

CASE No.

391

SOUTHERN DISTRICT

LA CANADA DE RINCON GRANT

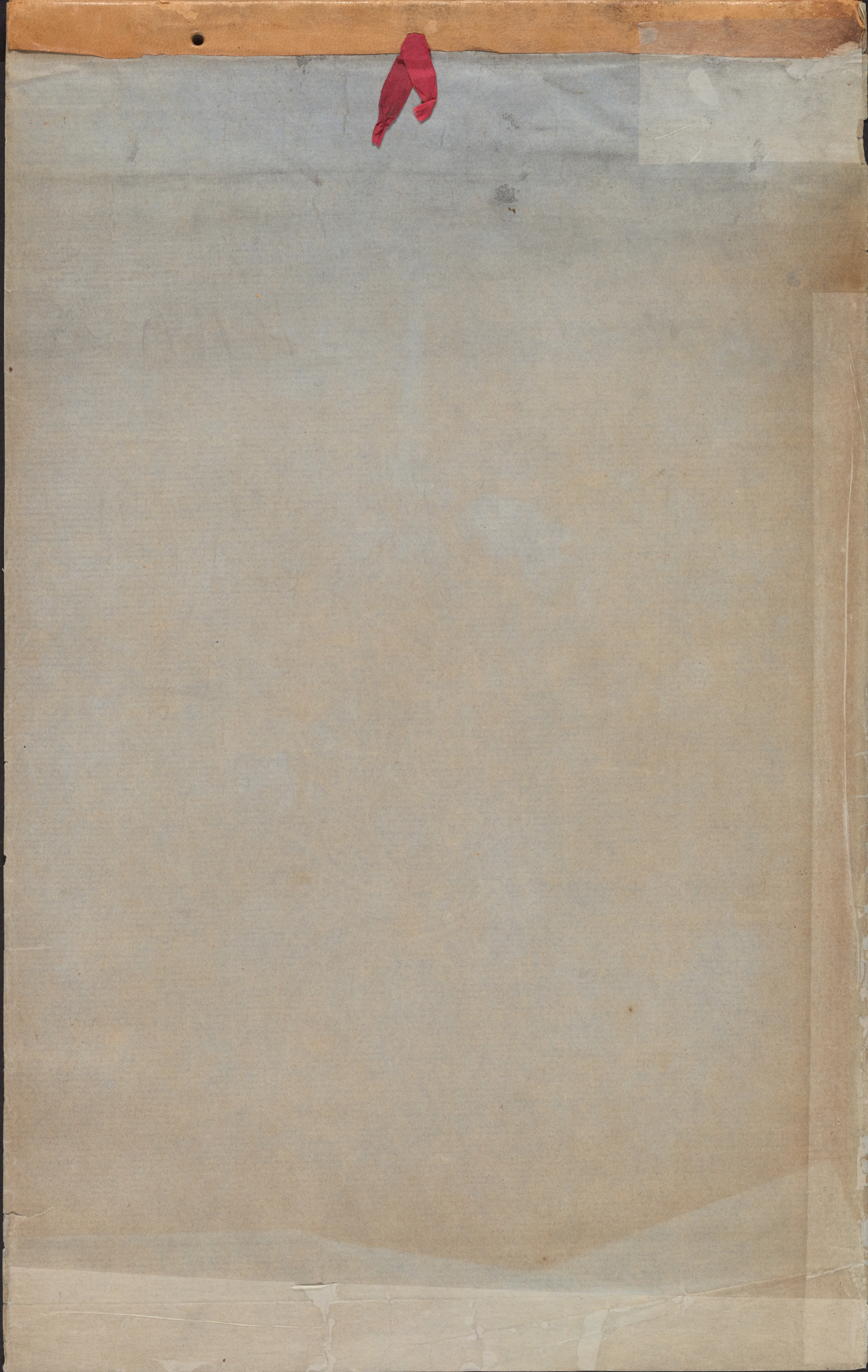
PEDRO SAINSEVAIN

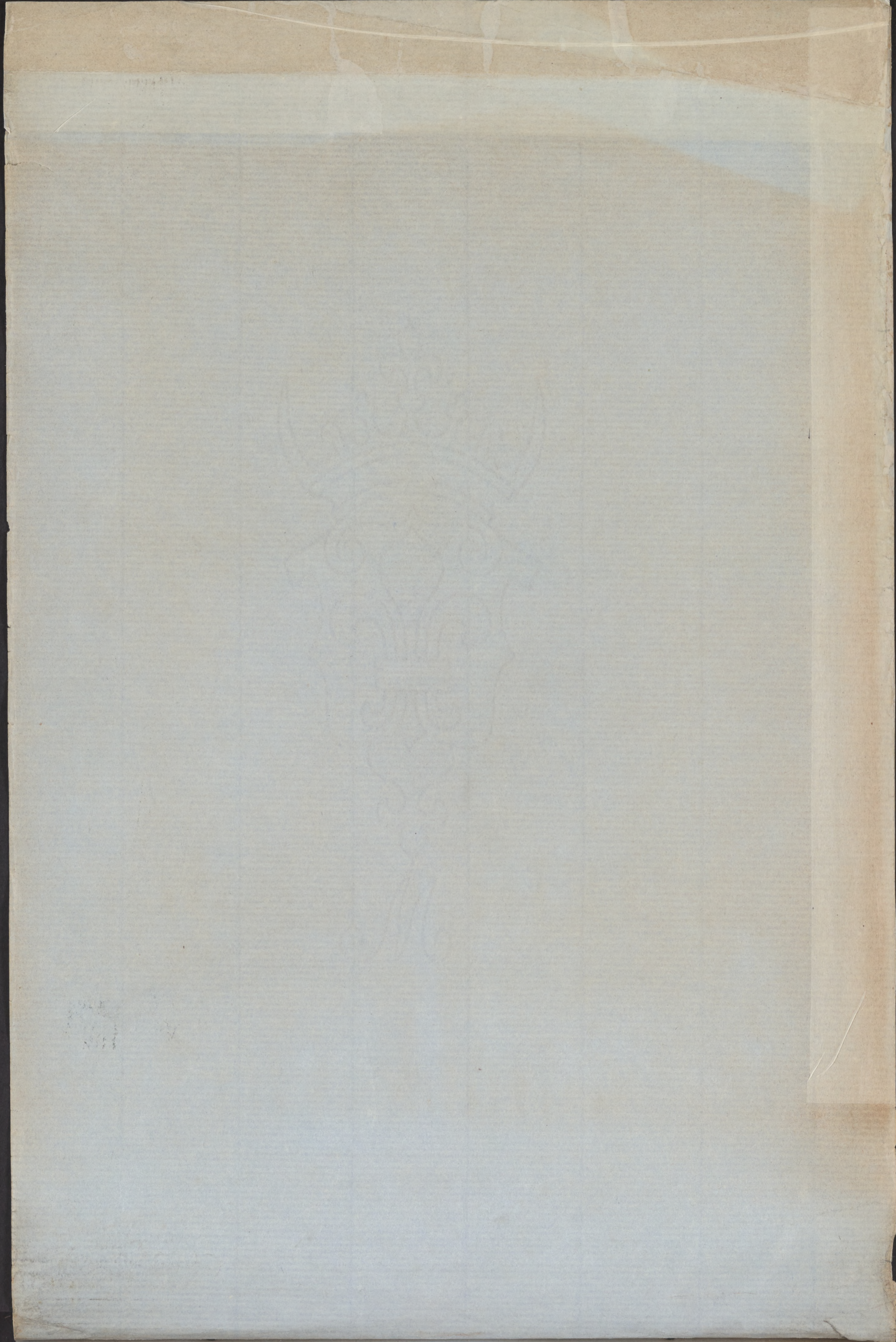
CLAIMANT

LAND CASE 391 SD pgs. 59

MAR 26 1963

Unmanila
FLOWER BOND
25% COTTON FIBER
U.S.A.





Received
30th August 1854.

copy - with index of land

TRANSCRIPT

391 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *283*

Pedro Sainserain

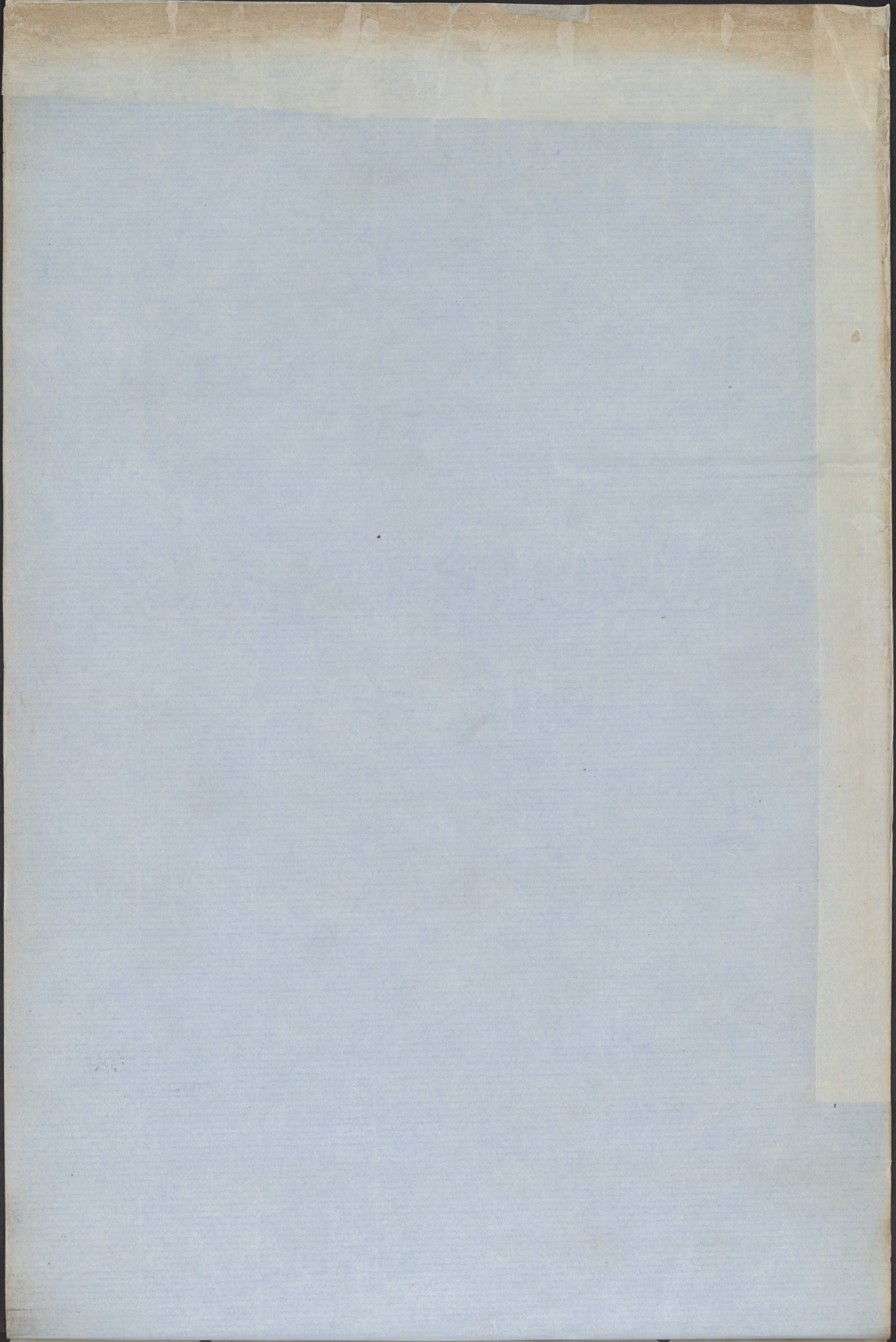
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"La Cañada del Rincon."



