

CASE NO.

145

NORTHERN DISTRICT

A LOT OF LAND AT THE
MISSION OF DOLORES GRANT

ELIZABETH DE ZALDO

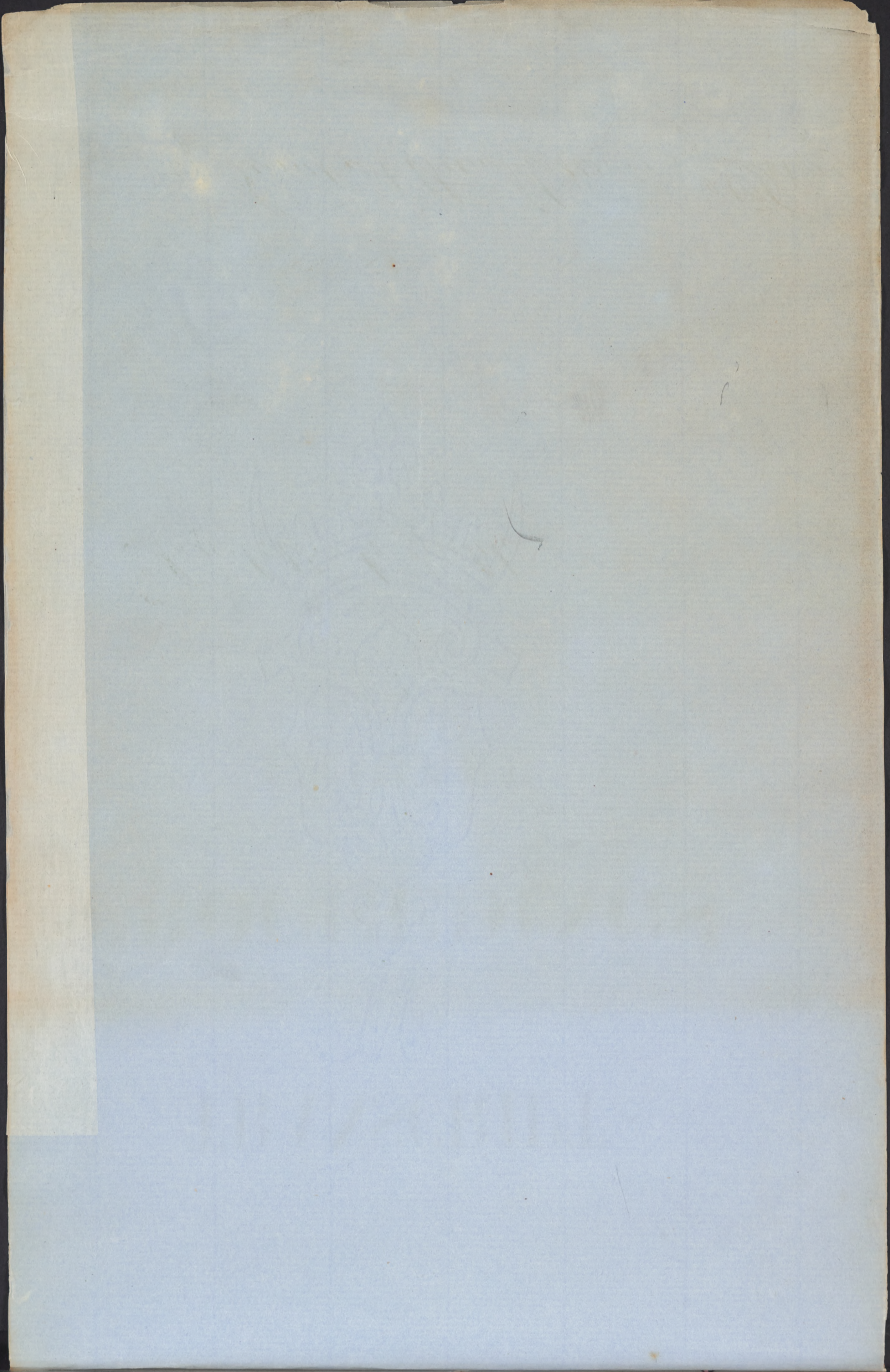
CLAIMANT

OCT 27 1962

LAND CASE 145 ND
43 pages.

Permanently
PLOVER BOND
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603



TRANSCRIPT

145 ND

PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 603.

