

CASE NO.

130

NORTHERN DISTRICT

LA PURISIMA CONCEPCION GRANT

JUANA BRIONES

CLAIMANT

POWER BOND

Government

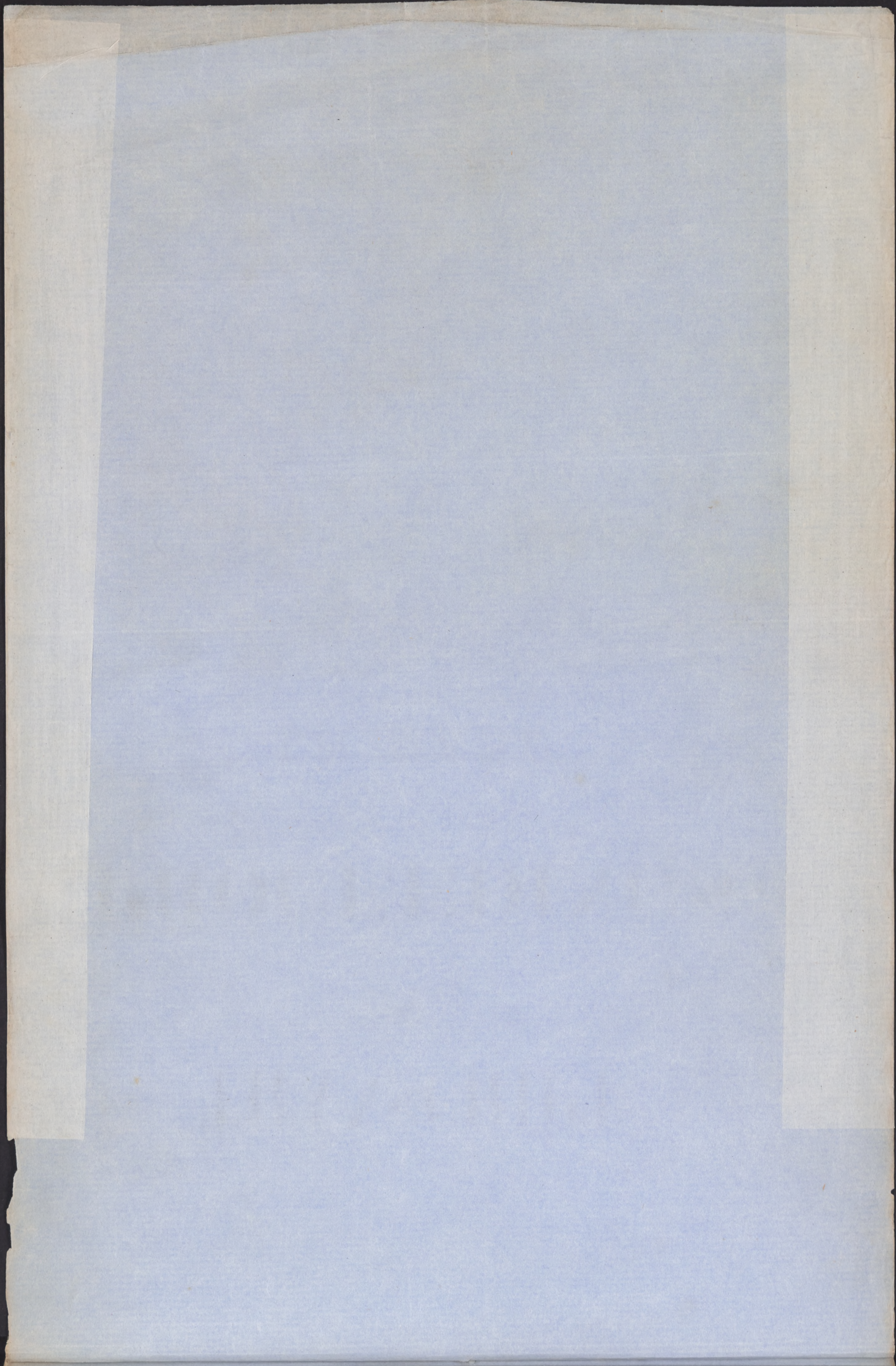
LAND CASE 130 ND

171 pages.

OCT 23 1962

119

Northern Postcard



TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 119

Juana Briones

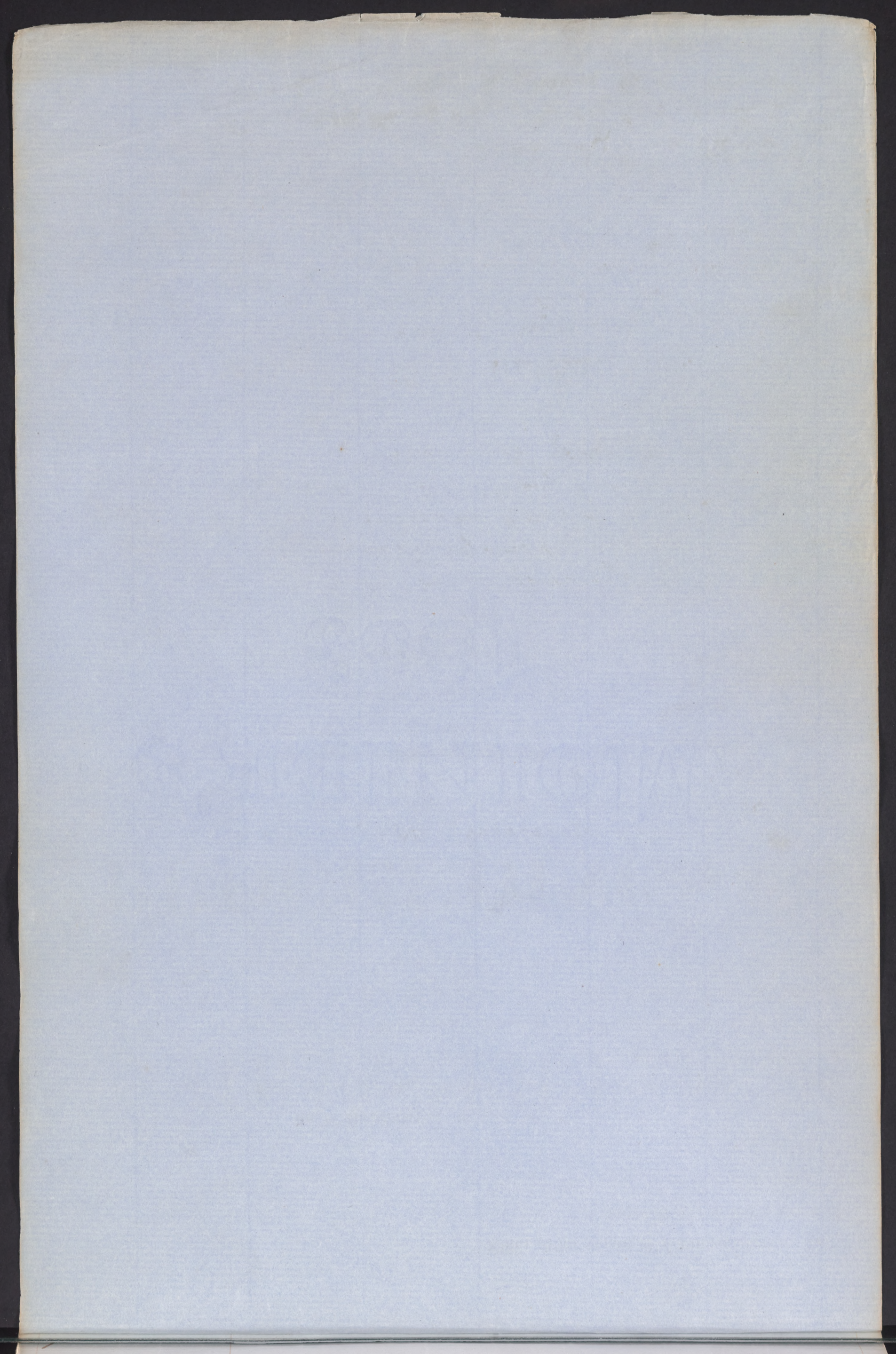
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"La Purisima Concepcion"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this *Twenty third day of March,*
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 *Juana Briones,*
for the Place named
"La Purissima Concepcion"
was presented, and ordered to be filed and docketed with No. *119,* and
is as follows, to wit;

(Vide page *3* of this Transcript.)

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

San Francisco, March 29th 1852.
In Case no. 119, *Juana Briones* for the place named
"La Purissima Concepcion," the deposition of *Mmanuel*
Jimeno, a witness in behalf of the Claimant, taken
before Commissioner *Harry J. Thomson,* was filed;
(Vide page *4* of this Transcript.)

San Francisco, June 3rd 1852.
In the same Case the deposition of *Maximo*
Martinez, a witness in behalf of the Claimant,
taken before Commissioner *Milana Hall* was filed;
(Vide page *5* of this Transcript.)

San Francisco, Aug. 24th 1853.
Case no. 119, called, submitted on Briefs on both sides
and taken under advisement by the Board,

San Francisco, January 24th 1854,
 In the same case the Counsel for the Claimant filed
 the following motion and affidavit, to wit:
 (Vide page 7 of this Transcript)

Which motion was taken under advisement by
 the Board.

130 ND
 PAGE 3

San Francisco, Jan. 31st 1854,
 In the same case Commissioner Alpheus Felch
 declined the decision of the Board upon the
 motion filed heretofore, to wit, on the 24th inst,
 by the Counsel for the Claimant, asking leave
 to introduce testimony to prove the genuineness
 of the signatures to the original documents on file
 in this case — Motion granted.

San Francisco, March 14th 1854,
 In the same case the deposition of Pablo de la Guerra
 a witness in behalf of the Claimant, taken before
 Commissioner R. Aug. Thompson, with documents
 marked "Exhibits nos 1, 2, 3, + 4, R. T. annexed
 thereto, was filed,
 (Vide page 9 of this Transcript)

San Francisco April 11th 1854,
 In the same Commissioner R. Aug. Thompson
 declined the opinion of the Board confirming
 the Claim,
 (Vide page 26 of this Transcript)

San Francisco, Aug. 15th 1854,
 In the same case, on motion of the United States
 Law Agent, the following order was made, to wit:
 (Vide page 27 of this Transcript)

To the Honorable Commissioners to settle private land claims in California.

The petitioner Juana Bonnie, respectfully shews: That on the 30th day of June A. D. 1840 Juan B. Alvarado, Governor of California, by virtue of authority in him vested, granted to Jose Guzman & his son Jose Ramon, emancipated Neophytes of the Mission of Santa Clara & citizens of California, the tract of land known by the name of La Purissima Concepcion, situate in Santa Clara County, & containing one square league with the boundaries described in the grant.

That on the 7th day of November A. D. 1844 the said Jose Guzman & Jose Ramon sold & conveyed in due form to the petitioner the aforesaid tract of land, all of which is fully shown by the original documents, copies of which are submitted herewith marked A. with translations marked B.

The petitioner further shews that the said tract of land has not been surveyed by the Surveyor General of the United States, but that the boundaries are fully described in the grant, & are well known; that the said Jose Guzman & Jose Ramon & the petitioner have been since the year 1836, & that the petitioner now is in the quiet, peaceful & undisputed possession & occupation of the said tract of land.

That she knows of no conflicting claim.

That she relies for confirmation of title upon the original papers copies of which are submitted herewith, upon the records in the public archives now in the possession of the Surveyor General & upon such other & further proofs as she may be advised are necessary.

Wherefore she prays the Commissioners to confirm to her the aforesaid tract of land.

By his Attorneys

Halleck, Peckey & Billings.

Filed in Office March 23rd 1852. Geo. Fisher. Secy.

Petition

130 ND

PAGE 4

Office of the Board of Commissioners
of California Land Claims.

San Francisco March 29th 1852.

On this day before me Harry J. Thornton one
of the Commissioners for ascertaining & settling private
land claims in the State of California came Manuel
Dominguez of Sonoma, a witness produced in behalf of Juana Bonina,
Manuel Domingo, claimant being No 119 in the docket of the Commissioners
being duly sworn testified as follows, this evidence being
given in the Spanish language & interpreted by the Secretary
George Fisher by consent of the council for claimant:

130 ND
PAGE 5

The Law Agent was notified & attended.

Questions propounded by the claimant.

Ques 1. What is your name, age & place of residence, & how
long have you resided in California.

Ans. My name is Manuel Domingo, my age forty nine
years, my present residence Monterey. I have resided
in California twenty four years.

Ques 2. What offices have you held in California.

Ans. I have held various offices in California, amongst
them the Jolly, Constitutional Alcalde of Monterey,
Collector of Customs, & Commissioner General of Monterey,
Secretary of State, Acting Governor three different times,
also a Member of the Departmental Assembly and of
the Territorial Deputation.

Ques 3. Are you acquainted with the hand writing of Jose
Castro, Rafael Moreno, Manuel Domingo, Manuel Mich-
ellona, Jose de la Rosa, Antonio Maria Pico & Antonio
Maria Carr, if yes, state if their signatures on & to the
documents now here shown to you, are genuine & if
they are the originals of the copies which are filed with
the petition of Juana Bonina in the Office of the

5

Secretary of the Board of Land Commissioners for California, Marked Exhibit A. & referred to in said petition which is No 119 on the docket of said Board.

Ans. I am acquainted with the hand writing of Jose Castro, Rafael Morun, Manuel Jimeno, Manuel Micheltruna, Jose de la Rosa, Antonio Maria Pico, and Antonio Maria Ocho, & I recognize their signatures affixed to the documents now shown to me & which I now hold in my hand as the genuine signatures of those persons & I know the documents to be the originals of the copies which are filed with the petition of Juana Borras, in the office of the Secretary of the Board of Land Commission of California, marked Exhibit A, which copies I also hold in my hands, & have compared them with the said originals & found them correct.

Mano Jimeno.

Sworn to & subscribed before me this 29th of March 1852.

Henry J. Thornton.

Cour Sec.

Filed in Office March 29th 1852.

Geo. Fisher,
Sic'y.

Deposition of
Maruina Martinez.

Office of the Board of Land
Commissioners for California
San Francisco, June 3^d 1852.

On this day before Heland Hall one of the Commissioners to ascertain & settle private land claims in California, came Maruina Martinez, a witness produced in behalf of the claimant Juana Borras being No 119, on the docket of said Commissioners, & was duly sworn his evidence being given in the Spanish language & interpreted by Geo. Fisher, Secretary.

The U. S. Law Agent was present.

6
#1119
In answer to questions in behalf of the claimant the witness testified as follows, viz.

My name is Maximus Martinez, my age is sixty one, & I reside on my rancho called El Centro de Madero in Santa Clara County & have resided there ever since 1833.

I know the Rancho La Purissima Conception & have known it ever since the year 1833. It is situated about one league south from where I live & adjoins my land - a creek called Maladero being the dividing boundary between us. It was first occupied in 1837 by Jose Gorgonio a Neophyte of the Mission of Santa Clara & his family & his occupancy continued until 1844, from which time it has been occupied by Juana Briones to the present time. The grant was made in 1840 to Jose Gorgonio & his family. The present claimant Briones purchased the rancho of Gorgonio in 1844 by the permission of Gov. Michelena. Gorgonio & family had two or three small wooden houses on the place previous to 1840 - they had cattle & horses & worked on, & raised wheat, corn and beans & other vegetables, sufficient for their subsistence - & this was continued until they sold out to the present claimant -

The present claimant has occupied the land since the purchase - she built a large dwelling house & several out houses on the place immediately after the purchase & has lived on the land to the present time - She has kept cattle, horses & sheep on the land. She has cattle yards & has fenced in & cultivated several fields, but I cannot specify the quantity thus under cultivation. Her family consists of five daughters & three sons & she has Indians & other men in her employ, but I cannot state the number. The family of Gorgonio consisted of his son Jose Ramon, his daughter Paula & his relative

7
Calistvo. There is no conflict in regard to boundaries between
the claimant Juana Brunes & myself.

In answer to questions put by the Law Agent the
witness testified as follows.

I received my information in regard to the account
of Govr Micheltonna to the purchase by the claimant
from her. She said she had a decree from him to that
effect. I think no part of the rancho is within ten leagues
of the sea coast, but that the whole is within ten leagues
of the Bay of San Francisco. The first distance I have
mentioned is from the old fort at the entrance of the har-
bor of San Francisco. From the rancho to the nearest
part of the sea coast is less than to the old fort, but I can-
not tell the distance, whether it is within ten leagues or
not. I know the land as early as 1828. The cattle of the
Mission of Santa Clara ranged on the land as early as
that time, but whether the land belonged to the Mission or
not. At that time there were few settlers in the coun-
try & few cattle except those of the Missions & they
ranged all over the country, it was all vacant land.
Marques ^{his} + Martinez.
mark

Sworn & subscribed

Before me

Richard Hall.

