

CASE NO.

164

NORTHERN DISTRICT

RINCONADA DE LOS GATOS GRANT

SEBASTIAN PERALTA

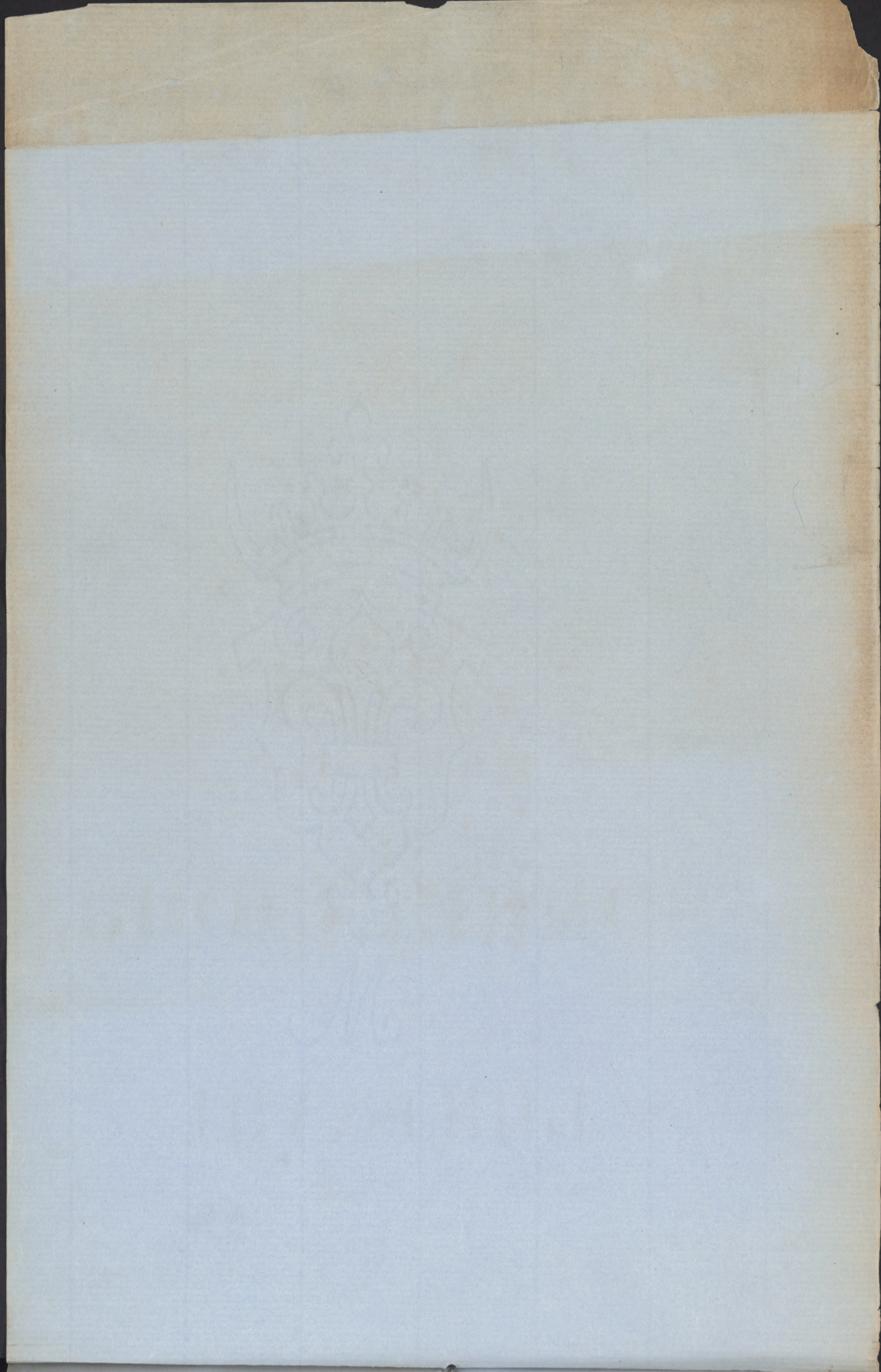
CLAIMANT

LAND CASE 164 ND pgs. 53

ALSO AVAILABLE ON MICROFILM

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386



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TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 386.

