

CASE No.

404

NORTHERN DISTRICT

NICASIO GRANT

JUAN B. ALVARADO

CLAIMANT

LAND CASE 404 ND 123 pgs.

JAN 3 1963

FEB 21 1963

part
title papers Sp - wanting Award
and by of

TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 684.

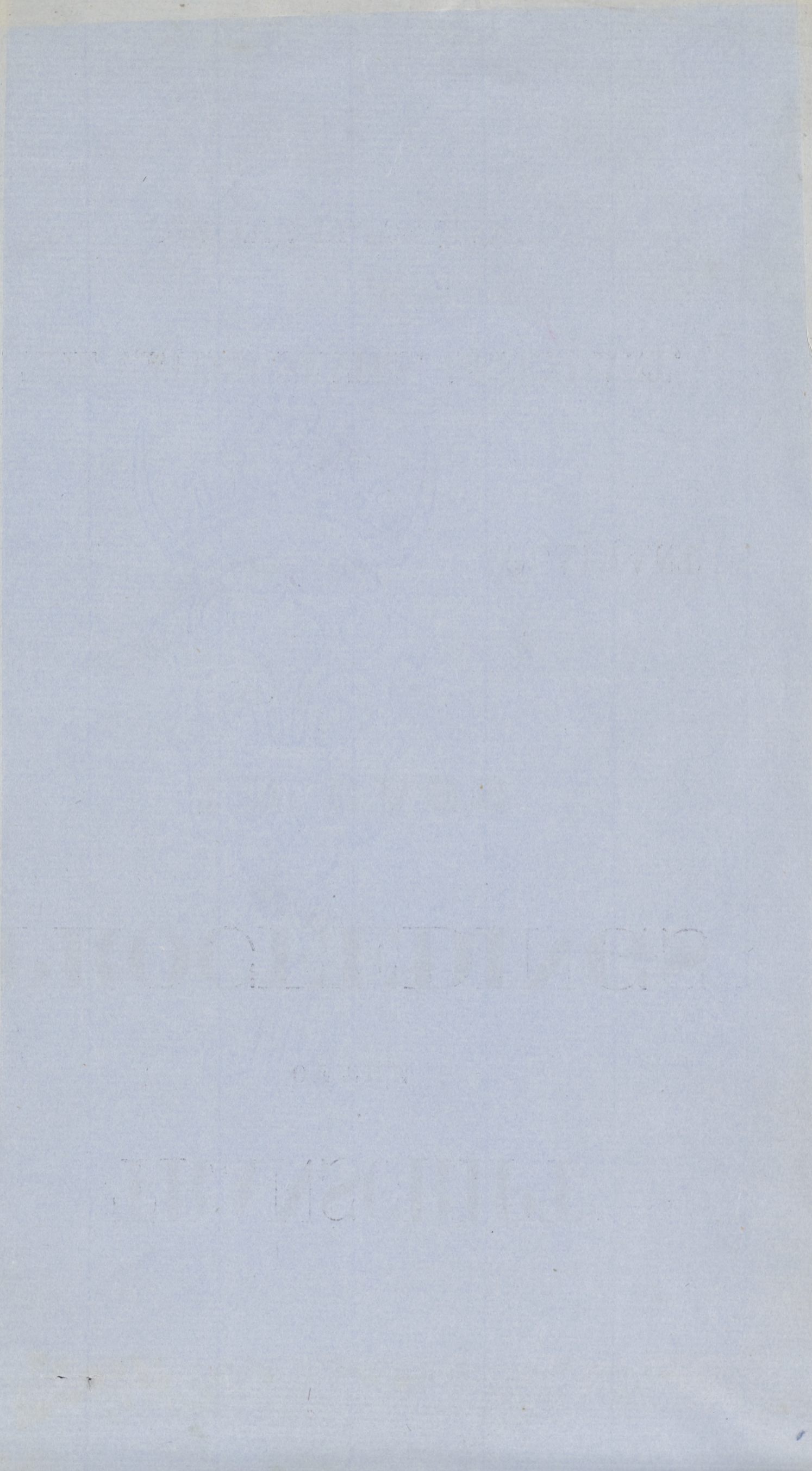
Juan B. Alvarado CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Nicasio.



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this first day of March, 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 Juan B. Alvarado, for the Place named "Nicasio," was presented, and ordered to be filed and docketed with No. 684 and is as follows, to wit;

(Vide page 7 of this Transcript.)

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

San Francisco January 2^d 1855.
Case no. 684, Juan B. Alvarado for the place named "Nicasio," on motion of claimant's counsel, with the consent of the U. S. Law Agent, was ordered to be placed at the foot of the 4th class cases on the Trial docket.

San Francisco, January 16th 1855.
Case no. 684 was submitted under the Rule of 21st March 1854.

San Francisco February 6th 1855.
In the same case the counsel for the claimant filed the following Affidavit, to wit;

(Vide page 59 of this Transcript.)

San Francisco, February 20th 1855.
In the same case the counsel for the claimant

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filed the following Affidavit of Eugene Messon:
(Vide page 83 of this Transcript)

San Francisco, February 27, 1855.

In the same case Commissioner Alphonse Felch delivered the decision of the Board upon the motion of the counsel for the claimant, supported by the Affidavits heretofore filed, to wit, on the 6th 20th, inst, granting the same - whereupon it was

Ordered, That the case be placed at the foot of the trial docket.

San Francisco, March 22, 1855.

Case no. 684 was assigned for hearing on the 3rd day of April next.

San Francisco, April 2, 1855.

In the same case the deposition of Victor Prudon, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, was filed:

(Vide page 61 of this Transcript)

San Francisco, May 2, 1855.

In the same case the deposition of W^m A. Richardson, a witness in behalf of the claimant, taken before Commissioner S. B. Farwell, was filed:

(Vide page 64 of this Transcript)

San Francisco, May 8, 1855.

In the same case the counsel for claimant moved for a postponement of the hearing thereof upon the facts set forth in the following Affidavit, to wit:

(Vide page 83 of this Transcript)

which motion was granted and the case laid over for two weeks.

San Francisco, May 14, 1855.

In the same case the counsel for the claimant filed the following motion, to wit:

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(Vide page 79 of this Transcript.)
which motion was granted, whereupon the following order was made, to wit:

(Vide page 87 of this Transcript.)

San Francisco May 15, 1855.

In the same case, upon the motion of the Counsel for the claimant, a rule of nisi was entered against Mr. G. Vallejo, a witness in this case on behalf of the claimant, to appear before the Board on the 22^d instant at 10 O'clock A. M. and show cause why an attachment should not issue against him for a contempt of this Board.

San Francisco, May 22^d 1855.

In the same case the Counsel for the claimant, filed the following Motion, to wit:

(Vide page 87 of this Transcript.)

which motion was granted - whereupon it was Ordered, That this case be continued and the Rule nisi against the witness Mr. G. Vallejo, entered on the 15th inst, be extended till 10 O'clock A. M. on Tuesday next 29th inst.

San Francisco May 29th 1855.

In the same case upon the motion of the Counsel for the claimant, with the consent of the W. S. Law Agent, the Rule of nisi entered against Mr. G. Vallejo, a witness in this case, on the 15th inst and extended to this day, is extended to 10 O'clock A. M. on the 5th June next.

San Francisco June 5th 1855.

In the same case on motion of the Counsel for the claimant, the Rule of nisi, entered against Mr. G. Vallejo, a witness in this case, on the 15th May last and extended to this day, be dismissed - the said

witness having appeared, purged himself of the
conceit, and announced himself ready to testify.

San Francisco, June 6' 1855.

In the same case the depositions of Victor Rudon
and Narciso S. Vallejo, witnesses in behalf of the
claimant, taken before Commissioner A. Aug.
Thompson, the first with document marked R.
T. no. 3, annexed thereto, were filed;

(See pages 67+ of this Transcript.)

San Francisco, June 11' 1855.

In the same case the deposition of Sebastian,
a witness in behalf of the claimant, taken
before Commissioner A. Aug. Thompson, was filed;

(See page 71 of this Transcript.)

San Francisco July 18' 1855.

In the same case the deposition of Victor Castro,
a witness in behalf of the claimant, taken before
Commissioner A. Aug. Thompson, was filed;

(See page 73 of this Transcript.)

San Francisco July 23' 1855.

In the same case the deposition of Jose S. Berreyera,
a witness in behalf of the United States, taken
before Commissioner J. B. Farnell, was filed;

(See page 76 of this Transcript.)

San Francisco, July 24' 1855.

Case no. 684 was submitted on briefs and taken
under advisement by the Board.

San Francisco Sept. 25' 1855.

In the same case Commissioner Alpheus Felch
delivered the Opinion of the Board rejecting

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the claim:

(see page 93 of this Transcript)

N

and the following order was made, writ:

(see page 114 of this Transcript)

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Section Rancho of Nicasio



Petition

Rancho of Nicasio

To the Commissioners of the United States  
to settle Land claims in the State of  
California.

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Claim of  
Juan B. Alvarado to the Rancho or  
tract of Land called "Nicasio" in Marin  
County in the State of California

Petitioner represents that on  
or about the 13th day of March A.D.  
1835. the Commanee in Chief & Supreme  
Political Governr of the Territory of  
California, at that time Jose Figueroa  
by an Official Decree and part of that  
date and upon the petition of Tesorico  
Dielajiqui, Sebastian, Juan Evangelis-  
ta, Luis Gonzaga, Luis Antonio and  
others Christianized Indians of the Ex-  
Mision of San Rafael, granted to them  
the tract of Land called Nicasio in  
full and absolute Ownership.

That said tract is situate  
in Marin County in said State &  
contains twenty square leagues  
(Spanish) more or less. That said  
Neophytes at the time of said grant  
long before, and until the sale of  
said Land hereinafter mentioned, were  
in the Notorious & peaceable possession  
thereof as Owners thereof in fee.

That subsequently the  
title aforesaid of said Neophytes and  
then said possession of said tract of  
Land was expressly recognized and  
affirmed by the Government of said Territory.



That on the 15th day of October 1844,  
Said Christianized & duly emancipated  
Americans by deed executed according  
to Law conveyed and conveyed said  
Rancho or tract of land to this  
petitioner.

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(Translations of which said documents  
& instruments are herewith filed marked  
A. B. & c. with the exception of said  
Original Grant which is in possession  
of M. G. Vallejo, former Military  
Commander &c. beyond the control of  
said petitioner.

That said Rancho  
Nicasio is and was at the time of said  
grant well known & notoriously marked  
by Natural boundaries ascertaining  
the area or quantity of land referred

petitioner therefore prays  
that said lands may be confirmed  
to him his heirs & assigns in fee by virtue  
of the Act of Congress of the United  
States Constituting the Hon. Commission  
Eugene M. Wagon  
Seaman & Stephens  
for Secy

Filed in Office March 1 1853

Geo. Fisher

Secy



1.9

Mar.<sup>o</sup> G. Vallejo Alf.<sup>o</sup> de Caball.<sup>o</sup> y Comandante Militar de la frontera de Sonora en la Alta California.

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Por cuanto el Señor Comand.<sup>te</sup> General y Jefe Superior Político de este territorio D. José Figueroa me ha comisionado por último todas las dificultades que se ofrescan para mejorar el sistema de secularizarse de la Misión R. F. anexada to de S. Rafael, conformando a las Instrucciones del Deposition of Victor dho. establecido en la elección de un terreno de los concejales por propiedad de dho. establecimiento que les fuere mas propio y agrorabable para su ocupacion y habiendo consultado la voluntad de los interesados y dando cuenta a la Superintendencia. H. resuelve con fha 13. de Mayo último lo que a la letra copio.

Nicasio.

Habiendo entendido este Gobierno de la solicitud de Fermosino Gualquipi, Sebastian, Juan Evangelista, Luis G<sup>onzalez</sup>, Luis Antonio y otros vecinos de la Misión de S. Rafael y de las respuestas que V. ha remitido relatorante que hacen de los terrenos pertenecientes al rancho de Nicasio que ellos mismos han elegido para vivir y permanecer con sus familias para V. notorio a los referidos vecinos que el Gobierno en consideracion a la preferencia que deben tener para la colonizacion de sus terrenos propios le concede el mencionado Nicasio en toda propiedad, teniendo V. cuidado de que se mantenga entre dichos indios y sus familias el mejor orden y que nadie les interumpa ni estorve en la pacifica posesion de dhas. terrenos.

En cumplimiento del citado antecedente Sup.<sup>o</sup> decreto se notifico a las autoridades, poniendo las en posesion de los terrenos dichos, dando les el prete



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para que les sirva que les sirva de titulo y  
demas fines que les sea conveniente. Dado en  
Santiago a 1º de Mayo de mil ochocientos  
treinta y cinco.

M. J. Vallejo.

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Filed in Office. April. 2. 1853.

Geo. Fisher.  
Secy.



San Juan 18<sup>to</sup> Agto.

Excmo. Sr. Gobernador.

18 de 1839.

Fevlorico y las oleunas que salson

Estando satisfecho etimas esta negocio de la chision  
 el Gob.<sup>no</sup> de que los de San Rafael en la mayor  
 interesados en esta pruna que hayr lugar a. d. ha  
 representacion se enno presente que el Sr. General  
 hallan en posecion Don Jose Fiqueroa mas conecio  
 muered to Depo. de las tierras que se el terreno llamado Michico pan  
 of Victor Prudon. menciona por cons que lo culturan y habieren en  
 ccion echo pr mi ntas. familias y bienes como que  
 autecor el tenor. estas tierras pentencia a miestas  
 Gral. Don Jose Fiqueroa. todas las otras tierras  
 segun el titulo que lla estan repantiotas a la fuerza  
 acompanyan puecan de nation y estas mas fueron vier  
 descubrir en la pro badas para nosotros pero como  
 teccion que les dispensa algunos gentes obien que mas se  
 sa el Gob.<sup>no</sup> puerio a quitar ro ganos a S. E. q. tengun  
 occur en caso de ser en comendacion que somos pobres  
 molestados al comid<sup>te</sup> cargados de familia y que nos  
 militar de la frontera haupara y protejer como el Sr.  
 de Louona mientras Gov.<sup>r</sup> lo mandolo: en su decreto  
 tanto se levante el y titulo que tenieren el honor  
 plan no diseno de acompaunar a eta para que  
 del terreno y de los S. E. se persuada de la bouad  
 de la posecion que con que ablanas.

Exhibit n<sup>o</sup> 2.  
annexed to Depo. of Victor Prudon.

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colica con todas las P. S. A. S. E. Suplicamos que

demas formalidades tienda un mirada companta  
estabeidas. Todo lo asi a sus susditos en que recib  
que el espesado iran muered y gracia.

comandante tenor S. Raf. Agto 1<sup>o</sup> de 1839.

presente para los Fevlorico Guilajuequi.

casos de mporue Sebastian Juan Evangelista.

que se piden sobre Luis Prunaga.

comisiones de tierras Luis Autolin.

en la posesion de  
 Souvira. A. S. Y. Juan B. Alvarado, Gov.<sup>r</sup> del Depart<sup>o</sup>  
 de las Californias lo mande, decreti y firmo. J. B. Alvarado.



02

1918



Juzgado 1.º  
de  
Sonsonne.

Exhibit A. I. n.º 3.  
annexed to the Dep.  
of Victor Pauvon.

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Escritura de Venta que hace los  
señoritos de San Rafael en favor del  
Coronel D. Juan B.º Alvarado

Año de 1844.



Surgado 1.<sup>o</sup> de Sonoma.

En el pueblo de Sonoma a las quince dias del mes de Oct.<sup>bre</sup> de mil ochocientos cuarenta y cuatro Ante mi Jacobo P. Lee, Alcalde de 1.<sup>o</sup> nombracion de este lugar, actuando presertoria a falta de todo escribano por no haberlo en los terminos de la ley comparecieron. Feodorico Gualoquije Sebastian, Juan Evangelista, Luis Gonsaga, Luis y Antolin y eligieron: que siendo dueños, propietarios del terreno llamado Xicasio, sito a las inmediaciones del pueblo de Sr. Rafael, pr. coleccion hecha por el Gobierno desde el año de mil ochocientos treinta y cinco, del cual han estado en quietud y pacifica posesion pr. si y a nombre de sus hijos benedictos y sucesores y de quien de ellos hubiere titulo por y causa en cualesquiera manera olan en venta rebel, efectiva perpetua pr. yano de heredad, pr. siempre ganancia a D.<sup>o</sup> Juan B. Ararado vecino de Monterrey todo el terreno llamado Xicasio, cuya amplitud esta localizada desde el parage que actualmente ocupan, hasta el llamado punto del Estero Americano y la de Saucal, siendo por los extremos las linderos de las Individas que actualmente ocupan tierras conexas por el Gob.<sup>no</sup> pr. cuyas razones corresponden en posesion y propiedad a las otorgantes, las cuales declaran y aseguran no tenderlo vendido enagenado, ni empeñado y que esta libre de todo tributo, viento fiara y otro gravamen real y especial, tacito y expreso y como tal lo venden con todas sus lomenias, agujes, arboledas etc. bajo de las condiciones sigtes.

