

CASE No.

24

SOUTHERN DISTRICT

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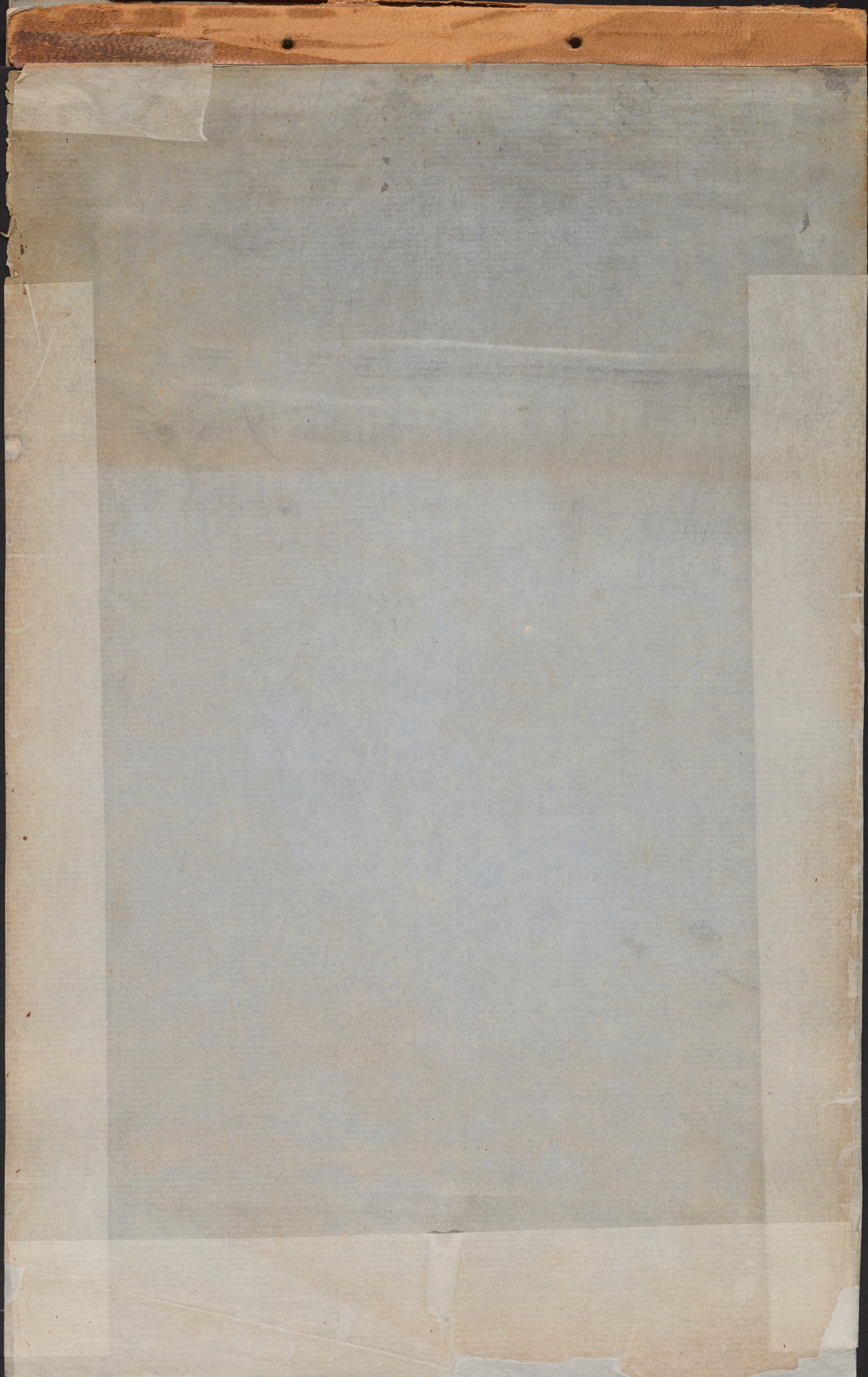
SANTA MANUEIA GRANT

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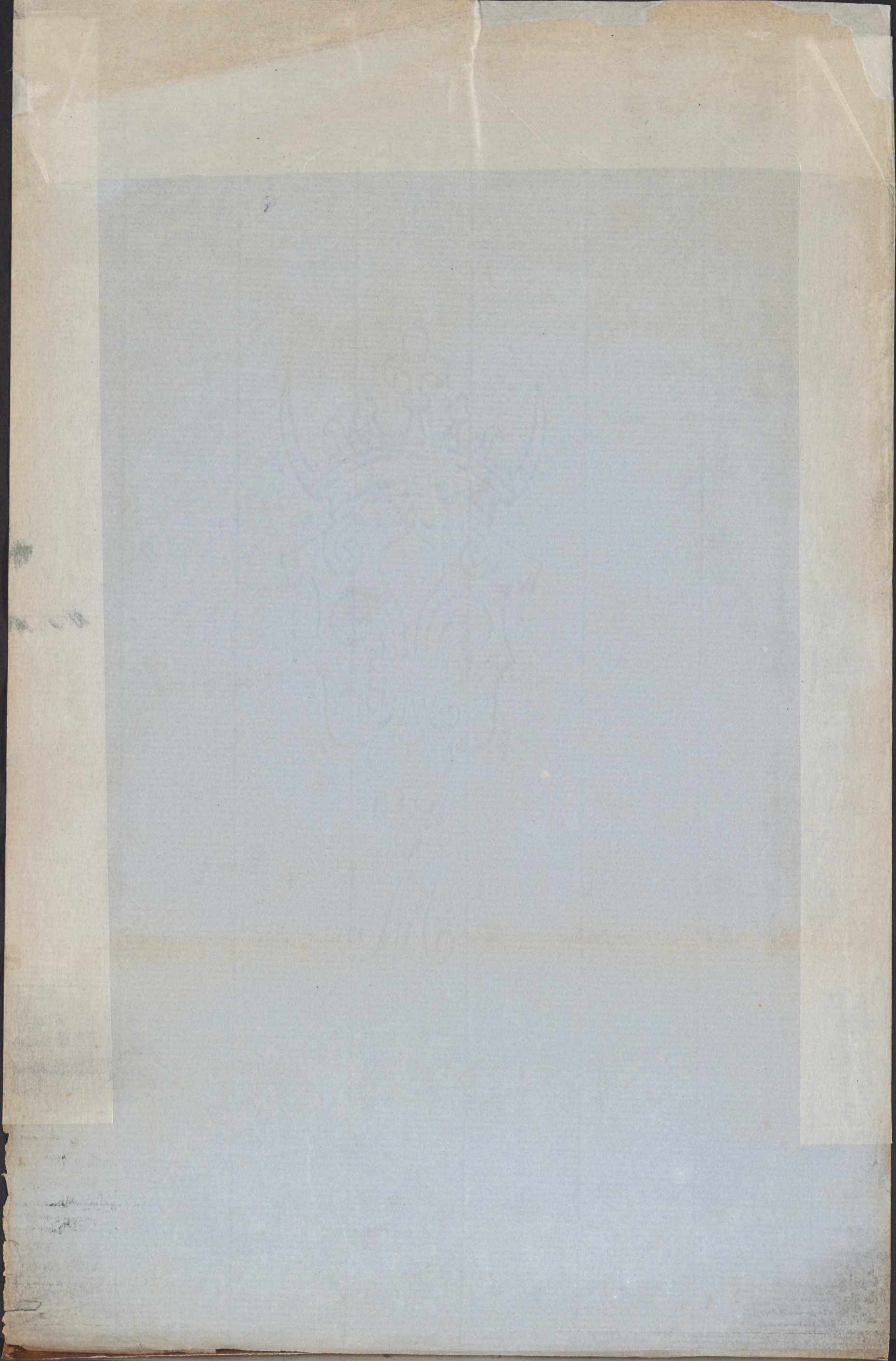
FRANCISCO BRANCH

CLAIMANT











TRANSCRIPT  
OF THE  
PROCEEDINGS

IN CASE

NO. 48

*Francisco Branch* CLAIMANT

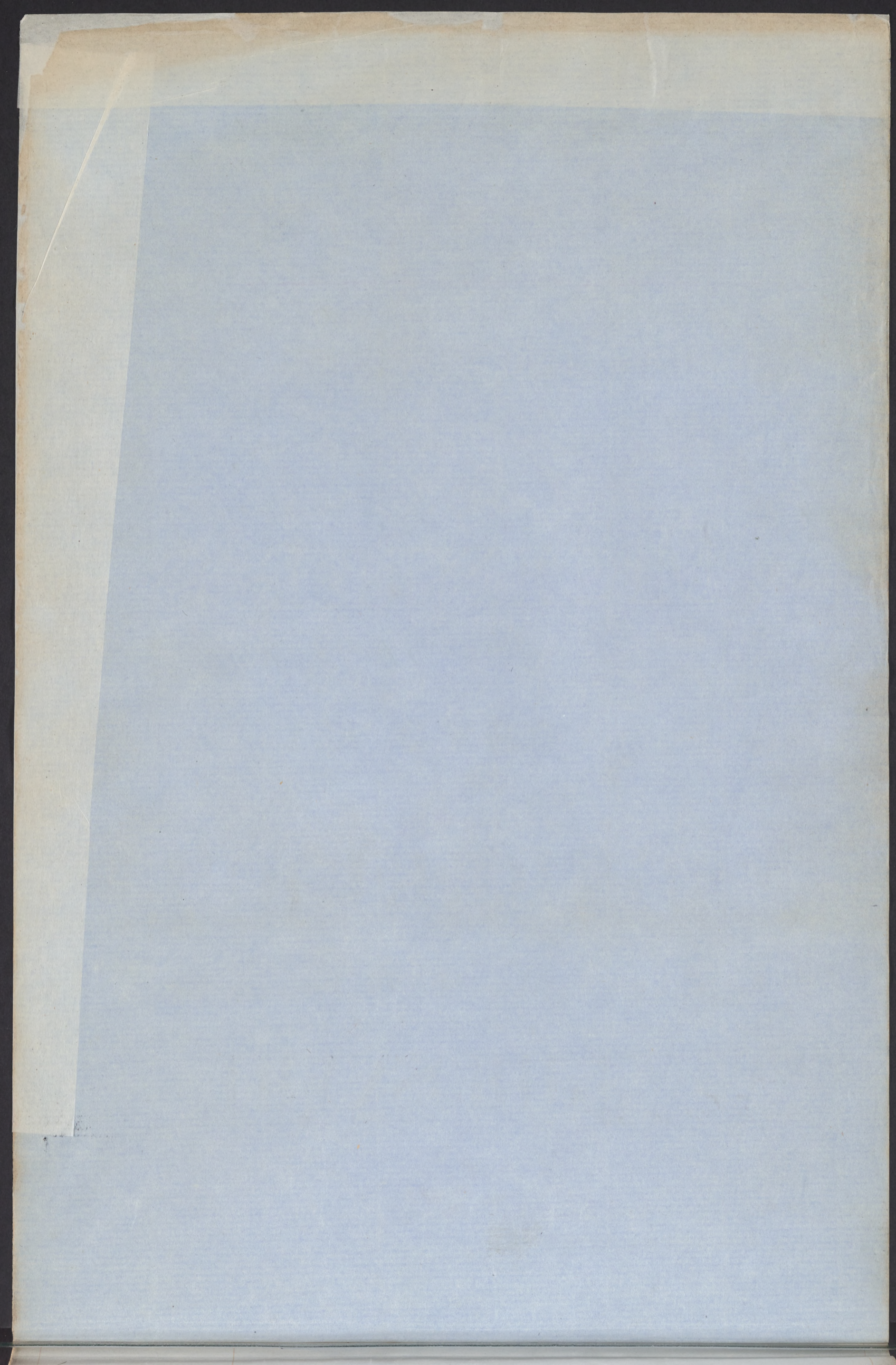
VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Santa Mamea"*







Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

24 SD  
PAGE 2

Be it Remembered, that on this *seventeenth* 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 Francisco Branch for the Place named Santa Manuela, was presented, and ordered to be filed and docketed with No. 48 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 Sept<sup>r</sup> 9<sup>th</sup> 1852

In case N<sup>o</sup> 48 Francisco Branch for the place called Santa Manuela, the Deposition of Pablo de la Guerra a Witness in behalf of the Claimant taken before Commissioner Henry J. Thornton was filed and is in the Moras and figures as follows to wit  
(Vide page 4 of this Transcript)

Los Angeles October 11<sup>th</sup> 1852

In case N<sup>o</sup> 48 Francisco Branch the Counsel for the claimant moved to place the same on the Trial Docket (Vide page of this Transcript)



San Francisco Feby 27<sup>th</sup> 1853

Ordered an Motion of the United States Associate Law Agent that the following lease be placed on the Trial Decret to wit N<sup>o</sup> 48. Francisco Branch for "Santa Manuela"

24 SD  
PAGE 3

San Francisco Feby 28<sup>th</sup> 1853

Lease N<sup>o</sup> 48 Francisco Branch for the place named "Santa Manuela, Called; Counsel for the Claimant read the Petition and the Papers in Evidence; The United States Associate Law Agent filed his Brief; Lease submitted and taken under advisement by the Board

San Francisco Mar. 1<sup>st</sup> 1853

In lease N<sup>o</sup> 48 Francisco Branch for the place named "Santa Manuela, Commissioner Midland Hall delivered the Opinion and the Decree of Final Confirmation of this Board

Ordered that the Opinion and the Decree of Final Confirmation of this Board delivered this day in this case be Recorded on the Journal

Which Opinion and Decree are in the words and figures as follows to wit  
(Vide page 29 of this Transcript)



To the Honorable Commissioners to settle Private Land Claims in California.

Petition

24 SD  
PAGE 4

The petitioners Francisco Branch respectfully shows, that on the sixth day of April and one thousand eight hundred and thirty seven, Juan B. Alvarado Governor of California, by virtue of the authority of his Office granted to the petitioners, the tract of land known by the name of "Santa Manada" situated in the former jurisdiction of Santa Barbara, and in the now County of San Luis Obispo, comprehending the land within the limits, marked on the map, which accompanied the petition -

That on the nineteenth day of April and one thousand eight hundred and thirty seven, the Deputation of California approved the said grant in due form of law

That on the twenty third day of August and one thousand eight hundred and forty one, the said tract of land was duly surveyed under the direction of the proper authority, and the Judicial possession of it, given to the petitioners in due form of law

That on the twenty second day of August and one thousand eight hundred and forty two the said Juan B. Alvarado Governor of California, by virtue of the authority of his Office, issued to the petitioners, a new grant for the same tract of land in accordance with the approbation of the Departmental Junta of California, and with the conditions described and marked out in the aforesaid Judicial Survey and possession. Copies of which first grant approval, map, Act of Survey, and Judicial possession and second grant are hereto annexed marked "A" with translations marked "B"

That at the date of the said grants the petitioners was and ever since has been and now is, in the quiet and peaceful possession and occupation of the aforesaid tract of land.

That the petitioners has done and performed, all the requirements of the said grants, necessary to make the grants aforesaid full, perfect and absolute. That he knows of no conflicting claim.

That the land has not been surveyed by the Surveyor General of the United States, but that it was surveyed by the proper authority, at the time of giving



the Judicial possession, and that its Commodities are adjacent and well known.

The petitioner relies for Confirmation of title upon the original papers copies of which are hereto annexed, upon the documents and minutes relating to the same in the Archives, now in the possession of the Surveyor General, and such other proofs as he may be advised are necessary.

Wherefore he prays the Commissioners to confirm the said Grant.

By his Attorneys &  
Halter B. Peachy & Billings

Filed in Office Feb. 17th 1852.

(Signed)  
Geo. Fisher Secy.

Office of the Board of Cal. Land  
Commissioners.

Los Angeles Sept 9<sup>th</sup> 1852.

On this day before me, Henry J. Thornton, one of the Commissioners to ascertain and settle private land claims in California, came Pablo de la Guerna, a witness produced in behalf of the Claimant Francisco Branch whose petition is now on the docket of the Board, and duly sworn. His Evidence being in English &

The U.S. Law Agent attended.

1. Ques. What is your name and place of residence?

Ans. My name is Pablo de la Guerna. My age is about 32 years. I reside in Santa Barbara and have resided in California all my life.

2. Question. Examine the paper marked No. 2. and attached to this deposition and say whether you know the signatures, and whether the paper is genuine.

Ans. I have examined the paper and know the

Deposition  
of  
P. de la Guerna



5

Signatures of Juan B Alvarado, Victor Prudon  
Jose Y Fernandez, Fernando Tico, Jose Maria Covarru-  
bias, Antonio Rodriguez, Juan Pablo Ayala, San-  
tiago Aguillo, Joaquin Carrillo & Manuel Semino  
their Signatures to these papers are genuine and to the  
best of my belief, the papers are all genuine.

24SD

PAGE 6

3rd Question, What do you know about the pas-  
sion of this Rancho?

Mrs. Juas on this land about the year 1841 or 1842  
Francisco Branch, then occupied it with a house, cattle  
& horses. He has continued to occupy it ever since.

Questions by U.S. Law Agent.

Is the land of this Rancho within ten leagues of the  
Sea Coast.

Ans. I am not certain but part of it may be.

Pablo de la Guerra

Sworn to and subscribed before me  
this 9th of September, 1852.

Hamp Thimton  
Combe.

Filed in Office, Sept 9th, 1852.

(Signed)

Geo Fisher

Secy.







1  
7 Duplicata. (N<sup>o</sup> 18.) - 33 Folia and 1/2. 3<sup>o</sup> = 9. 6. 03.

24 SD  
PAGE 7

Jurisdiccion de Sta Barbara.

1861.

Epediente promovido por D<sup>n</sup> Francisco Branchi  
preteudiendo la posesion Juridica del paraje  
llamado. Santa Manuela.



8  
El ciudadano Juan Bautista Avraado, Gobernador  
Del estado y Presidente de la Excelentissima Diputacion  
Del mismo.

24 SD  
PAGE 8

Por cuanto el ciudadano Muneisco Branchi ha pretendido  
para su beneficio personal y el de su familia el terreno  
enunciado con el nombre de Santa Manuela, dentro  
de los linderos del Disco y acompaña a su solicitud  
practicadas previamente todas las Diligencias y diligencias  
conservantes segun lo dispuesto por leyes  
y reglamentos de la materia, usando de las facultades  
que me son conferidas a nombre de la Nacion Mojeji-  
cana, se venia en concederle el terreno mencio-  
nado declarandole la propiedad de el por las pres-  
entes letras, entendiendose dicha Concesion con  
entera conformidad a las leyes a reserva de la aproba-  
cion o Desaprobacion de la Excelentissima Dip-  
utacion y bajo las condiciones siguientes.

1<sup>a</sup> el agraciado ni sus herederos podran  
vender ni enajenar el que se le adjudica; imponer  
le censo, vinculo, finura o hipoteca ni otro gravamen  
aunque sea por causa piedadosa, ni pasarlo a otras  
muestas.

2<sup>a</sup> Podra cercarlo sin perjudicar las  
haciendas Caminas o servidumbres, si disfrutara  
libre y esclusivamente, destinandole lo al uso o cultivo  
que mas le convenga.

3<sup>a</sup> Cuando se le conceda la propiedad  
Solicitara del Suer respectivo, le de la posesion  
Amistosa en virtud de este Despacho, por el cual  
se demarcaran los linderos y podran sus mohe-  
neras.

4<sup>a</sup> El terreno de que se hace Donacion es  
puramente el que se expresa en la solicitud del  
interesado y se demarca en el Disco; y el Suer  
que lo precione pasara ariso a este Gobierno del  
numero de litas que comprende.

En consecuencia mandó que serviese lo otitulado  
el presente y se le otitule por firme y valioso se  
tome raron en el libro que corresponde y se entregue



9

al interese al interesado para su resguardo y demas fines convenientes.

Dado en la Ex. Misión de Sta Barbara a 6 de abril de 1837.

Juan B. Alvarado.

Victor Guzman. S. D.

24 SD  
PAGE 9

En 19 de abril de 1837 apravo la S. D. D. la proposicion del Arcauz de la comision de terrenos baldios que a la letra es como sigue: Se concede a D. N. M. Polanco y Manuela Carbon el sitio nombrado "Sta Manuela para que lo posea en propiedad conforme a la ley de 18 de Agosto de 1826 y articulo 15 del reglamento de 17 de febrero de 1828.

Juan B. Alvarado.

Victor Guzman S. D.

queda obligada el interesado a reponer el papel del sello de seis p' que agregara ligado a este expediente.

fha. ut. supra.  
Victor Guzman.

Este Primito de Sta Manuela. Feb. 6. 1837.

here / many a map or plan



Sello Real de los Reales.

Habilitado provisionalmente por la Real Cédula de Marítima del puerto de Monterey en el Departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Luisen.

N.º M.º 810.

24 SD

PAGE 10

Infrascripto Secret.º de la S. Junta de Departamento de las Californias, encargado interinamente del Despacho del Gobierno del mismo.

