CASE NO.
300
NORTHERN DISTRICT

SAN LORENZO GRANT
BARBARA SOTO, et al
CLAIMANTS

Land Case 300 ND

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TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 524.

Barbara Soto, et al. CLAIMANTS.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"San Lorenzo."

Office of the Board of Commissioners.

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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this twenty second day of January Anno Domini One Thousand Eight Hundred and Fifty-three, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of Barbara Soto et al.

for the Place named

"San Lorenzo"

was presented, and ordered to be filed and docketed with No. 324 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 February 11, 1853.

In Case No. 324 Barbara Soto et al, for the place named "San Lorenzo, the deposition of Guillermo Castro, a witness on behalf of the claimants taken before Commissioner Hiland Hall with documents marked D. D. Nos. 1 to 2 annexed thereto was filed

(Vide page 7 of this Transcript.)

San Francisco February 18, 1854.

In the same Case, the depositions of Juan B. Alvarado, Joaquin Castro and Wm H. Davis, witnesses in behalf of claimants, taken before Commissioner Alpheus Felch, were filed:

(Vide pages 8. 10 & 11 of this Transcript.)

San Francisco June 12, 1854.

In the same Case, the deposition of Antonio Maria Pico, a witness in behalf of the claimants, taken be-

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for Commissioner Peter Sate, was filed with documents marked "Exhibit "A. P." annexed thereto:
(Vide page 46 of this Transcript.)

San Francisco November 17, 1854.
In the same case, the depositions of Joel Russell and John J. K. Grammont, witnesses in behalf of the United States, taken before Commissioner Peter Sate, the last with documents marked "Exhibits A. B. C. & S. P. L." annexed thereto, were filed:
(Vide pages 14 & 19 of this Transcript.)

San Francisco November 20, 1854.
In the same Case the deposition of H. A. Higby, a witness in behalf of claimants, taken before Commissioner R. Aug. Thompson, with documents marked "R. T. No. 1, 2 & 3" (no. 2 being a large map) annexed thereto, was filed:
(Vide page 35 of this Transcript.)

San Francisco December 2, 1854.
In the same Case, the deposition of Guillermo Castro, a witness in behalf of the claimants, taken before Commissioner Alpheus Felch, was filed:
(Vide page 41 of this Transcript.)

San Francisco, December 3, 1854.
Case No. 524 was ordered to be placed at the foot of the 3d Class cases on the Trial Docket.

San Francisco, December 19, 1854.
Case No. 524 was submitted on briefs and taken under advisement by the Board.

In the same Case the Counsel for the claimants filed the following Bill of Exceptions, to wit:
(Vide Page 120 of this Transcript.)

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San Francisco April 24, 1855.

In the Same Case Commissioner S. B. Farnell delivered the opinion of the Board, confirming the claim:

(Vide page 121 of this Transcript.)

And the following Order was made, to wit:

(Vide page 124 of this Transcript.)

San Francisco, May 1, 1855.

In the Same Case the Counsel for the Claimants moved to amend the Decree of Confirmation, heretofore, to wit: on the 24th April last, entered in this case, upon the facts set forth in the following affidavit, to wit:

(Vide page 119 of this Transcript.)

Which Motion was granted — Whereupon it was ordered That the Decree aforesaid be amended in accordance with the affidavit.

5-Petition

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Before the Commission to ascertain and settle
Private Land Claims in California

Barbara Soto, Anita Soto
Francesca Soto, Encarnacion Soto, Margarita
Soto, Vicente Soto, Jesus Maria Soto, and Mariano
Soto give Notice that they claim a trace in said
State by virtue of a right and title derived from
the Mexican Government. Said land is situated
in the County of Contra Costa in the trace known
by the name of San Lorenzo being bounded
on the North by the Creek of that name -
It is of One and a half Square leagues by said
Creek of San Lorenzo on the North, by the Bay
of San Francisco on the West, On the South by an
ascertained line with the lands of Jesus Vallejo
On the East by the Crest of the Range of hills and
an ascertained line with the lands of Sanchez
Castro - A portion of said lands, to wit, One
league or Sitio thereof, a little more or less was
granted to Francisco Soto On the 16th of October
1842 by Dn. Juan B Alvarado Constitutional
Governor of California and the remainder
thereof, to wit, the additional quantity of one
half league a Sitio, was granted on the 20th
January 184[illegible] to the same grantee by Dn Manuel
Micheltorena then Governor of California -
Said Francisco Soto died prior to the filing
of this petition and about seven years ago.
Leaving the said Da Barbara his Widow,
and the said Other Claimants his Children
and only heirs; the said land having been
acquired by said grantee during his Coverture
with the said Da Barbara; Whereby One undue
Undecimo half part vested in her (said Da Barbara)
and the remainder has descended to the said
Children. There is no Conflicting Claim to said
Land or any part thereof to the knowledge
of the Claimants. The Original of said grant
with a translation of the same is herewith
presented. The said Land has been occupied
& inhabited according to Law

By then Alcs Jones Tompkins & Shroder
Filed in Office Jany 22nd 1853.

Geo. Fisher Sec

Recorded in Vol 1 Of Petitions on pages 491.. 493

Deposition of
Guillermo Castro

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San Francisco Feby 11–1853

On this day before
Com. Heland Hall came Guillermo Castro
a Witness in behalf of the Claimant Barbara
Soto et al. petition No. 534 and was duly sworn
his Evidence being interpreted by the Secretary

The U. S Special Law Agent was present

In answer to inquiries by Counsel for the Claim-
ants the Witness testifies as follows

My Name is Guillermo Castro
my age is Forty four years & I reside on my Rancho
in Contra Costa County

I was acquainted with
Francisco Soto who died about Seven years ago
He left a Widow named Barbara Castro and
Seven Children, three Sons & four daughters—
The names of the Sons were, Vicente, Jesus Maria
& Mariano & of the daughters Amelia, Francisca
& Encarnacion. The name of the other daughters
I do not recollect—

Francisco Soto received a grant
from Governor Alvarado in the year 1842 of the tract
of Land called San Lorenzo, situated in the
present County of Contra Costa and bordering on
the bay. Afterwards Soto received another grant
in Augmentation of the former tract. He built
a house on said Augmentation, cultivated a
garden, had an Orchard & kept Cattle on it. He
Commenced such occupation previous to the
date of the grant of it & continued it until
his decease & since that time it has been
occupied by his Widow & Children

I am acquainted with the
hand writing and Signatures of Antonio Maria
Juan B Alvarado, Manuel Jimeno, & Manuel
Micheltorena & I believe their Signatures, which
appear on a paper now shown me which is
hereto attached & Marked "H. St. No 1 & is Exhibited
& filed in this Case to be genuine

I am also acquainted with the

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hand writing and signatures of Francisco Soto Manuel Jimeno & Manuel Michelorena & believe their signatures On a paper now shown me which is Exhibited B filed in this case & is hereto annexed & marked "H H No 2 to be genuine.

Guillermo Castro

Sworn & Subscribed
Before me Hiland Hall Comr

Filed in Office Feby 11. 1853
Geo. Fisher Secy

Recorded in Rec B Vol 2 p 556
Geo. Fisher Secy

Deposition of W. S. Davis

United States Land Commission
San Francisco Feb. 18. 1854
On this day before Commission Alpheus Felch Came William S. Davis, attorney in behalf of Claimants, Barbara Soto, et al Case No. 324 Who after being duly sworn deposed as follows.

Question by Judge Thornton Atty for Claimants
1 Question. Please State your name, age and place of residence.

Answer. My name is William S. Davis, my age is thirty two years & my residence San Leandro in Alameda County California

2 Question. Are you acquainted with the Rancho San Lorenzo Claimed in this case and dead you know the grantee Francisco Soto

Answer. I have known said Rancho since the Month of May 1843 and I knew said Soto from 1838 until the time of his death

3. Question, Please State what you know of the occupation of said Rancho from the time you first knew it until the present time

Answer. I came first on the place in May 1843 Francisco Soto was then in possession of it and had an Adobe house a Corral, Cattle and horses on it. I was then a Merchant in San Francisco and Soto was in the habit of buying goods of me. And I was

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afterwards frequently at his place. His family lived there when I first knew the Rancho, and have continued to reside there to the present time

4th Question. Do you know the boundaries of this Rancho?

Answer. I know them as they are generally reputed among the neighboring Rancheros and respected by them: On the North the Creek of San Lorenzo; on the West the Bay of San Francisco; on the South the Rancho of Jose Jesus Vallejo; and on the East the foot of the San Lorenzo hills. Within these boundaries there are about Six hundred Varas of Land which belong to William Leese which are Situated near the foot of the hills and on the Eastern line

Questions by Mr. McKenne Same as before

1 Question. Is there any line of demarcation between this and Leese's Rancho on the Eastern side of Soto's Rancho?

Answer, I do not know that there is Excepting at the Six hundred Varas of said William Leese before mentioned?

2. Question. What is the character of the hills forming the Eastern boundary?

Answer. Some of them rise abruptly and others are more sloping. The line of them would not be straight. The general direction of the hills is North and South, but the foot would not be a straight line

William H Davis

Subscribed & Sworn to
Before me this 18th. day of February 1854

Alpheus Felch Commissioner

Filed in Office Feb. 18 1854
Geo. Fisher Secy

Recorded in Ex B Vol 3 p 725
Geo. Fisher Secy

Deposition of
Jean B Alvarado

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United States Land Commissioner
San Francisco Feb. 18. 1854

On this day before Commissioner Alpheus Felch came Jean B Alvarado a witness in behalf of the Claimants Bolena Soto et al No. 524 who after being duly sworn deposed as follows, his Evidence being interpreted by the Secretary.

Interrogatories by Judge Thornton Atty for Claimant

1 Question. Please state your name age and place of residence?

Answer. My name is Jean B Alvarado, my age forty four years and I reside in Sonoma Napa County California

2 Question. Please look on the Document now here shown to you purporting to be a grant to Francisco Soto marked "J A No 1" annexed to the deposition of G Castro heretofore taken and filed in this case, and state whether you are acquainted with the hand writing of Antonio Maria Osio, Jean B Alvarado, Manuel Jimeno and Manuel Micheltorena, and if you, State whether the Signatures purporting to be theirs on said Document are their true and genuine Signatures respectively?

Answer. I have Examined said Document. I know the hand writing of the said persons named in the question I have seen each of them write, and the said Signatures are their true and genuine Signatures in their own hand writing. My own Signature in said Document is genuine.

3 Question. Look on the document now here shown to you Marked "J A No 2" annexed to the deposition of G Castro heretofore taken in this Case purporting to be a petition of Francisco Soto and a Concession by Governor Micheltorena, and a report by Manuel Jimeno, and State whether you are acquainted with the hand writing of Francisco Soto, Manuel Jimeno, and Manuel Micheltorena, and if yea State whether the Signatures on said Document

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Whether the Segnatures on said document wherever they occur are their true and genuine Signatures

Answer. I have Examined said document. I am acquainted with the hand writing of said Soto, Mechelloena and Semeno I have seen Each of them write; and the Signatures purporting to be theirs On said document I believe to be their several true and genuine Signatures—

Sworn & Subscribed

Mr. McKenne Land Agent was present at the taking of this Deposition but proposed no questions—

Subscribed and Sworn to before me this 18th day of February 1854

Alpheus Felch Commissioner

Filed in Office Feb. 18. 1854

Geo. Fisher Secy

Recorded in Ex B Vol 3 p 721

Geo. Fisher Secy

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Deposition of Joaquin Castro

United States Land Commission

San Francisco Feb. 18. 1854

On this day before Commissioner Alpheus Felch came Joaquin Castro, a witness in behalf of Claimants Barbara Soto et al Case No. 524 who after being duly Sworn deposes as follows his Evidence being interpreted by the Secretary

Questions by Judge Thornton Atty for Claimant

1 Question. What are your name age and place of residence

Answer. My name is Joaquin Castro My age is forty four years and I reside at Centre Cabeza de Cadomia

2 Question. Are you acquainted with the Rancho called San Lorenzo, claimed in this in this case? if yea, State what you know of its occupation and boundaries?

Answer. I am acquainted with that Rancho. When I first knew it to be occupied which was in 1825. It was occupied by the Mission of San Jose. In 1843 I passed through

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the place and it was then occupied by Francisco Soto. This was in the Month of May Soto, then had a house on it which was built of adobes and was living in the house. He continued to live on the place until his death and after his death his family continued to live there to the present time, and still live there. They have been Cattle and Horses there and have cultivated a portion of the Land ever since 1843. The house in which they have been during all that time is on the part of the Rancho which was granted by the first grant. They built a new house after Soto died which was on the same portion of the Rancho

Said Rancho is bounded by the Coast of the Bay of San Francisco On One Side, by the Arroyo de San Lorenzo on another Side; On another by the foot of the mountains (Sierra del Palo Colorado) which runs between San Jose as far as the Arroyo to the Alto or Loma de San Lorenzo; and on the fourth Side by that Arroyo to where it Enters On the plain near the Rodeo, and thence by the Rodeo by a direct line to the Beach. In the Corner which is formed by the Arroyo de San Lorenzo and the Sierra del Palo Colorado there is a piece of Land which belongs to Guillermo Castro, and is about Six hundred Varas in Extent towards the beach and Commencing at a ditch about two hundred Varas from the house of Soto and Extending to the Arroyo de San Lorenzo

3 Question. Does the description above given comprehend the land Composed in the Original grant or both that and the grant of an Extension?

Answer. Both. I think there is about a league and a half of land

4 Question. Are you acquainted with the Children and heirs of Francisco Soto deceased.

Answer I know the Older Ones

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of them.

5 Question. Please state the names of his daughters?

Answer. The eldest is named Anne Marie the second Francisca, the third Incarnacion, the fourth I believe is Juneda, These are all that I know of them. I am not positive as to the name of the fourth. The Eldest is sometimes Called Linda.

Questions by Mr Mc Kune Lucas Agent

1 Question. How near Sans Ranchos you live and how long have you resided there

Answer. I live ten leagues from it where I have been living twenty nine years

2 Question. When did you first know Soto?

Answer. I believe it was in 1818. we were School mates at the Presidio of San Francisco

3. Question. When did you first know the Rancho San Lorenzo?

Answer. In 1812. It was then called by the same name

4 Question. What improvement had the Mission on it in 1825?

Answer. There were Indian huts on it, and they had Mission Cattle and Sheep on it and some of the Indians had small pieces in Cultivation.

5 Question. How do you know that the Rancho Extends only to the foot of the Sierra del Palo Colorado?

Answer. Because they have told me so. I have not seen any Land marks, and believe if there was one there I might have seen it

6 Question. Is there any Rancho adjoining this on the side towards the East or North East?

Answer. There is the Rancho of Guadalupe Castro, which is on the side of the Sierra del Palo Colorado.

Question by Judge Thornton

1 Question. When was you first

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informed of the boundaries of this Rancho?

Answer. In 1842 I saw the boundaries designated in the Espedients, which was sent to me to make a report whether the lands were occupied by the Mopem or not. I was then Administrador of that Mopem and was required to report on that Capacity.

2 Question. Might there not have been land marks put up around those boundaries, and you never have seen or known of them?

Answer. There might have been

Jesus Pedro y Castro

Subscribed and sworn to before me this 18th day of February 1854

Alpheus Felch Commissioner

Filed in Office Feb. 18-1854

Geo. Fisher Secy

Deposition of Jose Rupie

United States of America }
State of California } ss

San Francisco Nov. 16. 1854

This day came before Peter Dove Commissioner for taking testimony to be used before the Board of U.S. Land Commissioners in said State, Jose Rupell a witness on behalf of the United States in case No. 534 wherein Barbara Soto et al are claimants, and said witness being sworn deposes as follows

Questions by U.S. Land Agent.

1st Question. What is your name age and residence

Answer. My name is Jose Rupell, my age 32 years, My residence in Alameda County California

2d Question. How long have you resided there?

Answer. I have lived in the County nearly three years.

3d Question. Were you present When the Witness Guzman Jesus the

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South line A to J as shown by his map on file in this case marked "A P L"?

Answer. I was present at said survey when part of said line was run.

4th. Question. State what you know, if anything about the flag staff spoken of by said Gammon standing on a Rodeo, & on land which have formerly used as a Rodeo?

Answer. I know where the flag staff was set, and believe it to be on ground which had been used as a Rodeo from the fact that it bears unmistakable marks of having been used for that purpose. It is trampled more than land generally is by herds of Cattle, and from the ground having been dug, it produces a different growth of weeds and herbage from the surrounding Lands. The ground when I first saw it had holes about On it, which appeared to have been pawed up by the Cattle, usually called bed holes, the Land has none been cultivated One year. I saw it a year before it was cultivated and noticed the peculiarity of that piece of ground before I ever knew it was a boundary of any Claim—

Cropsed Examined by Claimants Counsel

1 Question. Do you reside on the Land claimed in this case, if yea What Claim do you set up to the Land

Answer. I cannot say can tell whether I live on the land Claimed or not?

2 Question. Point Out on the map Marked "A P. L" and filed in this case, the spot where you live as near as you can?

Answer. As near as I can tell I live at the place marked "Y" on said Map, South of the Words "Vacant Land"

3d Question. State what title you claim to have to the Land on which you reside?

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Answer. I enter upon the land, and fulfill the requisition of the Statutes of Settlement in order to secure a pospeny title to the Land— I have no other Claim to the Land.

4th Question. Do you expect to hold this Land under the pre Emption laws of the United States?

4th Question Objected to by U. S. Land Agent

Answer I Never have depended on that as a means of title there—

5th Question. If the Land upon which you resides should prove to be vacant and public Land of the United States, would you perfect your pre Emption title, under the Laws of the United States?

Answer If I were on the land and wanted land, and could perfect a title to it, I would do so under said pre Emption Laws.

6th. If this Land were now at this time, ascertained to be public Land, what steps would you take to secure your title to it? How would you secure your pre Emption of the U. S?

6th Question Objected to as leading

Answer. I believe that I could not, as I have parted with the actual residence on the land for One year, beginning last March. I left there on the house but do not intend to hold the possession or occupancy of the place.

7th. Question. Do you claim any interest in the land now, if yea, what is it?

Answer. I do claim thus far, that it is to be delivered up to me at the Expiration of the year, which I before mentioned. I claim under the State pospeny act 160 acres—

8th. Supposing that 160 acres to be included within the boundaries of the Land claimed in this Case, would you Expect to derive any advantage from the rejection of this Claim?

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answer. If I had possession of it at the time of the rejection of this claim, the Land would be worth more to me

9th. Question. Do you Expect at the Expiration of said year, to regain possession of this Land, and in the Event of the rejection of this claim, to Continue that possession?

Answer. I do Expect to regain my possession at the End of said year, I cannot tell whether I Expect to continue it in case of the rejection of this or not. I am uncertain as to my future residence in California.

10th. Question If this claim were rejected by this Board, supposing you 160 acres to be included in it, would you consent to such rejection as meaning to your benefit?

Answer. Yes, I believe it would be to my benefit, if my 160 acres is within said claim, and said claim should be rejected

11th. Question Were there any other Signs of another Old Rodeo near where the said Flag Staff was Set than those you have mentioned.

Answer. I have never noticed such, there are places where the ground appears to have been marked by Cattle over a Space of three or four acres but no where do distinct Marks as around the Spot where the Flag Staff Stood.

12th. Question. Were you ever on what you knew to be a Rodeo ground?

Answer. I have been On places where Cattle have been herded and noticed their Marks upon the ground —
If I understand the Meaning of the Spanish word "Rodeo", I have often been on Rodeo grounds. I understand the Spanish Word to Mean the Collection of Cattle in large Numbers for the purposes of branding, dividing the Stock of different Owners & the like. I have often seen them Collected for the purposes I have

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Mentioned — Love Rupell
Subscribed and Sworn to before me on this
16th day of November A.D. 1854
Peter Lott
Commissioner

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The claimants Counsel objects to this deposition
On the ground of the interest of the Witness
P. Lott Com

Filed in Office Nov. 17 1854
Geo. Fisher Secy

Recorded in Rec. B Vol 5. p 679
Geo. Fisher Secy

19 Deposition of J. J. & Grammone

United States of America }
State of California } ss:

San Francisco Nov. 15. 1854

This day came before Peter Lott Commissioner for taking testimony to be used before the Board of U.S. Land Comm'rs in said State John J. & Grammont a witness on behalf of the United States in Case No. 524 on the Docket of said Board wherein Barbara Soto et al are claimants: and said Witness being duly sworn deposed as follows;

J. J. Williams Esq. appears for Claimant

Questions by Mr Crane and L Alvarez who represent the U.S. Land Agent.

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

Answer. My name is John J. & Grammont, my age 43 years, My residence in the County of Alameda, State of California

2d Question. State whether you are a Surveyor and if so, whether you have recently made a Survey of the Territory in Alameda County lying between the San Lorenzo and Alto Creeks and the Mountains and Bay of San Francisco

Answer. I am a Surveyor, and I have recently Surveyed the Section of country described in the interrogatory

3d Question. Look at the Map now shown to you Marked "A J L" Exhibited in this deposition, and State whether it is the Map Made by you of said Survey and also whether it is a correct delineation of the said Surveys & of the relative distances and position of Natural Objects thereon represented?

Answer. This is the Map made by me of the Survey of the said mountains and represented in said Map, and it is a correct delineation of the said represented as near I Could Make it

4th Question. State you any papers

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by which you determined the Mountain or Eastern line of said tract, if you; in what language were they written and produce them?

Answer. I have a copy of a grant made to Francisco Soto in 1842, and an agreement between Carlos Castro as agent for his Son William Castro, and Francisco Soto. Which settled the boundary of their land on the 17th of January 1844. These documents were written in the Spanish Language I here produce the Copy of the agreement marked "A P L" Exhibited in this deposition. The Copy of the Grant I have not here with me.

5th Question. Are you familiar with the Spanish Language, if yea, State whether you have made translations of the documents of the documents mentioned in your last Answer and if you produce them?

Answer. I am well acquainted with the Spanish Language, and I have made a translation of the agreement spoken of, and it is here produced marked "B P L" and Exhibited in this deposition.

6th Question. State why you located the Eastern line of said map as you have done?

Answer. I have so located said line because in terms, the grant called for it, to wit, it called for a line from the San Lorenzo to the Alto bluff. From the terms of description in the grant I considered the point of beginning to be where the first Cochillo strikes the San Lorenzo, and I ran the Eastern line in a direct Course South Easterly to a large pile of Rocks. The grant called for the line to run to the Alto, the point of Telpus Valley, and there near the Head waters of the Alto between two of its head Streams I found a pile of rocks partly natural and a pile artificially put on the top of it: I made that pile of Stones the Southern most point of said Eastern boundary. The pile of Stones is about 7 feet high and overgrown

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with Vines and having the appearance of being an Old landmark. It is just at the head waters of the Alto Creek.

7th. Question. State now whether you knew of the Existence of Said Monument or pile of Stones, before you found it in the course of your Survey?

Answer. I had no knowledge of it being in running to the Alto Creek in my Survey I found it.

8th. Question. Had you with you when when making Said Survey what purported to be a Copy of a Map of any adjacent Rancho, if you produce it?

8th. Question objected to by claimants Counsel as irrelevant and incompetent.

Answer. I have with me what purports to be a Survey Made in 1842 for Jesus Jose Vallejo. And I here produce it marked "D P L" Exhibit to this deposition.

9th. Question. State whether you have correctly laid down upon the map of your Survey the Northerly boundary of Said Vallejo's Rancho as Shown by Said Map?

Answer. I have it down as correctly as I could from that map. The yellow line on my map represents the line of Vallejos boundary as represented on the map marked "D P L"

10th Question. In running the line as Shown upon your map "A P L" from "A" to "J" State by what object if any, you were guided as an intermediate point?

10th Question objected to by Claimants Counsel the answer being incompetent—

Answer. I was guided in running that line by a flag on a flag staff, which I was told was on the Rodeo ground. I only know this from being told so. The point is marked "X" as near as I can on the Southern part of my map.

11th Question. After reaching the the Bay at the point where Said Southern

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boundary touches it, where are the first hills as seen from that point on the San Lorenzo creek?

Answer. The first hills in view from that point, are at the place in said map marked "Sequences house" on the San Lorenzo

12th Question. What do you understand by the word "Cuchillas" as used in the grant in this case?

Answer. I understand it to be a sharp steep mountain ridge. It is a term well known and in use in Mexico, a ridge which divides the waters running in opposite directions.

13th Question, Can you describe what you understand to be the Southern boundary of the Rancho claimed in this case?

Answer. I consider the Southern boundary of Francisco Soto's Survey, to start from a pile of Rock on the head waters of the Alto creek marked On my Map "B" thence following the Northern boundary of said Vallejo's Survey to "C" at the Salt marsh, this line is indicated On my map by yellow Coloring. The point "C" is Exactly on Vallejo's line, but the yellow line would come a little within the direct line, at some places, according to the Survey of Vallejo which is Exhibited herein and referred to by me in my former answer.

Cross Examined by Claimants Counsel.

1st Question. How long have you resided in California

Answer. Since September 1850

2d Question. Where do you now reside?

Answer. In Alameda County, On the road of County called the San Lorenzo road The spot of my residence as near as I can fix it, is at the letter "M" which I have marked On my Map in this case, near the words "Vacant Land"

3d Is your present residence within

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the boundary of the lands claimed in this case?

Answer. I have understood from rumor that the Claimants in this case do claim the Land on which I live, but I do not know the exact boundary of what is claimed in this Case.

4th Question. Have you any claim to the land on which you reside, if you, State the Character of your Claim?

Answer. I claim it as a Settler on public Lands with the right of a pre Emption of lands of the United States. I have no other Claim whatever to it.

5th. Question. How far is the point at which you reside, South of the San Lorenzo Creek, West of the "Rancho de Buenaventura Castro" as marked on the map, East of the Bay of San Francisco, and North of the Vallejo line, as indicated on your map?

Answer. I believe it is about 1½ Mile 1¼ Mile South of the San Lorenzo, about 2 Miles West of said "Castro's house, about 2 Miles North of the Northern boundary of said Vallejo's Survey, and about 2 Miles East of the Salt Marsh On the Shores of the Bay of San Francisco—

6th Question. To whom is the land On which you reside a pre-pre In taxes, and who pays the taxes On it?

Answer. I do not know to whom the land is assessed, I pay the taxes On the improvement

I see by a map who is acting in this Examination for the U.S. Land Agent Admits that the Land where Mr. resides is assessed in taxes to Barbara Soto, Mowry & Smith, and James Bracy.

7th Question. At whose instance did you make this Survey of which you have testified?

Answer. At the instance of the Settlers On the land who Claim as pre Emptors

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of the U. S. Government.

8th Question. Give the names of such as you recollect.

Answer, Judge Keene, William Buckleem, Mr Fleming, These were the principal Ones, and One Nelson Winton - These paid me for making the Survey, there were several Others who have Spoken to me about it, whose names I do not recall.

9th. Question. Who was with you assisting and advising in making your Survey in this Case?

Answer. There were different persons who assisted in the below of said Survey and I was governed by the papers. One man who was with me was named Lark. One called Aleck also knew Blackwood Rapell, another Dick Blackwood there is several The papers were given to me and I aimed to follow them without taking any body's advice

10th Question. Do you mean to say that, no One advised with you in regard to Course and distance and Corners in making said Survey?

Answer. I mean to say I followed no advice but was governed by the papers, Various persons Spoke to me about the Survey Some said One thing and Some said another In instance they pointed out where the Rocks pound was, Mr Blackwood Spoke to me and others.

11th Question. Whom did you consult in regard to the proper Mode of running these lines?

Answer. I Consulted No body

12th Question With whom did you converse with regard to the running of these lines before, at the time, and after, making said Survey?

Answer. I conversed with the Blackwoods Fleming the Mentons, Rapell, McDonald and Judge Keene and probably several Others

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13th. Question. In whose hand writing is the translation of the agreement marked "C P L" Exhibited in this deposition?

Answer. It is in my own hand writing

14th Question. Were not all the persons whom you have above named as acting assisting, Counselling and advising, Settlers on this land, and claiming the same rights as yourself?

Answer. I believe all those I have named are Settlers on the ground Except "Aleck" and "Lark" the two Mexican men I named, they were Chain bearers

15th Question In Making this Survey did you Consult any of the old inhabitants or Old Settlers of this Country or any of the owners of adjoining Ranchos?

Answer. I asked only Ensinas, the Son in law of the Widow Soto, if he knew where the Rodeo ground was, his answer was that he did not know where it was, further than that I Consulted with none of them— Ensinas is from Buenos Ayres and has been but a short time in this Country;

16th. From whom did you obtain the Copies by which you say you were guided in this Survey?

Answer. I obtained the Copy of the Original grant from the Office of the U. S Land Commissioners, Several Months ago, it was Sent to me by George Fleming— The Copy of the Agreement, I obtained, in the same way and through the same hands.

17th Question. Since you have been in California, how many pieces of land have you Surveyed?

Answer. I believe I have made but three Surveys besides this in California I do not follow Surveying as a business here though I am a Surveyor by profession and have followed it most of my life.

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18th Interrogatory. Who made the map marked "A P L" which is Exhibited herein as the map of your said Survey?

Answer. I made it myself- I was assisted in the Coloring and shading by another person

19th Interrogatory. Who performed the Mechanical work of this map, was it not Eugene Stepp?

Answer. A draftsman did it under my direction. It is an Exact Copy of the Original Map in lead pencil which I made, and have in my possession.

20th Interrogatory. Was not every line letter, shade and figure on this map placed there by said draftsman?

Answer. Yes I believe they were

21st Interrogatory. When you say this was and Exact Copy of the Original in your possession. Do you mean that the two maps are identically the same, or only as to Course and Distance?

Answer. All the Courses, distances and Streams are precisely alike and in the same places, all the hills, their appearance are the same and on the same Scale-

22nd Interrogatory When did you first see the Original plat in this Case

Answer. About a year ago last September-

23rd Interrogatory. How often have you seen it since that time, until you came here to give this deposition?

Answer. I have never seen it like twice since September 1863

24th. Interrogatory. Did you ever Compare the Copy which you had, closely and minutely with this Original?

Answer. I never did

25th. Interrogatory- How then do you know that the Copy which you have was an accurate Copy of the Original document filed in this Case?

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Answer. I only know it from presumption Judge Crane handed me several papers, and Mr Flenniken sent me some, some of them purported to be certified copies and some are not I do not know whether the copy of the grant were certified or not, my impression is that it were not certified

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26th. Question. Is the note which you have appended to your translation of the agreement between Sola and Castro, found in the original?

