

CASE NO.

175

NORTHERN DISTRICT

---

LAS PUTAS GRANT

---

MARIA ANASTASIA HIGUERA, ET AL.

CLAIMANT

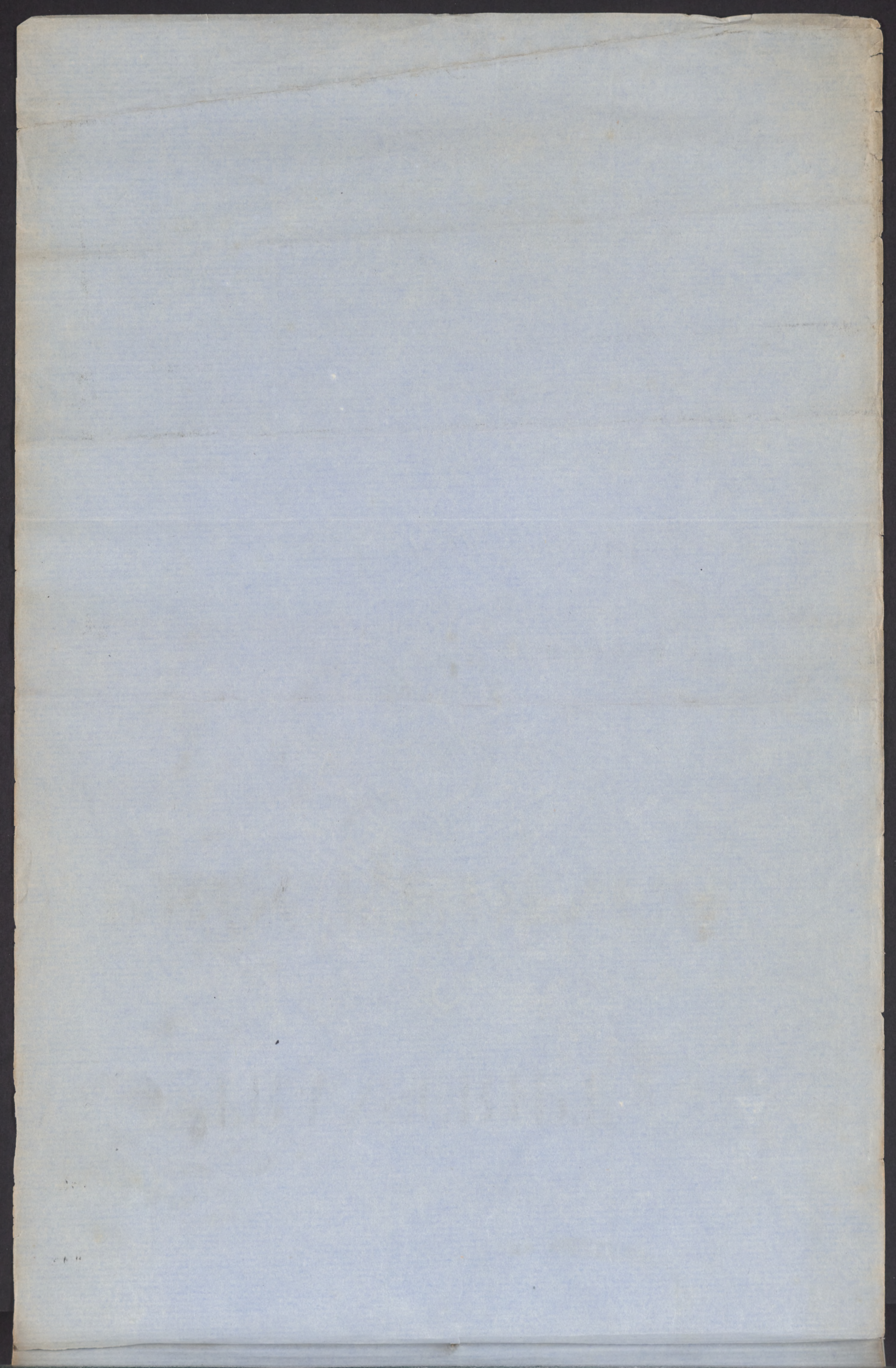
Land Case no. 175, Northern District

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236



TRANSCRIPT  
OF THE  
PROCEEDINGS

IN CASE

NO. 236

*Maria Anastasia Heiguera, et al*, CLAIMANTS.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Las Pintas"*

WALTER CHURCHILL REVELL, DECEMBER 1871

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

The Petition of *Maria Anastasia Higuera*  
et al. for the Place named  
*"Las Putas"*  
was presented, and ordered to be filed and docketed with No. 236 and is as follows, to wit;

(Vide page 5 of this Transcript.)

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

San Francisco, July 3<sup>d</sup> 1852.  
In case No 236, *Maria Anastasia Higuera de Berruessa, et al*, for the place called *"Las Putas"* in motion of the Counsel for the Claimants, the following order was made to wit:  
(Vide page 5-9 of this Transcript.)

San Francisco, January 18<sup>th</sup> 1853  
In the same case the deposition of *José Santos Berruessa*, a witness on behalf of the Claimants, taken before Commissioner *Wiland Hall*, was filed.

(Vide page 14 of this Transcript.)

In the same case the deposition of *Juan de Castaña*, a witness on behalf of the Claimants taken before Commissioner *Wiland Hall* with document marked

H. H. No 1. annexed thereto, was filed.  
(Vide page 13 of this Transcript)

San Francisco January 19<sup>th</sup> 1853.

In the same case a communication was received from the United Surveyor General for California, transmitting a Copy of the field notes of survey, and a map of the said place, and is as follows, to wit:

(Vide page 39 of this Transcript)

San Francisco July 26<sup>th</sup> 1853.

In the same case the deposition of H. V. Tracy, a witness in behalf of the Claimants, taken before Commissioner Alphons Felch, was filed.

(Vide page 9 of this Transcript)

San Francisco Aug 27<sup>th</sup> 1853.

In the same case the deposition of John C. Hoag, a witness in behalf of the Claimants, taken before Commissioner Thompson Campbell, was filed.

(Vide page 10 of this Transcript)

In the same case the deposition of Martin E. Cook, a witness in behalf of the Claimants, taken before Commissioner Thompson Campbell, was filed.

(Vide page 11 of this Transcript)

San Francisco November 2<sup>nd</sup> 1853.

In the same case the deposition of Aaron Vandum, a witness of the Claimants, taken before Commissioner R. D. Thompson, with document marked "No 1. R. T." annexed thereto was filed.

(Vide page 11 of this Transcript)



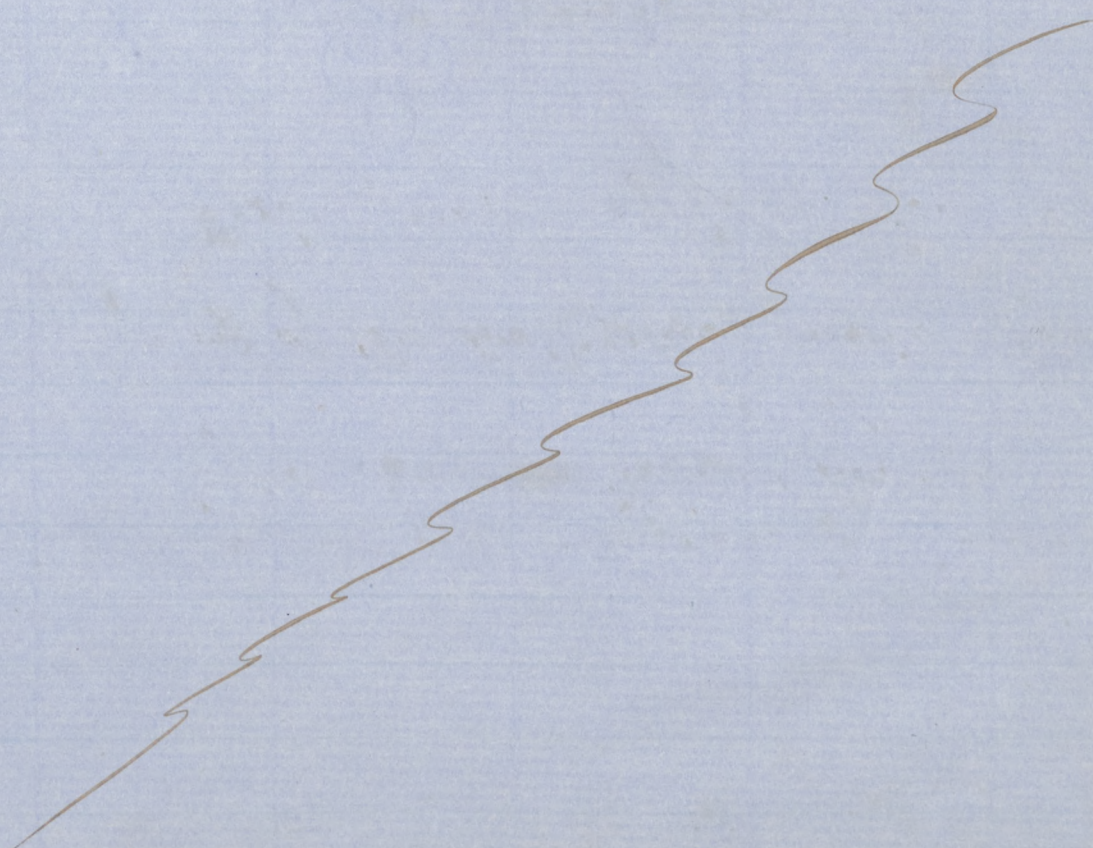
San Francisco, November 7 1853.  
In the same case the deposition of Jose S. Borrayesa,  
a witness in behalf of the Claimants, taken before  
Commissioner Alphens Felch, was filed.  
(Vide page 13 of this Transcript)

San Francisco, June 13 1854.  
Case No 236, was ordered to the foot of the Cal-  
ender of the 1<sup>st</sup> Class Cases on the Trial Docket.

San Francisco Aug, 17 1854  
Case No 236 was submitted on Briefs.

San Francisco, Sept 5 1854.  
In the same case Commissioner Alphens Felch,  
delivered the opinion of the Board confirming  
the claim.

(Vide page 13 of this Transcript)  
In the same case the following order was  
made, to wit:  
(Vide page 67 of this Transcript)





Petition

To the Honorable the United States Commission  
ers to ascertain and settle the Private Land  
Claims in California

Your Petitioners Maria

Anastasia Higuera de Benyesa of the County  
of Contra Costa and Maria Nicolasa Higuera  
de Benyesa of the County of Yolo Jose de Jesus  
Benyesa husband of the said Maria Anastasia  
and Justo Benyesa husband of the said Maria  
Nicolasa joining with their said wives in this  
Petition in token of their consent thereto by Brown  
Pack & Tracy their attorneys respectfully represent  
That at the date of the treaty of Guadalupe Hidalgo  
they were residents of the Department of Alta Calif  
or in the said Jose Jesus and Justo Benyesa being  
citizens of the Mexican Republic and that they have  
ever since continued to reside in Upper California  
and that the said Jose Jesus and Justo Benyesa have  
since that time become and have become citizens of the  
United States under and by virtue of the provisions  
of said treaty and your Petitioners further show that  
on the 11th day of February 1842 the said Jose Jesus  
Benyesa and Justo Benyesa then being residents  
of the Department of the Californias made their Petition  
in writing signed by them addressed to the Milita-  
ry Commandant of Sonoma praying for license  
to occupy provisionally eight sitios de Ganado  
Mayor while they should petition the Government  
for a grant of the same the said land being known  
as Las Pugas and lying in the jurisdiction of  
Sonoma that on the same day General Vallejo  
then being the Military Commandant of Sonoma  
as aforesaid by his order in writing signed by him  
entered on the margin of said Petition did grant  
license to the said Petitioners to occupy said land  
as aforesaid and further ordered that they should  
present themselves to the Government for the titles  
of ownership That afterwards to wit on the 16th day  
of July 1843 the said Jose Jesus and Justo Benyesa  
made their Petition in writing signed by them ad-  
dressed to the Commandant General and Governor  
of both Californias praying for a grant of the said  
eight sitios of land as in their said Petition is par-  
ticularly set forth That on the 26th of October of the same  
year Manuel Micheltorena Brigadier General of the

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Mexican Army capitans General of the Staff of the  
 same and then being Governor General and an General  
 and Inspector of the Department of the Californias  
 by his decree in writing signed by him dated that  
 day and entered upon the margin of said Petition did  
 direct the same to the Secretary of Dispatch with orders  
 to take information there upon that after was  
 on the same day Manuel Jimenez the Secretary of  
 Dispatch to whom the said Petition with orders as  
 aforesaid was directed entered in writing signed  
 by him upon the margin of said Petition the inform-  
 ation required by said order and directed the same  
 to the Governor of the Department as aforesaid  
 that there upon afterwards to wit upon the 27th of  
 October of the same year the said Manuel Mich-  
 atterena then Governor as aforesaid by his order in  
 writing dated that day did decree that the title to  
 said lands should issue to the said Petitioners  
 upon the conditions therein set forth that afterwards  
 on the 28th of October of the same year the said Petition-  
 ers Jose Jesus and Justo Benayza for doing that the  
 conditions imposed upon them by the last mentioned  
 decree would be in the grant in a great measure  
 unavailing presented to the same Manuel Mich-  
 atterena Governor as aforesaid a new Petition signed  
 by them setting forth particularly the reasons  
 why a grant of the eight sitios of land should be made  
 to them free from the said conditions as well some  
 fully appear by said Petition that there upon on the  
 30th of October of the same year the said Manuel  
 Michaterrera Governor as aforesaid entered his  
 decree in writing signed by him upon the margin  
 of said Petition ordering the Secretary of Dispatch to  
 inform himself as to the matters therein contained  
 that afterwards to wit on the same day Manuel  
 Jimenez the Secretary of Dispatch to whom the said  
 Petition with orders as aforesaid was directed entered  
 in writing signed by him upon said Petition the inform-  
 ation required by said order and directed the same  
 to Manuel Michaterrera as aforesaid that there upon  
 on the 31st of October of the same year the said  
 Manuel Michaterrera Governor as aforesaid by his  
 decree of that date signed by him ordered the said  
 Secretary to issue the title for which said Petitioners  
 had prayed with the conditions expressed

That afterwards to wit on the 3rd of November of the  
same year the said Manuel Michel treca Governor  
as aforesaid by his decree of that date declared  
the said Petitioners owners of the tract of land descri-  
bed in their Petitions in extent legua y media de San Juan  
Mayor and ordered the title to said land to be deli-  
vered to them

That afterwards on the same day the said  
Manuel Michel treca then being lawfully Governor  
of the California by his decree in writing dated  
that day signed by him in virtue signed by Manuel  
Joaquin Sautang as aforesaid did grant to the  
said Petitioners the land there in mentioned and  
described upon the terms and conditions there in set  
forth and there upon the said grant was duly  
recorded in the proper book of records and the  
recording of the same duly certified there by  
said Manuel Joaquin Sautang as aforesaid  
And your Petitioners say that the said Manuel  
Officers at the said several times hereafter  
mentioned had full power and authority to do  
the said several acts and things by them herebefore  
alleged to have been done and that by their said  
acts the said Jose Jesus and Gesto Bungsas of the said  
land became actual owners in their own respective  
as tenants in common

And your Petitioners say that  
the said grantees and those holding under them have  
complied with and fulfilled all and singular the  
terms and conditions in the said grant mentioned  
to be by them complied with and fulfilled that  
they have continued in actual peaceable and quiet  
undisturbed possession of the said land from the  
day of the date of the said several grants first  
before mentioned hitherto and are now in  
actual peaceable and undisturbed possession  
thereof and that they have no other or interfering  
claim what so ever in regard to said land,  
And your Petitioners further say that the said tract  
of land lies in the County of Gold and that every  
part thereof lies at a greater distance than ten le-  
guas from the Sea Coast and your Petitioners fur-  
ther say that soon after the date of the said grants  
and before the said grantees could cause the same  
to be submitted to the Departmental Assembly for

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their approval a revolutionary took place in the Depart-  
ment by which the said Manuel Vichet treasurer  
devoid from the Department and was succeeded there-  
in by Pio Pico that after the said Pio Pico assumed  
the powers of Governor met but for a few days only in  
the City of Los Angeles at a distance of several leagues  
and miles from the residence of said grantee of which  
said meeting said grantee had no notice and that  
in consequence the title of said grantee has and here-  
forth remain a victim of confiscation by said  
Departmental assembly at the date of the conquest  
of this Territory by the United States

Your Petitioners  
further say that before the date of this Petition the  
said Jose Jesus Buzasa sold and conveyed to the  
said Maria Anastacia Aguirre de Buzasa  
his wife by good and sufficient conveyance in law  
all his right title and interest in and to said land  
and every part thereof as an estate of inheritance and  
in like manner before the date of this Petition the  
said sister Buzasa sold and conveyed to the said  
Maria Nicolara Aguirre de Buzasa his wife by a  
good and sufficient conveyance in Law all his  
right title and interest in and to said land and  
every part thereof as an Estate of Inheritance and  
thereupon Petitioners aver the owns of said land

Your  
Petitioners further say that they have annexed to this  
Petition two copies of all the said several Petitions  
writs representations de caus and title here in before  
mentioned together with a translation of the same  
all of which they pray may be taken as part of this  
Petition

And your Petitioners offer to produce in  
evidence the Quas Inven before mentioned from the  
said Jose Jesus Buzasa to the said Maria Anastacia  
Aguirre de Buzasa and from the said sister Bu-  
zasa to the said Maria Nicolara Aguirre de Buzasa  
whereupon your Petitioners relying upon the justice of the  
United States Government pray that your Honorable  
Board will declare their said title to be valid and  
valid that the proper certificate and Patent be issued  
to them hereunto and your Petitioners &c

San Francisco May 12 1852 Perun Pratt & Tracy attys for Petitioners  
Felic in Offic May 21 1852 Geo Fisher Secretary

