CASE NO.
204

NORTHERN DISTRICT

PART OF RINCON DE LOS
ESTEROS GRANT

RAFAEL ALVISU, ET AL
CLAIMANT

LAND CASE 204 ND. 62 PAGES

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378

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 278.

Rafael Alvisu, et, al;
(Heirs of Domingo Alvisu) CLAIMANTS.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Rincon de los Esteros."

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of Rafael Alvisu et al: (Heirs of Domingo Alvisu,) *for the Place named* "Rincon de los Esteros." *was presented, and ordered to be filed and docketed with No.* 278 *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 September 3d 1853.

In Case no. 278, Rafael Alvisu for the place named "Rincon de los Esteros", the Counsel for the Claimants filed the following Stipulation, to wit;

(Vide page 9 of this Transcript.)

San Francisco, March 6 1854.

In the same Case the deposition of Andrew J. Yates, a witness in behalf of the Claimants, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 7 of this Transcript.)

San Francisco November 28 1854.

Case no. 278, on motion of the Counsel for the Claimants with the consent of the U. S. Law Agent, was ordered to be placed at the foot of the 3d Class Cases on the Trial Docket.

San Francisco December 12' 1854.

In the same Case the Counsel for the Claimants filed the following Stipulation, to wit:

(Vide page 38 of this Transcript.)

San Francisco December 19' 1854.

Case No. 278 was submitted without argument and taken under advisement by the Board.

San Francisco December 26' 1854.

In the same Case Commissioner Alpheus Felch delivered the Opinion of the Board confirming the claim;

(Vide page 39 of this Transcript)

and the following order was made, to wit:

(Vide page 42 of this Transcript.)

3

Petition

204 ND
PAGE 4

To Messrs. Leland Hall, Harry I. Thornton and James Wilson United States Commissioners for the adjudication of California land Claims

The Petition of Rafael, Ygnacio Maria Jesus and Estephanus Alviso children and sole heirs of Domingo Alviso Deceased respectfully represent. That on the 10th day of February A.D. 1838. Juan B. Alvarado, then Political Chief Functionary Protempor of Upper California and Exercising the powers of Governor of said department and authorized to make grants of land's belonging to the Republic of Mexico, conceded and granted to Ygnacio Alviso, the Grand Father of Petitioners on their fathers side by grant bearing date the day and year aforesaid a certain tract of land called Rincon de los Estros described more particularly by the map filed with the Petition of the said Ygnacio Alviso and to which reference is made, which land is situate in the county of Santa Clara and state of California and Your Petitioners further allege that said grant was afterwards to wit on the 26th day of May A.D. 1840 confirmed by the most Excellent Departmental Assembly of said Department and that said Ignacio Alviso in his lifetime complied with all the conditions of said grant, And the said Petitioners further allege that on or about the 8th day of August A.D. 1848 the said Ignacio Alviso departed this life, leaving his last will and testament by which among other things, the said testator directed, that, that part of said tract of land called Rincon de los Esteros, which lies between the rivulets Coyote and Penitencia, should be sold by his Executors, to pay his debts and that the Northwest half of the remainder

-mainder of said tract of land should be the property of his daughter Dolores and the other half the property of the lawful children of his deceased son Domingo And your petitioners further say, that they are the lawful children and sole heirs of their father Domingo Alviso deceased who was the son of said testator and claims said part of said land by virtue of said grant and will.

Your Petitioners therefore being the claimants of said tract of land (being a part of the Rancho de Rincon de los Esteros) pray Your Honorable Board to confirm their title to the same, they being the Devisees of the said Ygnacio Alviso deceased and here refer to the following exhibits marked as hereinafter stated and prayed to be taken and considered as a part of this petition and to such documentary evidence and testimony of witnesses as they may thereafter be able to produce.

Exhibit A

Copy of the Grant and of the confirmation of the Departmental Assembly

Exhibit B.

Translation of the grant and of the confirmation of the Departmental Assembly

Exhibit C

Certified and sworn copy of the Will of Ignacio Alviso deceased and certified copy of the order of R. H. Dimmick Alcalde and also certified copy of the order of the Probate Court of Santa Clara County admitting said will to Probate

Exhibit D.

Translation of the Will of the said

8—

Translation of the Will of the said Ignacio Alvisu Deceased.

Your Petitioners reserving to themselves the right to amend this Petition should the same become necessary now most respectfully submit their claim to your Honorable Board

(Signed) Burnett Wallace & Ryland
Attys. for Claimants

Filed in Office June. 28th 1852.

(Signed) Geo. Fisher
By —

6

7

Deposition of Andrew A. Yates

204 ND
PAGE 7

United States Land Commission
San Francisco March 6th 1854

On this day before Commissioner R. Aug Thompson came Andrew A Yates, a witness in behalf of Claimant - Rafael, Alviso Case No 278 who after being duly sworn deposed as follows

Testimony on behalf of Claimant - Present S. Y. McKune Esq U. S. Law Agent.

Witness states his name is Andrew A Yates his residence San José California, and his age fifty years. He deposes further that he is acquainted with Magdalena Pacheco that she is the widow of Domingo Alviso and is since married a second time. The children of Domingo Alviso and the said Magdalena Pacheco are Rafael, Agustias Stephana and Maria Jesus, these are all the legitimate children left by the said Domingo Alviso - I have known the family for a year or two and derived my information from general report and from the mother and other members of the family, and further deponent saith not.

(Signed) A. A. Yates

Sworn to and Subscribed before me March 6th 1854
(Signed) R. Aug. Thompson
Com

Filed in Office March 6th 1854
(Signed) Geo. Fisher
Secy

8

9

Case No 278

Stipulation

We agree that the testimony taken in the Case No 277 may be used in Case No 278 as far as the same may be applicable

Sept. 3d 1853

(signed) Wallace & Ryland
Attys for Claimants
(signed) Robt Greenhow
Asst Law Agent.

