CASE NO.
138
NORTHERN DISTRICT

BOCA DE CANADA
DEL PINOLE GRANT

MARIA MANUELA VALENCIA
CLAIMANT

LAND CASE 138 ND

101 pages.

490

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 490

Maria Manuela Valencia CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Boca de Cañada del Pinole"

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* Thirteenth day of December *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 Maria Manuela Valencia *for the Place named* "Boca de Cañada del Pinole", *was presented, and ordered to be filed and docketed with No.* 490, *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 30th 1853.

In Case No. 490, Maria Manuela Valencia for the place named "Boca de Cañada del Pinole," the deposition of Juan B. Alvarado, a witness in behalf of the claimant taken before Commissioner Harry I. Thornton, with document marked H. I. T. Exhibit A. annexed thereto was filed;

(Vide page 4 of this Transcript.)

San Francisco Feb. 14th 1854.

In the same Case the deposition of Vicente Miramontes, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed;

(Vide page 5 of this Transcript.)

2.

San Francisco May 2d 1854.

Case No. 490 was called, submitted on briefs and taken under advisement by the Board.

San Francisco May 16 1854.

In the same case Commissioner Thompson Campbell delivered the Opinion of the Board rejecting the claim:

(Vide page 13 of this Transcript.)

San Francisco Aug. 15 1854.

In the same Case, on motion of the U. S. Law Agent, the following Order was made, to wit:

(Vide page 17 of this Transcript.)

3.

Petition

To the Honorable the Commissioners for ascertaining and Settling Private Land Claims in the State of California

138 ND
PAGE 4

The Petition of Doña Maria Manuela Valencia Respectfully represents That on the 21st day of June A D 1842 Juan B Alvarado Constitutional Governor of the Department of the California's granted to your Petitioner in accordance with law and under certain conditions specified in said grant to which reference is hereby made the tract of land known under the name of Boca de Cañada del Pinole adjoining and contiguous with the Rancho of Don Ignacio Martinez on the West of Mt Diablo line and with that of Don Candido Valencia

Said tract containing three square leagues (x rs leis de Canada Mayor) more or less and situated in the County of Contra Costa

Petitioner represents that she has complied with all the requirements and conditions of said grant as set forth in said grant which is hereto annexed,

Petitioner further represents that there is no claim interfering with her rights to her knowledge and that she has been the uninterrupted possessor of said tract from the time the grant was made (having been put in possession by the proper Officers up to this time,

Petitioner therefore prays that her claim may be examined and that the said tract of land as described herein and in the annexed grant may be confirmed and as in duty bound your Petitioner will ever pray

Ja. Morrow
Attorney for Maria Valencia

Filed in Office Dec 13th 1852 Geo Fisher Secy

uninterrupted

4.

Claim No 490.

San Francisco March 30 1853

On this day befor Comr H. J. Thornton came Juan B. Alvarado a witness on behalf of the claimant Maria Manuela Valencia petition No 490. and was duly sworn, his evidence being interpreted by the Secretary.

Alvarado

138 ND
PAGE 5

Questions by Claimants Counsel.

Question 1st. What is your name, age & place of residence.

Answer. My name is Juan Bautista Alvarado, I am forty three years of age & reside in San Pablo, Contra Costa.

2. You are here shown the original grant of three leagues more or less of land to Doña Maria Manuela Valencia known as Boca de la Cañada del Pinole, executed on the 21st day of June 1842 and marked A. and hereunto annexed. Please state whether the signatures of yourself that of your Secretary Manl. Jiménez, that of Jesi Maria Castañares, that of Estrada, & that of Antonio Mª Pico, are genuine or no?

Ans. I have made the grant myself, my signature thereto is genuine, all the other signatures I know, & have seen them often, have seen Jiménez, Pico, Castañares and Estrada write, & I know that their signatures to this deed are genuine.

2. Was Doña Maria Mª Valencia in possession of this land granted to her long befor this deed was made to her, if so, how many years?

Ans. It is to my knowledge that she has been in possession of this land previous to the year of 1831, eighteen hundred and thirty one.

2. Is she now and did she always occupy said land and is she still in possession of said land?

Ans. She has always occupied and is now occupying said land.

Juan B. Alvarado.

U. S. Law Agent present.

Sworn to and subscribed befor me this 30th of March 1853.

Henry J. Thornton, Comr. &c.

Filed in Office March 30 1853 Geo: Fisher Secy.

Filed in Office March 30 1853 Geo. Fisher Secy.

5.

Deposition of Vicente Miramontes

United States Land Commission
San Francisco Feb 14th 1854

On this day before Com Alpheus Felch came Vicente Miramontes a witness in behalf of the Claimant Maria Manuela Valencia case No 490 who after being duly sworn deposed as follows his evidence being interpreted by the Secretary

Questions by Mr Naut the Attorney for Claimant

138 ND
PAGE 6

1 Question Please state your name age and place of residence

answer My name is Vicente Miramontes my age is forty four years and I reside in the County of San Francisco

2 Question Do you know Maria Manuela Valencia if you know long have you known her

answer I know her and have known her about thirty years

3 Question Where does she live and how long has she been in that same place

answer She lives in the Rancho Boca de San ada Pinole she has been there since the year 1831 according to my knowledge of it

4 Question To what use does she put that Rancho

answer She has it occupied with stock and cultivates a portion of the land and has an orchard enclosed of about one hundred and fifty varas square She has cultivated the land and raised a crop every year since she has occupied the place

5 Question Has she ever occupied any other place since the establishment that Rancho ?

6

138 ND
PAGE 7

ways so She has not That is the only one she has occupied

6 Question Has she a house or houses on the land if so how many.

Answer She had three years ago two adobe houses on the place I do not know how many she has now She has a large family and some of her children are married and are living on the same Rancho

Vicente Miramontes

Mr Green her Associate Land Agent was present at the taking of the Deposition but propounded no questions

Sworn to and subscribed before me this 14th day of Feby 1854

Alphens Pelch
Commissioner

Filed in Office February 14th 1854
Geo Fisher
Secretary

7.

Dello primero seis pesos: Habilitado provisionalmte. por la aduana maritima de Monterey, para los años de 1842, y 1843.

Alvarado Antonio Mª Osio

Juan B. Alvarado Gobernador Constitucional del departamento de las Californias. Por cuanto Dª Mª Manuela Valencia ha pretendido para su beneficio personal y el de su familia el parage conocido con el nombre de la Boca de la Cañada del Pinole, colindante con el Rancho de Dn Ignacio Martinez con el de Julian Uhl y con el de Don Candelario Valencia: practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por las leyes y reglamentos usando de las facultades que me son conferidas à nombre de la Nacion Mejicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras sugetandose à la aprovacion de la Excma Junta Departamental y à las condiciones siguientes. 1ª Podrà cercarlo sin perjudicar las travesias camino y servidumbres lo disfrutarà libre y es suyo suyamte. destinandolo al uso ò cultivo que mas le acomode debiendo ocupar la Casa q. tengo ubicada 2ª Solicitarà del Juez respectivo que le de posesion en virtud de este despacho por el cual se demarcaràn los linderos en cuyos limites pondrà à mas de las mojoneras algunas señales necesarias 3ª El terreno de que se hace donacion es de tres sitios de ganado mayor poco mas ò menos segun esplica el diseño respec

pectivo. El juez que le diere la posesion lo hara me dir conforme à Ordenanza quedando el sobrante que resulte à la Nacion para los usos que mas le convengan. 4ª Si contravniere à estas condiciones perderà su derecho al terreno y serà denunciable por otro. En consecuencia mando que teniendose por firme y valedero este titulo se tome razon de el en el libro respectivo de asientos sobre adjudicaciones de terrenos Baldios y se entregue al interesado para su resguardo y demas fines. Dado en Monterey à veinte y uno de Junio de mil ocho cientos cuarenta y dos. Juan B. Alvarado

Manl. Jimeno Secrio

Queda tomada razon de este despacho en el libro de asientos sobre adjudicaciones de terrenos baldios à fojas 114. Jimeno

El Escmo Señor Gobernador ha dispuesto se tome razon de este titulo en la Prefectura del primer Distrito

Jimeno

Tomese razon. Estrada

Queda tomada razon de este supr. Titulo en el Cuaderno respectivo de esta Oficina à fojas 7 frente. Monterey Junio 22 de 1842. José Maria Castañares

Secrio int.