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Deposition  
of  
F. P. Tracy

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Before the Commissioners of the United States to ascertain and settle the Private Land Claims in the State of California in the matter of the Petition of Maria Anastasia Segunda de Benjusa et al State of California County of San Francisco 38 Frederick P. Tracy of the County of San Francisco being duly sworn deposes testifies and says that he is attorney of record for the Petitioners in this cause and that after the filing of the said Petition he informed the Petitioners and especially Mercedes Segunda de Benjusa that the original deed from sister Benjusa to the said Nicolasa dated the first day of March 1851 must be produced in evidence on the hearing of said Petition and he the undersigned went to the Rancho de las Pintas where the said Sister and Mercedes his wife reside among other things to obtain the original deed but failed to obtain the same

Deposant further says that said Nicolasa after having been so advised by him informed him that in pursuance of his said advice she had made diligent search among all the papers in her possession and that she could not find the said deed and that the same was lost Deposant further says that the said Nicolasa resides about fifty miles north of Benecia that there is no carriage road to the Rancho where she lives that she has been recently confined and is unable to come to San Francisco to testify as to the loss of said deed by reason of her illness

Deposant further says that after the said search made under his advice and direction he believes the said deed to be lost and so states and further says not

F. P. Tracy

Subscribed and sworn to this 26th day of July 1853  
Alphons Felchly Commissioner

It is agreed that this affidavit may be read in evidence the same as the affidavit in Deposition of the within named party

N. C. Howard

July 23rd 1853

Filed in Office July 26th 1853

Geo F. Johnson

Secretary

Deposition  
of  
John C. Hays

Office of the Commissioners of Land Claims in California  
San Francisco

This day before Commissioner Thompson Campbell came John C. Hays a witness in behalf of Claimant Maria Anastasia Sequia de Bruges et al case no 236 who after being duly sworn depose as follows  
What is your name age and place of residence  
My name is John C. Hays my age thirty six (36) years and I reside in the City of San Francisco  
What is the length of the post Standard line north of Monte Diablo from the Town of Sonoma west to the shore of the Ocean

The line is thirty (30) miles in length  
Testimony of Associate Law Agent  
How far is the Town of Sonoma from the nearest point on the Bay of San Francisco

This question objected to by attorneys for Claimant  
It is represented on the map as being between eight and ten miles

How far is the Town of Sonoma from the nearest point on the shore of the Pacific Ocean

It is about twenty eight (28) miles My knowledge is derived entirely from the Survey as laid down on the map

John C. Hays

Sworn to and subscribed before me this 27th day of August A. D. 1853

Thompson Campbell  
Commissioner

Taken in Office August 27th 1853

Geo Fisher Secretary

Deposition  
of  
Martin C  
Cooke

Office of Commissioners of Land Claims in California  
San Francisco

This day before Commissioner Thompson Campbell came Martin C. Cooke a witness in behalf of Claimants Maria Anastasia Sequia de Bruges et al case no 236 who after being duly sworn depose as follows

What is your name age and place of residence  
My name is Martin C. Cooke my age 29 years and I reside in Sonoma in this State

Do you know the Rancho Las Putas and its Geographical position

I do know the said Rancho It lays a good deal to the



East of a North and South line drawn through the  
Town of Sonoma  
Associate Law Agent present

Walter E. Cooke

Sum to and Subscribed this 27th day of August A D  
1853

Thompson Campbell  
Commissioner

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The claimants course proposed the following addi-  
tional questions

In what direction and what distance from the Town of  
Sonoma does this Rancho lie

It lies East of North twenty miles or more in my opinion

The Associate Law Agent present M. E. Cooke

Sum to and Subscribed before me this 27th day of Aug-  
ust A D 1853

Thompson Campbell Commissioner  
Filed in Office August 27 1853  
Geo Fisher Secretary

Deposition Case No 236 Office of the Board of Commissioners &c  
of  
Aron Wandorn came Aron Wandorn a witness in behalf of claimant

ant Maria Antanasia Sequia Punjosa et al No  
236 who after being duly sworn depose as follows

Testimony in behalf of claimant

Present A Marcus Attorney of claimants and A  
Green howley Associate Law Agent

Witness states his name to be Aron Wandorn  
his age thirty years resident San Francisco

Questions by claimants atty

How you the Surveyor who Surveyed the Rancho of Las  
Patas if so state on what authority you Surveyed it

answer I was the Surveyor was made by authority of an  
order from the United States Board of Land Commis-

sioners for the settlement of Private Land claims  
in California dated July 2d 1852 and under the

instructions of the Surveyor General of California  
dated October 20th 1852

Question by same Please state how you made the Survey  
in connection with the map and field notes now shown

you and how the field marked Cross Land 2 and  
with the initials N.S.

Answer The Survey was made as described and set  
forth in the said field notes and map and in  
accordance with the calls of the grant and the instructions

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of the Survey General  
 Question by same Take the grant filed in this case  
 and the map and state what objects or boundaries  
 if any called for in the grant were found by you  
 in making the said Survey and how they are design-  
 ated and identified in said map

Answer I found the Sumner Mountains on the  
 South Side of the Range on the East the Circle Moun-  
 tains on the North and the Lima de Bali on the  
 West which mark distinctly the topography of the  
 valley all of which are called for in the grant as  
 boundary lines and are designated in the map by their  
 respective names written in pencil

Question by same State the quantity of land contained  
 in said boundaries and the character of the land  
 answer The quantity is fifty five thousand six  
 hundred and fifty five acres of which about twenty  
 five thousand is good land about two thousand  
 good pine hills and the balance mountainous

Question by same Are the field notes and map above  
 referred to the same made by you and do they correctly  
 represent said Survey

Answer They are and are a correct representation of said  
 Survey

Question by same What improvements to you on the  
 land when you made the Survey and who was occupying  
 it

Answer There were on the land three adobe houses on the  
 East bank of the Putasuck near the center of the Rancho  
 occupied by Srto Benyisa and his family also an  
 adobe house on the opposite bank occupied by Sr  
 Benyisa they had two fields in cultivation and a  
 large number of cattle horses and mules

Question by Mr Granberry

How did you ascertain the hills mountainous  
 mentioned by as forming the boundaries of the land

Answer From the Benyisas themselves and from an  
 old settler living in that neighborhood named Bennett

Question by same Did the houses on the land seem  
 to have been recently built or otherwise

Answer They had an old appearance

Wm Warram

Given to and Subscribed before me this 2nd of Nov  
 1853

Alex Thompson Coroner  
 Filed in Office November 2nd 1853 Geo Fisher Secy

13 Deposition  
of  
Jose S.  
Bungesa

Office of the Board of Commissioners &c &c &c  
This day before me Alphus Felch came Jose  
S Bungesa a witness in behalf of claimants  
Mania Anastasia Sequia de Bungesa at No  
236 who after being duly sworn deposed as follows  
I Truston what are your name age and place of  
residence

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answer My name is Jose S Bungesa my age is  
thirty five years and I reside in the County of Contra  
Costa California

I Truston was there a house built on the Rancho called  
Las Patas after 1843 and it is by whom  
I answer There was a house built about the middle  
of the year 1843. It was built by Sixto and Jesus  
Bungesa and was an adobe house the house was  
frequently occupied by them another house was  
built in said Rancho by Jesus Bungesa in 1846 and  
he has lived in it with his family ever since it was  
built to the present time and still resides there  
Sixto Bungesa still lives in the house which  
was built in 1843 and has lived in it with  
his family ever since it was built

Jose S. Bungesa

Mr Graham Associate Law Agent was present  
at the taking of this Deposition but propounded no  
questions  
Subscribed and sworn to before me this 7th day  
of November 1853

Alphus Felch Commissioner

Filed in Office November 7th 1853

Geo Fisher Secretary

Testimony  
of Man de  
Castaneda

San Francisco Jan 18th 1853

Before the U S Commissioners to ascertain and  
settle Private Land Claims in California  
In the matter of the petition of Mania Anastasia Se-  
quia de Bungesa et al for the Rancho de Las Patas  
Man de Castaneda being duly sworn according to  
Law deposes testifies and says That the signature  
of Manuel Michelena I saw in the town of Mex-  
ico and was employed by him in his Office at  
different times from the year 1830 until he left  
California the signature to the paper marked A  
H No. is his I know also the signature of Manuel

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Minister's signature to the same paper is given  
by Jose Jesus Buzza and Srto Buzza and  
what was commonly understood to be a firm  
from General De G. Valero occupied the land in  
question from the year 1839 down to the time when  
it was granted to them and have continued ever  
since to occupy it they had at the time first men-  
tioned two adobe houses on the land and before  
the date of the grant they had added other buildings  
and enclos, they had some few oxen, horses and cattle  
and also a number of horses they constantly cul-  
tivated so much of the Rancho as was necessary for the  
maintenance of their families down to a month  
long after the grant

Maria Anastasia de Buzza  
is the wife of Jose Jesus Buzza and Maria Nicolasa  
de Buzza is the wife of Srto Buzza Jose Jesus  
and Srto Buzza all natives of Calapan in the  
Isla Mindanao upon said Rancho this Rancho is in  
very fragment more than ten leagues from the sea  
coast than the mountains called Puli Fur Long  
new and fragments they are ranges of mountain tops  
with principal points bearing these names they  
entirely enclose the valley in which the said Buzzas  
live and it would be impossible to describe the land  
by natural boundaries more accurately than it  
is described in the grant to them

Said paper was  
sent to H. W. W. supports to be a grant to Jose Jesus  
and Srto Buzza dated November 3rd 1843 and  
is hereto attached

I de Castida do  
Geron and subscribed before me  
Island Hall Com  
Filed in Office January 18th 1853  
Geo Fisher Secy

Testimony of  
Jose Santos  
Buzza

San Francisco Jan 18th 1853  
Before the United States Commissioner to ascertain  
and settle the Private Land Claims in California  
In the matter of the Petition of Maria Anastasia Figuera  
de Buzza et al Jose Santos Buzza being duly  
sworn according to Law deposes that he and Srto  
Manuel the Rancho of San Pitas since the year 1840  
since the time that Srto and Jose Buzza a pair

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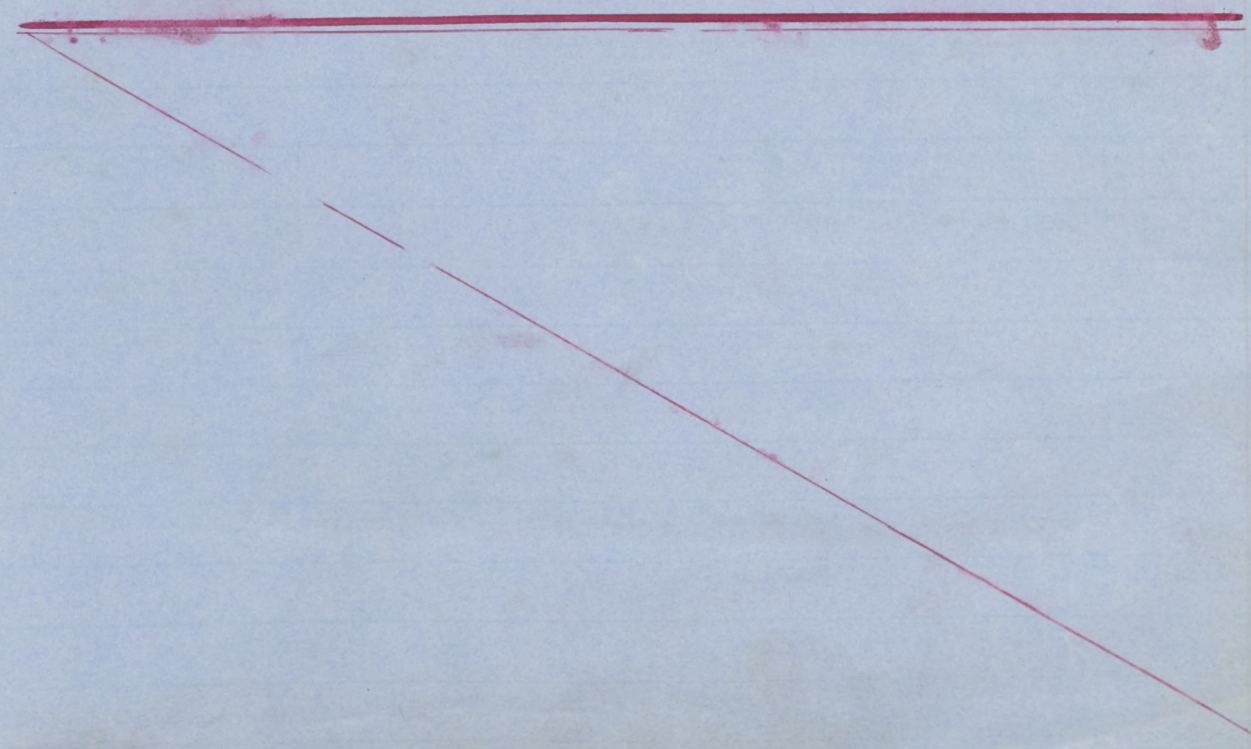
received permission to occupy said land they  
have had it in constant occupation they have  
lived in it with their families and have cultivated  
it planting and sowing whatever was necessary for the  
maintenance of their families as wheat barley Indian  
corn &c

They also had a stock of cattle and horses on  
the Rancho and had built adobe houses in which  
they lived and in which with the exception of their  
intercours they have continued to live ever since

I was for  
some time Alcalde of Sonoma and was a military Officer  
for several years before the conquest of the country  
I have often seen Manuel Pacheco and  
Manuel Miramir whose signatures are attached  
to the title annexed to the deposition of Jose Castano  
and quite I have their signatures The signatures  
to that paper are their genuine signatures The  
parties of this Rancho were Mexican citizens  
at the time of the conquest of the country by the  
Americans and they have remained residents  
of the County ever since

Jose S. Burgeson  
Born and Resided  
Before me  
J. H. and Hall  
Commissioners

Acted in Office January 18th 1853  
Geo. Fisher  
Secretary



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17 1. G. D. 12

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2. S. D. R.

Por Comandte Militar de Sonoma

Sonoma Dto 11 José de Jesus Berreyesa y Justo Berreyesa  
 de 18 y 2. pueden casados con hijos y residen  
 los interesados en estos en esta frontera como mejor con  
 la instancia o convenza o decir que teniendo un pic con  
 par el terreno q. considerable de ganado vacuno y cabal  
 licitan y se presentan y no teniendo un terreno propio  
 van al Gobierno donde fincarle p. q. de propage o  
 p. los titulos de licitan ambos igualmente el para  
 propiedad y se conocido con el nombre de Las  
 Salvador Vallejo. Mitas en cantidad de ocho sitios  
 de ganado mayor. El parage men  
 cionado esta Valdivia y no pertenece a propiedad  
 particular antes bien se halla a la  
 gentilidad a un q. el objeto de los que existen con  
 tribuir a amansar los tribus inmediatas a dicho  
 parage. Por tanto. A. V. suplican tenga  
 a bien darles licencia para ocupar provisionalmt.  
 el terreno mencionado, interim han mitan los ti  
 tulos que solicitan legalmente ante quien  
 corresponde de lo que recibiran merced y gracia  
 admitiendo esta en papel comun por no haber  
 en este lugar del sello que corresponde. B. S.

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3. S. D. R.

Sonoma Febrero 11 de 1843.  
 José de Jesus Berreyesa +  
 Justo Berreyesa +

4. S. D. R.

Por Comandte. G. A. y Gobernador de  
 ambas Californias.  
 Como Vn.

Monterey Dto. José de Jesus Berreyesa y Justo  
 26 de 1843 { Berreyesa vecinos de Sonoma  
 Inf. el S. Dto. y radicados en otro punto. Ante  
 del despacho V. G. con el debido respeto y como  
 Michel + mejor convenza en derecho digo.  
 q. hallandonos casados y ambos cargados de  
 familia y teniendo una cantidad considera  
 ble de ganado vacuno y caballar y carecien  
 do de un sitio o terreno propio para su seguridad  
 y conservacion de mis cortos bienes; me presente  
 al Dto Comandante de este punto solicitando  
 me concedere el permiso de poner mis otros bienes  
 en el terreno conocido con el nombre de Lasputas  
 mientras tanto corra los tramites necesarios.



y habiendo obtenido el expresado permiso como consta por el documento que adjunto solicito de V. E. se digné concederme el terreno indicado en cantidad de ocho sitios de ganado mayor para cuyo fin adjunto à V. E. un diceño del parage q. pretendo, esperando de la benignidad de V. E. q. à el beneficio de nhas numerosas familias, de la seguridad de sus intereses y de su subsistencia y bienestar. Por tanto à V. E. rendidamente suplico se digné acceder à mi Solicitud. merced y gracia porando no ser de malicia y lo necesario.

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Monza Julio 16 de 1843.  
Jose de Jesus Berrellea +  
Justo Berrellea +

Nota en papel sellado por no haverlo en este lugar.

S. J. D. R.

B. C.

Por las buenas calidades de los preden dientes segun las noticias que he adquirido como por el tiempo que tienen ocupado el terreno que pretenden y haber fabricado casa en el y otros trabajos que abun emprendido en el p.º su fomento por todo se hacen a que V. E. se digné acceder à su petition siempre que asi lo considerase por conveniente.

Lo do lo que puede informar sobre el particular à V. E. y en cumplimiento à su sup.º decreto de fha de hoy.

Man. Jimeno

Monterey Oct. 27 de 1843.

Es pidase el titulo proporcionarle que pueda poblar sin poderlo vender ni enagenarlo marcandole los Linderos.

Michelva

C. S. D. R. Sello Tercero Dos Reales. Habilitado provision almt. por la Aduana Maritima del puerto de Monterey en el departamento de las California para el año de mil ochocientos cuarenta y tres Michel torena Manuel Castañares.

