

CASE No.
244

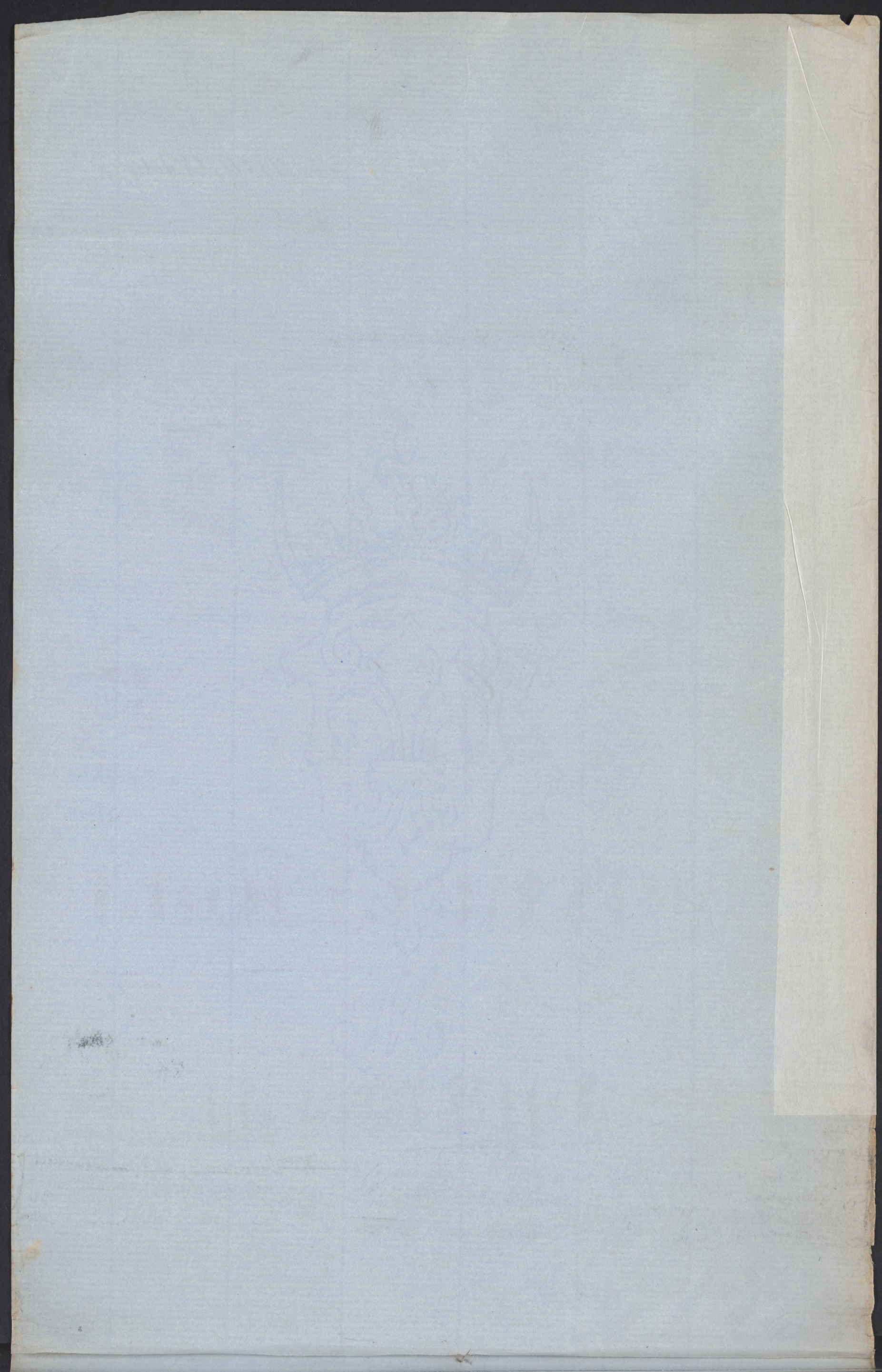
SOUTHERN DISTRICT

RINCONADA DEL ZUNYON GRANT

EUSEBIO BERONDA
CLAIMANT

LAND CASE 244 SD 66 pgs.

532



TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *532.*

Eusebio Beronda

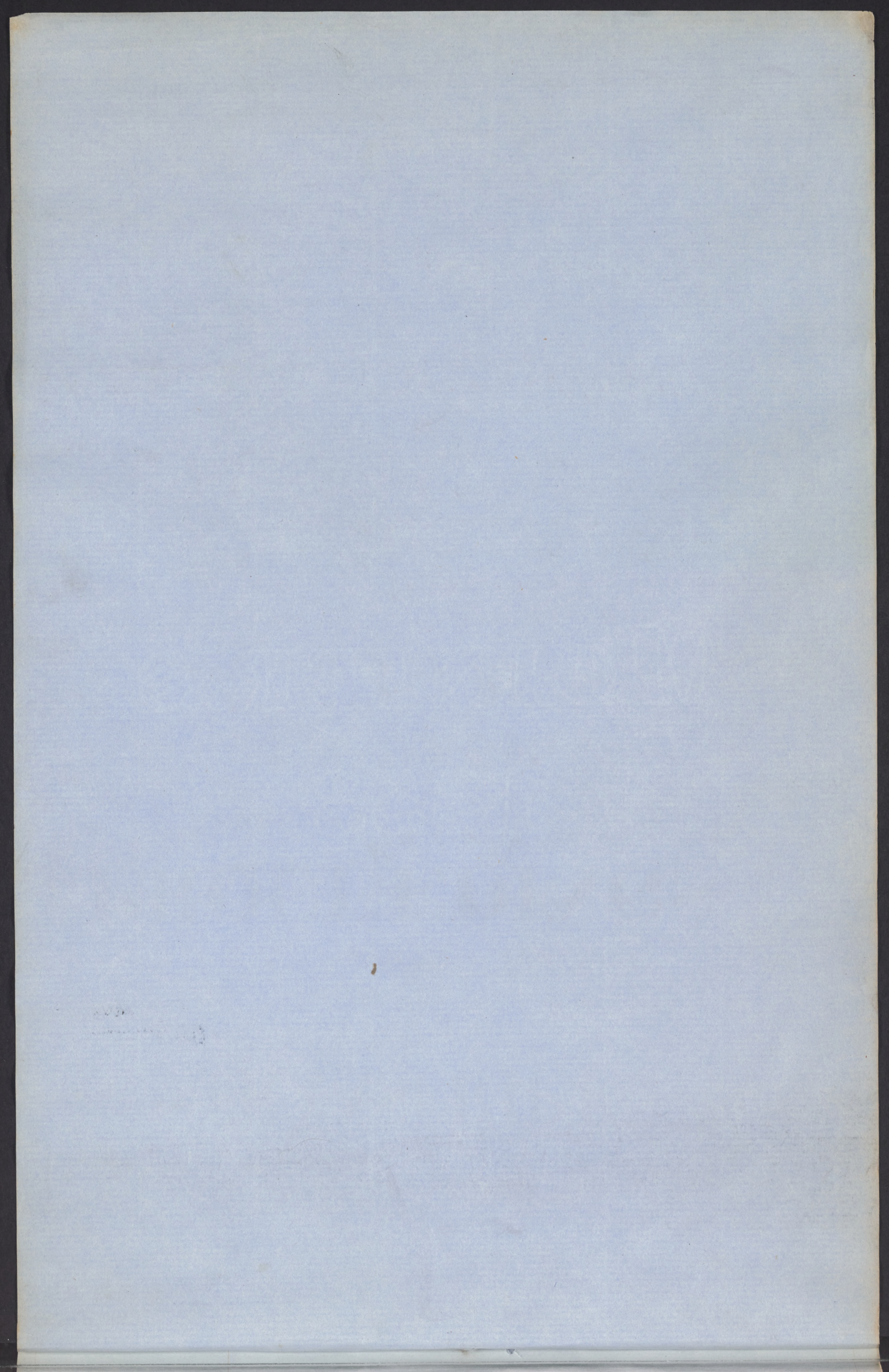
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

" Rinconada del Guayon "



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this *twenty ninth of January*, 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;

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The Petition of *Eusebio Boronda*,
for the Place named
"Rincónada del Sanjon",
was presented, and ordered to be filed and docketed with No. *532* 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 January 29' 1853.
In Case no. *532*, *Eusebio Boronda* for the place named *"Rincónada del Sanjon"*, the deposition of *Wm E. P. Hartnell*, a witness in behalf of the claimant taken before Commissioner *Henry J. Thornton*, with document marked *H. J. T. no. 1*, annexed thereto, was filed;

(Vide page *3* of this Transcript.)

San Francisco Sept. 23' 1853.
Case no. *532* Called; on motion of the Counsel for the claimant, ordered to the foot of the Docket.

San Francisco Sept. 12' 1854.
Case no. *532*, on motion of the Counsel for the claimant, with the consent of the U. S. Law Agent, was ordered to the foot of the *2^a* class cases on the Trial Docket.

2
San Francisco October 20th 1854,
In the same case the deposition of Bischoff Diaz,
a witness in behalf of the claimant, taken before
Commissioner Peter Sott, was filed;

(Vide page 6 of this Transcript.)

San Francisco Oct 21st 1854.

In the same case the Counsel for the Claimant
filed the following Affidavit, to wit;

(Vide page 15 of this Transcript.)

In the same case the depositions of Juan B.
Alvarado, Jose Eusebio Boronda and Jose Castro,
witnesses in behalf of the claimant, taken
before Commissioner Peter Sott, were filed;

(Vide pages 11, 14 & 17 of this Transcript.)

San Francisco October 24th 1854

Case no. 532 was submitted without argument,

San Francisco October 31st 1854.

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

(Vide page 46 of this Transcript.)

And the following order was made to wit:

(Vide page 48 of this Transcript.)

3 Petition

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

The petitioner J. Esibio Boranda respectfully
represents,

That on the first day of February AD 1840
Juan B. Alvarado Governor of California by virtue
of Authority in him vested granted to the petitioner
the tract of Land called "Rinconada del Sargu" in
the present County of Monterey, containing one and
a half Square Leagues, a little more or less, according
to the Grant and accompanying map, a certified
copy of which Grant with the act of judicial posses-
sion, is submitted here with marked "A" with a
translation marked "B".

And the petitioner further
represents that he has been for more than 13 years, and
now is, in the quiet and peaceable possession of
said tract of Land, and that he knows of no
conflicting claim. That he relies for confirmation
of title upon the original title and papers sub-
mitted here with, upon the former Government, and
upon such other and further proofs as he may
be advised are necessary.

When he prays the Commis-
sioners to confirm to him the aforesaid tract
of Land.

By his Atty
Walter Peckly & Billings

Filed in Office Aug 29th 1853.

Geo. Gilman Secy.

Recorded in Vol 1 of Petitions page 504

Geo. Gilman Secy.

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5 Deposition of
W. E. P. Hartnett

San Francisco Aug 29th 1853.

On this day before
Henry J. Thornton came Wm E. P. Hartnett a
witness produced in behalf of the Claimant Eusebio
Boranda Petition No 532, and was duly sworn his
Obedience being given in English.

In answer to Questions
propounded by Claimants Counsel the witness
testified as follows.

My name is W. E. P. Hartnett
my age is 55 years, and I have resided in California
thirty years.

