CASE NO.
75

SOUTHERN DISTRICT

ARROYA GRANDE GRANT

FRANCISCO BRANCH

CLAIMANT

LAND CASE 75 SD pgs. 78

FEB 19 1963

162

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 162

Francisco Branch CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Arroyo Grande".

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* sixth 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 Francisco Branch *for the Place named* "Arroyo Grande" *was presented, and ordered to be filed and docketed with No.* 162. *and is as follows, to wit;*

(Vide page 3 *of this Transcript.)*

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

Los Angeles September 9th 1852.

In case no. 162 Francisco Branch for the place named "Arroyo Grande" the deposition of Pablo de la Guerra a witness in behalf of the claimant, taken before Commissioner Harry I. Thornton was filed;

(Vide page 5 of this Transcript)

Los Angeles October 8th 1852.

In the same case the deposition of William R. Hutton, a witness in behalf of the claimant, taken before Commissioner James Wilson was filed;

(Vide page 6 of this Transcript)

San Francisco January 18th 1853.
In the same case the deposition of N. A. Den a witness in behalf of the claimant, taken before Commissioner Harry I. Thomson was filed.
(Vide page 4 of this Transcript)

San Francisco September 11th 1853
Case no. 162 called. Submitted on briefs and taken under advisement by the Board.

San Francisco January 17 1852.
In the same case Commissioner Alpheus Felch delivered the opinion of the Board concerning the claim;
(Vide page 32 of this Transcript)

3

Petition of Franco Branch

To the Honorable Commissioners to settle private Land claims in California

The petitioner Francisco Branch respectfully shows:

That in the month of April A.D. 1841 Lefurino Carlon applied through the proper Authorities for the tract of land called "Arroyo Grande" and that on the 25th day of April A.D. 1842 Juan B Alvarado Governor of California by virtue of Authority in him vested, granted to the said Lefurino Carlon the aforesaid tract of land called Arroyo Grande a "San Ramon", situate in the then jurisdiction of Santa Barbara and the now County San Luis Obispo, containing One Square league, with the boundaries described in the grant and corresponding Map; all of which is shown in the Espediente a certified copy of which is submitted herewith marked "A" with a translation marked "B" and he also submits herewith a copy of the formal title marked "C" with a translation marked "D"

And the petitioner further shows that on the 6th day of June A.D. 1842 the said tract of said was surveyed and the juridical possession of it given to the said Lefurino Carlon by the proper Authority, a copy of which act of possession is submitted herewith marked E with a translation marked F.

That on the 2d day of April A.D. 1843 the said Lefurino Carlon sold and conveyed the said tract of Land to the petitioner, a copy of which Conveyance is submitted herewith marked G with a translation marked "H"

That since the year 1841 the said Carlon and the petitioner have been, and the petitioner now is, in the quiet, peaceful and undisputed possession and Occupation of the said tract of Land

That he knows of no Conflicting claim

That the said Land has not been surveyed by the Surveyor General of the United States, but that it was surveyed

and its boundaries marked out at the time of the giving
possession of it
That he relies for Confirmation of title upon the Original
papers, Copies of which are Submitted herewith, upon the
records and minutes in the Archives now in the Charge of
the Surveyor General; And upon such Other and further
proofs as he may be advised are necessary
Wherefore he prays the Commissioners to Confirm to him
the said tract of Land.

By his Attys
Halleck Peachy & Billings

Filed in office April 6th 1852
Geo. Fisher Sec'y

San Francisco Jany 15th 1853

On this day before Com: Harry I. Thornton; Came
Nicholas A. Den a witness in behalf of the claimant
petition No 162 Francisco Branch and was duly
sworn, his evidence being given in English

Deposition of N. A. Den

My name is Nicholas A. Den; my age is 40
years I reside in Santa Barbara and have lived in
California 16 years
I know the Rancho called "Arroyo Grande" claimed by
Francisco Branch; it is in San Luis Obispo County. I
know that Branch has occupied this land since 1842,
and he still occupies it with his cattle and horses.
He has lived on it, had a house on it & cultivated
a part of the land. N. A. Den
U.S. Law agent present
Sworn to & subscribed before me this 15th of Jany 1853
Harry I Thornton Com'r &
Filed in office Jany. 15th 1853. Geo. Fisher Secy.

5

Office of the Board of Commissioners of California Land Claims. Los Angeles Sept 9th 1852

Deposition of P. de la Guerra

On this day before Harry I Thornton one of the Commissioners for ascertaining and settling private Land Claims in California came Pablo de la Guerra a witness produced in behalf of the claimant whose petition is No. 162 on the Docket of the Board and was duly sworn his evidence being given in English
The U. S. Law Agent attended

1st Question. What is your name age and place of residence
Ans. My name is Pablo de la Guerra my age is about 32 years; I reside in Santa Barbara & am a native of California

2d Question. Examine the documents marked No 4 and attached to this deposition and say if the signatures are genuine.
Ans. I am acquainted with the signatures of Juan B Alvarado Manuel Jimeno, Joaquin Carrillo, Joaquin de la Guerra and Jose Maria Cunarubias; these signatures to these documents are genuine, and the documents themselves are to the best of my belief genuine.

Pablo de la Guerra

U. S. Law Agent present
Sworn & subscribed before me
this 9th of Sept. 1852. Harry I Thornton Com'r

Filed in Office Sept. 9th 1852
Geo. Fisher Sec'y

6

Deposition of Wm. R. Hutton

Office of the U. S. Land Commission
Los Angeles Oct. 8th 1852

On this day before James Wilson one of the Commissioners for ascertaining and settling private Land claims in California came Wm R Hutton a witness produced in behalf of the claimant Francisco Branch whose petition is No. 162 on the Docket of the Board and was duly sworn his evidence being given in English

The Law Agent by R Greenhow Esq. was present and did not object.

1st Question. What is your name age and place of residence

Answ. My name is William R Hutton my age is 26 years and I have resided in California since the month of April 1847

2d Quest. Say what you know about the occupation of of the Ranchos of Arroyo Grande or San Roman claimed by Francisco Branch?

Answ. I know the Rancho of Arroyo Grande or San Roman, it is situated in the County of San Luis Obispo, I first knew this Rancho in 1851: it was then occupied by Francisco Branch with cattle and horses, there were the ruins of two houses - He lived with his family on an adjacent rancho, and he & his servants visited it almost every day taking care of the stock there - I think he had on it as many as seven or eight hundred cattle and horses - Wm R. Hutton

Oct. 8 - 1852. Subscribed & sworn to
Before me James Wilson
Commissioner

Filed in Office Oct. 8. 1852 Geo. Fisher Com.

7

Espediente
promovido por Ciud.no Jeferino Carlon en solicitud del paraje conocido con el nombre de Arroyo Peñuela.

(Seal) Sor. Prefecto del 2.do Distrito.

Mng.s Mayo 6. de 1845. El Ciudadano Jeferino Carlon, natural del
Remitase la presente puesto de Sta Barbara, y abecindado en
instancia y dicho que dicho; ante V. S. con la mejor sumision y como
acompaña al Sor. Juez mejor lugar en derecho expone: que en virtud
de 1.a instancia del parale tener un corte numero de Gaundo y bala
-ito de Santa Barbara Cabares, y estos el estan perdiendo las mejores
porque informe sobre estrabias, a causa de no tener un lugar
su contenido y circunstancias donde se alimentas, se ve en la estremana ne
-cesidad y del 9.no representante es otro de implorar el patrocinio de V. S.
y en seguida pasará a fin de que se le conceda el paraje del
el expediente al mayor arroyo grande el cual se halla baldio y es
-tomo á Padre mis.to Lucidero perteneciente á la Sr. mision de la
-cio de la mision de la purisima, y es colindante á los Ranchos de
Purisima p.g. por parte los estrangeros Francisco Branche y Isase
de Dto. establecimi.to Espayse, dicho lugar lo manifiesta el
paolina el g. correspondiente dicho g. acompaña. Por tanto á V. S.
y con el debido, Suera Suplico con encarecidam.te el que le de el
á esta prefectura para el curso necesario a esta su solicitud, abiendo
que sus ultimos haberes de que es un pobre hombre cargado de
familia y el haber sido un servicio en el
Departamento dispensandole el que balla
ere en papel comun por no haber lo del
sello que corresponde, recibiendo de la not
-oria bondad de V. S. favor gracia, y merced.
Santa Barbara. Abril. 23 de 1845.
Jeferino Carello.

Angiello.

Narciso Boletto.

Sno.

Bien y claro D. Angel Martinez.

Santa Barbara. Mayo 10 de 1841.