Excmo Sr  
 José de Jesus Borrelles y Justo Borrelles  
 vecinos de la frontera de Sonora  
 radicados en el Rancho conocido con  
 el nombre de las putas ante la Alta jus-  
 tificacion de V. E. como mejor convenza segun  
 la forma de derecho nos presentamos y de cinos  
 Monterrey Octub. 30 de 1843. Al { familia incluyendo tambien  
 S. Srío del despacho } , nuestros padres hermanos  
 chopara su inf. y nuestros hijos, contandolo tam  
 Michelt. } bien poco mas de cien Indios  
 gentiles q. no rodean, queremos  
 todos vivir en el mismo sitio q. solicitamos y  
 en cuatro sitios que es lo q. graciosamte se a dig-  
 nado V. E. concedernos no puede demos caber pues  
 necesitamos terrenos para nuestros ganados  
 nuestras manadas . tierras para los labores  
 pues a mas de la subsistencia de toda nuestra  
 familia es necesario mantener a los Indios  
 para evitar en parte alguna los robos que pu-  
 dieran hacer; por todo lo espuesto, solicitamos  
 de V. E. se dignie concedernos los otros cuatro  
 sitios de ganado mayor esperando que V. E.  
 coopera a nuestro bien estar

y. G. D. R

Por tanto a V. E. rendidamente suplico  
 se dignie acceder a mi solicitud de quien espe-  
 rare merced y gracia por ando no ser de mali-  
 cia.

Monterrey Oct. 28 de 1843.  
 José de Jesus Borrelles f.  
 Justo Borrelles f.

Excmo Sr Gobernador  
 El terreno que de nuevo solicitan los señores  
 Borrelles a p. beneficio de ellas el de sus padre  
 hijos y hermanos; entiendo que no hay inconvi-  
 niente p. conceder seles pues segun el numero  
 de los que componen toda la familia como p.  
 que el terreno no podrá dividirse p. formar  
 una Cañada rodeada de Sonora, bien se podria  
 conceder p. que en colonizacion lo ocupen las  
 personas que se sitan sujetandose a no vender  
 enagenar y demas con dicionis acostumbradas.

21

pero de todo lo espuesto lo mejor será de determini  
nacion de V. E.

J. S. D. / L Monterey 30 de Oct<sup>o</sup> de 1843.  
Man<sup>o</sup>. Jimeno.

Monterey Oct<sup>o</sup>. 31 de 1843.

Como informá el Sr. Don Espidase el Título  
con las condiciones espresadas.

Michelt<sup>a</sup>

Monterey 3 de E<sup>o</sup>bre de 1843.

Vista la peticion con que da principio este Espe  
diente; los informes que precedan con todo lo de  
mas que de tubo presente y ver conrrio de confor  
midad con las leyes y reglam<sup>o</sup>. de la materia  
declaro à los C<sup>nos</sup>. José de Jesus Berreyesa y  
Justo Berreyesa dueños del parage nombrado  
Las Putas colindante con las Lomerias q<sup>o</sup>. lo  
circundan nombrados Laguna, Bruy y  
en estencion de ocho sitios de ga  
nado mayor. Libre e el.

175 ND  
PAGE 20

238-2

J. S. D. / L

Here follows Map

Office of the Surveyor general of the United States for California

175 ND  
PAGE 21

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 charge and 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 herewith annexed pages of tracing paper numbered from one to nine inclusive and each of which is verified by my initials (S. D. K.) exhibit a true and accurate copies of certain Documents now on file and forming part of the said Archives in this office.

In testimony whereof I have hereunto signed my name officially and affixed my private seal not having a seal of Office, at the City of San Francisco, Cal this Seventeenth day of February A. D. 1852

Saml. D. King  
Surv. Genl. Cal.

Filed in Office May 21<sup>st</sup> 1852

Geo. Fisher Secy

23

Dello Vencero un peso. Habilitado provisionalmente por la Aduana maritima del puerto de Monterey, en el Departamento de las Californias, para el año de mil ochocientos cuarenta y tres.

Micheltorena

Manuel Castañares

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PAGE 22

Seal. Manuel Micheltorena General de Brigada del Ejercito Mexicano, Ayudante General de la plana Mayor del mismo Gobernador Comandante e Inspector del Departamento de las Californias.

Por cuanto los Ciudadanos José de Jesus Berreyesa y Justo Berreyesa han pretendido para sus beneficios personales el de sus familias, el de sus padres, y Hermanos, el terreno conocido con el nombre de Las Putas, colindante con las Lomerias que lo circunden nombradas Luyucú, Quer, Puli, y Quinel tal: practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos; usando de las facultades que me son conferidas à nombre de la Nacion Mexicana he venido en concederles el terreno mencionado, declarandoles la propiedad de el por las presentes Letras, sujetandose à la aprobacion de la Coma Junta Departamental y bajo las condiciones siguientes.

- 1ª No podran venderlo ni enarlo ni hipotecarlo, imponer censo, vinculo fianza hipoteca ni otro gravamen.
- 2ª Podrán cercarlo sin perjudicar las travesias, caminos y cervidumbres, lo disfrutaran libre y esclusivamente, destinandole al uso de cultivo que mas les acomode, pero dentro de un año fabricarà casa y estara habitada.
- 3ª Solicitaran del juez respectivo que les den la posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondrán à mas de las mojoneras algunos arboles frutales ò olivos ò hes de alguna utilidad.
- 4ª El terreno de que se les hace donacion es de

ochos sitios de ganado mayor poco mas o menos segun esplica el diceño respectivo. El juez que diere la posesion lo hara a medio conforme a Ordenanza quedando el sobrante que resulte a la Nacion para los usos convenientes.

5<sup>ta</sup> Si conterminere a estas condiciones perderan su derecho al terreno y sera denunciabile por otro.

En consecuencia mando que sirviendoles de titulo el presente y teniendose por firme y valadero, se tome razon de el en el Regue a los interesados para sus resguardos y demas fines. Dado en Monterey a tres de Nbre de milcientos cuarenta y tres.

Man: Jimeno

Srio S

Man: Michelt<sup>a</sup>

Queda tomada razon de este despacho en el Libro respectivo @ f. 2.

Jimeno

Filed in Office Janry 18<sup>th</sup> 1853

Geo. Fisher Deory



175 ND  
PAGE 25

requesting they having I have entrusted myself to the Securi  
lunt abuse upon Commandant of this place req  
it and undertake trusting him to grant me perm  
for its improvement in order to put my said effects  
other lands in appropria the land having by the  
- as that your excell name of Las Pintas which I should  
- being my duty take the necessary steps and have  
to accord to them being obtained the said permission  
Petition should as well be shown by the accompan  
your consideration your document I solicit from your  
Commandant

Excelling that you will deign  
This is to grant to me the land indicated  
all that I can inform it being in quantity eight square  
your excellency in leagues (Sitios de Ganado Mayor)  
this particular in to which effort I have with yours  
compliance with yours to your excellency a plan  
your Superior Decree of the place agreed upon hoping  
of this date in the bounty of your excellency  
Manuel Jimenez and that you will co-operate for  
the benefit of our large families

the security of their interests and their subsistence and  
well fare therefore I humbly supplicate that your excell  
- ency will deign to accord to my petition by which  
I hope to receive your favoring that this is not done  
for any evil purpose and what is necessary  
July 16, 1843

José de Jesus Buzasa + Sixto Buzasa +  
This is not put upon stamps from the being done  
in this place

Monteag Oct 27th 1843 Let the title be issued pro  
- portioning it to the land which they can populate  
within the power to sell or alienate the same + c  
making out its boundaries

Manuel Custom Michel torrea  
House of Monteag Seal Fourth Ten Reals  
- Government of the Pains orally authorized by the Man  
Department of itine Custom house of the Port of Monte  
California - tag in the Department of the Califor  
- nias for the year one thousand and eight hundred and  
forty three Michel torrea Manuel Customers

Monteag October 30th 1843 Most Excellent Sir  
To the Secretary of State José de Jesus Buzasa and  
for his Report Sixto Buzasa residents of  
the portion of Sonoma and  
fixed in the Rancho Nummy





175 ND  
PAGE 27

the preceding instructions together with all further  
matter here present in conformity with the Laws  
and Regulations in the subject said and the Citizens  
Jose de Jesus and Sisto Buzasa owners of the tract of  
Land called Las Putas bounded by the range of hills  
which surround it named Ingenio San Juli and  
Sancti in extent eight square leagues sitis de  
Gauada Mayor I deliver the ...

Third Seal One Dollar

Provisinally authorized by the Maritime Custom  
House of the Port of Monterey in the Department of the  
California for the year one thousand eight hundred  
and forty three

Michel Breca

Manuel Castaneros

Maritime Custom House of Monterey  
Manuel Michel Breca General of  
Brigade of the Mexican Army Adjutant  
General and Inspector of the Staff of the same Governor Com mandant  
General and Inspector of the Department of the Calif  
ornias whereas Citizens Jose de Jesus and Sisto Buzasa  
have put on a further purchase being and that of their  
families and that of their parents and brothers to the  
land known by the name of Las Putas bounded by  
the range of hills which enclose it named Ingenio  
San Juli and Sancti having first practiced  
the proper measures and investigations so enough  
the dispositions of the Laws and Regulations in the force  
of the powers conferred upon me by the Mexican Nation  
I have concluded to them the land mentioned declaring  
it to be their property by these present letters subject  
to the approbation of the Most Excellent Depar  
tment Assembly and under the following conditions  
1st They can without all alimate nor by perthecate in nor  
impure upon it any sort charge entail nor by  
perthecation or other burden

2nd They may enclose it within six years to the cross  
ways roads and servitudes and enjoy it fully and  
exclusively appropriating it to the use or cultiva  
tion most common use to them but within a year  
they must build a house which shall be inhabited

3rd They will solicit of the proper Judge to give  
them juridical possession in virtue of this  
Despatch by whom the boundaries shall be mar  
ked out in the limits of which they will place some  
the monuments some points or old trees of some  
notability

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4th The land of which donation is made is eight square leagues (sitios de Ganado Mayor) a little more or less according to the explanation of the accompanying plan

The Juag who gives them possession will have it measured according to measure and the surplus which results remaining to the nation for its common uses

5th If they continue these conditions they will lose their right to the land and it will be alienable by others

In consequence I command that these presents being them as their title and being held as firm and valid be registered and delivered to the Parties interested for their security and protection from losses Given in the City of Mexico on the 1st day of the month of June 1852

Manuel Michelena

Manuel Jimeno

Secretary

This Patent has been entered in the proper Book at Folia 2

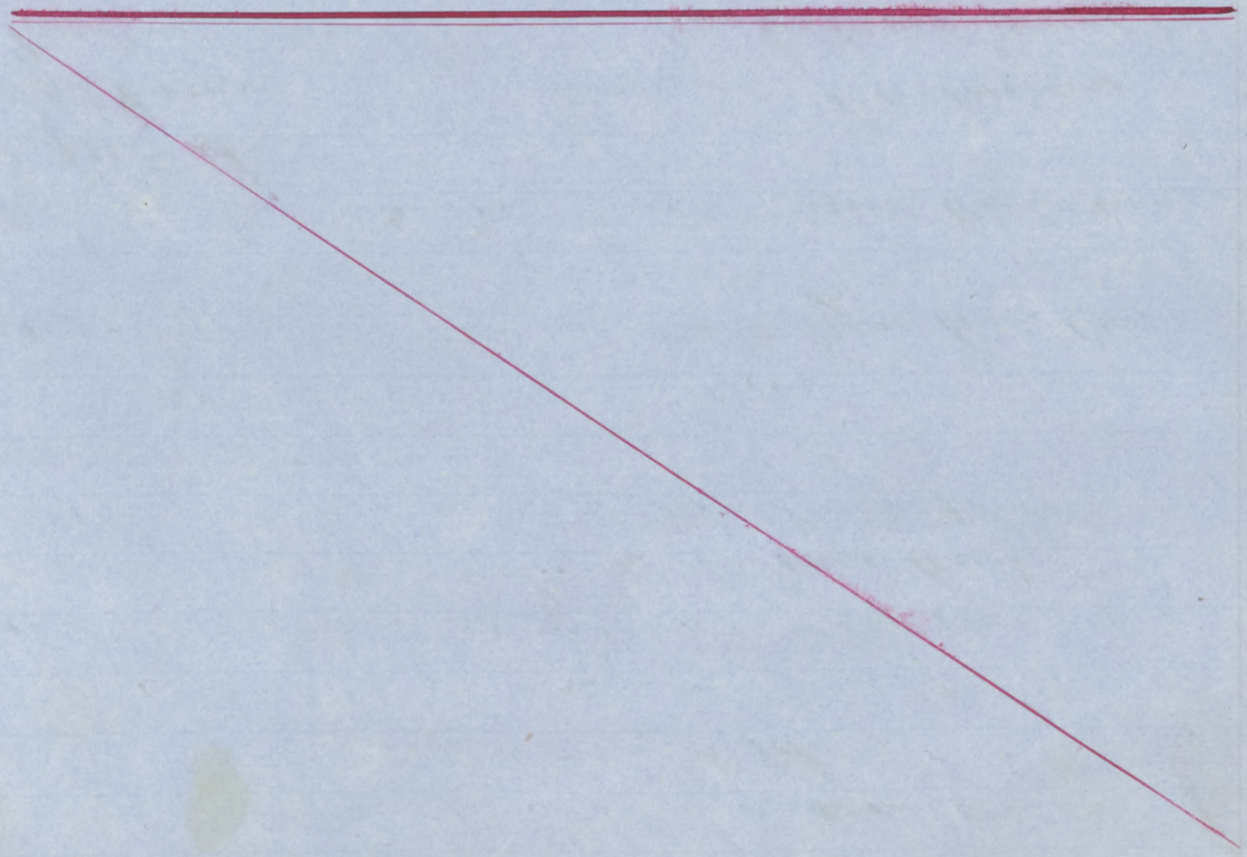
Jimeno

E.C.  
A.P.

Filed in Office May 21st 1852

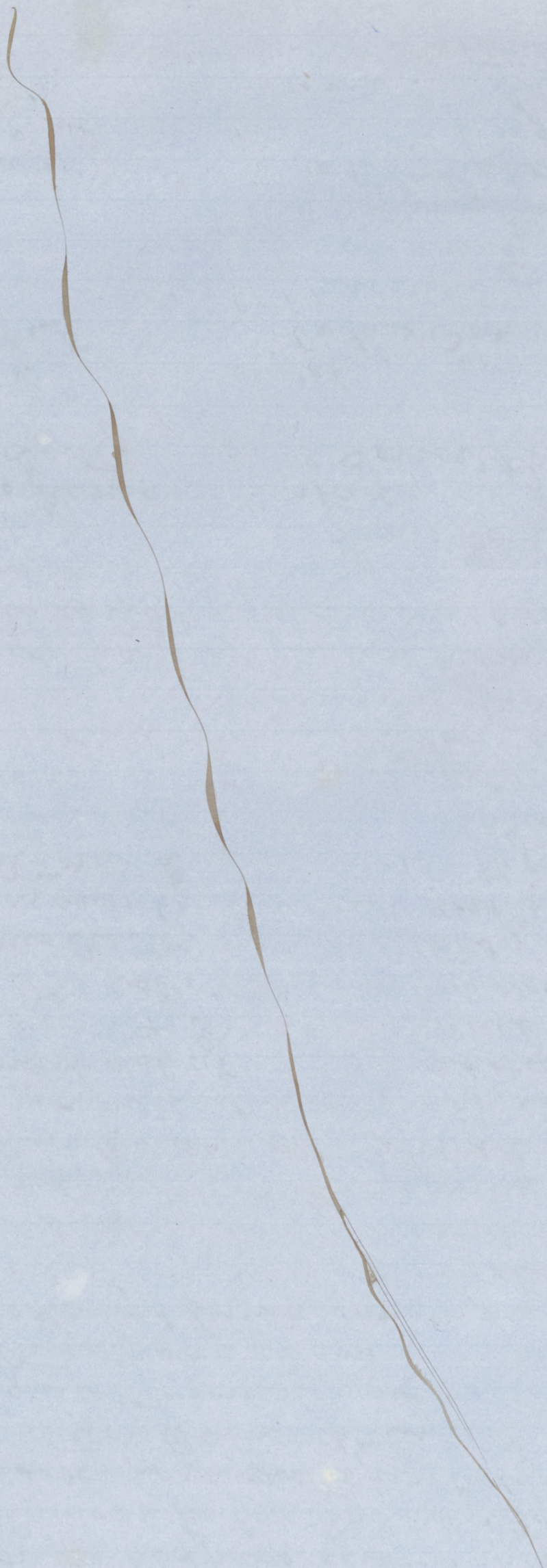
Geo. Fisher

Secretary



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175 ND  
PAGE 29

Sepan todos los hombres por este presente que yo José de Jesus Berreyesa del condado de Solano y estado de California en consideracion de la suma de dos mil pesos, à mi en mano pagados por Doña Anastasia Higuera del mismo condado y estado o tra el recibo de lo cual es aqui reconocido, has pasado, cedido y vendido sin lugar à Reclamo en he las o tra partes sus herederos y sucesores para siempre todo mi titulo, de hecho, intereoy Estado p: ley y Justicia sobre las siguientes condiciones con las pertenencias situadas en el condado de Solano y Estado de California como sigue, a saber un pedaso de Tierra situada en el Rancho conocido con el nombre de Las putas mas o menos segun me corresponda, conforme la division ò particion conforme lo demanda el titulo de consecion dado en Monterey el dia tres de setiembre del año de mil ochocientos Cuarenta tres, por el Sr. Gobernador Manuel Micheltorena y yo el dho José de Jesus Berreyesa me obligo yo y mis herederos y executores y administradores, a garantizar y defender las o tra personas à la Señora. D. Anastasia Higuera contra todos Reclamos de otras personas que reclaman titulos de hecho por mi à mis executores, esep to tal como el q: ha ser aqui subscribe en testimonio de lo cual el dho José de Jesus Berreyesa ha puesto aqui su mano y sellu este dia tres de abril de mil ochocientos y cincuenta y uno

José de Jesus Berreyesa

Testigo Ramon J. Hurtado  
Testigo Miguel Server Pepe.

