

CASE No.

359

SOUTHERN DISTRICT

CORRAL DE TIERRA GRANT

H. D. MCCOBB

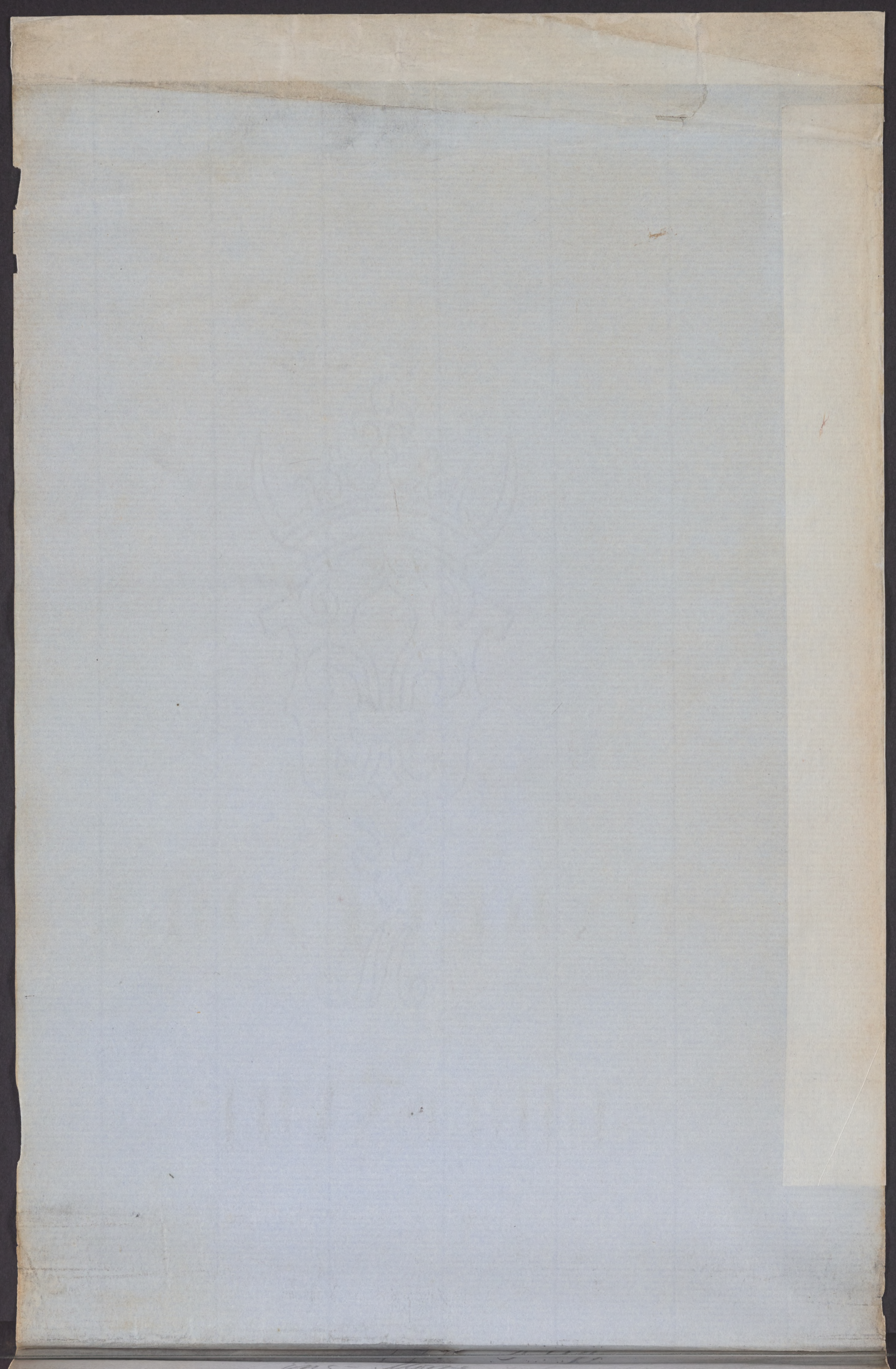
CLAIMANT

MAR 24 1963

Remington
Plover Bond
25% Cotton Fiber
U.S.A.

170

Dep. Map



Eng - Moore

TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *170*

H. D. M. Cobb

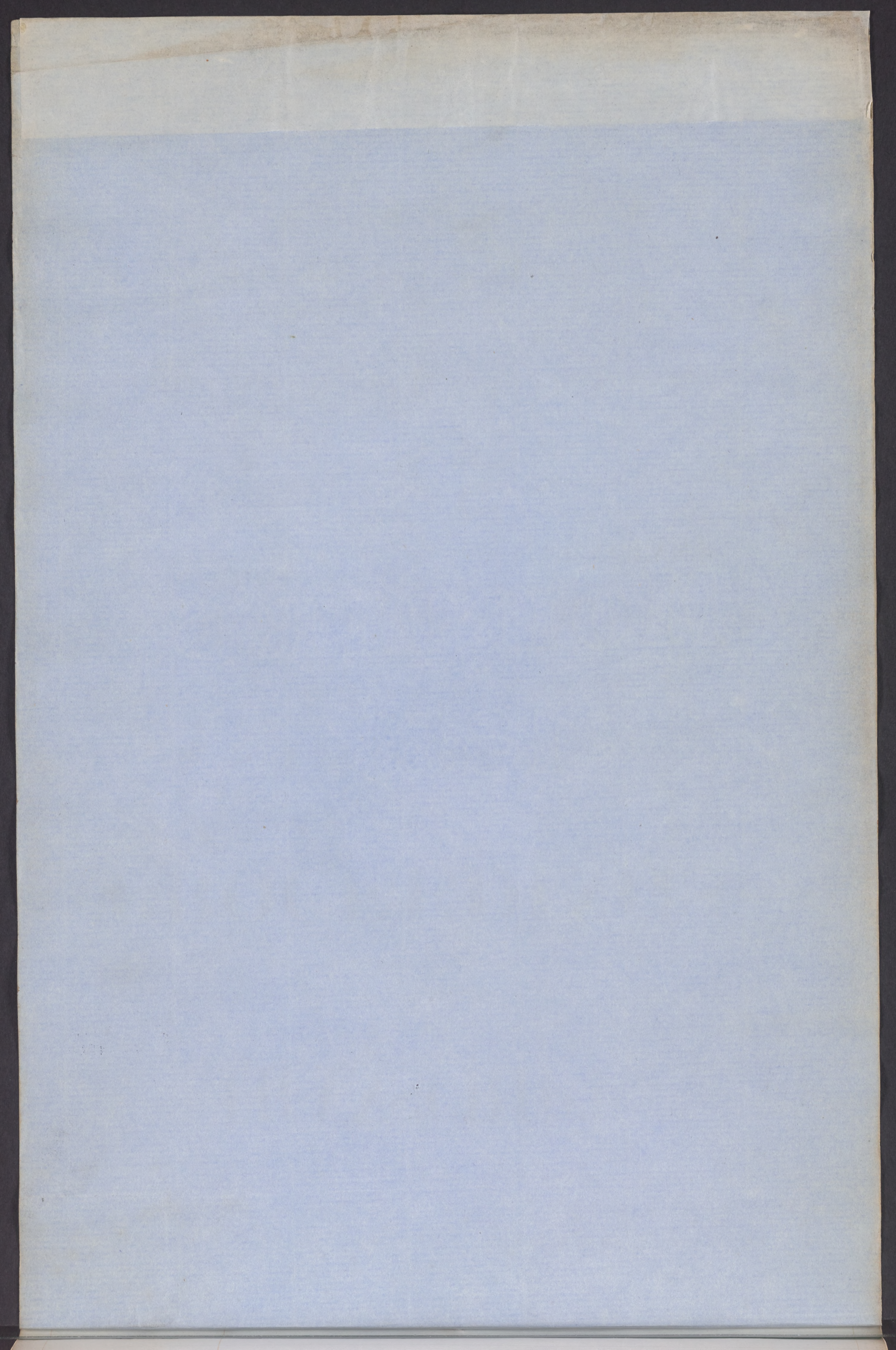
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Corral de Tierra



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 *Serenth day of April*, Anno Domini One Thousand Eight Hundred and Fifty-Two, 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 *H. D. McComb*

for the Place named
"Conal de Sierra"

was presented, and ordered to be filed and docketed with No. 170 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 November 21, 1854
Case No. 170, Henry D. McComb for the place named "Conal de Sierra" was ordered to be placed at the foot of the 3^d Clap case on the trial docket

San Francisco December 12, 1854
Case No. 170 was submitted under the Rule of March 21, 1854.

