

CASE No.

405

NORTHERN DISTRICT

SOLIS GRANT

RUFINA CASTRO. et al

CLAIMANT

LAND CASE 405 ND

105 pgs.

JAN 1 1963

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TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 690

Rufina Castro, et al. CLAIMANT

vs.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Solis"

THE GREAT RIVER

THE GREAT RIVER

THE GREAT RIVER

THE GREAT RIVER

THE GREAT RIVER

PROCEEDINGS

THE GREAT RIVER

THE GREAT RIVER

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 second day of March
One thousand Eight hundred and fifty three, before
the Commissioners to ascertain and settle the pri-
vate 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 Rufina Castro, et al,
for the place named "Solis," was presented, and ordered
to be filed and docketed with No. 690, and is as
follows, to wit;

(Vide page 5 of this Transcript)

Upon which Petition the following subse-
quent proceedings were had in their chronological
order, to wit;

San Francisco October 4th 1853.
In case no. 690, Rufina Castro, et al, for the place
named Solis, the deposition of Jose Antonio Muzar,
a witness in behalf of the claimants, taken before
Commissioner Alpheus Felch, was filed;

(Vide page 6 of this Transcript)

San Francisco October 31st 1853.
In the same case Edward Stanley Esq, filed
the following substitution of Attorney, to wit;

(Vide page 13 of this Transcript)

San Francisco January 5th 1854.
In the same case the deposition of Sherry

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F. Pitt, a witness in behalf of the claimants,
taken before Commissioner Alpheus Felch, was
filed;

(Vide page 8 of this Transcript)

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San Francisco June 26' 1854.

In the same case the deposition of Felix Buelna,
a witness in behalf of the claimants, taken
before Commissioner Peter Lott, was filed;

(Vide page 10 of this Transcript)

San Francisco, Jan'y 2' 1855.

Case no. 690 was ordered to be placed at the foot of
the 4' class cases in the trial docket.

San Francisco January 16' 1855.

Case no. 690 was submitted under the Rule of March
21' 1854.

San Francisco July 17' 1855.

In the same case the Counsel for the claimants filed
the following Stipulation, to wit;

(Vide page 30 of this Transcript)

San Francisco Aug. 15' 1855.

In the same case the deposition of Julius Acertino,
a witness in behalf of the claimants, taken before
Commissioner S. B. Farwell, was filed;

(Vide page 19 of this Transcript)

San Francisco Sept 1' 1855.

In the same case the deposition of Vicente P. Gomez,
a witness in behalf of the claimants, taken before
Commissioner R. Arg. Thompson, was filed;

(Vide page 22 of this Transcript)

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San Francisco Sept. 11' 1855.

In the same case the deposition of John Gortz, a witness in behalf of the claimants, taken before Commissioner Alpheus Felch, was filed;

(Vide page 25 of this Transcript.)

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San Francisco Oct. 10' 1855.

In the same case the ~~same case~~ deposition of Henry F. Pitts, a witness in behalf of the claimants, taken before Commissioner Alpheus Felch, was filed;

(Vide page 77 of this Transcript.)

San Francisco, Nov. 1' 1855.

In the same case the Counsel for the claimants filed the following Affidavit, to wit;

(Vide page 15 of this Transcript.)

San Francisco Dec. 4' 1855.

In the same case Commissioner R. Aug. Thompson delivered the Opinion of the Board concerning the claim;

(Vide page 81 of this Transcript.)

and the following order was made, to wit;

(Vide page 84 of this Transcript.)

N.

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Before the Commission to settle land

5-
Before the Commission to Settle Land
Claims in California

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Petition

Rufina Castro, widow, and
the children and heirs of the late Don
Mariano Castro, give notice that they
claim a tract of land in said State, in
Santa Clara County, and known as the Rancho
of Solis. Said land was occupied in
February 1831 pursuant to an authoriza-
tion or license to that effect given
by the Political Chief of the Territory
of California, Don Victoria, and has ever
since been in the quiet occupation of
said Don Mariano and the present claim-
ants his widow and descendants.

On the 31st of May 1833, said Don Mariano
presented his petition before the then
Political Chief Don José Figueroa, for
a grant in form of said land; which
said petition was referred, according
to usage, by Don Figueroa to the Council
of Monterey; and while these pending
was opposed by a pretention set up
by the late Carlos Castro that the said land
was a portion of the Rancho de las Animas;
owing to which counter pretention a long
controversy ensued, and these claimants
are not informed whether a title in
form ever was issued to their said ances-
tor, or not; but know that he and they
have ever been reputed and recognized
as the owners of the said tract, and
have with the knowledge of the Government
so occupied and held it for a space
of upwards of twenty years, and the
original authorization thereto never having

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been revoked.

Wherefore they claim that they hold the same by equity, by the usages and customs of the Country, and by prescriptive right. A copy of the record of proceedings relative to said tract, as they exist in the archives of the former Governments of California, is herewith filed, and the petitioners ask leave to file at a future day, as evidence in the case, a certified transcript of said record, and a translation of the same.

By their Attorneys
Jones Tompkins & Strode.

Filed in Office March 2nd 1853,
Geo. Fisher
Sec.

Office of the Board of Commissioners.
ess & c. & c

Deposition
of
Jose Antonio
Augar,

This day before Com^r Alphens Felder came Jose Antonio Augar a witness in behalf of Rufina Castro et al. Claimants in Case No 690, who after being duly sworn deposed as follows:

Question by Claimants.

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

Answer, My name is Jose Antonio Augar, my age is sixty years, and I reside at San Juan Bautista.

2^d Are you acquainted

J
with the Claimants in this case and with the original grantee of the lands claimed in it. If you state if you know whether he is dead or not, and whether the Claimants in this case are his widow and children and heirs.

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Answer. I knew the grantee Mariano Castro who died about the year 1848 before the filing of the claim in this case. Rufino Castro, one of the Claimants was his widow, and the other Claimants, to wit: Maria Antonia, José Maria, Ignacio, Antonio, Rosa, Concepcion, and George are his children and heirs.

3. Are you acquainted with the land claimed in this case? If so state where it is situated, and what of its occupation, when first and by whom has it been occupied?

Answer. I know the land called Rancho Solis claimed in this case. It is situated in the County of Santa Clara and is adjoining the land of the Murphys and the Castros. Mariano Castro and his family lived on it.

They have lived there ever since I came to California which is twenty years ago, and have been cultivating it during all that time and have had on it corrals and houses, and had part of it enclosed with fences and raised corn and melons and other vegetables. I have passed by the place but never was at the house

Jr J. A. Auger

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Mr Greenhaw, Associate Law Agent
attended at the taking of this deposition
but propounded no interrogatory to the
Witness.

The testimony was given in the Span-
ish language. Mr Fisher Secretary
of the Board acting as Interpreter.

Subscribed & sworn to before
me at San Francisco this
Seventh day of October, A.D. 1853.

Alphus Felch
Commissioner.

Filed in Office Oct 7, 1853.

Geo. Fisher Sec.

Office of the U.S. Board of Land
Commissioners &c &c.

San Francisco January 4th 1854.

This day before Commissioner Alphus
Felch came Henry F. Pitts a witness in
behalf of Claimant Rafaela Castro et al
Petition No 690 who after being duly
sworn deposed as follows.

Deposition
of
Henry F.
Pitts.

Questions by Mr Stanley, Attorney for
Claimant.

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

Answer. My name is
Henry F. Pitts my age is twenty eight
and I have resided in California
between ten & eleven years.

2 Question. Are you
acquainted with the Rancho called "Tolis"?

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if you please state what you know about its boundaries and the occupation of the premises?

Answer, I am acquainted with the Rancho. It is bounded on the Northern and eastern sides by the road leading from Monterey to San Jose on the South by the Ranchos of Las Animas and Orca. on the west by the Sierra Azul, and on the North and west by the Ranchos of Las Uvas and San Francisco de las Slegas.

When I first saw the Rancho which was about five years ago there was the ruins of an old house which had been burnt down. Mariano Castro went on to the place between three and four years ago and continued to live on the place until about three months ago when Julius Martin went into possession. I understand that the authorities gave him possession.

Henry J. Pitts

Mr Greenhow Associate Law Agent was present at the taking of this Deposition but propounded no questions to the witness.

Subscribed and sworn to
before me this fifth day
of January A.D. 1854.

Alpheus Felch
Commissioner

Filed in Office January 5th A.D. 1854,
Geo. Fisher Sec.

United States of America
State of California 3 fs.

San Francisco, June 26th 1854.

This day personally came before Peter
Leath, a Commissioner for taking tes-
timony to be used before the Board of
W.L. Land Commissioners in said state
Felix Buelna, a witness in behalf of the
Claimants Rafina Castro et al, in Case
No 690 on the docket of said Board,
and said witness being duly sworn,
on oath deposed in Spanish which was
interpreted by the Interpreters to said
Board, as follows, to wit;

Deposition
of
Felix Buelna

The W.L. Associate Law Agent is present.

Questions by Claimants Counsel.

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

Answer, My name is
Felix Buelna, my age 41 years, I
reside in Santa Clara County California;

2nd Question, Do you know
the Rancho of Volis in Santa Clara
County, if yea, how long have you
known it, and state what you know
of its occupation and cultivation?

Answer, I know said
Ranch, and have known it since 1828.
I knew it to be occupied in 1828. by
Joaguin Volis, It was in October, he
was gathering corn, There was a family
living there, with him. The woman

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was Luz Morales the wife of Antonio Botilla. There was then a house, a double house with two apartments these made of poles, a corral near it, I saw no enclosures.

There was land planted but I do not know how much, I saw the corn which they had cut and brought to the house I. In 1833 I saw Mariano Castro, sometimes called Meario, living with his family in a house made of split logs and mud, thatched with Tule, about $1\frac{1}{2}$ or 2 miles distant in a southwesterly direction from the house in which Solis was living in 1828. I saw said Castro there again in 1835 and then in 1838 I passed there again and the Indians were occupying the place for Castro, but he and his family were not there then, they were Indians of the Mission of San Juan, and then in 1843, I passed there and Castro was there with the Indians collecting the cattle from 1833 to 1843 there were cattle and horses on the Rancho belonging to said Castro as I understood.

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

Question. Did you ever see any cultivation of the land of "Solis Rancho" at any time?

Answer. I saw no field or land planted at the place where Solis lived, in 1833, in April I saw a field of wheat, perhaps 10 or 15 acres

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at the place where said Castro lived,
in 1838 I saw the field of wheat there,
and the Indians said it belonged to
Angel Castro and said Mariang Castro,
and the Indians also had a small gar-
den fenced in and planted with va-
rious vegetables. That is all the culti-
-vation I have noticed on the place.

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Qnd Question, How do
you know that the house occupied by
Tolis was owned or claimed by him?

Answer, I do not know
who owned the house, I only know Tolis
lived in it.

Delix Buelna

Subscribed & Sworn to
Before me on this 26th
day of June A.D. 1854,
Peter Salt Commissioner
for Taking Testimony &c.

Filed in Office June 26th 1854,
Ge. Fisher Sec.

(Span Doc follows)

13
No 690

Refina Castro Widow and

heirs of the late Don Mariano Castro vs
Petition before the Commissioners to
file Land claims in California -
& claiming a tract of land in said State
in Santa Clara County and known as
the Rancho of Solis vs

filed by Jones Tompkins & Strode
for the Petitioners March 2nd 1853.

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~~Stipulation~~
The undersigned Attorneys as above
named request that the name of Edward
Stanley Attorney be substituted instead
of their names in the case above referred
to, 31st Oct 1853,

Wm Lacey Jones
Successor of Jones Tompkins & Strode

Filed in Office Oct 31st, 1853,
Geo. Fisher Sec.

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M. S. Land Commission

No 690

Rafael Castro et al. vs The United States of America claim of "Rancho Solis".