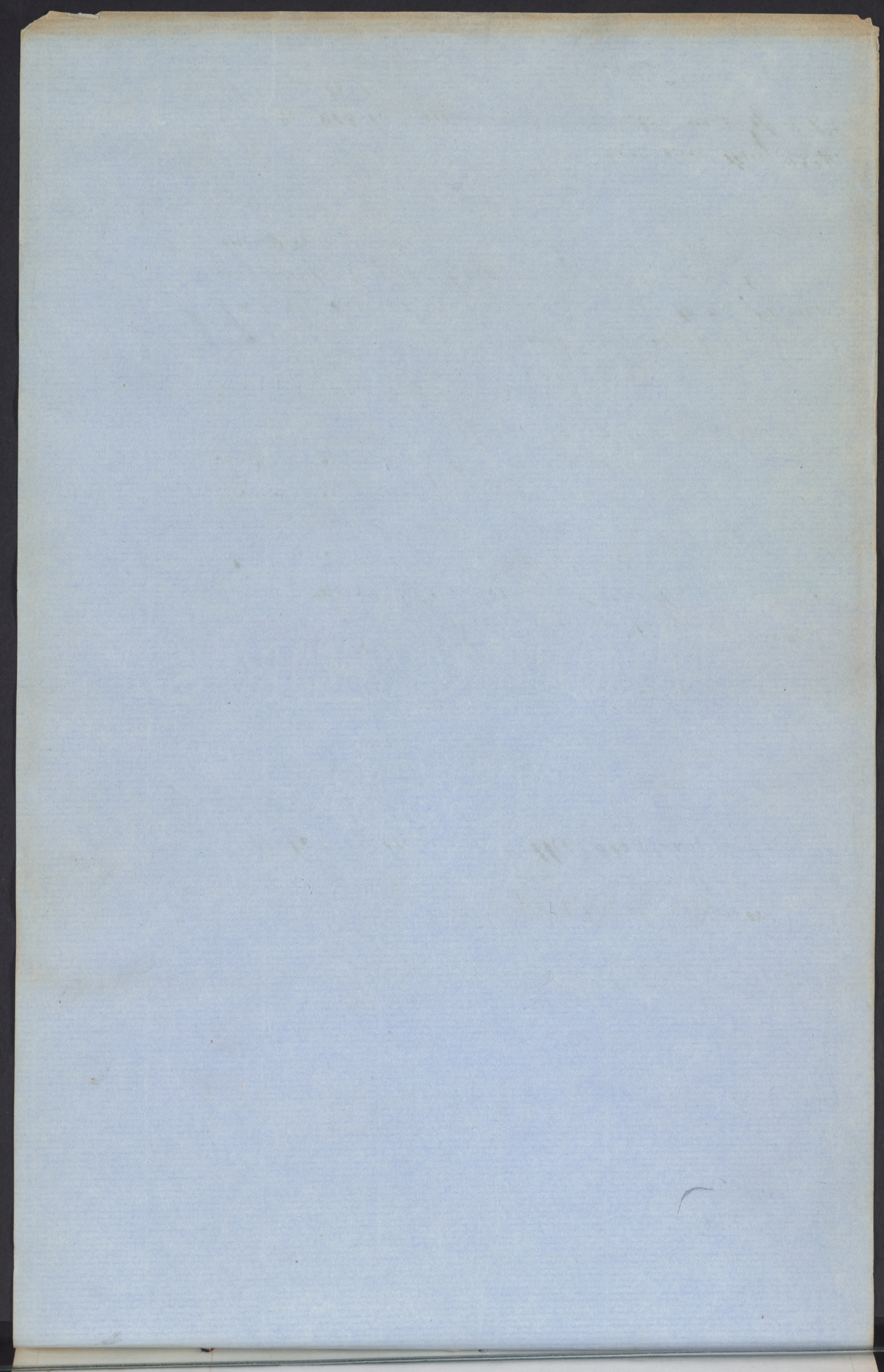
Elizabeth de Fulda CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"A Lot of Land at the Mission of Dolores."



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

The Petition of *Elizabeth de Saldo,*

for the Place named
a lot of land at the Mission of Dolores,
was presented, and ordered to be filed and docketed with No. 603, 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 Aug. 31st 1853.

In case no. 603, Elizabeth de Saldo for a lot at the
Mission of Dolores; the deposition of Francisco Sanchez,
a witness in behalf of the claimant, taken before Com-
missioner R. Aug. Thompson, with document marked
A. R. T. annexed thereto, was filed;

(Vide page 4 of this Transcript.)

San Francisco June 7th 1854.

Case no. 603, on motion, was ordered to be placed
at the foot of the Calendar of the 1st Class cases on
the Trial Docket.

San Francisco Aug. 23rd 1854,

Case no. 603 was submitted under the rule of 2nd P^t
March 1854.

San Francisco, Aug. 29th 1854.

In the same case Commissioner R. King Thompson delivered the opinion of the Board rejecting the claim:

(Vide page 14 of this Transcript.)

On motion of the U. S. Law Agent, the following order was made, to wit:

(Vide page 15 of this Transcript.)

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To the W.S. Land Commission for the ascertaining and settling of private Land claims in the state of California:

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Petition

The petition of Elisabeth Adelaide Summers de Galdo respectfully sheweth unto your Hon Board that she claims to be the lawful owner of a piece of land in the Mission de Dolores, a description of which will be given hereafter and for further explanation alleges;

That on the 8<sup>th</sup> of October 1842 one Carlos Moreno applied to the Alcalde of the Establishment of Dolores in order to obtain of him the grant of a piece of land in said Mission for the purpose of erecting a dwelling house for himself thereon.