State of California )  
 County of Solano ) On this Twenty third day  
 of August A. D. 1857. personally appeared  
 before me Marshal Rymann county Recorder in  
 and for said County of Solano, John de Jesus  
 Berreyesa known to me to be the person described  
 in and who executed the foregoing deed  
 who acknowledged to me that he executed  
 the said instrument voluntarily & freely

for the uses and purposes therein expressed

In Witness whereof I hereto sign my name and affix the seal of said County Recorder at Office in said County on the day & year above written.

Marshall Bynan  
County Recorder.

Filed in Office July 26<sup>th</sup> 1853.

Jos. Fisher Secy.

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PAGE 30

33 Translated  
Conveyance from  
Jose de Jesus  
Bungesa to  
Anastasia  
Sequeira

Know all men by these presents that I Jose de Jesus  
Bungesa of the County of Solano and State of Cal  
-ifornia for and in consideration of the sum of  
Two Thousand Dollars to me in hand paid by Doña  
Anastasia Sequeira of the County and State of Cal  
-ifornia said the receipt whereof is hereby acknowledged  
transferring and releasing all my rights and claims  
between the said parties their heirs and successors  
for ever all my rights title interest and estate in  
Law and Justice upon the following conditions  
with the appointment as situated in the County  
of Solano and State of California as follows to  
wit. A piece (or parcel) of land situated in  
the Rancho known by the name of "Patas" more  
or less as may correspond to me according to the  
division or partition as the title of grant given  
at Monterey on the third day of November in the year  
one thousand eight hundred and eighty three  
by the Sr. Juan Manuel Micheltorena re  
-quiesced I the said Jose de Jesus Bungesa and  
myself my heirs executors and administrators  
to warrant and defend the said covenants unto  
the said Doña Anastasia Sequeira against all  
the reclamations of other persons who may claim  
title thereto made by me or my executors ex  
-cept that therein subscribed

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In testimony whereof  
the said Jose de Jesus Bungesa has hereunto signed  
his name and affixed his seal this third  
day of April A D One thousand eight hundred  
and eighty six  
(Signed) Jose de Jesus Bungesa  
Witness  
(Signed) Ramon F. Heredia  
( ) Jose Manuel Ferrer Pope

I George Fisher Secretary to the U S Land Comm  
-mission to ascertain and settle the Private Land  
claims in the State of California hereby certify  
- that the foregoing to be a true and faithful transla  
- tion of a Spanish document in Case No 236 wherein  
Marian Anastasia Sequeira et Bungesa et al  
are claimants of the United States and now  
office in this Office

In testimony whereof I have

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And unto Said my name Office of the Secretary  
of the aforesaid Commission at the City of San  
Francisco California this eighteenth day of  
May in the Year of our Lord One thousand  
Eight hundred and fifty four  
Filed in Office May 18th Geo Fisher  
1854 Geo Fisher Secretary Secretary

175 ND  
PAGE 32



35-

Conveyance  
from Dist.  
Beneyosa  
to  
Nicolas  
Higuera

Depon todos los hombres por este presente que yo Dist. Beneyosa del condado de Yola y Estado de California en consideracion de la suma de mil y quinientos pesos a mi en mano pagados p. Dns a Nicolas Higuera del mismo condado y Estado ya echo el recibo de lo cual es de qui se conosció, has paso, cedo y vendo sin lugar a reclamo entre las otras partes sus herederos y sucesores para siempre todo mi <sup>el</sup> Titulo derecho en <sup>el</sup> Teres y Estado por ley y Justicia sobre los siguientes condiciones con las pertenencias situadas en el Condado de Solo Estado de California degenbrada como sigue a saber un pedazo de Tierra en el Robles conocido con el nombre de las putas mas o menos segun me corresponde conforme la division o particion conforme demanda el Titulo de concesion dado en Monterey, el dia tres de Noviembre del año de mil ochocientos cuarenta y tres; por el Dñ Got. D. Manuel Michelobrenay y yo el dicho Dist. Beneyosa me obligo yo y mis herederos y executores y administradores, a que actuan y defendan las otras promesas a la Señora Doña Nicolas Higuera contra todos reclamos de o las personas que se llamen <sup>el</sup> Titulo del mismo echo por mis executores respectos tal como el que ha sido aqui descrito en testimonio de lo cual el dicho Dist. Beneyosa a puesto aqui su nombre y sello este dia primero de Marzo del año de 1851.

Testigo.  
José Mig. Lemof Pepe. Dist. y Beneyosa  
Testigo. Humano Harraze

State of California }  
County of Solano } On this fourth day of  
August A. D. 1851 personally appeared  
before me Dashed Ripman County Recorder  
in and for said County of Solano Dist. Beneyosa known to me to be the person described  
in and who executed the within Conveyance  
who acknowledged to me that he executed  
the same voluntarily & freely for the uses

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PAGE 33

and purposes therein expressed.

In Witness whereof I hereto sign  
my name and Affix the Seal of said County  
Recorder at Office in said County on the  
day and Year before written.

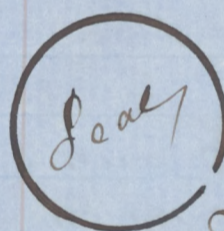
Cashe Pymon  
County Recorder.

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PAGE 34

State of California }  
County of Colano } The foregoing Instru-  
ment of writing recd }  
by me for Record August 23<sup>rd</sup> 1851.  
At 2 O'clock p.m.

Cashe Pymon  
Recorder.

State of California }  
County of Colano } J. Jos. P. Vaughn  
County Recorder in and for Colano County  
do hereby certify the foregoing to be a true  
and perfect copy of the Record of a Deed  
of Conveyance from Disto Berreyca to  
Nicolas Figueroa recorded in Book C  
page 99 & 100 of the Records of Land titles  
of Colano County.



Witness my hand and Official  
Seal at Office in Benicia the 21<sup>st</sup>  
day of July A. D. 1853.

Jos: P. Vaughn  
County Recorder

Filed in Office July 26<sup>th</sup> 1853

Geo: Fisher  
Secy.

37 Transcuntis Num all men by their presents that D. Lito  
 Bungeza from Bungeza of the County of Yolo and State of Cal  
 Lito Bungeza of the County of Yolo and State of Cal  
 to Nicolasa of Our thousand five hundred dollars to me  
 Hequiria in hand paid by Doria Nicolasa Hequiria  
 of the County and State of said the receipt whereof  
 is hereby acknowledged transfer relinquish and  
 sell without reclamation between the said parties  
 their heirs and successors from all my right  
 title interest and estate in Law and Justice upon  
 the following conditions with the appurtenan  
 ces situated in the County of Yolo and State of  
 California as follows to wit: a parcel (or parcels)  
 of land situated in the Rancho known by the  
 name of Petas Mesa or Sesus may comprise  
 to me according to the division or partition as  
 the title of grant given at Monterey on the  
 third day of November in the year one thousand  
 eight hundred and forty three by the Senior  
 Governor Don Manuel Micheltorena requi  
 - res in and the said D. Lito Bungeza and my  
 - self my heirs administrators and executors  
 - do hereby agree and defend unto the Senior Mi  
 - cheltorena the said covenants against all  
 the reclamations of other persons who may claim  
 title thereto made by me my executors except  
 that herein subscribed

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 PAGE 35

In testimony whereof the said  
 D. Lito Bungeza hereunto signed his name and  
 affixed his seal this first day of March one  
 thousand eight hundred and fifty one  
 Signed D. Lito X Bungeza  
 witnesses  
 (Signed) Jose Marquez Juan Pico  
 ( " ) Plummer Harass

I George Foster Secretary to the U.S. Land  
 Commission to ascertain and settle the Private  
 Land claims in the State of California hereby  
 certify the foregoing to be a true correct and fair  
 - the translation of a Spanish document  
 in lease no 236 wherein Maria Anastasia  
 Hequiria de Bungeza et al are claimants  
 and non in full in this office  
 In testimony whereof I have

38

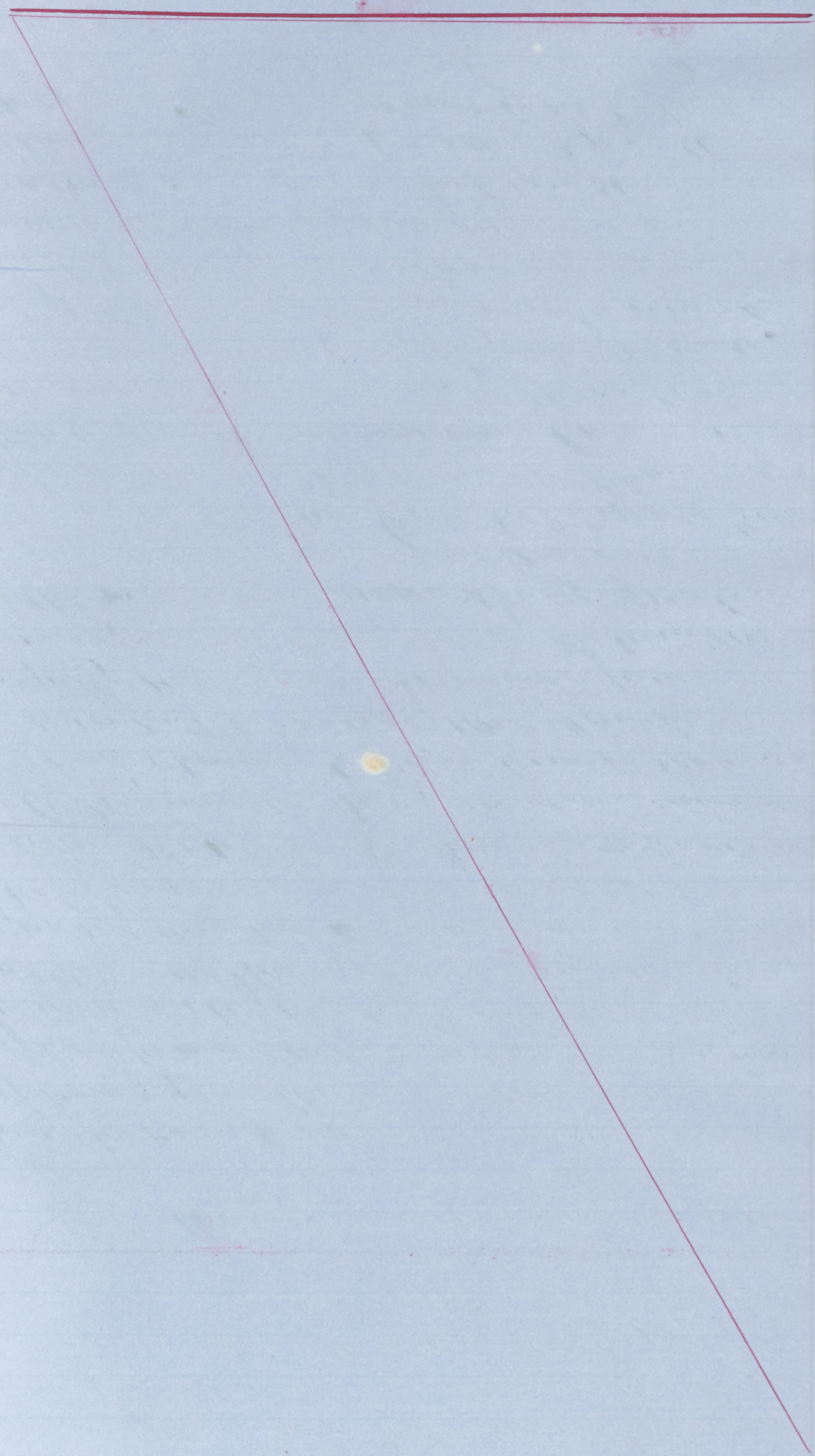
In witness whereof my name Office of the Secretary  
of the above named Commission at the City of  
San Francisco this 18th day of May AD 1854

Geo Fisher  
Secretary

Filed in Office May 18th 1854

Geo Fisher  
Secy

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39 Exhibit of ...

39 Exhibit A A true copy of the Field notes of the Survey of the B. T. annexed to Rancho de Las Putas on Putas River in Napa Division of County California by A Van Don Deputy Surveyor Mar 12. 1853

175 ND  
PAGE 37

To General I King Surveyor General of California  
Sir

Have the honor to report that in pursuance of an order of Survey from the U.S. Board of Commissioners of California Land Claims dated San Francisco California 2d July 1852 and in compliance with attache of authorization and instructions from yourself due to me and dated Office of the U.S. Surveyor General Oct 20th 1852 Commissioning me to Survey the Rancho de Las Putas named A Sequia de Pungosa et al claimants in Yolo since changed to Napa County California I have executed the Survey of said Rancho and respectfully submit the following field notes and accompanying map as my return thereof Have the honor to be respectfully your Obedt Servant

A Van Don U.S. Deputy Surveyor  
Bearing of angle 15° 40' East. Chain adjusted to the official Standard "Chain Carris oath" We and each of us do solemnly swear that we will well and faithfully perform the duties of Chain Carris in Surveying the Rancho of Las Putas that we will use due diligence in measuring all lines required by said Survey to be measured and care in leveling the Chain and Plumbing the tally pins and dip at the true length of all lines measured by us to the best of our skill and ability So help us God  
Given to by J. L. Patten and J. T. Conchris

Station No. 1.

On the highest point of the Trimen tal Hills on the right bank of Putas River measured a white Oak 20 in dia in B No 1 as a center or Station Hence S 33 W,

The instructions accompanying my commission to execute this Survey or authorize your Survey will

as a matter of course compare to the width of the River  
 This claim calls for eight sitios de Ganado Mayor  
 (Square leagues) and is bounded by the Hills or  
 Mountains known as San Juan de los Rios and  
 San Juan de los Rios you will then you make your survey  
 within the aforementioned Mountain boundaries and  
 locate the land according to the claim with refer-  
 -ence to the sketch or plan of the same in such a man-  
 -ner as to comprise the location within the said limits  
 and include in the Survey the said quantity of  
 eight sitios more or less My copies of the above sketch  
 and plan or diagrams accompanying my instructions  
 and by instituting the proper exigencies in the Order  
 I sent you in the respective portions of said Moun-  
 -tain boundaries to the Timucua Hills on the  
 South the San Juan range on the East the great  
 Mountains on the North and the Sierra de Bullon  
 the west all seeming to mark with great distinctness  
 the topography of the Valley and defining its bor-  
 -ders like a firm wall

Taking into consideration  
 the distinctness of these natural confines and con-  
 -sidering the import of my instructions to be that these  
 Mountain boundaries should constitute the  
 limits of the claim in the event of their comprising  
 less than eight sitios de Ganado Mayor it appeared  
 to me plainly to be my duty to establish the bounds  
 of said claim along the nearest summits  
 and the general course of said Mountain Ranges  
 whether they comprised more or less than said  
 8 square leagues

For the place of beginning the  
 -survey I proceeded to the right bank of the River  
 Patos where it forms a Cañon or narrow outlet  
 through the Timucua Hills and ascending the  
 quartz location in said Cañon (about 350 feet) I  
 established Station No 1 as follows

#### Station No 1

A marked white oak 20 inches in diameter with  
 the letters M. B. No 1 (Centin Sur) Run a S 33° W  
 1130 Chains to Station No 2 This line passes over  
 very many small narrow and precipitous  
 ridges under oak with a few pine and growth  
 scrub oak with thorny leaves

Station 2nd

Measured an evergreen Oak 12 inches in diameter  
No B No 2 Thence S 88 1/2° W 19.50 chains to station  
No 3, in the middle of the mountain valley this is  
a beautiful valley comprising between this sta-  
tion and the river about 300 acres of level fertile  
land

Station 3rd

Measured Oak 45 inches in diameter No B, No 3  
Thence N 16° W 4.50 chains to Anaya mountain  
and across hills) 25.00 chains to Station No 4

Station No 4

Get station where white Oak 18 in diameter  
N 87° E 25 links white Oak 20 in diameter  
N 31 1/2° W 77 lbs (trees marked X 111) This station  
is the place of beginning of the Base line even though  
the middle of the Rancher Thence N 12° W (120  
chains to the valley of the Teapini 147 chains to  
the Anaya Teapini 75 lbs x 150 chains to road  
from Ponceca 186 to summit of an isolated  
hill with 5 or 6 Pines on the top which I at first  
marked for station No 5, but afterwards I  
gave the line to a high conical peak the most  
conspicuous land mark about the Rancher  
N 2° W 34,800 chains to Station No 5.

Station No 5

This is on the summit of an isolated conical peak  
the highest of the Puli Range 800 or 1000 feet  
high and is distinctly visible from all parts of  
the valley No two to mark - Thence N 37° W  
(30 chains to deep gulch) 146.00 chains to Sta-  
tion No 6

Station 6th

Erected a pile of stones No two to mark also on  
very high point of the range over look in the valley  
Thence N 57° W 120.00 chains to Station No 7  
This line and the preceding pass over very un-  
even ground I cut Oak and small species  
of Cedar or pine and a purple bartram bush con-  
tinue the growth

Station 7th

Erected pile of stones No two to mark Thence  
N 35° W 133.00 chains to Station No 8

Station 8th

Measured white Oak 20 in dia No 3 x 8 links No B

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No 8 No other Thence  $S 27^{\circ} W$  123,00 chains to Station No 9 Same Char on top of land and surface as on the last line. The Puli ridge here gradually becomes lower but remains a very different character from the foot hills between it and the River which are from pine Chap and are covered with red soil.