Filed in Office Decr. 13th 1852

Geo: Fisher Secy

9.

B
Translation
JSA

Stamp Fifty Six Dollars
Provisionally authorized by the Maritime
Custom House of Monterey for the years
1842 and 1843

Alvarado Antonio Maria Pico

Seal

Juan B Alvarado Constitutional Governor of the
Department of California

Whereas Mariano Valencia
138 ND
PAGE 10
has petitioned for his personal benefit as well
as for that of his family a tract of land known
by the name of La Boca de la Cañada de
Piñole being bounded by the Rancho of San
Ignacio Moreno by that of Indian Lil and
by land of Valencia

All the steps and investigations
concerning thereto having been first had as
required by laws and regulations in exercise
of the powers granted to me in the name of the
Mexican Nation, I have granted to the said
Mariano Valencia the above mentioned tract
of land declaring to be the property thereof by
these presents to be subject to the approval of the
Most Honorable the Departmental Assembly and
under the following conditions
1st She may enjoy the same without detriment
to the crossings roads and easements to enjoy
it freely and exclusively devoting it to such use
or cultivation as best suits her and to occupy
a house which is to be erected thereon
2nd She shall solicit the proper officer to give
her judicial possession by virtue of this title by
whom the boundaries shall be marked out or
the limits of which she is to place besides the
land marks some other durable marks
3rd The land granted as aforesaid is of three
square leagues (tres de Sitios de Ganado Mayor) more
or less as shown by the Sketch of the same The
officer who may give her the possession shall
cause the same to be measured according

1.0.

138 ND
PAGE 11

to ordinance the suspension of to remain to the nation for other convenient purposes 4th If the contravene these conditions the shall forfeit her right to the land and are be liable to be denounced by another

Therefore I order that this title being held firm and valid a record thereof be made in the respective book on adjudication of Government lands and afterwards let it be delivered to the interested party for her security and other purposes

Given at Manila on the twenty first day of June Eighteen hundred and forty two

Signed Juan B Alvarado

Juan Ignacio
Secretary

A Record of this title has been made in the Book of Registry on adjudication of Government lands at folio 14.

Ignacio

His Excellency the Governor has directed that a record of this title be made in the office of the Prefect of the first District.

Signed Ignacio

Let a Record be made
Estrada

A Record of this title has been made in the proper book kept in this office on page 7
Manila June 22. 1842
Jose Ma Castañeda
Secretary ad interim

Filed in Office December 13th 1852
Geo Fisher
Secretary

11

490

"Face copy of Map. vs

Here follows

Map

12

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

138 ND
PAGE 13

I Samuel D. King Surveyor General of the United States for the State of California - and as such now having in my Office and under my custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby Certify that the preceeding and hereunto annexed page of tracing paper exhibits a true and accurate Copy of a Map being part of the Expediente entituled Expediente promovido por Doña Maria Manuela Valencia en pretencion del parage nombrado "Boca de la Cañada del Pinole" año de 1842. "284" now on file and forming a part of the said Archives in this Office.

In testimony whereof I have hereunto signed my Name officially and affixed my private seal (not having a seal of Office) at the City of San Francisco, Cal. the 31st day of January 1853.

Samd. D. King
Survr. Genl. Cal.

Filed in Office Febry 25th 1853

Geo: Fisher Secy

Opinion of the Board

Maria Manuela Valencia
vs
The United States

} The Rancho de la Boca del Pescado
} Three Leagues

The Petitioner in this case for the purpose of deducing title to the land described in her Petition has placed on file the original grant made by Governor Alvarado on the 21st day of June A.D. 1842 together with a traced copy of a map taken from the Surveyor General's Office of the United States for the State of California

The certificate of the Surveyor General which accompanies said map contains the statement that it (the map) is a part of the Expediente in that case,

The foregoing documents are both proven to be genuine and embrace all the documentary evidence adduced by the Petitioner in this case

There is no proof that any Judicial possession of the premises was ever given or that any approval of said grant was ever made by the Departmental assembly

The depositions on file show a long residence on the land by the grantee and establish very clearly a substantial compliance with the conditions of the grant and the only obstacle to a confirmation of the claim is to be found in the proof of boundaries

The grant is in the usual form and with the usual conditions attached and contains the following descriptions of the land granted, The tract of land is known by the name of the Ranch of the Boca del Pescado Valley contiguous with the Rancho of Don Ignacio Martinez with that of Julian Lee and with that of Candelaria Valencia, The 3rd condition of the grant designates the quantity granted as being three square leagues as exhibited by the respective maps and Petitions

for a Solvante, There being no evidence adduced that any Segregation of the land intended to be granted was ever made the question presents itself whether the description given in the grant together with the description given on the map which by reference is made a part of the grant sufficiently describes the land so as to effect its separation from the other lands of a like character without the aid of the judicial measurement provided for in the third condition and whether the grant itself is intended to be by metes and bounds

A careful examination of the map referred to will show that it is not more specific than the grant with the single exception of giving the points of the Compass, The map has no Scale of distances laid down and consequently we can have no means of knowing the extent of country intended to be embraced within the delineations of boundary as there made

The map represents the Rancho of Don Ignacio Martinez as bounding on the North and North East The Ranchos of Tulucai as bounding on the East and the Ranchos of Landa and Valencia as bounding on the South there is no designation of boundary of any River on the West side and there are no Natural objects laid down as boundary marks

For ought that appears on the map the delineation might embrace only three Square leagues and it might embrace fifty this Commission has no means of ascertaining,

It has heretofore been decided that in cases where no Judicial Measurement had been made and where no a Solvante was provided for If from all the papers in the Case it was made to appear that the grant was one by metes and bounds if the description was sufficiently specific a decree of confirmation could be entered, But in the Case under consideration no such intention can be inferred from the documents on file in the Case, I think it is very clearly shown that it was the intention to grant the specific quantity of three Square leagues and that the same should be taken within the limits as defined in the

map reserving the residue to the nation, If the boundaries were clear and specific and there was a scale of distances as laid down on the maps by which the quantity might be ascertained with a reasonable degree of certainty even if it appeared that the boundaries did not contain more than the quantity granted then a regrating by judicial measurement might be dispensed with

But in the case before us no such means can be resorted to even the party has failed to give us any oral testimony on the subject. If it were true that the boundaries as delineated on the map contain no more than three square leagues the quantity granted, that fact is entirely susceptable of proof and it devolves upon the petitioner to show it

This Commission has frequently taken occasion to advert to the necessity and importance of the kind of proof just referred to even the absolute necessity of showing by some means that the boundaries within which the party claims do not contain more than the grant calls for must be apparent to all

There can be no more clear proposition presented than when the Government of Mexico expressed in precise terms the exact quantity which was intended to be granted to be three square leagues the party cannot take six or ten under the clause a little more or less

