

CASE NO.

73

NORTHERN DISTRICT

SAN RAMON GRANT

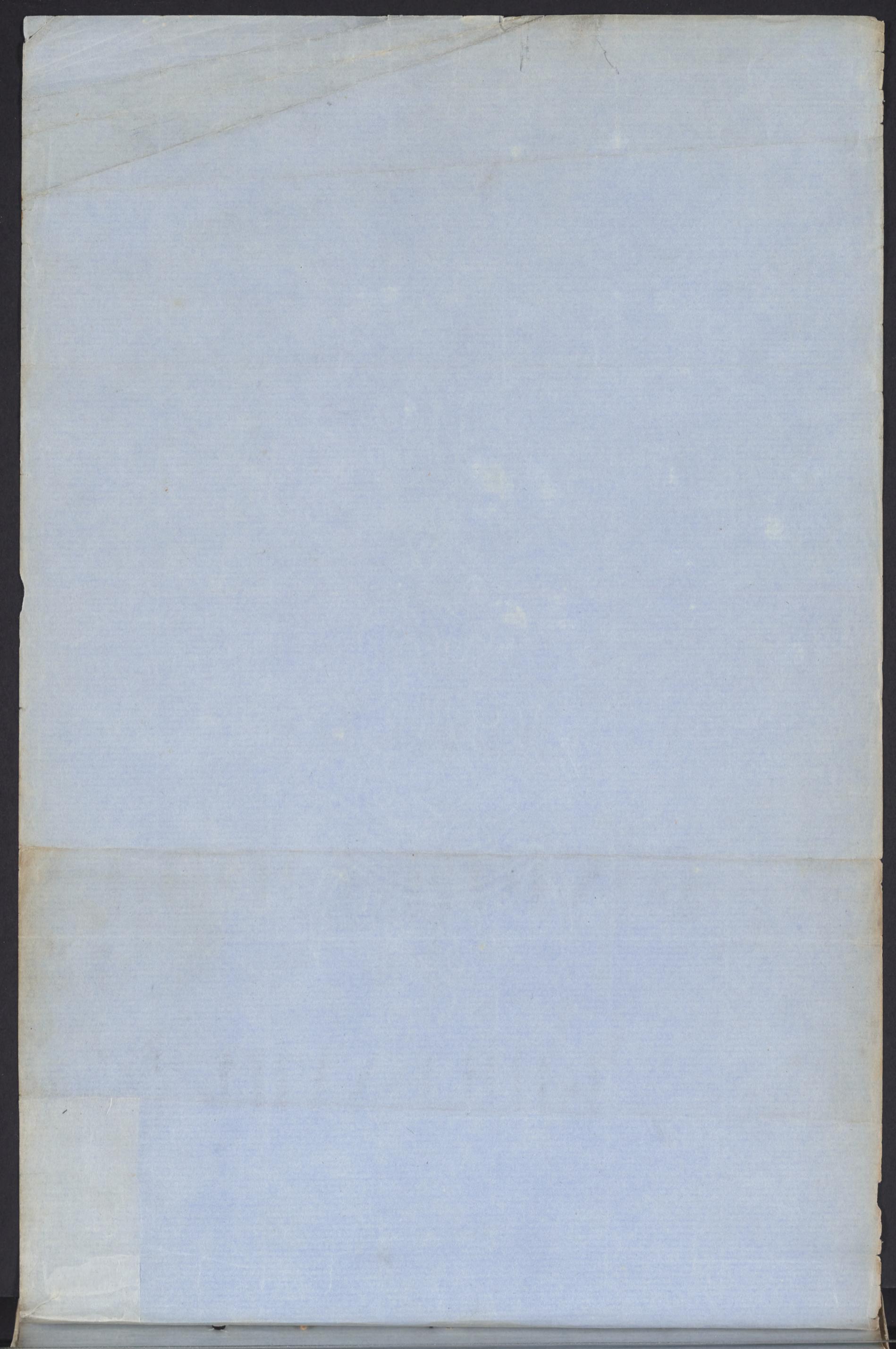
RAFAELA SOTO de PACHECO, ET AL.

CLAIMANT

179

Wanted

179



# TRANSCRIPT

73 ND  
PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. 179

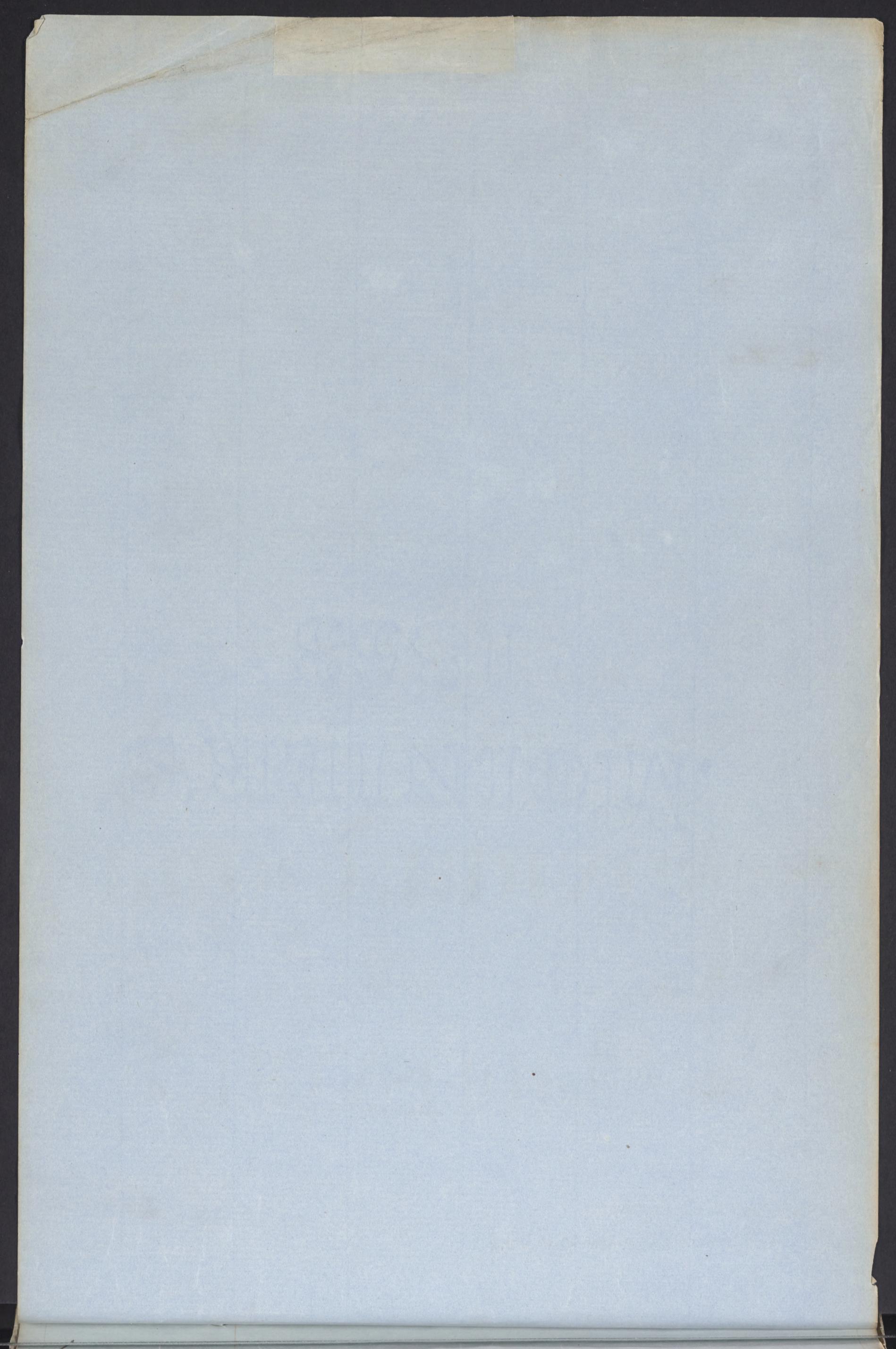
*Rafaela Soto de Pacheco, et al,* CLAIMANTS

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"San Ramon."*



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 *thirteenth day of April*, 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;

73 ND  
PAGE 2

The Petition of *Rafael Soto de Pacheco et al;* for the Place named "*San Ramon*" was presented, and ordered to be filed and docketed with No. 179 and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

*San Francisco January 8<sup>th</sup> 1853.*  
In Case no. 179. Petition of *Forenzo Pacheco, et al;* for the place named *San Ramon* the deposition of *Antonio Maria Pico*, a witness in behalf of the claimants taken before Commissioner *Henry J. Thornton* with affidavit sworn to *N. J. P. no. 1* annexed thereto was filed;  
(vide page 3 of this Transcript.)

*San Francisco Aug 31<sup>st</sup> 1853.*  
Case no. 179 *Rafael Soto de Pacheco et al;* for the place named "*San Ramon*," called, submitted on briefs on both sides and taken under advisement.

2  
San Francisco Nov. 22<sup>nd</sup> 1853.

In the same case Commissioner Alpheus  
Fitch delivered the opinion of the Board  
rejecting the claim:

(See page 44 of this Transcript)

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73 ND  
PAGE 3

3  
Petition of the Heirs of Pacheco delano in California To the Honorable Commissioners to Little Private Land

The Petitioners Rafaela Soto de Pacheco widow and Nicolas Pacheco, Lorenzo Pacheco, Luz Pacheco and Manuela Pacheco Children of Lorenzo Pacheco deceased and Domingo Peratta respectfully represent that in October 1832 Bartolo Pacheco and Marianos Castro applied through the proper authority for the Rancho of San Ramon and received permission to occupy the same till the proper title would be made out, that on the 10<sup>th</sup> day of June AD 1833 Jose Figueroa Governor of California by virtue of authority in him vested granted to the said Bartolo Pacheco and Marianos Castro the aforesaid tract of land called San Ramon situated in the then jurisdiction of San Jose and now County of Contra Costa containing two square leagues a little more or less with the boundaries described in the Grant and shown in the corresponding Map: That on the 17<sup>th</sup> day of May AD 1834 the said Grant was approved by the Territorial Deputation of California; all of which is fully shown in the Original Expediente, a certified copy of which is submitted herewith marked "A" with a translation marked "B," The Petitioner also submit herewith copies of the original title papers issued to the said Bartolo Pacheco and Marianos Castro marked "C" with translations marked D

And the petitioners further show that the said Bartolo Pacheco died in the year 1839 devising his undivided half of said tract of land to his sons Lorenzo Pacheco and Tomas Pacheco a copy of which last will and testament of said Bartolo Pacheco bearing date Nov<sup>r</sup> 30<sup>th</sup> 1839 is submitted herewith marked "E," with a translation marked "E." That in the year 1840 the said Lorenzo Pacheco who previously to that time had purchased and acquired from his brother Tomas Pacheco

73 ND

PAGE 4

all his (the said Tomas Pacheco's) interest in the said tract of land and devising this land i.e. an undivided half of the whole Rancho to his aforesaid widow and children by his last will and testament a copy of which is submitted herewith marked "C", with a translation marked "H", bearing date February 24<sup>th</sup> 1846. The said Tomas Pacheco endorsed on the said will his relinquishment of all claim to the said land to his Brother Domingo Pacheco. That on the            day of            A.D.            the said Mariano Leastro sold and conveyed to the said Domingo Peratta his undivided half of the said Rancho a copy of which conveyance they beg leave to file hereafter. That the aforesaid tract of land has not been surveyed by the Surveyor General of the United States, but that its boundaries are defined on the grant and map, and are well known and that the Petitioners and those under whom they hold have been in the quiet and peaceful possession occupation and cultivation of said land for more than twenty years: That they know of no conflicting claims. That they only for Confirmation of title upon the original papers copies of which are submitted herewith; upon the Minutes and Records in the Archives now under the charge of the Surveyor General and upon such other and further proof as they may be advised are necessary. Wherefore they pray the Commissioners to confirm to them the aforesaid tract of land.

By his Atty

Kealick Peachy & Bellows

Filed in Office April 13

1852

Geo Fisher Secy.

9-

San Francisco Jan'y 8<sup>th</sup> 1853

Deposition of Antonio M<sup>a</sup> Pico On this day before Com<sup>rs</sup> Henry J Thornton came Antonio Maria Pico a witness in behalf of the claimants He was of Lorenzo Pacheco Et al petition N<sup>o</sup> 179 and was duly sworn his Evidence being interpreted by the Secretary

The U. S. Associate Law Agent was present

73 ND  
PAGE 6

1<sup>st</sup> Question What is your name, age and place of Residence?

Answer My name is Antonio Maria Pico My age is 44 years I reside in San Jose and have resided in California all my life

2<sup>d</sup> Question Do You know the Rancho of "San Ramon" in the County of Contra Costa and if so by whom is it owned and by whom is it occupied?

Answer I do know the Rancho of "San Ramon" in the County of Contra Costa, it was granted to Bartolo Pacheco and Mariano Castro in the year 1833 by Governor Figueroa it was occupied by Bartolo Pacheco from 1832 to the time of his death in 1839 After his death it was occupied by his son Lorenzo Pacheco until February 1846 when Lorenzo Pacheco died leaving his Widow Rafaela Loto de Pacheco and his Children Nicolas Pacheco, Lorenzo Pacheco Ynez Pacheco and Manuela Pacheco in possession of said land and they are still in possession of it Bartolo Pacheco had a house and cattle and horses on the land in the year 1832 and he and his heirs have been in possession of it ever since

3<sup>d</sup> Question Examine the Document before you Marked N<sup>o</sup> 1 and say if the signatures are genuine

Answer I am acquainted with the signatures of Jose Figueroa and Augustin V. Ygnarano their signatures to this grant and approval are then genuine Official

11  
Signatures

Antonio M<sup>a</sup> Pico

U.S. Law Agent present

Sworn to and Subscribed before me this  
8<sup>th</sup> day of Jan'y 1853.

Henry J. Thornton

Filed in Office Jan'y 8<sup>th</sup>  
1853

Leons & C

Geo Fisher

Sicily

7

Jurisdiccion de  
San Francisco

N.º 9.

1.ª. D.ª. K.  
Año de  
1833

73 ND  
PAGE 8

Expediente

Sobre el paraje nombrado San Ramon  
Solicitado p.ª su cultivo y beneficio por  
Bartolo Pacheco y Mariano Castro

50

40

2 S.D.K.

Dello tercero  
Para los años de mil  
y seis y ochocientos

Place  
of the  
Seal

dos reales  
ochocientos veinte  
veinte y siete

73 ND  
PAGE 9

A

Expediente

Place  
in the original  
of the seal for  
1828 + 1829

Place  
in the original  
of the seal for  
1830 + 1831

Place  
in the original  
of the seal for  
1832 + 1833

Señor Jefe Politico

El yrnabido y vecino del pueblo de  
S. Jose Bartolo Pacheco en  
union del vecino Mariano Castro  
con el respeto q.º el derecho nos  
permite asebrar presente a V.S.  
la antesernte Solicitud q.º unil-  
-demente se acompaña a q.º  
ci es de Su Superior agrado les otorgue  
el terreno q.º ocupan con sus bienes  
de Campo asta inter tanto sea de Su Superior disposicion  
darlo en propiedad Por tanto

A V.S. encarecidamente Suplica  
prober a favor de los interesados, gracia q.º se  
espera y justicia.

Pueblo de S. Jose Abril 30 de 1833

A ruego de los interesados  
Tomas Pacheco

Monterey Mayo 2 de 1833

De Conformidad con las leyes de la materia  
informe el Ayuntamiento del Pueblo de S. Jose  
Guadalupe si los interesados obtienen los requisitos  
prebenidos p.º ser atendidos en su Solicitud; Si  
el terreno q.º pretenden está comprendido en las 20  
leguas linternas o 10 litorales q.º espuesala Ley  
de 18 de Agosto de 824; Si ha pertenecido o pertenece  
a propiedad particular, Corporacion o Pueblo, o se  
conoce por valdio, con todo lo demas que sea  
Conveniente a ilustrar la materia haciendo que  
los interesados presenten el dicino del terreno q.º  
Solicitan, y se agregará a continuacion de este escrito  
Figuroa

Agustin V. Lamorano  
Srco

320

9

Por quanto al Decreto Superior debo decir q.  
 el primer Solicitante es fundador de estos Suelos, sus  
 hijos varones dos en la guerra; el segundo hijo de  
 los q.<sup>os</sup> en esa clase entraron a la tierra, ambos de  
 Conducta laboriosa, con Sobrados vienes de Campo  
 p.<sup>a</sup> obtener Sitio, con Servicios a la Patria en la  
 plaza de guerra, y permanentes vecinos. El Sitio  
 q.<sup>o</sup> Solicitan ha estado desocupado, solo en temporadas  
 solia meter la Misión algun ganado menor. Esta  
 este en el Seno de la jurisdiccion y no tiene las 10  
 leguas litorales p.<sup>a</sup> estar pegado a la Costa del mar  
 Pacifico q.<sup>o</sup> desemboca al sito de S. Francisco  
 Pueblo de S. Pau Guadalupe Mayo 12  
 de 1833

73 ND  
 PAGE 10

4 S.D.K.

Pacheco  
 Tomas Pacheco  
 Secretario

Monterrey Mayo 15 de 1833

Informe al Comandante Militar  
 de San Fran.<sup>co</sup> sobre los particulares a que se contrae  
 este Expediente, y sobre si los interesados han servido  
 en la Carrera Militar acompañando copia de su  
 filiacion. Evacuado su informe pasara con igual  
 objeto el Expediente al R. P. Ministro de la Misión  
 de S. Pau quin de ruego y encargo se servira  
 exponer lo que se le ofresca.

Figueroa Agustín V. Lamorano  
 Srio

5 S.D.K.

Delo tercero  
 Para los años de mil  
 Seis y ochocientos  dos reales  
 ocho Cientos veinte y  
 veinte y Siete

Place  
 in the original  
 of the seal for  
 1828 + 1829

Place  
 in the original  
 of the seal  
 for  
 1830 + 1831

Por Jefe Superior Politico

Consequente al decreto precedente  
 de 12 del presente q.<sup>o</sup> V. S. estampa  
 en el memorial del Sr. Ciudad Bartola

295

111

Place  
in the original  
of the deal for  
1832 & 1833

73 ND  
PAGE 11

Pacheco y Mariano Castro digo:  
q.<sup>o</sup> en mi concepto los Citados obtienen  
los requisitos preberidos p.<sup>a</sup> q.<sup>o</sup> se les  
atienda á la Solicitud que dá principio  
este y conforme: que el terreno q.<sup>o</sup>  
pretende no está comprendido en las veinte leguas  
límitrofes con ninguna nacion extranjera, ni las  
diez litorales á q.<sup>o</sup> se refiere el art.<sup>o</sup> 4.<sup>o</sup> de la ley de  
18 de Ag.<sup>to</sup> de 1824 q.<sup>o</sup> el terreno que Solicitan pocos años  
antes lo ocupaba la Misión de S. José y en la actualidad  
lo abandono dicha Misión, por lo que nose si pertenese  
ó no a la Misión; el parage de S.<sup>r</sup> Ramon q.<sup>o</sup> los  
pretendientes Solicitan dista de la Misión de S.<sup>r</sup> José  
7 leguas 2 cuartos.

S.<sup>r</sup> Fran.<sup>co</sup> Mayo 21 de 1833  
Jose Sanchez

S.<sup>r</sup> Jefe Superior Político

En atención al decreto de V.S. de 15 del  
p.p.<sup>do</sup> Mayo, digo: q.<sup>o</sup> los interesados obtienen los requisitos  
comenientes p.<sup>a</sup> ser atendidos en su Solicitud segun  
se me ha informado. Así mismo el terreno q.<sup>o</sup> Solicitan  
entiendo, nose haya comprendido en la ley de 18 de  
Agosto de 1824; ni q.<sup>o</sup> esta Misión tenga interés,  
necesidad, o utilidad en Conservarlo. Y aunque  
el parage nombrado el Cuarto fue concedido interinam.<sup>te</sup>  
al C.<sup>o</sup> Joaquin Vernal p.<sup>a</sup> un decreto de 22 de Octubre  
de 1822, p.<sup>o</sup> me parece el dho C.<sup>o</sup> Joaquin Vernal  
ha cedido su derecho, y p.<sup>o</sup> lo mismo me persuado  
no habra obstaculo en esta parte.

Misión de S. José y Junio 2 de 1833  
Fr. Fr. M.<sup>a</sup> de Jesus Gona.<sup>o</sup>

S.D.K

Sello Cuarto una Cuartilla

Habilitado provisionalmente por la Comisaria Subalterna  
interina del puerto de Monterey de la Alta California  
para los años de mil ocho cientos treinta y uno y  
ocho cientos treinta y dos.

Salvador Espinosa J. J. Gomez

345

11  
179-172  
73 ND  
PAGE 12  
Sr. Vro. Ayuntamiento

Pueblo de S. Jose  
Y. 19 de Octub.  
de 1832

Se les Concede a  
los Suplicantes el  
paraje q. Solicitan  
en calidad de prestado  
en la ynteligencia  
q. si el Gobierno  
no lo tubiere a bien  
se devolberan ala  
Comunida.

Jgn. Peralta

El Ciudadano enbplido Bartolo  
Pacheco y el vecino Mariano  
Castro del pueblo de S. Jose  
Guadalupe ante la notoria  
justificacion de vste se presentan  
y dicen el primero q. en este  
se cuenta q. abiendo echo ante-  
riormente la solicitud ante el  
Gobierno de un paraje nombrado  
las Juntas por haverse los mas  
inmediatos ocupados por la mision  
de S. Jose y abiendo dicha mision  
desocupado un paraje mas  
entratable al Solicitante nombrado  
Sr. Ramon alia a las yuntas  
y esforados de la necesidad para  
el faumento de sus bienes suplican

Se les Conceda en calidad de prestado para faumentar  
de bienes de ganado y caballada q. dando entendidos  
q. si el Gobierno no lo tubiere ha bien de bolber  
sus bienes al Comun. Por tanto ha ustedes  
y S. D. N. suplican rendidamente se dignen ser propicia  
la expresada Solicitud de q. le tubiran reconocido.

