CASE NO.
192

SOUTHERN DISTRICT

LOS VALLECITOS DE SAN MARCOS GRANT

LORENZO SOTO

CLAIMANT

LAND CASE 192 SD pgs. 78 -A

457

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 451.

Lorenzo Soto CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Los Vallecitos de San Marcos"

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* Fourth *day of* November, *Anno Domini One Thousand Eight Hundred and Fifty-*two, *before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;*

The Petition of Lorenzo Soto *for the Place named* "Los Vallecitos de San Marcos" *was presented, and ordered to be filed and docketed with No.* 451 *and is as follows, to wit;*

(Vide page 3 *of this Transcript.)*

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

Los Angeles November 10 1852.
In Case No 451, Lorenzo Soto for the place named "Vallecitos de San Marcos", the deposition of S. Argüello, a witness in behalf of the Claimant, taken before Commissioner Leland Hall, with documents marked H. H. No 1 & 2. and translations thereof marked C & E. annexed thereto, was filed.

(Vide page 4 of this Transcript)

San Francisco Oct 5 1853.
Case No 451, was submitted on briefs & taken under adisement by the Board.

San Francisco Sept 5 1854.
In the same Case Commissioner Alpheus Felch delivered the opinion of the Board rejecting the Claim.

(Vide page 31 of this Transcript)

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In the same case on motion of the U. S. Law Agent, the following order was made, to wit:
(Vide page 33 of this Transcript)

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Petition

To the Board of Commissioners for ascertaining and settling private Land Claims in the State of California.

Your Petitioner Lorenzo Soto of the County of San Diego in the State of California respectfully represents to your Honorable Board that he claims a certain tract of land called "Las Vallecitos de San Marcos" containing two Square Leagues more or less situated in the County of San Diego in said State of California, that he claims the same in fee by virtue of a grant made to José María Alvarado and Ignacio Sepulveda under the authority of the Mexican Government, by Juan B. Alvarado Governor of the Department of California bearing date the 22nd of April 1840.

Your Petitioner further represents that the said Grantees transferred to him their right to said land to wit; José María Alvarado on the 22nd of July 1842, and Ignacio Sepulveda on the 26. of December 1843.

Your Petitioner further represents that Judicial Possession of said Tract of land was given to the said Grantee on the 30th day of September 1841, and the boundaries thereof designated and defined, and that he and his said Grantees have been in the peaceable possession thereof even since, and that he has no knowledge of any interfering claim.

Your Petitioner presents herewith the original grant, the Judicial possession, and the deed of assignment in the Spanish language together with the translation of the same, and will make further proof of title if required by the Board.

Your Petitioner prays Your Honorable Board to take into consideration his claim to said tract of land and decree his title to be valid and

confirm the same.

And your Petitioners will ever pray

N. Hubert
Atty for Petitioners

Filed in Office Nov 4th 1852.
Geo Fisher
Sec

Los Angeles Nov. 10, 1852.

On this day before Wm. Hland Hall came Santiago Arguello a witness in behalf of the Claimant Lorenzo Soto Petition No. 459, and was duly sworn, his evidence being interpreted by the Secretary.

Deposition of S. Arguello

The U.S. Associate Land Agent was present.

In answer to questions by the Counsel for the Claimant the witness testified as follows.

My name is Santiago Arguello my age is sixty years & I reside in San Diego.

A paper is now shown me purporting to be a grant to Jose Maria Alvarado & Agricio Sepulveda dated 22nd of April 1840. The signatures of Juan B. Alvarado & Manuel Jimeno on said paper, & with whose signatures I am acquainted, I believe to be genuine. Said paper is hereto annexed & marked H.H. No. 1.

Another paper is also shown me purporting to be a certificate of Judicial possession dated 30th of September 1841, & a transfer from Jose M. Alvarado to Lorenzo Soto.

I am acquainted with the signatures of

Rosario Aguilar, Jose Ma Covarrubias

8—

Rosario Aguilar, José Mª Crasco, José Mª Alvarado, Tomas Retuto & José Ant.º Mª Congora. The names of the said several persons appearing on said paper I believe to be genuine. It is hereto annexed marked H.H.N.º 2. I know the Rancho called Vallecitos, it is in the County of San Diego. It was occupied by José Mª Alvarado from 1840 for about two years & then by Lorenzo Soto who has occupied it to the present time. Alvarado had a house on it & which was inhabited, cultivated some of the ground and had cattle and horses. The occupation has been continued in the same manner by Soto, and he now occupies it.

J. Arguello

Sworn & Subscribed
Before me
Hiland Hall Com.r

Filed in Office Nov.r 10th 1852.
Geo. Fisher

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(Span 20 oc follows)

6

7 1

1840

Espediente promovido por los ciudadanos Jose Maria Alvarado y Ignacio Sepulveda en pretencion del parage nombrado Ballecitos de San Marcos.

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2 Sor Prefecto del Distrito

Anglo. Mayo 15 de 1839. Informe p. su Orden el Sor Admin. de Sn Luis Rey y el Sor Ab. de Sn Diego lo que estimen justo con respeto al terreno q. se menciona y personas q. solicitan y vuelva pa proveer

L. Cosme D. Peña

José Ma. Alvarado è Ignacio Sepulveda, el primero vecino de Sn Diego y el segundo de esta Ciudad ante V. S con el debido respecto y en los terminos mas conformes à Dro nos presentamos y decimos: Que hayan donos con algunos bienes de Campo entre ganado y caballada, los cuales no podemos adelantar p. la falta de un sitio propio, en donde reducirlo y estando valdio uno conocido por los Vallecitos de Sn Marcos, cuyo diseño devidamente acompañamos y habrà pertenecido à la Mision de Sn Luis Rey suplicamos à V. S se digne concedernos dho sitio, pues à la fha se hayan enteramente valdio hace mucho tiempo y creemos q. no haya ningun inconviniente para ello. Por tanto.

A. V. S. Rendidamte. pedimos se sirva decretar nos esta de conformidad en lo que recibiremos

3 gracia y justicia. Juramos lo necesario V. dignandose admitirla en papel comun p. no haber del sellado que corresponde.

Angeles Mayo 14 de 1839.

Por mi y por Ignacio Sepulveda q. no sabe escribir.

José Ma. Alvarado.

Sor Prefecto.

El parage solicitado en la presente instancia por los C. C. José Ma. Alvarado y Ignacio Sepulveda conocido con el Nombre de Sn Marcos vajo sus linderos y dimenciones no es de publica utilidad ni beneficencia à la comunidad de este establecimiento cuyos bienes estan encomendados à mi inmediata Admin. en tal Virtud puede V. S si lo tubiere à bien agracia à los interesados con el Terreno referido. En la intelligencia q. pagaràn la Casa y corral q. se hallan situados en el repetido parage es cuanto puedo informar à V. S. en cumplimto. del decreto marginal de 15 del presente.