The quantity granted was mentioned and the Government provided a way for ascertaining that quantity even notwithstanding there was no regular scientific Government Survey or the rude measurement which was made of lands those are granted, by an officer responsible to the Government for his acts and who was bound by his oath to protect the public domain and guard the law from violation second just as effectually the segregation of the land granted and fixed the quantity not perhaps with the same precision and certainty but near enough for all practical purposes. The terms more or less are no doubt inserted in view of the rude and uncertain means which the Government or

thereby was compelled to adopt in the absence of a more scientific mode of making surveys of the public lands

We therefore think that in the grant under consideration was clearly not intended to be made by metes and bounds without regard to quantity and as no proof has been produced by which the exact quantity conveyed within the given limits can be ascertained

The Claim for compensation must be denied for the want of a sufficient description of the land

The Claim is therefore Rejected

Filed in Office May 16th 1854
Geo Fisher
Secretary

6/4907

17

Decree

Maria Manuela Valencia
vs
The United States

138 ND
PAGE 18

In this Case on hearing the proofs and allegations it is adjudged by the Commission that the Claim of the said petitioner is not valid and it is therefore decreed that her application for a confirmation of the same be denied

Alpheus Felch
&
Thompson Campbell

R Aug Thompson
Commissioners

Filed in Office June 7th 1854
Geo Fisher
Secy

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 decision 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

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138 ND
PAGE 19

Office of the Board of Commissioners,

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

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 Seventeen pages, numbered from 1 to 17, 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. 490 on the Docket of the said Board, wherein Maria Manuela Valencia is

the Claimant against the United States, for the place known by the name of Boca de Cañada del Pinole.

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

Geo: Fisher
Sec'y

138

No. 138. N. D.

138 J

The United States

-vs-

Maria Manuel Valencia

Rancho "Boca de Cañada del Pinole"

Land Commission No. 490.

11

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

Maria Manuela Valencia
Claimant

vs

The United States Defendant
For the place named "Boca de Cañada del Arroyo".

To the Clerk of said Court;

Please take notice that we have been retained by the Plaintiff in the above entitled cause, to prosecute this suit,

You will further take notice that it is the intention of the Plaintiff to prosecute ~~said cause~~ the appeal of said cause from the Decision of the Board of Land Commissioners to settle Private Land Claims in California, rejecting said Claim, being case No 490, before said Commission.

Yours &c,

San Francisco
~~Sept 9, 1854.~~

Bates Lawrence & Hastings
Attys for Claimant

U. S. Dist Court

Maria M. Valencia

vs

United States

Notice of
Intention to Prosecute

138 ND
PAGE 21

Bates Lawrence & Hastings
Attys for Plff

In the District Court of
the United States for the
Northern District of California
Maria Manuela Valencia
as Claimant
The United States
For the place named
"Boca de Cañada del Rinole"
No 490. of Transcripts

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

The Petition of Doña Maria Manuela Valencia respectfully represents,

That she is a citizen of California, & that the premises hereinafter mentioned are within the jurisdiction of this Court, that she presented her petition to the Board of Land Commissioners to ascertain & settle Private Land Claims in the State of California on the 13th day of December A.D. 1852, (and accompanied the same with her title papers thereto)

for a confirmation to herself of the Place named "Boca de Cañada del Pinole", adjoining & contiguous with the Rancho of Don Ignacio Martinez, with that of Julian Hill, on the that of Don Candelario Valencia said tract containing three square leagues more or less situate in the County of Contra Costa. This petitioner further says that she accompanied her said petition with the Original Grant of said Land by Juan B. Alvarado Governor of California dated the 21st day of June A.D. 1842, to your Petitioner. And your petitioner further says that she supported her said claim before the said Commission by the Testimony of Witnesses a transcript whereof is on file in this cause.

And your petitioner further says that she was in possession of

said premises prior to the date of said Grant, that she lived upon, and cultivated a considerable portion of said premises which said occupation & cultivation she has continued until the present time, that she knows of no conflicting claim thereto,

And your petitioner further represents that her said claim was rejected by the Board of Land Commissioners on the 7th day of June A.D. 1854, and a decree was entered accordingly.

That the only ground upon which said opinion and decree was founded, was for uncertainty and indefiniteness of boundaries.

Your petitioner further says that said Rancho is bounded as follows, On the North by the Rancho of Don Ignacio Martinez, On the East by the Rancho of Don Julian Hill, On the South by the Rancho of Candelario Valencia, and on the West by the Rancho last-mentioned, and the Sierra de Labor. that said boundaries contain three square leagues of land, and were the boundaries of

the plan known as "Boca de Canada del Pinole", long prior to the date of the Grant therefor,

And your petitioner further represents that the Transcript in said cause containing the proceedings & decision & the papers & evidence on which the same was founded properly certified by George Fisher Secretary of said Board, has been sent up by said Board of Land Commissioners to, & filed in this Court, in accordance with the Law in such case made & provided, on the 4th day of December A.D. 1854 to all of which papers reference is herein had, & made a part of & incorporated into this petition —

Your petitioner further says that she can, & begs leave to introduce further testimony in support of her said claim, under the Rules & orders of this Court, and therefore Prays that this Honorable Court will review the decision of said Board of Commissioners & decide upon the validity of her said claim, & your petitioner shall ever pray &c, By

Bates Lawrence & Hastings

Her attorneys.

No. 138

In Dist Court
of
United States
for North Dist

M. M. Valenzuela

vs

United States

Petitioner

Filed Dec. 8. 1854
Jno A Throckmorton
Cl

(1)

138 ND
PAGE 28

Bates Lawrence & Harding
Attys for Plffs

Due service of a copy of which the within is the original is hereby admitted. Dated San Francisco December 7th D. 1854.

D W Inge US Atty
W. A. Russell

Due

138 ND
PAGE 27

UNITED STATES DISTRICT COURT,
Northern District of California.

San Francisco, May 30th 1855,

ON this day, before N. H. Chevers a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came José Jesus Martinez a witness produced on behalf of the Claimant, in Case No. 138, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 490 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — ~~his evidence being interpreted by~~ ~~Wm Rudesindo~~ ~~a sworn interpreter~~

PRESENT; Edwin A. Lawrence Counsel for Claimant and A. Glassell for the U. S. District Attorney.

QUESTION 1st BY Claimant.

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

Answer.

My name is José de Jesus Martinez, am 40 years of age, and my place of residence is Contra Costa County California.

Question 2d.

Are you acquainted with the Rancho above mentioned. If yea, how long have you known it.

Answer.

I do know said Rancho. I have known said Rancho since the month of April A. D. 1829.

Question 3d.

State what you know in regard to the occupation, and cultivation of said Rancho by said Claimant, and state whether said Claimant is a Widow, or Married Woman.

Answer.

I know that in the said year 1829, the husband of said Claimant cultivated said Rancho, and did so every year up to the time of his death, which took place on the 6th day of January, 1840, and since then the place has been, and is now, occupied & cultivated by his Widow. She is still a Widow, and has remained a Widow ever since the death of her husband Felipe Briones. He built, in his lifetime, an adobe house for a ~~[illegible]~~ dwelling house, and one for a kitchen, or cook house. Also there was a garden —

Question 4th.

State what you know in regard to the boundaries of said Rancho. What are its contents, and what you know in regard to any survey of the same.

Answer.