1.<sup>o</sup> Que las otorgantes conservaran libre su derecho en el terreno para mantener los granatos de todas clases que poseen actualmente o que adquirieren en lo sucesivo, siendo de su propiedad particular sin que eso sean escluidos



molestado por el comprador.

2.<sup>o</sup> Que conservarían igualmente derecho a las tierras de labor que han cultivado cada uno por sí, sin intermision de otro individuo lo mismo que a lo demás fabricas, corrales, etc. que tienen actualmente establecidos.

3.<sup>o</sup> Que en recompensa y paga de las tierras involucradas el comprador pagará la cantidad de un mil pesos (\$ 1.000) de los que le dan por recibidos desde esta fecha en virtud de orden de igual suma que satisfará D. Mariano G. Vallejo, quien conformará a los intereses del suvoto que ellos convenyan, de todo lo que se dan por Satisfechos y conformes.

En fe de todo lo expresado se obligan los otorgantes a que la venta de otro terreno sea cierta segura y efectiva al comprador, y nadie les inquietará ni moverá pleito sobre su propiedad posesion y goce, y si se les inquietare, moviere o apereciere pleito, luego que los otorgantes y sus herederos sucesores sean requeridos conforme a derecho, Saldrán a su defensa, y lo seguirán a sus expensas en todas instancias y tribunales hasta ejecutarlo y dejar al comprador y a los suyos en el libre uso y posesion pacífica del mencionado terreno Satisfechos de que su valor lo han apreciado en otra cantidad, y para q. mejor seguridad de la parte interesada, los otorgantes entregan al comprador el documento de Constancia por el cual han adquirido otra propiedad por autoridad competente así de la firma de resguardo en todo tiempo y a la observancia de todo lo referido obligan sus personas y bienes presentes y por haber y consueño uniplico poder a los Jueces y Tribunales de la Nación que de este negocio deban conocer conforme a otro para que los impelan y apenien



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al cumplimiento de esta escritura como p<sup>r</sup> sentenciá definitiva de juez competente, y unido en autoridad de cosa juzgada y consentida de todo lo que en el presente fue o by fe' haberi actuado plena y libremente por todas las partes contratantes sin auxilio con los testigos de asá e instrumentales.

Geovonio Sebastian.

Juan Evangelista.

Luis Guisaga.

Luis Anselmi.

Juan B. Alvarado.

Jacob P. Lees.

Salvador Vallejo.

Pedro Estrada.

M<sup>r</sup> Prudon. Pedro Estrada.

José J. Berreyesa.

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Filed in office. June 6. 1855.

Geo. Fisher.

Secy.

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A  
 Translation and Military Commands on the frontier  
 of Sonoma in Upper California  
 Little Papers

Whereas the Command

in Chief and Superior Political Officer  
 of this Territory Don Jose Figueroa

Exhibit B.J. has given me the Order of settling all  
 No. 1 among the difficulties which interfere with  
 to defo. of the Secularization of the Mission of  
 Victor Prudon San Rafael, and of perfecting a system  
 for the same, and also of Compelling  
 the Indians of said Establishment  
 to make a choice of Lands among those  
 forming part of the said Mission,  
 leaving to their Choice those most  
 agreeable to them, and the best fitted  
 for Occupation, and having so done  
 & consulted the desire of the parties  
 interested, and also made my report  
 to the Authority. His Excellency ordered  
 on the 13th of March last that which  
 I copy verbatim.

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"Having informed the  
 Government of the Petition of Teodoro  
 "Quinleyuequi, Sebastian, Juan Evangelista  
 "Diego Gonzalez, Luis Antolin and other  
 "Christianized Indians of the Ex Mission  
 "of San Rafael, and also of the reports  
 "furnished by your relatives to their  
 "Claims, which they make to the lands  
 "appertaining to the Ranch of "Nicasio"  
 "which they themselves have selected  
 "to live upon with their families, you  
 "will notify the said Christianized  
 "Indians, that the Government in conse-  
 "quence of the preference they are entitled



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"to and of their right to have lands  
"of Colonization, also grant to them in  
"full ownership the said lands above  
"mentioned called Nicasio.

"You will take due care that good  
"order be maintained among the said  
"Indians and their families and that  
"no one disturb them in the peaceful  
"enjoyment & possession of the said lands

In conformity with the  
Supreme decree aforementioned I give  
due notice thereof to the parties in  
interest, putting them in possession  
of the said lands, furnishing them  
these presents so that the same be a  
title to them and for such other  
uses & purposes as may see fit them.

Given in Sonoma on the first  
of May One Thousand Eight hundred  
and thirty five (1<sup>st</sup> of May 1835)

M. G. Vallejo

Exhibit no. To His Excellency the Governor  
of California and others  
to dep. of the undersigned Christianized Indians  
Victor Prudon (Neofitos) of the Ex Mission of San  
Rafael do in the form prescribed,  
Expose to your Excellency, that General  
Jose Figueroa granted to us the land  
called "Nicasio", in order that we  
should cultivate it, and live on it  
with our families and rural property,  
these lands having appertained to  
our forefathers; all the other lands  
were divided among the civilized  
population (pueblos de Indios) and these  
were reserved for us. But as certain



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persons say that we are going to be  
despoofees of the same, we pray your  
Excellency to take into consideration  
that we are poor ones have large fam-  
ilies, so that you may be pleased  
to help and protect us, in accordance  
with the Order of the Govern to that  
effect, by his decree which we have  
the honor to annex hereto., so that  
your Excellency may convince yourself  
of the truth of our allegations.

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We beg of your Excellency  
to take in mercy your Petitioners who  
will ever be grateful

San Rafael August 1<sup>st</sup> 1839  
Seaverico Indaguepui. Sebastian  
Juan Evangelista - Luis Gonzaga  
Luis Antolin

(In the Margin) St. John Baptist

August 18th 1839

The governa being satisfied that the  
parties interested in this petition are in  
actual possession of the lands therein  
mentioned & granted by my predecessor  
General Jose Figueroa according to the  
title which they have annexed thereto,  
the said parties may rely upon the  
protection of the Government, and in case  
they should be disturbed, will apply  
to the Military Commander on the Frontier  
of Sonoma until a plan can be prepared  
of the said Lands, and judicial posses-  
ion is given to them of the same with  
the formalities presented.

The Commander will



have the foregoing present so as to furnish  
all the informations which may be  
asked relative to concepts of lands  
within the jurisdiction of Sonoma

So ordered, decreed and signed  
by Juan B Alvarado Governor of the  
California.

Juan B Alvarado

Rafael Garcia J<sup>o</sup> Alcalde of the Jurisdic-  
tion of San Rafael.

By these presents I  
certify that it is well known to me,  
that ever since the year 1835 (1845) the  
the Government under General Jose  
Figueras granted to the Christian Indians  
of the Ex Mission of San Rafael emanci-  
pated from the said Christianizing  
Mission the lands appertaining to the  
Rancho of Nicasio of which they  
were in possession & peaceful occupation  
with their rural property, houses,  
families, and laborers, and have so  
remained up to this day without  
any authority now molesting them in  
the free exercise of their just rights

The present being delivered  
at the request of Senor Don Juan B  
Alvarado for the uses and purposes  
which will serve him and so given  
at San Rafael on the 25th of June  
18\_\_

Rafael Garcia



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1<sup>st</sup> Secul. District of Sonoma

Exhibit no

In the Pueblo of Sonoma

3 R. J. To  
depo. of Victor Jacob P Leese  
Prudon

On the 15th of October 1844 before me  
Just Alcalde of the  
District, acting in the premises in want  
of a Notary Public, as allowed by law,  
appeared Francisco Quintanilla,  
Sebastian, Juan Evangelista, Luis  
Gonzalez, & Luis Antonio who declared,  
that being the owners in full property  
of the land called Nicasio, situated  
in the vicinity of the Village of San  
Rafael, through a grant made to  
them of the same by the Government  
since the year Eighteen hundred and  
thirty five, and of which they have  
been in quiet & peaceable possession  
for themselves their sons, heirs and  
successors, and for all others whom  
they represent in whatsoever manner  
by title representation or otherwise,  
transfer by sales, real, effective and  
perfect, by right of inheritance and  
forever to Don Juan B Alvarez  
a resident of Monterey, all the land  
called "Nicasio" the extent of which  
is to be considered as extending from  
the part thereof which they actually  
occupy, up to the place called "the  
point of the American Creek" and  
that of "Las Lomas" extending up  
to the limits of the lands occupied  
actually by individuals to whom  
they were granted by the Government  
the grants in these presents being by  
reason thereof the possession & ownership  
of the said Lomas as described.

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And the said grantors declare and assure that they have not anteriorly sold, mortgaged or encumbered the same, that the said land is free from all taxes, dues, liens and other incumbrances, real or personal, tacit or express, and as such that they sell it with its hills, rivulets, woods &c. under the following Conditions:

- 1<sup>st</sup> That the grantors will preserve the right of freely grazing, such cattle as they have now, or may acquire by inheritance, without their ever being troubled in the same by the purchaser.
  - 2<sup>d</sup>. That they will also preserve a right to the culture of the Lanes which they have yearly cultivated for themselves, without any one interfering, that they will have the same right respecting the Establisshments (Conces) enclosed by them already made.
  - 3<sup>d</sup>. That as a consecration for and in payment of the aforementioned Lanes, the purchaser will pay the sum of one thousand dollars (\$1000) receipt whereof is hereby acknowledged, an Oren or Mucano G. "Phillip" having been presented to them of the said amount, which shall be paid to them in the manner they well prefer, of which they acknowledge themselves well pleased and satisfied.
- In faith of the <sup>fore</sup>going the grantors bind themselves to have



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the said Sale being certain, true and  
Effective for the purchaser, that he be  
not disturbed or hindered by any one,  
respecting the same in his rights of owner-  
ship, possession or enjoyment. And should  
he be disturbed, respected or hindered,  
the grantors then heirs & successors, shall  
when required to do so, present themselves  
to defend him and sustain the said  
deeds at their own costs in all courts  
and tribunals until final decision  
so as to secure to the purchaser and  
his representatives the free use and  
quiet possession of the said Land,  
having received for the Consideration  
of the foregoing the said sum of which  
they are satisfied -

And as a better security to the purchaser  
the grantors have over to the purchaser  
the document establishing the fact  
that they received the property from  
Competent Authority, so as to serve him  
as a protection at all times

And as a guarantee for the faithful  
performance of the foregoing they bind  
themselves, their persons and property  
present & future, hereby Concurring to the  
to the Judges and tribunals of the  
Nation who will take Cognizance  
of this case, ample powers to Compel  
them to Execute their Obligations, consid-  
ering the same as a sentence of a  
Competent Judge rendering a judgment  
final and definitive on matters reported  
to. To the whole of which & the  
present Judge (Alcalde) give faith  
as having been freely and freely executed



24.

by all the parties Contracting, signing  
the same with the required by  
Law.

Severo = Sebastian = Juan Evangelista  
Luis Gonzaga = Luis Antonio  
Juan B. Alvarado - Jacobo P. Leese  
Mitre - Victor Precan. Salvador Vallejo  
Pablo Estrada. Jos. S. Bermejo

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Territory of California }  
District of Sonoma }

Personage

appeared before me, the undersigned,  
Alcalde of said District, Victor Precan  
and made oath that the above and  
foregoing instrument of writing is a  
true copy from the original now on  
file in this Office.

Given under my hand - Official  
Sonoma the 4th day of June  
A.D. 1848

L. M. Bayes

Filed in Office March 1<sup>st</sup> 1853

Geo. Fisher

Secy



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404

E. S. Goo<sup>or</sup>

Expediente Monterey Oct.<sup>o</sup>  
Exhibet N.º 2 21 de 1844 -  
anexo to depo.  
of Jno S. Bern-  
yera July  
23 1853

Conf. el S.  
trio del Depa.  
cho con presen-  
cia de todos  
los antecedentes  
que hayn en el  
particular y  
tomando otro  
los encite -  
Michelt<sup>o</sup>

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Juan B. Alvarado Co-  
ronel de la Milicia Auxili-  
ar de este Departamento y  
asociado en el Puerto de  
Monterey a V. E. respetuosa-  
mente hago presente que:  
en virtud de haber obtenido  
de S. E. el titulo de concesion  
de diez sitios de ganado ma-  
yor a las margens del rio  
de San Joaquin cuyas  
tierras actualmente se hallan  
ocupadas por una expedi-  
cion Militar que tuvo a bien V. E. dis-  
poner para la formacion de un estable-  
cimiento Militar que contuviese las  
hostilidades de los Indios barbaros so-  
bre la costa, de cuyo acto estubo con-  
forme por ~~esta~~ <sup>por</sup> este hecho se con-  
figura la seguridad de los intereses  
generales del pais; fui precisado a bus-  
car mas al norte algunos terrenos que con-  
viniese a mis giros del Campo, mas co-  
mo para el logro de este intento fuese pre-  
ciso comprar algunos de los ya concedidos  
u ocupados al otro lado del Puerto de San  
Francisco he celebrado una osentura for-  
mal con los principales naturales de la  
Ex-Mision de San Rafael dueños de los  
terrenos Conocidos con el nombre de Quien-  
sio quienes por ella han cedido a mi  
favor todos sus derechos y acciones al  
dicho rancho adquiridos justos y legal-



ante con consentimiento y aprobacion de los anteriores Naturales, por ser su tierra natural, y de cuyo instrumento publico acompaño a V. E. un testimonio para su Superior Conocimiento. No de mereca de V. E. se digna considerar por esta adquisicion habida en la mejor forma legal dentro del enunciado terreno de Nicasio con todas sus pertenencias de la manera estipulada en dicha escritura.

Por tanto a V. E. suplico se sirva proveer favorablemente a esta mi solicitud en que recibire gracia jurando lo necesario, y sirviendose admitir esta en papel comun por no haber en estos puntos el sellado correspondiente.

Campo San Pablo en la Contrata de San Francisco a 19 de Oct.<sup>a</sup> de 1844.

Juan B. Alvarado.

Exmo. Señor Gobernador.

Cumpliendo con anterior Superior decreto de V. E. fecha 21 del actual, y teniendo a la vista los antecedentes que corresponden al asunto de Nicasio de here decir a V. E. con el respeto debido: Desde 8 de Noviembre del año p.p. fue solicitado por Don Pablo de la Guerra y Don Juan Croqui el pasaje de Nicasio, y despues de haber corrido las solicitudes los tramites convenientes, tuvo por bien V. E. en 2 de Febrero últi-



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nos decitar en favor de los interesados,  
 y en 1.<sup>o</sup> de Agosto del corriente mes,  
 expedidos el titulo de concesion en es-  
 tension de diez sitios al Sr. Guerra,  
 y seis mas al Sr. Cooper, dejando el  
 sobrante que resultare para beneficio  
 de los naturales de San Rafael, y des-  
 de entonces se han consumado dichos  
 Señores dueños y señores propietarios  
 del terreno de Picasis, y por consue-  
 ente no puede haber lugar a la pre-  
 cedente solicitud del Sr. Alvarado.  
 Aun que de esta escritura que acom-  
 paña este Sr. encierra algunas en-  
 liadas, pero la principal es que los  
 Señores vendedores no presentan ni  
 han tenido en el tiempo de la escritura  
 titulo habil para vender el terreno y  
 por consiguiente no podian transferir  
 un dominio que no tenían, á otra per-  
 sona, de una cosa que legalmente  
 ya correspondia á otros dueños. Es  
 tambien nula la escritura porque la  
 cantidad del contrato no llega al in-  
 fino precio del valor del terreno, ni  
 se ha hecho el pago efectivo, pues la es-  
 peranza que se ofrece, en dar una can-  
 tidad sin fijar tiempo, y sin que se  
 acompañe el documento de seguridad, ó  
 fianza, hace nula tambien el contrato  
 segun expresa la misma ley. Por estos  
 motivos considero preciso que si el Sr.  
 Alvarado está interesado á comprar el  
 parage de Picasis debe contratar con  
 los que son sus legitimos dueños, por



título que V. E. expidió en 1.º de Agosto último.

No puedo menos que hacer presente á V. E. que es de notar que el certificado que en la escritura acompaña al Señor Abogado fue estudiado por Don Guadalupe Vallejo quien dice que por facultades que le dió el Gobierno Territorial había tenido conocimiento con respecto á los naturales de San Rafael el terreno de Picasis el cual, debe suprimirse, que este Señor sabía que se lo negó á sus hermanos Don Salvador Vallejo y Don Luis Lusa cuando lo solicitaron diciéndoles que no podía acceder á sus peticiones porque estaba ofrecido el terreno, por el Gobierno, á los Señores Guerra y Cooper.

