

CASE NO.

229

NORTHERN DISTRICT

RINCON DE LA BALLENA GRANT

SEBASTIAN RODRIGUEZ

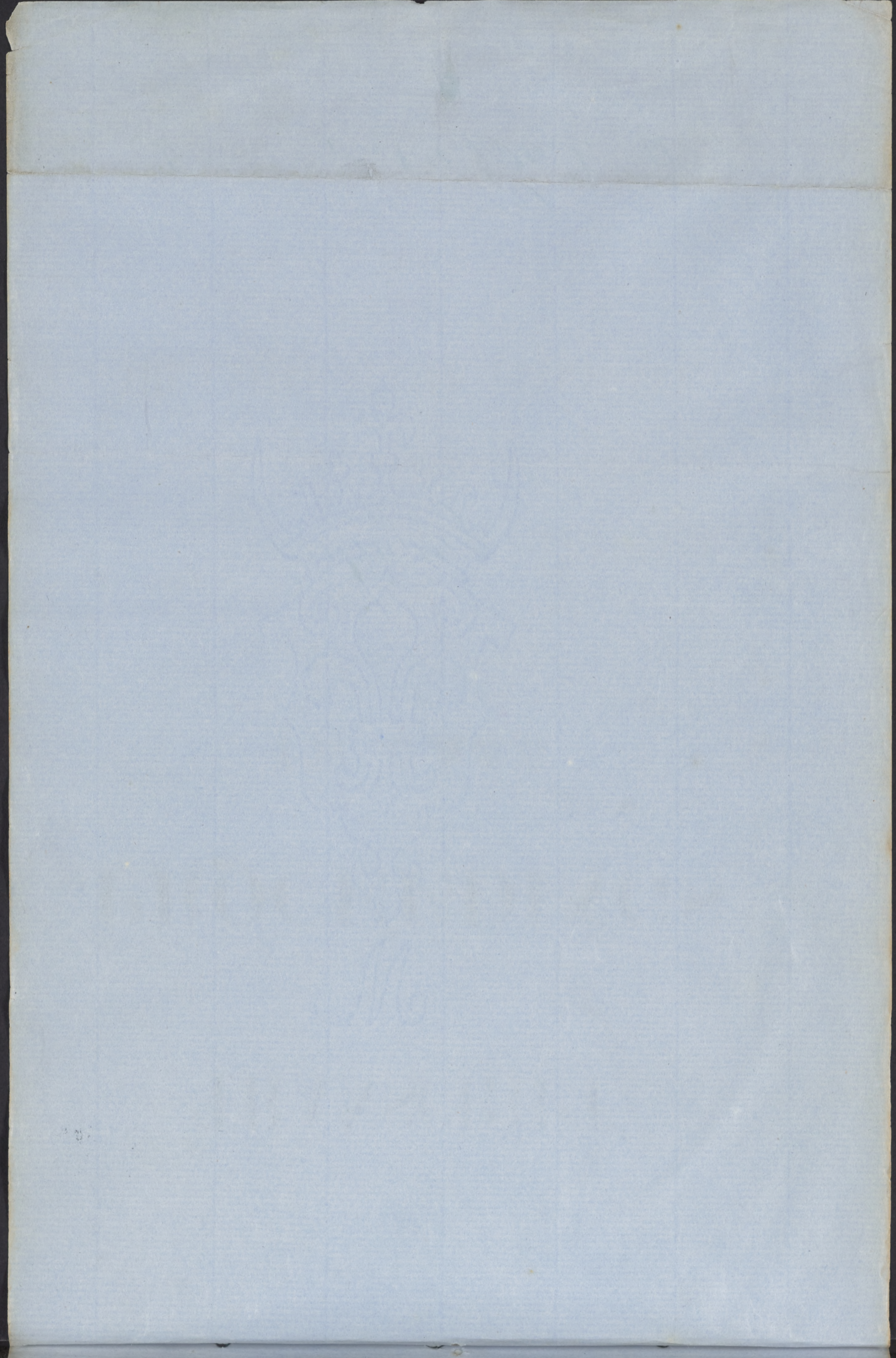
CLAIMANT

LAND CASE 229 ND. 193 PAGES

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192



TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 192.

Sebastian Rodriguez CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"*Rincon de la Ballena.*"

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this twenty first 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;

The Petition of Sebastian Rodriguez,
for the Place named
"Rincon de la Ballena",
was presented, and ordered to be filed and docketed with No. 192 and is as follows, to wit;

(Vide page 5 of this Transcript.)

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

San Francisco January 29th 1853.
In Case no. 192, Sebastian Rodriguez for the place named "Rincon de la Ballena", the deposition of Manuel Jimeno, a witness in behalf of the claimant, taken before Commissioner Harry D. Thurston, was filed;

(Vide page 6 of this Transcript.)

San Francisco February 4th 1853.
In the same case the deposition of Carmen C. de Bernal, a witness in behalf of the claimant, taken before Commissioner Nicoma Hall, was filed;

(Vide page 7 of this Transcript.)

San Francisco Sept. 23rd 1853.
Case no. 192 called; on motion of the Counsel for the claimant, ordered to the foot of the Docket.

San Francisco May 2^a 1854.

In the same case the deposition of Manuel Castro, a witness in behalf of the claimant, taken before Commissioner Peter Sott, was filed;
(Vide page 8 of this Transcript)

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San Francisco May 3^a 1854.

In the same case the deposition of Guadalupe Castro, a witness in behalf of the claimant, taken before Commissioner Peter Sott, was filed;
(Vide page 15 of this Transcript)

San Francisco May 14^a 1854.

In the same case the deposition of Jose Antonio Rodriguez, a witness in behalf of the claimant, taken before Commissioner Peter Sott, was filed;
(Vide page 22 of this Transcript)

San Francisco June 15^a 1854.

In the same case the deposition of Charles Brown, a witness in behalf of the United States, taken before Commissioner Peter Sott, was filed;
(Vide page 26 of this Transcript)

San Francisco June 26^a 1854.

In the same case the deposition of Felix Buelna, a witness in behalf of the United States, taken before Commissioner Peter Sott, was filed;
(Vide page 33 of this Transcript)

San Francisco July 27^a 1854.

In the same case the deposition of Jose Antonia Rodriguez, a witness in behalf of the United States, taken before Commissioner Peter Sott, was filed;
(Vide page 40 of this Transcript)

San Francisco Sept. 19^a 1854.

Case no. 192, on motion of the counsel for the claimant, with the consent of the U. S. Law Agent, was moved to the foot of the 2^d class cases on the Trial Docket.

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San Francisco September 26' 1854,
In the same case the deposition of Juan B. Alvarado, a witness in behalf of the claimant, taken before Commissioner Peter Sott, was filed;
(Vide page 43 of this Transcript.)

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San Francisco September 27' 1854,
In the same case the depositions of Eugenio Antonio Soto & Manuel Sarios, witnesses in behalf of the claimant, taken before Commissioner Peter Sott, were filed;
(Vide pages 46 & 47 of this Transcript.)

San Francisco October 19' 1854,
In the same case the deposition of Jose Antonio Alvarado, a witness in behalf of the claimant, taken before Commissioner Peter Sott, was filed;
(Vide page 57 of this Transcript.)

San Francisco November 3' 1854,
In the same case the deposition of Francisco Arce, a witness in behalf of the claimant, taken before Commissioner Peter Sott, was filed;
(Vide page 59 of this Transcript.)

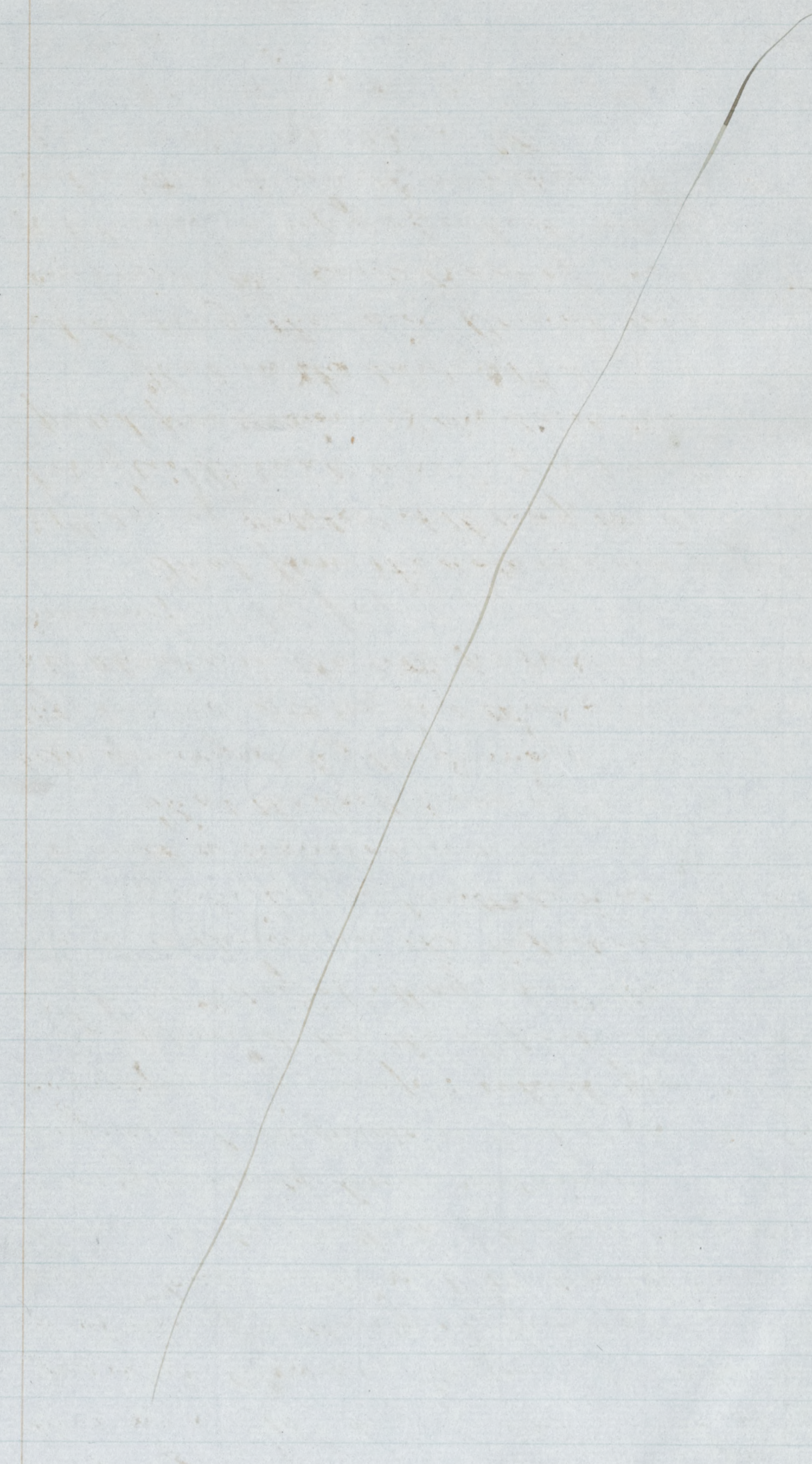
San Francisco November 4' 1854,
Case no. 192 was submitted without argument and taken under advisement.

San Francisco, November 14' 1854,
In the same case Commissioner Stephen Felch delivered the opinion of the Board rejecting the claim;

(Vide page 77 of this Transcript.)
And the following order was made, to wit:
(Vide page 81 of this Transcript.)

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In the Honorable U.S. Senate, California, Great Land Claims in California.

5-
To the Honorable Commissioners to settle
Private Land Claims in California.

The Petitioner, Sebastian Rodrigues, res-
-pectfully shows:

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Petition

That on the 15th day of April A.D. 1839,
Juan B. Alvarado, Governor of California,
in virtue of authority in him vested, granted
to José Cornelio Bernal, the tract of land called
"Rincon de la Ballena" situate in the present
County of Santa Cruz, containing one square
league, a little more or less as shown by the
corresponding map: which grant was
duly approved by the Departmental Assembly
on the 22nd day of May, A.D. 1840; all of
which is shown in the Expediente, a certified
copy of which is submitted herewith marked
"A", with a translation marked "B":

That the said tract of land has not
been surveyed by the Surveyor General of
the United States, but that its boundaries
are shown in the title papers and are well
known;

That from the date of said grant to the
31st day of October, A.D. 1849, the said José
Cornelio Bernal was in quiet and undis-
-puted possession of the said tract of land:

That on the said 31st day of October
A.D. 1849, the said Bernal sold and
conveyed the said tract of land to the
petitioner, a copy of which conveyance is
submitted herewith marked "C", with a
translation marked "D".

That since the said 31st day of
October A.D. 1849, the petitioner has been
and now is in the quiet and undisputed
possession of the said tract of land.

That he knows of no conflicting claim;
That he relies for confirmation of Title
upon the original papers, copies of which
are submitted herewith; upon the minutes
and records in charge of the Surveyor General;
and upon such other and further proofs as
he may be advised are necessary.

Wherefore he prays the Commissioners
to confirm to him the said tract of land.

By his Atty.
Hallett, Peachy & Billings.

Filed in Office, April 20, 1852.

Geo. Fisher. Sec.

San Francisco, Jan'y. 27. 1853.

On this day before Comr. Harry J. Thornton,
came Manuel Jimeno a witness in behalf
of the claimant Sebastian Rodrigues, - petition
N^o 192. and was duly sworn, his evidence
being interpreted by the Secretary.

Deposition In answer to questions propounded by claimants
of Counsel the witness testifies as follows:

Manuel Jimeno. My name is Manuel Jimeno; my age is
49 years; I have lived in California 24
years; I know the Rancho called "La Ballena",
in the County of Santa Cruz; it was granted
to Jose Cornelio Bernal in 1839, by Govr.
Alvarado. Bernal sold it to Sebastian
Rodrigues in 1849. Rodrigues occupies it at
the present time.

Filed in Office
Jan'y. 27, 1853.
Geo. Fisher. Sec.

Manuel Jimeno.
U.S. Land Agent present.
Sworn to and subscribed before me this 27th
Jan'y. 1853.

Harry J. Thornton, Comr. &c.

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San Francisco, Feby. 4, 1853.

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On this day before Comr. Hiland Hall came Carmen C. de Bernal, a witness in behalf of the claimant, Sebastian Rodrigues, petition No. 192, and was duly sworn, his evidence being interpreted by the Secretary.

The U.S. Associate Law Agent was present.

In answer to questions by counsel for the claimant the witness testified as follows:

My name is Carmen Bibien de Bernal, and I reside in the County of San Francisco.

Deposition
of
Carmen C. de
Bernal.

I know the Rancho "La Ballena", in the County of Santa Cruz. It was first occupied in 1839, when it was granted, - with horses and cattle by my husband Jose' Cornelio Bernal - who died about three years ago.

The title paper of the Rancho was in the house in which myself and my husband lived when the Americans came in 1846, and took and destroyed and carried away every thing in the house, among which was the said title.

It has not been since found to my knowledge. My husband sold the land to Sebastian Rodrigues.

Carmen

Sworn and subscribed

Before me.

Hiland Hall, Comr.

Filed in Office, Feby. 4, 1853.

Geo. Fisher, Sec.

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U.S.

United States of America }
State of California } S.S.

San Francisco. May 2. 1854.

This day personally came before Peter Lott, a Commissioner for taking testimony to be used before the Board of U.S. Land Commissioners in said State, Manuel Castro, a witness on behalf of the United States in case No. 192, on the docket of said
Wherein Sebastian Rodrigues is claimant, and said witness being duly sworn, on oath deposed in the Spanish language, which was interpreted into English by the Interpreter
deposition of Manuel Castro to said Board as follows.

to wit:

M^r. Billings, attorney for claimants is present.

Questions by the U.S. Law Agent.

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

Answer. My name is Manuel Castro, my age 32 years, my residence at Monterey, California.

2. Question. Did you know the original claimant in this case - José Cornelio Bernal?

Answer. I know him.

3^d Question. Did you know that he ever claimed the tract called "Rincon de la Ballena" as having been granted to him?

Answer. I never knew of his claiming any right to the land till the year 1850, the year in which I came from Mexico.

4th Question. Did he ever build a house upon said tract and occupy it himself?

Answer. He never did.

5th Question. Did he ever cultivate or enclose any part of the land?

Answer. He did not, as he did not occupy it: it follows as a consequence that he never made any improvement upon it.

6th Question. Do you know of his having obtained a grant in the latter part of 1839, or early in 1840. for the Salinas tract near the Mission Dolores?

Answer. I know that there was a grant made by the Governor to said Bernal, I think about that time, to a tract near said Mission.

7th Question. Do you know of said Bernal having given up the Ballena ranch to obtain the Salinas Grant? -

Answer. I know that he abandoned the Ballena tract, and I was informed that it was for the purpose of obtaining the Salinas tract. -

8th Question. Was his removal to the Salinas tract considered as being intended as a permanent abandonment of the Ballenas ranch? -

Answer. - It was said by many and I believe he did intend to permanently abandon the Ballena Ranch, by that removal. I would explain that I do not mean to admit by this answer that Bernal removed from Ballena Ranch, for he never was on the Ranch, He moved to Salinas, but not from Ballena. -

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9th Question. Where did José Cornelio Betnal reside, before he went to Salinas or Potrero?

Answer. He lived at the Town of San Francisco, and he had a house at Mission Dolores, I think he was a soldier at the Presidio, and afterwards went to the Mission

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10th Question. Was you acquainted with the land in the neighborhood of Rincon de la Ballena?

Answer, - I knew the tract of Ballena and partially those in the neighborhood, I first knew them in the latter part of 1842 and early in 1843. The last time I saw them was in 1850.

Cross examined by claimant's counsel.

1st Question. Do you know the Claimant, in this case, Sebastian Rodrigues, and where does he reside?

Answer. I know him, he lives on the Rancho of Pajaro, either in Monterey or Santa Cruz County, I know not which.

2^d Question. How long has he lived where he now does, and where did he reside before he went there?

Answer, I have known Rodrigues since 1829 or 1830. When I first knew him I was a boy in Monterey. He moved from Monterey to where he now lives before I was acquainted with the Rancho de la Ballena.

[Faint handwritten notes at the bottom of the page]

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3^d Question. Where did you live from 1838, to 1842, inclusive? -

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Answer. In the County of Monterey, my house was in the town of Monterey, my Rancho is about $7\frac{1}{2}$ leagues in a northerly direction from said town, and about 20 leagues more or less from the "Rincón de la Ballena".

4th Question. Are you well enough acquainted with "Rincón de la Ballena" to be able to describe its boundaries, - if yes, describe them? -

Answer. - I am. It is bounded on the West by the Pacific Ocean, and the cienega or Estero. The tract is a peninsula and is surrounded on 3 sides by the sea and wet land, the neck of the peninsula is about one league across.

5th Question. How far does said Sebastian Rodrigues live from Rincón de la Ballena?

Answer, About 16 or 17 leagues.

6th Question. Who is now in possession of said Rincón de la Ballena, if any one how do they occupy it, and how long have they occupied it.

Answer. A son of said Rodrigues or some of his servants are living there, and some of them were there when I last saw the place in 1852. They had stock on the Ranch when I saw it, and I am informed they still have.

7th Question. What other times before 1850 did you see said Rancho?

Answer. I saw it in 1842, or 1843, and then not again till 1850, these are the only two occasions on which I have seen it.

8th Question. Who had possession of said Rancho in 1842 and 1843?

Answer. The heirs of Don Siméon Castro. They had a wooden house, corral, cattle and horses on it, an overseer living there and a small portion of the land planted. The house was not on the point, but near it. The stock was on the point and the house was near it.

9th Question. Had said Sebastian Rodrigues any stock on the Rancho in 1842 or 1843?

Answer.

10th Question. In 1850, when you went there, had Rodrigues his stock on the Rancho?

Answer. Yes, his stock and some of his servants were there then.

11th Question. Do you know of your own knowledge when Rodrigues first went on the Rancho with his stock?

Answer. I know it was in the latter part of 1849, or early in 1850, they were there when I saw them in 1850. I did not see the cattle go there but I have abundance of proof that they went about the time I have stated; there was a litigated dispute between Rodrigues and the Castros, and he did not go there till after that.

12th Question. When and by whom were you informed that said Bernal gave up the Ballena tract to obtain the Salinas tract?

Answer. I was informed that the land was abandoned previous to the grant to Don Simcon Castro and after the occupation thereof by him and his heirs, and by a decision of the Supreme Court of California in favor of said heirs, and in the same year of 1850, I was informed by various persons that Señor Cornelio Bernal had abandoned the Ballena to occupy the tract of the Salinas, Charles Brown, José Fernandez, and Francisco Sanchez are some of the persons from whom I heard this.

13th Question. In what year was the grant to Simcon Castro which you have mentioned?

Answer. In 1842.

14th Question. Do I now understand you to say that you were informed of Bernal's abandonment of Rincon de la Ballena for the Salinas Rancho previous to 1842?

Answer. Previous to 1842, I learned that the land was abandoned, and in 1850, I learned that Bernal or his purchasers claimed it. — I then also learned that the said

abandonment was for the purpose of obtaining the Salinas, from various persons as I have before stated.

15th Question. Are you not one of the heirs of Simeon Castro mentioned by you above?

Answer. — I am. —

16th Question. Have you not claimed as such heir an interest in this land?

Answer. Yes.

17th Question. Have you now an interest in said land adverse to the present claimant?

Answer. No, I have not, it has been sold by the family to Isaac Graham. It is embraced in the boundaries of "Punta de Año Nuevo." —

18th Question. Have you any interest whatever in the rejection or confirmation of the claim in this case?

Answer. No, none.

Re-Examined by claimant's attorney.

1. Question. How long were you in Mexico, when there as before stated by you.

Answer. I left California in January, 1847, and returned about July 1850.

Manl. Castro.

Subscribed and sworn before me
on May 2nd 1854.

Peter Lott, Commissioner,
for taking Testimony &c,

Filed in Office. May 2nd 1854.

Geo. Fisher. Sec.

United States of America. }
 State of California. } S.

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San Francisco, May 3. 1854.

Deposition
 of
 Guadalupe
 Castro.

This day personally came before Peter Lott a
 Commissioner for taking Testimony to be
 used before the Board of U. S. Land Com-
 =missioners in said State, Guadalupe Castro,
 a witness on behalf of the claimant in
 case N^o. 192. on the docket of said Board,
 wherein Sebastian Rodrigues is claimant,
 and the said witness being duly sworn, on
 oath, Deposed in the Spanish language, —
 which was interpreted to said Board as follow,
 to wit:

The U. S. Law Agent is present.

Questions by claimants' counsel.

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

Answer. My name is
 Guadalupe Castro, my age 29 years, I
 reside in Santa Cruz County, California.

2. Question. Are you
 acquainted with the Rancho of Rincon de la
 Ballena in Santa Cruz County, if you are
 how long and to what extent have you known
 it?

Answer. Yes, I am acquainted
 with it, I have known it 14, or 15 years.

