

CASE NO.

189

NORTHERN DISTRICT

LOS BAULENES GRANT

GREGORIO BRIONES

CLAIMANT

Land Case 189 ND

ALSO AVAILABLE ON MICROFILM

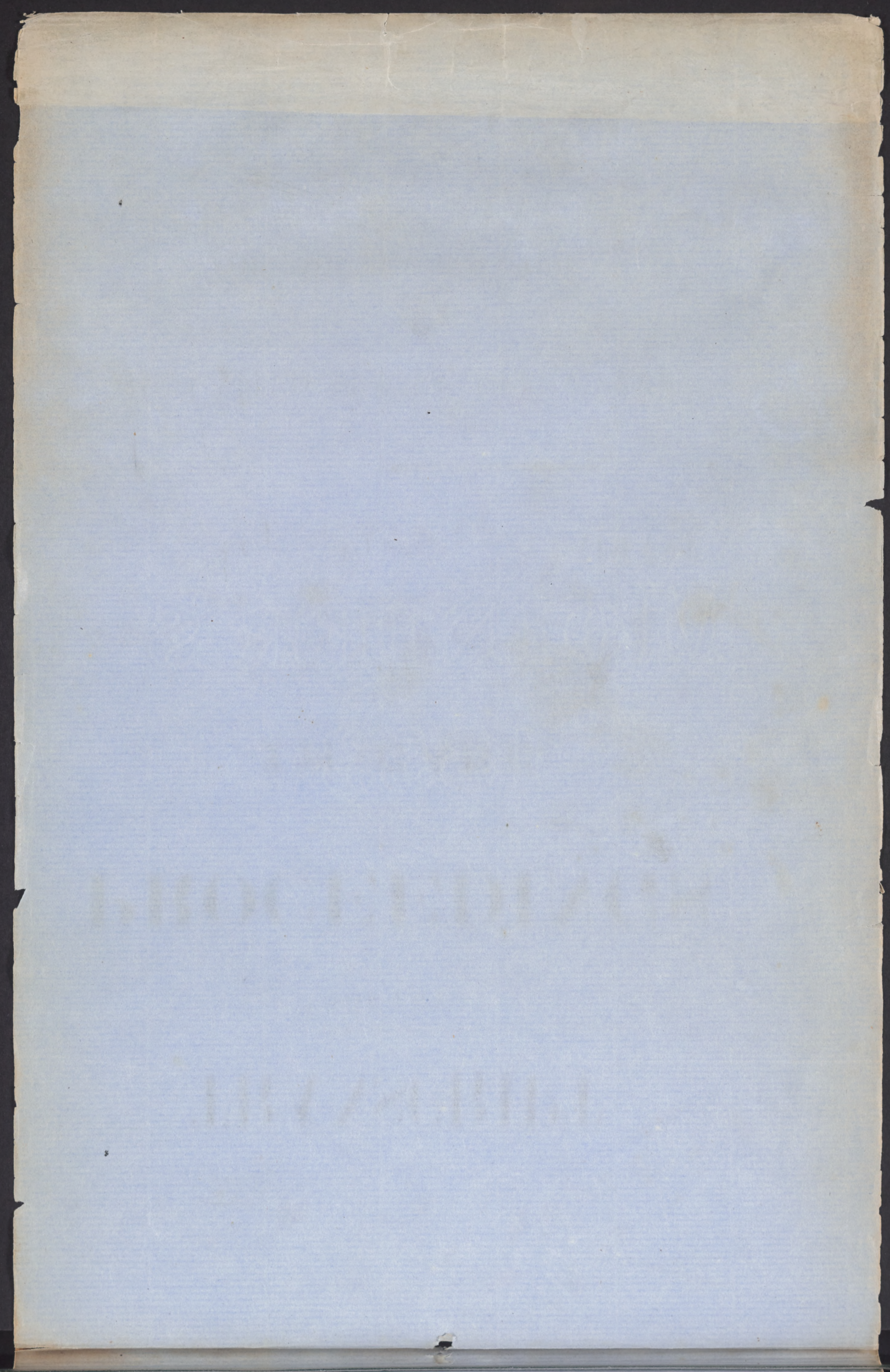
HOWARD
DERMAL INC.

Case 189 ND

See also BANC MSS C-I 16 Pt. I:87

Demurrer of defendants Darcie and
Wheelock in Oscar L. Shafter et al.
v. Rafael Darcie et al.

541 Dup for Northern



TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 541

Gregorio Briones

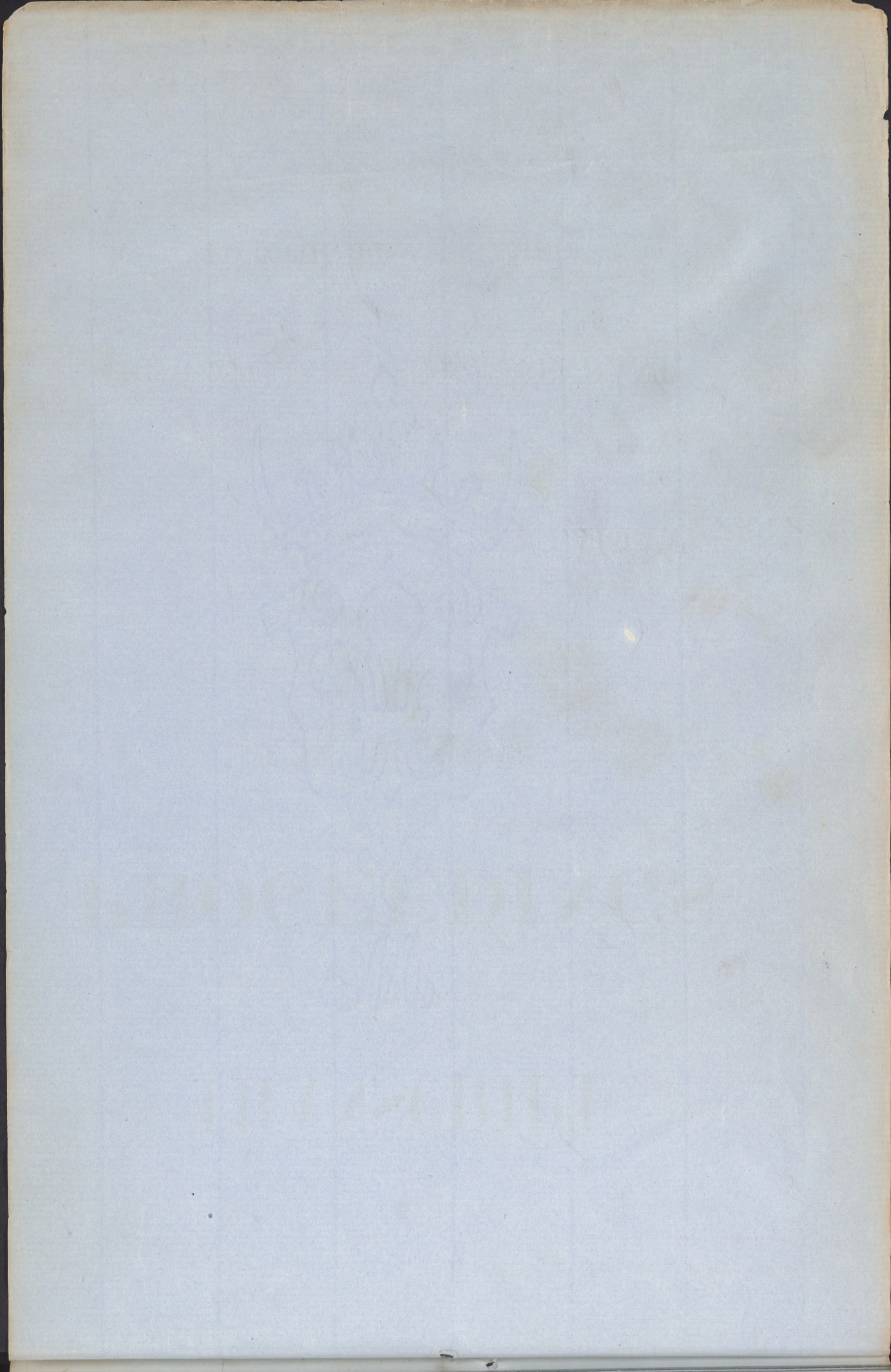
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Los Bariles.



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

The Petition of Gregorio Briones
for the Place named
Los Bauletes,
was presented, and ordered to be filed and docketed with No. 541 and is as follows, to wit

(Vide page 3 of this Transcript.)

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

San Francisco Feby 1 1853.

In case no. 541, Gregorio Briones for the place named "Los Bauletes", the deposition of W. A. Richardson a witness in behalf of the Claimant, taken before Commissioner Nelson Hall, was filed;

(Vide page 9 of this Transcript.)

San Francisco Sept. 16 1853.

Case no. 541 was called; The Counsel for the Claimant read the evidence; argued, submitted & taken under advisement.

San Francisco February 14 1854.

In the same case the Counsel for the Claimant filed the following motion & affidavits, to wit;

(Vide pages 14, 24 of this Transcript.)

San Francisco March 17 1854.

In the same case the Counsel for the Claimant

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filed the following Affidavit, to wit;
(Vide page 13. of this Transcript.)

San Francisco April 18' 1854.
In the same case Commissioner Alpheus Felch
delivered the decision of the Board upon the
motion of the Counsel for the Claimant
filed heretofore, to wit, on the 14' February
last, asking leave to introduce further testi-
mony, granting the same.

Ordered, That the case be reinstated
in the trial docket, and be placed at the foot
of the Calendar of the 1st Class

San Francisco June 18' 1854.
In the same case the deposition of Antonio Ortega,
a witness in behalf of the Claimant, taken before
Commissioner Peter Sott, was filed;

(Vide page 15 of this Transcript.)

San Francisco July 24' 1854.
In the same case the depositions of Pablo Poriones
and W^m A. Richardson, witnesses in behalf of the
Claimant, taken before Commissioner Peter Sott,
were filed;

(Vide pages 19-21 of this Transcript.)

San Francisco July 25' 1854.
Case no. 541 was submitted on briefs.

San Francisco Aug. 15' 1854.
In the same case Commissioner Alpheus Felch
delivered the Opinion of the Board confirming
the claim;

(Vide page 47 of this Transcript.)

and on motion of the U.S. Law Agent, the following order
was made, to wit;

(Vide page 50, of this Transcript.)

San Francisco June 19 1855.

In the Same Case, in motion of the Counsel
for the Claimant, it is

Ordered, That application be made to
the U. S. District Court for the Southern District
of California for the return of the Transcript in
this Case, and upon the return thereof, it be filed
in the U. S. Dist. Court for the Northern District.

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San Francisco Feb'y 26 1856.

In the Same case the U. S. Ass. Law Agent
filed the following motion & Affidant, to wit:

(See page 41 of this Transcript)

which motion was granted.



To the Honorable the board of U. S. Commis
sioners for the ascertainment and settlement
of land titles in California:

Your Petitioner Gregorio
Pruios a native citizen of California
respectfully sheweth that he claims to be
the owner of a tract of land of the extent
of two square leagues situate in the
County of Marin bounded and described
as follows: Vt. Commencing where the
north west cor. of Sanacito or the
Rancho owned by William A. Michawson
extends the way and running with said
line north easterly to the summit of
the mountain known as Sanalpais
thence north westerly along the summit
of said mountain to the Rancho of
Rafael Garcia thence south westerly to
to the center of the Cañada del Ferro
thence south westerly to the center of
the Laguna de Soeimo, thence south westerly
in the nearest direction to the sea -
thence south easterly along the shore of
said ocean to the Punta de San Julian
thence easterly and along the shore of
said ocean to the place of beginning.

That your petitioner has occupied
and lived upon said tract of land
continuously from the year 1834 to the
present time.

That in the month of October
1841 he presented his petition to the
then Military Commandant of the
Northern frontier of California asking
for a grant of said land according
to the boundaries set forth and ob-
tained from said functionary a provisional

Petition - 1.

Recorded in Vol. 1
of Petitions on
pages 510. 511.

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grant of the grant of the right to occupy
said land until a formal title to the
same could be procured from the Governor.

That on the 30th of July 1842 your Petitioner presented his petition to the Prefect of the 1st District of California asking for a grant of the said land upon which petition the alcalde of the District of San Francisco Salano to whom the same had been referred reported favorably to the prayer of the Petitioner.

That the Expediente containing the record of all said proceedings having been forwarded to the office of the Executive of California remained there without further action till the 16th of June 1845 when your petitioner presented his petition to Pio Pico then Governor of California setting forth the above recited facts and praying for a formal grant of said land.

That on the 29th of November 1845 the said Pio Pico made a decree declaring your petitioner the owner of said land.

That on the eleventh day of February 1846 the said Pio Pico Governor as aforesaid issued to your petitioner the grant of said land a copy of translation of which are herewith filed, the original being in the hands of your petitioner and ready to be offered in evidence.

That the Expediente as Governmental record of all the above evidence facts from the first petition to the final decree is now on file among the archives of the former government of California and that a traced copy of the same duly certified by the Surveyor General

2.

of the U. S. for California is herewith presented.
That Your Petitioner is in quiet and
exclusive possession of said land and knows
of no claim thereto conflicting with his own
as above set forth.

He therefore prays Your
Honor to confirm his said claim and
title and as in duty is. So Se & .

Clarke, Taylor & Buckles.
attorneys for Petitioner

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Filed in Office. Aug. 31. 1853.

Geo. Fisher.
Secy.

I have been thinking of you
 very much lately and wondering
 how you are getting on. I
 hope you are well and happy.
 I have not much news to
 write at present. Everything
 is going on as usual here.
 I will write again soon.
 Give my love to all the
 folks.

I am a very old man now
 and the day before last I
 was 111 years old.

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San Francisco Feby. 1. 1853.

On this day before Com^r Hiland Hall
came W^m Richardson a witness in behalf
of the claimant Gregorio Briones petition
n^o 541 and was duly sworn, his evidence
being given in English.

The U.S. Associate Law Agent was present.

Question 1st by Claimant. = What is your
name, age and residence.

Depo. of W^mA.
Richardson
taken before
Hiland Hall.

Ans: My name is William A. Richard-
son, my age fifty seven and my residence
in Marin County.

Question 2^d Look on the original Do-
-cument now shown you purporting to be
an original grant from Pio Pico to Greg-
-orio Briones of the Rancho de Gualinas
dated February 11th 1846 said document
being marked Exhibit 1. and being now
marked Exh^t attached to the deposition
state what you know of the signatures
to said document and whether the same
is genuine.

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Answer. I have examined the
document now shown me and have
no doubt of its genuineness. I am acquainted
with the hand writing of Pio Pico and
of Jose Maria Covarrubias having often
seen them write. = The signatures upon
said document purporting to be the signatures
of those gentlemen are the genuine
signatures.

Quest. State how long you have been
acquainted with the said Rancho of
Gualinas and by whom it has been occupied.

Answer. I have resided in the County
of Marin where said rancho is situated
and have been acquainted with

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the said rancho of Baulenas and by whom it has been occupied.

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Answer. I have resided in the County of Merim where said rancho is situated and I have been acquainted with said Rancho for at least ten years. During all that time it has been in the exclusive company of Gregorio Bricoles, the claimant and those claiming under him. He has lived upon it with his family for at least that period in a house erected by himself. He has cultivated portions of the same during all that time and has applied portions of the it to grazing purposes and upon other portions he has been in the habit of cutting timber. He resides there still.

Wm A. Richardson.

Answer Submitted before.

Richard Hall.

Comr.

Filed in Office. Feby. 1. 1853.

Geo. Fisher.

Secy.

U. States Land Commission.

Gregorio Briones

v. s.

The United - States. } Personally appeared
 William Richardson who being duly sworn,
 says that in the above case, Judicial possession
 was given by the proper officer to the
 said claimant about the year 1841. That
 the map contained in the Expedientes or
 Titles papers is the one which was before

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Affidavit of the Governor at the time the grant was
 made and that the grant was given with
 Richardson. reference to said map as affiant believes,
 because affiant made the map himself
 and the original on file in the U. S. States
 Surveyors Office is in his hands and knows
 of his own knowledge, that it was submitted
 to the Governor. The officer who executed
 the Judicial Survey was Salvador Vallejo
 who also gave judicial Possession to
 Rafael Garcia of the adjoining tract, which
 formed the north west boundary of Briones.

The boundaries of the land claimed
 in this grant are on the South East, the
 mountain of Falmaipin it being the boundary
 of the Sancelito Rancho, claimed by affiant
 and from thence along the ridge of said
 mountain on the South West to the boundary
 of Rafael Garcia thence in a South West
 direction crossing El Valle and Socorro
 Lake to the Beach of the Coast of the Pacific
 ocean. Thence South East to the point of
 Paulenes Bay and thence North East
 following the line of the Coast to the
 first named boundary of the said
 Sancelito tract of affiant as point of
 beginning.

Affiant states that by a actual measurement this grant was declared to be two leagues and he is satisfied that the land within the above described boundaries does not contain but a trifle if any more than two leagues of land. Its boundaries are well known and were clearly defined by the Judicial Survey above mentioned.

The affiant did not state these facts on his former examination, because he was not examined respecting the boundaries.

James Richardson.

Sworn to and subscribed before me. Feb. 14th
1854.

R. Aug. Thompson. Com^r

Filed in Office. Feb. 14. 1854.

Geo. Fisher. Secy.

Gregorio Porioes } Claim for the Rancho
 vs. } of Barabas. Granted
 The United States. } to said Porioes.

Personally appeared said Porioes who being duly sworn makes oath and says: that when he handed this grant and title paper in this case to his agent he supposed that he communicated all the facts necessary to make out his case. He does not recollect that he communicated the fact that the map in the title or expediente was before the Governor at the time the grant was made as he supposed that it appeared sufficiently from the expediente. It is however true that the grant was before the Governor when the grant was issued and that the boundaries are well defined and well known & approved in the grant and represented on the map. Affiant is a native Mexican, has very little acquaintance with legal proceedings as conducted in this country since the change of Government. He applied several times before his cause was submitted and his counsel Mr Clarke to know if any further evidence or proof was necessary as to boundary and a compliance with the conditions of the grant and was assured by his counsel at that no new proof or plan or other points was necessary.

Affiant is able by proof to establish clearly the boundaries of his grant that the map was before the Governor at the time of the issuance of the Grant and that the conditions of the grant

and the law have been complied with
Affiant prays to be allowed to state.

Gregorio Arriola.

Sworn to and subscribed
before me, March. 17. 1856.

A. Aug. Thompson.
Comr.

Filed in Office. March. 17. 1856.

Geo. Fisher.
Secy.

Motion. Gregorio Arriola
vs.

The United States.

The claimant in this City
moves for leave to take further testimony
for reasons alleged in the affidavit herewith
filed or that the cause be remanded to the
docket.

V. S. Howard.

Pr. Claimant.

Filed in Office. Feby. 14. 1856.

Geo. Fisher.
Secy.

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541. United States of America. }
State of California. } S.S.
San Francisco. June. 16th 1854.

This day personally came Peter Lott
a Commissioner for taking testimony to be
used before the Board of U. S. Land Commission
-ent in said State, Antonio Ortega, a witness
on behalf of the Claimant in case no 541. on
the docket of said Board wherein Gregorio
Boniques is claimant. and said witness
being duly sworn on oath deposed in Spanish
before Comm^r Peter Lott. Interpreter to said Board as follows to wit:

Deposition
of Antonio
Ortega taken
before Comm^r
Peter Lott.

The U. S. Law Agent. is present.

Questions by the Claimants Counsel.

1. Question. What is your name age
and residence.

Answer. My name is Antonio Ortega, my
age 42 years my residence Merced County
California.

2^d Question. Are you acquainted with
the rancho called Abaulinas in said
County and how long have you known it?

Answer I am acquainted with said
rancho and have known it since 1828 or 1839.

3^d Question. Who has occupied the rancho
since you have known it and in what manner
has it been occupied.

Answer. It has been occupied by
Gregorio Boniques since I have known it
he built a house 15 varas in size and
he and his family lived he had a corral
and horses and hogs and farmed the land.

4th Question. State if you know the bound-
aries of said rancho?

Answer. The measurement
commenced at the anchorage called Bauleuf

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and now to the Contrata del liebro which
covers the land of Rafael Garcia and
then the land was so brushy we only pointed
out the boundaries from that point.

5th Question. On which side of the Rancho
is Rafael Garcia land?

Answer. It is on the side towards San
Rafael.

6th Question. Whose lands bound this
Rancho on the side towards the bay of San
Francisco.

Answer. Captain Richardson's Rancho of San
Juanito.

7th Question. Of what land is the Sierra Malpais
one of the boundaries.

Answer. It is the boundary of San Cecilio
Rancho and of Arriaga's Rancho of Paulinas.

8th Question. How much land is there in
the Rancho of Paulinas.

Answer. About $1\frac{3}{4}$ leagues long and
one league wide.

9th Question. Look at the map in the
Espectante filed in this case and say
whether or not it is a correct copy of the
Paulinas Rancho. Answer. This
question is not answered because the
witness does not seem to understand maps.
Examined by the U. S. Law Agent.

10th Question. Where did you reside in 1828
and in 1839. Answer. I lived in
San Rafael and Paulinas and from
that time till the year 1843.

11th Question. How do you know the measurement
commenced at the anchorage at Paulinas.
Answer. Because I was the person who
measured it.

12th Question. By what authority did
you measure it. Answer. Salvador

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Vallejo was then the alcalde who gave
the possession and he appointed me to
measure. 1st Question. Who else went along.
Answer. Timothy Murphy, Domingo
Luis who are now dead and Gregorio
Bridges and Rafael Garcia.

2nd Question. Who owned the two adjoining
Ranchos. Answer. Rafael Garcia is the
only one who adjoining Spaniards, except
Wm. S. Richardson.

3rd Question. Why did you commence
your measurement at the anchorage
Answer. Because Bridges petitioned for
the land to begin at that point. It seems
to me it was Alvarado to whom the petition
was addressed.

4th Question. Why do
you think it was to Alvarado? - Answer
because Vallejo and I measured the land.

5th Question. Measured what land?
Answer. The land of Rafael Garcia, Timothy
Murphy, Domingo Luis, Juan Martin
Bernardo Pelis Carrillo de Salis.

6th Question. Were all these lands measured
the same day? Answer. No did not
measure them all in one day they were
all measured in the same month.

7th Question. In what order of time were
they measured. Answer. = Murphy
Luis Garcia Bridges, Martin de Salis.

8th Question. Why were not all the
colindantes present? Answer. Garcia
was there, he was the next adjoining
and the rest were not there. I suppose
because they did not wish to be there.

9th Question. With what length of line
did you measure and how.

Answer. I do not recollect the

the length of the line we measured on horseback
 13th Question. What guided you in the
 direction you measured and how far did you ride.
 Answer. We went in whatever direction
 we pleased and pointed out this that and
 the other object we came to them at boundaries.

14th Question! What objects did you point
 out as boundaries of the Baulinas Rancho
 and what were the distances between them?

Answer. At Baulinas at the sea there
 was a large rock or natural wharf
 from this point towards Garcia about
 1 $\frac{3}{4}$ league was placed a pile of stones
 we estimated the distance from the Malpais
 to the sea at about 1 league. Malpais was
 one of the boundaries.

15 Question. Who estimated these distances
 and what is the shape of the land.

Answer. Vallyjo and myself estimated
 the distances, the land is not square nor
 round. It is irregular in its form.

Antonio Ortega.

Submitted to our sworn to before me on
 this 10th day of June A. D. 1854.

Peter Lott. Commissioner for
 taking testimony before the Grand J. C.

Filed in Office. June. 14. 1854.

Geo. Fisher,
 Secy.

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5411. United States of America }
State of California. } S. S.