Answer, The Certified Copy of the Original which I have Exhibited "B P L" Contains no such note. it is my own

27th Question. Is the pile of Rocks which you commenced on the head waters of the Atto a natural or artificial Land Mark

Answer. The natural Rock is about 12 feet high, and it is raised by artificial piling to the height of 7 feet. It is at the form of a Pyramid with a base 4½ feet wide. The Rocks which are piled up have trees growing among them shows me that it is an old Monument

28th Question. Did you enquire of any of the old inhabitants, Neighbors or Relations Concerning, by whom that pile of Rocks was placed and for what purpose

Answer. I Did not

29th Question. If you had not discovered that pile of Rocks, to what point on the Angle the Atto, would you have to go the Southern point of the Eastern line of your Survey

Answer. I should have gone it at the same place, My object was to reach the head of the Atto an in running the line and establishing that point I found said pile of Rocks

30th. Question. Why was it that you determined to Camp at the Head of the Atto?

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Answer. The case of the grant being from the San Lorenzo to the Alto, the poseson poseson of Vasco Vallejo I supposed that point to answer the Case of the grant.

31 Question. Should you let fall that line to the point on the Alto where it is written on your Map, would it not have been equally a line from the San Lorenzo to the Arroyo dee Alto the poseson of Vallejo?

Answer. In Striking the Alto at that point, I would have been obliged to crop the North boundary line of Vallejo to reach the Alto, Vallejo's boundary embracing a Strip of Land on the North Side of the Alto, and it would have been the same with respect to Vallejos Northern boundary If I have struck the Alto at any other point than the One I did at the pile of Rocks - Any other point would not answer the Case of the grant

32d Question. In the Explanation which you desired to make of the Southern boundary of Francesco Soto's Ranch, and to Enable you make which, the 13th and interrogatory was propounded, you Stated that the Yellow line on your Map was the true Northern boundary of Vallejo's Ranch Should then in terminating the Eastern line of your Survey at Some point on the Arroyo del Alto, between the word "Alto" and the letter "B" would you have been Compelled to crop the Vallejo Boundary

Answer. The boundary of Vallejo follows the Yellow line which is on the Northern Side of the Alto, and Embraces a Narrow Strip of Land on the North Side of Said Alto, The Arroyo is not the boundary of Vallejo, but is embraced within his boundary, and I would have to crop that boundary and that Narrow Strip of land to reach the Said Arroyo "Alto" on my Map The point at "B" being the only one where Vallejo's boundary Comes to the Alto -

33d Question. What authority

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North of the Alto, within Vallejo's boundary

Answer. The map of Vallejo Marked "D P L" which I have in my possession enabled me to compare the Courses and distances of his Survey and my own, and the statement which Vallejo made to me a year ago, that his line ran as I have represented it

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34 Question. Did Vallejo go with you upon the ground, and point out to you the only point where his line touched the Alto, and give to you the breadth of the narrow strip of which you have spoken, known as its boundary?

Answer. He did not

35th. Question Did Vallejo ever tell you who joined him in the Mountains, and at what points?

Answer. He did not.

36th. Question. Look at the map of Vallejo Marked "D P L" and say what Stream it is that is marked thereon as the Southern boundary of Vallejo's Land?

Answer. I do not know, but I think it is the Alameda Creek from its position

37th. Question. Where on this map is laid down the Arroyo del Alto?

Answer. On Vallejo's land near and South of its Northern boundary

38th Question, Why do you say that this short line, Where is Marked "Ojo de Agua is the arroyo del Alto.

Answer. From its position and my observation on the ground, and having measured the Alto from its head to its mouth

39th Question. Does the Arroyo del Alto sink and disappear in the Land from San Antonio to the Mission of San Jose?

Answer. It sinks very near San Jose

40th Question How long is the Arroyo del Alto, by the Scale of Miles on your map?

Answer. About 3 Miles—

41st Question. How long is the same Creek on said Map

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"D P L"?

Answer. It is there probabely a little more than a mile.

42d Question. If the said Attorneys at the Road from San Antonio to Mission of San Jose why have you Extended the said Arroyo about 3/4 of a Mile below said road?

Answer. Below the road about as far as I have represented the main remains, the Creek disappears near the road.

43d Question. Is there not in said Creek, past just as much water fifty yards below the road as there is fifty yards above it?

Answer- I cannot tell. I do no recollect seeing any water near the Road when I was there.

44th Question. Is the Arroyo de Alto, throughout its whole length Correctly delineated on the said Map "D P L"?

Answer. It is not.

45th Question. Where did you get the map "D P L"

Answer. It was delivered to me by Judge Crane with other papers. That is all I know about it, as being Judge's Grant

46th Question. Is this map so accurate as that it could form the basis of Measure and accurate Survey?

Answer. It is not, Except on one line where the Course is given.

47th Question. Do you know whether the Variation of the needle was given in running that line?

Answer. It is marked to have been run by the Magnetic Meridian at the time.

48th Question. State what would be the true Course of that line?

Answer. It would be North 77½° East.

49th Question. Why is it that this same line on your Map does not Correspond with the

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same lene on the Vallejo map which formed the
basis of your survey?

Answer. I ran a straight line from
B to E on my map without reference to any
conflict with Vallejo's line, which I supposed at
one time to be the only line to answer the call of
the grant, which called for a straight line from
the Alto to the Beach, but on reflection I believed
the line of Vallejo could be more properly followed
and answer Equally the Call of the grant—

30th Question. How wide is the
narrow Strip of Land which you say is embra
ced within Vallejos boundary along the North
banks of the Alto?

Answer. It may vary from a
few Chains to a half Mile in Width, being
Narrow in some places than Others. I calcu
late it from the map "L P L" and from
Vallejos Statements to me.

31st Question. Why then did you
cause the Yellow line on your map to touch
on the Said Arroyo, throughout about three
fourths of its length?

Answer, The Nathan Edge of the
Yellow line is supposed to be the boundary
and that may not be accurately Correct, but
as near as I could get it.

32 Question, In making this
Survey had you any Other papers than those
you have mentioned?

Answer, I had also what purp
orted to be a Copy of Solo's Second petition for
the Sobranes, and the report of Simeno upon it
also a petition from Solo to the Governor praying
that he would fix boundary to Castro, and
the report of Simeno thereon— I had no Others
now recollect that I had Castro's last petit
that is all—

33d Question. State where you procu
red said Documents?

Answer— I received them from Judge
Keene—

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54th Question. Drawing a line upon your map at the base of the hills so as to include the "Casa de Guilermo Castro" on your map, who claims the Land east of such a line?

Answer. I understand that his claim is by Guillermo Castro.

55th Question. Who lives in the house marked on your map "Casa de Guillermo Castro" and who has lived there since you first knew it?

Answer. Don Guillermo Castro lives in it, and has lived there ever since I have resided in that County—

56th Who claims the Land South of the Arroyo del Alto and East of the San Antonio road?

Answer. I understand that it is claimed by Vallejo—

57th Question. Is not the pile of Stones at "B" on which is claimed to be by Vallejo and Castro their dividing line?

Answer— From my recollection of reading Castros Grant I think that would be his Corner also— Whether Castro and Vallejo claim it to be so I do not know.

58th. Question. How far is a line by direction from the pile of Rocks do Castro and Vallejo claim to be Coterminous?

Answer. I understand Castro claims down to within 10 Varas of the foot of the hill, or from the plain.

59th Question. Who placed the Flag Staff, on what you were told was the Rodeo ground, and who told you it was the Rodeo ground?

Answer. Blackwood told me he placed the Flag Staff there, and he told me that it was the Old Rodeo ground— Judge Crane told me before I commenced, the Survey that a flag Staff would be placed on the Rodeo ground. I do not know whether it was placed there by his direction or not—

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60th Question. In running the Northern line of this Land what distance have you in pursuing the San Lorenzo creek from the point "A" to the point where you left it, and why did you leave it at that point?

Answer. "The creek is so near on the Course of the line that I followed it, It is generally Customary to follow a Stream when it Comes so near the general Course of a line and One reason was that I did not wish to run the line Across the Creek, the point Called for the land On the East Side of the San Lorenzo. I left it at the point where I did because that was the last point where a direct line between A & B running towards C would touch Said Creek.

"The Claimants Object to this deposition as being illegal and incompetent testimony—
Because the Survey was made by an interested party at the instance of interested parties without notice to the Claimants and upon insufficient data

J J & Grammont

Subscribed and Sworn to
before me On this 16th
day of November A.D. 1854
Peter Lott Commissioner

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The witness after being Sworn wished to state that the certified Copy of the agreement marked "B P L is correctly translated by him in the paper marked "C P L. but that since he has here Examined the Original on file he finds the word "para" between the words "Varas" and "las lomas" near the end of said Document, recites in the certified Copy "por" which is incorrect and gives a different meaning to the description, and thus renders his (witness') translation differ from said Original document—

Peter Lot Commissioner

Filed in Office Nov. 17. 1854

Geo. Fisher
Secy

Recorded in Rec B Vol 5 p 682

Geo. Fisher Secy

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35-Deposition of H. A. Negley

United States Land Commission
San Francisco Nov. 30. 1854

On this day before Commissioner R. Aug Thompson, came Hon. H. A. Negley a witness on behalf of the Claimants Barbara Soto et al in Case No. 524 who after being duly Sworn deposed as follows.

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Present S. J. Thornton Esq Attorney for Claimants and J. le. McKune Esq. U S Law Agent

In answer to question Witness States his name is H A Negley - his age twenty six years and residence Alameda County California and is now County Surveyor of said County

Question by Claimants Atty.
Are you acquainted with the Rancho called San Lorenzo claimed in this case, and if so state whether or not you have ever made a Survey of the same, and by what authority such Survey was made

Answer. I am acquainted with said Rancho. I made a Survey of the same in the Month of January 1854 by virtue of written instructions from the U. S. Surveyor General for the State of California, the Original of which is now produced by me and herewith filed marked R J No. 1
"The Map of said Rancho now produced by me, and herewith filed marked "R J" No 2 was made under my direction from the field Notes of said Survey. Said Map is a correct delineation of the boundaries of said Rancho, as described in the instructions of the Surveyor General, with the Exception of the South line of the same deviating from the Rancho of Jose de Jesus Vallejo called the Lorenzo of Alameda -

"The Instructions Called for that line to run through a Lodge which I could not find I therefore adopted a line of said Vallejo's as Established by a Survey made about time

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previous under instructions from the Surveyor General — The claimants under this grant protest against said line as run by me, and claim as the line to terminate further South on the beach. The quantity as ascertained by said survey is a portion less than that called for in the Original as shown on said instructions The houses of Castro and Soto as represented near the Eastern line of said survey are correctly laid down on said map as are also the other topographical features of the Country delineated thereon.

The Eastern dividing line between said Rancho and that of Castro was run according to the instructions and in the presence of both parties, who agreed that it was the Correct line.

The said Rancho is North of the 37th degree of North Latitude

Crop Examined by U. S. Law Agent

1 Question by Same. In running the dividing line between this Rancho and that of Francisco Castro, how did you find the starting point?

Answer. By proceeding in Extending the line of the front of William Castro's house until it intersected the Canyon mentioned in the instructions

2d Question by Same. Might not any other point have been as well opinion as that, and if may, Why not

Answer. It might, but no other according of the instructions than the one I have taken could have been intelligible. I should have added to my Answer to the first question of the Law Agent that from the intersection of the line from house of Castro to the Canyon I measured 600 Varas and from this last point I run a line parallel with Castro's house North 36° 4' West to the San Lorenzo River

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3 Question by Same. What courses guided you in running the 600 vara line spoken of in your last answer—

Answer. The following courses contained in the instructions "A line parallel to the side of said house 600 varas westwards the main road, thence from said ditch to the Arroyo of San Lorenzo—

4th. Question by Same. "The ditch of the Sanjon is spoken of as a means of ascertaining the dividing line between this Rancho & Castro's, is there more than one object known as a Sanjon South of Castro's house

Answer. I think not. I understand a Sanjon to be a deep gully or ditch washed out by water—there are small ravines or brooks, but nothing that I would call a Sanjon—

5th Question by Same. Commencing at the point opposite by you on the Sanjon where the 600 vara line terminated in what direction and what distance did you Extend your Survey and what is the Course of the Main road nearest that point?

Answer. I have already given the Course in my answer to question No 2, the length of the line of the San Lorenzo Creek is 144 Chains and its general direction is nearly parallel with with the main road and not quite a half mile from it

6th Question by Same. After Establishing the 600 vara line, did you run to the nearest point of the San Lorenzo creek. if no why not

Answer. I did not. Because such a line would not have been parallel with the side of Castros house

7th Question. by Same. If you had run such a line would it have Comprehended more or less land within the Soto Ranch and how much?

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Answer. It would have comprehended more I cannot say how much more as I never made the measurement. I do not think it would Exceed 1000 acres, and it might not be half that quantity—

8th. Question by Same. In running the Easterly line of the Soto Rancho on the South Side of the San Jose did you measure 10 Varas Westerly from said boundary

Answer. I did not. From the foot of the hills On the Western Side of the hills I measured ten Varas up or Easterly—

9. Question by Same. At what point at or near the Alto Creek did you terminate said line?

Answer at the point marked on the map F S No 1. near the foot of the hills and about 6 Chains North of the Alto Creek

10 Question by Same. State for how far Creek Extends after leaving the hills beyond its limits

Answer. I have never measured it but I suppose about two Miles

11 Question by Same— In running the Southern line from the point last spoken of to the beach did you pass through a Rodeo and if so, why not

Answer. I do not know that I did; I saw no Rodeo ground. I could not find the Rodeo ground either from personal Observation or from the information of the Old inhabitants— I understood from them that there had been Rodeos ground in the neighborhood used by the Mission of San Jose many years ago, but all traces of it had been Obliterated

12th Question by Same. After reaching the Beach you ran along it, to the Mouth of the San Lorenzo Creek, by what authority did you run that line?

Answer, By authority of my instructions from the Surveyor General

13th. Question by Same. Suppose you

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Should continue the line along the beach across the San Lorenzo. What distance would you go before you would reach any hills

Answer. I suppose some twenty five or thirty miles to San Pablo where the hills run down to the Beach from the point where the San Lorenzo enters the Salt Marsh on the bay. I suppose it is I suppose it is about three miles to the first hills in an Easterly direction.

14 Question. After reaching the beach at the termination of the fourth line. Where are the first hills you would run to on the San Lorenzo creek. Point out on the Map the position of those hills

Answer. The nearest hills on the San Lorenzo creek would be where the point marked on said Map with the letter A is pencil

15th. Question. Should you run a line from the termination of the Southern line on the beach back to said hills, would it not satisfy the Calls of the grant, the terms of your instructions, and have the necessity of running a line Northerly along the beach to the San Lorenzo and up the San Lorenzo to the hills, if no Why not?

Answer. It would not. I would not then be following my instructions

16th Question by Same. Would such a line have a surplus not included in said Rancho, which by your survey as made is included, and how much would such surplus Contain

Answer. It would cut off about three thousand acres from the present survey

17th. Question by Same. Look at the Document now shown you Marked W W. and R T No 3 and hereto annexed, and State whether you made the survey thereon Contained, and if you, is it a Correct One according

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to the translations thereto attached

Answer. I made said survey
It is correct as stated in my certificate attached
to said map.

Re-examined by Claimants Counsel

1st Question by Same. Explain the
difference between the last mentioned map and
the One just introduced, and state why you
run the line shown on the former, from the
South West Corner to the hills on the San
Lorenzo, instead of running along the beach
and up the San Lorenzo as delineated in
the latter.

Answer. In the first place there is
a material difference between the translation
I received in my instructions from the Surveyor
General and that given me by Judge Hearne
On which the Survey marked Exhibit No 3
was made - In Judge Hearn's translation
from the point On the beach South Western
Corner he says "Thence to the first ridge of
land which forms the hills" In the instructions
of the Surveyor General it reads "and from
this (point) to the first ridge formed by the
hill range. according to Mr Hearns translation
I understand the line to run direct from the
South West Corner to the hills, whereas by the
instructions of the Surveyor General I understand
the beach as far as the San Lorenzo to be
the Western boundary, and the word "point"
in the translation to refer to that boundary
especially as the ridge was given as the
Eastern boundary, and we thus have the
boundaries on the four sides -
Again, I did not run for Judge Hearne the
adjudicated line between Castro & Soto, which
runs that line as the true Western boundary
of Soto's Rancho and leaves to Castro the land
On the Ridge of the hills, which is Excepted
out of Soto's grant. In reference to the second
or additional grant to Soto, I did not run
it for Judge Hearn as I could not, from the

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manner in which the Survey was made renders land it, but under the instructions of the Surveyor General I understood it as including the land over and above a league square contained within the boundaries and embracing the land among the beach.

Judge Hoppin in his instructions required me to survey all the lands that were to be included in said grant, and afterwards wished me to certify that I had done so, which I refused to do, because I was not in that time sufficient by acquainted with the papers to know whether I had done so or not. The Survey last made marked No 2 was made at the instance of the Claimants in this Case, who selected me to make it and the Surveyor General in accordance with their wishes appointed me for that purpose

H. A. Hegley

Sworn to and subscribed
before me Nov. 30th 1854
R Acey Thompson Com.

Filed in Office Nov. 30. 1854
Geo. Fisher Secy

Recorded in Rec B Vol 5 p 745
Geo. Fisher Secy

Deposition of Guillermo Castro

United States Land Commission
San Francisco Dec. 2. 1854

On this day before Commissioner Felch came Guillermo Castro, a witness on behalf of the Claimants Barbara Solo et al in Case No. 524 who after being duly sworn deposed as follows his Evidence being interpreted by the interpreter of the Board

Questions by Judge Thornton Atty for Claimants

1. Question. Please state your name age and place of residence?

Answer. My name is Guillermo Castro My age forty five years and I reside in Contra Costa California —

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2d Question. Are you acquainted with the Rancho called San Lorenzo claimed by Barbara Castro de Soto and others, the present Claimants

Answer. I know said Rancho It adjoins my own Rancho and that of Jesus Vallejo—

3 Question. Please look at the deposition of J. L. H. Hammond heretofore taken and filed in this Case, and read his answer to the Sixth interrogatory, and State what you know concerning the pile of Rocks which is mentioned in said answer.

Answer. I have looked at said answer in said deposition and I know the pile of Rocks mentioned therein. The rocks were placed there by my father and Jesus Vallejo as a boundary between the land of said Vallejo and the Castro Rancho—I mean the pile of Rocks which is near the head of the Alto Creek. I do not recollect the precise time when they were placed there, but it was about the year 1840.

4 Question. What distance is it where the lines of your Rancho and Vallejo's border On Each other towards the Bay

Answer. About One league

5th. Question. What kind of land lies between your Rancho and the Bay

Answer. The Rancho of Soto before mentioned called San Lorenzo.

6th. Question. How far does Vallejo's line Extend towards the Bay after it leaves your Rancho?

Answer. It Extends to the Bay

7th. Question. What Rancho adjoins Vallejo's along his line from where your land slopes down to the Bay

Answer. The Rancho of Soto

8th. Question. Was you present when when the Soto Rancho was Surveyed by Mr. Higley?

Answer. I was

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9th Question. Did you point out to him the boun
dary between your land and Soto?
Answer. I did.
10. Question. Was that line run by Hegley acc
ording to the agreement between your
father and Soto
This question is objected to and warned
11 Question. State was that line established between
the Rancho and Sotos
Answer. It was run according to an agreement
made between my father and Soto
before the Governor. Hegley run it accor
ding to the agreement above mentioned

Questions by Mr McKeene Same Agent
1 Question. Look at the Exhibit
line as delineated on the map now here produced
to you and marked "R J No 2" and annexed
to the deposition of J A Hegley heretofore filed
in this Case and state what is the difference
if any, between the line above mentioned as
run by Hegley and the line as claimed by
your father before the Settlement of it by
Agreement as above stated
Answer. The line as claimed
by my father was the Camino Real
2. Question. Was or was not the
land (the Rancho) obtained by your
father for your especial benefit?
Answer. My father was my agent
or Attorney to settle the line for me, but not to
obtain the grant
3. Question. Was you present when
Surveyor Hegley made a Survey of the lines of
Mr Crane?
Answer. I do not know of Hegley
making any other Survey than that before mentioned
4 Question. After the Settlement of
that line where did Soto's Cattle pasture,
On your land or on his
Answer, We have always been
good friends, and Sotos Cattle often run on

my land and my cattle on his. We never have any quarreling about it—

5. Question. Was not the best pasture land during the dry season among the hills?

Answer. One is about as good as the other—

6. Question. In what year did Soto build a house on the Rancho? and how long was it after you obtained your grant?

Answer, He built a house on the Rancho in 1841 or 1842 I do not recollect which I dont recollect whether I had received my grant or not when Soto built the house on his

7 Question. Where did Soto reside at and before the time he built the house on the San Lorenzo Rancho?

Answer, In the Pueblo of San Jose

8th. Question. Did he not keep his residence at San Jose before and after he built the house at San Lorenzo?

Answer. He moved from San Jose to the Rancho San Lorenzo with his family before he built the house and lived there under the trees. He lived in that way in a sort of Camp about two or three months before the house was built.

9. Question. Who lived in his house at San Jose during that time, and how much of a family had he with him in his Camp

Answer. His Mother in law remained in his house at San Jose; He took his wife and Children with him to San Lorenzo—

10 Question. Was the house built by Soto before or after the pile of Stones which you have mentioned were placed as a boundary

Answer. I do not recollect.

11 Question. How do you know that those Stones were placed there by your father and Jesus Vallejo?

Answer. Because my father showed them to me, and so did Vallejo, and

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both of them told me that they put them thar—

12. Questions. How do you know what lines embraced the Soto Rancho?

Answer. We are Colinmenses neighbors, and Soto and I have been often aboard the lances and know our respective lines

13. Question. Were those lines ever established by juridical proposion?

Answer. They were not—

14. Question. Did you ever see the title to the Soto Ranch?

Answer. I have seen it and read it

15. Question. In your knowledge of the Extent of that Rancho Founded on what you learned from the title papers

Answer. I know it because I have seen it and the lines were marked according to the agreement made before the Governor a Copy of the agreement is in the Book Copy on file in this Case Marked "Espediente" and is the last instrument in that document Said Document is also marked "A J."

I derive my knowledge from the title, the agreement above mentioned and Soto and myself having personally Consented to this boundary

16. Question. When did Soto die?

Answer. About ten years ago

Guillermo Castro

Subscribed and Sworn to
before me this first day of
December A.D. 1854

Alpheus Fitch Commissioner

Filed in Office Dec 2. 1854
Geo. Fisher Secy

Recorded in Ex B Vol II p 22.

Geo. Fisher Secy

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Deposition of
A. M Pico

300 ND
PAGE 45

United States of America }
State of California } ss

San Francisco June 10. 1854

This day came before P Lott Comr. &c. Antonio M Pico a witness for Claimant in Case No 534 before the U.S. Land Commission in said State who being sworn on oath deposes in Spanish which was interpreted into English by the Interpreter to said Board as follows, to wit: (Barbara Soto et al Claimants) The U S Land Agent is present

Questions by Claimants Attorney

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

Answer. My name is Antonio Maria Pico, my age is forty four years and my residence San Jose

2 Question. Look on the document now shown to you Marked Exhibit A P and annexed to this deposition, and State whether or not you are acquainted with the Signatures thereon and upon the same?

Ans. I have Examined said document. The Signature of Francisco Soto is genuine I have often seen him write. The other Signature is my own genuine Signature. The paper is a genuine document

3 Question. Did you give the genuine possession of the said Rancho of San Lorenzo in accordance with the prayer of said petitioner and at the opportune time, if not Why did you fail to do so

Answer. I did not. Before the opportune time Francisco Soto was taken very sick. He continued sick a long time and finally died of that sickness - About the time of his death or soon after, the Mechelorena revolution Commenced - For these reasons I never gave the genuine possession of the said Rancho

Antonio Ma Pico

Testified and Sworn to before me
On this 10th day of June A.D. 1854

Peter Lott Commissioner

In testimony &c

Filed in Office June 13th. 1854 Geo. Fisher Sec
Recorded in Rec. B Vol 4 p 563

f 24

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1 Sello Cuarto Dos Reales:
Habilitado provisionalmte por la Aduana Maritima del puerto de Monterey en el Departamento de las Californias para los años de mil ocho cientos cuarenta y cuatro y mil ocho cientos cuarenta y cinco.

Espedt^o

Exmo Sor Gobor

(Sello)

Franco Soto vecino del pueblo Sn José ante V. E. con el debido respeto me presento y digo que en el mes de Mayo de 1842 se me concedio provicionalmte por el Exmo Sor Gobor antecesor de V. E. una parte del parage llamado Sn Lorenzo como dos sitios y medio de Ganado Mayor; y en el mismo año en el mes de Octubre habiendo tenido algunas diferencias sobre el terreno con Dn Guillermo Castro nos manifesto V. E. el deseo que tenia de que terminasemos en amistad nuestra cuestion. Hice un sacrificio en ceder una gran parte, con lo que el Sor Castro quedo conforme: en seguida se me estendio el titulo de propiedad quedando reducido à sitio y medio poco mas ò menos y ya en el mismo tiempo de hacer la medicion me pidio (de amigos) cincuenta varas mas de tierra y se las di creyendo por este echo ganar mas su amistad y vivir con el en buena armonia pero no fue asi. Por el Adjunto Oficio del Sor Estudillo juez en aquel tiempo vera V. E. que no obstante lo pasado siempre trata de perjudicarme y se empeña en despojarme de mi propiedad y no pudiendo yo lograr el poseer tranquilo el terreno que se me concedio suplico à V. E. el qe en Obsequio de la justicia se nos haga entender cual es el qe à cada uno corresponda conforme à los respectivos titulos y sugetarnos à el.

Monterey Enro 11, de 1844. Infe el S. Srio del despacho tomando otros si los necesitare.
Micheltna

2

a. V. E.

Por tanto, ruego atienda à mi pedido por lo que recibire merced por V. E.

Monterey Enero 11 de 1844

Francisco Soto

300 ND
PAGE 46

M S & N

300 ND
PAGE 47

pliego separado conteste como representante de su hijo Dn Carlos Castro, sobre el contenido de la presedente representacion.
Monterey 11 de Enero de 1844
Manl Jimeno.

Exmo Sor Gobernador
Lo alegado por Dn Carlos Castro esta provado y pa librar, à mayor abundamiento de mayores
3. contiendas, me parece conveniente que à Don Juan Nepomuceno Soto se le mida un sitio poco mas ò menos que se le ha concedido debiendosele medir desde las playas pa las lomas, pero siempre por la parte del Arroyo del Alto por que estos son los linderos que se le han demarcado y desde estos limites deben seguirlos de Don Guillermo Castro conforme espresa su titulo dado por el Gobno mas V.E. disponga lo que encontrare por mas conviniente.
Monterey 12 de Enero de 1844.
Manl Jimeno.
Monterey Enero 15. de 1844.
No conviniendose esta parte adjuntese el Escrito y Certifn del D. Secretario remitiendose todo al superior tribunal pa q. declare el derecho que cada uno tenga
Michelena
En Monterey à los 16 dias del mes de Enero de 1844. se reunieron en la Secretaria de
4 Gobno Dn Carlos Castro como apoderado de su hijo Dn Guillermo con el fin de arreglar los linderos del terreno que poseen con Dn Juan Soto y combinieron en que los linderos de D. Guillermo Castro seran el Sanjon que mira al costado de su casa por la parte del Sur y desde el mismo Sanjon por donde haga pa
lelo con ella se midieron seis cientas Varas pa el camino principal y hasta donde concluyan se tomara una linea recta pasta llegar al Arroyo de San Lorenzo debiendose reconocer pr limites del otro lado del dho sanjon la Quilla de la Lomeria que esta hacia el plan hasta donde se midan diez vareas por las lomas de Arriba por la parte

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del pomente.

En testimonio de Verdad

Jimeno

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

I John C. Hays 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, by Virtue of the power vested in me by law, Do hereby Certify that the foregoing and hereunto annexed pages of hand paper, numbered from One to four inclusive exhibit a true and accurate copy of a certain document now on file and forming part of the said Archives in this Office.

300 ND
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Seal

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 Thirteenth day of October A.D. 1853.

John C. Hays.
U.S. Surveyor General
for California.

Filed in Office Nov. 2nd 1853.
Geo: Fisher Deputy

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Translation of Espediente

Seal Fourth Two Reals
Provisionally authorized by the Maritime Custom House of the Port of Monterey in the Department of the Californias for the years 1844 & 1845
Mechetorena Pablo de la Guerra

Seal

Take this

1. 300 ND
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Most Excellent Sor Governo

I Francesco Solo a resedente of Pueblo of San Jose, before your Excellency will the due respect present myself & say that; in the Month of May 1842 there was granted to me provisionally by the Most Excellent Sr Governo, your Excellencys predecesor a peice of the place called Sn. Lorenzo Someth thing like two and a half Sqeare leagues; and in the same year in the Month of October, having had some Controversy with Don. Guillermo Castro in relation to the Lands, your Excellency manifested to us the desire that we should Amicably settle our differences. I made a Sacrifice in giving up a great peice with which the Sr Castro remained Satisfied; in the end there was given to me the title in fee being cut down to One and a half Sqeare leagues More or less Officially at the same time of making the measurement he asked me amicably for Fifty Varas More of Land & I gave them to him thinking by this action to gain more his friendship and to live in good harmony with him, but it was not there. By the annexed Official return of the Sor Estadeo (Magistrate of that time) your Excellency will see that Notwithstanding the Past he always manages to injure me and his great desire is to despoil me of my property and being able to enjoy quietly the Lands which you granted me I beseech of your ~~xxx~~ Sma. that to Favor the ends of Justice, you should give us to understand which is the Land that belongs to Each of us agreeably to the respective titles & that we may abide thereby

Wherefor I beg that your Excellency may listen to my prayer hereby and shall be Merciful. I swear &c

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PAGE 50

Monterey Jany 11th 1844
(Signed) Franco Soto

Monterey Jany 11th 1844

Let the Secretary of State make his report, stating the other informations he may need

(Signed) Micheltorena

On a Separate Sheet, as representation of his Son Don Carlos Castro answered the Contents of the preceding representation

Monterey Jany 11th 1844.
(Signed) Manl Jimeno

Most Excellent Sr Governor

That which is alleged by Don Carlos Castro is proved; and Soon to give each party from greater Contentions, it seems proper to me that to Francisco Soto you should measure one One Square league more or less which you have granted to him, measuring out to him from the Beach the hills but always in the direction of the Arroyo "del Alto" because these are the bounderies which have been marked out to him, and from these boundaries they must follow those of Don Guillermo Castro Conformably as shown in his title given by the Government; but your Excellency Shall resolve on these which it may deem Most Convenient.

