

CASE No.

279

SOUTHERN DISTRICT

EL ALISAL GRANT

BRUNO BERNAL

CLAIMANT

668

Sup

20

TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *668.*

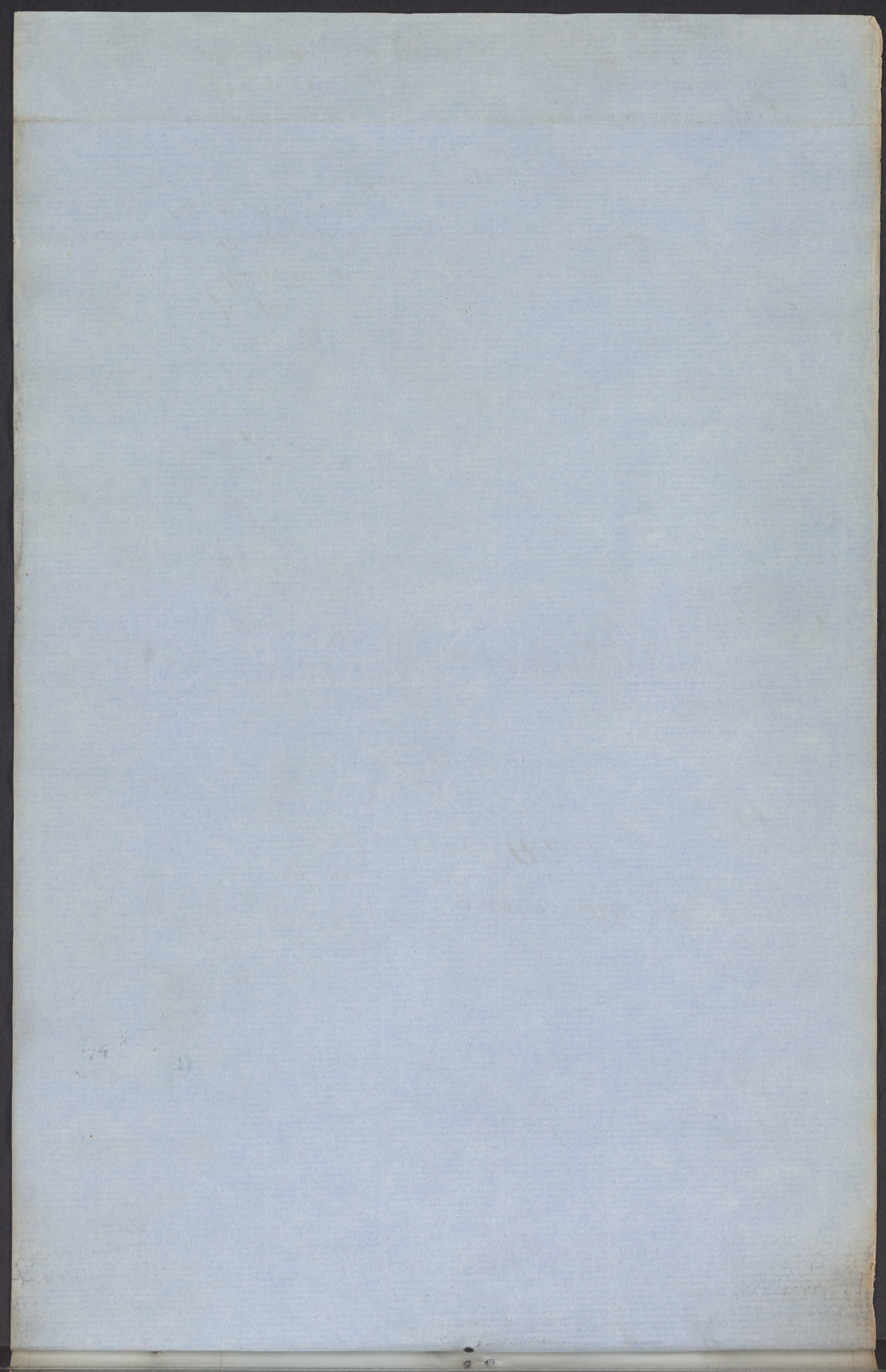
Bruno Bernal CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"El Alisal"



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 *first 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;

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The Petition of *Bruno Bernal*,
for the Place named
"El Alisal"
was presented, and ordered to be filed and docketed with No. *668* 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 April 1st 1853.
In case no. *668*, Bruno Bernal for the place named "El Alisal," the deposition of David Spence, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, with document marked *H. J. T. No. 1* and translation thereof marked *B*, annexed thereto, was filed;

(Vide page *5* of this Transcript.)

San Francisco October 21st 1853.
In the same case the deposition of *Wm E. P. Hartnell*, a witness in behalf of the claimant, taken before Commissioner Thompson Campbell, was filed;

(Vide page *7* of this Transcript.)

San Francisco October 31st 1853.
Case no. *668*, on motion of the counsel for the claimant, was ordered to the foot of the Docket,

San Francisco November 4' 1853.

In the same case the deposition of Feliciano Soler-
anes, a witness in behalf of the claimant, taken
before Commissioner R. Guy. Thompson, was filed;

(Vide page 1 of this Transcript)

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PAGE 3

San Francisco January 5' 1854.

In the same case the deposition of Francisco Arce,
a witness in behalf of the claimant taken before
Commissioner Alphens Felch, was filed;

(Vide page 8 of this Transcript)

San Francisco January 9' 1855.

Case no. 668 was submitted without argument
and taken under advisement by the Board,

San Francisco January 23' 1855.

In the same case Commissioner R. Guy. Thompson
delivered the opinion of the Board concerning
the claim:

(Vide page 33 of this Transcript)

And the following order was made to wit:

(Vide page 36 of this Transcript)

To the Honorable Commissioners to settle ^{Justice} Lands in California.

The petitioner Bruno Bernal respectfully represents: That on the 26th day of June A D 1834 Jose Figueroa Governor of California by virtue of authority in him vested granted to Feliciano and Mariano Soleranes the title of land called "El Alisal" situate in the County of Monterey containing One and a third square leagues of Land, More or less, with the boundaries described in the grant, which was previously approved by the Deputation of California, and the judicial possession given in due form in December A D 1834 all of which is fully shown by the original title papers submitted herewith and marked "A" with translations marked "B"

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That on the day of A D 18 the said Feliciano and Mariano Soleranes sold and conveyed the said land to Juan B Alvarado;

That on the 16th day of August A D 1852 the said title of land was sold and conveyed in due form of Law, to the petitioner by the Sheriff of Monterey County, as shown by the original deed of conveyance submitted herewith and marked "C"

That those acres whom he holds, have been for some twenty years, and that the petitioner now is in the quiet and peaceable possession and occupation of said tract of Land, and that he knows of no conflicting claim.

That he relies for Confirmation of title upon the original papers submitted herewith, upon the Archives of the former Governor Monte of California and upon such other and further testimony as he may be advised is necessary.

Wherefore he prays the Commissioners to confirm to him the aforesaid tract of land
By his Attorneys

Attestock Peachy & Billings

Filed in office March 1. 1853

Geo. Fisher Secy

Recorded in
Vol 2 of Petitions
on page 51
Geo. Fisher
Secy

4

2



1875
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Deposition of
Lucia Spence

San Francisco April 1st 1853

On this day before Com^r Harry J. Stanton came
Lucia Spence a witness on behalf of the claimant
Bruno Bernal petition No 668 and was duly
sworn his Excellency being given in English.

In answer to inquiries to Counsel
of claimant the witness testified as follows

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PAGE 5

My Name is Lucia Spence my age is nearly 55
years: I reside in Monterey and have resided in
California 29 years.

I am acquainted with the
signatures of Jose Teodoro Aguilera, Agimorano
Manuel Jimeno, Casarin, Feliciano Solerano, Man-
ano Soleranes, Manuel Beaton Jose Castro &
William E. P. Hartsell having often seen them write
their signatures to the title papers attached to this
deposition & make believe Exhibit No 1 are their genuine
signatures of

I am well acquainted with the Land
described in these papers M & J Soleranes occupied
it when I first ~~know~~ came into the country & before this
title was given - They continued to occupy it with
houses and stock until 1838/39 when they sold
to Alvarado - He and those holding under him have
occupied it ever since - It is generally used as
a cattle farm, but potatoes have been cultivated
the vineyard etc etc

I was present last year when it
was sold under Execution to the present claimant
L. Spence

Subscribed and subscribed before
me this 1 April 1853

Harry J. Stanton Com^r &c

Filed in Office April 1. 1853

Geo. Fisher Secy

Recorded in Ev. B Vol of 675

Geo. Fisher Secy

Deposition of
Feliceano Soleranos

Case No. 668

Office of the Board of Commissioners &c &c

On this day before Wm R Aug Thompson came
Feliceano Soleranos a witness in behalf of claimant
Bruno Bonal No. 668 - who after being duly sworn
deposed as follows

Testimony in behalf of claimant

Present Halleck Atty for claimant and R Greethors
Esq. Associate Law Agent

Witness states his name
to be Feliceano Soleranos his age sixty five years
and residence Monterey County - he has resided
in California ever since his birth

Question by claimant's Atty. Do you
know the Rancho called "El Alisal" claimed by
Bruno Bonal in this case - if so state what you
know of its occupation and sale.