The boundaries of said Rancho are as follows, viz, On the North it is bounded by the Rancho of Ignacio Martinez, my father, called "Pinole", on the east by the ridge of the Lagoon, which ridge separates it from the Rancho of William Welsh, on the south by the Rancho of Mr Brown, which he bought of Candelario Valencia,

the dividing ridge between the two ranchos is called "Cuchilla de Reliz", and on the West by the ridge called "La Cuchilla del Corral de Salindo", which ridge divides it from the San Pablo, or Sobrante Rancho, and also on the West, and North West by "La Joya" which touches both the San Pablo, or Sobrante Rancho, and that of Ignacio Martinez. The rancho claimed in this case, is entirely and completely surrounded, and bounded by the ranchos which I have mentioned. The contents of the rancho claimed in this case are about three leagues. The original a copy of which is ~~annexed~~ to the map attached to the manuscript in this case, was made by me in 1841, is correct. It was the original map presented by Doña M. M. Valencia to the Governor, when she petitioned for the land, and I made it for that purpose. When I made it the houses, corral & garden were on the rancho as represented on the map.

Cross examined by U. S. Atty.

Question 1st.

By what means did you obtain ~~your~~ any knowledge of the boundaries of the said rancho, and the contents of the same. State all the means of knowledge you have in the matter.

Answer.

I became acquainted with the boundaries of said Rancho, by going over the land with Ramon Briones, one of the Sons of the widow, the Claimant, ~~then~~ for the purpose of making the Map I have alluded to. By comparison with the "Pinole" Ranch which contains 4 leagues of land, I know the one in question does not contain more than three, I have lived on said Rancho since April, 1850, and have ridden over the rancho in question ~~it~~ thousands of times, and am well acquainted with every thing connected with it.

Question 2d.

Have you any interest in the event of this Cause,

Answer.

None whatever.

Jose de Jesus Martinez

Sworn to & subscribed before me this 30th of May, 1854.

W. H. Chevers,
U. S. Comm'r.

8

U. S. Dist. Court.

No. 138

N. D. of California.

The United States

— vs —

Maria M. Valencia,

Deposition of José de Jesus Martinez.,

Filed May 30. 1855.

by W. H. Chevers,

Deputy clerk,

2

United States of America,
To Maria Manuela Valencia,
Greeting,

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

Witness my hand and seal at San Francisco, this sixth day of August in the year of our Lord One thousand eight hundred and fifty eight.

Ogden Hoffman
Dist Judge

138

U. S. District Court

The United States

v.

Maria Manuela Valencia

Citation

Due service of within citation by U. S. marshal admitted this 6th day of Aug 1858.

T. A. Lawrence
Atty for Claimants

Filed Aug 7. 1858.
W. H. Chevis
Clerk

138 ND
PAGE 34

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

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
Appellants
vs.
Maria M. Valencia
Appellee

No. 138: D. C. 490.

And now comes the said Claimant Maria Manuela Valencia by her proper attorney E. A. Lawrence Esq, and presents the mandate of the Supreme Court of the United States affirming the decree of this Court made herein as more particularly appears by reference to the said mandate: Whereupon and on motion of the said claimant by her said attorney

It is Ordered that the said Mandate be filed and made a part of the record of this Court in this cause, and that the said claimant may proceed under the said Mandate and under the decree of this Court, as thereby affirmed, as under final decree.

Ogden Hoffman
U. S. Dist Judge

(No. 138)

District Court of the United States

IN AND FOR THE

Northern District of California.

The United States

vs.

Maria S. Valencia

Order to file Mandate of U. S. Supr. Court

Filed August 14th 1859.

W. H. Chevers, Clerk.

By

Deputy.

138 ND

PAGE 35

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

Clerk's Office,

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

Clerk.

By

Deputy.

138 ND
PAGE 36

UNITED STATES OF AMERICA, SS.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

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

greeting:

Whereas, lately, in the District Court of the United States, for the Northern District of California before you, in a cause between Maria Manuela Valencia, appellant, and the United States, appellees, the decree of the said District Court was in the following words, viz:—

"It is hereby ordered, adjudged and decreed that the said decision be in all things reversed; and it is further ordered, adjudged and decreed that the claim of the appellee to said Maria Manuela Valencia is a good and valid claim to the land known by the name of "La Bocha del Cañada de Pinole" to the extent of three square leagues within the boundaries as described in the grant and map on file in the record: Provided, said quantity of three leagues be contained within said boundaries; and if there be less than said quantity of three square leagues, then such less quantity is hereby confirmed to the said appellee".

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 fifty nine the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: On consideration whereof, it is now here ordered, adjudged and decreed by this court that the decree of the said District Court in this cause be and the same is hereby affirmed. — 20th Feb.

138 ND
PAGE 38

You, therefore, are hereby commanded that such further _____ proceedings be had in said cause, _____

as according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding:

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

~~Costs of~~

~~Clerk~~ $

~~Attorney~~ $

$

~~Taxed by~~

Wm. L. Carroll

Clerk of the Supreme Court of the United States.

138

No. 110 December Term, 1859.

MANDATE

SUPREME COURT UNITED STATES.

U. States vs Valencia

Filed Jan'y 14, 1860.

W. L. Carroll

Clerk.

138 ND

PAGE 39

138 ND
PAGE 40

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 15th day of December in the year of our Lord one thousand eight hundred and sixty,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

Maria M. Valencia,

IN LAND CASES.

District Court No. 138,

Land Com. No. 490,

AND now at this day on application of H. W. Carpentier Attorney for himself, IT IS ORDERED, that the Surveyor General of the United States for California return into this Court, on or before Wednesday, the Second day of January A. D. 1861, his Official Survey and Plat of the land finally confirmed in the above entitled cause, known as "Boca de la Cañada del Pinole", and situated in the County of Contra Costa, in said District; AND IT IS FURTHER ORDERED, that the United States Marshal for this District serve upon the said Surveyor General, without delay, a certified copy of this order, and make due return hereon.

No. 138.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

Maria M. Valencia.

ORDER TO RETURN SURVEY.

Returnable January 2d, 1861.

Issued December 15th 1860.

Filed December 15th 1860.

W. H. Chevers

Clerk.

138 ND

PAGE 41

U. S. Surveyor's Office
San Francisco Decem 15th 1860

Serve forwarded by express
to U. S. Surveyor General

P. D. Valencia
U. S. Marshal
By J. Hamilton
Deputy

U.S. District Court.

Northern District of California

The United States vs Mario M. Valencia } No. 138 "Boca de la Cañada del Rincon"

Northern District of California ss: Horace W. Carpentier being duly sworn says that he is one of the owners by conveyance duly executed of the Rancho the Solvante of the Ranchos of San Antonio, San Pablo, Rincon Nuevo & Valencia which was granted to Juan José Castro & Victor Castro in the year 1841, by the Mexican Government, and was afterwards finally confirmed to them.

That a survey has been made in this case under instructions from the U. S. Surveyor General and approved by him on the 9 day of November 1860, that said Surveyor General has advertised that said survey is in his office subject to inspection and that the date of the first appearance of said advertisement was the 24 day of November 1860.

That said survey includes a large portion, to wit, several thousand acres of land granted as aforesaid to the said Castros and now owned in part by this defendant, and that said

Survey is incorrect.

H. W. Carpenter

Sworn to and subscribed
Dec: 15. 1860. before me.

W. A. Chenes,
N. C. Com.

138.

U. S. Dist. Court

The United States
vs.
Maria M. Valencia

No 138.

Affidavit for return of Survey

Filed December 15, 1860.
W. A. Cheever.
Clerk.

138 ND
PAGE 44

U. S. District Court.

The United States
v.
Maria Manuela Valencia

No. 138.

The petition of Samuel J. Zemmert, by his attorneys Sanders and Campbell, respectfully shows:

That he is the owner of two eleventh parts of the Rancho Pinole, confirmed to M. A. M. de Richardson et al, - one of which eleventh parts he holds through his wife, one of the heirs-at-law of Ignacio Martinez, the grantee of said Pinole Rancho, and the other eleventh part by conveyance from a sister of the wife of said Zemmert, another heir-at-law of the said Ignacio Martinez: that the survey of the land finally confirmed in the above entitled cause has been duly ordered into this Court for its examination and adjudication; that the land confirmed and surveyed in the above entitled cause is adjoining the rancho confirmed and surveyed to the said Richardson, and that your petitioner has such an interest as "colindante" as entitles him to intervene in the above entitled cause for

the protection of such interest.