Pase la presente instancia al Mayordomo de la Mision de la Purisima porque prueba en el informe q. crea conveniente respecto del paraje q. solicita el interesado y pueda para los fines que convengan. Fernando Pico.

Ygn. Carrillo.

El interesado en esta instancia tiene bienes conocidos y buena conducta por lo que creo es acreedor a que se le conceda el terreno que pretende, el cual es baldio y no pertenece á la Mision de Purisima. Ni a ninguna otra Corporacion, ni particular en cuanto pueda informar el obsequio de la Justicia.

Sta Barbara. Junio 22 de 1841. Fernando Pico.

Excmo Sr.

Mandado practicar los informes correspondientes á cerca de la solicitud que hace el Ciud.o Seferino Carlos; del paraje Arroyo Grande, resulta baldio sin ocupacion ninguna ni pertenece á Corporacion ni particular, y teniendo el interesado bienes con que cubrirlo, es de parecer esta Prefectura, que de acederse a esta solicitud Ll. V. E. le convendria por conveniente.

Angeles. Julio 7. de 1841.

L. Argüello. Manuel Botello. Srio.

Monterey. 25 de abril de 1842.

Vista la peticion con que da principio este Espediente el informe del encargado del establecimiento de la Purisima y del que entendio el Juez de Paz de Sta Barbara y el Prefecto del 2.o Distrito en todo lo demas que se tubo presente y ser conveniente de conformidad con las leyes y reglamentos de la materia, declaro al ciud.o Seferino Carlos dueño en propiedad del paraje conocido con el nombre de Arroyo Grande, colindante con los Ranchos de Sta Manuela y Guasna, con la Sierra y con el terreno de San Luis Obispo: Librese el correspondiente despacho, tomese razon en el libro respectivo; y entregue al interesado

El Exmo. Sor. Gobernador Dn Juan B. Alvarado, así lo mandó, decretó y firmó de que doy fé.

Establecimto de la Purª. Devuelva a V. los adjuntos Espedientes el unocas el informe respectivo y el otro sin informar por no estar comprendido en los terrenos de esta Mision. Dios y Libertad. Purisima y Junio 19 de 1841.

José Mª Valenzuela.

Angeles. Julio 7 de 1841.

Agregase al espediente respectivo.

Sor. Juez de paz del partido de Sta Barbara.

Argüello.

Office of the Surveyor General of the United States For Calif.a

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

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. Fco Cal. this 26th day of March. 1852.

Samuel D. King.

Surveyor Genl. Cal.

Filed in Office. April. 6th 1852.

Geo. Fisher.

Secy.

11

Translation of Espediente

This petition

Third Stamp Two Reals

Provisionally authorized by the Maritime Custom House of the Port of Monterey in the Department of the California for the years 1840 and 1841

(Signed) Alvarado (Signed) Antonio Maria Osio

Reauthorized by the same for the year 1842

(Signed) Alvarado (Sgd) Antonio Maria Osio

Angeles May 6. 1841 To the Prefect of the 2nd District

This petition and accompanying map are between Citizen Leandro Leal born in the port of Santa Barbara and a Citizen transmitted to the Judge of that place: before your Honor appears with the greatest submission & respect represents that that in virtue of owning a small number of large cattle and other animals which often stray away because he has no place to tame them, he sees himself in the extreme necessity of begging the patronage of your Honor in order that there may be granted to him the place called "Arroyo Grande" which is vacant and which adjoins on the ex Mission of La Purisima and is bounded by the Ranchos of Francisco Branch and Isaac Sparks said place being marked out on the accompanying map.

Wherefore he sincerely begs your Honor that you may take the necessary steps for forwarding his petition bearing in mind that he is a poor man burthened with a family, and that he has rendered service in the Department

Excusing him for writing on common

This petition and accompanying map are sent to this Prefecture for its final action

(Signed) Arguello

(Signed) Narciso Botello. Secretary

Excusing him for writing on common

paper, there being none of the proper stamp and receiving (it with) your Ama's well known kindness favor grace and grace

Santa Barbara April 29th 1841

(Signed) Je Jesus Carlon

Santa Barbara May 10th 1841

Pass this to the Mayordomo of the Mission of La Purisima that it may receive such report as he may deem proper to make respecting the place asked for by the Petitioner and return it for such purposes as may be required

(Signed) Fernando Tico

(Signed) Raymundo Carillo

Secretary

Establishment of La Purisima

Angeles July 7

1841. Let this be return to you the annexed especiones the annexed to the One with the proper report and the other respective espe without report as the lands does not belong diente - to this Mission

(Sgd) Arguello Gore and Liberty La Purisima. June 19-1841

(Signed) Jose Maria Valenzuella

To the Justice of the Peace of the Partido of Santa Barbara

The petitioner is known to possess some property and his conduct is good, where for I think the land [should be granted which] he asks for and does not belong to the Mission of La Purisima, nor to any other corporation or private individual: this is what I can report in conformity with justice.

Santa Barbara. June 22. 1841

(Signed) Fernando Tico

+should be granted to him because it is Vacant

13

Excellent Sir.

Having directed the corresponding reports to be made respecting the petition of Citizen Jeferino Carlon for the place called Arroyo Grande, it results that the land is vacant, without any occupant - that it belongs to no private individual or Corporation, that the petitioner has ~~of~~ property wherewith to occupy it; therefore it appears to this Prefecture that it may be granted to the petitioner should your Excellency see fit so to do Angeles July 7th 1841

(Signed) J Arguello
(Signed) Narciso Botello
Secretary

Monterey April 25th 1842
Having seen the petition at the beginning of this Expediente the reports of the person in charge of the Establishment of La Purisima, and also of the Justices of the Peace of Santa Barbara, and of the Prefect of the 2nd District with all other information presented and deeming it proper in conformity with the Law and regulations respecting the matter I declare citizen Jeferino Carlon Owner in fee of the place known by the name of Arroyo Grande, bounded by the the ranchos of Santa Manuela Guasna by the sierra and the lands of San Luis Obispo
Make out the proper patent take note of it in the proper book and deliver it to the petitioner
His Excellency the Governor Don Juan B Alvarado thus ordered decreed and signed of which I certify

Filed in Office April 6th 1852
Geo. Fisher Secy

Case No. 14 Expediente

14

Docs No. 4. attached to Dep. of Public Lands

Sello Primero Seis pesos.

Habilitado provisionalmente por la Aduana marítima del puerto de Monterey para los años de 1842 y 1843.

Alvarado — Antonio María Osio.

(Seal) Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias.

Por cuanto el ciudadano Gregorio Carlon ha pretendido para su beneficio personal y el de su familia el paraje conocido con el nombre de Arroyo Grande, colindante con el Rancho de Sta Manuela y Guasna, con la Sierra y con el terreno de San Luis Obispo: practicadas previamente las diligencias y averiguaciones concernientes, segun lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas á nombre de la nacion Mejicana, he tenido en conceder le el terreno mencionado, declarando le la propiedad de él por las presentes letras, sujetandose á la aprobacion de la Suma Junta Departamental y á las condiciones siguientes.

1ª Podrá cercarlo sin perjudicar las travesias caminos y servidumbres, lo dispondrá libre y exclusivamente destinando lo al uso ó cultivo que mas le acomode, pero dentro de un año fabricará casa y estará habitada

2.ª Solicitará del Juez respectivo que le dé la posesion ritualica en virtud de este Despacho por el cual se demarcarán los linderos en cuyos límites, pondrá las mojoneras correspondientes

3.ª El terreno de que se hace merced es de un sitio de Ganado mayor segun esplica el diseño que corre en el expediente respectivo. El Juez que dé la posesion lo hará medir conforme á ordenanza quedando el sobrante que resulte á la nacion para los usos convenientes.

4.ª Si contraviene á estas condiciones perderá su derecho al terreno y será denunciable por otro.

En consecuencia mando que teniendose por firme y valedero este presente titulo, se tome razon de él en el libro respectivo, y se entregue al interesado para su resguardo

y demas fines. Dado en Monterey a veinte y cinco de abril de mil ochocientos cuarenta y dos.

Juan B. Alvarado. Manuel Jimeno. Srio.

Queda tomada razon de este despacho en el libro de oficios sobre adjudicacion de terrenos baldios a fs. 11.

Jimeno.

El Excmo. Sor. Gobernador ha dispuesto, se tome razon de esta concesion en la Prefectura del Segundo Distrito.

Jimeno.

queda tomada razon de este titulo en el libro de asientos llevado en la Secretaria de la Prefectura de este 2º distrito a f. 3. Vª Angeles. Junio. 15 de 1842.

José R. Argüello. Srio.

Sello Cuarto. Una Cuartilla.