3. Question. Do you
 know the boundaries of said Rancho,
 if yea, describe them?

Answer. It is bounded
 on one side by an Arroyo called las Gargas,
 on another by the Rancho of Galindo,

I do not know the upper boundary tho' I think it is from the sea to the mountain. There is an Arroyo which divides this (Ballena) from the Galindo Ranch, one side is bounded by the Pacific ocean.

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4th Question. As you go from Santa Cruz to the Rancho of Ballena which boundary of said Rancho do you cross first?

Answer. The arroyo las Garzas which rises from the mountain and runs to the sea.

5th Question. How far do you follow the sea from the mouth of the las Garzas to the west boundary?

Answer. The boundary on the side of the Ranch opposite to las Garzas is a small creek which divides Ballena from Galindo, the sea is on the left hand all along between these two arroyos.

6th Question. What is the boundary opposite the sea?

Answer. I know of no other boundary excepting a cañada running down to the beach, from the mountains which are on the right hand as we come up from Santa Cruz, opposite the sea which is on the left.

7th Question. Was any one living on the Rancho Rincon de la Ballena when you first knew it, if yes, who, and in what occupation?

Answer. Yes, Jose' Cornelio Bernal was there, he had a wooden house and corral there, and some Indians, he had horses on the place, and cattle. I do not recollect the time, though it was 14 or 15 years ago.

8th Question. How long was

recollect the time, though it was 14 or 15 years ago.

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8th Question. How long was the place occupied by Bernal or those in his employment?

Answer. He continued to occupy it till he sold it to Sebastian Rodriguez.

9th Question. Since he sold to said Rodriguez, who has occupied the place?

(Objected to by Law Agent.)

Answer. Sebastian Rodriguez, with cattle and horses, he built a corral and two wooden houses, he put 700 head of cattle on the place at one time.

10th Question. How do you know it was 14 or 15 years ago since you know the place, and saw these things? -

Answer. I do not pretend to give the precise time, nor how I know, my general idea is it was about that long ago.

11th Question. Do you know the year when this land was granted to said Bernal?

Answer. I suppose it was about the time I first saw him there, I do not know.

Cross Examined by U.S. Law Agent.

1st Question. How far did you live from the Rancho, when you first knew the Rancho in Question?

Answer. About 16 or 18 leagues.

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2^d Question. What year did you first see the Rancho, Rincon de la Ballena, and how often within a year after the first time?

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Answer. I do not recollect the precise year, it may have been 1829³. I then was passing by the place and stopped there only about 3 hours, I did not see the place again that year, though I have often seen it since.

3^d Question. Give the northern boundary of the Rancho, state particularly as to the land marks?

Answer. I do not know the boundaries according to the points of compass, and therefore cannot tell what is the northern boundary.

4th Question. Do you know the Southern, Eastern, or Western boundaries, if you, what are they?

Answer. I have already stated the boundaries, but I do not know them by the points of compass.

5th Question. How do you know the boundaries?

Answer. Because the Captain Cornelio Bernal and Juan Gonzalez have told me what the boundaries were.

6th Question. Did you ever go round the boundaries of the Rancho?

Answer. I have.

7th Question. Where did José Cornelio Bernal reside at the time of his death?

Answer. At the Mission Dolores, in San Francisco County.

8th Question. How do you know

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8th Question. Did he ever live at the Rancho de la Ballena?

Answer. He did, sometimes with his family, and when he was not there himself he had employees there.

9th Question. Did Bernal ever live at Ballena, after the grant of Punta del Año Nuevo to Simcon Castro?

Answer. I do not know when the grant of Punta del Año Nuevo was made to Simcon Castro, there was no one living on Punta del Año Nuevo when I first knew Ballena and saw Bernal there.

10th Question. How long did Bernal live at Ballena, and did he occupy any other place at the same time that he lived at Ballena?

Answer. I do not know how long he lived at Ballena, though he occupied the place till he sold to Rodrigues. He was Mayor-domo of the Mission of Dolores, and sometimes he lived at the Mission and sometimes on the Rancho of Rincon de la Ballena.

11th Question. Where does Sebastian Rodrigues now reside?

Answer. He lives on his Rancho in Santa Cruz County, I do not know the name of his Rancho.

12th Question. How long has he lived where he now does?

Answer. He has lived there ever since I have known him. I have known him since I was a small boy.

13th Question. Has Bernal ever lived at Rincon de la Ballena since 1842?

Answer. What I know is that he lived there and had people there when he sold the Rancho. I don't know the year.

14th Question. Where did you live when Bernal had cattle on the Rincon de la Ballena?

Answer. At my Rancho in Santa Cruz County, about 16 leagues distant.

15th Question. How often were you at Ballena while Bernal lived there?

Answer. I do not recollect how many times I was there.

16th Question. Did not Bernal abandon his claim to Rincon de la Ballena when he took possession of the Potrero, or Salinas Rancho?

Answer. He did not.

17th Question. When did Bernal come to reside at Potrero Nuevo or Las Salinas?

Answer. I do not know. It was before the American war with Mexico.

18th Question. Have you ever seen the title papers from the Government to Bernal, of the Rancho Ballena.

Answer. No I never have.

19th Question. Had Simeon Castro possession of Punta del Año Nuevo before the war between the United States and Mexico?
 (Objected to by Claimants' Counsel as new matter and irrelevant. P. L.)-

Answer. I do not know.

20th Question. Who had possession of Punta del Año Nuevo, while Bernal lived at Ballena?
 (Objected to by Claimants' Counsel, as new matter and irrelevant P. L.)-

Answer. I do not know.

21st Question. Did the family of Simeon Castro ever have possession of the Punta del Año Nuevo?

(Same objection P. L.)

Answer. Yes, but I do not know in what time. I believe they had possession at the time of Bernal's death, though I do not know.

22nd Question. Was Huicon de la Ballena ever vacant land since you have known it?

Answer. It was not.

Guadalupe ^{his} Castro.
 mark.

Subscribed & sworn to
 Before me on this 3^d day of May. A.D. 1854.

Peter Lott, Commissioner

Filed in office, May 3, 1854. For taking Testimony.
 Geo. Fisher, Sec.

United States of America.

State of California. } S.S.

San Francisco, May 17, 1854.

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This day personally came before Peter Lott, a Commissioner for taking Testimony to be used before the Board of U.S Land Commissioners in said State, José Antonio Rodríguez, a witness on behalf of the Deposition of José Antonio Rodríguez, a claimant in case N^o 192, on the docket of said Board, wherein Sebastian Rodríguez is Claimant, and the said witness being duly sworn, on oath deposed, in Spanish, which was interpreted into English by the interpreter to said Board, as follows, to wit:

The U.S. Law Agent is present,

Questions by Claimant's Attorney.

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

Answer. My name is José Antonio Rodríguez, my age 51 years, my residence Santa Cruz County, California. I have lived in Santa Cruz 31 years.

2nd Question. Do you know Sebastian Rodríguez, the claimant in this case, and are you acquainted with the Rancho called, "Rincón de la Ballena", and with the occupation of said Rancho, if yes, state what you know?

Answer. - I know Sebastian Rodríguez ever since he was about 10 years old, and I know the place named, I have known it about 29 years, it was first

occupied by the mission when I first knew

Know it about 29 years, it was first

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occupied by the Mission, when I first knew it, and until the missions were secularised, after that about 14. years ago, José Benedito Bernal showed me a small house and corral which he had on the place, and he had there about 100. head of cattle, and about 100 head of horses and mares, he continued to occupy the place in this manner till he sold it to Sebastian Rodrigues, who from the time of that sale has occupied the place till the present time with horses, cattle &c. I was present at Rodrigues' Rancho of "Pajaro", and assisted in separating the stock which was to go in payment, to Bernal of the Rancho of Rincon de la Ballena.

3^d. Question. - State if you know the boundaries of the Rancho Rincon de la Ballena?

Answer: The Rancho is bounded by the sea on the side towards Santa Cruz from the Arroyo de las Garzas, The road from Santa Cruz, coming up this way, where it strikes the Rancho in question, first crosses the Arroyo de las Garzas, after crossing that creek, the Cañada de la Frijol is on the right hand and the sea on the left.

There is a lake (Laguna) not far off from the road in the Cañada de Frijol.

4th. Question. How much land is there embraced in the boundaries named?

Answer. About one league more or less.

Cross-Examined by U.S. Law Agent.

1st Question. Are you a relative of the claimant in this case, Sebastian Rodrigues?

Answer. I am not related to him.

2nd Question. Did José Cornelio Bernal ever abandon the Rancho, called Rincon de la Ballena?

Answer. I never knew of his abandoning it, he always had his stock there, until he sold the place.

3rd Question. Did the Castro family ever occupy said Rancho?

Answer. They never did. The Castro family had a Rancho on the place called "Punta del Año Nuevo" about 12 years ago.

4th Question. How far did you live from "Ballena"?

Answer. About 18 leagues.

5th Question. How often were you at "Ballena", during the time said Bernal occupied it?

Answer. - I was there every year, on that ranch at the branding of the animals. - I have seen Bernal there several times.

6th Question. Did José Cornelio Bernal, occupy the Potrero near San Francisco, after you saw him last at Ballena?

Answer: About 12 or 13 years ago when I came to San Francisco on some business I saw said Bernal in the occupation of the Potrero.

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7th Question. Did he live at the said Potrero when you saw him there?

Answer. He did, and lived there from the time he left the Mission Dolores. I do not know the time. He was living there two years ago.

8th Question. When were the cattle separated at "Pajaro," as mentioned by you?

Answer. I cannot recollect the year. I was there 2 days separating the cattle. It was before the American war.

9th Question. Did Rodrigues purchase from Bernal before or after the American war?

Answer. It was before the war.

10th Question. Did you ever see the title papers of Ballena to Bernal?

Answer. I never saw them.

Antonio R^s.

(Flourish).

Subscribed and sworn to before me
on this 17th day of May A.D. 1852,

Peter Lott, Commissioner,
for taking Testimony &c.

Filed in Office. May 17. 1852.

Geo. Fisher. Sec.

United States of America,
State of California } S.S.

Deposition of
Charles Brown,

San Francisco, June 14, 1854,

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This day personally came before Peter Lott, a commissioner for Taking Testimony to be used before the Board of U. S. Land Commissioners in said State, Charles Brown, a witness on behalf of the United States, wherein Sebastian Rodrigues is claimant, in case No. 192, on the docket of said Board, and said witness being duly sworn on oath deposed in English as follows, to wit:

The Claimant's Counsel is present.

Questions by U. S. Law Agent.

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

Answer. My name is Charles Brown, my age is 40 years, my residence, San Francisco, California,

2nd Question. How long have you been in California?

Answer. Ever since 1830.

3rd Question. Do you know the tract of land called Rinco de la Ballena, now claimed by Rodrigues under José Cornelio Bernal, and when and how long have you known it, and when and how did you acquire any knowledge of it?

Answer. I lived on the farm adjoining the tract in 1841 and 1842, and in

that way they became acquainted with this land.

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4th Question. Do you know whether said Bernal ever lived on the said Ranch, had he any house or other improvements or corral thereon, or did he ever cultivate any part of it?

Answer. I never knew him to live on the Ranch, nor to have any house, corral or other improvements on the Ranch, except what was built by Eugenio Soto, for Manuel Castro, and Bernal never cultivated any part of said Rancho, Soto was there taking charge for Castro.

5th Question. Do you know whether, said Bernal ever had any stock on said Ranch?

Answer. None to my knowledge.

6th Question. Do you know whether said Bernal ever had any tenants or persons in his employ living on said Ranch?

Answer. Never to my knowledge.

7th Question. Where did you first know Bernal, and for how long have you known him?

Answer. I knew him from about 1833, or 1844, till the time he died.

8th Question. Where did he reside during the time you knew him?

Answer. At the Mission Dolores, in San Francisco County.

9th Question. ~ Did you ever hear of said Bernal having any claim to this Ranch, and what do you know in relation thereto-?

(Objected to by claimants' Counsel
P. L.)

Answer. ~ I heard that Bernal was thinking of asking for the said Ranch, but had given it up on account of his taking up the one he now has, called Potrero Nuevo.

10th Question. ~ Who was the reputed owner of the Ballena tract when you first knew it?

(Objected to by claimants' Counsel as incompetent hearsay evidence.) P. L.)

Answer. Manuel Castro was.

11th Question. Was there any stock, horses or any other kind of stock on said Ranch during the time you knew it, if yes to whom did they belong?

Answer. There were both horses and cattle on it, belonging to Eugenio Soto and Manuel Castro.

12th Question. If any person lived on the tract during that time, state who, what was his business, and if he was employed by any other person?

Answer. Eugenio Soto lived there for Castro, taking care of the Castros stock and his own.

13th Question. Do you know of the present claimant, Rodrigues ever having lived upon said tract or of his having stock or

persons in his employ upon the same? -

Answer. He never lived there nor had any stock or persons in his employ there to my knowledge.

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14th: Question. Have you been often on the tract of Ballena since 1842? -

Answer. Yes, I have been there very often, and during the time I visited there the Castros had possession of the place.

Cross Examined by Claimants Counsel.

1st: Question. What was the name of the adjoining tract on which you said you lived in 1841 and 1842? -

Answer. Pescadero, belonging to Juan Gonzales, and adjoining Rincon de la Ballena.

2^d: Question. What separates the two Ranchos? -

Answer. A creek, I do not know the name of it.

3^d: Question. Do you know a Rancho there called Punta del Año Nuevo.

Answer. I do know it.

4th: Question. When did you first know it? -

Answer. When I first lived on Pescadero in 1841. -

5th: Question. Who owned said Año Nuevo Ranch at that time? -

Answer. I understood the Castro's owned it and said Eugenio Soto lived on it. I do not know which of the Castro's owned it. I always saw Manuel or his brother there, the Father was Simón Castro, and I do not know whether he or the sons owned it. I mean by always seeing them there, that whenever I saw any one there besides Soto it would be one or the other of the young Castros.

6th Question - Do you know the boundaries of the Rancho of Año Nuevo? -

Answer. I never was around them, I heard it was from Punta Año Nuevo to Rincon Ballena, and from the sea to the mountain.

7th Question. What divides the place or tract called Punta del Año Nuevo from that of Rincon de la Ballena? -

Answer. There is nothing dividing them unless it may be some small streams running down, there is a small stream there I believe they call Arroyo Estranges.

8th Question. Where was this house situated, which was occupied by Soto, of which you speak in your answer to 4th Question herein? -

Answer. About two miles from the north end of the farm.

9th Question. How far was that house from the Rincon of Ballena? -

Answer. It might have been a mile or a mile and a quarter from the point, it could not be far from that.

10th Question. How far was it from the Puerto del Año Nuevo?

Answer. Over ten miles.

11th Question. How far was said house from the line of Galindo's Rancho?

Answer. About 2 miles.

12th Question. When were you first in the house occupied by Soto of which you have spoken?

Answer. I cannot specify the day or month, but I am certain I was in it in 1841. I think it might have been about October of that year, but I was there so often and so much I cannot recollect accurately the first or last time.

13th Question. Do you recollect what time that house was built?

Answer. It was built when I went there, I cannot tell exactly it was built, but it was built by Eugenio Soto.

14th Question. Was there any other house on that Rancho?

Answer. None other.

15th Question. How long before you went there in 1841, was it that this Rancho was granted to the Castros?

Answer. I do not know when it was granted.

16th Question. How many cattle had Soto on the Rancho in 1841?

Answer. I think there were from 800. to 1,000. head of his and Castro's together, - perhaps more.

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17th Question. Do you know of a Rancho adjoining this belonging to Juan Gonzales?

Answer, I do, it is about on the North East adjoining this Rancho.

18th Question. What divides the two Ranchos?

Answer. A stream, I do not know the name of it.

19th Question. Was the Rancho of Juan Gonzales settled and occupied when you were there in 1841?

Answer, Yes, it was.

20th Question. Where was the Rancho of Doña Hilaria Buelna situated with reference to the Rancho of the Castro's which you have mentioned?

Answer, It was beyond the Punta del Año Nuevo on the South, I do not know whether it adjoins it or not. I know the place very well too, for I have been over it very often.

21st Question. What is the distance from the ocean to the Sierra Grande across the Rancho of Año Nuevo?

Answer, It varies, in some places it may be 5. miles and in some a mile and a half.

22nd Question. Look at the map in document, marked "Especiente B." and filed in case No: 315, in this Commission, and state where, the house of which you have spoken is situated as near as you can on said map.

Answer. I cannot tell by the map any nearer than I have already stated.

23rd Question. Did you know that Simeon Castro ever occupied the Rancho in Question?

Answer. I know that his sons occupied it, and I suppose that he did, tho' I never saw him there that I know of.

Charles Brown.

Subscribed and sworn to
before me on this 14th day
of June A.D. 1854.

Peter Lott, Commissioner
for Taking Testimony &c.

Filed in Office. June. 15. 1854.

Geo. Fisher. Secy.

United States of America, }
State of California } S.S.

San Francisco, June 24. 1854.

This day personally came before Peter Lott, a commissioner for taking Testimony to be used before the Board of U.S. Land Commissioners in said State, ~ Feliz Buelna, a witness on behalf of the United States in case No. 192, on the docket of said Board, wherein Sebastian Rodrigues is claimant, and said witness being duly sworn on oath deposed, in Spanish, which was interpreted into English by the

Deposition
of
Feliz Buelna

interpreter to said board, as follows; to wit:

The Council for Claimant is present.

Questions by U.S. Law Agents.

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

Answer. My name is Felix Buelna, my age 41 years, my residence Santa Cruz County, California.

2nd Question. How long have you been in California, and do you know the Rancho called "Rincon de la Ballena" now claimed by Sebastian Rodriguez, if yes, how long have you known it, and, how did you become acquainted with it?

Answer. I was born and have lived all my life in California, I know the Rancho named, I have been acquainted with it ever since 1836. — I have been in the habit of going down the coast to the Rancho, from San Jose nearly all the years since 1842, and know the Rancho from having frequently been there and seen it.

3rd Question. Do you know whether Jose' Cornelio Bernal ever lived on said Rancho, had he any house, corral or other improvements thereon, or did he ever cultivate any part of it?

Answer. Said Bernal never lived on that Rancho, to my knowledge, and he never had any house, corral or improvements on it, nor cultivated any part of it. I never knew of any body living on the Rancho, till within a couple of years past, I saw about

within a couple of years past, I saw about

35-

two years ago some Mexicans keeping cattle there for said Rodrigues.,

4th Question. Do you know whether Bernal ever had any stock, or tenants or persons in his employ on said Rancho?

Answer. No, I know of none of either.

5th Question. How long have you known said Bernal, and where has he resided during that time?

Answer. - I was a boy when I first knew him, it was in 1818. I do not know where he lived before 1829, but from 1829 till he died, except when he moved to the Potrero near the Mission Dolores, he lived at said Mission.,

6th Question. Did said Bernal ever have any claim to the Rancho Rincón de la Ballena, if yes, state what you know about it.?

Answer. I heard some six years ago from José Fernandez who was in company with me down there, that Bernal claimed the Rancho, and had petitioned for it, and then about 3 years ago the widow of Bernal, when I was at her house asked me if I could be a witness for her to prove her claim to the Rancho de Ballena, and I told her I could not, because I understood her husband had abandoned that Rancho when he moved to the Potrero. She then said it was true they had so abandoned Ballena but she understood their claim to be good to "Ballena", it was recorded, &c, that is about all I know of the claim of Bernal to Ballena.

(Claimant's Counsel objects to last answer as a conversation which is introduced for the purpose of impeaching a witness, without any legal foundation for such impeachment, and as hearsay.)

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7th Question. Who was the reputed owner of the Ballena tract when you first knew it?

Answer. When I first knew it in 1836, it was understood to belong to the Mission of Santa Cruz, after that in 1846, I understood it to belong to Simeon Castro.

8th Question. Was there any stock on the Rancho in 1842, if yea, who owned it?

Answer. There was no stock on the Rancho in 1842.

9th Question. Who is the first person you knew to be living on said Rancho, what was his business, and who employed him?

Answer. About 2 years ago there was a Mexican living on the Rancho named Aries, taking care of Rodriguez' stock, as I before said, but I meant at the Rincon de la Ballena, and I knew Eugenio Soto about 1846 or 1847, living at the Punta del Año Nuevo to the South of the Rincon. The two points are about 6 miles apart.

10th Question. Had Eugenio Soto any cattle on the Rancho of Ballena, if yea, how long?

Answer. Soto had his corral near his house, and his cattle and Simeon Castro's pastured from the Arroyo of Las Garzas to Punta del Año Nuevo, but the

cattle never pastured on Rincon de la Ballena, the Vaqueros took care to keep the cattle south of the said Arroyo.

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11th: Question. What year did you first know Rodrigues to have possession of Rincon de la Ballena?

Answer. About 2 years ago, more or less.

12th: Question. How long have you known the Castros, Simeon and his heirs to have possession of said Rancho of Ballena?

Answer. About 1846, or 1847 was the first of my knowing the Castros to be in possession of it.

13th: Question. Who owns the land adjoining the Castros on the north?

Answer. There are two Ranchos adjoining there, one of Jose' Antonio Galindo, and the other of Juan Gonzales.

Cross Examined by Claimant's Counsel.

1st: Question. What Castro did you hear claimed this Rancho?

Answer. Simeon Castro, the father of Don Manuel Castro. He is now dead. He claimed to have a direct grant from the Governor.

2nd: Question. Do you know when said Simeon Castro first claimed to have said grant?

Answer. About 1846, or 1847, is the first I knew of his being the owner of the Rancho.

3rd Question. Where did Siméon Castro live?

Answer. He lived in Monterey, and had his family there, and he went sometimes to his Rancho near Monterey.

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4th Question. Did he ever live on the Rancho of Punta del Año Nuevo, or Rincon de la Ballena?

Answer. I never saw him living there.

5th Question. Do you know how many Ranchos, Siméon Castro had?

Answer. I knew of this Rancho of Punta del Año Nuevo which he had of the Governor, - the other of Tembladera o la Nueva in Monterey, I do not know whether he owned or not, he had cattle there.

6th Question. How far is it on a straight line from the Punta del Año Nuevo to the Rincon de la Ballena, the natural points on the shore?

Answer. I think it about 6 miles.

7th Question. What is the Southern boundary of the Rancho of Año Nuevo?

Answer. I do not know what is the boundary.

8th Question. What is the Northern boundary of the Rancho of Rincon de la Ballena?

Answer. I do not know.

9th Question. Do you know of a Rancho, belonging to Juan Gonzales, adjoining either of the Ranchos last named?

Answer. I know one Rancho, called Pescadero, belonging to Juan Gonzales, on the margin of the coast, north of these Ranchos. I never knew a Rancho called Ballena but a Rincon de la Ballena.

10th Question. How far is it from the house of Soto you spoke of, to the Punta of Año Nuevo?

Answer - I think about 3 miles, and about the same distance from the Rincon de la Ballena.

11th Question. Had Soto any other house on the Rancho besides the one you have mentioned?

Answer. I have known none other.

12th Question. When were you first in Soto's House?

Answer. It was in February or March in 1846, or 1847.

13th Question. Do you know when Soto built that house?

Answer - I do not.

14th Question. At what time was you on that Rancho next before the visit you speak of to Soto's house?

