

CASE No.  
223

SOUTHERN DISTRICT

SAN BERNARDO GRANT

MARIANO SOBERANES, ET AL

CLAIMANT

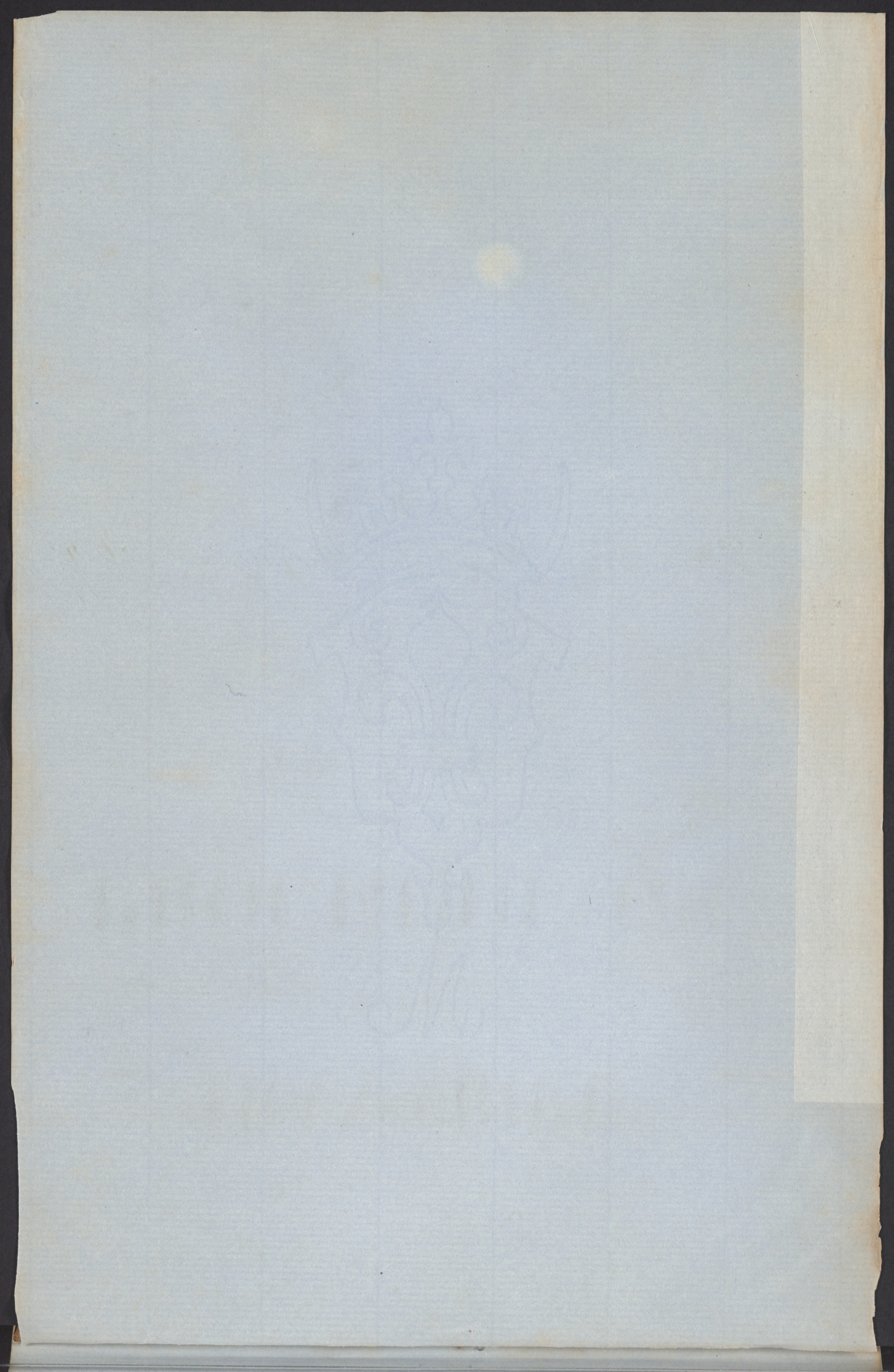
LAND CASE 223 SD pgs. 82

MAR 10 1963

MAR 13 1963

50% COTTON FIBER  
BROAER ROAD  
Baltimore

557



# TRANSCRIPT

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PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. *557.*

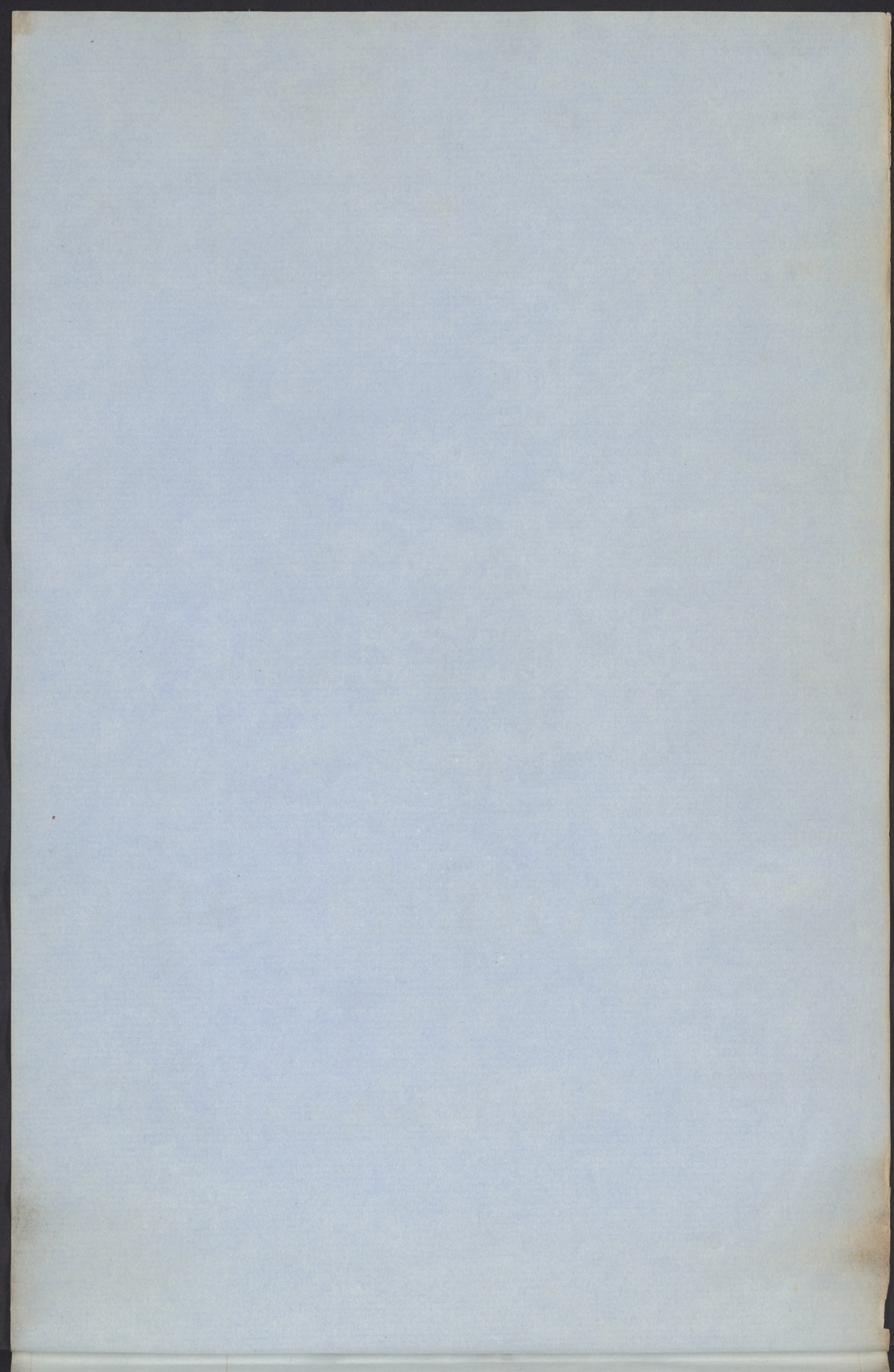
*Mariano Suberones, et al,* CLAIMANT &

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*San Bernardo.*



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of Mariano Soberanes, et al;  
for the Place named  
"San Bernardo,"  
was presented, and ordered to be filed and docketed with No. 551 and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco February 5<sup>th</sup> 1853.  
In Case no. 551, Mariano Soberanes, et al for the place named "San Bernardino," the deposition of W<sup>m</sup> E. P. Martnell, a witness in behalf of the Claimant, taken before Commissioner Wiland Hall, with document marked H. H. No. 1, annexed thereto, was filed:

(Vide page 3 of this Transcript.)

San Francisco February 18<sup>th</sup> 1853.  
In the same Case the deposition of Mariano Soberanes, a witness in behalf of the Claimant, taken before Commissioner Wiland Hall, was filed;

(Vide page 4 of this Transcript.)

San Francisco Sept 23<sup>rd</sup> 1853  
Case no. 551 called; on motion of the Counsel for the Claimant, ordered to the foot of the Docket.

San Francisco, November 4' 1853.

In the same case the deposition of Feliciano Sobranes, a witness in behalf of the claimants, taken before Commissioner R. Aug. Thompson, was filed:

(Vide page 4 of this Transcript.)

San Francisco June 12<sup>th</sup> 1854.

In the same case the deposition of Jose Castro, a witness in behalf of the claimants, taken before Commissioner Peter Sott, was filed:

(Vide page 6 of this Transcript.)

San Francisco July 14' 1854.

In the same case the deposition of Feliciano Sobranes, a witness in behalf of the claimants, taken before Commissioner Peter Sott, was filed:

(Vide page 8 of this Transcript.)

San Francisco, September 19' 1854.

Case no. 551 on motion of the Counsel for the claimants with the consent of the U. S. Law Agent, was ordered to the foot of the 2<sup>d</sup> class cases on the Trial Docket.

San Francisco October 31' 1854.

Case no. 551 was submitted without argument.

San Francisco Nov. 4' 1854.

In the same case Commissioner Alpheus Felch delivered the opinion of the Board confirming the claim;

(Vide page 23 of this Transcript.)

and the following order was made, to wit;

(Vide page 25 of this Transcript.)

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3 Petition

To the Honorable Commissioners to Settle Private Land Claims in California  
The Petitioners Mariano Sobreros and Juan Sobreros respectfully represent  
That on the 16th day of June A.D. 1841 Juan B. Alvarado Governor of California by virtue of authority in him vested granted to the Petitioners the tract of land called San Bernardo in the present County of Monterey containing three square leagues of land with the boundaries described in the Grant and in the corresponding Map in the Expediente which original grants is submitted herewith marked A with a transcription marked B.