Habilitado provisionalmente por la Aduana maritima del puerto de Monterey en el Departamento de las California para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno. Alvarado. Antonio Mª Osio.

Es copia Manuel D. Marcheltena

El que suscribe Secretario del Gobierno de este Departamto certifica que el diseño que se demuestra á la vuelta es igual al original que existe en esta Secretaria agregada al expediente del Ciud.no Zeferino Carlon.

Monterey. Abril 29. de 1842. Manuel Jimeno.

Sor Juez de Paz.

Zeferino Carlon Mejicano y Vecino de esta demarcacion ante V. E. como mas haya lugar en derecho dice; que habiendo obtenido la concesion propia del terreno conocido con el nombre de Sn Ramon, vengo a V. m. con el fin de que se sirva dar la posesion Juridica, conforme esta pareciado en el articulo segundo del titulo de dho. terreno que se le expedio el dia veinte y seis de abril de mil ochocientos cuarenta y dos; que debiendo acompañar como igualmte la conformacion respectiva pa que todo obre en los efectos deseados por tanto a V. E. suplico se sirva poner me el la posesion q. solicito de lo que recibiré merced y Justicia sirviendo admitir esta en papel comun por no haber del sello correspondiente

Sta Manuela. Junio 1o de 1842.

En virtud de la antecedente solicitud procedase por mi el presente Juez Zeferino Carlon ó lo mi oficio señalamiento de linderos y posesion Juridica q. solicita el interesado de este expediente señalandose pa efectuar el dia q. de Viernes del corriente año pa lo que se citaron con boleta de comparecer á los colindantes. Asi yo el mencionado Juez lo decreto, mandé y firmé con los testigos de asistencia con quienes actuo por receptoria a falta de escribano publico. Doy fe. Joaqn Carrillo. asta. Vicente Bonella. de asta. Franco Branche.

En la fecha presente Zeferino Carlos se le notifiqué el auto antecedente y de el el interesado dijo lo oye quedava por citado y lo firmo con los de mi asistencia.

J. Carrillo. de asta. Vicente Bonella. de asta. Franco Branch.

En la misma fecha. se libraron las boletas q. se mandan en el antecedente auto y pa que conste lo rubriqué.

En el sitio de Sn Roseran á las nueve ora del mes de Junio de 1842 en cumplimiento del auto del seis del corriente concurrieron los Ciudos Franco Branche por el Rancho de

Sto Manuela, Juan Prais por el de Guasuno, y por los vecinos de Sn Luis, Vicente Bonella, Citados pa la medicion Sen atto de linderos y posesion, nombré por medidores á los ciudadanos José Carlon y Damian Burton quienes prestó la aceptacion y juramento procedieron al desempeño de su encargo. ytigo el Juez lo ocurrente mandé y firmé con los testigos de asistencia.

J. Carello. de assa. Vicente Bonella. de assa. Franco Branche.

En la fha se les notificó á los colindantes el acto que antecede. y entendidos dijeron que se hallaron y firmaron con migo y los testigos de asistencia.

J. Carello Franco Branche. Juan Prix. Vicente Bonella. De asistencia. Vicente Bonilla. de assa. Franco Branche.

En la misma fha. y en el espresado parage se les notificó el auto en el que aparecen nombrados medidores á los Ciudos José Carlon y Damian Burton y entendidos dijeron; que aceptan y aceptaban dicho encargo y juraron por Dios nuestro Señor y la señal de la Sto Cruz de hacerlo fiel y legalmente atanto su leal, saber y entender, sin dolo o fraude, contra persona alguna, y por no saber firmarlo hice con los testigos de mi asistencia.

J. Carello. De assa. Vicente Bonilla. de assa. Franco Branche.

con los testigos de asistencia. J. Carello.

De assa. Vicente Bonilla. de assa. Franco Branche.

En la fha se les notificó á los colindantes ciudadanos Franco Branche por el Rancho de Sto Manuela Juan Prais por el Guasuna y a Vicente Bonilla por el establecimto de San Luis Obispo el auto y enterados dijeron. que lo oyen y firmaron con migo y los testigos de asistencia.

J. Carello. Franco Branche. Juan Prix.

de assa. Vicente Bonilla - de assa. Franco Branche.

En el paraje de Sn Roman Leudo como á las tres de la tarde del mismo dia y año, El ciudadano Jeronmo Conlon, vecino de Sta Barbara, acompañado del Juez y testigos. de assa con animo segun dijo de tomar la verdadera, corporal

y real posesion del espresado terreno de Sn Roman por haberle pertenecido en Justo titulo que octuba del Gobno politico de este Departamto con fha veinte y cinco de abril del corri-ente año entro y paso por Dho. terreno, arranco yerbas, espar-cio piñadas de tierra, rompio ramas de arboles, hè hecho otras ceremonias de verdadera y posesion en señal de lo q. Dige ton-an y que tomaba de dichas tierras y mandé yo el Citado Juez q. desde entonces le tubieran y reconocieran al mencio-nado Lor Carlon por verdadero dueño y señor y poseedor de ella, de todo lo referido pidio el repetido Lor. Carlon q. po-menuria en lo benideno y Conservacion de sus derechos pr mi el Juez le fuese entendido una constancia lo q. así fué autorizado siendo testigos de ass.e los señores Vicente Bonilla Fran.co Branch con quienes actuo en receptoria a falta de escribano publico que no lo hay, segun derecho Doy fee.

Continuentemente yo el Juez mandé traer á mi presencia el cordel con que se han de medir las tierras q. q. los medidores de cincuenta varas y pa que conste lo firmé con los de mi asistencia.

J. Carlto. de asto. Vicente Bonilla. = de asto. Fran.co Branche.

En la misma fha. en presencia de mi el referido Juez con los espresados medidores tomaron un cordel de mecate y con una vara Mejicana de medir, lo tomando lo en la cuanto medieron cincuenta varas pa hacer la referida medi-cion y pa constancia lo subrigue.

En la misma fha y en el referido paraje siendo las nueve de la mañana, Yo el presente Juez mandé á los medidores se pongan pa la medicion que ha de hacer del terreno pa que el mencionado Seferino Carlon, tome posesion de él y parados en la punta de sienga empesaron la medicion tomando el rumbo del norte hasta la sierra en donde habiendolo llegado, dijeron haver sierto que dos cordeles y desde el portezuelo de la cañada que be á

Siénega rumbo O.S. al N.E. hasta la punta de las bajas se medieron Ciento Varas y cinco cordeles desde dho. punto rumbo al S.O. hasta los linderos del Sor. Branche donde está un aliso, se medieron Sincuenta y Sinco cordeles habiendose concluydo esta medicion resulta como dos Sitios y medio mas ó menos de Sanado mayor y habiendolo hecho el señalamto de linderos en la Sierra Contigua á Guasna en el portezuelo de la Cuadra frente á la Sienega en la punta de las bajas y en el lindero del Sor Branche, mandé formar esta mi honorar y pa constancia lo firmé con los testigos de asistencia.

J. Carretto. Le asta. Vicente Bonilla = Le asta. Franco Branche.

En la misma fha. yo el indicado Juez mandé q. en virtud de haberse medido el terreno y haberse echo el señalamto de linderos se ponga en posesion Juridica el cuidadano Seferino Carlon y notifiquese les á los colindantes y firmé por auto.

Da y n Carretto. Le asta. Vicente Bonella = Franco Branche.

En la fha se devuelve este espediente al interesado y para constancia lo notifiqué.