Certifico que el plano que se  
 { sea } consta en la planilla de la tuesta esta  
 { } fielmente sacado del original que obra en el expediente instruido sobre la concesion del rancho de Santa Manuela, cuyo instrumento obra en la Secretaria de mi cargo y para que sobre los efectos que correspondan. Doy la presente en Monterey a veinte y siete de noviembre de mil ochocientos cuarenta.

José E. Hernandez.

For. Just. de Paz del Distrito de S.ª Barbara.

S.ª Barbara. J.º Francisco Brancetti, Mejicano por nat. 14. de 1841. - realizacion, ante V. lo compareco. En admittido y Dijo: que siendo Dueno del terreno procelase por mi conocido con el nombre de Santa el presente Guen Manuela en virtud de la concesion a la mision, su que de el mi hizo el Gobierno, con alanciento de lind fecha seis de abril de mil ochocientos ero y posesion in treinta y siete, cuyo titulo acompaño obra que solicita a esto; Suplico a V. se sirva dar me el interesado para la posesion Jurisdiccion, que es de efectuar lo el dia titulo arreglado a la copia del Res. Vale ante para ero que debidamente acompaño, lo que se citaron para tambien a sus manos; Al mis con boleta en comp. mo tiempo fiolo a V. me admittieron a los en papel comun por no haber del colindantes. Sirgo Sello que corresponde. d. Just. de Paz, propi. Juro lo necesario. Santa Manuela



propietario del rancho de Santa Barbara, lo mandé y firmé con los de mi asistencia con quienes actúo por falta de escribano. Según Debecho. De asst. Fernando Pico. José M<sup>o</sup> Covarrubias. asst. J. W. Cooper.

24 SD  
PAGE 11

En la fecha presente Don Prunisco Brunetti se le notificó el Decreto que antecede y de el entendido Dijo: que lo oye y se daba por citado y lo firmó con miyo y los de mi asistencia. Fran<sup>co</sup> Brunetti. Pico. asst. José M<sup>o</sup> Covarrubias. J. W. Cooper.

En la día veinte cinco de agosto de mil ochocientos cuarenta y uno se libraron las boletas de comparecido a los colindantes con el rancho de Santa Manuela y lo rubiqué por diligencia.

En el rancho de Sta Manuela, a los veinte y tres días del mes de agosto de mil ochocientos cuarenta y uno, en cumplimiento del Decreto de Dn y mere del corriente agosto, concurrió al ciudadano Narciso Queyaba colindante de dicho rancho, citado por la moción señalamiento de linderos y posesión; no habiendo comparecido los demás colindantes que se citaron; y el Juec nombré por medidores a los vecinos Don Antonio Montañez y Don Juan Pablo Ayala quienes previa la aceptación y juramento procuraron al desempeño de su encargo. Hizo el Juec lo Decreto, mandé y firmé con los de mi asst.

Fernando Pico. asst. José M<sup>o</sup> Covarrubias. asst. J. W. Cooper.

En la fecha se le notificó el auto y antecede al ciudadano Narciso Queyaba, colindante y entendido Dijo que lo oye; lo que yo firmé con miyo y los de mi asistencia. Fernando Pico



attd. José M<sup>o</sup> Coranubias. - attd. J. W. Cooper.

24 SD  
PAGE 12

a todo lo legal y en su  
y saber.

En la misma fecha en el expresado rancho se les notifi-  
fique el auto de las mediaciones a los citados  
Antonio Rodríguez, y Juan Pablo Agala, y enmendados  
dejaron, que aceptan y aceptaran dicho encargo de  
mediadores y juraron por Dios y nuestro Señor, y la  
Señal de la S<sup>ta</sup> Cruz de usarlo fiel y legalmente  
sin dolo, ni fraude contra persona alguna y firmo-  
aron con miyo y las de mi asistencia

Hernando Pico. José Rodríguez.  
Juan B. Agala. José M<sup>o</sup> Coranubias.  
attd. J. W. Cooper.

Incontinentemente yo el  
referido Juec de Paz, mandé traer a mi presencia  
el cordel con que se han de medir las tierras de  
dicho rancho y que los mediadores lo mediaran  
de veinte y cinco varas y lo firmé con las de mi  
asistencia.

Hernando Pico. José M<sup>o</sup> Coranubias.  
De attd. J. W. Cooper.

Inmediatamente  
en presencia de mi el expresado Juec, las medi-  
adores mencionadas tomaron un cordel ele-  
mente teniendolo en la mano, midieron veinte  
cinco varas, para hacer la referida medición y  
para que conste lo firmo con las testigos de mi  
asistencia. Hernando Pico.

De attd. José M<sup>o</sup> Coranubias. De attd. J. W. Cooper.

En la misma fecha y en el referido rancho, siendo  
causa las once de la mañana, yo el expresado  
Juec mandé a las nombradas mediadores se  
pongan para la medición de lincas y se han  
de hacer a Don Francisco Branchi y puertos  
en la punta de una loma que se halla pegada  
al muelle del arroyo, grande y forma lirolero  
con Narciso Quejada y su hermano Francisco  
se comenzo la mediación teniendo el cordel al este



por toda la cuchilla De las Lomas que estan al sur  
 del rancho y se llevo hasta el portezuelo De buena  
 vista cuyo punto tubo Seiscientos treinta y cinco cordales  
 De a veinte cinco varas; y luego se prosiguio la dicha  
 medida corriendo desde la dicha medida, corriendo  
 dicho Portezuelo De Munnus por las lomas que estan al  
 norte del terreno que mide, hasta llegar al arroyo Grande  
 y se midieron quinientos veinte seis cordales de a  
 veinte cinco varas; en seguida se tiro el cordel desde  
 el punto en que lucho la segunda midicion y se corrio  
 por la orilla Del arroyo Grande hasta llegar a la loma  
 donde se expresaron las medidas y se midieron;  
 trecientos noventa y ocho cordales De a veinte cinco  
 varas; por lo que Declaran Dichas medidas, tanto  
 el terreno De Don Francisco Brunchi, siete leguas  
 tres mil ochocientos setenta y cinco varas, de circunf-  
 erencia; y habiendose hecho una senal en las  
 lindeiras se dispuso; se formaron lindeiras en cada  
 una de las referidas demates, tanto lo cual se ha  
 practicado conforme al Dicho que yo el Juez tengo  
 a la vista; y donde queda agregado a este  
 expediente y para constancia lo firmé por auto  
 con los referidos medidores y los testigos de esta.

Anto. Prudiquez      Juan B. Ayala.  
 Fernando Pico. — ato. José M<sup>o</sup> Covarrubias.  
 W. Cooper.

In el referido  
 Rancho, Sea, mes y año. Don Francisco Brunchi  
 vecino de la Jurisdiccion de Santa Barbara  
 acompañado Del Juez de paz y testigos de  
 esta; Dijo Don Francisco Brunchi que habi-  
 endose medido las tierras de este rancho segun  
 consta en las Diligencias anterior tomaba y tomo la  
 posesion y corporal posesion De Dichas tierras me-  
 didas, pues le pretenden con justas titulas que  
 obtiene por la concesion De ellas, lo hizo con fecha  
 seis de abril de mil ochocientos treinta y siete el  
 Jefe de la Jurisdiccion Del Departamento y por la aprobacion que  
 de ella hizo la Suma Diputacion con fecha diez



y nueve del mismo mes de abril cunto y paso por ellos  
arranco yerbas, espurio puaolas de tierra, rompio tomas  
de las urbiles e hizo otros Demostraciones y actos de  
posesion en señal de lo q. hizo, tomar y que tomaba  
de Dichas tierras. Y mudo el citado Juez que desde  
entonces le tutieron y reconocian por verdadero señor  
y poseedor de ellas; y reconocian: De todo lo expresado  
pudo Don Francisco Branchi que para memoria  
en la venidero y conservacion de sus Derechos, le  
fuese por mi el repetido Juez, le fuese en auto de p<sup>a</sup>  
constancia; lo que asi le fue otorgado y lo firmo.  
Fernando Pico. Francisco Branchi  
Jose M<sup>a</sup> Covarrubias. Leano. J. W. Cooper.

Conmigo y  
los de mi asis-  
tencia

En la misma fecha  
se devuelve este expediente al interesado para  
sus resguardo con nueve folios utiles: habiendo  
actuado en papel comun por no haber del  
sello que corresponde. Y para constancia lo  
firmo, con las de mi asistencia.

Fernando Pico. De esta.  
De esta. Jose M<sup>a</sup> Covarrubias.  
J. W. Cooper.

Judicia posesion que 2<sup>da</sup> titulo de Sta. Manuela.

Tor. Inpeto Del Segundo Distrito.

Mexican seal } Francisco Branchi, extranjero natural  
alijado, radicado en este Departamento  
Ángeles. Julio. 18<sup>o</sup> - cunto ante la notaria Justificacions  
de ... 1842. ... De V. S. con el debido respeto y como  
por admitido y mas haya lugar en Dho: digo que  
presentado la presentada con el debido el parage llamo  
te distancia en el auto de Sta. Manuela como consta  
auto a lugar en el titulo que obra en el expediente  
Dho: devolvase q. acompaña y devolvase mi posesion  
al interesado para de Dho parage segun parece este el  
que presentado mismo expediente no estando conf-  
corrente de auto - true el Dicho que obra en el expediente



13

24 SD  
PAGE 15

y expediente q. le aca en el referido con las medioladas practi-  
 -mpaña. De lo al - en las en la posesion y de el estado que  
 fuer propietario del se me reforme el titulo de concesion man-  
 p.º de S.ª Mariana - estado las citias y. en su extension con  
 lo esplique el que - prende el terreno, ocurra a V.ª. por este  
 representa mis bienes acompañando un nuevo dice; que con  
 conceptos y reforme mas exactitud infiere la distancia  
 Del contorno de admi límites y propiedades del mencionado  
 pretenciones, pues - terreno con el objeto de q. V.ª. se sirva  
 esta prefectura no clar me rigiere favorable. p.º q. p.º el  
 puede conducir, con de me conceda la misma extension  
 pretencio ahora menos y manifiesta el nuevo deseno y. es la  
 terreno q. el q. en aqu misma que se medio al dar me la  
 - ella vez se le posesione posesion Juridica y comparecerlo  
 Juridicamente y no con lo q. manifiesta el dicho certifi-  
 adrir teniendose en - cada esta costa la diferencia y solo  
 ella multitud que de en las Dices. Por tanto a V.ª. suplico  
 lugar o mudar se se sirva proveer bien dar la posesion  
 reformar, antes p.º el con arreglo al nuevo deseno que comp-  
 contrario se vé en la - reule en su extension las citias de  
 porultima de la. Juan de Mayor polo mas o menos  
 conformidad y pedig. cullo terreno me es tanto necesario  
 - mi auto y hizo el p.º las bienes que posee. y en ello recibire  
 intercedo p.º su Gracia y Justicia. y suyo lo necesand.  
 resguardo en los subs. Rancho de Sta. Manuela.  
 este, como costar Julio 1.º de 1742.  
 en el uniforme si el  
 Suzy de paz que Dio  
 La posesion para habido el

Gobierno de Nueva Orto si Digne que la Justificacion  
 citio que comprendio de V.ª. se sirva admitir este en papel  
 como previene la.ª. Comun por no tener el sello como  
 evolucion del titulo. - fraudiente.  
 y con todo lo demas Francisco Bronchi  
 que le pertenecen como  
 - endente a ilustrar la  
 materia, buelva el  
 Suplicante a esta D.ª. et una para las fines que se han  
 comberiente.  
 Arguillo.