Clerk.

Filed in Office June 3^d 1852.

Geo: Fisher. Secy.

Action and
Disposition.

No 119

In the claim of Juana Brunes.

To
"La Purissima Concepcion."

And now comes the claimant in this case, by

8
0/119
her counsel, & move the Board to permit her to introduce testimony to prove the genuineness of the signatures to the original documents of title now on file among the papers in this case; & in support of this motion submits herewith the annexed deposition.

Hallett, Peckey & Bellinger
Attys for claimants.

No 119.

Claim of Juana Bnoria
To

La Purissima Concepcion.

Henry W. Hallett being duly sworn deposes & saith; that when the depositions were taken proving the genuineness of the title papers in this case, it was the usual practice of this Board to secure proof of the genuineness of original papers by having them present before the Commissioner at the taking of the depositions & in the hands of the witness who compared the originals with the copies filed as exhibits & clearly identified by appropriate marks or references, & that on proof being made by the witness that said originals were genuine documents & were correctly & truly copied in the exhibits purporting to be copies of the said originals, the said originals, thus proved, were left in the hands of the claimant for his security, & not filed till the case was submitted to the Board for decision, that subsequently the practice of the Board was changed & the original papers filed with the depositions of the witness proving them.

That the original title papers or documentary evidence in this case were so proved, under such custom, & practice of this Board, & without objection on the part of the Law Agent; & on the change of such rule or practice the said original papers were filed with the Secretary

of the Commission, & on the hearing of said case, were sub-
mitted to the Board as evidence without objection by the
Law Agent.

The said original documents of title of the clai-
-mant now on file among the papers in this case are the
same identical papers which were in the hands of the wit-
-ness, & proved by him to be genuine & of which he proved the
exhibit therein referred to, to be a true copy. That for said
reasons the said originals were not annexed to & filed with the
depositions taken in this case but were subsequently filed &
submitted to the Board as before stated.

H. W. Hallett
of Counsel for claimant.

Sworn to & subscribed
before me Jan'y 24' 1854.

R. Aug. Thompson.

Filed in Office Jan'y 24' 1854.

Geo. Fisher.
Secy.

Deposition of Case No 119.
Pablo de la Guerra.

United States Land Commission.

San Francisco March 14' 1854.

On this day before Commissioner R. Aug. Thomp-
-son, came Pablo de la Guerra, a witness in behalf of the
claimant, Juana Brunes, case No 119, who after being
duly sworn, deposed as follows, his evidence being inter-
-rupted by the Secretary.

Prant-Claimant's Atty & U. S. Law Agent.

Witness states his name is Pablo de la Guerra, his age
thirty four & his residence Santa Barbara, Cala-
-Question by Claimant's Atty.

10

8/119

Look at the documents now shown you marked Exhibits Nos 1, 2, 3, 4, & with the initials R. F. & hunt to compare & state whether you are acquainted with any of the signatures which appear thereon; if so which of them; whether they are genuine or not, & also your means of knowledge.

Answer. I have examined said documents, I know the hand writing of Juan B. Alvarado, Manuel Jimeno, Manuel Michelizuro, Antonio Maria Pico, & Antonio Maria Cruz, I have seen them all write, & I have no doubt that their signatures are genuine wherever they occur on said documents.
Pablo de la Guerra.

Sworn to & subscribed
before me March 14 '1854.

R. Aug. Thompson.
Commr.

Filed in Office March 14 '1854.

Geo. Fisher.
Secy.

Stipulation No 119.

Before the Board of Land Commissioners to settle land claims in California.

Juana Briones

^{vs}
The United States.

It is hereby agreed as a matter of fact that the land claimed in this case lies in the State of California north of the parallel of 37° north Latitude.

J. H. McKune.

Law Agent.

Hallack, Peckny & Willings.

Attys for claimant.

Filed in Office Aug 15 '1854. Geo. Fisher. Secy.

11.

No sean removidos de sus intereses particulares los intereses de los de su misma clase.

Exhibido No. 1, 2, 3 y 4. anexo a los depósitos y segregados de esa tesorería de la Misión de O. Clara, ante V. O. de pre

Pablo de la Guerra Pueblo. Libre de los sentan p. medio de este es No. 14/1834. No. 26. / 36. cruto y según hallan lugar

R. J.

Jose Castro } diciendo q. desde su infancia se han hallado sujetos

130 ND
PAGE 12

No. 1.

Q. D. Jose Castro } bajo de la Misión sin embargo de haber le sido con

san. Misión de O. Clara Dic. 3/1836 } Jose Ramon, q. es un hijo

J. Raf. Moreno } un pedazo de terreno p. ce

fnado Q. Guerreroa, no han tenido la ocasión de haber logrado su licencia y

haber sido despididos de la sujeción de dha Misión de donde resulta los atascos

grandes q. se nos estan siguiendo tanto en ntros cortos vienes como en estos labores p.

atender en primero lugar a los trabajos la expresada Misión y

no fue por descuido de haber solicitado mi dha Licencia desde aquel tiempo sino

aunq. hice la diligencia p. ello me dijo el ya citado de q. esperase un poco y así nos hemos mantenido hta la pta. atendi

endo al cuidado de dho Rancho y a los trabajos en la Misión, y en conclusion p. no molestar mas a V. O. se lo hace ver de q. los ladrones de Caballada me traen a mi y a mi hijo con p. q. primeramente le callaron a mi hijo el que salió con dos heridas y su mujer con una, llevandose

un Caballo en esa vez en sellado con toda su
ropa dejandolos desnudos y dejando quemar
a la Casita à hora despues han peleado
conmigo ha flechas sp: quitar me mis pocos
caballos. Por tanto - A. Q. O. suplicamos
q. teniendo en consideracion todo lo espuesto
reapropia esta nra suplica de que le
vveremos reconocidos. Pueblo de Alvarado
25 de Novbre de 1836.

Josè Gorgonio # Josè Ramon. Calisto
Sta Clara Junio 12. 9 1837.

Por cuanto los firmados en esta solicitud
me han manifestado poder mantenerme con
honradez, segregados de su neopia, he venido
en emanciparlos de esta Comunidad à con-
dicion q. Subsistan en el Rancho que se les
concedio dicha exc. Mision adonde les posesion
arà el Administrador de la misma.

Alvarado

Monterey Dieb^o 10 de 1837.

Haviendo representado los interesados en
esta solicitud manifestando que hasta la
fha no se les ha dado posesion del terreno
que se menciona en mi anterior decreto; -
vuelva al actual adm^o de Sta Clara para
que cumpliendo con esta determinacion
haga medir el terreno señalandoles los lin-
deros, cosas pertenientes de preferencia à
qualquiera otro individuo.

Alvarado

Monterey Mayo 22 de 1840.

Pase este documento al actual mayordomo
de Sta Clara para que con citacion del Al-
ferez. D^o Prado Mesa à quien se ha concedido
el terreno de que se hace mencion procure
poner al espresado paraje y haga que los

interesados estien den sus medidas para la parte de ^om Francisco quite entendido de q^d dicha mesa esta obligado à permitirles su permanencia dentro del terreno procurando en todo conformar à los solicitantes à fin de que permanescan constantemente en sus trabajos . Alvarado.

O Juan B. Alvarado. Gob. Constitucion al del Departamento de las Californias. Por cuanto Gregorio neofito de la comision de Sta Clara ha pretendido por si y à nombre de su hijo José Ramon el paraje nombrado la Purisima Concepcion dentro de los terrenos reconocidas por pertenencia de dicho establecimiento distante cuatro leguas de la finca principal y en virtud de hallarse padre è hijo emancipados de dicha neofita previos los informes que ha recibido este Gob^o sobre ser los interesados acreedores à la solicitud que hacen por los grandes servicios que tienen prestados à la comunidad del establecimiento referido he venido por el presente en conceder à dho Gorgonio y su hijo José Ramon la propiedad del paraje indicado de la Purisima concepcion en la estension de un sitio de ganado mayor. Lo tendrà entendido así el admin^o de St^a Clara à quien los interesados se presentarán con este despacho y así vera el Juez respectivo para q^d les dé la posesion juridica. Dado en Monterey Capital del departamento de Californias à los treinta dias del mes de Junio de mil ochocientos euenta . Juan B. Alvarado
Manuel Jimenez Escri del despacho.

14

Nota: El terreno concedido debe tomar por lin-
deros los terminos sigtes: Por la parte del Oeste
con la Sierra; Por el Nor Este y Norte con el
Arroyo del matadero: Por el Sur y Oriente
con el Arroyo de San Antonio, por el que este
dividido del terreno de Sta. Clara. El Excmo
Sr Gobernador asi lo mando decreto y fir-
mo. Monterey Junio 30 de 1840.
Alvarado # Manuel Jimeno ^{despachos} (Sr del ...)

130 ND
PAGE 15

Here follows Map

Sealed in Office Decr 29th 1852
Geo. Fisher Secy

15

No. 3.

130 ND
PAGE 16

Dijo yo José Gorgonio que vendi en la cantidad de trescientos pesos que ya recibí a D^a Juana Briones, el terreno que para un Rancho me fue concedido por el Gobierno de esta Alta California llamada de la Purísima Concepción que fue pertenencia de la misión de Sto. Clara y colinda con el del finado D^o Rado Mesa. Don José Peña D^o Macario Martínez y el del finado D^o Antonio Buena como consta del documento de concesión; y para que dicha venta sea en todo tiempo tenida por firme legal y valedera por haber sido así mi voluntad, la demihijo José Ramón y Caluto otorgo hoy el presente documento para que en vista del pueda la otra que compro, proceder a la medición del terreno, pedir al juez respectivo la posesión debida y formar en él como cosa ya propia suya sin que en lo necesario pueda yo alegar tener derecho ninguno al mencionado terreno. Este en el tiempo que lo vende, lo estimaba en el valor de trescientos pesos y tanto en aquel tiempo como en el presente, si mas podía valer y valga hago donación del valor que haya sido y sea a la expresada D^{na} Juana considerando me por la venta hecha, ya despojados de todo derecho y renunciando como renuncio todo el que pudiera tener a mi favor y defensa, por lo que suplico al sot presente juez el que en uso de sus facultades a falta del Escribano público, se sirva autorizar la presente escritura de venta para el resguardo de la referida otra Briones a quien reconozco por única dueña del expresado terreno de la Purísima Concepción.

J^o Francis. Junio 20 del 1847

A Ruego de J. Gorgonio W. no saber formar
Antonio M^a Osio.

No. 2.

130 ND
PAGE 17

Dellos Quinto un Real: Habilitado provision
almente por la Aduana maritima del puer
to de Monterey, en el Departamento de las
Californias, para los años de mil ochocien
to cuarenta y cuatro y mil ochocientos cua
-renta y cinco

Micheltorena Pablo de la Guerra

Como Cor

C Juana Briones natural del depar
tamento de Californias y residente
Monterey Octo. 30 en la Terba buena ante la
de 1844. Inf. { alta justificacion de U. E
el O. Nro univer } y como mejor hal la lugar
sal de el Despa } en dere cho digo: qe hallan
cho de este Gob. } dome cargada de familia
tomando provici } y teniendo un numero con
mentos los qe ne } siderable de ganado Ba
cesitare. } unno y caballo careciendo
Micheltorena } de un terreno donde tener
mis otros bienes para su seguridad se me propo
sion a un terreno qe me vende Jose Gregorio
pto de la mision de Sta Clara qe le fue conce
dido un propiedad como consta por los docu
mento qe adjunto a U. E. por lo qe le suplico
se digno concederme la licencia de comprarlo
como igualmente la de venderlo el propieta
rio pues este no tiene con qe cultivarlo y a mi
me es beneficio para beneficio de mi numerosa
familia. Por tanto a U. E. Duplico se digno
acceder a mi solicitud de quien esperare
merced y gracia. Juro qe lo cto es la verdad
Monterey Oetre 30 de 1844 Por no saber
formar le doy poder a Dⁿ. Jose de la Rosa
Conforme a la Voluntad del Gobierno pase

17
la interesada al Juez del pueblo de S.^{ra} José
quien por la ley tiene facultad de autorizar
la Venta que se trata en solicitud de Cabuel
ta, la que concluido todo se devuelva por
dicho Juez a la interesada p.^a su dev.^o
resguardo. Monterey Ocho 30 de 1844
Manuel Jimeno Orio.

130 ND
PAGE 18

De conformidad según el anterior decreto
del Sr. secretario del Despacho se presenta
con Gorgonio José Ramon y familia en este
juzgado diciendo. Por el presente conste q.
hago seccion a la S.^{ra} Luana Briones y en doe
de los ^{titulos} y documentos que me pertene-
cian a mi y mi familia que nos fueron da-
dos por el Sr. Gob.^o D.^o Juan B. Alvarado
en el mes de junio de 1840 no que dan dono
derecho alguno en dicha concesion como se
estipula q. antecede a estos documentos
y para q. conste le damos la presente en el
pueblo de San José Guadalupe a los siete
dias del mes de Nov.^o de mil ochocientos cua-
renta y cuatro por no saber formar hizo la
senal de la Cruz. José Gorgonio
J. Ramon f. José G. Ant.^o Peña a o.
Maximio Marz. Alcalde.

No. 4.

Sr. Juez del Pueblo de S. José

Juan Briones de esta jurisdiccion ante V. E.
parece y dijo que habiendose presentado en el
terreno de mi propiedad, un agrimenor
y otro sugeto midiendole en favor de los
herederos del finada Rado Miza. Dicho
terreno puebo ser de mi propiedad por
el docum.^o que es en mi poder y otros testu-
monios si fuere necesario por lo que supli-
ca a la justificacion de D. en obsequio de
la justicia impide que se ataque mi pro

18
piedad, por ser justicia que imploro juran-
do no ser de malicia y lo necesario y
no saber firmar lo hizo à mi cargo
Dr. Ant. en 26 de Enero de 1848.

130 ND
PAGE 19
Procurador del Pueblo de Sr. José Guadalupe
En vista de este memorial digo à la perso-
na interesada que estas mediciones que
hace mencion; no lo quitara ningun de-
recho que tiene en sus terrenos coneguidos
del Gobierno anterior por titulo: y tan luego
que se haya tribunales establecidos en
el departamento estos asuntos seran ar-
reglados cuando lo pido las personas inte-
resantes.

26 de Enero de 1848

James W. Wake

Alcalde.

13

Translation from that community of Petition, Grant Pueblo Libre de Castro & Transfer Deed.

The persons interested will not be taken from their private occupation, & will remain separated from that community. November 26th 1836. (Signed) Joze Castro.

130 ND PAGE 20

Translation of Exhibit No. 1.

Those referred to in the (petition) are emancipated by order of Don Joze Castro. Mission of Santa Clara Dec 3rd 1836. (Sgd) Fr. Rafael Moreno.

To the Governor. Citizen Joze Goyonin, together with Joze Ramon & Celestino, persons of the same class, all three being neophytes of the Mission of Santa Clara, before your Excellency present themselves by means of this writing, & as he may best, saying: that from their infancy they have been subject to the troublesome service of the mission, & although a piece of land was granted to the first & to Joze Ramon, who is his son, by the deceased Senior Figueroa, they have not had the opportunity to obtain their discharge & be released from their subjection to said mission, whence result the great wrongs they are suffering as well in their small property as in their earnings, as they have to attend in the first place to the common occupations of the aforesaid mission, neither was it through neglecting to submit his aforementioned certificate at that time, but although he petitioned for it, the aforesaid

Senior told him to wait a little while, & so they have remained unto this day, taking care of their ranches and attending to the labors of the mission. In conclusion & in order not to molest your Excellency further, he will only call your attention to the fact that the Indian have them as particularly inimical to him & to his son, for first, they fell upon his son who came off with two wounds & his wife with one, the robbers taking at the same time a horse & saddle & all their clothes leaving them naked, & burning the house, since then they have fought with him with arrows, attempting to carry off the few horses

he has.

Wherefore they pray your Excellency, that taking into consideration all the foregoing, you would look propitiously upon this their petition, for which they will be ever grateful.

Pueblo of Alvarado, November 25th 1836.

(Signed) José Gorgonio.

(Signed) José Ramón.

(Signed) Calisto.