Wherefore your petitioner prays that he may be allowed to intervene and his appearance entered by his said attorneys in said cause.

Northern District of California ss:

Samuel J. Tennent being duly sworn says, that he has heard read the foregoing petition and knows the contents thereof, and that the matters and things therein stated are true to the best of his knowledge and belief.

Sworn to before me this 29th day of Dec A.D. 1860.

Samuel J. Tennent

Wm B Williams
N. S. Cond.

138

U. S. District Court

The United States

v.

Maria M. Valencia

Intervention of
Saml J. Tennent.

Filed Dec: 29, 1860.
W. Dr. Cheves,
Clerk

138 ND
PAGE 47

Rd. Dec: 29, by Tennent.

138 ND
PAGE 48

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

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 138, to Maria M. Valencia, known as "Boca de la Cañada del Pinole", and situated in the County of Contra Costa 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 2nd day of January A. D. 1861, 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 15th day of December A. D., 1860.

W. H. Chever

CLERK.

The within Monition was received by me on Saturday the 15th day of Dec 1860, and in obedience thereto I have given due notice, as therein commanded, by causing the publication of said notice, for 3 consecutive Wednesdays, in the San Francisco Herald, commencing on the 19th day of Dec 1860; and for 2 consecutive Saturdays, in the Contra Costa Gazette a paper published nearest the land, commencing on the 22 day of Dec 1860.

Dated San Francisco, ... 186 .

U. S. Marshal.

No. 138

UNITED STATES DISTRICT COURT,

Northern District of California.

IN LAND CASES.

THE UNITED STATES.

v.

Maria M. Valencia,

MONITION.

Returnable January 2d 1861.

Issued December 15th 1860.

Filed January 2nd 1861.

W. H. Chevers

Clerk.

138 ND
PAGE 50

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

The United States
vs
Mesa Mercedes Volcano

S. W. Blum, Alex Blum and Florence A. Bowen being severally duly sworn. Each for himself, deposes and says that he owns and claims an interest in the Rancho comprising the mining ranch, called and known as the "Rancho de la Canada del Puerto" or San Filipo by grant, etc. 1844. Have applied acquired their interest in said tract of land by purchase from Manuel Volcano the original grantee and by his conveyance to applicants made on the 20 of March in the year AD 1860. a copy of which is herein annexed, and they desire an interest in the decree of said tract of land and pray that they may be allowed to intervene for the protection of their interest

Subscribed & sworn to before me,
31st October 1860.

S. W. Blum
Alex Blum
Florence A. Bowen

E. J. Wells
Notary Public
Contra Costa Co.

This Indenture made the twentieth day of March in the year of our Lord one thousand eight hundred and sixty between Maria Manuella Valenzuela de Briones of the County of Contra Costa and State of California party of the first part: and Simon Brown Elias Brown and Thomas A Brown all residents of the same County and State parties of the second part witnesseth. That the said party of the first part for and in consideration of the sum of one Thousand Dollars. Lawful money of the United States of America to her in hand paid by the said parties of the second part. at or before the ensealing and delivery of these presents the receipt whereof is hereby acknowledged. granted bargained sold aliened released enfeoffed and confirmed and by these presents does grant bargain sell alien release enfeoffe release. convey. and confirm unto the said parties of the second part. and to their heirs and assigns forever all and singular. the right. title. and interest of the party of the first part in and to all that certain piece parcel or tract of land lying and being situate in

the county of Contra Costa and State of California. and known and described as the Rancho of Pera de la Concha del Pinol or Sow Felipe embracing and containing three square leagues of land the same which was heretofore granted to the party of the first part in the year 1842. by the Mexican Government, by and through Juan B Alvarado Governor, at that time of California. and which has been confirmed to the party of the first part by the United States District Court. for the Northern District of California to the extent of three Leagues. said Rancho of Pinole and hereby conveyed is bounded on the north by the Rancho of Pinole on the east by the Rancho Las pulgas or Rancho of the heirs of William Welch. on the South and South West. by the Rancho granted to Anastasio Bocanegra. and the dividing Ridge called the cuchillo del Corte. de Bestide the said land was granted to the party of the first part of grantee. under the name of Mra Manuella Polanco. by which name she was then known. and is held by her in her own right and the interest hereby conveyed is her whole interest in

said Rancher Excepting and reserving
four hundred acres and hundred
and fifty acres. of which is to be so
so as to include the dwelling house
by the party of the first part. and
the other two hundred and fifty
acres. of our undivided interest
together with all and singular. the tene-
ments hereditaments and appur-
tenances thereunto belonging or in
any wise appertaining and the re-
version. and reversions remainders
and remainder. rents issues and
profits thereof and also all the
Estate right title interest property
possession claim and demand
whatsoever as well in law as in
equity. of the said party of the first part
of in or to the above described premises
and every part and parcel thereof with
the appurtenances To Have and to Hold
all and singular. the above mentioned and
described premises. together with the appur-
tenances unto the said parties of the second
part and their heirs and assigns forever
And the said party of the first part
for herself, and her heirs the said
premises. in the quiet. and peaceable

possession of the said parties of the second
part and into their heirs and assigns
against the said party of the first part
and her heirs heirs and against all
and every person and persons whomsoever
lawfully claiming or to claim the same
shall and will warrant and by these
presents forever defend except
against such liens as now exist
and are due upon mortgages executed
by the party of the first part according
to law. and which are on record
in the office of the County Recorder and
such mortgages are to be assumed
by the parties of the second part. In
witness whereof the said party of the
first part has hereunto set her
hand and seal the day and year
first above written,

Merra Munnelew her + mark Coleman de Bruing

Signed sealed and delivered
in the presence of the following
witnesses who also attest
her mark
Jesse A Mathews who also
acts as sworn Interpreter
E. F. Weber

138 ND
PAGE 55

State of California
County of Contra Costa } ss.

On this twenty-sixth day of March A.D. one thousand eight hundred and sixty-before me E. F. Weber a Notary Public in and for said County duly commissioned and sworn personally appeared the within named Maria Manuela Bernal de Briones, whose name is subscribed to the annexed instrument and parties thereto personally known to me to be the individual described in and who executed the ~~same~~ annexed instrument and acknowledged to me that she executed the same freely and voluntarily and for the uses and purposes therein mentioned

{L S} {Volume 5 ice}

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

E. F. Weber
Notary Public.

Recorded at the request of Thomas A. Brown March 26 1860 at 5 o'clock and 30 minutes P.M. The erasure and interlineation in the name by the Russ across the name Maria in third line

L. C. Artemeyer County Recorder
By J. J. Alsop Deputy

Mª Menuelas Viera

to

Blum. & Blumenau

Duel

20 March 1860

4

No. 138.

Dist Ct. of the United States for the Eastern Dist of Virginia.

The United States

v

Mc Menwell & others

Intervention of L. Blum.

Filed January 2. 1861.
W. H. Chevers,
Clerk.

Thos: A. Brown,
Atty: for Blum.

United States District Court
Northern District of California.

The United States
vs.
Maria Manuela Valencia

No. 138.
"Boca de la Cañada del Pinole."

Edson Adams, Horace W. Carpentier, John B. Frisbie and Felix Buisac intervenors herein, make the following objections to the survey made and returned in this case.

