

CASE NO.

135

NORTHERN DISTRICT

LAS POCITAS GRANT

JOSE NORIEGA, ET AL.

CLAIMANT

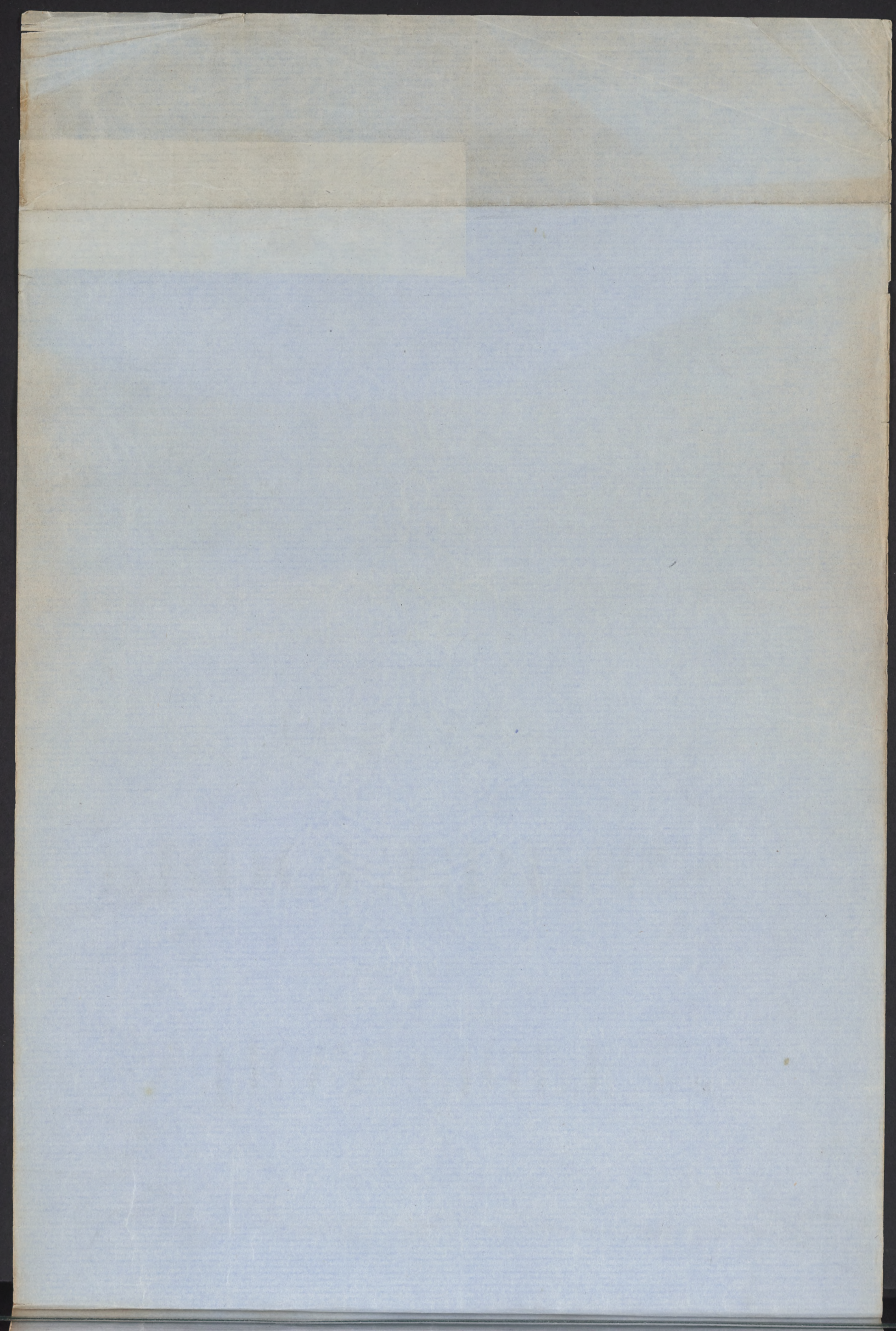
LAND CASE 135 ND

93 pages.

OCT 24 1962

Remanufactured
Plover Bond
35% Cotton Fiber
U.S.A.

Kitchen District



TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 77

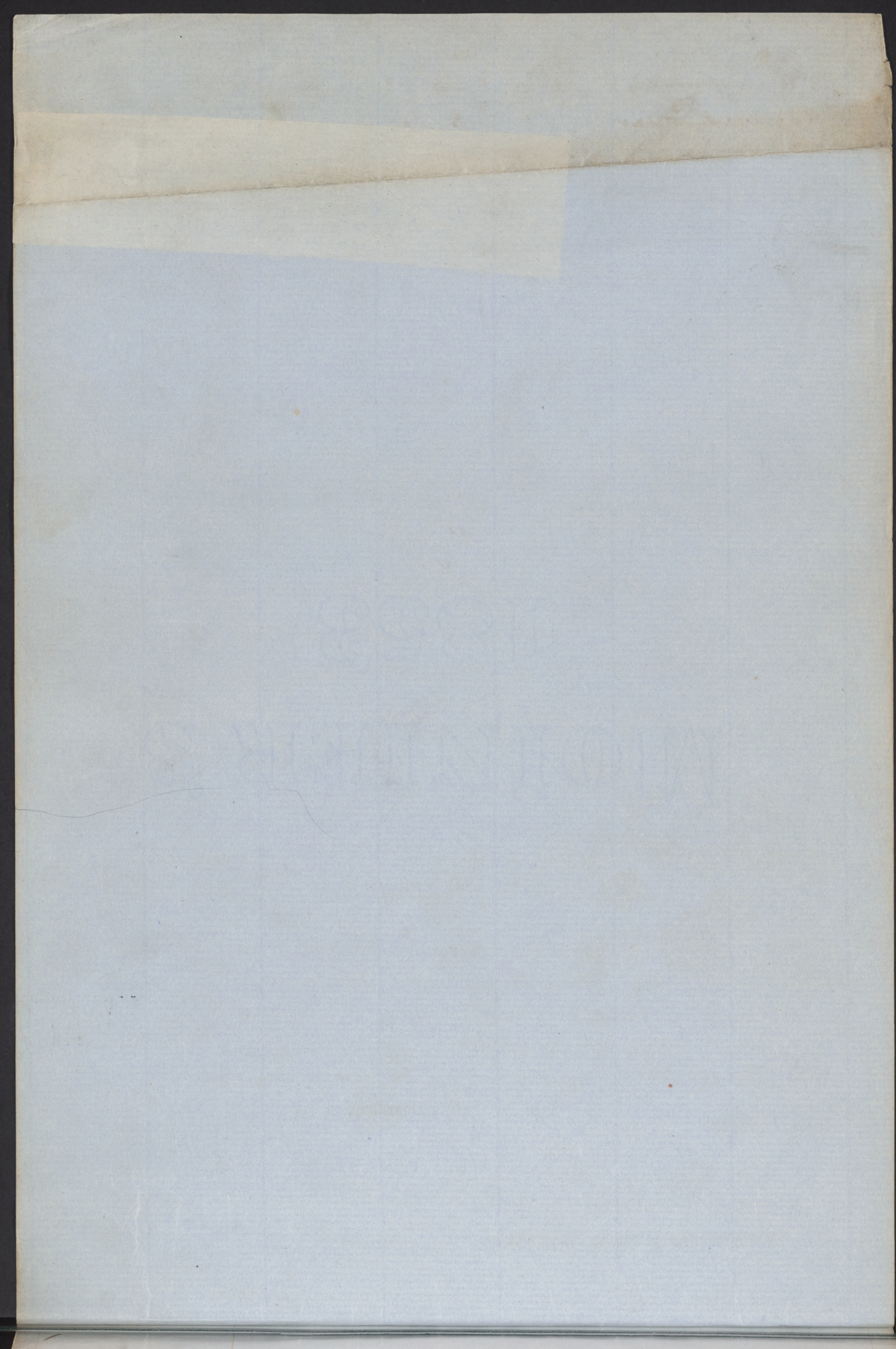
José Noriega, et al, CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Las Pocitas"



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 seventh day of February*
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 *José Noriega and Robt. Livermot* for the Place named
"Las Pasetas,"
was presented, and ordered to be filed and docketed with No. *77* 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 Feb. 11' 1853.

In case no. *77*, *José Noriega & Roberto Livermot*,
for the place named "*Las Pasetas*," the deposition
of *Guillermo Carter*, a witness in behalf of
the claimants, taken before Commissioner
Hilario Hall, with documents marked *A, B,*
C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z,
annexed thereto, was filed,
(Vide page *4* of this Transcript.)

San Francisco Oct. 11' 1853.

Case no. *77* was called, submitted on briefs and
taken under advisement by the Board,

San Francisco Feb. 14' 1854.

In the same case Commissioner *Thompson Campbell*
delivered the opinion of the Board confirming the claim;
(Vide page *16* of this Transcript.)

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To the Board of Commissioners for ascertaining and settling private land claims in the State of California.

Petition v. *

Your petitioners José Noriega & Robert Livermore of the State of California, respectfully represent to your honorable board that they claim a certain tract of land called Las Rocas, containing two leagues, more or less, situated in the county of — in said State of California, that they claim the same in fee by virtue of a grant made to themselves, under the authority of the Mexican Government by John B. Alvarado, Governor of the Department of the Californias, bearing date the 10th day of April 1839 & approved by the Territorial Legislature on the 22nd day of May 1840.

Your petitioners present herewith their original grant of said land in the Spanish language together with a translation of the same, & will make further proof of title if required by the board.

Your petitioners pray your honorable board to take into consideration their claim to said tract of land & decree their title to be valid & confirm the same.

And your petitioners will ever pray.
San Francisco, February 27 1852.

Filed in Office Feb 27 1852.

Geo. Fisher.

Secy.

San Francisco, Feb'y 11th 1853.

On this day before Com'r Hiland Hull, came Guillermo Castro, a witness in behalf of the claimants Jose Noriega & Robert Loomis, - petition No 77, & was duly sworn his evidence being interpreted by the Secretary.

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Deposition of
Guillermo Castro.

The U.S. Associate Law Agent was present.

In answer to inquiries by counsel for the claimant - the witness testified as follows.

My name is Guillermo Castro, my age is forty four years & I reside in the County of Contra Costa -

A paper is now shown me being Exhibit B. filed in this case & is hereto attached & marked H. H. No 1 - I am acquainted with the hand writing & signature of Juan B. Alvarado, Manuel Simone, & Manuel Castaneda & their signatures on said paper I believe to be genuine.

A paper is also shown me being Exhibit D. filed in this case & hereto attached & marked H. H. No 2. on which the signature of said Alvarado & Simone, also appear, & which I believe to be genuine.