Answer. I was at Punta del Año Nuevo in 1836, there was no house there then. I was at Ballena and about Galindo in 1842, 1843, 1844, and 1845. In 1844, I went there as Alcalde to make an inventory of José Antonio Galindo who died there.

15th Question. How many head of cattle had soto on the Rancho in 1846, when you was at the house?

Answer. I cannot say.

16th Question. When was you first in the house of Aries of which you have spoken?

Answer. I first saw the house about two years ago, it was then on the Arroyo of Las Garzas, then it was removed to the Rincon de la Ballena, I was first in the house last June.

Feliz Buena.

Subscribed and sworn to before me, on this 24th day of June. A. D. 1854.

Peter Lott, Commissioner
for Taking Testimony, &c.

Filed in Office, June 24. 1854.

Geo. Fisher. Secy.

United States of America. }
State of California. } S.S.
}

San Francisco, July, 26th 1854.

Deposition
of
Jose' Antonio
Rodrigues.

This day came before Peter Lott, Commissioner for taking Testimony to be used before the Board of U.S. Land Commission in said State, Jose' Antonio Rodrigues, a witness on behalf of the United States, in case No 192. on the docket of said Board wherein *Don* is claimant, said witness being duly sworn deposed in Spanish which was interpreted into English by the interpreter

to said Board as follows;

The Claimants Counsel was notified but absent. (see note at end of deposition.)-

Questions by U.S. Associate Law Agent.

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

Answer. My name is José Antonio Rodriguez, my age 51 years, my residence Santa Cruz County, California.

2nd Question. Were you the same person who gave your deposition in this case in May 17th 1854?

Answer. I am the same person.

3rd Question. Have you been upon and seen the Rancho de Punta del Año Nuevo, and also the Rancho of Rincon de Ballena, since the taking of that deposition?

Answer. I have been upon and seen both of these places since my deposition of May 17th last.

4th Question. Did José Cornelio Bernal ever have a house, corral or cattle upon, or cultivate any portion of the Rancho de Rincon de la Ballena?

Answer. He never had any house nor corral on the place, nor did he ever live on or cultivate any part of said land, he had two bands of mares there.

5th Question. In your examination in Chief on the 17th of May 1854, in answer to the 2^o Question therein, you stated that "José Cornelio Bernal about 14 years ago showed you a house and

corral which he had on the place, and that he had about 100 head of cattle and about 100 head of horses and mares there, and that he continued thus to occupy the place till he sold to Sebastian Rodriguez?—

State now whether the answer then given by you was correct or not, and if may, explain wherein and why it was not?—

Answer. The above recited answer, as given by me then was not true, and I wish to have it now corrected. When I gave that deposition my head was greatly disordered, and I made my statements incorrectly. I have since been on the ground and I am satisfied that there was no such improvement there as a house and corral, at the time mentioned in my former deposition, and that I was altogether mistaken in my statements then made owing to the disordered state of my head at that time. I condescended to come and testify at the request of Carmen Sibirian de Bernal, at that time.

Antonio R.^s
(Flourish).

Subscribed and sworn to before me
July 26, 1854. The associate Law Agent
states that due notice of the taking of
this deposition was served on Mr. Peachy
Claimant's Counsel, and by him
acknowledged.

Peter Lott, Commissioner, &c.

Filed in Office, July, 27, 1854.

Geo. Fisher, Secy.

United States of America. }
State of California. } S.S.

San Francisco, Sept: 25. 1854.

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Deposition
of
Juan B. Alvarado,

This day came before Peter Lott, Commissioner for taking Testimony to be used before the Board of U.S. Land Commissioners in said State, Juan B. Alvarado, a witness on behalf of the Claimant Sebastian Rodrigues in case N: 192, on the docket of said Board, and said witness being sworn deposed in Spanish, which is interpreted into English by the interpreter to said Board as follows:

The U.S. Associate Law Agent is present.

Questions by Capt. Kalleck General for Claimant.

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

Answer. My name is Juan B. Alvarado, my age 45. years, my residence Contra Costa County, California.

2nd Question. Do you know the Rancho called "Rincon de la Ballena", and did you as Governor ever issue any title for the same, if yea to whom and when?

Answer. I do not know the Rancho otherwise than by name. I did as Governor, issue a title to said Rancho to one Jose' Cornelio Bernal in 1839.

3rd Question. Look at the documents now shown to you marked "A. P. L." annexed to this deposition, and heretofore filed in this case, and say what

you remember of the proceedings and papers of which this document purports to be a copy?

Answer. I recognise this paper as a copy of proceedings had when I was Governor of California. I remember giving the title in this case in 1839, to Jose Cornelio Bernal.

4th Question. Was the title which you issued to said Bernal in the usual form or not?

Answer. Yes, I remember that it was in the usual form.

5th Question. Do you remember whether or not it was approved by the Departmental Junta?

Answer. I recollect that it was so approved by them.

6th Question. Was or was not a written certificate of such approval issued to said Bernal?

Answer. I do not remember.

7th Question. Did the title you issued to Bernal correspond with the decree purporting to be issued by you in the document just shown you marked "A. P. L."?

Answer. It did correspond with this decree.

Cross-Examined by U.S. Associate Law Agent.

1st Question. Did Bernal ever surrender his right to said Rancho, in

surrender his right to said Rancho, in

45-

consideration of any other grant?

Answer. I do not know.

2nd Question. Do you know what became of the title paper?

Answer. I do not know.

3rd Question. Do you know whether said Bernal ever performed the usual conditions of the grant?

Answer. I do not.

4th Question. Was or was not said Rancho de la Ballena a part of the Rancho of Punta del Año Nuevo?

Answer. I do not know.

5th Question. Do you know anything of the occupation of the Rancho of Año Nuevo by the family of Don Simcon Castro?

Answer. I do not.

6th Question. Do you know anything more of the right of said Bernal or Simcon Castro to either of said Ranchos, if you state what?

Answer. As much as I know of it is that Punta del Año Nuevo was granted to said Castro, and Rincon de la Ballena to said Bernal.

Juan B. Alvarado.

Subscribed and sworn to before me

Sept. 25th 1854.

Peter Lott. Commr. &c.

Filed in Office, Sept. 26. 1854.

Geo. Fisher. Secy.

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United States of America.
State of California. J. S. S.

San Francisco, Sept. 26th 1857.

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This day came before Peter Sott, Commissioner for taking testimony to be used before the Board of Deposition of U. S. Land Commissioners, in said State Eugenio Antonio Soto, a witness on behalf of the claimant Eugenio Antonio Sebastian Rodriguez, in case no. 192, on the docket of said Board, and said witness being sworn deposed in Spanish, which was interpreted by the Interpreter to said Board.

The U. S. Associate Law Agent is present.

Questions by Capt. Halleck, attorney for claimant,
1st Question. What is your name, age and residence?

Answer, My name is Eugenio Antonio Soto, my age 57 years, my residence in Santa Clara County, California.

2nd Question. Do you know the Rancho called Rancho de la Ballena, if you, state what you know of its occupation?

Answer, I know the said Rancho. About 16 or 17 years ago I knew it to be occupied by Jose Cornelio Bernal. He had a small house and corral on the place, he lived in the house, he had about 200 head of cattle, and 4 bands of mules, he had Indians there in his employment, who lived there with him, he did not cultivate, he remained there some three years.

3rd Question. When did you see Jose Cornelio Bernal when you first saw said Rancho de la Ballena?

3rd Question. Where did you live when you first saw said José Cornelio Bernal on the said Rancho?

Answer. I lived in the Pueblo of Santa-Cruz, or at villa de Branceportes now called Santa-Cruz.

4th Question. Where did you live next after leaving the villa de Branceportes?

Answer. At the Punta del Año Nuevo.

5th Question. How long after you first saw said Bernal occupying "Ballena" did you go to live at Año Nuevo?

Answer. About two years or more.

6th Question. Did you after that time see said Bernal occupying said Rancho of Ballena?

Answer. I did.

7th Question. Do you know the Rancho called, Punta del Año Nuevo?

Answer. Yes I know it.

8th Question. How long did you live on it?

Answer. About 9 years.

9th Question. Is this ~~Rancho~~ Rancho adjacent to or not to the said Rancho of Ballena?

Answer. It is.

10th Question. Do you know the lines which separate the two Ranchos? if yea, state them?

Answer. I do, It is a line from the Franca to the Arroyo de las Gargas.

11th Question. For whom did you occupy said Rancho of Año Nuevo?

Answer. For myself and Don Manuel Castro.

12th Question. Was the line you have mentioned recognised as the dividing line between the two Ranchos during your occupation of Año Nuevo.

Answer. Jose Cornelio Bernal told me before I went to Año Nuevo to live, that that was the line. It was recognised as the line while I lived there.

Crop Examined by U.S. Associate Law Agent.

1st Question. Who built the house in which you state said Bernal lived?

Answer. Jose Cornelio Bernal built it.

2nd Question. Is that house still standing.

Answer. No it is not.

3rd Question. When was you last on the Rancho of Ballena?

Answer. I have been there within this present year. I was hunting my cattle.

4th Question. Did said Bernal live at the Mission Dolores when you saw him at Ballena?

Answer. He did not, his family was at the Mission Dolores.

5th Question. In what year did you leave the Rancho of San Nuevo?

Answer. - About 4 years ago, I was compelled to leave there, my property was taken from me, it was, upon reflection 5 years ago. -

6th Question. Did you settle on the Rancho of San Nuevo, if yes, under what contract?

Answer. I did settle there, Don Manuel Castro requested me to go and settle it, and agreed if I would do so, that he would give me the share of said Rancho, which should fall to him.

7th Question. Did or did not Don Simón Castro deceased, occupy said Rancho of San Nuevo, with his horses and cattle before you went there to live?

Answer. He did not.

8th Question. Had he some mares there?

Answer. He had some mares there when it belonged to the Mission, and they were burned up there, - that was before I went there.

9th Question. After you were established there did you pretend to own any part of said land?

Answer. I did, by the contract I had with Don Manuel Castro, and I also had a contract with his father before he died, that was written, and when Don Manuel contracted with me to go on the place as I have before stated, I gave that written paper to him, he said it was of no use. -

10th Question. Where did you live when the contract was made between you and Don Simeon Castro deceased, and how long had you lived there?

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Answer. I lived at the Villa of Branceporte, had lived there then some 20. or 25 years.

10^{1/2} Question. Did you and others denounce said land after the death of said Simeon Castro, if yes, what was the result of the suit, and before what tribunal was it brought?

Answer. I never did denounce it, it was denounced by one Salgado, and one Serwin, the latter now deceased. The result of the proceeding was that the place was not taken away from Don Manuel Castro, for he had it occupied by me, and I had cattle and horses there at the time. I do not remember the kind of tribunal it was before, nor the name of the Judge, I was there, at Monterey, when it was tried.

11th Question. Were you continued in charge of said Rancho as the property of the Heirs of said Simeon Castro deceased?

Answer. I was there to take charge of the place under my contract with said Don Manuel Castro, for myself, and for him.

12th Question. If you claimed any part of said Rancho in your own right, what part was it? -

Answer, I claimed from my house to the Arroyo de las Garzas, I was satisfied with that as the share of said Don Manuel.

13th Question. What became of the property on said Rancho, belonging to the heirs of Don Simeon Castro, of which you had charge, during and after the American war?

Answer, They were taken away from me, and even my own stock with them, after the war, by Jose' Antonio Castro the brother of Don Manuel.

14th Question. Does the Rancho of Año Nuevo adjoin that of Juan Gonzales and that of Galindo?

Answer. I do not know whether it adjoins them, it adjoins the Rancho of Jose' Cornelio Bernal deceased, where the arroyo de las Garzas runs.

15th Question. Was the Rancho of Balleua occupied by Jose' Cornelio Bernal in the year 1844, at the time that Manuel Castro was with you on said Rancho?

Answer. It was.

16th Question. Have you seen the Title and map of the Rancho of Punta del Año Nuevo?

Answer, I have not, and I cannot read.

17th Question. Do you know whether the land of the Rancho of Balleua is comprehended within the map and title of the Rancho of Punta del Año Nuevo.

Answer, I do not know.

18th Question. Do you know whether or not José Cornelio Bernal abandoned his claim to Ballena, in consequence of his obtaining a grant of another piece of land?

Answer. He did not abandon Ballena.

19th Question. In what year did said José Cornelio Bernal die?

Answer. I do not know.

20th Question. Did not said Bernal reside with his family at the Mission Dolores, 10 years or more previous to his death?

Answer. I do not know, sometimes his family was at Santa Cruz, and at other places.

21st Question. Did he ever live with his family at Ballena?

Answer. I do not know.

22^d Question. Did you ever live on the Rancho of Ballena?

Answer. I never did.

23^d Question. How long did you reside on Año Nuevo?

Answer. Nine years.

24th Question. What year did you leave said Rancho?

Answer. It is 4. or 5. years ago, I do not remember the date.

25th Question. How many years is it since Sebastian Rodrigues placed cattle on the Rancho of Ballena?

Answer. It was before I left the Rancho del Año Nuevo.

26th Question. Was the Rancho Ballena occupied when said Rodrigues brought his cattle thither, if yea, by whom and how?

Answer. It was occupied at that time by José Cornelio Bernal, there were some mares there of his, and his little house and corral.

27th Question. Did Bernal live in that house himself?

Answer. Before I came to live at Año Nuevo, I was passing by Ballena on my way to San Gregorio, and I saw said Bernal in the house on Ballena with his Indians who were in his employ. He was there making a corral.

28th Question. How often did you see said Bernal at Ballena, while you lived at Año Nuevo?

Answer. I saw him there three times.

29th Question. Was not said Bernal's residence, during those three times, all the time at the Mission Dolores?

Answer. I do not know.

Eugenio Antonio ^{this} Soto,
notary

Filed in Office.

Sept: 27. 1854.

Geo: Fisher, Secy:

Subscribed & sworn to before me,

Sept: 26. 1854.

Peter Sott: Comm: &c.

United States of America.
State of California.

J. P.

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San Francisco, Sept. 26th. 1854.

This day came Manuel Larios a witness on behalf of the claimant, Sebastian Rodriguez, Deposition in case N^o 192, on the docket of the Board of U.S. Land Commissioners in said State, of Manuel Larios, before Peter Lott, Commissioner for taking testimony, to be used before said Board, and said witness being sworn deposed in Spanish, which is interpreted by the interpreter to said Board as follows:

The U.S. Associate Law agent is present.

Questions by Capt. Hallett, attorney for claimant.

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

Answer. My name is Manuel Larios, my age 57 years, my residence Monterey, County, California.

2nd Question. Do you know the Rancho called Rincon de Ballena, if yes, state what you know of its occupation?

Answer. - I know said Rancho, about 14 or 15 years ago I slept there one night at the house with Jose Cornelio Bernal who was occupying said Rancho. He had a small house, horses and cattle, and a corral, on the place, I saw no cultivation, that was the only time I ever was on the place.

Crop Examined by U.S. Associate Law Agent. -

3rd Question. Do you

know or not whether the Rancho of Ballena is a part of the Rancho of Año Nuevo?

Answer. I do not know of its being a part of it. I know that they are different places adjoining each other, divided by the arroyo de las Garzas.

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2nd Question. State how you know they are divided by the arroyo de las Garzas?

Answer. I know it because when Jose' Cornelio Bernal went to petition for the land he stoppt at my house on his return from Monterey, and showed me some papers and told me that the land of Rincon de la Ballena was granted to him, as far as the Arroyo de las Garzas.

3rd Question. In what year was that?

Answer. It was in 1839 or 1840. I am not certain.

4th Question. Did said Bernal at that time say anything of any other boundaries?

Answer. He said his grant extended from the Arroyo de las Garzas to the Arroyo del Butano, on the North where the Rancho of Salido adjoins, and that the Sierra, was on the East, and the sea on the West.

5th Question. Have you seen the title papers or any copies of them since that time, if yea, when?

Answer. I never have.

6th Question. Was you well acquainted with the family of said Bernal?

Answer. I was.

7th Question. Where did he reside the last ten years of his life?

Answer. He lived at the Mission Dolores.

8th Question. Do you know in what year said Bernal and Sebastian Rodriguez were trading for said land?

Answer. It was some 5. or 6. years ago, I do not remember in what year it was.

9th Question. Do you know in what year Bernal obtained a grant of a rancho, called Salinas or Potrero?

Answer. I do not know.

10th Question. Do you or do you not know any thing of said Bernal's abandoning the Rancho of Ballena, when he obtained the grant of Salinas or Potrero.

Answer. I do not know, I believe he did not abandon it.

Manuel ^{José} Larios.
mark

Subscribed & sworn to
Before me, Sept: 26-1854.

Peter Lott. Commr. &c.

Filed in Office. Sept: 27. 1854.

Geo. Fisher. Sec.

United States of America.
State of California. J.S.S.

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San Francisco, Oct 18. 1854.

Deposition
of
Jose Antonio
Alviseo.

This day came before Peter Gott, Commissioner for taking testimony to be used before the Board of U.S. Land Commissioners in said State, Jose Antonio Alviseo, a witness on behalf of the claimant, Sebastian Rodriguez, in case et^o 192, 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:

The U.S. Associate Law Agent is present.

Questions by Capt. Halleck, attorney for Claimant,

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

Answer. My name is Jose Antonio Alviseo, my age 56 years, my residence in Santa Clara County, California.

2nd Question. Do you know the Rancho called Rincon de la Ballena, if yes, state where it is situated and what you know of its occupation?

Answer. I know the place, It is situated on the sea coast in Santa Cruz County, in this State. I was there some 13 or 14 years ago, and Jose' Cornelio Bernal was there building a house and corral, and settling the place, - he had some 200 head of cattle, and told me he was going on to plant, he had also 70 or 80 horses there. I was there about two months ago, and

Sebastian Rodriguez, was in the occupancy of the place.

Cross-Examined by U. S. Associate Law Agent.

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1st Question. Did said Bernal claim to be the owner of the place, if yes, how do you know it?

Answer. He did claim to be the owner of it, Bernal showed me his title at his own house at the Mission Solares, before the time that I was down at Ballena and saw him there as I stated.

2nd Question. Did you see any cultivation on the place, and do you know that Bernal continued the occupation of it?

Answer. I saw them preparing the ground for planting, and Bernal remained in the occupancy of the place till he sold it, some 10 or 12 years ago.

Jose Antonio ^{his} Alviso.
Mark

Subscribed and sworn to
before me, on this 18th day
of October A. D. 1854.

Peter Lott. Commissioner.

Filed in Office. Oct. 19. 1854.

Geo. Fisher, Sec.

United States of America. }
State of California } S.S.

Deposition
of
Francisco
Ace.

San Francisco, Nov^r. 1st. 1854.

This day came before Peter Sott, Com-
missioner for taking testimony to be used
before the Board of U. S. Land Commissioners
in said State, Francisco Ace, a witness on
behalf of the Claimant, Sebastian Rodriguez
in case N^o 192, 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:

The U. S. Law Agent is present.

Questions by Capt Halleck, Attorney for Claimant.

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

Answer. My name is Francisco
Ace, my age 32. years, my residence in the
County of Monterey California.

2nd Question. What office,
if any, did you hold in California in the
years 1839, and 1840?

Answer. I was first Clerk
in the Office of the Secretary of the Department
of California in those years.

3rd Question. Was it any
part of your duty as such officer to write
out and record grants of land made by
the Governor?

Answer. That was a
part of my employment.

4th Question. Have you any recollection of writing out a title or grant for a tract of land called Rincon de la Ballena, if yea, where and for whom?

Answer. I recollect of having written such a title to said land for José Cornelio Bernal, now deceased, in April or May 1839.

5th Question. Was said title signed by the Governor and issued to said Bernal or not?

Answer. It was so signed and issued.

6th Question. Do you remember whether the corresponding decree was entered by the Governor in the Expediente, in the Governor's Office?

Answer. Yes, it was so entered.

7th Question. Who wrote said Decree in said Expediente, and was it entered at the time of the issuing of the title?

(7th Question objected to by Law Agent.)-

Answer. I wrote the decree myself. It was done at the time of issuing the title.

8th Question. State what you remember about the form of said title?

Answer. I remember nothing more about it than that it was given to said Bernal, and that it was for said Rincon de la Ballena, I do not remember the form, or details of the grant.

9th Question. Look at the document now shown to you, marked "B. P. L." exhibit to this deposition heretofore filed in this case purporting to be a traced copy of the Expediente, and state whether or not it contains the decree which you say you wrote?

Answer. Yes, here on the 5th and 6th leaves of this document, is the copy of the decree which in the original was in my handwriting.

10th Question. Did José Cornelio Bernal leave when he died, a widow and children, if yea, name them?

Answer. Yes, he left a widow, Carmen Sibrian de Bernal, and only one child that I know of, José de Jesus Bernal.

Cross-Examined by U. S. Law Agent.

1st Question. Do you know, or have you seen, that José Cornelio Bernal ever occupied or lived on the said land of Rincon de la Ballena?

Answer. I do not know.

2nd Question. Do you know, whether the said land of la Ballena is embraced within the map and grant of Punta del Año Nuevo which was granted to Don Simón Castro?

Answer. I do not know.

3rd Question. Do you know whether at the time said Punta del Año Nuevo was granted to said Castro, said Bernal had abandoned the Ballena Rancho, and also state whether said Bernal lived then with his family at the Ex mission of Dolores, or near the mission

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at the Potrero which was granted to him?
Answer. I do not know any
thing about it.

Francisco Arce.

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Subscribed and sworn to
before me, on this 1st day
of November, A.D. 1854.

Peter Lott. Commissioner, &c

Filed in Office, Nov. 3rd 1854.

Geo. Fisher. Sec.

Spanish Doc. follows.

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1. D. H.

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Espediente.

*A. P. L. annexed to
deposition of Juan
B. Alvarado. Sept.*

1839.

45. 1854.

*A. P. L. Exhibit to
deposition of Fran^{co}
Aree. Nov. 1. 1854.*

Espediente promovido por Don José Cornelio

Perual en pretencion del paraje nombrado

Pincon de la Bayona.

207.

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S. D. N.

Monterrey, Feb.^o 13. 1839.

Exmo. Sr. Gobernador.

Informe el Administrador de la Ex-Mision de Santa Cruz sobre los usos que hizo aquel establecimiento del censo que se solicita con lo demas que tenga a bien y vuelva el expediente para proveer.

El C. José Cornelio Bernal, natural del puerto de San Francisco ante V. E. espone que huyandose desoso de tener un terreno en propiedad donde poner de asiento sus bienes de campo y tambien ha siembras todo a fin de asegurar la sustentencia de su familia, tiene solo un paraje que se halla baldio aunque pertenece a la Ex-Mision

Alvarado.

de Sta Cruz / a distancia de la cual habra cosa de catorce leguas. / nombrado Niveon de la Ballena: que oclipore de longitud de O a P. se espiceo de una legua y una de latitud de N. a S. cuyo terreno se figura en el bosquejo de plano que se acompaña y P. A. V. E. rendidamente pide y suplica se digne decir a la Sobretaxa previos los requisitos necesarios. Comendandome el usurado terreno en plena propiedad para el fin indicado gracia que no duda acausar de la bondad de V. E. que les es caracteristica.