Answer. I know the Rancho
it was first occupied by me and my Mother
Marciano in 1821 - In 1823 we received a provisional
title from Gov. Arguello - Gov. Figueroa afterwards
gave us a full title - We continued to occupy
it until 1840 when we sold it to Juan Bonifacio
Alvarado - The deed of sale was made before
the Alcalde Simen busto. Simen busto is
now dead

The deed of sale was signed by me
and my brother Marciano in presence of said
Alcalde and made in the usual form

Feliceano Soleranos

Sworn to and subscribed
before me Nov. 4 - 1853

R Aug Thompson Com

Taken in office Nov. 4. 1853

Geo. Fisher Secy

Recorded in Ev. B Vol 3 p 356

Geo. Fisher

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Deposition of
W. E. P. Hartnell

Office of the Board of Commissioners de. de. de.

This day before Comr. Thompson Campbell came
Wm. E. P. Hartnell a witness in behalf of Bruno
Bunel claimant in case No. 668 who after
being duly sworn deposed as follows

What is your name age and place of residence
My name is W. E. P. Hartnell I am fifty
five years of age and I reside at Monterey

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PAGE 7

Do you know the Rancho called El Alisal
claimed by Bruno Bunel, if so, where is it
situated, and what you know about its
Occupation

I know the Rancho very well, it is
situated about twenty two miles from
Monterey. It has been occupied since the year
1824 a little more or less by Feliciano & Mariano
Soleranos, they afterwards sold it to Bartolome
Alencado, and it was afterwards mortgaged by
Alencado and sold at Sheriff's Sale to Bruno
Bunel who is now in possession of the same
Soleranos built two or three houses, and occu-
pied it with cattle, and sowing and
raising - Alencado built another large house
planted a vineyard and stocked it with cattle
Bruno Bunel has now upon it from eight
teen hundred to two thousand head of cattle

W. E. P. Hartnell
Associate Law Agent present
Sworn to and subscribed before
me this 21st day of October A. D. 1853

Thompson Campbell Comr

Filed in Office Oct. 21st 1853
Geo Fisher Secy

Recorded in Ev. B Vol. 3 p 277
Geo. Fisher Secy

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Deposition of
Francisco Acee

Office of the U. S. Board of Land Commissioners
San Francisco Aug 5th 1854

This day before Commissioner Alpheus Felch came
Francisco Acee a witness in behalf of Claimant
Bruno Bernal petitioner No. 668 and being duly
sworn his evidence being given in Spanish was
interpreted by the Secretary as follows

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Questions by Mr Halleck Atty for Claimant

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

Answer. My name is Francisco Acee my
age thirty years and I reside at Santa Clara California

2nd Question. Do you know the Rancho called "El Alisal",
if yes, where is it situated?
Ans. I know the Rancho. It is situated
in the County of Monterey

3rd Quest. When did you first know it and who then
were on it?

Ans. I have known it fifteen years -
when I first knew the place Juan Soleranes
and Mariano Soleranes were living on it

4th Quest. To whom and when did they sell it?

Ans. They sold it to Don Juan Bautista
Alvarado in the year 1840

8th Question. Do you
know what became
of that deed of sale?

5th Quest. Did you ever see the deed of sale?

Answer. It is lost.

Ans. I have seen it. I saw it the same
year of the sale, and a few days after the sale
took place

9th Question. Have
you as Agent of Bruno
Bernal exercised all
due diligence to find
it?

6th Quest. Was it signed by the Alcalde
and his Secretary, if so, who were they?

Answer. I have

Ans. It was signed by the Alcalde and
his Secretary & in accordance with all the regular

15th Question. Have
you asked Alvarado
for it?

7th Quest. Have you at that time in the employ of
Alvarado?
Ans. I was

Answer. I have
and he replied
that it

1st Quest. Were you at that time in the employ of
Alvarado?

Answer. I was

* was lost with all the rest of the papers relative

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x was lost with all the rest of the papers relative to the Rancho.

11 Greenstein, who lives on same Rancho at the present time.

Answer Don. Bruno Bernal

Francisco Arce

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Mr. Greenhow Associate Secy of court was present at the taking of this deposition but propounded no questions

Witnesses read and sworn to before me this fifth day of January A D 1854

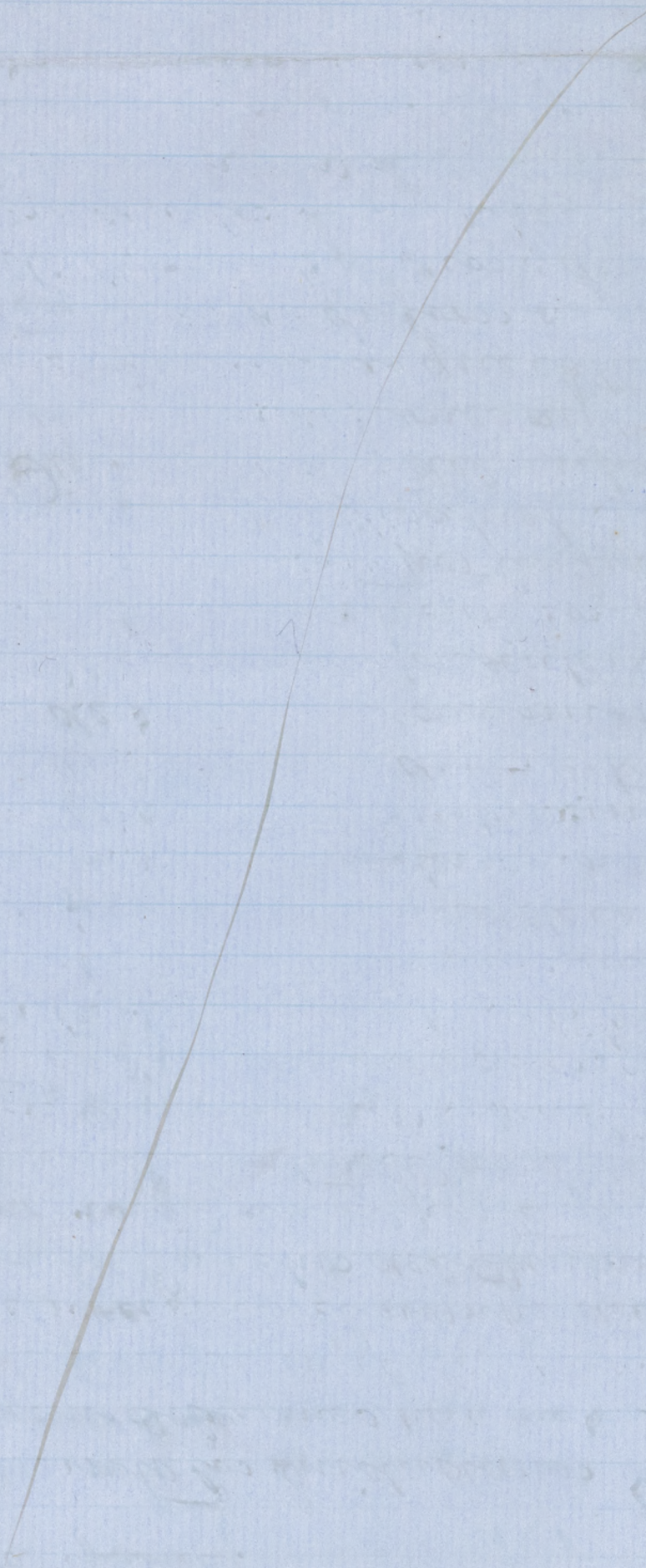
Alpheus Felch
Commissioner

Filed in Office Jan'y 5th 1854

Geo. Fisher Secy

Recorded in Ev. B Vol 3 p 666

Geo. Fisher
Secy



114
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11
Dello numero seis pesos.

Title, Approval Habilitado provincialm^{te} por la Adminis-
tracion judicial de la Aduanca Maritima de Man-
possession. Terey para los años de mil ochocientos hem
Exhibit No. 1. by y enatuy mil ochocientos treinta y cinco
to the Depo. of Agueros. Rafael Gonzalez.

David Opence

taken in the José Figueroa. General de Brigada de
668. H. S. T. la republica mexicana, Comandante General
Apr. 1^o 1853 Inspecta y Jefe superior politico del territorio
Geo. Fisher de la Alta California.

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Sello Por cuanto los Ciudadanos Felicia
no y Mariano Soleranes han pretendido
para su beneficio personal y el de su fami-
lia el paraje conocido con el nombre del Mzal
colindante con los Ranchos del Causal, Sta-
cion y Buenavista, con la parte que ceden
à Don Guillermo C. Hartwell, acia el mata-
dero del Encinal, y con la guerra, practicadas
previamente las diligencias y averiguacio-
nes correspondientes segun lo dispuesto por las
leyes y reglamentos, usen de las facultades
que me son conferidas à nombre de la nacion
Mexicana he venido en concederles en decreto
del diez y ocho de Mayo del año proximo pasa-
do y modificado à peticion de los interesados
en diez y nueve de Diciembre del mismo año
la propiedad de el por las presentes. Q^{ta}
entendiendose dicha concesion con entera
conformidad à lo dispuesto por las leyes à re-
serva de la aprobacion ò desaprobacon de
de la Coena Diputacion y del Supremo
Gobierno y bajo las condiciones sig^{tes}.

