CASE NO.
29
NORTHERN DISTRICT

PART OF SAN LORENZO GRANT

GUILLERMO CASTRO
CLAIMANT

LAND CASE 29 ND pgs. 345 ALSO AVAILABLE ON MICROFILM

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TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 285

Guillermo Castro CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"*Part of San Lorenzo*"

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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this eighth day of July, 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 Guillermo Castro for the Place named San Lorenzo was presented, and ordered to be filed and docketed with No. 285 and is as follows, to wit;

(Vide pages 3 & 4 of this Transcript.)

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

Los Angeles Sept 3d 1852

In Case No. 285, Guillermo Castro, for the Rancho of San Lorenzo, the Deposition of Andres Pico, a witness on behalf of the Claimant taken before Commissioner James Wilson, was filed and is in the words and figures as follows to wit: Vide Pages of this Transcript. 4 & 5

Los Angeles Sept 27th 1852

In Case no. 285, the Counsel for the Claimant filed the following motion to wit:

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Moved, that the following case be placed on the Trial Docket to wit:
No. 285 - Guillermo Castro. "San Lorenzo"

San Francisco Feb. 8th 1853

Case No. 285 Guillermo Castro for a part of the place named "San Lorenzo": The Counsel for the Claimant, Mr. Jones, read the petition and the papers in evidence: the Associate Law Agent of the United States filed his Brief: Case submitted and taken under advisement by the Board.

San Francisco Feby 14, 1853

In Case No. 285 - Guillermo Castro, for the place named "San Lorenzo" Commissioner Harry I. Thornton delivered the Opinion and the Decree of Final Confirmation of this Board

Ordered, that the Opinion and the 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.

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Petition

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Before the Honorable The Commissioners to ascertain and settle private Land Claims in California.

Guillermo Castro, a citizen of said State, gives notice that he claims by virtue of a right and title derived from the Mexican Government, a tract of land in said State, known as the Rancho of San Lorenzo, bounded by a certain agreed and adjudicated line between his lands and the lands of the late Don Francisco Soto and forming the eastern line of the said last named Rancho as shown in the title papers of this claimant; on the South by the Southern and Eastern lines of the Rancho of the late Don Joaquin Estudillo, as shown in the grant of said last named Rancho; by a portion of the Southern line of the Rancho of the late Don Luis Peralta; Southerly by a portion of the Northern line of lands of Don José de Jesus Vallejo; and Westerly by the Ranchos of San Ramon and Señor Moraga.

A portion of said land was granted to the Claimant on the 23d day of February A. D. 1841 - by Don Juan B. Alvarado, Constitutional Governor of the Department of California, and authorized to make such grant in the name, and on behalf of the Mexican Nation.

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The remainder of said land was granted to the Claimant on the 25th day of October A. D. 1843, by Don Manuel Micheltorena the successor of said Alvarado as Governor of said Department, and likewise authorized to make such grant in the name and on behalf of the Mexican Nation.

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Said tract has been occupied, possessed and cultivated, according to law. The quantity of land embraced therein is supposed to be about six leagues, or sitios of four thousand four hundred and twenty eight acres each, with the addition of six hundred varas square. There is no conflicting claim in the knowledge of the petitioners to any portion

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thereof.

Copies of the original grants with translations of the same are herewith filed, and the originals will be presented and proved as may be required, with other proper testimony.

By his Attorneys
Jones Thom Rius & Stroda

Filed in office July 8th 1852.
Geo. Fisher
Secy.

Office of the Board of Commrs
of California Land Claims
Los Angeles Sept. 3d 1852.

Deposition of Andreas Pico

On this day before James Wilson one of the Commissioners for ascertaining and settling private land claims in California came Don Andreas Pico a witness produced in the behalf of the claimant Guillermo Castro, whose petition is No 285 on the docket of the Board, and was duly sworn, his evidence being given in the Spanish language was interpreted by the Secretary.

The Law Agent of the U. S. was notified and did attend.

The Law Agent of U. S. was present by R. Beinhow Esq. by Consent and did not object.

Deposition of Andreas Pico taken in the case of Guillermo Castro, who petitions for confirmation of Rancho San Lorenzo in Contra Costa Co.

The witness being duly sworn deposes and says; I am acquainted with the rancho San Lorenzo, and it is situated in Contra Costa, and is at the North of the Mission of San José, and about five or six leagues distant therefrom. The Rancho is occupied by Don Guillermo Castro himself, who has occupied it since the year 1843 to my knowledge. There is one of the best houses on it that

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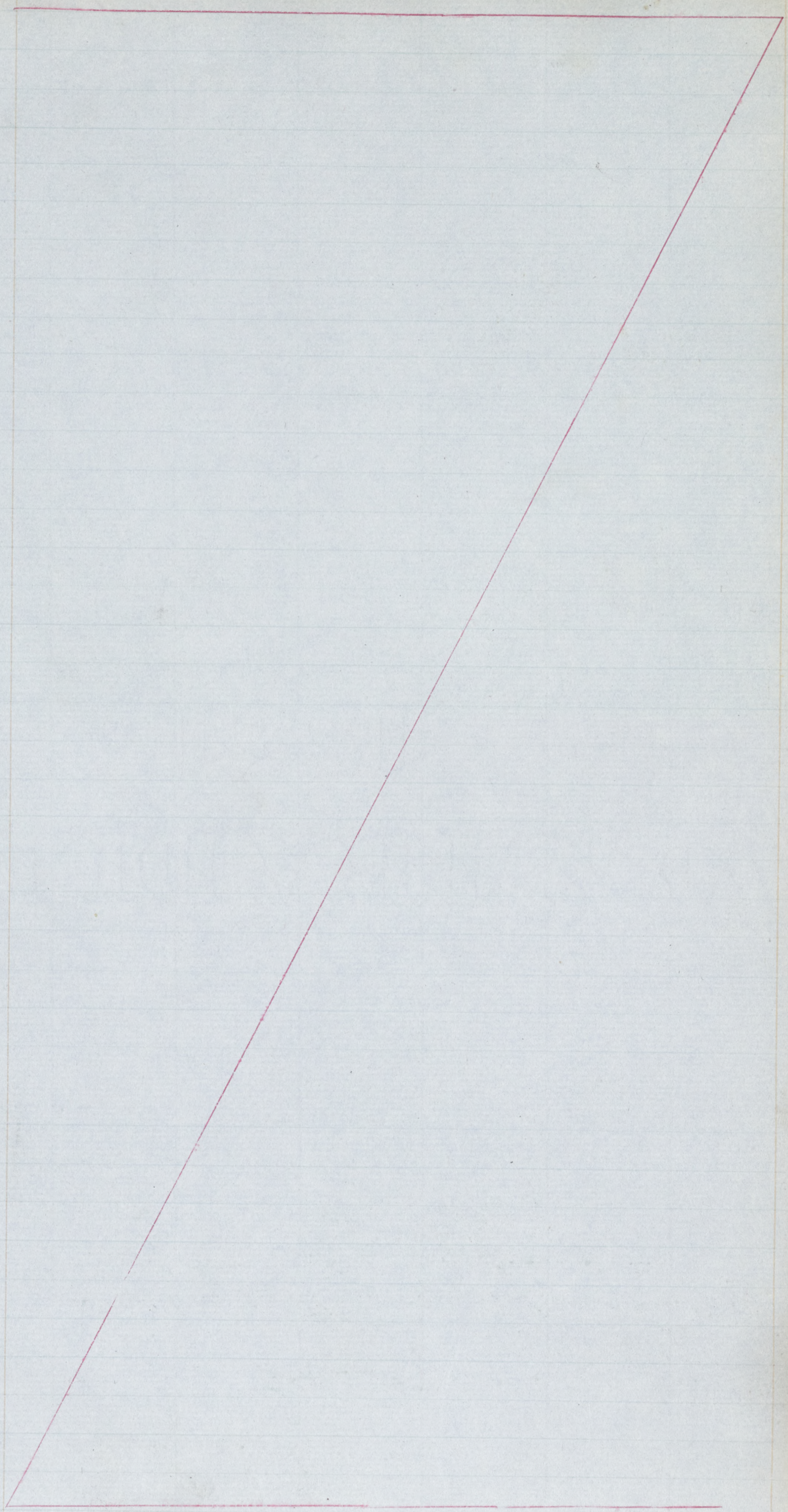
there is any where in the Country, and the land, to a considerable extent is under very good cultivation. There is abont three thousand head of cattle, and abont five hundred head of horses on the Rancho which belong to Don Guillermo Castro. He also carries on the manufacture of saddles, blankets and shoes on the rancho. There are excellent corrals, fences and improvements on the rancho. There has been a house on the rancho since the year 1843 to my knowledge.

Andres Pico

Sept. 3d 1852.
Subscribed & Sworn to before me
James Wilson
Commissr.

Filed in office Sept. 3d 1852.
Geo. Wilkes
Secty.



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N 205

1 S. D. K

Expediente

Promovido por el Ciudadano Guillermo Castro
en Solicitud del paraje Conocido con el
Nombre de San Lorenzo

N. 309

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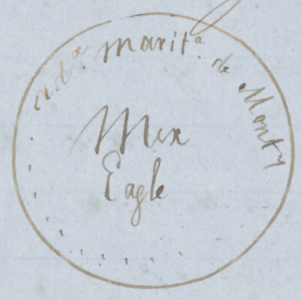
2 S. D. K

Sello Cuarto dos reales
Habilitado provisionalmente por la Aduana marítima del Puerto de Monterrey en el Departamento de las Californias para el año de mil ocho cientos cuarenta y tres.

Manuel Castañares



Monterrey Oct.e 13 de 1843

Inf.e el S. Sr.io del Despacho.
Michelt.a

Exmo Sor

Carlos Castro mejicano por nacimiento y vecino del Pueblo de San José, ante la notoria justificacion de V. E. Comparece y dice que hallandose en pacifica posesion del parage nombrado "San Lorenzo" cuyo diseño acompaño, desde el año de 1839 en q.e el antecesor de V. E. en el gob.o politico del Departam.to se sirvió espedir un decreto para que ocupase dho parage interin se corrian los tramites necesarios para concederle el titulo correspondiente, y habiendo en consecuencia del mencionado decreto erogado gastos precisos para la plantacion de alg.s rdices indispensables, como casa, corrales &.a y transcurrido ya cerca de tres años en tranquila ocupacion del espetido lugar, bien fundadam.te q. el espediente informativo mandado practicar deberá estar concluido en su favor — Portanto A. V. E. rendidamente Suplica se sirva conocer en el asunto y mandar si fuere de justicia se le espida el titulo de —

3 S. D. K.

Exmo —

[estilo.

Monterey Octbre 10 de 1843
Carlos Castro]

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54
no 285

= Sõr Gobernador

Hace cinco ó Seis años que D Guillermo Castro tiene ocupado con Sus bienes el terreno que pretende, y como á otros particulares Se les ha concedido porciones de tierras en el mismo parage, parece que no hay inconvenᵗᵉ para declararle la propiedad de la estencion que pide, Segun el espediente que existe en la Sria pero con la condicion de Sujetarse á los linderos que se le demarquen en el titulo, para mas inteligencia de Sus collindantes: no obstante la determinacion de V.E. Será la mas acertada

Monterey Octubre 23 de 1843

Manl. Jimeno

Monterrey

Manuel Micheltorena, General de Brigada del Ejercito Mejicano, Ayudante Genl de la Plaza Mayor y Comandante Genl y Gobernador del Departamᵗᵒ de las Californias

Por Cuanto Dⁿ Guillermo Castro ha pretendido para Su beneficio personal y el de Su familia el terreno conocido con el nombre de San Lorenzo, colindante con el rancho del Sr. Amador, con el de Sr. Ramon, con el del Sor Moraga, con el de los Peraltas, con el del Sor Estudillo, con el del Sr. Vallejo, y con el de Dn. Franco Soto por la parte del Camino principal desde el Arroyo del Alto hasta el de Sr. Lorenzo por habersele considerado agraciado el mencionado Soto por la parte de la Playa: practicadas previamᵗᵉ las diligencias y averiguaciones Consernientes Segun lo dispuesto por leyes y reglamentos de la materia usando de las facultades que me Son conferidas á nombre de la Nacion Mejicana he venido en Consederle el terreno mencionado declarandole la propiedad de el por las presentes letras Sujetandose á la aprobacion de la Sãma Junta Departamental y á las condiciones Siguientes:

S.S.R.

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1ª. Podra Sercarlo Sin perjudicar los trabajos caminos y Servidumbres, y Sin embarazar los ejidos del Pueblo de S. Jose cuando se le asignare ni impedira el que pacen los ganados de la Mision; lo disfrutará libre y esclusivamente destinandolo al uso ó Cultivo que mas le acomode pero ~~dentro de~~ son

2ª. Solicitará del Juez respectivo que le de la posesion juridica en virtud de este Despacho por el cual se demarcaran los linderos en cuyos límites pondrá á mas de las mojoneras algunos arboles frutales ó silvestres de alguna utilidad.

3ª. El terreno de que se hace donacion es de Seis Sitios de ganado mayor á mas de las cien cientas varas de terreno que tiene Concedido por titulo anterior. El Juez que dirija la posesion lo hara medir Conforme á ordenanza quedando el Sobrante que resulte á la Nacion para los usos convenientes.

6 S. D. K

4ª. Si Contraviniere á estas Condiciones perdera Su derecho al terreno y Será denunciable por otro.

En Consecuencia mando que teniendose por firme y valedero este titulo Se tome razon de el en el Libro respectivo y Se entregue al interesado para Su resguardo y demas fines.

Dado en Monterrey á 25 de Obre de 1843

Oct.e 24 de 1843

Como informa el Sr. Srio. del Despacho de este gobierno agregando la condicion de no embarazar los ejidos del pueblo de San Jose cuando se designaren ni impedir á los ganados de la Mision Si por ay pastaren ó derivaren

Micheltª

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Monterey 25 de Octubre de 1843

Vista la peticion con que da principio este espediente, los informes que preceden con todo lo demas que se tubo presente y de ver convino, de conformidad con las leyes y reglamentos de la materia declaro á D. Guillermo Castro, dueño en propiedad del parage nombrado San Lorenzo, colindante con el Rancho de Sor Amador, con el de San Ramon con el del Sor Moraga, con el de los Peraltas, con el del Sor Estudillo, con el del Sor Vallejo, y con el de D. Fran.co Soto por la parte del Camino principal desde el Arroyo del Alto hasta el de San Lorenzo, por haberse considerado agraciado el mencionado Soto por la parte de la Playa. Líbrese el Correspond.te despacho, tome razon en el libro respectivo y dirijase este esped.te á la E. Junta. El E. S. Gobernador así lo mandó, decretó y firmó.

Here follows a map

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

I Samuel D. King, Surveyor General of the United States for the State of California, and, as Such, now having under my charge and Custody, a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby certify that the nine preceding and hereunto annexed pages of tracing paper, Numbered from one to nine inclusive, and each of which is verified by my initials (S. D. K.) exhibit true and accurate Copies of certain documents, now on file, and forming part of the Said archives in my office.

In testimony 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, Cal, this Seventh day of November 1851

Sam'l D. King
Surv'r Gen'l Cal

Gmo Castro
6 Sts en San Lorenzo

No 285
Guillermo Castro
San Lorenzo
Espediente

Filed in Office Sept. 27. 1852
Geo! Fisher
Secy

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Maritime Customs of Monterey seal

Translation of Expediente No. 2.

Govt. of the Department of Californias seal

Record of proceedings instituted by Guillermo Castro soliciting the place known by the name of San Lorenzo. No. 309

Fourth Seal. Two reals. Legalized provisionally by the Maritime customs of the Port of Monterey in the Department of the Californias for the year 1843.

Manuel Castañares

Most Excellent Sir: Charles Castro, Mexican by birth, inhabitant of the Pueblo of San José before the intrinsic justice of V. E. appears and says: that finding himself in quiet possession of the place named San Lorenzo a map of which accompanies, since the year 1839 in which the predecessor of your Excellency in the Political Government of the Department was pleased to issue a decree that he might occupy said place, whilst he should pursue the proper steps necessary for conceding him the proper title, and having in consequence of said decree incurred the necessary expenses for establishing some indispensable fixtures, as a house, corrals &c. and resided there already near three years in tranquil occupation of said place, he firmly believes that the informatory record (expediente informativo) ordered to be made, ought to be concluded in his favor. Wherefore to V. E. only he prays that you will be pleased to take cognizance of the matter and direct if he can with justice that the customary title be issued.

Monterey 10 Oct. 1843. Carlos Castro.

(Marginal order on the above)

Monterey 13. Oct. 1843. Let the Secretary of Dispatch report.

Micheltorena.

Most Ext. Señor Governor: It is about five years that Don Guillermo Castro has occupied with his property the tract which he claims; as to other persons have been conceded portions of land in the same

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place (i-e- the same region or neighborhood) it appears that then will be not be any inconvenience in declaring him the ownership of the extension which he seeks according to the expediente which exists in the Secretary's office, but with the Condition of subjecting himself to the boundaries which shall be demarked in the title for the better intelligence of his adjoining neighbors. Nevertheless the determination of Y. E. shall be the most -

Monterey Oct. 23d. 1843 Manuel Jimeno.

Monterey Oct. 24th 1843. As reports the Senor Secretary of Despatch of this Government adding the condition not to embarrass the commons of the Pueblo of San José, when they shall be designated, nor hinder the curtle of the Mision.

Micheltorena.

Monterey 25th Oct. 1843. In view of petition with which this expediente begins, the reports which precedes and all else that was present & found suitable, in conformity with the laws and regulation of the matter, I declare Dn. Guillermo Castro, owner in property of the place named San Lorenzo, bounding with the Rancho of Senor Amador, with that of San Ramon, with that of Señor Moraga, with that of Parallas, with that of Señor Estudillo, with that of Senor Vallejo & with that of Don Francr. Soto, in the direction of the, Beach. Let the proper despatches issue, account be taken of it in the proper book, and this expediente be directed to the Excellent Junta. The Excellent Senor Governor thus ordered decreed and signed.

Manuel Micheltorena, Brigadier General of the Mexican Army, Adjutant Genl. of the Staff, and Commandant General and Governor of the Department of the Californias

Whereas Dn. Guillermo Castro has

^ of the main road from the arroyo del alto to that of San Lorenzo, as it has to be considered that the said Soto has been donated in the direction -

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asked for his personal benefit and that of his family, the tract of land known with the name of San Lorenzo, bounding with the Rancho of Seun Amador, with that of San Ramon, with that of Seun Morazan, with that of the Paraitas with that of Seun Vallejo, and with that of Seun Estudillo, and with that of San Francisco Soto, in the direction of the main road from the arroyo del Alto to that of San Lorenzo, it being considered that the said Soto has been donated in the direction of the Beach, taking previous by the proper diligencies and investigations, according to what is disposed by laws and regulations of the matter: exercising the faculties which are conferred on me, in the name of the Mexican Nation, I have come to concede to him the said tract of land, declaring to him the ownership of it by the present letter, subject to the approbation of the most Excellent Departmental Junta, and the following conditions.

1. He may enclose it without prejudice to the crossings and easements, and without embarraping the commons of the Pueblo of San José when they shall be assigned, or prevent the pasturing of the cattle of the same: he may enjoy it freely and exclusively and apply it to the use or cultivation which may suit him.

2. He shall solicit of the proper Judge to give him juridical posepion in virtue of this despatch, by whom shall be demarked the limits and the boundaries of which, and shall place beside the land marks some fruit trees, or useful wild ones.

3. The tract of which donation is made is of six sitios of ganado mayor, beside the six hundred varas which he holds conceded by anterior title. The judge who shall give posepion shall cause it to be measured according to ordinance, remitting the overplus which shall result to the Nation for its convenient uses

4th. If he contravene these

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Translation
incomplete.

conditions he shall lose his right to the land, and it shall be denounceable by another. In consequence I order that being held firm and solid this title, note be taken of it in the proper book, and it be delivered to the interested for his security and other ends.

Given in Monterey this 25th Oct 1843.

I certify the foregoing to be a true and correct translation of the Fac Simile copy of the expediente No. 2 filed in this office in case No 285 Guillermo Castro, which Fac Simile copy is authenticated by the Surveyor Genl. of the U. S. for Cal.

Geo. Pinkney
Secy.

Filed in office Sept. 27th 1852
Geo. Pinkney
Secy.

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I S D K

Jurisdiccion del Pueblo
de San José de Alvarado } Año de 1841

Espediente

Promovido por el Ciudadano Guillermo Castro en Solicitud de Seis cientas Varas de terreno en el Paraje de San Lorenzo

1841

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2 S. D. K

Sello tercero dos reales
Habilitado por la Administracion de la Aduana
maritima del puerto de Monterey de la Alta Cali-
=fornia para los años de mil ochocientos treinta
y Seis y mil ocho cientos treinta y Siete
Gutierrez Angel Ramirez
Valga para los años de 1839 y 1840
Alvarado Antonio Ma. Osio

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Adna. marite. de Monterey
Mex Eagle

Expediente

Monterrey Agto. 10 de 1840
Informe el Mayordomo de Sn. José si en la Concesion de las Seis cientos varas de terreno que se pretenden resultará algun perjuicio positivo al establecimto. de su Corral.
Alvarado

Exmo Señor

Carlos Castro á nombre de su hijo Guillermo, mejicano por nacimiento ante V.E. como mas haya lugar en derecho y el respeto devido, digo: que siendo bastante limittado el terreno que posee mi hijo en el parage nombrado S. Leandro, donde se han establecido dos mil cabezas de ganado mayor y deseoso de hubicar fincas para vivir con huerta y un pequeño corral para caballada, libre del perjuicio que pudiere ocasionar la inmediacion del ganado, he de merecer de V.E. se digne conceder á mi repetido representado seis cientos varas en cuadro desde el arroyo de S. Lorenzo, que es el lindero con el estable-
3 S. D. K. =cimiento de S. José hacia el S. V, tierras que pertenecen al mismo incluso un aguaje situado al E, protestando como desde ahora protesto á nombre de mi hijo, no perjudicar absolutamente indigenas ni bienes de dicho establecimiento, por tanto

a V.E. Suplico se digne proveer como

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Hebo pedido de que recibiè la mñor gracia, juro lo
necesario &c.

Carlos Castro

El interesado puede poseer las Seis Cientas
Vs. en cuadro q.e Solicita p.a hubicar finca y
Corral p.a Caballada pues no perjudica á los
Indios pertenecientes á este Establecimiento
Siendo con legalidad la peticion

S. Jose Agto. 14 de 1840

José M.a Armador

Mon =

4 S. D. K.

Sello tercero dos reales

Habilitado por la Administracion de la Aduana
Maritima del Puerto de Monterey de la Alta
California para los años de mil ochocientos
treinta y Seis y mil ochocientos treinta y Siete

Gutierrez Angel Ramirez

Valga para los años de 1839 y 1840

Alvarado Antonio M.a Osio]

Adu.a Maritima de Monty
Alex
Eagle

= terrey Febrero 23 de 1844

Vista la peticion con que da principio
este espedte, el informe del encargado del estable=
=cimiento de San José, con todo lo demas que
se tubo presente y ver convino, de conformidad
con las leyes y reglamentos de la materia, declaro
á Don Guillermo Castro dueño en propiedad del
numero de Seis Cientas Varas en cuadro de terreno
con inclusion de un aguaje que está al Este
en el paraje de San Lorenzo, para el objeto de
hacer casa, labores, huerta y un corral para
caballada, bajo la condicion de no perjudicar
á los indigenas, ni á los Vecinos del Establecimto
de San Jose El Sor D.n Juan B. Alvarado
Gobernador Constitucional del Departamto de las

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California así lo mandó, decretó y firmó, de que doy fe

Alvarado

Office of the Surveyor General of the United States for California

I Samuel D. 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 Custody a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby certify that the four preceding and hereunto annexed pages of tracing paper, numbered from one to four inclusive, and each of which is verified by my initials (S. D. K.) exhibit true and accurate Copies of Certain documents now on file and forming part of the Said archives in my office.

In testimony 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 this Seventh day of November A D 1851

Sam'l D. King
Surv Gen'l Cal

No 285

William Castro claiming the rancho of San Lorenzo

Jones, Tompkins & Strode

Gen'l Castro
vs
600 V. in San Lorenzo

Filed in office Sept. 27, 1852
Geo Fisher,
Secy

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Jurisdiction of the Pueblo of José de Alvarado Year 1841

Record of proceedings instituted by citizen Guillermo Castro soliciting 600 varas of land in the place of San Lorenzo. 1841. 228.

Translation of Expediente No. 1.

Third seal. Two Reals - Legalized by the administration of the Maritime Customs of the port of Monterey for the years 1836 and 1837.

Gutierrez. Angel Ramirez.

Good for the years 1839 and 1840.

Alvarado. Antonio Ma. Osio.

Maritime Customs of Monterey Seal

Most Excellent Sir: Charles Castro in name of his son Wm. Castro, Mexican by birth, before Y. E. in best form of law, and due respect says: that being quite restricted the tract which my son occupies on the place called San Leandro, where he has established 2000 head of neat cattle, and desires to establish a fixed residence (ubicacion para vivir) with a garden and a small corral for horses, free from the injury which the immediate vecinity of the cattle might occasion, I have to ask Y. E. that you will be pleased to concede to him my said principal (representado) six hundred varas square from the arroyo of San Lorenzo, which is the boundary with the establishment of San José, toward the S. W. limits which pertain to the same, including a water hole situated at the East; protesting as hereafter I protest, in the name of my said Son, not to prejudice the natives or the property of said establishment. Wherefore to Y. E. I pray you will be pleased to provide what I have asked from which I shall receive the greatest favor. I swear the necessary &c.

Carlos Castro.

(Marginal order on the above)

Let the Mayor Domo of San José report

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if the concession of 600 varas of land which is solicited, any positive injury will result to the establishment under his charge

Alvarado.

The interested may put the 600 varas square which he solicits to establish a residence, and corral for horses, since it will not prejudice the boundaries pertaining to this establishment. The petition being according to law.

San Jose 14th Aug. 1840.

Jose Mª Amador.

Third Seal two Reals (Same as above)

Monterey 23d. February 1841. In view of the petition with which this expediente begins, the report of the person encharged with the establishment of San José, with every thing else which I had present and saw proper, in conformity with the laws and regulations of the matter, I declare Don Guillermo Castro owner in property of the number of 600 varas square of land, including a water hole, which is at the East in the place of San Lorenzo, for the purpose of building a house, fields and garden, and a corral for horses, under the condition that he shall not prejudice the natives nor the property of the establishment of San José.

The Sor Don Juan B. Alvarado, Constitutional Governor of the Department of the Californias thus ordered decreed and signed, of which I give testimony.

Alvarado.

I certify the foregoing to be a true and correct translation of the Fac Simile Copy of the Expediente No. 1 filed in this office in case No. 285 Guillermo Castro: which Fac Simile copy is authenticated by the Surveyor Genl. of the U. S. for Cal.

Filed in office Sept. 27, 1852 Geo. Hyde Secy.

Geo. Hyde Secy.

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Sello Tercero Dos Reales
Habilitado provicionalmente por la Aduana maritima del puerto de Monterrey, en el Departamento de las Californias, para los años de mil ocho cientos cuarenta y mil ocho cientos cuarenta y uno

Jimeno Antonio Maria Osio

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Original Grant

(Adn.a marit.a de Mont.y — Mex. Cal.)

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

Por cuanto Dn Guillermo Castro ha pretendido para su beneficio personal y el de su familia el numero de seis cientas varas en cuadro de terreno, en el parage nombrado San Lorenzo por la parte del Arroyo del mismo nombre, rumbo al S. O., practicadas previamente las diligencias y averiguaciones concernientes, segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas á nombre de la Nacion Mejicana, he venido en concederle el mencionado numero de varas de terreno, con inclusion de un Aguaje que está al este de dho parage para solo fabricar casa formar labores, huerta y un corral para caballada, y bajo la condicion de no perjudicar á los indigenas ni a los bienes del establecimiento de San José.

En consecuencia, mando que teniendose por valedero este titulo se tome razon de él en el Libro á que corresponde, y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey á veinte y tres de Febrero de mil ocho cientos cuarenta y uno

Juan B. Alvarado
Manl. Jimeno
Srio

Queda tomada razon de este despacho en el Libro de acientos sobre adjudicacion de terrenos valdios a f.a 5.

Jimeno

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Sello Tercero dos reales
Habilitado provicionalmente por la Aduana marítima
del Puerto de Monterrey, en el Departamento de
las Californias, para los años de mil ocho cientos
cuarenta y mil ocho cientos cuarenta y uno
Ximeno Antonio María Osio

Aduana
marit.a de
Monterey
Mex. Cal.a

Filed in office Feby 8. 1853
Geo Fisher
Secy

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CASE 29 ND
PAGE 25

Sello Tercero un peso
habilitado provisionalmente por la Aduana marí=
=tima del puerto de Monterey en el Departamento
de las Californias, para el año de mil ocho
cientos cuarenta y tres

Micheltorena Manuel Castañares

Adu.a marit.a de Mont.y
Mex
Cogle

Manuel Micheltorena
General de Brigada del Ejercito Mejicano
Ayudante General de la Plana Mayor del Mismo,
Gobernador Comandante General é Inspector
del Departamento de las Californias

Grant

Por cuanto D. Guillermo Castro, ha pretendido
para su beneficio personal y el de su familia el parage
conocido con el nombre de San Lorenzo, colindante con
el Rancho del Sor Amador, con el del Sor Moraga,
con el de San Ramon, con el del Sor Peralta, con el
del Sor Estudillo, con el del Sor Vallejo, y con el de D.
Fran.co Soto por la parte del Camino principal desde
el Arroyo del Alto hasta el de San Lorenzo, por
considerarse haberse hecho la Concesion al mencionado
Soto por la parte de la Playa: practicadas previamente
las diligencias y averiguaciones Consernientes Segun lo
dispuesto por Leyes y Reglamentos; usando de las facultades
que me son conferidas á nombre de la Nacion Mejicana,
he benido en Concederle el terreno mencionado,
declarandole la propiedad de el por las presentes
letras, Sujetandose á la aprovacion de la Junta
Departamental y bajo las Condiciones siguientes:

1.a Podra cercarlo Sin perjudicar las
travesias, Caminos y Servidumbres; y Sin embarazar
los ejidos del Pueblo de San Jose Cuando se le
asignare, ni impedirá el que pasen los ganados de
la Mision: lo disfrutará libre y Esclusivam.te
destinandolo al uso ó Cultivo que mas le acomode.

2.a El terreno del que se hace donacion
es de Seis Sitios de ganado mayor, Sin Comprender
las Seis cientas Varas de terreno que ya estan

CASE 29 ND
PAGE 26

concedidas por título anterior. El Juez que dicte la posesión lo hará medir conforme á ordenanza quedando el Sobrante que resulte á la Nación para los usos convenientes.

3ª Solicitará del Juez respectivo que le dé la posesión jurídica en virtud de este Despacho por el cual se demarcaran los linderos en cuyos límites pondrá a mas de las mojoneras algunos arboles frutales ó Silvestres de alguna utilidad.

4ª Si contraviniere á estas Condiciones perderá Su derecho al terreno y Sera denunciable por otro.

