

CASE No.

311

SOUTHERN DISTRICT

LAGUNA DE TACHE GRANT

JOSE Y. LIMANTOUR

CLAIMANT

MAR 21 1963

LAND CASE 311 SD 23 pgs.

PLOVER BOND
25% COTTON FIBER
U.S.A.

TRANSCRIPT

311 SD

PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO.

781

Jose Y. Simantov

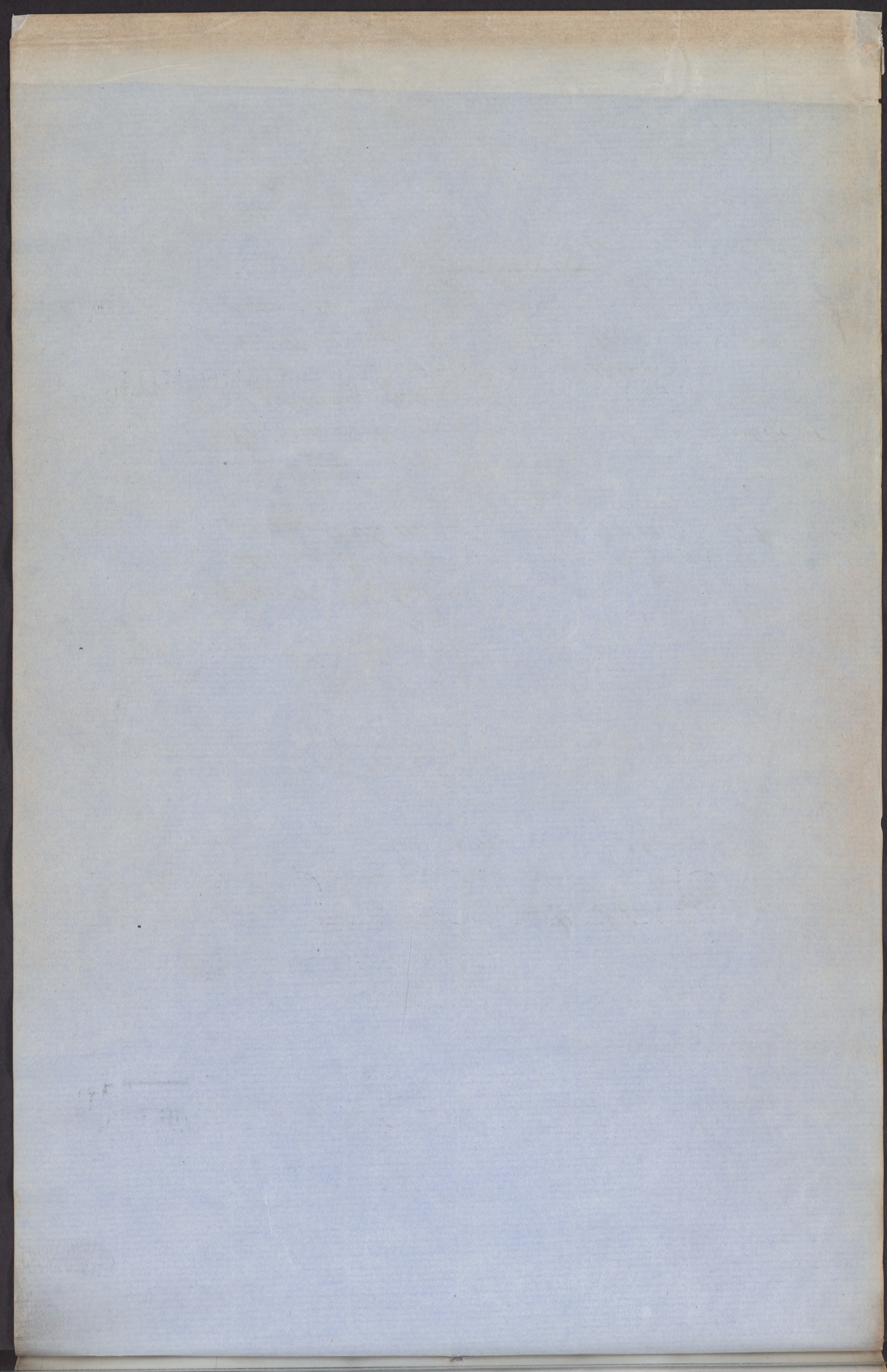
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"*Laguna de Tache*"



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 *second day of March*, 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 *José Y. Simantaur*,
for the Place named
"Laguna de Tache"
was presented, and ordered to be filed and docketed with No. 781, 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 9, 1855.
Case No. 781, *José Y. Simantaur*, for the place named *"Laguna de Tache"*, was ordered to be placed at the foot of the 4th Clap Cases on the Trial Docket.

San Francisco March 20, 1855.
In the same case, the counsel for the Claimant filed the following affidavit, to wit:

(Vide page *5* of this Transcript.)
And the prayer of the petitioner therein was taken under advisement by the Board.

San Francisco March 22, 1855.
Case No. 781 was assigned for hearing on the *3^d* day of April next.

San Francisco April 10, 1855.
Case No. 781 was submitted without argument

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and taken under advisement by the Board.

San Francisco April 24, 1855.

In the same case Commissioner R. Aug. Thompson delivered the Opinion of the Board respecting the claim:

(vide page 11 of this Transcript.)

And the following order was made, to wit:

(vide page 12 of this Transcript.)

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The Honorable Board of Commissioners for

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

Petition.

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Your petitioner Don V. Simantov of the city of Mexico respectfully represents to your Honorable Board, that a certain tract of land was granted to him in the State of California by Don Manuel Micheltona on the fourth (4) day of December one thousand eight hundred and forty three (1843) as will more fully appear by reference to the grant thereof, a copy and translation of which are herewith presented marked respectively B & C.

That the said Don Manuel Micheltona was at the time of making said grant acting Governor of said California under the Government of Mexico, with full and extraordinary powers to make the grant aforesaid. That the quantity of land claimed herein by your petitioner is eleven square leagues (once sitio de ganado mayor) -

That the description, bounds and locality of the said tract of land are as follows to wit: The land known by the name of Laguna de Tache, bounded on the North by Kings River on the East by the neighboring mountain, on the West by said Laguna, and on the South by the River Sonano which descends from the said mountain.

That the said tract of land has not been surveyed by the Surveyor General of the United States.

That your petitioner is not aware of any conflicting claim of the said tract of land known as the Laguna de Tache.

That the said grant of land was made to your petitioner as aforesaid not

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sely as a matter of grace and favor, but in
consideration of valuable services and loans
of money and effects to the Government of
said Mexico in said California.

Wherefore your petitioner prays
his said claim to this Honorable Board and
prays that said Board will pronounce in
favor of the same and will confirm the
validity thereof, and of his right and title
to the said described lands and premises.

Dated at San Francisco, March 1st 1853.

N. W. Chittenden.

Robert Emson.

Attorneys & Counsel for claimant.

Filed in Office March 2^d 1853.

Geo: Fisher,
Clerk

U. S. Board of Land Commissioners for set-
tling private land claims in California -

No 781.

Robert Emmons being duly sworn,
deposes and says that he is claimant's Attor-
ney in a certain cause now pending before
said Board, numbered 781. upon the docket
thereof.

Affidavit

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That the claimant in said cause is
now absent from the State of California, being
as the deponent is informed and believes in
the Republic of Mexico.

That as the deponent is informed &
believes the said claimant has been and now
is detained in said Mexico by reason of the re-
volutionary disturbances now prevailing in
that country; that when said claimant
left California he intended to be only tem-
porarily absent therefrom and to return
therein within a few months after his lea-
ving the same.

That the deponent cannot prepare
the said cause for submission to this Board
without the presence of the said claimant
therein, or without said claimant's written
directions in answer to letters long since
sent to him in respect to the conduct of
said cause, which answers and also the
presence of said claimant the deponent
believes to have been delayed and prevented
by the said revolutionary disturbances.

That the deponent is desirous to postpone
the submission of the said case for at least
three months in order to give further time
for the return of said claimant or for the
receipt of communications from him, re-
spectively the said claims and the conduct

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of the said case.

Robert Simson.

Subscribed and sworn to
before me on this 20th

day of March A. D. 1855.

E. B. Farnell.

Comr.

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Filed in Office March 20' 1855.

Geo. Fisher.

Deey

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

7
Delto Primero Ocho Pesos.

Habilitado provisionalmente por la Aduana
Maritima del Puerto de Monterey en el De-
partamento de las Californias para el año de
mil ochocientos cuarenta y tres.

B.

Grant.

Micheltonna. Manuel Castaneda
Ad.º Milit.º 3
de Monty 3

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El Ciudadano Manuel Michel-
tonna General de Brigada del Ejercito Meji-
cano Ayudante General de la Pluma Mayor
del mismo Gobernador y Comandante General
del Departamento de Californias.