Pueblo de S. Jose dias y ocho de  
Octubre de mil ochocientos treinta y dos.

A ruego de los interesados  
Tomás Pacheco

12

73 ND  
PAGE 13

Bello Tercero dos reales 10 S. D. K.  
Habilitado provisionalmente por la Comisaria Subal-  
terna interina del puerto de Monterey de la Alta  
California para los años de mil ochocientos treinta  
y uno y ochocientos treinta y dos.

Victoria J. J. Gomez  
Re-Habilitado por la espasada Oficina para los  
años de 1833 y 1834  
(Rubrica) (Rubrica)

Compañia de Caballeria del Real  
Presidio de San Francisco = Filiacion = Pies =  
Pulg. = Lin. = Mariano de la Cruz  
Castro, hijo de Ignacio y de m.<sup>a</sup> Barbara  
Pacheco, natural deste Presidio con dependiente  
del Conquiniento del Gov.<sup>no</sup> de Monterey y arcein-  
= dado en el pueblo de San Jose, su oficio Campista  
= Su estatura 5 pies 5 pulgadas y 7 lineas, su  
edad veinte y un años, su religion C. A. R.  
Sus Señales estas: Pelo y Cejas castaño,  
ojo pardos, nariz larga, barba lampiño, color  
blanco. = Sento plaza voluntariamente por  
diez años, en el citado Presidio el dia doce de  
Julio del año de mil ochocientos cinco, y se le  
leyeron las penas que previene la ordenanza y adiciones  
a ella, y por no saber escribir y solo la Señal de  
la Cruz quedando advertido de que es la justificacion,  
y no le serviría de disculpa alguna, siendo testigos  
el Sargento Luis Peralta, y el Cabo distinguido  
D.<sup>o</sup> Gervacio Argüello, ambos de la misma Compañia  
= X = Josef Argüello = Luis Peralta =  
Gervacio Argüello = Notas = El contenido  
uso de licencia absoluta el dia 7 de Sep.<sup>o</sup> de 1818.

11 S. D. K.

M.<sup>no</sup> J. Vallejo, Comand.<sup>te</sup> de la Comp.<sup>a</sup> de  
Caballeria form.<sup>te</sup> de S.<sup>o</sup> Fran.<sup>co</sup>.

Certifico q.<sup>o</sup> la filiacion q.<sup>o</sup> antecede  
es copia de su original firm.<sup>te</sup> sacada de la que  
existe en el archivo de la Comand.<sup>a</sup> de esta Comp.<sup>a</sup>  
S. Fran.<sup>co</sup> 21 de Mayo de 1833.

M.<sup>no</sup> J. Vallejo.

310

Monterrey 5 de Junio de 1833.

Vista la petición con que da principio este expediente, el informe de la autoridad municipal del Pueblo de S. Jose de Guad., el del Comandante del Presidio de S. Fran., y el del Padre Ministro de la Misión de S. Jose, con todo lo demás que se tubo presente y se convino: de conformidad con lo dispuesto por las leyes y reglamentos de la materia, se declara a Bartolome Pacheco y a Mariano Castro dueños en propiedad del terreno comprendido desde el arroyo de las juntas hasta el de San Ramon colindante con los ranchos de Don Maria Anador, Luis Peralta y el monte del Diablo, sugeto a las condiciones que se estipularon: Librese el despacho correspondiente, tomese razon en el libro respectivo y dirijase este expediente para la

73 ND  
PAGE 14

12 A. D. K.

Delto tercero dos reales  
Habilitado provisionalmente por la Comisaria Subalterna intrina del puerto de Monterrey de la Alta California, para los años de mil ocho cientos treinta y uno y ochocientos treinta y dos.

Victoria J. J. Gomez  
Rehabilitado por la expresada Oficina para los años de 1833 y 1834  
(Rubrica) (Rubrica)

= devida aprobacion de la Honra Diputacion Territorial, en cuyo caso los interesados, a quienes se les haga saber este decreto presentaran nuevamente su titulo para que se les revalide. El Sr. Don Jose Figueroa, Comandante Gral, Inspector y Jefe Superior Politico del Territorio de la Alta California, asi lo mando, decreto y firmo, de que doy fe  
Don Figueroa Agustin Zamorano  
Srio

El mismo dia 5 de Junio habiendo ocurrido a esta Secretaria de mi cargo Mariano Castro p. si y a nombre de su compañero Bartolo Pacheco, se le leyó el antecedente decreto del Sr.

14

73 ND  
PAGE 15

Jepe Superior Politico, y entorado de el dijo q. loyo  
y p. no saver escribir lo signo con una Cruz  
Agustin V. Zamorano X

Monte

13 S. D. K.

Don Figueroa, General de Brigada de los  
Ejercitos Mexicanos, Comandante General, Inspector  
y Jepe Superior Politico del Territorio de la Alta  
California.

Por cuanto Bartolo Pacheco y  
Mariano Castro han pretendido para su beneficio  
personal y el de sus familias el paraje conocido con  
el nombre de S. Ramon, colindante con el rancho  
de Sr. Ant. y los parajes de Arroyo y Monte del  
Diablo; practicadas previamente las diligencias y  
averiguaciones concernientes segun lo dispuesto por las  
leyes y reglamentos: usando de las facultades q. me  
son conferidas a nombre de la Nacion Mexicana, he  
venido en concederle el paraje mencionado, declaran-  
-dole la propiedad de el por las presentes letras  
entendiendose dicha Concesion con entera conformidad  
a lo dispuesto por las leyes a reserva de la aprobacion  
o desaprobacion de la Camera de Diputados Territorial  
y del Supremo Gobierno, y bajo las condiciones  
siguientes

1.ª Que someteran a las q. estableciere  
el reglamento q. se ha de formar para la distribucion  
de terrenos baldios y q. entretanto ni los agrar-  
-ciados ni sus herederos podran dividir ni enagenar  
el que se les adjudica: imponer censo, vinculo,  
fianza, hipoteca, ni otro gravamen aunque sea  
por causa piedadosa, ni pasarlo a manos muertas.

2.ª Podran cercarlo sin perjudicar  
los travesias, Caminos y Servidumbres: lo disputaran  
libre y esclusivamente destinandolo al uso y cultivo  
q. mas les acomode; pero dentro de un año  
a lo mas fabricaran Casa y estara habitada.

3.ª Cuando se le confirme la propiedad  
Solicitaran al Gov. respectivo q. les de posesion

300

14 S. D. K.

juridica en virtud de este despacho p.<sup>o</sup> el cual se demarcaran los linderos en cuyos límites podran ama, de los mohonuras, algunos arboles frutales o silvestres de alguna utilidad.

4.<sup>a</sup> El terreno de q.<sup>o</sup> se les hace donacion es de 2 Sitios de ganado mayor poco mas o menos segun explica el diccionario q.<sup>o</sup> corre en el expediente. El Puz q.<sup>o</sup> dice la porcion lo hara medir Conforme a ordenanza p.<sup>o</sup> señalar los linderos, quedando el sobrante q.<sup>o</sup> resulte a la nacion p.<sup>o</sup> los usos convenientes.

73 ND

PAGE 16

5.<sup>a</sup> Si Contravinieron a estas Condiciones, perderan su derecho al terreno y sera denunciabile por otro.

En consecuencia mando q.<sup>o</sup> sirviendole de titulo el presente y teniendo por firma y valdoso se tome razon en el libro a q.<sup>o</sup> corresponde y se entregue a los interesados p.<sup>o</sup> su resguardo y demas finis. Dado en Montevideo a 10 de Junio de 1833 = Don Figueroa = Agustin V. Lamorano Secretario =

15 A. D. K.

Las Comisiones de Colonizacion y terrenos, Valdivia a quince se paso el expediente, cuya formacion probocativa por peticion los Ciudadanos Bartolo Pacheco y Maximo Castro hicieron del paraje nombrado San Ramon, lo han examinado con la Sircunspeccion q.<sup>o</sup> corresponde, teniendo al mismo tiempo presente la ley de 18 de Agosto de 1824, sus concordantes y las disposiciones generales q.<sup>o</sup> en 24 de Noviembre de 1828 dicto el Supremo Gobierno de la Union p.<sup>o</sup> el mejor cumplimiento de la primera. Del examen del expediente se ha penetrado la Comision de la opinion q.<sup>o</sup> ya tenia de la escrupulosidad y tiene con q.<sup>o</sup> el Sr. Jefe Superior Politico le mando instruir; de suerte q.<sup>o</sup> ni en su formacion se entraba algun requisito herencial ni de los practicados.

Por lo dicho conclulle la Comision ofresiendo a la deliberacion de esta honorable Diputacion



Testimonio

Se aprueba la Concesion echa a los Ciudadanos Bartolo Pacheco y Mariano Castro del paraje nombrado San Ramon Concedido en 10 de Junio de 1833 de entera conformidad con la ley de 18 de Agosto de 1824 y el articulo 5º del reglamento de 21 de Noviembre de 1828.

Monterrey 17 de Mayo de 1834 = En Sesion de este dia se aprovo por la Coma Diputacion la proposicion del dictamen antecedente mandando se devuelva el expediente al Sr. Jefe Sup. Politico por los fines Consiguientes = Jefe Figueroa = Juan B. Alvarado = Secretario =

Monterrey 24 de Julio de 1834 = En Vista de la aprobacion otorgada en 17 de Mayo ultimo por la Coma Diputacion Territorial libran Testimonio de ella y de este Decreto a las partes de los Ciudadanos Bartolo Pacheco y Maximino Castro en confirmacion del terreno de S. Ramon q.º obtuvieron en 5 de Junio de 1833. El Sr. D.º Jefe Figueroa General de Brigada, Comandante Jefe, Jefe y Jefe Superior Politico de la Alta California asi lo mando, decreto y firmo, de q.º doy fe = Jefe Figueroa = Agustin V. Zamorano = Secretario =

Concuerda a la letra con su original del cual ha sacado el presente Testimonio por resguardo de los interesados en Monterrey a veinte y cuatro de Julio de mil ochocientos treinta y cuatro, siendo testigos los Ciudadanos Bonifacio de Madariaga y Fran.º de Araujo, de esta vecindad.

In testimonio de verdad  
J. Figa Ag.º V. Zamorano  
S.º

Office of the Surveyor General of the United States for California

73 ND  
PAGE 18

285

18

73 ND  
PAGE 19

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

In testimony whereof I have hereunto signed my name, officially, and affixed my private seal (not having a seal of office) at the City of San Francisco, Cal, this second day of March 1852

Sam L. King  
Surveyor Genl Cal

Filed in office April 13<sup>th</sup> 1852  
Geo: Fisher  
Sec.

155

Translation of  
Espediente

+

Stamp Third Seal Two Reales  
For the years one thousand eight hundred and  
twenty six and (one thousand) eight hundred and  
twenty seven

Seal for 1828/1829

Seal for 1830/1831

Seal for 1832/1833

73 ND  
PAGE 20

To the Political Chief

Bartolo Pacheco an invalid and resident of the Pueblo  
of San Jose with the resident Mariano Castro with the  
respect which the law permits present to your Honor  
the antecedent petition which they humbly transmit  
herewith that if it be your Superior pleasure you would  
grant them the land which they occupy with their cattle  
until it be granted them in full by your superior direction  
therefore they earnestly beseech your Honor to decide in favor  
of the persons interested a favor and justice which is Expected  
Pueblo of San Jose April 30<sup>th</sup> 1833 at the request of  
the interested persons

(Signed) Thomas Pacheco

Monterey May 2<sup>nd</sup> 1833

In Conformity with the laws on the matter  
let the Ayuntamiento of Pueblo of San Jose report whether  
the parties interested possess the qualifications necessary to  
entitle their petition to be admitted, whether the land petitioned  
for is included in the twenty leagues from the boundary  
or ten from the sea shore which are specified in the law  
of August 18<sup>th</sup> 1824, whether it has been put to use or does  
pertain to any individual corporation or Pueblo or is recognized  
as vacant with all other things which may assist to explain  
the matter also causing the parties interested to present the  
map of the land which they wish which will be attached at  
the continuation of this writing

(Signed) Figueroa

Signed Agustin V Zamorano

Secretary

Referring to the Superior Order I have to report that the  
first named petitioner is one of the settlers of these lands his

two sons were in the war the second is a son of those who came into the Country as settlers, both are laborous and with more than the requisite quantity of live stock to entitle them to obtain a place they have rendered service to their Country in time of war and permanent residents, the place which they petition for has been unoccupied, only that the Mission has been accustomed at times to put small cattle there. It is situated in the heart of the jurisdiction of it is not out of the ten territorial leagues from its being adjoining the banks of the Smooth Sea (Mar Pacifico) which empties at the Port of San Francisco

Pueblo of San Jose de Guadalupe May 12<sup>th</sup>  
1833 (Signed) Pacheco

Signed Thomas Pacheco

Secretary

Monterey May 15 1833

Let the Military Commandant of San Francisco report upon the points referred in this Expediente and whether the parties interested have served in the army transmitting a copy of their enlistment having made out his report this Expediente will be transmitted for the same purpose to the Rev Father Minister of the Mission of San Jose who will have the goodness to report whatever he may know

(Signed) Agustin V Zambrano

(Signed) Figueroa

Secretary

To the Superior Political Chief

In compliance with the preceding decree of the 2<sup>nd</sup> instant which your Honor attached to the Memorial of Citizens Bartolo Pacheco and Mariano Castro I report that in my opinion the persons referred to possess the requisite qualifications to entitle them to have admitted the petition with which this report commences that the land petitioned for is not included within twenty leagues from the boundary with any foreign Nation or the ten leagues from the Sea shore to which article 4 of the Law of August 18<sup>th</sup> 1824 refers that the land petitioned for was

occupied a few years before by the Mission of San Jose and said Mission actually abandoned it for which reason I do not know whether it belongs to the Mission or not; the place of San Ramon which the petitioners solicit is distant from the Mission of San Jose seven and a half leagues,

San Francisco May 21<sup>st</sup> 1833

(Signed) Jose Sanchez

To the Superior Political Chief

In compliance with your Honor's decree of the 15<sup>th</sup> of May last I report, that as I have been informed the petitioners intend to present the proper requisites to entitle them to have their petition attended to also that the land petitioned for is not included in the law of August 18<sup>th</sup> 1824 as I understand it neither has this Mission any interest necessity or utility in keeping it and although the place named Yugoito was temporarily granted to Citizen Joaquin Vinal by a decree of October 22<sup>nd</sup> 1822 I believe said Citizen Joaquin Vinal has ceded his right and I therefore think there will be no obstacle on that ground Mission of San Jose June 2<sup>nd</sup> 1833

(Signed) Jose Maria de Jesus Gonzalez

Stamp It overth One Cuartillo

Provisionally authorized by the Subaltern Comissario ad interim of the Port of Monterey in upper California for the years one thousand eight hundred and thirty one and eight hundred and thirty two.

(Signed) Salvador Espinosa (Signed) J J Gomez

To the illustrious Ayuntamiento the Pueblo of San Jose Invalid Citizen Bartolo Pacheco and the Guadalupe October Resident Mariano Castro of the Pueblo of San Jose 19<sup>th</sup> 1832 Jose de Guadalupe before you will know the land solicited is ten Justices present themselves and the first person granted (sent) named says that having previously petitioned to the petitioners with the Government for a place named Las Juntas the understanding because all the names (lands) were assumed that if the Governmently the Mission of San Jose and said Mission

should not approve having given up the occupation of a place  
 if they will return more pleasing to the petitioners named  
 to the Common lands San Ramon, (alias) Las Juntas and  
 Sr. Ygnacio Peratta forced by the necessity of increasing their  
 property they request that it may be tem-  
 porarily granted (lent) to them that they may occupy it  
 with cattle and horses it being understood that if the  
 government should not approve it they will return their  
 property to the Common lands. Therefore they earnestly request  
 you to have the goodness to look propitiously upon the afore-  
 said petition for which they will remain grateful  
 Pueblo of San Jose October 18<sup>th</sup> 1832, At the request of the  
 parties interested

(Signa) Tomas Pacheco  
 Stamp Third Two Reales

Provisionally Authorized by the Subaltern Comandante  
 ad interim of the Port of Monterey in alta California for the  
 years one thousand eight hundred and thirty one and (one  
 thousand) eight hundred and thirty two  
 Reauthorized by the aprosada Office for the years 1833 and  
 1834 (Rubric of Figueroa) (Rubric of )  
 A company of levalluy of the Royal Presidio of San Francisco  
 -Enlistment- I et- Inches - Lines - Manans de la Cruz  
 leastro Son of Ygnacio and Maria Barbara Pacheco native  
 of this Presidio belonging to the jurisdiction of the Govern-  
 ment of Monterey resident in the Pueblo of San Jose by  
 occupation a field labourer Height 5 feet 5 inches 7 lines  
 age twenty one years Religion the Roman Catholic Apostolic  
 Description Hair + eyebrows Chestnut eyes grey nose large  
 broad thin complexion fair Enlisted voluntarily for ten  
 years at the aprosada Presidio on the twelfth day of June  
 in the year one thousand eight hundred and five and the  
 penalties fixed by the Ordinance and the additions to it  
 were read to him and he not knowing how to write made  
 the sign of the Cross having warned that this is the justification

that he might have no excuse the Veterans being Sergeant Luis Peratta and the distinguished Corporal Don Gervasio Arguello both of the same Company

+

(Signa) Josef Arguello

(Signa) Luis Peratta

(Signa) Gervasio Arguello

73 ND  
PAGE 24

States the within named was absolutely discharged on the 7 of September 1818

Manano & Valleyo Commandant of the Company of Cavalry permanent at San Francisco

I Certify that the foregoing enlistment is a copy faithfully made from its original which exists in the Archives of the "Comandancia" of this Company San Francisco

May 2<sup>nd</sup> 1833 Signa M<sup>o</sup> & Valleyo

Monterey June 5<sup>th</sup> 1833

Hearing seen the petition with which this Expediente Commences the Report of the Municipal Authority of the Pueblo of San Jose Guadalupe that of the Commandant of the Presidio of San Francisco and that of the Father Minister of the Mission of San Jose together with all other information which was presented and deemed proper to be considered in conformity with that which is required by laws and regulations on the matter Bartolome Pacheco and Manano Leastro are declared Curators in fee of the land included between the Arroyo de las Juntas and that of San Ramon bounded by the Ranchos of Jose Maria Amador, Luis Peratta and Monte del Diablo subject to the conditions which may be specified. Let the corresponding title be opened let note be made in the proper book and let this Expediente be sent to the most Excellent Territorial Deputation for its approval in which case the persons interested who will be informed of this decree will again present their title that it may be revalidated for them

Señor don Jose Figueroa Commanding General Inspe-  
ctor and Governor of the Territory of Upper California thus  
Ordina, decree and signato which I certify  
Signed Agustín Zamorano Signed Jose Figueroa  
Secretary

On the same day the 5<sup>th</sup> of June Mariano Castro having appeared  
for himself and his partner Bartolo Pacheco at this office in  
my charge the foregoing decree of the Superior Political  
Chief was read to him and having understood it he said  
that he heard it and not knowing how to write he signed  
it with a cross

Signed Agustín Zamorano Mariano <sup>his</sup> X Castro  
Mark

Jose Figueroa General of Brigade of the Mexican Army  
Commanding General Inspector and Superior Political  
Chief of the Territory of Upper California  
Whereas Bartolo Pacheco and Mariano Castro have for their  
own personal benefit and that of their families petitioned  
for the piece known by the name of "San Ramon" bounded  
by the Rancho of San Antonio and the places Ambré  
and Monte del Diablo the proper measures and examin-  
ation being previously made as required by laws and  
regulations by virtue of the powers which are conferred on  
me I have by decree of the fifth of this month in the name of the  
Mexican Nation granted them the aforesaid piece declaring  
to them the ownership of it by these presents said grant  
being understood to be in entire conformity with the laws  
subject to the approval or disapproval of the Most Excellent  
Territorial Deputation and of the Supreme Government  
and under the following conditions  
1<sup>st</sup> They shall be subject to those (conditions) which may be  
established in the regulation which is to be formed for the  
distribution of vacant lands and in the mean time neither  
the grantees nor their heirs may divide or alienate that  
which is granted them subject it to any tax, entail

plaza Mortgage or other encumbrance even for Religious purposes or convey it in Mortmain

2<sup>nd</sup> They may enclose it without prejudice to the Crops roads roads, or Servitudes and enjoy it freely and exclusively making such use or cultivation of it as they may see fit but within one year at most they shall build a house on it and it shall be inhabited 3<sup>rd</sup> When the Ownership is Confirmed to them they shall request the proper Magistrate to give them judicial possession in virtue of this title by whom the boundaries will be marked out in which besides the bounds they shall place some fruit or fruit trees of a useful Character

4<sup>th</sup> The land granted in Amation is two Sitios de ganado Mayor (two square leagues) a little more or less as shown by the Map which goes with the Expediente, the Magistrate who may give the possession will cause it to be measured in conformity with the Ordinance for the purpose of designating the boundaries leaving the surplus which may result to the Nation for its common uses

5<sup>th</sup> If they contravene these conditions they will lose their right to the land and it may be denounced by another person

In consequence I Order that these presents serving as a title and being held as firm and valid not to be made in the corresponding book and they be delivered to the persons intended for their security and other purposes

Given in Monterey on the 10<sup>th</sup> of June 1833.

(Signed) Jose Figueroa

Signed Agustin V Zamorano Secretary

The Committee on Colonization and on Vacant lands to which was referred the Expediente whose formation was caused by the petition of Citizen Bartolo Pacheco and Mariano Castro for the place named San Ramon have examined it with due care taking into consideration at the same time the law of August 18<sup>th</sup> 1824 and those agreeing with it and the general donations which on the 24 of November 1828 the Supreme Government of the Union decreed for the better

fulfilment of the former. From the examination of the Expediente the Committee has been impressed with the Opinion which it before had of the ~~simplicity~~ <sup>simplicity</sup> and tact with which the Superior Political Chief ordered it to be informed so that no essential requisite was wanting in its formation or in its proceedings. For the aforesaid reasons the Committee concludes by presenting for the decision of this Most Excellent Deputation the following proposition:

1<sup>st</sup> They approve the grant made to Citizens Bartolo Pacheco and Mariano Leastro of the piece named San Ramon granted on the 10<sup>th</sup> of June 1833 in entire conformity with the law of August 18<sup>th</sup> 1824 and article 5<sup>th</sup> of the regulation of November 21<sup>st</sup> 1828.

Monterey May 10<sup>th</sup> 1834

(Signa) Leandro Ant<sup>o</sup> Learrillo

(Signa) Jose Leastro

(Signa) Jose L. Ortega

(Signa) Jose Antonio Estudillo

Monterey May 17<sup>th</sup> 1834-

In session of this day the proposition of the preceding report was approved by the Most Excellent Deputation and it was ordered that the Expediente be returned to the Superior Political Chief for the proper purposes.

(Signa) Juan B. Alvarado

(Signa) Jose Figueroa

Secretary

### Stamp Third & two Reales

Provisionally authorized by the ~~Monterey~~ administration of the Monterey Custom House of Monterey for the years one thousand eight hundred and thirty four and one thousand eight hundred and thirty five

(Signa) Figueroa

(Signa) Rafael Gonzales

Monterey July 24<sup>th</sup> 1834

In view of the approval given by the Most Excellent Territorial Deputation on the 17<sup>th</sup> of last May let a testimony of it and of this decree be issued to the parties, Citizens Bartolo Pacheco and Mariano Leastro in Confirmation of the land of San Ramon which they obtained on the 9<sup>th</sup> of June 1833 Señor Don Figueroa, General of Brigade of Commanding General, Inspector and Superior Political Chief of Upper California thus ordered, decreed and signed to which I certify

(Signed) José Figueroa

(Signed) Agustín V. Zamorano Secretary

### Testimony

The grant made to Citizens Bartolo Pacheco and Mariano Leastro of the place named San Ramon granted on the 10<sup>th</sup> of June 1833 is approved in entire conformity with the law of August 18<sup>th</sup> 1824 and article 5<sup>o</sup> of the Regulation of November 21<sup>o</sup> 1828

Monterey May 17<sup>th</sup> 1834

In Session of this day the proposition of the foregoing report was approved by the Most Excellent Deputation and it was ordered that the Expediente be returned to the Superior Political Chief for the proper purposes

(Signed) José Figueroa

(Signed) Juan B. Alvarado

Secretary

Monterey July 24<sup>th</sup> 1834

In view of the approval given on the 17<sup>th</sup> of May last by the Most Excellent Territorial Deputation let a Certificate of it and of this decree be issued to the parties Citizens Bartolo Pacheco and Mariano Leastro in Confirmation of the land of San Ramon which they obtained on the 5<sup>th</sup> (in other places says on the 9<sup>th</sup> 110) of June 1833 Señor Don José Figueroa General of

Benigno, Commanding General, Inspector & Governor  
of Upper California thus ordered and signed  
to which I certify

(Signed) Jose Figueroa

(Signed) Agustin V. Zamorano

Secretary

The present copy agrees to the letter with the original  
from which I caused it to be made for the security of  
the persons interested, in Monterey on the twentyfourth  
of July one thousand eight hundred and thirty four  
the witnesses being Citizens Bonifacio Madariaga  
and Francisco de Arango of this neighborhood

In testimony of its truth

(Signed) Jose Figueroa

Ag° Agustin V. Zamorano

Secretary

C. L.

R. P.

Filed in office April 13<sup>th</sup>

1852

Geo Fisher

29

Dello Primero: Dos pesos  
Habilitado provisionalmente por la Administracion  
de la Aduana Maritima de Monterrey para  
los años de mil ochocientos treinta y tres y mil  
ochocientos treinta y cuatro.

Figuerola Don Rafael Gonzalez

Original Grant  
& Approval.

Jose Figuerola General de

Brigada de los Ejercitos Mexicanos, Comandante  
General Inspector y Jefe Superior Politico  
del Territorio de la Alta California

Doc. No. S. S. No  
1. unid to the  
depu. of Anto. M.  
Pico filed in  
Office Jan'y. 8<sup>th</sup>  
1853.



Porcuanto Bartolo Pacheco y  
Mariano Castro han pretendido

para su beneficio personal y el de sus  
familias el paraje conocido con el nombre de San  
Ramon colindante con el Rancho de San Antonio  
y los parajes el Ambre y Monte del Diablo:  
practicadas previamente las diligencias y averiguaciones  
concernientes segun lo dispuesto por las Leyes y  
Reglamentos: usando de las facultades que me son  
conferidas: en decreto de Circo del Corriente a nombre  
de la Nacion Mexicana he venido en concederles  
el paraje mencionado declarandoles la propiedad  
de el por las presentes letras, entendiendose dicha  
concesion con entera conformidad a lo dispuesto por  
las leyes a reserva de la aprobacion o desaprobacion  
de la Excelentisima Diputacion Territorial y del  
Supremo Gobierno y bajo las condiciones siguientes.

Primera. Que se someteran a las que  
estableciere el Reglamento que se ha de formar para  
la distribucion de terrenos baldios y que entre tanto  
ni los agraciados ni sus herederos podran dividir  
ni enagenar el que se les adjudica: imponer censo,  
vinculo, fianza, hipoteca, ni otro gravamen  
aunque sea por causa piedadosa ni pasarlo a manos  
muertas.

Segunda. Podran cercarlo sin perjudicar  
las traversias, caminos y Servidumbres: lo disputaran  
libre y exclusivamente, destinandolo al uso o cultivo

73 ND  
PAGE 30

275

que mas le acomode; pero dentro de un año a lo mas fabricaran casa y estará habitada.

Tercera. Cuando se les confirme la propiedad Solicitaran del Puz respectivo que les de posesion juridica en virtud de este Despacho por el cual se demarcaran los linderos en cuyos limites pudran a mas de las mchouras algunos arboles frutales o silvestres de alguna utilidad.

Quarta. El terreno de que se les hace donacion es de dos Sitos de ganado mayor poco mas o menos segun explica el diseño que corre en el expediente; el Puz que dice la posesion lo hará medir Conforme a ordenansa para señalar los linderos, quedando el Sobrante que resulte a la Nacion para los usos convenientes.

Quinta. Si contravinieren a estas condiciones perduran su derecho al terreno y sera denunciabile por otro.

En consecuencia mando que Sirviendoles de titulo el presente y teniendole por firme y valido se tome razon en el Libro a que corresponde y se entregue a los interesados para su usuario y demas fines. Dado en Monterrey a diez de Junio de mil ocho cientos treinta y tres.

Juan Figueroa

Agustin Zamorano  
Srio

Queda tomada razon en el Libro de acintas de titulos Sobre adjudicacion de terrenos a fojas Nove numero Nove que obra en la Secretaria de mi Cargo. Monterrey Junio diez de mil ocho cientos treinta y tres.  
Zamorano

280  
I certify that I have carefully compared this title with the records in this office and find them to be correct in every respect. This title is recorded in the book of "Titulos" page 9, number 9, and a copy is filed with the original expediente N. 30 in the file of

31

The original expedient no 30 in the file of Expedientes in the archives of California and under my charge.

Asst. Ad. Gen<sup>l</sup> office  
Head Quar 10. mil Sept  
Benicia Nov. 28. 1850

Ed<sup>rd</sup> Canby  
Asst. Adj. Gen<sup>l</sup> W. S.  
Keeper of the archives

Delto Securo dos reales

Habilitado provisionalmente por la Administracion de la Aduana ellaritmia de Monterrey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco

Figueroa

Rafael Gonzalez

73 ND  
PAGE 32



Se aprueba la Concesion hecha a los ciudadanos Bartolo Pacheco y Mariano Castro del paraje nombrado San Ramon concedido en diez de Junio de mil ochocientos treinta y tres de entera conformidad con la ley de diez y ocho de Agosto de mil ochocientos veinte y cuatro, y el articulo quinto del Reglamento de veinte y uno de Noviembre de mil ochocientos veinte y ocho.

Monterrey Mayo diez y nueve de mil ochocientos treinta y cuatro. En Sesion de este dia se apravo por la Lerma Diputacion la proposicion del dictamen antecedente mandando se devuelva el Expediente al Sr. Jefe Politico p. los fines Conseguintes = Sr. Figueroa = Juan Bautista = Aguado Secretario =

Monterrey veinte y cuatro de Julio de mil ochocientos treinta y cuatro. En vista de la aprobacion otorgada en diez y siete de Mayo ultimo por la Lerma Diputacion Territorial: librese testimonio de ella y de este decreto a las partes de los Ciudadanos Bartolo Pacheco y ellariano Castro en confirmacion del terreno de Sr. Ramon q. obtuvieron en cinco de Junio de mil ochocientos treinta y tres. El Sr. Sr. Sr. Figueroa, Gen. de Brigada, Com. Gen. Inspector y Jefe Sup. Politico de la Alta

290

California así lo mando, decreto y firmo, de q.º doy fe  
 = José Figueroa = Agustín V. Lamorano Secretario

Concuerda a la letra con su original de  
 cual hize sacar el presente testimonio para resguardo  
 de los interesados en Monterey a veinte y Cuatro  
 de Julio de mil ochocientos treinta y Cuatro,  
 siendo testigos los Ciudadanos Bonifacio de Mada-  
 riaga y Fran.º de Araujo, de esta vecindad.  
 Entre renglones = y Cuatro = vale =

En testimonio de verdad  
 José Figueroa  
 Agustín V. Lamorano  
 Srio.

Translation of  
Title papers

Stamp 1<sup>st</sup> of 6

Provida temporarily by the administration of the Mexican  
Custom House of Monterey for the years 1833 and 1834

Figueroa

Jose' Rafael Gonzales

Jose' Figueroa Brigadier General of the Mexican Army  
Commanding General Inspector and Superior Civil Chief of the  
Territory of Alta California

73 ND  
PAGE 34

Exal<sup>da</sup> D<sup>os</sup> Señores Bartolo Pacheco and Mariano Castro  
have solicited for their personal benefit & that of their families  
the tract of land known by the name of San Ramon  
contiguous to the Rancho of San Antonio and the places or  
lands (parajes) called "El Ambro" & "Monte del Diablo, the  
previous measures having been taken & proper investiga-  
tions made agreeably to the laws and regulations on the  
subject in virtue of the Authority vested in me I have in  
the name of the Mexican Nation by decree of the fifth inst  
granted to them the before mentioned land according to  
them the ownership thereof by these presents in entire  
conformity with the provisions of the laws subject to the  
approbation or disapprobation of the Most Excellent  
Territorial Deputation and of the Supreme Government  
and to the following conditions 1<sup>st</sup> They shall submit to  
the conditions which may be established by the Regulations  
which are to be made for the distribution of unoccupied lands  
and in the mean time while neither the grantee (agraciados)  
nor their heirs can divide or alienate the land adjudicated to  
them impose land rent thereon entail make rebuttable  
Mortgage or in anywise encumber the same even for  
Charitable motives or pass it on Mortmain  
2<sup>nd</sup> They may enclose it without prejudice to the Croppings  
highways and Privileges, they shall enjoy it freely and  
exclusively destining it to the use or cultivation which  
may best suit them but within a year at the most they  
shall build a house and it shall be inhabited  
3<sup>rd</sup> When the property shall be confirmed to them they shall

select the respective Magistrate to give them judicial possession thereof in virtue of this title by whom the boundaries shall be traced out in the limits of which they shall put besides the landmarks some fruit trees or wild ones of some use 4<sup>th</sup> The land of which donation is made to them consist of two Sitios of large Cattle (two square leagues) more or less as the Map which accompanies the Expediente explain. The Magistrate who gives possession shall cause it to be measured according to the Ordinance in order to designate the boundaries and the surplus if there be any shall remain to the Nation for the necessary uses

5<sup>th</sup> If they shall violate these conditions they shall forfeit their right to the land & it may be announced by another & consequently Commanda that these presents serving them as title and being held as firm and valid a record thereof be made in the proper book and they be returned to the parties interested for their security and further ends.

Given in Monterey on the 10<sup>th</sup> of June 1833

Jose Figueroa.

Agustin V Zamorano

Secretary

Recorded in Book of Records on the adjudication of land titles page 9 N<sup>o</sup> 9 as existing in the Secretaries Office under my charge Monterey June 10<sup>th</sup> 1833

Zamorano

I certify that I have carefully compared this title with the records in this Office and find them to be correct in every respect This title is recorded in the Book of "Títulos" page 9 Number 9 and a copy is filed with the Original Expediente, N<sup>o</sup> 50 in the file of Expedientes in the Archives of California and under my charge

Apt Adjt Genl Office

Cd N Hanly

Head Qu<sup>rs</sup> 10<sup>th</sup> Mile Dept

Apt Adjt Genl U S A

Banca N<sup>o</sup> 28 1850

Keeper of the Archives

## Stamp 300 2 reales

Provida temporarily by the Administration of the Main  
Custom House of Monterey for the years 1834 + 1835

Figueroa Rafael Gonzales

The grant of the land named San Ramon  
made to the Citizens Bartolo Pacheco and  
Manano Leastro on the 10<sup>th</sup> of June 1833 is approved in  
strict conformity with the law of 18<sup>th</sup> Aug<sup>st</sup> 1824 and  
Article 5<sup>th</sup> of the Regulations of 21<sup>st</sup> Nov 1828

Monterey May 19<sup>th</sup> 1834 The Most  
Excell<sup>t</sup> Legation in Session of this day approved  
of the preceding resolution and orders that the Expediente  
be returned to the Sup<sup>r</sup> Civil Chief for the consequent  
purposes

Jose Figueroa  
Juan Bautista Alvarado  
Secretary

Monterey July 24<sup>th</sup> 1834 in view of the approval given  
on the 17<sup>th</sup> day of May last by the Most Excell<sup>t</sup> Legation  
Legation it is ordered that written evidence of the same  
and of this decree be issued to the parties Bartolo Pacheco  
and Manano Leastro in confirmation of the tract of land  
San Ramon which they obtained on the 5<sup>th</sup> June 1833

Don Jose Figueroa Brig. Genl. Commandant Genl.  
Inspector Sup<sup>r</sup> Civil Chief of Upper California thus  
Orders as such and signs which I certify

Jose Figueroa  
Agustin V Zamorano  
Secretary

This agrees literally with the original from which I  
caused the present copy (testimonio) to be made for  
the security of the parties interested in Monterey on the 24<sup>th</sup>  
of July 1834 the Citizens Bonifacio de Madariaga and  
Francisco de Arango of this place being witnesses

In testimony whereof Jose Figueroa  
Agustin V Zamorano  
Secretary

Provida temporarily by the Sub Comisario pro tem  
of the Port of Monterey of Upper California for the years  
1831 and 1832

Salvador Espinosa J J Gomez

San Jse Ayuntamiento

Bartolome Pacheco an

invata and Manamo Castro a Citizen of the Pueblo de  
San Jse Guadalupe present themselves to your Honorable  
Council of Justice and the first named person says that  
having before solicited of the Government a tract of land  
called "Las Juntas" the lands more immediate being  
occupied by the Mission of San Jose and said Mission  
having evacuated a tract better suited (mas entrañable)  
to the petitioners named San Ramon towards Las  
Juntas and being forced by necessity for the improve-  
ment of their property they entreat you to grant them  
the same as a loan to improve it with cattle shores  
with the understanding that if the Government requires its  
approval his property shall return to the Commons They  
therefore humbly beg you will look favorably upon the  
said petition for which they will ever remain grateful  
Pueblo de San Jse Sept 4<sup>th</sup> 1832 (The original says  
12832) At the request of the parties interested

Antonio Maria Pico

Pueblo de San Jse 12 Sept 1832 the petition is not attended to as the  
Ayuntamiento do not concur it being the province of the Civil Judge  
Ignacio Peratta. San Jose Feby 13<sup>th</sup> 1852

I Certify that the foregoing are correct translations of original  
papers in Spanish and that the annexed copy of a rough map  
or sketch accompanying said papers is also correct

Joseph H. Scull

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

Geo Fisher Secy

## Testamento de Lorenzo Pacheco.

En el nombre de Dios todo poderoso  
 en Esencia y fino en persona.

Lorenzo Pacheco yo Lorenzo Pacheco natural de Sta Clara y vecino del pueblo S. José Guadalupe hijo legítimo y de legítimo matrimonio de Bartolo Pacheco y de m<sup>ra</sup> Soto, difuntos naturales el primero de Sonora y el segundo de California, hallandome enfermo en cama de la Enfermedad que Dios N<sup>ro</sup> Sr. se ha servido enviarme, pero en mi entero juicio y cabal memoria escribo como firmante que creo todos los misterios de nuestra Santa Fe Católica en cuya fe y creencia quiero y protesto vivir y morir y esperando en la divina misericordia me perdonará mis culpas y pecados por la intercesion de m<sup>ra</sup> Sant<sup>a</sup> Sta<sup>a</sup> Ana a cuyo patrocinio me acoso para que con el Santo Angel de mi guarda, santo de mi nombre y demas Santos de mi devocion me amparen y favorezcan en el trance de mi muerte. Luego otorgo y Ordeno este mi testamento en la forma siguiente:

Primera m<sup>ta</sup>. Encomiendo mi Alma a Dios que la erio de la nada y mi cuerpo a la tierra de que fue formada, quiero y como mi Voluntad que mi cuerpo sea enterado en el lugar sagrado de la minicliata Misión de Santa Clara con la mortaja de Sto. P. d. Franc. si lo ubiere y sino otro of. se haga la misa de Entierro y las demas que la comencia de la familia le diere.

Declaro ser casado con Rafaela Soto quien no trajo dote ni capital a su poder, mas si el tenia unas veinte Reses y otras tantas cabezas de Caballos, las cuales se an hacelantado hasta el numero de veinte y cinco cabezas de Ganado menor, dos quintas y media de Buello sien Reses

del bacuno, poco mas o menos y veinte y cinco del manso y una manada de leguas de veinte y cinco mas que menos dos caballos mansos, en poder de José Soto, y uno en poder de Agustín Abnari, los que tienen p<sup>r</sup> el euicidado de Ellos:

Im Declaro que à mi esposa da mujer al tiempo del matrimonio hice la donacion de cien pesos en plata como haei mismo, declaro tener quatro hijos, dos varones y dos mugeres, Nicolas, Lorenzo, Inez y Manuela todos de menor edad p<sup>r</sup> lo que no han podido percibir parte ninguna de sus legitimos.

Im: Declaro tener una propiedad de Rancho concedido p<sup>r</sup> el Gobierno con la Estension de dos sitios de Ganado mayor en union del Vecino Mariano Castro y con higueral d<sup>to</sup> mio lo tiene mi Embarco Loma el cual trato sedermelo mas no se ha verificado la otra conecion de Rancho se vera en los papeles que existen en propio poder.

Im Declaro tener en este pueblo de mi residencia casa fincada en veinte y cinco varas de Solas que tengo concedido p<sup>r</sup> este Juzgado y una demacia de tierra q<sup>d</sup> tengo de Huerta al Espalda y de ella casa y muebles necesarios y censo que dan dos cafas de la Guarda Ropa, una mesa con sus acientos correspond<sup>te</sup> todo lo cual deje en servicio de la mujer e hijos senel<sup>o</sup> de mi ultima y espontanea Voluntad que de los venes de campo q<sup>d</sup> deyo d<sup>to</sup> se repartan entre mis anunciados hijos al tiempo que estos tengan la edad capaz de mantenerse p<sup>r</sup> si o hasta que se mancipen entre à la madre y albaceas anan el servicio de tutores.

Deudas pagadas.

Im: Declaro ser deudo al D<sup>o</sup> An-  
unquie Melis treinta pesos y al D<sup>o</sup> An-  
tonio Orio diez pesos à Francisco Sanchez  
cuatro p<sup>o</sup> al Casero de D<sup>o</sup> Carlos quatro

pesos, que es Juanito, a D<sup>n</sup> Antonio Gu-  
nol, tres pesos en oro Reales y si es mas el  
dura, a Pedro el tendero dos pesos.  
Deudas Attibas.

D<sup>m</sup>: Declaro que deben algunos individuos  
y son los siguientes:

Vitorino Altamirano seis cueros, Guadalupe  
Balencia tres cueros, D<sup>n</sup> Jesus Choé, debe  
un peso que se le presto en S. Francisco  
y la deuda de D<sup>no</sup>: Vitorino es de unas  
castoras que se le sacaron en la tienda  
de D<sup>n</sup> Carlos.

D<sup>m</sup> Dejo unido en este mi testam<sup>to</sup> la  
porosa Obligacion de quintar o terciar mis  
Bienes e intereses p<sup>o</sup> Razon de la confi-  
anza que ay en los Albaceas e executores  
de este mi testamento haran los supla-  
gios que pudieren y la menor edad para  
el reparto que se les devia hacer y mas  
por que amplexo el d<sup>no</sup> y Obligacion de  
tutores unido a los mis testamentarios  
q<sup>o</sup> son los que a la el auoula sig<sup>te</sup> defo  
y Encargo.

Nombre p<sup>o</sup> Testamentarios, Albacea y  
executores de este mi testam<sup>to</sup> a M<sup>ra</sup>  
Rafaela Soto mi mujer y al Peeno D<sup>n</sup>  
Juan Soto y por tercera a Jose Soto a cada  
uno de Ellos defo todo mi poder cumplido  
cuanto en d<sup>no</sup> se requiere para q<sup>o</sup> puedan  
entras y Entren con el d<sup>no</sup> de los dos Encargos  
testamentarios y tutores, por la Razon de que  
se halla la familia en la edad pupilar  
y en uso de la facultad de la Ley 3.  
tit<sup>o</sup> 16. de la partida 6. con mi Voluntad  
que de unido el nombam<sup>to</sup> de Tutores  
y curadores al primero que se les ha  
y buen manejo y afecto que mi tienen a cre-  
ditado, les relebo de fianzas y les consigna  
puntos por alimen<sup>to</sup> para su crianza y  
mantencion y suplieo al D<sup>n</sup> juez ante qui-  
en representare testimonio de esta clau-  
sula, apuebe y confirme este nombam<sup>to</sup>  
y les diere el cargo con la Relevacion  
y consignacion mencionadas que asi.

es mi Voluntad, meo al Efecto se los  
 progo: y los doy por nombrados; y p<sup>o</sup> el  
 presente reboes y anulo cualquier otro tes-  
 tamento o testamentos, codicilo o codicilos  
 que yo halla hecho y otorgado para que no  
 balga ni tenga efecto alguno en juicio ni  
 fuera del, ahora ni en tiempo alguno q<sup>o</sup>  
 parezca y sea mostralo, aunque tenga  
 cláusulas derogatorias y palabras parti-  
 culares de que haya de hacer especial  
 memoria o mencion, de las que al preste  
 no me acuerdo, así lo Otorgo y firmo con ma-  
 cruz ante el presente juez de este pueblo  
 a veinte y cuatro de Set<sup>o</sup> de mil Ocho-  
 Cientos cuarenta y seis, siendo testigos -  
 Salvi Pacheco y Leandro Rochin, vecinos  
 de este pueblo. Y yo el juez doy fe que con  
 es el Otorgante quien a lo que parece se  
 haya en su Entero juicio, acuerdo y cumpli-  
 da memoria, en testimonio de lo cual  
 firmo.

Dolores Pacheco +  
 Asista Asista  
 Salvi Pacheco Leandro Rochin

Por la falta del papel sellado se hace  
 en el común que corre.

Pacheco

Delo la parte del Rancho q<sup>o</sup> tengo en Union  
 de mi hermano Lorenzo Pacheco en propie-  
 -dad para el y pa<sup>o</sup> q<sup>o</sup> conste la doy este  
 en el pueblo de S. José Guadalupe 28  
 de Set<sup>o</sup> de 1846.

Lomas Pacheco

State of California }  
 County of Santa Clara }

I J. G. Melone Clerk of the  
 Probate Court of Santa Clara County  
 do hereby certify that the foregoing is a true  
 and correct copy of the Original Will  
 of Lorenzo Pacheco now on file in this Office

Given under my hand and private  
 Seal

41

seal (there being no seal yet provided)  
at Office this 11<sup>th</sup> day of January A.  
D. 1853.

H. C. Melone Clerk  
By: Geo. B. Henson Depty

Filed in Office Aug: 30<sup>th</sup> 1854

Geo. Fisher - Deery

73 ND  
PAGE 42

42

5  
7

43

Translation of  
L Pachico's Will

73 ND  
PAGE 43

In the Name of Almighty God am in essence  
and thro in person I Lorenzo Pachico native of Santa  
Llara and Resident of the Pueblo de San Jose Guadalupe  
son born in lawful wedlock of Bartolo Pachico and Maria  
Soto both deceased the former a native of Sonora and the  
latter a native of California being sick in bed of the sickness  
which it has pleased God our Lord to send me believing  
as I firmly do in all the Mysteries of our Holy Catholic  
faith in which faith and belief I publicly declare to live  
and desire to die and hoping that my faults and sins may  
be forgiven me through divine mercy by the intercession  
of Mary our most Holy Lady to whose protection I betake  
myself in order that with my holy guardian angel the Saint  
of my name and the other Saints of my devotion they may  
protect and favor me in the event of my death do make  
authorize and ordain this my Testament, as follows  
Firstly I commend my soul to God who created it out  
of nothing and my body to the earth out of which it was  
formed I desire and it is my will that my body be interred  
in the holy spot of the adjoining Mission of Santa Llara  
with the shroud of our Father San Francisco if there be any  
if not with another that the burial may be said  
and other Masses which the family may conscientiously  
desire to be performed

I declare that I am married to Rafaela Soto who brought  
with her no portion or dowry or Capital but had some  
twenty head of Cattle (oxes) and as many horses which  
have increased to the number of twenty five head of tame  
Cattle two and a half Yokes of Oxen one hundred head of  
wild Cattle more or less and twenty five head of tame Cattle  
and a drove of twenty five Mares or rather more than less  
two tame horses under the care of Jose Soto and one under  
the care of Agustin Aloisa

Item I declare that I made the gift of one hundred dollars  
in silver to my said wife at the time of my marriage and

I also declare that I have four Children, two Males and two females viz Nicolas, Lorenzo, Inez and Manuela all Minors for which reason they could not receive any part of their legal shares (Legitimas)

Item I declare that I have a Rancho property granted by the Government, of two Sites of large Cattle (two square leagues) in extent jointly with the Citizen Mariano Castro the right of my Brother Tomas to the same being equal to mine which he (my said brother) endeavored to convey to me but it was not carried out The said grant of land will appear by the papers existing in my hands

Item I declare that I have a house situated in this Pueblo my place of Residence on a twenty five Vara lot granted to me by this Court (Surgado) and an addition of land in the rear for a garden, which house and icipany house hold furniture two Clothes Chests one table and its corresponding Chairs I leave for the use of my wife and Children and it is my last spontaneous will that my aforesaid Country property (bienes de campo) be divided among my said Children when they shall be of an age to be capable to maintain themselves or when they shall be for the Mother and Executors acting in the mean while as guardians

Item Debts against the estate I declare that I am indebted to Henrique Melis in the sum of Thirty dollars; to Antonio Osio ten dollars; to Francisco Sanchez four dollars to the Cashier of Don Carlos four dollars that is Juanito to Antonio Suñol three dollars five reals and if it be more he shall so maintain it; to Pears the Shop Keeper two dollars Item Debts in favor of the estate I declare that the following named persons are indebted to me viz Victorino Attamirano six hides or skins, Guadalupe Valencia three hides, Jesus Noel one dollar loaned to him in San Francisco the debt of said Victorino being for some beaver skins taken out of the store of Don Carlos for him

45.

73 ND  
PAGE 45

I then I omit in this my testament the indispensable duty to divide my estate and interests in fifth or third parts (quintas o tercias mis bienes o intereses) for the reason that from the confidence reposed in the executors of my will and Testament they will do the needful according to their ability and to what their conscience may dictate my children being under age for the distribution that should be made among them and more over because I extend the right to and impose the obligation on the persons named in the following clause both as testamentary guardians and Executors

I Appoint my wife Maria Rafaela Soto the resident Citizen Juan Soto and Juanday Lora Soto as Executors of this my Testament to each of whom I give my full power in all that the law requires in order that they may enter upon the exercise of the right of both trusts that of Executors and that of Guardians by reason of my childrens being Minors and in the Exercise of the Authority of the "Ley 3 Tit<sup>o</sup> 16 de la Partida 6<sup>a</sup>" it is my will that the appointment of tutors and Curators remain united to the former and in consideration of their known integrity, good conduct and affection which they have proved to me I exonerate them from bonds and assign to them means for the maintenance and education of my children and I entreat the Judge before whom proof of this clause shall be presented to approve and confirm this appointment and qualify the appointees to its exercise with the said exoneration and assignment for such is my will and in order that they the said appointees may fully execute the same I proogue their appointment; and hereby revoke and annul any other testament or testaments, Codicil or Codicils which I may have made and authorized in order that they may be of no effect whatever in law or otherwise either at the present time or <sup>at</sup> any future time when they may appear and be shown Notwithstanding they may contain derogatory

46

73 ND  
PAGE 46

Clauses and particular words of which especial mention might be made but which I do not now recollect Thus I authorize and sign it with a mark before the present Judge of this Pueblo on the 24<sup>th</sup> day of Feby 1846 Salvis Pacheco and Leandro Rochin residents of this Pueblo acting as witnesses And I the Judge Certify that I know the testator who from all appearance is of sound, complete, disposing mind and memory. In witness whereof I set my hand

D. Luis Pacheco

Wit  
Salvis Pacheco

Lorenzo <sup>his</sup> X Pacheco  
Wit <sup>mark</sup>

Leandro Rochin

N. B. There being no stamped paper this is written on common paper

Pacheco

I cede the part of the Rancho to which I have a proprietary right conjointly with my brother Lorenzo Pacheco to him my said brother and in order that it may so appear give the present to him in the Pueblo of San Jose Guadalupe Feby 28<sup>th</sup> 1846

Jonas Pacheco

Filed in office April 13<sup>th</sup>  
1852 Geo Fisher Secy

47

# Testamento de Bartolo Pacheco

En el nombre de Dios todo poderoso uno en  
Bartolo Pacheco esencia y trino en persona, Yo D. Bartolo pa-  
checo natural del presidio de Tenenate

Copy of Will en el Departamento de Sonora y que en-  
-dado en el pueblo de S. José de Guada-  
-lupe en el de las Californias, hijo legiti-  
-mo y de legitimo matrimonio de Pacheco do-  
-puntos, hallandome enfermo en cama de la  
enfermedad que Dios nuestro señor se ha  
servido enviarme, pero en mi Entero juicio  
y Cabal memoria, creyendo como fielmt.  
creo todos los misterios de nuestra Santa  
fe catolica en cuya fe y esencia creo  
y protesto vivir y morir y Esperando en  
la divina misericordia me perdona  
mis culpas y pecados por la intercesion  
de Maria Santisima nuestra señora  
à cuyo patrocinio me acoso para con  
el Santo Angel de mi guarda, santo de  
mi nombre y demas Santos de mi devo-  
-cion me amparen y favorezcan en el  
hance de mi muerte, hago, otorgo y ordeno  
este mi testamento en la forma siguiente  
puniendo Encomiendo mi Alma à  
Dios que la erio de la Nada y mi cuerpo  
à la tierra de que fue formado.

It: Es mi voluntad que mi cuerpo  
sea amortajado segun costumbre y  
enterado en la Iglesia de Santa Clara  
dejando à disposicion de mis albaceas  
los supagos que su caridad le o dicte  
It: declaro ser Viudo de Maria Doto, la  
que no trajo dote alguno à mi poder, ni  
capital, no habiendole dado yo nada ni  
donas.

It: declaro por mis hijos legitimos, ha-

Hechos en el matrimonio indicado: a Lorenzo, Ignacio, Tomas, Peter, Juana, madre de Jesus, Clara, Ambrosia, perfecta, Margarita y Antonia los cuales han recibido sus legítimas al tiempo de casarse, menos Juana que se ha mantenido soltera.

Yo declaro que debo siete pesos cuatro Reales, a D. José María Amador: dos cueros a la Cofradía de D. Juan Burton, conocido por el Capitán Viejo). dos pesos a D. Guillermo Gilna y un peso a D. Encarnación Pacheco, y Encargo a mi Alcaide satisfagan cuanto antes estas cantidades.

Yo deyo por herencia de mi propiedad un terreno que consta de dos sitios de ganado mayor, y lo tengo en compañía por mitad con D. Mariano Casto: cuatrocientas cabezas de ganado mayor: tres caballos una punta de Bueyes: una carreta y una casa con molino de Roca en el Repetido pueblo: declarando que no tengo deudores.

Yo declaro por mi Alcaide a mis hijos Lorenzo en primer lugar y Tomas en segundo los cuales de man común o insolito pondrán a disposición de mi hija Encarnación Reese, para que haga de ellas el uso que le convenza y la casa mencionada.

Yo deyo a mi Nieto Cristoval Palomares hijo de Francisco del mismo apelativo mi cama, silla completa y el caballo cemito.

Yo deyo a mis hijos Lorenzo y Tomas los dos caballos que quedan y a la parte que tengo en el terreno mencionado quedando la punta de Bueyes a favor.

49

de Tomas.  
It. Es mi Voluntad que los bienes que  
quedan sobrentes se reparta segun los  
parezca a mis Abbaes, entre mis legi-  
timos hijos ya mencionados, respecto a qd.  
al tiempo de casarse les Entregue sus  
legitimos.

73 ND  
PAGE 49

Item: despues de cumplido y pagado todo  
lo expresado del remanente de mis bienes  
muebles y Raices, derechos y acciones  
instituyo por mis unicos y uniuersales he-  
rederos a los Esposados Lorenzo, Ignacio  
Tomas, Petra, Juana, Jesus, Clara, Anto-  
nia, Perfecta, Margarita y Antonia mis-  
hijos ya los demas descendientes legitimos  
que tuviere al tiempo de mi fallecimiento  
y deban heredarlos para que los hayan  
y lleben por su Orden y grado, segun su  
representacion y lo dispuesto por las leyes  
con la bendicion de Dios y la mia.  
y por el presente revoco y anulo cualquier  
otro testamento o testamentos, codicillo  
o codicillos que yo haya hecho y otorgado  
para que no valga ni tenga efecto alguno  
en juicio ni fuera de el, ahora ni en tiempo  
alguno que parezca y sea mostrado cumpla  
tenga clausulas derogatorias y particulas  
de que haya de hacer especial mencion  
de las que al presente no me acuerdo  
y doy por Especificadas literalmente:  
y quiero y mando que el presente se cum-  
pla y execute como mi ultima deliberada  
Voluntad en la forma y modo que mejor  
haya lugar en derecho. Asi lo Otorgo y no  
firmo por no saber, ante el presente juez  
de paz de esta jurisdiccion a treinta  
de Noviembre de mil Ocho cientos

treinta y Nueve, siendo testigo el ciudadano  
 Mariano Castro vecino del mismo pueblo  
 y el juez de paz de segundo nombramiento  
 del pueblo de San José de Guadalupe  
 actuando por Receptoria con dos testigos  
 de asistencia a falta de Escribano  
 publico, doy fe que conozco al Otorgante  
 quien a lo que parece se halla en su entera  
 juicio, acierto y cumplida memoria  
 En testimonio de lo cual lo firmo, va  
 en tres folios de papel comun por causearse  
 del sellado que corresponde.

José Fernandez

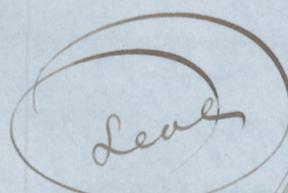
Asist<sup>o</sup>

Asist<sup>o</sup>

José J. Fernandez # emp.<sup>o</sup> Am.<sup>o</sup> de  
 mera y moña. }

State of California  
 County of Santa Clara

J. H. C. Malone Clerk of  
 of the probate Court of Santa Clara County  
 do hereby certify that the foregoing  
 is a true and correct copy of the Original  
 Will of Bartolo Pacheco now on file  
 in this Office.

 Given under my hand and  
 private Seal (there being no Offi-  
 cial Seal yet provided) at Office  
 this 11<sup>th</sup> day of February A. D. 1853

H. C. Malone Clerk

By: Geo. W. Henson Dep<sup>y</sup>

Filed in Office Aug: 30<sup>th</sup> 1854  
 Geo: Fisher Secy

57

Translation of  
B Pacheco's  
Will

73 ND  
PAGE 51

In the Name of Almighty God am in presence  
and thro. in persons I Bartolo Pacheco a Native of the Pousidis  
de Terrinote in the Department of Sonora and Resident of  
the Pueblo de San Jose de Guadalupe in the Department of the  
Realfirmas Son of deceased parents and born in lawful  
wedlock being sick in bed of the sickness which it has pleased  
God to send me but of sound mind and complete memory  
believing as I firmly do in all the Mysteries of our holy Cath-  
olic faith in which faith and belief I publicly declare to live  
and desire to die and hoping that my faults and sins may be  
forgiven through divine Mercy and the intercession of Mary  
Our Most Holy Lady to whose protection I betake myself in  
order that with my holy guardian Angel the saint of my  
name and the other Saints of my devotion she may protect  
and favor me in the event of my death; do make, authorize  
and ordain this my testament as follows

Firstly I commend my soul to God who created it out of  
nothing and my body to the earth out of which it was formed  
Item It is my will that my body be shrouded according to  
Custom and buried in the Church of Santa Clara leaving to my  
Executors the application of good works to my soul (Sapagos)  
which their Charitableness shall dictate to them

Item I declare to be the widower of Maria Soto who brought  
me portion or dowry to my hands nor capital I not having  
apigned her either dowry or gifts

Item I declare Lorenzo, Ignacio, Tomas, Petra Juana,  
Maria de Jesus, Lelara, Ambrosia Pupota Margarita and  
Antonia to be my legitimate children born in the approxi-  
mate marriage who have received their legal shares (legitimias)  
at the time of their marriage except Juana who has remained  
single

Item I declare that I owe seven dollars and four cents to  
Jose Ma Amador, two hides (cueros) to the wife of Juan  
Bustin (Known as the old Captain) two dollars to Guillermo  
Guluse, and one dollar to Encarnacion Pacheco and

recommenda to my Executors the payment of these ~~debts~~ as soon as possible

Item I leave as my estate a tract of land consisting of two sitios of large Cattle (two square leagues) which I possess by halves with Mariano Leastro; four hundred head of neat Cattle, three horses; one Yoke of Oxen; one cart, and a house with a grinding Mill in the said Puello and I declare that I have no letters

Item I declare my son Lorenzo in the first place, and my son Tomas in the second place as my executors who shall jointly place at the disposal of my daughter Juana one hundred head of Cattle (Cien ovis) that she may dispose of them as she deems convenient and the aforementioned house

Item I bequeath to my grandson Cristobal Palomares son of Francisco of the same family name, my bed saddle and appurtenances and the light brown horse (Caballo Amita)

Item I leave to my sons Lorenzo and Tomas the two remaining horses and the part which I have in the aforementioned tract of land the Yoke of Oxen remaining in favor of Tomas

Item It is my will that the remainder of my estate be divided among my legitimate children already named according as my Executors shall think proper in consideration of my having given them their portions (legitimos) at the time of their marriage

Item After all the aforesaid shall have been carried out I appoint as my sole and general heirs to the residue of my personal and real estate rights and claims my said children Lorenzo, Ignacio, Tomas, Petra, Juana, Jesus delara, Antonia Perfecta Margarita and Antonia and the other ascendants whom I may have at my decease and who ought to inherit from me that the distribution may be made in order according to their agree and representation and to the provisions of law with Gods blessing and with mine

And I hereby revoke and annul any other testament or testaments Codicil or Codicils which I may have made

#53

73 ND  
PAGE 53

and authorize that they may have no effect whatever at law or extra judicially either now or any future time when they may appear and be shown although they may contain derogatory clauses and particular words of which especial mention might be made but which I do not now remember and consider as literally expunged And I wish and command that the present be carried out and executed as my deliberate last will in the form and manner which the law shall justify Thus I authorize it and do not sign it not knowing how to sign before the present justice of the Peace of this jurisdiction on the thirtieth day of November Eighteen hundred and thirty nine, the Citizen Mariano Leastro resident of the same Pueblo acting as witness And I Justice of the Peace by second appointment of the Pueblo de San Jose de Guadalupe acting as delegate judge with two assisting witnesses in default of a Notary Public Certify that I know the testator who from appearance is of sound, complete, disposing mind and memory In testimony whereof I set my hand hereunto (Contained in three sheets of common paper there being none of the requisite stamped paper)

(Signed) Jose Fernandez

Wit

Wit

(Sig.) Jose L Fernandez

(Sig.) Angel Ante de Mera y Norinas

Filed in Office April 13<sup>th</sup>

1852

Geo Fisher

Secty

54

Opinion of the Board

Rafaela Soto de Pacheco et al vs The United States

For the place called "San Ramon," containing two square leagues of land in Central Costa County

73 ND  
PAGE 54

The petitioners claim Confirmation of the land described in the Petition under a grant alleged to have been made to Bartolo Pacheco and Mariano Castro by Governor Figueroa to establish a right to the land in these persons they have introduced a traced copy of the Escondito which shows the application of said Pacheco and Castro for the grant and a decree for the concession of the Governor dated June 5<sup>th</sup> 1833 The title paper issued by Governor Figueroa bearing date June 10<sup>th</sup> 1833 is duly authenticated It is made subject to the approval of the Territorial Deputation which it appears was obtained May 17<sup>th</sup> 1834 It is also declared to be subject to the approval of the Supreme Executive of Mexico in regard to attaining which no evidence is offered It is objected in the case that there is no proof showing that the present claimants having any title legal or equitable in the premises in question If they are mere strangers and do not by proper evidence connect themselves with the title and show themselves to have obtained an interest derived from the grantee in the premises they cannot be entitled to a confirmation For the purpose then of examining the question whether the claimants have shown such title in themselves I shall (apart from (without however intending to intimate any opinion on the subject) that the grantee had title under their grant on the 10 day of June 1833 which could be sold or devised like other real estate, leave the claimants before this Commission by the proof which they have presented a direct title from them to the premises or any portion of them? Under the grant Mariano Castro was the owner of one undivided half of the premises and Bartolo Pacheco of the other —

The petition alleges that Domingo Peratta one of the claimants obtained the interest of said Castro in the premises by a conveyance of his undivided half thereof to said Peratta. No deed of conveyance has been offered in evidence nor testimony of any character tending to show such a conveyance, there is nothing in the case connecting Peratta with the title to the premises or showing that Castro was ever divested of his interest as to the latter he appears so far as the proof before us goes of it to be the owner of the property granted to him and as to the former there is not a scintilla of proof that he has any interest in the premises - The other claimants in the case are alleged to be the widow and children of Lorenzo Pacheco through whom they claim the undivided half of the premises which was granted to Bartolo Pacheco they allege that Bartolo Pacheco died in 1839 having devised his interest in the land to his two sons Lorenzo and Tomas Pacheco that said Lorenzo purchased and acquired from his brother Tomas the interest of the latter in the premises that in 1846 Lorenzo died having devised the said undivided one half of the property to his widow and children the present claimants. In order to deduce title in themselves from Bartolo Pacheco the devisees of Lorenzo Pacheco must give evidence of his will devising the land to Lorenzo and Tomas Pacheco in 1839 and secondly they must prove the will of Lorenzo Pacheco devising the land to them, and as the alleged will of Bartolo Pacheco made the devise to both Tomas and Lorenzo the latter took under it only an undivided fourth of the premises and only that interest could pass under the devise in his will to his widow and children unless he had obtained a conveyance from the owner of some other interest in them they allege that he acquired the interest of Tomas and that they are therefore entitled under the devise to an undivided half of the premises, the proof of the two wills would deduce

