  
but don't know whether he testified  
or not.

33<sup>c</sup>

A Massachusetts man, who had lived  
in California many years?

Aus.

I can't say I know him.

34<sup>c</sup>

Where does the man named Westgate  
live, that you do know?

Aus.

He lives sometimes at San Rafael  
and sometimes at Bankville. He  
was in this country when I came.  
He has lived in Marin Co ever since  
I ~~can~~ have known him. I know  
no other man of that name.

35<sup>c</sup>

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Do you know what his neighbors  
generally say of him as to veracity?

Aus. (objected to as  
incompetent and irrelevant.)

I don't know that there is anybody  
in the county that would believe a  
word hardly he would say.

36<sup>c</sup>

From what you know of his general  
reputation would you believe him  
on oath?

Aus.

No, I would not.

Cross Examination waived.  
Examination closed.

Sworn to & subscribed by  
before me this 15<sup>th</sup> day of  
October A.D. 1840

William Leary

Mos B Williams  
U. S. Const.

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U. S. District Court

The United States

J. D. Galbraith, et al.,

Deposition of  
William Leary  
for United States.

Filed Oct 20. 1860

W. A. Cheever,

Clerk

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Eighty

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C. Penhance  
Atty.

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

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The United States,

v.

J. D. Galbraith, et al

} IN LAND CASES.

Dist. Court No. 121

Land Com. No. 205

BE IT REMEMBERED, that on this *third* day of *November* A. D. 1860,  
at *San Francisco* in the District aforesaid, before me, JOHN B. WILLIAMS,  
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  
*Jasper O'Farrell*  
*the United States -*  
a witness produced in behalf of  
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: *Cackson Binkam Esq., U. S. Atty,*  
*and Henry Wilkins Esq. for claimants*  
*and W. P. Hepburn Esq.*

QUESTIONS IN BEHALF OF THE *United States.*

Question 1st,

State your name, age, residence  
and occupation.

Aus.

*Jasper O'Farrell, age 43, residence*  
*Sonoma Co. - occupation farmer.*

2<sup>o</sup>

Do you know the tract of land claimed in this case?

Ans.

I am.

3<sup>o</sup>

How long have you known it?

Ans.

I was first on that land in 1847.

4<sup>o</sup>

In what capacity?

Ans.

As a Surveyor.

5<sup>o</sup>

How long have you lived in that section of country?

Ans.

I was first in that section in 1844, but was never on that land until 1847.

6<sup>o</sup>

What time in 1847 was it that you made the survey?

Ans.

In August, September and October as well as I can recollect - in the fall of the year.

7<sup>o</sup>

\* What lines did you run?

Ans.

I went there for the purpose of  
separating for the owners, Don Juan  
Cooper and Don Pablo de la Guerra,  
the Nicacio Rancho. I run the  
boundaries of that grant. I commenced  
to run the boundaries of Nicacio  
on the Estero de Tomales, from which  
point I run in an easterly direction  
to a Pintado which I was informed  
was the extreme northern boundary  
~~set~~ of the grant of San Geronimo - thence  
I run north along the western  
boundary of the Murphy grant called  
San Pedro f. - also along the Rancho  
of Ignacio Pacheco called San Jose -  
thence I run in a northern direction,  
not paying any attention to the alleged  
boundaries of the Rancho Laguna  
de San Antonio, crossing the branch  
now known as the Arroyo San An-  
tonio - making the north east corner  
of the Nicacio tract about 3  $\frac{1}{2}$  miles  
north of the Arroyo San Antonio - from  
thence southwest to three sand peaks  
or mounds on the Bay of Tomales,  
thence along that Bay to the point  
of beginning, including 16 square

leagues of land within those boundaries.

8<sup>c</sup>

What was the distance of this N.E. corner of the Nicario tract surveyed by you from the Ranch of Bojorquez called the Laguna de San Antonio, as now located?

Aus.

I don't recollect the distance - I think 2 $\frac{1}{2}$  or 3 miles from the "Das Piedras," and about a mile and a half from the Bojorquez line.

9<sup>c</sup>

Where were the sand hills of which you have spoken, with reference to the San Antonio Creek and also to the coast?

Aus.

The sand hills are on Tomales Bay and bear about north ~~east~~ from Tomales point - on the eastern margin of Tomales Bay - and a little more than half way from the ~~estero~~<sup>amoy</sup> San Antonio & the estero Americanos, at the coast, on the margin of the Bay.

10<sup>c</sup>

How long were you in running

the lines of the Nicasio tract which  
~~has ever~~  
~~border upon~~ the tract claimed in  
this case?

Aus.

Not more than two or three days.

11<sup>o</sup>:

What was the general appearance  
at that time of the tract of land  
claimed in this case, so far as oc-  
cupation, cultivation or habitation  
was concerned?

Aus.

The land was unoccupied, so far  
as I saw it could see, except by the  
Indians who lived and had a  
Raucheria on the Bay of Tomales,  
nor did I see any signs of cultivation.

12<sup>c</sup>

State whether the adjoining proprietors  
were present with you during any  
portion of that survey; and if so,  
state what tracts were claimed to  
be owned by private persons.

(Objected to as not evidence  
what other people said.)

Aus.

They were not present - none of  
them; I obtained my information

concerning the boundaries of the surrounding ranches of San Germinio, San Pedro &c, and the Pacheco tract from Timothy Murphy. I also learned that the date of the grant to the Laguna de San Antonin was later than that of Nicasis, consequently paid no attention to the boundaries claimed by the San Antonis owners, for the reason that the grant of Nicasis called for a certain quantity of land that was vacant at the date of that grant.

13<sup>c</sup>

In running your northern line did you limit that line by the boundary of any supposed grant to the north of it?

Aus.

By no means - the northern line was governed by quantity only.

14<sup>c</sup>

Describe the surface of the tract claimed in this case with reference to evenness of surface, and with reference to timber.

Aus.

It was rolling, hilly land, timber

scarce, except in the gulches - there  
were here and there groves of scrub  
oaks.

15c

State whether the whole of the  
surface of the tract claimed herein  
was within your view while running  
the Nicario lines; if not - what portion.

Ans.

The whole was not in my view  
during one time - in running the  
lines I saw a considerable portion  
of the surface of the land. On ac-  
count of the height of the hills  
it would be perfectly impossible  
to see the whole - it could not be  
done even in riding around, unless  
each hill were gone round. I  
think I saw very nearly all of  
the tract during the time I made  
the survey, except portions which  
were naturally hid from view by  
the height of the hills and the in-  
dulating nature of the ground.  
I cannot state what proportion  
of the tract I saw. From where I  
was running the western line I could  
not see the Dos Piedras - at least not

more than twice or three times, and  
then only when I reached the top  
of some hill.

11<sup>c</sup>

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Did you know Juan N. Padilla  
the alleged gaunter herein?

Aus.

Yes, I have seen him & knew him.

17<sup>c</sup>

When did you first know him?

Aus.

I think first in 1844.

18<sup>c</sup>

Did you know him in 1846?

Aus.

I did.

19<sup>c</sup>

What was understood at that  
time to be his place of residence  
and occupation?

Aus.

He resided on the Rancho Coblan  
de Miseria, about six miles west  
of the present town of Petaluma. I  
~~suppose~~ ~~his~~ don't know his occupation.  
He was like the rest of the Californians.

20<sup>c</sup>

On what occasions did you see

him in 1846!

Aus.

I can't swear I saw him in 1846,  
but think I ~~saw~~<sup>saw</sup> him  
in that year at San Rafael. I saw  
De la Torre party in 1846 at San  
Rafael, and think Padilla was among  
them. This was some time in June,  
after the raising of the Bear Flag.  
I saw De la Torre party at San  
Rafael just before the battle of  
Olmpali. They came there in the  
evening - some 90 men - having  
crossed the Bay in boats on their  
road to Sonoma for the purpose  
of attacking their opponents, the  
Bear Flag party. They remained  
at San Rafael one night, and en-  
camped at the Mission. The next  
morning they left, and as I was  
informed, about 10 o'clock in passing  
Olmpali they were attacked by some  
eight or ten Americans & completely  
routed. The Americans were under  
Lieut. Ford. The survivors escaped to  
their several homes, and no longer  
composed an army. There were no  
<sup>71 Americans killed.</sup>

Were you at Sonoma when the Bear  
Flag was raised?

Ans.

I was not.

21

Were you there between the raising  
of the Bear Flag and the battle of  
Olmpali?

Ans.

I was not. —

22<sup>c</sup>

Where were you residing during the  
remainder of the year 1846, after the  
battle of Olmpali?

Ans.

At San Rafael.

23<sup>c</sup>

During that time did you see or  
hear anything of Padilla? and when  
did you first hear of his returning  
to that part of the country?

Ans.

I never saw him during that time.  
It was currently reported that he  
had joined the Castro forces south at  
Monterey, he having left the Sonoma  
District after the battle of Olmpali,  
no doubt being afraid to return

on account of the bad odour in which he was held by the Americans for having so brutally murdered, as reported, the two men Cowie and Fowler. I first heard of his returning to that part of the country in 1848 or 1849.

24<sup>c</sup>

About June 1846 did you know of parties of Americans being in pursuit of Padilla?

Aus

I did not know it, but heard there were, and that a German named Hieman told Padilla of his danger, Padilla then left and have never seen him since. It was currently reported that these parties of Americans were after Padilla to kill him for his connection with the murder of Cowie & Fowler.

25<sup>e</sup>

When did you first hear from any source that this tract of Bola de Somales was claimed as having been granted to Padilla?

Aus.

In the year 1850 or 1851 - about there.

Crop Examination

26<sup>c</sup>

Do you own a Ranch in that section of country?

Aus.

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I do. The Estos Americanos and Canada de Sonive. - the first was granted to McIntosh and the latter to James Black.

27<sup>c</sup>

Did Black and McIntosh have cattle on the Rancho Estos Americanos in partnership in 1846?

Aus.

In 1844 they had cattle together and up to 1848, when I became the purchaser of all the land and half the cattle.

28<sup>c</sup>

Who owned the Ranch, in 1846, west of the Rancho Estos Americanos.

Aus.

Stephen Smith - it was called Bodega.

29<sup>c</sup>

Had Mr. McIntosh anything to do with the Sonive Rancho?

Aus.

Nothing.

Examination closed.

George H. Tracy

Subscribed and sworn  
to before me this 3<sup>rd</sup> day  
of November, A. D. 1860.

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W. B. Williams  
W. J. Conk.

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U. S. District Court.

The United States

J. D. Galbraith, et al.

Depos of Jasper O'Farrell  
for United States

Fined Nov: 7 1860.

W. A. Cheever,  
Clark.

Miner

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DISTRICT COURT OF THE UNITED STATES,

Northern District of California.

The United States

vs.

Jes. D. Galbraith

San Francisco,

September 2d<sup>nd</sup> 1860

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On this day, before me, WILLIAM H. CHEVERS, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c.,

came

Domingo Douglass

Clement

a witness produced on behalf of the

in Case No. 121, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 905 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by a sworn interpreter, to wit.: By

PRESENT:

Saunders & Campbel, and Wep-  
burn and Pickens Counsel for Clai-  
mant, Culhoun Durham Esq U.S.  
Atty. for the U.S.

QUESTION 1ST, By Counsel for the

What is your name age, and place  
of residence?

Ans.

My name is Domingo Douglass,  
my age is 53 years, and my resi-  
dence is the Mission Dolores,  
San Francisco County.

Look at the document, marked Exhibit A, being the original document in the Spanish language filed in this cause on the 3<sup>d</sup> day of January 1853 before the Board of U. S. Land Commissioners, a copy of which appears on pages 23 and 24 of the transcript from the said Board, and file in this case, in the District Court, said document having been annexed to the deposition of W<sup>m</sup> Carey Jones, and state whether said paper has ever been in your hands, and if so under what circumstances, and at what time?

Ans.

This paper was taken from the month of December <sup>in the year</sup> 1850, until the month of April 1853; this paper was delivered to me with two or three other papers relating to the Bodega Donales, I identify this paper to be the very same because it is marked by me in the margin as "No. 4," those papers were delivered to me by Juan Tapamucceno Padilla in the said month of December, 1850, and I gave an advertisement in the "Alta California" for sale, not being able to sell the owner at that time Samuel Leander Luce engaged the premises to the aforesaid

L

Juan Sepumeceno Padilla, for  
the indebtedness of five thousand  
dollars. In this transaction  
I acted as agent for both the  
parties, the Mortgagor and the  
121 ND PAGE 225 Mortgagee, when the time for  
the Mortgagee, through my attorneys  
at law, I had given up this paper  
with the others. In the month  
of April 1832 took out I delivered  
these papers to my said Attorneys  
at law, to have them delivered  
to the person who bought the  
premises at public auction,  
at the sheriff's sale. Since that  
time I have never heard or  
seen anything of this document  
until the other day, that I was  
called upon to give some testimony  
and I have been notified to day  
for that intent.

3<sup>o</sup>

Please whether or no you observed  
any alteration in the date of said  
paper, during the time, it was  
in your hands?

Ans.

I think the date of the month  
has been altered ~~from~~ <sup>since the 1<sup>st</sup> time</sup> the 1<sup>st</sup> time  
the paper was in my hands, because  
I recollect it was very particular  
with Mr. Padilla ~~about~~ <sup>to have</sup> all the  
little papers, and before I gave the

the advertisement I thoroughly examined all the papers, and I don't recollect having seen this connection of the date, otherwise I should have remarked it, as a very conspicuous defect, as the month is not correctly spelled in Spanish. Here it is written ~~Debrero~~<sup>Febro</sup> instead of Febrero.

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4<sup>th</sup>

Of what country are you a native?

Ans.

of Old Spain.

Crops Examination  
Questions by W. S. Atty.

Ques: 5<sup>th</sup>

To whom did you deliver the grant in April 1853, of which you have spoken?

Ans.

To my Attorney Mr. Edwards,  
of the firm of Chetwood, Edwards,  
Rose & Tuck,

6<sup>th</sup>

Do you remember what time in April it was that you delivered the paper?

Ans.

I could ascertain the very day by looking at my books, I think it was the 5<sup>th</sup> or 6<sup>th</sup>. I am certain it was in the month

of April.

8<sup>o</sup>  
And do you shake with certainty that the paper was in your possession from the month of December 1850, until you so delivered it to Mr. Edwards?

Ans.

Yes sir.

8<sup>o</sup>  
Had you examined the grant, and particularly the date, many times while it was so in your possession, as is now to be able to day that the alteration from Junio to Febrero had not been made prior to your delivering it to Mr. Edwards?

Ans.

Yes sir, I examined it on different occasions, on account of some parties applying <sup>to purchase</sup>, and beside having examined myself, having some intention of keeping. I examined it several times with particular care, and never recollect having seen that alteration.

9<sup>o</sup>

When was the first time you saw it after it had been altered?

Ans.

About one month ago.

10<sup>o</sup>

In what capacity were you

acting in relation to the land  
of Alvaro de Gamalos, during the  
~~six~~<sup>first</sup> fifteen months those papers  
were in your possession?

Ans.

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I was acting from the month  
of December 1830 until the month  
of May 1831, as agent of Mr. Luco,  
to sell the Rancho de Gamalos,  
and from the month of June 1831  
until the month of April 1832,  
I acted as agent for Mr. Luco  
and Mr. Padilla, until Luco  
having mortgaged the land to  
Padilla in June 1831.

11<sup>o</sup>.

Did you not during that time,  
receive or make any conveyances  
of the lands of that ranch?

Ans.

I did not, I never made any  
conveyance until it was sold  
in the month of April 1832,

12<sup>o</sup>.

What conveyances do you allude  
to, as having been made then?

Ans.

It was the conveyance made  
at the sheriff's sale, in Marin  
County.

13<sup>o</sup>.

Did you yourself, at any time  
make any conveyance, either  
as attorney or in your individual

5

ability?

*L*  
capacity?

Ans.

Perhaps I may have made <sup>one</sup> a  
difference in fact of Leandro  
Lucco

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14<sup>th</sup>

When and in what paper did you  
advertise this tract of land for sale?

Ans.

In <sup>the</sup> Altra California newspaper,  
I don't recollect the day, but  
I think it was in the month  
of December 1850,

15<sup>th</sup>

How does the fact of advertising  
it at that time, enable you to  
make that part of the alteration  
in the date of the grant had  
not been made? Ans &

Ans.

Because before and after the  
advertisement I has occasion  
to read over this grant, and I  
don't recollect having ever ~~observed~~  
observed such a material correc-  
tion, as as to change the month  
of June into February, and besides  
that, badly spelt, the month of  
February, which I would have  
observed, at that time, if it had  
been there had been such correction.

