

CASE NO.

148

NORTHERN DISTRICT

FELIZ RANCHO GRANT

DOMINGO FELIZ

CLAIMANT

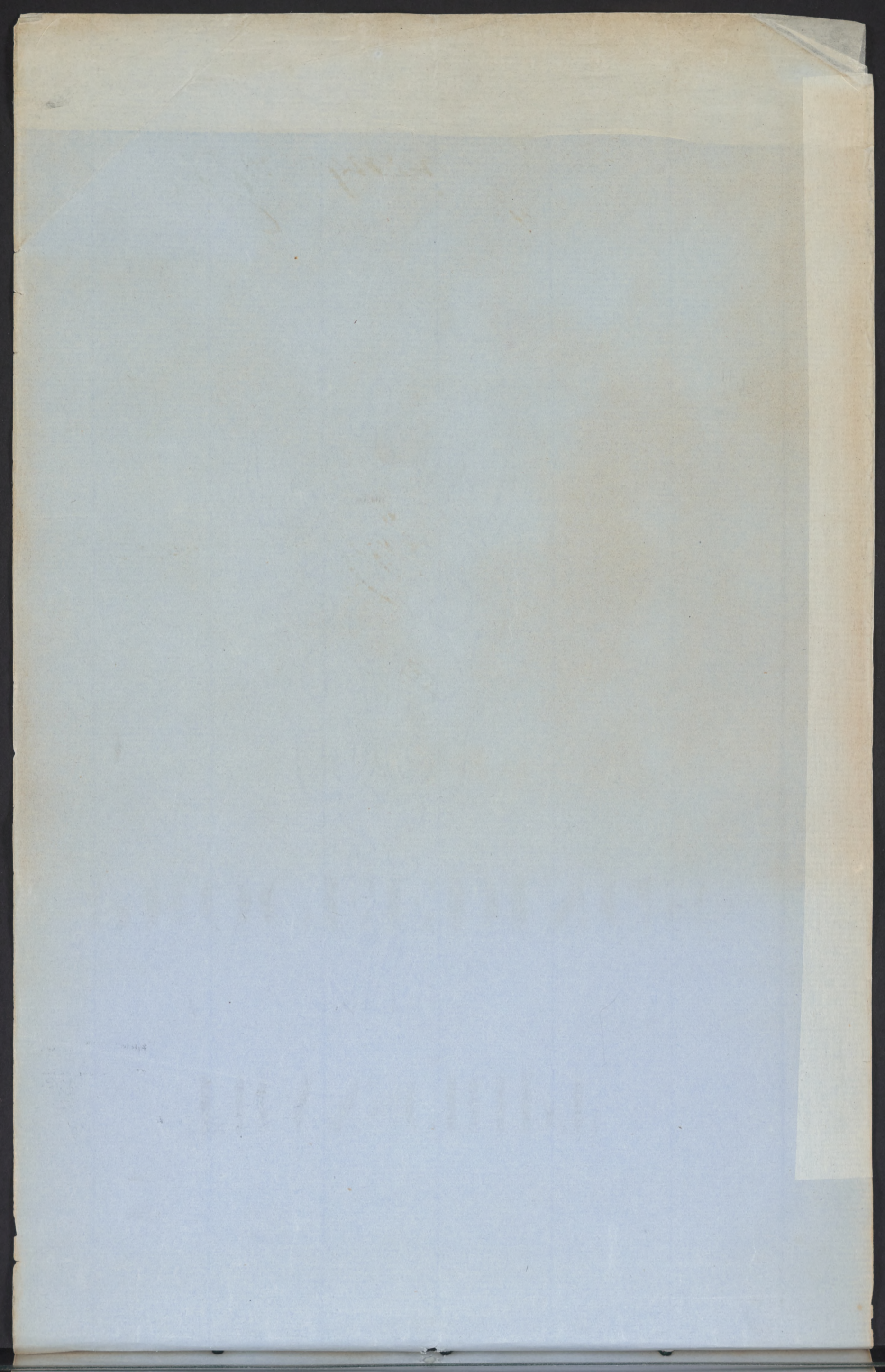
OCT 27 1962

LAND CASE 148 ND

84 pages.

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Gammage

53



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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 55

Domingo Feliz

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

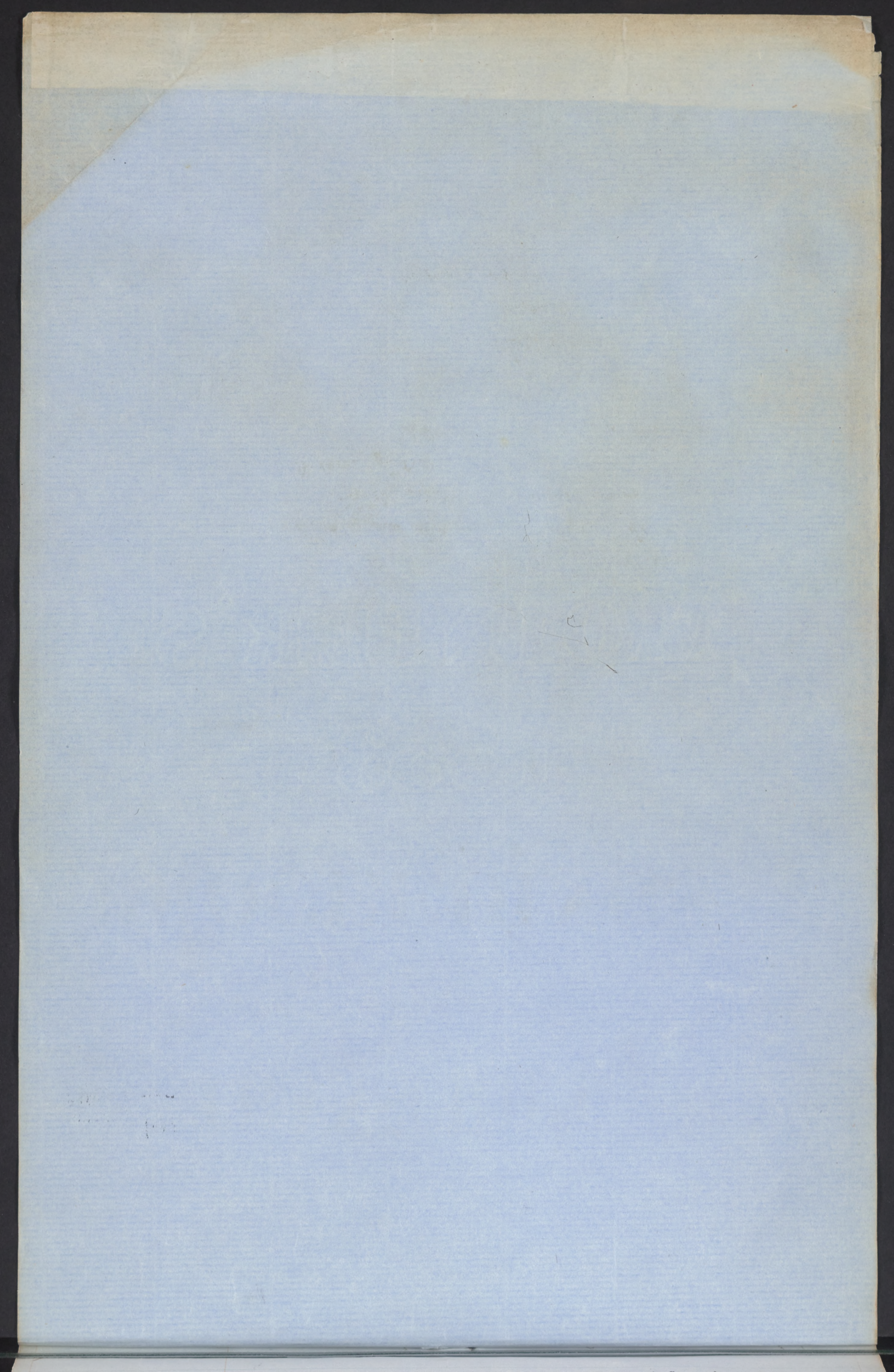
FOR THE PLACE NAMED

"

Buriburi

"

Feliz Rancho



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this Seventeenth day of February, Anno Domini One Thousand Eight Hundred and Fifty-two, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of Domingo Feliz,
 for the Place named
 "Bariburi,"
was presented, and ordered to be filed and docketed with No. 53, 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 July 26' 1853.
In Case No. 53, Domingo Feliz for the place named "Bariburi," the deposition of Jose S. Beneyera, a witness in behalf of the claimant, taken before Commissioner Alphens Felch, with argument marked A. F. A, annexed thereto was filed.

(Vide page 7 of this Transcript.)

San Francisco Aug. 26' 1853.
In the same case, the deposition of Charles Brown a witness in behalf of the claimant, taken before Commissioner Alphens Felch, was filed;

(Vide page 8 of this Transcript.)

San Francisco Aug. 27' 1853.
In the same case the deposition of Manuel S. Pena a witness in behalf of the claimant, taken before

Commissioner Thompson Campbell, was filed,
(Vide page 10 of this Transcript)

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San Francisco March 10th 1854,
In the same case the deposition of William D.
Harrington, a witness in behalf of the claimant,
taken before Commissioner R. Aug. Thompson
was filed:

(Vide page 11 of this Transcript.)

