

CASE NO.

203

NORTHERN DISTRICT

LLANO DEL ABREVADERO GRANT

THE HEIRS OF JOSE HIGUERA

CLAIMANT

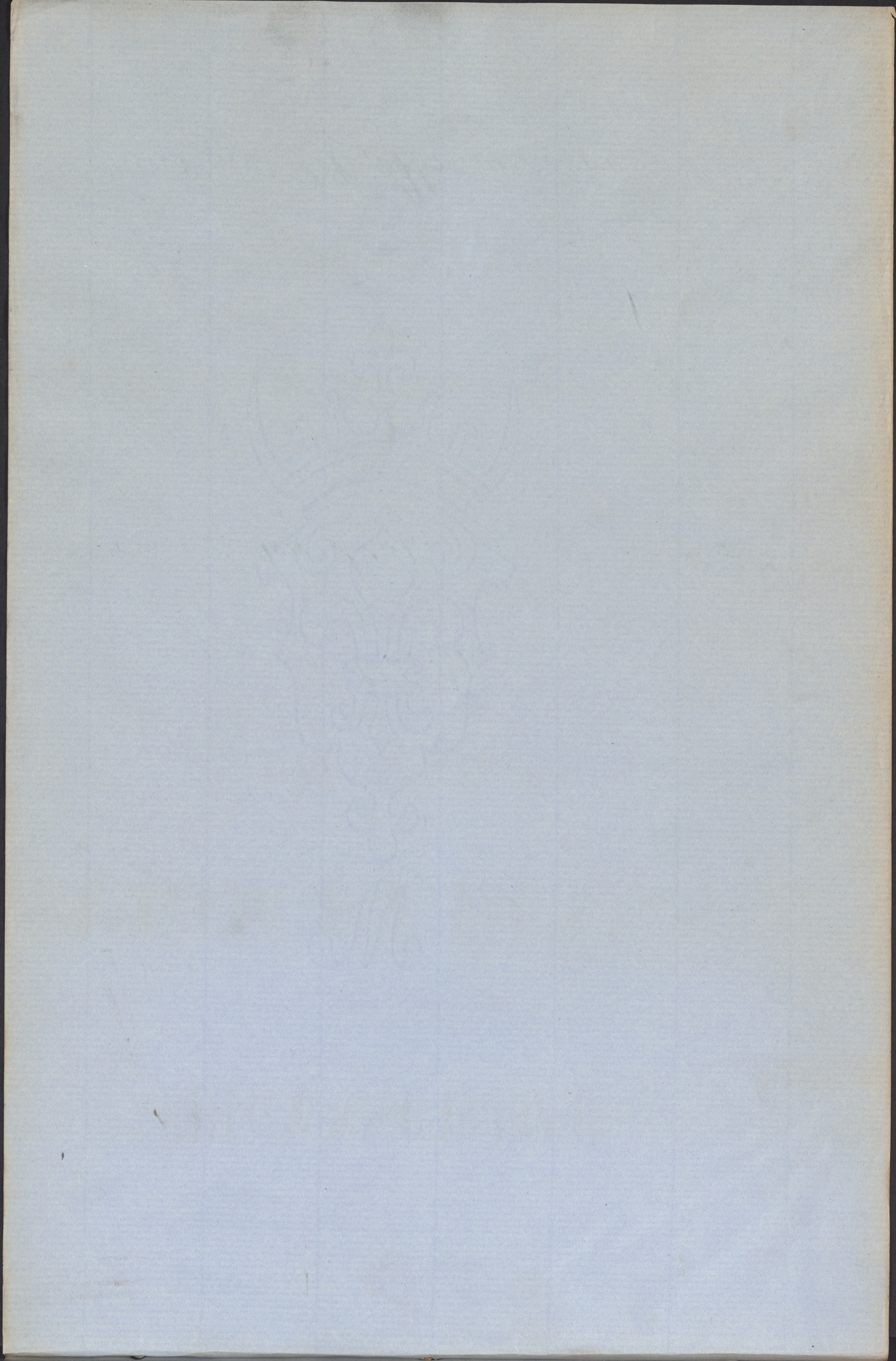
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LAND CASE 203 ND. 10 PAGES

Remington
FLOWER BOND
25% COTTON FIBER
U.S.A.



149



TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 149.