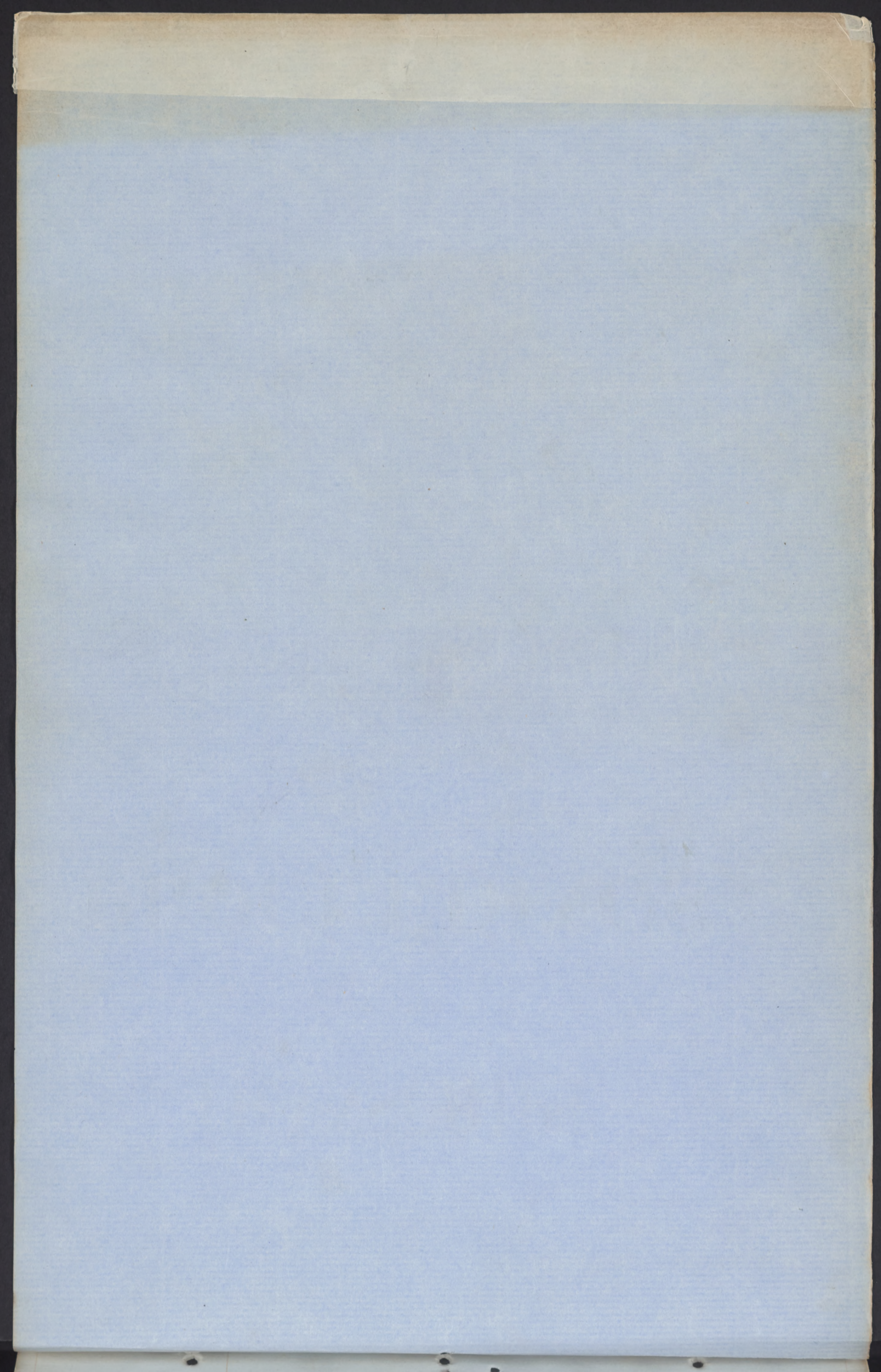
Sebastian Peralta, et al, CLAIMANTS

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Rincónada de los Gatos."



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 *Ninth day of October*, 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 *Sebastian Pratta et al;* for the Place named "*Rinconada de los Gatos*," was presented, and ordered to be filed and docketed with No. 386. 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;

Los Angeles Oct. 18th 1852.
In Case no. 386, Sebastian Pratta et al; for the place named "*Rinconada de los Gatos*," the deposition of *Ignacio del Valle*, a witness in behalf of the claimants, taken before Commissioner *Alcino Hall*, with documents marked *A. H. B. C.*, and the translations thereof marked *b. c.*, annexed thereto was filed;
(Vide page 6 of this Transcript.)

San Francisco, Jan. 15th 1853.
In the same case the deposition of *José Fernandez*, a witness in behalf of the claimants taken before Commissioner *Alcino Hall*, was filed;
(Vide page 5 of this Transcript.)

San Francisco Sept. 23rd 1853.
Case no. 386 called; Submitted on briefs and taken under advisement by the Board.

San Francisco November 22nd 1853.

In the same case the Counsel for the claimants filed the following Motion, to wit:

(Vide page 23 of this Transcript.)

(*) See below (F)

San Francisco Dec. 27th 1853.

In the same case Commissioner Alpheus Felch delivered the decision of the Board upon the motion of the Counsel for the claimant filed heretofore, to wit, on the 22nd November last, asking leave to file new evidence: which motion having been overruled the prayer of the claimants was denied.

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San Francisco Aug. 8th 1854.

In the same case Commissioner R. Aug. Thompson delivered the opinion of the Board confirming the claim.

(Vide page 25 of this Transcript.)

San Francisco

In the same case, on Motion of the U.S. Land Agent, the following order was made, to wit:

(Vide page 27 of this Transcript.)

San Francisco November 22nd 1853.

(*) (see above)

In the same case the deposition of James A. Forbes, a witness in behalf of the claimant, taken before Commissioner Thompson Campbell, was filed.

(Vide page 4 of this Transcript.)

3
Petition

To the Commissioners for ascertaining and settling private
Land claims in California

Sebastian Forattu and
Jose Hernandez claim a tract of Land called "Finco
Nada de los Gatos" situated in the present locality
of Santa Clara, and containing one and a half
Square Leagues more or less, granted to them on the
31st of May 1840 by Juan B. Alvarado then
Governor of California, under authority of the
Laws then in force, and which grant does in
due form approved by the Departmental Council
on the 26th of May 1840

They have occupied and resided upon the land
from the date of the grant down to the present
time.

They know of no other claim to any part of the
Land.

They file herewith a copy of the Expediente certi-
ficate by the Surveyor General of the U. S. for
California, marked "Exhibit A" with a transla-
tion thereof marked "B"

In support of their claim they rely upon such
documents and their Original title and other
evidence which they will produce, and pray
the Confirmation of their title.

A. D. Correllen
Atto. for Claimants

Filed in office Oct 9. 1852

Geo. Fisher
Secy

5
Deponent of
Jose Fernandez

San Francisco July 15th 1853
On this day before me Silvana Hull came Jose
Fernandez a witness in behalf of the claimants
Sebastian Forcella et al Petition No. 286
and was duly sworn, his recdence being interpreted
by the Secretary -

The U.S. Associate Surr Agent was present
Testimony by claimants

Int. 1. What is your name age and place of residence
If you state that you reside in California state
how long you have resided here

Ans. My name is Jose Fernandez I am forty three years
of age. I reside in the locality of Santa Clara
California and have resided in California thirty
five years.

Int. 2. Are you acquainted with the place called "Rancho
nada de los butos". If yes, state where it is
situated, to whom it was granted and when

Ans. I am acquainted with this Rancho. It is situated
in the County of Santa Clara, about four miles
distant from the Mission of Santa Clara in a
Southward direction. It was granted to Sebastian
Forcella and Jose Fernandez about the year 1840

Int. 3. Do you know any thing about the Occupation of
this land and about the improvements upon it
If yes, state all you know

Ans. I do know every thing about the Occupation of this
land. The Grants Sebastian Forcella and Jose
Fernandez had a house upon the land before
the grant was made. They lived there themselves
and had cattle and sheep upon the Ranch -
They have lived on the land ever since and are
living there now with their families. At first they
lived together, but about six years ago they separated
and since then have established separate Ranchos
upon the land, each of them having stock of
cattle and cultivating a part of the land

Jose Fernandez
Sworn and Subscribed before me
Silvana Hull Comr

Taken in office July 15th 1853

Geo. Fisha Secy

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Deposition of
Ygnacio del Valle

Office of U. S. Land Commission
Los Angeles
On the 18th day of October 1852 before me Helance
Hall one of the Commissioners for ascertaining
and settling private Land Claims in California
personally appeared Ygnacio del Valle a witness
proceeding on behalf of Sebastian Tratta and
Jose' Hamancio claimants of the "Rancho de
Los Gatos" in the case which is No. 386 on the
Docket of said Commission, who having been
duly sworn testified as follows. The Associate
Land Agent of the U. S. having been notified and
attending.