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That the Petitioners have been since the date of said Grant and now are in the quiet and peaceable possession of said tract of land and have of no conflicting claim

That they rely for confirmation of title upon the original Grant submitted herewith upon the records in the Archives of the former Government and upon such other and further proof as they may be advised are necessary

Wherefore they pray the Commissioners to confirm to them the aforesaid Grant of land

By their Attorneys

J. Allen Peachey & Bellisip

India Office Building 5th 1853

George Fisher Secretary

Recorded in Volume 1st of Petitions on Page 525

George Fisher

Secretary

Deposition  
of W. E. F.  
Hartwell

San Francisco February 5th 1853

On this day before Commissioner Richard Hall came William E. F. Hartwell agent in behalf of the Claimants Mariano Sobreros et al Petition Number 551 and was duly sworn his evidence being given in English

The U. S. Associate Law Agent was present  
My name is William E. F. Hartwell my age is fifty five years I live in Monterey and have lived in California thirty years  
I have the hand writing of Juan B. Alvarado and Manuel Jimeno their signatures to the

document before me marked A & B numbers  
and attached hereto are their genuine signatures  
I know  
the land described in this title but have not  
known since it was granted

W. E. P. Hartwell  
Given and Subscribed before me  
Beland Hall  
Commissioner

Filed in Office February 5th 1853  
George Fisher Secretary  
Recorded in Evidence B. Volume 2 Page 541  
George Fisher Secretary

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Deposition  
of Mariano  
Gobanus  
Sober ones

San Francisco February 18. 1853  
On this day before Commissioner Beland Hall  
came Mariano Gobanus attornies in behalf of the  
Claimants in and of Gobanus Petition Number  
551 and was duly sworn his Evidence being inter-  
puted by the Secretary

The United States Associate Law Agent  
was present  
In answer to questions by counsel for the Claim-  
ants the witness says

My name is Mariano Gobanus my age is  
59 years I reside in Monterey County and have  
lived in California during my whole life

I know  
the Ranch called San Bernardo situated in the  
County of Monterey and claimed by Mariano and  
Juan Gobanus. It has been occupied by them ear-  
lier 1841 or 1842 with cattle and horses and Mariano  
has family and lives on the land

Mrs Gobanus  
Given and Subscribed before me  
Beland Hall Commissioner  
Filed in Office February 18th 1853

George Fisher Secretary  
Recorded in Evidence B. Volume 2 Page 544  
Case No 551  
George Fisher Secy

Deposition  
of Feliciano  
Gobanus

Office of the Board of Commissioners etc  
This day before Commissioner Robert A Thompson  
came Feliciano Gobanus attornies in behalf  
of Claimant Mariano Gobanus Number 551

5  
who after being duly sworn depose as follows  
Testimony in behalf of Claimant  
Peters H. C. Halliday Attorney for Claimant  
and Robert Gumbert Esq. Associate Law Agent  
Peters states that his name Feliciano Goben  
— ans age sixty five years residence Monterey  
County California is a native of California  
and has there all his life

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Question by Claimant's attorney  
Do you know the Rancho called San Bernardo  
— claimed in this case by Mananiv and Juan  
Gobranis if so where is it situated and by whom  
and how is it occupied

Answer When said Rancho it is situated in  
the County of Monterey about seven or eight leagues  
south of the Mission of San Miguel

It is occupied  
by Juan and Mananiv Gobranis sons of Juan  
— can Gobranis of Los Ejidos they have a house  
on the land in which they live they have also  
stocks of cattle and horses &c

They also culti  
— vate portions of the land in corn beans &c  
Mananiv is married and lives there with his  
family Juan is single they first built a  
house and went to live in it in 1841 or 1842  
and have continued to reside there ever  
since

The house first built becoming ruinous  
they built a new one in which they now occupy  
They have now nearly 500 head of cattle  
and about twenty horses, Peters passes the  
rancho and has been there frequently  
since 1841 and was last there about two  
months since

Question by same  
Do you know the Rancho called San Lucas  
the place called El Pescadero and the Lomas  
of San Antonio and Santa Fe

Answer When the Rancho of San Lucas is  
lies between the Rancho of San Bernardo  
and the Rancho of San Quinto owned by Peter

6

to the Eastward Salvo from El Pescadero & lies in the opposite or western side of San Bernardino

Salvo from the two ranges of mountains referred to the Rancho of San Bernardino lies between the San Antonio lying to the north and Santa Fe to the south & it is because the names and the localities mentioned have been long known to them

Question by Mr. Gumborn

What is the Pescadero answer. It is a part of the River Salinas or Montana and forms one of the boundaries of the Rancho of San Bernardino. It means a place for fishing or a fishing

Feliciano Lohmann

Given to and Subscribed before me November 4th 1853

A. Aug. Thompson

Commissioner

Filed in Office November 4th 1853

George Fisher Secretary

Recorded in Endemic B. Volume 3 Page 354

George Fisher Secretary

Department of Jose Castro

United States of America }  
State of California }  
San Francisco June 10th 1854

This day personally came before Peter Lott a Commissioner for taking testimony to be used before the Board of United States Land Commis-  
sioners in said State for certain alterations on the half of the claimant's lease number 51 on the Doches of the Board wherein Francisco Lohmann et al are claimants and said witness being duly sworn on oath deposed in Spanish which was interpreted into English by the interpreter to said Board as follows to wit

The United States Law Agent is present  
Question by claimant's Council

Question What is your name and residence

Answer My name is Jose Castro my age 45 years my residence Monterey County California

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2 Question State what you know of the occupation and improvements of the Rancho of San Bernardino claimed in this case by Marciano Lobocans and Juan Lobocans  
 Answer In 1841 on returning from Mexico to California I made a days travel from the Mission of San Miguel to said Rancho there I found Juan and Marciano Lobocans building a house apart of which they had finished a strong corral in which they secured their horses and cattle I saw in the Rancho about 150 horses about 30 mules and 25 or 30 men this was early in August

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Cross examined by United States Law Agent

1 Question How long had you known Juan and Marciano Lobocans and under what circumstances

Answer I have known them from their childhood they were born where I was in Kentucky and I know their family

2 Question How many times had you seen the Rancho of San Bernardino at the time you speak of

Answer I have seen it as a Rancho previous to that time the place was called San Bernardino but that was the first occupation of the place as a Rancho

3 Question were there any other improvements in the neighborhood

Answer I saw none other I was travelling past

4 Question where did Marciano and Juan Lobocans reside at that time

Answer They are established there on the Rancho with their servants and seemed to be residing there

Subscribed and sworn to before me on this 10th day of June A.D. 1854

Jose Castro  
 Peter Lott Commissioner  
 for taking testimony &c

Held in Office June 12th 1854  
 George Fisher  
 Secretary

Deposition  
of Feliciano  
Lobuans

United States of America }  
State of California ss }  
San Francisco July 14. 1854

This day personally came before me Peter C. H. Commissioner for taking Testimony to be used before the Board of United States Land Commissioners in said State,

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Feliciano Lobuans agent of the Claimants Mariano Lobuans et al in case number 551 in the Docket of said Board said witness being sworn deposed in Spanish which was interpreted by the interpreter to said Board as follows

The United States associate Law Agent present

Question by Claimants Counsel  
1st Question What is your name and residence

Answer My name is Feliciano Lobuans my age is forty five years my residence Monterey California

2 Question Are you acquainted with the Rancho called San Bernardino Monterey County

Answer I am acquainted with it

3 Question Are you acquainted with the lands of San Lucas if you state how they are located with respect to said Rancho of San Bernardino

Answer I am acquainted with the San Lucas lands they adjoin the Rancho of San Bernardino the point above the road from Monterey to San Miguel called the Cañon de la Reina strikes the plain across round the point of a hill about one mile from the Monterey river is the boundary mark between these two Ranchos and the line between the Ranchos from the hills to the Monterey River is marked by some willows and cottonwoods (alamos)

4 Question State if you know where a place called Pescadero is situated and describe it?

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Answer It is on the Mountain River about three and one half leagues above the boundary between the two Ranchos before mentioned where said boundary crosses the River. The Pescadero is a place where the Indians used to fish. There is an arroyo which empties into the River there from the hills of Santa Fe and on the opposite side the hills come near to the River.

Cross Examined by United States Associate Law Agent

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Question Are the willows and cotton wood trees of which you speak as marking the line between the Ranchos across the plain the only trees there and not the trees stand scattering all about in the valley there?

Answer There are other trees standing out on the plain but on the line only these have remained.

Question Are the trees in said line so numerous as to mark said line distinctly?

Answer They are so situated as easily to designate the boundary without mistake.

Question Are there any natural objects to mark the boundary between the two Ranchos on the Santa Fe side of the River?

Answer Yes there is a hill which comes near to the River.

Question Is the arroyo Pescadero of which you spoke boundary of said Rancho of San Bruno and if yes what does it separate said Rancho from

Answer The arroyo is the upper boundary of said Rancho and divides it from vacant lands on the other side of said Arroyo.

Question How do you know these are the boundaries which you have mentioned?

Answer I know it because I have seen the title and the neighbors (colindantes) have recognized these as the boundaries.

Feliciano Liberman

Subscribed and sworn to before me on this 14th day of July A D 1854

Richard Ott

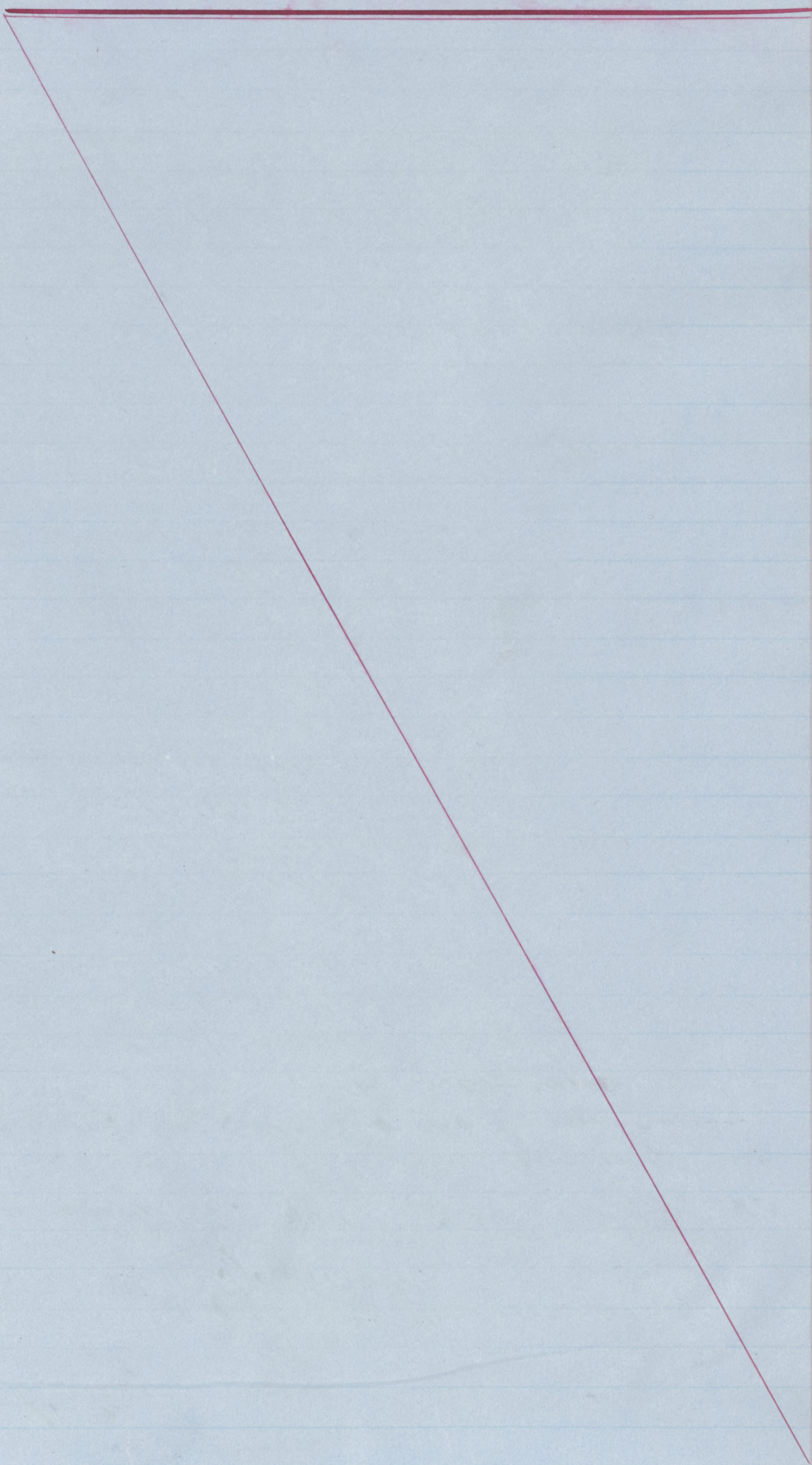
Commissioner &c

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Felin in Affric July 14th 1834  
George Fisher  
Secretary

Recorded in Academic B. volume 5 Page 164  
George Fisher  
Secretary

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11  
Jurisdicción }  
de Monterrey }

Año de 1841

## Expediente

Promovido por D.<sup>n</sup> Mariano Soberanes  
a nombre de sus dos hijos Mariano y Juan  
Soberanes en solicitud del terreno conocido  
con el nombre San Bernardo

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N.º 238

Habilitado por la Administracion de la Aduana Maritima del Puerto de Monterey de la Alta California, para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete

Gutierrez, Angel Ramirez  
Valga para los años de 1838 y 1840  
Alvarado Antonio M.º Rio

Sor. Prefecto del 1.º Distrito

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San Juan de Castro 23 de Diciembre de 1840

Ynforme el encargado del establecim<sup>to</sup> de San Antonio sobre el contenido en esta instancia si el terreno que solicita se halla baldio y si puede serle Concedido; y evacuado que sea esto vuelva para proveer Castro

El Ciudadano Mariano Liberanes a nombre de sus dos hijos Mariano y Juan Liberanes ante la Notoria justificacion de V. S. Como mas haya lugar compare y dese q. allandore con un numero considerable de familia como es muy notorio, Compuesta la mayor parte de ella de siete Barones Ma en estado de erencia p<sup>o</sup> lo q. suplico a V. S. se sirba Concederme en propiedad el paraje conocido con el nombre de S. Bernardo p<sup>o</sup> ambas partes del Rio entre el Pescadero y p<sup>o</sup> este lado de la parte del Norte esta donde seega el Rio con una lomitita q. esta al Sur.