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

391 SD

PAGE 2

Be it Remembered, that on this *sixth day of July*, 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;

The Petition of *Pedro Samsorain* for the Place named "*La Cañada del Rincon*" was presented, and ordered to be filed and docketed with No. 283 and is as follows, to wit;

(Vide page 3 of this Transcript.)

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

San Francisco January 17/1853.
In Case No. 283 Pedro Samsorain for the place named "*La Cañada del Rincon*" the deposition of *Mariano Jimeno*, a witness in behalf of the claimant, taken before Commissioners *Hiland* and *Hall* with document marked *D. H. no. 1* annexed thereto was filed;
(Vide page 4 of this Transcript)

San Francisco Jan. 20th 1853.
In the same case the deposition of *M. F. Tschemacker*, a witness in behalf of the claimant, taken before Commissioner *Wang* & *Thornton* was filed;
(Vide page 5 of this Transcript)

San Francisco February 16th 1853

In the same case the deposition of James W. Weeks, a witness in behalf of the claimant, taken before Commissioner Melana Hall was filed;

(Vide page 7 of this Transcript)

391 SD
PAGE 3

In the same case the deposition of Charles Rossiter a witness in behalf of the claimant taken before Commissioner Melana Hall was filed;

(Vide page 6 of this Transcript)

San Francisco September 26th 1853.
Case No. 283 called, submitted on Briefs and taken under advisement by the Board;

San Francisco Jan. 17th 1854.
In the same case Commissioner Thompson Campbell delivered the Opinion of the Board concerning the claim;

(Vide page 27 of this Transcript)

34
To the Commissioners appointed to ascertain & settle
private land claims in the state of California.

Pedro Samerain, a citizen of California, humbly
presents & prays, the confirmation of his title to a tract
of land called the Canada del Rincon, lying on the
river San Lorenzo, in the County of Santa Cruz with
the boundaries specified in the grant & containing two
leagues - which was granted to him provisionally
on the 10th July 1843, by Manuel Micheltorena,
then Governor of California & afterwards completely
on the 21st April 1846 by Pio Pico, then Governor of
California, under authority of the laws & regulations
in force at the time of the two several grants. He re-
-presents that he took possession of said tract of land in the
year 1843, & put up a mill & other buildings upon
it & has occupied it ever since. That on the 10th June
1846, the concessions of this land to him was approved
by the Departmental Assembly. That he knows
of no other claim to any part of the land. In respect
of his claim he refers to the copy of the Expediente
& other papers marked A. the translation thereof marked
B. the copy of the grant marked C. all of which
are herewith filed, & to such other evidence as he may
hereafter offer.

A. P. Cortlandt
Atty for Petitioner

Filed in Office July 6th 1852

Geo: Fisher
Secy.

391 SD
PAGE 4

Petition

San Francisco, Jan'y 17th 1853.

On this day before Honor Richard Hall, came Manuel Jimeno, a witness in behalf of the claimant Pedro Saincevan, petition No 283. & was duly sworn, his evidence being substantiated by the Secretary.

391 SD
PAGE 5

The U. S. Associate Law Agent was present.

Deposition of
Manuel Jimeno Questions by Claimant.

Int 1. What is your name, age & place of residence. If you say that you reside in California, state since when.
Ans - My name is Manuel Jimeno - I am forty nine years of age. I reside in Monterey, California & have resided there for the last twenty four years.

Int 2. Are you acquainted with the signatures of Pio Pico & José Matías Moreno. If you examine the document marked Exhibit No 1, now shown to you & which will be attached to your deposition & say whether or not the signatures of those persons whom they appear upon said document are genuine.
Ans - I am acquainted with the signatures of Pio Pico & José Matías Moreno. I have examined the document referred to. Their signatures are genuine wherever they occur thereon.

Int 3. What office in California did Pio Pico fill in April, 1846, if any?

Ans. He was then Governor of California.

Int 4. Who was acting as Secretary of the Governor at that time?

Ans. Don José Matías Moreno, & Don José M^o Corambrar were both acting at that time as Secretary. The latter lived at Santa Barbara & the former at Los Angeles - & it depended upon the place where any

5-

deed was made, whether it was signed by one or the
other.

Int 57

Man Jimeno.

Sworn & subscribed

Before me

Richard Hall.

Filed in Office Jan'y 17th 1853.

Comr.

Geo. Fisher.

S'cy.

391 SD

PAGE 6

Deposition of
H. F. Tschumacher.

San Francisco Jan'y 20th 1853.

On this day before Comr H. S. Thornton, came
H. F. Tschumacher, a witness in behalf of the claimant
Pedro Saenzearin, petition No 283. I was duly sworn,
his evidence being interpreted by the Secretary.

The U. S. Associate Law Agent was present.

Questions by Claimant.

Question 1st What is your name, age & place of residence,
& how long have you resided there.

Ans. My name is Henry F. Tschumacher, my age
is thirty years, my residence is San Francisco, California
in which County I have lived about ~~etc~~ ^{ten} years.

Question. Are you acquainted in the place called Cana-
da del Rincon or El Rincon, in the County of Santa
Cruz, ^{California} If yes, state where it is situated, & what you
know of its occupation & cultivation & settlement.

Answer. I am acquainted with the place so called &
have been for some eight years, it is situated in Santa
Cruz County, near the town of Santa Cruz. This place
was occupied when I first ^{heard} it by Mr Charles Bonillon

391 SD
PAGE 7

who lived upon it. He owned a saw mill which was in operation on the place from which I have ascertained the transportation of sawed lumber. He had also a dwelling house, & I think two other houses for his workmen upon the place. The only cultivation that I remember was of a garden or small patch for raising vegetables.

This place was to my knowledge, continued to be occupied & used as I have stated up to 1847, & from reliable information has been so ever since.

Question. Do you know or not know on whose account Mr Roussillon occupied as you have stated, at any time of such occupation.

Ans. I was informed by Mr Roussillon & also by Mr Sarrasin the claimant, that they were in partnership in this property in the years 1843 & 1846. They may have been so jointly interested before that, but I have no knowledge further about it.

U. S. Law Agent present. H. F. Testmacher.

Sworn to & subscribed before me this 20th of July 1853.

Harry J. Thornton,

Clerk.

Filed in Office July 20 1853.

Geo. Fisher. Secy.

Deposition of Charles Roussillon.

San Francisco, July 16 1853.

On this day before Court Wilkins Hall, came Charles Roussillon, a witness in behalf of the claimant Pedro Sarrasin, petition No 283, & was duly sworn, his evidence being given in English.

The U. S. Associate Law Agent was present.

In answer to inquiry by counsel for the claimant the witness testified as follows.

My name is Charles Roussillon, my age is thirty nine years & I reside at Santa Cruz. I know the rancho called Canada del Rincon - Sainsevain & myself built the mill together, but it was built for him. I am now a part owner of the land claimed in this case.

Sworn & subscribed Ch. Roussillon.

Before me
Meland Hall. Comr.

Filed in Office Feby 16 1853.

Geo. Fisher. Secy.

391 SD
PAGE 8

San Francisco Feby 16 1853.

Deposition of James W. Weeks.

On this day before Comr Meland Hall, came James W. Weeks, a witness in behalf of the claimant, Pedro Sainsevain, petition No 283. & was duly sworn his evidence being given in English.

The U. S. Associate Saw Agent was present.

In answer to inquiry by counsel for the claimant the witness testified as follows.

My name is James W. Weeks, my age is thirty eight years, & I reside at San Jose.

I know the rancho called Canada del Rincon in the county of Santa Cruz, on the river San Lorenzo. The lower boundary of the rancho is about three quarters of a mile from the church of Santa Cruz. I owned the land adjoining the lower or southern boundary

8

1283

of the tract. The southern boundary was very near
the fence that enclosed my cultivated land. I was
there four years & sold out & left in the year 1844.
Pedro Samson & Company built a saw mill on the
place in 1843. as I think, & other houses for carrying
on the sawing business. Such occupation has contin-
ued to the present time.

391 SD
PAGE 9

James W. Weeks

Sworn & subscribed

Before me

Richard Hall.

Comr.

Filed in Office Feby 16 1853.

Geo: Fisher.

Secy.

9

283

1 S.D.K.

1846

391 SD
PAGE 10

Expediente
Promovido por D. Pedro Sainsevain
en pretencion de la propiedad del
terreno donde tiene un molino de
aserrar madera en la mision de
Santa Cruz

40

508

Delo Tercero un peso
Habilitado provisionalmente por la Aduana maritima
del puerto de Monterrey en el Departamento de las
Californias para el año de mil ocho cientos cuarenta y tres
Micheltreña Manuel Castañeros

391 SD
PAGE 11

Ad.
marit
de
Monty

Excelentissimo Señor Gobernador
y Comandante General

A
Expediente

Ang. Julio 3 de
1843

Sevade informar
el M. R. P. Presidente
de las misiones del Norte
Micheltreña

Pedro Sainsevain Subdito frances
y vecindado en este Departamento
como mas haya lugar en derecho
me presento y digo: Que buscando
poner una maquina de acerrar
madera, y buscando un paraje
propio, he hallado una cañada
en el establecimiento de S. Cruz, nombrada
el Rincon en el rio S. Lorenzo;

cuyo disseno q. adjunto a esta Solicitud muestra el
terreno q. pretendo.