Monterey Jany 13th 1844
(Signed) Manl Jimeno

In Monterey on the 17th day of the Month of January 1844 there Apembled in the Office of the Secretary of State Dn. Carlos Castro as the Attorney of his Son Dn Guillermo, for the purpose of settling the boundaries ~~and~~ of the Land which they own with Dn Francisco Soto, and they agreed that the boundaries of D. Guillermo Castro Shall be the ditch (Canyon) which goes to the back part of his house by the South, and from the same ditch to the place where it Shall form a parallel with it there Shall be measured Six hundred Varas in the direction of the Main house and as far as the

S 3

place of terminaten there shall be drawn a straight
line so as to reach the Arroyo of San Lorenzo,
they recognizing as boundaries of other sides of
Rancho each the slope of the range of the hills men
tioned before on the plan as far as to where shall
be measured ten Varas in the direction of the high
hills in a Westerly Course

In Testimony whereof
(Signed) Simeno

Filed in Office Nov 2 1853

Geo. Fisher Secy

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55— 1.

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Espediente
de Dª Franc.ª Sto.

299.

300 ND
PAGE 53

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2 Juan B. Alvarado Gobernador Constitucional del Departamento delas Californias.

Por cuanto el Ciudadano Francisco Soto ha pretendido para su beneficio personal y el de su familia un sitio de Ganado Mayor en el terreno llamado San Lorenzo cuyos limites son desde el Arroyo de este nombre hta el nombrado el Alto, perteneciá de Dn. José de Jesus Vallejo y de este Arroyo tirando una linea recta para pasar por el Rodeo hasta la playa y de este punto à la primera cuchilla que forma la Lomeria esceptuando el numero de Varas que tiene concedidos en dho terreno Dn. Guillermo Washo lo que se agregara al tiempo de la posesion practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y Reglamentos usando de las facultades que me son conferidas à nombre de la Nacion Mejicana he venido en concederle el terreno mencionado declarandole la propiedad de él por las presentes letras y por la aprobacion de que ha obtenido de la Coma Junta Departamental sujetandose à las condiciones siguientes

1ª podrá cercarlo sin perjudicar las haveras caminos y servidumbres lo disfrutara libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode. pero dentro de un año fabricara casa y estara habitada.

2ª Solicitara del Juez respectivo que le de posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en sus limites pondrá à mas de las mojoneras algunos arboles frutales ó silvestres de alguna utilidad.

3ª El terreno de que se hace donacion. de un sitio de ganado mayor por ser menos. El juez que diere la posesion lo hara medir conforme à Ordenanza que dando el sobrante ó resulte à la Nacion para los usos que mas le convengan.

4ª Si contravinere à estas condiciones

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perderá su derecho al terreno y será denunciable por otro.

En consecuencia

4 mando que teniendose por firme y valedero este titulo se tome razon de el en el libro à que corresponde y se entregue al interesado para su resguardo y demas fines.

300 ND
PAGE 54

Dado en Monterey 10. de Obre de 1842

5. Un sitio de ganado Mayor en el terreno llamado Sn. Lorenzo cuyos limites son desde el Arroyo de este nombre hasta nombrado del Alto perteneciente de Dn. Ignacio Vallejo y de este Arroyo tirando una linea a pasar p. el Rodeo hasta la playa exeptuando el numero de Varas que tiene concedido en dicho terreno Dn. Guillermo Castro lo que se arreglara al tiempo de la posecion.

6. Franco. Soto llebo la su Cespdte. p. ponga en los informes.

Office of Surveyor General of the United States for California

I, John C. Hays 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 by Virtue of the power vested in me by law Do hereby Certify that the Six preceeding and hereunto annexed pages of tracing paper numbered from One to Six inclusive exhibits a true and accurate copy of a certain document now on file and forming part of the said Archives in this Office

(Seal) 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

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this thirteenth day of October A. D. 1853

John C. Hays

U. S. Surveyor General

for California

300 ND

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Filed in Office Nov: 2nd 1853

Geo: Fisher Deny

Translation of Espediente

take

300 ND
PAGE 56

Espediente (Recue of proceedings) of Francesco Soto

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Juan B Alvarado Constitutional Governor of the Departmente of the Californias

Whereas the Citizen Francisco Soto has solicited for his personal benefit and that of his family One Sitio de Ganado Mayor (un Sitio de ganado Mayor) in the place of land called San Lorenzo, the boundaries of which are from the Creek (Arroyo) of that name, as far as that named "El Alto" the property of Dn Jose de Jesus Vallejo and from this Creek traveling a straight line so as to pass by the "Rodeo" as far as the Beach and from this point to the Fuse ("Cachella") in a collateral piece of Land, formed by the range of hills, excepting the number of Varas, which Dn Guillermo Castro Owns as granted to him in advance of land, that which will be made Conformable to Law at the time of the possession; the proper steps and investigations On the Solicitor Matter being previously had, as required by Law & Regulations, using the powers Conferred upon me in the name of the Mexican Nation I have determined to grant to him the mentioned land declaring unto him the ownership thereof by these presents, and by the approbation which he has obtained from the Most Excellent Junta Departmental, he subjecting himself to the following Conditions—

1st He may enclose it, provided he does not interfere with the crop roads houses and Servitudes; he shall enjoy it freely & exclusively, destining it to the use or Cultivation which may best suit him, but within One year he shall build a house and it shall be inhabited

2d He shall solicit of the respective Mayor here to give him possession possession by virtue of this patent by whom shall be marked out the boundaries, in which Land marks, he shall be placed besides some fruit trees or forest trees

300 ND
PAGE 57

of some utility

3rd The Land of which donation is made is One Square league (un Sitio de ganado Mayor) more or less The Magistrate giving the possession shall cause it to be measured in Conformity to the Ordinance leaving the Surplus (Sobrante) that may result therefrom to remain to the Nation for its most Convenient uses

4th If he contravenes to these Conditions, he shall lose his right to the Land & it may be denounce able by another —

4. Wherefore I order that this title being held firm & valid, Entry be made of it in the Corresponding book & that it be delivered to the interested party for his Security & other purposes Given in Monterey 10th of October 1842

One Square league (un Sitio de ganado Mayor) in the tract of Land called San Lorenzo the boundaries of which are from the creek of that name as far as that named "del Alto" the property of Dn Jesus Vallejo and from this creek drawing a line passing by the Rodeo as far as the Beach, leaving out the number of varas, which Dn Guillermo Castro owns as granted in said tract of Land, that which will be made conformable to Law, at the time of the possession —

Franco. Soto Sent his "Expediente" so that it would undergo the investigations

Filed in Office Nov. 2nd 1853

Geo. Fisher Secy

524.

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1.

300 ND
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Expediente

Promovido por el Ciudadano Guillermo Castro en Solicitud del parage conocido con el nombre de

San Lorenzo.

Nº 309.

300 ND
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2. Sello Cuento Dos Reales:
Habilitado provisionalmt. por la Adriana Maritima del puerto de Monterey en el Departamento de las Californias, para el año de mil ochocientos cuarenta y tres.
Michel Torena Manuel Castañares

Sello 1º

Sello 8º

Exmo Sor.
Carlos Castro Mejicano por nacimiento y vecino del pueblo de Dom Josè ante la notaria protificacion de V.E. com parece y dice; Que hallandose en pacifica posecion del paraje nom brado "Dom Lorenzo" cuyo dicseño acom paño desde el año de 1839 en qe. el ante cesor de V.E. en el Gobno politico del Departamento se sirvio espedir un decreto para qe. en dho paraje interim se corrian los tramites necesarias para concederle el titulo correspondiente y habiendo en consecuencia del mencionado decreto ocupado, gastos precisos para la plan tacion de algnos Raices indispensables co mo Casa cortales &c. y transcurrido ya cerca de tres años en tranquila ocupacion del repetido lugar, creè fundadamte. qe. el Co= pediente informativo mandado practicar debera estar concluido en su favor. Por tan to. a. V.E. rendidamte. suplico se sirva conocer en el asunto y mandar si fuese de justicia se le espida el titulo de Estilo
Monterey Octbre 13 de 1843.
Inf. el S. Dño del Despacho
Michelta.

Monterey Octbre 10 de 1843.
Carlos Castro
Exmo Sor Gobernador
Hace cinco ò seis años que D. Guillermo Castro tiene ocupado con sus brenes, el terreno que pretende y como à otros particulares se les ha concedido porciones de tierras en el mismo paraje, parece que no hay inconviniente para declararle la propiedad de la Estencion que pide segun el Espediente que existe en la Dia pero con la condicion de sugetarse

524 4

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à los linderos que se le den en quien en el
titulo para mas intelijencia de sus co=
lindantes, no obstante la determinacion
de V. E. sera la mas acertada.
Monterey Octubre 20. de 1843.
Mem.l Limeno

4 Monterey Oct.e 24 de 1843.
300 ND
PAGE 60
Como informa el S.r Juez del despacho
de este Gobierno aprejado la condicion
de no embarasar los ejidos del pueblo
de San Josè cuando se dijnasen ni im
pedir à los jenados de las Misiones si
no pastaren ò abrevaren.
Michelta.
Monterey 25 de Octubre de 1843
Vista la peticion con que da principio este
espediente, los informes que preceden con
todo lo demas que se tubo presente y de ver
como no de conformidad con las leyes y re=
glamentos de la Materia declaro à D.
Guillermo Castro dueño en propiedad del
paraje nombrado San Lorenzo, colindante
con el Rancho de Dn Amado con el de San
Ramon con el del Sr Moraga, con el de
las peraltas, con el del Dn Estachillo, con
5 el del Dn Vallejo, y con el de Dr. Francco
Soto por la parte del camino principal
desde el Arroyo del Alto, hasta el de San
Lorenzo, por haberse considerado agre=
gado el mencionado Soto por la parte de la
playa. Librese el correspondte despacho
tomese Razon en el libro respectivo y dirijase
este Espediente à la C. Junta. El C. S. Go=
bernador asi lo mando, decretó y firmo.

C. Herrera
Map

300 ND
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y Manuel Michel Torena General de Brigada del Ejercito Mejicano Ayudante Gral de la plena Mayor y Comandante Gral y Gobernador del Departamento de las Californias.

Por cuanto Dn Guillermo Castro ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de San Lorenzo, colindante con el Rancho del Dr Amador, con el de Dn Ramon con el del Dn Moraga con el de los Peraltas con el del Dr Estudillo con el del Dn Vallejo y con el de Dn Temeo. Soto por la parte del camino principal desde el Arroyo del Alto hasta el de Dn Lorenzo por haberse concluido agraciado el mencionado Soto por la parte de la playa practicadas previamte las diligencias y averiguaciones consecuentes segun lo
8 dispuesto por leyes y reglamentos de la materia usando de las facultades que me son conferidas à nombre de la Nacion Mejicana he venido en conceder el terreno mencionado declarandole la propiedad de el por la presentes letras quedandose à la aprobacion de la Excma Junta Departamental y bajo las condiciones siguientes.

1a Podra cercarlo sin perjudicar las terrenales caminos y servidumbres y sin embarazar las aguadas del pueblo de San José cuando se le asignare su impidiera el que pacen los ganados de la mision lo disfrutara libre y exclusivamente destinandolo al uso ò cultivo que mas le acomode pero dentro de un.

2a Solicitara del juez respectivo que le dè posesion practica en virtud de este despacho. pr el cual se demarcaran los linderos en sus limites poniendo à mas de las mojoneras algunos arboles frutales ò silvestres de alguna utilidad.

9 3a El terreno de que se hace donacion es de seis sitios de ganado mayor à mas de las seis cuentas varas de terreno que tiene en

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=cedido por titulo anterior. El juez que diere la posesion lo hara medir conforme á Ordenanza quedando el sobrante que resulte á la Nacion para los usos comunientes.
4ª El contravinniere á estas condiciones perderá su derecho al terreno y será denunciable por otro.

300 ND
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En consecuencia mando que teniendose pr. prove y Valedero este Titulo se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas. Dado en Monterey á 25 de Obre. de 1843.

omit

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

I John C. Hays. 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 by Virtue of the power vested in me by law, Do hereby Certify that the nine preceding and hereunto annexed pages of tracing paper numbered from One to Nine inclusive, exhibit a true and Accurate Copy of a certain document now on file and forming part of the said Archives in this Office

(Seal)

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 Nineteenth day of December A. D. 1854

John C. Hays
U. S. Surveyor General
for California

Filed in Office Dec: 19. 1854

Geo: Fisher Deery

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67

Translation of Especuence. Certified Copy

Record of Proceedings instituted by Citizen Guillermo Castro in solicitation of the place known by the name of "San Lorenzo"
No. 309

take
300 ND
PAGE 63

Seal Fourth Two Reales
Provisionally authorized by the Administration of the Port of Monterey, in the Department of the Californias for the year One thousand Eight hundred and Forty three—
Mechelorena Manl. Castanares

Seal

Most Excellent Sir

Carlos Castro a

Seal

Mexican by birth and resident at the Pueblo of San Jose appears before the well known recletude of Your Excellency and States: That being in the peaceable possession of the place named San Lorenzo" a Sketch of which he accompanies herewith, ever since the year 1839 in which Your Excellency's predecessor was pleased to issue a decree that he should occupy the same place meanwhile the necessary investigations should be had in order to the granting to him the Corresponding title; and that, having, in consequence of the aforesaid decree, gone to the necessary Expense of founding some indispensable real property, such as a house Corrals &c. and passed nearly three years in the peaceful occupation of the aforesaid place he believes to be a sufficient reason that the Expedients upon which reports and investigations were ordered to be had, should be Concluded in his favor—

Monterey Dec. 13. 1843. Let the Secretary of State report (Signed) Michelt

Wherefore he humbly prays you to be pleased to determine upon the subject and Order if it should be just that the title issue to him according to Law

Monterey October 10th 1843

(Signed) Carlos Castro

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300 ND
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Sen.a Governo

Don Guillermo Castro has occupied the Land which he petitions for with his property for the lease Six years past and in as much as portions of Land have been granted to other individuals on the Same place, there appears to be no inconvenience to the declaring to him the ownership of guaranty he solicites according to the Expediente which is in the Office of the Secretary, but with the Condition that he Confine himself to the boundaries which may be assigned to him in the title for the better understanding of his Colindancias, Nevertheless, the determination of your Excellency will be the lease.

Monterey Octobre 20. 1843

(Signed) Manl Jimeno

Monterey Octobre 24. 1843

In Conformity with the report of the Secretary of State of this Government (See the letter i pase) believing the Condition of not Obstructing the commons of the Pueblo of San Jose when they Shall be designated, Nor preventing the heirs of the Mission from pasturing or feeding about there.

(Signed) Micheltorena

Monterey Octobre 25. 1843

In view of the petition at the head of this Espediente, the foregoing reports and Everything Else which was Considered and necessary to be Examined, in Conformity with the laws and regulations upon the Subject, I declare Don Guillermo Castro to be the Owner in property of the place named San Lorenzo bounded by the Rancho of Senn Amador, by that Called "San Ramon" by that of Senn Moraga by that of the Perraltas, that of Senn Estenilles that of Senn Vallejo and by that of Don Francisco Solo on the Side next to the Main road from the Arroyo del Alto to that of San Lorenzo the Side Solo having been Considered the part of the part next the Beach. Let the Corresponding

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title issue and entry be made thereof in the proper Book, and let this Espediente be directed to the Most Excellent Junta. The Most Excellent Governor thus Ordered decreed and signed it

Monsr. Mechelorena Brigadier General of the Mexican Army, Adjutant Genl of the Staff Commandant General and Governor of the Department of the Californias.

Whereas Dn Guillermo Castro for his personal benefit and that of his family has petitioned for the Land known by the name of "San Lorenzo" bounded by the Ranchos of Señores Amador, Moraga, Peraltas, Estudillo and Vallejo the Rancho called San Ramon and that of Dn. Francisco Soto on the side near the main Road from the Arroyo del Alto to that of San Lorenzo, the said Soto having been considered the grantee of the part near the Beach; the proceedings and enquiries relative thereto having been previously had according to the Laws and regulations upon the subject, in the Exercise of the powers with which I am invested in the name of the Mexican Nation, I have considered hereby to grant unto him the Ownership of the land of his said being subject to the approval of the Most Excellent Departmental Junta and the following Conditions

1st He may enclose it without prejudice to the crops, roads and Servitudes, and without obstructing the Commons of the Pueblo of San Jose when they shall be designated, nor prevent the heads of the Mission from feeding therein He shall enjoy it freely and exclusively, appropriating it to such use or cultivation as he may see fit

2d He shall request the proper Judge to give him Judicial possession in virtue of this Desp atch, in accordance with which the boundaries

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300 ND
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shall be marked out, in the limits of which besides the land marks he shall plant some fruit or forest trees of some utility —

3d The Land which is hereby granted contains Six Square leagues (Sitios de ganado mayor) besides the Six hundred Varas which have been granted to him by a former title. The Judge who shall give the possession will have it measured according to Law, the Surplus which may result remaining to the Nation for the proper uses thereof —

4th If he Contravene these Conditions he shall forfeit his right to the land, and will be denounceable by another —

Therefore, this title being hereby given him and valid, I order that an Entry be made of it in the proper Book and that this be delivered to the party interested for his Security and other purposes

Given at Monterey Dec 28th 1843

A true & Correct translation of its Original in Spanish Copy.

San Francisco Dec. 21. 1854

Attest Geo. Fisher
Secy

Filed in Office Dec. 21. 1854

Geo. Fisher Secy

1924

71 1

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omit

Espediente

Promovido por el Ciudadano

José Joaquin Estadillo

En pretencion de Terreno Conocido con

el Nombre de "San Leandro.

No. 300

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2. Sello tercero Dos Reales.
Habilitado provisionalmte. por la Aduana-
Maritima del puerto de Monterey, en el Depar-
tamento de las Californias, para los años de
mil ocho cientos cuarenta y mil ocho cientos cu-
renta y uno.
Alvarado Antonio Mª Osio
Rehabilitado por la misma por el año
de mil ocho cientos cuarenta y dos
Alvarado Antonio Maria Osio

Espedte.

Exmo Sor.

El C. Josè Joaqn. Estudillo Mexicano por
nacimiento ante la justificacion de V. E.
se presenta p.r medio de este diciendo: q.e p.r
proporcionarse la subsistencia y poder man-
tener una crecida familia, cual es una
Esposa y diez hijos, despues de 14 a 24 meses
y dias de haver servido en la Carrera Mili-
tar, solicito en ptta 8 de Enero de 1823 de
Terreno conocido con el Nombre de Anoyo
de Don Leandro al de D. Lorenzo cuatro si-
tios de Ganado mayor de P.a Q. y haviendo
logrado de V. E. q.e me dive con mano larga
y protectora à los havitantes de este suelo
me estableciese y dijuiese trabajando
3 en interim se concluyan los tramites de ley
asi lo he verificado C.l.d.: en el espacio so-
mpo de 5 años. 5. meses y dias y haviendo
padecido estravio mi Espediente en Ca
Secretaria de Govierno hago nueva solici-
tud acompañando el mte. el adjunto
Diseño del mencionado terreno para q.e
en su Vista dhe lo q.e fuere de su agrado
con lo que quedare muy satisfecho de su
resolucion. P.r T. A. V. E. suplico que en us.
de sus bondades vea propicia mi solicitud
en lo q.e recibiè la gracia q.e pido, y espe-
rando à V. E. mi eterna gratitud
Monterey Junio 28 de 1824.
Josè Joaq.n Estudillo
4 Monterey Sello tercero Dos Reales:
Habilitado provisionalmte. por la Aduana
maritima del puerto de Monterey, en el

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Departamento de las Californias para
los años de mil Ochocientos cuarenta y
mil ochocientos cuarenta y uno
Alvarado Antonio María Osio
Rehabilitado por la misma, para
el año de mil ochocientos cuarenta
y dos.
Alvarado # Antonio Mª Osio)
16 de Octubre de 1842.

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Expediente continuado

Vista la peticion con que da principio
este Espediente los informes que se tubieron
por conveniente tomar en todo lo demas
que se tubo presente y ver con bien de con
formidad con las leyes y reglamentos de
la materia, declaro á Dn Joaq.n Estra
-dillo dueño en propiedad de una parte
del Terreno conocido en el nombre de San
Leandro colindante por la parte del Norte
con el Arroyo de San Leandro, al Este con
los derramaderos de los Ojos de agua de las
tierras que ocupan los indios q.e actualm.te
estan establecidos desde este punto toman
do una linea recta p.r la parte del Sur has
ta llegar al Arroyo de San Lorenzo com
prendiendo las tierras que cultivan los
Indios indicados, y al poniente con el
Mar. Libresse el correspondte Despacho
tomese razon en el Libro respectivo y dirijase
este Espediente á la Oficina Juntas De
-partamental para su aprovacion. Excmo
Sr Gobor: asi lo mando decretó y firmo.
Juan B. Alvarado Gobernador Constitu
cional del Departamento de las Califor
nias.

Por Cuanto el Ciudadano
Joaquin Estradillo ha pretendido para su
beneficio personal y el de su familia una
parte del Terreno conocido con el nombre
de San Leandro siendo los linderos por
la parte del Norte con el Arroyo de San
Leandro, al Este con los derramaderos de
los Ojos de agua de las tierras que ocupen
los Indios que actualmente estan es=
tableciclos, desde este punto, tomando

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ma linea recta pr: la parte del Rio has
ta llegar al Arroyo de Sr. Lorenzo sin com
prehender las tierras que cultivan los In
dios Indicados y al poniente con el Man
zanal dadas plevimente las diligencias
y averiguaciones consavientes segun lo
dispuesto por leyes y reglamentos de la ma
teria usando de las facultades que me
son conferidas à nombre de la Nacion
Mejicana he venido en conceder le el ter
reno mencionado declarandole la propie
dad de el por las presentes letras y pr: la
aprovacion de la Secretaria Departa
mental sujetandose à las condiciones
siguientes.

1ª Podra cercarlo sin perjudicar las ca
rreteras, caminos y servidumbres lo dis pu
tara libre y exclusivamente destinandolo
al uso ó cultivo que mas le acomode pero
dentro de un año fabricara casa y estara
habitada.

2ª Solicitara del juez respectivo que le
de posesion practica en virtud de este
despacho pr el cual se demarcaran los
linderos en cuyos limites pondra à mas de
las mojoneras algunos arboles frutales
ó silvestres de alguna utilidad.

3ª El terreno de que se hace donacion
es de un sitio de ganado mayor poco mas
ó menos segun explica el diseño que corre
agregado en el Espedte respectivo. El juez
que la posesion lo hara medir conforme
à Ordenanza quedando el sobrante de
à la Nacion para los usos que mas le
convengan.

4ª Si contraviniere à estas condiciones
perderà su derecho al terreno y sera de=
nunciable por otra.

En consecuencia mando que teniendose
por firme y valedero este titulo se
tome razon de el en el Libro respectivo y
se entregue al interesado para su resguar
do y demas fines.

Dado en Monterey diez y seis de Octubre

75 de mil ochocientos cuarenta y dos.

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524-5 9. Here follows Map

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

I, John C. Hays, 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 of Department of Upper California, by virtue of the power vested in me by law do hereby certify, that the nine preceding and hereunto annexed pages of hand paper numbered from One to Nine inclusive, exhibit a true and accurate copy of a certain document now on file and forming part of the said Archives in this Office.

Seal

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

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this Nineteenth day of December A. D. 1854.

John C. Hays

U. S. Surveyor General
for California

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Filed in Office Dec. 19th 1854

Geo. Wm. Fisher Secy

Translation of Expediente certified copy

take
300 ND
PAGE 73

Record of Proceedings instituted by Citizen Jose Joaquin Estudillo in Solicitude of the Grace of Land known by the name of "San Leandro"

No. 300

Seal Third Two Reales
Provisionally authorized by the Maritime Custom House of the Port of Monterey in the Departement of the Californias, for the years One thousand Eight hundred and forty and One thousand Eight hundred and forty One

(Signed) Alvarado (Signed) Antonio Maria Osio

L S Revalidated by the same for the year One thousand Eight hundred and forty two—

(Signed) Alvarado (Signed) Antonio Maria Osio

Most Excellent Sir;

Citizen Jose Joaquin Estudillo a Mexican by birth appears before the superior Government of your Excellency, hereby stating; That in Order to procure himself a subsistence and enable himself to support a large family, composed of his wife and ten Children, having served in the army 17 Years 4 months and 7 days, On the 8th of January he solicited the Grace of land known by the name of "Arroyo de San Leandro" to the West of San Lorenzo Containing four Square leagues (Sitios de ganado Mayor) from West to East—and having Obtained from your Excellency, who extends the influences of the Laws & generosities and protecting patronage, permission to settle himself and Continue his labors meanwhile the legal proceedings should be Concluded, he has accordingly so done Your Excellency for the long term of 5 Years 5 Months and some days, and his Expediente having been Mislaid in the Office of the Secretary of State he now renews his petition duly accompanying the annexed Sketch of the aforesaid Grace of Land in Order that in View thereof you may determine Whatever you may deem proper, and

he will be entirely Conform with your resolution
Therefore he prays your
Excellency to consider favorably his petition in
the Exercise your goodness, whereby he will
receive the favor which he asks and Expects
rendering unto your Excellency his Eternal
gratitude —

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Monterey June 28. 1842
(Signed) Jose Joaquin Estudillo

Seal Three Two Reales
Provisionally authorized by the Mexican Custom
House of the Port of Monterey in the Department
of the Californias for the years One thousand
Eight hundred Eight hundred and forty and one
thousand Eight hundred and forty One
(Signed) Alvarado Signed. Antonio Ma Osio

L S Revaled aleo for the year 1842
(Signed) Alvarado (Signed) Antonio Maria Osio

Monterey October 16th 1842.
In view of the petition at the head of this
Espediente, the reports which were considered
Necessary to be had with every thing else that
was done and necessary to be done in Conformity with the Laws and regulations upon the
Matter — I declare Don Joaquin Estudillo owner
in property of a piece of land known
by the name of "San Leandro" bounded on the
North by the Arroyo de San Leandro, On the
East by the peace Where the waters from the
Springs On the lands occupied by the Indians
who are at present settled there, West them
Selves derramaderos, thence On the South side
by a direct line to the arroyo de San Lorenzo
without including the lands which the aforesaid
Indians cultivate and On the West by the Bay
(Mar) Let the Corresponding title be issued
entry Made in the proper Book and this
Espediente be directed to the most Excellent
Departmental Junta for its approval —

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The Most Excellent Sena Governor thus ordered decreed and Signed it—

Juan B Alvarado Constitutional Governor of the Department of the Californias,

Whereas Citizen Joaquin Estudillo for his personal benefit and that of his family has petitioned for a part of the tract of Land known by the name of "San Leandro" the boundaries thereof being on North the Arroyo de San Leandro on the East the places where the waters from the Springs on the Lands occupied by the Indians, who are at present settled there upon themselves, (Temescaleros) on the South, thence by a straight line to Arroyo de San Lorenzo, with out including the Lands which the aforesaid Indians cultivate, and on the West the Bay (Mar) The proceedings and investigations concerning the same having been previously had according to the laws and regulations upon the subject, in the Exercise of the powers in me with which I am invested, in the name of the Mexican Nation— I have conducted to grant to him the tract of Land aforesaid hereby declaring unto him the Ownership thereof, and having obtained the approval of the most Excellent Departmental Junta assisted to the following conditions

1st He may Enclose it without prejudice to the Crops, Roads and Servitudes— he shall Enjoy it freely and Exclusively appropriating it to the sole use or cultivation as he may deem proper but within One year he shall build a house and shall be inhabited

3d He shall request the proper Judge to give him possession thereof by virtue of this Despatch in Conformity with which the boundaries shall be designated at the times of which he shall put some fixed marks

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lines of some Utility—

3d. The which is hereby granted Containing One Square League (Sitio de ganado Mayor) a little More or less as Expressed by the Sketch which forms a part of the respective Expediente—The Judge who Shall give the possession will Cause it to be measured according to Law the Surplus remaining to the Nation for the most Convenient purposes thereof

4th. If he Contravene these Conditions he Shall forfeit his right to the Land and it will be denounceable by another—

Wherefore this title being hereby so formed and valid I order that an Entry be made thereof in the respective book and that this be delivered to the interested party for his Security and other purposes

Given at Monterey this Sixteenth day of October One thousand Eight hundred and forty two—

(On the margin of the Sketch)

Sketch of the place known by the name of San Leandro made by Order of the Prefect

The place Embraces the two plains and only the hills which divides them

I Geo. Fisher Secretary to the U. S. Land Commission &c. &c. hereby certify the foregoing to be a true and Correct translation of a Spanish Document in Case No. 524—
Barbara Soto et al vs the United States for the place called "San Leandro" now On file in this Office
In testimony my hand this 21st day of Dec. A.D. 1854

Geo. Fisher Secy

Filed in Office Dec. 19. 1854
Geo. Fisher

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1. Jurisdiccion del pueblo de San Jose de Alvarado. año de 1841.

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Espediente

Promovido por el Ciudadano Guillermo Costo en Solisitud de Seiscientas Varas de Terreno en el paraje de San Lorenzo

1841.

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2. Sello tercero Dos Reales:
Habilitado por la Administracion de la Aduana Maritima del puerto de Monterey de la Alta California, para los años de mil ocho cientos treinta y seis y mil ocho cientos treinta y siete
Gutierrez

Angel Ramirez

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Sello

Valga para los años de 1839 y 1840
Alvarado. Antonio Ma. Osio

Exmo. Señor.

Monterey Agto. 10. de 1840. Informe el mayordomo de Sn. José si en la concesion de las seis cientas varas de terreno que se pretender resultara al. gun perjuicio positivo al establecimto. de su cargo.
Alvarado.

Espedto.

Carlos Castro, à nombre de su hijo Guillermo, mexicano por nacimiento, ante V. E. como mas haya lugar en derecho y el respeto debido, digo: que siendo bastante limitado el terreno que posee mi hijo en el parage nombrado S. Leandro, donde se han establecido dos mil cabezas de Ganado Mayor; y deseoso de hubicar fincas para vivir con huerta y un pequeño corral para Caballada, libre del perjuicio que pudiera ocasionar la inmidiacion del Ganado, he de merecer de V. E. se digne conceder à mi representado seis cientas varas en cuadro desde el Arroyo de S. Lorenzo, que es el lindero con el Establi=
3. miento de S. José, hacia el S. O. tierras q. pertenecian al mismo incluso un aguage situado al E. protestando como desde ahora protesto à nombre de mi hijo, no perjudicar absolutamente Indigenas ni bienes de dicho Establecimiento. Por tanto. A. V. E. suplico se digne proveer como llevo pedido de que recibiré la mor. gracia: juro lo necesario &c.

Carlos Castro

El interesado puede poseer las seis cientas Vs. en cuadro que solicita pa. hubicar finca y corral pa. Caballada pues no perjudica à los linderos pertenecientes à este

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Establicimiento, siendo con legalidad la peticion.