Por tanto se sirba acceder a esta mi peticion de lo q. Escibiré gracia y Merced jurando no ser de Malicia  
Abril Dose 21 de 1840  
Mariano Liberanes

En cumplimiento del decreto de V. S. fha 23 de Dose de 1840; que el paraje que solicita el interesado se halla baldio, y por tanto se le puede Conceder

Monterrey Enero 28 de 1841  
Joaquín de Jesus Pico

Exmo. Sor.  
Don Mariano Liberanes solicita en la presente instancia se sirva Concederle V. S. el paraje nombrado San Bernardo perteneciente

13

a la Ex-Mision de San Antonio  
Como este se encuentra baldio segun  
aparece por el informe del Admra esta Pref-  
ectura no encuentra inconveniente en q.  
V. S. (si fuere de su sup' agrado) agracie  
al solicitante

San Juan de Castro junio  
4 de 1841  
Jori J Castro

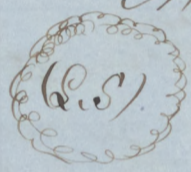
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map 11

4 Sello Tercero De Reales  
Habilitado por la Administracion de la Aduana  
maritima del Puerto de Monterrey de la Alta  
California para los años de mil ochocientos treinta  
y seis y mil ochocientos treinta y siete

Gutierrez Angel Ramirez  
Valga para los años de 1839 y 1840  
Avarado Antonio M. Ocho



Terrey 16 de junio de 1841

Vista la peticion con que da prin-  
cipio este expediente el informe del Sr. Prefecto  
del 1.º Distrito y el del Sr. encargado del es-  
tablecim<sup>to</sup> de San Ant<sup>o</sup> con todo lo demas que  
se tubo presente y ver con vino de conformidad  
con las leyes y reglam<sup>to</sup>s de la materia, declaro  
al 6.º Mariano Sobranes a nombre de sus  
dos hijos Mariano y Juan Sobranes, dueño  
en propiedad del parage conocido con el  
nombre de San Bernardo, colindante al E.  
con las tierras del Rancho de San Lucas  
al O. con las tierras del Pescadero, al Norte  
con la Sierra de San Ant<sup>o</sup> y al Sur con la  
Sierra de Santa Fe. Estiendase el despacho  
correspondiente, tomase razon en el libro res-  
pectivo y dirijase este expediente a la Exma  
Junta Departamental para su aprobacion

5 El Sr. Dn. Juan B. Avarado Gob.º con-  
titucional del Departam<sup>to</sup> de las Californias  
en lo mandado de orden y fmo de que doy fe

6

*[Handwritten signature]*

7 Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias Por cuanto D.<sup>o</sup> Mariano Sobreros ha pretendido a nombre de sus dos hijos Mariano y Juan Sobreros, el terreno conocido con el nombre de San Bernardo, colindante al Este con las tierras del Rancho de San Lucas, al Oeste con las tierras del Pucadero, al Sur con la Sierra de San Antonio y al Norte con la Sierra de Santa Fé; practicadas previamente las diligencias y averiguaciones correspondientes según lo dispuesto por leyes y Reglamentos mandado de las facultades que me son conferidas a nombre de la Nación Mexicana he venido en concederle el terreno mencionado, declarándole la propiedad de él por las presentes letras sujetándole a la aprobación de la Exma. Junta Departamental y a las condiciones siguientes.

1.<sup>a</sup> - Podrá cercarlo sin perjudicar las Arrietas Caminos y Veridumbres lo disfrutará libre y exclusivamente destinando lo al uso o cultivo que mas le acomode pero dentro de un año fabricará casa y estancia habitada.

2.<sup>a</sup> - Solicitará del Jefe respectivo que le dé posesión jurídica en virtud de este despacho por el cual se demarcarán los límites en cuyos límites pondrá a mas de las mojeras algunos arboles frutales o silvestres de alguna utilidad.

3.<sup>a</sup> - El terreno de que se hace mención es de tres sitios de ganado poco mas o menos según explica el diccionario que corre en el expediente respectivo. El juez que da la posesión lo hará medir conforme a ordenanza quedando el sobrante que es útil a la Nación para los usos correspondientes.

4.<sup>a</sup> - Si contraviniese a estas condiciones perderá su derecho al terreno y será denunciado por otro.

En consecuencia mando que teniéndole por firme y valioso este título se tome razón de él en el libro respectivo y se entregue

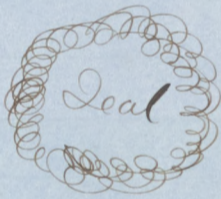
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al interesado para su resguardo y demas fi-  
nes. Dado en Monterey a diez y seis de  
Junio de mil ochocientos cincuenta y uno -  
Juan B. Alvarado - Manuel Jimeno Srio -

Office of Surveyor General  
of the United States for California

I, John C. Hays, Surveyor  
General of the United States for the  
State of California, and as such, having  
in my Office and in my charge and  
custody a portion of the Archives of the  
former Spanish and Mexican Territory  
or Department of Upper California, by vir-  
tue of the power vested in me by law, Do  
hereby Certify, that the 8 preceding, and here-  
unto annexed pages of tracing papers, num-  
bered from one to eight inclusive, exhibit  
a true and accurate copy of a certain do-  
cument now on file and forming a  
part of the said Archives in this Office

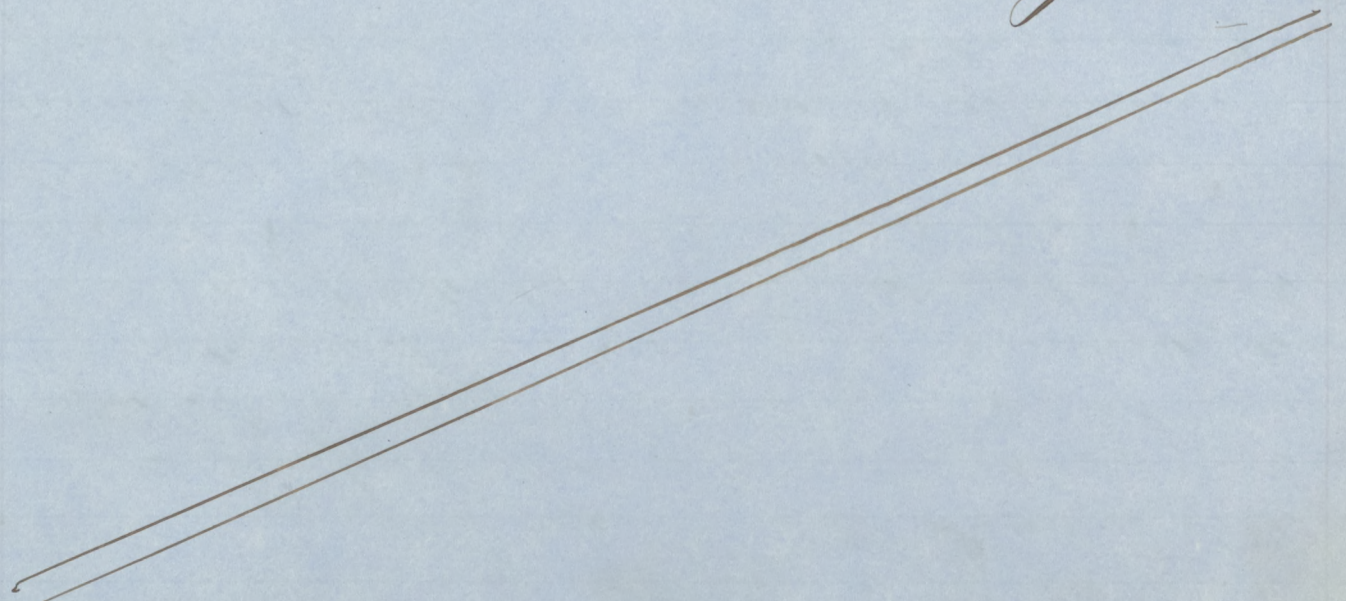
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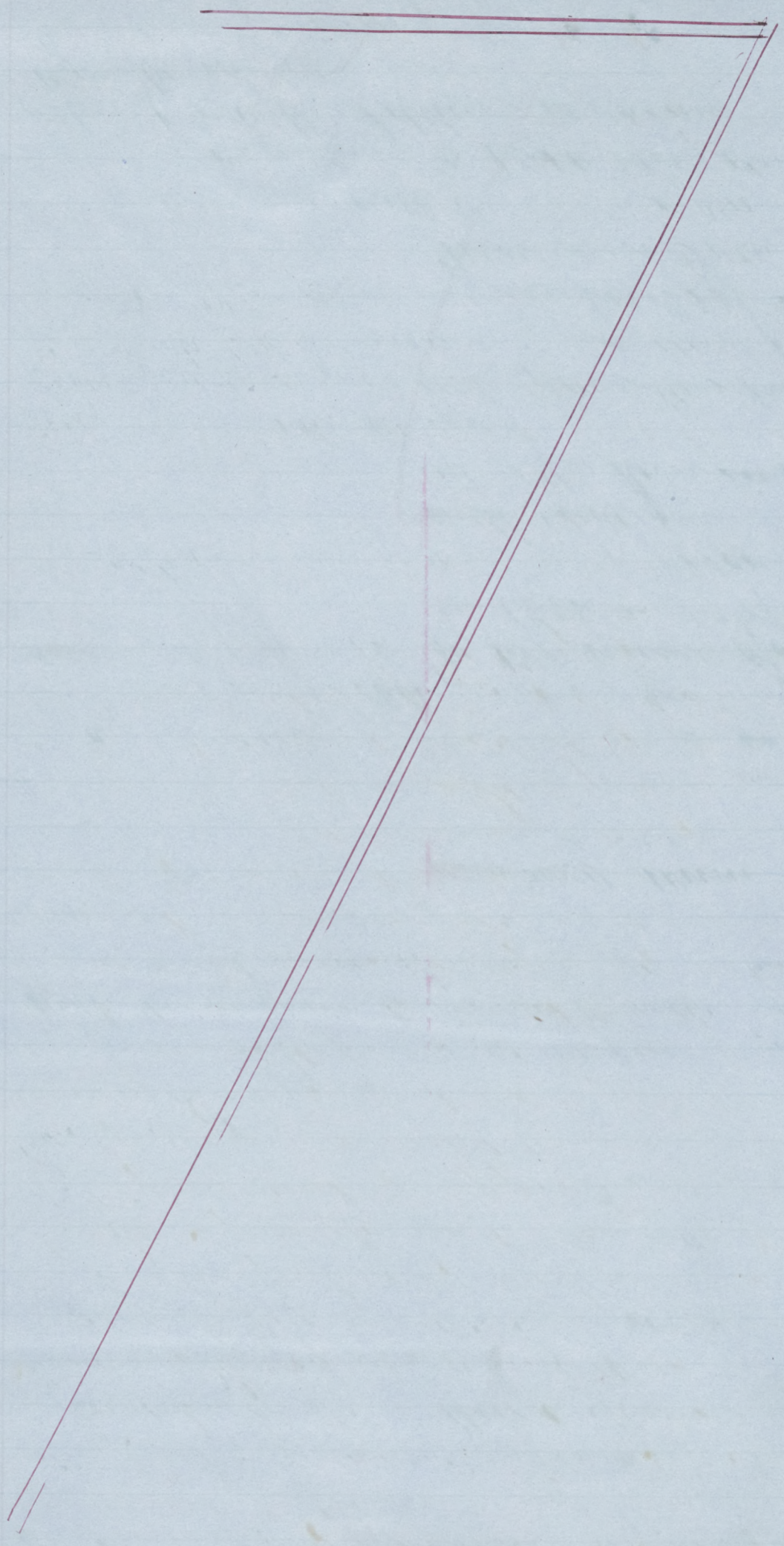


In testimony whereof, I have here-  
unto signed my name officially and  
caused my Seal of office to be affixed  
at the City of San Francisco this  
fourteenth day of October 1853

John C. Hays  
U.S. Surveyor General for  
California

Filed in Office Jan 19 1854  
Geo. Fisher  
Secy.