San Francisco. July 24. 1854. = This day personally came before Peter Lott a commis-
-sioner for taking Testimony to be used
before the Board of the U. S. Land Commr-
-in said State Pablo Briones, a witness for
Deposition of Claimant Gregorio Briones in case No 5411
Pablo Briones on the Oath of said Board, said witness
taken before being sworn testified in Spanish, interpreted
Comr. Peter Lott. by the Interpreter as follows: To wit:

The U. S. Law Agent being Present:

Questions by Claimants Counsel:

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

Answer. My name is Pablo Briones
my age 31 years, my residence Marin
County, California.

2^d Question. Are you acquainted
with the ranches of Paulinas claimed
in this case, if you state who occupies
the same and how it is occupied and how
long it has thus been occupied?

Answer. I am acquainted with it. It
is occupied by Gregorio Briones. It has
is has 3 houses, a corral, 25 acres in fence
and cultivation. he has horses, cattle
sheep and hogs on it. It has lived there
between 18 and 19 years with his family
he is my father. = G. L. Look at the
map in the Deposition marked La Esperanza
and filed in this case and state what
you know of the original of which
this purports to be a traced copy
Answer. It was about the Year 1846
My father sent me to the Governor
at Los Angeles to obtain his title

to this land, when I got it the Governor
told me the Expediente was at Monterey
and he sent me after it. I went to Chou-
erry and got it and carried it to the
Governor. This is the same map to an
appearance that it was in the paper
which I then carried.

Then Inquired by the At. Lawyers
McQuinn. Was it in the rainy season
or dry?

Answer. It was in the rainy season
in the month of February 18th 6.
by Pablo Arriola. must.

Arriola was submitted to before me. July
2d. 1854.

Peter Lee. Commissioner. de de de.

Filed in office. July 2d. 1854.

Geo. Fisher.
Secy.

United States of America.
 State of California. } S.

San Francisco. July. 26. 1854.

This day personally came William A. Richardson a witness for the Claimant Juvenio Bonioes in case N^o 541. on the docket of said Grand of U. S. Land Commissioners in said State and said witness being duly sworn before Peter Lott, a Commissioner for taking testimony for said Grand, deposed as follows.

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Deposition of Mr^s

U. S. Law Agent Present.

Richardson

Questions by Claimants Counsel.

taken before

1st Question.

Com^r Peter Lott.

What is your name, age and residence?

Answer. My name is William A.

Richardson, my age 59 years my residence Marin County, California.

2^d Question. Are you acquainted with the Rancho of Bonioes, claimed in this case by Juvenio Bonioes and with its boundaries if yes, state them.

Answer. I am acquainted with said Rancho and I know its boundaries. It is bounded on the South East by Saneclito farm on which I live on the North West by the place called "Canada Lerru" the land of Rafael Garcia on the North East by the ridge or mountain of Yermalapas which runs South East and North West and on the South West by the Pacific Ocean.

3^d Question. How much land does said Rancho contain.

Answer. Two Square leagues in quantity as near as possible.

4th Question. Look at the map

accompanying the expediente in this case in Document marked "A. Expediente" and filed in this case and state what you know of the original?

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Answer. This is to all appearances a traced copy of the original which is in the Surveyor General's office. I made the original myself by order of the magistrate Salvador Vallejo at the time Amis applied for the land in order to ascertain the location and quantity of the land.

5th Question. State if you know whether it was or was not before the Governor at the time the grant was made.

Answer. It was before him Amis' son came from Los Angeles to Monterey and took the map down to the Governor for the purpose of enabling him to make the grant.

6th Question. What is the character of the object marked on the map "Siteno de Laguna?"

Answer. It is a salt water plot which at high tides admits boats and launches.

Cross Examined by U. S. Law Agent.

7th Question. When, by whom and how were these boundaries established.

Answer. They were established by me by order of the Magistrate. (Salvador Vallejo) in 1811 by measuring from the boundaries of Garcia and my own of Saucelito which were known and by measuring from the Tamulapas to the ocean I made a rough measurement with a line 50 varas in length.

8th Question. Who carried the line with which you measured.

Answer. One Antonio Ortega and

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and an Indian, they carried it on horseback.

8th Question. Where and upon what data did you establish your starting point.

Answer. We started from the point of the table land near the mouth of the creek or Estero we started there because it was the point nearest the ocean.

9th Question. State how far, in what direction and to what point you ran from the place of beginning.

Answer. We measured about North West, up to the boundary of Garcia as near two leagues as possible we ran the line true.

10th Question. Whence from that point?

Answer. We next ran across, from the Familypus in a direction from North East to South West, passing near the head of the lake and running to the sea about one league.

11th Question. Was Vallyjo's order in writing? It was not he gave me the order verbally on the ground after he finished giving possession to Garcia.

12th Question. What was the shape of the land you measured.

Answer. It is an oblong shape.

13th Question. How do you know the map was before the Governor when the Grant was made?

Answer. I saw it put in an envelope by Fre at Monterey to send down to Los Angeles by Pablo Briones who I understood was sent to Monterey to bring the map to the Governor (Pio Pio) who was in Los Angeles. That is the only way I know, & was in Monterey the Governor in Los Angeles.

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Wm A Richardson.
Subscribed and sworn to
before me. July 26. 1856.

Peter Lott. County?

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Filed in office. July 26. 1856.

Geo. Fisher.
Secy.

Gregorio Briones vs. In the U. S. Land Court
for the State of California
the United States. Personally appeared
Manuel Torres who being duly sworn makes
oath and says: that in the above stated claim
he acted as the friend and agent of claimant
is carrying the claim to be presented to
the Board for Confirmation: Knowing it an old
man who does not speak the English
language is not used to proceedings in
proceedings in court and is not competent
to manage such affairs. He handed his
title papers to affiant and requested him
to act as for himself. Affiant caused counsel
to be employed through Mr. Desalado
but affiant was not at that time
informed of the fact that there had been
an actual judicial survey of the land
and that the map contained in the
Especiente was the one before the Gov^t
at the time the affiant was made and
that the title was issued with reference
to the same: which fact together with
that of such defined boundary affiant alleges
can be proved by William Richardson
and as affiant is informed by Salvador
Vallejo also affiant has harbored these facts
within a few days which is the most
set out are indicated to counsel inform
him to be present before the case was
submitted for decision to your honorable
Board. Affiant further states that
all the conditions of settlement and
occupation attached to said grant have
been fully complied with.

Manuel Torres.

Sworn to and subscribed to before me

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Feb'y 14th 1854.

A. Aug. Thompson
Com^d

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Filed in Office. Feb^y 14. 1854.

Gen. Fisher Secy.

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A. S. D. H.

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1848.

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4.

Expediente.

Expediente promovido por el Ciudadano
Gregorio Briones en pretension del
terreno que expresa.

Sello tercero Dos Reales.

Habilitado provisionalmente por la Soluana Maritima del puerto de Monterey en el Departamento de las Californias para los años de mil ochocientos Cuarenta y mil ochocientos Cuarenta y uno.

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Siempre. Antonio Maria Lesio.

Revalidado para los años de 1842 y 1843.

Revocado. Antonio M^a Lesio.

Monte. Agosto 4. Sor. Prefecto del 1^{er} Distrito.

Desp. Informe Gregorio Priores natural el que de Par de este Pais, hijo de Padres de. gran. Si el terreno fundadores casado con que se pretende su hija del Pais y con cinco de la cede de sus hijos, Vecino de esta Juris diendos son los - dicion ante N. S. en la que declara el mejor forma digo: Que diseño y todo hace un año que he lo que jusque ocupado un terreno en las opusculo. Paubres con el permiso del Sor. Juec de esta Juris

Situaion.

Informe. Marzo dion (como a credito 20 de 1844. el adjunto documento que

Como el terreno de a compra esta mi solitud que se hace mension y para mas Seguridad el interesado no de mi familia puto a V. S. pntente a auto se me Conceda la propi

Informe. Solano todos sus bienes y valores para el interesado que son dos lotes de

con ese expediente ganado mayor (poci a q. informe la mas o menos) siendo autoridad que se las linderos por el S. E. lanque a el des. el cerro del Salmapir

Informe. Solano. lindero de Don Guillermo
Don Huickley. Richardson y corre dho. Cerro al N. O. hasta que

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con D^o Rafael Garcia al S. C. pasando la
ladera del Sierrro y laguna de Socorro
hasta la playa en la costa y sigue la
costa hasta la punta de las Banderas
dando vuelta por la playa al E. Ma de
mencionado Cerro de Tecualpán como lo
demuestra el alfiler que a comparsa

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D^o A. S. Duplico se sirva concederme
dho. terreno como tengo pedido jurando
no ser de utilidad y lo necesario.

5

Monterrey. Julio 30. de 1849.

Juvenio Brindis.

El terreno que se hace mención no pertenece
a pueblo, corporacion ni persona alguna
y el habitante lo tiene ocupado hace como
dos años. no obstante el S. P. Gobernador
decretará lo que jusque convenga.

Louisa. Marzo. 23 de 1844.

Jacob P. Leese.

None follows a map or plan.

S. L. D. B.

Sello tercero Insreales.

Habilitado provisionalmente por la orden
maritima del puerto de Monterrey en el
Departamento de las Californias para los
años de mil ochocientos Cuarenta y mil
ochocientos Cuarenta y uno.

Hinnu.

Antonio Maria Ocho.

Revalidado para los años de 1842 y 1843.

Alvarado.

Ant. Maria Ocho.

6 S. D. B.

Sor. Comand^{te} Militar de la frontera del norte
y Encargado en lo civil en la jurisdiccion
de su. Rafael en la Alta California

El que suscribe hijo de Padres
Mexicanos originario del mismo pais

y vecino de esta Jurisdiccion de San Rafael
 habite años antes V. en la mayor
 forma digo: que necesitado de un
 terreno propio para apacentar los pocos
 bienes que Dios me ha dado y cuidar
 mi casa y familia he registrado un terreno
 (segun creo valido.) que colinda con
 las Ranchos de San Rafael Garcia y San
 Guillermo Richardson el primero llamado
 Los Bauletes y el segundo el Ranchito
 cuyos limites son con San Rafael Soru
 la Cañada del Cerro y con San Guillermo
 Richardson la Sierra de Jauvalperis
 y finalmente la Costa: Cuyo dho. terreno
 que intermedio entre estas tres puntas
 lo requiero con todas sus huercas y
 valdies para mi propiedad si en el
 no hubiere objecion alguna para
 conseguir si me es posible una posesion
 pacifica Por lo tanto A V. Sup^{ca}
 de Sierra Concederme dho. terreno
 en lo que recibiere merced y justicia
 que a lo que cupiere. jurando no
 ser de malicia y no usurario.

San Rafael Aguilar. Obre. 19. 1841.
 Gregorio Briones.

San Rafael de Aguirre. Obre. 19. 1846.
 Queda el interesado en esta instancia
 ocupar el terreno que solicita ante
 Sala de del Gob^o Departamental las
 titulas de prequedas.

Caridad Valero.

61014 Sor. Comand^{te} Militar de la frontera del
 Norte en lo Jueve y Jurisdiccion de San
 Rafael en la Alta California.

El que suscribe hijo de Protonotario
 y cano onguenero del mismo pais y

y vecino de esta jurisdicción de San Rafael
hace siete años ante V. E. en la mejor forma
digo que necesitando de un terreno propio
para apacentar los pocos bienes que Dios
me ha otorgado y ubicar mi casa y familia
he registrado un terreno (según creo valdío)
que colinda con los ranchos de Don
Rafael García y D^{no} Guillermo Richardson
el primero concurrido los obreros y el
y el segundo el trasatito, cuyos límites
son con D^{no} Rafael García la comarca del
cerro y con Don Guillermo Richardson la
Sierra del Faunal más y finalmente la costa
cuyo dho. terreno que intermedia entre estas
tres puntas lo registro con todos sus hueros
y valdíos para mi propiedad si en ello
no hubiere objeción alguna para conseguir
si me es posible una parcela al pto.
Por lo tanto S^{to} Superior de San Juan con-
cederme dho. terreno en lo que recibiere
merced y justicia que es lo que impeto.
Jurando no ser de usurario y lo
necesario de lo.

San Rafael, Aqueducto.

Obre. 19. de 1821.

Gregorio Prioues.

S. D. N.

Excmo. Sr. Gobernador del Departamento
Gregorio Prioues l^{mo} por nacimiento y
naturalizado ante la real y justísima
de V. E. Compañero y amigo que teniendo
una crecida familia y algún número
de ganado vacuno y caballar ha labi-
-dad para publicar mis bienes estar
de las tierras de ganado Mayor culto
terreno cubierto con el nombre
de obreros en la jurisdicción de
San Rafael entre los límites San Juan

mismos que demuestran las documentas
que adjunto en testimonio de la verdad.

Señor Sr. El terreno que sobra esta
pagurado desde el año de su cuenta y
siete y por mi regarding sabida de la
Comunidad de San Rafael de la parte
y D. H. - era el permiso Interino para poder
pacificamente el mencionado terreno de
las Baulemas en el cual tengo muchos
mi bien estar y el de mi familia
que cuenta de una Mina: dos quintas
de arboles frutales los corales y mil
varas de terreno cultivado de labor
en reserva. P. S. A. V. S. pido
y suplico reverente por un objeto
de su benignidad me conceda la
gracia que solicito dejando expuesto
y lo que es el punto. Serano en lo
de mas y lo necesario. Dispensando
el uso del papel comun por falta
del sellado correspondiente. Sr. Manuel
Aguarun. 16 de Junio de 1845.
Gregorio Briones.

10/2/45

Surquido de 1ª Nominacion.

Señor Sr. Morphy Alcalde. Cañon
Fuecional del Pueblo de San
Rafael de la Frontera del Norte.

Certifico que en vista de la
solicitud que aut esete por el Ciudadano
Gregorio Briones he muy caustante
lo permito obrar el cual y que
esto y no se en cuenta obstaculo
por lo que el Sr. Gobernador
podra poder seguir halla por
cumplimiento. Dado en el pueblo
de San Rafael a 2 de Junio de 1845.
Señor Sr. Morphy.

Angeles. Noviembre. 27 de 1845.

Fista la es peticion con que da principio este expediente las uisitas que en este conyunto, con todo lo demas que se tiene presente y ver Cauvino de conformidad con la ley de 18 de Mayo de 1845 y reglamento de 21 de Noviembre de 1845. Declamo el Ciudadano Ingeniero Andres Juan del terreno de las Baulemas que tiene de estension dos sitios diez y nueve mayor poro mas o menos.

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

I Samuel D King
Surveyor General of the United States for
California and as such now serving
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 eleven preceding and hereto
annexed pages of tracing paper
numbered from one to eleven and
each of which is verified by my
Initials (S D K) exhibit true and
accurate copies of certain documents
now on file and forming part of the
said archives in my office.

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.

56

this circuit day of January 1852.

Samuel D. King,

Surgeon G. Fr. California.

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Filed in office. Jan'y 31. 1853.

Geo. Fisher. Secy.

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1845.

Record of Proceedings at the instance of
the Citizen Gregorio Briones soliciting the
land therein expressed.

(Stamp.)

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Sir, Prefect of the 1st District.

Translation
of
Especlente.

I, Gregorio Briones, a native of this Country
son of the fathers who laid the foundation
of it, married to a daughter of the Country
and being with five Sons resident of this
Jurisdiction say before you in the best
form. That I since a year ago have occupied
a tract of land in las Banderas with the
permission of the Justice of this jurisdiction
(as is certified by the adjoined document
accompanying this my solicitation) and
for better security of my family. I ask
you to grant me the ownership of said
land with all its hollows and corners
which are two square leagues (a little
more or less) the boundaries being to the
South East the rock Hill of Tumulpa's
boundary of Guillermo Richardson and
the said rock-hill runs to the Northwest
side bordering on Rafael Garcia to the
Southwest passing the Canada del Sierro
and Laguna de Socino to the beach on
the coast and follows the coast to
the punta de las Banderas, where
it runs back along the beach a few
leagues to the mentioned rock-hill
of Tumulpa as is shown in the
Sketch I accompany.

Therefore I pray you to be pleased
to grant me said land as I have
asked, swearing there is no malice

and to what else necessary.

Monterrey. July. 30th 1842.

Gregorio Briones.

(In the margin) Monterrey. August 15th 1842.

The Justice of the Peace of San Francisco will report whether the land solicited can be granted, whether its boundaries are those marked in the sketch and every thing he may deem opportune.

(Also in the margin)

Estada.

San Francisco. March. 20th 1844.

As the land mentioned by the interested party does not belong to this Jurisdiction but to that of Francisco Solano, the interested party is referred with his expedite to the proper authority which is that of Francisco Solano that he may report.

Guillermo Hewitkey.

(Also in the margin)

The land mentioned does not belong to any pueblo, corporation or person and the petitioner has occupied it for about two years. Nevertheless the Governor will decree what he may deem convenient.

Souma. March. 23rd 1844.

Ja cob P. Heese.

To the Military Commander of the Northern Frontier and Civil Commissioner in the Jurisdiction of San Rafael in Upper California.

I The Subscriber son of Mexican parents a native of the same country and resident of this Jurisdiction of San Rafael for seven years say before you in the best form that being in want of a tract of land of my own whereon to grave the little stock God has given me. to locate my

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my house and family, I have surveyed a tract of land (to my belief vacant) which borders on the rancho of Don Rafael Garcia and Don Guillermo Richardson the first and called las Gauletes and the second el Gauralite, the limits of which also are Don Rafael Garcia: the Cañada del Cierro, and as to Guillermo Richardson the Sierra de Samalpair and finally the Coast. Which said land being intermediate between these three points, I register with all its hollows and courours for my property if there be no objection to attain it on a peaceable possession of justice for me. Therefore I pray you to be pleased to grant me said land whereby I shall receive favor & justice which is what I implore, meaning there is no malice herein and to what else may be necessary.

San Rafael de Aguas. Oct^r 19.

Gregorio Briones.

San Rafael de Aguas. Oct^r 9.^{to} 1841.

(An the morning) The interested party in this instance can occupy the land he solicits while he solicits the Government of the Department for the title deeds of ownership.

Salvador Vallejo.

Excellent Sir: Governor of the Department.

I Gregorio Briones a citizen of birth and naturalization appear before your high justice and say, that having an increased family and some number of black cattle and horses I have solicited for the location of my personal property two square leagues of land in the tract known by the name of the Gauletes in the jurisdiction of San Rafael where

whose boundaries are the same as exhibited in the documents I hereby adjoin as a testimonial of the truth thereof.

Excellent Sir, The land I solicit I have been occupying since the year 34. and for my security I solicited of the Military Commander of this frontier a permission to occupy the mentioned land he has granted peacefully and I therein on which land I have located myself and my family's personal property, which consists in a vineyard, two orchards of fruits, trees two corral and one thousand varas of land cultivated by husbandry and enclosure.

Therefore I humbly ask and pray your Excellency by an act of your benignity to grant me the favor I solicit thereby obtaining Justice which is what I pray for, knowing there is no male heir and to what else necessary etc. While dispensing the use of common paper for want of corresponding stamped paper.

San Rafael de Yaguajay, 16th June. 1845.

José María Ordoñez.

Judge's Court of the 1st nomination.

Trusted Murphy Constitutional Alcalde of the Pueblo of San Rafael on the northern frontier. Certifies that in view of the foregoing solicitation by the citizen José María Ordoñez who has constantly possessed it from the time he cites and as there is no obstacle found prejudicial to his possessing it the Excellent Sir Governor may provide as he shall find convenient. Given in the Pueblo of San Rafael on the 20th of June 1845.

José María Ordoñez.

Angels November. 29th 1845.

Having seen the petition with which this Expediente commences, the reports

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in it, with whatever else to be born in
mind and was to the purpose in
conformity with the laws of the 18th
August 1826 and regulations of
11th of November 1826 I declare the
Citizen Gregorio Birones owner of the
land of de las Bauletes, which has
an extent of two square leagues (plus
de ganado mayor) a little more or
less.

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Filed in office. Sept. 13. 1853.

Geo. Fisher. Secy.

Motion.

Gregorio Birones }
" } Los Bauletes.
The United States. }

Attention is hereby made in
Case no. 541, that a transcript be made out of the
said case and sent to the U. S. District Court for the
Northern District of California, in which the land is
situated.

(Signed) Louis Blanding
Asso-Law Agent,

Filed in Office Feby 26' 1856,

(Signed) Geo. Fisher, Secy.

Affidavit.

Gregorio Birones, }
" } Los Bauletes.
The United States. }

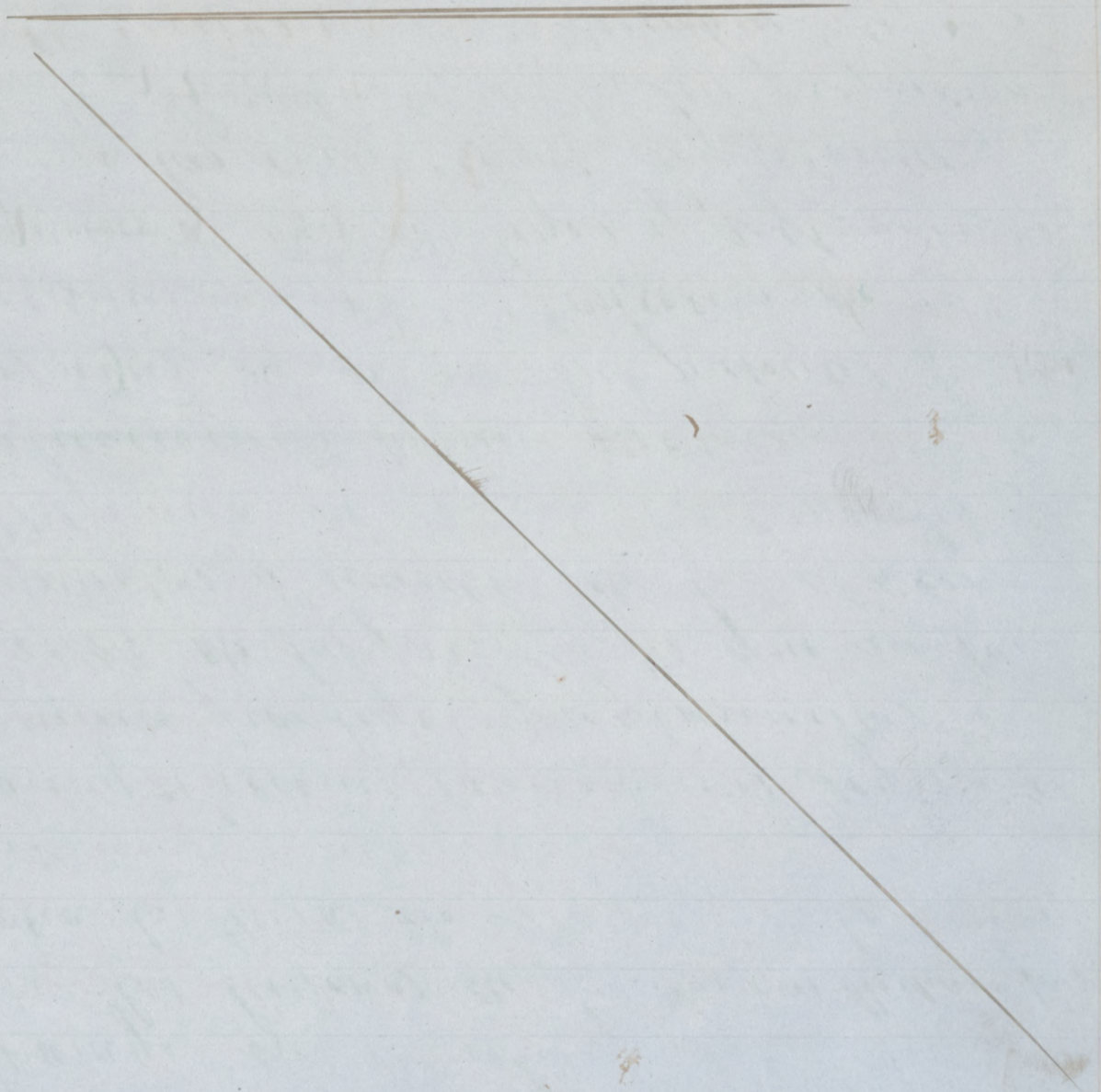
Louis Blanding, U. S.
Associate Law Agent, being duly sworn deposes &
says, that a transcript was prepared in the above
case, and by mistake was sent to the U. S. Dist.
Court for the Southern District of California,
whereas the said transcript should have been
sent to the Northern District, in which the

land claimed is situated - being north of the 37' parallel of North Latitude - And this Applicant further says, that he has taken all means in his power to obtain the return of the transcript which was sent by mistake to the Southern District, that it might be filed in the District Court for the Northern district, but without avail,

(Signed) Louis Blanshard,
Asso-Law Agent,

Subscribed & sworn to }
before me February 26th 1856. }
(Sgd) R. Aug. Thompson, Clerk.