En Consecuencia mando que Sirviendole de título el presente, y teniéndose por firme y valedero Se tome razon de el en el libro respectivo y Se entregue al interesado para Su resguardo y demas fines. Dado en Monterrey á Veinte y Cinco de Octubre de mil ocho Cientos cuarenta y tres.

Manl Michelena

Manl Jimeno

Srio

Queda tomada razon de este Despacho en el Libro respectivo á f 2

Jimeno

El dia diez y Siete de Enero de mil ocho Cientos cuarenta y cuatro, por Convenio que Celebró Dn Carlos Castro Como apoderado de Su hijo Dn Guillermo con Dn Fron.co Soto, resulto Segun las actas que al efecto Se estendieron que los límites del terreno del Espresado Dn Guillermo Castro Seran desde el Sanjon que mira al Costado de Su Casa por la parte del Sur, y desde el mismo Sanjon por donde haga paralelo con ella, Se medirán Seis Cientas varas para el Camino principal y hasta donde concluyan Se tomara una linea recta hasta el Arroyo de San Lorenzo; debiendose reconocer por linderos del otro

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PAGE 27

lado del espresado Sanjon la orilla dela Somería que esta hacia el Sur hasta donde se midad diez varas para las Lomas de arriba por la parte del Poniente. Y habiendo aprobado el E.S. Gobernador Jeneral D. Manuel Michel= =torena el mencionado Convenio, mandó se anotará en este título y lo firmo.

Manl Michelta.

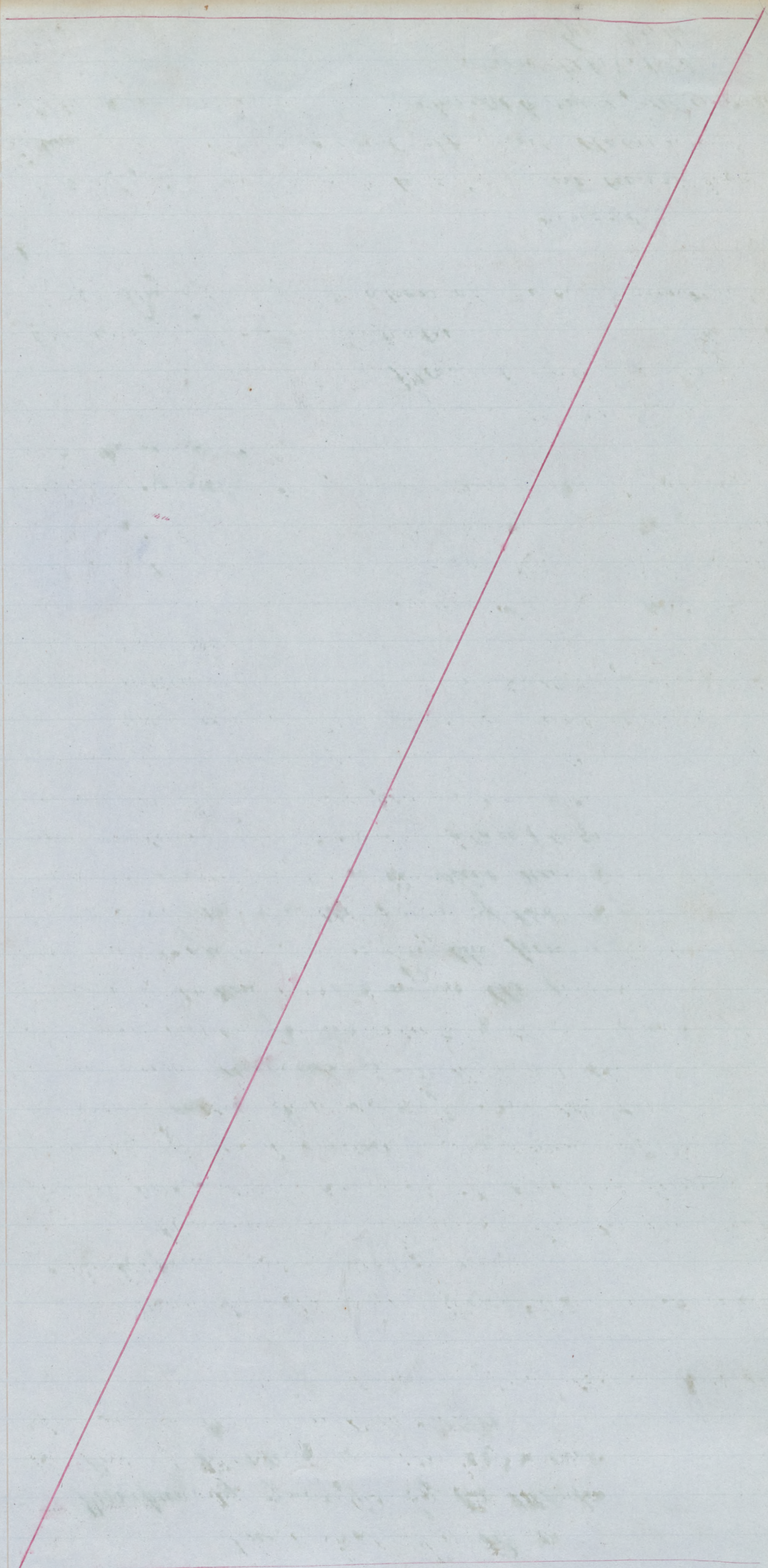
Manl Pinuno

Srio

Filed in Office Feby 8th 1859

Geo: Fisher

Secy



31

CASE 29 ND
PAGE 28
"B"
Translation of
Grant No. 1.

Third Seal Ten Reals.

Provisionally qualified by the Maritime Customs of the Port of Monterey, in the Department of the Californias for the years 1840 & 1841

Sejnd Jimeno (Signed) Antonio Ma. Osio.

Juan B. Alvarado Constitutional Governor of the Department of Californias —.

Whereas Don Guillermo Castro has claimed for his personal benefit, and that of his family the quantity of six hundred varas square of land, in the place called "San Lorenzo" near the creek of the same name, direction to S. W.- all the necessary steps and investigations relating thereto having been previously taken according to the provisions of the laws and regulations: using the powers that are conferred on me in the name of the Mexican Nation I have conceded to him the said number of varas of land inclusive of a watering place (a guage) which lies at the East of said place: in order alone to erect a house and make fields, Garden, and a corral for horses: and under the condition not to injure the native Indians or the stock or chattels of the establishment of San José. —

Wherefore I order that this title being held valid- an entry be made thereof in the proper book & it be delivered to the party interested for his safety and other purposes - Given at Monterey the 23d February 1841

Juan B. Alvarado
Manuel Jimeno Secy.

An entry of this dispatch is made in the book of registry of adjudication of vacant lands at page 5.

Jimeno.

I certify the foregoing to be a true and correct Translation from the original Spanish document of the same term and date; exhibited to me & filed in case No 285. Guill. Castro. San Francisco Oct. 8. 1853

Filed in office July 8th 1852. Geo. Fisher Secy.

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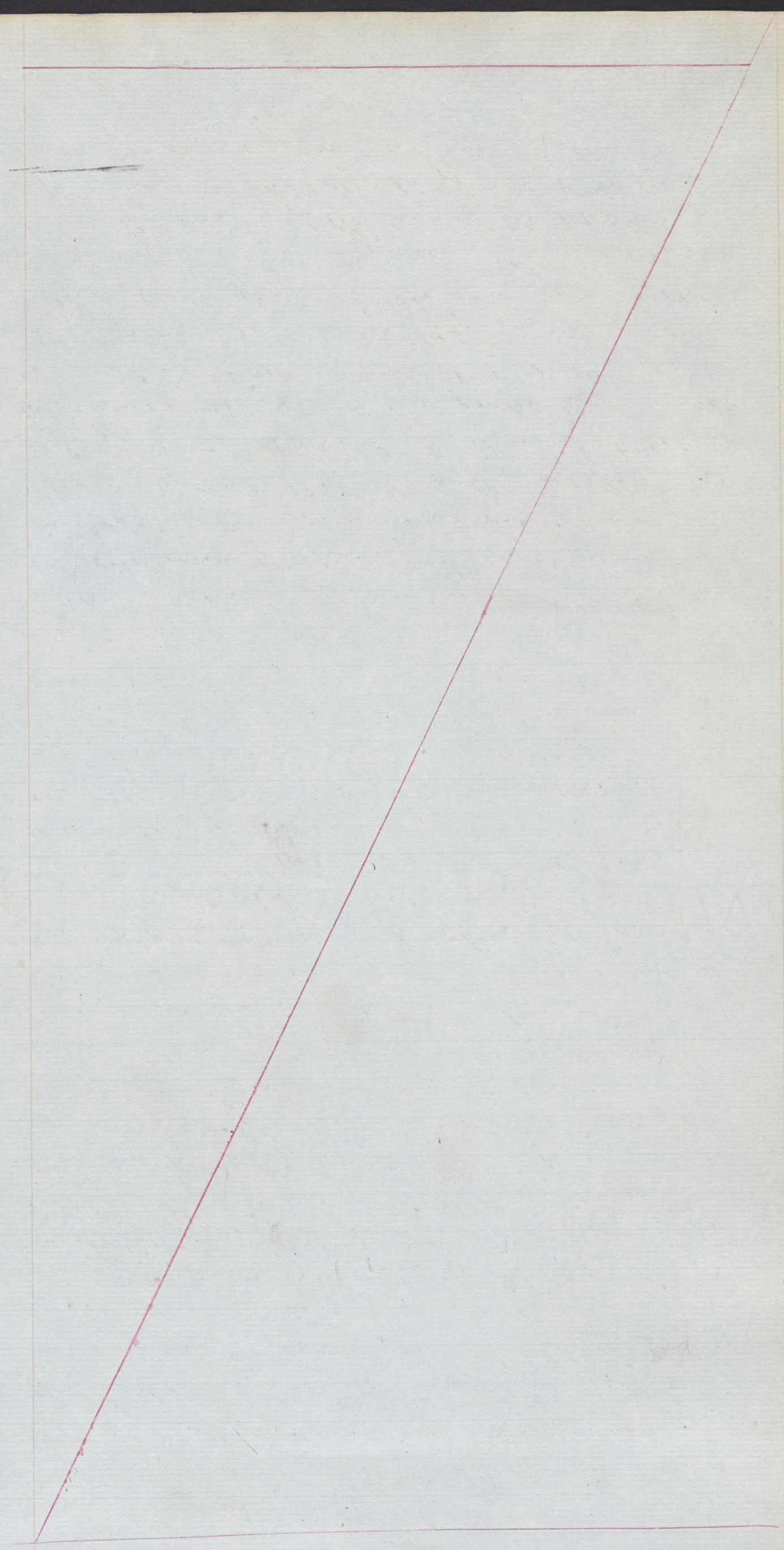
CASE 25

PAGE



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85

2nd copy

33

"D"

Translation of Grant No. 2.

CASE 29 ND
PAGE 29

Seal

Third Seal one dollar.

Provisionally qualified by the Maritime Custom House of the Port of Monterey in the Department of Californias for the years 1843—

Micheltorena Manuel Castanares.

Manuel Micheltorena Brigadier Genl. of the Mexican Army, Adjutant General of the Staff of the same, Govern Commanding General & Inspector of the Departments of Californias.—

Whereas Don Guillermo Castro has claimed for his personal benefit and that of his family the place known by the name of "San Lorenzo", bounded by the Ranchos of Sor Amador, with that of Sor Moraga, with that of San Ramon, with that of Sor Peralta, with that of Sor Estudillo, with that of Sor. Vallejo, and that of Don Francco Soto, on the side of the main road, from the Arroyo del Alto to that of San Lorenzo, in consideration that there has been already made a concession to the said Soto on the side toward the Beach: all the necessary steps and investigations relating thereto having been previously taken according to the provisions of the laws & regulations: using the powers that are conferred on me in the name of the Mexican Nation I have conceded to him the tract above mentioned, declaring to him the ownership thereof by the present letters; subject to the approval of Most Exct. Departmental Council, and under the following conditions:

1st. He may fence it without injury to the roadways, roads and thoroughfares, and without containing the Commons of the Pueblo de San José, when they may be assigned; nor hinder the grazing of the cattle of the Mission; he may enjoy it freely & exclusively applying it to the use or cultivation which may best suit him.—

2d. The tract of which the donation is made is six sitios de ganado mayor: without including six

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PAGE 30

hundred varas of land which are conceded already by an anterior title — The judge giving the posession shall cause it to be measured according to ordenance — the surplus which may result remaining for the use of the Nation.

3d" He shall solicit the proper judge to give him juridical posession by virtue of this dispatch — whereby the boundaries shall be marked, in the limits of which he shall put beside the land marks some fruit trees or useful wild ones —

4th" If he contravene these conditions he shall lose his right to the tract, and it shall be denuncable by another —

Wherefor I order that this instrument serving to him as a title, and being held firm & valid — an entry be made thereof in the respective Book: and it be delivered to the party interested for his safety & other purposes — Given at Monterey the 25 of Oct. 1843 —

Manuel Michelt"

Manl Jimeno

Secy.

An entry is made of this dispatch in the respective Book at page 2

Jimeno.

The 17th of January 1844 by an agreement which Don Carlos Castro, as attorney for his Son Don Guillermo Castro, executed, with Don Francisco Soto, it resulted according to the acts which been made for the purpose that the boundaries of the said Don Guillermo Castro should be from the "Sauzon" looking at the South side of his house, & from the same Sauzon in a direction from where it makes parallell with it, six hundred varas should be measured towards the main road & from where they conclude a right line to be taken up to Arroyo del San Lorenzo; to be recognized as boundaries of the other side of the said Sauzon the border of the group of hills (Lomeria) which lie towards the plains measuring

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CASE 29 ND
PAGE 31

ten varas up the hills for the Western side - And Mt. Ext. the Governn General Don Manuel Michettorena having approved the said agreement, he ordered it to be noted in this title -

Manuel Michelt.a

Manuel Jimeno

Secd.

I certify the foregoing to be a true and correct translation of the original Spanish document of the same term and date exhibited to me, and filed in case no. 285 Guillermo Castro.

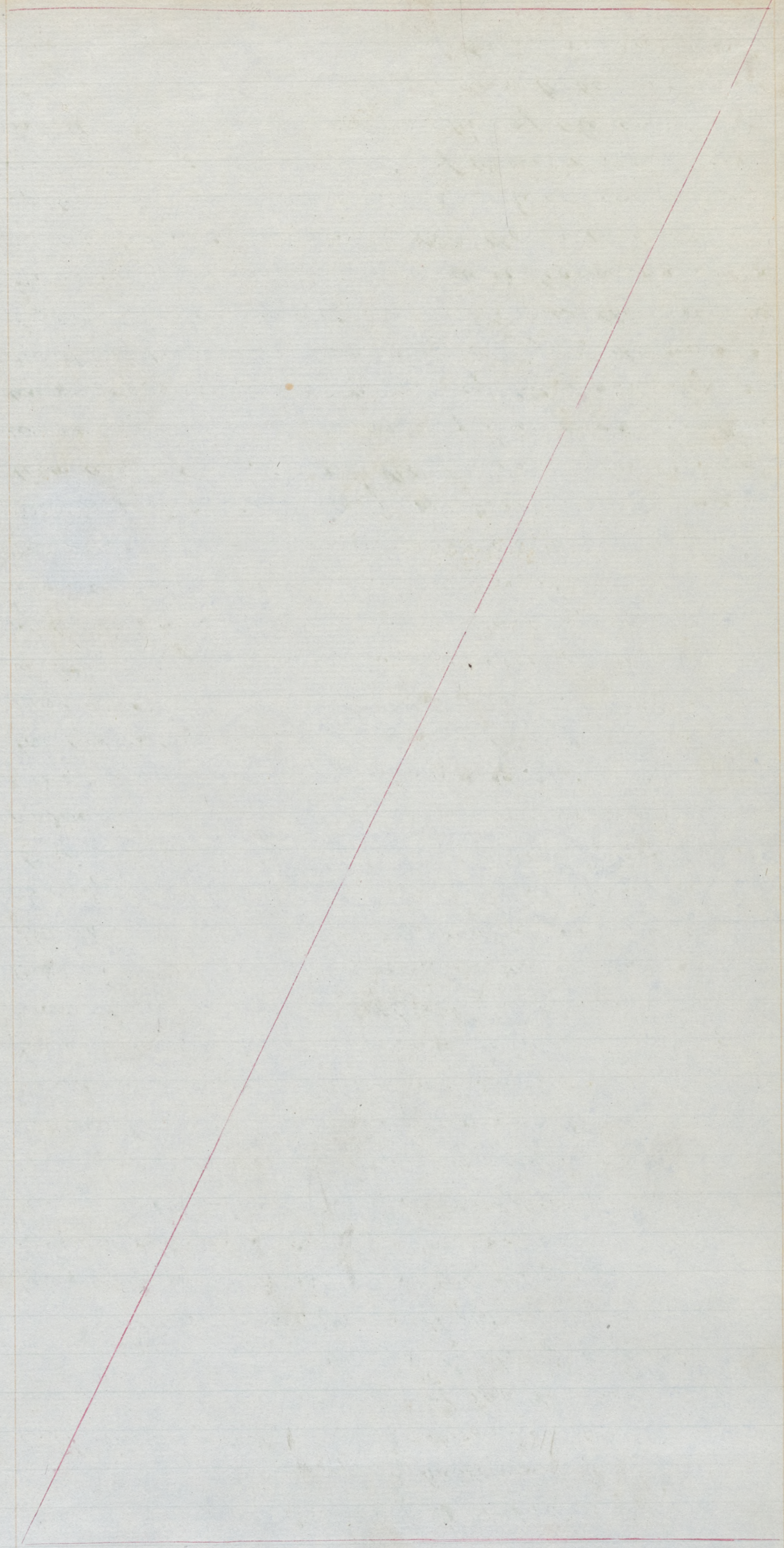
San Francisco Feb. 8th 1853. Geo. Fisher

Secy.

Filed in office July 8th 1852

Geo. Fisher

Sec.



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CASE 29 ND
PAGE 32
Opinion
&
Decree.

P
285

2d Cruz.

Guillermo Castro, Claimant
v
The United States

U. S. Land Commission for California. Sitting at San Francisco. No. 285. Rancho of San Lorenzo.

Opinion by H. J. Thornton.

The claim presented in this case, is founded upon two grants made to the same person for different quantities ~~but~~ which constitute one connected tract or parcel of land called the Rancho of San Lorenzo. The first grant is for the quantity of six hundred varas square, issued by Juan B. Alvarado Governor of California on the 23d of February, 1841. The second is for six square leagues, or six sitios de ganado mayor made by Governor Micheltorena on the 28th of Oct. 1843. The grants are made in virtue of the decree of the Mexican Congress of the 18th of August 1824, and of the Ordinance of the Federal Executive of Mexico of the 21st of November 1828. It does not appear that either of the governors who made the grants, ever obtained the approval of the Departmental assembly thereof. Nor was there any measurement of the land, and formal delivery of the possession to the said grantee: He was however in possession of the the land, built a large dwelling house &c. upon it, cultivated, and resided upon it, from the year 1843 down to the present time. The genuineness of these grants, and the authority of the Governor who made them are not controverted. All the facts above stated are satisfactorily established by transcripts regularly authenticated from the archives of the former Government of the Country, by documentary evidence, and by the testimony of witnesses on file in the case. All the objections to which this claim is liable, have been considered and overruled by this Board in the case of Cruz Cervantes, and of others heretofore decided. According to the principles of decision prescribed for this Board in the 11th section of the act of 3d of March 1851, we declare the claim to be valid, and enter the following decree of final confirmation

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PAGE 33

Commissioners Hall concurs in the result.

Wm J. Thornton

This Board upon full consideration of the various grounds affecting the validity of the said claim, having come to the conclusion that the same is valid: Therefore now proceed 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 Claimant to the extent and quantity of six square leagues, or six sitios de ganado mayor, and also of six hundred varas square and for no more, being the same tract or parcel of land described in the grants, accompanying documents, and expedientes referred to therein, and of which possession has been had by the Claimant under the said grants: Provided that the said quantity of land granted and now here confirmed be contained within the boundaries called for in the said grant and map to which the grant refers. And if there be less than the said above named quantity within the said bounds then be confirm to the Claimant that less quantity, it being apparent that said quantity exceeds the minimum of two hundred varas prescribed in the Ordinance of the 21st of November 1828. Given under our hands this 14 day of February 1853.

Hiland Hall
Wm J. Thornton } Commissrs

Filed in office February 14th 1853
Ger Fisher
Sec.

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PAGE 34

Office of the Board of Commissioners,
To ascertain and settle the Private Land Claims in the State of California.

I, George Fisher Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing thirty eight ——— pages, numbered from 1 to 38, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 285 on the Docket of the said Board, wherein Guillermo Castro is ———

the Claimant, against the United States, for the place known by the name of "San Lorenzo" ———

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

Geo: Fisher.

Secy.

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29 N D
"San Lorenzo"
29

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PAGE 35

Transcript of the Proceedings

in Case No 285

Guillermo Castro Claimant

vs

The United States Defendant

For the place named "Part of
San Lorenzo"

CASE 29 ND
PAGE 36

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

Be it remembered that on this Eighth day of July 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 Guillermo Castro

for the place named San Lorenzo

was presented and ordered to be filed and docketed with No 285 and is as follows to wit;

(Vide 3d 4 Pages of this Transcript)

Los Angelos
Sept 13th 1852

In case No 285 Guillermo Castro for the Rancho of San Lorenzo, the Deposition of Andreas Pico a Witness in behalf of the Claimant taken before Commissioner James Wilson was filed and is in the words & figures as follows to wit;

(Vide 4th Page of this Transcript)

1

CASE 29 ND
PAGE 37

Los Angelos
Sept 27th 1852

In Case No "285" the Counsel for the Claimant filed the following Motion to wit:

Moved that the following Case be placed on the Trial Docket to wit:

No "285" Guillermo Castro - "San Lorenzo"

San Francisco
February 8th 1853

Case No "285" Guillermo Castro for a part of the place named San Lorenzo. The Counsel for the Claimant read the Petition and the papers in evidence, The Associate Law Agent of the U.S filed his brief, Case submitted and taken under advisement by the Board

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San Francisco
February 14th 1853

In Case No "285" Guillermo Castro for the place named San Lorenzo, Commissioner Henry S Thornton delivered the Opinion and the Decree of Final Confirmation of this Board

Ordered that the Opinion and the Decree of Final Confirmation of this Board delivered this day in this Case be re-corded on the Journal.

Which Opinion & Decree are in the words & figures as follows to wit:

(Vide Pages of this Transcript)

CASE 29 ND
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Petition

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

Guillermo Castro a Citizen of said State gives notice, that he claims by virtue of a right and title derived from the Mexican Government, a tract of land in said State, known as the Rancho of San Lorenzo, bounded by a certain agreed upon and adjudicated line between his lands and the lands of the late Don Francisco Soto, and lying within the lines of the said last mentioned Rancho as shown in the title papers of this Claimant, on the North by the Southern and Eastern lines of the Rancho of the late Don Joaquin Estudillo as shown in the grant of the said last named Rancho, by a portion of the Southern line of the Rancho of the late Don Luis Peralta Southerly by a portion of the Northern line of lands of Don Jose de Jesus Vallejo and Westerly by the said Ranchos of San Ramon and Senor Moraga

A portion of said land was granted to the Claimant on the 23rd day of February A.D. 1844 by Don Juan B. Alvarado Constitutional Gobernor of the Department of the Californias and authorized to make such grant in the name and on behalf of the Mexican Nation

The remainder of said land was granted to the Claimant on the 25th day of October A.D. 1843 by Don Manuel Micheltorena the successor of said Alvarado as Governor of said Department and likewise authorized to make such grant in the name and on behalf of the Mexican Nation,

Said tract has been peopled and cultivated according to law, the granting

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of land embraced therein is supposed to embrace
about six leagues or sitios of four thousand
four hundred and twenty eight acres each,
with the addition of six hundred varas square
There is no conflicting claim
in the knowledge of the Petitioner to any portion
thereof,

Copies of the original grants with
translations of the same are herewith filed, and
the Original will be presented and proved as
may be required, with other proper testimony
By his Attorneys
Jones Tompkins & Shaw

Filed in Office July 9th 1852
Lee Risher
Secty

Office of the Board of Com-
missioners of California
Land Claims
Los Angeles Sept 3rd 1852

On this day before James Wilson one of the
Commissioners for ascertaining and settling
private Land Claims in the State of Cali-
fornia, came Don Andreas Pico a Witness
produced in behalf of the Claimant Guiller-
mo Castro whose Petition is No 235 on the
Docket of the Board and was duly sworn
His evidence being given in the Spanish lan-
guage was interpreted by the Secretary
The Law Agent of the U S was
present and did attend.
The Law Agent of the
U S was present by R H Weston Esqr by
consent and did not object

Deposition of
Andreas Pico taken in the case of Guillermo Castro
who petitions for the confirmation of Rancho San

CASE 29 ND
PAGE 40

Lorenzo in Contra Costa Co

The Witness being
duly sworn deposes and says, I am acquainted
with the Rancho San Lorenzo and it is situated
in Contra Costa Co and is at the South of
the Mission of San Jose and about five or six
leagues distant therefrom. The Rancho is oc-
cupied by Don Guillermo Castro himself and
he has occupied it since the year 1843 to my
knowledge. There is one of the best houses on it
that there is anywhere in the Country, and the
land to a considerable extent is under a very
good state of cultivation. There is about three
thousand head of cattle and about five
hundred head of horses on the Rancho
which belong to Don Guillermo Castro. He also
carries on the manufacture of saddles blankets
and shoes on the Rancho. There are excellent
corrals, fences and improvements on the Rancho
There has been a house on the Rancho since the
year 1843 to my knowledge

Andres Pico

September 3rd 1852
Subscribed and sworn to
before me James Wilson
Commissioner

Filed in Office Sept 3rd 1852
Geo Fisher
Secty

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CASE 29 ND
PAGE 41

Expediente

Promovido por el Ciudadano Guillermo Castro en solicitud de paraje conocido con el nombre de

San Lorenzo

No 309

CASE 29 ND
PAGE 42

2 $ 10 R

Sello 4to. Dos Reales

Habilitado provisionalmente por la Aduana Marítima del Puerto de Monterey en el Departamento de las Californias para los años de mil ocho cientos cuarenta y tres

Manuel Micheltorena

Aduana Marítima Mont.ª Mex.no Exp.te

Gob.no del Est.o Mex.no Exp.te

Monterey Abril 13 de 1843

Pase, Sobre el despacho

Michelt.a

Excmo Sor

Carlos Castro, Mejicano por nacimiento vecino del este Puerto de San Jose, ante la notoria justificacion de VE comparece y dice que hallandose en posesion propiedad del paraje nombrado "San Lorenzo" cuyo dueño a cumplido desde el año de 1834 en que el antecesor de VE en el Gobno Politico del Departamto. Se Sirvio espedir un decreto para que en paso dho. paraje interin, se corian los tramites necesarios para concedersele el titulo correspondiente y habiendo en consecuencia del mencionado decreto erogado gastos, precisos para la plantesia de algunas cercas indispensables, como casa corrale &c, y transcurrido ya cerca de tres años en tranquila ocupacion del repetido lugar creefundadamte que el espediente mi solicitud mandado practicar debida estar concluido en su favor, Por tanto

A.V.E. rendidamente suplica se sirva conceder el asunto y mandar se entregue de justicia de le espida el titulo de=

Excmo=

[estilo

Monterey Abril 10 de 1843

Carlos Castro]

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PAGE 43

Sor Gobernador

Hace seis ó cinco años que se D Guillermo Castro tiene ocupado con sus bienes de terreno que posee y como a otros particulares se le concedido porciones de terrenos, en el mismo paraje, pareciendo no hay inconvte para declara hay la propiedad de la estencion que pide segun el dispuesto espedente que existe en la Sria pero con la condicion que sugetarse a los linderos que se le demarquen en el título para mas intelijencia de sus colindantes, no obstante la determinacion de V.S. sera a mas acertada

Monterey Octubre 28 de 1843
Manuel Osmeno
Sria

Manuel Michel Torrens Gral de Brigada del Ejercito Mejicano, Ayudant Gral de la Plana Mayor y Commandante Gral y Gobernador del Departam.to de las Californias

En cuanto D Guillermo Castro ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre San Lorenzo colindante con el Rancho de San Amador, con el de San Ramon, con el del Sr Moraga, con el de los Peraltas, con el del Sor Estudillo, con el del Sor Vallejo y con el del Sor Sotelo, por la parte del camino principal desde del Arroyo del Alto hasta el de San Lorenzo por haberse considerado agraviado el mencionado Sotelo por la parte de la playa practicados previas diligencias convenientes segun lo dispuesto por leyes y reglamentos de la materia usando de las facultades que me son conferidas a nombre de la Nacion Mejicana he venido en conceder el terreno mencionado declarando de la propiedad de el por los presentes títulos, sugetandose a la aprobacion de la Exma Junta Departamental y a las condiciones siguientes

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CASE 29 ND
PAGE 44

1° Podra cercarlo sin perjudicar a las traberias caminos y servidumbres e sin embarazar los egidos del Pueblo de San José cuando se le asignare ni impedira el que pacan los ganados de la Mision, lo disfrutara libre y esclusivamente destinandolo al uso o cultivo que le mas acomode

2° Solicitara del Juez respectivo que le de la posecion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra a mas las majoneras algunos frutales arboles o sylvestres de algun utilidad

3° El terreno de que se hace donacion es de seis sitios de ganado mayor a mas de las cuatrocientas varas de terreno que tiene concedido por titulo anterior. El Juez que diere la posecion lo hara medir conforma a ordenanza quedando el sobrante que resultare a la Nacion, para los usos convenientes

4° Si contravinuere a estas condiciones, perdera su derecho al terreno y sera denunciable por otro

En consecuencia mando, que teniendose por firme y valedero este titulo se tome razon de el en el libro respectivo y se entregue al interesado, para su resguardo y demas fines

Dado en Monterey a 25 de Abril de 1843

Como informa el Sor Srio del Despacho de este Gobierno agregando la condicion de no embarazar los ejidos del Pueblo de San José cuando se designaren ni impedir a los ganados de la Mision se fr ay pastaren o dentraren

Michel Torreno

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MAP of CASTRO VALLY

Diseño

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29 N.D.

p. 45

"SAN LORENZO" (CASTRO) part of

Guillermo CASTRO, Cmt.

ALAMEDA Co 57R

CASE 29 ND
PAGE 45

Arroyo que conde de las Trampas

Arroyo de San Leandro

Arroyo de San Lorenzo

Arroyo de las Yeguas

Canal

Plan of San Lorenzo - Escala de dos leguas

Plan of San Lorenzo

Rancho de Don Joaquin Estudillo

Rancho de Don Francisco Soto

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PAGE 46

Monterey 25th de Octubre de 1839

Vista la peticion con que da principio este espediente, los mismos los que preceden con todo lo demas que de ello se trata y de ver como mas de Conformidad con las leyes y reglamentos y la materia declara a Don Guillermo Castro dueño de propiedad el parage nombrado San Lorenzo, Colindante con el Rancho de Soberanes con el de San Ramon con el de Don Moraga, con el de las Peralta con el de Don Estudillo con el del Don Vallejo y con el de D Ramon Soto por la parte del camino principal desde el Arroyo del Alto hasta el de San Lorenzo por haberse considerado agraciado mencionado Soto por la parte de la playa, Librese el Correspondte Libranse despacho, tome se razon en el libro respectivo y diriganse estos Espedte a la Excma Junta, El Exmo Gobernador asi lo mando decreto y firmo

CASE 29 ND
PAGE 47

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

I, Samuel D. King Surveyor General of the United States for the State of California and as such now having under my charge and custody a portion of the Archives of the former Territory or Department of Upper California do hereby testify that the nine preceding and hereunto annexed pages of tracing paper, numbered from one to nine inclusive and each of which is verified by my initials (S.D.K.) exhibit true and accurate copies of certain documents, now on file and forming part of said Archives in this Office

In testimony 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 Cal. this 7th day of Nov 1852

(L.S.)

Saml D. King
Sur Genl Cal

Gmo Castro
O. Sn in San Lorenzo

No 285
Guillermo Castro
San Lorenzo

Espediente

Filed in Office Sept 27th 1852
Geo Fisher, Secty

Record of Proceedings instituted by Citizen Guillermo

Maritime Customs House of Monterey Seal

Translation of Expediente No 2

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Port of the Department of California Seal

Record of Proceedings instituted by Citizen Guillermo Castro soliciting the place known by the name of San Lorenzo

Fourth Seal Two Reales, Legalized provisionally by the Maritime Customs of the Port of Monterey in the Department of the California for the year 1843

Manuel Castanares

Most Excellent Sir,

Charles Castro Mexican by birth & habitant of the Pueblo of San José before the notorious & justice of Excellencies and says, that finding himself in quiet possession of the place named San Lorenzo a map of which accompanies, since the year 1839 when the predecessor of Y.E. in the Political Government of the Department was pleased to issue a decree that he might occupy said place, whilst he should procure the proper steps necessary for conceding him the proper title, and having in consequence of said Decree incurred the necessary expense for establishing some indispensable systems as a house, corrals, &c and besides there already near three years in tranquil occupation of said place he firmly believes that the information, record (expediente informativo) ordered to be made ought to be concluded in his favor, Wherefore to Y.E. only he prays that you will be pleased to take cognizance of the matter and direct if he can with justice that the customary title be issued

Monterey 10th Oct 1843

Charles Castro

(Marginal Order on the above)

Monterey 13 Oct 1843 - Let the Secretary of Dispatch Report,

Michel Torena

Most Excl Senor Gov.r

This above proves that Don Guillermo Castro has occupied with his property the tract which he claims, as to other persons have been conceded portions of land in the same place (or the same region or neigh-

CASE 29 ND
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=borrowed) it appears that there will not be any inconvenience in declaring unto him the ownership of the extension which he seeks, according to the espediente which exists in the Secretary's Office but with the condition of subjecting himself to the boundaries which shall be remarked in the title for the better intelligence of his adjoining neighbors, Nevertheless the determination of Y.E. shall be the most

Manuel Jimeno

Monterey Oct 23rd 1843

Monterey Oct 24th 1843.

As regards the Senor Secretary's Dispatch of this government, adding the condition not to embrace the commons of the Pueblo of San Jose when they shall be designated nor hinder the laurels of the Mission

Micheltorena

Monterey 25th Oct 1843

In view of petition with which this espediente begins, the report which precedes and all else that was present and formed suitable, in conformity with the laws and regulations in the matter, I declare Don Guillermo Castro owner in property of the place named San Lorenzo bounded by the Rancho of Senor Amador, by the Ranchos of San Ramon, by that of Dor Moraga, by that of Peraltas, by that of Dor Estudillo, by that of Senor Vallejo by that of Don Francisco Soto in the direction of the ~~beach~~ main road from the Arroyo del Alto to that of San Lorenzo as it has to be considered that the said Soto has been donated in the direction of the beach, Let the proper dispatches issue, account be taken of it in the proper Book and this Espediente be directed to the Excelt Supte, The Excelt Senor Governor, thus ordered decreed and signed

Manuel Micheltorena, Brigadier General of the Mexican Army, Adjutant General of the Staff, and Commandant General and Gover=nor of the Department of the Californias

Whereas Don Guillermo Castro has asked for his personal benefit and that of his family, the tract of land known with the name of San Lorenzo, bounding with the Rancho of Señor Arnaden with that of San Ramon with that of Señor Noriega, with that of the Pedregas with that of Señor Vallejo and with that of Señor Es=tudillo and with that of Don Francº Sotº in the direction of the main road from the Arroyo del Alto to that of San Lorenzo, it being considered that the said Sotº has been deluded in the direction of the Beach, taking previously the proper diligencies and investi=gations according to what is disposed by laws and regulations of the matter, exercising the powers which are conferred on me in the name of the Mexican Nation I have come to concede to him the said tract of land declar=ing to him the ownership of it by the present letters, subject to the approbation of the most Excellent Departmental Junta and the fol=lowing conditions

1st He may enclose it without prejudice to the crossings and easements and without embar=asment to the commons of the Pueblo of San=Jose when they shall be assigned or present the pasturing of the cattle of the same, he may enjoy it freely and exclusively and ap=ply it to the use or cultivation which may suit him

2d He shall solicit of the proper Judge to give him juridical possession by virtue of this despatch, by whom shall be denoted the limits and boundaries of which, and shall place beside the land marks, some fruit trees or useful wild ones

3rd He tract of which donation is made is of six

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sitios of ganado mayor, beside the five hundred
varas which he holds conceded by another
title, The Judge who shall give possession
shall cause it to be measured according to
Ordinance, remaining the overplus which
shall result to the Nation for its convenient uses
4th If he contravene the conditions, he shall lose
his right to the land and it may be denounced
by another, In consequence I Order that being
Translation incomplete held firm and solid this title, note be taken
of it in the proper Book and it be delivered to
the interested for his security and other ends
Given in Monterey this 25th Oct
1843

I certify the foregoing to be a true and
correct translation of the fac simile copy of
the Expediente No 2 Filed in this Office in Case
No 285 Guillermo Castro which fac simile copy is
authenticated by the Surveyor General of the U.
S for Cal

Geo Fisher
Secty

Filed in Office Sept 27th 1852

Geo Fisher
Secty

CASE 29 ND
PAGE. 52

(1 Leg)

Juris dicción del Pueblo
de San Jose de Alvarado Año de 1844

Expediente

Promovido por el Ciudadano Guillermo Castro en solicitud de seis cuerdas varas de tierras en el paraje de

San Lorenzo

1844

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CASE 29 ND
PAGE 53

(2 de 2 de K)

Sello Tercero, Dos reales

Habilitado provisionalmente por la administracion de la Aduana Maritima del Puerto de Monterey en el Departamento de los Alisos para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete

Gutierrez Angel Ramirez

Volga pmd los años de 1839 y 1840

Alvarado Antonio Ma Gio

Exmo Sor

Carlos Castro a nombre de su hijo Guillermo Castro ha pretendido, Mejicano por nacimiento ante VE como mas haya lugar en derecho y el respeto debido dijo, que siendo bastante limitado el terreno que posee mi hijo en el paraje nombrado S. Lorenzo donde se ha establecido con mil cabezas de ganado mayor y deseoso de hubicar presas para vivir con mas holgura y un pegarano caballada libre del perjuicio que pudiera ocasionar la inmediacion de ganado ha de merecer de VE se digne conceder a mi representado seis cientos Varas en cuadro desde el Arroyo del Sauce que es en el lindero con el establecimiento de San Jose hacia el Norte en que pretende el mismo incluso el apuage situado al E protestando como desde ahora protesto a nombre de mi hijo no perjudicar absolutamente mis derechos ni bienes de dicho de establecimiento por tanto,

A VE suplico se digne proveer como debo pedido de que recibida

Monterey Agosto 10 de 1840

Informe el Mayordomo de S. Jose si en la concesion de los seis cientos varas de terreno que se pretenden resultara algun perjuicio por otros al establecimiento de su cargo

Alvarado

Expediente

CASE 29 ND
PAGE 54

mo gracia, pues lo necessario &c.

Carlos Castro

El interesado puede poseer las seis cientas varas en cuadro que solicita pa fabricar finca y corral pa caballada pues no perjudican a los linderos pertenecientes a este establecimiento, siendo con legalidad la peticion

San José Agosto 4 de 1840

José Ma Amador

Alvdo =

(4 S D C)

[Sello Tercero Dos Reales

Habilitado por la administracion de la Aduana Maritima del Puerto de Monterey para los años de mil ochocientos treinta y seis y mil ocho cientos treinta y siete

Gutierrez   A Ramirez

Valga para los años de 1839 y 1840

Alvarado   Antonio Ma Osio

Ada Maritima de Monterey Mex Eagle

Monterey Febrero 3d de 1841

Vista la peticion que con da principio este espediente el informe del encargado del establecimiento de San José con todo lo demas que se tuvo presente y ver convino de conformidad con las leyes y reglamentos de la materia, declaro a Don Guillermo Castro dueño el propiedad del numero de seis cientas varas en cuadro de terreno con inclusa de un aguage que está al Este en el parage de San Lorenzo, para el objeto de hacer casas, labores, huerta y un corral para caballada bajo la condicion de no perjudicar a los indigenas a los reyes del establecimiento de San José

El Sor don Juan B Alvarado, Gobernador Constitucional del Departamto. de las Californias asi lo mando decretó y firmó, de que doy fe

Alvarado

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

I Samuel D King Surveyor
General of the United States for California &
as such now having in my Office and under
my charge & custody a portion of the Archives
of the former Spanish and Mexican Territory
or Department of Upper California do hereby
certify that the four preceding and hereunto
annexed pages of writing paper numbered from
one to four inclusive & each of which is certified
by my initials (S D K) exhibit true & accurate
copies of certain documents now on file & form-
ing part of said Archives in my Office

In testimony whereof I have
hereunto subscribed my name offici-
ally and affixed my private
seal (not having a seal of office)
at the City of San Francisco
this Seventh day of November
A D 1854

Saml D King
Surv Genl Cal

No 285

William Castro claiming the Rancho of
San Lorenzo

Jones Tompkins & Strode

Wm Castro
600 Vs in San Lorenzo

Filed in Office Sept 27th 1852
Geo Fisher
Secty

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Translation of Espediente Nos

Jurisdiction of the Pueblo of Dose de Alvarado } Year 1844

Record of Proceedings instituted by Citizen Guillermo Castro soliciting 600 Varas of land in the place named San Lorenzo 1844-223

Stamp Seal Fifty Reales, Legalized by the administration of the Maritime Custom House of the Port of Monterey for the years 1836 & 1837
Gutierrez Angel Ramirez

Good for the years 1839 & 1840

Alvarado, Antonio Mª Dose

Maritime Customs of Monterey Seal

Most Excellt Sir, Charles Castro in name of his son William Castro, Mexican by birth before Your Excellcy in best form of law, and due respect say that being resolved, the first which my son proposes in the place called San Leandro, where he has established 2000 head of neat Cattle and being desirous to establish a fixed residence (which can prove upon civil) with a garden and a small Corral for horses, free from the injury which the immediate vicinity of the Cattle might occasion, I have to ask that Yr Excellcy will concede to him my said principal (representado) Six hundred Varas square from the Arroyo of San Lorenzo, which is the boundary with the establishment of San Jose toward the S E lands which pertain to the same including a water hole situated at the East, protesting, as hereafter I protest, in the name of my said son, not to prejudice the natives or the property of said establishment, Wherefore to Yr Excellcy pray you will be pleased to provide what I have asked, from which I shall receive the greatest favor, I swear the necessary &c

Charles Castro

(Marginal Order on the above)

CASE 29 ND
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Let the Mayor Domo of San José report if the concession of 600 Varas of land, which is solicited, any prejuicio injury will result to the establishment under his charge

Alvarado

The interested may plant the 600 Varas square which he solicits to establish a residence and corral for horses, since it will not prejudice the boundaries pertaining to this establishment, the Petition being according to law

San Jose 14th August 1840

José Ma Amador

Third Seal. Ten Reales (same as above)
Monterey 23rd February 18th. In view of the Petition with which the Espediente begins the report of the person encharged with the establishment of San Jose, with every thing else which I had present and saw proper, in conformity with the laws and regulations of the matter, I declare Don Guillermo Castro, owner in property of six thousand Varas square of land including a Water hyle which is at the East in the place of San Lorenzo, for the purpose of building a house fields and garden and a Corral for horses, under the condition that he shall not prejudice the Natives, nor the property of the establishment of San Jose

The Sr. Don Juan Bautista Alvarado Constitutional Governor of the Department of the Californias, thus ordered decreed and signed of which I Ben testimony

Alvarado

I certify the foregoing to be a true and correct translation of the Spanish copy of the Espediente No 1 filed in this office in Case No 285 Guillermo

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Castro which I have omitted copying and translated by the Surveyor General of the U S for California

Filed in Office Sept 27th 1852
Geo Fisher
Secty

Original Grant

Sello Tercero Dos Reales
Habilitado provisionalmente por la Aduana Marítima del Puerto de Monterey en el Departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno

Antonio Ma Pico

Aduana Marítima de Monterey Engle

Juan B Alvarado Gobernador Constitucional del Departamento de las Californias

Por cuanto Don Guillermo Castro ha pretendido para su beneficio personal y el de su familia para crianza de seis cientas varas cuadradas de terreno en el paraje nombrado, San Lorenzo, por la parte del Arroyo del mismo nombre al S O practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas a nombre de la Nacion Mejicana, he venido concederle el mencionado numero de varas que le solicita con inclusion de un Agraje que está al este de dho paraje para solo fabricar casa, formar labores, pasto y mi general por caballada y bajo las condiciones siguientes, de no perjudicar a los vecinos ni a los bienes del Establecimiento de San Jose

En consecuencia mando, teniendose y poderoso, este Título de forma y razon de el expedidor a que corresponde y se entregue al interesado para su resguardo y demas fines, Dado en Mon-

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CASE 29 ND
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=terey, a Veinte y tres de Febrero de mil ocho cientos cuarenta y nueve

Juan B Alvarado
Manuel Jimeno
Srio

Queda tomada razon de este despacho en el libro de acuerdos sobre adjudicacion de terrenos baldios
a/a, 5 Jimeno

Sello Tercero, Dos Reales

Habilitado provisionalmente por la Aduana Maritima del Puerto de Monterey en el Departamento de las Californias, para los años de mil ocho cientos cuarenta y mil ocho cientos cuarenta y nueve

Jimeno Antonio Maria Osio

Aduana Maritima de Monterey Mex Eagle

Filed in Office July 8th 1853
Geo Fisher
Secty

"B"
Translation of
Grant No 1

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PAGE 60

Third Seal Two Reales

Provisionally graduated by the Maritime Customs of the Port of Monterey in the Department of the Californias for the years 1840 + 1841
(Signed) Simeon (de Ant.o Ma Ario

Juan B Alvarado Constitutional Gover=nor of the Department of the Californias

Whereas Don Guillermo Cook has claimed for his personal benefit and that of his family the quantity of one hundred va=ras square of land in the place called San Lorenzo near the Creek of the same name, adjoin=ing to the premises that are confined on me in the name of the Mexican Nation, I have conceded to him the said number of Varas of land, inden=nity of a watering place (aguaje) which lies at the East of said place, in order alone to erect a house make fences, a Garden and a Corral for horses and under a condition not to injure the native Indians or the stock or chattels of the Establish=ment of San José.

Wherefore I order that this title being held valid, an entry be made thereof in the proper book, and it be delivered to the party interested for his security and other purposes
Given at Monterey the 23rd February 1841
Juan B Alvarado
Manuel Jimeno, Secty

An entry of this dispatch is made in the book of entry of adjudication of Vacant Lands at page 5

Simeno

I certify the foregoing to be a true and correct Translation from the original Spanish docu=ment of the same tenor and date, of subscribed to me

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PAGE 61

and filed in Case No 285, Gnel. Castro
San Francisco July 8th 1853
Geo Fisher
Secty

Filed in Office July 8th 1853
Geo Fisher
Secty

"D"
Translation of Grant No 2

CASE 29 ND
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Seal

Third Seal. One Dollar

Provisionally granted by the Maritime Custom House of the Port of Monterey in the Department of the Californias for the year 1843

Michel Torena, Manuel Castanares

Manuel Michel Torena Brigadier General of the Mexican Army, Adjutant General of the Staff of the same, Governor Commanding and Inspector of the Department of the Californias

Whereas Don Guillermo Leese has claimed for his own personal benefit and that of his family the place known by the name of San Lorenzo bounded by the Rancho of Sr Amador, with that of Don Ramon, with that of Sr Monaga, with that of Sr Peralta with that of Sr Estudillo with that of Sr Vallejo and that of Sr Don Franco Soto, on the side of the Main road from the Arroyo del Alto to that of San Lorenzo, in consideration that there has been already a concession made to the said Soto on the side towards the Beach, all the necessary steps and investigations relating thereto having been previously taken according to the provisions of the laws and regulations using the powers that are conferred on me in the name of the Mexican Nation, I have conceded to him the tract aforementioned declaring to him the ownership thereof by the present letters subject to the approval of the Most Excellent Departmental Council and under the following conditions

1st He may fence it without injury to the crops roads and thoroughfares and without impassing the Cannons of the Pueblo de San Jose when they may be assigned, providing the paying of the Castle of the Division, he may enjoy it freely and exclusively applying it to whatever destination which may best suit him

CASE 29 ND
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2d The tract of which donation is made is six
sitios de ganado mayor, without including
Six hundred Varas of land which are Conceded
already by an authenticated title, the Judge
giving the proper on shall cause it to be mea-
=sured according to Ordinance, the surplus
which may result, remaining for the use of
the Nation

3d He shall go to the proper Judge to
give him Juridical possession by virtue of
this dispatch, by whom the boundaries
shall be marked, in the limits of which
he shall place besides the landmarks
some fruit Trees or useful Wild ones

4th If he contravene these conditions he shall
lose his right to the land and it shall
be denounced by another.

Wherefor I order
that this present serving to him as a title
and being held firm and valid, an entry
be made thereof in the respective Book, and it
be delivered to the party interested for his safety
& other purposes, Given in Monterey the 25th Oct
1843

Manl Micheltorena
Manl Jimeno
Secty

An entry is made of this dispatch in the respec-
=tive Book at Page 2
Jimeno

The 17th of January 1844 by an agreement
which Don Carlos Castro as attorney for his
son Don Guilyermo Castro, executed with Don
Francisco Soto it resulted according to the
acts which were made for the purpose that
the boundaries of the said Don Guilermo Castro
should be from the "Sanjon" looking at the
South side of his House, and from the same
"Sanjon" in a direction from where it makes

Parallel with it Sixhundred Varas, should be measured toward the main road and from where they conclude, a right line to be taken up to the Arroyo del San Lorenzo to be recognized as boundaries of the other side of the said "Canyon" the border of the group of hills (Lomeria) which lie towards the plains, measuring ten Varas up the hills for the Westerly side, And Most Expt the Governor General Don Manuel Michel Torres having approved the said agreement, he ordered it to be noted in this title

Manl Michel Sy
Manuel Jimeno
Secty

I Certify the foregoing to be a true and correct Translation of the original Spanish document of the same tenor and date, exhibited to me and filed in this Case As 285 Land Cases

San Francisco Feby 8th 1853

Geo Fisher
Secty

Filed in Office Feby 8th 1853
George Fisher
Secty

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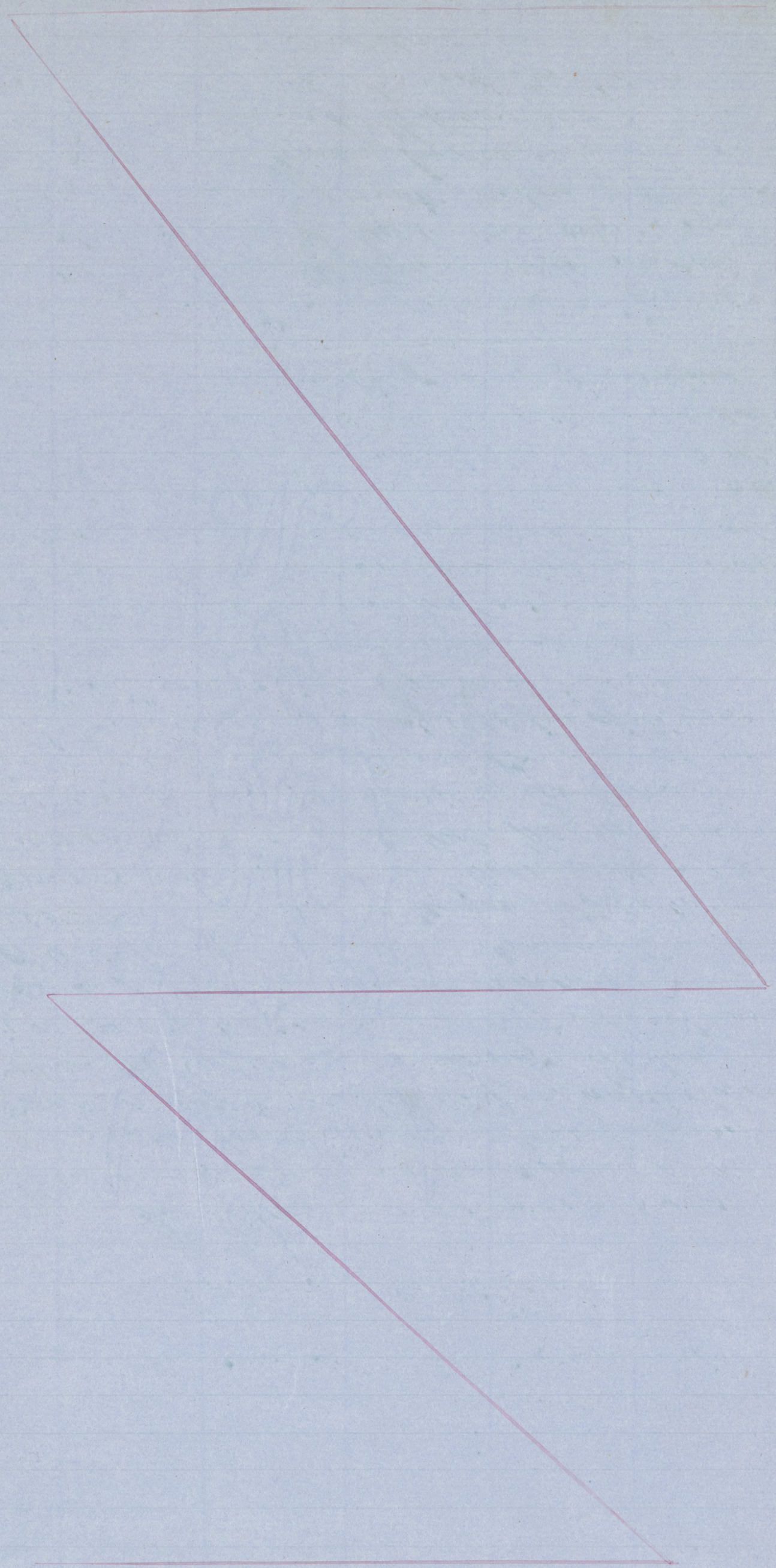

CASE 29 ND
PAGE 65

Opinion of Deere

Gil Llamas Castro
Claimant
vs
The United States

U.S. Land Commission
Sitting at San Francisco
No 285, Rancho of San Lorenzo

Opinion of H. D. Thornton

The Claim presented in this case is founded upon two several grants made to the same person for different quantities but which constitute one connected tract or parcel of land called the Rancho of San Lorenzo. The first grant is for the quantity of six hundred varas square issued by Juan B. Alvarado, Governor of California, on the 23rd of January 1841. The second is for six square leagues, or six sitios de ganado mayor made by Governor Micheltorena on the 25th of October 1843. The grants are made in virtue of the decree of the Mexican Congress of the 18th of August 1824 and of the Ordinance of the Federal Executive of Mexico of the 21st of Nov 1828. It does not appear that any of the Governors who made the grants ever obtained the approval of the Departmental Assembly thereof, nor was there any measurement of the land and formal delivery of the possession to the Grantee. He was however in possession of the land, built a large dwelling house &c upon it, cultivated and tended upon it from the year 1843 down to the present time, the genuineness of these grants and the authority of the Governors who made them are not controverted. All the facts above stated are satisfactorily established by transcripts, regularly authenticated from the archives of the former Government of the Country by documentary evidence and by the testimony of Witnesses on file in this case. All the objections to which this claim is liable have been considered and overruled by this Board, in the case of Geary, Hernandez

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PAGE 66

and of others heretofore decided, according to the principles of decision prescribed for this Board in the 11th Section of the Act of 3rd March 1851 we declare the Claim to be valid and enter the following decree of final Confirmation

Commissioner Hall concurs in the result
Henry D Thomson

This Board upon full consideration of the various grounds affecting the validity of the said Claim, having come to the conclusion that the same is valid, therefore now proceed 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 Claimant, to the extent and quantity of six square leagues or six sitios de ganado mayor and also of six hundred Varas square and for no more being the same tract or parcel of land described in the grants accompanying documents and expedientes referred to therein and of which possession has been had by the claimant under the said grants, provided that the said quantity of land granted and now here confirmed, be contained within the boundaries called for in the said grant and maps to which the Grant refers, and if there be less than the said above named quantity, within the said bounds then we confirm to him the Claimant, that less quantity it being apparent that said quantity exceeds the minimum of two hundred Varas, prescribed in the Ordinance of the 21st Nov 1828. Given under our hands this 14th day of Feby 1853

Leland Head
Henry D Thomson Com.rs

Filed in Office January 14th 1853
Geo Fisher, Secty

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Office of the Board of Commis-
-sioners to ascertain and settle the
Private Land Claims in the State
of California

I George Fisher Secretary to the
Board of Commissioners to ascertain and
settle the Private Land Claims in the State
of California do hereby certify the foregoing
pages numbered from 1 to both inclu-
-sive to contain a true Correct & full Transcript
of the Record of the Proceedings and of the
Decision of the Board, of the Documentary evi-
-dence and of the Testimony of the Witness upon
which the same is founded on file in this Office
in Case No 285 on the Docket of the said Board
wherein

Guillermo Castro

is the Claimant
against the United States for the place known
by the name of

San Lorenzo

In testimony whereof I have
hereunto set my hand and af-
-fixed my Official Seal (not hav-
-ing a Seal of Office) at San
Francisco California this Eighth
day of May A.D 1854 and of
the Independence of the United
States of America the Seventy
eighth

(Sd) Geo Fisher
Secty

(29)

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C No 285.

C No 285.

United States

vs

Gilarmo Castro

CASE 29 ND
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Attorney General's Office
19th August 1854.

Guillermo Castro, claimant
vs. } 285.
The United States.

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 29th of May 1854), 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.

Caleb Cushing
Attorney General.
U. States.

U. S. Dist. Court
N. D. of California
No. 29 ND

The United States
Appellants
vs
Guillermo Castro
Appellee

Notice of Appeal in
Case No 285

Filed Sept 20. 1854
Jno A Hamm
Clk

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United States District Court for the
Northern District of California.

No. 29. The United States
vs.
Guillermo Castro

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Guillermo Castro, by his attorney, answers to the petition herein, & says: that his claim as preferred before the Board of Commissioners to ascertain & settle land titles in California is valid. Wherefore he prays this Court so to adjudge & to confirm his said claim.

Jones & Rhode,
Attorneys
Successors of Jones, Pomeroy & Rhode.

No. 29. Four

The United States District Court.

The United States
vs.
Guillermo Castro.

Answer.

Filed June 20. 1855,
R. H. Chevers,
Deputy.

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Jones, for affts

CASE 29 ND
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To the Honorable District Court
of the United States in and for
the Northern District of California.

The United States
Appellants
vs
Guillermo Castro } No 29.

The Petition of the United States by their
Attorney represents: that this cause is an
application for a review of the decision of
the Board of Commissioners whereby the
Claim of 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 day of
; that a notice of Appeal
was filed on the day of 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 decree the said title to be
invalid. Respectfully &c.

A. Hassell
Asst U.S. Dist Atty.

No 29

U.S. District Court

The United States

vs

Guillermo Castro

Petition of U.S.

No 29.

Filed June 20. 1855.

by Chevers

Deputy

CASE 29 ND
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U. S. District Court.

No. 29. The United States, vs. Guillermo Castro. } Appeal from the U.S. Land Commission.

CASE 29 ND
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Sir,

Please take notice that you are required to file a petition in the above case within five days from the date of this notice.

Jones & Stowe,
Successors of Jones, Tompkins & Stowe
attys.

S. W. Inge, Esqr.
Dist. Atty.

N. D. Dist. Ct.

No. 29.

The U. States,

vs.

Guillermo Castro.

CASE 29 ND

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Notice to file Petition.

Filed June 29, 1855,

J. Clerk

Deputy.

Service admitted.

19 June, 1855.

S. B. Page

U. S. Dist. Atty.

per John A. Godfrey

CASE 29 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 House in the City of San Francisco, on Friday the —6th— day of July in the year of our Lord one thousand eight hundred and fifty-five

Present: Hon. M. A. McAllister, Circuit Judge,
and The Honorable OGDEN HOFFMAN, Jr., District Judge.

The United States.
—vs—
Guillermo Castro.

No. 29

In this case on motion of the U. S. Dist. Atty. made in Open Court it is ordered by the Court that an appeal in behalf of the United States from the final decision of this Court rendered in said case at the present term be, and the same is hereby granted, and that a certified transcript of the pleadings, evidence, depositions, and proceedings in the said Cause be sent to the Supreme Court of the United States without delay.

No 29

United States District Court, Northern District of California.

The United States,

—vs.—

Guillermo Castro,

Order granting Appeal &c

CASE 29 ND
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Filed July 6th 1853

J. A. Moore, Clerk.

by W. A. Chenery Deputy.

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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 Saturday the 16th day of January in the year of our Lord one thousand eight hundred and fifty-~~seven~~ eight.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
v
Guillermo Castro
} D. C. 29; L. C. 285.

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

On motion of the U. S. Attorney it is Ordered adjudged and decreed that the order granting appeal in behalf of the United States be vacated and that claimant have leave to proceed under the decree of this Court heretofore rendered in his favor, as under Final Decree,

Ogden Hoffman
U. S. Dist. Judge

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United States District Court, Northern District of California.

The United States

vs.

Guillermo Castro

ORDER.

vacating appeal

Filed January 16, 1858

John A. Monroe,

CLERK.

By W. St. Owens

DEPUTY.

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

The United States

v

Guillermo Castro

} D. C. 29. L. C. 200.

In pursuance of notice
from the U. S. attorney General it is hereby
stipulated and agreed that the order grant-
ing appeal to the Supreme Court of the
United States on behalf of the United States
heretofore entered herein, be vacated, and
that claimant have leave to proceed
under the decree of this Court heretofore
rendered in his favor, as under Final Decree,

San Francisco, January 15. 1898

P. Della Torre

U. S. Atty.

Guillermo Castro

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U. S. District Court

The United States

v.

Guillermo Castro

Stipulation

Filed Jany 16. 1858.
W. A. Chevers
Deputy.

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California Land Claims.
Attorney General's Office
19 Feb. 1857.