Ang<sup>o</sup>

Ang<sup>o</sup> 6. de Set. Sr. Prefecto.

Presente al interesado con este expediente al Sr. Jefe de la parte interesada pide en esta instancia se le confirme la posesion de paz del partido de Sta Barbara, pr q. le ratifique las medidas de la posesion del cual se espedio el titulo de un citio, pues segun aparece al examen. - que por este Dese la posesion sabida del citado expediente el suplicante se le confirme en ella condegenon al sup<sup>or</sup> que precede, no es necesario la ratificacion de titulo, pues este comprende lo todo de son - aolo en el q. se presenta al efecto para espuesto lo ser exp<sup>o</sup> - arolad al interesado Decir art. 1. en obsequio de su superior Decreto de 18 del ultimo pasado que para como pre - enole la Demarca - eion al terreno q. - le corresponde. Responde a parte inconveniente, ning una para que se le conceda al suplicante la gracia que pide, atento a que el terreno en arso que comprende la posesion es de poca utilidad, y no merece Deseo por pertenecer a la clase de baldio.

Sto quello.

Sta Barbara agosto 1<sup>o</sup> de 1842

Francisco Borruchi atencas new titte to exam his judicial posesion. Rancho De Sta Manuela to the request.

24SD

PAGE 16

Handwritten notes in the left margin: "p. 24. le no... tip, ue"



(7)

17

Sello 1° seis pesos.

Habilitado provisionalmente por la Aduana Marítima de Monterrey para los años de 1839 y 1840.

Alvarado. Int. No. 16.000.

Valga para los años de 1842.

Alvarado. Int. No. 16.000.

24SD

PAGE 17

Seal } Juan B. Alvarado, Gobernador Constitucional  
Del Departamento De las Californias.

Por cuanto Don Francisco Obanchi, Mexicano por naturalizacion, ha obtenido la aprobacion de la Santa Junta Departamental Del terreno nombrado Sr. Manuela Centro de los linderos Del Dicho que acompaño a su solicitud practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas a nombre de la Nacion Mexicana, he resuelto en concederle el terreno mencionado sujetandose a las condiciones siguientes.

1.º El agraviado ni sus herederos podran dividir ni enajenar el que se les adjudica, imponerle censos, vinculo, fianza, hipoteca ni otro gravamen aunque sea por causa piadosa ni pasarlo a manos muertas.

2.º Podra cercarlo sin perjudicar las travesias caminos y servidumbres, disfrutandole libre y esclusivamente, Destinandolo al uso o cultivo que mas le convenga.

3.º Le sujetara a los linderos que se le han demarcado en su posesion en donde pondra sus respectivas moyoneras.

4.º Si contraviene a estas condiciones, perdura su Derecho al terreno, y sera denunciado por otro.

In consecuencia mande que teniendo por firme y valedero este titulo se tomara razon de el en el libro ag. correspondy se entregue al interesado para su resguardo y deudas firmes.

Dado en Monterrey a veinte y dos de agosto de mil ochocientos cuarenta y dos.



18

Juan B. Alvarado. Manu Simoes.

queda tomada razon en el libro respectivo. a f. 7.

Simoes.

24SD  
PAGE 18

Filed in Office. Sept<sup>r</sup> 9<sup>th</sup> 1852.

Geo. Fisher.  
Secretary.



Citizen John Baptista Alvarado Governor of the State and President of the most Excellent Deputation of the same.

Whereas Citizen Francisco Branch has for his own personal benefit and that of his Family petitioned for the land known by the name of Santa Monica within the Comandancia shown on the map which accompanied his petition, the necessary examinations having previously been made as required by the laws and regulations, using the powers which are conferred on me in the name of the Mission Nation I have granted to him the above mentioned land, declaring to him the ownership of it by these presents, said grant being understood to be in full conformity with the laws subject to the approval or disapproval of the most Excellent Deputation and under the following conditions -

1. Neither the grantee nor his heirs can divide or alienate that which is granted, or subject it to any tax, entail, mortgage, or other incumbrance, even for pious purposes, or convey it in mortmain.
2. He may enclose it, without prejudice to the cross roads, and roads, and enjoy it fully and exclusively making such uses or cultivation of it as he may see fit.
3. The grant being made, he will petition the proper Magistrate to give him Judicial possession in virtue of this order by whom the Comandancia shall be marked out and the land marked placed.
4. The land which is here granted is solely that described in the petition of the applicant and marked out in the map and the Magistrate who gives the possession will report to the Government the number of sitios which are included.

In consequence I order that these presents serving as title and being held as firm and valid it be entered in the proper book and that it be delivered to the party interested for his security and other convenient purposes.

Given at the Co. Mission of Santa Barbara, this sixth of April 1837.

24 SD  
PAGE B 19

Translation  
of Title and  
judicial  
possession



(Signed) Juan B Alvarado.  
(Signed) Victor Pruden.  
Secretary ad interim

24 SD  
PAGE 20

On the 19th of April 1837, the Most Excellent Rep-  
utation approved the proposition of the Report of the  
Committee on vacant lands which is literally as follows.  
"There is granted to Am Francisco Branch and  
Manuela Cortes, the place called "Santa Manuela"  
so that they may possess it in fee, conformably to the  
Law of August 15th 1824 and Article 5 of the Regulation  
of November 21, 1828.

(Signed) Juan B Alvarado.  
President.

(Signed) Victor Pruden.  
Secretary ad interim.

The person interested must procure stamped paper  
of six dollars and after being affixed, attach it to  
this Record of Proceedings. Date as above.

(Signed) Victor Pruden.

Santa Barbara.  
August 19, 1841.  
Admitted. I the present  
Magistrate will proceed  
to the measurement, the  
marking of the Cañada  
and the Pericial possess  
ion asked for by the peti-  
tioner, and for doing this  
let the 23rd inst be appoin-  
ted and the cotermineous  
neighbors, cited to appear  
by written summons. Thus  
I the Justice of the Peace  
of the District of Santa  
Barbara ordered and  
Signed with my assis-  
ting lawyers, acting  
in lieu of a Notary  
Public.

To the Justice of the Peace  
of the District of Santa Barbara.  
Francisco Branch a nat-  
uralized Mexican, before your  
appears, and represents, that  
being the owner of the land known  
by the name of Santa Manuela  
in virtue of the grant made me  
by the Government on the 19th day  
of April 1837, which title accom-  
panies this petition, I request  
that you will give me the pas-  
sion, according to the map  
which properly certified, I also  
transmit, to your hands. At  
the same time, I beg you to  
admit this on common paper  
thus being none of the proper  
Stamp. I swear whatever is



D1

(signed) Necessary &c.  
 Fernando Tico Santa Manuela.  
 Assisting witnesses August 18<sup>th</sup> 1841.  
 (sgd) Jose Ma. Cosamulias (signed) Francisco Branch  
 (sgd) F. M. Cooper.

24 SD  
PAGE 21

On the same day Don Francisco Branch being present was notified of the foregoing decree and acknowledged notice and signed with me and my assisting witnesses.  
 Assisting witnesses (signed) Tico  
 (signed) Jose Ma. Cosamulias (signed) Francisco Branch  
 (signed) F. M. Cooper

On the 25<sup>th</sup> day of August 1841. written Summons were sent to the surrounding neighbors of the land of Santa Manuela which I officially attest by public.  
 (Notary of F. Tico).

In the rancho of Santa Manuela the twenty third day of the month of August one thousand eight hundred and forty one in compliance with the decree of the 1<sup>st</sup> instant of the present August appeared Citizen Nasario Lafada a surrounding neighbor of this Rancho summoned for the measurement, the marking of corners and the possession, the other surrounding neighbors who were cited not appearing I the Magistrate appointed as Surveyors the neighbors Don Antonio Ranzuez and Don Juan Valle Ayala who having accepted and taken the oath will proceed to perform their duties. Thus I the Magistrate decree ordered and signed with my assisting witnesses  
 (signed) Fernando Tico.

Assisting witnesses  
 (sgd) Jose Maria Cosamulias  
 (sgd) F. M. Cooper.

On the same day notice of the preceding order was given to Citizen Nasario Lafada, a surrounding neighbor, who acknowledged notice, but did not sign with me and the assisting witnesses, because he did not know how to write.

(signed) Fernando Tico



Assisting witnesses  
 (Signed) Jose Ma. Coamulcas  
 (Signed) J. M. Cooper.

24<sup>SD</sup>  
 PAGE 22

On the same day and in the same Rancho, notice of the order appointing Surveyors was served to Citizens Antonio Rodriguez and Juan Paul Ayala and they said they accepted and did accept said office of Surveyors and swore by God our Lord and the sign of the Holy Cross, that they would act faithfully and loyally to the best of their knowledge and understanding without injury or fraud to any person and they signed with me and my assisting witnesses.

(Signed) Fernando Tico  
 (Signed) Antonio Rodriguez  
 (Signed) Juan Paul Ayala  
 Assisting witnesses  
 (Signed) Jose Ma Coamulcas  
 (Signed) J. M. Cooper.

In continuation of the said Magistrate, ordered that there should be brought into my presence some line with which to measure the lands of said Rancho and that the Surveyors measure off twenty five varas and I signed it with my assisting witnesses

(Signed) Fernando Tico  
 Assisting witnesses  
 (Signed) Jose Ma Coamulcas  
 (Signed) J. M. Cooper.

And immediately in the presence of me the said Magistrate, the Surveyors took a line and with the usual Mexican vara measure holding it in their hands, they measured off twenty five varas for the purpose of making said Survey and in testimony of this I signed with the assisting witnesses.

Assisting witnesses (Signed) Fernando Tico  
 (Signed) Jose Ma Coamulcas  
 (Signed) J. M. Cooper.