Y resultando un beneficio al departamento
por esta industria, denuncié en debida forma el muncio-
nado terreno que se halla baldio como lo espuesan los
informes q. acompaño de las autoridades a q. me
3 A. D. K. he dirigido como creo conveniente al efecto.

P. D. a V. C. Suplico si es asequible
mi Solicitud, me otienda el título respectivo, en
lo q. recibire gracia y justicia; juro no proceder
de malicia y

Angelos a 3 de Julio de mil ocho
cientos cuarenta y tres.

Pedro Sainsevain

Como Sir,

En debido obediimiento al superior decreto de V. C.
pha 3 del Corriente, de q. informe a mi Gobierno,
sobre el terreno q. en la Misión de Sta Cruz solicita

260

11

283

283

4 S. D. K.

391 SD
PAGE 12

del Sr D. Pedro Sainserain; debo decir a V. E. q.º no
 teniendo un conocimiento practico del Citado terreno,
 ni noticia actual de si esta valdío, o pertenece a algun
 individuo o Comunidad, no me es posible como deseara
 el satisfacer a V. E. con un informe especificativo.
 Sin embargo como presumo q.º la extinguida Misión
 de Sta Cruz no podrá cultivar en terreno, bien podrá
 V. E., si fuer de su Superior agrado, el adjudicarlo a
 q.º lo solicita; p.º el acto de dar la posesion deberan
 citarse los Colindantes y en este supuesto, mi dictamen
 nunca podrá refluir en contra de sus derechos q.º en dho
 acto sabran muy el manifestarlos, aunque yo sepito
 ignoro si la adjudicacion del terreno en cuestion pertene-
 cerá o no a algun individuo.

Es cuanto tengo el honor de informar a V. E.
 con referencia al Superior decreto citado asegurando a
 V. E. mi respetuosa Consideracion.

Sta Barbara y Julio 7 de 1843
 Fr. Fr. M. de J. Gonzalez

180

Mark
 Not

D H.S.K.

Dello Cuarto Por Reales

Habilitado provisionalmente por la Aduana maritima del puerto de Monterrey en el Departamento de la California, para el año de mil ochocientos Cuarentay tres.
Micheltonna Manuel Castañares

391 SD
PAGE 13

Ad.
marit.
de
Munty

Señor Prefecto del 1º Distrito

Pedro Sainserain, Subdito frances y vecindado en este Departamento se presenta ante V. y dice: Que siendo forzoso para el adelanto de sus negocios poner una maquina para aserrar madera, y habiendo visto en Santa Cruz un paraje muy propio para el efecto con el nombre de Rincon en el Rio S. Lorenzo que por ahora esta baldio como lo especifica el Certificado que adjunto, Suplico a V. se sirva informar al Señor General D. Manuel Micheltonna si no hay inconveniente ninguno para que se conceda al interesado dicho terreno.

Por tanto Suplico a V. se sirva acceder a mi solicitud de lo cual recibire merced y justicia.

7 S.H.K.

Monterrey Junio 23 de 1843
P. Sainserain

Como Sr. Gobernador,

260

Visto el informe del encargado del establecimiento de Santa Cruz, es de parecer esta Prefectura se le conceda al interesado el permiso que solicita, dejandolo a la deliberacion de V. E.

Monterrey Junio 23 de 1843
Don R. Estrada

8 S.H.K.

Establecimiento
de
Santa Cruz

Procedimiento del Sr. D. Pedro Sainserain q. solicita poner una maquina de acurar madera en el paraje dicho El Rincon, en el Rio de S. Lorenzo, por presente esta

13 / 3 / 283

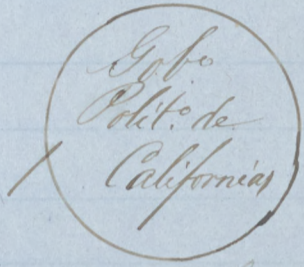
desocup.º dicho terreno, y doy este Certificado al interesado por los fines q.º convenga.

Santa Cruz a 22 de Junio de mil ochocientos y cuarenta tres.

Juan Bolcoff

Encarg.º del Establecim.º de Santa Cruz

J.S.D.K.



Ang.º Julio 10 de 1843

Por tener q.º marchar y no haber tiempo, y en vista de los informes q.º antecedon sirvase al interesado de título provisional con obligacion de ocurrir a que se le expida en forma cuando definitivamente se establezca el Gobierno

Micheltay

391 SD
PAGE 14

Monterrey Nov.º 20 de 1843

Compensoña de todo lo expuesto y antecedente a q.º haya a pesar del anterior Decreto, informe el Sr. Srío de este Gob.º

Micheltay

W.S.D.K.

A mi Sr. Gobernador

El Sr. D. Pedro Sainsevain no está naturalizado y es requisito p.º adquirir, indispensablem.º, propiedad territorial; pero en consideracion a los grandes gastos que tiene emprendidos en la farrica que ha establecido en el terreno pretendido, puede permitírsele el Corte de madera inter se naturalize p.º expedirle el título que pretende.

La disposicion de V. E. sera lo que mejor convenga. Monterrey Nov. 20 de 1843
Man. Jimeno

250

W.S.D.K.

Seonardo Cota, Regidor Secano y Alcalde 2.º inter.º de la Ciudad de los Angeles &c
Certifico: que D. Pedro Sainsevain me ha presentado un documento del tenor siguiente.
a Sello Cuarto = El Ciudadano Manuel

14

Michellorona, General de Brigada del Ejercito Mexicano,
 Ayudante General del mismo, Gobernador, Comandante
 General e Inspector del Departamento de California —
 Habundo Don Pedro Saindevain, originario de Francia,
 cumplido con las condiciones y requisitos que previene la ley
 respectiva, para conceder carta de naturalizacion a los extranjeros
 y acompañado los documentos correspondientes: declaro al
 referido Don Pedro Saindevain naturalizado en la Republica
 Mexicana en virtud de la autoridad que por aquella Ley me
 confiere — Monterrey Siete de Octubre de mil ochocientos
 cuarentay cuatro — Manuel Michellorona — Manuel
 Jimeno Secre.º //

12 S.D.K.

391 SD
PAGE 15

Cuyo documento se sacó fiel y legalmente de su
 original en esta foja de papel comun por falta de sellado.
 Angeles Abril veinte y uno de mil ochocientos cuarenta
 y seis.

Leonardo Cota

^{as.}
Jg.º Coronal

^{as.}
Rafael Guirado

13 S.D.K.

Milantissimo Sor Gobernador del Departamento

Pedro Saindevain Mexicano por naturalizacion
 radicado en este Departamento y vecino del Pueblo de San
 Don Guadalupe, ante V.E. con todo respeto pasesco y digo:
 Que habiendome concedido por el antecesor de V.E.
 la fabrica de un molino en las inmediaciones de la estinguida
 Misión de Sta Cruz, verifique los gastos bajo el seguro
 de habermeme otorgado el título correspondiente, y cuando ya
 estaba p.º concluir la fabrica, y consentido en que no se
 me pondria obstaculo p.º obtener el documento prometido,
 por el decreto Superior que con fecha 10 de Julio de 1843,
 corre en el apediente que tengo el honor de acompañar a
 V.E. habiendo ocurrido me encuentre que se me negaba
 por las circunstancias de ser extranjero, obligandome por
 a que me naturalizase: me sorprende, Excelentissimo
 Señor, y no conviniendome por entonces cambiar mi
 ciudadanía, me contenté solo, con que no se me molestase
 en la empresa. Despues por convenirme así, me resolví a
 solicitar la tal naturalizacion, y me fue concedida por

342

14 S.D.K.

13
4
283

del Sr. Gral Don Manuel Micheltorena, en ejercicio del
mando de este Departamento como se informara V. E.
por la copia certificada que obra al fin del propio expediente.
En tal virtud y siendo cumplida la condicion que motivo
la suspension del titulo correspondiente, ajuso de la V. E.
entendome el respectivo a la propiedad de los terrenos solicitados
en mi primera Solicitud, que obra en cabeza del mismo espe-
diente, cuyos tramites quedan concluidos, por lo tanto
A V. E. suplico haga como pido por ser de
rigurosa justicia; juro no ser de malicia y lo necesario para
permittirme el uso del papel comun por falta del sellado
en el lugar

391 SD
PAGE 16

Angeles Abril 21 de 1846
P. Sainserain

15 S. D. K.

Angeles Abril 21 de 1846

Vista la peticion con que da principio este
expediente, los informes y otras diligencias practicadas que
en el aparecen, con todo lo demas que se tuvo presente y
ver convenio, de conformidad con lo dispuesto en la ley de
18 de Agosto de 1824 y reglamento de 21 de Noviembre
de 1828, se declara al Ciudadano Mexicano por natura-
lizacion Pedro Sainserain dueño en propiedad de la
cañada de del Rincon donde corre el rio de San Lorenzo
en las inmediaciones de la Misión de Sta Cruz. Libresele
el titulo correspondiente al interesado en extension de dos sitios
de ganado mayor conforme al diseño que corre agregado y
semitase esta concesion a la aprobacion de la Santa
Asamblea Departamental.

320

Pio Pico, Gobernador Constitucional del
Departamento de California asi lo decreta, manda y
firma, de que doy fe

Pio Pico, Gobernador Constitucional
del Departamento de las Californias.

16 S. D. K.

Por cuanto Don Pedro Sainserain, ciuda-
dano Mexicano por naturalizacion ha pretendido para
su beneficio personal y el de su familia un terreno
conocido con el nombre de la Cañada del Rincon donde

11

corredor llamado San Lorenzo en las cercanías de la Misión de Santa Cruz colindante con las Siembras de Don Guillermo Niquis y el rancho denominado Sayante; practicadas previamente las diligencias y averiguaciones convenientes, según lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas a nombre de la Nación Mexicana, he venido en decreto de este día en concederle el expresado terreno, declarándole la propiedad de él por las presentes letras, entendiéndose a la consecución de entera conformidad con las leyes, a reserva de la aprobación de la Exma. Asamblea Departamental y bajo las condiciones siguientes.