Sir:

In the Case of the claim of Guillermo Castro, confirmed to the claimant by the Commissioners, Case No. two hundred and eighty-five, (285), appeal will not be prosecuted by the United States.

I am
Respectfully,
Your[illegible]

Wm. Blanding Esq
U. S. Attorney
San Francisco.

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U. S. District Court

The United States

v

Guillermo Castro

~~Stipulation~~

Letter Atty Genl.

Filed Jany 16, 1858.

W. H. Chevers,

Deputy.

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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 House, in the City of SAN FRANCISCO, on Monday the Seventh day of November in the year of our Lord one thousand eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
vs.
Guillermo Castro

No 29; L. C. 285.
"San Lorenzo".

It being suggested to the Court that the survey of the land claimed in this case made under final decree and approved by the U. S. Surveyor General for California, is erroneous; on application of Tully R. Mac Esq, Acting U. S. Atty, it is ordered that the said Surveyor General return to this Court a certified copy of the plat of said approved survey, and that the United States be allowed ten days from and after the return thereof to file exceptions thereto; and it is further ordered that a certified copy of this order be served upon the said Surveyor General for his information.

U. S. Marshals Office
San Francisco, Nov. 8th 1859

I have this day made personal service by
copy of this order on J. W. Mandeville the
U. S. Surveyor General for California

P. L. Solomon
U. S. Marshal

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

Clerk's Office,

I hereby Certify the foregoing to be a true copy from the Minutes of the said Court.

.....*Clerk.*

By .....*Deputy.*

District Court of the United States

IN AND FOR THE

Northern District of California.

The United States

vs.

Guillermo Castro

Order to return money and allowing U. S. 10 days to file exceptions

Filed Nov 9th 1859.

Clerk.

By .....*Deputy.*

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U. S. District Court.

The United States
v.
Guillermo Castro.

No. 29. "San Lorenzo"

And now come the United States by their acting attorney Tully R. Wise, and except to the official survey of the land finally confirmed herein; a certified copy plat of which survey was filed in the clerks office of this court, pursuant to its order, on the 11th April 1860.

And the United States aver:—

1st. That the said survey is erroneous, because it does not conform to the final decree in the case; which final decree refers to the grant and map on file, whereby the tract granted is shown to be of a different form and location than is shown by the said certified copy plat.

2nd. That the said survey is erroneous, because the place of beginning should have been at a point on the arroyo Alto which would be parallel with the line of station 9: from said point of beginning, along the line of

station 9, in a direct line to the San Leandro creek at the point shown on said plat as the commencement of station 12; thence in ~~the same direction~~ a direct line, northwesterly, crossing San Leandro Creek to a point which would be intersected by the line of station 99, extended ~~westwardly~~ eastwardly; ~~thence from this point, or the northwestern corner, in a direct line with the line of Station 99 to a point which would be intersected~~ and by the line of station 83, extended northwardly, making the northeast corner; thence from such northeast corner southwardly and eastwardly, by subdivision lines as near as may be parallel to the ~~general~~ western line, to a point forming the southeast corner which would be intersected by a line drawn from the point of beginning, or southwest corner, parallel with the northern line; the eastern line to be so run ~~and so~~ on subdivision lines as to include within the survey the exact quantity confirmed.

3? That the said survey is erroneous, because it includes land on the west which ~~was~~ was occupied by certain Indians connected with the Mission of San Jose, and which land was not grantable, and was expressly reserved to the use of said Indians.

Wherefore the United States pray that the said survey be set aside as erroneous, and that an order be entered directing a resurvey of the said land in conformity with the true intent and meaning of said final decree.

San Francisco, May 10. 1910.

Tully R. Rice,
Acting U. S. Atty.

29

U. S. District Court

The United States

v.

Guillermo Castro

Exceptions to survey
by United States.

Filed May 10. 1880
W. A. Chevers
Clerk

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

Guillermo Castro
vs
The United States
} No 29 - San Lorenzo -

The Petition of Louis Brady respectfully shows to the Court, that he is part owner of the Land claimed in the case of The United States vs Barbara Soto Et al being No. 300 in the said District Court; that said Rancho claimed by said Castro in the above case is an adjoining Rancho, to

Your Petitioner is informed and believes that the Survey of the Land claimed by said Castro has been at his instance ordered in to Court with the object of obtaining a modification of the Survey made and approved by the Surveyor General of the U. States for the State of California; in such manner and form as will include within its limits the House of your Petitioner and a portion of his lands - He therefore prays permission to intervene under the provisions of the Act of Congress approved June 14, 1860 for the protection of his rights, in the said case of Guillermo Castro vs the United States -

Louis Brady

Sworn to and subscribed
Oct. 3, 1860. before me.
W. A. Clement
U. S. Com.

No. 27

Guillermo Castro

vs

The United States

Intervention of

Louis Brady

Filed Oct: 3. 1860.

W. A. Cheever,

Clerk

CASE 29 ND

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Fil by L. Brady.

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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 Wednesday the third day of October in the year of our Lord one thousand eight hundred and sixty.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

V.

Guillerson Castro.

IN LAND CASES.

District Court No. 29.

Land Com. No.

AND now at this day the United States Marshal having made return upon the Monition heretofore issued in this cause, that he had given due notice as therein commanded; on motion of Attorney for proclamation was made that all parties having, or claiming to have, an interest in the survey and location of the land finally confirmed in the above entitled cause, appear and intervene for the protection of such interest: the U. S. Attorney and E. W. F. Sloan and John B. Williams appeared in behalf of the United States, and Robert Simson for the Claimant, R. F. Ryan appeared for R. B. & Daniel Moyes, J. C. Williams for Louis Brady, and Crockett & Cutting for Hathaway, et al. and on motion are hereby allowed 5 days to make a showing of their right to intervene. No one else appearing,

whereupon IT IS ORDERED, that the default of all parties not appearing as aforesaid be and the same is hereby entered.

No. 29.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Guillermo Castro,

ORDER ON RETURN OF MONITION.

Filed October 3. 1860

W. H. Chevers,

Clerk.

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United States of America,) ss.
Northern District of California.)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,
To the Marshal of the United States for the Northern District of California,

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 29, to Guillermo Castro known as "San Lorenzo", and situated in the County of Alameda in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the 3d day of October A. D. 1860, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this 27th day of August A. D., 1860.

W. H. Chevers

CLERK.

The within Monition was received by me on Monday the 27th day of August 1860, and in obedience thereto I have given due notice, as therein commanded, by causing the publication of said notice, for four consecutive Wednesdays, in the San Francisco Herald, commencing on the 29th day of August 1860; and for four consecutive Saturdays, in the Alemada Co Gazette a paper published nearest the land, commencing on the first day of September 1860.

Dated San Francisco, Aug 27th 1860

P L Solomon U. S. Marshal.

(D)

No 29

UNITED STATES DISTRICT COURT,

Northern District of California.

IN LAND CASES.

THE UNITED STATES.

V.

Guillermo Castro.

MONITION.

Returnable Oct. 3, 1860.

Issued Aug. 27, 1860.

Filed October 3, 1860.

W. A. Shears

Clerk.

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United States District Court
Northern District of California

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The United States
vs
Guillermo Castro
} No. 29 - San Lorenzo

Northern District
California
} ss:

Guillermo Castro being duly sworn deposes and says that he is the owner of the Rancho of San Lorenzo situated in Alameda County State of California under and by virtue of two valid grants thereof. one of which is dated Feby 23. 1841. in favor of Deponent by Juan B Alvarado Governor of California & lawfully authorized to grant the same and the other thereof dated October 25. 1843 by Manuel Micheltorena also Governor of said California and also duly authorized to grant the same.

That Deponents title in and to said Rancho has been finally confirmed by the proper tribunals of the United States.

That the United States Surveyor General for the State of California has surveyed the said Rancho and has returned his survey and Plat thereof to this Court.

That all the aforesaid fully appears by

reference to the records and documents on file in the Clerks Office in this Court in said case No 29.

That Deponent verily believes the said Survey and location of his said Rancho to be incorrect and improperly made in that thereby a part of said Rancho on the westerly side thereof is excluded therefrom and has been included within the Survey of the colindinous Rancho called San Leandro heretofore belonging to Joaquin Estudillo Deceased and that in consequence thereof the Deponent desires to object to said Survey and location of his said Rancho & have the same corrected.

That Deponent has retained and appointed Robert Semple to appear and act as his Attorney in said cause and in all judicial and other proceedings relating to his said Rancho & the Title Location & Survey thereof

And further deponent saith not

Guillermo Castro

Sworn to and subscribed
Oct. 5. 1860. before me.
M. A. Chevers
N. P. Com.

United States District Court
Northern District

United States District Court
Northern District of California

29

The United States
vs
Guillermo Castro

No. 29 — San Lorenzo

Intervention of
Guil.mo Castro.

Filed Oct. 5, 1860.
W. H. Clerk
Clerk

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R. Simson.
Atty.

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

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Guillermo Castro
vs
The United States
No: 29 —

The Petition of Charles M. Hathaway Hamilton B. Coabb & Wm Sherman as adm. of E. D. Sloss deed, respectfully shows to the Court that they are part owners of Rancho San Lorenzo finally confirmed in the case of Barbara Soto et al vs The United States — That said Rancho adjoins the lands confirmed to Guillermo Castro in the case first above mentioned — That both said Ranchos have been surveyed by the Surveyor General of the United States for the State of California and are now pending in this Hon. Court upon said Surveys for examination and adjudication —

That your Petitioners are informed and believe that said Castro has caused his said Survey to be returned into this Court with the view of obtaining such a modification of the same, as will interfere

law and conflict with the rights of your Petitioners, by causing the said survey to be extended over upon the lands claimed as aforesaid by your Petitioners -

Whereupon your Petitioners pray leave to intervene for the protection of their rights, in the said case of Williams contra the United States under the provisions of the act of Congress approved June 14th 1860 -

And your Petitioners will ever pray &c -

Thornton Williams & Thornton
Attys for Petitioners

C. W. Hathaway

Sworn to, and subscribed by C. W. Hathaway before me this 8th October 1860.

W. D. Cheers,
N. P. Com'r.

No: 29.

Guillermo Castro

vs

The United States

Petition of
C. W. Hathaway dec.

Filed Oct. 8. 1860,
W. A. Clerent,
Clerk

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United States District Court
Northern District of California

The United States
vs
Guillermo Castro

No 29
For the Rancho or Land
called San Lorenzo.

The Petitioner Guillermo Castro respectfully shews unto the Court that the Rancho of San Lorenzo situated in the present County of Alameda State of California was heretofore granted to him by the proper Officers of the Mexican Government of California lawfully authorized to grant the same in & by two certain grants thereof or thereof made to & in favor of the Petitioner by Juan B Alvarado Governor of California dated February 2d. 1841 for Six hundred varas square of land and the other thereof by Manuel Michaltorena also Governor of California dated October 25. 1843 for Six square leagues of land, a description of which lands so granted is contained in the original documents espedientes and grants thereof set forth in the record in the above stated cause & on file therein and petitioner for greater certainty in the premises refers to the same & to said record thereof & documents

relating to the same filed in this cause

That the title of the Petitioner acquired under & by said Grants has been finally confirmed by the proper tribunals of the United States as by the Final Decree and dismissal of Appeal on part of the United States on file in this cause will more fully appear

That the U.S. Surveyor General for said State has made Survey of said Lands of Petitioner and has returned his Plat of said Survey to this Court pursuant to the order of this Court to that effect.

And the Petitioner alleges that said Survey and Plat thereof are incorrect and not in accordance with the original documents of concession of said Rancho or with the decrees of the tribunals of the United States respecting said Rancho in this, that, on the Westerly side of said Rancho where the same is bounded by lands heretofore granted to Francisco Soto deceased and whereof Barbara Soto & others are claimants in the case pending in this Court Numbered 300. the boundary line is drawn as described on said Plat from the point marked "Buckeye Tree marked ^ L no 5." to the point marked "Post SL no 6" thence to the point marked "Sycamore SL no 7 N. 60½ E. 5.85 chains" and thence meandering down the San Lorenzo Creek, whereas said part of said boundary line should be drawn

as follows Viz beginning on the Sanjon or Ditch on the bank of which stands the Dwelling House of the Widow & Family of said Sots at a point where the produced line of the front of Petitioners House meets said ditch Thence running at right angles to said produced line 600 varas towards the ancient public road in the plain. Thence in a straight line to a point on the South bank of the San Lorenzo creek marked on said Plat — "Point claimed by Castro" said point being described in the testimony of H H Bigby which appears upon page 35 of the transcript in said case 300 and whereto reference is fully made. said point being described in said testimony as agreed on by all parties in interest in said Rancho and designated by a Stake marked "SL No 12". and said Petitioner further shews that said Survey & Plat are incorrect in respect to the boundary or dividing line between said Rancho of San Lorenzo & the adjoining Rancho of San Leandro claimed by Jose Joaquin Estudillo in case No 234. to wit in that part of said dividing line designated upon said Map as running from a point on the San Lorenzo Creek marked "Petitioners Cor WC SL No 8" to a point marked SL No 9. & thence to Point marked Post SL No 10 and Petitioner says that said part of the dividing line should be run from a point further down on said Creek to wit

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from the point where the dividing line
between the Squatter claims of the McMurtrys
and O'Kennedy meet to the San Lorenzo Creek
and running thence along said line and the
projection thereof Northerly to the middle of the
County Road and thence in a straight line
and North Easterly direction to the North West
Corner of the foundation of a former Adobe
House known as the house of the Indian
Sylvestre, — being the lines marked
"1, 2, & 3" upon the Exhibits "A & B" annexed
to the petitioners petition for correction
of the survey & Plat of said San Leandro
filed by petitioner in case No. 234 whereto
reference is hereby made
And the petitioner prays that said
survey and plat filed as aforesaid
in this case be changed and made to
accord with said corrections thereof
hereinbefore set forth and described

No. 29

San Lorenzo

The United States
vs
Guillermo Castro

~~Petition to correct Survey~~

Claimants objections to Survey

Filed Oct: 13, 1860.
W. A. Cheeves
Clerk

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Guillermo Castro

IN LAND CASES.

Dist. Court No. 29

Land Com. No. 280

To Messrs Robert Simson
John J. Williams,
R. F. Ryan

You are hereby notified that the testimony of Francisco Peralta and James Murray in the above entitled cause in behalf of the United States will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on Wednesday the 14th day of Nov. A. D. 1860, at 11 o'clock, A.M., and continuing from day to day until finished, at my office, No. 9 U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this 8th day of Nov A. D. 1860.

Jno B Williams

U. S. COMMISSIONER.

San Francisco, Nov 8. 1860. Served the foregoing notice on Messrs Robert Simson, John J. Williams and R. F. Ryan Esqrs by leaving copies thereof at their respective offices, this day.

Jno B Williams
U. S. Com

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San Francisco Nov 14, 1860.

It is stipulated and agreed by the U. S. attorney, ~~Sanderson & Campbell~~ and R. Semmes atty for claimant, before the undersigned, that the following ^copy of the deposition of Michael Murray taken this day in behalf of the United States in case No. 234, be read on the trial of this cause No. 29, in behalf of the United States, as if regularly taken therein.

Jno B Williams
U. S. Comr.

No.....

UNITED STATES DISTRICT COURT
Northern District of California.
IN LAND CASES.

THE UNITED STATES,

v.

NOTICE.

To

U. S. COMMISSIONER.

CASE 29 ND

In the District Court of the United States

FOR THE Northern DISTRICT OF CALIFORNIA.

The United States,

v.

José Joaquin Estudillo

IN LAND CASES.

Dist. Court No. 234

Land Com. No. 256

BE IT REMEMBERED, that on this 14th day of November A. D. 1860, at San Francisco in the District aforesaid, before me, JOHN B. WILLIAMS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Michael Murray —— a witness produced in behalf of the United States —— in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:

PRESENT: Cachoun Benham Esq, for U. S.
Sanders & Campbell for claimants.
Robert Jones Esq for G. Castro.

QUESTIONS IN BEHALF OF THE United States

Question 1st,

State your name, age, place of residence and occupation.

Ans.

Michael Murray - age 52 - residence Alameda Co. - occupation farmer.

2d

When did you first come to this country?

Ans.

In October 1844.

3d

Are you acquainted with the tract of land lying in Alameda County between the creeks San Leandro and San Lorenzo and extending from the Bay eastward to the hills; and if so, when did you first become acquainted with it?

Ans.

I am. I became acquainted with it in 1847.

4th

Where did you reside at that time?

Ans.

In the Mission of San Jose.

5th

Did you know José Joaquin Estudillo in his lifetime, and if so, state where he resided.

Ans.

I did: he resided close to the creek of San Leandro, on the south side of the creek

1st

State if you know who was in the occupation of that part of the tract of land above described, bordering upon the San Lorenzo creek.

Ans.

Some Indians. I don't now remember their name.

7c.

Describe if you please the part or parts of that tract of land occupied by these Indians, and the mode or manner of their occupation.

Ans.

They had a house covered with tiles up on a knoll close to a spring; down below they had a field where they had pumpkins and melons - between the timber and the creek. This field was pretty well down between the timber and the creek, about opposite to the house of Jas. Martin, which is on the south side of the San Lorenzo creek.

8c

State if you can the number of Indians that were occupying portions of that land near the San Lorenzo creek, and all the corrals, enclosures and cultivations which they had.

Ans.

All the enclosure I saw was where they had that field at that time. There were quite a number of Indians. I don't recollect how many. At that time there was no other cultivation except that field.

9th

State if you know whether these were what were called Christianized Indians; and if so, to what Mission, if any, did they belong?

10th

One or two of the Indians stated to me they belonged to the Mission of San José.

11th

Do you know how long those Indians staid there after you knew them?

Ans.

Some two or three years after, I think. I am not certain.

12th

Describe as nearly as you can the distance from the San Lorenzo creek to the adobe house mentioned by you as occupied by one of the Indians.

Ans.

I can't exactly say, but think it is nearly two miles.

Cross Examination.

Questions by Judge Campbell.

13th

What time in the year 1847 have you been speaking of?

Ans.

I think about May or June was the first time I passed there in 1847. I can't tell exactly the date.

14th

Where had you lived after you came to the country up to that time, and with whom?

Ans.

At the mission of San José with my brother-in-law Jeremiah Fallon, who came to the country with me.

15th

Did you speak Spanish when you came to the country?

Ans.

No, sir.

16th

Did M Fallon?

Ans.

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No, Sir.

17c

In what language did you converse with those Indians?

Ans.

At the time I saw them I could make them understand what I wanted about roads and little matters. When I saw them I could talk a little Spanish.

18c

Could you hold a conversation with those Indians in Spanish so as to make them understand you, and you understand them, without each party making use of signs to aid your meaning?

Ans.

Well, yes - I could make them understand what little things I wanted. To hold a general conversation, I could not.

19c

Describe the extent of the pumpkin and melon patch you have mentioned.

Ans.

There was a fence from the upper end of the timber across to the

CASE 29 ND
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creek, and the enclosure run down pretty near to near where Martins house is on the south side of the creek - somewhere about 20 acres.

20th

Do you intend to state that the piece of land you have described was fenced and in the possession of the Indians in 1847?

Ans.

Yes, Sir - as far as I could see, it was.

21st

Did you see that it was fenced?

Ans.

As far as I have described I did see it fenced. I passed through the enclosure and went inside to see the melons and other things they had planted there.

22d.

Describe the extent of their cultivation.

Ans.

I could not tell how many acres - they had a good sized piece there of melons, pumpkins, and so on.

23d

You were in it, looking at the cultivation: state to the best of your recollection

what number of acres you believe they had in cultivation, if any.

Ans.

I can't say anything about the number of acres - they had a good large piece planted with melons &c.

24c.

Was one half - one quarter - one twentieth - or what proportion, of that field cultivated?

Ans.

I cannot say.

25c

Give an approximation to it.

Ans.

I have no idea at all. I never examined or looked as to the number of acres.

26c

Do you of your own knowledge know whether those Indians held that land by permission of any one; and if so, of whom?

Ans.

One Indian, when I was there the second time, stated to me that the land belonged to him, and I asked him if he wouldn't sell me a portion of it - he told me he would sell it all to me - I asked him for how much - he

said for $100 - I told him I was going to the Mission and would come back with the money as quick as I could - I came back in company with James Welch, who could talk good Spanish. When I got there the Indian told me he had sold to Mr Castro.

(The whole answer, before it was taken down, was objected to by Judge Campbell, as not responsive to the question.)

27th

Question 26th repeated.

Ans.

I do not - no more than what Castro and the Indian told me.

(Last part of the answer objected to as before.)

28th

Can you give the name of any one of those Indians?

Ans.

I cannot.

29th

Can you tell when they left that place?

Ans.

I cannot.

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30th

Or where they went to?

Ans

No.

31st

When did you see any of them last?

Ans.

I don't recollect - I would not recognize them now.

32nd

Did you see any of those same Indians in 1848?

Ans.

There were Indians there, but I don't know whether they were the same ones or not.

33rd

Do you know whether any of those Indians were servants of Estudillo?

Ans

No, Sir - I don't know.

34th

Do you know whether they worked for Estudillo?

Ans.

I don't know whether they did or not at that time - they said they were working for themselves.

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Direct Resumed.

35

In answer to question 26 repeated, you say - "I do not - no more than what Castro and the Indian told me": what did Castro tell you about it.'

(Objected to by Judge Campbell as irrelevant and inadmissible; Same objection by Mr Simpson.)

Ans.

Castro told me he bought of the Indian.

Examination closed.

(sgd) Michael Murray.

Subscribed and sworn to before me this 14th day of November, A.D. 1860.

Jno B Williams
U.S. Comr.

San Francisco, Nov 14. 1860. The examination of Francisco Peralta was continued by consent of all parties present until such time as may be agreed on, without notice.

Jno B Williams
U.S. Comr.

A true copy:

Jno B Williams
U.S. Comr.

29

U. S. District Court.

The United States

v.

Guillermo Castro

Deposition of
Michael Murray
for United States

Filed Dec: 31. 1860.
W. H. Stevens.
Clerk

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Guilelmo Castro

IN LAND CASES.

Dist. Court No. 29

Land Com. No. 285

To J. J. Williams & R. Simson

You are hereby notified that the testimony of

Searight formerly Alcalde of Alameda County

in the above entitled cause in behalf of the UNITED STATES will be taken before me, the undersigned, a Commissioner duly appointed by the District Court of the United States for the Northern District of California, to take depositions of witnesses, in land cases pending in said Court, commencing on Saturday the 4 day of May A. D. 1861, at 11 o'clock, A M., and continuing from day to day until finished, at my office, No. 5 U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this 29 day of April A. D. 1861.

Blair Lawrie

SPECIAL COMMISSIONER.

San Francisco May 1st 1861

Personal service of this notice by copy on J. W. Thornton (law partner of J. J. Williams) in San Francisco April 29th 1861. and by leaving copy at the office of R Simson in the City of San Francisco April 30. 1861

P L Solomon
U S Marshal
By Samuel Lauriken
Deputy

No. 29

UNITED STATES DISTRICT COURT,
Northern District of California,
IN LAND CASES.

THE UNITED STATES,

v.

Guillermo Castro

NOTICE.

To

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U. S. COMMISSIONER.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Guilelmo Castro

IN LAND CASES.

Dist. Court No. 29

Land Com. No. 285

BE IT REMEMBERED, that on this Fourth day of May A. D. 1861, at San Francisco in the District aforesaid, before me, BLAIR LAURIE, a Commissioner, duly appointed by the District Court of the United States for the Northern District of California, to take depositions of witnesses in behalf of the United States in land cases pending in said Court, personally appeared Wm. S. Searings a witness produced in behalf of the UNITED STATES, in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who being duly sworn, testified as follows:

PRESENT: U.S. Atty; for U. States & J. B. Williams
J. J. Williams for Interveners & Sale -
Hathaway et al. R. Semple for claimants

QUESTIONS IN BEHALF OF THE UNITED STATES:

Question 1st,

What is your name, age residence and occupation?

Ans. William J. Searings, 32 years

San Leandro, Alameda County -
Hotel Keeper -

2 State what office Qu held, if any in 1859 - 1860 in Alameda County;

Ans. I was Deputy in the Sheriffs office part of the time, and deputy in Assessors office part of the time - I was appointed to the Assessors office on the 13th April 1859 - by D. S. Lacy County Assessor - My office ceased when his term was concluded - viz in Oct 1859 -

3 While Qu were a deputy assessor, as stated in last answer, was it or not Your duty to assess the Real and Personal Property of Guadelmo Castro, the Claimant in this case?

Ans I was

4 State how Qu obtained the value of his Real and Personal Property at that time?

Ans. Knowing that Col. Senior

Ans. Knowing that Robt. Simson was the attorny for G. Castro, the claimant in this case, I made application to him as well as to Castro for Castros from State-ment of the Amt. and value of Castros Real & Personal Estate as required by the Revenue Act of 1857. It was not given to me until in the month of July 1859. I met them both on Castros Ranch near the house of Castro. I asked Simson if he had the Assessment made out for me. He said he had not but he would ask Castro about it and give it to me then and there. I then spoke to Castro. and I understood Castro to tell Simpson, and as Simpson interpret-ed it. That the Amt was the same as the preceding Year. Saving and excepting certain lands that he had sold to Farley and Stevenson viz 120 Acres, more or less. Outside of his Six League Grant North of the San Lorenzo Creek. I then took the Assess-ment just as he stated it.

Q. Find out what he meant by the exception I had to search the records. and I found that in 1858, April 1. Castro & wife

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deeded to Robt Tarley 74 $\frac{15}{100}$ Acres, for the consideration of $5790.$\frac{50}{100}$ — The deed was not acknowledged until ~~after the deed was made~~ Sept. 23. 1858 The next deed was dated the same day, and was to John Llewellyn — from Castro & wife — it was acknowledged 23d Sept. 1858 — This deed called for 43 $\frac{49}{100}$ acres — consideration $3,044.$\frac{31}{100}$ —

The balance of the land I assessed to G. Castro. being 600 acres —

5 — Examine the paper now shown you, to be attached to this deposition — marked "Exhibit Gearings No. 1", purporting to be a certified copy from the assessment roll of Alameda County for 1859-1860 of the assessment of the property of William Castro, and state in whose hand writing the original of said Copy is?

Ans In my handwriting —

6 State whether the same is a correct copy of its original?

Ans It is not

7 State the error which you say

exists in this case, in such manner that the Commissioner may correct it -

Ans. After the words "containing 720 acres," there should be inserted the words "less 120 acres". So as to read "containing 720 acres, less 120 acres sold to Farley and Sheridan"

(The Commissioner appended a note to the Exhibit in accordance with the foregoing answer)

Cross Exr. by Claimants -

8 State who were at the time of your assessment, or now are, the occupants of the 600 acres, mentioned in your examination in Chief -

(Objected to as new matter & irrelevant)

Ans I think the Mc. Murtries - that is the riders of John Mc. Murtry

or John Mc. Mantry himself - and the orders of Benjamin Mc. Mantry occupied part of the 600 acres - D. Powers. Lemmon and Harlan occupied portions -

9 When you speak in your examination in Chief of this tract of 600 acres as lying outside of G. Castros Six Leagues, do you mean to infer that the same is comprehended within his Six league Grant, or is it without the same?

Ans From what Surveyors took from Mr Simon Castro - I suppose it was outside the Rancho of San Lorenzo - that is the Six League Grant.

10 How many acres of land did you ask in that Year, as belonging to said Castros Rancho of San Lorenzo?

Ans 23,000 Acres

11 Do you know how many acres are comprehended in a square league of land?

Ans 12 I must say that I do not

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Did you assess, during the said year, lands or their said Rancho, to or in the name of any other person save said Castro? If so - State to whom -

Ans I did. I assessed to Zachariah Hughes three hundred and odd acres - to Wm Maddox three hundred and odd - to Serrevirily - three hundred and odd - to Jamison 80 acres - I think - more or less - to Haywood - 120 or 140 acres I think - to Lewis Brady I assessed between 60 and 100 acres - more or less -

I do not recollect at the present time assessing any other portion of the Ranchs of San Lorenzo to any other person, except Guliermo Castro -

Re-direct

13 Have you any knowledge except as derived from Mr. Simson Castro, in the prosecution

of your official duties of the extent of the two tracts of land which were appied to G. Castro -

Ans. None whatever -

Wm S Searing

Deposition closed

Sworn to & subscribed before me this 4th day of May 1861

Blair Lawrence
Spl. Comm.

No. 29

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

Guliermo Castro

DEPOSITION OF

W. S. Searing

on part of U. States

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Filed May 4th 1861

W. H. Chenes

Clerk.

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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 10 day of June in the year of our Lord one thousand eight hundred and sixty one

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States
v.
Guillermo Castro
} No. 29

And now at this day, due notice having been given, on motion of N. H. Sharp Esq U. S. Attorney, It is ordered, that the proofs in this cause be closed within thirty days, and a day set for the hearing thereof.

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UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

Guillermo Castro

Order closing proof within thirty days.

Filed June 10, 1861.

W. H. Reese

Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Guillermo Castro

IN LAND CASES.

Dist. Court No. 29

Land Com. No. 285

BE IT REMEMBERED, that on this 14th day of August A. D., 1861, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared John La Croze a witness produced in behalf of the Claimant in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: ~~his evidence being interpreted by a sworn interpreter.~~

PRESENT: R. Simson for Claimant.
J. J. Williams for Intervenor Brady et als,
Wm. H. Sharp U. S. Atty for the U. S.

QUESTIONS IN BEHALF OF THE Claimant

Question 1st,

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

Ans.

My name is John La Croze. I am of lawful age. I reside

in San Francisco, I am a surveyor by occupation and am the same person who testified in the case of the United States vs Jose J. Estudillo No. 234 on the 13th and 17th days of June last.

2.

In answer to ques: 26 of the examination referred to in your last answer, ~~of~~ which is as follows, "Please look at the "copy of said diseño between "pages 10 and 11 in the trans- "cript on file in the case of "the United States vs Guillermo "Castro, and say whether you "do not find said line to be "as surveyed in question 25."

"Ans. Yes Sir"

to wit: That the house of Guillermo Castro is represented on said diseño as being directly on the Easterly side of the Westerly boundary of said ranchos of San Lorenzo, Now state whether you have examined the original diseño, of

which the same purports to be

which the same purports to be a copy, and state whether said house of said Castro is in said original, represented as being directly on the Easterly side of said Westerly boundary?

Ans.

I have examined the original diseño, and am unable to state definitely whether the line to the West of Castro's house is intended to represent the line of the hills or the Western boundary of the rancho. There are two parallel lines parallel with said Westerly line farther to the West, which I am unable to determine, whether it is intended for the border of the map or the boundary of the rancho. My impression now after examining the original diseño is, that the two parallel lines are intended for the boundary of the rancho.

3.

Did you as Deputy of the U. S. Surveyor General under his

instructions, make the survey of the Rancho San Lorenzo which is now before the Court in this cause?

Ans.

I did.

Cross Examination
Questions by Counsel for the U.S.

Ques: 4.

You are I suppose somewhat familiar with the first range of hills which lies to the East of the plain on the East side of the Bay of San Francisco, especially that part of it which extends from the Arroyo San Leandro to the Arroyo San Lorenzo, if so, please describe the course of that range between those two creeks?

Ans.