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Question First. What is your name age and where
do you reside?

Answer. My name is Ygnacio del Valle. I am
eighty four years of age and reside in Los Angeles
California

Question Second. Are you acquainted with the
Signatures of Juan B Alvarado and Manuel
Jimeno?

Answer. I am.

Question Third. Examine the documents severally
marked "Exhibit B" and "Exhibit C" which are
shown to you and file as part of your deposition
and say whether or not their Signatures appear-
ing in said documents are genuine

Answer. I have examined the documents referred
to. The Signatures are all genuine

Question Fourth. What Offices in California if any
did Juan B Alvarado hold on the 31st of May
and 10th of June 1840

Answer Juan B Alvarado was Governor and
Manuel Jimeno Secretary.

Ygnacio del Valle

Sworn & Subscribed

Before me

Helance Hall Comr

Filed in office Oct. 18. 1852

Geo. Fisher

Secy

7
Deposition of
J. A. Fales

Office of the Board of Commissioners of the
San Francisco No. 32/33

This day before Com^r Thompson Campbell came James
Alexander Fales, a witness in behalf of claimants
Sebastian Pratta et al Petition No. 386 being duly
sworn deposed as follows:

What is your name age and place of residence
My name is James Alexander Fales, I am forty
Eight years of age and I reside in Santa Clara

Do you know the Rancho called Encina de
los Gatos, and if so, how long have you known it
and where is it situated?

I do know it. I have known it for twenty odd years
it is situated in the County of Santa Clara, about
Six miles to the South of the Mission of that name
It is bounded on the North by lands of the said
Mission of Santa Clara and lands Occupied by
Augusta Norberg, on the East South East and
South and South West by the Sierra de Santa Cruz
on the West by a stream some times known by the
name of Los Lobos, but most generally by the name
of Tomas Aquino. The boundaries as I have described
them are well known, that the land between them
and this indicated I do not know are so distinct
ly defined. All I know is that they join at that
corner. The other lines are noted boundaries of
mountains and a stream on the West. The place
took its name from said stream of Los Gatos which
runs through the land

Look on the paper now shown you, and purporting
to be a true copy of the Original Expedient and
marked "The Plot and State whether the map
contained in said document represents correctly
the place called Encina de los Gatos -
I recognize this to be a correct sketch of said land
the stream running through its centre is the Arroyo
Los Gatos, that which is delineated on the Western
side is the de Tomas Aquino. I recognize also there
two patches of brushwood Chaparral, one on the
Eastern side and the other on the Western side of the
Arroyo Los Gatos. The brushwood is still there.
I recognize the delineation of the route from Santa
Clara to Santa Cruz, which route is now the County

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road and is used at this time, when the road
crosses the stream is a well known crossing place
The Arroyo del Gatos was sometimes called the
Arroyo del Rancho

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What is the meaning of the word Rinconada
It means deep, rough, a corner bounded and limited
by mountains or water

Does this tract of land correspond with the definition
you have just given of the word Rinconada
Yes it does.

Could any person knowing where the stream was
and the meaning of the word Rinconada have
any difficulty in finding the tract of land so
called

Certainly not, because in following the stream up
it is the only spot in that region of country
known as the Rinconada of the Los Gatos

Associate Secy Agent present

Wm Allen Forbes

Shown to and subscribed
before me this 18th day
of Nov. A.D. 1853

Thompson Campbell
Clerk.

Filed in Office Nov. 22nd 1853

Geo. Fisher

Secy

G. I. S. D. R.

1839

Exhibit A. Expediente promovido por
 T. C. n. 1. D. Sevastian Peralta por D. José
 Hernandez en pretencion del Paraje nom-
 brado de Los "Gatos".

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2. G. D. / 2 No hay papel sellado.

Pueblo de San José de Alvarado Julio 23 de 1839.

Informe el administrador de St. Clara sobre lo contenido en esta instancia.

Basto

Por. Prefecto del 1º Distrito Sebastián Peralta y José Hernández vecinos de esta municipalidad ante la justificación de V. S. parecemos y decimos que tenemos un número competente de ganado vacuno y caballar p. poblar un terreno

en cuyos productos sosteneremos nuestras familias en esta virtud pretendemos se nos conceda en propiedad y p. mitad a cada uno, el sitio llamado Rinconada de los Gatos, que tiene de largo una y media leguas y una de ancho poco mas o menos segun se ve en el diseño adjunto cito en terminos de St. Clara y esta poblacion. Por tanto. A. V. S. suplicamos q. practicadas las diligencias de estilo se sirva elevar nra solicitud al O. G. Departamental p. q. si lo tubiere a bien se sirva providencia de conformidad en lo que recibiremos la gracia que pedimos.

Pueblo de S. José de Alvarado Julio 23 1833

Los suplicantes no saben firmar.

3. G. D. / 2 Señor prefecto del 1º Distrito.

El terreno que se pretende en esta solicitud no lo ocupa el Establecimiento de mi cargo y ni aun le es necesario por lo cual puede concederse a los pretendientes, siempre que asi se crea justo. Lo cual puedo informar en cumplimiento del decreto que antecede St. Clara 24 de Julio de 1839.

José R. Cotada

O. José Guad. Julio 24 de 1839.

Visto lo espuesto p. el Adm. de St. Clara dirijase esta instancia al Por. Juez de paz de esta municipalidad p. que informe si en los intereçados concurren los requisitos legales p. ser atendido en su solicitud si el terreno que se pretende es baldio. Si es de regadio, temporal, o abroadero, si esta en

4. G. D. / 2 las leguas limitrofes o litorales de que habla la ley relativa, con lo mas que estime neces-

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sario y luego se proveia.

Castro.

Pueblo de Sr. José de Alvarado Julio 24
de 1839.

Sr. Prefecto

En cumplimiento del superior decreto de O. G. antes de tengo el honor de informar q. los interesados obtienen los requisitos legales para ser atendidos. que el terreno q. pretenden se halla baldío: que es de abrevadero y temporal y que no está comprendido en las leguas limitrofas y ni en las litorales de que habla la Ley de la materia.

Dolores Pacheco.

Monterrey 21 de Mayo de 1840.

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J. J. D. Vista la petición con que da principio este Expediente el informe del Actmo. de Sr. Clara y el del juez de paz del pueblo de Sr. José con todo lo demás que se tubo presente y ver con vino de conformidad con las leyes y reglam^{to} de el año à los eucl^{no}. Sebastian por alta y José Hernandez dueños en propiedad del paraje conocido con el nombre Los Gatos en estension de un sitio y medio de Ganado mayor libese el correspondiente despacho tomese Razonen el libro respectivo y dirijase este expediente à la Cámara Junta Departamental para su aprovacion.