### Station 9th

Marked a Pine tree 20 in diameter M.B. No 9 as a center or station tree Thence  $S 12^{\circ} W$  85 chains descend to Valley of the Munda byara (85 chs to trail from Cayote Valley 102 ch to Amayo from da byara 104,00 cross Amayo to Station No 10

### Station No 10

White Oak 20 in dia M.B. No 10 The valley through which this Amayo runs is deep and narrow with rocky precipitous sides and without bottom land. The stream is bold appearing probably some good mill sites Thence North 184 chs to the River Putas North 188,00 chains cross the Putas to Station 11 -

### Station No 11

Marked live Oak 15 in dia  $S 75^{\circ} W$  30 links on the bank of the Putas River. This line passes on very pine and rocky ground and the thick undergrowth it crosses the Putas River where there are large piles of stones, resembling masonry Thence  $N 23^{\circ} E$  60,00 chains to Station No 12

### Station No 12

Marked white Oak 10 in dia  $N 27^{\circ} W$  15 lbs do 15 in dia  $S 53^{\circ} E$  42 lbs Set stake and marked M.B. No 12 North 129,00 chains to Station No 13

### Station No 13

Marked white Oak 12 in dia  $N 71^{\circ} E$  36 lbs do 25 in dia  $S 21^{\circ} W$  30 lbs M.B. No 13 Thence  $S 10^{\circ} E$  85,00 chains to Station No 14

### Station No 14

Marked Pine tree 10 in dia  $N 20^{\circ} W$  18 lbs  
" Oak " 15 in dia  $N 52^{\circ} E$  27 " Set stake and marked M.B. No 14 Saw immense numbers of game and found numerous skins of water during the dryest of the season (20th November) Thence  $N 67^{\circ} E$  22 chains to one of the branches of the Amayo etc cross 30 chs ascend an eroded hill 40,00 chains to station No 15, marked Pine 15 in dia



43.

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N 79 E 24 lbs Evergreen Oak 20 in dia N 62 W  
 30 lbs M. B. x 111 No 15 1/2 This is the upper formation  
 of the base line run thro the Valley 15 1/2 miles  
 long Thence N 76 E 57.00 chains to Station No 16  
 Set stone where low white Oak 45 in dia North  
 10 lbs No 3 No 6 This we stand on the edge of a small  
 arroyo which runs thro a beautiful small Valley  
 Thence East (20 chains to top of ridge 43 chains descend  
 to Valley 38 chains to Arroyo 60 chains begin to ascend  
 lofty ridge 210.00 chains to Station No 17  
 Station No 17.

Set stone and marked a white Oak 25 in dia S  
 27 W 19 lbs white Oak 10 in dia N 53 W 28 lbs  
 25 lbs of this line passes thro pine valley lower  
 Thence S 45 E 152.00 chs to Station No 18  
 Station No 18.

Set stone and marked white Oak 12 in dia N 71 E  
 53 lbs Pine 30 in dia S 15. W 22 lbs some very  
 broken timber abundant from usually white  
 Oak Thence S 31 E 206 chains to Station No 19  
 Station No 19.

Marked Evergreen Oak 25 in dia N 27 W 26 lbs  
 Oak 15 in dia S 53 E 30 lbs No 3 No 19 Thence  
 South 200 chains to deep gulch 237.00 chs to Station  
 No 20  
 Station 20<sup>th</sup>

Erected pile of stones where bare white Oak 20  
 in dia S 40 E 71 lbs white Oak 17 in dia N 27 W  
 64 lbs This corner is on a conical hill rising above  
 the general elevation These hills are covered with  
 tolerably thick forest with a thick stand of wild  
 oats The numerous small arroyos which run down  
 their sides at their bases do like the blood of San  
 cetera sink into the ground Thence S 32 E 47.00  
 chains to Station No 21 The Lynxen Range is  
 from Station No 20 quite straight and gradually  
 declines as it approaches the River it is covered with  
 timber and wild oats and has a more beautiful  
 appearance There is a still higher ridge further  
 East which has a bare and rocky appearance  
 (extending across the Patuxent and forming fault  
 with the anticline ridge between Mispah and Lin  
 coln valleys) which may possibly be regarded as  
 the Lynxen Mts

Station 21<sup>st</sup>

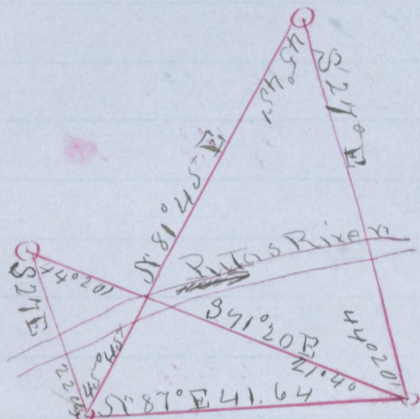
See Station and marked A Oak 12 933 W 122 m  
 other two Thence S 50° W (40,00 chains to bottom of  
 deep valley) 8000 chains to Station No 22

Station 22 d

Marked A Oak 8 in dia as a center tree In 13  
 this station is on a high pointed hill directly across  
 the river from Station No 1 Thence S 27° E  
 54,00 across the cañon of Putas River to Station No 1  
 the place of beginning

"Fading for this distance next page"

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S in 21°40' Sin 44°20' 22 chs ans

1.34242

9.84434

11.18649

41.46 chs

9.56727

1.61952

S in 45°45' Sin 68°15' 41.64 chs ans

1.61952

9.96793

11.58745

9.85510

Ans 34.00 chains

1.73235

Oath and Separations of Chainmen

We and each of us do solemnly swear that we did well and truly perform the duty of Chainmen in the survey of the Rancho of Las Putas that we used due diligence in leveling the chain and plumb line, the tally pins and that we truly reported the length of all lines measured by us to the best of our skill and ability

God bless us God

Given to and Subscribed  
 In my presence

A Van Dorn

Survey for the Area of the Rancho Las Putas

45-

Courses	Dist's	N.T.	S.E.	N.D.	E.D.D.M.D.	N Areas	S Areas	V
N 32 W	470.00	3986x9		249+5		99265.98		
N 31 W	237.00	2370x4			248, 6	118035, 28		
N 45 W	206.00	176.6x4		1061-2	497, 2	106448, 70		
N 45 W	152.00	107.5x2		1075-2	603, 1	87915, 37		
West	210.00			210-3	816, 3			
S 76 W	57.00		13.8-1	553-1	1135, 3		19156, 71	
S 62 W	40.00		18.8-1	353-1	1398, 2		27836, 82	
S 10 W	85.00		83.7-1	148-1	1488, 6		128618, 60	
South	129.00		129, 0-2		1538, 5		200082, 16	
S 23 W	60.00		51-2-1	234-1	1553, 2		86865, 15	
South	188.00		188, 0-3		1576, 5		300282, 46	
S 12 E	104.00		101, 7-1		216x2 1599, 8		160324, 80	
S 22 E	123.00		114, 0-1		461x2 1578, 0		171977, 61	
S 35 E	133.00		108, 9-1		76, 2x2 1509, 9		150916, 48	
S 51 E	120.00		45, 5-1		933x2 1387, 1		91769, 34	
S 37 E	146.00		116, 6-2		879x2 1217, 1		120832, 20	
S 72 E	348.00		107, 5-6		331, 0x3 1035, 5		65861, 09	
S 76 E	25.00		6-0		24x3 6161, 1		1563, 00	
N 88 1/2 E	19.37	6005			19, 5 260, 5	108, 35	1325, 455 05	Sum of 8 Areas
N 33 E	113.00	94, 8x2			61, 5x2 216, 7	12872, 50	432, 846 48	" " " "
N 27 W	54.00	48, 1x1		24-5	135, 5	4438, 06	1, 092 903 57	
N 50 E	80.00	57, 4x1			61, 3x1 98, 3	3162, 10	34645-72	areas total
					61, 4			

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Fella notes of a Bare Line run as shown as follows  
 - purely thro the middle of the Rancho from Station  
 No 4 N 28 W 15 1/2 miles to Station No 15

1st Mile

N 28 W 40.00 1/4 Sec No corner made 35 chains to arroyo  
 80.00 chains 1st mile stake (no corner made) and  
 fully covered with timber Vats &c

2d Mile

N 28 W 40.00 1/4 Sec No corner made 68.00 to arroyo  
 80.00 2nd mile stake marked with Oak 2 1/2 in dia  
 22 W 34 lbs " do 12 " " S  
 66 W 61 " x 11 land and timber same as on last mile

3rd Mile

N 28 W 15.00 chs descend hill to level Valley 39.00 to  
 arroyo 40.00 Sec 1/4 Sec Station arroyo marked with Oak  
 two 36 W dia N 53 E 136 links 43.00 to the Putas  
 River (runs N 35 E 49.00 leave the River 68.00 to  
 small arroyo 80.00 3rd mile stake in an open  
 place dug above and planted stake Land first qual-  
 ity Timber large and abundant

## 4th Mile

N<sup>o</sup> 28<sup>th</sup> 40.00 set 1/4 Sec Stake wht Oak 30 in dia 52 1/2  
to 82 69.00 to small Anays & then 78.00 to Putas  
River 80.00 in the River set Stake no trees Land and  
Timber same as last mile

## 5th Mile

N<sup>o</sup> 28<sup>th</sup> 5.00 chs leave the River (runs S 28 W) 40.00  
set 1/4 Sec Stake near road (no trees to mark) 63.00  
skit along ball of Tol 80.00 set 5th mile Stake and  
marked wht Oak 40 in dia to 12 1/2 to 208 lbs Land  
and Timber 1st quality

## 6th Mile

N<sup>o</sup> 28<sup>th</sup> 160 lbs to Putas River 15.00 chais leave  
it runs S 29 E 40.00 set 1/4 Sec Stake in prairie  
no trees 80.00 set 6th mile Stake in prairie no trees  
Land same as last mile but destitute of Timber

## 7th Mile

N<sup>o</sup> 28<sup>th</sup> 40.00 set 1/4 Sec Stake in prairie no trees  
80.00 set 7th mile Stake no trees to mark Land fair  
quality but few of timber

## 8th Mile

N<sup>o</sup> 28<sup>th</sup> 6.00 in the belt of timber 26.00 leave Timber  
40.00 set 1/4 section no trees 61.00 to small Anays  
80.00 set 8th mile Stake and marked wht Oak 30 in  
dia S 88 E 31 lbs This line passes near very large  
groves of timber and over land of Amos & his also  
fertile and beautiful

## 9th Mile

N<sup>o</sup> 28<sup>th</sup> 4.00 leave timber 40.00 set 1/4 Sec Stake no  
trees 52.00 to small Anays - 80.00 chs to 9th mile  
Stake no trees Land and timber same as in last  
mile

## 10th Mile

N<sup>o</sup> 28<sup>th</sup> 40.00 set 1/4 Sec Stake no trees 80.00 set  
10 mile Stake in mid open prairie no trees to mark  
This line passes over perfectly level open rolling land  
4 to 5 miles wide without much timber but cover-  
ed with a luxuriant growth of Cats

## 11th Mile

N<sup>o</sup> 28<sup>th</sup> 40.00 chs set 1/4 Sec Stake no trees 80.00  
set 11 mile Stake no trees

## 12th Mile

N<sup>o</sup> 28<sup>th</sup> 30.00 to the Anays etc cur's 1 chain x. 40.  
00 set 1/4 Sec Stake marked wht Oak 30 in dia  
S 48 W 65 lbs 48.00 to same Anays 33.00 leave it

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Sum side 80.00 set 12th mile station in small  
val whr Oak 40 in dia S 25 E 104 lks last 1/4 mile  
alittle hills

13th Mile

S 28 W 40.00 set 1/4 sec station in small groups  
po trees to mark 28.00 chains to the succisition  
side of rocky ridge of hills along which the line pass  
- is for two miles and a quarter off set 15 chains  
and measured N 28 W up a narrow straight valley  
80.00 off set no corner made land 2nd quarter broken  
hills

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14th Mile

N 28 W 40.00 chains on offset no corner made  
80.00 " " " " " "  
This line runs along top rocky steep hills

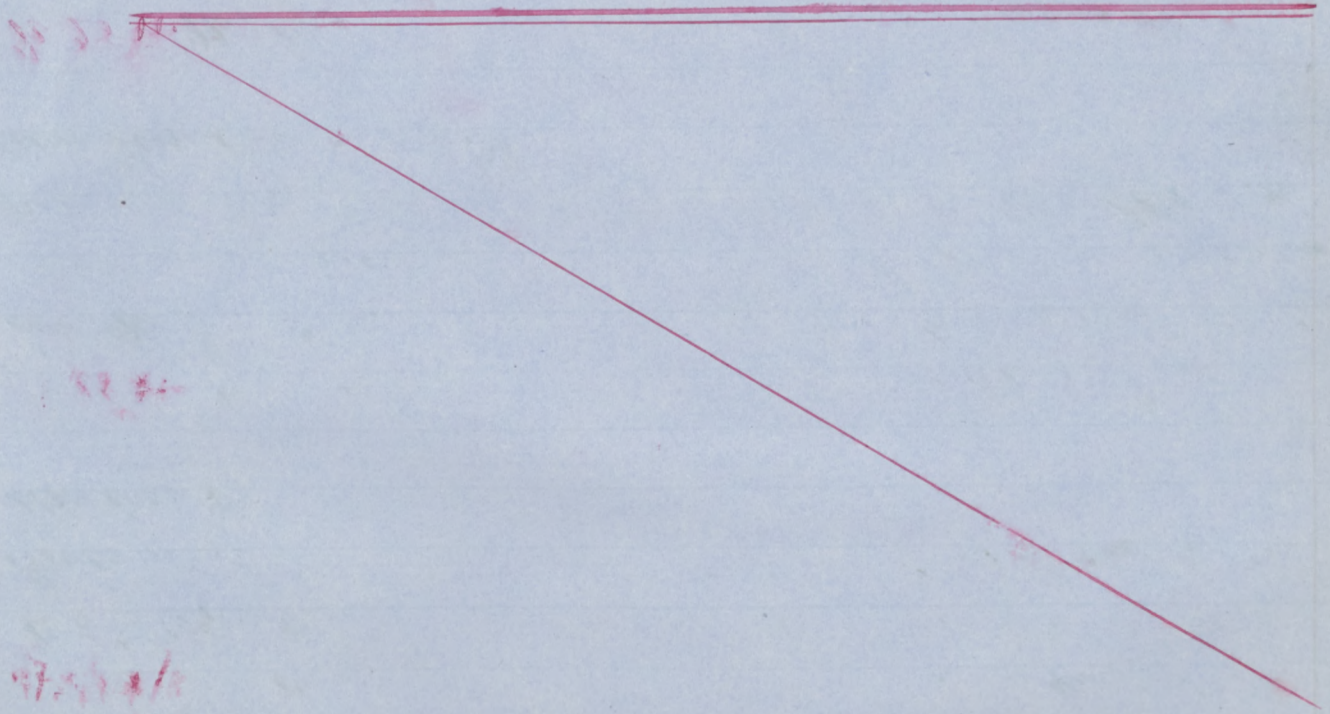
15th Mile

S 28 W 40.00 chains on offset no corner made  
80.00 " " " " " "  
Some description of country

15 1/2 Mile

S 28 W at 20 chains in 15 1/2 mile came back  
to line 28.00 to head waters of the Etan in 30.00  
begin to ascend crucial rotation hill 40.00 set  
1/4 sec station on the East side of the summit and  
marked with 15 in dia N 79 E, 24 chs x 111  
Ever green Oak 20 in dia N 62 W 30 links This is  
Station No 15 on the Boundary December 1852  
A Van Don

Filed in Office November 2nd 1853  
Geo Fisher  
Surveyor



*[Faint, illegible handwriting covering the majority of the page]*

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*[Faint handwriting at the bottom edge of the page]*

49 Field notes of Survey

Field notes &c of the Survey of the Rancho of Las Putas Maria Anastasia Higuera de Binyesa et als claimants Surveyed by A Van Dorn Report of the Survey of the Rancho Las Putas The claim of the Binyesa Family situated on Putas River in Napa County California by A. Van Dorn

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To Samuel D King Esq US Surveyor General Calca Sir

I have the honor to report that in pursuance of an order of Survey from the Board of Commissioners of California Land Claims dated San Francisco 2nd July 1852 and in conformity with a letter of authorization and instructions from your self directed to me dated Office of the Surveyor General of the United States San Francisco California October 20th 1852 Commissioning me to Survey the Rancho de Las Putas Maria A Higuera de Binyesa et als claimants in Yolo County since changed to Napa County California I have executed the Survey of said Rancho and respectfully submit the following field notes and accompanying maps as my return thereof

I have the honor to be  
my respectfully yr Obedt Servt  
A Van Dorn

Variation of the Needle 15° 40' E Chain adjusted to the official Standard chain 100 links

We and each of us do solemnly swear that we will well and faithfully perform the duties of chain carriers on surveying the Rancho of Las Putas that we will use due diligence in measuring all lines required by said Survey to be measured and care in leveling the chain and plumbing the tally pins and upon the true length of all lines measured by us to the best of our ability to help us god

Done to by A Van Dorn  
Surveyor

(Signed) D. S. Butler

J. J. Conklin

The Instructions accompanying my commission to execute this Survey order that your Survey as a matter of course will conform to the order of the Board This claim calls for eight sections of Spanish Measure (square Leagues) and is bounded by the hills or

mountains known as Laguna San Juli and  
 Tucuman. You will therefore make your survey  
 within the pre-mentioned Mountain boundaries and  
 locate the land according to the claim with refer-  
 ence to the sketch or plan of the same in such a man-  
 ner as to confine the location within the said limits  
 and include in the survey the said quantity of eight  
 plus more or less by means of the above mentioned  
 plan or diagram accompanying my instructions and  
 by instituting the proper exigencies in the Andean  
 Cordillera the respective portions of said moun-  
 tain boundaries to be Tucuman Hills on the  
 South the Laguna range on the East the Cuel  
 Mountains on the North and the Sierra de  
 Juli on the West all running to mark with  
 great distinctness the Topography of the Valley  
 and defining its boundaries like a garden wall  
 Taking into consideration the distinctness of these  
 natural confines and regarding the import of  
 instructions to be that these Mountain bound-  
 aries should constitute the limits of the claim rather  
 even if they comprise less than eight leagues de  
 Guaya Mayor. It appeared to me plainly to be my  
 duty to establish the corners of said claim  
 along the highest summits and the general course  
 of said Mountain Ranges when they comprise  
 more or less than said quantity of eight square  
 Leagues. For the place of beginning therefore I  
 proceeded to the right bank of the River Putas  
 where it forms a cañon or narrow outlet through  
 the Tucuman Hills and ascending the greater  
 elevation in said cañon (about 350 feet) I es-  
 tablished Station No 1 as follows

### Station First

(At the highest point of the Tucuman Hills  
 immediately in the high bank of the Putas River)  
 Reached the Oak 20 in Dia No 1 as a center  
 or Station. True Thence  $S 33^{\circ} W$  To Station No 2  
 This line passes over very uneven surface narrow  
 and precipitous ridges. Timber Oak and Pine  
 undergrowth small scrub Oak with thorny leaves

### Station Second

Reached an evergreen Oak 12 in Dia No 2  
 Thence  $S 88.30 W$  8 chs ascended to Valley  $S 88\frac{1}{2} W$   
 19.30 To Station No 3 - This line passes through the



upper part of a beautiful valley of level land com-  
— prising between it and the River 3 or 400 acres

Station Fourth

Machua White Oak 45 in Dia No 3 in the main  
— all of the small valley Thence N 76 W. 4.50 across  
to ascend hills 25.00 To Station No 4

Station Fourth

See Station where White Oak 18 in Dia N 87  
E 25 Lks " " 20 " " N 30 1/2  
W - 77 (Tree marked X III) Thence N 72 W 120.00  
To the valley of the Sabapuri 147.00 To the Arroyo de San  
75 chs across 150.00 To Road from Bencia 186.00 To  
summit of an isolated Hill with pine or six large  
pine trees on the top which I at first mistook for  
station 5. but afterwards prolonged the line to a  
high conical peak the most conspicuous land  
mark about the Ranch 348.00 To Station No 5

Station Fifth

This is on the summit of an isolated conical peak the  
highest of the Bali Range 500 or 1000 feet high &  
is distinctly visible from any part of the valley  
No trees to reach Thence N 35 W 30.00 To deep  
Gulch 146.00 To Station No 6.