S. D. N.

Nota. Por no haber papel sellado se puso del Comum.

Monterrey, Feb.^o 13 de 1839.

J. Cornelio Bernal.

Informe como A. D. A. de la Ex-Mision de S. Cruz ser baldio el paraje llamado la Ballena y en la actualidad no ocuparle, este establecimiento.

Sta Cruz, F.^o 16. 1839.

Juan Goumales.

Monterrey, Mayo. 12. de 1839.

Informe el Sr. Prefecto del primer Distrito sobre el contenido en esta instancia.

Alvarado.

Here follows a map or plan.

3. 65- S.L.D.H.

San Juan de los Rios. Marzo 30 de 1839.

El Prefecto del 1er distrito uniforme que siendo rentario que el terreno que solicita el interesado es baldío y para este obtienen los requisitos necesarios para ser atendido se le puede conceder en propiedad.

Jose' Castro.

Monterrey. Abril. 16 de 1839.

Vista la peticion con que da principio este Expediente el informe del Administrador de 1ra. Clase y el del Señor Prefecto del primer distrito con todo lo demas que se tuvo presente y ver comparendo con todo lo demas que se le de conformidad por lo dispuesto por las leyes y reglamentos de la materia se declara al Ciudadano C. José Corcueto Bernal dueño en propiedad del rancho nombrado Rincon de la Ballena en estension de una legua poco mas o menos segun explica el diseño que como agregado en este expediente. Sujetaudose a las condiciones que se astrahian en el titulo que se libre al interesado, tomese raxon ese el libro respectivo y reserve este Expediente para la debida aprobacion de la Junta Departamental. El Sr. D. Juan de Alvarado Gobernador del departamento de las Californias, lo mandó decretar y firmo de que doy fe.
Alvarado.

Monterrey. 22 de Mayo. de 1840.

Diola Cuenta a la E. Junta Departamental, se acordó en sesion de hoy que pasé a la Comision de agricultura José N. Pernamolez. Sr.
Pernamolez.

En hb del mismo lo devolvio con el dictamen que se acompaña.
E.S.

J.L.D.H.

La Comision de agricultura y comercio misolas en car- gada p. V. E. de dictaminar los expedientes presentados por el Sr. Gobernador en la sesion anterior visto lo actuado e informes y demas que ve se ha podido propone a la deliberacion de V. E. los articulos siguientes.
art. 1º se aprueba la concesion hecha por el Gobierno

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map 23

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departamental con fha. 16 de abril de 1839 del porraje
nombreado Niveon de la Vajona en la persona del Ciudadano
Jose Cornelio Bernal.

2º. Que se devuelva al Excmo. Sr. Gobernador el mismo
por los fines convenientes.

Monterrey. Mayo. 25. de 1840.

Jose Rafael Louhales.

L. Argüello.

S. D. H.

Monterrey. 26 de Mayo de 1840.

En Sesion de este dia aprobó la S. Junta Departamental
los dos articulos con que concluye el dictamen antº.

Manuel Linares.

Jose L. Fernandez. Sec.

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
charge and control a portion of the archives of the
former Spanish and Mexican Territory or Department
of Upper California do hereby certify that the eight
preceding and herewith annexed pages of tracing paper
numbered from one to eight 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 this office.

In testimony whereof I have herewith
signed my name, officially and affixed my private
Seal (not having a Seal of office) at the City of
San Francisco Cal. this 15th day of April. 1852.

Samuel D. King
Surveyor G. Cal. &c

Filed in office. April. 20th 1852.

Geo. Fisher. Secy.

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Most Excellency,

Citizen José Cornelio Bernal, a native of the Port of San Francisco, makes known to your Excellency that being desirous of obtaining the ownership of a piece of land wherein to establish permanently his cattle and also for agricultural purposes; all for the purpose of securing the subsistence of his family, he has seen a place which is now unoccupied (although it belongs to the Ex-Mission of Santa-Cruz) at the distance of about fourteen leagues from said place, called Rincon de la Ballena, which contains in length from East to West, about the distance of one league, and one league in breadth from North to South, which land is sketched on the rough plat which accompanies this, and therefore I humbly request that your Excellency would be pleased to accede to my petition after taking the necessary steps, by granting unto me the land mentioned, in full ownership for the purposes mentioned, a favor which I have no doubt of obtaining of your characteristic goodness. Note. There being no sealed paper, I make use of this common paper. Monterey 13th February 1839.

J. Cornelio Bernal. - Monterey 13th February 1839.

Let the Administrator of the Ex-mission of Santa Cruz report on the use made by that Establishment, of the place asked for, and any thing else which he may have to say, and return the Expediente in order to decree =
= Alvarado = I, the present Administrator of the Ex-mission of Santa Cruz, do report that the place called La Ballena, is unoccupied and not used at present by this Establishment, = Santa-Cruz, 16th February 1839 =
= Juan Gonzales = Monterey March 12th 1839. =

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"B."
Translation
of
Expediente

The prefect of the First District will report upon the contents of this petition = Alvarado = Pueblo de San Juan de Castro, March 20th 1839. The Prefect of the First District reports; that it being notorious that the land asked for by the party interested is vacant, and that the petitioner possesses all the requirements necessary for him to be attended to, the ownership thereof may be granted unto him. = José Castro. = Monterey, April. 16th 1839 = In view of the petition which commences this Expediente, the reports of the Administrator of Santa Cruz and of the Prefect of the First District, and of all the rest which it was necessary to bear in mind and examine in conformity with the laws and regulations on the subject, citizen José Cornelio Bernal is declared to be the owner in fee of the place called Rincón de la Ballena, of the extent of one league a little more or less, as appears by the plot which is annexed to the Expediente, subject to the conditions which will be mentioned in the title to be delivered to the party interested; let a record be made in the respective books and this Expediente be reserved for the due approval of the Most Excellent Departmental Junta. Señores Don Juan B. Alvarado Governor of the Department of the Californias, did so command, decree and sign, whereof I give testimony = Alvarado = Monterey 22. May 1840 =

This Expediente having been submitted to the Most Excellent Departmental Junta, it was resolved in today's Session that it be referred to the Committee on agriculture. = José Fernández, = Secretary =

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On the 26th of the same month it was returned with the accompanying report - Fernandez - Most Excellent Sir. The joint Committee on Agriculture and Commerce, appointed by Your Excellency to report on the Espediente presented by his Excellency the Governor, at the last Session, having examined the proceedings and reports, with all the rest that they have been enabled to find out, propose to the deliberation of Your Excellency the following Articles.

Article 1st The grant made by the Departmental Government, dated 16th April, 1839, of the place called "Rincon de la Ballena" to citizen José Cornelio Bernal, is approved.

Article 2nd; Let the Espediente be returned to his Excellency the Governor for the necessary ends. Monterey, 25th May 1840 = José Rafael Gonzales = Santiago Arguello = Monterey, 26th May, 1840.

In today's Session the Most Excellent, Departmental Junta approved the articles at the end of the foregoing report.

Manuel Jimeno, President =
José Z. Fernandez = Secretary =

E. C. R. P.

Filed in Office. April 20, 1852.

Geo. Fisher, Sec.

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Spanish Doc follows

MS. A. 1. 1. 1.

Según el acta formada por los señores de adelante
que son los Sr. D. Juan Jaramila y Don José Antonio
Higuera, que he recibido en trescientos reales enteros.

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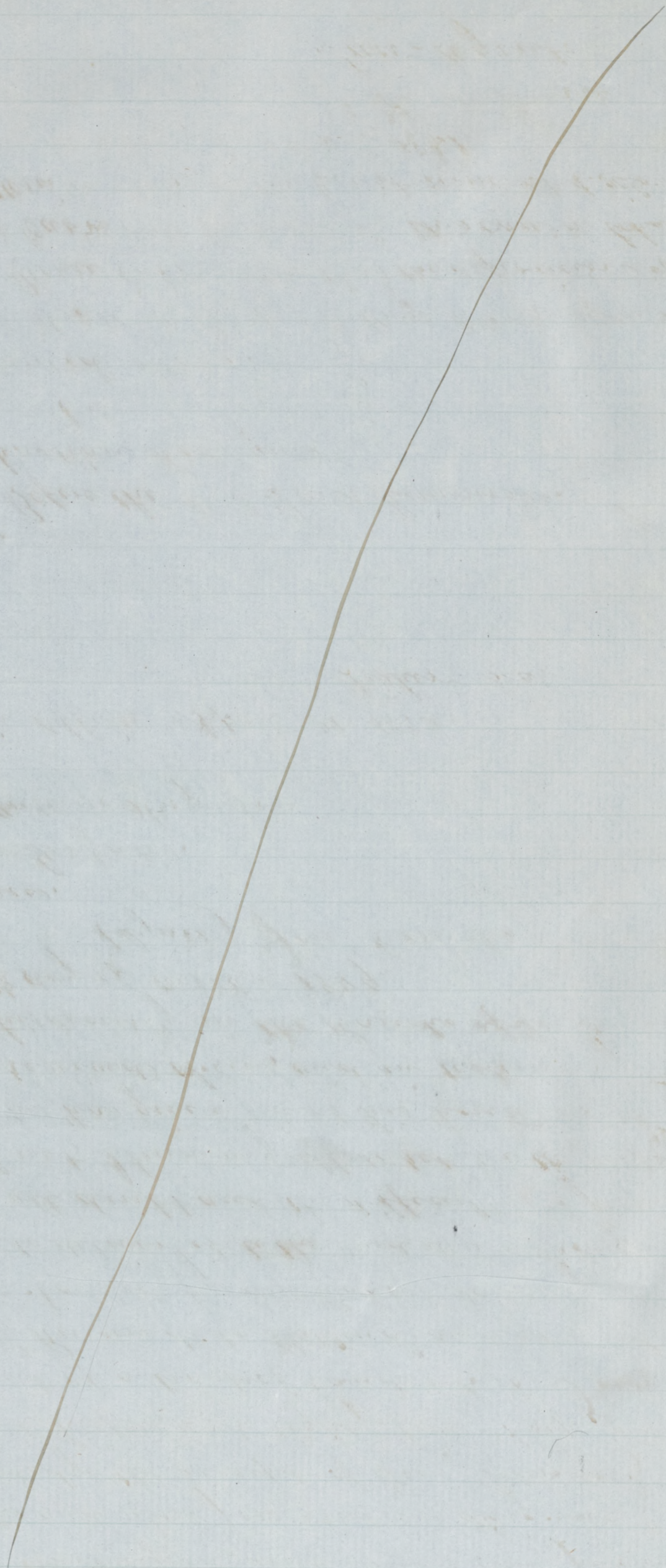
C.

Copy of conveyance.

Digo yo el abajo firmante con mis testigos de asistencia que son los Sres. D^o Juan Gornales y Don José Antonio Higuera, que he recibido cuatrocientos sesenta bocas y Saquiillas y veintea y cinco oboregas en pago de un terreno que tengo llamado Nueve de la Ballena y como dicho terreno le ha puesto una triaba D^o Rafael Sanchez yo lo debo de apurar y entregarlo al referido Sr. Protomiquez libre de toda cuestion y tramites de justicia y de no ser asi me obligo a volverle los bienes que me ha entregado en su casa como los he recibido y para que conste doy el presente resguardo en el rancho de la Trinidad a los treinta y un dias del mes de Octubre del año de mil ochocientos cuarenta y nueve. José Cornelio Bernal.
Juan Gornales. José Ant^o Higuera.

Filed in Office. April. 30th 1852.

Geo. Fisher. Secy.



Faint, illegible handwriting or bleed-through from the reverse side of the page, covering most of the central and right-hand areas.

Small, faint markings or text located in the lower-left quadrant of the page.

"D"
Translation
of
Conveyance.

I, the undersigned, with Señors Don Juan Gonzales and Don José Antonio Higuera, acknowledge the receipt of Four hundred cows and heifers, and eighty five sheep, in payment of a tract of land which I own called "Rincón de la Ballena" and as said land is claimed by Don Rafael Sanchez, I am bound to deliver it to the said Señor Rodriguez free of all doubt and the difficulties of justice; and if not, I bind myself to return the property which he has given me at his house as I have received them, and in testimony I give this security in the Rancho of La Trinidad this 31st day of October, 1849.

(Signed) José Cornelio Bernal.

Witnesses.

Juan Gonzales.

José Antonio Higuera.

Filed in Office, April 20, 1852.

Geo. Fisher. Sec.

N^o 192.

Notice to
take deposition.

Before the U.S. Land Commission.

Sebastian Rodriguez

vs.

The United States.

Messrs. Hallett, Beachy & Billings. Atty for Claimant.

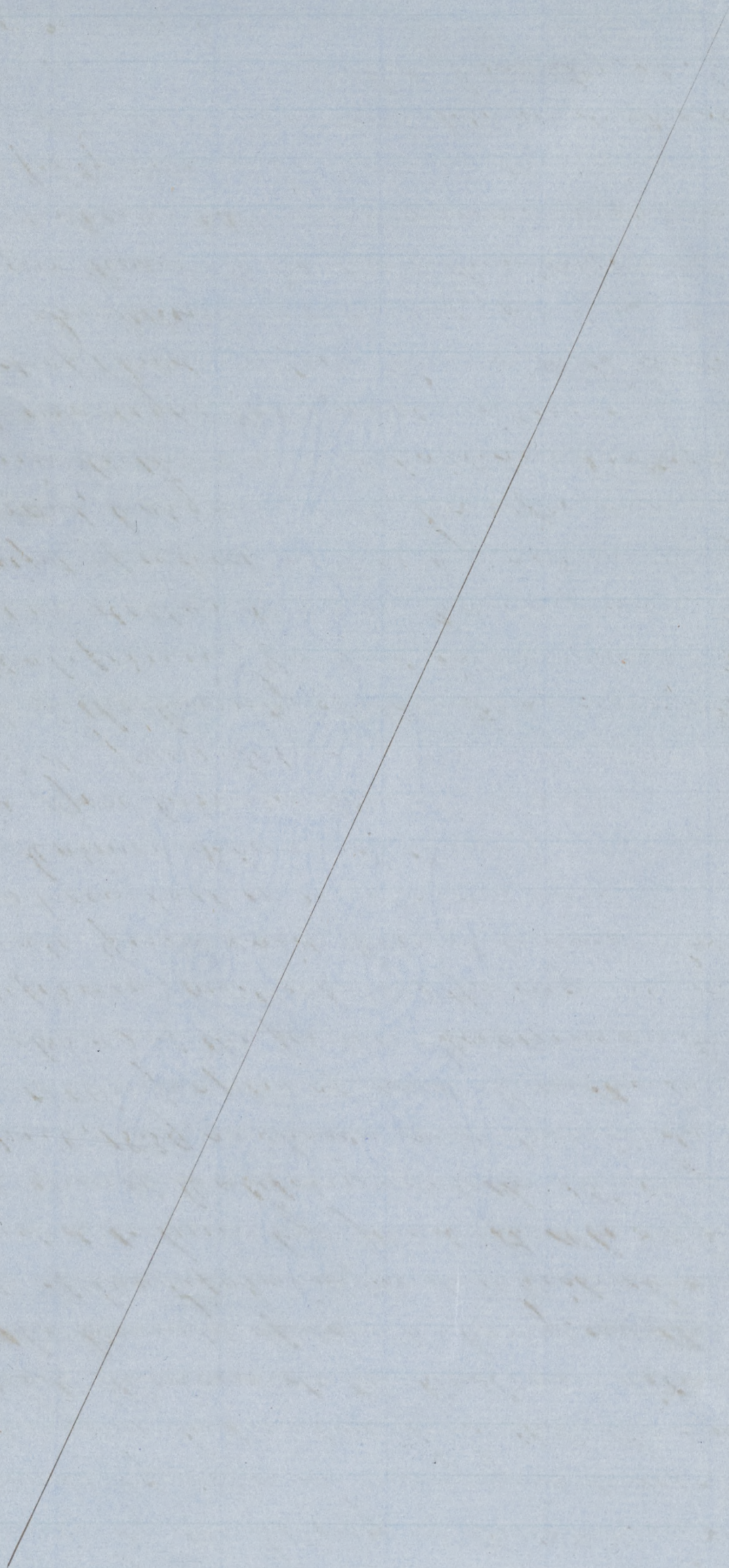
Please take notice that the deposition of Manuel Castro will be taken in this case on behalf of the United States, at the Court-room at 1 o'clock P.M. on Tuesday, 2^d May, 1854.

J. H. McKim.

Law-Agent.

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



Quit Claim
Deed.

Bernal
to
Rodriguez.

Know all men by these presents, that,
 Whereas Jose' Cornelio Bernal in his lifetime,
 namely on the 31st day of October, in the
 year 1849, sold and conveyed to Sebastian
 Rodrigues his interest in the Rancho
 called "Rincon de la Ballena", situate
 in the County of Santa Cruz, in the
 State of California, and which was
 granted to him by Juan B. Alvarado,
 Governor of California, on the 15th day of
 April, 1839, as shown and described in
 the title papers of said Rancho in the
 Archives of the former Government of
 California, and whereas the original deed
 of sale from said Bernal to said Rodrigues
 has been lost or mislaid: now therefore,
 We, Carmen Sibrian de Bernal, widow of
 said, Jose' Cornelio Bernal, deceased, and
 Jose' de Jesus Bernal, his only child, —
 both of the County of San Francisco, State
 of California, for and in consideration
 of one dollar to us in hand paid, the
 receipt of which is hereby acknowledged,
 do grant, bargain, sell, transfer, and quit
 claim to the said Sebastian Rodrigues,
 all our right, title, and interest in said
 tract of land called Rincon de la Ballena.

In Testimony whereof, we have hereunto
 set our hands and seals this First day of
 November. A.D. one thousand eight hundred
 and fifty four.

Carmen Sibrian de Bernal. *(S.S.)*
 Jose' de Jesus Bernal. *(S.S.)*

Sealed and delivered
 in presence of
 John Hestith.

State of California.
County of San Francisco.

L. S.

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On the 1st day of
November, A.D. one thousand eight
hundred and fifty four before me Amannet
Guyol, a Notary Public in and for said
County, duly commissioned and sworn,
dwelling in the city of San Francisco, per=
sonally appeared Carmen Sibriau de Bernal
and Jose de Jesus Bernal, known to me to be
the individual described in and who executed
the annexed Instrument, and acknowledged
severally that they executed the same freely
and voluntarily for the uses and purposes
therein mentioned.

L. S.

In witness whereof, I have
hereunto set my hand
and affixed my official
Seal, in the City of San-
Francisco, County aforesaid,
the day and year first above
written.

A. M. Guyol.
Notary Public.

Filed in Office - Nov. 7 - 1854.

Geo. Fisher Secy

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Sebastian Rodriguez }
 } 24.
The United States } }

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For the place called
Rincón de la Ballena in Santa Cruz
County containing one square league.

In his Petition to this Commission the
Claimant alleges that the premises claimed
were granted by Governor Alvarado to José
Cornelio Bernal, April 15, 1839, and that
said Bernal conveyed the same to him
October 31, 1849.

Opinion
by
Commissioner
Alpheus Felch.

The Grant is not produced, but
evidence is given tending to show
that it was issued to the said Bernal
and was lost or destroyed in the dis-
turbances of 1846. A traced copy
of the Expediente in the Archives is
filed, containing the petition of Bernal
for the grant, a decree for information
and the prefect's report thereon, and the
Governor's Decree of Concession.

It also appears that the approval of
the Departmental Junta was voted
on the 26th May, 1840, and the Expediente
returned to the Governor. It does
not appear that any final document
was issued by him.

The proof of the contents of the
Grant is very defective. It is merely
stated that it was in the usual form
and corresponded with the Decree of
Concession. The Decree of Concession
describes the land as the place
"called Rincón de la Ballena, of the
extent of one league a little more or

less as appears by the plot which is annexed to the Expediente.

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The plot is a rough sketch with no delineation of the boundaries of the land granted, and the testimony does not show that the premises were known by the name at the time of the grant and had their location and boundaries defined and recognised. With the proofs before us, it would be exceedingly difficult, if not impossible to ascertain what land in fact was granted so as to describe it in a decree. A judicial measurement which was never obtained seems to have been needed, unless some more definite description was contained in the lost grant than appears in the decree or is shown by the proofs.

Another fatal objection to this claim is presented by the deficiency of proof to establish the performance of the conditions of his grant by Bernal, the grantee.

In his petition for the grant he represents that he desires to obtain the land thereon to establish permanently his cattle and also for agricultural purposes all for the purpose of securing the subsistence of his family: "and he prays for the grant" for the purposes mentioned.

The testimony on the subject of the occupation of the premises by the Grantee is both voluminous and vague, and some of it contradictory. Two things are however

certain: first, that said Bernal never lived on the premises, and second, that during the ten years intervening between the grant and his sale to the present claimant, he never cultivated any portion of the land.

It is not easy to determine from the proofs precisely what was the connection of Bernal with the premises, but the conclusion to which my mind is led after a careful examination of all the evidence is, that about the time the grant was made, Bernal took a few cattle and horses on to the premises and built a small house and corral and had some Indians to assist him, — that there is no evidence of his having added to this slight beginning for an Establishment; that he paid little or no attention to it after a short time; and that eventually it was abandoned.

Some of the witnesses state that they understood it was relinquished by him for the purpose of settling on a place called Potrero Viejo for which he subsequently obtained a grant and to which he removed with his family from his previous residence at the Mission Dolores.

Whether this was done by express relinquishment or not does not clearly appear from the proofs, but I think from the whole testimony the inference necessarily arises that the premises were abandoned.

It is also proved that the premises now claimed were, in 1842, reported

to be a part of the Rancho known by the name of the "Punta del Año Nuevo" which was granted to the Castros in that year, and by reference to case No. 315. it is found that the premises were not only embraced in Castro's grant, but that that grant has been adjudged to be valid, and the land claimed in this case has been confirmed by this Commission to the heirs of said grantee.

There is nothing in the case now under consideration to induce us to believe that the decree in that case involves any injustice to Bernal or his grantee.

We regard the proof in this case as entirely insufficient to establish the right of the latter to the land, and therefore a decree adverse to the claim must be entered.

Rejected.

Filed in Office, Nov. 14. 1854.

Geo. Fisher. Sec.

Sebastian Rodrigues.
 vs.
 The United States.

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Decree-

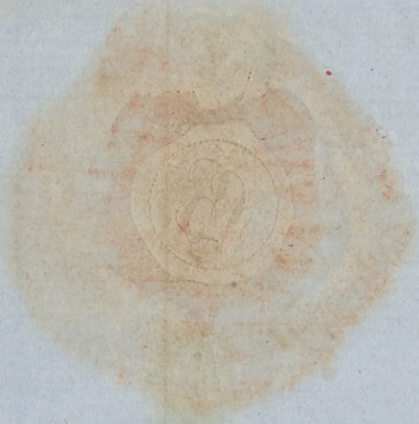
In this case on hearing the proofs and allegations it is adjudged by the Commission that the Claim of said Petitioner is not valid and it is therefore decreed that his application for a confirmation thereof be denied.

Alpheus Felch
 R. Aug. Thompson.
 S. B. Farwell.
 Commissioners.