I am acquainted with the writing of
Manuel Jimeno, Jose Eusebio Boranda,
Teodora Gonzales, Francisco Rico, Manuel Castro,
Santiago Moreno, Juan B. P. Cooper and Remedad
Esparada. These signatures to the paper before me
marked Exhibit No 1 and filed herewith, are
genuine.

I am acquainted with the land describ-
ed in these papers. the Claimant has occupied
it at least ten years to my knowledge with a
house and stock. He occupies it now

Wm E. P. Hartnett

Attest
Me. J. Law Agent present

Sworn & Subscribed before me 29th Aug 1853.

Henry J. Thornton Compt. &c.
Filed in Office Aug 29 1854

Geo Fisher Secy

Recorded in R. B. Vol 2. p. 515

Geo Fisher
Secy-

6
Deposition of Benito Diaz
United States of America
State of California J.S.

San Francisco Oct 19. 1854

This day came before Peter Latt Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State Benito Diaz a witness in behalf of the Claimant Eusebio Boranda in Case No 532 on the Docket of said Board and said witness being sworn deposed in Spanish, which is interpreted by the interpreter to said Board as follows.

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The U. S. Associate Law Agent is present.
Questions by Capt Wallcut for Claimant
1st. Question. What is your name, age
and residence?

Ans. My name is Benito Diaz, my age
40 years. My residence Monterey California.

2^d Question. Do you know the Rancho
called "Rincónada del Sangre" claimed by Case
Eusebio Boranda, if you. State where it is situated
and what you know of its occupation?

Ans. I do know the place, it is situated
in the County of Monterey. I know that said
Boranda has been in the occupation of the place
since the year 1839. He settled there in that year
and commenced his improvements. He has lived
there ever since. He petitioned for a grant and
obtained it in 1840. He had there in 1840 a house,
corral, houses and Cattle. He had a portion of
the land enclosed and cultivated, and he has
lived there with his family and cultivated the Land
ever since.

3^d Question. Is Jose Eusebio Boranda
known by any other name, if you. What is it?

Ans. His name is sometimes abbreviated
by those who are familiar with him. They call him
Eusebio Boranda, and for brevity "Tiba Boranda"

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Was Examined by U. S. Associate Law Agent,
1st Question. How do you know of the
occupation of which you have spoken and of
the quantity of Land Cultivated and the manner
of Cultivation?

Ans. I live in the neighborhood and was
frequently there at Borandus and was familiar
with his improvements.

2 Question. When were you last there?

Ans. About two months since.

3 Question. How much Land was in
Cultivation on the place in 1841, 1842?

Ans. I saw two enclosures in Cultivation
in Corn and Wheat. But I do not know the
quantity of Land.

Bennito Diaz

Subscribed & Sworn to before me
on this 19th day of October A.D. 1854

Peter Latt Com^r

Filed in Office Oct 20th 1854

Geo Fisher Secy.

Recorded in Tr B. Vol 5. p 498.

Geo Fisher Secy.

Deposition of
Jose Castro

United States of America
State of California

San Francisco Oct 20 1854

This day came before Peter Latt Commissioner
for taking testimony to be used before the Board
of U. S. Land Commissioners in said State Jose
Castro a witness on behalf of the Claimant -
Eusebio Baranda in Case No 532. on the Docket
of said Board, and said witness being sworn
deposed in Spanish which is interpreted & set
in English to said Board as follows.

The U. S. Associate Law Agent is present

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

Ans. My name is Jose Coates my age 46 years. My residence Monterey California.

2 Question. Are you acquainted with Eusebio Boranda, and with the Rancho claimed by him in this case called "Rincuada del Sanjuan" If yes, how long have you known them?

Ans. I have known said Boranda 40 years, and the land of the Rancho since my early childhood. I lived near it in my youth.

3 Question. Do you know of a grant of said land having been made to said Boranda and state what you know of the occupation and settlement thereof by him?

Ans. I was Prefect of San Juan Bautista in 1840, and the petition of said Boranda was referred to me for report. I reported favorably to the grant. It was a petition to Gov. Alvarado for a grant of this land, and after I made my report Boranda told me he had obtained his grant. Boranda moved on the Rancho about a month before he received his grant, he had a house, and corral and planted some small patches of ground, he had horses and cattle on the place and from that time to the present he has continued to live there.

4th Question. Do you know the boundaries of said Rancho, if yes, describe them?

Ans. Yes. I know the boundaries. It is bounded on the East by the "Causal de las Gutas" on the West by the Rancho of Juan Cooper, on the South by the "Sanjuan del Aliso" a natural ditch or gully, and on the North by the Rancho of Trinidad Esparasa. The "Sanjuan del Aliso" is a large gully like the bed of an old Creek, at some seasons it is full of running water, It is dry the greater

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part of the year. It extends the whole length of
said Rancho on its Southern side.

5th Question. What separates this Rancho
from Juan Lopez's Lands.

Ans. I am not certain whether it is the
Main Road from Monterey to San Juan. Called
the lower Road. or whether it is designated by
Land marks.

6th Question. What separates this Rancho
from that of Trinidad Espinosa?

Ans. I know of no other boundaries
then except some small Elevations or Hills
table (mesas) which run along the side of the
Rancho.

7th Question. What is the "Sausal
de las Gatas"?

Ans. On the plain there is a small Lake
with willows about it. Called by this name. which
makes the division between this Rancho and
the Rancho called "Sausal". There was a small
strip of Land between the "Sausal" de las Gatas
and the Rancho "Sausal" which belonged to no
one. Moreno lived on my Father's Rancho. was
married to my Sister.

Crossed Examined by U.S. Asst. Law Agent.

1st Question. What is the length of the
Eastern boundary of the Rancho in question
in this case?

Ans. I suppose from what I have
seen of it. that it was more than a League. perhaps
a League and a half.

2^d Question. What is the length of the
"Sausal" de las Gatas and the Lake there?

Ans. The Lake may be about 1000 Varas
in circumference and there are a few trees near
it.

3^d Question. What is the form of this Rancho
and its average length and breadth?

Ans. It is an irregular oblong form, about a half League wide, and a little more than a League in breadth.

Case, Castro

Subscribed & Sworn to before me
this 20th day of October A.D. 1854

Peter Latt Com^r &c.

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Filed in Office Oct 21 1854

Geo Fisher Secy

Recorded in Cr B. Vol 5. pa 502

Geo Fisher Secy.

United States of America }
State of California } S. J.

San Francisco Oct 20 1854.

Deposition of
Juan B. Alvarado

This day came before Peter Latt Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State - Juan B. Alvarado, a witness on behalf of the Claimant Eusebio Boranda, in Case No 32, on the Docket of said Board, and the said witness being sworn deposed in Spanish which is interpreted by the interpreter to said Board as follows

The U. S. Associate Law Agent is present
Questions by Mr Raley for Claimant
1st Question, What is your name, age
and residence?

Ans. My name is Juan B. Alvarado
My age 40 years. My residence Contra Costa
County California.

2 Question Are you acquainted with
Eusebio Boranda, and with the Rancho

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Called "Rincuada del Sangui" of gra. State whether you recollect while Governor to have made a grant of said Rancho to said Boranda?

Ans. I am acquainted with said Rancho and said Boranda and I recollect granting the Rancho to him when I was Governor of California.

3^d Question. State what you recollect of the contents of said grant especially when it was made, what land was granted, what were the conditions of the grant and to whom it was delivered?

Ans. The grant contained an absolute title of the land, called "Rincuada del Sangui". I do not remember exactly the description of the land in the grant. It was em bounded between the Rancho of Trinidad Esquivosa and I think the Rancho called "Lansal", and some other points which I do not remember. The grant was made in 1840 with the usual conditions and delivered to Jose Eusebio Boranda the Grantee in person by myself at Mooutray.

4th Question Do you remember whether said grant was approved by the Departmental Assembly, and whether you gave to said Boranda a Certificate of said Approval, if yes, in what Capacity did you sign said Certificate and who signed it with you?

Ans. I recollect the grant was approved by the Departmental Assembly. I think about the latter part of the year 1840- and I delivered to Boranda a certificate of said Approval signed by me as Governor and I suppose my Secretary signed it though I do not now recollect positively. It was customary and I presume it was so signed.

5th Question. Look at the true Copy of the Expedient in this case made in the office of the U. S. Surveyor General for the State of California

and filed in this Case on pages 6, 8 and 9, and say if you recognize that the Copies of the Documents of which you have testified in your foregoing Answer.

Ans. Yes. I recognize on pages 8 and 9 a Copy of the grant and on page 6, a Copy of the Certificate of approval which I issued to said Boranda.

6th Question. State what you know of the occupation and Settlement of said Rancho of Boranda?

Ans. I know that in the same year of the grant, shortly after it issued Boranda went on the place. Erected a house in which he lived with his family, built a Corral, had Horses & Cattle on the place and proceeded to enclose and cultivate a portion of the Land.

Classed Examined by U.S. Anti-Slavery Agent.

7th Question. Have you seen the grant since it was issued?

Ans. I have not

8th Question. Were there any circumstances connected with this grant which impressed it especially upon your memory for so many years?

Ans. Yes. the Grantee was a native of the same place with myself, we were School mates, and the Rancho was on the Land between Monterey and a Rancho I had in the neighborhood, and I frequently travelled that way. I stopped there and would with my friends leave our horses there and get fresh ones from Boranda.

9th Question. Was it usual for the Gov. to certify the approval of the Departmental Assembly, and state what circumstances induced you to sign said Certificate in this Case?

Ans. The Governor signed a Decree

or gave an order to his Secretary to issue a certified copy of the act of approval. In this case I pursued this course, because it was the customary mode of doing the business.

4th Question. When was you on said Rancho, and what cultivation & improvements and occupation did you see at that time?

Ans. I was there in 1840 when Branda was settling the place and have been there very often till 1847, and I saw in 1840 the cultivation of Corn, beans and such other things as Rancheros planted and have seen from year to year all kinds of cultivation used by Farmers in that part of the Country.

5th Question. Did you ever see the original approval of the Departmental Assembly

Ans. I have no recollection of having seen the original act of the Assembly

Juan P. Alvarado

Subscribed & Sworn to before me on this 20th day of Oct A.D. 1854.

Peter Latt Camp &c. &c.

Filed in Office Oct 21. 1854.

Geo Fisher Secy.

Recorded in Cr. B. Vol 3 p 500

Geo Fisher Secy.

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Deposition of United States of America
Jose E. Boranda State of California 3d.

San Francisco Oct 20 1854

This day the affiant appeared before me and the following affidavits being interpreted to him by the interpreters of the Board of U.S. Land Commissioners in said State.

Jose E. Boranda

being duly sworn deposes and says. That he is the owner of the Rancho called "Rancharada del Sangre" situated in the County of Monterey in the State of California and is the claimant in this case. That in the year 1840 he received from Gov Alvarado the title papers for the aforementioned Land. That Defendant can only write his signature but cannot read writing, and only knew the contents of said papers from being told when he received them from said Governor Alvarado that they were good and complete titles for his said Land.

That he left his papers in charge of his wife some two years ago to be delivered to W. E. P. Hattwell or his Attorney W. H. Wallack. and after his wife so delivered his papers, he was informed that the originals given to him by Governor Alvarado were not among his papers - but were lost. That Defendant does not know what has become of said papers. That he has diligently searched and made due inquiry but cannot find them and cannot produce them and verily believes they have been lost, but does not know when or how they were lost.