Filed in Office Feby 26th 1856.
(Signed) Geo. Fisher, Sec.



Pio Pio vocal mas antiguo de la Comandancia
establecida del Departamento de las Californias
y Gobernador Interino del mismo.

Por cuanto el Ciudadano
Gregorio Bonifacio ha justificado pertenecerle
el paraje del Rancho de las Banderas
entre las lindas de las Señores Richardson

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Interin. N. N. 1. Garcia la Sierra de Malpais y la com:
arrenda to the practicas mensualmente las diligencias
departition of y averiguaciones convenientes segun lo
N. N. Richardson dispuesto por leyes y reglamentos de
Feby. 1. 1853.

mandos de las facultades que me son
comunicadas a nombre de la Nacion
Mexicana he venido en concederle
el reconocimiento terreno declarandole la
propiedad de el por las presentes letras
encarrendandole dicha concesion de entera
comunidad con las leyes y reglamentos
y bajo las condiciones siguientes.

1º Quechu circarlo sin perjudicar
las linderas y servidumbres, lo que
fructuara libre y es elativamente al
al uso o cultivo que mas le convenga.

2º Quechu el terreno de que se hace mencion es el
de las linderas de que se hace mencion es el
de las linderas de que se hace mencion es el
de las linderas de que se hace mencion es el

3º El terreno de que se hace mencion es el
de las linderas de que se hace mencion es el
de las linderas de que se hace mencion es el
de las linderas de que se hace mencion es el

In consecuencia cuando que
seviendase por firme y valioso el
presente titulo se tome nahan de el

en el Libro a que corresponde y se entregue
al interesado para su resguardo y demás fines.

Dado en la Ciudad de Los Angeles
en el mes de Febrero de mil ochocientos
cuarenta y seis en este papel con un
porfatta del Sello

Jai' n^a Covarrubias.

Oro Oro.

Queda tomada razón de este título en
en el Libro respectivo.

Decha en Supra. Los Angeles.
Covarrubias.

Filed in Office. Aug. 1. 1853.

Jos. Fisher
Aug.

Translation of Grant.

Pio Pico Senior member of the Honorable Assembly of the Department of the California and Governor ad Futurum of the same.

Whereas the Citizen Gregorio Baidon has proved himself to be the owner of the place of the "Rancho de las Brujulas" within the boundaries of Mrs. Nicolson, Garcia the Sierra and the Sea: having first performed the duties and made the investigations appertaining thereto in conformity with the requirements of the laws and regulations using the powers conferred on me in the name of the Mexican Government I have come to concede to him even the aforesaid land declaring it as his property by these present letters this concession being to be continued in utter conformity with the laws and under the following conditions.

1st He may enclose it without prejudicing the roads paths and servitudes: He will enjoy it fully and exclusively appropriating it to such and cultivate as may best suit him.

2^o He will solicit of the proper Justice to give judicial possession in virtue of this dispatch by which the boundaries will be indicated in which places the forest will place the necessary landmarks.

3^o The land which has been mentioned is of two square leagues a little more or less. The Justice who may give possession will have it used conformably to ordinance hearing the surplus which may remain to the Nation for convenient uses.

Consequently I order that the present being held firm and valid, shall be taken as it is in the corresponding book

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3

Translation
of
Grant.

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and that it may be delivered to the party
for his pretensions and other ends.

Given in the City of Los Angeles
this eleventh day of February Eighteen
hundred and forty six upon this
Common paper for want of that which
is stamped.

C. B. C.

Laurin

Filed in office July 31. 1853.

Geo. Fisher
Secy.

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Gregorio Arriola

vs.

For the tract of land

The United States } called Las Trauberas
in Meravi County containing two square
leagues of land.

A grant is given
evidence made to the present claimant by
Governor Pio Pico and dated February 11th
1846 the genuineness of which is proved by
the testimony of William A. Richardson. No

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~~Arriola~~

Opinion approval by the Assembly is shown.

by the Board

delivered by Court as being within the boundaries of Meravi
Alphus. Felch. Richardson Garcia, the Sierra and the Sea
and in the conditions of the grant the con-
cession is said to be of two square leagues
a little more or less, Judicial possession
being required the surplus (sobrante) remain-
ing the property of the nation. In the
Espediente a traced copy of which from the
the archives is filed in the case, is a map
of the premises which although not expres-
sly referred to in the grant it is quite certain
was before the Governor when the grant
was made. This map represents the land
as described in the grant with the exterior
lines of the Rancho traced thereon and
the objects called for in the description laid
down. The original map now in the
Espediente in the archives, it would appear
from the testimony of Richardson was
made by him by order of the majistrado
Salvador Vallejo at the time
Arriola applied for the land in order
to ascertain the location and quantity
of the land. He swears that at that
time a measurement was made
of the premises by running a line

on the tract in a direction parallel to the shore of the ocean in which it is bounded on one side and by measuring across it from the sea to the mountains which bounds it on the other. Antonio Ortega an other witness was present at the time of the measurement and testifies to the running of the line lengthways of the tract although he thinks the width back to the mountains was obtained by estimation only this measurement was made in 1841: the same year in which as appears by the Report the application of Arriola was first made for the grant accorded to the Military Commandant. Both these witnesses concur in stating the premises thus described to be about one league in width by two leagues or a little less in length.

No judicial measurement appears to have been had after the formal grant by the Governor was made, but the boundaries are fully described and the monuments are of such a character that with the aid of the map and even without it, there would seem to be no difficulty in locating and running out the premises with accuracy.

The testimony of the witnesses concur in showing the quantity of land within the limits defined and does not exceed the two square leagues granted by the Governor. We have uniformly held said testimony to be sufficient on the subject of segregation.

The occupancy of the premises by said Arriola and the family

as their residence and his continued cultivation thereof and keeping stock on the place from a period some time anterior to his grant to the present time is abundantly proved. He is entitled to a confirmation. Confirmed.

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Filed in office. Aug. 15. 1854.

Geo. Fisher. Secy.

Decree of Confirmation.

Gregorio Briones vs. The United States. In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner is valid and it is therefore decreed that the same be confirmed.

The land of which confirmation is hereby made is known by the name of Parcelos situated in Marin County and is occupied by the said petitioner. and is bounded and described as follows: to wit: Bounded on the North West by the place called Carrada Lero known as the land of Rafael Garcia on the South east by the place called Sanecito known as the rancho of William A Richardson: on the North East by the ridge or mountains known by the name of Semalpais running South East and North West and on the South West by the Pacific Ocean: containing two square leagues of land more or less: reference to be had also the grant and to the map connected with the traced copy of the expediente, both of

which are filed in the case.

Alpheus Felch.

A. Aug. Thompson.

L. B. Farwell.

Commissary

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Filed in office Aug. 15. 1854.

Geo. Fisher. Secy.

Order.

It appearing to the satisfaction of this Board that the land herein adjudicated is situated in the Northern District of California, it is hereby

Ordered, That two transcripts of the proceedings and of the decision thereof, 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 U. S. 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.

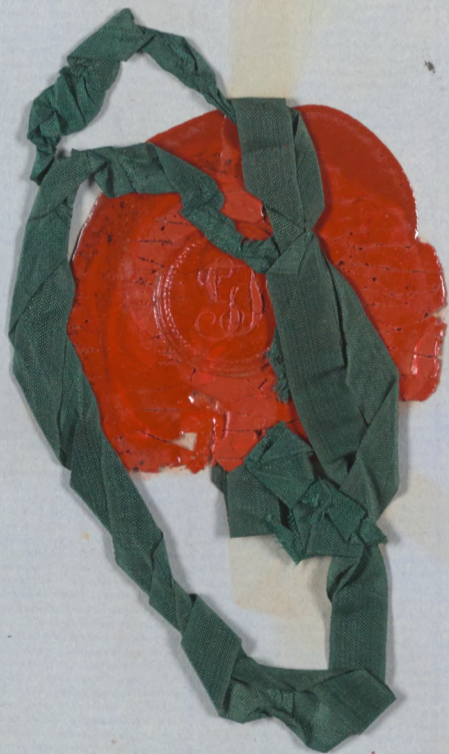
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I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *fifty (50)* pages, numbered from
1 to 50, both inclusive, to contain a true, correct 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. 54 on the Docket of the said Board,
wherein *Gregorio Biondes* is

the Claimant against the United States, for the place known by
the name of *Los Bariles*.

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
first (1st) day of March
A. D. 1856, and of the Independence of the
United States of America the seventy-eighth

G. Fisher
Secy.



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

No. *189* | **189**

THE UNITED STATES **ND**

Map vs. *...*

Gregory & Bonnis

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *541*

Filed, *March 3d* 1856

J. A. Monroe,
Clk.

Office of the Attorney General of the United States,

Washington, 7th March 1855

Gregorio Bonino

v.

The United States.

} 541.

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 30th day of December 1854, the appeal in the district court of the United States for the district of California will be prosecuted by the United States.

Cushing

Attorney General.

No 189

U. S. D. Court W. Dist.

The United States

vs.

Gregorio Briones,

Appeal notice.

Filed May 5th 1855
G. W. C. Chevers,
Deputy.

In the U. States District
Court for the Southern
The United States Dist. of California

v. } Case No 189.

Gregorio Prionis

And now
comes the Appellee and for
answer in the above stated
Case says, there is no error
in the proceedings and
judgment of the Commission;
that, said claim is valid
and ought to be confirmed.
Appellee prays that, the judgment
of said Court, may be
confirmed by this Court.

V. E. Howard
for Appellee

No 189.

U. S. Dist Court

The U. States
v
Gregorio Primes

Answer

Filed July 16, 1857.

W. H. Chivers,
Deputy.

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A. C. Howard,

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

The United States

Gregorio Ariones

No 189: Tr 541.

The Petition of the United States
by their attorney represents that this cause is an
application for a review of the decision of the
Board of Commissioners whereby the claim of
the 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
third day of March, A. D. 1856; that a notice of
appeal was filed on the 5th day of May, A. D. 1856
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 and that
this Court decree the said title invalid.

San Francisco, Jan'y 16, 1857.

Wm Blanding
Dist Atty.

No 189.

U. S. District Court

The United States

Gregorio Briones

Petition for Review.

Case No 189
Transcript 541

Filed July 16. 1857.
W. A. Chesnut,
Deputy.

Wm Blauding
U. S. atty

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

No 189.

United States, appellants, ^{vs} Stated Terms
vs January 19, 1857.
Gregorio Pinos, appellee.

This cause
coming on for hearing, at a stated
term of this Court on appeal
from a decision of the United
States Boards of Land Commissioners
organized under the act of
the United States Congress,
approved March 3d A.D. 1851,
to ascertain and settle land titles
in the State of California,
on the records of the proceedings
of said Commissioners, and the
pleadings in this Court, and
Counsel having appeared for
the claimant, and the United
States District Attorney for said
District having appeared, and
he made no objection to the
confirmation of said title,
it is therefore, ordered, adjudged
and decreed, that the title

of the claimant to the land in this
Case claimed is valid, and
that the same be confirmed.

It is further ordered, adjudged
and decreed that, the judgment
of the Commissioners be in all
things affirmed.

The lands of which
Confirmation is hereby made is
known by the name of Baneres
situated in the County of Marin
district aforesaid, and occupied
by said claimant, bounded and
described as follows to wit: bounded
on the North West by the place
called Canada Lero, known
as the land of Rafael Garcia,
on the South East by the place
called Sancelito, known as the
Rancho of William A. Richardson,
On the North East by the ridge
or Mountains known by the name of
Temalpais, running South East
and North West, and on the
South West by the Pacific Ocean;
Containing two square leagues
of land, more or less: reference
to be had also to the grant, and the
map connected with the expediente,
which are on file in the case

which are on file in the case

Regina Hoffman
U. S. District Judge

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Apr 189.

U. S. Dist. Court,

The United States,

vs

Gregorio Briones,

Deceit,

Filed May 19, 1857,
W. H. Chimes,
Deputy.

189 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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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v

Gregorio Briones

D. C. 189; L. C. 5741.

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

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

Ogden Hoffman
U. S. District Judge

189.

United States District Court, Northern
District of California.

The United States

vs.

Gregorio Briones

ORDER.

vac appeal
final decree

Filed *April 2^d* 1857

John A Monroe

CLERK.

By *M. H. Chavez*

DEPUTY.

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

The United States

v

} D.C. 189: L. C. 541

Gregorio Briones

In pursuance of a notice
from the U.S. Attorney General, herewith an-
nexed, it is hereby stipulated and agreed that
no further appeal be taken in this case, on
the part of the United States, and that claim-
ant have leave to proceed under the decree
of this Court heretofore rendered in his
favor as under Final Decree.

San Francisco April 2nd 1897

Wm Blanding
Dist Atty.

V. E. Howard
for claimant

California Land Claims
Attorney General's Office
10 Feb. 1857.

Mr. In the case of the claim of
Gregorio Triones, confirmed to
the claimant by the Commission-
ers, Case no. five hundred and forty-
one, (541), appeal will not be
prosecuted by the United States.

I am,

Respectfully,

Chauncy

Wm. Blanding Esq
U. S. Attorney,
San Francisco -

189

541

U. S. District Court

The United States

Gregorio Briones

Stipulation

Filed April 2^d 1857
W. H. Chevers,
Deputy.

189 ND

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At a Special Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court House, in the City of SAN FRANCISCO,
on Tuesday the 21st day of
June in the year of our Lord one thousand
eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

vs.

Gregorio Primes

189.

Claim to place known
as "Baulinas"

In the above entitled case on motion
of J. E. Howard by attorney for the claimant
It is ordered that J. N. Mansworth Esq
Surveyor General of the United States
for the State of California do produce
to this Court the survey of the said
claim made under the authority
of the Government of the United States
if the same be completed and in his
office or under his control and
that a certified copy of the order
be served upon the said J. N.
Mansworth by and upon the
District Attorney of the United States
for said District

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. 189.

District Court of the United States

IN AND FOR THE

Northern District of California.

The United States

vs.

Geo. W. Brown

Order *to return*
papers &c.

Filed *June 21,* 1859.

A. A. Cheary Clerk.
By

..... Deputy.

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

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PAGE 66

The United States } No. 189;
"Las Baulines,"
Gregorio Brines. }

The petition of O. L. Shafter,
Jas. M. M. Shafter, J. W. Park, Solomon Hey-
denbergh respectfully shews to the Court,

That they are the Successors in interest
of the right, title and interest of Bethuel Phelps
to the Rancho called ~~Somales~~ ^{Las Baulines} of Baulines to
whom said rancho was confirmed by decree of
this Court.

That the survey made
by the U. S. Surveyor General for California
of the rancho of Baulines claimed in this
Case by Gregorio Brines is erroneous and in
conflict with the rights of your petitioners, under
their said confirmation to said Bethuel Phelps.

Wherefore your petitioners pray that
they may be allowed to intervene in this Cause
for the protection of their interests aforesaid.
And your petitioners will ever pray n.

Shafter Park Heydenbergh
for Secs.

City County of San Francisco

Jas. McMillan

having been sworn says, that he is one of the petitioners herein, that he has read the foregoing petition, & knows the contents thereof, and that the same is true to the best of his knowledge and belief.

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Subscribed & sworn to before

me this 3rd day of Oct. 1860. J. West Shafter

Jas Rice
Notary Public

No. 189

In U. S. Dist. Court

The United States

vs
Gregorio Briones

Petition of intervention of
Shafter Park Newspaper

Filed Oct: 3, 1860.

M. A. Cheney
Clerk

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Shafter Park Newspaper
Atty in See



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

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The United States }
v. }
Gregorio Baines }

The petition of Sal-
man A. Shook, by R. H. Shryver his
attorney herein respectfully shewing

That
the Survey in this cause, which was
approved by the United States Sur-
veyor General, has, on petition of
parties therein interested, made for
that purpose, been heretofore ordered
to be returned into this Hon. Court
for examination and adjudication

Your petitioner
says that he is interested in the
land in question in this cause,
that the ~~Chas. M. Page~~ ^{Wortham Page} by General
Wesley C. ... of the said
signed his receipt to one ...
~~Page~~ ^{Page} as he is injured and
believes, and your petitioner holds
a bond for a deed from the said
Page for between two and three
thousand acres of said land

Wherefore your petition
prays that he may be allowed
to intervene in this matter for
the purpose of protecting his
interest herein. And your
petition as in duty bound
will ever pray &c.

Edw A Sharp
K of S
Ally for Petitioner

State of California }
County of San Francisco }

Edw A Sharp
the above named petitioner
being duly sworn deposes and
says in oath that the foregoing
petition is true of his own
knowledge except as to the
matters which are therein
stated as his information or
belief as to those
matters that he believes it to be
true

Edw A Sharp

Subscribed & sworn to
before me this 3rd day of
October 1860
P Barry,
Notary Public

U.S. Dist Court
189.

The United States

v.

Gregorio Baines
Intervention
of
Sal a Sharp

Filed Oct: 3, 1860,

W. H. Chesnut,
Clerk

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Sal a Sharp by R. H. Sharp
attorney Petitioner

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

THE PRESIDENT OF THE UNITED STATES OF AMERICA,
To the Marshal of the United States for the Northern District
of California,

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 189, to *Gregorio Briones* known as "*Baulinas*", and situated in the County of *Marin* in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the *3rd* day of *October* A. D. 1860, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this *27th* day of *August* A. D., 1860.

M. St. Charles

CLERK.

The within Motion was received by me on
Monday the *27th* day
of *August* 1860, and in obedience thereto
I have given due notice, as therein commanded, by causing
the publication of said notice, for *four* consecutive
Wednesdays, in the *San Francisco Herald*, commencing
on the *29th* day of *August*
1860; and for *four* consecutive Saturdays, in the
Sanoma County Journal
a paper published nearest the land, commencing on the
first day of *September* 1860.

Dated San Francisco, *Aug 27th* 1860.

P L Solomon U. S. Marshal.

(2)

No 189

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

THE UNITED STATES.

v.

Geo. Briones

MONITION.

Returnable *October 3* 1860.

Issued *Aug: 27* 1860.

Filed *October 3* 1860.

W. D. Cheever

Clerk.

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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 *Wednesday* the *third* day of *October* in the year of our Lord one thousand eight hundred and sixty.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

Gregorio Briones.

IN LAND CASES.

District Court No. *189.*

Land Com. No.

AND now at this day the United States Marshal having made return upon the Monition heretofore issued in this cause, that he had given due notice as therein commanded; on motion of _____ Attorney for _____

proclamation was made that all parties having, or claiming to have, an interest in the survey and location of the land finally confirmed in the above entitled cause, appear and intervene for the protection of such interest; *the U.S. Attorney, and John B. Williams appeared for the U.S. and Volney E. Howard for the claimant.*

Solomon A. Sharp appeared for himself and Shafers, Post & Sigurdson for themselves, and on motion it is ordered by the Court that they be allowed five days to make showing of their interest to intervene herein, no other party appearing.

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

No. 189.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Gregorio Briones.

ORDER ON RETURN OF MONITION.

Filed *October 3d.* 1860

W. F. Chivers,

Clerk.

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

The United States }
v } No 189.
Gregorio Pinos }
}

In the matter of
the Survey of rancho "Las Pulis"

And now comes Gregorio
Pinos, the original grantee and
Claimant in this case, to whom
said grant has been duly confirmed
and for objection to the Survey of
said grant by the Surveyor
General of California, returned
opposed and filed on 7th Feb:
1860. Says:

1. That said grant was issued
by the Mexican government embracing
all the land, more or less within
certain well defined Natural
boundaries, and that, the
decrees of this Court so confirmed
them for all the land within said
boundaries, be the same more or less.
2. That, the Surveyor General contrary
to law and the decrees of confirmation
in said case, made final by the
order of the Attorney General, and the
decrees of this Court dismissing the
appeal in said case, has in his
Survey of said Rancho, returned

the same to two leagues.

3. Because said Survey is in
other respects contrary to Law
the Language of the Grant
and the terms of the Decree of
Confirmation.

V. E. Howard
for Claimant.

No 189

The United States

v

Gregorio Mining

Claimant's Proctors

vs
Survey

Filed October 8, 1860.

W. A. Clever

Clerk.

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V. E. Howard

for Claimant.

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

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The United States } No. 189.

Gregorio Briones

And now come O. L. Shafter,
J. M. Shafter, T. W. Park, & Sal^o. Weydenfleot, inter-
venors, and by leave of Court file their exceptions
to the survey of the Surveyor General of the United
States for California, filed herein.

1. Said survey includes, and is entirely
upon land previously granted to Bethuel
Phelps, and now owned by these
intervenors.

2. The said survey does not follow the
decees & grant herein, the same being
bounded on the South by the place
or grant called Saucelito, while the
survey does not touch, but is far to
the North of said Saucelito.

3. The survey does not include, but is
upon land other than that described
in the grant & decees herein.

Shafter & Weydenfleot
for Intervenors.

No. 189.

In W. S. Dist. Court.

The United States

vs

Gregorio Brines

Objections to Survey by
O. L. Shafter & others.

Filed Oct: 12, 1860,

W. H. Cheever,
Clerk

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Shafter & Heydenfeldt
Attys. for Intervenor.

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

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The United States

v. ³⁷²⁰ 189; U. C. 541.
Gregorio Briones. "Las Paulinas."

And now come the
United States, by their Attorney Calhoun Penham,
and except to the official survey of the
land finally confirmed herein, a certified
copy of the original plat whereof was filed
in this Court, pursuant to its order, on the
7th day of February, 1840:

And the United States aver:—

1st— That the said survey is erroneous, because
it does not conform to the true intent and
meaning of the final decree of confirma-
tion herein.

2^d— That the said survey is erroneous, because
the quantity granted, as alleged, was two square
leagues and no more within certain exterior
boundaries, the location of which two square
leagues has been determined by the grantee,
by his occupation and by his sales, as follows:
Commencing at the head of Paulinas Bay

at the point designated on said official plat as "Post C" - thence northwesterly so as to include certain tracts sold by the grantee prior to the making of the said official survey - and thence to the Pacific Ocean to a point on said Ocean as will include the quantity of two square leagues and no more; whereas the said official survey locates by quantity a tract which excludes the said certain tracts sold and which determined the election of the grantee as aforesaid.

Wherefore the United States, by their said attorney, pray that the said survey and location be set aside and a new survey ordered in conformity with the true intent and meaning of said final decree.

Dated San Francisco Oct 31, 1840.

Calloun Benham
U. S. Attorney
W. D. C.

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U. S. District Court

The United States

v.

Gregorio Priones

Exceptions to Survey
by United States

Filed Oct 31, 1860,

W. G. Chesnut,
Clerk

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Calhoun Benham
U. S. Attorney

UNITED STATES DISTRICT COURT,
Northern District of California,

189 ND

The United States

PAGE 83

vs.

San Francisco, Dec 30 1861.

Gregorio Briones

On this day, before *Cather McAllister* a
Commissioner of the United States for the *Northern* District of Cal-
ifornia, duly authorized to administer oaths, &c., &c., came

Rufus C. Hopkins a witness produced on behalf of the
The United States

in Case No. *189*, being an appeal from the Board of Commissioners to ascer-
tain and settle the Private Land Claims in the State of California, in Case
No. *541* on the Docket of the said Board of Commissioners, and was duly
sworn and testified as follows — ~~his evidence being interpreted by~~

~~a sworn interpreter~~

PRESENT :

Wm. H. Sharp by *J. B. Williams* for U.S.
Volney C. Howard for Claimant

QUESTION BY

Atty for U. S.