S^n. José Ag^to. 14. de 1840.

José M^a. Amador

4 Mon | Sello tercero Dos Reales.
Habilitado por la Administracion de la aduana Maritima del puerto de Monterey de la Alta California para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete.

Gutierrez Angel Ramirez

Valga para los años de 1839. y 1840

(Sello) Alvarado Antonio M^a. Osio

Monterey Febrero 23 de 1841.

Vista la peticion con que da principio este Espedi^te. el informe del encargado del establecim^to. de San José con todo lo demas q^e. se tubo presente y ver conviene de conformidad con las leyes y reglamentos de la materia, declaro à D^n. Guillermo Castro dueño en propiedad del numero de seiscientas varas en cuadros de terreno con inclusion de un Aguage que esta al Este en el parage de San Lorenzo para el objeto de hacer Casa, Labora, Huerta y un Corral para caballada bajo la condicion de no perjudicar à los Indigenas ni à los Bienes del Establecim^to. de San José. El Sor D^n. Juan B. Alvarado Gobr^n. Constitucional del Departamento de las Californias asi lo mandò decretò y firmo de que doy fee.

Alvarado

Office of the Surveyor General of the United States for California

I, John C. Hays, 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, by Virtue of the power vested in me by law, Do hereby Certify that the four preceeding and hereunto annexed pages of tracing paper numbered from One to four

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inclusive, exhibit a true and accurate Copy of a certain document now on file and forming part of the said Archives in this Office

(Seal) 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 nineteenth day of December A. D. 1854.

John C. Hays.

U. S. Surveyor General
for California

Filed in Office Dec: 20th 1854

Geo: Fisher Deputy.

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Translation of Espediente

tabe

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Jurisdiction of the Pueblo
San Jose de Alvarado } Year 1841

Record of Proceedings instituted by citizen Guillermo Castro in Solicitude of six hundred Varas of Land On the Site of "San Lorenzo"

(1841) (223)

Seal Three Two Reales

Authorized by the Administration of the Maritime Custom House of the Port of Monterey in Upper California for the years One thousand Eight hundred and thirty Six & One thousand Eight hundred and thirty Seven (Signed) Gutierrez (Signed) Angel Ramirez

R S C Revalidated for the years 1839 and 1840

(Signed) Alvarado (Signed) Antonio Mu Osio

Most Excellent Sir

Carlos Castro in the name of his Son Guillermo, a Mexican by birth, appears before your Excellency in the best Form of Law and with due respects States; That the Place of Land which his Son proposes in the place named "San Lorenzo" upon which two thousand head of Cattle have been pastured being Entirely too Small and desiring to build a house in which to live as also to plant a Small Vineyard and build a Small Corral for his horses, free from the Inconveniences which the Nearness of the Cattle might occasion he hopes your Excellency may be pleased to grant to his aforesaid Son Six hundred Varas Square from the Arroyo de San Lorenzo, which is the boundary of the Establishment of San Jose towards the South West, Lances which belong to the Same Inhabitancy a Spring (Aguage) Situated to the East protesting as from the present time, in the name of his Son he does protest not to destine One of the

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Indeans on the property of said Establishment
Wherefore he prays your Excellency to Condescend to determine as he has asked whereby he will receive the greatest favor
He makes the necessary Oath &c
(Signed) Carlos Castro

The interested party Can occupy the Sex hundred Varas Square which he Solicites to build a house upon and Corral for his horses, since the Commencement of this Establishment will not be injured thereby the petition being in due Form of Law.
San Jose August 14. 1840
(Signed) Jose Ma. Amador

Sello Tercero Dos Reales
Authorized by the Administration of the Mexican Custom House of the Port of Monterey for the years 1836 and 1837
(Signed) Gutierrez (Signed) Angel Ramirez
Valid for the years 1839 & 1840
(Signed) Alvarado (Signed) Antonio Ma Osio

Monterey Feb 23. 1841
In view of the petition at the head of this Espediente, the Report of the Mayordomo of the Establishment of San Jose with Every thing Else that was necessary, and necessary to be Examined in Conformity with the Laws and regulations upon the Matter I decree Don Guillermo Castro to be Owner in property of the quantity of Six hundred Varas Square of land including the Spring (Agua) which is to the East on the place called "San Lorenzo" for the purpose of Making a house fields Orchard and a Corral for his horses, under the Condition that he shall not destroy the Indians nor the property of the Establishment of San Jose Given Don Juan B Alvarado Constitutional Governor of the

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Department of the Interior, thus ordered decreed and signed &c.

I Alcee (Signed) Arbenaeo

A true and correct translation of its Original in Spanish Copy On file in this Office in Case 534— Barbara Soto et al vs The U. States—

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Witness my hand at Office S. Fee this 20th Dec. 1854

Geo. Fisher Secy

Filed in Office Dec. 20. 1854

Geo. Fisher
Secy

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Sello Quinto Un Real
Habilitado provisionalmt. por la Aduana Maritima del puerto de Monterey, en el De=partamento de las Californias, para el año de mil Ocho cientos cuarenta y tres.
Micheltorena # Manuel Castañares

Exhibit A.P. annexed to the Depo: of Antonio Maria Pico.

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Sello

Sor. Alcalde Constitucl.

Franco. Soto Vecino de este de su mom=do ante V. como mas haya lugar en derecho comparesco y digo: q. hace el termino de un año y meses à q. el Exmo: Sor Gobernador del Departamento se sirvio agraciar me con el titulo del terreno de San Lorenzo en el cual se ordena à los jueses q. den la devida posesion pa. mi mayor seguridad. Yo conociendo q. V. puede verificas con alguna exactitud le suplico se sirva darme posesion juridica arre glado à las leyes haciendome responsable à los Costos que se originaren sobre el Objeto indicado: Por tanto. A. V. suplico se digne asseder à fabor del intere sado de lo q. recebiè gracia jurando no ser de malicia y lo necesario.

Pueblo de San Josè Enro. de 1844. La parte interesada en esta instancia p. poder obtener la posesion q. so=licita el dia 1o. del entrante se presen=tarà en este jusgado con los documentos q. acre=ditan la concesion del terreno pico.

Pueblo de S. Josè Enero 8 de 1844

Franco. Soto

Filed in Office June 12th 1854
Geo. Fisher Secry.

M Sed

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9/ Translation of Exhibit A.P.

Testh Seal One Real
Robisionally authorized by the Maritime Custom House of the Port of Monterey in the Departmente of the Californias In the year One thousand Eighte hundred and Forty three
Mechellanes Manuel Castanares

Seal Mr. Constitutional Alcalde
Franco Soto a resedente within the limits of your jurisdiction before you in due form of Law appears and Says: That it is more a year and some months since His Excellency the Governa of the Departement was pleased to grant me the title of the lands of San Lorenzo, in which the Indians are ordered to give me possession In my favor Seconly - Knowing that you are able to do it with Some Exactitude I beg of you that you be pleased to give me the predicted possession according to Law, hereby making Myself responsible to pay the fees
Therefore I beg of you that you will be pleased to accede in my favor in which I shall receive favor —
Seconding that I do not proceed in malice and when may be necessary

Pueblo of S Jose January 8. 1844

(Signed) Franco Soto

Pueblo de S Jose. January 8th 1844
In order to give the possession Solicited in this petition, the party interested will present himself On the 1st of next month with the Documents that will prove the point of the grant

(Signed) Pico

Filed in Office June 12. 1854
Geo. Tesher Secy

92

93 NT NW
"R J" No. 3"

300 ND
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omit

To "Horace A Higley Esqr
County Surveyor of Alameda County Cal

Sir:

I hand you herewith annexed Copies of the grant to Francisco Soto of the petition filed before the Board of Commissioners to ascertain and settle Private Land Claims in California of the proceedings had before Govern Mechelorena in setting apart Six hundred Varas to Genl Vallejo from these papers I wish an accurate Survey made of all the Lands which could be covered by a Holdence in said grant to Soto

Hoping you may use the same care and attention the same Courtesy as if you were making the Survey upon the papers presented under direction of the Surveyor General

I remain very respectfully
Yours &c. &c. &c.

Eden Alameda County
Sept. 15th. 1853

(Copy)

Before the Commissioners to ascertain and settle private Land Claims in California

Barbara Soto, Amilia Soto, Encarnacion Soto
Margarita Soto, Soto & Soto present
that they claim a tract in the said State by
virtue of a right and title derived from the
Mexican Government - Said Land is situated
in the County of Contra Costa in the tract
known by the Name of San Lorenzo, being
bounded on the North by the Creek of
that Name -

It is of One and a half Leagues
Leagues & Solio de ganado Mayor in Extent
It is bounded On the North by said Creek
of San Lorenzo, by the Bay of San Francisco
On the West, On the South by an ascertained
line by the Lands of Jesus Vallejo, On the East
by the Crest of the range of Hills, and an ascertain
ed line with the Lands of Guillermo Castro -

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300 ND
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A portion of Said Lands, to wit, One league or a Sitio thereof, a little more or less granted to Francesco Soto On the 10th of October 1842 by Don Juan B Alvarado Constitutional Governor of California and the remainder thereof, to wit, the additional quantity of one league, or Sitio, was granted on the 20th of January 1844 by Don Manuel Micheltorena the Governor of California —

Said Francesco Soto died intestate on the day of 184 leaving the Said Da Barbara his widow, and the Said Other Claimants his Children, his Only heirs — the Said Lands having been acquired by Said grantee during his Coverture with Da Barbara, whereby an undivided half part vested in her Said Da Barbara, and the remainder has descended to the Said Children. There is no Conflicting Claim to Said Land or any part thereof in the knowledge of the Claimants. The original of Said grants with a translation of the Same is herewith presented. The Said Land has been occupied & improved according to Law

(Signed) By the Attorneys
Jones Tompkins & Shorb

Juan B Alvarado Constitutional Governor of the Department of the Californias —

Whereas the Citizen Francesco Soto has petitioned for his personal benefit and that of his Family for One "Sitio" de ganados Mayor" (One Square League) of the Land Called San Lorenzo, the limits of which are the following Viz From the Creek of the Same Name to the One Called "El Alto" belonging to Dn Jose de Jesus Vallejo and from this Creek running through the line passing through the Rodeo as far as the Beach — thence to the first Angle of Land which forms the "Lomeria" (hills) excepting from this tract the number of Varas which were granted to Dn Guillermo Castro; of

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Continuation of 'R. T. No 3'

300 ND
PAGE 88

of the said land; which will be arranged at the time of giving possession.

Having previously complied with the requirements & investigations in the matter, agreeably to the Laws and regulations, now by virtue of the Authority in me vested in the name of the Mexican Nation I have thought proper to grant him the forementioned tract of Land, declaring the same to be his property by these present letters and by the approval he has obtained the Excellent the Departmental Board subject to the following Conditions

1st He may fence it, without obstructing the crossings roads and servitudes (right of way). he shall enjoy it freely and exclusively putting it to such use or cultivation as he may deem best, but within one year he shall build a house which shall be inhabited

2d. He shall solicit the proper Judge to give him judicial possession by virtue of this patent, by whom the boundaries shall be marked out and at the limits of which he shall set besides the land marks some fruit trees or else wild ones of some usefulness

3d The Land of which donation is made consists of one sitio de ganado mayor (one square league) little more or less. The Judge who may give the possession will cause it to be measured agreeably to the Ordinance leaving the "Sobrante" (surplus) which may result to the nation for such uses as may be deemed most convenient

4th If he should contravene to these conditions he shall lose his right to the land and it shall be opened to denouncement by any other person

Consequently I command that holding this as a firm and valid title, the same be

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300 ND
PAGE 89

unless in the proper books and be delivered to the interested party In his Security and further ones Given in Monterey this 10th Dec. 1842

(Copy)

This day the 17th of January 1844 by agreement which Dn. Ramos Castro as agent In his son Dn. Guillermo Castro celebrated with Dn. Francisco Soto, it results according to the acts which to that Effect were Extended, that the limits of the tract which the said Dn. Guillermo Castro shall be from the ditch which is seen from the side of his house towards the South and from same ditch from where it is joined with the, shall be measured six hundred Varas in direction with the main road, from where they Conclude shall be taken a right line to the Arroyo of "San Lorenzo" recognizing as limits on the other side of the Canjon to ditch the margin of the range of hills which is towards the South, measuring ten Varas to the hills westerly ward

And the Ex. S. Governor General Dn Manuel Micheltorena having approved the said agreement, he ordered that it should be noted on this title, and he Signed it—

(Signed) Manuel Micheltorena

(Endorsed upon the Title of Francisco Soto)

(1) ND

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Continuation of "R. T. No. 3."

Field Notes of a Survey of a tract of land known as the San Lorenzo Rancho claimed by Barbara Soto & others

300 ND
PAGE 90

I hereby certify that on the 16th of September 1853 I proceeded to make a Survey of the above Rancho, On the Order of A. M. Crane Among the papers from which the Survey was to be made, I found One entitled a Copy of a grant from Alvarado to Fran. Soto, of one Square league of Land, Embraced within the following boundaries. "From the San Lorenzo Creek to the Arroyo Alto - Thence through the Rodeo to the Beech, Thence to the first Cañada of Land which forms the "Lomerio" (Hills). "This grant not giving the Starting point of the Eastern boundary on the San Lorenzo Creek, nor its termination on the Arroyo Alto. I found from another document Entitled "Copy of petition of Barbara Soto & others before the Board of U. S. Land Commissioners that the Crest of the Hills were Claimed as the Eastern boundary - "The range of Hills not Extending to the San Lorenzo a Narrow Valley intervening that point on the creek was assumed for the N.E. Corner of the tract where the general Course of the Crest of the hills if Continued would intersect it. Not being able to find the Rodeo mentioned in the grant; from Crest of the hills near the Arroyo Alto I ran a line to the Beech supposed to be the Northern boundary of Valleyo's land in the direction of a prominent peak of the Ocean range of Mountains on the West side of San Francisco Bay - "The following being the Calculated field notes of the Survey

Began at the N.E. Corner of tract, being a Sycamore tree, marked with two Notches On the S.E. side, On the South Bank of San Lorenzo Creek - "From this tree I ran S 31° 43' E. at 39.50 cross Arroyo at 45 Chains cross Arroyo at 45.50 & do 85 lks to a large

98.

300 ND
PAGE 91

woodlee gulch 131.21 chs to Summit of hill & End of Course. 2d Course S 57 1/4 E. 38.88 chs to a pile of rocks. 3d Course S 0° 55 E. 16.12 chs to a pile of Rocks 4th S 65 1/2 W at 25 chs crop wire fence at foot of hills - at 40.50 chs crop Amapola at 89 chs crop the same at 93.42 chs crop fence at 161.75 crop wire fence - 288.29 chs to a house on line. 360 to Marsh and End of Course 5th N 29 1/2 at 225.10 chs crop run at 297.73 x Castros fence 551.00 chs to Semilonque of Lands 352.00 chs top of do about 3 chs from N W end 357.00 to San Lorenzo Creek 6th S 44 1/2 E 11.00 chs up & W side Creek - 7th S 49 1/4 E 8.28 chs 8th S 67 1/4 E 7.50 chs 9th S 50 3/4 E 8.10 - 10th N 87 1/2 E 7.50 chs - 11th N 65 1/2 E 19.00 chs - N 10° E 5.85 chs 13th N 14° W 6.13 chs to place of Beginning — The tract as Surveyed Containing 379.6 Acres The papers from which the Survey was made being hereunto annexed

W A Wigley

Alameda County
Sept. 18th. 1853

Filed in office Nov. 30. 1854

Geo. Fisher
Secy

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Instructions to
H. A. Stigler for
Survey of Rancho
San Lorenzo
Dec. 31st 1853

R. T. No. 1

524-6

300 ND
PAGE 92

U. S. Surveyor Generals Office
San Francisco Cal December 31st
1853

Sir. At the request of Barbara Soto et al
(by their Attorneys) you are hereby appointed
to Execute an Exclusory Survey of the Rancho
called San Lorenzo.

In the Archives of this
Office there are two Expedientes in relation to
the Claim. The first purports to be a grant by
Governor Alvarado in favor of Francisco Soto
for One "Sitio de ganados Mayor" (Square league)
little more or less, the limits of which are "from
the Arroyo of that name (San Lorenzo) as far
as the Arroyo called El Alto which belongs to
Jose de Jesus Vallejo - and from this Arroyo
running a straight line to pass through the
Rodeo until it reach the beach - and from
this (point) to the first range formed by the
hill range, with the Exception of the number
of Varas in the said tract of Land granted
to Guillermo Castro, which will be arranged
at the time of giving possession -

The other Expediente sets forth by the Claim
ant On a dispute with his Neighbor Guillermo
Castro in relation to their respective boundaries
which by mutual agreement they Governor
Micheltorena's instructions were finally settled
as follows - "They agree that the boundaries
of Guillermo Castro shall be the ditch on
the South side of his house and a line
parallel to the side of said house two varas
towards the main road, thence from said
ditch to the Arroyo of San Lorenzo - the boun
dary on the other side of the ditch to be
recognized by the border of the hill range
lying in the direction of the plain measured
at a distance of Ten (10) Varas towards
the Appaches on the Western side

By a document dated
January 20th 1844 filed with the Land Comm
issioners, it appears that said Soto represented

1110

300 ND
PAGE 93

to Governor Michelorena that the Land granted to him was only for about One "Sitio" and that the quantity lying between the beach, was about half a "Sitio" in Extent which hence he petitioned for, as an addition to his former grant— Upon his representation, the Secretary of State was ordered to make his report which is as follows:

"The land which in addition Extent Don Francisco Soto solicits, appears subject to no Objection to its being granted to him, but he should Confine himself within the limits mentioned in his first title and to the agreement he has lately made with Lastra"

This report is approved by Governor Michelorena—

You will therefore locate the land claimed within the limits & quantity mentioned in the aforesaid first grant, and additional Extent referred to, all in a Compact body, so that if there be any "Sobrante" (Surplus,) it may be shown in a united form—

If there are any adjoining claimants you will notify them in writing of the time when you will be running any line, in which they may be interested & you will make full Entries in your field book of any objections that may be made by the lines and return to this Office any protests or documents which may be offered for that purpose—

You will also survey and return the notes of any lines which any opposing parties may Contend to be the true lines of Separation & in which they may be willing to Compensate you & where any line is an agreed line, that fact must be noted, as also the names in full of the persons Consenting thereto

You will establish each Corner & mark each line in the manner required in public Surveys, Except that instead of marking your posts & bearing trees with declimal numbers, you

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will designate them with the letters F. S. & Numbers, and furnish all the information required in performing public work, carefully noting the variation of the Needle, & such other which you shall make frequent observations—

300 ND
PAGE 94

The Survey must be made with reference to the meridian by Chains and links testing your Chain by the Standard in this office before you proceed to the work. You shall be particular in your running & Calculations so as to preclude the necessity of a revision of the work in the field at any time hereafter—

Yourself and assistants will qualify in the same manner as if executing public work & the Evidence thereof returned with your notes—

The Notes must be accompanied by an accurately protracted Map of the Survey on a Scale of 20 Chains to the inch and also by your tabular & Leger Observations & Calculations in detail having reference to the ascertainment of any lake & the area of the land

Understanding you have made arrangements with the Claimants as to your compensation I shall only state that under no circumstances will this Office be responsible for, or Compensate you for any Services connected with with the Execution of these instructions

You will connect one or more points of any line or lines of this Survey with one or more points of any lines of the general Survey so as may be necessary to indicate the location of the lines—

You will consider the Square Leagues to contain 4340 & $\frac{277}{1000}$ Acres

I herewith enclose Copy of the instructions for the Survey of the public Lands

It is to be understood that by with ordering this Survey, it is Only intended to Comply the wishes of the party Claiming the Land, and not as Expressing an Opinion on the part of this Office as to the Merits of the Claim—

Very respectfully &c
John C Stays
Surv Genl Ca

Filed in Office
Nov. 30. 1854
Geo. Fisher
Secy

Mr Horace A Higley
Present

524

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Extract

B. P. L. Exhibit to Depo: of John S. W. Grammont Nov. 1st 1854 Geo: Fisher Secy

300 ND
PAGE 95

En Monterey à los 1º dias del mes de Eno. de 1844. se reunieron en la secretaria de Gobno Dn Carlos Castro como apoderado de su hijo Dn Guillermo con el fin de Arreglar los linderos del terreno que poseen con Dn Fran.co Soto y convinieron en que los linderos de Dn Guillermo Castro sera el Zanjon que mira al costado de su casa por la parte del sur y desde el mismo Zanjon por donde haya paralelo con ella se midiran seis cientas ~~varas~~ donde concluyan se tomara una linea recta hasta varas p.a el camino principal y hasta llegar al Arroyo de San Lorenzo debiendose reconocer por limites del otro lado del dho San por la Orilla de la Lomeria que esta hacia el plano hasta donde se miden diez varas por las Lomas arriba por la parte del poniente

En testimonio de Verdad

Jimeno

I, George Fisher secretary to the U. S. Land Commission to ascertain and settle the private land claims in the State of California, hereby certify that the foregoing is an Extract truly and correctly made from the second line from the bottom of the third page to the Word "Jimeno" contained in an Expedt. filed in this Office on the 2d day of November, 1853 in Case No. 524 Barbara Soto et al: for the place called San Lorenzo.

In testimony whereof I have hereunto signed my name.

Office of the Secretary of the above named Commission at the City of San Francisco Cal: this 26th day of September A. D. 1854

Geo: Fisher Secy.

Filed in Office Nov. 1st 1854

Geo: Fisher Secy

M Sadr

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"U.P.L" Exhibit to the depo. of John J St. Cram mone. Nov 15. 1854

300 ND
PAGE 96

In Monterey on the 17th day of the Month of January 1844 there appeared in the Office of the Secretary of State Dn Encos Castro as the attorney of his Son Dn Guillermo Castro in the purpose of settling with Dn Francisco Solo the boundaries of the Land which they Own, and they agreed that the boundaries of Dn. Guillermo Castro Shall be the Sanjon which runs to the End of his house on the South, and from the Same Sanjon where it forms a parallel with it Shall be measured Six hundred Varas towards the Main road and, and from where they terminate Shall be run a Straight line till it reaches the Canjon de San Lorenzo, they recognizing as boundaries on the other Side of the Said Sanjon the Slope (Orilla - Edge) of the Lomeria* which is towards the plain till ten Varas are measured on the the Upper hills On the West—

In testimony whereof

Jimeno

* Lomeria — Upambrage of hills

Note — "The Sanjon is a Creek on the Summit of the Upper hills and runs towards the plain where it Centers near the Main road allowed to in the first part of the Agreement

"Filed in Office Nov. 17 - 1854

Geo. Fisher Secy

300 ND
PAGE 97

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Barbara Soto et al
vs
U. States
No. 534

The claimants by their Counsel object to the introduction of the Espedientes this day filed by the U.S. Land Agent bey: Los Espedientes from the Office of the Surveyor General at the instance of Guillermo Castro, and also those at the instance of José Joaquin Estudillo because they are incompetent & irrelevant as Evidence in the Case, and so encumber the record of the Case now Submitted

Filed in Office Dec. 19. 1854

Geo. Fisher
Secy

Recorded in Journal Vol 4 page 146

Geo. Fisher

1.107

Sello primero Seis pesos:
Habilitado provisionalmt. por la Aduana
marítima de Monterey para los años de
1842. y 1843.

H Alvarado Antonio Mª Osio.

Grant of One Sitio. Original

Sello

Juan N. Alvarado Gobernador
Constitucional del Departamento
de las Californias.

H. H. Nº 1 ans: Por cuanto el Ciudadano Francisco Soto ha pretendido para su beneficio personal y el de su familia un sitio de ganado mayor en el terreno llamado Dª Lorenzo cuyos límites son desde el Arroyo de este nombre hasta el nombrado el Alto pertenencia de Dª Jesus Vallejo y de este Arroyo tirando una linea recta á pasar por el Rodeo hasta la Playa y de este punto á la primera enchilada que forma la loma en la esplicando el numero de Varas que tiene concedidas en dho terreno Dª Guillermo Castro lo que se aclarará al tiempo de la posecion: practicadas primeramente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos; usando de las facultades que me son conferidas á nombre de la Nacion Mejicana he venido en concederle el terreno mencionado declarandolo la propiedad de él por las presentes letras sugetandose á la aprobacion de la Excma Junta Departamental. y bajo las condiciones siguientes.

1ª podrá cercarlo sin perjudicar las travesias, caminos y servidumbres. lo disfrutará libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode. pero dentro de un año fabricará casa y estará habitada

2ª Solicitará del juez respectivo que le de la posecion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondrá á mas de las mojoneras algunos arboles frutales ó utiles de alguna utilidad.

3ª El terreno de que se hace donacion es

MS & N

de un sitio de ganado mayor poco mas ò me=
nos segun esplica el diseño que corre agrega
do al Espedte. respectivo. El Juez que diere
la posecion lo hara medir conforme à Orde
nanza quedando el sobrante que resulte
à la Nacion para los usos convinientes.

300 ND
PAGE 99

4a. Si contraviniere à estas condiciones
perderà su derecho al terreno y sera denun
ciable por otro.

En consecuencia mando
que teniendose por firme y valedero el presto.
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 Mon
terey à diez de Octubre de mil ochocientos
cuarenta y dos.

Juan. B. Alvarado

Manl. Jimeno Srio.

Queda tomada Razon de este Despacho en
el Libro de asientos sobre adjudicaciones
de terrenos valdios @ fojas. 16.

Jimeno.

El Exmo Sr. Gobernador ha dispuesto
se tome razon de esta concecion en la
prefectura del 1er. Distrito.

Jimeno.

El dia diez y siete de Enero de mil ochocien
tos cuarenta y cuatro, por convenio que cele
bro Dn. Carlos Castro como apoderado de su
hijo Dn. Guillermo, con Dn. Jerem Cl. Loti
resulto segun las Actas que al Efecto se esten
dieron, que los limites del terrenos del espre
sado Dn. Guillermo Castro seran desde el
sanjon que mira al Costado de su Casa por
la parte del Sur, y desde el mismo Sanjon
por donde haga paralelo con ella se mediran
seiscientas varas pa. el camino principal
y hasta donde concluyan se tomara una
linea recta hasta el Arroyo de San Lorenzo
debiendose reconocer por limites del otro
lado del espresado Sanjon; la Orilla de
la Lomeria que esta hacia el plan hasta
donde se mida diez varas p. las lomas de
arriba por la parte del poniente.

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Y habiendo aprobado el E. S. Gobernador General Dn Manuel Micheltorena el mencionado convenio, mandó se anotara en este Titulo y lo firmo.

Manuel Micheltorena

Filed in Office Jany 22nd 1853
Geo: Fisher Secy

300 ND
PAGE 100

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524

111 Sello Quinto Un Real:
Habilitado provisionalmte. por la Aduana maritima del puerto de Monterey, en el Departamento de las Californias para los años de mil ocho cientos cuarenta y cuatro y mil ocho cientos cuarenta y cinco.

B

Grant of Overplus Original

Micheltorena pablo de la Guerra

H. H. No. 2 annexed to the Depo: of J. Castro. Febry 11th 1853.
G. Fisher Secy

300 ND
PAGE 101

Sello

Exmo Sor.

Franco. Soto Vecino del pueblo Sn. José ante V. E. con todo respecto digo: Que, el Titulo en que se le concedio el terreno que ocupo en el paraje llamado Sn. Lorenzo espresa tener la estencion de un sitio poco mas o menos y lo mas que puede tener acia la playa segun mi calculo prudente sera medio sitio, el que suplico se digne consedermelo; pues unido à lo demas me sera de mucho veneficio y le viviré para siempre reconocido. pro &c.

Monterey Eno. 20 de 1844. Inf. el S. Srio del despacho
Michelta. -

Monterey 20 de Enero de 1844
Exmo Sor.
Franco. Soto

Exmo Sor Gobernador
El terreno que en estension pretende Don Franco. Soto parece que no hay inconvente. ninguno pa. que se le conseda; po. sugetandose à los limites que espresa su primer titulo y al compenio celebrado ultimamente con Dn. Carlos Castro; la determinacion de V. E. sera la mas asertada.

Monterrey 20 de Eno. de 1844.
Manl. Jimeno

Monterey Eno. 20 de 1844
De conformidad con el Anterior informe
Micheltra.

Filed in Office Jany 22. 1853
Geo: Fisher Secy

M Soe N

112

113 C

Translation

First Seal — Six Dollars

Provisionally qualified by the Maritime Custom House of Monterey for the years 1842 & 1843.

take

Alvarado Antonio Ma. Osio

Custom house Stamp

Juan B.a Alvarado Constitutional Governor of the Department of California

Whereas the Citizen Francesco Soto has claimed for his personal benefit and that of his family "a sitio de ganados Mayor" in the place called San Lorenzo the limits of which are from the creek of that name to that called El Alto belonging to Don Jesus Vallejo, and from this creek crossing a right line to pass by the Rocks to the Beach & from this point to the first range which the hills form excepting the number of Varas that have been Conceded in Exchange to Dn Guillermo Castro, which shall be Commenced at the time of the Deposition, having first made the proper enquiries and investigations according to what is directed by laws and Regulations, using the powers which are conferred On me, in the name of the Mexican Nation, I have Conceded to him the said tract, declaring to him the Ownership of the same by these present letters, Subject to the approbation of the Most Excellent Departmental Junta and under the following Conditions

1st He may Enclose it without prejudice to the Roads, Ways and Streets

300 ND
PAGE 102

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300 ND
PAGE 103

enjoy it freely and Exclusively appropriating it to the use or Cultivation which best Suits him, but within One year he shall build a house and it shall be inhabited.

2d. He shall Solicit from the respective Judge that he give him provisional possession in virtue of this Dispatch by which shall be Marked the bounds in the levels of which he will put business the land making Some fruit Trees or useful Wild Ones.

3d The Unit of which donation is made is of "One Sitio of ganado mayor" according to Explains the Map which goes Attached to the respective record (Espediente) The Judge who shall give him possession Shall Cause it to be Measured according to Ordinance, the Overplus which shall remain remaining to the Nation for its Convenient uses.

4th. If he Contravene the Conditions he will lose his right to the land and it Shall be denounceable by Another.

In Consequence I have Ordered that following for form and Validity the present, Record be taken of it in the Book to which it belongs and be delivered to the interested party for his Security and Other Ends.

Given in Monterey the 10th of October 1842.