Para que V. E. acabe de llamar su atención sobre el negocio con que el Señor Vallejo ha querido fraudulentamente el paraje mencionado de Picasis, le acompaño una Carta de este Señor que con fecha 27 de Diciembre de 1843 escribió á V. E. y este documento como otros de igual naturaleza que V. E. me remitió para que me sirvan de conocimiento y los tenga presentes al dar mi informe sobre terrenos ó otros negocios, ahora se lo presento, para que V. E. vea la impudencia de dicho Señor. Por el certificado que estudió en Catorce del mes ~~de~~ se ve que todo el terreno de Picasis les fué concedido á dichos Indios desde el año de 1835 - y por la Carta



citada aparece no lleys haber concesion de  
ninguna clase, y si solo un mero ofe-  
cimiento de pago, que es de extrañar no hu-  
biera llegado antes á noticia del Gobierno  
á quien esclusivamente corresponde la con-  
cesion de terrenos -

Mas podria extenderme sobre el par-  
ticular, pero con lo expuesto me parece  
bastante para manifestar, haber jus-  
tas razones que no dan lugar para que  
el Gobierno pueda acceder á la solicitud  
inoportuna del referido Señor Alvarado -

Monterey Noviembre 14 de 1844 -

Man. Jimeno.

Sello Segundo Cuatro Pesos.

Habilitado provisionalmente por la Aduana  
Maritima del Puerto de Monterey  
en el Departamento de las Californias  
para los años de mil ochocientos cua-  
renta y cuatro y mil ochocientos cuarenta  
y cinco -

Micheltorena.

Pablo de la Guerra.

Jurado 1.<sup>o</sup> 3  
de Sonoma 3

L. S.

En el pueblo de Sonoma  
á los quince dias del mes  
de octubre de mil ocho-  
cientos Cuarenta y cuatro  
ante mi Jacobo P. Lugo, Al-  
calde de 1.<sup>a</sup> Jurisdiccion de  
este lugar actuando por ce-  
eptoria á falta de todo es-



cribans por no haberte en los terminos de la ley, Compasacion, Teodorico Quintanilla, Sebastian, Juan Evangelista, Luis Gonzaga, y dijeron que siendo dueños propietarios del terreno llamado Micasis, sito á las inmediaciones del Pueblo de S. Rafael por concesion hecha por el Gobierno, desde el año de mil ochocientos treinta y cinco, del cual en estado en quinta y pacifica posesion por si y á nombre de sus hijos, hermanos y sucesores, y de quien de ellos hubiere título, voz y causa, en cualesquiera manera, dan en venta real, efectiva y perpetua, por juro de heredad para siempre jamas á D. Juan B. Alvarado, vecino de Monterey, todo el terreno llamado Micasis, cuya amplitud esta considerada desde el parage que actualmente ocupan, hasta el llamado Punta del Estero Americano, y la de Tamalis, lindas por los estrinos, los linderos de los individuos que actualmente ocupan tierras concedidas por el Gobierno por cuyos rangos corresponde su posesion y propiedad á los otorgantes, los cuales declaran y aseguran no tener vendido, enajenado ni enajenado, y que esta libre de todo tributo, vinculo, fianza, y otro gravamen real y espinal tacito y expreso, y como tal lo vendan con todas sus linderas, aguages, arboledas, etc. bajo de las condiciones siguientes:

1<sup>a</sup> Que los otorgantes conservarán libre su derecho en el terreno para mantener los ganados de todas clases que po-



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sean actualmente o que adquirieren en lo sucesivo, siendo de su propiedad particular sin que en eso sean molestados por el comprador -

2<sup>a</sup> Que conservaran igualmente d<sup>os</sup>. a las tierras de labor han cultivado cada uno por si sin intermision de otros individuos, lo mismo que a los cuevas fabricas, corrales, etc. que tienen actualmente establecidos =

3<sup>a</sup> Que en recompensa y pago de las tierras indicadas el comprador pagara la cantidad de un mil pesos (\$1,000) de los q<sup>ue</sup> se dan por recibidos desde esta f<sup>echa</sup>. en virtud de un recibo de igual suma que satisficiera D. Mariano G. Fallis, quien conformara a los interesados del modo que ellos convengan, de todo lo que se dan por satisfechos y conformes =

En fe de todo lo expresado se obligan los otorgantes a que la venta de dichos terrenos sea cierta, segura y efectiva al comprador, y nadie le inquietara ni movera pleyto sobre su propiedad, posesion y goce, y si se le inquietare o movere o apreciare pleyto, luego que los otorgantes y sus herederos sucesores sean requeridos conforme a d<sup>os</sup>., saldaran a su defensa, y lo seguiran a sus expensas en todas instancias y tribunales, hasta ejecutoriarse y dejar el comprador y a los suyos en el libre uso y posesion juridica y pacifica del mencionado terreno, satisfechos de que su valor lo han apreciada en d<sup>icha</sup>. cantidad;

Y para mejor seguridad de la parte



interés de los otorgantes entregan al  
comprador el documento de constancia  
por el cual han adquirido dicha propie-  
dad por autoridad competente á fin de que  
le sirva de resguardo en todo tiempo; y  
á la observancia de todos lo referido obli-  
gan sus personas y bienes habidos y por  
haber y confieren amplias potes á los ju-  
ces y Tribunales de la Nación que de este  
negocio deban conocer conforme á d<sup>to</sup>. p<sup>ta</sup>  
que los impelan y apremien, como por  
Sentencia definitiva de juez competente  
jurada en autoridad de cosa juzgada y  
consentida, de todo lo que en el presente  
Juzg doy fe haberse actuado pleno y  
libremente por todas las partes contratantes  
firmando con los testigos de asistencia é  
instrumentales = Teodoro = Sebastian  
= Juan Evangelista = Luis Gonzaga  
= Luis = Anselmo = Juan B. Alvarado  
= ante mi Jacobo P. Lusa = Testigo -  
Salvador Vallijo = Testigo - Pedro Estrada  
= Testigo - Victor Poudon = Testigo - José  
S. Ramirez =

Jacobo P. Lusa Alcalde de 1<sup>a</sup> Instancia  
en virtud de esta jurisdicción Certifico q<sup>e</sup>  
el presente testimonio es copia exacta  
del original depositado en el Archivo de  
este Juzgado, y lo otorgo á pedimento  
del interesado, en Sonoma á los diez y  
seis dias del mes de Octubre de mil  
ochocientos cuarenta y cuatro -

Jacob P. Lusa.



M.<sup>no</sup> G. Vallejo Coronel de Caball.<sup>o</sup> y  
Comand.<sup>te</sup> de la linea Páter. del  
Norte.

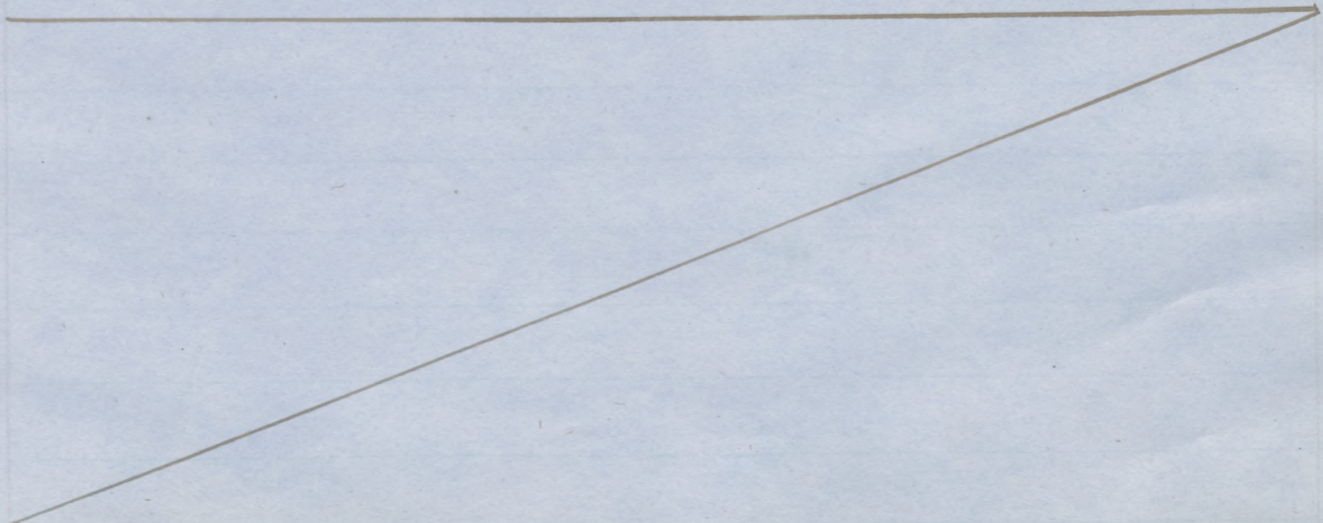
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Certifico: que en virtud de orden  
dada á este Comandante por el Gobierno  
Militar y Político de este Departamento,  
Genl D. José Figueroa Jhu. 3 de Marzo  
de 1835 para que á los Indígenas  
emancipados de Sonoma y S. Rafael  
se les concediesen terrenos en propiedad  
de los pertenecientes á otros. Establecim.<sup>tos</sup>  
ó Ex-Misiones, se les adjudicó á los indi-  
viduos de la última, llamado Teodoro,  
Quilacjague, Sebastian, Juan Evangelista,  
Luis Gonguaga, Luis y Antonio, el nom-  
brado Nicasio con todas sus pertenencias  
en donde actualmente se hallan estab-  
lecidos con sus bienes; casas, casas y  
labranas. Y para seguridad de otros  
individuos, á su pedimento los voy el  
presente en Sonoma á 14 de Octubre  
de 1844.

M. G. Vallejo

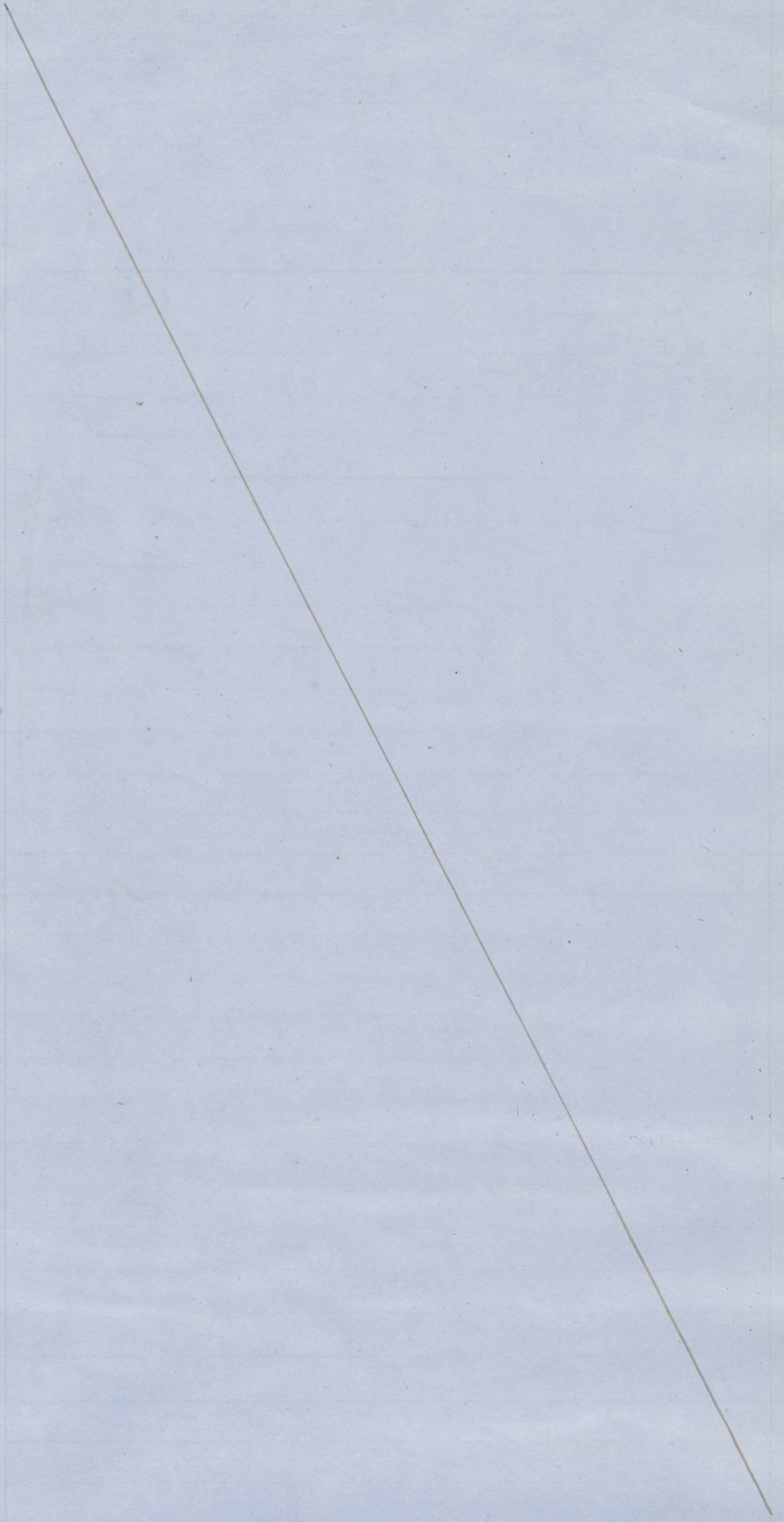
Filed in Office July 11, 1855.

Geo. Fisher  
Clerk





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Translation of His Excellency the Governor

Espediente.

Exhibe No. 2 Auxiliary Militia of this Department and  
 App. to depo. of residence of the Port of Monterey, respectfully  
 Jose. S. Benayas represents to Your Excellency, that in virtue  
 July 33<sup>rd</sup> 1855.

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of having obtained of Your Excellency the  
 title of Concesion to ten square leagues on  
 the margins of the San Joaquin River, which  
 lands at the present time are occupied by  
 a Military Expedition which your Excellency  
 deemed proper to Order for the Establishment  
 of a Military post, to prevent the attacks  
 of the barbarous Indians on the Coast, to  
 which all I acceded my self believing  
 that this measure would promote the  
 general welfare of the Country.

I was necessitated to seek a location further  
 to the North, that might offer conveniences  
 for my usual occupations, and for the  
 accomplishment of this purpose it became  
 necessary, to purchase one of those already  
 granted or occupied, opposite the port  
 of San Francisco.

I have celebrated a solemn Contract  
 with the principal Militias of the Ex  
 Mission of San Rafael, owners of the  
 Lands known by the name of "Nicasio"  
 whereby they have relinquished unto me  
 their rights and shares in the said  
 Rancho, legally and justly acquired  
 with the Concurrence and approbation of  
 the Chiefs, it being their natal land;  
 and I transmit herewith to Your Excellen  
 cy an authenticated Copy (Testimonio) of  
 the said public Instrument for your  
 information.



I pray your Excellency to be pleased to consider me by virtue of this acquisition, obtained in the best form of Law, the owner of the aforesaid tract of land called "Nicasio" with all its appurtenances as stipulated in the instrument aforesaid.

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Wherefore I entreat your Excellency to determine favorably upon this my petition whereby I will receive favor securing whatever is necessary -

Please admit this on common paper there being none of the corresponding seal in these parts.

Rancho "San Pablo" in the County Coast of San Francisco October 19. 1844

(Signed) Juan B Alvarado

(margin)

Monterey October 21. 1844

Let the Secretary of State Report Examining all the previous reports there may be upon the subject and taking others if he needs them

(Signed) Micheltou

Señor Gobierno,

In compliance with the foregoing Superior decree of your Excellency of the 31<sup>th</sup> Inst. and having before me the Antecedentes relative to the subject of "Nicasio" I should inform your Excellency with due respect: The place "Nicasio" was solicited on the 8<sup>th</sup> of November of the last year past, by Don Pablo de la Guerra and Don Juan Cooper; and after their petition had been submitted to the proper investigations, it pleased your Excellency on the 3<sup>rd</sup> of February last to make a decree in favor of the



37 parties interested, and on the 1<sup>st</sup> of August of the present month to give to them the title of Concepcion, for ten square leagues (sitios) to Señor Gicena and six more to Señor Cooper, leaving the surplus to the benefit of the natives of San Rafael; since which the said gentlemen have been considered the owners and sole proprietors of the Land Nicasco, and therefore, the foregoing petition of Señor Alvarado cannot be granted.

Besides this, the instrument which this gentleman accompanies contains several nullities, the principal of which is, that the vending Indians are not present, nor have they at any time had sufficient instrument of title to enable them sell the land; and therefore they could not transfer to another person a right, which they did not possess, to a property which already, legally, belonged to other owners.

The instrument is void also, because the consideration of the contract does not amount to the lowest price of the value of the land, nor has the payment been made effectual, since the hope that has been offered, in the payment of an amount without fixing the time, and without accompanying the document of security, or bond, also renders the contract void as established by the same law.

For these reasons I consider it necessary, that Señor Alvarado, if he is interested in purchasing the place of "Nicasio", should contract with those

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who are its legitimate owners under title  
issued by Your Excellency on the 1<sup>st</sup> of  
August Last.