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Affidavit
of
Edward Stanley

San Francisco County, ss
Edward Stanley of said County duly sworn says that he has control of the above entitled cause both as attorney and as party owner for two years last past; that during most of said time he was the owner of one undivided half of the same; that he has been informed and believes the said Rancho was granted by the Govern of California to Mariano Castro and that said Castro had said grant till some time on or about the year 1847; that said Castro is now deceased, that this deponent has employed persons to search for and obtain possession of said original grant for the purpose of filing the same in this case; but that so far he has been unable to procure the same; and deponent further says he has good reason to believe that said original title papers are lost or destroyed; or with held from the possession of this deponent by persons interested in defeating his title to said Rancho; that he instituted proceedings in Santa Clara County in the District Court of said County against one Castro, for

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the purpose of procuring from him the possession of said title papers to be filed in this case, alleging that said Castro, as deponent had been informed had possession of the same; but deponent says that he was never able to obtain said papers either by process of law or otherwise from said Castro, who is represented as being entirely irresponsible and has no fixed place of residence and no regular occupation, and is thus beyond the reach of the usual process of law.

Said Castro as deponent is informed and believes has refused to give any testimony satisfactorily in relation to said papers.

Edw Stanley

Subscribed & sworn
to before me this 1st
day of November 1853

Alphens Felch
Commissioner

Filed in Office Nov. 1 / 1853
Geo. Fishers fee

4917

United States of America }
State of California } 3 p.

San Francisco August 15, 1855

This day before Commissioner S. B. Farwell
came Julius Martin, a witness in behalf
of the Claimants in Case No 690, who being
duly sworn deposed as follows:

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Deposition
of
Julius Martin

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

Answer, My name is
Julius Martin, aged fifty years, residence
Santa Clara County.

Q. Question, Are you
acquainted with the Rancho called
"Solis"; claimed by Rufina Castro & others.
If yes state what you know in
regard to the grant & contents of it;

Answer, I am acquainted
with the Rancho called "Solis" I first
became acquainted with it in 1843,
Mariano Macario Castro, the husband
of Rufina was living on it; he had
some twelve or fifteen hundred head of
Cattle on it.

In the year 1845, I saw the papers which
said Mariano said contained two leagues
in the papers, which was the title papers -
the grant as he said -

They were in Spanish which I could
not then read.

Afterwards in 1847 a dispute arose between
Ryan Murphy and Jose Maria the son

2018

of said Mariano relative to the boundary of the Rancho Solis!

The papers were read by the Alcalde John Gillroy, and the house about which there was a dispute was proved to be on the land of Castro, & he went on and finished building the house; these papers contained the grant of the Rancho de "Solis" to Manang M^a Castro; the grant was for two leagues: it said one league inside and one league outside of the low hills.

I have been shown the corners of the Rancho frequently by the Castros who owned the Rancho and other old native Californians:

One corner is a rock on a low hill, near the Monterey road, which was the starting point; called the Cornitas Allenarios; the other corner was at the Porto Inelo, at an oak tree which has a cross on it, the hills terminate at the oak; the line from the rock spoken of to the oak forming the northern boundary of said Rancho runs over the tops of a range of hills or mountains which is a dividing line between the Solis and the Rancho of San Francisco de las Animas:

The Rancho de las Animas is on the East. The southern boundary is a range of hills or mountains; and a range of mountains on the west, the Coast range, I have seen a plan of the Rancho Solis on file in the Surveyor General's office, which had reference to a law suit between Mariano Castro & Carlos Castro; this was a map drawn showing how the land

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lay for which they were contending; I think this plan is a good representation of the land, Mariano Castro is dead; I think he died in 1847, the latter part probably I do not know where the grant is.

I have endeavored to find it but unsuccessfully - I think the grant is lost or destroyed; I think it cannot be procured

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Prop. Examined by Associate Law Agent,

1. Ques. Were you present when the papers were read by Alcalde Gilroy?

Answer, I was.

2. Ques. Were the boundaries given in the papers you saw or heard read.

Answer. One line was given in the papers, the boundary running from the low hills near the Monterey road, to a tree marked with a cross, I learned the other boundaries by being shown there in by Castro and other Californias. I have often been over these boundaries.

3 Question. Have you any interest in this claim?

Answer. I own half of the Ranch - The Heirs of Castro are opposed to my interests in this case to whom interests are adverse.

4. Ques. Were any of the boundaries marked in any way.

Answer. The first boundary

was marked with stones - the other boundaries I do not know of their being marked.

Julius Martin.

Subscribed and sworn
to before me this 15th of
August 1855

S. B. Farwell

Commissioner

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United States of America
State of California

San Francisco September 1855.

Deposition
of
Vicente P. Gomez

This day, before Com. R. Aug. Thompson,
came Vicente Perfecto Gomez, a witness
in behalf of the claimant in case 190
on the Wacket, who being duly sworn
deposed as follows:

The U. S. Associate Survey Agent is present,

Questions by Mr Lawrence
Attorney for claimant,

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

Answer, My name
is Vicente Perfecto Gomez, my age
34 years and I reside in Monterey Cal.
ifornia.

2. Question, Look at the

Document now here shown you marked "Exhibit No 1" and annexed to Atri's deposition and state all you know relative to the issuance of a grant to Mariano Castro as the result of the proceedings contained therein.

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Answer. After the conclusion of the proceedings related in the said Exhibit No 1, which I now have before me, Don Mariano Castro, and Don Carlos Castro, the litigants in the cause recited therein, entered into a verbal agreement before Governor Figueroa.

In the year 1844 while I was employed in the office of the Secretary of the Government, Don Manuel Jimeno the said Mariano Castro, applied at the said Office for a copy of the title to the land mentioned in the aforesaid proceedings as the subject of the said suit which by permission of the said Secretary I made out from the Record of Grants used and made during the time of Gov. Figueroa which was certified by the Secretary, and as I was also employed in the Commissariat I left the copy I thus made, in the charge of Don Francisco Arce to deliver it to Don Mariano Castro upon his application for it.

Arce afterwards told me that he had delivered it and that Castro had not paid the fees saying that he would do so upon his return to the Capitol.

The suit herein referred to was for a very insignificant portion of the land claimed by Don Mariano Castro. The matter

was adjusted and I have seen the said Mariang Castro and his family in the quiet and peaceable possession of the land, since the occupation in which he applied for the aforesaid copy.

The title of which I made the said copy was for the place called "Jolis" granted to Don Mariang Castro, and was in the usual form of grants and I think for one or two sitios (x but I cannot say positively (x or square leagues) in accordance with the design contained in the Expediente under the following boundaries. From Las Leonas de las Seimares to the Sierra de Santa Cruz running one league from the mouth of a Cañada to a wheat field including a piece of land upon which there was a house and Corral according to the memory I have retained of the contents of the said grant. I do not remember the date of the said grant as recorded in the Book of Record, but I remember that it purported to be signed by Gov^r José Figueroa, and by Agustín V. Zamorano as Secretary. I was employed in the Secretary Office as a clerk.

Vicente Prop^o Gomez.

The Associate Land Agent is present and declines to Cross-examine the witness.

Subscribed & sworn to before me
this 1. day of September A. D. 1855,

R. A. Thompson
Gov^r

Filed in Office Sept 1. 1855 Geo. Fisher

Dec

United States of America
State of California

San Francisco, Sept 11, 1855

This day before Alphens Fiech one of the Commissioners to ascertain & settle the Private Land Claims in the state of California, came John Goutz a witness in behalf of claimants in Case No 690 on the Docket, who being sworn deposed as follows:

Questions by Mr Stanley Claimants Atty.

Deposition

John Goutz.

1. Question, Please state

your name, age, and place of residence?

Answer, My name is John Goutz, my residence in San Jose and my age fifty two years;

2. Question, Are you acquainted with the Rancho called "Tolis" claimed in this case? If yes, state what you know of its location & boundaries?

Answer, I am acquainted with said Rancho, It is in Santa Clara County.

I have known the boundaries by general reputation since 1851 or 1852,

I also know them by their being pointed out to me, I have been on the Rancho very frequently. The boundary lines commence at a large stone or rock on the top of a small hill which is on the west side of the main road leading from San Jose to Monterey, and is an isolated hill standing by itself on the plain.

From this the line runs in a westerly direction over the top of a hill

known as the Lomas de las Leinarez and continues on the top of a range of hills along the border of the Las Animas and San Ysidro Ranches, to a large oak tree, between four and five feet in diameter marked with a large cross apparently cut many years ago, standing on the flatland near the Boca de Cañada; thence it runs in a southerly course to the top of the range of mountains called the Sierra de Santa Cruz; thence it runs a southeasterly course on the top of the Sierra de Santa Cruz to a hill called Conchillo; then it runs in a northerly direction down the hill last mentioned to its base where it strikes the plain; and continues thence in a direct course to the place of beginning.

3 Question. State what you know in regard to the existence and loss of the original grant of this land to Mariano Mecano Castro?

Answer. I had heard that a grant of it was made to said Castro, and tried to find the grant. I heard that the papers were with a family of the Castro's at San Juan Monterey County, and went there to find them. They told me they had no such papers in their possession, and did not know where they were, or whether they had been destroyed or not. They said that there were at one time papers relating to the title of the Rancho in the hands of their father.

but they did not know what became of them. I enquired of every body that I thought likely to know about them, but could not find them, Gilroy told me he had seen them, and if I could not find them with the family to which it went to Monterey County, I did not think I could find them any where.

Gilroy was an old resident on the Rancho adjoining the land in question, and had lived there some thirty years, and been many years an Alcalde. I was always informed by the old Mexican residents that said Castro had a grant for the land,

It was said to contain two square leagues.

4. Question. Why did you ask to find the title papers?

Answer. I was Sheriff in 1850 and 1851, and got well acquainted in the Country, and I was requested by some of the persons interested in the Property to make enquiries for the papers.

I have enquired of so many persons who ought to have known about them that I think they cannot now be in existence. I should have found them. My search at Castro's in Monterey County was about six weeks, or two months ago perhaps a little longer.

Questions by Mr Blanding Associate
Sear) Agent.

1 Question. How do you know the boundaries of the Rancho?

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Answer, My means of knowl-
edge is by being shown them.
In 1852 I bid of a part of the land for
taxes, and went down to look at it.
I made frequent enquiries about the
boundaries of the Ranchos in that neigh-
borhood and got information from Esilroy
and the Mexicans who lived about there
John Goutz,

Subscribed & sworn to
before me this 11th day of
September 1855

Alphens Felch
Commissioner

Filed in Office Sept 11, 1855
Geo. Fisher Sec

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Office of the Surveyor General
of the United States for California

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I, John C. Hays, Surveyor General of the United States for the State of California, and as such, having in my office and in my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law, do hereby certify, that the preceding, and herewith annexed page of tracing paper, exhibits a true and accurate copy of Extracts from several successive sheets, purporting to be an Index of certain grants of land, said sheets now being on file and forming part of the said Archives in this Office.

In testimony whereof, I have herewith signed my name officially and caused my Seal of Office to be affixed, at the City of San Francisco, this twenty third day of August 1853.

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

Filed in Office August 23^d 1853.
Geo. Fisher
Secy.

Index of Lands Granted,
and to whom granted.

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Index of Lands granted and to whom granted	Las Viegas	granted to José M ^a Dominguez	1
	Salinas	denied to Cornelio Bernal	2
	San Pedro	" " Don Francisco Mora	3
	Carpenteria	granted to Don Joaquin Salto	4
	Aguajito	" " Gregoria Tapia	5
	X X X	X X X	
	X X X	X X X	
	X X X	X X X	
	X X X	X X X	
	Polis	granted to Don Mariano Castro	26
	Sausalito	" " Don Juan Rera	27
	Teneno de 100 Ven el Montecello	" Don José Don Rosas	28

A True & correct Translation
witness my hand this Aug 23^d
1853.

Ge^o Fisher Sec

Filed in Office Aug 23, 1853

Ge^o Fisher Sec

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U.S. Land Commission

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Rufina Castro & al
vs
United States Case No. 690

Stipulation

It is hereby stipulated that Claimant may take additional testimony in the above entitled case and that the same when taken may be used in the decision of said case the same as if they had been taken previous to the submission of the same and San Francisco July 17 1855
Louis Blanding
Att. v. Law Agent

Filed in Office July 17 1855
Geo Fisher
Secy

3331

Jurisdiccion }
de Monterrey }

Año de
1833.

Cochit's

Expediente

N.º 1 annex

to Dept. of Sobre El terreno llamado de Solis solicita

V. P. Gomez

Aug 21th 1833 - do para su cultivo por el G.

Memorio Castro

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#32

2 Vello tercero Dos Reales:

Habilitado provisionalmente por la Admin-
istracion de la Aduena Maritima de
Monterey para los años de mil ocho ciento
treinta y tres, y mil ocho cientos treinta y
cuatro

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Liguera
Monterey Jimis
3 de 1833.

Jose Rafael Gonzalez

De conformidad con las Leyes de la
materia informe a este puerto ante V. D. como
el Ayuntamiento mas haya lugar en derecho
de esta Capital y con el mas debido respeto
si el interesado es hijo presente; que en 2 de
esta instancia de Feb. de 1831. diji una insten-
tene los requisitos aca al Jefe sup. polito
prevénidos para D. Manuel Victoria en
ser atendido en Solicitud de un parage que
su solicitud esta en la jurisdiccion de este
si el tenens q. fue PP. llamado de Solis con el
tende esta como Objeto de Cultivarlo del mep-
pendido en la d moelo posible y fomentarlo
20 leguas limitofes con bienes de Campo y labores:
o diez literales q. en 27 del mes actual obtuve
expresa la ley de el sup. decreto favorable
18 de Ayl. de 1824 a mi solicitud conseediend
si ha pertenecido seme provisionalm. y con
pertenece a propie este privilegio empuendi fabrica-
dad particular de Casa contraccion de
Corporacion o leonal, introduys algunos
pueblo o se conose bienes de Campo y a la pta
por Baldisi o la en fuerza de mis habafos lo
calidad del mantengo cultivado con labores
tenens es de Rega hasta el Estremo que mis propen-
ais de temporal, ciones me lo han permitidas;
o de Abrevader y deccando dedicarme al

Por Jefe sup. polito
El Ciudadano Mariano
Castro, vecino perteneciente
a este puerto ante V. D. como
el Ayuntamiento mas haya lugar en derecho
de esta Capital y con el mas debido respeto
si el interesado es hijo presente; que en 2 de
esta instancia de Feb. de 1831. diji una insten-
tene los requisitos aca al Jefe sup. polito
prevénidos para D. Manuel Victoria en
ser atendido en Solicitud de un parage que
su solicitud esta en la jurisdiccion de este
si el tenens q. fue PP. llamado de Solis con el
tende esta como Objeto de Cultivarlo del mep-
pendido en la d moelo posible y fomentarlo
20 leguas limitofes con bienes de Campo y labores:
o diez literales q. en 27 del mes actual obtuve
expresa la ley de el sup. decreto favorable
18 de Ayl. de 1824 a mi solicitud conseediend
si ha pertenecido seme provisionalm. y con
pertenece a propie este privilegio empuendi fabrica-
dad particular de Casa contraccion de
Corporacion o leonal, introduys algunos
pueblo o se conose bienes de Campo y a la pta
por Baldisi o la en fuerza de mis habafos lo
calidad del mantengo cultivado con labores
tenens es de Rega hasta el Estremo que mis propen-
ais de temporal, ciones me lo han permitidas;
o de Abrevader y deccando dedicarme al

con todo lo demas } pomento de El, obteniendo
 of. sea concerni- } la propiedad y aseguran
 a ilustrar la ma } por este medio la suerte
 tenia. El Sr. Jefe } de una crecida familia
 sup. politico de est } con que me hayo me dirijo
 Teritorio asi lo man } a la consideracion de
 do, decreto y formo. } U. O. acompañando el Dic
 de que doy fe. } no de las tenas que pretendo
 Aguiroa } para la mejor intelligencia
 Agustin V. Zamorano } y haciendolo tambien con
 Sr. } el documento Original
 de la concecion que obtuve
 para ponerlo porvicionalm^t.

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P. J. Lanto. De la justa conside
 racion de U. O. espero el Resultado mas
 favorable, sin endose darle a Esta mi m
 stancia el jro que tenga a bien
 Monterey 31. de Mayo de 1833.

Manano Castro

3 En Decion de este Dia se dio cuenta con
 Esta solicitud al J. Ayuntamiento de esta
 Capital y se acordó pasase a la Comision
 de Colonizacion y Tenenos Valdios.

Monterey junio 8 de 1833.

Jose Manana
 Maldonado. Sr.

Sr. Jefe Sup. politico.

El J. Ayuntamiento de Esta Capital
 con el Objecto de dar a U. O. el informe of.
 se soive pedir en su superior decreto de 3
 de junio p. p. pasó la presente solicitud
 a la Comision permanente de Colonizacion
 y Tenenos Valdios quien presento el dictamen
 of. corre apegado al fin de Este Exped^t
 y siendo su contenido lo of. puede informar

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este corporacion, lo reproduce en todas sus partes adicionando su primera proposicion del modo siguiente: "Sin que se perjudique ningun colindante." Devolviendo a V. A. dicho Expediente en cumplimiento de lo acordado en sesion del dia.

Monterey B. de Julio de 1833.

Marciano Cocoban #

Jose Maria Maldonado. Orio

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4. Mon (Lello Lerezo: Dos Reales Habilitado provisionalmt^{te} por la Aduana Maritima de Monterey para los años de mil Ocho cientos treinta y tres, y mil Ocho cientos treinta y Cuatro

Figueron Jose Rafael Gonzalez
-teney Noviembre 21. de 1833.

De conformidad con el informe del Ayuntamiento notifiquese a la parte de Mariano Castro que dentro de quince dias acredite no pertenecer al Rancho de las Animas el terreno que solicito para en su Vista proveer lo conveniente, advertido de que de no verificarlo dentro del termino señalado. no haba lugar a su solicitud.

El Sr. Jefe superior politico del Territorio, D. Jose Figueron, asi lo mando decretar y firmo de que doy fe.

Figueron

Agustin O. Gamoran Orio
No habiendo ocurrido a esta secretaria la parte de Mariano Castro hasta hoy se anota p^{or} la debida const^{ancia} y firme en Mont^{re} B. de 28. de 1834.

Agustin O. Gamoran

Fig 35

Monteney Enero 20 de 1834.

Levese adelante lo decretado en 21 de Noviembre ultimo notificandose a la parte como esta prevenido que dentro de quince dias contados desde esta fecha pueve no pertenecer el terreno que solicita al de las Animas.

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El Sr. D. José Figueroa General de Brigada, Comandte general Inspeccion y Jefe superior politico de la Alta California asi lo mando, decreto y firmo de que doy fe.

José Figueroa

Agustin V. Zamorano Orio
En 21 de Enero de 1834. Se le hizo saber a la parte de Mariano Castro el decreto que antecede del Sr. Jefe sup^o politico y ordenado de el dho y lo Dyc y que dare cumplimiento y p^o la debida constancia lo firme signando lo con una Cruz el interesado p^o no saber Escribi

Agustin V. Zamorano. /

b. Dello 4^o de Oficio.

Habilitado provisionalm^{te} por la Comisaria subalterna interina del puerto de Monteney p^o los años de 1830 y 1831.

Orio.

El Sr. Jefe sup^o politico
Monteney 24 de Enero de 1834. El Ciudadano Mariano Castro Vecino y Residente el interesado p^o en este p^o, ante D. O. de pre favor y mantenga, y cultiva el terreno que se halla en la disposicion q^{ta} solicita. Victoria

de separarlos de él por ser ya en número excedido
y por buscar su seguridad y por esto me dirije
á V. D. solicitando aunque sea provisionalmente
el paraje llamado de Soag^{ra} Solisq^{ue} aunque
estubo ocupado en otro tiempo por el sujeto
de este nombre hoy esta baldio y abandonado
y sin acreedores ningunos. Por tanto A. D. S.
sup^{ra} se sirva acceder á esta mi solicitud
concediéndome por el pronto la licencia
de verlo y quedarme yo sujeto á dar en seguida
los pasos q^{ue} las Leyes ordenen sin perjuicio
de los Colindantes q^{ue} tiene el indicado terreno
y. Monterey 21. de Set^{iembre} de 1831.

A. Puesto del interesado
por no saber escribir
José Aguilar

f. Here follows
{ Maps }

g. Dello Sereos: Dos Reales:
Habilitado provisionalmente por la Adminis-
tracion de la Aduana Maritima de Monterey
para los años de mil ochocientos treinta y tres
y mil ochocientos treinta y cuatro.
Figueroa # José Rafael Gonzalez
La Comision nombrada de Coloniza-
cion y terrenos baldios á vista con detenimiento
la solicitud del b. Mariano Castro: relativa
al sitio nombrado de Solis: y tambien el decreto
q^{ue} se acompaña; no obstante carecer de lices
para dar el debido cumplimiento á otro supe-
rior decreto; reflexiona lo siguiente.

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En el interesado B. Mexicano que el terreno
q. pretende no esta comprendido en las 20
leguas limitrofes y si en las Diez literales q.
expresa la ley de 18 de Agosto de 1824. Que
se considere perteneciente al Rancho de
las Animas.

2. Que haya constancia por un documento q. ha
sente no toca al Rancho Misionado parte mi
s.

Monterey 2 de Julio de 1833.

Los Arce: José Antonio Romero.

Finalizado el termino de prueba q. se manda
en decreto de 21 de Noviembre de 1833. i de
confirma por otro de 30 de Enero de 1834
N.º q. la parte interesada p.veve en el
10 termino de quince dias q. el terreno q. pretende
no pertenecio al de las animas se da por con-
cluso el Expediente por lo q. mando archi-
varlo el D. Lefé politico por 8 de Agosto de 1835
Castillo Oro.

11. Avendose p. presentado el Pecero Mariano
Castro en este juzgado, en declarar los limites
del terreno q. toca al sitio del camadero
y animas poseido p. la familia del finado
Mariano Castro lo que practicado con infor-
maciones de testigos q. lo presenciaron en el
tiempo de su vida y el primer testigo. José
Antonio Mesa dice q. midio este sitio;
desde la Mision de S. Juan Bautista asta
un aliso antes de la Rosa del otro paraje
y de aalli se midio p. la parte del sitio del
finado Ignacio Ortega que es entre el arroyo
del camadero; y la breña y q. es de Orien-
te ha poniente y q. p. el Norte no entraron
medidas ningunas mas q. se dijo que podia
estenderse asta la Loma de Amaref-
mas q. se dijo que fuera el segundo testigo

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Juan Alvarez of. se midio desde la Misión de S. Juan Bautista asta un Aliso antes de llegar a la Poza tres leguas y de allí midieron medio legua asta el paso Viejo del Arroyo p^a el Norte y p^a el Oriente entre Biencaga y Carretero un quarto. y of. no hubo mas medidas en el sitio lo of. certifico p^a informacion a petición del interesado pueblo de S. José Guadalupe Eno 9 de 1834.

Pedro Chaboya.

José Antonio Mesa +

Juan Alvarez Valmipacheo. Dec^{to}.
12 de los Secretos: Dos Reales:

Habilitado provisionalmt. por la Administracion de la Aduana Maritima de Monterey para los años de mil Ocho cientos treinta y tres y mil Ocho cientos treinta y quatro.

Ligueroa José Rafael Gonzalez

Monterey Junio }
14 de 1833 } Of. Jefe superior politico
traslado a la C. B. Carlos Casto. Decano del
parte de Marina pueblo de S. José Guadalupe
Casto por el termino ante la notoria justificacion
del derecho. de Q. J. como mejor el derecho

Ligueroa le permite comparece y dice
Que habiendosele hecho saber

W. el Decreto superior de Q. J. de 3. de Este mes, que se suspende el curso del Expedite of. promovido en solicitud del paraje nombrado S. Lorenzo de las Lagas uniendole la Canada de las Ubas, conocho hoy p^a el Rancho de Soliz p^a haver pretendido este y parte del otro paraje el C. Mariano Casto hasta of. se finalisen los tramites que corre el Expediente promovido p^a este ultimo p^a que ambos pretendientes puedan deducir los

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derechos que reciprocamente les adivista
y sea atendible al mas meritorio Impulza
do p^a la necesidad de dize en justicia
los otros q^{ta} concurren en el que representa,
espone que desde el año de 1828 ocupa
el paraje de Sr^{te} Francisco de las Llagas
donde tiene construida una casa abitada
fabrica de Labon y Corral con ochocientas
cabezas de ganado Vacuno y mas de cien
del caballo pero atendiendo que este paraje
es sumamente escaso de aguas y de
malos observados, en el año de 1830 a
la vez que se pusieron en remate los enca
res q^{ta} tenia en la canchada de la Oubas
13 Joaquin Soliz. los tomo el q^{ta} representa
con Objeto de adquirir tambien la citada
Canada, lo que considero que hera el mi
co paraje donde pueden pascas sus ganados
y que sin este de nada le sirvia el de las
Llagas al tomar aquellos encares, como ha
referido: el Sr^{te} Echeandía antes de
se le diese por aunque verbalmente se le
considera la expresada canchada no
obstante de tenerla pretendida desde el
año de 27. y con esta esperanza ha estado
hasta la presente aguardando la resolucion
El Sr^{te} Victoria en el año de 1831.

concedio porcionalm^{te} al Sr^{te} Mariano Castro
el uso de la expresada canchada pero lo ma
nifesto q^{ta} si consideraba segun lleva Espuesto
con derecho a la Repitida canchada y tomemelo
en consideracion sus razones, hizo llamar
en aquel acto a Mariano Castro y haviendo
comparecido le previne se entregase la
instancia que le havia decretado para retirar
su concecion respecto al Sr^{te} que al tenerlo
deducia el suplicante; entonces Mariano

Castro contestó q. tenía estancado dicho docu-
mento; y en vista de esto se le previno a
Mariano Castro que solicitase otro sitio
que no fuese aquel; è en efecto pretendió el
de La Brea q. le permitieron ocupar el cuyo
permiso obtubo de los señores, ministros de
la misión de Sr. Juan Bautista p. ser
de la pertenencia de aquella misión
y según entiendo el q. espone poste = (2 de
14. Decree: Dos Reales:

Habilitado provisionalmente por la Adminis-
tración de la Armada Marítima de Mon-
terey para los años de mil Ocho cientos treinta
y tres y mil Ocho cientos treinta y cuatro.

Liguera José Rafael Loyales
normente ha sabido que Mariano Castro
ha presentado aquella instancia que se
le pidió y p. consiguiente no puede me-
nos de creer que en aquella vez obró con
malicia y que en su petición suplicó
al Sr. Victoria.

No obstante lo expuesto
no considero de peores condiciones los me-
ritos contenidos p. el que presenta como son
el de haver benido de poblador aunque
de tierra cдал, el de haver servido en la
Carera de las Armas veinte años con-
siste de ser efectivo en la compañía de
milicias de Artillería en la clase de
cabo primero, el haver tenido el honor de ser
Vocal de la Cámara Diputación Limi-
tal, y en fin ser un Ciudadano pacífico y
laborioso como es público y notorio.

Asi pues, si a Mariano Castro le asistes
los mismos dios a superiores, desde luego
es de justicia se le atienda pero si a caso
los espuestos son mas atendibles p. el q.

AB 41

se le haga à Mariano Castro sacen quanto
tuviere en la República Canada de las Uvas
por convenir así à la seguridad de las propie-
dades del Exponente. por tanto. a. Q. D.
suplica rendidamente se sirva admitir
esta Exposicion por lo q. huviere lugar en
justicia quando no sea de malicia y lo re-
cesario V

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Monterey 12 de Junio de 1833.

Carlos Castro.

15. Sello Lencero Dos Reales.

Habilitado provisionalmente por la Admin-
istracion de la Aduana Maritima de
Monterey para los años de mil Ochocientos
treinta y tres, y mil Ochocientos treinta y cuatro
Ligueroa José Rafael Lonzales.

En Jefe sup. politico.

El Ciudadano Mariano Castro a Q.
Con el debido Respeto en la mejor forma
de derecho hago presente; que à virtud del
traslado que en 14 de junio ultimo decreto
O. D. à la instancia del Ciudadano Carlos
Castro q. recibí el día de ayer para que
esponga, en defensa de mi derecho contestan-
do à los alegatos en que esta piedad este
Ciudadano para despojarme del terreno
llamado de Lolis; que actualmente ocupa
por concesion del antecesor de O. D. como
obran documentos en la Jefatura politica
dijo; que en nada se equivoca el Ciudadano
Castro al manifestar que sus deseos han sido
siempre quedarse dueño del Estado para
à que equivoque d. m. t. le da el nombre
de la Canada de las Uvas con el fin de
abarcav una inmensidad de tierras.
tan considerable que no podia dejar de
ser perjudicial à otros individuos princi-

palmente al que espone teniendo y afabri cada casa, un Molino, Corales y labros de consideracion; pero si se equivoca sin duda al decir; que los terrenos en que pastan sus buecos son Escasos de agua y de malos ahovaderos, y de esta verdad dan un testimonio indudable individuos de conocimiento que inspeccionaron el terreno y sin Ventajas si equivoca asi mismo al decir que el Sr. Victoria intento retirar la concesion que expidio a mi favor cuando al contrario aquel Dese a virtud de instancias y empeños que hizo el Ciudadano Castro para impedirme el uso de Este sitio conteste el Excmo. Sr. que en obio de cuestiones pasaria personalmente a ponernos en paz midiendo a cada uno terreno proporcional a sus adelantos acuerdese el Sr. Castro que a estas Razonas conteste que en tal caso dejara toda instancia que hiciera referencia al sitio que ocupaba a que reprodujo el Sr. Victoria diciendo que pues estaba en libertad de pretender otro; pero se equivoca el citado Ciudadano al decir que a consecuencia de lo pasado ante el Sr. Victoria solicite el parafo de Ca. Perea a los padres Minutos de Ca. Mirion de Sr. Juan Bautista esto no hay duda que fue asi pero antes de solicitar el que actualmente ocupo de donde diriji mis miras estimedado por el mismo Sr. Castro que me convidara a ser sus Vecino. Alega este Sr. los meritos que tiene por ser preferido en derecho y no pongo duda ninguna en ellos. Si ha servido a la carrera de las Armas veinte años no menos tiempo quiza he servido yo y de Vecino en el

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Yeeew: Dos Reales:

Habilitado provisionalmt. por la Adminis-
tracion de la Arma Maritima de Mon-
teney para los años de mil ochocientos
treinta y tres. y mil Ochocientos treinta y cuatro
Siguiera José Rafael Gonzalez
en qualquiera lance ofrecido he prestado
mis servicios gratuitos como soldado y de mi
conducta presentare suficientes documentos
a este alego derecho de concesion que obtuve
y de que este Ciudadano carece el estar
en posesion habiendo emprendido fabrica y
tenerlo cultivado hasta donde mis fuerzas
me lo han permitido y mantener en el doscientas
cabezas de ganado mayor y ciento de Caballas
Estoy seguro sin equivocarme que en nada
se perjudica el ser castro como Español por
la Escasez de Aguas de que se queja pues
el sitio que posee es abundante y extenso
suficiente para cuatuplicar los bienes que
tiene y cotenderse en labores; la canchada
de las Uvas que esta se halla baldia
y solamente quiere aplicarse este nombre
al sitio que he pretendido y que actualmente
ocupo y para provar esta Verdad me Obligo
a presentar testigos idoneos que informaran
con integridad de lo que he expuesto
si no es que S. S. tubiese a bien mandar sup-
tos de satisfaccion al reconocimiento de
los terrenos o pedir los informes que tenga a
bien.

Por lo dicho insisto en mi peticion
creyendome con todo el derecho al terreno
pues el Ciudadano Castro no lleva otra
mas que perjudicarme, o si no, como este
en los tiempos en que este sitio ha sido
ocupado por otros individuos no habia

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18 palabra de perjuicios que ahora alega
sus bienes están seguros y no puedo quejarme
de otra cosa. Pt. Tanto. V. D. se sirva
disponer lo que en nombre de justicia pudiese
hacerse no obrai de malicia y lo necesario.
Monterey 24. de Dize de 1833.

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Maniano Castro
Monterey Enero 10 de 1834.
para examini breve y sumariamente el
litigio comenzado en este Exped. entense
à las partes contendientes para que dentro
de seis dias contados desde la fecha com-
parezcan por si o por opoderado ante este
gobierno à deducir sus derechos.

El Sr. Dⁿ José Figueroa General de
Brigada Comandante general Inspector
y Jefe superior politico V. D. de la Alta
California asi lo mando, decreto y firmo
de que doy fe.

José Figueroa
Agustin V. Zamorano
Sr.

No habiendo comparecido las partes en el
termino prefijado hasta hoy dia de la fecha
se anota por el C. de V. D. en testimonio y firmo
en Monterey à 29. de Enero de 1834.

Agustin V. Zamorano.

19. Dello Decreto Dos. Reales:

Habilitado provincialm^{te} por la Administra-
cion de la Armada Maritima de Monterey
para los años de mil ochocientos treinta y
cuatro y mil Ochocientos treinta y cinco.

Figueroa # Rafael Gonzalez.
En el presidio de Monterey à Quince y nueve
de Enero de mil Ochocientos treinta y cuatro
en virtud del antecedente decreto compare-
cieron los Ciudadanos Carlos Castro y Maniano

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Castro y en sus personas que doy fe conose.
les hizo saber, que deseoso el señor Jefe supe-
rior politico de Corta un litio dispendioso
y conciliar los intereses de ambas partes
les proponian tubiesen una transacion y
amigable composicion sobre el terreno nom-
brado de Solis; que ambos pretendan para
su aprovechamiento. Enterados de esta
disposicion y despues de largas conferen-
cias que tubieron en el Acto y con anterioridad
el dia de ayer resolviere que no se con-
teman en ninguna de las propuestas. echas
reciprocamente resignandose a lo que resol-
viere el superior Gobierno sobre el terreno
en cuestion por no poderse abeni en ningun
conbenio. En este estado mandó el mencio-
nado Sr Jefe superior politico dar por fenecido
el juicio de conciliacion y proceder a lo que
hubiere lugar en derecho, haciendose constar
por estas diligencias que formaron con su
sionia los intercedidos por ante mi de que
doy fe.

José Figueroa

Carlos Castro

Justin. V. Zamoreno Dno.

20 Montevideo Enero 29. de 1834

Haviendose mostrado a las partes litigantes
para que tubiesen una amigable composicion
respecto al terreno litigioso sin necesidad
de pasar a un juicio contencioso; no havendose
logrado la abencencia de las partes porque
ninguna quiere prescindir a sus pretenciones
no siendo este negocio del Resorte judicial
y si del gouerno politico por ser una pretencion
a terrenos de que ninguna de las partes tiene
un derecho de propiedad: resuelvase pu-
bernativamente por lo que conste de auto.

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y dandose por concluido este Expedt; apeguese para constancia al promovido por Mariano Castro y dese cuenta para resolver haciendose saber a las partes para que usen de su derecho. El Sr Don José Figueroa General de Brigada, con comandante general Inspector y Jefe superior politico de la Alta California asi lo mandó, decreto y firmo de que doy fe.

José Figueroa
Agustm. D. Zamorano
Tno.

En

21. Vello Secero Dos Reales:

Habilitado provisionalmente por la administracion de la Aduana maritima de Monterey para los años de mil Ocho cientos treinta y cuatro y mil ochos cientos treinta y cinco.

Figueroa Rafael Gonzales.
dos de Seceros de mil Ocho cientos treinta y cuatro habiendo ocurrido a esta secretaria las partes de los Quist. Carlos Castro y Mariano Castro se les hizo saber el anterior decreto del Sr Jefe superior politico de este Territorio del dia veinte y nueve de En: ulto y enterado de el dición: Que lo Oyen y se conforman con la disposicion del Gob: q. representaren a su Rey los mutuos derechos y a cada uno les asista y p: la debida constancia lo firmo el primero y lo siguió el segundo p: no saber escribir conmigo el sect: de la Jefatura polt: de este Territo.

Agustm. D. Zamorano
Carlos Castro. +

Botivo detenido este Expedt: hasta el dia siete de Agust, de este año de 1835. q. mando el Sr. Jefe politico que se archivase en el establo q. se encuentra. Castillo seno

4947 22 anulado • Ditos

D^o Carlos Castro en instancia de 12 de junio de 1833 representa que habiendo ele hecho saber. se suspendia la resolucion sobre el paraje nombrado D^o Francisco de las Lagas manifiesta que la Comada de las Ubas conocida p^o Rancho de Solis cuya represent p^o propiedad Nativino Macari. Castro pertenece al situ de la D^o Lagas.

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Monterey Junio 14 de 1833.
Traslado a la parte de Nativino Castro p^o el termino del Derecho. ^u Figueroa
Recibi del secretario D. Augustin Gamorano

El Expediente de D^o Carlos Castro de fecha 12 de junio ultimo y por no saber escribir hizo una Cruz en Monterey a 23. Diez. de 1833

Monterey En^o 13. de 1834. para transcribir y resumidamente el litigio comensado en Este Exped^{te} sitence a las partes contendientes p^o q^o dentro de seis dias contados desde la fha comparecer p^o si o por apoderado antes este Gobierno a deducir sus derechos
El D^o D^o Jose Quij. Gen^l de Brigada Comand^{te} g^o Inspector y Jefe sup^o politico de la Alta Calif^a asi lo manda Decreto y junio de que Doy fe.

J. Quij. A. Q. J. D.

29. En el presidio de Monterey a veinte y nueve de Enero de 1834. En virtud del antec^o de decreto comparecieron los Ciudadanos Carlos Castro y Nativino Castro y en sus personas doy fe conozco les hizo saber q^o deseoso el D^o Jefe sup^o politico de Britan un situ despendio y concilio los Intereses de ambas partes. les proponian tubiesen una transaccion

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y amigable composicion sobre el terreno
nombrado de solis que ambos pretenden para
su aprovechamiento. Enterados de esta dis-
posicion y despues de largas conferencias qd.
tubieron en el Acto y con anterioridad el
dia de ayer resolvieron que no se convenian
en ninguna de las propuestas echas recipo-
camente es guindose a lo que resolviera
el Gobierno sobre el terreno en cuestion. Pz
no poderse abenir en ningun convenio. En este
Estado mando el mencionado Sr. Jefe supe-
rior politico dar pz. fenecido el juicio de
conciliacion y proceder a lo que hubiere
lugar en derecho haciendose constar pz. esta
diligencia que firmaron en senoria los
interesados pz. ante mi de que doy fe.

Jose Figueroa # Carlos Castro
Mariano Castro # Agustin O. Zamora Sr.

Monteney Ono. 29. de 1834.

Habiendose invitado a las partes litigantes
pz. qd. tubiesen una amigable composicion
respecto al terreno litigado sin necesidad
de pasar a un juicio contencioso; no habien-
dose logrado la abenencia de las partes
pz. qd. ninguno quiere prescindir de sus preten-
siones en siendo este negocio del resorte para
judicial y asi del gobierno politico pz. sea
una pretension a terreno en qd. ninguna de
las partes tiene un derecho de propiedad
resuelse gubernativamente pz. lo qd. conste
pz. lo que conste de autos y dandose
pz. concluido, este Expediente aprese
pz. constancia al promovido pz. Mariano Castro
y dese cuenta pz. Resuelto, haciendose sa-
ber a las partes pz. qd. usen de su derecho
El Sr. D. Jose Figueroa Teniente de Brigada

4749

Comd. genl. Inspector y Jefe sup. politico
de la Alta California asi lo mando decreto
y firmo de qd. doyffe.
J. J.
a. V. J. O^o

25. Archuado. Citios

Manano Castro Oceino de Monterey en m^a
stancia de 31. de Mayo de 1833. solicita la
propiedad del paraje conocido de Solis
que le concedio provisionalmente con las res-
tricciones q. Copiea, qd. acompaña Origi-
nal y el disenõ del terreno.

Monterey Junio 3 de 1833. De conformidad
con las Leyes de la Materia informe el
Ayuntamiento de esta Capital si el
interesado obtiene los requisitos prevenidos
para ser atendido en su Solicitud, si el
terreno q. pretende esta comprendido en las
20 leguas limitrofes ò de jurisdiccionales q. copiea
la Ley de 11 de Agosto de 1824. si ha pertene-
cido ò pertenece a propiedad particular cor-
poracion ò pueblo ò se conoce p. Valdis si
la calidad del terreno es de Regadio de
temporal ò de abrevadero con todo lo demas
q. sea concerniente a ilustrar la Materia.
El Sr. Jefe sup. politico de este Territorio asi
lo mando, Decreto y firmo de qd. doyffe.

D. Ct. V. J. J.

En la misma fha llevo el
interesado el pliego Conaelo.

El Ayuntamiento de Monterey informa
en 6. de Julio que puede concederse al intere-
sado el terreno ò parte de el que no corresponde
al Rancho de las Animas Nacionaldo consta
que el q. solicita me pertenece a dho Rancho
Monterey Nov. 2 de 1833.

57 57

De conformidad con el informe del Ayuntamiento notifique a la parte de Mariano no Castro que dentro de quince dias acredite no pertenecer al Rancho de la Animas el terreno que solicita p^o en su Vista proveer lo conveniente advertido q^d de no verificarse dentro del termino señalado no habra lugar a su solicitud.

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El Sr. Jefe Dip^o politico del Territorio, General de Brigada D^o Jose Ligueroa, asi lo mandó decretar y firmo de que doy fe.

Ligueroa.

A. D. J. J.

Monterey En^e 30 de 1834.

Levase adelante lo decretado en 21 de Noviembre ultimo notificandose a la parte como esta prevenido q^d dentro de quince dias contados desde esta fha, p^oveer no pertenecer el terreno q^d solicita al Rancho de la Animas. El Sr. D. Jose Ligueroa Gen^l de Brigada y Comandante Gen^l Inope^o y Jefe superior politico de la Alta California asi lo mandó decretar y firmo de que doy fe.

J. L.

A. D. J. J.

Office of Surveyor General
of the United States for California

I John C. Hays Surveyor general of the United States for the State of California and as such, having in my Office, and in my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Departments of Upper California by virtue

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of the power vested in me by law. Do hereby
Certify that the 26 preceding and hereunto
annexed pages of tracing paper numbered
from one to twenty six inclusive, exhibit
a true and accurate copy of a certain
document now on file and forming part
of the said Archives in this Office

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PAGE 50

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 fourteenth day of January 1854

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

Filed in Office Aug 4. 1855
Geo. Fisher Secy

275-2

451-53

*

Jurisdiction of
Monterey

Year
1833

405 ND
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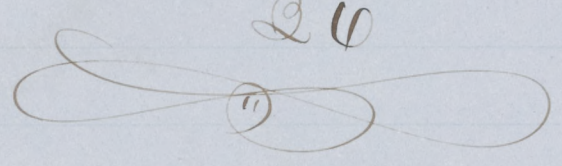
Expediente

Upon the land called "El Solis"

Solicited for its cultivation by
Mariano Castro

R R R

20



Stamp Third Two Rials

Provisionally used by the Mar-
itime Customs of the Port of Monterey
for the years 1833 & 1834,
Ingueroa Jose Rafael Gonzalez.

Venior Superior Political Chief,

Monterey June
3, 1833.

In Conformity
with the laws
on this subject
Inform of the Ay.
untamiento of this
Capital whether
the party inter-
ested in this
instance has the
requisites, necessa-
ry to be attended
to in his petition
whether the land

The citizen Mariano
Castro a resident belonging
to this Port comes before
your Excellency in one
form of right, and with
due respect represents,
That on the 21st of Feb.
uary, 1831, I directed
and instance (petition)
to the Superior Political
Chief Don Manuel Victoria
petitioning for a place that
is in the jurisdiction of this
port called "El Solis" with the

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PAGE 52

that he applies
for is comprised
within the 20
leagues limitary
on the 10 leagues
littoral expressed
in the law of Aug
18, 1824.

Whether it
has belonged or
does belong to
any private
individual
corporation
or pueblo, or
whether it
is known as vacant
whether the
land is irrigable
or for pasturage
with everything
else that may
be consistent
to illustrate the
subject.

The Senior
Superior Polit.
ical Chief thus
commands
decrees & signs
to which I
give faith
Figueroa
Ag. V. Zamorano

best manner possible and
fomenting it with Camp
Utensils and other works

On the 27. of the above
month I obtained the
Superior Decree favorable
to my petition granting
it to me provisionally
and with this privilege
I undertook to build a
house and construct
Corrales.

I introduced some Camp
Utensils and up to this
date by force of my
works I maintain it
cultivated with works
as far as my means
have permitted; and
desiring to dedicate my
self to the improvement
of it by obtaining the own-
ship, and to ensure by
these means the fate of a
numerous family, which
I now have,

I direct myself to the
consideration of your
Excellency, accompanying
the design of the lands which
I pretend for, for the best
intelligence, and making
it also on the original doc-
ument of the grant that
I obtained to possess it
provisionally.

405-5-5-

Therefore from the just consideration
of Your Excellency, I await the result
more favorable, desiring to give this
my petition such consideration as
you may deem well

Monterey 31. May 1833,

Mariano Castro,

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At a session of this day this peti-
tion was referred to the Ayuntamiento
of this Capitol and it was granted to be
passed to the Commission of Colonization
and vacant lands.

Monterey June 8. 1833.

José Maria Maldonado
Secy.

Señor Superior Political Chief,
The Illustrion Ayuntamiento of this Cap-
itol with the object of giving to Your
Excellency the information that you
require in your Superior Decree of the
3rd June last, this present petition was
handed to the present Commission on Col-
onization and vacant lands who presented
the opinion that is attached to this Expe-
dient, and its contents being what this
corporation can inform they reproduced
in all its parts adding to it your first
proposition in the following manner and
without its prejudicing any of the adjoin-
ing parties. Returning to your Excy
the said Expediente in fulfillment of what
was accorded in session of the day.

Monterey 16. July 1833

Marcelino Escobar. José Maria Maldonado. Secy

5556

Stamp Third 2 Reals

Provisionally used by the Administration
of the Mexican Custom House of Monterey
for the years 1833 & 1834,
Figueroa

José Rafael González

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Monterey Nov. 21, 1833.

In conformity with the in-
formation of the Ayuntamiento, Let the party
of Mariano Castro be notified that within
fifteen days he shall inform what the land
he requires does not belong to the Rancho
de las Animas so that by selling some
it may be disposed of as is convenient.

It being understood that if
he does not do this within the time spe-
cified, his petition cannot be considered.

The Senor Superior Political
Chief of the Territory, General of Brigade
Don José Figueroa thus decrees, com-
mands & signs, to which I give faith.
Figueroa

Agustín V. Zamorano.

Not having appeared in this Bureau
the party of Mariano Castro until now
is noted for the consideration and signed
in Monterey Jan. 28, 1834,

Agustín V. Zamorano

275-7

Monterey Jan'y 30. 1834.
Place before you the Decree of 21st
of November last, notifying the party
with this that within 15 days counted
from this date he shall prove that the
land that he solicits does not belong
to Seas Animas.

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The Señor D. José Figueroa General
of Brigade, Commandant General, In-
spector & Superior Political Chief of
Upper California thus I command
decree and sign to which I give faith.
José Figueroa
Agustin V Zamorano
Ino.

On the 31st of January 1834 the
party of Mariano Castro was informed
of the Decree that precedes of the Señor
Superior Political Chief and having
read to him, said that he heard it,
and that he would give it one fulfillment
and for due fulfillment the party inter-
ested signed it with a cross not know-
ing how to sign.
Agustin V Zamorano. X

Stamp 4th of Office,
Provisionally used by the Subaltern
Commissary ad interim of the Port of Mon-
terey for the years, 1830 & 1831.

Monterey July 27,
1831,

As long as the
party interested
shall farm works
and shall have
the land cultivated
that he petitions
for, I permit
him to occupy
the land provi-
sionally as set
forth in his
petition.

Victoria,
order to seek for his security. I direct
myself to your Excellency, soliciting al-
though it be provisionally the place called
Loaguin Solis, which although it was
at another time by the person of this
name it is now abandoned and vacant
and without any creditors.

Wherefore to Your Excellency I supplicate
that you will accede to this my petition,
granting to me at the moment the
license that I ask, and I remaining
subject to take such steps as the laws
order without prejudice to the adjoining
persons who have the said land.

Monterey July 21, 1831,

At the request of the party interested not
knowing how to write. José Aguilar

Senor Superior Political
Chief.

The Citizen Mariano Castro
neighbor and resident in
this Port, comes before
Your Excellency and says,
That he being the posses-
sor of 200 head of Cattle
and one Manada of Horses
he is with these interests
upon the land of another,
and he is under the ob-
ligation to separate from
it, the number now being
on the increase, and in

6759

Stamp 3^d Two Reals.

Provisionally used by the Administration of the Maritime Customs of Monterey for the years 1833 & 1834
Figueroa

José Rafael Souzales.

405 ND
PAGE 57

The Commission named of colonization and of vacant lands with due consideration of the petition of the Citizen Mariano Castro, relative to the "Pitio" called "El Solis" and also the Decree accompanying it; notwithstanding it requires light to give due fulfillment to said Superior Decree; reflects follows:

Be the party interested a Mexican Citizen. That the land he applies for is not comprised in the "20 leagues limitrofos" or in the "10 leagues titulares" as expressed in the law of Aug 18, 1824. That it is considered as belonging to the Rancho de las Animas, called commonly of the Castros it being their property and to this effect submit to the deliberation of the S. N. the following propositions.

1st These can be granted to the party interested - the land, or part of it that does not belong to the Rancho de las Animas.

2nd That he make it known by a document that it does not touch the mentioned Ranch at any part. Monterey 20 July 1833,
José Abila

José Antonio Romero

6260

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The land having been finally proved
as ordered by the Decree of Nov 21, 1833, &
it is confirmed by another of January 30.
/34 for the party interested to prove within
the term of 15 days that the land which
he applies for does not belong to Leon
Arimas, the Expediente will be taken as
conclusive.

Wherefore I order it to be archived.
The Senior Political Chief Aug 8, 1835.
L. G.
Castillo.

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Having presented himself in this Court the Neighbor Mariano Castro to declare the limits of the land which touches the Sitio del Camadero of Animas possessed by the family of the deceased Mariano Castro which taken with the information of witnesses who presented at the time of its date, and the first witness José Antonio Mesa who stated that this Sitio measured from the Mission of San Juan Bautista from a large tree before the wall of said place, and from there was measured from the portion of the "Sitio" of the deceased Ignacio Ortega, which is between the Creek of the same and the Arroyo and which is from East to west, and at the North they did not enter upon any measurement, more than that it was said that it might extend to the hill of Semores.

The second witness Juan Alvares who measured from the Mission of San Juan Bautista to a large tree before arriving at the wall three leagues. And from thence they measured $\frac{1}{2}$ a league to the Paso Viejo of the Creek at the North and to the Eastward between the Arroyo of Camadero a grantor and that there was not any more measurement in the "Sitio" to all of which I certify for information to the petition of the party interested.

Pueblo of San José Guadalupe Feby 9, de 1834.

Pedro Chaboya
Salino Pacheco
Secty

José Antonio Mesa +
Juan Alvares,

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Stamp Third das Reales.

Provisionally used by the Administration of the Maritime Customs of Monterey for the years 1833 and 1834.

Figueras.

José Rafael González

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Señor Superior Political Chief
The Citizen Carlos Barbo a resident of the Pueblo de San José Guadalupe before the notorious Justification of Your Excellency in the best form of right as permits appears and says, That he having made it known by the Superior Decree of Your Excellency of the 3^o of this month that the progress of the Expediente as sought for of the place called San Francisco de las Leñas uniting with the Canada de los Uvas, known now as the Rancho de Solis, he suspended for having applied for this and a plot of the other place the Citizen Mariano Castro until he should finish the necessary steps as set forth in the Expediente sought for by the latter, so that both applicants can deduce the rights which reciprocally assist them and the much meritorious be attended to.

Impeded by the necessity of saying in justice the rights which concern to the one who presents himself, he states that since the year 1828 he has occupied the place of San Francisco de las Leñas where he has built a house, outhouse

manufactory of soap and a corral with 800 head of horned cattle, and more than one hundred head of horses, but in attention that this place is very scarce of water and the pasturage bad in the year 1830 at the time that they placed at public Auction the _____ which he had in the Canada de las Abas.

Joaquin Solis the party that represents took with the object of acquiring same, the said Canada, because he considered that it was the only place whither his cattle might range and without this the place of Las Vegas would not serve him.

In taking said _____ as referred to the Senor Echaandia Antecedent of your Excellency issued him although verbally that the said Canada should be granted to him notwithstanding he had in applied for since the year "27" and with the hope he has been up to the present time, awaiting the resolve.

Senor Victoria in the year 1831 granted previously to the Citizen Manang Castro the use of the said Canada but he manifested to him that he should consider it (as set forth) with right to the said Canada, and taking into consideration his reasons he called in that ach Manang Castro, and he having applied I warned him to deliver up the instance which had been decreed to him to withdraw his grant respecting the right to the land that petitioner solicited.

Then Manang Castro replied that said documents had been lost, and in view

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of this I told Mariano Castro to solicit for another "sitio" and that he should not submit that one, and in effect he solicited for La Brea, that he might be permitted to occupy it with the permission of the Padres Ministers of the Mission of San Juan Bautista, that belonging to said Mission & according to what the deponent understands latterly he has known that Mariano Castro has presented said instance, that he asked for it and consequently at that time he operated with Melice, and that in his petition he surpressed Senor Victoria

Notwithstanding what is set forth I consider that the merits should be considered of the party representing which are those of his having served as a settler although of tender age, that also of having served in the Military Career 20 years and with 7 years of Ancstral service in the company of Milicias de Artilleria in the Grade of ^{1st} Corporal, that also of having been speaker of the Ex-Deputacion Territorial, and also a peaceable and laborous citizen as is public and notorious.

Thus then if to Mariano Castro there should aid him the same rights or preerogatives from now, it is but just that he should be considered,

But if in case these representations are more to be considered I ask that Mariano Castro be made to take away from said Cañada de las Abas whatever he may have there for the security of the

6765-

property of this deponent.

To Your Excellency I humbly supplicate that you will admit of this Exposition in due form of Justice swearing that it shall not be for malice but the necessary.

Monterey 12 June, 1833,

Carlos Castro,

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Stamp 3rd Los Reales

Provisionally authorized by the Administration of the Maritime Custom House of the Port of Monterey for the years 1833 & 1834.

Jose Rafael Gonzales.

Venerable Superior Political.

The Citizen Mariang Castro before Your Excellency with due respect in the best form of right represents; that by virtue of the Contents which on the 14. of June last Your Excellency decreed upon the petition of the Citizen Carlos Castro which I received yesterday in order that I may state in defense of my right; replying to the allegations upon which this Citizen founds his right to take from me the land called "El Solis" which I actually occupy by a grant from the antecedent of Your Excellency, as will be seen by Documents in the Office of the Political Chief. I say; That the Citizen Castro does not equivocate at

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all when he manifests that his desires have always been to remain with the ownership of said place, to which by mistake he gives the name of Canaleta de los Ubas with the intention of embracing an immensity of land so considerable that would not be prejudicial to other individuals, principally to the party that sets forth, he having already built a house a mill, corrals, and considerable other works: but yes he is mistaken without doubt when he says, that the lands upon which his cattle graze are scarce of water and of bad pasturage, and of that truth undoubted testimony could be given to your Excellency of individuals who know and have inspected the lands and advantages.

He is also mistaken in saying that Senor Victoria intended to withdraw the grant Expediente in my favor, when on the contrary said chief, by virtue of the instances and other steps taken by the Citizen Castro to prevent my getting said sitio, replied that to avoid difficulty and questions, he would personally pass to place us on a fan, measuring to each one land proportioned to our improvements or advances.

Remember that Senor Castro upon this reasoning replied that in such a case he would abandon all instances that made reference to the sitio that he occupied.

Whereupon Senor Victoria states that

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he was then at liberty to apply for another
The Citizen appears to be mistaken that
in consequence of what had passed before
Senor Victoria he solicited the place
called "La Brea" of the Padres of the
Mission of San Juan Bautista, this no
doubt was so, but was previously to solici-
ting that which I actually occupy which
I looked for stimulated by the same Sr. Castro
who invited me to become his neighbor

Up to here Senor Arina we at the
merits which he has of being preferred
in right and there is no doubt in
any of them. If he has served in
the Career of Arms 20 years, no less
time perhaps have I served, and also as
a resident where an emergency has
offered I have loaned my services freely
as a Soldier and of my conduct I will
present sufficient documents: to this
he alleged the right of concession that he
obtained and of which this citizen alleges
has been in possession has undertaken
works, and has cultivated as far as
his labors would permit, having upon
the land 200 hundred head of Cattle
and 100 of horses. I am certain without
equivocation that in no manner would
Mr. Castro be prejudiced as he states by
the scarcity of water which he com-
plains for the "Sitio" which he poss-
esses in abundant and extensive
sufficient to quadruplicate the interests
that he has and to extend his works.

The Canade de las Ubas which he
cites is now vacant, and he only wishes
to apply this name to the "Sitio" that I

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have pretended for, and that I actually occupy, and to prove this truth, who will inform with integrity to what I have stated, if not your Excellency might see fit to send some satisfactory persons to reconnoitre the lands or ask such information as might be well.

Wherefore I insist on my petition believing myself with all the right to the land, for Citizen Castro has no other view than to injure me, or if not, as this Senor in the times that this "Sitio" has been occupied by other individuals has never mentioned a word about damages, as he now alleges.

His interests are secure and he cannot complain of any thing else. Wherefore Your Excellency will please dispose of this as you may think just, not operating for evil and the necessary.

Monterey Cal. Dec 1833

Manang Castro

Monterey January 10, 1834.

To examine briefly and summarily the litigation commenced in this Expediente, let the parties contending be cited so that within six days counted from this date, they appear by person or by agent before this Government, to explain their rights. The Senor Don José Figueroa Brigadier General Commandant General Inspector Superior Political Chief of Upper California thus Commands, decrees and signs of which I give faith
Jose Figueroa, Agustin V. Zamorano
Secy

7769

Stamp Third Two Reles

Provisionally authorized by the Maritime
Custom House of the Port of Monterey for
the years 1834 and 1835.

Figueroa Rafael Gonzales.

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In the Presidcy of Monterey on the
29th day of January 1834 by virtue of
the foregoing decree, appeared the
Citizens Carlos Castro and Mariano
Castro in person to which I give faith,
I knew them and made known that the
Senior Political Chief in order to avoid
a protracted litigation and to conciliate
the interests of both parties, it was
proposed to them, that they should
have an amicable adjustment and
arrangement upon the land called
"El Solis" that both pretend for their
advantage - This being understood
and after long conferences had at
the moment and previously on
yesterday - they resolved that they
could not entertain any of the prop-
ositions reciprocally made, resigning
themselves to the resolve of the Govern-
ment upon the land in question,
they not being able to arrive at
any agreement. In this state the said
Senior Superior Political Chief concluded the
trial of conciliation and ordered them to proceed
as they thought best, making effect of this
information which they signed with his Excellency
Jose. Figueroa, Carlos Castro
Agustin W. Zambrano
Secy

70
Monterey January 29, 1834.

Having shown to the parties litigating so that they might have an amicable arrangement respecting the land in litigation without the necessity of going to a contentious trial, this not suiting the parties because neither party wished to arrange, and this not being a matter of judicial resort, but that of the Political Government, being a pretention for land to which neither party has the right of ownership; let it be resolved upon gubernatorily in accordance with acts, and giving in conclusion this Expediente attached for effect to the party of Manang Castro, and render an account thereof to be resolved upon making it known to the parties that they may make use of their rights.

The Senor Don José Figueroa
Brigadier General Commandant
General Inspector and Superior
Political Chief of Upper California

Thus commands, decrees and signs
to which I give faith.

Jose Figueroa

Agustin V Zamora
Secy

Stamp Plina Dos Reales,

Provisionally authorized by the Mexican Custom House of Monterey for the years 1834 & 1835.

Figueroa

Rafael Gonzales

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On the second of February 1834 having appeared in this office the parties of the litigants Carlos Castro and Mariano Castro the preceding decree was made known to him of the Senor Superior Political Chief of this Territory of the 29th of January last, and they having been instructed therein stated that they heard it, and that they would conform with the disposition of the Governor, and that they would represent at its time the mentioned rights which assisted to each one, and for the due effect, the first signed, and the second crossed not knowing how to write with me the Secretary of the Political Chief of this Territory.

Agustin Zamorano
Carlos Castro /

This Expediente was detained until the 7th day of August of this year 1835 which the Senor Political Chief ordered to be archived as set forth annexed.

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Archived, Litias

Hon. Carlos Castro in his instance of the 12th June 1833 represented that it was made known to him.

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The resolution upon the place called San Francisco de las Selegas being suspended, manifested that the Cañada de las Ubas known as the Rancho which Mariano Castro represented for ownership belongs to the D^{to} de las Selegas.

Monterey June 14. 1833

Transferred to the party of Mariano Castro for the term of right.

Figueroa

Received of the Secretary L. Agustin Zamora the Expediente of Hon Carlos Castro dated last June 12. and not knowing how to write he made a cross in Monterey 23 Dec 1833

X

Monterey June 13. 1834.

In order to conclude briefly & summarily the litigation commenced in the Expediente let the parties contending be cited to appear within six days counted from this date in person or by agent before this government to show their rights.

The Sr Don José Figa Brig Genl Com^{dt} Insp^t & Sup^r Pol^t Chief of Upper Calif^a and thus commands decrees and signs to which I give faith.

J. F.

A. V. F.

Secy

Feb 93

In the Presidij of Monterey on the 29th day of January 1834 by virtue of the foregoing decree appeared the Citizens Charles Castro & Mariano Castro in person.

And I give faith that I made known to them that the Senior Political Chief in order to avoid a protracted litigation and to conciliate the interests of both parties, I proposed to them that they should have an amicable arrangement upon the land named "El Solis" that both pretended to for their interests entered into this disposition and after a long conference which was had at the time, and nearly the whole of the previous day, they resolved that they did not agree upon any of the propositions to be made, reciprocally resigning themselves to the resolve of the Government upon the land in question, not being able to agree in any way.

In this state the said Senior Superior Political Chief ordered that the trial of conciliation be concluded and that they should proceed as their rights might dictate giving for effect this information and they the parties interested signed with his Excellency before me to which I give faith.

Jose Figueras Carlos Castro,
Mariano Castro

Agustin D. Zamorano
Secy.

405 ND

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Monterey January 29, 1834.

Having shown to the parties inter-
ested so that they might have an amicable
arrangement respecting the land in litiga-
tion without the necessity of recourse
to a judicial investigation, neither party
being willing to agree, because neither
wished to give up his pretensions, this
not being a subject for judicial resort
but one of the Political Government
having a pretension for lands, in which
neither party has the right of ownership.

Let the matter be resolved upon
Gubernatorily according to acts and
giving this Expediente as concluded
aggregate for effect or constancy as
moved for by Mariano Castro, and
inform thereon to be resolved upon
making it known to the parties that
they may show their rights.

The Venor José Figueroa
Genl of Brigade Commandant General,
Inspector and Superior Political Chief
of Upper California this Command
decrees and signs of which I give faith,

J. F.

A. V. T.
Jc

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Archived Titios

Mariano Castro a resident of Monterey in an instance of May 31th 1833 solicits the ownership of the place known as "El Solis" and it was granted to him provisionally with the restrictions as expressed that accompanies the original and the design of the land.

Monterey June 3^o 1833.

In conformity with the laws on the subject, let the Ayuntamiento of this Capital be informed as to whether the party interested in this petition has complied with the usual requisites to be attended to in his petition.

If the land that he petitions for is comprised in the 20 leagues litorales, or 18 leagues litorales as expressed in the law of August 18, 1824, whether it has belonged or does belong to any private individual corporation or town and if it is known as vacant, whether the character of the land is irigable temporal or for pasturage, with all else that may be necessary to illustrate the subject.

The Senor Sup^r. Polt^t Chief of this Territory thus commands decrees and signs to which I give faith.

A. B. F.
Secy

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On the same day the party took a sealed sheet,

The Ayuntamiento of Monterey informs on the 6th of July that there can be granted to the party interested the land on a part thereof that may not correspond to the Rancho de las Animas, making it appear for effect that the land that he solicits does not belong to said Rancho.

405 ND
PAGE 74

Monterey Nov. 21. 1833.

In conformity with the information of the Ayuntamiento, let the party of Mariano Castro be notified that within 15 days he make it appear that the land he solicits does not belong to the Rancho de las Animas so that upon sight thereof it may be disposed of as is convenient, notifying him that upon not verifying same within the time signalised, his petition shall have no weight.

The Senior Superior Political Chief of the Territory General of Brigade Don Jose Figueroa thus commands decrees and signs to which I give faith.

Fig^o

A. V. F.
Secy.

477 77

Monterey January 30, 1854,
Place before you
the Decree of 21st November last, notify-
ing the party as set forth and within 15
days counted from this date let him
prove that the land he solicits does not
belong to the Rancho de las Arinas

405 ND
PAGE 75

The Sr. Sr. José Figueroa General
of Brigade y Comandante General
Inspector y Superior Political Chief
of N. California thus commands, decrees
& signs to which I give faith,
J. F.

A. V. F
Secy

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Filed in Office Aug 4, 1855,
Geo. Fish
Sec

United States of America.
Depo. of Henry State of California. 3d. S. San Francisco, Oct. 10. 1855.
F. Pitts.

This day before Comr. Alphons Belch, came Henry F. Pitts, a witness in behalf of the claimants in case No. 690 on the docket, who, being duly sworn, deposed as follows.

Questions by Mr Lawrence, Attor-
ney for claimants.

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

Answer My name is Henry F. Pitts, my
age is 28 years & I reside in Mariposa County, California.

2. Question Did you ever reside in
Santa Clara County?

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Ques. I did. I lived in the Pueblo of San Jose in that County at the time gold was discovered in California, and I had lived there about a year previous to that.

3 Question. Do you know the place known as the Solis Rancho? If yes, how long have you known it?

Answer. I have known that Rancho for 8 or 9 years.

4 Question. Do you know anything about the title papers to that Rancho? If so, state what you know of them?

Answer. I never saw the title papers. I saw a translation with the name of W^m C. Martrell signed to it. A man by the name of Packwood had it on said Rancho when I saw it. This I should think was upwards of six years ago. Packwood went to settle on the land and inquired of me whether the land belonged to any body's Rancho, and I advised him to go to Monterey & get a copy of the grant or minutes from the archives by which he could ascertain the boundaries of the Rancho there, and thus ascertain whether he was on any one's land or not. We went down and obtained the paper above mentioned.

5th Question. Did you know the handwriting of said Martrell? Was the signature to said paper his genuine signature?

Answer. I believe that signature was his handwriting. He has translated documents for us, & I have seen his handwriting frequently. I have seen him write his name. He was Government Translator at that time, according to my best recollection.

6th Question. What was the contents of the document which you saw?

Answer. It contained a description of the boundaries & location of the Solis grant. It was a translation as I understood it, from the grant of the description of the boundaries as set out in the grant. It was a translation of enough to enable said Packwood to ascertain the boundaries. I cannot tell whether it was a translation of the whole grant or not. I only recollect the description of the boundaries which I thought was a correct description of the boundaries of said Rancho. This description called for an old corral near which was a wheat field as an object which was near to one of the corners, & ran thence down the Arroyo de las Olbas to the Sierra Madre, thence along the Sierra Madre crossing a stream called the Arroyo de las Sierras Carmeada (I cannot recollect which) to a mountain on the mountain; thence running about North East to another Peak in a range of low hills adjoining the big mountain; thence about West North West to a point near the Somas Sierras which is on the Rancho called San Francisco de las Lagas; thence about West, South West to the place of beginning at the old corral - having the line of the Rancho San Francisco de las Lagas as a boundary on one side, & that of Las Olbas on another - or rather both are nearly on the same side. This is the description of one league of land contained in the Rancho, & the document contained also a description of another league of land. This last mentioned parcel was described as follows, one line of it ran down the side of what is called the Somas Sierras, & in a description of another line the Somas Sierras was mentioned. These two are all that I remember of the boundaries of this league. The document contained the description of two distinct leagues

continued to page 84

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Opinion of Rufina Castro et al }
Bona by vs } Rancho de Colis
Com. Thompson The United States }

405 ND
PAGE 77

This is a claim presented by the widow and children being the heirs at law of Mariano Castro dec'd of a tract of land situated in the County of Santa Clara, and measuring two square leagues -

The original grant for the land is not produced, but a certified true copy of an Expediente from the Archives in the Custody of the United States Surveyor General is introduced in evidence from which it appears that in the year 1831 Mariano Castro, the husband and father of the present Claimants occupied the premises under a provisional right of Occupation and Cultivation issued by Don Manuel Victoria then Political Chief of California on the 27th. of Sept. of that year.

That on the 21st of May 1833 the said Castro presented his petition to Governor Figueroa praying for a title in favor of the same premises accompanied by a map and description of the boundaries. This application was resisted by Lucas Castro, on the ground that the land petitioned for embraced a portion of the Rancho de las Animas which he claimed as belonging to him. The Expediente contains a long record of the proceedings growing out of this Controversy - The last entry is dated on the 8th of August 1835 and sets out

that the time having expired within which the interested party was required to prove that the lands solicited did not belong to Las Animas: the Especiente was ordered to be archived.

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There is nothing in the Especiente to show that any final decision was ever made in the matter, but it appears from the Evidence in the Case that Mariano Castro continued to occupy and Cultivate the land from the period of his Original Entry in 1831 up to the time of his death in 1847 without any further question or Controversy as to his right to do so. An Affidavit is also filed in the Case by Edward Stanley as Attorney for the Claimants, setting out that he has been informed and believes that the said Ranch was granted by the Governor of California to Mariano Castro, and that said Castro had said grant in his possession until sometime in or about the year 1847. That said Castro is now deceased, and that he has had diligent search made in all places where it is likely the same would be found, but without success, that he has good reason to believe that it has either been lost or destroyed, or is withheld by parties interested in defeating said Claim. and is now beyond the Control of said Claimants in consequence of which they are unable to produce it before the Commission. Several Affidavits have been introduced to prove the Existence of grant, the most

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Material of whom is Vicente Perfecto Gomez who testifies that after the conclusion of the proceedings contained in the Expediente, Mariano Casto and Carlos Casto, the litigants in the cause entered into a verbal agreement before Gov. Figueroa.

405 ND
PAGE 79

That in the year 1844 while witness was employed in the office of the Secretary of the Government, Don Manuel Jimeno, Mariano Casto applied at said office for a copy of the title to the land mentioned in the proceeding which was made out by witness from the record of grants made during the time of Governor Figueroa, and certified by the Secretary, which copy was delivered by witness to Francisco Ace to be delivered to Mariano Casto

The title of which he made the copy was for the place called "Solis" granted to Mariano Casto, was in the usual form of grants as was for one or two sitios or square leagues (he does not recollect which) according to the Plano or map contained in the Expediente with the following boundaries, from Tomas de Lamas to the Sierra de Santa Cruz running one league from the mouth of a Cañada to a wheat field including a piece of land upon which there was a house and Corrales. He does not remember the precise date of the grant as recorded in the Book of Record, but knows it purported to be signed by Governor Jose Figueroa and Augustin Lamas

Secretary - Witness was employed as a
 Clerk in the Office of the Secretary.
 In addition to this the Claimants have
 also introduced a traced Copy of a
 sheet from the Archives in the Office
 of the Secretary General purporting to be
 a part of the Index of Lands occupied
 Cated, and the persons to whom they
 were granted, in which is entered
 "Solis granted to Don. Mariano Casto."
 There are also several other depositions
 in the Case going to show corroborate
 the evidence of Gomez. In view of the
 whole testimony in the Case, we think
 there can be but little doubt that
 a formal title was issued to Mariano
 Casto by Governor Figueroa, and that
 the proof in the Case is sufficient
 to entitle the Claimants to a confirm-
 ation to which effect a decree will
 be entered

Filed in Office December 4, 1855
 Geo. Fisher Secy

405-83

Decree

Rufina Castro et al
vs.
The United States

3
3
3
3

405 ND
PAGE 81

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner is valid, and it is therefore decreed that the same be confirmed to them.

The Land of which Confirmation is made is situated in the County of Santa Clara and is known by the name of "Rancho de Soles", containing less than square leagues of land as described and delineated on the Map contained in the Expediente, a traced copy of which is filed among the papers in the case, and to which reference is made for a more particular description

Alpheus Felch

R. Aug. Thompson

S. B. Furwell

Commissioners

Filed in Office December 4. 1855

Geo. Fisher Secy

405 ND
PAGE 82

And it appearing to the satisfaction of the Board that the land hereby conveyed is situated in the Northern District of California It is ordered that two transcripts of the proceedings and 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.

(Continued from page 78.) land as constituting the Rancho. This is the reason why I am able to remember it. I knew of the said Rancho before, but did not know until then that it was comprised of two distinct leagues of land. It was generally known as a Rancho, the same as other Mexican grants. I never heard any body say it was not a grant, until about a year ago. Shortly after Mr Packard showed me the document he moved away from said Rancho.

Question. Do you know the boundaries of the last mentioned league of land?

Answer. I know only by hearsay. As understood by the neighbors it is a league outside and East of the Tomas Bayes running to the Monterey road, and down said road far enough to give a square league of land.

Questions by Mr Standing, Associate Law Agent.

Question. From the translation which you have spoken of do you remember whether the name of the Governor or the Secretary was appended thereto?

Answer. I do not recollect. I only recollect of seeing Westwell's name in the document.

Subscribed and sworn to before me this tenth day of October 1855.

Henry S. Pitts

Alphons Felch.

Commissioner.

Filed in Office Oct. 10. 1855.

Genl Fisher. Secy

Office of the Board of Commissioners,

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

I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Eighty four* pages, numbered from
1 to 84, 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. 691 on the Docket of the said Board,
wherein

Rufina Castro, et al, are
the Claimant against the United States, for the place known by
the name of "*Solis*".

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. 1850, and of the Independence of the
United States of America the *seventy-eighth*.

Geo. Fisher.
Secy.



405
U. S. DISTRICT CO

Western District

No. 405

THE UNITED STATES

405 vs. 40

Rufina Castro

TRANSCRIPT OF THE

FROM THE
BOARD OF U. S. L.

In Case No

Filed,

To the Honorable District Court of
the United States in & for the North-
ern District of California

405 ND
PAGE 84

The United States
Appellants } No 405
vs
Refugio Castrol }

The Petition of the United
States by their Attorney represents; that
this cause is an application for a
review of the decision of the Board of
Commissioners whereby the claim of
said appellee was confirmed as
appears by reference to the Records in
the case; that a transcript of said
Records was filed in this Court,
x on the ~~20th~~ day of February A.D. 1856
that a notice of appeal was filed
x on the day of A.D. 1856,
and that the land claimed lies
in said District,

That the said claim is invalid,
Wherefore appellants pray that the
said decision of the Board be
reversed and that this Court
decree the same to be invalid,

Respectfully

A. Russell,
Asst. U. S. Dist. Atty.

No 405
U. S. Dist Court

Rufina Castro

and
appellants

vs
United States
appellants

Return

No 1.

Filed April 15, 1886.
Chambers
Dist. Ct.

405 ND

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PAGE

J. M. Lunge
U. S. Dist. Atty.

Office of the Attorney General of the United States,

Washington, 10 March 1856.

290) "Solis"

Rufina Castro et al Claimants

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 16th day of February 1855, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Clatney

Attorney General.

U.S.D.C. and col
United States
v
Rufino Castro
No 405

appeal notice

Filed April 15, 1856,
Cherred,
Deputy.

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U.S. District Court
Refugio Castro et al

The United States

405 ND

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Northern District of
California

Said Claimants
& Edward Stanton
their attorney comes & denies the alle-
gations of the Petition of the Govern-
ment, and says that they are untrue.
And said Claimants for further
answer says that their said claim
is just, and that the decree of confirm-
ation of the Board of Land Com-
missioners is right & equitable for the
reasons which appear in said
the opinion of said Commissioners
on file in this cause.

Edward Stanton
Atty for Claimants

No 405

U.S. Dist Court

Rufina Castro
vs

7

United States

Answer

No 21

Filed April 15, 1856,
Cheves,
Deputy.

405 ND
PAGE 89

C. Stanton
for claimant

No 405
In the District Court of the
United States for the Northern
District of California

The United States
Appellants
Rufina Castro et als
appellees
Decree
Rancho Jolis
Stated Term May
1st 1856

On appeal from the final decision of
the Board of Commissioners to ascertain and
settle private land claims in the State of
California

This cause coming on to be heard
at a stated term of the Court 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 third day of March 1854.
upon the transcript of the proceedings and
decision of the board of Commissioners, and
the papers and evidence on which the
said decision was founded; and it
appearing to the Court that said
transcript has been duly filed according

to law; and counsel for the respective parties having been heard, it is by the Court, hereby ordered adjudged and decreed that the decision of the Said Commissioners be and the same hereby is affirmed: and it is further ordered, adjudged and decreed that the claim of the Appellee is a good and valid claim; ^{and the same is hereby confirmed} The land ^{made} the confirmation of which is hereby affirmed is situated in the County of Santa Clara and is known by the name of "Rancho de Solis", containing two square leagues of land as described and delineated in the Map contained in the Expediente a traced copy of which is filed among the papers in the case, and to which reference is made for a more particular description.

Edm Stoffel for
A. S. Dist Judge

No. 400 In the District Court of
the United States for the
Northern District of
California

The United States

v

Rafina Castro & Co.

Deceit

Filed May 1, 1856.
Chevers
deputy.

405 ND
PAGE 92

May 56

10/2

The United States }
vs }
Pupina Castro et al }

The only doubt that can be raised with regard to the validity of this claim, arises from the fact that the original grant is not produced. The Board, however, after considering the evidence taken to show that the grant had been delivered to the deceased grantee, as well as its subsequent loss, arrive at the conclusion, that it duly issued as represented in the petition - The evidence ^{fact} of the list of grants in the archives corroborates this amongst others the parol testimony of several witnesses who have seen it & known that it was produced and referred to settle disputed boundary lines, and the still more conclusive fact that the grantee and his family have resided upon the land for more than 20 years, are sufficient to remove any suspicion which the non-production of the grant might otherwise ^{suggest} - Indeed an occurrence

May 1.

patron so long continued &
so notorious with a claim
of ownership so universally
recognised might of itself
be deemed sufficient evidence
of ownership -

405 ND
PAGE 94

The claim was unanimously
confirmed by the Board and
we see no reason for reversing
their judgment - nor have any
been suggested on the part
of the United States.

A decree of confirmation
must therefore be entered,

Apr. 19. 1856 -

²³
The United States

405-
As

Mufina Castro

Opinion

Filed May 1, 1856.

W. D. Chevers
D. Clerk.

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PAGE 95

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 *Tuesday* the *twenty fourth* day of *March* in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States

v

Rufina Castro et al

D. C. 405; L. C. 690.

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

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

Ogden Hoffman
U. S. District Judge

405

United States District Court, Northern
District of California.

The United States

vs.

Rufina Castro et al

ORDER.

Final Decree.

Filed *March 24* th 1857

John A. Murre,
CLERK.

By *W. H. Cheever,*
DEPUTY.

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California Land Claims
Attorney General's Office
6 Febr'y 1857.

907
Sir: In the case of the claim of
Rafina Castro et al., confirmed
to the claimants by the Commis-
sioners, case no. Six hundred and
ninety- (690), appeal will not be
prosecuted by the United States.
I am,

Respectfully,
Chauncy

Wm T. Hauding Esq
U.S. Attorney,
San Francisco.

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

The United States

Rufina Castro et al

} D. C. 405; S. C. 190.

In pursuance of a notice
from the U. S. Attorney General, herunto annexed,
it is hereby stipulated and agreed that no further
appeal be taken in this case on the part of the
U. S., and that claimants have leave to proceed
under the decree of this Court heretofore rendered
in ~~this~~ their favor, as under Final Decree.
San Francisco March 24th - 1857

Wm Blanding
Dist Atty

E. Stanley Atty for E. Adams
of Counsel

405
190

U. S. Dist Court

The United States

v

Rufina Castro et al

Stipulation

Filed March 24, 1887,
W. H. Cheever,
Deputy,

405 ND
PAGE 100

District Court of The United States
for the District of California -

405 ND
PAGE 101

On motion of John J. Williams
It is ordered that he have leave
to withdraw from the Clerk's Office
the papers in the Case of Widow & Heirs
of Jose M. Sanchez for the Rancho Las Animas
and in the case of Rufina Cortis et al for
the Rancho Solis, to be used on the
argument of ~~the~~ Henry Miller et al vs
Dale & al, before Judge S. B. McKee,
in this City, said papers having heretofore
been given in evidence in said last-
mentioned cause -

Given & Affirmed
Dist Judge

Received the within papers
Nov 19. 1868. Geo W Williams

Papers returned this 23^d day
of Nov 1868. Geo E Whitney clk
By W. S. Landon D^c

405

Nov 19, 1868,

Geo E Whitney

Clk

By W. S. Landon

405 ND

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D^c

U.S. Dist. Court
United States

vs
Rufina Castoral

No 405,

405 ND
PAGE 103

No 1. Petition of U.S. for Review.

2. answer of Claimants

3. Transcript from Com^{rs}
Contents.

page 1 to 2. Minutes of Board -

4 to 6. Petition to Com^{rs} by Claimants.

6 to 8. Deposition of Jose Antonio Ayar -
proves death of Grant & that Claimants
are his heirs. Occupation & Cultivation for 20 yrs.

8 to 10. Henry L. Potts. proving boundaries & shape
of land.

10 to 12. Deposition of Felix Buelna. proves
Occupation & Cultivation since 1828.

15 to 17. Affidvt. of Edward Stautey, showing
that he is part-owner of the Land &
accounting for loss of Grant.

17 to 20. Deposition of Julius Martin, very full as
to boundaries, quantity re - & contents
of original grant.

20 to 22. Deposition of V. P. Gomey. fully
as to contents of grant & loss

23 to 26. Deposition of John Zouty, as
to boundaries, loss of grant & -

- p. 27. Copy of Index of Original Spanish
Grants from Surveyor General
29. Translation of Same -
30. Stipulation that testimony taken
after submission of case, might
be used on hearing of cause -
32 to 50. Expediente from Surveyor Genl
52 to 76. Translation of Same -
76 to 78. Deposition of Henry J. Pitts and
Log of contents of grant -
79 to 82. Opinion of Board -
83 Decree of Confirmation

Edward Stanley
Atty for Claimant

No 405 -
U. S. Dist Court -
Puebla Cantonal
y
United States
Judges of
Claimants Atty

405 ND
PAGE 104

Edward Stanley
Atty for Claimant

Office of the Board of Commissioners,

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

San Francisco, *July 26* 1856

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. 690. on the Docket of this Board, wherein

Rufina Castro, et al are
the Claimant, for the place known by the name of
"Solis"

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. District Court
for the Northern Dist. of Cal.