1/ Translation of Expediente

Expediente moved by Don Manuel Lobos in the name of his two sons Manuel and Juan Lobos asking for the land known by the name of San Bernardo

Number 238

Stamp With Two Seals

Authorized by the administration of the main and custom House of the Port of Monterey of Alta California for the years 1836 and 1837

Antonio Ramirez

Good for the years 1839 and 1840

Antonio Manuel Aris

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Alameda  
Custom House Stamp

Señor Prefecto of the 1st District  
Citizen Manuel Lobos

San Juan de Castro  
December 23rd 1840

in the name of his two sons Manuel and Juan Lobos

The person charged with the establish of your Excellency in and from

before the person justification

mis mis refers to the contents of his well known

family

this petition of the mainly of your sons which

are now growing up begs your

vacant and may be granted in fee the place known

to be granted and that grant in fee the place known

and return is by the name of San Bernardo

on both sides of the River

Castro

as far as the Pescadero runs on this side from the mouth to where the River strikes the

hill which is at the south

Therefore be so good as to grant this my petition by which I shall receive grace and favor from your

Very &c Alisal December 23rd 1840

Manuel Lobos

In compliance with the decree of your Excellency dated December 23 1840 I say that the place asked for by the petition is vacant and therefore may be granted

Monterey January 20th 1841

José de Jesus Pico

Most Excellent Señor

Don Manuel Lobos asks in the present in name that your Excellency will be so good as to

grants the plan called San Bernardo petitioning to the Ex. Mission of San Antonio as it is vacant as appears from the report of the adm. in that this Republic finds in its common will your Excellency (if such is your Superior will) granting it to the Petitioners

San Juan de los Rios Jan 4th 1841  
Jose F. Castro

San Antonio Jan 16th 1841

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Having seen the Petition at the beginning of this Expediente the report of the Sr. Prefect of the first District and that of the person in charge of the Establishment of San Antonio with all else presented and proper to be examined in conformity with the Laws and Regulations on the matter

I declare to Citizens Mariano Juarez and his two sons Mariano and Juan Gobiernos that they all own in fee of the place known by the name of San Bernardo bounded on the East by the lands of the Rancho of San Lucas on the West by the lands of the Pascadero on the North by the Sierra of San Antonio and on the South by the Sierra of Santa Fe make out the corresponding dispatch take note of it in the respective Book and let this Expediente be directed to the most Excellent Department of the Interior for its approbation from Don Juan B. Alvarado Constitutional Governor of the Californias thus ordered deemed and signed of which I certify

Here follows a copy of the map and a copy of formal title the same as translated in our present number B filed with the Petition

Filed in Office January 19th 1854  
George Fisher  
Secretary



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H. A. No 1.

Sello 1.º Seis pesos

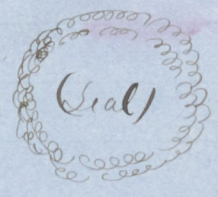
Habilitado provisionalmente por la Aduana Marítima de Monterey para los años de 1839 y 1840

Alvarado

Antonio M.º Osio

Valga p.º los años 1841 y 1842

Antonio M.º Osio



Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias

Por cuanto D.º Mariano Sobranes ha pretendido a nombre de sus dos hijos

Mariano y Juan Sobranes, el terreno conocido con el nombre de San Bernardo colindante al Este con las tierras del Rancho de San Lucas, al Oeste con las tierras del Pescadero, al Norte con la Sierra de S.º Antonio y al Sur con la Sierra de Santa Fe: practicadas previamente las diligencias y averiguaciones correspondientes segun lo dispuesto por leyes y reglamentos, cuando de las facultades que me son conferidas a nombre de la nacion mexicana he venido en concederles el mencionado terreno declarandole la propiedad de el por las presentes letras, segun tendore a la aprobacion de la Exma Junta Departamental y a las condiciones siguientes.

1.ª Podrá sercabo sin perjudicar las breñas Caminos y servidumbres; lo disfrutara libre y exclusivamente destinandole al uso o cultivo que mas le acomode, pero dentro de un año fabricara casa y estara habitada.

1.ª Podrá sercabo sin perjudicar las travesias Caminos y servidumbres; lo disfrutara libre y exclusivamente destinandole al uso o cultivo que mas le acomode, pero dentro de un año fabricara Casa y estara habitada.

2.ª Solicitara del Juez respectivo que le de posesion juridica en virtud de este despacho por el cual se demarcaran los lindos en cuyos limites podra a mas de las maderas algunos arboles frutales o silvestres de alguna utilidad

3.ª = El terreno de que se hace mencion es de las sitios de ganado mayor segun explica el diaño que corre en el expediente

Tite A.

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El juez que diere la posesion lo hará mediar conforme a' ordenanza, quedando el sobrante que resulte a' la Nacion para los usos Comunes. Si a' Si Contraviere a' estas Condiciones perderá su derecho al terreno y será denunciado por otro.

En consecuencia mando que tomados los fines y validos este título de toma eazon de el en el libro a' que corresponde y se entregue al interesado para su esguardo y demas fines.

Dado en Monterrey a diez y seis de Junio de mil ochocientos Cuarenta y uno.

Juan B. Abasco  
Man. L. Jimeno  
Solo.



Queda tomada eazon de este despacho en el libro de cuentas sobre adjudicaciones de terrenos baldios a f.<sup>o</sup>  
Jimeno

El Excmo Señor Gobernador, ha dispuesto se tome eazon de esta Comision en la Prefectura del 1er Distrito  
Jimeno

Filed in Office and Ans<sup>d</sup> to the  
Depo. of Wm E. C. Hatwell taken by  
5-18-53

Geo. Fisher  
Secy.

Translation  
of  
Title B.

Stamp First Six Dollars

Provisionally authorized by the Committee on the  
House of Representatives for the years 1839 and 1840  
Abraham Antonio Maria Oro

Good for the years 1841 and 1842

Seal of Antonio Maria Oro  
Custodian of the Public Lands Constitutional In-  
stitution of the Department of the California

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PAGE 21

Thomas Don Manuel Sobrinos has in the  
name of his two sons Manuel and Juan Sobrinos  
asked for the land known by the name of San  
Barnabé bounded on the East by the Rancho  
of San Lucas on the west of the lands of Alpis  
cades on the North by the Suma of San Antonio  
and on the South by the Suma of Santa Fe the  
proper measures and ex communications being  
previously made as required by Laws and Regu-  
lations

Using the sum of money in the  
name of the Mexican Nation I have granted  
them the aforesaid land declaring to them the  
ownership of it by the present title subject to  
the approbation of the Most Excellent Depart-  
mental Junta and to the following conditions  
1st He may enclose it without prejudice to  
the crossings roads and sentadas herein en-  
joy it fully and exclusively making such  
use or cultivation of it as may best suit him  
but within one year he shall build a house  
and it will be inhabited

2nd He will request the proper Magistrate  
to give him the Judicial possession in virtue  
of this patent by which the boundaries will be  
marked out in the limits of which besides  
the bounds he will place some point of great  
notorious character

3rd The land of which mention is made is  
three square leagues as shown by the map which  
goes with the Expediente the Magistrate who may  
give the possession will cause it to be measured  
in conformity with the ordinance leaving the  
surplus which may result to the Nation for  
its common uses

4th If he contravene these conditions he will

lose his rights to the land and it will be deemed  
- made by another person

In consequence where this title being held  
as firm and valid note be made over in the  
corresponding book and it be given to the person  
interested for his security and other purposes  
Given in Monterey on the sixteenth of June  
one thousand eight hundred and forty one

Signed Juan B Alameda

Signed Manuel Jimeno

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PAGE 22

Secretary

Note has been made of this Patent in the  
book of entries of Grants of vacant lands  
folio

Signed Jimeno

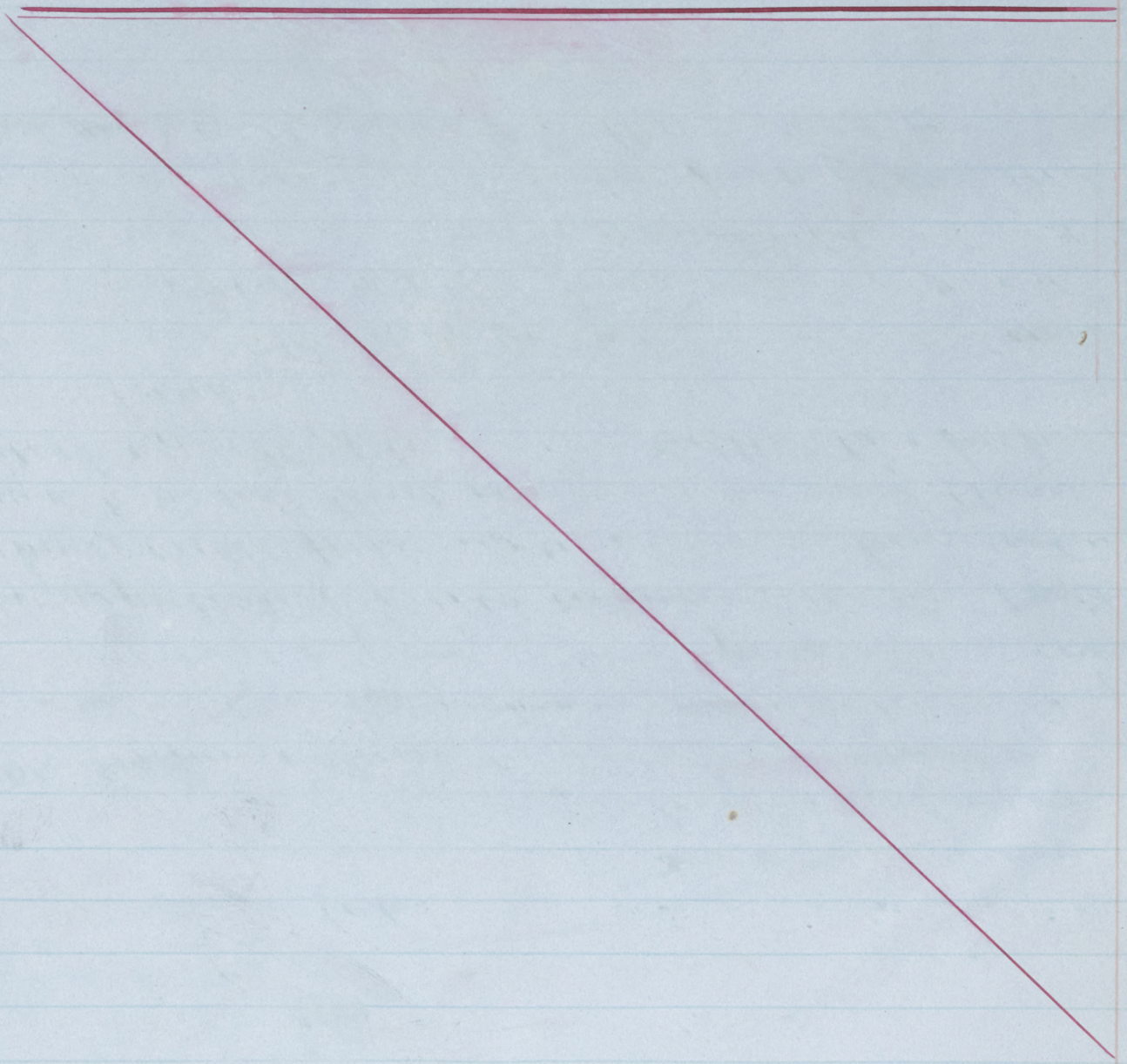
His Excellency the Governor has directed that  
note be taken of this Grant in the Prefecture of  
the first District

Signed Jimeno

Filed in Office February 5th 1853

George Fisher

Secretary



23

Opinion of  
the Board

Mariano Lobos et al  
vs  
The United States

} For the place called  
} San Bernardo in  
} Monterey County con-  
} taining three square  
} leagues of land