1^a Que se someteran à las que establieis
el Reglamento que se ha de formar para la
distribucion de terrenos Baldios y que en te-
tanto ni los agraciados, ni sus herederos pro-
cham dividan ni enagenar el que se les ad-
judica: imponer censo, ni en lo fianza
hipoteca ni otro gravamen aunque sea pro-
cessa piedad ni pasarlo à manos muertas
2^a Que no se pueda en perjudicar las tra-
veccas, caminos y servicios. lo dispu

M.S.

para lino y coelivam^{te} destinandolos al uso de cultivo que mas le acomode; pero dentro de un año à lo mas fabricara casa y estara habitada.

3^a Quando se les confirme la propiedad solicitaran del juez respectivo que les de posesion juridica en Virtud de este despacho por el cual se demarcaran los linderos en cuyos limites por ahora à mas de las mohoheras algunos arboles frutales ò silvestres de alguna utilidad.

2^a El terreno de que se les hace donacion es de un sitio y un tercio de ganado mayor no como se explica el diseño que corre en el Expediente y lo es en favor en favor del citado Hartwell. El juez que diere la posesion lo hara mediando conforme à Ordenanza para señalar los linderos quedando el sobrante que resulte à la Estacion para los usos convenientes.

4^a Si contuviere à estas condiciones perdiera su derecho al terreno y sera denunciado por otro.

En consecuencia de lo que sirvieron de titulo el presente teniendo se por firme y valiendo se tome razon en el libro à que corresponde y se entregue à los interesados para su resguardo y demas fines. Dado en Monterey à veinte y seis de Junio de mil ochocientos treinta y cuatro. Jto.

Lozè Figueroa Agustín V. Zamorano
Queda tomada razon en el libro de cien-
tos de titulos sobre adjudicacion de ter-
renos à fojas treinta y tres numero treinta
y uno q. oha en la Secretaria de mi cargo
Monterey Junio veinte y seis de mil ochocientos
treinta y cuatro.

3. Sello tercero. } Zamorano
Dos Reales. }

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos

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veintay cinco
 Figueroa

Rafael Gonzalez

(Jello) Dada cuenta à la Excelentissima
 Diputacion en sesion de quince del
 corriente con el dictamen presentado
 Exhibido. 1. continuado en ochos del mismo aprobò las dos proposi-
 ciones en que concluye y son del tenor si-
 guiente. primera. Se aprueba la consecucion
 hecha en favor de los ciudadanos Feliciano
 y Maricino Soberanes del paraje nombrado
 el Alizal por decreto de diez y ocho de
 Mayo de mil ochocientos treinta y tres y re-
 formado por decreto de diez y nueve de di-
 ciembre del mismo año.

Segunda. Se aprueba la consecucion hecha
 en favor de Don Guillermo Eduardo Hart-
 well de la parte del terreno del paraje que
 se le concedio por decreto de diez y nueve de
 Diciembre de mil ochocientos treinta y tres
 de que habla el articulo anterior.

En consecuencia se devuelve el expediente
 al señor Jefe superior politico para su
 curso.

Monterey diez y seis de mil ochocientos
 treinta y cuatro.

José Maria Maldonado. Secretario
 Monterey Julio veinte y cuatro de mil ochocientos
 treinta y cuatro. En Vista de la apro-
 bacion otorgada en diez y seis del presente
 mes por la Excelentissima Diputacion
 Territorial: Librese testimonio de ella y
 de este Decreto à las partes de los ciudada-
 nos Feliciano y Maricino Soberanes y
 de Don Guillermo Eduardo Hartwell en
 confirmacion de la consecucion del terreno
 alizal que obtuvieron por decreto de diez
 y nueve de Diciembre de mil ochocientos
 treinta y tres que reformò el de diez y
 ocho de Mayo del mismo año. El señor
 D^o José Figueroa general de Brigada
 comandante general Inspector y Jefe
 superior politico de la Alta California
 asi lo mandò decreto y firmò. de que doy

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pe. Dño
José ^{de} Figueroa # Agustín V. Zamorano.
Con cuerda à la leta con su Original de
cual hize sacar el presente testimonio
para resguardar y demas fines de la parte
de los ciudadanos Feliciano y Mariano
Soberanes (Don Guillermo Eduardo Hart
nell en Monterey à veinte y cuatro de Ju-
lio de mil ochocientos treinta y cuatro.
siendo testigos los ciudadanos Bonifacio
de Madariaga y ^{de} Armeriseo de Manzo
de esta vecindad.

En testimonio de Verdad Dño
José Figueroa # Agustín V. Zamorano

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Sello tercero Sello Dos Reales:
para los años Sello de mil ochocientos
veinte y seis y Sello ochocientos veintisiete

Sello Don. Alcalde Constitucional
Los Ciudadanos Feliciano y Ma-
riano Soberanes ante V. d. señ. Que
habiendo obtenido la consecion pro-
pia de las dos terceras partes del
terreno conocido con el nombre de El
Alizal con ~~la~~ ^{la} exclusión del terreno
q. comprende desde la Loma en
frente de la Casita Antigua del
B. Aguilar, hasta el Of. de Agua
donde antes abra presa inclusive
ocurren ante V. p. a q. de ~~corra~~ dar
les la posesion juridica conforme
esta prevenido en el Art. 2.º del Ti-
tulo de dho terreno. q. se le espicio.

en que debida m.ª a compan
è igualmente la confirmacion respect
ba para q. todo obre los efectos deseados
p. d. a. V. suplicamos se sirva ponerlos
en la posesion q. solicitam en lo q. recib
rem just.ª J. C.

Monterey 30 de Octubre de 1834
Feliciano Soberanes # Mariano Soberanes
Monterey 1.º de Dic. de 1834
En virtud de la antecedente solicitud

procedase por mi el presente juez a la mi-
 -dicion señalamiento de linderos y posesion,
 que solicitan los interesados en este caso.
 Cuchibá No. 1 diente señalándose p^a efectuarlo el día
 diez y Ocho de Diciembre del corriente año
 Continuó el para lo que se citaron con Voleta de com-
 parendo a los colindantes. Así yo el Juez
 de primera instancia lo decreto mande y
 firmé con los de mi asistencia con quienes
 actúo en la forma establecida. Day fee
 Deaso: Manuel Jimeno Casarín. Deaso
 Man: Butron #

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En la fha presente Don Mariano y Felicia
 no Soberanes se les notificó el auto que
 antecede y de el entendido dijeron: lo
 oyo que se le oyo por citados y firmaron
 con mi go y los testigos de asistencia
 Casarín # Mariano Soberanes #
 Feliciano Soberanes # Man: Butron

En la fha celebraron los Voletas que se
 manden en el Antecel. Auto y para que
 conste lo rubrique.

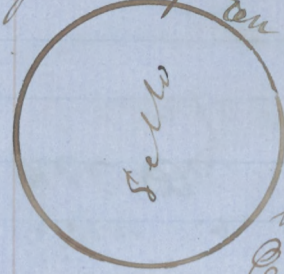
En el Rancho del Alizal a los diez y ocho
 días del mes de Diciembre del año de
 mil ochocientos treinta y cuatro en cumpli-
 miento del auto de primera del indicado
 mes y año concurrieron los ciudadanos
 Mariano Cotada José Castro, Manuel Bu-
 tron Guillermo Eduardo Hartuell, colni-
 dante de este Rancho y Emeterio Espinosa
 con poderes bastantes por parte del Ran-
 cho Nacional y citados para la medición
 señalamiento, de linderos y posesion nombre
 por mediadores a los ciudadanos Vicente
 Cantua y Casimiro Dotó quienes previa
 la aceptación y juram^{to} poro cedieron
 al desempeño de su encargo. Así yo el
 juez mencionado lo decreto, mande y
 firmé con los de asistencia. Day fee

Deaso: Manuel Jimeno Casarín
 José Castro # Manuel Butron

Sello Tercero para los años de y seis y ochocientos

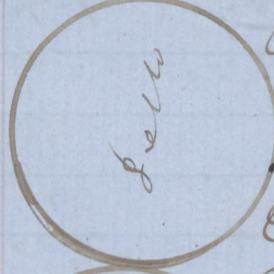


Dos Reales. mil ochocientos veinte y siete

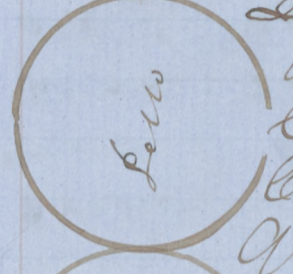


En la pta de las notificaciones el auto que ante sede a los colindantes y entendidos dijeron: que lo oyeron y firmaron no habiendolo el mencionado Ametaw Espunosa por no saber lo hizo yo con los de mi asistencia. Doy fei

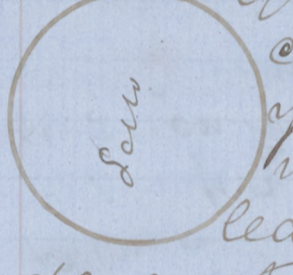
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Casarin. Man: Puton Jose Castro # Guillo. Ed: Hartuel



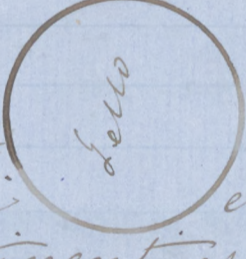
En la pta y en el expresado Rancho se les notifico el auto en el que aparecen nombrados medidores a los Ciudadanos Vicente Cantua y Casimiro Doto, y entendidos dijeron que aceptan y aceptaban dicho m-



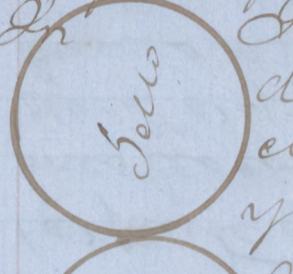
cargo y juraron por Dios nuestro señor y la señal de la Santa Cruz de noarlo pie y legalmente a todo su leal saber y entender sin dolo pava de contra persona alguna, firmandolo con m. Doto, por que Cantua dijo no saber lo hace yo con los de Asistencia

Manuel Amerio Casarin De assa. Casimiro Doto # Manuel Puton Jose Castro.