San Francisco, May 17th 1854,
In the same case the deposition of Arsenio Mira-
montes, a witness in behalf of the claimant, taken
before Commissioner Peter Sott, was filed:

(Vide page 14 of this Transcript.)

San Francisco June 13th 1854.
Case no. 53 was submitted on briefs on both sides
and taken under advisement by the Board.

San Francisco June 27th 1854.
In the same case Commissioner R. Aug. Thompson
delivered the opinion of the Board confirming the
Claim:

(Vide page 32 of this Transcript.)

San Francisco Aug. 15th 1854,
In the same case, on motion of the U. S. Law Agent,
the following order was made, to wit:

(Vide page 35 of this Transcript.)

To The Honorable The Commissioners, to ascertain and settle the Private Land Claims in California.

Petition

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Your Petitioner Domingo Delio, a resident of the County of San Francisco State of California respectfully represents to your Honorable Board that of the date of the Treaty of Guadalupe Hidalgo he was a Citizen of the Mexican Republic residing in the Department of the Californias and that subsequent to the making of said Treaty and conformably to the provisions thereof he elected to become a Citizen of the United States.

And your petitioner says that on the 26th day of August A.D. 1843, he being then a President of the Department of the Californias and Republic of Mexico made his petition in writing signed by him addressed to his Excellency the Governor Commandant General and Inspector of the Californias praying for a Grant of a certain tract of Land therein described and for the reasons therein set forth.

That on the 11th day of November A.D. 1843 Manuel Micheltorena Brigadier General of the Mexican Army Adjutant General of the Staff of the same, and then being Governor Commandant General and Inspector of the Department of the Californias by a certain writing signed by him dated that day entered upon the Margin of said petition did direct the same to the Secretary of Dispatch with orders that the necessary information should be taken in relation thereto.

That afterwards on the said 11th day of November A.D. 1843, Manuel Jimeno the Secretary of Dispatch to whom the said petition with orders as aforesaid, was directed by a certain writing dated that day, signed by him did direct the said petition as aforesaid to the

Judge of San Francisco with orders that he should take information as to the matters set forth therein and return the same to the Office of said Secretary for further action thereon.

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That afterwards to wit on the 12th day of March A.D. 1844, Guillerms Heimley Judge of the Tribunal of 1st Nomination of San Francisco to whom the said petition with orders as aforesaid was directed by the said Secretary of Dispatch by a certain writing dated that day signed by him did certify to the said Secretary of Dispatch in manner and form as in said writing is set forth.

That thereupon afterwards to wit on the 15th day of April A.D. 1844 Manuel Jimeno the Secretary of Dispatch to whom the said information was directed by the said Judge did certify in writing in manner and form as is in said certificate set forth.

That thereupon afterwards to wit on the 30th day of April A.D. 1844 the said Manuel Micheltorena Governor as aforesaid by his order in writing dated that day did direct that the Title to said Land should be issued to the said petitioner and further as is in said order set forth.

That afterwards to wit on the 30th day of April A.D. 1844 by the Decree in writing of the said Manuel Micheltorena Governor as aforesaid the said petitioner was declared to be the owner of the Land in said petition described and the corresponding despatch was ordered to be issued and recorded and recorded and.

That afterwards to wit on the 1st day of May A.D. 1844 the said Manuel Micheltorena Governor Commandant General and Inspector of the Department of California as aforesaid by his Decree in writing dated that day and countersigned by

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the said Manuel Jimeno Secretary of Despatch as aforesaid did grant to the said petitioner the lands therein mentioned and described that is to say the land bounded by the Sierra the Cumbre de las Arucas, the track of San Pedro, that of Puriburi & San Mateo by the Arroyo de las Juntas and with the Cañada de Raymond being one sitio of Ganado Mayor, a little more or less as shown by the map or plan accompanying the said petition and forming part thereof subject to the terms and conditions therein set forth and thereupon the said Title was duly recorded by the said Manuel Jimeno Secretary of Despatch as aforesaid and the fact of said Record duly certified in writing by him.

Your Petitioner has annexed to this petition a true copy of the said several writings with a translation of the same all of which he prays may be taken as part of this petition and that reference thereto may be had as often as shall be necessary,

And your petitioner further says that at the day of the date of the said several writings with a translation of the same all of which he prays may be taken as part hereinbefore mentioned the said several officers therein named were lawfully such officers under the authority of the Republic of Mexico and had full power and authority to do the several acts and things by them severally in said several writings purporting to be done and that by the said Decree of the 1st day of May A.D. 1844 signed by the said Manuel Micheltorena Governor as aforesaid your Petitioner became and was invested with a good and sufficient title in fee of and to the said tract of land herein

before mentioned.

And your Petitioner further says that immediately after the issuing of the said Decree Wash hereinbefore mentioned he entered upon and took actual and peaceable possession of the said land and that he has continued in such actual and peaceable possession from thence hitherto, and that he has complied with and fulfilled all and singular the terms and conditions in said grant mentioned to be by him complied with and fulfilled.

And your Petitioner further says that in consequence of the Revolution by which the said Governor Micheltorena was soon after the date of the said Decree driven from the Departmental Assembly, was held after the date of said grant until some time in the year 1845 when a session of said Assembly was held at Los Angeles for special purposes and for a few days only, of which said session your Petitioner living at a point more than five hundred miles distant from Los Angeles had no notice and that no other session of said Assembly was held before the conquest of California by the United States.

Wherefore Your Petitioner prays that you will declare his said title and claim to be valid, and direct the proper certificate to be issued to him.

San Francisco, July 17th 1852,

Brown Hannon & Tracy
Atty for Petitioner

Filed in Office July 15th 1852,
Geo. Fisher
Sec.

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7
Office of the Board of Land
Commissioners for California.

San Francisco July 26th 1853.

Deposition of
Jose S. Beneyza

On this day, before me Alpheus Felch one
of the Commissioners for ascertaining settling
private Land Claims in California, came
Jose S. Beneyza a witness, produced
in behalf of the claimant Domingo Felix
being No. 53, on the docket of the
Commissioners and after being duly
sworn testified as follows;

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Questions by Mr. Tracy Attorney
for the Claimant,

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

Answer. My name is Jose S. Beneyza,
my age is thirty four years, and my
residence Martine, in Contra Costa
County, California.

2 Question. Did you
know Governor Micheltoreno, and what
means had you of knowing his hand
writing?

Answer. I know him
personally, I have often seen him
write, and I have received a
number of orders and other papers
from him in 1843, when I was
paymaster of the Military Company of
San Francisco.

3 Question. Look at the
paper here presented marked Exhibit "A"
with the initials "S. B." and hereto attached pur-
porting to be a title to land given on the
first of May A.D. 1844, to Domingo
Felix, and say whether you recognize
the signatures thereon.

Answer. I recognize
and believe to be genuine, the signatures
of Manuel Micheltoreno and Manuel
Jimenez. I have often seen Manuel

jurors write and am acquainted with his signature;
Jose S. Deryesa,

Mr Greenham Assistant Land Agent was present at the taking of this deposition. The witness gave his testimony in the Spanish Language. Mr Greenham by consent of parties acting as Interpreter having been first duly sworn for that purpose.

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Subscribed and sworn to
Before me, this twenty sixth day of
July A.D. 1853,
Alphens Felch
Commissioner

Filed in Office July 26th 1853,
Geo. Fisher Sec.

Office of Commissioners of Land
Claims in California,
San Francisco.

Deposition
of
Charles Brown

This day before Commissioner Alphens Felch came Charles Brown a witness in behalf of Claimant Domingo Felix Case No. 53 who after being duly sworn deposed as follows.

Questions by Mr Tracy Attorney for the Claimant.

1 Question. What are your name age and place of residence?

Answer. My name is Charles Brown, my age is thirty eight years, and I reside at the mission Dolores in California.

2nd Question. Do you know Domingo Felix? If so where does he reside?

Answer. I do know him, he

resides on the Sanchez Rancho.

He has resided heretofore at Mission Dolores and on his farm in Canada Raymundo.

3. Question. Are you acquainted with the farm or Rancho of said Felix; and if so how well are you acquainted with it, and how long have you known it?

Answer. I have known the Rancho a number of years. I have known it since about 1833 or 1834 and before Felix owned it.

4 Question. Has Felix made any improvements on said land; and if so when of what character and to what extent?

Answer. He built a house there some three or four years ago, it is an adobe house, and I suppose cost two thousand dollars. He built a corral on the land before he built the house.

I cannot tell how long before but suppose a year or two. He has had men there cultivating it, and I suppose has put fifteen or twenty acres on thereabout under cultivation.

I saw as much as that of barley and wheak under cultivation in 1842,

I suppose that was before he owned the farm but do not know. I have been there backward & forward ever since, & know that it has been cultivated every year. I lived within sight of it fourteen years, until within the last year or two.

He has also had horses and cattle on it. I should think he had five or six hundred head of cattle & horses of all kinds I think he moved his cattle on the place about the year 1848.

5 Question. Did Felix have a house on the Ranch before he built the adobe house mentioned in your former answer.

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Answer, He had. It was a shanty on small wooden house, and was built a year or two before the adobe house was put up.