The Petitioners claim under a grant made by  
Don Juan B. Alvarado on the sixteenth day  
of June 1841 no proof of the approval of the assem-  
- bly is presented. It is in evidence that they built  
houses on the premises in 1841 and have contin-  
ued to reside there ever since keeping their  
stock upon the place and cultivating portions  
of the land

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PAGE 23

The land solicited is described in the  
grant awarded on the East by the Rancho  
of San Lucas on the west by the lands of El  
Pescador on the north by the town of San Anto-  
nio and on the south by the town of Santa Fe

The  
third condition of the grant declares the quan-  
- tity granted to be three square leagues as shown  
by the map and requires the segregation to  
be made by judicial measurement. The Petition-  
- ers have failed to show any such measurement.  
They have however given such evidence in  
regard to the boundaries of the land described  
in the grant and the contents thereof as to  
satisfy the Commission that there can be  
no difficulty in determining the limits by the  
objects called for in the description

And that  
the contents will not exceed three square leagues  
of land. The map in entire conformity with  
the description represents the land as located  
on both sides of the River Monterey which  
runs in an easterly direction bounded  
on the East by the Rancho of San Lucas

and  
extending up the stream between two ranges  
of mountains nearly parallel to each other  
and to the River. The Pescador runs as it  
is on the west. The witness Feliciano Lobos  
testifies that this strip of land is about three  
and a half leagues in length and the distance

from the River Northwardly to the Mountains  
at the East end the States is about one mile while  
at the western extremity it runs near the River  
and on the Southern Side the Mountains  
close in across near the River

As the Eastern  
end of the premises This proof in connection with  
the Map the description in the Escondido and  
the other evidence in the case are thought sufficient  
to show that the Claimants are entitled to the  
entire premises with the boundaries described and  
a deed will be entered accordingly

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Confirmed  
Filed in Office November 7th 1854  
George Fisher  
Clerk

Decree of  
Confirmation

Mexican Colonies etc

The United States } In this case on hear-  
ing the proofs and allegations it is adjudged  
by the Commission that the Claim of the said  
Petitioners is valid and it is therefore decreed that  
the same be confirmed

The land of which Confirmation is hereby made  
is situated in Monterey County and is the same  
known by the name of San Ramon's and is oc-  
cupied by said Petitioners and bounded and de-  
scribed as follows to wit. Bounded on the East by  
the Rancho of San Lucas on the West by the lands  
of El Pescadero on the North by the foot of the  
Sierra of San Antonio and on the South by the  
foot of the Sierra of Santa Fe containing three  
square leagues.

Reference to be had to the Grant  
of the same and to the maps which constitute  
a part of the Grant Copy of the Escondido  
which are on file in this case

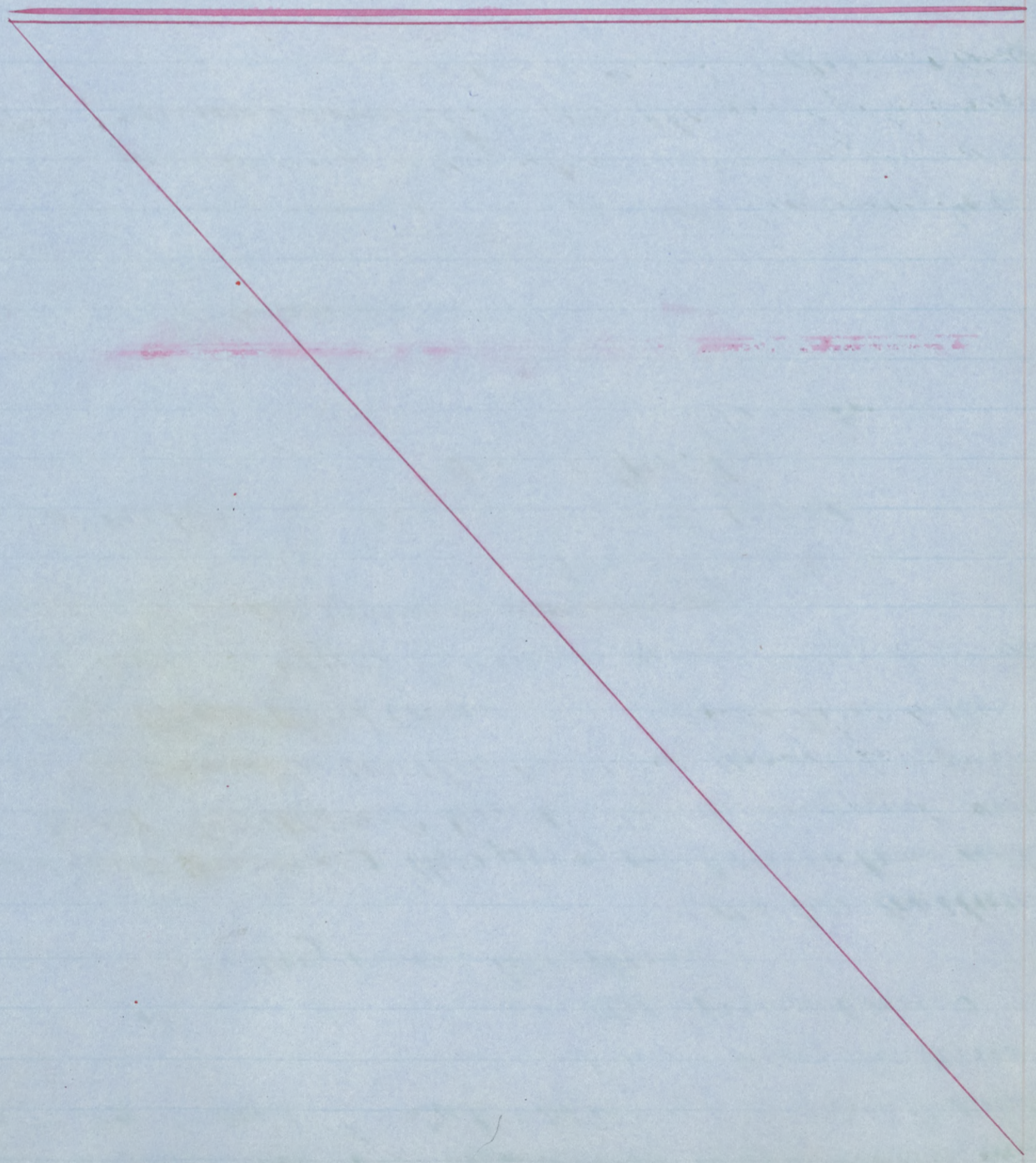
Alphons Felch

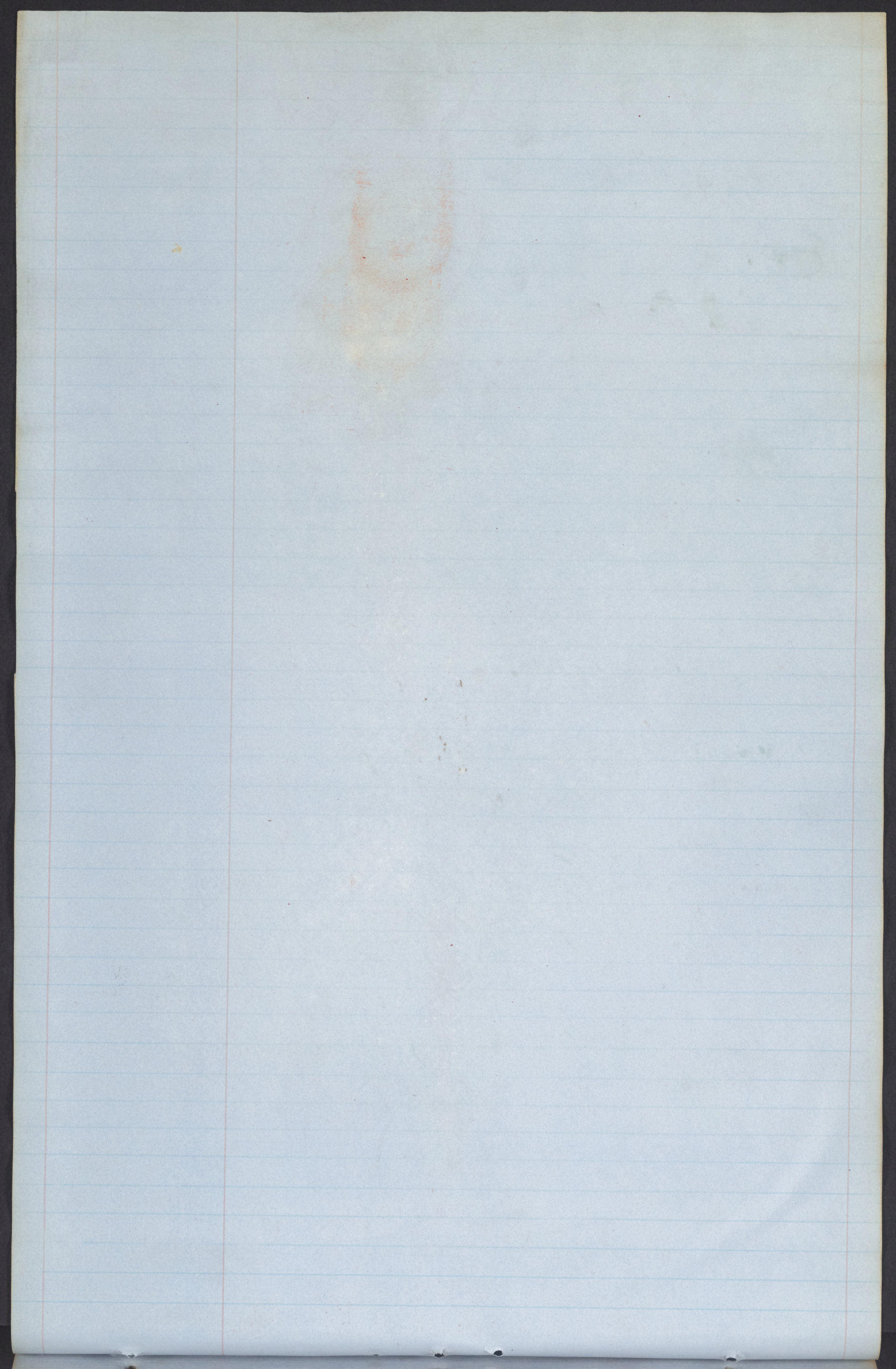
A. C. Thompson  
G. B. Howell  
Commissioners

Filed in Office November 7th 1854  
George Fisher Clerk

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And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Southern District of California it is hereby ordered that Two Transcripts of the Proceedings and of the decision in this case and of the papers and evidence upon which the same are founded be made and duly certified by the Clerks of the District Courts of the United States District Court for the Southern District of California and the other be transmitted to the Attorney General of the U.S.







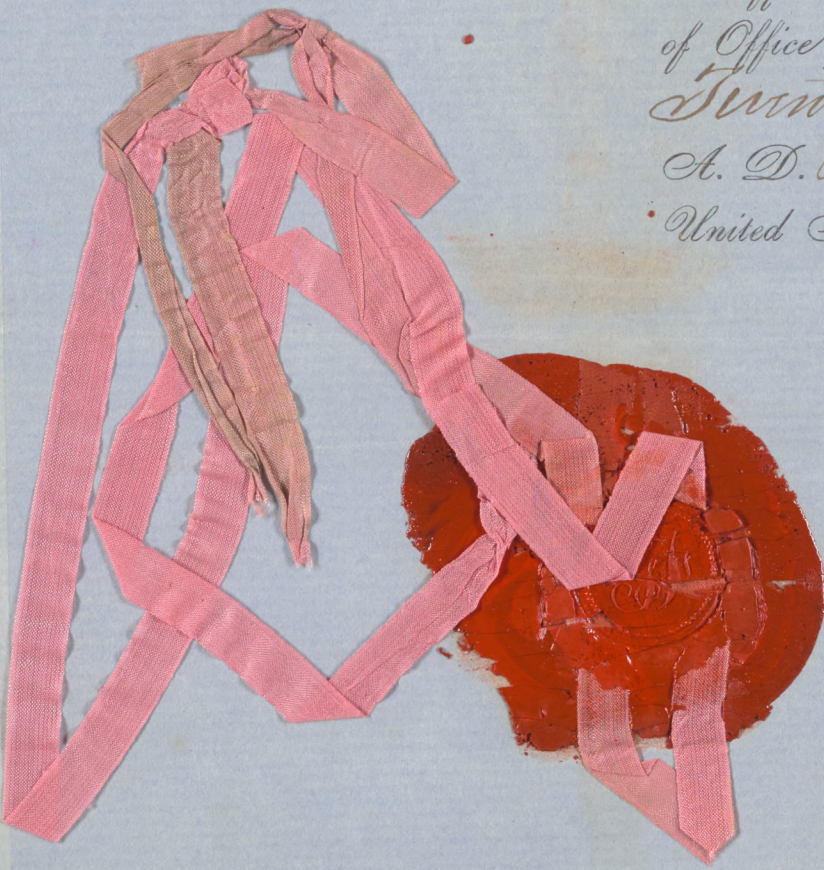
Office of the Board of Commissioners,

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

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PAGE 26

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 five* pages, numbered from  
1 to *25*, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
said Board, of the Documentary Evidence and of the Testimony  
of the Witnesses, upon which the same is founded, on file in this  
Office, in Case No. *557* on the Docket of the said Board,  
wherein *Mariano Soberanes, et al*, are  
the Claimant, against the United States, for the place known by  
the name of *San Bernurdo*

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Twenty fifth* day of *May*  
A. D. *1857*, and of the Independence of the  
United States of America the seventy-ninth.