Por cuanto D. Jose Y. Simanton Capitan de la Marina Francesa y arribado en el
Departamento despues de los buenos servicios
y prestamos que ha hecho en dinero y efectos
á este Gobierno ha pretendido para su beneficio
personal el terreno conocido con el nombre de
Laguna de Tache colindante por el Norte con el
Rio de Reyes, por el Este con la Sierra inme-
diata, por el oeste con otra Laguna, y por el
Sur con el Rio cercano que baja de la mis-
ma Sierra segun se plia el diseño que corre
en el Expediente; practicadas provisionalmente las
diligencias y averiguaciones concernientes se-
gun lo dispuesto por leyes y reglamentos de
la materia, usando de las facultades con que
me hallo investido y conforme con la Gran
Suprema de siete de Octubre del presente año
por la que se le concede si otro. Simanton
hincia para adquirir propiedades en este
Departamento a nombre de la Nacion Mexica-
na he unido en consecuencia el mencionado ter-
reno declarandole la propiedad de él por los

presentes letras y bajo las condiciones sig.^{tes}
1^a Podrá disponer del expresado terreno
libre y exclusivamente destinado al uso ó culti-
vo que mas le acomode sin perjuicio de las
tránsitas caminos y servidumbres -

2^a El terreno de que se hace donación
es de once sitios de ganado Mayor. El Juez que
diere la posesion lo hará según conforma á Or-
denanza quedando el sobrante que resulte á la
Nacion para los usos convenientes.

En consecuencia mando que terminada
por firme y valeros el presente título se tome
razon de él en la Secretaria del Despacho y se
entregue al interesado para su resguardo y de-
mas fines.

Dado en Montevideo Capital del Repu-
blicano á cuatro de Diciembre de mil ochocien-
tos cuarenta y tres.

(Firmado) Manuel Nieto

(Firmado) Manuel Jimeno
Frio.

Queda tomada razon de esta concesion en el
libro respectivo.

Jimeno.

Filed in Office March 2, 1853.

Geo. Fisher
Clerk

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First Deal, Eight Dollars.

Qualified provisionally for the Maritime Custom House of the Port of Monterey, in the Department of the Californias for the year one thousand eight hundred and forty three.
Micheltorona. Manuel Costanera.

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C.
Translation.

Ad^a Marit³
de Mont³

The citizen Manuel Micheltorona Brigadier General of the Mexican Army, Adjutant General of the grand staff of the same, General and Commander General of the Department of Californias.

Whereas Don Luis U. Simantour, Captain of the French Marine and a denizen of the Department, in consideration of the valuable services and loans of money and effects that he has made to this Government, has asked for his personal benefit, the land known by the name of Laguna de Tache, bounded on the North by Kings River, on the East by the neighboring mountains, on the West by said Laguna, and on the South by the River Simantour, which descends from the said mountains, as is set forth and described in the map which accompanies the Expediente. The necessary steps and proofs, concerning the same, having been previously taken and made in the matter, as the laws and regulations prescribe, I making use of the power, wherewith I am invested, and conformably to the supreme order of the Seventh of October of the present year, by means wherof is conceded to the said Simantour liberty, to acquire estate in this Department, in the name of the Mexican Nation, have and do grant to him the said land, declaring the fee to be in him

by these presents and under the following conditions:

1st He shall enjoy the said land fully and exclusively, destining it to the use or cultivation that suits him best, without prejudice to the easements, roads and commons.

2nd The land of which grant is made consists of eleven square leagues. The Judge who may give possession shall cause the same to be measured conformably to the ordinance, leaving the sobrante that results to the nation for common use.

In consequence I order that the present title shall be held good and valid, and that the same be registered in the office of the Government Secretary, and be delivered to the grantee for his surety and other purposes.

Given in Monterey, Capital of the Department, this fourth day of December one thousand eight hundred and forty three.

(Signed) Man. Michel.
(Signed) Man. Jimeno.

Register made of this grant in the paper book.

Jimeno.

Filed in Office March 2^o 1853.

Geo Fisher.
Secy.

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No 781 José Y. Simantón)

The United States) Laguna de Tache

Opinion

This claim is wholly without proof and must therefore be rejected

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Filed in office April 24. 1855.