That Francisco Sanchez, then Alcalde of said Mission, on the 12<sup>th</sup> day of October 1842, by a formal grant declared said Moreno the owner of said land.

And your Petitioner further saith that she holds the lands petitioned for under the grant so issued to Carlos Moreno as aforesaid, and that said original grant as well as the conveyance to your petitioner are in her hands and ready to be exhibited in evidence whenever required.

That the piece of land is situate in the Mission of Dolores and County of San Francisco, on the south side of Centre Street, between Valencia and Guerrero streets, is a part of block (known and laid down on the official map of San Francisco as block number thirty nine (39) and contains fifty Spanish Varas square.

And your Petitioner further saith that said Carlos Moreno before her and since the year 1851, she herself has been and still is in the quiet and peaceable possession of said land and is not aware of the existance of

any title paramount or superior to her own.

She therefore claims to be the lawful owner of said land and prays that Your Honorable Body will confirm and validate her claim and title thereto, and your Petitioners in duty bound will ever pray &c &c.

Clark Taylor & Beekh  
Attys for Petitioners

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Filed in Office Feb'y 18<sup>th</sup> 1853,  
Geo. Fisher Sec.

Office of Commissioners of  
Land Claims in California

N<sup>o</sup> 603.

This day before Com<sup>r</sup> Robt A. Thompson came Francisco Sanchez, a witness in behalf of Claimant Elisabeth de Saldo, Case N<sup>o</sup> 603, who after being duly sworn deposed as follows:

Deposition of  
Francisco Sanchez

The Secretary acted as Interpreter

Present. J. Clark Esqr Atty for Claimant  
and A. Navarro Esqr for the Land Agent.

1<sup>st</sup> Question by Claimant's Attorney  
What is your name, age and place of residence?

Ans. My name is Francisco Sanchez, I have resided since my birth in the present County of San Francisco and my age is forty eight years.

Question by same  
Look at the paper mark 603, with the letters "A" and the initials R. T. now shown you and herewith filed purporting to be a petition for and a grant of the

land claimed in this case, and state what you know of its genuineness?

Ans. I recognize the paper referred to as genuine. This is a petition presented to me and a grant made by me of a fifty vara lot in the Exmission of Volorey, to the Petitioners Carlos Moreno. When I filled the office of Justice of the Peace. I also placed him in possession of the lot.

He proceeded immediately afterward to enclose it and build a small house on it.

He and those claiming under him, have continued in possession ever since except for a short time when it was taken possession of by a squatter,

who was very soon ejected by the grantee Moreno.

And further this deponent saith not,

Francis Sanchez.

Sworn & Subscribed  
Before me this 31<sup>st</sup>  
August 1853.

R. Aug Thompson Com<sup>r</sup>

Filed in Office Aug 31<sup>st</sup> 1853,  
Geo. Fisher Sec.

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Span doc follows

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PAGE

*[Faint, illegible handwriting throughout the page, likely bleed-through from the reverse side.]*

Dor Lunes de paz primero:

Exhibir. Carlos Moreno Mexicano naturalizado y vecindado en la jurisdiccion de su mando ante usted se presenta y dice; que teniendo q. establecer una casa - para el beneficio de su persona solicita cincuenta varas en el establecimiento de Dolores contiguo al solar del Sr. de Bandelaria Valencia al C.

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P. J. A. Usted suplica el esponente que en uso de sus facultadas se le conceda lo que pide en lo que recibra gracia haciendo la presente con papel comun q. falta del que corresponde. Juan de Dios de malicia, y lo necesario de San Francisco Octubre ocho de mil ochocientos cuarenta y dos.

Carlos Moreno  
En el Establecimiento de Dolores a los 12 dias del mes de Octubre de 1842.  
por presentado y admitido se le conceda en propiedad perpetua al interesado el Solar q. solicita de cincuenta varas por cada unum bo formando cuadro bajo las condiciones siguientes.

1º Que deba dentro del preciso terreno de un año, tener sacado su Solar y fabricar su casa en el si pudiere.

2º Que se conformara en todo y por todo con sus reglamentos de policia establecidos y por establecer; sujetandose a pagar el derecho q. le toca segun el plan de la materia.

3º Que la falta de observancia del articulo R. hara perder al interesado los derechos al Solar en caso q. no tengo algun inconveniente justo q. se lo impida y con abriendo al segundo incurrir en las penas q. se le inflijan segun las Leyes y para q. le sirva de Titulo de posesion en forma segun lo dispuesto por el Gobierno Departamental le doy este fin ut supra habiendo tomado razon de el Registro q. corresponde de lo q. doy fe.

Francisco Sanchez.  
De Asso: José Maria Santa Maria  
Dios 12 p. 4 R. pagado  
County of San Francisco p.

8  
On the 26<sup>th</sup> day of September 1850, came and  
appeared before me José Maria Santa Maria  
& to me personally known & made Oath that  
the foregoing deed as executed by the said  
Francisco Sanchez in the presence of said  
Maria & that the said Maria subscribed  
his name thereto at the time of the Execution  
thereof as a subscribing Witness.

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Rod R. Morrison

County Judge

Recorded in the County Recorder's Office  
San Francisco Co. In Book No. 1. Spanish  
Records pages 13 & 15 Sept. 26<sup>th</sup> A. D.  
1850. at 10 O'clock. A. M.

John W. Mc Glynno

County Recorder  
By Jas. P. Grady Deputy

Filed in Office Feby. 18<sup>th</sup> 1853

Geo. Fisher Secy.

Mn Justice of the Peace, the first

Carlos Moreno, a Mexican by Naturalization and a resident in the jurisdiction of your Command, before you appears and says: that having to establish a house for his personal benefit, he petitions for fifty Varas in the Establishment of Colonos, adjoining the Lot of the Citizen Landlario Valencia to the Eastward; inasmuch your petitioner begs of you that in use of your faculties, his petition may be granted. Thus receiving grace, writing the present on Common Paper, for the want of the corresponding one, swearing not to act with malice and the Necessary etc  
San Francisco Oct 8<sup>th</sup> 1842.  
Signed/ Carlos Moreno

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"P"  
Translation of  
Grant.

Establishment of Colonos on the 12<sup>th</sup> day of the month of October 1842,

Don presented and admitted the perpetual ownership is granted to the interested parties of the Lot which he solicits of fifty varas at each end, forming a square under the following conditions:

First = That he shall in the precise time of a year have his Lot fenced, and shall build a house if he can,

Second: That he shall conform in every respect to the regulations of Police, established and to be established, subject to pay the corresponding fee, according to the proclamation upon the matter.

Third = The want of compliance with the article the first, will make the interested party loose his right to the Lot, unless he does not show cause for a just impediment and if

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he contravenes to the second, he will incur  
in the penalties that will be inflicted  
according to the laws, and in order that  
this may answer for a title of possession  
in due form, according to the Decree  
of the Departmental Government, I give  
this date as above, having recorded  
it in the corresponding Books of  
Records to which I attest:  
(signed) Joan Sanchez

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Of Assist. &c  
Jose Maria  
Santa Maria

Rees paid \$12. 7 Rees

Filed in Office Feb 18<sup>th</sup> 1853,  
Geo. Fisher Sec.

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State of California }  
County of San Francisco }

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"L"  
Conveyance

This Indenture made this Eleventh day of December, One Thousand eight hundred and fifty one, between Russell C. Perkins at present of Sacramento City in the State of California, of the first part and Elizabeth Adelaida Summers de Zaldo wife of Ramon de Zaldo of the Mission Dolores in the County of San Francisco, State aforesaid of the second part.

Witnesseth: That the said party of the first part, for and in consideration of the sum of Twelve Hundred Dollars lawful money of the United States to him in hand paid by the said party of the second part, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents doth grant, bargain sell, alien, remise, release, convey and confirm unto the said party of the second part, and unto their heirs and assigns forever, all the following described parcel or lot of Land, situate in that part of the City of San Francisco known as the Mission Dolores, on the South side of Centre Street, between Valencia & Esmerero streets and being 50/ fifty Varas square, and a part of Block Number 139/ thirty nine, as laid down on the maps or plat of said City, and being the same premises occupied at the date of this Conveyance, by the said Ramon de Zaldo and family together with all and singular the Tenements, hereditaments, & appurtenances,

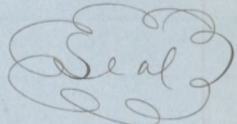
thereunto belonging or in anywise appur-  
taining, and the reversion, and  
reversions, remainders & remainders,  
rents issues & profits thereof,  
And also all the Estate, right, title interest  
property, possession, claim and demand,  
whatsoever, as well in law as in equity  
of the said party of the first part, of  
in or to the above described premises,  
and every part or parcel thereof with  
the appurtenances,

To have and to hold all and singular  
the above mentioned and described prem-  
ises together with the appurtenances  
unto the said party of the second part,  
her heirs and assigns forever.

And the said Russell C. Perkins  
for himself and his heirs doth hereby  
covenant and agree, that at the delivery  
hereof, he is the lawful owner of the  
premises above granted, and seized of  
a good and indefeasible estate of inheritance  
therein, clear of all incumbrance what-  
soever, of every name or nature,

And the said Russell C. Perkins  
for himself and his heirs, the said premises  
in the quiet and peaceable possession  
of the said party of the second part,  
her heirs and assigns, against the  
said party of the first part and his  
heirs, and against all and every  
person whomsoever, lawfully claim-  
ing or to claim the same shall and  
will warrant and by these presents  
forever defend.

In witness whereof the said party  
of the first part has hereunto set  
his hand and seal the day and year  
first above written.

Russell C. Perkins 

Signed sealed & delivered  
in presence of  
E. W. Taylor,

State of California  
County of San Francisco

On this twelfth day of December, A.D. One Thousand Eight Hundred and fifty one before me a Notary Public, within and for the County aforesaid personally appeared Russell C. Perkins, known to me to be the person described in and who executed the foregoing instruments and who acknowledged to me, that he did the same freely and voluntarily and for the uses and purposes therein mentioned. In testimony whereof I have hereunto set my hand and seal of Office the day and year first above written.

E. W. Taylor  
Notary Public,

San Francisco California.

Recorded in County Recorders Office of San Francisco Dec<sup>r</sup> 13<sup>th</sup> 1851, in Liber 8 of Deeds pages 271, v. c at 2 1/2 o'c P.M.

J. D. McSlynn  
County Recorder  
for M. E. Horneger,

Filed in Office July 18<sup>th</sup> 1853,  
Geo. Fisher Sec.

Elizabeth de Zaldu }  
vs }  
The United States } 50 Vara Lot

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Opinions

This is a claim for a Fifty vara Lot situated in the former Mission of Solonoy and now embraced within the chartered limits of the City of San Francisco. The purports to be founded on a grant made by Francisco Sanchez, Justice of the Peace to one Carlos Moreno, bearing date the 2<sup>d</sup> of October 1842. The genuineness of the Grant, the delivery of possession to the grantee and his subsequent occupation of the premises are proven by the deposition of said Sanchez.

The present occupant derives her title by virtue of a deed executed to her by one Russell C. Perkins on the 11<sup>th</sup> of December 1851 and duly acknowledged before E. W. Taylor Notary Public on the 12<sup>th</sup> of December of the same year.

There is no evidence of any connivance from the original grantee to said Perkins nor of any connection whatsoever between the title of the present claimant, and that of said original grantee.

The claim must therefore be rejected.

Elizabeth de Zaldu }  
vs }  
The United States } In this case on

Decease

Filed in Office and allegations it is adjudged by the Commission Aug 29<sup>th</sup> 1854 that the claim of the Petitioner is not valid, and it is therefore decreed that his application for a confirmation thereof be denied.  
Alphens Held, R. Aug Thompson, S. B. Farwell  
Commissioners

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 others be transmitted to the Attorney General of the United States.

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Office of the Board of Commissioners,

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

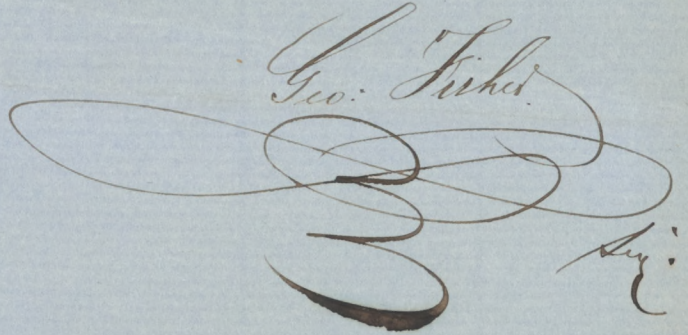
*George Fisher* — Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Fifteen* pages — pages, numbered from  
1 to 15, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
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. 613 on the Docket of the said Board,  
in

*Elizabeth de Zaldo* is —

Claimant against the United States, for the place known by  
the name of "A lot of land at the Mission  
of *Adoles*" —

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 *December*  
A. D. 1854, and of the Independence of the  
United States of America the seventy-ninth.

*Geo. Fisher*



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ND

*[Faint handwritten text, possibly bleed-through from the reverse side of the page]*



Elizabeth de Zaldo }  
The United States } Number 603. on the  
Docket U. S. Land Commission.

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

Notice is hereby given, in conformity  
with the act of Congress, that the above-  
named claimant, hereby appeals from the  
decision of the Board of Land Commissioners  
rejecting this claim, for a lot of Land in  
the Mission Dolores.

Elizabeth de Zaldo  
by her Attorneys  
Faulk & King

San Francisco May 8<sup>th</sup> 1853

W 145

Elizabeth de Galdo

<sup>vs</sup>  
The United States

Notice of  
appeal

Filed May 8<sup>th</sup> 55

J. W. Moore  
Clerk

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

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Elizabeth A. de Zaldu

Appellant

The United States

Appellee

The United States by their Attorney  
deny the validity of the title set out  
in the petition of the said Appellants:  
And pray that the decision of the  
Board of Commissioners be affirmed, and  
that the said title be decreed to be  
invalid -

Alcassell  
Asst. U.S. Atty

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

No: 145-

Elizabeth De Zaldo

The United States

Attorney of N. States

Filed June 11, 1855,

by Charles  
Deputy.

(3)

Docket N<sup>o</sup> 145.

Elizabeth A. DeZaldo  
vs  
The United States - } Appeal.