*Geo. Fisher*  
*Secy*

U. S. DISTRICT COURT,

*Southern* District of California.

No. 223 *223 AR*

THE UNITED STATES,

vs.

*Mariano Liberanes,*  
*et al - "San Fernando"*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *557*

Filed, June 6<sup>th</sup> 1857.

*J. E. Carr.*  
*clerk.*

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*155-2-48*

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Office of the Attorney General of the United States,

Washington, 29 June 1855.

551. / 'San Bernardo'

Mariano Soberanes et al.

Claimants

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 14<sup>th</sup> day of June 1855 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Clinting

Attorney General.

25.

No. 223.

U. S. District Court  
Southern Dist. of Cal<sup>a</sup>,

United States  
"

Manain Sobranes et al;

Notice of Appeal in  
Case no. 551.

Filed Oct 4<sup>th</sup> 1885.

J. S. [unclear]  
clerk.

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

CITY AND COUNTY OF LOS ANGELES--STATE OF CALIFORNIA.



223 SD

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*Mariano Soberanes, et al*  
*Appellants*

Docket No. 223

*The United States*  
*Appellee*

Transcript No. 537.

**TO THE HON. ISAAC S. K. OGIER, JUDGE :**

The Petition of **Pacificus Ord**, a resident of said City, County, and State, 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 the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 5<sup>th</sup> day of February — A. D. 1853, *Mariano Soberanes and Juan Soberanes*

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called *San Bernardo*

in the County of *Monterey* State of California,

which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to

wit: on or about the 7<sup>th</sup> day of November A. D. 1854,

the said Commissioners confirmed, by final decision, the said claim of said petitioners. That thereafter, to wit: on or about the 6<sup>th</sup>

day of June A. D. 1855, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause,

and the papers and evidence on which the said decision was founded, 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. 537; reference to which it is prayed may be had and made part of this petition.

That on or about the 14<sup>th</sup> day of June A. D. 1855,

the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit:  
on <sup>about</sup> the 4<sup>th</sup> day of October — A. D. 1855; the said  
Attorney-General of the United States filed, or caused to be filed, in  
behalf of the United States, a notice with the Clerk of said District  
Court of the United States, that the appeal in said cause from the said  
decision of the said Commissioners, 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 land claimed,  
as aforesaid, is situate in the Southern District of California, and within  
the jurisdiction of this Honorable Court. Your petitioner further represents  
and insists, that the said claim is invalid; and the said decision of said  
Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for  
many errors and imperfections of law and evidence, apparent in said certified  
transcript of the proceedings and decisions of said Commissioners in said  
cause, filed and appealed from as aforesaid. And your petitioner denies all  
and singular, each and every allegation in the said petition of said claimants  
presented as aforesaid to said Commissioners. And your petitioner further  
denies that the said claimants <sup>have</sup> any valid right or title to said land claimed  
as aforesaid, or any part thereof.

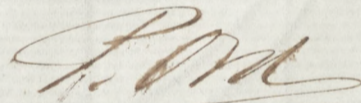
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And no sufficient proof having been made of the allegations in said pe-  
tition to said Commissioners, or in support of the said claim, no decision con-  
firming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimants having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, 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 claimants, or <sup>their attorneys</sup> ~~his attorney~~ may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the <sup>said claim</sup> ~~same~~; and decree the alleged title to be invalid: with costs and general relief.



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

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No 223.

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

---

The United States  
Appellants

vs.

Manans Sobranes et al  
Appellees

---

Petition of U.S. Atty for  
Review

---

Filed July 5<sup>th</sup> 1856.

J. C. San.  
Atty.

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

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Mariano Lobranes et al

Appellees

vs

The United States

Appellant

Manuscript No 551

Mariano Lobranes & Juan Lobranes  
Appellees appear by their attorneys and  
for answer to the Petition of the United  
States filed herein says:

That their title to the land called  
"San Bernardo" as set forth and described  
in their Petition to the Board of Commissioners  
and in the documentary and other evidence  
filed in this case is a good and valid  
title. The land claimed is situated in the  
Southern District of California.

And they pray this Honorable Court  
to affirm the decision of the Board of  
Commissioners, and to decree their title  
to be valid

Hallack Peck & Bellinger  
Attys of appellee.

I have Lenned this Answer upon P. Ord  
U S Atty at Los Angeles January 9th 1856

Edward Hunter  
U S Marshal  
Jr. Mc Goodman  
Deputy

No. 223.

The United States  
upholders

vs.

Morrison Johnson and  
others

Answer of Appellants.

Filed January 5th 1856

J. C. Davis  
Att.

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PAGE 34

Northwest Road adjoining  
Atty of Appellants.

March 1st

Messrs. Hunter & G. Co.

UNITED STATES OF AMERICA, }  
Southern District of California, } SS.

The President of the United States,

TO

Mariano Soberanos & Juan  
Soberanos.

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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 *fifth* day of *February* ~~January~~ in the year of our Lord one thousand eight hundred and fifty-*six*, at the City and County of Los Angeles, in said District, by

P. Oro U S Atty for  
the Southern Dist of California praying  
said court to review the decision of  
the U S Land Commissioners confirming  
of their claim to the Land called  
"San Bernardo"

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 the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal  
of said Court, at the City of Los Angeles, this *5th*  
day of *January* A. D. 185*6*.

CLERK.

No. 223

UNITED STATES OF AMERICA,  
Southern District of California,  
U. S. District Court.

Mariano Sobreros et al

v

The United States

SUMMONS.

Received January 7th 1856

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PAGE  
Edward Hunter  
U. S. MARSHAL,  
Per M Goodman  
Deputy

I served this Summons, together with a certified copy of the Petition, upon *Frederic Billings* Atty for *Mariano Sobreros*

at *the City of Los Angeles* in the Southern District of California, on  
the *7*th day of *January* A. D. 1856.

Sworn to and subscribed before me,

CLERK.

*Edward Hunter*  
U. S. MARSHAL.

*Per M Goodman*  
Deputy

UNITED STATES OF AMERICA, }  
Southern District of California, } SS.

The President of the United States,

TO

Mariano Sobranos & Inas  
Sobranos

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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 *5<sup>th</sup>* day of *January*, in the year of our Lord one thousand eight hundred and fifty-*six*, at the City and County of Los Angeles, in said District, by

*P. Ord. U S Atty for  
the Southern Dist of Calif<sup>a</sup> praying  
said Court to review the decision of the  
U S Land Commissioners confirming  
their claim to the Land called  
"San Bernard"*

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 the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal  
of said Court, at the City of Los Angeles, this *5<sup>th</sup>*  
day of *January* A. D. 185*6*.

CLERK.

11. 223.

UNITED STATES OF AMERICA,

Southern District of California,

U. S. District Court.

*Mariano Soberano et al*

*vs*

*The United States*

SUMMONS.

Received January 7th 1856

*Edward Hunter*

U. S. MARSHAL.

*Sp. M. Goodman*  
**SD** Deputy

I served this Summons, together with a certified copy of the Petition, upon

*Frederic*  
*Billings Atty of Soberano*

at *the City of Los Angeles* in the Southern District of California, on  
the *7th* day of *January* A. D. 1856.

Sworn to and subscribed before me,

CLERK.

*Edward Hunter*

U. S. MARSHAL.

*Sp. M. Goodman*  
*Deputy*

The United States

Appellant

Mariano Sobreros & aff

Appellee

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Index of Case.

The transcript contains:

- I. Petition to Commissioners p. 3
- II. Deposition of W. E. P. Hartnell pp 3 & 4  
proves signatures to title
- III. Deposition of M. Sobreros / father of  
the claimant . . . . . p. 4  
proves that claimant occupied this  
land in 1841 or 1842 & ever since - with  
cattle and horses - and that Mariano  
Sobreros lives on it with his family
- IV. Deposition of Feliciano Sobreros pp. 5 & 6  
proves that claimant built a house  
on the land in 1841 or 2 and went  
there to live; had cattle horses and  
Orinals on it; Mariano lived there  
with his family, now is single; has  
since built a new home; has some  
500 head of cattle on it &c; also  
proves boundaries
- V. Deposition of J. Castro pp. 6 & 7  
proves certain boundaries & locality of  
place, building of a home & occupation by  
claimant in 1841

VI. <del>III</del>	2 <sup>d</sup> Report of F. Soberanes giving certain boundaries + locality of places	pp. 8 + 9
VII	Expediente	pp 11. to 15
VIII.	Formulation of Expediente	pp 17 to 18
	Expediente contains petition, map whorls, Decree of Concession, + copy of formal title.	
IX.	Title	pp 19 + 20
X.	Translation of Title	pp 21 + 22
XI.	Opinion of Commissioners	pp 23 + 24
XII	Decree of Confirmation	p. 24

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### Proceedings in U.S. Court South Dist

1. Instrument filed June 16, 1855-
2. Notice of appeal
3. Petition for Review
4. Answer



No. 223

Manino Sobranes  
sub  
appellus  
ads.

The United States  
Appellus

Indus of Lane

Filed Jan 4<sup>th</sup> 1856.  
J. S. Jan.  
clerk

Hall & Co. of Printing

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United States District Court  
Southern District of California

December Term, 1855

Mariano Poberanes  
Appellee  
vs  
The United States  
Appellants

W. D. B.

No 203

Transcript No 551

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This cause coming on to be heard on an appeal from the decision of the Commissioners to ascertain and settle the private Land Claims in the state of California, under the act of Congress approved March 3<sup>d</sup> 1851, upon the Transcript of the Proceedings and decision, and the papers and evidence on which said decision was founded, and it appearing that said Transcript has been filed according to law, and Counsel for the respective parties having been heard, It is hereby ordered, adjudged and decreed that the decision of the said Commissioners be and the same is hereby affirmed and that the Claim of the said Appellee is good and valid, and the same is hereby confirmed to him to the extent of three square Leagues of land and no more, within the boundaries described in the grant and the map to which the grant refers, to wit: on the East, the Rancho of San Lucas; on the West the lands of Pescadero; on the <sup>North</sup> ~~South~~ the Sierra of San Antonio; and on the <sup>South</sup> ~~North~~ the Sierra of <sup>Santa Fe</sup> ~~San Felipe~~. Provided that should the said quantity of land within said boundaries be less than three square leagues, then confirmation is hereby made of such less quantity

Wm. D. B.  
U. S. Dist. Judge

No 223

U. S. Dist Court  
South Dist of California

Mariano Sobranis  
appellee

vs.

The United States  
appellant

Decree

Filed March 7<sup>th</sup> 1856

C. E. Con  
clerk

by O. Morgan  
Recorded July 20<sup>th</sup> 1857  
on pag<sup>s</sup> 89. Defuz

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IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

Los Angeles,.....December Term, 1855.

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*Mariano Soberanis, del*

APPELLEE  
VS.  
UNITED STATES,  
APPELLANT.

No. 223.

(No. 551. of Transcript.)

On Appeal from the United States Land Commission.

On motion of P. ORD, Attorney of the United States for the Southern District of California, it is hereby

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 said United States in the above entitled cause, rendered on or about the 14<sup>th</sup> day of *January* A. D. 1856.

*P. Ord*  
*Dist. Atty.*

No. 2233.