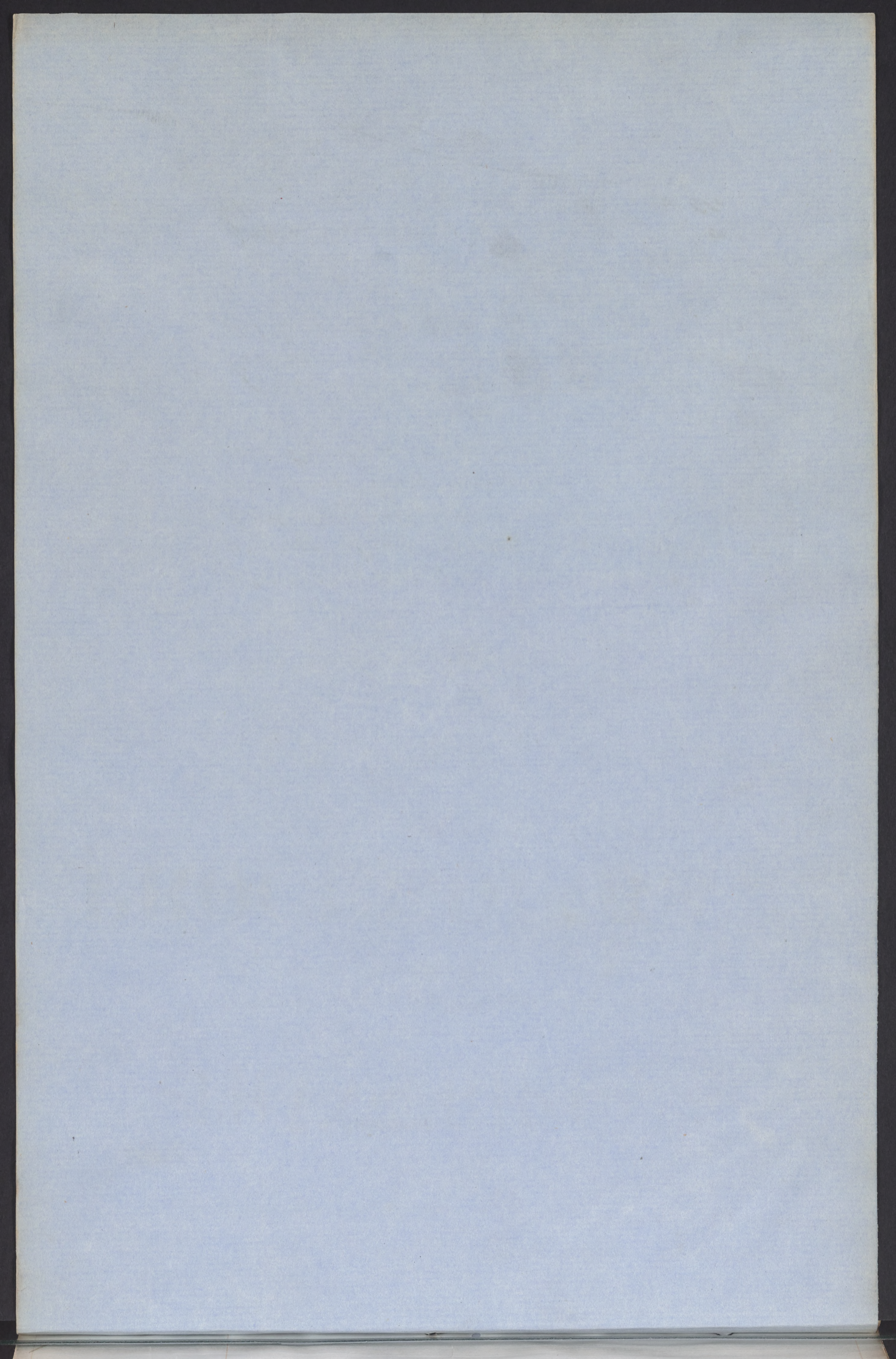
The Heirs of Jose Miguera. CLAIMANT &

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Llano del Abrevadero.



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

The Petition of The Heirs of Jose Higuera, ~
for the Place named
"Llano del Abrevadero," ~
was presented, and ordered to be filed and docketed with No. 149 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, November 21st 1854.
Case no. 149, Antonio Higuera et al. for the place named "Llano del Abrevadero," on motion of the Counsel for the claimants, with the consent of the U. S. San Agent, was ordered to be placed at the foot of the 3rd class cases on the Trial Docket.