Station Sixth

Erected pile of stones No trees to mark also  
on very high point of the Range overlooking the  
valley Thence N 51 W. 120 chs N 51 W 120.00  
To station No 7 This line and the one preceding pass  
over very uneven ground scrub oak a small  
species of cedar or pine and a stiff purple bark  
bush constitute the growth

Station Seventh

Erected pile of stones No trees to mark Thence  
N 35 W 133 chs To Station No 8 N 35 W. 133.00  
This line runs over some very good oak with scatter-  
— ing oak and pine timber

Station Eighth

Machua White Oak 20 in Dia N 23 W 8 Lks  
No 8 No 8 No 8 (see part) Thence N 22 W. 123  
chs to Station No 9 N 22 W 123.00 Same char-  
— acter of land and surface as in last line The  
Bali Ridge line gradually becomes lower but  
preserves a very different character from the foot  
hills between it and the River which are  
from chaparral and covered with wild cats

## Station Ninth

Machua Pine 20 in dia MB No 9 as a cut  
 or Station Ten Hence N 12 W 85.00 Descend  
 Total by of the Hondaajia 102.00 To across  
 Hondaajia 104.00 cross across to Station No 10  
 (85 lbs to trail from Coyota Valley)

## Station Tenth

On the left Bank of the Arroyo Hondaajia  
 Machua White Oak 20 in dia MB No 10 Cut  
 The Valley through which this Arroyo runs is  
 deep and narrow with rocky precipitous sides The stream  
 is bold approaching mill sites Hence North 184.00  
 To the River Las Putas 188.00 cross the River to  
 Station No 11

## Station Eleventh

Machua Live Oak 15 in dia S 75 W 30 lbs MB  
 No 11 on the bank of the Putas River This live passes  
 very uneven and rocky ground and through thick  
 undergrowth It crosses the Putas where there are large  
 piles of stone resembling masonry Hence N 23 E  
 60.00 To Station No 12

## Station Twelfth

Machua White Oak 10 in N 27 W 15 lbs Machua  
 White Oak 15 in S 33 E 42 lbs at State  
 and Machua MB No 12 Still tops more even  
 and free from undergrowth Timber principally  
 Oak Hence North 129.00 To Station No 13

## Station Thirteenth

Machua White Oak 12 in dia N 71 E 36 lbs  
 " " " 25 " " S 21 W 30 "  
 at State and Machua MB No 13 same descen-  
 tion of country as on last line Hence N 10 E  
 85.00 To Station No 14

## Station Fourteenth

Machua Pine 10 in dia N 20 W 18 lbs  
 " " " " " S 32 E 27 "  
 at State and Machua MB No 14 same ch-  
 aracter of country as on last line Saw in some  
 quantities of saw and found numerous springs  
 of water during the dry part of the season Hence  
 N 62 E 22.00 To one of the head streams of the  
 Letecero 30.00 ascend to an isolated hill  
 40.00 To Station No 15 at State Machua Pine  
 15 in dia N 79 E - 24 x 11 Evergreen Oak 20 in  
 dia N 62 W 30 Machua MB No 15 1/2 This

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is the upper point of a base line run from station  
No 4 thro the middle of the Ranch 15 1/2 miles long  
Some valley land on this line capable of cultivation  
Thence N 46 E 37.00 To Station No 16 set stake where a  
line of Oak 45 in dia North 10 lbs marked No 3  
No 16 The last half of this line runs through a beau-  
tiful valley The corner two stands on the bank  
of Arroyo on the edge of valley one of the Tributaries  
of the Colorado Thence East 20.00 To top of ridge  
43.00 descend to valley 38.00 to Arroyo 60.00 begin to  
ascend lofty ridge 210.00 To Station No 17

Station Seventeenth

Set Stake and marked White Oak 25 in dia  
S 27 W 19 lbs " " " " " " " "  
N 53 W 28 " 25 lbs of this ridge passes through  
fine valley land Not broken and barren The Coal  
Mountains have run into the Sierran Thence  
S 45 E 132.00 To Station No 18

Station Eighteenth

Set Stake and marked White Oak 12 in dia  
N 71 E 53 lbs Pine 30 in dia S 15  
W 22 lbs Country broken timber abundant prin-  
cipally white Oak with some pine (there is no  
other timber on this Ranch but Oak aspen Pine  
Cottonwoods and willows) S 31 E 206.00 To Station 19

Station Nineteenth

Evergreen Oak 25 in dia N 27 W 26 lbs  
White Oak 15 " " S 53 E 30 " Set  
Stake and marked No 19 The surface of these  
hills are more even than those of local and fur  
from Chapparel Thence South 200.00 to deep Gulch  
237.00 To Station No 20

Station Twentieth

Erected pile of stones where a tree white Oak 20  
in S 40 E - 71 lbs white Oak 12 in N 27 W 64  
lbs This corner is on a circular hill rising above  
the general elevation These hills are generally cover-  
ed with a totally thick forest with cacti The  
numerous small arroyos which run down their  
sides sink at their base in the ground Thence  
S 32 E 470.00 To Station No 21

Station Twenty First

Set Stake and marked Red Oak 12 in dia S  
33 W 122 lbs No other tree The Sierran ridge from  
Station No 20 is quite straight and gradually

declines as it approaches the River Putas It is covered with timber and a few oats and has a most beautiful appearance There is a still higher ridge further E which has a bare and rocky appearance continuing across the Putas and forming the dividing ridge between Crassa and San Juan valleys which may possibly be regarded as the Laguna Mountains Hence I 5000 to bottom of deep valley with an average 80,00 To Station No 22

Station Twenty Second

Mailed Scout Cab & in dia as a center station The M.B. This station is on a high pointed hill directly across the Putas from station No 1 Hence 527 E. 54,00

Sin 21°40' Sin 44°20' : 22 chs

1. 34242

9. 84437

11. 18679

9. 56727

41.64 chs 1. 61952

Sin 45 3/4 Sin 68 1/4 : 41.64 chs

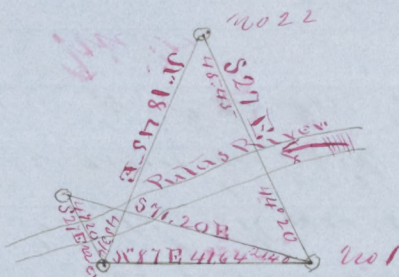
1. 61952

9. 96793

11. 38745

9. 83510

54 chs 1. 73235



To obtain the distance across the cañon from Station No 22 to Station No 1 527 E 54,00 across the Putas River to Station No 1 the place of beginning

Oath and Signature of Chain Beams we and each of us do solemnly swear that we will and faithfully perform the duty of chain men in the Survey of the Rancho of Las Putas that we used are diligent in leveling the chain and plumbing the Tally pins and that we truly reported the length of all lines measured as to the best of our skill and ability which is God

Jas F. Conklin

John S. Butler

Gunn to and Subscribed in my presence

Aron Van Doren

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Surveyors Oath

I Am Juan Don Deputy Surveyor do solemnly swear that in pursuance of an order of Survey from the United States Board of Private Land Commissioners and a letter of instructions from the Surveyor General of Public Lands for the State of California dated October 20th 1852 respecting the Survey of the Rancho of Las Patas and in strict conformity to the laws of the United States and the above mentioned instructions I have faithfully surveyed the said Rancho de las Patas and do further swear that the foregoing are the true and correct notes of such Survey

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Juan Don  
Deputy Surveyor  
Said Deputy this 10th day of January 1853  
E. R. Saunders  
Notary Public

Field notes of a Base line run as near as possible transverse through the middle of the Rancho beginning at Station No 4 and running N 28 W 13 1/2 miles to Station No 15 Beginning at Station No 4 there

First Mile

N 28 W 40.00 No corner made 55.00 To Arroyo 80.00 To 1/4 mile No corner made Land hilly on area with timber and clats

Second Mile

40.00 No corner made 68.00 To Arroyo 80.00 to second mile corner Set stake and marked with Oak 24 in dia N 22 W - 54 lbs white Oak 12 in dia 366 lbs marked with Land and Timber same as in last mile

Third Mile

15.00 Descent hills to level land 39.00 To Arroyo 40.00 made 1/2 mile corner on bank of Arroyo white Oak 36 N 33 E 136.43.00 To the Patas River (runs N 35 E) 49.00 Leave it 68.00 To small Arroyo 80.00 In open place no trees to mark dug a hole and plan the astrak land first quality and level valley some timber large and some small all Oak

Fourth Mile

40.00 1/4 sec stake to Oak 30 in N 57 1/2 W 82 lbs 69 to small Arroyo 78.00 To Patas River 80.00 In the River set stake no trees Land first quality level and rich The growth of oak timber magnificent The ground without much growth but covered luxuriantly with wild oats

5h

*Fifth Mile*

5.00 Leave the River runs S 28° W N 28° W. 40.00  
Set 1/4 Sec Stake no trees to mark 63.00 Start along  
edge of Tow 80.00 Set 5th Mile Stake marked with  
40 in dia N 12 1/2 W 208 lbs no other near same  
Timber same as in last mile

*Sixth Mile*

11.00 To Petas River 13.00 Leave it 40.00 Set 1/4 Sec Stake  
in Prairie no trees 80.00 Set 6th Mile Stake no trees  
to mark Land same as last mile but destitute of  
Timber.

*Seventh Mile*

40.00 Set 1/4 Sec Stake in Prairie no trees 80.00 Set  
7th Mile Stake no trees to mark same character of land  
as last mile and entirely destitute of Timber

*Eighth Mile*

6.00 Enter belt of Timber 26.00 Leave belt of Timber  
40.00 Set 1/4 Sec Stake no trees 61.00 To small arroyo  
80.00 Set 8th Mile Stake and marked with Oak 30  
in dia S 88 E 31 lbs This line passes near groves  
of very large timber all oak and very land of im-  
-passable fertility and beauty

*Ninth Mile*

7.00 Leave timber 40.00 Set 1/4 Sec Stake no trees  
52.00 To small Arroyo 80.00 Set 9th Mile Stake  
no trees to mark Land and timber same as in last mile

*Tenth Mile*

40.00 Set 1/4 Sec Stake no trees 80.00 Set 10th Mile  
Stake in wide open place no trees to mark This line  
passes over perfectly level open valley land without  
Timber but covered with a luxuriant growth of  
mild oats from three to four feet in height

*Eleventh Mile*

N 28 W 40.00 Set 1/4 Sec Stake no trees 80.00 Set  
11th Mile Stake no trees near same character of land  
as in last mile

*Twelfth Mile*

30.00 To the Arroyo Ettecum sch + 40.00 Set 1/4  
Sec Stake and marked with Oak 30 in dia S 48 W  
65 lbs 48.00 to same Arroyo 53.00 Leave it same  
side 80.00 Set 12th Mile Stake in small valley W  
Oak 40 in dia S 25 E 104 lbs after leaving the ete-  
-cun the last time ascended small broken hills in  
more level land

*Thirteenth Mile*

40.00 Set 1/4 Sec Stake in small arroyo no trees near to mark

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68.00 To the prominent sides of a rocky ridge of hills along which the line runs for two miles and a quarter offset 15 chains and measure (N 28 W) up a narrow straight valley 80.00 in corner made land Secina quality broken hills

*Fourteenth Mile*

40.00 Run with offset in corner made

80.00 " " " " " " " " " " " "

This line runs along the summit of a rocky steep ridge of hills

*Fifteenth Mile*

40.00 Run with offset of 15 chs in corner made

80.00 " " " " " " " " " " " "

Same description of country as last mile

*Fifteenth and one half mile*

20.00 on 15 1/2 mile came back to line

28.00 To the Etocano 50 Lhs +

30.00 Began to ascend circular isolated hill

40.00 Set 1/4 sec stake on the East side of the summit and marked Pine 15 in dia N 79.° E 24 Lhs + III

Evergreen Oak 20" " N 62 W - 30 - This is a Station Number 15 on the Boundary

The foregoing field notes for the initiating survey of the Ranch of Las Pintas Maria Anastasia Segura de Benjesa et al claimants having been duly examined and found to be in conformity with the instructions of this Office based upon the order of the Board of Commissioners dated July 2nd 1852 are hereby approved but inasmuch as they show an area greatly exceeding the eight square leagues therein mentioned such approval is not to be construed as expressing any opinion as to the quantity to which the claimants may be entitled All Sundry General's Office San Francisco California Jan 7th 1853

(Signed) Samuel D King

United States Surveyor General

Note By the calculation made in this Office the total area of the Survey was found to be (34,645 47/100) Fifty four thousand six hundred and forty five and 47/100 acres

(Signed) Samuel D King

US Surveyor General

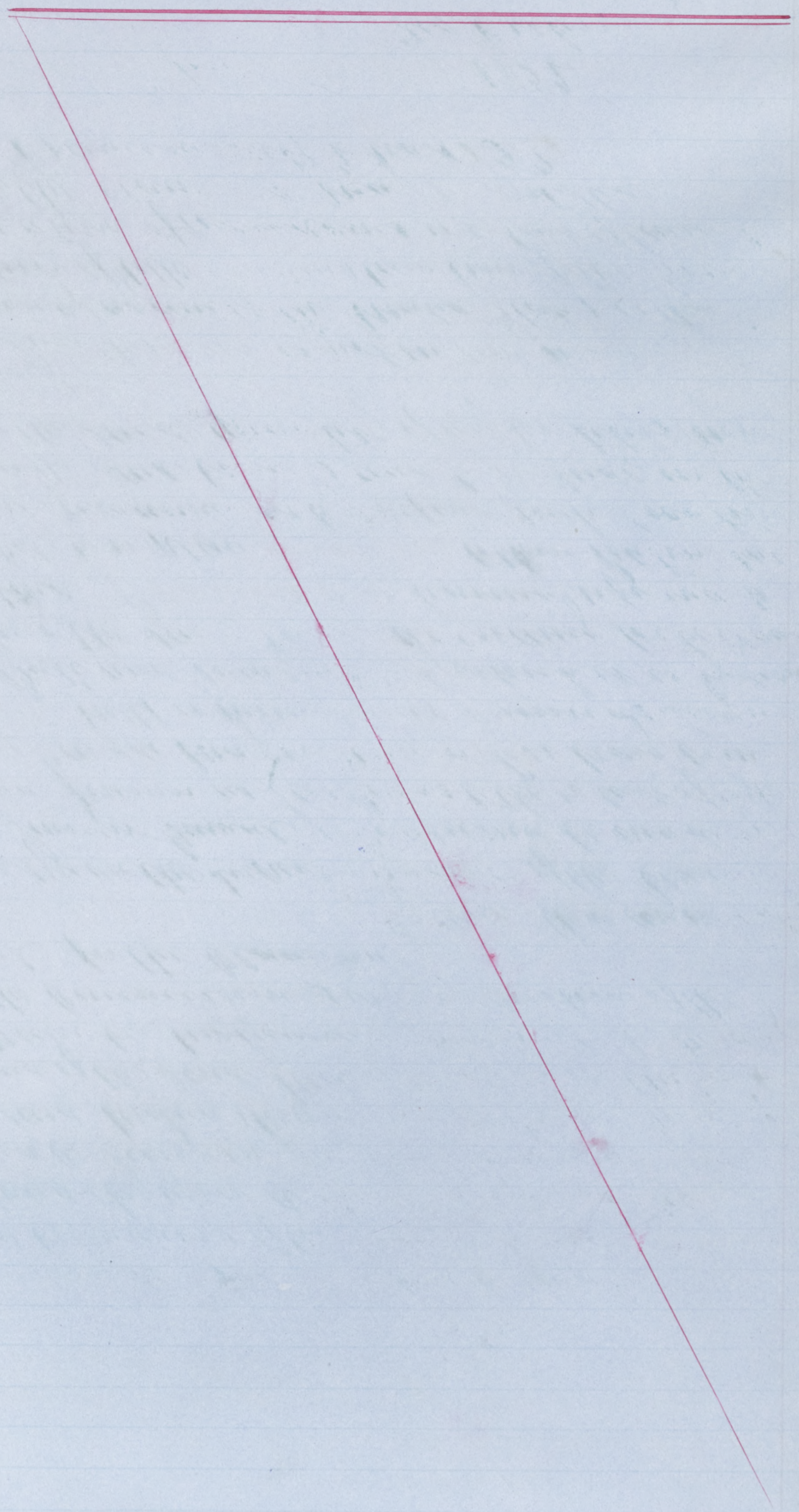
Surveyor General's Office San Francisco Jan 19 1853 I certify the above and foregoing to be a true copy of the