Q. Question, Where is the Rancho to which you refer situated.

Answer, It joins the Canada de Raymond on the South. The Rancho of Mesques, Guero, and Francisco Sanchez lie on the North west side of it.

Charles Brown

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M. Greenberg, Associate Land Agent was present at the taking of this deposition but declined to propose any interrogatories to the witness.

Subscribed & sworn,

Before me at San Francisco
this twentieth day of August A.D. 1853,

Alphens Felch
Commissioner

Filed in Office Aug 20th 1853,

Geo. Fisher Secy.

1853.

Office of Commissioners of Land Claims in California

Deposition
of
Manuel S.
Pena.

This day before Court Thompson Campbell came Manuel Severino Pena a witness in behalf of claimant Domingo Felix, who after being duly sworn deposed as follows.

What is your name, age and place of residence.

My name is Manuel Severino Pena, I am fifty two years of age and I reside in San Francisco County,

Do you know the Rancho claimed by Domingo Felix. If so state its name and situation and all you

know about its occupancy and cultivation.

I know the said Rancho is situated near Comine, the distance from my house to Domingo Deliz's is about one mile. I don't know that Domingo Deliz occupied the land since the year 1844, living on it part of the time himself, and always having others living on it in his employment, in a house that was on the land; the house which is now there, was built in the year 1844.

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Between the years 1844 & 1845 I saw about forty head of cattle on the Rancho, there is no cattle there now at all. Deliz now lives on the Sanchez Ranch, and I don't know where he keeps his horses & cattle.

The Associate Land Agent was present, and delivered to cross examine,

Manuel Serrano Pena
his X mark

Sworn and subscribed
Before me this 27 day of
August A.D. 1853,

Thompson Campbell
Commissioner

Filed in Office Aug 27, 1853.
Geo. Fisher
Sec.

Case No. 53

United States Land Commission
San Francisco March 10, 1854,

On this day before Com^r R. Aug Thompson came William L. Harrington a witness in behalf of the claimant Domingo Deliz Case No. 53 who after being duly sworn, deposed as follows.

Present J. J. Williams Counsel

Deposition of
Wm L. Harrington

for Claimant and J. H. McKune W. S.,
Land Agent.

Witness states his name is
William O. Harrington, his age thirty eight
years and residence County of San Francisco
California.

Question by Claimant's Attorney,

Are you acquainted with the tract of land
granted to Domingo Felix, and claimed in
this case; if so look upon the map
contained in the Expediente filed in this
case, marked Exhibit Qnd and explain the
boundaries of said land with reference
thereto.

Answer, I have known the
land claimed by said Felix since December
1850, and have resided on a tract
adjoining it since January 1857, about
a half mile from the house occupied
by said Felix.

On the west as I have always
understood it is bounded by the top of
the mountain of Sierra, on the east
by a stream or plane called San Andreas
and Juntas. On the south or South East
by the Canada De Ramundo. The northern
boundary he always told me was the Black
hills adjoining Francisco's Ranches.

The Rancho called Buriburi
lies on the East of the San Andreas and
adjoins it. The San Andreas on
Juntas separates the land of said Felix
from the Rancho of Buriburi.

Question by same.

Where does the stream called Los
Juntas on San Andreas have its source.

Answer, One branch of it
rises in the Sierra, one in the Canada
Ramundo, and the other in the
valley of San Andreas.

The one rising in the Valley
of San Andreas is the one that forms

the eastern boundary of said Rancho and joins another coming down from the Canada on Ramundo, a third one coming in from the same between the two and uniting with them near the same place I have been often near the said land,

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Question by same.

State what Rancho adjoins said land on the west.

Answer. I know that Miramontes and Vasques and Leunison live on land adjoining on the west, on the west side of the Mountain which they claim. Casarros formally claimed the land on which Leunison lives or has occupied.

Question by same.

State whether or not the map you have been examining correctly delineates the boundaries of said land.

(Objected to by W.S. Land Agent as leading)

Answer. I cannot say that the map is a correct delineation of the land through I could not easily trace the land claimed by him on it.

Cross Examined by W.S. Land Agent.

Question by same.

Could you from said map trace the boundaries of said tract of land on the ground without any previous knowledge of it.

Answer. I could without difficulty, the only difference is that the names of the streams are not laid down with entire correctness, but as there are no other streams by which a name could be mistaken he might easily trace the land or rancho.

Question by same.

How do you know that the boundaries

you have described all the limits of said Ranch.

Answer, I only know from information derived from Felix himself and his adjoining neighbors and who were living in the vicinity at the time I became acquainted.

Question by same,

What in your opinion is represented by the head line on the map passing immediately above the road "Cachilla de las ajals"

Answer. I take it to represent the middle stream of the three before spoken of, but not the one forming the boundary, it runs nearly through the middle of the tract.

Question by same,

Can you point out any object by which you can identify the northern boundary between said Ranch and that of Francisco Sanchez?

Answer, I only know a black hill which Felix said was the boundary between the two. I do not know whether it was the top or the bottom of the hill.

Wm. L. Harrington

Sworn to & subscribed
Before me March 10' 1854,
R. Aug. Thompson,

Filed in Office March 10' 1854,
Geo. Fisher Secy

Deposition
of
Arsenio
Miramontes

United States of America
State of California

San Francisco May 15' 1854.

This day personally came before Peter Lott, a Commissioner, for taking testimony to be used before the Board of U.S. Land Commissioners

witness on behalf of the claimant in

in said State, Arsenio Miramontes a witness on behalf of the Claimant in Case No. 13, on the docket of said Board, wherein Domingo Deliz is Claimant, And said witness being duly sworn deposed in Spanish which was interpreted into English by the Interpreter of said Board, as follows, to wit:

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The U. S. Survey Agent is present.

Questions by Attorney for Claimant

1st Question, What is your name, age, and residence?

Answer, My name is Arsenio Miramontes, my age is thirty years, my residence San Francisco County, California

2nd Question, Are you acquainted with the Rancho granted to Domingo Deliz by Governor Michelmore and claimed in this case, if you state what you know in regard to its occupation by said Deliz.

Answer, I am acquainted with the Rancho you speak of, and I am acquainted with Domingo Deliz, he moved onto the Rancho named, in 1844, and built a house that same year, in which he lived with his family & soon as it was built, he occupied that house which was a small wooden house, till he built his adobe house on the same rancho, then he moved into that, he built a corral in 1844, and had horses and cattle there.

Cross-Examined by U. S. Survey Agent.

1st Question, Where did Domingo Deliz live in 1843?

Answer, on the Rancho of the Sanchez, adjoining the Rancho claimed in this case.

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2nd Question. Where did you live in that same year?

Answer, where I now do, about four miles from the house Felix built.

3rd How do you remember the year so well in which Felix built his house,

Answer, I saw him there and knew what he was doing

4th. Was it not in the year 1848. if nay, how do you know.

Answer, I knew when the house was built, and it was the latter part of the year 1844, I cannot say positively, it was finished before the first of the year 1848.

5th Question. Who was then Governor of California, and how long had he been Governor?

Answer, Micheltorena was Governor at the time the house was built, I do not recollect how long he had been Governor.

6th Question. What was the size of the House Felix built, and what was the number of persons in the family when he moved into it, and what amount of property did he take on to the place?

Answer. The house was about ten varas in length, and five varas in width, the family consisted of himself & his wife and some men he had employed to work for him. He took about fifty head of Cattle, some 15 head of horses and some mares.

Arsenio Miramontes
Subscribed & sworn to

Before me on this 17
day of May A.D. 1854.

Peter L. Gold Commissioner
for taking testimony &c

Filed in Office May 15th 1854,
Geo. Fisher Sec.

(span 1000 follow)

17
Expediente }
A. }

[1 P.D.N.]

1843

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Expediente promovido por
Dⁿ Domingo Feliz en
pretension del parage que
se espresa

301.

Por Gobernador Comandte gral
e Inspector de las Californias

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Monterey Nov^{ra}
11 de 1843.
Inspe el S.
Srno del Des-
pacho toman-
do al efecto los
y necesarios y
obligando a la
parte a incluir
el pliego de
papel sellado
respectivo

Michelta

Vasquez Guerrero y Sanchez al O y N.O. y
al N. en Bureburi y S. Mateo, y al E. cuando
de Reynundo y al S. con la Sierra, no po-
niendo la estension de dho terreno solicitado
por no haber inteligentes p^{ra} la medida y
por ser pura lomeria

A V.E suplica rendidamente se digno
en obsequio de la humanidad el concederle
lo expuesto en su solicitud segun lo hallare
por conveniente, de lo q^e recibira merced y
gracia, jurando no ser de malicia y lo
necesario te. no siendo en papel sellado
por no haberlo -

San Fran^{co} Agosto 20 de 1843

Domingo Feliz +



Agregado el papel correspondiente dirijase la presente solicitud al Juez de San Fran^{co} para que informe sobre su contenido, y vuelva a esta Sr^a para dar el que correspondiere en cumplimiento al Sup.^o decreto de hoy.