I cannot forbear calling your  
the attention of your Excellency to the  
remarkableness of the certificate which  
Señor Alvarado accompanies with the  
Contract, issued by Don Guadalupe  
Vallejo, who I well remark, in virtue  
of powers conferred on him by the  
Territorial Government had the right  
proper to grant to the Natives of San  
Rafael the lands of "Nicasio" which  
it should be supposed he knew had  
been denied to his brothers Salvador  
Vallejo and Don Luis Lese, when they  
petitioned for it, they being informed  
that their petition could not be granted  
because the land was offered to the  
Spos. Guerra & Cooper by the Government.

In view that the attention  
of Your Excellency may be completely  
directed to the eagerness with which  
Señor Vallejo has desired frantically  
to alienate the aforesaid place of  
"Nicasio" herewith I accompany you  
a letter from him, which under date  
of the 27 of December 1843 he directed  
to Your Excellency, and in order that  
Your Excellency may see the impudence  
of the said gentleman I may lay before  
you this document with others of a  
similar character which you trans-  
mitted to me for my information and  
guidance in making reports of cases  
or other affairs.

It is seen by the certificate



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which he made on the 15th of the last month, that all the lands of "Nicasio" has been granted to the Saico Indians from the year 1835 and by the letter referred to, it appears that this man was a grant of any kind, but only a mere offer of his own, which, it is to be wondered, should not have come to notice of the Government before, to which belongs, exclusively the granting of Lands.

I might enlarge more upon the subject, but what I have said appears to me sufficient to show that there are just reasons for the Government not to grant the inopportune petition of the Saico Sena Alvarado.

Monterey November 14. 1844

(Signed) Manuel Jimeno

### Segundo Cuadro de Cuentas

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

(Signed) Micheltorena

(Signed) Pablo de los Rios

First Juzgado of Sonoma  
(S. J.)

In the Pueblo of Sonoma on the 15th day of October 1844, before me Jacobo J. Reese, Alcalde of First Jurisdiction of this Village, acting as



interim for the want of a Notary Public of any kind, there being none provided for by law, Came Francisco Galvez, Sebastian, Juan Evangelista, Luis Gonzaga Luis of Antolin, and declared, that being the sole proprietors of the tract of Land named "Nicasio" situated in the vicinity of San Rafael by grant made by the Government in the year 1835, whereof they have had the quiet and peaceable possession, for themselves and in the name of their children, heirs and successors and of whomsoever of them might hereafter be, have and cease in any manner whatever, they give in deed, effectual and perpetual sale by right of inheritance, given, to Don Juan B. Alvarado, resident of Monterey all that tract of Land called Nicasio the extent of which is contained from the place which they at present occupy to that called "Punto de Estero Americano" and that of "Tamales" having for its extremes the boundaries of the incursions and who actually occupy lands granted by the Government, whereof it belongs in possession and ownership to the vendors who declared and agreed that they have neither sold alienated nor mortgaged it, and that it is free from all tribute, entail, bond and any incumbrance, whether real special local or expressed, and as such they sell it with all its hills, waters, woods &c. under the following conditions.

1<sup>st</sup> That the vendors retain



1<sup>st</sup> That the Vendors retain

H1

free, their right to maintain the heres  
of all lands which they now possess  
or may in future acquire, being their  
own property, on the lands unmolested  
by the Vendors.

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2<sup>o</sup> That they shall also  
retain the right to the lands of the  
fields which they have cultivated  
each one for himself, without the  
with out the interruption of any other  
interference, as also to all the breeding  
Cows &c. which they at present have

3<sup>a</sup> That as a recompense and  
payment for the said lands the Vendors  
shall pay the sum of \$10000 whereof  
they acknowledge the receipt from this  
date by virtue of an Order for said  
amount on Don Mariano G. Vallejo  
who will settle with them in the manner  
as that may suit them, of all of which  
they acknowledge themselves satisfied  
and content, for the performance of all  
the foregoing the aforesaid Vendors  
oblige themselves, that the sale of  
the said tract of Land shall be certain  
done and effectual to the Vendors, and  
that no person shall disturb or institute  
suit upon the ownership, possession, and  
enjoyment, and if he shall be disturbed  
or suit instituted, as soon as the Vendors  
and their heirs and successors shall  
be legally notified thereof, they will  
defend and prosecute it at their own  
Expense in all the Courts and tribunals  
until they obtain a verdict and leave  
the Vendors and his heirs in the free use  
and possession and peaceful possession



of the case of said affairs, satisfied that they have received it in the above manner & seem, and for the greater security of the interested party the vendors delivered to the vendors the deed in proof thereof, whereby they have acquired the said property by competent authority that it may serve him as a security at all times; and for the performance of all the affairs, they bind their persons and their present and future property and confer full power on the Judges and tribunals of the Nation who of this matter should take cognizance according to law, that they may compel and coerce him to the fulfillment of this Instrument, as by the final judgment of a competent Judge rendered in the authority of *res judicata* and consent to, all of which I the aforesaid certify, having acted fully & freely for all the contracting parties, signing with the aforesaid and instrumental witnesses -

(Signed) Leonardo (Signed) Sebastian.  
 (Signed) Juan Evangelista (Signed) Luis  
 Gonzaga. (Signed) Luis Antolin  
 (Signed) Juan B Alvarado  
 Before me Jacob J Leese  
 Witness (Signed) Salvacion Vallejo  
 " (Signed) Pedro Estrada  
 " (Signed) Victoria Piccion  
 " (Signed) Jose S Barrera

I Jacob J Leese, Alcalde of First  
 Nomination of this jurisdiction certify,  
 that the present Testimonio is an exact



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Copy of the Original deposition in the Archives of this Juzgado, and I sign it at the petition of the interested party in Sonoma on the 16th. of October 1844  
(Signed) Jacobo J. Leese

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J. Mariano G. Vallejo Col. of Cavalry and Commander of the Regular forces of the North.

certify, that by virtue of an Order issued to this Commandancy by the Military and Political Governor of this Department General Don Jose Figueroa dated March 3<sup>o</sup> 1835 to grant in Ownership to the Emancipated Nations of Sonoma and San Rafael, the lands belonging to said Establishments or Exemptions, that named "Nicases" were granted to the members of the latter, called Severino Delacruz, Sebastian, Juan Evangelista Luis Gonzaga, Luis and Antolin with all its appurtenances where they are actually Established with their stock houses and fences. And for the security of the said individuals at their instance I give them the present in Sonoma on the 14<sup>th</sup> October 1844

(Signed) M G Vallejo

A true and correct translation of its Original in Case 684 on the Docket of the U. S. L Com &c. now on file in this Office. Witness my Official Signature this 19<sup>th</sup> day of July 1855  
Geo. Fisher Secy  
Filed in Office July 19<sup>th</sup> 1855  
Geo. Fisher Secy



HH



Mr. Genl. D. Manuel Micheltorrea -

Sonoma D.º 27 de 1843.

Exhibit No. 1. Señor de Mi respeto y particular ap.º

Amused to depo.

Ayer se me han presentado todos los indiguas que pertenecieron a la ex-mision de San J. S. Rafael pidiendome les adjudicare el Gobierno Departamental el terreno conocido con el nombre de Picasis, en donde tienen actualmente todos sus bienes que son bajando 800 cabezas de ganado vacuno y otras tantas de Caballo. Han sabido que dicho paraje tiene muchos pretendientes por cuya razon lo hacen presente por mi medio para que se les adjudique un propiedad conforme a las leyes. Su objeto es formar alli un Pueblo para vivir reunidos todos los indiguas que se hallaban anteriormente en San Rafael: es un numero crecido de familias que no bajan de quinientas personas con la circunstancia de que la mayor parte son industriales y trabajadores.

Tengo presente que algunas veces hablé con V. relativo a este asunto cuando estubo en Monterey, y como V. me dijo que solicitasen un paraje para que se radicasen todos reunidos, se los hice presente, y lo solicitan. Como tenia yo esperanzas de que V. estuviere aqui antes de las aguas no quise molestarlo con tantas cosas que distraen la atencion; pero me parece que no vendrá hasta Marzo y por eso creo que no será inoportuno acordarle que Picasis no está baldio y que nadie tiene mas derecho para que se le adjudique que sus naturales dueños, mas cuando lo tienen ocupado y son trabajadores -

Creo que será conveniente adjudicarles para su Pueblo y crias de ganado vacuno y Caballo, ocho sitios, o mas si V. lo cree conveniente, por que la tierra que se conoce por Picasis es muy grande. Todos los Indios esperan que por mi medio se les

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conceder su pedido, y si algo vale para con S. mi  
humilde amistad, le ruego en obsequio de ella, y por  
la suerte de tanto hombre con sus familias, se sirva  
atendulos mandando se les dé el título necesario  
y tener yo el gusto de entregarselos á ellos mismos.

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Entregarán á V. esta Carta dos indigenas que  
se nombraron para el efecto por los demas y que  
tambien quieran conocerlo personalmente: Juan  
Evangelista y Sebastian son los portadores -

Como se ha publicado que una multitud de pre-  
tendientes han salido á Mexico se han alarmado algo,  
y con razon, los Indios que son de alli, y lo que mas  
sentirian yo, que hace seis ó siete años que les pro-  
mete darselos en propiedad: pero el Gobierno entonces  
vio de mal ojo cuanto se hacia en la frontera y así se  
paralizó todo, y yo cada momento recibo por par-  
te de los Indios reclamos sobre esto -

En fin si se cree necesario diseñar el terreno  
y solicitar en forma, lo haré con gusto por todos  
los Indios que son objeto de esta Carta -

Se desea toda clase de bienes su att. Serv.  
am. y Comp.º G. S. M.

M. G. Vallijo

Filed in office July 11, 1855 =

Geo. Fisher  
Scrij =



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Translation of Señor General Don. Manuel Micheltoana  
Communication Sonoma December 27. 1843

From M. G. Vallejo Most Esteemed Sir  
to Genl. Manuel

Micheltoana

The Indians who belong  
ed to the Ex Mission of San Rafael  
applied to me yesterday demanding of  
me that the Departmental Government  
should grant to them the tract of  
land known by the name of Nicasio  
whereon they at present have their  
property, which is not less than Eight  
hundred heads of Cattle and as many  
horses. They have understood that  
the said place has many Solicitas, and  
they therefore Communicate it through  
me, that it may be granted to them in  
property, in conformity with the laws

Their object is to establish there  
a Pueblo that all the Indians who  
were formerly in San Rafael live  
reunited. There is a large number  
of families which do not number less  
than five hundred persons with the  
circumstance that the greater portion  
of them are necessitous and very  
labourers.

I remember that on some  
occasions I mentioned this subject  
to you while I was in Monterey and  
as you informed me they might  
solicit a place upon which they  
could settle themselves altogether,  
I made it known to them and they  
solicit it.

As I had hoped you would  
be here before the rains I did not wish



to disturb you with so many things that distract the attention; but I suppose you will not come unless much and therefore think it will not be out of place for me to remind you that "Nicasio" is not vacant and that no one has more right to a grant of it than its natural owners, particularly when they have it occupied and are laborious.

I believe it will be convenient to grant them eight leagues for their fields and stock raising or more, if you deem it proper, because the land known as "Nicasio" is very extensive - All of the Indians expect that through my means their petition will be granted, and if you esteem my humble friendship as worth any thing to you, I entreat you for the sake thereof, and for the sake of so many families men and families, be pleased to consider them, ordering the necessary title to be issued to them, and that I may have the pleasure of delivering it to them.

Two Indians who were appointed by the rest for that purpose will deliver you this letter and who also desire to become personally acquainted with you - They be named Juan Evangelista and Sebastian.

As it has been rumored that a multitude of solicitors have appeared for "Nicasio", the Indians have become somewhat alarmed and justly so, and that



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 which I would most regret is that it is six or seven years since I promised to give them the ownership of it: but the Government then looked with disconfidence upon everything that was done in the Frontier, and thus the whole was paralyzed and every moment I received reclamations in behalf of the Indians upon this matter.

Finally if it is deemed necessary to draw a sketch of the land and petition in form I will do so with pleasure in behalf of all the Indians who are the object of this letter.

I wish you every prosperity—  
 and am respectfully your friend &  
Comrade G. R. S. M.  
 (Signed) M. G. Vallejo.

A true and correct translation of its Original in Case No. 684 on the docket of the U. S. D of L Comrs &c &c. Juan B Alvarado vs. The United States, now on file in this Office.

Witness my official signature  
 this 19th day of July A.D. 1855

Geo. Fisher Secy

Filed in Office July 19 1855  
 Geo Fisher Secy



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Exhibit n<sup>o</sup> 3. aut<sup>o</sup> y fecho porcion de la Alta California y por lo num<sup>o</sup> to Depo. of Jose S. 2<sup>o</sup> deban levantar una nueva ciudad en el Valle de Sonoma.  
July 23. 1855.

Tengo el honor de acompañar a V. E. adjuntal en copia las instrucciones que me fueron conferidas al dar principio a la colonización de la frontera del Norte de la Alta California. Por la copia num<sup>o</sup> 1<sup>o</sup> se impondra V. E. de las facultades con que fue investido en aquella para colonizar lo mas pronto posible una porcion de la Alta California y por lo num<sup>o</sup> 2<sup>o</sup> deban levantar una nueva ciudad en el Valle de Sonoma. Creo indispensable asegurar a V. E. que de la facultad comitida a mi equiam<sup>te</sup> en las instrucciones, marcadas con el numero 2<sup>o</sup> he hecho el uso conveniente hasta ultimos del pasado Febrero que me diriji a esta Capital dejando en ejercicio de ellos al Alcalde de Sonoma quien probablemente habra conecido algunos solares en mi ausencia. Sr. Vallijo director corporativo al plano topografico de aquel lugar. V. E. me insinuo en conversacion privada que debian cesar tales facultades y me expreso a obsequio de V. E. que se sirva hacer el uso que convenga implacablemente tenga la bondad de contestar esta parte, con la que lo protesto mi consideracion y respeto.

2. Monterrey, Abril. 5<sup>o</sup> de 1847.  
M. J. Vallijo.

E. S. Gob<sup>or</sup> de la Alta California, Genl. D. S. W. Kearney.

(3)11 "Copia"

Comand<sup>o</sup> Genl de la Alta California.  
Gob<sup>o</sup> Politico de la Alta California } Sellos.

En oficio separado de esta fecha se dan a V. las instrucciones a que se deben extender sus facultades respecto de la erecion de un pueblo en el Valle de Sonoma a defecto del que se habia tratado y cuerpado en Santa Rosa.

Varios son los grandes objetos que el nup<sup>o</sup> gobierno federal se propone: pero el principal es impedir cuan pronto sea posible



los progresos de los establecim<sup>tos</sup> rusos de bodega y Ross para evitar toda mira posterior sobre el territorio de la Republica por el Gob<sup>o</sup> de aquellos, lo que ocasionaria graves dificultades a la nacion.

Para llevar al cabo el plan indicado y conforme a las supremas resoluciones relativas que da V. facultado para solicitar familias en todo el territorio y los otros estados de la Republica afin de colonizar esa frontera, con ciertos terrenos o todos los individuos que se quieran establecer alli cuyas concesiones les sean confirmadas por el Gob<sup>o</sup> Territorial cuando lo soliciten las interesados, sirviendoles entretanto de garantia suficiente el titulo que obtengan de V. como unico facultado por la superioridad para conceder terrenos en esa frontera de mi cargo. El

4. Supremo Gob<sup>o</sup> esta satisfactoriamente convencido de que V. es el unico oficial a quien se puede confiar para emprender y para que le verifique de una manera segura esta dispuesto a cubrir las gastos necesarios para ello, encargando a V. procederse una justa y prudente economia en este particular llevando cuenta exacta de todo y arrendando a este Gob<sup>no</sup>

En el remoto caso de no poder el Gob<sup>no</sup> Territ<sup>l</sup> acotar alguna vez con los articulos necesarios para auxiliar a los colonos, encargados al hazer suplemento por de pronto.

Muy respetuoso.

La posicion topografica de esa frontera al norte de la Bahia de S. Francisco y no Sacramento podria despertar algo la colonizacion: pero el Gob<sup>o</sup> confia en que V. por el honor del Gobierno nacional y su propio interes en el orden social no dejarse escapar una oportunidad que libramerit el Gobernador a que arizar todas sus fronteras: la fama por una.

En fin el Gob<sup>no</sup> Territorial conoce



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y se persuada de cuanto V. le ha informado sobre el riesgo a que esta expuesta esta frontera por parte de nuestros vecinos del norte, y le recomiendo por lo mismo por cual siempre que la poblacion Mexicana predominare a la extranjera que en virtud de la colonizacion a solicitarse terrenos en su presencia porcion del territorio que el Sup<sup>mo</sup> Gobierno le confia por lo que recienargo a V. se le espida titulos a los que acreditan sus derechos. Haciendole muy presente las importancias del punto de Donlegu y cabo mexicano, cuyos puntos son de tanto interes para la conservancia de la integridad Nacional.

