

CASE NO.

20

NORTHERN DISTRICT

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MONTE DEL DIABLO GRANT

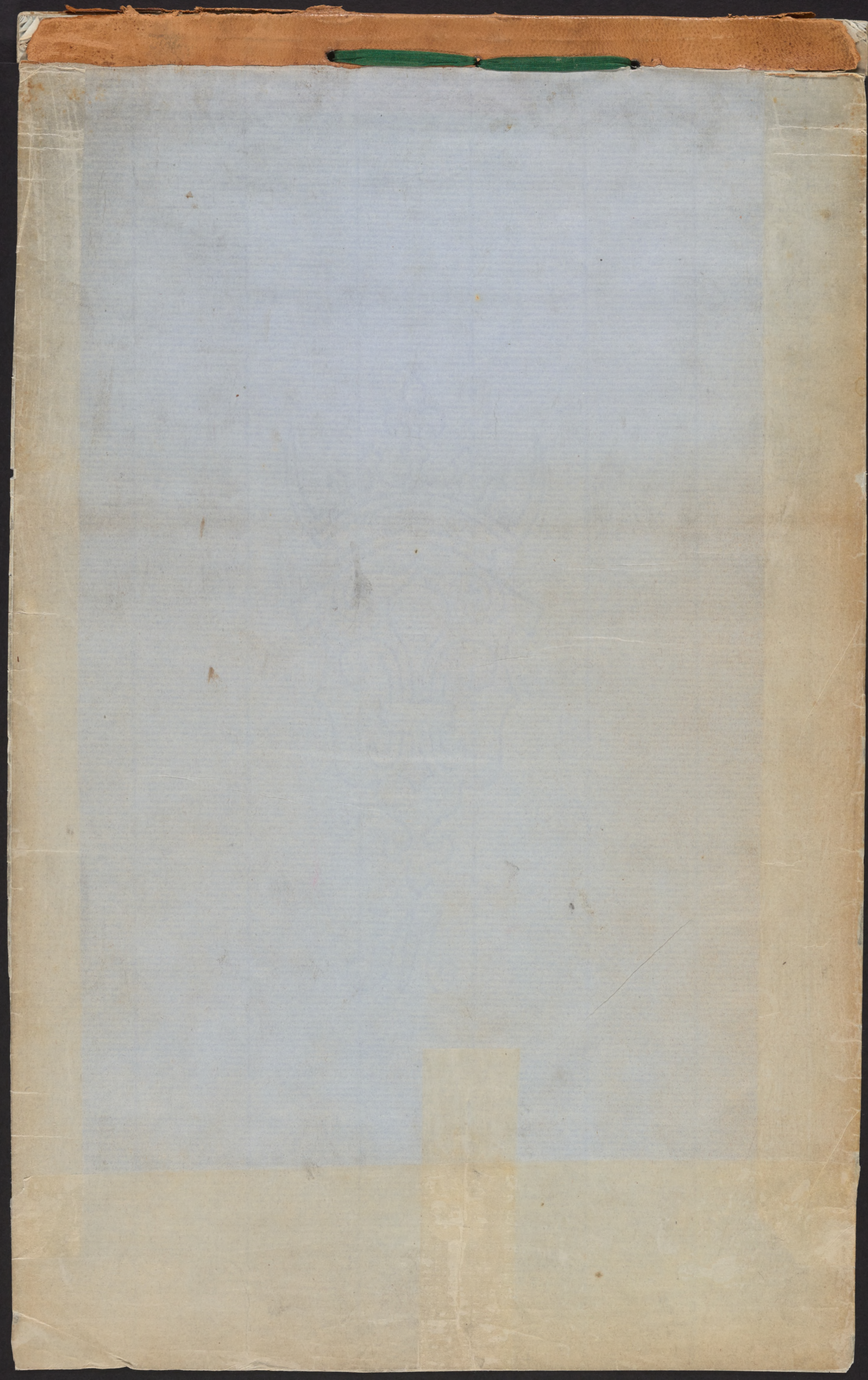
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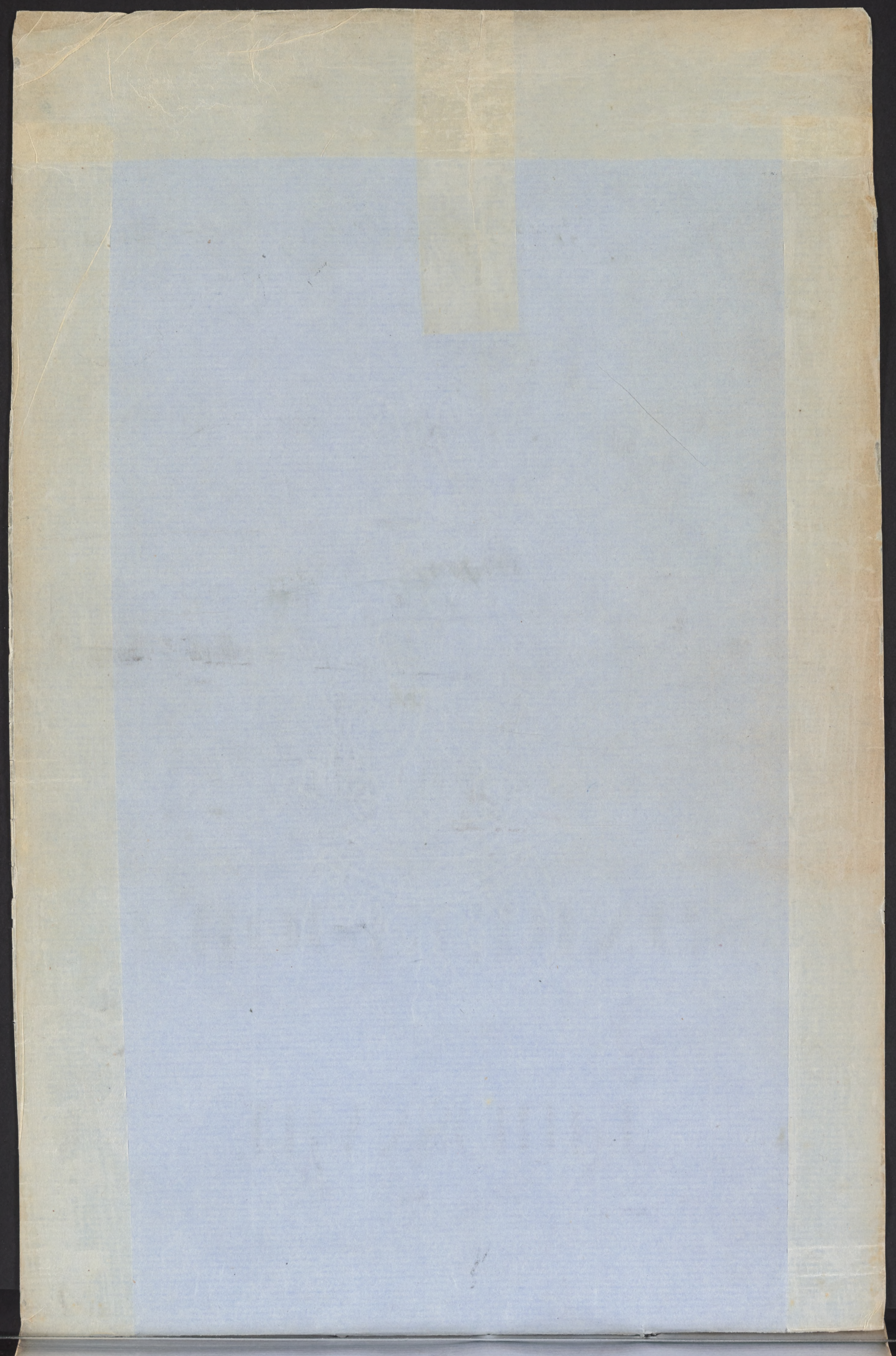
SALVIO PACHECO

CLAIMANT

FEB 21 1963

Government  
Plover Brand  
52% Cotton Fiber  
U.S.A.