Sn Luis Rey Mayo 21 de 1839. Pio Pico

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457

Here follows map

5. El parage solicitado en la presente instancia p.r los C. C. José M.a Alvarado è Ignacio Sepulveda perteneciente à la Mision de S. Luis Rey no le es de ninguna utilidad à dicha Mision si hay en el una Casa y un Corral y utiles los solicitantes son acreedores pues tienen bienes conocidos p.r lo q.e V. S. si lo tubiese à bien puede V. S agraciar los interesados.

S. Diego Mayo 22 de 1839.

Juan M.a Bruna

Exmo Sor.

Entiendo que es de accederse à esta in.a.a que dando los interesados en la Obligacion de pagar el importe de la casa y Corral que menciona en su informe el S.r Admin.r de S.n Luis Rey

Angeles Mayo 24 de 1839

J. Cosmo D. Peña

6 Monterey 22 de Abril de 1840.

Vista la peticion con que da principio este espediente, los informes del Sor. Prefecto del segundo Distrito, el de el juez del Pto. de San Diego y el del Administrador de San Luis Rey con todo lo demas que se tubo presente y ver convino de conformidad con lo dispuesto por las leyes y reglamentos, declaro à los Ciudadanos José M.a Alvarado è Ignacio Sepulveda dueños en propiedad del Terreno conocido con el nombre de los Vallecitos de San Marcos colindante con la Sierra, con el terreno llamado los Vallecitos con el terreno de la Mision de San Luis Rey y con el de San Bernardo sujetos à las condiciones que se estipularen: doy cuenta este Espd.te à la Junta Departamental p.a su aprovacion. El Sor D.n Juan B. Alvarado Gobernador del Departamento de las Californias asi lo mando decreto y firmo de que doy fee.

Alvarado

Monterey Mayo 22 de 1840.

Dada cuenta à la Exma Junta Departamental en sesion de este dia acordo que pase à la comision de Agricultura.

José J. Fernandez

Sno.

7. En veinte y seis del mismo lo devolvio la comision con el dictamen que se acompaña.

Fernandez

Monterey 11 de 1840.

En vista de la aprovacion otorgada en veinte y seis del mes p.p. por la Excma Junta Departamental, libese testimonio de ella à la parte de Dn Josè Mª. Alvarado è Ignacio Sepulveda en conformacion del terreno de Ballenitos de Sn. Marcos que obtuvo en 22 de Abril del presente año.

El Sor Dn Juan B. Alvarado Gobernador del Departamento de las Californias asi lo proveyo y firmo.

Alvarado.

8. Excmo Sor.

La comision encargada de dictaminar en la Solicitud que los S.S. Dn Josè Maria Alvarado y Dn Ignacio Sepulveda en echo del parage nombrado Bayecitos de San Marcos en Vista de los tramites corridos y la concesion del mencionado sitio por el Excmo Sor Gobernador Dn Juan Bautista alvarado en 22 de Abril de 1840, la Comision pone à la Deliveracion de V. E. los Articulos siguientes.

Artº 1º Se aprueba la concesion echa por el Sor Gobernador Dn Juan Bautista Alvarado en las personas de los SS, Alvarado y Sepulveda.

Artº 2º Este Expediente pasara al Gobierno del Departamento para los fines convinientes

Monterey Mayo 25 de 1840.

Josè Rafael Gonzales.

S. Arguello.

Monterey 26 de Mayo de 1840.

En sesion de este dia aprobo la E. Junta Departamental los dos Articulos de que consta el dictamen anterior.

Manl. Jimeno
Prestl.

Josè L. Fernandez
Sno.

Office of Surveyor General of the United States for California.

J. 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 Eight preceeding and hereunto annexed pages of facing paper numbered from One to Eight 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 Twenty second day of March 1854.

John C. Hays

U. S. Surveyor General for California

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1840

Record of Proceedings executed at the request of the Citizens José Maria Alvarado and Ignacio Sepulbeda praying for the place called the Valecitos de San Marcos.

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Translation

Expediente

To the Prefect of the District.

Angeles May 15 1839 the Administrator of the Mission of San Luis Rey & the Alcalde of San Diego will report what is proper in relation to the land mentioned in the petition and in relation to the parties praying for the same & will return the whole to be acted on. L. Cosme de Peña

José Maria Alvarado & Ignacio Sepulbeda the first a resident of San Diego and the second of this Cit present themselves before you with the due respect and according to the rules most conformable to law & say;

That finding themselves with some cattle, consisting of horned cattle and a drove of horses which they cannot increase for the want of a proper place where they can control them and one known as the Valecitos de San Marcos being inoccupied which place (a sketch thereof they herewith transmit) belonged to the Mission of San Luis Rey They pray that you would be pleased to grant them the said land in as much as since a long ~~time~~ while, and at this date it is entirely vacant and they believe that there is no inconvenience thereto. Wherefore submissively they pray that you would give a decree in their favor agreeably to law, wherefore they shall receive favor and justice.

Taking oath to what is necessary and hoping that you will admit the present

on this ordinary paper, for want of the proper stamped paper.

Angeles May 14' 1839.

For myself & for Ignacio Sepulbeda, who does not know how to sign.

Jose Maria Alvarado.

To the Prefect

The place prayed for in the petition of Jose Maria Alvarado and Ignacio Sepulbeda, known by the name of San Marcos considering its boundaries and size is of no public use, nor of any benefit to the community of this establishment, whose property is placed under my immediate administration

Wherefore you may if you thinks it well favor the parties with the aforesaid land, with the information that they will pay for the house & pen situated on said place;

This is all I can report to you agreeably to the Marginal decree of the 13' inst.

San Luis Rey
May 31, 1839.

Pio Pico

(Here comes the sketch in the original and the traced copy)

The place prayed for in the foregoing petition by Jose Maria Alvarado and Ignacio Sepulveda appurtaining to the mission of San Luis Rey is of no use to said Mission.

If there is thereon a useless house and pen the petitioners are

creditors, they have known property.
Wherefore you may if you think
it right grant it to the parties.
San Diego May 22nd 1839.

Juan Maria Cuna.

I order that the foregoing in the
foregoing petition be granted, the
parties being under the obligations
to pay the value of the house and
pen mentioned in the report of
the Administrator of San Luis Rey
Angeles May 24 1839.
L. Cosme de Peña

Monterey April 22nd 1840.
Considering the petition which gave
rise to these proceedings, the reports
of the Prefect of the Second District,
the one of the Judge of the post of San
Diego, and the one of the Administrator
of the Mission of San Luis Rey together
with all that is necessary and required
agreeably with the provisions of the
laws & regulations declare the citizens
Jose Maria Alvarado and Ignacio
Sepulveda the owners of the land
known by the Vallecitos of San Marcos
bounded by the range of mountains,
by the lands called Vatequitos, by the
lands of the Mission of San Luis
Rey and by those of San Bernardo
subject to the conditions which will
be stipulated.
Let the record of proceedings be
forwarded to the Departmental
Assembly for its approval.
Don Juan B. Alvarado, Governor
of the Department of the Californias
thus orders and decrees this & in
faith whereof affixes his signature
thereto.
Alvarado

Monterey May 2nd 1840.