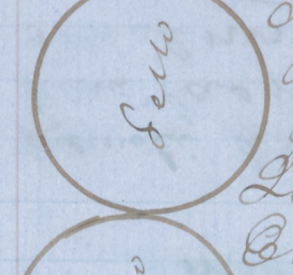
B. Sello Tercero para los años de y seis y ochocientos



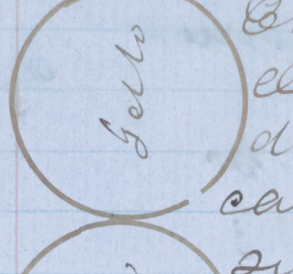
Dos Reales. mil ochocientos veinte y siete



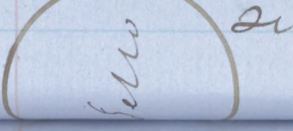
Incontinenti yo el referido Dizez mande traer a mi presencia el Cordel con que se han de medir las tierras y que los medidores lo midan de cien Varas y lo firmé con los de asista.



De assa. Casarin. De assa. Jose Castro # Juan Puton



En la misma y en presencia de mi el referido juez los expresados medidores tomaron un Cordel de Me cate y con una Vara de medir usual Mexicana tomandola en



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Exhibido
1. Continúa

La mano midieron cien Varas para ha-
cer la referida medicion y para que conste
cualquiera.

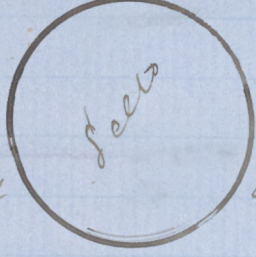
En la misma y en el referido Rancho siendo como
caso de la mañana. Yo el presente Alcalde
mande à los medidores nombrados se pongan
para las medidas del todo el terreno conocido
con el nombre del Alizal y dividido despues
la parte que à los mencionados señores Sobere-
nes les correspondia para que tomen posesion
de ella y puestos en el Encinal de las tres
bucos situado en el parage llamado el Ma-
radero del Encinal se contemplaron doce
corderos rumbo al N. hasta dar con la Sierra,
vuelto à dicha Encina y tomando el Punto
 $\frac{1}{4}$ al N. se midieron cien corderos hasta
una laguna grande. Desde el medio de
dicha Laguna del lado del N. O. rumbo
O. N. O. hasta la punta de la Laguna junto
al Camino real del Alizal se midieron he-
nta corderos. Desde dicha punta rumbo
N. E. hasta el portezuelo, lindero de Manuel
Buiton, se midieron Ochenta corderos. Desde
dicho portezuelo rumbo O. E. se contemplaron
doscientos corderos y hecha esta medicion,
declararon los referidos medidores haver
como dos sitios de ganado mayor. Por conve-
nio mutuo entre los dños Sobereños y el Sr. Bar-
riell se convino en que los linderos de los
numeros fueran. Desde la mediania de la
segunda Cañada despues de la misma ha-
cia la Volledad, tomando una linea de-
cha rumbo N. O. hasta la punta de la
mencionada Laguna, hacia el Cauzal
y desde dicha punta de la Laguna pasan-
do por otra Laguna inmediata y por la que
llaman de la punta hasta la Laguna
del Cauzal, y desde este punto pasando por
el portezuelo lindero de Manuel Buiton
linea recta hasta la Sierra, y desde este
punto pasando por toda la Sierra hasta
parar con el lindero del mencionado Sr.
Barriell que es en la mediania de la segun-

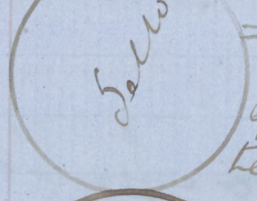
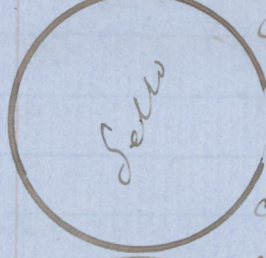
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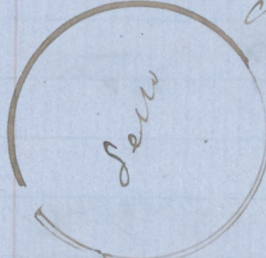
279 SD
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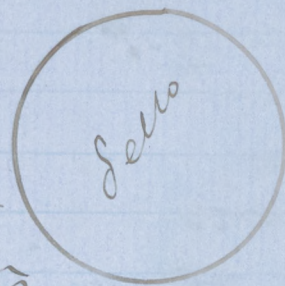
=da Cañada despues de camina hacia la Soledad. Entendienlose que el terreno comprendido al Oriente del Arroyo del Alisal es parte integrante del terreno señalado de dicho Sr. Bartu el Corno consta en sus papeles de posesion. Habiendose hecho el señalamiento de linderos mande formarcu mapeo acro y de chiriqua à un diseño de esta parte del terreno de los Sres Soberanes para constancia y lo firmo p. ante los testigos de asistencia de asoa. Manuel Jimeno Casarin José Castro # De asoa

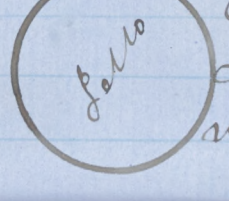
Dello tercero para los años veinte y seis y  Dos Reales: de mil ochocientos ochocientos veinte y siete

 La fha yo el mencionado Juez mandé que en Vista de haverse medido el terreno y haberse echo el señalamto de linderos se pongan en posesion juridica à los Señores D.º Mariano y Feliciano Soberanes y notifique  sellos à los colindantes y firme por ante los testigos de Asist.º doffe

Manuel Jimeno Casarin José Castro # Manuel Buton

 En la misma se les notifico à los colindantes y dijeron lo Oyen y formar on no ha eendido el que representaba por la parte del rancho nacional por que dijo q. no sabia y firme con los de asistencia Casarin # Manuel Buton # José Castro Guill. Col. Hentuel

Dello tercero para los años veinte y seis y  Dos Reales de mil ochocientos ochocientos veinte y siete

 En el Rancho del Alisal (a) Sta. Fe del Carmen siendo como la mañana de la mañana del mismo día

19

Exhib. No. 1. continued

mes y año. Los Señores Mancini y Feliciano
 Sobranes vecinos de Monterey acompañados del juez de primera instancia y testigos con unánime acuerdo dijeron
 dicho tres Sobranes de tomar la verdadera y corporal posesion del parage que se le ha señalado del Alisal por haberles pertenecido con justos títulos que obtuvieron de este territorio de
 pta veinte y seis de junio de mil ochocientos treinta y cuatro y la Aprobacion de la Excm^a Diputacion de pta diez y seis de Julio de mil ochocientos treinta y cuatro. Entraron y pasaron por ellas en rancion yerbas esparcieron pñadas de tierra, rompieron Ramos de los Arboles e hicieron otros actos y ceremonias de verdadera posesion en señal de lo que dijeron tomar y que tomaban de dichas tierras. Formando el citado juez que desde entonces le tubiesen y reconociesen a los mencionados D^{os}, Mancini y Feliciano Sobranes por verdaderos señores y poseedores de ellas. De todo lo referido pidieron los repetidos señores Sobranes que para memoria en lo venidero y conserbacion de sus derechos por mi el juez les fuese extendida una Constancia lo que así fue autorizada conmigo y los testigos de Asistencia con quienes actúo por receptoria por falta de Escribano publico.

Manuel Jimeno Casarin.

José Castro.

9 En la fecha se devolvió este Exped^{te} a los interesados con nueve folios utiles y para constancia lo puse por nota que rubrique.