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To the Hon<sup>ble</sup> Ogden Hoffman Esq, Judge of the  
United States' Court for the Northern District,  
of California

The petition of Elizabeth A. DeZaldo a  
Citizen of California respectfully represents -

That under the provisions of the Act of Congress of  
the 3<sup>d</sup> March 1857, she presented a petition to the  
Commissioners appointed under the said Act to  
examine claims to lands in California praying  
for the Confirmation of her claim to the lot of land  
therein described of fifty vara square situate at  
the Mission Dolores in the County of San Francisco  
under a grant made by Francisco Sanchez Justice of the Peace  
to one Carlos Moreno bearing date the 12<sup>th</sup> of October 1842,  
and accompanied it by evidence of her title; and to  
which for more full and particular description  
she begs leave to refer.

That her said claim, being designated as N<sup>o</sup> 603  
on the Docket of the said Commissioners was rejected  
by them on the 29<sup>th</sup> of August 1854; that the said  
land is situate within the limits of the Northern  
District of California; that a transcript of the  
proceedings and decision of the Commissioners in  
the case was filed in the Office of the Clerk of  
the Court for that District on the 9<sup>th</sup> January 1855;  
and, on the 8<sup>th</sup> of May 1855, notice was filed  
with the said Clerk that your petitioner appealed  
from such decision.

Your petitioner prays for a rehearing of the case  
upon this appeal; that the said decision of

the same premises may be reversed and annulled;  
and that the Court will make such decree and  
order as may be necessary and proper to recognize  
conferis, and declare valid, her title and claim  
to the premises mentioned and referred to in  
her said petition and evidence of claim.

And your petitioners will ever pray &c

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Stanly King  
Attor for claimant

San Francisco }  
11<sup>th</sup> June 1855. }

No 145

Elizabeth Adelszälden }  
vs }  
The United States } Appeal

Set at Supreme Docket.

Filed June 11, 1855

J. Cheever,

Deputy

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Received a Copy this  
day

11 June '55

J. W. Duce

U. S. Dist. Atty.

(2) per John A. Hodfrey

Petition for review.

Shanty & Mining claims

This Indenture made this eleventh day of January one thousand eight hundred and fifty five between Charles Brown of the City and County of San Francisco, State of California party of the first part and Elisabeth Adelaida Zamudio de Zaldo of the same City party of the second part Witnesseth that whereas for a good and sufficient consideration the said party of the first part heretofore sold and conveyed by a good and sufficient deed the following described piece or parcel of ground unto Rafael L. Perkins, who subsequently sold and conveyed the same unto the said Elisabeth de Zaldo the hereunto party of the second part, as will more fully and at large appear by the deeds from him to her of record in the proper Office of the County of San Francisco and to which reference is hereby made; and whereas in consequence of the said deed from the hereunto party of the first part to said Perkins not appearing of record doubts might arise as to his right to make such sale and conveyance to the said Elisabeth Now therefore to remove all such doubts and to vest in the said Elisabeth any and all claim or title which <sup>the party of the first part</sup> might have had or may have of in and to the hereinafter described lot or parcel of ground the said party of the first part for and in consideration of the premises and the sum of Five dollars to him in hand paid by the said Elisabeth A. S. de Zaldo party of the second part the receipt of which is hereby acknowledged has sold remised released relinquished conveyed and quit claimed



and by these presents does sell, remise, release, relinquish, convey and quit claim unto the said party of the second part and to her heirs and assigns forever all that piece or lot of land situate in that part of the City of San Francisco known as the Mission Delores on the South side of Centre Street between Valencia and Guerrero Streets and being fifty (50) varas square and a part of the Block numbered Thirty nine (39) as laid down on the Map or plat of said City, and being the same premises sold and conveyed to her the said party of the second part by the before referred to Deed from Perkins, and then and now occupied by the said party of the second part and family, To have and to hold the said described lot or parcel of ground, with the rights, privileges and appurtenances to the same belonging unto the said party of the second part her heirs and assigns forever

And the said party of the first part for himself and his heirs hereby covenants and agrees to and with the said party of the second part her heirs executors administrators and assigns, that he and they shall and will at any and at all times hereafter, at the cost and charges of the said party of the second part her heirs & assigns, make execute and deliver any and all other Deeds or other assurances in the law, for the more effectual release and quit claim of all title or right to the said lot and premises, in favor of the said party of the second part her heirs and assigns, that she or they or her or their Counsel learned in the law shall or may reasonably devise advise or require for the more full & perfect conveyance and transfer of any and all claims of the said party of the first part of his and to the said lot or

State of California, } SS.  
County of San Francisco.

On this *Twenty fourth* day of *May* A. D., *One Thousand Eight Hundred and Fifty-five*

before me **WILLIAM HART**, a Notary Public in and for said County, personally appeared *Charles Brown*

to me personally known to be the individual described and who executed the annexed Instrument, and acknowledged that *he* executed the same *freely and voluntarily* for the uses and purposes therein mentioned

In witness whereof, I have hereunto set my hand and affixed my official Seal, the day and year first above written.

*Wm Hart*  
Notary Public.