CASE NO. 20 ND  
PAGE NO. 1

# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. 76

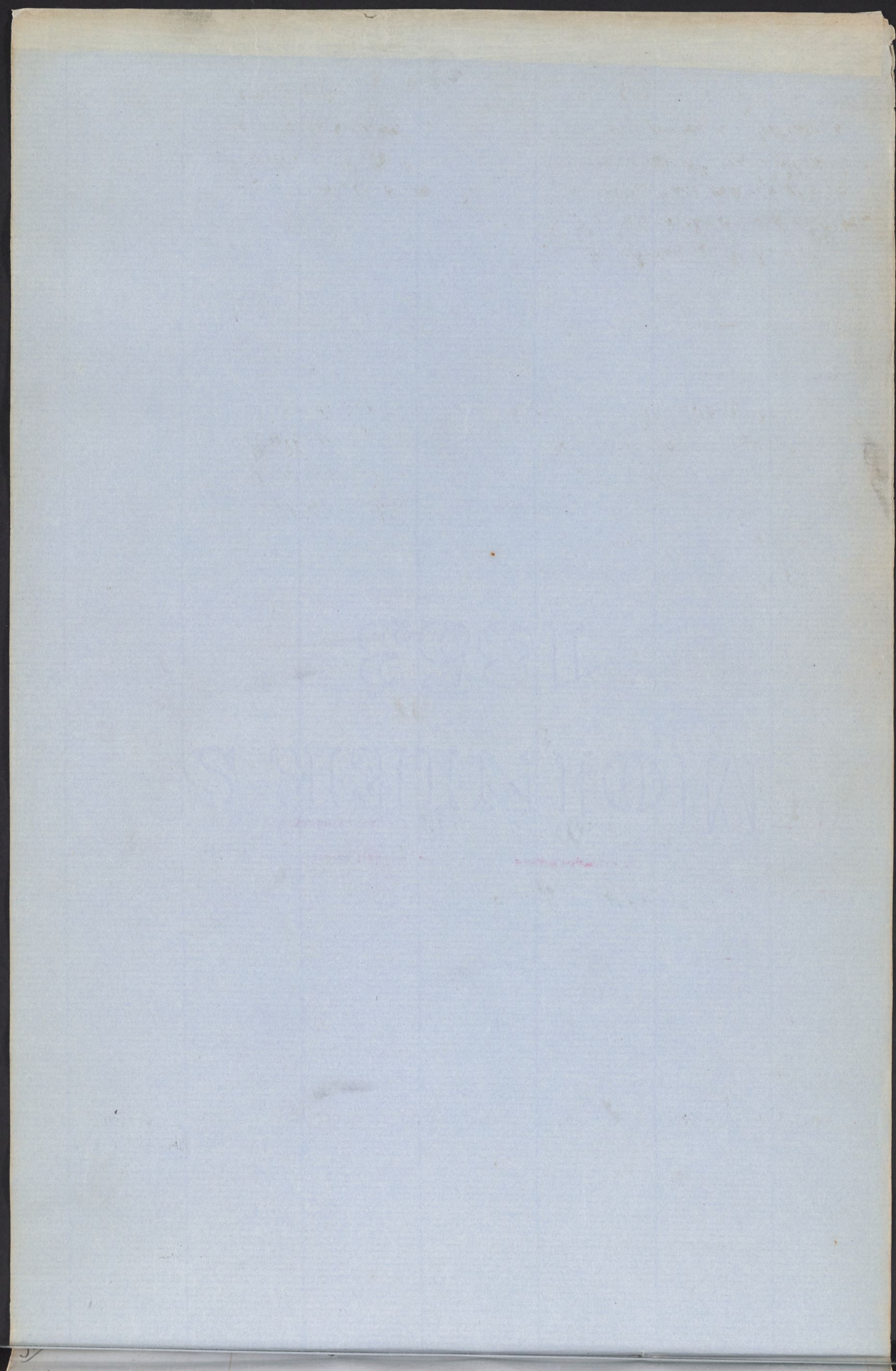
*Salvio Pacheco* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Monte del Diablo"*



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this twenty seventh day of February, 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 Salvio Pacheco,

for the Place named

"Monte del Diablo"

was presented, and ordered to be filed and docketed with No. 76, and is as follows, to wit;

(Vide page - 3 - of this Transcript.)

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

Thursday March 18<sup>th</sup> 1852.

In Case No 76, Salvio Pacheco, the Deposition of Mariano Guadalupe Vallejo, a witness in behalf of the claimant, taken before Commissioner Richard Hall, was filed and is in the words and figures as follows, to wit; (Vide pages of this Transcript. 4.

Wednesday June 2<sup>nd</sup> 1852.

In Case No 76, Salvio Pacheco, the Deposition of Maximilian Martinez, a witness in behalf of the claimant, taken before Commissioner Henry S. Thornton, was filed and is in the words and figures as follows, to wit; (Vide pages of this Transcript. 5, 6 and 7.

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

In Case No 76, Sabrio Pacheco, for the place named "Monte del Diablo," the Counsel for the Claimant filed the following motion, to wit:

Sabrio Pacheco, } Claimant in the above Case moves  
vs } the Board to substitute Claim No.  
United States. } 76, on the Trial Docket, for Claim  
No 198.

(Signed) Rose,  
for Claimant.

Which motion having been sustained;

Ordered, that Case No 76, be substituted on the Trial Docket for Claim No 198.

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

Case No 76, Sabrio Pacheco, for the place named "Monte del Diablo," was called. The Counsel for the Claimant read the Petition and Evidence, and opened the argument; the U. S. Law Agent answered; The Case was thereupon submitted, and the Board took the same under advisement.

Wednesday, January 5<sup>th</sup> 1853.

In Case No 76, Sabrio Pacheco, for the place named "Monte del Diablo," Commissioner Hiland Hall, delivered the opinion of this Board and the Decree of Final Confirmation.

Ordered, that the opinion and decree of final confirmation



of this Board, delivered this day, in this case, be recorded on the Journal.

Which opinion and decree are in the words and figures as follows, to wit: (Vide pages of this Transcript 29 and 30.)

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A.

Petition.

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

Your Petitioner Gabriel Pacheco of in the State of \_\_\_\_\_ respectfully represents to your honorable board that he claims a certain tract of land called "Monte del Diablo", containing four leagues more or less, situated in the County of \_\_\_\_\_ in said State of California; that he claims the same in fee by virtue of a grant made to himself, under the authority of the Mexican Government by José Figueroa, Governor of the Territory of Upper California, bearing date the 26<sup>th</sup> day of July 1834, having been approved by the Judicial Deputation on the 19<sup>th</sup> day of June 1834; and the boundaries thereof designated and defined, and that he has been in the peaceable possession thereof ever since; and that he has no knowledge of any interfering claim.

Your Petitioner presents herewith his original grant of said land in the Spanish language together with a translation of the same, and will make further proof of title if required by the Board.

Your Petitioner prays your honorable Board to take into consideration his claim to said tract of land, and decree his title to be valid, and confirm the same.

And your petitioner will ever pray.

San Francisco Feby 27, 1852.

Gabriel Pacheco.

Filed in Office February 27<sup>th</sup> 1852.

Geo. Fisher Secy.

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Deposition of  
M. G. Vallejo.

San Francisco, March 18<sup>th</sup> 1852.

On this day before Hiland Hall, one of the Commissioners for ascertaining and settling private Land Claims in the State of California, came Mariano Guadalupe Vallejo, a witness produced in behalf of the claimant in the case of the petition of said claimant, being No 76, on the Docket of the Commissioners, who was duly sworn as such witness.

The Law Agent was duly notified and attended. The witness gave his testimony in the English language.

The testimony is taken subject to all just objections to the same, and to all parts of it.

In answer to enquiries made by Mr Roscoe for the petitioner, the witness testified as follows.

Questions propounded to said witness.

1. Question. Are you acquainted with the handwriting of Jose Figueroa, and Augustin V. Larriondo?  
Answer. I am.

Question. Have you ever seen them write?  
Ans. I have.

Quest. Are the signatures of their names on the Document now here shown you marked Little C. genuine or not? Is said Document an original one, or not?

Answer. The signatures are genuine. It is an original document.

M. G. Vallejo.

Sworn to and subscribed this 18<sup>th</sup> day of March 1852, before me.

Hiland Hall.

Comr.

Filed in Office March 18<sup>th</sup> 1852. Geo: Fisher Secy.

Office of the Board of Land  
Commissioners for California.

San Francisco June 2/52.

On this day before me Harry J. Thornton  
one of the Commissioners for ascertaining and settling  
private Land Claims in California, came Maximino  
Martinez, a witness produced in behalf of the claimant  
Salvio Pacheco, whose petition is No 76, on the Docket  
of said Commissioners, and after being duly sworn  
testified as follows; his evidence being given in the  
Spanish and interpreted by Gen. Fisher Secretary;  
The U. S. Law Agent present.

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Deposition of  
Maximino Martinez

Questions by the Claimant:

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

Ans. My name is Maximino Martinez, age is sixty  
one (61) years. My residence is the Rancho called  
"Corte de Madera," in the County of Santa Clara.

2. Do you know anything of a grant being made to  
Salvio Pacheco, by Governor Figueroa; and where is  
it situated;

Ans. I do know that Governor Figueroa granted to  
Salvio Pacheco a tract of land called "El Monte del Diablo"  
about East from this city, and about three leagues from  
the town of Martinez, in the County of Contra Costa.

Ques 3. Do you know whether Pacheco took possession of  
the said Rancho; and how long after the date of the  
grant?

Ans. He did take possession of it, in a short time after  
the date of the grant, but I cannot specify the exact  
time; I believe however that it was within a year;

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inasmuch as at that time there was considerable danger for life and property from the hostile Indians in that section of the Country.

Ques 4. In what way did he take possession? Did he build a house, or did he merely have stock upon it?

Ans. He occupied it with stock of cattle and horses, built a little house, where he and his sons used to stop, when attending to their stock, built a cattle pen, and put up fences enclosing his cultivated grounds, he raised corn, wheat, beans, peas, and vegetables and fruit.

Ques 5. Do you know this by having seen it yourself?

Ans. I do, because I have seen it.

#### Questions by the U. S. Law Agent.

Ques 1. Do you know whether Pacheco ever sold this Land, and if so, where?

Ans. I do not know of his having sold it.

Ques 2. Is the land within ten leagues of the sea, or any bay of the Ocean?

Ans. I believe the distance from the bay-shore to the land to be less than ten leagues. I do not know how far it is from the Sea-Shore.

Ques 3. How far is it from the nearest point of the Rancho to the water of the bay of which you have spoken?

Ans. It appears to me it will be six leagues, more or less.