En el puerto de Sto Barbara á las doce dias del mes de Abril de mil ochocientos Cuarenta y tres, ante mi Joaquin Carillo, Juez de Paz propietario del partido y los testigos de mi asistencia con quienes actuo por falta de absoluto de escribano publico y nacional, Compareció Seferino Carlon, vecino de este puerto á quien doy fé, conozco y obligo: que se sepa por esta publica escritura q. que de su libre grado y cierta ciencia, vende, concede y por titulo de Venta real y de estabilidad perpetua, por juro de heredad transfiere á Don Francisco Branche, vecino del mismo lugar que esta presente para si y los suyos aceptante, el terreno conocido con el nombre de Arroyo Grande, esto en la Jurisdiccion de este Puerto, colindante con las vaquerias de

de Sta Manuela y Ruasna, con la Sierra y con tierras de
Sn Luis Obispo, con todas sus entradas, salidas, vejos, usos
servidumbres y lo demas que a dicho terreno pertenece de
hecho y de derecho, libre de censo, cargo é hipoteca, que posee
en propiedad por concesion hecha á su favor por el C. Don
Juan Bautista Alvarado, Gobernador Constitucional del Dep-
-artamento en fecha 5 de abril de 1842 y tenencia judicial
que tiene de nueve de Junio del mismo año de mil ochoci-
-entos cuarenta y dos por precio de seis cientos pesos
moneda corriente pasen pará precio el vendidos, pues
en este respeto ha sido apreciado dicho terreno por peritos
de consentimientos de ambas partes en la expresada quantia
de seiscientos pesos, los que otorga haber recibido de dicho
Don Francisco Branche en vacas y en efectos á justos precios
de buena calidad y recibo de que le dá por entregado y
contento (de que yo el Juez doy fé) y desde hoy en adelante
se desapodera, desiste y aparta de la accion, propiedad
señorio, titulo, voz reeuso y cualquier derecho que en
dicho terreno le pertenesca y pueda pertenecer: pues todo lo cede,
renuncia, traspasa en dicho comprador y quien le sucediere, para
que como propio suyo lo posea, goze, cambié en agenó cuando
á su voluntad como ajeno absoluto sin dependencia alguna
reservandose unicamente para sí solo y mientas vive, con esclusion
de sus herederos ó sucesores, el derecho de permanecer en el
terreno que ha vendido con todos sus bienes semovientes sin perjuicio
de que el comprador en vista del vendedor pueda tambien in-
-troducir en dicho terreno los bienes de campo de pertenencia
obligandose ambos contratantes, como se obligan a guardar
la mas perfecta armonia en el uso comun de dicho terreno.
Y dicho Jeronimo Carlon dá a Don Francisco Branche el poder
que se requiere, constituyendo lo en su lugar mismo, hecho y causa
propia para que por su autoridad o Judicialmte en dicho
terreno vendido, tome aprehenda la posecion y tenencia de él.
Y para su cumplimiento ambos contractes, obligan sus bienes habidos y

y por haber, y dan poder á la Justicia de lo nacion y en especial á las de este Puerto á cuya Jurisdicion se someterá para que los aprenien; y lo firmó con migo dicho Juez y los de mi asistencia Don Francisco Branch, haciendo una Cruz Jeferino Carlon por no saber escribir, fueron testigos instrumentales Don Francisco de la Guerra, Don Antonio Rodriguez y Don Juan Camarillo, vecinos de este Puerto de que doy fé. Una Cruz. = Francisco Branche = Joaqn Carillo = De asta. José Maria Covarrubias = De asta. José Carillo.

Joaquin Carillo, Juez de paz, propietario de este puerto. Certifico que la copia que antecede es testimonio fiel y legalmte sacado á la letra del original a que me remito y queda archivado en el protocolo de instrumentos publicos del Juzgado de mi cargo. Y para que conste y sirva lo testigos de mi asistencia en papel comun por no haber del sellado que corresponde Santa Barbara. Abril doce de mil ochocientos cuarenta y tres. Joaqn Carillo. De asta. Joaqn de la Guerra. de asta. José Maria Covarrubias.

Filed in office. Sept. 9th 1852.

Geo. Fisher.
Secy.

22

First Stamp Six Dollars

Provisionly authorised by the Maritime Custom House of Monterey for the years 1842 and 1843

(Signed) Alvarado (Signed) Antonio Maria Osio

Maritime Custom House of Monterey

John B Alvarado Constitutional Governor of the Departments of the California

Translation of Title

Whereas Citizen Lorenzo Larkin has for his own personal benefit and that of his family asked for the place known by the name of Arroyo Grande bounded by the ranchos of Santa Manuela and Guasna by the Sierra and by the Lands of San Luis Obispo, the proper measures and examinations having previously been made as required by the laws and regulations using the faculties which are conferred upon me in the name of the Mexican Nation. I have granted him the above mentioned Land, declaring to him the Ownership of it by these presents, subject to the approval of the Most Excellent Departmental Junta and under the following Conditions

1 He may enclose it without prejudice to the crossings roads and servitudes and enjoy it freely and exclusively making such use and cultivation of it as he may see fit, but within One year he shall build a house and it shall be inhabited

2d He shall ask the Magistrate of the place to give him juridical possession of it in virtue of this Order by whom the boundaries shall be marked out and he shall place in them besides the land marks some fruit or fruit trees of a useful character

3d The land here mentioned is One Sitio de ganado Mayor (One Square league for grazing cattle) as set forth in the Map attached to the respective Expediente The Magistrate who gives the possession will have it

measures according to the Ordinance leaving all that may remain over and above to the nation for its convenient using

4 If he shall contravene these conditions he shall lose his right to the Lands and it may be denounced by another – In consequence I order that the present title be held as firm and valid, that note be taken of it in the proper book and that it be delivered to the party interested for his security and other purposes Given in Monterey this twenty fifth day of April One thousand Eight hundred and forty two

(Signed) Juan B Alvarado
(Signed) Manuel Jimeno
Secretary

Note has been taken of this Document in the book of Entries of grants of Vacant Lands at page 11
Signed Jimeno

Filed in Office April 6th 1853
Geo. Fisher Secy

Translation of Juridical possession

To the Justice of the Peace

Lefenino Carlon a Mexican and citizen of this demarcation before you comes, and in due form representation makes, that having obtained the grant in fee of the land known by the name of San Roman, he comes to you with the request that you will give him juridical possession as directed in the second article of the title of said lands which was granted him the 25th day of April One thousand Eight hundred and forty two which is duly sent herewith as also the respective confirmation in order that they may serve all the desired purposes –

Wherefore I pray you Sirs to put me in the possession which I ask by which I will receive grace and justice and please to receive this in common paper, there being none of the proper stamp

Santa Manuela June 1st 1842

(Signed) Lefenino Carlon

Nipomo June 6th 1842

In virtue of the preceding petition I the present Magistrate will proceed to measure and mark out the boundaries and give the judicial possession asked for by the petitioner in this expediente, appointing for this purpose the 9th day of June of the current year for which object the Colindantes will be cited to appear by written notice. Thus I the aforesaid magistrate decreed Ordered and Signed with the assisting witnesses with whom by virtue of my Office, I act, there being no Notary public – I certify –

(Signed) Joaquin Carrillo

Assisting Witnesses

(Signed) Vicente Bruella

(Signed) Francisco Branch

On this day Lefenino Branch was notified of the proceeding order to which he replied that he hence

it and acknowledged notice. And I signed it with
my assisting Witnesses
(Signed) J Canillo
Assisting Witnesses
(Signed) Vicente Bonello
(Signed) Francesco Branch

On the same day the summons ordered in the foregoing
decree was sent, in testimony of which I signed by rubric
Rubric of Canillo
In the place of San Roman on the ninth day of June
One thousand Eight hundred and forty two in compli
ance with the decree of the 6th Inst. There assembled
Citizens Francesco Branch for the Rancho of Santa
Manuela Juan Prico for the Rancho of Secatara and
for the Mission of San Luis, Vicente Bonello, summoned
for measuring de-marking out the boundaries and
giving possession - I appointed for Surveyors citizens
Jose Carlon and Damian Butron, who accepting and
taking the Oath proceeded to the discharge of their
duties - thus I the said Magistrate decreed ordered and
signed with the assisting Witnesses
Assisting Witnesses (Signed) J Canillo
(Sgd) Vicente Bonello
(Sgd) Franco Branch
On the same day the Colindantes were notified of the
foregoing decree and having heard it they acknowledged
notice and signed with me and the assisting Witnesses
Signed J Canillo
(Signed) Franco Branch (Sgd) Prico
Assisting Witnesses
(Signed) Francesco Branch
Signed Vicente Bonillo

On the same day and in the same place notice was given of the decree appointing surveyors the Citizens José Carlon and Damian Burton and having heard it they said they accepted, and do accept their Office, and swore by God Our Lord and the sign of the Holy cross to perform the duties faithfully and legally to the best of their knowledge and understanding and without injury or favor towards any person: And not knowing how to sign, the assisting witnesses signed for them (Signed) J Canillo

Assisting Witnesses
(Signed) Vicente Bonilla
(Signed) Francisco Branch

In continuation I the Magistrate ordered to bring into my presence the rope with which to measure the lands and that the surveyors, measure off fifty varas in length, in testimony of which I signed with the Assisting witnesses (Signed) J Canillo

Assisting Witnesses
(Signed) Vicente Bonilla
(Signed) Francisco Branch

On the same day in the presence of me the said Magistrate and said surveyors took a <u>measure</u> rope and and with a Mexican Vara measure, to strength in their hands measured off fifty varas, for making the afore said survey in testimony of which I sign with rubric