Monterrey Noviembre 11 de 1843

Mant. Linares

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Juzgado de 1.^a nominacion
de San Fran^{co} de Asis

En cumplimiento de lo dispuesto por el Superior Decreto de 11 de Novbre 1843 — que se halla al margen de la solicitud que hace el Sr. Domingo Felix, debo decir que habiendo reunido en este Juzgado de mi cargo los propietarios colindantes con el terreno que pide el interesado dicho, el resultado del interrogatorio que les hice, es que el terreno de cual se hace mencion es baldio, y no les perjudica en manera alguna; por lo que, y estando satisfecho que no pertenece a ningun particular, mision, o corporacion, la Superioridad Departamental puede adjudicarlo si asi fuere de su superior agrado —

San Francisco de Asis

Marzo 12. 1844 —

Guillermo Amckley

Ex^{mo} Sr. Gobernador
Por los informes que se han practicado, resulta que el terreno pretendido esta baldio y en estado de podersele conceder al que lo pretende en la precedente instancia, si a V.E. asi lo tubiere por conveniente —

Monterrey Abril 17 de 1844

Mant. Linares

Monterrey Ab^o 30 de 1844

Espidase el titulo; p.^o espresando

se citará á los colindantes a quienes no podrá perjudicar en sus propiedades.

Michetta

Monterrey 30 de Abril de 1824

Vista la peticion con que da principio este Expediente los informes que preceden con todo lo demas que se tubo presente y ver con vino de conformidad con las leyes y reglamentos de la materia declaro á D. Domingo Felix dueño del terreno que demuestra el dicho que se acompaña á este expediente colindante con la Sierra, la cumbre de las aurras, el parage de San Pedro, con el de Bureburi y San Mateo por el arroyo de las Juntas, y con la Cañada de Raymundo. Librese el correspondiente despacho tomese razon en el libro correspondiente y dirigase estas diligencias á la Exma Asamblea Departamental p^o su aprobacion. El E. S. Gobernador asi lo mando decretó y firmó - Doyfé

Here follows a sketch marked [5 P.D.K.]

El Ciudad. no Man. Michetta Gral de Brigada del Ejercito Mexicano Ayudante Gral de la plana mayor del mismo Gov^o Comand. Gral e Inspector del Departamento de California

Por cuanto D. Domingo Felix ha pretendido para su beneficio personal y el de su familia el parage que demuestra el dicho respectivo el cual tiene por linderos, la Sierra la cumbre de las aurras, el parage de San Pedro, el de Bureburi y San Mateo por el Arroyo de las Juntas - y con la Cañada de Raymundo; sin perjudicar los colindantes - a quienes se citará p^o que

map 1

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tengan conocimiento de esta concesion: practicadas previamente las diligencias y averiguaciones concernientes, segun lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas a nombre de la Nacion Mexicana; he venido en concederle el terreno mencionado, declarandole la propiedad de el por las presentes letras, sugeriendole a la aprobacion de la Exma. Asamblea Departamental, y bajo las condiciones siguientes —

1^a No podra venderlo ni hipotecarlo imponer senso vinculo, ni otro gravamen alguno —

2^a Podra cercarlo sin perjudicar las travecias caninos y serordumbres, lo disfrutara libre — — — — —

[8 P.D.K.]
y esclusivam^{te} destinandolo al uso o cultivo que mas le acomode, pero dentro de un ano fabricara casa y estara habitada —

3^a Solicitara del juez respectivo que le de posesion juridica en virtud de este Despacho — por el cual se demarcaran los linderos en cuyos limites pondra a unas de las mojoneras algunos arboles frutales o silvestres de alguna utilidad. —

4^a El terreno de que se hace donacion es de un sitio de ganado mayor poco mas o menos segun esplica el disenyo respectivo: El juez que diere la posesion lo hara medir con forma a ordenanza quedando el sobrante que resulte a la Nacion p^o los usos convenientes. —

Si contraviniere a estas condiciones perdera su derecho al terreno y sera de nunciabile por otro —

En consecuencia mando que sirviendole de titulo el presente, y teniendose p^o firme y validero se tome razon en el libro respectivo y se entregue al interesado p^o su resguardo, y demas fines. Dado

en Monterey a primeros de Mayo de mil
ochocientos enarenta y cuatro - Man^l.
Mishelt. ^o = Man^l. Jimeno = Sr^o =

Es copia de su original -

Jimeno

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

I Samuel D King, Surveyor Gen^l
of the United States for the State of California
and as such now having in my office, and
under my charge and custody a portion of
the archives of the former Spanish and
Mexican Territory or Department of Upper
California do hereby certify that the right
preceding and herunto annexed pages of
tracing paper, numbered from one to eight
inclusive, and each of which is verified by
my initials (S D K) exhibit true and
accurate copies of certain documents now
on file and forming part of the said archives
in my office -

L. S.

In testimony whereof I have
herunto signed my name, officially
and affixed my private seal,
(not having a seal of office)
at the City of San Francisco
this fourth day of February
A. D. 1852 -

(Signed) Saml D King
Surv^r Gen^l Seal.

Filed in office February 17th,
1852 -

(Signed) Geo. Fisher
Secy

23

Exhibit

A. annexed
to the deposi-
tion of José
P. Berreyesa

Sello Segundo Cuatro Pesos
Habilitado provisionalmente por la Aduana
maritima del puerto de Monterrey en el
Departamento de las Californias, para los
años de mil ochocientos cuarenta y cuatro
y mil ochocientos cuarenta y cinco
Micheltreña Sello de la Guerra

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L. S.

El Ciudadano Manuel Mei-
cheltreña General de Brigada
del Ejercito Mexicano Ayudante
General de la Plana Mayor del
mismo Gobernador Comandante
General e Inspector del Departamento de
las Californias

Por cuanto el Ciudadano Do-
mingo Letiz ha pretendido para su beneficio
personal, y el de su familia el paraje
que demuestran el dibujo respectivo, el cual
tiene por linderos la Sierra, la cumbre de
las Auras, el Paraje de San Pedro, el de Buri-
buri, y San Mateo por el arroyo de las Juntas
y con la Cañada de Raimundo sin perjudi-
car los colindantes a quienes se citaran para
que tengan conocimiento de esta concesion:
practicadas previamente las diligencias y
averiguaciones concernientes segun lo dis-
puesto por leyes y reglamentos, usando
de las facultades que me son conferidas a
nombre de la Nacion Mexicana he venido
en concederle el terreno mencionado, de-
clarandole la propiedad de el por las
presentes letras, sujetandose a la apro-
bacion de la Exma Asamblea Departamen-
tal, y bajo las condiciones siguientes
1^a No podra venderlo, en-
genarlo, ni hipotecarlo, imponer seso
vinculo, fianza ni otro gravamen al-
guno
2^a Podra cercarlo sin perjudicar
las trancias comunas y servidumbres

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lo disputará libre y exclusivamente, des-
tinándolo al uso o cultivo que mas le
acomode, pero dentro de un año fabricará
casas y estará habitadas

3^a Solicitará del Juez respectivo
que le dé la posesion jurídica en virtud
de este Despacho por el cual se demarca-
ran los linderos en cuyos limites pondrá
ámas de las mojoneras algunos árboles
frutales o silvestres de alguna utilidad

4^a El terreno de que se hace
donacion es de un sitio de ganado mayor
poco mas o menos segun explica el diseño
respectivo. El Juez que diere la posesion
lo hará medir conforme a' ordenanza
quedando el sobrante que resulte a' la
Nacion para los usos convenientes

5^a Si contraviniere a' estas
condiciones perderá su derecho al terreno
y será denunciabile por otro

En consecuencia mando que
sirviendole de título el presente y teniendose
por firme y valido se tome razon de el
en el Libro respectivo y se entregue al
interesado para su resguardo y demas
fines. Dado en Montevideo a' primero de
Mayo de mil ochocientos cuarenta y
cuatro

(Signed) Manl. Micheltot
(Signed) Manl. Jimeno -
Srio

Queda tomada razon de esta concesion
en el Libro respectivo a' p 8
(Signed) Jimeno

Tited in office July 25th 1853
(Sig) Geo. Fisher
Sery

25-

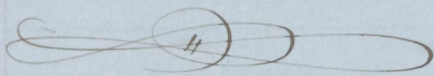
To The Governor Commandant
General & Inspector Of the Californias

Monterey
November 11th
1843.

"B"
Translation of
Expediente
"A"

Let the Secretary
of State report on
the same making
the necessary
investigations
and instructing
the interested
party to annex
one sheet of
the respective
stamped paper

Micheltorena



Domingo Felix a Mexican
by birth and a resident
of the jurisdiction of San
Francisco de Asis presents
himself before Your Excellency
with the most upright in-
tentions praying for a tract
of land which is shown by
the plan annexed which to the
present date has continued
vacant being only hills
and mountains &c.