Quest.

Your name, age, and place of
residence?

Ans.

My name is *Rufus C. Hopkins* —
I am of the age of *21* years and
upwards — I reside in the city

and County of San Francisco -
I am Keeper of the Spanish
Archives in the office of the Surveyor
or General of the United States
for the State of California.

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Quest^o
Please produce the Expediente in this
case and state where it is found in
the archives; and in whose hand-
writing is the last document in said
Expediente commencing - "visto la
petición"!

~~Ans^o~~
I pr This case having been confirmed
by the U.S. Land Commission,
the U.S. District Court, for the Nor-
thern District of California, and
confirmation made final by the
dismissal of the appeal, and
final order of said District Court
the validity of the claim is "res
adjudicata", and not open for
testimony, the above evidence is
objected to as irrelevant and
immaterial). Ans^o

I here produce said Expediente - it
is found in the class of unfinished
Expedientes in the Archives.

The last document in said
Expediente referred to in the ques-
tion is in the handwriting of Jose M

U.S. DISTRICT COURT

Covarrubias -

- Quest 3 -

When does said "Vista la peticion" or decree of concessions appear to be dated, and is the said decree signed by the Governor?

(Same objection as before)

- Ans 3 -

It is dated Agueros 27th Nov 1845 & is not signed -

- Quest 4 -

Please produce the grant in this case, exhibited by the claimant & filed by the Secretary of the Board of Land Commissioners as Exhibit 1 H.S. to the deposition of Mr. McKenderson Feb. 1st 1853 & state whether Exhibit Hopkins No 1 to be attached to this deposition is a correct photographic copy of said grant -

- Ans 4 -

It is -

- Quest 5 -

By whom does said grant purport to be signed and attested?
(Objected to as above)

- Ans 5 -

By Don Lico Governor & by Jose

Maria Covarrubias Secretary
and it is dated at Los Angeles
on 11th Feb'y 1846

Qu. 6.

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Please state whether you are
acquainted with the signature
of Pio Pico, and if so, whether
the photographs of signatures
of said Pio Pico on file in this
Court in the case of the United
States vs J. M. Lucas et al and
now shown you, and which sig-
natures purport to have been
made - Nov 22nd + 25th - Dec 3rd 11th
& 19th, 1845, are photographs of
his genuine signatures?

(Same objection as above and
also as to the competency of the
proof by comparison of photo-
graphs).

Ans. 6.

I am acquainted with the signa-
ture of Pio Pico, and the photographs
referred to are true & photographs
of his genuine signatures.

Qu. 7.

State in whose handwriting is the
body of the grant shown by exhibits

Stokius to 1.

Aug 7.

It is in the handwriting of Augustin Olvera -

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Quis 8.

He whose handwriting is the town de raxos attached to the said grant is.

Aug 8.

I think it is in the handwriting of Covarrubias - I think the two signatures of Covarrubias on said document are his genuine signatures.

Cross Examination

Quis by Atty for Clark

Quis 9.

Do you think that the signature of Rio Pico on said grant is his genuine signature?

Aug 9.

Yes Sir I think it was made by him -

Sept 10.

What was the usage & custom as shown by the Archives as to the signing of the office copies of the

grants & concessions?
(Objected to because it does
not appear that there is any
"borrador" in the archives of the
Grant produced in this case).

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Ans 10.

It was not customary to sign the
office copies of the grants, the off-
decree of concessions in espe-
dientes were sometimes signed
and sometimes not -

Direct examination resumed

Quest 11.

Does the "Vista la peticion" or decree
of concession in this expediente
appear to be completed?

Ans 11.

It appears to be incomplete -

The decrees of concession usu-
ally close with an order for
the title to issue -

Quest 12

On your cross examination you
have stated, that you think
Do Pinos signature to the grant
was made by himself, do you

mean it to be inferred from that
answer, that the signature to
the grant was made by Pio Pico
as Governor, and at the time
it purports to have been made.
(Gues objected to as argumen-
tative & suggestive of the ans-
wer and relates to some matter
of opinion).

Ans 12.

I had no reference whatever to
the date of his signing it -

C. C. Hopkins.

Subscribed and sworn to before me
this 30th day of December A.D. 1861.

Cutler McAllister

U.S. Commissioner

No 189

U. S. District Court
for Dist of California

The United States

vs

Gregorio Briones

Deposition of R. C. Hopkins
for United States

Filed July 4. 1862

H. A. Cheever,

Clerk

In the District Court of the United States
FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v. ,

Gregorio Briones

IN LAND CASES.

Dist. Court No. 189

Land Com. No.

To

*Shaffers & Heydenfeldt
V. E. Howard*

R. C. Stapkin & S. B. Harris You are hereby notified that the testimony of
in the above entitled cause in behalf of *the United States*

will be taken before me, the undersigned, a Commissioner duly appointed by the
Circuit Court of the United States for the Districts of California to take acknowledg-
ments of bail and affidavits, and also to take depositions of witnesses, in civil causes
depending in the Courts of the United States, pursuant to the Acts of Congress
in that behalf, commencing on *Tuesday* the *10th* day of *Decr*
A. D. 1867, at *11* o'clock, *A.M.*, and continuing from day to day until finished, at
my office, No. *6*, U. S. Court Rooms; and you are hereby further notified to then
and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this *30th* day of *Novr*
A. D. 1867.

Curtis McAllister

U. S. COMMISSIONER.

Handwritten notes and signatures in the left margin, including names like 'Shaffers & Heydenfeldt' and 'V. E. Howard'.

No. 181.....

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Gregorio Briones

Original NOTICE.

To

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C. McAllister

U. S. COMMISSIONER.

Service admitted this 30th day of November 1861

Shafter & Weydenfeldt

Attys for Intervenor

W. E. Howard, Esq., being absent from the city, I have this day left a copy of the within Notice, at his Office, with L. Aldrich, Esq. -

San Francisco }
Dec^r 1st 1861 }

W^m Rabe

U. S. Marshal

by David R. McKee
Depty -

UNITED STATES DISTRICT COURT,
Northern District of California,

The United States

vs.

Gregorio Briones

San Francisco, Decr 10th 1861-

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On this day, before Stephen McAllister a
Commissioner of the United States for the Northern District of Cal-
ifornia, duly authorized to administer oaths, &c., &c., came _____

S. B. Harris's a witness produced on behalf of the
United States

in Case No. 189, being an appeal from the Board of Commissioners to ascer-
tain and settle the Private Land Claims in the State of California, in Case
No _____ on the Docket of the said Board of Commissioners, and was duly
sworn and testified as follows — ~~his evidence being interpreted by~~

~~a sworn interpreter~~

Deposition taken in accordance with annexed ^{not} ~~not~~

PRESENT:

Wm. H. Sharp U. S. Atty by J. B. Williams

QUESTIONS BY

Atty for U. S.

Quest.

Your name, age & place of residence?

The Atty for claimant not being present
deposition adjourned until Thursday
Decr 12th at 10 o'clock A. M.

San Francisco Dec 12, /61.
Deposition of S. B. Harris this day con-
tinued.

Resub

Wm H. Sharp, U.S. Atty, by J. B. Williams

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Ques 1.

Your name, age, place of residence
and occupation?

Ans 1.

S. B. Harris, am 36 years of age
I reside in Marin Co Cal, Law
Deputy County Clerk.

Ques 2

How long have you resided in Cali-
fornia, and how long in Marin Co?

Ans 2.

I came to California in 1849 & have
resided in Marin County ever since.

Ques 3

Do you know Bernard Carter a Sur-
veyor, who once resided in Marin
County, & if so state where he now lives,
if you know?

Ans 3

I did know Bernard Carter, he left
California in 1855 & the last I heard
of him he was residing in Phila-
delphia.

Ques 4

Do you know the Ravelin Las Buitras

EXHIBIT SILVER DISTRICT COURT

confirmed to Gregorio Bionas in this case, & if so, how long have you known it?

Ans 4,

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I have known it for about 8 or 10 years

Ques 5.

Look at the paper now shown you purporting to be the plat of a survey of the Rancho Las Paulinas made by the said Bureau Carter in 1854, under the orders of the U.S. Surveyor General, & to be attached to this deposition marked "Exhibit Harris No 1"; & state whether you were present when said survey was made upon the ground, & if so in what capacity?

Ans 5,

I was present during the whole survey & acted as chairman -

Ques 6

State who else were present besides the Surveyor & his Assistants?

Ans 6,

Gregorio Bionas was with us frequently - Mr Richardson came to Bionas by appointment, to point out to Carter the Surveyor where he should run the boundary line between his (Bionas) Ranch & the Sanchezito Ranch belonging to him (Richardson)

I was present with Carter when the Mr pointed out to him where he

should run the dividing line between the two Ranchos. That line is represented on Exhibit Harris' plot, by the line marked Course "N76" running from "Coast survey signal" to "Clump of trees" -

This was the line agreed upon by Briones & Richardson as the boundary line between the two Ranchos, there was no dispute between them about that line they both agreed to it -

They both stood in front of the house & pointed out to witness the point marked "Coast Survey Signal" which is a pile of rocks plainly visible from the house, & told him to commence there & run up along the ridge to the point marked, "Clump of trees" which I think is also visible from the house - the ridge is very distinctly seen from the house & cannot be mistaken.

Ques 7.

Were you well acquainted with both Mr. Richardson & Gregorio Briones at that time?

Ans 7

I was & had known them for 4 or 5 years previous, I know Briones now & knew Richardson up to the time of his death -

Ques 8.

Quest 8.

Were any of the other lines run under the direction or supervision of Briones, & if so which of them? —

Answer 8.

The rest of the lines shown on said exhibit were pointed out by Briones to father as the exterior boundaries of his Rancho —

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Quest 9.

Were any other neighbors or colonos of the Rancho adjoining present during this survey?

Ans 9.

I do not recollect any one except Juan Garcia the son of Raphael Garcia, I believe he manages his father's business — He showed us the line which is represented on "Exhibit Harris No 1" marked "Course No 1," as ~~the~~ one of the lines which divided his father's Rancho from that of Briones —

Quest 10

Now examine the paper shown you, attached to this deposition marked "Exhibit Harris No 2" being a copy of the plat of the official survey on file in this case, & identify if you can on said "Exhibit Harris No 2" where the line would run which is shown on "Exhibit Harris No 1" as the dividing line between the Rancho of Laurelito

Paulinas, as agreed to between Richardson & Brown as you have before testified?

— Yes —

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As near as I can locate it, the said line is shown on "Exhibit Harris No 2", measuring from the place marked Madrone to Paulinas near the termination of Course 50 & not far from the place marked J. A. Morgan —

The place marked Madrone on "Exhibit Harris No 2" being I think, the same point marked Clump of trees on Exhibit "Harris No 1" —

This Madrone tree was marked at the time of Carter's survey, B. B. M., measuring Richardson, Brown & Morgan's Course —

J. B. Harris

Examination of Hopkins & Cross Examination of Harris adjourned until Monday Dec 30 at 11 AM
San Francisco Dec 30 1894.
The whole of above deposition objected to by V. C. Howard Counsel for Plaintiff on the ground that the whole deposition refers to a private survey, & because Obi's has had no opportunity to Cross Examine —

Subscribed and sworn to before me
the 10th day of December A.D. 1864,

Cutler McAllister

Notary Public

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No 189

U. S. District Court
Nor Dist of California

The United States

vs

Gregorio Briones

Deposition of S. B. Hau
vs Witness for United States

Filed July 4, 1862

W. H. Cheever

Clerk.

Exhibit 1
No 116

P. Pico vocal mas antiguo de la Honorable
Asamblea del Departamento de las Californias
y Gobernador Intero de los mismos.



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PAGE 101

Por cuanto el Ciudadano Gregorio
Briónes ha justificado pertenecerle
el paraje del rancho de los Baule-
nes entre los linderos de los Señores
Richardson, Garcia, la Sierra de
Malpais y la mar, practicadas
previamente las diligencias y
averiguaciones convenientes segun lo
dispuesto por leyes y reglamentos,
usando de las facultades que me
son conferidas a nombre de la
Nacion Mexicana he venido en
concederle nuevamente el expro-
piado terreno declarandole la
propiedad de el por las presen-
tes letras entendiendase dicha
concesion de entera conformi-
dad con las leyes y bajo las
condiciones siguientes

1^o Podrá cercarlo sin perjudicar
los caminos, traversias y sero-
dumbres, le disfrutara

52

libro y exclusivamente dedicandolo
al fisco o culto que mas le
acomode.

2^a Solicitara del juez respectivo le de
la posesion juridica en virtud de
este despacho por el cual, si de
marcaran los linderos respectivos,
en cuyos lugares pondra el intere-
sado las mojeras necesarias.

3^a El terreno de que se habla haue
menor es de dos sitios de ganada
mayor parte mas o menor. El
fisco que dice la posesion lo
hara servir conforme a
ordenanza dejando el sobrante
que resulte a la Dnacion para
los usos comuniter.

En consecuencia mando que
terminados por firmes y validos
el presente titulo se tome razon
de el en el libro a que corres-
ponde y se entregue al interesado
para su resguardo y de ma-
fines.

Dado en la Ciudad de los Angeles
a diez de Mayo de mill setecien-
tos cuarenta y seis en esta
papel comun por falta del sellado

Yo el Sr. Jefe de la Real Audiencia
Don Juan de Torres y Guzman

13

da tomada reason de este titulo
en el libro respectivo.

Angiles fecha ut supra.

Covarrubias

[Decorative flourish]

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574

No 189

United States District
Court for the Northern
District of California

The United States

vs

Gregorio Briones

Exhibit Hopkins No 1 attached
to dep of R. C. Hopkins
for United States -

Filed July 4, 1862

W. H. Chenevix

Clerk

In the District Court of the United States
FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

IN LAND CASES.

Gregorio Briones

Dist. Court No. *189*

Land Com. No. *541*

To *V. E. Howard, Shapers, Heyden-
felt & Gould, and Salomon A.
Sharp*

You are hereby notified that the testimony of

*R. E. Mathewson and N. J.
Lewis*

in the above entitled cause in behalf of the

United States

will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on *Wednesday* the *22* day of *January* A. D. 1862, at *11* o'clock *A.M.*, and continuing from day to day until finished, at my office No. 17, U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you deem fit.

Witness my hand and official seal at the City of San Francisco,
in said District, this *fifteenth* day of *January*
A. D. 1862.

N. A. Cheves

U. S. COMMISSIONER.

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~~Due~~ Service of within admitted
San Francisco January 15 1862

Gal. a Court
for the State

Shafter & Heydenfeldt

W. M. Phelps

9/18/89

I hereby certify that I
have served the within
Notice on V. C. Howard,
by leaving a certified copy thereof in his office, this 17th
day of January, 1862.

Wm Rabe, U.S. Marshal

By M R Grant, Deputy

In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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The United States,

v.

Gregorio Briones

IN LAND CASES.

Dist. Court No. 189

Land Com. No. 541

BE IT REMEMBERED, that on this 22nd day of January A. D., 1862, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared R. C. Mattlemson a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being interpreted by _____ a sworn interpreter.

PRESENT: W. H. Sharp Capt U. S. Army
for the U. S.

QUESTIONS IN BEHALF OF THE United States.

Question 1st,

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

Ans.

My name is R. C. Mattlemson

I am of lawful age, I reside
in San Francisco, my profession
is that of Surveyor and Civil
Engineer.

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2.

Were you a Deputy U. S.
Surveyor in the year 1858?

Ans.

I was.

3.

Did you as such Deputy
Surveyor make the survey
of the land confirmed in this
case as shown by the certified
copy of plat from the Surveyor
General's office filed February
4th 1860?

Ans.

I did.

4.

State how you ascertained
the exterior boundaries of the
land confirmed?

Ans.

By the decree the boundary
on the Southwest was the
Pacific Ocean, on the North-
west a place called the Cañada

Licero known as the land

Licenses known as the land
of Rafael Garcia, on the
Northeast by the ridge of
mountains known by the
name of Timalpais bearing
Northwestward and Southeastward,
and on the Southeast by
the Saucelito rancho known
as the rancho of Don. St. Richard
son. I determined the three
first boundaries by following
the natural objects, and adapted
the last as it had been previous-
ly established by W^m. J. Lewis
in making the survey of
the Saucelito rancho. Upon
making this survey I found
that the exterior boundaries
contain nearly four leagues
of land while the grant called
only for two.

3.

At the time the survey was
made did you call upon
the claimant Gregorio Priores,
to make his election of the
quantity confined within
the exterior boundaries, as
ascertained by you?

Ans.

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I called upon Gregorio
Oriones to make his selection
of the two leagues to which
he was entitled, and he made
the selection to the Southwest
^{a line commencing at the end of course "41" at the head of}
of Paulinas bay ^{being a point marked "C"} and a line
running Northwest from
the head of it to "Post 33"
near Miller's house and thence
Southwest to "Post" at
the end of course "30" near
the letter "A" on the Pacific
coast, thence following the
Pacific coast and Paulinas
bay to the place of beginning.

This selection was objec-
-ted to on the ground that it
contained only a small
portion of the lands said to
be previously sold by Gregorio
Oriones as a portion of the
ranchos, and Mr. Mandeville
Surveyor General after con-
sulting with Volney E. Howard
and Solomon A. Sharp who
were interested in the portions
excluded from the selection
as made by Oriones, instructed

me to change the survey.

me to change the survey
and make it as returned to
the Surveyor General and
approved by him, partly
on the Southwest and partly
on the Northeast of Paulinas
bay, as indicated by the
deep red lines on the official
plat.

6

Do you know whether Gregario
Oriones acceded to the selection
approved by the Surveyor
General?

Ans.

He did not. Gregario Oriones
always objected to the selection
as made in the Surveyor
General's office and the other
parties interested always
objected to the selection as
made by Oriones. In a
conversation I had with
Oriones after the last survey
was made and approved,
he stated that he thought he
was entitled to the land as
selected by him, and objected
to the change which had been

made.

At the time this survey was made and when you called upon Dr. Jones to make his selection of the quantity granted and confirmed, did he object to make such selection and contend that he was entitled to all the lands contained within the exterior boundaries?

Ans.

When I called upon him to make the selection I told him he could only have the Mrs Leagues, and he seemed to be satisfied with the Mrs Leagues as he selected them.

A. C. Mathewson

Sworn to and subscribed this 23rd day of January A.D. 1862, before me.

H. H. Chever.

U. S. Comm^r.

No 189

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

v.

Gregorio Arizones

DEPOSITION OF

P. C. Murpherson

on part of *the United*

States.

Filed *January 22.* 1862.

H. A. Choate,

Clerk.

In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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The United States,

OVERLOOK IN BRIEF OF THE

v.

Gregorio Dionis

IN LAND CASES.

Dist. Court No. *189*

Land Com. No. *541*

BE IT REMEMBERED, that on this *23* day of *January* A. D., 1862, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared *Wm J. Lewis* a witness produced in behalf of the *United States* in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: ~~his~~ evidence being interpreted by _____ a sworn interpreter.

PRESENT: *W. H. Sharp Esq U.S. Atty.*
for the U. S.

QUESTIONS IN BEHALF OF THE *United States*

Question 1st,

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

Ans.

My name is William J. Lewis. I am of lawful age, I reside in

San Francisco, and my occupation
is that of Civil Engineer and
Surveyor.

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3.

Were you a Deputy U. S.
Surveyor in 1858?

Ans.

I was.

4.

Did you as such Deputy
Surveyor make the survey
of the land confirmed in Case
"No. 83, — *Wm. S. Richardson*
Claimant" known as the
ranch of Saucelito, as shown
by the certified copy of plat
from the Surveyor General's
office filed in that case Nov.
8th 1860?

Ans.

I did.

5.

Have you ascertained
the line on said plat commen-
cing on the Ocean at the end
of course "57" and running
Northeastly to the place of

beginning; said line being

beginning; said line being
the dividing line between
the ranchos of Paulinas and
Laucelito, as surveyed?

Ans.

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The evening previous to the
establishing of that line Genl.
W. E. Howard, W^m Richardson
the son of the claimant, my-
self and surveying party, staid
at the house of Capt. Morgan
on Paulinas bay, ^{who claimed} ~~and claiming~~
the land adjoining the Lau-
celito rancho. Howard, Richard-
son, and Morgan agreed that
the line of juridical possession
as given by the Mexican
authorities, ~~extended~~ of the
Laucelito rancho, extended from
a large post enclosed by a
barrel filled with sand, located
in the position designated on
my official plat in the said
said case, on the shore of
the Pacific Ocean, marked
~~Post #55~~ "Post 558," and
from that point to a marked
Oak (fallen forming one of a
cluster) on the top of a high

~~ridge~~ ridge: from that point
the line ^{it} was extended in a
straight line to a point opposite
the head of the "Arroyo
de Corte de Madeira del
Presidio" (the eastern boundary
of the rancho.) Said line was
run, and pegged a little to
the West of the Peak of Bernal-
pais, and corresponds as I
believe with the line of judicial
proportion as shown by map
and evidence of the Mexican
authorities who gave said
proportion.

C.

Has said line run in pur-
suance of said agreement, and
is the same shown on the
official plat of the Saucelito
rancho now before you?

Ans.

It was, and is so shown.

Wm. S. Lewis. -

Subscribed and sworn to before me
this 23^d day of January A.D. 1862. F

W. H. Chevers, U. S. Comr. -

No 189

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

v.

Eregaris Brown

DEPOSITION OF

Wm. J. Lewis

on part of *the United*

States

Filed *January 23.* 1862,

W. A. Chever

Clerk.

In the District Court of the United States
FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

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v.

IN LAND CASES.

Dist. Court No. 189

Land Com. No. 341

Gregorio Priones

To *W. E. Lamard, J. A. Sharp
and Shafter Park and Heydenfeldt*

You are hereby notified that the testimony of

Benjamin Miller

in the above entitled cause in behalf of the

United States.

will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on *Thursday* the *19th* day of *June* A. D. 1862, at *11* o'clock *A. M.*, and continuing from day to day until finished, at my office No. 17, U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you deem fit.

Witness my hand and official seal at the City of San Francisco,
in said District, this *16th* day of *June*
A. D. 1862.

W. A. Cheney

U. S. COMMISSIONER.



I have served the within Notice for the U.S.,
on V. E. Howard, Esq. by leaving a
copy thereof in his office, at 12. M.
on the 16th day of June, 1862, there
being no person in said office —

San Francisco,
June 16th, 1862.

Wm Rabe
U. S. Marshal
per David R. McKee,
Deputy.

Ch. 189

Due Service of the
within admitted this
16th day of June, 1862.

Wm Rabe
Deputy

In the District Court of the United States
FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

IN LAND CASES.

Dist. Court No. 189

Land Com. No. 341

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Gregorio Breanes

BE IT REMEMBERED, that on this 20th day of June A. D., 1862, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Benjamin Miller a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being interpreted by _____ a sworn interpreter.

PRESENT:

W. H. Sharp Esq U. S. Atty. and S. H. Sharp Esq for Ent: Sharp.

QUESTIONS IN BEHALF OF THE

United States

Question 1st,

What is your name, age and place of residence?

Ans.

My name is Benjamin Miller my age is fifty years, I reside

in Marin County, California,
on the Pauletas ranch.

2.

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What quantity of land do you
own at the place where you
reside, and under what title?

QUESTION IN BLUE INK

Ans.

One hundred and sixty acres.
It had under a deed from
Gregorio Briones, a certified
copy of which I now produce
to be attached hereto, marked
Exhibit Miller No. 1. I also
produce a partial release of
Mortgage executed by Volney E.
Howard to be attached hereto
and marked Exhibit Miller
No. 2.

3.