Filed in Office. Nov. 14, 1854.
 Geo. Fisher. Sec.

And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Northern 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 Northern District of California and the other be transmitted to the Attorney General of the United States.



Office of the Board of Commissioners,

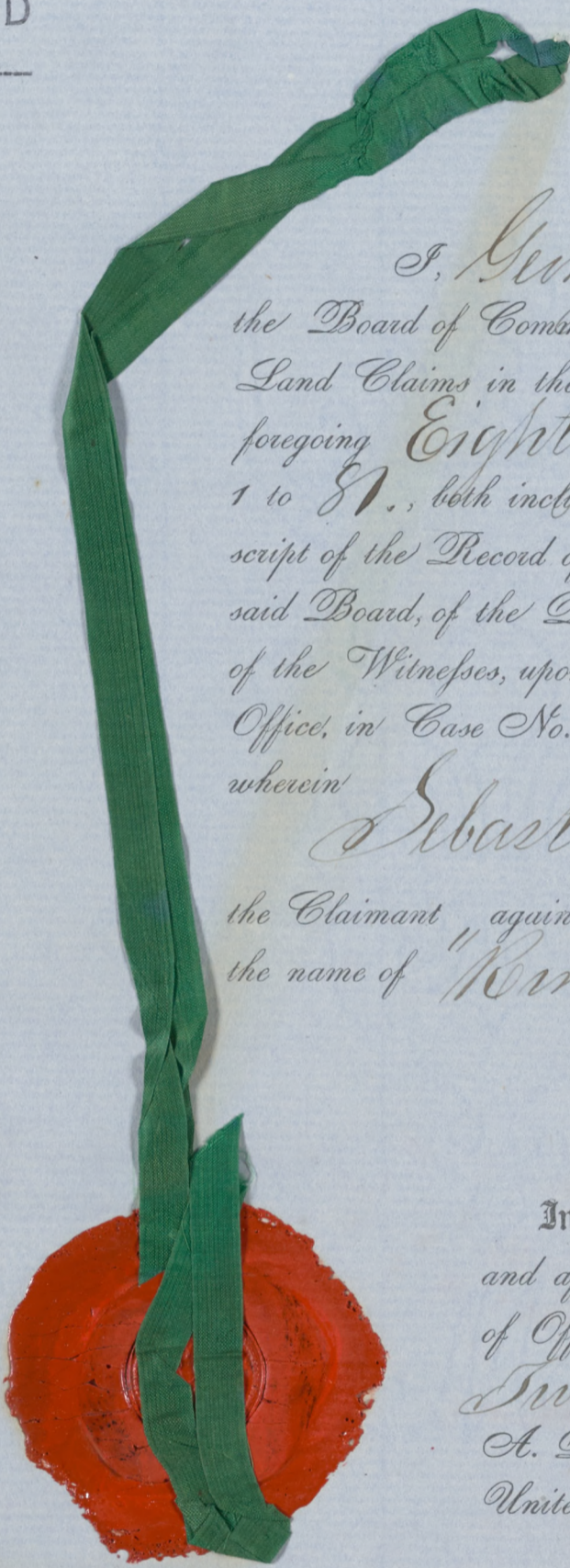
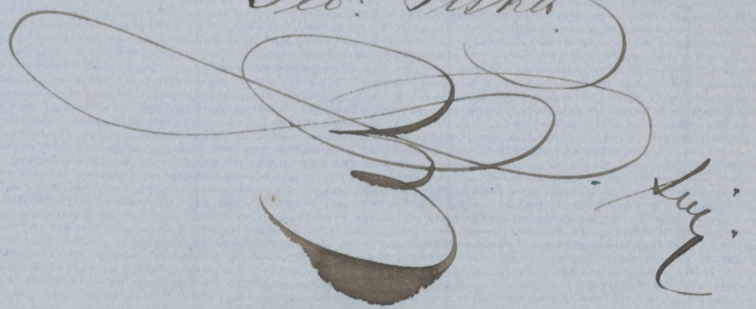
To ascertain and settle the Private Land Claims in the State of California.

J. 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 *Eighty one* — pages, numbered from
1 to *81*, 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. *192*, on the Docket of the said Board,
wherein

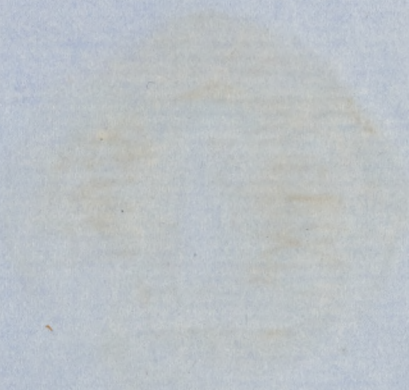
Sebastian Rodriguez is —
the Claimant against the United States, for the place known by
the name of "*Rincon de la Ballena*" —

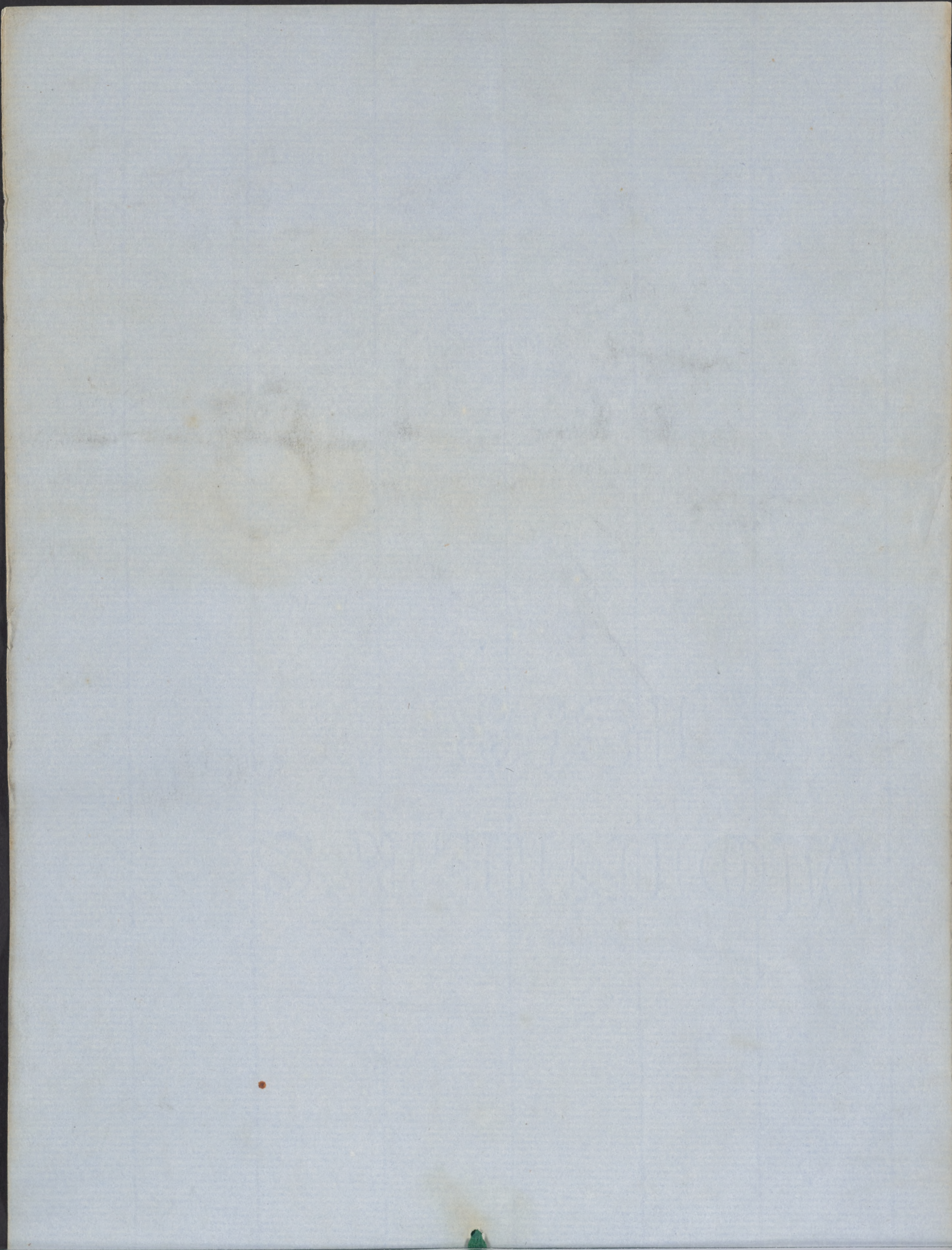
In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Twentieth — day of *June*
A. D. 1855, and of the Independence of the
United States of America the seventy-*ninth*.

Geo. Fisher









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

No. ~~229~~ 229

THE UNITED STATES,

vs. *(M)*

Sebastian Rodriguez

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *192*

Filed, *June 20* 185*0*

John A. Morris,
Clk



No 229.

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

Sebastian Rodriguez, appellant } Transcript No 192.
vs. } Petition, praying
The United States, appellee } Court to Review decision
of Commissioners

Your petitioner, Sebastian Rodriguez,
the appellant in the above entitled cause
respectfully shows unto this Honorable
Court:

That on the 20th day of April A.D. 1852
he filed before the Board of Commissioners
his petition praying for confirmation of
title to the tract of land called "Finca
de la Ballena" in the present county of
Santa Cruz and in the Northern District
of California, being one square league of
land a little more or less, as shown by
the petition to said Commissioners and
the documentary & other evidence filed
in said cause, all of which is hereby
referred to for a description of the land
claimed and the title of the claimant;

That on the 14th day of November A.D. 1852
the said Board of Commissioners decided
upon the validity of said claim and rejected it;

And your petitioner further shows
that the said Board of Commissioners filed
or caused to be filed, on the 20th day of
June in the office of the Clerk of this
Honorable Court a duly attested
Transcript of the proceedings, with the

evidence and decision of said commissioners in said cause; and that thereafter, to wit on the 10th day of November A.D. 1855 your petitioner filed with the clerk of this Honorable court, a notice of his intention to prosecute the appeal in said cause.

That the land claimed lies within the Northern District of California and within the jurisdiction of this Hon^{ble} court.

Wherefore your petitioner prays this Honorable court to review the decision of the said Board of Commissioners, and on the hearing of this cause, to reverse the said decision and to confirm his title to the aforesaid land; with costs and general relief.

Hallam Peck & Billings
Attys for appellant.

No 229
United States Dist Court
Northern Dist of Cal.

Sebastian Padrius appellant
vs
The United States, appellee

Petition of appellant
for Review

Filed Nov 7. 1855.
by Cheever
Deputy.

229 ND
PAGE 82

Hall & Peckham & Billings
Attys for appellant.

No 224

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

229 ND
PAGE 83

Sebastian Rodriguez, appellant } Transcript No 192.
vs. } notice of intention to
The United States, appellee } prosecute appeal.

Sebastian Rodriguez, claimant for the tract of land called "Rincon de la Balena", situate in the present county of Santa Cruz & in the northern district of California, hereby gives notice of his intention to prosecute an appeal from the decision of the Board of Commissioners rendered in his claim for the said land which was presented to said Board of Commissioners and by them rejected. His claim being that which is numbered on the docket of said Board of Commissioners No 192, and on the docket of this court No 224.

Hallam Peasey & Billings
Attys for appellant.

No 229

United States Dist Court
Northern Dist of Caln

Sebastian Rodriguez
appellant

vs.
The United States
appellees

Notice of intention to
presente appeal

Filed Nov 7. 1853.
J. Cheever
Deputy.

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Hallam Peaching & Printing
Atty for appellant

In the District Court of the United States, for the Northern District of California

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PAGE 85

The United States }
Appellee } No 229

vs
S. Rodriguez
Appellant

The United States by their Attorney deny the validity of the title set out in the petition of the said Appellants; And pray that the decision of the Board of Commissioners be affirmed, and that the said title be decreed to be invalid.

Wm Blanning
Dist Atty.

The United States
vs

Answer

229—
U. S. Dist Court

The U. States
appellees

vs
S. Rodriguez et al
appellants

Answer

Filed Dec: 16, 1856,
W. H. Chivers,
Deputy

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Wm. Blandin
U. S. Dist Atty

No 229

In the United States District Court in and for
The Northern District of California.

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Sebastian Rodriguez
appellant } Transcript No 193.
vs. }
The United States, appellee }

Henry W. Halleck being duly sworn
deposes and says: That he was acquainted
with the claimant in the above entitled
cause from the year 1847 to about the
time of his death which took place
near the end of the year 1855. That
said Sebastian Rodriguez died intestate
leaving no widow, but leaving five sons
and five daughters, viz: Pedro Rodriguez,
Jose Rodriguez, Juanto Rodriguez,
Salano Rodriguez, & Desiderio Rodriguez, and
Rafaela, wife of Apolinario Laurentano,
Bernabela, wife of Jose Rodriguez,
Maria, wife of Felipe Armas, Ramona,
wife of Francisco Soto, & Carmen, wife
of Felipe Gonzales. That one other
son, named Jose Antonio Rodriguez,
died before his father the said Sebastian
leaving a widow named Maria and
three infant children named Dionicio,
Isabel and Dolores. That the above
named are, to the best of deponent's
knowledge and belief the only heirs
and legal representatives of the
said Sebastian Rodriguez now

deceased as aforesaid, that deponent
has never heard of others, and that
he verily believes from his acquaintance
with the family he would have
heard if there had been others.

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Given to & subscribed
July 31, 1857, before me,
W. H. Cheever,
Deputy.

W. H. Cheever

No 229

In the United States District Court in & for
the Northern Dist of California

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Sebastian Rodriguez, appellant
vs
The United States, appellee } Transcript No 193.

It is hereby stipulated and agreed
between the attorneys for the claimants &
the U. S. Dist Atty, that, whereas the
death of the appellant has been suggested
and admitted, the claim be revived in
the names of Pedro Rodriguez, Jose Rodriguez,
Joaquín Rodriguez, Dolores Rodriguez,
Sesiderio Rodriguez, Rafaela Rodriguez
and her husband Apolinario ~~Lucero~~ Luna,
Bernabela Rodriguez and her husband
Jose Rodriguez, Maria Rodriguez and
her husband Felipe Armas, Ramona
Rodriguez and her husband Francisco Soto,
Carmen Rodriguez & her husband Felipe
Gonzales; and Gloria Castro Rodriguez
widow and Dionisio Rodriguez, Isabel
Rodriguez & Dolores Rodriguez, children
of Jose Antonio Rodriguez, a deceased
son of said Sebastian Rodriguez, as
heirs at law of the said Sebastian
Rodriguez deceased.

William Beachy & Billings
Attys for Appellants.
P. Della Torre
U. S. atty.

stated Term of the Court July 31st 1859
Present Hon Ogden Hoffman Judge.

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PAGE 90

The death of the claimant, Sebastian
Rodrigues, being suggested, on motion
of counsel for appellants, P. Sella Torne,
Sist Atty, being present on the part
of the United States and assenting
thereto,

It is ordered that the claim be
renewed in the name of the heirs
of said Sebastian Rodrigues, deceased,
as set forth in the foregoing
stipulation of the Attys of the parties
in the above entitled cause.

No 229

In the U.S. Dist Court
Northern Dist of Cal.

Sebastian Rodriguez
appellant

The United States
appellee

Appt., stipulation,
and order reviving
cause in name of heirs
of appellant.

Filed July 31, 1857.
W. D. Chever,
Deputy.

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Walter Peachy & Bittin
Attys for appellant

No. 229.

U.S. District Court, Northern District
of California

S. Rodriguez, appellant }
vs. } Transcript No. 192
The United States, appellees }

To P. Della Torre Esq.
U.S. Dist. Atty.
Sir.

Please to take notice, that
our names as Attys. for appellant in the
above entitled cause are hereby withdrawn.

Very Respectfully
Your Obedt. Servts.

Hallock Peachy & Billings

229
U.S. Dist. Court.
Northern District

S. Rodriguez, appellant

vs.

The United States, appellee.

Notice of withdrawal re.

Recd. the original of which
the within is a copy,
Oct. 29. 1857.

P. Della Torre

U.S. atty

Filed November 3rd 1857

Wm. G. ...
deputy

At a Stated Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court Room, in the City of SAN FRANCISCO,
on *Friday* the *eighth* day of
January in the year of our Lord one thousand

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eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

vs

Sebastian Rodriguez

N: 229.

It appearing to the Court that the claimant in this case, Sebastian Rodriguez, has died since the proceedings were commenced in this Court, and that the former Attorneys in the case have been permitted to withdraw by leave of the Court, and that no other Attorney has been substituted in their place; and it having been suggested to the Court that it is desired on the part of the United States to introduce further testimony herein; that there are parties in interest, heirs of said Sebastian Rodriguez, who are minors, and that the said Sebastian Rodriguez by a last will and testament appointed Jose Rodriguez, and Pedro Rodriguez, who are residents of the County of Santa Cruz, executors of his Estate:

Now, on motion of P. Della Torre Esq., U. S. Attorney, it is ordered, that he have leave to take testimony before any Commissioner of this

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United States District Court, Northern District of
California.

The United States

vs.

Sebastian Rodriguez

ORDER.

granting leave to take
testimony on behalf of U.S.

Filed January 8, 1858

John A. Munroe,

CLERK.

By W. H. Cheney

DEPUTY.

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Count upon giving to the said Sebastian Rodriguez
and Pedro Rodriguez, Executors, ten days notice
of the time and place of taking said testi-
mony.

John A. Munroe
U. S. District Court

U. S. District Court.

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The United States

v.

Sebastian Rodriguez

D. C. 229: L. C. 192.

The U. S. Attorney, P. Della Torre Esq, now moves the Court in this case for an order to the Clerk of the Court to issue a subpoena to be addressed to Jose de Jesus Pico and Rafael Villa - otherwise called Carlos Villa - residents of the County of San Luis Obispo, commanding them to be and appear before this Honorable Court on Monday, the fourth day of October, 1858, for the purpose of testifying in above case, and in support of said motion states and alleges as follows:

That he has been informed and believes that the said witnesses know and will prove that the alleged original grantee, Jose Cornelio Bernal, under whom the parties in this case claim, during the continuance of the Mexican authority in California abandoned the land and surrendered the original papers which were in his possession relating thereto; and that afterwards, in consideration of such surrender and abandonment, he, the said Bernal, received from the Mexican authorities another grant in lieu of the former of land

near the present city of San Francisco.

San Francisco, August 17th 1858.

P. Della Torre

W. S. Atty.

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Present:

229 ND

The Honorable OGDEN HOFFMAN, District Judge.

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The United States

v.

Sebastian Rodriguez,

D. C. 229; L. C. 192.

On hearing statement filed by P. Della Torre Esq, U. S. Atty, and on his motion, it is Ordered, That the Clerk of the Court issue a writ of Subpoena, directed in the usual form to Jose de Jesus Pico and Rafael Pilla - otherwise called Carlos Pilla - residents of the County of San Luis Obispo, commanding them to be and appear before this Court on Monday, the 4th day of October, 1888, at 12 o'clock, M. to testify in this cause, and which said writ of subpoena is hereby ordered to be served by the Marshal for the Northern District of Cal^a.

And it being now suggested to the Court that the said Sebastian Rodriguez has died since the institution of this suit, and that Jose Rodriguez and Pedro Rodriguez were appointed and have duly qualified as Executors of his last will, and that the former Attorneys of Record have, by leave of Court, withdrawn from the case, it is further ordered that the U. S. Atty give ten days notice to the said Jose and Pedro Rodriguez, Executors as aforesaid of the said Sebastian Rodriguez, of the time and place of ~~holding~~ taking the depositions of said witnesses.

Ogden Hoffman
Dist Judge

229

United States District Court, Northern District of
California.

The United States

vs.

Sebastian Rodriguez

Motion
and **ORDER.** *to issue*
Writ to Pico & Villa & Co

Filed *August 17,* 1858,

W. St. Chenevix

CLERK.

By

DEPUTY.

229 ND

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The President of the United States of America, To

*José de Jesus Pico and
Rafael Villa, (otherwise called
Carlos Villa).*

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PAGE 100

GREETING:

WE COMMAND YOU, that all and singular business and
excuses being laid aside, you appear and attend before the
Judge of the District Court of the United States of America
for the Northern District of California, at a stated Court, to
be held at the Court Room in the City of San Francisco, in
and for the said Northern District of California, on the
day of *Fourth* *October, 1858* at *12* o'clock

~~in the~~ *Fourth* noon, to testify and give evidence in a certain cause pending in the said Court
between the UNITED STATES, and

Sebastian Rodriguez
on the part of the UNITED STATES; No. *229*.

And this you are not to omit under the penalty upon you of two hundred and fifty dollars.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of the District Court of the United States,
at the City of SAN FRANCISCO, the *19th* day of *August*
in the year of our Lord eighteen hundred and fifty-eight.

W. H. Chevers
Clerk.

Deputy.

United States Marshals Office
Northern District of California
I hereby certify that I served this writ personally by
copy upon Rafael Villa on the 8th day of September
A.D. 1858, and upon Jose Luis Pico on the 9th day of
Septe. A.D. 1858, in the County of San Luis Obispo.

San Francisco Sept. 15th 1858

J. L. Solomon
U.S. Marshal

By W. M. Keenan
Special Deputy

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Filed Oct: 4, 1858,
H. St. Charles,
Clerk.

229
U. S. District Court.
The United States
v.
Sebastian Rodriguez
Orig Subpoena
Jose de Jesus Pico &
Rafael Villa.

Witness the Hand of the said Judge of the District Court of the United States
at the City of San Francisco the
15th day of September 1858

H. St. Charles
Clerk

W. M. Keenan
Special Deputy
11 of Marshals Office
San Francisco
Sept 15 1858

I hereby specially depose that the above
writ was served on the above named
parties as follows

U. S. District Court
Nor. Dist of Cal.

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The United States

v.

Sebastian Rodriguez.

2 D.C. 229
2 L.C. 192.

San Francisco, Aug 19. 1858.
To Jose Rodriguez and
Pedro Rodriguez,

Executors last will and testament of
Sebastian Rodriguez, deceased.

You are hereby notified that I will examine
Jose de Jesus Pico and Rafael Villa - otherwise
called Carlos Villa - in the above entitled cause,
on the part of the United States, on Monday the
fourth day of October 1858, at 12 o'clock, noon,
before the Hon. Ogden Hoffman, Judge of the
District Court of the U. S. for the Northern Dis-
trict of Cal. at the U. S. District Court Room,
San Francisco.

Yours r.

P. Della Torre

U. S. atty

3

ma

State of California
County of Santa Cruz

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On this 27th day of August
A.D. 1838, before me J. F. J. Bennett
County Clerk in said County
personally appeared Saml. Dremman Deputy
Sheriff to me personally known, as a resident of
said County, and as a white male Citizen over
twenty one years of age, who being duly sworn
says, that on the 27th day of August
1838 he delivered a copy of the annexed
notice to José Rodriguez and on
the 27th day of August - 1838
he also delivered a copy of said notice
to Pedro Rodriguez

Samuel Dremman
Deputy Sheriff.

Seen to & subscribed
before me this 28th
day of August 1838.



J. F. J. Bennett
County Clerk

U. S. District Court

The United States

v.