130 ND
PAGE 21

Santa Clara June 12th 1837.

Whereas the signs of this petition have showed me that they are able to maintain themselves decently when removed from their condition of neophytes, I have emancipated them from this community, on condition that they reside on the rancho granted them from this mission, in which the Administrator of the same will give them possession.

(Signed) Alvarado.

Martinez Dec 10th 1839.

The persons interested in this petition having shown that up to this time, possession of the land mentioned in my previous decree, has not been given them, let this be returned to the present Administrator of Santa Clara, that, in compliance with said determination, he may cause the land to be measured, in designating the boundaries giving them the preference to any other person.

(Signed) Alvarado.

Martinez, May 22nd 1840.

Let this document be passed to the present Major domo of Santa Clara that, having summoned Ensign Don Pradto Mera to whom the land mentioned has been granted, he may endeavor to go to the aforesaid place & cause

21

the persons interested to extend their measurements towards San Francisco, it being understood that said Mesa is obliged to allow them to remain on the land, endeavoring in everything to satisfy the petitioners in order that they may remain constantly at their labors.

(Signed) Alvarado.

130 ND
PAGE 22

Civil
Govt of Alta
California

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

When Don Gregorio, a neophyte of the mission of Santa Clara, his, in his own name & in that of his son Don Ramon, petitioned for the place named La Purissima Concepcion, on the lands recognized as belonging to said establishment, distant four leagues from the principal establishment & in virtue of both father & son being emancipated from the condition of neophyte, the reports which this Government has received relative to the persons interested being admitted to that which they request in account of the great services which they have rendered to the community of the aforesaid establishment being personally examined, I have by these presents granted to said Gregorio & to his son Don Ramon, the ownership of the aforementioned place of La Purissima Concepcion, in extent one sitio de ganados mayores (one square league). The Administrator of Santa Clara will thus understand it to whom the persons interested will present themselves with this order, & in turn to the proper magistrate that he may give them judicial possession.

Given at Monterey, the Capital of the Department of Californias on the thirtieth day of the month of June, one thousand eight hundred & forty.

(Signed) Juan B. Alvarado.

(Signed) Manuel Jimeno.

Secretary of State.

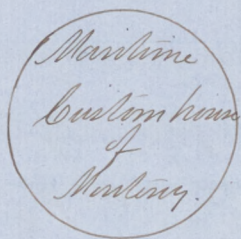
Note. The following should be taken as the boundaries of the land granted, on the west the sierras, on the north west, & north the Arroyo del matadero, on the south and east the Arroyo of San Antonio, by which it is separated from the lands of Santa Clara. His Excellency the Governor thus ordered, decreed & signed.

Monterey June 30th 1840.

(Signed) Alvarado.
(Signed) Mariano Jimeno.
Secretary of State.

Stamp: Fifth, one real.

Annually authorized by the maritime custom house of the Port of Monterey in the Department of the Californias, for the year one thousand eight hundred & forty four & one thousand eight hundred & forty five.



Transcription of Exhibit No. 2.

Monterey Oct. 30 1844.

Let the Secretary of State report, making favorably such recommendations as he may need.

(Signed) Michelena.

To His Excellency the Governor.

I Juana Barrios, a native of the department of California and resident of Yerba Buena, before Your Excellency & in the most favorable manner, represent: that being burdened with a family & having a considerable number of neat cattle & horses, being in want of a land on which to keep them for my security, an opportunity is offered for me to procure a land that Jose Gorgonio, a neophyte of the mission of

Santa Clara, will sell me, which was granted to him on fee as appears by the documents which I transmit herewith to your Excellency, for which reason I pray you have the goodness to give me permission to purchase it, & also to the owner leave to sell it, for the latter has no means of cultivating it, & with me, it is for the benefit of my numerous family.

Wherefore I beseech your Excellency have the goodness to accede to my request, & from you I expect to receive favor & grace. I swear that the foregoing is true.
Montreux Oct 30th 1844.

Not knowing how to write I authorize
(Signed) Jose de la Rosa.

In conformity with the will of the Governor, let the person interested go to the magistrate of the Pueblo of San Jose, who by law has power to authorize the sale referred to in the petition on the other page; which being finished, the said magistrate will return all the papers to the person interested for his due security.

Montreux Oct 30th 1844.

(Signed) Manuel Jimeno.

In conformity with the foregoing decree of the Secretary of State, Jose Geronimo, Jose Ramon, & family, presented themselves in this court, & said: Know all men by these presents that we grant to the Señora Inocencia Ramirez & transfer to her the titles & documents (of the land) which pertained to us & our families, which were given us by His Excellency Governor Don Juan P. Alvarado, in the month of June 1840, we not retaining any right in the said grant as stipulated in that which precedes these documents, & in testimony we give these presents in the pueblo of San Jose Guadalupe on the seventh day of the month of November, one thousand eight hundred & forty four: & not knowing

how to write we make the sign of the cross.

(Sgt) St. Ramon. + (Sgt) Jose Gorgonio.
 asst. witnesses (Sgt) Antonio M. Pina.
 (Sgt) Ant. Pina. (Sgt) Macario Mart. J. Alcalde.

Transliteration of
 Exhibit no. 3.

130 ND
 PAGE 25

I, Jose Gorgonio, say, that I sold to Doña Juana Ponce
 for the sum of three hundred dollars, which I have received
 the land granted to me for a Rancho by the Government
 of this Upper California, called La Purissima Concepcion
 which formerly belonged to the mission of Santa Clara &
 adjoins that of the deceased Don Pradito Mesa, that of Don
 Jose Pina, that of Don Maximo Martinez & that of the
 deceased Don Antonio Paulina as appears by the document
 of grant; & that said sale may be held to be firm, legal and
 valid in all future time, such having been my will & that
 of my son Jose Ramon & Calisto, I now give this docu-
 ment; that in view of it the purchaser may proceed to mea-
 sure the land, ask the proper magistrate to give her due pos-
 session, & settle on it as in property, now her own, without
 my being able to assert any right to the aforesaid land.
 This, at the time I sold it, was valued in the sum of three
 hundred dollars, & if it was at that time, or at present is
 worth more, I make donation to the aforesaid Doña Ju-
 ana of the value which it may have had or has, consid-
 ering myself to have lost all right by the sale I have made,
 & renouncing as I now renounce everything which I
 might otherwise have in my favor & defence, & I therefore
 pray the present magistrate that in the opinion of his
 servant, servant of a Notary Public, he will be pleased
 to authenticate the present instrument of sale for the se-
 curity of the aforesaid Doña Juana Ponce, whom I recog-
 nize as sole owner of the before mentioned land of La
 Purissima Concepcion.

San Francisco June 25th 1847.

At the request of Jose Gorgonio who does not

know how to write.

(Signed) Antonio M^o Oro.

Translation of To the Magistrate of the Pueblo of San Jose.
Exhibit no. 4.

I, Juana Bronce of this jurisdiction, appear before you & affirm that a surveyor & other persons have made their appearance on my land, measuring it in favor of the heirs of the D^o Pedro Mesa. I possess said land to be my property, by the document which is in my possession, & other testimony should it be necessary, for which reason I pray your justification for the sake of justice, prevent my property from being attacked, it being justice for which I ask, & I swear that this is not done from malice & what else may be necessary. Not knowing how to sign Don Antonio Unjoror did so at my request.

At the request of J. B.

(Signed) Antonio Unjoror.

In regard of the Pueblo of San Jose Guadalupe.

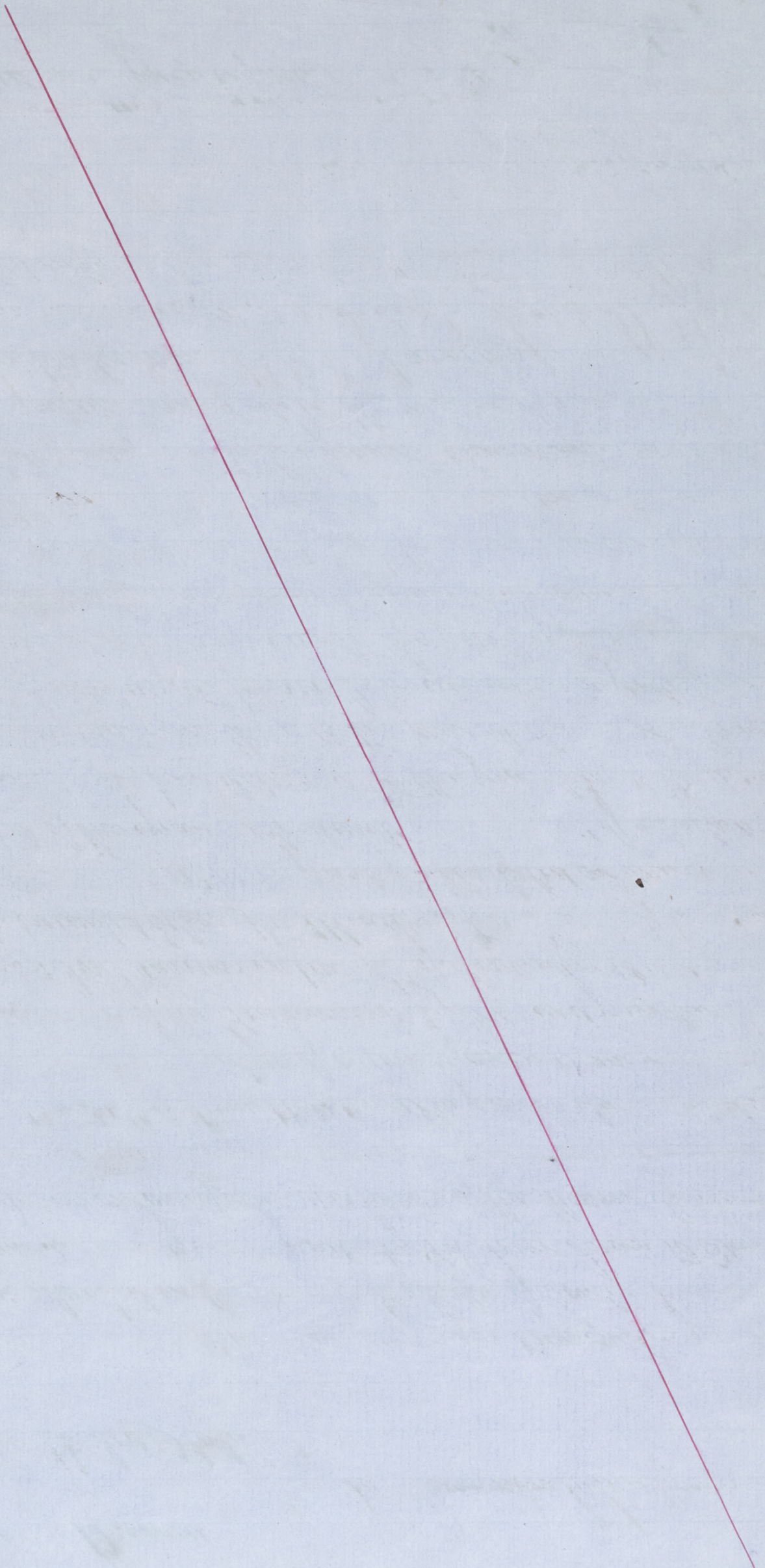
Hearing and this memorial I inform the person interested that the measurements referred to will not take from her any right to her lands obtained from the former Government by title, & as soon as courts are established in the Department, these matters will be arranged, whenever the parties interested may wish it.

January 26th 1848.

(Signed) James W. Weeks.
Alcalde.

Filed in Office March 23rd 1852.

Geo. Fisher.
Scrij.



Juana Bronis

vs

The United States.

La Purissima Concepcion.

Opinion of the
Board by Comr
Thompson.130 ND
PAGE 27

This is a claim for 18 square leagues of land situated in the present County of Santa Clara, & is founded on a grant made by Governor Juan P. Alvarado, to an emancipated Neophyte of the Mission of Santa Clara, named Gregorio & his son Jose Ramon, bearing date the 30th of June 1840. The present claimant derives her title by virtue of a conveyance made to her with the sanction of the Government by the said grantee Gregorio & Jose Ramon on the 7th of November 1844 and duly executed before the Alcalde of the Pueblo of San Jose.

The original papers filed in the case consist of the grant, expediente, & map, all of which appear to have been delivered to the grantees; & the deed of conveyance from them to the present claimant. These documents are all proven to be genuine by satisfactory evidence. The case presents no point of doubt or difficulty. The grantees appear to have been in the possession & occupation of the land for some time before the grant was made, & continued to live on it up to the time they sold to the present claimant in 1844, since which time & up to the filing of her petition before the Commission she has occupied it in the same manner. The boundaries of the tract are described with sufficient certainty in the grant to enable the Surveyor to locate & identify them.

The claim is therefore confirmed.

Filed in Office April 11th 1854.

Geo: Fisher.
Secy.

Case No 119.

Juana Brown.

vs

The United States.

La Purissima Concepcion.

130 ND
PAGE 28

Deeds of
Confirmation

In this case on hearing the proofs and allegations it is adjudged by the Board that the claim of the petitioner is valid, & it is therefore decreed that the same be confirmed. The land of which confirmation is made, is situated in the County of Santa Clara, & is known by the name of La Purissima Concepcion, being the same which has been held & occupied by the present claimant since the year 1844 & is bounded as follows. On the West by the Sierra, on the North west & north by the Arroyo del Nubadero, & on the south & east by the Arroyo of San Antonio. Reference for a more particular description to be had to the original grant & map filed in the case.

Alphus Felch.

Thompson Campbell.

W. Aug. Thompson. } Commissioners.

Filed in Office April 11' 1854.

Geo. Fisher.
Secy.

~~And in appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Northern District of California it is hereby ordered; that two transcripts of the proceedings and of the decisions in this case and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary one of which transcripts shall be filed with the Clerk of the United States District Court and the other be transmitted to the Attorney General of the United States,~~

...the Attorney General of the United States,

Office of the Board of Commissioners,

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

130 ND
PAGE 29

I, *George Fisher* Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *twenty seven* pages, numbered from 1 to *27*, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. *119* on the Docket of the said Board, wherein *Juana Briones* is

the Claimant against the United States, for the place known by the name of "*La Purissima Concepcion*"



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

Geo. Fisher
[Signature]

130 W.D.

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

No. *130*

THE UNITED STATES,

vs.

Swain, Brionis

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *119*

Filed, *November 2* 1854

Wm. W. ...
CR

No 119



Office of the Attorney General of the United States,

Washington, 10th February 1855.

130 ND

PAGE 30

Juan Briones

vs.

The United States.

} 119.

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.

Clarking

Attorney General.

U. S. District Court
for Northern District, Cal.

The United States

vs

Juan Briones

No. 130

Notice of Appeal.

Filed March 20, 1855,

J. M. A. Moursse

Clerk

130 ND

PAGE 31

Office of the Attorney General of the United States,

Washington, 10th February 1855.

130 ND
PAGE 32

Juan Briones

vs.

The United States.

} 119.

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.

No 130 —

U. S. D. Court N. Dist.

The United States

vs.

Juana Briones

Appeal Notice.

Filed May 5, 1855.

J. Chivers
S. J. J.

130 ND

PAGE 33

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

130 ND
PAGE 34

The United States
Appellants
vs
Jesse B. Briones
No. 730

The Petition of the United States by
their attorney represents: that this cause is
an application for a review of the
decision of the Board of Commissioners
whereby the claim of the said appellee
was confirmed as appears by reference
to the records in the case: That a
transcript of the said Records was filed
in this Court on the 1st day of May
1834
That a notice of appeal was filed
on the 1st day of May 1834 and that
the land claimed lies in the said District.
That the said claim is invalid.
Wherefore Appellants pray that the
said decision of the Board be reversed
& that this Court decree the said
title to be invalid. Respectfully
S. W. Dwyer
U. S. Dist. atty

No. 130

U.S. Dist Court

The United States

^v
Janna Brown

Petition

Laid over: 12, 1855,
by Cheever,
Deputy.

130 ND
PAGE 35

Wassell

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

The United States, appellants } Transcript No 119.

vs.

Juana Briones, appellee } Answer of appellee

130 ND
PAGE 36

Juana Briones, the appellee in the above
entitled cause, appears by her attorneys and
for answer to the petition of the United
States filed herein, says.

That her title to the land called "La
Purissima Concepcion", as set forth and
described in her petition to the Board of
Commissioners and in the documentary
and other evidence filed in this case,
is a good and valid title. The land
claimed is situated in the Northern
District of California, and within the
jurisdiction of this court.

Wherefore she prays this Honorable
Court to affirm the decision of the
Board of Commissioners and to decree
her title to be valid.

Hallam Beachy & Billings
Atty for appellee.

No 130

United States Dist Court
Northern Dist of Cal.

The United States, appellants
^{vs.}
Juana Briones, appellee
Ans. of appellee

Filed Nov. 12, 1855,
by Chivers
Deputy.

130 ND
PAGE 37

Hallam Beachy & Pittsburg
Attys for Appellee.

No 130

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

130 ND
PAGE 38

Stated Term April 17th 1856

The United States, appellants
vs.
Juana Briones, appellee

Transcript No 119.

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 California under
the act of Congress approved on the 3rd
of March AD 1851. Upon the Transcript
of the proceedings and decision of the
said Board of Commissioners and the
papers and evidence on which the said
decision was founded; and it appear-
ing to the Court that the said Trans-
cript has been duly filed according
to law, 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 affir-
med, and it is likewise further ordered

advised and decreed that, the claim

adjudged and decreed that the claim of the appellee is a good and valid claim, and that the said claim be and the same is hereby confirmed, to the extent and quantity of one Square League (the being) the same land described in the grant and of which the possession was proved to have been long enjoyed, Provided that the said quantity of one Square League now confirmed to the claimant be contained within the boundaries called for in the said grant and the map to which the grant refers; and if there be less than that quantity within the said boundaries then we confirm to the claimant that less quantity,

By the Hon. Secy of the
U. S. Dept. of Justice

No 130
In the U.S. Dist Court
Northern Dist of Cal.

The U.S. Appellants
vs.
Jana Briones, Appellee

Secree

Filed April 17, 1856,
W. H. Church,
Deputy Clerk.

130 ND
PAGE 40

California Land Claims.

Attorney General's Office

7 Nov^r 1851.

Sir.

In the case of the claim of Juana
Prinos, confirmed to the claimant by the
Commissioner, case no. one hundred and
nineteen (119), appeal will not be prosecu-
ted by the United States.

I am

Respectfully

Clustering

Wm. B. Standing Esq.

U. S. Attorney

San Francisco

130 ND

PAGE 41

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

The United States

130 ND
PAGE 42

Case No. 130
Transcript 119.

Juana Briones

Pursuant to a notice
from the Attorney General of the United
States, herewith annexed, it is hereby
stipulated and agreed that no further
appeal shall be taken in this case
on the part of the United States, and
that the claimant have leave to
proceed under the decree of this
Court in her favor heretofore rendered,
as under Final Decree

Wm Blanding

Dist Atty

Walter M. Peachey & Billings

Attys for appellee

United States ^{No. 130.}
District Court

The United States

v

Inana Briones

Case No. 130.

Transcript 119

Stipulation

Filed Dec: 24. 1856,
W. H. Church,
Deputy Clerk.

130 ND
PAGE 43

At a *Stated* Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of Cali-
fornia, held at the *Court Room* in the City of SAN
FRANCISCO, on *Wednesday* the *24th* day of
December in the year of our Lord one thousand
eight hundred and fifty-*six*

130 ND

PAGE 44

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v

Inana Brown.

Case No. 130

Transcript 119.

The Attorney General
of the United States having given notice
that no appeal to the Supreme Court of
the United States will be prosecuted in
this case, and a stipulation having been
entered into by the District Attorney that
no further appeal shall be taken on
the part of the United States and for leave
to the claimant to proceed under the
decree of this Court heretofore rendered
in his favor; on motion of the District
Attorney it is Ordered adjudged and decreed
that the claimants have leave to proceed
under the decree of this Court heretofore
rendered in their favor as on Final Decree.

130
Ogden Hoffman
U. S. Dist. Judge

No 130.

United States District Court, Northern
District of California.

The United States

vs.

Inana Briones.

Case No 130
Transcript 119
order

Filed December 24, 1856

John A. Monroe,
CLERK.

J. W. St. Charles
DEPUTY.

130 ND
PAGE 45

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 *24th* day of *October* in the year of our Lord one thousand eight hundred and fifty-*nine*.

130 ND
PAGE 46
Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States
v.
Juana Briones }
No. 130. L.C. 119
"La Purissima Concepcion."

It being suggested to the Court that the survey of the lands claimed in this case, made and approved under final decree, and approved by the U. S. Surveyor General for California, is erroneous; on application of J. R. Wise Esq, Acting U. S. Attorney, it is ordered that the said Surveyor General return to this Court a certified copy of the plat of said approved survey, and that the United States be allowed ten days from and after the return thereof to file exceptions thereto; and it is further ordered that a certified copy of this order be served upon the said Surveyor General for his information.

130

UNITED STATES DISTRICT COURT,
Northern District of California.

The United States

vs.

Isma Prines

Order to return survey
and allowing U.S. 10 days
to file exceptions.

Filed October 24, 1859,
W. D. Cheney

CLERK.

By

DEPUTY.

130 ND
PAGE 47

Towne & Bacon, Printers, 125 Clay Street, corner Sansome.

U.S. Marshal's Office
San Francisco Oct 24, 1859.

I hereby certify that I received the within order
on the 24th day of October 1859, and on the same day
personally served the same by copy on J. W. Mandeville
U.S. Surveyor General in the city of San Francisco

J. L. Solomon U.S. Marshal
By John L. Bell
Deputy

U. S. District Court.

The United States

v.

Inana Briones

N.º 130; L. C. 119.

"La Purissima Concepcion".

130 ND
PAGE 48

And now come the United States by their ^{acting} attorney Jully R. Wise and except to the survey of the land claimed in this case, made under final decree, the field notes of which said survey were approved by the U. S. Surveyor General for Calas on the 18th Oct. 1858, and a certified copy of the plat of the same was filed in this Court, pursuant to its order, on the 12th day of November 1859.

And the United States aver: —

- 1st. That the said survey is erroneous, inasmuch as it does not conform to the true intent and meaning of the said final decree.
- 2^d. That the said survey is erroneous, because it does not conform to the original diseños, to which reference is had in said final decree.
- 3^d. That the said survey is erroneous, because its lines on the north are not run in conformity ~~to~~ with the restrictions ^{established by the} ~~governing surveys~~ made under the U. S. system of Executive Department of the Government.

Wherefore the United States pray
that the said approved survey be set aside
as erroneous, and that the said Surveyor
General be ordered by the Court to cause a
resurvey of said lands to be made in con-
formity with the true intent and meaning
of said final decree under said restrictions.

San Francisco, Nov 17, 1859

Jully R. Wise

Acting U. S. atty.

130

U. S. District Court
The United States

ⁿ
Juana Briones

Exceptions to survey
by United States

Nov. 17. 1859. Recd. of
U. S. Marshal copy
of within captions,
H. P. Billings

Filed Nov. 17. 1859.
W. O. Chesebrough
Clerk

DISTRICT COURT OF THE UNITED STATES,

Northern District of California.

The United States

vs.

Juana Briones

San Francisco, September 29th 1859

130 ND

PAGE 51

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 *Edmund Canway*

a witness produced on behalf of the *Claimant Juana Briones*

in Case No. *130*, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. *119* 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:

J. D. Thornton Esq. of Counsel for Claimant, and Gully R. Price Esq. Acting U. S. Atty for the U. S.

QUESTION 1st, By Counsel for the *Claimant.*

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

Ans.

My name is Edmund Canway, my age is 34 years, I reside in San Francisco, and I am chief clerk in the U. S. Surveyor General's Office.

Q.

Q.

Did you ever visit the ranch of Purissima Concepcion, if yes, when, and for what purpose?

Ans.

I visited the ranch under instructions from the U. S. Surveyor General over a year ago, to examine it as to the location.

130

ND

PAGE

52

Q.

Did you examine into the location, so as to determine the correctness of the survey, appeared by the Surveyor General, in this case?

Ans.

Yes sir, I did, and made a report to the Surveyor General on my return.

Q.

In making such examinations in order to determine the correctness of the survey, of said ranch, what criteria did you have before you, to guide you, in coming to a conclusion, as to its correctness?

Ans.

I had a copy of the decree of the U. S. Dist. Court, a copy of the original Designs, the protests filed on the part of the contestants, a copy of the Decree of the Land Commissioners in the Robles case, and the copy of the Designs in this latter case, together with the

Q.

part of the Purissima Con

under case, together with the

3.

plat of the Purissima Conception, as surveyed by C. C. Tracy, Deputy Surveyor, the which plat is now before me. I was accompanied on the ground by S. J. Crasby one of the contestants, claiming to hold under the Robles title. He pointed out the localities in dispute, and gave his views of the case, generally, as we were passing over the ground.

130 ND
PAGE 53

5th

State how far you made examination of the lines, of this survey, as delineated on the plat, returned to this Court from the U. S. Surveyor General's office, and which is now before you?

Ans.

We commenced at the point at the North Eastern corner of the plat, on the Matadero, ^{along course 44°} then went to the Neastadero road, followed that to the Matadero Creek, ^{up} ~~down~~ the Creek to the first fork, (as appears on Exhibit A. N. N. C. referred to in deposition of Sharon Van Duen,) thence up the creek, to the point

130 ND

H, marked "divido" (as appears on the plat "Course 5") thence to the Laurel tree, marked "S. B. P. No. 6" near the Arroyo San Antonio, thence up the Arroyo San Antonio to near the divide, We then went over the hills, to Thurt's house (as said Exhibit A.) from thence we went around the road, indicated by the dotted line, across the ^{Gulch} ~~cut~~ between "E" and "F" which comes into the Matadero, between "E" and "F", thence down the Gulch and along the Arroyo Matadero to Felipe's house.

6th

Did you see any water, in the gulch you crossed, in travelling the road you have spoken of which comes into the Matadero, between the points "E" and "F"?

Ans.

There was no water there at that time.

7th

From the examination which you made, what was your conclusion as to the correctness of the survey?

Ans.

5
Ans.
From the papers before me, in the Purissima Concepcion, I found, a call for mountains on the West, on the ground, I found no mountains, The mountains are on the South, I therefore was of the opinion, that the Deputy Surveyor, was correct, in following the calls of the grant, the Surveyor San Antonio to its head, crossing the divide to the head of the Maladas, and following this last stream for the Western boundary, making the line of quantity, on the South Eastern portion of the rancho, as indicated by "Course 44" on the plat.

Does the survey, in your opinion, accord with the calls of the grant, and the indications of the Deseno?

Ans.

It does, with reference to the grant and deseno in the Purissima Concepcion, alone.

9th

Please explain, what you mean, by your last answer?

Q.

Srs.

I mean taking it without reference to the adjoining ranches. The San Antonio ranch calls for the Matadero as a boundary, the Robles ranch, calls for the Srastadero road, as a boundary.

130 ND
PAGE 56

10th

Has not the San Antonio rancho, been finally surveyed, and patented, with the Surveys San Antonio, as its boundary on the Western or Northwestern side?

Srs.

The portion bordering on the San Antonio creek, (conferred to E. Messa and others) has been surveyed, approved and sent to Washington. It has not been patented.

11th

Why did you adopt this survey as correct, although it carried the lines North of the Srastadero road?

Srs.

At first because this grant ~~text~~ was older than that of the Robles, and the grant and seño clearly indicated

1/2

the boundaries,

14

the boundaries.

Second: The Rules had not then been finally confirmed by the Courts, and was not in my opinion, before the office, for location.

130 ND
PAGE 57

12.

State what experience, you have had in the location of lands, or ranches?

Ans.

My duties under the Surveyor General were in part, to examine locations, in the office, by comparing the surveys, with the decrees of Court, and the original papers in the archives, and when necessary, also, on the ground, reporting in all cases to the Surveyor General the facts, and my opinions for his decisions.

13.

Are not the hills in the triangle "G. H. G." on said Exhibit A higher than those which lie East of them on the ranch?

Ans.

Generally they are.

S.

Crap Examination

Ques. 14.

Look on the said Exhibit
A. and say if you followed
up the San Antonio Creek,
or a branch of it from
"I," to "E," or whether you
examined that locality?

Ans.

We went up that creek a
short distance, I think
up to the point "I" and
then

15.

State if you found there
a distinctly defined channel,
or bed of a stream?

Ans.

There was a channel along
the base of the mountain,

16.

Does the base of the mountains
continue from "I" to "H"?

Ans.

So far as I could see it does,
it also does from "I" to "F,"

17.

What is the direction of the
general range of mountains
of which you were at the
base?

Ans.

East and West, The Sierra

9
Mountains of which this is a

9

Sierras of which this is a part, runs North West and South East.

18.

Do you not know that most of the documents of title of the Californians, which speak of the Sierra Nevada as a boundary mention said range of mountains, as a Western boundary, if lying on the North East, thereof, and as an Eastern boundary, if lying on the South East thereof?

Ans.

I do not,

19.

Do you know whether the San Antonio grant, is older than the Purissima Concepcion grant?

Ans.

I think it is,

20.

Would not the same rule by which the Purissima Concepcion was located, North ^{west} of the San Antonio Arroyo, thus pushing the location of the San Antonio wholly South East of the San Antonio ^{Arroyo} grant, require that the boundaries of the Peña or Robles

130 ND
PAGE 59

10 tract, should be respected as much as possible in the location of La Purissima Concepcion, at least so far as to make the latter include the triangle "A, C, L." instead of arbitrarily throwing it out of both that, and the Rables grant & survey?

Ans.

The cases are not ^{at} all similar. By reference to the papers in the Purissima Concepcion, on file in the Surveyor General's Office, it will be found that a dispute arose between Mesa, and the Indians, the original grantees, the Indians complaining that Mesa had taken a portion of their land, the Governor insisted that Mesa, should leave the Indians in quiet possession of the lands which he had granted them, ^{the boundaries of} which were on the South East ^{of} the Arroyo San Antonio.

11. He did not take into consideration the Rables grant at all; as it was still in adjudication and might not be confirmed.

11.

21.

Is not the expediente of the Peña title, with a Deseño, representing the Arastadero road as a boundary, in the archives, now in the possession of the U. S. Surveyor General for California, and is not said expediente regularly numbered in Armines index?

130 ND
PAGE 61

Ans.

I believe there is,

22.

Is there any expediente to the Purissima Concepcion, in the archives, is said grant or expediente mentioned in the Armines index, or is there any document at all in support of said title, or showing the boundaries of the tract, now in the archives?

Ans.

To this and question 21, I would state that the keeper of the Archives is the proper one to answer them, for it is his peculiar province.

I don't know of any documents in the Archives. There are in the Land Commission papers.

12.

Quest resumed.

23.

Did you see anything about
the road you have spoken of,
indicating the name "Strastader"
as appropriate to it, or did
you use this name, because
you had heard it so called?

Ans.

Merely because I heard it so
called.

E. Conway—

Sworn to, and subscribed }
Nov: 29. 1859. before me. }
W. A. Chivers, }
N. S. Com. }

PAGE 62
130 ND

No. 130.

U. S. Dist. Court

The United States

vs.

Juan P. Pirones

Deposition of
Edward Canmay
on Survey.

Filed Dec: 12, 1859.

M. A. Chever,

Clerk

130 ND

PAGE 63

4600

DISTRICT COURT OF THE UNITED STATES,

Northern District of California.

The United States

VS.

Juana Briones

San Francisco, Nov 28th 1857

130 ND

PAGE 64

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

C. C. Tracy

a witness produced on behalf of the *claimant*

in Case No. *130*, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. *119* 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:

*Mr J. D. Thornton for claimant
and J. Clarke Esq for U. S. atty.*

QUESTION 1st, By Counsel for the

claimant

Question 1.

State your name, age, residence and occupation.

Answer 1.

C. C. Tracy, lawful age - residence San Francisco - occupation Dep U. S. surveyor.

Question 2.

Did you make the survey in this case?

The United States

18

the United States, &c., &c.

and certain other persons, as follows—

and when:

Answer 2.

I made it in September 1858. There had been a preliminary survey made beforehand, which as I understand was approved by the office. I took with me as an assistant in making this survey Wm Aarm Van Dorn, who had made the former survey. I went with him to all the different corners and saw that they were properly marked according to the government instructions. I tested the lines in several places myself. I ran that part of it all over myself bordering on the Rancho San Antonio, & from there up to the line of the Noble Rancho, at the corner marked J. B. N.º 8, with Wm Van Dorn as an assistant. I examined the country with reference to the calls of the grant & the original dimensions, and I returned the survey of which this is a copy of the plat as a correct location.

Question 3

Do you recollect when that survey was made in connection with Van Dorn that you have spoken of?

Answer 3.

At about the time the plat is dated.

Question 4.

In running the lines on the S. Western parts of the survey, what induced you to run them leaving the San Antonio at the point at which you did leave it and reaching the Matadors at the point at which the line struck that stream.

130 ND
PAGE - 66

Answer 4.

I adopted that line for those lines, because I found at the point at which the ^{sources of the} two streams - Matadors and San Antonio - came ^{nearest} together, and below that, would properly include the land called for in the grant.

Question 5.

Does ^{not} the south line from "Laurel Tree T. B. P. M. 1" to "T. B. 2", run at the base of a considerable mountain?

Answer 5.

It is.

Question 6.

~~Geo. E.~~

Question 6.

At the time you were making this survey, did you find water in any of the ravines coming together at the heads of the two Arroyos Matadors & San Antonio, ^{and} ~~save~~ in the which of them.

d (Objected to on the ground that it is not proper to assume that there are any ravines coming together at the heads of the two arroyos.)

130 ND
PAGE 67

Answer 6.

I found some water in the one which I took for the head of the Matedero, and I think there was water in a hollow or ravine coming in from the left, but I am not certain, it is so long ago. I mean coming in from the west somewhere about the 1st course.

Question 7

In running the lines which you have stated you did run, and in the examination of the other lines, what did you have with you as guides to enable you to determine the correctness of their location?

Answer 7.

I had the final decree of the Court, and the calls of the grant, and the diseños in this case, and the calls of the grants and the diseños of the tracts bounding upon it - copies of the preliminary surveys of the colindantes Robles & Castro, and the final survey of

the point to Maximo Martinez.

Cross Examination

Question 8.

130 ND
PAGE 68

Is not the extent of country which is drained into the San Antonio, lying on the south and southwest of courses two and three, much greater than the extent of country drained by what purports to be the Arroyo San Antonio, lying along courses 4 & 5?

Answer 8.

I think there is some difference, but very little: the extent is somewhat greater.

Question 9.

Did you follow up any channel or bed of a stream, whether wet or dry, from any part of course No. 3 towards the south or southwest?

Answer 9.

I did not do it, because going over the hills I saw none that in my judgment were of sufficient size to be considered anything but small tributaries.

Question 10.

This ^{is} meandering down the San Antonio

which you have testified you did with Van Dorn as an assistant, did you not follow said creek down further than the point shown on the plat; and if so, how much further?

Answer 10.

130 ND
PAGE 69

I did, for several courses, but the distance I do not now recollect.

Question 11.

Was this upon the occasion of making the preliminary survey, or was it about Sept 1858?

Answer 11.

It was in Sept 1858; and perhaps at the time of making the preliminary survey also, but not by myself, as I had nothing to do with that one.

Question 12.

How long were you engaged in making this survey in 1858?

Answer 12.

I should think about ^{40 or} 5 ~~or 6~~ days.

Question 13.

Look upon the plat and state which of the courses you actually run by chain and compass in Sept 1858, or about that time.

Answer 13.

All the courses from T.M. 6. to T.B. 8. &

several on the Matadero creek, on the north of the plat, from half to three quarters of a mile.

Question 14

State if the 44th course on the plat is the same as that run by the preliminary survey.

Answer 14

It is not. The one upon this plat is a line of quantity, to cut off the excess that was made in the preliminary survey.

Question 15

State if the preliminary ^{survey} was returned and filed in the office of the Surveyor General?

Answer 15

I think so, but am not certain.

Question 16

State if the area of one league had not been platted in that preliminary survey, and if a line had not been drawn on it connecting the two creeks and cutting off any excess over a league which said preliminary survey may have contained.

Answer 16

There was a line drawn from creek to creek, - whether it was meant to

cut off an excess or not, or whether that plat contained or purported to contain one league or not, I do not know: if so, it was wrong, because this plat is right.

Question 17.

The small amount of water which you speak of having seen in the hollows, did it continue to run or did it sink?

Answer 17

I do not remember.

Question 18

State if along the southern part of course 3 there is any channel or gully or break in the sod to indicate where water has run.

Answer 18

I do not remember at this time.

Question 19.

Upon the occasion of making this survey, were the owners or occupants of the Peña or Robles tract notified?

Answer 19.

Many of them were. Secundino Robles was and many others about there. I think Mr Clark knew of it at the time, although I am not aware that I sent him any notice.

Question 20

State whether the preliminary survey of which you have spoken, & other similar surveys made at about the same time, were not made at the instance & expense of those interested in the claim, so far as you knew & understood.

130 ND
PAGE 72

Answer 20

It may have been, but I do not know. It was so in some instances, in that section of the country.

Question 21.

State if the lines of the preliminary survey in this case, with the exception of the line connecting the two creeks at the northeast corner, are not identical with those of the survey made by you.

Answer 21

I think they are.

Direct resumed

Question 22.

Are not the dry gulches or hollows which you have spoken of as tributaries to the two creeks, mere conduits for carrying off the water which falls on the mountains and hills in the

minter, and are they not dry during
the greater part of the year?

Answer 22

They are, so far as my observation
extended.

Question 23.

130 ND
PAGE 73

On the S. Western part of the Ranch
do not the hills commence increasing
in elevation, and do they not gradually
increase in elevation as you go towards
the west and northwest?

Answer 23.

They commence rising in the northern
and eastern part of the ranch, and
do gradually increase in size towards
the N. & S. W.

Examination closed;

C. C. Tracy,

Sworn to before me }
this 28th Nov 1859 }

W. H. Chesnut,

N. J. Com:—

U. S. District Court

The United States

v.

Luana Briones

Dep of C. C. Tracy
for claimant

Filed Dec: 12. 1859,

W. A. Cheveret.
Clerk

UNITED STATES DISTRICT COURT,
Northern District of California,

The United States

^{vs.}
Junia Briones.

San Francisco, Nov: 21, 1859.

130 ND
PAGE -- 75

On this day, before *Me. W. A. Chivers.* a
Commissioner of the United States for the _____ District of Cal-
ifornia, duly authorized to administer oaths, &c., &c., came *Saron*
Van Duyn a witness produced on behalf of the
United States of America
in Case No. *130*, 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. *119* 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: *Wm. R. Rice, Acting U. S.*
Attorney, for the U. S. and
Mr. Johnston, of counsel for
the claimant.

QUESTION ^{1st} BY *N. S. Attorney.*

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

Ans.

Saron Van Duyn, my age is
37 years, my residence is in
San Francisco, and my occupation
is that of Land Surveyor.

2^d

State if you have been employed by the Surveyor General of the U.S. for California, in making surveys of private land claims, and public lands, if so, to what extent?

Ans.

I have been engaged by him, to survey private land claims and public lands, - I have surveyed a dozen or more of private land claims.

3^d

Look at the plat of survey returned in this case by the ^A Surveyor General, now shown you, and state if you had anything to do with making the survey, represented by said map, purporting to have been made by C. C. Tracy, Deputy, in September 1858?

Ans.

I made the actual survey, in the case, of which the plat is a copy, and these are my field notes. I was employed by C. C. Tracy.

4th

When did you make that survey?

Ans.

I think it was in the Spring of 1837.

5th

State if you have had occasion at other times, and when, to go over, and examine carefully the localities of the lines of said survey?

Ans.

I have, about a year ago, the last time, I made the survey of the rancho El Corro De Madera, originally in 1854, and afterwards in 1856.

6th

What are the two straight lines running, one North-westerly, and the other South-westerly, from the Western boundary of this plat?

Ans.

They represent a portion of the North East and South East boundaries of the Rancho El Corro De Madera, as finally established by the official survey.

7th

State how much further the South said line, South-westerly, should be extended to reach the Southern line

130 ND

PAGE 77

EVGE 38
130 ND

H

of the said Rancho El
Curto de Medera?

Ans.

About two miles. It goes
further South, than the
Southern boundary of this
place, - at least three quarters
of a mile.

130 ND
PAGE 78

State what is represented by
the line running in a
South Easterly direction from
the point marked "Stake
P.M. 1"?

Ans.

It is the Northern boundary
of the San Antonio Rancho.

State what is represented by
the point marked "Laurel
tree, S.P. P.M. 6"?

Ans.

It is the North West corner
of the San Antonio Rancho.

Look on the said plat
and state if the Mezago
San Antonio, actually
exists, from the point
marked on said plat, "Head
of Gulch" Southwardly?

Ans.

It exists only as a branch
of it.

5

11th

State at or near what point in said flat, the said branch of the Arroyo San Antonio, falls into, or rejoins the principal creek?

Ans.

About half way between points marked "A.P. 2," and "A.P. 3," near the place marked "small gulch 3."

12th

State the comparative size and length of the branch of which you have been speaking, and the creek into which it falls?

Ans.

The main stream comes from the mountains and drains a large amount of country.

The Branch comes from the low hills, and drains but comparatively a small extent.

13th

State the appearance of the bed of the principal stream, and the branch, and state whether there is any possibility of mistaking one for the other?

Ans.

The beds of the streams, with a dense underbrush,

130 ND
PAGE 79

EVGE 80
130 ND

6.

They might be mistaken upon a superficial examination, but upon a careful examination the bed of the principal stream, will be found to have much the largest channel.

14th

What was your reason, when making said survey, for leaving the principal stream, and running up the small branch?

Ans.

The principal reason was, to give the most symmetrical shape to the land. Another reason was that ~~in~~ a survey made by, Lewis, by order of the Probate Court of Santa Clara, was given to me as a guide, and I had adapted the same branch.

The survey came to me through Mr. Tracy.

15th

Now if you know, who paid or agreed to pay, for making that survey?

Ans.

I don't know, Mr. Tracy did not say anything of where he got his pay.

16th

130 ND
PAGE 80

5VCE 30
130 ND

J.

16th

Look on the Exhibit now shown you marked "Exhibit A. W. S. C." state by whom it was made?

Ans.

It was made by me.

130 ND
PAGE 81

Q What do the lines "G. S. J." and "J. H." represent, on this Exhibit?

Ans.

They represent the two main heads of the San Antonio Creek.

18th

State what part of this Exhibit is identical with the plat referred to?

Ans.

As far as the exterior limits are concerned they are identical with the exception that the large tract "G. S. J." and the small tract "A. C. L." are added.

130 ND

19th

What does the line "J. H." represent, on "Exhibit A. W. S. C."

Ans.

It is a part of the South Eastern boundary of the Rancho El Corte de Madera.

P.

The point K. represents the South Eastern corner of the same rancho.

Q²⁰.
What does the meandering line "E. D. L. C." on this Exhibit represent?

130 ND
PAGE 82

Ans.
It is the line of a road called "Arastradero." This line does not appear marked on the survey.

Re line

Q²¹.

What was the object of running that line?

Ans.
It was a line run by me in making the preliminary survey of the Rancho Rincon de San Francisco, under instructions from J. C. Hayes, U. S. Surveyor General, in 1852.

Q²².

What does the line "F. E. N. P." on this exhibit represent.

LVCE 87
130 ND

Ans.
The meanders of the Arroyo Matadero.

Q²³.

State if the several lines converging to near the point G. correctly represent the

positions and configurations

I.

positions, and comparative
sizes, of the affluents of the
branches of the Arroyo Matadero.

Ans.

They do, very nearly.

Q4.

State your means, of exact
knowledge of these localities?

Ans.

I actually ran, and measured
every line ~~down~~ laid down
on this exhibit, and several
that are not laid down.

Q5.

State whether the mountain
lies to the North or to the
South of the line "A. N."?

Ans.

It lies to the South.

Q6.

How far to the South, ^{of the line "A. N."} is the
summit of the mountain?

Ans.

At least one mile.

Q7.

State the character, so far as
surface is concerned, of the
triangular piece of land,
N. S. D., as compared with
the rest of the Southern por-
tion of the tract, represented
upon this exhibit, or as com-
pared, with the piece inclu-
ded in the lines D. N. E.?

10.

Ans.

It has a general resemblance somewhat more broken, & more of it covered with chapped.

28th

State whether during the dry season water actually runs, in those branches of the West Arroyo Montadero, of which you have spoken?

Ans.

It does not.

29th

How is it with the ^{branch of the} Arroyo San Antonio, above G?

Ans.

I think there are some ^{small} springs, but they do not connect with the main stream.

30th

State whether there are channels in the Arroyo San Antonio, near the point G, which, when no water is running, marked indicate the position of the Arroyo and branches?

Ans.

From G to I there is a channel whether there is any water in it, or not, but above G, on the other small

11.

branch, the channel is not

130 ND
PAGE 84

PAGE 83
130 ND

11.

branch, the Channel is not so well defined.

For some distance from G. towards H., there is no channel, there is no reef broken, Above and towards, there is a channel, in places.

31st

130 ND
PAGE 85

In making the survey of this tract, what was your object, in connecting the two creeks, by a line having the direction of A. B., rather than a more Easterly and Westerly direction?

Ans.

~~The reason.~~ Because the line A. B. cut off the required quantity of a league, ~~and~~ because it gave the land a more symmetrical shape, and because it is as near the two creeks are as near together, ^{at those two points,} as at any other.

32.

State whether the present claimant, of the Western portion of this tract, under Juana Briones, is in possession of the Triangular piece G. H. I. as public land?

Ans.

I don't know, At the time I made the survey, he was

PAGE 85
130 ND

12. not.

Examination adjourned
until tomorrow at 11 o'clock
A.M.

130 ND
PAGE 86

San Francisco
November 22nd 1859

Examination of Aaron Van
Dorn, resumed from yesterday
Present:

Mr. Wise acting U.S.
Dist. Attorney, and Mr. Thornton
of Counsel for Claimant.

Ques: 33.

Look at Exhibit P. H. H. C.
and state what is represented
by the black line A. B. C. D. E.

Ans.

It is a connected map
This exhibit is a connected
map of various localities
around the ranch of Juana
Briano, - Purissima Concepcion
The black line A. B. C.
D. E. is the South western
boundary of the San Antonio

13. Ranch, as finally surveyed,

13.

Ranch, as finally surveyed,
approved and patented.

34.

What is represented by the
Yellow line, enclosing a
tract of land, which adjoins
that of Brunes on the North
west?

Ans.

It is the outline of the
official survey of the Curo
Madera Rancho, the claimant
for which, is Maximino
Martinez.

A United States Patent
is issued for the tract accord-
ing to that survey.

35.

If there were added to the
plot returned in this case,
the Triangular piece on
Exhibit B, indicated by the
letters "A. C. J." and also
the Triangular piece "A.
C. D." and if these were
thrown out, the irregular
pieces "C. E. E. B." have more
the areas correspond?

Ans.

The quantity would be
about the same, or a little
greater.

130 ND
PAGE 87

EXHIBIT B
130 ND

Ques. 36.

When you made the survey of the rancho La Purissima Concepcion, spoken of in your examination in chief, as made sometime in the Spring of 1857, State whether that was an official survey or a private one?

Ans.

It was an official survey, made under instructions from the Surveyor General's office, in this City.

37.

Can you explain why it is, that the said survey purports to be made, by C. C. Tracy, Deputy Surveyor, in September 1858?

Ans.

I cannot, I think though, that it was made to get under some appropriation, At the time the survey was made, there was no appropriation made for the survey of private land claims, I think it was dated subsequently, so as to fall under the appropriation

a fall under the appropriation

15.

tion by Congress, of 1858,

38.

From what Surveyor General did you receive the instructions, you have spoken of?

Ans.

I think they were issued by J. W. Manderide.

39.

At whose instance, and for what purpose, did you examine the lines of this survey, about a year ago?

Ans.

At the instance of Mr. Samuel Crosby, for the purpose of making a recognisance and survey of the triangular tract on Exhibit A "J. W. S. G. W."

40.

With the instructions that you have spoken of, did you not have a copy of the Decree accompanying the grant, and in the expedients, and a copy of the final decree, under which the survey was made?

Ans.

A copy of the decree was embodied in the instructions, I think we ^{also} had the Decree as usual, but I don't recollect

130 ND
PAGE 88

EVERETT
1880 ND

16

lect. - Yes, I recollect I had a copy.

The

(The witness makes this last remark on being shown the Designs referred to)

130 ND
PAGE 90

Q1.

In making a survey, do you not have regard to the maps or Designs, which you receive along with the instructions?

Ans.

I do. It is generally the principal guide to the survey.

Q2.

In running the line, as as to connect the head waters of the San Antonio and Matadors Creeks, did you not look to the Designs, as indicating the points where the said line, should touch the said creeks, or arroyos?