4. Do you know whether this land was ever occupied by any Mission? and if so, do you recollect the time?

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Ans. It is within my recollection that the Mission of San José, had some Sheep pasturing on it, but by what right I do not know, nor do I recollect how long since. I think it was more than twenty years since, but I am not certain.

Ques 5. To what extent did the claimant cultivate the ground?

Ans. To the extent of about four hundred varas on each side.

Martinez <sup>his</sup> + Martinez <sub>marks</sub>

The Law Agent of U. S. present.

Sworn to & subscribed before  
me this 2<sup>d</sup> of June 1852.

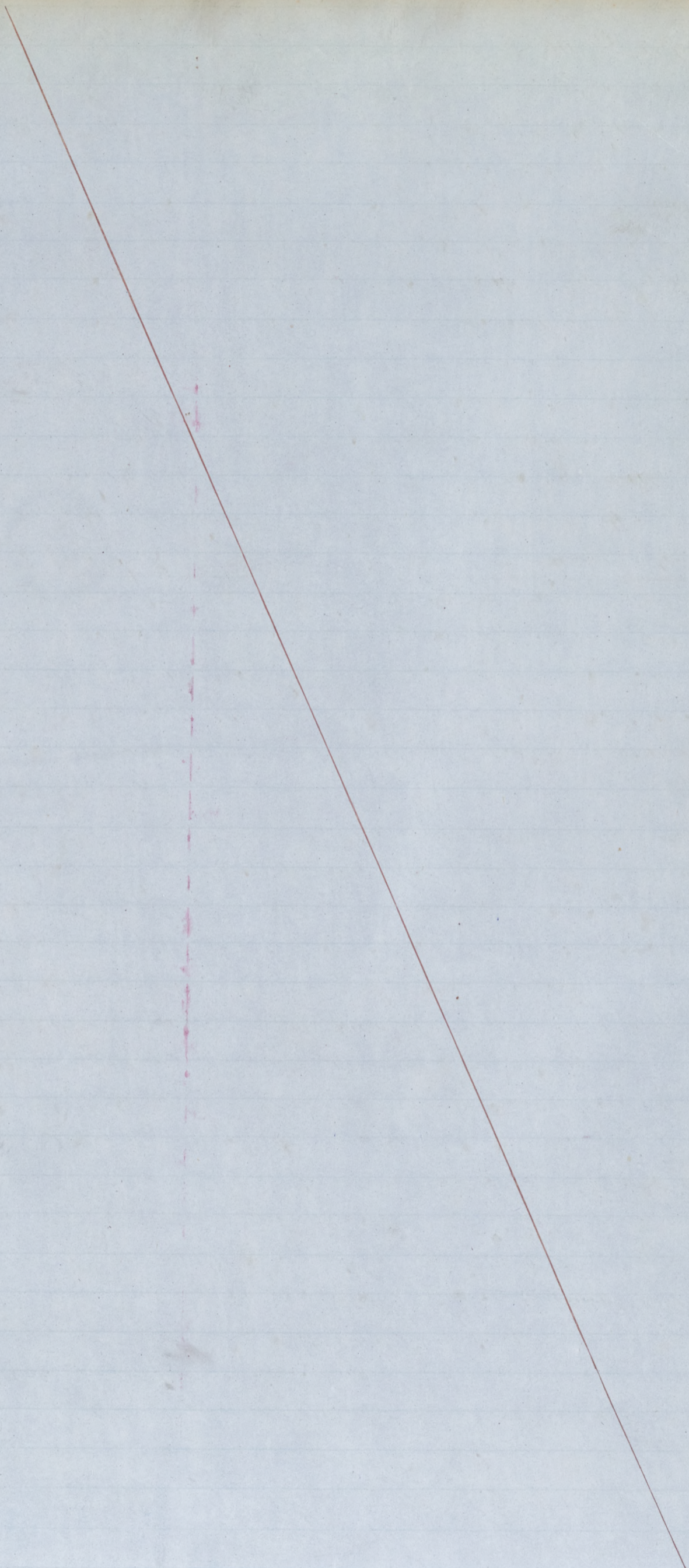
Harry J. Thurston.

Comr &c

Filed in Office June 2<sup>nd</sup> 1852.

Geo. Fisher.

Secy.



San Diego 31 de Oct.<sup>bre</sup> de 1828.

El Ciudad.<sup>no</sup> Salvio Pacheco, Alcalde con

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stitucional del Pueblo de S. José Guadalupe de este territorio ante la notaria-integridad y En consecuencia a la pre-justificacion de V. S. hago presente q<sup>e</sup> abiendo me tencion del esponente con-presentado en debida forma ante V. S. p.<sup>o</sup> me<sup>o</sup> esta fha se presene al- io de memoriales en los meses de Ab<sup>o</sup> y Junio Comandante de San Fra- del año pas.<sup>do</sup> en solicitud de un sitio baldio neisco oblique haque nombrado el Monte del Diablo en juridiccion inmediatamente saque el de San Francisco no tubo p.<sup>o</sup> entonses ningun Ganado q<sup>e</sup> halla introdu- resultado mi solicitud. la cual repeti con fha cido el Ingles Guillermo lo de Junio del presente año creido de q<sup>e</sup> las Willis en los Bolbones, vastas atenciones de V. S. no le permitirian res y al Alcalde accidental obser nada sobre otra peticion ha q<sup>e</sup> un elsiado del Pueblo de San José natural de V. S. p.<sup>o</sup> tener asuntos de mas mom se le traslada la orden- ento ha q<sup>e</sup> atender hubiese causado el total p.<sup>o</sup> su conocimiento, y con silencio, me determine en el mes pp.<sup>o</sup> de Ag.<sup>to</sup> respecto al sitio q<sup>e</sup> p.<sup>o</sup> ci ha reproducir mi demanda temiendo tamb. solicita debora aguardar sien no hubiese padecido algun estrabio las ag.<sup>o</sup> salga la orden de anteriores.

Expediente B.  
Salvio Pacheco

Monte del Diablo.

repartimiento de terrenos A. esta hulttima se cirbio V. S. decretar p. en q<sup>e</sup> se tienda presente idiendo q<sup>e</sup> informase el Ayuntamiento del repe- segun sus meritos, debe- tido Pueblo lo cual verifico ineontinente y endo mantener sus en mis dos primeros memoriales de peticion Ganados en los efidos me contraria ha pedir la propiedad del del Pueblo de San José repetido paraje, mas en los dos segundos me en donde hay sobrado conformaba lla con q<sup>e</sup> seme conseediese en clase sitio p.<sup>o</sup> todos los bienes de prestado siguiera p.<sup>o</sup> la hurgencia de no de los viinos del espus hallar donde tener con seguridad al mis bien- aido Pueblo. es q<sup>e</sup> aacienden ha mas de 850 cabezas de Echeandia. Ganado bueno, un chinchorro de Ganado menor y tres manadas de 30 lleguas cada una, en espera de la sup.<sup>o</sup> resolucion de V. S. me hallaba cuando en 2. del pp.<sup>o</sup> sept- iembre aparecio en el pueblo de mi residencia el extranjero Julian Willis con un numero de ganado como de 500 cabezas con intencion segun manifiesto de pasar adelante yo como juez de aquel distrito uncumplim.<sup>to</sup> de mi deber le pregunte ha donde se dirigia con aquellos vienes, y con q<sup>e</sup> pas los conidia a lo q<sup>e</sup> me respondió q<sup>e</sup> no llevan pase ninguno p.<sup>o</sup> q<sup>e</sup> los avia

sacado del Rancho de los corralitos conocido p<sup>o</sup> de Amesti; y  
los lleba a la Cañada del Pinole, sitio del Sr. D.<sup>o</sup> Ignacio M.  
Martinez; creido yo de q<sup>e</sup> de ante mano abria algun combenien-  
entre el referido D.<sup>o</sup> Ignacio y el extranjero Willi. no tube emb.  
- craso en permitirle el paso pero muy poco tiempo despues  
fui informado de q<sup>e</sup> el Ganado de este indibido no se allab-  
a en la cañada del pinole, sino en el sitio mismo q<sup>e</sup> yo  
habia intentado.

Recombenido directam<sup>te</sup> ha este indibido pregunt-  
andole p<sup>o</sup> que razon abia introducido su Ganado en  
aquel sitio cuando al reclamarle el paso, y destitido de dho  
Ganado me aseguro hiba al ole D.<sup>o</sup> Ignacio Martinez  
alo q<sup>e</sup> me respondio biendose cofido en la mentiroa  
q<sup>e</sup> el no tenia culpa en aquello sino el mismo ten<sup>te</sup> quien  
le sugirio el q<sup>e</sup> me enganase de aquella manera diziendole  
q<sup>e</sup> si al querer pasar con su Ganado medecia lo llebava  
al Monte del Diablo no le abia de permitir el paso p<sup>o</sup>  
tener yo pretendido dho. sitio, y asi q<sup>e</sup> me enganara  
diciendome lo llebaba ala Cañada del Pinole y que  
lla un abis metido no seria facilte lo hiciesen sacar  
en seguida me mostro el memorial presentado al  
Comand.<sup>te</sup> de S.<sup>o</sup> Fran.<sup>co</sup> con el protido de este q<sup>e</sup> esjira  
la copia N.<sup>o</sup> 1. que debidamente acompaño.