El Gob<sup>no</sup> sumandose al objeto que merece esta nota, la que no debena V. manifestar sino en el ultimo estremo y confiar en q. V. trabajara asiduamente en su objeto tan sagrado en el que se interesa el bien general y el particular del Terr<sup>to</sup> en que V. vio la primera luz. Asi se lo garantiran la prudencia, patriotismo y buenisimo de que tiene V. el dar tantas pruebas, ofreciendo recomendarlas merecidamente a la Superintendencia.

Dias y libertad. Monterrey. Junio 26. de 1835.

José Figueroa.

Sor. Com<sup>te</sup> Militar y Director de colonizacion de la frontera del norte J. M. G. Vallejo.

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

I John C. Hayes, 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



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

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 second day of July. a.d. 1855.

John C. Hayes.

U. S. Surveyor G. for California.

Filed in Office. July. 10. 1855.

Geo. Fisher.  
Secy.

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Translation I have the honor to annex hereto & forward  
of Comm<sup>tn</sup> to Your Excellency a Copy of the instructions  
from M. C. and favors Confided to me at the begin  
Vallejo Director of the Colonization of the Northern  
of Colonization frontiers of Upper California. The copy  
to Gov. Kearney marked No. 1 will apprise your

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Excellency of the nature of the favors  
entrusted to me for the Colonization of  
the richest and most fertile portion of the  
Upper California. The Copy marked No. 2  
contains instructions given to me in view  
of building up a New town in the Valley  
of Sonoma.

I deem it necessary to assure  
your Excellency that the powers confer-  
red to me in Copy of instructions marked  
No. 2 I have made proper use until last,  
when I left for the Capital of this  
Territory, intrusting the Exercise of these  
powers to the Alcalde of Sonoma who  
probably may have granted during my  
absence, some licenses according to  
the topographical plan of this  
Section of the Country.

Your Excellency  
having hinted to me in private councils  
upon the propriety of giving up such  
favors I hasten to deposit them in  
your hands, that you may, of them  
make such use as you well deem  
proper.

I will request of you the favor  
of an acknowledgment of the same.  
You will please accept the Expression  
of my sincere regards  
Monteay 5th April 1847. M. C. Vallejo



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To His Excellency the Governor of  
Upper California  
General S M Kearney

Military Government of Upper California  
Civil Government of Upper California

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In a separate note of this date you will receive the instructions which determine the extent of your power respecting the building of a Town in the Valley of Sonoma, in place of that which has been marked out and begun in the Valley of Santa Rosa.

Many are the objects which the Superior Government has in view, but the principal one is to arrest as soon as possible the progress of the Russian Settlements of Boucage & Kop in order to make ineffective all the ulterior designs of that Government to ours, which would cause great difficulties to the Nation.

To verify the scheme spoken of, and in accordance with the Supreme resolution relative thereto you are empowered to solicit families in all the Territory & other States of the Mexican Republic in order to colonize the Northern frontier, granting lands to all the individuals who may wish to establish themselves there, and those grants shall be confirmed to them by the Territorial Government when the grantees apply for the same. The title



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that they may receive from you, will serve them as a sufficient guarantee, as you are the only one empowered by the Supreme Government to grant Licenses in the Frontier under your Command

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The Supreme Government is satisfactorily advised that you are the only officer to whom so great an enterprise can be trusted and in order to accomplish it in a regular manner, it is willing to defray all the necessary Expenses to you, and recommends to you to use a just and prudent Economy in this particular, keeping an exact account of all and advising the Government of the same.

Should it happen that the Territorial Government may not be able at any time to give the Colony with the articles which they may need it requires of you to supply them for the time being.

— "Very Private" —

The topographical situation of the frontier on the Northern side of the bay of San Francisco and Sacramento Rivers may be somewhat defective to Colonize, but the Government trusts that for the National Government and your own proper interests in the usual course that you will not let escape an opportunity to decrease the premium to which all men aspire — posthumous fame

Ultimately this Territorial Government knows & is persuaded of all of all that you have informed it respecting the danger to which this



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frontier is exposed on account of our neighbors of the North and it recommends that the Mexican population be always greater than that of the foreign, which in virtue of the Colonization should select lands in that previous portion of the territory trustee to you by the Government, for which it agrees to give you to give title to those who may prove they merit them, bearing in mind the importance of the port of Bodega and Cape Mendocino, which points are too necessary for the preservation of the National welfare -

The Government omits recommending the Survey that this note requires, which you will not make known only in the last extremity, and it Confides in that you will labor with assiduity in an object so sacred, in case concerned the general good and the peculiar welfare of the Territory in which you were born -

This is warranted by the presence, patriotism & good faith of which you have given so many proofs & good facts offering again to make them known to Government.

Peace & Liberty  
Montreal June 24 - 1835 Jos. Figueroa

To the Military Command & Director of Colonization of the Northern Frontier  
Don. Mariano G. Vallejo

Filed in Office July 10 - 1855  
Geo. Fisher Secy



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Claimant's  
Affidavit

Case No 684. Rancho of Nicasio  
20 square leagues in Marin Co.  
Juan B Alvarado Claimant

Before the Hon<sup>ble</sup> the United  
States. Board of Land Commission

Juan B. Alvarado being duly sworn  
deposes and says

That the Neophyte Indians  
Quilajagua and other Christianized Indians  
of the late Mission of San Rafael de  
by petition acceded by them to Don Jose  
Siquero at that time Governor of the  
Territory of California obtain, on the 13th  
of March 1835, a grant in full ownership  
of the Lanzas well known under the  
name of "Nicasio" forming part of said  
Mission.

That the original of said petition  
and grant (a copy of which, certified  
by Mariano G Vallejo is annexed to  
Affiant's petition to this Board) was  
left on file in the Office of said Vallejo  
then Military Commanner of the Frontiers  
of Sonoma, that diligent researches are  
now being made for said papers, but  
so far unsuccessfully as the same will be  
fully established by the said Vallejo &  
Others under his employ.

That the Lanzas  
known under the name of Nicasio has for  
many years, been actually occupied, inhabited  
& cultivated by San Franciscan Monks and  
by the Neophytes of said Mission, Teronico  
Quilajagua & others, when the year 1834  
the Missions of California or some of them  
were dissolved, among which was the

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Mission of San Rafael, the Christianized  
Indians, residing thereon, left in charge of them.

That the actual inhabitation  
and cultivation of the lands of Nicasio by  
Leonario Delgado and other Christianized  
Indians of the Mission of San Rafael for  
many years before & subsequent to the date  
of the said grant in 1835; as well as  
the fact that the said lands are of  
easy identification, being well known  
under the name of Nicasio & their limits  
being a matter of Public Notoriety at  
the time, can be fully established by a  
number of witnesses residing in the neigh-  
borhood of the said lands, among whom  
are Ignacia Pacheco, Gregorio Barónes,  
Reharrison, Ramon Mejia, Bahquez,  
Rafael Garcia &c.

Referring the Board of Sec. 17 of the  
Regulations of 1838 - Affiant further says  
that numerous applications for said lands  
were made by several parties at various  
times & invariably rejected by the Governors  
of California as the same will be well  
proved by Jacob J. Leese - Salvador  
Vallejo &c.

That the said lands of Nicasio  
were subsequently on the 15th day of  
October 1844 transferred in deed form of  
Law, by said Neophytes to affiant, as the  
same will be well established by the  
deed of sale and the attesting witnesses  
thereof - (11 lines interlined between the 26<sup>th</sup>  
& 27<sup>th</sup> line of first page) Juan B. Alvarado  
Subscribed and sworn to before me the sixth  
day of February A.D. 1855. J. M. Stout Notary Public

Filed in Office  
Feb. 6. 1855  
Geo. Fisher

Secy



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Deposition of United States Land Commission

Victor Freedon

San Francisco March 31. 1855

On this day before Commissioner R. Aug. Thompson, came Victor Freedon, a witness on behalf of the claimant in case No. 684, who after being duly sworn deposed as follows:

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Present Claimant's Attorney and U. S. Associate Law Agent.

In answer to question witness states that his name is Victor Freedon, his age forty five years and residence San Francisco, Cal.

1 Question. by claimant's Counsel.

How long have you resided in California, and what was your occupation, during that portion of your residence here in which the Mexican Authorities in that department

Answer. I arrived in California in 1834. I have held the offices of Lieut. Colonel of the Mexican Army, and during the year 1839. I was Secretary of the Territorial Government and from the year 1840 to 1846 I was Secretary of the Military Department under the Command of Genl. M. G. Vallejo

2<sup>d</sup> Question by Same

Are you acquainted with the signatures of Genl. M. G. Vallejo and Governor Juan B. Alvarado and if you state your means of knowledge, and look upon the documents now shown you



Marked Exhibits Nos. 1 and 2 and with the initials R & S and have annexed and state whether the signatures of the Saice Vallis and Alvarado when they occur on the same are genuine or not.

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Answer. I am well acquainted with their signatures, having been Secretary to both of them, I had frequent occasions to see them write and sign their names. The body of the instruments marked Exhibit No. 1. and the signature to the same are both in the genuine hand writing of Genl. M. C. Vallis.

The marginal decree in Exhibit No. 2 and the signature thereof are in the hand writing of Genl. Juan B. Alvarado.

3<sup>d</sup> Question by Same.

I was your recently at the request of Genl. Vallis made diligent search for the Original petition of the Indians named in Exhibit No. 1, and the title papers partly copied in the same document and if so, state what you searched and with what result, and whether Saice papers in the custody and charge of the Saice Vallis.

Answer. On a visit I made to Genl. Vallis some weeks since he told me, he thought he had Saice papers, and being sick at the time he requested me to search among his papers, and see if I could find them. I searched among his papers for them without success. The papers were in such confusion, having been removed



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to different places, during the American  
war, some of them having been taken  
by the Americans to the Barracks at  
Sonoma. I do not know whether I  
saw them among all his papers or not,  
but I searched all I could find.  
He said as soon as he was well  
enough, he would make an addition-  
al search himself, as he thought the  
papers ought to be there - Said papers  
were properly in his charge as Military  
Commandant of the Frontier of Sonoma  
and Commissioner of Colonization.

11th. Question by Same

Do you know the lands called Nicasio  
claimed in this case, and do you  
know of any applications being made  
to the Government of California for  
said lands and if so by whom at  
what time, and with what result

Answer.

I have been on said  
lands. In 1844 or 1845 I myself petitioned  
Gov. Micheltorena for a grant of said  
lands, and I understood that Jacob P  
Leese and Salvacion Vallejo petitioned  
for them at the same time - The result  
was we did not obtain the land: I do  
not know for what reason. I subsequently  
understood that Don Pablo de la Guerra  
and Jean Cooper had obtained a grant  
of them from Gov. Micheltorena. I do not  
know whether said grant was made before  
or after our petition was presented.

Filed in Office  
April 20 1855  
Geo. Fisher  
Secy

Von Paecon

Sworn to and subscribed before me March  
31<sup>st</sup> 1855

R. Aug. Thompson Comr.



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Deposition of United States of America }  
W. A. Richardson State of California }

-son-

San Francisco May 22. 1855

This day before S. B. Fawcett one of the  
Commissioners to ascertain and settle  
private land claims in the State of  
California came Wm. A. Richardson  
a witness in behalf of the Claimant  
in Case No. 684, on the Docket of the  
Board and being duly sworn deposed  
as follows.

Questions by Claimant's Counsel

The U. S. Associate Land Agent present

1<sup>st</sup> Question. What is your name  
age and place of residence?

Answer. My Name is William  
A. Richardson, My age Sixty years, and  
I reside in Marin County.

2<sup>nd</sup> Question. When did you  
arrive in California and how long have  
you resided here

Answer. I arrived here in  
1822 and have lived here ever since.

Quest. 3<sup>rd</sup> Are you acquainted with  
the lands of the Mission of San Rafael  
and with the persons named Teodoro  
Quilajique, Sebastian, Juan Evangelista,  
Luis Gonzaga, Luis Antolin and other  
Christianized Indians of that Mission,  
if yes, state how you became acquainted  
with said Indians and the Mission  
Lands?

Answer. I became acquainted with  
both said lands and Indians by living



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here in San Francisco, and on the place named Casasites, which is about five leagues from Saicé Mispim Lunas from 1832: And in the year 1835 I made a rough plan of these Lunas by request of the Administration of Saicé Mispim Don. Ignacio Martínez to be sent to Genl. José Figueroa then Governor of California this was in June of the year last mentioned. Saicé Martínez who was my father in law showed me the Order which he had received from Saicé Governor directing him to place these Indians in possession of the place named Nicasio the land claimed in this case. Saicé Martínez, myself and the Indians went together around the boundaries of these Lunas he claimed, the object of which was to place the Indians in possession which was done. The plan here spoken of was sent to Governor Figueroa at Monterey - I was then residing at San Rafael repairing a launch which I had bought of the Government

4th. Question. How long to your knowledge have these Indians been in possession of Saicé land, how much did they cultivate, and what proportion did they use for their cattle?

Answer. They have been in possession since Martínez gave them the possession, and those of them who are living are still residing there, with their families - They were all born there. They cultivate principally the lands of One Valley, perhaps all together two hundred



Acres yearly. They still reside in this Valley. The balance of said lands they use for grazing purposes.

5th. Question. Were those lands well known by the name of Nicasia by the people generally in that neighborhood; state what the boundaries are.

Answer. They were well known by the population generally by that name. The boundaries of which are as follows, viz: On the South West by the Tamales Bay, On the North West by the Estero de Tamales, On the North by the Laguna San Antonio, On the North East by the Ranchos of Mesa, Maten, San Pedro Felix, Pacheco, and Timothy Murphy; from the East to South by the Ranchos of Seenez and Cacho and by the Arroyo de Samalpais, said Arroyo emptying into Tamales Bay. In my Estimation there is about 14 leagues of land contained in these boundaries. These lands are sometimes known under the name of Nicasia and sometimes that of Nacasa y Tamales.

6th. Question. Was the Mission of San Rafael under the Control of the priests or that of Acameneshtas from the year 1835 to the taking possession of the country by the Americans in 1846?

Answer. By Acameneshtas from 1834 to 1836, under Martinez, from 1836 to 1837 (time of that year) under Juan Peira; and from that date up to the taking of the country as before mentioned said Mission was under the



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a administration of Timothy Murphy.  
These persons were the Administrators  
during the above periods.

7th. Question. Do you know  
whether or not, the papers belonging to Sauc  
Mispin were lost during the years 1835  
and 1846, if you, state the cause of  
such losses.

Answer. The papers belonging  
to Sauc Mispin were lost - at least many  
of them, during those years, owing to  
the Revolution in 1835 and the year  
of 1846. The Mispin building which had  
been used as a Court house, prior to the  
latter year was turned into a barracks  
during the year - and thus the papers  
were thrown about and destroyed.

Wm. A. Richardson

The U. S. Ass. Sur. Agent  
declines asking any questions  
Sworn to and Subscribed  
before me this 20 May 1855

S. B. Farwell Secy

Filed in Office May 2. 1855.

Geo. Fisher Secy

Deposition of United States of America  
M. G. Vallejo State of California

San Francisco June 6. 1855

This day came before R. Aug. Thompson,  
One of the Commissioners to ascertain &  
settle private Land Claims in the State  
of California, Mariano G. Vallejo, witness  
in behalf of the Claimant in Case No 684  
and being duly sworn deposed as  
follows.



The Asso Loco Agent is present  
 Questions by Claimants Licensed

1<sup>st</sup> Question. What is your name  
 age and place of residence?

Answer. My name is Mariano  
 G. Vallejo my age 47 years and I  
 reside in Sonoma.

2<sup>nd</sup> Question. What office  
 did you hold under the Mexican Govern-  
 ment in 1835, in relation particularly to the  
 Mission of San Rafael after its secular-  
 ization? and what was the nature of  
 your functions with regard to said  
 Mission?

Answer. I was Commanding  
 Officer of the Frontier of Sonoma, and  
 charged with the Colonization as directed  
 and especially San Rafael was entrusted  
 to my general supervision. This was after  
 the secularization of said Mission.

3<sup>rd</sup> Question. Have you any  
 knowledge from having seen it, of a  
 grant made by Governor Figueroa in 1835  
 to Teodoro and others, Indians of the  
 Ex Mission of San Rafael for said  
 Measia, whether said grant was signed  
 by Governor Figueroa and State whether  
 you were acquainted with said signa-  
 ture or so how did you become acquain-  
 ted with it?

Answer. I saw said grant  
 it was sent to me by Figueroa with an  
 official letter requesting me to put said  
 Indians in possession of said Land; said  
 grant was signed by Gov. Figueroa,  
 with whose signature I was well



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acquainted, ~~from~~ having been in daily conversation with him, and seeing him write his name.

4th. Question. Look at the document now shown you and marked "Exhibit No 1 R I" and state whether the substantial part of said document is a true copy of the original decree of Conception, what portion of said original decree you omitted to copy in said document & whether any conditions were attached to said decree, and whether you caused said Indians to be put in Judicial possession under it, and by whom?