Ans.

I did.

Q3.

Was it not your intention to make the said survey according to your best judgment in accordance with the indications of the map or

17

Designs, and the instructions

indications of the map as
Desins, and the instructions
from the Surveyor General's
office?

Ans.

It was.

H4.

Do you not think you did
make it, in accordance
with the map as Desins?

Ans.

The Desins is so imperfect,
that the survey can hardly
be said to be made altogether
in accordance with it.

H5.

What lines of the survey,
are not made in accordance
with it?

Ans.

Those particularly on the
Southwestern side, next
to the Rancho of Carlo Madrazo.

H6.

In what do they differ?

Ans.

In the location of the heads
of the two creeks, of San An-
tonio and Matadero.

H7.

Do you know that any ^{one} of
the side hills, or branches of
these creeks, coming together,
and forming the said creek,
bears the name given to the

18.

Creek?

Ans.

I don't know.

H. 8.

Do not these creeks San Antonio and Matamoros, take their respective names, after the union of the affluences, designated, on Exhibit A.?

Ans.

I don't know that they do. I presume the main creek and its largest head, or branch, should be entitled to the name.

H. 9.

Did you not make inquiries as to the whereabouts of these creeks, before you ran the line from the one, to the other?

Ans.

I did.

H. 10.

Were you not satisfied from the result of those inquiries, that you should run the line connecting the two creeks, as you did?

Ans.

Yes sir.

H. 11.

Does the Desens indicate

19.

that the line should curve

Does the Desens indicate

19. that the line should come to the Arroyo Saladero, at its head?

Ans.

No it does not.

(Witness answers this question with the Desens before him).

130 ND
PAGE 93

52.

Are there not high hills, included in the survey at its Southern end, near where the line from the Arroyo San Antonio, to the Saladero, leaves the former creek, which hills put down from the Sierra?

Ans.

There are high hills which are part hills to the Sierra

53.

Does not the Southern line of the survey, run at the base of, or on the sides of steep hills, or slopes of the mountain?

Ans.

The principal part of it, runs along the base of the mountain, particularly along the "Course D." In the plat returned by the Surveyor

LVCE 37
130 ND

20.

General,

54.

Does not the line running between the two creeks, on the Southwestern corner of the survey, run at the base of the foothills, across the hills?

130 ND
PAGE 94

Ans.

It runs across the hills, and along the base of others, and runs in among the hills too.

55.

On running the line on the North Eastern side of this survey, connecting the creeks there, did not the Designs indicate to you, to run it, at the points nearest to each other on the two creeks?

(This line is designated an Exhibit A, by the letters "A. L. P." and an Exhibit B, by the letters "A. C. P.")

PAGE 83
130 ND

Ans.

It did, but not very definitely.

56.

Do you not know that generally, these small Arayas such as you have seen speak-

21.

ing off do not take any

Q1.

ing of, do not take any name, until they have attained some size, by the union of two or more affluents?

Ans.

Q. Creeks often take different names, in different parts of their course. Where they have but one name, I suppose it all has the same, & applies to its whole course. For instance, the name San Francisquito creek applies to that stream, only so far as the Cañada Ramundo, above that it branches off in various streams, each of which has a different and separate name.

57.

Do these inconsiderable hills or aprajos coming down from the hills or mountains, generally have any names at all?

Ans.

Not generally.

58.

When were you first upon the tract, surveyed in this case?

Ans.

In 1854, I think

22

59.

Are not the hills included in the Trianguilar piece of land, "D. S. G." higher, more numerous and more rugged, than those on any piece of land of the same extent, anywhere in the survey?

130 ND
PAGE 96

Ans.

They are somewhat.

60.

If the change was made in the survey as indicated in question 35, on your examination in chief, would the proportion of hill to valley land, be the same as exists in the survey, or would that proportion be increased or diminished?

Ans.

It would be slightly increased, that is, there would be more hill land.

130 ND

Direct resumed

61.

State whether the line "H. S." on Exhibit B, paper area as high land, as the Southern boundary of Maximino Martinez's tract as represented on

23.

the same exhibit?

Q3.

the same exhibit?

Ans.

It does not. The principal part of Maximus Martinez Southern boundary, is a thousand feet higher than any part of the land "H. S."

62.

State if the said line "H. S." passes over any higher land than the Southern boundary of the San Antonio ranch as represented on the same Exhibit?

Ans.

It does not pass over any higher land than some parts of the Southern boundary of the San Antonio ranch.

63.

In running the South Eastern line of the Arriaga tract, connecting the two creeks, did your instructions require you to pay any regard to the boundary of the Peña grant, or tract called La Rincon San Francisco?

Ans.

I think not.

Q4.

What does the Deseno, of which you have spoken,

Q4. indicate in regard to more
direction by compass, of the
Northern boundary line which
should connect the two creeks
Ans.

I don't think that the Design
~~anything~~ indicates about that line,
but it indicates that the
shortest distance ^{between the two creeks} is a line
running very nearly East
and West.

130 ND
PAGE 98

Q5.

If all the other lines of the
plat returned, were to remain
the same, and only the
line connecting the two
creeks, (to wit: the line "A. B."
on Exhibit D.) were to be
changed, and were to be run
as upon said exhibit from
D to C, would not the area
remain the same, the dis-
tance between the two creeks
be the same, or less, the
course more nearly East,
and West, and the Peña
grant less encroached upon?
Ans.

The area would remain
very nearly the same, the
distance between the two
creeks would be about the
same, The course would

Q5.

run more nearly East

Q5.

run more nearly East and West, and to the best of my knowledge the Peña grant would be left unencroached upon.

66.

Now if there are not on the East side of the Matadero within "C.B." some very valuable springs of water, which have been used many years by owners of portions of the Peña tract?

Ans.

There are some valuable springs at that place, that I believe have been used by used by some of the claimants on the Peña tract.

Crop examination resumed

Q7.

In closing the survey, which you say you made of the ranch La Purissima Cunapucian, on the North eastern boundary, where did you run the line, connecting the two creeks, San Antonio and Matadero?

Ans.

In the first survey, by the

26.

line from "I to B," on Exhibit B. An account of the survey containing more than the prescribed quantity, a line to cut off the excess, was run from "H to B," on the same exhibit.

68.

Did you run the line "H, B.?"

Ans.

Only by plotting and calculation, not on the field.

69.

Would a line run due East and West, between the creeks you have spoken of on the North Eastern boundary, run between the points on the two creeks, nearest to each other?

Ans.

It would not.

70.

Who made this Exhibit B?

Ans.

I did.

71.

Have the ranches, designated on this exhibit as the "Palo Alto" "Rincanada de San Francisco," and the "Pateria de las Parregas," been officially located or not?

Ans.

130 ND
PAGE 100

PAGE 100
130 ND

27.

27.

Mrs.

I believe the first Mrs Lane,
I believe the others have not.
Aaron Vandoren

From to and subscribed
Nov: 22nd. 1859. before me
W. A. Chivers,
N. C. Com.

130 ND
PAGE 101

PAGE 101
ND

[Faint handwritten notes]

No. 130.

U. S. Dist. Court.

The United States.

vs

Anna Brown.

Deposition of
Carson Van Horn
in Surrey.

Filed July 13, 1860.

M. H. Chivers,
Clerk.

130 ND
PAGE 102

UNITED STATES DISTRICT COURT,
Northern District of California,

The United States

vs.

Luana Prunes

San Francisco, Nov: 22nd 1857

130 ND

PAGE 103

On this day, before *me H. W. Chivers* a

Commissioner of the United States for the _____ District of Cal-

ifornia, duly authorized to administer oaths, &c., &c., came

John H. Gregory a witness produced on behalf of the

The United States of America
in Case No. *130*, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. *119* 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:

*Erady R. Wise, Acting U. S.
Dist: Atty. for the U. S. and Mex.
Thornton for the Claimant*

QUESTION BY

*1st
Counsel for U. S.*

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

*My name is John H. Gregory,
my age is 22 years, and I
reside in San José Santa Clara
County.*

2

2^o

Do you know the location of the Arroyos San Antonio, and Matadero, boundaries of the Rancho Purissima Concepcion?

Ans.

I have seen them, and know them.

3^o

State whether you have made any particular examination of any portion of said Arroyos, and when?

Ans.

I have, it was last Tuesday I think.

Commencing at the point "D." on Exhibit S. W. N. C., & following the line by "M" to "G." from there to "I" and "H." then crossed over from the Southwestern to the South Eastern side of the ranch as annexed. I noticed from the high bank of the Arroyo, the meanderings of the Arroyos San Antonio.

We went up the Matadero road to the point "E." from "E." I went to the ^{first} forks of the Matadero, between "E." and "F." I examined both branches above

I, the first forks. I examined

D. the first forks. He examined most of the affluents above the forks, including the one extending towards "M."

The Strastader's road is indicated by the letters "C, L, D, E,"

H¹³

130 ND
PAGE 105

In following the Sweeps from Ancondia, as indicated by the channel or gully, worn by its waters, when water runs in it, with reference to exhibit A, from the point "G" upwards, what is the location of said Sweeps?

Ans.

The channel is a gravelly bottom, from "G" to "L," ~~there~~ and further up towards "M," in places it is a deep gully, worn by the passage of water through it.

H¹⁴

What is the principal channel or gully of said Sweeps above "L"?

Ans.

From "L" to "F,"

H¹⁵

State whether from "F" towards "M" there is any channel or gully, worn

H.

out by running water,
or whether there is any
water at that location!

Ans.

I am under the impression
that there is no gully there
at ~~not~~ all under out by
running water, if there are
any, they must be very small.
There are some springs in
the vicinity of "H," but the
water does not reach "G."

130 ND
PAGE 106

Describe the topography of
the country ~~from~~ along the
line from "H," to "G."?

Ans.

The land is hilly, has some
underbrush or chaparral,
scattering. There is a
road - a kind of divide,
runs, along the divide, ac-
ceptible to carriages, about
easterly and westerly, I
mean the divide between the
watersheds of the Matadors
and San Antonio.

There is a small
gulch running from the
divide towards "F," in a
Northwesterly direction, I
think it is simply a hollow
between the hills, covered with

very thick underbrush, it

5 very thick underbrush, it widens out into a little flat, where there is no trace of any water course whatever, for three hundred yards or more, just above the junction of the branch above "F." From that junction to "G." there are some little holes which have been worn by water.

8th

State whether these holes constitute a continuous channel from that junction to "G." and if not, what proportion of the line they do constitute?

Ans.

They do not constitute a continuous channel.

There are some of these holes twenty feet long, with intervals of several yards between them.

9th

State what is the condition of the surface of these intervals?

Ans.

It is unbroken, and grass growing over it.

10th

Following upwards the branch, which comes in

Q From the South west, to the point between "G" and "E," state if there is a continuous channel worn by water?

Ans.

For some distance up I think there is. After that, it uses the character of the gulch I have just described.

11th

Q If the word Arroyo mean a continuous channel, or gully worn out, by running water, whether containing water or not generally, state if on the line from "G" to "M," next above "G" there is any Arroyo?

Ans.

There is not.

12th

Q Is there such an Arroyo from "G" to "I" and thence to "J"?

Ans.

There is.

13th

Q What is the comparative height of the divide of which you have spoken, on the line from "M" to "G," with the highest hills, North of the most Southerly por-

tion of the Arroyo San

J.

tion of the Arroyo San Antonio?

Mrs.

It is somewhat lower, I could not state exactly.

14th

Declaring that divide West-ly from the point where it is crossed by the line "H." "G." to the point where it is crossed by the line "H." "F." state how nearly level it is?

Mrs.

It rises some, and then falls again, but so gradually as to make it a good road.

15th

From that divide North-ly to the point "F." and between the lines "G." "H." and "F." "H." describe the surface, and state the character and quality of the land?

Mrs.

The surface is good, the land is hilly, and I think some of the hills have Chaparral, ^{or underbrush} on them.

16th

State how the land of which you have just spoken compares with the other land in the Southern portion of

130 ND

PAGE 109

BYCE T10

130 ND

P

the tract below "H." "G."?

Ans.

I think the hills ~~are~~ in the said tract North of the divide are a little more rugged than in the southern portion of the ranch below "H." "G." I think the soil is about the same quality.

17th

How does the surface and quality of the soil, on the East side of the Matadero, and next below "E" compare with the quality and character of the soil, East of the line "H." "G." and next above "G."?

Ans.

The land below "E" is not as good as that above "G." ~~at the Matadero~~. It is more hilly above "G." but not much.

18th

State what is the general character of the land, embraced in the parcel in this case?

Ans.

It is hilly, a good many of the hills adapted to grains and pasture. I should say that there was not over

I. a third if that, of plain land.

I. a third of that, of plain land,

Crap examination
19th

Q. For what purpose did you
make the examination, ^{of the County} you
have a paper of, in your
examination in chief?

Ans.

So as to give a bona fide
in this case, at the instance
of Mr. ~~Ed~~ E. P. Reed.

Q.

Who is Mr. E. P. Reed?

Ans.

He is a gentleman residing
in San Jose.

Q.

Now these lines meandering
lines on exhibit "A," streams
of water, or mere gulches,
running through the hills,
which are washed out by
the water during the rainy
season? This question is
directed particularly to the
lines above the points, "E"
and "G."

Ans.

They are mere gulches.

Q.

Edw. H. Gregory

I read to, and subscribed
Nov. 22nd. 1859 before me,
W. A. Chivers,
N. C. Com.

No 130

W. S. Pitt, Comr.

The United States,

—do—

Guana Briond.

Deputation of
John A. Gregory,
and
A. S. Sweeney.

Filed May 13, 1860.
W. A. Chivers,
Clerk

UNITED STATES DISTRICT COURT,
Northern District of California,

The United States

vs.

Juana Briones

San Francisco, Nov: 21st 1859

130 ND

PAGE 113

On this day, before *me, H. H. Cheever* a
Commissioner of the United States for the _____ District of Cal-
ifornia, duly authorized to administer oaths, &c., &c., came

Chas. J. Nealy a witness produced on behalf of the
United States of America
in Case No. 130, 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. 119, 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: *Judith R. Wise, Acting U. S.*
Attorney for the U. S. and Mr. Thorn-
ton of Counsel for the Claimant.

QUESTION BY

Counsel for Mr. Clarke,

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

Ans.

Chas. J. Nealy, my age is 26
years. I reside in San Jose,
and am County Surveyor.

2.^o

State what means, you have of knowing the lines represented upon Exhibit A. H. H. C., annexed to the deposition of Aaron Van Dorn, in this case, and topography adjacent thereto?

Ans.

From surveys I have made, in that vicinity at various times, and for various persons, and more particularly from an examination made within a week, at the request of Mr. E. P. Reed, with this exhibit in my hand, on which occasion, we examined the country designated upon the exhibit, in the vicinity of the letters, E. J. N. E. G. N. F. and from N. to E.

3.^o

State whether this exhibit correctly represents, in point of position and size, the branches of the Arroyos San Antonio, and Matadero?

Ans.

The branch of the San Antonio represented by the line E. M. is not so large as that represented by the line E. J. — the latter

3.

being the main channel, having a well defined bed. The former in places, has no channel, but is merely a broad hollow, with cuts or barancas in places.

Shore B, either of the branches from I to J, and I to H, is larger than from I to K.

The Matadero creek, branches off, ^{going up} at a point between I and G, into two channels of about an equal size, both of which at the end of a few hundred yards, lose the appearance of being a channel, and spread out into the respective valleys, through which they came.

There are gulches above these points, as you go higher up, into the hill, from which the water, in the wet season, runs into the Matadero creek, but not through continuous channels, the green sand, as well in many places being unbroken.

On point of position, this ~~or~~ of the branches of the Arroyo, this exhibit is correct.

It would be difficult to ^{determine} ~~know~~ where the exact

130 ND

PAGE 115

EVCE

130 ND

H.

dividing line is, between the foothills and the mountains, inasmuch as they are connected by ridges, and in some particulars have the same character, being in some places, precipitous and covered with chapparal.

130 ND

PAGE 116

The low hills commence far down on the plain, ^{nearly} as far as the most northern part of the rancho, as shown on the exhibit, and gradually ascending towards the mountains.

H.

What is the general character and direction of the mountain ridge range?

Ans.

The direction is about South Eastly, and parallel with the general course of the Santa Clara valley. I refer to the mountains called the Santa Cruz Range, lying between the Coast, and the Santa Clara Valley.

They are generally very precipitous, and covered with chapparal, having a height from two to ^{nearly} four thousand feet.