Filed in Office September 3 1853
(signed) Geo. Flesher
Secy

10

11

Office of the Board of
Commissioners &c &c &c

Deposition
of
José Noriega

This day before Commissioner Alpheus Felch came José Noriega a Witness in behalf of Francisco Berreyesa No 277 who after being duly sworn deposed as follows

Mr. Fisher Secretary to the Board acted as Interpreter

Questions by Mr. Ryland, Attorney for Claimant.

1st Question
What are your name age and place of residence
Answer,
My name is José Noriega my age is fifty three years and I reside at San José in California

2d Question
Do you know the Rancho Rincon de los Esteros? if yes where is it situated?
Answer.
I know the Rancho, It is at the Embarcadero of San José in the county of Santa Clara, I have known it about 18 years

3d Question
Who has occupied it during that time and what improvements have been made on it
Answer, Ignacio Alviso has occupied

it

A. He lived on with his family from the time I first knew the place until within a year or two of his death. After he died his children continued living there up to the present day said Alviso built houses on the place. There were two large houses and several small ones on the place when I first knew it. There were also corrals, upwards of fifteen hundred head of cattle, and a large quantity of horses and sheep. He also cultivated the land extensively and raised wheat and corn and had a garden and fruit trees there

(signed)

Jose Noriega

Mr. Greenhow Associate Law Agent was present at the taking of this Deposition, but propounded no questions to the witness

Subscribed and sworn to before me this tenth day of November 1853

(signed)

Alpheus Fitch
Commissioner

Filed in Office November 10th 1853

(signed) Geo. Fisher

Sc.

13

Deposition of Jas. Alex. Forbes

Office of Commissioners of Land claims in California

This day before Com. Thompson Campbell came James Alex. Forbes a Witness in behalf of Claimant Francisco Berreyesa Case No. 277, who after being duly sworn deposed as follows

What is your name age and place of residence

My name is James Alexander Forbes I am forty eight years of age and residence at Santa Clara

Look on the paper now shown you and marked ("A") and state whether the signatures of Juan B. Alvarado and Manuel Jimeno in the places where they appear on said paper are there genuine signatures

I recognize the signatures of Juan B. Alvarado and Manuel Jimeno where they are written on said document to be their genuine signatures. I have frequently seen them write and sign their names. At the time said signatures were attached to said document Alvarado was acting as Governor and Jimeno was Acting as Secretary of the Departmental Government of California

Will you state whether the grant was made in conformity with the laws, usages and customs then in force.

Both the title and approval of the Departmental Assembly are in conformity with the

the laws, usages, and customs then in force, I have been acquainted with the customs of the country over twenty years.

Are you acquainted with the land mentioned in said grant marked (A) and if so please describe it

I am acquainted with the land described in said grant. The said land is situated in the County of Santa Clara It is bounded on the West and South west by the river Guadalupe, on the North West and North by the Estuaries of the Bay of San Francisco, On the North East and East by a Stream called Arroyo de la Penitencia. On the South East and South by a line drawn from the Old bridge of Santa Clara over the aforesaid river Guadalupe striking a large tree which stands in the plain to the Arroyo de la Penitencia

Will you look on the Map now shown you and attached to the document marked "A" and state whether it presents a correct representation of said land

It does substantially present a correct representation of the land.

State how long Abiren was in possession of said land before his death

He was in possession of said land Eighteen years. I lodged one night in his house in the beginning of the year 1830 The Rancho was called Rincon de las Esteros

At what time did Ignacio Abrisi die—
He died in the 10th day of August AD 1848.

Do you know whether he made a Will
He did make a Will I was present when he died, and was one of the subscribing witnesses

Look on the document now shown you and marked (E) in the files of this case and state whether the signature of H.G. Malone where it appears in said document is his genuine signature
It is his genuine signature I have seen him write repeatedly. He was at that time acting a clerk of that Court

Was you acquainted with the wife of Guadalupe Ferreyra
I was acquainted with her she was the daughter of the deceased Ignacio Abrisu she is the person ~~xxxx~~ of that name, named as devisee in the will of Abrisu and she and her husband both died in the autumn of 1851 I think they left six children whose names to the best my recollection are Francisco, Pauline Susana, and Pancho and Enrique who is dead and also one whose name according to the best of my recollection was Guadalupe.

Where do the said children now reside
At the house of their deceased Parents on the North West part of said tract of land

land I am not positively certain as to their present place of residence but according to my information some of them resided on the old place

Associate Law. Agent present
(Signed)
Jas. Alex. Stokes

Sworn to and subscribed
before me this 3rd day of
September AD. 1833.
(Signed)
Thompson Campbell
Commissioner

Filed in Office September 3rd 1833
(Signed)
Geo. Fisher
Dg

17

Deposition
of
Agustus Reaman

United States Land Commission
San Francisco Dec 5th 1854

On this day before Com^r Alpheus Fitch came Augustus Reaman a Witness on behalf of the Claimant Francisco Berreyesa, in Case No 277, who after being duly sworn deposed as follows.

Questions by Mr. Ryland Attorney for Claimant.

1st Question

Please state your name age and place of residence?

Answer

My name is Augustus Reaman, my age is twenty four years and I reside in Santa Clara County California

2d Question

Are you acquainted with the Rancho Quicon de las Estras in the County of Santa Clara? If you how long have you known it.

Answer

I am acquainted with the Rancho named and have known it since December 1849

3d Question

What are its boundaries?

Answer

As I have generally understood

understood its boundaries are as follows the River Guadalupe on the West side of it; the Pueblo of San José on the South; the Creek called the Penitencia on the Easterly side and the sloughs of the Bay on the North side.

4th Question

Look on the Map now here shown to you being part of Document marked Exhibit "A" annexed to the Deposition of James Alex Forbes heretofore taken and filed in this Case and State whether the same is a correct delineation of the tract of land known as the Rancho above named.

Answer

I have examined said Map and find it a correct representation of said premises.

5th Question

What quantity of land is contained within the boundaries above named by you and represented on said map.

Answer.

Between one and a half and two square leagues.