On the same day, and in the same Rancho, at being about 9 o'clock in the morning I the said



24 SD  
PAGE 23

Magistrate, ordered the appointed Surveyors to be-  
gin the measurement of the lands to be surveyed for Don  
Francisco Branch and placed on the point of a hill  
which lies adjacent to the thick woods of the Amayo  
Grande, and forms the boundary with Mariano Lozada  
and his brother Francisco. they lay on the Survey draw-  
ing the rope to the East along the ridge of the hills which  
led to the South of the Rancho to the portezuelo of Hua-  
ma, distant Six hundred and thirty one landels of twenty  
five varas each, thence proceeding from the portezuelo  
of Huama by the hills which lie at the north of the land  
measured to the Amayo Grande distant five hundred  
and twenty six landels of twenty five varas each, thence  
along the Amayo Grande to the hill where they commenced  
the Survey distant 398 landels of 25 varas each of which  
the said Surveyors declared the land of Don Francisco  
Branch to contain Seven leagues, three thousand eight hun-  
dred and seventy five varas as the sum total of its Com-  
mands, and having placed marks in the three boundary  
lines it was ordered that they form bounds in each of the  
said marks, all of which was done according to the  
map, which I the Magistrate held in sight and which  
was attached to this Record of Proceedings in testimony  
of which I officially signed this with the said Surveyors  
and the assisting witnesses.

(Signed) Fernando Tico.  
Assisting witnesses (Signed) Antonio Rodriguez.  
(Signed) Juan S. Ayala.  
(Signed) Jose M. Covarrubias  
(Sga) J. M. Cooper.

In the said Rancho, on the said day, month and  
year Don Francisco Branch a resident in the Ju-  
isdiction of Santa Barbara, accompanied by the  
Justice of the Peace, and witnesses said Don Francisco  
Branch declared that the lands of this Rancho hav-  
ing been measured as is shown in the preceding official  
acts, he took and did take real and corporeal poss-  
ession of said surveyed lands, which then belonged to  
him by just title obtain by the grant of them made  
April 6th, 1837, by the Governor of the Department and

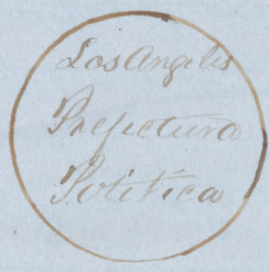


by the approval of said Successor grant passed by the  
Most Excellent Deputation on the 19th of the same  
April, he entered and walked in them pulled up grass  
scattered handfuls of seeds broke off branches of trees  
and performed other acts of possession as a sign of  
that which he said he took and did take of said lands  
And the said Magistrate ordered that they with his  
be had and recognised as the true and proper owner  
of them. And of all which the said Don Francisco Branch  
asked that for a future memorial and for the security of  
his rights, a testimony should be made out by the  
said Magistrate, which was done and he signed with  
me and the assisting witnesses.

(Signed) Francisco Branch  
Assisting witnesses (Signed) Fernando Tico  
(Sgd) Jose Ma Cocanubias  
(Sgd) F. M. Cooper

On the same day this Record of Proceedings signed  
to the person interested for his security in kind written  
above. Witnessed out on common paper there being  
none of the proper Stamp and in testimony I signed it  
with my assisting witnesses.

(Signed) Fernando Tico  
Assisting witnesses  
(Sgd) Jose Ma Cocanubias  
(Sgd) F. M. Cooper



Angels July 18. 1842.  
This document has  
been according to law pro  
sented and received.  
Let it be returned to the  
petitioner in order that  
presenting himself with  
this decree and the

To the Prefect of the 2<sup>nd</sup> District  
Francisco Branch a natural-  
ized foreigner residing in this  
Department, appears before your  
Honor with due respect and as  
law requires says that there has  
ing been granted to me the place  
called Santa Manuella as is shown  
in the title which goes with the  
accompanying Record of Proce-  
dings and possession having been  
given to me of the said place as  
is shown in the same Record of



11  
18 Duke

25

24 SD  
PAGE 25

accompanying Record of proceedings to the Magistrate of the District of Santa Barbara let him explain to him his ideas and inform him what he wants for this Property cannot understand how he has claims less land than he did at the time he Judicial possession and not procuring any nullity in it which may give cause for ordering it to be attended See on the contrary that the party intended a grant and the request be made of it for his security. Suffered.

It should appear in this report whether the Magistrate who gave the possession informed the Government of the number of sitios which it comprehended as directed in the title and with what further may be thought proper to explain the matter he will return the Record of Proceedings to this Property for such further action as it may deem proper to make.

(Signed) Arguello

Proceedings the map which goes with the above not being in conformity with the measures given in the past session and desiring that the title of the grant may be altered so as to name the number of sitios which the land comprehends within its limits. I come before your Honor for this purpose with a new map which shows more exactly the extent limits and corners of the said land that your Honor may be so good as to report favorably to them being granted to me the same extent which is shown in the new map and which was measured in giving me the Judicial possession and which compared with what is shown in the certified map is but slightly different and this difference only in the maps.

Wherefore I pray your honor to do me the favor to accede to that the possession properly conform to the new map which comprehends three sitios a ganada mayor three square leagues & a little more all of which land I require for the property (animals) which I possess and so doing I shall receive grace and Justice which I swear with the necessary formalities to the Rancho of Santa Manuela July 1st 1842.

Moreover, may your Honor be so good as to receive this in common paper as there is none of the proper Stamp.

(Signed)

Francisco Branch



Angelis.

August 6. 1842  
Let the party interested present himself with this record of proceedings to the Justice of the peace of the district of Santa Barbara in order that he may certify the measures of the possession of his land, but as appears from an examination of the said Record of Proceedings and Conclusion of the proceeding a part. I do not think it necessary to revalidate the title. Since this comprehends all which was designated in the map presented for that purpose but to satisfy the scruples of the party interested in this disposition the demarcation of the land, which corresponds, will remain as he requests.

(Signed)

Arguello

Senor Puffet.

The Party interested asks in this instance that the Indian possession of the land of Santa Monica may be confirmed just as it was given by the Magistrate that is to say it includes more land than was represented in the map by virtue of which the title was given by the Government and that for this effect in the possession the applicant asks that he may be confirmed in it, the Government giving him a new title which shall include all the land of which he holds the possession.

The Magistrate who gave the possession has informed this Court that he has not complied with the fourth condition of the title through an intentional omission.

This is what I have the honor to report to your Honor in compliance with your Superior decree of the 18th of last July, after having examined the interested party, adding that there does not appear to me any inconvenience in granting the petition in what he asks as the excess of land included in the possession is of title unclaimed and is no owner but belongs to the class of vacant lands.

Santa Barbara August 1. 1842.

(Signed) Joaquin Carrillo

I Certify the foregoing to be a true and correct translation from the original Spanish document on file in this Office in case No 18 Francisco Branch annexed to the disposition of Pello de la Yuma.

(Signed) Geo Fisher Secy



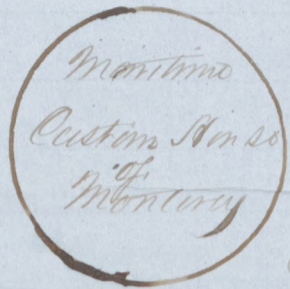
27

13  
48

Stamp First Six Dollars.

Provisionally authorized by the Maritime Customs  
House of the Port of Monterey for the years 1839 and 1840.  
(Signed) Alvarado (Signed) Antonio Maria Osio

24 SD  
PAGE 27



Good for the year 1842

(Signed) Alvarado.

(Signed) Antonio Maria Osio

Juan B Alvarado, Constitutional Governor  
of the Department of the Californias -

Whenas Don Francisco Branch a natural  
ized Mexican has obtained the approval of Most Excellent  
Dept of the Interior at Santa Fe for the land called Santa  
Marta Manada within the Comandaria shown in the  
map which accompanied his petition, the necessary  
measures and examinations having previously been  
made as required by laws and regulations, using the facul-  
ties which are conferred on me, in the name of the Mexican  
Nation, I have granted to him, the above mentioned land  
subject to the following conditions to wit -

1. That he shall grant, nor his heirs can divide or  
alienate that which is granted them, or subject it to  
any tax, entail, pledge, mortgage or other incumbrance  
either for religious purposes, or convey it in mortmain.
2. He may enclose it, without prejudice to the crop  
roads and surroundings, and enjoy it fully and exclu-  
sively, making such use or cultivation of it as he may  
see fit.
3. He will be subject to the Comandaria which have  
been marked out in the possession and will place in  
them the proper bounds.
4. If he shall contravene these conditions he shall lose  
his right to the land and it may be alienated by another  
In consequence I order that being held as firm  
and valid the present title, not be taken off in the proper  
book and it be delivered to the person intended for  
his security and other purposes.

Given at Monterey on the twenty second of  
August of One thousand Eight hundred and forty two



(Signed)  
Juan B. Alvarado

(Signed)  
Manuel Jimeno  
Secretary.

24 SD  
PAGE 28

Note has been taken in the proper book at page  
7.

(Signed)  
Jimeno.

Filed in Office July 17, 1852.

(Signed)  
Geo. Fisher Secy



No 118. Francisco Branch Claimant.

24 SD  
PAGE 29

Opinion

Francisco Branch presents his claim to a tract of land called Santa Manada situated in the County of San Luis Obispo. It appears by original documents, the genuineness of which is shown by the public archives as well as by the testimony of witnesses that on the 6th day of April 1837 a grant was made by Governor Alvarado to the Claimant of the land known by the name of Santa Manada according to the description in the map which accompanied the Claimant's petition for the same. The grant directing the Magistrate who should give the possession to report to the Government the number of leagues it included & that the grant was approved by the Territorial Deputation on the 19th of the same month. It further appears by the Record of the Magistrate that Judicial possession was given to the Claimant on the 18th day of August 1841 in which the Comandaris of the land are described & in which the tract is stated to contain seven leagues & 3875 varas of land.

It would seem that Judicial possession had not been given in exact conformity to the description in the grant of the Claimant in order not to be prejudiced thereby afterwards applied to the Governor for a further title. who on the 22nd of August 1842 issued another grant confirming the title of the Claimant to the whole tract of which he had been put in Judicial possession according to the Comandaris mentioned in such possession.

It is also shown that the Claimant as early as the year 1841 had a house on the land which was inhabited having upon it a stock of cattle & horses & that he has continued to occupy it ever since.

The only objection which is made to the confirmation of the Claim is that the last mentioned grant was not confirmed by the Departmental Assembly which objection we hold as we have heretofore done in other cases to be insufficient to invalidate the claim. We accordingly confirm the Claimant's



title to the land of which he had been put in possession, not exceeding the quantity of Eleven Square leagues in which grants were limited by the Colonization law of 1824.

Commissioner Thornton Concerning in the U. S. v. Holland & Hall.