H.

The general direction of

5

The general direction of the San Antonio, and Salado creeks, is at right angles with the general directions of the mountain range.

5th

State the quality of the land, about the branches of the Salado, above the point "G," as compared with the other land, in the southern part of the plat or survey?

Ans.

In those respects, they are similar. They are similar as to quality of the land, and the surface.

11th

State whether the straight line, connecting one of the sources of the Salado, with one of the sources of the San Antonio, corresponding to Course No. 3, of the plat returned by the Surveyor General, indicates either the base, or the top of a mountain, or any spur of a mountain?

Ans.

It passes over a ridge, or spur of a mountain, nearly transverse to it, which spur is about as

130 ND

PAGE 117

LVGE 117

130 ND

b.

high as the hills in the vicinity, as indicated in
It is accessible to carriages, has a ~~good~~ wagon road over it, and is good grazing land.

130 ND
PAGE 118

Crop Examination

7th
Do not the hills gradually rise from the point G, on the said exhibit, to the point H?

Ans.
They do.

8th
From a point one mile north of the point G on the Exhibit to the point H, do not the hills gradually rise?

Ans.
They do. They also do in a general Southwesterly direction.

9th
Are not the hills in the tract of country, F. H. I. M., higher, more rugged, and more numerous, than those on the Southwesterly part of

the ranch of Suerissima

T

the ranch of Incessima
Concepcion, South of a
line drawn, from the
point G. on the exhibit, due
East, to the other side of the
Ranch?

Ans.

They are in proportion to
the area which they cover.

The hills in the ^{more} Southern
of the tract, East of the line G. M. G.
portion, are invariably more
rugged, than they are to the
Northward, and are more
rugged than the hills in
the Northern part of the
triangle G. M. G.

10th

If you take a triangle, any-
where in the Southern portion
of the tract, running South,
from the San Antonio, so as
to contain the same superfi-
cial area, with the tract
G. M. G. included in the triangle
G. M. G. will you find the
hills as numerous, as high
and as rugged, in the former
triangle as in the latter?

Ans.

Perhaps not, but as I have
said before, they are of a
similar character.

11th

What is the proportion of

130 ND
PAGE 119

5VCE 130
130 ND

Q.

hill land, to valley ^{or plain} land
in the survey returned?

Ans.

It should think that mo
thinks of it was hill land.
12th

Should the proportion of hill
land, to valley and plain,
be increased or diminished
by cutting off an area
at the ~~Northwest~~ Northern
boundary equal in extent
to the triangle G. H. I. and
adding that triangle instead?

Ans.

The proportion of hill land
will be increased, but not
very much, as there is not
much valley land, in the
portion to be cut off, and there
is none in the triangle.
13th

and below.

At the point G. in the exhibit;
is that the main branch of
the Arroyo San Antonio?

Ans.

I understand that it is.
14th

Where on the Exhibit does the
main branch of the Matadero
commence?

Ans.

At a point between F. and E,
formed by the confluence of
the two branches.

130 ND
PAGE 120

Q.

G.

the two branches.

Examination closed.

Char. J. Healy

Sporn to. and subscribed
Nov. 21st. 1859. before me.

W. St. Charles.

M. S. Cam:

130 ND
PAGE 121

PAGE 121
130 ND

No 130

W. S. Dist: Court,
For: Dist: of California

The United States

vs.

Juana Pirones

Deposition of
Chas. S. Healy
an Surveyor.

Filed July 13, 1860.

W. H. Cheney,

Clerk

130 ND

PAGE 122

DISTRICT COURT OF THE UNITED STATES,

Northern District of California.

The United States

VS.

San Francisco, September 25th 1859

Quana Brown

130 ND

PAGE 123

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 *E. P. Reed*

a witness produced on behalf of the *United States of America*

in Case No. *130*, being an appeal from the Board of Commissioners to ascertain and

settle the Private Land Claims in the State of California, in Case No. *119* 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 :

Lucy R. Hiss, Acting U. S. Attorney for the U. S. and James D. Thornton Esq, for Claimants

QUESTION 1st, By Counsel for the

United States, Your name, age, and place of residence?

Ans.

My name is E. P. Reed, my age 37 years, my residence is in the City of San Jose.

Q.

Look upon Exhibit A. H. H. C., referred to in deposition of A. Van Dusen in

in this case, and state if you are acquainted with the Southern and Western portions of the tract of land represented on that exhibit?

Ans.

Yes sir I am.

130 ND
PAGE 124

37

Describe with reference to that Exhibit, the Arroyo San Antonio from and above the point "G" on that Exhibit?

Ans.

A short distance above the point marked "G," the creek proper divides into two branches, at the point marked "I," one leading off in the direction towards "J," and the other towards "H." At the point "G" there is no creek leading from "H" to "G," there is a depression between the hills, the side is not broken by any rivulet, or any appearance of one. Between the points, that is, along past "G" towards "I," there is a gravelly bed of a creek. The bank on the West side is very steep, being at the base of the main mountain slope. As I got up as we crossed it, (I followed it up from near "G" & "H" near to "I," then I left the bed of the creek and struck off the bank below "I" to the right, and where we struck it the second time above "I" there

I, was a little bridge, made

I.

was a little bridge, made of brush and logs, across it, where the bridge crosses, the ravine is about six feet wide. We could look from this bridge, up the ravine towards "H," and we could also look from that point up towards "J," which was a much larger ravine.

130 ND
PAGE 125

Judging from the nature of the country about the branch "J" "I" that branch must be much larger than "H" "I" because it drains a much larger surface of mountain side.

The ravine runs a little beyond "H."

State the comparative areas of the water sheds, draining the surface water through the channel "J" "I" and those draining of the surface water through the ravine "H" "I" and those draining off the surface water through the hollow "H" "I" respectively.

Ans.

To make the comparison ^{the water sheds of} calling "H" "I" "J" I should judge those of "H" "I" would be 5, and ^{though} "J" "I" would be 20.

H

5th

Describe the sources and water sheds of the Meatares above from and above "E"?

Ans.

At the point "E," and running from there towards "F," there is a small ravine, between those points, there are ^{three} several ravines branching off.

The first breakoff is to the right, looking towards the mountain. The next break off is to the left, near the point "F," and just above that, there is another breakoff to the right, ~~then where it~~ ^{turns off} after leaving "F," the depression of the hills ^{to the left} is all sanded, no channel at all there. Following up between the hills farther to the left, there is a ravine between the hills, and there has been water running in it, but I did not see any. The same ravine branches off again to the right, and had the appearance of waters having run there, but there was none, when I was there last week.

130 ND

PAGE 126

130 ND

130 ND

5

6th

5

6.

State the comparative areas of the water sheds, which came in from the left near the point "G," looking towards the mountains, with those which came in from the right, to the point below "G."

Ans.

I should not think there was very much difference between them. I did not examine the ^{marshes of the} country so minutely to the right as I did those to the left. (I mean always looking towards the mountain, when I use the words "right" and "left")

7.

State the comparative ^{and quality of soil} elevation of the surface of the triangle "E. N. S." with those of the land bordering on the Southern and Northwestern portion of the tract represented on said exhibit.

Ans.

The hills are of a similar nature, all on the Southern portion of the tract, with those in ^{the} triangle. In the portion "E. N. S." there is a high hill, embracing nearly the whole of it. The

130 ND
PAGE 127

130 ND

6
road from "D" to "E" minds
around it, this hill is dis-
connected from the hills back
of it.

The soil is just as similar
in the triangle, and the hill.

The hill is equally abrupt
with the hills in the Triangle,
and is as elevated as any
part of it, except the portion
near "H," in my judgment.

South Easterly from
Crash's house, there is a
hill not as high as that
between "E" "H" "D," and that
set in the triangle.

Where the road "C," "L,"
"D" "E" runs there is a
general depression, the hills
rising on either side.

Should you call the land
embraced in the triangle
hill land, or mountain
land, supposing that the
lands lying on the South
of the creek from and below
the point "E" are to be taken
as a proper type of moun-
tain lands, and those upon
the opposite side of the
Creek as hill lands?

Ans.

7

Ans.

I don't consider any of the land on the North side of the creek from "G" to "H" as mountain land.

The mountains are on the other side of the creek. South of "H" "I" "G," they tower up to great heights, while ~~part~~ ^{parts} of that, they are comparatively low.

130 ND
PAGE 129

Crop Examination

9th

Do you not claim some interest in a portion of the land, included in this plat of survey?

Ans.

So far as a mortgage from Samuel J. Crosby ^{to me} is concerned I have an interest in a portion of the land represented on this plat, more particularly represented north of the road "C" "L" "D" "E."

PAGE 130
130 ND

10th

How much land ^{in this plat} is embraced in that mortgage?

Ans.

I cannot state definitely I should say above you

S. across, more or less.

11th

Is not Crasby dead, and his estate insolvent?

Ans.

Crasby is dead, whether his estate is insolvent or not depends upon his establishing his rights to these leagues of land in San Diego County.

12th

What is the amount of your debt secured by mortgage on this land?

Ans.

On the neighborhood of \$2,500 at 5 1/2 percent.

13th

Are you not the administrator of Crasby's estate?

Ans.

I am.

14th

How far on the South side of this survey, does the steep mountain slope, which you have spoken of, abut upon its southern boundary?

Ans.

I don't know how far below the point "G" because I did not follow the stream down, from the lakes of the Canon-

Q. Yes, the stream runs off

9. try, the stream runs off
to the ^{North East} ~~East~~ through the low
hills, after following the base
of the mountain a little less
than a mile.

15th

Did you form the estimate
which you have given here,
of the elevation of the hills
in the triangle "G." "H." "I." and
in the country included
in the plat, from any sort
of measurement, or from
merely looking over it,
with the naked eye?

Ans.

Merely from the naked eye.

16th

When did you first examine
the country, of which you
have been testifying?

Ans.

I have seen it several times,
Mr. Crasby once showed
the part he claimed
~~to me~~ ~~at~~ ~~it~~ before I
took the mortgage, the part
which he said he purchased
of Mr. Rubley, it was at
least four years ago, I think,
I saw it before that when
Mr. Crasby was putting up
a circular reservoir, on his
place, it must have been
over five years ago.

10.

I saw this particular tract, I should think about a month ago, in taking a ride with my wife, passing along the road from Seaside (which lays to the Southwest of the ranch, at the foot of the ^{mountain} ~~hills~~) across the foothills ~~through~~ the Martiny tract to the point "E" and so along the road "E" "D" "L" "C". I had a view of the whole ranch.

130 ND
PAGE 132

17th
Have often have you examined it since?

Ans.
Once since, about a week ago.
18th

Did you then go over the Southern part of the tract included in this plat?

Ans.
I went over the Southern and Southwestern parts, but not the South Eastern.
19th

Are not the ravines of which you have been speaking, and which are designated by meandering lines, on this exhibit "A" as tributaries of the San Antonio and Natchez, mere depressions be-

11. mean hills or mountains,

11. mean hills or mountains, along which water flows during the rainy season, and are not these ravines dry, during the greater part of the year?

Ans.

The nature of the San Antonio creek is different from any of the others.

The ravines among the San hills, most of them show small indications of there having been water in them during the rainy season.

I have never been there in the rainy season, and cannot say.

Q^o

Was there any water in these ravines, when you last examined them?

Ans.

We did not find any water in the San Antonio, there was a little water among some of the San hills, very little however, trickling water.

Q^{1st}

Did you see any water from "G" to "I"?

Ans.

No, I saw plenty of drift-

12

made,

22

Did you see any water from "I" to "J," or from "I" to "K"?

Ans.

I did not, I saw drift made on "I" "J".

23.

Did you see any water from "G" to "M"?

Ans.

About the point "K" there looked to be a small boggy place.

24.

Did you not see water between "G" and "K"?

Ans.

Nothing but the small boggy place I have mentioned, between that place to "G" the ground is unbroken, and looks as though no water had ever run there.

25.

Did you see any water above "K"?

Ans.

As near as I can judge, there is a little above "K" a spring, a little water flowing, very little indeed - trickling.

13.

26.

130 ND
PAGE 134

5000 130 ND

13.

26.

Is there more fall, or less, from "E" to "F" than from "H" to "G"?

Ans.

There is less.

27.

Is not "E" in a more elevated position than the point "H"?

Ans.

No sir.

28.

Is not the fall considerable from "H" to "E" and from "J" to "I"?

Ans.

From "J" to "I" I should think there was very little fall. From thirds of the distance from "I" towards "H" there is very little fall.

29.

How far up, does the stream called San Antonio, bear this name?

Ans.

I don't know.

30.

Did you ever hear it spoken of as the San Antonio, above the point where the Southern line of the survey comes to the mountain?

130 ND
PAGE 135

PAGE 135
ND

14

Ans.

I never heard it spoken of in relation to the mountain at all.

31.

Does it bear that name above the point "I"?

Ans.

I don't know.

32.

Are the hills or mountains South of "N." "I." more or less elevated, than those in the triangle, "E." "N." "I." north of "I." "I."?

Ans.

They are very much higher South of "N." "I."

33.

In your examination of the ravines, ~~South~~ ^{above} the point "E" on the Matadors, did you find water flowing in any of them?

Ans.

I saw a little trickling water above "E." in one of the ravines near the top of the hill, ^{in the ravine} farthest East. I saw that water at a place a long distance above "E."

Between that place and "E." it is run out onto

15

the flat, and there is no

130 ND

PAGE 136

PAGE 136

130 ND

13

the flat, and there is no connection, by a ravine or arroyo or gully, with the ravine between which is between "F" and "E."

On travelling over these hills we could not find any water fit to drink.

We did not find any water in any of the ^{other} ~~water~~ ravines.

130 ND
PAGE 137

34.
At what point did you find the first water below the point "F"?

Ans.

I did not look for water, and I don't know what I found any, below "F". There is a bed of iron "E" up for some little distance is the bed of an arroyo, which is crossed by a bridge, near the point "E". I don't recollect seeing any water in it.

35.

How far in your exploration, did you go down the Mata de?

Ans.

Of the point "E" represents a point. No further than where the road crosses at the point "E."

Have you made such an examination and comparison of the soil, of the Southern portion of the ranch "Purissima Concepcion", with the soil of that portion included in the triangle "G." "H." "I" as to enable you to give an ^{reliable} opinion concerning their qualities?

Ans.

I cannot say any farther than this, The soil looked to me to be similar all over the ranch one portion with another. The best grass, was on the ^{of the hill, north of} ~~the~~ "G." ~~portion~~

37

May not have that have been the best grass, from the fact, that it had not been grazed, while those portions of the ranch which you saw, had been grazed?

Ans.

It might have been.

38.

Did not that grass look as if it had not been grazed?

Ans.

I could see the cat heads

18.

that had not been eaten off.

18.

that had not been eaten off.

39

Is the hilly portion of this ranch, in the Southern or Northern part of it?

Ans.

The whole ranch is hilly,

40.

Which part has the higher hills, and in which part is there the greater portion of plain, and valley?

Ans.

I should say the Southern portion is the most hilly, although according to my judgment, there is no plain land on the ~~last~~ ranch.

I can't say where there is the most valley land, it is all cut up by hills and valleys.

41.

Does the Southern line of the survey, run at the base of the Sierra?

Ans.

The two courses next immediately below "G," ^{on the San Antonio} run at the base of the Sierra.

42.

Are not the hills in the triangle "G." "H." "I." more abrupt, and rugged, more

19

numerous and higher, than those in any area, of the same extent, taken anywhere in the tract?

Ans.

It did not go over the hills to look at them, but they look as rugged. They are not so ~~thick~~ ^{thick} in the triangle are not so rugged, but what there is a road over them.

The elevation as near as I can judge by the eye is a little ^{near as} ~~near as~~ ^{near} the point "H," about a ~~quarter~~ ^{quarter} it is higher. The hills over three quarters of the tract are not higher.

I am not qualified to answer the question because I have not been over the ground.

H3.

If the triangle "G" "H" "I" were included in the survey and the same quantity of land, was cut off from the survey, fourth of the line "L" "G" "E" would the proportion of hill land to valley and plain land, be increased, or diminished?

Ans.

I should think there would

20

be a little more for valley

130 ND
PAGE 140

LVGE 130 ND

QO,

be a little more ~~to~~ valley
land, South of "L," "D," "E,"
Let me qualify that, by
saying this, that in the
triangle "E," "D," "G," there are
a number of hills and valleys,
and North of "L," "D," "E," there
is one large hill within
the bounds "E," "D," "G," and
then a small hill North
of "L," "D," "G."