Answer. The part of this document marked as aforesaid, which appears enclosed in quotation marks was copied by me from said decree and is a true copy thereof, leaving out the heading thereof, and copying only the body of it. There were no conditions attached to said decree or the grant made to said Indians, because they were born on the place and had been in actual possession for some time. Upon their death and grant I sent an order to the Commis-  
sioner Martinez to put them in <sup>Judicial</sup> possession which he did.

5th Question. How came you to keep in your Office said decree, state if you have made diligent search for it, and whether you have succeeded in finding it.

Answer. Because it properly belongs to the Archives of the Frontier. I have searched diligently for it and have



not been able to find it.

6th Question. Will you  
the power as Director of Colonization to  
grant Mexican lands; if you, where is  
the decree granting your said power,  
and how came said Figueroa to make  
this grant through you.

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Answer. I have power  
to grant Mexican lands just as other lands  
the power was embodied in my instruc-  
tions from said Governor to grant lands.  
Those instructions were a matter of public  
notoriety, and I suppose they are in the  
Archives of the Government taken by the  
Don Diego party in 1846. I have not  
seen them since.

7th Question. State how  
long said Indians have been in actual  
possession of the said lands of Mexico  
what proportion of said lands they cultivate,  
whether they are still in possession,  
whether said lands are generally known  
under the name of Mexico and whether  
they are susceptible of separation under  
that name.

Answer. Said Indians were born  
on said lands, and were there before the  
secularization, and are still in possession. I cannot  
say accurately how much of the lands  
they cultivate, each family has a  
small parcel in cultivation, say a few  
acres - said lands were known in the  
neighborhood under said name; I think  
the boundaries can be easily found  
among the old settlers under said name;  
I think the boundaries can be easily found



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The Ass. Law Agent declines asking any  
Cross interrogatories.

Mr. G. Vallip

Subscribed & sworn to before me  
this 6th. day of June 1855.

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R. Aug. Thompson Comr.

Filed in Office June 6. 1855

Geo. Fisher Secy.

Deposition of  
Sebastian, an  
Indian

United States of America  
State of California 3<sup>rd</sup> ss.

San Francisco June 18. 1855

This day came before R. Aug. Thompson  
One of the Commissioners to ascertain and  
settle the Private Land Claims in the  
State of California, Sebastian, an Indian  
a witness in behalf of the Claimant in  
Case No 684 on the Docket, who being  
sworn deposed as follows.

Depositions by Mr. E. Meinson for Claimant  
The Law Agent objects to the testimony  
of this witness as being incompetent, on  
account of being an Indian

1<sup>st</sup> Question. What is your name  
age and place of residence?

Ans. My name is Sebastian  
I do not know how old I am, and I  
reside at Nicasio.

2<sup>d</sup> Question. Are you a  
Christian and were you baptized, if so  
by whom and where?

Answer. I am a Christian  
I was baptized when about six years  
old by Padre Ramon at the Mission Dolores



3d. Question. When did you go to the Mission of San Rafael, and how long have you resided at Nicasio?

Answer. I went to the Mission of San Rafael when I was quite a young man, and I have resided there ever since. I have been there cultivating the Land, raising wheat every year to the present time.

4th. Question. Have you any knowledge of a grant made by Governor Figueroa in 1835 for the lands of Nicasio, if you, to whom, was it made and how obtained.

Answer. Juan Evangelista and myself went to Monterey, and General Figueroa gave us the papers for the lands of Nicasio. The names of the grantees of these lands, are, Juan Evangelista, Teodoro, Antolin, Luis Gonzaga, Luis Obispo and myself. I gave the papers to Don Mariano G. Wallis. The papers were afterwards given by Wallis to Teodoro, and when he died, his daughter burnt all the papers that were in her father's hands. She burnt the papers to show her affection and respect to her father, as that was the custom among us.

Crop Examined by Mr. Blauding

1st Question. How do you know that those papers were for the lands of Nicasio?

Answer. Because Gen. Figueroa said that these were the papers

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for the lands of Nicasio, and also Teodoro  
who could read and write tells  
us so. Teodoro is now dead.

Sebestean

Seestean and Seestean told me  
this 18th day of June 1855

A. Aug. Thompson Comr.

Filed in files June 18. 1855

Geo. Fisher Secy

Deposition of United States of America  
Victor Castro. State of California 348:

San Francisco July 17th. 1855

The U. S. Associate Survey Agent is present  
Decesters by Mr. Meepm for claimant.

1<sup>st</sup> Question. What is your name age  
and place of residence?

Answer. My name is Victor  
Castro, my age 35 years and I reside in  
Contra Costa County.

2<sup>d</sup> Question. Do you know  
the Rancho called "Nicasio", have you ever  
resided thereon, if yes, when, how long and  
on whose behalf, and what was your occu-  
pations while there?

Answer. I know the said  
place and lived on it, from the year 1845 to 1849  
in charge of it and keeping stock on it  
in behalf of Juan B. Alvarado.

3<sup>d</sup> Question. Was your property  
thereof ever disturbed by any one; if yes  
by whom, and if by Pablo de la Guerra, did  
he not attempt to take possession of and  
messure said land. What was the action of  
the Alcalde of the District in relation to said



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attempt, and did the said Genoa succeed in the same?

Answer. I am not positive about the date, but think it was in 1846 (at least it was before the arrival of the Americans) the said Pablo de la Genoa came to the said Rancho, with a surveyor for the purpose of measuring it. I complimented to the Justice of the Peace or Alcaide of San Rafael who ordered said Genoa to assist from measuring the said Rancho, because it belonged to Juan B. Alvarado, which order was obeyed by Genoa and he left - My opinion there was never ~~disturbed~~ by any other person or in any other way

4th. Question. What are the boundaries of said Rancho and state whether or not the said boundaries are generally known under the name of "Nicasia"

Answer. The boundaries thereof are, on the North East by the lands of Juan Martin, Ramon Mesa, Ygnacio Pacheco and Timothy Murphy, on the South by the Lands of Rafael Pacheco and the "Arroyo de Samalpais" and on the South West by the "Estero grande de Samalpais" and on the North West part by the "Estero de Samalpais". These boundaries are well known by the neighbors as the Nicasio Rancho.

5. Question. Will you ever see the original grant thereof made by Gov. Figueroa in 1835, if you know, where and in whose possession, and state also whether you are acquainted with the signature of Gov. Figueroa and your means



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of knowledge, and also, if you, his signature to the said Original grant was genuine or not.

Answer. The same year in which I went on the said Rancho in passing where the Indian Godaces lived, I one day asked him if he had a title to "Nicasio" when he brought out of his house a paper with the seal of the Government and the signature of Governor Figueroa on it - I did not examine it carefully as I had no interest in the matter but sufficiently to ascertain that it purported to be a title to the said Rancho - I have seen a great many documents bearing the signature of Gov. Figueroa, and have seen him sign his name, and I believe his signature on the said title shown to me by said Indian was genuine.

Prop Examined by the Associate Law Agent

1 Question. Did Pablo de la Guerra state to you under what authority he went to measure the said Rancho?

Answer. He told me he was going to measure it because it was his.

2. Question. Did you read the Document you say the Indian Godaces handed you?

Answer. I did not read it all carefully, for it was considerably torn but directed my attention more particularly to the seal and the signature.

"Victor Leasto"

Subscribed and sworn to before me this 17th day of July A.D. 1855

R. Aug. Thompson Comr.

Filed in Office  
July 18. 1855

Geo. Fisher

Secy



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United States of America  
State of California

San Francisco July 23<sup>d</sup>. 1855.

Depo. of Jose S. Berreyso -  
Bunigosa -

This day before S. B. Furwell, one of the  
Commissioners to ascertain and settle the  
private land claims in said State, came  
Jose S. Berreyso, a witness on behalf  
of the United States in Case No. 684 on  
the docket, who being duly sworn  
deposed as follows

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Mr. Meppon is present for claimant

Questions by U. S. Associate Law Agent

1<sup>st</sup> Question. What is your name  
age and place of residence?

Answer. My name is Jose  
S. Berreyso, my age 34 years and residence  
Montrey.

2<sup>a</sup> Question. Look at the  
document now here shown you and  
marked Exhibit No 1 annexed to this depo-  
sition, and state whether you are acquaint-  
ed with the hand writing and signatures  
of M. S. Vallejo, if yes, state your means  
of knowledge, and whether the signature of  
said Vallejo appearing on said document  
is the genuine signature of said Vallejo, also  
in whose handwriting the body of said  
document is?

Answer. The document referred  
to in the question was written and signed  
by said Vallejo I have many times seen  
Vallejo write and sign his name and the  
signature is his genuine signature

3<sup>d</sup> Question. Are you acquainted



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with the signatures & hand writing of Manuel Mechetorona, Juan B. Alvarado, Manuel Jimeno, Jacob J. Leese & M. G. Vallejo, if you state your means of knowledge, and look at the Document now shown you marked Exhibit No 3 annexed to this deposition, and state whether the signatures of said persons appearing thereon are their genuine signatures.

Answer. I am acquainted with the hand writing of the persons above named having written in the Office of Genl Vallejo, Eight Years, and have seen said persons write, their said several signatures wherever they appear on said Document, are the genuine signatures of said persons.

Crop Examined by Mr. Musson

1<sup>st</sup> Question. When did Genl. Mechetorona leave California?

Answer. At the End of 1844

2<sup>nd</sup> Question. Look at the traced Copy of a Document, now shown you marked Exhibit No 3 hereto annexed and state whether you recognize the signature of said Vallejo thereon on the 2<sup>nd</sup> page

Answer. It looks like his signature.

Jose S. Benigno

Filed in Office July 23<sup>rd</sup> 1855

Geo. Fisher Secy



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No. 684 - *Nicasio*

Juan B Alvarado }  
 vs }  
 The United States }

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To the Hon<sup>ble</sup> the U. S Board of Land  
 Commis<sup>rs</sup>

The claimant in the above entitled  
 case by his attorney hereby makes this  
 Hon Board

That N. M. Le Menigeo County  
 Records in and for the County of Sonoma  
 State of California send by mail or by any  
 other safe conveyance, to the said attorney a  
 certain original deed of transfer now on file  
 in his office executed by Joaquin, Guilapen-  
 qui & other Christianized Indians, of the Ex  
 Mission of San Rafael before Jacob Reese  
 Alvarado on the 15th day of October 1844  
 to Juan B Alvarado of San Francisco called  
 "Nicasio" forming part of said Mission

Eugene Meison  
 of Counsel for claimant

Dated San Francisco  
 the 4th day of May 1855

Filed in Office May 14. 1855

Geo. Fisher Secy



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Office of the United States  
Land Commission,  
San Francisco Cal<sup>a</sup>

Orces to Show  
Cause

Juan B Alvarado

vs

The United States

Whereas it has been

made appear by the petitioners in this case that a subpoena was duly issued by R. Aug. Thompson one of the members of this Board, directed to the U. S. Marshall of the Northern District of California, commanding the attendance of Mariano G Vallejo, to be and appear before the said Board, or one of them, on the 15th day of May 1855 to give testimony in said cause on the part of the said petitioners, and also then and there to produce in evidence a certain document therein particularly named and described, to be read in evidence on the hearing of the aforesaid cause; and it also appearing to this Commission that the said subpoena was duly served on the said Mariano G Vallejo by the said Marshall, and furthermore that the said Vallejo has wholly neglected to obey the said subpoena in any of its parts

Therefore it is ordered that the U. S. Marshall of the Northern District of the State of California, again to summon the said Mariano G Vallejo, to be and appear before the said Board of Land Commissioners, or some one of them on the 22d day of May next at 10 o'clock A. M. of said day at their court room in San Francisco and then and there to produce



the said document, particularly named  
and described in the former subpoena  
above referred to, to be read in Evidence  
in said Cause, and then and there to give  
testimony in said Cause as required in  
and by said subpoena, or show Cause  
if any he hath, why he should not be  
attached and fined for Contempt of this  
Court by refusing to obey its writs  
of subpoena.

Given under our hand this  
23<sup>rd</sup> day of April 1855

R. Aug. Thompson.

S. B. Fennell

Commissioners

To the Marshall of the  
Northern District of California

I authorize and require Mr. Victor Pardon  
of San Francisco to execute and serve this  
Writ. May 16<sup>th</sup> 1855

W. A. Richardson

U. S. Marshall

By W. Melvin Smith Deputy

Enclosed.

Received the within enclosed Subp  
on a On Wednesday the 16th. of May A.D.  
1855. and served the same on Mariano G  
Vallio by delivering a certified Copy thereof  
to him personally on the 18th May Inst.

San Francisco May 23/1855

W. Pardon

Special Deputy

Served in Office May 15. 1855

Geo. Fisk Secy







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Case No 684. "Nicasio" claimed by  
 Juan B. Alvarado }  
 Before the U. S. Board of  
 Land Commissioners—

Affidavit.

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Eugene Messon being duly sworn deposed  
 and says—

That he affiant & Messrs. Sacance  
 and Stephen are the Attorneys of Record  
 in the above Entitled case

That he affiant  
 leaves on the 1<sup>st</sup> of July 1853 on account of  
 some family matters & other business of  
 great importance, Compelled to leave this  
 State & to remain absent therefrom until  
 the 22<sup>d</sup> of November last. That on his  
 way back to California he contracted  
 the Rheumatic fever, which except  
 during some few intervals of three or four  
 days each, confined him to his bed until  
 the beginning of this month.

That H. P. Stephen leaves on account  
 of illness sent home by his physician in  
 the early part of last Spring, that he has  
 likewise been & is still absent from  
 this State for the same cause.

That the above mentioned  
 case was more particularly entrusted  
 to affiant & H. P. Stephen, and that he  
 is informed and believes that John  
 Sacance knows little or nothing of the  
 particulars & of the merits of said claim

That if the said claim  
 has not been supported by due proofs  
 within the time prescribed by the rules  
 of this Hon<sup>ble</sup> Board, it is not through



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the facts, carelessness or negligence of any  
of the said Attorneys of Record, but  
accepted in consequence of circumstances  
independent of their will or control

Esq. Geo. M. Mason

Subscribed to and sealed  
this 20th day of February 1855

Before me

John Lott

Commissioner

Witness my Office Feb 20. 1855

Geo. Fisher Secy

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Order

Juan B. Alvarado }  
vs } U. S. Board of  
The United States } Land Commissioners

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Ordered that N. Mc G. Menefee County Recorder in and for the County of Sonoma State of California, send by mail or by any other safe conveyance to the said Council a certain Original deed of transfer now on file in his Office, executed before Jacob J. Leese Alcalde on the 15th day of October 1844 by Teodoro Delapuega and other Christianized Indians of the Ex Mission of San Rafael to Juan B. Alvarado of San Carlos, "Nicused" forming part of said Mission

Filed in Office May 14. 1855  
Geo. Fisher Secy

Motion

Juan B. Alvarado } U. S. Board of  
vs } Land Commission  
The U. States } No. 684c

Eugene Mupson of course for the claimant in the above entitled case moves this Board that further time be granted to him for the submission of said claim, on the ground of the bad state of health of General Mariano G. Vallejo a mutual friend in this case, as appears by certificate of the physician of said Vallejo

Eugene Mupson  
of course for claimant

Filed in Office May 22<sup>nd</sup> 1855  
Geo. Fisher Secy



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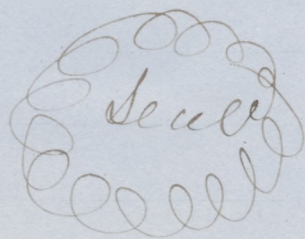
Certificate of Office of the Surveyor General of the  
the U. S. General United States for California.

J. John C. Sloop

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 do  
hereby certify, that upon diligent search  
and examination being made of said  
Archives, I have found no papers or docu-  
ments, purporting to be the original,  
or a duly authenticated Archive duplicate  
of the appointment of Mariano G. Vallejo  
as "Director of Colonization of the Northern  
Frontier" by Gov. Jose Figueroa, on the  
24th of June A.D. 1835.

In testimony whereof I have  
hereunto signed my name  
officially and caused my  
Seal office to be affixed  
at the City of San Francisco  
Cal. this second day of  
July A.D. 1855

John C. Sloop  
U. S. Sur. Gen. Cal.



Filed in office July 10. 1855  
Geo. Fisher Secy

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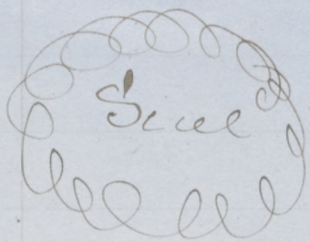


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 Certificate of Office of the Surveyor General of the  
 U. S. General United States for California

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, do hereby certify that  
 upon diligent search and examination being  
 made of said Archives, I have found no  
 papers, plats or documents whatsoever,  
 purporting to relate directly to a grant made  
 by Governor José Figueroa, on the 13th. of  
 March 1835, to Teodoro Duclapueyo and  
 other Christianized Indians of the Ex Misión  
 of San Rafael, for the lands of  
 "Nicusco" forming part of said Ex Misión

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  
 Cal, this second day of July  
 1835



John C. Hays  
 U. S. Sur Genl Cal

Filed in Office July 10 - 1855  
 Geo. Fisher Secy







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Juan B. Morado

The United States for the place  
called Merino in  
Maricopa County containing  
twenty square leagues  
of land.