But as the petitioner has
no place to put his stock and
also to favor his minor
brothers, it being the only
land he has med with,

It joins with the ran-
cho of Senors Vasquez,
Guerra and Sanchas at the west and north
west, at the north with Buriburi, and
San Mateo, and at the East with the Canada
Raymundo, and at the South with
the Sierra (mountain covered with
trees) the extent of the said solicited
land is not set down because there
are no instructed persons to survey
it, and because it is purely hill
land,

Therefore he humbly prays Your
Excy that you may condescend, yielding to
humanity, to grant him that which is
expressed in his petition, as you will
find it convenient: in which he will
receive mercy and favor, declaring that
this is not out of malice, and what
may be necessary &c &c. It is not
written or sealed as there is none
San Francisco August 26th 1843.
Domingo Felix + / +

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After having annexed the corresponding papers, let the foregoing petition be directed to the Judge of San Francisco that he may inform upon the contents and return it to this Secretarys Office to give the suitable report in fulfillment of the Superior decree of this day.

Monterey November 11th 1843.

Mannel Jimenez

1st Justice Court,
San Francisco de Asis

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In fulfillment of that which directs the Superior decree of November 11th 1843, exhibited in the margin of the petition made by Citizen Domingo Felix Lough to say; that having called together in this Court by my charge, the proprietors bordering upon the land petitioned for by the said party interested, the result of the interrogatories I proposed to them is that the land mentioned is vacant, and that it will not prejudice them in any manner; for which reason, and being satisfied that it does not pertain to any private person, Mission, or corporation, the Superior Departmental Authority can adjudge it, if such be its pleasure.

San Francisco March 12th 1844,
Guillermo Hunkley,

Most Excellent Sir the Governor
From the informations which have been made in results that the land claimed is vacant and in such condition that it can be granted to the Claimants in the proceeding instance if Your Excellency deem it suitable.

Monterey April 7th 1844,
Mannel Jimenez

Monterey April 30 1844,
 Let the Title be issued expressing he shall cite the neighbouring proprietors, whom he must not prejudice in their property
 Micheltoena

Monterey 30 April 1844,
 In view of the Petition with which this Record of proceedings begins, the proceeding reports with all other matters herein; in conformity with the laws and regulations on the subject, I declare Don Domingo Felix owner of the land shown in the map accompanying this Record of proceedings bounded by the Sierras (mountains covered with trees) the Cumbre de los Auros (top of the mountain of the Vultures)

The tract of San Pedro, that of Duriburi and San Mateo, by the Arroyo de las Juntas and the Canadal de Raymond-do.

Let the corresponding patent be issued, entered in the proper book and these acts directed to the most Excellent the Departmental Assembly for its approbation.

This Excellency of the Governor this Commands decrees and signs; to which I certify.

Second Seal Don J. Collas

Provisionally authorized by the Custom House of the Port of Monterey in the Department of the Californias for the years 1844 & 1845.

Micheltoena

Pablo de la Guesca,

Citizen Manuel Micheltoena
 Brigadier General of the Mexican Army, Adjutant General of the Staff of the same, Governor Commandant

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General & Inspector of the Department
of the Californias.

For as much as Citizen Domingo
Deliz has claimed for his personal benefit
and that of his family the place shown
in the accompanying map which has
for boundaries the Sierra, the Cumbre
de las Arvas, the tract of San Pedro,
that of Purisima and San Mateo, the
Arroyo de las Juntas and the Canada
de Raymundo, without prejudice to
the adjoining owners who will be
cited that they will take notice of
this concession; the previous mea-
sures having been taken and the
investigations made according to the
dispositions of the laws and regulations
on the subject; in use of the powers
conferred upon me in the name
of the Mexican Nation. I have granted
to him the land mentioned, declaring
it to be his property by these presents
Letters, subject to the approbation of
the most Excellent Departmental Assem-
bly, and under the following conditions

1st He can neither sell, alienate or
hypotheate it, nor impose upon it any
rent, entail or any other incumbrance.

2nd He may enclose it without
prejudice to the crossings, roads and
servitudes, enjoy it freely and exclusively
destining it to the use or cultivation
most agreeable to him; but within
one year he shall build a house
which shall be inhabited.

3rd He will ask of the respective mag-
istrate to give him the judicial
possession in virtue of this patent
by whom the boundaries shall be
marked out, in the limits of which
he shall place besides the land marks
some posts or wild trees of some utility.

4th The land of which alienation is made,

4th The land of which donation is made, consists of one square league (sitios de ganaderos mayor) & little more or less as is shown by the accompanying map.

The Magistrate who should give the possession will have it measured conformably to law; the excess which results remaining to the nation for its convenient uses.

If he should contravene these conditions, he shall loose his right to the land, and it will be denounceable by another.

In consequence I command that these presents serving him as a title, and being held firm and valid be entered in the respective book and delivered to the interested party for his security and other ends.

Given in Monterey the 1st of May 1844. Manuel Micheltorena
Manuel Jimenez

This is a copy of the Original
Jimenez

E.S.
R.P.

Office of the Board of Commissioners
of California Land Grants.

I certify the foregoing to be a true translation from the Spanish original filed in this Office.

San Francisco
E. W. Fishers
Secy

Case No. 53.
 Domingo Felix
 vs
 The United States

One square
 league of land in
 the County of San
 Francisco.

The Petitioner in this case has presented in support of his claim,

1st An original grant made to him by Governor Micheltoena on the 1st of May 1844 which is properly authenticated and proven to be genuine by satisfactory testimony.

2nd A tract copy of the Expediente or record of preliminary proceedings on which the grant was founded duly certified by the Surveyor General from the Archives of the former Government of Mexico now in his custody.

The depositions filed in the case show that in the year 1844, the Claimant built a small wooden house on the land into which he moved and lived with his family that during the same year he built a corral and placed stocks of Cattle and horses on the land, that a portion of the land was then in cultivation and it has continued to be cultivated many years since.

There is no evidence that the grant was ever approved by the Departmental Assembly, nor that any judicial possession was ever given.

The land is described in the body of the grant as the plain shown by the accompanying map which has for boundaries the Sierra, the Cumbre de las Aneas, the point of San Pedro, that of Burburi and San Mateo, the Arroyo de las Juntas, and the Canada Raymundo, and the 4th Condition declares it to consist of one sitio de ganado mayor, a little more or less, as shown by the accompanying map, with the usual reservation of the Sobante or surplus

Opinion
 of The Board
 of Commissioners
 R. Aug. Thompson.

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To the use of the nation.

This description has been decided by the Board in numerous cases to be sufficient to entitle the Claimant to a confirmation to the extent of the limits described, when they can be ascertained and identified with sufficient certainty, and where the evidence shows that the quantity does not exceed materially that contained in the grant notwithstanding such reservation.

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In this case the land appears to be surrounded on all sides either by well defined natural objects on the lines of adjoining ranchos, most of these are laid down and marked on the map - and those which do not appear on it are of such a character as to present no difficulty in establishing them,

By applying the scale of varas on the map to the boundaries as delineated thereon the tract would appear to contain less than the square league granted; if therefore that is correct no sobrante could result.

A witness who professes to be well acquainted with the premises and the adjacent country testifies that with the aid of the map, he could readily trace out the boundaries of the tract as described in the grant.

After a careful examination of the testimony on this point we think that the land intended to be granted may be easily identified and located, the Petitioner is therefore entitled to a confirmation of his claim to the extent described in the grant and delineated on the map to which effect a Decree will be entered.

Filed in Office June 25th 1854,
Geo. Fisher Sec.

Case No. 53.

Alphens Delch
vs

The United States

Claim for one square
League of land in
the County of San FranciscoDecree of
Confirmation

In this case on hearing the proofs and Allegations, it is adjudged by the Commission that the claim of the Petitioners is valid, and it is therefore Decreed that the same be confirmed. The land of which confirmation is made is situated in the County of San Francisco, and is the same which has been occupied by the Claimant since the year 1844, and is bounded as follows.