José Lereño para los años veinte y seis y

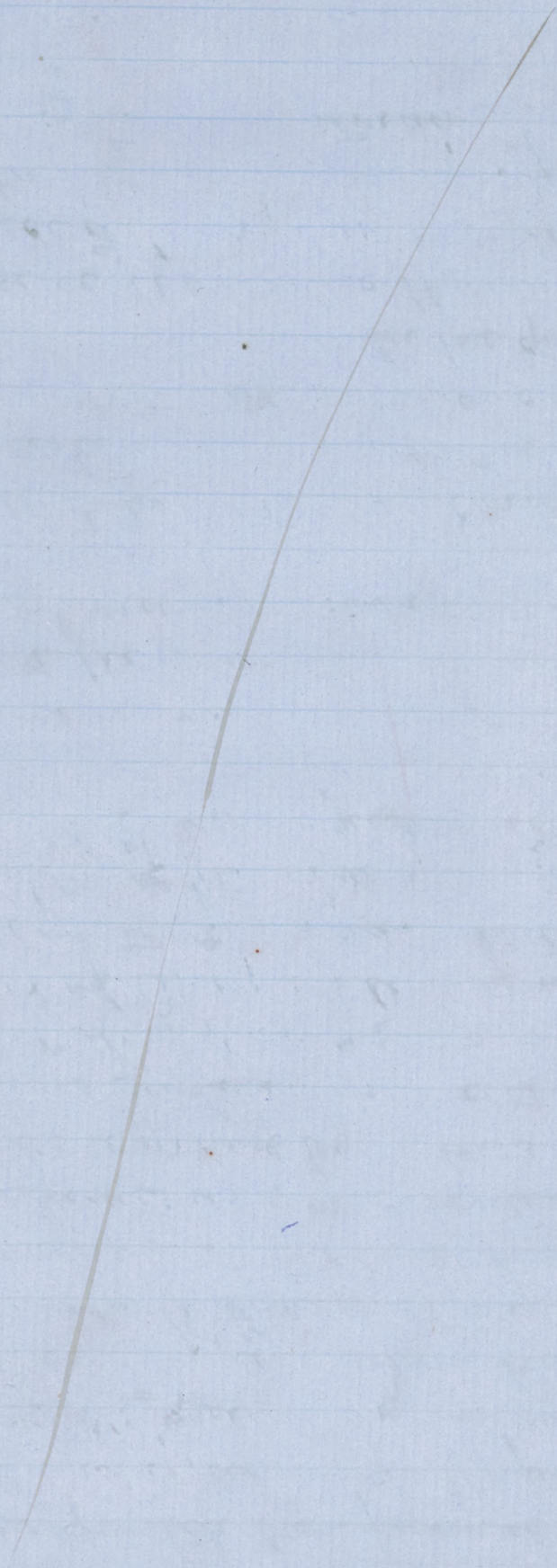
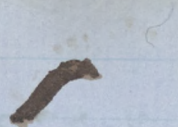
500 Dos Reales: de mil ochocientos ochocientos veinte y siete.

Filed in Office March 10th 1853.

Jos: Leister Secy.

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UPPER 20

2^d Translation of
Grant

Stamp First Six Dollars

Provisionally authorized by the administration of the
Maritime Custom House of Monterey for the years
1834 and 1835

Figueras

Rafael Gonzalez

Jose Figueras General of Brigade of the Mexican
Republic, Commanding General, Inspector and
Superior Political Chief of the Territory of Upper
California —

Seal

Whereas the citizens Feliceano and Mariano
Soberanes have for their own personal benefit and
that of their families, asked for the place known
by the name of Aliquid bounded by the Ranchos
of Sausal, Nacional, and Buenavista, by the part
which they transfer to Don. Gecillamo E. Starnell
towards the "Matadero de Encenal" and by the Sierra;
the proper measures and examinations being previ-
ously made as required by Laws and regulations
using the powers conferred on me, in the name of
the Mexican Nation I have (granted them) in
decre of the 18 of May of last year, and made
final at the request of the parties interested on the
19th of December of the same year, granted them
the Ownership of it by the present letters, such grant
being understood to be in entire conformity with the
provisions of the Laws, subject to the approval or
disapproval of the Most Excellent Deputation and
of the Supreme Government and under the following
Conditions —

1st. They shall submit to those (Conditions) which
will be established in the regulation which is to be
made for the distribution of vacant Lands and
that in the meantime, neither the grantees nor their
heirs can divide or alienate that which is granted
to them; subject it to any tax, entail, pledge, mort-
gage, or other incumbrance, even for pious purpo-
ses (No Comery it in Matman)

2^o. They may enclose it without prejudice to the
croppings roads and servitudes; they will enjoy it
freely and exclusively (and) making such use and
cultivation of it as may best suit them, but within

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within One year they will build a house and it shall be inhabited

3^o When the Ownership is Confirmed to them, They will request the proper Magistrate to give them the judicial possession in virtue of this patent, by whom the boundaries will be marked out, on the limits of which they will place besides the bounds, some Green trees or well Ones of some utility

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4th. The Land of which Donation is made them is One and a third Square leagues, a little less as shown by the Map which goes in the Expediente and the transfer which they make in favor of the aforesaid Indians.

The Magistrate who may give the possession will cause it to be measured in conformity with the Ordinance, in order to mark out the boundaries leaving the surplus which may result to the Nation for its convenient uses

5th. If they shall contravene these conditions, they will lose their right to the Land, and it will be subject to denouncement by another person

In consequence of order that this present serving them for a title and being held as firm and valid, Note be made of it in the Corresponding Book and it be delivered to the persons interested for their security and other purposes

Given in Montney on the Twentieth sixth of June One thousand Eight hundred and thirty four

(Signed) Jose Tiquero
(Signed) Augustin Zamorano
Secretary

Note has been made in the Book of Entries of titles of grant of Lands on Leaf 33 Number 31 which exists in the Office in my Charge Montney June 26. 1834

(Signed) Zamorano

23
Translation
of Approval

Stamp Third Two Reales

Provisionally authorized by the administration of the
Maritime Custom House of Monterey for the years
1834 and 1835

(Sgd) Figueroa

(Sgd) Rafael Gonzalez

Govt Seal. Reported to the Most Excellent Deputa-
cion in Session of the 15th inst. with the report present-
ed on the 8th of the same, it approved the two
propositions with which it concurred, the tenor of
which is as follows:

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- "First. Approved the grant made in favor of
- "Citizens Feliceano and Mariano Sobranes of the
- "place named "El Alisal" by decree of the 18th of
- "May 1833 and reformed by decree of the 19th
- "December (1833) of the same year
- "Second. Approved the grant made in favor of Don
- "Guillermo Ed. Hartness of the part of the Land
- "of "El Alisal" which was granted to him by decree
- "of December 19. 1833 of which the preceding article
- "speaks; and in consequence the Expediente is returned
- "to his Excellency the Superior Political Chief: Jose
- "Mariano Maldonado Secretary.

Monterey July 24. 1834-

In view of the approval given on the sixteenth of the
present month by the Most Excellent Jurisdictional
Deputation; Let a certified copy of it and of
this decree, be issued to the parties Citizens
Feliceano and Mariano Sobranes and Don Guiller-
mo Eduardo Hartness in confirmation of the
grant of the Land "Alisal" which they obtained
by Decree of December 19. 1833 which reformed
that of the 18th of May of the same year -
Senor Don Jose Figueroa General of Brigades
Commandant General, Inspector and Superior
Political Chief of Upper California thus ordered
decreed and signed it, to which I certify

Jose Figueroa - Augustin Zamorano Secretary

It agrees to the letter with its original from which
I caused the present copy to be made for the
security and other purposes of the parties Citizens

Feliceano and Mariano Soleranes & Don. Guillelmo
Eduardo Hartnell, in Monterey on the 24th of
July 1834 - The witnesses being Citizens Donifacio
de Madariaga and Francisco de Araujo of the
neighborhood

In testimony of its truth

(Signed) Jose Figueroa

(Signed) Augustin V. Samano Secretary

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Translation of
Cadastral possession

Stamp Third Two Reales

For the years one thousand eight hundred and
twenty six and eight hundred and twenty seven.

- {Seal for 1828 & 1829}
- {Seal for 1830 & 1831}
- {Seal for 1832 & 1833}
- {Seal for 1834 & 1835}

To the Constitutional Alcalde
Citizens Feliceano and Mariano

Soleranes, before you, say that having obtained
for themselves the grant of two third parts of the
Land known by the name of "El Alisal" enclosure
of the Land contained, from the hill in front of
the Old House of Citizen Aguilar to the Spring of
water where formerly there was a dam, inclusive;
they apply to you, that you may be pleased to give
them the judicial possession as required in the
4th article of the title of Laia Lamed which
was issued on the _____ which they duly
transmit, together with the respective Confirmation
that all may produce the desired effects -

Wherefore they pray you to have the goodness
to give them in the possession they ask for in which
they will receive justice &c.

