

CASE NO.

45

NORTHERN DISTRICT

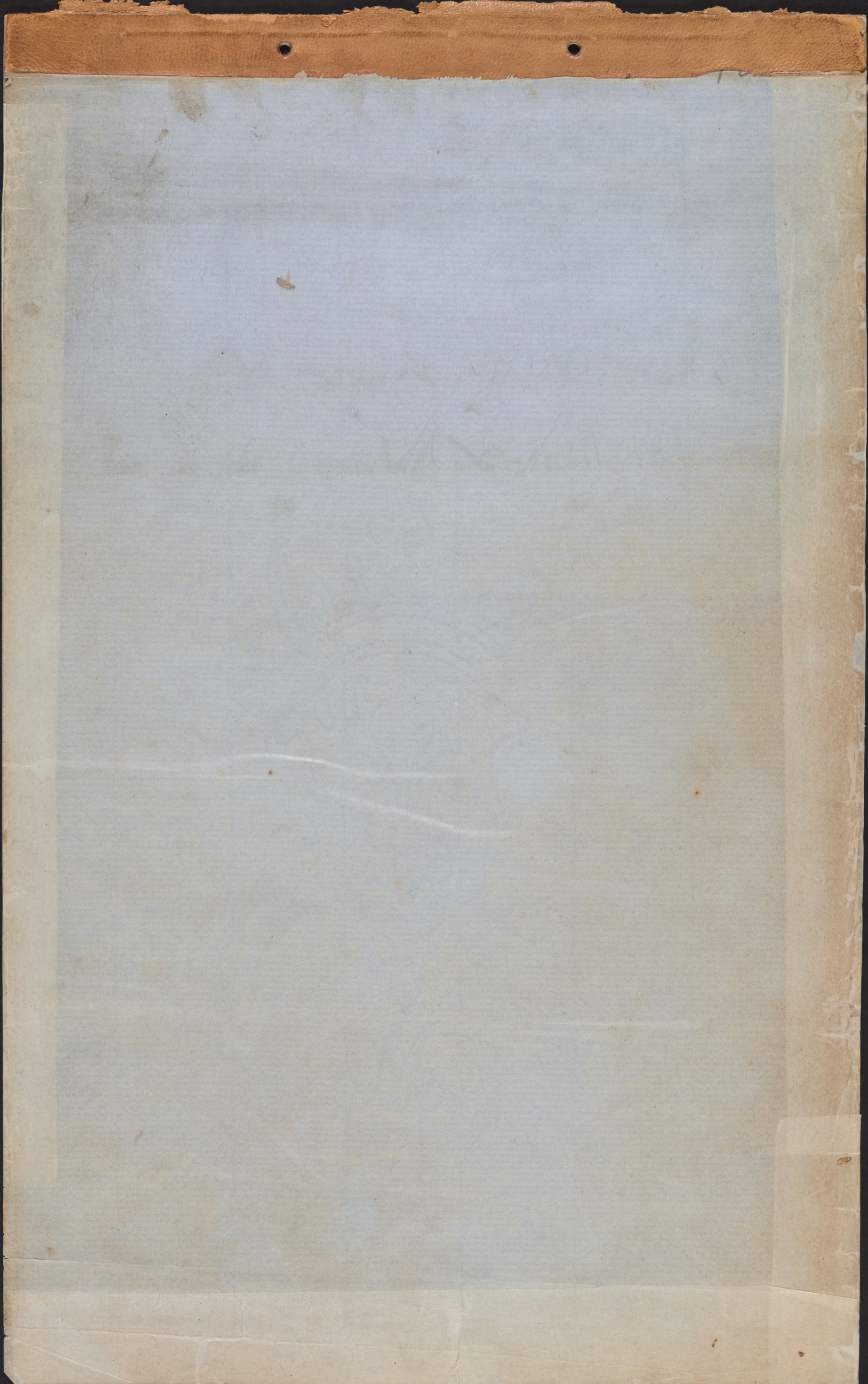
TULUCAY GRANT

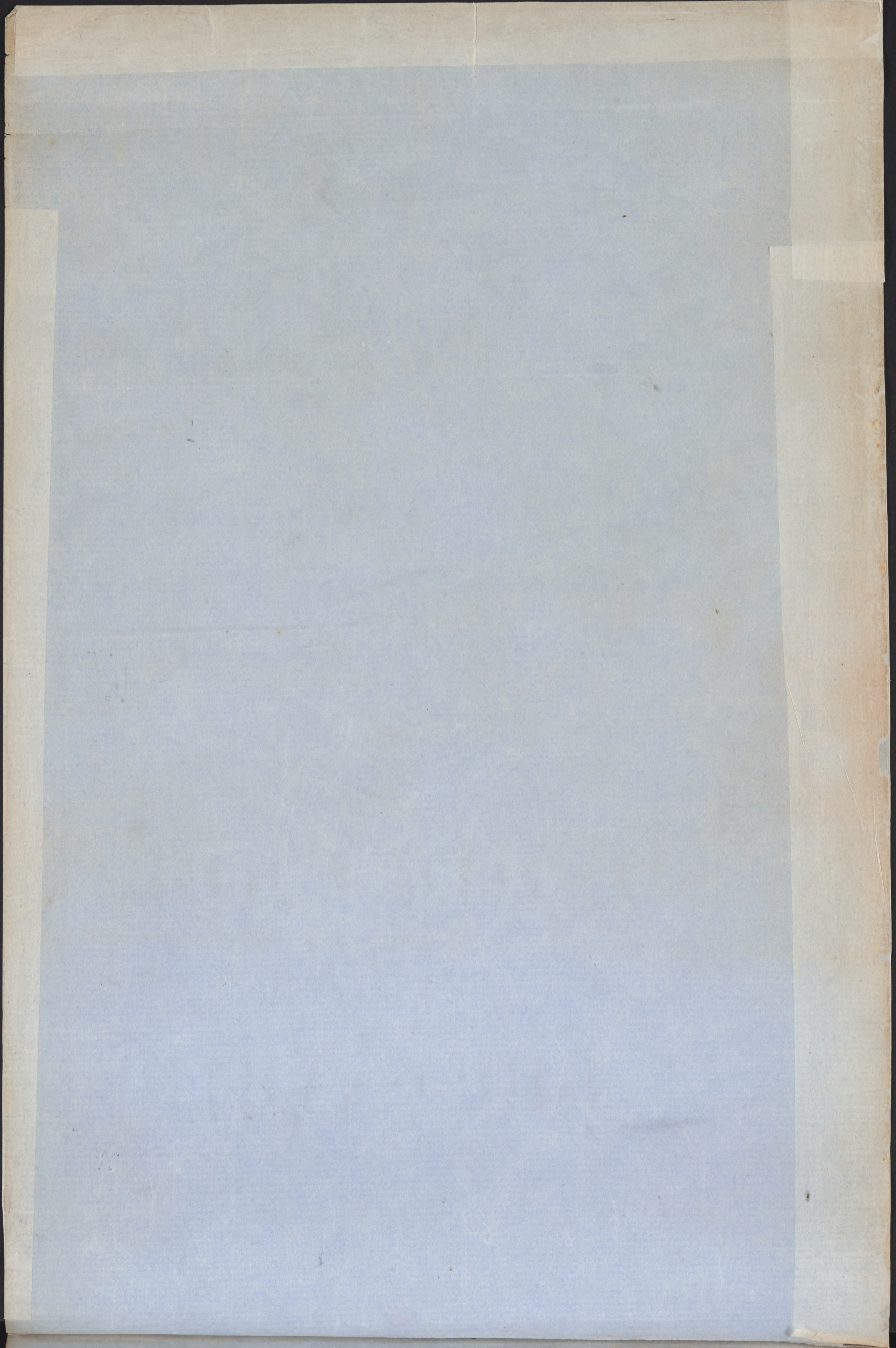
CAYETANO JOARES

CLAIMANT

FEB 21 1963

Guaranteed
Plover Bond
52% Cotton Fiber
U.S.A.





CASE 45 ND

PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO.