Look at Exhibit Harris No. 2,
filed in this case, and state
whether to the best of your
knowledge the said one hundred
and sixty acres are correctly
located on said Exhibit?

Ans.

It is.

H.

H.

On said Exhibit appears a tract marked "78 acres Henry Spain," state whether said Spain holds his land under the same title?

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Ans.

He does. I now produce a certified copy of a deed to be marked Exhibit Miller No. 3. He also purchased another tract adjoining the said 78 acres, on the South, I now produce a certified copy of a deed to be marked Exhibit Miller No. 4.

3.

On said exhibit is located a tract of fifty nine acres to "J. Joyce," did said Joyce purchase under the same title?

Ans.

He did. I now produce a certified copy of a deed to be marked Exhibit Miller No. 5.

He also purchased another tract adjoining, the certified copy of which I now produce marked Exhibit Miller No. 6.

Do you know of any other sales or leases of under the same title?

Ans.

I do. I now produce a certified copy of a deed to Wm. Crawford adjoining Strain's land on the South, which copy is marked Exhibit Miller No. 7. Also an original lease to Grinter and Lerone, which tract lies on the coast adjoining Jayce's land, which lease is marked Exhibit Miller No. 8. Also an original lease to Karner and Baldwin which lies on the coast Northwest from Jayce's land, which lease is marked Exhibit Miller No. 9.

Deposition closed

Deposition closed

Benjamin ^{his} F. Miller _{mark.}

Subscribed and sworn to this
20th day of June A.D. 1862, before me
W. D. Cheever,
W. C. Co.

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No 189

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

v.

Gregorio Briones

DEPOSITION OF

Benjamin Miller

on part of *United States*

Filed *June 20th* 1862

H. H. Cheever

Clerk.

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U. S. District Court.

The United States
v.
Gregorio Briones

3
3
N^o 189.

Same v. Bethuel Phelps - N^o 118

Same v. Rafael Garcia - N^o 118

San Francisco, Aug. 2, 1863.

It is hereby stipulated and agreed that the original papers in the above entitled causes, together with the depositions in them taken upon exceptions to the respective surveys, and the original papers in the case of the U. S. v. W. A. Richardson, N^o 83, may be used on the hearing of the above causes in all or either of them so far as relevant.

Wm H. Sharp
U. S. Atty.

Shaftes Peck, Esq. deputed
for B. Phelps.

V. E. Howard
for Gregorio Briones

189

U. S. District Court

The United States

vs
Gregorio Biondo

Stipulation that original
papers in 418.68 + 83
be used herein.

Filed January 3, 1863.

Ch. St. Choate,
Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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The United States,

v.

Gregorio Briones

IN LAND CASES.

Dist. Court No. *189*

Land Com. No. *541*

BE IT REMEMBERED, that on this *31st* day of *December* A. D., 1862, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared *R. C. Matherson* a witness produced in behalf of *the claimant* in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being interpreted by *taken by consent* a sworn interpreter.

PRESENT: *V. E. Howard Esq for claimant*
S. M. Shaffer Esq for intervenors
Shaffers et al. and H. K. Sharp U. S.
Atty. for the U. S.

QUESTIONS IN BEHALF OF THE *Claimant*

Question 1st,

State who executed the surveys
in the cases of Gregorio Briones
Rafael Garcia, the Snook, and
Osio, and the Perry?

Ans.

I did as United States Deputy Surveyor.

2.

Can you state the length and width of the "Cañada Tomales of Paulenas"?

Ans.

Its length is a little over eleven miles from the head of Tomales Bay to the head of Paulenas Bay or about four and $\frac{2}{10}$ leagues. Its width varies from a little less than a quarter of a mile to a few rods.

3.

What do you understand by the term Cañada?

Ans.

A valley, lying between two hills or mountains.

4.

How far is it from the head of Tomales bay to the Southern line of the Garcia grant as surveyed?

Ans.

Ans.

About six and three quarter miles, or about two & $\frac{6}{10}$ th leagues.

5.

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Can you state where the centre of the Cañada is?

Ans.

It is about five and a half miles in a Southeasterly direction from the head of Tomales Bay, or five and a half miles in a Northwesterly direction from the head of Paulenas bay.

6.

How far is the centre of the Cañada from the Southern line of Garcia as surveyed?

Ans.

About a mile and a quarter in a Northwesterly direction.

7.

How would you locate the grant to Berry according to his grant and maps limiting

the survey of the same to
the North of the centre of the
canada?

Ans.

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Objected to as immaterial
and irrelevant.

Ans.

I don't think I could
locate the grant at all, from
the grant and diseños.

8.

What would be it's location
according to the juridical
paperation, ^{for survey} given by the Mexican
Government, or Salvador
Vallejo, on the 16th June 1842?

Ans.

Spanning the head of Tomales
bay at the mouth of the
San Geranimo creek, to be
the mouth of the ^{Tokelglume} ~~Tokelglume~~
the courses and distances
would never go to Point
Tomales, and would not
close to the point of begin.

ended by a distance of

ning by a distance of
about 46000 varas.

9.

Taking that grant, and disseñs
accompanying it, could you
locate the eight leagues, if
the two leagues granted to
Snook were embraced?

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Ans.

I think not. I located the
two leagues granted to Snook
from the grant made to
Snook, and not from that
made to Berry.

10.

Do you understand the stream
~~xxx~~ named San Geronimo on
the plat of survey in the
Larcia case, to be the Arroyo
Tobalglume?

Ans.

I do.

11.

Taking the juridical survey
in the Berry case without
reference to its accuracy where

do you understand the juridical
possession to have been given?

Objected to as immaterial
and irrelevant.

Ans.

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From Point Tomales being
mentioned in the juridical
possession I should infer
that the juridical possession
was probably given on
Point Reyes to the West of
the head of Tomales bay,
and that the course marked
North in the juridical possession
should have been South, even
then the survey would not
close without making some
other changes in the courses
and distances.

12.

Is that quantity of land
was included in the survey
of the Sobrante grant of
Osio?

Ans.

Ans.

My recollection is that it is a few hundred acres less than eleven leagues.

13.

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To what extent does the Osio survey interfere with the grant to Gregorio Briones in external boundaries, according to the map of the official survey, before the grant was reduced to two leagues by the Surveyor General?

Ans.

I cannot state exactly but it must be considerably over a league.

S.H.

State what are the natural objects mentioned as boundary in the Briones grant, ^{and diseños} on the North?

Objected to on the ground that the papers themselves are

the best evidence.

Ans.

The boundary of Garcia's
land, Cañada ~~Quero~~^{Quero}, and
the Laguna Sosimo.

15.

Had you any difficulty in
identifying these objects?

Ans.

I had no difficulty in identifi-
fying the Laguna Sosimo
but the Cañada ~~Quero~~ and
the Garcia line are some-
what indefinite.

16.

Is the Laguna Sosimo
correctly represented on
the official survey in this
case?

Ans.

It is.

17.

Do you know who were
the owners of the Berry
grant and the Osio grant

at the time of the Osio

at the time of the Osio survey?

It is admitted that the Snook grant, the Berry grant, and the Osio grant, were owned at the time referred to in the question by C. L. Shaffer, S. W. M. Shaffer, Sal. Keydenfeldt and E. W. Park.

Ans.

These persons were reputed to be the owners.

Crop Examination
Questions by Counsel for
Intervenors Shaffer et al.

Ques: 18.

Has there upon reducing the Osio's land to two leagues any selection by the claimant of that grant as to the location of said two leagues, if so what was it?

Ans.

I answered this question fully in my previous examination

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19.

How speak of the Canada Cierro, where is that Cañada and what is it's description?

Ans.

My recollection is that it is a small Cañada which comes into the main Cañada in the vicinity of Randall's house.

20.

What is the nature of the country to the East of this Cañada Tomales y Paulenas?

Ans.

The ridge of the Temalpais mountain extends in a Northwesterly direction to the East of the Cañada and separates it from the San Geranimo Creek.

Examination adjourned

Examination adjourned
until Friday next at 10
o'clock A.M.

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San Francisco Cal.

Jan'y. 2nd 1863

Examination of R. C. Mathewson
now resumed from Wednesday
last:

Present:

All the parties.

Deposition closed

R. C. Mathewson

Sworn to, and subscribed this second
day of January, 1863, before me,
W. D. Chevers,
U. S. Comm'r.

No 189.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

v.

Gregorio Briones.

DEPOSITION OF

R. C. Matterson

on part of *claimant.*

Filed *May 5,* 186*3,*

W. H. Chesler.

Clerk.

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

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Gregorio Mining }
The United States } On objection to Survey

Barthol Phelps }
The United States } On objection to Survey

It is agreed, and stipulated
that on the hearing of the above
stated case, a deed or
transfer from Rafael Garcia to
Gregorio Mining, of Rancho de
Banalery, dated first of January 1843
and recorded March 1st 1859, shall
be admitted in evidence. It is
further agreed that the contract
between said Mining and J. S. Morgan
for a sale of a portion of said lands
dated, twenty first of July 1852
shall be admitted in evidence, and
also, a deed for a portion of said
Rancho from said Mining to J. E.
Howard, dated 22^d September
1856, shall be admitted in evidence.

Admitted without further proof as
to execution & but objected to as
incompetent as against the U.S.

Wm. H. Sharp
U.S. Atty

Shafter, Barker & Hayden
for claimant.

V. E. Howard, Atty
for Gregorio Mining
do with due formality.

U. S. District Court -

No: 189 -

The United States

vs

Gregorio Bonino

Stipulation admitting
certain papers in
evidence.

Filed January 26, 1863,

H. St. Charles,
Clerk.

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Certifico que he concedido desde el año 1843, mil ochocientos Cuarenta y tres, y por los presentes Letras Concedo, a mi Cuñado Gregorio Priónes el Rancho nombrado Los Paulinas, y a sus herederos y sucesores,

Sus linderas son de la Cañada del cirro hasta la playa, desde la sierra de Tamalpais hasta la Costa de Sosimos, que fundo y en que vivia seis años, mas ó menos antes del año expresado de mil ochocientos Cuarenta y tres.

Rancho de Tamales
Enero 1º de 1843

Wm. El. Garcia

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Filed for Record July 5th 1858 at 6 o'clock
P.M. at the request of R. G. Jones, D. J. Taylor Recorder
By S. B. Harris
Sept

Recorded March 7th 1859 at 10 o'clock A.M. in
Lib. B of Deeds page 434 of main 10 Records
D. J. Taylor Recorder
By S. B. Harris Sept

I certify that I have granted since
the year 1843 - Eighteen hundred and forty
three and by the present letters I ^{do} grant to my
brother-in-law Gregorio & Arionis the Rancho named
Las Baulinas and to his heirs and Successors -

Its boundaries are from the "Carrada del Cerro"
unto the beach - from the Mountain of San
Pais unto the ~~costa~~ Coast of Sonoma, which Deprit
settled and in which I have lived for six
years more or less, from the year expressed
~~1843~~ Eighteen hundred and forty three
Rancho Sonoma January 1st 1843
Rafael Garcia

State of California

County of Marin ^{Walter Skidmore being duly sworn deposes}
and says that the foregoing paper writing
is a correct translation of the annexed Spanish document

Subscribed & Sworn to before me

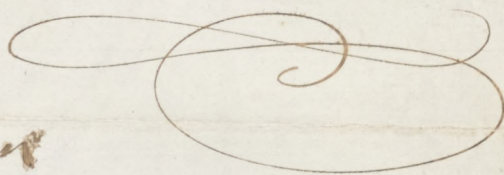
this 8th day of July 1858

W. Taylor Clerk

By ~~W. Taylor~~ W. Taylor

depr Clerk

W. Skidmore



Garcia

To

Briones

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189.

U. S. Dist. Court.

The United States.

— vs —

Gregorio Briones,

Deed from
Garcia to Briones.

Filed January 26, 1863,

W. G. Chevers,
Clerk

Articles of Agreement made and entered into this twenty fourth day of July A. D. one thousand eight hundred and fifty two, between Gregorio Briones of the one part and Isaac S. Morgan of the other part as follows:

In consideration of the covenants hereinafter contained and mentioned, the said Gregorio Briones doth for himself and assigns covenant promise and agree to and with the said Isaac S. Morgan by these presents that he the said Gregorio Briones shall and will (on the confirmation by the United States Commission now sitting in San Francisco for the purpose of settling California Land Claims) sell grant and convey and confirm by good and sufficient deed viz: warranty deed, unto the said Isaac S. Morgan in fee clear from all incumbrances, all that tract or parcel of land containing more or less situate in the Town

of Paulinas Marin Co. State of California the said land being on Easterly side of the Bay of Paulinas and adjoining the lands of Guillermo S. Richardson on the one side and thence to the road or trail running along the ridge known or called Tamalpais and thence to the road or trail known as the San Rafael road running Westerly down the hill till it strikes the bay of Paulinas each point commencing from the Paulinas bay.

In consideration whereof the said Isaac S. Morgan for himself doth hereby covenant promise and agree to and with the said Gregorio Briones or his representatives by these presents that he the said Isaac S. Morgan shall and will buy the said land on the following conditions viz.

That should the above described land prove to be the

land of Gregorio Briones then

land of Gregorio Priones then said Isaac M. Morgan binds himself to buy all of said land as mentioned within the foregoing boundaries at the following rates, that is to say, five dollars per acre payable in monthly instalments of five hundred dollars each until all the said land shall be paid for each payment so made in advance and on the final payment being made the said Gregorio Priones to execute a warranty deed to said Isaac M. Morgan

And it is further understood that the party of the second part are to occupy the premises rent free until the land is confirmed to the party of the first part by the United States Land Commission, and should the party of the second part not buy the land, he is to forfeit all improvements there may be on the land at the time and quit

and leave the same for the benefit of the party of the first part, and moreover it is understood that if said premises do not belong to the party of the first part then this instrument to be null and void.

Dated this 24th day of July A. D. 1852 in Paulinas Township Marin Co. State of California.

J. A. Morgan (LS)

Gregorio Briones (LS)

Signed Sealed and Delivered

in presence of

Thos. Henderson

Calvin E. Woodbury

Alfred D. Eastook

Know all men by these Presents that in consideration of one dollar to me in hand paid and for other good and valuable considerations I do hereby assign and transfer to Volney E. Howard all the right title and interest which I have in and to the within

and I reserve unto myself

and foregoing contract and
the money thereby due me.

Witness my hand and seal
this 18th July 1853.

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Gregorio Briones
In presence of
Man^{te}: Torres
Pedro Briones

As the undersigned hereby
agree to fulfill to Isaac
Morgan all the obligations
in the within agreement
binding upon Gregorio Briones
and Volney E. Howard so far
as the said agreements relate
to the right of the said
Morgan to purchase the
premises described in said
agreement according to the
conditions therein contained.

Witness our hands
and seals this third day of
June A. D. 1857.

Lafayette Shary
Hugh McKennan.

Endorsed:

Filed January 26th 1863.

W. H. Chevers

Clerk.

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I, William H. Chevers Clerk of the District Court of the United States for the Northern District of California, do hereby certify the foregoing to be a full true and correct copy of the original "Articles of agreement between Briones and Morgan" now on file and remaining of record in my office in the cause entitled "The United States vs. Gregorio Briones No. 189"

In testimony whereof I have hereunto set my hand and affixed the seal of said Court this 24th day of October A.D. 1863.

No. 189.

U. S. Dist. Court

The United States

v.

Gregorio Baines

certified copy of
Articles of Agreement
between Baines & Morgan

Filed July 26, 1865.

W. D. Cheney,

clerk

189 ND

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

Upon motion of J. M. Shafter
attorney for Lafayette Steg, it is ordered
that the original of which the within
is a copy, be withdrawn from the
file, and the within substituted
therefor.

October 26th 1863

John Hoffman
Clerk Judge

Know all men by these
Presents that I Volney E. Howard
of the City of Sacramento and
State of California for and in
consideration of the sum of
Five Thousand Dollars to me
paid by Lafayette Shary and
Hugh McKernan of the City
and County of San Francisco
and State of California the
receipt whereof is hereby ack-
nowledged have granted bar-
gained sold and conveyed and
by these presents do hereby
grant bargain sell and
convey unto the said Lafayette
Shary and Hugh McKernan
and their heirs and assigns
forever all that certain tract
or parcel of land lying and
being situated in the County
of Marin and State of California
and being a portion of the
Ranch called or known as the
Baulines Ranch which was
granted by the Mexican Govern-
ment to Gregorio Bionnes
and conveyed by the said

Gregorio Dionis to the said
Volney E. Howard and being
the same tract of land des-
cribed in an agreement between
the said Gregorio Dionis and
Isaac A. Morgan which said
agreement is now on record in
the County Recorder's office of
the County of Marin, the
said tract of land being bounded
and described more particularly
as follows, to wit: Commencing
at a post set on a sand ridge
near the mouth of a creek a
few feet above high water mark
on the Pacific Ocean, thence run-
ning North $54\frac{1}{2}^{\circ}$ E. 99 chains)
Fifty four and one half degrees
East ninety nine chains to a
clump of trees near the summit
of the hills, one of the said
trees being Blazed and marked
B. R. M. said trees growing on a
Rocky ridge; thence running
North twenty one degrees (21°
East) seven (7°) chains seventy
five (75) links to a post marked
B. R. M. as before standing near

the Ridge trail, thence running

the Ridge trail, thence running
Northwesterly along the said
Ridge trail until it intersects
the San Rafael trail thence
Westerly along the said San
Rafael trail to a post marked
B. R. M. as before set on the beach
of Paulines Bay, thence Southwesterly
along the said Paulines Bay and
Pacific Ocean according to the
grant to the said Driones to the
place of beginning and contain-
ing Two thousand four hundred
and thirty seven (2437) acres
more or less according to a
survey of the said Tract of
land made by M. S. Washburn
which locates and bounds the
said tract of land according
to the description hereinbefore
given a map of which survey
is hereunto referred to.

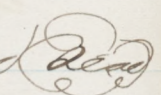
To have and to hold
the afore mentioned and described
premises or tract of land unto
the said Lafayette Story and
Hugh McKennan their heirs
and assigns forever with all the

rights and privileges thereto be-
longing or in anywise apper-
taining.

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And I, the said Volney
E. Howard for myself and my
heirs the said described and
conveyed premises in the quiet
and peaceable possession of the
said Lafayette Stary and
Hugh McKennan their heirs
and assigns against me the
said Volney E. Howard and
my heirs and against all and
every person or persons whom-
soever lawfully claiming or to
claim the same shall and
will warrant and by these
Presents forever defend.

In witness whereof I
the said Volney E. Howard
have hereunto set my hand and
seal this third day of June
A.D. one thousand eight hun-
dred and fifty seven.

Volney E. Howard 
Signed and sealed
in presence of
L. H. Stroat.

L. H. Stroat

State of California
City and County of San Francisco ad.

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On this
third day of June A.D. 1857,
before me Lewis H. Sloat a
Notary Public in and for the
County aforesaid personally
appeared Volney E. Howard
personally to me known to be
the individual described in,
and who executed the instru-
ment herunto attached, and
who acknowledged to me that
he executed the same freely
and voluntarily and for the
uses and purposes therein men-
tioned.

In Witness whereof I
have herunto set my hand
and affixed my Official Seal,
the day and year first afore-
said.

L. H. Sloat
Notary Public

(Seal)

Recorded at the request of
Lafayette Shary June 9 1857
at 11 o'clock A.M. in Liber

C. of Deeds page 103.

Daniel G. Taylor

Recorder Marin County.

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Endorsed:

Filed January 26th 1863.

W. H. Chevers

clerk.

I, William H. Chevers Clerk
of the District Court of the
United States for the Northern
District of California do
hereby certify the foregoing
to be a full true and
correct copy of the original
"Deed from Howard to Spary
& McKennan" now on file
and remaining of record in
my office in the cause en-
titled "The United States vs.
Gregorio Briones No. 189"

In testimony
whereof I have
hereunto set my

hand and affixed

hand and affixed
the seal of said
Court this 24th day
of October A.D. 1868

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District Court of the United
States for the Northern
District of California
upon motion of Daniel Shafter
Attorney for Lafayette Stoy. It is ordered
that the original of [unclear] the within
is a copy. be withdrawn from the file,
and the within substituted therefor.
October 25th 1863.

Cyden Hoffman
Dist. Judge

Ch. 189

U. S. Dist. Court

The United States

v.

Gregorio Proues

Verified Copy of
Deed Howard H.
Atary & McManan

Filed July 26. 1863.

W. D. Church.

clerk

District Court of the
United States, Northern District
of California

The United States

v.

Eugenio Briones

July 26th 1862.

It is stipulated and
agreed that Intervenor Sol a Shark
claims and holds by regular means
Conveyances about one half league
of land being that portion of the land
surveyed in said cause situated north
Eastly of Burlinas Bay and including
the north easterly portion of said official
Survey. - That said land was conveyed
by regular conveyance with covenants of
Warranty from ^{said} Briones to one Corwin on day
of 1852. & by regular conveyances from said Corwin
to said Shark - ^{Wm H. Sharp, Dist. Atty.}
^{Shafter & Co. H. K. de J. de J.}
W. H. Stone for Briones v. E. Howard for Claimant

189

U. S. District Court

The United States

vs.

Gregorio Briones

Stipulation that Inter-
loc a Mark holds
under regular conveyance
from Briones with
Covenants of Warranty

Filed January 26, 1863,

N. H. Cheever,

Clerk

5000
 12700
 41100
 2400
 30600

189 ND

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Know all men by these presents,
that, we Gregorio Brines and
his wife Ramona G. Brines of the
State of California and County
of Marin, in consideration of the
sum of ten thousand dollars
to us paid, have bargained, sold
and conveyed, and by these
presents do bargain sell and convey
all the right, title and interest which
we have or have to the following
described tract of land, situated
in the said County being a portion
of the tract of lands granted by the
Mexican Government to said
Gregorio and Ramona as Rancho de
Baulenes. The portion hereby conveyed
is five hundred acres, to be
fully determined by survey. It is
bounded, on the North by a ravine,
or gulch in the mouth of which
the steamer S. S. Lewis was wrecked
and went on shore, and on the West
and South by the Pacific Ocean.
Said tract is to be taken out of the West
South, westerly corner of said Rancho.
There is also hereby bargained sold

and conveyed to the said
Arnold and made hereby
Morgan sell and convey unto
him, a certain tract of land
heretofore contracted by said
Gugino to be conveyed on the
making of certain payments to
Isaac Morgan, said land
is hereby sold and conveyed
subject to the terms and
conditions of said Contract
for the terms thereof and the
boundaries of said last mentioned
tract reference being had to said
Contract, or agreement to convey.
Said tract of land is the
South East portion of said
Rancho Buena Vista situated
South of the San Rafael road
on which the present residence
of said Morgan is located, all
of which will more fully appear
by reference to said Contract
between said Morgan and
Princes of records in the proper
office for the registry of deeds for
said County of Marin, which
Contract heretofore been assigned
to said Arnold by said Princes.

The said Hernand to have
and to hold, saids last mentioned
described tracts of lands with all
the rights and privileges therunto
belonging to him and his heirs for
us and our heirs forever

Witness our hands and seals, this
Twenty second day of September

A. D. 1856.

In presence of } Gregorio Briones
Joseph Almy }
Martin Torres. } Ramona Garcia de Briones
her

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State of California This 22 day of Sept. A. D. 1856
County of Marin } Personally appeared
before the undersigned Joseph Almy
a justice of the peace in and for said
County, Gregorio Briones, to me personally
known to be the grantor in said deed
described, who being by me duly examined
and first made acquainted with the
contents of the foregoing deed, acknowledged
that he executed the same as his free
act and deed for the purposes therein set forth.
And also appeared before me on the same
day the said Ramona, wife of the
said Gregorio, to me personally, known, as the
same person described in the foregoing
instrument, and the same having been

by me fully made known to her by
being translated and explained by a
competent interpreter, she said she
under stood the same, and being by me
examined separately and apart from
her said husband, she said that
she executed the same freely and of
her own accord, without fear or
compulsion of her said husband and
without coercion or undue persuasion
of her said husband, and she
acknowledged the same ^{upon the} or executed
for the purposes therein set forth. And
that she did not wish to retract the same.
Witness my hand & seal, the day
and year above written.