En primer lugar es falso falicimo q<sup>e</sup> Willis  
me hubiese manifestad el Superior decreto de V. S.  
- q<sup>e</sup> refiere ni que hubiese ablado con migo ni una pala-  
bra sobre la materia, y por conig<sup>te</sup> ni es que llo le  
diere la contestacion que aci mismo olin de randa  
absolutam<sup>te</sup> tube llo conociem<sup>to</sup> ni notecia sino asta  
estar ya introducido el Ganado de Willis, en tal  
virtud es claro, que este, y el temiete Martinez han  
obrado de malaje enganandome y como una  
autoridad constituida, y llo como interesado, y  
con mas derecho q<sup>e</sup> este estãnjero al sitio culla  
ocupacion sennse trataba de estornar.

No parese deserte ni en el orden q<sup>e</sup> un  
oficial se intro dusea de esa manera p<sup>o</sup> fabreser  
ha un extranjero destituido de todo merito ni  
derecho y en perjuicio de un hijo del pais p<sup>o</sup> muchos  
titulos mas a vedor q<sup>e</sup> aquel ha un local en q<sup>e</sup>



fraudulante sea introducido, movido del justo sentim<sup>to</sup> q<sup>e</sup> me causó el verme, brutalado de aquella manera, y en cierto modo de fraudarlo de la posesion aunque fuese precaria del repetido sitio, lo cual espantaba con mas fundam<sup>to</sup> p<sup>r</sup> las razones repetidas, pase al Comand<sup>te</sup> de S<sup>o</sup> Francisco el oficio q<sup>e</sup> manifiesta la copia N<sup>o</sup> 2. que asi como la N<sup>o</sup> 3 que fue su contestacion acompaño igualmente.

Por otra parte el sitio q<sup>e</sup> tengo solicitado es propriam<sup>te</sup> llamado p<sup>r</sup> la gentilidad Chupucanes, y posteriormente deciguado p<sup>r</sup> la tropa con el nombre de Monte del Diablo, lo q<sup>e</sup> se puede verificar en caso necesario, pues existen muchos de los indibidos q<sup>e</sup> fueron a la primera campaña p<sup>r</sup> ese punto.

El Estranjero Willi en su peticion expresa sea el sitio q<sup>e</sup> pretende la laguna de los Bolboes, este es un paraje en el mismo serro nombrado de los Bolboes donde ay una Laguna con el proprio nombre, y este dista del Monte del Diablo como legua y mediaacia el Norte conq<sup>e</sup> si Willi ha pedido este sitio, y es el mismo q<sup>e</sup> se ha concedido el Comand<sup>te</sup> de S<sup>o</sup> Francisco en clase de prestado segun expresa, p<sup>r</sup> q<sup>e</sup> se ha introducido en otro y mas estando en el caso de tener lo yo pedido, y estar pendiente de la resolucion de V. S. haun quando no mediara la circunstancia de tener yo interpuesta solicitud, aspirando al repetido sitio del Monte del Diablo como q<sup>e</sup> ahora la instancia me concidero con mas derecho q<sup>e</sup> Julian Willi, no obstante lo q<sup>e</sup> se quiere decir en su abono, y al efecto ave ha V. S. brevemente un paralelo entre el yo p<sup>a</sup> q<sup>e</sup> con mas conocim<sup>to</sup> de causa pueda V. S. fallar en asunto bien q<sup>e</sup> a la penetracion de V. S. no se oente definir tan noble, en primer lugar mi padre viuo de Oubador ha este territorio, y ac en esta clase como en la de Soldado ha prestado sus servicios en el allandose actualm<sup>te</sup> retirado ha invalidos, yo servi en la Comp<sup>a</sup> de S<sup>o</sup> Francisco 15 años sin dar nota alguna como lo padra acreditar quando sea necesario, actualm<sup>te</sup> estan cirviendo a la patria dos hermanos mios en la Comp<sup>a</sup> mexicana de Artilleria, y uno en la de Caballeria, conq<sup>e</sup> ya V. S. q<sup>e</sup> aunas de tener la circunstancia de ser hijo de este suelo e prestado ser<sup>o</sup> y los as mi familia arias como carga concijil de todo aind<sup>e</sup> me allo desemp-

penando el cargo de Alcalde Constit. del Pueblo de mi residencia, y electo Diputado Suplente de este territorio por los años de 1829 y 1830 y como es regular se llegue el caso de que yo entre en el ejercicio de este encargo y no tengo un terreno en donde asegurar mis bienes, desde luego es evidente que por esta causa quedaran quando no perdidos halomenos en riesgo de ello, los bienes mios, y de mi d<sup>na</sup> familia consisten como al principio dije en 850 Cabesas de Ganado vacuno, un chivo chorro de un año, y tres manadas de lieguas de 30. Cada una siendo de advertir que asi mi familia como yo somos sido creadores de toda esta clase de muebles, aun sin tener otro proprio acorta de mucho trabajo, y ha sido y no los hemos adquirido por via de compra, conq<sup>e</sup> estando, mis tres hermanos empleados en el servicio de las armadas no ha quedado otro mas que yo en aptitud de acceder a la subsistencia de mi anunciado Padre ademas de tener la atencion de mi familia en particular.

Declaro ahora las circunstancias que median con respecto ha Julian Willi. este es un extranjero forastero introducido en este pais, asi o cinco años, su recien y radicacion en el es tolerado y no autorizada asi mismo contra ley q. espresamente lo prohibe ha fabricar y tener la propiedad de una casa en el Pueblo de S<sup>ra</sup> Jose donde esta abelindado no tiene aun carta de Ciudad<sup>de</sup> de Conceig<sup>te</sup> esta es eludiendo de los ajeros de tal y menos con derecho ha lo que solicita, y el numero de cabesas de toda clase que tiene es mucho menos que el que yo poseo siendo aquel todo comprado, y con motivo de ser poco tiempo que reside en este territorio nose puede decir que ha sido creador, y tambien por que es de muy poco tiempo ha esta parte quando el aparese en estado de fortuna en que oy se alla.

En virtud de todo lo espuesto creo que la rectitud de S. S. no necesitava otras pruebas para combensarse de la injusticia conq<sup>e</sup> el comand<sup>te</sup> de San Francisco ha concedido al extranjero Julian Willi, prestado el sitio del Monte del Diablo, que yo tenia de antecunuo solicitado, y la supercheria conq<sup>e</sup> alli se introdujo este aconsejado del ten<sup>te</sup> Martinez siendo asi que segun consta de su peticion solicitaba el de la Laguna de los Volbones,

Por tanto,

A. S. Suplico q<sup>e</sup> teniendo en consideracion los meritos y serv.<sup>os</sup> q. tengo referidos y la justicia q<sup>e</sup> me asiste p<sup>o</sup> reclamar al perjuicio q<sup>e</sup> se me haga preferiendose aun extranjero, se sirva V. S. mandar ya q<sup>e</sup> ha Willi se le quiere conceder citio prestado se traslade con sus bienes al q<sup>e</sup> pidio q<sup>e</sup> es la Laguna de los Bolbones en el propio serro arriba dejando desocupado el del Monte del Diablo y este se digno V. S. considerarme lo en calidad de prestado p<sup>o</sup> mantener en el consequridad mis bienes asta q<sup>e</sup> p<sup>o</sup> la superioridad se me conceda la propiedad del quando sea tiempo de solicitar lo, en lo q<sup>e</sup> recibire suerced y Justicia juro no ser de malicia.

Puerto de S.<sup>o</sup> Diego. 30 de Octubre de 1828.  
Salvio Pacheco.

Certifico ser copia sacada a la letra del original compuesta o extendida en junto todos sus documentos con pliegos de papel y uno en oficio y p<sup>o</sup> su constancia lo firmo el Alcalde Constitucional del año 30.

Alvarez.

Sor. Comand.<sup>te</sup> del Puerto de S. Francisco.

N.<sup>o</sup> 1.

Prohibido. Guillermo Willi de Nacion Ingles casado S.<sup>o</sup> Fran.<sup>co</sup> 25. y establecido en este territorio ha V. en la de Agosto de 1828. debida forma se presenta, y espone q<sup>e</sup> ha consecuencia de allarse poseedor de quinientos Supuesto q. pertenecan quarenta y siete cabesas de Ganado vacuno a la jurisdiccion de una y treinta y siete caballos ase ya algun tiempo mandado el paraje hizo la peticion al Sor. Comand.<sup>te</sup> Gen.<sup>l</sup> del de la Laguna de paraje nombrado la Laguna de los Bolbones q. solicita oses p<sup>o</sup> poner en el estas propied.<sup>es</sup> y como la parte contenida p<sup>o</sup> lultimo ha virtud de reclamo p<sup>o</sup> el en esta instancia prohibido de mi expresada sollicitud aqui y q. lo concidero con ella suerioridad se cubio decretarlo q<sup>e</sup> p<sup>o</sup>vidido en ella aparese p<sup>o</sup> su prohibido de 7 de Junio del en tal virtud teni presente ano q<sup>e</sup> para en su poder abiendo enolo en concider tenido en consideracion mi residencia, y

eracion lo q. espone establecimiento q. es en el pueblo de S<sup>o</sup>  
el interesado, y q. es José Alefeto, me presente al Alcalde de este  
efectiva la necesidad lugar con dho decreto p<sup>a</sup> q. en su vista me  
q. tiene del préstamo provellese con arreglo ha el.