Taken into consideration by the De=
=partmental Assembly, who granted
that the proceedings be submitted
to the Committee on Agriculture.
Jose Z. Hernandez.

On the 26 of the same month the
Committee returned the proceedings with
the accompanying Decree.

Monterey 1840.
Considering the approval granted by
the Departmental Assembly on the 26th
of the past month,
Let evidence thereof be given
to the parties: Don Jose Maria
Alvarado and Ignacio Sepulveda
as a confirmation of the land of
the valacitos of San Marcos which
he obtained on the 22nd of April of
this year. Don Juan B. Alvarado
Governor of the Department of the Cal=
=ifornias thus decrees & signs it.

Alvarado

Excellent Sir

The Committee required
to determine upon the prayer of
Jose Maria Alvarado and Ignacio
Sepulveda for the place called the
Vallecitos of San Marcos considering
the proceedings had & the granting
of the aforesaid place by his Excellency
the Governor Juan Bautista Alvarado
the 22nd of April 1840 the Committee
submits to the consideration of your
Excellency the following Articles.

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Art 1st The Grant of the Vallecitos made by his Excellency the Governor Juan Bautista Alvarado to Alvarado and Sepulbeda is approved.

Art 2nd This report of proceedings shall be transmitted to the Government of the Department for the necessary ends.

Monterey May 23rd 1840

P. Arguello

José Rafael Gonzales.

Monterey 26 May 1840.

In the session of this day the Departmental Assembly approved the two articles contained in the foregoing decree.

José Z. Fernandez
Secretary.

Manl Jimeno
President.

(Plan Doc follows)

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19.

Sello 1º. dos pesos: Habilitado provisionalmte. por la Aduana Maritima de Monterey para los años de 1839. y 1840
Alvarado Antonio Mª Osio.

Sello.

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

Por Cuanto Dn. José Maria Alvarado è Ignacio Sepulveda han pretendido para cubrir de ellos y el de sus familias el parage conocido con el nombre de los Ballecitos de San Marcos colindante con la Sierra con el terreno llamado las Balequitos con el terreno de la Mision de San Luis Rey y con el de San Bernardo: practicadas previamte. las diligencias y averiguaciones consernientes segun lo dispuesto por leyes y Reglamentos; usando de las facultades que me son conferidas, à nombre de la Nacion Mexicana, he venido en concederles el terreno mencionado, declarandoles la propiedad de el por las presentes, sugetandose à la aprovacion de la Excma junta Departamental y à las condiciones siguientes.

1ª. Podran cercarlo sin perjudicar las travecias caminos y servidumbres: lo disfrutarà libre y esclusivamte. destinandolo al uso ò cultivo q. mas les acomode; pero dentro de un año fabricaran casa y estarà habitada.

2ª Solicitaran del juez respectivo que les de posesion juridica en virtud de este Despacho por el cual se demarcaràn los linderos en cuyos limites pondran à mas de las mojoneras algunos arboles frutales ò silvestres de alguna utilidad

3ª El terreno que se les hace donacion es de dos sitios de ganado mayor poco mas o menos segun esplica el diseño que corre en el espediente El juez que diere la posesion lo hara medir conforme à Ordenanza quedando el sobrante q. resulte à la Nacion para los usos convinientes.

4. Si contravinieren a estas condiciones perderan su derecho al terreno y serà denunciable pr. otro. En consecuencia mando que tenen

dose por forme y valedero este titulo se tome razon de el en el Libro à que corresponde y se entregue à los interesados para su resguardo y demas fines.

Dado en Monterey à Bente y dos de Abril de mil ocho cientos cuarenta

Juan B. Alvarado

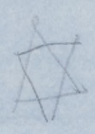
Manl. Jimeno Secio del Despacho.

Queda tomada razon de este Despacho en el Libro de adjudicaciones de Terrenos Baldios a foja 1a

Jimeno

Filed in Office Novr. 4th 1859

Geo: Fisher Secy.



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Fifteen Stamp Six Dollars.

Provisionally legalized by the Maratime Custom House of Monterey for the years 1839, & 1840.

Alvarado. Antonio Maria Osio

Translation of Original Grant.

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Juan B. Alvarado Constitutional Governor of the Department of California whereas, Don Jose Maria Alvarado and Ignacio Sepulveda have prayed for their benefit and that of their families for the tract known as the Vallecitos de San Marcos bounded by the range of mountains by the lands known as the Categuintas by the lands of the Mission of San Luis Rey and that of San Ramon the formalities and ratifications required by the laws and regulations being first complied with, using of the faculties which are granted to me.

In the name of the Mexican Nation I concluded to grant them the above described land declaring them the owners thereof in virtue of this document they submitting this grant to the approval of the Departmental Assembly and the following conditions.

1st They may enclose it without injury to the roads crossing it, they will enjoy it freely and exclusively applying it to the uses which may suit them best. but within a year they shall build a house which shall be occupied.

2nd They shall solicit from the proper judge that judicial possession be given them in consequence of this Decree for that purpose the boundaries shall be laid off, land marks put on them, trees shall be

plused at the extremities

3rd The land hereby granted is of two leagues of pasture ground more or less according to the sketch which accompanies the proceedings.

The Judge which shall give the possession shall have the land measured agreeably to ordinance, the surplus land to remain to the Nation for necessary uses

4th If they contravene to these conditions they shall loose the right to the land, and it may be granted to others.

In consequence I order that this title be held firm and valid and entry thereof be made in the proper book and the title delivered to the proper parties for their security and other purposes.

Given in Monterey on the 22nd of April 1840.

Juan B Alvarado
Manuel Jimeno
Secretary

Entry has been made of this Grant in the Book of Grants of Public Lands on page fifty.
Jimeno

Filed in Office Nov 4th 1852.
Geo Fisher
Sec

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El ciudadano Rosario Aguilar Juez de Paz del pueblo de San Diego y su jurisdiccion: por el ministerio de la Ley.

D.

Certifico como D. José Maria Alvarado Mejicano por nacimiento pasó à este juzgado de mi cargo una representacion con fha 28 de Mbre del corriente año, en la cual solicitaba se le diera la posecion juridica del terreno conocido con el nombre de los Ballecitos de San Marcos en virtud de la concesion que el Excmo Sr Governador del Departamento tubo à bien asserle del dho terreno con fha 22 de Abril de 1840 lo que fue aprobada por la Excma junta Departamental en vista de ambos documentos con arreglo al Artcl.o 2.o del titulo del referido terreno: hise citacion de los colindantes y ante dos testigos de Asistencia sirviendo para el efecto los C. C. José Maria Orozco y Bonifacio Lopez, procedi à hacer las medidas del suso dicho terreno: en 30 de Mbre del presente año dando principio, desde la Esquina de la Casa dos Leguas al Sur hasta el Aguajo que llaman de la piedra, à la parte del Norueste dos leguas hasta des-curvir un Serro q. (alto) sube de lindero à la parte del Este dos Leguas hasta el Lindero de los Jasinitos. y à la parte del Su= Este. dos leguas que es las cañada ó dentro: y no hauiendo ninguna cosa en contra q. estorpeciere las medidas pues en posecion al agraciado, imponiendo=le la Obligacion que tiene de poner las Mohoneras con arreglo al mismo Art.o y para resguardo del interesado doy la presente quedando archibado en este juzgado. in testimonio los q. firmo ante dos testigos de Asistencia que dan fee segun derecho; en el Pueblo de San Diego à los 30 dias del mes de Sep.bre de 1841.