Joseph Almy
Justice of the Peace
Marin County

Seed

G. Briones & Wife

To

Volney E. Howard

Dated Sept 29. 1856

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PAGE 169

Recorded at the request
of Volney E. Howard
Sept-29 1856 at 10
o'clock A.M. and seen
and in book "B" of seeds
page 276-7

do T. Taylor

Recd on Mission Co.

By S. B. Harris depon

Received fees \$2.50

189.

U. S. Dist. Court,

The United States,

vs.

Gregorio Briones.

Deed from Briones,
and wife to V.
E. Howard,

Filed January 26, 1863,

W. A. Chesnut,

Clerk

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In the District Court of The
United States in and for The
Northern District of California

The United States }
vs } No. 189-
Gregorio Briones }

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PAGE 171

In the matter of the Survey
and Location of the Rancho
Baulinas

This cause came on
this day to be heard, and was
argued by Counsell, and thereupon
and in consideration thereof, it
was ordered adjudged and decreed
and the Court doth hereby order
adjudge and decree that the Official
Survey of the said Rancho be and
the same is hereby approved.

The Survey hereby approved
is the same made by R. C. Mat-
thewson in the year 1858, con-
taining Eight Thousand Eight Hundred
and Seventy seven $\frac{45}{100}$ acres and filed
in the Clerk's Office of this Court
on the seventh day of February in
the year 1860 - a certified plat

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PAGE 172

of which, being the same filed in
the Clerk's Office of this Court as
aforesaid, is herewith annexed as
a part of this decree. Marked
"Approved, ~~July~~ August 1st 1864,
Ogden Hoffman Dist. Judge -

Ogden Hoffman
Dist. Judge

No 189. ND

541 B₁

U. S. District Court,

The United States.

vs.

Gregorio Briones.

Deem approving
official Survey.

Filed August 1. 1864.

W. H. Cheever,
Clerk

189. ND

PAGE 173.

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

The United States }
vs }
G. Borion, et al. }

Sir

Please take notice that on
Thursday next, at the opening of Court
or as soon thereafter as Counsel can
be heard, I will move the Court,
to amend the final decree in this
case, so as to conform the copy of
the survey, marked approved by the
Judge, to the official survey on
file in the Surveyor General's office,
there being a slight discrepancy
between them -

San Francisco } Williams & Thornton
March 29. 1865 } attys for S. A. Clarke
Interment -

James W. M. Shapley Esq -

Service accepted
J. W. Shapley
Deoskaka
of atty.

U.S. Dist. Court
No. 189

The United States
vs

Gregorio Briones

Notice of Motion
Demanded Decree

Filed Aug 31st 1885
Geo. C. Gorham clk
Raymond S. Sullivan
deputy

Mr. J. Williams

will please

make the within
motion for me
soberly

W. A. Throck

In The District Court of The United
States in and for The Northern
District of California —

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The United States No: 189 —

vs
Gregorio Boriones, Claimant
vs Solomon A Sharp et al. Interveners —

This cause came on this day
again to be heard, on motion of
Solomon A Sharp, intervenor, to
amend the Decree heretofore entered
herein (on 1st day of August 1864,) ^{Survey,}
approving the official Survey;
and it appearing to the Court
that there is a slight variance
between the said official ^{Survey,} and the
Copy returned into this Court and
attached to said decree as a part
thereof; Now therefore and in con-
sideration thereof, it is ordered
adjudged and decreed, that said
Decree be amended so as correct the
clerical errors in the Copy of the
said Survey, and that said Decree
as amended shall read as follows:

"This cause came on this day to be heard and was argued by counsel, and thereupon and in consideration thereof, it was ordered, adjudged and decreed, and the Court doth hereby order, adjudge and decree, that the exceptions filed to the official survey of the Rancho Barlinas be and same are hereby overruled, and that the said official survey be and that the same is hereby approved.

The survey hereby approved is the same made by Robert C. Mathewson, Deputy Surveyor in the month of October 1858, containing Eight Thousand Nine Hundred and Eleven $\frac{34}{100}$ acres, a true copy of which survey is herewith attached as a part of this decree marked Approved ~~October~~ August 31. 1855 ~~Office~~ ~~Office~~ ~~Sub Judge~~ And it is further ordered that the plat of the survey herewith attached, be received and substituted in the place and stead

of the plat, filed in the Clerk's
office of this Court on the 7th day
of February 1860, and attached to
the original decree now hereby
amended, and that this amended
decree be filed *in* pro
tunc, as of the 1st day of Au-
gust 1864 -

By the Hon. Stephen
S. Judge

189 ND - 541 BA
United States District
Court - Northern
District of California

The United States
vs
Gregorio Briones
et al

Juial Deerey
Approving Jurry

Filed Aug 31 1865
True pro True
as of Aug 1st 1864
Geo. C. Graham Clk
By Dan L. Sullivan
atmt

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

The United States }
vs } No. 189 -
Gregorio Brionis }

In the matter of the Survey of
and Location of the Rancho Baulinas,

This cause came on this day
to be heard, and was argued by
counsel, and thereupon and
in consideration thereof
it was ordered, adjudged and
decreed, and the Court doth
herely order, adjudge and
decree that the official survey
of the said Rancho, the and the
same is hereby approved.

The survey hereby approved
is the same made by R. C. Matheson
in the year 1858, containing eight
thousand eight hundred and seventy
seven ⁴⁰/₁₀₀ acres and filed in
the Clerk's office of this Court on
the seventh day of February
in the year 1860 - a certified plat

of which, being the same filed
in the Clerk's office of the
Court as aforesaid, is herewith
annexed as a part of this
Decree, marked "Approved
August 1st 1864

Ogden Hoffman
Dist. Judge.

Signe Ogden Hoffman
Dist. Judge

marked

"Filed August 1st 1864

W. H. Cheves

Clerk

United States of America
Northern District
of California

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I Geo. C. Gorham Clerk
of the Circuit Court of the United
States for the Northern District of
California and ex officio Clerk of the
District Court of the United States for
said District do hereby certify that the
foregoing and annexed paper is a full
true and correct copy and trans-
script of the ^{final} original Decree in
the case of the "United States vs Gre-
gorio Brionis" remaining on file
and preserved in the Clerk's office
of the said District Court

In Witness Whereof
I have hereunto placed
my hand and affixed
the seal of said District
Court this 14th day of
August A.D. 1865
Geo. C. Gorham Clk
By Paul S. Sullivan
Deputy

700 189
Wf Dist Court
189 (ND)
The United States

v.
Geo. Brimmer

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



Bromes
Brief for M. G.

U. S. District Court.

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The United States

v.
Gregorio Brines.

3 No 189.

Brief for the United States.

It is contended by the U. S. that this claim is fraudulent; but as the validity of the claim is not now under the discussion, it is not proposed to raise the point here, except to urge that, under the circumstances, the survey should be made as favorable to the U. S. as possible - that is, the claimant having a confirmation for land which the U. S. say never was granted, he should be held strictly to the terms of his grant and decree.

The grant purports to have been made in February, 1846, and bounds the tract on the S. E. by the Saucelito Rancho of N. A. Richardson. The quantity granted

was two square leagues, a little more or less - the surplus reserved.

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The survey is erroneous for two reasons - 1st because it includes a portion of the Saucelito Rancho, and, 2^d, because the two leagues confirmed is not located in accordance with the election and sales made by Briones.

Juridical possession was given to Richardson in 1841, at which Briones assisted. An examination of the papers in the Richardson case will show that the N. W. line of Richardson as then established does not agree with the surveyed line. It appears also, by the testimony of S. B. Harris, that in 1854 one Bernard Carter made a survey for the parties and ran this line as juridically surveyed in the presence and under the direction and ^{by the} agreement of both Briones & Richardson. The line so run is shown by Exhibit Harris N^o. 1 (plat of Carter's survey), and its position with respect to the official survey is shown by the pencil line in Exhibit Harris N^o. 2, running from the "Madame" to Baulines Bay. If

the claimants of the Saucelits have seen fit to take less than the area given to Richardson by the officer who gave possession, the surplus reverts to the U.S. and not to Primes, whose exterior boundaries contain more than the quantity granted and confirmed. Primes cannot go outside of his external boundaries, even if those boundaries contain less than the quantity granted. As the bona fides of his grant is very seriously questioned he must be strictly confined to his confirmation.

As to the 2^d ground of exception that the location of the two leagues is not in accordance with the election of Primes & his sales, reference is made to the deposition of Matthew ^{filed July 22, 1842} and to the deeds filed by the U.S. - also to the deposition of Benjamin Miller.

Respy submitted

Wm B Williams
for U.S.

In the District Court of the United States
FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Gregorio Briones

IN LAND CASES.

Dist. Court No.

Land Com. No.

To

*Shafters & Heydenfeldt & Tolney
C. Howard*

You are hereby notified that the testimony of
R. C. Mathewson & Mrs. J. Lewis
in the above entitled cause in behalf of *The United States*
will be taken before me, the undersigned, a Commissioner duly appointed by the
Circuit Court of the United States for the Districts of California to take acknowledg-
ments of bail and affidavits, and also to take depositions of witnesses, in civil causes
depending in the Courts of the United States, pursuant to the Acts of Congress
in that behalf, commencing on *Monday* the *24* day of *January*
A. D. 1862, at *10* o'clock, *A.M.*, and continuing from day to day until finished, at
my office, No. *63* U. S. Court Rooms; and you are hereby further notified to then
and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this *14* day of *Decr*
A. D. 1861.

Charles McAllister

U. S. COMMISSIONER.

Handwritten notes and signatures at the bottom of the page, including a large signature that appears to be 'Charles McAllister' and other illegible text.

Service acknowledged
Dec 16, 1861

Shuffles H. H. H. H. H.

I have served the within Notice on Volney E. Howard,
by leaving a copy thereof in his office, Dec. 19th, 1861.

San Francisco, }
Dec. 20th, 1861

Wm Rabe
U S Marshall
by James B Sandall Deputy

(Original)

ex. 189 N.D.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Gregorio B. Moore

NOTICE.

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James B. Sandall
U. S. COMMISSIONER.

FOR THE NORTHERN DISTRICT OF CALIFORNIA
In the District Court of the United States

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

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The United States, vs. No. 189.

vs. Stated Term,
Gregorio Osimes, vs. January 19, 1857.

This cause coming on for hearing
at a stated Term of this Court on appeal
from a decision of the United States
Board of Land Commissioners orga-
nized under the Act of the United States
Congress approved March 3rd, 1851, to
ascertain and settle land titles in the
State of California, on the record of the
proceedings of said Commissioners,
and the pleadings in this Court, and cou-
=nsel having appeared for the Claimant,
and the United States District Attorney for
said District having appeared, and having
stated that he made no objection to the
confirmation of said title, it is therefore
ordered, adjudged, and decreed that the
title of the Claimant to the land in this
case claimed is valid, and that the same
be confirmed. It is further ordered, adjudged,
and decreed that the judgment of the Com-
=missioners be in all things affirmed.

The land of which confirmation is hereby made is known by the name of Bauleves situated in the County of Marin, District aforesaid, and occupied by said Claimant, bounded, and described as follows. To wit, Bounded on the North West by the place called Cañada Seco, known as the land of Rafael Garcia, on the South East by the place called Saucelito, known as the rancho of William. A. Richardson, on the North East by the ridge, or Mountains known by the name of Temalpais, running South East, and North West, and on the South West by the Pacific Ocean, containing two square leagues of land, more or less, reference to be had also to the Grant, and the Map connected with the Expediente which are on file in the case.

Ogden Hoffman,
C. J. Dist. Judge.

Endorsed,

Filed January 19, 1857.
John. A. Monroe, Clerk
By W. A. Chivers, Deputy.

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, A. D. 1857.

Present,

Hon. Ogden Hoffman, Dist. Judge.

The United States ~~vs~~ D. C. 189, L. C. 541.

As
~~Gregorio Briment~~ The Attorney General of
The United States having
given notice that appeal will not be
prosecuted in this case, and a stipula-
tion having been entered into by the U. S.
Attorney to that effect, on motion of the
District Attorney it is ordered, adjudged,
and decreed that Claimant have leave
to proceed under the decree of this Court
heretofore rendered in his favor as under
Final Decree.

Ogden Hoffman,
U. S. Dist. Judge.

Endorsed,

Filed April 2, 1857.

John A. Munroe, Clerk,
By W. H. Chevers, Deputy.

J. H. A. Chevers, Clerk of the District
Court of the United States for the Northern
District of California, do hereby certify
that the writings annexed to this Certificate
are full, true, and correct copies of their
respective originals now on file, and
remaining of record in my office.

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Witness my hand, and the
seal of the said Court this
fifth day of July, A.D. 1858,
and of our Independence
the eighty-third.

J. H. A. Chevers,

Clerk

Oct 189.

United States

^{CO}
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Central Library

of Science

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Mc Donnell

OFFICE OF
ROB. E. GRAHAM, COUNTY CLERK
COUNTY OF MARIN

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SAN RAFAEL, CAL. April 1, 1913.

#189

J. S. Manley, Esq.,
Clerk of U. S. District Court,
San Francisco, Cal.

Dear Sir:

At the request of Mr. A. H. Upton, I beg leave to state that there is on file with me as exhibits in the case of Curtis vs. Upton tried in the Superior Court of Marin County:---

First a Photograph of the Plat filed Feby. 7, 1860 in your court in case #189 U. S. vs. Briones.

Second a Tracing of said map certified on Sept. 1, 1904 by Geo. E. Morse, Clerk, by J. S. Manley, Deputy Clerk, these are the only copies of this map on file the original was not introduced in evidence in this Court.

Very truly,

Robt Graham

U. S.
M.
Briones #189

United States District Court December
Term, 1862,

Gregorio Briones vs. The United States
on Survey.

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This case has been set down
for argument together with that of
Rafael Garcia and B. Phelps (the Berry
Grant) with which it is supposed to
conflict. In other words there is an
effort on the part of the present owners
of the Berry Grant to extend their survey
so as to embrace the tract granted to
Briones. The grant to Briones was
made final, on dismissal of appeal by
final decree of this court at term
for two leagues to natural boundaries
"more or less". The Surveyor General
cut the grant down to two leagues,
on account of which, claimant ordered
his survey into court, and the claimants
of the Berry grant have intervened,
contesting the whole survey in this
case as well as that of Garcia.
There has been an effort to attack
the original grant of Briones, which
is entirely irregular after final confirm-
ation. Of this no more may be said
than that the evidence of Mr. Hopkins

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taken by the interveners, establishes the genuineness of the signatures of the grant and the proper custody of the expediente. The conception of 1845 is not and cannot be questioned and is entirely sufficient for confirmation. The deposition of Mr Parrot, that he does not recollect any such paper as that upon which the grant of 1846 is written is quite too negative and slight for any purpose if the case stood on trial for confirmation. Indeed it is quite obvious that the object of assailing the grant is merely to create prejudice in the mind of the court, or perhaps by way of set-off to the fraudulent alteration of the map in the case of the Berry grant which was detected and exposed in the office of the Surveyor General.

It is clear that there is no evidence calculated to throw suspicion upon the grant of Briones of which he has been in possession since 1837, and under provisional license since 1841 and under grant since 1845.

The boundaries are well defined

both in the grant and confirmation. They are the Lancelito Ranch on one side, the Mountain of Temol Pais, the Lake of Socinos and the Ocean &c. The Surveyor Matthewson testifies that all the natural objects above specified and delineated on the map are perfectly well defined and easily identified. The difficulty arises in this case ~~that~~ from the fact that two prior and adjoining grants of Garcia & Berry have been wrongly located. The Berry grant was originally located from the head of Tomales Bay by a judicial survey towards the Punta Reyes and the Pacific Ocean. This makes it necessary to examine the location of the Berry, the Garcia and the Ono grants which are all adjoining or in conflict.

Richard Berry petitioned for a grant of land according to map on the 25th. Nov. 1835. There was a favorable report on the 29th. Feb. 1836. Further references and proceedings were had and on the 17th. March 1836, the Governor made a concession of the land "designated in the plot."

on the 31st of March 1836, This grant was referred to the Depart Mental assembly, on the 9th Sept. They reported that "the expediente which forms the grant made by the Political Chief in favor of citizen James R. Berry of the place named Tomales and Bolinas, makes known that in the grant made to citizen Rafael Garcia of the land of the same name, there appears to be a mistake because this person (Garcia) asked for two sitios in the Cañada de Bolinas as appears by the expediente on file in this office of the Secretary of the Political Government and besides in the declaration of said Garcia on the 5th folio of the present expediente, he declares that the said land asked for by Berry does not belong to any private person and that he acknowledged it as vacant; This proves that the Tomales and Bolinas granted to said Berry are not granted to the before-mentioned Garcia but only two sitios on the Cañada of said Bolinas and that therefore the land asked for by and granted to said Berry remains

vacant: in virtue thereof and in order not to injure the grantees, the land asked for may be granted to Berry, leaving citizen Garcia in pacific possession of two sitios in the Cañada de Bolinas. x x x x

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1. The grant made by the Political Chief on the 17th March last of the land called Tomales and Bolinas to citizen J. R. Berry, is approved with the exception of two sitios already granted to citizen Rafael Garcia in the Cañada de Bolinas, from its center towards the point of the same name."

On the 17th March 1836, The governor issued the grant in form bounded thus: "four leagues in length and two in breadth as appears by the map and the expedients."

On the 16th June 1842, There was a judicial survey of the grant. The survey began, "at the mouth of the creek of Tokeplumne towards the west until reaching the beach with seven thousand eight hundred and twenty varas. From thence in a northerly direction he arrived at the point with 15000 varas: from thence coasting

along in an East South East direction he arrived at the point Tomales with 30600 varas (Thirty Thousand six hundred.) Afterwards taking the margin of the beach in a South East direction, he arrived with 31100 varas to the spot at which he had begun."

Salvador Vallejo, who gave the judicial survey testifies in the case of B. Phelps, the claimant, "I was civil magistrate of Sonoma and gave the judicial survey in that capacity." That he was magistrate at the time is proved by the deposition of Mr Hopkins. Vallejo says further "I placed one land mark and ordered the others to be placed. The one I placed was a post on the sea shore at the second point in the survey. The other points were marked for the monuments which I ordered to be placed there, x x x There is an Estuary or Bay at the point where I put the post above stated, which is known by us as the Esten de LaMentour. It was thus named from the circumstance of Lamentour having run his vessel in there and been shipwrecked.

He says he commenced the survey
"where the Bolinas Creek empties
into the Tomales Bay." Other witnesses
concur and fix the survey between Toma-
les Bay and the Pacific Ocean.

On the 15th June 1835, Garcia petition-
ed for the grant "in the immediate neigh-
borhood of the Estuary de los Tomales
y los Bolinas" and according to maps.

It was referred by the Governor for an
informe, July 28th. There was a fav-
orable report Sept. 30th 1835. On the 17th
of March 1836 the governor granted the
lands "known under the name of Tomales
y Bolinas." On the 19th day of March
1836 the governor issued a grant in
form for two leagues "as the sketch accom-
panying the expediente shows."

On the 27th June the grant was approved
by the Assembly.

On the 16th Oct. 1841 judicial possession
was given by Salvador Vallejo.

The act recites that he commenced
at la Brea de Tomales following East
S. E. along the Creek of Tokelugumme
amounting to 12700 varas to the
Cañada del Cerro where the interested
party raised a pile of stones as a

sign of landmark which then should
be effectually put from this point
containing ~~containing~~ the measurement
towards the South West, they came
to the Creek of Olenos Lake with 2600
varas, where he put the corresponding
sign in order to put there the respective
land mark, and they continued meas-
uring in a West North Westerly course
until arriving at La Boca de Tomel
with 12700 varas where he likewise put
another landmark and continuing towards
North N. East they made out 2600 varas
at the same point from whence they
commenced, where also should be put
as in the foregoing the corresponding
land mark, so that the measurements
of the land comprising the Rancho of
Bontinas belonging to Rafael Garcia
proves to form an oblong square of
12700 varas in length and 2600
varas in breadth according to the
grant. The act of survey was signed
by Garcia, James R. Berry and Gregorio
Brines. It was approved on the 25th
Nov. 1853, by the land Commissioner
according to the boundary set out
in the judicial survey, with reference

to grants, judicial survey and map.

So that it appears that the judicial survey of Garcia was older than that of Berry, and that Berry assisted at it without objection. Neither does it appear that in 1842 he objected to the judicial survey which located him from the head of Tomales Bay to the Ocean.

Subsequent to his grant Berry transferred, as it appears, two leagues of his right to J. R. Snook who afterwards in 1839 applied to the Governor for a grant of them setting out the relinquishment of Berry and obtained the grant. They were located on the west side of Tomales Bay. He sold this grant to Osio, who obtained in 1843 a grant for the sobrante on Punta Reyes, setting out that there had been four prior grants.

Osio complained to the Governor that Berry had obtained judicial possession of lands conceded to him. It was referred to the Fiscal who on the 28th Feb. 1844, reported his opinion. This opinion was approved on the 28th of Dec. 1844 and decreed by the Superior Tribunal of justice and by the Governor ordered to be carried into execution.

By this tribunal it was decreed that:

1. "Señor Garcia must occupy the two sitios which were granted to him in the Cañada de Boudinas measured from the centre of said Cañada to the point of the same name, which are the sitios legally granted and which will be located in the beginning.

2. That from the boundaries of Garcia there be exactly measured to Mr. Berry by a surveyor, the eight sitios granted to (him) to Mr. B. (see error in translation or copy) or that on the contrary he obtain a new title for six sitios only, which belong to him, in order to avoid disputes in future.

3. That in case the Departmental Government wishes to favor Señor Osio it may do so with the remainder of the land which may result after the exact measurement of Garcia's and Berry's lands."

The tribunal further added: "This Tribunal bearing in mind that he ceded two sitios to Don Antonio Osio, ~~he ought to know which was the part he ceded and which was sold, and consequently, that he cannot occupy of said~~

~~said~~
to Mr. Snook and consented to the sale made by this person of said two sitios

to Don Antonio Osio, he ought to know which was the part he ceded and which was sold, and consequently, that he cannot occupy ~~of~~ said two designated sitios, Mr Berry will leave in peaceable possession thereof the party who occupies, Don Antonio Osio, and wishing to prevent any new disputes it (the Tribunal) approves in all its parts the decision of the Fiscal." See Record p. 62 in the case of A. Randall No. 236 for Punta Reyes. This decree was also served on Garcia. Same records p. 67. For this decision in full see case No 498, Bethuel Phelps, claimant, Record p. 113. For report of Fiscal and decision of the Superior Tribunal and order of the Governor thereon in 1844, see the same record to 119, 145.

On the 5th of Oct. 1856, the Board ^{rendered} ~~announced~~ the decree in the Berry case which has been made final in this court. The boundary is thus described "The land of which confirmation is hereby given, is called Tomales and Boulinas, situated in the County of Marin and containing eight square leagues, being four leagues in length and two in width to be hereafter located according to law with reference to the grant and in accordance with the approval of

The Departmental Assembly had on the 9th day of September 1836 and the decree of the Superior Tribunal of the 29th day of Feb. 1844, and also with reference to the map accompanying the expediente record p. 151.

It will be seen that in the grant to Perry the land is described only as, "four leagues in length and two in breadth, as appears by the map annexed to the expediente." By looking at this map at p. 55 of the record, it will appear that the grant is limited on the South by a red line drawn through and across the centre of the Cañada. This map was so altered as to omit this red line and thus make it embrace the whole country and Cañada South of it; but from some reason which does not appear, this map thus altered on three sides, does not appear in the record of this case. The map on file was no doubt made in pursuance of the decree of the Departmental Assembly of Sep. 9th 1836 and of the Superior Tribunal and of the Governor in 1844. It shows the Cañada to extend down to the

point where Garcia's house was first established, with a red line in the centre.