6th Question

What quantity of land in your opinion, is there between the Creek called Penitencia and the Coyote Creek which is laid down on said Map

Answer. There must be between two thousand and twenty five hundred acres

Questions by Mr. Blanding Associate Law. Agent.

1st Question

Are the sloughs on the Northern side of the Rancho, permanent or changeable?

Answer.

They may be considered permanent. The tide sometimes flows so as to form small sloughs that are not there at other times. But the larger sloughs are permanent boats run up some of them

2d Question

What is the form of said Rancho and what its dimensions

Answer.

It is wider on the Northerly side than on the Southerly. The lines running on the easterly and Westerly sides are longer than those on the North and South. The land is about one and two thirds leagues in length from North to south and the average width about a league it is a little over a league wide at the north end and less than a league at the South End. The lines are not exactly North and South or East and West.

3d Question

Is the Southern line marked in any way

20

Answer.

I have always understood the Southern line of this Ranch to be the Northerly line of the Pueblo. This is a well known line It commences at the Old Santa Clara Bridge and runs in an Easterly direction by an old oak Tree which formerly stood there, to the Penitencia Creek. I am not certain whether the Oak Tree is now standing or not. The Bridge which I mean is represented on the map above mentioned and marked "Puente de Santa Clara" The tree is also represented on said Map

(Signed) Augustus Redman

Subscribed and Sworn
to before me this 5th day
of December, 1854
(Signed) Alpheus Fitch
Commissioner

Filed in Office December 5 1854
(Signed) Geo. Fisher
Sec

21

A. Grant & Approval

El ciudadano Juan B. Alvarado Gefe Politico Int.º de la Alta California.

Por cuanto Ignacio Alviso Mejicano por nacimiento ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre del Rincon de los Esteros dentro de los linderos señalados en el diseño que acompaña à la solicitud de dicho citio. practicadas previamente las diligencias concernientes segun lo dispuesto por las leyes y reglamentos; usando de las facultades que me son conferidas à nombre de la nacion Mejicana he venido en conceder le la propiedad de él por las presentes letras, entendiendose dha. concecion con entera conformidad à las leyes y a reserva de la aprobacion de la Dana Diputacion y bajo las condiciones siguientes. 1ª El agraciado ni sus herederos podran dividir ni enagenar el que se les adjudica, imponer censo, vinculo, fianza hipoteca ni otro gravamen aunque sea por causa piadosa ni pasarlo à manos muertas. 2ª Podra cercarlo sin perjudicar las travesias caminos ni servidumbres, lo disfrutarà libre y esclusivamente destinando lo al uso que mejor les convenga. 3ª Cuando se les confirme la propiedad solicitarà del Juez respectivo le dè posesion Juridica en virtud de este despacho por el cual se demarcaran los linderos y pondran sus mojoneras. 4ª El terreno de que se hace donacion es puramente el que se espresa en la solicitud del interesado y se demarca en el diseño que corre agregado en este Espediente y el Juez que lo posesionarà pasarà aviso a este Gobierno del numero de citios que comprende.

En consecuencia ~~xxxxx~~ que sirviendole de titulo el presente y sirviendose por firme y valedero se tome razon en el libro que corresponda y se entregue al interesado para su resguardo y demas fines.

Es dado en Monterrey en el Departo. de las Californias à diez de febrero de mil ocho cientos treinta y ocho.

Juan B. Alvarado.

Juan B. Alvarado, Gobernador constitucional del Departamento de las Californias.

La Dana. Junta Departamental en sesion del dia 26 de Mayo del presente año aprobò la Comision que este Gobierno hizo con fha. 1º de Febrero de 1838 del terreno conocido con el nombre del Rincon de los Esteros al ciudadano Ignacio

Alviso en los terminos siguientes. Art. 1º Se aprueba la concesion hecha por el Gobierno Departamental con fha 1º de febrero del año de 1843 del terreno nombrado Rincon de los Estenos ~~de l Aurora~~ en la persona del ciudadano Ygnacio Alviso.

Y para resguardo del interesado se estienda el presente en Monterey á treinta de Mayo de mil ocho cientos cuarenta.

Juan B. Alvarado.

Manuel Gimeno. Sº del Despacho.

Filed in Office. June. 28th 1852.

Geo. Fisher. Sro.

23

"B"
Grant
(Translation)

204 ND
PAGE 21

Constitutional Court of Justice for the Pueblo de San José de Guadalupe-

Issuance deed given at the Petition of Ignacio Alviso for the Judicial possession of the lands known by the name of Rincon de los Esteros
Year, 1838-

The Citizen Juan B. Alvarado Political Chief Functionary Pro-tempore of Upper California

In as much as Ignacio Alviso a Mexican citizen by birth has petitioned for his personal and family welfare for the lands known by the name of Rincon de los Esteros within the boundaries laid down in the plan accompanying this Petition for said tract first taking the measures and complying with the provisions in conformity with the laws and rules. I making use of the powers in me vested in the name of the Mexican Nation have thought fit to grant to him the said property this grant to be in full conformity with the laws governed by the approval or dis-approval of of the Most Excl Deputation and the following conditions

1st Neither the grantee nor his heirs shall have power to divide nor transfer the same to any person who shall impose a tax, require a perpetual transfer bond and obligatory mortgage or other obligation to pay, whether for a pious or charitable purpose. Nor shall they assign it to the church

2d He shall have power to fence the same in without obstructing or injuring the roads or thoroughfares, he shall enjoy

enjoy the same freely and exclusively adopting it for whatever cultivation and use he may think proper.

3d When the Grant shall have been confirmed he shall Petition from the proper Magistrate or Officer the judicial possession thereof by virtue of this grant and from which he shall make out the boundary lines and place his stakes

4th The lands donated to him are solely and positively those described in his Petition and laid down in the plan attached to this issuant deed and the Officer who shall give him possession shall notify this government of the number of "Sitios" comprehended in the same.

Therefore I command that these presents serving him for a title, and the same being of full value and force that this be registered in the proper book and delivered to the Petitioner for his security and other purposes

Given at Monterey in the Department of the Californias 4th day of February 1838.

