

CASE NO.

9

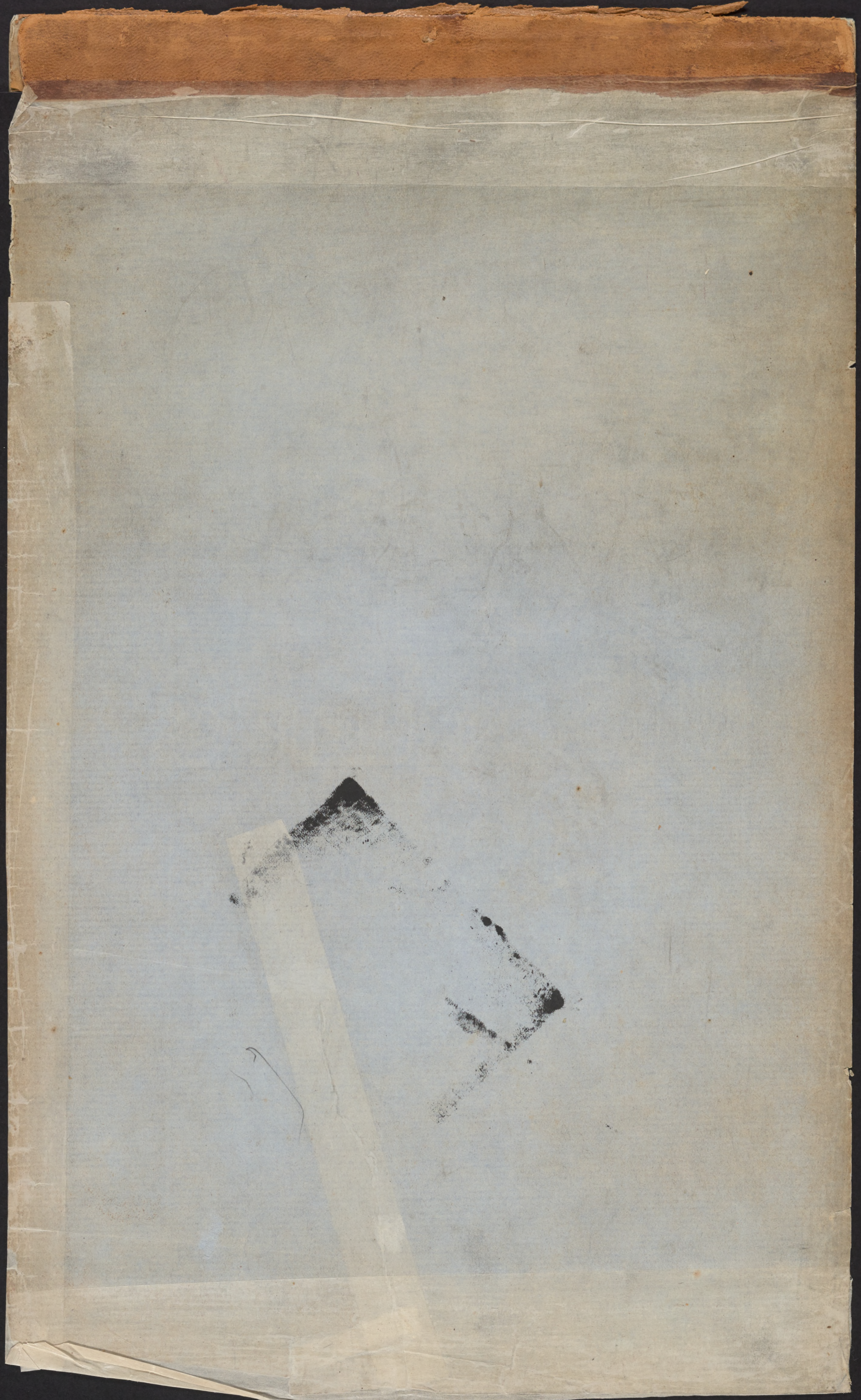
NORTHERN DISTRICT

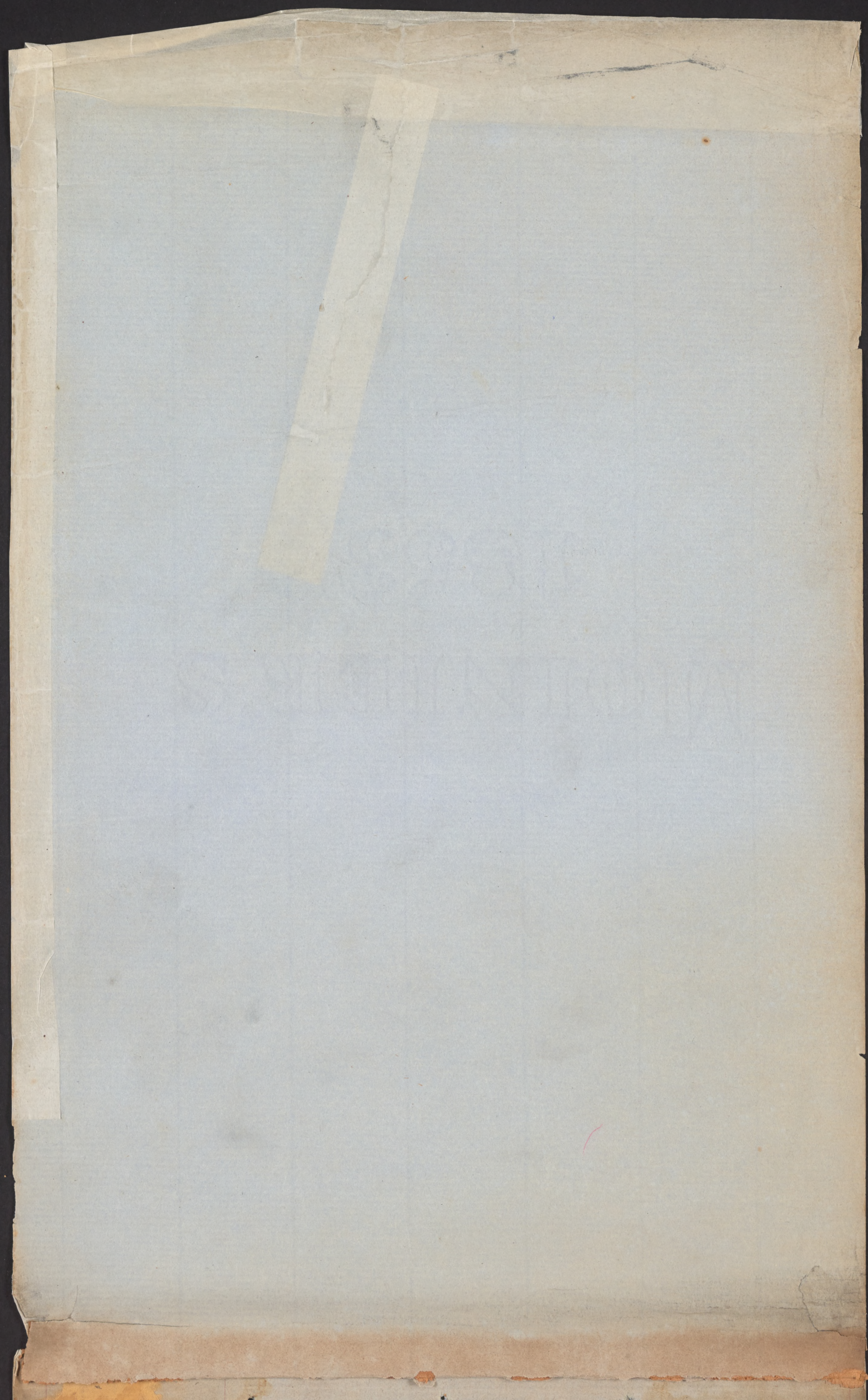
JURISTAC GRANT

ANTONIO AND FAUSTINO GERMAN

CLAIMANT

*Pennamoyd*  
Plover Bond  
25% COTTON FIBER  
U.S.A.





Transcript in Case No "62"

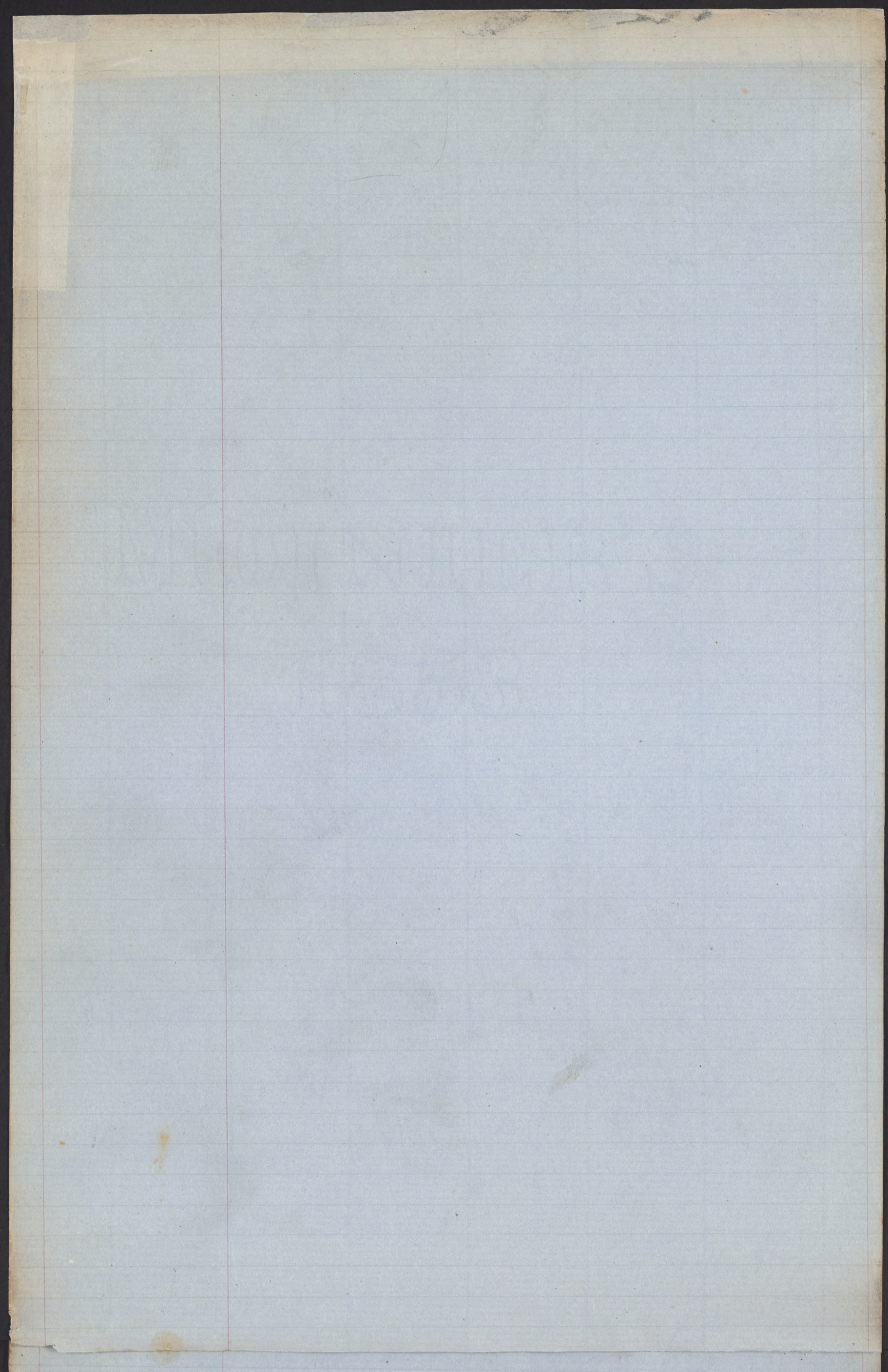
CASE NO. 9 ND  
PAGE NO. 1

Juristac

Antonio and Faustino German

vs

The United States



Office of the Board of Commissioners to  
ascertain and settle the private Land Claims  
in the State of California

CASE NO. 9<sup>ND</sup>  
PAGE NO. 2

Be it remembered that on this Saturday February the 21<sup>st</sup>  
Anno Domini One Thousand eight hundred and fifty two, before  
the Commissioners to ascertain and settle the private Land Claims  
in the State of California sitting as a Board in the City of San  
Francisco in the State aforesaid in the United States of America  
the following proceedings were had to wit:

The Petition of Antonio and Faustino German  
docketed No 62 and is as follows to wit:

Antonio and Faustino German, Claimants

<sup>(vs)</sup>  
The United States, Defendants

---

Saturday February 21<sup>st</sup> 1852

Before the Honorable, the Commissioners to ascertain and settle the  
Private Land Claims in the State of California

Antonio German and Faustino German Citizens of the said  
State give notice that they claim, by virtue of a Grant from the Mexican  
Nation, a tract of land in Santa Clara County in said State known by  
the name of Junistro or La Pasa,

Said land was granted to Claimants  
on the 22<sup>nd</sup> day of October 1835 by Don Jose Castro, Governor or "Jefe  
Politico, ad interim of California, in pursuance of his powers to make  
grants of land in the name and on behalf of the Mexican Nation and  
and in accordance with the consent and approbation of the Depart-  
mental Reputation of California previously given thereto by an  
Act of that body on the 27<sup>th</sup> of September 1835

1

CASE NO. 9 ND  
PAGE NO. 3

Said Grant was duly registered in the Archives and the fees and duties thereon duly paid

The quantity contained in said tract is unknown the same never having been surveyed.

The boundaries are on the East, the line known as the line of the Rancho of the Castrós or "Rancho de las Animas" on the South by the River Pajaro; on the West by the River Pajaro; The "Agua Caliente" or hot Springs and the Creek of the Pescadero, on the North by the Sierra, all which boundaries are well known and are set out on the Official Map or plan of the same accompanying the before mentioned documents

Said land was occupied according to Law and has been continuously held and occupied by said Claimants in quiet possession.

A copy of said Grant, and a copy of the record of said Act of Judicial delivery, with a copy of said Map or plan are herewith presented (marked A) and the originals are ready to be produced and proven as may be required

There is no conflicting grant to said land or any part thereof in the knowledge of the Claimants

The Claimants respectfully ask for a speedy examination and Order of Confirmation of their said Claim

Jose Tompkins & Thode  
Attys for Claimants

Filed in Office February 21<sup>st</sup> 1852

George Fisher  
Deputy



Upon which Petition the following subsequent proceedings were had in their chronological order, to wit:

CASE NO. 9 ND

PAGE NO. 4.

Friday February 27<sup>th</sup> 1852

In Case No 62 Antonio and Faustino German, the Representatives of David I Spence, a Witness in behalf of the Claimants taken before Commissioner Holland Hall, was filed and is in the words and figures as follows, to wit

Office of the Board of Commissioners  
of California Land Claims  
San Francisco Feb'y 26<sup>th</sup> 1852.

On this day before Holland Hall one of the Commissioners for ascertaining the Private Land Claims in the State of California came David I Spence a witness produced in behalf of Antonio and Faustino German Claimants in the case of their petition No 62 on the Request of the Commissioners and after being duly sworn testified as follows,

The Law Agent being notified and present.

Questions by Mr Jones Counsel for the Claimants

Question 1 What is your name age and residence?

Answer My name is David I Spence, my age is fifty three, and my residence is in Monterey, where I have resided for twenty eight years past

Question 2 Are you acquainted with the handwriting of Jose Leasbro, Francis del Coastillo Niquete and Jose Rafael Gonzales, and if so look on the little papers of the Claimants marked "A" with the initials "H H" and say if the signatures of said persons appearing on said papers are genuine?

Answer I have often seen each of them write and am well acquainted with their handwriting. Their signatures on said papers are genuine. These several persons held the several Offices which the little papers describe them as holding at the dates of said papers

Question 3 Do you or not know the Rancho "La Pica" mentioned in said little papers

4 Answer I am acquainted with the Rancho and have known the pres-

ent claimants to have been living there fourteen or fifteen years ago. Each of the brothers had a house in which they lived, and both had improvements, it is situated on the road between San Juan and San Jose,

I knew they were put in judicial possession in 1835, I was Alcalde at the time in Monterey and the said Gonzales was second Alcalde

Questions by the Law Agent

Question 1 What are your means of knowing that the persons before mentioned held the official stations referred to?

Answer Having been First Alcalde of Monterey at the time when they all resided I had much business with them

Question 2 During what length of time have you known the Claimants to live on said Rancho?

Answer It is now thirteen or fourteen years since I first saw them on the place, I believe that each of them has lived there in separate houses ever since, I have not seen them on the place not having been there

Question 3 What was the nature of the improvements on the place which you have before mentioned?

Answer They had their houses, Corrales and some land cultivated

Question 4 What was your means of knowing that judicial possession was given and were you present when such possession was given?

Answer I was not present, but being First Alcalde, the Second Alcalde who gave the possession informed me he had done so and a record was made of the same in the 1<sup>st</sup> Alcalde's Office

Given & subscribed D. S. Spence  
before me

Herland Hall

Commt.

Filed in Office July 27<sup>th</sup> 1852

Geo Fisher  
Clerk

In the same Case the Deposition of J. M. Mess a Witness in behalf of the Claimants taken before Commissioner Holland Hall was filed and is in the words and figures as follows to wit

Office of the Board of Commissioners  
of California Land Claims  
San Francisco July 26<sup>th</sup> 1852

On this day before Holland Hall one of the Commissioners for ascertaining and settling the Private Land Claims in the State of California came J. M. Mess a Witness produced in behalf of Antonio and Faustino German Claimants in the case of their petition, being No 62 on the Docket of the Board and after being duly sworn testified as follows,

The Law Agent having been notified, was present

Questions by Mr Jones Counsel for the Claimants

Question 1 What is your name age and residence?

Answer My name is J. M. Mess, I am twenty five years old and reside in Monterey

Question 2 Do you know A & F German and where they live?

Answer I know them They live on their Rancho on the Main Road between San Jose and San Juan

Question 3 What do you know of their property and improvements on said Rancho

Answer They have separate houses, in which the brothers with their several families live. I was there in May and July last year, I saw cattle there and lands under cultivation, I slept in one of the houses when I was there in July, the houses were Adobe houses one of them pretty old, the others not so old, I cannot tell the quantity of land I saw under cultivation, it was I think less than twenty acres

Questions by the Law Agent

Question To what extent did the cattle range on the tracts claimed?

6 Answer

I was only at the house and did not notice particularly, I cannot tell the number of the cattle, I arrived at the house in the evening and left early in the morning and did not take particular notice of the cattle in regard to their number or marks  
J. M. Hayes

CASE NO 8  
PAGE NO. 7

Sworn & subscribed  
before me

Holland Hall  
Comant.

Filed in Office Feb'y 27<sup>th</sup> 1852

Geo Fisher,  
Clerk

Friday March 5<sup>th</sup> 1852

In Case No 82 Antonio and Raulino German, the Representatives of Jose Rafael Gonzalez a witness in behalf of the claimants taken before Commissioner Henry J. Thornton was filed & is in the words and figures as follows to wit,

California Land Commission  
San Francisco March 5<sup>th</sup> 1852

At Chambers

Before me Henry J. Thornton one of the Commissioners to ascertain and settle Private Land Claims in the State of California came Jose Rafael Gonzalez a witness summoned to testify in behalf of the claimants Antonio and Raulino German whose petition is No 82 on the Docket, The Law Agent of the United States being present on due notice and the witness having been by me first duly sworn, testified as follows

Interrogatories propounded by claimants Counsel

Question 1 What is your name, age and residence?

Answer My name is Jose Rafael Gonzalez, I am six ty seven years old and reside in the City of San Jose Guadalupe,

Question 2 What Office if any did you fill in the year 1835?

Answer I was Alcalde in that year in Monterey

Question 3 Was it any part of your business as such Alcalde to give judicial possession to proprietors of land

Answer It was

Question 4 State whether you recollect giving possession of a Tract of land to Antonio & Faustino German?

Answer I do remember well

Question 5 Did you or not make an official report of the same and did you or not write an official account of your proceedings on the occasion referred to

Answer

CASE NO. 91ND  
PAGE NO. 8

I did make an official report of the same to the Ayuntamiento of Monterey of which I was a member and I did write an official account of the proceedings as above stated

Question 6 Did you deliver an official account to the parties interested

Answer I did

Question 7 Is the paper here shown you or any part of it that official account, are your signatures to the same where they occur therein your genuine signatures, and you make them at the time that said paper on its face purports, and is the said paper the original of a paper which is on file in the Office of this Commission, referred to in the petition of Antonio and Faustino German (to be on the Docket of said Commission as Exhibit "A")

Answer That part of the paper shown me here, from folio 2 to 7a reverse concluding with my signature contains the aforesaid documents and my signatures throughout are genuine

I did make them at the said paper purports on its face and the said paper is the original of a copy now on file in the Office of the Commission referred to in the petition of Antonio and Faustino German to be on the Docket of said Commission as Exhibit "A" which I have compared with the original

Question 8 Do you know Jose' Tiburcio Castro, Vincente Garcia, Antonio Ramirez, Jose Maria Ubra and Casano Pina?

Answer I know them all

8<sup>th</sup> Question 9 Do you know whether the signatures of those persons whose names they occur in the paper described in question 7, are genuine and if so how do you know it?

Answer I do know they are genuine because they signed it in my presence as Alcalde at the time the papers were made out.

Question 10 Do you know whether the fees enumerated on the last page of said paper were paid?

Answer They were paid by the parties interested Antonio & Francisco German

(Cross Interrogatories by the U.S. Law Agent) continued

Question 1 State where the persons reside, named in Art. 8<sup>th</sup>?

Answer José Tiburcio Castro is dead, Vincente Garcia resides in San Luis Obispo, Antonio Ramirez in Mazatlan, José Maria Sierra and Casimiro Pina are dead

Jose Rafael Gonzalez

Given to & subscribed  
before me this 5<sup>th</sup> of March 1850

Henry J. Thornton  
Commissary

Filed in Office March 5<sup>th</sup> 1850

George Fisher  
Deputy

Saturday May 15<sup>th</sup> 1852

In Case No 62 Antonio & Faustina German, the Counsel for the Claimants filed a Supplemental Petition with Exhibits "A" "B" & "C" and is as follows to wit, (Tide pages of this Transcript Nos.

Tuesday May 18<sup>th</sup> 1852

The following Cases were set for hearing and transferred to the trial Docket viz

CASE NO. 9<sup>ND</sup>  
PAGE NO. 10

No "62" Antonio & Faustina German.  
" "24" J B R Cooper,

Tuesday June 1<sup>st</sup> 1852

The following Cases were set in their order for hearing to wit,

No "62" Antonio and Faustina German.  
" "24" J B R Cooper,

Wednesday September 8<sup>th</sup> 1852

In Case No "62" Antonio and Faustina German for the place called "Juristae" the Deposition of Ignacio del Valle a witness in behalf of the Claimants taken before Commissioner Henry J Thornton was filed and is as follows to wit,  
(Tide pages of this Transcript Nos

Monday Sept 13<sup>th</sup> 1852

In Case No "62" Antonio and Faustina German for the place called "Juristae" alias "Piedra" was called, The Counsel for the Claimants Mr Strode read the petitions and evidence argument opened by Mr Jones one of Claimants Counsel answered by the U S Law Agent and answered closed by

The Claimants,  
Taken under advisement by the Board-

CASE NO. 9 ND  
PAGE NO 110

FILE NO.

SE NO.

Friday Sept 17<sup>th</sup> 1852

In Case No "62" Antonio and Faustino German for the place called "Junistac" alias "Pera" the Secretary filed the Translation of Exhibit No "1" annexed to the Deposition of H W Kallbeck taken before the Commissioners sitting as a Board, Sept 13 1852, which is as follows to wit,  
(Vide pages of this Transcript Vol

Friday Sept 24<sup>th</sup> 1852

In Case No "62" Antonio and Faustino German for the place named "Junistac" alias "La Pera" Commissioner Henry J Thornton delivered the Opinion of the Board declaring the Claim valid, The entering of the Deed of Final Confirmation being reserved for a future day

Monday Sept 27<sup>th</sup> 1852

In cases No "56" Cruz Cerantes for the place named "San Joaquin" alias "Rosa Morada" and No "62" Antonio and Faustino German, the Counsel for the Claimants Mr Jones moved the Board for leave to withdraw the original papers in the above causes, Certified Copies of the same heretofore filed with the petitions to remain on file in the Office which motion was taken under advisement.

Monday December 13<sup>th</sup> 1852

In Case No "62" Antonio and Faustino German for the place named "Junistac" the Counsel for the Claimants filed the following motion to wit,

The Claimants by their Counsel move that there be prepared two certified Transcripts of the proceedings of the Board in the above



mentioned case and of the decision therein, rendered therein on the  
September last and of the papers and evidence on which  
the same are founded, and one of the said transcripts be filed  
with the Clerk of the proper District Court and the other transmitted  
to the Attorney General of the United States according to law

(Signed)

John Tompkins of Ohio  
Attorney for Claimants

Filed in Office December 13<sup>th</sup> 1852

W Geo Fisher  
Clerk

CASE NO. 9 ND  
PAGE NO. 12

Tuesday Dec 14<sup>th</sup> 1852

In Case No "62" Antonio & Faustino German for the place  
named "Junistac" the motion filed on yesterday by the Counsel for the  
Claimants was overruled and the order therein prayed for denied

Saturday Dec 18<sup>th</sup> 1852

In Case No "62" Antonio & Faustino German for the place  
named "Junistac" Commissioner Heiland Hall delivered his opinion  
- - -

In the same case Commissioner Henry J Thornton deliver-  
ed the Verdict of Final Confirmation of this Board,

Ordered. That the opinion of this Board delivered by Commis-  
sioner Henry J Thornton on the 24<sup>th</sup> of September 1852, the  
Opinion of Commissioner Heiland Hall delivered this day and the  
Verdict of Final Confirmation of this Board also delivered in this  
Case on this day be recorded on the Journal.

Which Opinion and  
Verdict are in the words and figures as follows to wit:

Commissary for ascertaining on settling  
private Land Claims in the State of  
California  
Mexico at Los Angeles

Antonio and Faustino German, Claimants

The United States, Defendants

No. 2 Rancho of "Juristae" alias  
"Pera"

Opinion of the Board by Henry Thornton

The Claim in this case presented to this Board as appears from the Archives of the former Government duly authenticated, originated with a petition addressed to Figueroa, who was the political Chief at the time on the 25<sup>th</sup> of April 1833,

The Petition was for a tract or parcel of land by the name of "Juristae" near "La Pera" describing it by no very particular limits and praying for an determined quantity. Upon information taken by the Governor as appears by his Decree of the 21<sup>st</sup> of November 1833, it appears that the place was at the time of the presentation of the petition and then in the occupation of the Mission of San Juan Bautista; that it was in part at least held by the Claimants on loan at the will of the Reverend Padre of said Mission, and that although the Petitioners had as such tenants at will, built houses on it, lived there and cultivated the same, yet that it was so possessed & occupied by the Mission as not to be grantable to them.

This obstacle he directed to be made known to the said Applicants, so that they might address a petition for some other place which was vacant. Afterwards on the 3<sup>rd</sup> of June 1835 another petition was addressed to Figueroa by the Claimants for a place called the "Rancho de la Pera" which it seems is identified with that before petitioned for "Juristae" near "La Pera"

This last petition is accompanied by a diagram or map and describes the boundaries of the land sought with more particularity than before but solicits no specified quantity of ground.

After full information being obtained by the reports of those to whom he referred for the same, the Governor by his Decree of the 27<sup>th</sup> August 1835 ordered the Expediente to be passed to the Most

Excellent Reputation, who on the 15<sup>th</sup> day of September 1835  
who adopt the proposition "that the land solicited by the Pe-  
titioners, the Germans, may be conceded to them" Then on the  
29<sup>th</sup> of October 1835 a concession is made to them by José  
Castro, he having become the Political Chief in the mean  
time, declaring the Germans owners in property of the tract  
of land known by the name of Juristae.

Of the same date is the  
complete patent or conveyance of the fee by said Castro, which is  
proved by the deposition of a witness on file, to have been duly  
executed by him.

In the Grant there is a recital of the boundaries  
"which are from East to West, those of the Citizens, Castro, and  
the Orango of the Pescadero,"

And in the condition numbered four in the same  
it is declared "that the Tract of land which is mentioned is of one  
sitio de ganado mayor (one square league) as the Map (or disegno)  
explains, which is annexed to the Expediente" and further "The  
Magistrate who shall give possession, shall cause it to be  
measured according to Ordinance, the surplus (sobrante)  
which shall result remaining to the Nation for its Courtment  
uses" Juridical possession was afterwards given to the  
parties on the 29<sup>th</sup> of October 1835, and a measurement  
made as was the custom, professing to be in accordance  
with the grant

A detailed account of this official act of  
possession and measurement is produced and proved be-  
fore us.

All the objections urged against the validity  
of this claim, except one, have been heretofore considered and  
over-ruled by this Board, in the case of "Cruz Berantes"

"No 56" the opinion in which case is on file with the Secretary  
The objection to which I refer as not hitherto de-  
cided upon, is, that the land granted in this case was ex-  
cluded from grant, by the 1<sup>st</sup> Article of the Ordinance of  
the 21<sup>st</sup> of November 1828, which declares "That in those Ter-  
ritories where there are Missions, the land occupied by  
them shall not be colonized at present &c" The point raised  
in the argument was, that by the just construction of the  
said article, such of the public domain, as was then at the  
date of its promulgation in the occupancy of the Missions  
was reserved from alienation by the Political Chief

CASE NO. 9, ND  
PAGE NO. 14

CASE NO. 9 ND  
PAGE NO. 15

Even if that proposition were accepted by this Board in the Case of "Lesay Cerrantes No 56" there is no proof in the Lease, that at the date of the Ordinance, such was the condition of the land now in controversy

That it was so occupied is deduced by the Law Agent, as a presumption from the fact proved that it was in that predicament in the year 1833

We do not think that such a presumption can legally arise, It is true that things which are continuous, will within reasonable limits, according to their nature be presumed to continue to exist, being once established until the contrary is proved, But there is no presumption arising from their existence at any given time, that they did so exist at any anterior period, unless it grow out of their nature and we do not consider that the fact of occupancy in the year 1833 is of such a nature, as to authorize the presumption that it existed, in 1828

In accordance with the principles of decision prescribed for our government, in the 11th Section of the Act of the 30th of March 1851, we have come to the conclusion unanimously that the Claim presented is valid

Having decided for the reasons above disclosed in favor of the validity of the Claim in accordance with the grant, finally issued to the Claimant, it may be due to the sense and at all events more satisfactory to the parties in this cause to assign the reasons why we declare the Claim valid according to the grant without regarding the metes and bounds further than as descriptive of the locus in quo the land granted lies

The Claimants Counsel have contended that notwithstanding the grant declares that only one square league is granted yet as the minute entry or conception of the land by the Governor declares the ownership to the Claimants of the land as solicited, and as the previous proceedings without naming any of the boundaries - any definite quantity, describe the land sought as a tract by prescribed bounds, that the Claimants ought not to be restricted to the quantity of one league named in the grant, but are now entitled to have a decree of the validity of their Claim to the extent of the metes and bounds of their Map and petition as recognized in the minute of conception

In deciding upon the validity of a Claim in every case of a grant or conception made in virtue of a decree of the Mexican Congress of the 18th of August 1824 and

of the Ordinance of the 21<sup>st</sup> of November 1828, as this was we must necessarily have regard to its quantity. It is our province and duty to construe the grant, and in doing this as the quantity which may be granted to any one person is limited, the maximum being eleven leagues and the minimum two hundred varas, we would be acting in disregard of the express provisions of that Decree and Ordinance if we declare a claim valid without ascertaining and settling that it is within the lawful limits as to quantity.

In this case it is urged by the Counsel for the Claimants, that we should disregard altogether the quantity which is specified in the final grant, and consider the lease as if no quantity were mentioned in it. To this view of the matter we are not prepared to accede. In a case where there is no mention made of any quantity, but the grant is clearly by metes and bounds, it would still be our duty to consider quantity and only declare the claim valid, on the ground that the Intention of the grantor was to grant the quantity allowed by Law to be granted, if within the bounds mentioned and no more, no matter how much more there might be in them.

There is a discretion vested in the Political Chief, as to the amount or quantity, which he may grant in any given instance, which discretion ranges between the maximum and minimum of the Decree and Ordinance, and which is regulated by considerations affecting the nature or character of the Land and of the person applying for it.

When the grant is thus made by metes and bounds we should ut res magis valeat quam pereat, construe it in such manner as that the grant may prevail and yet the law not be violated.

Once the validity necessarily involves as an inherent and essential ingredient, the quantity of a claim made under the Mexican Decree of 1824 and Ordinance of 1828. Not that we must in every case declare how many precise leagues the claim contains but that it shall contain no more than the law allows.

But the claim now under consideration is not of the last mentioned order, the presumption by which we would sustain such a claim to the extent of the law is not to be indulged, where in this Grant the Governor specifies the exact quantity though it were wholly omitted in the petition

CASE NO. 9 ND  
PAGE NO. 16

and even in his concession preliminary to his final grant  
It is competent to him to fix the prescribed quantity  
within the limits and his power is not exhausted until his  
grant passes to the Applicant

The quantity when named by the Applicant in  
his Petition as supposed to be contained in the accompa-  
nying map or diagram was never ascertained, as in a regular  
plot of Survey and is known and generally expected to be  
merely conjectured

The conception of the land as asked, is of course  
equally so, but it may be fixed by the grant,

The Governor is not stopped by such concession  
In the lease in hand the intention is manifested because  
the conception is of iron date with the grant, the latter being  
a full extension into full title of the former which was a  
mere minute entry of the complete conveyance, In the result  
Commissioner Hall concurs

Henry J Thornton

As L. Antonio and Francisco Germany Claimants

I agree that the Opinion of Commissioner  
Thornton heretofore delivered in this case, furnishes sufficient  
reasons for the confirmation of the Claim, though I do not con-  
-cur in a portion of them

Holland Hall  
Commissioner

Antonio & Paulina German Claimants

The United States

N<sup>o</sup> 62

This Board upon full consideration of the various grounds affecting the validity of this said claim, having come to the conclusion that the same is valid, therefore now proceeds to make and hereby does make the following Decree or Report of Final Confirmation, *viz*; It is Ordered that the said claim be confirmed to the quantity of one square league or sitio de ganaderia mayor and no more, being the same land described in the Grant and of which possession by the Claimants was duly proved, Provided that the said quantity of land granted and now here confirmed, be contained within the boundaries called for in the said Map and Grant to which the grant refers, and if there be less than the said above named quantity of one square league within the said bounds, then we confirm to them the said less quantity, it being apparent that said quantity exceeds two hundred varas, which is the minimum prescribed in the Ordinance of 21<sup>st</sup> November 1828

Given under our hands Dec<sup>r</sup> 18<sup>th</sup> 1852

W<sup>m</sup> Neiland Hall  
Henry J. Thomson  
Commissioners

CASE NO. 92 ND  
PAGE NO. 18

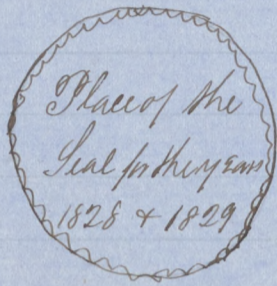




Sello Tercero  
Para los años de mil  
cientos veinte y siete



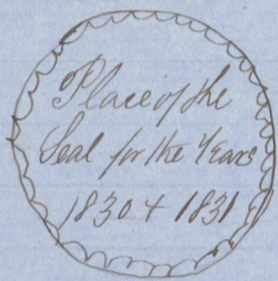
Do\$ Reales  
ocho cientos veinte y seis y ocho



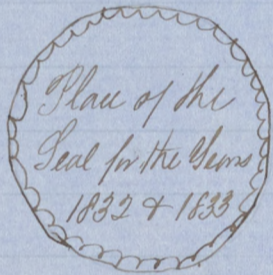
Los Comandante Gual y Jefe Superior Político  
de la Alta Calif.

Los vecinos siguientes

CASE NO. 9 ND  
PAGE NO. 19



Antonio German and Francisco German abes mien-  
dos el parage nombrado, Juistac oua La  
Pasa y fin de la linderon de la Misión of El  
Rancho de los Amigos ante J. como mejor  
haya lugar en derecho se ponesen y habiendo  
solicitado el parage nombrado Guadalupe  
y se halla en el camino de la Misión de la  
Sociedad a Mont por esta valde y no pertenecien  
a la Misión ni a otro particular a los Sres  
D. Jose M<sup>o</sup> de Echandia y D. Manuel Victoria  
pa fomentar lo con nuestros bienes y hacer nu-  
estras casas y labores no se nos concedio aquella  
petición y mirando los estatutos q<sup>e</sup> suporan otros  
dhos bienes por no tener endante ponerlos, Supli-  
camos al R. P. D. Felipe Arroyo de la Cuesta  
Ministro de la Misión de San Juan P<sup>ta</sup> nos permit-



El sitio de Juistac y  
recepnde en esta Ins-  
tancia a uno de los me-  
jores parages que tiene  
esta Misión y en cuyo  
destino hay un Rancho de  
Puegas pertenecientes ad  
Esta p<sup>ta</sup> cuya causa no se  
puede conceder lo q<sup>e</sup> se pe-  
tende. El Sr Com<sup>te</sup> Gual  
sobrehat disponiam lo q<sup>e</sup>  
tengo a bien  
Misión de San Juan, P<sup>ta</sup>  
Mayo del 31<sup>o</sup> de 1833

ria hacer un canchito y casa en el dha parage  
de "Juistac" para de este modo mantener otros  
repitados bienes con seguridad. El referido P. Mini-  
stro, movido de compasión y caridad nos conced-  
io aquella petición por via de préstamo y hasta  
nueva determinacion como lo demuestra el docu-  
mento y certificacion q<sup>e</sup> nos dio. Entenim<sup>o</sup>  
nuestro Gobierno y que delibante ocupamos  
alli donde queda dicho inmediatamente  
pusimos el Corral y una casa compuesta  
de tres piezas y hicimos nuestras labores  
pa mantenerlos en union de siete hijos y  
tiene el primero

(Almado)  
Jose Ant<sup>o</sup> de Azcar

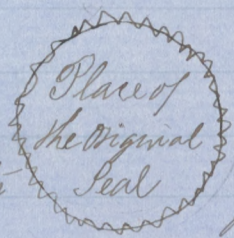
Monteury Junio 3 de 1833  
De conformidad con las  
leyes y de la materia  
informe el Ayuntamiento de  
este Capital si los límites  
dados en esta instancia  
obtienen los requisitos pre-  
sencidos para ser atendido  
con en solicitud si el  
tenen el pretendido esta  
comprendido en los 20  
leguas limitrofes o diez  
literales que expresa en  
la ley de 18 de Agosto de  
1828 si ha pertenecido  
o pertenece a propiedad  
particular Corporacion  
o pueblo o si conoce por  
salida si la calidad el  
tenen es de segadio ten  
por supuesto los jornales que hemos considerado  
poral e de alherados en  
todo lo demas q. sea con-  
veniente a ilustrar a la  
materia, Ce. Sr. D. J. Lu-  
perio Polanco de este ju-  
risdicion y dentro asi lo  
mande, decretos y firmo  
de que doy fe

(Almado)  
Agustina  
(Ave)  
At. Hermano  
Luis

Punto de Monteury  
23 de Abril de 1833  
Antonio Gorman +  
Ranston Gorman +

Actualmente tenemos en dho. paraje 170 reses  
30 Caballos mansos 24 Puellas 2 Monada  
con 25 Yeguas de cretia cada una y diez correspon-  
dientes, Puros mecos y entre los dos se cuentan  
entre, Potos y Pochancas, 23 Cabezas, Puros  
señalado a mas 15 fanegas de trigo 6 almudes  
de maiz, 10 dhas de garbanga, 2 fanegas de  
Mijoles y 2 Almudes de haba, una cantidad  
de verduras que, es lo que hasta ahora hemos  
podido construir todo bien secado, y bajo  
el cuidado posible, por todo lo dho y minimos  
que este sitio no lo ocupar por habernos le  
prestado la Misión de San Juan Bautista  
agora pertenese (Suplicamos si lo haya por  
justo) se surta damos la legitima posesion  
con permiso de los RR. Ministerios o sin el  
atender a lo mucho q. hemos trabajado por cul-  
tivar las tierras y hacer los labores que llevamos  
expresado, dejando a la consideracion de V. S.  
los gastos que hemos sufrido por lograr tener  
un comodo alojamiento y prestado para otros  
familias seguridad de nuestros bienes, pagando  
tenen es de segadio ten por supuesto los jornales que hemos considerado  
justos a todos los Indios q. han trabajado  
de manera que, por lo mismo a la fha  
nos hallamos temerosos nos espelan de alli  
los Padres nuevos y en el estado mas miserable  
q. se puede, calcular por que lo poco que  
tenemos, lo hemos invertido en los debidos  
pagos de los tratadores, Esperamos pues  
q. valendose V. S. de su autoridad y trayendo  
a la memoria los servicios que hemos teni-  
demos, contrarios como todos los pretu-  
didos a Ranchos en la Camera de los Armas y los  
pagos y Estabios q. hemos sufrido y los  
gastos q. hemos padecido por poder man-  
tener las familias q. tenemos hacia V. S.  
cuenta esto de su parte para lograr el  
fin nuestras, amos. P. tanto, A. V. S. publica  
muy luego en consideracion esta nuestra  
instancia con cuya gracia quedamos  
eternamente reconocidos

Setto Forcero  
Para los años de mil  
ochocientos veinte



Dos Reales  
ochocientos treinta y seis y  
y siete

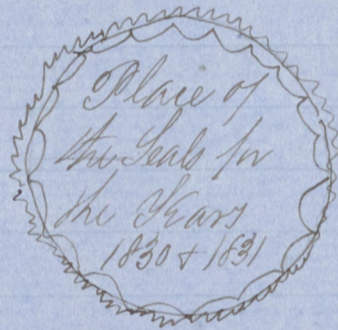
En sesion de este dia se dio cuenta con esta solicitud al  
Y Ayuntamiento de esta Capital y se acordó para  
ala Comision de Colonizacion y terrenos baldios  
Monterrey, Junio de 1833

(Firmado) Jose Maria Maldonado  
Su



Por Jefe Superior Político

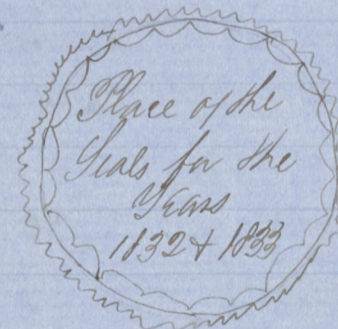
CASE NO. 9 ND  
PAGE NO. 21



El Y Ayuntamiento de esta Capital con el objeto  
de dar a T. Informe y se surta pidiendo en su  
Superior Decreto de 3 del pp. de paso la pre-  
sente solicitud a la Comision permanente  
de colonizacion quien en sesion de hoy pre-  
sento el dictamen y se mando agregar a  
este expediente y como su contenido es lo  
que el en particular tiene informacion de a pro-  
micamente la proposicion en que concluye  
y lo reproduce en todas sus partes devolvi-  
dolo a T. en cumplimiento de lo acordado

Monterrey, 6 de Julio de 1833

(Firmado)  
Jose Maria Maldonado



Marcelino Escobar  
Su

CASE NO. 9 NDI  
PAGE NO. 22

Al infrascripto Padre y Ministro de la Misión de San Juan Bautista teniente de Mayordomo de ella a Antonio German casado con Maria de la Luz Peña siendo que ha pedido con instancia el sitio de Guadalupe en compañía de su hermano Justino German pa poner el ganado mayor que tienen y hacer sus sementes y que no han podido conseguirlo con el Sr. Don Juan M<sup>o</sup> Echandia ni con el Sr. Don Manuel Victoria Comand<sup>o</sup> de este Territorio de la Alta California morado de compracion la parte de sitio de Justino y compra con el Rancho de las Animas hasta nueva orden pa que interinamente custodie sus bienes allí mismo. En lo que suplicar al Sr. Alcalde Interino no le asalte hasta su corretivo y casa en que vivir a su tiempo. Los Padres Ministros mis sucesores o quien pueda mandar en el mencionado Territorio donde se establecerá el Tecno arriba nombrado Antonio German son arbitros pa que continúe viviendo en el repetido sitio o para que se salga de allí y deje su Ranchito prestado en la forma dicha y por dicho motivo

Nada tengo que añadir en quitár lo que forma pa que coma a quien en derecho corresponde.

Misión de San Juan Bautista,

Julio 14 de 1839

(Firmado) Felipe Angel

Sr. Mayordomo, Antonio German, 10. Si sabe otro mit? Compañero Sr. Juan Moreno, lo que servirá a orden de Gobierno vale,

J. A.

La Comisión nombrada de colonización de terrenos baldíos a visto la solicitud de los seds. Antonio y Justino German y guelmente

el Superior ante del Sr. Jefe Político reflexionando q' los interesados son los Mejicinos q' el terreno que pretenden no está comprendido en las Doce leguas limitrofes q' se en las 10 Literales que pertenecen a la Misión de San Juan Bautista que el dicho terreno es de temporal y aboradeno y por tanto presente a la deliberación de esta Corporación la siguiente proposición

Se concede a los C. C. Antonio y Faustino Gorman, El terreno nombrado Juristac siempre que los interesados acrediten no haber menestales Misión el dicho sitio.

Monterey 2 de Julio de 1833

José Arda José Antonio Ramero

Monterey Noviembre 21 de 1833

Siendo perteneciente a la Misión de San Juan Bautista el sitio nombrado Juristac y Temendoto ocupado con los ganados de ella con injuria el R. P. Ministro de la misma y como el préstamo de dicho terreno fue provisionalmente hecho los interesados por el R. P. Fr. Felipe Arcego no está en las facultades de este Gobierno disponer de aquel terreno, en consecuencia no ha lugar a la solicitud que se les haga les saber a las partes para que soliciten algún otro baldío en que puedan ser atendidos y a la Misión para que la pena de gobernar archerandase esté expedito

El Sr. Jefe Político Fombón, Jefe de Brigada, D. José Figueroa así lo manda, decreto y firmo de que doy fe

José Figueroa

Agustín Gorman

En que de Diciembre de 1833 habiendo comparecido en esta Secretaría los interesados se les hizo saber el decreto que antecede del Sr. Jefe Superior Político de este Territorio e impusió de el dición que lo oyen y que el terreno que solicitan efectivamente pertenece una parte a la Misión de San Juan Bautista y otra sexta baldía, que si es posible que aquella tenga voluntad el Sr. Ministro de la espresada y se les concede quedaran agradecidos y se no que se les concede la otra por tener la circunstancia Merom espuesta en donde tienen su casa y sus bienes semovientes

y para la dicha constancia le firmo haciéndolo los interesados con una Cruz por su parte firmada

CASE NO 9 ND  
PAGE NO. 24

Augustin Zamorano

Monteney 4 de Dec' de 1833

Notifiquese les y representen por cuenta  
(firmado) Figueroa

En el mismo dia se le notifico a los interesados el deuto que antecede y por la dicha constancia lo signaron con una Cruz y la firme

A. Zamorano

Por Ofc Político

Los Ciudadanos Antonio y Justino German,

Monteney 1<sup>o</sup> de Julio de  
1835

Apareganse los antecedentes que existen el archivo y den cuenta por cuenta  
(Firma) Figueroa

Monteney 10 de Julio de  
1835

Dase esta Expediente al Padre del San Juan Bautista para que informe lo que se le opeza  
(Firma) Figueroa

Naturales de este Territorio y vecinos de este municipio de esta Capital con el debido respeto ante la Superioridad de T. Desamios que desde de año de 1831 nos fue concedido en dar-ri de prestado el sitio nombrado La Boca en el cual a nuestra costa y con mucho trabajo, personal huimos levantado casa construido Corrales y hecho todas las mejoras que se existen en dicho sitio para el cultivo de ternas cría de ganados pues contratamos con mas de trescientas cabezas de vacuna ganado tres manadas de vacas y mas de treinta caballos mansos

En dicha año Gobernada este Territorio por Don Manuel Victoria a quien hicimos presentes los nombres y servicios de nuestro difunto Padre

CASE NO. 9<sup>ND</sup>  
PAGE NO. 25

que fue soldado veinte años en la Compañía de Santa Bárbara y fundador de aquel de aquel presidio dejando considerable alcances y los muestros que fueron Antonio once años y Faustino diez en la misma compañía sin haber percibido en la mitad del sueldo en todo ese tiempo así como el derecho que nos asistía para que mencionado sitio a nos conferirá en propiedad al efecto presentamos un escrito que dicho Sr. Victoria nos devolvió ofreciéndonos que a su vuelta de San Diego adonde su Memabán los asuntos de la revolución de que acatarse de entretanto en aquel punto proveyera como pedíamos lo que lo llegó a tener efecto porque es bien sabido en mal escrito que tan aquella expedición que sirvió al referido Sr. Victoria de su vuelta a este presidio.

En vista de presentamos a V. S. el año pasado otro escrito solicitando lo que teníamos pedido y lo repetimos ahora recordándole a V. S. para que se sirva disponer según sus mencionadas facultades se nos declaró la propiedad del mencionado Rancho de la Pácea cuyo efecto acompañamos el plan de él con arreglo a lo prevenido en la ley de la materia por el que si dijésemos los términos en que demarcamos el sitio que son los siguientes

Quanda una línea recta de legua y media paralela al Arroyo de la Paja que pasa por el frente de la casa del Rancho de Los Castros de sur a norte desde la Olla del arroyo del pajaro hasta las lomas de la Comada honda desde este punto otra del oriente a poniente formando un ángulo recto hasta tocar con el arroyo del pescador

segua toda la orilla de este hasta su confluencia con el del payano de norte a sur y desde aqui continuara por toda la margen de este arroyo de poniente a oriente hasta llegar al punto de donde se portiv que como se ve es de un montecito. En cuyos terminos y cum- plimientos por nuestra parte con todos los requisitos prevenidos en las leyes de la materia, a V. S. suplica- mos se digno acceder a nuestra solicitud por ser conforme a justicia.

Monterrey 3 de Junio de 1835.

Por su saber firmamos el Antonio Guzman  
y a su ruego  
Manuel de Alba

Amigo del  
Intervador Faustino Guzman  
Jose Antonio Garcia

San Juan Paulista 20 de Abril de 1835

El terreno que se solicita puede concederse sin perjuicio de este poblacion sujetando a los interesados un cuarto de legua del Arroyo de Payano al termino Norte para La Prata

Jose Fabrice Castro

Monterrey Abril 24 de 1835

Pase al Alcalde de esta Capital hante quien las partes Antonio y Faustino Guzman produzcan una informacion de tres testigos idoneos que seran interrogados sobre los puntos siguientes

- 1<sup>o</sup> Si el solicitante es C<sup>de</sup> Mexicano por nacimiento si es casado y tiene hijos si es buena convecia
- 2<sup>o</sup> Si el terreno que pretende pertenecer a la propiedad de algun particular Mision, Pueblo o Corporacion, si es de regadiv, temporal o abrevadero y q<sup>de</sup> extension tendra
- 3<sup>o</sup> Si tiene bienes de campo con que poblar lo si posibilidad de adquirir lo, examinados estas diligencias buelta expediente para su resolucion. El Sr. Don Jose Figueroa J<sup>ral</sup> de Brigada Com<sup>de</sup> J<sup>ral</sup>, Inspector y Jefe de Poblacion asi lo mandan, decretan y firman de que doy fe



RANCHO JURISTAC.

Diseño

? N.D.

P 27

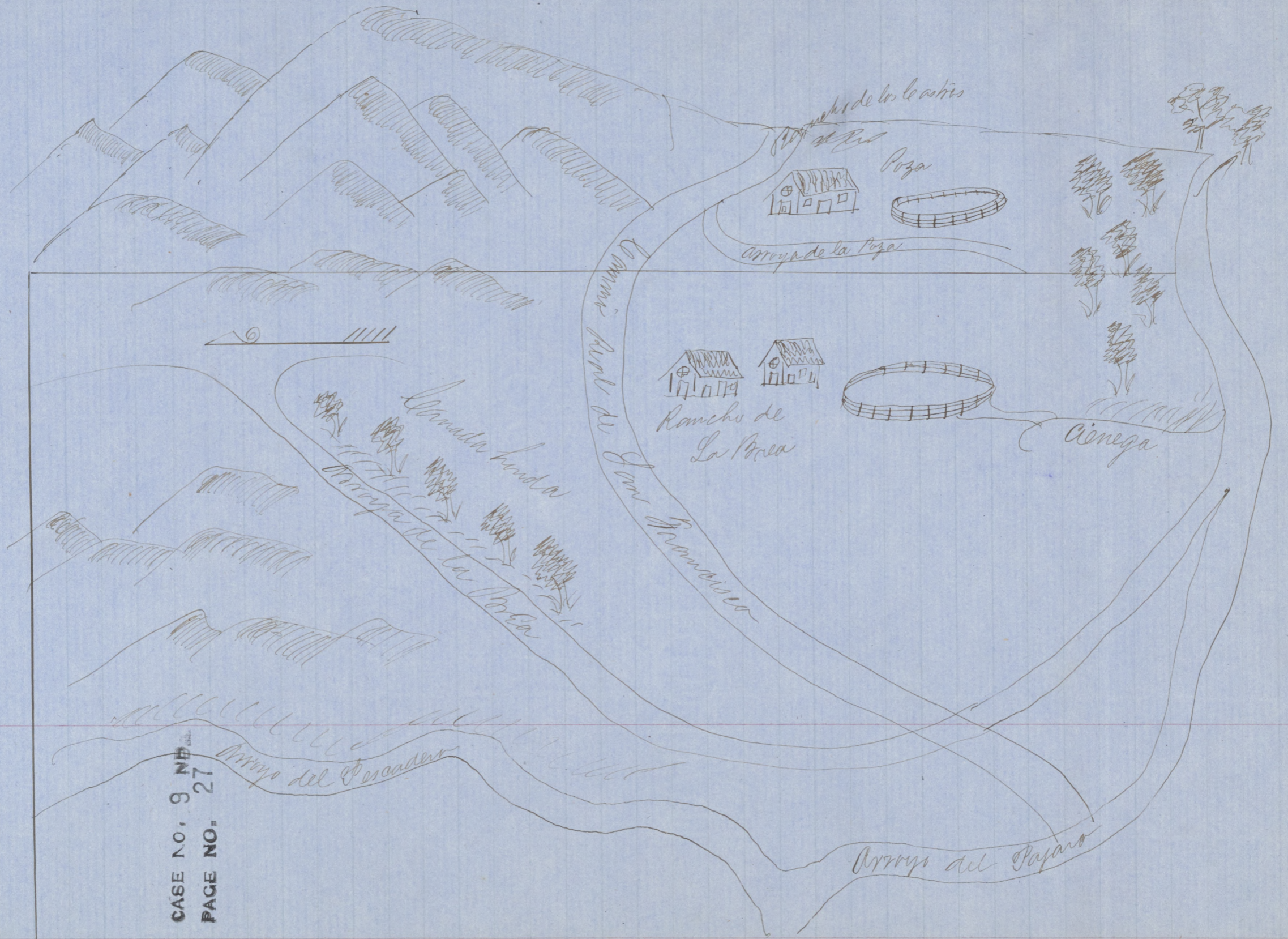
[ Dup. D-1440, B-1441  
D-307, 15-R, p 59 ]

"Juristac"

ANTONIO AND FAKSTINO German, Clunks.

SANTA CLARA Co.

15-R



CASE NO. 9 NP  
PAGE NO. 27



Figueroa - (P) Sr. Francisco del Castillo Miquel  
 Locales de posesion de los Genovases

140	Impuestos que solo de medicion
140	De Ancho 140,
130	De Largo 140,
410	280
50	57.50 del 50
20500, 15000	14000 - 15,000 -
00500	41

CASE NO. 9 ND  
 PAGE NO. 28

Monterrey 29 de Julio de 1835

2207. 4 ps { Notifique a los interesados en estar presenten  
 los testigos, que se han de examinar sobre los puntos que  
 comprende lo interrogatorio que se demuestra en el supe-  
 run de veto de H del corriente que antecede que se ha recia-  
 se la informacion y concluidas dirmelrase el expediente  
 al Jefe Superior Político para que suelta los efectos y haya  
 lugar enderechos asi yo el Alcalde 1º de esta Capital  
 lo devolvi mande, y firme con los de asistencia

ff

David Spence

De Asa

José Maria Maldonado

De Aya

George Allen

En el punto de Monterrey a los seis dias del mes de  
 Agosto de Mil ochocientos treinta y cinco a lo notificar  
 a los interesados el auto que antecede y entendidos dijeron  
 que lo oyen y que presenten para que se examinen los  
 testigos los Lemnaganos Trinidad Espinosa, Romcisco Soto  
 y Sabid de la Torre y no firmaron por no dijeron que  
 saben y heci todo con los testigos de Asa

H

(Firmado) Spence

De Aya

(Firmado) José Maria Maldonado

(Firmado) George Allen

CASE NO. 9<sup>ND</sup>  
PAGE NO. 29

En la fecha presente el Sr. Trinidad Espinosa testigo presentada por los Cols. Ant<sup>o</sup> y Faust<sup>o</sup> Herman le recibí juramento y hizo en forma de derecho por el cual ofreció decir verdad en lo que supiere y fuere preguntado y siendo preguntado por su nombre, estado, edad, patria y religión dijo llamarse como dicho es que espesado, de cuarenta de su su natural desta Capital y C. A. R.

Preguntado, Por el tenor de la primera pregunta dijo, que los solicitantes son Mexicanos por nacimiento que ambos son casados y solo Antonio tiene hijo y que tienen buena conducta y responde

A lo segundo, que el terreno que pretenden no pertenece a ningún Mipron pontienton, Corporacion, ni Pueblo y que segun ha oido decir es reconocido por valdier que es de temporal, y que su estension sera poco mas o menos de una y media leguas de largo y otro tanto de ancho y responde,

A lo tercero, que tienen tierras de campo capaces para poblarlo y que lo dicho es la verdad a cargo del juramento y tiene hecho en el que se afirma y verifica leuda que le fue esta su declaracion y lo firmo con mi goya y los de apo

Lo testado yo rate - lo entre renglones sale

yr

Dama Spence

Trinidad Espinosa

De Apo

De Apo

Jose Maria Maldonado

George Allen

Incidentalmente presente el Sr. Francisco Lopez firmo el juramento que hizo en forma de derecho por el cual ofreció decir verdad en lo que le supiere y fuere preguntado y siendo preguntado por su nombre, estado y religión y patria dijo, llamarse como queda dicho, que es casado de veinte y seis años su patria el Pueblo de San Jose de Guadalupe y C. A. R.

Preguntado, Por el mismo orden que el testigo antecedente dijo

A lo primero, que los solicitantes son Mexicanos por nacimiento son casados y que solo Antonio tiene hijo que ambos son de buena conducta y responde

A lo segundo, Que el terreno que pretenden no sabe que pertenece a ningun particular ni Misión; ni Corporacion ni Pueblo que lo muer que para de este asunto es que antes de ahora lo ha gisto ocupado con ranegas de la Misión de San Juan Bautista pero que ignora si al presente la pertenencia, que es de temporal y que tendra de estension mas de una legua y responde a lo Tercer que les conoce los suficientes bienes de campo pa poblarlo y que lo dicho es la verdad la cargo del juramento que tiene hecho en el que se afirma y cumple toda ley que le fue esta su declaracion y lo firmo conmigo y los de Apa

David Spence

Francisco Ito

De Apa

De Apa

Jose Maria

George Allen

Maldonado

CASE NO. 9ND  
PAGE NO. 30

Inmediamente presente el Sr Gabriel de la Torre le recibí juramento en forma de juramento se derecho el cual por ofrecio decir verdad en cuanto supiere y para preguntado y siendo lo por su nombre estado edad patria y religion dijo se llamar como dicho está que se casado, de edad de veinte y seis años su patria está Capulat y C. A. R.

Preguntado, bajo el interrogatorio, que lo habido de los anteriores testigos dijo a lo primero, que los que solian ser Mexicanos por nacimiento que son casados, que Antonio tiene hijos y un Francisco, y que ambos son de buena conducta y sespe

A lo segundo, Que el terreno que pretenden sabe no pertenece a ningun particular, Misión ni Pueblo, que es de temporal, y que su estension sera como de una y media leguas, largo, y uno de anchura por tener muchas lomerías y responde,

A lo Tercer Que les conoce mas de cuatrocientos reses y como trescientas cabezas de Caballos que lo dicho es la verdad a cargo del juramento que tiene hecho en el se afirma y cumple toda ley que le fue esta su declaracion y lo firmo conmigo, y los de casa,

Jr David Spence      Gabut de la Fore

CASE NO. 9<sup>ND</sup> ND  
PAGE NO. 31

de Aja

Jr. Maria Maldonado

de Aja

George Allen

En la fha concludida la informacion que se pide se demostro el expediente al Sr Jefe Super, Polt<sup>o</sup> en cumplimiento de lo mandado en el antecedente auto y lo auto por constancia

Montevy Agto 7 de 1835

Por el termino de quince dias conase traslado de este expediente al representante de la testamentaria del finado Mariano Castro p<sup>a</sup> q<sup>ta</sup> en su nota prometio lo que combenga al derecho de los poseedores, El Sr D<sup>o</sup> Jose Figueroa, General de Brigada Comandante General y Jefe Superior Polt<sup>o</sup> de la Alta California asi lo mando, decreto y firmo de que doy fe

José Figueroa

Jefe

Comandante del Castillo  
Chigote

Se comu traslado de este expediente al representante de la testamentaria de Mariano Castro hoy ocho de Agosto de 1835

Castillo

Sello Green Dos Reales

Habilitado provisionalmente por la admision tracen de la Aduana Maritima de Montevy de Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco

Figueroa,

A Ramirez

Excmo Sr Jefe Superior Político

El Ciudadano Carlos Castro apoderado de Doña Josefa Romero vinda del finado Ciudadano Maximiliano Castro ante la solemnísima justificación de V. S. como mejor el dicho, le prometa comparecer y decir, que habiendo recibido en testamento para que prometa lo que corresponde a su poderdante en el expediente suscitado por los Ciudadanos Anastasio y Antonio German en solicitud del pasaje de San José o a promesa oista que el diseño que cone en el referido expediente aunque lo sea menor que araza una porción de terrenos que corresponden del sitio de ha muchos años tiene concedido y poseído su poderdante pero que para que los expresados German logren del beneficio y de la gracia que solicitan puedan ocupar y consederarles desde de Abajo (que no está marcado en referido diseño que se está en el expediente de su poderdante) hasta del pescadero en línea recta al feste arriá el Sur cuanto el US oia conteniendo haciendo aquella línea linderos divisiones entre los terrenos de mi poderdante y los Germanes con lo expuesto que en el presente que su poderdante se des puede de una buena porción de terrenos y que los germanos quedaran agraciados con esta donación

por tanto

A V. S. suplico y se sirva proveer como solicito por ser así de justicia porando no proceder de malicia y lo necesario

Montreney Agosto 27 de 1835

Dada cuenta a la Excmo

deputacion

Argüenza

Montreney Sept 3<sup>o</sup> 1835

Dada cuenta se manda poner a la Comisión de terrenos baldíos Castro

Excmo Sr

La Comisión de terrenos baldíos suplicata de expediente de que se manda practica por la solicitud que hacen los Ciudadanos Antonio y Anastasio German

CASE NO. 9 ND

PAGE NO. 32



del teneno de Amatachi cre la comision no haber en  
-barazo pa concederles el teneno que solicitam des-  
-pedir respecta el informe del Mayor Don de J  
-Chon Pantista como la defensa que hace el lein-  
-dadano Carlos Castro de una parte de dho teneno  
y la parte de la otro como apoderado de la testa-  
-mentaria del finado Mariano Castro en tanto co-  
-munes se respeta la ley de 18 de Agosto de 1824 y el  
reglamento de 21 de Setiembre de 1828, opase por lo espues-  
-to a la deliberacion de 18 la siguiente proposicion

Ense concederles a los J<sup>os</sup> Faustiano,  
y Antonio Herman el teneno que solicitam sugetam-  
-dose a la ley de 18 de Agosto de 1824 y al reglam<sup>to</sup>  
de 21 de Setiembre de 1828

Monteney 17 de Setiembre de 1835

Salvo Pacheco

Monteney Setiembre 25 de 1835

En sesion de esta dia se apro-  
-bo la proposicion del dictamen antecede

Castro,  
a - Juan B. Alvarez

Elle Tercero, Los Reales

Castro Angel Ramirez  
Monteney Otre de 1835

Trata la peticion con que da principio este expediente  
el informe de la autoridad municipal de este Cabildo  
la exposicion de testigos el informe del apoderado  
de Doña Josefa Romero, Sr Carlos Castro, y el acuerdo  
de la E. Diputacion de 17 Set de este año, practica-  
-dos previamente las diligencias y averiguaciones  
convenientes con todo lo demas que se tuvo presente  
y ver combino de conformidad, por lo dispuesto  
por leyes y reglamentos de la materia y declaran  
a los lein<sup>dos</sup> Faustino y Antonio Herman dueños en  
propiedad del teneno concurido con el nombre de  
Amatachi. Libre el despacho correspondiente y do-  
-mase razon de el en el libro que corresponde.

El Sr. José Castro Promovido de la Diputación  
a Sep. Político ordenado de la Alta California así  
lo mando decretar y firmo, de que doy fe.  
José Castro

Office of the Surveyor General  
of the United States for California

I Samuel N King Surveyor General of the United  
States for the State of California, and as such  
now having in my Office and under my charge  
and control a portion of the Archives of the former  
Spanish and Mexican Territory Department of  
Alta California do hereby certify that the twenty  
five preceding and hereto attached pages of  
bearing paper numbered from 1 to 25 inclusive and  
each of which is signed by my initials (S.N.K.) exhibit  
true and accurate copies of certain documents on file  
and forming part of the said Archives in this Office.

In witness whereof I have here-  
unto signed my name officially  
and affixed my private seal  
(not having a seal of Office) at  
the City of San Francisco, Cal.  
this 20<sup>th</sup> day of April 1852.

(S.N.K.)

Samuel N King  
Sur Genl Seal

Filed in Office May 15<sup>th</sup> 1852.

Geo. Fisher  
Secy

CASE NO. 9 ND  
PAGE NO. 34

36

CASE NO. 9<sup>th</sup> ND  
PAGE NO. 35

Third Seal

for the years



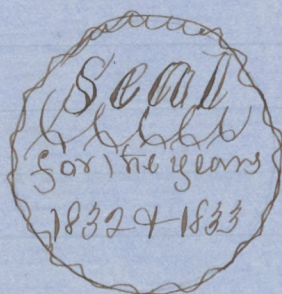
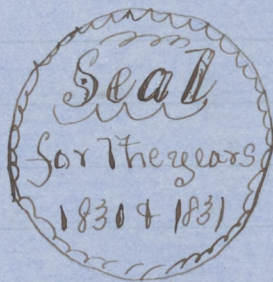
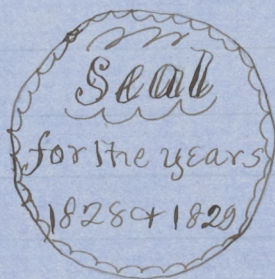
Los Reales

1826 and 1827 -

"B"

Translation of

"A"



CASE NO. 9<sup>ND</sup>

PAGE NO. 36

Monterey May 2<sup>nd</sup> 1833  
Let the Fathers,  
Ministers of San Juan  
Paulista report.  
Roguesca

The place Juristac which  
is sought in this petition is  
one of the best tracts of land that  
Mission has, where there are  
Ranchos of sheep belonging  
to the same, by which rea-  
son what is sought can-  
not be granted. The Gov<sup>t</sup>  
will determine what he  
thinks proper. Mission of  
San Juan Paulista  
3<sup>rd</sup> de May 1833  
Fry José Ant<sup>o</sup> de An-  
gares

Senior Commanding Genl & Super<sup>r</sup>  
Political Chief of Upper California

The undersigned inhabitants Antonio  
and Faustino Ginnaw, brothers residing  
on the place called Juristac near  
La Mra and the limit of the bound-  
ary of the Mission and the Rancho  
of Los Amigos, before Sr Honor in  
form of law state, that having sought  
to obtain from Sr Don Jose Ma de Cerna-  
dia and Don Manuel Victoria the place  
called Guadalupe lying on the road  
from the Mission of La Soledad, to  
Monterey it being vacant and belonging  
neither to the Mission or to any private  
Individual, for the purpose of improv-  
ing it with our stock and our homes  
and farms, we were not granted that  
petition and considering the losses  
our property suffered from not having  
it we begged the Mer<sup>o</sup>  
Sr Felipe Arroyave Cuesta, Minister  
of the Mission of San Juan Paulista to  
permit us to build a small house &  
a corral on the said place Juristac  
to maintain in this way our said  
property with safety. The said Sr  
Minister moved by compassion and  
charity granted us that petition by  
way of a loan and until a new de-  
terminacion was shown by the Document  
or certificate which he gave us ad inter-  
im for our guidance and which is  
duly annexed hereto

CASE NO. ND  
PAGE NO. 37

There at a place mentioned we immediately put a house of three rooms and a Corral and made our farms to maintain ourselves together with seven children which the former has

Montevideo June 3<sup>rd</sup> 1833  
On conformity with the laws in the matter as the Council of this Capital report whether the parties interested in this petition have the requisite requisites for being attended in their application whether the tract of land they seek to obtain is contained in the Do limitary leagues or the 16 littoral leagues mentioned in the laws of the 18<sup>th</sup> of August 1824, whether it has been or is pertinent to the property of any individual Corporation or settlement, as known or vacant, whether the quality of the land is suitable, temporal (farming) or pasture and all other matters that may tend to illustrate the subject The Superior Council have insisted in the payments due Chief of this Territory to the laborers, so we hope that avert this ordered decreed and signed which certify; Piquenora. Latorano. Secy

We have actually in the said place 170 heads of Cattle; 30 tame horses, 24 Oxen, 2 lots of 25 each of Broad flares, with their corresponding tame socks, among them are reckoned twenty three head of Cattle Hoals, We have sowed besides 15 fanegas of wheat, 6 almudes of Indian Corn 6 idem of beans, 2 idem of Snap beans & 2 Almudes of English Dwarf beans and a vegetable garden which is what we have been able to do so far, all well fenced in and under the best care from the before stated and considering that this place is not occupied by the Mission of San Juan Bautista to which it is pertinent since they have loaned it to us we pray (if you should find it just) that you will be pleased to grant legal possession with the permission of the Reverend Father, Minister or without it, considering how much work we have done in cultivating the lands and opening the fields as above mentioned, leaving to your consideration the expenses we have borne in order to secure a commodious lodging for our family and safety of our property praying of course all the laborers what we considered just, so that at this date we find ourselves fearful that the next Decret may expel us from there and in the most miserable state that can be imagined, for what little we had on the Superior Council have insisted in the payments due Chief of this Territory to the laborers, so we hope that avert this ordered decreed and signed which certify; Piquenora. Latorano. Secy

ask for Ranchos in the course of arms and the labors and  
toiles we have endured and the expens we have incurred  
you will do to the utmost of your power to obtain the end  
of our ardent desire. Therefore we pray you will take into  
consideration this our prayer for which we shall be for  
ever grateful

Port of Monterey 25<sup>th</sup> of April 1833  
Antonio Lujan and Faustino German

CASE NO. 19 ND  
PAGE NO. 38

Sealed Paper

Deal for  
the years  
1831 & 1832

At the session of this day, account of this  
application was given to the M<sup>rs</sup> City  
Council of this Capital and it was ordered to be referred  
to the Committee on Colonization and vacant lands

for  
the years  
1830 & 1831

Monterey 8<sup>th</sup> of June 1833

Jose Maria Maldonado  
Secretary

for  
the years  
1830 & 1831

Senior Superior Chief

The Council of this Capital for the pur-  
-pose of giving to your Honor, the Report you have  
-been pleased to ask in your superior Decree of the 9<sup>th</sup>  
last paper referred the application to the payma-  
-ment Committee on Colonization, who at the Session  
of to day presented the report, which was ordered to be  
attached to this Record and as its contents are what  
should be reported the particular, the proposition with  
which it concludes was justly approved and reproduced  
in every respect returning it to your Honor in compli-  
-ance with the order

Monterey 6<sup>th</sup> of July 1833

Marcelino Escobar

Jose Maria Maldonado  
Secretary

CASE NO. 9 ND  
PAGE NO. 39

The undersigned Father and Minister of the  
Mision of San Juan Paulista having as Mayordomo  
Messr Antonio German married to Maria de la Luz  
Pena seeing that he has earnestly asked the place  
Quatoupe in Company with his brother Hans-  
-tino German to place there the cattle they have and  
to make their farm and that they could not obtain  
it either from Don Jose Ma Echandia nor from Don  
Mannel Victoria, Commander of this Territory of Upper  
California, moved by Compadre I loaned to him  
the place Anistae, which borders with the Rancho of  
Las Animas until a new order or that he might in  
the mean time keep their property therein

Therefore I beg Don Alcalde at the present  
time not to prevent him from building his small  
corral and dwelling house, The Father, Minister, my  
successor or who may have control over the said  
Anistae when the above named inhabitants Antonio  
German will settle, will determine whether he shall  
continue to live in said place or quit it, I left the  
small Rancho loaned in the way mentioned, by which  
reason I have nothing to add or take away and I  
sign this for testimony to whom it may lawfully con-  
-cern

Mision of San Juan Paulista  
Fray Felipe Orrego

14<sup>th</sup> July 1832

Don Mayor Don Antonio German  
(H.R.) P.S. - My 1<sup>st</sup> Companion Fray Juan Moreno  
knows this already which will serve for your guidance

Rate

Most Honorable Council

The Committee on Colonization and vacant lands have seen the applications of Citizens Antonio and Faustino German and likewise the Superior Decree of the Political Chief and reflecting that the parties interested are Mexican Citizens and the tract of land they seek to obtain is not comprehended in the 20 boundary leagues, but in the 10 littoral leagues that is pertinent to the Mipuri of Don Juan Bautista and that said tract of land is farming and pasture land, presents therefore for the deliberation of this Most Honorable Corporation the following proposition

10 That the place called Amistac may be conceded to the Citizens Antonio and Faustino German provided they show that the Mipuri has no occasion for the said place

2<sup>nd</sup> of July 1833

Jose Ariza, Jose Antonio Romero

CASE NO. 9<sup>ND</sup>  
PAGE NO. 40

Monterey 21<sup>st</sup> November 1833

The Tract called Amistac being pertinent to the Mipuri of Don Juan Bautista and it having been occupied with the cattle thereof as the Reverend P<sup>r</sup> Minister of the same reports, and as the loan of the said land was provisionally made to the parties interested by the Per P<sup>r</sup> Don Felipe Arroyo it is not in the power of this government to dispose of that land, in consequence they shall withdraw their petition let it be made known to the parties that they may solicit some other vacant place, so that they may be attended to, and to the Mipuri for its guidance observing this expediente,

The Superior Political Chief of the Frontier, Brigada Mar Don Jose Figueroa, thus ordered decreed and signed which I testify

Jose Figueroa  
Augusto F. Ramirez  
Secretary



CASE NO. 9  
PAGE NO. 41

The parties interested having on the 9<sup>th</sup> December 1833 (1833) appeared in this Secretary's Office, the foregoing decree of the Don Juan Superior Political Chief of this Territory was made known to them and being informed about it they said, that they heard, and that the tract they solicit is really pertinent but in part to the Mission of San Juan Bautista and the other part is vacant, that if it be possible that the P. Minister of the said Mission shall be willing that there be granted to them that part that they will be obliged and if not that the other part may be conceded to them under the circumstances above stated, where they have their house and cattle and for due proof I signed this and the parties interested doing it by making a cross (x) as they cannot sign

Augustin Ramorano x

Monterey 14<sup>th</sup> December 1833

Let it be notified to them to represent it by writing

Figueroa

The foregoing Decree was on the same day notified to the parties interested and for due proof they marked it with a cross and I signed

At Ramorano x

For Political Chief

We the Citizens Antonio and Faustino Duran, natives of this Territory and neighbors under the jurisdiction of this Capital with due respect before you say that, from the year 1830 the place called La Pasa was conceded to us in the way of a loan, wherein by our expense and by our personal labor we have erected a house, built Cattle Yards and made all the improvements existing

Monterey 1<sup>st</sup> July 1835 in the said place for the culture of the land and breeding of cattle as we reckon over

Let the preceding (decimals) three hundred head of neat cattle, three dozens of Mares and more than thirty lame horses existing in the ranches be attached hereto

and be reported on for resolution (Humada) In the said year Don Manuel Victoria was the Governor of this Territory to whom we represented the merits and services of our late father who was a soldier in the Company of Santa Barbara for twenty years, and for many of that Garrison bearing considerable arrears due him, and we were in the same sense Antonio for eleven years and Panstano for ten years in the same company without having received one half of our pay during all

Monday 10<sup>th</sup> July 1835, of that time as well as the right which assisted us in having the said place conferred to us in ownership, and for the purpose we presented a writing which said Don Victoria returned to us offering, that on his return from San Diego, where the affairs of the resolution which had just broken out in that quarter called him, he would grant as we prayed, which came to have no effect as the bad exit of that expedition which prevented said Don Victoria from returning to this Garrison is well known

Let this Expediente be referred to the Admin of Don Juan Bautista that he may report what occurs to him

Signatures In view whereof we presented to your Honor in the last year another petition in writing soliciting what we had asked and we repeat it now reminding Your Honor thereof, that you may be pleased to determine according to your powers and declare to us the ownership of the said Rancho of La Pota, to which purpose we annex hereto a map thereof in accordance with the provisions of the law on the matter by which the boundaries with which we demark the location can be seen and which are the following

Drawing a right line of a league and a half parallel to the Arroya de la Rosa which passes in front of the house of the Rancho of the Castros from

CASE NO. 9ND  
PAGE NO. 42

South to North from the Arroyo del pajaro to the hills of la Canada Honda from this point another point from East to West forming a right angle until it reaches the Arroyo del Pescador, following the margin of this Arroyo until its junction with that of the pajaro from North to South and from hence continuing along the whole margin of this Arroyo from the West to the East till reaching the point of starting and where as it is seen there is a little thicket, Wherupon and complying on our part with the requisites provided by the laws on the matter we pray you will be pleased to grant our petition it being according to justice

Monterey 2<sup>nd</sup> of June 1835, Don Antonio German cannot sign and at his request

Mmanuel de Alba

At the request of the party interested, Francisco German

Jose Ant<sup>o</sup> Garcia

San Juan Bautista 20<sup>th</sup> of June 1835

The tract which is solicited can be conceded without injury to this village, subjecting to the parties interested, a quarter of a league from the Arroyo de pajaro to the main road toward La Brea

Jose Tiburcio Castro

Monterey 24<sup>th</sup> July 1835

Let it be proposed before the Alcalde of this Capital before whom the parties Antonio & Francisco German shall produce an information, by three fit witnesses who shall be interrogated to the following points

- 1<sup>o</sup> Whether the solicitor is a Mexican Citizen by birth whether he is married and has children, whether he is of good conduct,
- 2<sup>o</sup> Whether the tract he seeks to obtain belongs to the property of any private individual, Mexican, Town or corporation whether it is irrigable, farming or pasture

lands and what extent it has  
 3<sup>rd</sup> Whether he has any stock to settle it with or any possibility of acquiring it, After this let the Expediente be returned for certainty

Don José Figueroa Brigadier Genl  
 Commanding General and Superior Political Chief thus  
 read and signed it, which I testify  
 José Figueroa      Arred. del Castillo Nigrete  
 Secy

Cordones (Measurements) of preparation of Germans

140		supposing that they measure	
140		only of length of width	
130			140
<u>410</u>			<u>140</u>
50			<u>280</u>
20500	500		50
<u>00500</u>	<u>4</u>		<u>1400</u>
			<u>5000</u>
			3

CASE NO. 9 NO  
 PAGE NO. 44

The Map comes in here

(Sealed paper)

Recs # 41

Monday 29<sup>th</sup> July 1835

Let the parties interested be notified to produce the witnesses who are to be examined on the points contained in the interrogatories mentioned in the foregoing superior decree of the 24<sup>th</sup> Inst, after which let the information be taken and thereupon let the Expediente be returned to the Superior Political Chief for its proper effect in law, Thus I the 1<sup>st</sup> Alcalde of this Capital ordered decreed and signed it with the assisting witnesses

David Spence  
 Christing, Witness      José Ma Maldonado      Asst Witness      George Allen

At the Port of Monterey on the sixth day of the Month of August one thousand eight hundred and thirty four the foregoing process was notified to the parties interested, and being understood they say that they hear it, and that they produce to be examined the witness, Citizens Trinidad Espinoza, Francisco Loto and Gabriel de la Torre, they did not sign it as they said that they did not know how, I did so and the Witness of Assistance

A. Espinoza

Jose Maria Maldonado      George Allen  
Assistant                              Assistant

On this date the Citizen Trinidad Espinoza a Witness produced by the Citizens Pet<sup>r</sup> & Hans<sup>ing</sup> Lomon being present, took his oath which he made in form of law, whereby he offered to tell the truth of what he may know and what he may ask and being asked his name estate age, country and religion, he said, his name is as above stated, that he is married, is forty one years old, native of this Capital and R. H.

Being asked according to the tenor of the first question he said, that the Solicitants are Mexicans by birth, that both of them are married and Antonio only has children and they are of good conduct and answers,

The Second, That the tract of land they seek to obtain belongs to no private individual, the said Corporation or town, and that according to what he has heard say it is known as vacant, that it is farming land and that its extent may be more or less a league and a half long and the like wide and answers,

The Third, That they have stock capable of settling it and that the statement is true under the oath he had made, wherein he affirmed and ratified

This Deposition being read as it was to him and signed  
it with myself and the Assistants

David Spence

Francisco Espinosa

Jose Maria Maldonado  
Assistant

George Allen  
Assistant

CASE NO. 9 ND  
PAGE NO. 46

Immediately the witness Francisco Soto being  
present made oath in form of law, whereby he of-  
fered to tell the truth of what he may know  
and be asked, and being asked his name es-  
tate age Country and Religion, he said his  
name is as above stated, that he is married, -  
is twenty six years old, his country the town of  
San Jose de Guadalupe and R A C

Being asked in the like manner as the  
preceding witness he said

To the First, That the M. Solicitors  
are Mexicans by birth, that they are married, and  
that Antonio only has children, that both of them  
are of good conduct and answers,

To the Second, That he does not know the  
tract they seek to obtain to belong to any private  
individual, that what he only knows about this matter  
is that before now he has seen it occupied with sheep  
of the Mision of San Juan Bautista, but that  
he is not aware that it belongs to it at present, that  
it is farming land and that it may have an ex-  
tension of more than a league and a half and  
answers,

To the Third, That he knows (that they) have  
stock enough to settle it and that the statement  
is true under the charge of the oath he made, which  
he affirmed and ratified, being read as it was to him  
this his Deposition and signed it with myself and  
Assistants

David Spence,

Francisco Soto

Jose Maria Maldonado  
Assistant

George Allen  
Assistant

CASE NO. 9 IND.  
PAGE NO. 47

Immediately the Citizen Gabuill de la Torre being present, took his oath in form of law, whereby he offered to tell the truth as far as he knows and is asked, and being asked his name, age, estate country and religion he said, his name is as above stated that he is married, is of the age of twenty six years his country this Capital and R.A.C.

Being asked under the interrogatory which was put to the preceding Witnesses he said

To the First, That he knows that tract they seek to obtain, that the Solicitants are Mexicans by birth that they are married that Antonio has children but not Francisco and that both of them are of good conduct and answers

To the Second, That he knows the tract they seek to obtain to belong to no private individual Mexican or Span, that it is farming land and that its size may be of a league and a half long by one broad having many groups of hills and answers

To the Third, That he knows (as there is) more than four hundred head of cattle and about three hundred head of horses, that the statement is true under the charge of the oath he has taken under which he affirmed and ratified, read as it was to him this his Deposition and he signed it with myself and assistants

Wm. Spencer,

Gabuill de la Torre

Jos. Ma. Maldonado  
Apt.

George Allen  
Apt.

On the date the required information having been concluded the expediente is returned to the Senior Captain Political Chief in compliance with the order in the foregoing process and I note it for proof

R

Monterey 7<sup>th</sup> of August 1835

Let a Transcript of this Expediente be passed for the term of a fortnight to the representant of the Administratorship of the late Mariano Castro, that he may in view thereof do what may be convenient to the rights of his constituents, Don Jose Pigneroa, Brigadier General and Superior Political Chief of Upper California thus ordered passed and signed it which I testify

Jose Pigneroa

Honor del Castillo Aygrote  
Secretary

A Transcript of this Expediente was passed to the Representant of the Administratorship of the late Mariano Castro this day the 8<sup>th</sup> of August 1835  
Castillo

CASE NO. 9<sup>ND</sup>  
PAGE NO. 48

Sealed paper

Don Superior Political Chief

The Citizen Don Carlos Castro, Attorney of Do Josefa Romero widow of the late Mariano Castro, before Sr Honor notarius justice in form of law appears and says that having received a Transcript that he may do what may be convenient to his Constituent in the Expediente got up by the Citizens Antonio and Faustino Orman on application for the place Justice he sees at a glance that the sketch which is annexed to said Expediente, although he believes it is not exact, that it embraces a portion of land belonging to the place which many years ago his constituents have had conceded and possessed, But that the Orman may enjoy the benefit and favor they solicit they may occupy and it may be conceded to them from the alio, which is not marked in said sketch but it is in the Expediente of his constituents to the pascador in a straight line to the West, toward the



South as far as from Heaven away seem it convenient  
making that line the division boundary between  
the land of my constituent and those of Jimenas  
By this, he who represents, believes that his  
constituent give up a good portion of lands, and  
that Jimenas will be favored with this division,  
Therefore I pray that you will please to grant it  
as solicited, so it being of Justice swearing it not  
to be malicious and what necessary fee,

Monterey 27<sup>th</sup> August 1835  
Carlos Leastro

Monterey 27<sup>th</sup> August 1835  
Let it be reported to the next next Deputation

Signencia

Monterey 3<sup>rd</sup> Sept 1835  
On its being reported it was ordered to be refer-  
red to the Committee on vacant lands,

Leastro

Most Excellent Sir

The Committee on vacant lands being informed about  
the Expediente which was ordered to form through the  
application that the Citizens Antonio & Anastasio Jimenas  
make for the tract of Amistac, The Committee believes  
there is no obstacle to conceding to them the tract  
they solicit and the report of the Mayor Duro of San  
Jeron Pambolá ought to be respected as well as the defence of  
the Citizen Carlos Leastro makes for one part of said land  
and grant of another part as the Attorney of the Adminis-  
tratorship of the late Mariano Leastro and on such terms  
the law of 18<sup>th</sup> of August 1824 and the Regulation of Nov  
28<sup>th</sup> 1828 are respected, they offer for the deliberation of V.E.  
the following proposition

That the tract the Citizens Antonio  
& Anastasio Jimenas solicit may be conceded to them

is subjecting themselves to the law of 18th of August 1824 &  
the Regulations of Oct 21st 1828.  
Montreux Sept 17th 1835. Salvo Pacheco

Montreux Sept 25th 1835  
At the session of this day  
the proposition of the foregoing Opinions approved  
Castro Juan M. Alvarado D.S.

Stated Paper  
Montreux 22nd Oct 1835  
In view of the petition  
wherewith this Expediente begins, the report of the  
Municipal Authority of this Capital, the statement  
of the witnesses the Report of the City of San Josefa Ro-  
mano Citizen Carlos Castro and the Resolution of the Most  
Excellent Representation of the 17th of Sept of this year having  
been previously performed, the proper inquiries and  
investigations with all other matter which was represen-  
ted and ought to be considered in conformity with  
the provisions of the laws and regulations on the mat-  
ter, The Citizens Antonio and Anastasio Lemran are  
declared owners in property of the tract of land known  
by the name of Junco, Let the proper Patent issue  
and be entered in the proper book, Don Jose Castro  
First Member of the Most Excellent Representation and Political  
Chief ad interim of the Territory of Upper California thus  
ordered decreed and signed which I testify  
Jose Castro

I certify the foregoing to be a true and correct trans-  
lation from the original on file in this Office in Case  
No 62

Don Fisher Secretary

Filed in Office May 15th 1852

CASE NO. 92ND  
PAGE NO. 50

Exhibit 'C'

CASE NO. 9<sup>ND</sup>  
PAGE NO. 51

El día segunda lectura que fuere en discusion los dictámenes regidos de la Comisión de terrenos baldíos sobre el terreno Luistac solicitada por los dos hermanos Faustino y Ant<sup>o</sup> German se apruebe la ultima proposicion el dictamen que dice puede concederse a los C<sup>os</sup> Faustino y Ant<sup>o</sup> German el terreno que solicitan sujetandose a la ley de 18 de Agosto de 1824 y Reglam<sup>to</sup> de 21 de Noviembre de 1828

Office of the Surveyor General  
of the U.S. for California

I Samuel D King Surveyor General of the United States for the State of California and as such now having under my charge a portion of the Archives of the former Spanish and Mexican Territory a Department of Upper California do hereby certify that the above and foregoing writing is a portion and a true copy from the Journal of the proceedings of the Territorial Deputation for the 25<sup>th</sup> day of September 1835 signed by Juan B Alvarado dep<sup>t</sup> Gub<sup>o</sup> which is on file and forms part of the said Archives in this Office

In witness whereof I have hereunto signed my name officially and affixed my private seal not having a Seal of Office at the City of San Francisco Calif this 14<sup>th</sup> day of May 1852

Samuel D King  
Surveyor Genl Calif

Translation

Was read a second time and put in discussion, the Report of the Committee on vacant lands on the tract *Indiasta* solicited by the brothers, Francisco and Antonio Guman

Was approved the last proposition of the Report which says, May be conceded to the brothers Francisco and Antonio Guman, the tract which they solicit conforming to the tract law of 18<sup>th</sup> of Aug 1824 and the Regulation of November 21<sup>st</sup> 1828

Certified by the Surveyor General to be an extract from the proceedings of the Territorial Deputation 23<sup>rd</sup> Sept 1835.

CASE NO. 9 ND  
PAGE NO. 52

I certify the foregoing to be a true and correct translation from the annexed a fac simile of the original on file in this Office in Case No 62

George Fisher  
Secy

Filed in Office May 15<sup>th</sup> 1852

George Fisher  
Secy

Office of the Board of Land  
Commissioners for California  
Los Angeles Sept 8<sup>th</sup> 1852

On this day before Henry A. Houston one of the Commissioners for ascertaining and settling the Private Land Claims in the State of California, came Ignacio del Valle a witness produced in behalf of the claimant, a Spaniard, Guman to C2, on the Commission's docket, his evidence was taken in the Spanish Language and interpreted by the Secretary, The U.S. Law Agent pres.

Questions by Counsel for claimant

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

54 Answer

My name is Ignacio del Valle age is forty years and I reside in the City of Los Angeles.

Question 2<sup>d</sup>

State whether you are acquainted with the Rancho of San Isidro or La Brea, South of the Mission of San Juan Bautista and if so state how long you have known it, by whom it has been occupied.

CASE NO. 9ND

PAGE NO. 53

Answer

I know the said Rancho and have known it since 1844 and in travelling by it at various times since that time I have seen it occupied by Ant<sup>o</sup> & Francisco Lemmon who lived in two different houses on the said land and who had ground enclosed and cultivated it.

They had cattle also on the place but the exact quantity I do not know, I have seen them thus to occupy it until the month of September 1849 the last time when I passed by the Rancho.

Crop Examination by the U.S. Law Agent,

Question 1 Does the said Rancho lie in the ten littoral leagues?

Answer I believe some portion of the land to be within the ten littoral leagues.

Question 2 Do you know whether this Rancho has ever been claimed by another person?

Answer I do not know.

Ignacio del Valle

Given to & subscribed  
before me this 8<sup>th</sup> Sept 1853

Henry Thornton  
Commiss<sup>r</sup>

Filed in Office Sept 8<sup>th</sup> 1852

Geo. Risley  
Clerk

In Case No 62 Antonio and Faustino Jimeno for  
the place called Amistac alias La Poca, the Counsel  
for the Claimants introduced H W Halluck a witness  
in behalf of the Claimants who being duly sworn before  
the Commissioners sitting as a Board, deposed and  
said as follows to wit,

I am acquainted with the  
handwritings of Jose Castro and Jose Rafael Gon-  
zales, I have often seen them write and sign their names  
I believe that their signatures on a paper purporting to  
be the original expediente to the Rancho of Poca in favor  
of the Jimenos and now before me marked Exhibit No 1  
and filed in this case are the true and genuine sig-  
natures of the said Jose Castro and Jose Rafael Gon-  
zales and further depose and say not,

Sworn to & subscribed  
before the Board this 13<sup>th</sup>  
Sept. 1852

H W Halluck

Herland Hall  
Comm<sup>r</sup>

Filed in Office Sept 13<sup>th</sup> 1852

Geo Fisher  
Clerk

CASE NO. 9  
PAGE NO. 54

56

CASE NO. ■ND■  
PAGE NO. 55

Espediente de los Sres Germanes


Rancho de la Brea

Sello Primero Sres Pesos

Habilitado provisional<sup>mente</sup> por la administr<sup>ción</sup> de la  
Aduana Maritima de Monterey de la Alta Califor-  
nia para los años de mil ochocientos treinta y cuatro  
y mil ochocientos treinta y cinco  
Figueras A Ramirez

Jose Castro primer vocal de la E Diputación de  
Zemoral y Jefe Político interino del Territorio de la  
Alta California

CASE NO. 9<sup>ND</sup>  
PAGE NO. 56

 Por cuanto los Sr. Rancho y Antonio German  
Mexicanos por nacimientos han pretendido  
por su beneficio personal y el de sus familias el terreno  
conocido con el nombre de Amistad, cuyos terrenos son de  
o a P, los de los Sr. Castro y Arroyo de Pescadero man-  
dadas previamente las diligencias y averiguaciones  
convenientes segun lo dispuesto por la ley y reglam<sup>tos</sup>  
usando de las facultades que me son conferidas y de  
conformidad con el acuerdo de la E Diputación del  
dia diez y siete de Septiembre de este año aprobada la  
concesion del estado terreno Amistad a los expresados  
Ant<sup>o</sup> y Santiago German a nombre de la Nacion  
Mexicana he conocido en conferirles el mencionado  
terreno declarandole la propiedad de el por los  
presentes letras y sujeto a las condiciones siguientes  
1<sup>o</sup> Que se sometera a las que establece el reglamento que  
se ha de formar por la distribucion de terrenos baldios  
y que entó tanto ni los agraciados ni sus herederos  
podran dividir en suagrar el que se les adjudicó ni  
poner como vivienda fianza hipotecaria ni otro gravamen  
cienega por causa piadosa ni pasar a manos mu-  
-tas



58

2º Podrán tenerlo sin peyudicas las traveseras canudas o  
semicirculares, lo disfrutara libre y exclusivamente destinan-  
dolo al uso o cultivo que mas la acomode (po dentro un  
año a lo mas fabricara casa y estora habitada

3º Solicitaban el Juez respectivo que les de la posesion  
judicial en virtud de este despacho por el cual se de-  
marcan los linderos en cuyos linderos pondran a mas  
mejoras algunas arboles frutales o sylvestres de algu-  
na utilidad

4º El terreno de que se hace memoria es de un sitio de  
ganado mayor segun explica el disegno que corre en  
el Expediente. El Juez que diere la posesion lo hara  
mediante conforme a ordenanza quedando el sobrante q  
resulte a la hacienda para los usos convenientes

5º Si contratarse a las condiciones perdura su derecho  
al terreno y sea denunciante por otro

Nro Dops

En consecuencia mando que tomense  
por firme y valido este titulo se tome razon de el  
en el libro que corresponde y se entregue al interesado  
por su resguardo y demas fines

Dado en Montevideo a dos dias de Octubre de mil ochocientos treinta y  
cinco

Jose Castro

Qui

Francisco del Castillo Nigreda

Queda tomada razon en el libro de asiento a folios  
ochenta y senelado con el no Setenta y ocho que obra  
en la Secretaria a mi carga

Montevideo 23<sup>ra</sup> de Octubre de 1835

Castillo

Ellos Señores Dos Reales

Habilitado provisionalmente por la administracion  
de la Aduana Montevideo de Montevideo de la Alta Llanu-  
-rnia para los años de mil ochocientos treinta y  
cuatro y mil ochocientos treinta y cinco

Castro

R. Ramirez

RANCHO JURISTAC

Diseño

7 N.D

P. 59

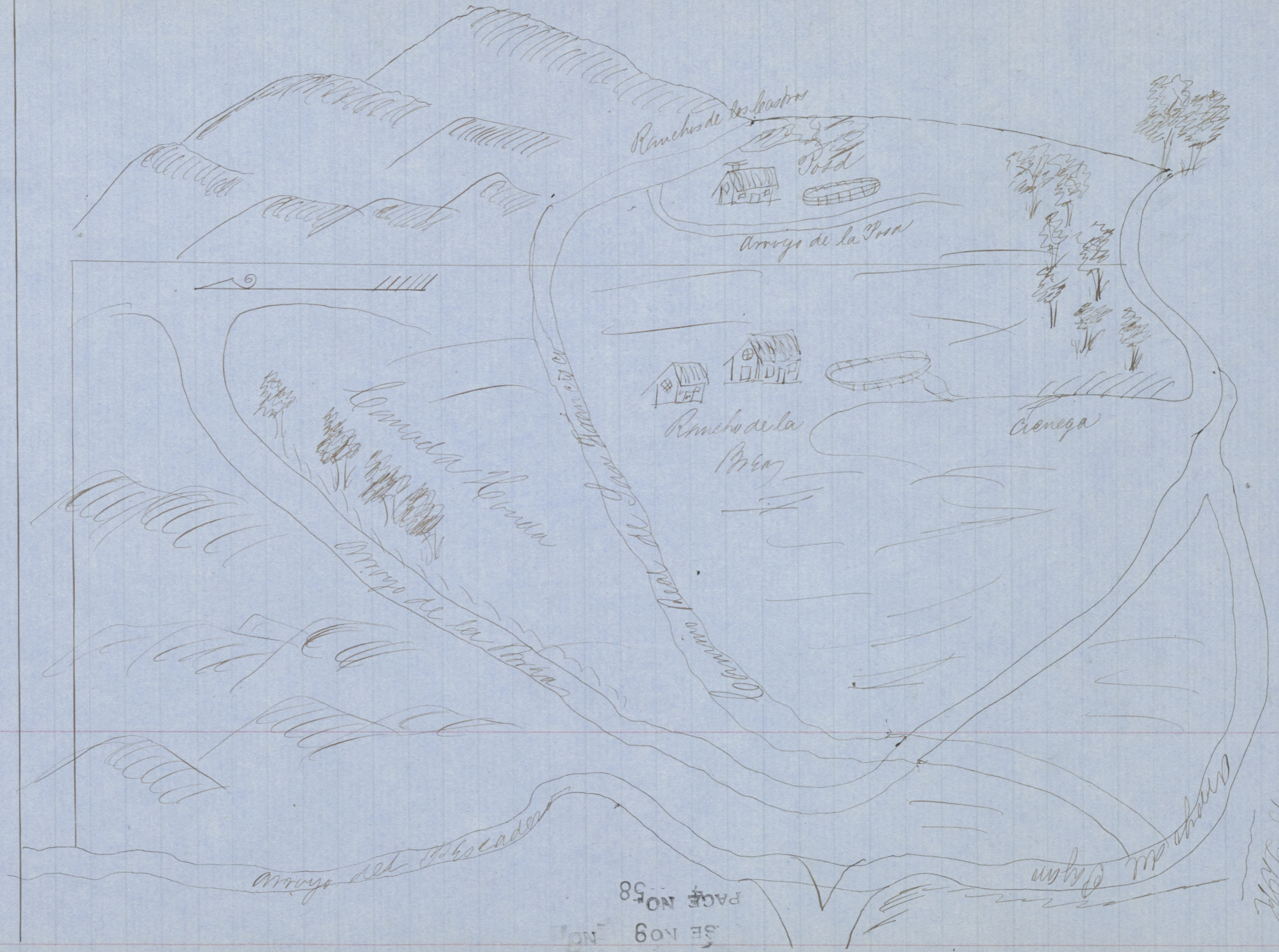
[ Dup - D-1440  
B-1441  
D-307  
15-R p27 ]

"JURISTAC"

ANTONIO AND FAUSTINO GERMAN, Owners

SANTA CLARA CO.

15-R1



SE NO 9 NO  
PAGE NO 58

15-9-1907

60

CASE NO. 9  
PAGE NO. 59

El Alcalde Constitucional de este Puerto

Ranstino y Antonio German, Ciudadanos Mexicanos  
dices, que habiendo obtenido la concesion propia  
del terreno conocido con el nombre de Guislae, como ante Ud  
para que se sura dar le la posesion juridica conforme  
este preveido en el articulo 3º del titulo de dicho terreno  
que se les expedio en 29 de Octubre de 1835 que asi mismo  
acompana y igualmente la conformacion respectiva pa-  
ra que todo ofe los efectos correspondientes

P. R. A. G. Suplicamos se sura poner los en la posesion  
que solicitamos de lo que recibiremos merced y justicia  
jurando no ser de malicia y lo necesario

Monteney Octubre 27 de 1835

Ranstino German x Antonio German x

Monteney Oct 28 de 1835

CASE NO. 9 ND  
PAGE NO. 4 60

Por presentado y ad-  
mitido procedase a dar la posesion que se solicita  
a cuyo efecto se señala el dia de mañana veinte y  
nueve citanse a los Colindantes por dicho dia y  
nombrase previamente medidores y entidores a quienes  
se les hara saber por su aceptacion y juramento, así  
yo el Ciudadano,

Alcalde Jose Rafael Gonzales lo decreta firmi-  
y mande con los de mi asistencia

de Apta

Jose Tiburcio Castro

Jose Rafael Gonzales

de Apta

Inocente Garcia

En la misma fha presentes los Ciudadanos  
Ranstino y Antonio German se los notifico el ante que  
ante cede y entendidos dijeron lo oyen y que se dan  
por citados sin formarlos por no saber lo hacer y  
lo hice yo con los de mi apta

de A

Jose Tiburcio Castro

de A

Inocente Garcia

C. S. N. O. 9 ND  
P. A. L. N. O. 61

En la misma fecha se libraron los boletos de compra  
rendo en cumplimiento de lo mandado en el antece-  
dente ante para la citacion de los colindantes y para  
constancia lo cito y subico

*[Signature]*

En el Rancho nombrado La Brea a los veinte y  
nueve dias del mes de Octubre de mil ochocientos treinta  
y cinco de bajo del Alizo que divide los linderos de los  
Dios Castro y de los Dios Hermones y el Alcalde Segun-  
do Constitucional de la Capital Territorio notifique a los  
colindantes Joaquin Augustin y Jose Castro, Herman-  
nos y a Don Carlos Castro apoderado de la Fianza  
del finado Mariano Castro del ante anterior y entendidos  
lo firmo conmigo y los de asistencia el expresado a-  
poderado no ha aludido los precedentes por no saber

He Apto

Jose Rafael Gonzalez

Jose Feliciano Castro

HA Vicente Garcia

Carlos Castro

Incidentalmente en el mismo rancho dia mes y año  
yo el referido Alcalde en cumplim<sup>to</sup> del ante de  
veinti y dos del presente bote de mil ochocientos treinta  
y cinco presente los Ciudadanos Colindantes por medi-  
cion señalando de linderos y posesion judicial nom-  
bre por medidores a los Ciudadanos Francisco Hernan-  
dez y Manuel Larios y por Contador Ciudadano  
Antonio Ramirez quienes por mia la aceptacion y juram-  
to, procedieron al desempeño de mi encarga haci yo  
el nominado Alcalde lo decreté y firmé con los de mi  
Asistencia

Jose Rafael Gonzalez

HA

Jose Feliciano Castro

HA

Vicente Garcia

En la misma fecha y en el expresado rancho se les notificó en nombre de los Ciudadanos Francisco Hernandez Manuel Larios y Ant<sup>o</sup> Ramirez y dijeron que aceptaban y aceptaron dicho encargo y juraron por Dios y la señal de Sta Cruz de cumplir fiel y legal<sup>mente</sup> y todo de leal saber y entendido sin fraude contra persona alguna y que firmaron por mi saber los dos pro-movers y solo lo hizo Ant<sup>o</sup> Ramirez con miigo y los de Apta

Jose Rafael Gonzales

H. A.

Jose Eusebio Castro

H. A. Vincente Garcia

Antonio Ramirez

Incontinentemente yo el referido Alcalde mande traer a mi presencia el cordel

CASE NO. 9 ND  
PAGE NO. 62

de la cuerda que ha en el Alamo que esta en direccion del Arroyo y todo el terreno es lo bendito que espresa en los papeles del interesado

con qui sean de medir las tenenas y que los Medidores lo medieran de cuenta y en cuenta presencia de todos los dichos Medidores y con una vara de medir usual Mexicana tendiendola en la mano medieron en cuenta y lo firmo con los de mi Apta

Gonzales

Testigos

H. A.

Juan Gilroy  
Jose Quintan Ortega  
Heriberto Ortega  
Nicolomon Gilroy

Jose Eusebio Castro

H. A.

Vincente Garcia

En el mismo parage dia mes y año pundo las diez dia mañana yo el presente Alcalde mande a los medidores nombrados se pongan para las medida que sea con de aser a los S<sup>rs</sup>. Germanes y conrusando a medir desde el mismo grande que esta en orilla del Arroyo que esta el pomenete y tomando la direccion al Arroyo medio del mencionado Arroyo esta la linea que se aya en el pescadero y se medieron ciento y cuarenta cordel y desde el mismo punto asta el arroyo del payano

asi a la parte. En este punto enaranta cordones y des- de a mismo por el linderos de la agua caliente esta pa- elui al lugar de donde se saliendo por toda la orija del Rio del Paparo dejando un cuarto de legua asi a un lado por toda la expresada orija en punto temida cordones y en cuya constancia lo firmo con los de Asistencia

Jose Rafael Gonzales  
DA Jose Tiburcio Castro

DA

Yurente Garcia

En el Rancho de la Pira en las veintey nueve dias del mes de Mayo de mil ochocientos treinta y cinco yo el Alcalde Constitucional de segunda nominacion en la municipalidad de Monterrey des- pues de practicada las medidas del mencionado rancho conforme se demarcaran en la antecedente medicion presentes los Colon<sup>ales</sup> Land<sup>anos</sup>, Joseph Ag<sup>tas</sup> y Jose Castro hermanos y el Aprobado de estos y de la Tinda que lo es Don Santos Castro que fueron con- formes con lo mas que con cambio mande entrar en posesion del terreno conocido por Rancho de la Pira a los referidos Land<sup>anos</sup> On<sup>ti</sup> y Parot<sup>o</sup> Jiman hermanos bajo las medidas citadas y formalidades acostumbradas en casos semejantes lo que se hizo en- arrollando lleras, tirando fincas de tierras y hac- siendo demostraron como dueños del terreno que se les ha dado en pacifica posesion y conformidad con su validacion la antorja y firmo con los expresados Colon<sup>ales</sup> a su nombre aprobado y los testigos de Asistencia por mi saber lo hacen los Castros al tiempo de pedir la finca al aprobado dijo que no lo haria

Jose Rafael Gonzales

DA

Jose Tiburcio Castro

DA Yurente Garcia



Montevideo Abril 10 de 1835

Tomase razon en el  
libro de posesiones y devolverse original este expediente  
al interesado para que se suma de titulo, asi yo Alcalde  
2o lo determino, mande y firme con los de Asista  
Jose Rafael Gonzalez

N.A

Jose Tiburcio Castro

N.A

Juan Madariaga

En la misma fha se tome razon en la faja dos  
frente y vuelta del libro respectivo y se devolvió el  
expediente con siete fojas útiles en cumplimiento  
del anterior ante fha constancia lo auto y rubrica

CASE NO. 9<sup>ND</sup>  
PAGE NO. 64

3

Ante continúo pase este expediente al Sr. Asesor  
para que según avancel se perran los trabajos  
de este expediente y marcha estar el punto de la  
posesion onde qui cumosi leguas siendo cuatro las  
andadas en la posesion dicha, asi yo el Segundo  
Alcalde lo decreto firme y mande a presentada de  
los mi asistencia

Jose Rafael Gonzalez

N.A Jose Tiburcio Castro

N.A Juan Madariaga

Por Alcalde 2<sup>da</sup> Constitucional

Los D<sup>os</sup> consados en la practica de las diligencias y antecedes importan treinta y seis por dos reales segun aparece de la sigte cuenta

Por la presentacion en viandas y su proceido	1
Los Hospicaciones	6
Los Notas	1
Nombramto. aceptacion y juram <sup>to</sup> de Q <sup>ntos</sup>	1
Diligencia de reconocer y medir un Cordel	1
Medidas y posesion	3
Los Autos Intulocutorios	2
Por 34 Leguas que se andubieron	25
Lo esento	1
	<u>36,2</u>
D <sup>os</sup> de Apepo	<u>5</u>

Monterey Octubre 29 de 1835  
Cosmo J<sup>no</sup> J<sup>no</sup>

Filed in Office Sept 5<sup>th</sup> 1853  
Geo Fisher  
Secy

Translation of  
Exhibit No 1

Provisionally legalized by the Collector of the Maritime  
Custom House of Monterey for Upper California for the  
years of One Thousand Eight hundred and thirty four +  
One thousand eight hundred and thirty five  
(Signed) Figueroa (Signed) Ramirez

José Castro First Member of the E  
Territorial Deputation and Political Chief ad interim  
of the territory of Alta California

Whereas the citizens Antonio and  
Francisco Guzman Mexicans by birth have pretended for  
their personal benefit and that of their families the tract  
of land known as "Junistae", the boundaries of which are  
from East to West those of the citizens Castro and the  
Arroyo de Pescador, the suitable proceedings and  
investigations having been previously practised ac-  
-cording to the depositions of the Laws & Regulations in  
the exercise of the authorities which are conferred there  
and in conformity with the resolution of the E Deputation  
of the 18<sup>th</sup> of Sept of this year approving the concession  
of the said land "Junistae" to the said Ant<sup>o</sup> & Francisco  
Guzman in the name of the Mexican Nation,

I have come to confer on them the said tract of land  
declaring to them the ownership of it by these present  
letters and subject to the following conditions

- 1<sup>o</sup> That they shall submit to those (conditions) which the  
regulation which is to be formed for the distribution of  
vacant lands shall establish and that mean time neither  
the grantees nor their heirs shall be able to divide or  
alienate that which is adjudicated to them nor impose  
annuity entail pledge by hypothecation or other burden  
although for pious cause nor pass it in mortmain
- 2<sup>o</sup> They may enclose it without prejudice to the crossings  
roads and enclosures, shall enjoy it freely and ex-  
-clusively destining it to the use or cultivation which  
best suits them, but within one year at most shall build  
a house and it shall be inhabited
- 3<sup>o</sup> They shall solicit from the respective Magistrate that  
begins them the judicial proceeding in virtue of this  
dispatch by which the boundaries shall be marked out

CASE NO. 9 ND  
PAGE NO. 66

in the limits of which they shall put besides the land marks  
some fruit or useful forest trees

The tract of land of which mention is made is of one sitio de  
ganado mayor (one square league) according as explains  
the plat (diseño) which is annexed to the Expediente. The  
Magistrate who shall give the pop. upon shall cause it to  
be measured conformably to Ordinance the surplus  
which shall result remaining to the Nation for its proper  
uses

5 If he should contravene these conditions, he shall lose his  
right to the land and it shall be denunciable by another,

In consequence I order that this title being held firm and  
valid a register of it be taken of it in the proper book and  
it be returned to the interested party for his security and  
other ends

Given in Monterey 22<sup>nd</sup> Oct. 1835

Francis del Castillo Magistrate  
Gov

Pose Castro

Entered in the Register Book at page 80 and  
marked with the number 78 which is in the Secretary's  
Office in my charge

Monterey Oct 23<sup>rd</sup> 1835

Castillo

Paid Stamp Three Reales

Provisionally legalized by the Collector of the  
Maritime Custom House of Monterey of the Upper  
California for the year One Thousand Eight hundred  
and thirty five

(Signed) Castro (Signed) Angel Ramirez

Senor Constitutional Alcalde  
of this Port, Panstino and Antonio German Mexican  
Citizens say that having obtained the paper con-  
-cession of the tract of land known by the name of  
Guistav, they appear before your Honor in order  
that you may be pleased to give them the juridical

CASE NO 9  
PAGE NO 68

ND  
68

possession according to the provision in the third Article to the title to said Act. Part of land issued to them, on the 22<sup>nd</sup> of October 1835 which is duly accompanied and also the respective confirmation in order that they may all cause the suitable effects.

Wherefore we petition that you will be pleased to put us in the possession of which we solicit by which we shall receive favor and justice, swearing that we do not act in malice and what may be necessary.

Monterey 27<sup>th</sup> October 1835

Manstino German X  
Antonio German X

Monterey Oct 28<sup>th</sup> 1835

Being presented and admitted let the possession which is solicited begin to which effect the day of tomorrow the 29<sup>th</sup> is designated. Let the adjoining neighbors (Colindantes) be summoned for the said day and let the measurers and tallymen be previously appointed who shall be notified of the same for their acceptance and the taking of the oath thus I the Litigant Jose Rafael Gonzales ordered decreed and signed with three of my assistants

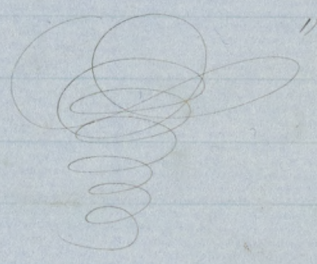
Signed Jose Rafael Gonzales  
Asst Witness Jose Fabrice Castro  
Asst Witness, Vincente Garcia

On the same day being present the Litigants Antonio and Manstino German, they were notified of the preceding decree and understanding it say they hear it and hold themselves liable thereto, not signed on account of not knowing how and I did so with those of my assistants

(Signed) Gonzales  
Asst Witness Jose Fabrice Castro  
Asst Witness Vincente Garcia

CASE NO. 9  
PAGE NO. 69

On the same day the summons were issued in fulfillment of what was ordered in the preceding decree for the citation of the adjoining neighbors and in proof of it I make entry and sign it with my seal

"  
"  


In the Rancho called La Bola

On this 29th day of October 1835 under the Elm Tree (Aliso) which divides the boundaries of the Juan's Castro's and the Amor Germans, I the Second Constitutional Alcaldé of the Capital of the Territory notified the neighbors Roguini Augustin and Jose Castro brothers and Don Carlos Castro the ally of the Widow of the deceased Mariano Castro of the anterior decree and hearing it the said Alcaldé signed it with me and those of my assistants, not doing it, the Constituents not knowing how,

(Signed) Jose Rafael Gonzales  
Apt. Wm. Jose Filomeno Castro  
Apt. Wm. Eusebio Garcia  
Carlos Castro

Immediately in the same Rancho on the same day, month and year, I the said Alcaldé in fulfillment of the decree of the 22nd of the present month of Oct 1835 being present the citizens adjoining neighbors, for the measurement, designation of boundaries and judicial proceeding, named for measurers the citizen Francisco Hernandez and the citizen Don Manuel Lario and for tallyman the citizen Don Ramon who with previous acceptance and taking the oath will proceed to the discharge of their labor, thus I the said Alcaldé decreed and signed with those of my assistants

(Signed) Jose Rafael Gonzales  
Apt. Wm. Jose Filomeno Castro, Apt. Wm. Eusebio Garcia

On the same date and in the said Rancho testified  
 Francisco Hernandez, Manuel Lavis and Antonio Ra-  
 mirez were notified of their appointment and they said  
 that they accepted and accept the said charge and  
 they swore by God and the sign of the Holy Cross  
 to fulfil faithfully and legally with all their loyal  
 knowledge and understanding without fraud against  
 any persons, the two first, not signing not knowing  
 how and Antonio Ramirez alone did so with me and  
 that of my assistants.

CASE NO. 9 ND  
 PAGE NO. 70

(Signed) Jose Rafael Gonzalez  
 Aft. M. Lopez  
 Jose Manuel Castro  
 Guacante Garcia  
 Antonio Ramirez

Immediately the said Alcalde ordered  
 to be brought into my presence, the cord with  
 which are to be measured the lands, and which the  
 measurers should measure of fifty varas and in the  
 presence of said adjoining neighbors the said meas-  
 urers took it and with a usual  
 measuring, from the oak to Mexican land holding  
 and the cotton wood or yucca it in the hand they meas-  
 ured, which is the direction of the said measur-  
 ement of the Elm Bar and all the the said measurement  
 point (line) is that which is and I signed it with  
 sold which is expressed in the those of my assistants  
 papers of the party interested.

(Signed) Gonzalez  
 Aft. M. Lopez  
 Jose Manuel Castro  
 Aft. M. Lopez  
 Guacante Garcia  
 Signed Juan Gilroy  
 Jose Quentín Ortega  
 Helian Ortega  
 Academias Gilroy

In the same place on the  
 same day month and year  
 being 10th of the present  
 Alcalde, ordered that the  
 measurers appointed that  
 they should put themselves  
 in readiness for the  
 measurement they were  
 to make for the testigos  
 German and consensers

ing to measure from the large Oak which is in the  
Margin of the Creek which is at the west and taking  
the direction to the East in the midst (conceder a medio)  
from the said Elm Tree (Aliso) to the Mountains  
(Cerro) which is in the pescadero, and they measured  
One hundred and forty Cords and from the same  
point to the "Arroyo del Pajar" toward the South  
Western part, One hundred and forty cords and from  
thence by the boundary of the hot spring, until  
coming to the place where it started, measuring a-  
long the whole margin of the River Pajar leaving  
and a quarter of a league along the whole margin  
there are One hundred and thirty cords

In testimony of which I sign with  
those of assistants

(Signed) Jose Rafael Gonzales  
Apt. Witness  
Jose Tiburcio Castro  
Apt. Witness  
Eusebio Garcia

In the Rancho of La Poca on the 29<sup>th</sup> day  
of October 1835, I the 1<sup>st</sup> Constitutional Alcalde in  
the Municipality of Monterey after the measurement of  
the said Rancho, having been executed agreeably to  
the description in the foregoing measurement, present  
the adjoining neighbors, Joaquin Argaitin and  
Augustin Castro brothers and the Attorney of them and  
the Auditor, who is Don Carlos Castro, who was satisfied  
with all that was suitable to be noticed, I caused the  
said Esteban, Antonio and Francisco Hermosillo brothers  
to enter into the possession of the tract known as the  
Rancho de la Poca under the said measurements  
and the customary formalities in little cases, which  
he verified turning up roots, showing clods of earth  
and making demonstration as owners of the tract  
of land which has been given to them in peaceful  
possession and ownership's validity of which I au-  
thorize and sign and the said adjoining neighbors  
or in their name the Attorney and the assisting  
Witnesses the Castros not knowing how at the time of  
asking the signature of the Attorney he said he did  
not do it



(Signed) José Rafael González  
Apt. Mabeap                      Apt. Mabeap  
José Fabian Castro              Francisco García

Monterey Nov 10<sup>th</sup> 1835

Let it be registered in the Book of possessions and let this original Expediente be returned to the interested party to serve him as title

Thus I the 2<sup>nd</sup> Alcalde determined ordered and signed with those of Assistance

(Signed) José Rafael González  
Apa José Ma Gilra                      Apa Juan Madariaga

On the same date a Registry was taken in the second folio front and reverse of the Respective Book and the Expediente was returned with seven written leaves (Fogás ulites) in fulfillment of the Superior decree, and in proof I note it and sign it with a scrawl

In continuation let the Expediente be referred to the Jmo. Apepor in order to pay the labors of this Expediente and the mileage to the land to which there are five leagues, the travelling on the said land being four leagues.

Thus I the Second Alcalde decreed ordered and signed in presence of those of Assistance

José Rafael González

CASE NO. 9 END  
PAGE NO. 72

## Senor Second Constitutional Alcalde

The fees caused by the execution of the acts which precede amount to thirty two Dollars two reales and appear by the following account

For the presentation with taxes & Decrees	\$ 1,
Two Ratifications	. 6
Two Entries	1,
Appointment of and acceptance & administering oaths to Experts	1,
Act of recognition and measurement of Cordel	1,
Measurement of ropeiron	3,
Two Interlocutory Decrees	2,
For 34 Leagues which were travelled	25, 4
The writing	1,
	36, 2
Apepo's Fee	5

Monterey 29<sup>th</sup> November 1835  
Cosme Pina

Filed in Office September 17<sup>th</sup> 1833  
Edw Geo Fisher  
Clerk

CASE NO. 9ND  
PAGE NO. 74

I George Fisher Secretary of the Board  
of Commissioners to ascertain and settle the Private  
Land Claims in the State of California do hereby  
certify the foregoing pages numbered from 70  
both inclusive to contain a true correct and full  
Transcript from the Journal of Proceedings of said  
Board of the Original Depositions of Witnesses and  
of the Documentary Evidence on file in this Office in  
Case No 62 Antonio and Faustino German against  
The United States for the place called Turistac

(L.F.)

In testimony whereof I hereunto set my  
hand and affix my private seal not hav-  
ing a seal of office at San Francisco  
California this 30<sup>th</sup> day of December 1853  
A.D. and of the Independence of the United  
States of America the Twenty Seventh

Signed

George Fisher  
Secy

9 ND  
German - v -  
Junist

[Blank white label]

as  
1  
ND

U. S. Surv. Genl. Office,

San Francisco, October 30<sup>th</sup>, 1861

I certify that the land contained within the survey of the Rancho "Puristas" confirmed to A and J German, by the U. S. District Court for the Northern District of California, lies wholly South of the Thirty seventh parallel of North Latitude, as appears by the General map of Public Surveys, on file in this office.

In witness whereof, I have hereunto signed my name, and caused the Seal of said office to be affixed, at the City of San Francisco, this 30<sup>th</sup> day of October, A. D. 1861

J. N. Manville

U. S. Surveyor General  
Calif.



U.S. Dist Court  
No. 9

The United States

vs

Antonio Francisco  
Garcia

Motion to Send Transcript  
to Southern Dist

Original transcript

CASE NO. 9 ND

PAGE NO. 76

B. P. A. Kenny  
atty for Carlos Lopez  
Dist. Court, S. Dist.

Attest my hand

At a Sated Term of the DISTRICT COURT OF THE

At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the City of SAN FRANCISCO, on *Wednesday* the *14<sup>th</sup>* day of *November* in the year of our Lord one thousand eight hundred and ~~fifty~~ *sixty*.

CASE NO. 9 **ND**  
PAGE NO. 77

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

A. and F. German

No. 9; L. C. 62.

"Juristic".

And now come R. S. Carlisle and James Sargent, successors in interest of the claimants herein, by their attorney B. F. Aukery, and move the court, upon the annexed notice and certificate, for an order directing the clerk of this court to transmit to the clerk of the District Court of the United States for the Southern District of Cal., the transcript heretofore filed in this court, from the late Board of Land Commissioners, of the proceedings before said Board in case No. 62 on the docket of said Board; whereupon, it appearing to the court that the land finally confirmed herein lies in the said Southern District, It is ordered, that the clerk of this court transmit the said transcript, together with a certified copy of this order and annexed notice and certificate, to the clerk of the said Southern District Court without delay.

Ogden Hoffman  
Dist Judge

9 ND

UNITED STATES DISTRICT COURT,  
Northern District of California.

*The United States*

vs.

*A. & F. German*

*Order to transmit  
transcript to S. Dist*

Filed *November 14, 1860,*

*M. A. Chenevix*

CLERK.

By

CASE NO. *9 ND*  
*4*  
PAGE NO. *78*

DEPUTY.

UNITED STATES DISTRICT COURT OF THE  
Northern District of California,  
San Francisco, California,  
in the year of our Lord one thousand eight hundred and sixty  
eight hundred and seventy  
FILED



Los Angeles, Jan'y 14, 1861

U. S. Dist. Clerk's Office -  
South Dist. Cal.

The receipt of Transcript of the Papers & Proceedings  
from Board of Land Com<sup>rs</sup> in Case No 12 and the Papers  
of said Board, with the following Papers to wit;

- Notice of appeal from atty Genl
- Motion to dismiss
- Notice to file Petition
- Petition of U.S.
- Answer
- Decree
- Order for appeal
- Step Order vacating appeal
- Notice of Motion to cert of U.S. Genl
- Order to Transcript of Sec to Clerk of Dist

from the Clerk  
of the Northern Dist of Cal<sup>a</sup> is hereby acknowl-  
edged,

Metaxas & Co's clk  
J. M. Whelan Secy

No. 9.

U. S. Dist. Court.

---

The United States.

vs

A. & F. German.

---

Receipt of Clerk  
Southern District  
for Transcript & papers.

---

Filed January 29, 1861,  
W. A. Chivers,  
Clerk

CASE NO. 9 ND

PAGE NO. 80

District Court of the United  
States for California.

Jacob L Sargent  
Russell C Sargent  
Bradley V Sargent and  
Robert B Carlisle  
substituted for  
Antonio and  
Faustino German Claimants and  
Appellants  
vs

The United States

Know all men by these presents  
that W. S. A. Sharp and  
J. B. Harmon both of the City  
and County of San Francisco,  
State of California, are held  
and firmly bound unto the  
above named The United States,  
Appellee, in the sum of five  
Hundred Dollars lawful  
money of the United States, to be  
paid to the United States, to  
which payment well and truly

To be made we bind ourselves,  
our respective heirs, executors and  
Administrators jointly and  
severally firmly by these presents,  
Sealed with our seals, and dated  
this tenth day of June  
A.D. 1864.

The condition of this obligation  
is such that, whereas the above  
named J. L. Sargent, R. C. Sargent,  
B. V. Sargent and R. S. Carlisle  
substituted for Antonio and  
Xaustino German have <sup>this day</sup> appealed  
to the Supreme Court of the United  
States from a decree made in  
the above entitled cause by the  
United States District Court  
for the Southern District of  
California on the 13<sup>th</sup> day of  
June A.D. 1862;

Now if said  
Appellants shall prosecute  
said appeal and pay all  
costs in said District and  
Supreme Courts which shall  
be adjudged against them, the  
said Appellants, in case the

said decree of said District Court, from which said appeal is taken, shall be affirmed, then this obligation shall be void: otherwise to remain in full force

executed and Sol A. Sharp Seal  
delivered in presence  
of J. B. Harmon Seal

United States of America }  
District of California } TS

Sol A. Sharp and J. B. Harmon being duly sworn each for himself deposes and says he is worth the sum of five Hundred dollars over and above all his debts and liabilities exclusive of property exempt from execution.

subscribed & sworn Sol A. Sharp  
& before me this 10<sup>th</sup> } J. B. Harmon  
day of June A.D. 1867 }  
J. Wallace  
U.S. Commissioner

CASE NO. 9

IND

PAGE NO. 84

The within bond is hereby  
approved.

June 15<sup>th</sup> 1867. John Hoffman  
Dist. Judge

9

Sargents et al  
Substituted for  
Antonio & Faustino  
German.

2d

The United States  
Bond on Appeal

Wm W. Key  
Goldman  
by S. S. Key

CASE NO.

ND

PAGE NO.

85

U.S. Dist Court  
San Francisco

The United States  
vs  
Antonio & Francisco  
Bernera

Quistac No 9

San Francisco Nov 1, 1860

To

Catharine Bernera Esq. U.S. Dist Atty

Please take notice that on Tuesday  
the 6<sup>th</sup> Nov 1860. at the opening of Court  
or as soon thereafter as the same can be  
heard, a Motion will be made, & said  
Court to transfer the original transcript  
in the above entitled Cause to the Southern  
District Court of the U.S. for Cal. for the  
reason that the said "Quistac" Ranch lies  
wholly in said District & South of the 37<sup>th</sup>  
parallel of North Latitude.

This Motion  
is based on the annexed Certificate of the  
U.S. Surveyor General for Cal. and the transcript  
in this case.

B. F. Anthony  
Atty for Carlisle & Sargent  
Successors in interest to  
Granters

CASE NO. 9 ND  
PAGE NO. 86



The service of this notice admitted -

Calhoun Dunham

N. J. City

N. J. C.

CASE NO. 9 ND

PAGE NO. 87

The United States  
Appellants  
vs

Antonio German  
& Faustin German

United States  
vs  
Antonio German  
& Faustin German  
of California

The claims of appellants is founded upon a grant issued by Jose Castro First Member of the Territorial Legislature and Political Chief ad interim of the Territory of California under date 22. October 1835. There are voluminous documents, precedent in date time to the grant, setting forth the previous attempts of appellees to obtain a grant of land which proved ~~fruitless~~ <sup>also the</sup> ~~steps~~ taken in relation to the petition of appellees on which this particular Grant was issued. It is ~~unnecessary~~ <sup>unnecessary</sup> to refer in detail to all these documents, in so far as upon the validity of appellees claim under the Grant of Governor Castro. This document not only recites but the usual recitals to be found in the Mexican Grants, but sets forth the fact that there had been a previous appearance

by the United States on the  
18<sup>th</sup> September immediately preceding  
of the Concession to be made to the  
appellees. The grant then conveys  
to the appellees "the tract of land  
known by the name of "Frisco" the  
boundaries of which are, from East  
to West those of the Citizens Castros, and  
the Anago of the Peradero."

The ordinary conditions are annexed  
to the grant. The genuineness of all  
the documents, including the grant  
is established by evidence and  
has not been assailed.

One witness, (Gonzales) who was ac-  
cused in the year 1835 prior, that  
on 29<sup>th</sup> October  
Indians of that year Appellee, were  
placed in judicial possession  
of the tract. D. S. Spence another  
witness swears that Appellee had  
resided on the land having expended  
dollars for thirteen or fourteen  
years previous to 1832, known of  
them having been placed in judi-  
cial possession in 1835.

As no argument has been made  
in this case, and the Commission-  
ers in their opinion shall gene-

CASE NO. 4  
PAGE NO.

9ND  
90

rally "all the objections urged against this claim except one have been heretofore considered and overruled & this Court has to look to the whole record, <sup>to ascertain</sup> what may have been those objections.

In this case it seems the approval by the departmental assembly was given to the grant prior to its issue, and that judicial possession had been delivered to the appellee immediately after the date of the grant. The only objection not specifically mentioned in which ~~objection~~ <sup>objection</sup> may have been made must have been urged against the claim in that the <sup>land</sup> granted was situated within ten leagues of the sea shore. And the situation of the land was known to the <sup>assembly</sup> departmental who with such knowledge and approval of the grant, thus, showed the legislative as well as the Executive authorities of Mexico in Colima acted upon the interpretation of the law which <sup>subjected vacant</sup> ~~conceded~~ the Court, as used by

of the vacant lands to the operation of the Colonization laws of Mexico. The objection arises from the fact that the lands in question are within ten leagues of the coast and have been considered by this Court in the case of Cruz Cervantes vs The United States decided at its second term and this Court considers the point well settled and reversed by a higher tribunal and the ~~correct doctrine~~ as settled.

The only objection specially mentioned by the Commission is, as having been raised at the validity of this claim is, which is a demand, termed the "Missouri question." This point has also been determined under the authority of the case of The United vs Ritchie Sup Court Dec 7th 1841. It is therefore unnecessary to go into the evidence to ascertain if the land in controversy were in the occupancy of a Mission at the date of the admission of 21st Nov 1828, which prohibited the purchase the granting of lands so occupied.

CASE NO. 92  
PAGE NO. 92

The fourth condition annexed to the Grant of Governor Castros is in these words "the tract of lands of which mention is made is of one sitio de ganada Mayor (one square league) according as appears the Real Cedula which is annexed to the Expediente. The Magistrate subsequently delivered judicial possession having previously ~~been~~ measured the land and the doubt in the mind of the Court has been whether the quantity of lands ascertained on judicial measurement should not be compared rather than one square league within the limits of the mentioned in the Grant. But as the testimony does not clearly establish the objects intended for by the judicial measurement in such manner as clearly to establish their position in relation to the boundaries <sup>described in</sup> for in the grant, and as <sup>has been</sup> <sup>claimants</sup> no appeal by <sup>parties</sup> <sup>from</sup>

any portion of the decree of the  
Commissioners, the Court will  
enquire into the propriety  
of that decree

CASE NO. 9 ND  
PAGE NO. 93

The United States	} District Court
appellants	
vs	} U.S. National
Antonio German	
& Antonio German	
appellees	

This cause came on to be heard be-  
fore this Court at a stated Term  
on an appeal from <sup>the trial decision</sup> the Commis-  
sioners, for to ascertain & settle  
the private land claims in the  
State of California under the Act of  
Congress, <sup>approved</sup> H. R. 3 March 1851, upon  
the transcript of the proceedings and  
decisions, and the papers an sen-  
dence on which said decision was  
founded, and counsel for appellants  
and appellees having appeared  
it is ordered adjudged and decreed,  
the said decision of the said Com-  
missioners, be and the same  
is hereby affirmed, and it is hereby  
further ordered adjudged and

CASE NO.   
 PAGE NO. 94

decreed that the claim of the  
 appellees the said Antonio G. Ger-  
 man and Faustino Herrera  
 be and the same, hereby expressed  
 to them to the effect and quantity of  
 one square league, or *tercio de gal-  
 nada* *maywanda* for no more  
 being the same land described in the  
 grant, and which possession by  
 the said appellees, was duly proved,  
 Provided that the said quantity of  
 land now hereby expressed to  
 them be contained within the  
 boundaries ~~expressed~~  
 said grant and not beyond to  
 therein, and if the be less than  
 the said named quantity of one  
 square league within the said  
 boundaries, then such less  
 quantity is hereby <sup>decreed</sup> adjudged  
 and expressed to the said ap-  
 pellees.



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

No 9

The United States

vs

A. T. F. German

Opinion & Decree

CASE NO. 9 END  
PAGE NO. 95