Rubric of Canillo

On the same day and in the same place it being nine O'clock in the Morning I the present Magistrate ordered the surveyors to begin the measurement which was to be made of the Lands in order that the said Jesus Carlon might be to possession of it. And standing at the point of the arroyo, they began the measurement going in a Northerly direction to the Sierra distant one hundred and ten (110) cordels; thence from the crossing of the

Canada that runs to the Cienaga West Northwest to the to the point of the Lagas distant One hundred and twenty five (125) Cordels; thence South West to an Alisso tree, the boundary of Sna Branch distant fifty five (55) Cordels; having thus completed the survey there resulted two and a half Sitios de ganado Mayor (two and a half leagues) and having established boundary marks in the Sierra Contiguous to Guasna, in the cropping of the Canada opposite the Cienaga in the point of the Lagas and in the Boundary of Sna Branch I ordered that these be regarded as bounds and in testimony I signed it with the Assisting Witnesses

Assisting Witnesses (Signed) J Carrillo

(Signed) Vicente Bonello

(Signed) Francs Branch

On the same day I the aforesaid Magistrate ordered that in virtue of having measured the land and marked out the boundaries, Citizen Tefumas Carlon be placed in peaceable possession and the Colendantes be notified and signed the Order with the assisting Witnesses

Asstg. Witnesses (Signed) J Carrillo

(Signed.) Vicente Bonello

(Signed) Francisco Branch

On the same day Notice of this Order was given to the Colendantes, Citizens Francisco Branch for the Rancho of Santa Manuela, John Price for the Rancho of Guasna and Vicente Bonello for the Establishment of San Luis Obispo and they acknowledged Notice and signed with me and the assisting Witnesses

Assisting Witnesses Signed J Carrillo

(Signed) Vicente Bonello

(Signed) Francisco Branch (Sgnd) Juan Price

28 In the place of San Roman it being about 3 o'clock in

In the place of San Roman it being about 3 o'clock in the afternoon of the same day month and year citizen Lefuino Carlon an inhabitant of Santa Barbara accompanied by the Magistrate and witnesses with the intention as he said of taking true Corporal and real possession of the said lands of San Roman by right of just title which he received from the political Governor of this Department on the twenty fifth day of April of the current year entered upon said Lands, pulled up grass scattered handfuls full of earth broke branches of trees and performed other acts of true possession by which sign he said he received and did receive said lands, and I the said Magistrate ordered that thenceforth he, the said Senor Carlon should be considered and recognized as the true Owner lord and possessor of it, And the said Senor Carlon asked that all the foregoing proceedings might be officially made out by me, the Magistrate, as testimony for the future and for the preservation of his rights which was authorised; the assisting Witnesses being Vicente Bonello and Francisco Branch with whom I officially act, there being no Notary public, as has been said I certify (Signed) Joaquin Ocampo
Assisting Witnesses.
(Signed) Vicente Bonello (Signed) Francisco Branch

On the same day this Espediente is given to the person interested, in testimony of which I sign with my rubric Rubric of Ocampo

Filed in office April 6th 1852
Geo. Fisher Secy

In the Port of Santa Barbara the twelfth day of April one thousand Eight hundred and forty three before me Joaquin Carrillo Justice of the peace of the Partido, and my assisting witnesses, with whom I act there being no National and public Notary - appeared Lorenzo Carlon an inhabitant of this Port who I certify is known to me and declared: Let all men know by these presents that of his own free will and intent he sells and by title of real sale and perpetual alienation by right of inheritance transfers to Don Francisco Branch an inhabitant of the same place who is also present and for himself and for his representatives accepts, the land known by the name of Arroyo Grande situated in the jurisdiction of this Port, bounded by the Ranchos of Santa Manuela and Guasna by the sierra and by lands of San Luis Obispo with all its rights, hereditaments, advantages privileges and appurtenances whether of act or right free from lien charge or incumbrance which he owns in fee by grant made in his favour by Excmo Don Juan Bautista Alvarado Constitutional Governor of the Department on the twenty fifth day of February One thousand Eight hundred and forty two and juridical tenure which he holds from the month of June of the same year 1842 for the full sum of six hundred dollars current money of the Vendor, since for this end the said Land has been appraised at the said sum of six hundred dollars by an adopted agreed upon by both parties, which sum the Vendor acknowledges to have received from the said Don Francisco Branch in cattle and goods at a fair price and of good quality and did to receive (which I the Magistrate certify was delivered and to his satisfaction) and hence forth and forever he releases, discharges, retires and withdraws from the control ownership freehold

title name recourse and whatever other right belongs or may belong to him in said Lands all which he grants renounces and transfers to the purchaser who succeeds him, so that he may possess, enjoy exchange alienate, or sell it at his will as his own property and as absolute owner without dependence upon any one the vendor only reserving to himself alone during his life with the exclusion of his heirs or successors the right of remaining on the Lands with all his self moving property with the understanding that the purchaser may also during the lifetime of the vendor introduce upon said land his own animals of the field - the two contracting parties binding themselves as they are bound to preserve the most perfect harmony in the common use of said land. And the said Jeferino Carlon gives to Don. Francisco Branch full and ample power, constituting him in his place act and stead in order that by his authority, or periodically in said land said he may lease and hold the possession or ownership of it - And for the full performance of these presents both of the contracting parties renounce the Laws in their favour, and bind the property which they now have or may acquire, and give power to the Courts of the Nation and especially to those of this Pol - to whose jurisdiction they submit, for the enforcement thereof - and Francisco Branch signed it with me the Magistrate and my assisting Witnesses Jeferino Carlon making his cross as he did not know how to write - the Witnesses to this instrument were Don Francisco de la Guerra - Don Antonio Rodriguez and Don Juan Camarillo inhabitants of this Pol - of which I certify

Jeferino Carlon's cross

(Signed) Francisco Branch (Signed) Joaquin Carrillo
Assisting Witnesses (Signed) Jose Maria Covarrubias
(Signed) José Carrillo -

(Signed) Jose Vanello-

31

Joaquin Vanello Justice of the Peace of this Port:
I certify that the above Copy is faithfully and legally
copied from the letter of the Original which was deposited
with me and placed in the protocols of Public Instrum
ents in the Office under my charge - and therefore and
for the purposes which it may serve I give the present
and sign it with my assisting Witnesses, on common
paper there being none of the proper Stamp
Assisting Witnesses Santa Barbara April 12th 1843
(Signed) Joaquin de la Guerra (Signed) Joaquin Vanello
(Signed) Jose Maria Covarrubias-

Filed in Office April 6th 1852
Geo. Fisher Secy

Francisco Branch vs The United States — In the place called Arroyo Grande or San Ramon in San Luis Obispo County Containing One Square league of land

The land claimed was granted by Governor Alvarado to Jeronimo Carlon on the 25th day of April 1842 as appears by the original title paper which is given in evidence The grantee was required to obtain juridical possession of the land with a proper demarcation of the boundaries which as is shown by the usual testimonial of the Official act was done on the 9th day of June 1842 The testimony of Nicolas A Den shows that the premises were occupied since the year 1842 by Francisco Branch who has lived on the land had a house upon it with his cattle, and cultivated a portion of the premises - It is not stated in what capacity Branch occupied the land during the year 1843 - but as Carlon was still the owner the occupancy must be understood to be under him and the improvements to have been made for him The testimony is not explicit as to the time when the house was built and the cultivation commenced - but the witness states the occupancy to have continued since 1842 the year of the grant, and as he speaks of the building of the house and the cultivation of the land in connection with it the latter must be regarding as indicating the character of the occupancy and as commensurate with with it - The effect of the testimony thus considered is to show a substantial compliance in this respect with the condition of the grant and of the law, and to secure an equitable right in Carlon to the premises The present claimant alleges title in himself by virtue of a deed of conveyance from said Carlon to him executed before competent authority in the

12th day of April 1843 - This conveyance appears to have been made with the requisite formalities under the Laws then in force and is proved before the Commission by the usual documentary evidence under it the claimant is entitled to a Confirmation of the premises to himself

Confirmed

Filed in Office Larry 17th 1854
Geo. Fisher Secy

Francisco Branch
vs
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the said claim of the petitioner is valid, and it is hereby decreed that the same be confirmed. The land of which confirmation is hereby made is the same known by the name of Arroyo Grande or San Ramon situated in San Luis Obispo County and occupied by the said claimant, and bounded and described as follows to wit: Commencing at the point of Cienega and running thence in a northerly direction five thousand and five hundred varas to the Sierra; thence from the cropping of the Canada that runs to the Cienega West North West to the point of the Lajas distant six thousand two hundred and fifty varas - thence South West to an Alisso tree the boundary (in 1842) of Seven Branch two thousand seven hundred and fifty varas; and thence to the place of beginning; boundary marks for said line having been established, in the Sierra contiguous to Guasna, in the cropping of the Canada opposite the Cienega in the point of the Lajas and in the boundary of Seven Branch said premises containing one square league of land more or less agreeably to the grant of the same to Lorenzo Carlon and the juridical measurement thereof and a map attached to the translated copy of the Espediente from the Archives all of which are on file in this case and to which reference is to be had

Alpheus Felch
Thompson Campbell
R Aug Thompson
Commissioners

Filed in Office June 17. 1854
Geo. Fisher Secy

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 four pages, numbered from 1 to forty fourth 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. 162 on the Docket of the said Board, wherein Francisco Branch is

the Claimant against the United States, for the place known by the name of "Arroyo Grande".