San Francisco December 12th 1854.
Case no. 149 was submitted under the Rule of March 21st 1854, and taken under advisement by the Board.

San Francisco December 19th 1854.
In the Same Case Commissioner Alphon Felch delivered the opinion of the Board respecting the claim;
(Vide page 5 of this Transcript.)
and the following order was made, to wit:
(Vide page 7 of this Transcript.)

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To The Hon the Board of Land Commis-
=sioners to ascertain and settle the private
Land Claims in the State of California.

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The petition of Antonio, Fulgencio, Dolores,
Valentin, Mariano, Josefa, Encarnacion, Ful-
gencio, Rita, Refugio, and Agustina
Heignera states.

Petition
That about the 1st day of January A.D.
1822 Pablo Vicente de Sola Governor of the
Province of California in the exercise of
powers in him vested and by virtue of the
laws then and there in force granted
to Jose Heignera (father of these petitioners)
a tract of land called Solario del Abrevadero
situated in what is now known as the
County of Santa Clara and State of California
bounded and described to wit "on the
North by the Southern boundary or line of
the Mission of San José (now the Southern
boundary of the rancho belonging to Fulgencio
Heignera) on the East by the Cerro (mountain)
on the South by a line which is now
the present northern boundary line of the
rancho of José Maria Alvarado, thence along
the Arroyo (Creek) de la Penitencia and by
the Estero on shore of the Bay of San
Francisco, which Estero is the western
boundary of said land."

That in the year 1845 or thereabouts
the said grantee José Heignera died
intestate.

That Fulgencio Heignera, Valentin Heignera,
Mariano Heignera, and Florencio Heignera,
are the sons and Antonio Heignera, Dolores
Heignera, Josefa Heignera, Encarnacion
Heignera, Micaela Heignera, Rita Heignera

Refugio Heigueras, and Agustina Heigueras are the said sons and daughters are the legitimate children and heirs of said José Heigueras deceased.

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That the said tract of land contains the quantity of two leagues more or less, being the whole parcel of land comprised within the boundaries aforesaid.

That the said grantee and said petitioners were and have been in the continued and uninterrupted possession of the land aforesaid since the date of said grant.

That the expediente of said land has been lost or misplaced, and the petitioners do not know of its existence or whereabouts.

That there is no evidence existing in the Archives.

That said land has not been surveyed by the Surveyor General.

That there is no known interfering claim.

That these the said petitioners for the support of the claim herein mentioned, rely upon all such proof as may be pertinent to said claim.

These petitioners pray that this Hon Board will hear such evidence as may support this claim, and decree a confirmation thereof.

Thos B. Godden
Attorney,

Filed in Office April 1st 1852,

Geo. Fisher Sec

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Heirs of Jose Heigueral
vs
The United States

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Opinion by
Commissioner
Alphens Felch

For the place called
Llano del Alvarado in Santa Clara County
containing two square leagues of land.

No Evidence tending to establish this
claim is presented; a decree rejecting it
must consequently be entered.
Rejected.

Filed in Office Dec 19, 1854,
Geo. Fisher Sec.