16<sup>th</sup>

Where were you living during  
the time the grant was in paper

passion?

Ans.

Off the Wifing Dulles where  
I now live, In San Francisco.

17<sup>th</sup>

Where were Padilla and Luce  
living at that time?

Ans.

Padilla was living at the city  
of Los Angeles, although he  
frequently came to San Francisco,  
and Mr. Luce had not a fixed  
residence, Luce came to San  
Francisco only once, during that  
time, to my knowledge.

18<sup>th</sup>

During the occasions of which  
you have spoken when Padilla  
visited San Francisco, did he  
spend much time with you?

Ans.

No sir, He always came to see  
me, but sometimes he would  
stay with me for half an hour  
sometimes half a day, according  
to the occasions.

19<sup>th</sup>

Did you look at the grant with  
him, or converse with him about  
it, on most of those occasions?

Ans.

I recollect two or three times,  
having read and looked it over,  
in his company.

20<sup>th</sup>

20<sup>o</sup>

Spoke if on those occasions  
the date of the grant was in  
unaltered condition, "Junio"?

Mrs.

I don't think it had been  
altered at that time, otherwise  
I should have observed it, from  
my reading the title on different  
occasions.

21.

Did you have any conversation  
with Passila about presenting it  
to the Board of U. S. Land Com-  
missioners previously to its having  
been sold to the present claimants?

Mrs.

To my best recollection, I don't  
think I ever had any conversa-  
tion with him on that point.

22.

I find in the transcript of  
the record from the Adjudications  
of Land Commissioners filed in this  
Court, upon pages 55, 56 and 57,  
a copy of a deed executed by  
Judeo Manuel Loco and Jose  
Luis Loco, by Domingo Dan-  
gada their attorney in fact, of  
the first part, and Jas. D. Galtraith  
John Linn, David J. Tagley,  
and Richd. H. Sinton of the  
second part, and Domingo Dan-  
gada of the third part, where

if you executed the deed a copy  
of which do appears?

Ans.

Yes, it must have been executed  
here by me as attorney in fact  
of Julian Manuel Luce and Jose  
Leandro Luce.

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23

Is the Rose & who there appears  
as subscribing witness, the same  
Rose of whom you spoke as  
belonging to the firm of Chetwood  
Cumber & Rose & Tuck?

Ans.

Yes sir,

24<sup>"</sup>

Look at page 56 of the said  
manuscript, on the sixth line  
from the bottom, where as a  
part of said deed, the following  
description occurs, "Being the  
"premises originally granted to the  
"said Juan Padilla, by His His  
"Governor of California, by grant  
"bearing date the 12<sup>th</sup> day of Febru-  
"ary 1846," and what have you  
can reconcile that fact with  
what you have previously testi-  
fied to, touching the alteration  
in the date of the grant?

Ans.

Although I don't see the  
original, which I signed, I  
suppose this copy is a true copy.

10

however, it is rather strange  
to me that ~~having~~ <sup>of the month</sup> the grant  
<sup>had</sup> ~~been~~ corrected during the time  
that it was in my hands, I  
should not observe it

Q 5<sup>2</sup>

What do you suppose now as to  
the ~~whether~~ <sup>of the grant</sup> date ~~had~~ <sup>of</sup> been  
been altered while it was in  
your hands, or afterwards,  
Ans.

~~It is all I can say is, that it  
is very remarkable that I did  
not observe the alteration in  
the date, ~~until~~ when it was  
in my hands,~~

I do not recollect having  
observed this alteration, As I  
was very particular about  
these title papers, and when  
I delivered <sup>them to</sup> Mr. Edwards,  
However I see by my convey-  
ance written by Mr. Rose, that  
he has written the date February  
12<sup>th</sup> 1846, and it is a matter  
that I cannot decide, whether  
it was altered after I gave out  
those papers, or whether it  
escaped my attention. However  
I will swear that there was  
no such correction while it  
was in my hands,

(Signed by the Commissioner.)

The testimony having been  
read over, the witness wishes  
to correct his ~~recent~~ testimony  
by saying that it was in the  
month of "March 1852," the papers  
were delivered instead of the  
month of April 1852, ~~the 1<sup>st</sup> of April~~  
that he received the money for  
the sale in April, but that  
the "According to my account  
books this means when I thought  
"book placed in the month of  
"April, 1852, but I see by the  
conveyance, & executed, it took  
place at the end of March 1852,  
therefore the title papers must  
have been delivered at that date,  
instead of during the month  
of April."

*Dow Danglada*  
I  
Witnessed and subscribed this 26th  
day of September, 1860, before me,  
*W. C. Cheever,*  
*W. P. Com.*

No. 121

N. S. Dist. Court

The United States

ads.

James D. Gallbraith.

Deposition of  
Domingo Ganglada  
for claimant

Filed Nov. 16, 1860.

M. A. Cheever,  
clerk

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DISTRICT COURT OF THE UNITED STATES, }  
Northern District of California. }

The United States }

vs.

San Francisco, September 25<sup>th</sup> 1860

Pls: D. Galbraith

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On this day, before me, WILLIAM H. CHEVERS, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c.,

came

John P. Brodie

a witness produced on behalf of the Claimant  
in Case No. 121, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 225 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—  
his evidence being interpreted by a sworn interpreter, to wit: By

PRESENT:

Sunders & Campbell, and Neff & Wilkins Counsel for Claimant,  
Calhoun Benham Esq. U. S. Dist. Atty  
for the U. S.

QUESTION 1ST, By Counsel for the

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

Ans.

My name is John P. Brodie, my  
age is 53 years, and my residence  
is in San Francisco.

2<sup>d</sup>

Do you know Don Pio Pico former  
Governor of California, and

Danforth Meekins, Havens, Scoville,  
Binkins, and one or have recd  
and heard much, and am well  
acquainted with their signatures.  
Ans.

I do know them. I have seen  
them write, and am acquainted  
with their signatures.

3<sup>o</sup>

COMMISSION NO. 121 DATED JUN 1850  
Look at the paper marked "Exhibit  
A," being the original <sup>in the Spanish language</sup> document  
filed in this cause on the 3<sup>d</sup> day  
of January 1853 before the Board  
of U. S. Land Commissioners, a  
copy of which appears <sup>on pages 23 and 24</sup> of the  
transcript from the said Board  
on file in this cause. The Dist:  
Court of Appeals of California, San Fran:  
cisco, has agreed to have been  
accessed to the deposition of  
Wm Carey Jones in that which he  
gave know the signatures on said  
document, & to state what they  
are, and if they are genuine?  
Ans.

I know the signatures on this  
document, and I believe them to be  
the genuine signatures  
of Bid Rice and Josse Meekins. Havens.  
The signature of Havens appears  
twice on this document, the second  
signature being the nickname  
Daly.

Opposite signature of C. H. Morris

L?

2?

Look at the paper marked  
D, being the original <sup>in the Spanish language</sup> document  
filed in this cause on the 28<sup>th</sup>  
day of March 1853 before the  
U. S. Board of U. S. Land Com-  
missioners, a copy of which  
appears on page 27 of the  
transcript from the said Board  
on file in this cause in the  
District Court, said document  
having been annexed to deposi-  
tion of J. J. Warner, and endorsed  
"Approved of Departmental  
Assembly," shall whether you  
know the signatures to said  
document, and if so, state  
whose they are, and if they  
are genuine?

Counsel for the U. S. objects  
to any proof of the execution of  
a private document, which  
purports only to be a certificate  
of a fact, of which the only  
legal evidence, is the record of  
the Departmental Assembly itself,  
now in the office of the U. S.  
Surveyor General, and accessible  
to the claimant.

Ans.

I know the signatures, I  
believe them to be the genuine

signatures of Pié Pié, and his  
Heatias Marens.

Cross Examination

Questions by Counsel for the U.S.

3<sup>rd</sup>

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When did you first become acquainted with the handwriting of Pié Pié and Heatias Marens?

Abs.

Since sometime about the end of the year 1846, or the beginning of 1847.

6<sup>th</sup>

Where were they living at that time?

Abs.

In Guaymas, State of Sonora Mexico.

7<sup>th</sup>

Had you been living at that place previously, if so how long.

Abs.

I had been there about a year before that.

8<sup>th</sup>

Did Pié come there to reside at that time, or was he merely passing through the place?

Abs.

He came there to reside, until the difficulties in California, should pass over, I left Guaymas, and left her about May

3

1847, and left him there.

9<sup>o</sup>

Were you in Guayaquil, at the time Pico arrived there?

Ans.

Sir, He did arrive in Guayaquil, a few days after the bombardment of that place by the <sup>invasion of May 1846</sup> Cyaner. He came there attended by his Secretary, Morenos, and a servant.

10<sup>o</sup>

Do there anything in the signatures to the documents, on which you have testified, to indicate the time at which they were written, whether before the 7<sup>th</sup> July 1846, or after?

Ans.

There is nothing to my mind,

11<sup>o</sup>

In stating therefore, that from your knowledge of the handwriting of Pico and Morenos, you consider their signatures to the document generally, do you mean merely, that you believe them to have been written by those officials respectively, and not to testify to the time, when they were written?

Ans.

Just so. I do state without any reference to the date of the <sup>2<sup>nd</sup></sup> the documents,

12.

Ques. What knowledge of the  
handwriting of those officials,  
derived from your acquaintance  
with them, in Guaymas, do  
you have testifed?

Ans.

Not entirely. In Guaymas  
I think, I did not see either  
of them write more than once,  
otherwise at Hermosillo, Mexico.  
I had many opportunities, <sup>of knowing</sup> the  
signatures and handwriting of  
Pico, both from seeing him  
write and sign, and from receiving  
letters from him, at the time  
that I was factored up the  
country. My further knowledge  
of their handwriting and signatures  
has been acquired since I came  
to California in 1854.

13.

Ques. Whether anything which  
you ever saw Pico write, either  
at Guaymas or Hermosillo, was  
written in the capacity of  
any political or official func-  
tions, as Governor of California,  
or as connected with titles to  
land in California?

Ans.

The occasion to which I have  
referred as seeing the handwriting  
of Morelos and Pico at Guaymas

was a month or so, after their arrival there, when Pio defeated Moreno to go to the city of Mexico, with official dispatches representing the condition of California, which was signed by Pio as Governor, and written by Moreno.

At Hermosillo I myself wrote for Pio, a long remonstrance to the Government of Mexico, setting forth the state of affairs in California, since the commencement of the war, and other matters relating to his own personal position, which he signed in my presence as Governor. This was about the end of 1847 or beginning of 1848. I am not certain.

I never knew him to have any thing to do with signing any documents relating to Land titles, <sup>when</sup> in Sonora.

John P. Brodie -

Signed to, and subscribed  
this 25th Sept. 1860, before me,

V. D. Cheverrel,  
U. S. Com.

No. 121.

U. S. District Court.

The United States.

ads.

James D. Galbraith.

Deposition of  
John P. Brodie.  
plainant.

Filed Nov. 16, 1860,

H. D. Cheever,  
clerk

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DISTRICT COURT OF THE UNITED STATES,

Northern District of California.

The United States }  
vs.  
Jas. D. Galbraith }

San Francisco, September 25 1860

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On this day, before me, WILLIAM H. CHEVERS, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c.,

came P. C. Hopkins

a witness produced on behalf of the Claimant  
in Case No. 121, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 205 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by a sworn interpreter, to wit.: By

PRESENT :

Saunders & Campbell and  
Stephens & McKenna Counsel for Claim-  
ant, and Calhoun Penham Esq. W. J.  
Atty. for the U. S.

QUESTION 1ST, By Counsel for the Claimant.

What is your name, age, and place  
of residence, and occupation?  
Ans.

My name is P. C. Hopkins, I  
am 21 years of age and upwards,  
my residence is San Francisco,  
and my occupation is that of  
keeper of Archives in the Surveyor

Generals office and have been  
for five years.

3'

Look at the document in the  
Spanish language being the  
original document, a copy of  
which has been filed in this  
<sup>April 29, 1852</sup> cause, before the Board of U.S.  
Land Commissioners, marked S.D.K.  
and which appears on pages 13,  
14, 15, 16, 17 and 18 of the trans-  
cript from the said Board on  
file in this case in the Dist.  
Court. What is said original  
document?

Ans.

Laid original document is the  
Expediente or proceeding had by  
Juan ~~de~~ Stephanoen Padilla  
Petitioning for the Rancho of  
"Bolsa de Manzanares,"

Whence does it come?

Ans.

It is from the Spanish archives  
on file in the office of the Adm.  
Lieutenant General, which formerly  
belonged to the office of the Secretary  
of State of the former Mexican  
Government of California.

Of what does it consist?

Ans.

It consists first of the petition

of Juan St. Padilla, dated Monterey  
May 14<sup>th</sup> 1846, second, The mar-  
ginal decree by the Governor  
referring the matter to the Prefect  
of the second district, dated  
Angeles May 20<sup>th</sup> 1846; Third, a  
certificate by Prefect Casper, dated  
"Monterey May 10<sup>th</sup> 1846;" Fourth,  
A decree of concession signed  
by Governor Pico, and Secretary  
Mearns, dated "Angeles June 15<sup>th</sup> 1846"  
Fifth, The Borrador or rough  
draft of grant, dated "Angeles  
June 12<sup>th</sup> 1846,"

6<sup>th</sup>

Do you know the signatures  
to the various papers contained  
in this document, which you  
have described? if so, whose are  
they, and are they genuine?

Counsel for the U. S. objects  
to the question, until the legal  
foundation has been laid, to show  
the knowledge of the subject.

Ams.

I think I am well acquainted  
with the signatures in this  
Expediente, by frequent compariso-  
n of the signatures for a long  
time. I have no doubt but what  
they are genuine. The first sign-  
ature is the signature of Juan  
St. Padilla to the petition, the

Second, is the signature of Pico  
to the marginal decree, third, the  
signature of Manuel Casper to  
the certificates, fourth, the sig-  
natures of Rio Pico and Jose  
Matias Mearon to the decree  
of conception.

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In whose handwriting is the  
petition?

Ans.  
~~The first page of the petition, down to and includ-~~  
The ~~first page of the~~ handwriting of  
the petition, down to and includ-  
ing the words "de justicia y  
en" is in the handwriting of  
Francisco Acea. The remainder  
of the petition is in the hand-  
writing of the petitioner, Padilla,

Do there any endorsement on said  
original document if so what  
is it?

Ans.  
There is. It is endorsed "Bolsa  
"de Tomales, concedido á Juan  
"Stepomuceno Padilla No. 371."  
The translation of which is, "Bolsa  
de Tomales, granted to Juan  
Stepomuceno Padilla No. 371." This  
endorsement is in the hand-  
writing of Mr. W<sup>m</sup>. E. P. Hartzell,  
who I think had charge of  
the archives in the years 1847,  
and 1848, with Capt. Stelleck.

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The number "371" is also in  
the handwriting of said Hartnell  
and this Expediente is found, re-  
ferred to by this number in the  
Index compiled by said Hartnell  
during the time, that he had  
charge of the archives, which index  
is on file in the office of the  
U. S. Surveyor General.

9<sup>th</sup>

Do you, as an expert, observe  
anything peculiar in the paper  
of said expediente, and in the  
handwriting and folding of the  
said expediente, state fully?

Ans.

In relation to the paper, The  
petition bears date May 14<sup>th</sup> 1846  
at Monterey, the certificate of  
Manuel Cusino is dated 10<sup>th</sup> May  
1846 also at Monterey. These two  
papers were as a matter of  
course carried by sent by  
Padilla when he went or sent  
to Los Angeles to obtain his  
grant. The folding marks on  
these papers exactly correspond,  
showing that they had been  
folded together and perhaps  
enclosed in the same envelope.  
The Demand of the grant  
which ~~pet~~ bears date "Los Angeles  
June 12<sup>th</sup> 1846" does not bear the  
same folding marks. The paper

on which the barrador or copy  
of the grant, is written, is written  
on adob paper as was in com-  
mon used in the Secretary of  
States office in 1846, as shown  
by the water marks. The decree  
of concession dated in Los Angeles,  
written on the same sheet and  
in continuation of the petition,  
appears to have been written after  
the paper had been folded, as  
blanks appear upon the folding  
marks.

10<sup>o</sup>

Do you know anything about the  
handwriting of Francisco Ace, in  
connection with the acts of Padilla?

Ans.

I have seen several documents  
in the archives dated in 1845,  
written by Ace, and signed by  
Padilla.

11<sup>o</sup>

Have you anything to say, about  
the appearance of the ink, which  
was used in the signature and  
certificate of Manuel Castedo?

Ans.

I find in letters of Castedo is  
written in 1846, which ink of  
about the same shade. I also  
find that Moreno used ink of  
the same shade in 1846, as  
appears in this expediente.