Sebastian Rodriguez

notice of affdvt.

Filed Oct. 4, 1858,

J. H. Cheever,
Clerk.

The affidavit of
service is made &
certified to under
seal of Clerk -

J. H. Cheever



At a Stated Term of the DISTRICT COURT OF THE
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court Room, in the City of SAN FRANCISCO,
on *Monday* the *fourth* day of
October in the year of our Lord one thousand
eight hundred and fifty-*eight*

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Sebastian Rodriguez

No. 229

In this case, on motion
of P. Della Torre Esq. U. S. Attorney, it is ordered
that the depositions of Jose de Jesus Pico and
Rafael Villa, heretofore ordered to be taken
in open Court on this day, be taken before W. H.
Chevers Esq. U. S. Court. at 12 O'Clock, noon,
of this day.

UNITED STATES DISTRICT COURT,
Northern District of California.

The United States

vs.

Sebastian Rodriguez

*Order to take testimony
before W. H. Chivers Esq*

Filed *October 4, 1858,*

W. H. Chivers
CLERK.

By

DEPUTY.

Towne & Bacon, Printers, 125 Clay Street, corner Sansome.

UNITED STATES DISTRICT COURT,
Northern District of California,

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The United States
vs.
Sebastian Rodriguez

San Francisco, Oct: 4, 1858.

On this day, before *W. St. Charles* a
Commissioner of the United States for the _____ District of Cal-
ifornia, duly authorized to administer oaths, &c., &c., came
Carlos Villa a witness produced on behalf of the
United States
in Case No. 229, being an appeal from the Board of Commissioners to ascer-
tain and settle the Private Land Claims in the State of California, in Case
No. 192 on the Docket of the said Board of Commissioners, and was duly
sworn and testified as follows — his evidence being interpreted by
Richard Tobin a sworn interpreter,

PRESENT: *The U. S. Dist. Atty. No*
one appearing for the Claimant.

Examination adjourned until
tomorrow at 11 o'clock, a. m.

QUESTION BY

W. St. Charles,
U. S. Comm'r.

San Francisco, Cal.

Oct: 5th, 1858, 11 o'clock, a. m.

Examination resumed from yester-
-day.
Present.

The U. S. Dist. Atty. No one appearing
for the Plaintiff.

Question!

What is your name, age, and place
of residence.

Answer.

Carlos Villa, 56 years of age, and
reside in San Luis Obispo County,
Cal.

Qnd.

Are you acquainted with the Rancho
Rincon de la Ballena claimed
in this case.

Answer.

Yes Sir,

Qrd.

Please tell all you may know in
relation to the claim of Jose Bernales
Bernal to the Rancho Rincon de la
Ballena, and of the claim of any
other person to said Rancho.

Answer.

I was at Santa Cruz in 1840, or
thereabouts, with Jose Bernales Bernal,
and Jose de Jesus Pico. We went
together as companions, or friends
to see this place called the Rancho
de la Ballena. I know that Bernal
gave up that place, ~~and took~~
abandoned it, and took another
rancho up here in its stead.
The Rancho which he took up here

was near the Mission Dolores. I believe they call it the Paturo,

Cornelio Bernal told Jesus Pico that he might take the Rancho de la Ballena, because he, Bernal, was going to abandon that, and take possession of this Rancho near the Mission Dolores, in lieu of it, and after that Pico did take possession of the Rancho de la Ballena. I know that this rancho of Ballena adjoins that called Punta del Año Nuevo.

Witness,

W. D. Chevers,

Carlos ^{his} Villa.
mark.

I read to, and subscribed
October 5th 1858, before me,

W. D. Chevers

C. J. Connor

No. 229.

N. Y. District Court;

The United States.

—vs—

Sebastian Rodriguez

Deposition of
Carlos Villa.

Filed Oct: 5, 1858,

W. H. Chivers,
Clerk

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UNITED STATES DISTRICT COURT,
Northern District of California,

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PAGE 111

The United States
vs.
Sebastian Rodriguez

San Francisco, Oct: 4. 1858

On this day, before *W. H. Chewers* a
Commissioner of the United States for the _____ District of Cal-
ifornia, duly authorized to administer oaths, &c., &c., came

Josi de Jesus Pico a witness produced on behalf of the

United States

in Case No. 229, being an appeal from the Board of Commissioners to ascer-
tain and settle the Private Land Claims in the State of California, in Case
No. 192 on the Docket of the said Board of Commissioners, and was duly
sworn and testified as follows — his evidence being interpreted by

Richard Tobin a sworn interpreter

PRESENT: *The Dist. Attorney, No one*
appearing for the Claimant.

Examination adjourned until tomorrow
at 11 o'clock, A. M.

~~QUESTION BY~~

W. H. Chewers,
U. S. Comm'r.

San Francisco, Oct: 5th,
1858, 11 o'clock, A. M.

Present,
The U. S. Dist. Atty, No one
appearing for the Claimant.

Question 1,

What is your name, age, and place of residence.

Answer,

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José de Jesús Pico, 52 years of age,
and reside in San Luis Obispo County,
Ind.

Are you acquainted with the rancho
called Rincon de la Ballena, claimed
in this case.

Answer,

Yes Sir,

Ind.

State all you may know in relation
to the claim of José Cornelio Bernal
to said rancho, and whether it was
abandoned by him, and if so, why
he abandoned it, and to whom it
was afterwards granted.

Answer,

I was at Monterey about the year
1840 in command of some troops
there. José Cornelio Bernal came
there, and told me he was looking
for Mr Alvarado, that he wanted to
see him for the purpose of getting
from him if possible a rancho up
at San Francisco in lieu of the one
which he had in Santa Cruz County.
I asked him what kind of a rancho
it was that he had at Santa Cruz,
he said it was a very good one.

and invited me to go, and see it, and told me I had better apply for a Grant to it. I went, and examined it. He showed me the boundaries. I then applied to the Government for a Grant of that ranch together with the tract of land adjoining it called the Punta del Año Nuevo. The Government made the Grant to me. After I had got the Grant, the deceased Simon Castro proposed to me to exchange his ranch called La Piedra Blanca for the Rincon de la Ballena, and Punta del Año Nuevo. I went, and examined La Piedra Blanca in company with Captain Isaac Graham. It suited me, and I agreed to make the trade. We then made a private agreement between ourselves to carry out this purpose. I tore up the Expediente which was given me for the Rincon de la Ballena, and the Punta del Año Nuevo, it being all the same. And then I made a formal Petition to the Government for La Piedra Blanca, and Simon petitioned for the Rincon de la Ballena, and the Punta del Año Nuevo. After these two places were granted together to Simon Castro they were called the Punta del Año Nuevo.

I had the expediente for the Piedra Blanca. It was filed in the Land Commission, and is now in the Archives in the U. S. Surveyor General's Office. I saw it there this morning, and the annexed "Exhibit N. S. C." is a true copy from said expediente. Bernal left his expediente for the Rincon de la Ballena in Alvarado's Office at Monterey, and as the Country was then in Revolution, and people were travelling from place to place, it remained there unnoticed, ^{having been torn up.} and should I am satisfied that the Government was aware that Bernal had abandoned those tracts of land when they were granted to ^{me} them. They also know that I had surrendered them when they were granted to Simon Castro, as I have before said. The Government never granted land without ascertaining from the local authorities that it was not claimed, or that it had been abandoned.

I de Leon Juez
Seen to & subscribed
before me, Oct. 5th 1858,
N. S. Chavez,
N. S. Commr.

Excmo Sr Gobernador,

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El terreno que se pretende en esta instancia pertenecer en propiedad a Don Simón Castro quien lo ha cedido a la Nación para los usos que le convengan; en tal virtud, y la de reunir el interesado las circunstancias necesarias para ser atendido, la Prefectura es de parecer se le conceda por el Gobierno el terreno que solicita.

S. Juan de Castro Enero 14 de 1840

Simón Castro

Exhibit N. A. C.
attached to deposition of
Jose de Jesus Pizarro in
Case 229 D. C. 7/92. L. C.

No. 229.

N. C. District Court,

The United States,

— vs —

Sebastian Rodriguez

Deposition of
Jose de Jesus Pico,
and Exhibit.

Filed Oct: 5, 1858,
W. H. Chereau,
Clerk

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The United States

ad
Sebastian Rodriguez
et al

No. 229

229 ND

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On Motion of Messrs Jander
& Brent, it is ordered by the Court
that their names be substituted as
counsel for the Claimants in place of
Messrs Hallett Peachy & Billings, who
to be withdrawn by leave of Court, on
their request. — —

No. 229
N. States
ads
Sebastian Rodriguez

Order of
Substitution of Atty.

Filed Oct. 11, 1858.

W. H. Chivers,
Clerk.

UNITED STATES DISTRICT COURT,
Northern District of California,

* 229 ND
PAGE 119

The United States

vs.

Sebastian Rodriguez

San Francisco, Oct. 12 1858,

On this day, before *Curtis McAllister* a
Commissioner of the United States for the *Northern* District of Cal-
ifornia, duly authorized to administer oaths, &c., &c., came

Jose de Jesus Pico a witness produced on behalf of the
United States

in Case No. 229, being an appeal from the Board of Commissioners to ascer-
tain and settle the Private Land Claims in the State of California, in Case
No 192 on the Docket of the said Board of Commissioners, and was duly
sworn and testified as follows — his evidence being interpreted by

Richard Robin a sworn interpreter

PRESENT:

U. S. Atty by *C. Stacey*
Sanders & Brent by defendant

QUESTIONS BY

Claimants
Defendants Counsel

Continuation of the deposition of
said Witness taken before *William*
M. Cheever on Oct 4, 1858.

Cross Examination.

Quest

Did you ever see the original
grant to Jose Cornelio Bernal & Co

Where did you see it and how often, and by whom was it signed?

Ans 1 -

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Ques 2,

I have seen it, at Monterey. I saw it once - I think it was signed by Alvarado but I am not certain - What other papers were attached to this grant when you saw it?

Ans 2,

Those things have happened so long ago that I do not remember - I know that Bernal gave up that grant & Alvarado took a grant for a tract of land at San Francisco

Ques 3,

Did you see this grant before or after you obtained the grant for the Piedra Blanca, if before, how long before?

Ans 3

I saw it at the time that he delivered it up to the Government. I was there - the papers will show the date when Bernal delivered the grant to Governor Alvarado -

Ques 4

How long after you saw the grant delivered to Gov Alvarado, did you obtain a grant for the Piedra Blanca?

Ans 4,

These were the circumstances, I was at Monterey when Bernal gave up this grant, he said to me "friend why don't you apply for this Ranch yourself it is a good Rancharita" I was at that time in command of some troops & did not want any Ranch, - I saw the

Ranchos & it seemed to me too small,

Ranchos & it seemed to me too small,
Alvarado suggested to me then that
I might petition for the Puerta de San
nuevo also. - I did then petition for both
places and they were granted to me.
I afterwards exchanged them with Simón
Castro for Piedra Blanca.

Ques 5,

Will you be so kind as to
answer my question and say how
long after you saw Bernal's grant
was it that you obtained the grant
of the Piedra Blanca?

Ans 5,

The grant of the Piedra Blanca
was made to me in 1842, as the Country
was in revolution at that time & we
were travelling about, there was no
time for Gov Alvarado to make the
Grant immediately -

Ques 6,

Please answer my ques-
tion & say, how long after you saw
the grant to Bernal did you receive
the grant of the Piedra Blanca?

Ans 6,

I think it was in 1842, I don't
remember it will be found in the
Archives -

Ques 7

How long before you recei-
ved this concession of yours was it that
you had seen the grant of Bernal?

Aug 7,

I don't remember the time
that the expediente was left there by
Bernal - I can't tell -

Sept '8,

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How long after Bernal
delivered up his expediente was it
before you obtained the grant of
his Rancho and the Punta de Año
nuevo?

Aug 8,

I think it was in 1841 or
1842, I don't remember because we
did not pay much attention to those
things -

Quies 9,

Where were you and Simon
Lutro at the time that you took up
the expedientes, and in what year
was it?

Aug 9,

In Monterey in 1840 -

Quies 10

Was the grant of the punta
de Año nuevo to you made by Gov
Alvarado, if so in what year and
what documents were delivered to
you & did you present to the Gov.
a petition for the same?

Aug 10

It was granted to me by
Gov Alvarado I think in 1842 the pa-
per will show. I petitioned for it and
received the grant for it -

Quies 11,

What officer reported up
on your petition to the Governor, and

on your petition to the Honorable

Aug 11,

How long did you have the grant in your possession before you destroyed it?

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The local authorities that existed at that time I think Don Jose Castro, Jimeno also was Secretary of the Governor at that time -

I had the grant in my possession about a month before I destroyed it, during the time I spent in going to examine the Pedro Blanco, Capt Graham went with me -

Aug 12

Are you related to the children of Jimeno Castro?

Aug 12,

Yes - I made the exchange with him because he was my brother in law.

Aug 13.

Do not the children of Jimeno Castro or Capt Graham who has purchased from them, now claim the land that was granted to Berna under a different grant?

Aug 13-

The land belongs to Graham because he purchased it from the heirs of Jimeno Castro -

Aug 14

Who first spoke with you, or persuaded you to come here and testify?

Aug 14

A subpoena that I received at San Luis Obispo my home -

Quen 15.

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Had not Capt Graham
spoken or written to you about your tea
tipping?

Aug 15.

Quen 16.

As Sir -
After 1840, were you ever on the
banks of the River de la Ballena
if so after?

Aug 16.

I was there once and
went with ~~the~~ Cornillio Bernae him-
self to see the place before I petitioned
for it -

J. de Lasas pns

Subscribed & sworn to before me this
12 day of October A.D. 1838;



Charles McAllister
U.S. Com.

The Witness Carlos Villa having ap-
peared before the Commissioner his
Cross Examination was waived by
Court's Atty.

Charles McAllister
U.S. Com.

United States

vs

Isidoro Rodriguez et al

N^o 229

U.S. Dist. Court for the

Western Dist. of Wyoming

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Ordered that the cross examination of Jose de Jesus Pico & Carlos Villa, returned examined in chief by on behalf of the United States before W. H. Chavers Esq. U.S. Commissioner, may be continued before Arthur Mitchell Esq. U.S. Commissioner with the same effect as if originally taken before him

John Hoffman
Dist Judge

229.
United States District
Court for Dist. of Cal.

- No 229 -

The United States

Sebastian Rodriguez,

Defendant of the
deposition of J. de J. Pico
~~Order~~

Filed Oct. 13. 1858,
W. H. Chellis
Clerk.

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15
18
120 4
13
27

UNITED STATES DISTRICT COURT,
Northern District of California,

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The United States

vs.

S. Rodriguez et al

San Francisco, Oct 27 1858.

On this day, before *Butler McAllister* a
Commissioner of the United States for the *Northern* District of Cal-
ifornia, duly authorized to administer oaths, &c., &c., came

Juan B. Alvarado a witness produced on behalf of the
The United States

in Case No. , being an appeal from the Board of Commissioners to ascer-
tain and settle the Private Land Claims in the State of California, in Case
No on the Docket of the said Board of Commissioners, and was duly
sworn and testified as follows — ~~his evidence being interpreted by~~ *J. Edgar*

Gryonis a sworn Interpreter a ~~sworn interpreter~~

PRESENT:

District Atty vs
C. Stanley for the US Atty
Sanders & Proust for Claimants

QUESTIONS BY

U. S. Atty

Examination adjourned until Oct 28
at 11 AM

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

Ans - My name is Juan B. Alvarado, 49 years
old and I reside in Contra Costa County.

2 Quest.

What office did you hold, if any, under the Mexican Government in California in the years 1839, 1840, 1841 & 1842.

Ans-

I was Constitutional Governor of both Californias and I was President of the Departmental Assembly I mean I was ~~3rd~~ ^{1st} ~~Quart~~ - President when I cared to be.

3rd Quest

Look at the documents now shown to you marked No. "Exhibit No 1. E. S." - "Exhibit No. 2. E. S." Exhibit No 3. E. S." - "Exhibit No 4 E. S." - "Exhibit No 5. E. S." "Exhibit No 6 E. S." purporting to be traced copies of the originals and say whether your signature or rubric" where it appears on any of said documents is recognized by you as being correctly copied by the originals on file in the office of the Surveyor General of California.

(Question objected to by Claimants Counsel)

Ans-

They are copies of my signature and rubricas of the original which I saw the other day in the Surveyor General's office

4th Quest

Please examine "Exhibit No 4 E. S." and "Exhibit No 5 E. S." now shown to you and say whether or not when you made the grant of "Punta de Año Nuevo" to Simon Castro the said land was vacant according to your best recollection - ? and state every thing and any thing you may know in relation to the grant of land claimed in this case either to Jose

Cornelio Bernal or to Simcon Castro?

(Question objected ^{but} to not upon the ground of form)

per

Answer

I have examined "Exhibit No 4 E. S. & No 5 E. S."

I do not ^{know} remember whether it was vacant or not.

I remember to have granted to Simcon Castro the Punta de año Nuevo and to Jose Cornelio Bernal the Rincon de Ballina. To the best of my recollection - I know see that in the diseño bef. before me "Exhibit No 4 E. S." ~~includes~~ ^{embraces} of the Rancho Punta de año Nuevo - the Rancho of Rincon de Ballina - I do not recollect what circumstances led to it.

Quest 5.

According to the laws ~~in~~ in force in California at the time of the grant to Simcon Castro - did you have the power to grant to him the Punta de año Nuevo including the Rincon de Ballina as shown in the grant & map exhibit No 4 and No 5 E. S." unless the said land was vacant (Question objected to by Claimants Council)

Ans.

In conformity with the laws and custom of the Country - The Commission could not have been granted on occupied lands before hearing of some information about its occupation. That is what I have understood of the laws and customs -

Quest 6.

Do you remember anything in relation to any abandonment of the Rancho Rincon de Ballena if there was any such abandonment by Jose Cornelio Bernal or of any exchange of Ranchos by Simeon Castro and Jose Jesus Pico after the abandonment by said Bernal as aforesaid -
(Question objected to)

Ans

First I not know of Jose Cornelio Bernal abandoning ~~said~~ of the Rancho de Ballena -

In reference to Jose Jesus Pico and Simeon Castro I recollect the exchange they made -

Jose Jesus Pico withdrawing his Petition for the Rancho Punta de Nuevo Año and of Castro withdrawing his petition for the Rancho Piedra Blanca. In such a manner that Simeon Castro got the Punta de Nuevo Año and Jose Jesus Pico the "Piedra Blanca".

Quest 7

In what year were the Ranchos Rincon de Ballena & Salinas of Potrero Viejo granted to Jose Cornelio Bernal

Ans -

I recollect that the Salinas y Potrero Viejo was granted 1839 - and the Rincon de Ballena in the same year - as far as my memory serves me -

Quest 8 -

Did you ever know of any other instance of two

Ranchos having been granted to one person

Ranchos having been granted to one person
in the same year?

(Question objected to)

Ans-

I do not now recollect of any now - but it ^{is possible it} might
have happened - ~~some~~ ^{so} many concessions having been
made in California - but I do not remember now -

Quest 9

How do you account for the fact that two Ranchos
were granted to Jose Cornelio Bernal in the same
year - ?

(Question objected to)

Ans-

I do not now recollect those circumstances but I
know that I sent the petitions to the Secretary for
information - but I cannot say what could have
happened in the Secretary's office of the Government
I do not remember what information I got from
the Secretary before signing the titles.

Cross Examination

10 Q

were you ever on the "Rincon de la Ballena" and
is it not situated in a part of the country which
in 1840 was remote from the line of travel and
sparsely settled?

Ans-

I have never been on said Rancho - I think that
this Rancho is in the neighborhood of Santa Cruz
where there was ^{only} a small population - and was

between the Ocean & the Mountains — and
it was remote from the principle road of travel
between San Francisco & Monterey — Said road
was East of the mountains from Santa Cruz which
bounded this Rancho

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11 Quest

Did Bernal ever deliver into your hands the
grant of the Rincon de la Ballena, while you
were Governor for the purposes of surrendering
the same.

Ans

I do not Remember

12 Q

Did you ever grant while you were Governor,
the Rincon de la Ballena to any other persons
than to Bernal and to Castro ~~if~~ if Castro's
grant including.

Ans-

I do not recollect of making such a grant to any
one else —

13 Quest

At the time that you made the grant to Castro
did you know that the lands embraced in it
included the Rincon de la Ballena?

Ans.

I do not remember anything about it —

14th Question

When lands were denounced under the Colonization
Laws of Mexico what were the usual and customary

mode of proceeding?
Ans.

First to make a petition to the Governor - on which
on petition the Governor asked for the informations
which he thought proper - He decided himself
or left it to be decided by the Alcalde. Because
In case there were conditions to a title it was necessary
for the petitioner to fulfill them but if there were
no conditions the grantee always held the land
until it was denounced to another - and even were
said conditions were not fulfilled on account of
certain good reasons - such as the fear of Indians
the grantee was entitled to his lands -

From B. Thwaites

Sworn to and subscribed before
this 28th day of October A. D. 1858.

Curtis McAllister

U. S. Commissioner

In the District Court
of the United States
for the Northern
District of California
No 229 ND

192 Bd

The United States

Sebastian Rodriguez

Rep of Juan B Alvarado
for United States

Filed Nov. 1. 1858.

W. D. Chering
Clerk

In the District Court of the
United States, for the Northern
District of California

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The United States }
vs. }
Sebastian Rodriguez }
Rincon de la
Ballena -

In this case it is stipulated that
Richard Tolui, be allowed to act as
Special Commissioner, to take the testimony
of Canelo Paez, a witness for the
Claimant: and the same shall be
read in the trial of this case, with
the same force & effect as if taken before
a Commissioner regularly appointed, by the
Court.

The verification to be made
before a ~~regular~~ commissioner regularly
appointed by the Court. — It is also agreed
and Special Commissioner shall interpret without being sworn.

P. Della Torre

U. S. Atty.

Dec 3rd 1868

Samuels & Brand
Atty for Claimant

UNITED STATES DISTRICT COURT,
Northern District of California,

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The United States

vs.
Sebastian Rodriguez

San Francisco, Dec. 3^d 1858

On this day, before Richard Johnson
~~Special~~ Commissioner of the United States for the District of Cal-
ifornia, duly authorized to administer oaths, &c., &c., came
Cornelio Perez a witness produced on behalf of the
Claimant
in Case No. 229, being an appeal from the Board of Commissioners to ascer-
tain and settle the Private Land Claims in the State of California, in Case
No 192 on the Docket of the said Board of Commissioners, and was duly
sworn and testified as follows — his evidence being interpreted by the
Said Commr. ~~a sworn interpreter~~ by consent.

PRESENT: The Dist. Attorney for
the United States & Saunders
& Brent for the Claimant.

QUESTION BY the Atty for Claimant.
What is your name age & place of resi-
dence and occupation?

Answer. My name is Cornelio Perez.
I reside in Santa Cruz County. I am
fifty years of age & my occupa-
tion is that of an agriculturist.

Question How long have you lived in California?

Answer. Since I was born

Question Did you know Jose C. Bernal: If so where + when?