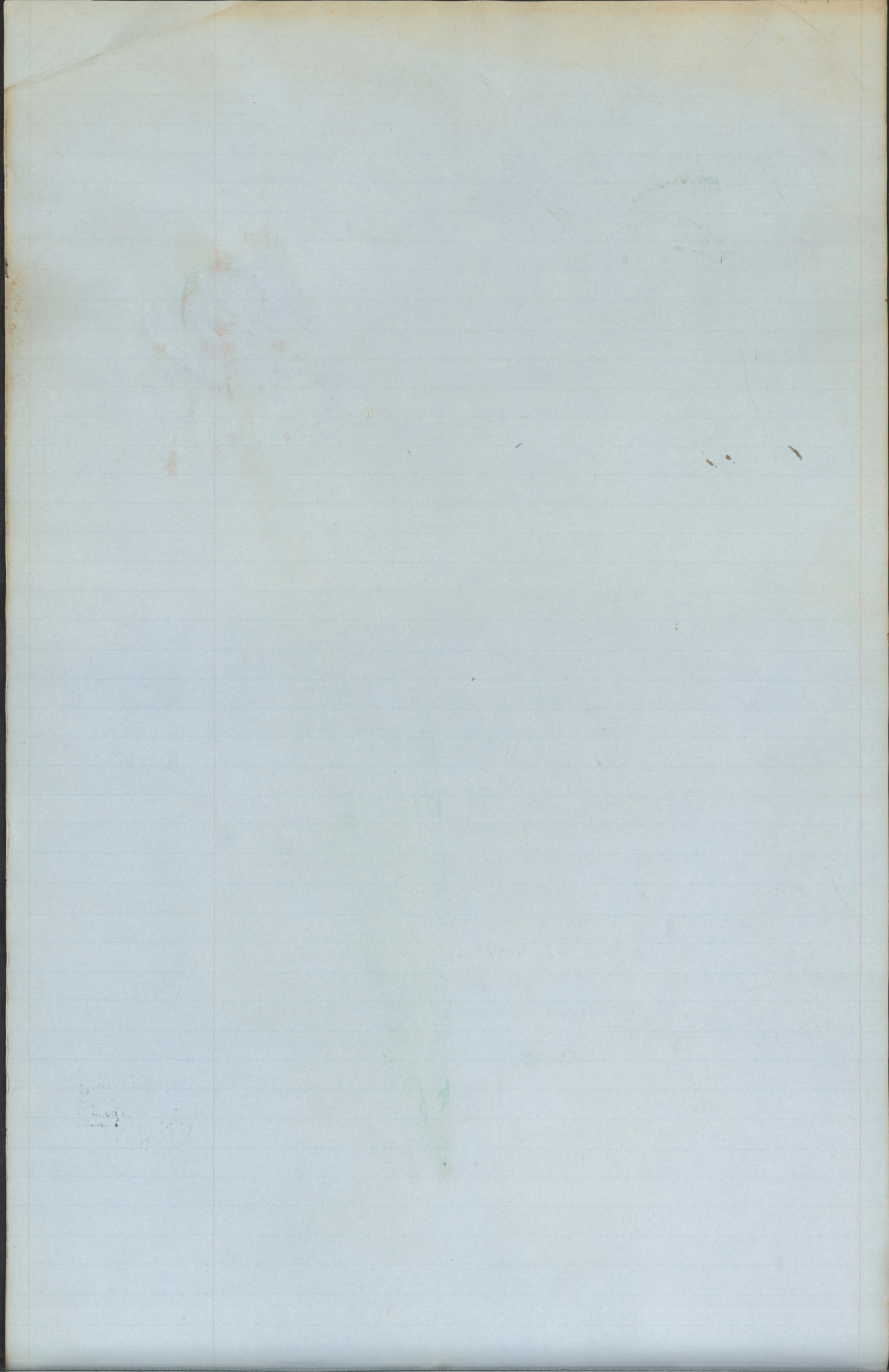
By the Sierra by the Cambre de las Auras, the tract of San Pedro, that of Buriburi and San Mateo, the Arroyo de las Juntas, & the Canada Ramonada, containing one square League a little more or less; reference for a more particular description to be had to the original grant and map contained in the Expediente a traced copy of which together with said grant are filed with the papers in the case.

Alphens Delch
R. Aug Thompson
Commissioners

Filed in Office June 2^d 1854,
Geo. Fisher Sec.

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And it appearing to the satisfaction of this board that the cause 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 orders upon which the same adjudicated be made out and duly certified by the Secretary one of which transcripts shall be filed with the Clerk of the United States District Court for the Northern District of California and the other be transmitted to the Attorney General of the United States



Office of the Board of Commissioners,

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

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 *Thirty five* pages, numbered from
1 to *35*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. *53* on the Docket of the said Board,
wherein *Domingo Feliz* is

the Claimant against the United States, for the place known by
the name of *Azuriburi*

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
Geo. Fisher

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N 12

Faint handwritten text, possibly bleed-through from the reverse side of the page.



Office of the Attorney General of the United States,

Washington, 7th March 1855.

Domingo Feliz

vs.

The United States.

53.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 10th day of December 1854, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No. 148.

U. S. Court N. D.

United States

vs.

Domingo Feliz

Appeal notice.

Filed April 14, 1855,
by W. D. Chivers,
Clerk.

Office of the Attorney General of the United States,

Washington, 7th March 1855.

Domingo Feliz

vs.

The United States.

} 53.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 10th day of December 1854, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.

53
No 148 —

U. S. D. Court N. Dist.

The United States
vs.
Domingo Felix

Appeal Notice.

Filed May 5. 1855.
by W. H. Chaves,
Deputy.

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

The United States
Appellants
vs
Domingo Felix
Appellee
No 148

The Petition of the United States by their
Attorney represents: that this cause is an
application for a review of the decision
of the Board of Commissioners whereby the
Claim of the said Appellee was confirmed
as appears by reference to the records
in the case:

That a transcript of the said Records
was filed in this court on the 11th
day of May 1854; that a notice of
appeal was filed on the 1 day of May
1854 and that the land claimed
lies in the said District.

That the said claim is invalid.
Wherefore Appellants pray that the said
decision of the Board be reversed &
that this Court decree the said title to
be invalid. Respectfully
J. W. Large
U. S. Dist. Atty

U. S. District Court
U. States
No. 148

Domingo Felix

Petition

Laid June 30, 1853,
by Charles
Deputy

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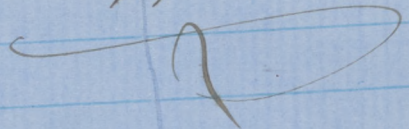
In District Court of the United States for the
Northern District of California

Domingo Feliz
vs
The United States

This Respondent for answer
to the petition filed in this case answers
and says. It is true that the
land in the said petition mentioned
lies within the said Northern District
of California & within the jurisdiction
of this Court.

But he denies that it is
true as alleged in said petition, that
his title to the said land is invalid, but
answers that the same is valid and prays
that the decision of the said Board
of Commissioners confirming his
claim may be affirmed and that
his title thereto may be decreed to be
valid.

Thos. Williams & Thornton
for Appellee



U. S. Dist. Court

Domingo Felix

ad 3 No: 128

The United States

2
Answers

Filed June 30, 1858.

J. Cheever

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 *Tuesday* the *18th* day of *November* in the year of our Lord one thousand eight hundred and fifty-*six*.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States
v.
Domingo Meliz.

Case No 148

Transcript No 53

The Attorney General of the United States having given notice that an appeal to the Supreme Court of the United States will be prosecuted in this case and a stipulation having been entered into by the District Attorney that no further appeal shall be taken on the part of the United States, and for leave to the claimants to proceed under the decree of this Court heretofore rendered in ~~their~~ favor.

On Motion of the District Attorney, it is ordered, adjudged and decreed, that the claimants shall have leave to proceed under the decree of this Court heretofore rendered in ~~their~~ favor as on Final Decree.

Ogden Hoffman
U. S. Dist Judge

No. 148

United States District Court, Northern
District of California.

United States
vs. }
Domingo Felix

Case No. 148,
Transcript No 53,
Order vacating
Appeal.
Filed Nov. 18, 1856
J. A. Monroe,
CLERK.
by W. H. Chaves
DEPUTY.

[Faint handwritten notes on the right side of the page]

California Land Claims
Attorney General's Office
6 Octr 1856

Sir:

In the case of the claim of Domingo
Feliz, confirmed to the claimant by the
Commissioners, case no. fifty-three (53), ap-
peal will not be prosecuted by the United
States.

I am
Respectfully

Obeying

Wm Blanding Esq
U. S. Attorney
San Francisco.

In the District Court
of the United States

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Northern District of California

The United States

v.

Dominigo Feliz

Case No 148.

Transcript No 53

In pursuance of Notice from
the Attorney General of the United States,
herewith annexed, it is hereby stipulated
and agreed, that no further Appeal shall
be taken in this Case on the part of the
United States and that the Claimant
have leave to proceed under the decree
of this Court heretofore rendered in ~~his~~ his
favor as on Final Decree.

Wm Blanding

Nov 15, 1856.

US. Dist Atty.

Thornton Williams + Thornton
Attys for Claimant

W. S. 148c
District Court.

³
United States

v. } leave
N. } No. 148.

Domingo Feliz

Stipulation

Filed Nov 18, 1856,
W. J. Chivers,
Deputy Clerk

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

The United States } D. C. No 148,
vs }
Serrano Felix } S. C. No 53

The Petition of Maria Luisa Green and Manuela Cappinger, respectfully represents, that Petitioners are the owners of the tract of land which embraces, and is known by the name of La Ciénaga de Raymond (the Valley of Raymond) except certain small portions thereof heretofore sold, and not affected by the survey herinafter referred to. That they claim said tract under a grant made by John B. Alvarado, in the year 1840 to the late Juan Cappinger, the then husband of Petitioner Maria Luisa and father of Petitioner Manuela, and that their said claim has been approved and confirmed by the Government of the United States.

That the tract confirmed

to Domingo Felis, in the above en-
titled cause, is bounded on the
South or South East, by the said
"Cañada de Raimundo" and the
said tract so called — that a sur-
vey, purporting to be a survey of the
tract confirmed to said Felis, in the
above entitled cause, was approved
by the Surveyor General of the United
States, for the State of California
on the 14th day of May 1861, and
that publication thereof was by him
first made in the San Francisco
Herald on the 15th day of May 1861

That your Petitioners are there-
fore interested in said Survey,
and, to the end that they may show
the same to be erroneous as embrac-
ing a considerable part of said "Cañada"
and of said tract so called, they
ask for an order of this court requir-
ing said Survey to be returned
thereto, for examination and ad-
judication.

J. Alarcon
Att'y for Petitioners

J. Blake, maketh oath that
he is the attorney for the Petitioners
in the foregoing petition, and that
the matters therein stated are true
of his own knowledge.