12<sup>o</sup>

12<sup>o</sup>.

Have you anything to say with  
regards to the peculiarity of the  
Handwriting of Samuel Foster,  
as found in this expediente, when  
compared with other documents,  
written and signed by him, about  
the same period, and found in  
the archives?

Ans.

It bears a very exact resemblance  
to other documents written  
by him, about that time, which  
documents are on file in  
the Archives.

13<sup>o</sup>.

Do you know ~~or can you state~~ anything further  
which may benefit the claimant,  
in this case?

Ans.

Upon a careful examination  
of this expediente I am con-  
vinced that the documents herein  
contained are genuine.

I cannot for the U.S. object  
to the answer, as not responsive  
to the question, and further that  
it is not proper to be brought  
out if pertinent to the question.

Examination adjourned until tomorrow  
at 12 o'clock, M.

San Francisco

Sept. 26<sup>th</sup> 1860.

Examination of R. C. Hopkins  
resumed from yesterday.

Present:

Saunders & Campbell, and  
Stephens & Philkins Counsel for  
Claimant, and Calhoun Redham  
Esq. U. S. Atty. for the U. S.

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Ques: 14<sup>th</sup>

Do you know of any document  
or documents, in the archives, dated  
June 1846, and signed by Pio Pico  
or Moreno, which show where  
Pio Pico was, before the 15<sup>th</sup> or 16<sup>th</sup> of  
June of said year?

Ans.

In "Volume XIV of Departmental  
State papers, Angeles, Official  
correspondence, page 894," there  
is found a communication from  
Don Matias Moreno Secretary  
of State, to the Ayuntamiento of  
Los Angeles, dated June 15<sup>th</sup> 1846  
saying, that tomorrow the Gover-  
nor has determined to commence  
his journey <sup>from this place</sup> to the Pueblas of the  
North etc, etc. And on page 888  
of the same volume, signed is  
found a communication from  
the Departmental Assembly, to  
the Ayuntamiento of this Capital  
signed by Pio Pico and Agustin

Oliver's Barber Aug 20 1860

Olvera, dated Angeles June 15<sup>th</sup>  
1846,

Examination adjourned until  
Friday next, 28<sup>th</sup> inst; at 10 o'clock  
A. M.

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San Francisco

Sept: 28<sup>th</sup> 1846.

Examination of R. C. Hopkins  
resumed from the 26<sup>th</sup> inst:

Present:

Saunders & Campbell, and  
Stephens & Wilkins, Counsel for  
Claimant, and Galloway Penham  
Esq. W. S. Atty for the U. S.

Cross Examination  
Questions by W. S. Atty.  
Ques: 13<sup>th</sup>

You stated in your examination  
in chief, that you derived your  
knowledge of the handwriting of  
Ric Pico, Jose Matias Moreno  
Manuel Castro, Francisco Rice  
and Juan S. Padilla, from a  
comparison of the handwriting of  
those individuals found in various

documents in the Spanish archives  
now in the office of the U. S.  
Surveyor General. State the  
character of those documents, with  
reference to each of those individuals  
and the period of time, during  
which they were written?

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Ans.

I have found the handwriting of  
Ricardo in letters private and  
official, his signature to grants,  
and proceedings in Expedientes,  
the signatures to the journal  
of the Departmental Assembly during  
the period, from 1824, to ~~1846 July~~  
about July 1846.

I have found the handwrit-  
ing of East Matias Moreno,  
in the archives, in official com-  
munications, as Secretary of State,  
in proceedings in expedientes,  
and grants, and in grants of land  
during the year 1846.

I have found the hand-  
writing of Manuel Casero, in official  
communications as Prefect of the  
Second District, and in various  
other documents, from perhaps  
1840, to 1846.

I have found the hand-  
writing of Francisco Ace in  
documents written by him as  
Chief Clerk, in the office of the  
Secretary of State, and in various

G

other documents from the year

other documents, from the year  
1839 when he was appointed  
Clerk in the office of the Secre-  
tary of State up to 1846

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I have found the hand-  
writing of Juan St. Padilla in  
several documents, letters, &c., &c.,  
written by him, I think in  
1845. There were some judicial  
controversies, in which the docu-  
ments are signed by him in 1845

16<sup>th</sup>

Have you also seen the hand-  
writing of any of those persons,  
in the form of signatures to  
their depositions, in the Land  
cases transferred from the late  
Board of Commissioners, for ad-  
judicating land titles in Califor-  
nia, to, and now in the office  
of the U. S. Surveyor General?

Ars.

I have seen the signatures of  
Pio Pico, Don Matias Moreno  
and Manuel Castro, to deposi-  
tions before the Land Com-  
missioners, the others I don't  
remember to have seen,

17<sup>th</sup>

Have you seen any such depo-  
sitions, in which the Depaneantes  
have sworn to the genuineness  
of original documents, purporting  
to have been signed by them, in

cases, where the claims have  
since been finally rejected by the  
District or Supreme Court of the  
United States, upon the ground  
that the said documents had  
been fraudulently antedated, by  
said deponents?

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Ans.

I don't remember, I have  
heard <sup>Pio Pico</sup> examined ~~and~~ in two  
cases, the E. L. Brown case,  
and the cases of Juan Roland,  
In the Brown case he said  
his signature to the grant was  
forged, in the other case, he  
thought his signature was  
genuine, but he did not remember  
to have signed it. I have seen  
Pio Pico's signature to various  
other ~~docs~~ depositions but I  
cannot now call them to mind.

18.

What is the whole number of  
expedientes in the archives, in  
the class, to which the expediente  
in this case belongs?

Ans.

Five hundred and seventy nine.

19<sup>o</sup>

This expediente then, is the last  
but eight of that class.

Ans.

Yes sir, It is numbered 571

30<sup>o</sup>

20<sup>o</sup>

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In your examination in chief you asked, with reference to the two documents in the said expediente No. 571, signed by Padilla and Pio Pico, and Manuel Cañero, as follows, "These two papers were, as a matter of course, carried or sent to Los Angeles by Padilla when he went or sent to Los Angeles to obtain his grant;" Do you mean that you have any knowledge of that fact or merely that such must have been the case, if said expediente was genuine, and none of the papers thereof annexed?

Ans.

I have no personal knowledge of the fact, but infer such to have been the case, from the fact, that the two papers are dated in Monterey, that Manuel Cañero was Prefect of the second district, that Juan S. Padilla was a resident of Southern California, that the seat of Government and the Governor's residence, was at that time in Los Angeles, and because I believe the documents comprising this expediente are genuine.

Q1<sup>o</sup>

In testifying in regard to the folding marks of the said two documents, did you allude to the longitudinal, or transverse marks, or what?

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Ans.

I refer to both.

Q2<sup>o</sup>

Look at the other paper in said Enseñante, which you call the Borrador or copy of the grant, and state if you do not find the same transverse folding, and also the same longitudinal folding?

Ans.

The same transverse folding, but not the same longitudinal folding.

Q3<sup>o</sup>

Do you find any longitudinal folding ~~marks~~, in the Borrador if so, what is the difference of between them, and the marks on the other papers?

Ans.

I found on the Borrador only one longitudinal mark, about the distance of one fourth of the sheet from the left hand margin.

Q4<sup>o</sup>

You stated in your examination

(T)

that "the paper on which the

T

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that "the paper on which the  
"borrador or copy of the grant  
"is written, is written on such  
"papers as was in common use  
"in the office of the Secretary  
"of State in 1846, as shown by  
"the maker mark;" Do you  
mean to say or imply, that  
the other two sheets of said ex-  
pediente, is written upon paper  
that was not in common use,  
at the time in said office, or in  
Los Angeles?

Ans.

I did not intend to imply  
that such was the case, nor  
had my answer any reference  
whatever, to the paper on which  
the petition and certificate were  
written.

Q5<sup>o</sup>

Do you know if the two sheets  
upon which the petition and  
certificate were written, is not  
shown by the maker mark,  
to have been, the description  
of paper most used in the  
Government offices, at that time in  
Los Angeles?

Ans.

+ That class of paper was used  
in the Government offices, but  
I don't know that it was more  
in use than the other. Both

of them were in common use  
as shown by the archives,

Q6?

You have spoken of two trans-  
lates, what you call the endorse-  
ment of said Expediente No. 371.  
Is said writing actually endorsed  
upon either of said three sheets,  
or does it not rather appear  
in the form of a title page,  
upon a separate and distinctly  
sheet of paper?

Ans.

It appears upon a cover separate  
from the papers of the expediente,  
the title and number of the  
expediente, never appearing  
on the same page with the  
expediente, but upon a separate  
cover.

Q7?

Of what description of paper  
is the cover of this expediente,  
with reference to its watermark?

Ans.

It is paper bearing the water-  
mark of Fabian, & is the  
same description of paper,  
upon which appears the fiction  
and certificate

Q8?

Show in what respects, the  
watermarks of the three last  
mentioned papers, differ from

The material numbers of the Presidents

" the water marks of the Borrador  
in said expediente, and in  
what respects they correspond?

Ans.

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The ~~these last mentioned~~ are the  
~~water marks~~ of Fabian, the  
paper upon which the cover,  
the Petition and the certificate  
of Castles, are written, bears the  
water mark of Fabian, the  
paper upon which the borrador  
or copy of grant is written bears  
the water mark of "Casa D'wall".  
They appear to correspond in size,  
but do not bear the same water  
marks. The size of this paper  
corresponds with what we call  
English cap paper.

DG."

Do you recognise the hand-  
writing, which follows the copy  
of the signatures of Pico and  
Marens, upon the second page,  
of the Borrador or copy of the  
grant?

Ans.

I don't recognise it. It is  
unmeaning scribbling, apparently  
of some one learning to write.  
Such scribblings are common  
on documents in the archives.  
This scribbling extends over  
nearly half of the second page.

30<sup>o</sup>

State whether all, or if not, what proportion of the expedientes prior in date and number, to this, 5<sup>o</sup>, contain desenos or maps of the land partitioned for?

Ans.

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All do not contain desenos, the proportion I cannot state.

31.

Do you remember of any expedientes, from the time of Governor Brignova to that of Governor Alvarado inclusive which do not contain desenos?

Ans.

Yes sir, I remember ~~the~~ one, the Burri Burri ranch, there may perhaps be several others, but I don't now remember.

32.

Look at the document now shown you, state whence it came, and what it is?

Ans.

It is an expediente instigated by Daniel Hiles for the place called La Goleta, number 3<sup>o</sup>/0, the endorsements in the handwriting of Aquustin Olvera, the number is in the handwriting of Starkness'. It comes from the Archives in the office of the U.S. Surveyor General, it is immediately

bound in the file and numbered

precedes in the file and number,  
the instrument in this case, the  
copy of the grant is in the hand-  
writing of Odreen.

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33

When and where is the petition  
dated?

Ans.

2

The petition is dated at Santa Barbara, and seems to have been written first ~~of~~<sup>27<sup>th</sup> June 1846, and the word June appears to have been altered to May.</sup>

34

Is it possible to mistake the  
fact that the word May, has  
been written over the word June?

Ans.

I think it is very evident that such is the fact. The word May being written in a much larger and heavier hand, than the word June.

35

Does it not appear, that the j, of the word June, had originally been extended a considerable distance below the line of the word, and that it had subsequently been used to make the first line of the letter M, in the word Mayo?

Ans.

Such appears to have been the

fact.

36<sup>m</sup>

What erasures do you find in  
the lower part of the second page  
of the Borrador, and what words  
substituted or written after  
the erasures?

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Ans.

I find the marks "la el paerito  
"de Santa Barbara estha papel  
"comun por faltas <sup>de sellos</sup> & correspondi-  
euler viendo siete" erased (The  
translation is "Part of Santa  
Barbara on this common paper  
"for want of that having the  
"paper seal, on the twenty seventh")  
This erasure is followed by "the  
"City of Los Angeles on this  
"common paper for the want of  
"that which is sealed the tenth  
"of June 1846, Pio Pico, and Jose  
Maria Morreno, Secretary of  
Inkerino"

37<sup>m</sup>

Where was Pio Pico on the 37<sup>m</sup>  
June 1846, as appears from  
official documents in the archives?

Ans.

I don't remember. He was some-  
where in the Spark of Los Angeles,

38.

Look at the watermarks of  
the several sheets of this slip  
expediente, and describe them?

Ans.

*Ans.*

The cover has the water mark of "Casa Drall" the petition has the same water mark, the map has the water mark of Fabian, and the copy of the grant has the water mark of "Casa Drall"

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39.

Look at the document now shown you, where what is, and whence it came.

*Ans.*

It is an expediente from the same archives, "No. 367," the first and second page consists of the petition of Cesareo Lataillado, the marginal decree of the suo Perfect Curillo, the fourth page is a map, the fifth and sixth pages contain the petition Lataillado, part of the sixth and seventh pages contains the decree of conception signed by Pio Pico and Jose Matias Mariano, the eighth and ninth pages contain a copy of the grant dated 9<sup>th</sup> June 1826, Page 10<sup>th</sup> has a copy of the ~~Censo~~ report of the committed on ~~fa~~ <sup>organ</sup> lands, dated July 4<sup>th</sup> 1826,

40.

What answer to be the dates of the petitions and decrees?

Ans.

The first petition is dated Santa Barbara 3<sup>rd</sup> June 1846, the marginal decree of Concessions is dated Santa Barbara June 5<sup>th</sup> 1846, the figure "5," ~~was~~ appears to have been written over an erasure, it is impossible now to tell what the original figure may have been. The second petition is dated Los Angeles 9<sup>th</sup> June 1846, the decree of concession is dated the same day and place.

H.

Shake in regard to the water marks of the documents?

Ans.

There is a water mark of ~~one~~ on two of the sheets of "Fabian", and on the others "Casa de Dall"

H2.

Look at the document now shown you shake what it is, and whence it comes?

Ans.

It is expedient No. 56<sup>th</sup>, from the same archives. On the first and second pages is a petition of Antonio Francisco Coronel, dated 7<sup>th</sup> to 1<sup>st</sup> July, (changed to June) 1846, the marginal reference on the first page is dated Angeles 1<sup>st</sup> July (changed to June) 1846, and signed by Rector. On the second and third

comes in the report of Leonard

pages is the report of Leonardo  
Carras dated Angles July 2<sup>nd</sup> (changed  
to June) 1846. On the third and  
fourth pages is the decree of  
conception, signed by Pico and  
Moreno dated June 4<sup>th</sup> 1846,  
Ans.

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Query if there can be any mistake  
in the fact, that the date of the  
partition, and the date of the  
reference by Gov: Pico, and the  
date of the report of Leonardo  
Carras, which now appear as "June"  
were originally written "July"?  
Ans.

I think not.

44.  
Query if the decree of conception  
signed by G<sup>r</sup>o Pico was written  
upon the same sheet of paper  
as the three other writings last  
referred to, and whether it was  
originally written as it now  
appears, June 4<sup>th</sup> 1846?

Ans.

They are upon the same sheet of  
paper, the date of the decree  
of conception, appears to have  
been originally written as it  
now appears "June 1<sup>st</sup>".  
Ans.

45.  
Query if the signatures of  
Pio Pico and Jose Matias Moreno,  
are genuine, in the sense of

having been written by them?  
Ans.

I believe they are.

46.

What is the maker mark on  
that sheet, and on the cover?

Ans.

Fabian.

47.

Look at the document now  
shown you, state what it is  
and whence it came?

Ans.

It is expediente No 572 from  
the said archives.

48<sup>m</sup>

State what alterations, if any,  
you find in the ~~expediente~~ docu-  
ments in that expediente?

Ans.

The marginal order of reference  
appears to have been altered  
from July to June 3<sup>rd</sup> 1846, the  
petition is dated Angeles July  
1846, the day of the month having  
been altered by striking a cipher  
over some other figures, followed  
by a figure 3. At the report of  
Leonardo Costa, the date is changed  
from July to June 4<sup>th</sup> 1846, the  
degree of concession is dated Angeles  
June 15<sup>th</sup> 1846 without alteration,  
and signed by Pio Pico and Jose  
Matias Moreno. In the borrador

The date is changed from July 4<sup>th</sup> 1846

the date is changed from July to  
June 1846 the day of the month  
being also altered to the 15<sup>th</sup>.

49.

Does not the words which <sup>are</sup> now  
"a los" appear to have been origi-  
nally written "a lo" the "s" being  
added in blacker ink, thus indi-  
cating by using the Article  
in the singular number, that  
the date was original written,  
the first of July?

Ans.

It seems to have been written  
in blacker <sup>ink</sup>, but I don't think  
that it was written ~~on~~ July 1<sup>st</sup>  
30<sup>th</sup>.