U.S. Dist Court  
Southern Dist of California

---

Mariano Gabeiras Et al  
appellees

vs  
The United States  
appellants

---

Notice of Appeal S.C.

Filed and docketed  
C. E. Case Clerk  
By Callaghan Deputy

---

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

Now stand S. W. Agui Judge,

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December Term 1855

The United States

Appellants

M. Soberanes Jr. et al  
Appellees

Book No 223

Transcript from the Board of Land Commissioners No 551

The Attorney General of the United States having given  
Notice that the Appeal to the Supreme Court from the  
Decision of this Court in the above entitled Cause  
will not be prosecuted by the United States, and a  
Stipulation having been entered into by the United States  
District Attorney and the Attorneys of the Claimants  
that the order granting an Appeal to the Supreme Court  
heretofore made in this Cause be vacated, and that  
the decree of this Court heretofore rendered in this  
Cause may by order of the Court be made final,  
it is  
Ordered, adjudged and Decreed, that the

Order granting an appeal to the Supreme Court here-  
tofore made in this Cause be and the same is hereby  
vacated, and that the Plaintiff have leave to proceed  
under the decree of this Court heretofore rendered  
in this Cause as under a final decree

Wm. S. McQueen  
U. S. Dist. Judge

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

No 223

The United States

Appellee

vs

W. S. McQueen Jr et al

Appellants

Order

Vacating Appeal

Filed Feb 5<sup>th</sup> 1857

Wm S McQueen  
U. S. Dist. Judge

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California Land Claims  
Attorney General's Office  
4 October, 1958-

Sir:

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In the case of the  
claim of Mariano Sobranes  
confirmed to the claimants  
by the Commissioners, Case  
no. five hundred and fifty  
one (551), and also con-  
firmed on appeal by  
the District Court, appeal  
in the Supreme Court will  
not be prosecuted by the  
United States -

Respectfully

P. Ort Izg

U. S. Atty

Claudio



223

Mariano Sobranus

551

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Recd Nov 4 1836

In the District Court of the  
United States, within and for the  
Southern District of California

Hon. Isaac S. Ogden Judge,

December Term 1856

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PAGE 50

The United States

Appellants

vs  
Mc Soberanes Jr. et al

Appellees

Book No 223

Transcript from the Board of Land Commissioners No. 551.

In pursuance of a letter from the Attorney General of the  
United States, herewith annexed, giving notice that in the  
above cause the appeal in the Supreme Court will not be pros-  
ecuted by the United States; it is hereby stipulated and  
agreed by and between the parties, that the order granting  
an appeal to the Supreme Court heretofore made in the  
above cause be vacated, and that the decree of the  
Court heretofore rendered in this cause may by order  
of the Court be made final

I Do Dist Atty.

Walter B. Graves Attorney  
Atty of Appellee

U. S. Dist Court  
Southern Dist Cal.,  
No 223

The United States  
Appellant  
vs  
M. Sobranes, Jr et al  
Appellees

Application  
to vacate order of  
Appeal to Supreme Court

Filed this 5th February  
1857  
L. S. S. Clerk  
J. W. Coleman  
Clerk

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

223 SD

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The United States } No 223 In District Court  
Appellants }  
vs } For San Bernardo  
Mariano Solmanes } No 551. Land Commission.  
Appellee }

Now comes the said claimant and appellee by his Attorney Isaac Hartman and suggests to the Court that the final survey <sup>of the lands claimed in this case</sup> made by the Surveyor General of the United States for the State of California, is not made in conformity with the final deed, and that the claimant will be injured thereby. Wherefore the said claimant and appellee pray for an order of this Court upon said Surveyor General for the return of said survey questions into this Court.

Isaac Hartman  
Atty for Claimant and  
Appellee.

The United States

vs

Miriam Solomon

Motion for return  
of money

Filed this 1<sup>st</sup> Nov  
1860

Ofms  
OK

223 SD

PAGE 53

Hartman

UNITED STATES DISTRICT COURT,  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA. }

*Maraud Soberanas*

No. *223*

~~223~~ SD  
PAGE 54

*vs*  
*The U States*

It being suggested to the Court that the survey of the land claimed in this case, made under final decree, and approved by the U. S. Surveyor General for California, does not conform to said decree and is erroneous and that said survey will be to the injury of the \_\_\_\_\_

*Applicant*  
on application of *J. Hartman atty of Plaintiff*  
it is ordered that the said Surveyor General return to this Court *forthwith*  
the plat of said survey, and that the *Plaintiff*

be allowed *Twenty* days, from and after the return thereof, to file exceptions thereto; and it is further ordered that a certified copy of this order be served upon the said Surveyor General for his information.  
I. S. K. OGIER, U. S. District Judge.

UNITED STATES OF AMERICA, SOUTHERN DISTRICT OF CALIFORNIA. }  
COUNTY OF LOS ANGELES. }

I, C. Sims, Clerk of the United States District Court for the Southern District of California, do hereby certify that the above and foregoing is a full true and correct copy of the original order, made and entered on the *1st* day of *November* 186*0*, in said case, No. *223* on the docket of said Court, wherein *Maraud Soberanas* is claimant against the United States, as appears of record in my office.

In witness whereof I herewith set my hand and affix the seal of said Court this the *1st* day of *November* 186*0*.

*C. Sims*, Clerk.

UNITED STATES OF AMERICA, }  
SOUTHERN DISTRICT OF CALIFORNIA. }  
THE PRESIDENT OF THE UNITED STATES,

To J. W. MANDAVILLE, U. S. Surveyor General, for California—Greeting:  
You are hereby notified that the United States District Court, for the Southern District of California, at the *Special August* Term of said Court, 186*0*, in case No. *223* on the docket of said Court, wherein *Maraud Soberanas* is claimant against the United States, made and caused to be entered an order, of which the above and foregoing is a certified copy herewith transmitted to you for your information, and you are hereby required to take notice of the same.

Witness the Hon. ISAAC S. K. OGIER, Judge of the United States District Court, for the Southern District of California, this the *1st* day of *November* 186*0*.

Attest my hand and the seal of said Court the day and year last above written  
*C. Sims*, Clerk.

No 223

San Francisco Nov 10/1860  
I hereby certify that I have this day  
made personal service of this order  
on J. W. Mandaville U.S. Surveyor General  
for California by leaving with him a  
certified copy of the same

James C Peunie  
U.S. Marshal  
per A. W. Buchanan  
U.S. Marshal

Marshals fees  
For service \$ 2.00  
" Mileage 80.00

Filed Nov 14/60

C. Smith Clerk  
J. John Wheeler Deputy

BYCE 223 SD

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

223 SD

PAGE 56

The United States	}	Case No 223
Appellants		San Bernardo
vs		Tram No
Mariano Solares	}	
Appellee		

Now comes the said Appellee by his attorney  
Isaac Hartman and excepts to the final sur-  
vey of the premises of the premises claimed  
in this cause as made and approved by  
the Surveyor General of the United States  
for the State of California. And the ap-  
pellee specifies the following lines upon  
the map of said survey to which excep-  
tions are taken.

- 1<sup>st</sup> The line commencing in said survey at  
the point marked "Beginning old case 2 83  
1" and thence running to point marked  
"Bluff Post S. B. No 2 in mound"
- 2<sup>nd</sup> The line commencing at the last men-  
tioned point <sup>and running</sup> to the point marked Post S.  
83 No 3"
- 3<sup>rd</sup> The line commencing at last mention-  
ed point and running thence to the point  
marked "Oak Tree S. B. No 4 spring."



4<sup>th</sup> The line commencing at the last mentioned point and thence running to the point marked "Post S.B. No 5 in mound".

5<sup>th</sup> The line marked "5"

6<sup>th</sup> The line marked "6" ending at the point marked "Post S.B. No 12 in mound"

7<sup>th</sup> The line commencing at the last mentioned point and thence running to the place of beginning.

Isaac Hartman  
Attorney for Appellee.

U.S. District Court }  
Southern District of Cal }

Isaac Hartman being duly sworn upon his oath says that he is one of the attorneys in the above entitled cases, and that the foregoing exceptions to the survey of the premises claimed in said cases are true as he is informed and verily believes.

Isaac Hartman

Sworn to and subscribed before me this 13<sup>th</sup> day of February A.D. 1861.

Wm. H. [unclear] clk  
J. M. [unclear]

February 13<sup>th</sup> 1861. Received a copy of the foregoing.

W. C. Mitchell  
U. S. Dist. Atty

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No 223

The United States

to

Mexican Commerce

—————

Exposition to Survey

—————

Filed Feb'y 13<sup>th</sup> 1861

G. L. Mox

Clerk

CH

223 SD

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Austin

per Appel

~~CONFIDENTIAL~~

In the United States District Court for the Southern District of Cal-

ifornia

in  
the United States

No. ~~246~~ 223

223 SD

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Be it remembered that on this 22<sup>nd</sup> day of April  
AD 1862, before me John Whaley, Clerk of the United  
States District Court for the Southern District of Cal-  
ifornia, and of office United States Commissioner duly au-  
thorized to take depositions in Civil Cases depending  
in the United States Courts pursuant to the acts of  
Congress in that behalf, appeared Joseph G. Garner  
a witness produced on behalf of Claimants in the  
above entitled Cause now pending in said Court  
under the acts of Congress to ascertain and  
settle Private Land Claims in the State of California  
who being duly sworn testified as follows, his  
evidence being given in English

Present Isaac Hartman Esq. Atty for Claimants  
& B. B. Whiting Esq. U. S. Dist Atty on behalf  
of the United States,

Just Questions by Claimants Attorney.

Ques<sup>pt</sup> What is Your name age and place of residence

Ans. Joseph G. Gaudin, 24 years of age and  
223 S Del residence Monterey

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Ques Are you acquainted with the Rancho of San Bernardo in the County of Monterey. being the land in controversy in this case - and if so, how long have you been familiar with said Rancho,

Ans. I am acquainted with said Rancho I have known it ever since 1854.

Ques Look upon the map now shown you marked "S. O. W. No 1" and state if you are acquainted with the boundary line between said Rancho, and the Rancho of San Lucas, as marked on said map

Ans. I am not acquainted with this line nor the boundaries thereof. I know the Rancho by the Papepum which Mr Rice has held of it. Rice's possession of said Rancho was as early as 1858 how much earlier he might have possessed it I do not know, - I saw him there in '58. in possession

Ques Please state the Character of the land along the Salinas River running through this Rauche, as also the topography of the Country adjoining the Rauche

Ans At the place where Rice lives at the Salinas River on this Rauch, the land on both sides of the valley are very rocky, the Valley along the river is a Cañon, and the road running along the valley is called the Cañon Road, in some places along the valley the road runs in the middle of the river.

Ques How far up and down the river from Rice's house, is the river valley of the Character you describe

Ans I cannot state positively, but it must be following up the river from Rice's house, some 5 or 6 miles - from Rice's house down the river it is not so rough, as it is above. It is a sort of a Cañon, but it is wider than above & has in it some low hills, that are covered with grass. The land is of this Character for some 8 miles or more below Rice's house,

Ques Taking this valley a distance of 9, or 10 miles above and below Rice's house on the river. What in your opinion would be the average width of the valley, from the foot of the mountains

tains on the one side to the foot of the mountains  
on the other

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PAGE 83

Ans, The average width would be about  
a mile, there are some places where it is  
not more than a thousand yards wide & at  
other places more than a mile, taking both sides  
of the river together

Quest What is the name of the mountains on the  
north and south sides, respectively of the river

Ans, I never knew the names of these mountains  
until yesterday, when I heard Mr Cambuston  
state them

Quest, State the Character and appearance  
of the mountains on both sides of the river

Ans, On the one side, the mountains look  
a good deal worse than on the other side, the  
San Antonio mountains are the ones I refer to,

The San Antonio mountains are very rough, the  
others do not look so rough.

Exp of Amunition by, U. S. Atty

Quest, Is the principal Cañon from which the  
Cañon road takes its name, above and or  
below the House of Rico.