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Opinion.

The petitioner alleges  
that the land in question was granted by Go-  
vernor Juan Figueras to Rodolfo Jimenez  
y Jimenez, Sebastian, Juan Evangelista, Luis  
Gonzaga, Luis and Antonio and others,  
Christianized Indians of the Commission  
of San Rafael, by official decree or grant  
of the date of March 13<sup>th</sup> 1835. The peti-  
tioner claims title under a conveyance from  
the persons above named to him, purpor-  
ting to have been made October 15 1841.

The Commission have pre-  
sented no original title papers for the land  
from Figueras, and we think the testi-  
mony insufficient to show that the  
persons named as grantees ever received  
any such document from him. The wit-  
nesses here testified on this subject, Victor  
Carter says that in 1835, the Indians Fe-  
derico showed him a paper with the  
signature of Governor Figueras to it, that  
he did not examine it carefully but suf-  
ficiently to ascertain that it purported to  
be a title to said lands. That he did  
not read it all carefully for it was con-  
siderably long, but directed his atten-  
tion more particularly to the seal  
and the signature. The witness  
Seymour, Sebastian, one of the al-  
leged grantees testified that  
he and Juan Evangelista went  
to Monterey and General Fi-  
gueroa gave them the papers  
for the lands. The witness  
further testified that he gave  
the papers to Mariano G. Vallejo  
who afterwards delivered them to



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Perdew - about - after Perdew died, his daughter burnt all the papers that were in this fathers house, - This witness could not read or write. - The deed to Arkansas was made in the life time of Perdew, and he with the other grantees certify on the conveyance that they delivered up the title papers to the grantee. They could not therefore have been among the papers destroyed by his daughter after his death. The witness William A. Richardson speaks of preparing a rough plan of the lands for the of the mission to be sent to Governor Pequerwa and of putting the Indians in possession. He does not state the contents of the documents under which they acted, nor does he describe it as a grant of the land. From the descriptions he gives of it there can I think be little doubt that the document which he saw was an order from Pequerwa to make the necessary report and inventories of the property belonging to the Mission, and that the proceedings had been in compliance with an order of this character. The testimony in this case is not sufficient to prove the contents of the papers referred to by the witness so as to establish a grant. The terms of the conveyance, the names of the grantees, the descriptions of the premises granted, the date of the document are not given. It is probable that some document in relation to the premises or the privileges of the Indians was in the hands of Perdew at the time mentioned, but it is more likely that it related to some small lot such as was usually at that time given to the Neophytes there.



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to a large grant of twenty square leagues of land.

That the document referred to was not a grant by Figueroa of the tract of land claimed is rendered almost certain by other documents filed in the case, to which reference will subsequently be made in this opinion.

The document in further proof of the title in the Murphy, his grantee, has given in evidence the following document:

"Mar. C. Valley, Lieutenant of Cavalry and Military Commandant on the frontier of Sonora in Upper California.

Whereas, the Commandant in-Chief and Supreme Political Officer of this Territory Don Jose Figueroa has given me the order of settling all the difficulties which interfere with the settlement of the Mission of San Bart and of perfecting a system for the same, and also of compelling the Indians of said Establishment to make a choice of lands among those forming part of the said Mission, leaving to their choice those most agreeable to them and the best fitted for occupation and working to done, I executed the desire of the parties interested and also made my report to the authority his Excellency ordered on the 13<sup>th</sup> of March last that which I copy verbatim.

Having informed the Government of the Petition of Francisco Aguilapereya, Sebastian, Juan Evangelista, Luis Gargueta Luis Aulotus and other Christianized Indians of the Ex-Mission of



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San Rafael, and also of the Reports furnished by you relative to their claims which they make to the lands appertaining to the Parish of Nicasio which they themselves have selected to live upon with their families, you will certify the said Christianized Indians that the Government in consequence of the preference which they are entitled to and of their right to have lands for colonization, does grant to them in full ownership the said land above mentioned called Nicasio.

You will take due care that good order be maintained among those said Indians and their families and that no one disturbs them in the peaceful enjoyment and possession of the said lands.

In conformity with the Supreme Decree after mentioned I give due notice thereof to the parties in interest, putting them in possession of the said lands, furnishing them their permits so that the same be a title to them and for such other ends and purposes as may affect them.

Given in Sanama in the first of May One thousand eight hundred and thirty five.  
(1<sup>st</sup> of May 1835)

"M. G. Pallas"

This is followed by another document purporting to be an application made by said Neophytes to the Governor under date of August 1<sup>st</sup> 1834, alleging that certain persons were about to dispossess them and asking protection. The sense of the Governor thereon is in compliance with their request, and



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and directs the Military Commis-  
sion of the frontier to afford them  
protection until a plan of the  
lands can be prepared and juris-  
diction possession be given. This  
decree is signed by Alvarez, then  
Governor and man the claimant of  
the land.

The claim of title made  
in these documents is based in fact  
on the alleged grant of Governor Fi-  
gueroa, as recited in the certificate  
of Valles. Valles, who is a witness  
in the case, testifies that he received  
a document from said Figueroa  
and his <sup>genuine</sup> signature and that the por-  
tion in his certificate above recited  
which is embraced within the quo-  
tation marks is a true copy of it  
bearing and the heading and copy-  
ing only the body of it.

If the document, admit-  
ting the quotation to be a correct and  
a full copy of the original issued  
by Governor Figueroa in its legit-  
imate grant of the land claimed?

If so, it is certainly a  
grant in a very extraordinary form.  
It is addressed to Valles and was in-  
tended evidently to be returned by  
him. If the Governor intended  
to grant the land why not make  
it a decree of concession in the usual  
form? Why not issue a grant  
as in other cases, and place it in  
the usual custom was in the  
hands of the grantee? Why not  
furnish them with the usual  
of titles, bearing the seal  
of the government, and the signa-  
ture of the Governor and the Secre-  
tary, as in other cases? Why  
commit a matter of so much  
importance to a simple dispatch  
to Valles, requiring him to testify



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shows that the Government granted to them the Rancho? From the care with which Governor Figueroa executed the business of his office and the scrupulous formality of his documents and records, we should not expect to find a title to a large tract of land resting on such slight evidence, and if this alone were presented it would bear to my mind the strongest evidence that the copy was an imperfect one, or that there were other papers in the case not presented which were necessary to exhibit the whole transaction; and that, if a grant was in fact made, the rights of the grantee were committed to more more permanent testimony of title than a mere direction to a local officer to notify them that it was made.

The certificate of Vallejo in which the extract is made, contains also some statements which may be important for a full understanding of the matter. He states that he had previously been charged by the Government with the settling of all the difficulties which interfered with the secularization of the Mission of San Rafael and of perfecting a system for the same and of compelling the Indians of said Establishment to make a choice of lands among those forming part of the said Mission leaving to them the choice of those most agreeable to them and the best fitted for occupation, and that he had consulted their desires on the subject and made his report thereon; that he had thereupon received the order of the Governor which he obeys and in conformity therewith he gives notice to the parties interested, putting



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them in possession and furnishing them with this document for a title.

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At the time of the alleged sale of this order of Figueroa the country was agitated with numerous questions relating to the decolonization of the Missions under the Mexican law of August 17, 1833.

The Departmental Assembly acting under that law had adopted provisions and regulations for the decolonization which had been proclaimed by Figueroa on the 9<sup>th</sup> of August, 1834.

During the latter part of the year 1834 and the early part of 1835 a violent controversy was carried on between Don Jose Maria Higuera,

who arrived at the Capital on the 14<sup>th</sup> October, 1834 and Governor Figueroa in relation to the property of the Missions.

The former left Mexico to supersede Figueroa under an appointment as "Political Chief of Upper California and Director of Colonization of Upper and Lower,"

but before he arrived Figueroa had been directed by the Supreme Government by an order received by an overland Express, not to surrender his position to Higuera.

The latter however still claimed to hold the office of Director of Colonization, and in that capacity demanded under his instructions that the entire property of all the Missions should be surrendered to him.

The local authorities refused to accede to this claim maintaining the rights of the Neophytes to participate in the property possessed by the Missions and insisting on retaining the control of it for the purpose of making distribution among them according to the terms of the Regulations of the 9<sup>th</sup> August, 1834.

The



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Departmental Assembly by resolute of the 21<sup>st</sup> of October expressly repudiated this claim of Hijar and declared "that until the Supreme Government determines or but it may deem proper the provisional regulations for the regularization of the Missions, adapted by the Deputation, shall be carried into effect and the Indians shall be kept in possession of their property and lands." The controversy with Hijar on the subject continued from the day of his arrival at the Capital until he was suspended from his Commission and ordered from the Country by Governor Figueroa. This order bears date March 13, 1835, the very day on which the communication from Figueroa to Wallis quoted in the certificate of the latter is said to have been made. The Mexican Law of 14<sup>th</sup> August, 1834, we found in Executive Decree 17, (1 Sep, 31 Cong. House of Reps.) and a full exposition of the controversy with Hijar is given in the "Manifesto" of Governor Figueroa, published in the autumn of 1835, a spirited translation of which has recently been published here.

At the time when the order cited by Wallis in his certificate was received and especially when the previous order referred to in its preamble was sent to him by Figueroa the latter was acting under and endeavoring to carry into effect the instructions of the 9<sup>th</sup> Sept. 1834. For this purpose he had invoked the aid of General Wallis then residing in the neighborhood of the Mission of San Paul holding a high official position and enjoying the confidence of the political Govern-



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ment, It can scarcely admit  
of a doubt in my mind that  
the true character of this whole  
transaction is to be found in the  
terms and spirit of the Law  
and regulations above mentioned,  
and that the object of the order  
and proceedings was to carry into  
Effect at this Missions their pro-  
visions

The character and design  
of these provisions can be ascer-  
tained only by reference to the Re-  
gulations themselves. The 5<sup>th</sup>  
Article provides that "to every  
"individual head of a family and  
"all those above twenty-one years  
"of age, although they live sepa-  
"rately, a lot of land whether irrevocable  
"or otherwise, of not exceeding 400  
"acres square was left them 100,  
"shall be given out of the commis-  
"sion lands of the Missions, and in  
"commensurately a sufficient quantity  
"of land shall be allowed them  
"for retaining their cattle". By  
the 6<sup>th</sup> article one half of the en-  
tire belonging to the Missions now  
is to be "distributed among the said  
"individuals in a proportionable and  
"equitable manner at the discretion  
"of the Governor" &c. By the 7<sup>th</sup>  
Article "one half or less of the  
"cattle, instruments and seeds are  
"to be and in disposable for the  
"cultivation of the ground shall  
"be divided proportionably among  
"them" By the 8<sup>th</sup> Article these  
matters of all the lands and other  
property was to remain under the  
charge of officers appointed by the  
Governor at the disposal of the  
Supreme Federal Government.  
The Governor is required to appoint  
Commissioners to carry the plan and



and its incidents into effect, and the Commissioners are required immediately to take possession of all the property and make an inventory as well of that belonging to the public, as to the establishment. They are required to explain to the Indians that the Missions are going to be converted into Pueblos, that they are emancipated in all temporal matters; that the lands and property will be divided out among them so that each one may make manantia and govern himself without dependence on any one that the houses in which they live will become their own property, and that, in order to this, they must submit to the terms of these regulations. The lots for cultivation provided for in the 5<sup>th</sup> article are required to be immediately apportioned out to them, the Commissioner, Padre or Mayor = Domo choosing the best locality for it, and given to each the quantity which they can cultivate according to their aptness and family, not exceeding the maximum stipulated and taking care that each person mark his land in the manner most convenient to them.

These regulations and the Mexican laws on which they were based proposed an entire change in the condition of the Neophytes and in the establishment of the Missions. The shackles of community were unloosed and the individuality of the Indians was recognized. The fact already here made by law a Mexican citizen, it was designed now to place him in conditions where his labor should



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more to his own individual benefit  
where he should be subject to no  
man's command, where he should be  
a proprietor of the soil in individual  
ownership and where the government  
could encourage him by adding to  
his lands and his property, as his  
industry and his thrift might in-  
dicate that it would be well bestowed.

While the regulations thus  
provide for abolishing the community  
system of the Mexicans and Aztecs  
family and such individual of  
full age in an independent condi-  
tion, by distributing lands among  
them for separate cultivation, it is  
no secret that it was not intended  
to distribute among them all the Mex-  
ican lands, nor to permit anyone  
to possess a large quantity in severalty.  
Four hundred varas square was the  
maximum that anyone could have.  
The design and policy of this system  
is best explained in the words of Go-  
vernor Figueroa himself in his ma-  
nifesto. "This little square" says  
he "was designated to the Indians  
at first because they are not con-  
sidered capable of cultivating a greater  
quantity and because it is sought  
to distribute the superficies of the land  
in proportion to the number of indi-  
viduals who are considered entitled to  
it, leaving the door open to appropriate  
to the industrious ones or to many  
devote themselves with most care at-  
tention to its cultivation." He defends  
eloquently the rights of the Nephites  
to be put on an equal footing as to  
their possessions with other citizens,  
and argues their preference to have  
adjudicated to them the lands and  
property which they possess, the re-  
sult of their own labour and that  
of their forefathers. He admits there



condition of ignorance but contended that  
 "Still the beneficent measures which  
 have been dictated in their favour  
 ought not, on this account, to be un-  
 dertaken, some will go astray, but many  
 will succeed, and the result is always  
 a good for society, and an advance in  
 civilization; it is proposed not only  
 to convert them from pupils into pro-  
 prietors, but to educate them and make  
 them industrious; and if this is now  
 begun they will never issue from the  
 miserable sphere of Slavery. It is nec-  
 essary to suffer them to make this dan-  
 gerous transit in order that they may  
 reach the end."

It was this Plan of separating from the Missions these Neophytes, of establishing them in separate families each by itself, of raising them to the dignity of proprietors each of his own little household, and of giving at first small lots for their cultivation, and adding afterwards as might be expedient, so zealously defended by Figueroa, that he sought to carry into operation at the Mission in question, Immediately after the regulation of August 9, 1834, he appointed an administrator who, with his successors, continued in charge of its affairs until Mexican rule ceased in the land. Pursuant to the order granted in Pallas's certificate, it appears by the same instrument, he had committed to that officer the settle-ment of all difficulties which inter-fered with the secularization of that Mission, and instructed him to compel them to make choice of their lands. With the object of making a distribution among these Indians under the regulation of August 9<sup>th</sup> 1834, so apparent in these proceedings, it would require the strangest testimony,



the most formal and explicit terms of a concession of full property, to convince me that a grant such as is claimed in this case had been made. Instead of separating the Indians, establishing each in his own home and investing him with the perpetuity of the lot assigned to him, a grant is claimed to have been made to all the Neophytes in common making them owners of an immense tract of land containing some twenty or twenty-five square leagues instead of the small parcel limited to four hundred acres each as contemplated by the regulations. It seems to me more rational to believe from a view of this whole case especially when other documents which will be cited in this opinion are examined, that the Neophytes had elected to take their lots under the regulations in the lands called Neowan and that the Governor appointed by his order of the 13<sup>th</sup> of March, expressing in terms his consent to a grant of them, but that their selection of it remained to be made and their boundaries fixed. If this had been done grants would undoubtedly have issued in the usual form; but we have no evidence that it was not ever done.

If the strong language of the order of Piquerra quoted by Nallyo would seem to imply something more than this, there are other documents of an official character given in evidence tending to show that no such grant was in fact made by the Government; and that the land was understood by all the authorities to be unalienated. I here document are as follows:

1. The certificate of the Keeper of the Archives that no



papers, plats, or documents whatever relating to such a grant are found in the Archives of the former Government. The great care in perfecting the office files and records in the time of Governor Figueroa and the state of preservation of the books and papers of that period, render this strong proof that no such grant was made.

D<sup>o</sup> A Communication from said Pallys to the Governor dated December 24, 1845, stating that the Indians belonging to the Ex-Mission of San Rafael applied to him the day before demanding of him that the Departmental Government should grant them in property the tract of land known as Niassio whereon they bred their cattle and horses. He represents that they are an industrious people, and desiring to settle all who were formerly in San Rafael and to settle on a Pueblo, they solicit a grant of the land for that purpose. He further represents that six or seven years before he promised to give them the ownership of the land but the Government did not accede to it. He argues the preference which ought to be given to the Indians over others who are understood to be applicants for a grant of the Mission. "I believe it will be convenient" he adds "to grant them eight leagues for a Pueblo and stock raising, or more if you deem it proper, because the land known as Niassio is very extensive, all the Indians expect that through my means their petition will be granted, and if you esteem my humble friendship as worth any thing to you, I entreat you for



you for the sake of and for the  
 "fortune of so many men and families"  
 "be pleased to consider them,  
 'ordering the necessary title to be issued  
 to them and that I may have the  
 "pleasure of delivering it to them."