391 SD
PAGE 17

1.ª Podrá cercarlo sin perjudicar las travesías, caminos y sembradumbres; lo disfrutará libre y exclusivamente dedicándolo al uso y cultivo que mas le acomode.

2.ª Solicitará del Sr. respectivo le de la posesión jurídica en virtud de este despacho por el cual se demarcaran los límites respectivos, en cuyo lugar pondrá el interesado las mojeras necesarias.

3.ª El terreno de que se hace donación es 17 S. D. K. puramente el de dos sitios de ganado mayor conforme al diseño que corre agregado al expediente original. El Sr. que obtiene la posesión lo hará medir con arreglo a ordenanza dejando el sobrante a la Nación para los usos convenientes.

En consecuencia mando que teniendo por firme y valdero el presente título, se tome raxon de él en el libro a que corresponde y se entregue al interesado para su resguardo y demarcación. Dado en la Ciudad de los Angeles en este papel común por falta de sellado a veinte i uno de Abril de mil ochocientos cuarenta y seis.

340

Queda tomada raxon de este Superior despacho en el libro respectivo.

18 S. D. K.

Angeles Mayo 8 de 1846

Dada cuenta en sesión de hoy con este expediente a la Ex. Asamblea Departamental, se mando pasar a la Comisión de terrenos baldíos.

Pío Pico Presid. Agustín Rivera S. S.

5.
283

Señor
La Comisión de terrenos baldíos á examinado el presente Exped.^{te} promovido por el Ciudad.^o Sr. Naturalización Pedro Sainsevain del parage nombrado El Rincón donde corre el río S. Lorenzo q.^o le fué concedido p.^o el Ex.^{to} Gobierno Departamental conforme a las leyes de la materia; en esta virtud pone á la deliberación de V.^o E. la proposición siguiente:

391 SD

PAGE 18

19 S.D.K.

Se aprueba la concesión hecha al Ciudad.^o Sr. Naturalización Pedro Sainsevain del parage nombrado Rincón en el Río de San Lorenzo, jurisdicción de Monterrey, cuyo título librado con fecha 21 de Abril de este año, conforme a la ley de 18 de Agosto de 1824 y al art.^o 5.^o del reglamento de 21 de Setiembre de 1828.

Salas de Com.^o en la Ciudad de los Angeles
Junio 2.^o 1846

S. Argüello

Angeles 10 de Junio de 1846

En Sesión de este día aprobó la Ex.^{ta} Asamblea Departamental la proposición del dictamen anterior,

290

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 having in my office and under my control a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby certify that the matters preceding and hereunto annexed pages of tracing paper, numbered from one to nineteen 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 archive, in this office. In testimony whereof I have hereunto

18

Signed my name officially, and affixed my private seal
(not having a seal of office) at the City of San Francisco
Cal, this 17th day of May 1852

Saml D. King
Surv Gen Cal

391 SD
PAGE 19

Filed in Office July 6th 1852
Geo. Fisher
Sec

50

391 SD
PAGE 19

72 83

19

Sello tercero. Un peso.
Habilitado provisionalmente por la Aduana Maritima
del puerto de Monterey en el Departamento de las Cali-
fornias para el año de mil ochocientos cuarenta y tres.
Micheltuna. Manuel Castaneras

13
Español
Traducción

To the Most Excellent Governor Genl. in Chief.
I Pedro Samsorain, a French subject, resident in this
Department in the manner which may be most effective
in law, present myself & say - that being desirous of erecting
a saw mill & in search of a proper place I have found
in the settlement of Santa Cruz, a valley named the Rin-
con upon the river San Lorenzo - the plan of which accom-
panying this petition, shows the land which I desire to
obtain my enterprise being a benefit to the Department,
I denounce in proper form the land above referred to,
which is vacant as appears from the information here-
to attached given by the authorities to whom I have applied
as I believe is requisite, wherefore if it is possible to grant
my request - I pray that the proper title may be given me
whereby I shall receive favor & justice, I swear that I do
not proceed with malice &c.

391 SD
PAGE 20

Angels, July 7th 1843.

Pedro Samsorain.

Let the Rev. Father, the President of the Mission of the
North give the necessary information. Angels, July 7th
1843. Micheltuna.

Excellent Sir.

In obedience to the superior decree of your
Ex^{ty} of the 7th inst - that I should give information to
the government in relation to the land of the Mission
of Santa Cruz, which Pedro Samsorain solicits, I should
say to your Ex^{ty} that having no actual knowledge of
this land or certain information whether it is vacant

391 SD
PAGE 21

or the property of some individual or community, it is not in my power, as I should wish to satisfy your Excellency with any precise information, nevertheless as I presume that the late Mission of St^o Cruz will not be able to cultivate this land your Excellency may well grant it to whomsoever may solicit it, if you should think proper to do so, but when possession is given the adjoining proprietors should be cited & in that event their rights cannot be affected, since they will have the opportunity of asserting them still, I repeat I am ignorant whether this land does or does not belong to any individual. This is what I have the honor to say to your Excellency of my respectful consideration.

St Barbara, July 7th 1843.

Fr Le M^o de Le Gonzalez.

To the Prefect of the First District.

Pedro Sainserain a French subject & resident in this department, present myself before you & say that being obliged to put up a saw mill in order to carry on my business & having seen at Santa Cruz a place very appropriate for the purpose, called the Rincon upon the river San Lorenzo which is now vacant as the accompanying certificate shows, I request you to inform Gen^l Man^l Michelena whether there is any objection to his granting me this land, I beseech you to grant my request as a favor & an act of justice.

Monterey, June 23rd 1843.

Pedro Sainserain

To his Ex^{ty} the Governor.

In view of the information of the of the establishment of Santa Cruz it is the opinion of this prefecture that the permission which he solicits may be granted to the applicant. - if thought proper by your Excellency.

3/283

21

Monterey June 23rd 1843. Jose R. Estrada.

Establecimiento of Santa Cruz.
At the request of Don Pedro Samsorain who solicits permission to erect a saw mill on the place called the Rincon on the river San Lorenzo, that said land being at present unoccupied, I give him this certificate for the purposes he deems suitable.

391 SD
PAGE 22

Santa Cruz June 22nd 1843. Jose Bolcoff.

Superintendent of the Establecimiento of Sta Cruz.
Government of the Department of California
Angels July 10th 1843.

Being upon a journey & wanting time, in view of the preceding information (reports) I give this to the party indicated to serve him as a provisional title, requiring him to have it made out in form when the government may be definitely established.

Monterey November 20th 1843.

In view of all the foregoing & notwithstanding the former decree let the Secretary of this government report.

Micheltorona.
To his Excellency the Governor.

Don Pedro Samsorain is not naturalized an indispensable requisite in order to (obtain) acquire property in this territory, but in consideration of the great expense which he has incurred in erecting works upon the land he desires to obtain, he may be permitted to cut wood upon it until he is naturalized & can secure the title he desires, what your Excellency directs will be best. Monterey Nov 20th 1843.

Manuel Jimeno.

391 SD
PAGE 23

Leonardo Cota Regidor de Alcaldes 2^o inter^o
of the City of Los Angeles &c. I certify that Don Pedro
Samsuain has presented to me a document of the fol-
lowing tenor - *Sello cuarto* - The citizen Manuel
Micheltona, Brigadier Genl. of the Mexican Army,
Adjutant Genl. of the same, Commanding Genl. and
Inspector of the Department of the Californias - Don
Pedro Samsuain, a native of France, having complied
with the conditions & requisites prescribed by law for
the grant of a letter of naturalization to a foreigner &
having presented the proper papers, I declare him natu-
ralized in the Mexican Republic in virtue of the au-
thority conferred by law.

Monterey 7th October 1844. Manuel Micheltona
Manuel Jimeno. Secretary.

Which document is here faithfully & legally copied
from the original upon this sheet of common paper
for want of sealed, Angeles, 21st April 1846.

Witness Leonardo Cota.

Ignacio Coronel.

Rafael Guisardo.

To His Excellency the Governor of the Department.
I Pedro Samsuain, a Mexican by naturalization settled
in this department & resident of the Pueblo de San José
Guadalupe, respectfully present myself before your Excellency
& say - that the right to build a mill in the vicinity of
the late mission of Santa Cruz having been granted
to by your predecessor, I incurred great expense in seeking
obtain upon the proper title which it was promised me
should be made when the mill was about to be finished
& that in the mean time I should not be disturbed,
That I applied to obtain this title promised me by the
superior decree dated July 10th 1843 as appears from

23

391 SD
PAGE 24

the papers, which I have the honor to lay before you, it was refused me because I was a foreigner & I was required to be naturalized, this surprised me, your Excy & I not being then disposed to change my citizenship was satisfied with the assurance that I should not be disturbed in my undertaking. Afterwards it being convenient, I resolved to ask their naturalization, which was granted me by Govr. Mal. Michelena, commanding this department, as your Excy will see from the certified copy which accompanies this expediente. Wherefore the condition being fulfilled which caused the suspension of the title to the land solicited in my first petition, at the commencement of the expediente in which all the steps have been taken. I beseech your Excy to grant what I request as of strict right, I swear that I do not proceed maliciously &c, the use of common paper being permitted for want of sealed in this place.
 Angeles, April 21. 1846.

Pedro Sarracain

Angeles, April 21st 1846.

In view of the petition with which this petition begins, the reports which are here made, & all other things in the premises & it being in conformity with the directions of the law of August 18th 1824 & the regulations of November 21st 1828, Pedro Sarracain, a Mexican citizen by naturalization is declared owner in full property of the valley of the Rincon, in which flows the river San Lorenzo, in the vicinity of Santa Cruz. Let the proper title be delivered to him for two leagues of the larger size in conformity to the map which accompanies this. This concession to be subject to the approbation of the most Excellent Departmental Assembly.

J. P. Pico, Constitutional Governor of the

Department of the Californias.