J. Blake
Sworn to and Subscribed
June 10. 1861. before me,
W. H. Cheney,
C. C. Com

No 148.

U. S. Dist. Court

The U. States
vs
Santiago Felix

Filed June 10. 1861.
W. H. Cheverus,
Clerk.

Petition for
return of money

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J. Black

[Faint, illegible handwritten notes in the left margin]

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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 *Monday* the *10th* day of *June* in the year of our Lord one thousand eight hundred and sixty *one*.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States,

v.

Domingo Felix.

IN LAND CASES.

District Court No. 148,

Land Com. No. 53,

AND now at this day on application of *Jeremiah Clarke*, Attorney for *Greer & Cappuzzer* IT IS ORDERED, that the Surveyor General of the United States for California return into this Court, on or before Wednesday, the *26th* day of *June* A. D. 1861, his Official Survey and Plat of the land finally confirmed in the above entitled cause, known as "*Buriburi*," and situated in the County of *San Mateo*, 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.

U.S. Marshal's Office for the
Northern District of California

I hereby certify that I have this day
Executed the within writ in this county
of San Francisco by serving a copy upon
the Chief Clerk in Charge of the Surveyor
General's Office

Wm. K. ... U.S. Marshal
by James F. ...
Deputy

June 11 1861

No. 148

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Don J. ...

ORDER TO RETURN SURVEY.

Returnable June 26, 1861

Issued June 10, 1861

Filed June 11, 1861

A. H. ...
Clerk.

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Gazette Office, June 11.
Wm Rabi, Esq, U.S. Marshal,

Dear Sir, — Yours of yesterday was duly received. I have a bill of some nine months' standing, against the U. S. Marshal's Office, which I see no prospect of getting. — Until I do get it, at least, I think I will not do any more work for that office. When this long-standing bill is paid, I will then reflect whether it is best to do any more work at the miserable price allowed by the fee bill.

You will please excuse the tenor of this, which has not the least reference to you, personally or officially.

Very Respectfully,
Wm Godfrey.

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

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
inally confirmed, in case No. 148, to *Domingo Feliz* known as
"*Buriburi*," and situated in the County
of *San Mateo* 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 *26th* day of *June* 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 *10th* day of *June* A. D., 1861.

W. A. Chivers

CLERK.

The within Motion was received by me on
June the *11* day
of 1861, 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 *12* day of *June*
1861; and for ~~consecutive Saturdays, in the~~
~~San Mateo Gazette,~~
~~paper published nearest the land, commencing on the~~
day of 1861.

Dated San Francisco, *June 16*, 1861
The San Mateo
Gazette referred
U. S. Marshal.
to publish as per
aust copy of letter
of the Publisher.
Wm Rabe
U. S. Marshal.

No. *148*.

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

v.

Don Domingo Feliz.

MONITION.

Returnable *26th June* 1861.

Issued *June 10th* 1861.

Filed *June 26* 1861.

W. A. Chivers

Clerk.

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UNITED States of America, Northern
District of California, ss: Whereas, objection has
been made to the official survey and location of the land
finally confirmed, in case No. 148, to Domingo Feliz,
known as "Bariburi," and situated in the county of San
Mateo, in said District; Now, therefore, in pursu-
ance of the monition of the District Court of the
United States for said District, to me directed and
delivered, I do hereby give public notice to
all parties having or claiming to have, an interest in
such survey and location, to be and appear before the
said Court, sitting in land cases, on or before Wednes-
day, the 26th day of June, A. D. 1861, at eleven o'clock
A. M., (if that day shall be a day of jurisdiction, and
if not, on or before the next Wednesday thereafter,) and
then and there to intervene for the protection of such
interest, or their defaults will be taken. Dated at San
Francisco, in the District aforesaid, June 10th, 1861.
jell WM. RABE, U. S. Marshal.

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 Thursday the 22nd day of August in the year of our Lord one thousand eight hundred and sixty one

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

Domingo Felisa
v.
The United States

No 148

On motion of Sidney S. Johnson of counsel for Soledad O. de Aquella, Jose Ramon Aquella, S. M. Mezes and H. L. A. Pioche grantors and assignees of the claim of the above named claimant and on giving the court to understand and be informed that by order of this court of the 10th of June last the survey of the land claimed herein was ~~returned to be~~ returned into court and a writ issued thereupon according to law, but that publication thereof was not made in conformity with the rule of this court as appears by the return of the U. S. Marshal on file

it is ordered that a new writ issue and be published and returned according to law and the rule of this Court.

148,

UNITED STATES DISTRICT COURT

Northern District of California.

The United States,

v.

Domingo Feliz.

Order for
Alias Monition.

Filed Aug: 22. 1861.

H. S. Cheever,
Clerk.

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

United States of America,)

ss.

Northern District of California.)

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. 148, to *Domingo Feliz* known as "*Buriburi*", and situated in the County of *San Mateo* 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 *11th* day of *September* 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 *2nd* day of *August* A. D., 1861.

A. H. Cheverus

CLERK.

The within Motion was received by me on
Thursday the *22* day
of *August* 1861, and in obedience thereto
I have given due notice, as therein commanded, by causing
the publication of said notice, for *3* consecutive
Saturday ~~Wednesdays~~ *Monday* in the San Francisco ~~Herald~~, commencing
on the *24* day of *August*
1861, and for *3* consecutive Saturdays, in the
San Mateo Register
a paper published nearest the land, commencing on the
24th day of *August* 1861

Dated San Francisco, *Sept 11* 1861.
Wm. Rabe
U. S. Marshal.

No. *148*

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

THE UNITED STATES.

v.

Domingo Feliz
Alias

MONITION.

Returnable *Sept 11th* 1861.

Issued *Aug 22nd* 1861.

Filed *Sept 11th* 1861.

W. H. Chereau
Clerk.

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U. S. Marshal's Notices.

UNITED STATES OF AMERICA, } ss.
Northern District of California, }

WHEREAS, Objection has been made to the official survey and location of the land finally confirmed, in case No. 148, to Domingo Feliz, known as "Buriburi," and situated in the county of San Mateo, in said District;

Now, Therefore, in pursuance of the monition of the District Court of the United States for said District, to me directed and delivered, I do hereby give public notice to all parties having, or claiming to have, an interest in such survey and location, to be and appear before the said Court, sitting in Land Cases, on or before Wednesday, the 11th day of September, 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,) and then and there to intervene for the protection of such interest, or their defaults will be taken.

Dated at San Francisco, in the District aforesaid, Aug. 22, 1861. WM. RABE,
U. S. Marshal.

au23-1aw-td

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 *Wednesday* the *11th* day of *September* in the year of our Lord one thousand eight hundred and sixty-*one*.

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

Domingo Feliz.

IN LAND CASES.

District Court No. 148,

Land Com. No. 53,

AND now at this day the United States Marshal having made return upon the ^{*alias*} Monition heretofore issued in this cause, that he had given due notice as therein commanded; on motion of *Sydney S. Johnson* Attorney for *the claimant*, proclamation was made that all parties having, or claiming to have, an interest in the survey and location of the land finally confirmed in the above entitled cause, appear and intervene for the protection of such interest;

W. A. Sharp, Esq., U. S. Attorney appeared in behalf of the U. S. and Sydney S. Johnson, Esq., appeared in behalf of the claimants.
No other party appearing on like motion

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

No. 148.

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

THE UNITED STATES,

v.

Domingo Feliz.

ORDER ON RETURN OF MONITION.

Filed *September 11,* 186*1.*

W. A. Chevers.

Clerk.

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PAGE 63

District Court of the
United States, North-
-ern District of Cali-
-fornia.

No 148

The United States

vs

Domingo Feliz

Rancho de las Auras
or of Domingo Feliz
called also by mis-
-take Bariburi.

Soledad O. de Argüello, José
Ramon Argüello, S. M. Mezes and F.
L. A. Pioche who have intervened herein
as successors to all the rights of the
claimant, except to the survey, made
by the Surveyor General of California
and herein filed, for the reasons fol-
-lowing to-wit;

First; That said survey is not in con-
-formity with the decree of con-
-firmation, the grant and the
-diseño, in this, that it does not
follow the boundaries declared
in said decree and grant and
indicated in said diseño, accor-
-ding to the true intent, meaning
and effect of which, said boun-
-daries ought to be followed
without regard to the quantity

148 ND

contained therein.

Wherefore the said inter-
= venors pray that said survey be re-
= jected and a new survey ordered to
be made including all the land
within the boundaries set forth in
said decree, grant and diseño.

Simeon L. Huson

Recd a copy of the forego-
ing Nov 12. 1863

J. C. [unclear]
Attorney
Genl. California

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¹⁴⁸
The District Court
of the United States
Northern District
of California.

The United States
vs
Domingo Feliz.

Exception, as intervenors,
of S. O. de Argüello
et al.
to Survey -

Filed Nov: 12, 1863,
W. H. Cheves,
Clerk

United States District Court
Northern District of California

The United States } D. C. 148.
vs }
Domingo Feliz } L. C. 53.