~~WILL~~ 5-7

73 ND  
PAGE 56

to them the title to an undivided fourth of the premises  
 the proof of the two wills and the additional evidence of  
 the conveyance of his fourth of the premises by Tomas to  
 Lorenzo in the life time of the latter would be necessary  
 to substantiate the claim of his widow and children to the  
 one fourth held by him - The whole title depends in this  
 case in the first place then on the devise contained in  
 the will of Bartolo and unless that is substantiated by  
 proof there is no evidence of any title in the person  
 through whom the petitioners claim and of course none  
 in the petitioners Is the will of Bartolo Pacheco proved  
 before us? The Claimants have presented as their  
 evidence a document in the Spanish language purpo-  
 ting to be a copy of the last will and testament of said  
 Bartolo Pacheco executed before a Justice of the Peace  
 acting as delegate judge and two assisting witnesses in  
 presence of a Notary Public on the 31<sup>st</sup> day of Nov  
 1839 The following is the Certificate appended to the Copy  
 State of California  
 County of Santa Clara

I Hele Malone Clerk of the  
 Probate Court of Santa Clara County do hereby certify  
 that the foregoing is a true and correct copy of the original  
 will of Bartolo Pacheco now on file in this office,

Given under My hand and private seal (there being no  
 official seal of it provided) at Office this 11 day of  
 (Feb) January AD 1843

Hele Malone Clerk  
 By Jno W Hewson Deputy

By the Statute of California the Clerk of the Probate Court is  
 authorized to certify under seal the records of that Court  
 and his transcript of the record of a will may be used  
 in evidence without the production of the original will  
 as proof of its execution by the testator, The "act to regulate  
 the settlement of the estate of deceased persons" passed

~~1177~~ 5-8

73 ND  
PAGE 57

May 1<sup>st</sup> 1851 establishing the Probate Court and defining its powers and duties authorized such exemplified copy and gives it all its validity, A will is not entitled to record or its mere production before the court. The parties in interest are first to be cited the subscribing witnesses are to be produced the sanity and the death of the testator are to be proved the testimony of the witnesses is to be reduced to writing a certificate of the proof must be made and attested by the seal of the court and attached to the will. The will and the certificate of the proof thereof together with the testimony which has been taken are to be recorded by the Clerk. An exemplification by the Clerk under the seal of the Court of the record of the will thus approved certified and recorded is made evidence in all cases and to it is given the same effect as the original would have if proved. This record is not merely a clerical transcript of the will but it is the record into books of record like a Decree at the Registry Office of a judgment of the court upon the question of its validity as the last will and testament of the deceased testator. In all the States where the effect of absolute Verity is given to such a record and an exemplification of it is admitted as evidence instead of the original will it is on the ground that the proceeding before the Probate Court is a proceeding in rem to try the identical question of the genuineness and validity of the will that the judgment upon it is final and that the Record of that judgment of which the will constitutes a part is evidence of it and is conclusive on the subject. In a few of the States this final Character is not given to the Probate of a will and in those States the record even is not evidence to prove the document. The original will must then be produced and its execution proved by the subscribing witnesses. Under the Statute of this State such probate after an year with an extension of the time to persons under disability is conclusive. The document before us is certified to

~~III~~ ~~IV~~ 5-9

73 ND  
PAGE 58

to be a copy of the will of Bartolo Pacheco now on file  
in the Probate Office it may be on file there in deposit  
or for Probate or for any other purpose but whatever the pur-  
pose may be no mere Certificate of the Clerk can also be  
a party claiming title under will from substantiating  
the Verity of the instrument by legal proof. He may  
do this in the Court of Probate when upon adjudication a proper  
record of it will be made and the Clerks exemplification  
under the Seal of the Court will be offered proof of the will  
Such exemplification the party claiming under a will must  
substantiate its Verity and Validity by the usual method  
of proof in the Court when he requires it as evidence this the  
Claimants have not done in the case before us. The will  
purports to have been made some fourteen years ago and while  
the Mexican laws were in force in California Is there any  
principle of law or any enactment which takes this class  
of documents out of the general rule? This document does not  
come to us as a public in the meaning of the Spanish and  
Mexican law or the copy of a public writing certified by Mexican  
Authority. It is the Certificate of the Clerk of a Court formed  
under our own laws and acting under a Statute, It is diffi-  
cult to see how his Certificate can dispense with or supply a  
substitute for any evidence such as is provided for by the  
same Authority which organizes the tribunal. The document  
offered has the form of a will designated in the Mexican  
law as an open or nuncupative will such a will might  
under their law remain in the hands of any person to whom  
it might be delivered for that purpose until the death of the  
testator. It was then the duty of the party holding it in possession  
to present it to the proper public Officer for proof and record  
and when this was done it became in this language a public  
writing (escritura publica) But we have nothing to show that  
the original of this document was ever thus presented nor  
is any proof offered which connects it in any way with  
any action of an official character by any of the Mexican

60.

73 ND  
PAGE 59

authorities after its execution The copy brings with it then  
 no official sanction as evidence under the authority of the for-  
 mer Government in California although made under those  
 Authorities it might well be present for Probate to the Court  
 under the present organization having jurisdiction of  
 administration and wills It must then so far as the question of  
 the admissibility in evidence of this Certified copy is concerned  
 be regarded like any will made either before or after the  
 opening of the Country which may be presented for Probate  
 The Certified copy of the record when made up after the proof  
 are heard and the adjudication of Probate made is also made  
 evidence The testimony offered is not of this character and  
 is not admissible to in proof of the will The same objection  
 applies to Certified copy of the will of Lorenzo Pacheco and  
 both must be rejected, There is no proof of the death of either  
 of these persons without which the title of the devise cannot  
 be sustained Adems es hinc veniens The alleged deed  
 from Thomas Pacheco to Lorenzo is also without proof The  
 Claimants have failed therefore to show themselves either legally  
 or equitably interested in the property and they are not entitled  
 to a confirmation. Confirmation Refused

Filed in Office No 22

1853

Geo Fisher Secy

Dear

Rafael Soto de }  
 Pacheco et al }  
 vs. }

The United States

In this case concerning the proof  
 and allegations it is adjudged by the  
 Commission that the said claim of the Petitioners is not  
 valid and their application for a confirmation thereof  
 is therefore denied

Alpheus Felch }

Filed in Office No 22

1853

Geo Fisher

Secy

Thompson Campbell }

R Aug Thompson }

Commissioners

Office of the Board of Commissioners,

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

73 ND  
PAGE 60

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 *Sixty* — pages, numbered from  
 1 to *60* —, both inclusive, to contain a true, correct and full Tran-  
 script of the Record of the Proceedings and of the Decision of the  
 said Board, of the Documentary Evidence and of the Testimony  
 of the Witnesses, upon which the same is founded, on file in this  
 Office, in Case No. *179* on the Docket of the said Board,  
 wherein *Rafaela Soto de Pacheco, et al,* are —  
 the Claimant against the United States, for the place known by  
 the name of "*San Ramon*" —



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

*Geo. Fisher.*  
*Geo. Fisher*

73

U. S. DI

*North*

No. 73

TH

73

*Paquet*

*to Pacheco*

RECORD

BO

COMMISSIONERS

19

Feb

3<sup>d</sup> 1854

*W. H.*

73

RT,

California.

ND

United States District Court for the  
Northern District of California.

Rafaela Soto de Pacheco,  
Nicolas Pacheco,  
Ynez Pacheco,  
Lorenzo Pacheco,  
Manuela Pacheco.

Appellants

vs

The United States.

Appellees.

Petition of the appellants,  
praying the Court to review  
the decision of the United States  
Land Commissioners.

Your Petitioners Rafaela Soto de Pacheco the Widow,  
and Nicolas Pacheco, Lorenzo Pacheco, Manuela Pacheco, and  
Ynez Pacheco, the Children of Lorenzo Pacheco deceased, -  
respectfully show unto this Honorable Court, that in October  
1832, Bartolo Pacheco, the Father of the said deceased Lorenzo  
Pacheco, with one Mariano Castro applied to the proper  
authorities for a grant of the Rancho of San Ramon  
situate in the Territory of Upper California, jurisdiction of  
San Jose, and in the now State of California, in the  
County of Contra Costa, and that they received permission  
to occupy the said land, until their petition could be attended  
to, and a title made out in due form.

That on the 10<sup>th</sup> day of June 1833, Jose Figueroa,  
Governor of California, by virtue of authority in him vested  
granted to the said Bartolo Pacheco and Mariano Castro in  
equal undivided parts, the aforesaid tract of land, containing  
two square leagues, a little more or less, with the boundaries  
described in the grant, and shown in the Map which  
accompanied their petition, and is referred to in the grant  
as identifying the tract of land intended to be granted.

That on the 19<sup>th</sup> May 1834, the said grant was duly  
approved by the Most Excellent Territorial Deputation  
of Upper California.

That on the 24<sup>th</sup> July 1834, a document of final title was issued by the aforesaid Governor of California, and delivered to the said Bartolo Pacheco and Mariano Castro, whereby their title to said land was made definitively valid.

Your Petitioners further show that the said grantees under the aforesaid permission of temporary occupations, entered into the possession of the said land, and were in possession of the same from that time until the said final title was issued to them, that they their heirs and assigns continued thereafter in possession of the said land, and are now in the possession thereof, excepting of certain portions which have been violently and illegally taken from them.

Your Petitioners further show that all the conditions of the said grant were faithfully performed by the original grantees, their heirs and assigns.

Your Petitioners further show, that the said Bartolo Pacheco died in the year 1839, devising his undivided half of the said Rancho to his Sons Lorenzo Pacheco and Tomas Pacheco.

That on the 28<sup>th</sup> February 1846, the said Tomas Pacheco sold and conveyed his share in the said Rancho to his brother the said Lorenzo Pacheco.

That in the year 1846, the said Lorenzo Pacheco, died, leaving a will in which he made no disposition of his property, and leaving the said Rafaela Pote de Pacheco, his widow, and the said Nicolas, Lorenzo, Ynez, and Manuela, his children, and that the said Lorenzo Pacheco deceased, left no other child, nor descendant of a child, and therefore Your Petitioners are the sole successors to the estate and inheritance left by the said Lorenzo - a part of which is the land they hereby claim.

Your Petitioners further show that the said Rancho is situated in the Northern District of California.

Your Petitioners further show, that on the 13 day of April a.D. 1852, they, together with one Domingo Keratta, who claimed their undivided half of the said land which had been granted to the said Mariano Castro, presented in one petition, their claim for the said land, before the United States Land Commissioners appointed under the Act of Congress passed on the 3<sup>rd</sup> March 1851, entitled "An act to ascertain and settle the private land claims in the State of California," when sitting as a Board, and prayed the said Board to confirm it. That the said Domingo Keratta was joined with your Petitioners in the said claim by mistake, and subsequently filed before the said Board of Commissioners, his claim for his undivided half of the said land in a separate petition.

That on the 22 day of Nov. a.D. 1853 the said Board of Commissioners decided upon the validity of your Petitioners' and the said Domingo Keratta's claim, and rejected both.

Your Petitioners pray that the Transcript of the report of the Board of Commissioners on the claim presented to them as aforesaid, and of the documentary evidence, and testimony of the witnesses on which it was founded, which is filed with the Clerk of this Court, as directed by the 12<sup>th</sup> Section of the Act of Congress passed on the 31. August 1852, entitled "an act making appropriations for the civil and diplomatic expenses of the government for the year ending the thirtieth of June 1853, and for other purposes," may be held and considered as part of his petition.

Wherefore your Petitioners appealing from the said decision of the Board of Commissioners, present this petition to the Honorable the District Court for the northern District of California, being the District Court of the District in which the land is situated,

73 ND  
PAGE 64

and they pray this Honorable Court to review the said decision of the said Board of Commissioners (or so much thereof as rejected the appellants' claim to the said undivided half of the said land), and to decide upon the validity of their claim. -

No 73.

U. S. District Court  
Northern District of California.

Rafaela Soto de Pacheco  
et al. Appellants.

vs.

United States Appellees.

Petition on appeal from  
U. S. Land Commission.

Filed Nov 24, 1834  
Geo A Moore  
Ct

73 ND  
PAGE 65

100

Halleck Leach & Bellings  
Attorneys for appellants.

United States District Court for the  
Northern District of California.

Rafaela Soto de Pacheco.

Nicolas Pacheco.

Lorenzo Pacheco.

Ynez Pacheco.

Manuela Pacheco

Appellants

vs

The United States

Appellees.

Notice of intention to  
prosecute the appeals  
from the decision of the  
Board of U. S. Land  
Commissioners.

Rafaela Soto de Pacheco, Nicolas Pacheco, Lorenzo Pacheco, Ynez Pacheco, Manuela Pacheco, Claimants of the Rancho of "San Ramon" in Contra Costa County, and Northern District of California, hereby give notice of their intention to prosecute an appeal from the decision of the Board of Commissioners rendered in their claim for the said land, which was presented to the said Board of Commissioners, and by them rejected. Their claim being that which is numbered in the Docket of said Board of Commissioners, N<sup>o</sup> 179 - the transcript whereof as filed in this office is numbered N<sup>o</sup> 73.

Stallck Peachy & Billings  
Attorneys for Appellants

No 73

U. S. District Court  
Northern District of California

Rafaela Goto de Pacheco et al  
Appellants.

vs

The United States  
Appellees.

Notice of intention to  
prosecute appeals.

Filed Nov. 24. 1834  
In Accord  
CB

73 ND  
PAGE 67

one

Walter B. Peckham & Billings  
Attorneys for Appellants

United States District Court for the  
Northern District of California

Rafaela Soto de Pacheco

Nicolas Pacheco

Lorenzo Pacheco

Ynez Pacheco

Manuela Pacheco +

Domingo Peralta

vs

Appellants

The United States

Appellees

It is agreed that the notice of appeal and the petition filed in this Court by the appellants on the 24<sup>th</sup> November 1854 be withdrawn from the files and a new notice of appeal and petition be filed by them.

February 19<sup>th</sup> 1855

W. Russell

Acting U.S. Dist. Atty

A. W. Carpenter

Atty for appellants

N<sup>o</sup> 73  
U. S. District Court  
Northern Dist. California

Rafaela Soto de Pacheco  
et als appellants  
v  
United States  
appellees

Stipulation

Made Feb. 19. 1835  
In and among  
B

United States District Court  
Northern District of California

Rafaela Soto de Pacheco  
Nicolas Pacheco  
Ynez Pacheco  
Lorenzo Pacheco  
Mauuela Pacheco  
Domingo Peralta, Appellants  
vs.  
The United States, Appellees

Petition of the  
Appellants praying  
the Court to review  
the decision of the  
United States Land  
Commissioners.

Your petitioners Rafaela Soto de Pacheco the widow, and Nicolas Pacheco, Lorenzo Pacheco, Mauuela Pacheco, and Ynez Pacheco, the children of Lorenzo Pacheco deceased, and Domingo Peralta, respectfully show unto this Honourable Court, that in October 1832, Bartolo Pacheco, the Father of the said deceased Lorenzo Pacheco, with one Mariano Castro applied to the proper authorities for a grant of the Rancho of San Ramon situate in the Territory of Upper California, jurisdiction of San Jose, and in the now State of California, in the County of Contra Costa; and that they received permission to occupy the said land, until their petition could be attended to, and a title made out in due form.

That on the 10th day of June 1833, Jose Figueroa Governor of California, by virtue of Authority in him vested granted to the said Bartolo Pacheco and Mariano Castro in equal undivided parts, the afore said tract of land, containing two square leagues, a little more or less, with the boundaries described in the grant, and shown in the Map which accompanied their petition, and is referred to in the grant as identifying the tract of land intended to be granted. That on the 19th of May 1834, the said grant was duly approved by the Most Excellent Territorial

Deputation of Upper California.

73 ND  
PAGE 71

That on the 24th July 1834, a document of final title was issued by the aforesaid Governor of California, and delivered to the said Bartolo Pacheco and Mariano Castro, whereby their title to said land was made definitively valid.

Your petitioners further show that the said grantees under the aforesaid permission of temporary occupation, entered into the possession of the said land, and were in possession of the same from that time until the said final title was issued to them & that they their heirs and assigns continued thereafter in possession of the said land, and are now in the possession thereof, excepting of certain portions which have been violently and illegally taken from them.

Your petitioners further show that all the conditions of the said grant were faithfully performed by the original grantees, their heirs and assigns.

Your petitioners further show, that the said Bartolo Pacheco died in the year 1839, devising his undivided half of the said Rancho to his sons Lorenzo Pacheco and Tomas Pacheco.

That on the 28th of February 1846, the said Tomas Pacheco sold and conveyed his share in the said Rancho to his Brother the said Lorenzo Pacheco.

That in the year 1846, the said Lorenzo Pacheco, died, leaving a will in which he made no disposition of his property, and leaving the said Rafaela Soto de Pacheco his widow, and the said Nicolas, Lorenzo, Ynez and Manuela his children, and that the said Lorenzo Pacheco deceased, left no other child, nor descendant of a child, and therefore Your petitioners are the sole successors to the estate and inheritance left by the

said Lorenzo - a part of which is the land they hereby claim.

That your petitioner Domingo Peraltá purchased from the said Mariano Castro his undivided half interest in said land and is now the owner thereof.

Your petitioners further show that the said Rancho is situated in the northern District of California.

Your petitioners further show that on the 13<sup>th</sup> day of April A D 1852 they presented their claim for the said land before the United States Land Commissioners Appointed under the Act of Congress passed on the 3<sup>d</sup> of March 1851 Entitled "An Act to ascertain and settle private land claims in the state of California" when sitting as a board, and prayed the said Board to confirm it.

That on the 23<sup>d</sup> day of Nov<sup>r</sup> A D 1853 the said Board of Commissioners decided upon the validity of your petitioners claim and rejected it.

Your petitioners pray that the Transcript of the report of the Board of Commissioners on the claim presented to them as aforesaid, and of the documentary evidence, and testimony of the witnesses on which it was founded, which is filed with the clerk of this Court, as directed by the 12<sup>th</sup> section of the Act of Congress passed on the 31 August 1852, Entitled "An Act making appropriations for the Civil and diplomatic expenses of the Government for the year ending the thirtieth of June 1853, and for other purposes", may be held and considered as part of his petition.

Wherefore your petitioners appealing from the said decision of the Board of

Commissioners, present this petition to the Honorable  
the District Court for the Northern District of  
California, being the District Court of the  
District in which the land is situated, and  
they pray this Honorable Court to review the  
said decision of the said Board of Commissioners,  
and to decide upon the validity of their claim,  
and to make a decree confirming their  
claim.

A. W. Carpenter  
Atty, for the appellants

No 73

U. S. District Court  
Northern District of Cal.

Rafaela Soto de Pacheco  
Et als. Appellant

vs  
United States  
Appellees.

Petition on Appeal from  
U. S. Land Commission.

Filed Feb. 19. 1855  
J. W. Mason

five 73 ND  
PAGE 74

Service of a copy of the within petition  
acknowledged Feb 19. 1855

A. Massell  
Acting U. S. Dist. Atty



United States District Court for the  
Northern District of California

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Rafaela Soto de Pacheco  
Nicolas Pacheco  
Lorenzo Pacheco  
Ynez Pacheco  
Mamuela Pacheco &  
Domingo Peraltá  
vs appellants  
The United States  
appellees

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Notice of intention to  
prosecute the appeal  
from the decision of  
the Board of U. S.  
Land Commissioners.

Rafaela Soto de Pacheco, Nicolas Pacheco, Lorenzo Pacheco, Ynez Pacheco, Mamuela Pacheco, Domingo Peraltá, Claimants of the Rancho of "San Ramon" in Contra Costa County, and Northern District of California, hereby give notice of their intention to prosecute an appeal from the decision of the Board of Commissioners rendered in their claim for the said land, which was presented to the said Board of Commissioners, and by them rejected. Their claim being that which is numbered on the Docket of said Board of Commissioners, No 179. the Transcript whereof as filed in this office is numbered No 73.

A. W. Carpenter  
Attorney for Appellants

No 73.

U. S. District Court

Northern Dist of California

Rafaela Soto, de Pacheco

Et alvs Appellants

vs

The United States

Appellees

Notice of intention to  
present an Appeal.

Filed Feb. 19. 1853

Ernest M. Moore

for

73 ND

PAGE 76

Service of a copy of the within notice  
acknowledged. Feb 19. 1853

A. Russell

Acting U.S. Dist. Atty

United States District Court for the  
Southern District of California.

Rafaela Pacheco, applt } Notice of intention to prosecute  
vs. } the Appeal from the decision of the  
The United States, Apples } Board of U.S. Land Commissioners.

Rafaela Pacheco, claimant of the land known by the name of "San Ramon" situate in the Southern District of the State of California, hereby gives notice of her intention to prosecute an appeal from the decision of the Board of Commissioners rendered in her claim for the said land which was presented to the said Board of Commissioners, and by them rejected. Her claim being that which is numbered on the Docket of said Board of Commissioners No 179, the Transcript whereof as filed in this Office is numbered

Halleck Peachy & Pillings,  
Attorneys for Appellant.

No 73

United States District Court  
Southern Dist of California.

Rafaela Pacheco,  
Appellant.

vs

The United States,  
Appellee.

Appeal Notice.

Filed March 16<sup>th</sup> 1885.

J. E. Fawcett.



No 73  
United States District Court, Northern  
District of California.

*The United States,*

—vs.—

*Rafael Voto de Padico,*  
*et al.*

*Order returning  
Transcript to dicty  
Sand Com: to be completed,*

Filed *August 20* 1855

*John A. Monroe,*  
Clerk.

*H. H. Cheever,*  
Deputy.

*Seven*  
73 ND  
PAGE 80

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

The United States  
Appellees  
vs  
Rafaela S. de Pacheco  
et al - } No. 73.

The United States by their Attorney  
deny the validity of the title set  
out in the petition of the said  
Appellants; and pray that the  
decision of the Board of Commissioners  
be affirmed, and that the said  
title be decreed to be invalid.