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this twelfth day of September A. D. 1854, and of the Independence of the United States of America the seventy-ninth

Geo: Fisher
Secy.

75

U. S. DISTRICT COURT,

Southern District of California.

No. [redacted]. 75. Docket

THE UNITED STATES, ab

vs.

Pro

75

75

75

Office of the Attorney General of the United States,

Washington, 30th November 1854.

Francisco Branch
vs.
The United States. } 162.

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 August 1854 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No 75.

U. S. District Court.

Southern District

The United States
vs
Francisco Branch

Appeal Notice -

Filed Jany 15th 1855.
C. E. Lam
clk.

United States of America, } SS.
Southern District of California.

TO **The President of the United States,**

Francisco Branch.

75 SD
PAGE 39

GREETING:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, ~~and each of you~~, in the District Court of the United States, in and for the Southern District of California, on the Thirteenth day of August in the year of our Lord one thousand eight hundred and fifty-five at the City and County of Los Angeles, in said District, by Pacificus Ord, Attorney of the United States for the Southern District of California, in behalf of the United States praying the said Court to review, upon the grounds therein set forth, the decision of final confirmation of the Board of U. S. Land Commissioners to ascertain and settle the private land claims in the State of California, to the claim of Francisco Branch for a tract of land called Arroyo Grande, in the County of San Luis Obispo, Cal. containing one square league of land more or less. and presented by you on or about the 6th day of April A.D. 1852, and by them confirmed on the 17th day of January A.D. 1854.

and that you, ~~and each of you~~, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that ~~judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.~~ the plaintiff will apply to the Court for the relief demanded therein.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this Tenth day of September in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

C. E. Carr
Clerk.

No. 75.

Marshals fees

Copying summons	,90
Serving "	3,00
" Petition	3,00
	$6,90

United States of America,

Southern District of California,

U. S. District Court.

Francisco Branch

ads

The United States.

SUMMONS.

Received Sept. 12th 1855
Edward Hunter
U. S. Marshal

75 SD
PAGE 40

I served this summons along with the proper copy of the petition upon ~~the~~ Thos. Mucklemann Atty for Appellee by delivering to him a copy of the same

at Los Angeles in the Southern District of California on the 4th day of Oct A. D. 185 5.

Sworn to and subscribed before me,

Edward Hunter
U. S. Marshal.

Clerk.

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

Los Angeles County, State of California

Francisco Branch
ads
The United States } No 75. (Transcript No 162.)

To the Honorable Isaac S. K. Ogier, Judge of the District Court of the United States for the Southern District of California.

The petition of Pacificus Ord, (of Los Angeles County) Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States; and being present here in Court in his proper person, in the name and behalf of the United States, represents as follows.

That heretofore, to wit, on or about the 6th day of April A. D. 1852. Francisco Branch presented a petition to the Commissioners to ascertain and settle the private land claims in the state of California, claiming the tract of land called Arroyo Grande, in the County of San Luis Obispo in the words and figures following, viz.

" That in the month of April A. D. 1841
" Zeferino Carlon applied through the proper

" authorities for the tract of land called
" "Arroyo Grande" and that on the 25th day
" of April A.D. 1842 Juan B. Alvarado
" Governor of California by virtue of authority
" in him vested, granted to the said Zeferino
" Carlon the aforesaid tract of land called
" Arroyo Grande or 'San Ramon' situate in
" the then jurisdiction of Santa Barbara
" and now the County of San Luis Obispo,
" containing one square league, with the
" boundaries described in the grant and
" corresponding map; all of which is shown
" in the Expediente a certified copy of
" which is submitted herewith marked 'A' with
" a translation marked 'B' and he also sub-
" mits herewith a copy of the formal title
" marked 'C' with a translation marked 'D'
" And the petitioner further shows that on
" the 6th day of June A.D. 1842 the said
" tract of land was surveyed and the
" juridical possession of it given to the said
" Zeferino Carlon by the proper authority,
" a copy of which act of possession is sub-
" mitted herewith marked E with a trans-
" lation marked 'F.' That on the 2nd day
" of April A.D. 1843 the said Zeferino
" Carlon sold and conveyed the said tract

" of land to the petitioner, a copy of which
" Conveyance is submitted herewith marked
" "G" with a translation marked "H"

" That since the year 1841 the said Carlon
" and the petitioner have been, and the
" petitioner now is, in the quiet, peaceful
" and undisputed possession and occupation
" of the said tract of land That he
" knows of no Conflicting claim That the
" said land has not been surveyed by the
" Surveyor General of the United States,
" but that it was Surveyed and its bound-
" aries marked out at the time of the giving
" juridical possession of it That he relies
" for Confirmation of title upon the original
" papers, Copies of which are submitted here-
" with, upon the records and minutes in
" the archives now in charge of the Surveyor
" General; and upon such other and fur-
" ther proofs as he may be advised are
" necessary Wherefore he prays the
" Commissioners to Confirm to him the said
" tract of land.

Your petitioner further represents that there-
after, to wit, on the 17th day of January
A. D. 1854. the said Commissioners Confirmed,
by final decree, the said claim of the
said Francisco Branch in the words and

figures following to wit.

" On this Case on hearing the proofs and
" allegations it is adjudged by the Com-
" mission that the said Claim of the petitioner
" is valid, and it is hereby decreed that the
" same be Confirmed. The land of which Con-
" firmation is hereby made is the same known
" by the name of Arroyo Grande or San
" Ramon situate in San Luis Obispo County
" and occupied by the said Claimant, and
" bounded and described as follows to wit:
" Commencing at the point of Cienega and
" running thence in a Northerly direction
" five thousand and five hundred varas to
" the Sierra; thence from the Croping of the
" Canada that runs to the Cienga West
" North west to the point of the Lajas
" distant Six thousand two hundred and
" fifty Varas - thence South West to an Alisos
" tree the boundary (in 1842) of Senin
" Branch two thousand seven hundred and
" fifty Varas; and thence to the place of begin-
" ning; boundary marks for said line having
" been established, in the Sierra Contiguous
" to Guassa, in the Croping of the Canada
" opposite the Cienaga in the point of the
" Lajas and in the boundary of Senea.

" Branch said premises containing one square
" league of land more or less agreeably to
" the grant of the same to Jeferino Carlon
" and the juridical measurement thereof and
" a map attached to the traced copy of
" the expediente from the archives all of
" which are on file in this case and to
" which reference is to be had."

" Alpheus Felch
" Thompson Campbell } Commissioners."
" R. Aug. Thompson

That thereafter, to wit, on the 16th day of September A.D. 1854, a duly certified transcript of the said decree, and proceedings, and the papers and evidence on which it was founded in said cause, was filed in the office of the Clerk of the District Court of the United States for the southern District of California, and marked No 75. (Transcript No 162) reference to which it is prayed may be had and made a part of this petition.

That on the 30th day of August A.D 1854, the Honorable Caleb Cushing Attorney General of the United States received a duly certified duplicate of said transcript of said final decree and proceedings of

said said Commissioners in said Cause (No. 162) and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 10th day of January A.D. 1855, the said Attorney General of the United States, filed or Caused to be filed, on behalf of the United States a notice with the said Clerk of said District Court for the Southern District of California, that the appeals in said Cause of Francisco Branch, vs. the United States, from the decision of said Commissioners to ascertain and settle the private land claims in the State of California, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States.

Your petitioner further represents that the said land claimed as aforesaid is within the jurisdiction of this Honorable Court. And your petitioner further represents, and insists that the said decree of said Commissioners is erroneous, and ought to be reversed, reversed, and set aside, for many errors and imperfections of law and evidence, apparent in said Certified transcript of said Cause, now on appeal from said Commissioners to this Honorable Court.

And your petitioner further represents that the said Claim is invalid, and the said decree erroneous, on the following grounds.

I. And the said Attorney denies all and singular each and every allegation in the said petition of said Claimant to said Commissioners of said date. And he further denies that any grant for said land was ever made as alleged in said petition. And he denies further that the said Claimant has shown any or sufficient evidence of the validity of the said Claim.