Juan B Alvarado

Manuel Jimeno Secretary

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This despatch is noteed in the Book of Records of Vacant Lands at page 16 c

Simeno

The Most Excellent Govern has ordered that note be taken of this Concepsion in the prefecturship of the 1st District

Simeno

The day 17th. of January 1844 by agreement which Don. Carlos Castro as agent of his Son Don Guellermo, Celebrated with Don Francesco Soto, it resulted according to the acts which to that Effect were Extended, that the lands of the said Don Guellermo Castro shall be from the ditch which is seen from the side of his house towards the South and from the same ditch from where it is parallel with it shall be measured six hundred varas in direction of the main road and from where they Conclude shall be taken a right line to the range of San Lorenzo recognizing for limits on the other side of the Sur from ditch, the Margin of the range of hills which is towards the plain measuring ten varas up the Sides mentioned. And the Ex. S. Govern General, Don Manuel Michell Pareo having approved the said agreement he ordered that it should be Noted on this title. And he signed it

Manuel Micheltorena

300 ND
PAGE 104

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Fifth Seal One Real.

300 ND
PAGE 105

Monterey Jany 20th. 1844
See the Secretary of Despatch
Repore
Michelto

Provisionally granted by the Maritime Custom House of the Port of Monterey in the Department of the Californias for the years 1844 and 1845

Custom House Seal

Michelltorena

Pueblo de la Reina

Most Excellent Sir.

Francesco Soto resident of the Pueblo of San Jose before your Excellency with all respect says: that the title in which is Conceded to him the land which he occupies in the place called San Lorenzo Expresses to have an Extension of One Sitio a little more or less, that the Surplus which it may have beyond the bounds according to a precise Calculation may be half a Sitio the which I beg Yr. Ex to be pleased to concede to me. Hence referred to the Which it would be of much benefit to me and I shall be Favour grateful

Pueblo &c. Monterey 20 January 1844

Francesco. Soto

Most Excellent Sir.

Most Ex. Sir Governor.

The land which Don Francesco Soto claims in Extension, it appears that there is not any inconvenience in conceding to him, but subjecting himself to the limits which his first title Expresses and to the agreement formerly celebrated with Don Carlos Castro – The Determination of Yr Ex will be the most Exact

Monterey 20 th January 1844

Manuel Jimeno

Monterey 20 January 1844. In Conformity with the

x Foregoing report Michelltorena

Title in Office Jany 22. 1833 Geo. Fisher Secy

524 D

1

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Part of Exhibit
NW RT No 3
annexed to depo
of A A Hegley

300 ND
PAGE 106

Field Notes of a tract of Land known as the San Lorenzo Rancho claimed by Barbara Soto and Others.

I hereby certify that on the 16th of September 1853 I proceeded to make a Survey of the above Rancho on the Order of A. M. Crane. Among the papers from which the Survey was to be made I found One Entitled a Copy of a grant from Alvarado to Juan Soto of one Square league of land, Embraced within the following boundaries - "From the San Lorenzo Creek to the Arroyo Alto Thence through the Rodeo to the beach Thence to the first Cañon of Land which from the Lomerias (Hills). This grant not giving the Starting point of the Eastern boundary on the San Lorenzo Creek, nor its termination on the Arroyo Alto - I found from another Document Entitled Copy of the petition of Barbara Soto & others before the Board of the U. S. Land Commissioners that the crest of the Hills was assumed as the Eastern boundary - "The Range of hills not Extending to the San Lorenzo, a narrow valley intervening that point on the Creek was assumed for the N E Corner of the tract where the General Course of the crest of the Hills if continued would intersect it. Not being able to find the Rodeo mentioned in the grant, from the crest of the hills near the Arroyo Alto I run a line to the beach Supposed to be the Northern boundary of Vallejo's land in the direction of a

300 ND
PAGE 107

prominent peak of the Ocean range of Mountains on the West Side of San Francisco Bay- The following being the official field notes of the Survey-
Begun at the N. E. Corner of the tract being a Sycamore tree, marked with two Notches on the S. E. Side, on the South bank of the San Lorenzo Creek From this tree run S 31° W E at 39.50 crop Arroyo- at 45 chs crop Arroyo at 1950 x 100 85 chs to large Wooded gulch 121.21 chs to Summit of hill & End of Course 2d. Run S 51¼ E 38.88 chs to a pile of rocks- 3d S 50° 55 E 16.12 chs to a pile of rocks- 4th S 63¼ W at 35 chs crop Live Fence at foot of hills at 50.50 chs crop Arroyo Alto- at 89 chs crop the same at 93.42 chs crop Fence at 165.75 crop Live Fence 288.21 chs to a Live Oak on line- 360 to marsh and End of Course, 5th N 21¼ at 325.10 chs crop run at 297 X Creek's Fence 351.00 chs to same Tongue of land 352 chs top of Low Mount 3 chs from N W End 357.00 to San Lorenzo Creek, 6th S 44¼ 11.00 chs up Steep Side of Creek- 7th S 49¼ E 8.28 chs- 8th S 67¼ E 7.50 chs- 9th S 53° 3/4 E 8.10 Chs 10th. N 87¼ E 750 chs- 11th N 68¼ E 17.00 chs- N 10° E 585 chs. 13th. N 14° W 6.13 Chs to place of Beginning- The tract as Surveyed Comprising 3796 acres-
The purpose for which the Survey was made, being herewith annexed
Alameda County
Sept. 18th. 1853 S. A. Stigley
County Surveyor

Filed in Office Nov. 30th 1854
Geo. Fisher Jr Clerk

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Affidavit

U. S. Land Commissn &c
San Francisco Calif.

Barbara Soto et al
vs
The United States
No. 534

300 ND
PAGE 108

This day appeared before the Board of Commissioners created by Act of Congress of the 3d of March 1851 entitled an act To ascertain and settle the private Land Claims in the State of California the undersigned Charles H Hathaway who being duly sworn makes oath that the land claimed in the above case was at the time of presenting the same to this Honbl Board in the County of Contra Costa, State of California, and that by a subsequent act of the Legislature of the State of said State creating the New County of Alameda, the said land is now Embraced within the bounds of the said County of Alameda

C. H. Hathaway

Signed and Sworn to
before the Commissioners
Sitting as a Board this 1st day
of May A.D. 1855
Attest. Geo. Fisher Secy

Filed in Office May 1. 1855
Geo. Fisher Secy

Recorded in Journal Vol 4 page 280. 281
Geo. Fisher Secy

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Bill of Exceptions

300 ND
PAGE 109

Bulcana Soto dal
vs
The United States
} No. 534

"The Claimants by their Counsel object to the introduction of the Expedientes this day filed by the U. S. Surveyor, viz: two Expedientes from the Office of the Surveyor General at the instance of Guillermo Castro, and a third being at the instance of José Joaquin Estudillo because they are incompetent & irrelevant as Evidence in the Case and do not form the record of the Case now submitted.

Filed in Office Dec. 19th. 1854
Geo. Fisher Secy

Received in Journal Vol 4 pages 146 &c

Geo. Fisher Secy

No 534

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Opinion of Board by Com. Fauvee

300 ND
PAGE 110

Barbara Soto et al
in Case &c.
vs
The United States

For a place called San Lorenzo in the County of Contra Costa Containing One and a half Square Leagues

The proofs in this case show the following State of Facts. That Francisco Soto presented his application to Governor Juan B Alvarado together with a map containing a description of the place asking a grant to the Same, and that in pursuance thereof the said Governor did issue a grant to the said Soto On the 10th day of October 1842, and describing the boundaries, excepting excepting out of the boundaries three hundred Varas Square that had previously been Conceded to Guillermo Castro And describing the Same to be measured and the boundaries fixed

It also appears that Some difficulty arose between the said Soto and Castro in respect to the boundaries which were subsequently mutually arranged and Settled between the parties and a written Stipulation of that Settlement Signed up to the Governor and filed in the Archives of State, which said agreement fixed and Settled the boundaries of the previously Conflicting lines of the Claims

On the 20th day of January 1844 after the place granted to Castro had been Segregated and the boundaries Settled, Soto applied for a Confirmation of the Solitude within the boundaries of the place Called San Lorenzo, which application was referred to Gemeno the Secretary for his report, and on the 20th day of January 1844 a report was made by the said Secretary recommending the said Confirmation and that the petitioner be Confined within the boundaries Specified in the first grant and Expedient

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Appendeee to the repore of the Secretary
see genes the following note.

"Monterey Oct
January 1844 — In Conformity with the
foregoing repore"

(Signed) "Michel orena"

We are not able to give the foregoing repore
any other Construction than that Governor
Michel orena intended thereby to Concede
to the Applicant the prayer of his petition
agreeable to the recommendation of his
Secretary.

"The proofs are clear in establish
ing the fact of the death of the parties
and the heirship of the persons named
in the petition, and also that the present
petitioner is the lawful Administrator
of the Estate of the said deceased, and
thereby Entitled to the Custody of the
real Estate of the deceased

"The proofs also
clearly establish the proper Settlement
and Cultivation — We are of the opinion
that this Claim is well made out and
a decree of Confirmation will be entered
grant to Each Claimant Quantities
Agreeable to the Scale of California

Confirmed

Filed in Office April 24. 1855

Geo. Fisher Secy

Recorded in Record of decrees Vol 2
Page 629

Geo. Fisher Secy

No. 534

123 Decree

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Barbara Soto et al in behalf
for the Heirs of Francisco Soto dec'd
vs
The United States

In this Case on hearing the proofs and allegations it is adjudged by the Commission that the Claim of the said petitioner is valid, it is therefore decreed that their application for a Confirmation thereof be allowed.

The Land of which confirmation is hereby given is known by the name of San Lorenzo situate in the late County of Contra Costa now Alameda bounded as follows, to wit, On the North by the Creek of San Lorenzo, On the West by the Bay of San Francisco, On the South by the Rancho of Jesus Vallejo On the East by the foot of the San Lorenzo Hills saving and reserving Six hundred varas square belonging to William Castro situated near the foot hills, On the Eastern line

R. Aug. Thompson
S. B. Farwell
Commissioners

Filed in Office April 24. 1855
Geo. Fisher Secy

Recorded in Record of Decisions Vol 2 page 630.
Geo. Fisher Secy

And it appearing to the Satisfaction of the 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

300 ND
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decision
in this Case, and of the papers and Evidence upon which the same are founded be made out and duly certified by the Secretary One of which shall be transmitted to the Clerk of the United States District Court for the Northern District of California, and the Other transmitted to the Attorney General of the United States—

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Office of the Board of Commissioners,
To ascertain and settle the Private Land Claims in the State of California.

I, George Fisher — Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing One hundred & twenty four pages, numbered from 1 to 124, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 5-24 on the Docket of the said Board, wherein

Barbara Soto, et al, are —

the Claimants against the United States, for the place known by the name of "San Lorenzo." —

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

Geo. Fisher

Sec'y

U. S. DISTRICT COURT,

Northern District of California.

No. 300 — 300

THE UNITED STATES,

vs.

Barbara Soto, et al.

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 324.

Filed, Oct. 23 1855

S. H. Thomas,

Clerk.

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Office of the Attorney General of the United States,

Washington, 3 December, 1855.

524. / "San Lorenzo" –

Barbara Soto et al. Claimants

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of November, 1855, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Caleb Cushing

Attorney General.

No. 300

United States
vs
Barbara Soto et al

Notice of Appeal in
Case no. 524.

Filed Feby 11. 1856.
J. Chever
Deputy.

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To the Honorable District Court of the United States in and for the Northern District of California

The United States
Appellants
vs
Barbara Soto & als —

The Petition of the United States by their Attorney represents: that this cause is an Application for a review of the decision of the Board of Commissioners whereby the Claim of the said Appellee was confirmed as appears by reference to the records in the case: That a transcript of the said Records was filed in this Court on the 23 day of October 1855: that a notice of Appeal was filed on the 11 day of February 1856 and that the land claimed lies in the said District.

That the said claim is invalid.

Wherefore Appellants pray that the said decision of the Board be reversed and that this Court decree the said title to be invalid. Respectfully &c

S. W. Inge
U. S. Dist Atty

No 300

The United States
vs
Barbara Ostrodal

Petition

Filed Feby 11. 1856.
J. Chenard,
Deputy.

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In District Court of The
United States - Northern
District of California

Barbara Soto dal, Appellee

ads

The United States, Appellant

The answer of the above-
mentioned appellee, to the petition
filed in this case on the part of
The United States -

For answer to said
petition the said appellee answers and
say, it is true that the said Land, de-
scribed in the said transcript of the
proceedings and decision of the said Board
of Commissioners and of the papers and evidence
on which the same were founded, lies
in said Northern District and within the
Jurisdiction of this Court - But they deny
that their title to the same is invalid,
and avers that the same is valid
and pray this Honorable Court,
to decree ~~that their~~ the validity of
their title and claim to the said
Land -

Thornton, Williams & Thornton
For Appellee -

No. 300

United States District Court
Northern District California

9 Vol 72

Barbara Soto et al

vs

The United States

Answer

Filed Febry 11, 1856
J. Chevers
Deputy.

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Thornton, Williams & Thornton

UNITED STATES DISTRICT COURT,
Northern District of California.

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San Francisco, March 17 1857

ON this day, before Cutler McAllister a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Charles. B. Stroode - a witness produced on behalf of the Claimants in Case No. 300, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 524 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — ~~his evidence being interpreted by a sworn interpreter~~

PRESENT: J. B. Williams Esq Atty for Claimants & the US Dist Atty & B. H. Leigh Esq on behalf of the US -

QUESTIONS BY Atty for Claimants

Ques - Name, age & place of Residence & occupation
Ans - C. B. Stoode - ~~Does not answer to my age~~ - San Francisco - I have been a practising Lawyer for six years in the City of San Francisco where I now reside -

Ques - Look upon the document now shown you and marked "Exhibit A" & attached to this deposition, & state whether or not you ever saw this document before if yea when & where -

Ans - In the last of 1850 or the first of 1851. I became the law copartner of Williams Carey Jones, our office was in the City of

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San Francisco, & our principal business
the attending to Mexican & Spanish land
titles, in the beginning of 1852 we com-
menced purchasing very largely of
Ranchos, sometimes bought in the name
of one and sometimes in the name
of the other, but in all we were equally
interested without regard to the name in
which they were purchased — We
were employed as the lawyers for the
claimants of this Land under the
name of Jones, Tompkins & Strode, and
in connection with Messrs Williams and
Wascalette of the town of Martinez in
the County of Contra Costa sometime
in the year 1852 as well as I can recol-
lect not being accurate about dates Mr
Jones & Myself determined to purchase
one half of this Rancho now claimed by
Barbara Soto & als if we could it being
for sale — the title papers had been com-
mitted to the care & charge of my part-
ner Mr Thos Carey Jones, he took the
entire management of the case, I did
not examine the papers until I deter-
mined to purchase the same if it suit-
ted me, at that time it became a matter
of importance for me to examine the
map of the land and to look at the land
itself before I should decide what price
I would be willing to pay for this reason
& not to manage the case as that
had been committed to Mr Jones I had
to examine the papers, on the question of
title I depended entirely on the opinion
of Mr Jones, but I looked then at the title

papers not to examine the right of the claimants in law to some land but what particular land they did own, being with a I believe attached to that bundle of papers was a map I looked at it with the sensation of a man investing a large sum of money this fact impressed upon my mind the appearance of the paper and the circumstances connected with it - I purchased one half of the land in the name of Mr Jones and another individual, I do not remember in whose name the papers were made out, because for the reason that within a day or two afterwards we sold our interest in the said Ranch to L. A Brady for the profit of five thousand dollars - During the examination of the limits of the land spoken of before, I examined the map, of which I have spoken & I believe the paper now marked "Exhibit A" is the identical paper -

The paper was in our possession as Lawyers for the claimants of the Ranch, and I feel as certain about this paper as I can about a paper that I have not seen for the same length of time & that has not my signature upon it, or some other certain & absolute marked upon it, my conviction however is so strong that I am almost absolutely certain it is the same paper - I did not see this paper from the time I examined

until within the last few days, why it was not filed I do not know as the papers were in the possession of Mr Jones, the absence of that paper was for a long time the subject of anxious and frequent examinations for it. how it was finally found I only know by the information of one of the claimants.

I believe Mr Wm Carey Jones is in the City of Washington District of Columbia.

I am informed both by Mr Jones & his brother W.P. Jones as well as by what I knew & saw that his papers were left in the possession of W. P. Jones who is his brother.

Cross Examination.

Ques. Who put that paper in your hands.

Ans. Nobody, ~~It was~~ I only saw it in the possession of Mr Jones. I did not see the papers delivered to Mr Jones. my only information was derived from my partner and from seeing him with the papers, & from knowing that a portion of the fee was paid, & knowing that we were employed in the case & knowing that I got my part of the fee. I except as to the part now owing as I assigned my interest to Mr Jones at the time of the dissolution of the Copartnership in 1853.

Ques. Was that map shown to you

Ans. This map was shown to me by Wm Carey Jones, he taking it from a

large tin box which was generally deposited in bank —

Quer — As what was that map shown to you

Ans. As the map of the Barbara Soto Ranch of which I wished to purchase her interest she being the widow of the man to whom the grant was made — having no knowledge of where the map was made, & I acted upon my opinion of the map at that time without knowing whether there were others, it satisfied my judgment, which judgment was made from information received from others

Quer Do you know whether this map was a map of the original grant, or of the Solvante —

Ans I do not, I saw a bundle of papers with this map, but this was the only one I examined, they were either attached to this map, or with it —

Quer Do you know whether this map was attached to or accompanied the original grant or petition, or was merely a disconnected sketch of the land —

Ans I neither filed the petition nor prepared the ~~petition~~ case of the claimants in the bundle of the papers which we were to examine & on which we were to file the ~~papers~~ petition was this paper, the contents of those papers I cannot swear to never having read them, ~~& that~~ those papers were understood

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understood in the office to be the title papers to this Ranch, this bundle was marked on the outside "Title Papers" this bundle may have contained other papers than the title papers or may ~~have~~ not have contained the title papers, or may have contained nothing but the title papers - I cannot say as I did not examine them, but can only speak the understanding of the office, what I understood myself & what my partner told me he understood during our consultations

Sworn to & subscribed C. B. Strode
before me this 17 March 1857
Luther McAllister
Ad Comr

United States District Court Northern District of California

No. 300 ND

524 B 1

The United States

vs

Barbara Soto —

Deposition of Charles B. Shoode a witness produced on behalf of the Claimants —

Filed March 19, 1857.

W. H. Chevers
Deputy.

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UNITED STATES DISTRICT COURT,
Northern District of California.

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San Francisco, March 18 1887

ON this day, before Cutler McAllister a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Antonio, Maria Pico a witness produced on behalf of the claimants in Case No. 300, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 524 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — his evidence being interpreted by Williams, Newton Mark a sworn interpreter

PRESENT:

S. S. Williams Esq on behalf of the claimants and the U.S. Dist Atty

QUESTIONS BY claimants Attorney

Ques Your name, age, & place of residence.

Ans- Antonio, Maria. Pico - 47 years - I live in San José -

Ques What offices have you held under the Mexican Government, and during what years did you hold them -

Ans I held the offices of Alcalde, and Commander ~~in Chief~~ of Militia. in San José - during the years 1835 & from that time until 1846 -

Ques Do you know the Rancho called San Lorenzo claimed in this case by Barbara Soto and others -

Ans I know it

Ques Were you ever called upon to perform

any official act with regard to this Rancho?

Ans- I was- I gave an order to my Secretary that a petition should be made to me asking it in conformity with the papers of the Rancho of Barbera Soto, the papers to which I refer were those of the husband of Barbara Soto now deceased- Soto himself made the petition asking me for juridical possession, after I required the petition to be in writing Soto procured my Secretary to write it out for him-

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Quer At the time this application was made to you for juridical possession were any papers placed in your hands by Soto relating to his Rancho of San Lorenzo, if yea what were these papers?

Ans Yes, he placed them in my hands, I told him to bring the papers he did so & afterwards he carried them away these papers were the grant made to Soto & various other papers forming the Expediente, ~~what they were I~~

Quer Do you remember whether or not there was a diseño among them

Ans- I have an idea that there was among those papers a plan or a diseño-

Quer Look at the document now shown you marked "Exhibit A ~~and~~ B" & attached to the deposition of C. B. Stoddo heretofore taken in this cause, and say whether or not you ever saw that document before?

Ans This Exhibit now shown me is exactly as the land was, and that as I stated before it is my idea that I saw this plan before- I believe this to be the paper which I think

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I saw at that time among the papers pertaining to the San Lorenzo Rancho-

Ques Do you Know the handwriting on that map, if yea whose is it -!

Ans I think it is the handwriting of my Secretary Garcia - It is a long time since, but I believe it to be his handwriting, Garcia died in the Campaign between the Americans & Californians I think in 1846

Ques Were there papers above referred to delivered to you by Soto for the purpose of enabling you to give him Juridical possession of this Rancho!

Ans - Yes there were -

Cross Examination

Ques State the time when Sotos petition for Juridical possession was presented to you.!

Ans On the 8th of January 1844 -

Ques Was the petition you refer to in your examination in chief for the land originally granted or for the Sobrante!

Ans It was for the land originally granted ~~the same~~ that is to say the land in the centre, comprised within these boundaries, on the South by an Arroyo or stream called del Alto, in a straight line to the Rodeo, & thence to the sea, the same as described in the plan now before me - where the lands of Don Guillermo Castro are is the Northern boundary on the West the sea - the east is bounded

by the lands of Don Guillermo Castro -

Ques Did you give juridical possession yourself to Barbara Soto -

Ans No I did not go myself, I was ready to go when the Husband of Barbara Soto was taken sick & I delayed going -

Ques Was juridical possession of the land ever given at all by any one?

Ans Besides what I have done myself I know nothing -

Ques How do you know that the land is bounded on the West by the bay -?

Ans Because it is so in the papers I have seen it so -

Ques Do you mean by the papers the titles among them?

Ans Yes - the title

Ques Do you know if there was a Sobrante granted to Barbara Soto or her husband -

Ans Yes Sir -

Ques On what side of the original grant did the Sobrante lie?

Ans In the direction where Castro is, in the part below -

~~Ques I think in the place where Guillermo Castro~~

Ques Look at the map & state upon which side of the original grant the Sobrante laid

Ans I do not, ~~because~~ remember where it was, because there was an arrangement made between Castro & Soto in regard to ~~this~~ everything -

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Quer Point out on the Map where Castro's land lay -

Ans On the side of the San Lorenzo and the Lomerias - across the San Lorenzo Creek

Quer Was the Sobrante granted first, or the other tract -?

Ans The first was Alvorado's grant

Quer In identifying this map, do speak from seeing it now or from your recollection of the fact of having seen it before -

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Ans It is because I have stated before that on seeing it now I have an idea that I have seen it before, it is so long since that I would not have a distinct impression of it -

Quer Are you certain, that you say this map at the time you saw the papers referred to -

Ans I have said already that I have an idea it is the map.

Quer Was the grant for the Sobrante among the papers you saw -

Ans Yes it was.

Quer Was the Estero, ~~or the Bay~~ near the Western boundary of the original grant, or that of the Sobrante -

Ans I do not remember exactly -

Subscribed & Sworn to before me this 18 March 1857.
Cutler McAllister
U.S. Comr

Antonio Mesa
Pltf

United States District
Court Northern District
of California. —

No 300.

The United States

vs

Barbara Soto

Deposition of Antonia
Maria Pico a Witness
produced on behalf of the
Claimants —

Filed March 23. 1857.
W. H. Chevers.
Deputy.

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UNITED STATES DISTRICT COURT,
Northern District of California.

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Barbara Soto et als.
vs
United States

San Francisco, March 19th 1857

ON this day, before Ino A. Mourne a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Francisco Ace a witness produced on behalf of the Claimant

in Case No. 300, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 524 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — his evidence being interpreted by Wm Meeks - a sworn interpreter

PRESENT: U.S. District Attorney and Thornton & Williams for Claimant

QUESTIONS BY Claimants Counsel

1st What is your name, age, and occupation and residence

Answer - My name is Francisco Ace, aged 34 years am a Rancheo and reside in the County of Monterey -

2d. In what Government employ if any were you during the years 1842, 1843 and 1844. ?

Answer. I was the head Clerk of in the department of the Government that is in the Secretarys Office -

3d As such Clerk did you know anything of a grant of land to Francisco Soto if yea State all you know in

regard to it

Answer. There was a grant made to Francisco Soto by Governor Alvarado to the Son Lorenzo. After the grant made by Alvarado, there was another grant made by Micheltoreno to Soto, for about a half sitio, to complete the ~~grass~~ land, and carry out the original grant. The additional grant was out of a sobrante which remained from the original grant. or after the original grant was satisfied. The last concession made by Alvarado was made in my own hand writing.

Q Did you see in the office of the Secretary the documents relating to the title which were submitted to the Governor.?

Answer - I did.

Q Look on the document now shown you Marked A and attached to the deposition of C. B. Stivers heretofore taken in this case and say whether or not you ever saw it before? If yea - State all you know in regard to it

Answer. The ~~document~~ plan or map exhibited to me is exactly like the plan or map which was presented together with the other papers referred to, and I recognise the hand writing thereon and that the same can be found in the Archives of record.

It is very like that of me José Garcia. Garcia was a Chilian & Secretary of

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Court at San José and he died during the war of 1846. I think this map is the same that was with the other papers in the Secretary's Office

Sworn & subscribed before me this 19th March A.D. 1857
Wm. A. Sell
Juan A. Moreno
U.S. Commr

~~Cross Exd - I was generally at the grants under Micheltorena - Gomez was in the office with me during a part of the time but I do not know~~

My name is Guillermo Castro age 47 yrs, and a Rancher and live in Alameda County. I know the Rancho of San Lorenzo which was granted to Francisco Soto. I am one of the Defendantes of that Rancho.

Question - Did you ever see the title papers of Francisco Soto to the Rancho mentioned?

Answer. I have several times

Question Was there a Deseno among them?

Answer - There was.

Question - Look at the Map marked Exhibit A attached to the deposition of C.D. Stowe in this case and state whether or not it is the same map which you saw as above stated and all that you know in regard to the matter

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Answer. I believe it is the same on various occasions when Mr Soto wanted to make arrangements with me this map was produced and I sent it.

2 What was the form of the land granted to Francisco Soto and what were its boundaries -

Answer. The grant was for a square shaped piece of land - and it was bounded on the East by my land on the North West by Creeks of San Lorenzo and the line of Estudillo, on the West by the beach and on the South the land of Valle. The points of the Southern line runs with the Arroya del Alto, from there a straight line will be taken to the road & beach

Cross-Ex^d were there two grants to that land? Answer - There was - One was by Alvarado and one by Micheltorena - One was for a Sobrante - the Sobrante laid on all sides of the original grant. The grant was of a square form originally. The original grant bought the land down to the beach as is in the Map.

Sworn & subscribed before me this 19th March A.D. 1857

Guillermo Castro

Jno A. Monroe
U.S. Comm^r

No 300

U. S. Dist. Court.

The United States.

—vs—

Barbara Soto.

et al.

Deposition of

Francisco Arce. +

William Castro.

Filed March 23. 1857.

W. H. Chevers.

Deputy.

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At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the The Court House in the City of San Francisco, on Thursday the twenty third day of April in the year of our Lord one thousand eight hundred and fifty- Seven

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

No. 300

The United States

vs

Barbara Soto et al

On appeal from the decision of the United States Land Commissioners

This cause coming on this day to be heard upon the Transcript of the proceedings & decision of the Board of Land Commissioners to ascertain and settle private Land Claims in California and upon the papers and evidence on which the same are founded, the pleadings and further testimony taken under orders of this court, was argued by counsel, and thereupon due consideration thereof, it is the opinion of this Court that there is no error in the decision of the said Board, and the same should be and is hereby affirmed-

And this court doth thereupon adjudge order and decree that the claim of the petitioners to the Land in the said Transcript described is valid, and the same is hereby confirmed to them- The land so which confirmation is hereby given is known by the name of San Lorenzo situated in, what was the county of Contra Costa, and now is the County of Alameda,

United States District Court, Northern District of California.

vs.

Filed 185

Clerk.

Deputy.

and is bounded and described as follows
viz. On the North by the creek of San Lorenzo
On the West by the Bay of San Francisco On
the South by the arroyo del Alto pertaining to Son Jose Valley, straight
drawn from this creek to pass by the Rodeo
to the Beach and on the East by Don Guille
mo Castro, according to the line of division
agreed on and settled by the Governor of California
on the 17th day of January 1844, a copy of which
agreement is contained in the said Transcript
and endorsed on the original grant in this case

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Ogden Hoffman
U. S. Dist Judge

No. 300

U. S. Dist: Court.

The United States.

—vs—

Barbara Soto. et al.

Decree.

Filed April 23. 1857.
W. H. Chevers,
Deputy Clerk.

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In the District Court of the U. S.
Northern District of California

The United States
v
Barbara Soto et al

D. C. 300; L. C. 534

In pursuance of a notice from the U. S. Attorney General hereunto annexed it is hereby stipulated and agreed that no further appeal be taken in this case on the part of the United States, and that claimants have leave to proceed under the decree of this Court heretofore rendered in their favor, as under Final Decree.

San Francisco Apl. 29. 1887

Wm Blanding
Dist. Atty.

Thornton Williams & Thornton
Attys for Claimants

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California Land Claims.
Attorney General's Office
2 March, 1857.

Sir:

In the case of the claim of Barbara Soto et al: confirmed to the claimants by the Commissioners, Case no. five hundred and twenty-four, (524), appeal will not be prosecuted by the United States—

I am
Respectfully.

C Cushing

Wm Blanding Esq
U. S. Attorney,
San Francisco—

300

The United States

v

Barbara Soto et al

stipulation

Filed April 29, 1857.
W. H. Chevers,
Deputy.

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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 Wednesday the 29th day of April in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
v
Barbara Soto et al
} D.C. 300 : L.C. 524

The Attorney General of the United States having given notice that appeal will not be prosecuted in this case and a stipulation to that effect having been entered into by the U.S. attorney:

On motion of the District Attorney it is ordered adjudged and decreed that claimants have leave to proceed under the decree of this Court heretofore rendered in their favor as under final decree.

Ogden Hoffman
U.S. District Judge

300

United States District Court, Northern District of California.

The United States

vs.

Barbara Soto et al

ORDER.

Vacating appeal

Filed April 29. 1857.

John A. Munroe,

CLERK.

By W. H. Chesebro,

DEPUTY.

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United States District Court
Northern District of California

The United States vs Barbara Soto et al } U.S.D.Ct. No. 300
U.S.L.Com. No. 524

It being suggested to the Court that the survey of the land claimed in this case made under final decree and approved by the United States Surveyor General for the State of California is erroneous - On application of Robert Simson, Attorney of said Barbara Soto et al. it is ordered that said Surveyor General return to this Court a certified copy of the Plat of said approved survey and that said Barbara Soto et al - - - - - - - - be allowed fifteen days from and after the return thereof to file exceptions thereto and it is further ordered that a certified copy of this order be served upon said Surveyor General for his information.