I am not sufficiently
acquainted with the land to
give a definite answer to
the question.

I have seen all that
land, but have not been
through it, and my opinion
is, that there is very little
valley land.

Direct resumed

44th

What would be the compara-
tive ~~is~~ value of the two
tracts, if the change ~~is~~
suggested in question 43,
were made?

Ans.

I think they would be of
about the same value.

E. P. Reid

130 ND

PAGE 141

Shown to and subscribed.
Nov^r 25. 1859. before me,
M. A. Cheever,
N. S. Com^r

No 130 -

M. S. Matt. Court.

The Mutua States.

As -

Maria Brown.

Deputation of

E. P. Reed,

an Surveyor.

Filed July 13. 1860.

M. A. Cheever

Clark

130 ND

PAGE 142

United States of America,)

ss.

130 ND

Northern District of California.)

PAGE 143

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

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 130, to Inana Briones known as "La Purissima Concepcion", and situated in the County of Santa Clara in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the 2d day of October A. D. 1860, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco,
in said District, this 27th day of August A. D., 1860.

W. D. Cheves

CLERK.

The within Motion was received by me on
Monday the 27th day
of August 1860, and in obedience thereto
I have given due notice, as therein commanded, by causing
the publication of said notice, for Five consecutive
Wednesdays, in the San Francisco Herald, commencing
on the 29th day of August
1860; and for 4 consecutive Saturdays, in the
"San Jose Tribune"
a paper published nearest the land, commencing on the
1st day of September 1860.

Dated San Francisco, Aug. 27th 1860.

P. L. Solomon U. S. Marshal.

101
No. 130

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

THE UNITED STATES.

v.

Isana Brown.

MONITION.

Returnable Oct. 3 1860.

Issued Aug. 27 1860.

Filed October 3d. 1860.

M. H. Chivers.

Clerk.

District Court of the United
States. Northern District of California

The United States }
vs
Juana Briones }

130 ND
PAGE 145

Jeremiah Clark in person intervenes
for his interest in the proceedings
pending herein to set aside the sur-
vey heretofore returned to this Court
by the Surveyor General and states
and alleges as follows viz - That

said intervenor is the principal
owner of the tract of land granted
March 27, 1841 by John B. Alvarado
to Jose Peña and finally confirmed
by the U.S. Supreme Court to J &
S. Robles under mesne conveyances
from said Peña and said J & S
Robles to himself and that he is sole
owner of a large portion of said tract
affected by said Survey -

That said
tract so granted to Peña and so
confirmed by said Court, is by the
terms thereof and of said final de-
cree of confirmation bounded on the
South by that portion of a certain

Public Road called Arastradero which extends from the two hills which are a continuation of Maximo Martinez line to the lands of Jose Estrado (crossing the San Antonio Creek before reaching said Estrado's land) on the S.E. - That the grant of the land confirmed to Juana Priones contains no description or boundaries of meet land except such as was indicated by its name "Divisima Concepciona"

That a note purports to have been added, after the making of the grant, to the effect that the boundaries of said tract ought to be the Matadero Creek on the North, the San Antonio Creek on the South and the Sierra Moreno Mountains on the South West, and the decree of Confirmation is for one square league within said boundaries, but that neither the said decree nor the said Grant mentions or indicates the location of the fourth line, by which the said one league was to be cut off and within which and the other said three boundaries the said one league was to be contained.

This contestant insists however - 1st that the survey of this tract ought to have extended to the base of the mountains, and to have followed this base from

the point - when the San Antonio Creek leaves the mountain until it should reach either the Matadero Creek, or (in case the latter had its source below the base of the mountain) the point opposite said source and in the line of the general direction of said Creek. And then that it should have followed down said Creek on said line as the case might be. Whereas this contestant states that said Survey, instead of leaving said Antonio Creek at said mountain base to follow the latter affects in fact to follow the Creek still farther, and that, not in the direction of its true channel among the valleys and gorges of the mountain, but in the opposite direction, nearly at right angles to the mountains representing as the San Antonio Creek what is in fact no more than a small hollow among the hills not in any case the Creek, or even a respectable tributary to it. And whereas further this contestant states that said Surveyor after running up the Matadero Creek to the junction of the two confluent which go to form it, said Creek - taking its name Matadero at said

point, and never having been known by said name except below said point, said Surveyor instead of running a straight line from said point of confluence, directly to the base of the mountain, as required by law, and by the regulations of the land office in stead (in short) of running the very line which had been located and fixed as the Matadero Creek and its continuation, in the survey and Patent of Maximo Martinez tract, to which the same Creek was a boundary, thus dividing it from this tract, said Surveyor adopted the Southeastern affluent of said Creek, followed it up to its source (a spring in a hill side) and then, not being nor pretending to be, at the base of the mountain, and not being able nor intending to follow any call of the decree or grant, run an arbitrary straight line from this pretended source of the Matadero to the said pretended source of the San Antonio, thus connecting the two creeks and throwing out of the survey some 300 acres which should have been included, and thus furnishing

an intended pretext for the prede-
"terminated encroachment of the Peña
tract, hereinafter set forth. And this
contestant therefore excepts & said survey
for this, that it thus throws out some
500 acres of land at the Western part
which should have been included -
2^d This contestant insists that in the
absence of any mention of a fourth
line in the grant and decree in this
case, the Surveyor was bound to respect
the said boundaries of the Peña Grant
and to survey out the whole league
without crossing it if possible: and
that even without to the Peña Grant
the line for quantity should have been
attained as near as might be at right
angles to the general direction of the
two creeks. Whereas in fact said Surveyor
having first created the necessity of crossing
the Peña line by throwing off the 500
acres as above stated, did not sim-
"ply compensate for this, did not merely
take from Peña what was necessary
to make up for this deficiency, but
in fact created another deficiency by
not continuing the survey down the
San Antonio until it reached Peña's
line, thus again throwing out a tri-
"angular piece as public land, and

then run the line for quantity, at any angle of less than 45 degrees from the general direction of said Creek, crossing Peña's boundary at nearly right angles, destroying all symmetry of both tracts reducing the Peña tract more than 500 acres and making it utterly impossible that the latter should ever be surveyed according to its calls, with "out lapping, but meanwhile taking in some very valuable springs which are in the central part of the Peña tract which have always been in the possession and use of its owners, thus affording an easy explanation of the otherwise inexplicable torturing which this survey has been subjected to.

This contestant therefore excepts to said survey -
Secondly - because the whole league was not taken outside of Peña's boundary.
Thirdly - because the triangular piece bounded by the "Acustradero" the San Antonio Creek and the line of said survey run for quantity was not included in said survey.
Fourth - because the shape of the Peña tract has been unnecessarily altered and its symmetry wantonly destroyed.
Fifth - because (without reference to the

Pena tract) the line of cut-off for
quantity extends relatively much farther
down the Matacota than the San Antonio
Creek, instead of being as near as possi-
ble at right angles to the general di-
rection of the two streams

130 ND
PAGE 151

J. Clarke
In presence of

German Clarke subscribed to
that the matters set forth in
the foregoing statement, touching
his interest in the survey therein
mentioned and in the adjoin-
ing tract affected thereby, are true

J. Clarke
Promised and subscribed before me on
this 29th September, 1860.

W. G. Cheever,
N. D. Com.

U. S. Dist. Court ¹³⁰
Northern Dist. of Cal

The United States
vs
Juana Brown

No 130

Intervention Statement
and exceptions of
J. Clarke

Filed October 3, 1860.
W. A. Chivers,
Clerk

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

130 ND
PAGE 153

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

Inana Brown.

IN LAND CASES.

District Court No. *130*

Land Com. No.

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

proclamation was made that all parties having, or claiming to have, an interest in the survey and location of the land finally confirmed in the above entitled cause, appear and intervene for the protection of such interest; *The U. S. attorney appeared for the United States, and John J. Williams for the Claimant; Jeremiah Clarke appeared for himself, and C. P. Reed, and on motion, it is ordered that he be allowed five days to make showing as to his right to intervene herein. No other parties appearing,*

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

No. 130.-----

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Inana Brines.

ORDER ON RETURN OF MONITION.

Filed *October 3d.* 1860.

W. A. Cheever,

Clerk.

130 ND

PAGE 154

District Court of the U. States
Northern Dist. of California

The U. States }
vs } No 130
Jenna Brions }

130 ND
PAGE 155

E. P. Reed, intervenor for his
interest in the above entitled
cause, and in the survey, return-
ed therein, by order of this Court
and State and states that said
survey overlaps the tract of
land confirmed to S. & T. Roberts
and adjacent with the bounda-
ries of the latter, that he holds
a mortgage and judgment of
purchase of that part of said
Roberts tract, so overlapped by said
survey, which lies south of the
Matauro creek, and north of
that portion of said Roberts tract
owned by J. Blake and is the
one interested in said survey,
which he believes erroneous in
so far as it so overlaps the said

San Francisco of since Published
Edward P. Reed

State of California }
County of Santa Clara }

E. P. Reed being duly sworn de-
pith and with that the mat-
ter is not further in the foregoing
statement touching his inter-
est in the Robb's tract and in
the survey in said statement
mentioned are true.

Edward P. Reed

Subscribed & sworn to before me this
7th day of October A.D. 1860

Wm. Hodley
Notary Public

130
Dist. County of S.
North District of Cal.

The W. H. H. H.
vs
Juana Brains

130 ND
PAGE 156

Interposition
Notarially
E. P. Reed

Filed Oct: 8, 1860,
W. H. H. H.
Clerk

District Court of the U. States
Northern District of California

130 ND
PAGE 157

The U. States }
vs } No 130
Juana Briones }

J. P. Reed who intervenes
in this for his interest
in the adjoining tract of
land, heretofore granted to
Joaquin Peña by the name of Qui-
con de San Francisco,
excepts to the survey returned
in this case, for the reason
that all that portion of the same
extending north of the Cruz-
haduro road and East of the
Mataclero creek, overlaps the
said tract so granted to Peña, al-
though the quantity of acreage
of land conferred to said Brio-
nes might have been surveyed
within the boundaries specified
in the deed of confirmation
without overlapping ^{the} said Peña
tract, as crossing said road. For

the more particular details and
specifications of his exceptions,
the said Reed refers to the ex-
ceptions heretofore filed in this
case by the U.S. District attor-
ney and by Alaska, which ex-
ceptions he hereby adopts as his
own.

Alaska
Mary Ford Reed

130
W. A. Dick Camp
North District of Cal.

No 130

The U. S. States

vs

Anna Brown

Exceptions of

E. P. Reed.

to Jury

Filed Oct. 9. 1860.

W. A. Cheever,

clerk

At a Sated 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
13th day of December, A. D. 1862,
Present,

130 ND
PAGE 159

Stan: Ogden Hoffman,
District Judge.

The United States
vs.
Juana Briones. N^o: 130.

In the matter of the Survey
and location of the Rancho "La
Purissima Concepcion"

This cause came on this
day to be heard and was argued
by counsel, and thereupon, and in
consideration thereof, it was ordered
adjudged and decreed as follows:
viz: That the official Survey made
and returned in this case be and the
same is hereby set-aside and An-
nulled: And it is further ordered
adjudged and decreed that the Sur-
veyor General of the United States

For the State of California, cause a
new survey to be made, with the
modifications herein-after specified.
Viz. Commencing at the point marked
on Exhibit A. N. H. C. filed in this
case, G. and running thence with
the meanders of the stream to
the point marked H. on the Patent
line of the Rancho of Maximus
Martinez, thence with said Patent
line to the Arroyo Matadero,
thence with the said Arroyo to the
point where the same is crossed by
the Arastadero road, thence in an
easterly direction and along the said
road to the point where it crosses
the Arroyo San Antonio, sometimes
called the Arroyo de las Yeguas,
thence with the meanderings of said
stream and along the line of the
said official survey to the said
commencing point marked G.
And it is further ordered that
the survey herein directed be
made without delay and be re-
turned into this court for its ap-
proval -

Edw Hoffman
Dist Judge

130.

U. S. Dist. Court,

The United States.

vs.

Inana Briones.

Order rejecting survey,
and for new survey,

Filed Dec: 12, 1862,

W. St. Charles,

Clk

At a stated Term of the District Court of the United States for the Northern District of California, held at the Court Room in the City of San Francisco, on Monday, the second day of February, in the year of our Lord, Eighteen Hundred, and Sixty Three.

Present,

Hon. Ogden Hoffman, District Judge

The United States }
vs }
Juana Briones } No: 130-

In the matter of the Survey and location of the Rancho "Purissima La Concepcion"

This cause came on this day again to be heard and was argued by counsel, and it appearing to the satisfaction of the court, that the modified Survey of said Rancho, made by the Surveyor General of the United States for the State of California, is substantially in accordance with the decree of this Court, heretofore rendered in this cause, and directing said modifications, ^(The Counsel for Government being present and not objecting) It is therefore now ordered adjudged and decreed, that the

130 ND
PAGE 163

Said modified Survey be and the same is hereby approved, as a True and correct Survey of the said Rancho Purisima La Concepcion. The Survey hereby approved contains Four Thousand Four Hundred and Thirty Eight $\frac{94}{100}$ ($4438\frac{94}{100}$) acres of land, a plat of which was returned and filed in the Clerks office of this Court on the 29th day of January 1863, and which said Plat is herewith annexed as a part of this decree, marked "Approved February 3rd 1863, Ogden Hoffman Dist. Judge".

Ogden Hoffman
Dist Judge

130. ND

119Bd

U. S. Dist. Court.

The United States.

vs—

Anna Priones.

Deem approving
plat of Survey.

Filed February 2, 1863,

W. H. Chesnut

Clerk

130 ND

PAGE 164

U. S.
vs
G. & S. Rother

130 ND
PAGE 165

U. S.
vs
Juana Rivas.

U. S.
Encarnacion Moya

Clark -

~~The~~

The southern boundary of the
Rincón de San Francisco ~~is~~
~~fixed~~ (Roth's rancho) as surveyed
does not extend to the
road ~~as~~ called but
follows the Arroyo del Ma-
ladero ~~as~~ to an arbitrary
point & then strikes for the
road - whereas it should
have ~~struck~~ ~~then~~ ~~so~~ crossed
the creek and struck the
road at a point marked "oak
tree" on G. & S. R. -

Williams

Prado Mesa's grant goes to
the Matadero creek -

Why does he stop short of it -

Because the Indians had al-
ready occupied it - to whom Juana
Priones -

~~He~~ This land was claimed
by W^t Clark for Prado Mesa -

He now claims it for the Ro-
bles -

But how can the latter claim
it - Mesa's grant was oldest &
had it not been for the Indians
he could have taken it.

The Roubles grant was two years
later.

It is said that Juana Priones
papers are forged -

But the preliminary petitions for
manuement are admitted to be
genuine - The subsequent applica-
tion for leave to buy ^{1^o} & the
orders thereon are ~~all~~ written in
by Micheltonena who left here
in 1844 - The orders

In the Knado Mesa case
there are two divisions. the
last tho' erased, shows that the
San Antonio was fixed as to
the boundary.

130 ND
PAGE 167

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16
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18
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[Faint, illegible handwritten notes or bleed-through from the reverse side of the page.]

81-130.4 275.

M. S.

- no -

J. & S. Roberts.

M. S.

- no -

Isana Briones.

M. S.

- no -

M. A. Mesa.

Notes argument.

130 ND

PAGE 168

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[Faint handwritten notes in the right margin]

1311

Office of the Board of Commissioners,

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

130 ND

PAGE 169

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. 119 on the Docket of the said Board, wherein *Juana Briones* is the Claimant against the United States, for the place known by the name of *La Purisima Concepcion*, and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.

Seaman

94

The United States }
 }
 } Juan ^(to) Business }

130 ND

130 ND
PAGE 170

The Board of Commissioners in their opinion in this case observe that it presents no points of doubt or difficulty. The only genuineness of the original grant is fully established. The grantees are shown to have been in the possession and occupation of the land for several years prior to their grant and continued to reside on it until 1844 when with the permission of the Governor it was sold by to the present claimant. The latter has since resided on it up to the time of his filing his petition -

In a note appended to the original grant the boundaries are indicated with much precision - and the grant declares the quantity of land granted to be one square league -

No objection was made to this claim on behalf of the U. S. and we think it should be confirmed to the appellee a decree to that effect will therefor be entered

Apr. 18. 1856

The U.S.
19130

St.
Juan Brown

Union

18

130 ND
PAGE 171