Jose Eusebio Boranda

Filed in office
Oct 21 1854

Geo. Fisher Secy

Subscribed & Sworn to before me on this 20th day
October AD 1854. Peter Latt Com^r &c. &c.

15 Affidavit of
H. M. Stallock

Henry M. Stallock being duly sworn deposes and says, that some two years ago he received from some person whose name he does not now remember a small package of papers, sent to deponent by the wife of J. Eusebio Boronda; said package purposed to be the titles papers of the land claimed in this case; all the papers so received by deponent were presented to the Commission, and are now on file in this case: after noticing that the original title and certificate of approval as shown by the Archives of the former Government of California, to have been issued to said Boronda in the year 1840, were not in said package so delivered to deponent.

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He went to Monterey, and with Mr. M. E. P. Maurice the agent of the claimant, made diligent search for the said missing papers and was then informed by the wife of the claimant, and by the said Maurice that said papers were lost; The claimant goes then absent from that part of the country, but since his return, deponent has with him, made diligent enquiries and search for said missing papers, but cannot find them, and he verily believes they are lost, and cannot be produced; that both the claimant and his wife are very ignorant and unlettered people, not knowing the value or contents of papers. The said Maurice is dead.

H. M. Stallock

Subscribed and sworn to
before me this 20th day of October 1854
Alpheus Fish Comr.

Filed in Office Oct. 31. 1854

Geo. Fisher Secy

Recorded in Journal Vol 4 pag 78

Geo. Fisher Secy

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1840

Expediente instruido por el Sr. José
Eusebio Boronda en pretension del terreno lla-
mado Rinconada del Sanjin

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Sello Tercero Dos Reales
 Habilitado por la Administracion de la Aduana Mari-
 tima 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
 Balga para los años de 1839 y 1840
 Alvarado Antonio M. Ocho

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Sr. Prefecto del 1º Distrito

San Juan de
 Castro Enero 24
 1840

Ynforme sobre
 el contenido en
 esta instancia
 el juez de paz
 de esta cabecera
 de Distrito
 Castro

José Eusebio Boronda Mejica-
 no por nacimiento y vecino deste
 pueblo, por el encargo suyo opor-
 tuno, y como mejor proceda, ante
 la justificacion de V. S. digo: Que
 siendo dueño de algun numero de
 ganado mayor y caballas, y ce-
 rriendo de un terreno proprio en
 que fundamenta estos bienes, me vio
 precisado a solicitar del Gobierno
 el parage conocido con el nom-
 bre de circunada del Sanjiao
 que hasta ahora se halla bal-
 dio y colinda con tierras de D.
 José Tiburcio Castro, de D.
 Trinidad Espinosa, de D.
 Juan Coque y el Sanjiao del Aliso como explica el di-
 sño que debidamente acompaño. Por lo expues-
 to A. V. S. suplico se sirva decretar en jus-
 ticia que implore bajo las protestas de este
 Pueblo de S. Juan de Castro y
 Enero 24 de 1840

A pedimento del interesado
 José M. Covarrubias

Sr. Prefecto

En cumplimiento del decreto marginal
 de V. S. tengo el honor de informar: que el
 interesado en esta instancia cumple las con-
 diciones precisas para ser atendido, y que el
 terreno que solicita se halla baldio y es ad-
 judicable en colonizacion, S. Juan de Castro
 Enero 25 de 1840 Juan Mig. Alvarez

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San Juan de Castro Enero 25 de 1840
Con el informe de esta Prefe-
tura elevase al Exmo. Sr. Gobernador del
Departamento
Castro

Exmo. Sr. Gobernador
Enterada la Prefectura de la pre-
tension del Sr. Don Eusebio Boranda y del
informe del juez de paz de esta Cabecera, no
encuentra obstaculo alguno en la concesion del
terreno que se solicita con tal de que se su-
jete estrictamente a los linderos que cita la
especificacion.

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San Juan de Castro Enero 25 de 1840
Don Castro

5 Monterrey 1º de Febrero de 1840

Vista la peticion con que da prin-
cipio este Expediente, el informe del Sr. Pre-
fecto del 1º Distrito y el del juez de paz
de la primera Cabecera del mismo Distrito
con todo lo demas que se tubo presente y ver-
combinado de conformidad con las leyes y es-
tamentos de la materia usando de las fa-
cultades que me son conferidas declaro al
Sr. Don Eusebio Boranda, dueño en pro-
piedad del terreno convido con el nombre
de Rinconada del Sanjon Colindante con
el rancho de Sr. Don Tiburcio Castro, con
el de Trinidad Espinosa, con el de Sr.
Juan Cooper y el Sanjon del Alizo su-
geto a las condiciones que se estipularen.
Dirijase este Expediente a la Exma. Junta
Departamental, El Sr. Don Juan B. Alva-
rado Gob. Constitucional del Departamº de
las Californias asi lo mando decir y
firmo de que doy fe
Alvarado

Monterrey Mayo 12 de 1840
Dada Cuenta a la

Exma. Junta Departamental en sesión de
este día acordó que pase a la Comisión de agri-
cultura,
José L. Fernández
Srío

6 En 19 del mismo lo devolvió la Comi-
sion con el dictamen que se acompaña
Fernández

Monterrey doce de junio de mil ochocientos
Cuarenta.

En virtud de la aprobación otor-
gada en diez y nueve de Mayo del presente
año por la Exma. Junta Departamental,
libre testimonio de ella a la parte de D.
José Eucio Borunda en confirmación del
terreno de Rinconada del Surjin que ob-
tuvo en primero de Febrero del presente
año = El Sr. D. Juan B. Alvarado
Gobernador del Departam^{to} de las Cali-
fornias así lo proveyó y firmó
Alvarado

[Firma decorativa]

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[Firma decorativa]

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

Por cuanto el Ciudadano Eusebio Boronda, ha pretendido para su beneficio personal, y el de su familia el terreno conocido con el nombre de Rinconada del Sanjón Colindante con el Rancho de D.^o José Viburcio Castro, con el de D.^o Juan Cooper, y con el Rancho de D.^o Trinidad Espinosa y el Sanjón del Alizo; practicadas previamente las diligencias y averiguaciones convenientes, según lo dispuesto por leyes y reglamentos, usando 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, sujeto a la aprobación de la Exma. Junta Departamental y a las condiciones siguientes.

1^a = Podrá usarlo sin perjudicar las traversías Caminos y servidumbres, lo disfrutará libre y exclusivamente destinando al uso o cultivo que más le acomode, pero dentro de un año fabricará casa y estará habitada.

2^a = Solicitara del juez ejecutivo que le de posesión jurídica en virtud de este despacho por el cual se demarcaran los linderos, en cuyos límites pondrá a más de las mojoneras algunos arboles frutales o silvestres de alguna utilidad.

9 3^a = El terreno de que se hace mención es de sitio y medio de ganado mayor poco más o menos según explica el dicho Ejecutivo = El juez que diere la posesión lo hará medir conforme a ordenanza, quedando el sobrante que resulte a la Nación para los usos convenientes.

4^a = Si contraviniere a estas condiciones perderá su derecho al terreno y será denunciable por otro.

En consecuencia Mando que teniéndose por firme y válido este título se tome razón de él en el libro ejecutivo y se entregue al interesado para su engrudo y demás fines. Dado en Monterrey a primero de Febrero de mil ochocientos Cuarenta.

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Exmo. Sr.

La Comisión de Agricultura encargada de Dictaminar sobre la Conseción hecha en la persona del Cuid. Jue' Eusebio Boronda del terreno Rinconada del Sanjin, visto todo lo actuado informes y demas que sea se ha podido, pone a la deliberacion de V. E. los articulos siguientes.

Art. 1º - Se aprueba la Conseción hecha por el Exmo. Sr. Gobernador de este Departamento con fecha 1º de Febrero del presente año en la persona del Sr. Jue' Eusebio Boronda del paraje llamado Rinconada del Sanjin.

2º - El Gobierno Departam. tendrá a bien mandar expedir copia de esta superior aprobacion, asiendo, se dirija al interesado para su satisfaccion y conocimiento
Monterrey Mayo 16 de 1840

Jue' Rafael Guzales

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Monterrey 19 de Mayo de 1840

En sesion de este dia aprobó la Exma. Junta Departamental el dictamen anterior, expresando su art. 2º en estos terminos - Art. 2º Que el presente expediente vuelva al Exmo. Sr. Gobernador para los fines que corresponda

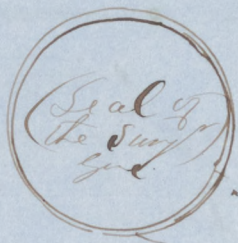
Man. Jimeno
Presd. teJue' L. Fernandez
Srio.Office of the Surveyor General
of the United States for California

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 virtue of the power vested in me by law, do hereby certify, that the eleven preceding and hereto annexed pages of tracing paper, numbered from one to eleven inclusive, exhibit a true and accurate copy of a document now on file and forming a part of the said archives in this Office

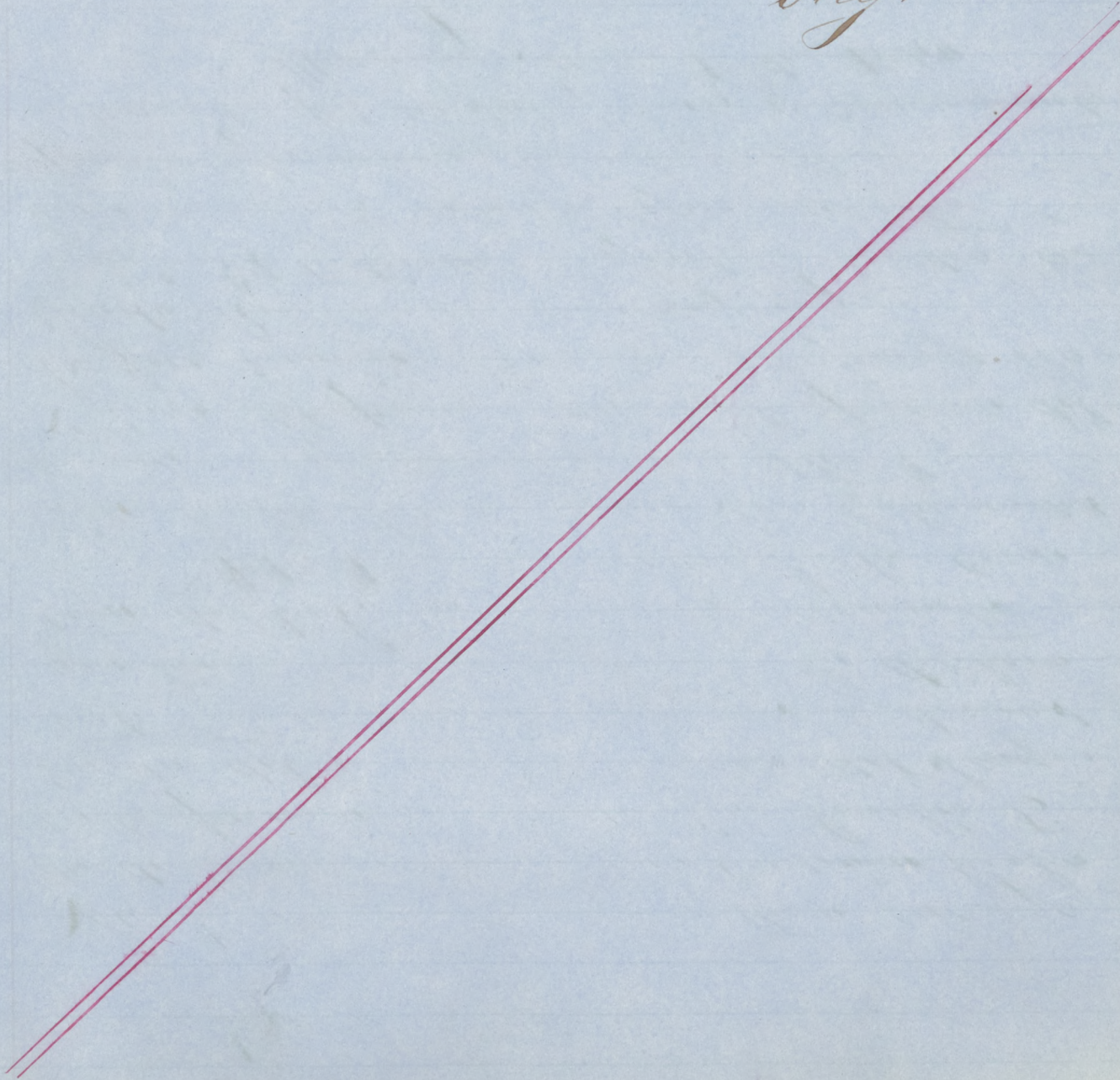
In testimony whereof, I have hereto signed my name officially and caused my Seal of Office to be affixed, at the City of San Francisco, this sixth day of October 1853