*Recorded in ...*  
*May 25th 1855*  
*page 112*  
*Recorded in ...*  
*May 27th 1855*

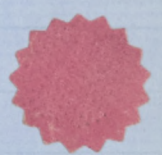


Reminds  
of  
pages

Parcel of ground & premises  
In testimony whereof the said party of the first part has  
herewith set his hand and seal the day and year  
first above written, the words "the party of the first  
part," being first interlined between the words "which" and  
"might" in the 10<sup>th</sup> line from bottom of 1<sup>st</sup> page.

Signed sealed and  
delivered in presence of  
Samuel King  
Gerrit Thompson

Charles Broome



*[Faint, mostly illegible text on a torn piece of paper, possibly a witness statement or a note.]*

Notary Public

No 145

Court docket No 145.

M. S. Dist. Court,

The United States

vs

Elizabeth de Zaldu.

Chas. Brown

To,

E. A. de Zaldu

Deed.

Deeds

Filed August 31, 1855.

J. Thomas  
Deputy

Recorded at request of E.  
A. de Zaldu. May  
25, 1855. at 11. am

Lib. 51 of Deeds  
p 112

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State of California  
County of San Francisco

On this 20<sup>th</sup> day of August 1855,  
Personally appeared before me Charles Brown  
of the Mission Dolores, City & County of San  
Francisco, and personally known to me, who  
being duly sworn deposes and saith -  
That he has been a resident of California  
for the last twenty five years, that when he  
first came here and for some time thereafter  
there were comparatively few residents who  
understood or spoke the English language,  
and that hence, although his true & proper  
name is Charles Brown, he was generally  
known to & called by the natives and residents  
by the name of Carlos Moreno, (that being the  
Spanish of his true name) and that under and  
by that name he obtained in October 1842  
from Francisco Sanchez, the Judge Justice of  
the Peace under the then local government  
for making the same, a grant of the fifty  
pasa lot at the said Mission Dolores  
which he conveyed to Russell C. Perkins,  
which said Perkins subsequently conveyed  
to Mrs Elizabeth A de Zaldo, and for which  
said lot the affiant has since given a quit  
claim deed to the said Mrs de Zaldo - that

the lot so granted to him by his Spanish name  
of Bailon Moreno is the identical one which  
has been occupied by Mr. Serrano's family  
since her purchase from Perkins & is so now -  
Also that the affiant has no interest or claim  
to the said lot.

Charles Brown  
144

Sworn & subscribed before me  
this 20th day of August A.D.,  
1835

W. M. Webb  
Not. Pub.

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It is hereby stipulated that the  
within Affidavit be taken and  
considered for all purposes as  
a regularity taken Deposition  
March 13, 1856 O. Russell  
Asst U.S. Atty.

No 145

U.S. Dist. Court,  
S.D. of California,  
The United States

— do —  
Elizabeth de Salda,

affidavit of  
Chas. Brown, alias  
Carlos Moreno,

San Francisco, 1855,  
J. Chaves  
Deputy

~~Count de Salda No 145  
U.S. District Court,  
Affidavit of  
Charles Brown  
alias  
Carlos Moreno  
Caro Elizabeth de Salda~~

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

Elizabeth de Galdo  
vs  
The United States.

Decree  
of  
Confirmation

Stated Term, March 24, 1856.

This Cause coming on this day to be heard  
upon the transcript of the proceedings and  
decision of the Board of Land Commissioners  
of the United States to ascertain and settle  
the private land claims in the State of  
California, and all the papers and  
evidence in the case, and the pleadings  
filed in this Court, and Counsel having  
been heard on the part of the United  
States and for the claimant

In consideration of all which the  
Court is of opinion that there is error in  
the decision of the said Board, and that the  
same should be and is hereby reversed.

And this Court doth adjudge order and  
decree that the title of the said claimant  
to the land described in said transcript  
is valid, and the same is hereby confirmed.

The land of which Confirmation is  
hereby made is the lot of fifty varas square  
at the former establishment of Dolores  
which has been and is in the possession of  
the claimant under conveyance from the  
original grantee Carlos Moreno, and

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145 ND  
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is the same which he petitioned for and which  
was granted to him on the 13<sup>th</sup> of October 1842,  
as being then adjoining the lot of Landlario  
Valencia to the Eastward -

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By Geo. Hoffman  
U. S. Dist Judge

No 145

In the U.S. Court  
for the Northern  
District of California

Elizabeth de Zaldo

vs

The United States

Appellee

Secrecy of Confirmation  
of claim to lot.

Filed March 24, 1856.

W. H. Church,

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 *Saturday* the *14<sup>th</sup>* day of  
*August* in the year of our Lord one thousand  
*eight hundred and fifty-seven. eight,*

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Elizabeth de Zaldo

D.C. 145; L.C. 603

In this case on application  
of P. Della Torre Esq. U. S. Attorney, it is ordered  
that an appeal in behalf of the United States  
from the final decision of the Court, rendered  
in said cause at the December, 1857 term be  
and the same is hereby granted, and that a  
certified transcript of the pleadings, evidence,  
depositions and proceedings in the said cause  
be sent to the Supreme Court of the United  
States without delay; and the appellants  
are ordered to serve the usual citation  
according to law.