Sir,

Take notice that on Friday the 5th day of November next, at the opening of the Court on that day or as soon thereafter as counsel can be heard a motion will be made ^{on behalf of the United States} to the Hon. the District Court of the United States in & for the Northern District of California, for an order dismissing all exceptions to the survey in the above entitled cause, and declaring the said survey to be final

Sauth Co Oct 29 1863

Yours
C. W. Sharp
U.S. Atty

Due notice of the above notice admitted

J. Clarke
Atty for Green
Coffey
Sidney L. Johnson
for Claimants

⁴ 148.
United States Dis. Court
Northern Dis. of California

— " —
The United States

vs
Loringo Peliz —

—
Notice of motion to
dismiss Exceptions
to Surrender, etc.,
—

Filed Nov. 13, 1863,
H. H. Cheever,
clerk.

At a stated term of the District Court of the United States for the Northern District of California held at the Court room in the City of San Francisco on Monday the eleventh day of April A.D. 1864.

Present Hon. Ogden Hoffman District Judge

The United States } L. C. No 53
 } D. C. No 148
 } Feliz Rancho
Domingo Feliz }
 } or Rancho de las Ocuras

It appearing to the court that on the 10th day of June A.D. 1861 an order was entered on petition of Maria Luisa Greer and Emanuela Coppinger directing the return of the official survey of the land confirmed in this case; that on the 7th day of November A.D. 1863 in pursuance of said order the Surveyor General of the United States for California returned to this court a certified copy plat of said survey; that on the 12th day of November A.D. 1863 S. O. de Argüello José Ramon Argüello, J. M. Oberes and F. L. A. Piche intervenors herein as successors to the rights of the claimant filed exceptions to said

survey, that on the 13th day of November 1863 the United States District Attorney W^m H. Sharp Esq. moved the court to dismiss all exceptions to the said survey and declare the same final, that on the 1st of December 1863 the said motions and exceptions were argued by Jeremiah Clark Esq. on behalf of Abaria L. Greer and Manuela Copinger, by G. L. Johnson Esq. on behalf of S. W. de Arquiello and others intervenors and by W^m H. Sharp Esq. District Attorney of the United States and Eugene Lies Esq. on behalf of the United States and after argument the case was taken under consideration by the Court and after due deliberation had the court filed a written opinion herein on the 26th of December A.D. 1863 overruling said exceptions and approving said survey;

Now therefore in consideration of the premises it is ordered adjudged and decreed that all exceptions to the said survey be overruled and that the said survey be and the same is hereby approved and confirmed;

And it is further ordered adjudged

and decreed that the claim of the claim.

and decreed that the claim of the claimant is good and valid claim for the land granted by the Mexican government and claimed in the claimant's petition, lying in the County of San Mateo State of California and in the Northern District of said State and that said claim is hereby finally confirmed to the extent of four thousand four hundred and forty eight $\frac{27}{100}$ acres located and surveyed by the Surveyor General of California as shown by said plat filed herein the seventh day of November A.D. 1863, the field notes of which survey were approved by the Surveyor General of California the 14th day of May 1864 and to which said plat, certified by said Surveyor General the 6th day of November 1860 and marked approved April 11th A.D. 1864

Ogden Hoffman Dist.

Judge and annexed to and made a part of this decree, reference is had for a more particular description of the land hereby confirmed to the said claimant

Ogden Hoffman
Dist. Judge

148. ND

53B

U. S. Dist. Court.

The United States

vs

Domingo Feliz

Decree approving

Survey -

Filed April 11, 1864.

W. H. Chesnut,
Clerk

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Office of the Surveyor General of the United States, }
FOR CALIFORNIA. }

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I, J. W. MANDEVILLE, United States Surveyor General, for the State of California, do hereby certify that the Rancho "Feliz"

confirmed to Domingo Feliz, has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the 4th day of Sept^r 1858;

that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the San Mateo Gazette published in the County of San Mateo, State of California, being the newspaper published nearest to where the said Rancho is located, the first publication being on the 20th day of April, 1861, and the last, on the 17th day of May 1861; also, in the

San Francisco Herald a newspaper published in the City and County of San Francisco, State aforesaid, the first publication being on the 15th day of May, 1861, and the last on the 5th day of June, 1861, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this 17th day of May 1861

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

A full, true and correct copy of the original, as the same appears of record in this office.

San Francisco }
October 7 1867.

L. Dupson
U. S. Surveyor



W. S. Hub Com^r
New York

The United States

"
Remigⁿ Field

Certificate of funeral
Dues

Filed Oct 7, 1877
J. E. Whiting Clk
J. Wheeler Secy

United States District Court,
Northern District of California.

The United States, Decree, No. 148,
vs. Stated Term
Domingo Ellis, October 29th, 1855.

Appeal from the final decision of the Commission-
ers to ascertain, and settle private land claims
in California.

This cause coming on this day
to be heard upon the certified transcript of the
proceedings, and decision of the Board of Com-
missioners on private land claims in California,
and of the papers, and evidence on which the
same are founded, and counsel having appeared
for both parties, in consideration of which
the Court is of opinion that there is no error
in the decision of the said Board, and that
the same should be, and is hereby affirmed.
It is therefore ordered, adjudged, and decreed
that the claim of the said Domingo Ellis is
valid, and the same is hereby confirmed.
The land of which confirmation is made
is situated in the County of San Francisco,
and is the same which has been occupied
by the Claimant since the year 1844, and is
bounded as follows, By the Sierra, by the
Cuyubre de las Auras, the tract of San Pedro,
that of Burri-barri, and San Mateo, the
Arroyo de las Cintas, and the Cañada de
Raimundo, containing about one square
league, a little more or less.

For more particular description

Reference is made to the Grant, and Map,
copies of which are filed in the said
Manuscript.

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M. Hall, McAllister,
Judge, U. S. Circuit Court
District of California,

I, John A. Monroe, Clerk of the District
Court of the United States of America for the
Northern District of California, do hereby
certify the foregoing to be a full, true, and
correct copy of the original now on file, and
remaining of record in my office.

In testimony whereof I have
hereunto set my hand, and
affixed the seal of the said
Court, this fifth day of Dec-
-ember, A. D. 1855, and of
our Independence the eightieth.
John A. Monroe, Clerk
by W. H. Chivers, Deputy.



"E" No. 148.

⁷
U. S. District Court,

The United States.

vs -
Domingo Felix.

certified copy of Decree.

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Mexico

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

The United States
vs
Domingo Feliz

This cause coming on this day to be heard upon the certified transcript of the proceedings and decision of the Board of Commissioners on private Land claims in California, and of the papers and evidence on which the same are founded, and counsel having appeared for both parties.

In consideration of which the court is of opinion that there is no error in the decision of the said Board and that the same should be and is hereby affirmed.

It is therefore adjudged ordered and decreed that the claim of the said Domingo Feliz is valid and the same is hereby confirmed.

The Land of which confirmation is made is situated in the county of San Francisco and is the same which has been occupied by the claimant since the year 1844 and is bounded as follows By the Sierra, by the Cumbre de las Auras, the tract of San Pedro, that of Buriburi and San Mateo, the Arroyo de las juntas & the Cañada de Raimundo containing ~~about~~ one square league a little more or less.

For more particular description reference is

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made to the grant & map. copies of which are filed
in the said transcript

No. 148

United States Dist. Court
Northern District, Cal.

United States

vs

Somings Feliz

Decree

Filed

M. H. M.

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The United States District Court of the United
 States in and for the Northern
 District of California
 vs
 Domingo Feliz

Case no 53 in the Land Commission; - no 148 in said District
 Court.

Now Comes the said United States and objects, and
 excepts to the survey heretofore made and returned
 in the above entitled cause by the Surveyor General of the
 United States for California, and for causes of objection
 and exception thereto specifies the following, to wit, -
 That said survey extends too far southerly.

That the
 southerly line of said land or rancho as shown by said
 survey is too far to the southward, and instead of being located
 where the same now is by said survey, the southerly line of
 said land or rancho should commence on the San
 Mateo Creek, to wit, above its junction with the Laguna
 Creek, - and run thence west to the westerly boundary
 of said land or rancho; - and that said survey ought not
 to include or take in any lands lying southward
 of such last mentioned line.

That all the lands within the
 limits of the survey of said rancho, as the same now
 exists, lying southward of the line above indicated and

last above mentioned belong to the United States and the title thereto is vested in the United States;— and that Patrick Cahill, Stephen Trowell, Michael Dolan and others are located on and claim an interest under the United States by settlement on and presumption of all that portion of the lands included in said survey, lying to the southward of said last mentioned line

United States District Court
N. Dist. of California

070748.

The United States

vs. D. C. No 148

Domingo Felix

Exceptions to Survey

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Wm H. Sharp
U. S. Attorney



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U. S.
vs
Domingo Felix }

Mo: to confirm survey -
Johnson for claimant makes no
objection -

Clark for owners of Cañada de
Ramundo grant

The track delineated extends to
the middle of the lake
But the Felix track has been
surveyed to the extreme south
of end of the lake

I we object to the location
of the eastern line of the San
Ramundo -

It runs through the Cañada
does not even follow the base
of the hills - And yet on the
west it follows the crest of the
hills.

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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 30th 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. 53 on the Docket of the said Board, wherein Domingo Feliz is

the Claimant against the United States, for the place known by the name of "San Pedro A. Buriburi"

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo: Fisher.