San Francisco December 19, 1854
In the same case the counsel for the claimant filed the following motion, to wit

(vide page 5 of the Transcript)
which motion was granted and the following order was made, to wit:

(vide page 7 of the Transcript)

San Francisco January 15, 1855
In the same case the deposition of Jose Castro, a

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petition in behalf of the claimant taken before
Commissioner Peter Lott, was filed:—

(vide page 9 of this Transcript)

San Francisco June 19, 1855.

Case No. 170 was submitted under the Rule
of March 21, 1854.

San Francisco July 3, 1855

In the same case Commissioner S. B. Farrell
delivered the opinion of the Board confirming
the claim

(vide page 39 of this Transcript)

and the following order was made to wit:

(vide page 41 of this Transcript)

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To The Board of Commissioners, ascertaining and settling Private Land Claims in the State of California.

Your Petitioner Henry D. McCoy Santa Clara in the State of California respectfully represents to your Honourable Board that he claims a certain tract of land called Corral de Tierra containing more or less, situate in the County of Monterey in said State of California: that he claims the same in fee by virtue of a grant made to Francisco Figueroa for his daughter Guadalupe Figueroa under the Authority of the Mexican Government by Nicolas Gutierrez Colonel of Regular Cavalry and Commander in Chief & Superintendent & Superior Political Chief Governor of the Territory of Upper California bearing date 10 April A.D. 1836 and approved by the Territorial Deputation on the 12th day of July A.D. 1836.

Your Petitioner further represents that the said grantee on the 3^d day of September A.D. 1850 transferred his right in said land to Don Jose de Armas of Los Angeles in the County of Los Angeles in State of California, that said Jose de Armas transferred his right in said land to your Petitioner (Henry D. McCoy) on the seventh day of May A.D. 1851.

Your Petitioner would further represent that judicial possession of said tract of land was given to the said Grantee the 14th day of July A.D. 1836 and the boundaries thereof designated and defined, and that he and those claiming under him have been in the peaceable possession

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Petition

4 thereof ever since; and that he has no knowledge of any interfering claim of any person or persons.

Your petitioner presents herewith the Expediente your petitioners deed and original grant of said land in the Spanish language together with a translation of the same, and will make further proof of title if required by the board.

Your Petitioner prays your Honorable Board to take into consideration his claim to said tract of land and decree his title to be valid, and confirm the same.

And Your Petitioner will ever pray

Henry L. McComb

Filed in Office April 7th 1852,
Geo. Fisher Sec

United States Land Commission
for the State of California

Henry D. McCoy
vs
The United States

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In the matter of the Claim
of Henry D. McCoy, to the Rancho "Corral de
Tierra" No 170 on the Calendar of Causes
City & County of San Francisco, &c.

Motion to restore
Cause to Calendar

Henry D. McCoy the claimant in
this cause being duly sworn says he is a
resident of Santa Clara in the County of Santa
Clara in this State.

That heretofore he deemed his title to the land
claimed herein so clear & indisputable that
he believed it to be unnecessary to retain
Counsel to prosecute the same, & he did
not retain Counsel nor take legal advice
in relation thereto until this day.

That when the cause was reached on
the Calendar deponent was confined
to his house by sickness, & deponent never
knew until Tuesday last that the cause
was reached, since which time he has
on advising this day with Counsel dili-
gently sought and procured his witnesses
& was ready this day to have taken their
testimony, but the press of business
before the Court prevented his having the
opportunity to take their testimony to day.

He further states he believes he has a good
& perfect title to the land & can prove the
same if opportunity be conceded to him
by the Board.

He therefore prays the Court for an

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order restoring the cause to the Calendar
to be taken up at some future day &
that he have leave to produce & examine
his testimony in support of his claim
or for such other or further order & on
such terms as the Court may see fit to
grant -

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Deponent being unacquainted with
legal proceedings & the practice of the Board
Supposed that the documentary evidence
and original documents on file would be
taken as evidence of his claim till he is
to day advised by his Counsel Mr Williams
to the contrary

Henry D. McCoy.

Sworn & subscribed Before
me this 18th day of Dec^r
1854 Before me,

A. G. Randall

Notary Public,

Filed in office Dec^r 19, 1854,

Geo. Fisher Sec

Before the Board of Land Commissioners
for the State of California

In the matter of the claim of
Henry D. McCobb to the Rancho

"Corral de Tierra"
No 70 on the Calander

Order restoring
Cause to the
Calander.

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In open Court Dec^r 19th 1854.

On reading and filing the affidavit
of Henry D. McCobb the Claimant
in this Cause, and on hearing of A.
Williams Esqr of Counsel for Claimant
& J. H. McCune Esqr Law Agent having
also been heard in relation thereto and
the Board having duly considered the
same,

It is ordered that said Cause
No 70 be restored to the Calander of
Causes for hearing, and that the said
Claimant have leave to produce
Witnesses & testimony in support of
his said Claim as he may be advised

Filed in Office Dec 19, 1854,
Geo. Fisher Sec.

Power of Attorney

Know all men by these presents that I Jose Armas of the County of Santa Clara & State of California do hereby constitute and appoint Nicolas Marchon of the County Aforesaid, to be my true and lawful Attorney, for me and in my name, and for my sole use; to grant sell and convey for any price he may see proper above two thousand Dollars, but for no sum less than that amount, the following property to wit: The Tract or parcel of land situate in the County of Monterey and State aforesaid, known as the Corral de Sierra bounded & described as follows to wit: bounded on the North by the land of Francisco Mesa, on the West by the land of Jose R. Estrada and as described in the Mexico or Plat of said Rancho.

And for the said purposes aforesaid, I do hereby grant unto my said Attorney full power to execute and deliver all aforesaid instruments and papers, whether under seal or otherwise, and generally to do and perform all such acts, matters & things, as my said Attorney shall deem necessary or expedient for the complete and effectual execution of the authority hereinbefore granted, as fully as I might and could do if I were personally present, hereby ratifying and confirming all the acts of my said Attorney done by virtue and in pursuance of these presents. In testimony whereof I have hereunto set my hand and seal, this seventh day of May A.D. eighteen hundred and fifty one.

Jose de Armas (Seal)

Signed Sealed and delivered
in presence of
E. L. Hammond.

State of California }
County of Santa Clara } p.

On this 7th day of May A. D. 1857, personally appeared before me, a Notary Public, in and for the said County, José Armas, known to me to be the person described in, and who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

Given under my hand and private Seal, there being no official seal yet provided.

Fredric Hall
Notary Public

Seal

Filed in Office Dec 23^d 1854.

Geo. Fisher Sec

United States of America }
State of California } p.

Deposition
of
Jose Castro

San Francisco, Jan 11, 1855.
This day came before Peter Scott, Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State, José Castro, a witness on behalf of the claimant, Henry W. McCoy, in case No 170. on the Docket of said Board, and said witness being sworn deposed in Spanish which is interpreted by the Interpreter to said Board as follows:

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The U.S. Survey Agent is present.

Questions by Mr Williams for claimant

1 Question. What is your name, age and residence?

Answer. My name is Josi Castro, my age 46 years, my residence in Monterey California.

2. Question. Are you acquainted with the Rancho called Corral de Tierra, in Monterey County, if yes, state its location and boundaries so far as you know them, and the quantity of land contained in said Rancho, and how long you have known it?

Answer. I know said Rancho, I have known the land about 40 years.

It is situated in Monterey County about $4\frac{1}{2}$ leagues in a southerly direction from the City of Monterey according to my understanding of the place it contains about one Lito de ganado Mayor.

It is bounded on the South by vacant lands, on the North by lands of Estevan Munras, and Jose Ramon Estrada, and on the North. Each a small piece of Francisco Mesa.

The West is also bounded by lands of Munras. I understand that a ridge of Mountains forms the eastern & southern boundary.

3. Question. Look at the Document now shown to you marked "Exhibit 1" as an exhibit to this deposition and state whether

you are acquainted with the Rubrick of Nic. Gas Gutierrez and Angel Ramirez, and with the signatures of said Nicolas Gutierrez and Francisco del Castillo Negrete, Francisco Figueroa, Guadalupe Figueroa and Ignacio del Valle. If you state whether their respective signatures and rubrics in said Document are genuine, and your means of Knowledge?

Answer. I know all the rubrics and signatures of the persons named excepting that of Guadalupe Figueroa, I have seen them all write excepting her and as to her signature I cannot testify the others are all genuine, as they are respectively made and signed in this Document.

4 Question. State what you know of the occupation and cultivation of said rancho by Francisco Figueroa?

Answer. In 1834 when Jose Figueroa was Governor, he gave notice to the people and authorities at Monterey that he was going to settle on this land.

He did so, he built a house there, planted a vineyard and took his horses onto the place, not long after that he died and left this land to Guadalupe Figueroa, the daughter of Jose's brother Francisco Figueroa, after that, Francisco, the father of Guadalupe, applied to Governor Gutierrez for a grant of said land to his said daughter Guadalupe, which grant was obtained.