(Signed) Juan B. Alvarado

John B. Alvarado Constitutional Governor of the Department of the Californias

The Most Excl. the Departmental Assembly in a sitting on the 26th day of May of the present year approved the grant that this Government made

25

made on the 10th of February 1838 of the lands known by the name of Rincon de los Esteros to the Citizen Ignacio Alviso under the following to wit:

Article 1st Be it approved the grant made by the Departmental Government on the date of the 10th of February 1838. of the lands denominated Rincon de los Esteros to the person of the Citizen Ignacio Alviso

And for the security of the Petitioner these presents are issued in Monterey on the 30th day of May 1840

(signed) Juan B. Alvarado

(signed) Manuel Jimeno
Secy of State

Filed in Office June 28th 1852
(signed) Geo. Fisher
Dy

26

2. 27

En el nombre de Dios todo poderoso, uno en esencia en persona Yo Ignacio Alvisu, Natural de Ermosillo Jurisdicion de Sonora, vecino de la Mision de Sta Clara hijo legitimo de Domingo Alviso Mª Angela Flejar hayolorme enfermo en causa de la enfermedad que Dios Nro. Señor se ha servido enviarme pero en mi entero juicio y cabal, memoria, creyendo como firmamente creo todos los misterios de Nra. Santa Fé Catolica en cuyo fé y creencia quiero y protesto vivir y morir y esperando en la divina misericordia me sean perdonados mis culpas y o penas, pa la intercesion de Maria Sta. Nra Señora, el cullo patro-cinio me hacajo, para que con el Santo Angel de mi guarda Santo à mi nombre y demos Santos de mi devocion mi acompañen y fabrican con el tramo de mi miento hago, hotorgo y ordeno este mi testamto en la forma siguiente. Primte encargo mi alma à Dios que la creo de la nada y mi cuerpo à la tierra de que fué formado y es mi voluntad que mi cuerpo sea enterrado en el lugar sagrado de esta Mision de Santa Clara que se me diga la Misa de cuerpo presente como es de costumbre y cincuenta misas mas. Itm. Declaro ser casado de segundas nupcias con Mª Luisa Peralta que trajo de dote el numero de ciento cinco cabezas de ganado Santo a mi nombre y mayor el cual se agrego al fondo de mis bienes que con su pu cuerpo me existen y de cuyo matrimonio emos tenido sucesion. Itm. Declaro q. fui casado de primeras nupcias con Maria Margta Bernal de cullo matrimonio tubo quince hijos otos barrones y tres mujeres: De las cuales viven tres barrones y dos mujeres todos casados. Declaro que es mi ultima voluntad y que soy deudor al señor Don Antonio Aguirre, à Enrique Abellas, à Don Guillermo Jacquay à Dn Santiago Arguillo y à Dn Eulogio Pelis à cullos individuos se les pagara los que se les hana presentado cuentas justificadas. Item. Declaro que me son deudores Tomas Bona, cuarenta pesos, Anselmo Romero, cuatro fanegas de trigo, Juan Bernal segundo Dos pesos, un estrangero en el rancho de Guillermo Castro, siete fanegas de trigo. Item. Despues concluido y pagado mis deudores del producto de la Venta de una parte del terreno que me pertenesca del rancho del virgin de los Frenos

cuya parte vendida será la queda entre los arroyos del Collote y arroyo de la pertenencia quedando todo sobrante del expresado Rancho del Rincon de los Estenos a beneficio y propiedad de mi hijo Dolores y los hijos legitimos de mi finado hijo Domingo en la manera siguiente. la mitad por parte del nor neste para aquellos y la otra mitad hacia al Sur Oeste para estos. Item. Declaro que en virtud de tener la viuda del finado mi hijo José Maria una casa indicada en la parte de dho. terreno que es llamado Chino y con terreno propio al lado oriental del Rio Guadalupe es mi voluntad que se le permita a la dha. viuda permanecer en tranquilidad en la fesca de su casa con entera libertad para criar sus borregas y sacar manso y hacer las siembras como hasta ahora hasta beneficiado. Item. Declaro que soy dueño tambien del terreno nombrado Rancho de Pito adquirido por compra segun los titulos d cuyo terreno dejo para el beneficio de mi esposa Mª Luisa Peralta en plena propiedad de mi neto Manuel Abreu unico hijo de las primeras nupcias de mi hijo José Maria y Maria Salinda defuntos en la inteligencia que se les asignara quinientas cabezas de ganado mayor incluyendo todas mis vacas mansadas, siete Yuntas de bueyes a satisfacion de mi dho. nto Manuel y trescientas borregas, siendo tambien de mi dho. nto. todos los caballos que pertenecen al finado su padre o que lo haya adquerido despues.

Item. Declaro que en caso que no alcansas el ante dho. producto de la venta de las todas partes del Rancho del Rincon de los Estenos a cubrir los sufragios de mi alma, gastos funerales y mis otros vitos se pagara lo que faltare del sanidad que quedare de mi pertenencia y el sobrante se repartirá por iguales partes entre mis hijos e hijas José Antonio Agustin y Maria Concepcion y Dolores, entendiendose que la misma repartacion se hará con el sobrante en las borregas. Item. Declaro que en atencion de que en varias ocasiones dado ganado a mi hijo Gabriel y que lo ha mal versado y que ha faltado a sus obligaciones para con migo y teniendome demandado ante Justicia usando de las facultades que me conceden las leyes de derecho entrante de mi participacion de mis bienes y propiedades que despues de mis dias les pueden tocar mi unico hijo desiente