de un paraje pa La contestacion o resolucion concludida  
asegurar sus bienes de dho. Alcalde fue ducarme q. no obra  
de campo le considero paraje ni para su Gauado de el de loge  
cupe en tal calidad Solo resulta q. meallo aun en el ayu con  
de prestado como lo mis bienes, y con gran perjuicio de su  
pide el referido pa Seguridad, pero teniendo presente  
rajes de Laguna q. el Sor. Comand<sup>te</sup> General al mismo  
de Bobones pero tiempo mea ampleado q. pueda seguir en  
Vajo la precisa intel Xusea de paraje o terreno a la jurisdiccion  
-igencia q. solo me de este Puerto de su mando) ha en el el  
estiendo ha consider debido ocurno al Comand<sup>te</sup> de ella, en caso  
lo p<sup>a</sup> un año en ello facilitar me en el Pueblo de mi resid.  
interin puede aser. encia en esta Confianza en efecto oca.  
sus cursos a la utida. ro ha V. afin de q. serviendo se tomar en  
Superioridad de este Consideracion todo lo espuesto se digue  
territorio afin de p<sup>a</sup> un efecto de su bondad concederme  
obtener la consecion en calidad de prestado el mencionado  
legitima de otro o Paraje de la Laguna de los Bobones  
el mismo p<sup>a</sup> dha p<sup>a</sup> poner en el mis referidos bienes de  
Superioridad. Campo el cual considero es de la compren-  
cion de este Puerto y Jurisdiccion de su  
mando y aunque sea entre tanto el Gov<sup>o</sup>  
me ha Gracia con la propiedad de  
alguno en este territorio. Por tanto  
A. V. Suplico esta parte le provea, y aga  
merced segun justicia y de su superior agrado  
en la presente Sobesitud.

Arguello.

Puerto de S.<sup>o</sup> Fran.<sup>co</sup> 23. de Ag.<sup>to</sup> de 1828.

Guillermo Willi.

Es copia de su original de q. certifico.

Salvio Pacheco.

N<sup>o</sup> 2. En virtud ha saber q. Julian Wilson es poseedor oy  
dica del paraje del Monte del Diablo y q. a me otise V.  
se lo tiene prestado noticio ha V. q. dho litio no lo tengo

pretendido y no esperaba mas de la licencia del Sr. Sen<sup>r</sup>  
para colocar en el mis bienes lo q. pongo en noticia p<sup>a</sup> su  
inteligencia. Dios y Libertad. Pueblo de S<sup>n</sup> José Guad-  
alupe. Septiembre. 9. 1828.

Es copia de su original de q. Sertifico.

Salvio Pacheco.

CASE NO. 20 ND  
PAGE NO. 15

P. B. Supuesto q. V. tiene pretendido el paraje del Monte  
del Diablo, ante la superioridad del Sr. Comand<sup>te</sup> G<sup>l</sup>  
como V. dice en su oficio de fha de ayer luego q. le sea con-  
cedido indispensablem<sup>te</sup> lo evacua Julian Wilson (pues  
ha tal concecion no abra opoicion) aqui en solo se lo  
tengo prestado p<sup>r</sup> un año suficiente entre tanto si<sup>a</sup> obten-  
er la concecion q. V. solicita de dho paraje.

Dios y Libertad. P<sup>to</sup> de S<sup>n</sup> Francisco  
1<sup>o</sup> de Sep.<sup>bre</sup> de 1828.

Luis Antonio Arguello.

Es copia de su original de q. Sertifico.

Salvio Pacheco.

Sello Primero. Seis Pesos.

Habilitado provisionalmente por la Administracion Mari-  
tima de Monterey para los años de mil ochocientos treinta  
y cuatro y mil ochocientos treinta y cinco.

Figueroa.

Rafael Gonzalez.



José Figueroa General de Brigada de la  
Republica Mexicana, Comandante Gener-  
al, Inspector y Jefe Superior Politico del  
Territorio de la Alta California.

Por cuanto Don Salvio Pacheco, Mexicano por nacimiento  
ha pretendido para su beneficio personal y el de su familia  
el terreno conocido con el nombre de Monte del Diablo  
colindante con las Luntas, el Pinole y las Sierras de las ladas  
opuertos: practicadas previamente las diligencias y averig-  
uaciones concernientes segun lo dispuesto por leyes y  
reglamentos, usando de las facultades que me son conferi-  
das y de conformidad con el acuerdo de la Excelentisima  
Diputacion Territorial del dia diez y nueve de Junio  
ultimo aprobando la concecion del citado terreno

Little. C.

del Monte del Diablo hecha en diez de dicho mes al referido Don Salvo Pacheco, a nombre de la Nacion Mexicana he venido en conferir el terreno mencionado declarandole la propiedad de él por las presentes letras sugeto a las condiciones siguientes.

1.<sup>o</sup> Que se sometera a las que establece el reglamento que se ha de formar para la distribucion de terrenos baldios y que entre tanto ni el agraciado ni su herederos podran dividir ni enagenar el que se le adjudica: imponer senzo, vinculo, fianza, hipoteca, ni otro gravamen aunque sea por causa piadosa, ni pasar lo a manos muertas.

2.<sup>o</sup> Podrá crearlo sin perjudicar las travesias caminos y servidumbres. lo disfrutará libre y exclusivamente, destinandole al uso ó cultivo que mas le acomode, pero dentro de un año fabricará casa y estará habitada.

3.<sup>o</sup> Solicitara desde luego del Juez respectivo la de posesion juridica en virtud de este despacho por el cual se demorearan los linderos en cuyos limites pondrá a mas de los matorrales algunos arboles frutales ó silvestres de alguna utilidad.

4.<sup>o</sup> El terreno de que se hace mención es de cuatro sitios de ganado mayor poco mas ó menos segun explica el diseño que corre en el expediente. El Juez que diere la posesion lo hará medir conforme a ordenanza para señalar los linderos quedando el sobrante que resulte a la Nacion para los usos convenientes.

5.<sup>o</sup> Si contraviniere a estas condiciones perderá su derecho al terreno y será denunciado por otro.

En consecuencia cuando que teniendo por firme y validero este titulo, se tome razon de el en el libro a que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey, a veinte y seis de Julio de mil ochocientos treinta y cuatro.

Jose Figueroa.

Agustin V. Zamorano.  
Secretario.

Queda tomada razon en el libro de asientos de titulo

19.

Sobre adjudicacion de terrenos a fojas cuarenta numero treinta y ocho q. obra en la Secretaria de mi cargo Dado en Monterrey a veinte y ocho de Julio de mil ochocientos treinta y cuatro.

Zamorano.

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Translation.

E.

To his Honor the Political Superior Chief.

San Diego, Oct.

31<sup>st</sup> — 1828. — The citizen Salvio Pacheco, Constitutional Alcalde of "San José de Guadalupe" in this territory, before your Honor's integrity and justice would state, that having presented is directed to compel myself in due form, through several means the Englishman J. Willis, in the months of April & June, the term Willis, to take year last past, Soliciting of Your Honor out at once the cattle the unoccupied place called Monte he may have introduced Diablo in the Jurisdiction of Sanced in "los Bolbones Francisco, my petition was never acted the order for which upon. Again on the 10<sup>th</sup> of June of the is transmitted to the present year, I repeated my request, believing Alcalde of being that the numerous occupations the Pueblo of San- had not permitted Your Honor to decide José for his own inf any thing in regard to my petition to-ornation. that you might have naturally forgotten

In regard to the place it through the affairs with which you he solicits, he shall were engaged of greater importance, — wait for the order thus causing this total silence.

relative to the distr. But in the month of Aug<sup>st</sup> 1828<sup>o</sup> I determined to repeat my claim, fearing when his merits shall that my former petitions might have been be borne in mind, mistaked. On this Your Honor decreed In the mean time that the Municipality (Ayuntamiento) shall feed his cattle of said Pueblo should make their report in the Pueblo's Which was fulfilled at once. In my two commons, where previous petitions, I asked for a grant in there is room more fee of said place, but in the two next than enough for one, I only asked it as a loan, by reason the stock of all the of the urgency of the case, and the fact neighbours of said that I could not find a place where Pueblo. Esbarrán I could securely keep my stock, which

amounted to more than 850 heads of horned cattle, a flock of sheep and three droves of 30 mares each, waiting Your Honor's decision, when on the 2<sup>nd</sup> of Sept. last past, there appeared in the Pueblo where I resided a stranger named Julian Willis with a herd of about 500 head with the intention of going forward. I as District Judge, and as my duty required asked him where he was going with his stock and where was his pass for them, to which he answered me that he had no pass at all, for he had got the stock from the Rancho of Los Corralitos, known by the name of Amesti, and that he was taking them to the Valley of Pinole, a place belonging to Don Ignacio Martinez.

Believing that he and the Stranger Willis had agreed before hand, I made no objection in letting him go ahead, but a short time after, I was informed that the stock of this individual was not in the Valley of Pinole but in the very place I intended for myself.

Accusing him directly, I asked why he had introduced his stock at that place, and why when I questioned him about the pass and place where he was going to take it, he assured me he was going to Don Ignacio Martinez, to which he answered (saying he was caught in a falsehood) that it was not his fault, but that the lieutenant himself who suggested to him to deceive me in some way or other, said to him that if in passing through with his stock, he was to tell me that he carried it to Mount Diablo, I would not permit him to pass, because I had claimed said place. Therefore he should deceive me, saying that he was going to take it to the Valley of Pinole, which once done, it would not be so easy to have it taken out. After this he exhibited the petition he had presented to the Commandant of San Francisco with its provisions expressed in Copy n<sup>o</sup>. 1. which I herewith enclose.