I am acquainted with the hand writing & signatures of Jose L. Fernandez. A paper is shown me to which a map is attached being Exhibit C. filed in this case & which is hereto annexed & marked H. H. No 3 - I believe the signature of said Fernandez to be genuine & I also believe the hand writing on said map to be that of said Fernandez.

I am acquainted with the tract of land called Las Peñas situated in Contra Costa County. It has been

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occupied ever since the year 1835 by William Galbraith
& Robert Linnimon - It is now occupied by said Lin-
-nimon & Jose Noniga. They had a small house at
front & occupied with cattle; & cultivated the ground
having a garden, orchard & vineyard. - Each occupa-
-tion has continued to the present time.

R. G. Guillermo Castro.

Sworn & subscribed

Before me

Richard Hall.

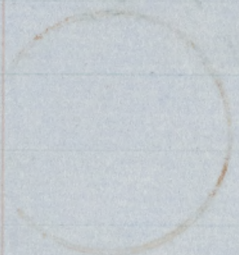
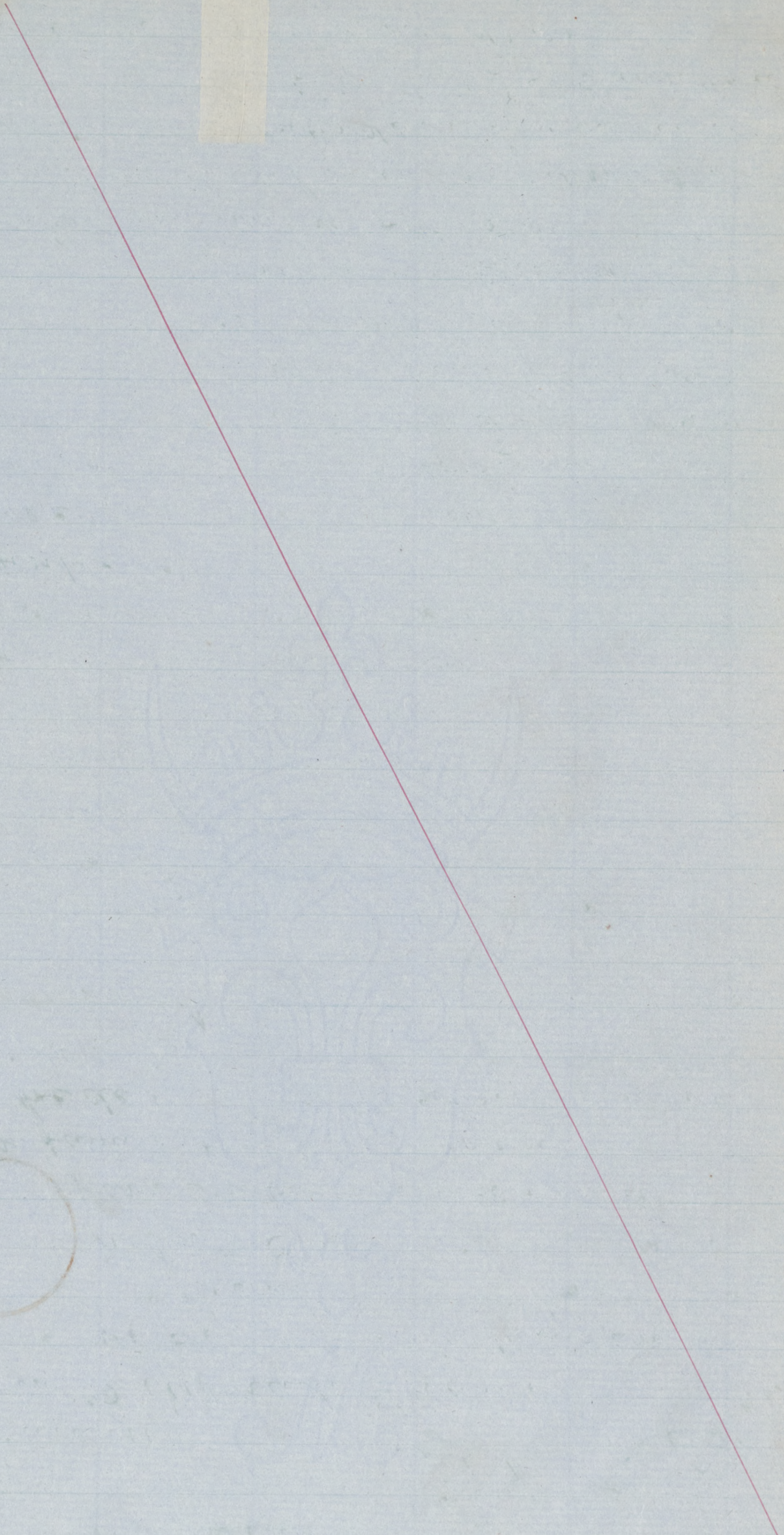
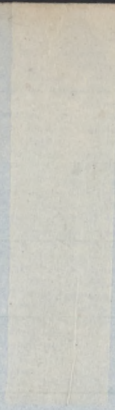
Comr.

Filed in Office Feby 11 1853.

Geo. Fisher.

Secy.

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Sello primero Veis pesos. Habilitado provin-
cional int. p. la Aduana maritima de Mon-
terey para los años de 1839 y 1840.

Las Pocitas Alvarado

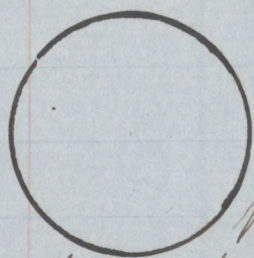
Antonio Maria Osio

B.

Juan B. Alvarado Gobernador Constituto-
cional del Departamento de las Californias

Title

Por cuantos D. José Noriega y D.



Roberto Lwerimot han plehendido
para sus beneficios personales y el

de sus familias, el parage conocido con el
nombre de las Pocitas colindante con las
cullas de las Lomitas de las Pocitas que
~~están~~ en el Sausal de la Agua hasta con
la Sierra de Buenos Aires y las lomas de
las cuevas; practicadas previamente las
diligencias y averiguaciones concernientes
segun lo dispuesto por las leyes y reglamento
usando de las facultades que me son con-
feridas, à nombre de la Nacion Mexicana
he venido en concederles el parage mencionado
declarandoles la propiedad de el por las
presentes letras; entendiendose dicha
consecucion con entera conformidad à lo dis-
puesto por las leyes; à reserva de la aproba-
cion de la Esma Junta Departamental
del Supremo Gobierno y bajo las condiciones
sig. 1.ª Podrá cercarlo sin perjudicar
las hacendas, caminos y servidumbres
lo disputará libre y exclusivamente, des-
tinandolo al uso ó cultivo que mas le a-
comode; pero dentro de un año fabricará
casa y estará habitada. 2.ª Cuando se
les conforme la propiedad solicitará
del juez respectivo que le dé posesion ju-

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rídica en Virtud de este despacho por el
 cual se demarcarán los linderos à cuyos
 limites pondrá à mas de las mojoneras
 algunos arboles frutales ó silvestres de
 alguna utilidad. 3.ª El terreno que
 se les hace donacion es de dos leguas poco
 mas ó menos, segun explica el diseño que
 corre en el expediente con sus limites res-
 pectivos: el juez que diere la posesion lo
 hará medir conforme à Ordenanza para
 señalar los linderos que dando el sobrante
 que resulte à la Nacion para los usos con-
 vinentes. 4.ª Si contravinieren à estas
 condiciones perderán su derecho al terreno
 y sera denunciabile por otro.

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En consecuencia mando que sirviendo
 les de titulo el presente y teniendose por
 por firme y vale dero de tomo raxon en el
 libro à que corresponde y se entregue à
 los interesados para su resguardo y demas
 fines. Dado en Monterey à Diez de Abril
 de mil ochocientos heintaynueve.

Juan B. Alvaro.

Man. Jimeno Oria del despacho
 queda tomada raxon en el libro respectivo à
 fojas segunda y para que conste lo firmo
 Jimeno

El Excmo S.º Gobernador ha dispuesto se
 tome raxon de este titulo en la Prefectura del
 1.º Distrito. Jimeno

En cumplimiento del superior Decreto q.º
 antecede, tomese raxon
 Castro - 00

Se tomó raxon de este titulo en el libro respec

8

à P^o R^o vto. Prefectura del 1^{er} distrito en
San Juan de Castro. Abril 4 de 1841.

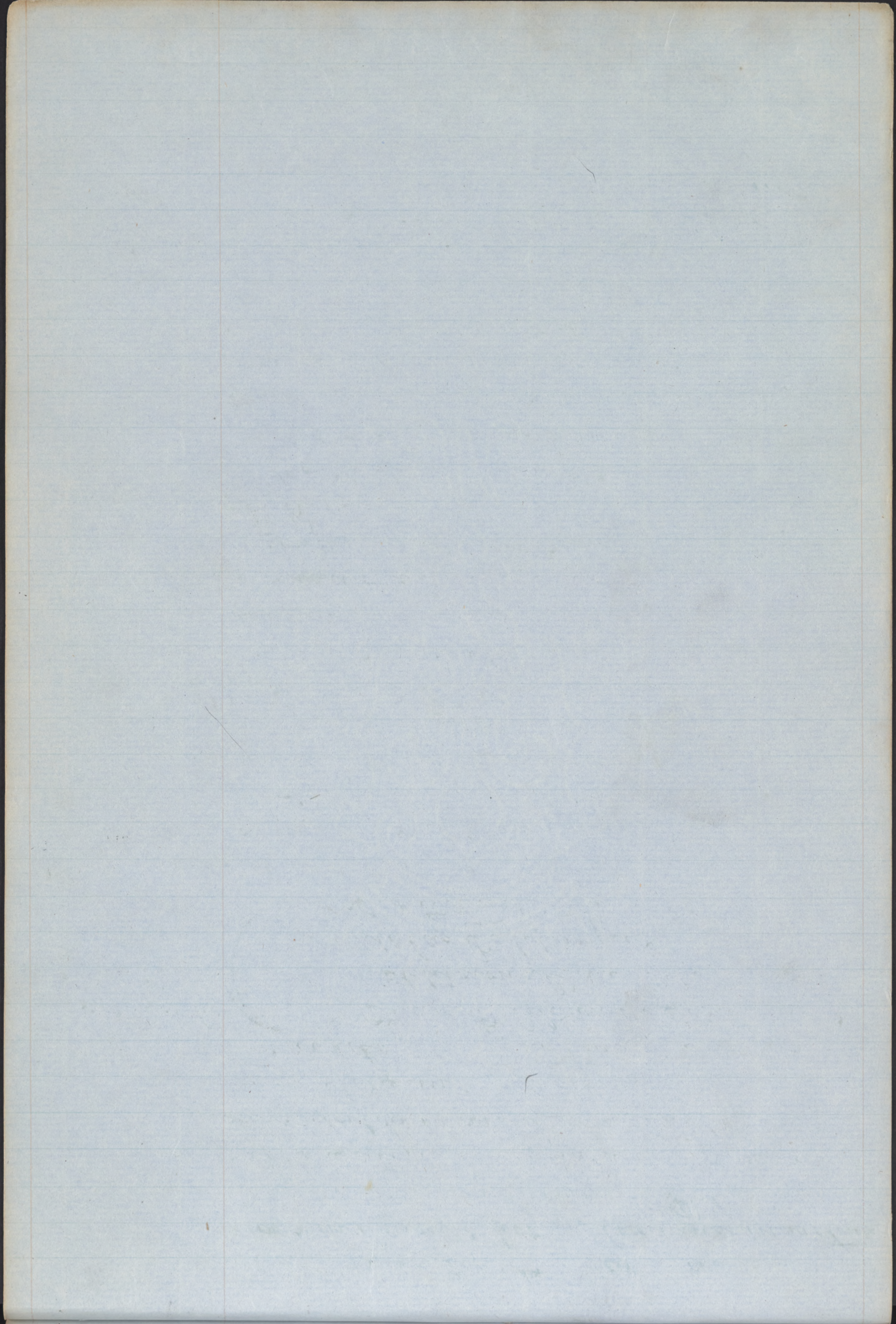
Man: Castañares Veris

Filed in Office Febry 2^{7th} 1852

Geo. Fisher Secy.

6.00

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Sello Tercero Dos Reales: Habilitado
proporcionalmente por la Aduana Maritima
del puerto de Monterey en el Departamento
de las Californias, para los años de mil
ochocientos cuarenta y mil ochocientos
cuarenta y uno.

D.
Approval of the
Grant.

Alvarado Antonio Maria Osio
Juan B. Alvarado Gobernador con
stitucional del Departamento
de las Californias.

La Exma Junta Departamen
tal en sesion del dia veinte y dos de Mayo
pro como pasado aprobó la concesion que
este Gobierno hizo en diez de Abril de mil
ochocientos treinta y nueve del terreno cono
cido con el nombre de las Pocitas del Valle
de S. José à D^{no} José Noriega y D. Roberto
Livermot, en los terminos siguientes: Se
aprueba la concesion hecha por el Señor
Gobernador del parage las "Pocitas del Val
le concedidas à los Señores D. José Noriega
y D. Roberto Livermot. Y en conformidad
al decreto de hoy que obra en el expediente
respectivo se libra el presente à las partes
de los indicados D. José Noriega y D. Roberto
Livermot en confirmacion à lo indicada
concesion. Monterey Luis 10 de 1840.

Alvarado
Man. Jimeno Seco.
Filed in Office Secy 2th 1852
Geo. Fisher Secy.

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500

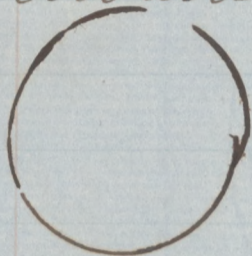
10

Sello Tercero Dos Reales: Habilitado pro-
viciionalmente por la Aduana Maritima,
del Puerto de Monterey, en el departamento
Las Pocitas de las Californias, para los años de mil
ochocientos cuarenta y mil ochocientos
cuarenta y uno.

C
map.

Alvarado

Antonio Maria Osio



77-1-2

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Here follows
map

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Sello Tercero. Dos Reales. Habilitado
provisionalmt. por la Aduana marítima
del puerto de Monterey, en el Departamento
de las Californias, para los años de mil
ochocientos cuarenta, y mil ochocientos
cuarenta y uno.

Alvarado Antonio M^a Osio.

El Infante secretario de la
Comisión Junta Departamental
de las Californias.

Certifico que el diseño del terreno Las Po-
citas del Valle de San José, constante
de dos sitios de ganado más o menos
que consta en la Planilla anteece-
dente es sacado exactamente del Origi-
nal que existe en el expediente respectivo
que aprobó la Comisión Junta en Veintey
dos de Mayo del presente año. y para que
conste donde convenga doi la presente en
Monterrey a diez de Junio de mil ochocientos
cuarenta.

José L. Hernandez

Filed in Office Seery 27th 1852
Geo. Secher Seery.

2.00

First Stamp, Six Dollars.

Authorized provisionally by the Maritime Custom House of Monterey for the years 1839 & 1840.

(Signed) Alvarado. (Signed) Antonio M. Cisneros.

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

E
Translations.

Whereas Don José Noriega & Don Roberto Latorre have petitioned for their own benefit & that of their families, the place known by the name of Las Peñas, bounded by the borders of the hills of Las Peñas which are in the Willow Grove de la Agua as far as the mountain range of Buenos Ayres, & the hills of Las Cuevas, having previously complied with the requirements & investigations in the matter, now on the exercise of the authority on me vested, in the name of the Mexican Nation, I have thought proper to grant them said place declaring the same to be their property by this letter patent, said concession is understood to be in entire conformity with the laws, subject to the approval of the Exc^o Departmental Board of the Supreme Government & under the following conditions.

1. They may fence it, without obstruction, cross ways, roads & enclosures, they shall enjoy it fully & exclusively appropriating it to the use or culture they may deem fit, but within a year they will build a house which they will cause to be inhabited.

2. When the property shall be confirmed to them, they shall solicit the respective Judge to give them judicial possession by virtue of this patent, by whom the boundaries shall be marked, at the limits of which, besides the land marker he shall set some fruit tree or else wild one of some usefulness.

3. The land of which donation is made is of the leagues little more or less, as the design annexed to the proceedings with its respective limits & extent: the Judge who shall give possession, will cause the same to be measured agreeably to ordinance, or marking the boundaries leaving the excess (surplus) which might result to the Nation for such use as may be deemed convenient.

4. If they shall contravene to these conditions they shall lose their right to said land, which may be denounced by any other person.

I therefore command that holding these presents to be a firm & valid title, the same be entered in the proper book, & be returned to the interested parties for their own security & other purposes.

Given in Monterey April 10th 1839.

(Signed) Juan B. Alvarado.

Manuel Jimeno.

Secretary of State.

The same was entered in the respective Book on folio 2. in witness whereof I sign my name.

Jimeno.

His Excellency the Governor has directed that this title be entered in the Prefecture of the 1st District.

Jimeno.

In obedience to the Supreme decree which precedes, let it be entered.

Castro.

This title was entered in the proper Book on the name of folio 1st

Prefecture of the 1st District in San Juan de Castro. April 4th 1841.

Manuel Castaneras. Secy.

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

The Excel Departmental Board in their
Session on the 22nd of May ult^o approved the conces-
-sion made by this Government on the 10th of June
1839 of the land known by the name of Las Picitas
del Valle de San José to Don José Noriega & Don
Roberto Livinor, in the following terms.

The concession made by his Honor the Governor
of the place called Las Picitas del Valle to Messrs
José Noriega & Roberto Livinor is hereby approved.

And in conformity with this said decree annexed
to the respective proceedings, the present is issued to
the parties Don José Noriega & Don Roberto Livinor
in confirmation of the above mentioned grant.
Monterey June 10th 1840.

(Sgd) Alvarado.
Manuel Amaro.
Secy.

The undersigned Secretary to the Excel Departmental
Board of the Californias.

To certify that the design of the parcel of
land called Las Picitas del Valle de San José,
containing two leagues (sitios de ganado mayor)
little more or less, according to the preceding sketch
is drawn exactly from the original annexed to the
respective proceedings approved by the Excellent
Board on the 22nd of May of the present year, & that
it be evident whenever it may be deemed convenient
I give these presents in Monterey this 10th of June
1840.
José L. Fernandez.

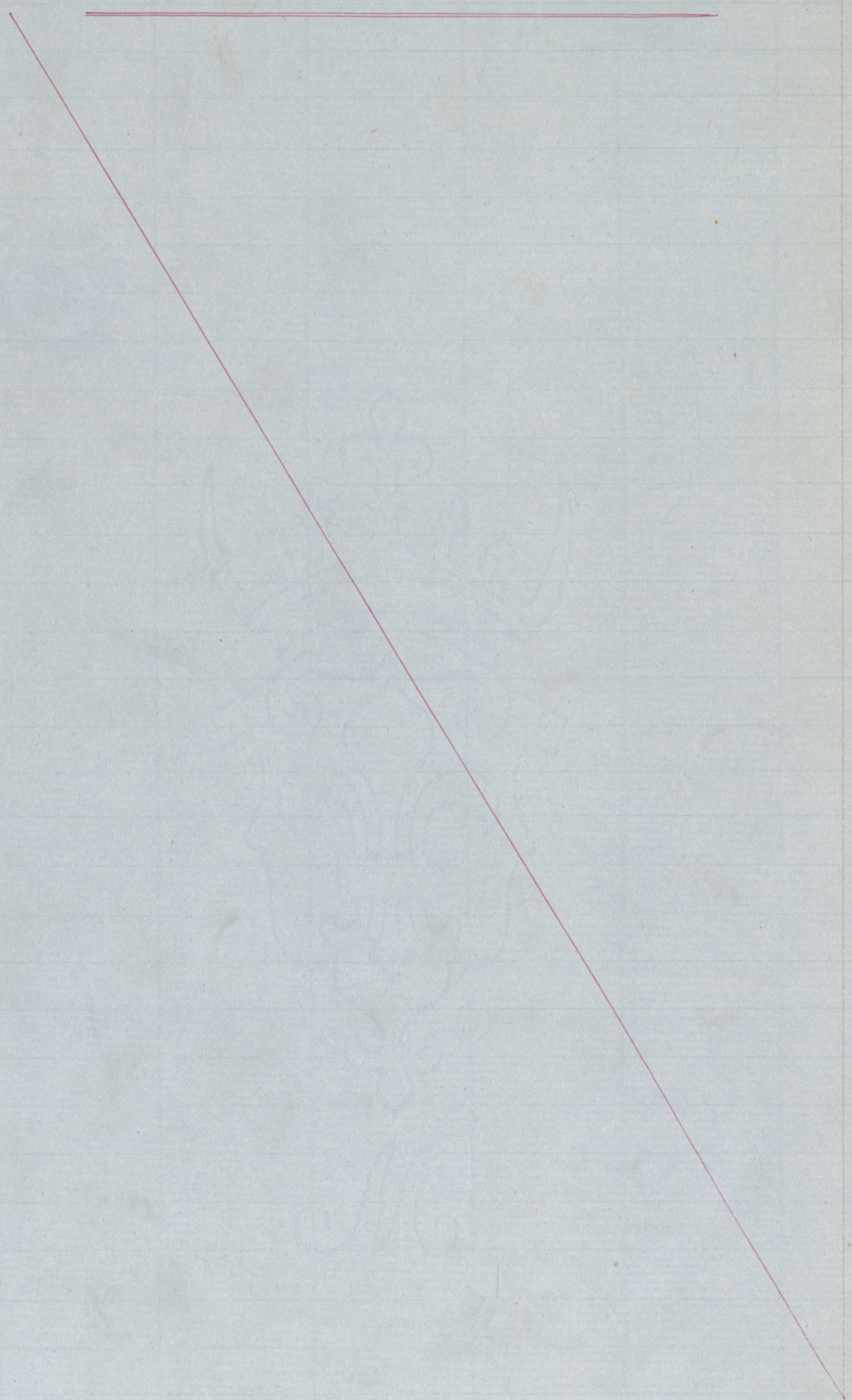
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Filed in Office Feb 27th 1852.

Geo. Fisher
Secy.

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Jose Noriega &
Robert Livermore
vs
The United States
Los Pucetas

The papers on file in this case show that Opinion of the Board by Comdr from Governor Alvarado, a grant for a tract of land called Los Pucetas, that on the 10th day of June A. D. 1840, the said grant was duly approved by the Departmental Assembly.

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There is no proof that any judicial measurement of the land was ever made.

It is proved by the deposition of Guillermo Castro that the land in question was occupied ever since the year 1835 by William Guzman & Robert Livermore, & that it is now occupied by said Livermore & Jose Noriega. He further states that at first they had a small house on it, & occupied it with cattle & cultivated the ground, having a garden, orchard & vineyard.

The evidence shows a substantial compliance with the conditions of the law. It is true that only one of the grantees is proved to have lived on the place, before & immediately after the grant, but taking the residence on the land as proved, in connection with the fact of cultivation for a long series of years, I think the requirements of the law have been complied with.

The identity of the land, is the most perplexing question. The land granted is described in the grant in the following words, to wit: Bounded by the borders of the hillside of Los Pucetas, which are on the Willow Grove, de la Agua, as far as the mountain

range of Buenos Ayres, & the hills of las Cruces. The 3rd condition of the grant, designates the land, as being two leagues, a little more or less, as the design annexed to the proceedings, with its respective limits explains, & provides for a substitute. That the map here referred to was intended to be a part of the grant is made manifest from the fact, that a certified copy of the original accompanied the grant, & was delivered to the party for his security. The boundaries as designated on the map do not, in every particular, answer to the calls in the grant, but in the main they correspond. I think it is apparent that it was the design, to grant the land embraced within the limits as designated on the map.

The petitioners are therefore entitled to a confirmation of the claim, in conformity with the boundaries as laid down on the map marked C. & filed in the cause.

Filed in Office Feby 14. 1854.

Geo: Fisher.
Secy

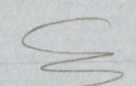
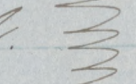
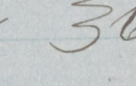
José Noriega &
Robert Livingston

Decree of
Confirmation vs
The United States.

In this case on hearing the proofs & allegations it is adjudged by the Commission that the claim of the said petitioners is valid, & it is therefore decreed that the same be confirmed. The lands of which confirmation are

hereby made of Las Picitas & are bounded & described
 as follows, to wit: on the North by the Loma de
 los Cueros, on the East by the Loma de Brujas
 ayas, on the South by the dividing line of the es-
 tablishment of San José. & on the West by the Ran-
 cho of Don José Dolores Pacheco, containing
 in all two square leagues, a little more or less.
 Reference for further description to be had to the
 map marked C. & filed in the cause.

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Alphonse Felch. 
 Thompson Campbell. 
 W. Aug. Thompson.  3 Commissioners

Filed in Office July 14th 1854.
 Geo. Fisher.
 Secy.

2190-22 Jul -

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

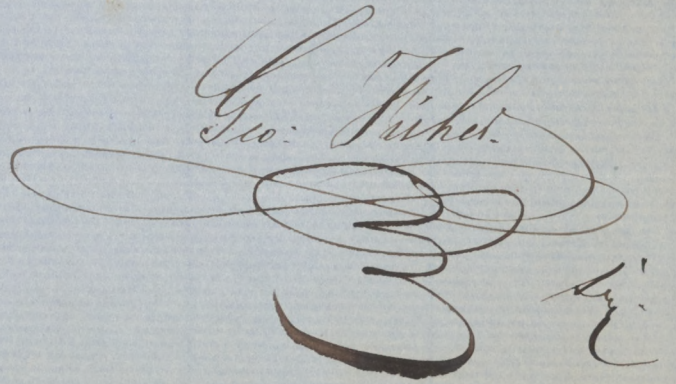

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I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Eighteen* pages, numbered from
1 to *18*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. *77* on the Docket of the said Board,
wherein *José Noriega, et al,* are

the Claimant against the United States, for the place known by
the name of "*Las Pocitas*"

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.



135 ND

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

No. *15*

THE UNITED STATES,

1854.

Jose Noriega et al

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *77*

Filed: *Nov 2^a 1854*

Prosser
CR

Office of the Attorney General of the United States,

Washington, 17th January 1855.

José Noriega & Robert Swinmon

vs.

The United States.

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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 28th day of September 1854 the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No 135-

U. S. District Court
Northern District

The United States

vs -

José Noriega &
Robert Livermore.

Filed Feb. 20. 1833

In Amended
B

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To the Hon Dist Court of the
U.S. for the Northern Dist of Cal.

The United States

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3
3 D.C. 135: L.C. 77
2

Joseph Noriega &
Robert Livermore

The United States by their Attorney represent that this cause is an application for a review of the decision of the U. S. Land Commission whereby the title of the appellee was confirmed, as will appear by reference to the record in the case; that a transcript of said record was filed in this Court on the 2^d day of November 1854; that a notice of appeal was filed on the 20th day of February 1855; that the land claimed lies in the said District, and that said title is invalid - Wherefore appellants pray that the said decision of the Commission be reversed and that said title be decreed invalid. San Francisco July 14, 1857.

P. Della Torre
U. S. Attorney.

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U. S. Dist Court

The United States

v
Joseph Noriega &
Robt Livermore

Petition U. S.

Filed July 14. 1857.
W. H. Cheever,
Deputy.

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P. Della Torre
U. S. Attorney

United States of America

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

135 ND
PAGE 25

The United States.

vs
Jose Arcega et al.

And now comes Jose Livermore Executor
and Josefa Higuera de Livermore Exec-
utrix of the last will and testament of
Robert Livermore deceased and they
that they deny that the said
claim is invalid but aver that the
same is a good & valid claim and
pray that the said decree of the said
Board of Land Commissioners in this
case be affirmed.

Harold H. H. H.
Ulyssa Jose Livermore
and Josefa H. de Livermore.

Case No 135-

U.S. District Court

Western District

The United States

vs
Jon Neegaard et al,

Defendant

Filed February 3, 1859,

Wm. A. Cheever,
Clerk

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Wm. A. Cheever
atty

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

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

vs.

No. 135

José Toruiga, et al

On reading and filing the
Certificate of the Clerk of
the Probate Court of the

County of Alameda, and the affidavit
of José Livermore and on motion of
Judge Aldrich, Counsel for Claimants,
Ordered by the Court that this cause be,
and the same is hereby resolved
in the name José Livermore, Executor,
and Josefa Higuera de Livermore,
Exicentrix of the last will & testament
of Robert Livermore deceased.

The Dist. Atty. being present, and con-
-senting thereto.

Ogden Hoffman
U. S. Dist Judge

No 135
District Court of the United States

IN AND FOR THE

Northern District of California.

United States

vs.

Jose Arriaga et al.

Order Reversing Suit
in Name of Executor
and Executrix

Filed February 3, 1859

W. A. Cherry Clerk.

By

6

Deputy.

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

Clerk's Office,

of the said Court.

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

By

Deputy.

Clerk.

State of California ~
County of Alameda ~

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A. Horner, W. Vesey
County Clerk and Ex Officio Clerk
of the Probate Court for Said County,
hereby Certify that Jose Livermore is
one of the Executors of the last will and
testament of Robert Livermore deceased
duly appointed and qualified by
the Judge of the Probate Court of Said
County.



Witness my hand and the Seal
of Said Court this 6th day of
January A.D. 1859.

A. M. Vesey
Clerk

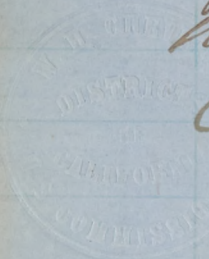
United States of America.

Northern District of California

Personally appeared Jose Livermore named
in the foregoing certificate as one of the Executors
of the last will & Testament of Robert Livermore
deceased and first being duly sworn
deposes and says that Josefa, Niquera de
Livermore the widow of the said Robert
Livermore dec'd, is the Executrix of the said
last will & Testament and that deponent

and said Josefa are duly qualified to perform their duties as Executors & Administrators of said estate and said will, and are the only persons appointed by the said will to execute the same, that said Robert Livermore died on about the 14th day of February 1858

From W. H. Cheverus
 In presence of the 7th Jose^{ph} Livermore.
 Day of January 1859 }
 W. H. Cheverus }
 N. J. Connor }
 mark



Case No 135

United States

vs
 Joseph Livermore

Certificate of Clerk
 of Probate Court
 of Alameda Co Cal
 affd of said Livermore.

Filed February 3, 1859.
 W. H. Cheverus,
 Clerk

5

Judge Aldrich

115

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N 129. Se aprueba la concision
hecha por el Sr. Gobernador Ed para las Po-
citas del Valle concedidas a los Senores D. Jose
Norriega y D. Roberto Livermot.

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

I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, Do hereby Certify, that the _____ preceding, and hereunto annexed page, of tracing paper, numbered from one to, _____ inclusive, exhibits a true, full, and correct copy, of an extract from page 388. of a book entitled Legislative Records. Vol III. 1836. & 1840. on file among said archives.

John W. Shaw
Keeper of Archives.

EXAMINED AND FOUND CORRECT.



[Handwritten signature]

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 20th day of October 1858.

J. W. Mandeville U. S. Surveyor General, for California.

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U. S. Dist Court.

The United States

v.

Josi Noriega et al

Certified Copy approval
Dep. assembly from
San Luis office.

Given February 3, 1859.

M. St. Charles,
Clerk

3

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Expediente

promovido por los Causa Jose Noriega
y Roberto Livorno en solicitud del
paraje nombrado las Pocetas del
Valle de San José.

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Handwritten text, likely bleed-through from the reverse side of the page. The text is mirrored and difficult to decipher due to the cursive style and bleed-through.

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Sello Tercero Dos Reales.

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

Rafael Gonzalez

Figueroa

[Signature]

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Sen. Jefe Sup^o Polit.^o de este Terr.^o

Monterrey Julio 12,
de 1834.

De conformidad con las leyes de la materia, informe el Ayuntamiento del Pue. Casado con Mexico de cuyo enlace tiene en- bló de don José Guadalu- -po si el interesado ante V. P. con el mas grande respeto y aten- -ne los requisitos preve- -nidos para ser alen- -do en su solicitud: si el terreno que pretende esta comprendido en las 8 centes leguas limi- -projes y diez literales, que aprueba la ley de 18, de Agosto de 1824. -sion de regadio tem- -poral o abrevadero. si pertenece a la propiedad de algun particular corporacion, Pueblo o Micion con todo lo demas que case

Guillermo Gulnac, Vecino de este lugar Mexicano de cuyo enlace tiene en- -tro hijos, y naturalizado en esta Republica -cion espon, que hayandose con un conto au- -meno de ganado Mayor Bacuno p.^a Casas -unos cuantos caballos, con proposicion de -poder fomentar un pequeño rancho, y -no teniendo terrenos en propiedad donde co- -locar sus bienes de campo: Impetra de V. P. la gracia de que se sirva ver el plano -o boceno que devidamente acompiano. El -manifiesta con la linea de puntos de -N.N.O. a S.S.E. y por el lado del poniente -el sitio nombrado (Los puntos del Valle -de San Jon) coludante con la Micion -de su ultimo nombre, que tiene por la -linea indicada dos Leguas poco mas o menos -y de ancho desde la Linea Referida hasta -contra las Lomas Bajas, igual numero de -estacion, segun el mismo diseño manifi- -esta: hagia permanente, algunos sauses, -y en suma es en mi concepto util para ha- -breveros aunque es algo escasa su hagua. -je: de cuyo terreno han conto habla el que -espon, y solicita para colocarse con sus

SEILLO TERCERO DOS REALES

Provisionalmente por la Administracion de la Armada Maritima de Montevideo para las obras de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco. Rafael Gonzalez

Figueras

Don Rafael Gonzalez

Montevideo Mayo 12 de 1834

De conformidad con lo que se me ha comunicado por el Sr. Ministro de Marina en fecha de 10 de Mayo de este año, en virtud de lo que se me ha comunicado por el Sr. Ministro de Marina en fecha de 10 de Mayo de este año, en virtud de lo que se me ha comunicado por el Sr. Ministro de Marina en fecha de 10 de Mayo de este año...

El Sr. Ministro de Marina, Sr. D. Rafael Gonzalez, en virtud de lo que se me ha comunicado por el Sr. Ministro de Marina en fecha de 10 de Mayo de este año, en virtud de lo que se me ha comunicado por el Sr. Ministro de Marina en fecha de 10 de Mayo de este año...

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conduciente á ilustrar la materia. Evacuado que sea pasará de expediente al R. V. Mtro de la Merced de San José P. q. exponga lo que le ocurra sobre el particular.

El Sr. D. José Figueras q. de Bayasal comandante g. Inspector y jefe superior Político ala alta California así lo mando decreto y firmo de que doy fe.

José Figueras

familiar y buenas, á efecto de fomentarla. En esta virtud puede S. S. si lo tiene al bien mandar hacer los informes que sean convenientes; pues para el efecto tienen la seguridad y consciencia verbal para ocupar los terrenos, del R. D. Mtro de la referida Merced, portanto,

Suplico encareidamente se dignen acabar la obra de beneficencia que principio á hacer con el sponente, concediendoles en una justicia mucha gracias de su bondadoso corazón, que eternizará en su memoria para siempre

Monterrey Julio 11. de 1834.

Guillermo Galvaez

Considera la mitad de mi Derrcha de este sitio a Roberto Livermore y para su segurancia firmo en 28 de Enero 1837 Pueblo San José Abasco

Nicolas Berays Guillermo Galvaez

Agustin V. Zamorana
Chio

Concedo mi dote de cho a D. José Noriega. 31. de En. de 1837. Guillermo Galvaez

En cumplimiento al Sup. Decreto de Juan. Alvarez con consentimiento de Juan. Alvarez y ante sede. digo q. la parte interesada en esta instancia obtiene los requisitos del C. obtenidos y prevenidos en su solicitud y con servicios ala Nacion. El terreno q. pretende no esta comprendido en las veinte leagues limitrofes y diez titulos q. expresa. la ley de 18 de Agosto de 1824. no es de regadío, es de temporal y adrebadero, no pertenece ala propiedad de ningun particular,

corporacion, Pueblo, ni mision, y se antes lo ocupó
la mision de S. José, fue sin necesidad, y por
cuya causa lo volvio a desocupar, y se halla
valdío.

Pueblo de S. José 27. de Julio de 1834.

Pasa este Exped^{te}
a manos del R.
P. Mtro de las
M^{ns} de S. José

Pedro Chaboya

Sup^{te} Cefe Superior Político de este Territ^o

Como por Superior decreto de V.S. de 32 del
corriente, debo informar lo q^o me ocurre en es-
te expediente sobre solicitud de un paraga.
Mamado las Puntas perteneciente a esta Mision
digo: q^o aunq^o este terreno podría fructificarse y
hacerse útil p^o esta Mision. p^o no le es muy ne-
cesario; p^o consiguientemente, si es del agrado de V.S.
me parece sera muy útil al Territorio el que

El Postulante sea agraciado con este referido terreno p.^o q.^o lo cultive y fomento.

Mision de S.^m Jose y Julia 29 de 1834.

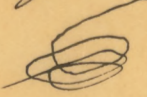
Fr. J. M. de Jesus Donr



Monterrey Agosto 8. de 1834.

Pase al Alcalde de esta Capital ante quien la parte de Guillermo Gulnac producira una informacion de tres testigos idoneos que sean interrogados sobre los puntos siguientes. 1.^o si el solicitante es mexicano por nacimiento, si es casado y tiene hijos, si es de buena conducta, 2.^o si el terreno que pretende pertenece a la propiedad de algun particular Mision, Pueblo, o corporacion, si es de regadio temporal o abrevadero y que estension tendra, 3.^o si tiene buenas de campo con que poblarlo o posibilidad de adquirirlos, Evacuado que sea beubra el expediente para su resolucion, El Sr. D. Jose Figueroa, general de Brigada, comandante general Inspector del Territorio de la Alta California, asi lo mando, deuto y fomo de que soy fe.

Jose Figueroa



Agustin P. Zamorano

Nota

Estimada en esta diligencia
S. Jose Guadalupe Figueroa
con el Alcalde de

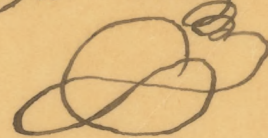
7.

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José Noriega y Roberto Livermot visitan
el panteón llamado Las Piedras del Valle de
S. José.

Señor Prefecto del 1er Dist.

Pueblo de S. José Noriega y Roberto Liramos, vecinos de
 Juan de Castro la jurisdicción de S. José de Guadalupe casados con Me-
^{23/}
^{1839.} jicanas, ante V. S., con el mas debido respeto, nos pre-
 sentamos y decimos: que habiendo hecho D. Guillermo
 No aparecien-
 do, obstaculo
 Guluac una dejacion completa del parage nombrado la
 a la gracia Pocitas del Valle de S. José; y deseando los que repre-
 que pretenden
 los interesados, sentamos, aumentarlo de los bienes semobientes, que
 eleven al en la actualidad ya tenemos en gran numero, establecidos
 Excmo. Sr. en aquel terreno, por la compra de ellos que hicimos
 Gobernador al repetido Guluac; y al mismo tiempo pretendemos
 del Departa-
 -mento para elavorarlo del mejor modo posible, y para que V. S. sea
 sus interiores que dicho D. Guillermo no quiere tener derecho en
 providencias, el mencionado terreno, nos ha hecho entrega de los
 documentos que obtenia, los cuales en compañia
 del diseño acompañamos a V. S. para que se sirva
 expedirnos a nuestro favor título de concesion para
 que de derecho lo ocupemos, los que hablamos en esta
 representacion y ninguno nos moleste. Por tan-

Jos. Castro


AVI^{to} Suplicamos acceda á nuestra solicitud, de q^e
recibiremos gracia y merced: Juramos lo necesaria
s^{ta} = dispensandonos, que esta instancia vaya
en papel comun, por no haber del Sellado corres-
pondiente. S. José y Guadalupe 22 de Marzo
de 1839.

José Noriega

Roberto Livermot

Monterrey 26 de Marzo de 1839.

Buelva este expediente al Señor Prefec-
to del primer Distrito para que S. P. to-
me informe del Administrador de San
José, si los solicitantes en esta instancia ó-
cupa hace tres años el paraje de las Po-
sas, sin que hallan ocasionado perjui-
cio á los bienes de San José, con toda
los demas por menores que sepa sobre
el particular.

Ararác

Pueblo de San Juan de Castro Marzo 30. de 1839.

Informe el Administrador de San José
como lo previene el decreto anterior, y vuel-
va el expediente á esta Prefectura.

Castro

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Los Interesados en esta Instancia
 tienen Poseido el terreno mencionado
 Desde la fecha en que su Abilitacion
 Espone; el terreno esta Devido por
 este Establecim.^{to} Desde Julio. 29. de
 1837. como consta, por el Informe
 q.^o Dio. El P.^o Jose de Jesus Gon-
 zales. los Interesados tienen mas
 o menos un mil Cabezas de Ganado
 Mayor; no han Perjudicado a los
 Intereses de este Establecimiento. y
 si an auxiliado cuando sea Greido
 con sus Personas y Intereses.

Jose Abril 2. de 1839

Jose de Jesus Vallejo

Pueblo de San Juan de Castro Abril 4 / 1839

Con el informe que antaude, para
 al Excmo. Sor. Gobernador.

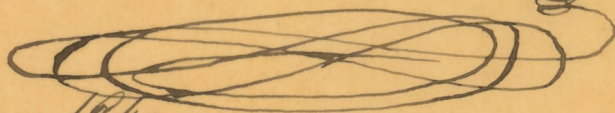
Jose Castro

terrey Abril 10 de 1839.

11.
J L
Vista la peticion con
que da principio este expediente el
informe del Señor Prefecto del 1.^o
Distrito, y todo lo que ver conviene;
de conformidad con lo dispuesto
por las leyes y reglamentos de la
materia se declara a Don José
Noriega, y Don Roberto Luermot.
dueños en propiedad del terreno con-
sido con el nombre de las Pocitas del
Valle de San José, colindante con
las orillas de las Lomitas de las Poci-
tas, que están en el Canal de la Agua
hasta con la Sierra de Buenos Ag-
uas, y las lomas de las Cuevas, compren-
diendo dichos sitios de diez leguas poco-
mas o menos, segun está demarcado
en el diccionario que corre en este Espe-
diente, y bajo las condiciones que
en el título se expresan. Librese
el despacho correspondiente, tomese ra-
zon en el Libro respectivo, y re-
servese este expediente para conoci-
miento de la Exma Junta De-
partamental, y para su debida a-
probacion. Asi el Señor D.ⁿ

Juan B. Alvarado Gobernador del
Departamento de las Californias, lo de-
creto, mando y firmo de que doy fe.

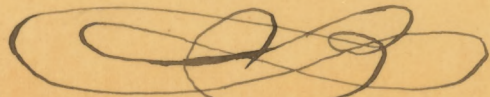
Alvarado



Monterrey 19 de Mayo de 1840.

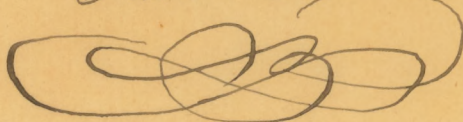
Dada cuenta ala E. Junta Departamental, acordó
en sesion de este dia que pase ala Comision de agricul-
tura

José L. Fernandez
Srio



En 22 del mismo lo devolvi' con el dictamen que
se acompaña.

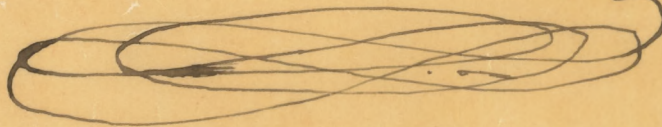
Fernandez



Monterrey 10 de Junio de 1840.

En vista de la aprobacion otorgada en 19 de Mayo ultimo por
la E. Junta Departamental, libre testimonio de ella ala
parte de D. José Noriega y D. Roberto Livramento en con-
firmacion del terreno Las Socias del Valle de S. José
que obtuvieron en lo de Abril del año pro^{mo} pasado. El Sr.
D. Juan B. Alvarado Gobernador Constitucional del Departa-
mento de las Californias an lo proveyó y firmo de que doy fe.

Alvarado



E. S.

La comision encargada de Conocer en el expediente pro
 promovido por los Srs. Dn Josu Noriega y Dn
 Roberto Libermot, visitando el paraje
 llamado Las positas del Sage, en vista de
 lo abtuado y la Consepsion echa por el E. S.
 Gobernador y lo mas que con a Conbeuido
 la Comision pone ala deliberacion de S. E.

Los articulos siguientes.

Art.º 1.º
 Aprueba la Consepsion echa por el Sr.
 Gobernador del paraje las positas del Sa
 ge, Concedidas a los Srs. Dn Josu Noriega
 y Dn Roberto Libermot,

Art.º 2.º
 vuelva este expediente al Gobierno de
 departamental para los fines Conbeuidos
 a los interesados, Monterrey Mayo 20 / 1840
 Comision de Agricultura,

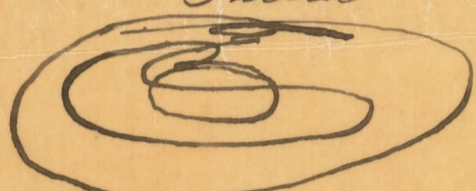
Jos Rafael Gonzalez y S. Nouello

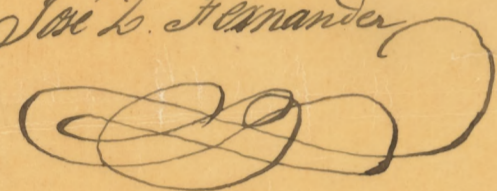
MW

May 22 de Mayo de 1840.

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En sesion de este dia aprobó la Exma. Junta Depar-
tamental los dos articulos con que conduce el dictamen anterior.

Man Jimeno
Presidente


José L. Fernandez




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



Por cuanto Don José Noriega y Don Roberto Livermot han pretendido para sus beneficios personales y el de sus familias, el parage conocido con el nombre de las Peñas, colindante con las orillas de las Lomitas de las Peñas que estan en el Sanjal de la Agua, hasta con la Sierra de Buenos Ayres, y las lomas de las Cuervas, practicadas previamente las diligencias y averiguaciones concernientes, segun lo dispuesto por las leyes, y reglamentos usando de las facultades que me son conferidas; a nombre de la Nacion Mexicana he venido en concederles el parage mencionado, declarandoles la propiedad de el por las presentes letras, entendiendose dicha concesion con entera conformidad a lo dispuesto por las leyes a reserva de la aprobacion de la Excmo Junta Departamental del Supremo Gobierno, y bajo las condiciones siguientes

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1.^a Podrán cercarlo sin perjudicar las travesías, caminos ni ervidumbres: lo disfrutaran libre y esclucivamente destinando lo al uso ó cultivo que mas les á comodo; pero dentro de un año fabricarán Casa y estará habitada.

2.^a Cuando se les conforme la propiedad se licitarán del juez respectivo, que la de posesion jurídica en virtud de este despacho, por el cual se demarcarán los lindes á cuyos límites pondrán á mas de las mojones algunos arboles frutales ó Siembras de alguna utilidad

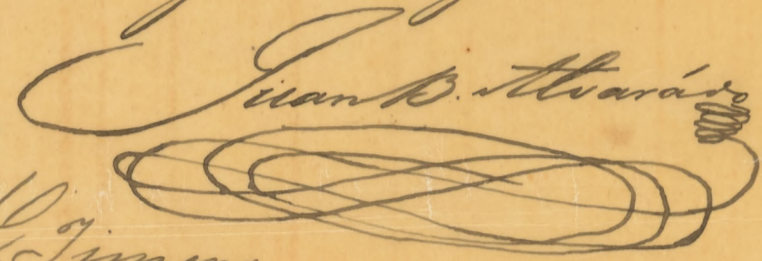
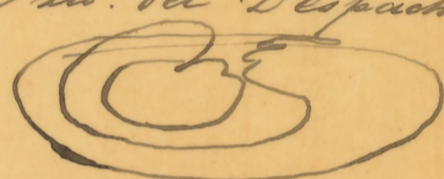
3.^a El terreno que se les hace donacion es de dos leguas poco mas ó menos segun explica el decimo, que corre en el expediente con sus límites respectivos: el juez que diere la posesion lo hará medir conforme á ordenanza, para señalar los lindes, quedando el sobrante que resulte á la nacion para los usos convenientes.

4.^a Si contravinieren á estas condiciones perderán su derecho al terreno, y será denunciabile por otro.

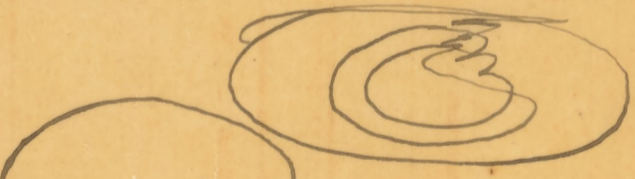
En consecuencia mando que sirviéndoles de título el presente, y teniéndose por firme y valido, se tome razon en el Libro d'que corre

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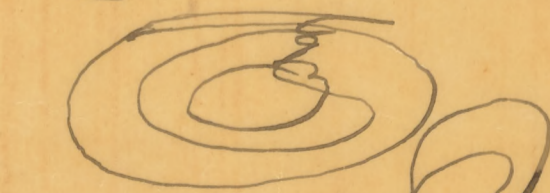
ponde, y se entregue á los interesados
para su resguardo, y demas fines. Da-
do en Monterrey á diez de Abril
de mil ochocientos treinta y nueve.

Juan B. Alvarado

M. U. g. Jimeno
Srio. del Despacho


Queda tomada razon en el Libro respec-
tivo á fogas segunda y para que
conste lo firmo.

Manuel Jimeno


El Excmo. J. Gobernador ha di-
puesto se tome razon de este título en
la Prefectura del primer Distrito.

Jimeno

Queda

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tomada aaron a fajas 6 y señalado
con el num.^o 11 del libro correspon-
diente, que obra en el archivo de la
Sra del primer distrito.

Jose M.^a Covarrubias
Sra



Erage Aldrich
\$22.50

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7/13/59

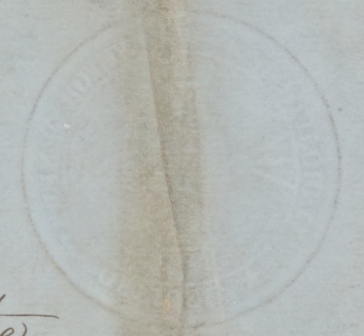
U. S. Dist Court.

The United States

v

José Noriega et al

Cert Copy Expediente
from San Genl's office



Filed February 3, 1859.

A. H. Cheever,
Clerk

Nº 129. The Encomission made by the
Governor of the place of las Poetas del
Valle to the Seniors Don Juan Arcega
and Don Roberto Laverant is approved—

No. 135

U. S. Dist. Court,

The United States,

— Cas —

José Noriega,
et al,

Translation of approval
of
Departmental Assembly,

Filed February 10, 1859,

W. H. Chever, Jr.
Clerk

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Expediente

Instituted by by the citizens José Arreaga, and
Robert Liverman, petitioning for the place
named "Las Pocitas del Valle de San José".

129

Petition

(Petition)

Third seal, two Reales -

Provisionally authorized by the
Administration of the Maritime Customs House
of the Port of Monterey for the years 1834 and
1835.

Figueroa.

Rafael Gonzalez.

To the Superior Political Chief of this
Territory -

Guillermo Galvaez, a resident of
this place, and married to a Mexican woman,
by which marriage he has four children, and
naturalized in this Republic; before Your Excellency
with all due respect presents himself, representing;
That being possessed of a small number of Cattle,
and desiring to raise as many horses as will
enable him to improve a small Rancho, and
not being possessed in property of any lands
on which to place his property: - He Solicits of
Your Excellency the favor, that you be pleased
to look upon the plan or map which duly
accompanies this, which represents by the line

from the point of N. N. W. to S. S. E. and
on the side of the West, the "Sitio" named
"Los Pozos del Valle de San Jui", bounded by
the Mission of the last name, which is in
length by the line indicated, two leagues a
little more or less; and in width from the
line referred to as far as the low hills an equal
extent, as shown by the said designs; On
this land are found some willows, and in
his opinion it is suitable for pasturage, although
it is somewhat scarce of water. Which small
piece of land, Your petitioners desire to place
thence his family and property, for the purpose
of improving the same. Wherefore Your
Excellency if you should think proper, will
order the reports to be made which may
be deemed necessary, since Your petitioner
has the security of the verbal permission to occupy
said land from the Rev. Father Minister of the
said Mission.

Wherefore they earnestly supplicate Your
Excellency to be pleased to finish the work of
beneficence which has been begun with your
petitioners, granting them from your benevolent
heart the favors which they ask for which
they will be eternally grateful.

Monterey July 11th - 1834
Guillermo Guenac.

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Marginal Reference

Marginal ref. - Monterey July 12th 1834 -

over

In Conformity with the laws upon the Subject, let the Ayuntamiento of the Pueblo of San José Guadalupe, report if the petitioner possesses the necessary requisites to entitle him to be heard on his petition; if the land petitioned for is Comprised within the twenty leagues "limitrofes" and ten "litorales", expressed in the law of the 18th of August 1824; if it be arable or suitable ^{only} for pasturage; if it pertains to the property of any individual, Corporation Pueblo, or Mission, with all other matters that may be calculated to throw light upon the ~~matter~~ ^{subject}. When this shall have been done, the Expediente will be passed to the Rev. Father Minister of the Mission of San José, that he may report that which may occur to him in relation to the matter - The Sr. Don José Figueroa Pregonero General, Comandante General, Inspector and Superior Potenced Chief of Alta California, thus ordered decreed and signed, which I attest.

Don Figueroa
Agustin V. Zamorano
Srio

Report of
Pedro Chaboya

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In compliance with the foregoing Superior
decree, I say; that the party interested in this
petition possesses the requisites of Citizenship as
set out in his petition, and of having indeed
services to the nation - The land petitioned
for is not comprised within the twenty leagues
"limitrofes" or ten "litorales", expressed by the
law of the 24th of August 1824, it is not
arable, it is suitable for pasturage, it does not
pertain to the property of any individual, or operation
~~of~~ public or mission, and if it has hitherto
been occupied by the Mission of San José, the
said Mission did not need it, for which reason,
it became disoccupied, and is now vacant.

Parish of San José July 27, 1834

Pedro Chaboya

This Expediente is passed to the hands of the
Rev. Father Minister of the Mission of San José.

Report of
Priest.

To the Superior Political Chief of this
Territory -

As by the Superior decree of Your
Excellency, I am required to report that which
may occur to me in relation to the petition for

a plan called "Las Positas", pertaining to this Mission; I say, that although this land might be made useful to this Mission, ~~it~~ yet it is not very necessary, wherefore if it meets the approbation of Your Excellency, it appears to me, that it would be beneficial to the territory, if the petitioner was granted this land for its cultivation and improvement.

Mission of San José July 27. 1834
Fr. José M.^a de San Gonzalo

Reference to Monterey August 8.^o 1834

Acadde

Let this be passed to the Alcalde of this Capital, before whom Guillermo Guzman will produce three Competent witnesses, who will be interrogated upon the following points - 1st If the petitioner is a Mexican by birth; if he is married and has children, and if he bears a good character - 2^o If the lands he petitions for, pertain to the property of any individual, Mission, Pueblo or Corporation; if it is arable or suitable only for pastures, and what may be the extent of the same - 3^o If he has wherewith to establish the Ranchos, or the possibility of acquiring the same - When this shall have been done, let the Expediente

be returned for the proper resolution - The
Señor Don José Figueroa, Brigadier General
Commander General, Inspector of the Territory
of Alta California, thus ordered decreed and
signed, which I attest.

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José Figueroa. Agustín V. Zamorano
Srio

Transfer The half of my right to this place is ceded to Roberto
of Guerneac Livermore, and for his security, I sign this on the 28th of
to Livermore January 1837 - Pueblo of San José, - ^{Alameda} Guillermo Guerneac
& Arriaga. ~~Alameda~~ Nicolas-Bercy -

I ceded my right to Don Juan Arriaga
31st Jan 1837 - Guillermo Guerneac -
In name of Judge Juan Morris -
Jose Bercy

José Arriaga and Robert Livermore
petitioning for the place called Los Postos de
Vallé de San José.

Senor Prefect of the First District.

Petition of
Severina &
Arriaga to
Jose Leator

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Don Arriaga and Robert Leator, residents
within the jurisdiction of San Jose de Guadalupe,
married to Mexican women, before Your Excellency
with all due respect, present themselves and
say; that Don Guillermo Guzman having made
a complete ~~con~~. cession of the place named
"Las Positas del Valle de San Jose", and your
petitioners desiring to occupy said Rancho by their
stock which at present they have thereon in
large numbers, by the purchase they have made
from the said Guzman, and at the same time
improve the same in the best possible manner;
and in order that Your Excellency may see
that said Don Guillermo does not allege
any right in the said land, ^{he has} ~~they have~~ de-
livered to ^{them} the documents he obtained, which
documents together with the designs ^{they} ~~are~~ herewith
present to Your Excellency, in order that you
may be pleased to issue to ^{them} ~~us~~ the title of
Concession, so that they may occupy the same
in their own right, and that no one may
molest them -

Wherewith they pray Your Excellency

to accede to their petition, in which they
will receive grace and favor - Swearing that
which is necessary, dispensing the use of
Common paper in this petition, thus being none
of the Corresponding Seal -

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San José Guadalupe March 22, 1839
José Ariza Robert Livermoh

Order of leastro
Pueblo de San Juan de leastro, Mich 23, 1839
There appearing to be no obstacle to
granting the favor asked for by the petitioners,
let this be presented to His Excellency the Governor
of the Department for his active attention -
José leastro.

Order of the Governor
Monterey May 26' 1839 -
Let this Expediente
be returned to the Prefect of the first District,
in order that he may cause a report to be
made by the Administrator of San José,
if the petitioners herein have occupied the
place of las Posas, without having caused
any prejudice to the goods of San José,
with all other matters in detail that they
may know in relation to the ~~same~~ subject

Alvarado

Order of
Reference

Pueblo de San Juan de los Rios, Mich 30. 1839
Let the Administrator of San Jose
report, as required by the foregoing decree and
let the Expediente be returned to this Prefectura,
leastro.

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Report of
Valley

The parties interested in this petition
have been possessed of the lands since the
date set forth in their petition; the land
has been given up by this establishment
since the 29th of July 1834, as appears by
the report given by the Father Jose de
Jesus Angeles; the petitioners have one
thousand head of Cattle and horses, more
or less; they have not prejudiced the interests
of this establishment, but have aided the
same with their persons and interests.

San Jose April 2^o. 1839
Jose de Jesus Vallejo

Pueblo de San Juan de los Rios, April 4th 1839.

With the foregoing report let this be
passed to His Excellency the Governor -
José Leastro.

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Monterey April 10th 1839

Decree of
Congress.

In view of the petition into which
this Expediente Commences, the report of the
Senior Prefect of the 1st District, and all that
was deemed necessary to be considered, in
conformity with what is required by the laws
and regulations upon the subject, Don José
Astriega and Don Roberto Luermot are declared
owners in propriety of the lands known by the
name of las Positas del Valle de San José,
bounded by the borders of the little hills of
the Positas that are in the willow grove de la
agua, as far as the Sierra de Buenos Ayres,
and the hills of "las Cuevas", said place
comprising two leagues a little more or less,
as designated on the map attached to the
Expediente, and under the conditions expressed
in the title - Let the Corresponding title
be issued, and entry be made of the
same in the paper book, and let this

Expediente be reserved for the consideration of
the Most Excellent Departmental Junta, for the
due approbation thereof -

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Thus the Señor Don Juan B.
Alvarado, Governor of the Department of the
California, decreed ordered and signed, which
I attest.

Alvarado.

Monterrey May 19th 1840.

Submitted

Submitted to the Excellent
to Dep. Assembly Departmental Junta, and in the Session of
today referred to the Committee on Agriculture.

José M. Fernandez,

Secretary

On the 22^d of the same month it was
returned with the accompanying report.

Fernandez.

Monterrey June 10 1840

In view of the approbation of
the Excellent Departmental Junta on the
19th of May last, let a certificate of the
same be issued to Don José Arriaga and

His Excellency the Governor, in Confirmation of the lands
of Las Puercas del Valle de San José, which
they obtained on the 10th of April of the last
year - The Sr. Don Juan B. Alvarado
Constitutional Governor of the Department of the
Californias thus pronounced and signed, which
I attest. Alvarado

Excellent Señor.

Report of The Committee to which was referred the
Committee Expediente instituted by the Citizens Don
on Colonization + vacant lands Don José Arceaga and Don Roberto Livermont, petitioning
for the place named Las Puercas del Valle,
in view of the foregoing and the opinion of
His Excellency the Governor, submitted to the
deliberation of Your Excellency the following
articles. -

- Art. 1st - The Comission made to the Citizens
Don José Arceaga and Don Roberto Livermont of
the place named Las Puercas del Valle, is approved.
Art. 2^o - Let this Expediente be returned to
the Departmental Governor, for the necessary ends

hills of las Cuevas, the necessary steps having been previously taken and the investigation made as required by the laws and regulations, by virtue of the powers conferred on me, in the name of the Mexican Nation, I have concluded to grant to them the place mentioned, declaring to them the property of the same, by these presents, said concession being understood to be in entire conformity with the requirements of the laws, subject to the approbation of the Most Excellent Departmental Junta of the Supreme Government, and under the following conditions, 1st They may enclose it without prejudice to the crossings, roads and public uses; they will enjoy it freely and exclusively devoted to it to the use or cultivation which may be most convenient, but within one year they shall build a house thereon which shall be inhabited —

2^o — When the ownership thereof is confirmed to them, they shall solicit the proper Judge to give them Judicial possession by virtue of this title, by which shall be designated the boundaries of the same, on the limits of which will be placed besides the land

marks, some fruit trees, or fruit trees of some utility -

3^o - The land of which donation is made, is of two leagues a little more or less, as is explained by the map attached to the Expediente, with its respective limits; the Judge who may give the judicial possession will cause the same to be measured in accordance with the ordinance, in order to designate the boundaries, the surplus that may result to remain for the use of the nation -

4^h - If they violate these conditions, they will lose their right to the land and it will be denounced by another -

In consequence whereof, I order that the present Permis being them as a title, the same be held as firm and valid, and that entry be made of it in the corresponding book, and that the same be delivered to the interested parties for their security and further uses - Given in Monterey on the tenth day of April 1839.

Juan B. Alvarado

Moral. Ferrer

Saw the Dispatch

Registered in the respective book on
the second folio, in witness whereof I
Sign—

Man^l. Jimeno.

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His Excellency, the Governor has ordered
that registry of this letter be made in the
Register of the First District.

Jimeno

Registered on folio six and marked
with the number "11" of the Correspondencia book,
which remains in the Archives of the Office
of the Secretary of the first District.

José M^l. Levarumbaz

No 135

U. S. District Court,

The United States,

— vs —

José Arriga,

et al,

Translation of Expediente.

Filed February 10, 1859.

W. A. Chivers,

Clerk.

2

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PAGE 72

M. S.
vs
Jose Roniega et als

Opinion —

The claimants have exhibited,
in support of their claim a
titulo or grant made by Gov.
Alvarado April 10. 1839

The original expediente is also
produced from the archives —
From this document it appears
that on the 11th July 1834,
Guillermo Galnas petitioned
Gov Figueroa for the tract
of land claimed. This petition
with Gov. Figueroa with the
caution and ~~on~~ strict attention
to the laws which seem to
have characterized all his
proceedings with regard to
grants of land. referred to
the Ayuntamiento of the Pueblo
of San Jose and to the Revd
Father Minister of the Mission
of San Jose. Favorable re-
ports having been received
from those persons, the Gov-
ernor by a further order of

Dated August 8. 1834 and led
 the petition to be passed to
 the Alcalde of the Capital
 before whom the petition was
 directed, to appear and an-
 swer interrogatories as to his
 qualifications, the condition
 of the land and his ability
 to establish a Rancho upon
 it - At this point stage
 of the proceedings Gutuae
 appears to have to Robert
 Lovemore and Josi Noviega
 on the 22^d March 1839
 these persons a duped,
 a petition to the Prefect
 of the 1st District setting forth
 the transfer by Gutuae to
 themselves of all his rights
 to the land and stating
 their desire ~~and ability~~ to
 occupy the Rancho with
 the large stock of cattle
 purchased by them of Gutuae,
 and to improve the same
 in the best possible mode
 and requesting that the title
 of Concepcion may be issued

to them so that they may occupy the land in their own rights

On the 23^d March 1839, the Prefect directs the petition to be presented to His Excellency the Governor. "There appearing to be no obstacle to granting the favor asked for"

On the 26th May 1839 the Governor Alvarado directs the petition to be returned to the Prefect that he may procure a report from the Administrator of the Mission of San José -

On the 2^d April 1839 the Administrator of the Mission makes a favorable report and on the 10th April, 1839 the decree of concession was made and the expediente ordered to be resumed for the consideration of the Most Excellent Departmental Junta -

On the 19th May 1840. The expediente was submitted to the Junta, on the 20th it was returned ^{to the Governor} with a report signed by the President and Secretary of that body. This document contains the report of the Committee to whom the expediente was referred, and the resolution of approval adopted by the Junta.

The title however or final document, had previously issued on the 10th day of April 1839 and the usual borrador or draft of it is found in the expediente.

The genuineness of this expediente is undisputed.

It is found among the archives, and it is mentioned by its number, the name of the tract and the names of the grantees in former index.

It also appears by a certified extract from the Journals of

The Assembly that in the record of their proceedings of May 22. 1840 the resolution ~~of~~ approving of this grant is duly recorded —

The signatures to the title produced by the claimants are duly ~~proved~~ proved & there can be no question but that the genuineness of this grant is proved by the clearest as well as the best evidence which could be offered in support of any title issued by the former government of this country —

It is also shown that the ~~grantees~~ ^{land} have for a long series of years and ever from a date prior to that of the grant ^{been} occupied & cultivated —

The claim is therefore undoubtedly valid and the decree of the Board confirming it must be affirmed —

No. 135

Jos. Monega
et al

Virginia

Feb. 11. 1859

Filed Feby 11. 1859.

W. H. Chesnut.

Clerk.

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

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Jose Noriega & Jose Livermore
Executors and Josefa Riquera de
Livermore Executrices of the last
Will & Testament of Rob. Livermore, dec'd.

No. 135

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

Ogden Hoffman

Dist Judge

UNITED STATES DISTRICT COURT,
Northern District of California.

The United States

vs.

José Noriega, et al.

Order granting appeal

Filed *Feb 19.* 1859.

W. A. Clancy
CLERK.

By

DEPUTY.

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

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.
Jose Noriega, et al

No. 135

And now come the said claimants, by their attorneys, and present the mandate of the Supreme Court of the United States in the above entitled cause: Whereupon it is ordered that said mandate be filed in the cause, and that said claimants be allowed to proceed under the decree of this court, affirmed by the Supreme Court of the United States, as under final decree.

Ogden Hoffman
District Judge

NO 135

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

Lore Priega et al

ORDER to file mandate
of Supreme Court.

Filed February 24, 1865.

W. A. Cheney

Clerk

135 ND
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At a stated Term of the District Court of the United States of America, for the Northern District of California, held at the Court Room, in the City of San Francisco, on Friday the 18th day of February A.D. one thousand eight hundred and fifty nine.

Present

The Hon Ogden Hoffman
District Judge

The United States
vs.

José Noriega and José Livermore

Executor and Josefa Niguera de Livermore

Executors of the last Will and Testament of Robert Livermore
Deceased

No 135

This cause came on to be heard on appeal from the final decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California, under the Act of Congress approved March 3, 1851 upon the 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 upon the further evidence filed in this Court, and it appearing to the Court that the said transcript has been duly filed according to law, and the cause having regularly come to a hearing, it is by the Court hereby ordered, adjudged and decreed that the said decision be and the same is hereby in all things affirmed; that the claim of the appellees is a good and valid claim, and that the same is hereby confirmed

The land of which confirmation is hereby made is known as "Las Pocitas" and is bounded and described as follows: to wit; On the North by the Lomas de las Cuevas, on the East by the Sierra de Buenas Ayres on the South by the dividing line of the establishment of San José, and on the West by the Rancho of Don José Dolores Pacheco containing in all two square leagues; provided that quantity be contained within the boundaries named, and if less than that quantity be contained therein, then that less quantity is hereby confirmed. Reference for further description to be had to the maps marked

is filed in this Case
dated San Francisco February 18th A.D. 1859

Ogden Hoffman
U.S. Dist. Judge.

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Northern District of California (S),
I George C. Gorham Clerk
of the District Court of the United States
for the Northern District of California
hereby certify the foregoing to be a full
true and correct copy of the original
final decree of Confirmation in the
Case The United States vs. Jose Torriga
et als on file and of record in the
Clerk's office of said District Court.

Seal

Witness my hand and
Seal of said Court hereto
affixed this seventh
day of June A.D. 1865.

Geo. C. Gorham
Clerk

per Danl. J. Sullivan
Deputy

No 135

United States District Court

Northern District of California

San Los Positas

The United States

vs

Jose' Moriega et al

Copy

Secret of Confirmation

United States of America, SS:

The President of the United States of America,
To the Honorable the Judge of the
District Court of the United States
for the Northern District of California
Greeting:

135 ND
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Whereas lately in the
District Court of the United States, for the
Northern District of California before you,
in a cause between the United States,
Appellants and José Noriega and José
Livermore, Executor and Josefa Niguera
de Livermore Executrix of the last will
and testament of Robert Livermore,
deceased, Appelles, the decree of the said
District Court was in the following
words, viz:

"This cause came on to be heard on
appeal from the final decision of the
board of Commissioners to ascertain
and settle the private land claims in
the State of California under the Act
of Congress approved March 3, 1851, upon
the 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 upon
the further evidence filed in this Court
and it appearing to the Court that the
said transcript has been duly filed accord-
ing to law and the cause having regularly

come to a hearing, it is by the Court hereby ordered, adjudged and decreed that the said decision be, and the same is hereby in all things affirmed, that the claim of the Appelles is a good and valid claim, and that the same is hereby confirmed.

The land of which Confirmation is hereby made is known as "Las Pocitas", and is bounded and described as follows to wit. On the North by the Lomas de las Cuevas on the East by the Sierra de Buenos Ayres on the South by the dividing line of the establishment of San José, and on the West by the rancho of Don José Dolores Pacheco, containing in all two square leagues, provided that quantity be contained within the boundaries named, and if less than that quantity be contained therein then that less quantity is hereby confirmed.

"Reference for further description to be had to the map marked C. filed in this case." - as by the inspection of the transcript of the record of the said District Court, which was brought into the Supreme Court of the United States, by virtue of an appeal agreeably to the act of Congress in such case made and

provided, fully and at large
appears.

And whereas in the present
term of December, in the year of our
Lord one thousand eight hundred and
sixty, the said cause came on to be
heard before the said Supreme
Court on the said transcript of the
record and on the motion of Mr
Attorney General Stanton it is now
here ordered, adjudged and decreed
by this Court that the decree of the
said District Court in this cause
be and the same is hereby affirmed
24 Jan'y.

You therefore are hereby command-
ed that such further proceedings be
had in said cause as according to right
and justice, and the laws of the
United States, ought to be had, the
said appeal notwithstanding;
witness the Honorable Roger B. Taney
Chief Justice of said Supreme Court,
the first Monday of December in the
year of our Lord one thousand
eight hundred and sixty

W^m Tho^s Carroll

Clerk of the Supreme Court of the
United States.

{ Endorsed }

No 135. No 64. December Term 1860.
Mandate Supreme Court United States.
United States vs Noriega et al.

Filed Feby 24 1865

W. H. Chevers. Clerk.

I Edward B. Cotter, Clerk of the District
Court of the United States for the District
of California, do hereby certify the foregoing
to be a full true and correct copy of
the Mandate Supreme Court United States
in Case No 135, U. States vs Noriega
et al as the same appears on file in
my office

L. J.

Attest my hand and
the seal of said District
Court, this 16th day of May
A.D. 1870.

Edw. B. Cotter Clerk
By A. D. Grimwood
Deputy Clerk

Las Pocitas

Mandate

Supreme Court

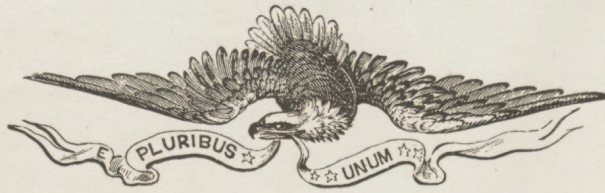
Jose' Noriega and

Jose' Livermore
vs

The United States

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Filed May 16/40
J. L. Goodrich
Clerk



135 ND
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Office of the Surveyor-General,

Of the United States, for California.



I, **JAS. T. STRATTON**, Surveyor-General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, Do Hereby Certify, that the 8. preceding, and hereunto annexed pages, of tracing paper numbered from one to 8. inclusive, exhibit a true, full and correct copy of the original.

Seen of Confirmation by the U. S. District Court. And of the Mandate of the U. S. Supreme Court in the case of the Rancho "Las Pocitas" Jose Toriega et al confirmed as the same remains of record

and now on file in this office, and in my custody; that I have carefully compared the same with said original, and that the same is a correct transcript therefrom, and of the whole of such original.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 9th day of March 1874

Jas. T. Stratton
U. S. SURVEYOR-GENERAL, FOR CALIFORNIA.



No 135 N. D.

— " —

U. S. District Court
Dist of Cal^a

— " —

The United States

v

Jose Noriega et al

— " —

Copy

Decree & Mandate

— " —

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No 135 N. D.



[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page.]