If by grant issued in March  
 1835 the Neophytes were the owners of Ni-  
 casio as is now claimed, or by make  
 this application for a grant of it in  
 1843? Valyo was at both these  
 periods the acting representative of the  
 Governor in that vicinity, and if they  
 had a grant in 1835, it was received  
 through his instrumentality, and if they  
 were already owners how could he  
 join officially in recommending a grant  
 to them of a portion of the premises with  
 the allegation that he had promised it  
 to them but that the Government had failed  
 to concede it? The whole tenor of this in-  
 strument is inconsistent with the presumption  
 that either the Indians or General Valyo  
 entertained an idea in 1843 that the government  
 had granted title to Nicasio to the farmers  
 in 1835.

3. An Expediente containing  
 the following documents viz. first a peti-  
 tion from Juan B. Urbando the present claim-  
 ant to the governor stating that he has  
 "celebrated a solemn contract with the princi-  
 pal natives of the Ex-Deposito of San Rafael,  
 owners of the land known by the name  
 of Nicasio whereby they have relinquished  
 "into me their right and share in the  
 "said Sanchez" &c, and transmitting an  
 authenticated copy of the conveyance, he  
 prays that he may be declared the owner  
 of the land with its appurtenances; second,  
 a decree of Governor Michelena referring  
 the petition to the Secretary of State to ex-  
 amine all the previous reports on the subject  
 and taking other if need be, to report thereon,  
 third, the report of Jimeno, the Secretary;  
 fourth, the official copy of the conveyance



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from the Nephites to Alvarado, and fifth, a certificate signed by M. G. Wallys in regard to the title, which, together with the copy of the conveyance, accompanied the petition. Wallys's certificate is dated October 14, 1844. The conveyance to him was made on the 13<sup>th</sup> of Alvarado's petition on the 19<sup>th</sup> the date of reference on the 21<sup>st</sup> of the same month, and the report of Gimeno on the 14<sup>th</sup> of the following month.

It cannot escape observation that the evidence of title in the natives on which Alvarado sought a confirmation from the government immediately after the conveyance to him, was not the document now relied on for that purpose made by Wallys under date of May 1, 1835, but another made by him the day before the purchase by Alvarado. The conveyance recites that the document which constituted the proof of their title was delivered over to the vendor. Was it the first certificate of Wallys now relied on, which constituted their instruments of title at that time? If so why was not that document presented to the Governor then, as the foundation of the title in his grant? Why was another certificate of a more recent date and of a different time substituted? If a grant was made according to the terms of the first certificate it was a grant to the six Nephites whose names are named and to all the other Christianized Indians of the California to hold in equal shares. The conveyance to Alvarado was executed by the six persons named in the certificate, while the others whose names and numbers are not disclosed but who must have been equally interested, are not joined in the conveyance. The last certificate of-



Vallpy names the six Muphytes who executed the conveyance to Alvarado as the sole grantors and owners of the premises. If the first certificate is supposed not to have been in the possession of Alvarado at the time he petitioned for a confirmation of his title by the government, we are led to doubt whether it is not of a more recent origin than the date it bears. If we suppose it was, then in his hands we seek in vain for an honest reason for substituting a new certificate so different in its legal effect, for the document now relied on for title.

The last mentioned certificate of Vallpy is of course not claimed as a grant nor is it any evidence of title which could authorize a confirmation by the Commission. The document issued to the grantees by the Governor at the time of the alleged conveyance is the proper evidence of the grant. No such grant is produced. The first certificate of Vallpy embracing what purports to be an order of Governor Figueroa quoted therein constitutes the only documentary evidence of a grant in fact, which has been presented, and on this, the Claimant relies to show title in his grantors. In my opinion there are not sufficient to sustain the titles as certified by Vallpy in the document laid before the Governor and dated the 14<sup>th</sup> October, 1844. That certificate is stranger than the proof of title on the previous document, will bear and is more or less very different in its tenor and effect.

In the order of reference to Jimens the question of title in



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the Indians who conveyed to Alvarado, was committed to him for direct investigation, In his report he states that a portion of the land had recently been granted to Pablo de la Guerra and Juan Campu, and besides this he states several reasons why the conveyance from the Neophytes to Alvarado transferred no title. Among them is the following, "that the said 'said' Indians do not present now 'more they at any time had sufficient 'entitlement of title to enable 'them to sell the land, and therefore 'the could not transfer to another to another person a right already legally bestowed to other owners" "For this reason" he adds "I consider 'it necessary that Don Alvarado, 'if he is interested in purchasing the 'place of Meris, should contract with 'them who are its legitimate owners in 'due title issued by your Excellency 'to said de la Guerra and Campu) 'on the 1<sup>st</sup> of August last" The communication of Valles of December 27, 1843 before cited "with others of a similar character" are said before the Governor by the Secretary in confirmation of his opinion that the Neophyte Indians had no title to the land.

The certificate before us does not show that any final decree was made by the Governor, but if he had acceded to the petition of Alvarado and make a decree confirming his title to the premises, it is to be presumed that a document so important to the Claimant would be presented to the Commission. Its absence can be accounted for only on the supposition that



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the Governor with all the facts and papers above referred to before him, regarded the right of Alvarado as not sustained and therefore declined to recognize his title.

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The grant of a large portion of the land which was made to de la Guerra and Cooper in 1844, shows that the government then regarded it as vacant land subject to disposal under the laws of Colonization.

The imperfect character of the documents presented in this case and the apparent contradictions involved on some points in the proofs, render it extremely difficult to form a perfectly satisfactory conclusion as to the true character of the transactions referred to in the box. But it is the duty of the Claimant to show title, either legal or equitable in himself derived from the Spanish or Mexican Governments and his evidence should be such, as under a fair construction, to establish beyond a reasonable doubt the opening of documents from the proper authorities with apt words of grant designed to invest the grantee with the title of ownership.

This we think is not done by the proofs in the case and therefore an adverse decree must be entered.

Respected,



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James B. Howard  
vs.  
The United States

Decree.

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In this case  
on hearing the proof and  
allegations it is adjudged by  
the Commissioner that the claim  
of the said petitioner is not  
valid and it is therefore de-  
creed that that his application  
for a confirmation thereof be de-  
nied.

Alphons Felch  
R. Aug. Thompson  
J. B. Farrell  
Commissioner



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And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Northern District of California, it is hereby ordered that true transcripts of the proceedings used of the 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 transcripts shall be filed with the Clerk of the United States District Court for the Northern District of California and the other be transmitted to the Attorney General of the United States —



Office of the Board of Commissioners,

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

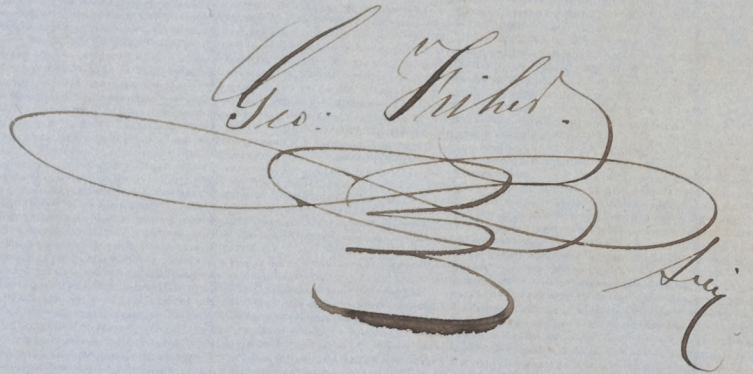
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*J. George Fisher* Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *One hundred & forty four* pages, numbered from  
1 to 144, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
said Board, of the Documentary Evidence and of the Testimony  
of the Witnesses, upon which the same is founded, on file in this  
Office, in Case No. 684 on the Docket of the said Board,  
wherein

*Juan B. Alvarado* is  
the Claimant against the United States, for the place known by  
the name of "*Nicasio*"

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Twenty sixth* day of *January*  
A. D. 1856, and of the Independence of the  
United States of America the *seventy-eighth*

*Geo. Fisher.*





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U. S. DISTRICT COURT,  
*San Francisco* District of Califo

No. ~~404~~ 404

THE UNITED STATES,

vs. *MD*

*Juan B. Alvarado*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS.

Case No. *684*

Filed, *February 6* 1856  
*J. A. Mousie,*  
*Clerk*



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

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The United States  
v  
Juan B Alvarado }  
No 1404

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 against the Claimants, and a  
Transcript of the Proceedings in which was filed  
in this Office 5<sup>th</sup> February 1856 the Appeal  
in the District Court of the United States for  
the Northern District of California will be  
prosecuted by said Claimants -

By the  
District Attorney  
of the United States  
for the Northern District  
of California

E. L. Brooks  
atty for  
Claimant



No 404

U S District Court  
for the Northern Dis-  
trict of California

United States

v

Juan B Alvarado.

Lands of "Nicasio"  
in Marin County

Filed January 8, 1857,  
M. F. Cheverus,  
Deputy.

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n<sup>o</sup> 404. Nicasio.

Juan B. Alvarado

vs

The United States

United States District  
Court for the Northern  
District of California

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To

John A. Maxwell Esq  
Clerk of said Court

Sir:

Take notice that Fredk. A. Sawyer has been  
substituted in my stead, as the attorney for the Claimants  
in this cause, and with my consent.

E. V. B. Brooks

San Francisco May 12<sup>th</sup> 1857



70404.

Juan B. Alvarado  
vs.  
The United States

Notice of substitution  
of attorney

Filed May 13. 1857.  
W. H. Church,  
Deputy.

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

Mano D. Alvarado  
Appellant

No. 404.

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The United States  
Appellees

And now at this day comes the appellant by his attorney Calhoun T. Donham and moves the Court for leave to file affidavits for the purpose of founding a motion to be allowed to file notice of intention to prosecute the appeal heretofore taken from the decision of the Board of Commissioners <sup>in the above entitled case</sup> ~~nunc pro tunc~~, that is to say with like effect as if the same had been filed within six months next after the filing of the transcript of proceedings before said Commissioners in this Court, but the Court, being of opinion that it has no jurisdiction of the above entitled <sup>cause</sup> on account of the failure of the appellant to file a notice of his intention to prosecute his appeal within six months next after the filing of the transcript aforesaid in this Court, refused to give the leave desired.



to which order and refusal  
the appellant then and there  
excepted.

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No 404.

U. S. Dist. Court,

Man. B. Alvarado.

- no -

The United States,

Order refusing motion  
to be allowed to file affidavits,  
+c,

Filed Feb 3, 1858,  
W. A. Church,  
Deputy Clerk,

404 ND

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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 *Thursday* the *fourth* day of  
*February* in the year of our Lord one thousand

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eight hundred and fifty-~~seven~~. *eight*,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

vs

D. C. 404 - L. C. 684.

Juan B. Alvarado,

This cause came on to be heard on appeal from the final decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California, under the act of Congress approved on the 3<sup>d</sup> of March, A. D. 1851, upon the transcript of the proceedings and decision of the said Board of Commissioners, and the papers and evidence on which the said decision was founded; and it appearing to the Court that the said Transcript has been duly filed according to law, and that the decision of the said Board of Land Commissioners was against the said claimant, but that the said claimant did not file a notice with the clerk of this Court within six months after the filing of this Transcript of his intention to prosecute the appeal, and counsel for the respective parties having been heard by the Court, it is by the Court hereby ordered, adjudged and Decreed that the appeal from the decision of the said Board of Land Commissioners be dismissed for want of jurisdiction in this Court to retain the cause.

Ogden Hoffman  
U. S. Dist Judge



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United States District Court, Northern District of  
California.

The United States  
ads.

Juan B. Alvarado

~~ORDER.~~

Decree dismissing appeal.

Filed February 4, 1858,

John A. Monroe,

CLERK.

By *W. H. Chivers*

DEPUTY.

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

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

Juan B. Alvarado,  
vs  
The United States.

No. 404.

On motion of the Counsel for the Claimants, it is ordered, by the Court that an appeal in said cause be granted on filing security in the sum of Two hundred, and fifty dollars to be approved of by the Judge.



*No. 404.*

United States District Court, Northern  
District of California.

*Juan B. Alvarado,*

vs.

*The United States,*

*Order granting Appeal,*

Filed *February 8<sup>th</sup>* 1858,

*John A. Cramer,*

CLERK.

*J. M. S. Cheney*

DEPUTY.

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United States of America  
Northern District of California

Eugene Messon, being duly sworn according to Law,  
Deposes and says, That he is an Attorney and Counsellor  
at Law, residing in the City of San Francisco -

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That he was the Attorney of Record in a cause  
wherein Juan B Alvarado was Claimant and the United  
States Defendant, for the lands known as Nicasio lying  
and situated in Marin County, and when the same was  
pending before the U S Land Commission under the  
Act of 3<sup>rd</sup> March 1851 to ascertain private land claims  
in California -

That Affiant filed the Petition in said Claim in the  
U S Land Commission on the 1<sup>st</sup> March 1853 and is num-  
bered 048 on the Docket of that Court -

That on the 1<sup>st</sup> July 1853 family matters of an urgent  
nature obliged Affiant to leave this State for the At-  
lantic States, and did not return to this City until No-  
vember 1854.

That during his absence he entrusted his law business  
including this case to Messrs Saunders & Shephard, who  
did not move in it.

That on his return, Deponent was attacked by illness  
in which state he remained some twelve months.

That Deponent submitted the case to said Board on  
Briefs, in July 1855. That after said cause was de-  
cided by said Commission, continuing in ill health  
Affiant notified the said Alvarado to obtain <sup>any</sup> other  
Counsel to attend to said Cause, and after giving  
said Notice to Alvarado, by this Deponent abandoned  
the cause.

Subscribed & Sworn

before me July 1<sup>st</sup> 1858

Eugene Messon

R. Woodidge  
Notary Public



No 84 U S Court

404 U S Dist Ct

Nicasio  
in Marin County

United States

Susan B. Alvarado

Affidavit of E. Murphy



United States of America  
Northern District of California

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Joel S Polack being duly sworn according to law, deposes and says, that he is Attorney in fact for one William Cuckshank, now absent from this State, who is at present owner of the Claim of Juan B Alvarado for the lands known as "Kicasio" in Marin County State of California, and numbered 404 on the Docket of Land Cases in this Honorable Court.

That said Claim was sold and conveyed by said Alvarado to one Manuel Castro on the 1<sup>st</sup> day of February 1853, and recorded in the County Recorder's Office in Marin County.

That on the 29<sup>th</sup> April 1857, said Castro sold and conveyed his interest in said Claim to William Cuckshank.

In Cuckshank's absence from this State, Deponent has been entrusted by him with the case, and Deponent finding to his surprise, that the Notice to prosecute the Appeal had not been filed, had the same filed in this Honorable Court.

Deponent further says, that about some Eight months since, being in conversation with said Alvarado, he informed Deponent, that he, Alvarado, had originally placed this Claim for



Wicatis in the hands of Eugene Musson Es.  
quire about the year 1852

That he Alvarado had sold his interest  
in said Claim to one Manuel Castro pre-  
parately, but that he Alvarado having made  
the arrangements for prosecuting said Claim  
with said Musson, the Claim was presented  
in his name.

Alvarado further stated to deponent that on  
the rejection of said Claim by the Board of  
Commissioners, said Musson continuing  
unwell, advised him Alvarado to procure  
another lawyer in his, Musson's, stead,  
but that he Alvarado omitted to do so  
or to notify Castro in season

Deponent says that Alvarado is not  
in this City, as he has been infirmed and  
believed

Subscribed J. S. Polack  
Feb. 1. 1858. before me,  
W. A. Chivers,  
Deputy Clerk.



404.

*N. S. Dist. Court,*

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*Juan. B. Alvarado,*

*vs.*

*The United States.*

---

*affdrt of J. S. Polack,*

---



n<sup>o</sup> 404

Juan B. Alvarado } United States District  
vs. } Court for the Northern  
The United States } District of California

404 ND  
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Sir,

Take notice that I have been substituted  
as the attorney for the claimants in the above  
entitled cause.

Justk. A. Sawyer

May 13<sup>th</sup> 1857

William Brannin Esq

United States Dist. Atty

for the Northern District of California



n<sup>o</sup> 404-

Juan B. Alvarado

at

The United States

Notice of Substitution  
of Attorney

Rec<sup>d</sup> due service of a  
copy of said within notice  
May 18<sup>th</sup> 1857

Am Blanding  
U. S. Atty.



Office of the Board of Commissioners,

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

San Francisco, *Jan'y 26* 1856

404 ND  
PAGE 123

Sir;

I am directed by this Board to 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 the said Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 684 on the Docket of this Board, wherein

*Juan B. Alvarado* is  
the Claimant, for the place known by the name of  
"Nicasia"

Which Transcript I have the honor to accompany herewith, and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

*Geo. Fisher*

To the Hon. *J. A. Monroe Esq.*

Attorney General of the United States,

Washington, D. C.

Clerk of the U.S. Dist. Court for the  
North. Dist. of California.