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original notes on file in this Office  
Samuel D. King  
Summer General  
Filed in Office January 19th 1853  
Geo F. Fisher  
Secretary

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3-9

Order for  
Initiating  
Survey

Before the United States Commissioners to ascertain  
and settle the Private Land Claims in California  
In the matter of the Petition of Maria Anastasia  
Siquiera de Benjesa et al for the Rancho de  
Las Putas in the County of Yolo

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For the purpose of  
determining with precision and certainty the limits  
and boundaries of the land claimed by Maria  
Anastasia Siquiera de Benjesa Maria Nicolasa  
Siquiera de Benjesa Jose Jesus Benjesa husband  
of the said Maria Anastasia and Jose Benjesa  
husband of the said Maria Nicolasa in their Petition  
Number two hundred and thirty six pending  
before the Commissioners it is in motion of the  
Counsel for the Claimant

Ordered that an initiating  
Survey under the Superintendance of the United  
States Survey General of California be made of  
the land known as Las Putas to the extent of eight  
petios of Spanish may be more or less being bound  
ed by the hills or mountains known as Laguna  
Cerro Puli and Duencito by which it is intended  
to locate the said land according to the claim  
of the said Petitioners and having reference to  
the sketch or plan annexed to their Petition but  
in such a manner as to confine such location  
within the said limits and to include in the  
survey the said quantity of eight petios more  
or less

But this order is not in any manner to  
determine as against the United States either the  
question of title the construction of the Grant  
the location of boundaries or extent of land to  
which the claimant may be entitled  
San Francisco July 2nd 1852

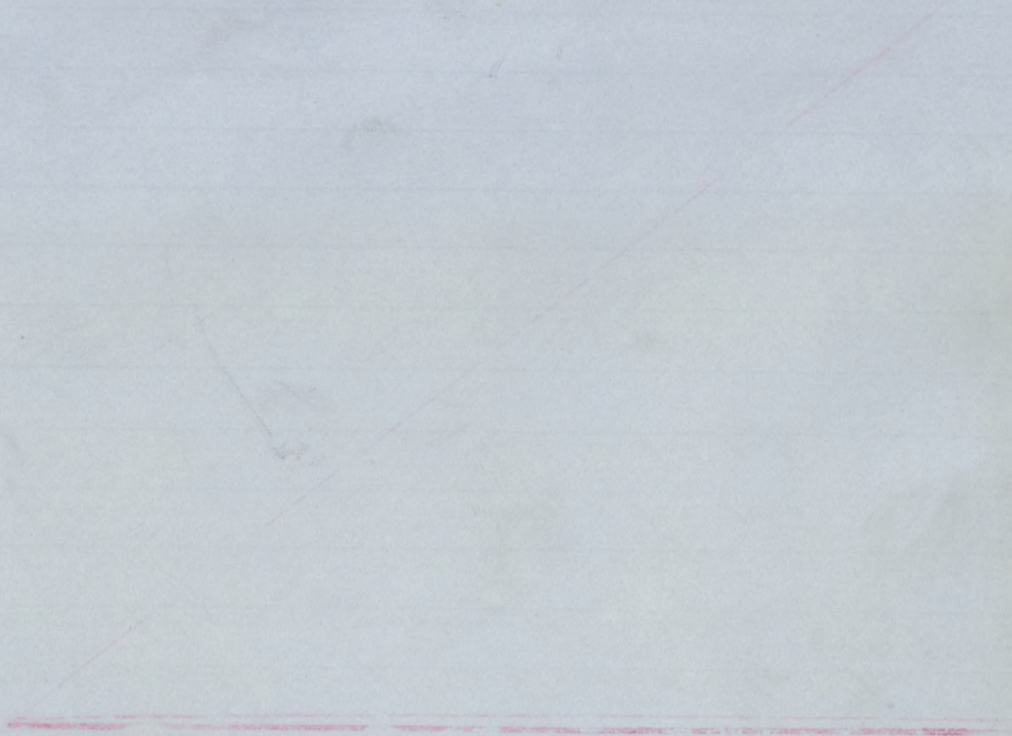
Filed in Office July 3rd 1852  
Geo Fisher

Secretary

Recorded in Journal Vol 2d pages 68 +  
69

Geo Fisher  
Secretary

60



Communications from the  
Surveyor General

U S Surveyor General's Office  
San Francisco Cal Jan'y 19th 1853

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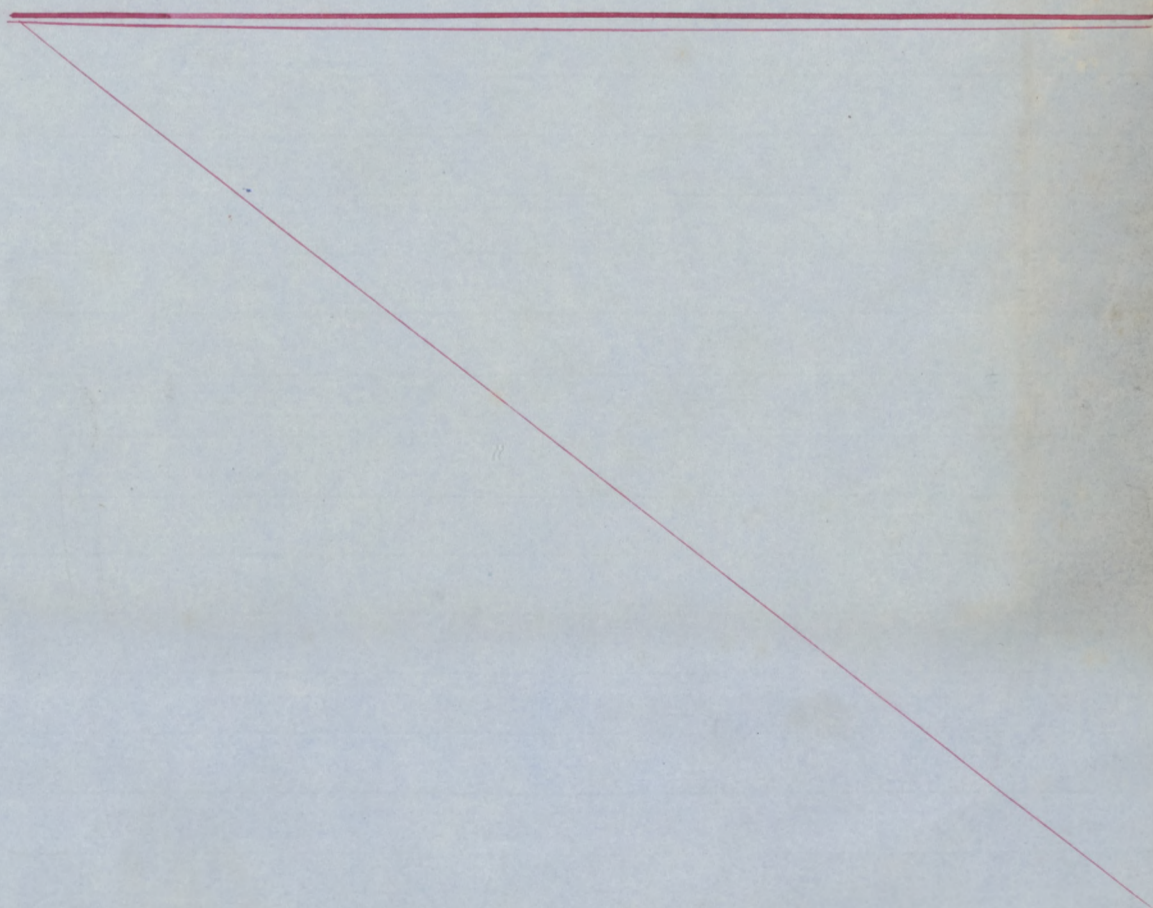
Honorable  
Commissioners  
for assu'taining Land Claims &c  
in California  
Gentlemen

I have the honor to transmit a  
copy of the approved field notes and a copy of the  
corresponding map of the Survey of the Rancho  
of Las Putas made in compliance to the instructions  
of this office based upon the order of your Honorable  
Board of July 2nd 1853

I am Gentlemen very respectfully  
Your Obedt Servant  
Saml King  
U S Surveyor General  
California

236-3

Filed in Office January 19th 1853  
Geo Fisher  
Secretary



Handwritten marks on the left margin.

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Opinion of the Maria Anastasia  
Board  
Requena de Buzasa & al  
vs  
The United States

For the place called  
Las Putas in Yolo  
County containing  
Eight square leagues of land

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PAGE 58

In support of this claim the Petitioners have shown  
in evidence a grant of the land in question made by  
Governor Manuel Micheltorena to the brothers Juan de  
Jesus and Lito Buzasa dated November 3rd  
1843 the approval of the assembly of judges and  
possession is proved

It is in proof that the grant was  
built an adobe house on the place in 1843 and that  
one of the brothers moved into it immediately after  
it was built and has continued to live in it  
with his family ever since and that the other  
brother built a house on the place in 1836 in which  
he has since resided with his family annual cul-  
tivation and the use of the land for grazing purposes  
from a time prior to the date of the grant to the  
present time by the grantee is proved

The place  
solicited is described in the grant as the land  
known by the name of Las Putas bounded by the  
range of hills which encircle it named San Jacinto  
Cerro Boli and San Esteban and in the fourth  
condition of the grant the dimensions of which dona-  
tion is made is declared to be eight square leagues  
a little more or less according to the explanation  
of the accompanying plan judicial measurement  
is required to be procured by the grantee the proper  
monuments to be established and the surplus  
land (sobrante) to remain the property of the  
nation

The grantee failed to obtain a descri-  
ption of their boundaries and a segregation  
of their land as required by their grant If  
however the boundaries of the entire tract are suff-  
iciently definite and particular to serve as a  
description in absence of confirmation and to  
enable a survey to have them on the ground and  
if they enclose within their limits a quantity of  
land not exceeding the eight square leagues  
which are granted the official measurements

by the Alcalde may be ascertained either The boundaries of the premises described would seem to be sufficiently definite The grant gives the names of the premises and defines the land as bounded by the range of hills which encircle it giving the names of the hills The report of the Survey in accordance to which the grant was made describes the premises as forming a deep valley surrounded by hills

The entries Castañeda says the mountains named in the grant are ranges of mountains with principal points bearing these names they entirely enclose the valley in which the said Pueblos live and it would be impossible to describe the land by natural boundaries more accurately than it is described in the grant to them

The entries Anderson who made a survey of the land as Deputy U S Surveyor in 1852 describes the Mountain Ranges mentioned as boundaries in the grant as located according to their respective positions in the map in the expediente and says they reach distinctly the topography of the valley

The field notes and maps of the Survey made by the entries last named are given in evidence The Survey was made by running the exterior lines along the range of the mountains called for in the grant running along their highest elevations It states the quantity of land included within the lines thus run to be 34,645 acres of this about 25,000 acres is level land and about 12,000 foot hills and the balance mountains

If upon a true construction of this grant the premises described in it embrace not only the valley but the foothills and the surrounding mountains to their very tops the quantity of land not only of four leagues the eight square leagues intended to be granted but it also exceeds eleven square leagues the maximum quantity under which the colonization Law of 1824 could be granted to any individual If the Survey as construction of the terms of description are as the Claimants contend are entirely correct I do not see how we

may determine the limits of the grant

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can do otherwise than reject this claim. But in my judgment the very contrary more than the description warrants at all by summits of hills forming its limits can not be regarded as embracing the hills or the declivity extending from their summits. The rule is well settled in regard to boundaries that the words from and by are terms of exclusion unless by necessary implication they are manifestly used in a different sense (2 Hill 349) where lands are bounded by a road or stream above the average water the rule of law is to give the rights of the owner to the center of the road and the thread of the stream but the courts have uniformly refused to extend this rule beyond the cases mentioned.

Brady vs Rice 11 Shuptr N 201

Moore vs Leonard 1 Mass N 91

Nash vs Atherton 10 Ohio N 163

The call for mountains as boundaries is scarcely if ever found in American conveyances. The large size of the premises granted and the peculiar physical features of the country in California and probably likewise to the very common use of the mountain ranges as boundaries in Mexican grants.

The object in these cases is usually very clearly to grant the valley. This is generally indicated by mountain stream and summits by high elevations of land often leading away into the highest peaks and coming down with well defined limits to the level alluvium of the valley or surrounding the valley with a complete like enclosure when as in the case now under consideration the intention was clearly to grant the valley defining the premises as bounded by the range of hills which enclose it. It seems to me assured to say that the hills did surround the premises and embracing in many instances the area of the valley all included in the grant.

There can be no case to which the rule of law above quoted excluding from the grant the premises which are described as forming the exterior limits of the land granted more aptly applies than here. It would certainly were the contrary intention of the grant to extend the limits of the grant beyond the bottom lands

of the valley and we find this construction practically given by the Mexican Authorities in the numerous instances where intending adoptions as well they depise the promises granted as bounded by the top or creab of the hills

Whenever this is the intention it is believed that the language used will always be found to declare it in the terms that admit of no misin understanding

Among the documentary evidence introduced into this case are two deeds of the promises claimed herein one de Jesus Bungea to Anastacia Sequia his wife and the other from Lito Bungea to Nicolas Sequia his wife

The Petition in this case asks a confirmation in the name of these two grantees the wives of the persons to whom the original grants were made by the Governor of the husband and not themselves found as petitioners in this case a question not far from difficulty would arise as to the effect of the conveyances from husband to wife but as they are found in the Petition and as the title in them is without controversy we see no difficulty in entering a decree of Confirmation according to the case made in the Record

Confirmed

Filed in Office September 5th 1854

Geo Fisher Secretary

Decree of Confirmation

Mania Anastacia Sequia de Bungea & al vs

In this case exhibiting the proposed allegations it is adjudged by the

The United States Commission that the claim of the Petitioners is valid and it is therefore decreed that the same be confirmed The lands of which Confirmation is hereby made are situated in Yolo County and known by the name of Las Pintas being the same which said Petitioners own and are bounded and described as follows to wit Being adup & all by bounded by the Range of hills which extend in a north by south line from Palo and in a north containing eight square leagues all the same where the foot of said hills being the boundary being the same land which was granted to said Jose de Jesus and Lito Bungea in 1843 reference for further description to be had to the grant and a plan or asin of the same bearing



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part of the Española attached copy of which  
is made in the case

Alphons Gilch  
N. Aug. Thompson  
G. B. Powell

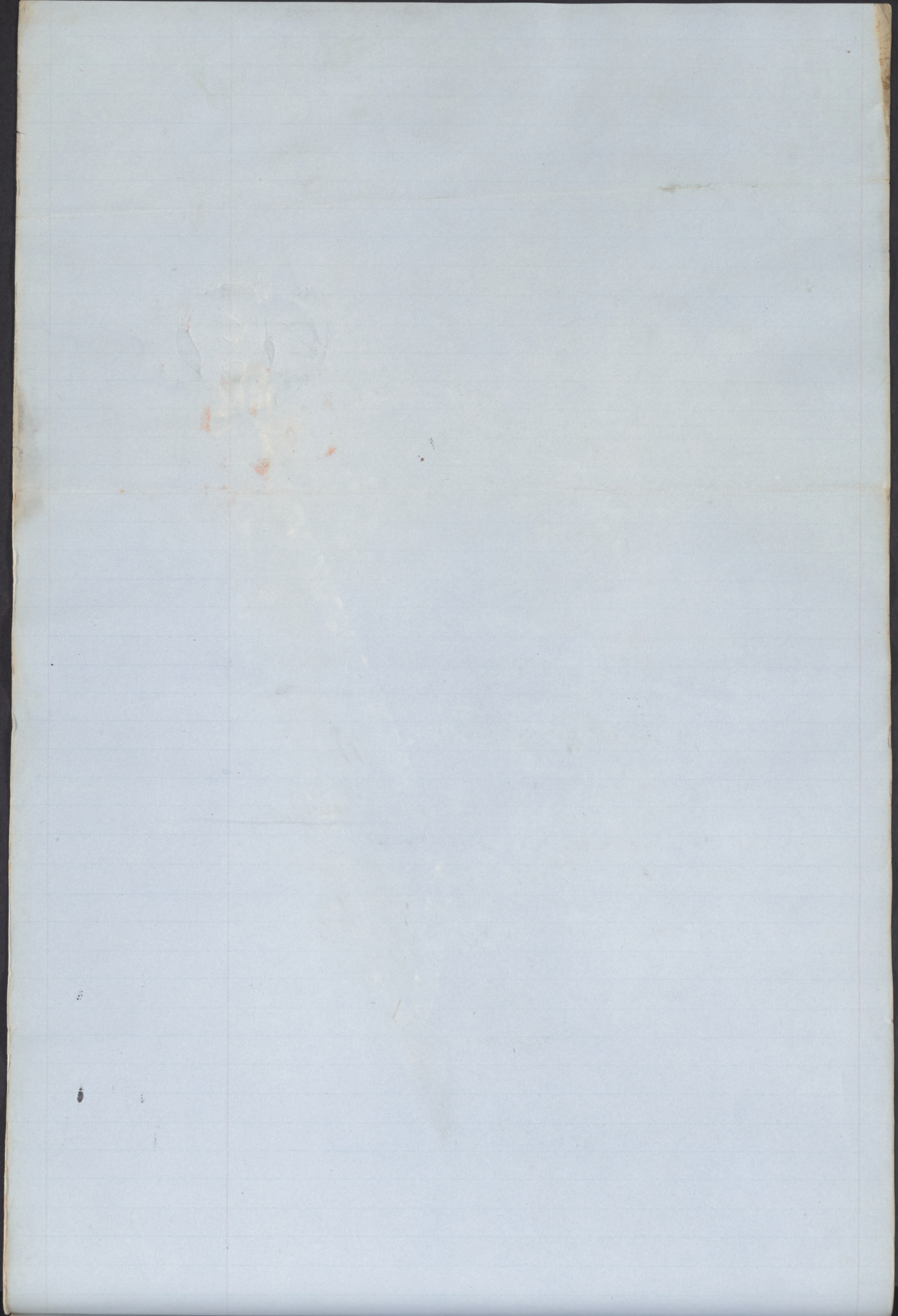
Filed in Office September 5th 1854

Geo. Fisher Secy

Curran

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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 evidence upon which  
the same are founded be made out and  
duly certified by the Secretary one of which  
Transcripts shall be filed with the Clerk of  
the United States District Court for the  
Northern District of California and the  
other be transmitted to the Attorney General  
of the United States



Office of the Board of Commissioners,

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

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 *Sixty seven* — pages, numbered from  
1 to 67, 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. 236 on the Docket of the said Board,  
wherein *Maria Anastasia Miguera de Berroya,*  
*A. al, are* —  
the Claimant against the United States, for the place known by  
the name of "Las Pintas" —

In Testimony Whereof, I heretunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Thirty first* — day of *January*  
A. D. 1855, and of the Independence of the  
United States of America the seventy= seventh.