Ogden Hoffman  
District Judge

145

United States District Court, Northern District of  
California.

*The United States*

vs.

*Elizabeth De Zaldo.*

ORDER.

*Granting appeal*

Filed *August 14,* 1858

*H. D. Chivers*

CLERK.

By

DEPUTY.

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The United States of America,  
J. Elizabeth de Zaldo,  
Greeting:

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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 fourteenth 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 fourteenth day of August in the year of our Lord one thousand eight hundred and fifty eight.

John Hoffman  
Dist. Judge



U. S. District Court

The United States

v.

Elij. De Zaldo

Citation

Due service of within  
citation, by U. S. Marshal,  
admitted this 16<sup>th</sup> day of  
August ad 1858.

Sturly & King

Filed Aug: 16. 1858.

W. A. Cheverus,  
Clerk.

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Sturly & King

Summary

Elisabeth de Taldo }  
vs }  
The United States }

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The claim in this case is for a fifty vara lot in the former Mission of Dolores. It is founded on a grant by Francisco Sanchez Justice of the Peace to one Carlos Moreno or Charles Brown.

The genuineness of the grant and the delivery of possession to the grantee are fully proven.

The claim was rejected by the board for want of the necessary mesue conveyance to connect the title of the present claimant with that of the original grantee - that defect has been supplied in this Court and no objection to the confirmation is presented by us or is suggested on the part of the U. S.

145-

6

7th M. S.

75

Elizabeth DeTullo

Spinosa

(6)

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U.S. District Court for the Southern District of California  
Index.

Court No. 145. Land Grant No 603

Elizabeth A. DeZaldo, }  
vs } 50 vara lot at Mispim  
The United States } Doleres.

Manuscript

Page 3.

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Petition of Elizabeth A. DeZaldo to the Land Commission claiming 50 vara lot at Mispim Doleres granted by Francisco Sanchez, Alcalde of said Mispim, to Carlos Moreno on the 12 Oct 1842.

" 4 Deposition of Francisco Sanchez, proving the original grant, filed, that he gave the grantee possession that he immediately thereafter enclosed and built a house on the same, and that he or those asserting claims under him have continued in possession.

" 9 Translation of petition of Carlos Moreno, dated 8 Oct 1842.

" " Translation of grant by Alcalde Sanchez to Carlos Moreno dated 12 October 1842.

" 11 Deed from Rufell C. Perkins to Eliz<sup>a</sup>. A. DeZaldo dated 11 Decemr 1851 for lot claimed.

14 Opinion of the Board of Land Commrs rejecting the claim because "there is no evidence of any conveyance from the original grantee to the said Perkins, nor of any connection whatever between the title of the present claimant, and that of the said original grantee", altho "the genuineness of the grant, the delivery of possession to the grantee, and his subsequent occupation of the premises are proved by the deposition of the said Sanchez".

1855. 8. May - Notice of appeal filed by claimant.

" 11 June Petition for Review filed 11 July 1855. Service on U.S. Attorney same day acknowledged.

Additional Evidence & Testimony filed

in Court.

Deed, dated 11 July 1855 from Charles Brown to Elizabeth A. DeGaldo, reciting his previous sale of the lot in question to Rufel & Perkins, but that as said deed did not appear of record, doubt might arise as to DeGaldo's title thereto under the deed from Perkins to her for the same; and he therefore now conveys to her all his interest & title to said lot.

Affidavit dated 20 Augt 1855 of said Charles Brown as to the reasons why he obtained the grant of the lot in his Spanish name of Carlos Moreno, and as to the identity of the lot specified in the deeds from Perkins & himself to Mrs DeGaldo with the particular lot so granted to him by his Spanish name Carlos Moreno.

Stanly & King  
for Plaintiff

In the United District Court  
for the Northern District  
of California

Elizabeth A. DeGaldo

vs

The United States

No 145

Abstract of title  
and evidence

Out

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Plenty & Kings  
for claimant

All District Courts for the Northern District of California

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Office of the Board of Commissioners,  
To ascertain and settle the Private Land Claims in the State of California.

San Francisco, Dec 30<sup>th</sup> 1854

John A. Monroe Esq.

Clerk of the U. S. District Court for the  
Northern District of California.

Sir;

I herewith transmit you, pursuant  
to the requirements of the Act of Congress, approved August 31st,  
1852, a Transcript of the Record of the Proceedings and of the  
Decision of this Board, of the Documentary Evidence and of  
the Testimony of the witnesses upon which the same is founded,  
in Case No. 603 on the Docket of the said Board, wherein  
Elizabeth de Zaldu is

the Claimant against the United States, for the place known  
by the name of "Sit in Mission Dolores".

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.