Monterey October 30. 1834 Feliceano Soleranes
Mariano Soleranes

Monterey December 16. 1834

In view of the preceding
request, I the present Magistrate will proceed to the
measurement, designation of boundaries and
judicial possession, which the persons interested in
this petition request - designating for their perform-
ance the eighteenth day of December of the present
year, for which written summons will be issued
to the Colondantes - Thus I the Judge of the First

First Instance, decreed, Ordered, and signed it, with those of my assistance, with whom I act in the Established form. I certify

Asisting Utiempu Manuel Butin Manuel Jimeno Casarin

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On the Same day present Don. Mariano and Feliciano Soberanes, the preceding act was made known to them, and having understood it they said they heard it and considered themselves summoned and they signed with me and the Asisting Utiempu

Asisting Utiempu (Manuel Jimeno) Casarin Manuel Butin Mariano Soberanes Feliciano Soberanes

On the Same date the written Summons Ordered in the preceding act were issued and in testimony I signed it in Public

(A Public)

In the Rancho of "El Alisal" on the Eighteenth day of the Month of December of the year one thousand eight hundred and thirty four in compliance with the act of the first of the said month and year, they met together Citizens Mariano Estada, Jose Castro, Manuel Butin Guillermo Eduardo Santnee, Colindantes of this Rancho and Esteban Esponosa with full power, on the part of the "Rancho Nacional" summoned for the measurement, designation of boundaries and popisim. I appointed Messrs Citizens Benito Alariza and Casimiro Soto, who after the acceptance and oath should proceed to discharge the duties of their Office. Thus I the aforesaid Magistrate decreed, Ordered and signed it with those of assistance. I certify

Asisting Utiempu Manuel Jimeno Casarin Manuel Butin - Jose Castro

On the Same date the Colindantes were informed of the preceding act, and having understood it they said that they heard it, and they signed, said Esteban Esponosa, ~~was~~ not doing because he did not know how. I did it with those of my assistance. I certify

Manuel Butin Guillermo Eduardo Santnee Jose Castro Casarin

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On the same day and in the presence of the Rancho where
in which they appear, appointed measurers was
made known to Citizens Vicente Cantua, and
Casimiro Soto, and having understood it they said;
that they accept and they accepted said office and
made oath by God our Lord and the sign of the
Holy cross to use it faithfully and legally to the best
of their knowledge and understanding, without
deceit or fraud against any person. Soto alone
signing, because Cantua said he did not
know how to do it with those of my assistance
Assisting Alcaldes

José Castro

Manuel Buitón

Manuel Tomero Casarin

Casimiro Soto

In continuation of the aforesaid Magistrate's Order
in the rope with which the Lomas are to be
measured to be brought into my presence, and
that the Measurers measure off on it one
hundred Varas, and I signed it with those
of my assistance

Assisting Alcaldes

Manuel Buitón

José Castro

Casarin

On the same date before me the aforesaid
Magistrate, the said Measurers took a hair
rope and with a common Mexican Varas meas-
ure, taking it in their hands, they measured
off one hundred Varas, for the purpose of mak-
ing the measurement referred to and in testimony
I sign it in Rubric

(A Rubric)

On the same day and in the presence of the Rancho
being about 8 o'clock in the morning, I the
present Alcalde ordered those appointed meas-
urers to place themselves for the measurements
of all the Land known by the name of "El
Alizal", and afterwards to divide off the part
which corresponds to the said Señores Señores
that they may take possession of it, and placed in
the "Encinal" of the three crops, situated in the
place called "El Malvado del Encinal" twelve
Cadales were estimated in a auction next to
the Señores; having returned to said Encinal

and taking the direction West $\frac{1}{4}$ North one hundred
 real Caudals were measured to a large Laguna,
 From the Middle of said Laguna on the North
 West side, Course West North West to the point
 of the Laguna Near the Main Road of the
 "Alisal" thirty Caudals were measured. From said
 point Course N.N.E. to the Patizuelo, boundary
 of Don Manuel Butron Eighty Caudals were
 measured - From said Patizuelo Course
 S.E. two hundred Caudals were Estimated; and
 this measurement being made the aforesaid
 Measures declared that there was about two
 Square Leagues of Land.

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By mutual agreement
 between the Senor Solorzano and Senor Sarmiento
 it was agreed that the boundaries of the former
 should be: from the middle of the second
 Canada from the mine, towards "La Soledad"
 taking a right line, Course N.W. to the point
 of the aforesaid Laguna as far as "El
 Baesal" and from said point of the Laguna
 as far as passing by (or through) another Laguna
 Near by, and that called ("Laguna) de la Punta"
 as far as the "Laguna del Saesal" and from this
 point passing through the "patizuelo" boundary
 of Manuel Butron, on a right line to the Sierra,
 and thence all along the Sierra to meet the
 boundary of said Senor Sarmiento which is on
 the middle of the second Canada from the mine
 towards "La Soledad", it being understood that
 the Land on the East of the "Arroyo de Alisal" is
 an integral part of the Land set apart for said
 Senor Sarmiento as appears by his papers of
 popisimo.

Having made the designation of
 boundaries, I ordered bounds to be formed, and
 there a Map be drawn of this part of the Land
 of the Senor Solorzano. In testimony, and
 I signed it before the aforesaid Alcaldes
 Assisting Alcaldes Manuel Jimeno Cesarin
 Jose Castro

In the same date I the said Magistrate ordered
 that in view of the Land having been measured

And the designation of boundaries made the
Senores Don Mariano and Telesforo Solerana
be put in judicial possession, and that the
colondantes be notified - And I signed before
the assisting witnesses - I certify
Assisting witnesses Manuel Jimeno Casarin
Jose Castro - Manuel Butin

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On the same date the colondantes were notified and
and they said they heard it and signed he who repres-
ented the "Rancho Nacional" not doing so because he
said he could not and I signed with those ^{of} assistance
Assistance Casarin

Jose Castro. Guillermo Eduardo Martinez
In the Rancho of El Alisal alias Neustria Senores
del Carmen, being about nine o'clock in the
morning of the same day, month and year.
The Senores Mariano and Telesforo Soleranes, res-
idents of Monterey accompanied by the Judge of
First Instance and witnesses, with the intention
as they said of taking the tree and captured
possession of the piece which has been marked
out for them of "El Alisal" it belonging to them
by purchase which they obtained from the
Government of this Territory dated June 16th

Filed in Office
March 1, 1853
Geo. Fisher
Secy

x to the persons inter-
ested on nine
written leaves &
in testimony I
made note of
of it which I
signed in public
(a tree)

1834 - and the approval of the Most Excellent
Deputation dated 16 of July 1834, said Senores
Soleranes entered upon and worked over them
pulled up grass, scattered handfuls of earth,
broke branches of trees, and performed other acts
and ceremonies of free possession in sign of
that which they said they took and when
they were taking of said lands - and I the said
Judge ordered that from that time forth the said
Senores Soleranes should be held and recognized
as true lords and possessors of them - Of all the
foregoing, the said Senores Soleranes payed that
for a future Memorial, and the preservation of
their rights, a testimony of it should be issued
by me the Judge; which was so authorized
by me and the assisting, with whom I act in
virtue of my office for want of a Notary Public
Jose Castro Manuel Jimeno Casarin

On the same date this Expediente was returned x

I certify the forego-
ing to be a correct
translation from
the original Span-
ish document on
file in this Office
Geo. Fisher
Secy

Claim of
Bruno Bern-
nal. So. . .
El Alisal

En el Rancho de los Optos Condado de Monterey del Estado de California a los diez y Ocho dias del mes de Febrero de mil Ocho cientos cincuenta y cuatro yo Mariano Soberanes, declaro y juro que en el año de 1840. vendi. con mi espontanea voluntad a D^{no} Juan B. Alvarado el Tereno y fincas que a mi derecho pertenecian en el El Alisal Rancho del Alisal perteneciente a esta mismo Condado. hoy de la propiedad de D^{no} Bruno Bernal, cuya venta hicimos yo y mi hermano D^{no} Feliciano Soberanes. en aquel tiempo al mismo Sr Alvarado cuyos derechos que tenga y pueda tener los cedo a favor del mismo D^{no} Bruno Bernal.

Asi lo Otorque y firme en el dia mes y año ya referido con dos testigos.

M^{no} Soberanes

Como testigos
James Cree }
Francisco Lopez +

State of California
County of Monterey - S.D.
On this twenty third (23^{ro}) day of February A. D. One thousand Eight hundred and fifty four personally appeared before me C. Records in and for Monterey County James Cree and Francisco Lopez the subscribing Witnesses to the foregoing Instrument each to me personally known to be the same persons whose names are subscribed as Witnesses and they declared to me under Oath that they were each present at the Execution thereof that they saw Mariano Soberanes sign his name thereto and confessed that he executed the same freely, and

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voluntarily and for the uses and purposes therein expressed and they both affixed their names thereto as Witnesses

Given under my hand and Seal of Office this 23rd day of February, 1854.
 J. H. Gleason
 Co. Recorder
 Monterey Co

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Translation

In the Rancho of Los Optos. County of Monterey and State of California this 18th day of February, 1854. I, Mariano Soleranes declare and swear that in the year 1840. I sold of my free Will to Don Juan. B. Alvarado my interest in the land and Appurtenances of the Rancho of El Alisal in the said County and now the property of Don Bruno Bernal which said I and my brother Don Feliciano Soleranes made at that time to the said senior Alvarado and all the Interest which I have or can have in said Rancho I grant to said Don Bruno Bernal

In Testimony of Which I sign and Execute on the day, year and month aforesaid with two Witnesses

Francisco Mee,
 Francisco Lopez } (Witnesses)

M^o Soleranes.