Ass.o Rosario Aguilar

José M.a Orozco #

ass.o

Por no saber formar hisola Señal de la Cruz +

Bonifacio Lopez.

Por el presente documento consta haverle vendido al Sor Lorenzo Soto la posecion y derecho de mi rancho los Vallecitos de San Marcos p.r cuarenta Vaquillas y diez Yorlos. Y p.a q.e libremente usè de el en todo derecho le doy el presente ante dos Testigos de Asistencia de que dan fè. En el pueblo de San Diego à los Veinte y Dos de Julio de mil ochocientos cuarenta y Dos.

Josè m.a Albarado

Tomas Retrado D.c ass.d
Josè M.a Orozco Ass.d

Juzgado de Paz del Pueblo de San Diego
Julio 22 de 1842.
Josè Antonio Gongora Juez de Paz de la demarcacion de San Diego. Certifico q.e la presente firma q.e aya estampada es del puño y Letra de D.n Josè M.a Albarado es la q.e tiene en uso. Y p.a los Efectos à que aya lugar doy el presente q.e autoriso y firmo hoy dia de la fha

Josè Ant.o M.a Gongora

Filed in Office Nov.r 4.th 1852

Geo: Fisher Secry.

Translation of Documents No. 2.

The Citizen Rosario Aguilar Justice of the Peace of the City of San Diego and its jurisdiction according to the provisions of the law you certify that Don Jose Maria Abrarados a Mexican by birth exhibited in my office a representation dated 28th of September of this year in which he prayed for the juridical possession of the land known as the Valacitos de San Marcos in virtue of the concession which it pleased the Government of the Departments to make to him dated the 20th of April 1840, which was approved by the Departmental Assembly.

In virtue of both documents according to the regulations Art. 2nd of the title of the aforesaid grant I notified the neighbours and before two assisting witnesses which were the citizens Jose Maria Orisco and Bonifacio Lopez began to make the survey of the aforesaid land on the 30th of September of this year beginning from the angle of the house two leagues southerly to the pond called de la Piedra, on the north west side two leagues were measured, to the hill which serves as a boundary on the east side two leagues were measured off to the boundary line of las encenitos, and on the south (east) west side two leagues to the valley, and no objections being made to the survey I placed the petitioner in possession on condition that he places landmarks according to the aforesaid Article.

And for the security of the party I give these presents, entry being made in the archives of this office which I have signed before the assisting witnesses which they certified to according to law in the City of San Diego on the 30th of September 1841.

Rosario Aguilar.

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Witnesses
Maria Ortega
Bonifacio Lopez who not knowing how to write made his mark.

This document shows that I have sold to Lorenzo Soto the possession and title to my Rancho called the Vallecitos de San Marcos for forty young cows and ten young bulls.

And in order that he may freely possess it I give these presents before two assisting witnesses who certify hereto.

In the City of San Diego 22nd of July 1842.

Jose Maria Alvarado

Witness
Thomas Rettinton
José Maria Ortega

Office of the Justice of the peace of the Pueblo of San Diego 22nd of July 1842.

José Antonio Gongora Justice of the Peace of the Jurisdiction of San Diego certify that the above signature is the genuine signature of José Maria Alvarado and the one which he ordinarily uses and for all necessary purposes I give the present which I certify and sign on this date.

José Antonio Ma Gongora.

Filed in Office Nov 4th 1852.
Geo. Fisher Sec

Span Doc follows

Por el presente conste q. hago renuncia del derecho q. tengo al terreno denominado los Valecitos de D.n Marcos, en la mision de San Luis Rey y donacion voluntaria en la persona de D.n Lorenzo Soto vecino de San Diego sin q. ninguno pueda promober litis ni remoberle de dho terreno, sirviendole para estos efectos le renuncia q. en este como legitimo propietario y dueño del precitado derecho hago en toda forma en la ciudad de los Angeles a los 26 dias del mes de Sb.re de 1844. Siendo testigos los Sres D.n José Salazar y D.n José Manuel Bejar sirviendole esta en papel comun por no haber del q. corresponde firmando à mi Ruego el prim.r testigo.

A Ruego de Ignacio Sepulveda
José de la Rosa

testigo
José Salazar

testigo
José Man.l Bejar

Filed in Office Nov.r 1.st 1852
Geo: Fisher Secy.

28

Conveyance

This is to certify that I make cession and voluntary gift of the right I have to the land known as the Vallecitas de San Marcos in the Mission of San Luis Rey to Lorenzo Soto resident of San Diego denying to any one the right of any one to disturb said Soto in his possession by legal proceedings or to drive him off the land in virtue of this Communication which I make as legitimate owner in due form in the City of Los Angeles on the 26th day of December A.D. 1843.

Witnesses
Don José Valazar
José Manuel Vega

Made on this ordinary paper for want of stamped, signed at my request by the first witness at the request of Dg Sepulveda
Jose Valazar

Witness
Jose Valazar
José Manuel Bejar

Filed in Office Nov 4' 1852.
Geo Fisher Sec.

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Lorenzo Soto
vs
The United States

For the place called Los Vallecitos de San Marcos in San Diego County containing two square leagues of land.

Opinion by Commissioner Stephens Field.

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Proof is made of a grant by Juan B. Alvarado Governor, to Jose Maria Alvarado and Ignacio Sepulveda on the 22nd day of April 1840.

A document is also presented and proved showing a sale by Alvarado one of the Grantees of his interest in the Rancho to Lorenzo Soto, the present Claimant on the 22nd day of July 1842.

There is no proof of the sale or conveyance of the interest of Sepulvida the other Grantee.

The present Claimant has shown title therefore in only an undivided half of the premises.

The land granted, is two square leagues in quantity requiring a juridical measurement in order to segregate it from the portion of the national domain which was represented on the map attached to the expediente.

The testimonial of Judicial possession, which was given to the parties on the 30th September 1841, is presented.

On a careful examination of the description of the land of which possession was given it does not seem possible to locate the premises described in the juridical measurements consistently with the grant.

Under any construction which it will bear the quantity assigned to the Grantee seems to be much more than the two square leagues granted.

But the description is

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so vague uncertain and indefinite that without explanatory testimony to aid it, we are unable to locate the land described in it or to determine whether it can be located within the limits mentioned in the grant or not.