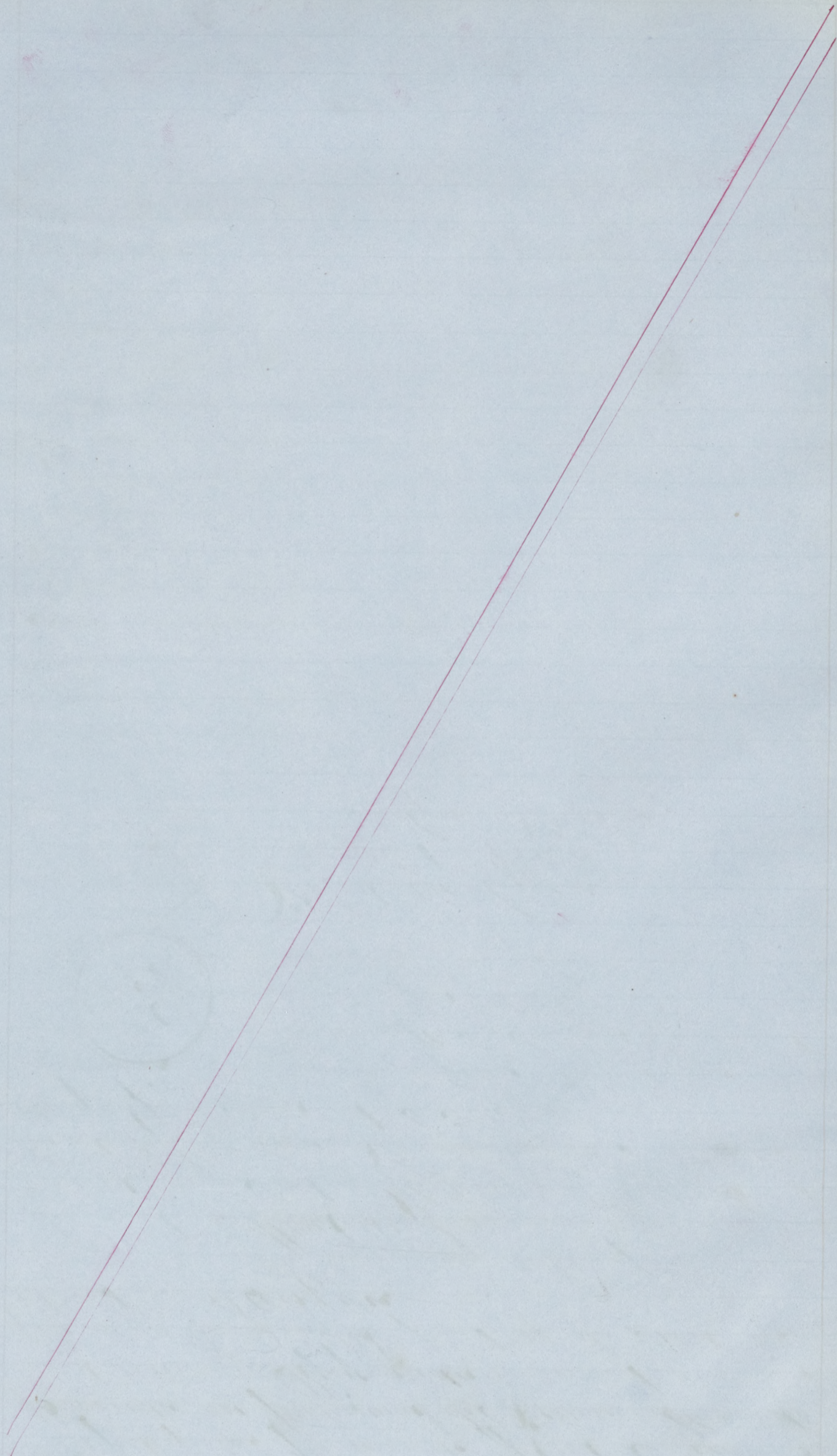
John C. Hays
U. S. Surveyor General
for California



Filed in Office
Nov. 21 1853
Geo. Fisher
Secy.

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PAGE 22





Año de 1840

Expediente promovido por el Sr. Cuervo
Boranda en pretension del terreno llamado
Rinconada
del
Sanjon
Monterrey

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PAGE

Sello Tercero Dos Reales

Habilitado provisionalmente por la Aduana Maritima del Puerto de Monterrey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Número

Antonio Maria Bio

A.

Realidad p.^a los años de 1842 y 843.

Alvarado

Antonio M.^a Bio

Vales Jus. Posse-
sion.

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PAGE 24

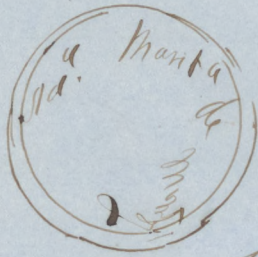


Exhibit No. 1 to
deposition of W.
E. P. Hartnell
taken in no. 532
H.S.J.

Juan B. Alvarado Gobernador
Constitucional del Departamento
de las Californias = Por cuanto el
Ciudadano Eusebio Beronda ha pre-
tendido para su beneficio personal y el de su
familia, el terreno conocido con el nombre de
Rinconada del Sanjón, colindante con el
Rancho de D.^o José Tiburcio Castro con el
de D.^o Juan Cooper, y con el Rancho de
D.^o Trinidad Espinosa y el Sanjón del Mi-
zo: practicadas previamente las diligencias y
averiguaciones convenientes, segun lo dispuesto
por leyes y reglamentos cuando de las fa-
cultades que me son conferidas a nombre de
la Nación Mexicana he tenido en considerarle
el terreno mencionado declarandole la pro-
piedad de el por las presentes letras, su ge-
tandore a la aprobacion de la Exma Junta
Departamental y bajo las condiciones si-
guientes = 1.^a Podrá ser usado sin per-
judicar las trancias Caminos y servidum-
bres, lo disfrutara libre y exclusivamente
destinandolo al uso o cultivo que mas le
acorde pero dentro de un año fabricara
Casa y estara habitada = 2.^a Solicitara
del Juez respectivo que le de posesion juri-
dica en virtud de este despacho por el
cual se demarcaran los linderos en cuyos
limites podra a mas de las imponeras al-
gunos arboles frutales o silvaticos de al-
guna utilidad = 3.^a El terreno de que se
hace donacion es de un sitio y medio de
ganado mayor pero mas o menos segun
explora el dicho respectivo = El Juez que
dare la posesion lo hara medir conforme

a ordenanza quedando el sobrante que resulte a la nacion para los usos consuetudinales = Si? Si? Continuar a estas condiciones perderá su derecho al terreno y será denunciado por otro = En consecuencia mando que teniendose por firme y validero este título se tome razon de el en el libro respectivo, y se entregue al interesado para su resguardo y demas fines = Dado en Monterrey a primero de Febrero de mil ochocientos cuarenta = Manuel Jimeno Secretario =

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PAGE 25
532-2

Queda tomada razon de este despacho en el libro de aciertos, sobre adjudicacion de terrenos baldios a faja primera del libro segundo. Es copia fielmente sacada de otra igual que existe agregada al expediente respectivo segun consta en esta secretaria de Gobierno que esta a mi cargo = Dada en Monterrey a diez y ocho dias del mes de Octubre de = Sella Tercera Dos Reales

Habilitado provisionalmente por la Aduana mexicana del puerto de Monterrey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno

Jimeno Antonio Maria Ocho
Rivadado Sr. los años de 842 y 843
Mvarado Antonio M. Ocho



Mil ochocientos cuarenta y dos
Manuel Jimeno

Manuel Jimeno

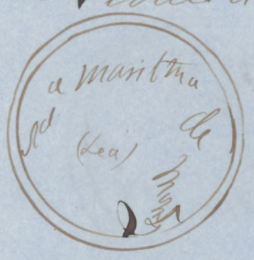
Sello Cuarto
Para los años de mil
y mil ochocientos



Una Cuartilla
ochocientos cuarenta
cuarenta y uno

Revalidado para los años de 1842 y 1843

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PAGE 26



Antonio M.º Osio

B

Sello Tercera Dos Reales

Habilitado provisionalmente por la Aduana ma-
ritima del puerto de Monterey, en el Departa-
mento de las Californias, para los años de
mil ochocientos cuarenta y mil ochocientos
cuarenta y uno

Timeno

Antonio Maria Osio

Revalidado para los años de 1842 y 1843
Avarado

Antonio M.º Osio



Sr Juez de Paz

El Ciudadano Don Eusebio Bo-
rondo, vecino de este Departamento ante
V. Con el debido respeto hace presente que
habiendo obtenido del Sup.º Gobi.º el Timeno
conocido con el nombre de Rancho de
Sanjose, como consta del título expedi-
do a mi favor con fecha a primero de
Febrero, de mil ochocientos cuarenta, y
faltandome solo la posesion juridica p.ª,
obtenida con todas las requisitas legales, he
de merced a la bondad de V. se sirva dar-
me la, dignandme señalarme el dia que
tenga a bien designar = Por tanto A. V.
Suplico provea en mi favor, de lo q.º
recibire merced y gracia.

recibirse merced y gracia

Monterrey 11 de Nbre de 1842
Josi Eusebio Boronda

Monterrey 11 de Nbre de 1842

Pr. presentado y admitido, pro-
cedase p^r me el presente juez de paz a la me-
dicion señalando de linderos y prorriva judicial
que solicita el interesado en esta instancia: se-
ñalandose para ejecutarse el dia 16 del presente
mes para lo que se citaron con boletas de con-
formidad a los Colindantes. Asi yo el juez
de Paz Constitucional suplente lo decreté man-
de y firme