Filed in Office Sept. 15th 1854

Geo. Wishai Secy

31
Deed from
McCoy & Co
to B. Bernal

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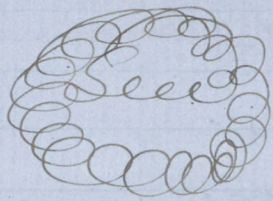
This Indenture made this sixteenth day of August
Eighteen hundred and fifty two between William
Roach Sheriff of the County of Monterey of the first
part and Bruno Bernal of the second part and County
of Santa Clara; Whereas by virtue of a decree and
Order of Sale issued out of and under the seal of
the Hon. District Court Third Judicial District of the
State of California, tested the twenty seventh day of
July A.D. Eighteen hundred and fifty two at the suit
of Clemente Pineda Plaintiff against Juan B Alvarado
defendant, directed and delivered to the said Sheriff
commanding him to sell, a certain Rancho or farm
lying and being in the County of Monterey and
known as the Rancho Alisal, the said Sheriff did
buy on and seize the premises hereinafter conveyed
and described; and on the sixteenth day of August
Eighteen hundred and fifty two sold the said
premises at Public Auction at the County Court
House in the City of Monterey and County aforesaid
having first given Notice of the time and place
of such Sale, by advertising the same according to
Law; at which Sale the said Rancho was
struck off to Bruno Bernal for the sum of Six
Thousand dollars he being the highest bidder and
that sum being the highest sum bid for the
same; Now this Indenture witnesseth that the
party of the first part by virtue of the said decree
and Order of Sale, and in pursuance of the Act
in such Cases made and provided, and in consid-
eration of the sum of money so bid as aforesaid
to him duly paid, hath sold, and by these presents
doth sell and convey unto the said party
of the second part, the following described property
to wit: a certain Rancho or farm lying and being
in the County of Monterey and known as the Rancho
Alisal containing One League and two thirds of
of a League and being about Eight Leagues from
the City or Town of Monterey. To have and to hold
the said described property unto the said party of
the second part his heirs and assigns forever as
fully and absolutely as the said party of the first
part, as Sheriff aforesaid can or ought to by virtue
of the said decree and the Law relating thereto
In Witness Whereof the said party of the

Just part has hereunto set his hand and seal
 this 16th day of August A.D. 1853
 William Roach Sheriff
 By Thomas K Munk's Under Sheriff

State of California }
 County of Monterey }

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On this 17th day of August A.D. 1853 before me
 Recorder of said County came personally
 Thomas K Munk to me personally known as under
 Sheriff of said County, and as the person who
 executed, as Grantor, the foregoing Instrument
 who acknowledged to me that he executed the
 same freely and voluntarily and for the uses &
 with the Authority therein expressed



Witness my hand & official seal
 this day and year last aforesaid
 W. S. Johnson
 Recorder of Monterey County

Filed in Office March 1 1853
 Geo. Fisher Secy

33 Opinion of
Board

Bruno Bernal

vs

The United States

} For 1 1/3 Leagues of Land on
} Monterey Co. part of "El
} Alisal"

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PAGE 31

From the documentary evidence filed in this case and in case No 264 Heus of U. C. P. Hartnell for a part of the same tract confirmed by the Board Oct 31st 1854, it appears that in the Month of June 1834 two grants for the tract of Land called "El Alisal" were issued by Gov. Don Jose Figueroa by which Feliciano and Mariano Sobranes became the Owners of two thirds of the tract, and U. C. P. Hartnell of the remaining third - These grants were both approved by the Territorial Deputation on the 16th of July of the same year, and certificates of the same issued to the respective grantees on the 24th. On the Eighteenth of December 1834 judicial possession of the whole tract was given to the grantees by Manuel Simon - The boundaries marked and the quantity ascertained to be about two square leagues - After this was accomplished the portion granted to Hartnell was by agreement between the parties laid off and asigned to him and its boundaries laid down and described by the Alcalde. The genuineness and authenticity of all these documents are fully established by the Testimony - The conditions of the grant are shown to have been complied with, and the boundaries of the Land are clearly described in the act of Judicial Measurement - In 1840 the grantees Feliciano and Mariano Sobranes sold their portion of the Ranch to Juan B Alvarado. The Conveyance from them to Alvarado is not produced - its loss however is proved and a proper foundation laid for the introduction of Secondary Evidence of its Execution and Contents - This proof is introduced and establishes the sale of the premises and the transfer by proper legal Conveyance from the grantees - The petitioner clears his title by virtue of a deed to him Executed by the Sheriff of Monterey County on the 16th of August 1852 under a Decree of the Justice Court of the 3^d Judicial District of the State of California tested the 27th day of July 1852

By virtue of which the Land claimed was leased
upon and sold as the property of the Suedo Aloumas
and the present claimant being the highest bidder
became the purchaser. This deed properly authentic
located is put in evidence.

The testimony in the case is sufficient to establish
the right of the petitioner to a Confirmation and
a decree will be entered accordingly.

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Filed in Office July 23rd 1855

Geo. Fiska

Seal

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35 Decree

Bruno Bernal }
res }
The United States } Eel Alisal

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the petitioner is valid, and it is therefore decreed that that the same be confirmed. The land of which confirmation is made is situated in the County of Monterey and is known by the name of Eel Alisal being the same which was granted by Gov. Siqueiros to Felipeano & Mariano Soleranes on the 10th of June 1834 now held and occupied by the claimant and bounded as follows, Beginning at a point known as the "Encenal" of the three crops situated in the place called "Eel Matadero del Encenal" and running thence West $\frac{1}{4}$ North 1000 Varas to a large Laguna then from the middle of the North West side of said Laguna, West North West 3000 Varas to the point of the Laguna near the main road of the "Alisal" - Thence N.N.E. to the Potrero boundary to Don Manuel Butin Eight thousand Varas - Thence S.E. to the point of beginning enclosing from said boundary two thirds of a square league heretofore confirmed by the Commission to the heirs of Wm. E. P. Hartnell according to the line of division as laid down in and described in the Act of Jurisdiction measurement and possession filed in the case - to which reference is made for a more particular description and containing One and One third Square Leagues

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Alpheus Felch }
R. A. Thompson }
S. B. Lawrence }
Commissioners

Filed in Office Jan 23rd 1855

Geo. Fisher
Secy

Order

And it appearing to the satisfaction of the Board
 that the same hereby authorized is returned
 in the Southern District of California It is ordered
 that two Transcripts of the proceedings and
 decision 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
 District of California and the other be trans-
 mitted 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.

279 SD
PAGE 35

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 *Thirty six* pages, numbered from 1 to 36, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, Case No. 668, on the Docket of the said Board, wherein *Bruno Bernal* is

the Claimant against the United States, for the place known by the name of "El Alisal."

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

Geo. Fisher



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

No. *279* - 279
THE UNITED STATES,

vs.

Bruno Bernal
v. Alisal

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS,
In Case No. *668*

Filed, *April* 279 1855

J. E. Carr
clk.

279

8/11/18



United States of America
Southern Dist. of California

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Township of Alisal, County of Monterey

Know all men by these presents, that all persons are forbid entering on the boundaries of my rancho of Alisal in the County of Monterey aforesaid, for the purposes of surveying or including any of my lands aforesaid in any such survey, by any person or persons, under the orders of other parties claiming lands in my neighborhood as such maps, papers or surveys or lines drawn will not be acknowledged by me, made now or before this time.

Witness my hand this day of January fifteenth A.D. 1855 by my attorney in fact Francisco Arce.

Bruno Bernal
Pro. Francis Arce

Known to & subscribed to before me at the date above written.

Chas. E. Carr, Clerk
per Alex. S. Taylor
Dpty. Clerk. U. S. Dist. Court
South. Dist. of C. at Monterey

A true Copy
Alex. S. Taylor
Dpty. Clerk
Jr. Jr.

U. S. of America

279 SD

South. Dist. of Cal.

Notice against
trespass of surveyors
to on Alvia al Rancho

Jan'y. 15/55

Filed Jan'y. 16/55

W. L. Taylor

Sgt. Clerk

No 279.

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

The United States, appellant
vs.

Bruno Bernal, appellee

} Transcript No 668.

279 SD

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In this case it being suggested by counsel
for appellee that the Transcript of the Record
from the Board of Commissioners is imperfect,
it is ordered by the court, the District Atty,
being notified and consenting thereto, that
the original Transcript be returned to the office
of the Secretary of the Commissioners by the clerk of
this court, that the said Transcript may be
amended, or that a perfect copy of the original
documents may be submitted to this court.

In this case it having been ordered
by the court that the Transcript be
returned by the clerk of this court
to the Secretary of the Board of Commissioners
for amendment, it is hereby stipulated
and agreed that no rights of the
United States or of the claimant are to
be affected by said order.

Hallam Peachy & Billings
Attys for Appellee.
P. D. B.
Att. of P. S.

Note part of Acres Deposition omitted

No 279

The United States

vs.