It would commence at the letter "O" in the a point opposite the word "San Leandro," near station 65, on the annexed copy plat of survey on file in this case

and running in a direct line to the house marked "William Haymard."

5.

What is the width of the space between the external margin indicated on the lower side of the diseño in this case and the line running parallel thereto along the Western side of the "Casa" or the object denominated "Casa"?

Ans.

About one seventeenth of the whole length of the Ranch indicated on the said diseño.

Jno Labrze.

Sworn to, and subscribed this 14th August, 1861. before me.

W. A. Cheever,
U. S. Comr.

No. 29.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

Guil^mo^ Castro.

DEPOSITION OF

John LaCroze,

on part of Claimant,

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Filed Aug: 15, 186 1,

W. H. Chevers,

Clerk.

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U. S. District Court-
Northern District of California

The United States } No. 29
vs
Guillermo Castro } Rancho of San Lorenzo

It is hereby stipulated and agreed by and between the claimant in this case and the claimants of the Rancho of San Leandro in the case now pending in said Court and designated as No. 234 — that the lines of division between said Ranchos of San Lorenzo and San Leandro as laid down upon the Maps of Survey of said Ranchos respectively, heretofore returned into said Court by the United States Surveyor General for the State of California and now on file in said Cases respectively be changed and corrected and made to accord with the lines of division between said Ranchos alleged and claimed by said Guillermo Castro in his objections to said surveys filed in said cases to be the proper lines of division between said Ranchos — The said proper lines

of division begin at the point of intersection of the middle line of the San Lorenzo Creek with the Eastern line of the tract of land, lying on the Northern side of said Creek, heretofore held as a squatter claim by one Kennedy — said Eastern line being also the western line of the tract of land heretofore held as squatter claims by the deceased brothers John Mc. Murtry and Benjamin Mc Murtry, or by one, either or both of said brothers and being also the dividing line of the lands so held by said Kennedy from the lands so held by said brothers Mc Murtry — and from said point of intersection said lines of division between said Ranchos shall run North along said line which divides said lands so held as aforesaid by said Kennedy from said lands so held as aforesaid by said brothers Mc Murtry unto a point on the middle line of the county road which leads from the town of San Leandro to the town of San Lorenzo or Haywards — Thence North 11½ degrees East unto the North Westerly corner of the foundation of the adobe house formerly occupied by the now deceased Indian named Sylvestre — Thence in a Straight line and Northwesterly direction

passing through the center of the Laguna or small lake between the hills to the San Leandro Creek

Robert Simson
Attorney of Claim
Guillermo Castro
Saunders & Hopkins
Lot B. Saunders
For claimants San Leandro

№ 29

U. S. Dist. Court

The United States

vs

Guillermo Castro

Stipulation

Filed Aug: 15th 1861

W. A. Chevers

Clerk

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Agreement made the eighth day of January one thousand eight hundred and fifty six — Between Guillermo Castro of San Lorenzo Alameda County State of California, party of the first part and Juana M. Estudillo, José R. Estudillo, José A. Estudillo, José Vicente Estudillo Concepcion A Estudillo de Ward and her husband John B Ward, Maria J. Estudillo de Davis and her husband William H. Davis Luis Estudillo, Dolores Estudillo, Magdalena Estudillo, Jesus Maria Estudillo, all of San Leandro, County and State aforesaid parties of the second part —

Whereas the said party of the first part is the owner of the Rancho of San Lorenzo in said County and the said parties of the second part are the owners of the Rancho of San Leandro in said County next adjoining said Rancho of San Lorenzo; and whereas a difference and disagreement has heretofore existed between the respective owners of the said Ranchos in regard to the dividing or boundary line between said Ranchos

Now therefore These Presents Witness that for the purpose of adjusting, settling and finally concluding all differences disputes and disagreements in regard to the said dividing or boundary line

and for the purpose of clearly and definitely determining and establishing the same- the said parties hereto for themselves their heirs, executors, administrators and assigns do hereby covenant and agree that the said dividing or boundary line between the said Ranchos is and shall be as follows To wit— Beginning in the San Lorenzo Creek at a point forming the Southern Extremity of the Western line of a tract of land heretofore settled on and now occupied by John McMurtry - thence running Northerly along the said Westerly line and in the same straight line until reaching the center of the new County Road leading from San Leandro to Haywards— thence in a straight line and northeasterly direction to a point forming the Northwesterly corner of the foundation of an adobe house formerly occupied by the Indian Sylvestre, now deceased. Thence in a straight line northwesterly passing through the center of the Laguna or small lake between the hills to the San Leandro Creek

In Witness whereof the parties hereto have hereunto set their hands and seals the day and year first above written: in duplicate

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Guillermo Castro (Seal)
William H. Davis (Seal)
John B. Ward (Seal)
Juana M. Estudillo (Seal)
José R. Estudillo (Seal)
J. A. Estudillo (Seal)
José Vicente Estudillo (Seal)
Luis Estudillo (Seal)
Dolores Estudillo (Seal)
Magdalena Estudillo (Seal)
Jesus M. Estudillo (Seal)
by their Guardian (Seal)
Juana M Estudillo (Seal)

State of California
County of San Francisco } ss: On this eighth day of January A.D. 1856 before me Lewis W Sloat a Notary public in and for the County aforesaid personally appeared Guillermo Castro, William H Davis and John B. Ward, to me known to be the individuals described in and who executed the instrument hereunto attached— and the said individuals severally acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned

In witness whereof I have hereunto set my hand and affixed my official Seal the day and year first above written to wit the 8th day of January A.D. 1856

(Notarial Seal)

L W Sloat
Notary Public

State of California
County of San Francisco } ss. On this Eleventh day of October A D one thousand eight hundred and fifty six before me Wm C Jewett Notary Public personally appeared J. A. Estudillo known to me to be the individual described in and who executed the foregoing instrument of writing and duly acknowledged to me that he executed the same freely and voluntary for the uses and purposes therein mentioned

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In Witness whereof I have hereunto set my hand and affixed my official seal in the County aforesaid the day and year first above written

(Notarial Seal)

Wm C Jewett
Notary Public

Whereas a misunderstanding has arisen between the party of the first part and the parties of the second part named in the foregoing agreement as to the proper location and course of the dividing line between the Rancho of San Lorenzo and the Rancho of San Leandro in said Agreement named

Now it is hereby covenanted and agreed by and between the said party

of the first part and the said parties of the second part, in explanation and correction of said agreement and for the purposes and considerations therein mentioned, that said dividing line between said Ranchos was and is intended to be run, and shall be run, as follows— Viz— Beginning at the point of intersection of the middle line of the San Lorenzo Creek with the Eastern line of the tract of land lying on the Southern side of said Creek heretofore held as a squatter claim by one Kennedy - said Eastern line being also the Western line of the tract of land heretofore held as squatter claims by the brothers John Mc. Murtry and Benjamin Mc. Murtry, now both deceased or by one, either or both of said Brothers and being also the line of division between said tract so held by said Kennedy and the tract so held by said brothers Mc. Murtry - and from said point of intersection the said dividing line between said Ranchos shall run North along said line of division between said tract so held by said Kennedy and said tract so held by said brothers Mc. Murtry into a point on the Middle

line of the County Road named in said Agreement— Thence North 11½ degrees East to the North Westerly corner of the foundation of the Adobe house mentioned in said Agreement— Thence in a Straight line and North Westerly direction passing through the center of the Laguna or small lake between the hills, also mentioned in said agreement unto the San Leandro Creek— and that stipulations to the effect here of be made and filed by the respective Attorney of the parties hereto in their cases now pending in the United States District Court for the Northern District of California and designated respectively as No. 29. and No. 234

Witness our hands and seals this twenty seventh day of July A.D. eighteen hundred and sixty one

Juana M. Estudillo (Seal)
Concep.n A. Ward (Seal)
John B Ward (Seal)
José A. Estudillo (Seal)
Luis Estudillo (Seal)
Jose Vicente Estudillo (Seal)
Dolores Estudillo (Seal)

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Magdalena Estudillo
Jesus Ma Portuondo
Juana M Estudillo
Guillermo Castro
Maria J. Davis
Wm H Davis

State of California
City & County of San Francisco } ss On this Tenth day of August A.D. One thousand eight hundred and Sixty one before me Blair Laurie a Notary Public in and for said City and County duly commissioned and Sworn personally appeared Jose Vicente Estudillo to me personally known to be the individual described in and who executed the annexed instrument and acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate above written

Notarial Seal

Blair Laurie
Notary Public

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State of California,
COUNTY OF Alameda } SS.

On this Fourteenth day of August A. D. One Thousand Eight Hundred and Sixty-One before me Isaac A. Ammerman a Notary Public in and for said Alameda County, personally appeared Guillermo Castro, William H Davis and Maria ~~his wife~~, J Davis, wife of Wm H Davis personally known to me to be the individuals described in, and who executed the annexed Instrument as parties thereto, severally and acknowledged to me that they executed the same freely and voluntarily, and for the uses and purposes therein mentioned. And the said Maria J Davis wife of the said William H Davis having been by me first made acquainted with the contents of said instrument, acknowledged to me on examination, apart from and without the hearing of her husband, that she executed the same freely and voluntarily, without fear or compulsion, or undue influence of her husband, and that she did not wish to retract the execution of the same.

Notarial Seal

In Witness Whereof, I have hereunto set my hand, and affixed my Official Seal, the day and year first above written.

Isaac A Ammerman

NOTARY PUBLIC.

No. 3. Printed and sold by Wm B. Cooke & Co., Importing and Jobbing Stationers, 624 Montgomery St. San Francisco

State of California,
County of Alameda } SS.

On this Eighth day of August A. D. One Thousand, Eight Hundred and Sixty One before me, Isaac A Ammerman a Notary Public in and for said Alameda County, duly commissioned and sworn, personally appeared the within named Jose A Estudillo and Luis Estudillo

whose names are subscribed to the annexed Instrument as parties thereto, personally known to me to be the individuals described in and who executed the said annexed Instrument, and they severally acknowledged to me that they executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

Notarial Seal

In Witness Whereof, I have hereunto set my hand and affixed my Official Seal the day and year in this Certificate first above written.

Isaac A Ammerman

NOTARY PUBLIC.

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Printed and sold by Wm. B. Cooke & Co., Importing and Jobbing Stationers, No. 624 Montgomery Street, Montgomery Block, San Francisco.

State of California, } ss.
COUNTY OF Alameda }

On this Twenty Eighth day of July — A. D. One Thousand Eight Hundred and Sixty-One before me Isaac A Ammerman a Notary Public in and for said Alameda County, personally appeared John B Ward — — and Concepcion ~~his wife~~, A Ward his wife — personally known to me to be the individuals described in, and who executed the annexed Instrument as parties thereto, and asknowledged to me that they executed the same freely and voluntarily, and for the uses and purposes therein mentioned. And the said Concepcion A Ward wife of the said John B Ward having been by me first made acquainted with the contents of said instrument, acknowledged to me on examination, apart from and without the hearing of her husband that she executed the same freely and voluntarily, without fear or compulsion, or undue influence of her husband, and that she did not wish to retract the execution of the same.

Notarial Seal

In Witness Whereof, I have hereunto set my hand, and affixed my Official Seal, the day and year first above written.

Isaac A Ammerman

NOTARY PUBLIC.

No. 3.

Printed and sold by Wm B. Cooke & Co., Importing and Jobbing Stationers, 624 Montgomery St. San Francisco

State of California, } ss.
County of Alameda }

On this Twenty Eighth day of July — A. D. One Thousand, Eight Hundred and Sixty One before me, Isaac A Ammerman a Notary Public in and for said Alameda County, duly commissioned and sworn, personally appeared the within named Juana M. Estudillo. Dolores Estudillo ~~Dolores Estudillo~~ Magdalena Estudillo and Jesus Maria Estudillo by his Guardian Juana M Estudillo

whose names are subscribed to the annexed Instrument as parties thereto, personally known to me to be the individuals described in and who executed the said annexed Instrument, and the said parties severally acknowledged to me that they executed the same freely and voluntarily, and for the uses and purposes therein mentioned. the said Juana M., Dolores & Magdalena each for themselves and the said Juana M. as guardian of Jesus Maria Estudillo

Notarial Seal

In Witness Whereof, I have hereunto set my hand and affixed my Official Seal the day and year in this Certificate first above written.

Isaac A Ammerman

NOTARY PUBLIC.

It is stipulated that the within copy of agreement and supplement thereto be filed in the within entitled case No. 29 and therein considered and admitted in evidence as & for the duly proved original thereof

Robert Symon
Claimants atty

Saunders & Stephens
Lohr. H. Saunders
Attys for Claimants San Leandro

Subject to all legal objections as to relevancy and competency.

W. H. Mark
U. S. Atty.

Correct
J.B.W.

No. 29
U.S. District Court
Northern District of California

The United States
vs
Eleven Cases
Opium Contained in Cans

Filed Feb. 7, 1891
Wm. Patterson
Clerk

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United States Land Commission
San Francisco Nov. 20, 1854.

On this day before Commissioner R. Aug: Thompson came N. S. Higley a witness on behalf of the claimants Barbara Lada et al. in case No. 524 who after being duly sworn deposes as follows.

Present:

N. B. Thornton Esq. Attorney for claimant, and S. C. McKune Esq. U. S. Law Agent.

In answer to question, Witness states his name is N. S. Higley - his age twenty six years, and residence Alameda County California and is now County Surveyor of said County.

Questions by claimants atty.

Are you acquainted with the Rancho called San Lorenzo, claimed in this case, and if so state whether or not you have ever made a survey of the same, and by what authority such survey was made.

Answer.

I am acquainted with said Rancho, I made a survey of the

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same in the month of January 1854 by virtue of written instructions from the U. S. Surveyor General for the State of California, the original of which is now produced by me and herewith filed marked R. G. No. 1.

The map of said Rancho now produced by me and herewith filed marked "R. G. No 2" was made under my direction from the field notes of said survey. Said map is a correct delineation of the boundaries of said Rancho, as described in the instructions of the Surveyor General with the exception of the South line of the same dividing it from the Rancho of Lasé de Llanos Valley called the Rancho of Alameda.

The instructions called for that line to run through a ~~rodeo~~ which I could not find & therefore adopted a line of said Valley's as established by a survey made a short time previous under instructions from the Surveyor General

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The Claimants under this grant protested against said line as run by me, and claimed the line to terminate further South on the beach. The quantity as ascertained by said survey is a portion less than that called for in the original as shown in said instructions. The houses of Castro and Soto as represented near the Eastern line of said survey are correctly laid down on said map as are also the other topographical features of the country delineated thereon.

The Eastern or dividing line between said Rancho and that of Castro was run according to the instructions and in the presence of both parties who agreed that it was the correct line.

The said Rancho is North of the 37th. degree of North Latitude.

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Crops Examined by U. S. Land Agent.

1st Question by same.

In running the dividing line between this Ranch and that of Guillermo Castro, how did you find the starting point?

Answer.

By producing or extending the line of the front of William Castro's house until it intersected the Canyon mentioned in the instructions.

2 Question by same.

Might not any other point have been as well assumed as that and if nay, why not?

Ans.

It might, but no other reading of the instructions than the one I have taken would have been intelligible. I should have added to my answer to the first question of the Land Agent that from the intersection of the line from house of Castro to the Canyon I measured Ten varas and from this last point I run a line

parallel with Castro's house

parallel with Castro's house South 36° 4' West to the San Lorenzo Creek.

3. Question by same.
What words guided you in running the Cas dara line spoken of in your last answer?

Answer.
The following words contained in the instructions "A line "parallel to the side of said "house Cas dara towards the "main road, drawn from said "ditch to the Arroyo of San Lorenzo."

4th Question by same.
The ditch of the Canyon is spoken of as a means of ascertaining the dividing line between this rancho & Castro's is there more than one object known as a Canyon South of Castro's house?

Answer.
I think not. I understand a Canyon to be a deep gully or ditch washed out by water, there are small arroyitos or brooks, but nothing that I call

5

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and a Canyon

5th Question by same.

Commencing at the point aforesaid by you on the Canyon where the Eu ava line terminated in what direction and what distance did you extend your survey and what is the course of the main road nearest that point?

Ans.

I have already given the course in my answer to question No. 2 the length of the line of the San Lorenzo Creek is 144 chains and its general direction is nearly parallel with the main road, and not quite a half mile from it.

6th Question by same.

After establishing the Eu ava line did you run to the nearest point of the San Lorenzo Creek if so, why not?

Answer.

I did not. Because such a line would not have been parallel with the side of Castro's house.

7th Question by same.

If you had run such a line would it have comprehended more or less land within the Soto ranch and how much?

Answer.

It would have comprehended more, I cannot say how much more, as I never made the measurement. I do not think it would exceed 1000 acres, and it might not be half that quantity.

8th Question by same.

In running the Easterly line of the Soto ranch on the South side of the Canyon did you measure 10 varas Westerly for said boundary?

Answer.

I did not. From the foot of the hills on the Westerly side of the hills I measured ten varas up, or Easterly.

9 Question by same.

At what point at or near the Alto creek did you terminate said line?

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Answer.

At the point marked on the map U. S. No. 1, near the foot of the hills and about 6 chains North of the Alta creek.

10 Question by same.

How far does that creek extend after leaving the hills before it sinks?

Answer.

I have never measured it, but I suppose about two miles.

11 Question by same.

In running the Southern line from the point last spoken of to the beach did you pass through a Rodeo and if no, why not?

Answer.

I do not know that I did. I saw no rodeo ground. I could not find the Rodeo ground either from personal observation or from the information of the old inhabitants. I understood from them that there had been Rodeo ground in the neighborhood used by the Mission of San José many years ago, but all

traces of it had been obliterated.

fences of it had been obliterated.

12th Question by same.

After reaching the beach you run along it to the mouth of the San Lorenzo Creek, by what authority did you run that line?

Answer.

By authority of my instructions from the Surveyor General.

13th Question by same.

Suppose you should continue the line along the beach across the San Lorenzo, what distance would you go before you would reach any hills?

Answer.

I suppose some twenty five or thirty miles to San Pablo where the hills run down to the beach from the point where the San Lorenzo makes the last marsh in the bay, I suppose it is about three miles to the first hills in an Easterly direction.

14th Question.

After reaching the beach at the termination of the South line

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where are the first hills you
would run to on the San
Lorenzo creek. Point out on
the map the position of
those hills.

Answer.

The nearest hills in the San
Lorenzo creek would be what
the point marked on said
map with the letter A. in
pencil.

15th Question.

Should you run a line from
the termination of the Southern
line on the beach direct to
said hills, would it not satisfy
the calls of the grant, the
terms of your instructions,
and save the necessity of
running a line Southerly along
the beach to the San Lorenzo
and up the San Lorenzo to
the hills. If no why not?

Answer.

It would not. I would not
then be following my instructions.

16th Question by same.

Should such a line have a
surplus not included in said

ranch which by your survey

ranch, which by your survey as made is included, and how much would such surplus contain?

Answer.

It would cut off about three thousand acres from the present survey.

1st Question by same.

Look at the Document now shown you marked P. P. and R. R. No. 3 and hereto annexed, and state whether you made the survey thereon contained, and if you is it a correct one according to the translations thereto attached?

Answer.

I made said survey. It is correct as stated in my explanation attached to said map.

Re examined by Claimants Counsel.

1st Question by same.

Explain the difference between the last mentioned map and the one first introduced, and state why you run the line

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shown on the former from the Southwest corner to the hills on the San Lorenzo instead of running along the beach and up the San Lorenzo as delineated in the latter.

Answer.

In the first place there is a material difference between the translation contained in my instructions from the Surveyor General, and that given me by Judge Keane, on which the survey marked Exhibit Sp.a 3 was made. In Judge Keanes translation from the point on the beach South Western corner reads "thence to the first league of land which forms the hills." In the instructions of the Surveyor General it reads "and from this (point) to the first ridge formed by the hill range, according to Mr. Keane's translation" I understand the line to run direct from the South-west corner to the hills, whereas by the instructions of the Sur-

veyor General I understand

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Surveyor General I understand the beach as far as the San Lorenzo to be the Western boundary and the word "point" in the translation to refer to that boundary, especially as the ridge was given as the Eastern boundary, and we thus had the boundaries on the four sides.

Again I did not run for Judge Crane the adjudicated line between Castro & Soto, which fixes that line as the true Eastern boundary of Soto's rancho and leaves to Castro the land on the ridge of the hills, which is excepted out of Soto's grant. In reference to the second or additional grant to Soto I did not run it for Judge Crane as I could not grant the manner in which the survey was made understand it, but under the instructions of the Surveyor General I understood it as including the land over and above a league square contained

within the boundaries and embracing the land along the beach.

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Judge Deane in his instructions required me to survey all the lands that were or could be included in said grant, and afterwards asked me to certify that I had done so, which I refused to do because I was not at that time sufficiently acquainted with the papers to know whether I had done so or not. The survey last made marked No. 2 was made at the instance of the claimants in this case who selected me to make it, and the Surveyor General in accordance with their wishes appointed me for that purpose.

H. A. Higley

Sworn to and subscribed before me Nov: 30th 1854

R. Aug: Thompson Comr.

Filed in ~~Office~~ Nov. 30. 1854

Geo: Fisher Secy.

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Recorded in Ex. B. Vol. 5. pp. 7 & 8
Geo. Fisher Secy.

I, William H. Chevers Clerk of the District Court of the United States for the Southern District of California, do hereby certify the foregoing to be a full true and correct copy of the deposition of H. H. Higley, as the same appears on pages 35, 36, 37, 38, 39, 40 and 41 of the Manuscript from the Board of U. S. Land Commissioners in the case of The United States vs. Barbara Lake et al, No. 524, which said Manuscript is now on file and remains of record in my office in the case entitled "The United States vs Barbara Lake et al, No 200"

In testimony whereof I have hereunto set my hand and affixed the seal of said Court this 7th day of August A.D. 1861.

W. H. Chevers
Clerk.

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#715

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U. S. Surveyor General's

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U. S. Surveyor General's
Office. San Francisco
Cal. December 31st 1853.

Instructions
to N. A.
Higley
for Survey
of Rancho
San Lorenzo
Dec. 31st
1853.

Sir. At the request of Barbara
Soto et al (by their Attorneys) you
are hereby appointed to execute an
initiatory survey of the Rancho called
San Lorenzo.

In the archives of
this office there are two Expedientes
in relation to the claim. The first
purports to be a grant by Governor
Alvarado in favor of Francisco
Soto for one "Sitio de Ganado Mayor"
(square league) little more or less,
the limits of which are "from the
Arroyo of that name (San Lorenzo)
as far as the Arroyo called El
Alto which belongs to José de Jesus
Vallejo - and from this Arroyo drawing
a straight line to pass through the
Rodeo until it reach the beach - and
from this (point) to the first ridge
formed by the hill range, with the
exception of the number of varas in
the said track of Land granted to
Guillermo Castro, which will be ar-
-ranged at the time of giving posses-

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-sion.

The other Espediente was instituted by the claimant on a dispute with his neighbor Guillermo Castro in relation to their respective boundaries which by mutual agreement and by Governor Micheltorena's instructions was finally settled as follows— They agreed that the boundaries of Guillermo Castro should be the ditch on the South side of his house and a line parallel to the side of said house 600 varas towards the main road— drawn from said ditch to the Arroyo of San Lorenzo— the boundary on the other side of the ditch to be recognized by the border of the hill range lying in the direction of the plain measured at a distance of Ten (10) varas towards the upper hills on the Western side.

San Espediente

By a document dated January 20th 1844 filed with the land Commissioners, it appears that said Soto represented to Governor Micheltorena that the land granted to him was only for about

CASE 29 ND
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one "Sitio" and that the quantity lying towards the beach, was about half a "sitio" in extent which tract he petitioned for, as an addition to his former grant. Upon his representation, the Secretary of State was ordered to make his report which is as follows:

"The land which in additional extent Don Francisco Soto solicits, appears subject to no objection to its being granted to him, but he shall confine himself within the limits mentioned in his first title and to the agreement he has lately made with Castro."

This report is approved by Governor Micheltorena.

You will therefore locate the land claimed within the limits and quantity mentioned in the aforesaid first grant, and additional extent referred to, all in a compact body, so that if there be any "Sobrante" (surplus), it may be shown in a united form.

If there are any adjoining claimants you will

CASE 29 ND
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notify them in writing of the time when you will be running any line, in which they may be interested and you will make full entries in your field book of any objections that may be made of the lines and return to this Office any protests or documents which may be offered for that purpose—

You will also survey and return the notes of any lines which any opposing parties may contend to be the true lines of seperation and for which they may be willing to compensate you and where any line is an agreed line, that fact must be noted, as also the names in full of the persons consisting thereto.

You will establish each corner and mark each line in the manner required in public surveys, except that instead of marking your posts and bearing trees with sectional numbers, you will designate them with the letters F.S. and numbers and furnish all

the information required in performing public work, carefully noting the variation of the needle, to ascertain which you should make frequent observations.

The survey must be made with reference to the meridian and by chains and links testing your chain by the standard in this office before you proceed to the work. You shall be particular in your running and calculations so as to preclude the necessity of a revision of the work in the field at any time hereafter—

Yourself and assistants will qualify in the same manner as if executing public work and the evidence thereof returned with your notes—

The notes must be accompanied by an accurately protracted map of the survey on a scale of 20 chains to the inch and also by your tabling and by all observations and calculations in detail having reference to the ascertain-

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-ment of any line or the area of the tract.

Understanding you have made arrangements with the claim-ants as to your compensation I shall only state that under no circumstances will this Office be responsible for, or compensate you for any services connected with the execution of these instructions.

You will connect one or more points of any line or lines of this survey with one or more points of any lines of the general survey so as more precisely to indicate the location of the land—

You will consider the square League to contain 4340 $\frac{277}{1000}$ acres—

I herewith enclose copy of the instructions for the survey of the public Lands—

It is to be understood that by authorizing this survey, it is only intended to comply the wishes of the party claiming the Land, and not as expressing an opinion on the part of this office as to the merits of the claim—

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Very respectfully &c.
John LeHaye
Sur Genl. Cal.

Mr Horace A. Higley
Present.

Filed in Office Nov. 30th 1854.
Geo. Fisher
Secy.

I. W. H. Chevers, Clerk of the District Court of the United States for the Northern District of California do hereby certify that the foregoing is a true, full and correct copy of the instructions of United States Surveyor General for the State of California to H. A. Higley for Survey of Rancho San Lorenzo as appears on pages 99, 100 and 101, in the transcript on file in my office from the Board of Land Commissioners in the case of the United States vs Barbara Soto et al. No. 300 on the

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Docket of Land leases in this Court, ~~now on file in my office~~

In testimony whereof I have hereunto set my hand and affixed the Seal of said Court this 29th day of August A. D. 1861. and of the Independence of the United States of America the eighty sixth.

W. A. Cheevers.
Clerk.

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DEPARTMENT OF JUSTICE

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO

January 1937.

The Map that was attached to this page has been taken out and mounted and is in the Map Case.

W. E. Van Buren

Deputy Clerk.

No. 29

U.S. District Court
Northern Dist. of California

The United States
vs.
Guillermo Castro

Testimony of H.A. Higley

Filed Sept. 7. 1861.
W. H. Shreve
Clerk

It is stipulated that the within testimony of H.A. Higley and map thereto annexed, taken on part of the claimants Barbara Soto et al in case No. 300, be admitted and considered as testimony in Case No. 29 entitled "The United States vs Guillermo Castro" in the same manner as if said testimony had been taken in said case No. 29

Wm. H. Sharp
U.S. Atty

Robert Simson
attorney of Claimant Guillermo Castro

Williams & Thornton
attys for intervenors

Correct
J. B. Williams

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

The United States.
vs
Guillermo Castro. } No. 29.

Rancho of San Lorenzo.

It was stipulated, on the hearing of Land Cases, No. 29 and No. 234, that all testimony or documentary evidence, in said Cases, which bears upon or touches the common boundary line or lines of the respective lands claimed therein, be admitted and considered as testimony and evidence in both said Cases, respectively. The present is made and filed nunc pro tunc.

This Stipulation to apply only to such evidence as was taken upon notice or as to which notice was waived.

Wm. H. Lemmon
for Claimants San Leandro

Robert Sinton
Claimants Attorney

Wm. H. Sharp. U. S. Atty

U.S. District Court-

Northern District of California

No 29.

The United States

vs

Guillermo Castro

San Lorenzo

Stipulation that evidence in 234 may be used in this case,

Filed March 27, 1862.

W. H. Chevers,

Clerk

CASE 29 ND

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1 Exhibit
(Large Map.)

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Guillermo Castro

IN LAND CASES.

Dist. Court No. 29

Land Com. No. 285

BE IT REMEMBERED, that on this 22nd day of September A. D., 1862, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared James T. Shratton a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being ~~interpreted by a sworn interpreter~~ taken by consent.

PRESENT: W. H. Sharp U. S. Atty, for the U. S. Robert Simson Esq Counsel for Claimants

QUESTIONS IN BEHALF OF THE United States.

Question 1st,

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

Ans.

My name is James T. Shratton

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I am 32 years of age, I reside in Alameda County, my profession is that of Surveyor which profession I have followed for the last fifteen years, twelve of them in California.

2.

Look at the paper now shown you to be annexed to your deposition marked Exhibit Thurston No. 1. State what it is, who made it, and when it was made?

Ans.

It is a topographical map of the Southwesterly half of the rancho San Lorenzo granted to Guillermo Castro, and of the Southeasterly part of the ranchs of San Lorenzo confirmed to Barbara Soto et al, and the rancho of San Leandro granted to Estudillo. It was made by myself from a survey made in October 1861.

The red line being the Westerly boundary of the Ranchos of San Lorenzo confirmed to Castro, and approved by the Surveyor General of the U. S. So far as the topography thereon is drawn it is correct.

3.

What is intended to be represented by the Yellow lines on said Exhibit?

Ans.

It is a ~~line drawn~~ theoretical line drawn through the Centre of the Lagoon near the Northeastern corner of the ranchos of San Leandro, and from thence along the Westerly side of Guillermo Castro's house to the Temescals Creek, from the two extremities of which a line is drawn Northeasterly at right angles thereto, & ~~and~~ to be projected until

the quantity of six leagues is contained within them.

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Witness and question objected to, on the ground that the said Gedon lines are altogether hypothetical and suppositious, and have no bearing upon or reference to any lines mentioned or referred to in the original title papers, decrees, surveys or other proceedings in this case. The introduction of the said map is also objected to so far as regards the said Gedon lines drawn thereon; and on the grounds aforesaid.

Cross Examination
Questions by Counsel for Claimants

Ques: 4.

Look upon the traced copy of map marked "R. J. No. 2" annexed to dep of H. N. Higley" taken in Case No. 300, Barbara Soto Claimant, and filed by consent in this cause, and drawn upon Exhibit Stockton No. 1, the Eastern line of the San Lorenzo rancho granted to ~~Barbara~~ Francisco Soto and confirmed in Case No. 300 to Barbara Soto et al.?

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Ans.

I have done so. It is drawn with a black dashed line, and marked "Line surveyed by Higley November 20th 1854." It extends from the Arroyo San Lorenzo to the "Canjon," from which point Southeasterly to the line of Vallejo's rancho, the line although meandered corresponds substantially

with the line of the official survey.