Take in what way the word  
palios in those three places  
where it appears to have been  
altered to "Junios" was ~~for~~ altered?

Ans.

The letter "n" appears to have  
been written over the letter "l".

51.

Take the relative size and color  
of the letter "n" with reference  
to the other letters in the word?

Ans.

It appears to be heavier and  
larger than the other letters in the  
word.

52

Take if at the time the decree

of conception which is written  
in a fair hand, June 15<sup>th</sup> was  
signed by Pio Pico and José María  
Sáenz. The dates of the preceding  
documents written upon the same  
sheet must have appeared, dated  
either July 1846, or with an evident  
and palpable alteration to June  
1846!

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Ans.

Such would seem to be the fact.  
53.

State the description of paper  
upon which the documents are  
written.

Ans.

~~One sheet~~ The petition to ~~Gabriel~~  
is on paper with the water  
marks of Fabian. The copy of  
the grant is on ~~paper~~ English  
letter paper, with the water  
mark, Whitman.

54.

Look at the document now  
shown you, state what it is, and  
whence it came?

Ans.

It is expediente No 573, from  
the said archives.

On page 1<sup>o</sup> the date of  
the petition appears to have  
been changed from the 15<sup>th</sup>  
July to June 1846. The <sup>date of the</sup>  
degree on the same page appears

to have been altered from 15<sup>th</sup> July

to have been altered from 15<sup>th</sup> July  
to 15<sup>th</sup> June, 1846.

On page 2<sup>r</sup> in the report  
of Leonardo Lator the date appears  
to have been altered from the 6<sup>th</sup>  
July to the 15<sup>th</sup> June, 1846, on  
the same page the decree of  
conception is dated 15<sup>th</sup> June  
1846, without any alteration, and  
is signed Pio Pico and José Matías  
Moreno. The copy of the grant  
is dated 15<sup>th</sup> June 1846 without  
any alteration.

The petition and cover  
bear the water mark of Fabian,  
and the copy of the grant is  
written upon English letter head

55.

Describe the document now  
shown you?

Mrs.

It is expediente No. 575, from  
the same archives. The petition  
is dated Santa Barbara June  
27<sup>th</sup> 1846, the marginal reference  
signed by Pico is dated June  
27<sup>th</sup> 1846, the report of the  
Sub-prefect Cuailly is dated  
Santa Barbara June 30<sup>th</sup> 1846,  
the decree of conception signed  
by Pio Pico and José Matías  
Moreno is dated Santa Barbara,  
July 1<sup>st</sup>, 1846, the borrador  
bears the same date.

Describe the document now shown you?

Mas.

It is its expediente No 577 from the same archives.

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The petition is dated San Luis Obispo July 10<sup>th</sup> 1846, the marginal reference signed by Pico is dated San Luis Obispo July 10<sup>th</sup> 1846,

Counsel for claimant objects to all the foregoing testimony in relation to the archives, unless authenticated copies of the archives referred to, are introduced.

Examination adjourned until Monday next Oct. 1<sup>st</sup>. at 10 o'clock A. M.

San Francisco Cal.

Oct. 1.<sup>st</sup> 1860.

Examination of R. C. Hopkins resumed from the 28<sup>th</sup> ult.

Present:

All the parties.

Examination adjourned by consent until ~~Tuesday~~ Thursday next at

10 o'clock A. M.

10 o'clock A. M.

San Francisco Cal.

October 2<sup>d</sup>. 1860

Examination of R. C. Hosakino  
resumed from the 1<sup>st</sup> inst.

Present:

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Saunders & Campbell and  
Stephens & Wilkins, Counsel for  
Claimant, and Calhoun Penham  
Esq. U. S. Atty. for the U. S.

Ques: 37.

Have you seen and examined the original  
Grant in this case, and the signatures  
to it

Ans.

I have.

38.

In whose handwriting is the  
body of the grant?

Ans.

I think it is in the handwriting  
of Capuchans Menas.

39.

How have you obtained your  
knowledge of the handwriting of  
Menas?

Ans.

By having understood from persons  
that knew him, and knew his

handwriting that certain documents in the archives were in his handwriting. There are many documents of the year 1846, in his handwriting in the archives. I don't know if he <sup>never</sup> ~~had~~ held any official position.

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60.

Look at the document now shown you. State what it is?

Ans.

It is the journals of the Departmental Assembly from 1841 to 1846 inclusive, part of the archives in the office of the U. S. Surveyor General.

Q1.

State on what dates during the year 1846 the Departmental assembly held their sessions, and by whom the record of each session was signed.

Ans.

3<sup>rd</sup> March 1846, signed by Pico as President and Olvera as Secretary. 4<sup>th</sup> March 1846, signed by the same. 6<sup>th</sup> March 1846, signed by the same. 9<sup>th</sup> March 1846, by the same. 13<sup>th</sup> March 1846, by the same. 16<sup>th</sup> March 1846, by the same. 18<sup>th</sup> March 1846 signed by the same. 23<sup>rd</sup> March 1846, signed by the same. 30<sup>th</sup> March 1846, signed by the same. 8<sup>th</sup> April

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un-signed (a borrador of the  
deputation) 13<sup>th</sup> April signed by  
the same, 18<sup>th</sup> April extraordinary  
deputation un-signed. 29<sup>th</sup> April  
signed by the same. 8<sup>th</sup> May  
signed by the same, 11<sup>th</sup> May  
signed by the same, 13<sup>th</sup> May  
signed by the same, 15<sup>th</sup> May  
signed by the same, 3<sup>rd</sup> June  
signed by the same 10<sup>th</sup> June  
signed by Figueiroa as President  
and Olvera as Secretary, 13<sup>th</sup> June,  
signed by Figueiroa and Francisco  
Bastello, 17<sup>th</sup> July signed by the  
same, 2<sup>nd</sup> July extraordinary  
deputation signed by the same, 3<sup>rd</sup>  
July signed by the same, 6<sup>th</sup>  
July signed by the same, 8<sup>th</sup>  
July signed by Pico and Olvera,  
24<sup>th</sup> July deputation extraordinary  
signed by Pico, and Olvera.

62.

Given to the deputation of 13<sup>th</sup> May  
18246, and state what action  
purports to have been taken  
relative to the election of a  
new assembly to meet at Santa  
Barbara?

Ans.

On the 13<sup>th</sup> May a resolution was  
passed to the following effect.  
that there should be an election  
of Deputies on the 30<sup>th</sup> May to  
form a general junta, which

was to meet on the 15<sup>th</sup> June,  
at Santa Barbara, and apportioning  
to the different towns  
the number of Deputies to be  
elected by them respectively.

63.

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21

Shows if the Archives show that  
Pio Pico was absent from Los  
Angeles during the whole of  
the month of July 1846?

Ans.

The Archives show that Pio Pico  
left Los Angeles <sup>about the 10<sup>th</sup> June</sup> 1846,  
and that he returned to Los  
Angeles during the last half  
of the month of July, 1846.

Examination adjourned until  
Tuesday next at 10 o'clock A.M.

San Francisco Cal.

Oct. 9<sup>th</sup> 1860

Examination of R. C. Hopkins  
resumed from the 4<sup>th</sup> inst:

Present:

All the parties

Examination adjourned by  
consent until Tuesday Oct. 16<sup>th</sup>  
at 12 o'clock M.

San Francisco

Oct. 16<sup>th</sup> 1860

Examination of R. C. Hopkins  
resumed from the 9<sup>th</sup> inst.

Present

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Saunders & Campbell,  
and Neasham & Wilkins, Counsel  
for claimant, and Calhoun  
Benham Esq. U. S. Atty for the  
U. S.

Ques. 64.

How many grants or titles for  
land, do the Records of the  
Departmental Assembly show  
to have been confirmed by that  
body in its session of June 3<sup>rd</sup>  
1846?

Ans.

From twenty five to thirty.

65.

What communications if any  
do those records show to have  
been made by Gov: Pico to the  
Assembly apprising them of a  
letter then just received by him  
from Genl. Scott's asking  
him of ~~Cook's~~ Fremont's  
irrigation into the country?

Ans.

On the journals for the same  
day is found the following entry,  
"At the same time there was  
read a communication from  
Commandancia General, in which

"it was stated that the Captain  
"of the United States, Fremont,  
"was about invading the country  
"with a considerable force, and  
"his <sup>Landschiff</sup> Seniors, solicited the presence  
"of the Governor."

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66.

Have you examined the petition  
originally filed in this case by  
the claimants before the Board  
of Land Commissioners, if so, state  
if the date of the grant set forth  
in said petition, was not originally  
written "February," and afterwards  
changed to "June"?

Anz.

It is sometime since I exam-  
ined the petition, but my recollec-  
tion is that the changes had  
been made as set forth in the  
question.

Q.

Do you find in the records  
of the Departmental Assembly,  
any session prior to that of 3  
June 1846, in which more than  
three or four, or half a dozen  
titles were confirmed?

Anz.

Not having examined with  
reference to that question, I  
cannot answer.

Direct examination resumed.

Question by Counsel for

Questions by Counsel for  
Claimant

Ques: 68.

How long have you been ac-  
quainted with the public  
records?

Ans.

It will be twenty years.  
For the last twenty years, my  
business has been such as to  
requires me to be conversant  
with ~~and in charge of~~ <sup>most</sup> public  
records. During the ~~years~~ of  
this time having been in charge  
of the same

Q.

Have you examined the expedi-  
entes in the archives, with a  
view to the alterations, if so how  
many?

Ans.

I have examined expedientes  
with that view. From the  
highest number 579 down to  
number 130, (not having ex-  
amined <sup>all</sup> for want of time)

Q.

What is the result of your  
examination?

Ans.

With the exception of the alter-  
ations to which my attention  
was called in a former cross  
examination in this case, I

find but few inconsiderable alterations, and none which would lead me to think, that they were made in bad faith

if.

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From your long acquaintance with public records,

They are such, as a mistake in the day of the month, as for instance commencing to write the month "November", and writing December over it. I don't think there was more than half a dozen such alterations.

if.

From your long acquaintance with public records, how do the evidences you have examined, except those spoken of in crop examination, compare in freedom from erasures, and alterations, and in intrinsic evidence of bona fides, with the other records with which you have been familiar?

Mrs.

I think I have never examined records such as these made in the handwritings of many persons, many of whom were evidently very illiterates, which were ~~free~~ free from errors, or bore more intrinsic -  
ally the stamp of bona fides.

20

How the evidence stands.

29

than the expedientes of land grants, I have mentioned, excepting those to which my attention was called in the re-examination.

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72.

On view of the examination which you have made of these expedientes, including the expediente in this case, and your long familiarity with the Archives, is there in your judgment as an expert any fact or circumstance connected with the expedientes in this case, calculated to cloud it with a suspicion or doubt of its genuineness?

Question objected to by Counsel for the U. S. on the ground that it is a subject upon which the opinion of an expert is not evidence.

Ans.

There is not, but on the contrary the expediente in this case bears upon its face, to my eye unmistakable evidences of verity.

Cross Examination resumed.

Questions by counsel for the U. S.  
Date: 73.

In asking in direct examination resumed, that the alterations in the expedients is prior in date to those spoken of in your crop examination, were in your opinion made in good faith, Do you mean to say or imply that the alterations in the last named expedients, caused not have been made without bad faith or fraudulent complicity on the part of the officials, whose signatures they bear?

Mrs.

Such is my conclusion in relation to those expedients.

74.

If then in regard to the expedients in this case, you have no collateral or extraneous evidence, that it was not antedated by the officials whose signature it bears, having conclusive evidence that those officials had in other cases fraudulently antedated documents of a similar description, what would be the evidence which would satisfy your mind, that this document was not so antedated, assuming that a sufficient motive was shown

in this case for an antedating

in this case for so antedating  
it?

Ans.

As I have before stated this  
document bears upon its face  
evidences of genuineness, to my  
mind. There are other expedi-  
entes about this time, without  
alterations or erasures, and which  
appear to me to be equally  
genuine with this. Because  
a man may have in one or  
more instances committed  
faulcs, he has no right to  
assume that it is impossible  
for him to do a truthful act,  
especially when the record of  
such act is no gives no ground  
for suspicion.

173.

Is there anything upon the  
face of this expediente, or taken  
in connection with the other  
expedientes which immediately  
precede and succeed it, which  
indicates that it was not  
wholly written out and signed,  
as late as the latter part of  
July or 1<sup>st</sup> of August 1846,  
except upon the hypothesis that  
veracity and good faith, are to be  
attributed to the officials whose  
names are upon it in the matter  
of fixing the dates of the documents?

*Ans.*

There is nothing in this expediente or upon its face, which would indicate to me or cause me to have any suspicion, that it was written out and signed in the month of August 1846, latter part of July or first of August 1846.

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Answered objected to by Counsel for the U. S. as not responsive to the question, and question (75) is repeated.

*Ans.*

I decline to answer more specifically,

Direct examination resumed.  
Questions by Counsel for claimant

Ques: 76

In the examination of expedientes which you have made, have you found it a rare thing for an expediente to be unaccompanied by a map?

*Ans.*

I have found a great many without maps, particularly under the Government of Pto Rico.

Signed and Subscribed *R. C. Hopkins*,  
Oct. 16, 1860, before me,  
*W. A. Chavis, N.S.C.M.*

No 121

U. S. Dist. Court

The United States

ad,

vs. D. Galbraith

---

Deposition of  
W. C. Hopkins  
for claimant

---

Since Nov: 16, 1860,

W. Dr. Chesser,  
Clerk

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Office of the Secretary of State <sup>3</sup>  
of the Department of California <sup>3</sup>

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His Excellency the Governor of this Department has determined to set out tomorrow from this Capital on his march to the Pueblos of the North, where urgent and grave matters deeply important to the interests of the Country, impellingly demand his presence. His Excellency, who is deeply wounded in contemplating the almost utter anarchy in which we are living, and which he desires at all hazards to extinguish, regrets leaving the Capital, where there is perhaps but little unity of opinion; but he has the resolution of seeing at the head of the administration of justice, Citizens who are honorable and patriotic, and who are interested in the common welfare.

His Excellency ~~during the~~ reposing them upon this assurance, has not the least doubt, but that the local Justices of this City, will exercise all their zeal and civil ability in preserving at all hazards the public tranquility, and to this end, he conjures the Ayuntamiento in the name of the Country, to endeavor to carry out an object so grand and interesting - The Country in moments of danger, requires the blood of all its true Sons; to them it looks for deliverance from the ignominy prepared for it by its enemies.

In the ~~hands~~ of the Ayuntamiento there is reposed the confidence of the Governor.

and he has no doubt but that it will  
double its efforts for the preservation of what  
has been set forth.

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In making to you this  
representation by order of his Excellency the Governor,  
I have the satisfaction of reiterating to  
you the Considerations of my regard.

True and Sincere, Aug 15<sup>th</sup> 1846

Jos. Matias Alvarado.  
Seal.

Illustrus Ayuntamiento de la Capital.

The foregoing was translated by me  
from the original Spanish in Vol. XIV. Sept.  
State papers, Angeles. Official Correspondence page  
849.

San Fran<sup>co</sup> Nov. 9<sup>th</sup> 1860. R. C. Hopkins.

The foregoing document, put in by  
the claimant, may be read in  
evidence without the original, the  
translation being admitted to be  
correct

Hepburn & Wilkins  
for claimant

J. C. Calfee of Counsel  
for the U. S.

121  
U. S. Dist. Court.  
Translatore

— of —  
Commander  
— of —  
Soc. of Soles  
— to —  
Affidavits of  
Los Angeles 121 ND  
PAGE 287  
The Mutual Dates.  
— vs —  
Jas: D. Galbraith,  
True Nov: 23, 1860.  
W. H. Allen et al.

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The Honorable Departmental Assembly, in view of the official note of Your Seniorio of today, and the documents accompanying the same, in the session of today, resolved that you should be informed, that while the ordinances provided in Art. 134, Attribute tenth of the Organic Bases, are being formed, all the measures (providencias) emanating from the Ayuntamientos, or the authorities exercising the functions of the same in the Department, shall be submitted to the Government, in order that this Authority may proceed in the matter in accordance with the latter part of Article 152 of the decree of the 20<sup>th</sup> of March 1837.

And I inform your Seniorio  
Communicate the same to you, for your intelligence, and in reply to your said note, informing you at the same time, that the Corporatio required the accompanying documents to be filed in the office of its Secretary.

I dictate to you the con-  
siderations of my regard.

God Pua Silvry Angles  
June 15<sup>th</sup> 1846.

P. Pico

Agustin Olvera.