Signed) Wm. Fisher Jcy

No 781 José Y. Simantón)

The United States)

Verdict

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 decreed that his application for a confirmation should be and the same is hereby denied

A. Aug. Thompson)
S. B. Parmell)
Comrs

Filed in office April 24. 1855

Signed) Wm. Fisher Jcy

Order

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And it appearing to the satisfaction of the Board that the long study adjudicated is situated in the Southern district of California it is hereby ordered that two transcripts of the proceedings and of the decisions in this case and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary one of which transcripts shall be filed with the clerk of the United States district Court for the Southern district of California and the other be transmitted to the Attorney General of the United States.

Office of the Board of Commissioners,

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

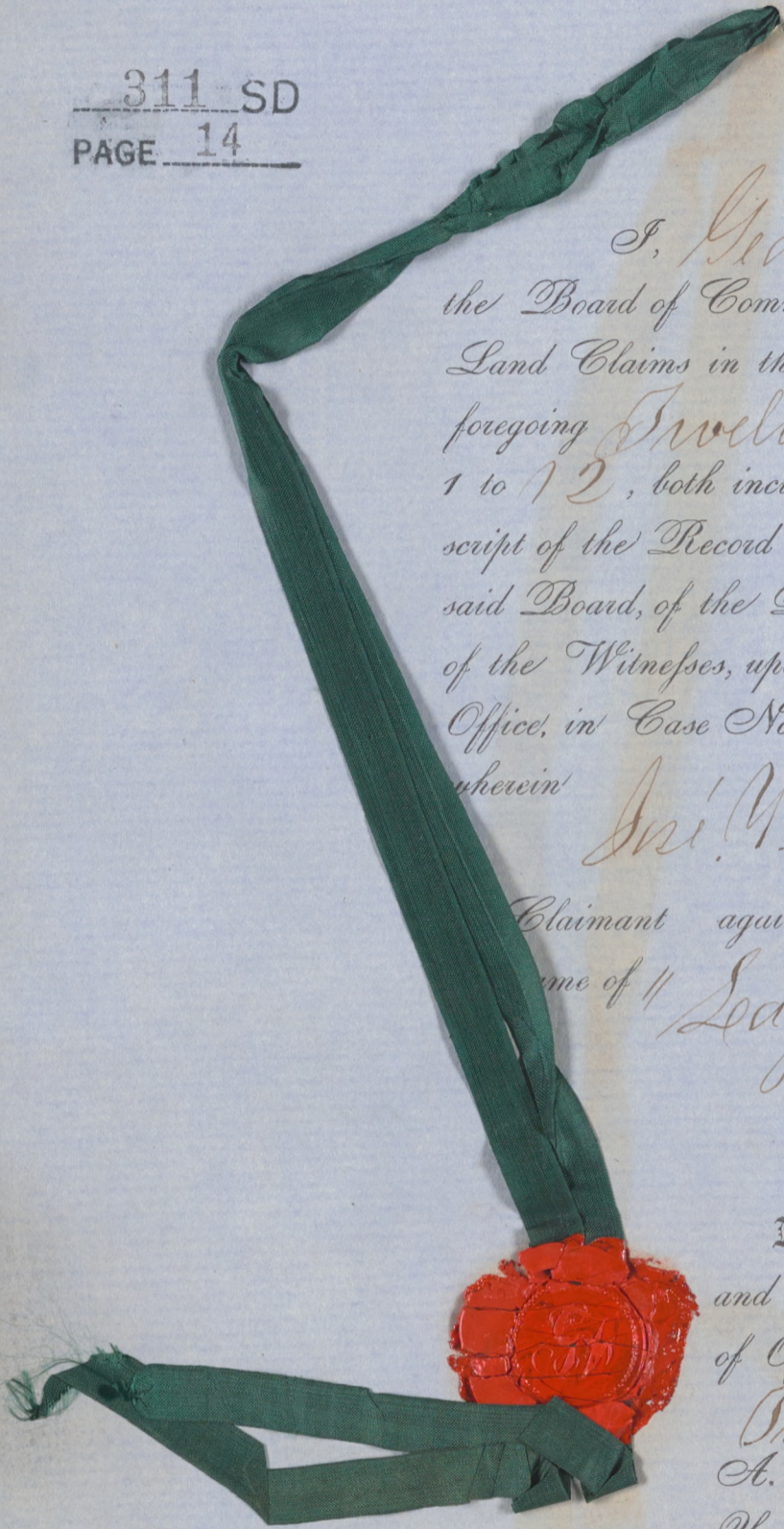
I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Twelve* pages, numbered from
1 to 12, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings 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. 781, on the Docket of the said Board,
wherein

M. V. Simantouris

Claimant against the United States, for the place known by
the name of "Laguna de Tache"

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 *October*
A. D. 1855, and of the Independence of the
United States of America the *seventy-eighth*.