Whereas Don Pedro Sainzoran a Mexican citizen by naturalization, has solicited for his personal benefit & that of his family, a tract of land known by the name of the Canađa del Rincon, where the river San Lorenzo runs, in the vicinity of the Mission of St. Cruz bounded by the own lands of Don Guillermo Uignis & the rancho called Sycante, the necessary steps and inquiries having been taken in the provinces, as required by law & the regulations, by virtue of the powers which are conferred upon me in the name of the Mexican Nation I have thought proper by a decree of this day to grant the said land to him declaring it his full property by these presents - It being understood that this concession is in entire conformity with the laws, subject to the approbation of the Excellent Departmental Assembly & upon the following conditions

- 1st He shall have power to enclose it without interfering with the crossings, roads & conduits, he may enjoy it freely & exclusively, devoting it to the use or cultivation which he may prefer.
- 2^d He shall solicit of the proper Judge to be put in judicial possession in virtue of this patent - by whom shall be marked out the proper boundaries, on which the party interested shall put the necessary monuments.
- 3^d The land hereby granted is two leagues of the larger size in conformity with the map which accompanies the original expediente. The Judge who shall give possession shall have it measured as required by law, leaving the surplus to the nation for its own uses.

Wherefore I order that this title being

25-

7/2 83
[recogn] regarded as form & valid, shall be recorded in the proper book & be delivered to the party for his protection & other purposes. Given in the city of Los Angeles upon this common paper for want of sealed paper the 21st April 1846.

Let this be registered in the proper book.

391 SD
PAGE 26

Angles May 8th 1846.

I give notice of this expediente to the departmental Assembly in its session of to-day. Referred to the Committee on vacant lands. Agustin Olvera. Is. Pro Pci. Pres.

The committee on vacant lands has examined this expediente, presented by the naturalized citizen Pedro Sainsevarin of the place called the Rincon, where the river San Lorenzo runs, granted by the Governor in conformity to the laws upon this subject & presents for your deliberation the following proposition. The concession made to the naturalized citizen Pedro Sainsevarin of the place called the Rincon on the river San Lorenzo, in the jurisdiction of Monterey, according to the title of the 21 of April of the present year in conformity to the law of the 18th of August 1824 & the 3rd Article of the regulation of the 21st of Nov 1828 is approved.

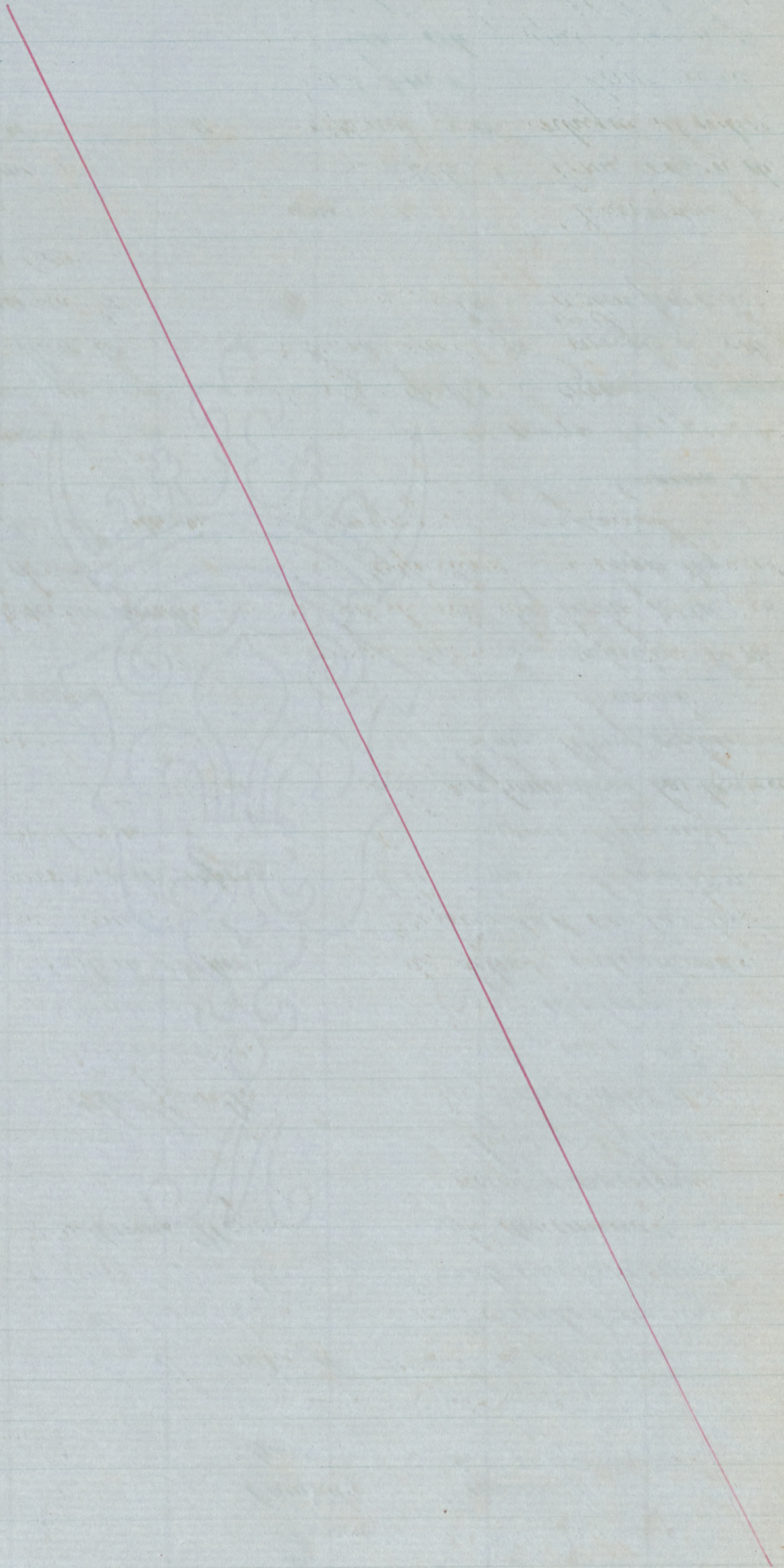
Hall of the Committee in the city of Los Angeles
June 2 - 1846.

S. Arguello
Angles 10th of June 1846.

In its session of this day, the Departmental Assembly approved the foregoing proposed decree.

Filed in Office July 6 1852. Geo. Fisher. Secy.

24



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1000

83

San Pedro, Gobernador Constitucional del Departamento de las Californias

Gobierno del Dep^{to} de Californias

391 SD PAGE 27

Por cuanto D. Pedro Scinsvain Ciudadano Mexicano por naturalizacion ha pretendido para su beneficio personal y el de su familia un terreno conocido con el nombre de la Cañada del Rincon donde corre el rio llamado de San Lorenzo en las cercanias de la Misión de Sta Cruz, colicante con las Siembras de D. Guillerms Wequis. y el rancho denominado Soyante: practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto p. leyes y reglamentos usando de las facultades que me son conferidas a nombre de la Nacion Mexicana, he tenido, en decreto de este dia, en considerarle el expresado terreno declarandole la propiedad de el por las presentes letras, entendiendose dicha concesion de entera conformidad con las leyes, a reserva de la aprobacion de la Suprema Asamblea Departamental y bajo las condiciones siguientes:

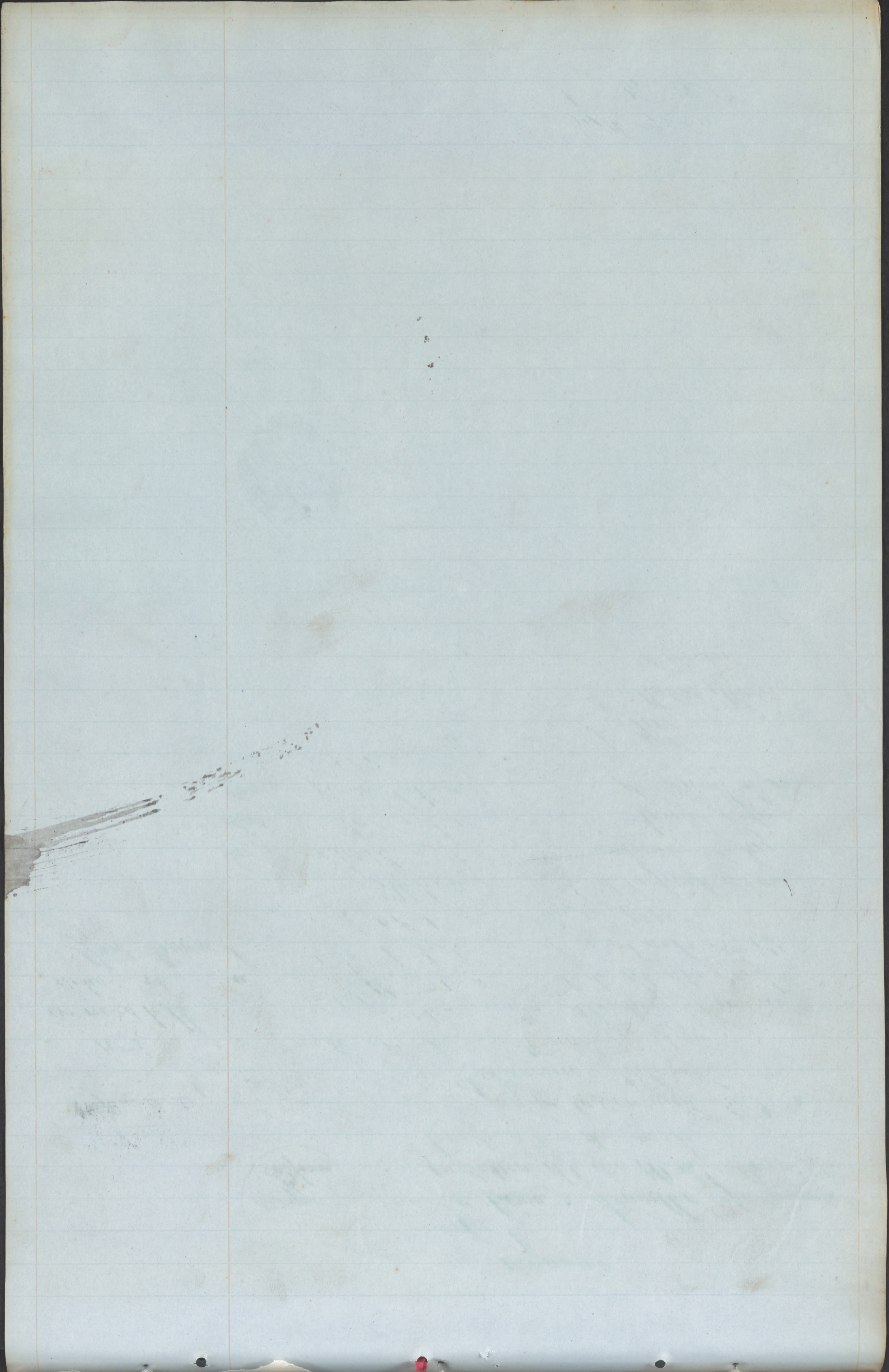
1.ª Podrá cercarlo sin perjudicar las travesias, caminos y servidumbres; lo disfrutara libre y esclusivamente dedicandolo al uso o cultivo q. mas le acomode.

2.ª Solicitara del Jefe respectivo le de la posesion juridica en virtud de este despacho por la cual se demarcaran los linderos respectivos, en cuyos lugares pondra el interesado las mojeras necesarias.

3.ª El terreno de q. se hace donacion es puramente el de dos sitios de ganado mayor conforme al diseño que corre agregado al expediente original. El Jefe que diere la posesion lo hara medir con arreglo a ordenanza dejando el sobrante a la Nacion para los usos convenientes.

En consecuencia mando q. teniendo por firme y valdero el presente titulo, se tome raxon de el en el libro a q. corresponde y se entregue al interesado para su resguardo y demas fines. Dado en la ciudad de los Angeles en este pabel comun por falta del Sello, a veintiocho de Abril de mil ochocientos cuarentay seis. San Pedro

360



D. Pico, Gobernador Constitucional del Departamento de las Californias.



La Santa Asamblea Departamental en sesion del dia 10 de Junio ha tenido a bien decretar lo siguiente:

Se aprueba la concesion hecha al

Ciudadano por naturalizacion Pedro Sainserain del parage nombrado Rincon en el rio de San Lorenzo, jurisdiccion de Monterey segun titulo librado en fha 21 de Abril de este ano conforme a la ley de 18 de Agosto de 1824 y al art. 5.º del reglamento de 21 de Noviembre de 1828.

Y para resguardo de la parte del Ciudadano por naturalizacion D. Pedro Sainserain lo hago asi saber. Dado en la Ciudad de los Angeles en papel comun por no haber sellado a trece de Junio de mil ocho cientos cuarenta y seis.

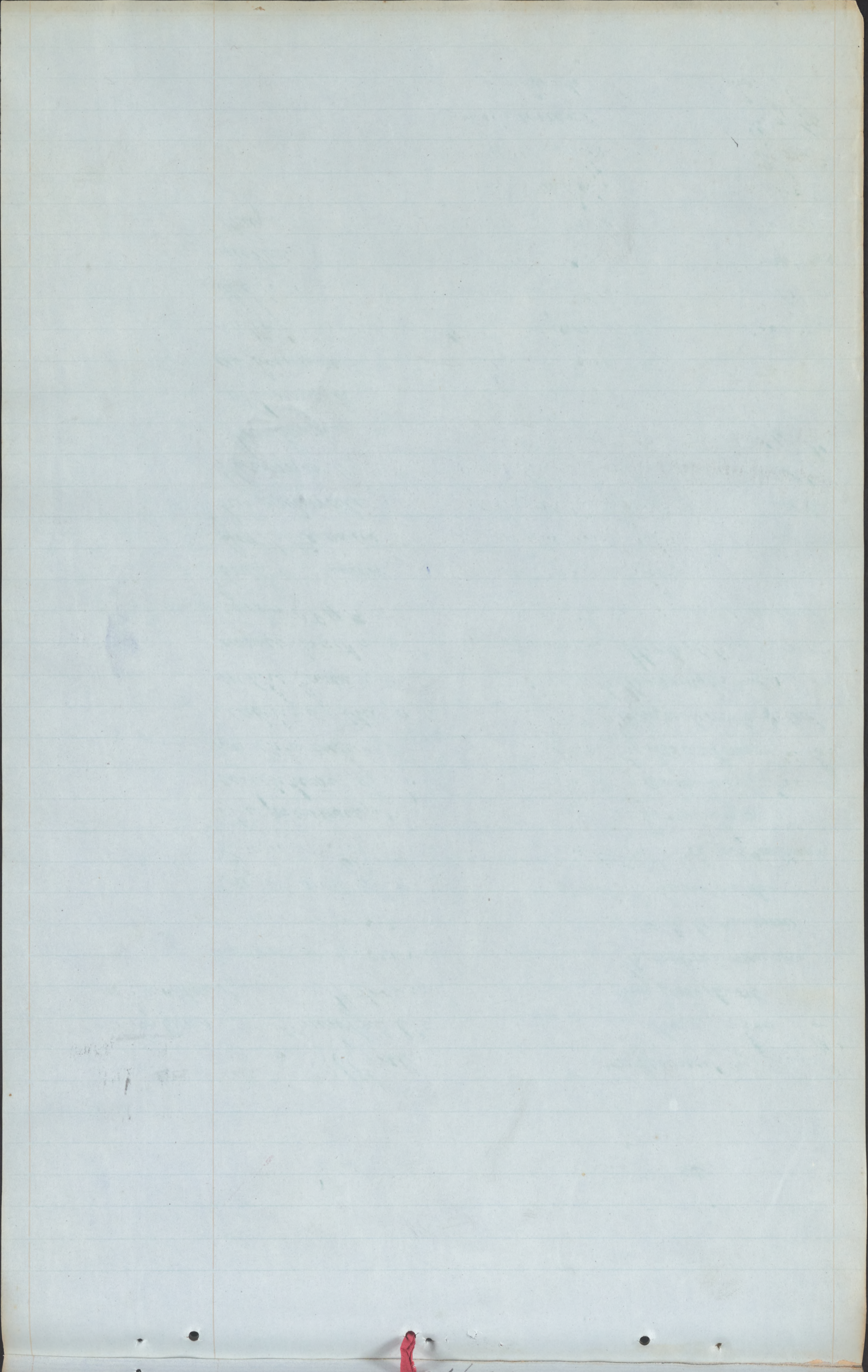
D. Pico
Dn. Matias Moreno
Dno int.

391 SD
PAGE 28
Document
no 1
annexed to the
depo: of
Man: Jimeno

175

Man
no 2

Filed in office July 17th 1853
Geo: Fisher
Sec



29

Pedro Sainsevain vs La Cañada del Rincon.
The United States vs D. Saques.

391 SD
PAGE 29
Opinion by Comr. Thompson Campbell, 1846.

The grant in this case was made on the 21st of April A.D. 1846, & confirmed by the Departmental Assembly on the 10th day of June A.D. 1846. It does not appear that any judicial possession was ever given, or that any judicial measurement was ever made. The grant is proved to be genuine & the signature is shown to be in the hand writing of Governor Pio Pico. The inhabitancy & occupation of the premises, are proved to be in conformity with the conditions of the grant. The only question of difficulty in this case is, the want of identity & ascertainable locality of the land granted. The expediente filed in the cause, shows that the petitioner applied for the same tract of land to Governor Micheltorena in the year 1843, & that he received a provisional grant, but on account of being a Foreigner his application for title was denied, in the mean time, he obtained his naturalization papers, after which he applied to Governor Pico & received the grant above referred to. In the first petition which the party addressed to Micheltorena he describes the tract of land which he claims as being situated in the settlement of Santa Cruz, a valley named the Rincon upon the river San Lorenzo, the plan of which accompanied his petition. No further description is found in the proceedings until they reach the first concession made by Pico. Where he describes the property granted in the following words. "Pedro Sainsevain, a Mexican citizen by naturalization, is declared owner in full property of the valley of the Rincon, in which flows the river San

391 SD
PAGE 30

Sonzo, in the vicinity of Santa Cruz. In the title in
 form the land granted is thus described "a tract of land
 known by the name of the Canada del Rincón, where
 the river San Sonzo runs, in the vicinity of the Mission
 of Santa Cruz, bounded by the soon lands of Don Guil-
 lermo Uignis & the rancho called Sayante. The 3rd
 condition annexed to the grant is in the following words:
 The land hereby granted is two leagues of the largest
 size in conformity with the map which accompanies
 the original expediente. The Judge who shall give
 the possession shall have it measured as required
 by law, leaving the surplus to the nation for its
 own uses. The map, which by reference is made part
 of the grant, represents a tract of land of an oblong shape,
 through which the river San Sonzo is represented
 as flowing, the Mission of Santa Clara is also represented
 & which according to the scale laid down on the map, is
 about half a league distant from one end of the tract,
 the rancho of Sayante is designated by name at one
 end of the tract, & the boundary of Guillermo Uignis
 is written at the other end. The points of the compass
 are not given on the map. Ciudad Surra is written
 on both sides of the designated tract, which no doubt
 is intended to indicate the tract as a valley be-
 -ing between two mountains or hills. The scale as
 laid down on the map represents three miles, by
 applying the scale to the tract as designated on the
 map, the tract would be only four miles in length,
 & a fraction over one mile in width, this measurement
 if made according to the scale would make the tract of
 land fall far short of the quantity which the condition
 above quoted calls for, & specifies as the quantity contained
 in the tract as designated on the Map. Neither the

31

391 SD
PAGE 31

grant nor the map call for or represent any natural objects, except the Rio de St. Lorenzo, which the map designates as running through the centre & the whole length of the tract. The fact that the tract is designated in the grant, by the name of Cañada del Monjon gives no additional certainty to its location, other than it is descriptive of a valley of which it composes a part. I have no doubt, it was the case in this instance as it generally was, that this particular tract of land was first designated by the name it now bears, by the party himself when he solicited the concession, the name by which the land should be called, was a part of his petition, & although it was usual for ranchos to take either the name of the most prominent natural object within their limits, or as in this case, to be designated by fit terms, descriptive of their peculiar location, the name by which they happened to be called was not by way of description, the tract never having been known as designated by that name or any other anterior to the grant itself, unless as was sometimes the case occupancy preceded the grant. These names are singularly characteristic & beautiful, the beauty & euphony of which, on being ^{generally} named by the introduction of the more unharmonious terms, townships, sections, half & quarter. This innovation upon the beauty of names, can only be tolerated on the ground of the greater certainty which the latter mode of description has over the former. The question now presented & the one most difficult is, whether in the absence of the judicial measurement contemplated by the grantor, the tract granted is described with such certainty as to separate it from the other lands of a like character by which it is surrounded. First, the tract clearly lies on both sides of the Rio ^{de} Santa