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PAGE 27

Todoro Gonzales ^{ca^a}
^{ca^a} ^{Vran^{co}} Rico

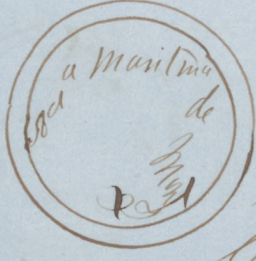
Manuel Castro
En la fha presente el C. Eusebio Bo-
ronda se le justifico el auto que antecede y
entendido dijo: lo oye y que se da p^r citado
firmando conmigo y la de asistencia

^{ca^a} Todoro Gonzales ^{ca^a}
Man^l Castro ^{Vran^{co}} Rico
Eusebio Boronda

Sello Verano Dos Reales

Habilitado provisionalmente por la Aduana Mari-
tima del puerto de Monterrey, en el Departamento
de las Californias, desde los años de mil ocho-
cientos cuarenta y mil ochocientos cuarenta y uno
Ximena

Rivalidad p^a los años de 1842 y 1843
Alvarado Antonio Maria Osio
Antonio M.^a Osio



la misma fha. se libraron las
boletas q^e se mandan en el an-
tecedente auto y para constancia
lo auto y rubrico

Todoro Gonzales

Rancho del Encino del Sanjón 16 de
Nbre de 1842 presentes los colindantes
D. Juan Lopez, D. Trinidad Espinoza
y D. Santiago Moreno nombre p^r me-
didos a los C. C. Tomas Cal y Agustin
Martinez p^a las mediciones señalando de

linderos y porcion de C. Jacé Envio B. o-
ronda, quienes juria la aceptacion y ju-
ramto procedieron al desempeño de sus en-
cargos. Asi yo el Juez de Paz Constitu-
cional, suplente de esta demarcacion lo de-
crete y mande, en lo de as. firmando

Todoro Gonzales

as.

as.

Manuel Castro

Franco Rico

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En la misma fha presentados los C. C.
Tomas Cal y Agustin Martinez se les
notifico el auto de su nombramto y de el
entendidos dijeron lo que aceptaron
y aceptaron, jurando ps. Dios nuestro
Sir y la señal de la Cruz conforme sea
al saber y entendir sin fraude contra
persona alguna firmando yo con ellos
y la de asistencia

Todoro Gonzales

as.

Franco Rico

as.

Manuel Castro

Y en continencia yo el referido Alcalde man-
de traer el cordel con que se habian de
medir las tierras y los expresados medi-
dores lo tomaron con una

Sello Tercero Dos Reales

Habilitado provisionalmente por la Aduana
Maritima del Puerto de Monterey, en el
Departamento de las Californias, para los
años de mil ochocientos cuarenta y mil
ochocientos cuarenta y una

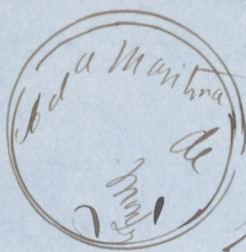
Ximeno

Antonio Maria Osio

Revalidado para los años de 1842 y 1843

Alvarado

Antonio M. Osio



vara de medida usual Mexicana
de medidura ante mi cincuenta varas
para hacer la medida referida de tierras
y lo firme con la de asistencia de
que doy fe

as.

Todoro Gonzales

as. Franco Rico

as. Manuel Castro

En el mismo parage dia mes y año sien-
do las nueve del dia yo' el presente juez de
Paz Constitucional suplente de esta jurisdic-
cion mande' a los medidores nombrados se
dispusiesen para la medicion de tierras que
se le habia de hacer a D. Eusebio Boranda
y puestas en los linderos de D. Trinidad
Espinoza y D. Santiago Moreno se midie-
ron hasta el Sanjon sus lindero de Moreno
cuarenta y ocho Cordelas de a cincuenta varas
y desde el mismo lugar e hasta el Sanjon
y camino real lindero de D. Juan Cooper se
midieron ciento trece Cordelas, y desde el mis-
mo lugar sudeste hasta el lindero de D. Tri-
nidad Espinoza en la punta de la laguna se
midieron sesenta Cordelas y desde este mis-
mo lugar e cuanta Sudeste que es de donde
le llaman para hasta el lindero de D. Tri-
nidad Espinoza y el S. Moreno que es desde donde
se comensaron las medidas se midieron
sesenta y ocho Cordelas siendo esta la ulti-
ma medida. En cuyas mediciones mande'
se formaran las uniformes correspondientes a los
linderos que señalan el sitio que le pertenece a
dho Eusebio Boranda. El terreno medido Corres-
ponde a menos de sitio de ganado mayor, y lo
firmaron con mi-

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Sello Virreyn. Dos Reales

Habilitado provisionalmente por la Aduana manifi-
ma del puerto de Monterrey, en el Departamento
de las Californias, para los años de mil ochocien-
tos cuarenta y mil ochocientos cuarenta y uno.

Ximeno Antonio Maria Osio

Revalidado para los años de 1842 y 1843

Alvarado Antonio M. Osio
yo las Colendantes, el interesado y los testi-
gos de asistencia

Proceso Generales aca
Eusebio Boranda Francisco Rico
Santiago Moreno Juan B. R. Cooper
asa
Manuel Castro Trinidad Espinoza

En el rancho del Encino del San. a los
diez y seis del mes de Nbre de mil ochocientos

Cuarenta y dos yo juez de paz suplente en funciones, de Monterrey y su jurisdiccion despues de practicadas las medidas del mencionado rancho, por lo que resulto menor de cito de ganado mayor, y presentes los Colindantes D. Trinidad Espinoza, D. Juan Casper y D. Santiago Moreno, siendo estos conformes con los demas autos; mande que entrase en posesion del mencionado rancho el C.º Eusebio Borunda bajo las medidas citadas y formalidades acostumbradas en estos casos lo que verifiqué inmediatamente arrancando yerbas y haciendo demostraciones como dueño del terreno de que se le ha dado jurisdiccion, cuya validacion lo autorizo firmando con los Colindantes y de as.º

Diodoro Gonzalez

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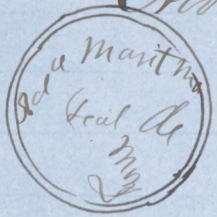
Eusebio Borunda de asista
Santiago Moreno Francisco Rico
Trinidad Espinoza as.º Man.º Castro
Juan B. R. Cooper

Monterrey 19 de Febre de 1842

Tomase razon en el libro de posesiones y devolvase este expediente original al interesado para los fines que mas le convengan. Asi yo el
Sello Vicero Dos Reales

Habilitado provisionalmente por la Aduana maritima del puerto de Monterrey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Lirio Antonio Maria Osio
Rivaldado p.º los años de 1842 y 1843
Alvarado Antonio M.º Osio
juez de paz constitucional
suplente C.º Diodoro Gonzalez
lo decerte mande y firme con los

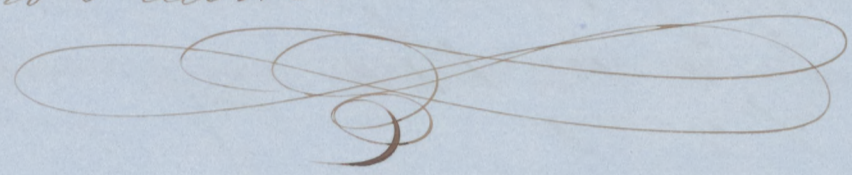


33

con los de asistencia,

as^a Manuel Castro
Gonzales de as^a Franco Rico

En la misma fha se tomó razon de esta percecion a fofas 19 del libro respectivo. y se le devolvió el expediente al C^{do} Encicío Voronda y para su constancia lo firmo o rubrico