Ans. I do not know the principal Cañon,  
I have been up the Cañon as far as San  
Miguel. - The deepest gorge in the Cañon is  
above Rico's house about  $1\frac{1}{2}$  miles,

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Ques. When you speak of the width of the Valley  
do you mean to include, in your answer the  
foothills you spoke of that were covered with grass

Ans. Yes. in one part - below Mr Rico's house,  
as I have said before the valley below Rico's  
is wider than above. - in the widest place  
below it maybe  $2\frac{1}{2}$  miles in width

Ques. How far above Rico's house was it where  
the road runs through the middle of the  
river

Ans. It must be about a mile above -  
You have to travel in it in that way for  
some time, sometimes you get out of it and  
then have to travel in it again

Ques. Is this not because the inhabitants have  
neglected to work the road, that travel is com-  
pelled thus to take the bed of the river?

Ans. No Sir. Nature compels this, the mountains  
are so bluff, that in some places it is impossible  
to make a road elsewhere, without an extra-  
ordinary expenditure of money



Ques Do you know the San Lucas Ranch

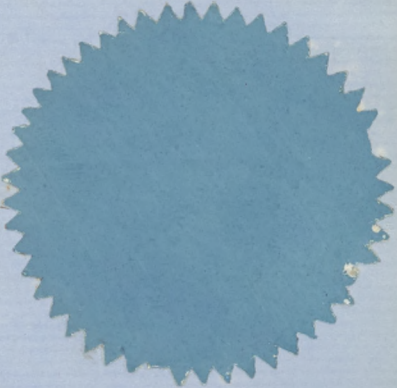
Ans I know it, but do not know the boundaries  
Joseph G. Garner.

Wrote & subscribed before me  
this 22<sup>nd</sup> day of April 1862

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John D. Whalen  
Clerk of U.S. District Court, San Lucas  
& U.S. Office U.S. Commissioner



No 223

U. S. Dist Court  
South Dist Cal

Mariano Saberaus

vs

The United States

J. G. Garner  
Dept of H. Caraboston  
in part of claim

Filed April 22/62

John Whelan  
Clerk

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

Mariano Soleranes, Appellee

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The United States Appel

No 37 223

Be it remembered that on this 21<sup>st</sup> day of April  
AD 1862 at Monterey in the District aforesaid be-  
fore me John B. Wheeler, Clerk of the United States District  
Court for the Southern District of California and Ex Officio  
U.S. Commissioner, duly authorized to take depositions  
in Civil Cases depending in the Courts of the United  
States pursuant to the acts of Congress in that behalf  
appeared N. Cambuston a witness produced on be-  
half of Claimants in the above entitled Cause now  
pending in said Court under the acts of Congress to  
ascertain and settle Private Land Claims in the State  
of California, who being duly sworn testified as  
follows, his testimony being given in Spanish and  
interpreted by a sworn interpreter

Present, Isaac Hartman Esq atty for Claimants and  
R. C. Whiting Esq U.S. Dist atty on part of the United States

Joseph R. Garner appeared and was  
sworn as interpreter

Questions by Citty for Claimants

What is your name age and place of residence

Ans. N Cambuston, 43 years of age, and reside in Monterey

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PAGE 68  
Quest. Are you acquainted with the Rancho of San-Bernardo in the County of Monterey, - if so, how long have you been familiar with said Rancho,

Ans. I have known it for about five or six years. -

Quest. Look upon the map now shown you marked T. O. W. No. 1 and state if you are acquainted with the boundary line between said Rancho and the Rancho of San Lucas, as marked on said map.

Ans. I do recognize the line as marked on such map

Quest. State the distance from said line, in your judgment, upto the Descadero on the Salinas River.

Ans. It is about 9 or 9½ miles. -

Quest. Please state the Character of the land and the topography of the Country along the Salinas River from the line of the San Lucas Rancho to the Descadero.

Ans. The river has many more bends than is shown by the map, on the banks of the river is a great deal of sand, on getting out a little

distance from the banks of the river there is good land, ~~Some places there is half an acre, in other places an acre of good land, in either side of the river~~

223 SD  
PAGE 69  
Ques. State whereabouts on this map the mountains of San Antonio are situated, and where the mountains of Santa Fe are situated

Ans. The mountains of San Antonio are situated on the south side of the Salinas river and the Santa Fe mountains are on north west side of the river

Ques. Please state the character of these mountains whether they are rough and broken or, gently rolling.

Ans. They are high mountains, they are useless to raise any kind of stock, and worse for cultivation

Ques. Now state the average width of the ~~land~~ valley of the Salinas along the San Bernardo Cañon, and <sup>between</sup> the mountains of Santa Fe and San Antonio, as represented on said map

Ans. The average width is from a mile to a mile and a half

Ques. Look upon the map and state the character of the land ~~between~~ that would be included between the lines "6" "5" "9" "10" & "11" as represented on this map

Ans. This land not fit for any purpose, entirely useless, very rocky and bushy, and

Mountains.

Map Examined by J. C. Whiting, U. S. Dist  
Atty

223 SD

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Ques. Do you mean that the good land is a mile or mile and a half on each side of the river or do you mean that it is that distance on both sides.

Ans. I mean that this is the distance on both sides of the river or from mountain to mountain.

Ques. All these red lines delineated on the map indicate the <sup>extent of the</sup> good land on both sides of the river.

Ans. I believe they do.

Ques. Is not the good land on either side of the river much wider in some places than in others.

Ans. There is a great deal of difference. In some places it is very narrow & in others wider.

Ques. Are the narrowest places <sup>up</sup> towards the Cascades?

Ans. It is narrower up towards the Cascades.

Ques. How long have you known this Vauché  
Ans. Some five or six years. I went to Sarney

it  
Ques. What quantity of stock has been kept upon

it  
Ans. About 2000 head of Cattle

Ques. On what part of the Rancho were they kept

Ans. On the whole Rancho

Ques. Where did the owners of the Rancho

223 SD line  
PAGE 71

Ans. Down towards and near San Lucas

Ques. Did not the Cattle run back on to the land enclosed upon the map by lines 6, 5, 9, 10 & 11

Ans. I do not know, I never saw any there,

Ques. Is there not considerable rolling land with pasture upon it within those ~~land~~ lines

Ans. If there is I do not know it

Ques. How wide are the pasture lands where the Cattle ranged along on the north west side of the Salinas river, next to the San Lucas Rancho

Ans. About one mile wide

Ques. How wide is it on the opposite side

Ans. About 1/2 half a mile

Ques. About where on this map is there any place where the good land is any wider,

Ans. Down next to the San Lucas Rancho, the good land is wider, and extends about two miles up the river

2  
Ques. How wide is the good land, three miles up  
the river from the San Lucas Rancho.

Ans. About a mile and a half to two miles wide

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The land down towards San Lucas is about two  
miles wide, and thence up the river it is narrower  
from a mile to a mile and a half in width. The  
general width of the valley is about a mile and  
a half.

Ques. Do you pretend to say that the rugged  
mountains, Chapparal & timbered lands come down  
within a mile of the river generally on the north  
west side of the river, and next to the San Lucas  
Rancho.

Ans. It comes within a mile and a half of  
the river at this point.

Ques. How is it on the South East side of the  
river half way the San Lucas Rancho & the Cascades

Ans. The lands are good with the except of spots  
containing an acre or more of less sandy

Ques. Is there not a place between the  
San Lucas & the Cascades where the good lands  
are at least 2 miles in width on each side of the  
river or 4 miles altogether

Ans. There is none,

Ques. Is it less than 4 miles in the widest place  
between the foot of the San Antonio & Santa Fe moun-  
tains.

Ans. It is less.



Whereupon four o'clock P.M. by Consent, this deposition is continued until tomorrow morning at 10, O'clock A.M.,

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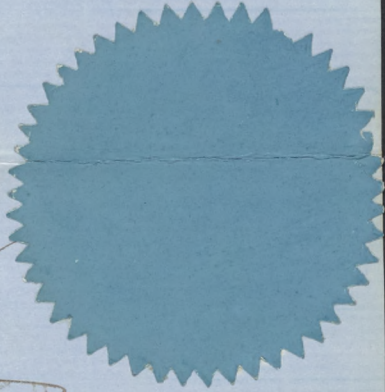
Monday April 22<sup>nd</sup> 1862  
10, O'clock A.M.

Parties appeared by their respective attorneys aforesaid, and the Interpreter being present, and Counsel waiving any further questions the deposition was closed

J. H. Cambuston

Sworn to & subscribed to before  
me this 22<sup>nd</sup> day of April A.D.  
1862

J. M. Whelan, Clerk  
U. S. Dist Court South Dist Cal  
St. Fran. St. S. Calif



No 223

U. S. Dut Land  
South Dut Land

Mariano Saberaus

2,

The United States

Dept of H. C. C. C. C. C.  
on part of claim

Philadelphia 22/62

John D. White  
Clerk

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U. S. Land Office  
San Francisco  
April 6 1862

Sir -

Referring to the plat of the Rancho San Bernardo certified by Sur. Genl Beale I would state that Sur Genl Mandeville rejected the survey made by the Deputy and shown on the plat in red lines, as <sup>not</sup> being in accordance with his instructions as to compactness of form, and indicated a survey shown in brown lines, which would admit of his approval as complying with his instructions - This latter survey was approved "pro forma" in order to permit an appeal to the Genl Land Office for a decision in the matter. The courses 5 and 6 are therefore lines indicating the quantity confirmed to the claimant.

The lines in

brown, may therefore be termed an approved plat of location, and should said location be approved then courses 5 and 6 would be run in the field to correspond with the plat —

This course is frequently taken before Judge Hoffman in order to obtain the precise meaning of the final decree on the many vexed questions of boundary and location, thus preventing unnecessary expense to the U. S. from running lines which may be of no practical benefit, and the effect of which in order to settle questions of locality — can be readily shown by the office without this expense —

Very Respect

Your obt Serv<sup>t</sup>

E Conway  
Chief Clerk

It is stipulated and agreed between the parties that the foregoing letter of E. Cummings Chief Clerk in the office of the Surgeon General of the U.S. for the State of Cal. be read and used as evidence upon the hearing of the exceptions to the survey in this case the same as if it were the deposition of said Cummings regularly taken therein.

April 24, 1862.

Isaac Hartman

Attest for Affilia

R. G. Whiting U.S.  
District Attorney for  
the Southern Dist. Cal.

No 223

U. S. District Court  
South Dakota

Marcus Sabers  
appellant

vs

The United States  
appellee

Letter from Chief Clerk of  
Sud. Dist. Office Cal. &  
Stipulation of Parties

Filed April 24, 1862

John Wheeler Clerk

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The United States  
Appellants

<sup>vs</sup>  
Mariano Soberanis et al  
Appellees

United States District  
Court for the Southern  
District of California

N<sup>o</sup> 223.

223 SD

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This cause coming on to be heard upon the exceptions of the Appellees to the final survey of the premises heretofore made and approved in the case by the Surveyor General of the United States for the State of California, and no intervention having been filed therein, the same being argued by counsel and having been heard by the Court and fully understood, it is ordered adjudged and decreed by the Court that the said exceptions be taken as true and the same are hereby allowed and sustained and that the said survey be and is hereby set aside <sup>and annulled</sup> and it is further ordered that the said Surveyor General is hereby directed to make a resurvey of the premises claimed in this case, to wit, three leagues of land and no more, to be selected by the Appellee according to law within the following boundaries to wit, The Rancho of San Lucas on the West, The place known as the Pescadero on the East, the mountains of San Antonio on the South and the mountains of Santa Fe on the North, and it is also ordered that the clerk of this Court transmit to said Surveyor General the plat of said survey on file in this Court together with a certified copy of this order for the further proceedings of said Surveyor General.

Thus done in open Court this 28<sup>th</sup>  
day of April A.D. 1862.

Fletcher M. Haight.

U. S. Dist Judge South<sup>n</sup> Dist Cal<sup>a</sup>

No. 223

U. S. Dist Court  
South Dist Cal

The United States

vs

Mariano Solera

Deceit, respecting money

Filed April 28, 1862

John D. Whelan  
Clerk

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The United States, appellants  
vs  
Mariano Solares, & als. appellees.

223 SD

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The appellees in this case claim under a grant from Governor Alcazar dated the 26 June A.D. 1841 and approved by the Departmental Assembly in the The Government and authenticity of the grant is fully proven. The said evidence shows a substantial compliance with the condition of the grant.

The land is definitely described in the grant and map and is for a certain quantity of land within the boundaries described.

The claimants are therefore entitled to a confirmation of their claim to the land called for in the grant and within the extent boundaries described in the grant and as shown by the map. A decree will be entered confirming the claim.

Winter Studies

by

Marius Soderberg & others

Opus

Compendium