There is nothing to show that it can be so located, and the indications are that it cannot; we cannot therefore regard this as a segregation of the land as required by the grant; and there being nothing else in the case to obviate the difficulty the claim must be rejected.

Rejected.

Lorenzo Lobo
vs
The United States

Decree

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

Alpheus Felch
R. Augustus Thompson
S. B. Taswell
Commissioners

Filed in Office Sept 8th 1854.
Geo. W. Fisher
Secy

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And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Southern District of California it is hereby

Ordered, that two Transcripts of the Proceedings and of the decisions in this case and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary, one of which Transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California and the other with the Attorney General of the United States.

Office of the Board of Commissioners,

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

George Fisher — Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing Thirty three — pages, numbered from 1 to 33, 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. 451 on the Docket of the said Board, wherein Lorenzo Soto is —

the Claimant against the United States, for the place known by the name of "Los Vallecitos de San Marcos"

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

Geo: Fisher.

U. S. District Court.
Southern District of California

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No 192. Docket

The United States.

vs.

Lorenzo Soto.

Los Vallecitos de San Marcos

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Transcript of the Record
from the
Board of U. S. Land Commissioners
in case No 451.

Filed February 5th 1855.
J. E. Carr
Clk.

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United States District Court for the
Southern District of California

Lorenzo Soto
vs
The United States

Notice of intention to prosecute the appeal from the decision of the Board of U. S. Land Commissioners

Lorenzo Soto claimant of the land known by the name of Los Vallecitos of San Marcos situate in the County of Santa Barbara in the Southern District of California hereby give notice of his intention to prosecute an appeal from the decision of the Board of Commissioners rendered in this claim for the said land which was presented to the said board of Commissioners and by them rejected this claim being that which is numbered on the Docket of said Board of Commissioners No 451 the transcript whereof as filed in this Office is numbered

N Hubbs
Attorney for Appellants

No 192.

United States Dc
Court for the Southern
District of California

Lorenzo Soto
vs
The United States

Notice of appeal

Filed May 1st 1855.
J. C. Carr.
Clk.

H. Marbet
Atty for Appellant

United States District Court for the
Southern District of California

Lorenzo Soto
vs.
The United States

Your petitioner Lorenzo Soto shew unto this honorable Court that on the Twenty second day of April 1840. Juan B. Alvarado Governor of California by virtue of the authority in him vested granted Jose Maria Alvarado y Ignacio Sepulbeda a certain tract of land in the County of San Diego in the State of California called Los Vallecitos of San Marcos composed of two square leagues

That judicial possession was given them of the said land on the 30th day of September 1841.

That the said Jose Maria Alvarado on the 22nd day of July 1842 and the said Ignacio Sepulbeda on the 26th of December 1843 conveyed into petitioner all their right title and interest in and to the said tract of land.

That the said Alvarado y Sepulbeda built a house on the premises granted within the year from the said 22nd day of April 1840 resided on the land raised cattle and crops therein and that since your petitioner's purchase from the said

Alvarado y Sepulbeda he has resided on the premises and he now resides therein

Your petitioner further shew that on the day of A.D. 185 he presented his claim for the said land before the United States Land Commissioners appointed under the act of Congress passed on the 3d of March 1851 entitled an act to ascertain and settle the private land claim in the state of California when setting as a board, and prayed the said board to confirm it. ~~that the said~~

That on the 30th of December A.D. 1854 the said board of Commissioners decided upon the validity of your petitioner's claim and rejected it.

Your petitioner pray that the transcript of the report of the board of Commissioners on the claim presented to them as afresaid and of the documentary evidence and testimony of the witnesses on which it was founded, which is filed with the Clerke of this Court as directed by the 12th section of the act of Congress passed on the 31st of August 1852 entitled an act making appropriations for the civil & diplomatic expenses of the Government for the year ending the 13th of June 1853 and for other purposes be held and considered as ~~of all~~ part of this petition

Wherefore your petitioner appealing for the said decision of the board of Commissioners present this petition to the honorable

Court for the Northern District of California being the District Court of the District in which the land is situated and they pray this Honorable Court to reverse the said decision of the said board of Commissioners and to decide upon the validity of the claim

S Herbert
Attorney for petitioner
and Appelant

No. 192.

United States Dt Court for the Southern District of California

Lorenzo Soto
vs
The United States

Petition

Filed May 1st 1855.
C. E. Carr
Clk.

N Stubbs
Atty for Appellants

United States District Court for the
Southern District of California

Lorenzo Soto, Appellant
vs
The United States Appellee

Notice of intention to prosecute the appeal from the decision of the United States Land Commissioners

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Lorenzo Soto; Claimant of the Rancho called "Los Vallecitos de San Marcos" situated in the County of San Diego in the Southern District of California hereby give notice of his intention to prosecute an appeal from the decision of the Board of Commissioners in his claim for the said land, which claim was presented the said Board of Commissioners and by them rejected. His claim being numbered on the docket of said Board of Commissioners No 451. the transcript whereof as filed in this office is numbered 192.

J. J. Warner
Attorney in fact for the claimant
Lorenzo Soto

No 192.

U. S. District Court.
Southern District of California.

Lorenzo Soto.

vs

The United States.

Notice of intention to prosecute appeal.

Filed May 29th 1880.
C. E. Ivan,
Clk.

Office of the Attorney General of the United States,

Washington, 7th April 1855.

Lorenzo Soto
vs.
The United States. } 451.

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 27th day of January 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No. 192.

U. S. District Court,
Southern Dist of Calª.

The United States
vs
Lorenzo Soto.

Notice of Appeal
in Case No. 451.

Filed July 25 1855.
C. E. Carr.
Clerk
By A. H. Clark
Deputy.

United States of America,
Southern District of California. } SS.

TO **The President of the United States,**

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

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GREETING:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against ~~you, and each of you~~ the United States, in the District Court of the United States, in and for the Southern District of California, on the First day of May in the year of our Lord one thousand eight hundred and fifty-five at the City and County of Los Angeles, in said District, by Lorenzo Soto, praying the said Court to review upon the grounds therein set forth the decision of rejection by the Board of United States Commissioners, appointed to ascertain and settle the private land claims in the State of California, of the claim of said Lorenzo Soto, for a tract of land called "Los Vallecitos de San Marcos," situate in the County of San Diego, in said District, to the extent of about two square leagues, which said claim was presented by him to said Commissioners, and was by them rejected on or about the 30th day of December 1854.

and that you, ~~and each of you,~~ are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that ~~judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.~~ the plaintiff will apply to the Court for the relief demanded therein.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this Sixteenth day of August in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

J. E. Carr
Clerk.

No 192.

United States of America,

Southern District of California,

U. S. District Court.

Lorenzo Soto

vs.

The United States,

SUMMONS.

Rec. August 16th 1855

W. S. Marshal

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I served this summons along with the petition upon Porter Ord, Esq. Attorney of the U. S. for the Southern District of California by delivering to Mr. Thomas A. Hare Assistant Attorney at the City of San Francisco in the State of California

at San Francisco in the Southern District of California on the 20th day of August A. D. 1855.