In 1836 or 1837 I was passing by the place and Francisco Figueroa was there with his family, on two occasions when I was passing.

I do not know whether they lived there,

but he was engaged in conducting the business of the vineyard. Shortly after that said Francisco moved down to Los Angeles, and left a man in charge of said place that man remained on the place, in charge of it, some 4 years and cultivated it in a variety of products. There was a variety of fruit trees on the place besides the vineyard and he planted corn, melons and other vegetables.

5th Question. Look at the document now shown to you marked Exhibit 2, as an exhibit to this deposition, and state whether you are acquainted with the signature of Jose de Arnez therein written, and what are your means of knowledge, and state whether said signature in said document is genuine?

Answer. I know the signature of said Arnez. I have never seen him write, but I have often seen his signature and had it in my possession, and I believe this to be his genuine signature.

6th Question. Look at the document now shown to you marked Exhibit 3, to this deposition, and state whether you are acquainted with the handwriting of Nicolas Morchon, if yes, state your means of knowledge and also state whether his signature as it appears in said document is genuine?

Answer. I know said Morchon's handwriting. I have never seen him write, but I have received communications from him and know his signature, and I believe this to be his genuine signature.

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Cross. Examined by W. S. Law Agent.

1st Question. Are you or have you ever been a surveyor by profession, if may, how does it happen that you know the boundaries of so many Ranchos?

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Answer, I have never been a surveyor, but my former positions in public business brought to my knowledge much information upon these subjects. Besides being political chief myself, and having made grants, I have been cognizant with those made by other Governors, and my friends have in many instances, showed me and told me of grants they have received, and my general knowledge of the country and the people has enabled me to learn many of the boundaries of different ranchos.

2nd Question. Did you obtain your knowledge of the boundaries of the Rancho claimed in this case from seeing the grant.

Answer, I only knew them by having been told them by Francisco Figueroa the grantee.

3rd Question. When and where did he describe said boundaries to you?

Answer, Shortly after Gutierrez granted this land to Francisco Figueroa's daughter, he (Francisco) gave a breakfast at his house, to which he invited me and Governor Gutierrez and others, Now Francisco on that occasion expressed his thanks to the Governor for having done so great

AH

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a favor as to grant this land to his daughter
The Governor kindly told him he would be
pleased to do him a much greater favor,
if there was any way in which he could
serve him.

Don Francisco, in course
of conversation described to me the place
granted, he said it was "one sitio de ganado
mayor" and told me who were his colindantes,
and many other things were said about
the subject.

4. Question. When and
where did you last see each person write,
of those you have thus herein testified of,
and what instrument was each writing
when you saw him write.

Answer. The last time
I saw Nicolas Gutierrez make his rubric,
write was in 1836 in Monterey when he
gave me an order to the Administrator
of the Custom House. Don Angel Ramirez,
this was about the month of October, and
on the same day said Ramirez gave me
an order on a Merchant in Monterey
for 500\$, the Merchants name was Manuel
Crespo, I saw Ramirez write the order,
I saw Francisco del Castillo Nizate write
last, some time in 1835 when he was my
secretary, he was writing a power of Attorney
given by him to Estaban Munras to collect
some debts, I last saw Francisco Figueroa
write in 1835 at Monterey, he was signing
some document in a judicial proceeding against
some soldiers who had robbed the Custom
House. The last time I saw Ig-
nacio del Valle write, was in my house
at Monterey about January or February 1846.

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he was writing an official communication to me as commanding general, by the order of Pio Pico, to deliver to said Valle the Com. Misariat. This is according to my best recollection.

5th Question. Was this transaction with del Valle had, before or after your reconciliation with Pio Pico,

Answer. It was before.

6th Question. Did you obey orders from said Pico before that reconciliation?

Answer. I did not, there was no authority here superior to my own, excepting that of the Supreme Government.

7th Question. Was that transaction with del Valle, before or after Pico made the grants of the various Missions in California?

Answer. I do not know when Pio Pico made those grants.

8th Question. What induced the reconciliation between you and Pio Pico,

Answer. I was the chief in command and he had some hundreds of men, whom I wanted to strengthen my Army, and I publicly embraced him and got his men, I however only had them about 4 hours for he seduced them all away from me again.

Re. Examined by Claimant's Counsel
Mr. Williams.

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1. Question, Have you seen the Rancho in question since 1836. at different times, if yes, state what you know of the continued occupation thereof.

Answer, I have passed by there some 10 or 12 times since then and I always have the cultivation there, and horses, and people about the place, but I do not know who they were.

José Castro,

subscribed & sworn to
before me on this 11,
day of January A. D.
1855.

Peter Hott Commissioner.

Filed in Office Jan'y 15, 1855

Geo. Fisher

Sec

217 J. S. D. R.

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Expediente

*promovido en solicitud del terreno llamado
Corral de Tierra.*

por

D.^o Francisco Figueroa.

15. 11.

L. 19

A. Gefe. Sup. Politico.

Los linderos de que hace mención el interesado en esta instancia son del C. Francisco Mesa y José Ramón Estrada y el terreno de que hace referencia de la viña se halla en medio de ellas sin perjudicar a ellos de que es colindante otra viña es todo lo que puedo informar a V. S. Sobre el particular obsequiendo su superior decreto de 26 del pp^{to}

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Monterrey. Marzo 2 de 1836.

José R. Estrada.

Monterrey. Abril. 10. de 1836.

Vista la petición con que da principio este expediente el supremo de la autoridad municipal con todo lo demás que se tiene presente i ser conforme de conformidad con las leyes i reglamentos de

L. L. D. K.

Here follows a map or plan.

Sello Ferreo Los Reales.

S. D. K.

Habilitado provisoriamente por la administr^{on} de la Soluana Maritima de Monterrey de la Alta California, para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete.

Gutiérrez.

A. Ramírez.

la materia en decreto de este día he venido en declarar suya en propiedad a la mujer D^{ña} Guadalupe Piqueora del terreno q^{ue} indica el dicho arresero de la aprobación de la S^{ra} D^{ña} Nicolás Gutiérrez Jefe Arme Command^{ante} Gral. i Inspector i Gefe Politico Interino de la Alta California así lo mando decretó i firmó de que doy fe.

Nicolas Gutierrez.

D.º del Castillo Negro S.º
 En 31. de Mayo, pasó a la Comision de Terrenos.
 Malolauado.

62211.

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La Comision de terrenos nacionales impunto del
 expediente que se mandó practicar a peticion del
 Ciudad.º Fran.º Figueroa del parage nombrado
 Corral de tierra p.º cultivar y fomentar unos bienes
 q. en este parage este plantado y no en contrando
 en el objeccion alguna que hacer siendo en todo
 conforme al art.º 5.º del reglamento de 21 de
 Noviembre de 1834 y a la ley de 18 de Agosto
 de 1832 opues a la deliberacion de V. E. la sigte.
 Proposicion.

Se aprueba la concesion hecha al
 Ciudad.º Fran.º Figueroa del terreno nomb
 rado Corral de tierra en 1.º de abril de este
 año entendiendolo q. esta concesion es solo p.º
 una buenta q. en el terreno.

Monterrey, 5.º de Julio de 1836.

José Saaguin Gomez.

José Ant.º Guerra y Larrillo.

7.12.13.

Sello Tercero Dos reales.

Habilitarlo provisionalmente por la administ.º
 de la Aduana Maritima de Monterrey de
 la alta California, para los años de mil ochocientos
 treinta y seis y treinta y siete.

Gutierrez

A. Ramirez.

Monterrey, Julio 12.º de 1836.

En sesion de este dia aprubo la S.ª Junta
 Legislativa la unico proposicion en q.
 concluye el autoevidente Dictamen, y para
 el expediente al S.º Gefe S.º Político pa.º su
 su conclusion.

Chidar.

José Maria Melolauado.º

Monterrey, Julio 12.º de 1836.

En vista de la aprobacion estorgada

3.º 21

librese testimonio de ella i de este decreto a la
parte de D. Fran^{co} Figueroa si lo solicitante en
conspiracion a la consecion del terreno llamado
Corral de tierra q. obtiene en otros de esteril
de este ano. El Sr. D. Mariano Chico, Jefe Politi
de la Alta California, asi lo manda de creto
i firmo de que oloy ja. Chico.
F.º del Castillo Negro. Sr.º

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

I Samuel D. King, Surveyor
General of the United States for the State of
California and as such now serving in my
office and under my charge and control
a portion of the archives of the former Span-
ish and Mexican Territory or Department
of Upper California Do hereby certify that
the seven preceding and hereunto annexed
pages of tracing paper numbered from one
to seven inclusive and each of which is
verified by my initials (S.D.K.) exhibit true and
accurate copies of certain documents on file
and forming part of the said archives in his office.

In testimony whereof I have
hereunto signed my name officially and affixed
my private Seal (not bearing a seal of office)
at the City of San Fran^{co} Cal. this twentieth
day of April 1852.

Samuel D. King.
Surveyor General

Filed in office. April. 7th 1852.

Geo Fisher Secy.

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Expediente promoted by
Don Francisco Figueroa claiming
the land called
"Corral de Sierra"

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Honorable Political Chief of the Territory
Monterey February
26, 1836.

Let the first
Alcalde of this
City report which
are the boundaries men-

tioned by the Petitioner
and this point being
explained, return
the Expediente to
be resolved upon

Don Don Nicolas
Gutiérrez Sienck;
Colonel of Cavalry
Commandant Gen-
eral & Political
Chief did order,
decree & sign so
to which I certify
(signed)

Nicolas Gutiérrez
(signed) Francisco
del Castillo
Regente

Secy.

Citizen Francisco Figueroa
before your Brother with
due respect represents;

That his deceased Brother
General Figueroa established
a small Ranch to plant a vine-
yard on a small tract of
land situated between the bound-
aries of the Ranchos belonging
to Citizens Ramon Estrada
and Francisco Mesa, and called
Corral de Sierra. The General
being at the same time Political
Chief, the title deed could not
be issued in his favor, and there-
fore he was awaiting the meeting
of the Exzellenz, the Deputation, to
petition for the said land; mean-
while he died, leaving (the Rancho
in such condition, and in his
testament gave it to his niece
Guadalupe, for her own benefit
a daughter of Petitioner.

Therefore he begs your Honor
maybe pleased to grant him
the ownership of said land
in order to improve the vine

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plants, to which favor he shall be obliged.
The Petitioner not knowing which are the
boundaries of the mentioned Estrada and
Mesa, does not annex the sketch (of his
ranch) marking out with precision the
remaining varas.

Monterey January 26th 1836.

(Signed) Francisco Figueroa

Don Superior Political Chief,

The boundaries referred to by the inter-
ested party in this petition are those
of citizens Francisco Mesa and José Ramón
Estrada; and the land spoken of as a
vineyard is lying between them, the bound-
aries, without injury to the boundaries
surrounding the same vineyard.

That is all I can report to your Honor
on the subject, in compliance with your Super-
ior decree.

Monterey March 4th 1836,

(Signed) José Ramón Estrada,

Monterey April 10th 1836.

Having examined the petition with which this
Expediente commences, the report of the Municipal
authority, and whatever else was deemed con-
venient to attend to; in conformity with the
laws and regulations on the matter, I have
in decree of this day, declared the Minor
Dona Guadalupe Figueroa owner in fee of
the land shown on the sketch; subject to the

approval of the Excellent, the Deputation,

Don Don Nicolas Gutierrez Lieut Colonel
Commandant General Inspector and Polit-
ical chief ad interim of the Alta California
did order decree and sign so; to which I
certify.

(Signed) Nicolas Gutierrez
Fran.^{co} del Castillo. Regente
Secy.

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On the 31st of May, it was referred to the
Committee on lands

(Signed) Maldonado

Excellent Sir

The Committee on vacant lands, duly infor-
med of the Expediente formed at the request of
Citizen Francisco Figueroa for the land called
Corral de Sierra to cultivate and improve a vine-
yard thereon planted, and finding no objection
to the said request; and being all conformably
to Art 5th of the Regulation of 21st Nov^r 1828
and to the law of 18th August 1824, they submit
to your Excellency's deliberation the following
proposition.

They approve of the grant made
to Citizen Fran.^{co} Figueroa of the land called
Corral de Sierra on the 10th April of the pre-
sent year, it being understood that the
concession consists only of una puerta (a
large orchard) which he has thereon

Monterey the 5th of July 1836

(Signed) José Joaquin (Signed) José Antonio Guerra
Gomez. y Carrillo

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Monterey July 12, 1836.

In the Session of this day, the Most Excellent the Departmental Junta approved of the only proposition contained in the precedent opinion, and directed the expediente to be transmitted to the Don Superior Political Chief for its termination.

(Signed) José Ma. Maldonado (Signed) Chico
Secy

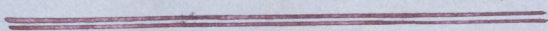
Monterey July 14, 1836

In consequence of the approval issued on the 12th (instant) by the Most Excellent the Departmental Junta, let a testimony thereof and of this decree be delivered to the party of Don Francisco Figueroa, if he should petition for the same, in confirmation of the grant of the land called Corral de Tierra, which he obtained on the 10th April of the present year.

Don Don Mariano Chico Political Chief of Upper California, did order, decree and sign so, to which I certify.

(Signed) Chico
(Signed) Francisco del Castillo
Regente, Secy.

Filed in Office April 7th 1852.
Geo. Fisher Sec



Sello Segundo doce reales.

Habilitado provisionalmente por la D^a administración de la Aduana Marítima de Monterrey de la Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueron.

A. Ramirez.

Revalidado por el bien de 1836 y 1837.

Gutierrez.

A. Ramirez.

Nicolas Gutierrez, Comandante Coronel de Caballeria permanente, Comandante General, Inspector y Jefe Superior Politico Superior del Territorio de la Alta California.

(Sello.) Por cuanto el C.^o Francisco Figueroa ha pretendido a la estension de su titulo de propiedad del terreno conocido y comprendido en el de Corral de Tierra en favor de su hija Guadalupe por haberse lo legado el difunto Jefe Politico y Comandante General de este Territorio D.^o José Figueroa a la virtud de la esperanza a cuyas espensas se cultivo y se hizo un plantal de viña, y convencido de que dicho Sr. no tenia titulo de propiedad, y usando de las facultades que me son conferidas, en decreto de este dia y en nombre de la Nacion Mexicana he venido en concederle el mencionado terreno a reserva de la aprobacion de la D^a Administracion y bajo las condiciones siguientes.

1.^o Que se sometera a las que estalle en el reglamento que se oia de formar para la distribucion de terrenos baldios y que entretanto en la agraviada, ni sus herederos podran dividir ni enajenar el que se les adjudica, ni poner censo, vinculo, finca, hipoteca ni otro gravamen

aunque sea por causa piadosa ni pasarlo
a manos muertas.

2.^o Perteneciendo a su propiedad
las tierras, caminos y servidumbres de este
- acudido al uso y cultivo que mas le acomode.

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3.^o Solicitara el Jefe respectivo que le
de la posesion definitiva en virtud de este
despacho por el cual se demarcaran las
linderas en cuyos limites podrian acaer
de las arborescencias algunos arboles frutales
o servidumbres de alguna utilidad.

4.^o El terreno de que se trata
Donacion es el comprendido entre las linderas
de los ciudadanos Francisco Mesa y José
Francisco Estrada, segun explica el sistema
que corre en el Expediente. El Jefe que
diere la posesion lo honra medir conforme
a ordenanza.

5.^o Si contraviniere a estas condiciones
perdera su derecho al terreno y sera denunci-
-ciable por otro.

En consecuencia mandado que
serviendole de titulo el presente y teniendose
por firme y valido se tome razon de el
en el libro que corresponde y se entregue
al interesado para su resguardo y demas
fines. Dado en Monterrey a quince de
Abril de mil ochocientos treinta y seis.
Nicolas Gutierrez.

F.^{co} del Castillo Negro. Frio.

Queda tomada razon a fojas 104. y ser-
-alado con el numero 100. en el Libro
que corresponde - q. obra en la Secretaria de
de mi cargo.

Monterrey. Abril. 15. de 1836.

Castillo.

{ Estado de California. }
 { Condado de los Angeles. }

Esta escritura otorgada entre Guadalupe Figueroa y Francisco Figueroa padre legítimo de la de la primera por una parte y José de Anuar por la otra, todos del estado de Guadalupe Figueroa con el permiso y aprobación de su padre Francisco Figueroa ha venido en hacer donación graciosa de todos los derechos y acciones que le corresponden en el terreno de su propiedad llamado Corral de tierra, y por el presente cede, dona y traspara graciosamente esta propiedad en favor de José de Anuar, para que la posea goce y disfrute como cosa propia y desde ahora para siempre tanto el como sus herederos y sucesores a quienes agracia y beneficia por el presente documento: del arando que no tenía enagenado, vendido ni donado a otro el dicho terreno; y que no reconoce sobre el dicho temporal ni perpetuo, capellanías, ni otro gravamen, sino que se halla libre de todo cargo: al efecto la propiedad no quita y aparta de todos sus derechos y acciones desde ahora para siempre y los transfiere con todas las facultades que como tal dueña le competen al enunciado José de Anuar y a sus herederos y sucesores, para que él o ellos hagan lo que más les convenga de dicha propiedad ya sea enagenandola por dinero o donandola a otro para todo lo cual les otó la otorgante por sí y a nombre de sus herederos y sucesores bastante facultad y poder con libre franca y general administración y de una manera irrevocable En cuyo testimonio yo Guadalupe Figueroa así lo otorgo y firmo: para que conste poniendo mi sello. y yo Francisco Figueroa que me hallo presente al tiempo de escribir esta escritura, declaro que llamo y conforme y que con mi permiso y aprobación ha donado mi hijo Guadalupe

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el terreno de su propiedad denominado Corral de Tierra como consta del titulo original que precede a esta escritura de Donacion y para que conste suscribo mi nombre y mi sello hoy tres de Setiembre de mil ochocientos cincuenta.

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Fran^{co} Figueroa. Guadalupe Figueroa.
Conducto de los Angeles del Estado de California.
Certifico yo Ignacio del Valle, Proveedor del Conducido referido que comparecieron ante mi personalmente Dona Guadalupe Figueroa y su Señor padre Don Francisco Figueroa a quienes conozco y presentandome esta escritura me dijeron que ellos habian otorgado este documento escribiendo y otorgando graciosamente a Don Jose de Anzar el terreno conocido por Corral de Tierra y que los nombres que resan en dicha escritura de Donacion son los de ellos mismos y lo propio sucede con los nombres y sellos que han escrito al pie de dicho documento En seguida llame a un lacto y pregunté separadamente a Dona Guadalupe Figueroa que si ella habia otorgado esta escritura con su libre consentimiento y voluntad o que si habia sido fijado por su padre o por su tutor alguno y me respondió que lo habia otorgado libre y con la mejor voluntad, para que Don Jose de Anzar, gozase, y disfrutase del beneficio con que lo agraciaba, y que para esto le escribiera la escritura sobre el mismo titulo que acreditaba la propiedad del dicho terreno nombrado Corral de Tierra.

En cuyo testimonio lo firmo y pongo mi sello oficial hoy tres de Setiembre de mil ochocientos cincuenta borrado el jefe arriba.

Ignacio del Valle.
F. del in officio. April. 4th 1852. Geo Fisher. Secy.

Nicholas Gutierrez, Lieutenant Colonel
of Regular Cavalry, Commander in Chief,
Superintendent and Superior Political
Chief ad interim of the Territory of Upper
California.

(Seal) Citizen Francisco Figueroa
having asked that a property title
shall be given to him for the land known as, and
embraced in this Corral de Tierra in favor of
his daughter Guadalupe, inasmuch as it was
bequeathed to her by her Uncle by blood the de-
ceased Political Chief and Commander in Chief
of the Territory, Don José Figueroa, and
Grant & Transfer was cultivated at her expense, with a vine-
yard made thereon; and being convinced
that said Gentleman had no right of property
to the same, in the exercise of the powers
in me vested, by my decree of this date
and in the name of the Mexican Nation,
I have granted to her the aforesaid land,
subject to the approbation of the Most Excellent
Deputation, and on the following conditions

1st That she will conform to the regulation
that shall be made for the distribution of
vacant lands, and that in the meanwhile
neither the Grantee nor his heirs can divide
or alienate that which is adjudicated to them,
nor impose on it any tribute, charge,
seignior, mortgage or other encumbrance
although it should be for a pious object
nor convey it into mortmain.

2nd She may enclose it without obstructing
roads, paths and rights of way, and can use
or cultivate it in any way she likes.

3rd She shall solicit of the proper judge to
give her lawful possession in virtue of this

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"E"

Translation of
Grant & Transfer
"A"

decree by whom the boundaries shall be marked and in addition some fruit trees or forest trees of some utility shall be placed.

4th. The ground ceded is that which lies between the lines of the Citizens Francisco Mesa and José Ramon Estrada, as is described in the plan accompanying the Expediente.

The Judge who may give the possession will cause the land to be measured in conformity with ordinance.

5th. Should these conditions not be complied with she will loose her right to the land which maybe petitioned for by another.

Therefore I order that this serving the donee as a firm and valid title an account of it be taken in the corresponding Book and that it be delivered to the party interested for her security and other purposes.

Given in Monterey the fifteenth of April one thousand eight hundred and thirty six.

Nicolas Gutierrez

Sr. del Castillo

Regente Secy.

An account of it is taken at folio 104, and distinguished with the number 100 in the Corresponding Book in the Secretary's Office under my charge.

Monterey April 15th 1836.

Castillo

State of California
 County of Los Angeles

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This Indenture executed between Guadalupe Figueroa and Francisca Figueroa her lawful Father of the one part, and José Arnez of the other part, all of the State of California; Witnesseth that the said Guadalupe Figueroa, with the consent and approbation of her father Francisca Figueroa, has freely given and granted all her right and title to the land she possesses called "Corral de Sierra" and by these presents gives grants and freely transfers this property to José de Arnez to his Heirs and assigns forever for his and their own proper use and benefit: declaring that she has not alienated sold or given to another the said land, and that she acknowledges no temporary or perpetual tribute on the same, nor church revenue nor other encumbrance, but that the same is free from all charge: and the owner from this time forever parts with all her right and interests in it forever, and with all her faculties, as owner thereof transfers it to the aforesaid José de Arnez and to his heirs and assigns, that he or they may make such use of it as they please, either alienating it for money or giving it to another, for all of which the first party for herself and her heirs and representatives, gives them ample power with free and general action in the premises and in an irrevocable manner,

In testimony whereof I Guadalupe Figueroa execute and sign and seal these presents,
 And I Francisca Figueroa who am present

at the time and understand this Indenture declare that I am fully agreed to the same and that with my permission and approbation my daughter Guadalupe has ceded the land which is her property called "Corral de Sierra" as appears by the Instrument of grant the original of which proceeds this deed of gift, in witness whereof I subscribe my name and affix my seal this third day of September, and thousand eight hundred and fifty,

Guadalupe Figueroa (Seal)
 Juan^{co} Figueroa (Seal)

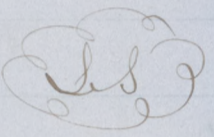
County of Los Angeles
 State of California

I, Ignacio del Valle Recorder of the County aforesaid certify that Dona Guadalupe Figueroa and her father, Don Francisco Figueroa whom I know personally appeared before me and presenting this deed to me, told me that they had executed this document giving and granting freely to Don José de Arcey the land known as "Corral de Sierra" and that the names mentioned in said deed of gift are those of themselves, and that the names and seals at the foot of said document are theirs.

After this I took Dona Guadalupe Figueroa aside and examined her separately if she had executed said deed of her own free will and accord or if she had been forced to do so by threats of her father or from any fear whatsoever, and she answered me that she had freely and

of her own best will executed it that Don Jose de Armas should possess and enjoy the benefit she conferred on him, and for this object she wrote the deed on the same title itself which accredited her right to the said land called Corral de Tierra.

In Testimony of which I sign my hand and affix my official seal this third of September one thousand eight hundred and fifty.

Ignacio del Valle 

Filed in Office April 7th 1852
Geo. Fisher Sec.

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"C"

Deed

This Indenture made the twenty second day of May one thousand eight hundred and fifty one, Between Jose Armas of the County of Santa in the State of California by Nicolas Marchon of the same place his attorney, by virtue of a Power of Attorney, dated this seventh day of May, one thousand eight hundred and fifty one, of the first part, and Henry L. McCobb of Santa Clara aforesaid of the second, part.

Witnesseth, that the said party of the first part, for and in consideration of the sum of Two thousand and fifty dollars, lawful money of the United States to him in hand paid by the said party of the second part, at or before the enacting and delivery of these presents, the receipt whereof is hereby acknowledged, and the said party of the second part his heirs Executors and Administrators forever released and discharged

from the same by these presents, hath granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents, doth grant, bargain, sell, alien, remise, release convey and confirm unto the said party of the second part, and to his heirs and assigns forever. All that certain Tract, or parcel of land situate in the County of Monterey, and state aforesaid, known as the "Corral de Sierra". Bounded and described as follows, On the North by the land of Francisco Mesa, on the West by land of Jose Ramon Estrada, and is described on the Map or plat on file in the office of the Keeper of the Archives at Benicia, being the same land granted to Guadalupe Figueroa Figueroa daughter of Francisco Figueroa.

Together with all and singular the Tenements, hereditaments, and appurtenances, the rents belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof.

And also all the estate, right, title, interest, property, possession, claim, and demand, whatsoever, as well in law as in equity of the said party of the first part of, in and to the same, and every part and parcel thereof, with the appurtenances.

To Have and To Hold, the above granted and described premises with the appurtenances unto the said party of the second part his heirs and assigns, to his and their own proper use, benefit and behoof forever.

And the said party of the first part, for himself, his heirs, Executors and Administrators doth, covenant, grant, and agree to and with the

said party of the second part, his heirs and assigns, that the said party of the first part, at the time of the sealing and delivery of these presents is lawfully seized in his own right of a good absolute and indefeasible estate in fee simple, of and in all and singular the above granted and described premises with the appurtenances, and hath good right, full power, and lawful authority to grant, bargain, sell and convey the same in manner aforesaid, and that he will warrant and defend the same against all person or persons claiming or to claim the same by, from, or under him,

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In Witness whereof the said party of the first part hath hereto set his hand and seal the day and year first above written.

Jose Amos Por Seal
sealed & delivered in Nicolas Marchon
the presence of Attorney
James B. Henie

State of California
County of San Francisco

On this 26th day of May 1851 Before me came Nicolas Marchon, the Attorney for Jose de Amaz, by virtue of a power of attorney dated the seventh day of May 1851 and acknowledged that he executed the preceding deed as the act and deed of said Jose de Amaz for the uses & purposes therein mentioned.

In testimony whereof I have subscribed my name & affixed my private seal (my seal of office not being completed the day and year above written)

Filed in Office
April 7, 1852
Geo. Fisher
Sec.

Wm. H. Wood Notary Public

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Henry D. Cobb
 vs.
 The United States

} For a place called "Corral
 de Sierra" situate in the
 } County of Monterey Con.
 } containing one square league

Opinion

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The evidence in this case establishes the following facts.
 That on the 15th day of April 1836 Governor Cautierres issued a grant for the above named place to Francisco Figueroa and Guadalupe his daughter. On the 3rd day of September 1850 the said Figueroa and Guadalupe conveyed by deed to José Arnez and on the 22nd day of May 1851, Arnez sold and conveyed by deed to the present claimant, the grant and aforesaid deeds being offered in evidence and duly authenticated.

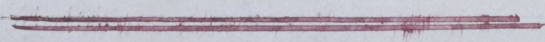
The Proof further shows that the grantee were living upon the premises and had a portion of the same under cultivation with an orchard and vineyard planted thereon at the time of the issue of the grant and that they continued to occupy the place up to the time they sold to Arnez.

We think this a valid claim and a decree of confirmation will be entered herein

Confirmed,

Filed in July 3, 1855.
 Geo. Fisher

Sec



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170
Henry D. McCoy
vs
The United States
Corral Sierra

In this case on hearing the proofs and allegations it is adjudged by the Commission that the Claim is valid and it is therefore decreed that his application for a confirmation thereof be allowed.

Decree

The land of which Confirmation is hereby given is situate in the County of Monterey and is called "Corral de Sierra" and contains one square league, and to be located within the following boundaries, to wit: On the North by lands of Estevan Miras and José Ramon Estrada, On the North East by a small piece of Francisco Mesa, on the West also by the lands of Miras, and on the South by vacant lands.

Reference being had to the Calls of the Grant and the map accompanying the Expediente.

Filed in Office July 3, 1855,

Geo. Fisher

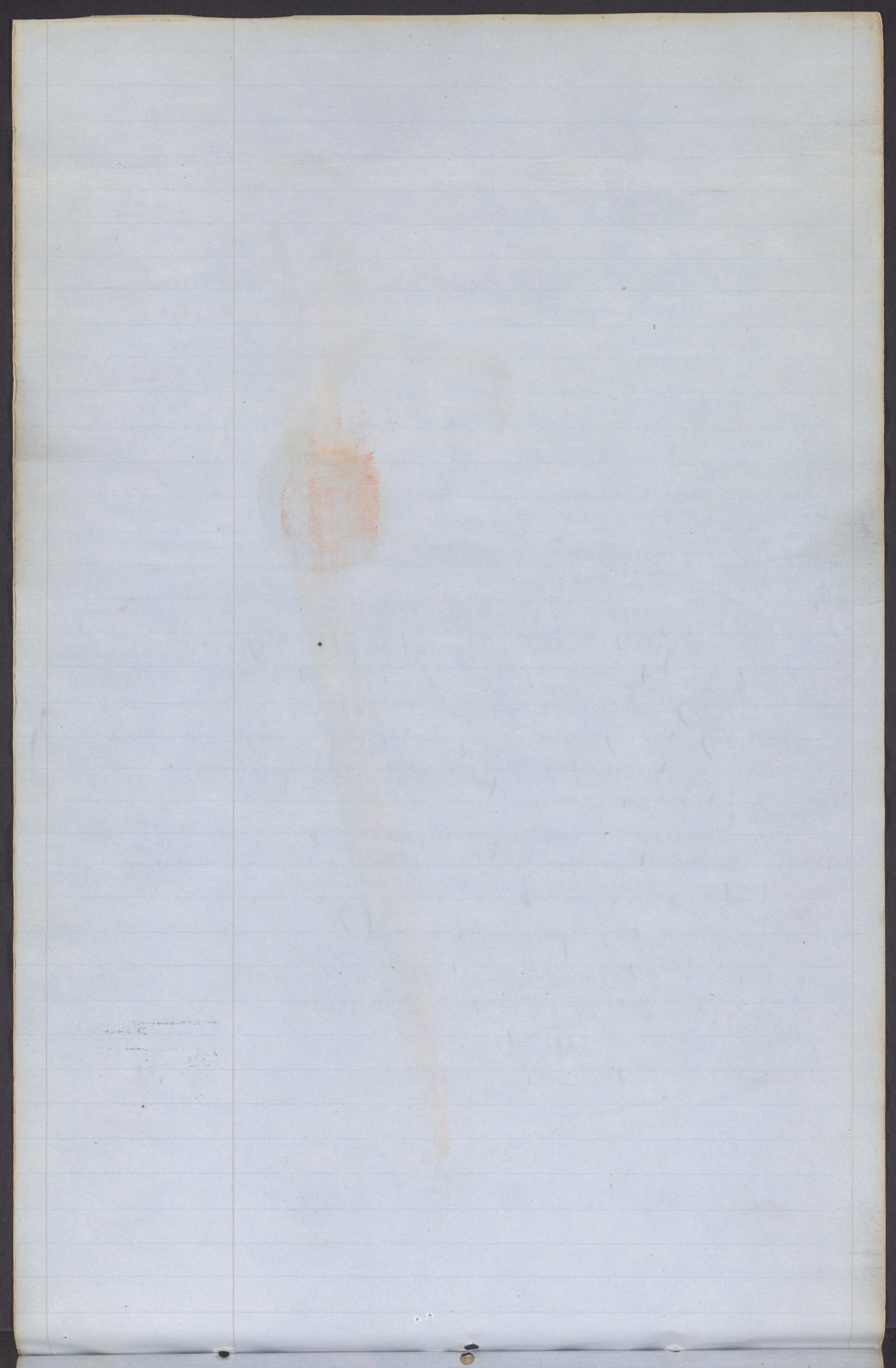
Secy

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Order

And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Southern District of California. it is hereby ordered that two transcripts of the proceedings and of the 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.

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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 *Fifty one* pages, numbered from
1 to 41, 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. 170 on the Docket of the said Board,
wherein

H. D. McCobb is
the Claimant against the United States, for the place known by
the name of "*Corral de Tierra*"

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

Geo. Fisher
Geo. Fisher



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U. S. DISTRICT COURT,

Southern District of California.

No. 359.

THE UNITED STATES,

vs.

W. D. McRobb

Coral de Sierra

TRANSCRIPT **359** RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *770*

Filed,

my Feb

1856.

*J. S. Farr
Clerk*

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Office of the Attorney General of the United States,

Washington, 31 Dec. 1855.

170.) "Corral de Sevilla"

A. D. Mr. Cobb. 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 18th day of December, 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No 359.

W J Ditt Court
South Dist. California

H. D. McComb
appellee

vs
The United States

Notice of Appeal

Filed Feb'y 12th 1886

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J. E. Jones
Clerk

SD
PAGE

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

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

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Nenny D. Mc Cobb, Appellee

vs.

The United States, Appellant.

Docket No. 359.

Transcript No. 170.

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 7th

day of April A. D. 1852, Nenny D. Mc Cobb

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 *Canal de Tierra*

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 3rd day of July A. D. 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 5th

day of January A. D. 1856, 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. 170; reference to which it is prayed may be had and made part of this petition.

That on or about the 18th day of December 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 12th day of February — A. D. 1856, 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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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.

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J. P. A.

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

N^o 359.

Filia this 24th December
A.D. 1850
Cyrus etc
J. M. Colman
Sep

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

The President of the United States,

TO

Henry D. McCobb

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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 *24th* day of *December*, in the year of our Lord one thousand eight hundred and fifty-*Six*, at the City and County of Los Angeles, in said District, by

J. Goddard U.S. Dist. Ct.
praying said Court to review the decision of
the United States Land Commissioners of the 3^d
day of July A.D. 1855. Confirming your claim
to the land called "Carral de Tierra"

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 *2nd* day of *January* A. D. 185*7*.

J. A. Coleman
CLERK.
J. A. Coleman
Dep

No. 359

UNITED STATES OF AMERICA,

Southern District of California,

U. S. District Court.

Henry D. Cobb
appellant
The United States
appellant

Filed 10th July 1858
Cobb vs
The United States

SUMMONS.

Received February 3^d 1857

359 SD Edward Huntly

U. S. MARSHAL.

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Dr. Mad Goodman
Depty

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

at
the

Monterey
9th

day of

June

in the Southern District of California, on

A. D. 1858.

Sworn to and subscribed before me,

CLERK.

James C Penne U. S. MARSHAL.
for the South Dist of
California

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

Henry D. Cobb ^{appellee}
vs
The United States ^{appellant} } Docket No 359
Transcript No 170

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The said appellee, in answer to the petition
of the District Attorney of the United States in this
cause asking a review of the decision
of the United States Land Commissioners herein,
denies all the allegations in said petition show-
ing cause why said decision should be
reviewed and reversed; and said
appellee shows that his claim and title
to the lands involved in this action is valid
and that the decree in his favor ought
not to be reversed; and said appellee
further shows that on petition of Fran-
cisco Figueron for his daughter Guadalupe
Figueron on the 10th. day of April A.D. 1836
Nicolas Gutierrez the Governor of California
being thereto duly authorized by law, made
an order granting to said Francisco Fig-
ueron for his said daughter Guadalupe the
land claimed in this action, and
that such land then was and still is
well known by the name "Corral
de Tierra" and consists of one square
league of land; that afterwards
on the 15th. day of April A.D. 1836 said
Governor made and delivered a
full and formal grant and
concession of said land to the aforesaid

grantee; that on the 12th. day of July A.D. 1836 the Territorial Deputation of California duly approved said grant; that on the 14th. day of July A.D. 1836 Judicial possession was duly given of said land to said grantee, and the grantee took and had immediate possession of the land and occupied and held the same until the 3^d. day of September A.D. 1850 when said grantee by conveyance duly executed by said Guadalupe Figueron and said Francisco Figueron conveyed said land to one Jose le Arnaz; that on the 7th. day of May A.D. 1851 said Arnaz by his attorney thereto duly authorized conveyed said land to said appellee who has since held the same and has lawful title thereto. And said Appellee refers to said grants, orders, proceedings, conveyances and other papers contained in the transcript of the proceedings ^{in this cause} of the Board of Land Commissioners ^{now} on file in this Court, with the proofs and evidence contained therein, and prays that all the same may be made part of this answer.

And said Appellee says that he has valid title to said land as shown by the transcript referred to in said petition of the United States District Attorney.

that the same was duly confirmed by the U.S. Board of Land Commissioners as shown by said transcript; and such confirmation and decree in favor of said Appellee is just and legal and ought to be reversed by this Court.

Wherefore said Appellee prays judgment and decree in his favor for said land as heretofore confirmed to him by the said Board of U.S. Land Commissioners, and for general relief -

D.R. Ashley
Attorney for
said Appellee
Monterey, Cal.

Due service on one of a copy of the
within answer is hereby admitted.

J. D. M.
as atty.

No 359
U.S. District Court
S. Dist. of California

Henry D. McCook
vs
The United States
Appellant

Answer

Filed this 15th June 1858
C. Davis Clerk
J. M. Headman
Dep.

No 359
US Dist. Court - S. Dist.
California

Henry D. Cobb
appellee

+8
The United States
Appellant

Stipulation

Filed this 16th June 1858
Clerk of Court
J. McCallum
clerk

Henry D. McCobb
appeller

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No. 359

The ^{all} U States apply

Deposition of Gabriel de la
Torre taken in open Court the
above Case by Consent of parties
on behalf of the ~~appeller~~ ^{by whom the affidavits were presented & D. R. Shelby} & W. Coleman by
Clerk of the U S Dist Court for
Southⁿ Dist of California

Witness being first duly sworn
^{apropos of father}
Question What is your name, age and
place of residence

Answer my name is Gabriel de la Torre, my
age is fifty years, and I reside in
Monterey since my birth

Question Do you know the Rancho in Monterey
County called "Carral de Torre" and
if so state when it is situated, what
are its boundaries, and what is the ex-
tent of the place known by that name

Answer I know the Ranch of Carral de Torre
is about 4 leagues from Monterey
located on our side by the Toros Rancho
of Jose Ramon Estrada. ~~on the other side~~

side and westwardly by the rancho of Estevan Murrain decares, and ~~on~~ by the little rancho of Francisco Mesa and on the other side by the ^{high} hills or mountains, the extent of the land within the boundaries mentioned is about one league

Question

Is this or not a well known place

Answer

Yes, the Carral de Durro is a well known place. I have known it for many years, and the boundaries before mentioned are well known and ^{have} always been recognized as the boundaries of this place. and I know it well. because in former times the place was used as a pasturage for the horses of the Government troops stationed at Monterey

Question

What do you know of the Southern boundaries of this place

Answer

The Cañada when Francisco Mesa lived was at the South, there are high hills on three sides of this place Rancho, and toward the North is the

plow of Jose Ramon Estrada

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Labriel de la Torre

Sevon to & sub with
Lafu on chin 18th
of June at Monterey
1858 To Saml Alb
J. M. Coleman
copy

No. 359

US Dist Court
Southⁿ Dist of Ala.

H. G. McCobb
The ^{my} United States

Deputy of
Gabriel de la Torre

Filed 18th June 1858
J. H. Coleman
Dep

Henry D McComb
vs
The United States app

Case No. 359

Deposition of Thomas W Day

taken before C. SIMS, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on *Thursday*, the *16th* day of *June* A. D. 1859, at 10 o'clock A.M., on said day, on behalf of the *appellant* by the *Consent of the parties* to be used as testimony in a certain cause now pending in the *US Dist Court for Southern Dist of California* being Case No. 359, on the Docket of said Court, wherein *Henry D McComb* is *the* appellant, and *and the United States* are appellees.

Present *J R Ashley* Attorney in behalf of the appellant
and *J R Hutchins US Deputy* in behalf of appellees.

Ques What is your name, age and place of Residence,

Ans My name is Thomas W Day, I am 25 years of age and reside in the County of Monterey,

Ques State, if you know, in the County of Monterey the Rancho called Corral de Tierra and if so state whether it is well recognized by that name.

Ans I know the Ranch and I have always heard called by that name. It is a tract of Land known by the name Corral de Tierra - I have been two or three times.

Ques State if by the Public generally there is any

particular spot or place known by
the name of Corral de Terra and also
state what you know about "Rodrigo
Barradas of that Ranch,"

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I think there is a place known by
the Public as Corral de Terra. - I have
been out to that Ranch to attend Rodrigo
I have always understood that that
tract of land was the Corral de Terra
and when ever the people was going to
a Roda there they would say that they
were going to Corral de Terra.

Ques State as near as you can the extent
of this Rancho, Corral de Terra and its
situation & locality?

Ans The land that I have always
known as Corral de Terra ^{is} about two
and a half leagues. - It is situated between
Ranchos "Poro" and "Tuluetas" - The ~~place~~
^{place} ~~of its Ranch~~ is easily found

Crop Examination by
Supt Attorney

Ques Do you know any thing per-
sonally of the boundary line between
the Corral de Terra and the two
Ranches of which you have spoken
above?

Ans I do not, I cant say that I do,
I know the boundaries of the Poro,
but do not know that of Corral de Terra

Thursday

Worn of Subd before me this
the 16th day of June A.D. 1859

L. C. Sims
As Commissioner

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I, C. Sims, of the City and County of Los Angeles, and State of California, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing Depositions of *Thomas O'Day* was taken before me on the *16th* day of *June*, A. D. 185*9*, according to the *Consent and* *affirmation* of the said *parties* *meeting* at the United States District Court House, in the City of Los Angeles, and State of California, in behalf of the *Appellant*. That the said *Thomas O'Day* was by me duly sworn according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this *16th* day of *June*, A. D. 185*9*

C Sims

United States Commissioner.

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No. 359

United States District Court for the
Southern District of California.

Deposition of J W Day
Filed this 16th day of
June 1859
Clins
clrk
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United States District Court Southern
District of California -

W. D. Mc Cobb

appellee

vs.

The United States

appellant

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P. H. Ashley being duly sworn
says that he is an Attorney & Counselor
at Law and admitted to practice
in this Court - that he was
present in open Court at
Los Angeles on the 17th day of September
1860 and heard the late W. R. Ogden
U. S. District Judge of the Southern
District of California announce
his decision confirming the
claim to the extent of the orchard
which deponent thinks was
to the extent of four hundred
varnas & no more -

Deponent further says that D. R.
Ashley appeared as Counsel
for claimant, and after the
recitation of said decision
said Ashley made an ^{oral} motion

S. District Court
Western District of
California —

D. Mc Cobb
appellee

vs.

United States
appellant.

Verdict of H. S. Mallory

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Whiting vs.
Army —

United States District Court Southern District
of California -

June Term 1864

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H. D. Mc Cobb - Appellee

vs

The United States Appellant

Petition for leave
to file a bill of
Review -

To the Honorable Judge W. Haight U.S.
District Judge of the Southern District of
California - Now on this 9th day of
June 1864, Comes B. G. Whiting U.S. District
Attorney for the said District on behalf the
appellants and files herein his petition
for leave to file a bill of review in
the above entitled cause; and shows
to the Court that there are manifest
errors appearing in the Minutes
of the Court relating to this case,
which might, and probably would
mislead the appellate court if an appeal
should be taken & the case go up to
the U.S. Supreme Court as the record
now stands - That the claim of
the claimants is not a valid
claim to the extent of one league
confirmed by the board of land
Commissioners & justice demands
that said decree should be reversed -

Petitioner shows that there is an error in the Minutes of this Court book B, Page 65. Under date of June 17th 1859 an order was decreed ^{by the late Judge Ogden} to be entered in the Minutes confirming the claim of the appellee to the extent of four hundred varnas square & no more - that the clerk in entering the order omitted the words "to the extent of four hundred varnas square & no more" after the word "same" -

Petitioner further shows that he has been informed by P. H. Ankney Esq & sundry & divers other persons who were in Court at the time said order was made, that such qualification & limitation was expressly stated & affixed to said order of confirmation & has been inadvertently omitted by the clerk of said Court - Also on Page 191 & 192 of the same book, under date of September 14, 1860 an error occurs in omitting on Page 192 the words "to wit, - confirmation is hereby made for the orchard only, and to the extent of four hundred varnas & no more" after the word "therein" -

Petitioner further shows that he

is informed by P. H. Ashley Esq & others who were in court at the time, that the late judge of said court J. S. K. Ogier did expressly limit the said order of confirmation to the orchard, & to the quantity of four hundred varras square of land and that the words above set forth expressing said limitation have been omitted in the record - Petitioner prays leave to refer to the annexed affidavit of P. H. Ashley Esq as a part of this petition Petitioner further shows that if he can be allowed to file a Bill of Review in this cause on behalf of the appellants and try the case de novo, it can be clearly established by proof that the title papers relied on by claimants only cover the orchard and a quantity of land to the extent of four hundred varras square, and the grantee or former claimant made no pretensions of ownership to lands of the "Corral de tierra" to any greater extent, during the existence of the Mexican government in California -

Petitioner further shows that D. R. Ashley Esq is the attorney of record

for the claimant herein, and Petitioner is informed & believes that he is absent from the State, and that no service of notice can be made upon him within time to save the rights of appellant by an appeal to the Supreme Court of the United States, if appellant should be compelled to carry the case up on the record as it now stands -

Petitioner further shows that he is informed & believes that strict and substantial justice demands that the above case should be tried anew before the present presiding judge of said Court, and your Petitioner will ever pray &c -

R. C. Whiting U.S.
District Attorney for
the Southern District
of California -

United States of America
State of California
Monterey County P.

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P. L. Whiting

being duly sworn deposes & says
that he is the present acting U.S.
District Attorney for the Southern
District of California, and the legal
representation of appellant in the
foregoing entitled cause - that he
has read the foregoing petition &
knows the contents thereof that
the same is true of his own
knowledge except as to those matters
stated on information or belief
and as to those matters he believes
it to be true.



Shawto Sub before
me this 9th day of 1864
John Mule
Clerk of the Court of the County

P. L. Whiting

- 70. 359 -

U.S. District Court
Southern District

H. D. McCobb
Appellee
vs

The United States
Appellant

Petition for leave to
file a bill of review

Filed June 9, 1864
John C. Wheeler
Clerk

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B. L. Whiting, Jr.
Attorney

I hereby admit Service
of a copy of the foregoing
appellant's Petition
June 9, 1864 - DR Ashley
(By Patterson) atty for defendant

United States District Court for the District of California

K. D. McLaughlin, app^{ee}

The United States app^{ee}

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SD

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I John P. Whelan Clerk of
the United States District Court for the District of California do
hereby Certify that I have made an examination of
all the documents on file or existing in my office for
the purpose of determining the existence of any "opinion"
of the late S. K. Quinn in the above entitled Cause

And find that there is no such paper or
document in said office. nor does it appear
from the Register or otherwise that such paper
or document was ever filed therein.

Witness my hand & seal of said
Court at Monterey Aug 22 1864

John P. Whelan
Clerk of said Court

N^o
W. P. Dalton
and Dr. Calhoun

H. L. McCabe
et

The United States

Certif. of Clerk

Filed Aug 10, 1864

John D. Whelan
Clerk

Supreme Court of the United States
No. 387 December Term 1864.

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The United States } Appeal from the
vs. App'ls } District-Court of the
Henry D. Wm. Cobb } United States for the
California } Southern District of

This cause came on to be heard on the transcript of the record from the District-Court of the United States for the Southern District of California and on the motion of Mr Attorney General Speed of Counsel for the Appellants and with the consent of Mr Hartman of Counsel for the Appellee - it is now ordered, adjudged and decreed by the Court that the decree of the said District Court in this cause be and the same is hereby affirmed with the payment of costs in this Court by the appellee, but that on entering the decree herein the quantity of land to be surveyed within the exterior limits of the grant, as defined by decree of the Land Board, in the case, be restricted to one square league of land and no more.

10 March 1865

I, Daniel W. Middleton, Clerk of the Supreme Court of the United States, do

hereby certify that the foregoing is a true copy
of the decree of the said Supreme Court entered
at December Term 1864 in the case of
The United States, appellants, vs. H. D. Wilcott,
Appellee, No 387.



In testimony whereof I hereunto
subscribe my name and affix
the seal of said Supreme Court
at the City of Washington this
twenty first day of August
1865.

L. W. Middleton
Clerk Sup. Ct. U. S.

No 359

Supreme Court of the United States

No 387 - Dec Term 1864

The United States

vs. Appo 5.

H. D. Wilcott

Certified copy of decree

Filed & Recd 2th / 85

J. M. McKim clk

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Sup. Ct.
U.S.

Supreme Court of the United States
No 387 - December Term 1864.

The United States,
vs. Appellants }
Henry D. McKobb } Dec 7. 1864
Appellee } No 387.

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It is stipulated and agreed in the above entitled cause, that the decree of Confirmation in this cause in the Court below be affirmed by this Court on the payment of costs of Supreme Court by Appellee, but that, on entering the decree herein, the quantity of land to be surveyed within the exterior limits of the grant, as defined by decree of the Land Board in the case, be restricted to one square league of land, and no more.

(Signed) James Speed
Atty Genl

(Signed) Isaac Hartman
Atty for Appellee

I, Daniel W. [redacted], Clerk of the Supreme Court of the United States, do hereby certify that the above is a true copy of the stipulation filed in the above entitled case.
In testimony whereof I hereunto subscribe my name and affix

The seal of said Supreme Court at the
City of Washington this
Twenty first day of August
A. D. 1865.



D. W. Middleton
Clerk Sup. Ct. U. S.

701 379

Supreme Court U. S.

No. 389 December Term 1864

The United States

vs. Apprs

Henry D. Wright

"
Certified Copy of Stipulation
to affirm decree

Filed Dec 1st 1864
John D. Wheeler
Clerk

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

The United States
Appellants }
vs } Canal de Sierra
Henry D. McCobb }
Appellee }

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Now comes the said Appellee by Isaac Hartman his Attorney and exhibits to the Court a stip certified copy of a stipulation entered into between the Attorney General of the United States and the Attorney of said Appellee, and also a certified copy of a decree of the Supreme Court of the United States in said cause, entered in pursuance of said stipulation, and ~~also~~ ^{now} leaves of the Court to file the same, which motion is accordingly granted.

And after inspecting said certified copies of stipulation and decree, and being duly advised in the premises, it is ^{adjudged} ~~ordered~~ ^{decree} by the Court that said Plaintiff and Appellee have leave to proceed under the

deem of this case heretofore rendered
in this case as under a final decree,
but that in making a survey and
location of the land claimed in this
case, said claimant and Appellee be
restricted to one square league of
land and no more, to be located
at his election anywhere within
the exterior limits, as described in the
grant in the case and the decree
rendered by the Board of Land Com-
missioners.

Thus done in open Court
this 9th day of Dec^r A.D. 1865.

Hatch W. Wright
Judge of said Court

NO 359

The United States

^{vs}
Henry D. de Cuba

— " —

General de Lima

— " —

Final Decree

Filed Dec 9/65

John Wheeler

Att

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Ent^d Justice Records p 372