CASE NO.
70

NORTHERN DISTRICT

PUNTA DEL AÑO NUEVO GRANT

MARIA ANTONIA PICO, ET AL

CLAIMANT

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 315

Maria Antonia Pico et al: CLAIMANTS

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Punta del Año Nuevo

Office of the Board of Commissioners
To ascertain & settle the private
land claims in the State of
California.

Be it remembered that on this thirty
first day of August Anno Domini One thousand
Eight hundred and fifty two before the Commis-
sioners ~~sitting~~ to ascertain and settle the private
Land Claims in the State of California, sitting
as a Board in the City of Los Angeles in the
State aforesaid, in the United States of America
the following Proceedings were had, to wit;

The Petition of Maria Antonia
Pico, et al; heirs of Simeon Castro for the
place named "Punta del Año Nuevo", was
presented, and ordered to be filed & docketed
with No. 315; which is as follows to wit;
(vide page 5 of this Transcript)

Upon which Petition the following
subsequent proceedings were had in their Chro-
nological order, to wit;

San Francisco Jany 28th 1853.
In case no. 315, Maria A. Pico, et al: for the place
named "Punta de Año Nuevo", the deposition of
N. A. Dew, a witness in behalf of the claim-
ant, taken before Commissioner Harry I. Thornton,
with document marked N. D. T. No. 1, annexed
thereto, was filed;
(vide page 12 of this Transcript)

San Francisco Feby 26th 1853.
In the same case the deposition of José Bolcoff,
a witness in behalf of the claimant, taken before

Commissioner Leland Hall, was filed;
(Vide page 13 of this Transcript)

San Francisco March 1 1853.
In the same case the Attorney for the claimant, filed the following Motion, to wit;
(Vide page 41 of this Transcript)

San Francisco Sept. 2 1853.
In the Same Case the deposition of Andres Pico, a witness in behalf of the Claimants, taken before Commissioner Thompson Campbell, was filed;
(Vide page 9 of this Transcript)

San Francisco, Sept. 6 1853.
Case No. 315 Called; The Counsel for the claimant read the Evidence, Argued & Submitted, and taken under advisement by the Board.

San Francisco Oct. 25 1853.
In the Same Case the deposition of Rafael Castro, a witness in behalf of the Claimants, taken before Commissioner Alpheus Felch, was filed;
(Vide page 10 of this Transcript)

San Francisco Dec. 9 1853.
In the Same case the Counsel for Claimants filed the following Stipulation, to wit; (Vide page 33 of this Transcript).

San Francisco Dec. 13 1853.
In the Same Case Commissioner Thompson Campbell delivered the Opinion of the Board confirming the claim;
(Vide page 45 of this Transcript)

San Francisco June 19 1855.
In the Same Case the Counsel for the Claimants filed the following Communication from the U. S. Surveyor Genl, to wit;

(Vide page 43 of this Transcript)

(Vide page 43 of this Transcript)

Whereupon it is

Ordered, That application be made to the U. S. District Court for the Southern District of California for the return of the transcript in this Case, and upon the receipt thereof it be filed in the U. S. District Court for the Southern District.

San Francisco Febry 26th 1856.

In the Same Case the U. S. Asso. Law Agent filed the following motion & Affidavit, to wit:

(Vide pages 43-44 of this Transcript)

which motion was granted,

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To the U. S. Land Commission for the ascertaining and settling of private land claims in California

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Punta del Año Nuevo.
4. Soquel Leagues
petition
A.

The petition of Maria Antonia Pico Widow of Simeon Castro deceased, Juana Castro, Manuel Castro I. Manuel Castro II José Antonio, Maria Antonia, José Francisco, José Leandro, Juan Bautista, the children and heirs of Simeon Castro, respectfully represents to Your Honorable body, that on or about the 2nd of April 1842. Simeon Castro aforesaid made and presented his petition in Writing to Governor Alvarado soliciting for himself the Grant of a piece of Land, situate in the present county of Santa Cruz, an accurate description of which will be given hereafter.

That said Governor referred said petition to José. R. Estrada, then Prefect of the respective district in order to Obtain his report on the subject, and that said Prefect transmitted the same to the justice of the peace of Santa Cruz for the same purpose.

That said Justice of the peace on the 19th of April 1842. reported that the land petitioned for did actually belong to the Ex-mission of Santa Cruz, but was never used by the same, being more than leagues distant. That said José R. Estrada on the 8th of May 1842 reported to said Governor in favor of said Simeon Castro; whereupon said Juan. B. Alvarado by virtue of his authority as constitutional Governor of California

declared the said Simeon Castro the lawful Owner of said land petitioned for and directed the proper documents conferring title to be executed. That such was done and a formal grant issued to said Castro on the 27th of May 1842.

And your petitioners farther say that all the documents above referred to as petition, references, reports a duly certified copy of the Original grant and the Original Map are on file in the Archives of California and in the possession of the Surveyor General of the U. S. of America and that duly certified copies and translations thereof are herewith submitted and prayed to be made a part of this petition.

That the Original Grant is in the hands of Your petitioners and ready to be submitted whenever required. And your petitioners further state, that said tract of Land lies in the present county of Santa Cruz and State of California, is known by the name, Punta de año nuevo; and described as follows: On the East by the Sierra Grande, On the North by the Rancho of Juan Gonzales On the West by the Ocean and on the South by the Rancho of Doña Maria Buelna; containing altogether four Square leagues more or less.

And your petitioners further state that said Simeon Castro has been in the quiet and peaceable possession of said Land from the time of Obtaining said grant until his death in the year

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1843. and from that time your petitioners as his Children and heirs have been and still are in the quiet possession and enjoyment of the same; and are not aware of the existence of any title conflicting or paramount to their Own.

They therefore claim to be the lawful Owners of said land and pray that your Honorable Board will confirm their claim and title thereto. And your petitioners in duty bound will ever pray &c

Clarke. Taylor & Beckh
Attys

Filed in Office August 30th 1852

Geo: Fisher Secy

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Depo: of Andres Pico taken before Comr. Thompson Campbell

Office of Commissioners of Land Claims in California.

This day before Comr. Thompson Campbell Andres Pico a Witness in behalf of Claimants Mr. Antonio Pico et Al:... Case No. 315. who after being duly sworn deposed as follows.

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Questions by Claimants Counsel

Quest: 1st What is your name age and place of Residence.

Answr. My name, Andres Pico, my age is Over 25 years and I reside at Los Angeles.

Quest: 2d State if you Knew Simeon Castro owner called punta de Cinnuevo If so state whether he is dead and who are his heirs.

Answr. I have Known him he is dead and died some years ago. I know the heirs, they are Manuel Castro, Manuel Castro 2nd José Antonio, José Leonelo José Francisco, Juan Bautista Juana Castro, Marcia Antonio Castro, and the Widow's name is Maria Antonio Pico. The persons named as Heirs are the Children of Simeon Castro.

Anches Pico

Sworn to & subscribed before me the 2d day of September A.D. 1853

Thompson Campbell
Comr.

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Filed in Office Septr 2d 1853

Geo: Fisher Clerk

Depo: of Rafael Castro before Comr Alphens Welch

Office of the Board of Commissioners vs vs

This day before Comr Alphens Welch came Rafael Castro a Witness in behalf of Mr Antonio Pico et al. No 315 who after being duly sworn deposed as follows.

Questions by Mr Clark Attorney for the Claimants.

1. Question. What are your name age, and place of Residence

Answer: My name is Rafael Castro my age is fifty years and I reside in the County of Santa Cruz, in California.

2nd Question. Do you know the piece of Land claimed in this case called Punta del Año nuevo: If yea; State what you know of its occupation and improvement by Simeon Castro.

Answer: I know the place and have known it since 1842. The Land is situated on the Sea shore in the County of Santa Cruz. Simeon Castro occupied it when first I knew it he had a house on it at that time and corrals. The house was occupied by his Servants and he was there some

of the time himself; but his principal residence was at Monterey; He built the house on the place in the year 1842. and had a corral there before that. I passed the place many times and every time I passed I saw some of the land under cultivation. In 1842 some of the land was cultivated; and had corn, beans Wheat, melons, and potatoes growing on it. He had cattle there at different times some three or four hundred head I cannot tell how many. The place continued to be occupied as above mentioned until his Death and after his Death his family occupied it. I do not know whether they live on it now.

I have seen Simeon Castro going back and forth from Monterey to the place His sons and his Majordomo and servents lived on the place and he went back and forth to it and was there a part of the time on the place.

Questions by Mr Greenhow - Associate Law. Agent.

1. Question. Do you know the boundaries of the Rancho above mentioned Answer. I do not. It is said that the Rancho bounds on Rodriguez, but I have seen no title papers and no juridical possession and do not know about it.

Rafael Castro

Subscribed and sworn before me October 25. 1853.

Alpheus Kelch
Commissioner.

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Filed in Office Oct: 25th 1853

Geo: Fisher Secy

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Depo of N. A. Den taken before Comr. H. D. Thorton

San Francisco Jany 22nd 1853

On this day before Comr. Henry D. Thorn=ton came Nicolas A. Den a Witness in Behalf of the Claimants Manuel Ant=onio Pico et al: petition No. 315. and was duly sworn his Evidence being given in English.

The U. S. ~~Associate~~ Law Agent was present.

Questions by Claimant

Quest 1st What is your name age and place of Residence?

Answer. My name is Nicolas A. Den my Age forty Years my residence Santa Barbara.

Quest 2d Look at the Document now before you marked Exhibit 1. and attached to your Deposition, purporting to be an Original grant from Juan B. Alvarado to Dn Simeon Castro of the land known as punta de Año Nuevo.

State what you know concerning said document and whether the signatures thereto are genuine.

Answer. I am well acquainted with the hand-writing - Juan - B. Alvarado Manuel Jimeno and Antonio Mª Pico I have Examined the Document shown me and am certain that the signatures of those persons, where they occur upon

=natures - N. A. Den

of the ase persons, where they occur upon

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said Documents are their genuine signatures. Ch. A. Dan

Sworn to & subscribed before me this 22nd of Janry 1853.

Harry I. Thornton
Commr

Service acknowledged

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Robert Greenhow.
Atty Gen. Agent

Filed in Office Janry 22nd 1853.

Geo: Fisher Secy

Depo of Jose Bolcoff taken before Comr H. Hall.

San Francisco Febry 26th 1853

On this day before Comr Hiland Hall came Jose Bolcoff a Witness in behalf of the Claimants Maria Antonia Rico et. al: Heirs of Don Simeon Castro - petition No 315. and was duly sworn his Evidence being interpreted by the Secy

The U. S. Associate Atty agent was present.

In answer to Question by Counsel for the Claimants the Witness testified as follows.

My Name Jose Bolcoff my age is fifty six years & reside at Santa Cruz in this State.

I know the Rancho called Punta de Año nuevo. It is the County of Santa Cruz on the Sea Coast. It was occupied by Simeon Castro from the year 1840. He built a house on it & lived there on a head Cattle there but I cannot tell

how long - I was there two or three years ago when the Children of the deceased Simeon Castro were living at the place.

Jose Boleoff

Sworn & subscribed
Before me
William Hiland Hall
Comr

Filed in Office Febry. 26th 1853
Geo: Fisher Secy

1.9.2.12

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Espedte.

B.

Espediente

Promovido por el Ciudadano Simeon Castro en Solicitud del Paraje conocido con el Nombre de

Punta de Año = Nuevo

1841

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2. L. D. R. Sello: Tercero Dos Reales
Habilitado provicionalmte 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 uno.
Alvarado Antonio Maria Osio

Sello Rehabilitado por la misma
para el año de mil ocho cientos
cuarenta y dos:
Alvarado Antonio Maria Osio

Monterey Abr. 11. de 1842 pase este Espediente á la inspectora del 1er Distrito para q. pida los informes correspondtes sobre la demarcacion de Linderos
Alvarado

Monterey Abril 12 1842. Informe el C. juez de paz de Sta Cruz con la claridad posible los limites del terreno q. se pretende en este Espedte con todo lo demas que crea necesario
Estrada

Excmo Sor Gobernador
Ramon Castro Cno Mejicano
y vecino de Este Distrito
ante la justificacion de
V. E. como mas haya
lugar en dho digo que p. el
documento que acompaño
consta plenamte que en
el año de mil ocho cientos
treinta y nueve solicité
por el conducto legal el
paraje nombrado Punta de
Año Nuevo. que se halla
en el Terminos de la Ex
-Mision de Sta Cruz y que
al Efecto habiendose corrido
los tramites de Ley resultaron
en mi favor los informes
de los jueces respectivos
como se espresa llanamte
en dha certificacion. Mas
habiendose estabrado el
Espedte de la Materia
y teniendo ocupado el terreno con varices

y teniendo ocupado el terreno con varios

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bienes de campo precia licencia de V. E. y deseando pasarlo como cosa propia le pide adquirida dovo solicitar el titulo de propiedad correspondte á él, suplico á V. E se me conceda sin necesidad de nuevos tramites, devendo ser la estencion del mismo terreno desde los linderos de D. J. Hilario Buelna pte el Norte hasta los del C. Juan Gonzalez que seran cuatro leguas de Longitud poco mas ó menos y de ancho Este á Oeste desde la sierra hasta la Orilla del Mar una legua segun se espresa en el Diseño que adjunto

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LE

A V. E. pido y suplico respetuosamte se digne concederme el titulo de propiedad que solicito de lo cual recibiré gracia y justicia que pido. Sello tercero Dos Reales: Habilitado provisionalmte 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 uno.

A.S.D.G.

Alvarado — Antonio Maria Osio

(Sello 8vo) Revalidado por la misma, para el año de mil Ocho cientos cuarenta y dos

Alvarado — Antonio Maria Osio.

no. con lo necesario V.E.

Monterey Abril 2 de 1842.

Simeon Castro

A nos prefecto del primer Distrito: para que informe a V. E. sobre la materia q. se trata en este Espediente con la brevedad posible; he tomado un pleno conocimiento por si y de personas de

hubidad a serca del terreno que se
pretende y verdaderamente encuentro
que se halla distante de esta Ex. Mi
sion como diez leguas, sin que este Esta
=blecimiento tenga perjuicios con que ocupar
ni necesidad de el, y q.e los linderos de
dicho terreno de la planta de Ano nuebo
son los mismos q.e se espresa en la
Solisitud y diseño respectivo cuya de=
marcacion no comprende propiedad
ajena de particulares ni corporacion al
=guna y por tanto soy de opinion se le
adjudique al interesado si V. S. lo cre
yere de justicia oben disponer.
5. S. D. R
Juzgado de Dos Constitucional de la
jurisdiccion de Sta. Cruz.
Abril 19 de 1842
Rafael Castro
Exmo S. Soberno. de este Departamento
Corridos todos los tramites necesarios
en este Espediente y atendiendo al informe
del S. juez de paz de la Ex. Mision de
Sta Cruz, la pref.a de mi Cargo opina q.e
puede consederse al interesado la gracia
q.e solicita p.r no obstante este dictamen
V. E. resolberan con su acostumbrado
acierto lo q.e crea mas de justicia
Monterey Marzo 3. de 1842
José R. Cotada
Monterey 24. de Marzo de 1842
Vista la peti.n
6. S. D. R
Here follows
Map

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Y.S.D.R. El Ciudadano José Castro, Teniente Coronel de Ejercito y Capitan de la Compa. presidial de Monterey.

Certifico que en el tiempo que estube desempeñado la prefectura del primer distrito solicito D. Simeon Castro el paraje de la punta de año nuevo en el año de mil Ocho cientos treinta y nueve cuyo Espediente se encontraba informado à favor del solicitante; y habiendose extraviado dho Espedte. doy el presente à pedimiento del interesado para los fines que le convengan.

Monterey 1º de Enero de 1842.

José Castro.

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S.S.D.R. con con que da principio este Espedte. 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 al Ciudadano Simeon Castro dueño en propiedad del terreno nombrado punta de Año nuevo colindante al Oriente con la Ensenada al poniente con el Mar, al Norte con el Rancho de Dn. Juan Gonzalez y al Sur con el de Dn. Flavio Bielna. Librese el correspondte. despacho tomese razon en Libro respectivo y dirijase este Espediente à la Excma junta Departamental. El Excmo Sor. Gobernador asi lo mandó decretó y firmó de que doy fee.

J.S.D.R. Juan B. Alvarado Gobernador Constitucional del Departamto. de las Californias.

Por cuanto Don Simeon Castro ha pretendido para su bienestar personal y el de su familia el paraje

conocido con el nombre de punta de año nuevo colindante al Oriente con la serena al Pte con el Mar al Nte con el Rancho de Dn Juan Gonzalez y al Sur con el de Dna Maria Buelna practicadas previamte las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y Reglamtos usando de las facultades que me son conferidas à nombre de la Nacion Mexicana declarandole la propiedad de el por las presentes letras sugetandose à la aprovacion de la Exma junta Departamtal y à las condiciones sigtes

1ra podra cercarlo sin perjudicar las terrenos caminos y servidumbres: lo disfrutarà libre y exclusivamte destinandolo al uso y cultivo que mas le acomode pero dentro de un año fabricarà casa y estarà habitada.

10.S.D.R 2o Solicitarà del prez respectivo la de posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra à mas de las mojoneras algunos arboles frutales ò silvestres de alguna utilidad.

3ra El terreno de que se hace mencion es de cuatro sitios de ganado mayor segun explica el diseño que corre agregado al Espediente Respectivo: El prez que diere la posesion lo harà medir conforme à Ordenanza quedando el sobrante que resulte à la Nacion para los usos convents

4o Si contraviniere à estas condiciones perderà su derecho al terreno y serà denunciable por otro.

En consecuencia mando que tenen

=nunciable por otro.

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En consecuencia mando que tenien-
dose por forme y Valedero el presente
titulo se tome Razon de el en el libro que
corresponde y se entregue al interesado
para su resguardo y demas fines.

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U. S. D. R. Dado en Monterey à veinte y siete de Mayo
de mil Ocho cientos cuarenta y dos

Office of the Surveyor
General of the United States for California

I Samuel D. King Surveyor Gene-
ral 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 Eleven preceding and hereunto annexed
pages of tracing paper numbered from One
to Eleven inclusive and each of which
is verified by my initials (S. D. K.) exhibit
true and accurate copies of certain docu-
ments on file and forming part of the said
Archives in this Office.

(Seal) 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 15th day of December
1857.

Saml. D. King
Survr. Genl. Cal

Filed in Office
August 31st 1852
Geo: Fisher Secy

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Translation of Expedte. C.

Record of Proceedings

At the instance of the Citizen Simeon Castro soliciting the place known by the Name of Punta de Año Nuevo

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Excellent Sr. Governor

I, Simeon Castro. Mexican Citizen and Resident of this District, before your Excellency as best may accord with laws say that it will be fully shown by the annexed document that in the year 1839. I solicited in the legal way the place called punta de arena which is situate on the Borders of the Ex. Mission de Sta Cruz and to the Effect, the legal procedure having been ~~made~~ carried on. the reports of the Respective Justices resulted in my favor, as is shown fully in said certificate, But the Expediente about the matter having been misplaid, and I. having occupied the land with various country Stock after your licence; and desiring to convey it as it is my own, legally acquired, I must solicit the corresponding title-deed of property, which I pray your Excellency to grant me without the necessity of a new procedure, while it ought to be the extent of the same land from the boundaries of D. Maria Buelna to the North unto those of the Citizen Juan Gonzales, which will be four leagues of longitude a little more or less and of breadth East to West from the Sierra to the sea shore one league - as is shown in the adjoined Sketch.

Therefore I ask and pray you respectfully to be pleased to grant me the title of the property I solicit whereby I shall Receive favor and justice swearing to what is necessary V.E. V.S.

Monterey April 2d 1842

Simeon Castro.

I, the Notary, Monterey April 11th 1842

Rafael Castro.

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(In the Margin). Monterey April 11th 1842
Let the Expediente pass to the prefecture of the first District that it may receive the corresponding report upon the demarcation of boundaries.

Alvarado

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Monterey April 12th 1842.
Let the justice of the peace of Santa Cruz report with the best posible exactness the limits of the land which is solicited in this Expediente, with everything else that shall be necessary.

Estrada

Sr Prefect of the first District

In Order to inform you about the matter of which this Expediente treats with the highest posible certainty. I have taken a full Knowledge for myself and of persons of integrity about the land solicited and in truth I find that it is some ten leagues distant from this Exmission without this Establishment having stock wherewith to occupy it; nor is it necessary for it, and that the boundaries of the tract of land of La punta de Año nuevo are the same which are expressed in the petition and respective Sketch; the demarcation of which do not comprise foreign property of any particular corporation and therefore I am of opinion that it be adjudged to the interested party. You will however dispose of the Matter as you may think proper.
Constitutional Justices Court of the jurisdiction of Santa Cruz 19th April 1842.

Rafael Castro.

Excellent Sir Governor of this Depart=
=ment.

All the necessary proceedings
having been carried on in this Expediente
and having attended to the report of
the justice of the peace of the Comision
of Sta. Cruz. The prefecture in my charge
is of opinion that there can be granted
to the interested party the favor he soli
cits.

Notwithstanding this opinion Y.E
will resolve with your usual discrimi
nation what you may believe most just

Monterey May 3rd 1842
José R. Estrada

Vide next page)

I, The Citizen José Castro
Lieutenant Colonel of the Army and
Captain of the Company stationed at
Monterey,

Certify that at the time I was
discharging the duties of the prefecture
of the first District, D. Simeon Castro
solicited the plan of la punta de arenas
=ro in the Year 1839. which Expediente
was found to have been reported on in
favor of the petitioner; and said Expedie=
having been mislaid. I give these presents
on Request of the interested party for
the purposes which may suit him.

Monterey 18th January 1842
José Castro.

Monterey 24 May 1842
Having seen the petition with which this
Expediente commences; the preceding
Reports with every thing also which

Reports with every thing else which

29.

suggested itself and was to the pur
pose, in conformity with the Laws and
Regulations upon the subject, I declare
the Citizen Simeon Castro owner in his
own Right of the Land called punta
de Año nuevo, bordering to the East on the
arena, to the West on the sea, to the North
on the Rancho of D. Juan Lonzales and
to the South on that of Dn Ylaria Buelna

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Let the corresponding document be
issued entered in the respective Book
and direct the Expedte to the C. Departa
mental Assembly.

The C. Di Governor thus ordered
decreed and signed of which I give
testimony.

Juan B. Alvarado Constitu=
tional Governor of the Department
of both Californias.

Whereas Don Simeon Castro
has solicited for his personal benefit and
that of his family the location known
by the name of punta de año Nuevo. borde
ing to the East on the Arena to the West on
the sea on the North on the Rancho of Don
Juan Lonzales. and to the South on that of
Dn Ylaria Buelna, after previously having
taken the necessary action and made
the necessary investigations as is required
by law and Regulations; in Exercise of
the powers vested in me in the name of the
Mexican Nation I have concluded to
grant him the mentioned land declaring
it his property by the present letter, patent,
subject to the approbation of the Excellent

Departamental Asamblay and to the following conditions.

1º He may pence it without prejudicing the crosings roads and servitudes; he will enjoy it freely and exclusively appropriating it to the use or culture that best may suit him, but within one year he will build a house to be inhabited.

2. He will solicit of the Respective Judge to give him judicial possession in virtue of this Document; by whom the boundaries will be marked on the extremities of which he will put besides the landmarks some fruit trees or wild ones of some utility.

3ra The land mentioned is four Square leagues (sitios de ganado mayor) as is explained in the Sketch which follows annexed to the Respective Exhediente. The judge who shall give the possession will cause it to be measured conformable to Ordinance leaving the surplus that may result to the Nation for convenient purposes.

4. If he should violate these conditions he will lose his Right to the land and may be denounced by any other party.—

Consequently I order that the present title deed being held as form and value it be entered in the correspondancy book and delivered to the interested party for his security and other purposes.

Given in Monterey 24th of May 1842
Filed in Office August 31st 1852

Jose Joaquin Ortega

Filed in Office Aug. 21st 1872

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Doc: H. L. G.
No. 1. annexed
to the Depo: of
N. A. Den
taken before
Comr.
H. L. Thornton

Sello primero Quatro pesos:
Habilitado provisionalmte. por la Aduana
Maritima de Monterey para los años de
1842. y 1843.
Alvarado Antonio Mª Osio

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

Por cuanto Dn. Simeon Carto
ha pretendido para su beneficio personal
y el de su familia el parage conocido
con el nombre de punta de año nuevo colin
dante al Oriente con la sierra al poniente
con la Mar; al Norte con el Rancho de
Dn. Juan Gonzales y al Sur con el de
Da. Maria Buelna; practicadas previ=
amente las diligencias y averiguaciones
concernientes segun lo dispuesto por leyes
y Reglamentos; usando de las facultades
que me son conferidas à nombre de la
nacion Mejicana; he venido en conceder
el terreno mencionado declarandole
la propiedad de el por las presentes letras
sugetandose à la aprobacion de la Excma
Junta Departamental y bajo las condi
ciones siguientes.
1ra. podrà cercarlo sin perjudicar la otra
vecinas, caminos y servidumbres; lo disfru
tara libre y Exclusivamte. destinandolo
al uso ò cultivo que mas le acomode;
pero dentro de un año fabricarà casa y
estarà habitada.
2da. Solicitara del juez Respectivo
que le de la posesion juridica en virtud
de este Despacho por el cual se deman

=cenen los linderos en cuyos limites ponchà
à mas de las mojoneras algunos arboles
frutales ò silvestres de alguna utilidad

3a El terreno de que se hace donacion
es de cuatro sitios de ganado mayor segun
esplica el diseño que corre agregado
en el Espediente Respectivo. El
frez que diere la posesion lo hará
medir conforme à Ordenanza quedando
el sobrante que resulte à la nacion para
los usos convinientes.
4a Si contravinere à estas condiciones
perderà su derecho al terreno y serà denun
ciable por otro.

En consecuencia
mando que teniendose por forma y valede
=ro este titulo se tome Razon de el en el
libro à que corresponde, y se entregue al
interesado para su resguardo y demas
fines. Dado en Monterey à Veinte y siete
de Mayo de mil Ocho cientos cuarenta
y dos.
Juan B. Alvarado # Manl. Jimeno Srio

Queda tomada razon de este despacho
en el Libro de acientos sobre adjudicacion
de terrenos Baldios à foja. 13.
Jimeno.
El Exmo: Señor Gobernador ha dispuesto
se tome Razon de esta concesion en la
Prefectura del 1er Distrito
Jimeno

Filed in Office January 22. 1853
Geo: Fisher.
Secy

315.

Stipulation.

In this Case upon the filing of the conveyance from Claimants to Isaac Graham it is consented that the latter be substituted for the former as Claimant in this Case.

Dec. 8 1853.

(Signed) Robert Greenhow
Asso-Law Agt. U. S.

Filed in Office Dec. 1853.
(Signed) Geo. Fisher, Sec.

Translation of Doc. No. 5. no. 1 annexed to the depo. of N. A. Den taken before Comm. Harry I. Thornton.

Seal First. Six Dollars.
Provisionally authorized by the maritime Custom House at Monterey for the years 1842 and 1843.

Alvarado Antonio Mª Osio.

(L.S.) Juan B. Alvarado Constitutional Governor of the Department of the California.

Whereas Don Simeon Castro has petitioned for his own benefit and that of his family, for the tract of land known by the name of "Punta de Año Nuevo" bounded on the East by the "Sierra", on the West by the Sea on the North by the Rancho of Don Juan Gonzalez, and on the South by that of Doña Maria Buelna - the proceedings and investigations relative thereto having been had and made according to the provisions of the laws and regulations; in the exercise of the powers vested in me in the name of the Mexican Nation, I have concluded to grant him the aforesaid land, by these present letters, declaring unto him the ownership thereof, subject to the approval of the Most Excellent Departmental Junta and under the following conditions:

1. He may enclose it without prejudice to the crossings, roads and servitudes

he shall enjoy it freely and exclusively, appropriating it to the use or cultivation he may deem best, but within one year he shall build a house and it shall be inhabited.

2d. He shall request the proper Judge to give him judicial possession thereof in virtue of this patent, by which the boundaries shall be designated, in the limits of which, he shall plant, besides the landmarks, some fruit trees or wild ones of some utility.

3d. The land of which donation is made is four square leagues as delineated on the map annexed to the respective Expediente. The Judge who shall give the possession will cause it to be measured according to ordonance, the surplus remaining to the Nation for the proper uses thereof.

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

Therefore this title being held as firm and valid, I order it to be entered in the proper book and delivered to the interested party for his security and other purposes. Given at Monterey on the 27th day of May 1842.

(Sgd) Juan B. Alvarado.

(Sgd) Manl. Jimeno,
Sec.

Entry is made of this Patent in the Record of Grants of vacant lands on the 13th leaf.

(Signed) Jimeno

His Excellency, the Governor has directed that this grant be recorded in the Prefecture of the 1st District.

(Signed) Jimeno.

A true correct translation

(Sgd) Geo. Fisher, Sec.

Filed in Office June 22. 1853.

(Sgd) Geo. Fisher, Sec.

35

State of California

This Indenture made and Entered into this forth day of October in the Year of One thousand eight hundred and fifty one by and between Maria Antonia pico widow of the deceased Don Simeon Castro and her children namely, Manuel Castro the Elder, Manuel Castro the Younger juana Castro married to Josiah Merritt, Maria ~~Castro~~ Antonia Castro married to Rafael Sanchez Antonio Castro and juan Bautista Castro heirs and legal Representatives of the deceased Don Simeon Castro Josiah Merritt husbend of the aforesaid juana Castro and Rafael Sanchez husbend of the aforesaid Maria Antonia Castro all of the State of California of the first part and Isaac Graham of Santa Cruz County and State aforesaid of the second part Witnesseth. That for and in consideration of the sum of Eighteen thousand Dollars in hand paid by the party of the second part to the party of the first part, the Receipt whereof is hereby acknowledged the party of the first part hath granted bargained and Sold and by these presents doth grant bargain and sell unto the said Isaac Graham party of the second his heirs and Assigns all that tract of ~~Land~~ piece or parcel of Land lying and being in the County of Santa Cruz State of California known as the Rancho called punto de Año Nuevo," situated on the jurisdiction of Santa Cruz and containing Four sitios or Square leagues of land

Conveyance to Isaac Graham

70 ND
PAGE 31

which was granted to Don Simeon Castro by the Supreme Government of the Department as proved by the Original Title issued on the 2 4th May 1842. and bounded as follows, On the East by the mountains, on the West by the Sea or pacific Ocean, on the North. by the Ranchs of Don Juan Gonzalez, and on the south by the Rancho of Don Hilario Buelna. the said tract of land containing as afore said four sitios or Square leagues more or less.
To have and to Hold to the said Isaac Graham party of the second part his heirs and Assigns for Ever, and the parties of the first part hereby covenant and agree to Warrant and defend the said Isaac Graham party of the second part his heirs and Assigns in the quiet and peaceable possession of the above described land and premises against the Claims of each and every one of the parties of the first part, and the claims of all and every person whomsoever, either in law or equity and against any claim of the United States Government.

In Witness Whereof the parties of the first part hath hereunto set their hands and affixed their seals on the day and Year first above written.

Sealed & Delivered,
in presence of —
Prob. M. Genové
A. J. Randall

Maria Ant.a Pico de Castro
By her attorney in fact Man.l Castro (Seal)

(Seal)

Witnesses the signature Man.l Castro (Seal)

Witnesses to the signature of Manuel Castro only

Witness to Leandro Castro's signature.
L. Alzina
Mrs. M. Queen
Witness
James L. Lachner
D. Leith

Manl. Castro (Seal)
Leandro Castro (Seal)
José Ant. Castro (Seal)
Josiah Merritt. (Seal)
Rafael Sanchez (Seal)
Juana ~~X~~ Castro (Seal)
her mark
Antonia ~~X~~ Castro (Seal)
her mark
José Jesus Castro (Seal)
Juan Bautista Castro (Seal)
Maria Antonia ~~X~~ Castro
her mark

70 ND
PAGE 33

State of California
County of San Francisco. ss

On this sixth day of October A. D. 1851. personally appeared before me a Notary public, duly commissioned and sworn for the above named County Manuel Castro to me known to be the individual described in the Within deed as Manuel Castro senior, Grantee &c and who acknowledged that he executed the same, on the part of his mother Maria Antonia Pico de Castro, as her true and lawful Attorney. And for her as well as for himself That it was his free and voluntary act for the uses and purposes therein mentioned

(Seal) Witness my hand and seal of Office the day and Year first above Written.

A. L. Randall Notary public

State of California }ss
County of San Francisco }. On this first day of October. A. D. 1857. personally appeared before me, a Notary public duly commissioned, and sworn Jose Antonio Castro to me known to be one of the individuals who executed and who is described in the within. And who acknowledged that he had done the same freely, and voluntarily for the uses and purposes. therein mentioned.

Witness my hand and Seal of Office in San Francisco the day and year first above written.

A. J. Rendall
Notary Public

State of California County of Monterey

On this 14th of October A. D. 1857. personally appeared. Before me a Notary public in and for said County Josiah Merritt, Rafael Sanchez, Juana Castro, Antonia Castro, Jose Francisco Castro Juan Bautista Castro, known to me to be the persons described in & Who executed the within and foregoing conveyance who each, severally, acknowledged that they executed the same freely & for the purposes therein mentioned. Also appeared at the same time Maria Antonia Pico de Castro who made the same acknowledgement & and said Juana Castro and Antonia Castro. being made acquainted with the contents of the foregoing Conveyance & examined

of the foregoing conveyance & examined

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by me apart from their husbands and without their hearing, acknowledged that they executed the same freely and without fear compulsion or undue influence of their husbands & other persons, and they did not wish to retract the execution of said conveyance

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(Seal)

D. R Ashley
notary public

State of California
County of Santa Cruz } I certify that the foregoing is recorded in the Book of Deeds Vol 1st pages 213. 214. & 215. of the records of this Office.

Peter Gracy
Recorder

State of California
County of Santa Cruz } On this 4th day of November A. D. 1851. before me Peter Gracy County Recorder in and for said County and State personally came Leandro Castro satisfactorily proved to me by the Oath of Francisco Alzina a competent and credible Witness to be the identical Leandro Castro one of the parties who executed the annexed conveyance and who acknowledged to me that he executed the same freely and voluntarily and for the use and purposes therein mentioned, being a conveyance made by Manuel Castro trustee of Maria Antonia Castro and the heirs of Simeon Castro deceased on the 1st day of October A. D. 1851.

said conveyance

(Seal) Witness my hand and private seal there being no Official seal provided at Office the day and year first above written.

Peter Tracy
Recorder of Santa
Cruz County
California

Filed in Office December
9th 1853.

Geo: Fisher Deny

Motion to amend petition.

On Motion of the Attorneys of Claimants it is Ordered that the petition be amended by inserting the Allegation that the heirs of Simeon Castro, mentioned in said petition have sold the land claimed to Isaac Graham, and that the name of said Isaac Graham be substituted as Claimant for those of said heirs

Filed in Office March 1st 1853.

Geo: Fisher Secy

43.

U. S. Survr. Genl. Office
19. June 1853.

Communication of the U. S. Surveyor General

Gentlemen

In reply to your enquiry, I have to state, the punta del Aro Nuevo is situate within the Northern District of this State

Very respectfully
Your Obt. Svt.

Leander Rawson
Chf. Clk.

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Refers: Stanly & Rhy }
present }

Filed in Office March 1st 1853

Geo: Fisher Secy

Motion.

Simeon Castro
vs
The United States } Punta del Aro Nuevo,

Motion is hereby made in Case No. 315 that a Transcript be made out in the said Case & sent to the U. S. District Court for the Northern District of California in which the land is situated.

(Signed) Louis Blandin
Asso. Land Agent.

Filed in Office Feby 26' 1856.
(Sgd) Geo. Fisher, Secy.

44.

Affidavit.

70 ND
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Serrano Castro
v
The United States } Punta del Arroyo.

Louis Blanding,
U. S. Associate Land Agent, being duly sworn deposes and says, that a transcript was prepared in the above case, and by mistake was sent to the U. S. Dist. Court for the Southern Dist of California; whereas the said transcript should have been sent to the Northern District in which the land claimed is situated - being North of the 34° parallel of North Latitude, - and this affiant further says that he has taken all means in his power to obtain the return of the transcript which was sent by mistake to the Southern District that it might be filed in the District Court for the Northern District, but without avail.

(Signed) Louis Blanding
Asso. Land Agent.

Subscribed & Sworn to before me Feby 26' 1856.
(Signed) R. Ang Thompson
Com.

Filed in Office Feby 26' 1856.
(Signed) Geo. Fisher, Sec.

Opinion of the Board delivered by Commissioner Thompson Campbell.

Maria Antonio Prico
Juan Castro, Manuel
Castro I. Manuel
Castro II. José Antonio
Maria Antonia
José Francisco José
Leandro and Juan
Bautista Castro heirs
of Simeon Castro.
Vs.
The United States

Punto de año Nuevo
4. Square Leagues.

The claimants in this case represent themselves as the heirs of Simeon Castro deceased. The testimony upon which they depend for a confirmation of their claim consists in a grant made by Governor Alvarado bearing date the 2nd day of May A.D. 1842. to Simeon Castro together with a traced copy of the Espedte taken from the Archives now in the United States Surveyor General's Office of the State all of which are properly proved and authenticated. The Claimants have proved by depositions on file that they are the heirs of the said Simeon Castro. the Original grantee in this case. They have proved by the Deposition of José Bolcoff, that Simeon Castro occupied the place claimed by the petitioners in the year 1840. that he built a house on it, and lived in it and that he had cattle there; This further proved by the deposition of Rafael Castro, that in the year 1842. Simeon Castro built a house on said place which was inhabited by his servents, that he was there part of the time, but that his principal

Residence was at Monterey that in the same year 1842. the place was cultivated and that he had corn beans, Wheat, Melons and potatoes growing on it. He further state that the place continued to be ~~cultivated~~ occupied in the same Way until the death of Simeon Castro and after his Death it was occupied by his family. There is no proof of any approval by the Departmental Assembly; and no proof that any juridical Measurement was ever made.

It was objected by the Land Agent that the proof did not show that a house was built within a year from the date of the grant. The Testimony of Rafael Castro shows that the same year on which the grant was made but in addition to this it is shown by the testimony of Jose Bolcoff that Simeon Castro had built a house on the place and lived in it as early as the year 1840. two years before he obtained his grant this I think shows conclusively that a house was on the Land before the expiration of a year from the date of the grant. I am of opinion that the Object of that condition which requires that a house should be built within a year from the date of the grant and that it shall be inhabited is fully observed by proof that a house was upon the Land within that time and that it was inhabited without regard to the fact, whether it was constructed before or after the issuing of the grant. In this case however the proof in Regard to the building of the house

within the prescribed time is amply suffi
cient, but the Inhabitancy of the house
by the Grantee, is a question which
the testimony leaves in some doubt.
That Simeon Castro actually lived in
the house in the year 1840. is clearly proved
but it seems that after he had obtained
his grant he occupied it with servants
making his own residence principally
in Monterey and only residing in the Rancho
occasionally. That the law intended
a residence, per se, I have not the least
doubt: the whole policy which the govern
ment had in view in regard to the colo=
nization of the public lands; leads to
the result. This however will be under
stood as applying to those lands which
were granted for the Exclusive purpose
of breeding and grazing cattle; but when
lands were granted for the purpose of
cultivation; it was not required that they
should be actually inhabited by the
grantee, cultivation in all such cases
satisfied the policy and requirements
of the law. In the case before us it does
not appear for what purpose the lands
were sought by the grantee; but from
the Evidence it does appear that they
were devoted to the purpose of agriculture
and that to a very considerable Extent
from the year in which was made until
the death of the grantee; taking then the
actual residence of the party before the
grant; the kind of occupancy which
the proof shows; followed the grant
together with the cultivation which is
proved to have been made.

I think the parties have shown a substantial compliance with the conditions which the law had imposed upon their ancestor.

The next question and perhaps the most difficult which presents itself is, the location of the land. According to the conditions of the Grant a sobrante is reserved. If it was the intention of the granting power to concede four square leagues of land, to be located within certain exterior boundaries and that after such location had been made by the proper authorities there should be any sobrante it should go to the nation and form a part of the public domain then in the absence of all proof of location, the land granted never having been severed from the mass of the other public Lands, by any competent authority, passed to the united States and affected by any vested equitable interest, at best such an Interest as this Commission are authorized to protect. In cases heretofore decided it has been held that although a sobrante is provided for, if it should appear from an Examination of all the testimony in the case, that it was the intention to grant by Mete and bounds or if it could be gathered from the papers on file that it was understood that the boundaries mentioned did not contain more than the quantity specified in the grant then notwithstanding the sobrante the party would be entitled to a confirmation of the Claim within the limits expressed

in his grant. In the case before us the claimants described the tract of land asked for in his petition to the governor in the following words: to Wit: From the boundaries of Don Juan Bridna to the North until those of the Citizen Juan Gonzales which will be four leagues of longitude a little more or less. and of breadth East to West from the Sierra to the Sea - show one league as is shown in the adjoined Sketch - The description contained in the grant corresponds accurately with the description in the Claimants petition as above set forth. The condition annexed to the grant which provides for a sobrante contains a further description of the land together with a specification of the quantity granted, and is as follows: "The land mentioned is four Square leagues. as is explained in the Sketch which follows annexed to the Expediente The boundaries described in the grant are clearly delineated on the Map to which reference has been made. Taking then the petition ~~has been~~ of the party which gives not only the boundaries of the land asked for but also the distance between those boundaries and construing and the grant together. I think the intention to grant by Metes and bounds is clearly indicated. The question may be asked if such was the understanding, why did the Governor provide for a surplus In reply to the question it may be said that Although the party had represented in his petition that he limits therein described

only contained a certain number of leagues. this did not dispense with the requirements of Law which made a measurement of the lands granted indispensable, and if upon such measurement it should be found that a much larger quantity was embraced within the limits than had been represented it was still in the power of the governor at any time before the legal title had passed to the party to restrict the grantee to the precise quantity asked for in his petition, notwithstanding the limits within which the grant had been made, contained a much larger quantity; in all such cases the surplus would go to the Nation. In this case no measurement was ever made and the grant remains as it was at the time it was made - with the presumption unrebutted that the boundaries as described in the petition and grant contain no more than four square leagues of Land. We think the facts of the case being if whether the rule heretofore adopted by this Commission The party is therefore entitled to a confirmation of his claim: a Decree in conformity with this Opinion will be entered.

Filed in Office Decr 19th 1853.

Geo: Fisher Secy

51

Maria Antonia Pico
Widow of the late
Simeon Castro deceased
Manuel Castro Jr. chal.
Heirs of the said Si=
meon Castro.
Vs.
The United States

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In this case on hearing the proofs & Allegations it is adjudged by the Commission that the Claim of the said petitioners is Valid, and it is therefore decreed that the same be confirmed to the said Maria Antonia Pico Widow of the late Simeon Castro deceased, Manuel Castro Junr and to the other heirs at Law of the said Simeon Castro deceased. The lands of which confirmation are hereby made are known by the name of punta de Tomo Nuevo: and bounded and described as follows; to Wit: Bordering to the East on the Sierra, to the West on the Sea to the North on the Rancho of Don Juan Gonza=les and to the south on the Rancho of Doña Juana Buelna. said tract being in longitude from North to South four leagues; a little more or less and in latitude from East to West one league containing in all four square leagues.

Reference for further description to be had to a Map which is made part of document marked (B) and filed in this case

Alpheus Felch
Thompson Campbell
R Aug: Thompson
Commissioners

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Filed in Office Decr. 13th 1853.

Geo: Fisher Secy

70 ND
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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 fifty two [52] — pages, numbered from 1 to 52, 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. 315 on the Docket of the said Board, wherein Maria Antonia Pico, et al. are the Claimants against the United States, for the place known by the name of Punta del Arroyo.

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this first (1st) day of March A. D. 1856, and of the Independence of the United States of America the ~~seventy~~ Eightieth.

Geo: Fisher.
Sec.

U. S. DISTRICT COURT,

Northern District of California.

No. 70

THE UNITED STATES

vs.

Maria Amat

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 315

Filed, March 11 — 1856

J. A. [illegible]

Clerk

I, John A. Monroe Clerk of the United States District Court for the Northern District of California, do hereby certify that I have received of

George Fisher

Secretary of the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, a document purporting to be a Transcript of Record of the Proceedings and of the Decisions of the said Board of the Documentary Evidence and of the Testimony of the Witnesses upon which the same is founded, in Case No. 315 on the Docket of the said Board, wherein Maria Antonia Pico et al the Claimant against the United States for the place known by the name of Punta del Año Nuevo to be filed in accordance with the provisions of the Act of Congress, approved August 31st, 1852, with the Clerk of the United States District Court for the District of California in which the Land claimed is situated.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of the said Court, in the City of San Francisco, the 23d day of August A. D. 1854

Jno A Monroe Clerk
By Alex. M. Schellenberg

315 m

~~No 1459~~

70 ND

Receipt of the Clerk of the U. S. District Court for the Northern District for Transcript No 315.

Filed in Office August 23rd 1854

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Geo: Fisher

Clk.

70 ND
PAGE 50

Registered

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

No. 70

The United States
vs
M. A. Pico et als,
Heirs of Simeon Castro

It appearing by the transcript filed in this case, that the Heirs of Simeon Castro, the claimants in the case above-named, had conveyed to Isaac Graham the land claimed in this case, by Deed dated October 1st 1830

And it further appearing, that when said case was pending before the Land Commission, it was disputated by the law agent that upon the filing of the conveyance from the claimants to said Isaac Graham, that he should be substituted for them as claimant in this case: and that said conveyance was duly filed -

And it further appearing that before the said Land Commission, it was ordered, on motion of the attorneys of the claimants "that the petition be amended by inserting the allegation that the heirs of Simeon Castro

"mentioned in said petition have sold the
"land claimed to Isaac Graham, and that the
"name of the said Graham be substituted as
"claimant for those of said heirs:"—

It is now hereby stipulated and agreed that the petition be amended according to the stipulations and order above referred to, and that Isaac Graham be substituted as claimant in place of said heirs of Simeon Castro, in the case above referred to, now pending before this Court.—

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

No 70

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

The United States

vs

M. A. Pico et al
Heirs of Simeon Castro

Stipulation to substitute name of Isaac Graham, present owner, in place of heirs —

Filed April 23, 1856.
Chevers,
Deputy.

70 ND
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No 70.

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

The United States
vs.
M. A Pico et al Heirs of Simeon Castro
} Appeal "Punta del Año Nuevo"

The respondents for answer to the petition filed in this cause, answer and say —

It is true that the lands mentioned in said petition, and in said transcript of the proceedings before the said Board of Commissioners lie within the said Northern District of California, and within the jurisdiction of this Court.

But, then respondents deny that their title to said lands is invalid, and aver that the same is valid, and pray that the decision of the said Board be affirmed, and their title decreed to be valid

M A Pico et al Hrs of
Simeon Castro
by Mandy & Reig
their Attys

Court No. 70.

In the District Court of the United States for the Southern Dist. of California

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The United States
vs
M. A. Pico et al Heirs of Simeon Centro.

Punta del Aire Nuevo

Answer

Filed April 23. 1856.
Chenell,
Deputy.

70 ND
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In the District Court of the United States
for the Northern District of California

To the Hon.ble District Court for said
District.

The United States - Appellants
vs.
M. A. Pico et al. Heirs of
Simeon Castro, appellees. } No 70.

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 of the United States, whereby the
claim of the said Appellees was confirmed as
appears by reference to the records in the case:
that a transcript of the said record was filed
in this Court on the 30 March 1856 - that a Notice
of Appeal was filed on the
and that the land claimed lies in said district.
That the said claim is invalid. Therefore
Appellants pray that the said decision of
the Board be reversed and that this Court
decree the said title to be invalid

Respectfully &c.
A. Gleasell,
Asst U.S. Dist. Atty.

No 70.

In the District Court
for the Northern District
of California.

The United States
vs.
M. A. Pico et al Heirs
of Simeon Limantour

Petition for Review

Filed April 23. 1856,
Thevenet,
Deputy.

No 70.

70 ND
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In the District Court of the United States for the Northern District of California

The United States
vs
M. A. Pico et al Heirs of Simeon Castro
appellees

appellants

"Punta del Año Nuevo"

The respondents for answer to the petition filed in this cause, answer & say—

It is true that the land mentioned in said petition, and in said transcript of the proceedings before the said Board of Commissioners lie within the said Northern District of California, and within the jurisdiction of this Court.

But these respondents deny that their title to the said lands is invalid, and aver that the same is valid, and pray that the decision of the said Board be affirmed and their title be decreed to be valid.

Heirs of Simeon Castro
by
Manly & Wing
their Attys

No 70.

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

The United States
vs
M. Alvico et al Heirs of Antonio Castro.

Punta del Arroyo Nuevo

Answer –

Filed April 28th 1856
Chas. C. Ward
Deputy.

Stanly & King
Attys

No 70.

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

The United States
vs. appellants
M. Pico et al Heirs
of Juan Castro.
appellees

"Punta del Año Nuevo"

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 Land Commissioners, whereby the claim of the said appellees has been confirmed as appears by reference to the records in this Cause.

That a transcript of the said record was filed in this Court on the 2nd March 1856: that a Notice of Appeal was filed on the , and that the land claimed lies in the said District.

That the said claim is invalid: therefore appellants pray that the said decision of the Board be reversed, and that this Court decree the said title to be invalid.

Respectfully &c

A. Glassell,
Actg. U.S. Attorney

No 70.

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

The United States
vs
M. A. Pico et al Heirs of Simeon Castro.

Punta del Ano Nuevo.

Petition for review.

filed April 28th 1856
Chenery,
Deputy.

No. 70

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

The United States vs. Appellants Maria A Pico et al Heirs of the late Simeon Castro Appellees	Decree of Confirmation Stated Term, December 4. 1856.

This case coming on this day to be heard upon the transcript of the proceedings and the decision of the Board of Land Commissioners of the United States to ascertain and settle the private land claims in the State of California, and the papers and evidence on which the same were founded, and the pleadings filed in this Court, and Counsel having been heard on part of the United States and for claimants-

In consideration of all which the Court is of Opinion that there is no error in the decision of the said Board, and that the same should be and is hereby affirmed.

And this Court doth order, adjudge and decree that the title of the claimants Maria A Pico et al Heirs of Simeon Castro deceased to the lands described in said transcript is valid and the same is hereby confirmed

The land of which confirmation is hereby

made to the said Heirs of Simeon Castro deceased is the same which was granted by the Mexican government in May 1842 to the said Simeon Castro and known by the name of Punto de Año Nuevo and bounded and described as follows to wit

Bordering on the East on the Sierra - to the West on the Sea - to the North on the Rancho of Don Juan Gonzales, and to the South on the Rancho of Doña Maria Buelna said tract being in longitude from North to South four leagues a little more or less and in latitude from East to West one league containing four square leagues, reference for further description being made to a Map made part of Document B and filed in this case as showing the tract of which Confirmation is hereby made.

Ogden Hoffman
U. S. Dist Judge

No. 70

In United States Court
for the Northern District
of California

The United States
vs.
M. A. Pico et al Heirs
of Simeon Castro

Punto de Año Nuevo

Decree of
Confirmation

Filed Dec: 4. 1856.
W. H. Chevers,
Deputy Clerk

70 ND
PAGE 64

California Land Claims.

Attorney General's Office
9 January 1857.

Sir:

In the case of the claim of Maria Antonia Pico et al: confirmed to the claimants by the Commissioners, case no. three hundred and fifteen, (315), appeal will not be prosecuted by the United States.

I am,

Respectfully,

Clifford

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

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

The United States

v } D.C. 70 : L.C. 315.

A. M. Pico, et al

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

San Francisco Mch 8. 1859

Wm Blanding
Dist Atty

Stanly & King
Atts for Cts.

70
315

U. S. District Court

The United States

v

Antonio M. Pico
et al

Stipulation

Filed April 2d 1857
W. H. Chevers,
Deputy.

70 ND
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At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the City of SAN FRANCISCO, on Thursday the Second day of March in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
v
Ant.o Ma. Pico, et al,

D.C. 70: L.C. 315.

In pursuance of a notice from the U. S. Attorney General that further appeal in this case will not be prosecuted, and a stipulation entered into by the U. S. Attorney in accordance therewith:

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

Ogden Hoffman
U. S. Dist Judge

70

United States District Court, Northern District of California.

The United States

vs.

A. M. Pico et al

ORDER.

vacating appeal

Filed April 2 1857

John A. Monroe

Clerk.

By W. H. Chevers

Deputy.

Court Docket No 70. Land Commr No 315

70 ND
PAGE 70

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

The United States
vs.
M. A Pico et als Heirs of Simeon Castro

Appeal.
"Punta del Arroyo"

Transcript.

Page 5. Petition of the Heirs of S. Castro to Land Commissioner
9 Testimony of Andres Pico 2d Sept 1853
11 " " Rafael Castro 25 Octr "
12 " " N. A Dew 22 Jany "
13 " " José Bolcoff " " "
26. Translation of petition of Simeon Castro to Mexican Governor.
28 " " Decree of Govr Alvarado 27 May 1842
29 " " Title in form to S Castro " " "
33 Another translation of the original title.

33. Stipulation of Mr. Lawlegent that Isaac Graham should be substituted a, claimant before the Board upon filing of conveyance to him
35. Conveyance, made 1 Oct 1850, by which the heirs & Heirs of Castro transfer the land to Isaac Graham.
41. Order of the Board substituting the name of Isaac Graham as claimant in lieu of those of his grantors the Castros.
43 & 44 Documents showing the claim to be in Northern Judicial District of California
45 & 51. Opinion & Decree of the Board confirming the claim to the Heirs of Castro

Court No 70.

In the District Co
of the United States
for the Northern
District of Cala

The United States
Vs
M. A Pico et al
Pl of Sumein Castro

Punta del Año Nuevo

Index.

Lowery Not set

The United States
vs
M. A. Rico & others.

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The claim in this case was confirmed by the Board and has been submitted to us without argument or observation or the production of additional testimony — The grant is produced and proved and the expediente is duly found in the archives of the former government. The occupation of the land by the grantee in 1840, two years before the title issued is also shown, and ~~that a house~~ it further appears that in 1842 another house was built by him & that wheat corn beans, melons and potatoes were cultivated by him — There is nothing to in the testimony to afford the slightest presumption of an abandonment of his grant by the grantee during the existence of the former govern

ment —

The Board after an attentive examination of the grant and accompanying diseño came to the conclusion that the intention of the Governor was to grant by metes & bounds — The description of the boundaries is ~~singularly~~ unusually precise and there is no reason to suppose that the quantity of land included within them exceeds that mentioned in the grant.

We think that the decision of the board should be affirmed and a decree of confirmation entered

Dec. 5. 1856

44 No. 70 —

U. States

vs

M. A. Rico —

Opinion

Dec 5. 1866

70 ND

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