24 SD

PAGE 30

No 48. Francisco Branch Claimant.

This Board having on full consideration come to the conclusion that this claim is valid now proceeds to make a decree for its final confirmation as follows viz.

Decree

It is decreed that the said claim be confirmed to the extent of & subject to the conditions described in the grant made to him by the Governor of the Californias on the 22<sup>nd</sup> day of August 1842 being the same land described in the record of the Magistrate giving Judicial possession to the Claimant on the 15<sup>th</sup> of August 1841. which with said grant were proved in this case. Provided that if the quantity of land within said Comedarias exceed the quantity of Eleven Square leagues, then we confirm to the Claimant Eleven Square leagues thereof no more.

Given under our hands this first day of March 1853.

Holland & Hall } Commissioners  
Henry Thornton }

Filed in Office March 1. 1853.

(Signed)

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 *Twenty* pages numbered from 1 to 30, 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. 48 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 "*Santa Manuela*"



In Testimony Whereof, I herewith set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this *twenty first* day of *June* A. D. 185*1*, and of the Independence of the United States of America the seventy=*eight*

*Geo. Fisher*  
*[Signature]*  
*sig*



24

24

*11 Sq. Lept.*

*24*

*appell.*

*The 22<sup>nd</sup> letter*

*N<sup>o</sup> 40*

*A*

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2



Office of the Attorney General of the United States,

Washington, 11<sup>th</sup> September 1854.

24 SD

PAGE 32

Francisco Branch

vs.

The United States.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 10<sup>th</sup> day of June 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.



<sup>1024.</sup>  
U.S. District Court.  
Southern District of California

Francisco Branch.

— vs —  
The United States.

Notice of appeal from City Secs.

Filed Nov. 7<sup>th</sup> 1884.

J. S. Jan.

Clerk.



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

Francisco Branch }  
                          }     No. 48.  
                          }     W  
The United States }  
                          }

24SD

PAGE 34

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

The petition of Pacificus Ord (of Monterey County)  
Attorney of the United States for the Southern Dis-  
trict 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 be-  
half of the United States represents as follows.

That heretofore, to wit, on or about the 17<sup>th</sup> day  
of February AD 1852, Francisco Branch presented a  
petition to the Commissioners to ascertain and settle  
the private land claims in the <sup>claiming a tract of land and</sup> State of California,  
representing, in substance, as follows: "The petitioner  
"Francisco Branch respectfully shows, that on the  
"Sixth day of April AD One thousand Eight hund-  
"red and thirty seven, Juan B. Alvarado Governor  
"of California, by virtue of the authority of his  
"Office granted to the petitioner, the tract of land  
"known by the name of "Santa Manuela" situate in  
"the former Jurisdiction of Santa Barbara, and  
"in the now County of San Luis Obispo, Compre-  
"hending the land within the limits, marked on  
"the map, which accompanied the petition. That  
"on the Nineteenth day of April AD. One thousand  
"Eight hundred and thirty seven the Deputation.



24 SD  
PAGE 35

of California approved the said grant in due form of law. That on the twenty third day of August AD One thousand Eight hundred and forty one, the said tract of land was duly surveyed under the direction of the proper authority, And the Juridical possession of it given to the petitioner in due form of law. That on the twenty second day of August AD One thousand Eight hundred and forty two the said Juan B Alvarado Governor of California, by virtue of the Authority of his Office, issued to the petitioner, a new grant for the same tract of land in accordance with the approbation of the Departmental Junta of California. and with the boundaries described and marked out in the aforesaid Juridical Survey and possession, Copies of which first grant, approval, Map, Act of survey, and Juridical possession and second grant are hereto annexed, Marked "A" with translations Marked "B". That at the date of the said grants the petitioner was, and ever since has been and now is, in the quiet and peaceful possession and occupation of the aforesaid tract of land. That the petitioner has done and performed all the requirements of the said grants necessary to make the grants aforesaid full perfect and absolute. That he knows of no conflicting Claim, That the land has not been surveyed by the Surveyor General of the United States, but that it was surveyed by the proper Authority, at the time of giving the Juridical possession, and that its boundaries are definite and well known. The petitioner relies for Confirmation of title upon the original

papers copies of which are hereto annexed, upon the



24 SD  
PAGE 36

"papers, Copies of which are hereto annexed, upon the  
"Documents and minutes relating to the same in  
"the Archives, now in the possession of the Surveyor  
"General, and such other proofs as he may be ad-  
"vised are necessary. Wherefore he prays the Com-  
"missioners to Confirm the said grant." &c.

Your petitioner further represents that there-  
after, to wit, on the 1<sup>st</sup> day of March AD 1853, the said  
Commissioners confirmed by final decree, the said  
Claim of the said Francisco Branch, in the  
words following, to wit, "N<sup>o</sup> 48, Francisco Branch  
"Claimant. This Board having on full consider-  
"ation come to the Conclusion that this Claim is  
"valid, Now proceeds to make a decree for its final  
"Confirmation as follows, viz. It is decreed that  
"the said Claim be confirmed to the extent of and  
"subject to the boundaries described in the grant  
"made to him by the Governor of the Californias  
"on the 22<sup>nd</sup> day of August 1842, being the same land  
"described in the record of the Magistrate giving  
"Judicial possession to the Claimant on the 18<sup>th</sup>  
"of August 1841, which with said grant were  
"proved in this case. Provided that if the quantity  
"of land within said boundaries exceed the quantity  
"of Eleven square leagues, then we confirm to the  
"Claimant Eleven square leagues thereof and no more.  
"Given under our hands this first day of March 1853."

(Signed) Miland Hall }  
" Harry J. Thornton } Commissioners.

That thereafter, to wit, on the 27<sup>th</sup> day of June AD 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



PAGE 37 SD

Office of the Clerk of the District Court of the United States for the Southern District of California and marked No 48. reference to which it is prayed may be had and made a part of this petition.

That on the 10<sup>th</sup> day of June AD 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 Commissioners in said Cause, (No 48) and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 7<sup>th</sup> day of November AD 1854, 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 appeal in said Cause of Francisco Branch vs. the United States from the decision of the 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 reviewed, <sup>reversed</sup> 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 said decree erroneous.



said claim is invalid, and said decree erroneous, on the following grounds.

1. That the said Francisco Branch shows no valid title to the said land claimed by him as aforesaid, and it is denied that he has any.
2. That the said land claimed as aforesaid is within ten leagues of the sea coast; and was not therefore subject to colonization or grant, by the said Governor of California, without the previous authority of the Supreme Government.
3. That at the date of the said alleged grant the said land claimed as aforesaid was occupied by the Missions of California, and particularly the Mission of La Purissima.
4. That the said alleged grant has not the conditions required by, and is not made in entire conformity with the law of the 18<sup>th</sup> of August AD 1824, and the regulations of the 21<sup>st</sup> of November AD 1828.
5. That said Claimant is a Native of the United States, and was not at the date or dates of said alleged grants of Governor Alvarado, a Naturalized Citizen of Mexico; and that therefore he had not the Capacity to acquire lands in California, as alleged.
6. That the Alleged grant of the 6<sup>th</sup> of April AD 1837 is not upon sealed paper, as required by law; that no quantity or extent of land is therein stated, and there is no certain or definite description of the land claimed; that there is no time fixed therein, or in the alleged second grant of the date of the 22<sup>d</sup> of August 1842, within which the land should be improved and occupied by the claimant as required by law.
7. That the alleged approval of the Deputation



PAGE 39 SD

of California of the date of the 19<sup>th</sup> of April 1837, does not specify or show the place of the meeting, or the <sup>place of the</sup> said act of Approval of said Deputation; that said approval is vague and uncertain, and does not show an approval of the grant, of said Governor of said date of said tract of land, according to said petition and maps, to said claimant, It shows only an approval of the place called Santa Manuela granted to Francisco Branch and Manuela Carlon; and that it is not upon sealed paper.

8. That the said Claimant failed to show his original petition to said Governor Alvarado, referred to in said grant of the date of the 6<sup>th</sup> of April AD 1837; that the land claimed can not be identified and surveyed without reference to said petition.

9. That the map shown is not the original one belonging to said petition to said Governor Alvarado, but purports to be a copy thereof; that this Copy is not duly authenticated and upon sealed paper, and is insufficient.

10. That the said Claimant did not apply for Judicial possession within the time required by law after the date of said grant; that he did not ask for and receive the same within a reasonable time after date of said grant.

11. That there is no evidence that Fernando Pico was, at the date of the alleged act of Judicial possession (August 23<sup>rd</sup> 1841) a Magistrate with lawful authority to make the measurement, and give Judicial possession of the said land, claimed as aforesaid; that the survey and measurement of said land by said Pico were not made according

to the ordinances or laws, or according to the said



to the ordinance or laws, or according to the said original petition of said Claimant to said Governor Alvarado, and the map referred to in said grant of the date of the 6<sup>th</sup> of April AD1837; that the said measurement of said land by said Pico are vague indefinite and uncertain; and that the said Pico did not report to said Governor or the government the number of square leagues measured by him, as required by said alleged grant of said Governor of said date of the 6<sup>th</sup> of April AD1837.

12. That the alleged grant of said Governor Alvarado of the date of the 22<sup>d</sup> of August AD1842, to said Claimant, of said land, recites that the said Claimant Francisco Branch "had obtained the "Approval of the Most Excellent Departmental Junta "for the land called Santa Manuela, within the "boundaries shown on the map which accompanied "his petition"; which said recital is untrue, as the said act of Approval shown, makes no such mention of such map, nor does it contain any description by which it can be certainly identified with the said grant of said Alvarado of said date of the 6<sup>th</sup> of April AD1837; that this second grant of said date of the 22<sup>d</sup> of August AD1842 does not specify any certain extent or tract of land; that it does not contain the conditions required by law, and it is, in the description of the land vague and uncertain.

13. That it does not appear that this said last grant of Governor Alvarado was approved by the Deputation or Departmental Assembly of California.

14. That there is no evidence that the Claimant built a house on the land within a year from the date



or dates of said grants, or that he occupied and cultivated the same within said time, or that the said Claimant has done and performed all the requirements of said grants necessary to make them full, perfect and absolute, as alleged.

PAGE 24 SD  
PAGE 41

-And no 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.

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 the laws and Statutes in such case made and provided, pray that the said Francisco Branch, or his Attorney, 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.

Atty of the United States  
for the Southern District of Cal<sup>a</sup>



24.

No. 24.

Francisco Branch  
Ads.

The United States

Petition of US Dist Atty for  
review &c.

Filed Dec 9. 1854.