la prueba y aparta del otro. que hacer podria pretender
sin que por esta desistencia pueda anularse este mi
testamento en tiempo alguno pero á la hija Maria de
otro. mi hija Gabriel se le dará antes de las suso dicha
repartición de mis bienes sesenta Cabezas de ganado
mayor y cincuenta barregas. Item. Declaro que soy
dueño de una Casa unicado en esta Ciudad en la que
actualmente reside á esta Casa le pertenece el Solar en
que esta situado que contiene siento y diez varras en cuadro
cercado en madera y plantado con una Viña y arb
-oles frutales todo lo cual junto con todas las muebles
que actualmte existen en dha Casa sin ecepcion de
cosa alguna: digo a mi esposa Maria Luisa Peralta
y cuando esta faltesca que todo lo espresado en este
parrage á beneficio de mis ante dho. nta Manuel que
-dando mi citada esposa tutora y curadora de este
durante su menoridad. Y hacer mismo nombro á mi
dha. esposa tutora y curadora de mis nietos Mario
Ma. Gabriel Ma Antonia, Maria Jeronima y Juan Ignacio
nacidos bajo matrimonio de mi hijo Antonio Alvisu
y Maria Antonia Altamirano ya difuntos quedando
a su cargo de mi esposa la dedicacion y manutencion
de estos durante su menoridad y tambien su primer
segun sus partes y con el que no dudo lo beneficiará
con generosidad. Item. Nombro por testamentarios
albaceos y ejecutores de este mi testamento á mis hijos
Agustin Alvisu por primero Jose Antonio Alvisu pr
segundo y a mi Dho. Guadalupe Bereyero por tercero
dandoles tanto en mi poder bastante para la debida
ejecucion de este mi ultimo testamento cuello fiel cumpli
-miento les encargo y mando á todos y a cada uno de
ellos por su orden segun la representacion y dispuesto
por las leyes sin la bendicion de Dios y la milla y
por el presente reboca y anulo cualquiera letra testamente
ó testamentos, codicilio ó codicilios que hoy haga hecho
y otorgado para que no valga ni tengo efectos alguno
para que parezca en Juicio ni fuera del bolvera ni
nunca en lo futuro que sea mostrado aunque tenga
clausulas de negatorios ni palablas particulares
de que haya de hacer especial mension de los que
al presente no me acuerdo y doy por espresados
literalmente y quiero q. mando que el presente
se cumpla y efecta como mi ultima y deliberada
Voluntad en la forma y modo que mejor haga lugar

de ocho. Asi lo otorgo y firmó ante el presente escribano en la Mision de Santa Clara á los ocho dias del mes de Agosto del año del Sr. mil. ocho cientos cuarenta y ocho siendo testigos Dn Diego Alesandro Forbes, Pedro Guillen y Agustin Desfonges, vecinos de este lugar y Yo el escribano doy fé que conosco el otorgante quien se haya en su entero juicio y cumpleta memoria. En testimonio de lo cual lo firmo siendo esto en papel comun por falta total de sellado y esta compuesto en tres fojas utiles y numeradas de uno á seis. Ignacio Alviso y Completa memoria. En tes pr no saber firmar echo la señal de la Santa cruz.

Salvio Pacheco. Escribano.
Diego Alejandro Forbes.
Agustin Desfonges.

Joseph H. Seull maketh oath and saith that the foregoing eight pages contain a full true and perfect copy of the Will of Ignacio Alviso deceased.

Joseph H. Seull.

Subscribed and sworn to before me this 23d day of June 1852.

H. C. Mellone. Clerk.

Probate Court. Santa Clara County. Dec. 2. 1854.

In the matter of the application to Probate the last will of Ignacio Alviso, deceased. In this case the heirs having been cited and publication duly made and an attorney appointed to represent the absent and minor heirs of said Alviso dced, and no opposition having made to the probating of said will and it appearing from the evidence of one of the subscribing witnesses that the said will had been duly and regularly made It is therefore ordered, adjudged and decreed by the Court that the said will be admitted and filed and recorded and duly probated and confirmed and it is further ordered that letters of administration be issued to the said Guadalupe Berreyesa as Executor of the last will of said Ignacio Alviso deceased upon his filing bond with security as required by law in the sum of fifty thousand dollars.

District of San Jose. Jr.

No. 31

204 ND
PAGE 28

on this day 16th of March A.D. 1849 the heirs of Ignacio Alviso having been notified personally came before me in the Sangado del pueblo de San José, Diego Alex. Forbes to me known a subscribing witness to the foregoing will or testament, who being duly sworn deposes that he was well acquainted with Ignacio Alviso in his life time, that at the time of making said will he was present, dictating the writing of said will and giving his reasons for so disposing of his property. that the said testator was then of sound mind and in the perfect and full posession of his mental faculties and declared the same in the presence of all the witnesses thereto signed to his last will and testament and signed the same affixing his cross with his own hands and at his request the Witnesses signed their names at the same time to said will.

Signed. K. H. Dimmick. 1st alcalde.

District of San José.

On this 21st day of March A.D. 1849 before me came Salvio Pacheco to me known as the subscribing witness and writer of the foregoing deed who being duly sworn deposes that he was well acquainted with Ignacio Alviso in his life time and at his request and by his direction he wrote the foregoing deed at the time of which it bears date: that said Alviso was then of sound mind and in the full posession of his mental faculties, that he then executed the same by affixing his mark in the presence of all the witnesses thereto signed said document in his presence said Alviso at the same time declared it his last will and testament and requested said witness at all times to give evidence thereto.

Signed K. H. Dimmick.
1st alcalde.

The last will and testament of Ignacio Alviso proved and recorded the 16th day of March in the year of our Lord 1849 in book A of Deeds pages 188. 189. 190. 191.

K. H. Dimmick.
1st alcalde.

State of California } I. H. C. Mellone County
County of Santa Clara } Clerk of said County and ex-officio clerk of the Probate Court thereof do hereby certify that the foregoing twelve pages

32

contain a full, true and perfect copy of the will of Ignacio Alviso deceased the certificate of the proof thereof attached to the same by H. H. Dimmick Just Alcalde of the Pueblo of San José and the order of said Probate Court admitting said will to be probated as fully as the same remain in record in my office. Given under my hand and private seal, there being no official seal yet provided at office this 28th day of June. 1852.

H. C. Malone Clerk.

Filed in office June 28th. 1852.

Geo. Fisher. Secry.

"D"
Translation
of
Will

In the name of Almighty God, one in Spirit, and Three in persons.