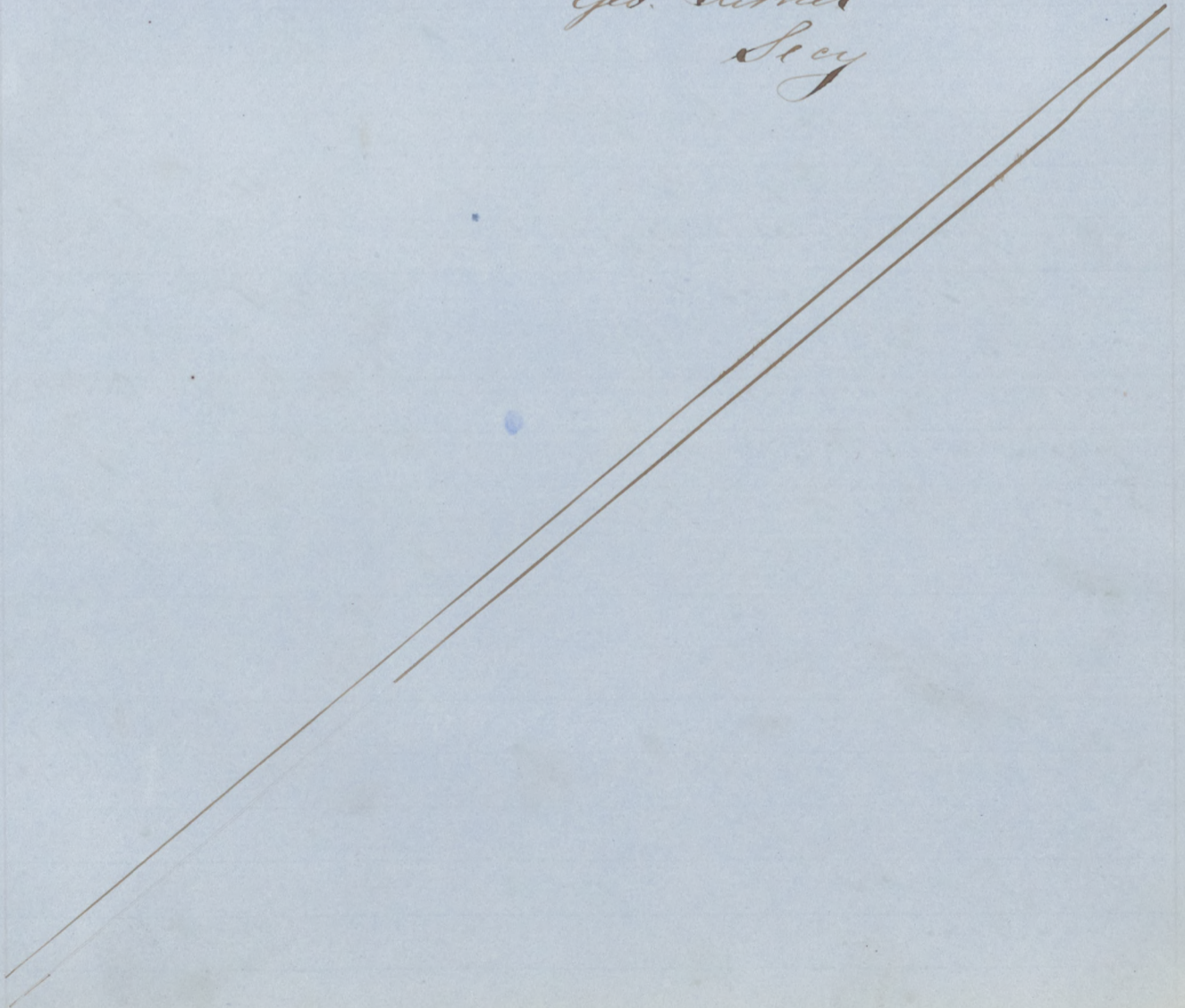
244 SD
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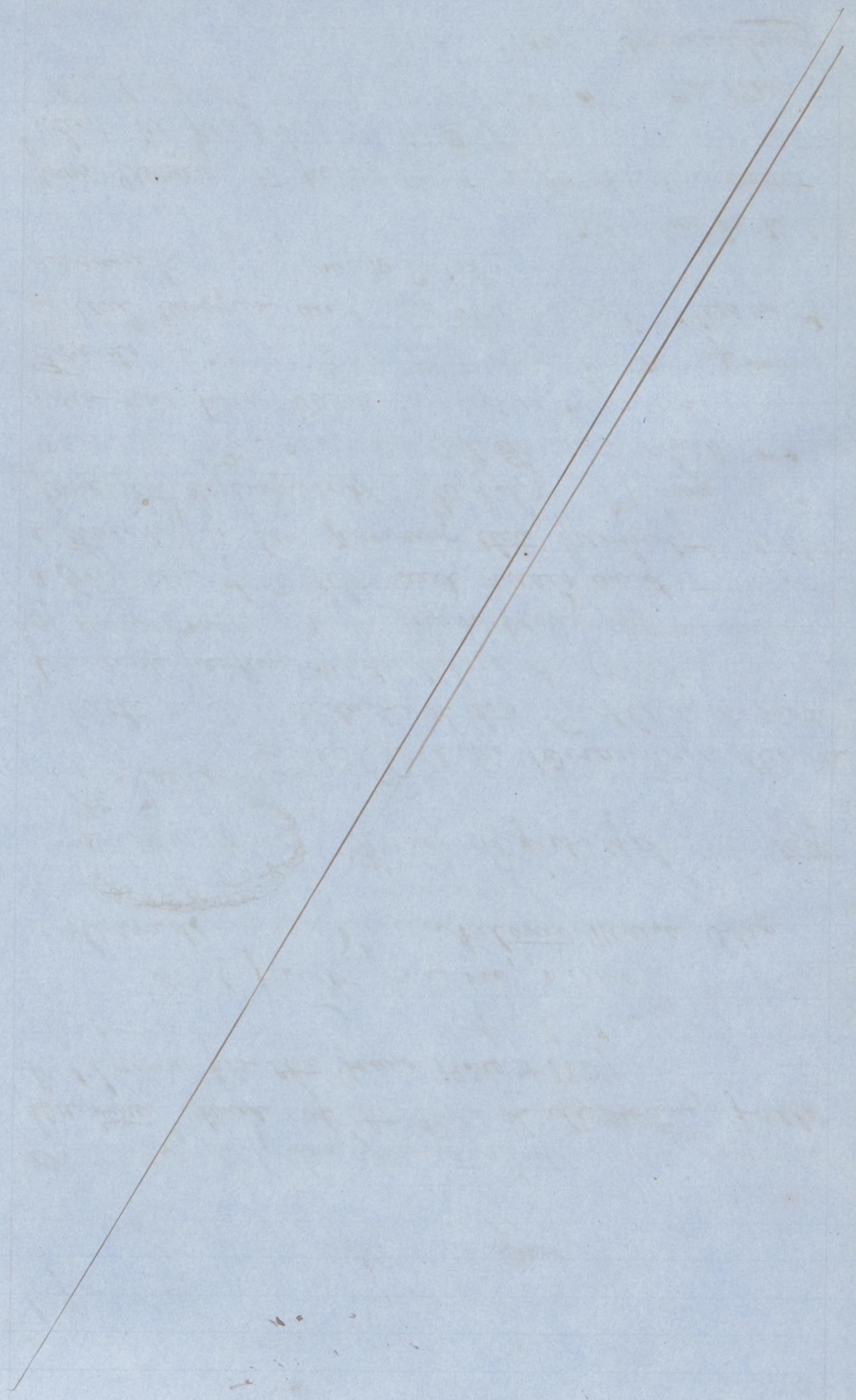
Sella Vireo Du Reales
Habilitado provincialmente por la Aduana
Maritima del puerto de Monterrey, en el
Departamento de las Californias, para los
años de mil ochocientos cuarenta y mil ocho-
ciento cuarenta y uno

Revalidado para los años de 1842 y 1843
Ximeno Alvarado Antonio Maria Osio Antonio M^a Osio



Filed in Office Jan'y 29 1853
Geo. Visher
Secy





359 Translation of
Espedient

1840

Espedient moved by Citizen Jose E. Boranda
in application for the Land called "Rincuada
del Sangre". (191)

Stamps Third Two Reals.

Authorized by the administration of the Mexican
Custom House of the Port of Monterey of Alta
California for the years 1836 & 1837

Gutierrez

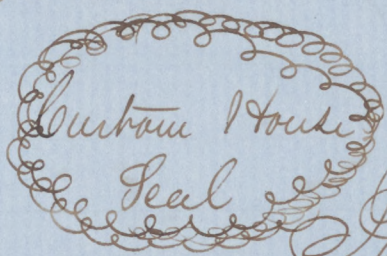
Angel Ramirez

Good for the years 1839 & 1840

Alvarado

Antonio Maria Osio

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Senor Prefect of the 1st District

Jose Enrique Boranda a Mexican
by birth and resident of this Pueblo in the most
fit and proper mode before the justification
of your Honor. Says that being the owner of
a number of Cattle and horses and desiring
a Land fit for growing this property he solicits
from the Government the place known by the
name of "Rincuada del Sangre" which till
now has been vacant, and is bounded by the
Lands of "Don Jose Tiburcio Castro" of Don
Juan Lopez and the "Sangre del Aliso" as the
accompanying map explains.

When for he begs
your Honor to be so good as to direct in justice
what he may for indeed farm.

Pueblo of San Juan de Castro July 24 1840

Jose Maria Columbias

(In Margin)

San Juan de Castro July 25. 1840.

Let the Justice of the Peace of this Head
of District report on the contents of this
petition.

Castro.

Señor Perfect.

In compliance with the Marginal Decree of N. S. I have the honor to inform you, that the party interested in this petition has the qualifications necessary to entitle him to be attended to, and that the land which he asks for is vacant and may be granted in Colonization.

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PAGE 33

San Juan de los Rios January 25th 1840

Juan Miguel Azcar

37

San Juan de los Rios July 25. 1840

This with the report of the Prefecture is sent up to the Most Excellent Señor Governor of the Department of California

Most Excellent Señor Governor

The Prefecture having examined the petition of petitioner José Eusebio Borunda, and the Report of the Justice of the Peace of this Head, finds no obstacle to the grant of the land which he asks for on condition that he strictly confines himself to the boundaries in the representation

San Juan de los Rios Jan 25. 1840

Jose Castro.

Monterey February 1st 1840

Having seen the petition with which this Expediente begins the Report of the Senior Prefect of the 1st District and that of the Justice of the Peace of the First Head of the same District, with all else presented and proper to be seen in conformity with the Laws and regulations on the subject, using the powers which are conferred on me I declare José Eusebio Borunda owner in fee of the land known by the name of "Rinconada del San Jon" bounded on the Rancho of Don José Tiburcio Castro, on that of Trinitario Espinosa, on that of Don Juan Lopez and the "San Jon del Aliso", subject to the conditions specified.

Let this Expediente be directed to the Most Excellent Departmental Junta Señor Don Juan B. Alvarado Constitutional Governor of the Department of the California thus ordered directed and signed of which I certify

Alvarado

Monterey May 12th. 1840

Referred to the Most Excellent Departmental Junta, on 21st of this day, considered and passed to the Committee on Agriculture.

José L. Fernandez
Secretary

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On the 19th of the Same, the Committee returned
it with the accompanying Report
of the Finance

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NOTE

Most Excellent Señor.

The Committee on agriculture charged with reporting on the Grant made to the person of Citizen José E. Boranda of the Land "Rincónada del Sanguá" having seen all the reports made and all else which they could see, places at the deliberation of your Excellent Body the following Articles.

Art 1st. Approved the Grant made by the most Excellent Governor of this Department dated February 1st of the present year to the person of Citizen José E. Boranda of the place called "Rincónada de Sanguá"

Art 2^o. The Departmental Governor will be so good as to order dispatched a copy of this Superior approbation having it directed to the party interested for his satisfaction & information.

Monterey May 16th 1840

José Rafael González

Monterey May 19th 1840-

In Session of this day the most Excellent Junta Departamental approved the foregoing report amending to Article 2^o in these terms.

Article 2^o. That the present Expediente be returned to the most Excellent Señor Governor for the corresponding ends.

José L. Yrmandiz Manuel Jimeno. President
Secretary.

Monterey June 12th 1840-

In virtue of the approbation passed on the 19th of May of the present year by the most excellent Departamental Junta the testimony of it issue to the party Don José E. Boranda in confirmation of the Land of "Rincónada del Sanguá". which he obtained on

the 1st of February of the present year.

The Señor Juan B. Alvarado Governor of the Department of the Californias thus provided and signed

Alvarado

(This Expedient contains the original map and a copy of the full title, the same as is translated in Document "B")

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Filed in Office Nov 21, 1853.

Geo Fisher Secy.

Translation
of Title and
Possession
B.

Seal of the third Class, Two Reals.

Authorized provisionally by the Maritime Custom House of the Port of Monterey in the Department of the Californias for the years Eighteen hundred and forty and Eighteen hundred and forty one.

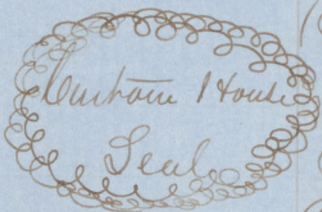
(Signed) Jimeno

(Signed) Antonio Maria Osio

Made valid for the years 1842 & 1843.

(Signed) Alvarado

(Signed) Antonio Maria Osio



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

Whereas Citizen Jose E. Boranda has solicited for his personal benefit and that of his family the Land known by the name of the "Rincón de San Juan" bounded by the Rancho of Don Jose Tiburcio Castro, Don Juan Cooper, and Don Trinidad Esperanza and by the Laguna del Aliso, the necessary steps and investigations having been previously taken & made in conformity with laws and regulations. I have by virtue of the powers conferred upon me granted unto him in the name of the Mexican Nation the before mentioned Land declaring unto him the ownership thereof by these presents letters, subject to the approval to the approval of the most Excellent Departmental Junta and under the following articles.

1st. He may fence it in without prejudice to the

Crossing Roads and Privileges. he shall enjoy it freely and exclusively destining it to the use and cultivation which may best suit him, but within one year he shall build a house which must be inhabited.

2^d He shall request the Inspection Magistrate to give him judicial possession in virtue of his title, and said Magistrate will designate the boundaries at the limits of which he shall beside the Land marks plant some fruit trees or wild ones of same utility.

3^d The Land whereof Donation is made comprises one and a half square Leagues (un sitio y medio de ganado mayor) a little more or less as appears of the Inspection plat. The Magistrate who gives the possession will cause it to be measured according to Law leaving the Surplus to the Nation for the necessary uses.

4th If he transgress these Conditions he shall forfeit his right to the Land and it may be denounced by another.

I consequently Command that holding this title to be firm and valid a Record thereof be made in the Inspection Book and this be delivered to the party interested for his Security and further Ends.