Sworn to and subscribed before me, this 20th day of Aug. 1855.

J. F. Jan. Clerk.

Edward Mundy

Marshal.

In the District Court of the United States for the Southern District of California.
Los Angeles, County State of California

Lorenzo Soto
vs
The United States } No 192 (Transcript No 229)

The answer of Pacificus Ord Atty of the United States, for the Southern District of California, on behalf of the United States, to the petition for review of Lorenzo Soto, and claiming a certain tract of land in the County of San Diego, State of California called "Las Calleritas of San Marcos." Composed of two square leagues.

And the said Atty answering said petition, on behalf of the United States, denies generally all and singular each and every allegation in the said petition contained, except such as are expressly admitted.

And the said attorney further answering says, That he denies, that on the 22nd day of April 1840, Juan B. Alvarado Governor of California, by virtue of authority in him vested, granted to José Maria Alvarado and Ignacio Sepulveda a certain

tract of land in the County of San Diego in the State of California, called Los Vallecitos of San Marcos, composed of two square leagues; That Juridical possession was given them of the said land on the 30th day of September A.D. 1841; That the said José María Alvarado on the 22nd day of July 1842, and the said Ignacio Sepulbida on the 26th of December 1843, Conveyed unto said Claimant, all their right title and interest in and to the said tract of land; That the said Alvarado and Sepulbida built a house upon the premises granted within the year from the said 22nd day of April 1840 - resided on the land - raised cattle and crops thereon; and that since the said Claimant purchased from the said Alvarado and Sepulbida, he has resided on the premises; and that he now resides thereon; - as alleged in said petition of said Claimant.

And the said attorney, further answering, admits that on the day of A.D. 185(2) the said Claimant presented his claim for the said land before the United States land Commissioners, appointed under the act of Congress, passed on

the 3rd of March 1851, entitled "an act to ascertain and settle the private land claims in the State of California", when sitting as a board, and prayed the said Board to confirm it; That on the 30th day of December A.D. 1854, the said Board of Commissioners decided upon the validity of said claim, and rejected it;—as alleged in said petition for review. And the said Attorney of the United States in pursuance of the provisions of the act of Congress, approved 3rd of March 1851, entitled "An act to ascertain and settle the private land claims in the State of California" herein fully and distinctly sets forth the grounds on which said claim is invalid;—Viz:—

I. That the said alleged grant of the Mexican Government from the Governor of California, was made in violation of the 4th Article of the Colonization laws of Mexico of the 18th of August AD 1824, in this; that the land granted, as alleged by claimant, was and is within ten leagues of the Sea Coast; and that there is no evidence shown by claimant that the Supreme General Executive power of Mexico, previously approved

of the colonization of the public lands in Upper California, lying within ten leagues of the sea coast. And it is denied that such previous consent of said Supreme General executive power in such case was ever had.

II. That at the date of the said alleged grant, the said land claimed as aforesaid was occupied by, and in the possession of the Missions of the Territory of Upper California. And it was held and occupied particularly, by the Mission of San Luis Rey; and could not therefore be colonized.

III. That the said grant has not the conditions required by, and is not made in entire conformity with the laws of Mexico of the 18th of August A.D. 1824 and the regulations for the colonization of the Territories of Mexico of 21st of November A.D. 1828.

IV. That the petition for review filed does not set forth the metes and bounds of the land claimed; that it does not in any sufficient manner described the land claimed; and that it is vague and insufficient

V. That the said alleged grant of land by

Juan B. Alvarado, dated the 22nd of April 1840, to José Maria Alvarado and Ignacio Sepulbida, contains no description of the locality, extent and boundaries of the land, so that it can be identified and surveyed. That the map referred to therein, is vague and indefinite. And the said alleged grant is vague, indefinite and void for uncertainty.

VI. That the said claimant shows no definitive title for the said land.

VII. That the alleged judicial act of possession of the date of the 30th of September A.D. 1841, purporting to have been made by Rosario Aguilar is not executed upon stamped paper; and no reason is assigned therein for its being upon common paper. That it is not made in the mode and manner prescribed by law. That it is not executed according to law. That it is not signed by two existing witnesses, knowing how to write. That the alleged measurements were not made according to the alleged grant, and the map therein referred to; nor according to law. That it is vague indefinite and void.

VIII. That there is no evidence that Rosario

Aguilar was a Justice of the peace of the Town of San Diego on the 30th of September old 1841.

IX. That the alleged Conveyance of José Maria Alvarado, dated 22d of July 1842, of all his right, title and interest in and to the said tract of land, is not executed upon the lawful stamped paper. That it is not executed or acknowledged according to law. That it contains no description of the land by which it can be identified as the same land alleged to have been granted by Juan B Alvarado as aforesaid. That there is no sufficient evidence of its execution by José Maria Alvarado.

X. That the pretended Certificate of José Maria ~~Alvarado~~ Gongora, dated 22nd July 1842, is not executed upon the lawful stamped paper. That it is not done with two assisting witnesses. That there is no evidence that said Gongora, was a Justice of the Peace of ~~Santa Barbara~~ San Diego on the 22nd of July 1842. And the said pretended Certificate is of no validity.

XI. That there is no evidence that the said Ignacio Sepulveda, ever conveyed

his right, title and interest, in and to the said tract of land as alleged by Claimant.

XII. That there is no sufficient evidence that the said alleged original grantee, ever performed the conditions of the said alleged grant.

~~XIII. That the said petition for review contains no sufficient description of the land by metes and bounds. The exhibits are vague and insufficient.~~

And the said Claimant having no valid right, or title to the said land claimed by them as aforesaid, the lawful right and title in and to the same, was acquired by, and it now belongs to the United States, by virtue of the treaty of peace, friendship limits and settlement, with the Republic of Mexico dated at the City of Guadalupe Hidalgo, February 2nd A.D. 1848.

Wherefore, the said premises considered, the said Atty, respondent on behalf of the United States, prays that the said Claimant Lorenzo Soto, may be served with a copy of this answer: and that, after due proceedings, this Honble Court will decree the said claim

of the said petitioner for said land to be invalid. And to decree costs against him. And general relief.

F. Pond

Attorney of the United States for the Southern Dist of Calif.

I have served this Answer upon Lorenzo Soto by delivering to him a true Copy of the same at San Diego Jany 9th 1856

Edward Hunter
U S Marshal
per M L Goodman
Deputy

Marshal Cost

Serving Answer $3.—
Mileage 3 miles
To San Diego
Copy & Service 42.—
$45.—

No. 192.

United States Dist. Court
Southern Dist of Calª

Lorenzo Soto
vs.
The United States

Answer to petition for review

Filed August 23d 1855.
C. E. Lain
Clk.

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J. Ord
Dist Atty

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

No 192

Lorenzo Soto — Appellant
vs
The United States — Appellee

And now on this
day comes the appellant by attorney
and moves the court make and
order to take further testimony
in the above case by the appellant

A Thomas
Atty for Appellant

U S District Court

No 192

Lorenzo Sato

vs

The United States

Motion to take further testimony

Filed Dec 20th 1855

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B. E. Van Clief Clk.