Heirs of Jose
Heigueral
vs
The United States

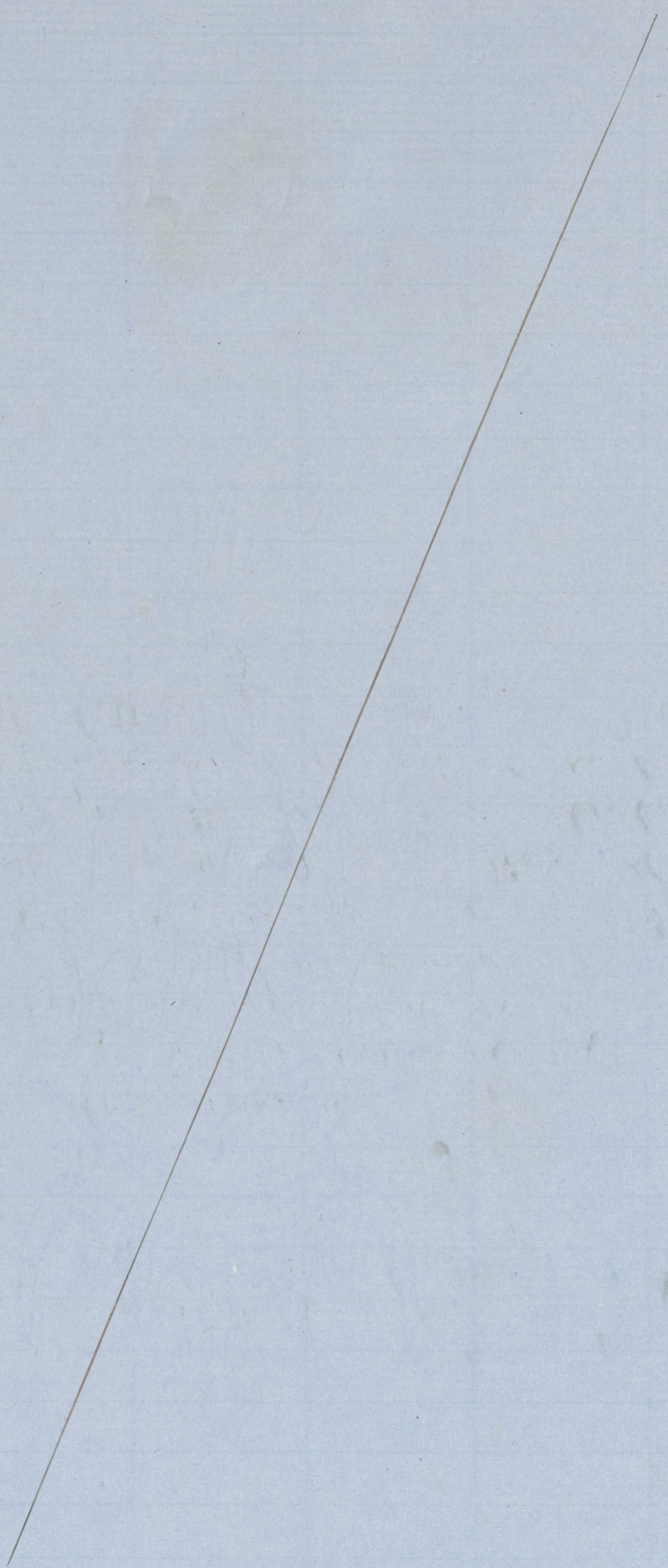
Decree

In this case on hearing the proofs and
allegations it is adjudged by the Commis-
sion that the claim of the said petitioners
is not valid; and it is therefore decreed
that their application for a confirmation
thereof be denied.

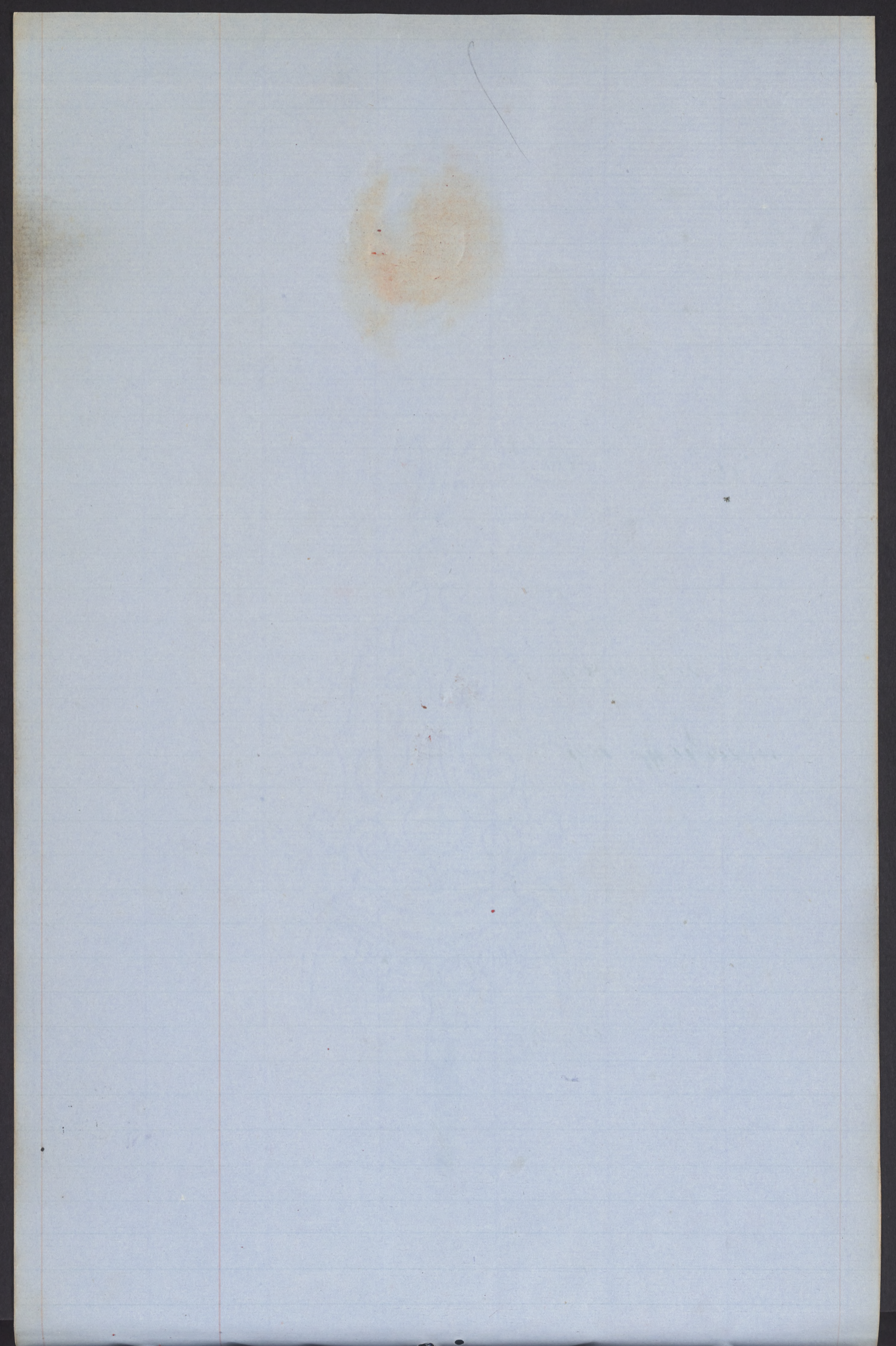
Alphens Felch
R. Aug. Thompson
Commissioners

Filed in Office Dec 19, 1854,
Geo. Fisher Sec

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And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Northern District of California it is hereby ordered that two Manuscripts of the proceedings and of the Decisions in this case and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary one of which Manuscripts shall be filed with the Clerk of the United States District Court for the Northern District of California and the others be transmitted to the Attorney General of the United States



Office of the Board of Commissioners,

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

I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Seven* pages, numbered from
1 to 7, 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. 149 on the Docket of the said Board,
wherein

The Heirs of Jose Niguera
are the Claimants against the United States, for the place known by
the name of "Solano del Abrevadero"

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Twenty fifth day of *May*
A. D. 1855, and of the Independence of the
United States of America the seventy=*ninth*.



G. Fisher
Geo. Fisher

U. S. DISTRICT COURT,
Northern District of California

No. ~~203~~ **203**

THE UNITED STATES,

vs. **ND**

*The Heirs of Jose
Niguera*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *149.*

Filed, *June 2^d* 1855,

John A. Mowbray,
Clerk.

81149

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

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The United States

vs

The Heirs of Jose Requena dec'd

On objections to
jury

Mr Calhoun Beulah

U. S. District Attorney for
the Northern District of California

Please to take notice that on
Saturday the 24th Instant we shall move the
Court for an order to close the testimony in the
above entitled cause and to fix a time for the hearing
of the same,

Thompson Irving & Pate
Atty's for Contestants

San Francisco

Nov 19 1860

Accepted for me

Beulah

U. S. Attorney

203 ND.
W. S. District Court
Northern District of
California,

The United States
vs
Heirs of Jose Berquem
deced

Notice of motion

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Thompson Irving White
attys for contestants

Office of the Board of Commissioners,

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

San Francisco, May 25th 1855.

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J. A. Murree Esq.

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

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 149 on the Docket of the said Board, wherein

The Heirs of Jose Wiguera are —
the Claimant against the United States, for the place known by the name of "Llano del Abrevadero" —

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.