Given in Montevideo on the first of February one thousand eight hundred and forty-

Juan B. Alvarado.

Manuel Jimeno Secy.

A Record of this title has been made in the Book of Orders respecting the adjudication of vacant Lands at folio 1st of Book the 2^d.

This Copy is faithfully made from another similar attached to the Inspection Expedient as appears in this Government Secretarys Office under

my charge. Given in Monterey on the eighteenth
day of October Eighteen hundred & forty two.

(Signed) Manuel Jimeno

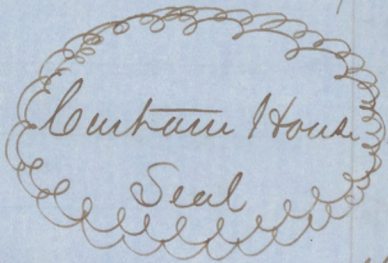
Seal of the Third Class. Two Reals.

Authorized provisionally by the Main ten Courtain
House of Monterey in the Department of the
Californias for the years Eighteen hundred and
forty and Eighteen hundred and forty one.

(Signed) Jimeno (Signed) Antonio Maria Osio

Made valid for the years 1842 and 1843.

(Signed) Alvarado. (Signed) Antonio Maria Osio.



Senor Justice of the Peace

Citizen Jose E. Boranda a resident of this Depa
rtment with due respect makes known to you
that having obtained from the Superior Govern
ment the land known by the name of the "Rancho
del Sangre" as appears by the title granted in his
favor on the first of February Eighteen hundred
and forty and requiring only the judicial posses
sion in order to obtain it with all the legal
requisites. he requests of your goodness that you will
be pleased to give it to him fixing the day that
you may please be designate for that purpose
And therefore requests that you will decree in
his favor. when he will receive a great favor.

Monterey 11th November 1842.

(Signed) Jose Eusebio Boranda

Monterey November 11th 1842

Considered as presented
and admitted. Let the present Justice of the Peace
proceed to the measurements designation of boundaries
and judicial possession which the party interested
in this petition asks for fixing for the execution

then of the 16th of the present month to which
 and the neighboring Land holders shall be sum-
 moud. This I the Constitutional Justice of the Peace
pro tempore did decree. Command and sign
 with the assisting witnesses

(Signed) Teodora Gonzales

(Signed) Manuel Castro Asst. witness

(Signed) Francisco Rico Asst. witness

On the same date Summons ordered in the foregoing
 decree were issued, in witness whereof I write & draw
 and sign with my Seal -

(Signed) Teodora Gonzales

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Rancho of the Rincon del Sangua 16th November 1842
 The neighboring Land holders Don Juan Looper
 Don Unidad Esfrenada and Don Santiago Moreno
 being present. I appointed as measurers Citizens
 Thomas Cole & Augustus Martiney for the measu-
 ment designations of boundaries and possession
 of Citizen Las E. Bonanda who after having accep-
 ted and taken the oath will proceed to fulfill
 their Commission Thus I the Constitutional
 Justice of the Peace pro tempore of this jurisdiction
 do decree and Command signing with the Asst. witnesses

(Signed) Teodora Gonzales

(Signed) Manuel Castro

(Signed) Francisco Rico } assisting witnesses.

On the same date Citizens Thomas Cole and
 Augustus Martiney being present, the decree of
 their appointment was notified to them and
 having been informed thereof said that they heard
 it, that they accepted and did accept it -
 swearing by God our Lord and the sign of the
 cross (that they would act) according to the
 best of their Knowledge and understanding
 without fraud against any person. I signing with
 them and the assisting witnesses

(Signed) Teodora Gonzales

(Signed) Francisco Rico

(Signed) Manuel Castro } assisting witnesses.

Immediately afterwards I the said Alcalde ordered the Cord when into the Lands were to be measured to be brought and the said measurer took it and with a common Mexican measuring Cord measured in my presence fifty Varas to make the said measurements of the Land with. and I signed with the assisting witnesses when of I give testimony.

(Signed) Teodora Gonzalez

(Signed) Francisco Rico

(Signed) Manuel Castro

Assisting witnesses.

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On the same Spas. day. month and year. I being 9 O'clock in the morning. I the Constitutional Justice of the Peace pro tempore of this jurisdiction did convene and the appointed measurers to get ready for measuring the Lands to be measured for Don Jose E. Brauda and placing themselves at the boundaries of Don Trinidad Espinosa and Don Santiago Moreno the measurer (from North to South) at the San Juan the boundary line of Marcos. fifty eight Cords of fifty varas each. thence (from East to West) to the San Juan and high road. the boundary line of Don Juan Loofur. they measured one hundred and thirteen Cords. thence (from S.E.) to the boundary line of Don Trinidad Espinosa at the point of the Lagoon. they measured sixty Cords. and thence (E 1/4 S E) which is the place called "Las Padas" to the boundary line of Trinidad Espinosa and Señor Moreno the place of beginning. Sixty eight Cords were measured. this being the last measurement.

At which points I commanded the land marks corresponding to the boundaries of the Rancho of said Jose E. Brauda to be placed. The Land measured comprises less than one square League. And this was signed by me. the neighboring Land owners. the party interested. and the assisting witnesses.

(Signed) Teodora Gonzalez

(Signed) Jose E. Brauda

(Signed) Santiago Moreno

(Signed) Juan B. R. Loofur

(Signed) Trinidad Espinosa

(Signed) Francisco Rico

(Signed) Manuel Castro

Assisting witnesses.

In the Rancho of the "Rincón de Saugui" on the sixteenth day of November Eighteen hundred and forty two. In the Justice of the Peace of Monterey and the Jurisdiction thereof ad iudicium after having considered the measurements of said Rancho, which resulted in less than one Squan League, the neighboring Land holders Don Simón Espinosa, Don Juan Loofus, and Don Santiago Moreno being present and satisfied with the foregoing proceedings. I commanded that Citizen Don E. Branda should enter into possession of the said Rancho in conformity with the said measurements and customary formalities in such cases, which he immediately did by pulling pass and making demonstrations as owner of the land whereof Judicial possession has been given him. The validity of which I authorize signing with the neighboring Land holders, party interested, and assisting witnesses.

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Signed, Teodora Gonzales.

Signed, Don E. Branda }
 Signed, Francisco Espinosa }
 Signed, Manuel Barte }
 Signed, Juan RR Loofus }
 Signed, Francisco Rico }
 Signed, Manuel Barte }
 } Asstg. Witnesses.

Monterey November 19th 1842.

Let a Record be made in the Book of Possessions and this Original Expedient be returned to the party interested for the purposes which may be set forth him - Thus I the Constitutional Justice of the Peace ad iudicium. Citizen Teodora Gonzales did deem command and sign with the Asstg. Witnesses.

Signed, Gonzales.

Signed, Francisco Rico }
 Signed, Manuel Barte }
 } Assting Witnesses.

On the same date a Record of this possession was made in the respective Book at folio 19 and this Expedient was returned to Citizen Don E. Branda
In witness whereof I sign with my flourish

Signed, The Alcalde's flourish

I the undersigned do hereby certify the foregoing to be to the best of my knowledge and belief a faithful translation of the original Document in possession of Señor Don E. Branda

State Translator Office
Rancho del Palmar 23rd March 1852.

Wm E. Hartwell
State Translator

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Filed in Office July 29. 1853.

Geo. Wilbur Seely

Opinion

Jose E. Branda vs. The United States
For the place called "Rincónada de Sangre" in Monterey County containing One & a half Square Leagues

The Claimant bases his right on a grant alleged to have been made to him by Governor Alvarado on the first day of February 1840. The grant is not produced but evidence of its existence, its delivery to the grantee, its loss and its contents is adduced. A hand copy of the Expedient from the Archives is filed in the case, which exhibits fully the proceedings to the final grant & closes with a draft of the grant, which Gov Alvarado a witness in the case testifies to be a copy of that which he executed and delivered to said grantee.

The approval of the Departmental Junta was given May 19 1840, and on the 16th November 1842 judicial possession was given under the grant with a demarcation of boundaries. The premises are shown to have been occupied as the family residence of the grantee from the time when the grant was made, and to have been cultivated in pastures thereon and used also for keeping stock.

The Claimant is entitled to a deed of Confirmation
Confirmed
Filed in Office Oct 31. 1854. Geo. Wilbur Seely.

José E. Brauda }
 }
 }
The United States }

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner is valid and it is therefore decreed that the same be confirmed.

The Land of which Confirmation is hereby made is that known by the name of "Rincunada del Sangre" and is situated in the County of Monterey and is in the occupancy of said Brauda and is bounded and described as follows to wit:

Beginning at the boundary of Don Trinidad Espinosa and Don Santiago Moreno and running thence Southwardly two thousand four hundred Varas to the Sangre and High Road, the boundary of Don Juan Cooper, thence towards the North East, three thousand Varas to the line of Don Trinidad Espinosa at the point of the lagoon and thence $1\frac{1}{4}$ S. E. which is the place called "Las Pasas", three thousand four hundred Varas to the boundary line of Don Trinidad Espinosa and Señor Moreno - the place of beginning. Containing One and a half Spanish Leguas, a little more or less, being the same Land of which Judicial Measurement was given to said Brauda in 1842. Reference to be had to the testimonial thereof on file in this case and to the grant of said Land and the map thereof attached to the traced copy of the Expedient, which are also filed in the case.

Alpheus Gulch }
R. Aug. Thompson }
S. B. Howell }

Commissioners

Filed in Office Oct 31. 1854

Geo. Fisher Secy.

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Decree

And it appearing to the satisfaction of the Board that the land here adjudicated is situated in the Southern District of California It is hereby ordered that two Manuscripts of the proceedings and decision in the case and of the Papers and evidence upon which the same are founded be made out and duly certified by the Secretary of the Board one of which Manuscripts shall be filed with the Clerk of the United States District Court for the Southern Judicial District of California. the other to be transmitted to the Attorney General of the United States.

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Office of the Board of Commissioners,

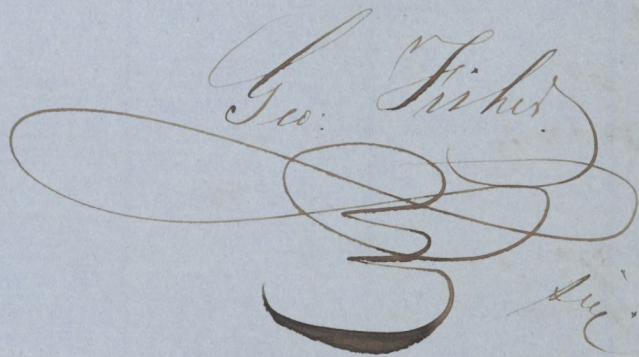
To ascertain and settle the Private Land Claims in the State of California.

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
going *Forty eight* — pages, numbered from
48, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
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. *3-32* on the Docket of the said Board,
herein

Ensebio Boronda is —

the Claimant, against the United States, for the place known by
the name of *Minconada del Sanjon* —

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

Geo. Fisher




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U. S. DISTRICT COURT,

Southern District of California.

No. 244, **244**

THE UNITED STATES,

vs.

Enedrio Bermeida

'Ponconada del Sanjon'

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TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *532*

Filed, *July 25* 185*5*
to E. Dean
clerk

A. H. Clark
deputy

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Office of the Attorney General of the United States,

Washington, 29 June 1855.