I Ygnacio Alvisu, native of Elsmasville, Jurisdiction of Sonora and resident in the Mission of Santa Clara legitimate son of Domingo Alvisu, Maria Angila Segar, being sick in bed which sickness it has pleased the lord to inflict upon me, but in my perfect mind and good memory, believing as I firmly do in all the mysteries of our Holy Authotic Faith, in which belief I wish to live and die hoping in the Divine mercy, that my sins may be forgiven, through the intercession of Holy Mary, our Lady, in whose protection I take refuge, who with my Guardian Angel Saint of my name and other Saints of my divation, that they may protect and favor me, through the harm of death, I make agree and order this my will and testament in the following form

Firstly.

Recommending my soul to that God who created me from nothing and my body to the earth of which it was made, and it is my wish that my body be interred in the sacred burying ground of the Mission of Santa Clara, that Mass be said over my body and fifty more after I am buried

Also I declare being married as Widower to Maria Louisa Peralta who brought as her dowry, the number of One Hundred and Five head of grown cattle, which were added to my stock, the increase of which still exists, and of which matrimony we have not had offspring

Also, I declare my first marriage was with

was with Maria Margarita Bernal, in which matrimony I had fifteen children twelve males and three females all of whom are married

Also I declare it is my last wish and that I owe to Don Antonio Aguirre to Don Enrique Melus to Don Guillermo Jaguay, to Don Santiago Magunta and to Don Eulogio Sels to whom I wish paid, they presenting just accounts—

Also. I declare that my debtors are Juan Bani forty dollars Amelmo Romero four hundred weight of wheat Juan Bernal 2nd two dollars a stranger who lives at the Rancho of Guillermo Castro, seven hundred weight of wheat

Also. After my debts are paid of the products of the sale of one part of the land which belongs to me of the Ranch of the "Rincon de las Esteros which part sold will be that which lies between the Arroyos of Coyote and that of Penitentia and all the balance of the mentioned "Ranch del Rincon de las Esteros" to the benefit and full possession of my Daughter Solaris and of the legitimate children of my deceased son Domingo in the following manner the half laying to the North West to my daughter Solaris and the other half towards the South-West for the children of Domingo

Also. I do declare, that in virtue of the Widow of my deceased son José Maria having a house on part of said land which is called Chino and with proper land on the West side of the river Guadalupe it is my wish that said widow be permitted to remain unmolested

-molested on the grounds of her house, with entire liberty to raise her sheep and tame cattle, and sow seed as she has done here-tofore

Also I declare that I am owner also of the land named "Rancho de Setio" acquired by purchase, as per titles, which land I leave for the benefit of my wife Maria Louisa Peralta and in full possession of my Grandson Manuel Alvise only son of the first marriage of my son José Maria and Manuella Galinda deceased with the understanding, that there shall be added thereto, five hundred head of grown cattle, including all my tame cows seven yoke of oxen, to the satisfaction of my said Grandson Manuel, and three hundred sheep, also for my said Grandson all the horses which belonged to his de-ceased father or which I acquired after-wards

Also I declare that in case the before mentioned product would not be suf-ficient from the sale of the said part of the "Rancho del Tucon" de las Esteros" to meet the suffrages of my soul, expenses of my burying and my other debts, the balance to be paid out of the cattle which remains belonging to me and what is left is to be equally divided between my sons and daughters, José Antonio Augustine Maria Concepcion and Dolores, being understood that the same division be made with the balance of the sheep—

Also, I declare that in consideration that I have at various times given cattle to my son Gabriel, who squandered it away and that he has failed in his obligations towards me having demanded me before the Justice wherewith of the Province which I govern myself by law — I disinherit them of

any participation

any participation of my goods or property which might have befallen him after my death, if he had been an obedient son. I also deprive him and debar him from any right he might pretend without his annulling my will at any time, but unto his daughter Maria Villaria, daughter of my said son Gabriel, I will to be given her before the aforesaid division of my property, fifty head of grown cattle and fifty sheep.

Also, I declare that I am owner of a house built in this Mission in which I actually reside, to said house belongs the lot on which it is built, which contains one hundred and ten varas square fenced in and planted with grape vines and fruit trees, all of which together with all the furniture existing in said house, not excepting anything I leave unto my wife Maria Luisa Peralta - and at her death all that is expressed in this paragraph to be left to my aforesaid Grandson Manuel, my wife remaining as his Guardian and Administrator, during his minority and also I hereby name my said wife Guardian and Administrator of my Grand children Maria Isabella, Maria Antonio, Maria Geranima and Juan Ignacio born in Matrimony of my son Anastasio Alvisu y Maria Antonio Altamirano deceased leaving to the charge of my wife the education and support of these during their minority, and also for her to be rewarded accordingly, which I hesitate not they will do generously.

Also I name as Executors Administrators and assigns of this my testament my sons, Agustin Alvisu for the first Jose Antonio Alvisu as second, and my

son in law

37

204 ND
PAGE 34

Son in law Guadalupe Berreyesa as a third and I grant unto them all my power for the just execution or performance of this my last will, whose faithful compliance I request, and order each of them according to their representation and in accordance with the laws with the blessing of Almighty God and mine and by these presents I make null and void any other testament, will or bargain codicil or codicils that I may have heretofore made, and I wish them to have no effect or <u>weath</u> whatever no matter whether they appear to have been made in judgement or not Now, never nor in future may they be shown, even if they certain supplicating clauses, and words in particular, making any special mention of what I may not now recollect nor give at present, and I wish and order that this my will be complied with and conformed to as my last and deliberate wish in due form and manner.

I therefore agree and sign this in presence of the Notary of the Mission of Santa Clara on the eighth day of the Month of August in the year of Our Lord One thousand eight hundred and forty eight, being witnesses, Don Diego Alex Farlies, Ysidro Guillen, and Agustin Defarges residents of this place and I as Notary testify that I know the Granter to be in his perfect mind and memory In testimony of which, I affix my signature on common paper, not having stamped paper and it is comprised in three good and numbered leaves from one to six – Ignacio Alviso not knowing how to write made the sign of the Holy cross. ✝

Saevio Pacheco Notary

Diego Alex. Farlies

Ysidoro Guillen

Augustin Defargis

38

Filed in Office June 28th 1852
(Signed) Geo. Fisher
Clk

204 ND
PAGE 35

Stipulation.