II. That the said alleged grant of Juan B. Alvarado was made in violation of the 4th article of the Colonization law of Mexico of the 18th of August A. D. 1824, in this; that the land granted, as alleged by Claimant, was and is within ten leagues of the Sea Coast; and there is no evidence shown by Claimant, that the Supreme General Executive power of Mexico, previously approved of the Colonization of the public lands in Upper California, lying within ten leagues of the sea Coast. And it is denied that such previous Consent of said Supreme General Executive Power of Mexico in such Case was ever had.

III. That at the date of the said alleged grant, the said land claimed as aforesaid, was occupied by, and in the possession of the Missions of the Territory of Upper California; and it was held and occupied, particularly, by the Mission of Purisima, or San Luis Obispo; and could not therefore be colonized.

IV. That the said alleged grant has not the conditions required by, and is not made in entire conformity with the laws of Mexico of the 18th of August A.D. 1824, and the regulations for the colonization of the Territories of Mexico of the 21st of November A.D. 1828.

V. That the alleged grant of land to said claimant by Juan B. Alvarado, of the date of 25th April 1842, is, in its description of the land, vague and indefinite; and the map of the land referred to therein, is also vague and indefinite.

VI. That the said alleged grant was made subject to the approval of the Departmental Junta: and there is no evidence that it was ever approved by said Junta, or assembly of California, or the Supreme Government of Mexico.

And it is denied that it was ever approved by the said Junta, or assembly, or the said Supreme Government.

VII. That there is no evidence of the genuineness of the document, or writing purporting to be a petition of Zeferino Carlon to the Justice of the Peace asking for the juridical possession of land dated June 1st 1842.

VIII. That the alleged juridical survey and possession of the said land, by Joaquin Carrillo, Magistrate of San Luis Obispo, dated June 9th 1842, was unlawful, and void; for the reason, that at the time of the said alleged juridical acts, the said alleged grant of said Alvarado, had not been approved by the Departmental Junta, or assembly of California, or the Supreme Government of Mexico.

IX. That the said alledged juridical acts of the survey and possession of said land by said Joaquin Carrillo, were not made according to the said alleged grant, and the maps referred to therein; Nor according to the ordinance, or law. And the said pretended acts, are vague, indefinite, and void for uncertainty.

That the said pretended acts are not executed

upon stamped paper; and no reason is assigned therefor.

X. That there is no evidence that the said Joaquin Carrillo was a Magistrate of San Luis Obispo, on the said 9th of June 1842, and had then lawful authority to perform said alleged juridical acts of survey and possession of the said land. And it is denied that he was a Magistrate of said place, at said time and had then lawful authority to perform said acts.

XI. There there is no evidence that the said alleged Zeferino Carlon performed the Conditions of the said alleged grant; and that he built a house upon the said tract of land and occupied it within one year from the date of the said alleged grant; and that he cultivated the land. And it is denied that the said Carlon performed the Conditions of the said alleged grant; and that he built a house upon the said land, and occupied it within one year from the date of the said alleged grant; and that he cultivated the land.

XII. That at the date of the alleged purchase of said land by said Claimant April

12th 1843, the said alleged grant not having been approved by the said Departmental Junta, or Assembly of California, or the said Supreme Government, and then the said Jeferino Carlon not having performed the Conditions of said grant, he had no ~~xxxxx~~ lawful right or title in and to the said tract of land, which he Could lawfully alienate.

XIII. That at the date of the said alleged purchase of said tract of land by said Claimant, he was an alien, and not a native or naturaliged Citizen of Mexico; and Could not, therefore, then lawfully acquire, by purchase as alleged, and hold the said tract of land.

XIV. That there is no ~~xxxxxxxx~~ sufficient evidence that the said alleged original grantee, or the said Claimant, ever built a house upon the said land, and occupied it; And that he Cultivated the said land. And it is denied that he ever built a house upon the said land and occupied it; and that he Cultivated the said land.

XV. That the said Claimant shows no definitive grant or title, for the said tract of land, Claimed by him as aforesaid. And no sufficient proof having been made by said Claimant of the allegations of his said petition, or in support of

his said claim filed as aforesaid, no decree ought to have been made, or grounded thereon; but the said petition ought to have been dismissed, and said claim rejected by said Commissioners, upon the grounds aforesaid.

And the said Claimant having no valid right or title, derived from the Spanish, or Mexican Government, to the said land claimed by him, as aforesaid, the lawful right, or title in and to the said land, was acquired by, and it now belongs to the said United States, by virtue of the treaty of peace, friendship, limits, and settlement, with the Republic of Mexico, dated at the City of Guadalupe Hidalgo, February 2nd A.D. 1848.

Wherefore the said Pacificus Ord, Attorney of the United States for the Southern District of California for and in behalf of the United States, by reason of the premises, and in pursuance of the act of Congress entitled "An act to ascertain, "and settle the private land claims in "the State of California", approved March 3d A.D. 1851, and the laws and statutes in such case made and provided, prays

that the said Francisco Branch may be served with a copy of this petition; and that this Honorable Court will review the said decision, or final decree of Confirmation, of said Commissioners, to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of said Francisco Branch, for said land claimed and confirmed as aforesaid; and that the same may be decreed invalid. And all such other orders, judgments, or decrees, as may be just, with costs, and general relief.

P. Ord

Attorney of the United States for the Southern District of Calif.

No 75

U. S. Dist Court
S. Dist of Calⁿ

Francisco Branch
ads
The U. States

Petition of the U States
for Review

Filed Aug 13 1855
C. E. Carr
Clk

75 SD
PAGE 54

P. O'Ro Dist Atty

In the District Court of the United States for the Southern District of California Los Angeles County.

Francisco Branch – Appellee } "Arroyo Grande"
ads. }
The United States – Appellant. } No 75.

The Appellee, Francisco Branch, for answer to the Petition of the Appellant in this case says and avers that he, the Appellee, has a good and valid title to the lands claimed by him in this case viz. the Rancho known as "Arroyo Grande" in the County of San Luis Obispo. He therefore prays that the decision of the Board of Land Commissioners to ascertain and settle private land claims in the State of California, confirming the Appellee's said title may be affirmed.

A. F. Hinchman
Attorney for Appellee

No 75

U.S. Dist. Court for the
Southern Dist. of California

Francisco Branch
Appellee
vds.
The United States.
Appellant.

Appellee's Answer

Filed Oct. 16th 1855
C. C. Carr clk
By W. Ross Dep

Copied

75 SD
PAGE 56

A. F. Hinchman
of Santa Barbara
Atty. for Appellee.

I hereby this answer on Parties to District Atty Oct 14th 1855 at 10 o'clock A.M. Accepting the time thereof by a certified copy of the same

Solicitor General
U.S. Attorney

In the United States District Court
for the Southern District of California
County of Los Angeles.

Francisco Branch = Appellee
ads.
The United States - Appellant

No 75.
Arroyo Grande

It is hereby stipulated on the part of the Appellant, by P. Ord, District Attorney of the United States for the Southern District of California, and on the part of the Appellee by his Attorney A. F. Hinchman, that so much of the Transcript in this case sent by the Board of Land Commissioners to the U. S. District Court as is contained in pages 14. 15. 16. 17. 18. 19. 20 & 21 of said Transcript, ~~is~~ admitted to be a copy of the documents referred to by Pablo de la Guerra in his deposition in this case before the Board of Land Commissioners as Documents marked "No. 4". and annexed to his deposition.

Los Angeles
October 16. 1855

P. Ord
Dist Atty
A. F. Hinchman
Atty for Appellee

No 24
Arroyo Grande

U.S. Dist Court. Southern
Dist. of California
Los Angeles Co.

Francisco Branch
Appellee
ads.
The United States
Appellant

Stipulation as to Errors in
Transcript.

Filed Oct 16th 1855.
J. E. Carr
Clk.

The United States Aplt.
vs
Francisco Branch Aplee

75 SD
PAGE 59

H. W. Halleck a Witness for Appellee was sworn and examined as follows.

Ques. What is your name, age, and place of residence
Ans.
My Name is H W Halleck my age Thirty-nine
Residence San Francisco
Ques: Do you know the hand writing of Juan B. Alvarado and the handwriting of Manuel Jimeno, if so look at the paper Marked "No. 1" hereto annexed and State whether the signatures as they appear therein are genuine,
Ans I know the signatures of the persons named having often seen them write and sign their names. The signatures to this paper are, I have no doubt, genuine.