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5.

Read the agreement and supplement thereto filed in the case of the United States vs José J. Estudillo No. 234. and also in this case, and draw upon Exhibit Stockton No 1. the line of division between the ranchs of San Lorenzo granted to Castro, and the rancho of San Leandro, as the said line is stipulated and agreed to be run, in and by the said supplement?

Ans.

I have done so, showing it by a dotted red line, and marked "Agreed line between "Castro and Estudillo."

Deposition closed.

Jas. T. Stratton

Sworn to and Subscribed this 2nd

day of September. 1862. before me.

W. A. Reeves

U. S. Com.

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No 29

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

V.

Guillermo Castro

DEPOSITION OF

James D. Stratton

on part of the United States.

CASE 29 ND

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Filed Sept. 22 1862

W. H. Chesebro

Clerk.

CASE 29 ND
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United States District Court
Northern District of California

The United States
Vs
Guillermo Castro
Land Case No. 29

Whereas a dispute and disagreement has heretofore existed and now exists between said Guillermo Castro Claimant in said Case of the Rancho of San Lorenzo and Barbara Soto and others Claimants in the Case designated on the Docket of Land Cases of Said Court as No. 300 of the Rancho also called San Lorenzo and Coterminous with said first mentioned Rancho respecting the location and course of the dividing line between said Ranchos—

Now therefore it is hereby stipulated and agreed by and between the said Claimants respectively that the said dividing line between said Ranchos shall be run and is hereby established as the agreed and practically located line— as follows, to wit:

Beginning at the point marked "Post S L No 6" on the Map of Official Survey of said Rancho claimed herein by said Guillermo Castro— which Map is now on file

in this Case — and running Northwesterly along the line of Course No. 9 of said Survey to the point of intersection of said line of Course No. 9 with the middle line of the County Road which leads from the Town of San Leandro directly to Haywards —

Thence running along said middle line of said Road Northwestwardly to a point in the middle line of a dry ditch which crosses said Road a few rods Northward from the Northern line of lands of William Hayward and runs from the plain Eastward or North Eastward to the San Lorenzo Creek —

Thence running along the middle line of said Ditch — Eastward or North Eastward to the said San Lorenzo Creek.

And that in all other respects the said dividing line shall be and remain as the same is represented upon said Map thereof on file in this Case as aforesaid — and also upon the map of official Survey on file in said Case No 300 — And that whatever be the decision of this Court in the premises the dividing line between said Ranchos shall be and remain as above described — and that a Copy of this Stipulation or a Stipulation of like effect with this Stipulation be filed in said Case No. 300 —

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In Witness Where of We have hereunto Set our Hands and Seals this the 24th day of September A.D. 1861

Guillermo Castro L.S.

Lewis Brady L.S.

Le W. Leathers L.S.

H. A. C. & B. B. L.S.

Barbara Castro de her X Mark Soto Seal

Encarnacion S. de Rome Seal

Edw'd Rome Seal

Trinidad Soto Seal

Vicente Soto Seal

Jesus Ma. Soto Seal

Mariano Soto Seal

Wm C. Blackwood Seal

Crayton Winton

Jno Russell Seal

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State of California }
Alameda County } ss

On this seventeenth day of July, A.D. 1862 personally appeard before me Geo. Fleming, a Notary Public, in and for said County, Barbara Castro de Soto, Encarnacion S. de Rome, and her husband Edward Rome, Trinidad Soto Vicente Soto, Jesus M Soto Mariano Soto, personally known to me to be the persons described in and who executed the foregoing Instrument as parties thereto, and who acknowledged to me that they and each of them executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

And the said Encarnacion S. de Rome wife of said Edward Rome, having been by me first made acquainted with the Contents of said Instrument, acknowledged to me on examination apart from and without the hearing of her said husband, that she executed the same freely and voluntarily without fear or compulsion or undue influence of her husband, and that she did not wish to retract the execution of the same

On this eighteenth day of July, A.D. 1862 also personally appeard before me Geo. Fleming a Notary Public, aforesaid, William C

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Blackwood and H. W. Crabb, personally known to me to be the individuals described in, and who executed the annexed Instrument as parties thereto, and acknowledged to me that they executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

On the twenty-eighth day of July, 1862, before me, ~~also~~ George Fleming, a Notary Public, in and for said Alameda County, also appeared, Coayton Winton, within named, whose name is subscribed to the annexed Instrument, as a party thereto, personally known to me, to be the individual described in, and who executed the said Instrument, and he acknowledged to me that he executed the same, freely and voluntarily, and for the uses and purposes therein mentioned.

On the thirteenth day of August, A. D. 1862, before me, Geo. Fleming a Notary Public in and for said County, also appeared, Joel Russel within named, whose name is subscribed to the annexed Instrument as a party thereto, personally known to me, to be the individual described in and who executed the said instrument, and he acknowledged to me that he executed the same, freely and vol-

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untarily and for the uses and purposes therein mentioned.

In Witness whereof I have hereunto set my hand and affixed my Official seal, the days and year in this certificate respectively above written.

Geo. Fleming
Notary Public

State of California
City and County of San Francisco } ss.

On this 19th dey of August A.D. 1862 before me Charles F. Galen a Notary Public in and for said City and County duly commissioned and sworn, personally appeared the within named Guillermo Castro whose name is subscribed to the annexed instrument as a party thereto personally known to me to be the individual described in and who executed the foregoing instrument, and who acknowledged to me he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my seal of office this the dey and year in this Certificate first above written.

Charles F. Galen
Notary Public

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untarily and for the uses and purposes therein mentioned.

In Witness whereof I have hereunto set my hand and affixed my Official seal, the days and year in this certificate respectively above written.

Geo. J Lenning
Notary Public

State of California
City and County of San Francisco } ss.

On this 19th day of August A.D. 1862 before me Charles F. Galen a Notary Public in and for said City and County

No. 3. Printed and sold by Wm. B. Cooke & Co., Importing and Jobbing Stationers, 624 Montgomery St., Montgomery Block, San Francisco.

State of California,
City and County of San Francisco } ss.

On this Eighth day of October A. D. One Thousand Eight Hundred and Sixty Two before me, Charles F. Galen a Notary Public in and for said City and County, duly commissioned and sworn, personally appeared the within named

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C. W. Hathaway whose name is subscribed to the annexed Instrument as a party thereto, personally known to me to be the individual described in and who executed the said annexed Instrument, and who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, the day and year in this Certificate first above written.

Charles F. Galen
NOTARY PUBLIC.

U.S. District Court
Northern District of California

No 29

The United States
v
Guillermo Castro

San Lorenzo

Agreement fixing
boundary lines between
Castro & Soto et al

Filed January 31. 1863.
W. H. Chevers,
Clerk.

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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 ninth day of March in the year of our Lord one thousand eight hundred and sixty-three.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

Guillermo Castro,

No. 29.

In the matter of the Survey, and location of the Rancho, and Lands confirmed to the Claimants herein, on motion, it is ordered that the hearing of the objections, and exceptions to the Survey be set for Monday the 16th instant, at 11 o'clock, A.M. and that the Clerk serve notice of this order upon the Attorneys, and Counsel of the parties, and objectors, and intervenors.

Service of the within order admitted this 9th day of March, A. D. 1863,

Williams & Thornton
attys for Hathaway & als —

Wm H Sharp
U S D Atty
per G S

No 29.

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

Guillermo Castro,

Order setting cause for hearing on the 16th March, 1863.

Filed March 9th 1863.

W. H. Chevers,
Clerk.

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United States District Court
Northern District of California

The United States } No 29
vs
Guillermo Castro } Rancho of San Lorenzo

It is stipulated that all testimony or documentary evidence in the above stated case and in Land Case No 300.- entitled "The United States vs Barbara Soto & al.- which bears upon or related to the common boundary line or lines of division between the respective lands or Ranchos claimed in said cases, respectively be admitted and considered as testimony and evidence in both of said cases— subject to all legal exceptions save those provided for by this Stipulation

Robert Simson
Attorney of Claimant
Guillermo Castro
Wm H. Sharp
U. S. Atty.

No. 29

U.S. District Court
Northern District of Calif-a

The United States
vs
Guillermo Castro

Stipulation
admitting papers in
No. 320.

Filed March 16. 1863.
W. H. Chevers.
Clerk

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U. S.
vs
Guillermo Castro -

No. 29, ND
"
"San Lorenzo,
Oct: 20, 1863.

Objections to survey on part of the U. S.

The official survey in this case has adopted as the western line of the rancho of the claimant a line agreed upon as a common boundary by the claimant and the representatives of Estudillo - by whose rancho, that of the claimant is declared in the grant to be bounded on the west -

It is objected that by this location a strip of land is included in the Castro rancho, which in fact is within the exterior limits of the Estudillo grant, and, what is more important, that the strip in question lies wholly without the exterior limits of the Castro rancho as described in his grant and indicated on his diseño.

The land confirmed to the claimant is situated in the decree

Oct 20 63

of Confirmation as "the same
" tract of land described in the
" grants & accompanying documents and
" expedientes - Provided that the
" said quantity of land granted
" and now here confirmed be con
" tained within the boundaries
" called for in said grant and the
" map to which the same refers"

It is evident that under this de
cree, as well as by the terms
of the grant itself the land
must be surveyed within the
exterior boundaries mentioned in
the grant and indicated on
the diseño.

The diseño represents a rectangu
lar figure bounded on the west
by a straight line which is rep
resented as forming the Eastern
Exterior boundary of the Estudillo
and ~~de~~ Soto Ranchos

These Ranchos of ~~Estu~~ being thus
Co-terminous with that of the
claimant ~~hence~~ we are led to
inquire what was their Exterior
Eastern limit - ~~for~~ ~~reason~~ as
shown by their title papers &
proofs. for it is evident that that

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limits formed also the western limits of the Castro Rancho.
The diseño annexed to the Expediente in the Estudillo case is croped by two lines drawn thereon by Jose L. Hernandez which hardly undertaking to bring Castro and Estudillo to an agreement respecting their common boundary—
But neither of these lines seems to have been adopted by the Governor in making the grant to Estudillo
It appears from the testimony of Gov Alvarado, that the parties not being satisfied with either of the lines proposed by Hernandez appeared before him & after an unsuccessful attempt to bring them to an agreement he referred the matter to the Prefect José Castro, with instructions to settle the dispute as might be just—
Castro accordingly fixed upon a line which he delineated on the diseño marked Exhibit H. H. N° 7— And the line so

4 established by him was
adopted by the Governor-
The testimony of Alvarado on
this point is fully corroborated
by that of José Castro-
It is also confirmed by the
depositions of José Manuels
and José Jesus Vallejo - both
of whom testify that the divi
ding line between the Ranchos
Alamo now the Laguna along
the top of the range of hills
between the Rancho which
lies between them.

The line thus traced as the
"linea divisoria" or dividing
line, corresponds with much
accuracy with the Western
exterior limits of Guillermo
Castros grant as shown by
his own diseño -
On examining the course of
the former as shown by the
compass marks on the map
it is found to run South
about 32° East -
And this is nearly exactly
the course of the western exterior
line delineated on the claimants

5 diseño— The compass mark in the form of an arrow, in the western angle of the diseño clearly shows that Castro ~~did not~~ regarded his western boundary as a line running not South, but South Eastly— The direction of this line is further established by the position of the "Casa" or house along the westerly side of which it is represented as running—

It also appears from the diseño that the boundary between the Castro Rancho & those of Estudillo & of Soto (the latter of which lay to the South of Estudillo's land) was a continuous straight line produced without change of direction across the arroyo de San Lorenzo as far as the Arroyo del Alto— ~~On the north this line forms~~ The northern portion forming the boundary between Castro and Estudillo, ~~of Soto~~ and the southern, the boundary be

6

tween Castro and Soto -
It will therefor materially assist us in determining the location of the line between Estudillo and Castro, to ascertain the direction and location of that part of the line which formed the boundary between Castro and Soto -

The Expediente in the case of Soto shows that a dispute arose between Soto and Castro with respect to their boundaries This dispute was settled by Jimeno to the satisfaction of both parties -

It appears that as early as 1840 Castro had obtained a grant of a house lot 500 varas square to the south of the San Lorenzo The report of Jimeno first describes this location of this lot as extending from the San Lorenzo to a certain Sanjon or ditch - and the common boundary between the ranchos from this Sanjon, is declared to be the "slope of the ridge

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of hills"-

The continuity of Soto's Eastern line is thus broken by the intervention of Castro's house-lot between the San Lorenzo & the "Sanjon"- but from the Sanjon it would naturally be expected to conform to the western boundary of Castro's Sitio league grant-

The grant to Soto which was prior in date to that of Castro embraced the land "from the "beach to the cuchilla or Crest of the hills"- and as Castro's grant ~~calls~~ and diseno call for the Rancho of Soto as Colindante on the west it is to be inferred that the western boundary delineated on the Castro diseno was intended to represent the line already established as Soto's grant as his Eastern limit-

In settling the dispute however Jimeno appears not to have confined Castro to the crest of the hills but to have established as the Si

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boundary
common, from the Laujon to
the Arroyo del alto a line
drawn along the slope of
the hills to Oaras up from
their base or margin —
This line is not, as has been
asserted, followed to the North
of the Laujon for it deflects
~~to the line is made~~ to make room
for Castros house lot previously
granted, but it would ~~have~~
~~deviated~~ if that deflection had
not been necessary, and if
produced towards the San
Lorenzo, pass by the house
of Castro, and follow the
direction of the linea de
Soria established by José
Castro as the line between
~~Gutiérrez~~ the claimant & the
Pueblo

The line between Soto and
the claimants established by
Jimeno has been pointed out
by Castro himself and it
has been adopted by the Court
in the final survey of the
Soto- Rancho

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9

as its Sonoma location is not disputed by the Claimant it affords an important indication of the direction of the more northerly portion of his western boundary - For that boundary is presumed on his decño as one straight Continuous straight line -
That Castro himself did not Consider his six league grant as embracing the land up to the line recently agreed on as a boundary by him and Estudillo may also be inferred from his petition to the Board
Prior to the Establishment by José Castro of the "linea divisoria between the Ranchos," Castro had obtained from the Governor a provisional Concession, permitting him temporarily to occupy part of "the place called "San Leandro" Amongst the hills. until Estudillo's boundaries should be settled, but without prejudice however to the Indians settled there Which Castro was pasturing his Cattle in that place he applied

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for and obtained the grant to the
of a house lot 800 varas South
of San Lorenzo creek which has
already been referred to
He subsequently and after
the boundaries between Ex-Alcalde
and himself had been settled
by José Castro obtained the
grant for his ~~lot~~ the Sitio lea
gue tract in the place called San Lorenzo
now under Consideration
above.
The Sitio league grant and the
house lot grant to the Road were both pre
sented and both the claims
confirmed.
But he also presented an in
dependant claim for one lea
gue of land in the place called
San Leandro, under the provisional
grant just obtained by him.
This claim was rejected, and
abandoned by the claimant
but the fact of its presentation
seems to justify the inference
that Castro did not himself regard
his Sitio league grant as ex
tending sufficiently far toward
the west to include a so
called that might possibly

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11 be thrown off on the East
ern side of Estudillos Rancho

The same fact is also shown
by the deposition of Searing
who in 1859 assessed the lands
of Castro in Alameda County.
From the representations of Castro
and his attorney Wm Simson
to the Assessor, there was as
sessed to Castro his whole six
league tract (excepting what
he had sold) and also (with
the like exception) a tract of
land outside of the six league
tract lying to the North of
San Lorenzo and East of
Estudillo's line —
He thus appears to have con
sidered the wedge of land
lying between the ~~East~~ West
ern boundary of the six league
Rancho as bounded for by the
U. S. and the Eastern boun
dary of the Estudillo Rancho
as surveyed, as an independent
acquisition and not included
within the lands original
limits of his six league grant.

12 on the whole it appears to me quite clear that the western boundary of Castro as shown by his diseño is the Eastern boundary of Estudillo as fixed by the linea divisoria established by José Castro, and that under his grant and the decree of confirmation he cannot claim that limit to include any portion of the lands embraced within the Exterior limits of the Estudillo rancho, which the owners of the latter may have chosen to relinquish to him.

It appears from the evidence of La Crosse and of Stratton that ~~both~~ the western line of the Castro diseño and the dotted "linea divisoria" on Exhibit H. H. No 1. coincide with much accuracy, and that both are represented by the orange colored line drawn on Exhibit Stratton No 1—

I am ~~therefore~~ of opinion ~~appears to me~~ that that line should be

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adopted from the Laguna ~~to the~~ towards the San Lorenzo Creek - so but that it should strike that creek at the same points as the western line of the Soo vara tract as the same is already established by the final survey of the Soto Rancho.

The westerly line being thus established it will be easy to complete the rectangle 3 leagues long by two wide indicated on the diseño by drawing lines perpendicular to the western line as the side lines of the survey - the Eastern line to be drawn parallel to the ~~western~~ general course ~~line~~ and at such a distance from it as will include 6 leagues and 600 varas square of land the quantity confirmed to the Claimant

An order to this effect will be entered.

No. 29.

No 29

U. S. District Court,

The United States,

vs.

Guillermo Castro,

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Opinion
rejecting Survey.

Filed October 20. 1863,
W. H. Chevers,
Clerk

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U. S. District Court

The United States
v.
Guillermo Castro

No. 29.
Stated Term.
Nov 11 1863.

This cause came on to be heard on ~~exceptions~~ exceptions to the official survey of the land heretofore conformed to the claimant; and counsel for the respective parties being present, and due deliberation had in the premises, It is Ordered, adjudged and decreed that the exceptions of the U. S. to said official survey be and the same hereby are sustained, and that the said survey and location shown by the plat filed ~~May 10~~ April 11th, 1860 be and the same hereby is rejected and setaside.

And it is further ordered that the Surveyor General of the U. S. for California cause a new survey to be made without delay, in accordance with this order, and return a plat of the same to this Court for its approval.

And it is further Ordered, that the new survey be made as follows: Commencing on the San Leandro Creek

at the termination of course 61 of the rejected survey; thence by a straight line to the San Lorenzo Creek at the point in said creek which has been surveyed as the Northeast corner of the land confirmed to Barbara Soto and others, shown by the survey approved by the said Surveyor General July 2d. 1843; thence along the north line of said Soto survey to Post "S. L. No. 11" of said survey, corresponding with Station "S. L. No. 4" at the Arroyo Alto of the rejected survey. And if it shall be found that the distance from the Arroyo San Leandro to the Arroyo Alto be less than three leagues in a straight course, then the lines surveyed as above shall be continued ~~far enough~~ along the finally surveyed lines of the San Antonio and Arroyo del Alameda Ranchos ~~to give~~ until a distance in a straight line of three leagues be obtained. Perpendicular to the general course of the western line above described shall be run northerly & southerly lines as far as may be necessary to include by an easterly line parallel to the general course of the western

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line the area of six leagues and
six hundred varas

Ogden Hoffman

Dick Hodges

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U. S. District Court

The United States

v.

Guillermo Cacho

Order rejecting survey and directing resurvey.

Filed Nov 11, 1863

W. H. Chevedt,

Clerk

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Guillermo Castro

IN LAND CASES.

Dist. Court No. 29

Land Com. No. 285.

BE IT REMEMBERED, that on this 15th day of December A. D., 1853, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared William Castro a witness produced in behalf of Claimant in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being interpreted by J. E. Lynch a sworn interpreter.

PRESENT: W. T. Wallace Esq for Claimant. W. H. Sharp U. S. Atty. and E. H. P. Sloan Esq, for the United States

QUESTIONS IN BEHALF OF THE Claimant

Question 1st,

What is your name age and place of residence?

Ans.

My name is Williams Castro, my age is 53 years. I reside

in Alameda County.

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2.

Do you expect to go away from California to reside permanently, if so where are you going, and when?

Ans.

My intention is to go and reside in Buenas Ayres South America, within two or three days, and I believe I will not come back to California

3.

Are you the same Guillermo Castro who is the claimant in this cause for the Rancho San Lorenzo?

Ans.

Yes sir.

4.

Have you any interest now left in the Rancho of San Lorenzo, or in this case?

Ans.

Nothing at all, I have sold all my interest.

5.

Look upon the map or plan

in the paper marked "No.

in the paper marked "No. "285. Guillermo Castro, San "Lorenzo. Expediente No. 2 "Filed in Office Sept. 27th 1852 "Geo Fisher Secy." and state if you know who made the original of that map, and when and where it was made!

Ans.

It was made by a man of the name of Mouné, I don't recollect the name very well, he has been a long time resident of Los Angeles, and I remember the name of his wife is Elizabeth Izabel, the man is either an English American or Irishman. I don't recollect exactly the date it was made, but it was made before the papers were presented to the Board of U. S. Land Commissioners, It was made only to show my Counsel W. Carey Jones, about the year 1850, about three years after the Americans

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came here. It was made on the Rancho San Lorenzo.

6

Was that map ever presented to or seen by the Governor of the Department of California, at or before the time of his making the grant to Estudillo or yourself?

Ans.

I believe the Governor never saw it, he may have seen it, but only in the Record.

7.

Could he have seen it in the Record or elsewhere before the year 1850?

Ans.

Ans. He might have seen it in 1849, because I am not certain whether it was made in 1849 or 1850.

8.

Look at the papers from the archives, ~~marked "Rancho"~~ being the original Expedente in the Estudillo case, marked "Expediente promovido por el "Ciudadano Jose Joaquin

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"Ciudadano Jose Joaquin
"Estudillo en pretencion del
"Terreno Conocido con el nombre
de San Leandro Sto. 300"
and upon the diseño therein
contained and state whether
that diseño was before the
Governor at the time of
making your grant, and
whether any other diseño. If so
what other diseños was
before him at that time?

Ans.

I did not present any
diseño to the Governor at
the time that I asked for
my grant, to neither of
the Governors - Alvarado
or Micheltorena. This map
was not before the Governor
at the time I made my
petition.

9.

What does the line on the
diseño marked "Linea divisoria
en Lakiud" represent? and
for what purpose was that
line made if you know?

Ans.

The line was made with the intention of dividing Estudillo and myself, & did not agree to that line, and Governor Alvarado in 1842 granted to Estudillo one league of land within those lines. & refer to the line just mentioned, and another line marked "linea divisoria en longitud, San Leandro Creek and the bay.

10.

State if you know who made the diseño in the Estudillo expediente?

Ans.

José Zenon Fernandez.

11.

Look at the diseño marked ~~Hac. Ho. No. 1. Plano~~ "No. 256 José Joaquin Estudillo "San Leandro. Doc. H. H. No. 1. "Anx? to the Depo of José "Castro taken before Comrs. "Hiland Hall, Filed in Office "Feby. 4th 1853. Geo. Fisher Secy."

and upon the line thereon

and upon the line thereon marked "linea divisoria por de en José Castro" and state if you know anything about that line, who put it on the map, and when if you know it?

Ans.

I never knew anything about that line. The only lines I know anything about are those on the Estudillo diseño referred to in answers to ques: 8 and 9.

12.

Look upon the diseno attached to a certificate of Manuel Jimeno, a traced copy of which will be attached to this deposition to be marked J. Castro No. 1, and state what you know in regard to the line marked thereon, "linea "divisoria en Cahuid"?

Ans.

I know nothing of such a line.

13.

Looking upon the diseño attached to the Estudillo Expediente and the line there marked "Linea divisoria en latitud" state where the land belonging to Estudillo lay with reference to that line, and where the land formerly owned by yourself lay with reference to that line?

Ans.

The land of Estudillo lay between the line marked "Linea divisoria en latitud" and the Bay, and also between the San Leandro creek and the line marked "Linea divisoria en ~~latitud~~ longitud." The land lying outside of those lines belonged to me.

14.

Point out the lines upon that diseño marking the lines of occupancy of lands by you?

Ans.

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Ans.

I occupied down to those artificial lines. The line marked "Linea divisoria en Labikud" bounded my occupancy on that side.

Examination adjourned until tomorrow at 10 oc. A.m.

San Francisco Cal.
December 16th 1863

Examination of Wm Castro resumed from yesterday

Present:

All the parties.

15.

State whether or not José Joaquin Estudillo in his life time occupied by your permission any portion of the land appearing on the diseño

of the Estudillo Expediente, and if so when did he occupy it, and point out if upon the Estudillo diseño and also upon the certified copy of plat of the official survey of the U. S. Surveyor General, filed in this case April 11th 1860, the portion so occupied by him under your permission?

Ans.

Estudillo did occupy some of this land by my permission about the years 1846 or 1847, it was between the San Lorenzo Creek and the line marked "Linea divisoria en Longitud" it is near where the road crosses the other line marked "Linea divisoria en Latitud" as shown on said Estudillos diseño, and was East of the last named line. That same land is shown on the plat of the official survey, as being occupied by Mc Murtry, and Lewell-

ing, on the North side of the San Lorenzo creek.

About the year 1846 or 1847 Estudillo went to occupy that land, on my claiming the land Estudillo acknowledged my right and agreed to pay me rents. I believe we made an agreement in writing. Afterwards Estudillo gave me the possession of the land and I rented it to Dr. Pames.

16.

If the agreement with Estudillo that you speak of was in writing please state what has become of that writing?

Ans.

I recollect that there was a written agreement, but where it is now I don't recollect, Mr. Simson may have it, ~~it~~ He has the general charge of my papers.

Cross Examination
Questions by Dist Counsel
for the United States.

Ques: 17.

She signed and presented
your petition to Governor
Michelltorena for the San
Lorenzo rancho?

Ans.

My father, Chas. Castro.

18.

Did he act as your agent
in that behalf?

Ans.

He did.

19.

The commencement of that
petition is in the following
language "Exmo. Dor. Carlos
"Carlos Mejicano por nacimiento
"y vecino del Pueblo de San
"José, ante la notoria justifi-
"cation de V. E, comparece y
"dice que hallandose en
"pacifica posesion del parage
"nombrado San Lorenzo, cuyo
diseño acompaño" &c. Please
explain if you can, what

is meant by the three last words above quoted?

Ans.

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It was customary to use that language in making the petition, although it was not necessary to accompany the petition with the diseño because it was very difficult to get a Surveyor. It was the form, there were many petitions with which there were no diseños.

2d.

Do you mean to say that practical surveyors were always employed to draft diseños?

Ans.

There were no practical surveyors in California at the time. If there were any they were very far from my place.

21.

There there not many persons however in California prior to and at that time capable of drafting a diseño with

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sufficient skill to identify the land intended to be repre=sented?

Ans.

I was not acquainted with any.

22.

Were you not then acquainted with Don Juan Fernandez, and with many others who did draft such diseños?

Ans.

I was acquainted with him, but I don't know that he ever made any other diseño than the one of Estudillo's. and he was always busy because he was Secretary to the Government.

23.

What do you define, to be the place called San ~~Lo~~ Lorenzo in 1843, as distinct from any other place bearing any par=ticular name?

Ans.

The spring of water near my house on the South side

of the San Lorenzo Creek

of the San Lorenzo Creek was known by the name of the Agua de San Lorenzo. The Creek was known by the same name,— San Lorenzo. The place occupied by the Indians was known by the name of San Lorenzcito. The place known as San Lorenzo extended from the Arroyo del Alto to the San Lorenzo Creek, and from the foot of the hills to the bay of San Francisco.

By consent R. D. Splivalo is substituted as interpreter.

24.

Did you not once occupy and obtain a provisional concession of part of the place known by the name of San Leandro?

Ans.

I occupied and had provisional concessions of two portions of which is called San Leandro one in the Rincon of San Leandro and the other in the

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place which was occupied by the Indians. By the Rincon San Leandro I mean a place on the South side of the San Leandro creek near the foot of the hills, and East of the present town of San Leandro.

25.

What did you then understand to be the extent and boundaries of the entire place called San Leandro?

Ans.

The boundaries of the place called San Leandro as they understood them at that time were as follows: The Arroyo San Leandro, the Arroyo San Lorenzo and the foot of the Hills and the bay.

26.

What was that part of the tract of land represented on the diseño in the Estudillo expediente lying to the East of the foot of the Hills, then called?

Ans.

Ans.

The part Northern hilly part was called Lomitas de San Lorenzito, and the Southern part where no hills are represented was called Vallecitos de San Lorenzo.

27.

In what year did you purchase the posession from an Indian of a portion of the land lying to the South of the line marked Linea divisoria en longitud" on the Estudillo diseño?

Ans.

I do not exactly remember the year.

28.

Was it before or after the time you informed Estudillo that the land belonged to you as stated in answer to ques: 15?

Ans.

I do not remember, but I think there are existing documents in the hands of Mrs.

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Limson in relation to my trade with the Indians.

29.

Who employed Maunè to draft the diseno as stated by you in answer to ques: 5?

Ans.

I did myself.

30.

Who instructed him as to the land to be represented by said diseño, its boundaries and extent?

Ans.

I did.

31.

Where did said Maunè reside at that time, and what was his usual employment?

Ans.

He resided in Los Angeles & think he was an Artist— Painter and a Doctor.

32.

What was Maunè then doing in this part of the Country?

Ans.

I think it was in 1849, and

I think he was either going to or returning from the mines, and he then staid about twenty days in my house.

33.

How did you manage to get the diseño as drafted by Munné introduced into the archives and filed with the other papers constituting your expediente in the San Lorenzo case?

Ans.

I gave this diseño to my lawyers Wheeler Jones and C.B. Rhode to show them the relative positions of the creeks and hills, and I do not know how they managed to introduce it in the archives with the papers constituting the expediente.

34.

Look again at the traced copy of said diseño referred to in ques: 5. and state by whom the various words

that appear thereon were written on the original diseño?

Ans.

I do not remember whether it was myself, Mauné, or some other person under my direction.

35.

On the supposition that the letters are properly traced in the copy now before you, cannot you state whether or no the handwriting is yours?

Ans.

It is not my handwriting.

36.

Do you not know that the diseño sketched by Mauné for the use of your attorneys Jones and Shrode was in fact copied by him from an original diseño found existing in and forming part of the expediente pertaining to said rancho?

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Ans.

There was no diseno accom=
panying my petition, the
diseño of Yrouné was made
about 1849, if was not a
copy, it was an original.

37.

Did your father in person
present the petition for
the grant of San Lorenzo
or was it transmitted
to the Governor through the
agency of some one else?

Ans.

I do not remember now
whether it was my father
in person, or I myself pre=
sented the petition

38.

Can you inform us by what
means the Governor ascertained
that the land petitioned for
and designated as the place
called San Lorenzo, extended
from the Arroyo de San
Leandro to the Arroyo del
Alko, and that the nearest
surrounding ranchos were

those of the Peraltas of Moraga of San Ramon of Amador, of Lenis Vallejo, of Soto and of Estudillo without of a diseños?

Ans.

Explaining it to him by word of mouth, and letting him know who were the Colindantes.

39.

Do that the only way by which you can explain the Governor's knowledge of the location, extent and boundaries of the land petitioned for?

Ans.

Yes, verbally as I have stated and by writing also, where I may have mentioned the names of the Colindantes.

40.

Can you mention any writing placed before the Governor, by which you did furnish him with that information?

Ans.

I do not remember of any

Rucker writing it was my Father who managed all the proceedings to obtain the title for said land from Micheltorena in 1843.

41.