In the first place it is false - very false, that Willis ever showed me Your Honor's Superior decree to which he refers, nor had he ever spoken a word with me relative to the matter, from which it follows I never made the answer he mentions, nor had I



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PAGE NO. 19

any knowledge or notice, absolutely until Willis's stock had been placed there. It is clear therefore, that he and lieutenant Martinez have acted in bad faith, that in regard to my official capacity, and as an interested party in the present matter, having a better right than this stranger to the place, my occupation of which they meant to prevent.

It is not decent, nor proper that an officer should in this manner endeavour to favor a stranger, divested of merit & of right to the detriment of a native of the country, much more deserving than he, who fraudulently introduced himself & took possession of a place. Moved by that robbery, a feeling I experienced in being thus made the dupe, and in some manner defrauded of that possession (even if it had been temporary though I expected it for the reasons mentioned.) I transmitted to the Commandant of San Francisco the Report exhibited in Copy N<sup>o</sup> 2. as well as its answers, shown by Copy N<sup>o</sup> 3.

On another hand, the place I have petitioned for, is properly called by the Indians "Chupueanes" afterwards designated by the troops by the name of Monte del Diablo, which can be proved, if it was necessary, for there are many persons who went that way in the first campaign.

The stranger Willis, in his petition says that the place he claims is the Laguna "de los Bolbones". This is a point in the mountain called "de los Bolbones" where there is a lagoon of the same name, and this is at the distance from Mount Diablo about one league and a half towards the North; so that if Willis has petitioned for that site, and it is the same which has been granted to him by the Comd<sup>t</sup> of San Francisco as a mere loan, according to what is expressed, why has he introduced himself into another and for which I have petitioned and am now awaiting Your Honor's decision. Even without the fact of my having solicited said place of Monte del Diablo previously I deem that if I were to petition for it now, I have a better right than Julian Willis, notwithstanding all they wish to alledge in his favor to

this I shall draw a parallel between he & I, in order that Your Honor may decide, with a better knowledge of the case, though so obvious a point could not escape Your Honor's penetration. In the first place my father came among the first settlers in this territory, as such and as a soldier he has rendered services to the country and is now a retired invalid. - I myself served in the company of San Francisco for the space of 15 years, without a single mark against me which can be proved to be necessary. At the present time I have two brothers in the service of the country in the Militia Artillery company, and one in the cavalry.

By this, Your Honor will see, that besides the fact of being a native of this soil, I as well as my family have rendered services. - Moreover, as a municipal duty of every citizen, I now fill the post of Constitutional "Alcalde" of the Pueblo where I reside, and having been elected Deputy Representative of this territory for the years 1829 & 1830, the time as is natural will come for the exercise of such duty, and will find me without a piece of land to the great detriment of my stock.

It is evident therefore, that if not lost, they will run a great risk of ~~me~~ being so. The stock that my family own consists as I have stated before of 850 head of horned cattle, a flock of sheep & three chores of mares of 30 head each. and I would remark that the members of my family as well as I, have been graziers of this kind of moveable property, not even owning a suitable place for it, but at a great expense of labor and care and not by purchase. My three brothers being in the Military service there only remains myself alone to administer to the support of my family. - Now let us examine the circumstances in regard to Willie. He is a stranger & a shabby introduced

in this country some 4 or 5 years ago. His residence & establishment in it is tolerated but not authorized. —

Against the law which expressly forbids it, he owns in fee, a house in the Pueblo of San José, where he resides. — Not having the papers of citizenship he is excluded from the privileges of such. — Still less is he entitled to what he solicits. The number of the Cattle of all kinds he owns, is less than that which I own, he having bought his. — As he has been so short a time in this territory, it cannot be said he is a grayier, and it is but very lately that he appears in the State of fortune he now enjoys.

By what has been stated, I believe that Your Honor's rectitude, will need no further proofs of the injustice of the Command of San Francisco in granting lands to the Doniquer Julian Willis and loaning him the place of Monte del Diablo which I had solicited before hand, and of the fraud with which he introduced himself there, counselled by Lieutenant Hartney his petition showing that he solicited the Laguna de los Bolbones. —

Therefore I request Your that in view of the merits and services I have referred to, the justice of my claim and injury done to me in preferring a stranger, Your Honor will be pleased command, since Willis must have the concession of a loaned place, that he move with his stock to the place he asked for, which is the Laguna de los Bolbones" hill upwards, leaving unoccupied that of Monte del Diablo, which I request your Honor will deign grant me the loan of, to enable me to keep my stock until the Superior power grant me it in fee, when the proper time arrives for soliciting the same, which I shall receive as a favor and in justice, making oath I do not act in Malice.

Harbor of San Diego. Oct. 30<sup>th</sup> 1828.

Sgt. Salvo Pacheco.

I certify this to be a literal copy of the original drawn with all its documents on three sheets of paper, and another sheet of official communications, in witness whereof I the Constitutional Alcalde for the year - 30 hereto affix my name.

Squad. Alvarez.

To the Commandant of the Port of San Francisco.

N<sup>o</sup> 1.

San Francisco, August.  
25<sup>th</sup> 1828.

Guillermo Willi, an English  
man married and established in this  
Territory, before your Honor presents  
place of the Laguna de San Jose in due form he says, that being  
Bolbones solicited in the owner in fee of five hundred  
this instance is within forty seven head of horned cattle &  
the Jurisdiction under thirty seven horses, I applied some time  
my command as I came to the Commandant General  
it, and in consideration for the place called La Laguna de  
of the statement of the "Bolbones" for the purpose of putting  
Interested party & the my stock thereon. who by virtue  
effectual need he is of his authority as may be seen in  
under for a loan of a the provision to my petition, desired  
place where to safely that which appears by his provision  
keep his stock I grant of the 7<sup>th</sup> of June of the present year  
him permission to occupy it as he asks the my residence & establishment in the  
place of Laguna de San Jose, I presented  
Bolbones under the on myself to the Alcalde of said place  
explicit understanding With that decree in order that he might  
that I do so for one year act in conformity with it.

His answer or final conclusion  
can apply to the proper Was that there was not even a place  
authority of the Territory for his own cattle, from which results  
to ask to obtain a legitime that I am still with my stock in the  
ate grant for another act, and the security of the same at  
or of the same through great stake, but remembering that the  
such authority. Comd<sup>te</sup> General authorized me to seek

for a place or piece of land within  
Squad. Arguello the jurisdiction of the Port under your  
command and to apply for it to the

25.

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to the Commandant, in case it shall not be facilitated to me in the Pueblo of my residence. In this hope I now apply to you, to be pleased consider all that has been stated, and to oblige through your goodness to confer me the loan of the above mentioned place "La Laguna de las Bollones" that I may put thereon my stock, which place is in my opinion comprehended in the jurisdiction of the Port under your command, while government may grant me in fee some place in this territory. Wherefore I request you will provide accordingly & do me this favor in justice agreeably to your superior pleasure in this my petition.

Port of San Francisco.

August 23<sup>d</sup> 1828.

Sgt. Guillermo Willis.

I Certify this to be a copy of the original.

Sgt. Salvo Pacheco.

n<sup>o</sup> 2.

In as much as I know that Julian Wilson is the possessor this day of the place called Monte del Diablo, and he has told me that you had loaned it to him, I must inform you that I have claimed the same and was only awaiting the permit of his Honor the General, to place my stock thereon, which I make known unto you for your own information.

God & Liberty. Pueblo of San José Guadalupe.

Sept. 9<sup>th</sup> 1828.

I certify this to be a copy of the original.

Salvo Pacheco.

n<sup>o</sup> 3.

In as much as you have petitioned for the place of Monte del Diablo before the Superior Honor the Command General, as you state in your official communication of yesterday, Julian Wilson will vacate the same as a matter of course so soon as it shall be granted to you, since to such concession there cannot be any opposition. He only holding it as a loan for one year, a sufficient time for you to obtain the grant which you solicit in relation to the place.

God and Liberty. Port of San Francisco Sept. 10<sup>th</sup> 1828.

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I certify this to be a copy of the original.

Yol. Salvia Pacheco.

Translation of title. José Figueroa Brigadier General of the Mexican Republic, Commandant General, Inspector and Political Superior Chief of the Territory of Alta California.

Whereas Don Salvia Pacheco a Mexican by birth has applied for his own benefit and that of his family for the parcel of land known by the name of Monte del Diablo bounded by Las Juntas, El Pinal and the mountain range on the opposite sides. and whereas he has complied with the requirements of the laws and regulations in the matter. now by virtue of the authority in me vested and in conformance and agreement with the Excellent Territorial Deputation on the 19<sup>th</sup> day of June last past, approving the concession of said land of Monte del Diablo, made on the 10<sup>th</sup> of said month to the above mentioned Salvia Pacheco, I have thought proper in the name of the Mexican Nation to grant him the said parcel of land, declaring the same to be his property, by this patent, subject to the following conditions

1<sup>st</sup> That he shall submit to such conditions as may be established by the regulations to be made for the distribution of public lands, and that in the meantime neither the grantee nor his heirs, shall divide nor alienate that which is assigned to him. He shall not subject it to rent, entail, security, mortgage nor to any other incumbrance whatsoever not even for charitable purposes, nor convey it unto mortmain.