A Thomas

Atty for Appellant

Lorenzo Soto. applt
vs.
The United States, Appee } No 192.

Deposition of Jose Maria Osoco a witness for applt in the above case taken before C. E. Carr, Ad Comr for California, this 23d of June 1856. at the City of Los Angeles. Present Ord, U S Atty. A Thomas for applt. O Morgan was sworn as Interpreter. Jose Maria Osoco being duly sworn deposes as follows

Ques. What is your name age & place of residence

Ans. Mey name is Jose Maria Osoco, my age 44 years my residence San Diego.

Ques. Are you acquainted with the Rancho of Vallecitos de San Mateo.

Ans. I do.

Ques. Were you one of the appraising arbitrators in giving Judicial possession to Jm Ma Alvarado & Ignacio Sepulveda

Ans. I was

Ques. Who was the officer that gave judicial possession.

Ans. Rosario Aguilar

Ques. Who were the other assisting witness.

Ans. Bonifacio Lopez

Ques. About what time was the judicial possession referred to given.

Ans. In the year 1841.

Ques. State the manner in which the the survey & measurement were made under that officer. also the lines run and all you know respecting the matter (objected by U.S. Atty)

Ans. It was commenced at the old House (Rancho Viejo). on the ~~adjacent~~ side, near a small pond on that side there was placed a land mark. then commencing at the House again the line was run along the road leading to Buena Vista, from there the line was run in a northerly direction towards the Sierra to a large rock named Piedra de Padre. from there South ~~to~~ along the Road of the Encinitos to a Black Rock (Piedra Prieta.)

Ques. What was the name of the pond referred to (Objected to by U.S. Atty)

Ans. It was called Rock Pond (Agua de la Piedra)

Ques. What is the distance from the House to the Pond. (objected to by U.S. Atty)

Ans. Four thousand Varas ~~[illegible]~~ a little more than

Ques. Do you wish to be understood as having commenced at the house the second time after having placed the first land mark near the pond. (objected to by Watts)

Ans. I do.

Ques. In running from the house the second time did you run to any point having if so what was it named a name. & what was the distance ran. (objected to by U. S. Atty)

Ans. I did a small Hill on the left side of the road. a distance of little more than a league.

Ques. In what direction was the line referred to run. objected to by U S Atty

Ans. In a westerly direction

Ques. From thence in what direction was the line run. (objected to by U S Atty)

Ans. In a southerly direction to a small hill on the road leading to the Encinitos.

Ques. What was the distance ran?

Ans. A league a little more perhaps

Ques. From thence in what direction was the line ran. (objected to by U S Atty)

Ans. Northerly. a little less than a league stopping at the Piedra Padre before mentioned.

Ques. From thence in what direction was the line ran? (objected to by Watts)

Zw.

Ques. How far is it from the Piedra Padre to the Pond before referred too. (objected too by Wally)

Ans. A little less than a league.

Ques. In what direction is the Pond from the "Piedra Padre". (objected to by Wally)

Ans. In a southerly direction

Ques. In what direction is the Pond from the Verse (objected to by Wally)

Ans. Eastery direction

Cross examined by Wally

Ques. Are you directly or indirectly interested in the before mentioned Rancho

Ans. I have none whatever

Ques. What is your occupation

Ans. Ranchero

Ques. Do you know how to read and write.

Ans. I do.

Ques. Do you know North. South. East. West direction?

Ans. I do.

Jesus a. Orozco

Sworn to & subscribed to before me this 23d day of January A.D. 1856

J. E. Carr
U.S. Com.

No. 192

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

Lorenzo Soto
appellee

vs.

The United States
appellee

Deposition of Mr. McCrea

Filed Jany 23d 1856

O. E. Carr
Clk

Lorenzo Soto appt.
vs
The United States appe.

No. 192.

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Deposition of Santiago E. Arguello a witness on the part of appellant in the above case, taken before Chas E. Carr. U.S. Comr for the State of California this 23d day of Jany 1886. Present P. W. E. Wratty & A. Thomas for applt. O. Morgan was sworn as interpreter. S. E. Arguello being duly sworn deposes & says:

Qu. What is your name age & place of residence

Ans. My name is Santiago Arguello. My age 42 years. my residence San Diego.

Qu. Do you know the Rancho called Valleciton de San Marcos occupied by Lorenzo Soto

Ans. I do.

Qu. Describe its position & the natural localities surrounding it.

Ans. It is a small valley surrounded by low hills & high mountains.

Qu. On which side of the Rancho are the high mountains & what are they called

Ans. On the north side. called the Rocky Mountain.

Ques. On which side are the Hills.

Ans. On the east & south sides

Ques. Do you know any Cañada entering into the valley.

Ans. At the south side of the valley there is a Cañada near the road of the Encinitos.

Ques. What is it called

Ans. I do not recollect.

Ques. Do you know any land near the valley, called San Bernardo

Ans. I. do.

Ques. On which side of the Rancho San Marcos does it lie

Ans. On the eastern side

Ques. Do you or not know any land adjoining the Rancho called Vallequitos.

Ans. I do not. I know a tract of land called Bateguitos.

Ques. On which side of the Rancho does it lie

Ans. In a Southwestern direction

Ques. Do you know any ~~any~~ small ponds on or near the Rancho

Ans. I do.

Ques. What are they named

Ans. I know one named Cienega de San Marcos

another named "Aguage del Rodeo" — another named "aguage de la Piedra" & other small ponds which may or may not have particular names as I do not recollect

Ques. Are the Ponds mentioned on the Rancho or adjoining.

Ans. They are on & belong to the Rancho

Ques. Do you know any of the land marks of the Rancho. (objected to by the U S Atty)

Ans. I do.

Ques. State what they are. (objected to by U S Atty)

Ans. On the East side there is one called Aguage de las Piedras. On the West side a small rocky Hill on which there is piled some stones as a boundary mark. On the South side there is small Black Hill covered with Chemizal, where the road of the Encinitas passes on the North side a noted rock having the form of a man —

Ques. Are the boundary referred well known in the community & prominent. (objected to by U S Atty)

Ans. They are well known by all the residents in that vicinity.

Ques. How many leagues does the Rancho contain (objected to by U S Atty.)

Ans. From two to three leagues.

Cross examined by U.S. Atty.

Qu. How far is the Rancho of Ana Maria from the sea coast

Ans. About five leagues

Qu. When were you last at the Rancho

Ans. In the month of July last year

Qu. How do you know the boundaries you have just described are the boundaries of the Rancho

Ans. Because I have been at the Rancho on various occasions & have ridden around & about ~~the Rancho~~ at the present & also the first owner by whom I was shown the land marks.

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Qu. Who was the former owner.

Ans. Jose Ma Alvarado.

Qu. Where does Jose Ma Alvarado live at this time.