Law mentioned in your direct examination that in 1840 Governor Alvarado had made you a provisional concepion for a portion of the land known by the name of San Leandro, did any diseño accompany your petition in answer to which that concepion was made?

Ans.

I do not remember, but I think that Alvarado had one or both of these two diseños which I may have under my hand, one of which I drew up myself. Traced copies of these two diseños will be attached to this deposition & and be marked Exhibits G. Castro Nos. 2 and 3. I drew the

one not colored myself, the other one was drawn by my orders.

42.

When and how did these last two diseños come before the Governor?

Ans.

I do not remember.

43.

How then do you know that they were there before the Governor or that he examined them?

Ans.

I am not sure that they were before the Governor it was sufficient for one to have petitioned for the place as it was well known.

44.

You stated in your direct examination that you have no longer any interest in the San Lorenzo ranche, nor in the determination of the controversy in this case. Did you not

within the last five or six years sell and convey two tracts of land which you then claimed to be within the boundaries of your said ranch, the one to Robt. Farelly and the other to John Lewelling, and do not both those said tracts of land lie without the limits of said ranch as expressed in the opinion and order of the Court on exceptions to the survey?

Ans.

It is true that I have sold land to Farrelly and Lewelling and have always believed said land to belong to me, that is the reason I sold it to them. I am informed that these two tracts have been excluded by order of the Court.

45.

Did each of those men pay you the purchase price agreed upon for those res=

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pechive tracts?

Ans.

They did.

46.

Has it not made part of the condition of the sale in each instance that in case the land so sold and conveyed should not be included within the final official survey that you would repay the purchaser the amount of the purchase money?

Ans.

I think there was such a condition in either one or both of said deeds but I am not sure.

Deposition closed.

Subscribed and sworn to this 16th of December A.D. 1863 before me

W. D. Cheves.

U. S. Com.

No. 29

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

V.

Guillermo Castro

DEPOSITION OF

William Castro

on part of Claimant

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Filed Dec: 16. 1863,

W. H. Chase

Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Guillermo Castro

IN LAND CASES.

Dist. Court No. 29

Land Com. No. 285

BE IT REMEMBERED, that on this 23 day of August A. D., 1864, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared J. G. Stratton a witness produced in behalf of the Claimant in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: ~~his evidence being interpreted by a sworn interpreter.~~

PRESENT: Patterson Shaw & Wallace for Claimants

QUESTIONS IN BEHALF OF THE Claimant

Question 1st,

Are you the same James G. Stratton who has been heretofore examined in this case?

Ans.

I am.

2.

Please locate on Exhibit Skeaton No. 1. annexed to your deposition Filed Sept. 22nd 1862 the ~~location~~ Camino Real from the San Lorenzo creek to the San Leandro creek?

Ans.

I have shown it on said map by a dotted line - the point at which it crosses the San Lorenzo creek being taken from Exhibit Skeaton No. 1. in the case entitled The United States vs. Barbara Soto, No. 300, that point having been previously pointed out to me by Joaquin S. Castro, the point at which it crosses the San Leandro creek as well as it's general course across the Rancho San Leandro being located from my own knowledge and observation. The line is marked "Camino Real."

3.

Please mark upon said

Exhibit the line designated on the diseño, (found in the Expedients of José Joaquin Estudillo for the Rancho San Leandro,) as "Linea Divisoria en Lakehead"?

Ans.

I have drawn it thereon, in a pink black line, and marked it "Linea Divisoria en Lakehead". There does not appear to be any prominent land mark at either extremity of the line, I therefore fixed it's Northern extremity at the point shown on said diseño as about midway between the Laguna ~~x~~ in the hills, and the point where the Camino Real crosses the San Leandro Creek, and I have fixed it's Southern extremity at the point where it is shown on said diseño, at the distance indicated thereon Westwardly from the point where the Camino Real crosses the San ~~Leandro~~ Lorenzo, ascertained

by applying the scale shown thereon.

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4.

What is the quantity of land contained in the triangular tract of land shown on said exhibit enclosed by the San Lorenzo Creek, the black line marked "Linea Divisoria en Labihud" and the red line marked "Agreed line between Castro and Estudillo"?

Ans.

About twenty one acres.

Jas. T. Stratton

San Francisco, Aug 31, 1864

Examination resumed by consent.
Present, Patterson, Wallace & Stow
for claimant, and U. S.
Atty by E. W. T. Sloan Esq

Cross Examination.

Questions by U. S. Attorney

5.

Turn your attention to the topographical map, Exhibit Stratton No. 1, and to the line described by you in answer to question 3, denominated "Linea Divisoria en Latitud," and state if that line were protracted in a southerly direction to the southern boundary of the San Lorenzo Rancho confirmed to Barbara Soto et al, at what point would it intersect said boundary line, with reference to the eastern and western extremities thereof.

Ans

It would ~~be ab~~ intersect it about twenty chains eastward of its centre.

6.

Near to and westward of the orange line drawn through the laguna by the house of Wm Castro to the arroyo del Alto on said topographical map, there are a number of springs indicated on said map between the San Leandro and San Lorenzo creeks;

- do they properly represent and show the correct location of springs actually existing in the land?

Ans

They do, having been laid down with great accuracy from actual survey.

7

In protracting the line referred to in question 5 across the Soto Rancho, would it intersect at any point the arroyo del alto?

Ans.

The defined channel of the arroyo del Alto disappears altogether at the point indicated on said topographical map - to the westward of which point the waters spread out upon the plain without any visible channel. The termination of the protracted line referred to would be distant about one mile and a quarter westward thereof.

The tract enclosed by the orange line, the easterly surveyed line of the Estudillo Rancho and the San Lorenzo creek has been occupied and portions of it cultiv

vated to my knowledge for the
last ten years.

Examination closed.

Jas. T. Shallow

Subscribed and sworn to this
31st day of August A.D. 1864 before me

W. H. Chenery

U. S. Com.

No 29

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

V.

Guillermo Castro

DEPOSITION OF

J. T. Stratton

on part of Claimant.

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Filed Sept. 12, 1864.

W. H. Reed

Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Guillermo Castro

IN LAND CASES.

Dist. Court No. 29

Land Com. No. 285

BE IT REMEMBERED, that on this 22nd day of August A. D., 1864, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared R. C. Hopkins a witness produced in behalf of the Claimant in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: ~~his evidence being interpreted by a sworn interpreter.~~

PRESENT: Patterson Shaw and Wallace for Claimants, E. H. T. Sloan Esq and H. H. Sharp U. S. Atty for the U. S.

QUESTIONS IN BEHALF OF THE Claimant.

Question 1st,

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

Ans.

My name is R. C. Hopkins, I

am of lawful age. I reside in San Francisco. My occupation is that of Keeper of the Spanish Archives of the Spanish and Mexican governments in the office of the U. S. Surveyor General for this State, which office I have occupied for the past nine years.

2.

Please produce from the archives under your charge the expediente of Guillermo Castro for the land named San Leandro, and state it's contents.

Ans.

I now produce the expediente referred to. It is from the archives. It contains first a Petition of Guillermo Castro for the rancho of San Leandro, which he seeks to get in place of the rancho San Francisco de las Llagas, his right to which he had given up. His petition is dated Monterey 19th December 1836. and is followed by the

Marginal order of Governor

Marginal order of Governor Alvarado dated 29th December 1837.— The report of the Ayuntamiento of San José, the report of the Administrador of San José dated June 23 1837, the decree of Governor Alvarado dated 7th December 1837 giving the Petitioner permission to occupy and cultivate said land without prejudice to the property of the Mision, to which Castro appeared to have agreed. This decree is followed by an order of Governor Alvarado dated March 16th 1839, requiring the Prefect of the first district to report, upon which order the Prefect reports on the 20th March 1839, that the land called San Leandro may be conceded to Castro under certain conditions

3.

Are there any papers in the Archives to your knowledge anterior in date to the expediente referred to, in relation

to the grants to San Leandro?

Ans.

None that I know of.

4

State whether or not pages 1 to 6 inclusive of Exhibit Hopkins No. 1 annexed to this deposition contain a correct translation of the expediente referred to?

Ans.

They do. The translation was made by myself.

5.

State whether or not page 7 of said Exhibit contains a correct translation of "Exhibit No. 1 A. B." annexed "to the deposition of Juan "B. Alvarado, Nov. 11th 1853," Filed by the Claimants in the Land Commission in the Estudillo Case, No. 256?

Ans.

It does. The original of this translation, which is a permission to Jose Joaquin Estudillo to occupy the land

called San Leandro, appears to me to be a genuine document, signed by Manl Jimeno, and dated August 16th 1839.

6.

What is the document shown on page 8 of said exhibit?

Ans.

It is a correct translation made by myself of an original communication found in the archives from the Prefect Jose Castro to the Justice of the Peace San José directing him to draw a map of the rancho San Leandro, and to divide into two equal parts, as that the Governor might grant to each of the petitioners the part he might think proper. It is dated Nov. 6th 1839.

Counsel on the part of the U. S. objects to so much of the foregoing answer as gives a construction of the translated documents contained

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in Exhibit Hopkins No. 1. on the ground that it is for the Court to place a construction upon said documents.

7.

~~Why was upon practice of~~
~~the Prefect of San José?~~

Ans.

~~José Joaquin Fernandez~~
What is shown by pages 9 and 10 of said exhibit?

Ans.

It is a translation made by myself of an unfinished expediente from the Archives containing a report of the Prefect Castro, dated January 9th 1840, forwarding a map made by José J. Fernandez of the rancho San Leandro upon which report there is a decree in the handwriting of Gov: Alvarado dated Janry. 14th 1840; ~~it~~ it is however unsigned.

8.

Do there be be found in the Archives any map corresponding

to the one mentioned in said unfinished expediente?

Ans.

In the expediente of Don Joaquin Estudillo from the Archives No. 300, in which he petitioned for and obtained a grant to San Leandro, in the handwriting of Jose Joaquin Fernandez is a map which appears to correspond to the map described in the said unfinished expediente. There is not in the archives any other map of the rancho San Leandro in the handwriting of said Fernandez

Q.

Please examine the map bearing the rubrica of Manuel Jimeno and filed together with Jimeno's certificate before the Board of Commissioners in Case No. 692 filed March 2nd 1853, and state ~~whether or not said map~~ in whose handwriting it is, if you know?

Ans.

I am not acquainted with the handwriting

10.

Look at the map marked H. H. No. 1. as an exhibit to the deposition of José Castro taken in case No. 256. before the Board of Commissioners February 4th 1853. and state if you know in whose handwriting it is?

Ans.

I do not know.

11.

Answer the same question with regard to the ~~expediente~~ map found in expediente No. 309. being the expediente of Guillermo Castro for San Lorenzo?

Ans.

I am not acquainted with the handwriting on said map.

12.

State whether or not in your opinion the ~~xx~~ hand-

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writing on the last mentioned map corresponds with any of the handwriting on the map "H. H. No. 1." before referred to?

Ans.

The handwriting on the last described map somewhat resembles that found upon the right hand margin of "H. H. No. 1" particularly in the formation of the capital "P," as found in the word "Plana"

13.

Can you say whether the writing upon the two maps last mentioned and the map referred to, bearing the rubrica of Jimeno, was by a Mexican or a Spaniard?

Ans.

The map of Castro in No. 209 to my eye presents many characteristics of a Frenchmans handwriting. On the map H. H. No. 1. the words "Linea Divisoria" are misspelled. This writing appears to be different

from that in No. 209. the misspelling being is the only that would indicate that it might not be the handwriting of a Spaniard or a Mexican. The words "Linea Divisoria en Latitud" and "Linea Divisoria en Longitud" on the map bearing the rubrica of Jimeno, and the words "Linea Divisoria por Dn José Castro" on Exhibit map of H. H. No. 1, I think are in the same handwriting.

14.

What is contained on pages 12, 13 and 14 of Exhibit Hopkins No. 1?

Ans.

A translation of the a document handed to me by Mr. Atherton, marked Exhibit Hopkins No. 2.

Exhibit Hopkins No. 2 contains first a Petition of Guidecens Castro dated Nov. 28th 1841, asking for an addition to a Concession al-

ready made to him of San Lorenzo, with several reports upon the same, the petition is in the handwriting of Henry Cambuston, and the last report is in the handwriting of Manuel Castanares at that time Clerk of Prefect Estrada, who signs it. There is also a map in the handwriting upon which is that of Cambuston.

15.

What is shown on page 11 of Exhibit Hopkins No. 1?

Ans.

It is a translation of a provisional grant referred to in the expediente, translation of which is found on pages 9 and 10 of Exhibit Hopkins No. 1. and a copy of which is found on page 5 of the transcript on file in the U. S. Dist Court, in the case entitled The United States vs. Guillermo Castro No. 337. The said original grant was

filed in this case before the Board of U. S. Land Commissioners March 2 1853.

Cross Examination waived
~~Questions by Counsel for the United States.~~

Deposition closed.

R. C. Hopkins.

Sworn to and subscribed this 22 day of August A.D. 1864 before me

W. A. Chever.
U. S. Com.

San Francisco, Sep 5. 1864

R. C. Hopkins recalled. Present, all the parties. Question by claimant

1/

Examine map "H. H. No. 1" or José Castro map, and state whether the words "Linea divisoria por Dn José Castro" appearing thereon are in the handwriting of said José Castro.

Ans.

I do not think they are.

17

Are you acquainted with the handwriting of José Castro?

Ans.

I have seen a great deal of his writing and am familiar with it.

Question by atty for U. S.

18

Can you state whether the words "por Dn José Castro" are written by the same hand that wrote the two preceding words?

Ans.

The words "por Dn. José Castro" appear to be somewhat freer than the two preceding words, and possibly may have been written by a different hand, but I cannot say it positively.

By Claimants atty.

19.

State what office Castro held in 1840 & 1841 & who his clerk was at that time.

Ans.

He was Prefect in 1839 and 1840 & during the most if not all of

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that time José María Covarrubias was his clerk. The office of the Prefect was in San Juan de Castro. and not in the city of Monterey. The words "Linea" on said map are not in the handwriting of Covarrubias.

R. C. Hopkins.

Sworn to and subscribed Sept: 5, 1864 before me.

W. A. Reed.
U. S. Com.

No. 29

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

V.

Guillermo Castro.

DEPOSITION OF

R. C. Hopkins

on part of Claimant.

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Filed Sept. 12, 1864,

W. H. Chevers,

Clerk.

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Espediente

Instituted by the Citizen Guillermo Castro for the place named San Leandro

1837

(Petition)

To His Excellency the Govener,

The Citizen, Guillermo Castro, a resident of the Pueblo of Monterey, before your Excellency respectfully represents; That being in passesion of a considerable amount of stock, and in Union with His Father having the passesions which was adjudicated to him by the Government of the place named "San Francisco ded las Llagas", it is apparent that by the efforts that he makes in the pursuits of agriculture, to which buisness he has devoted himselfe since his earliest years, it is not pasible for him to obtain that success that he desires on account of the Sterility of the land and its scarcety of water, causes which are very prejudicial and prevents the advantages which he hopes to obtain from his pursuits -

Wherefore, for himselfe, and in the name of his said father, we renounce the legal right that we have acquired by just title to the place named "San Francisco de las Llagas", and we petition for the place called San Leandro, the map of which is here with accompanied, praying the ownership of the same in accordance with the Laws of Colonization; This land is vacant and does not belong to any individual, a

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Pueblo —

Wherefore, he earnestly prays Your Excellency, to be pleased to grant as he has asked, in which he will receive grace admitting this petition on common paper, there being none of the proper stamp in this place, Swearing that he asks in good faith, and what ever is nessary —

Monterey Dec 19th 1836.

Guillermo Castro.

(Marginal Order)

Monterey Dec 29th 1837.

Let the Ayuntamiento of the Pueblo of San José report, if the petitioner in this case possesses the legal requisites to entitle him to be heard; if the land petitioned for, is vacant; if it belongs to any individual or Pueblo, and if it is in a condition to be granted in Colonization in accordance with the law —

And when this shall have been done, let this Espediente be forwarded to the administrator of the Ex-mission of San José —

Alvarado

2

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(Report of Ayuntamiento)

En fulfilment of the foregoing decree, the Ayuntamiento reports; That the petitioner possess the legal requisites to entitle him to obtain a "Sitio", and that the reasons that he gives for leaving the place that he now has, are just; that the land that he asks for, has been considered, up to the present time, as belonging to the Mision of San José, as far as the Creek of San Lorenzo, it is not comprehended within the twenty leagues Limitrofes, and is within the ten leagues Litorales, mentioned in the law of 1824, it being observed that the land described reaches the property of the Mision, as far as these points and is in a condition to be granted in Colonization; it is arable and irrigable —

Let this be sent to the Ex-mision of San José, for its due fulfilment —

Alvires.

(Report of administrator of Mision)

En compliance with the order of the Governor of the free and Sovreign State of Alta California, requiring the administrator of the Ex-Mision of San José to report; he says that the land is vacant

4

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and does not belong to any individual or Pueblo -
From the report of the Illustrious Ayuntamiento
of the Pueblo of San José, it appears, that it is consid-
ered as belonging to this Ex- Mission, and is at
this time occupied by a considerable amount of
Stock belonging to Said Mission -

But in as much as the object of
the petitioner, is to make progress in the branche
of agriculture, I am of the opinion, that there may
be granted to him a quarter of a league in
the "riconada" of San Leandro for purposes of
agriculture without prejudice to the property under
my charge

San José June 23d 1837
José de Jesus Vallejo -

(Order of Governer)

Monterey March 16th 1839 -

Let the Prefect of the first
District report upon this petition -

Alvarado

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Monterey Dec^{br} 7th 1837

In view of the report of the administrator of the Ex-Mision of San Jose, attached to the respective Espediente, in favor of a Concession of a quarter of a league in the "rinconada" of San Leandro for agricultural purposes, the petitioner may occupy the same without prejudice to the property of the said Mision -

Alvarado.

At the same time, this decree was read to the interested party, who said he was satisfied -

Guillermo Castro

*

Pueblo of San Juan de Castro.
March 20th 1839

In view of the foregoing petition, the Prefect of the first District reports, That there may be granted to Don Guillermo Castro, the land called San Leandro which he petitions for under the conditions that the Stock of the Mision of San Jose which are numerous may extend as far as the place petitioned for and may be allowed the use of the pasturage

Jose Castro

* Monterey March 16th 1839
Let the Prefect of the first District inform the contents of this Decree.
Alvarado -

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Don Joaquin Estudillo shall not be prejudiced in his cultivations, or other occupations, in the place where he is, on the Rancho of San Leandro, until the Government may determine what is proper in the premises—

Monterey Aug.to 16th 1839.

Manl Jimeno

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Prefectura of the 1st Distr.

Answered on the 8th of Dec.

The Governor has ordered, that a plan or map be made of the place of San Leandro, which has been petitioned for by the Citizen Guillermo Castro, and Joaquin Estudillo.

Wherefore, I appoint you, as an honorable and competent individual, to draw a plan of said lands, and to divide it into two equal parts, so that the Governor may concede to each one of the petitioners that part that he thinks proper.

And in order to carry out the views of the Govt, you will go in person to San Leandro, in Company with a Person whom you may select, and if any one attempts to interfere with the measurement, acting vigorously and with all justice.

The expenses of making the matter will be born equally by the parties interested according to the account that you shall forward to this Prefectura.

God & Liberty &

Nov. 6th 1839.

Jose Castro

Justice of Peace &
San. Jose

V. San Jose 65

8

~~6~~ 8

Esfediente

Of Don Guillermo Castro in which he is permitted to plant on the place of San Leandro

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1840

The Justice of the Peace of San Josè de Alvarado, in a letter of the 8th of Decr Ultº writes to meas follows -

"In compliance with the order of the 6th of last month requiring a person to be appointed to draw a map of the land of San Leandro, petitioned for by the Citizens Guillermo Castro and Joaquin Estudillo, the Citizen Josè Z Fernandez was appointed who in company with myselfe and the interested party, did the same, which plan I forward to Your Honor, divided in length and in width, because the irregularity of its figure does not permit an exact division without prejudice to some one of the parties, wherefore it has appeared proper to the said Fernandez, to do it in the two methods indicated, in order that the Governer may determine what he may deem proper; the expense of the same, amounting to fifty dollars is divided between the parties") -

In forwarding the same to Your Honor for the information of his Excellency, the Governer of the Department. I forward the plan reiterating the assurances of my regard -

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~~Fol~~ 9

God and Liberty San Juan de Castro
Jan ry 7th 1840. -

José Castro.

To the Secretary of State
of the Department,

Jan y 14th 1840

That Don Guillermo Castro, may establish himself on the place of San Leandro, in the direction of the hills, without passing the line which from North to South is formed by the Springs on the place, and he may make his Cultivation in any part of the land of San Leandro - This Concession being understood as provisional, until the boundaries are fixed by the Government of the land blonging to Señor Estudillo, who is at present established on said place, and without prejudice to the Indians established there -

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~~#~~ 90

Juan B. Alvarado, Constitutional Governer of the Departament of the Californias.

Whereas, the Citizen Guillermo Castro, has petitioned for his personal benifit, and that of his family, a part of the land known by the name of San Leandro, bounded by the Rancho of Luis Peralta, and with the lands of San Lorenzo, the ~~necessary~~ necessary investigations having been made, as required by law; by virtue of the authority vested in me, I have determined to grant him permission to establish himself on the part of said land towards the hills, without Gaping the line which from north to south is formed by the Springs of the land, and that he may make his cultivations in any part of the place, without prejudice to the Indians that are there established, this concession being understood as provisional untill the Government shall regulate the boundaries of Señor Estudillo who is now established on said Land —

Given in Monterey, on the 14th day of January 1840 —

Juan B. Alvarado.

Manl Jimeno,

Secy.

11

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1

~~9~~ 11

To the Prefect of the first District

Guillermo Castro, a Mexican by birth, and a resident of San José de Alvarado, before your Honor in due form of law; represents that having petitioned for the place known by the name of San Leandro, and it being determined upon my petition, that the land should be divided, so that one half of the same should be given to the Citizen Joaquin Estudillo, and the part belonging to me, being small for the increase of my stock, I am under the necessity of applying to your Honor for an addition to the part that has been conceded to me of the said land contiguous to the same, named San Lorenzo, of the extent of one league and a half, a little more or less, bounded by the Mission on the part of the South; on the North, by the Creek of San Lorenzo; on the east by Señor Amador, and on the west by the beach, as shown by the accompanying map.

The annexed certificate shows that I am the first petitioner for said land

Wherefore, I pray your Honor to grant my petition in which I will receive grace and favor

Monterey Nov. 28th 1841.

12

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~~No~~ 12

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Monterey Nov 28th 1841

Let the Officer in charge of the Establishment of San José report in relation to the land petitioned for.

Estrada.

The land petitioned for, known by the name of San Lorenzo, is occupied by the Stock of this Establishment, and can only be granted when it may be unoccupied, this petition being ~~preferred~~ preferred –

San José Dec 7th 1841.

Jose D. Estrada.

Most Excellent Sir

Don Guillermo Castro, asks in this petition that your Excellency be pleased to grant him the land known by the name of San Lorenzo, as shown by the accompanying map.

In as much as the Administrator of the Establishment of San José represents in his report, that the said land is occupied by the Stock under his charge, the prefectura under my charge abstains from giving any opinion in relation to the matter

Monterey Dec 27. 1841. Josi R. Estrada

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U. S. Dist. Court

The United States

vs.

Guillermo Castro

Exhibit Hopkins No. 1.
to depn of R. C. Hopkins

Filed Sept. 12. 1864.

W. A. Cheney

Clerk

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4th

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United States
vs
Guillermo Castro

29 ND

An order having been heretofore made rejecting the official survey and directing the western line of the Rancho to be run as described ~~in the order~~ therein a motion for a re-hearing was ~~made~~ granted and the cause has been again submitted on additional proofs—

The ~~line~~ controversy relates to the location of the western line, and as the grant ~~Rancho of the Claimant~~ calls for the Rancho of Estudillo as a western boundary it is not disputed that the Eastern exterior boundary of that Rancho must form the western exterior limits of the claimants land

In the opinion delivered by this Court it was assumed on the testimony of José Castro & Juan B. Alvarado, that the common boundary of the two Ranchos

Oct 1864

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was fixed by the Governor by the adoption of the line ~~marked~~ drawn by José Castro on the diseño marked "A. A. Nº-1."—
It is contended on behalf of the claimants that this line was now adopted by the Governor that the testimony in relation to it is false and that in fact the Governor adopted the line marked by Beaudry "linea divisoria en latitud" on the diseño attached to the Expediente
In support of this view additional testimony from the archives has been adduced—
The attention of the Court has also been drawn to an error in the decree of the Board in the Castro case which has hitherto been overlooked
The decree confirms to the claimant
4 Sitios of land & 600 varas
4 square provided the said quantity be contained within the
4 said grant and ~~the diseño~~
4 map to which the grant refers"

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It appears however that the grant contains no reference to any diseño — As the Claimants petition to the Governor ~~of~~ mentions the accompanying map — and as the a map ~~was~~ is found in the Expediente, which the claimants has always accepted and treated as the diseño presented by him, the circumstance that the grant does not as was usual refer to any map escaped the attention of the Board —

To arrive at a correct conclusion on the points in controversy resort must be had to the history, as disclosed by the Archives, of the grants to Estudillo and Castro. ~~Such of~~ like.

It appears that in 1836 Guillermo Castro ~~had~~ petitioned the Governor for the place called "San Leandro," which as shown by this map embraced a tract of country lying between the arroyos of San Leandro & Alameda & extending down the bay to the

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4 east of the hills — His map showed that Estudillo had already built a house in the north westerly portion of the tract —

It seems that Estudillo in 1837 ~~he~~ also petitioned for four leagues in the same neighborhood In December 1837 ~~and~~ Castro ~~took~~ obtained an order allowing him to occupy the land without prejudice to the rights of the ~~the~~ adjacent Mission — And in August 1839 Estudillo received a document securing him in his possession until the Government determined what was proper in the premises. Both Parties having thus petitioned for the same lands & both having obtained certain provisional rights, the Government proceeded to divide the ~~land~~ tract between them.

On the 6th November 1839 but a few months after Estudillo obtained ~~his possession~~ the order securing to him his possession, a com

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munication was addressed by order of the Governor to by the Prefect ~~Arguello~~ to the Justice of the Peace at San José directing him to go in person to San Leandro "and to draw a plan of said land dividing it in two equal parts so that the Governor may ~~Right~~ Concede to each one of the petitioners the part that he thinks proper"

The expense of the proceeding was to be borne equally by the interested parties-

On the 8th December 1839 the Justice of the Peace reported to the Prefect that in pursuance of the order of Novr 8th Jose L. Peralta did and himself had visited the land of San Leandro, and the former had drawn a map ~~directing~~ dividing the land in length and width, leaving to the Governor to determine ~~how~~ as to the division of the land between the parties-

The map accompanied the report and both were

b mitted to the Governor on
the 7th January 1840-
The proceedings ~~thus~~ up with
relation to these two grants up
to the point we have reached
are shown by undisputable
written Archive evidence. The
vital inquiry now presents it
self- What was the Governor's
determination? Did he ad
opt either of the lines suggest
ed by Fernandez or did he
as stated by José Castro, and
himself, after finding that
neither of those lines satisfied
the parties direct José Castro
to mark a new line upon
the map which was fixed
by him as the Common line
of division-
The first evidence of the Gover
nor's action is found in the
order made by him on the
margin of Castro's Communica
tion.
On the 14th January 1840 the
Governor ordered that Castro
might establish himself on the

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place of San Leandro in the direc
tion of the hills "without passing
" the line which runs North to
" South is formed by the springs
" on the place." "This Concepcion
" being understood as provisional
" until the boundaries are fixed
" by the Govenment of the land
" belonging to Señor Estudillo who
" is at present established on said
" place and without prejudice
" to the Indians established there"
On the same day a provisional grant
was issued to Castro directing
the land in the same terms
as in the decree of concepcion.

It will be observed that the
Governor does not in terms
adopt either of the lines proposed
by Fernandez - But the map
prepared by the latter was un
doubtedly before him - His
description of the line designated
by him viz "as that formed by the
"springs on the place" is very
correct if intended to refer to
the "linea divisoria de latitud"

8

marked on the Hernandez map.
That the Governor intended to
adopt provisionally one of the lines drawn
on that map would seem most
probable -
They had been drawn in obedi
ence to his order by the Justice
of the Peace and Hernandez
who had visited the ground
for the purpose - and they de
cided the lands in equal por
tions, as under the circumstances
was just. The language of
his order and provisional
grant seems to refer to a line
already drawn on some map
for he speaks of it as the
"line which from north to
"South is formed by the springs" &c
a description which as before
remarked is quite correct if
intended to apply to the "linea
de latitud" on Hernandez map.
It is But it is at all events
clear that in this provisional con
cession the Governor did not
adopt any line drawn by José
Castro as stated by the latter.

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4

Castro's Communication inclosing the report of the Justice of the Peace, & Hernandez map is dated San Juan de Castro January 7. 1840 - It is directed to the Secretary of State of the department of Monterey. The Governor's decree is dated on the 14th January. It is extremely improbable that in this interval the parties could have been assembled at the Governor's house, and on their disagreement and rejection of both of Hernandez lines, that Castro could have been sent for, and a new line adopted -

The fact that the Governor's order is found on the margin of Castro's, Communication, while no order is found summoning the parties, leads to the presumption that the Governor did as suggested by José Castro adopt one of the lines proposed by Hernandez while the acceptance of the grant by Guillermo castro includes it

10 quite improbable that any
division of the tract was
made by the Governor up fa
vorable to him than a the
of the modes proposed by Be
Saunders and which instead
of dividing it equally gave the
largen and better portion to
his neighbor—

But that the line adopted by the
Governor could not have been the José
Castro it could not have
line is manifest from the
description in the grant—
The line drawn by Castro is
at a considerable distance to the
eastward of the line formed
by the Springs" and we have
read that this latter is the
which the Governor declares
to be Castro's limit on the west.