U. S. Marshals office
San Francisco. Dec 3d 1859

I have this day made personal service of this order on James W Mandeville U S Surveyor General for California by delivering to him a true copy thereof, and exhibiting to him this original.

D L Solomon
U S Marshal

300
United States District Court
Northern District of California

The United States
vs
Barbara Soto et al

N.S.C. No 300
" Com. " 524

Order to return Survey.

Filed Nov. 22, 1859.
W. H. Clement
Clerk

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United States District Court
Northern District of California

The United States
vs
Barbara Soto et al

U.S. Dist Court No. 300
U S Land Com'n No. 524

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On application of Robert Simson attorney for said Barbara Soto et al it is Ordered that they have until Monday the seventeenth day of February 1860, to file exceptions to the certified copy of the plat of survey of the lands claimed in this cause heretofore returned to this Court by the U.S. Surveyor General for the State of California - in addition to the fifteen days heretofore allowed to said Barbara Soto et al therefor

M. Hall McAllister
Judge

January 30th. 1860.

U S District Court
Northern Dist of Californ

300

The United States
vs
Barbara Soto et al

Order to extend time for filing
objections to Surveys to
the 17th ~~February~~ inst.

Filed January 30, 1860
J. D. Sheerer
Clerk

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United States District Court
Northern District of California

The United States
vs.
Barbara Soto et al.

No. 300. U.S. Dist. Ct.
No. 524. U.S.L. Com

The petitioners Barbara Castro de Soto above named widow of Francisco Soto deceased and also Vicente Soto Jesus Ma. Soto Mariana Soto Trinidad Soto, Encarnacion Soto de Rowe and her husband Edward Rowe children and heirs of said Francisco Soto. and with others claimants of the Rancho of San Lorenzo heretofore granted by the Mexican Government of California to said Francisco Soto respectfully shew unto the Court that they object to the survey of said Rancho and to the map or plot thereof heretofore returned to said Court by J. W. Manderlee Esq U.S. Surveyor Genl for the State of California and now on file in said cause, - and as matter of objection they show that the same is not made in accordance with said grant thereof nor with the decree of confirmation heretofore rendered in said cause wherein said Rancho is described as follows viz: On the North by the Creek of San Lorenzo. On the West by the Bay of San Francisco On the South by the Arroyo del Alto pertaining to Don Jesus Vallejo and a

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straight line drawn from this Creek to pass by the Rodeo to the Beach On the East by Don Guillermo Castro according to the line of division agreed on and settled by the Governor of California on the seventeenth day of January 1844 a copy whereof is contained in said transcript and indorsed on the original Grant in this cause - And the petitioners show that in and by said Survey and the map thereof returned as aforesaid said Rancho is made to be bounded on its Southern side by a line different from said Southern line thereof as given in said decree & in the original grants of said Rancho to wit by the line drawn on said map from the post marked S L. No 11 to post marked J V. No 3. thereby excluding from said Rancho as the petitioners are informed and believe more than 1500 acres of land which justly belong thereto - And the petitioners further show that said Survey and said map or plot thereof are also wrong in respect to a part of the Eastern boundary of said Rancho to wit the line of said Eastern boundary which appears upon said map as drawn from Post No 2 to the point marked [illegible] Sycamore tree S L No 3 N. 80 1/4 E. 5.85 ch from corner - And the petitioners show that the line on said part of said boundary should be run as the same is laid down in the testimony of W. A. Higley beginning on

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page 35 of the transcript from the U. S Land Commission on file in said cause to wit beginning on the Zanjon or ditch on the bank of which stands the dwelling house of the petitioners at a point where the produced line of the front of Guillermo Castro's house meets said ditch - thence at right angles to said produced line 600 varas towards the ancient public road in the plain - thence in a straight line to a point on the South bank of the San Lorenzo Creek, marked on the map filed with and referred to in said Higleys said testimony as I. S No 12. which said point was agreed on as in said testimony is declared by all parties in interest & was designated by a stake marked as last aforesaid - And the petitioners show that said line so drawn on said map or plat from said post No 2 includes in said Rancho a portion of land belonging to the Rancho of Guillermo Castro - not belonging to said Rancho of San Lorenzo formerly granted to said Francisco Soto dec^{a} and petitioners refer to said testimony of W A Higley beginning on said page 35 of said Transcript & to said map therein referred to and filed therewith and also to the testimony of said Guillermo Castro beginning on page 41 of said Transcript And the petitioners pray that the Court order said survey and

map or plots so returned to be corrected as aforesaid to wit that said southern line of said Rancho be made to conform to the original grant of said Rancho to said Francisco Soto & to said decree of this Court and that said part of said Eastern line of said Rancho wrongly drawn as aforesaid be so corrected and drawn as to accord with said testimony & map of said H. A. Higley.

Robert Simson
Attorney of said
Petitioners

U. S. District Court
Northern District of California

No. 300.

The United States
vs
Barbara Soto et al

Petition - Objections to Survey.

Filed Feby. 4th 1860.
W. H. Chevers,
Clerk

14 1/2

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

Barbara Soto et al
vs
The United States
No: 300 —

The Petition of Charles W. Hathaway Hamilton N. Crabb & Wm Sherman as admr. of E. D. Steere dec'd respectfully shows to the Court that they are part owners of the Rancho San Lorenzo claimed in the above case.

That said claim has been finally confirmed and duly surveyed by the Surveyor General of the United States for the State of California —

That your Petitioners derive their title to a portion of the said land by purchase from the widow of the original Grantee who by his last Will and Testament fully empowered and authorized her to make such sale —

That said survey has been objected to by parties claiming an interest in said lands and has been ordered into Court for examination and adjudication under the act of Congress approved June 14. 1860 —

Your Petitioners therefore pray

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came to intervene in said cause for the protection of their rights under the provisions of the said act of Congress in such case made and provided. And your Petitioners will ever pray &c.

Thornton Williams & Thornton
Attys for Petitioners

C. W. Hathaway

Sworn to and subscribed by C. W. Hathaway before me. Oct. 8. 1860.

W. A. Chureis.
N. P. Cass

No: 300

Barbara Soto et al

vs

The United States

Petition of
C. W. Hathaway et al

Filed Oct. 8. 1860.
W. H. Chevers,
Clerk

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No. 300

Barbara Soto et al vs U. States

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

The Petition of Louis Brady respectfully shows to the Court that he is a part owner of the Rancho San Lorenzo, claimed in the case of Barbara Soto et al vs The United States being No 300 – That said Claim has been finally confirmed, and duly Surveyed by the Surveyor General of the United States for the State of California –

That said Survey has been objected to by parties claiming an adverse interest as your Petitioner is informed and believes, and the same has been ordered into this Hon Court for examination and adjudication –

Your Petitioner claimed his interest in said Land, being about twelve Hundred acres at the present time, by purchase from the Widow and Devisee of the original Grantee who by ~~the~~ ~~xxxx~~ ~~of~~ ~~xxx~~ ~~xx~~ his last will and testament fully empowered and authorized her to make such sale

Your Petitioner therefore prays leave to intervene for the protection of his rights in the said case of Barbara Soto et al vs The United States, under the provisions of the act of Congress approved June 14. 1860 –

Louis Brady

Sworn to and subscribed before me. Oct. 8. 1860.
W. H. Chevers
U. S. Com.

No: 300

Barbara Soto Et al
vs
The United States

Interrogatories for
Louis Brady

Filed October 8. 1860.
W. A. Clement.
Clerk

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Sd by L. Brady

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United States of America,) SS.
Northern District of California.)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,
To the Marshal of the United States for the Northern District of California,

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 300, to Barbara Soto, et al. known as "San Lorenzo", and situated in the County of Alameda in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the 10th day of October A. D. 1860, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this 4th day of Sept. A. D., 1860.

W. A. Clevenl

CLERK.

The within Monition was received by me on Tuesday the 4th day of September 1860, and in obedience thereto I have given due notice, as therein commanded, by causing the publication of said notice, for 4 consecutive Wednesdays, in the San Francisco Herald, commencing on the 5th day of September 1860; and for 4 consecutive Saturdays, in the Alameda Gazette a paper published nearest the land, commencing on the 8th day of September 1860.

Dated San Francisco, Octr 10th 1860.

P L Solomon
U. S. Marshal.

No 300—

UNITED STATES DISTRICT COURT,
Northern District of California.
IN LAND CASES.

THE UNITED STATES.

V.

Barbara Soto, et al,

MONITION.

Returnable 10th Oct'r, 1860.

Issued Sept. 4, 1860.

Filed Oct. 10, 1860.

W. A. Reed
Clerk.

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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 Wednesday the tenth day of October in the year of our Lord one thousand eight hundred and sixty.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

V.

Barbara Soto, et al.

IN LAND CASES.

District Court No. 300.

Land Com. No. 524

AND now at this day the United States Marshal having made return upon the Monition heretofore issued in this cause, that he had given due notice as therein commanded; on motion of Attorney for proclamation was made that all parties having, or claiming to have, an interest in the survey and location of the land finally confirmed in the above entitled cause, appear and intervene for the protection of such interest; The U. S. Attorney, and Andrew Glassell appeared for the U. S. Robb & Linsen appeared for the Claimants. J. J. Williams appeared for Louis Brady, and for Hathaway, et al. No other parties appearing

whereupon IT IS ORDERED, that the default of all parties not appearing as aforesaid be and the same is hereby entered.

No. 300.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

Barbara Soto, et al,

ORDER ON RETURN OF MONITION.

Filed October 10, 1860.

W. H. Chevers,

Clerk.

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United States District Court
Northern District of California

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United States
vs
Barbara Soto et als

No 300
San Lorenzo.

Northern District of California ss.

Robert Simson being duly sworn deposes and says that he is informed and believes heretofore to wit previously to the year 1845 and during the life-time of Francisco Soto deceased the Rancho of San Lorenzo situated in the present Township of Eden County of Alameda & State of California was granted to Francisco Soto by duly constituted authorities of said California to wit by two grants thereof one of which Grants was duly made & executed to and in favor of said Soto by Juan B Alvarado Governor of said California and bears date the tenth day of October A.D. 1842 And the other thereof by Manuel Micheltorena also Governor of California and bears date the fourteenth day of January A.D. 1844

That said grants and the proceedings relating thereto are set forth in the record & documents on file in the Clerks Office of said Court in the

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above stated cause and thereto reference is hereby made.

That said Soto died in the Year 1845 and his said Rancho descended to his children & heirs certain of whom hereinafter named still retain their interest in said Rancho acquired by them by inheritance from their said father.

That the title to said Rancho acquired and inherited as aforesaid has heretofore been confirmed by the proper tribunals of the United States as appears by the Records & papers filed in the above stated cause and Survey thereof has been made by the United States Surveyor General for California who has returned his plat of said Survey to this Court.

That Deponent is the Attorney of certain of said heirs towit of Vicente Soto, Encarnacion Soto de Roome & her husband Edward Roome, Trinidad Soto Mariano Soto, & Jesus Maria Soto, all of whom save said Edward Roome are children & heirs of said Soto, and Deponent also is the Attorney of said Francisco Soto's Widow towit of Barbara Soto who is now owner by purchase of an undivided interest in said Rancho inherited from said Francisco Soto by Ana Maria Soto an other daughter of him and of said Barbara.

That all of said parties of whom this deponent is Attorney as aforesaid are dissatisfied with said Survey & Plat thereof and allege the same to be incorrect & intend to present their grounds of objection to this Court within the time assigned

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them for that purpose.

Robert Simson

Sworn to, and subscribed Oct 10. 1860 before me,

N. St Chenes
N. P. Can

№ 300

San Lorenzo

Barbara Soto et al

vs.

The United States

Pet: Francq Soto,
and affdvt.

Filed Oct: 10. 1860.
N. A. Chenet,
Clerk

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hdl

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

The United States
vs.
Barbarba Soto Etal

No 300
For the Rancho of
San Lorenzo.

State of California
County of Alameda ss-

William C. Blackwood being duly sworn deposes and says- that he this deponent, and Crayton Winton, George F Fleming Senior - Joel Russell, John Carter and John S. Finch, are the owners in fee simple of an interest in said Rancho of San Lorenzo described as follows, viz -

On the 19th day of January A.D. 1858, the said Joel Russell purchased the Entire interest of Francisca, a daughter, and one of the Seven Children and heirs at law of Francisco Soto deceased - in and to said Rancho for the Sum of $19.000. to her in hand paid - and on the Same day the said Francisca and her husband Gorgonio ~~Gorgonis~~ Guevara, Conveyed by deed, duly Executed & acknowledged as her said interest in said Rancho to said Joel Russell: and which interest so conveyed is claimed to be the one Equal undivided Seventh part of said Rancho.

On the Same 19th day of January 1858 said Joel Russell by deed Conveyed portions of his interest as follows - viz - to Crayton Winton $\frac{6}{25}$ ths thereof - To George Fleming Jr. $\frac{5}{25}$ ths thereof - To

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to Abraham W. Hanis $\frac{4}{25}$ ths thereof - and to William C. Blackwood $\frac{2}{25}$ ths thereof - and that said Abram W. Hanis subsequently by deed conveyed his said interest, $\frac{4}{25}$ ths, to John Carter and John S. Finch: And that the interests of said parties are now claimed to be as follows= viz - Jod Russell $\frac{6}{25}$ ths of $\frac{1}{7}$ th of the Whole Ranch, Crayton Winton $\frac{6}{25}$ ths of $\frac{1}{7}$ th of the Whole Ranch, Geurge Fleming Sr. $\frac{5}{25}$ ths of $\frac{1}{7}$ of the Whole Ranch -, and Wm. C. Blackwood $\frac{2}{25}$ ths of $\frac{1}{7}$ of the Whole Ranch -, and John Carter & John S. Finch $\frac{4}{25}$ ths of $\frac{1}{7}$ of the Whole Ranch - all of whom now occupy portions of said Ranch under their titles.

And deponent further says that said Jod Russell, Crayton Winton, Geurge Fleming Sr John Carter and John S. Finch, and this deponent have retained and employed a counselor of said County of Alameda, Attorney at Law, to appear and represent and protect their interests in the Settlement of the final Survey herein.

Subscribed & Sworn to
before me this 4th day of
October A. D. 1860
Isaac A. American
Notary Public

Wm C. Blackwood

United States District Court

Northern Dist. of California

No- 300.

The United States

v

Barbara Soto et al

Filed Oct: 10. 1860.

W. H. Chevers.

Clerk

affidavit of

Wm C. Blackwood

Joel Russell. William C. Blackwood. Crayton Winton, George Fleming St. John Carter and John S. Pinch -

Intervenors -

Wm Crane Atty. for said Intervenors -

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United States District Court
Southern District of California

The United States
vs
Barbara Soto & als

No 300 U.S. District Court
No 524 U.S. L.C.

The Petitioners Barbara Castro de Soto above named widow of Francisco Soto deceased and also Vicente Soto, Jesus Ma. Soto, Mariano Soto, Trinidad Soto Encarnacion Soto de Roome & her husband Edward Roome children & heirs of said Francisco Soto and with others claimants of the Rancho of San Lorenzo heretofore granted by the Mexican Government of California to said Francisco Soto respectfully shew unto the Court that they object to the Survey of said Rancho and to the Map or Plat thereof heretofore returned to said Court by J. H. Mandeville Esqr U.S. Surveyor General for the State of California and now on file in said cause and as matter of objection they shew that said Survey & Plat are not made in accordance with the said grant thereof nor with the decree of confirmation heretofore rendered in said cause wherein said Rancho is described as follows Viz Bounded on the North by the Creek of San Lorenzo. on the West by the Bay of San Francisco. On the South by the Arroyo del Alto pertaining to Don Jesus Vallejo and a straight

line drawn from this creek to pass by the Rodeo to the Beach. On the East by Don Guillermo Castro according to the line of division agreed on and settled by the Governor of California on the 17 day of January 1844 a copy whereof is contained in said transcript and endorsed in the original grant in this cause. And the Petitioners shew that in and by said Survey and the Map thereof returned as aforesaid said Rancho is made to be bounded on its Southern side by a line drawn as set forth in said Map from the Post marked SE No 11 to Post marked SW No 3. instead of by the said line drawn from said creek called Arroyo del Alto passing through said point called the Rocks unto the Beach whereby there is excluded from said Rancho as the Petitioners are informed & believe more than 1500 acres of land which justly belong thereto. And the Petitioners further shew that said Survey & said Map & Plat thereof are also wrong in respect to a part of the Eastern boundary of said Rancho to wit the line of said Eastern boundary which appears upon said Map as drawn from Post No 2 to the point marked "Sycamore Tree SE No 3 N. 80¼ E. 5.85 chains from cor" And the Petitioners shew that the line on said part of said boundary should be run as the same is laid down in the testimony of H H Bigley beginning on page 35 of the transcript from the U S Land Commission on file in said cause to wit beginning on the

Sanjon or Ditch on the bank of which stands the dwelling house of the Petitioners at a point where the produced line of the grant of Guillermo Castro House meets said Ditch, thence at right angles to said produced line 600 varas towards the ancient public road in the plain, thence in a straight line to a point on the South bank of the San Lorenzo creek, designated on the Map on file in this cause with and referred to in said Hagleys said Testimony by the letters and figures E S No 12 which said point was agreed on, as in said testimony of said Higley is declared, by all parties in interest & was marked by a stake bearing said letters & figures.

And the Petitioners shew that said line so drawn on said Map a Plat from said Post Et No 2. includes in said Rancho a portion of Land belonging to the Rancho of Guillermo Castro not belonging to said Rancho of San Lorenzo formerly granted to said Francisco Soto. deceased and Petitioners refer to said Testimony of H H Higley beginning on said page of said transcript and to said Map thereon referred to & filed therewith & also to the testimony of said Guillermo Castro beginning on page 41 of said Transcript

And the Petitioners pray that the Court order said Survey & Map or Plat so returned to be corrected as aforesaid to wit that the said Southern line of said Rancho be made to conform to the original

grant of said Rancho to said Francisco Soto and to said Decree of this Court & that said part of said Eastern line of said Rancho wrongly drawn as aforesaid be so corrected and drawn as to accord with said testimony & Map of said A. A. Higley.

Robert Simson
Attorney of Claimants

Am Crane Attorney for the Interveners Joel Russell, Wm C. Blackwood Crayton Wriston, Geo. Fleming Sr. John Carter and John S. Fisk

No 300
San Lorenzo

The United States
vs
Barbara Soto & al

Petition for Confirmation of Claim

Petition of Claimants
Filed Oct 15, 1860.
W. H. Chevers
Clerk

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Robert Simson
Claimants Attorney

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

The United States
v.
Barbara Soto et al
} No. 360. for place called "San Lorenzo."

The United States by their attorney ex-
cept to the plat and survey now on file
in this court - on the following grounds:

The said survey does not conform to
the terms of the decree confirming said
said claim -

The said survey does not conform
to the limits of the grant herein con-
firmed - but wrongfully embraces a large body of
public lands of the United States ly-
ing immediately South of the San
Lorenzo creek - and bounded on two
sides by said creek and the Bay of San
Francisco -

The said survey should be corrected so
as to exclude from its compass the
lands last named to - and made to con-
form to the limits expressed in the
original grants confirmed in said
cause.

~~Respectfully,~~
Calhoun Benham
U. S. District Attorney.

Dist. Court U.S.
N.D. California
300

The United States
v. No 300.
Barbara Soto et al

Exceptions on the
part of the U.S.

Filed Nov: 9. 1860.
W. A. Chevers.
Clerk

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Barbara Sais et al

IN LAND CASES.

Dist. Court No. 300

Land Com. No. 524

BE IT REMEMBERED, that on this 30th day of July A.D., 186 1, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Lyde Ramirez a witness produced in behalf of the Claimants in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being interpreted by S. D. Splivalo a sworn interpreter.

PRESENT: R. Lemon and H. M. Crane for Claimants and Intervenors Rufell et al, Williams & Thornton for Intervenor Brady & W. H. Sharp U. S. Atty for the U. S.

QUESTIONS IN BEHALF OF THE Claimants

Question 1st,

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

Ans.

My name is Jose Ramirez, my age is 61 years, and I

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resides on the ranchos Agua Caliente, Alameda County.

2.

Did you know Francisco Soto during his lifetime, if you did state when he died?

Ans.

I did, I do not remember when he died.

3.

Do you know Don Guillermo Castro?

Ans.

I do.

4

Do you know the two ranchos of San Lorenzo belonging respectively to those two men?

Ans.

I do.

5.

Do you know the boundaries of the rancho San Lorenzo which was the property of Francisco Soto during his lifetime, if so state them?

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Ans.

I know them. They are the Arroyo Seco right to the Bay on the South, the Arroyo San Lorenzo on the North, on the East the foot of the hills, on the West the shore of the bay.

6.

Do you know the point in the plain called the rodeo, near to the arroyo del Seco?

Ans.

I do.

7.

How does that Southern line run as regards that rodeo?

Ans.

I do not know exactly.

8.

Do you know the gully called the Sanjon which runs past the house of Barbara Soto, from the hills, out into the plain?

Ans.

I do.

9.

How does the dividing line between those two ranchos from the Arroyo del Alba to said Sanjon run?

Objected to by Counsel for the U. S. because the witness has already stated that the ~~East~~ Eastern boundary of the Soto ranch was the foot of the hills.

Ans.

Along the foot of the hills.

10.

From the Sanjon Northwards to the San Lorenzo creek, describe the line of division between the said two ranchos?

Same objection as the last.

Ans.

It runs from the Sanjon six hundred varas out in the plain, thence to a point on the San Lorenzo creek

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six hundred varas distant from the foot of the hills

11.

At what point on the canyon does the measurement of the six hundred varas begin?

Ans.

There was at the point where the measurement was began ~~where there was~~ a large sycamore, at the mouth of the Cañada. I don't know whether that tree now exists

12.

What were your means of knowing how said dividing line was run, from whom did you ascertain about it?

Ans.

I was living on that ranch of Guillermo Castro, and I could see it with my own eyes.

13.

Have you ever ascertained about the said dividing line from

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Guillermo Castro, or from Francisco Soto?

Ans.

From both of them.

14.

Where was the ~~pass~~ old public road in the plain, and how far from the foot of the hills did it run, between the arroyo del Alto and the arroyo San Lorenzo?

Ans.

About two thousand varas more or less.

Cross Examination.

Questions by Counsel for Intervenor Brady.

Ques: 15.

When did you live on the ranche of Castro?

Ans.

From 1840 till 1844.

16.

What was your employment while living there?

Ans.

I had my house standing

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there keeping him company.

17.

Were you in Castro's employment?

Ans.

I was.

18.

What did you do for him besides keeping him company?

Ans.

I worked there performing what little tasks I had to do, I ~~was~~ also went hunting in the mountains.

19.

How ~~far~~ long is that Western line in the plain from the Canjon to the arroyo San Lorenzo?

Ans.

About three thousand varas more or less.

20.

Where do you live now, and what is your occupation?

Ans.

I have said on the Agua Caliente, I am a farmer.

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21.

Does the Sycamore tree & hill stand on the Canyon?

Ans.

I think it is there, if not the stump must be.

his
Jose + Romero
mark.

Sworn to, and Subscribed this 30th day of July, A. D. 1861. before me.

W. A. Chenes.

U. S. Com.

No. 300.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

Barbara Soto.

DEPOSITION OF

Josi Romero.

on part of Claimant.

Filed August 15. 1861.

W. H. Chever.

Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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PAGE 186

The United States,

v.

Barbara Soto, et al.

IN LAND CASES.

Dist. Court No. 300,

Land Com. No. 524.

To Wm H. Sharp, U. S. Atty.
Williams & Thornton.

You are hereby notified that the testimony of John LaCroze, A. H. Thompson, Joaquin G. Castro, Natario Galindo, José Maria Amador, José Romero, and Guillermo Castro,

in the above entitled cause in behalf of the Claimants

will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on Tuesday the 30th day of July A. D. 1861, at 10 o'clock, A. M., and continuing from day to day until finished, at my office No. 14 U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Witness my hand and official seal at the City of San Francisco, in said District, this 20th day of July A. D. 1861.

W. A. Chevers.

U. S. Commissioner.

300.

For July 30. 1861.

Service admitted of a
Copy of the within this
20th day of July 1861.
Williams & Thornhill Stark
As Dist Atty
per AR

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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The United States,

v.

Barbara Sais et al

IN LAND CASES.

Dist. Court No. 300

Land Com. No. 324

BE IT REMEMBERED, that on this 30th day of July A.D., 1861, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Joaquin J. Castro a witness produced in behalf of the Claimants in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being interpreted by A. D. Splivals a sworn interpreter.

PRESENT: R. Simson Esq, and A. W. Crane Esq. for claimants and Intervenors Rupell et al, Williams and Thornton for Intervenor Brady, and W. H. Sharp Esq. U.S. Atty. for the U.S.

QUESTIONS IN BEHALF OF THE Claimants

Question 1st,

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

Ans.

My name is Joaquin J. Castro, my age is fifty two years,

and I resides in San Pablo
Contra Costa County.

2.

Did you know Francisco Soto
during his lifetime, if so is
~~where~~ he now dead, and when
did he die?

Ans.

I knew him, he is dead, I
think he died about the year
1845.

3.

Where did Francisco Soto live
during his lifetime — on what
ranchs?

Ans.

On the ranch of San Lorenzo,
between the ranchos of Guillermo
Castro and Jesus Vallejo.

4.

Do you know the boundaries
of the ranchs San Lorenzo,
if so describe them?

Ans.

I do know them, on the
North it is bounded by
Guillermo Castro, on the
South by the line of Vallejo,

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on the West by the Bay of San ~~Lorenzo~~ Francisco, on the Northwest by Estudillo and the San Lorenzo Creek, on the East also by Guillermo Castro.

5.

Describe the line which divides the rancho San Lorenzo, from that of Jesus Vallejo?

Ans.

It is a creek flowing from up in the hills to the Northeast. the creek is called Arroyo del Also and it flows to the Southeast; said creek is the boundary line till it comes to a place called the Deramedero, from that place a line is drawn across the old roads grounds of the Mission to the bay.

6.

How long have you known the said roads? By whom was that roads established, and state near whose house it is situated?

Ans.

I have known it since the

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year 1844. It was established by the Mission of San Jose, when they had their cattle around there. I believe it is at present near the house of a certain Anderson.

7.

When were you there last with whom did you go, for what purpose did you go, and what was done there at that time?

Ans.

I was there last about two or three years ago. I went there with Guillermo Castro, and some surveyors, I think Mr. Simson was there, also Galindo, Amador, and other persons that I cannot remember. I went there to show them the old rodeo grounds, and a stake which was there. They saw the place and became acquainted with the rodeos

8.

Whose ranchs lies on the other side to the South of

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the line which you describe as running from the Arroyo del Alto, through said rodeo, to the shore of the bay?

Ans.

The ranch of Pesos Valley.

9.

Who were the surveyors that you mention? ~~and~~

Ans.

They were government surveyors the name of one of them was Thompson. I do not remember any of the others.

10.

Describe the line which ~~divides~~ divides this rancho from that of Guillermo Castro as mentioned in your answer to ques: 4?

Ans.

It begins at a gully (Canjon) to the North of the house of Barbara ~~Lake de~~ Castro de Soto, midway of Francisco Soto, thence six hundred varas towards the road, thence a right line to the San Lorenzo creek, ~~thence six~~

hundred varas meeting the San Lorenzo creek, also, six hundred varas from the hills.

Cross Examination
Questions by Counsel for Intervenors Rupell et,als.

Ques: 11.

How did you come to know the boundary you have last described?

Ans.

Because during the years 1841, 1842 and 1843 I was in San José Mission as Administrador of said Mission, and therefore was acquainted with the localities of said ranchos; also because at that time Francisco Soto and Guillermo Castro obtained their titles, and so I knew their boundaries.

12.

Are you related to Guillermo Castro?

Ans.

I am, We are first cousins. de Soto
and second cousin of Barbara Castro,

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13.

Have you any interest in this land in controversy?

Ans.

I have none whatever.

14.

How long were you Administrador of the Mission of San Jose?

Ans.

I was Administrador during the latter part of 1841, the whole of 1842, and part of 1843.

15.

What was the business of such Administrador?

Ans.

It was to take care of the persons under my charge, and of the establishment at large, having power to sell buy and mortgage, and dispose in any other way the interest of said establishment, also to receive and execute the different orders from the Government do me.

16.

How early did you became

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acquainted with this line between Castro and Soto?

Ans.

About the year 1843 or 1844.

17.

Was that line run on the ground as early as 1843 or 1844?

Ans.

I do not know whether it was run or not at that time, but I know that the Government had granted to Castro those six hundred varas which had divided him from Soto.

18.

Do you mean to say that the Governor granted to Castro the six hundred varas, as you have described it?

Ans.

I do, and by Governor Michel=
=torrena.

19.

Where and how did you ascer=
=tain that fact?

Ans.

It must have been either in 1843 or 1844, while I was at

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the Mission of San José, on an
my ranch San Pablo, but I
do not remember well. I learned
it from the Calindanes them-
selves, to wit Francisco Soto, Carlos Castro
my Uncle and Father of Guillermo Castro, and Guillermo
Castro himself.

20.

Did you ever read the papers
in this case?

Ans.

No, I never have. I never
read his title papers.

21.

Is Carlos Castro alive now?

Ans.

No, he is dead.

22.

Was anybody present when
Francisco Soto told you about
the lines you have spoken
of?

Ans.

Perhaps somebody of his family
or of mine. I do not remem-
ber because I used to go very
often to his house, and in
the same way he would come
to mine.

23.

Where was he when he told you

about this line?

Ans.

I do not remember whether he was in his house or whether it was in mine, once when he came to a rodeo to get some cattle, which I delivered to him for another person.

24.

When did Carlos Castro die?

Ans.

I think in April of 1848.

25.

How long after the death of Castro, before you heard there was any difficulty about this line?

Ans.

I do not remember.

Questions by Counsel for the U. S.

Ques: 26.

In answer to ques: 4 you state the boundary on the Northwest of the ranchos claimed in this case, to be Eshudieta and the San Lorenzo

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Creek, and on the East and North by Guillermo Castro. State at what point on the San Lorenzo Creek is the line dividing Estudillo from Guillermo Castro as you knew those ranchos before the American posession?

Ans.

The dividing line does not come to the Arroyo San Lorenzo, said line begins at a spring near the house of an Indian named Sylvestra, thence it ran to the point of a Lancal where it touches the Arroyo San Lorenzo, thence up to the hills colindando with Estudillo and Peralta on the North.

~~27~~

Direct examination resumed.

Questions by Counsel for Claimants

Ques: 27.

How far is that Lancal (willow grove) you speak of from the San Lorenzo Creek?