El Sr. D. Juan B. Alvarado Gob. Constitucional del departam^{to} de las Californias así lo mando, decretò y firmo.

Alvarado.

Monterrey 22 de Mayo de 1840

Dada cuenta à la C. Junta Departament^{al} acordò en sesion de este dia que pasè à la Comision de Agricultura.

Jose L. Hernandez. Ocio

En 26 del mismo lo devolvio con el dictamen q. acompaña.

Hernandez

6. J. D. B. Monterrey 10 de Junio de 1840.

En Vista de la aprovacion otorgada en 26 de mayo prox. p. por la C. Junta Departament^{al} libese testimonio de ella à la parte de D. Sebastian por alta y D. José Hernandez en un

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confirmacion del terreno titulado Rinconada de los Gatos que obtuvieron en 21 del mes proximo pasado. El Sr. D. Juan B. Alvarado Gobernador Constitucional del departamento de las Californias asi lo proveyo y firmo, de que doy fe.

Alvarado

J. C. D. R

Here follows
(Map. ...)

S. L. D. R.
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Excmo Cort

La comision de Agricultura encargada de dictaminar sobre la solicitud de los D^{os}. Sebastian Peralta y Jose Hernandez en la que solicitaron el Terreno Conocido con el nombre de Los Gatos, visto los tramites corridos y la concecion del mencionado sitio por el Excmo Cort Gobernador Dr. Juan Bautista Alvarado en favor de los expresados la comision pone a la deliberacion de V. E. los articulos siguientes.

map 3

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Art. 1^o. Se aprueba la concecion echa por el Excmo Cort Dr. Juan B. Alvarado del terreno ya mencionado Los Gatos en las personas de Dr. Sebastian Peralta y Dr. Juan Hernandez
Art. 2^o. Vuelva este Expediente al Gobierno departamental para las fines convenientes
Monterey Mayo 15 de 1840.

Jose Rafael Gonzalez. J. Arguello.

q. S. D. R. Monterrey, 26 de Mayo de 1840.

En sesion de este dia aprobo la Camara Junta Departamental el dictamen anterior bajo los dos articulos que concluye

Manl. Jimeno.

Jose F. Hernandez

Presdt

Seco.

Office of the Surveyor General of the United States for California. I, Samuel D. King Surveyor General of the United States for the State of California and as such now having in my Office and under my control a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the nine preceding and hereunto annexed pages of tracing paper numbered from One to nine inclusive and each of which is verified by my initials (S. D. K.) exhibit true and accurate copies of certain documents on file and forming part of the said Archives in this Office.

(Seal) In Testimony whereof I have hereunto signed my Name Officially and affixed my private Seal (not having

a Seal of Office at the City of San Fran-
cisco Cal. the 3rd day of July 1852

Saml. D. King

Surveyor Genl. Cal.

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Filed in Office Octb. 9th 1852

Geo. Fisher Clerk

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Exhibit a.

Translation
of
Espediente

To the Prefect of the 1st District
 Sebastian Peratta and Jose Hernandez residents of this
 Municipality appear before you and say: that we have
 a sufficient number of cattle and horses to stock a
 piece of land on which we can sustain our families
 and we ask the concession in property to us equally of
 the piece called Perconada de los Gatos which is a
 league and a half long and one league wide a little
 more a leg as is seen on the deseno (Map) attached
 within the limits of Santa Clara and this population
 wherefore we pray you, that after the customary proce-
 dings, you will favour this application to the Superior
 Dep. Gov. in order that if it is thought proper our
 request may be granted by which we shall receive
 the favor we ask -

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Pueblo de S. Jose de Alvarado July 23rd 1839

The petitioners do not know how to sign

Pueblo de S. Jose de Alvarado July 23rd 1839

The adm^r of San. Clara will report on the contents
 of this petition

Castro

To the Prefect of the 1st District
 The land asked in this petition is not occupied
 by the Establishment and in my charge nor is it
 necessary for it, wherefore it may be granted to the
 applicants, if it should be just - which is all I have
 to report in obedience to the preceding decree
 Sta. Clara 24th July 1839

Jose A. Estrada

San. Jose Guad^{alupa} July 24th 1839

The report of the adm^r of Sta. Clara being seen let this
 application be sent to the Judge of the Peace of this
 Municipality that he may report whether the parties
 possess the legal requisites to have their petition gran-
 ted - whether the land asked for is vacant; whether
 it is within the Bander or Coast leagues of which
 the Law on this subject speaks, with whatever else
 he may think necessary and then it will be determined

Castro

To the Prefect: Pueblo de S. Jose de Alvarado July 24. 1839
 In fulfillment of your preceding Superior decree I have
 the honor to report that the parties do possess the legal
 requisites; that the land asked for is vacant; that
 it is tillable and pasture, that it is not comprehended
 in the Bander or leagues but is in the littoral leagues

of which the Law on the subject speaks
Loluis Pacheco

Monterey 21st of May 1840

In view of the petition with which this Expediente begins the reports of the Acms. of Sta. Helena and the Judges of the Peace of the Pueblos of San Jose with all else known and to be considered in conformity to the Laws and Regulations I decree the Citizens Sebastian Peraltta and Jose Antonio Manandez owners in property of the place known by the name of Los Gatos of the extent of one league and a half de ganado Mayor: Let the paper decree be issued, let it be recorded in the proper Book, and let this Expediente be referred to the Most Exct. Junta for its approval. D. Juan B. Alvarado Const. Gov. of the Dept. of the California thus ordered
Decree and signed Alvarado

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Monterey May 23rd 1840

Presented to the Dept. Junta and on to day's Session referred to the Committee on Agriculture

Jose L. Fernandez

On the 16th of the same month it was returned with the accompanying proposed decree
Fernandez
Monterey June 18th 1840

In view of the approval of the Dept. Junta on the day of May last let the copy thereof be issued to Sebastian Peraltta and Jose Fernandez in confirmation of the land called Rancho de los Gatos which they obtained on the 21st of last month. D. Juan B. Alvarado Const. Gov. of the Dept. of the California thus decreed and signed to which I certify - Alvarado

Exct. Gov: The Committee on Agriculture charged to present a decree with the petition of Sebastian Peraltta and Jose Fernandez selecting the same called Los Gatos in view of the proceedings and concessions issued since by his Excy. the Gov. D. Juan B. Alvarado on their former presents for your consideration the following articles

Art. 1st The Concession made by his Excy. D. Juan B. Alvarado of the land called Rancho de los Gatos to Sebastian Peraltta and Jose Fernandez is approved
Art. 2nd Let this Expediente be returned to the Dip. Govt. the proper purposes. Monterey May 23rd 1840 P. Arguello
Monterey May 26th 1840 Rafael Gonzalez

In its Session today the Dept. Junta approved the preceding decree with the two articles with which it concludes
Manl. Jimeno Pres. Jose L. Fernandez Secretary
Filed in office Oct. 9. 1853 Geo Fisher Secy

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Dello primero Diez pesos:

Habilitado provisionalmt. por la Aduana
Maritima de Monterey para los años de
1839. y 1840.