Ans. He is dead.

Qu. Do you know how long the said Alvarado lived on the Rancho & if you state the length of time

Ans. I do about two years more less.

Qu. When did Alvarado die.

Ans. In 1846 or 47.

Qu. Do you know Ignacio Sepulveda

Ans. I know him, he is now dead, he died in 1846 or 47

Qu. Did he leave a family

Ans. He left a widow. I do not know that

Ans. He left a widow. I do not know that

Sworn to & subscribed before me this 23d day of Jany A.D. 1854.
C. E. Jam
U.S. Comr

Santiago E. Arguello

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No 192

U.S. Dist Court
South Dist of California

Lorenzo Soto
appt

vs

The United States
appees

Deposition of Paulino Alguado

Filed Jany 23d 1856.

J. E. Carr
Clk

In the U S District Court for the Southern District of California

Lorenzo Toto Appellant
vs
The United States Appellees

An index to the transcript in the above case

Page 3rd Contains the petition of the Claimant to the Board of Land Commissioners

" 4th (Spanish Documents) Deposition of Santiago Argüello

" 8th Original petition, order to report, Report of Pio Pico administrator of the Mission of San Luis Rey

" 10th Decree of Gov Alvarado giving title to the land asked for (Spanish)

" 11th Action of Departmental assembly upon the decree and petition Spanish

" 15th Translation of the above Spanish Documents

" 19th Grant by Alvarado Governor (In Spanish)

" 21st Translation of grant

" 23rd Testimonial of Judicial possession

" 25th Translation of Testimonial Judicial possession

No 192

U.S. Dist Ct S Dist

Lorenzo Sato
vs
The United States

Index to
Transcript

Filed Jany 29th 1856.
J. E. Carr
Clk

Page 3 on
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Decd from Department Francisco
To Lorenzo Sato

A Thomas
Atty for Appellant

IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

Los Angeles,..... December Term, 1855.

Lorenzo Soto.

192 SD

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APPELLEE,	No. 192.
VS.	(No. 451. of Transcript.)
UNITED STATES, APPELLANT.	On Appeal from the United States Land Commission.

On motion of P. ORD, Attorney of the United States for the Southern District of California, it is hereby

ORDERED by the Court, that an appeal be granted the United States, to the Supreme Court of the United States, from the judgment of this Court against the said United States in the above entitled cause, rendered on or about the 11th day of February A. D. 1856.

P. Ord
Dist Atty.

No 192

U S Dist Court
South Dist of California

Lorenzo Soto appellee
ads
The United States
Appellants

Notice of Appeal &c

Filed Mch 27th 1856
C. E. Carr clk
By O Morgan Dep

California Land Claims
Attorney General's Office
4 October, 1856.

Sir:

In the case of the claim of Lorenzo Soto, confirmed to the claimant by the Commissioners, (Case No four Hundred and fifty one, 451,) and also confirmed on appeal in the Supreme Court will not be prosecuted by the United States.

Respectfully
Cushing

P. Ord Esq.
U. S. Atty

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Lorenzo Soto
451

Filed 24th February 1857
A Lewis Clk
J H Coleman
Dep

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Rec Nov 4 1856

At a stated Term of the District Court of the United States for the District of California held at the Court Room in the City and County of San Francisco on the Fourteenth day of September A.D. 1868.

Present. The Hon. Ogden Hoffman
District Judge

The United States
vs
Lorenzo Soto

Land Case No. 451
District Court No. 192. S.D

Decree

In this cause, it appearing to the Court, from the records and papers in the case, that an opinion of the Court was delivered on the Eleventh day of February A.D. 1856, confirming the lands in this case to the claimant and appellant, and ordering a decree to be entered up in conformity to said opinion, and that there was an omission or neglect to so enter the said

opinion, and that there was an omis=
=sion or neglect to so enter the said
decree at the time of said confirma=
=tion of the claim, and that it
appears that no such decree has
ever been entered in the case or
if entered that the same has
been lost.

And it further appearing
that an order granting an appeal
from said decree was duly made
and that afterwards in pursuance
of the instructions of the Attorney
General said order was vacated
and the appeal dismissed by the
Court as appears by its minutes

Upon motion of H. A.
Sawyer Esqr, attorney for said
claimant, the United States
Attorney being present and con=
=senting thereto the Court ordered
the following decree to be signed
and entered now for then in
the case.

This cause came on to
be heard on appeal from the

final decision of the Board of Land Commissioners to ascer=tain and settle private land claims in the State of California under the Act of Congress approved March 3d 1851, upon the Transcript of the proceedings and decision of the said Board and the papers and evidence taken and filed in this Court, and it appearing to the Court upon which said decision was founded and the other evidence adduced by the appellant before this Court, and it appearing to the Court that said Transcript and the notice of intention to appeal have been duly filed according to law, and Counsel for the respective parties having been heard, it is ordered, adjudged and decreed that the decision of the said Board of Land Commissioners be and the same is hereby reversed; and that the claim and title of appellant is a

good and valid claim and title, and that the same be confirmed to him as follows, Two (2) Square leagues of land situated in the County of San Diego, State of California, and as described in the grant and diseño filed in the case; Provided, that if the quantity within the boundaries of said land as originally granted contain two square leagues of land and no more, that then confirmation is hereby made as to that quantity; and further provided, that if the quantity within the said boundaries contain more than two square leagues of land then confirm-ation is hereby made for two square leagues of land and no more, to be lo-cated within the said boundaries; said confirmation

being according to the calls of the grant in this case and for a full description of which reference is here made to the map contained in the Transcript and to the evidence on file in this cause

Ogden Hoffman
U. S. Dist: Judge

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U. S. Dist Court
Dist of California

The United States
vs
Lorenzo Soto

Decree of
Confirmation

Filed & Entered
Sept 14th AD 1868
Geo. E. Whitney
Clerk
By Deane DC

Lorenzo Soto appellant
vs
The United States, appellees

The claim in this case is founded upon a grant from Governor Alvarado to Jose Maria Alvarado and Ignacio Espulveda bearing date April 22nd 1840 and approved by the Departmental Junta on the 28 of May of the same year. The genuineness of the grant is fully proven, the present claimant shews title in himself derived from the original grantees.

Occupation of the premises is proven by the usual testimony.

The grant is for two leagues of land within certain external limits mentioned in the grant and reference is made to a map which accompanied the Expediente for a further description of the land.

Three of the external boundaries called for in the grant are laid down in the map and with the assistance of the usual evidence in the record we think no difficulty would occur in finding the external limits within which the quantity granted was to be located.

The fourth call however in a second of which is filed in the case, is so indefinite and vague that it must

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entirely disregarded, the quantity measured to the claimants must have been about double that mentioned in the search — but even if the quantity were the same the boundaries as marked out by the Alcalde as too indefinite and begun to segregate the land, we must therefore disregard the judicial business in all together and must look to the search and map for the external boundaries within which the quantity searched is to be located, the decree will therefore be entered according ly.

Finlay

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