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Answer. I have known him as long as I can remember. I knew him when he was a soldier at Monterey, + I knew him at other places in Cal^a. He is now dead.

Question. Do you know a Rancho in California called Rincon de la Ballena - If you state where it is + under what circumstances you have known it?

Answer. I have known a Rancho of that name for many years. It is in the County of Santa Cruz. I first knew it when the Mission had Cattle. It afterwards belonged to Jose C. Bernal. He said it belonged to him + he had horses on (a caballada). He also had some Indians on it cutting wood. These Indians had a ^{little} Rancheria on it. The Indians stole all his Cattle. They - (the Indians) were very troublesome in those times.

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Answer. So much so that no one could remain there. Bernal first placed his cattle there about the year 1837 or 1838. & the Indians stole them all about the year 1840.

Question. Did any person attempt ^{or prepare} to build a house or houses on this Rancho & if so what was done?

Answer. Bernal left the Rancho entirely because he was afraid of the Indians who in those days were very troublesome. It was necessary in those times to send three or four men to take care of the cattle & guard them from the Indians. On ~~one~~ one occasion the Indians killed one man & severely injured another in the neighborhood of this Rancho.

Question. Did you know Bernal well?

Answer. Yes. I knew him a great many years.

Cross Examination by the District Attorney

Question. In what year did Bernal abandon the Rancho?

Answer. When they stole his horses. the same year.

Answer. Afterwards Simcon Castro's Cattle were pastured on this and the adjoining land. Jose C. Pernal many years afterwards sold this Rancho to Sebastian Rodriguez. Pernal's home was here at the Mission Dolores where he lived many years before his death. He had a house and land near the Mission Dolores. He sometimes went with his family to visit his friends in other parts of the country but his home was, first at the Mission & afterwards ~~at~~ on his land near the Mission of Dolores. I live in the County of Santa Cruz but I do not know how many miles from this Rancho. I live in the town of Santa Cruz.

Question. Are you acquainted with the Rancho called Punta de Año Nuevo if so describe its boundaries?

Answer. I do know such a Rancho. It is bounded on one side by the premises of Maria Buena, on ~~the~~ ^{the} other by the premises of Pernal (this same Rancho) & on another by the Sierra & on the other by the Sea.

Question Did you know Jimson Cas-
tro?

Answer Yes.

Question In what year did he get a
title for the Punta de Años Nuevos?

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Answer I do not know.

Question State according to your best
recollection?

Answer I cannot state. I know
he placed cattle there but I can
not say when.

Question In what year did Pernal
get a title for the Potreros Viejs
near the Mission Dolores where
he lived?

Answer I do not know in what
year.

Question Please state as near as you
can remember?

Answer I don't remember and can
not state.

Question How can you remember the
dates relative to the Rincon de
la Ballena + not relative to this?

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Answer. Because I lived in the neighborhood of the Rincon de la Ballena & I knew when he was at there & this place up here was remote from me. I ~~do not~~ know. Bernal never lived at the Rincon de la Ballena. He had those Cattle there & the Indians & when his Cattle were stolen by the Indians he left the land entirely. He placed no Cattle there after that. I am not certain but I think it was in the year 1840 that the Indians stole his Cattle.

Direct examination resumed.

Question After Bernal left the Rancho "Rincon de la Ballena" I mean after the Cattle were stolen, had you ever any conversation with him on the subject of that Rancho, and if so state what occurred.

This question objected to by the District Attorney on the ground that it is leading & the evidence is incompetent.

Answer Bernal told me the Rancho was his & that he was going to sell & he afterwards disposed it to Sebastian Rodriguez.

No. 229.

N. S. Dist. Court.

The United States.

— vs —

Arstian Rodriguez.

Deposition of
Cornelio Perez.

Subd Dec. 3rd. 1858,

W. St. Chevrolet,

Clk

229 ND

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From T. and M. historical
December 3rd. 1858. before me,
W. St. Chevrolet,
N. S. County Clerk

Cornelio Perez.
maire

U. S.

H

Sebastian Rodriguez

No 229

229 ND

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The Documents produced from the Archives establish ^{in the year 1839} that ^{from whom the claimant derives title} a Real Cedula ^{for} petitioned, ^{for} and obtained a grant ^{concession} for the place called "Puncón de la Ballena", ^{that this concession} was on the 20th May 1840 approved by the Departmental Assembly. The expediente is found duly numbered, and contains the petitions, orders of reference, reports and concession by the Governor with a direction that the same be transmitted to the Assembly for approval to which is added at a subsequent day the "testimonio" or duplicate of approval. The expediente is noted in Aménos Index - and the two Journals of the Assembly corroborate the testimonio. The grant is not produced but its absence is accounted for. The genuineness of these documents is admitted by the U. S. and it

is not denied that José Bernal Bernal in fact obtained the title for the land claimed in this case.

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The confirmation of the claim is resisted ~~by the grantee~~ on the ground that the title was surrendered and the claim abandoned by the grantee during the existence of the former government.

It clearly appears from the proofs that Bernal never lived upon the premises, or cultivated any portion of ~~them~~ ^{the land} from the date of his dying the ten years that elapsed from the date of his grant to that of his sale to the present claimants.

He seems however, about the time of his grant, to have placed a few horses and cattle on the Rancho under the care of some Indians who had a small house & corral.

In 1840 his horses & cattle were stolen by the Indians ^{upon} where Bernal ~~when he~~ abandoned the Rancho - Since that time he appears to have ~~not~~ paid

3 little or no attention to it until 1849 when he conveyed his interest to the present claimant -

It is testified by José de Jesus Pico that in 1840 he was applied to at Monterey by Bernal to obtain for him a grant of a rancho near San Francisco in lieu of the one already conceded to him at Santa Cruz. That he inquired of Bernal, what kind of rancho it was that he had at Santa Cruz - and that he replied, it was a good one & told the witness he had better apply for it - After visiting the rancho in company with Bernal the witness applied for and obtained ^{the} ~~a~~ grant - That after obtaining the grant, Siméon Castro proposed to him to exchange the rancho for "La Piedra Blanca" belonging to the latter - That this exchange was effected - and the witness obtained a grant for La Piedra Blanca while Siméon Castro should & obtained

4 for the "Finca de la Ballena"
And the Punta del Año Nuevo.
Ranchos, ~~made~~ ^{united} the Both ranchos
being granted under the latter
name -

The ~~part~~ Expediente of the
grant to Pico for ^{the} Finca de
la Ballena was as he states
torn up - ~~stands~~ That of Ru-
nal for the same Rancho was
left by ~~him~~ ^{the latter} in Alvarado's office
and in the confusion of public
affairs it remained unnoticed
but should have been torn up.

The statements of this witness are
corroborated in several important
respects by the archives -

Those records show that the
"Punta del Año Nuevo" Rancho
including the Finca de la
Ballena was in fact granted
to Simón Castro in 1842

His claim has been duly presented
and confirmed and a patent
has been issued to ^{him} ~~him~~ embracing
the land claimed in the present
case -

It is evident therefore that in
making this grant the Mexi-

5 Can must have either acci-
dentally overlooked the prior
grant to Bernal or else ^{which is far more probable} must
have ~~been~~ understood that
the latter was abandoned -
It also appears from the ar-
chives that in 1840 Bernal
obtained a grant for ^{the finca de} ~~his~~ Salinas
y Pothero ^{de} ~~de~~ ^{San} Pico in the vicinity
of San Francisco - On this
Rancho he & his family have
long since resided and it has
been finally confirmed to his
heirs by the decree of this Court
The statement of Pico that Ber-
nal desired to relinquish his
Rancho at Santa Cruz and ob-
tain another near San Francisco
is thus ^{in part} corroborated. -

It also appears from the archives
that in January 1840 José de
Jesus Pico obtained a grant
for La Piedra Blanca - The
archives do not contain any
trace of expediente of the previous
grant of the same Rancho to
Simón Castro - But the expe-
diente of Pico shows that contains

6 a report of José Castro inform-
ing the Governor that ~~that~~ the
land belonged to Simón Castro
who has agreed to ^{cede} ~~cede~~ his
rights to the nation for the uses
which ^{and it may the gov. be granted to the petition} ~~may~~ ^{them}—
The statements of Pico is thus a-
gain corroborated in an import-
ant particular.

Had the Expediente of Castro
for "Punta del Año Nuevo" contained
a corresponding relinquishment
by Pico of his rights to Simón
de la Ballena the ~~rather~~ whole
transaction would have been
clearly established by ^{archival} ~~archival~~ ^{test}
mony. But no such document
appears— and the Expediente
for the grant to Pico of Simón
de la Ballena having been des-
troyed it cannot now be known
whether it contained a similar
relinquishment by Simón in fa-
vor of Pico—

Had Simón continued to occu-
py or see even notoriously to claim
the Rancho some hesitation
might be felt in pronouncing his
title abandoned— But the proofs

It is clear that from the 1840's he practically abandoned all attempts to settle upon cultivated or to stock his Rancho - and this ~~is~~ fact, together with the uncontested facts that the land was granted to Simion Castro as vacant land, while Rimal obtained a grant for another piece of land in the vicinity of the city justify us in ~~our~~ concluding that Pico's statement is substantially correct and that Rimal in fact abandoned his claim before the title to Castro issued -

This conclusion is confirmed by the ~~stated~~ testimony of several witnesses who state that they understood Rimal relinquished his grant for the purpose of settling on the Rincon de las Ahijas for which he subsequently obtained a title -

This claim was rejected by the Board on substantially the same grounds as those above set forth - I see no reason for ~~disturbing~~ ~~reversing~~ their decree

N^o 229

229 ND

PAGE 150

The United States

vs.
Sebastian Rodriguez

Opinion rejecting claim.

Filed August 26. 1863.

H. D. Cheever
Clerk.

At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the CITY OF SAN FRANCISCO, on ~~7~~ ^{Friday} the ~~18th~~ ^{18th} day of December in the year of our Lord one thousand eight hundred and sixty-three

229 ND
PAGE 151

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Sebastian Rodriguez

N^o: 229

This cause came on to be heard on the appeal of the claimant from the final decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California, under the Act of Congress approved March 3. 1857, upon the transcript of the proceedings and decision of said Board and upon the further evidence taken in this Court by order of the Court; and it appearing to the Court that the said transcript was duly filed according to law, Now Therefore, the cause having been regularly brought to a hearing, counsel for the respective parties present, and due deliberation had in the premises, It is Ordered, adjudged and decreed that there is no error in the decree of the said Board, and that the said decree be and the same hereby is affirmed. And it is further Ordered, adjudged and decreed

No 229

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

Sebastian Rodriguez

Decree rejecting claim

Filed December 18, 1863.

M. H. Cheves
Clerk.

229 ND
PAGE 152

that the claim of the said Sebastian Rodriguez is invalid, that the said claim be and hereby is rejected, and that the petition of said Rodriguez for a confirmation of his said claim be and the same hereby is dismissed.

John W. Foster
with these

United States

of
Sebastian Rodriguez

Nº-192 229

229 ND
PAGE 153

grant to José Cornelia Remal-
made by Alvarado-
Della Torre,

Expediente is produced no
doubtedly genuine

Pelhou

order of reference
favorable report
reference to Refect
favorable report —

Concession —

reference to Committee of Dep. As.^g

Approval by D. A.

No Bonador but nor grant pro-
duced —

Its absence is satisfactorily ac-
counted.

229

Sebastian Rodriguez

Notes of Argument

229 ND
PAGE 154

Mt. of Beimat for Review de Ballina

Exhibit 1 - E. S.



229 ND
PAGE 155



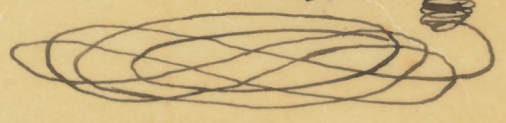
J. D. Lattin
~~_____~~

Ex 200

Monterey Libo
13 de 1839.

Exmo Sr. Gobernador

Informe el
Admon de la Comi-
sion de Sta Cruz
Sobre lo que
paya a que estable
com. to del Estro q
se solicita, con
lo demor que ten
ga abien y vuel-
va el Espu. de pa
prover

Alvarado


El Sr. Don Cornelio Bernal es
natural del puerto de San Juan
Antes Sr. es pone que hayandose
Deseoso de tener un terreno en
propiedad donde poner de asiento
sus bienes de campo y tambien ha-
ciendas: todo a fine de asegurar
de su familias, tiene
visto un paraje q se haya bal-
do (aunque pertenece a la comi-
sion de Sta Cruz) a distancias de
la cual habra cosa de catorce
leguas, nombrado sincon de la
Ballena, que ocupara de longi-
tud de O. a P. el espacio de una
legua y uno de latitud de N. a S.
cuyo terreno se figura en el bo-
quejo de plano q se acompaña
A. V. E. Rendidamente pide y suplica
se digne diferir a la solicita
previos los requisitos necesarios,
concediendome el insinuado

229 ND
PAGE 157

se no en plena propiedad para
el fin indicado: gracias qe no du
da alcarras de la Bondad de Vg.
qe es característica.

Nota Fox no habia papel sellado de
usa del comun

Montevideo Mayo 13 de 1839.

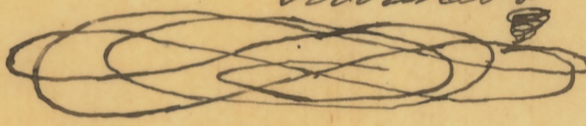
J. Cornelio Beards



Monterey Abril 16^o de 1839.

Visita la peticion con que da principio este expediente, el informe del Administrador de Sta. Cruz y el del Señor Prefecto del primer distrito con todo lo demas que se tuvo presente y ver como de conformidad p.^o lo dispuesto por las leyes y reglamentos de la materia se declara al Sr. Don José Cornelio Bernal, dueño en propiedad del parage nombrado el Rincon de la Ballena en estension de una legua poco mas o menos segun explica el dicho que corre agregado en este expediente, sujetan

dose á las condiciones que se ar-
 ticularan en el título que se libre
 al interesado, conosciaron en el
 Libro respectivo y receráse este
 expediente para la debida apro-
 vacion de la Exma Junta Di-
 partamental. El Sr D. Juan
 B. Alvarado Gobernador de De-
 partamento de los Californias, lo
 mando decretar y firmo de que
 doy fee

Alvarado


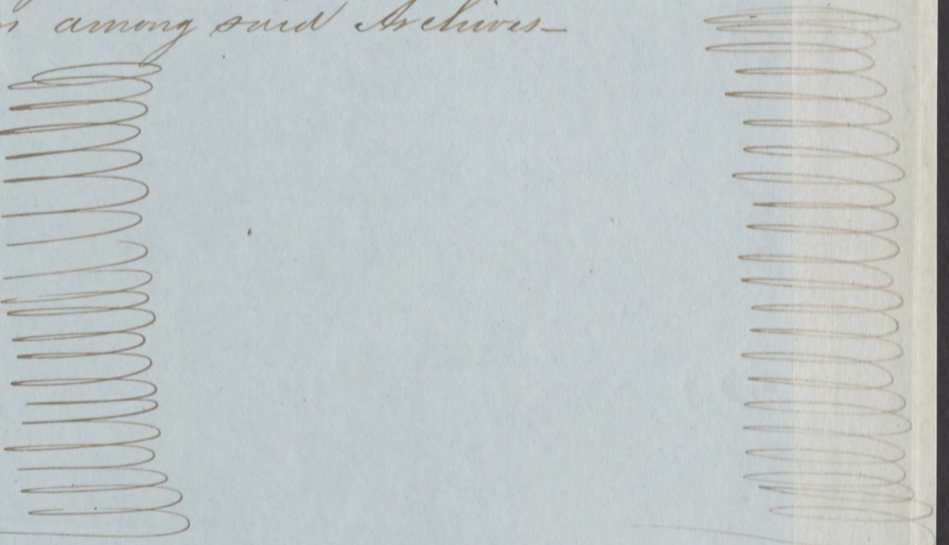


Office of the Surveyor General,
Of the United States, for California.

I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, Do hereby Certify, that the ~~four~~ preceding, and hereto annexed page, of tracing paper, numbered from one to, ~~four~~ inclusive, exhibit a true, full and correct copy, of their respective originals, as the same appear in and form a part of a Document entitled, as follows:
" Expediente Promovido por Don Juan Cornelio Bonal en
" pretension del Paraje nombrado Rincon de la Bayana. 20
as the same appear among said Archives.

John W. Mandeville
Keeper of Archives.

EXAMINED AND FOUND CORRECT.



In Testimony Whereof, I have hereto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 20th day of October 1858.

J. W. Mandeville U. S. Surveyor General, for California.

Petition for the Ranches, San Salinas, by Jose Coronado Bernal

"Exhibit No 2, C. S."

229 ND
PAGE 161



J. Della Torre Esq
~~John Della Torre Esq~~ 177-

Ello tercero dos reales.
Y habilitado provisionalmente por la Aduana Marítima de Monterey para los años de 1839 y 1840.

Alvarado

Antonio M. Cruz



Sr. Prefecto del 1^a Distrito de los Californias D. José Castro -

Jose Cornelio Bernal, Vecino de San Francisco, ante V. S. se presenta y dice. Que habiendo hecho solicitud del Rancho llamado, Los Salinas, al finado Gobernador, D. José Figueroa y habiendome dado el mismo Señor un documento en calidad de prestatario, me lo sustengo hasta el presente en dho rancho, y habiendo consultado con el Sr. Visitador y el Administrador del referido misión, me dicen q^e no necesita el mencionado terreno y acompañando el documento y dicho necesario, Suplica,