Alvarado

Antonio M.^a Osio

Exhibit B.

Original Grant
attached to deposi-
tion of Ignacio
del Valle. H.H.

§^{to} Juan B. Alvarado Gobernador Con-
stitucional del Departamento de
las Californias.

Por cuanto los Ciudadanos Sebastiañ Pe-
ralta y José Hernandez han pretendido para
su beneficio personal y el de sus familias
el parage conocido con el nombre de Rinco-
nada de los Gatos cuyos limites se demuestran
en el diseño respectivo: practicadas previa-
mt. las diligencias y averiguaciones concer-
nientes segun lo dispuesto por leyes y reglamen-
tos usando de las facultades que me son con-
feridas à nombre de la Etacion Mexicana
he venido en concederles el parage mencio-
ado declarandoles la propiedad de el por
las presentes letras y sujeto à la aprobacion
de la Coma Junta Departamental y à
las condiciones siguientes.

1^a Podran ser arbolos sin perjudicar las tra-
vecias caminos y servidumbres lo disputaran
libre y esclusivam^{te} destinandolo al uso ò
cultivo que mas le acomode, pero dentro de
un año fabricarà casa y estara habitada.

2^a Quando se les conforme la propiedad
de el solicitarian del juez respectivo que les
de posecion juridica en virtud de este des-
pacho por el cual se demarcaran los linderos
en cuyos limites pondrà à mas de las mofo-
neras algunos arboles frutales ò silvestres
de alguna utilidad.

3^a El terreno de que se les hace donacion
es de un sitio y medio de ganado mayor pre-
mas ò menos segun explica el diseño que corre
en el expediente respectivo: el juez que diere
la posecion lo hara medi conforme à Ordenom
ga quedando el sobrante que resulte à
la Etacion para los usos convenientes.

4^a Si contuviere à estas condiciones

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perdiera su derecho al terreno y sera denun-
ciable por otro.

En consecuencia mandose
vivierendoles de titulo el presente y teniendose
por firme y valedero se tome razon en el libro
que corresponde y se en te que a los interesa-
dos para su resguardo y demas fines.
Dado en Monterey a Veinte y uno de Mayo
de mil ochocientos cuarenta.

Juan B. Alvarado

Mem^o. Jimeno Cerio del
Despacho.

Queda tomada Razon de este despacho en
el Libro de acientos sobre adjudicaciones
de terrenos Valdios @ fajas 2.

Monterey fha ut. Supra.
Jimeno.

Filed in Office Octo. 18th 1852

Lco: Fisher Deery

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Dello Tercero Dos Reales:

H. H.

Exhibit C.

Approval of Assembly,
Part of the deposition
of Ignacio del Valle Alvarado
before H. Hall.

Habilitada provisionalmente por la Aduana Maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta, y mil ochocientos cuarenta y uno.

Alvarado

Antonio Maria Osio

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

La Exma Junta Departamental en sesion del dia Veinteyseis de Mayo proximo pasado, aprobo la concecion que este Gobierno hizo en Veinteyuno del mismo del terreno conocido con el nombre de Rinconada de los Gatos a D. Sebastian Peralta y D. Jose Hernandez en los terminos siguientes.

Se aprueba la concecion hecha por el Excmo D. Juan B. Alvarado del terreno llamado Rinconada de Los Gatos en las personas de D. Sebastian Peralta y D. Jose Hernandez

Y en conformidad al Decreto de hoy que cha en el Expediente respectivo se liba el presente a las partes de los indicados D. Sebastian Peralta y D. Jose Hernandez en conformidad a su indicada concecion para los fines que les convengan.

Monterrey Junio 10 de 1840

Alvarado

Man: Jimeno Osio.

Filed in Office Oct. 18th 1852

Geo: Fisher Secy

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5.1



Sello 1^o seis pesos

Habitadao provisionalm^{te} en la aduana Maritima de Monterey para los años de 1839 y 1840

Alvarado Antonio Ma Osio
Juan B Alvarado Constitutional Govern of the Deptm ent of the Californias

Adm^{te} de Mont^g

b. & c.

Whereas the Citizens Sebastian Facella and Josi Storman del have asked for their own benefit and that of their families the place known by the name of Concina de

Transfusions of (Grant)

de los Gatos, the boundaries of which are shown by the Map, the proper steps having been taken and enquiries made according to the laws and regulations, by virtue of the powers conferred upon me in the name of the

B & C

Mexican Nation I have granted them the place mentioned attached to deprec^{ee} declaring it their property by these presents, subject to the approval of the Departmental Assembly and to the del Valle before following conditions

Com^o H. Wall

1st They shall have power to enclose it without injury to the pupes, rocks and fir trees: They shall enjoy it freely and exclusively using or cultivating it as they may choose, but within one year they shall build a house and it shall be inhabited

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2nd When the property is confirmed to them they shall select the proper Judge to put them in judicial possession by virtue of this decree and he shall mark the boundaries and put upon them bascule the lance marks some fruit trees or useful forest trees

3rd The land hereby donated is one league and a half of the larger size a little more or less according as it is shown by the map which accompanies the proper Expediente. The Judge who shall give the possession shall have it measured in conformity to law, leaving the surplus which remains to the Nation for its use.

4th If they should violate these conditions they shall lose their right to the land and it shall be subject to be donoynea by another

Wherefore I ordan that this serving them as a title and being held firm and valid be recorded in the proper book and be delivered to the parties interested for their protection and other purposes

Given in Monterey the 1st of May 1840
Manuel Jimeno Juan B Alvarado

Pro. del Despacho
This is recorded in the Book of Entries of adjudications

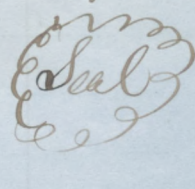
of vacant lands page 2
 Monterey, date as above

Jimeno

Sello Lereero Dos Reales.

Provisionally authorized by the Maritime Custom House
 at the port of Monterey in the Department of the Californias
 for the years one thousand eight hundred and forty
 and one thousand eight hundred and forty one.
 (Signed) Alvarado (Signed) Antonio Maria Osio.