1. That said survey embraces a large body of land situated within the exterior boundaries of the Pinole Rancho being the solar of said Rancho, and the property of said intervenors under grant prior to the grant to the claimants in this case.

2. That said survey embraces a large tract of land situated within the exterior boundaries of the Rancho of Valencia being the solar of said Rancho, and the property of said intervenors under the prior grant as aforesaid.

3. That said survey embraces a large tract of land lying between the Ranchos of Moraga, Pinole, Valencia, San Pablo and San Antonio which was granted to Juan José & Victor Castro in the year 1841 and is now the property of said intervenors under said grant.

4. That until the final surveys in the cases of the Ranchos of San Antonio, San Pablo, Pinole, Moraga and Valencia shall have been made and approved the said in-

tenemens can not more specifically point out the errors of said survey for the reason that the boundaries of the Ranches claimed by them are dependant upon the final surveys of said Ranchos.

Wherefore they pray that the final consideration of this case may be postponed until after the final determination of the surveys of the other named Ranchos, and that the survey herein may be set aside and annulled and that the Surveyor General be directed to exclude the lands claimed and owned by these intervenors, from any subsequent survey to be made herein.

H. W. Carpenter
for intervenors.

U. S. Dist. Court

No 138.

The United States

vs.

Maria M. Valencia

Objection to Survey.

by H. W. Carpenter et al.

Filed January 5. 1861.

W. A. Clevers.

Clerk

United States District Court.
Northern District of California.

The United States, vs. Maria M. Valencia } No. 138. Boca de la Cañada del Pinole.

Northern District of California ss: Horace W. Carpentier being duly sworn says that Edwin Adams, John B. Fisher, Felix Buissac & this affiant are owners in common of the Rancho known as the Sobrante of the Ranchos of San Antonio, San Pablo, Moraga, Pinole and Valencia which was granted in 1841 to Juan José and Victor Castro, that the approved survey returned in this case includes a large tract of land, to wit, six or eight thousand acres which does not belong to said Rancho, but is parcel of the said Rancho Sobrante, and the property of the persons aforesaid, that this affiant is the attorney of the other persons named and that all of said persons are interested in the question of the survey herein.

Wherefore he asks to be allowed to intervene on behalf of the said Adams Fisher, Buissac & himself.

Sworn to and subscribed January 5. 1861, before me.
W. A. Cheever,
N. P. Com.

H. W. Carpentier
for intervenors

U. S. District Court

No. 138.

The United States
vs
M. M. Valencia

Intervention of
H. W. Carpenter & others

Filed January 5, 1861,
W. A. Chevers,
Clerk.

In the District Court
Of the United States
For the Northern District of California
Case No 138.

United States
vs
Maria M. Valencia

"Boca de la Canada de Pinole"
"Objections to Survey"

Juana M. de Estudillo, Jose Jesus Martinez, Rafaela M. de Tennent, Saml. J. Tennent, B. V. Marle, Dolores M. de Higuera and others, owners of the Rancho "El Pinole" situated in the County of Contra Costa, State of California, adjoining the Rancho "Boca de la Cañada" on the North — under and by virtue of leave of the Court first had and obtained, intervening for their interests as owners as aforesaid — except and object jointly and severally to the survey of said Rancho last aforesaid, made by the Surveyor of the United States for the State of California and filed herein and for cause of exception and objection allege and show —

First. — That it includes lands owned by these intervenors the Pinole Ranch under a grant of the Mexican Government in California

of June 2d 1842. — Said grant having been heretofore confirmed to the parties intervening, by boundaries with which boundaries said survey conflicts.

Secondly. — That the grant called "Boca de la Cañada de Pinole" is subsequent to the grant called Pinole, and that said grant is on its northern boundary subject to the Pinole grant, and the Southern boundary of said Pinole being at this time for final adjudication before this Court, said line which encroaches on the Pinole land is not capable of definite settlement until said Pinole is finally located.

Jerma M de Estudillo
José de Jesus Martinez
Rafaela M de Fremont
B. V. Merle
Dolores M de Peguera
by Saml. I. Fremont Attorney & Agent

Samuel I. Fremont

John W. Gaunders
Defts Atty.

138.

In the Dist Court
of the United States

United States
vs.
M. M. Valencia

Objections to survey
by L. J. Tenant et al,

Filed January 22, 1861,
W. A. Cheves,
Clerk

138 ND
PAGE 66

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 22nd day of January in the year of our Lord one thousand eight hundred and sixty-one.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,
v.
M. M. Valencia,

No. 138.

And now at this day, on reading and filing the affidavit of S. J. Tennant, and on motion of the Claimants, his Counsel, it is ordered by the Court that he have leave to file objections to survey.

No. 138.

UNITED STATES DISTRICT COURT

Northern District of California.

The United States,

v.

M. M. Valencia,

Order allowing Tenant, et al to file objections to survey.

Filed January 22, 1861.

W. H. Chevers,

Clerk.

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

The United States
v.
Maria Manuela Valencia

No. 138 ~~No. 90~~

For land called "Boca de Cañada de Pinole"

United States of America
Northern District of California } ss.

Samuel J. Tennent being first duly sworn doth depose and say that he is a resident of the County of Contra Costa County State aforesaid; that deponent in right of himself and wife is the owner of Two eleventh parts of the Rancho "Pinole" land affected by and in controversy in this proceeding, and is the agent and attorney for other owners in fact of other parties representing Four other eleventh parts of said land; that deponent duly intervened for said several interests upon the proceedings on the Survey of said "Boca de Cañada de Pinole" in said District Court; that after such intervention, to wit, on the second day of January Instant, Proclamation was made in said Court requiring parties interested to file their objections to such survey, within Ten days thereafter; that deponent was

very soon afterwards and before he could have such objections prepared and filed - summoned home to Contra Costa County aforesaid, on account of sickness in his family, and was there detained by such sickness until after the Twelfth Instant; that deponent was unable to leave his family during that period and could not delegate the business to any other person; that his personal presence was necessary in this City for the purpose of preparing such objections, no one but himself having sufficient knowledge of the facts of the case.

Wherefore deponent prays leave of this Honorable Court to file his objections to the Survey of said land called "Boca de Cañada de Pinole; and that such objections may be filed with the same effect as if filed before the expiration of said 12th day of January Instant.

Subscribed & sworn to before me this 22nd day of Jany A.D. 1861
C. Ed. Sherwood
Co. S. Com.

Saml. A. Bennett

2. 138.

U. S. Dist. Court

The United States

v.

M. M. Valencia

Affi. of S. J. Emmott

Filed January 22. 1861.
W. H. Chevers,
Clerk

138 ND
PAGE 70

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

The United States
vs
R. M. Valencia
} No. 138

Take notice that the Claimant in the above entitled cause will move said Court on Saturday the 9th inst, at 10 o'clock A. M. of that day or as soon thereafter as Counsel can be heard for an order confirming the Survey of Point Ramitas, as made & approved by the U. S. Surveyor General

Yours &c
E. A. Lawrence
Atty for Claimt

To
Hon Thos A Brown
Atty for U. States
Interpreter

Mssrs Saunders & Lowthall
attys for S. J. Tennant

O. R. Carpenter
In person

In the District Court of the U.S. for the Northern Dist. of Cal.

138.

M. M. Valentine

vs

The United States

Notice

Due service of the within Notice is hereby admitted.

Saunders & Campbell
per S. C. Campbell,
H. W. Carpenter
Thomas H. Brown

Filed March 9. 1861,
W. H. Chevers,
Clerk

138 ND
PAGE 72

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

The United States
v.
Maria Manuela Valencia } Case No 138.

Simon Blum, being duly sworn says that he is the owner in fee and sole and undivided interest in the land claimed in this case, which is called the Rancho "Berreda de la Canada del Pinal" which was granted by Governor Alvarado to Maria Manuela Valencia in the year 1842. that the claim has been finally confirmed to the extent of three leagues of land that a survey of the claim has been made under the direction of the United States Surveyor General for confirmed and objections to said survey have been made by some of the claimants under the Juan Pablo Salvante grant and the Pinal grant, and the survey has been ordered to be returned with this court for review, affiant says that said Rancho as surveyed is bounded on the north by the Rancho of Pinal and Canada del Hombre, on the east by the Las Juntas and on the south by the Acalanes Rancho and public lands and on the west by lands claimed under the Juan Pablo Salvante Rancho that the "Pinal" "Canada del Hombre" Las Juntas and Acalanes Ranchos were surveyed long before this claim was surveyed affiant further says that he is informed and believes that the surveys of the Ranchos of "Pinal" and the "Canada del Hombre" and

the "Las Juntas" are all improperly and erroneously made that each one of these Ranchos by the present survey includes large tracts of land properly appertaining to the Rancho "Boca de la Cañada del Pino" and that the Rancho Las Juntas as it is at present located by said survey includes a large extent of country outside of and to the exclusion of its natural boundaries and which belongs to the claim and that the surveys of the Ranchos "Cañada del Hondo" and the Pinole extend further than their external boundaries and also include a large tract of land appertaining to this Rancho in that direction

Applicant also says that the surveys of the Ranchos of Pinole, Cañada del Hondo and Las Juntas are all pending in this Court and testimony is being taken in relation to said surveys that the survey of this claim is also pending in this Court. And he prays that he may be allowed to intervene and file exceptions to the surveys of the Ranchos of Pinole, "Cañada del Hondo" and "Las Juntas" and that he may be allowed to introduce testimony and be heard in relation to the location of said Ranchos.

Applicant also says that Wm Brown and Thomas A Brown are also interested and each of them owns an undivided interest in the Rancho Boca de la Cañada del Pino, their interest is shown in a deed of conveyance from Morris Mandeville and the original grantee to Applicant and the said Brown & Brown a copy of which is annexed to a pleading of applicant.

against, filed in this case.
Subscribed & Sworn
to Before me March
29th 1861
L C Mittenmyer
County Clerk

S V Blum

On the foregoing affidavit of Simon V Blum & Thomas A O Brown pray that the defendants surrender unto the "Sis Jewels", the "Pearce" and the "Rancho del Hessler" cases be set down and that petitions be allowed to intervene & file exceptions in the suits in relation of these cases.

Thomas A O Brown
Atty for petitioners

6

No. 138.

In the Dist Court of
the United States.

The United States
vs
Sierra Madre Mining

Affidavit of
S. Blum & Petition.

Filed April 5, 1861.
W. H. Chevers,
Clerk.

138 ND
PAGE 76

T. A. Brown,
Atty.

10 fol.

In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

138 ND
PAGE 77

The United States,

v.

Maria M. Valencia

IN LAND CASES.

Dist. Court No. 138

Land Com. No. 490

To E. A. Lawrence Esq. W. H. Sharp Esq. U. S. Atty. Saunders & Campbell and H. W. Carpentier Esq.

You are hereby notified that the testimony of Vicente Martinez, Francisco Dolinda,

in the above entitled cause in behalf of the Intervenor S. Blumenthal,

will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on Wednesday the fifth day of June A. D. 1861, at 11 o'clock, A.M., and continuing from day to day until finished, at my office No. 14 U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

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

W. H. Chevers

U. S. Commissioner.

138.

For 5th June, 1861.

Copy received this day.
C. H. May 13th 1861.
Wm H. Sharp
Dep Atty
John H. Saunders
per H. C. Campbell

Served this notice on H. W. Carpenter, and C. C. Lawrence, by leaving a copy at their respective places of abode this 13th May, 1861.
W. A. Cheeves,
R. P. Conn

In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Maria M. Valencia

IN LAND CASES.

Dist. Court No. 138

Land Com. No. 490

BE IT REMEMBERED, that on this sixth day of June A. D., 1861, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Francisco Galindo a witness produced in behalf of Intervenors S. Blum et al in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being interpreted by A. D. Splivalo a sworn interpreter.

PRESENT: Thos. H. Brown Esq for said Intervenors, Saunders & Campbell for Intervenor S. J. Tennant & H. H. Carpentier for Int. Carpentier et al, and the U. S. Atty.

QUESTIONS IN BEHALF OF THE Intervenor Blum et al.

Question 1st,

What is your name age, and place of residence?

Ans.

My name is Francisco Galindo, my age is 38 years, and I

reside in Contra Costa County.

2.

Are you acquainted with the tract of land in the County of Contra Costa called the Rancho Las Juntos, if so how long have you known it, and to whom was it granted?

Ans.

I do know it, and have known it since the year 1837. It was granted to William Welch.

3.

Do you know whether or not William Welch at any time cultivated land on said rancho at or near the place called the Arroyo del Hambre, if so state when and at what particular place such land was cultivated?

Ans.

While going from the site of the town of Martinez up along the Arroyo del Hambre together with William Welch in the year 1844, we stopped

at a place East of the

at a place East of the Arroyo del Hambre and above where the Arroyito de la Cuesta meets the Arroyo del Hambre, and pointing to said place Welch said "in years past I have cultivated this spot". The place where ~~It~~ the cultivated land was situated was a little above and on the other side of the Arroyo opposite and East of the house where Ejeciaca Arcines de Sabo lived.

H.

Did William Welch at any time point out to you the Western boundary of the Rancho Las Juntas, at and near the place you have just described, if so state what that boundary was?

Ans.

Yes he told me that the Arroyo del Hambre was his boundary at that place, all this I have said was mentioned during a conversation we had together at the

place during the year 1844.

Francisco Quiñeo

Sworn to and Subscribed
June 6th. 1861 before me.
W. A. Cheves
U. S. Commr

No. 138.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

Maria M. Valencia.

DEPOSITION OF

Francisco Galindo.

on part of Intervenors

Blum et al.

Filed July 16. 1861.

W. H. Chevers

Clerk.

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

Maria Manuela Valencia
adv.
The United States.

No. 138.

It appearing to the Court that a final survey of the lands confirmed to the claimant in this case was made and approved by the U. S. Surveyor General for California on the 9. day of November 1860, and that thereupon by order of January 2. 1861, the said survey was ordered into this court, and that objections having been filed thereto, afterwards, to wit, on the 24. day of December 1868, by consent of all the parties a decree was entered setting aside the said survey, and ordering the same to be corrected and modified as in the said decree is particularly shown, and directing the Surveyor General to make and return to this Court for its final action a corrected and modified plat of survey in accordance with the terms of said decree, and the United States Surveyor General having made and returned to this Court a corrected and modified plat of survey, approved by him on the 28. day of December 1868, and it appearing to the Court that the said approved plat of survey in all

things conformed to the instructions of said decree of December 24. 1868, the same is hereby in all things approved.

And it is further ordered, adjudged and decreed that the certified copy plat of said survey approved December 24. 1868, filed in this Court January 4th 1869, and Marked "Approved January 4th 1869 Ogden Hoffman U. S. Dist Judge", be attached to and made part of this decree for a more full and particular description of the 13.316 26/100 acres now here finally confirmed to the said Claimant herein.

Ogden Hoffman
Dist Judge

Filed January 4th A.D. 1869
Geo. E. Whitney Clerk
By R. H. Ennwood
Dep

138 ND
PAGE 85

138 ND
490 Bd

Decree

Filed January 4th 1869
Geo. E. Whitney Clerk
By N. D. Grimwood
Dep. Clk.