A. V. S. Se digné concederme esta misión, gracia q^e espero de la conocida bondad de V. S. jurando lo necesario

Monterey 3 de Octubre de 1839.
A Ruego del interesado firmo
Jose Allen

229 ND
PAGE 163

SECRETARIA DE LA JUNTA
DEPARTAMENTAL DE LAS
CALIFORNIAS.

~~~~~

Montreay 19 de Mayo de 1840.

Dada cuenta á la E. Junta Departamental, acoerdo
en sesion de este dia q' se pavi' á la comision de agricultura

Jose N. Fernandez
Srio
[Signature]

En 22 del mismo lo devolvio' la comision con el dicta-
men que se acompaña.

Fernandez
[Signature]



E. S.

La comision de Agricultura encargada de dictaminar
en la solitud del Sr Dⁿ Cornelio Bernal
vistas las diligencias practicadas pone ala de
liberacion de V.E. los articulos siguientes

Art^o 1^o

Se aprueba la concepcion hecha por el Sr
Gobernador interino Sr Manuel Jimeno
Casarin, del terreno llamado ^{de polvoroso} Salinas, en
la persona de Sr Cornelio Bernal,

Art^o 2^o

Colbra este expediente al Gobierno depar
ta mental para los fines convenientes
Monterrey Mayo 20 de 1840.

Fue Prof^o del Gonzalez S. Arriello
Monterrey 22 de Mayo de 1840.

Ensenior de estudio aprobo la E. Junta Departamen.
tal los documentos con que conchego el dictamen anterior.

Man Jimeno
Preside

Jos^e Fernandez
Srio



En 30 del mismo mes se le dio ala parte
testimonio de la aprovision anterior

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

I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, Do hereby Certify, that the ~~three~~ preceding, and hereto annexed page, of tracing paper, numbered from one to, ~~three~~ inclusive, exhibit a true, full and correct copy, of their respective originals. as the same appear in form a part of a document. entitled, as follows:
"Expediente Promovido por el C. Cornelio Bernal en
"Intencion del pasaje nombrado Las Salinas, 1839."
"177"

EXAMINED AND FOUND CORRECT.

John Wilson
Keeper of Archives.



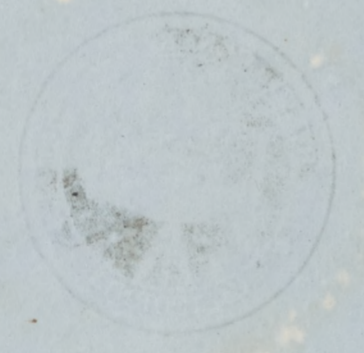
In Testimony Whereof, I have hereto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 20th day of October 1858.

J. W. Mandeville U. S. Surveyor General, for California.

Grant to Jose Canelis Bernal for the Parish de las
Salinas y Potrero Nijo.

Exhibit No 3. E. S.

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PAGE 166



J. Della Torre. Copy

Sello 10 seis pesos

Habilitado provisionalmente por la Aduana marítima de Montevideo para los años de 1839 y 1840

Marcedo

Antonio M^a Osio



Manuel Jimeno Casarín primer vocal propietario de la Cámara Junta del Departam^{to} de las Californias en ejercicio del Gobierno del mismo.

Por cuanto Don José Cornelis Bernal ha pretendido para su beneficio personal y el de su familia el paraje nombrado Rincon de las Salinas y Potreros viejos, colindante con la Misión de San Francisco, con el terreno de la Picitación y el Mar: practicadas presiam^{te} las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas a nombre de la Nacion Mexicana ha venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras sugeriendose a la aprobacion de la Cámara

Junta Departamental y las condiciones siguientes.

1.^a Podrá cercarlo sin perjudicar las trabecias caminas y cervistumbres. Lo disfrutará libre y esclusivam.^{te} destinandolo al uso ó cultivo que mas le acomode, pero dentro de un año fabricará casa y estará habitada.

2.^a Solicitara del fin respectivo que le dé posesion juridica en virtud de este despacho por el cual se demarcarán los linderos en cuyos limites pondrá a mas de las matorras algunas arboles frutales ó silvestres de alguna utilidad.

3.^a El Fincano de que se hace mención es de un sitio de ganado mayor por mas ó menos segun explica el dictamen que corre en el expediente. El fin que tiene la posesion lo hará medir conforme á ordenanza; que dando el sobrante que resulte á la Nacion para los usos convenientes.

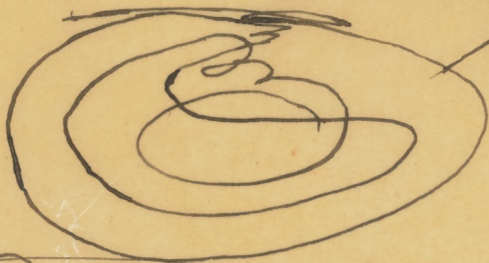
4.^a Si contraviniere á estas condiciones perderá su derecho al terreno y será

229

denunciabile por otro.

En consecuencia mando que teniendo
se por firme y voladero este titulo se
tome rason de el en el Libro que corres-
ponde y se entregue al interesado pa
su resguardo y demas fines. Dado
en Monterrey a dias de Octubre
de mil ochocientos treinta y nueve

Man Jimeno



Francisco C. Arce
Oficial Primero
#

Queda tomada rason de este despacho
en el Libro de acientos sobre adjudicacion
de terrenos baldios a f. 121

Arce
#

4
Recorded February
19 1850 in Sta

Records office in
San Francisco
in Book B of Deeds
Pages 111 & 112

R S Hess
Recorder

229 ND

PAGE 170

Sello Terreno dos reales

Habilidades provisionales por la Aduana Maritima
de Monterey para los años de 1839 y 1840

Atarado

Antonio M^a Osio

Atarado



Juan B. Atarado Gobernador Cons-
titucional del Departamento de las Californias.

La Comision Junta Departamental en ce-
cion del dia 22. del corriente aprovo la con-
cesion que este fob no hizo en fha. 10. de
Octubre ultimo del terreno conocido con el
nombre de las Salinas y Potron Viejo en
los terminos siguientes.

Se aprueba la concesion hecha por el Sr.
Gobernador interino Dn. Manuel Jimeno Casa-
nueva del terreno llamado las Salinas y Po-
tron Viejo en la persona de Dn. Cornelio
Bernal.

Y para resguardo de la parte indicado del
Cidadano Cornelio Bernal y en confirmacion
d su mencionada concesion se libra el presente
en Monterey a 30. de Mayo de 1840.

Man Jimeno
Gris

Atarado

Man Jimeno

Atarado

No 30.

Recorded in Book of Evid
Vol 6. pages 164 to 169.

José Cornelio Bernal

Rincon de Salinas
& Potrero Viejo

C.

Grant & Approval

Filed in Office July 21.
1852.

Geo. Fisher

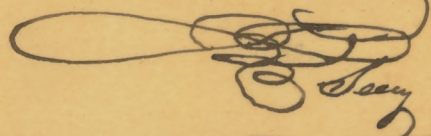
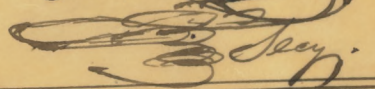


Exhibit C annexed to the
Deposition of David Spence
taken before Commissioner
Harry Thornton Feb 25/54

Geo. Fisher

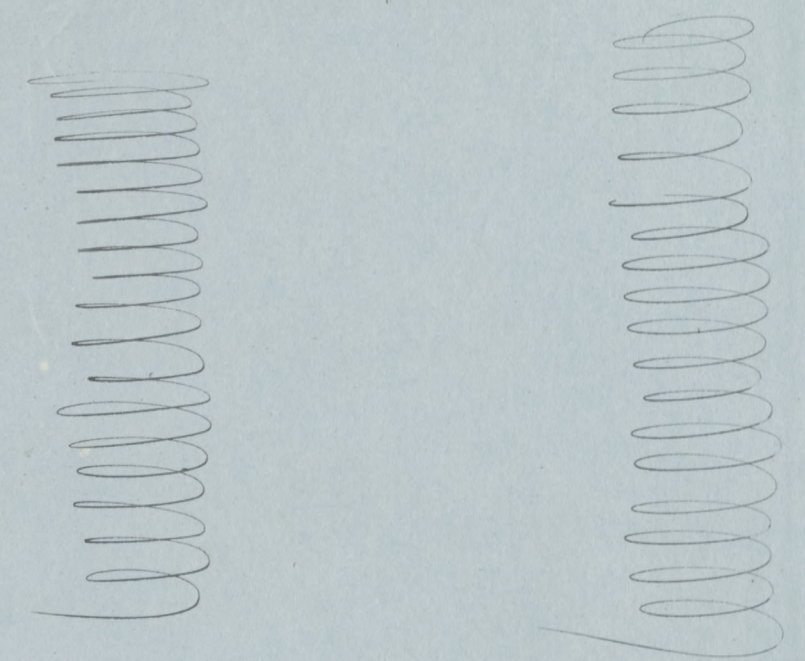


for record. The Bureau
19th 1852 in the
Bureau Office
in San Francisco
in Book B of
Bears Pages 1132
114. H. S. Press
Recorder

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

I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, Do hereby Certify, that the ~~Six~~ (6) preceding, and herunto annexed pages, of tracing paper, numbered from one to, ~~Six~~ (6) inclusive, exhibit a true, full and correct copy, of a part of a document, with the endorsements thereon as the same appears on file in case No. 30, on the Docket of said Board of Commissioners

EXAMINED AND FOUND CORRECT.
John W. Shaw
Keeper of Archives.



In Testimony Whereof, I have herunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 20th day of October 1858.

J. W. Mandeville U. S. Surveyor General, for California.

4
Pet (2 hof) Lucein Castro in Punto de año nuevo

Exhibit No 4 E. S.

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PAGE 174

No 229.

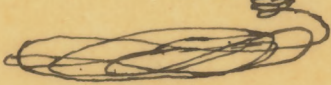


J. Della Torre.
~~XXXXXXXXXX~~ Ex. 298.

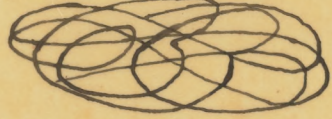
SELLO TERCERO DOS REALES.

Habilitado provisionalmente por la Aduana marítima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Alvarado.



Antonio Maria Osio.

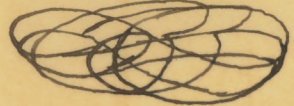


Rehabilitado por la misma, para el año de mil ochocientos cuarenta y dos.

Alvarado.

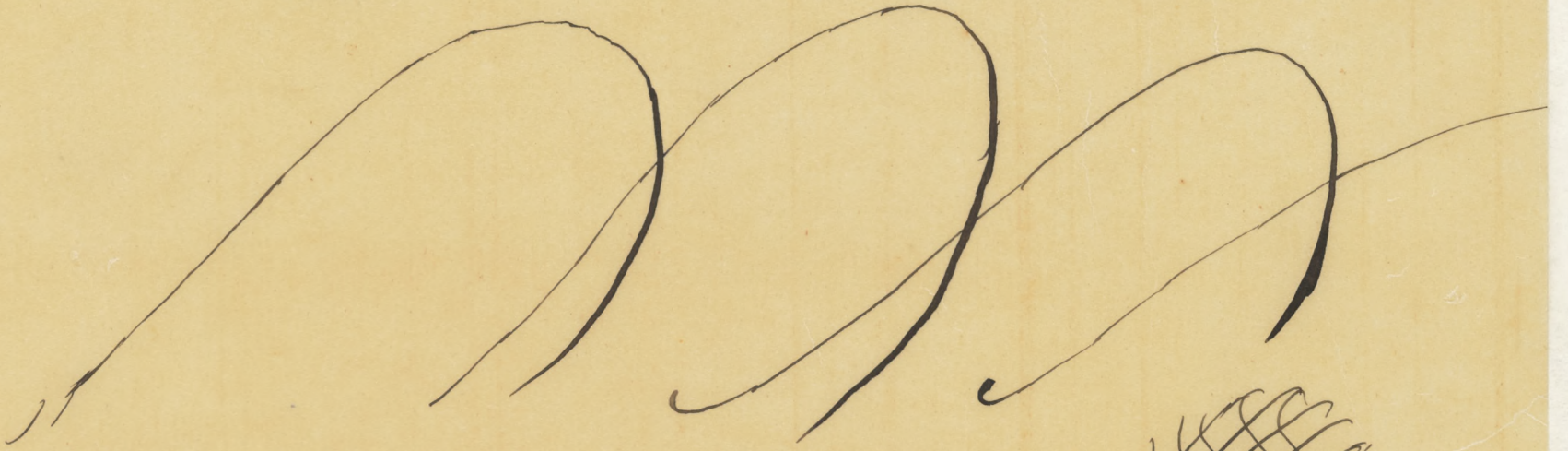


Antonio Maria Osio.



Como Sor Gobernador.

Simon Castro E. Mexicano y vecino de este Distrito, ante la Justificacion de N. B. como mas haya lugar en otro digo, que p^{or} el docum^{to} que acompa^{na} consta plenam^{te} que en el año de mil ochocientos treinta y nueve, solicite p^{or} el con^{trato} legal el parage nombrado Puente de Año Nuevo que se halla en terminas de la ex. N. B. de S^{ta} Cruz, y que al efecto habiendose corrido los tramites de ley, resultaron á mi favor los informes de los Jueces respectivos, como se expresa llanamente en d^{cha} Certificacion Mas habiendose trabajado el Expediente de la materia y feriendo ocupado el terreno con varias



bienes de campo prebenda lisi-
 cia de V. O. y deseando poseerlos
 como cosa propia legatim^{te} adquirida, de-
 ro solicitar el título de propiedad correspondi-
 el, suplico a V. O. se me conceda sin necesidad
 de nuevos trámites, deviendo ser la extensión

del mismo terreno, desde las linderos de D.^a Ju-
 laria Buelna p.^a el Norte hasta los de

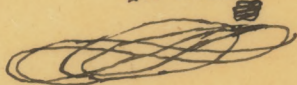
el C. Juan González que serán cuatro leguas
 de longitud pero más o menos, y de anchura
 Este a Oeste desde la Sierra hasta la orilla
 del Mar una legua según se expresa
 en el diseño que adjunto

P. P. a V. O. pido y suplico respetuosam^{te}
 se dignen concederme el título de
 propiedad que solicito de lo cual
 recibiré gracia y Justicia que pre-

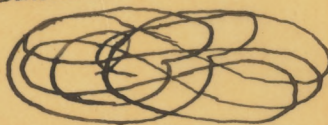
SELLO TERCERO DOS REALES.

Habilitado provisionalmente por la Aduana marítima del puerto de Monterrey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Alvarado.



Antonio Maria Osio.



Rehabilitado por la misma, para el año de mil ochocientos cuarenta y dos.

Alvarado.



Antonio Maria Osio.



ro con lo necesario J^a

Monterrey Abril 21 de 1842.

Simón Castro

W. H. S.
651

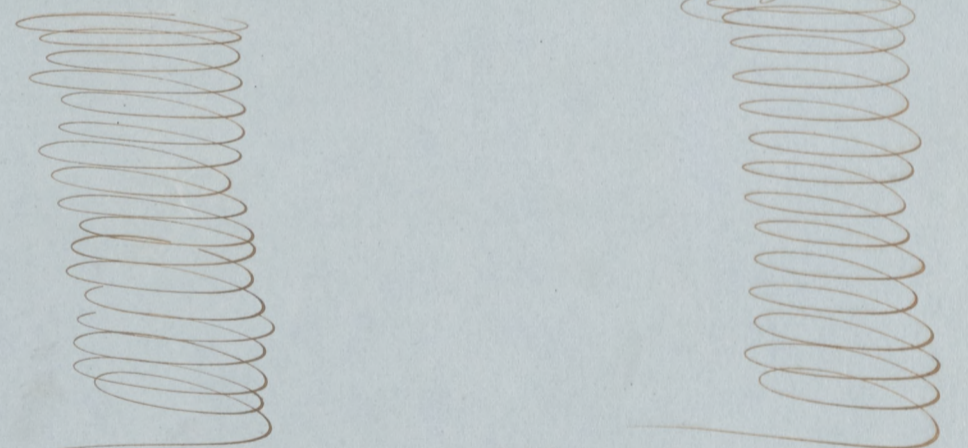
229 ND
PAGE 178

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

I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, Do hereby Certify, that the *four* preceding, and hereunto annexed page, of tracing paper, numbered from one to, *four* inclusive, exhibit a true, full, and correct copy, of their respective originals as the same appear in and form a part of a document, entitled, "*Expediente Promovido por el Ciudadano Simon Castro en solicitud del pago concedido con el nombre de Santa de Año Nuevo. 1841. 298.*", on file among said Archives.

John W. Shaw
Keeper of Archives

EXAMINED AND FOUND CORRECT.



In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this *20th* day of *October* 1858.

J. W. Mandeville A. S. Surveyor General, for California.

Grant to Lincoln Carter for Paula de and Harro. -

Exhibit no 5 E. G.

229 ND
PAGE 179

No 229.



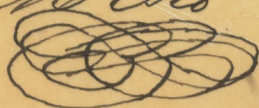
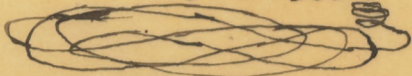
~~J. Della Torre.~~
Grant L.C. 215.

Sello primero seis pesos

Habilitado provisionalmente por la aduana ma-
ritima de Monterey para los años del 842 y 1843.

Alvarado

Antonio M. Cis



Juan B. Alvarado Goberna-
dor Constitucional del Departamento
de las Californias.

Por cuanto Don Simon Castro ha pre-
tendido para su beneficio personal y
el de su familia el parage conocido
con el nombre de Punta de Año-
Nuevo, colindante al Oriente con la
Sierra, al Poniente con la Mar, al Nor-
te con el Rancho de Don Juan Gonsa-
lez, y al Sur con el de Doña Maria
Buelna: practicadas previamente las
diligencias y averiguaciones conseruien-
tes segun lo dispuesto por leyes y
reglamentos; usando de las facultades
que me son conferidas a nombre
de la Nacion Mexicana, he venido
en concederle el terreno mencionado
declarandole la propiedad de el
por las presentes letras, sujetandose

à la aprobación de la Junta Departamental y bajo las condiciones siguientes.

1^a Podrá ser usado sin perjudicar las trabecias caminos y subterráneos, lo disfrutará libre y exclusivamente destinándolo al uso ó cultivo que mas les acomode pero dentro de un año fabricarà casa y estará habitada.

2^a Solicitará del Juez respectivo que le de la posesion jurídica en virtud de este Despacho por el cual se demarcarán los linderos en cuyos limites pondrá arboles de las especies algunos árboles frutales ó silvestres de alguna utilidad.

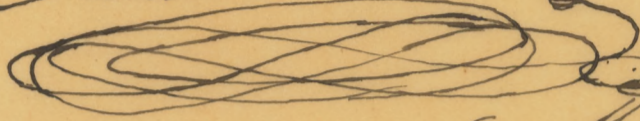
3^a El terreno de que se hace donacion es de cuatro sitios de ganado mayor segun explica el diceno que corre agregado en el expediente respectivo. El juez que diere la posesion la hará medir conforme à ordenanza quedando el sobrante que resulte à la nacion para los usos convenientes.

4^a Si contraviniere à estas condiciones perderá su derecho al terreno y será denunciado por otro.

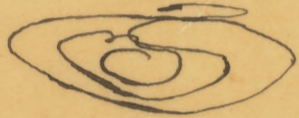
En consecuencia mando que tomándose por firme y baledero este titulo se tome razon de el en el libro à que corres-

ponde y se entregue al interesado para
su Resguardo y demas fines. Dado en
Monterrey a veinte y siete de Mayo
de mil ochocientos cuarenta y dos.

Juan B. Murado



Man. Jimeno
Srio.



Queda tomada razon de este Despa-
cho en el libro de acientos sobre adjudi-
cacion de terrenos baldios a faja 137

J. Jimeno



El Excmo. Sr. Gobernador ha dispuesto
se tome razon de esta condesion en
la Prefectura del 1^o Distrito

J. Jimeno

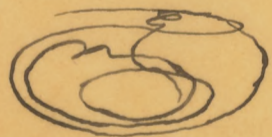


Exhibit No 1. to the deposition
of W. A. Dent taken on No 315
1833

No 315.

Maria Antonia Pico
et al

Punta Les Año Nuevo

Doc. H. J. T. No 1-orig^o
to the Depo of W. A. Dent
taken before Com^r
Harry J. Thornton

Filed in Office Jan^y
22 1853-

Geo. Fisher
3rd July

Exhibit 1. —

Recorded in Book of Rec.
of Ev. vol. 11 page 126.

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

I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, Do hereby Certify, that the ~~four~~ preceding, and hereto annexed page, of tracing paper, numbered from one to, ~~four~~ ^{in its ent.} inclusive, exhibit a true, full and correct copy, of the original grant together with the endorsements thereon as the same appear on file in case N 315 in the Packet of said Board of Commissioners.

EXAMINED AND FOUND CORRECT.

John W. Shaw
Keeper of Archives.



[Two columns of decorative wavy lines]

In Testimony Whereof, I have hereto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 20th day of October 1858.

J. W. Mandeville U. S. Surveyor General, for California.

Faint handwritten text at the top left, possibly a name or address.

Exhibit No 6. E. J.

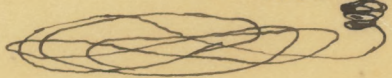
229 ND
PAGE 185



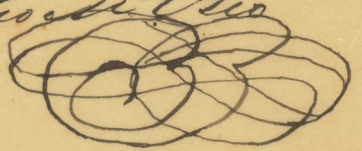
J. Della Torre
~~XXXXXXXXXX~~ Ex 189. + G

Sello Tercero dos reales.

Habilitado provisionalmente por la Aduana Marítima
de Monterrey para los años de 1839 y 1840

Maria


Antonio Pico





Excmo. Sr. Gob.^o

El C. Sr. Jesús Pico; ante V.E. con la mayor sumisión, hace presente q. teniendo, un Corro Numero en Ganado Bacoano, y Caballax, y no teniendo un sitio, donde procrear dicho Ganado y Caballada, ocurro ala consideración de V.E. se digne considerarme el sitio Nombrado, Piedra Blanca, desde los límites Arroyo del Pinalito, hasta el Arroyo de S. Carpofores, según demuestra el Diseño q. debidam. ^{te} acompaño. P.F.

V.E. Rndidam. ^{te} Suplico se digne considerarme el mencionado sitio, q. pretendo p.^o fomentar en el mis citados bienes y sostener la numerosa familia q. me acompaña, si así lo ayare en Justa.

Mont. 9. de En. de 1840

José or Jesús Pico



229 ND
PAGE 187



Monterrey 18 de Enero de 1840.

Se
Esta la petición con que dá prevenida
este expediente el informe del Sr. Prefecto
del 1^{er} Distrito, y todo lo demás que se tubo
presente y ser cambino, de conformidad con
lo dispuesto por leyes y reglam^{tos} de la materia
se declaró al Sr. José de Jesús Pico dueño
en propiedad del paraje conocido con el

W Sello 1^o seis pesos
 Habilitada provisionalmente por la Aduana, marítima de Monte-
 rey para los años de 1839 y 1840
 Antonio M^o Ojeda



Juan Bautista Alvarado Gobernador Constitucional del Departamento de las Californias.

Por cuanto el C. no José de Jesús Pico ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de la Piedra Blanca, colindante con el Arroyo llamado del Pinalito, con el del conocido nombrado San Caspugaro, con el Mar y la Sierra grande, practicadas previamente las diligencias y atribuciones convenientes, segun lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas, a nombre de la Nacion Mexicana, he venido en concederle el terreno mencionado, sujetandose a la aprobacion o desaprobacion de la Coma. Junta Departamental y bajo las condiciones siguientes.

1.^a Podrá cercarlo sin perjudicar las trate-

JW

cias, caminos y servidumbres: lo dió fructuaria libre y exclusivamente destinandolo al uso ó cultivo que mas le acomode, pero dentro de un año fabricará casa y estará habitada

2.^a Solicitara del juez respectivo que le dió posesion jurídica en virtud de este Despacho, por el cual se demarcarán las linderas, en cuyos limites pandrá á mas de las mojoneras, algunos arboles frutales ó salvestres de alguna utilidad.

3.^a El terreno de que se hace mención, es de la estension que explica el dicho que corre en el expediente respectivo. El Juez que diere la posesion lo hará medir conforme á ordenansa, que dando el sobrante que resulta á la Nacion para los usos convenientes,

4.^a Si contraxiere á estas condiciones perderá su derecho al terreno, y será denunciabile por otro.

En consecuencia mando q. teniendose por firme y saliendo este título, se tome varon de el en el libro á que correspondas y se entregue al interesado para su resguardo y demás fines. Dado en Monterrey á diez y ocho de Enero de mil ochocientos cuarenta.

Man B. Alvarado
Manuel Jimeno
Jris

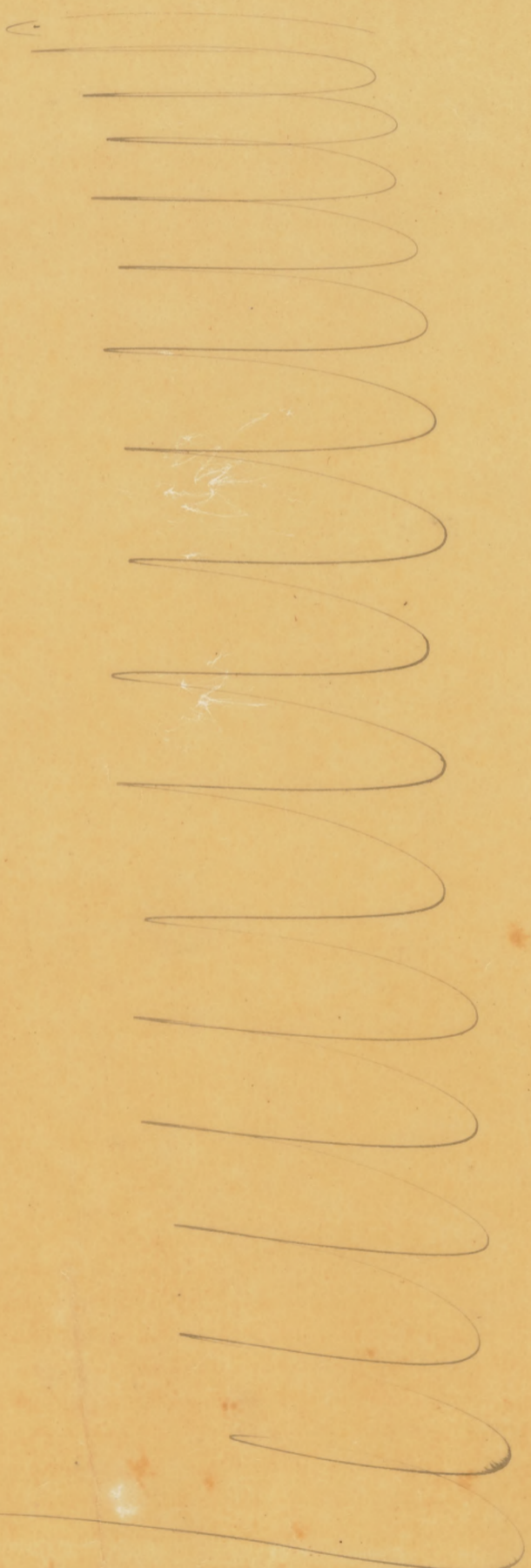
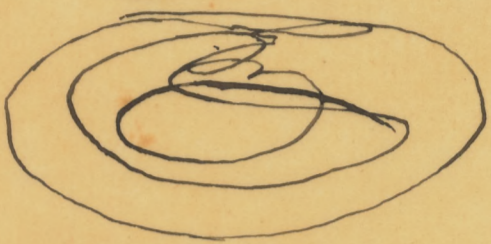
Que

229 ND
PAGE 191

JW

da tomada raron de este Despacho en
el Libro de acientos sobre adjudicacion
de terrenos baldios de f. 14.

Jimeno



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

I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners, to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, Do hereby Certify, that the Six preceding, and hereunto annexed page, of tracing paper, numbered from one to, Six inclusive, exhibit a true, full and correct copy, of their respective originals, as the same appear on file in my office.

EXAMINED AND FOUND CORRECT.

John W. Shaw
Keeper of Archives.



In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 20th day of October 1858.

J. W. Mandeville U. S. Surveyor General, for California.

Office of the Board of Commissioners,
To ascertain and settle the Private Land Claims in the State of California.

San Francisco, June 20th 1855

J. A. Monroe Esq.
Clerk of the U. S. District Court for the
Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 192 on the Docket of the said Board, wherein Sebastian Rodriguez is the Claimant against the United States, for the place known by the name of "Rincon de la Ballena" and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher