

CASE No.

270

SOUTHERN DISTRICT

CANADA DE LOS
PINACATES GRANT

MARIA ANTONIA CRUZ
CLAIMANT

LAND CASE 270 SD

11 pgs.

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TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO.

598

María Antonia Cruz CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

" *Comunidad de los Pinaros* "

FOR THE CITY OF

THE UNITED STATES OF AMERICA

IN THE

IN CASE

PROCEEDINGS

OF THE

THE

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 seventeenth 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 Maria Antonia Cruz, for the Place named "Cañada de los Pinacates," was presented, and ordered to be filed and docketed with No. 598 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 December 5 1854.
Case no. 598, Maria Antonia Cruz for the place named "Cañada de los Pinacates," was ordered to be placed at the foot of the 3rd class cases on the Final Docket.

San Francisco December 19 1854.
Case no. 598 was submitted under the Rule of March 21st 1854.

San Francisco, January 23 1855.
In the same case Commissioner R. Aug. Thompson delivered the Opinion of the Board rejecting the claim;

(Vide page 9 of this Transcript)

And the following order was made, to wit:

(Vide page 10 of this Transcript)

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To the Honorable Board of
Commissioners for ascertaining and
settling private land claims in the
State of California.

Your Petitioner

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Petitioner
María Ant. Cruz widow of José
Cruz of the City of the Angels State
of California respectfully represents
to Your Honorable Board that she claims
a certain tract of land called Cuada
de las Tenebris one quarter of a league
more or less situated to the N.E. of the
Mission of San Juan distance about one
league that she claims the same in fee in
virtue of a grant made to her husband
under the authority of the Mexican Gov-
ernment by Sr. José Castro Governor
by interim of High California the 20th
of April 1835.

Your Petitioner further repre-
sents that she is a widow with a numerous
family and has no other lands nor
property than the above mentioned small
tract in consideration of which Your
Petitioner prays Your Honorable Board to
take into consideration her claim to said
land and decree the title to be valid and
confirm the same.

Your Petitioner will ever
pray

for María Ant. Cruz,
J. J. Moerkant.

Filed in Office Feb. 17, 1853
Cyrus J. Fisher Secy

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5-

Jose' Castro primer vocal de la Exma Diputacion i
 Jefe Politico Interino de la Alta California
 n.º 85. Por cuanto los cc. Jose' M.º Corio y
 Jose' Cruz han pretendido para su beneficio personal
 i el de su familia el terreno conocido con el nombre
 de Canchales de los Perreates colindante con los cc. Juan
 Gomez i Torquin Soto i con el pueblo de San Juan
 Bautista, practicados previamente las diligencias
 i abeniquaciones conservientes segun lo dispuesto por
 leyes y reglamentos he venido por decreto de esta oia
 a nombre de la Nacion Mexicana dueños en propiedad
 del terreno mencionado a reserva de la aprobacion
 de la Exma Diputacion. En consecuencia mandado
 que servientos de titulo el presente se tome raxon
 en el libro que corresponde i se les entregue a los int-
 eresados para su resguardo y de mas juís. Dado
 en Monterrey a 20 de Ebre. de 1835.

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A.
 Expediente

Jose' Castro. Fr.º del Castillo Negro. Sr.º.
 Castillo.

Office of the Surveyor General of the United States
 for California.

I Samuel D. King, Surveyor
 General of the United States for the State of Calif-
 ornia and as such now having in my office
 and under my custody a portion of the Archives
 of the former Spanish and Mexican Territory
 or Department of Upper California, do hereby
 certify that the preceding and herewith annexed
 pages of tracing paper numbered (87) exhibit a true
 and accurate copy of a similar page in a book
 unbound, entitled "Titulos" now on file and forming
 a part of the said Archives in this office.

In testimony whereof I have herewith
 signed my name, officially and affixed my private
 Seal (not having a Seal of Office) at the City of
 San Francisco - Cal. the 31st day of January
 1853.

Samuel D. King
 Surveyor General. Cal.

Filed in office. Feby. 17. 1853.

Geo. Fisher. Secy.

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Jose Castro first Member of the
Honorable Reputation and the Interim
Political Chief of High California,
No 85 -

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D

Translation
of
Grant

Considering that the Citizens Jose
Ma Casio and Jose Cruz have asked
for their own benefit and that of their
families the land named Canada de los
Senecitos bounded by the lands of the Citizen
Jaquin Gommio Jaquin Solo and the
Pueblo of San Juan Bautista and that the
Enquiries and information concerning the
same as required by the laws and regula-
tions have been made and given -

I by Decree of this day and
in the name of the Mexican Nation declare
the said Jose Ma Casio and Jose Cruz
the owners in property of the afore named
land subjecting them to the approbation of
the Departmental Assembly -

In consequence of which
I order that the present serve them as a
Title and that after the copy be taken
in the proper register it be delivered to the
interested for their security and other ends.

Given in Monterey the 20th of
April 1835 -

(signed)

Jose Castro,

(signed)

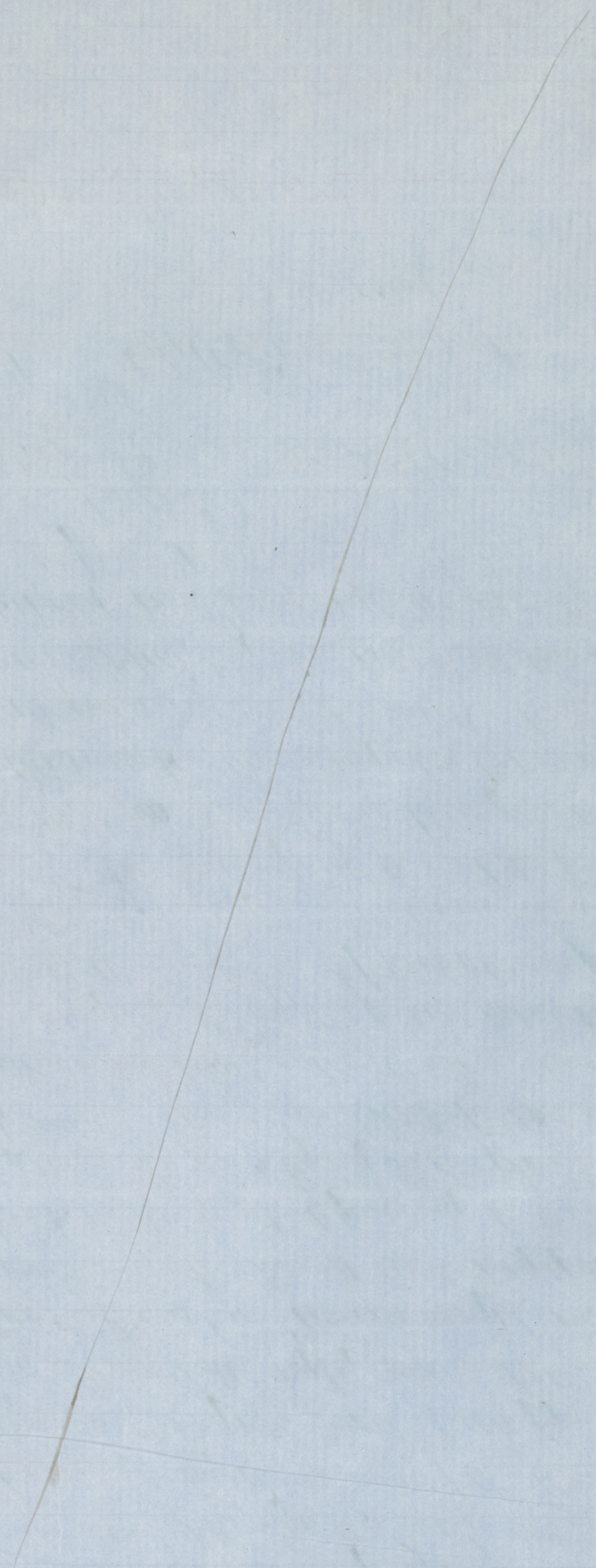
Francisco Castillo Negro,
Secy.