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Ans.

The Southern end of the Lansal touches the Arroyo, it is about one thousand varas, perhaps more from the hills.

28.

How far Westward in the plain from the foot of the hills, or from the front of Guillermo Castro's house, did the ancient highroad run?

Ans.

About one thousand varas more or less from the house of Guillermo Castro.

29

Where did it cross the San Lorenzo creek going Northerly?

Ans.

About six or seven hundred varas more or less from the point of the Lansal up the creek.

Joaquin G. Castro

Sworn to, and subscribed July 30th. 1861. before me.

H. H. Cheever.

U. S. Commr.

No. 300

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Barbara Soto.

DEPOSITION OF

Joaquin. G. Castro.

on part of Claimant.

Filed August 15. 1861,

W. H. Chevers.

Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Barbara Sais et al

IN LAND CASES.

Dist. Court No. 300

Land Com. No. 524

BE IT REMEMBERED, that on this 30th day of July A. D., 1861, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Antonio Peralta a witness produced in behalf of the Claimants in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being interpreted by A. D. Splivalo a sworn interpreter.

PRESENT: R. Semison Esq. and A. M. Crane Esq for Claimants and Intervenors Rufus Peabody, Williams & Thornton for Intervenor Brady, and W. H. Sharp U. S. Atty for the U. S.

QUESTIONS IN BEHALF OF THE Claimants.

Question 1st,

What is your name, age and place of residence?

Ans.

My name is Antonio Peralta, my age is 58 years, and I

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in San Antonio.

2.

Did you know Francisco Soto during his lifetime, and do you know Guillermo Castro? and do you Barbara Castro de Soto widow of Francisco Soto?

Ans.

I knew Francisco Soto, and I know the others.

3.

Do you know the two ranchos called respectively San Lorenzo?

Ans.

I do.

4.

To whom did they or do they belong?

Ans.

From the hills to the bay belongs to Barbara Castro de Soto, and from the foot of the hills inwards belongs to Guillermo Castro.

5.

Do you know the boundary line between said ranchos?

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if as describe the same?

Ans.

I do know it the foot of the hills in some places and in other places the line goes further ~~into the hills apparaite the house~~ out towards the bay apparaite to the house of Guillermo Castrovahant six hundred varas from the foot of the hills.

6.

Do you know the arroyo del Alto?

Ans.

I do.

7.

Do you know the gully called the Canyon, which runs past the house of said widow from the hills into the plain?

Ans.

I do.

8.

From said Arroyo del Alto to said Canyon how does said boundary line run?

Ans.

By the foot of the hills.

9.

Q. How does the said line between said two ranchos run North from said Sanjon to the San Lorenzo Creek?

Ans.

It runs as I have told you (meaning the interpreter) all along the foot of the hills excepting a part where the line advances further towards the bay, as I have laid it down on this piece of paper, (here witness points to a piece of paper and explains as follows,) It begins at a point six hundred varas distant from, and West of the ~~Sanjon~~ foot of the hills, by the Sanjon thence the line runs North to a point on the San Lorenzo Creek, six hundred varas distant from the foot of the hills. This is the portion of the line which I said advance further towards the bay.

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10.

10.

How did you learn the position of this dividing line, which you describe?

Ans.

By Francisco Soto deceased, from no one else.

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Cross Examination.

Questions by Counsel for Intervenor Brady.

Ques: 11.

When and where did Francisco ~~Soto~~ tell you of this line?

Ans.

I do not remember when, it must have been on some place on his ranch.

12.

How long was the West line you have spoken of from the Canjon, to the San Lorenzo Creek?

Ans.

I do not know, perhaps three thousand varas more or less.

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13.

Who was present when Francisco de Sato described this line to you?

Ans.

I do not remember as it was many years ago.

14.

Was any one present?

Ans.

Miguel Mesa was present, he is now dead.

15.

When did Mesa die?

Ans.

He died in 1849.

Questions by Counsel for the U. S.

Ques: 16.

I understand you to ~~have~~ describe the line of Guilermo Castro from the Arroyo Seco to the San Lorenzo, and from the San Lorenzo to the San Leandro creek as running along the hills, except at the place near Castro's house where it extended [illegible]

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where it extended six hundred varas into the plain, Am I correct?

Ans.

I have said nothing about the San Leandro Creek, I have said that the boundary line runs from the Arroyo Alto along the foot of the hills to the Canjon, thence six hundred varas from the foot of the hills into the plain, thence to a point on the San Lorenzo Creek, six hundred varas distant from the foot of the hills.

17.

From this last mentioned point, how does the line run?

Ans.

That is as far up as I know.

18.

When you mean to say that Castro's ranche stops at that point on the San Lorenzo which you have named?

Ans.

I don't know where it ends.

Antº Mª Peralta

Sworn to and Subscribed this
30th July. A. D. 1861. before me.
W. St. Chenett
U. S. Commr

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No. 300

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

Barbara Soto,

DEPOSITION OF

Antonio Peralta,

on part of Claimant,

Filed August 15, 1861,

W. H. Chevers,

Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Barbara Soto et al

IN LAND CASES.

Dist. Court No. 300

Land Com. No. 524

BE IT REMEMBERED, that on this 10th day of July A. D., 1862, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Henry C. Smith a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: ~~his evidence being interpreted by a sworn interpreter~~.

PRESENT: W. H. Sharp Esq, U. S. attorney, Jno J. Williams Esq, for intervenors Hathaway & Brady. & R. Simon Esq for claimants.

QUESTIONS IN BEHALF OF THE United States

Question 1st,

State your name, age, residence and occupation.

Ans.

Henry C. Smith, age 36, residence Nevada Territory, occupation Miner.

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2d.

When did you first arrive in Calf., and how long have you lived in this State?

Ans.

I came to California in 1845, and have resided in this State ever since up to about one year ago.

3d.

Are you acquainted with the San Lorenzo Rancho, claimed in this case, and if so, when did you first know it?

Ans.

I am, and first knew it in 1846, a year after my arrival in California.

4th.

Did you ever have any business transactions with the claimants of said Rancho, in 1846, 1847, or about that time, and if so, state what.

Ans.

Not at that time. I had a business transaction with the Castros in 1846. I had no business transactions with the Sotas at that time.

5th

Did you have at that time any transaction with any parties to furnish

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lumber to be used on the San Lorenzo Rancho; if so, state particularly the transaction.

Objected to as irrelevant.

Ans.

None that I know of.

6th

Do you know James T. Stratton, Surveyor, and if so have you lately pointed out to him on the ground the site of a corral.

Objected to as irrelevant.

Ans.

I know W Stratton. I pointed out to him on Saturday last the site of a corral on Carter's Rancho.

7th

Do you know when that corral was built, for whom, and who furnished the timber?

Objected to as irrelevant, pertaining to no issue in this case between the U. S. and the claimants or intervenors.

Ans.

I don't know in what year the original

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corral was built, but in 1846 a man named Patterson that I was at work with and living with furnished lumber -rails- for the Soto Ranch: whether it was for building the corral or repairing it I don't know. There were two corrals, one in the hilly, which was pointed out by me on Saturday, and the other near the Soto house. I don't know for which one there rails were furnished.

&c

Did the Sotos use both there corrals?

Ans

They did, ~~at that time~~ in 1848, particularly the one in the hills when I first had knowledge of it, which was in that year. 1848 The lumber was furnished in 1846.

Examination closed. Cross examination waived.

H. C. Smith

Sworn to and subscribed July 10th 1862. before me,

W. A. Shepard

U. S. Comr.

No 300

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

V.

Barbara Soto et al

DEPOSITION OF

Henry C. Smith

on part of United States

Filed July 10th 1862.

W. H. Chevers,

Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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The United States,

v.

Barbara Sobrante

IN LAND CASES.

Dist. Court No. 300

Land Com. No. 324

BE IT REMEMBERED, that on this 22 day of September A. D., 1862, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared James T. Shratton a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being ~~interpreted by a sworn interpreter~~ taken by consent.

PRESENT: H. H. Sharp Esq U. S. Attny for the U. S. and Robt. Linson Esq for Claimant and L. L. Williams Esq for Intervenors Brady and Rathbone.

QUESTIONS IN BEHALF OF THE United States

Question 1st,

What is your name, age, place of residence and occupation?

Ans.

My name is James T. Shratton, my age is 32 years, I reside

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in Alameda, my profession is that of a Surveyor which profession I have followed for the last fifteen years, twelve of them in California.

2.

Look at the papers now shown you to be annexed to your deposition and marked Exhibit Sheehan No. 1. State what it represents, and by whom made?

Ans.

It is a topographical map of the District of country in Alameda County lying between the Arroyo de San Lorenzo, and the Arroyo Seco, made by myself in May 1862. The survey was commenced May 23 1862 and completed ~~it~~ on about the 5th of July following. The Pink lines representing the official location of the Rancho of San Lorenzo confirmed to Barbara Soto et al and the Green

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line marked "Rodeo line" being the old Rodeo line between the Rancho Arroyo del Alameda, and the said Rancho of San Lorenzo, as pointed out to me by Joaquin G. Castro, June 12th 1862. The dotted square marked "Old Corral" was pointed out to me by Henry Smith July 3rd 1862 as being the location of the old "Corral" used by the Padres at the time he knew it before 1850.

3.

I take approximately the quantity of land contained between the East line of the official survey of the Soto ranch, the San Lorenzo Creek from where it is intersected by the said East line to it's headwaters as shown on the said exhibit, and from the headwaters of the San Lorenzo to the

headwaters of the Arroyo Alto?

Objected to as irrelevant

Ans.

About Five thousand five hundred acres.

H.

On the plat of your survey the waters of the Arroyo Alto appear to sink at the place where a road is represented as crossing. Please show on said Exhibit the course of the said Arroyo Alto if continued?

Ans.

I have marked on said exhibit in Blue the course which the waters of the Arroyo Alto would follow if allowed to flow naturally, and without interruption by any artificial means, there being quite a pronu-

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nent ridge in the plain to the Headward of said blue line, following about on the line of what I have marked with a dashed Red line, which confines the waters of the Arroyo del Alto to its Easterly base.

5.

What is intended to be represented by the parallel dashed lines which cross the San Lorenzo creek between the places marked "W. Meeks" and "L. Llewellyn" and running Southeasterly crossing the Arroyo del Alto at the place where it sinks, as you have stated?

Ans.

It was the old Camino Real as pointed out to me by Joaquin G. Castro, June 1st 1862.

6.

How did you ascertain the

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line shown on your map which seems to separate the Tide marsh from the good land?

Ans.

From actual survey on the ground.

7.

State the quantity of land contained between the South line of the official survey of the Rancho of San Lorenzo confirmed to Soto, the line marked "Rodeo line" and the line of separation between the Marsh and good land?

Ans.

About twenty four hundred acres.

So much of the above deposition as is hearsay is objected to, as evidence in the case.

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Cross Examination
Questions by Counsel for
Claimant.

Ques: 8.

Did Joaquin J. Castro trace out upon the ground the whole of the Camino Real as shown upon the said Exhibit? Explain how you ascertained its course?

Ans.

He did not trace it out to me upon the ground, but only pointed out from the link of the Arroyo del Alto, its location at different points.

9.

State whether you have been Deputy County Surveyor of Alameda County, if you during what period?

Ans.

I was Deputy County Surveyor from 1853 to 1859 continuously, after which

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was County Surveyor.

10

Look upon the maps now shown you on file in this case, marked "R. T. No. 2 annexed to the deposition of H. S. Higley, State what office the said Higley held in January 1852, the date of said map, and whether you were his Deputy at that time?

Ans.

Mr. Higley was County Surveyor of Alameda County at that time and I was but had nothing to do with that survey at that time his Deputy.

11.

Have you been as Deputy County Surveyor and County Surveyor of said County, familiar with the Eastern line of said rancho, as depicted on said last ~~last~~ maps last mentioned, beginning

at the point marked "J. S. No. 1" to the San Lorenzo Creek at the point marked "J. S. Sta. 12."?

Ans.

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I have been.

12.

Look at the translation of part of the original papers in this case upon page 115 of the transcript herein, beginning with the words "The day 17th January 1844" and signed "Manuel Michel=torena," and describe how you as an expert, being called upon to run the line therein described as being "the limits of the "tract of Don Guillermo Castro," moved over the same?

Objected to because the witness is not competent to construe the said order,

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that being a question for the Court, and because the proof cannot be made by any expert, and also because it is new matter, and not matter called for in the direct examination.

Ans.

I would locate it substantially as shown upon Mr. Higley's map, Exhibit R. D. No. 2.

13.

Do you know of your own knowledge anything about the old corral mentioned in your examination in chief, as to whose it was, to what was applied, or aught else about it?

Ans.

I know nothing more about than what Henry Smith told me.

Deposition closed.

Jas. T. Shulton

300 ND
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Sworn to and subscribed this
22nd September. 1862. before me.

W. H. Chears,
U. S. Commr

No 300

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

V.

Barbara Soto, et al.

DEPOSITION OF

Jas. T. Stratton,

on part of United States.

Filed Sept. 22 1862

W. H. Cleaveland

Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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The United States,

v.

Barbara Sako

IN LAND CASES.

Dist. Court No. 300

Land Com. No. 324

BE IT REMEMBERED, that on this 30th day of September A. D., 1862, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared R. C. Hopkins a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: ~~his evidence being interpreted by a sworn interpreter.~~

PRESENT: H. H. Sharp U. S. Atty for the U. S. R. Simson Esq for Claimant, and J. J. Williams Esq for Dist. Atty. Hathaway clk

QUESTIONS IN BEHALF OF THE United States

Question 1st,

What is your name, age place of residence and occupation?

Ans.

My name is R. C. Hopkins,

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I am of lawful age, I reside in San Francisco. My occupation is that of Keeper of the Spanish Archives in the Office of the U. S. Surveyor General for California, which office I have held for the last seven years.

2.

State if you have produced the expediente in this case - No. 299, - and if what papers it consists?

Ans.

I have produced the expediente as found in the Archives. It consists of a memorandum in the handwriting of Governor Alvarado, and the Borrador of a Grant.

Question and answer objected to on the ground of their irrelevancy to the matter now in issue in this case.

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3.

Examine the Borrador of the grant found in the Archives as you have stated, and state whether any reference is therein made to a diseño of the land granted?

Same objection as last Ans.

There is none.

4.

Are there any other papers in the Archives to your knowledge relating to the Rancho San Lorenzo granted to Soto, such as a petition by Soto, or diseño of the land solicited etc?

Same objection as last Ans.

I know of none.

5.

Examine Exhibit "A P"

annexed to the deposition of Antonio Maria Pico filed June 12th 1854, being the Petition of Francisco Soto, asking for juridical possession of the land granted to him, and state if you know in whose handwriting said petition is?

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Same objection as the last.

Ans.

I think it is in the handwriting of ~~Xxxxx~~ one Pedro Garcia, who was a Clerk for Antonio Maria Pico about the time of the date of the Petition.

6.

Now look at the document marked Exhibit S. annexed to the deposition of Chas B. Shrave filed March 19th 1857. and state whether in your opinion said

Exhibit A, is in the hand-
writing of said Garcia and
if not state in whose hand-
writing it is if you know?

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Same objection as the last
Ans.

It bears a strong resem-
blance to the handwriting
of Garcia as shown in
the petition referred to. It
still however differs in
some points, it is much
shifter than the writing
in the petition. I cannot
say however whether it is,
or is not in the same
handwriting

Q.

Examine the petition of
Francisco Soto to Governor
Micheltorena for the extension
to which is attached the
Informe of Limens and the
Concepion by Michaltorena
and state whether there is

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in said documents any reference to a diseño of the lands solicited?

Same objection as last and also 1st & 2d that the documents speak for themselves.

Ans.

There is none.

Cross Examination waived.
Deposition closed.

R. C. Hopkins.

Subscribed and sworn to this 30th Day of September A.D. 1862 before me

H. F. Clement.
U.S. Com

No. 300

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

Barbara Sais

DEPOSITION OF

R. C. Hopkins

on part of the United States.

Filed Sept. 30. 1862

W. H. Revere,

Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Rancho Sobre

IN LAND CASES.

Dist. Court No. 300

Land Com. No. 324

BE IT REMEMBERED, that on this 30th day of September A. D., 1862, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Joaquin G. Castro a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being interpreted by R. D. Hopkins ~~a sworn interpreter~~. Robt. Simson, by consent

PRESENT: H. H. Sharp U. S. Atty for the U.S. R. Simson Esq for claimant, and J. J. Williams Esq for Int: Hathaway et al.

QUESTIONS IN BEHALF OF THE United States

Question 1st,

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

Ans.

My name is Joaquin G. Castro, my age is 53 years,

I reside in the town of San Pablo Contra Costa Co.

2.

Have you long have you known the land, known as the San Lorenzo ranch, claimed by Barbara Soto?

Ans.

I have known it as a rancho since 1842.

3.

Do you know the old Rodeo line between the Rancho Arroyo del Alameda, granted to José de Jesus Vallejo, and the rancho of San Lorenzo granted to Soto, and if so did you point out that line to James D. Shelton Surveyor on the ground, on or about the 12th of June last?

Ans.

I know that line, and I did so point it out.

4.

Were you ever Administrador of the Mission of San Jose.

if so in what years?

Ans.

I was such Administrador during the latter part of 1841, all of 1842, and the early part of 1843.

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5.

Did you, while you were such Administrador have charge of any stock belonging to the Mission which were kept upon the lands afterwards claimed by the Lobos?

Ans.

Previously to those years the cattle of the Mission were pastured upon the lands afterwards granted to Lobo, but when I became Administrador I collected the cattle of the Mission together and put them in another place, because they were getting lost and stolen in these lands of Lobo.

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They were stolen by certain Indians who lived upon and near the San Lorenzo creek and about where the Indian Sylvestre lived, also by Spaniards

6.

At that time was there a corral owned by the Mission in that vicinity, or in the vicinity of the Rodeo line, if so state where it was located on the ground?

Ans.

There was an old corral which had belonged to the Mission, and was situated about three hundred yards more or less to the Southward of the old house of Francisco Soto.

7.

On which side of the Camino Real, was that corral situated?

Ans.

Is the Eastward of it, less than a thousand varas.

8.

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Look at the map marked Exhibit Thurston No. 1, and state how far the old house of Soto was situated from the house marked "Barbara Soto" on said map?

Ans.

The two house ~~are~~ are about three hundred varas about the new house lies to the North of the old house

9.

Do you recollect in what year, Sotos first house was built?

Ans.

I don't recollect exactly but I think that it was in 1842, There was a little house there as early as that, built of Adobes and brush.

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10.

Do you recollect in what year De Soto petitioned for the rancho San Lorenzo?

Ans.

I do not.

Cross Examination
Questions by Counsel for Claimant.

Ques: 11.

Did you point out to Dep. Sheahan the Surveyor the position and course of the ancient Public road, or Camino Real, which passed from the San Lorenzo Creek Southerly towards the Arroyo del Alto?

Ans.

I did.

12.

At what points on said road, did you do so?

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Ans.

I showed him the same, he and I both being at the Arroyo del Alto, as no other place.

13.

At what distance to the Westward of the foot of the hills did the said Camino Real pass, or run in the plain? to the Westward of the house of Francisco Soto?

Ans.

The said Camino Real passed along in the plain, to the Westward of the house of Soto, being distant from the foot of the hills about 1400 or 1500 varas.

14.

Is the said Camino Real properly laid down upon the map marked Exhibit Stratton No 1?

Ans.

It is not properly laid

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dament. Upon that map I perceive that it is made to cut the line of two varas of Guillermo Castro. It did not cut the said two varas, but ran much below the same in the plain. It ran nearly in a straight line between the two Arroyos.

15.

Note what year was the old corral of which you have testified, used by the authorities of the Mission of San José?

Ans.

It was used ~~exhibit~~ up to the year 1840 by the Mission, It was not so used after the Concepcion to Soto.

Deposition closed.

Joaquin M Castro

Subscribed and sworn to this 30th

day of Sept. A. D. 1862 before me

W. A. Howard

N. P. Com

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No. 300

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

V.

Barbara Soto

DEPOSITION OF

Joaquin G. Castro

on part of the United States

Filed Sept. 30. 1862

W. H. Chever

Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Barbara Lake

IN LAND CASES.

Dist. Court No. 300

Land Com. No. 524

BE IT REMEMBERED, that on this First day of October A. D., 1862, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Jose de Jesus Munkney a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being interpreted by Robt. Simson ~~a sworn interpreter~~ by consent.

PRESENT: H. H. Sharp U. S. Atty. for the U. S. R. Simson Esq for Claimants and S. S. Williams Esq for Lt. Hathaway et al.

QUESTIONS IN BEHALF OF THE United States

Question 1st,

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

Ans.

My name is Jose de Jesus Munkinez, my age is 47 years,

I reside in the County of Contra Costa.

2.

How long have you lived in what is now known as Contra Costa County?

Ans.

About thirty two years.

3.

Do you know the ranchos Arroyo del Alameda granted to José de Jesus Vallejo, the San Lorenzo granted to Francisco Soto, and the San Lorenzo, granted to Guillermo Castro, if so for what length of time?

Ans.

I know them, and have known them since the first houses were put upon them.

4.

What was the dividing line between José de Jesus Vallejo and Francisco Soto at the time these ranchos were founded?

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Objected to on the ground that the boundaries of the ranchos in question are to be determined by the written documents of concession thereof.

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Ans.

The boundary line was a Canyon which ran from the hills down to the plain, and called the Arroyo del Soto. The land to the North of this Arroyo was the land of Francisco Sanchez, that to the South was the land of Jose de Jesus Vallejo.

Soto

5.

When Soto petitioned for his grant was there a corral belonging to the Mission, situated on the land solicited for by Soto, if so state it's location if you know?

Ans.

There was. It was situated to the Northward of the

present house of the Soto family, and between that house and the house of Guillermo Castro, and between the hills and the Camino Real.

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6.

Did Francisco Soto, or his family build a corral for their own use, if so state where that was situated?

Ans.

When they build their house there, Soto took the road which had formed the old Mission Corral, and built another one nearer to their house.

7.

Did the family have any other Corral besides the one you have mentioned, if so point out it's location on the map marked Exhibit Stratton Sp. 1?

Ans.

Yes they had a little corral formed of bunches of trees, which they kept some which cows. It was within the hills to the East of the plain, on the Arroyo del Alto. After passing over the first ridge, upon came to the corral in a hollow. It was a small corral built by some Sonorians.

Cross Examination
Questions by Counsel for Claimant.

Ques: 8.

Do you know the boundaries of the Soto ranche if so describe those boundaries, as granted to Soto?

Ans.

I do. In about the year

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1843 or 1844, I happened to be passing by the road or Camino Real, and I saw at the croping of the San Lorenzo Creek, where that road croped it, Soto, Guillermo Castro, and a number of other persons, they were discussing the question of the boundary lines of the ranchs of Soto and of his Colindantes. I had known the lines of the ranchs before this occasion, but on this occasion I became better acquainted with them. The boundary lines of the said ranchs were as follows: On the North by the Arroyo of San Lorenzo, on the East by the lands of Guillermo Castro, on the South by the Arroyo del Alto, and from the sink or Desmadre of this Arroyo by a straight

line which passed thence through the Rodes to the shore of the Bay of San Francisco, and on the West by the Bay of San Francisco.

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Direct examination resumed
Questions by Counsel
for United States.

Ques: 9.

From whom, or in what manner did you ascertain these to be the boundaries?

Ans.

I knew these boundaries previously to the occasion that I mention as a matter of general notoriety, and on the said occasion I ascertained said boundaries from the Calendantes themselves, particularly Soto and Guillermo Castro, who were arguing as to where

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the dividing line between
them ought to be run.
Each wishing the line
to be run far out in the
plain, and Sabo wishing it
to be run nearer to the hills.

Deposition closed

Jose de J. Martinez

Subscribed and sworn to this
1st day of October A.D. 1862 before me

W. A. Reed

U. S. Com'r.

No. 300

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

Barbara Soto

DEPOSITION OF

José de J. Martinez

on part of the United States.

Filed Oct. 1st 1862

H. H. Cheever

Clerk.

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United States District Court.
Northern District of California. }

The United States
vs.
Guillermo Leastro. } Land Case
No 29.

Whereas a dispute and disagreement has heretofore existed and now exists between said Guillermo Leastro Claimant in said case of the Rancho of San Lorenzo and Barbara Soto and others claimants in the case designated on the Docket of land cases of said Court as No 305 of the Rancho also called San Lorenzo and coterminous with said first mentioned Rancho, respecting the location and course of the dividing line between said Ranchos.

Now therefore it is hereby stipulated and agreed by and between the said Claimants respectively that the said dividing line between said Ranchos shall be run and is hereby established as the agreed and practically located line as follows, to wit:

Beginning at the point marked "Post B H No 6." on the map of official

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survey of said Rancho claimed herein by said Guillermo Castro - which map is now on file in this case - and running northwesterly along the line of course No. 9 of said survey to the point of intersection of said line of course No. 9 with the middle line of the County Road which leads from the Town of San Leandro directly to Haywards.

Thence running along said middle line of said Road Northwestwardly to a point in the middle line of a dry ditch which crosses said Road a few rods Northward from the Northern line of lands of William Hayward and runs from the plain Eastward or North Eastward to the San Lorenzo Creek - Thence running along the middle line of said ditch - Eastward or North Eastward to the said San Lorenzo Creek.

And that in all other respects the said dividing line shall be and remain as the same is represented upon said map thereof on file in this case as aforesaid - and also upon the map of official survey on file in said case No. 300 - and that whatever be the decision of this

Court in the premises the dividing line between said Ranchos shall be and remain as above described - And that a copy of this stipulation or a stipulation of like effect with this stipulation be filed in said case No 300.

In witness whereof we have hereunto set our hands and seals this the 24th day of September A.D 1861.

Guillermo Castro (L.S.)
Lewis Brady (L.S.)
C.W. Hathaway (L.S.)
A.W. Crabb (L.S.)
Barbara Castro de (her X mark) Soto (Seal)

Encarnacion S. de Rotime (Seal)
Edwd Rotime (Seal)
Trinidad Soto (Seal)
Vicente Soto (Seal)
Jesus M. Soto (Seal)
Mariano Soto (Seal)
Wm C. Blackwood (Seal)
Crayton Winton
Joel Russell (Seal)

State of California }
Alameda County. } S.S.

On this seventeenth day of July A.D. 1862.

personally appeared before me Geo. Fleming, a Notary Public, in and for said County, Barbara Leastro de Soto, Encarnacion S. de Rome and her husband Edward Rome, Trinidad Soto, Vicente Soto, Jesus M. Soto Mariano Soto, personally known to me to be the persons described in and who executed the foregoing instrument as parties thereto, and who acknowledged to me that they and each of them, executed the same freely and voluntarily and for the uses and purposes therein mentioned.

And the said Encarnacion S de Rome wife of said Edward Rome, having been by me first made acquainted with the contents of said Instrument, acknowledged to me on examination apart from and without the hearing of her said husband, that she executed the same freely and voluntarily without fear or compulsion or undue influence of her husband, and that she did not wish to retract the execution of the same.

On this eighteenth day of July A. D. 1862. also personally appeared before me Geo. Fleming a Notary Public as aforesaid, William G.

Blackwood and A. W. Crabb per-
-sonally known to me to be the in-
-dividuals described in, and who
executed the annexed Instrument
as parties thereto, and acknowledged
to me that they executed the same
freely and voluntarily and for the
uses and purposes therein mentioned.

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On the twenty eighth day of
July 1862. before me, George Fleming,
a Notary Public, in and for said
Alameda County, also appeared,
Leraytor Winton, within named, whose
name is subscribed to the annexed
Instrument, as a party thereto, per-
-sonally known to me, to be the in-
-dividual described in, and who
executed the said Instrument, and
he acknowledged to me that he exe-
-cuted the same, freely and volunta-
-ly, and for the uses and purposes
therein mentioned.

On the thirteenth day of August,
A. D. 1862. before me, Geo. Fleming,
a Notary Public in and for said
County, also appeared Joel Russell,
within named, whose name is sub-
-scribed to the annexed Instrument
as a party thereto, personally known

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to me to be the individual described in and who executed the said instrument, and he acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal, the days and year in these certificates respectively above written.

(Seal.)

Geo. Fleming
Notary Public.

State of California
City and County of San Francisco. } S. S.

On this 19th day of August A. D. 1862 before me Charles F. Galan a Notary Public in and for said City and County, duly commissioned and sworn, personally appeared the within named Guillermo Castro, whose name is subscribed to the annexed instrument as a party thereto personally known to me to be the individual described in and who executed the foregoing instrument, and who acknowledged to me he executed the same freely and voluntarily and for the uses

and purposes therein mentioned.

In witness whereof I have (Seal.) hereunto set my hand and affixed my seal of office this the day and year in this certificate first above written.

Charles F. Galan
Notary Public.

State of California }
City and County of San } S.S.
Francisco.

On this Eighth day of October A.D. One Thousand Eight Hundred and Sixty Two before me, Charles F. Galan, a Notary Public in and for said City and County, duly commissioned and sworn, personally appeared the within named E. W. Hathaway whose name is subscribed to the annexed Instrument as a party thereto, personally known to me to be the individual described in and who executed the said annexed Instrument, and who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness Whereof, I

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have hereunto set my hand
and affixed my official seal,
the day and year in this
(seal) certificate first above written.

Charles F. Galan
Notary Public.

Endorsed,
Filed January 31. 1863.
W. H. Chevers.
Clerk.

I, W. H. Chevers, Clerk of the District Court of the United States for the Northern District of California, do hereby certify that the foregoing is a true, full and correct copy of the original Agreement fixing boundary lines between Castro and Soto et al in the case of the United States against Guillermo Castro N° 29 now on file in my office.

In witness whereof I have hereunto set my hand and affixed the Seal of said Court this 31st day of January A. D. 1863.

W. H. Chevers,
Clerk.

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U.S. District Court
Northern District of California

The United States
vs
Barbara Soto et al

No. 300

It is hereby stipulated and agreed that the foregoing certified copy stipulation or agreement on file in Case No 29 (The United States vs Guillermo Castro) - be filed in the above stated case No 300. as evidence therein and have the same force and effect which the original thereof would have if so filed in said Case No 300 -

Robert Simson
Attorney of Barbara Soto
and of the heirs of
Francisco Soto dec'd

Reserving all legal objections to the original - contract or agreement not binding the U.S.

Wm H. Shark
U.S. Atty.

No. 300.

U. S. District Court
Northern District of California

The United States
vs
Barbara Soto et al.

San Lorenzo.

Certified Copy of Agreement fixing boundary between Castro and Soto et al.