391 SD
PAGE 32

Sanzo & includes that stream. Secondly it is bounded by the range of mountains (Sierra) which form the valley through the centre of which the San Sanzo flows. The description contained in the grant, bounds that part of the tract which faces the Mission of Santa Cruz, with the cultivated lands of Guillermo Ugnis, & the remaining part or end of the tract by the rancho called Sayunta, thus inclosing the tract with the rivers on two sides, & with a rancho at each side. If the scale heretofore referred to, affords anything like an accurate means of ascertaining the size of the tract, as designated on the map, the limits above described embrace a much less quantity, than the party according to the grant is entitled to receive. It is here proper to state that, upon the fact that the limits within which the particular grant is to be located, do not contain more than the quantity granted, is made to appear by proof otherwise, the necessity of showing a location by judicial measurement is dispensed with, so far as that particular object is concerned. The San Agent in a brief which he has filed in this case, insists that the grant made by Governor Pico on the 21st of April 1846 is a forgery & for that reason the claim should be rejected. In support of this assumption, he relies particularly upon the fact that the grant is only signed by the Governor, & not by his Secretary. While there is nothing in the law which requires the signature of the Secretary to be attached to a grant, still it was the usual way in which grants were signed, but I have discovered in cases the genuinities of which, no question has been entertained, the signature of the Secretary most likely through inadvertence has been omitted. It is true that the signature of the Secretary is in all cases an additional

33

391 SD
PAGE 33

guaranty of the genuineness of the grant, but I am not prepared to admit that its observance, is of itself a sufficient cause of condemnation. In this case the signature of Governor Pio Pico is proved to be genuine, & that too, by the old Secretary, Torrico, who it is supposed was well acquainted with Pico's hand writing. The history of this case, as contained in the true copy of the expediente, I think protects it from the suspicions to which the law Agent thinks it is obnoxious. After an examination of the whole case, together with the objections which have been urged against the genuineness of the grant, we are of opinion that the claim should be confirmed.

Filed in Office Jan'y 17 1834.

Geo. Fisher. Secy.

Decree of Confirmation of Pedro Sainsevain. ^{of} The United States.

In this case on hearing the proofs & allegations it is adjudged by the Commission that the claim of the said petitioner is valid, & it is therefore decreed that the same be confirmed. The lands of which confirmation are hereby made, are described & bounded as follows, to wit: on the end which faces the Mission of Santa Cruz, by the rancho of Guillermo Uguis, on the opposite end by the rancho called de Sazante, & on the sides by the Sierris, which form the valley through which the rio de Santa Lorenzo flows. The tract embraced within the above described boundaries is known by the

name of La Canada del Rincon, & contains two square leagues, a little more or less. Reference for further description to be had to the map, which is a part of document marked A. & filed as evidence in the cause.

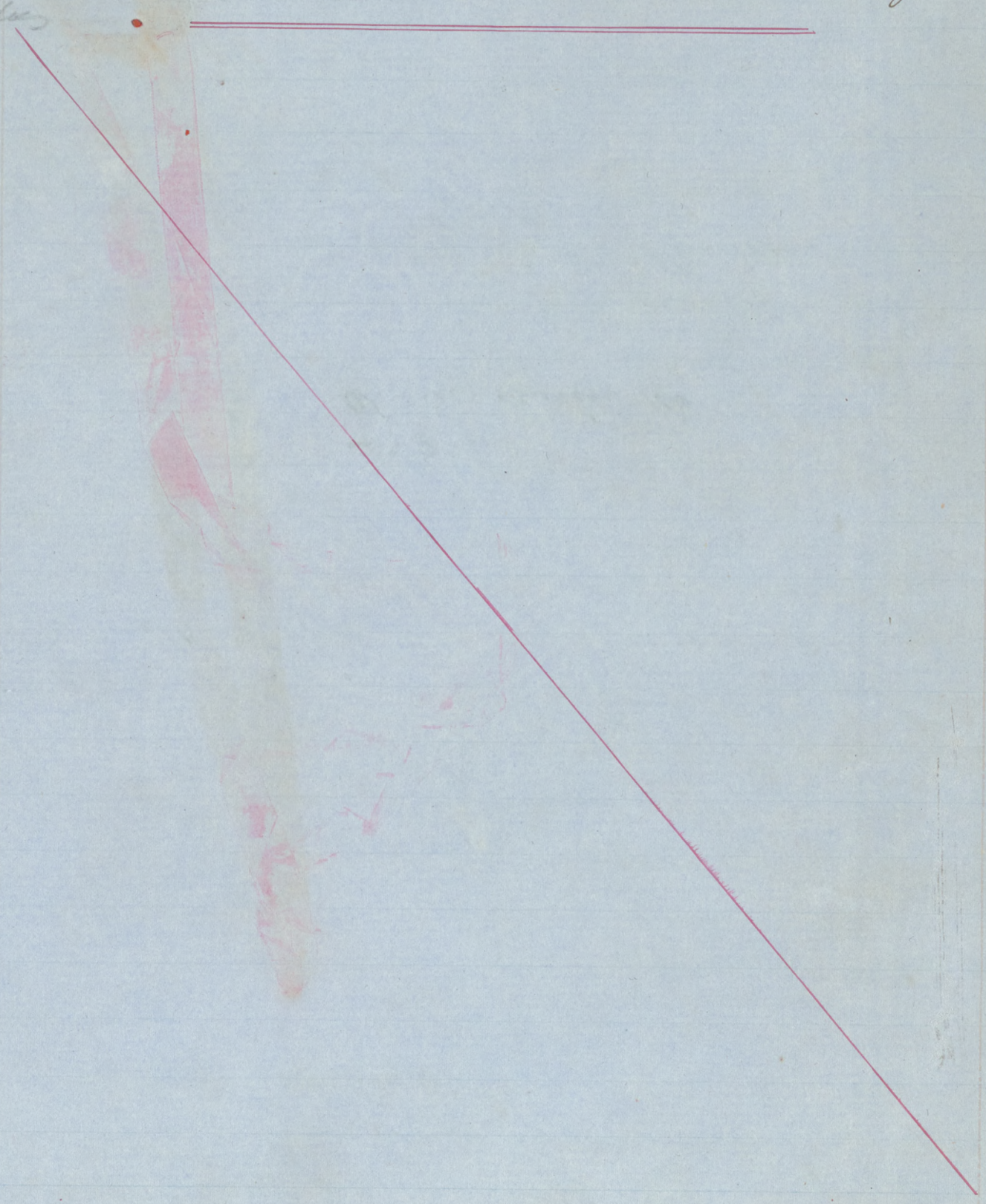
391 SD
PAGE 34

Alpheus Felch.
Thompson Campbell.
W. Aug. Thompson. } Commissioners.

Filed in Office Aug 17 1834. Geo. Fisher.

Secy.

5-260 = 5-2 1/2 felch



Office of the Board of Commissioners,

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

391 SD
PAGE 35

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 *Thirty four* ——— pages, numbered from 1 to *34*, 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, in Case No. *283* on the Docket of the said Board, wherein *Pedro Sainsvain* is —

the Claimant, against the United States, for the place known by the name of "*La Canada del Rincon*" —

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this *thirty first* day of *July* A. D. *1854*, and of the Independence of the United States of America the seventy=*ninth*.

Geo. Fisher.

391

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

No. *391*

THE UNITED STATES,

vs.

391
Pedro Sarrasvaine
"La Cañada del Puerco"

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *283*

Filed, *11th* February 1857

Clarks clk
J. W. Coleman
Copy

391

No. 283.



22

391 SD
PAGE 36

Office of the Attorney General of the United States,

Washington, 30th November 1854.

Pedro Saiservain

vs.

The United States.

} 283.

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 30th day of August 1854 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Clarking

Attorney General.

No 283

No 283

U. S. District Court.

Southern District —

The United States

vs —

Pedro Sainsevain

Appeal Notice —

Filed Jan'y 10th 1855.

J. E. Farr.

clk.



Pedro Sanscraive, Appellant,

vs.

The United States, Appellee

Docket No. 391.

Transcript No. 283.

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 6th day of July _____ A. D. 1852.;

Pedro Sanscraive

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 *Cañada del Rincón*

_____ in the County of *Santa Cruz* 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 17th day of *January* A. D. 1854,

the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 31st ^{11th} day of ~~August~~ ^{January},

A. D. 18~~54~~⁵⁷, 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. 291; reference to which it is prayed may be had and made part of this petition.

That on or about the 11th day of *August* A. D. 1854,

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 the 10th day of January — 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.

391 SD
PAGE 39

And no sufficient proof having been made of the allegations in said petition to said Commissioners, or in support of the said claim, no decision confirming 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 ~~same~~ ^{said claim}, 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.

N. 391.

Peter Sansonine .

vs.

The U States .

Petition of N. for Review.

Filed January 11th 1858

at San Francisco

J. H. Coleman
Dep.

United States of America, } SS.
SOUTHERN DISTRICT OF CALIFORNIA.

THE PRESIDENT OF THE UNITED STATES,

TO

Pedro Samsuain

391 SD

PAGE 42

TAKE NOTICE, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the *11th* day of *January* in the year of our Lord, one thousand eight hundred and fifty-*eight*, at the City and County of Los Angeles, in said District, by

GREETING :

P. Ord U.S. Dist. Atty for the S. Dist of California, praying said Court to Revoke the decision of the U.S. Board of Commissioners rendered in your favor on the 14th January 1854 for the tract of land called "Cañada del Rucón" in the County of Santa Cruz

and that you, and each of 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 that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.

In witness whereof, I have hereunto set my hand, and affixed the Seal of the said Court, this *11th* day of *January*, in the year of our Lord, one thousand eight hundred and fifty-*eight*, at Los Angeles aforesaid.

C. Lewis
J. H. Coleman
Clerk.

No. 391

UNITED STATES OF AMERICA,
SOUTHERN DISTRICT OF CALIFORNIA,
U. S. DISTRICT COURT.

Pedro Luiswaine

vs
at vs

The United States

SUMMONS

Filed this 19th January
1858

C. Lewis Clerk
J. H. Coleman Dep

391 SD

PAGE 43

I served this Summons, along with the proper copy of the Petition, upon

Pedro

Luiswaine

at
the

Los Angeles

, in the Southern District of California, on

the 19th day of January, A. D. 1858.

Sworn to and subscribed before me, this 19th

Jan'y 1858

Clerk

J. H. Coleman
Dep

Clerk.

Marshal.

James C. Ferris

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

The United States } No 391 Dist. Ct.
vs }
Pedro Sainsevan } No 283 L Court.