Illustrous Ayuntamiento  
of this Capital

The foregoing translation was made by me  
from the original Spanish, found in Vol  
XIV. Dep. State Papers. Augely. Official Correspondence  
page 888 -

San Fran<sup>c</sup> Nov. 9<sup>th</sup> 1860 - R. C. Hopkins.

The foregoing document put  
in by the claimant to be  
read in evidence without the  
original, the translation being  
admitted to be correct.

Hepburn & Wilkins  
for claimant

J. Clarke et al.  
of counsel for Mrs.

121.  
U. S. Dist. Court.  
Translators

to the  
Government  
in of the  
Gov. Price  
to the  
Argentane.

The United States.

- His -

Jas: D. Galbraith.

Frice Nov: 23, 1860.

R. C. Hopkins  
clerk

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

The United States

vs  
James D Galbraith

It is hereby stipulated that all objections heretofore made in this cause to the evidence of the contents of any of the documents in the custody of the U.S. Surveyor General or any portion thereof on the ground that the whole of such document should have been produced be and the same are hereby withdrawn with leave to both parties to use the whole of any of such said documents upon the hearing and, in case of an appeal said documents to form part of the record as fully and in like manner as used in this court.

It is also stipulated that no objection shall be made to any deposition on account of want of regular notice of taking the same

Hopkinn & Wilkins  
for claimant  
of Relator of Council  
for the U.S.

121.

U. S. Dist. Court.

The United States.

-as-

Jas. D. Galbraith.

~~Opposition~~ stipulation withdrawing  
objections to documents  
from Sac. Genl' office.

Filed Nov. 23. 1860,

W. A. Cheever,  
Clerk

Harrison

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UNITED STATES OF AMERICA,  
STATE OF CALIFORNIA.

121 ND

COUNTY OF SAN FRANCISCO.

PAGE 292

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

The United States } D. L. 121.  
vs. } L. L. 205.  
Sas. D. Galbraith. et al. } "Bolsa de Tomales"

The President of the United States of America,

TO

R. C. Hopkins.

GREETING:

You are hereby required, That all and singular business and excuses being set aside, you appear and attend before the District Court of the United States for the Northern District of California, to be held at the Court House in the City of San Francisco, on the 15th day of December A. D. 1850, at 11 o'clock, A. M., then and there to testify in the above stated cause now pending in said District Court, on the part of the above named United States. And for a failure to attend you will be deemed guilty of a contempt of Court, and liable to pay all loss and damages sustained thereby to the party aggrieved, and bring with you Expediente to the Grant of "Arrays Loco," and to the Grant of Miguel Abila.

Witness, the Hon. OGDEN HOFFMAN, JUDGE OF THE DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, this 13<sup>th</sup> day of December in the year of our Lord one thousand eight hundred and fifty, and of our independence the eighty-fifth.

Attest,

W. A. Cheever. Clerk.

By

Deputy Clerk.

# MARSHAL'S RETURN.

I have served this Writ personally by copy on

*Henry R. Hopkins, by  
exhibiting the Original*

this 13<sup>th</sup> day of Dec 1860

*P. D. Solomons U. S. Marshal.  
John L. Bell Deputy.*

(No. 121.)

District Court of the United States

FOR THE

Northern District of California.

*The United States.*

v.s.

*Hon: R. Galbraith,  
et al.*

SUBPOENA

*R. H. Hopkins,  
for*

*Filed December 13, 1860.*

*H. A. Cheevel, Clerk.*

By

Deputy.

*121 ND*

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To His Excellency The Governor,

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Juan Bojorquez, labor and resident in  
this jurisdiction, before Your Excellency with the  
most profound respect, presents:-

That having done  
stock on the Ranches of Laguna de San Antonio,  
belonging to his father, Don Bartolome Bojorquez,  
and desiring to secure to his family a tract  
of land of their own for the raising of stock,  
and for purposes of cultivation, and knowing  
that there is a vacant place between the  
boundaries of Don Bartolome Bojorquez, Don  
Victor Lealito and Don Juan Viogot, which  
tract of land from the mouth of the  
Cañada of San Antonio, to the Loma de  
San Lucas, comprises an extent of two square  
leagues a little more or less - ~~he~~ prays Your  
Excellency to be pleased to order the same  
to be adjudicated to him <sup>in</sup> property.

offering to conform to the laws and regulation  
which have been established and which may  
be established in relation to the matter -

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Wherefore, I pray Your Excellency to  
be pleased to decree in accordance with  
my petition, suspending the use of Common paper  
for the want of that which is stamped -

Sonoma August 26. 1845 -

Juan Bijoquez -

(Marginal Order)

Angeles April 7<sup>th</sup> 1846 -

Let this be passed to the  
Sancto Petet of the 2<sup>o</sup> Dist. in order that  
he may make the necessary investigation in relation  
to this petition, which having been done, he  
will return the same to the Governor, in order  
that he may determine what is necessary in the  
matter, with the understanding that it is in-  
dispensable for the interested party to pay the spec-  
tive expenses -

Pico -

It is stipulated that the foregoing  
is a correct translation of a genu-  
ine petition and decree from  
the Spanish Archives in the pos-  
session of the U. S. Surveyor General  
and may be relied upon and  
reproduced in the said U. S. States  
vs Jno D. Galbraith No

J. C. L. Clark  
of Counsel for U. S.  
Hephburn & Wilkins  
for defendant.

121.

U. S. Dist. Court,  
The Prairie States.

- vs -

J. D. Galbraith,  
et al.,

Translation of  
Petition & Stipulation  
of Coonsel,

Dec Dec: 17. 1860,  
W. Dr. Cheneet,  
Clark

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

The United States,

121 ND  
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v.  
*J. D. Galbraith, et al.*

} IN LAND CASES.

Dist. Court No. 121

Land Com. No. 205

BE IT REMEMBERED, that on this <sup>15<sup>th</sup></sup>

~~Novem~~<sup>Dec<sup>2</sup></sup> A. D. 1860,  
at *San Francisco* in the District aforesaid, before me, JOHN B. WILLIAMS,  
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  
*R. C. Hopkins* ————— 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: *notice*  
*waived by the parties.*

PRESENT:

*C. Benham Esq of L. Clark, for U. S.*  
*H. P. Hepburn Esq for claimant.*

QUESTIONS IN BEHALF OF THE *United States.*

Question 1st,

*State your name and occupation.*

*Aus.*

*R. C. Hopkins - Keeper of the Archives  
in charge of the Surveyor General's  
office.*

2<sup>c</sup>

In the statement made by you and filed by consent as a deposition in this case, you stated that in the depositions of Pio Pico before the Board of Land Commissioners and before this Court, you think the initials of his signature are written in the same way as they appear in the certificate of the approval of the Departmental Assembly of the grant in this case, and that while there are several hundreds of his signatures among the papers in the archives where his initials are written as they appear upon the grant in this case, you recollect but two documents in the archives where said initials appear as upon said certificate:

State if the document now shown you, purporting to be the expediente to the title of Miguel Abila for San Miguelito, and numbered in pencil N° 211, is one of the documents referred to.

This.

Aus

3<sup>d</sup>.

State the dates of the successive portions

of said expediente.

Aus.

The petition is dated July 26, 1846 - the marginal order of reference, at Santa Barbara, March 8, 1846 - the first report, at San Luis Obispo, April 13, 1846 - the second report, at Santa Barbara, April 18, 1846 - the conception, at <sup>Angeles,</sup> Angeler, 27<sup>th</sup> April, 1846.

4

State if there is anything in the appearance of said document, in the color and freshness of the ink in any portion of it - in the spread of ink at the creases and folds of the paper - or in the peculiar mode of writing - or of the signatures, to indicate that any portion or portions of said document was or were written at a considerably later date than they purport to have been; and state in this connection in whose handwriting the different parts of said document are.

Aus.

In the conception of Pico, which is in his own handwriting, I would think, the first line was written after the paper was folded, as the ink appears

to be spread). I see nothing in the  
color of the ink to suggest. The ink perhaps  
looks a little fresher than the balance  
of the document. The signature is  
such, I think, as Pico uses now.

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5

State if, aside from the two documents  
referred to, there is any paper in the  
archives to indicate that this signature  
was probably written by Pico during his  
official term: I mean to enquire whether  
among many hundred, and perhaps  
thousands, of Pico's signature in the  
Mexican archives, there is one, the  
initials of which substantially corres-  
pond with this, except the other of the  
two documents referred to.

Ans.

As I have already stated in my  
certificate, I remember to have seen  
but the two documents referred to.

f.c.

Look upon the document now shown  
you, purporting to be the expediente to  
the title of Francisco Pico, for the tract  
called "Las Calaveras," and apply the  
above question, mutatis mutandis, to  
this document.

Aus.

The petition is dated May 1. 1846 - the  
2<sup>nd</sup> petition is dated May 8. 1846 - the  
marginal <sup>certificate</sup> order 12<sup>th</sup> May, 1846, made  
by J. A. Sutter - the order of the subprefect,  
May 12. 1846 - Report of Prefect May 18,  
1846 - Concepcion, 11 June 1846.

The last two documents, <sup>portions of said</sup>  
one in the handwriting of Manuel  
Castro, and the other in that of Pico  
are written with darker ink - and perhaps  
bear a somewhat fresher appearance  
than the preceding writings.

I make the same state-  
ment with regard to Pico's signature in  
this expediente as I have made with  
respect to his signature in the other.

To what class of expedientes do these  
two belong? - I mean with reference  
to their being finished expedientes, and  
regularly numbered and indexed.

Aus.

That in the case of Atiba belongs to the  
so called class of unfinished expedientes,  
of which there are 214 in the archives.  
That in the case of Francisco Pico belongs  
to a class ~~not upon a supplement~~.

~~catalogue~~, found after the other ex-  
pedientes were arranged and indexed,  
and which was placed upon a supplemental catalog,  
as alleged on that catalogue.

8-

Is there anything in the "Abila" expediente  
which would have required it to have  
been excluded from Hartnett's index  
of finished expedientes, if it had existed  
in its present form at the time the  
index was made; and answer the  
same question as to the "Pico" expediente?

An.

Both of these expedientes should have  
been placed on the Hartnett Index,  
if they existed at that time in their  
present form, and not overlooked.

9-

State if, with all the knowledge you  
have of Pio Pico's handwriting, you be-  
lieve the his signatures upon said  
two expedientes (that of Abila and  
Francisco Pico) were made before or  
after he ceased to be Governor.

An.

Not knowing at what time Pio Pico  
changed his mode of forming  
his signature, I am not prepared  
to answer if the fact of finding this

signature of his as shown in the  
two expedientes referred to, is an  
evidence that it was not made  
as early as it bears date

10<sup>c</sup>

Are you willing to state your belief  
with regard to the matter embraced  
by the preceding question?

Aus.

Where the evidence in support of the  
truth of a document is clear and  
palpable to my mind, I would have  
no hesitation in stating the same  
under oath; where, however, there might  
be some doubt in relation to the matter  
I would have great hesitation in giving  
an opinion, as it would be but an  
opinion, and might be erroneous, in-  
asmuch the human judgment is  
fallible. I do not wish to state any  
further with respect to the matter.

### Crop Examination.

11<sup>c</sup>

Is there a single expediente in the  
Hartnell Index, except those spoken  
of in your crop examination at a  
former deposition in this case, which

, and in which there were fraudulent alterations, which has a suspicious circumstance about it.

Aus  
I don't remember of any.

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Examination closed.

R. C. Hopkins.

Swear to and subscribed by  
before me this 15<sup>th</sup> day of 33  
December A. D. 1860. 33

John Williams  
a witness

N. S. Dist Court

The United States

J. D. Galbraith et al

Depos R. C. Hopkins  
for United States

Signed Dec: 17. 1860.

W. A. Chenet.  
Clerk.

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Setkin

Po Pi became Governor ad interim about the 15<sup>th</sup> of Feb 1845, and was appointed by the Supreme Governor, Constitutional Governor in September 1845 -  
The initials of his signature to Certificate of Approval of Dept. Assembly of Grant of Balsa de Tinalde is made thus "P" - In his signature as generally made during the time he was governor the initials are generally made thus "P" - His signature with the initials thus "P" occurs, in Archiv, several hundred times on documents signed during his term of office - I remember to have seen in the Archiv, two signatures with the initials made thus "P", toward, in Expediente of Grant of Las Calaveras to Francisco Piñ, and in Expediente of Miguel Abila - these two Expedientes are found in the Archiv in the class of so called unfinished Expedientes. - I know of no paper in the Archiv which would show when he adopted this latter form of the initials of his name in the department of Governor Piñ on file in the Archiv of the Land Commission, ~~so~~ I think, ~~signe~~ the initials of his signature are made thus "P"

The "Hartnell Index" embraces the Expedientes from N° 434 to 579 inclusive - Of these, from N° 513 to 579 inclusive, the numbering appears to be in the hand writing of Wm E. Hartnell -

There are in the Archiv 364 so called unfinished expedientes - They generally contain only

Petitions, marginal orders and reports - They have no original numbers, but have been numbered in pencil and indexed by clerks in the office of the Secy. Genl - These specimens ~~are mostly old~~ are mostly old, bearing date during the administration of Alvarado, Meléndez and Pico, there are more during the administration of Alvarado than at under any other administration, I suppose however these others are quite as many during the administration of Pico, in proportion to the time he was in office.

I am unable to state the time precisely when the Archives passed from the possession of the Mexican Authorities, some time in 1846, - I think they were in the custody of the Military Office of the United States until some time in 1851, when they were turned over to the custody of the U. S. Secy. Genl -

San Fran<sup>ce</sup> 3

R. C. Hopkins.

Dec. 12<sup>th</sup> 1860 3

It is stipulated that the foregoing statement of R. C. Hopkins be filed in the case "U. S. v J. D. Galbraith et al," and read as a deposition - also that the <sup>documents presented, grant</sup> ~~second~~ of David Wright's claim to the Roblar de Miseria (No 30. in this Court, and the deposition of Juan N. Padilla in the case "Joséfa de Haro et al vs U. S." (No 381 in this Court) may be read upon the hearing of this cause, and that cop-

vis of the portions of some Records  
actually read or referred to on said  
hearing shall be made a party  
to the Record in this cause

Gathorn Denham J. Black  
U. S. Atty of Counsel for U. S.  
Petitioner &  
Willis &  
Saunders & Campbell  
for claimants

U. S. Dist-Court  
N. Dist-of Cal

Nov. 12<sup>th</sup>/

121 ND  
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The St. Halls

vs  
Jas. A. Gallaher  
et al.

Present

Intervent  
Defendants of  
L. C. Bishop  
et al.

Dec 17 1860.  
W. D. Chenet  
Clerk

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

The United States,

v.

J. D. Gaerhardt, et al.

IN LAND CASES.

Dist. Court No. 121

Land Com. No. 205

BE IT REMEMBERED, that on this 20<sup>th</sup> day of November A. D. 1860,  
at San Francisco in the District aforesaid, before me, JOHN B. WILLIAMS,  
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  
*Marcus Vaca — the claimants —* a witness produced in behalf of  
pending in said Court under the Acts of Congress to ascertain and settle the private land  
claims in the State of California, who, being duly sworn, testified as follows: *his*  
*evidence being interpreted by R. Tobin, duly sworn.*

PRESENT: C. Beuhann, U. S. Atty &  
J. Clarke Esq for U. S.  
Messrs Saunders & Campbell  
for claimants.

QUESTIONS IN BEHALF OF THE *Claimants.*

Question 1st,

State your name, age, residence  
and occupation.

*Ans.*

*Marcus Vaca, age 45, residence  
San Bernardino, I am going to Mexico.*

2<sup>c</sup>

Did you hold any office in 1845 under the Mexican government, and if so, what; and where you lived in that year?

Ans.

I did. I was alcalde at Sonoma, - second alcalde - and lived there.

3<sup>c</sup>

Did you then know Juan N. Padilla and Juan Bojorquez?

Ans.

I did.

4<sup>c</sup>

Did either of them make any complaint to you against the other as Alcalde, in 1845?

Ans.

They did.

5<sup>c</sup>

Which complained, and what was the complaint?

Ans.

Padilla complained of Bojorquez, because Padilla attempted to place some cattle on the land called Tomales, and Bojorquez resisted and wanted to prevent him from doing so.

*Send to* f-

State what occurred after the complaint, and what did you do in the matter?

Aus.

I had them both brought before me, and Bojorquez alleged that the land was his, and Padilla claimed it likewise. I then told them they should exhibit their documents of title. (Objected to by U. S., because parol proof cannot be given as to documents of title.) Bojorquez said his papers were before the Governor at Los Angeles for the purpose of getting a title, and Padilla said the same as to his papers; but Padilla exhibited an order from the 1<sup>st</sup>. Alcalde, de la Rosa, authorizing him to take possession of the land and hold it temporarily, until it should be granted by the Governor.