W. H. Cassell  
Att. U. S. atty.

No. 73.  
U.S. Dist Court

The U. States  
vs  
Rafaela S. de Pacheco  
Cuerpo

Filed August 20, 1855  
J. Cheves  
Deputy

(via)

73 ND

PAGE 82

Massell

Case No. 73.

District Court Northern District of California

73 ND  
PAGE 83

The United States

vs

Appellees

Rafaela Soto de Pacheco et al.  
appellants

It is stipulated that the depositions of Mariano Costo, Juan B. Alvarado taken and filed in case No. 301. before the Board of Land Commissioners, being the case of Domingo Peralta vs. The United States for a part of "San Ramon", copies of which are contained in the transcript of said case which is filed in this court and docketed as Case No. 322. shall be considered as evidence herein with the same force and effect as if originally taken and filed in this case. Copies of such depositions to be filed.

Wm. Blainey

District Atty.

H. W. Carpenter  
Atty. for Appellants

No 73

U. S. District Court  
Northern District California

United States

vs

Rafaela S. de Pacheco et al.

Stipulation

Filed May 4, 1857  
W. H. Chewes,  
Deputy.

*mine*

United States of America }  
State of California } 3 p.

San Francisco February 3. 1855.

This day came before Peter Sott  
Commissioner for taking testimony to be  
used before the Board of U.S. Land  
Commissioners in said State, Juan  
B. Alvarado, a witness on behalf of  
the claimant Domingo Peralta in  
Case No. 301. on the docket of said  
Board and said witness being sworn  
deposed in Spanish which was in-  
terpreted by the interpreter to said  
Board as follows.

The U.S. Official Law Agent is present.

Questions by Mr. Carpenter for claimant.

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

Answer. My name is Juan Bautista  
Alvarado, my age 45 years and I reside  
in Contra Costa County.

Question 2. Please to examine the  
document now here shown you in the  
Spanish language purporting to be a  
true copy of an original expediente  
remaining among the papers in the Sur-  
veyor General's office and certified as  
such by the late Surveyor General

which document is filed in Case No. 179 before this Board and is marked "A. San Ramon. Expediente" a translation of which is also filed in said case marked "B. San Ramon. Translation of Expediente", and state whether the signatures thereto are genuine or not?

Answer. I have examined the document described in the foregoing interrogatory. The signatures thereto are the genuine traced signatures of Tomas Pacheco, José Figueroa, Agustín O. Zamarrano, Salvo Pacheco, José Sanchez Fr. José Maria de Jesus Gonzales, Salvador Espinoza, Mariano G. Vallejo, José J. Ortega, José Antonio Estudillo, Carlos Antonio Carrillo, José Castro and of myself Juan B. Alvarado. I have seen all of the above named persons write and I know their signatures. The signature of Ygnacio Peralta to said document I recognize as a traced copy of his genuine official signature, but I have never seen him write. The rubrics near the top of pages 10 and 12 of said document are the genuine traced rubrics respectively of José Figueroa and Joaquin Gomez, such as

they were accustomed to use in attesting official documents. The rubrics near the top of page 17 are traced copies respectively of the rubrics of Figueroa and Rafael Gonzales.

Question 3. Whose rubric is that underneath the note written at the bottom of the 2<sup>d</sup> map in said document?

Answer. It is a traced copy of the genuine rubric or official signature of Agustín V. Zamarrano.

Question 4. What office if any did José Figueroa hold in California in the years 1833 and 1834?

Answer. During said years Figueroa was superior Political Chief and Commandant General of the Territory of Upper California.

Question 5. What official position if any, did Agustín V. Zamarrano hold at the same time?

Answer. He was chief Secretary of the government of said territory in the year 1833 and a part of 1834.

Question 6. What office if any did you hold in California in the year 1834 and on the 17. day of May of that year?

Answer. I was secretary of the Territorial

Deputation or Assembly.

Question 7. Please to examine the original document in the Spanish language now here shown you which is filed in case No. 179 before this board and marked "Exhibit No. 1. to Deposition of A.M. Pico in No. 179 H. J. T." and state whether or not the signatures thereto are genuine?

Answer. I have carefully examined the document described in the foregoing interrogatory. The signatures thereto are the genuine official signatures, respectively of José Figueroa and Agustín V. Zamarrano. The rubrics near the top of two pages of said document are the genuine official rubrics of José Figueroa and José Rafael Gonzales with which they used to verify official and public documents. The certificate in English on said document I know nothing of nor am acquainted with the signature of E. W. Manby thereto.

Question 8. What offices, if any did José J. Ortega José Antonio Estrella, Carlos Antonio Camillo and José Castro hold in California on the 16. of May 1834?

Answer. They were members of the

Answer. They were members of the departmental Assembly of the Territory of Upper California.

Question 9. What office if any did Ygnacio Peralta hold in the year 1832?

Answer. He was alcalde of the Pueblo of San José Guadalupe and I think in the year 1832.

Juan B. Alvarado.

Subscribed and sworn to  
before me on this 3<sup>d</sup> day  
of February A.D. 1855.

Peter Lott. Commissioner

Filed in Office Feb. 5. 1855.

(Signed) Geo. Fisher Secy.

No 73.

U. S. Dist. Court.

The United States

vs

Rafaela Soto de Pacheco

et al.

Copy Deposition of  
Juan B. Alvarado  
taken & filed in Case No 301.  
before Board of Land Com-  
missioners, being case of  
Domingo Penalta vs. United States.

Filed May 4, 1857,

W. H. Cheves,

Deputy.

73 ND

PAGE 90

San Francisco April 9. 1853.

On this day before Comr. Hiland Hall came Marians Castes a witness on behalf of the claimant Domingo Peralta Petition No 301 and was duly sworn his evidence being interpreted by the Secretary.

The U. S. Associate law agent was present. In answer to inquiries by counsel for the claimant the witness testified as follows.

My name is Marians Castes. My age is sixty seven years, and I reside in the County of Santa Clara.

I know the Rancho called San Ramon in Contra Costa County. I formerly owned it and sold it to Domingo Peralta. It was granted to me and Bartolo Padres jointly some twenty years ago. I cannot recollect the precise time. It was by Governor Figueroa.

It is now occupied by Suscencio Roviera and Francisco Garcia and others. It is now claimed under my former title by Domingo Peralta. He has my title. I occupied the land for ten or twelve years from the time it was granted until I sold to Peralta. I was

occupying it when the grant was made to me. I occupied it with stock and by cultivation of the land. I had a house made of redwood which I occupied by myself and sons. My family resided at San José on account of the fear of the Indians. The government ordered the families in that section to reside at San José. The house was situated near a spring and the creek of San Ramon at a willow grove. My rodeo or place for collecting cattle for marking and branding was about a league from the town at an oak grove in the plain. It was about two leagues from Las Juntas where the two creeks meet, which are called San Ramon and Las Nueces.

My cattle ranged from my house to the Juntas. The boundaries of the grant were not marked. The adjoining lands were those of Monte del Diablo, the Mission of San José, of the Peraltas and El Hambre belonging to Guillermo Pél. I have no interest in this claim.

Sworn & subscribed before me <sup>his</sup> Mariano <sup>Castro</sup>  
Stilwell Hall Court

Filed in office April 9, 1853

(signed) Geo Fisher Secy.

73 ND  
PAGE, 93

No. 73.  
U. S. Dist. Court.  
The United States  
vs  
Rafaela Soto de Pacheco et al.

Copy Deposition of  
Mariano Casto.  
taken & filed in Case No 301.  
before Board of Land Commissioners  
being case of Domingo Peralta  
vs. United States.

Filed May 4. 1857.  
W. St. Charles,  
Deputy,

Glavin

Case No. 73.

United States District Court for the Northern  
District of California.

Rafaela Loto de Pacheco et al. }  
vs. Appellants } For  
The United States } San Ramon  
Appellees. }

State of California

County of San Francisco: J. H. Carpenter being  
duly sworn says that he is the atty.  
of record of the Appellants in the  
above entitled case, and that as he  
is informed and believes, Manuela Pa-  
checo, one of the claimants in this case  
has deceased since the filing of the  
record in this court, and that Rafaela  
Loto de Pacheco, Nicola Pacheco, Ynez  
Pacheco & Lorenzo Pacheco are the  
heirs at law of the said Manuela.

Subscribed & sworn J. H. Carpenter  
this Aug. 10. 1857. before me

W. H. Church,

Dep. Clerk.

No. 73.

N. S. Dist. Court.

The United States,

vs.

Rafael Loto de Pacheco,  
et al.

~~Affidavit on motion to revive~~  
~~Order reserving suit~~  
in name of heirs.

Filed Aug: 10. 1857,

W. H. Cheney  
Deputy,

Twelve

73 ND

PAGE 96

Case No. 73-

73 ND

PAGE  
97

United States District Court for the Northern District of California.

Rafaela Loto de Pacheco et al. }  
vs Appellants } For  
The United States } San Ramon.  
Appellees } }

On suggestion that Manuela Pacheco one of the claimants in this case has lately deceased, and that Rafaela Loto de Pacheco, Nicolas Pacheco, Ynez Pacheco and Lorenzo Pacheco are the heirs at law of the said decedent, it is ordered ~~consequently~~ that the said case be revived and continued in the names of the other and surviving claimants as original parties hereto and of Rafaela Loto de Pacheco, Nicolas Pacheco, Ynez Pacheco and Lorenzo Pacheco as the heirs at law of the said Manuela.

No 73

M. S. Pitt: Comr.

The United States,

ads.

Rafaela Soto de  
Pacheco et al.

Order reviving suit  
in name of heirs.

Filed Aug: 10, 1857,

W. D. Chevers,

Deputy.

73 ND  
PAGE 98

*[Signature]*  
Shuteen

UNITED STATES DISTRICT COURT,  
Northern District of California.

San Francisco, *Jan'y 15* 1858

ON this day, before *Curtis McLister* a  
Commissioner of the United States for the Northern District of California, duly  
authorized to administer oaths, &c., &c., came

*Guillermo Castro* a witness produced on behalf of the  
*Claimants*

in Case No. *73*, being an appeal from the Board of Commissioners to ascer-  
tain and settle the Private Land Claims in the State of California, in Case  
No. *179* on the Docket of the said Board of Commissioners, and was duly  
sworn and testified as follows — his evidence being interpreted by

*Robert Simpson* a sworn interpreter

PRESENT:

*U.S. Dist Atty*  
*J. M. Carpenter for Claimant*

QUESTIONS BY

*J. M. Carpenter for Claimant*

Quest 1— Your name age & place of  
residence?

Ans 1. *Guillermo Castro* — 49 years  
of age — I reside in San Lorenzo  
Alameda County, California

Quest 2— Do you know the Rancho of  
San Ramon?

Ans 2— *Yes I do* — It was granted to

Marian Castro, and Bartolo Pacheco  
by the Governor of California -

Ques 3 - Do you know about how much  
land it contains?

Ans 3 - It contains about two leagues  
more or less.

Ques 4. The Map is here shown the Map  
contained in the Transcript filed in  
this case which is authenticated by the  
Rubric or sign of Agustín V. Zamora-  
no. & asked, do you recognise the land  
described in said Map?

Ans 4 - I recognise the land laid  
down in that Map -

Ques 5. What is the distance from the  
"Arroyo de las Juntas" to the boundary  
of the Rancho of Jose Maria Amador  
as the same are described on said  
Map? that is to say from North to  
South -

Ans 5. I believe that the distance is  
about two leagues - that is from North  
to South as laid down on this Map -

Ques 6. State whether you are well  
acquainted with the land?

Ans 6. I know the land very  
well - It is ~~bounded~~ adjoins my own  
Rancho upon which I have lived for  
19 or 20 years - I have travelled over  
the Rancho of San Ramon many  
times both on foot & on horseback.

I know all parts of the Rancho.

June 7.

73 ND  
PAGE 101

Aug 7.

I know all parts of the Rancho -  
About how wide is said Ran-  
cho from East to West, as described  
on said map &.

The width of the Rancho varies.  
According to the best of my judgment  
the width of the Rancho in its northern  
part is <sup>much</sup> less than a league, in the  
Southern part of the Rancho the width  
is more than a league.

Guillermo Barrios

Subscribed & sworn to before me this  
13<sup>th</sup> day of January 1858.

Butler McAllister

U.S. Commissioner



This deposition may be filed with the  
papers in the case and may have the same  
force & effect as if taken prior to the sub-  
-mission of the cause.

P. Della Torre

No. 1. atty

Jan 16<sup>th</sup> 1858 } }

Circuit Court of the  
United States for the  
Districts of California  
Northern District -

- No 73 -

The United States

- vs -

Rafael Soto de Pacheco

Deposition of Guillermo  
Castro a witness produced  
on behalf of the United -

Filed July 16, 1858,

M. H. Cheney,

Deputy,

73 ND  
PAGE 102

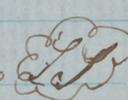
fourteen

To be filed.



Know all men by these presents that I Tomas Pacheco of the County of Alameda State of California in consideration of the sum of one dollar to me in hand paid by Rafila Soto de Pacheco Nicolas Pacheco Ines Pacheco Lorenzo Pacheco and Mannella Pacheco of Santa Clara County State of California & being the Widow & Heirs of Lorenzo Pacheco Deceased the receipt whereof is hereby acknowledged, have bargained, sold and quit claimed and by these presents do bargain, sell and quit claim unto the said Rafila Soto de Pacheco, Nicolas Pacheco Ines Pacheco, Lorenzo Pacheco and Manuel Pacheco, Widow & Heirs of Lorenzo Pacheco Deceased and <sup>to</sup> their heirs and assigns forever, all my right, title, interest estate claim and demand, both at law and in equity, and as well in possession as in expectation, of in and to all that certain piece or parcel of land situated in the County of Contra Costa State of <sup>California</sup> ~~California~~, known as the Rancho de San Ramon and lying between the places known as the "Rancho Monte del Diablo" and "El Hambre" and the "Rancho of San Antonio" and the "Rancho of San Maria Amador" as shown by the original grant and map to Bartolo Pacheco & Mariana Castro - containing <sup>Two</sup> ~~Two~~ Mexican Square Leagues, more or less with all and singular the hereditaments and appurtenances thereunto belonging.

In Witness whereof, I have herunto set my hand and seal the 30<sup>th</sup> day of July A.D. eighteen hundred and fifty five

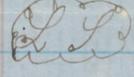
Sealed and delivered in presence of } Tomas Pacheco 

Francisco Lightston  
John Gontz

State of California }  
County of Santa Clara } p

On this thirteenth day of July A.D. 1855 personally appeared before me the undersigned Clerk of the County Court of said County and State Tomas Pacheco Satisfactorily <sup>Proven</sup> ~~known~~ to me to be the person described in and who executed the within Instrument, by the oath of Francis Lightstone a competent and creditable witness for that purpose by me duly sworn and the said Tomas Pacheco acknowledged to me that he executed the same, freely and voluntarily and for the uses and purposes therein mentioned.

In Testimony whereof I have hereunto set my hand and affixed the Seal of said County Court at the City of San Jose the day and year above written

 J. L. Goss Clerk

The foregoing Instrument was filed & recorded at request of J. Goutz on the 2<sup>d</sup> Aug 1855 at 9 o'clock A.M. In this Record the words "to me in hand" are interlined between 1<sup>st</sup> & 2<sup>nd</sup> line

State of California } Thomas A. Brown Co. R.  
County of Contra Costa } p

J. L. C. Wittmeyer County Clerk and ex officio County Recorder in and for the aforesaid County, do hereby certify that the foregoing is a full, true, and correct copy of the record of an instrument now of record in my office, in Vol 11 of Deeds pages 335 & 336. Records of Contra Costa

County.

Witness my hand and official seal  
this the sixth day of February A.D. 1858

L.C. Wittenmyer - County Recorder  
By M. B. Harrison - Deputy

The foregoing certified copy of deed may be  
filed in case N<sup>o</sup>. 73, of *Rafaela Loto de Pacheco*  
*et al. vs The United States*, and considered in evi-  
dence with the same force and effect as its  
original might have been if duly produced and  
filed.

Feb 8<sup>th</sup> }  
1858 }

P. Della Torre  
U. S. Atty

No. 73.

Rafaela Lotó de Pacheco et al.

The United States

Certified Copy of Deed

Filed Febry 8. 1858.

W. H. Chever,

Deputy.

73 ND

PAGE 106

fifteen

Final Decree

73 ND  
PAGE 107

At a stated term of the United States District Court for the Northern District of California continued and held at the Court House in the City of San Francisco on Monday the 8. day of February 1858.

Present

The Hon. Ogden Hoffman

Dist. Judge.

Rafaela Loto de Pacheco et al. } N<sup>o</sup> 73.

vs. Appellants }

The United States } "San Ramon"

Appellee }

Stated Term. February 8, 1858.

Decree.

This case came on to be heard at a stated term of this Court on appeal from the final decision of the Commissioners to ascertain and settle private land claims in the State of California under the Act of Congress, approved March 3, 1857. Upon the Transcript of the proceedings and decision and the papers and evidence on which the said case was founded, and upon the further evidence taken in this Court, and it appearing to the Court that the Transcript has been duly

filed and the appeal by the claimants duly prosecuted and that the land is situated within the territorial jurisdiction of this court, and counsel for the respective parties having appeared and the court being sufficiently advised in the premises, It is now here ordered, adjudged and decreed, (the attorney of the United States consenting thereto), that the decision of the Land Commissioners rejecting the claim be and the same is hereby reversed. And it is further ordered, adjudged and decreed that the claim of the Appellants Rafaela Lots de Pacheco, Nicolas Pacheco, Ynez Pacheco and Lorenzo Pacheco, is valid and that the same be and hereby is confirmed.

The land of which confirmation is hereby made, is the equal undivided one half part of all that certain tract of land, situated in the County of Contra Costa and in the Northern District of California, and known by the name of San Ramon, and extending from the "Arroyo de las Juntas" to the "Arroyo de San Ramon" as the same are traced and shown upon the map hereinafter referred to, being the tract of land which lies between and contiguous to and is bounded by the "Rancho

of José Maria Amador, "Monte del Diablo" the "Paraje el Ambre" and the tract of land known and described as the "Rancho de S. Antonio", or the "Rancho of Luis Peralta", as the same are laid down and delineated on the said map, and according to the lines, objects and boundaries therein particularly shown and described; the said tract of land hereinbefore described and of which confirmation is made of the undivided moiety, being the same which was granted by the name of San Ramon, by Governor José Figueroa by Decree of Concession dated June 5. 1833. and by final grant dated June 10. 1833. and approved May 17. 1834 and by Decree of final confirmation dated July 24. 1834. to Bartolo Pacheco and Mariano Castro, and formerly occupied by them: reference for a more particular description being had to the Decree of Concession and Grant, and to the Diseño or map authenticated by the rubrica or sign of Agustín V. Zamorano, forming part of an original "Expediente" kept in the United States Surveyor General's office in San Francisco, a traced copy of which was filed in this case before the Board

of Land Commissioners and a copy of  
which is contained in the Transcript  
herein.

Ogden Hoffman,  
U. S. Dist. Judge

I have examined the draft of  
above decree & find the description of the  
land to be the same as was carefully  
settled by the Court in the case of Co-  
-mings Peratta No 322 confining the  
claim to the other half interest in  
said Ranch—

Filed 8th }  
1858 }

P. Della Torre  
16. 2. atty

Filed Feb 15, 1858.

John A. Newell Clerk

N<sup>o</sup> 73.

U. S. Dist. Court.

Rafaela Soto de Pacheco et al.

vs.

The United States.

Decree.

Filed Feby 15<sup>th</sup> 58

J. M. Moore

Clk.

At a Special Term of the District Court of the  
UNITED STATES OF AMERICA, for the Northern District of  
California, held at the Court House, in the City of SAN FRANCISCO,  
on Friday the 18th day of  
November in the year of our Lord one thousand  
eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States  
Appellor  
vs.  
Rofiel Sota de Poches  
et al.  
Appellor

No. 43.  
"San Ramon."

On Motion of C. A. Parker -  
Attorney of this court,

Ordered that  
H. W. Carpenter, Esq. be and appear before  
this court on Saturday the 19<sup>th</sup> day  
of November 1859, <sup>at 11 O'clock A.M.</sup> & show cause why  
the said Parker should not be sub-  
stituted as the attorney of the  
Appellor in the above entitled  
Case

U. S. Marshal Office  
San Francisco Nov 18 1859

I hereby certify that I served a copy on J. W. Carpenter  
in the city of San Francisco in the day of the above date

J. H. Solomon  
U. S. Marshal  
By J. L. Larkin  
Dep. Marshal

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

Clerk's Office,

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

..... Clerk.

By

..... Deputy.

No. 73,  
District Court of the United States

IN AND FOR THE

Northern District of California.

The United States

vs.

Rafael Soto de Pacheco,  
et al.

Order to show cause.

Filed November 18, 1859.

W. A. Chenevix, Clerk.

By ..... Deputy.

73 ND  
PAGE 113

State of California

City & County of San Francisco. ss. Horace W. Carpenter being  
duly sworn says, that he is attorney for  
the claimants in the case of Raphaela  
Loto de Pacheco and others, against the  
United States, for the undivided one  
half of the Rancho of San Ramon in Contra  
Costa County, that the claim for the  
whole of said Rancho was originally  
presented to the Board of U.S. Land  
Commissioners by Messrs. Haller &  
Reedy and Phillips as attorneys for  
the claimants and rejected by said  
Board, that afterwards this defendant  
presented to said Board the separate  
claim of Domingo Peralta for the  
undivided one half of said Rancho  
which was by the said Board and  
the U.S. District Court finally con-  
firmed to him. That after the  
rejection of the original claim by the  
said Board of Land Commissioners as  
aforesaid this defendant became the  
attorney for the claimants therein  
and prosecuted an appeal on behalf

of said claimants, from the decree of said Board to the United States District Court, and caused such proceedings to be had on said appeal, that the claim of the said Rafaela Lotode Pacheco & others, was afterwards finally confirmed to them for the other undivided one half of the whole of said Rancho according to the boundaries thereof, which said decree was entered by consent of the United States on the 8. day of <sup>July</sup> 1858 and was and is a final adjudication of said cause.

And this deponent further says that he has become by purchase and proper deed of conveyance ~~the owner~~ and now is the owner in fee of the undivided one half of said Rancho which was so confirmed to the said Domingo Pacheco, and also of a divided one fourth and a fraction of the other undivided one half of said Rancho so confirmed to the said Rafaela Lotode Pacheco and others, as aforesaid, as by said deed of conveyance will fully appear, and that he is more interested than any

Other person in sustaining and upholding, to its fullest extent the title under which said ranches is claimed.

And this deponent says that he has throughout acted faithfully and earnestly for the best interest of the claimants in this case to the best of his ability, that he is not aware of any complaint ever having been made by them in this behalf and that by the final decree of the U. S. Dist. Court he has obtained for the said claimants to the fullest extent all that they ever claimed to be entitled to.

And this affiant says that the said claimants have no interests in said ranches which are adverse to the interests of this affiant therein but that their interests are common and concurrent, and that he knows of no reason in law or in fact why any other attorney should be substituted for this deponent, and that no such substitution can be made without great injury and embarrassment to the rights and property of this affiant.

And this affiant says that he believes that he is better informed as to the condition and circumstances, facts and merits of this case than any other person, and therefore that he is the most proper person to attend to this case in any subsequent proceedings, if any that may be taken therein.

H. W. Carpenter

Sworn to, and subscribed  
Nov: 22, 1859 before me,  
W. A. Cherrish  
N. C. Com

No. 73.

N. C. Dist. Court.

The Justice State,

—do—

Rafael de la Pacheco,

et al.

Applicant of H. H.  
Shepherd on motion  
to show cause.

Filed Nov: 22, 1859.

W. A. Cherrish

Clerk

73 ND  
PAGE 118

At a Stated Term of the District Court of the  
UNITED STATES OF AMERICA, for the Northern District of  
California, held at the Court House, in the City of SAN FRANCISCO,  
on Monday the 29 day of  
November in the year of our Lord one thousand  
eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

Rafaela Soto de Pacheco  
et al. appellants

vs.

The United States

No. 73.

San Ramon

On motion of Charles H. Parker  
in open Court, and it appearing to the  
Court that the claimants of record  
desire such substitution, and it fur-  
ther appearing that Horace W. Carpenter  
the attorney for claimants herein claims  
to be the owner of one fourth and  
over of the estate heretofore confirmed  
in this case to the said appellants,  
derived from them pending this suit,  
and after hearing the argument of counsel, it is  
ordered, that the said Charles H. Parker be,  
and he hereby is substituted in the place of the  
said Carpenter as the attorney of the said  
Appellants, saving and reserving to the said  
Carpenter the right to continue as attorney  
in the case and to represent any interest  
which he may have in the lands confirmed  
to the appellants, if the Court should hereafter  
be of opinion that he has a right to be heard for his said  
interest.

Ogden Hoffman  
Dist. Judge

No. 73.

District Court of the United States

IN AND FOR THE

Northern District of California.

The United States,

vs.

Rafael S. de Pache, et al.

Order of ~~substitution~~  
of Attorneys for  
Claimants.

Filed December 2, 1859.

W. A. Chesnut, Clerk.

By \_\_\_\_\_ Deputy.

Clerk's Office,  
of the said Court.

I hereby Certify the foregoing to be a true copy from the Minutes

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

By \_\_\_\_\_ Deputy.

\_\_\_\_\_ Clerk.

OFFICE OF THE  
CLERK OF THE  
COURT  
SOLICITOR  
GENERAL  
MASS

At a Stated Term of the District Court of the  
UNITED STATES OF AMERICA, for the Northern District of  
California, held at the Court House, in the City of SAN FRANCISCO,  
on Saturday the 32 day of  
Dec in the year of our Lord one thousand  
eight hundred and fifty-nine,

73 ND  
PAGE 120

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

vs.

R. S. de Pacheco

No 93.

Saukamon

The motion to reform the  
decree heretofore entered herein coming  
on to be heard, and counsel for the  
respective parties having been heard &  
due deliberation had, it is ordered that  
said motion be overruled, and that the  
United States have leave to renew the same  
during the next term of this Court.

Ogden Hoffman  
U. S. District Judge

No 73

District Court of the United States

IN AND FOR THE

Northern District of California.

The United States,

vs.

Rafael Soto de Pacheco,  
et al,

Order overruling  
Motion to reform  
decrees, etc.

Filed Dec 3rd 1859.

W. A. Cheney, Clerk.

By

Deputy.

73 ND  
PAGE 121

Clerk's Office,  
of the said Court.

I hereby Certify the foregoing to be a true copy from the Minutes

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

By

Deputy.

Clerk.

At a stated Term of the United States District Court for the Northern District of California, continued and held at the Court House in the City of San Francisco on ~~Tuesday~~ <sup>Wednesday</sup> the 4<sup>th</sup> day of June 1862.

Present

The Hon Ogden Hoffman District Judge

Rafaela Soto de Pacheco et al }  
vs. Appellants } No. 73.  
The United States }  
Appellee. } Part of "San Ramon"

Stated Term June 4 1862.

Decree.

This cause came on to be heard at a stated term of this Court on the 8. day of February 1858, on appeal from the final decision of the Commissioners to ascertain and settle private land claims in the State of California under the Act of Congress approved March 3. 1857, upon the transcript of the proceedings and decree and the papers and evidence on which said case was founded and upon the further evidence taken in this Court, and it appearing to the Court that the claim in this case was duly presented and prosecuted before said Land Commissioners and that the Transcript was duly filed and the appeal by the claimants duly prosecuted in this Court and that the land is situated within the Territorial jurisdiction of this Court and counsel for the respective parties having appeared and the Court being sufficiently advised in the premises, a final decree was on the 8. day of February 1858 made and entered

confirming to the said claimants the undivided one half of the premises claimed, and a motion being now made on behalf of the United States to reform said decree so as to make the same correspond to the decree confirming the other undivided half of the grant to the claimant thereof, and the Court being sufficiently advised upon argument of counsel, it is ordered that said decree be reformed accordingly and that a new decree be made in place of said decree heretofore entered. Wherefore by reason of the premises, and the attorney for the United States expressly consenting thereto in open Court it is now here ordered, adjudged and decreed that the decision of the Land Commissioners rejecting said claim be and the same is hereby reversed and in all things annulled. And it is further ordered adjudged and decreed that the claim of the appellants Rafaela Soto de Pacheco, Nicolas Pacheco, Ynez Pacheco and Lorenzo Pacheco be valid and that the same be and hereby is confirmed to them as heirs of Bartolo Pacheco deceased and to his and their heirs and assigns.

The land of which confirmation is hereby made is the equal undivided one half part of that certain tract of land situated in the County of Contra Costa and in the Northern District of California and known by the name of San Ramon and extending from the "Arroyo de las Juntas" to the "Arroyo de San Ramon" as the same are traced and shown upon the map hereinafter referred to, being the tract of land which lies between and contiguous to and is bounded by the "Rancho of Jose Maria Amador Monte del Diablo" the "Paraje el Ambre" and the tract of land known and described as the "Rancho de S. Antonio" or the Rancho of San

Peralta, as the same are laid down and delineated on the said map, and according to the lines, objects and boundaries therein particularly shown and described, the said tract of land herein before described and of which confirmation is made after the undivided moiety being the same which was granted by the name of San Ramon by Governor José Figueroa by decree of concession dated June 5, 1833, and by final grant dated June 10, 1833, and approved May 17, 1834 to Bartolo Pacheco and Mariano Castro and formerly occupied by them, reference for a more particular description being had to the Decree of Concession and grant and the Desiño or map authenticated by the Rubrica or sign of Agustín V. Zambrano, forming part of the original expediente in the United States Surveyor General's office in San Francisco, a traced copy of which was filed in this case before the Board of Land Commissioners and a copy of which is contained in the Transcript herein, the said undivided half hereby confirmed being the same that was originally granted to the said Bartolo Pacheco; provided that there be contained within the exterior boundaries of the tract herein above described no more than the quantity of two square leagues of land, but if there be more than two square leagues in quantity within said boundaries then there is hereby confirmed to the said claimants as heirs of the said Bartolo Pacheco and to his and their heirs and assigns the undivided one half of a tract of land of the extent and quantity of two square leagues and no more subject to the election of the said grantee and confirmees their heirs and assigns within the exterior boundaries hereinbefore mentioned, provided only that

the lands so elected shall be in one tract and not  
in several parcels. And the Attorney for the United  
States further consenting thereto and declining to prosecute  
any appeal from this decree, it is further ordered and adjudged  
that the said claimants have leave to proceed under this decree  
as under final decree.

Edw. A. Mullan  
Dist. Judge

73

2

U. S. District Court

The United States

R. V. De Laheue et al

Amended Decree

Filed June 4, 1862,

H. H. Ahern,

Clk

73 NO  
PAGE 125

40

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

v.s

Rafael Soto de Pucheco et als

you will please to  
take notice, that on Saturday the 29<sup>th</sup> day  
of November 1862 at the opening of the  
aforesaid court on that day or soon thereafter  
as counsel can be heard, I shall move  
the said court to modify the decree  
entered on the 4<sup>th</sup> day of June 1862  
in the above entitled cause by  
striking therefrom so much of said  
decree as authorized the claimants therein  
to elect & locate any where within the  
exterior limits of the general tract  
described in said decree, the tract conform-  
ed to said claimants & also to reform the  
said decree in other <sup>respects</sup> so as to make  
the same conform with the original  
grant on which it is founded & in support  
of said motion shall read the annexed  
affidavits & will rely also on the papers  
on file in said cause

To  
Chas H Parker  
~~claimant~~  
attorney for claimants

Wm H Sharp  
U. S. Atty.

United States  
Last Count

United States

vs

Rafael Lotu de Pacheco  
et als

~~Notice~~  
Notice

Dist Court of the United States for the Northern  
Dist of California -

United States

vs

Rafael Sola de Pacheco et als

No 73

William W Sharp being duly  
sworn deposes that he is & was on the 4<sup>th</sup> day of  
June ~~last~~ the United States District attorney  
for the Northern District of California, that  
at & prior to that time P Della Torre was  
acting as counsel for the United States in the  
above entitled cause & other causes then  
pending in this court, under some arran-  
-gement made between the said Della Torre  
& the predecessor in office of the affiant, that  
under this arrangement the said Della  
Torre assumed the exclusive control of  
said cause, that on the day & year last  
aforesaid deponent was informed from said  
Della Torre that he had agreed with the claimants  
in the above named cause upon a decree to  
be entered therein by consent & on the assurance  
that said proposed decree was correct, deponent  
without examination consented thereto on behalf  
of the United States & the said decree was entered  
on the day & year last aforesaid in open court  
as a consent decree, He further deposes, that  
in consenting to said decree, he relied exclu-  
sively on the said assurance as to its correct-  
-ness & made no personal examination of the  
matter

W W Sharp

Given to, and subscribed this 25th day of  
November, A. D. 1862, before me,

H. St. Charles,

U. S. Comr.

United States  
District Court

United States

vs

Rafael Solis de Pichero  
et al.

Defendant

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

vs

No 73

Rafael Soto de Pacheco et al

David P Smith et al

Fales & Charles B. Porter being duly sworn deposes each for himself, that they reside upon the lands embraced within the exterior limits of the tract specified in the decree of the above entitled court, which was entered on the 4<sup>th</sup> day of June 1862, that the said Smith & Fales claim title to the lands on which they severally reside, under conveyances derived from Proencio Romero & others who were granted under the Mexican government of the said lands & the claim for confirmation to which was presented in the name of the <sup>Said</sup> Proencio Romero & others & is designated as No ~~73~~ <sup>384</sup> in the register of land cases in said District Court & which case is now pending on appeal in the Supreme Court of the United States, & the said Porter claims title to the lands on which he resides as a settler entitled to prescription under the laws of the United States and the said Smith is entitled to <sup>an</sup> ~~one~~ undivided interest in the lands confirmed in the above case No 73, under mesne conveyances derived from one of the original grantees. They further

~~separat~~ refuse, each for himself, that they did not directly or indirectly consent to the said decree of June the 4<sup>th</sup> 1862 & that the said decree is greatly prejudicial to their rights in this to wit that it allows the claimants to select the lands confirmed to them any where within the exterior limits of the general tract without any <sup>restrictions</sup> ~~reservations~~ whatsoever upon <sup>their</sup> ~~the~~ said right of election except that it be in one tract & not in separate parcels; that within the exterior limits specified in said decree there is embraced in the opinion of affiants not less than ten square leagues of land - that by virtue of said decree the said claimants have recently been proceeding to locate the said land under the authority of the Surveyor general of the United States & have elected or are about to elect so to locate it, as to embrace all the valley lands, running into numerous sharp angles & disregarding entirely the original design & grant in respect to the shape & location of the land granted & in utter disregard of the first election & settlement of the original grantees

David C. Smith

Paris Sales,

Chas. B. Porter

Sporn to, and subscribed this

25<sup>th</sup> November, 1862, before me,

From 10, and subscribed this

25th November, 1862. before me,  
N. O. Cheves,  
N. O. County

73 ND  
PAGE 132

*[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page.]*

No 73-

United States

in

Rafael Soto de  
Pacheco et als -

73 ND

PAGE 133

Appellants & notice

I acknowledge service  
of copies of the within  
affidavits & notice this  
the 26<sup>th</sup> day of Nov  
1862

C. H. Peckham

Atty for claimants

Filed Nov: 29, 1862,  
W. H. Cheever,  
Clerk

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 Tuesday the 27th day of January in the year of our Lord one thousand eight hundred and sixty-three.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,  
v.  
Rafael Soto de Pacheco,  
et al.

No. 73,

The motion heretofore made by the U. S. Dist. Attorney, and submitted on the 29th November, 1862, "to modify the decree entered on the 4th June, 1862, in the above entitled cause by striking therefrom so much of said decree as authorizes the claimant therein to elect, and locate any where within the exterior limits of the general tract described in said Decree, the tract confirmed to said Claimant, and also to reform the said Decree in other respects, so as to make the same conform with the original grant on which it is founded, in pursuance of notice filed in the Clerk's office of this Court November 29, 1862, having been this day again brought to a hearing, and the Dist. Attorney having announced that he did not urge the granting thereof. It is ordered that said motion be, and the same is in all things denied, and that the said decree stand accordingly as originally entered, without alteration, or variation

Ogden Hoffman  
Dist. Judge

No 73.

UNITED STATES DISTRICT COURT

Northern District of California.

*The United States.*

v.

*Rafael Soto de Pacheco,  
et al.*

*Order denying motion  
of U.S. Attorney to  
modify decree.*

Filed *January 27* 1863.

*H. A. Cheever,*

Clerk.

In the United States Dist Court  
Northern District of California

73 ND

PAGE 136

The United States

v

Refugio de los de Poches

et al

I hereby substitute Thompson  
Campbell Esq as the attorney  
of record for the parties herein  
and by me in the above entitled  
case and in my place and  
stead

C. H. Parker  
Atty &c

June 15<sup>th</sup> 1865

No. 73

U.S. Dist Ct &c

The United States

v

Rafaela Lotde

Parker & Co

Substitution of  
Humphreys  
in place of  
Parker or other &c

Filed June 15<sup>th</sup> 1865

Geo. Gorham

Clerk  
Wm. D. Sullivan  
Deputy

United States District Court, Northern  
District of California.

The United States }  
vs. } N<sup>o</sup>. 322.  
Horace W. Carpenter }

The United States }  
vs }  
Rafaela Soto de Pacheco } N<sup>o</sup>. 73  
et als. }

Whereas final decrees of confir-  
mation have been duly entered in both  
of the above entitled causes, and whereas  
the said decrees are based upon the  
same original grant and are each for  
an undivided half of the lands granted  
by the Mexican Government to the original  
grantee therein, It is therefore hereby  
stipulated and agreed that the final  
survey made by the Surveyor General  
and returned into Court in the first of  
the above entitled causes, and filed therein  
December 17. 1863, shall be taken and  
considered as the final official survey  
also in the second of the said above en-  
titled causes, and that it shall be deemed  
and held to have been made and returned  
in both of said entitled causes, as of the date  
of the making and return thereof in the first  
case. June 15. 1865.

(over)

A. W. Carpenter  
for Claimant

Thompson Campbell  
atty. for Defend. et al.  
Delos Lake  
a party

4 U. S. District Court.  
United States } 322  
A. W. Carpenter }

United States }  
vs. } 73.  
Refaula J. de Pacheco }  
et al. }

Stipulation as to Survey.

Filed  
Richardson  
Filed Journal Feb 1865  
Geo. C. Graham Atty  
for Dan. A. Sullivan  
vs. Defend.

73 ND  
PAGE 139

X C

United States District Court. Northern  
District of California.

The United States }  
vs. } N. 322.  
Horace W. Carpenter }  
}

The United States }  
vs. } N. 73.  
Rafaela Soto Pacheco }  
et al. }

On filing the stipulation  
of the parties in that behalf, and it  
appearing to the Court that final decrees  
of Confirmation have been duly entered  
in both of the above entitled causes, and  
that the said decrees are based upon  
the same original grant and one each  
for an undivided half of the lands granted  
by the Mexican Government to the  
original grantees therein, and on motion  
of the United States District Attorney,  
the attorney for the claimants being  
present in Court and consenting thereto,  
It is ordered that the final survey  
made by the Surveyor General and  
returned into Court in the first of the  
above entitled causes, and filed therein  
December 17. 1863, shall be taken and  
considered as the final official survey  
also in the second of the above entitled

cases and that it shall be deemed  
and held to have been made and  
returned in both of said, entitled  
cases as of the date of the making  
and return thereof in the first case.

Cyler Hoffman

Just. Just.

U.S. District Court,  
United States }  
v } 322  
A.W. Carpenter }

United States }  
v } 73  
R. S. De Proches }

et al.

Order.

Filed June 14th, 1863  
Geo. C. Graham Clerk  
Jas. A. Sullivan  
Deputy

73 ND

PAGE 141

X C

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 the 26 day  
of June A.D. 1865.

Present Hon Ogden Hoffman District Judge

The United States } No. 322.  
vs. }  
Horace W. Carpenter }

The United States } No. 73.  
vs. }  
Rafaela Solo de Pacheco }  
et als. }

On motion of the United  
States, District Attorney, the claimant being  
present in open court and not objecting  
thereto, it is ordered that the Decree heretofore  
entered in the case of The United States vs. Horace  
W. Carpenter approving the official survey  
therein be and the same is hereby set aside.

And it appearing to the Court that the  
said survey in case No. 322, approved by  
the Surveyor General November 12. 1863, and  
filed therein December 17. 1863, has been  
by stipulation of all the parties adopted as the  
final official survey also in the said case  
Numbered 73, and that by said stipulation and  
the order of this Court the said survey is to be  
deemed and held to have been made and  
returned in both of said entitled cases as of  
the date of the making and return thereof in

143  
151  
the first case, and on like motion of  
the United States District Attorney the  
claimant in the said case N. 322, and  
Thompson Campbell and Grace W. Car-  
penter's attorneys for the claimants in the  
said case N. 73, being present in open  
court and not objecting thereto, it is ordered  
that the objection to the said survey on the  
ground that the lands thereby located are  
not in a reasonably compact form be  
sustained. And <sup>it is further ordered</sup> that the other objections  
thereto be and the same are hereby over-  
ruled.

And it is further ordered that  
the said survey be returned to the  
Surveyor General and that he cause  
the same to be so corrected that ~~that~~ the  
lands thereby embraced shall be located  
at the election of the conferees in a  
reasonably compact form, <sup>that he</sup> and return  
the same forthwith to this court for its  
final approval.

By the Court  
Rich Jones

*No. 73 + 321*  
U. S. Dist. Court. 6

The United States  
*vs*  
H. N. Carpenter

The United States  
*vs*  
Rafaela S. De Sabeo  
et al.

*Order*

Filed June 25<sup>th</sup> 1885

Geo. C. Gorham  
J. P. Dan. Sullivan  
Deputy

73 ND

xc

PAGE 144

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

United States

vs

Horace W. Carpenter

No 322.

United States

vs

Rafael Loto de Sodre  
et al.

No 73.

It is stipulated that the transcripts, now on file in the clerk's office of the United States Circuit Court in the case of the United States v Horace W. Carpenter No 322, so far as the same may be applicable on the hearing of the appeal in the above entitled cases, may be used by either the respective parties, with the same force and effect as though the same were made a part of the transcript in this appeal granted in these cases.

June 27. 1865

H. W. Carpenter  
for Claimant  
Dulokah W. Petty

Wombourne Camp full  
Ally per Riches' old.

73 ND  
PAGE 146

*[Faint, illegible handwriting covering the majority of the page]*

146

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Nov 73 + 82250

U. S. Debt  
Account -

United States } 322.  
" }  
Carpenter }

United States } 73  
" }  
Pacheco & Co }

---

Eliphatium

*John made  
out by Anderson  
right*

---

Wm. J. Sullivan  
deputy  
Geo. B. Gorham  
Wm. J. Sullivan  
1865

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 the 27. day of June A.D. 1865.  
Present Hon. Ogden Hoffman, District Judge.

The United States }  
vs. } No. 322.  
Horace W. Carpenter }  
}

The United States }  
vs. }  
Rafaela Loto de Pacheco, } No. 73.  
Nicolas Pacheco, Ynez }  
Pacheco and Lorenzo Pacheco. }

These cases came on to be heard upon exceptions to the official survey of the land herein confirmed, the undivided one half whereof was finally confirmed to Horace W. Carpenter, the claimant in case No. 322, and the other undivided one half whereof was finally confirmed to Rafaela Loto de Pacheco, Nicolas Pacheco, Ynez Pacheco and Lorenzo Pacheco, the claimants in the said case No. 73. which said survey is shown by the copy plat filed in the said case No. 322, December 17.

1863. and which said survey was by stipulation of the United States, District Attorney and the attorney for the respective parties, and by order of this Court, adopted as the final official survey also in the said case N. 73. and is to be deemed and held to have been made and returned in both of said entitled cases, as of the date of the making and return thereof in the said case N. 322, and counsel for the United States, and the respective parties, having been heard and due deliberation had in the premises; it was ordered that the said survey be returned to the Surveyor General for correction so as to locate the land confirmed in a reasonably compact form, which has been done and the corrected survey returned into this court.