Geo. Fisher



311
U. S. DISTRICT COURT,
San Francisco District of California.

No. 311.

THE UNITED STATES,

311

Jose A. Lomantour
Laguna de Tache,

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *781*

Filed *Oct. 23^d* — 1855.

J. E. San
Clk.

311

United States District Court
Southern District of California

No.

José Y. Limantour

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¹⁷¹
The United States of America

The United States Land Commission
to ascertain and settle private land claims in the State of
California having rendered its decision in the ^{above} case designate
on the docket of said Commission as No. 481 against the
claim and title of the said claimants to the place or
land called "Laguna de Tache" situated in said District.
Notice is hereby given that it is the intention of the
said claimant to prosecute his appeal from the
said decision.

April 15th 1856

Robert Finson
Claimant's Attorney
112 Montgomery St.
San Francisco

To

Charles E. Carr Esq
Clerk of U. S. District Court of the
Southern District of California
Los Angeles
California

U.S. No 311
United States District Court
Dist of California
Jose G. Lemaitre

01
The United States of America
—
Demand Notice of Intention
to prosecute appeal.

781
Saguna de Roche

Filed April 24 1934

J. E. Swan
clerk

J. W. Morgan
Esq

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United States District Court
Southern District of California }

No.

José Y. Limantour

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^{vs}
The United States of America }

The United States Land Commission to ascertain and settle private land claims in the State of California having rendered its decision in the above case designated on the docket of said Commission as No. 781 against the claim and title of the said Claimant to the place or land called "Laguna de Tache" situated in said District Notice is hereby given that it is the intention of the said Claimant to prosecute his appeal from the said decision.

April 15th 1856.

Robert Finson
Claimant's Attorney

112 Montgomery St.
San Francisco

United States Dist. Court
Southern Dist. of California
No. 311.

Jose Y. Limantour

vs

The United States of America

Laguna de Sache

Claimants notice of intention
to prosecute appeal

Filed April 30 1887

C. E. Carr, clk

By J. P. McLaughlin, Depy

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Charles E Carr Esq
Clerk of U.S. District Court for the
Southern District of California
Los Angeles
California

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

Hon. J. S. K. Ogden Judge

Mrs G. Simantour

Appellant

N^o 311.

vs.

The United States.

Trans N^o 781.

Appellee

On Motion of P. Ord United States Attorney,
for the Southern District of California; and
on showing to the Court that the appellant
in the above entitled cause has failed
to file a notice with the Clerk ^{of this Court} of his
intention to prosecute the appeal in said
cause within the time allowed by law;
It is ordered by the Court that the
appeal in said cause be finally dismissed.

P. Ord

Attly

Dec. 17, 1856.

Motion granted

No 311

U.S. District Court

Jose P. Linantera

vs
The United States

Motion to dismiss
appeal

Filed Dec 17th 1889

Ofino
clerk

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Transferred to the
minutes

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

Ever G. Simons

Case No 311

Appellant

vs

"Eugene de Sade"

The United States

Appellee

Manuscript No 951.

Motion

Now comes the said Appellant and moves the Court to vacate the order heretofore made dismissing this case, on the ground that the notice of intention to appeal was not filed in time, and to restore said case to the calendar for trial.

1st. Because it always has been held that the intention of said Appellant to prosecute said appeal.

2nd. Because notice of intention to prosecute the appeal in this case was properly filed before said motion and order to dismiss was made and entered.

3rd. Because said Appellant had no notice of said motion and order.

And the Appellant prays leave hereafter to file in support of this motion, such affidavits

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SD

depositions, exhibits and original documents, as
may be deemed necessary and proper,
Sloan & Hartman

of Counsel for Appellee

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The U.S. District Court
Eastern District

John G. Hancock
Appellee

The United States

Appellee

Motion

Filed in open Court this
8th February A.D. 1888
Robert C. K.
Sloan & Hartman
Attorneys

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Sloan & Hartman
of Counsel for Appellee

No 311

U.S. Dist Court
for Southern Dist California

José Y. Limantour
appellant

vs
The United States
appellee