Case No. 277 }
" " 278 }
" " 292 }

Before the Board of U. S. Land Commissioners to ascertain and settle land claims in the State of California.

In the above numbered cases being for a tract of land situate in the County of Santa Clara, called "Rincon de los Esteros," it is agreed and stipulated that all may be submitted and considered together as one case, all of them relating to one tract of land and claimed under the same original grant, December 12th A.D. 1854.

Filed in Office Dec. 12 1854. Geo. Fisher. Sec'y. Wallace & Hyland.
Attys. for Claimants.

Louis Blanding
Ass. Law Agent.

39

Opinion

Rafael Alviso et al
vs
The United States

For a part of the place called "Union" or las Esteros, in Santa Clara County

The Rancho of which the premises claimed in this case form a part was granted as appears by the proper proofs thereof to Ignacio Alviso by Governor Alvarado on the 10th of February 1838. The approval of the Departmental Assembly was given May 26th 1840 and the conditions annexed to the grant were performed by the grantee by personal residence on the place and cultivation of the soil

The testimony shows that said Ignacio Alviso died August 10th 1848 and by his will which was subsequently duly proved and Probated he bequeathed the land claimed in this case to the legitimate children of his deceased son Domingo. The petitioners four in number represent themselves to be the children and sole heirs of said Domingo and therefore entitled to the premises as the legatees named

The proofs shows that Domingo Alviso left four children, but in regard to two of them there is a discrepancy between the names in the petition and the names given by the Witness. It is very possible that the individuals may as is often the case be known indiscriminately by two names but of so proof of it ought regularly to have been given

The proof is abundantly sufficient to show the right to the property in the legitimate children of said Domingo, two at least

of whom

of whom are proved to be petitioners in this case, and in order to save the rights of all parties, we shall enter a decree confirming the land to them and the other legitimate children of said Domingo

Confirmed

Filed in Office December 26 1854
(Signed) Geo Fisher
Sey

Decree

Rafael Alvisu & als
vs
The United States

On this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said Rafael Alvisu and the other legitimate children of Domingo Alvisu deceased is valid and it is therefore decreed that the same be confirmed to him and said other children

The land of which confirmation is hereby made is the South East half of that portion of the Rancho known by the name of "Rincon de los Esteros" which is bounded and described as follows to wit:

Bounded on the North-West side by the Estuaries of the Bay of San Francisco, on the South West side by the River Guadalupe, on the North East side by a stream called the Arroyo de Coyote on the South East side by a line drawn

from

from the Old Bridge of Santa Clara over the aforesaid River Guadalupe striking a large tree which stands on the plains and extending to the said Arroyo de Coyote. being the same premises which were bequeathed by Ignacio Alviso by his last Will and Testament to the legitimate children of his deceased son said Domingo Alviso

The premises above described are situated in Santa Clara County and were originally granted to said Ignacio Alviso

(signed) Alpheus Fletch
(signed) R. Aug Thompson
(signed) S. B. Farwell
Commissioner

Filed in Office Dec 26th 1854
(signed) Geo. Fisher
Clk

and it appearing to the satisfaction of the Board that the land hereby adjudicated is situated in the Northern District of Iowa it is hereby ordered that the transcripts of the proceedings and of the testimony in this case and of the papers and evidence upon which the same are founded be made out and duly certified by the Land officers one of which transcripts shall be filed in the office of the U.S. District Court for the Northern District of Iowa and the other be transmitted to the Atty Genl of the U.S.

204 ND
PAGE 40

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 Forty two — pages, numbered from 1 to 42, both inclusive, to contain a true, correct and full Transcript 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. 278 on the Docket of the said Board, wherein Rafael Alvisu, et al, (Heirs of Domingo Alvisu,) are — the Claimants, against the United States, for the place known by the name of "Rincon de los Esteros."

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. 1854, and of the Independence of the United States of America the seventy-ninth.

Geo: Fisher
Sec'y

U. S. DISTRICT COURT,

Northern District of California.

No. 204 — 204

THE UNITED STATES,

ND

vs.

Rafael Alvisu, et, al

(Heirs of Domingo Alvisu)

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 278

Filed, June 2d 1855.

John. A. Monroe,

clerk.

278

Office of the Attorney General of the United States,

Washington, 29 June 1855.

278 "Rancho de los Esteros" —
heirs of Domingo Alvisa
Rafael Alvisa et al, claimants

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 14th day of June 1855, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.

C.R.

No. 204

U. S. District Court
Northern Dist. of Cal.

United States
vs
Heirs of
~~Rafael~~ Alvarez et al:
Domingo

Notice of Appeal in
Case No. 278.

Filed Sept. 6. 1855.
J. Chever
Deputy.

204 ND
PAGE 42

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

The United States
Appellants
vs
Rafael Alvison et als
Appellees

Case No 204

The Petition of the United States by their Attorney represents: that this Cause is an application for a review of the decision of the Board of Commissioners whereby the Claim of the said Appellees 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 2nd day of June 1855: that a notice of appeal was filed on the 6th day of September A.D. 1855 and that the land claimed lies in the said District.

That the said Claim is invalid. Wherefore, Appellants pray that the said decision of the Board be reversed, & that the Court decree the said title to be invalid.

Respectfully &c. S. W. Inge
U. S. Dist. Atty.

Case No 204

The United States

vs

Rafael Alvisu
et als

Petition

Filed Sept 14. 1855.
J. Chevers
Deputy.