Filed March 5, 1863.
W. H. Chevers,
Clerk

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United States District Court
Northern District of California

The United States } No. 300
vs
Barbara Soto et al } Rancho of San Lorenzo

It is stipulated that all testimony or documentary evidence in the above stated case and in Land case No. 29— entitled "The United States vs Guillermo Castro" which bears upon or relates to the common boundary line or lines of division between the respective lands or Ranchos claimed in said cases respectively, be admitted and considered as testimony and evidence in both of said Cases — ~~Subject to all legal exceptions~~ Legal exceptions save those provided for by this ~~Stipulation~~

Robert Simoon
Attorney of Claimant
Guillermo Castro

Wm H Sharp
U. S. Atty.

No. 300

U.S. District Court
Northern District of California

The United States
vs
Barbara Soto et al

Stipulation
admitting papers in
No. 29.

Filed March 16. 1863.
W. H. Chenet.
Clerk

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U. S. District Court
Northern District of California

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The United States } No. 300
vs
Barbara Soto et al } San Lorenzo

On reading and filing the petition of Trinidad Soto one of the claimants in the above stated case and also the affidavit of Barbara Soto aboovenamed annexed to said petition and it appearing to the court that in the proceedings in this case the said Trinidad has been by mistake named Margarita and that her true name is Trinidad Soto and also that in said proceedings another of said claimants has been improperly named "Anita," and that her true name is Ana Maria Soto- and on motion of Robert Simson the Attorney of said Claimants It is ordered that in the proceedings in this case the name Trinidad Soto be substituted for the name Margarita Soto and the names Ana Maria Soto be substituted for the name Anita Soto and that all proceedings be amended & corrected accordingly in this case

Ogden Hoffman
Dist Judge

No. 300

U.S. Dist Court
Northern Dist of Calª

The United States
vs
Barbara Soto et al

Order as
to names of Claimts
Trinidad & Ana Maria
Soto

Filed March 16. 1863.
W. H. Clevers.
Clerk

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12.

U. S

vs

Barbara Sto } No 300

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The principal objections now made by the U. S to the official Survey were urged on a former occasion to this Court when the above Cause was before it on appeal from the Board of Land Commissioners.

They were then elaborately argued and fully considered and a decree was entered declaring the boundaries of the tract confirmed, as deemed to the Court to be just.

The exceptions filed by the U. S seek to reopen the Controversy thus settled and determined. It is enough to say that independently of the fact that the matter may well be deemed "res adjudicata" I have seen no reason to doubt the entire correctness of the opinion heretofore delivered by this Court.

~~An objection is also taken to~~ The location of the Eastern line

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of the official survey is also objected to— But the location of this was ~~this~~ line in like manner discussed in the opinion heretofore delivered and fixed by the decree— But even if the question were still open I can not myself be able to discover any plausibility in the objection taken by the U. S.—

The grant and chain of Soto appear to have embraced a tract extending from the San Lorenzo to the Alto creek & from the Beach to the Cachilla or crest of the hills— "by taking the ~~The grant to Castro has neigh~~ ~~borhood~~ number of varas granted to Castro in said lands"

The grant to Castro for his Rancho of Six leagues was subsequently issued— His land is described as bounded by the Rancho of Soto on the side next ~~the~~ hills the main road from the arroyo del alto to that of San Lorenzo, the said Soto having been considered the owner of that part next the Beach

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3 The main road used to
this point one took to the
other across the plain from North
to South, and at no great dis
tance from the base of the hills.
From the language of Castro's
grant he might well have contended
that his western line was
to run along the road and
that Soto's land was to lie
to the west and between the
Road & the Beach
But Soto's grant, which was prior in date
the land from the beach to
the cuchilla or crest of the hills
excepting a few hundred varas
already granted to Castro —
A dispute therefor actually
arose which on the complaint
of Soto that Castro was encroaching
on the plain, was settled by
the parties in presence of &
with the sanction of the
Governor —
The boundary thus settled is
thus described — "Commencing
"at the canjon or rivulet about
"N. & parallel with the Southern
"side of Castro's house meaning

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4 600 varas to wards the main
road and from thin points of
termination, taking a straight
line to the Arroyo de San Lorenzo-
and recognising for the bounda
ries on the other side of the
rivulet the margin or base
(orilla) of the hills measuring 10 varas up
on the hills—
The rivulet referred to, is a
small stream descending from
the ~~Moon~~ hills & flowing in
a westerly direction into the
plain— On the ~~the~~ northerly side
of it, is the house of Castro
and on the southerly, that of
Soto— These houses are nearly
in the same straight line—
The rivulet is about midway
between the Alto & the San Lore
zo—
As a line run along the base
of the hills would barely include
Soto's house within his grant
and barely exclude that of
Castro, it seems to have been
agreed that from the rivulet
where it is parallel with the
Southern side of Castro's house

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a line 600 varas long towards the west or in the direction of the road should be run & thence to the San Lorenzo — The house of Castro would thus be left 600 more than 600 varas within or to the East of his boundary —

The remaining or Northern portion of the line namely that "on the other side of the mesa" was to be run along the base of the hills but 10 varas up on their side in order that the house of Soto might be at least that distance within his boundary —

Such seems to me the clear and unmistakable meaning of the agreement made by the parties and on no other supposition could it have effected its object viz the adjustment of a dispute between the parties as to the line constituting the Eastern boundary of one & the western boundary of the other —

The testimony of the neighbors

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particularly that of Guillermo Castro "shows" as stated in the former opinion of this Court that the location as determined from the description in this agreement in no respect differs from the line as understood and recognized by the parties themselves and their neighbors." The official survey has followed this line and in my opinion should not be disturbed.

It is urged on the part of the claimants that the Southern line as surveyed does not conform to the line passing from the Alto Bonoso to the Arroyo to the Beach as described in the grant & decree — The line of the official survey has followed the boundary of the Rancho of Vallejo, the claimants abundante on the South as established by the official survey which has been finally approved & which has been embodied in a patent

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1 The grant to Vallejo is the elder — His northern line as laid down on the diseño is indicated by an inscription on it of its magnetic course —
This line has been followed on his the survey & patent is ued to him —
northward It is unnecessary to consider how far the patent thus issued to his neighbor would be conclusive on the claimants of the grant to the latter were the elder of the two and if the location of Vallejo's were wrongfully beyond the limits of his grant — Yet in the that case stated the grant to Vallejo, is the elder and the land patented to him is wrongfully within the his western boundaries as shown by his diseño —
I think therefore that the younger grantee has no right to insist that his land shall be surveyed so as to overlap his neighbor and that the location of the boarding line between

thence

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& by the proper authorities of the U. S is final and conclusive on both parties - more especially as there is already included in the lands surveyed to Soto the full quantity of one league & 1/2 granted to him by the former Government ~~My opinion on the whole is that the official Survey is correct.~~

~~It is therefore approved.~~

By a stipulation filed in this case and signed by the claimants and interveners and by Guillermo Castro it is agreed that a slight modification of the dividing line between the Ranchos as established by the official Survey shall be made- The U. S have no interest in the question

A decree will therefore be entered approving the official Survey with the modification thus assented to by the parties.

No. 300

U. S. Dist. Court
The United States
vs.
Barbara Sobo et al.

Opinion
Modifying survey.

Filed March 27th 1863
W. H. Clevers
Clerk

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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 27th day of March, in the year of our Lord One Thousand Eight Hundred and Sixty-Three -

Present -

The Honorable Ogden Hoffman District Judge.

The United States
vs
Barbara Soto et al } No. 300 -

In the Matter of the Survey and location of the Rancho called "San Lorenzo" -

This cause came on this day to be heard and was argued by Counsel, and thereupon and in consideration thereof, It was ordered adjudged and decreed, and the Court doth hereby order adjudge and decree that the Exceptions filed to the Official Survey in this case be and the same are hereby overruled - And it is further ordered adjudged and decreed

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that said official survey be modified according to the stipulation of the claimants and intervenors herein, and Guillermo Castro, settling by agreement the dividing line between this Rancho and the Rancho of the said Castro, as follows, Beginning at the point, on the official survey of the said Castro, marked Post S. L. No 6, and running Northwesterly along the line of course No. 9 of said Castro survey to the point of intersection of said line of course No: 9 with the middle line of the County road which leads from the Town of San Leandro directly to Haywards, thence running along said middle line of said road North-westerly to a point in the middle line of a dry ditch which crosses said road a few rods Northward, from the northern line of lands of William Hayward and runs from the Plain Eastward or North Eastward to the San Lorenzo creek; Thence running along the middle line of said ditch, Eastward or North Eastward to the said San Lorenzo creek, and in all other respects the said dividing line remaining as the same is represented on the official survey. And it is further ordered that the official survey in

this case in all other respects be and the same is hereby approved -

And it is further ordered that the Surveyor General cause the above specified modifications to be made, and that he return into this Court a plat of said modified Survey with as little delay as practicable -

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John Hoffman

Dist Judge

No. 300

U. S. Dist. Court

The United States

vs.

Barbara Labocka

Order

modifying survey.

Filed March 27th 1863

N. D. Chevers,

Clerk

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District Court of the United States
Northern District of California

U States
vs
Barbara Soto et al —

No: 300

It is admitted that the modified survey in the above case is in accordance with the decree of the Court, and it is agreed that the said survey be approved

Sept. 3rd 1863

Robert Simson
Claimants Attorney

W W Stow
Attorney for
Guillermo Castro and
A L Grozan his successor in
Interests.

Northern District of
California —

U States
vs
Barbara Soto Etal

No 300

Stipulation —
that Surrey is correct,

Filed Sept: 14: 1863
W. H. Chevers
Clerk

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At a Stated Term of the District Court of the United States for the Northern District of California, held at the Court Room, in the City of San Francisco, on Monday, the 14th day of September, A. D. 1863.

Present:

Hon: Ogden Hoffman,
District Judge.

The United States
vs
Barbara Soto et als
"San Lorenzo."

No. 300.

This cause coming on this day for hearing was argued by Counsel, and thereupon, and in consideration thereof, It is ordered adjudged and decreed, and this Court doth hereby order, adjudge and decree that the modified Survey of the Rancho "San Lorenzo" claimed in the above case, be and the same is hereby approved and confirmed as a true and accurate survey of the lands of the said Rancho.

The survey hereby approved

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contained Six Thousand Six Hundred and Eighty-five 55/100 acres (6685 55/100) of land, being the same made by John La Croze Deputy Surveyor in October 1858 and April 1863, a certified plat of which was filed in the Clerk's Office of this Court on the 26th day of August 1863, which said certified plat is hereunto annexed as a part of this decree, marked "Approved, September 14th 1863 Ogden Hoffman Dist. Judge"—

Ogden Hoffman
Dist. Judge

No. 300. ND

524 139

U. S. District Court.

The United States.

vs.

Barbara Soto. et al.

Final decree approving official Survey.

Filed Sept. 14. 1863.

H. St. Cheveet.

Clerk.

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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 Saturday the seventeenth day of October in the year of our Lord one thousand eight hundred and sixty-three

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

V.

Barbara Soto et al

No 300

This cause having come on to be heard on objections to the survey and location of the land heretofore confirmed to the said Barbara Soto et al; and the Court having by its final decree made and entered September 14, 1863, approved the location made by the Surveyor General of the United States for California in pursuance of the order of the Court. Now, on application of Wm H. Sharp Esq, U.S. Attorney, It is Ordered that an appeal in behalf of the United States from said final decree be and the same is hereby granted, and that a certified transcript of the record in said cause be sent to the Supreme Court of the United States without delay.

No. 300

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

V.

Barbara Sotelhal

Order granting appeal in behalf of U.S.

Filed Oct 17 1863.

W. H. Chevers

Clerk.

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United States of America, ss:

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The President of the United States of America,

To the Honorable the Judges of the District Court of the United States for the ——— District of California ———

greeting:

Whereas, lately in the District Court of the United States for the Northern District of California ~~———, before you, or some of you,~~ in a cause between The United States, Appellant and Barbara Soto, Anita Soto, Francisca Soto, Encaznacion Soto, Margarita Soto, Vicente Soto, Jesus Maria Soto, and Marcarus Soto, appellees (Land case No 300 Northern District) wherein the decree of the said District Court entered in said cause on the 14th day of September A.D. 1863, was in favor of the said appellees and against the said appellant, The United States. Whereupon the said appellant on the 17th day of October A.D. 1863, prayed an appeal to the Supreme Court of the United States.

300. N. D.

as by the inspection of the ~~transcript of the record~~ certificate of the Clerk of the said District Court under the seal of the said _____ Court, which was brought into the Supreme Court of the United States ~~by virtue~~ of _____

agreeably to the act of Congress, and the rules of the said Supreme Court in such case made and provided, fully and at large appears,

And whereas, in the present term of October, in the year of our Lord one thousand eight hundred and seventy- five , the said cause came on to be heard before the said Supreme Court, ~~on the said transcript of record, and was argued by counsel. On consideration whereof,~~ and it appearing that the said appellant has failed to have its cause filed and docketed in conformity to the rules of this court, it is now here ordered adjudged and decreed by this court that this appeal from the District Court of the United States for the Northern District of California be, and the same is hereby docketed and dismissed.

And it is further ordered that this cause be, and the same is hereby remanded to the District Court of the United States for the District of California.

19th October 1875.

You, therefore, are hereby commanded that such ——— proceedings be had in said cause, ———
as according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding.

Witness the Honorable Morrison R. Waite, Chief Justice of said Supreme Court, the twenty-seventh day of October, in the year of our Lord one thousand eight hundred and seventy-five.

~~Costs of~~ ———
~~Clerk~~ ——— $
~~Attorney~~ ——— $
——— $

~~Taxed by~~ D. W. Middleton

Clerk of the Supreme Court of the United States.

300. N. D.

No. 763, October Term, 1875.

MANDATE

SUPREME COURT UNITED STATES.

U.S. vs. Soto et al.

Filed in open Court this 24th day of November AD 1875, on motion of H. K. W. Clarke Esqr Attorney for claimant.

Edw. B. Cotter Clerk
U.S. District Court Dist. of Cal
By J. D. Ginnwood
Deputy Clerk

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U. S. District Court. Northern District of California.

The United States
vs
Barbara Soto et al

No. 300. San Lorenzo.

To the District Court of the United States for the Northern Dist of California

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The Petition of the undersigned, Trinidad Soto, daughter, and one of the heirs at law of Francisco Soto, who died at the Pueblo de San Jose A.D. 1845, respectfully shows unto this Honorable Court, that her said father, at the time of his death, was the owner and seized of a certain Rancho, or tract of land, situate in what is now the County of Alameda, in said Northern District of California, known as the Rancho of San Lorenzo, containing one and a half leagues, or thereabouts, bounded on the North by the Creek of San Lorenzo, on the West by the Bay of San Francisco, on the South by an ascertained line with the lands of Jesus Vallejo, and on the East by [redacted] an ascertained line with the lands of Guillermo Castro.

That her said father, at the time of his decease, held the title to said Rancho by and under a grant from the Mexican Government, and left him surviving, his widow, the mother of your petitioners, and seven children, his heirs at law, viz - Ana Maria, otherwise called Anita, Francisca Encarnacion, Vicente, Jesus Maria,

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Marians. And your Petitioner Trinidad.

That in the year 1853, the mother of your petitioner, the said Barbara Soto, employed William Carey Jones, Attorney at Law, to present in her name, and that of the said Children of the said Francisco Soto deceased, including your petitioner, the claim to said Rancho before the Board of U.S. Land Commissioners for Confirmation.

That, in pursuance of such retainer, the said Jones, in the name of Jones, Tompkins & Strode, as Attorneys, did, on the 22d day of January 1853, as your petitioner has been informed and believes, present to said Board a petition for the confirmation of said Rancho, but in said petition, by a clerical error of said Attorneys the name of your petitioner is wholly omitted, the name Margarita, being erroneously inserted therein instead of Trinidad, the name of your petitioner. And also, the said Ana Maria is therein erroneously named Anita, which is the familiar name for Ana.

That such proceedings were had in the matter of said petition, before said Board that on the 24th of April 1855 said land was confirmed to Barbara Soto et. al. in trust for the heirs of Francisco Soto deceased.

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That upon appeal from said Board the said Claim was confirmed in this Court, And that the said case still remains in this Court upon the question of settling the final survey thereof.

Your Petitioner respectfully shows, that in the month of October last she sold one half of her interest in said Rancho to Crayton Wooldon for the sum of Twelve Thousand Dollars, And shortly before said sale was Consumated, upon the papers and records in said case now in this court being examined, it, for the first time, came to her knowledge that her name had been so, as aforesaid, omitted in said petition, And that of "Margarita", erroneously substituted, And also that said Ana Maria, is therein erroneously named Anita

Your Petitioner states that there is not And never has been, any such person as "Margarita" Soto daughter of Francisco Soto, deceased. — That at his decease, said Francisco left, him surviving seven children, of whom your petitioner is one, And said Ana Maria another, And that all the others except Your Petitioner And said Ana Maria are correctly named in said Petition for Confirmation, & as aforesaid, presented to said Board of Land Commissioners.

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Your Petitioner. in Consideration of the premises, And of the cloud which will otherwise be cast upon her title, And upon the title heretofore held by said Ana Maria. prays that an order be made by this Hon Court, directing that the name of your petitioner. Trinidad be substituted in said petition and proceedings for the name of Margarita so erroneously therein inserted, And also that the name Ana Maria be in like manner substituted for the name Anita And for such further or other order as may be lawful and necessary in the premises.

Trinidad Soto.

State of California
County of Santa Clara .S.S.

Trinidad Soto being duly sworn deposes and says that she has read the foregoing petition and knows the contents thereof and that the same is true, of her own knowledge except as to the statements therein made upon information and belief And as to those matter she believes it to be true.

Trinidad Soto.

Subscribed and Sworn to before me the 1st day of December A. D. 1862

Charles M. Senter
Notary Public

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State of California }
County of Santa Clara } ss.

Barbara Soto, being duly sworn Says, that she is the Mother of said Trinidad, and knows the contents of the foregoing petition and that the same are true - That the true names of the children of said Francisco and deponent are therein correctly set forth, and that there is not, and never has been any one of said children named "Margarita" - but that name has been erroneously used in said proceedings instead of Trinidad, which error this deponent prays may be corrected as asked for by the foregoing petition. And furthermore this deponent says that in said petition the name of her daughter Ana Maria Soto who is now married to Manuel José Encinas, is erroneously given as "Anita" which last mentioned name is the diminutive of Ana and is the familiar name by which said Ana Maria is known in deponents family

Witness
Charles M. Sentis

her
Barbara X Soto
mark

Subscribed and Sworn to before
me this 1st day of December A.D. 1862.

Charles M. Sentis. Notary Public

In the District Court of
the United States
for the Northern Dist of Californ

Barbara Soto

vs

The United States

Petition for the substitution
of the name of Trinidad
for Margarita - etc.

U. S. District Court
Northern District of California

No 300

The United States

vs

Barbara Soto et al

San Lorenzo

Petition for the substitution
of the name of "Trinidad"
for "Margarita" &c.

Filed March 5. 1863.
W. H. Chenery
Clerk

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The United States
vs
Bernabe Soto et als

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The claim in this case is founded on two grants— one by Alvarado dated Oct. 10. 1842 and the other by Michel Torena dated January 20. 1844 for the solar of 1/2 a league contained within the boundaries of the ~~limits~~ land was described in the first grant as follows "One league a little more or less in the tract called San Lorenzo the limits of which are from the creek of that name to that called el alto the property pertaining to Don Jesus Vallejo and from this creek drawing a right line to pass by the Rodeo to the Beach and from this points to the first ridge which the hills form excepting the number of varas which have been conceded as said tract to Don Guadalupe

"Castro which shall be determined
"at the time of the posession"
At the time the grant issued
Castro was owner of a tract
of 600 varas square upon which
he resided. He in October 1843
obtained a concession of a
larger tract which was des
cribed as "bounded by the rancho
of Soto on the side next
the main road it being considered
that there has already been
made a concession to the
said Soto on the side towards
the beach —
The main road alluded to
crosses the tract from creek
to creek and it was contended by Castro that the
main road was the western
boundary of his land &
that the grant to him was
a mutual settlement of the
line between him and Soto
which in the grant to the
latter had been left for sub
sequent adjustment —
Proceedings were instituted
to settle this dispute and

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it was finally determined by a compromise made with the approval of the Governor the line as thus settled was described in a document drawn up for the purpose - which appears in the archives and a copy of which is indorsed on both ~~parts~~ of pidimtes

By this ~~paper~~ the boundary of Castro as thus settled is as follows - "Commencing on the Sanjon (or ditch) where it is parallel with the Southern side of Castro's house and down the Sanjon towards the main road 600 varas from which point where they conclude by a straight line to the San Lorenzo creek The boundary on the other side of the Sanjon is the margin (orilla) of the hills towards the plain measuring ten varas upon the hills"

These proceedings must be taken as a final and definite settlement of the Eastern line of

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of the Soto's ranch and as such it was acquiesced in & recognised by the parties.
The line thus designated can as appears from the proofs be readily located and the testimony of the witnesses neighbors parties clearly that of Guillermo Castro shows that the location as determined from the description in the agreement in no respect differs from the line as understood and recognised by the parties themselves. and neighboring rancheros
On the 20 January 1844 Soto addressed a petition to the Governor setting forth that the "Concepion of the tract which "he occupies called San Lorenzo "expresses to have an extension "of one sitio (square league) a "little more or less — that the "surplus which it may have "towards the beach it may "be half a sitio — which he "begs it may be conceded to him "as it would united with the "other it would be of much

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"benefit to him"— On this petition the secretary reports that there is no objection to granting it but that the petitioner must subject himself to the limits which his pick title calls for and to the agreement celebrated with Don Carlos Castro— On receiving this report the Governor acceded to the petition in the following words "In conformity with the foregoing" "Michel Torena"—

It is objected that this was not a valid grant of the sobrante or surplus—
But in the first place it appears from the archives that the same formalities were rarely if ever observed in ~~granting~~ relinquishing a sobrante to the grantee within whose ~~whose~~ the general limits of whose grant it was found as were deemed necessary ~~of~~ in making an original concession, or a grant of a sobrante to a stranger—

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The grant of the Sobrante to him within whose limits it was found was little more than a waiver or release of the condition of the signal grant which restricted him to a specified quantity — and the signal grant (that condition being struck out) would by its terms convey the whole land within the limits designated — At all events there can be no doubt in this case that the Governor intended to accede to the petition and the land having under this grant or promise to grant been long occupied & enjoyed and on all hands recognized as belonging to the grantee the latter has in any view an equitable right which the U. S. are bound to respect.

But the important question now now in the case, and that most does is as to the location of the southern boundary.

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The tract included within the original limits is claimed by the appellees to be in the form of a square or parallelogram — bounded on the East by the line between Castro & Soto ~~according to the Settlement~~ as it was fixed by the agreement heretofore alluded to, on the South the alto & a line thro the rodeo to the Beach, on the West by the Beach and on the North by the San Lorenzo —

It is contended on the part of the U. S. that the San Lorenzo, or the Beach is a boundary of the tract but that the ~~River thro~~ Southern line must be run from the point where the rodeo line or Northern boundary strikes the beach to the first ridge which the hills form — If such a line be drawn it would form a diagonal to the square claimed by the appellees and the tract would have a triangular shape — the with the square line

between Soto and Castro as its base on the ~~west~~ East and and with its apex touching the beach at a mathematical point—

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The language of the grant has already been quoted— The words which it is contended call for this location are as follows— "and from this creek (El Alto) drawing a right line to pass by the Rodeo to the Beach— and from this point to the first ridge which the hills form by capping" &c

It is claimed and with much apparent reason that the last line must be drawn from the "point" where the rodeo line first strikes the beach to the cuchilla or ridge.

If the word point "punta" had precisely the signification of the English word "point" as used in surveying ~~the construction~~ or if the grant had specified the "point" where the rodeo line ~~strikes~~ strikes the beach as

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as the point from which a straight line was to be drawn to the cachilla for the southern boundary, the construction contended for would be unavoidable — But the true language is "a straight "line drawn to the Beach "and from that point" &c. It does not in terms say "and "from the point where said line strikes the Beach" — it merely says "from that point" namely from the Beach — ~~or from the Beach~~. A reference to the Beach generally by the term "punta" is certainly not in accordance with our use of language — but so far as I have been able to discover such a construction of the term is not inadmissible in Spanish — If however there were no other guide to the intentions of the grantor this construction might probably be deemed forced and unnatural — There are other considerations however which I think remove any

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sonable doubt as to its propriety —

In fixing the limits of granted land to be granted both the law and usage of the Californians required them to adopt as nearly ~~far~~ as possible a rectangular or square figure — This was not in all cases practicable but in a country used almost exclusively for grazing, & where no fences were built ~~or other marks the~~ it became necessary to designate great natural objects as the boundaries of the tracts conceded — It seems therefore extremely improbable that in this instance the natural and obvious boundary afforded by ~~that~~ the shore of a great estuary should be wholly neglected and the land should assume the form of a triangle having only a mathematical point at its apex resting on ~~it~~ the beach while ~~th~~ one of the sides should diagonally cross the centre of a large plain with no visible object throughout its length, & except at its extremities

to determine its location—
This is the more improbable
as the whole of the neighbor-
ing land had been before, or was
subsequently granted and the
piece of land excluded
by the diagonal line
alluded to, if not embraced
within the grant to Soto, has
remained from some unex-
plained reason, the only piece
of ungranted land in the
vicinity—

If the original grant to
Soto was for one league
within the limits specified—
He subsequently as we have
seen obtained the sobrante
of about 1/2 a league more—
This was after the boundary
between him and Castro
had been fixed—
Taking then that boundary as
determined, there is found
within the limits as claimed
by him about one league square
& a half— precisely the quantity
granted to him in the two
grants— But if the diagonal

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line be drawn as proposed he would have but about 2/3ds of a league in all leaving his sobrante grant wholly inoperative — for even his first grant of one league could not be satisfied out of the tract so limited —

It is to be borne in mind that Soto did not petition for an augmentation or extension — but for a sobrante or overplus; ~~over and above~~ ~~the~~ i.e. the excess within the original boundaries, over & above the quantity to which he was restricted — This excess he states to be about 1/2 a league — while he also mentions that his first grant was for one league —

If ~~then~~ then the limits of ~~his~~ the land ~~included within~~ as designated in his grant, after the Castro line was fixed ~~really drawn~~ included less than a league as is now contended the petition for a sobrante of 1/2 a league more within those limits

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was absurd — ~~for~~ Had he or the Governor supposed that the quantity already granted could not be found within the limits of the tract it is not to be supposed that one would have asked for, & the other conceded 1½ a league more within those limits — In such case he would have asked for not a ~~so~~ bounty, but an augmentation, and would have obtained his additional quantity outside of and beyond his original boundaries.

The fact that the land ~~proclaimed by Wide~~ according to the boundaries he contends is nearly exactly the quantity (one league & ½) granted to him seems to me almost conclusive as to what he intended to ask for, and the Governor to give.

The value of land to the former inhabitants of this County in a great degree de

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existence
founded upon the ~~supposed~~
~~existence~~ of abundant supplies
of fresh water or "agua dolce"
for cattle - The line proposed
would not only form an
acute angle at the beach
but would touch the
San Lorenzo creek only at
a single mathematical point
thus cutting off all access to
that stream and thus de-
priving the rancho altogether
of fresh water or else affor-
ding it at the El Alto
alone for a short distance.
The adjoining rancho at the
South is bounded by the
San Lorenzo - and it is
improbable that in fixing the
limits of a cattle rancho ac-
cess ~~should~~ to that stream
should have ~~been cut off~~
denied to Soto, when the
land between his rancho
and it was unoccupied & un-
granted and the San Lorenzo
on his own suggestion to
increase the quantity given
him by an additional ½ lea-

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If with these considerations
in our minds we recur to
to the grant its intention
seems obvious— tho it does
not profess to give the bound
ary lines except on one side,
of the tract but "its limits"
Its longitudinal limits are
declared to be from the San
Lorenzo to the Alto & the coded
line to the beach— Having
thus determined at length the
grantor indicates its breadth
viz from the beach to the
first crest of the hills—
He does not mention any
point in the crest of the
hills which would have been
natural, if he had intended
to fix as a southern boundary
an imaginary straight line drawn
from the point where the coded
struck the beach to the crest
and the indefiniteness of this
description, afforded as it does
to a line on the summit of a
range of hills, rather than to
a point on those hills seems to show that
the intention of the grantor

latitudinal

was merely to fix the lateral
limits
dimensions of the tract, viz
the beach, & the Creek rather
than to describe a line as
a precise boundary —

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But all doubt on this sub-
ject is removed if the diseño
produced is received as
the original on which the
grant was made. It is
shown beyond any reasonable
doubt that it was with
the other papers placed in
the hands of eminent practitioners
Counsel in this city in whose
custody it has ever since
remained. By some oversight
it was not put in evidence
before the Board — but A.
Francisco Arce U.S. Castro
M. Rico testifies that it is
either the identical map
or one exactly resembling that
which was handed to him
when about to give judicial
possession to Soto —
This map is unusually
rude — But the form of
the tract is sufficiently indicated

to show it to be a square or parallelogram with the Beach as its western boundary—

A further confirmation of these views is found in the report of Jimeno at the time of the dispute between the Governor & Castro— "It appears to him" he says "convenient to measure to 1 Soto the league more or less 4 which has been granted him 11 from the beach to the 'lomas" (or the hills) but always on 4 the side of the Arroyo del 11 Alto because those are the 4 limits which have been marked 4 out and from these limits he 4 should follow those of Don 4 G. Castro."

He was thus according to Jimeno to have a league on the side of the Alto from the beach to the hill and from the Alto to the, San Lorenzo following Castros boundary— The Dotrante after measuring the league

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would have lain
between the beach and the
San Lorenzo, and would
have been as the testimony
shows about 1/2 a league
in ~~length~~ breadth when if measured
after the Castro line was de-
termined — & it was ~~the~~
precisely this ~~so~~ route of 1/2 a
league which Soto asked for
and obtained —

If to all this be added
the fact that Soto himself
always claimed, and was
regarded by his neighbors
as owning the whole tract
between the beach and
the Castro line, & between the
Alto & Rodeo line & the San Lo
renzo, the conclusion is
irresistible that such are
the true boundaries of the
grant.

The ~~Com~~ Board confirmed the
claim to the land within these
boundaries and I see no
reason to reverse their decree

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Barbara Soto

ads No. 300

The U. S

Opinion

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Office of the Board of Commissioners,
To ascertain and settle the Private Land Claims in the State of California.

San Francisco, Oct 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. 524 on the Docket of the said Board, wherein

Barbara Soto, et, al, are ——

the Claimant against the United States, for the place known by the name of "San Lorenzo."

and request your receipt for the same.

I am, Respectfully,
Your Obt Servant,

Geo. Fisher