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

The United States vs M M Valencia	Case No 138 Rancho Boca de la Cañada del Pinole

You will please take notice that a motion will be made on behalf of S Blum, E Blum and Thomas A Brown grantees of M. M. Valencia the claimant before the Hon the District Court of the United States for California at the Court room of said Court in the City of San Francisco on Tuesday the Sixth day of ~~October~~ 1868 at the opening of said Court on that day, or as soon thereafter as counsel can be heard for leave to introduce in evidence in said Cause the final approved survey, and papers in the case of "The United States vs Swanson" claim for Rancho Las Juntas; also the final approved Survey and papers in the case of the United States vs Richardson others for the Rancho El Pinole; also the

final survey and papers in the Case of the "United States vs Jordan Soto" claim for Rancho Cañada del Hambre y las Bolsas" Also the final approved survey and papers in the Case of the "United States vs Elam B Brown" for the Rancho Acalanes.

And a motion will also be made at the same time, before said Court to bring the matters involved in the exceptions to the approved survey of the Rancho Boca de la Cañada del Pinole to an immediate hearing before the Court.

Thomas A Brown
in person & atty
for Blum & Blum

To

H W Carpenter, Counsel for Claimants in Sobrante
J. B. Crockett atty for Claimants under Jordan Soto
E A Sanborn atty for certain Claimants
X John H Sandes atty for Claimants to Pinole Ranch, and
X Delos Lake U.S. Dist Atty

Service of Copy admitted Sept 4. 1868
H. W. Carpenter
J. B. Crockett

138 ND
PAGE 89

Delos Lake
U.S. Atty

Aplin Sworn on Lake
& Sunday file with
Clerk U S Dist Court
Brown

7

138

U. S. Dist Ct

The United States
vs No 138
M M Coleman
Notice

Filed Oct 6 1868
Geo E Whiting
Clerk
By Sneed
Dep

138 ND
PAGE 90

402 Mont

The United States
ads
Maria Manuel Valencia

Decree No 138

Stated Term November 26th 1855

This cause came on to be heard at a stated term of said Court on appeal from the final decision of the Commissioners to ascertain, and settle private land claims in the State of California, under an act of Congress, approved March 3 1851, upon a Transcript of the proceedings, papers and evidence on which such decision was founded, and on additional testimony taken in this Court, and it appearing that said Transcript has been filed according to law, and Counsel for the respective parties having been heard. It is hereby ordered adjudged and decreed, that the said decision be in all things reversed, and it is further ordered adjudged and decreed, that the claim of the appellee, the said Maria Manuel Valencia is a good and valid claim to the land known by the name of Sa

Boca del Cañada de Rowle" to the extent of three square leagues within the boundaries as described in the grant and map on file in the record, Provided said quantity of three leagues be contained within said boundaries, and if there be less than said quantity of three square leagues then such less quantity, is hereby confirmed to the said appellee.

M Hall McAllister
Judge Ct Court
Dist of Cal

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

The United States
vs
Maria Manuela Valencia

It appearing to the Court that the Original decree in this case signed by M. Hall McAllister Judge of the Circuit Court, has been lost or mislaid and a Copy of said decree Certified by the

former Clerks of this Court under the seal of the Court, having been produced and exhibited in open Court, of which said certified Copy of decree the foregoing is a Compared and true Copy: It is Ordered that the foregoing Copy be and the same is hereby substituted for the Original decree and the same is ordered to be filed nunc pro tunc in place of the said Original.

John D Hoffman
Dist Judge

In U.S. District Court

No 138.

United States
vs
Maria Manuela
Valencia

Decree See p 238 Decree book

Filed December 18th 1868
as of 26th Nov: 1855
Nunc pro tunc, per
Order of Court.

Geo C Whitney Clerk
By A D Grimwood
D.C.

138 ND
PAGE 94

United States District Court
for the District of California.

The United States vs. Maria Manuela Valencia	No. 138

This cause coming on to be heard upon the final survey and the exceptions thereto heretofore filed, was argued by Counsel, and the Court being sufficiently advised in the premises;

It is ordered that the said exceptions be sustained in part, as hereinafter shown, and that in all other things the same be overruled.

And the United States District Attorney having stated to the Court that, if the Court should be of opinion that the Arroyo del Hambre and the Reliz creek were original boundaries of the Rancho Las Juntas, and also that the lands granted to the claimant in this case were, by the terms of the original grant, bounded on one side by the Rancho Las Juntas

then and in that case he consented to the modifications of survey hereinafter mentioned; And the Court being satisfied from an examination of the records and evidence in this case and also in the case of the claim for the Rancho Las Juntas, that the Arroyo del Hambre and the Reliz creek were designated as boundaries of the Rancho las Juntas, and also that the said last mentioned Rancho was named as one of the boundaries of the lands granted to the claimant in this case, and Counsel for all the intervenors being present and not objecting thereto; On motion of claimants Counsel, it is ordered, adjudged and decreed by the Court, that the said survey be modified and corrected as follows; to wit; first, so as to include the tract of land lying between the Eastern line of the tract as surveyed in this case and the Southern and Eastern lines of the finally approved survey of the Rancho of Peuole, and the Western line of the

finally approved survey of the Rancho Cañada del Hambre y las Bolsas; and secondly, so as to include the following described tract of land, to wit, commencing at a point where the Southern line of the survey in this case strikes the Reliz creek, thence following down the said Reliz creek, by its meanderings, to the junction thereof with the Walnut creek, (the same being the Western boundary of the said Rancho Cañada del Hambre), thence following up the said Walnut creek by its meanderings to a point therein One hundred rods East of the Eastern line of the Acalanes Rancho as finally surveyed, thence due North Eighty rods and thence due West to the Eastern line of the Acalanes Rancho, thence due North by the Eastern line of the Acalanes Rancho to the North East corner thereof, and thence due East to the place of beginning; and that the other lines of the said survey heretofore made in this case be modified as follows, to wit; the Northern line thereof

shall commence at a point four rods South from the North West corner of the said survey, (said point being four rods South of the Southern line of the finally approved survey of the Peiole Rancho), thence running East and parallel with the said Southern line of the Peiole Rancho and distant four rods therefrom to a point five rods Eastwardly from the point marked upon the plat of the finally approved survey of the Peiole Rancho as "Post P.R. 2.3." thence at right angles North four rods to the Northern line of the present survey herein, and thence following the said Northern line Eastwardly to the Eastern extremity thereof; and the Western line thereof shall be so located that said survey shall contain the area of three Spanish leagues and no more, and shall be run as follows, to wit; Commencing at the North West corner of said survey, thence running South along the West line of said survey One and one fourth miles,

thence due East to a point and thence due South to the Southern line of said survey, including within said boundaries the just quantity of three square leagues.

And it is further ordered that the United States Surveyor General for California cause a corrected and amended plat of Survey in accordance with the foregoing decree to be made and returned forthwith to this Court for its final action.

Ogden Hoffman Jr
U. S. Dist Judge

No. 138.

United States District Court

The United States
vs
Maria Manuela Valencia

Judgment & Decree in final survey.

138 ND
PAGE 100

Filed Dec 24th 1868.
Geo: E. Whitney
Clerk

By H. F. Lowdner
D.C.

Page 223 Vol 1. Judgts & Decrees

Office of the Board of Commissioners,

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

San Francisco, Dec 4th 1854

John A. Morrow 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. 490 on the Docket of the said Board, wherein Maria Manuel Valencia is the Claimant against the United States, for the place known by the name of "Boca de Cañada del Venado."

and request your receipt for the same.

I am, Respectfully,

Your Obt Servant,

Geo. Fisher

3

138