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

The Departmental Assembly in Session the 26th
 day of May last approved the concession which
 this Government made the 21st of the same month
 of the land known by the name of "Rinconada de los
 Gatos" to Don Sebastian Peralta and Don Jose
 Hernandez, in the following words:

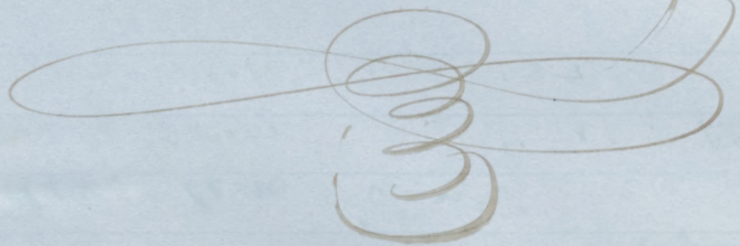
"The concession of the land called "Rinconada
 de los Gatos" to Don Sebastian Peralta and Don Jose
 Hernandez, made by his Excellency Don Juan B.
 Alvarado, is approved."

In conformity to the decree of today, which ac-
 companies the proper Expediente, let these presents
 be delivered to the said Sebastian Peralta and Don
 Jose Hernandez in confirmation of their said con-
 cession, for such purposes as may suit them.
 Monterey, 10th of June, 1845.

(Signed) Alvarado.

(Signed) Manuel Jimeno,
 Secy.

Filed in office Oct. 18th 1852. = Geo. Fisher
 Secy.



23 N. 386

Jose Hernandez and Sebastian Trullas
Claimants of Rinconada de los Santos

Motion

The claimants move the Board for leave now to
file in this case the deposition of James Alexander
Fules taken on the 18th of November Inst. as of the
day on which this claim was submitted
Nov. 22nd 1853

A. P. Britton
Atty for claimants

Filed in office Nov. 22nd 1853

Geo. Fisher
Secy

164 ND
PAGE 22

No. 386

The Land claimed in this case is situated in the
State of California and north of the parallel 37^o
of North Latitude

Stipulation

W. McKee
Law Agent
A. P. Britton
Atty for claimants

Filed in office Sept. 5th 1854

Geo. Fisher
Secy

1855
1856

25- Case No. 386 Sebastian Peratta and
Jose Hernandez

vs
The United States } Rinconada

Opinion

This is a claim founded on a grant made by Governor Juan B Alvarado on the 31st day of May 1840 duly confirmed and approved by the Departmental Assembly on the 26th of the same month and the certificate of the same dated 18th of June 1840 delivered to the parties. The evidence shows that the parties had a house on the land in which they lived before the grant was made and continued to reside until about six years ago when they separated and established separate Ranchos on the land in which they have continued to reside ever since - that each had a stock of cattle. The genuineness of the original grant and certificate of approval is satisfactorily proved by competent testimony, and the conditions of the grant appear to have been fully complied with. The only remaining question is, as to the sufficiency of the description to locate and identify the land. It is described in the body of the grant "The place known by the name of the Rinconada de los Galos" the boundaries of which are shown by the map; and the third condition defines the land granted as one and a half leagues sitios de ganado Maya as is shown the map; a judicious measurement is required with the usual reservation of the sobrante or surplus to the Nation, the word "Rinconada" signifies, angle, point, or corner and a reference to the map contained in the true copy of the Expediente from the archives shows a tract of land lying in the angle or point formed by two ranges of mountains and bounded thence on the East and South, on the West by a creek and on the North by a line drawn nearly East and West from Saca Creek to the Sierra or Mountain Range on the East; with the Arroyo del Rancho or Los Galos on the South, nearly through the center of the premises. The testimony also verifies the correct map of this description. From all the evidence in the case it would appear that to have been the intention of the Government to grant to the parties the quantity of one league and a half square leagues of land known as the Rinconada embracing the corner or

angle which is formed by the mountains on the East and South and bounded on the West by the arroyo and on the North by a line drawn in the direction represented on the map, from the creek to the mountain so as to enclose and segregate the one and a half square leagues which are granted. With this description added by the map and taken in connection with the long occupation of the claimants a surveyer would find but little difficulty in identifying and locating the precise limits of the land intended to be granted. A decree of confirmation will accordingly be entered.

Filed in Office Aug 8. 1854
Geo. Fisher Secy

No. 386 Sebastian Gallen &
Jose Saumancos }
vs
The United States }

Decree

In this case on hearing the proofs and allegations it is adjudged by the Comm. that the claim of the petitioners is correct and it is therefore decreed that the same be confirmed. The land of which confirmation is made is situated in the County of Santa Clara and is known by the name of "Rancho de los Gatos" being the same which has been held and occupied by the present claimants since the year 1840 and is bounded as follows, on the East and South by the Sierra or Mountain ranges on the West by a creek and on the North by a line drawn from Saco creek to the Sierra on the East so as to enclose one and a half square leagues of land as represented on the map sent annexed in the Expediente in the archives a true copy of which is filed in the case and to which reference is made for a more particular description.