The decree of the Superior Tribunal is the law of the case so far as the present claimants are concerned, because expressly made so by the decree of confirmation.

The decree also establishes that the Berry grant was entitled to the survey of six leagues only after the separate grant and survey of the two leagues which he had sold to Snook out of his eight leagues.

The present holders of the Berry grant are seeking to embrace not only the whole Southern part of the Canada declared by the Departmental Assembly and the Superior Tribunal to be the property of Garcia, but also the country two leagues to the south of this granted to Gregorio Briones. It is evident that this idea of the claim is of recent origin.

On the 30th Dec. 1854, the claimant Phelps presented to the commission what he represented as a correct map of his claim made by John W. Foster who was examined as a witness and said: "I understood the land to be four leagues long and two leagues wide so

as to include all the Cañada Boulinales except two leagues which were to be measured from the center of said Cañada to the Punta de Boulinas. I collected the lines from the grant, the certificate of approval of the Departmental Assembly in 1835-1836 and the decree of the Superior Tribunal dated Monterey Feb 29th 1844." He also gives the Exterior boundaries and says the map represents the land claimed in the case. Records 19, Map at p 31.

The same map is proved by Jose Fernandez as witness for claimant Wood p 31.

To permit the claimant Phelps to extend his lines south of the center of the Cañada, is to allow him to make a new title by going outside both of his grant and confirmation.

It is true that Garcia had his judicial survey and confirmation by the U. S. Land Commissioners in the North part of the Cañada contrary to the approval of the Departmental Assembly of Sep. 9th 1836 and the decision of the Superior Tribunal and the Governor in 1844 and in direct

conflict with the subsequent confirmation of the Board to Phelps in this case. It is thus doubtful whether Garcia has a confirmation which can prevail against the Berry grant, the latter is one day older than that of Garcia, ^{in date} and is located in a place decided by the Mexican authorities to belong to Berry.

Garcia cannot move his survey on to the Southern part of the Cuñada because he has no confirmation of that tract and because he sold and transferred his claim to that place to Brines who subsequently obtained a grant. The transfer to Brines is filed in the case.

The grant to Osis has been matured into patent and on the side of the Ocean reaches the line of Brines.

The judicial survey in the Berry case originally located it on the Pacific Ocean as to the western line. See plat of it in record of the Phelps case.

The Osis survey was so made as to include a large portion of the land granted to Berry not only according to Berry's judicial survey but according to the decision of the Departmental Assembly in 1836, and to the decision of the Superior

Tribunal in 1844. This may be owing to the fact that the same parties are admitted to own the Osio, the Berry and the Snook grant.

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It is quite clear that the sale to Snook by Berry was an extension of his location within his map and was so held by the Superior Tribunal and the Governor in 1844, who decided that these two leagues should be deducted from the grant.

The map also shows that his grant should extend to the north of the Lake-Sugumme, for at that point is written, "the land which is solicited." It embraces the Cañada de Tomales.

The grant at the north is the Nicacio issued in 1845. There is therefore nothing to prevent the extension on that side of the Berry survey to the limit represented on the map. Again, the Mexican authorities decided that the two leagues of Snook should be included in the grant of Berry, or, in other words, that the remaining six leagues must be adjoining including these two leagues, therefore the grant to Berry could be only four leagues in length and two in width to the

centre of the Cañada. If these did not give him his eight leagues, or rather six, it would be necessary for him to extend towards Punta Reyes for quantity. This would also be in conformity with the decision of the Superior Tribunal, which rejects the juridical survey only because it does not extend to the centre of the Cañada, and declares that the right of Osio is confined to the substrate. As the decree of the Commission is declared to be in conformity with that of the Superior Tribunal 1844 and of the Departmental Assembly of 1836, it follows that Berry in reality is confirmed for only six leagues to adjoin the two leagues of Snook which must be presumed to be located according to his transfer to Berry. Again, the location of Berry being thus fixed by election in the sale to Snook as the Tribunal declared, it is clear that Berry could not come south of four leagues in length and two in width limited by the centre of the Cañada. If the vendors of Berry, Osio and Snook have caused the land granted to Berry to be surveyed into that of Osio they have no right to com-

plain. Neither are they injured by having the land granted to Berry surveyed into the patent which they hold under Ohio. They cannot complain of their own wrong.

The U. S. Surveyor Mr. Matthews declares in his deposition that it is impossible to locate the Berry grant. He states in his report made part of a former deposition on file in the U. S. Surveyor General's office, that the grant was originally located on Punta Reyes. If the land cannot be located because the grant was too indefinite, it is not entitled to survey. If made definite by the sale to Snook and the judicial survey of 1842, it must be located by reference to them and the action of the Tribunal of 1844.

The opinion of the U. S. Deputy Surveyor was that as the map in the case of Berry was only a general representation of the country and the grant gave no direction as to the commencement and course of the survey, it could not be located. This might be true if there was no election, but the sale to Snook would be held an election under the

decision in the Fremont case, that election being fixed as a base the next most certain thing in the grant would be the four leagues in length and two in width including the grant of Snook and as such, should prevail.

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Under no circumstances could Berry come south of the Cañada. It is shown both by the map and the evidence that the Cañada terminates at the head of Boulinas Bay. In fact it terminates before reaching the Bay. There is no pretense for saying that any portion of the Cañada called Tomales or Boulinas extended to the east of Boulinas Bay so as to include the location of Captain Magan or any portion of the country on that side of the Bay south of the head of it. Neither would it include any portion surveyed to Briones on the Pacific Ocean.

An effort has been made to exclude two or three squatters on the east line of Briones as between him and the Lancelito Rancho. It is a sufficient answer to such a proposition to say that the Rancho of Briones calls in the

grant to bound on that side by the
Sancelito Rancho granted to Richard-
son. And that ~~the~~ line established
is an agreed line. A deposition has
been taken to prove that when a
preliminary or rather private survey
of the Brines ranch was made several
years ago, Richardson and Brines
pointed out a different line between
them. If it were so they would not
be bound by any line not agreed to
in the official survey. Besides Mr.
Lewis who made the official survey
in the case of Richardson proves that
the line corresponds with that of the
grant and map in the Sancelito case.

It is simply ridiculous to say
that there is any vacant land between
the ranch of Brines and Richardson,
when the former calls to bound on the
latter and the map shows an entire co-
incidence as to boundary on that side,
and both Brines and Richardson have
conveyed with reference to it.

It appears from the map in the Garcia
case that the grant was in the locality
where it is confirmed. The judicial

6

Survey is in the same place. It was measured in an oblong square of 2700 varas by 2600 varas. Even if the grant were moved down from the centre of the Cañada towards what is Point Boulinas as delineated on that map and the map of Berry, it would not reach the two league ranch as surveyed to Brines by the Surveyor General. There can be no doubt that if the location of the Garcia grant can now be changed in conformity with the decision of the authorities in 1836 and 1844. The form of the figure in Garcia's map should be preserved in the survey. Neither could the survey go south of what is delineated as Point Boulinas on his map, as the location of Garcia according to those decisions from the centre of the Cañada "towards" Point Boulinas. We cannot therefore come outside of his boundary by a location south of that point. It will also be observed that according to both the maps of Garcia and Berry, the Cañada terminates at that point or at the first house of Garcia, taking the blue shade to represent the cañada or valley as understood by Mr. Hopkins. See his deposition

in the case of Phelps. The map in the Berry case gives the same termination to the Cañada and consequently to grant to Berry. It is difficult to understand by what authority or principle of law the Berry grant can be extended south of the Cañada and outside of his limits, according to his map and the language of his grant which only gives him the Cañada of Tomalesy Bontinas.

It is proposed by the present claimant to extend his survey to the vicinity of the Golden Gate, in other words, his grant seems to be a vagrant in search of all the lands on that side of the Bay.

There is no question, that, the decision of the Superior Tribunal, ratified by the Governor would be binding on Berry, Garcia and Oro, if they were before the court. Under the colonization laws, the judicial authorities could construe and interpret laws, as well as adjudicate the rights of the parties. *Houston v Robertson* 2 Texas 25. *Leaking v Chambers* 9 Texas 235, 7th Texas 384

There is no doubt, the decision
bounds Berry and Ohio -

It appears, however, that Garcia was
not a party to the proceedings, and is
therefore not bound by the judgment,
under the Mexican law: 9th Peters 712, 743

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The petition and possession of Garcia
was older in date, than that of Berry and
his & party date from the presentation
of his petition. Landy vs Brandt
10 Howard. County vs United States
23 Howard, when it is held that
the petition and grant are one act.

The decision requires that
Berry should be measured "forward"
from the boundary of Garcia, evidently
northward. The Spanish word, adelante
is correctly translated forward, and does
not mean out-side or around or
contended for by the Berry claimants.
To permit Berry to extend his survey
over Garcia so as to include
Bonnie, would not only contradict
his grant and map, and the
decision of the Superior Tribunal
but give him his land in two parcels,
contrary to the Mexican law, and
the acts of Congress.

U. States Dist. Court.

The United States

^{vs}

Gregorio Briones -

U. States } same
^{vs} Phelps } Garcia

Benef of
V. E. Howard

The U.S
H
A. Garcia } 68

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Exceptions by W^c Wilson in be
half of Sarah Handall
claiming by title derived under
original grantee

Exceptions by W^c Shafte in
name of Bethuel Phelps assignee
of grant to Henry a witness

W^c Wilson moves to strike
out Shafte's exceptions.

U. S
H
Gregorio Priores } 189

U. S. Except —

W^c Shafte excepts in behalf of
B. Phelps claimants under grant
to Henry —

W^c Howard excepts in behalf of
claimants under Priores

W^c Sharp in behalf of himself as
purchaser under original grantee
appears for the survey

Mr Williams appears for claimants
in behalf of Snook - unless ^{damaged}
are entitled to a larger
quantity -

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H. S
B. Phelps } H. S.

Mr Shafter exerts on behalf
of claimants
Mr Sharp intervenes.

Williams

The King grant is for 8 leagues
King conveyed 2 leagues to Snook
& Snook to Geo - Geo to
Randall. Who has obtained a
separate confirmation which
has been surveyed and patent
ed

A short time after this conveyance
Geo petitioned for the return of
the King to the extent of 11
leagues exclusive of the 2 purchased
from King 13 leagues in all
He got his grant - It has been
~~also~~ confirmed and patented to

3

Randall the grantee of Osio.

Randall likewise purchased
the remainder of the Remy
grant from Phelps to whom
it had been sold by Remy —
The confirmation however was to
be in the name of Phelps — and it
still remains in his name —
Since that Randall has been
sold out his value subject to
Keyduslett Parks & Shafes

After Remy had sold to Snook
the latter presented the deed to
the Governor and obtained a
copy grant —

In the immediate vicinity of
the Remy grant 2 leagues poco
mas o' menos were granted to
Proues —

& 2 two to Garcia —

If the share to the unit of
11 leagues be allowed — & 3
leagues to Snook — & eight leagues
to for the Remy grant it will
about the whole of Garcia's &
Proues grants

The opinion of the Fiscal on p. 119
 of Nathaniel Phelps record - discussion
 of Juan Mallon on p. 101.

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Mr. Shafter

It is admitted that the
 Mexican Gov't have set aside
 the Judicial possession.

As to attempt to deduct Shooks
 two leagues from Benys & leagues

As to occupation by Beny -
 all say it was on the Arroyo
 Olmos Lake at points marked
 Winslow's store.

As to Basinas grant (to Basinas)
 The petition to Council ^{to the Gov} is
 dated Oct 19. 1841

This is the day after Basinas judicial
 possession -

There follows a provisional permission
 to occupy -

Then a petition to the Prefect stating
 that for one year he had occupied -
 dated July 1842

5 Then follow reports -
Then a petition to the Governor in
which he states that he has been
in possession since 1837!

Then comes what is said to be
the Concession - Dtd dated in 1845.
Not signed - evidently a mere
draft

Grant produced by party - sig
nature of Rio Rico evidently not
genuine -

John Parrott testifies as to paper
sold by him to Mexican Gov's

Letter of J. Proues to Governor dated
Rancho de las Baulinas -

It is in handwriting of Coronel - It is
impossible that he could have
been at Baulinas at its date -
Records at Los Angeles show -
The letter was evidently written afterwards
and antedated -

Is it credible that the Governor
would have complied with this
request without completing the
title expediente

Howard for Buñones.

The case seems to have been argued as if the Court had unlimited power over the decrees heretofore issued - I understand that the whole power of the Court is that of the Surveyor General.

1. What is the decree in the Beny Case. It refers to the decree of the Assembly and the judgment of the Superior Tribunal.

The confusion arises from the fact that there is a conflict between the Beny grant and the ^{Garcia} ~~Beny~~ grants.

Who is prior in right?

Garcia applies for his grant June 14. 1835 he says it is in the neighborhood of the Estero de Tomales.

Beny petitions in Nov. 1835 and obtains his grant one day prior in point of time.

Lands vs Brans 10. Nov.

U. S. vs Goult 23. Nov

Show that the petition and grant are to be taken as one act

Therefore Garcia's grant is really the elder.

7 But more
Garcia's grant was just approved
by the Dep. Assembly — in 1835
and in July 1839 Alvarado issued
a new certificate of approval —
on the 9th Sept 1836 what did
the Assembly do when Beny was
before them in 1836? What did they
did found him

~~In 1844~~ separate the grant
They decide that Beny shall come
down to a line drawn through
the Centre of the Canada. The line
is marked but based on the
Beny design.

Garcia was not a party to this pro-
ceeding he had no notice. His grant
gave him the right to go to Tomales
Bays —

Garcia obtained a judicial possession.

But this is said to be void — be-
cause Vallejo was only military Com-
mander. This objection was only
raised after Osco had obtained a
grant for the sobrante

This was settled determined in a
manner creditable to the Cal^a
authorities of that time.

In fact the military Commanders

8 had ex officio the right to give possession - Sutter did it constantly - So did Vallejo - See Hopkins' Dep.

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Bury attended this judicial possession - signs documents - made no objection.

In '42 Bury got a judicial possession at which Garcia assisted -

In '43 Osio a man of influence and shrewdness obtained a grant for the Sobrante.

In 1837 Bury gave 2 leagues in the N. W. portion of the grant to Snook on this alone Snook obtained a title

This conveyance is a selection after this Bury comes forward to get a judicial selection possession.

There can be no doubt - See description and deposition of Vallejo. p 11.

It ran from the Tomales Bay at the mouth of the creek & included the whole Prub of Tomales.

But this so far as Bury was concerned was set aside by the decree of the Superior Tribunal

p. 11.

9 Garcia was not cited - had
no day in Court -
To show that Bony so understood
this that we refer to the map
presented by them to the Board
which shows that they did not sub
to go south of the centre of the
Canada

The law then of Bony's case is as
determined by the Depart.^l Assembly
by the adjudication of the Superior
Tribunal and by the final decree
of the Board he should not go
south of the ^{middle of the} Canada

Wilson -

No ordinance that any body
commenced a suit - or who
was cited - or what was the
nature of the controversy -

~~It appears~~

This judgment is subject to condi-
tions -

Should Bony has performed them
he takes nothing by it -

It does not appear that he has
performed any one of them.

The judicial profession is not set
aside because its general location

10 is wrong, but because its mea-
surements and its shape are wrong.

As to the "Cañada de cirro."

The grant conforms to the petition
and diseño -

The decree confirms ~~to~~ ⁱⁿ the judicial
possession.

Dallejo and Pacheco testify to the
boundary "Cañada de cirro" establish-
ed at the time of the judicial
possession.

But Mr. Shafter says this Cañada
does not extend to the "Ole mus
Lake"

No crop ^{is} of Dallejo & Pacheco
even supposing that the Cañada
de cirro does not run from creek
to creek it now there is suf-
ficient to mark the extent of
the land in that direction -

Shafter

Nothing is perceived in Mr. Wilcox's
arguments, ^{to} which a consultation
of the papers will not furnish a
decisive reply.

In this case a petition was
made by Bury - Deo up his

11 The Gov. refers to Jimeno Jimeno reports - The Gov. then sends them to the Superior Tribunal - with directions to cite parties - On the report of the Fiscal decides the Tribunal decides.

On the report of the Fiscal Tribunal the Governor communicates the decision of the Tribunal to Osis and commands him to obey it.

This was at least a binding decision -

Laches no more to be attributed to Beny than to any other Mexican grantee.

But Wilson says the grant to Garcia conforms to the petition. But this is not so.

The petition asks for lands "Contig^{ua} a las Estancias de Tomales y de Rancho as shown by the 'diseno'"

As to priority of grants.

Garcia's petition	June '35
Beny's petition	Nov. 35
Garcia's petition of Concepcion	March 17. '36
Beny's grant	17 March 1836
Garcia's grant	19 th " 1836

18th March

App
 Garcia's approval 5 July 1835
 Berry's " 9 Septem. 1836.

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Garcia's Invid. Ppⁿ 13. Oct. '41
 Berry's " " 14 June 42

Mr Howard claims that Garcia's dates by relation from date of petition -
 But this doctrine only applies to parties themselves & privies
 It does not intervene titles now cut off -

In Grant's Land vs Grant 10. Nov. 348
 It was held that the patent related to the date of the presentation of to the Board.

Grant's case - 23 Nov. 423

Le Bois vs Grinnell 4 Nov.

Luse vs Clark 20 Cal. 421
 McCabe vs Howard 16 Nov
 Howard

we admit that the Governor might recall a grant or alter

13 or allocate grants
But this could only be on
white to Garcia

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68.

The United States.

vs.

Rafael Garcia.

189.

The United States.

vs.

Gregorio Briones.

418.

The United States.

vs.

Bethuel Phelps.

Notes of Argument.

This Indenture made the Twentieth day of September Eighteen hundred and fifty six between Gregorio Brown and Ramona Garza wife of the said Gregorio of Bolinas in the County of Marin State of California parties of the first part - and Benjamin Miller of the County of Alameda party of the second part. Witnesseth That said parties of the first part for and in consideration of the sum of Eleven hundred and twenty dollars to them in hand paid the receipt whereof is hereby acknowledged do hereby give grant bargain sell and convey unto the said party of the second part one hundred and sixty acres of land situated in the Township of Bolinas in said County of Marin being a portion of the Rancho "Las Bandejas" and that part of said Rancho known as the "Cañada de los rios" on a map of said Rancho made by Bernard Carter A D 1854 bounded and described as follows viz Commencing at a Stake marked "B" and driven in the ground on the East bank of Gregorio's Creek so called at a point about fifty one chains South Eastward of the house of Pablo Brown. Thence North 29° East 18 chains to a Stake marked "C" Thence North 36° West 28 chains to the creek that runs in front of said Pablo Brown's house Thence following said creek in a North Westerly direction

Exhibit Miller No. 1

46 chains to a Stake driven in the ground.
Near a pond, thence West 74 chains 50 links to a
blazed Alder tree on the East bank of Gregorio's
Creek and thence following said creek in a South
Easterly direction to the place of beginning To
have and to hold the above described premises
together with all and singular the Tenements
hereditaments and appurtenances unto the
Same belonging or in any wise appertaining
and the reverses and reversions, remainders and
remainders rents issues and profits thereof to the
said party of the second part his heirs and
assigns forever.

In Witness whereof the said
parties of the first part have hereunto set
their hands and seals the day and year
first above written

Gregorio Barrios (Seal)
Ramona ^{Wife} Garcia Barrios (Seal)
Manuel Torres Witness to Marit

Signed Sealed & delivered
in the presence of
Manuel Torres and
Joseph Almy

State of California }
County of Marin }

On this Twenty second
day of September A D Eighteen hundred and
fifty six before me Joseph Almey a Justice of
the Peace in and for said County personally
appeared the foregoing named Gregorio Barnes
and Ramona Garcia his wife personally known
to me to be the individuals described and who
executed the foregoing conveyance and they duly
acknowledged to me that they executed the
same freely and voluntarily and for the uses and
purposes therein mentioned and the said
Ramona Garcia wife of the said Gregorio
having first been made acquainted by me with
the contents of said instrument acknowledged
to me in an examination apart from and without
the hearing of her said husband that she execu-
ted the same freely and voluntarily without
fear or compulsion or undue influence of her
said husband and that she did not wish to
retract the execution of the same.

In witness whereof I have hereunto set
my hand and affixed my seal in the County
aforesaid the day and year last above written.

Joseph Almey (Seal)
Justice of the Peace Marin County.

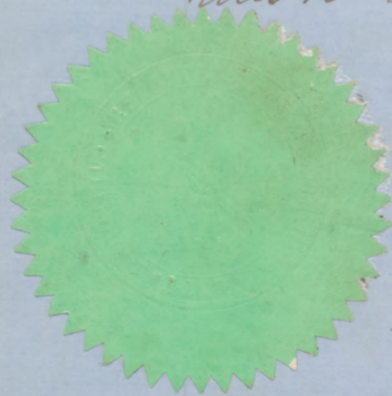
Recorded Oct 3 1856 at 3 o'clock P M S J Taylor Recorder by
J B Harris Clk

State of California,
County of Marin 3/4

I hereby certify the
within to be a true full and correct copy of the original
as the same is recorded in my office, and of the
date of the record thereof.

Attest - My hand and official seal at San Rafael
this 13th day of March A.D. 1861

W. T. Taylor Recorder Marin Co
By J. B. Harris depy



(copy)

G. Barnes and Wife

To

Bing. Miller

And

Given Sept. 20. 1856

Miller & N. 1

Know all Men by these Presents, that
I, Volney E. Howard, in consideration
of One Dollar to me paid, the receipt
whereof is hereby acknowledged, do hereby
release and discharge a certain mort-
gage on the Rancho "Las Paulinas",
situated in the County of Marin, State
of California, made by Gregorio Briones
in my favor on the day of
A.D. 1853 to secure the payment of ten
thousand dollars, so far as the said
Mortgage affects that portion of said
Rancho, conveyed by the said Briones
and his wife by deed of even date
herewith, to Benjamin Miller, and not
to any greater extent, nor as regards
any other portion of said Rancho; the
part conveyed to said Miller, being the
part of said Rancho, called the "Cañada
de Ciervo" on a map of said Rancho
now in my possession, made by one
Bernard Carter A.D. 1854, and comprising
One hundred and sixty acres of land.

In testimony whereof, I have
herewith set my hand and seal, this
twentieth day of September A.D. 1856.