J. E. Jan.  
clk.

24 SD

PAGE 42



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

TO

The President of the United States,

*Francisco Branch*

24 SD

PAGE 43

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 *ninth* day of *December* in the year of our Lord one thousand eight hundred and fifty-*four* 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, praying 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 Commissioners to  
ascertain and settle the private land claims in the State of California,  
of the claim of Francisco Branch for the tract of land called  
Santa Manuela, in the County of San Luis Obispo, California to the  
extent of about eleven square leagues, which said claim was  
presented by your petition <sup>to said commissioners</sup> on or about the 17<sup>th</sup> of February A.D. 1852,  
and by them <sup>confirmed</sup> ~~reported~~ on or about the 1<sup>st</sup> of March A.D. 1853.*

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 therein demanded.*

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

*J. S. Fan.*  
Clerk.



No 24

Marshals cost  
 Copying Summons 1,000  
 Money Petition 4,000  
 Summery 4,000  
 Actual traveling  
 expenses 102,000  
 / 21,000

United States of America,  
 Southern District of California,  
 U. S. DISTRICT COURT

Francisco Branch

ad

The United States,

SUMMONS.  
 Return February 5<sup>th</sup> 1855  
 Edward Hunter  
 U.S. Marshal

I served this summons along with the proper copy of the petition upon *Francisco Branch* the defendant by delivering to him personally a true copy of the summons and petition.

at his *Rancho* in the County of *San Luis Obispo* the *24<sup>th</sup>* day of *February*

in the Southern District of California or A. D. 1855.

Sworn to and subscribed before me, this *10<sup>th</sup>* of *March* 1855. *J. E. Lane* Clerk.

*Edwano Hunter*  
 U. S. Marshal  
 Deputy  
*R. J. Lane*







deponent was not employed as Attorney of The Appellee in said case until a few days before said 5th day of April instans; that immediately thereafter deponent was compelled to depart from his residence for the City of Los Angeles; that at the time of deponents' employment by said Appellee he was totally unacquainted with the facts in this case; and has since that time had no opportunity of acquiring sufficient information thereof to enable him to answer said Petition of the Appellant.

A. F. Hinchman

Los Angeles April 11. 1855

Sworn to & subscribed  
before me.

C. E. Lane  
CLK.

24 SD

PAGE 46

20



No. 24.  
Francisco Branch  
Appellee  
ads.

The United States  
Appellants  

---

Appt. for further time  
to answer  

---

Filed April 11<sup>th</sup> 1855.

J. E. Jan.

24 SD Clk.

PAGE 47

A. F. Hinckman  
San Francisco } Atty. for Appellee



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

24SD

PAGE 48

Francisco Branch

ads Appellee } (No 48. Original)  
The United States } No 24  
Appellant }

Upon due proof by affidavit filed in  
this case that the Appellee requires farther  
time in which to answer the Petition of  
the Appellant, and on motion of S. F.  
Hinchman, Attorney of said Appellee,

Ordered that said Appellee have  
thirty days after the date of this order  
for filing his answer to the Petition of  
the Appellant.



No 24.

Francisco Branch  
appellee.

vs

The United States -  
Appellant.

---

Order for further time  
to answer.

---

Filed April 11<sup>th</sup> 1855.  
J. E. Jan.  
Clk.



The United States applt.

vs. No 24.

Francisco Brausk appellee

24 SD  
PAGE 50

A. W. Halleck, a witness for  
appellee was sworn and testified  
in open Court as follows

Ques. What is your name age and place  
of residence.

Ans. My name is A. W. Halleck, my  
age thirty nine, residence San Francisco.

Ques. Do you know the handwriting of Juan  
B. Alvarado, and the handwriting of Manuel  
Linares, if so, look at the paper marked  
"No 1," <sup>has to answer</sup> and state whether signatures as  
they appear therein are genuine,  
ans I know these 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.

A. W. Halleck

Sworn to & subscribed before me this 15<sup>th</sup>  
day of Oct 1855. J. J. Farrell R.



No 24.

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

Francisco Branch,  
appellee.

vs.

The United States,  
appell.

Deposition  
~~testimony~~ of H. W.  
Halleck.

Filed Oct 15<sup>th</sup> 1835

24 SD f. s. Jan  
PAGE 51 CLK.



Juan B. Alvarado Gobernador Constitucional  
del Departamento de las Californias.



24SD  
PAGE 52

Reg. no. 1 J. 11.

Habiendo D. Francisco Branch, procedente de los Estados Unidos de Norte America, cumplido con las condiciones y requisitos que previene la ley de 14 de Abril de 1828, del Congreso Nacional, que arregla el modo con que debe concederse la carta de naturalizacion a los extranjeros; declaro al referido D. Francisco Branch, por los presentes naturalizado en la Republica Mexicana, en virtud de la autoridad que por la misma ley se me confiere.

Monterrey 31 de Diciembre de 1839.

Juan B. Alvarado

Mano Firme

Geo. del Despacho



1034.

"No. 1."

---

U. S. Dist Court,  
W. Dist of Cal.

Francisco Branch

adv. appes

The Am. Ins. Co.

app. to

Filed Oct 15<sup>th</sup> 1833

J. E. Jan.  
Clerk.

24 SD







new grant of land, including the said tract granted to the Appellee as aforesaid by the said grant of the 6th of April A.D. 1837; and that the boundaries fixed and described in said new grant were those fixed and described in the official Record of the aforesaid Survey and judicial possession under the first mentioned grant.

24 SD

PAGE

55

The Appellee further alleges that at the date of said grants he was and has ever since been in quiet and peaceful possession and occupation of the aforesaid tract of land; and that he has done and performed all the requirements and complied with all the conditions of the law and of said grants, necessary on his part to make said grants full, perfect and absolute; and that all said documents and proceedings necessary to make said grants valid were formal and legal.

The Appellee further alleges that said tract of land is not situated within ten leagues of the sea-coast, and that if so situated the title of the Appellee thereto under said grants is nevertheless good and valid. The Appellee denies that at the date of said grants the said tract of land was occupied by the Mission of La Purissima or by any other Mission, and answers that if it were so occupied the said grants to the Appellee are nevertheless good and valid.



The Appellee alleges that at the date of said grants he was a citizen of Mexico, and that, if he were not, said grants are nevertheless good and valid. The Appellee further alleges that said grant of the 6th. of April A.D. 1837 was written on such paper as was sufficient in law. The Appellee further alleges that the extent and boundaries of said tract of land are described with sufficient certainty in the said grants, map and Record of survey and judicial possession.

The Appellee alleges that the approval of the Departmental Assembly of 19th. April A.D. 1837, referred to in the Petition of the Appellant is sufficiently formal and certain as regards the land, the grant and the grantees. The Appellee denies that it was necessary to show his original Petition to Governor Alvarado referred to in the grants of the 6th. of April A.D. 1837; and he alleges that the land claimed by him under said grants can be identified and surveyed without reference to such Petition. The Appellee alleges that he applied for and received judicial possession of said tract of land in the time required by law.

The Appellee alleges that on the 23rd. day of August A.D. 1841, he received from Fernando Tico, a duly constituted Magistrate, and <sup>having</sup> jurisdiction over the lands aforesaid, judicial possession of said lands in due form of law; and that the measurements of said lands



then made by said Pio, were, as appears by the Record thereof, sufficiently definite and certain, and were in conformity with the said grant of August 22. A.D. 1842, and included the lands granted on the 6th. day of April A.D. 1837.

The Appellee further answers that the Approval of the Departmental Assembly to said grant of August 22. 1842 is to be presumed, and that it was not necessary to the validity of the Appellee's title. The Appellee further says that he erected a house on, and occupied and cultivated said land within the time and in the manner required by law, and by the conditions of the said grants.

The Appellee prays that the Transcripts sent from the Board of Commissioners to ascertain and settle private land claims in the State of California and now on file with the Clerk of this Honourable Court may be made and considered a part of this Answer. The Appellee further prays that the Decree of said Board of Commissioners made on the 1st. day of March A.D. 1853, confirming to this Appellee said tract of land known as Santo Mamele may be affirmed, and that the Appeal taken therefrom by this Appellant may be dismissed with costs.

A. F. Hinckman  
Attorney for Appellee



I served this answer on J. Brad U.S. District  
Atty in the Southern District of California  
by delivering to him personally a certified copy  
hereof this Aug 16<sup>th</sup> 1855

Edward Hunt  
U.S. Marshal

Sworn to and subscribed  
before me this 16<sup>th</sup> day of Aug. 1855.  
C.E. Jan.  
clk.

N<sup>o</sup> 24  
U.S. District Court  
Southern District of  
the State of California  
Los Angeles County

Francisco Branch  
Appellee

vs.

The United States  
Appellant

Appellee's Answer

Filed May 7<sup>th</sup> 1855

C.E. Jan.

clk.

24 SD

PAGE 58

d. F. Hutchinson  
Atty for Appellee  
Rupel B. Debra



In the District Court of the United  
States for the Southern District of California  
San Francisco Branch

Appellee

vs

The United States

Appellant

No 24,

"Santa Barbara"

24 SD

PAGE 59

To Francisco Branch or his attorneys  
Take notice that the above  
entitled cause will be brought to a  
hearing by the United States on Friday  
the 19<sup>th</sup> day of October A.D. 1853, or as  
soon thereafter as the same can be  
heard by the Court.

Los Angeles October 11, 1853.

J. M.  
U.S. Dist. Atty.



No 24,

San Francisco Branch

and

The United States

Notice of hearing  
by U States

Filed Oct. 11<sup>th</sup> 1855.

J. S. Jan,  
Clerk.

24 SD  
PAGE 60

P. Orr. U.S. Atty.







No 24  
Santa Manuela  
Francisco Branch  
Appellee  
ads.  
The United States  
Appellants

Stipulation ~~in~~  
as to Errors in Transmittal

Filed Oct. 12<sup>th</sup> 1855  
O. E. Canaan  
By Geo. Ross Dep



To.

Mr. Carr, Clk at Dist Court.

Please have a subpoena issued  
for Mr. Ely, <sup>with my</sup> on the part of the  
Ct., in case Francis Branch  
vs. The W. & A. N. 24, for  
Monday Oct. 15. '53 at 11. a.m.

Obliged

P. Ord

at Dist Ct.

Exempl.

Oct. 13. '53

For the Marshal W.

Mr. Ely boards, Shelwin, at  
Mr. Smiths, opposite the Court  
House, in Dallas frame house.



No 24.

San Francisco Branch

adv.

The United States.