Upon examining
I have referred to the map
drawn by Saunders as un
doubtedly identified—
It is not however now found attached
to Castros report which is ac-

" companied — But it is found
in the Expediente of Estudillo
which refers to and adopts it

On the 28th June 1842 Estudillo
made his petition for a grant
setting forth his previous applica
tion in 1837 which had been mis
laid in the office of the Secretary
and renewing his application
" duly accompanying the map
of the land" —
This petition is dated at Monterey
and not at San Leandro where
Estudillo resided.
No marginal order for information
appears to have been made nor
any informe or report received
as to Estudillo's qualifications or
the boundaries of the tract
solicited —
The grant issued on the 16th
October 1842. It refers to the
" diseño which goes with the Ex
" pediente" —
This diseño is now found attach
ed to the Expediente —
The drawing and all the writing

12

upon it is by Hernandez —
On its margin is inscribed in
Hernandez hand writing "Plano
" del parage conocido con el nom
" bre de San Leandro levantado
" de orden de la Prefectura" [Plan of the place known by the name of San Leandro drawn by order of the Prefecture] —
It was therefore evidently not prepared by Estudillo at the time of his petition — It was drawn by Hernandez by order of the Prefect — It evidently can be no other than the map transmitted by the Prefect ~~[illegible]~~ to the on the 7th January 1841 to the Governor — Estudillo living at Monterey doubtless procured from the office where it had remained detached it from Castro's report attached to his own petition and obtained the grant to be made upon it —
The grant describes his Eastern boundary as the outflowings of the springs on the lands of the Indians — This description comes

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ponds entirely with ~~the~~ ~~description~~ that of Castro's Western line as given in his provisional grant of ~~the~~ January 14. 1840 - and both describe the "linea divisoria ~~de~~ of latitud" drawn on the map of Hemandez which was adopted as the diseño of Estudillo -

The alleged José Castro line is nowhere referred to - It is inconsistent with the description ~~in~~ not only in Guillemo's provisional grant but in Estudillos also - It is not drawn upon Estudillo's diseño - And yet if ever fixed by José Castro and adopted by the Governor It must have been so fixed and adopted long before Estudillo's grant issued - For Castro sweans that by order of the Governor he fixed the line as Prefect = He left the country on the 20th May 1840 & was not afterwards Prefect. That at the time Estudillo ~~Hanced~~ applied for his grant the question

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dispute between him and Cas
tro was regarded by the Governor
as definitively settled may be
inferred from the fact that no
informes were asked for ~~nor~~ no ofrence
made - no citation issued to Cas
tro nor any revocation of his right
made in the grant -
A diseño is adopted in and
made part of the grant on
which ~~the~~ a "linea divisoria" is
distinctly drawn and the land
as described ~~on the diseño~~ the
description in the grant conforms
to the delineation -
If a different line of division
had already been adopted
and drawn by José Castro on
another diseño why was not
that line observed -?
That the line was regarded
as fixed is also proved by the
language of Castro's petition
for the land a portion of
which was subsequently granted
to Soto - In that petition he
states that he had previously
petitioned for the land of Alu

15 " Leandro, but that it had been
" determined that one half of
" that land should be given
" to Estudillo, and that the part
" remaining to him was too
" small for the increase of his
" stock."

This petition was dated Nov. 28. 1841 and shows that at that time the dispute between Castro and Estudillo had been determined

The Archives contain no trace of any previous determination of this dispute except that made by the Governor on the 14th January 1840 by his provisional grant to Castro, which was immediately on the receipt of José Castro's report and the loose map of Alvarado —

The adoption of that map in the subsequent grant to Estudillo seems conclusive proof that it indicates and the grant describes the only line of division ever determined by the Governor

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The map known as H. H. No 1 was produced by the claimants of the Estudillo rancho from their own custody -

The ~~duty~~ evidence of its authenticity or that the line marked on it "linea divisoria por Don José Castro" was ~~con~~ accepted by the Governor rests upon the statements of José Castro and Alvarado -

Castro testifies that ~~at~~ the ~~parties~~ time the Expediente was formed in the Estudillo case the parties so disputed with regard to the lines - that they were not willing to accept either of the lines drawn by them and after vainly endeavoring to bring them to an agreement the Governor ordered him as Prefect to draw the line and settle the dispute - This he accordingly did but the line so drawn does not appear on the diseño in the Estudillo Expediente but on the map marked H. H. No 1.

17 and ~~that~~ this map was be
fore the Governor when the grant
to Estudillo was made— but
he does not know when the
diseño found in the Expediente
was made—
Alvarado's testimony is substantially
to the same effect.

But these statements are irrecon
cilable with the facts
as disclosed by the incontro
vertible documentary evidence in
the Archives—

José Castro ~~He~~ states that he ~~drew~~ settled
the line ~~&~~ disputed line ~~between~~
~~the parties~~ "as Prefect" when the
Estudillo Expediente was insti
tuted—
The Expediente of Estudillo was
formed in ~~1845~~ 1842. José
Castro ceased to be Prefect in
1840 and left the Country in
May of that year — as appears
from documents in the Archives
He intimates that when Estu
dillo petitioned the controversy was
still open and unadjusted
But we have seen that on the

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14th January 1840 the eastern
limit of Castro was established
at least provisionally, by the
Governor and on the 20th
November 1841 we find Castro
representing to the then Prefect
that it had been "determined"
" that one half of the place
" known as San Leandro should
" be given to Estudillo"
We find also that when in 1842
Estudillo petitioned no informa-
tion was asked for nor any proceed-
taken to settle any substituted
dispute between him and
Castro on the contrary the
grant issues without objection
and the decree made by Gov
Alvarado is adopted without
hesitation or question —
José Castro ~~states~~ states that
the decree on which the Gover
Nor made the grant to Estu-
dillo was that marked Ex. A.
No 1. on which he, Castro, had
drawn the line fixed upon by
him —
But the Expediente of Estudillo

"I contains a different descn,
[redacted] Don Alvarado himself
testifies that the discription
of the boundaries in the grant
"refers to the diseño constituting
"a part of the Expediente"—
and that the Eastern bounda
ry "is a straight line from
"creek to creek as shown
"on the diseño"—

The attempt therefor to substitute
by oral testimony a diseño
produced from private custody
from for that attached to the
Expediente and found in
the archives wholly fails nor
can I perceive in what how
the U.S, in whose name the
attempt is made, can after
a final decree in a suit to
which they are a party, by which
the expediente and "map con
"stituting a part of the same"
were referred to and adopted, can
now seek to substitute another
diseño and to maintain, as against a neighboring grantee,
the grant to Estudillo had more

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2C extensive limits than the decree in his favor assigned to him.

Another diseño offered in evidence ought perhaps to be noticed. It contains on its margin the rubric of Jimeno & attached to it is the certificate of that officer stating it to be the same one which Lieut Fernandez drew up in 1841 by order of Gov Alvarado for the purpose of dividing the lands of San Leandro &c.

This certificate is dated April 8th 1840

The diseño referred to as it is its general topographical features a copy of that drawn by Fernandez. It contains the two lines drawn by him and also that said to have been drawn by José Castro.

That Jimeno is mistaken as to the year when Fernandez made his diseño is apparent. There is no pretence that he received more

than ~~one~~ order to have a map made was issued, and we have seen that José Castro transmitted to the governor the map drawn by Hernandez ~~&c~~ on the 7 January 1840.

That the diseño autified by Jimeno is not the same one as that drawn up by Hernandez as [a found in the Archives] dent: for the latter ~~exists~~ in the handwriting of Hernandez with a note on its margin stating that it had been prepared by order of the Prefectura.

If however Jimeno truly meant that the diseño autified to by him was identical with the Hernandez diseño - he has either autified falsely or the upper or Castro line has been drawn upon it since his autificate was given -

That the diseños are not identical is manifest on inspection for the Hernandez diseño does not contain the Castro line - The suspicion that it has more recently been added derives some strength

22 from the appearance of the writing, the mistake in the spelling of ~~the~~ the word "divisoria" which has occurred, and the facility with which a line could be drawn on the map at any time after obtaining Jimeno's certificate — It is further corroborated by the fact that Jimeno speaks of the divisorio as showing the division of the tract among three claimants — Guillermo Castro Joaquin Estudillo and the native Saldaño —

These three portions are distinctly shown by the two lines drawn by Hamander — and if Jimeno is correct his certificate ~~may~~ shows that a triangular gore of land along the San Lorenzo and south of the dividing line between the Ranchos was reserved for the Indians — But if the Castro line be added to the map it ~~increase~~ and Jimeno's certificate become obscure and unintelligible

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In the opinion heretofore delivered by this Court much stress was laid upon the fact that the diseño of Castro's subsequent grant indicates a continuous straight line as the boundary between his land and the adjacent Ranchos of Estudillo & Soto — and that as that line has been fixed on the southern portion by Castro's consent it should pursue the same course on its northerly portion.

The force of this argument is somewhat impaired by the fact now called to the attention of the Court that the grant to Castro contains no reference to the diseño though perhaps But as Castro has presented the diseño as that on which his grant was made & has procured a confirmation in which it is expressly referred to it perhaps does not lie in his mouth to make the objection

24 But the force of an argument
of this character
derived from the made discrepancies on a diseño ~~of this character~~
actus is never very great
more especially as we know
this diseño
it to be inaccurate in not
representing the tortuosity of
the straight line ~~of~~ forming
the western boundary as noted
by the 600 varas grant which
Castro had at that time un-
questionably obtained.
~~The direction of the line~~
~~as shown by the compass mark~~
~~upon~~
The indication of its direction afforded by the
Compass mark on the map,
at all times of little value, in
Mexican diseños as in this in-
stance of no importance for
either the José Castro, line, or
the Hernandez line would agree nearly enough in comparison
with that drawn on Castro's
diseño. The difference between them
it is in this respect
but slight, ~~in direction,~~ The important difference
consists in position - the one
being drawn considerably to

25 the Eastward of the other.

Some stress was also laid upon the circumstance that Castro presented to the Board two claims — one under his six league grant and another under his provisional grant — It was thence inferred that he did not claim the land now in dispute under the former grant —

But it appears that all he now asks for, was claimed in his six league grant — No proofs were offered in support of his provisional grant and the appeal taken from the decision of the Board rejecting it, was dismissed without opposition —

The claim may very possibly have been preferred by his Counsel out of abundant caution or it may be, that Castro who does seem to have been over scrupulous with regard to selling his abandoned grant for Las

24 Alagas may have hoped to obtain the land as far west as Estudillos' boundary and six leagues & 500 varas in addition—

It may be urged that the long continued disputes which have existed between Estudillo and Castro and which have only recently been settled by an agreed line are inconsistent with the supposition that the line between them was fixed by Hunsaucker in 1840 and acquiesced in by both parties. But if Jimeno's certificate is accurate the land was divided into three portions— a zone along the San Lorenzo being reserved for the Indian Salvador. As Estudillo's grant the Indian lands are expressly excluded from Estudillo's grant it may well be that when Castro subsequently obtained his six league grant and acquired or attempted to acquire the title of the Indians he urged

24

pretensions to this piece of
land which gave use to
the controversy with Estudillo
Such is the account given
of the dispute by Alvarado,
who expressly says "they always
" had a dispute but not
" with regard ~~to~~ to the limits
" which I gave them"

R. Trans. Estudillo. p. 12.

What those limits were I think
is incontrovertibly shown by the
archive evidence recently intro
duced into the case, and
Whatever opinions I may hereto
fore have ~~expressed~~ entertained I feel
it my duty to declare ~~that~~
~~notwithstanding~~ the conclusions to which
the additional proofs and ar
guments presented at the re-
hearing have conducted me.
I think it clear that the Gover
nor in 1840 adopted the "line
of latitude" drawn on the Ver
nandez map - That this map
~~with~~ was received and acted
upon as the basis for Estudillo's
grant - that if ~~it~~ ~~how found~~

28 ~~the Expediente~~ and is now found in the Expediente. was referred to in the Grant and that it was adopted and referred to in the final decree by which Estudillo's claim was confirmed — That the attempt to substitute another map produced from private custody for the diseño found in the Archives is inadmissible — and that the testimony by which that substitution was sought to be effected is contradicted by unquestionable documentary evidence derived from the Archives —

I therefore conclude that the Eastern boundary of Estudillo and consequently the western boundary of Castro is the line of Hernandez as shown on the diseño found in the Expediente of Estudillo — And that as there can be no question that that line was to the westward of the line which has been fixed by private agreement between the parties the Surveyor was right in adopting the latter as the Common boundary

29

line—

It appears that in the official survey ~~on Eagle~~ the agreed line has not been exactly followed owing to a ~~confusion~~ mistake as to the name of a person whose lands are refered to in the agreement designating the line— This error was corrected by stipulation in the final survey of the Estrella rancho and the patent in that case designates the boundary as corrected—

The same correction must be made in the official survey in the case at bar and the ~~line~~ agreed line must be run according to the agreement of the parties and in the same manner as it is described in the final survey of the Estrella Rancho

With this slight modification the official survey is approved except that the other exterior lines must be so changed as to make the quantity included in the survey 6 leagues & 600 varas by no more

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29

The United States

v.

Guillermo Castro.

Opinion rejecting survey

Filed Oct 10. 1864.
W. D. Shevers.
Clerk.

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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 tenth day of October in the year of our Lord one thousand eight hundred and sixty-four

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Guillermo Castro

No. 29.

This cause came on to be heard upon leave granted to the claimant, on the 9th Dec 1863, for a rehearing herein, and counsel for the respective parties having been heard and due deliberation had in the premises, it is Ordered Adjudged and decreed that the order heretofore entered Nov 11. 1863, rejecting official survey and directing resurvey, be and the same hereby is vacated. And it is further Ordered, adjudged and decreed that the western exterior boundary of the land heretofore confirmed to the said claimant is coincident with the eastern exterior boundaries of the Rancho San Leandro, confirmed to the Heirs of Estudillo, and of the Rancho San Lorenzo, confirmed to Barbara Soto et al as the same have been finally surveyed in pursuance of the orders of this court. And it is further ordered, adjudged and decreed that the official survey of the land heretofore

conformed herein, shown by the plat filed April 11. 1864, be and hereby is set aside as erroneous, and that a plat be returned to this court without delay showing a survey of the quantity of Six leagues and six hundred varas, made at the election of the claim-ant or his assigns under the restrictions imposed by the executive department of the government, within the boundaries mentioned in the decree of confirmation heretofore entered, the western boundary to be taken as here-inbefore ordered.

Ogden Hoffman
Dist Judge

No. 29

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

Guillermo Cortes

Order rejecting survey and directing resurvey

Filed October 10, 1864

W. H. Chevers Clerk.

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U. S. District Court.

The United States
v
Guillermo Castro

No. 29.

San Francisco, Oct 19, 1864

The United States hereby give notice of their intention to prosecute the appeal taken by them from the final decree herein entered this day

W. H. Chevers Esq
Clerk U. S. Dist Court

Delos Lake
U.S. attorney.

29

U. S. Dist Court

The United States

v

Guillermo Castro

Notice of intention to prosecute appeal.

Filed Oct 19. 1864

W. A. Clevers.

Clerk

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At a Stated term of the Dist Court of the United States for the northern district of California, held at the Court room in the City of San Francisco on Wednesday the 19th day of October, A. D. 1864:

Present,

Hon Ogden Hoffman, Dist Judge.

The United States

v.

Guillermo Castro

No. 29.

This cause came on to be heard upon exceptions to the official survey of the land confirmed, which survey is shown by the copy plat filed April 11. 1860; and counsel for the respective parties having been heard and due deliberation had in the premises, it was ordered adjudged and decreed that the said survey be set aside and a new survey be made in accordance with the order of the Court.

And it is now further ordered adjudged and decreed that the survey

and location of the land confirmed in this cause, made in pursuance of the order of the Court heretofore entered October 10. 1864, the field notes of which survey were approved by L. Upson, Surveyor General of the U. S. for California, on the 17th October, 1864, is a good and valid survey and location of the land confirmed herein, and that the said survey and location be and the same hereby is approved.

And it is further Ordered adjudged and decreed that the certified copy plat of said survey and location (comprising 26,722 53/100 acres) filed October 19, 1864, and marked "Approved October 19th 1864, Ogden Hoffman, U. S. Dist Judge," be attached to and made part of this decree for a more full and particular discription of the Twenty six thousand seven hundred and twenty two 53/100 acres of land now finally confirmed to the said Guillermo Castro.

Ogden Hoffman

Dist Judge

29 ND
285 Bd

U. S. District Court

The United States

v

Guillermo Castro

Final Decree

Filed Oct 19, 1864

W. H. Chevedd.

Clerk

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U. S. District Court

The United States
v.
Guillermo Castro

No. 29

San Francisco, Nov 4. 1863.

Rec'd from W. H. Chevers Esq, Clerk of said Court the following papers on file in above entitled cause.

			(Filed)
✓	1	Manuscript from Land Com'r.	May 8. 1854
✓	2	Exceptions to survey by U.S.	May 10. 1860
✓	3	Intervention of G. Castro.	Oct 5. "
✓	4	Claimants obj to survey	Oct 13. "
✓	5	Depos M. Murray for U.S.	Dec 31. "
	6	Depos W. S. Searing " "	May 4. 1861
✓	7	Exhibit Searing No 1 " "	" " "
✓	8	Dep Mrs La Croze for claimant	Aug 15 "
✓	9	Stipulation	
✓	10	Testimony W. A. Higley in Soto case	Sep 7 "
✓	11	Contract as to boundaries	" " "
✓	12	Stipulation as to Evidence in Estudillo case	Mch 27 1862
✓	13	Depos J. J. Shatton for U.S.	Sep 22. "
✓	14	Exhibit to Shattons dep - Lay's map	" " "
✓	15	Agreement fixing boundaries	Jan 31 1863
✓	16	Stipulation admitting papers in No. 500 & 501	Mch 16. "

W. W. Stow
Atty for Claimant

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U. S. District Court.

The United States
v.
Guillermo Castro

U. S. Attorney's Office.
San Francisco, June 4, 1861.

To Robert Simpson
Jno J. Williams
R. T. Ryan - Esqs

Gentlemen.

You are hereby notified that on Monday next the 10th day of June inst, at 11 o'clk A. M. or as soon thereafter as counsel can be heard, I will move the Court to fix a time within which the proofs in this case shall be closed and the cause set for hearing.

Yours &c.

Wm H Shafter
U. S. Dist. Atty.

U S District Court

29,

The United States

vs

Guillermo Castro

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Notice for fixing time to hear cause.

Service of a copy of the within is this day admitted June 4/61.

Williams & Thornton

Robert J. Dixon

Claimants Atty

R. F. Ryan.

By. O. T. Shuck.

U. States } Abstract of Exhibit
v } Hopkins No. 1.
G. Castro }

Part of the testimony recently introduced consists of papers from the Archives - translated in Exhibit Hopkins No. 1.

1st

1 A petition from G. Castro, dated December 19, 1836, announcing the "las Llagas" and praying for a grant of "San Leandro", being the tract of laind extending from the San Leandro Creek to that of Alameda, and from the Bay into the hills as shown by the accompanying diseño.

2d

2 December 29 1837 - Refered to the Ayuntamiento of San José by order of Alvarado.

3

3. Report of the Ayuntamiento, directing it to be sent to the ex mission of San Jose - signed Alvires with Report by Vallejo for Mission that ¼ of league for agriculture, may

be granted - 23 June 1837 -

4

4. March 16, 1839 Jos. Alvarado refers it to the Prefectura.

March 20, 1839 - José Castro - Prefect reports that in favor of conditional grant.

5

5 December 7, 1839 - Alvarado makes concession of a quarter of a league in "rincona" of San Leandro provisionally

"Thus having been an order that Estudillo shall not prejudiced &c 16 Aug. 1839.

6

6 November 6, 1839 Communication from José Castro to the J.P. of San Jose directing him to make a diseño of the lands petitioned for by G.C. & Estudillo - & to divide it into two equal parts - for the information of Governor.

7

7. December 8, 1839 - Castro reports that, the Justice had appointed J.Z. Fernandez who reported to him what had been done - diseño accompanying with two lines

January, 14, 1840. Alvarado permits Castro to occupy the land west the hills - beyond the Springs until deviding line established without prejudice to the Indians -

8

8 January 14, 1840. Concession of same character signed Alvarado

9

November 28, 1841. petition by J. Castro for grant of San Lorenzo, with map - embracing from San Lorenzo to arroyo del Alto - from Bay up into the hills -

Refered to officer in charge of establishment of San Jose to report. (same date) Estrada

10

10 It is occupied by the stock of establishment Decem 7 - 1841 José A Estrada.

11

11. The Prefectural transmits the above report and declines giving an opinion Jose R. Estrada

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The United States, Appellants
vs
Guillermo Castro
Appellee

District Court of the U. S. for the Northern Dist. of California

On the 23 February 1841 a grant was issued by Governor Juan B. Alvarado to the appellee for the quantity of six hundred varas square of land in the place called "San Lorenzo" near the creek of the same name direction to S. W. including a watering place (aguaje) which lies at the East of said place in order alone to erect a house and make fields, garden, and a corral for horses; and under the condition not to injure the native Indians or the stock or chattels of the establishment of San José. None of the conditions ordinarily annexed to grants, other than those above specified are attached to this grant No 1. — On 25. October 1843 a second grant was issued by Governor Micheltorena conceding to appellee

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the place known by the name of "San Lorenzo" bounded by the Rancho of Sen. Amador, with that of Sen. Moraga, with that of Sen Ramon, with that of Sen. Peralta, with that of Sen. Estudillo with that of Sen. Vallejo and that of Don Francisco Soto on the side of the main road, from the arroya del Alto to that of San Lorenzo in consideration that there has been already made a concession to the same Soto on the side toward the beach. This grant was made subject to the approval of the Assembly, and the ordinary conditions were attached to it. The second condition is in these words, "the land of which donation is made is six sitios de ganado Mayor, without including six hundred varas of land which are conceded already by an anterior title. The Judge giving the possession shall cause it to be measured according to the ordinance, the surplus which may ~~remain~~ result remaining to the nation."

The third condition requires ~~of his~~ ~~[illegible]~~ that judicial possession

possession should be solicited. A
map of the ranch "San Lorenzo"
calling to the boundaries mention-
ed in the grant of Micheltorena
is filed with the pleadings of the
Record. Both grant, together with
their preceding documents are
genuine. There is no pretense to
the contrary. As to the occupa-
tion of the premises. In the petition
filed by the appellee on 10. October
1843 to Gov. Micheltorena, he (the ap-
pellee) states, his quiet possession
of the premises, petitioned for since the
year 1839, during which he had
made ~~some~~ valuable improvements,
as a house, corrals &c. And in
the report of the Secretary, to the Go-
vernor the fact stated in the pe-
tition is affirmed, in these words,
"It is about five years that Don
Guillermo Castro has occupied
with his property the land which
he claims: As to other persons have
been conceded portions of lands in
the same place (i.e. the same re-
gion or neighborhood) it ap-
pears that there will not be any
inconvenience

" in declaring him the owner of
" of the extension which he seeks as
" ending to the expedients which
" exist in the Secretary's Office"
Andrew Pico answers, & avers
he knows the tract "San Loren-
-zo" described in pleadings, and that
title of plaintiffs has been living on
the Rancho to the knowledge &
witness since 1843. He says, that
is one of the best Ranches in the county
in the land, that the land is of various
cultivation, and a large amount
of the land is under fence in the premises,
the property of plaintiffs, and that
there are excellent fences, canada,
and improvements on the Rancho
witness says, there has been a
house on the land to his knowl-
-edge since 1843.
The facts then are, that in 1841, ap-
-pellee obtained a grant of Sixteen
square leagues as in square in the place
called "San Lorenzo" and in 1843
obtained a ~~additional~~ decree
Grant for "San Lorenzo" that is
addition to that portion which
had

had

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had been previously conceded to him, and finally, there is evidence that from the date of the grant to the present time he has lived on and cultivated the land. In view of the foregoing facts the Commissioners have decided in favor of the validity of this claim.

No argument having been made on the part of the Appellant, the Court has had the benefit of the ~~document~~ and papers to ascertain filed in the cause, what objections might be raised to establish error in the decree of the Board of Commissioners. ~~Then~~ There are but two which in the opinion of the Court could have been made ~~can be suggested~~ the grounds of an appeal ~~successfully~~. ~~The~~ One, that there was no approval of the location to the second grantee obtained by the Appellee, and his failure to obtain Judicial confirmation of the land. The first objection is not available to defeat the claim and it is so decided in the case of Freemont vs The United States Sup. Ct. Dec. Term 1854 and in several cases decided by this Court at the present Term.

by grantee

The failure to obtain judicial possession of land proved to have been, and recognized to have been by the Mexican authorities in his actual possession at the time of the Grant certainly ought not to defeat his title. The more injustice would this be, inasmuch as his being in actual possession at the date of the Grant is stated by one of the Mexican functionaries, as a reason why his prayer for a Grant should receive a favorable response.

The obtaining of judicial possession was not part of the title, but merely a subsequent condition the breach of which would render the land granted liable to be reclaimed by another. This assumption of the Mexican laws was similar adopted into the Mexican system of colonization as a legal means of adjusting conflicting claims between grantees and to boundaries of grants adjoining lands. To enforce and render effectual this

things

means
these ~~[struck]~~, it was made the duty of all grantees, to make these improvements ~~which were~~, inten-ded to ~~[struck]~~ and was prevent a fruitful source of public litigation, & in failure to do so, the lands were open to denouncement by others who would carry out the policy of the law.

There is no evidence to prove the ~~ex~~ exact quantity of land included in the Rancho of "San Lorenzo" nor has any appeal been taken from that part of the decree of the Commissioners which confirms and limits the claim of appellee under the grant of Micheltorena to six square leagues.

The Court will therefore simply confirm the decree of the Commissioners, which limits the claim in pursuance of one of the conditions annexed to said grant.

The United States Appellant vs Guillermo Castro Appellee	District Court U.S. for the Northern District of California

This cause came on to be heard

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at a Stated Term of this Court on an appeal from the decree and final decision of "The Commissioners to ascertain and settle the private land claims in the State of California" under the Act of Congress approved March 3, 1851, upon the transcript of the proceedings and decision, and the papers and evidence on which said decision was founded, and Counsel for both parties having appeared,

It is ordered, adjudged, and decreed that the decree and decision of the Board of Commissioners for the ascertainment and settlement of private land claims in the State of California made in this cause be, and the same is hereby confirmed, and that the claim of the appellee Guillermo Castro be confirmed to the extent of six square leagues or six Sitios de ganado Mayor, and also of six hundred varas square and of six more, being the same land embraced in the grants of land described in the grants, and accompanying documents, referred to therein all of which are in the Record, and of which land possession has been had by the said appellee under the said Grants; Provided that the said quantity of land granted and now here confirmed be contained within the boundaries called for in the said Grant and Map to which the Grant refers

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And if there be less than the above
named quantity within the said
boundary, then the said less
quantity is hereby conveyed
unto the said Appellee the said
Guillermo Curtis

Distrct Court U.S.
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District of California

No 29

The United States
v.
G. Castro

Motion & Decree

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The United States
vs
Guillermo Castro
} rehearing of decree on survey

Stowe

I maintain that the José Castro line on the faith of which the decision of this court was founded is forged and made after the American occupation.

Dec. [illegible]'36 Guillermo Castro petitioned - for San Leandro extending from San Leandro to San Lorenzo -

Obtained permission to occupy -
In 1837 Estudillo applied for part of the land of San Leandro -
In 1839 - (6th November) José Castro as Prefect directed Justice of the Peace to divide the lands.
This shows a dispute between Castro and Estudillo
On 8th December Justice of Peace reported with a map made by Fernandez - which was sent to Secretary of State

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The governor gives Castro permission to provisional grant. Estudillo makes no objection

In 1842 Estudillo petitioned for his land - and his petition was accompanied by the Fernandez map

From 1839 to 1842 Estudillo thus appears to have done nothing

The Fernandez map is not found with Castro's report

It is found in the Estudillo Expediente.

It may be reasonably inferred that the Governor had determined to adopt the North and South line of the Fernandez map.

Castro swears that after Estudillo Expediente was begun or in 1842 - ~~He was not the Prefect~~ he made H. H. No 1. ~~He~~

But he was not the Prefect.

The words linea divisoria por Dn José Castro are not in his handwriting - he says they are wordenly in two Land writings

Printed Trans. p 138 - p. 88 - Alvarado Testimony - pp 76 - 77

Acc.

all identify Fernandez map as

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the one on which the title
"H. H. N° 1" is produced from
claimants' custody

Castro & Estudillo have continued to dispute since thus precluded settlement by the adoption of the "H. H. N° 1. line"

In 1844 came before the Alcalde — area's testimony.

Peralta's testimony — p.
Vallejo's " p.

Agreement of 1851 shows that line was still in dispute.

The grant does not refer to a diseño and yet the indications of the diseño are chiefly relied on by the Court.
The Castro map is therefore out of the case.

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Sloane

The word widence introduced recently consists of detached portions of Expediantes found in the archives -

Part of these is already in the Record William Castro was examined principally to repudiate the diseño introduced by himself and on which he had obtained his decree of confirmation.

The first concession to Castro of July 14 1840 is provisional and enjoines him not to jeopardize the rights of Indians But this insinuation is not found in the grant of 1843. and yet the Indians were living there. Castro purchased Sylvestre's right in 1847 as shown by Alvarado's, Michael Murrays and his own depositions

All the facts tend to show that the diseño now sought to be repudiated represents what he solicited in 1843 -

We have the history of Castros grant -

Senor Limantour undoubtedly made that map at the close of 1839. Dec 8th

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Estudillo did not obtain his grant until 1842 - & Castro not until 1843
I see no reason to doubt the accuracy of José Castro's testimony taken long ago that neither of Fernandez lines of division was adopted - and that an arbitrary line was drawn as he wanted it This was not done on Fernandez original but on a copy which we find in Archives (A. A. N°1)
José Castro's depn Trans.n p. 5
José Martinez - p. 7
Juan B. Alvarado - p. 12.
José Castro 2d depn p. 22
"Parties would not accept either of "Fernandez lines" - I settled it by "adopting line on A. A. N°1."
"Report of José Castro" p. 49.
Provisional concession to Castro bounds him by springs and excludes Indian possession - he declines to settle dispute - by adopting either of Fernandez lines.
Alvarado's depn - Tr. p. 81.

The expedients recently introduced shows that this matter was referred

3

to Castro in during his term of office —

During the whole proceedings in both cases the Laguna is taken as the starting point on the North East.

In 1851 They agreed to divide the Indian possession between them & as to the Salsal one was to have the land and the other the timber.

Castro's recent deposition relative to Expediente discuss found in the Expediente.

Supposing his last statement to be true it is a most emphatic declaration of what in 1849 he supposed the limits of his 6 league grant to be

He presented a separate claim to the Board for one league to the Northward of his West line — His Counsel abandoned this claim in this Court after he had made his agreement with Estudillo — He has himself treated the land below the hills as separate from his 6 league grant and so gives it in

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for adjustment—
It is only after this Court has decided the case that he comes in with this story about the diseño.

Stowe—

The counsel concedes that the Governor did not act promptly on this dispute after the Fernandez map was presented.
That concedes the José Castro line out of Court—for he ceased to be Prefect in 1840. (May 14th)
See Castro's report—Trans. p. 22 date Jany 7. 1840— It is the last document in archives showing that José Castro had any thing to do with this Controversy.
The subject did not come before the Governor until June 1842. When he made the grant to Estudillo on the Fernandez diseno—

p. 22 Transcript. José Castro's testimony

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U. S. Dist. Court.

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Guillermo Castro,

Notes of Argument
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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Guillermo Castro.

IN LAND CASES.

Dist. Court No. 29.

Land Com. No. 285

To W. H. Shark, U. S. Atty.
Sloan & Williams.
John I. Williams, and
~~Sloan & Chittenden~~

You are hereby notified that the testimony of Andres Pico — J. B. Alvarado, Joaquin Castro — Jose Romero, Ant. Ma Peralta, and Barbara Castro de Soto, Robert Simson and P. H. Chittenden

in the above entitled cause in behalf of the Claimant

will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on Thursday the 18th day of July A. D. 1861, at 11 o'clock, A. M., and continuing from day to day until finished, at my office No. 14 U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Witness my hand and official seal at the City of San Francisco, in said District, this 12th day of July A. D. 1861.

W. H. Chevers

U. S. COMMISSIONER.

29 N

Service admitted
S. F. July 11th 1861
W. H. Sharp
Sloan & Williams
Atty. for Claimants

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