126

Cayetano Joares,

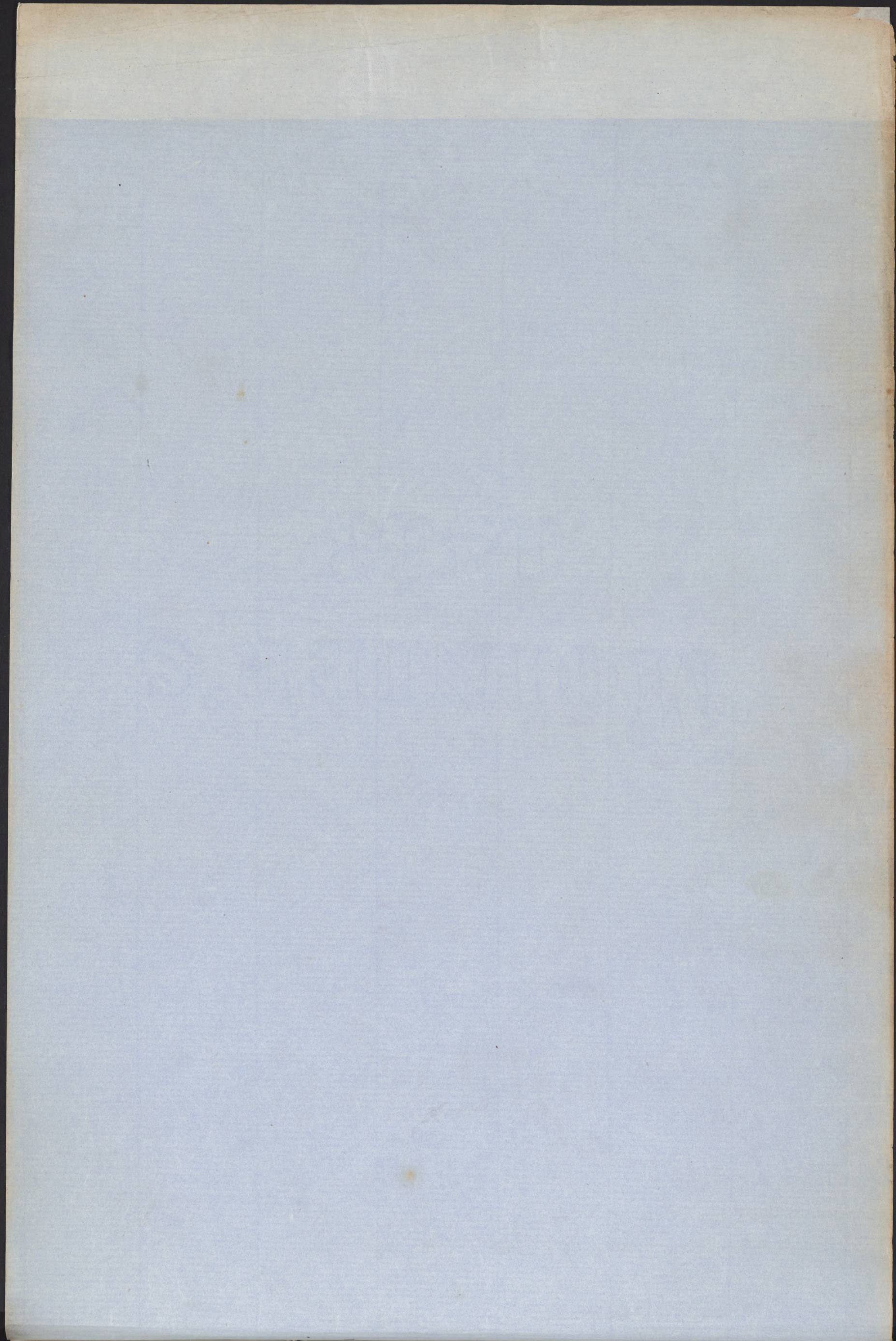
CLAIMANT,

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Tulucay."



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 *Twenty third day of March*, 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 Gayetano Suarez for the Place named

"Tulucay"

was presented, and ordered to be filed and docketed with No. 126 and is as follows, to wit;

(Vide page 4 & 5 of this Transcript.)

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

San Francisco June 2nd 1852

In case No 126 Gayetano Suarez the Deposition of Mariano G Valljo a witness in behalf of the claimant taken before Commissioner Heilana Keall was filed and is in the words and figures as follows to wit

(Vide pages 5 & 6, of this Transcript)

Las Angeles Sept 7th 1852

In case No 126 Gayetano Suarez for the place called "Tulucay" the counsel for Mariano G Valljo presented a petition claiming a part of said Land by Consent of the present claimant

Which was ordered to be filed among the papers
in this case and is as follows to wit
(Vide page 40 of this Transcript)

Los Angeles October 11th 1852

In case N^o 126 Cayetano Juarez the Counsel
for the claimant moved to place the same on
the Trial Docket Motion taken under admin-
ment,

San Francisco Feb'y 17th & 18th 1853

In case N^o 126 Cayetano Juarez for the place
"Tulucaj," the Deposition of John B R Cooper a
Witness in behalf of the claimant taken before
Commissioner Heiland Keall was filed and is in
the "Mors and figures" as follows
(Vide page 6 & 7 of this Transcript)

San Francisco Feb'y 28th 1853

On Motion of the United States Associate Law
Agent it was Ordered that the following case
be placed on the Trial Docket to wit N^o 126
"Cayetano Juarez," "Tulucaj,"

San Francisco Mar 8th 1853

In case N^o 126 Cayetano Juarez for the place
named "Tulucaj," the Counsel for the Claimant
filed the following Stipulation to wit
(Vide page 7 of this Transcript)

San Francisco March 28th 1853

CASE 45 ND

PAGE 4

Case No 126 Cayetano Suarez for the place
 named 'Tulucay' Called The Council for the
 claimant Mr Kealick read the Petition and
 the Papers in evidence, The U.S. Asst Law Agent
 read and filed his Brief, submitted and taken
 under advisement by the Board

San Francisco April 11th 1853

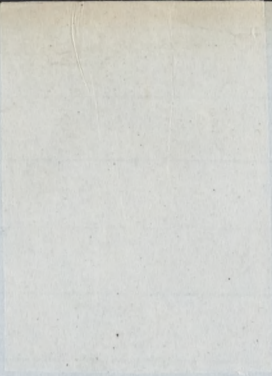
In Case No 126 Cayetano Suarez for the place
 named 'Tulucay' Commissioner Harry J. Thouton
 delivered the Opinion and the Decree of final
 Confirmation

Ordered that the said Opinion and Decree of
 final Confirmation be Recorded on the Records
 of this Board

Which Opinion and Decree are as follows
 to wit

(Vide pages 43 & 44 of this Transcript)

4



4

CASE 45 ND

PAGE 5

Petition

To the Honorable the Commissioners to settle Private Land Claims in California

The petitioner Cayetano Juans respectfully shows that on the 5th day of November AD 1836. he applied to the proper authority and received permission to occupy and cultivate the tract of land known by the name of Tulucay situate within the Jurisdiction of Sonoma and the now County of Napa, while the proper measures were being taken to procure from the Government a title in fee, and that on the 26th day of October AD 1841 a decree was made by the Governor in due form granting the said land to the petitioner, all of which is shown in the Espediente an exact copy of which is submitted herewith marked "A" with a translation marked "B".

That on the 26th day of October AD 1841. Manuel Jimeno Governor ad interim of California by virtue of authority in him vested granted to the petitioner the aforesaid tract of land containing two square leagues a little more or less with the boundaries set forth in the title and in the map which accompanied the petition a copy of which title is submitted herewith marked "C" with a translation marked "D".

That on the 16th day of June AD 1845 the Departmental Assembly of California approved the said grant in due form of law a copy of which approval is submitted herewith marked "E" with a translation marked "F".

That on the 17th day of April AD 1842 the said land was duly surveyed and the possession of it given to the petitioner by the proper authority, a copy of which act of survey and Judicial possession is submitted herewith marked "G" with a translation marked "H".

The petitioner further shows that the said land has not been surveyed by the Surveyor General of the United States, but that it was surveyed by the proper authority at the time of giving the Judicial possession and that the boundaries are fully described, easily to be ascertained and well known. That he knows of no conflicting claim.

That he has been for more than 16 years, and now is in the quiet peaceful and undisputed possession of

of the said tract of land.

The petitioner prays for confirmation of title upon the original papers Copies of which are submitted herewith upon the documents & minutes in the Archives now in the custody of the Surveyor General and upon such other and further proofs as he may be advised are necessary.

Wherefore he prays the Commissioners to confirm him in the said tract of land.

By his Attorneys.

Hallett, Peachy & Bellings.

Filed in Office March 23rd 1852.

(Signed) Geo. Fisher Secy.

Office of the Board of Land
Commissioners for California.

San Francisco June 2nd 1852.

On this day Cyro Wiland Hall one of the Commissioners for ascertaining and settling private Land Claims in California, came M. G. Dallyo, a witness produced in Oath of the Claimant Cayetano Juans being sworn on the Commission as a witness, and did duly swear.

The U. S. Law Agent present.

In answer to questions in Oath of the Claimant the witness testified as follows.

My name is M. G. Dallyo, aged forty four years & my residence is at Sonoma in this State.

I know the Rancho Salucay, it is situated in Napa Valley about twelve miles from Sonoma, on the East side of Napa River. The present Claimant Cayetano Juans has occupied the land from 1836 to the present time. He built a house on it in 1836, a large adobe house for himself & numerous small houses for his Indian servants. Also a large Store house.

He immediately plowed & put under Cultivation some six hundred acres more which was enclosed with a Stone fence. He also kept Cattle & horses on it. The number of Cattle & horses on the place was at first about two hundred and afterwards the number

Deposition
of
M. G. Dallyo.

6

320

3
26

CASE 45 ND
PAGE 7

was increased to fifteen hundred or more.
I have examined a paper now before me
marked No. 10, purporting to be the original title pa-
pers of the Claimant to the Rancho, with the approval
of the Department at Assembly & with evidence of the
giving of Judicial possession. I am acquainted with
the hand writing & signatures of all the persons whose
names appear upon said papers & I have no doubt
the signatures are genuine. I was present when the Judicial
possession described in said papers was given.

In answer to questions by the Law Agent
the Witness testified as follows.

The land is not within ten leagues of the
Sea Coast, it is within ten leagues of Napa Bay.
The land was not occupied by any Mission
nor was it within the limits of a mission on the 21st of
November 1828.

M. G. Vallejo.

Sworn & Subscribed.

Before me.

Wilhelm Hall, Com.

Filed in Office June 2nd 1853

(Signed) Geo. Fisher Secy.

San Francisco, July 18th 1853.

At this day before me Comr Wilhelm Hall came
John B R Cooper a witness in behalf of the Claimant
Cayetano Jaenz petition No 126 and was duly sworn
his evidence being given in English.

The U S Associated Law Agent Present.

In answer to questions by Counsel for the Claimant
the witness testified as follows.

My name is J B R Cooper. My age is sixty
years & I reside at Monterey. I have lived in Califor-
nia about thirty years.

I know the rancho of Cayetano
Jaenz called Paluway. It is on the East side of
Napa Creek, west to Sausal, on the old road from
Sonoma to Benicia. I think he was occupying the
Rancho previous to 1828. I saw him there in 1838

Deposition
of
J. B. R. Cooper

and he has continued to live there ever since. He had a
hut or house there in 1838. He built a large house in which
he now lives. Some four or six years ago or more & most
of the land suitable for cultivation is fenced. He has
had stock on the farm ever since I knew it. When I
was there last he had considerable stock on the farm
& his land under cultivation was extensive.

John B W Cooper.

Sworn & Subscribed

Before me, Notary Public.

Filed in Office Feb 15th 1853.

(Signed) Geo. Fisher Secy.

No 124.

Before the U. S. Land Commission
In the Claim of Cayetano Suarez to "Taluca".

Separation

In this case it is agreed between the Counsel of the
Claimant and the Law Agent of the United States, that
all the laws, decrees, ordinances and regulations, whether
of Spain or Mexico and especially the Colonization
Law of Mexico, of August 18th 1824, and the regulations made
by the Supreme Executive Power of Mexico on the 21st of Novem-
ber 1828 shall be considered as having been offered in
evidence in this cause and duly proven.

Walter Peachy & Bidings
Counsel for Claimant

R. Greenhow.

Apt Law Agent.

Filed in Office March 8. 1853.

(Signed) Geo. Fisher Secy.

26

126

S. D. K

CASE 45 ND

PAGE 9

Expediente

Promovido por el Ciudadano Cayetano
Suarez en solicitud del paraje

conocido con el nombre de

Tubucay

10 Mol

262

A
CASE 45 ND
PAGE 10

Sello Tercero de reales
Habilitado provisionalmente por la Aduana
maritima del puerto de Monterrey en el departa-
-mento de las Californias, para los años de
mil ocho cientos Cuarenta y mil ocho cientos cua-
-renta y uno

Ximeno

Antonio Maria Pello

Yo Sr. Gob.

Expediente

Cayetano Soares natural de Mon-
-terrey y acreditado en Sonoma ante V. E.
Con el debido respeto expone q. hallandose poseedor
de un numero regular de ganado mayor y Careciendo
de un terreno para la Subsistencia de estos, Solicito
que V. E. si conviene me conceda el terreno
conocido con el nombre de Tulucay (nombre de
gentil) que se compone de dos sitios de ganado
Mayor poco mas o menos, dicho rancho que
pretendo es desde el arroyo de Escocel hasta el
arroyo Sarco con el corte de madra q. esta en
el mismo arroyo Sarco, Colindante por el Oeste
con el rancho de Nicolas Figueroa y por el Sur
con el rancho de Napa y al Norte con la Sierra.

P. J. d. V. E. Suplico se sirva
Seder a esta mi solicitud si lo halla justo viendo
por Consequente q. es el principal renglon para la
Subsistencia de mi familia y juro no ser de
malicia y lo necesario.

3 S. D. K.

Monterrey Octubre 23 de 1844
Cayetano Soares

Monterrey 8 de 26 de 1844

Vista la peticion con que da principio
este expediente, el informe del Sr. Comandante
General, con todo lo demas que se tubo presente
y ver Combino, de conformidad con las leyes

10

CASE 45 ND
PAGE 11

reglam^{tos} de la materia, declaro dueño en propiedad del paraje llamado Tutucay al Sr. Cayetano Suarez, colindante con el Arroyo Seco, con el conocido con el nombre de Piscal, con el rancho del Sr. Jauera, con el estero de Napa con el Corte de Madera y la Sierra.

Librese el correspondiente despacho tomase raxon en el libro respectivo y dirijase este expediente a la S^{ma}

4 S. D. K.

[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 ochocientos cuarenta y mil ochocientos cuarenta y uno
Ximeno Antonio Maria Siso]

= Junta Departamental para su aprobacion. El Ex^{mo} Sr. Gobernador int^o D. Manuel Jimeno Casarin 1^{er} vocal propietario de la S^{ma} Junta Departamental asi lo mando, decreto y firmo de que doy fe.
Jimeno

5 S. D. K.

Sr Comand^{te} S.

Sonoma Agosto
30 de 1837
Se concede al intrusado el terreno que solicita, pudiendo cultivarlo de la manera q. mas le acomode y solicitando del Gob^o politico los titulos de propiedad seg^o se acostumbra Valljo.

Cayetano Suarez vecino con predicacion en esta frontera, ante V. en la mejor forma que a sus derechos convenga espone que siendo poseedor de un numero de ganado y Caballar tenes hecho lo que pueda conducir al perfecto cultivo de un terreno productivo, y careciendo del para el objeto indicado solicita que V. se sirva concederme interin solicito del gobierno el titulo de propiedad al Comand^{te} por el nombre de Tutucay

Colindante con el extranjero Jorge Roe al norte
y con el C. Nicolas Iguera al Sur este y con
el de la Mision de Sonoma al este, cuyo
terreno es baldio.

A. V. Suplico se Sirva atender mi
Solicitud y decretar en mi favor si lo hallare
justo.

Sonoma 24 de Agosto de 1837
Cayetano Suarez

S. S. R. K.

Don Comandte. Gral de la Alta
California Don Mariano G. Vallejo

Sonoma 5 de
Nov. de 1836

El interesado en la
pres.^{ta} Solicitud puede
ocupar el terreno que
pretende nombrado
Tulucay, por no
pertenecer a la propiedad
de persona alg.^a y ser
baldio; entendido que
Solicitará del g.^o ter-
ritorial los documen-
tos q.^o sean necesarios
p.^a q.^o lo Constituyan
propietario.
M.^o G. Vallejo

El Ciudadano Cayetano Suarez
natural de Monterey y havi-
endo sido en Sonoma espere
q.^o hallandose poseedor de un
numero regular de ganado
mayor y careciendo de un
terreno p.^a la Subsistencia de
estos, Solicito que V. si conviene
me conceda el Conocido con
el nombre de Tulucay, nombre
gentil, Colindante por el Sur
con el rancho de Escobal, por
el Oeste con el rancho de Sr
Nicolas Iguera. Dho rancho
es baldio y no pertenece a
propiedad particular. Se
Componen de dos sitios de ganado
mayor.

A. V. Suplico se Sirva atender
a mi Solicitud si lo hallare justo, siendo por
Consecuencia q.^o es el principal renglon para
la Subsistencia de mi familia.

Sonoma 5 de Noviembre de 1836
Cayetano Suarez

20

12

Harris' map

45 ND
PAGE 13

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 control
a portion of the Archives of the former

CASE 45 ND

PAGE 14

Shamish and Mexican Territory or Department
of Upper California, do hereby Certify that
the eight preceding and hereunto annexed pages
of tracing paper, numbered from one to eight
inclusive and each of which is verified by
my initials / S. D. K. / exhibit true and
accurate copies of certain documents on file and
forming part of the said archives in this office.

In testimony whereof I have hereunto
Subscribed my name, officially, and affixed
my private seal / not having a seal of office /
at the City of San Francisco Cal, this twenty
eighth day of February A.D. 1852

Saml. King
Sur. Gen. Cal.

Filed in office March 23^d 1852
Geo: Fisher
Sec

Duplicate Case (126) = 35 fol. 4 6. 0.

14

Only 24 folios

CASE 45 ND
PAGE 15

Jusgado de Sonoma

Expediente instruido
para medir y dar posesion dos
sitios de Ganado mayor, en el
Rancho de Colucay, el dia 19 de
Abril de 1842

Jues

El C. Salvador Vallego

assa

assa

Jq. Herrera

Tran. Hig.

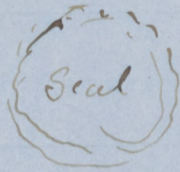
Sello 1.^{vo} seis pesos

Habilitado provisionalmente por la
Aduana marítima de Monterrey para los
años de 1839 y 1840.

Alvarado Antonio M.^a Osio

Valga para los años de 1841 y 1842.

Simeno, Osio.



Manuel Simeno Casarin 1.^{er} vocal
propietario de la Exma Junta Departamental en
ejercicio del Gobierno del mismo.

Por cuanto el Ciudadano Cayetano
Suarez ha pretendido para su beneficio personal
y el de su familia el paraje conocido con el nombre
de Zulucay, colindante con el Arroyo de Soscol,
hasta el conocido con el nombre de de Sarco y el
corde de Madera: colindante con el Rancho del
Ciudadano Nicolas Hoiguera, con el Estero de Napa
y la Sierra: practicadas previamente las diligencias
y averiguaciones consernientes segun lo dispuesto por
leyes y reglamentos usando de las facultades que me
son conferidas a nombre de la nacion Mexicana he
benido en concederle el terreno mencionado declaran-
do le la propiedad de el por las presentes letras
sugietandose a la aprobacion de la Exma Junta
Departamental y a las condiciones siguientes.

1.^a Podrá cercarlo sin perjudicar las travesias
caminos y servidumbres lo disputará libre y esclusivam^{te}
destinandolo al uso o cultivo que mas le acomode, pero
dentro de un año fabricará casa y estará habitada.

2.^a Cuando se le confirme la propiedad de el
soléará del Ter respectivo que le dé posesion
Juridica en virtud de este despacho por el cual se
demarcaran los linderos en cuyos limites pondrá a
mas de la mozoneras algunos arboles frutales o
silvestres de alguna utilidad.

3.^a El terreno de que se hace mencion es de

26

CASE 45 ND
PAGE 17

dos sitios de Ganado mayor por mas ó menos segun
explica el diccio que corre en el expediente. El
Juez que diere la posesion lo hará medir conforme a
Ordenanza quedando el sobrante que resulte a la
Nacion para los usos convenientes.

Si^o Si contraviniere a estas condiciones perderá
su derecho al terreno y será denunciado por otro.

En consecuencia mando que teniendo se
por firme y validero este titulo, se tome razon de el
en el libro a que corresponde y se entregue al intere
sado p^o su resguardo y demas fines. Dado en Mon
terrey a veinte y seis de Octubre de mil ochocientos
cuarenta y uno.

Manuel Jimeno.

José L. Fernandez,
S^{rio} int^o

Queda tomada razon de este despacho en
en libro de acientas sobre adjudacion de terrenos
baldios a foja vuelta.

Fernandez.

El Excmo Sr. Gobernador int^o ha dispuesto
se tome razon de esta consecion en la Prefectura del
1^{er} distrito.

Fernandez.

Monterrey Oct^{br} 25 de 1841.

Tomese razon
Estrada.

Se tomó razon de este sup^o Titulo a
fojas 3 del cuaderno respectivo en esta Prefect^a
del 1^{er} Distrito

Fecha ut supra.

Man^l Castañares, S^{rio}

J^o Juez de Paz

Cayetano Soares vecino de esta jurisdicción dueño del Rancho de Colucay como mejor proveya en dho. ante V. pareses y digo: que como consta del título q. presento con la solemnidad y juramto necesario, tengo en mi dho. rancho dos sitios de ganado mayor poco mas ó menos de bago de los linderos del título q. acompaño, y p^o q. necesito p^o q. en todo tiempo conste h^a donde llegan y si me perjudican ó perjudico a alguno de mis circunvecinos, se servirá V. mandar q. procediendo las diligencias acostumbradas de identidad, vista de ojos y reconocimto. se proseda, con citación de los circunvecinos, a la medida de dhas. tierras: para cuyo efecto nombro havia y p^o, cuando el caso llegue p^o medidor al C. Eduardo Vale vecino de esta jurisdicción, inteligto. en esta materia; y otro que sea interesado nombre otro por su parte, y haciendo lo así echo, el q. nombren con el referido Eduardo Vale. p^o mi nombre oparescan, acepten y juren, y en su conformidad se proseda a dhas. medidas.

P. C. a V. suplico q. habiendo p^o presentado dho. documto. se servirá mandar como tubo pedido, q. echos q. sean se me devuelvan dhas. recandos con las dilig. originales q. se hicieron, para resguardo de mi dho. este escrito y todo lo necesario.

Sonoma Abril 15 de 1842.

Cayetano Soares.

En el pueblo de Sonoma a los diez y seis dias del mes de Abril de mil ochocientos cuarenta y dos ante mi el C. Salvador Vallejo comandto. militar y juez de esta jurisdicción se leyó esta petición, y vista la huve p^o presentada

78.

CASE 45 ND
PAGE 19

con el docum^{to} q' espresa y mando q' con citacion de los circunvecinos se haga informacion de identidad vista de ojos y reconocim^{to} de dhas tierras a que estoy pronto a asistir personalmente. Asi lo provey, mande y firmo con los de mi asistencia.

Salvador Vallejo

J^{asa} Ign.^o Miguera Fran^{asa}^{co} Miguera

En el espresado pueblo a los diez y seis del mes de Abril de mil ochocientos cuarenta y dos, yo el Juez referido con los de mi assa p^a, proceder a la informacion de identidad hizo comparecer ante mi al C. Ramon Mesa vecino de esta jurisdiccion de oficio Labrador del cual recibí juram^{to} q' hizo p^o Dios y la señal de la Cruz en forma de drho p^o el cual prometió decir verdad; y siendo preguntado por el conocim^{to} que tiene de las tierras, parajes, terminos y linderos pertenecientes al C. Cayetano Soares, dijo q' hace ocho años es vecino de esta jurisdiccion y sabe q' las tierras pertenecientes a dho Rancho son de la propiedad del Referido Soares q' las ha cultivado, y han pastado en ellas sus ganados, y que las ha visto y reconocido varias veces y p^o prueba de lo que tiene dho esta pronto a ir a dhas tierras con el presente Juez y señalarle hasta donde llegan, en q' se afirmó y ratificó a cargo del juramento q' tiene echo y declaró ser de veinte y seis años de edad y no tocarle las generales de la ley; y lo firmó con una señal de Cruz conmigo y los de mi asistencia

Salvador Vallejo

J^{asa} Ign.^o Miguera Fran^{asa}^{co} Miguera
Ramon Mesa X

En seguida hice comparecer ante mí y los de mí asá al C. Jorge Yount, y haciéndole echo prestar el Juramento de costumbre, ofrecio decir verdad; y preguntado p^o las tierras, parajes, terminos y linderos pertenecientes al Rancho del C. Cayetano Soares dijo: que hace ochu años es vecino de esta Jurisdicción y sabe q las tierras de dho Rancho son del referido Soares, q las ha cultivado, y han pastado en ellas sus ganados y q las ha visto y reconocido varias veces. En q se afirmó y ratificó, declaró ser de cuarenta y siete años de edad, y no tocarle las generales de la ley, y lo firmó con mígo y los de mí asistencia.

Salvador Calleyo.

de año
Ign^o Higuera

de año
Fran^o Higuera.

Jorge C.^o Yount.

Estando en el campo de dho Rancho a los diez y seis dias del mes de Abril de mil ochosientos cuarenta y dos, yo el Juez actuando por receptoria con dos testigos de asá p^o falta de escribano publico, los testigos por mí examinados presente el C. Cayetano Soares dueño de dhas tierras y los C. C. Ign^o Hig^o y Fran^o Hig^o los colindantes y circunvecinos, procedi a ver y reconocer las tierras de dho Rancho, y p^o mas claridad puesto a caballo en comp^o de todas las partes y testigos referidos mandé a los susodichos me señalasen en los parajes, terminos y linderos segun las señales que han declarado en sus deposiciones, y en su conformidad, quicaron a la parte del Poniente donde se halla un arroyo muy conocido con el nombre de Sarcos, de allí p^o el arroyo arriba hasta llegar al corta de madera se siguió viendo y reconociendo p^o la parte

CASE 45 ND
PAGE 21

del S^{to} hasta llegar á el arroyo de Sovol: donde
dijeron ser los ultimos parajes, terminos y linderos
de dho Rancho cuyos parajes yo el referido Juez
vi y reconocí con los de mi assa testigos exami-
nados y papeles presentados, y cotejado con
estos el referido conocimiento, ser cierta la identi-
ficacion de las mencionadas tierras segun y
como lo declararon dho testigos y p^a que
conste se puso p^a diligencia y lo firmé con
los de mi assa y demas q^e supieron firmar.
Doy fé

Salvador Callejo.

^{asa} Ign^o Higuera ^{asa} Fran^o Higuera.
George O^o Yount.

Inmediatamente yo el Juez digo, que p^a
proceder a las medidas continuadas en estos
autos, mando se notifiquen al C. Cayetano
Toares el titulo de las tierras p^a que ratifique
el nombram^{to} de medidor, como asi mismo q^e
de acuerdo todos los colindantes nombren p^a
su parte al suyo haciendo de ser intelig^{to} en
materia de medidas y echo esto, estoy pronto
a señalar dia p^a dhas medidas, asi lo prové,
mandé, y firmé con los de mi asistencia.

Salvador Callejo.

^{asa} Ign^o Higuera ^{asa} Fran^o Higuera.

En el mismo dia mes y
año, yo el Juez ley^o y Notifiqué el auto de
su uso segun y como en el se contiene al C.
Cayetano Toares y sus colind^{tes} en sus personas
que conosco, y haciendo lo heido y entendido,
dijeron lo holleron y entendieron y q^e p^a su

parte nombran por medidores al C. Jacobo Primo Lis, y el interesado ratifica su nombramiento en el mencionado Eduardo Vale, ambos inteligentes y de legalidad a quienes se les notifi que pudiesen aceptar y jurar. y a consecuencia se proseda a dichas medidas como esta mandado, asi lo firmaron ante mi y los de mi asistencia.