Receipt for moneys  
(Ely) by U.S. Atty

Filed Oct 13<sup>th</sup> 1888

V. S. Farr,  
clerk.



The President of the United of America

J. E. Carr.

Greeting

We Command You, that all business and  
excuses being laid aside, you appear and attend  
before the Judge of the District Court of the United  
States of America for the Southern District of  
California, at a Special Term of said Court  
now in session at the Court Room in the City of  
Los Angeles in and for the said Southern District  
of California, on the fifteenth day of October  
at 11 o'clock A.M. to testify and give evidence  
in a certain Cause pending in the said Court,  
and then and <sup>there</sup> to be tried between the United  
States, Appellant, and Francisco Branch  
Appellee.

And this you are not to omit, under  
the penalty, upon you of Two hundred and  
fifty Dollars.

Witness, The Hon. Isaac S. H. Ogier, Judge of the  
District Court of the United States, at the City of  
Los Angeles, the 13<sup>th</sup> day of October in the  
year of our Lord A.D. Eighteen hundred  
and fifty five.

J. E. Carr  
Clerk.

24 SD  
PAGE 65





No 24.

Mrs. J. T. Baker & Co. Part  
South West of Cal. C.

Francisco Bay Area.

287.

The United States;

Subpoena for - Ely  
Palmdale, Oct 13<sup>th</sup> 1855  
11 o'clock a.m.

No. 4, Oct. 13<sup>th</sup> 1855.

E. Stanton,

U. S. Marshal

By R. S. Jones, Deputy

I served this subpoena upon E. C. M. Ely by delivering to him personally a true copy of the same at the City of Los Angeles on this 13<sup>th</sup> day of October 1855.

E. Stanton U. S. Marshal

By R. S. Jones,  
Deputy

Marshall's return



Translation of document marked "No 1"  
and annexed to the deposition of H. W.  
Halleck -

24<sup>th</sup> SD

PAGE 67

Juan B. Alvarado Constitutional Govern-  
or of the Californias.

Seal

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 14<sup>th</sup> day  
of April 1828, which regulates the  
mode of granting letters of natural-  
ization 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 Mex-  
ican Republic.

Monterey 31<sup>st</sup> of December 1839

Juan B. Alvarado.  
Manl. Jimeno  
Secretary of Despatches

Registered  
for \$11.



No. 24.

U.S. Dist. Court,  
Southern District of Cal.

Francisco Branch,  
appellee  
ad. v.

The United States,  
appellant.

Translation of documents  
marked "No. 1." filed in the above  
case

Filed Oct 10<sup>th</sup> 1855

24 SD f. c. Farr  
PAGE 68 Cal.



Francisco Branch. 1882

ad.

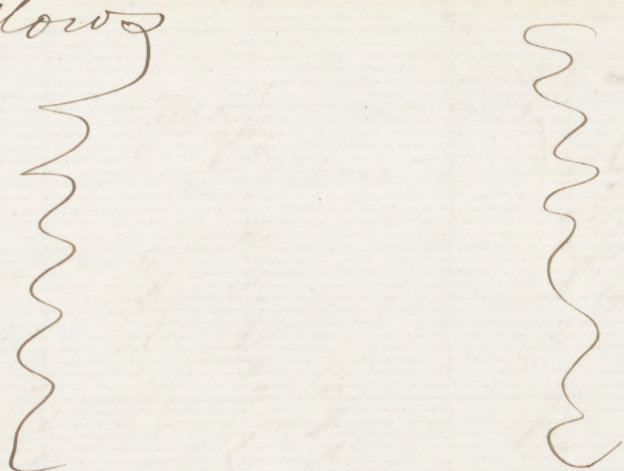
No 24.

The United States. appls.

24 SD

PAGE 69

Testimony of Hubbard C. M. Ely, a witness  
for Appellant, sworn and testified as  
as follows



Ques. What is your name, age, & place of residence.

Ans. My name is Hubbard C. M. Ely, my  
age thirty seven, my residence in Los Angeles.

Ques. Do you know Francisco Branch the  
claimant in this case, if so, where does  
he reside?

Ans. I do know him, he resides in the County  
of San Luis Obispo.

Ques. Do you know the Rancho described  
in the claim now before the Court,  
and if you, state whether it is or not  
within ten leagues of the Sea Coast.

Ans. I have been on the Rancho, and  
to the best of my knowledge it is  
within ten leagues of the Sea Coast



Ques. Cross examined by Atty for claimant,  
What means have of knowing  
that it is within ten leagues of the sea  
Coast.

Ans. I have frequently passed along the  
sea coast near the Rauako,

whose name subscribed Hubert B. Moly  
before me Oct 15<sup>th</sup> 1855

J. E. Jan.  
1855

no 24.

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

Francisco Branch,  
M. Meller,

adv.

The United States,  
Appt.

Testimony of Hubert  
A. C. Moly

Filed Oct 15<sup>th</sup> 1855  
J. E. Jan.  
Adv.

24 SD

PAGE 70



In the U States District Court for  
the Southern District of California,  
Special Term Sept 1833.  
Los Angeles.

24 SD

PAGE 71

Francisco Branch, app<sup>e</sup> } N<sup>o</sup> 24.  
ad } (Transcript N<sup>o</sup> 48)  
The United States, app<sup>l</sup> }

On motion of P<sup>r</sup>oc 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, in the above  
entitled cause, rendered on or  
about the 24<sup>a</sup> day of September  
A<sup>d</sup> 1833.

J. Ord  
W. D. Atty.



Apr 24.

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

San Francisco Branch  
Office.

advs.

The United States  
app't.

Order of appeal to the  
U.S. Supreme Court, on motion  
of P. B. Wadley.

Filed Oct 18<sup>th</sup> 1855.

24 SD

PAGE 72



California Land Claims.

Attorney General's Office

18 September 1856

24 SD

PAGE 73

Sir,

In the case of the claim of Francisco Branch, confirmed to the claimant by the Commissioners, case no. forty-eight (48), 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

Jacipius Ord Esq.

U. S. Atty for the

Sanchem Dist. of California



W. H. 24.

Francisco Branch

48

Letter atty. Genl.

Dr. Appeal

Filed 24<sup>th</sup> February 1854

C. Smith  
J. M. Coleman  
Secy

Recd Oct. 21 1836

24 SD

PAGE 74



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

24SD

PAGE 75

Francisco Branch }  
12 appellee } Case No 24  
the United States }  
appellant } Transcript No 48

In pursuance of a letter from the Atty  
General of the United States hereto annexed  
giving notice that it is not ~~this~~ intention  
to prosecute further the appeal of said  
cause ~~by the~~ in behalf of the United  
States. It is hereby stipulated and agreed  
by and between the parties that the  
decree of this Court heretofore rendered  
in this cause may by order of the  
Court be made final

J. D. Asst.

Packard & Hutchinson  
Attys for Plaintiff



1857

No 24

Stipulation

Filed 24<sup>th</sup> Feb'y 1857

to Suis City  
of Alameda  
Co

24 SD

PAGE 76



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

Francisco Ranch  
ad,  
The United States  
Appellee  
Case No 24  
Manuscript 48  
Appellant  
Santa Manuela

24 SD

PAGE 77

This Cause coming on to be heard on appeal from the final  
decision of the United States Board of Land Commissioners to ascer-  
tain and settle Private Land Claims in the State of California  
on a Manuscript of the proceedings and decision of said Board  
and on the papers and evidence on which said decision was founded,  
and it appearing that said Manuscript and the notice of appeal were  
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 be hereby affirmed, and that the Appellee  
Claim be deemed good and valid and confirmed to him  
to the extent named in the act of Judicial Possession; Pro-  
vided that, if the quantity of land within the boundaries fixed  
in said act of Judicial Possession exceed Eleven Square Leagues  
then the Confirmation is for Eleven Leagues and no more.

The land whereof Confirmation is hereby made, is that  
described in the Original Petition, Grant, and map, accom-  
panying said Petition, and the Judicial Possession of date  
August the 25<sup>th</sup> A.D. 1841, contained in the Manuscript in this  
Case

Provided also, that if the quantity of land  
within the boundaries fixed in said act of Judicial  
possession contain a less quantity than eleven square  
leagues then the Confirmation is for said less quantity.  
done and signed in open Court this  
18 Day of March 1858  
J. W. S. K. Ogden  
U.S. District Judge



No 24

Santa Manuela

U S Dist Court  
South Dist. California

Iran <sup>ca</sup> Branch  
appellee

vs

The United States  
appellants

Dece

Filed this 18<sup>th</sup> March 1858

U S Dist Ct

J H Hartman  
Dep

Recorded on page 273

24 SD  
PAGE 78



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

24 SD  
PAGE 79

*E. F. Beale*  
~~J. N. MANDVELLA~~ United States Surveyor General, for the State  
of California, do hereby certify that the Rancho "*Santa*  
*Manuela*"

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 *25*<sup>th</sup> day of *March*  
1861; that I have caused to be published, once a week, for four weeks suc-  
cessively, in two newspapers, to wit: the "*Visalia Delta*"  
published in the County of *Tulare, State of California*,  
being the newspaper published nearest to where the said Rancho is located, the  
first publication being on the *1<sup>st</sup>* day of *January* 1863,  
and the last, on *the 29<sup>th</sup>* day of *January* 1863; also, in the  
"*Southern News*"  
a newspaper published in the *County of Los Angeles*,  
*State aforesaid*,  
the first publication being on the *13<sup>th</sup>* day of *August* 1862,  
and the last on the *17<sup>th</sup>* day of *September* 1862, 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 *18<sup>th</sup>* day of  
*April*, 1864

*E. F. Beale*

U. S. Surveyor General for California.

A full, true and correct copy of the original  
on file in this office.

U. S. Surv. Genl's Office,  
October 22<sup>d</sup> 1867.

*L. C. Lippincott*



Recd No 2187  
G E Colman, etc  
P. Colman & Co

24 SD  
AGE 80



The United States appellants }  
Francis Branch appellee }

24 SD  
PAGE 81

The claim in this case is founded upon two different grants of the land made at different times dates by Governor Alvarado to the appellee. The 1<sup>st</sup> grant dated 6<sup>th</sup> of April 1834 was for a certain tract of land known by the name of Santa Manada according to the description in the map which accompanied claimant's petition to the Governor. This grant was approved by the Departmental Assembly, and judicial possession was given. The possession was not given it appears in exact conformance with the description in the map, and the claimant but what being abundant precaution petitioned for a new grant of the land in conformity with the boundaries as described in the act of judicial possession, and accordingly on the 27<sup>th</sup> of August 1842 a new grant was issued to him for the land as described in the act of judicial possession given under the first grant. The genuineness and authenticity of both these grants and the act of judicial possession is fully known, occupation of the premises is known, and the claimant is therefore entitled to Confirmation of his claim to the extent named within in the act of judicial possession within the boundaries there described and a decree will be entered affirming the decision of the Commission.