2<sup>nd</sup> He may fence it, without obstruction to paths roads and servitudes. He shall enjoy it exclusively appropriating it to the use or cultivation he may deem fit, but within one year he shall build there a house which he will cause to be inhabited.

3<sup>rd</sup> He shall solicit immediately the respective Judge to give him lawful possession by virtue of this patent, by whom the boundaries shall be marked

at the limits of which, besides the said marks, he shall set some fruit trees or else wild ones of some usefulness.

4<sup>th</sup> The parcel of land of which mention is made is of four leagues (sitios de ganado mayor) more or less, according to the plan annexed to these proceedings. The Judge who should give possession, will cause it to be measured agreeably to ordinance in fixing the boundaries / leaving the excess (sobrante) that might result to the Nation for such uses as may be deemed convenient.

5<sup>th</sup> If he should contravene to these conditions he shall lose his rights to said land which may be denounced by any other person.

I therefore command that holding it to be a firm and valid title the same be entered on the proper book and returned to the interested party for his own security and other purposes.

Given in Monterey, on the 26<sup>th</sup> day of July, 1834.

Jose Tiquero.

Agustine V. Zamorano, Secretary.

Entry has been made in the register of titles on the adjudication of lands folio 48 n<sup>o</sup> 38. now in the Secretary's office under my charge.

Given in Monterey, on the 28<sup>th</sup> of July, 1834.

Agustine V. Zamorano.

A correct translation from the original Spanish.

Geo. Fisher

Secretary





No 76. Julio Pacheco Claimant.

Opinion by  
Comr. Hull.

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The claimant asks for the confirmation to him of a tract of land called "Monte Diablo," containing four square leagues, more or less, for which he shows from Governor Figueroa to himself a grant dated July 26<sup>th</sup> 1834, with a previous approval of it by the Territorial Deputation. The giving of juridical possession is not shown, but the claimant is proved to have been in the quiet occupation of the land, from within a year of the date of the grant to the present time.

There is no doubt that the title papers are genuine; and the only questions made in the case are; First, whether the want of juridical possession voids the grant; and secondly to what quantity of land the claimant is entitled.

In regard to these questions, we hold, as we have heretofore repeatedly done, that the want of juridical possession does not form a valid objection to the confirmation of the claim; and that in ordinary grants of land by the Governors of California, where a certain number of leagues is mentioned, with the words more or less added, and the surplus is reserved to the nation as in the present case, that the grantee is entitled only to the specified number of leagues mentioned, and cannot be allowed any land under the additional words, more or less. We therefore confirm the claim to the extent of not more than four square leagues as follows;

Commissioner Thornton concurring in the result.

Julius Hull.

Decree of Final  
Confirmation.

This Board on full consideration, having come to the conclusion that the claim is valid, now proceeds to make, and does hereby make the following decree or report of final confirmation, viz,

It is decreed that the said claim be confirmed to the extent and quantity of Four square leagues, being the same land described in the grant, and of which the possession was proved to have been long enjoyed; Provided, that the said quantity of Four square leagues now confirmed to the claimant, be contained within the boundaries called for in said grant and map, to which the grant refers; and if there be less than that quantity within said bounds, then we confirm to the claimant that less quantity.

Given under our hands the  
5<sup>th</sup> day of July 1853.

Holland Hall.  
Henry J. Thornton. *S* Commr.

Filed in Office January 5<sup>th</sup> 1853.

Geo. Fisher.  
Secy.

Office of the Board of Commissioners,

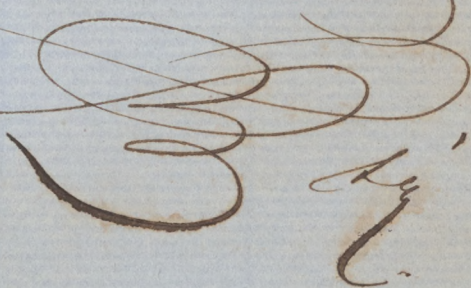
To ascertain and settle the Private Land Claims in the State of California.

CASE NO. 20 ND  
PAGE NO. 28

I, George Fisher Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
following — Thirty pages, numbered from  
1 to 30, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
said Board, of the Documentary Evidence and of the Testimony  
of the Witnesses, upon which the same is founded, on file in this  
Office, in Case No. 76 on the Docket of the said Board,  
wherein Salvio Pucheco is

the claimant - against the United States, for the place known by  
the name of "Monte del Diablo"

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
                     Thirteenth day of March  
A. D. 1854, and of the Independence of the  
United States of America the seventy-eighth

Geo. Fisher  




20ND  
Pacheco vs  
"Monte del Diablo"

NO. 20 Northern District  
SALVIO PACHECO, claimant for  
MONTE DEL DIABLO, in Contr. Costa  
County, et



CASE NO. 20 ND

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Attorney General's Office

13<sup>th</sup> July 1852.

Salvio Pacheco, claimant

vs.

The United States.

76.

You will please take notice that an appeal in the above case (a transcript of the proceedings in which was received at this office on the 30<sup>th</sup> of March 1852), from the decision of the Commissioners to ascertain and settle the private land claims in the State of California, to the District Court of the United States for the Northern District of California, will be prosecuted by the United States.

Andrew  
Attorney General U. S.

U. S. Dist Court  
No 20

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The United States

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Salvio Pacheco

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Notice of Appeal

Filed Aug. 21. 1854

Jno A. Munn & Co

CASE NO. 20 ND

PAGE NO. 31

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

CASE NO. 20 ND

PAGE NO. 32

The United States  
Appellants  
vs  
Salvo Pacheco } No 20.

The petition of the United States by  
their Attorney represents: that this case  
is an application for a review of the  
decision of the Board of Commissioners  
whereby the claim of the said Appellee  
was confirmed as appears by reference  
to the records in the case:

That a transcript of the said Records  
was filed in this Court on the 1<sup>st</sup> day  
of May 1834. ; that a notice of appeal  
was filed on the 1<sup>st</sup> day of May 1834  
and that the land claimed lies in the  
said District.

That the said claim is invalid.  
Wherefore Appellants pray that the said  
decision of the Board be reversed & that  
this Court declare the said title to be  
invalid. Respectfully,  
W. Russell  
Asst. U.S. Atty.

U.S. Dist. Court  
No 20.

The U. States  
vs.  
Calvin Peckham

~  
Petition

Filed June 27, 1855,  
by Charles  
Deputy.

CASE NO. 20 ND

PAGE NO. 33

Wassell



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

N<sup>o</sup> 20,

The United States  
vs.  
Salvio Pacheco

CASE NO. 20 ND

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The answer of Salvio Pacheco  
to the petition filed herein respectfully  
shows, that ~~the~~ claim of said Pacheco,  
as presented before the Board of  
Commissioners to ascertain & settle land  
claims in California is valid. Therefore  
he prays this Court do to adjudge,  
& to confirm said claim.

By his attorney  
Wm. Carey Jones

N. 20  
U. S. District Court

United States  
vs.  
Salvio Pacheco.

Answer.

Filed June 28, 1858,  
by Cheever  
Deputy.

CASE NO. 20 ND

PAGE NO. 35

Jones for appellee

In the District Court of the United  
States for the Northern District of Cali-  
fornia.

The United States,  
Appellants

CASE NO. 20 ND

PAGE NO. 36

v.  
Salvio Pacheco,  
Appellee.

No. 20. On Appeal from the Board  
of Commissioners to ascertain and set-  
tle Private Land Claims in the State  
of California.

Answer.

The appellee and claimant  
in the above-entitled cause denies each  
and every, all and singular, the allega-  
tions in the Petition of the said appellants  
contained, - except such as aver the juris-  
diction of this Court;

And the said Appellee avers  
that the claim in the said Petition and the  
proceedings in the said cause mentioned,  
is valid and ought to be confirmed:

Wherefore the said Appel-  
lee prays that the decision of the Board  
of Commissioners confirming the said  
claim may be affirmed and that his ti-  
tle to the land in the said proceedings  
mentioned may be decreed to be valid.

B. W. Leigh,  
For the Appellee.

U. S. Dist. Court

United States

v.

Salvio Pacheco

No. 20.

Answer.

Filed Nov. 20, 1855.

Chevers  
Deputy

CASE NO. 20 ND

PAGE NO. 37

B. W. Leigh,  
For Appellee

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

The United States, Decree, N<sup>o</sup> 20,  
as appellee "Monte del Diablo"

Salvio Pacheco, Appellee, Stated Term, January 4, 1856,

CASE NO. 20 ND

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

This cause came on to be heard  
at a stated term of the Court on appeal from  
the final decision of the Board of Commissioners  
to ascertain, and settle the private Land claims  
in the State of California under an Act of  
Congress approved on the third day of March  
1851, upon the transcript of the proceedings, and  
decision of the said Board of Commissioners,  
and the papers, and evidence on which the said  
decision was founded, and it appearing to the  
Court that the said Transcript has been duly  
filed according to law, and counsel for the  
respective parties having been heard, it is by  
the Court, hereby ordered, adjudged, and decreed  
that the said decision be, and the same is hereby  
in all things affirmed, and it is likewise further  
ordered, adjudged, and decreed that the claim  
of the Appellee is a good, and valid claim,

CASE NO. 20ND  
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and that the said claim be confirmed to the extent, and quantity of Four Square Leagues, being the same land described in the Grant, and of which the possession was proved to have been long enjoyed. Provided that the said quantity of Four Square Leagues now confirmed to the Claimant, be contained within the boundaries called for in said Grant, and Map, to which the Grant refers, and if there be less than that quantity within the said bounds, then we confirm to the Claimant that less quantity.