*Geo. Fisher.*

*[Signature]*  
Sij

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

No. ~~175~~

THE UNITED STATES,

vs. *ND*

*Maria Anastasia Higuera*  
~~*de Berruessa*~~  
*et al - de Berruessa.*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *236*

Filed, *February 5th* 1855,

*John A. Moore*  
*Clk*

Office of the Attorney General of the United States,

Washington, 7th April 1855.

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Mania Anastasia Hegiura et al. /  
vs. } 236.  
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 27th day of January 1855, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

*Oliver*

Attorney General.

No. 175

W. S. District Court  
Northern Dist of Cal.

The United States

Maria Anastasia Niguera  
de Beneyra, et al;

Notice of appeal

in case no. 236,

Filed June 18, 1855,  
by W. H. Cheever,  
Deputy

175 ND

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

175 ND  
PAGE 66

The United States  
Appellants } N<sup>o</sup>. 175.  
vs de Berceuse  
M<sup>ra</sup> Ana<sup>ta</sup> Acquera et al }

The Petition of the United States by their  
Attorney represents: that this cause in 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 1<sup>st</sup> day  
of Jan. 1855: that a notice of appeal  
was filed on the 15<sup>th</sup> day of Jan. 1855.  
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 deem the said title to be  
invalid. Respectfully

A. Hassell

Asst U.S. Atty.

U.S. Dist. Ct.

No. 175.

The U.S.

vs

M. A. ~~Higuera~~  
de Burreyesa et al

Petition

Filed June 20, 1855.

by M. H. Cheever  
Deputy.



U. States District Court  
July Term 1845.

175 ND  
PAGE 68

The United States

vs

Mani Aguirre de Parayza et al  
on Appeal.

And now come  
the appellees by Counsel  
and say there is no error  
in the judgment of the U. S.  
Land Commission, and  
ask that the same  
may be affirmed.

Wm. H. Bond  
for Appellees.

No 175

U. S. Dist. Court,

---

The United States,

vs -

M<sup>a</sup> Anastasia Niguera,

---

Answer,

Filed July 9, 1855,

by Cheves  
Deputy

175 ND

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

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PAGE 70

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

vs  
Maria Anastacia H.  
de Perreyesa, et al,

D.C. 175: L.C. 236.

The Attorney General  
of the United States having given  
notice that no further appeal will  
be taken in this case, and a stipu-  
lation to that 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 their favor, as under Final Decree,

Ogden Hoffman  
U. S. District Judge

175

United States District Court, Northern  
District of California.

*The United States*

vs.

*Maria Anastasia H.  
de Berreyesa, et al*

ORDER.

*Vacating appeal*

Filed *April 2<sup>d</sup>* 1857

*John A. Monroe*  
CLERK.

By *M. H. Cheney*  
DEPUTY.

75175 ND

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California Land Claim.

Attorney General's Office

7 January 1854

175 ND  
PAGE 72

Sir:

In the case of the claim of Maria Anastasia Higuera de Beneyesa et al: confirmed to the claimant by the Commissioner, case no. two hundred and thirty-six, (236), appeal will not be prosecuted by the United States.

I am

Respectfully,

Clinton

Wm. Blanding Esq

U. S. Attorney,

San Francisco.

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

The United States

v  
D. C. 175; L. C. 234.

Maria Anastasia  
Higuera de Berreyesa, et al

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

San Francisco, April 2nd 1887

Wm Blanding  
Dist Atty

Brown, Pratt & Tracy  
Attys for Claimants

175  
231

The United States

of

M. A. H. de Berreyesa et al

Stipulation.

Filed April 2<sup>d</sup> 1857  
W. H. Cheever,  
Deputy.

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PAGE 74

At a *Stated* Term of the District Court of the  
UNITED STATES OF AMERICA, for the Northern District of Cali-  
fornia, held at the *Court Room* in the City of SAN  
FRANCISCO, on *Wednesday* the *Thirde* day of  
*June* in the year of our Lord one thousand  
eight hundred and fifty-*seven*.

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States  
vs  
Maria Anastasia Nigvera  
de Berreyesa, et al.

No. 175.

On motion of Attorney  
for the Claimants, the  
U. S. Dist. Atty being present in open  
Court, and consenting thereto, it is ordered  
by the Court that the decree of this Court  
herin be amended by adding after  
the name Nigvera in the title of the  
suit the words "de Berreyesa", it being  
apparent to the Court that the said omis-  
sion is a clerical omission.



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United States District Court, Northern  
District of California.

The United States,

vs.

M<sup>ca</sup> A. A. de Burryesa,  
et als

Order amending Decree

Filed

June 3d. 1857.

John A. Mearns,

CLERK.

J. M. A. Cheever

DEPUTY.

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

Maria Anastacia Higuera de Berreyesa	} Exceptions to Survey
Maria Nicolasa Higuera de Berreyesa	
Jose de Jesus Berreyesa &	
Sisto Berreyesa	
vs	
The United States	

In the matter of the final survey of the Rancho or tract of land called Las Putas situate in the County of Napa State of California finally confirmed to Maria Anastacia Higuera de Berreyesa Maria Nicolasa Higuera de Berreyesa Jose Jesus Berreyesa and Sisto Berreyesa come the claimants by their attorney J. P. Tracy and except to the final survey of said tract of land as made by Hon J. W. Mandeville Surveyor General of the United States for California and returned into this Court and state the following as the ground of their exception to wit

1st The terms of the grant and of the decree by which said land was finally

confirmed to the petitioners require that the exterior lines of said tract of land shall run by and along the hills which encircle the valley in which said land is situated. But the Surveyor General has run the exterior lines of said land so as to conform to the Township and Section lines of the Survey of the public lands of the United States

J. Tracy  
Atty for Claimants

175 ND

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(No 175)

District Court of  
the United States

Northern Dist of California

Maria Anastacia  
Higuera de Berreyesa  
Exads

vs

The United States

Exception to final Survey

Filed Nov: 3. 1859,

W. A. Chever,  
Clerk,

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PAGE 79

J. Tracy  
Atty for Claimants

175

At a stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court House, in the City of SAN FRANCISCO, on Thursday the 17th day of November in the year of our Lord one thousand eight hundred and fifty-nine,

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

Maria Anastasia Higuera de Berregesa  
Maria Nicolasa Higuera de Berregesa  
Jose de Jesus Berregesa y Soto Berregesa

vs.

The United States

D. C. No 175

L. C. No 236.

"Las Pintas."

This cause came on to be heard upon exceptions to the survey and was argued by counsel for the respective parties and due deliberation had in the premises wherefore it is ordered adjudged and decreed that the survey made of the land claimed in this case, by the United States Surveyor General for California under the final decree heretofore entered herein the field notes of which were approved by said Surveyor General and a certified copy of the plat of the same was filed in this Court pursuant to its order on the 30<sup>th</sup> of September 1859 be and the same is hereby approved and declared to be in conformity with the said decree and is adopted and ratified by the Court as the final survey of the land claimed herein and it is further ordered that a certified copy of this order be served upon the said United States Surveyor General for California for his information and guidance.

Ogden Hoffman  
Dist. Judge

U.S. Marshal's Office  
San Francisco, Nov: 17<sup>th</sup> 1859

I have this day made personal service of  
this order, by copy on James W. Mandrille  
U.S. Surveyor General for California

P. L. Solomon

W. S. Marshall

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

Clerk's Office,

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

..... Clerk.

By

..... Deputy.

No 175

District Court of the United States

IN AND FOR THE

Northern District of California.

Mrs. Anastacia Figueroa  
de Beneyesa Petab

vs.

The United States

Order. A. W. Spring, Surveyor

Filed Nov 27/59 1859.

W. S. Marshall Clerk.

By

..... Deputy.

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UNITED STATES OF AMERICA,  
STATE OF CALIFORNIA.

175 ND  
PAGE 82

COUNTY OF SAN FRANCISCO.

In the Circuit Court of the United States for the Districts of California.  
IN AND FOR THE NORTHERN DISTRICT.

*Maria Antonia V. de Bermudez*

vs.

*The United States*

The President of the United States of America,

To

*John Grigsby*

GREETING:

You are hereby required, That all and singular business and excuses being set aside, you appear and attend before <sup>Justice R. W. B. U.S. Commissioner of the Court of Claims</sup> ~~the Circuit Court of the United States for the Districts~~ of California, <sup>his Office</sup> ~~to be held at the Court House~~ in the City of San Francisco, on the <sup>9<sup>th</sup></sup> day of <sup>October</sup> A. D. 1857, at <sup>10</sup> o'clock, A. M., then and there to testify in the above stated cause now pending in said ~~Circuit~~ Court, on the part of the above named <sup>of Claims</sup> *United States*. And for a failure to attend you will be deemed guilty of a contempt of Court, and liable to pay all loss and damages sustained thereby to the party aggrieved.

Witness, The Hon. ROGER B. TANEY, CHIEF JUSTICE OF THE SUPREME COURT OF THE UNITED STATES OF AMERICA, this <sup>30<sup>th</sup></sup> day of <sup>September</sup> in the year of our Lord one thousand eight hundred and fifty-<sup>Seven</sup> and of our Independence the <sup>eighty-second</sup>.

Attest,

*Geo. P. Johnston*  
Clerk,

By

Dep. Clerk.

Not finding the within named John  
Grigsby. After diligent search in Napa  
County. I return this subpoena without  
Service.

Napa Cal. M. October 8<sup>th</sup> 1854 J. L. Solomon  
U.S. Marshal  
by A. McComwell Depy

175 (Original)

Circuit Court of the United States

FOR THE

Districts of California.

NORTHERN DISTRICT.

M. A. N. de Rosnyson

U.S.

the United States

SUBPENA.

for W. S. Winif

Filed this

day of

185.

Clerk.

Deputy.

175 ND

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I hereby specially depote Geo. W. Comwell  
to serve the within writ.  
San Francisco Oct 1<sup>st</sup> 1854. J. L. Solomon  
W. S. Marshall



Maria Anastasia Heigueru de Benyesa  
 Claimant for "Las Putas"

vs  
 The United States

District Court for the  
 Northern Dist. of California  
 on Appeal from the  
 Board of Land Commis-  
 sioners -

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0 14	Deposition of Jose S. Benyesa
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U.S. Dist. Court  
No 175  
number

Manila A. Herrera  
vs.

V. E. Howard

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a	\$ 85
B	\$ 37.50
C	\$ 60
D	\$ 15
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\$443.50

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Manila A. Herrera  
vs.

The United States  
No 175  
number

U.S. District Court

The United States  
Appellants

United States

vs  
The Mexican Govt

Maria Antonia de

of California

garcia & others  
Appellees

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This cause came on to be heard at a stated term of this Court on appeal from the final decision of the Commission, to settle, ascertain and settle the private land claims in the State of California under the Act of Congress approved 3. March 1857 upon the testimony of the Recd. and upon the papers, evidence and proceedings on which such decision was formed, and counsel for both parties having appeared whereupon I considered, adjudged and decreed that the decision of the said Commission be affirmed, and it is hereby also ordered adjudged and decreed that the claim of appellee, herein named to the land situated in Yolo County known as the "Las Pulis" bounded as follows, being a deep valley bounded by the range of hills which encircle it narrow containing eight & nine leagues a little more or less the foot of said hills, being the boundary being

The same land which was granted  
 to Jori de Sepu Bumpen and Jito  
 Bumpen by in 1843 reference for a  
 further description to be had to the  
~~not~~ grant and not a part  
 of the expedite a trace a copy  
 which is of use in this case

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*Mari Anastasia Hageni*

*Italy -*

175 ND

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175

Ac S  
of  
M. a. Stegert  
other

Maria Anastasia Higuera  
de Beneyera & Maria Nicolasa  
Higuera de Beneyera & others  
Appellants  
vs

Ritual Court  
U. S. for the  
Southern Dis-  
trict of Calif.

The United States,

Appellees

In this case a petition was filed by  
~~Legatta~~ Counsel in behalf of two mar-  
ried women and their hus-  
bands and a conveyance of the  
~~land claimed~~ from the husbands  
to the two wives, respectively of the  
land claimed is incorporated  
with the documentary evidence.  
As the husbands have joined  
in the petition and there seems  
to be no controversy in the mat-  
ter, this Court without men-  
dentaking to pass upon the  
legal effect of those conveyances  
will proceed to pass upon  
the general validity of the claim.  
The grant under which Appellants  
claim was issued by Governor  
Micheltoreno under date of 3.  
November 1843. The original  
grant is not before the Court  
the signature to it having  
been purged before the Com-  
missioners

minutes and the original document returned into the Surveyor General's office as in a few instances, as this Court is informed <sup>have been</sup> and returned to the claimant. But in this case as in all others similarly situated it is admitted by the District Attorney of the U. S. that the original document having been removed before the Commission, a certified copy of it filed in the transcript of the Record the production of the original before this Court is dispensed with unless the genuineness of the signature is contested by the production of new evidence ~~to~~ before this Tribunal. In this case, the testimony of Man de Castañeda ~~establishes~~ refers to the copy of the grant and sketches, the genuineness of the signature of Governor Melchior Torres and of Luján to the original the Secretary. Under



these circumstances, the Court  
 considers the genuineness of the  
 grant established. It grants  
 the land known as "Las Pintas"  
 bounded by the range of hills  
 known by the name of Surua Cu-  
 er Buli y Guineta which encircle  
 it, the usual conditions accompa-  
 nying the Mexican Colonization  
 grants are annexed to this grant,  
 among them is one which declares  
 "that the land of which dona-  
 tion is made is eight square  
 leagues (sitios de ganaderia mayor)  
 a little more or less according  
 to the explanation of the re-  
 -comparing map." Their  
 -dence establishes the fact, that  
 a decree of 1836 one of the claim-  
 -ants, built a house on the  
 land in which he has resided  
 ever since, and that in 1843 ano-  
 -ther house was built on the land  
 and another of the parties moved  
 into it and has resided there in  
 to the present time. No appo-  
 -mal of the Department assembly  
 was obtained. This, in the pre-  
 -sents decision, the Court con-  
 -sidering does not constitute a

the claim. The failure to obtain  
judicial possession is the only  
remaining objection considered  
by the Commissioners. This un-  
der the circumstances, could  
be no question but decide the  
claim in view of the settled doc-  
trine of this Court. But there  
are peculiar circumstances, in  
this case, which <sup>independently of the grant,</sup> served operate  
to prevent such result. The  
boundaries of the entire tract  
are sufficiently given in the  
grant itself to enable a surveyor  
to locate the tract of land em-  
braced if ~~they~~ <sup>it</sup> contain within  
those limits, a quantity of land  
not exceeding "eight square leagues  
more or less." The grant gives  
the name of the premises, and  
describes them by the name of the  
hill, which encircle them. The  
report of the Secretary upon which  
the grant was made described  
the premises as a "deep valley  
surrounded by hills"

I witness & swear, that the moun-  
tain named in the grant are

and not to include the hills, or  
of the mountains up to the  
point of their highest elevation.  
Thus ~~we~~ constituted the grant  
is ~~it~~ sufficiently <sup>as to</sup> the ~~quantity~~  
quantity, and location, &  
judicial possession may  
have been well dispensed  
with mining as we have  
repeatedly decided in favor  
of title; but being merely a  
condition subsequent the  
non performance of which  
will not when a party has  
substantially performed  
the consideration <sup>of the grant</sup> ~~involves~~  
~~the grant~~. Quia cum re  
ita data we consider the  
failure to obtain judicial  
possession in this case can  
not destroy the claim of  
the appellee. The decision  
of the Commission in favor of the  
validity of this claim

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ranges of mountains the principal points of which bear their names, that they entirely enclose the valley in which the parties live, and he concludes by saying it would be impossible to describe the land by natural boundaries more accurately than it is described in the grant. By a resurvey which it appears by the evidence has been made by a U. S. Surveyor the land exceeds greatly, the quantity of eight square leagues, but such survey was made as appears by the trees now growing in evidence by running the exterior lines along the range of mountains called pin in the grant along the highest their line of their highest elevation. ~~It (to wit the language of the commissioners)~~ The true construction of this grant we conceive to be that it was intended to grant only the valley above enclosed by the mountains at their base thus