(Signed) H. W. Halleck

Sworn to and subscribed before me this 15th day of October A.D. 1855.
(Signed) A. E. Carr Clerk

I Charles E. Carr Clerk of the District Court of the U.S. for the Southn Dist of Calia hereby certify the above to be a true and correct copy of the Deposition of H W Halleck of file in this case in my office

Witness my hand & the seal of said Court at the City of Los Angeles this 16th day of October AD 1855,

A. E. Carr Clerk
By John W. Ross Dep

No. 24.

U.S. Dist. Court —
South. Dist of Cal

Francisco Branch
Appellee
ads
The United States. —

Deposition of H W Halleck

Filed Oct 15th 1855 —
C. E. Carleton

Juan M Alvarado Yorranda Carrillo vs de
Defendants de los California

Juan B Alvarado Gobernador Constitucional del Departamento de las Californias

Habiendo Dn Francisco Branch procedento de las Estados Unidos de Norte America cumplido con las condiciones y requisitos que previene la ley de 14 de Abril de 1828. del Congresso Nacional que arregla el modo con que debe concederse la carta de naturaleza á los estrangeros declaro al referido Dn Francisco Branch por las presentes naturalizado en la Republica Mexicana, en virtud de la autoridad que por la misma ley se me compete

Oral

Regdo á fs 11.

Monterey 31 de Diciembre de 1839.

Juan B. Alvarado

Manl. Jimeno
Srio del Despacho.

I Charles E. Ord Clerk of the District Court of the United States for the Southern Dist of California hereby certify the above to be a true & correct copy of the papers of Naturalization of Francisco Branch as of file in my office.

Witness my hand and the seal of said Court, at office in the City of Los Angeles this 17th day of October AD 1855

C E Ord Clerk
By J. N. Ross Dep

No. 24

No. 1.

U.S. Dist. Court
Southn Dist of Cal.

Francisco Branch
Appl.
ads.
The United States.
Appl.

Filed Octr. 15th 1855.
(signed) J. B. Carr Clk

Translation of Document Marked No. 1 and

Translation of Document Marked No. 1 and annexed to the Deposition of H. W. Halleck

Juan B. Alvarado Constitutional Governor of the Californias

Seal

Registered for $11 –

Francisco Branch an emigrant from the United States of North America having complied with the conditions and requisitions prescribed by the law of the National Congress passed on the 14th day of April 1828 which regulates the mode of granting letters of Naturalization to Strangers, I by virtue of the authority vested in me by the said law, do by these presents declare said Francisco Branch a naturalized citizen of the Mexican Republic.

Monterey 31st of December 1839.
Juan B. Alvarado.

Manl. Jimeno.
Secretary of the Despatches.

I Charles E. Carr Clerk of the District Court of the United States for the South'n Dist. of Cala. hereby certify the above & foregoing translation of the Naturalization papers of Francisco Branch to be a true and correct copy of the same as of file in my office

In Witness whereof I have hereto set my hand and the seal of said Court at the City of Los Angeles this 17th day of October AD 1855.

C. E. Carr Clerk
By John W. Rass Dep

"No 75" No 24

U.S. Dist. Court.
South.n Dist of Cal.

Francisco Branch
Appellee.

vs.

The United States.
Appel.t

Translation of Document
Marked "No. 1." filed in the
above case.

Filed Oct.r 15th 1853
C. E. Carr. clk

In the District Court of the United States, for the Southern District of California. Special Sept. term 1855.

Francisco Branch.
ads.
The United States

No. 75.
(Transcript No. 162)
On appeal from U.S. Land Comm.

On Motion of P. Ord, Attorney of the United States, for the Southern District of California it is Ordered by the Court that an appeal be granted the United States, to the Supreme Court of the United States, from the judgment of this Court against the United States, rendered in the above entitled cause, on or about the 20th day of October AD. 1855.

P. Ord
US Dist Atty.

No 45.

U.S. Dist Court.
South Dist of Cal.

Francisco Branch
appee.

vs.

The United States.
Applt.

Order of Appeal to the
Supreme Court on motion
of P. Ord. U.S. Atty.

Filed Oct 20th 1855.

J. C. Van
Clk.

California Land Claims.

Attorney General's Office

11 September 1854.

Sir:

In the case of the claim of Francisco Branch, confirmed to the claimant by the Commissioners, Case no. one hundred and sixty-two, (162), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

I am

Respectfully

Cushing

Pacificus Ord Esq.

U. S. Atty for the

Southern Dist. of Cal.

VV 75.

Francisco Branch

162

Filed 24th February 1857
C Sims clk
J H Coleman
Dep

Rec. Oct. 21 1836

In the United States District Court for the Southern district of California

Decr

Francisco Branch appellee vs the United States appellant	Case No 75 Transcript No 182

In pursuance of a letter from the Attorney General of the United States hereto annexed, giving notice that in the above cause the appeal ~~in this cause~~ will not be further prosecuted by the United States: it is hereby stipulated and agreed by and between the parties, that the decree of the Court heretofore ~~rendered~~ in this cause may by order of the Court be made final

P. M. Dillatt.

Packard & Hinchman
Attys for Claimant

Case No. 75

Arroyo Grande

Transcript No. 162

Francisco Branch

vs

United States

Stipulation & Order

to dismiss

Filed 24th Feby 1857

W. Lewis Clk

Jo. H. Coleman

Dep

In the United States Dist Court for the Southern District of California

Francisco Branch
appellee
vs
the United States
appellants

Case No 95
Transcript No 162
Arroyo Grande

This cause coming on to be heard on appeal from the final decision of the United States Board of Land Commissioners to ascertain and settle Private Land Claims in the State of California, On a transcript of the Proceedings and decision of said Board and on the papers and evidence on which such decision was founded, and it appearing that said transcript and notice of appeal have been duly filed according to law, and Counsel for the respective parties having been heard

It is ordered adjudged and decreed that said decision of said Commissioners Confirming the validity of the title be and is hereby affirmed.—

The land hereby Confirmed is situated in the County of San Luis Obispo, and is bounded by the Ranchos of "Santa Manuela" "Therma". by the land of San Luis Obispo. and is of the extent of One Square League within the boundaries and no more.

Provided that if the quantity of land within the boundaries herein described contain a less quantity than one square league, then confirmation is for said less quantity.——

Thus done and signed in open Court this 18 day of March 1858.

Ogden
U S Dist Judge

No 275

Arroyo Chande

U S Dist Court
South Dist California

Francis Rancho
appellee

ads

The United States
appellants

Decree

Filed this 18th March 1858
W Lewis Clk
by J H Coleman
Dep

Recorded in page 275

Office of the Surveyor General of the United States,
FOR CALIFORNIA.

I, ~~J. W.~~ J. W. Mandeville, MANDEVILLE, United States Surveyor General, for the State of California, do hereby certify that the Rancho "Arroyo Grande"

confirmed to Francisco Branch,

has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the 31st day of August, 1861; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the Santa Barbara Gazette published in the County of Santa Barbara, State of California, being the newspaper published nearest to where the said Rancho is located, the first publication being on the 30th day of August 1861, and the last, on the 20th day of September 1861; also, in the Los Angeles Star

a newspaper published in the City and County of Los Angeles, State aforesaid

the first publication being on the 25th day of August 1861, and the last on the 15th day of September 1861, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this 31st day of May, 1861

J. W. Mandeville
U. S. Surveyor General for California.

I hereby certify the above and foregoing to be a full, true and correct copy of the original, as appears of record in this office.

Witness my hand and the seal of said office at San Francisco this 6th August, 1866.

[illegible]
U. S. Surveyor Gen'l

No. 75

U. S. Dist Court

South'n Dist Ga

Francis Branch

vs

United States

Certif'd of Survey

Filed Aug 9. 66

John D Wheeler Clk

75.

75 SD
PAGE 75

Office of the Attorney General of the United States,
Washington, 30th November 1854.

Francisco Branch
vs.
The United States. } 162.

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 August 1854 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

75

162

The United States appellants
vs
Francisco Branch appellee

The claim in this case is founded upon a grant from Governor Alvarado to one Zefarino Valencia bearing date 25 April 1842.

The original grant is proved in evidence and fully known, occupation of the premises is proven by the witnesses ~~the claimant~~ present claimant alleges title in himself under a conveyance dated 12th April 1849. from the original grantee. the deed of conveyance is ~~fully known~~ ~~regular~~ made. ~~but~~ the requisite formality under the laws then in existence

The Claimant is entitled to a confirmation of his claim & the extent called for in the grant to wit one square league. a decree will accordingly be entered ~~confirming~~ affirming the decision of the Commissioners

Index of Transcript No 75
Francisco Branch for "Arroyo Grande"

No 75

Index of Transcripts

Francisco Branch

for

Arroyo Grande