In view of this order, I ordered Bojorquez to leave the land and to allow Padilla to take it. I made an order that Bojorquez should remove his cattle and

that Padilla should take pos-  
session of the land.

What happened after that?

Aus.

Borinquen resisted. I had him im-  
prisoned, and sent three men to  
remove his cattle and put Padilla  
in possession of the land.

Crop Examination.

8<sup>c</sup>

What resistance did Borinquen  
make?

Aus.

He resisted by force and challenged  
men Padilla. In Court at Sonoma  
he refused to obey and challenged  
Padilla.

9<sup>c</sup>

Can you state the precise locality  
where these cattle were ranging?

Aus.

I don't know exactly at what  
place in the Tonales Borinquen  
kept his cattle.

10<sup>c</sup>

Was the claim of Borinquen

that his father's petition for the  
Laguna de San Antonio, which  
was pending before the Governor,  
would embrace the locality  
where Padilla was wishing that  
his cattle might range?

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Aus.

No sir. It was well known that the  
Laguna de San Antonio would not  
include the Tomales.

11<sup>c</sup>

Did Bojorquez claim that he  
had an independent petition  
for Tomales?

Aus.

He did.

12<sup>c</sup>

What time in 1845 did this  
suit come off?

Aus.

I think in August, but don't  
recollect distinctly - the grass  
was dried up.

13<sup>c</sup>

Where was Padilla living at the  
time?

Aus.

At the Rancho Hoblar de la mis-

-eria.

14

How long afterwards did he continue to live there?

Aus.

I left my office of Alcalde in the first or early part of the year 1846, and retired to my Rancho Las Putas a month or two afterwards. When I left Padilla was residing on the Roblar and had been living there since the time of the suit.

Direct Resumed.

15

Do you know the land of the Roblar de la Miseria?

Aus.

I do.

16.

Is it good or bad grazing land.

Aus.

It is good - except that there is but little water on it, but plenty of grass.

17.

When you left that country do you know on which Rancho was

the cattle of Padilla - on the Koblar  
or the Tomales.

Aus  
I don't know.

Cross Ex. Resumed.

18<sup>th</sup>.

Do not the cold winds and the  
fog always drive the cattle  
off towards the San Antonis and  
the Koblar, provided the grass is  
good.

Aus.  
I was not there long enough to know.

Examination closed.

Marcus X <sup>his</sup> baca  
mule

Swear to and make  
made before me this 3  
20<sup>th</sup> day of Nov a.d. 3  
18<sup>th</sup> 0.

John B Williams  
N.J. Comt.

U. S. District Court.

The United States

J. D. Galbraith, et al

Deposition of  
Marcus Vaca  
for claimant.

Filed Dec: 17. 1860.  
W. H. Cheever,  
Clerk

16 $\frac{1}{4}$

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

The United States,

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v.  
J. D. Galbraith et al

} IN LAND CASES.

Dist. Court No. 121

Land Com. No. 200

BE IT REMEMBERED, that on this 20<sup>th</sup> day of November A. D. 1860, at San Francisco in the District aforesaid, before me, JOHN B. WILLIAMS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Jose Matias Moreno — the claimant — a witness produced in behalf of in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being interpreted by Richard Robin Esq., duly sworn.

PRESENT:

C. Benham Esq., U. S. Attorney &  
Jeremiah Clarke Esq. for U. S.  
Messrs Sanders & Hepburn for claimant.

QUESTIONS IN BEHALF OF THE Claimant

Question 1st,

State your name, age, residence and occupation.

Aus.

Jose Matias Moreno, age 41, residence San Diego, occupation trader.

2<sup>c</sup>

Did you hold any office under  
the Mexican government in the month  
of June 1846?

Aus.

I did. I was Secretary ad interim of  
the Governor of California.

3<sup>c</sup>

Look on the original document endorsed  
"Exhibit marked A. to the deposition of  
William Carey Jones, Case No: 200," pur-  
porting to be a concession from Pio Pico,  
Constitutional Governor to Juan Nepomuceno  
Padilla for the place called Bala de  
Tomales, and say whose signatures are  
signed thereto, if you saw them signed,  
and when and by whom.

Aus.

The first signature upon this document  
is that of Pio Pico - I know it well - it  
is feminine. I don't remember whether  
I saw him actually sign it or not. The  
other two signatures are my own. The  
document was signed at its date,

4<sup>c</sup>

Where was it signed?

Aus.

We were in Los Angeles when it was  
signed.

Look on the original document endorsed "Annexed to deposition of J. J. Warner, Oct 22," and purporting to be a certificate of approval by the Departmental Assembly to Juan N. Padilla of the place called Bolsa de Tomales: State whose signatures are signed thereto, if you know them; when they were signed, and by whom and where.

Aus.

The first signature upon it is that of Pio Pico - I know it very well. The other signature is my own. The document was signed at Los Angeles at the time it bears date. I cannot say whether Pio Pico signed it in my presence or not. He would sometimes sign expedientes and send them to me, and at other times he would sign them in my presence.

Cross Examination.  
for

What date does this grant bear?

Aus.

It is not in my handwriting - I don't know what it is, but it seems to me.

it is February.

7<sup>c</sup>

When you said that you signed the grants when it bears date did you mean to say that you signed it in February 1846?

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Ans.

I did not mean to say that I had signed it in February 1846; because at that time I held no official station, but in regard to this matter I will offer an explanation which I have formerly made, touching this matter, in this Court.

In February, 1841, the Governor had no secretary, for he had sent his secretary to the capital of Mexico on official business, and he remained without a secretary until May, when I took charge of the office. During this interval the Governor made several grants which, of course, were not signed by any Secretary. After I took charge of the office the holders of these grants called upon me to put my signature to them as secretary, that being necessary under the Mexican laws. I signed the first three or four

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that was presented to me without reflecting that there would probably be some objection to my doing so, not being Secretary at the time; but I declined signing any more until I had consulted the Governor about it. I told him that it did not seem to me regular that I should sign those parts, as I was not Secretary at the time they were made. He said that those which I had signed might be allowed to remain, but thereafter I should write upon them the date at which I signed them, which he said would be correct.

8<sup>c</sup>

Was this part one of those of which you have spoken as signing without reflection?

Aus.

If this date be February, then this part must certainly be one of the three or four which I signed.

9<sup>c</sup>

Do you know when you did sign it? - after having seen the document can you say absolutely.

Aus

I must undoubtedly have signed it before the 4<sup>th</sup> May.

10<sup>c</sup>

How do you know that you signed it as early as the 4<sup>th</sup> May, and may you not have signed it as late as June, July or August?

Aus.

I remember it because the first time that I wrote the date with my signature was on the 4<sup>c</sup> May, upon the asperante of Don Abel Stearns of Los Angeles, which may be seen in this Court, and it was brought to me by Mr Stearns himself and was one of the few which had not been signed by a secretary.

11<sup>c</sup>

Will you swear absolutely that you did not sign this grant as late as the month of June, or July or August?

Aus.

I can swear that I did not, taking it for granted that this grant is dated in February.

12<sup>c</sup>

I don't want you to answer hypothetically, but state absolutely if

you know in what month you signed this grant?

Ans.

I cannot answer absolutely as to when I signed it, but what I can state is, that if the grant was dated in February, I am sure I am signed it before the 4<sup>th</sup>. May.

13<sup>c</sup>

Was the grant dated as it now appears, when you signed it?

Ans.

Undoubtedly it was, for there is nothing upon it which indicates that it was not.

14<sup>c</sup>

Having now satisfied yourself that at the time you signed the grant it was dated in February; do you swear you signed it in the early part of May?

Ans.

I am convinced that I signed it before the 4<sup>th</sup>. May.

15<sup>c</sup>

Who brought the grant for you to sign?

Ans.

~~I have~~ persons employed there who

carried papers from the Governor's desk to mine.

16<sup>c</sup>

Did you know the grantees, Juan N. Padilla, on the 4<sup>th</sup> May 1841?

Aus.

I knew him long before that date.

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17<sup>c</sup>

Where had you known him?

Aus.

I first knew him in 1837, at La Paz, when he was coming to this country.

18<sup>c</sup>

Where was he living during the first half of 1846?

Aus.

I understood he was living up here above one of the pueblos of the North. I did not see him until July or August of that year.

19<sup>c</sup>

Did you leave Los Angeles with Pico in the month of June 1846, when he moved northwardly to Santa Barbara and San Luis Obispo, or did you remain at Los Angeles?

Aus.

I came up with him and remained with him until he returned to Los Angeles and left the country.

20<sup>c</sup>

What amount of force had Rio Lico with him when he moved up from Los Angeles?

Ans.

He left Los Angeles with 50 or 60 men, and at Santa Barbara he was joined by others, making about 120 in all.

We came as far north as the Rancho Santa Margarita, a little north of San Luis Obispo. By the time we reached Santa Margarita we had about 150 men.

Genl. Cartes came down from Monterey or San Juan and met us at Santa Margarita. Padilla was with Cartes on that occasion.

Cartes had over 100 men under his command.

21<sup>c</sup>

Did you all move southwardly together towards Los Angeles; and if so, when did you reach there?

Ans.

Cartes and his party went ahead

We started about two days after, and reached Los Angeles on the night of the 21<sup>st</sup>. or 22<sup>nd</sup>. of July.

We remained at Los Angeles until the night of the 10<sup>th</sup>. of August, between 11 and 12 o'clock, when we started for Lower California. We embarked at the port of Moleje for Guaymas.

Whenever I have mentioned Castro - I have meant Gen. José Castro.

22<sup>c</sup>  
Was Manuel Castro with either of those two bodies of troops?

Aus.

Manuel Castro with two or three men met Gov. Pico and party a little north of Santa Barbara, and he afterwards joined José Castro's forces.

23<sup>c</sup>  
Did Sadilla move southwardly from Los Angeles with the others?

Aus.

He did - he went to Mexico.

24<sup>c</sup>  
Did Gov. Pico continue to make frantic up to the 10<sup>th</sup>. August?

Aus.

We were 25 or 26 days concealed before we left on the 10<sup>th</sup>. of August, and during those days I did not see Gov Pico more than two or three times, and then in the country, and therefore I don't know.

20

Do you mean to say that after Gov Pico, and yourself returned to Los Angeles after your northern expedition you were not with Pico in the City any portion of the intervening time between that and your departure on the night of the 10<sup>th</sup>. August?

Aus.

I meant to say that we were concealed during those 25 or 26 days from and after the 10<sup>th</sup> August.

21<sup>st</sup>

Between the 21<sup>st</sup>. July, the date of your return to Los Angeles, and the 10<sup>th</sup> August, the date of your leaving it, did Pio Pico continue to make any grants?

Aus

I don't remember. We were so occupied on account of the war that I cannot recollect.

27 —

Were you wholly occupied during those 20 days in matters of war, and did you give ~~to~~ no attention to civil official business?

Aus.

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There was some civil business done, of which I have no recollection, but we were chiefly occupied with the war.

28 —

Were there any applications for grants during that time?

Aus.

Possibly there were - as that was a matter which concerned the Governor I am unable to state.

29 —

Were you and the Governor occupying the same offices, after your return from your northern expedition, as before?

Aus.

Our offices were always apart. After our return they were the same as they were before our departure.

30 —

Do you remember the date of your and Sico's departure from Los Angeles on the northern expedition?

Aus.

17<sup>th</sup>. June.

31<sup>c</sup>

State distinctly whether you signed  
any frank after between the 21<sup>st</sup>  
July and 10<sup>th</sup> August 1846.

Aus.

I don't remember. I may think not,  
but if there is any, I signed it.

32<sup>c</sup>

Do you know in whose handwriting  
the body of the frank is?

Aus.

In the handwriting of a lad who  
was a writer (escriviente), named  
Cayetano Arenas. I suppose he  
was not over 20 years of age when  
he wrote this frank.

33<sup>c</sup>

Did you know if his made a  
frank to Arenas about that time?

Aus.

I don't know whether any frank  
was made to him - I know there  
was one made to his father.

34<sup>c</sup>

When did you first know of it?

Aus.

I don't recollect.

35<sup>c</sup>

How were you and the government occupied for the week or so preceding your start on the northern expedition.

Aus

In business connected with the war, and with other business. At that time, though the population was sparse, the country was full of turmoil and difficulty between the officers of the government.

During the few days before we left Los Angeles we were unusually busy, preparing the troops that were to accompany us, trying to remedy financial embarrassments, &c.

3<sup>1/2</sup>

Were there any grants made during that time?

Aus.

There were. I remember that I had to sign some titles.

37<sup>c</sup>

Is Pio Pico's signature on the grant his usual style of signature during his official term?

Ans.

He sometimes made the letter "P" differently ~~as~~ from what it is in the front.

38

Do you recognize the word "Febrero" in the front, to be in the handwriting of Arenas?

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Ans.

It appears to be so, but I am not sure.

39

Where did the Departmental Assembly hold their sessions during May and June, 1841?

Ans.

In the Governors house, Los Angeles.

40

Where have you been residing for the last 8 or 9 years?

Ans.

Generally in San Diego.

41

And on how many occasions, and during what length of time have you been in San Francisco.

Ans.

I have been here two or three

times a year and have remained  
twenty or thirty days each time.

The handwriting of the body  
of the Departmental Assembly, appro-  
val is in the hands that of Agustín  
Olvera.

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Examination closed.

José Flavio Moreno

Subscribed and sworn to  
before me this 20<sup>th</sup> Nov.

1860, Bro B Williams  
U.S. Cons?

U. S. District Court.

The United States

J. D. Galbraith et al  
v.

Deposition of  
Jose Matias Moreno  
for claimants

Filed Dec. 17. 1860.  
W. Dr. Cheverus,  
Clark.

16 $\frac{1}{3}$

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# The United States

21

J.S. D. Gabbratti sol  
in the ~~slashed~~ County  
of the United States  
Northern District

I hereby certify that  
I know the ranchero Broga  
de Tomoles - that I was  
there for a month or  
<sup>in 1851.</sup> two, living in the  
house of Manuel  
y Leandro Lues, put  
on the said ranchero  
by said Leandro or  
Manuel or both of  
them -; put up by a  
carpenter, a workman

named Lebaster, this  
house was put <sup>up</sup> on the  
early part of 1857.  
at that time the drovers  
were ~~in possession~~  
~~of the road~~ with  
considerable stock,  
several hundreds  
head of cattle I  
can't say how many  
& at least a hundred  
horses, & mares.

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B. Cunningham

I confirm the foregoing  
John Saunders Dico



This statement to  
be read as the  
deposition of J. B.  
Cunningham & John  
Saunders Dico shall  
be read in evidence  
as the deposition of  
each witness respectively  
for the claimants

Hepburn Skelton  
J. Saunders Sampson  
for claimants  
John Lebaster  
John Dico for U.S.

No. 121.

N. S. Dist. Court.

The United States.

vs.

I. D. Galbraith, et al.

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Dep. of Cunningham.  
and  
Lucas and Stk.

Eighteen

Fri'd Dec. 20. 1860.

W. H. Cheever,  
 Clerk.

The U. States Dist. Court  
Northern Dist. of Cal

The U. States

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vs  
Jos D. Subbucutelul

Statement.

The tract of land bounded North by the Estero Americano, South by the Arroyo San Antonio. West by the Ocean and Bay of Tomales. East by the tracts Robles or Mission and Laguna de San Antonio as the latter have been officially located and surveyed, which said first named tract embraces the land claimed in this case remained no longer unoccupied from the time Padilla's cattle were driven away or sold (as already testified to in this case) until the latter part of 1850 at which time it commenced to be settled upon by <sup>claiming it</sup> ~~public~~ <sup>as</sup> ~~settlers~~ <sup>settlers</sup> ~~as~~ <sup>claiming it</sup> ~~public~~ <sup>as</sup> ~~settlers~~ land, that by the year 1857 it was all so settled upon and oc-

- cuped, that for the last three years it has been occupied and cultivated by at least two hundred and fifty families. That said tract embraces about the whole of Tomals Township which contains over three hundred voters. That the portion of said tract lying south of the Blue River has as officially surveyed contains ~~about~~ five choctawing houses and families. That said tract has never been occupied by Padilla or his assigns except that in <sup>the spring of</sup> 1831 Leandro Luce built a house at the Posada de Cesiano while he occupied about six months and then sold to one of said settlers.

The land claimed in this case is of the average value of ten dollars per acre. It has <sup>above</sup> ~~for several years~~ been assessed for taxes separately from the improvements thereon. The claimants have been paying the taxes for the

former and the latter  
the latter

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It is stipulated that  
the above statement shall  
be read in evidence in the  
claim in which it is recited  
as the deposition regularly taken  
before the U. S. States by  
Edward McCarter,  
Dec 19 1860 Hepzibah Weston  
for claimant.