B. Bernal

Stipulation & order to
return transcript for
amendment.

Filed Oct 19th 1835

B. S. Jones
Clerk

279 SD

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Office of the Attorney General of the United States,

Washington, 10. October, 1855.

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668. J "H. Alivol"

Bruno General 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 *August*, 1855, the appeal in the district court of the United States for the *southern* district of California will be prosecuted by the United States.

Cantling

Attorney General.

No. 279.

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

The United States, Appels

vs.

Bruno Bernal.

Appeal Notice.

Filed Nov 20th 1855.

J. E. San
C. & N.

668 279 SD

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No. 279

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The United States

appellants (

"

Bruno Bernal

appellee)

The appellee moves for an order annulling the transcript in the above entitled case to the Board of Land Commissioners that the same may be amended: the decree of confirmation becoming null and void and giving a wrong quantity to another line - and the petition for judicial possession appearing to have omitted a whole paragraph.

By his Atty
Hollister & Billing

No. 279

The United States
Appellants

Bruno Berant
Appellee

Motion to send back
hascups.

Filed Aug 4th 1886.
C. E. Carr

H. P. Bellamy
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In the District Court of the United States for the Southern District of California.

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



Bruno Bernal, Appellee
279 SD
PAGE 44
vs
The United States, Appellant.

Docket No. 279.

Transcript No. 668.

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

The Petition of *Pacificus Ord*, a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the ~~19~~ day of ~~February~~ — A. D. 1853, *Bruno Bernal*,

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called *El Alisal* in Monterey in the County of ~~Monterey~~, State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the ~~23~~ day of ~~January~~ A. D. 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the ~~1~~ day of ~~August~~ A. D. 1855, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 668; reference to which it is prayed may be had and made part of this petition. That on or about the ~~14~~ day of ~~August~~ A. D. 1855, the Honorable *Caleb Cushing*, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit:
on ^{or about} the 20. day of November A. D. 1855, the said
Attorney-General of the United States filed, or caused to be filed, in
behalf of the United States, a notice with the Clerk of said District
Court of the United States, that the appeal in said cause from the said
decision of the said Commissioners, in the District Court of the United
States for the Southern District of California, would be prosecuted by the
United States. Your petitioner further represents, that the land claimed,
as aforesaid, is situate in the Southern District of California, and within
the jurisdiction of this Honorable Court. Your petitioner further represents
and insists, that the said claim is invalid; and the said decision of said
Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for
many errors and imperfections of law and evidence, apparent in said certified
transcript of the proceedings and decisions of said Commissioners in said
cause, filed and appealed from as aforesaid. And your petitioner denies all
and singular, each and every allegation in the said petition of said claimant,
presented as aforesaid to said Commissioners. And your petitioner further
denies that the said claimant has any valid right or title to said land claimed
as aforesaid, or any part thereof.

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PAGE 45

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

said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, the said Pacificus Ord, Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the Private Land Claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the ^{said claim} ~~same~~, and decree the alleged title to be invalid: with costs and general relief.

J. P. M.

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

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N. 279.

Filed this 5th January
1857
Clerk
J. H. Coleman
clerk

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

The President of the United States,

TO

Bonno Bernal

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Greeting :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *You* in the District Court of the United States, in and for the Southern District of California, on the *5th* day of *January* in the year of our Lord one thousand eight hundred and fifty-~~two~~ at the City and County of Los Angeles, in said District, by

*P. Post U.S. Atty praying
said Court to review the decision
of the U.S. Land Commissioners of the
1855. confirming your claim
to the Lands called*

„El Alisal in Monterey“

and that *You* are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said Petition, or the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this *10th* day of *January* A. D. 1857.

C. S. Lewis
J. S. Coleman
Clerk

CLERK.

A. D. 279

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

Primo Bonnal appellee
The United States apply
Filed on return this 10th January 1857
William
J. McLaughlin

SUMMONS.

Received *January 10th* 1857

Edward Hunter
U. S. MARSHAL.
PAGE 49
W. M. Goodman
Deputy

Washed Cost

Copying Summons 3
Copying same 3
Printing 3

6.60

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

F. Billings
by him acknowledging service of same

at *Los Angeles*
the *10th*

day of *January* in the Southern District of California, on
A. D. 1857.

Sworn to and subscribed before me, *this*
10th January 1857

William CLERK.
J. McLaughlin
Dep

Edward Hunter
U. S. MARSHAL.
W. M. Goodman
Deputy

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

279 SD

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The United States

Appellants

vs.

No. 279

Bruno Bernal

Appellee.

No. 279.

Transcript from Land Commission, No. 668.

Bruno Bernal, 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 "El Alisal" as set forth
and described in his petition to the
Board of Commissioners and in the
documentary and other evidence filed
in this case is a good and valid title.

The land claimed is situated in
the Southern District of California;

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

Hallett Peach, Billing,
Atty for Appellee.

No. 279

The United States
appellant

v.

Bruno Bernab
appellee

Answer of appellee.

Filed this 13th January
A.D. 1857
J. M. Coleman
clerk

Hallett Pack & Pillsbury
Attorneys

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

Hon. Isaac S. K. Ogier Judge

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December Term 1856

The United States
appellant }
vs. } No. 279
Bruno Bernal }
appellee }

Transcript from the Board of Land Commissioners
No. 668.

This cause coming on to be heard, on
appeal from the decision of the Board of
Land Commissioners to settle private land
claims in California, upon the transcripts
of the proceedings of said Board and
their decision and the documentary
and other evidence upon which said
decision was founded, and counsel for
the respective parties having been heard
therein.

Ordered, adjudged and decreed,
that the decision of said Board of Land
Commissioners, confirming unto the above
named appellee, Bruno Bernal, the land
described and set forth in his petition

to the said Board of Land Commissioners and in the documentary and other evidence taken in this case, be and the same is hereby affirmed, and that the title of the said Bruno Bernal to the said land is a good and valid one.

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The land of which confirmation is hereby made, is situated in the County of Monterey, and is known by the name of "El Alisal", being the same land on the 26th day of June A.D. 1834 granted by Gov. Figueroa to Feliciano and Marianos Gobernantes, and is in extent one and a third square leagues, a little less, and has the location and boundaries as shown by the ^{grant} documents of title; reference being also had to the measurements of Juridical Possession - for further description.

If the quantity of land within said boundaries exceeds the amount of one and one third square leagues, a little less, as mentioned in the grant, then the confirmation hereby made is made to that amount and no more.

- If the quantity within said boundaries is less than the said amount, then the confirmation hereby made is made to the whole tract such ~~less~~ quantity.

Issued & Signed
Wth Jth Jth Judge
for the Sth Divth of Cal

No. 279.

The United States
Appellants

vs.

Bruno Bernal
Appellee

Done.

Affirming decision of
Land Commission
and confirming claim.

Filed this 13th January
1857
C. Siusck
J. A. Halman
clerk

Recorded in page 136

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N^o 279.

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

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The United States }
Appellants } Transcript N^o 668
vs }
Bruno Bernal }
Appellee. } "El Alisal" Monterey County.

Bruno Bernal, being duly sworn deposes and says: that he is the party appellee in the above entitled cause, and is the owner of the tract of land called "El Alisal," as described and set forth in his petition to the Board of Commissioners and in the documentary and other evidence filed in this case; that one of his muniments of title, viz: a deed of transfer from the original grantees, Mariano and Feliciano Soberanes, made and executed in or about the year 1840 to Juan B. Alvarado, has been lost or is destroyed, and that deponent does not know where it is and cannot produce it to this court; that he has made diligent search for it and cannot find it; that while this claim was pending before the United States Board of Commissioners he directed his agent Francisco Arce, to make inquiry and search for it, and that the said Arce could not find it, that he is informed and believes that said document was lost by said Alvarado; that he believes said document of transfer was passed before the Alcalde Simeon Castro in the year 1840, and the

original delivered to said Alvarado, and that
no record of it was made; that said Castro is
dead and has been dead for many years; that
deponent has caused diligent search to be made
among the papers of said deceased Castro and
can find no records of his acts as Alcalde,
and to the best of deponent's knowledge and
belief no such records now exist, if any were
ever made, that after most diligent search
in every place where such papers were likely
to be found, he can find neither the ^{said} original
document of conveyance, nor any record or
official copy thereof.

Sworn to & subscribed by Bruno ^{his} Bernal
before me, this 3rd _{mark}

day of January 1857.

Geo. P. Johnston
U. S. Commissioner

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No 279

In the U.S. Dist court
Southern Dist of Cal.

The United States
appellants

vs

Bravo Bernol
appellee

App of Appellee

J. Field Quincy 2nd 1857
Clerk
clerk

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California Land Claim.
Attorney General's Office
9 Feby 1857.

Mr:

In the case of the claim of
Thomas T. Deval, confirmed to
the claimant by the Commis-
sioners, case no. six hundred and
sixty-eight, (668), appeal will
not be prosecuted by the Uni-
ted States.

I am,

Respectfully,

Clauing

Pacific M Eq
U. S. Attorney
Los Angeles -

No. 279.

Filed 4. March, 1858.
C. Sims to book,
for W. W. Weston,
Dpty.