Eduardo Abali Jacobo P. Lis.

Salvador Vallejo
año Ign^o Figueroa. año Fran^{co} Figueroa.

En el Pueblo de Sonoma a los diez y seis dias del mismo mes y año, yo, el Jues actuando por Receptoría con dos testigos de esta por falta de Escribano Publico, ley y notifique el auto que antecede de su uso y nombramiento de medidores a los C. C. Eduardo Vale y Jacobo Primo Lis. vecinos de esta jurisdiccion en sus personas que consero y habiendo lo oido y entendido dijeron, que aceptan el encargo de medidores que se les confia, y juran a Dios y una señal de Cruz en forma de Ordo. q juran de su cargo fiel y legalmente segun su leal saber y entender y dhas medidas las verificaran con fidelidad y exactitud como es de su obligacion, y a satisfacion de los interesados, y habiendo lo asi respuesto, lo firmaron con mi go y los de mi asistencia.

Salvador Vallejo.
año Ign^o Figueroa año Fran^{co} Figueroa

Eduardo Abali, Jacobo P. Lis.

Inmediatamente se hizo saber el auto y antecede a la parte interesada, Cayetano Soares, a los Medidores C. C. Eduardo Vale

22

CASE 45 ND
PAGE 23

y Jacobo Primo Lis y entendidos dijeron q se da
pr sitados y lo firmaron en el presente juez y
los de asistencia.

Salvador Vallego.
año Ign^o Higuera año Fran^o Higuera
Eduardo Vale, Jacobo P. Lis.

En el mismo dia mes y año
se libraron boletos de comparendo a los cotin dantes
p^a q comparecan el proximo dia diez y siete
en el mencionado Rancho a las ocho de la
mañana de este dia y p^a condeñada lo firme
con los de mi asistencia.

Salvador Vallego.
año Ign^o Higuera año Fran^o Higuera

En en Rancho de Solucay a los diez
y siete dias del mes de Abril de Mil ochocientos
cuarenta y dos presente la parte interesada y
circumbecinos a dhas tierras hi se comparecer ante
mi y los de assa, a los C.C. Eduardo Vale y Jacobo
Primo Lis, medidores nombrados a quienes mande
tomasen un cordel de cañamo y midiesen sesenta
varas de cuatro palmos Castellanos hoy verificaron
a vista y presencia de los interesados y circumbecinos
y p^a que condeñe mando de ponga p^a diligencia
y se proseda a dhas tierras medidas como esta
mandado. Lo certifico asi mismo firmando lo con
los de mi assa.

Salvador Vallego
año Ign^o Higuera año Fran^o Higuera

Estando en ^{el campo de} las tierras pertenecientes al
Rancho de Solucay hoy jueves del mismo dia mes y
año, Yo el juez de esta jurisdiccion actuando p^a recep
toria con dos testigos de assa p^a falta de Escribano
publico, presentes los C.C. Eduardo Vale y Jacobo

Puno Liz Nombados por las partes interesadas mandé proceder a la medida de dos sitios de ganado mayor al Rancho de Toluca, segun el titulo presentado en cuyo obediencia principiaron a dhas medidas comenzando donde desemboca el arroyo Sarco asi al N. N. E. hasta llegar al corte de Madera donde se midieron tres mil quinientas cuarenta varas; de alli tomando rumbo S. S. E. llegamos a el arroyo de Soscol con nueve mil varas de alli comenzando desde la Buella del Estero p. el arroyo arriba se midieron cinco mil varas y de alli siendo impracticables las medidas p. la Sierra; la parte agraviada se conformo y se le hizo saber a presencia de los Colindantes y circunvecinos que se comprendia su Rancho y de vivirian des linderos el arroyo Sarco, el arroyo de Soscol, las esteras y la Sierra. No habiendo se completado el numero de sitios q. explica el titulo p. no haber p. ningun lado mas tierra baldia. Por todo lo cual en señal de verdadera posesion, y ceremonia acostumbrado aranco piedras, y llevas y tiro p. cuatro vientos en manifestacion de su legal y legitima posesion, q. tomo por si, y para q. en todo tiempo conste, reconozcan p. terminos y linderos de sus tierras los demas circunvecinos de ellas, y de haberse efectuado dhas medidas quieta y pacificamente, sin contradiccion de persona alguna. Lo pido p. testimonio, y yo el referido Juez con los de mi asistencia lo doy de haberse pasado como dho es, y q. las expresadas medidas han sido practicadas a todo el leal saber y entender de los medidores, segun supieron, sin dolo, fraude ni engaño contra de ninguna persona y p. mayor seguridad y ratificacion del juramento q. tienen echo, lo firmaron con mi go y los de mi asistencia.

Salvador Vallego.
 asse Ign: Niquera asse Fran: Niquera.

244

CASE 45 ND
PAGE 25

En vista de allarse concluido este expediente en q consta haverse dado posesion juridica del Rancho nombrado Toluca y a cinco leguas de este pueblo, al C. Cayetano Suarez Entreguese a la parte el original p^a los usos q le combengan con los documentos q espresa.

El C. Salvador Vallego comandante militar de la front^a y juez de esta jurisdiccion actuando p^a receptoria con dos testigos de assa p^a falta de Escribano publico asi lo provey, mandé y firmé a dies y siete dias del mes de Abril de mil ochocientos cuarenta y dos.

Salvador Vallego.

J. an. J. an.
Ign^o Higuera Fran^o Higuera

Filius in officio junio 2^o 1852.
Geo. Fischer
secy.

25

26

To the Commanding General of Alta California
Don Mariano G. Vallejo.

"B"
Translation
of
Español

CASE 45 ND
PAGE 26

Sonoma November
5th 1836.

The party interest-
ed in the present peti-
tion can occupy the
land which he asks
for called Tuluca
and belongs to the prop-
erty of mine and is
vacant. It being im-
possible that he ask
of the Territorial Govern-
ment the documents
which may be necessary
to constitute the name
him the owner.

(Signed)
Mariano G. Vallejo

Citizen Cayetano Juans. Bernin
Munera and living in Sonoma
represents that being possessed of a
considerable number of cattle and
wishing a place for their subsis-
tence he solicits that Don Mariano
will be pleased to give him the place
known by the name of Tuluca
an Indian name, located on the
South by the Rancho of Siseal on
the East by the Rancho of Don Mi-
elas. His name said place is vacant
and belongs to the private property
of an individual. It contains two
square leagues.

He solicits Don Mariano to be so
good as to grant his petition if it be
deemed just, taking into considera-
tion that it is the principal means
of the petitioner for the support of his
family.

Sonoma November 5th 1836.

C. P. Lopez

(Signed) Cayetano Juans.

To the Commandant General.

Sonoma August 30th
1837.

The land asked
for is granted to the
petitioner he being per-
mitted to cultivate
it in the way which
may suit him most be-
fitting of the political
Government the usual
title of ownership

(Signed) Vallejo

Cayetano Juans resident and
Proprietor of this Point in the
most proper form representation
makes that being the owner of a
number of cattle and horses he has
all that may conduce to the subject
cultivation of a productive tract
of land and desiring one for the
object indicated in petition

that Your Honor will be so good as to grant him
while in the mean time he asks the Government for the
title of property, the place known by the name of Tutucay
bounded by the Seigneur Jorge Roe, on the North, and
by Nicolas Niguna on the South East and by the Mission
of Senema on the West which land is vacant.

Wherefore he begs you to be so good as to grant
his petition and decree in his favor if it be found just.

Senema August 14th 1837.

(signed) Cayetano Juans.

G. F. See

Stamp Third. Two Reals.

Provisionally authorized by the Maritime Custom
House of the Port of Monterey in the Department
of the Californias for the years 1840 and 1841.

(signed) Jimeno (signed) Antonio Maria Cis

Monterey
Custom House
of
Monterey

So has Excellency the Governor.

Cayetano Juans a native of Monterey
and settled in Senema of your Excellency with due
respect appears and says, That being the owner of a
considerable number of Cattle and wanting a piece of
land for their subsistence, he asks that Your Excellency
be pleased to grant him the land known by the name
of Tutucay (an Indian name) which contains two
square leagues, a little more or less, said Rancho which
he solicits extends from the Arroyo de Saseal to the
Arroyo Soreo, with the Certe Madra which is on the said
Arroyo Soreo, bounded on the West by the Rancho of
Nicolas Niguna, on the South by the Certe of
Napa, and on the North by the Senema.

Wherefore he prays Your Excellency to be
pleased to grant his petition if it be deemed just
seeing that consequently it is the principal means
for the subsistence of his Family and he makes the ne-
cessary oath &c.

Monterey October 23rd 1841

(signed) Cayetano Juans.

G. F. See

Monterey October 26th 1841.

CASE 45 ND

PAGE 28

Having seen the Petition of the Claiming of this Expediente, the Report of the Commandant General with all other matters presented in conformity with the laws and regulations pertaining to the matter of the late Citizen Cayetano Juarez owner of the place named Tutucay, bounded by the Arroyo Seco by that known by the name of Josaal by the Rancho of Citizen Mejaura by the Estero of Napa, by the Cerro de Madrina and the Sierra. Let the Corresponding Natural issue take note on the respective Book and direct this Expediente to the most Excellent Departmental Junta for its approval.

His Excellency the Governor ad interim Don Manuel Jimeno Casarin First (local member Proprietary of the Departmental Junta thus ordered and signed of which I certify.

(Signed) Jimeno.

I Certify the foregoing to be a (C. A. R. P.) true and correct translation from an authenticated copy of the original Spanish documents on file in the Office of the A. S. Sumaga General which authenticated copy is on file in this Office in Case No 125, Cayetano Juarez for the place named Tutucay.

(Signed) Geo Fisher Secy.

Filed in Office March 23rd 1852.

(Signed) Geo Fisher Secy.

Stamp First, Six Dollars.

Provisionally authorized by the Maritime Customs House of Monterey for the years 1841 and 1842.

(Signed) Alvarado. (Signed) Antonio Maria, (Secy)

Good for the years 1841 and 1842.

(Signed) Jimeno. (Signed) Casarin.

Manuel Jimeno Casarin First Proprietary local of the Departmental Junta Acting Governor of the same.

Translation
of
Part

Whereas Citizen Cayetano Juarez, has for his own personal benefit and that of his Family, asked for the place known by the name of Tuluca, bounded by the Arroyo de Saseal, to the place known by the name of "Sarco" and El Coto de Madua, by the Rancho of Estan Meo and Heyunco, by the Estero de Napa and the Sierra, the proper measurements and examinations having been previously taken as required by the laws and regulations, using the faculties which are conferred on me, in the name of the Mexican Nation, I have granted him the aforesaid land according to him the ownership of it by these presents letters subject to the approbation of the most Excellent Departmental Junta and to the following conditions -

1st. He may enclose it without prejudice to the crossings roads and servitudes enjoy it freely and exclusively, making such use or cultivation as he may see fit, but within one year he shall build a house and it shall be inhabited -

2d. When the ownership is confirmed he will ask the respective Magistrate to give him Judicial possession in virtue of this Dispatch by whom the boundaries will be marked and in their limits he will place besides the Coimas, some fruit trees, or wild ones of some utility.

3d. The said land is two series of a fanada mayor (two square leagues) as shown by the map which accompanies the Certificate.

The Magistrate who may give the possession will have it measured conformably to ordinance leaving the surplus which results to the Nation for its continuous use.

4th. Should he be contrary to these conditions he will lose his right to the land, and it will be alienable by another.

In consequence, I order that this title being held as firm and valid, note be taken of it in the proper book and that it be given to the party interested for his security and other purposes. Given at Monterey, the twenty sixth day of October, one thousand eight hundred and forty one.

(Signed) Manuel Jimeno.

30

CASE 45 ND
PAGE 30

(Signed) Jose Y. Fernandez.

Secretary ad interim.

Note has been taken of this Dispatch in the book of Record of adjudications of vacant lands on the 11th of July.

(Signed) Fernandez.

His Excellency the Governor ad interim has directed that note be taken of this grant in the Prefecture of the 1st District.

(Signed) Fernandez.

Montevideo October 25, 1841

Let note be taken.

(Signed) Estrada.

Note has been taken of this Supplicacion in folio 3 of the Encomending book in this Prefecture of the 1st District. As above.

(Signed) Manuel Castaneda

Secretary

I Certify the foregoing to be a true and correct translation from the Original Spanish Document on file in this Office in Case No 126, Cayetano's Grant for the Place named 'Tulucay', annexed to the Disposition of Mr. Pallaso.

(Signed)

Geo. Fisher Secy.

Filed in Office March 23, 1852

(Signed)

Geo. Fisher Secy.

"E."

Stamp Third. Cu. Rollas.

Translation
of
Approved

Provisionally authorized by the Maritime Customs of the Port of Montevideo in the Department of the Matrimonios for the years one thousand eight hundred and forty four and one thousand eight hundred and forty five.

(Signed) Micheltornas (Signed) Pablo de Guerra.

Pio Pico, Governor ad interim of the
Department of the Californias

The Most Excellent Departmental Assembly
in Session this day has passed the following.

"Approved the grant made by the Superior
Government of the Department by title of cédula the 26th
of October 1841 in favor of Captain Cayetano Juans
of two Sítias de ganadería Mayor in the place known
by the name of 'Toluca' in the Jurisdiction of Sono-
ma in entire conformity to the law of 18th August 1824
and article 5th of the Regulations of 21st November
1828".

And for the security of the party Don Cayetano
Juans I thus make it known.

Given in the City of Los Angeles the 16th
day of June 1845.

(Signed) Pio Pico.

(Signed) José María Covarrubias Secretary.

I Certify the foregoing to be a true and correct
translation from the Original Spanish Decree
on file in this Office in Case No. 126. Cayetano Juans
for the place named Toluca, annexed to the Capitanía
of M. G. Valero.

Geo. Fisher Secy.

Filed in Office March 23rd 1859.

(Signed) Geo. Fisher Secy.

H.
Translation
of Survey
and possession

To the Justice of the Peace.

Cayetano Juans, Resident of this
Jurisdiction, owner of the Rancho of Toluca, in due form
appears before your Honor and says. That as shown by
the Title which he presents with due solemnity and
under the necessary oath, he owns in said Rancho two
Sítias de ganadería Mayor, both more or less according
to the Cédulas, given in the accompanying title, and
in order that it may be known in all times where these

33

CASE 45 ND

PAGE 32

Coarced as are and whether he intrudes on any of his neighbors, or any of them on him. He says you Honor to be so good as to order the usual proceedings of identity, view and Examination, summoning the neighbors for the measurement of said lands, for this purpose he appoints now, and for the time when they proceed to the measurement, as Surveyor Citizen Eduardo Palo, resident of this Jurisdiction and acquainted with such matters and that the others who may be interested will appoint another on this part and this being done, that the person so named, with the said Eduardo Palo, named by me appear accept and make oath and in conformity therewith proceed to make the Survey.

Wherefore I, the petitioner begs that having received said document, you Honor may be so good, as to order in accordance with his petition, and when executed, to return him these acts with the original proceedings for the security of his rights, he writes this and whatever is his assent.

Sonoma April 15, 1842.

(Signed) Cayetano Suarez.

In the Pueblo of Sonoma the 16 day of April 1842 before me Citizen Salvador Pallyo, Military Comandant and Magistrate, of this Jurisdiction, the above petition was read and examined as presented with the aforesaid document, and ordered that the neighbors be cited and examined taken of identity, view and knowledge of said lands, and that I am ready to assist in person, thus I approved order and sign with my assisting witnesses.

(Signed) Salvador Pallyo

Assisting witnesses
(Signed) Ignacio Vergara
(Signed) Francisco Vergara

In the aforesaid Pueblo the 16th day of April 1842, the aforesaid Magistrate with my assisting witnesses, in order to proceed with the proof of identity caused to appear before me Citizen Ramon Mesa

Resident of this Jurisdiction, a laborer by trade, who being sworn by God and the Sign of the Cross in legal form, promised to tell the truth and said in answer to interrogatories as to his knowledge of the lands, places, metes & bounds pertaining to Citizen Cayetano Juarez that for eight years he has resided in this Jurisdiction and knows that the lands pertaining to said Rancho belong to said Juarez, that he has cultivated and pastured his cattle on them, that he (the Witness) has seen and examined, them various times, and that in proof of what he has said he is ready to go to said lands with the present Magistrate, and show their limits, which he affirms and ratifies under oath and declares that he is 26 years of age, and is a legal witness, having no interest and he signed with the Sign of the Cross with me and the assisting witnesses.

(Signed) Salvador Vallejo.
 Assisting Witnesses - Ramon ^{hus} Misa.
 (Signed) Ygnacio Neguira
 () Francisco Neguira.

In Continuation I caused to appear before me and my assisting witnesses, Citizen George Yount who having taken the usual oath to tell the truth and being interrogated, respecting the lands, places, metes & bounds belonging to Citizen Cayetano Juarez said that for 8 years he has been a resident of this Jurisdiction, that he knows that the lands of said Rancho belong to said Juarez, that he has cultivated them and pastured his cattle on them and that he (the Witness) has often seen and examined them, which he affirms & ratifies and declares, that he is 47 years of age and is a competent witness having no interest &c. and he signed with me and the assisting witnesses.

(Signed) Salvador Vallejo.
 Assisting Witnesses
 (Signed) Ygnacio Neguira
 () Francisco Neguira
 (Signed) George C Yount.

CASE 45 ND
PAGE 34

Being in the lands of said Rancho the 16 day of the month of April 1842. I the Magistrate acting in virtue of my Office, with two assisting witnesses for want of a Notary Public, the Witnesses Examined by me, present Citizen Cayetano Juarez, the owner of said land, the Colundantes and neighbors, Citizens Ignacio Hejura and Francisco Hejura, proceeded to view and examine the lands of said Rancho and for the better understanding I mounted on horseback with the aforesaid parties & witnesses, and ordered the Witnesses to point out to me the places, lots & bounds, according to marks which they had indicated in their dispositions and accordingly they led to the Custom port where there is an Arroyo, well known by the name of Sarcos, thence up the Arroyo to the "Cerro de Madra". We continued coming and examining in a South Eastern direction to the Arroyo de Sarcos where they said was the last place, limits & corners of said Rancho, whose places I the said Magistrate saw and recognised, with my assisting witnesses, the witnesses Examined and the papers presented and compared with those the said Examination to be certain, the identity of the said lands, according to and as the said Witnesses, declared and in testimony of this it is noted officially and I sign it with my assisting witnesses and the others who know how to sign I Certify.

(Signed) Salvador Valljo.

(Signed) George C. Yomb.

Assisting Witnesses.

(Signed) Ignacio Hejura }
 (") Francisco Hejura }

Immediately I the Magistrate say that in order to proceed to the measurements referred to in these proceedings I order to notify the Citizen Cayetano Juarez, owner of the title of these lands so that he may notify the person appointed as Surveyor as also that all the Colundantes aforesaid may appoint their own their part, who shall be intelligent in the matters of Surveying, and this being done, I am ready to appoint a day for said Survey, thus I approve, order and sign with my assisting witnesses.

(Signed) Salvador Valljo.

Assisting Witnesses
 (Signed) Ygnacio Heiguera
 (u) Francisco Heiguera.

On the same day, month and year of the
 Magistrate had and gave notice of the foregoing order
 and its contents to Citizen Captain Thomas and his
 Colindantes in person and having heard and understood
 it they said they heard and understood and on their part
 appointed as Surveyor Citizen Jacobo Primo Lasso, and
 the Person interested gave notice of his appointment of
 the aforesaid Edwardo Baló, both of whom are intelligent
 and of legal Capacity who were notified to appear, accept
 and take oath and in consequence to proceed to the said
 Survey as ordered, thus they signed with me and my
 assisting witnesses.

(Signed) Camando A Baló (Signed) Jacobo Primo Lasso
 (Signed) Salvador Dallyo.

Assisting witnesses.

(Signed) Ygnacio Heiguera
 (Signed) Francisco Heiguera.

In the Pueblo of Sonoma the 16th day of
 the said month & year of the Magistrate, acting in
 virtue of my Office with my assisting witnesses, there
 being the Notary Public, had and gave notice of the fore-
 going order for the appointment of Surveyors to
 Citizens Edwardo Baló and Jacobo Primo Lasso, resi-
 dents of this Jurisdiction in person and hearing and
 understanding, they said they accepted the duties of
 Surveyors, which was confirmed on them and swore by
 God and the sign of the Cross in due form according to
 law that they would perform their duties faithfully
 and loyally, according to the best of their knowledge &
 understanding and make the Survey with fidelity
 and ^{exactness} as they are under obligation to do and to
 the satisfaction of the parties interested, and having done
 this they signed with me and my assisting witnesses.

(Signed) Salvador Dallyo.

Assisting Witnesses.

(Signed) Ygnacio Heiguera
 (u) Francisco Heiguera.

37

CASE 45 ND
PAGE 36

(Signed) Eduardo A. Balu (Signed) Jacobo Primo Juse.
Immediately notice of the foregoing act was given to the party interested, Cayetano Juans & to the Surveyors, Citizens Eduardo Balu and Jacobo Primo Juse and having understood it they acknowledged notice and signed with the present Magistrate and the assisting Witnesses.

(Signed) Salvador Valayo.

Assisting Witnesses

(Signed) Ignacio Higuera

(Signed) Francisco Higuera

(Signed) Eduardo A. Balu (Signed) Jacobo P. Juse.

On the same day month & year written Summons were given to the Colondantes to appear the next day the 17th in the aforesaid Rancho at 8 O'clock in the morning of that day, in testimony of which I signed it with my assisting witnesses.

(Signed) Salvador Valayo.

Assisting Witnesses

(Signed) Ignacio Higuera

" Francisco Higuera.

In the Rancho of Tolucaay the 17th day of April 1842, present the party interested and those residing on said Rancho I caused to appear before me & my assisting witnesses, Citizens Eduardo Balu and Jacobo Primo Juse, the appointed Surveyors, and ordered them to take a humber rope and measure off seventy varas of 11 Castilian Palmas, which they did in the sight & presence of the party interested and of the Neighbors and in proof of this I ordered it to be written down and that they proceed to the measurements as ordered, which I certify to signing with my assisting witnesses.

(Signed) Salvador Valayo.

Assisting Witnesses

(Signed) Ignacio Higuera

" Francisco Higuera.

I Being in the fields of the Land pertaining to the Rancho of Toluca Friday of the same date. Month and year of the Magistrato of this Jurisdiction, acting by virtue of my Office, with two assisting witnesses for want of a Notary Public, present Citizens Eduardo Bal and Jacobo Primo Lasso named by the parties interested, I ordered them to proceed to the Survey of the two Sitios de Ganada Mayor of the Rancho de Toluca according to the title presented, in Obedience to which they began said Measurements, Commencing at the Mouth of the Arroyo Sarcos thence North North East to the Corte de Madra" distant three thousand four hundred and forty varas, thence running South East to the Arroyo of Sascal, distant nine thousand varas, thence commencing on the Coast of the Estero and running up the Arroyo, they measured five thousand varas, and thence by the Sierra it being impracticable to make the Measurement, the grantee agreed to it as a Comaary and it was declared in presence of the Comandantes and neighbors that such was the Extent of his ranchos the Comandantes being the Arroyo Sarcos the Arroyo de Sascal" the Estero", and the Sierra, the Number of sitios included in the title not being completed as there was no more vacant land on either Side. For all which in Sign of true possession and to serve as the accustomed Ceremonial, he pulled up Stones & grass and threw them to the four corners in Manifestation of his legal and legitimate possession which he took in order that in all times it might be seen that his neighbors recognised the lines and Comandantes of his lands and that the said Measurements had been made quietly, peacefully, and without any one appearing. He asked it as a testimony and I the said Magistrato with the assisting witnesses gave it as having been done as you said and that the said Measurements were made to the best of the Knowledge and understanding of the Surveyors as appeared without wrong fraud or deception against anyone and for the better Security & Satisfaction of the CATH which they took they signed with me & the

Assisting witnesses.

(Signed) Salvador Valleso.

Assisting witnesses

(Signed) Ignacio Nequira

Francisco Nequira

CASE 45 ND
PAGE 38

In virtue of having concluded this Expediente in which it is shown that Judicial possession was given of the Rancho called Salucay, distant five leagues from this Pueblo, to Citizen Cayetano Suarez. Let the original be delivered to the party interested for his convenient use with aforesaid documents.

Citizen Salvador Valleso Military Commandant of the Frontier and Magistrate of this Jurisdiction, acting by virtue of his office with two assisting witnesses for want of a Notary Public thus orders approves and signs the 17th day of the month of April 1852.

(Signed) Salvador Valleso.

Assisting witnesses.

(Signed) Ignacio Nequira

(Signed) Francisco Nequira.

I Certify the foregoing to be a true and correct translation from the Original Spanish document on file this Office in Case No 126 Cayetano Suarez for the place named "Salucay" annexed to the disposition of M. G. Valleso.

Geo. Parker Secy.

Filed in Office March 23^d 1852.

(Signed)

Geo. Parker Secy.

Before the Honorable Commissioners
to settle Private Land Claims in California

In the Claim of Capitano Suarez to the Rancho
called "Taluca" No 126.

Petition of
intervention

Petition of Intervention

The petitioner Mariano Guadalupe Vallejo
respectfully shows.

That on the 5th day of August AD 1848
the aforesaid Capitano Suarez sold and conveyed
to the petitioner a part of the said Rancho of Taluca
called the "Embarcadero de Soseol" as is more par-
ticularly described in the original conveyance which
will be produced in trial and a translation of which
is submitted herewith marked "A"

Wherefore he prays the Commissioners to
confirm him in the land described in the aforesaid
conveyance.

By his Atty^s
Hallett Peachys Bellings

The above petition of intervention admitted and
the claim recognized.

Hallett Peachys Bellings
Atty^s for Capitano Suarez.

Translation of
Conveyance

In the pueblo of Sonoma of Upper California
on the fifth day of the month of August 1848 before me
the 2nd Alcalde of the Jurisdiction of Sonoma and
Witnesses Don Capitano Suarez, said, that for
himself and in the name of his heirs and successors
and whoever of them might have title, voice and claim
he sells and gives to real sale forever to Don Mariano
G Vallejo, his heirs and successors, the place known
by the name of "Embarcadero de Soseol" including
one of the Springs of water, which are on the bank

41

CASE 45 ND
PAGE 40

of the Estero, that is to say from the Spring which is on the South Nearest the Canal drawing a line over the hill which terminates there towards the East as far as the main road which goes from Napa to the Straits of Carquinez for the sum of five hundred dollars which he has received. Binding himself to execute another title with all the conveniences which are customary in such cases, as soon as the harvests permit him for which reason he does not do so at present. But that this title has all the validity and force before all the Courts, &c. &c.

(Signed) Cayetano Suarez
Mayor mo

(Signed) A. Nappiner
Ira Alcalde.

(Signed) Salvador Vallyo

(Signed) J. de Castaneda.

(Signed) Ant^o. Ortega.

Filed in Office Sept 7. 1852

(Signed) Geo. Fisher Secy

U. S. Land Commission for California.
San Francisco.

Layetano Suarez, Claimant

v

No 124. "Palmeau"

The United States

CASE 45 ND

PAGE 41

Opinion by Henry J. Thornton.

Opinion

The Claim presented in this case is founded upon a grant made by Manuel Jimeno Governor ad interim, in virtue of the decree of the 15th of August 1814 and of the ordinance of the 11th November 1818 of the Mexican Government by a regularly authenticated transcript from the archives of the former Government of the Country, by a documentary evidence and the depositions in the case. It satisfactorily appears that the grant was duly made by competent Authority on the 26th of October 1811, that it was approved by the Departmental Assembly on the 16th of June 1815, that Judicial possession and Measurement was had in the manner then practiced on the 17th of April 1812, and that prior to that time man a provisional title, the Claimant occupied the premises where he has lived uninterruptedly ever since to the present time. The grant is for two Square leagues or Sietas de ganada Mayor, a title Minor only, which last time we have already decided neither void the grant for uncertainty nor increase or diminish the specified quantity in the case of John Rye No 222. In accordance with the principles laid down for our government in the 11th Section of the act of 1851, the Claim is held to be valid and we proceed to make the following decree of Confirmation.

Commissioner Walt Omers in the result.

Henry 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 do 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 two Square leagues or 2 Sietas de ganada Mayor, and

for no more being the same land described in the said grant and Copied into the same, and of which possession has been had and enjoyed under the same. 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 named quantity within the said Coords, then We Confirm to the Claimant that less quantity, it being apparent that said quantity exceeds the minimum of two hundred acres as presented by the ordinance of the 21st of November 1828.

Witness our hands this 11th day of April 1853.

Walter Hall } Commissioners
 Henry J. Thornton }

Filed in Office April 11, 1853.

(Signed)
 Geo. Fisher Secy.

Office of the Board of Commissioners,

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

I, *George Fisher*, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *Forty four* — pages, numbered from 1 to 44, 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. 126 on the Docket of the said Board, wherein *Cayetano Jones* is —

the Claimant, against the United States, for the place known by the name of "*Tulucay*." —

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

G. Fisher.

Sij.



45 45

45 WJ
45

Compendium

July 1809

Wm. D. ...

45

CASE 45 ND

PAGE 44

Office of the Attorney General of the United States,

Washington, 11th September 1854

Cajetano Loaris

vs.

The United States.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of June 1854, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No 45

U. S. Dist. Court.

The United States

— vs —

Rayetano Suarez,

Notice to prosecute
Appeal.

Filed Oct: 21, 1854,

J. M. Monroe,

Clark,

CASE 45 ND

PAGE 45

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

The United States
Appellants

vs
Captains Greaves

No 45.

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
Claims 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 ; and 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

A. Russell

Asst. U.S. Atty

U.S. Dist. Court

No. 45.

The U. States

vs
Captains Jones

Petition.

Filed July 6, 1855,

by Cheverus
Deputy

CASE 45 ND

PAGE 47

Classell

US District Court
for the North District of California

Caitano Mary

The United States

Assume comes the said
Caitano Mary by Benjamin S. Peck,
her attorney, and answering unto the
Petition filed herein on behalf of the
United States appellant avers that her
title to the land claimed by her
in this cause and confirmed to her
by the decision of the Land Office Board
of United States Land Commissioners as
the same appears in the transcript of the
record of their proceedings and decree
now on file in this court is valid and
was rightfully confirmed.

Wherefore he prays that this court
will affirm the decision of the
said Board of Land Commis-
sioners and decree the title of the
claimant to be valid.

B. S. Peck
atty for Appellee

No 45

U.S. District Court

Caetano Suarez

The United States

Prison

Prison

at the office

Filed July 25, 1855,

by Chavez

Deputy

CASE 45 ND

PAGE 49

At a stated term of the District Court
of the United States for the Southern
District of California held at the
City of San Francisco on the twenty fifth
day of February AD 1836.

Present. Agent of said Plaintiff Judge.

Wm. M. Hall Master for said Indge associated

The United States appt

Decree No 45

Layetano Muris. Resp

This cause coming on
to be heard upon an appeal taken by the
United States from the final decision and
decree of the Board of Commissioners to ascertain
and settle private land claims in the State
of California under the Act of Congress of
March 3^d 1831. upon reading and filing
the transcript of the proceedings and decision
of the said Board and after hearing the
counsel for the Appellant and Respondent.
It is ordered adjudged and decreed
that the said decision and decree appealed
from be in all respects affirmed. And it is
further ordered adjudged and decreed
that the claim of the said Layetano
Muris is a good and valid claim
to, and that the said claim be confirmed

to the claimant to the extent and quantity
of the square leagues or the sitio de ganados
Mayor and for no more being the same land
described in the said grant and expediente
referred to therein and of which possession
has been had and enjoyed under the
same, provided that the said quantity
of land granted and now here comprised
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 named quantity within the
said bounds, then ^{there is hereby} ~~is hereby~~ the
claimant that less quantity it being
apparent that said quantity exceeds
the minimum of two hundred varas as
prescribed by the ordinance of the 21st of
November 1828.

Ogden Hoffman
U. S. District Judge

No 45

District Court of the US
for the Northern District of California

The United States Apprs

vs
Captain James Respe

Decees.

Provs

Filed Feb 25. 1856.

Cherms.

Deputy.

CASE 45 NO

PAGE 52

California Land Claim.

Attorney General's Office

24 December 1851.

CASE 45 ND

PAGE 53

Sir:

In the case of the claim of Captain James, confirmed to the claimant by the Commissioner, case No. one hundred and twenty six, (126), appeal will not be prosecuted by the United States.

I am

Respectfully

Yours truly

Wm. Blanding Esq

U. S. Attorney

San Francisco

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

The United States }
 v } No 45: 2-126
Cayetano Juarez }

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

How Blandine
Dist Atty.
Brooks & Greene
Atty for Ser.

⁴⁵
U. S. District Court

The United States

v
Cayetano Juarez

No. 45: Tr 126

stipulation.

L. J.
Filed Feb 23 1857.
W. H. Cheves,
Deputy.

CASE 45 ND

PAGE 55

CASE 45 ND
PAGE 56

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 *23d* day of
February in the year of our Lord one thousand
eight hundred and fifty-~~seven~~

Present:

The Honorable OGDEN HOFFMAN, JR., District Judge.

The United States

v

Cayetano Inares

No 45; Tr 126.

The Attorney General of the United States having given notice that no appeal to the Supreme Court of the United States will be prosecuted in this case, and a stipulation having been entered into by the United States Attorney that no further appeal shall be taken on the part of the United States and for leave to the claimant to proceed under the decree of this Court heretofore rendered in his favor: On motion of the District Attorney it is Ordered, Adjudged and decreed that the 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

No 45—
U. S. District Court

The United States

v
Cayetano Juarez

No. 45

Tr 126

Order

Filed Feb 23, 1857.

W. H. Chivers
Deputy

CASE 45 ND

PAGE 57

U.S. District Court.
for the Northern Dist. of Calif.

The United States appt.

vs
Cayetano Suarez. Respnt

Index

Entry of filing dep ⁿ of M. G. Vallejo.	1
Entry of motion to place case on trial docket	2
" " filing dep ⁿ of Jno. B. R. Cooper	-
" " order to place case on trial docket	-
" " filing stipulation	
" " trial and submission of case	3
" " decree of final confirmation	"
Copy of Petition of Larmanit	4
" report of M. G. Vallejo.	5
" " " J. B. R. Cooper	6
" Stipulation placing Spanish to decree in ev.	7
" Expediente.	8
" Petition to Gov.	9
" Grant.	10
" Petition to Com ^{te} General surjome	11
" C. m. m. te -	12
" Map -	"
" Copy survey general's certificate	"
" Expediente of measurement + judicial poss ⁿ	14
" Translation of Expediente of Title	26
" " " " Individual possession	31

Copy Petition. of intervention	40
" Translation of conveyance	"
" Opinion of the Board	43.
" Decree of final confirmation	"

Prooks

Ad District Court
for the Southern District of Calif

Captain Thomas Raper

vs

The United States

Incap.

Prooks
Clerk

CASE 45 ND
PAGE 59

The United States

vs

Bayetano Innes

This claim is predicated upon a grant made by Daniel Innes to claimant on 26 October 1841 - Innes was, at the time Governor and Minister, and the Grant was made under the Sec 918 Act of 1824 and the Ordinance of 21. Nov. 1828, as is established by the testimony in the case. The grant was approved by the ~~by the~~ ^{by the} Legislative Assembly on the 16 June 1845 and judicial possession obtained. The testimony establishes the fact that prior to the time when such possession was obtained, the claimant had been in actual possession of the premises, and has since then continued to the present time. The grant describes the land granted and the quantity is limited to two square leagues more or less. A decree must be entered affirming the decision of the Commissioner, in favor of the validity of this claim.

45

The U.S.
C. Jones

CASE 45 ND
PAGE 61

CASE 45 ND
PAGE 62

Office of the Board of Commissioners,

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

San Francisco, July 13th 1854

John A. Monroe Esq.

Clerk of the U. S. District Court for the

Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 26 on the Docket of the said Board, wherein

Cayetano Suarez is the Claimant against the United States, for the place known by the name of Tulucay and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Forbes
sy.