And now on this day, the attorneys for all of the respective parties being present and the said cases argued and submitted, it is further ordered, adjudged and decreed that the said corrected survey and location of the land confirmed in these cases, made in pursuance of the order of this Court heretofore entered June 26. 1865, the field notes of which survey were approved by L. Upson, Surveyor General of the United States, for California, on the 27. day of June 1865,

is a good and valid survey and location of the land confirmed herein, and that the said survey and location be and the same hereby is approved.

And it is further ordered, adjudged and decreed that the certified plat of said corrected Survey and location, (comprising  $8917 \frac{36}{100}$  acres), filed herein June 27, 1865, and marked "Approved June 27, 1865. Ogden Hoffman Dist. Judge", be attached to and made part of this decree for a more full and particular description of the land now finally confirmed in undivided moiety, to the said claimants, in the said respective cases.

And it is further ordered, adjudged and decreed that a patent for the lands embraced in the said survey and location be issued to the claimants, and that the title to the undivided one half of said lands under the said patent vest in Thos W. Co. pursuant to the confirmed in case N. 322, his heirs and assigns, and that the title to the other undivided one half thereof vest in Rafaela Soto de Pacheco Lorenzo Pacheco, Nicolas Pacheco and Ynez Pacheco, the confirmed,

in case No. 73. their heirs and  
assigns.

73 ND  
PAGE 151

Oliver Hoffman  
Deed Judge

120

11

Nos 73<sup>ND</sup> 322<sup>ND</sup>  
Bd 179) Bd 301

The U.S. Dist Court

The United States

<sup>vs</sup>  
H.W. Carpenter &  
Same

<sup>vs</sup>  
Rafael Solá de Pacheco &c

Decree  
approving Survey  
& ordering Plat<sup>s</sup> to be attached

Filed June 27<sup>th</sup> 1855  
Geo. C. Gorham Clk  
Wm. D. Sullivan  
Deputy



present term, he, and the same is hereby  
granted; and that a certified transcript  
of to the Circuit Court of the United  
States, for the District of California, in and  
for the Southern District of California,  
he, and the same is hereby granted.

Entered June 27<sup>th</sup> 1865.

Ogden Hoffman  
Clerk of Court

Nos 73 + 322

9

U. S. District Court

United States v. 322.

or

H. M. Carpenter

United States v. 48.

or

Richard W. Child

Order granting appeal

Filed June 27<sup>th</sup> 1865

Geo. G. Hancock

Jud. Dist. of S. D.

Deputy

73 ND

PAGE 155

rc

Measure copy

73 ND  
PAGE 156

U.S.

v.

H. W. Carpenter.

146.

No 73 + 322

ND

MD

The official survey in this case was tho' very irregular in form was approved by this Court on the ground that the right of selection exercised by the claimant in the location of the land was precisely the right intended to be conceded to him by the stipulation between him and the District Attorney. The terms of which were embodied in a consent decree - The consideration for this concession was understood to be the abandonment by the claimant of an appeal taken by him from the decree of this Court which restricted him to the quantity of 2 leagues and no more -

From the decree of this Court approving the survey an appeal was taken to the

800

Handwritten symbols or characters, possibly representing a stylized 'Z' and 'B' or similar forms.

Faint, illegible handwriting on lined paper, possibly bleed-through from the reverse side.

2  
Cient's Court—

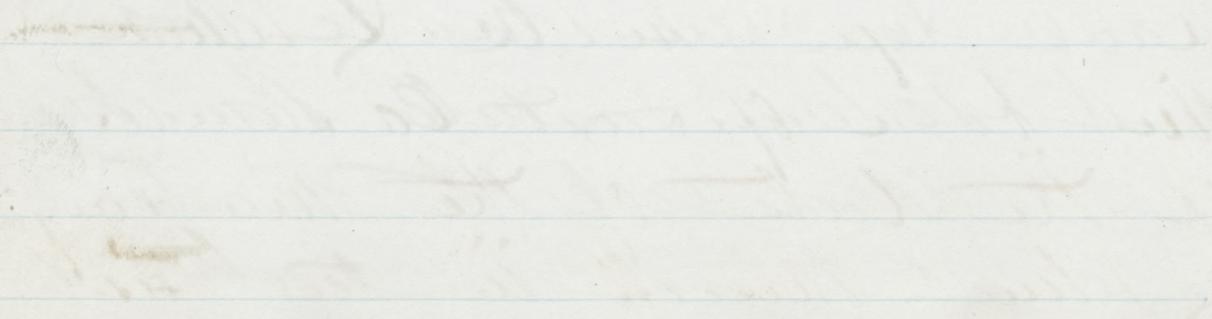
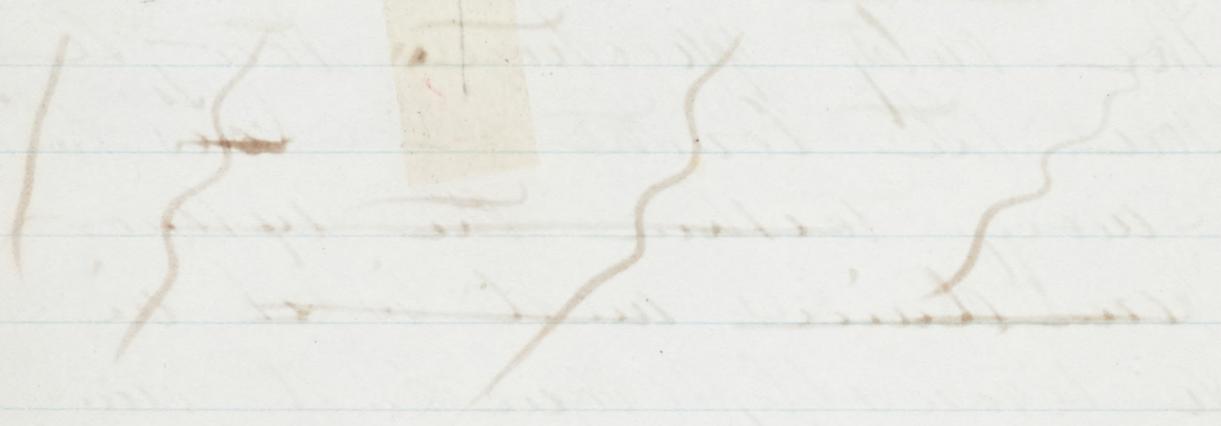
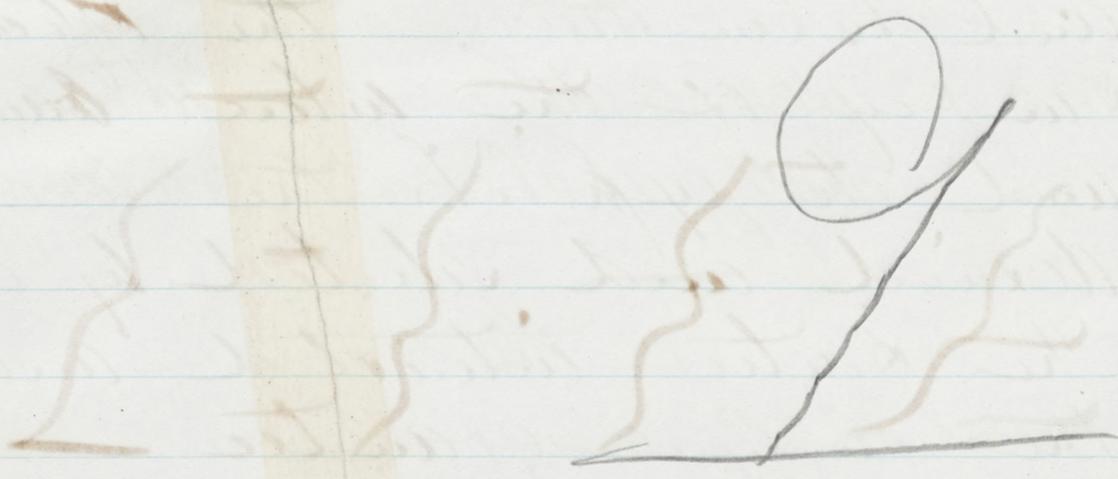
That Court was of opinion that the decree of Confirma-  
tion did not nor was it  
intended to confer any speci-  
al rights of selection and  
location upon the Confir-  
mees beyond those possessed by all  
Confirmees of Mexican grants  
and that therefore the claim-  
ant should be required  
to locate his land in a  
reasonably compact form.  
The cause was remanded  
now on to this Court for the  
reason that the claimant  
appeared to be entitled only  
to an undivided half of  
the Rancho and as the  
owner of the remaining  
half was not a party it  
was thought improper to  
proceed to locate the entire  
Rancho in his absence, and  
at the election of his cotenant  
alone—

3

The Cause being thus before  
this Court, the other part  
therein has appeared by Coun-  
sel and consented that  
a certain <sup>the</sup> survey presented  
by the Court shall be deemed  
and taken to be the official  
survey of the entire Rancho  
and to exhibit the location  
desired and selected by all  
the parties interested under  
the original grantee.

The only question now be-  
fore the Court is - does this  
survey ~~with the~~ <sup>the</sup> ~~former~~  
~~surveys~~ and is it in  
a reasonably compact form  
~~and~~ <sup>that it</sup> ~~shall~~ <sup>also</sup> be deemed & ta-  
ken as the official survey  
in the case of Rafael de  
Soto de Pacheco et al. and  
that it shall be deemed to  
have been made & allowed  
in both of said cases as  
of the date of the making  
& allow thereof in the first

111  
802



Case

The District Attorney having  
attended to this arrange-  
ment an order ~~was~~ <sup>was</sup> issued accordingly.

The survey of the entire  
Rancho is thus before the  
Court all parties in interest  
being duly represented by  
counsel —

In view of the opinion ex-  
pressed by the Circuit Court  
the representatives of all the  
claimants proposed to the  
Court that the decree of  
proving the former survey  
should be vacated and  
the survey returned to the  
Surveyor General with in-  
structions to locate the land  
at the election of the claim-  
ants but in a reasona-  
bly compact form.

A new location has ac-  
cordingly been made which  
and returned into Court —

It is attended to on the  
part of the claimants —

5

tho' the District Attorney declines formally to assent to it, he urges no special objection to it -

The only question to be considered is, Is this survey in a reasonably compact form as required by the Circuit Court

The figure presented by the survey is a tolerably regular parallelogram - On one side it is bounded by a natural boundary being a range of high hills - On the two other sides and a portion of the third it follows the surveyed line of an adjoining ranch -

The whole location seems to me as compact as should be required and to obviate the objections which ~~was~~ made to the former survey to which it presents a very marked contrast. As it is assented by all the claimants - not directly

Opposed by the U. S. and  
seems to be unobjectionable  
in itself and in entire con-  
formity with the decree of  
Confirmation as construed  
by the Circuit Court, I  
think that it should be  
approved as the final sur-  
vey of the entire Rancho, &  
of the lands confirmed to  
the claimants by the two  
several decrees of Confirmation  
obtained by them in two  
above entitled causes.

*[Faint, illegible handwriting, possibly bleed-through from the reverse side of the page. A vertical strip of yellowish tape is visible on the left side.]*

*[Handwritten signature or initials in dark ink.]*

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73

No. 322

U.S. District Court

The United States

vs  
H.M. Carpenter

Opinion by  
Hoffman, Dist Judge

Filed June 27 1865.

Wm. G. Sherman, Clerk

J. Daniel Sullivan, Deputy

73 ND

PAGE 162

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

Rafaela Soto de Pacheco  
et als.

v.  
The United States.

State of California

City & County of San Francisco p: Horace W. Carpenter being  
duly sworn says that from the time when  
the appeal in the above entitled cause from  
the Board of U.S. Land Commissioners to this  
Court, was perfected up to Sept<sup>r</sup> 1. 1859, this  
deponent was the attorney of record and  
the only attorney for the claimants herein,  
that after the entry of final decree in this  
case on or about the 8. Feb. 1858<sup>up to the said Sep. 1. 1859</sup>, no motion  
was ever made in this Court to open or amend  
or change said decree or to arrest the operation  
thereof, nor was any notice of intention to make  
such motion ever given, that there never was  
any agreement, or consent or understanding be-  
tween this affiant or any other person having au-  
thority to represent the claimants herein, and  
the attorney for the United States or any other  
counsel, that this case should be in any manner  
dependent upon or affected by the decision of

this Court in Case 322. of the United States, vs. Domingo Peralte, or by the Decision in any other cause, or by any other contingency or event whatsoever.

And this affiant further says that he is the owner of an equal one fourth and a fraction over, of the estate confirmed to the claimant, herein, and that he is more largely interested than any other person in maintaining the final decree heretofore entered by consent of the United States, in this cause, that he is advised and believes that the said decree is strictly according to right and justice in all its provisions, and that this affiant would be seriously injured by any proposed reopening, modification or change of said final decree.

And further deponent saith not.

H. H. Carpenter

Sworn to and subscribed  
before me. Dec: 1. 1859.

M. G. Chesnut,

M. C. Com:—

73 N

Handwritten notes in the left margin, including a vertical list of characters and symbols.

Main body of handwritten notes on the left page, consisting of several columns of vertical text.

Main body of handwritten notes on the right page, consisting of several columns of vertical text.

In the District Court of the United States  
for the Northern District of California  
Rafael Loto de Padua vs

The United States

1873

Take notice that  
a motion will be made on Monday  
the first day of March next at the  
Court House of said Court; at 11 o'clock  
A. M. of that day or as soon thereafter as  
found can be heard, to open the de-  
claration of conspiracy readen & then  
in, & for such other & further order  
as shall here meet in the pre-  
mises -

Said motion will be made  
upon the papers on file & on the  
affidavits herewith served upon you

Yours  
J. M. Carpenter  
Atty for Plaintiff  
P. de la Torre  
pro defendant  
applying

In the District Court of the United States for  
the Northern District of California  
Rafael Soto del Palacio et al.

Republic of Mexico } No 73  
United States }

County of San Francisco;  
Joshua B. Morse John Mitchell & John M. Jones of Contra  
Costa County being sworn say that they have  
resided in said County between the  
boundaries mentioned in the Decree herein,  
since December A.D., 1851, that they have been  
over said land in every direction ever since  
during that time both on foot - over a small  
portion of it - on horseback - over the whole  
that they are well acquainted with all of the land  
mentioned therein - that they have examined  
the Decree entered in said Cause, & know  
the boundaries mentioned therein, that the  
land which lies between, & contiguous to it is  
bounded by the Ranchos of "Jose Maria  
Amador," "Monte del Diablo," the Paraje  
El Ancho" - the San Antonio Rancho - En-  
traces at the least calculation over twenty  
leagues of land - that the land extending  
from the "Arroyo de las Puercas," to the Arroyo  
de San Ramon, as the same are  
laid down upon the map certified to by A.  
V. Zamorano, - between pages 42 & 43 of  
the transcript from the Land Commission

herin, containing at the least calculation  
five leagues of land, that the land lying  
within the boundaries laid down &  
delineated on said map, according  
to the lines of pits & boundaries, thereon  
particularly shown & delineated, &  
running outside of said map  
& up to the outside lines marked  
thereon, would be a tract of Country  
at the least, ten miles square  
or 100 Sections of land - & about  
15 leagues of land -

Deponent further says, that  
he believes the land embraced  
within said boundaries to be  
much larger than he has men-  
tioned above - that he has made  
the estimate thereof only low, for  
the purpose of being within bounds.

Deponents further say that  
the shortest distance from the  
junction of the arroyo de las puntas  
& the Arroyo de San Ramon, to the  
nearest line of the Amador Ranch  
near the house of Mrs. Norris, which  
stands up on the large spring  
near emptying into a willow copse -  
South of the bend of the San Ramon  
Creek as represented on the map

presented 1835, to the said Com-  
mission - is about ten English miles  
good measure - that the  
shortest distance between said  
cracks can be run & has fairly  
is over three miles, that the  
widest distance is over seven  
miles - & that the average distance  
is over four miles - during  
the entire distance - that de-  
ponents know of all the ad-  
joining Ranches by reputation  
that there is no other claim  
or Ranch, within said bound-  
aries except the Ranch of the  
Roveros as they are infor-  
med & truly believe

Sworn to & subscribed  
to before me this 28<sup>th</sup>  
day of January A.D. 1838  
W. H. Church,  
Deputy Clerk

J. M. Jones  
J. B. Blwell  
J. E. Mitchell

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

Rafael Loto de Padua vs

The United States

No 93

County of Contra Costa;

Capt. Orris Daily, ~~Commissary~~ of said  
County, being sworn says that he resides in  
said County on the lands claimed by Claimants  
& embraced in the Warrant of Confirmation therein  
but which lands in fact belong to the Romero grant  
under which he holds title; that he has resided  
there since 1852, that he has often traveled  
over said lands - that the distance from  
the junction of the arroyo de Las Fuentes  
that of San Ramon, to the nearest  
boundary of the Amador Ranch is  
9 or 10 - miles; that the nearest distance  
between said arroyo de Las Fuentes &  
the arroyo de San Ramon, when they  
begin to rise is over three miles; & the  
widest place between them is over six  
miles - that the average distance is  
over four miles - that within said bound-  
aries of said County as laid down in the  
map certified by Rubie of A. V. Zamorano  
is over five square leagues of land -  
that within the outside boundary men-  
tioned in said map, & fixed by the Dept

73 ND  
PAGE 170

Thereon delineated is our fourth square  
league - that between the Rancho  
of Jose Maria Amador - Monte del  
Diablo, the "Parajidumbre" & the Rancho  
San Antonio is over fifty league  
of land - that he has read the affidavit  
of John M. Joubert's & made  
therein, & that the same is true of his  
own knowledge as to the description  
of the boundary & the quantity of land  
embraced therein

sworn & subscribed to before

me this 23<sup>rd</sup> day of February

ad 1855

W. H. Church,  
Deputy Clerk

Chris Gales,

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

Rafael Soto de Pacheco et al

Republic of Mexico } No 73  
County of San Francisco,  
Merged name of Contra Costa

County being sworn says that he  
has resided on the premises  
mentioned in the Deed herein since  
1852 in February, has travelled over  
the whole land of the both on horse  
back on foot, & knows the distan-  
ce of the different points men-  
tioned therein, that Deponent has  
examined the Deed Map hereto  
filed in case No 322 - that he has  
read over the affidavit of John M. Jones  
this day made therein - that the  
same is true as to the distance &  
quantity of land embraced  
in the description therein men-  
tioned -

Sworn & subscribed before  
me this 23<sup>rd</sup> day of February  
A.D. 1858.

G. W. Loan

H. H. Chivers,  
Dep. Clerk

73  
W. S. Dist. Court  
North Dist. Cal

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Rafael Soto de Padua  
Cal

4

The United States  
Affidants to Open De  
Cru herein

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Due service of copies of  
the within Affidants  
motion admitted this  
24th day of Feb. 1858.

73 ND  
PAGE 172

U.S. Dist. Court Northern Dist. of Calif.

73 ND  
PAGE 173

N. 73.

Rafaela Loto de Pacheco et al }  
vs Appellants }  
The United States }  
Appellees }

This is one of Figueroa's grants - formal and perfect in all its parts.

There are the petition and map, the orders of reference for information and the reports in favor of the grant.

June 5. 1833 the Decree of concession was made, declaring "Bartolome Pacheco and Mariano Castas owners in fee of the land extending from the arroyos de las Juntas to the San Ramon bounded by the Ranchos of José Maria Amador, Luis Peralta and Monte del Diablo".

On the 10. day of the same month Governor Figueroa issued the formal title in which there was granted to the said Pacheco and Castas "the place known by the name of San Ramon bounded by the Rancho of San Antonio and the places el Ambre and Monte del Diablo", with reference to the map therewith annexed.

May 17. 1834, the grant was approved by the Territorial Deputation, and July 24 1834 the testimonial

was issued to the parties in final confirmation of their grant and to serve them as evidence of title.

The genuineness and authenticity of all the papers are fully proven.

Castro's half of the land so granted, having been purchased by Domingo Peralta was confirmed to him by this Court and the appeal dismissed by order of the Attorney General.

In 1839 Bartolo Pacheco, by last will, devised his half of the Rancho to his two sons Tomas Pacheco and Lorenzo Pacheco.

In 1846 Tomas Pacheco conveyed his interest in the Rancho to his brother Lorenzo, who, dying in the same year, devised all of his estate therein to his wife and children.

The devisees under the will of Lorenzo Pacheco were all originally claimants in this case, but Manuel's one of the daughters of the said Lorenzo having since deceased, the case was revived, by order of this Court in the name of the other claimants and of the heirs at law of the said decedent.

This claim was rejected by the Board of Land Commissioners on

account of some defect or informality in the proof of the probate of the wills of Bartolo and Lorenzo Pacheco, and an appeal to this Court was duly prosecuted by the claimants.

Exemplifications under the hand of the clerk and the seal of the Probate Court, of the record of the wills together with the evidence taken before the Probate Court and the orders admitting said wills to Probate, have since been produced and filed thus remedying the defect alleged by the Board of Land Commissioners to exist in the title of claimants.

A certified copy of a deed of confirmation from Tomas Pacheco to these claimants is also, by consent, put in evidence.

The extent of the Ranches and the performance of the conditions are shown by the depositions on file, the grant is undeniably a good one and the Derailment of title by these claimants satisfactory.

The United States, makes no opposition and the claimants are entitled to a decree of confirmation.

H. H. Thompson  
for Claimants

No. 73  
U.S. Dist. Court.

Rafaela S. De Pacheco et al

vs

The United States.

Brief.

73 ND  
PAGE 177

Office of the Board of Commissioners,

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

San Francisco, August 23<sup>rd</sup> 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 31<sup>st</sup>, 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. 179 on the Docket of the said Board, wherein

Rafael Soto de Pacheco et al are the Claimant against the United States, for the place known by the name of "San Ramon"

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

G. Fisher.