Alphus Felch }
A. C. Thompson }
J. B. Farwell }

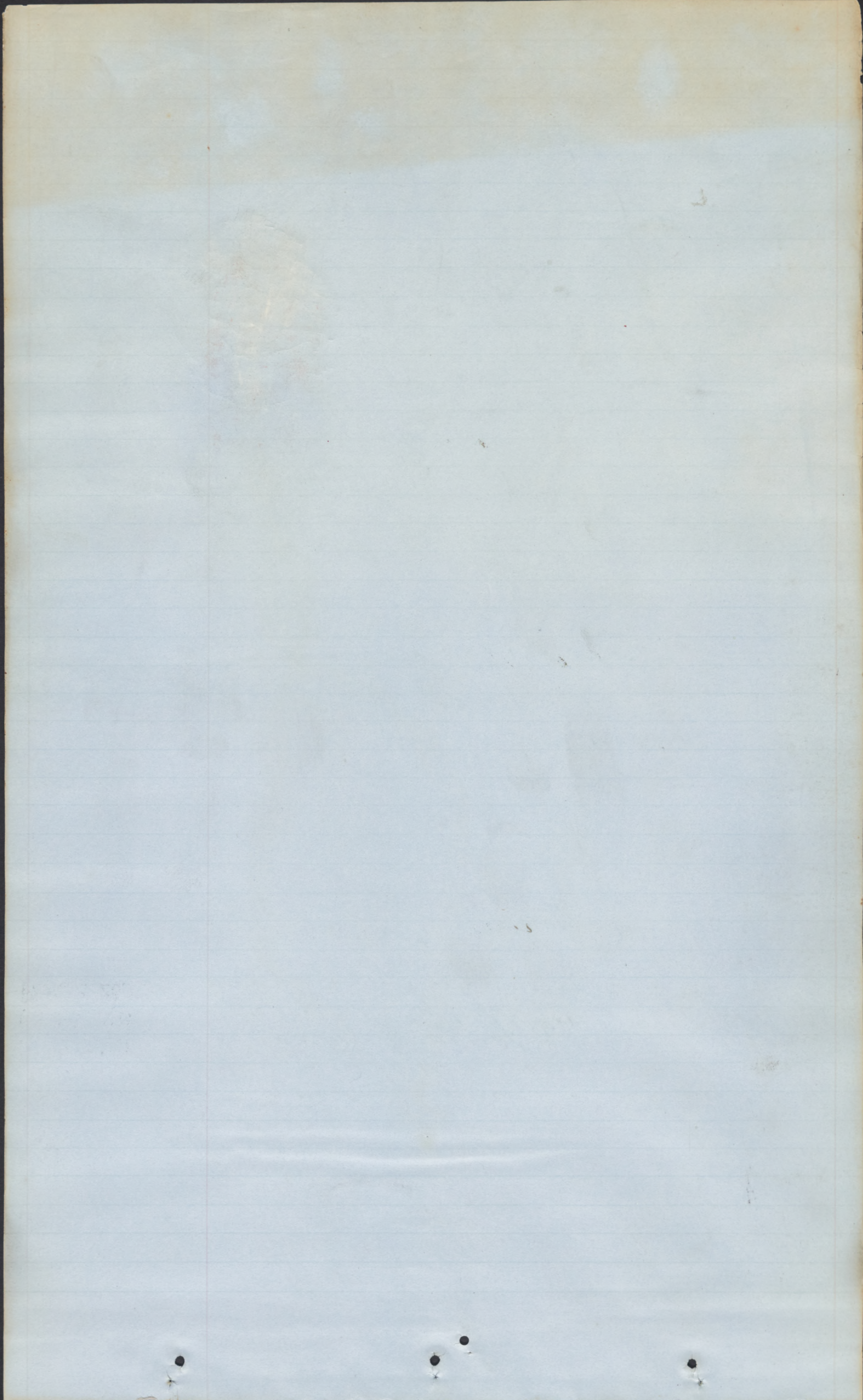
Commissioners

Filed in office Aug 8. 1854
Geo. Fisher Secy

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

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PAGE 25



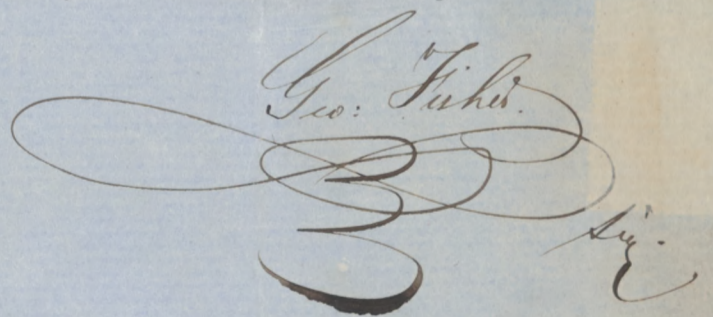
Office of the Board of Commissioners,

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

164 ND
PAGE 26

I, *George Fisher* — Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Twenty seven* — pages, numbered from
1 to 27, both inclusive, to contain a true, correct and full 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. 386 on the Docket of the said Board,
wherewith *Sebastian Pratta, et al* are
the Claimant *s* against the United States, for the place known by
the name of *Rincónada de los Gatos* —

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




164

164

Christianity

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164

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Office of the Attorney General of the United States,

Washington, 7th March 1853.

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PAGE 27

Sebastian Peralta et al.

vs.

The United States.

} 386.

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 *North* district of California will be prosecuted by the United States.

Cushing

Attorney General.

No. 164 -

U. S. Court, W. D.

United States

vs.

Sebastian Pratta
et al.

Appeal Notice.

Filed April 14, 1855,
by W. D. Chevers,
Deputy.

Office of the Attorney General of the United States,

Washington, 7th March 1855.

164 ND
PAGE 29

Sebastian Peratta et al. }
v. } 386.
The United States. }

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.

Clushing

Attorney General.

164
No 164

U. S. D. Court N. Dist.

The United States

vs.

Sebastian Poratta et al

Appeal Notice.

Filed May 5, 1855,
J. Cheever,
Deputy.

To the Honorable the District Court of the
United States in and for the Northern Dis-
trict of California -

164 ND

PAGE 31

The United States
Appellants

vs
Sebastian Peralta et al,

No. 164,

Answered -

The Respondents
herein for Answered to the petition of the
Appellants state, that they deny the
allegation of said petition that the claim
herein is invalid. They further allege
said claim to be valid, and pray that the
deed of the Board of Land Commissioners
confirming said claim may be affirmed by
this Hon Court, and the title of the
claimants to said land may be declared
to be valid.

Respectfully,

S. T. Bellard
of Counsel for Respondents,

no. 164,

U. S. Dist. Court,

The U. States

vs
Sebastian Peralta

Answer

164 ND

PAGE 32

Filed Nov 30, 1855.

J. Cheever
Deputy

J. P. Keefe
Clerk

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

The United States
Appellants
vs
Sebastian Perrella & Co
No. 1664

The Petition of the United States by their
Attorney represents: that this case is an
application for a review of the decision
of the Board of Commissioners whereby the
claim of the said Appellee was confirmed
as appears by reference to the records in
the case: That a transcript of the
said Records was filed in this Court on
the 1st day of May 1835: That a
notice of appeal was filed on the
1st day of May 1835 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. Ingr
U. S. Dist. Atty

No. 164
U.S. Dist. Court

The U. States
vs
Sebastian Peralta

Petition

Filed November 30, 1855,
J. Cheever
Deputy.

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Massell

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

164 ND
PAGE 35

The United States.	N ^o 164 Decree.
vs Appellants	Stated Term March 10, 1856.
Jose Hernandez &	Appeal from the final de-
Sebastian Peralta	cision of the Commissioners
Appellees	to ascertain and settle
	private land claims in
	the State of California.