204 ND
PAGE 44

Glassell

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

Rafael Alvisu et al
Appellees
ads
The United States
Appellants
Case No 204

Rafael Alvisu et al Appellees in the above cause by their Attorneys deny the allegations in the petition filed by the Appellants. They allege that their claim, set out in the petition filed before the Board of U S Land Commissioners, and by said Board of Commissioners confirmed, is a valid claim and that their title to the land claimed is a valid and equitable title. Wherefore the Appellees pray that the said decision of the said Board of Commissioners be affirmed and that the Court decree their title to be valid & for such other & further relief as may be just

Wallace & Rylant
Attorneys for Appellees

Case No 204

Rafael Abisu et als

ads

The United States

Answer

Filed Sept 14. 1855.
by Chevers
Deputy.

204 ND
PAGE 46

Wallace & Ryland
Attys for Appellees

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

The United States
vs
Rafael Alviso et al } Case No 204

The United States
vs
Ellen E White } Case No 238

The United States
vs
Francisco Reyes et al } Case No 239.

It is hereby agreed and stipulated that the three cases above named, for portions of the "Rancho de Los Esteros" in Santa Clara County be submitted together and that the testimony taken in one whether oral or documentary may be used in the other cases and also that the testimony in case No 226 (Manuel Alviso claimant) may be used in the above cases

A. Hassell
Asst. U.S. Atty

Wallace & Ryland
for the Appellees

Case No 204

The United States

vs

Rafael Abreu et als

Stipulation

Filed Sept 20. 1855.
by Cheever,
Deputy.

204 ND
PAGE 48

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 24th day of December in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
v.
Rafael Alviso et al

No 204; L.C. 278.

This cause came on to be heard on appeal from the final decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California under the act of Congress approved on the 3d of March A.D. 1851, upon the transcript of the proceedings and decision of the said Board of Commissioners, and the papers and evidence on which the said decision was founded; and it appearing to the Court that the said transcript has been duly filed according to law, it is by the Court hereby ordered, adjudged and decreed with the consent of the Attorney for the United States, that the said decision be and the same is in all things hereby affirmed; that the claim of the said appellant is a good and valid claim, and that the same is hereby confirmed in accordance with the decree of the said Board of Commissioners.

Ogden Hoffman
U. S. Judge

204

United States District Court, Northern District of California.

The United States

vs.

Rafael Alviso et al

~~ORDER~~.

Decree of Confirmation.

Filed December 24 1857

John A. Monroe Clerk.

By [illegible] Deputy.

California Land Claims.
Attorney General's Office
2 January 1856

Sir.

In the case of the claim of Rafael Alvita et al. confirmed to the claimants by the Commissioners, case no. two hundred and seventy eight, (278), appeal will not be prosecuted by the United States.

I am
Respectfully,
[illegible]

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

U. S. District Court

The United States
v.
Rafael Alviso et al

No 204.

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

San Francisco, Feb 17. 1858.

P. Della Torre
U. S. Atty.
C. T. Ryland
Atty for Claimants

204

U. S. Dist Court

The United States

v.

R. Alviso et al

Stipulation

Filed February 20, 1858,

W. H. Chevers

Dep. Clerk.

204 ND
PAGE 54

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 Saturday the 20th day of February in the year of our Lord one thousand eight hundred and fifty ~~seven~~ eight.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
v.
Rafael Alviso, et al.
} No 204 – L. C. 278.

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

On motion of P. Della Torre Esq U. S. attorney, it is ordered, adjudged and decreed that claimants have leave to proceed under the decree of this Court heretofore rendered in their favor, as under Final Decree.

Ogden Hoffman
U. S. Dist Judge

204

United States District Court, N

~~278~~ California.

The United States

vs.

Rafael Alviso et al

ORDER.

Vacating appeal.

Filed February 20th 1858

John A. Monroe,

CLERK.

By W. H. Chener

DEPUTY.

204 ND

PAGE 55

204 ND
PAGE 56

At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court House, in the City of San Francisco, on Monday the 11th day of July in the year of our Lord one thousand eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States vs. Rafael Alviso, et al. / Luis Dom^go Alviso. — D. C. 204. L. C. 278.

On motion of Judge Burnett, of Counsel for the Claimants, it is ordered by the Court that the Surveyor General of the United States for the State of California, return unto this Court the survey by him made, and approved, of the land herein claimed, and that a copy of this order be forthwith served on the said Surveyor General, & on the U. S. Attorney for this District.

No. 204.

District Court of the United States

IN AND FOR THE

Northern District of California.

The United States,

vs.

Rafael Alvisu et al,
Luis D. Alvisu,

Order to return survey.

Filed July 11 1859.

W. H. Chevers Clerk.

By

Deputy.

204 ND
PAGE 57

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.

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. 204, to Rafael Alviso, et al., known as "Rincon de los Esteros," and situated in the County of Santa Clara 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 3d 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.

W. H. Chevers

CLERK.

The within Monition 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 San Jose Tribune a paper published nearest the land, commencing on the 1 day of September 1860.

Dated San Francisco, Aug. 27, 1860.

P. L. Solomon U. S. Marshal.

(D)

No. 204.

UNITED STATES DISTRICT COURT,

Northern District of California.

IN LAND CASES.

THE UNITED STATES.

V.

R. Alvisu et al.

MONITION.

Returnable Oct. 3rd 1860.

Issued Aug. 27. 1860.

Filed October 3d 1860.

W. A. Chevers

Clerk.

204 ND

PAGE 59

204 ND
PAGE 60

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.

Rafael Alviso et al,

IN LAND CASES.

District Court No. 204,

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 R. Aug. Thompson appeared for the United States, and C. T. Ryland for the Claimants, and 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. 204.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Rafael Alviso, et al.

ORDER ON RETURN OF MONITION.

Filed October 3d, 1860.

W. H. Chevers,

Clerk.

Office of the Board of Commissioners,

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

San Francisco, May 25th 1855

J. A. Monroe Esq.
Clerk of the U. S. District Court for the
Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 278 on the Docket of the said Board, wherein Rafael Alviso, et al, (Heirs of Domingo Alviso) are the Claimant against the United States, for the place known by the name of "Rincon de los Esteros"

and request your receipt for the same.

I am, Respectfully,
Your Obt Servant,

Geo: Fisher.

3 Ry.