Signed, sealed and
delivered in presence of } Volney E. Howard
Joseph Alroy }



Exhibit Miller N. 2

State of California }
County of Marin }

On this Twenty Second day of
September A. D. Eighteen Hundred and
fifty six, before me Joseph A Long
a Justice of the Peace in and for said
County, personally appeared the within
named Volney E. Howard to me personally
known to be the individual described
in and who executed the within Con-
veyance, and he duly acknowledged to
me, that he executed the same freely and
voluntarily and for the uses and purposes
therein mentioned -

In Witness whereof I have hereunto
set my hand and affixed my seal the
day and year last above written,
in the County aforesaid -

Joseph A Long

Justice of the Peace



Partial Release of
Mortgage

Volney C. Howard

- To -

Gregorio Briones

Dated Sept. 20th 1856

Received Oct. 3. 1856 at 3
o'clock P.M. & recorded in
book A of Mortgages page
294

W. J. Taylor

Recorder

Maine Co

By S. B. Howes Sept -

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J. H. Brewer Att'y in

Ex Miller 2

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This Indenture made this 22 day of January in the year of our Lord One thousand Eight hundred and fifty Seven between Gregorio Brines and Ramona Garcia wife of the said Gregorio Brines of Botinas Township in the County of Marin State of California parties of the first part and Henry Strain of the same place party of the second part Witnesses, That said parties of the first part for and in consideration of the sum of Three hundred and Ninety Dollars lawful money of the United States to them in hand paid the receipt whereof is hereby acknowledged do hereby give grant bargain sell and convey unto said party of the second part Seventy eight (78) acres of land situate in the Township of Botinas in said County of Marin being a portion of the Rancho Las Botinas bounded and described as follows. "Viz" Commencing at a stake marked and driven into the ground on the East bank of a creek known by the name of Gregorio's Creek said stake stands about 4 chains S. Easterly from a house now occupied by the aforesaid Henry Strain, from said stake the courses and distances are as follows, N 50° East four chains 22 links to a blazed oak tree, thence N 20° W eleven chains seven by two links to a stake, thence N 39° W fifteen chains twenty five links to a stake on the West side of the

Exhibit Miller No. 3

West side of the County road, thence $N 45^{\circ} W$
 Seventeen chains sixty four links to another
 stake, thence $N 23^{\circ} E$ eight chains Nineteen links
 to another stake, thence $N 7^{\circ} E$ one chain to
 another stake, thence $N 49^{\circ} W$ twenty chains
 to a stake marked "G B" near the little line
 Hill. thence $S 29^{\circ} W$ eighteen chains to the
 East bank of Gregor's Creek. thence following
 said creek in a South Eastern direction to the
 place of beginning containing seventy eight
 acres of land and bounded on the S.W. by
 Gregor's creek on the S.E. by Gregor's land
 on the N.E. by Gregor's land and a County road
 on the N.W. by land belonging to Bryan
 in Miller, Variation at said tract is $15^{\circ} 57'$
 East said tract of land is exhibited by a
 certificate and plot Thos of Mass and dated
 22 day of October A.D. 1856 by Alfred S. Carrott
 County Surveyor of Maine County. To have and
 to hold the above described property and premises
 together with all and singular the tenements
 hereditaments and appurtenances unto the same
 belonging or in any wise appertaining and the
 revenues and revenues, Remainder and remain-
 ders unto issue and heirs thereof to the party
 of the second part his heirs administrators
 executors and assigns forever

In witness whereof the said parties

of the first part have hereunto set their hand
and seal the day and year first above
written

Signed sealed in
presence of
Thomas Joyce &
Annes Davis ^{his} mark

Gregorio Barnes (Seal)
Ramona Garcia ^{her} (Seal)
mark

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State of California
County of Marin

On this Twenty Second
day of January A D 1857 before me Benj. J.
Winstow a Justice of the Peace in and for said
County personally appeared the foregoing named
Gregorio Barnes. and Ramona Garcia his wife
personally known to me to be the individuals
described in and who executed the foregoing
instrument of conveyance and they duly acknowl-
-ged to me that they executed the same freely
and voluntarily and for the uses and purposes
therein mentioned and the said Ramona
Garcia wife of the said Gregorio having been
first made acquainted by me with the
contents of said instrument acknowledged
to me in an examination apart from and
without the hearing of her said husband
that she executed the same freely and
voluntarily without fear or compulsion

or undue influence of her husband and
that she does not wish to return the
execution of the same.

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In witness whereof, I have hereunto
set my hand and affixed my seal in the
County aforesaid the day and year last
above written.

B. J. Manslow
Justice of the Peace
of said County

Recorded Feby 20 1857 at 10 o'clock

State of California }
County of Marin } SS

I hereby certify the
 foregoing to be a true full and correct copy
 of the original as the same is of record in
 my office, and of the date of the record
 thereof.

Attest my hand and official seal
 at San Rafael this thirteenth day of
 March A D 1861

Daniel Taylor
County Recorder
Marin County
By J B Harris Clk



(copy)

G. Brines & Wife

To

Henry Train

Seed

Dated Jan'y 28 1857.

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E. Miller 3.

Know all men by these presents that I Gregorio
 Barnes of Bolinas Marin County and State of
 California former in consideration of the sum
 of Two hundred Dollars - paid to me by Henry
 Strain of Bolinas aforesaid the receipt of which
 is hereby acknowledged do hereby give grant
 bargain sell and convey unto the said Henry
 Strain a certain parcel of land situated lying
 and being in Bolinas aforesaid bounded and
 described as follows. To wit, Commencing at a
 Stake marked **H.S.** and driven into the ground
 on the west bank of Gregorio's Creek Said Creek
 flows to the West and near to Henry Strain's
 Home said Stake being about 18 chains North Westly
 of the aforesaid Strain's house from said stake the
 courses and distances are as follows - South $65^{\circ} 00'$
 West 5 chains 50 links to a redwood tree marked
 "H.S." thence South 50° East 12 chains to a stake
 X thence South $13^{\circ} 45'$ West 7 chains 50 links thence
 South $05^{\circ} 45'$ West 2 chains 5 links thence North 77°
 $00'$ East 3 chains thence North $81^{\circ} 00'$ East 3 chains
 thence North $88^{\circ} 45'$ East 1 chain thence North 77°
 East 2 chains and 30 links to Crawford's corner
 thence N $63^{\circ} 15'$ East 12 chains to a stake in the
 County road thence along the County road
 North $14^{\circ} 00'$ West 3 chains 59 links to a stake
 thence North $18^{\circ} 00'$ West 2 chains 93 links
 to a stake thence South $50^{\circ} 00'$ West 9 chains 30

Exhibit Miller N. 4

links to Gager's creek. Thence following said
creek to the place of beginning, said tract of
land is bounded on the South by a Survey
made for William Sanford and Gager's
land, on the West and North by Gager's land
and a Survey made for H. Straie in the East
by Gager's land and County Road said
tract of land contains 20 acres 3 rods and 33
poles of land. Together with all the privileges
and appurtenances thereunto belonging I
have and to hold the above granted premises
to him the said Henry Straie to his heirs &
assigns to their own use and behoof forever
and I the said Gager's Barons for myself
my heirs executors and administrators do
covenant with the said Henry Straie his heirs
and assigns, that I am lawfully seized in
fee of the premises aforesaid, that I have
good right to sell and convey the same
to the said Henry Straie as aforesaid and
that I will and my heirs executors and
administrators shall warrant and defend
the same against the lawful claims of all
persons; In witness whereof I have hereunto
set my hand and seal this 30th day of September
in the year one thousand eight hundred and
fifty eight

Gager's Barons (Seal)

Ramona ^{her} Garcia Brunes (Seal)
Mark

State of California }
County of Marin } 3

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On this 30th day of September

A D One thousand eight hundred and fifty
Eight personally appeared before me Gilbert Leonard
a Justice of the Peace of Bolinas Township in
and for the County of Marin Eugenio Brunes
and Ramona Garcia Brunes known to me
to be the persons described in and who execu-
ted the foregoing instrument who acknowledged
to me that they executed the same freely
and voluntarily and for the uses and pur-
poses therein mentioned and the said
Ramona Garcia Brunes acknowledged to
me that she was acquainted with the contents
of the instrument and acknowledged on
examination apart from and without the knowing
of her husband that she executed the same freely
and voluntarily without fear or compulsion or undue
influence of her husband and that she does not
wish to release the execution of the same

Subscribed and Sealed before me this 30th
day of September 1858

G Leonard
Justice of the Peace of Bolinas Township

Recorded December 27 A.D. 1858 at 10 A.M.

State of California
County of Marin 3/4

I hereby certify the foregoing to be a true full and correct copy of the Original as the same is recorded in my office. And of the date of the record
Witness My hand & official seal at San Rafael this 13 day of March A.D. 1861

J. T. Taylor Recorder Marin Co.
By J. B. Harris Sept



(copy)

A Barnes & Wife

To

Henry Thrain

Deed

Dated Sept 30 1858

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Ex Miller 2:4

This Indenture made this Twenty Second day of January in the year of our Lord One thousand Eight hundred and fifty Seven between Gregorio Brunes and Ramona Garcia wife of the said Gregorio Brunes of Bolinas Town-ship in the County of Marin and State of California parties of the first part and Thomas Joyce of Bolinas Township in the County of Marin and State of California party of the second part Witnesses that said parties of the first part for and in consideration of the sum of Two hundred and Ninety five Dollars Lawful Money of the United States to them in hand paid the receipt whereof is hereby acknowledged do hereby give grant bargain sell and convey unto said party of the second part fifty nine (59) acres of land situated in the Township of Bolinas in said County of Marin being a portion of the Rancho Las Botinas bounded and described as follows viz commencing at a Stake driven into the ground on the west bank of a creek known by the name of Arroyo Honder said tract of land being a portion of a tract of land known by the name of The Maces but separate from it by the aforesaid Arroyo Honder from said Stake the courses and distances are as follows thence along the west bank of the said Arroyo Honder in a South by East

Exhibit Miller N. 5

Twenty nine chains fifty links to the bank of
the Ocean beach, thence along the bank of the
Ocean beach in a north westerly direction forty
five chains to a stake from said stake a ledge
of rocks that lays about 50 yards from the beach
into ocean and curved as high ~~the~~ water bears
S 33° West. Thence N 39° E six chains 37 links to a
stake thence S 64° E thirty four chains to the place
of beginning and bounded on the East by the
Arroyo Honda on the South West by the Ocean
beach on the North and North west by land claimed
by Gregorio Briones to have and to hold the
above described premises together with all and
singular the tenements hereditaments and
appurtenances unto the same belonging or
in any wise appertaining and the revenues and
reversions remainders and remainders rents
issues and profits thereof to the party of the second
part his heirs administrators executors and
assigns forever In Witness Whereof the said
parties of the ^{first} ~~second~~ part have hereunto set
their hand and seal the day and year first
above written

Gregorio Briones (Seal)
Ramon ^{de} Garcia (Seal)
Francisco

Signed sealed & delivered
in the presence of
Henry Strain and

State of California }
County of Marin }

On this 22 day of January
A D 1857 before me Benj I Winslow a Justice of the
Peace in and for said County personally appeared
the foregoing named Gregorio Brown and Ramona
Garcia his wife personally known to me to be the
individuals described in and who executed the
foregoing conveyance and they duly acknowledged
to me that they executed the same freely and vol-
untarily and for the uses and purposes therein
mentioned and the said Ramona Garcia wife
of said Gregorio having been first made acquainted
by me with the contents of said instrument ackn-
-nowledged to me in an examination apart from
and without the hearing of her said husband
that she executed the same freely and volun-
-tarily without fear or compulsion or undue in-
-fluence of her husband and that she does not
wish to retract the execution of the same

In witness whereof I have hereunto set
my hand and affixed my seal in the County
aforesaid the day and year last above written

Benj I Winslow (Seal)

Justice of the Peace
of said County

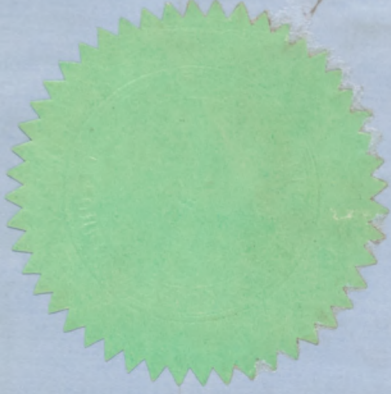
Recorded January 29 at 11 O'clock AM

State of California
County of Marin

I hereby certify the within
to be a true full and correct copy of the original
as the same is recorded in my office, and of
the date of the record thereof.

Attest - My hand and official seal at
San Rafael this 13th day of March A D 1861

W. Taylor Recorder - Marin Co
By J. B. Harris Depy.



(Copy)

A. Boime and Wife

To

Thomas Joyce

- Seal -

Dated Jany 22 1857

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Ex Miller 705

This Indenture Made this Nineteenth day of December in the year of our Lord one thousand eight hundred and fifty seven between Gregorio Barnes and Ramona Garcia wife of the said Gregorio Barnes of Bolinas Township in the County of Marin and State of California parties of the first part and Thomas Joyce of the same place party of the second part. Witnesseth that said parties of the first part for and in consideration of the sum of Fifty Two and a half Dollars (\$52½) lawful money of the United States to them in hand paid the receipt where of is hereby acknowledged do hereby give grant bargain sell and convey unto the said party of the second part five and one fourth ($5\frac{1}{4}$) acres of land situated in the Township of Bolinas in said County of Marin being a portion of the Rancho "Las Bolinas" bounded and described as follows viz commencing at a blazed Laurel tree on the East bank of the creek known by the name of the Arroyo Honda and near what is known to be the lower crossing of said Arroyo Honda from said tree the courses and distances are as follows $87\frac{1}{2}$ East three chains to a stake driven into the ground, thence $N 6^\circ$ West Seventeen chains to a stake driven in the South bank

Exhibit Miller N. 1.

of ^aSix creek Thence down said creek in
a South westerly direction to a creek called
the Arroyo Hondo Thence down said Arroyo
Hondo in a South Easterly direction to the place
of beginning said tract of land contains
five and one fourth ($5\frac{1}{4}$) acres of land and is
bounded on the West by a creek called the Arroyo
Hondo, on the North by a creek and on the East
and South by land known by the name of the
Macer. Variation of the Magnetic Needle as said
tract of land is $15^{\circ} 57'$ East. Said tract of land
is exhibited by a certificate and plot thereof
executed and made by Alfred S. Gaskoot
County Surveyor of Marin County and dated
on the fifth day of March A.D. 1857. To have and
to hold the above described premises together
with all and singular the tenements heredita-
ments and appurtenances unto the Paul be-
=longing or in any wise appertaining and
the heirs in and heirs in's remainder and remain-
=ers rents issues and profits thereof to the party
of the second part his heirs executors and
assigns forever

In witness whereof the said
parties of the first part have hereunto set
their hands and Seal the day and year
first above written

Gregorio Brines (Seal)

Signed sealed and *Ramona*^{her} *Garcia Brunes* (Seal)
delivered in presence of *John & Wilkey*
and *Folio Peno*

Signed and Subscribed before me this 19 day
of December 1857 *G. Leonard J. P. S.*

State of California }
County of Marin } 3.

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On this nineteenth day
of December AD 1857 before me *Gilbert Leonard*
a Justice of the Peace in and for said County
personally appeared the foregoing named
Gregorio Brunes and *Ramona Garcia*
his wife personally known to me to be the
individuals described in and who executed
the foregoing conveyance and they duly acknow-
-ledged to me that they executed the same
freely and voluntarily and for the uses and
purposes therein mentioned and the said
Ramona Garcia wife of the said *Gregorio*
Brunes having been first made acquainted
by me with the contents of said instrument
acknowledged to me on an examination
apart from and without the hearing of her said
husband that she executed the same freely and
voluntarily without fear or compulsion or undue
influence of her said husband and that she

does not work to retineer the execution of the
Same. In witness whereof I have hereunto
set my hand and affixed my seal the
day and year first above written

G Leonard (Seal)

A Justice of the Peace in and
for Marin County Bolinas
Township

A true copy of the Original Record
August 5-1859 at 2 o'clock P.M.

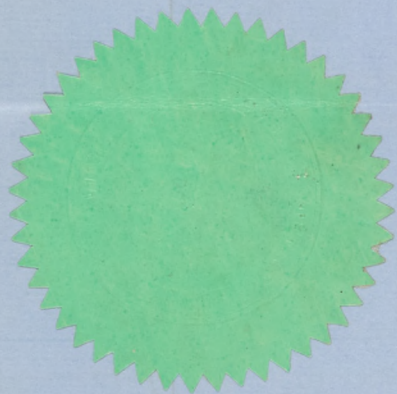
L J Taylor Recorder
By J B Harris Deput

State of California }
County of Marin }
I hereby certify that

the foregoing is a true full and correct copy of
the original as the same is recorded in my
office in Liber B of Deeds page 456

Witness my hand and official
Seal at San Rafael this 13th day of March
A.D. 1861

General Taylor
County Recorder Marin Co
By J B Harris Deput



(copy)

G Barnes & Wife

To

Thomas Joyce

Dad

Dated Dec 19 1857.

E Miller N. 6.

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Know all men by these Presents that I Gregorio
 Brines of Bolinas Township Marin County and
 State of California farmer in consideration of the
 sum of One hundred Dollars paid me by William
 Crowford of Bolinas Marin County and State of
 California the receipt of which is hereby acknowl-
 edged do hereby give grant bargain sell and
 convey unto the said William Crowford a certain
 parcel of land situated lying and being in
 Bolinas aforesaid bounded and described as
 follows to wit; Commencing at a Stake marked
 X and driven into the ground on the west side of the
 County Road said Stake being about eight chains
 in an easterly direction from a house now occupied
 by one Henry Strain from said State the courses
 and distances are as follows. South $14^{\circ}00'$ East 3
 chains 71 links to a stake, thence South $13^{\circ}00'$ East
 4 chains 35 links to a stake, thence South $63^{\circ}15'$ West
 12 chains to a oak tree thence North $17^{\circ}00'$ West
 8 chains 35 links to a stake, thence North $63^{\circ}15'$
 East 12 chains to a stake on the County road
 the place of beginning said tract of land is
 bounded on the East by the County road on the
 North by a survey made in the name of Henry
 Strain on the South and West by Gregorio's land
 said tract of land contains Ten (10) acres of land
 together with all the privileges and appurten-
 ances thereto belonging To have and to hold

Exhibit Miller No. 7

The above granted premises to him the said
William Crawford to his heirs and assigns
to their own use and behoof forever And I the
said Gregorio Brunes for myself my heirs
executors and administrators do covenant
with the said William Crawford his heirs
and assigns that I am lawfully seized in
fee of the premises aforesaid, that I have good
right to sell and convey the same to the said
William Crawford as aforesaid and that I
will and my heirs executors and assigns
administrators shall warrant and defend the
same against the lawful claims of all persons
In Witness whereof I have hereunto set my
hand and seal this 30th day of September in
the year one thousand eight hundred and
fifty eight.

Gregorio Brunes (Seal)
Ramona Garcia Brunes (Seal)

State of California
County of Marin

On this 30th day of September
A D One thousand eight hundred and fifty
Eight personally appeared before me Gilbert
Leonard a Justice of the Peace of Bolinas
Township in and for the County of Marin Gregorio
Brunes and Ramona Garcia Brunes known to me

To be the persons described in and who executed
The foregoing Instruments who acknowledged to
me that they executed the same freely and
voluntarily and for the uses and purposes therein
mentioned And the said Ramona Garcia Brown
acknowledged to me that she was acquainted
with the contents of the instrument and acknowledged
in examination apart from and without the know-
-ing of her husband that she executed the same
freely and voluntarily without fear or compulsion
or undue influence of her husband and that
she does not wish to release the execution of the
same.

Subscribed and Sealed before me this 30th day
of September 1858

L. Leonard

Justice of the Peace

Recorded December 27 1858 at 10 1/2 o'clock A.M.

State of California
County of Marin

I hereby certify the
foregoing to be a true full and correct copy of the
Original as the same is recorded in my office,
and of the date of the record thereof

Attest my hand and official Seal at San
Francisco this 13th day of March A.D. 1861

J. Taylor Recorder
Marin Co.
By C. B. Harris Deput



(Copy)

G. Boimes & Wife

To

William Crawford

Leed

Dated Sept 30th 1858.

E. Miller No 7

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This Deed was made and entered into the
thirteenth day of May in the year A.D. one
thousand eight hundred and fifty nine
between Pablo Briones and Gregorio Briones
of the Township of Bolinas County of Marin
State of California of the first part, and
J. F. Ginter and M. Jerome of the same
place of the second part

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Witnesseth That the said parties of the
first part has leased, and by these presents
doth grant, demise to pasture, let unto the
said parties of the second part all that portion
of the Ranch known as the Briones Ranch
lying and being in Bolinas Township and
County of Marin described as follows
to wit. Commencing at the stake which
now is the boundaries between Shafter & Co.
and G. Briones's Ranch on the N.W. thence
running across a small pond or lake on the
same line, thence across to the line of the
lands now rented by Levi Kammur, thence
to the Pacific Ocean, thence to the line
of F. Joyce, thence in a Northerly direction
up to the gulch to the left leaving a pine
tree to the right, thence across the hill taking
the first gulch to the left running thence
down the hill to the creek called Briones creek
thence up the creek to the line of P. Figueroa
about three hundred yards up hill and following

Exhibit Miller N. 8.

the same up the creek to the line of Shafter & Co and following the same to the place of beginning. To have and to hold the same for the term of five years from the date hereof as follows. to wit.

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The parties of the second part are binded unto the parties of the first part for one year with the privilege of four subsequent years, from year to year. And the said parties of the second part, doth covenant and agree to pay to the said parties of the first part the said yearly rents as herein specified. namely in yearly payments. said payments to be made in stock the amount to be one sixth of the increase ^{of at least one hundred cows.} said increase to be divided yearly at the end of each year.

It is understood and agreed upon that the beginning of this lease shall be the first day of January A.D. one thousand eight hundred and fifty nine

It is further agreed that should the parties of the second part remain upon the premises for some time over one year then it shall be considered as a full year and the parties of the first part have right to the one sixth of the increase as if it was a whole year.

It is further understood and agreed that if the parties of the second part shall make default in any of the above conditions or agreements, then this instrument to be void, and the parties of the first part

to reenter in possession of the pre-

to reenter in possession of the premises with all the improvements and buildings existing thereon.

In witness whereof we have hereunto set our hands and seals this 13th day of May A.D. 1859 - Gregorio Briones L.S.

Sealed & delivered
in presence of
Jose J. Briones
Pedro P. Almeyda

Jabbe Briones L.S.

J. J. Grinter L.S.
M. Jerome L.S.

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Personally appeared before me
P. Figueroa being a Justice of the Peace
in and for the County of Marin Gregorio Briones
Jabbe Briones J. J. Grinter and M. Jerome
persons known to me to be the persons above
described who acknowledged to me that they
executed the foregoing Instrument and for
the purposes therein mentioned.

Witness this 13th day of May A.D. 1859

P. Figueroa
Justice of the Peace

Lease
P. Briones &
Gregorio Briones.
to
J. J. Grinter &
M. Jerome
Begins Jan'y 1st. 1859.
entered May 13th 1859.

Ex Miller 208

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This I declare made and entered into the seventh day of February in the year A. D. one thousand eight hundred and fifty nine between Pablo Briones of the Township of Bolinas County of Marin State of California of the first part, and Levi Harner and Levi K. Baldwin of the same place of the second part.

Witnesseth, That the said party of the first part has leased, and by these presents doth grant, demise to pasture, let unto the said parties of the second part all that portion of the Ranch known as the Briones Ranch lying and being in Bolinas Township and Marin County described as follows to wit Commencing on the coast of the Pacific Ocean about two miles South of Wild-Cat-Ranch at the outlet of the most southern pond or lake following up said outlet or gulch to said pond or lake from thence in a Northerly direction to a high rocky ridge, from thence along said ridge in a Northwesterly direction to the Creek known as the Alamillo Creek, thence following up said Creek to where the line dividing the lands of Shafter and Briones crosses said Alamillo creek, said creek running in a N. & S. Westly direction. From thence along said line to the Pacific Ocean, from thence along the beach

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Exhibit Miller N. 9

to the place of beginning. To have and to hold the same for the term of five years from the date hereof. And the said parties of the second part, doth covenant and agree to pay to the said party of the first part the said yearly rents as herein specified namely, in six monthly or half yearly payments, said payments to be made in Stock the amount to be one sixth of the increase of fifty cows, said increase to be divided half yearly or six monthly or twice each and every year from the date hereof. The said party of the first part is to take his one sixth of the Stock off the lands leased by the parties of the second part at the end of each and every delivery

In witness whereof we have hereunto set our hands and seals this 13th day of May A.D. 1859.

Sealed & delivered
in presence of
Ch. Mants

J. Figueras

Pablo Brien?

Levi Harner

Levi K. Baldwin

Personally appeared before me
J. Figueras being a Justice of the Peace for
the County of Marin. Pablo Brien,
Levi Harner & Levi K. Baldwin persons
known to me to be the same persons
above described who acknowledged to me
that they executed the foregoing —

Instrument and for the purposes

that they executed the foregoing —
Instrument and for the purposes
therein mentioned

Bolinas this 13th day of May 1859

J. Figueras
Justice of the Peace

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Lease
Pablo Priones
to
Levi Kanner &
Levi H. Baldwin
Feb 7th AD 1859
Signed May 13th 1859

E. Miller No 9