532) "Riviera del Sanjose"

Eusebio Beronda. Claimant.

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

Cushing

Attorney General.

C.S.

No. 244.

W. S. District Court,
Southern Dist. of Cal "

United States.

^{vs}
Leuretia Bononda.

Notice of Appeal
in Case No. 532

Filed Oct 4th 1855.

J. E. Law.
Clerk.

No 244

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

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Hon Isaac S. K. Ogden Judge.

The United States, Appellants } N. 244.
vs. } (Transcript No 532.)
J. Eusebio Boronda, Appellee

The petition of Paupicus Ord, Attorney of
the United States for the Southern District of
California, for and in behalf of the United
States, respectfully represents: That on or
about the 29th day of January A.D. 1853 J.
Eusebio Boronda petitioned the United States
Land Commissioners for the State of California,
claiming one and a half square leagues of
land, ^{a little more or less} called "Rinconada del Sanjon", situate
in the county of Monterey, State of California.
That on or about the 31st day of October A.D.
1854, the said Commissioners confirmed the said
claim; That thereafter, to wit, on or about the
14th day of June A.D. 1855 the Honorable Caleb
Cushing, Atty. General of the United
States received a duly certified transcript
of the proceedings, with the evidence, and
decision of said Commissioners in said cause.
That thereafter, to wit, on or about the
4th day of October A.D. 1855 the said Attorney
general of the United States filed, or caused

to be filed, with the clerk of this Honorable court, a notice of the intention of the United States to prosecute the appeal in said cause.

That on or about the 2^d day of July A.D. 1855 the said Commissioners filed or caused to be filed in the office of the clerk of this Honorable court a duly certified transcript of their proceedings with the evidence and ^{decision} ~~proceedings~~ in said cause. That the land claimed lies in the Southern District of California and within the jurisdiction of this Honorable court.

And this petitioner denies generally that the said claimant has any valid right or title to the said land.

Wherefore the said petitioner prays that the said J. Eusebio Bononda, or his attorney may be served with a copy of this petition and that after due proceedings had, the said decision of the said Commissioners may be reviewed, reversed and set aside; and that this Honorable court will decree the said claim or title to be invalid; with costs and general relief.

P.M.

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

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1872

[Vertical handwritten notes on the left margin, including the word "Receipt" and other illegible text.]

[Faint, illegible handwriting, possibly bleed-through from the reverse side of the page.]

No 244

J. Ensebio Boronda
adv.

The United States

Petition of M. S. for

Review

Filed Oct 12th 1855.

f. S. Can.
clk.

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P. Ord. U.S. Atty.

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

The United States, appellants

vs.

J. Eusebio Baronda, appellee

} Answer of Appellee

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J. Eusebio Baronda, appellee, appears
by his attorneys, and for answer to the
petition of the United States filed herein, says:

That his title to the land called "Rinconada
del Sanjon", as set forth and described in the
petition to the Board of Commissioners
and the documentary & other evidence
filed in this case, is a good & valid
title. The land claimed is situated in
the Southern District of California

And he prays this Honorable Court
to affirm the decision of the Board
of Commissioners and to decree his title
to be valid.

Hallam Beachy & Bellinger
Attys for Appellee

No 244

The United States
appellants
vs.

J. Eusebio Boronda
appellee

Answer of appellee

Filed Oct 12th 1855

J. E. Jones
Clerk.

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Wallace & Co. for appellee

In the U States District Court for the
Southern District of California,
Special Term Sept 1853.
Los Angeles.

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Eusebio Borondo, app. } N^o 244.
vs. }

The United States, App. (Docket N^o 332)

On motion of P Ord Attorney of the
United States for the Southern District
of California, it is Ordered by the Court,
that an appeal be granted the United
States, to the Supreme Court of the
United States, from the judgment
of this Court against the United States,
in the above entitled case, rendered
on or about the 15th day of October
A D 1853.

F. Ord
Creditt All.

No 244.

U. S. District Court.
Southth Dist. of Cal^o

The United States. Appellants

vs.

Eusebio Bionda appellee

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

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Filed October 18th 1855

A. E. Canam
By J. H. Ross

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

Honorable W. G. Jew. Judge.

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Rec'd Term 1850

The United States

Appellants

J. S. Boronda

Appellee

ocket No 244

Transcript from the Board of Land Commissioners No. 532

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 record 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

U. S. Dist Court
South Dist. Cal.

No 244

The United States
Appellant

^{vs}
J. E. Boronda
Appellee

Order
Vacating Appeal

Filed Feb 5th 1857

Sproul
clerk

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Order granting an appeal to the Supreme Court,
heretofore made in this Cause be and the same is
hereby vacated. And that the Claimant have leave
to proceed under the decree of this Court heretofore
rendered in this Cause as under a final decree
James H. Ogden
U. S. Dist Judge

California Land Claims,

Attorney General's Office

1 October 1856.

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Sir:

In the case of the claim of Eusebio Boronda, confirmed to the claimant by the Commissioners, case no. five hundred and thirty-two (532), 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

Clayton

Jacifius Ord Esq
U. S. Atty Genl

Southern Dist. appeal.

244.

asilio Boronda

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Oct 4 1856

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

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Am Isaac S. New Judge

December Term 1856

The United States
Appellants
vs
J. C. Boronda
Appellee

ocket No 244

Transcript from the Board of Land Commissioners, of 532

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 prosecuted by the United States; it is 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

J. M. Dist. Atty.
Haskell Beach & Billing,
attys of appellee.

U.S. Dist Court
South Dist Cal
No 244

The United States
Appellants
vs
J. C. Peranda
Appellee

Stipulation
to vacate order of
Appeal to Supreme Court

Filed this 5th February
1854
C. S. S. Clerk
J. W. Coleman
clerk

The United States appellants }
2 }
Jose Luisio Banda, Appellee }

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The claim in this case is founded upon an alleged grant, from Governor Alvarado, to the appellee bearing date 1st of February 1840.

The Original Grant is not offered in evidence it is alleged to have been lost, and the affidavits of the claimant and of H W Halleck, of course in the case, are offered in proof of the allegation, and the ~~affidavit of Ex Governor Alvarado is offered to prove its~~ ~~existence~~ the affidavit of the claimant is to the effect that he received the grant some time in the year ¹⁸⁴⁹ from the Governor, and that about two years before the date of his affidavit, which was made on the 20th of October 1854, he left his papers in charge of his wife to be delivered to H. C. Huntwell, or his attorney H W Halleck; ~~that afterwards~~ he learned ~~that the papers delivered by his~~ ^{that} after his wife had delivered his papers, he was informed that the Original title papers given him by Governor Alvarado were not among them, but were lost, that he does not know what has become of them & that he has diligently searched for them but can not find them & therefore can not produce them.

The affidavit of H W Halleck is to the effect that a ~~package of papers were delivered to him by some person~~ whose name he does not remember, sent to him about two years before the date of his affidavit a small package of papers, from some person whose name he does not remember, sent to him by the wife of the ~~Appellant~~, that the package purported to contain the title papers of the land claimed in this case, that all the papers so received by him were presented to the Commission and are now on file in this case - that after noting that the Original title and certificate of approval

were not in said package so delivered to him
absent.

That he went to Monterey, and with Mr Hartnell
the Agent of Claimant, made diligent search ^{for} said
missing papers: & was then informed by said Hartnell,
& by the wife of Claimant that they were lost, that Claimant
was then absent from that part of the Country, but that
since his return, deponent has with him, made diligent
search ~~at~~ enquiry for the said missing papers, but
has been unable to find them and that he really believes
that they are lost, that ~~the~~ both the Claimant and
his wife are very ignorant & unlettered people ~~and~~ not
knowing the value of papers of other contents —

The Affidavit of Ex Governor Alvarado is in evidence
which in which he states that he made the grant
~~to~~ Benda in 1840 and delivered the title to him
in person.

These facts I think sufficient to establish the
fact of the issuance of the grant in 1840, and
of its subsequent loss — and therefore a proper
foundation is laid for the introduction of second-
ary evidence of the contents of the original
title or grant.

The best secondary evidence in such cases, ^{as} this
tribunal has already decided to be the ^{best} copy
copy of the grant itself, made at the time ^{of its issue}, and
kept among the archives of the Government and
generally found attached to the expediente of
proceedings upon which it is founded —
A ~~traced~~ copy of the expediente in the case
containing a copy of the original grant, found
among the archives of the Mexican Government
in the custody of the Surveyor General, is ~~in full~~
as part of the documentary evidence in the case
the genuineness and ~~authenticity~~ of all these docu-
ments is fully proven, ~~and~~

The grant was approved by the departmental
Assembly on the 19th of May 1840., and in Nov
1842 Judicial possession was given

The grant was for one and a half square leagues
within certain decided boundaries, the Judicial
possession seems to have followed these bound-
aries pretty accurately except so far as to
show the particular league and a half was
intended ~~to have been granted~~,

The report contains these observations
& general compliance with the conditions
of the grant. The Appellee is therefore
admitted to a confirmation of his claim
and a decree will be entered affirming
the decision of the Commissioners

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[Faint vertical text or markings, possibly bleed-through or a watermark, running down the center of the page.]

The transcript contains

- I Petition to Commissioners p 3.
- II Deposition of W. E. P. Hartwell p 5
proves signatures to copy of grant and original
juridical profession. also that claimant
has occupied the land at least 10 years
with a house & stock & still occupies it.
- III Deposition of B. Dias. pp 56 & 7.
Grantee settled on this land in 1839 and
began improvements & has lived there ^{with his family} ever
since. In 1840 he had a house & corral
on it & horses & cattle; has cultivated
portions with wheat & corn. Grantee called
Eusebio & Jose Eusebio.
- IV Jose Castro pp 7 to 10.
proves occupation & extent of improvements
& boundaries; also petition, report, & grant
in 1840
- V J. B. Alvarado. pp 10 to 13.
proves occupation & settlement by Boronda,
also that he issued a grant in 1840 and
also a certificate of approval, and
identifies copies from Archives
- VI Afft of claimant as to loss of original
title papers p # 14.
- VII. afft of H. W. Halleck as to loss of papers p 15
- VIII. Expediente from Surveyor Genls office pp 17 to 23
- IX Translation of above pp 35 to 40
This expediente contains petition of Boronda
to Governor, a map, reports of local
authorities, decree of occupation, approval
of Deptl Junta, & copy of grant.
- X. Expediente of Juridical profession pp 25 to 33.
- XI. Translation of foregoing. pp 40 to 46.
This expediente contains a certified copy

of original grant, and the original proceedings of measurement & judicial possession. The measurements are embodied in decree.

- XIII. Opinion of Commissioners p 46
XIV. Decree of confirmation p 47.

Proceedings in U.S. Dist Court.

- | | | |
|------------------------|-------|---------------------------|
| 1. Transcript | filed | July 2 ^d 1855- |
| 2. Notice of appeal | " | Oct 4 th 1855- |
| 3. Petition for Review | " | " 12 th 1855- |
| 4. Answer | " | " 12 th 1855- |

Note. No Record of titles, except the Expedientes, has been kept since Figueroa's time. In this case the best possible secondary evidence has been adduced, viz, the Expedientes, & the testimony of the Governor who issued the grant.

No. 244

The U.S. Appellate

ct.

P. E. Bonanda Appellee

Index of case