This cause came on to be heard at a
stated term of the Court on appeal from
the final decision of the Board of Com-
missioners to ascertain and settle the
private land claims in the State of
California under the Act of Congress
Approved on the 3^d of March AD 1851,
upon the transcript of the proceedings
and decision of the said Board of
Commissioners and the papers and
evidence on which the said decision
and the petition of the appellants and answer of the appellees
and the exhibits and evidence taken in this cause under the order of the
was founded, and it appearing to the
Court that the said transcript has
been duly filed according to law,
and counsel for the respective parties
having been heard, it is by the Court
hereby Ordered, Adjudged and decreed

That the said decision be and the same is hereby in all things affirmed, and it is likewise further ordered, adjudged, and decreed that the claims of the appellers, the said José Hernandez and Sebastian Peralta, is a good and valid claim and that the said claim be and the same is hereby confirmed to the extent and quantity of one square league and a half, and no more, being the same land known as the Rinconada de los Gatos, which land has been held and occupied by the said claimants since the year 1840, and is delineated on the map on file in the Expediente in this case, provided that the said square league and a half now confirmed to the said claimants be contained within the boundaries called for in the said grant and the map to which the grant refers, and if there be less than the said quantity within the said boundaries, then such less quantity only is confirmed to the claimants.

Order Hoffman J.
U. S. Dist. Judge

N^o 164

U. S. Dist. Court

The United States
vs Appellants
José Hernandez &
Sebastian Peralta
Appellees

Decree —

Filed March 10. 1856,
W. H. Adams,
Deputy

intance - page 253

At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the City of SAN FRANCISCO, on *Friday* the *13th* day of *March* in the year of our Lord one thousand eight hundred and fifty-seven.

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PAGE 38

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

Sebastian Peralta et al,

D.C. 164; S.C. 386

The Attorney General of the United States having given notice that appeal will not be prosecuted in this case; and a stipulation to this effect having been entered into by the U.S. Attorney;

On motion of the District Attorney it is ordered adjudged and decreed that claimants have leave to proceed under the decree of this Court heretofore rendered in his favor, as under Final Decree,

Ogden Hoffman
U. S. District Judge

164

United States District Court, Northern
District of California.

The United States

vs.

Sebastian Peralta et al

ORDER.

Vacating appeal

Filed *March 13, 1859*
John A. Munn

CLERK.

By *W. H. Cheney*

DEPUTY.

California Land Claim.
Attorney General's Office
26 Jan'y, 1857.

Sir: In the case of the claim of
Sebastian Peralta et al. confirmed
to the claimants by the Commission-
ers, case no. three hundred and
eighty-six, (386), appeal will not
be prosecuted by the United States.
O aw.

Respectfully,

Canting

Wm. F. Standing Esq
U.S. Attorney,
San Francisco.

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

The United States

v

} D. C. 164; L. C. 386.

Sebastian Peralta et al

In pursuance of a notice
from the U. S. Attorney General herewith
annexed, it is hereby stipulated and agreed
that no further appeal in this case shall
be prosecuted on the part of the United States
and that claimants have leave to proceed
under the decree of this Court heretofore
rendered in their favor, as under Final
Decree.

San Francisco March 10th 1857

Wm Blanding
Dist Atty

A P Cullen
Atty for Appellee

164

386

The United States

vs

Sebastian Peralta et al

Stipulation

Lid March 13. 1887
W. H. Cheever,
Deputy.

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

The United States

vs

Sebastian Peralta &
Jose Hernandez

N^o 164

It is stipulated that the deposition
of Jas. Alexander Forbes which
appears in the Transcript in this
Case shall be considered as regu-
larly taken in this Court.

San Francisco, February 25, 1856

A. P. Buttenden

Atty for Respondants

A. Russell

asst U.S. Dist. atty

N^o 164.
U. S. Dist. Court.

The United States
vs Appellants
Sebastian Peralta +
Jose Hernandez
Respondants —

Stipulation —

164 ND

PAGE 44

The United States

José Hernandez &
J. Peratta

The grant under which this claim is made was issued by Governor Alvarado on the 21st May, 1840—

The original title is produced and the signatures fully proved, and also a certificate of approval by the Departmental Assembly.

The land seems to have been occupied prior to the grant and a house was built in which the parties have ever since continued to reside—

The land granted is described as the *Purcionado de los Gatos* and the third condition limits the quantity to one league & a half as shown on the map and on referring to the map we find the tract indicated with tolerable precision and sufficiently to enable a surveyor to locate it without difficulty—

This claim was confirmed by the Board and we think their decision should be affirmed—

No 164
New andes
et al
ads
The U. States
Opinion

D. P. ~~W.~~ Belknap
Sebastian Peralta et al
Confirmed
Purconada de las Gatos,
1 1/2 leagues Santa Clara Co

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

The United States
Appellants

N^o 164

vs
Sebastian Peralta +
Jose Hernandez -

Respondants

The Respondants, for answer to the
petition of the appellants, deny all
the allegations thereof except that the
land claimed lies in the Northern
district of California, which they
admit.

They pray that the decree of
the Board of Land Commissioners
confirming their claim be affirmed

A P Brittan

Att^y for Respondants

N^o 164
U. S. Dist. Court

The United States
vs Appellants
Sebastian Peralta +
Jose Hernandez
Respondants

Clerk of Respondants.

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

N^o 164

The United States

vs

Jose Hernandez +
Sebastian Peratta

The numbers in
brackets are the
pages of the
manuscript
referred to.

The land claimed in this case was granted to the claimants by Gov^r Alvarado on the 21st May 1840. The original grant was produced (p. 17) and its execution proved by Ygnacio del Valle (p. 6)

The grant was approved by the Departmental Junta on the 26th May 1840 (19) and the signatures to the certificate of approval are proved by Ygnacio del Valle (6).

The occupation of the land ^{by the grantees} from a date prior to that of the grant is proved by Jose Fernandez (5).

A traced copy of an Expediente from the archives, certified by the Surgeon General is produced showing all the proceedings preliminary to making the grant, the decree of concession, the issuing of the grant, and its approval (15)

The claim was confirmed by the Board
(Opinion p. 25. Decree p. 26)

A. P. C. L. L. L. L. L.
for Claims

164 ND
PAGE 50

No 164
U. S. Dist. Court

The United States
vs
Sebastian Peralta +
Jose Hernandez

Abstract.

164

Mem for decree

The land ~~whereof~~ ^{of the tract} confirmation
is made ~~is the tract~~ known
as the Rinconada de los Gallos
which land has been held and oc-
cupied by the Claimants since
the year 1840 - and which is de-
lineated on the map ~~on~~ file
in the expediente in this case -
This quantity hereby confirmed to
the claimants being ^{one square}
league and a half ^{& no more} as mentioned
in the grant produced & filed in this
case.

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. 386 on the Docket of the said Board, wherein Sebastian Peratta, et al, are the Claimants against the United States, for the place known by the name of Rinconada de los Gatos and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.