J. Glazier of Concord  
for the U. S. States

121  
Sect. Comt of  
the U. S. States

The U. S. States  
vs.  
Jas S. Calbraith

Deposition of  
Edmund W. Gorton

Fri'd Dec: 20. 1860.

H. A. Cheever,  
Clark

Nineteen  
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District Court of the U. S.  
Dist. of California.

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39

U. S. 21  
15

Dist. Court. No. 121,  
Land Com. No. 205.

Jas. D. Galbraith "Bolsa de Tomales"

January 22nd. 1861.

The claim in this case was confirmed by the Board and by this Court, but on appeal the decree of this court was reversed and the cause remanded for further proofs —

Further proofs have accordingly been taken and the case is again presented for decision. The papers documents relied on by the claimants are

1. A petition of Juan N. Padilla to the Governor dated at Monterey May 14<sup>th</sup> 1848 soliciting 5 square leagues of land known as Bolsa de Tomales

2. A certificate of Castro Prefet of the 1<sup>st</sup> district stating the land to be grantable & vacant and granutable also dated at Monterey May 10, 1848

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2

3 a marginal reference  
for information signed by Pio  
Pico and dated May 20<sup>th</sup>  
1846

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4 a decree of concession dated  
Los Angeles June 10<sup>th</sup> 1846

5 a formal title dated at  
the same time and place  
and signed by the Governor  
and Secretary -

\* There is also found in the  
expediente produced from the  
archives a to the usual  
borrador or office copy of the  
formal title produced by  
~~the par~~

5 The borrador or office  
copy of the formal title de-  
livered to the party which  
is usually found among  
the papers remaining on file  
among the archives -

All the foregoing documents  
are found in the archives  
they compose what is called  
the Expediente -

Six

3 The claimants have also produced from their own custody the original of the bill delivered to the grantee and a certificate of approval by the Departmental Assembly —

121 ND

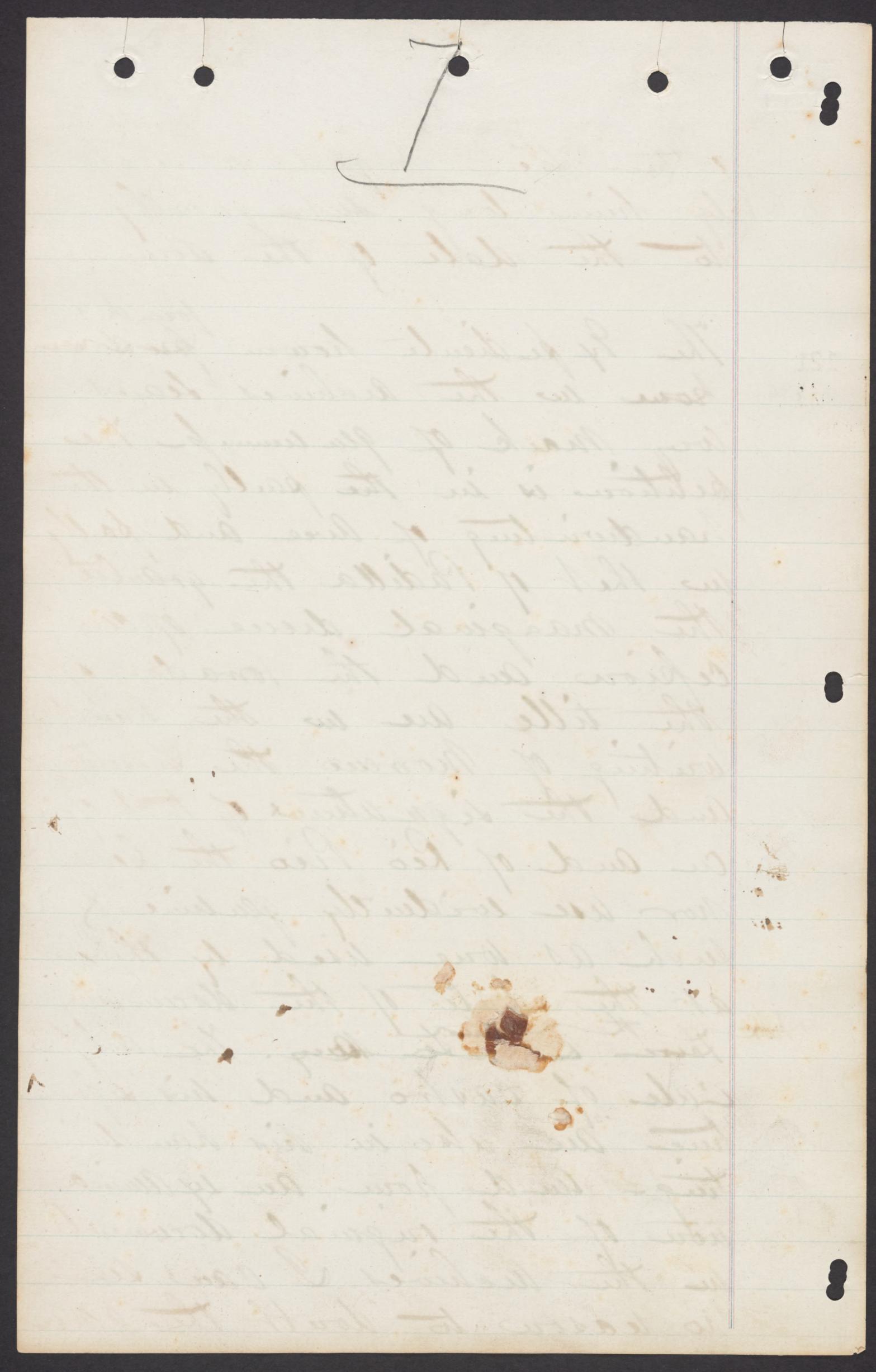
PAGE 343

With respect to these last two documents there can be no doubt that the first or formal title has been altered the date having been changed from June 12<sup>th</sup> to February 12 1846 —

The certificate of approval is also very probably a forgery — no minute of any such action can be found in the journals of the Departmental Assembly and the signature of P. B. Reed which which the Court is very familiar and the various journals of which <sup>as shown by the archives</sup> were <sup>as shown by the archives</sup> considered at large in the case of the U. S. vs Saco — has, I am satisfied

whether seen forged or signed  
by him long subsequently  
to the date of the document.

The Expediente however <sup>found</sup> produced  
now in the Archives leaves  
very much of glamour. The  
petition is in the partly in the  
handwriting of Arez and partly  
in that of Padilla the grantee  
the marginal decree of con-  
cession and the forador of  
the title are in the hand-  
writing of Moreno the Secretary  
and the signatures of that offi-  
cer and of Rio Rio the Gov-  
nor are evidently genuine &  
such as were used by them  
at the date of the documents.



5 of the entire of pediente.

Such is the opinion of Mr<sup>o</sup> Hop  
kins the Keeper of the Archives,  
on whom for his great intelligence  
long familiarity with the Archives  
and unquestionable integrity  
it is not too much to say that  
more reliance should be placed  
than on almost any number  
of the haggard and professional  
witnesses who usually testify in  
this class of cases—

This opinion is corroborated by  
the following facts.

1. In the lack of the Expediente  
is found the an endorsement  
"Bolsa de Lomas once did a  
"Juan Depozito Padilla N<sup>o</sup> 571"  
This endorsement is in the hand  
writing of Mr W. E. P. Harell  
by whom and Maj. Halleck  
the Expedientes on file among the  
Archives in 1847 were examined  
and marked. The numbering was  
continued from the last number

" in Linneus's index - all those  
ments were made over the  
secrectry pediments made up sub-  
sequently to the date of the last  
on that index, and a list  
similar to that of Linneus was  
~~made up~~ prepared - On  
that list the grant in this  
case is noted - and its number  
N° 571, exactly corresponds with  
its date. N° 570 being dated  
a few days before, the 12<sup>th</sup>  
June the date of this grant &  
N° 572 a few days after -  
It has been frequently proved  
and the fact is undoubted  
that this numbering was effected  
by Mr Hartwell, <sup>early</sup> in 1847 and  
the list prepared shortly after  
wards

There can I think be no  
doubt of the existence of this  
expedite in the Archives  
in 1847 -

There are some other less  
corroboration of this conclusion

A large, stylized letter 'P' is written in cursive script. The letter has a long, sweeping stroke that forms the main body of the 'P'. A smaller loop extends from the top right side of the main body. A small black dot is positioned at the very top center of the main body.

7 furnished by the documents themselves

The petition as has been stated  
dated "Montgomery"  
~~is~~ <sup>dated</sup> ~~May~~ <sup>14</sup> May 14. The certificate  
of Castro is dated May 10 -  
Both purport to have been  
written at Monterey - They  
must therefore have been taken  
to Los Angeles to be submitted  
to the Governor On viewing  
the marks or creases on the  
paper it is evident that  
both documents ~~must~~ <sup>were</sup> ~~have~~  
been folded together precisely  
as would have been the case  
if made into a single pack  
age and placed in one en  
velope - The appearance of  
the paper, the shading of the  
color of the ink, the hand  
writing in all respects agrees  
fully with other docu  
ments of no questionable au  
thority dated about the  
same time - And the hand  
writing of Castro which is some

8 What peculiar presents bears  
the a like resemblance to other  
official documents scattered by  
him about the slave ~~period~~<sup>time</sup>.  
If then this expediente was  
in the archives in 1847 it  
follows that it must have  
been executed by Pio Pico before  
his flight from Los Angeles  
to Lower California in August  
1846 - For he did not re-  
turn to this country until  
1848 - nearly a year after  
this expediente had been in  
effect & mentioned by Kit-  
Kantrell -

~~That Btstilla was very well  
fed and probably was turned  
Hosking's place~~

That Pio Pico was in Los  
Angeles on the 12 June & even  
so late as the 15<sup>th</sup> of that  
month is clear from his offi-  
cial communications w<sup>t</sup> to  
the Ayuntamiento of that Pueblo  
signed by himself & Moreno &

Maene  
Hoffe  
Nine  
9

Landing.

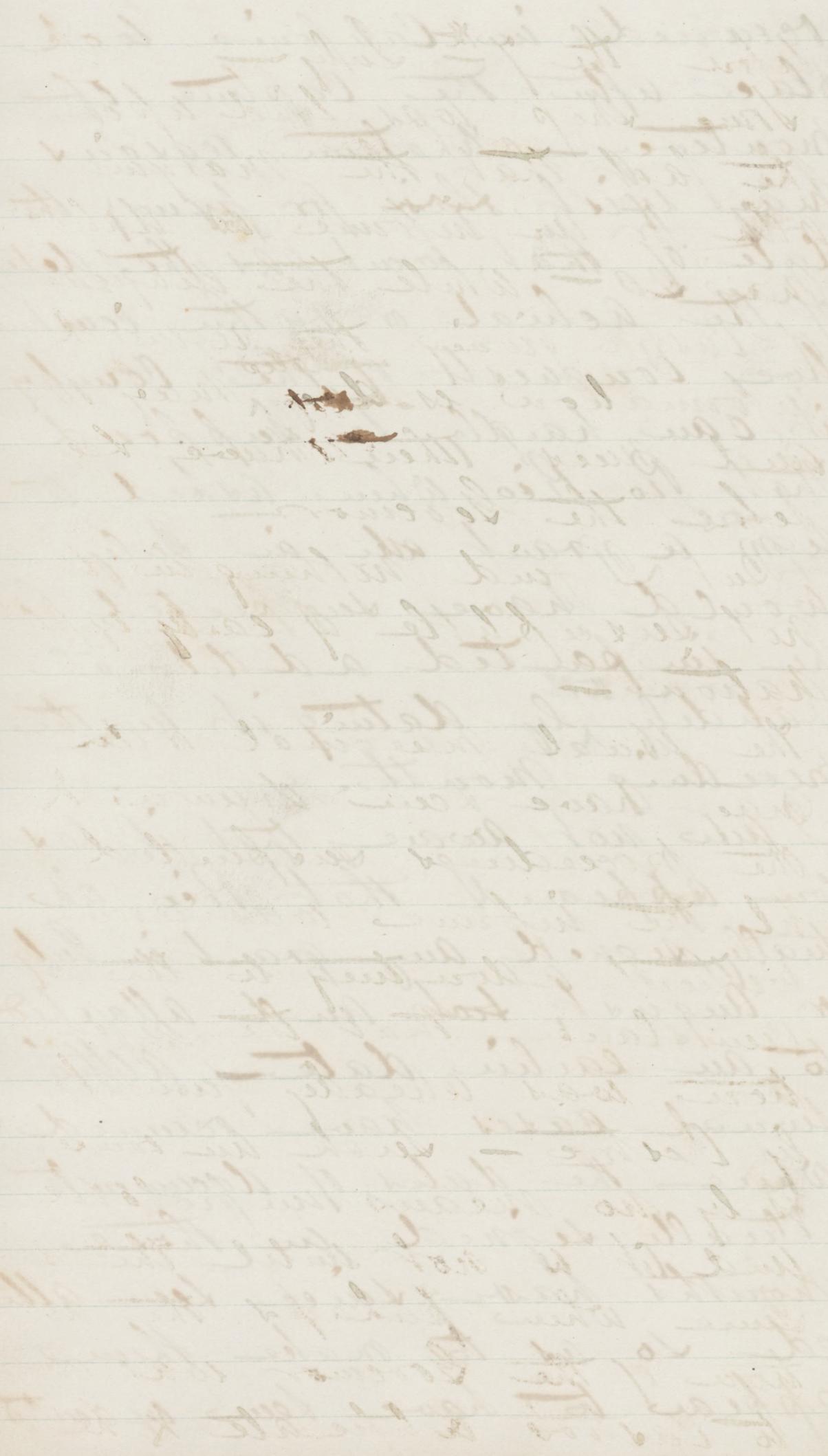
9 dated on the 15<sup>th</sup> June —  
and I can see no reason  
for assuming that the ~~the~~  
grant was not executed at  
the day it bears date —

It is to be remembered that  
the date of the capture  
of Monterey has been in acts  
of Congress and the decisions  
of the Supreme Court fixed  
as the period of the subversion  
of Mexican authority and  
the date of the conquest, its  
importance could not have  
in July & August 1846 have  
been suspected. ~~that~~ by the  
Capital of the Department  
still remained in the hands  
of the Mexicans. The authori-  
ty of the Governor was recog-  
nized and enforced throughout  
all the ~~southern~~ portions of  
the ~~State~~ <sup>Department</sup>. The Departmental  
Assembly had not ceased to  
hold its sessions, and the  
most important coups which

occurred in California took place after the capture of Monterey - Whatever reasons may exist here for fixing the date of that event as the date of the actual or rather coashue how conquest of the country it can hardly be supposed that Rio Rio when asked to sign a grant etc in July would have suspected that he im~~parted~~anted additional validity by dating it in the preceding month.

I am not aware that it has ever appeared that Rio actually signed any grant in July or August, took and attached to an earlier date - altho' several cases have occurred where the dates of documents actually signed in those months have since been altered so as to make them appear to have been executed

Fern



before the 7<sup>th</sup> July -

Some ship was laid upon  
the fact that the marginal  
order for an informer was dated  
May 20<sup>th</sup> while the sulphate  
of Castro giving ~~the~~ <sup>dated</sup> required  
information is ~~dated~~ May 10  
and must then have been  
before the Governor -

But I find nothing in this  
not susceptible of early expla-  
nation -

The usual marginal order  
may have been drawn by  
the proceedings suspended par-  
tial the informer was received  
without attending to the cir-  
cumstances that the informa-  
tion was already furnished  
by Castro - Such an oversight  
is by no means improbable -  
And it is not until the 12<sup>th</sup>  
June when perhaps the atten-  
tion of the Governor was called  
to Castro's sulphate & he was

12

Memo to issue the grant  
that he makes the decree  
of Possession and signs the  
formal title-papers.

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If then the expedient be given  
mine it affords evidence of the  
existence of the grant far more  
satisfactory than the production  
of the title papers by the party  
interested. For as has been  
so often remarked by this court  
the only safe and reliable doc-  
umentary testimony in this  
class of cases is that afforded  
by the records found among  
the archives.

+ The only question which can  
be raised is Does the fact that  
a certificate of approval by  
~~the~~ Assembly has been forged  
and ~~the~~ <sup>dated of the</sup> grant altered forfeit  
the land to the U. S. or ~~or~~  
what is the same thing prevent  
this court from confirming the  
claim.