391 SD

PAGE 44

This day came the said Pedro Sainsevan by his attorney and moved the court to dismiss the petition heretofore filed in this case against ^{him} which was argued by council, whereupon it appearing to the satisfaction of the court that the transcript of the proceedings and decision of the Board of Land Commissioners of the the papers and evidence on which the same was founded had been duly filed in the Clerk's Office of the District Court of the United States for the Northern District of California, and it further appearing by a Deposition in said Record signed by J. H. McKune Law Agent and A. P. Cullerton attorney for complainant that the Land in said transcript mentioned lies north of the 37° of North Latitude, and that the said District Court for the Northern District of California had heard & finally determined said cause by decree of the 20th of September 1855. It is now hereby ordered and decreed that said motion be granted and that the said Petition be and the same is hereby dismissed -

Wm. S. Dill
U. S. Dist. Judge
for the S. Dist. of Cal.

No 391

Pedro Sauter
appu

vs
The Estates

Order dismissing
appeal -

Filed Feb'y 9th 1858
Chimo
OK

391 SD

PAGE 45

In the United States District Court }
For the Northern District of California } 3

391 SD
PAGE 46

The United States } No. 90. Decree
v } W. 283. Land Commission
Pedro Sainserain }

Stated Term September 20th 1855.
Appeal from the final decision of the Commissioners
to ascertain and settle private land claims in
California.

In this case it appearing from the
records of this Court, that the certified transcript
of the proceedings and decision and of the papers
and evidence on which the same were founded,
prepared by the Board of Commissioners on private
Land Claims in California was filed with the
Clerk of this Court, on the 13th day of September
A. D. 1854 in pursuance of the 12th Section of the
appropriation Act of the 31st of August 1852,
Chapter 108. and it further appearing, that the
said Claim was decided against the United
States and that the Transcript of the said Case,
according to the provision of the said Act, was
received by the Attorney General of the United
States on the 30th day of August 1854, and
further it appearing from the records of this
Court that no notice has been filed that the

appeal would be prosecuted by the United States, and six months having elapsed since the receipt of the said transcript, It is therefore ordered and decreed that the said appeal be dismissed, as provided in said Act.

Ogden Hoffman Jr
U.S. Dist Judge.

391 SD
PAGE 47

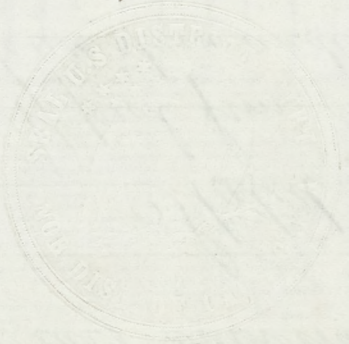
(Endorsed)

Filed September 20th 1855

John A. Monroe

Clerk

I, John A. Monroe, Clerk of the District Court of the United States for the Northern District of California do hereby certify the foregoing to be a full true and correct copy of the original now on file and remaining of record in my office.



In testimony whereof I have hereunto set my hand and affixed the Seal of the said Court the 5th day of February A. D. 1858.

John A. Monroe, Clerk
by W. H. Chivers, Deputy.

No 391

P. Sausbier

vs
W. States

entire order of

~~deposition of parties~~

Dist Court Wash. Dist
Ct

Filed July 9th 1858

C. J. Sims
C. W.

391 SD

PAGE 48

N^o 283.

El Rincon

It is hereby stipulated and agreed that the land claimed in this case, lies north of parallel 37° of North Latitude.

September 8th 1854.

391 SD
PAGE 49

J. H. McKim

Law Agent.

A. P. Lenthenden

Atty for Claimant

(Endorsed) "283 Pedro Sainsercin - Cañada del Rincon - Stipulation - Filed in Office Sept. 12th 1854
Geo. Fisher Secy - Recorded in Journal Vol 4. page 35"

U. S. Surv. Genl's Office

San Francisco California

I James W. Manderille, U. S. Surv. Genl for Cal^a and as such having in my Custody the papers of the late Board of U. S. Land Commissioners to ascertain and settle the private Land Claims in California, do hereby certify the above to be a full, true and exact copy of a Stipulation, with the endorsements thereon, on file in Case N^o 283 on the Desk of said Board of Land Commissioners in which Pedro Sainsercin is Claimant of a place named "La Cañada del Rincon" Given under my hand and Official Seal at the City of San Francisco Cal. this 5th day of February A. D. 1858

J. W. Manderille
U. S. Surv. Genl Cal

No 391

Pausanias
(N)
The States

Stipulation of parties

Filed July 9th 1888
Claus
CR

The United States } No 391 del
vs }
Pedro Jansenrain } No 283 L.C.

391 SD
PAGE 51

This day comes the said
Claimant by his attorney and
moves the Court to dismiss the
Petition filed in this case, because
he says this Court hath not juris-
diction to hear and determine the
the matters and things therein
set forth

No 391

Perus Lunsun
app
us
Munda Stals

Proton to usm
appal

Filed July 9th 1858
C. Sims
C. W.

391 SD

PAGE 52

U. States

vs

Pedro Sausevan

391 SD

PAGE 53

Before me Richard
K. Vestal, a justice of the peace Town
Santa Cruz, personally appeared Samuel
Boole who after being ^{duely} sworn deposes &
says that he has been a resident of the
County of Santa Cruz since the 1822, has
been living on the River San Lorenzo
in the Cañada del Rincon, a little more
than a mile north of the Mission of
of Santa Cruz ever since the year
1829. was the first man that settled on
the River San Lorenzo. The Cañada
del Rincon, went there by permission
of the administrador of the Mission
of Santa Cruz Francisco Soto and
the alcalde of the pueblo, of Santa
Cruz, Jose Bolcoff, has a house there
now, has been cutting timber and
sanding lumber there. Pedro Sausevan
settled about one half a mile north of
said deponent on the River San
Lorenzo. Several years after the said
deponent had come there, said Pedro
Sausevan went there by permission
of the alcalde of the Pueblo of Santa
Cruz. Said deponent never heard
that Pedro Sausevan had a grant
to the land called the Cañada del Rincon
until the americans had had possession
of California for some time, knows
that the land which said deponent had

391 SD
PAGE 54

been living since 1839 is included
in the Rancho cañada del Rincon, as
located by the United States deputy
Surveyor, Wm. Lewis, Pedro Saussevan
or his assigns or agents never
ordered the said deponent from the
land, but on the contrary Doct^r
Van Cernaguan one of the present
owners of the Ranch assured the
said deponent that he never should
be ordered from the land, but might
live there as long as he pleased. Knows
that George Chapell, Carabazero Soto
Thomas Lewis William Brauder were
living in the cañada del Rincon had
houses there had ~~subplots~~^{subplots} on the
place where Pedro Saussevan after
wards built the Mill, knows that the
before mentioned men were living
there before Pedro Saussevan came
there. Knows that they never sold
any right for the use of timber or
land to Pedro Saussevan Knows
that the Rancho cañada del Rincon
as located by Wm. Lewis United States
deputy surveyor is within the limits
of the Pueblo of Santa Cruz

subscribed & sworn before Saml. Poole
me this February 27th

A D 1857 Richard K. Vestal
Justice of the Peace.

Jam. Boole

391SD

Copy No
12

U. States

vs

Pedro Saucedo

391 SD

PAGE 56

Before me Richard
H. Vestal a justice of the Peace of
the County of Santa Cruz, personally
appeared William Boote who being
duly sworn deposes & says, that he
has been a resident of the Town of
Santa Cruz ever since the year
1822, that he is a land owner that
he knows the southern & northern
boundaries of the Rancho Cañada
del Rincon as surveyed by W. Lewis
deputy Surveyor of Surveyor General
of California knows that the dis-
tance from the Catholic Church and
Court house on the public square
in the Town of Santa Cruz to the
northern boundary of the Rancho
Cañada del Rincon is about one
league a little more or less. Knows
that the Town of Santa Cruz was
acknowledged by the Mexican
Government as a Pueblo before
the year 1847 & from that time on
until the Americans took possession
of California. Knows that the Pueblo
of Santa Cruz and the jurisdiction
of the alcaldes of it extended one
league each way from the Catholic
Church in the Town of Santa Cruz
Knows that the lands of the Cañada
del Rincon as located by W. J. Lewis

United States deputy surveyor are within
the limits of the lands of the Pueblo
of Santa Cruz. Knows that within
the years 1838 & 1847 Ramon Buena
Vista, Saml. Boole, William Moley
Anna Gray & others being at least
twenty five persons were living
had houses & were settlers by
permit of the authorities of the
Pueblo of Santa Cruz on the land
on which is now the Rancho of
Cañada del Rincon, located, that
one of the above named persons
viz Samuel Boole has been living on
the said ~~Ranch~~ land & has been in
possession of it from that time
on to the present day that he the
said deponent was second alcalde
in the early part of 1846 in the
Pueblo of Santa Cruz by appointment
of the Mexican government that
he knows that Pedro Saussevain
or others for him did never make
application to the authorities of the
Pueblo of Santa Cruz and the inhabi-
tants thereof and no permission
granted by them to locate the said
Ranch Cañada del Rincon within
the limits of the Pueblo land. Knows
that Pedro Saussevain & Charles Row
sillon had a permit or lease from
the authorities of the ~~Pueblo~~ Pueblo

of Santa Cruz to cut timber and
Saw lumber. Knows that they
paid rent in lumber to the
authorities of the Pueblo of Santa
Cruz saw himself the lumber
hauled out of the Cañada del Rincon
which was paid for rent. This was
in the years 1843 & 1844 - deponent
never heard of the grant of
the Ranch cañada del Rincon to
Pedro Sanseveran until some time
after the americans had taken pos-
session of the Country

Pedro Sanseveran told this deponent
that Charles Roussillon was half
owner of the Ranch cañada
del Rincon since the land had
been granted to him. That
Charles Roussillon was considered
& admitted to be half owner
of all property owned by Pedro
Sanseveran in the County of
Santa Cruz. That in the fall
of 1846 Charles Roussillon told
said deponent of the grant
Charles Roussillon said then that
he said Roussillon & Pedro
Sanseveran did not claim or
nor had any grant for any
land on the east side of the

River San Lorenzo
subscribed &
sworn to this
Feb'y 21st AD. 1857

Wm Boole
mark

Richard K Vestal
Justice of the Peace

Wm Boole

391-750 SD
90 ND

Copied

Appidavill

No 13.