Agdew Roffler  
U. S. Dist Judge

No. 20

U. S. District Court,

The United States,

vs

Salvio Pacheco,

Deceit

Filed January 14, 1956,

Cherres,

Deputy,

CASE NO. 20 ND

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California Land Claims.

Attorney General's Office

6 October 1856.

CASE NO. 20 ND

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Sir:

In the case of the claim of Salvio Pacheco, confirmed to the claimant by the Commission, case no. seventy-six (76), appeal will not be prosecuted by the United States.

I am

Respectfully

Clatney

Wm Blanding Esq

U. S. Attorney

San Francisco



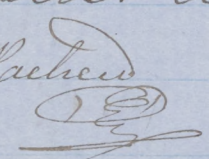
In the District Court of the  
United States  
Northern District of California

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The United States } Case n<sup>o</sup> 20.  
v. }  
Salvio Pacheco } Transcript n<sup>o</sup> 76.

In pursuance of  
notice from the Attorney General of the  
United States herewith annexed, it is  
hereby stipulated and agreed that no  
further appeal shall be taken in this  
case on the part of the United States,  
and that the claimants have leave to  
proceed under the decree of this Court  
heretofore rendered in ~~their~~ <sup>his</sup> favor  
as in Final Decree.

Nov. 24. 1856.  
Wm Blanding  
U.S. Dist Atty.  
Salvio Pacheco  


United States  
District Court

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The United States

vs

Salvio Pacheco.

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Case No. 20

Transcript No. 76

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Stipulation

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United States  
District Court

---

The United States

vs

Salvio Pacheco

---

Case No. 20.

Transcript No. 76.

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CASE NO. 20 ND

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Filed Nov. 24, 1856,  
W. A. Chiles,  
Deputy.

CASE NO. 20 ND  
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At a *Stated* Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the *Court Room* in the City of SAN FRANCISCO, on *Monday* the *24th* day of *November* in the year of our Lord one thousand eight hundred and fifty-*six*.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States  
v.  
Salvio Pacheco.

Case No. ~~XXX~~ 20

Transcript 20.076.

The Attorney General of the United States having given notice that no appeal to the Supreme Court of the United States will be prosecuted in this case and a stipulation having been entered into by the District Attorney that no further appeal shall be taken on the part of the United States, and for leave to the claimants to proceed under the Decree of this Court heretofore rendered in ~~their~~<sup>his</sup> favor.

On Motion of the District Attorney, it is ordered, adjudged and decreed, that the claimants have leave to proceed under the Decree of this Court heretofore rendered in ~~their~~<sup>his</sup> favor as on Final Decree.

Ogden Hoffman  
U. S. District Judge

*No. 20*

United States District Court, Northern  
District of California.

*The United States*

vs.

*Salvio Pacheco.*

*Case n<sup>o</sup> 20  
Transcript n<sup>o</sup> 76.*

*order*

Filed *November 24, 1856,*

*J. A. Monroe.*

CLERK.

*J. H. Cherry*

DEPUTY.

CASE NO. 20 ND

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

The United States,  
Appellants,

CASE NO. 20 ND

PAGE NO. 46

vs.  
Salvio Pacheco,  
Appellee.

No. 20— On Appeal from the Board of  
Commissioners to ascertain and settle Private  
Land Claims in the State of California.

### Index.

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Petition of the United States.  
Answer.

Notes.

## II. As to the Proceedings in the U. S. District Court.

It appears that all the requirements of the Statute in this behalf have been fully and regularly complied with:

### 1. The filing of the Transcript.

This was done on the 13th of March, 1854.

The Letter from the Secretary of the Board of Commissioners to the Clerk of the United States District Court transmitting the Transcript is dated on the same 13th of March, 1854;

2. The Notice of Appeal given by the Attorney General of the United States is dated July 13th, 1854, and filed on the 21st of August, 1854;

3. The Petition on Appeal was filed on the 27th of June 1855; and

4. The Answer of the Claimant to the said Petition was filed on the 20th of June, 1855.

No testimony in the case has been taken in the United States District Court.

## III. As to the Proceedings before the Board of Commissioners.

All the proceedings before the Board of Commissioners were perfectly regular.

The original grant, made by Gov. Figueroa on the 26th of July

1834 is proved by the evidence of M. G. Vallejo, at page 4.

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There had been a previous approval by the Departmental Assembly. See Recital in Original Grant - Translation at page 20; and the Opinion of the Board of Commissioners at page 29.

There is no proof of any juridical possession having been given.

The occupation and cultivation of the land is proved by the evidence of Maximino Martinez at pages 5, 6, 7. The claimant is proved to have been quiet and peaceable possession of the land from 1835 down to the time this deposition was taken - June 2, 1852.

There is no question as to the Boundaries of the land.

It does not appear whether the land is situated within ten leagues of the sea-shore or not, although the evidence of Martinez suggests the probability of its being so situated.

But each and all of these objections - (situation within ten littoral leagues, want of juridical possession etc.) - have been exploded by the decisions of the Supreme Court and of this Court; and the question in this case is narrowed down to these points:

1. The genuineness of the grant;
2. The fulfilment of the conditions.

The evidence of the case sustains the claim on both of these points fully and conclusively.

W. L. G.  
For Appellee & Claimant

~~This Index was prepared by me at the special request of the claimant through William H. Cheevers, Esq., Deputy Clerk of the United States District Court.~~

~~W. H. Cheevers  
in  
Nov. 20, 1855.~~

U. S. Dist. Court.

No. 20.

The United States

vs.  
John Jackson.

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CASE NO. 20 ND

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In the District Court of the United  
States for the Northern District of Cal-  
ifornia.

Stated Term, Feb. 4, 1856.

The United States,  
Appellants,

<sup>v.</sup>  
~~Maria C. T. de~~  
~~Rodriguez~~ and ~~Salvio Pacheco~~  
~~Francisco Rodriguez~~  
Appellee.

No. 20. On Appeal from the  
final decision of the Board of Com-  
missioners to ascertain and settle the  
Private Land Claims in the State  
of California.

Decree.

This cause came on  
to be heard at a Stated Term of  
the Court on appeal from the final  
decision of the Board of Commission-  
ers to ascertain and settle the Private  
Land Claims in the State of Cali-  
fornia under an Act of Congress ap-  
proved on the 3rd day of March 1854,  
upon the transcript of the proceedings  
and decision of the said Board of  
Commissioners and the papers and  
evidence on which the said decision  
was founded; and it appearing to  
the Court that the said Transcript

has been duly filed according to law, and counsel for the respective parties having been heard, it is, by the Court, hereby ordered, adjudged, and decreed that the said decision be and the same is hereby in all things affirmed; and it is likewise further ordered, adjudged, and decreed that the claim of the appellee is a good and valid claim and that the said claim be and ~~the same is hereby confirmed to the extent of Four Square Leagues to the land within the boundaries described in the plan attached to the expediente and referred to in the original grant. copies of which are on file in this cause.~~ provided that the said quantity of Four Square Leagues so confirmed be contained within the said boundaries, but, if there be less than the said quantity of land contained within the said boundaries then the said claim is confirmed to the extent of such less quantity and no more.

J. Hoffman J.

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"confirmed to the extent and quantity of Four Square Leagues being the same land described in the grant and of which the possession was proved to have been long enjoyed: Provided that the said quantity of Four Square Leagues now confirmed to the claimant be contained within the boundaries called for in said grant and map to which the grant refers; and if there be less than that quantity within the said bounds, then we confirm to the claimant that less quantity"

U. S. Dist. Court.  
The United States  
v. } No.  
Salvio Pacheco } 20

Draft  
of  
Decree.

CASE NO. 20 ND

PAGE NO. 53

B. W. Leigh,  
Att'y for Appellee.

The United States  
 vs  
 Silvio Pacheco

CASE NO. 20 ND  
 PAGE NO. 54

The claim in this case is for a tract of land called Monte Diablo containing 1 square league more or less - a grant from Governor Figueroa to the claimant is produced and proved - and evidence is offered to prove the occupation and cultivation of the land within the year as prescribed in the grant - In the opinion of the board the grant is treated as undoubtedly genuine and the fact of the performance of the conditions as indisputable - No additional testimony has been taken in this court nor has any reason for reversing the decree of the board & rejecting the claim been suggested to us on the part of the appellants -

The only objections that could have been raised are the want of judicial possession, and the fact that the land is within the 10 literal leagues has already repeatedly been overruled -

A decree containing the claim  
must therefore be entered -

Jan<sup>y</sup> 2. 1856

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~~PAGE NO. 55~~

20 N

U. S.

Sabie Raches  
Opinion

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Office of the Board of Commissioners,

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

San Francisco, March 13<sup>th</sup> 1854

John A. Monroe Esq.  
Clerk of the U. S. District Court for the  
District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 76 on the Docket of the said Board, wherein

——— Salvio Pacheco is ———  
the Claimant against the United States, for the place known by the name of "Monte, del Diablo" ———

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher  