(A) (a)

III

100

—

—

—

As the duty of this Court under the Act of 1851 is to inquire what lands were private, and what public at the date of the Treaty of cession it would seem obvious that the determination of ~~that~~ question cannot be affected by the circumstance that since that date a fraud has been attempted to be perpetrated.

If the only evidence of the making of the grant was the title paper itself, it might be that the Court would be compelled to reject it as far to admit the attested paper as evidence and <sup>then to</sup> reject the claim for want of testimony to support it - But we have the further and far more satisfactory evidence furnished by the Archives - The pithon which shows that the lands were sold - The income of Castro

which shows them to have  
been vacant - The decree of  
Conception which shows that  
the governor acceded to the  
Petition granted the land &  
decreed the formal title to  
issue and the bora dor or  
His office copy, of the grant  
actually delivered to the party  
in all respects the counter  
part of that produced by the  
claimants except that in the  
latter the date has been alter-  
ed from June to February -

It is unnecessary however to  
<sup>further to discuss</sup> argue the question for the  
decision of the Supreme Court  
in the case of H. S. vs. Woods  
news 22<sup>d</sup> Nov. 31<sup>st</sup> is a dirt  
Anthony on the point -

Under the ruling in that  
case it must be taken as  
law that a fraudulent attempt  
to enlarge a grant still left  
an attempt to alter <sup>it</sup> so as to do

an apprehended objection to its validity can have no effect to take away from a claimant lands actually granted to him before the acquisition of the country by the U. S.

With regard to the propriety the evidence is not satisfactory -

~~The weight of the proofs is on his side~~

The proofs I think show that Padilla, who was the owner of an adjoining rancho, drove his cattle upon the land now claimed - the pasture on his own having been consumed by fire - The same range was also frequented by the cattle of Bajozquez the <sup>another adjoining rancho</sup> ~~also the proprietor~~ of an adjoining rancho and a dispute having risen between the two it was decided by the Alcalde that Bajozquez should remove ~~and~~ his cattle

116 and those of Padilla  
should remain - This occur-  
ed in 1845 - and before  
had received any grant or  
been applied for the land  
The decision of the Alcalde  
seems to have been founded  
on a previous permission to  
occupy the land provisionally  
~~granted by~~ <sup>Padilla</sup>  
~~claimed by~~ Padilla <sup>by</sup> the  
first Alcalde -

It would seem that the  
vaqueros of Padilla constructed  
a small hut of poles & tiles  
to afford shelter while tend-  
ing the herds - But there  
was no permanent settlement  
effected nor any other oc-  
cupation than such as has  
been mentioned -

In the spring of 1848 the  
Padilla having become involved  
in the disputes between the  
Mexicans & his countrymen  
~~he~~ was in the beginning of  
compelled to leave the

17

Northern part of the country  
and his cattle were sold  
or withdrawn from the Boka  
de Sonales.

It ~~think~~ it "clear that no  
possession was ever taken up  
on the grant or as a fulfil-  
ment of its conditions -  
and the only occupation of  
the tract was such as has  
been described -

But it has been decided  
that the grant of the Governor  
was a title in the grantee  
which must be confirmed in  
as he has been guilty of  
such unreasonable neglect  
to comply with the conditions  
as justifies the inference that  
he had abandoned his grant  
during the existence of the for-  
mer Government -

U. S. vs Tarrant & How.  
But no such inference can  
be drawn from a neglect to

18 occupy and settle during the  
brief period which intervened  
between the date of the grant  
June 12 and the conquest  
of Monterey July 7<sup>th</sup> especially  
as the disturbed con-  
dition of the country owing  
to the Bear Flag Hostilities  
and the relations between Pa-  
dilla and the American settlers  
who had risen against the  
Californian Authorities made  
it dangerous for him to return  
to that part of the country -  
Under the views originally  
entertained by this Court the  
claim would have been re-  
fused on the ground that  
the grant not having been con-  
firmed by the Assembly consti-  
tuted but an imperfect or in-  
choate title which the U. S.  
was not bound to perfect  
unless the claimant could  
show either some antecedent  
consideration, or some ~~or~~ an

occupation and settlement effected under and on the faith of the grant, sufficient to give him an equitable right to demand its completion by the U. S.

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But under the ruling in the case of ~~Fremont~~, evidence of occupation and settlement cannot now be rejected - nor is the inquiry into those facts material unless it be alleged that there has been unreasonable neglect to fulfill the conditions amounting to an abandonment -

~~In~~ Under any circumstances I should of course feel bound to govern my decision by the rulings of the Supreme Court - But in these cases where the <sup>rules of decision</sup> law as laid down by that Tribunal have long been known and accepted as the law - where the property has <sup>regularly</sup> changed hands transferred

20 and may have passed  
into the hands of bona fide  
purchasers for value who  
have invested their money  
relying upon the stability of  
the rules laid down by the  
highest Tribunal of the country  
it would be doubly improper  
in an ~~six~~<sup>six</sup> ~~super~~ inferior  
~~Court~~ Court to decline to decide  
in accordance with those  
rules whatever might be its  
opinion as to their original  
correctness -

As thus the proofs show that  
~~the~~ grant issued on the 12<sup>th</sup>  
June 1846 prior to the date  
of what has been regarded  
as the conquest of the country  
and the final subversion of  
~~the Mexican authority~~ -  
as no measurable neglect  
can be imputed to the claimant - the case appears to  
me ~~over~~ which under the decisions of the Supreme Court ought

to be confirmed  
a decree must be issued  
accordingly

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N<sup>o</sup> 121.

U. S. District Court.

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The United States  
— vs —  
James. D. Galbraith.

Opinion confirming claim.

Filed January 22d. 1861.  
W. A. Cheever,  
Clerk

26  
27

District Court of the United States,  
For the Northern District of California.

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The United States } No 121.

vs:

James D. Galbraith      } "Bolsa de Tomales."  
John Sime,                  }  
Richard H. Sinton, and    }  
David T. Bagley.           }

Stated Term. Jan'y 22<sup>nd</sup> 1861.

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

Decree

This cause coming on to be heard at a stated term of this Court, the United States and the claimants being represented in Court by their respective attorneys, and the mandate of the Supreme Court of the United States, to which an appeal had been taken from the former decree of this Court, duly authenticated under the seal of said Supreme Court and certified by the clerk thereof, tested the first Monday of December A. D. 1859, having been filed in this Court, whereby it appears that at the December Term A. D. 1859

of said Supreme Court the following judgment  
and decree was entered in this cause, viz:

"It is now ordered, adjudged, and decreed  
by this Court that the decree of the said  
District Court in this cause be and the same  
is hereby reversed, and that this cause be and  
<sup>the same is hereby remanded to the said Dis-</sup>  
trict Court for further proceedings to be had  
therin in conformity with the opinion of this  
Court;" and the transcript and evidence  
produced before this Court at the former  
hearing of this cause, together with addi-  
tional evidence, having been submitted,  
and counsel for the respective parties  
having been fully heard, and after due  
deliberation it appearing to this Court  
that the claim of the said petitioners is good  
and valid,

It is ordered, adjudged, and decreed that  
the said claim be and the same is hereby  
confirmed to the said petitioners and their  
legal successors in interest.

And it is further ordered, adjudged, and  
decreed that the land for which confirma-  
tion is hereby made is known and called  
as the "Bolsa de Tomales," and is five square  
leagues and no more, to be taken within the  
following boundaries, to wit: on the East-

by the property of Don Bartolo Bojorquez  
as far as the two Stones; on the West by  
the Bay of Bodega and the creek (or  
inlet) of Tomales; on the North by the  
Rancho of Juan Viget; and on the  
South by a small arm of the creek (or  
inlet) of Tomales, which runs from West  
to East; for further description of the  
land hereby confirmed reference to be had  
to the original Grant and the translation  
thereof filed as evidence in this cause.

Ogden Stoffa  
U. S. Dist. Judge

No 121.  
Bolsa de Tornados.

U. S. Dist: Court

The United States

v.

James D'Galbraith et al

Decree -

Filed the 7<sup>th</sup> Feby -  
1861

W. A. Cheever,  
Clerk

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Twenty thousand

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 25<sup>th</sup> day of March in the year of our Lord one thousand eight hundred and sixty-one.

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States.      } D. C. 121.  
v.                            } S. C. 205.  
James D. Galbraith.      } "Bolsa de Tomales."

And now at this day on motion of Benjamin Benham, Esq., U. S. 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 in said cause 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.

No 121.

UNITED STATES DISTRICT COURT

Northern District of California.

The United States.

v.

James D. Galbraith.

Order granting  
appeal in behalf  
of the United States.

Filed March 25<sup>th</sup> 1861.

W. A. Chenev.

Clerk.

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The United States

33

No. 121.

4

vs  
H. H. Gallbraith et al

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In the District court of the United States for the northern district of California

It is stipulated in this case that the clerk shall make up a transcript of all the evidence stipulations documents & proceedings since this cause was remanded for further proceedings by the Supreme court; & that this transcript & the former transcript when the cause was in the supreme court shall constitute together (the same being together a full & entire transcript of the whole case) the transcript on appeal.

Dated at San Fran c: 60

March 25th 1861

Cathron Duran  
W. S. Attorney

H. P. Hepburn  
for claimants

No 121.

United States

Asst. U. S. Marshal to Sol

Stipulation of  
Counsel.

Signed March 27, 1861.

H. H. Cheever.

Clark

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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 30 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.  
J. A. Galbraith et al

20/21

And now comes W. N. Sharp Esq., U. S. atty, and presents the mandate of the Supreme Court of the United States in the above entitled cause, Whereupon It is Ordered, adjudged and decreed, that the said mandate be filed in the cause, and that the petition of the said claimants for a confirmation of their claim to the land known as the Rancho Bolsa de Tomales be, and the same hereby is dismissed.

O. Newell Hoffman  
District Judge

NO 121

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

J. D. Galbraith et al

Final Decree

Filed June 30th 1863.

N. H. Cheever,  
Clerk.

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UNITED STATES OF AMERICA, ss.

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PAGE 373 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 James  
L. Galbraith, John Fine, David T. Bagley and  
Richard H. Sinton, appellees, the decree of  
the said District Court was in the following  
words, viz: -

"It is ordered, adjudged and decreed  
that the said claim be, and the same is hereby,  
confirmed to the said petitioners and their legal  
successors in interest." —

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as by the inspection of the transcript of the record

of the said District Court, which was brought into the Supreme Court of the United States, by virtue of an appeal

agreeably to the act of Congress,

in such case made and provided, fully and at large appears.

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And whereas, in the present term of December, in the year of our Lord one thousand eight hundred and Sixty two 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, it is now here ordered, adjudged and decreed by this court that the decree of the said District Court in this cause be and the same is hereby reversed, and that this cause be and the same is hereby remanded to the said District Court with directions to dismiss the petition of the claimants. (10th March)

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

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

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

COSTS OF mm  
Clerk ... \$ mm  
Attorney ... \$ mm  
\$ mm

Taxed by



Clerk of the Supreme Court of the United States.

No. 132, December Term, 1862  
M<sup>e</sup> 12.  
MANDATE

SUPREME COURT UNITED STATES.

U. States vs. Gaebhardt

Fine June 30, 1863,  
W. H. Carroll,  
Clerk

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## This Indenture,

Made the sixth day of October in the year  
of our Lord one thousand eight hundred and fifty three, Between

I.D. Galbraith of the City of San Francisco State  
of California, of the first party, and John A.  
Monroe, and Ogden Hoffmann, of the same place  
parties.

of the second part: Witnesseth, that the said party of the first part, for and in consideration of the sum of One Hundred Dollars lawful money of the United States of America, to him in hand paid, by the said parties of the second part, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath remised, released and quit-claimed, and by these presents doth remise, release and quit-claim, unto the said parties of the second part, and to their heirs and assigns forever, All his right title and interest in and to the certain piece or parcel of land situated in the City of San Francisco aforesaid, and bounded as follows: Viz: Beginning at the South West corner of Beale and Harrison Streets, thence westerly along the South line of Harrison Street (66) Sixty Six feet thence at right angles southerly ( $77\frac{1}{2}$ ) Seventy seven and one half feet to an alley (10) ten feet wide, thence easterly (66) Sixty Six feet, at right angles to the last line, and along the North line of said Alley, to Beale Street thence Northerly along the West line of Beale Street ( $77\frac{1}{2}$ ) Seventy seven and one half feet to the place of beginning

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. And also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in, or to the above described premises, and every part and parcel thereof, with the appurtenances.

To Have and to Hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part ~~thence~~ and assigns forever.

In Witness Whereof, the said party of the first part, hath hereunto set his hand and seal the day and year first above written.

Sealed and Delivered in the presence of

R. W. Minton

J. D. Galbraith



State of California,  
COUNTY OF California } ss.

On this Sixth day of October A. D. 1853

before me, A. A. Selover a Public Notary, duly appointed and commissioned under the Great Seal of the State of California, authorized by law to take acknowledgements, dwelling the City of San Francisco County aforesaid, came

James D. Galbraith

to me known to be the individual described in and who executed the within instrument, and acknowledged that he executed the same for the purposes therein mentioned, of his own free act and deed.



In Witness Whereof, I have hereunto set my hand and affixed my  
Official Seal the day and year above written.

James D. Galbraith  
Notary Public

A. A. Selover  
Notary Public.

I.D. Galbraith  
to W. C. Hoffman  
Monroe Hoffman  
Deed

29 of Deeds P. 262.

Recorded at request of  
Monroe & Hoffman Oct  
8<sup>th</sup>, 1853 at 4<sup>th</sup> P.M.

121 ND  
PAGE 379

The United States

v.

James D Galbraith et al.

121 ND  
PAGE 380

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

To Calhoun Benham Esq,  
U.S. District Attorney & of Clark  
& Counsel: take notice that this cause will be called for argument on Monday the third day of December next at the opening of the Court on that day or as soon thereafter as the same can be heard

Saunders  
Campbell

Stephens & Wilkins  
for claimants

(21-N1)

District Court

United States

vs  
J Galbraith et als

Notice of Argument

121 ND  
PAGE 381

United States

James T. Galbraith

121 ND

Petition 14<sup>th</sup> May 1846 -  
Grant 12<sup>th</sup> June 1846

PAGE 382

I I to amer proves signatures of Pio Pio  
and Jose Matias Moreno.

Jose Francisco ~~Moreno~~ -

Padilla put cattle & a house on the  
Bolsa de Tomales. in 1845

The house was burnt down in 1847-

Cattle have been on the Rancho since  
1845-6 belonging to Lucas  
W.C. Jones  
proves document marked "H"

Juan M. Padilla -

had possession in 1844 -

Jose M. Corarrubias -

proves Jose M. Moreno's signature

Petition May 14 1846

May decree " 20 1846

Decree of Conception June 12<sup>th</sup> 1846

Approval by Assessor June 14<sup>th</sup>

Dish Attorney for U. S

Several suspicious circumstances  
no session of assembly on day  
when Approval papers to have been  
given -

The only witness who proves this  
is Mr F. J. Warner from Mijo

2. The witness must be accounted  
for by the party producing the  
deed.

Jackson v.

15 Johns 293

121 ND

PAGE 383 The grant is referred to as dated  
in February '46 in a deed between  
some of the parties on 13<sup>th</sup> March. 1852

Saunder-

The evidence shows that Padilla  
being the owner or lessee upon  
an adjoining rancho stocked this  
rancho - & exercised other acts of owner  
ship in 1845-6  
(Capt. Ford's deposition)

Mr. Black also testifies to Padilla's  
occupation as to dissimilarity of signatures - It is  
sufficient to say that they are proved

2

As to erasures -

121 ND Lewis & Raine 8 Cowen p. 71  
PAGE 384 Rem. & Raine 22 Waud 390-1

Greenl. on Eo 3528  
9 Mass - p. 308

Della Lome 1  
Master & Miller 4 Lem 320 - 320-30

J. D. Galbraith

*JD*

*MS*

*Notes of Allegany*

\* 121 ND  
PAGE 385

121

121 ND

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Office of the Board of Commissioners,

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

San Francisco,

1854

John A. Monroe, Esq.

Clerk of the U. S. District Court for the  
Northern District of California.

Sir;

I herewith transmit you, pursuant  
to the requirements of the Act of Congress, approved August 31st,  
1852, a Transcript of the Record of the Proceedings and of the  
Decision of this Board, of the Documentary Evidence and of  
the Testimony of the witnesses upon which the same is founded,  
in Case No. 208 on the Docket of the said Board, wherein

James P. Galbraith, et al. - and  
the Claimants against the United States, for the place known  
by the name of "Bolsa de Tamales,"

and request your receipt for the same.

I am, Respectfully,

Your Ovt Servt,

Geo: Fisher.  