Filed in Office July 14. 1853.

(signed)

Wm Fisher Secy.

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Maria Antonio Cruz
vs
The United States
Claim for a
Plan called
Cayuda de los
Sancetas -
Los Angeles Co.,
Containing 1/4 of a sq
league.

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Opinion
of
Comm.
Simpson.

The only Evidence offered in support
of this claim is a traced copy from the
Archives of the Mexican Government in
California certified by the U.S. Surveyor
General for this State purporting to be
the copy of a grant made by Gov Jose
Eusebio on the 20th of April 1835 to Jose
Ma. Casio and Jose Cruz -

No proof of the execution
of the grant or of any possession or occupa-
tion under it by the grantees is offered.

But even if the grant
was proved there is no evidence by which
the present claimant is shown to be con-
nected with it in any manner.

The claim is unsustained
by the testimony and must therefore be
rejected.

Filed in Office Jan 23. 1855 -

Coyard
Geo Fisher
Deaf

Mario Antonio Cruz
vs
The United States

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W. C. C. C.
no

In this case on hearing
the proofs and allegations, it is adjudged
by the Commission that the claim of
the petitioner is not valid and it is
therefore denied that his application for
a confirmation thereof be denied.

Stephen Ditch

R. Aug. Thompson

S. P. Powell

Filed in Office Jan 23, 1855
C. S. C. C. C. C.
Geo Fisher Secy.

And it appearing to the satisfaction of this Board
that the land hereby adjudicated is situated
in the Southern District of Cal. it is hereby
ordered that two transcripts of the proceedings
and of the decision in this case and of the
papers & records upon which the same are
founded be made out and duly certified by the
Secy one of which transcripts shall be filed
with the Clerk of the U.S. District Court for the
Southern District of Cal. and the other
transcript with 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.

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 *ten* pages, numbered from
1 to 10, 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. 598 on the Docket of the said Board,
wherein *Maria Antonia Cruz* is

the Claimant against the United States, for the place known by
the name of "*Canada de los Pinacates*."



In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Seventh day of *July*
A. D. 1855, and of the Independence of the
United States of America the ~~seventy~~ *eighty*th.

Geo. Fisher
Geo. Fisher

U. S. DISTRICT COURT,
Southern District of California.

No. 270. **270**

THE UNITED STATES,

vs.

María Antonia Cruz
'Ciénaga de las Penacetes'

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TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *598*

Filed, *July 12th* 1855
S. E. Lear
clerk

By A. H. Clark
deputy

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

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Maria Antonia Cruz, } N. 270.
vs. Appellant } (Manuscript N. 598.)
The United States, Appellee } An appeal from
the United States
Land Comm. for Cal.

On Motion of P. Ord Attorney of the
United States for the Southern District
of California, and on showing to the
Court that no notice of intention to
present the appeal in the above en-
titled cause, has been filed according
to law. It is ordered by the Court
that this cause be dismissed.

P. Ord
W. D. C. Atty.

No 270.

U.S. District Court
South Dist of Cal.

Maria Antonia Cruzp.
appell.

v.

The United States
appell.

Motion to dismiss appeal.

Filed Jan'y 25th 1886.

J. E. San
Clerk.

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P. Ord. usally

Office of the Board of Commissioners,

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

San Francisco, July 7th 1855

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C. E. Swan Esq.

Clerk of the U. S. District Court for the

Southern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 598 on the Docket of the said Board, wherein

Maria Antonia Cruz is —

the Claimant against the United States, for the place known by the name of "Canada de los Rincones"

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher