

CASE NO.

89

NORTHERN DISTRICT

LAND IN SANTA CRUZ COUNTY GRANT

SALVADOR CASTRO

CLAIMANT

LAND CASE 88 ND

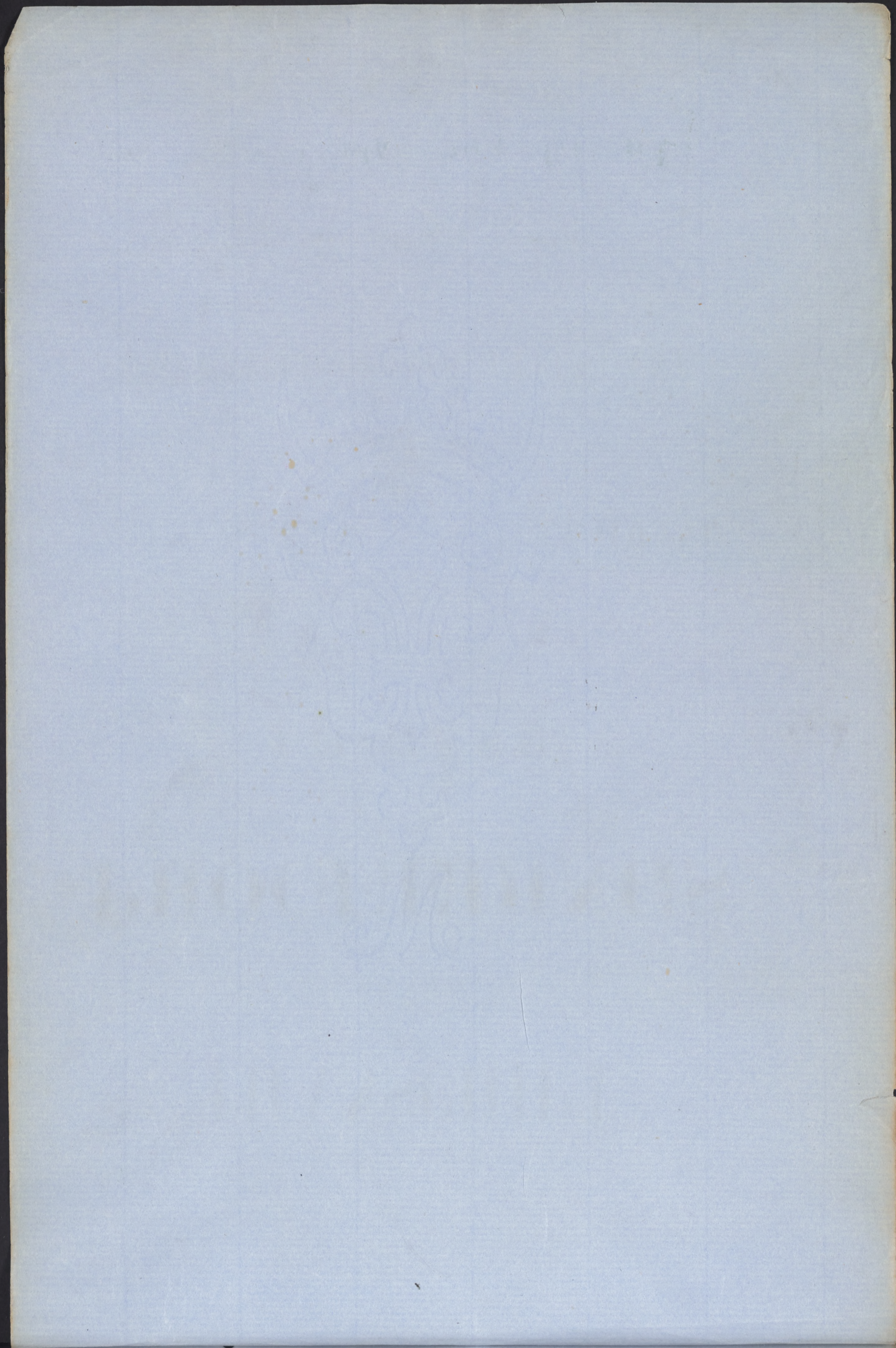
40 pages

OCT 11 1962

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D.C.



308



TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 358

Salvador Castro

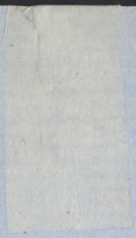
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR ~~THE PLACE NAMED~~

Land in Santa Cruz County.



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

89 ND

PAGE 2

Be it Remembered, that on this twenty second day of September Anno Domini One Thousand Eight Hundred and Fifty=Two, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of Salvador Castro
for the Place named

Sana in Santa Cruz County
was presented, and ordered to be filed and docketed with No. 358 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 March 30th 1853

In Case No. 358 Salvador Castro for land in Santa Cruz County, the deposition of Manuel Castro, a witness in behalf of the claimant, taken before Commissioner Henry J. Thompson was filed;

(Vide page 3 of this Transcript)

San Francisco Sept. 16th 1853.

In the same Case the Council for the claimant filed the following Stipulation, to wit;

(Vide page of this Transcript)

In the same Case a copy of the deposition of W^m H. Richardson in Case No. 542 with a copy of the document marked N. H. M. 1 annexed to the said deposition, taken before Commissioner Nelson Hall on the 1st February 1853, was filed in accordance

2

89 ND
PAGE 3

with the stipulation made with the Law Agent,
(vide page 6 of this Transcript)

Case no. 358 called; The commission for the claimant read the evidence, argued, and submitted taken under advisement by the Board.

San Francisco Decemr. 27/1853.
In the same commission Thompson Campbell delivered the opinion of the Board respecting the claim;

(vide page 19 of this Transcript.)

3

Petition of
Salv. Castro89ND
PAGE 4

To the Board of U S L Commissioners for the ascertainment and settlement of Land Titles in California
 Your petitioner Salvador Castro respectfully sheweth that he claims to be the Owner of One square league of land situated in the County of Santa Cruz as described and bounded as follows Viz commencing at a Stake marked "A" in the Rancho de las Tunis where the Arroyo de las Tunis comes out of the Mountains thence running Southwesterly with the ridge of the Mountains to the Stake marked B on the Arroyo Henuelo (Deep Creek) thence following said Arroyo until it meets the Arroyo de San Gregorio thence following the same to a Stake marked "C" on a white rock in the Mountain west of said Arroyo; thence Northwesterly about two miles to a high ^{point} peak of the Mountains and to a Stake marked "D" thence Easterly to the Beginning. That your petitioner claims the said Land by mesne Conveyances from Antonio Buclna, the same being part and parcel of a tract of four square leagues granted to the said Buclna on the sixteenth day of April 1839 by Juan B. Alvarado then Governor of California and as such duly authorized and empowered to grant lands therein. That said grant was made upon the petition of said Buclna, and after reference thereof by said Governor to the Administrators of the Mission of Santa Cruz and to the prefect of the First District of California and after reports from said functionaries respectfully recommending the same. That said grant was duly approved by the Departmental Assembly of California on the 26th day of May 1840. That the Expediente containing the record of all said official acts is in the Archives of the former Government of California now in charge of the Surveyor General of the U. S. for the State of California and that a facsimile Copy of the same including the diseños is

4
2
Map of the land so granted duly certified by him is
herewith filed. That the original grant is in the posses-
sion of Isaac Beelna and that your petitioner is ready to
produce and offer in evidence the same when the same
required. That said Mesne Conveyances are in the
possession of your petitioner ready to be produced.
Your petitioner therefore prays ^{you} to confirm his said
claim and title to the said square Leagues of land
and as in duty he

Black Taylor & Beckh
Attys for Pet.

Filed in Office Sept 22nd 1852

Geo. Fisher Secy

5

Deposition of
Manuel Castro

89 ND
PAGE 6

San Francisco March 30th 1853

On this day before Com^r H. J. Thornton came Manuel
Castro a witness on behalf of the claimant Salvador
Castro petition No. 358 and was duly sworn, his words
being interpreted by the Secretary

Questions by Claimant

Question 1st What is your name age and place of
residence

Ans. My name is Manuel Castro my age is thirty one
Question 2. Are you acquainted with the place called
San Gregorio claimed in this case, and if you state
what you know of its Occupation

Ans. I am acquainted with this place and since
the year 1840 it has been in the possession of Antonio
Buelnes who has a house at and cultivated a part
in fee. Of this land Salvador Castro occupies a part
and the widow of the grantee the remainder

U. S. Law Agent present Manuel Castro
Sworn to and subscribed

before me this 30th day of March 1853

U. S. Law Agent present Sworn & subscribed
before me this 30th of March 1853

Harry J. Thornton

Filed in Office March 30. 1853

Geo. Fisher Secy

San Francisco Feby. 1-1853

89 ND
PAGE 7

Deposition of
W. A. Richardson

On this day before Comr Silvano Hall came William
A Richardson, a witness in behalf of the claimant
Encarnacion Buena petition No. 542 and was duly
sworn, his evidence being interpreted by the Secretary,
The U. S. Associate Law Agent was present
Question. What is your name, age and place of
residence?

Answer. My name is Wm A Richardson, my age 50 years
my residence the Rancho de Sausalito Marin County
District. Look at the Document shown you marked
No. 1 and annexed to your deposition, purpor-
ting to be the Original grant given by Juan B Alvarado
to Antonio Buena on the 2^d day of May 1839
of a tract of land called the San Gregorio; state
what you know about the genuineness of the signatures
attached to it

Answer. The grant shown me, appears to be genuine I
know the signature of Juan B Alvarado and that of
Manuel Jimeno, having often seen them write I believe
the signatures of Juan Alvarado and M Jimeno attach
to said grant to be genuine.

(Signed) William A Richardson

Sworn and subscribed before me

(Signed) Silvano Hall Comr

Since acknowledged before Law Agent R Greenhow
I George Fisher Secretary of the Board of United
States Commissioners to ascertain and settle private land
claims in the State of California, hereby certify the
foregoing to be a true copy of its Original on file in
this Office in case No 542 Encarnacion Buena and
in my charge and custody as such Secretary
Witness my hand this 14th Sept. 1853

Filed in Office Sept
16. 1853
Geo. Fisher Secy

Geo. Fisher Secy

7

89 ND

PAGE 8

Villa de Branciforte.

Año de 1839.

Expediente promovido por el C. Antonio Buelna
en solicitud de ampliación de terreno.

147.

8

89 ND
PAGE 9

Monteney. 10 de Mayo
de 1839.

Excmo. Sr. Gobernador.

El Ciu^o Antonio Buena notual de esta
Departame^{nto} de Administracion Capital y abecindado en la Villa de Abasco parte
de Sta Cruz, locutorio ante V. S. con el debido respeto pasa a manifestar
este y dirigirse por estar q. en tiempo q. Gobernaba este pueblo
su mismo padre a el Sr. Figueroa presento una instancia
respectante al Sr. con objeto de q. se les concediese con sitio sin
Prejeto de primer de un terreno, pues en aquel tiempo
el sitio.

Alo anado.

(y. ex. porque) Dicho Sr. Figueroa
de alto favorablemente con titulo
de posesion. Despues en vista de q. los
beneficios se multiplicaron. Hago de presentar
nueva instancia ante el Sr. Gobernador. a
efecto de pedir mantenimiento; y estando
abecindado la solicitud en la oficina q. yo
coniendo sin termino, meocio la ida de este
Sr. por cuyo motivo se considera haberse
traspasado; y por tanto ahora a V. S. presento V. esta Suplicando
les se digne concederles la ocupacion del terreno que esta
al menos por en la parte de la Sr. Misión de Sta Cruz
ahia el Norte distante de este como doce o trece leguas; en
cualquier sitio de ganado mayor que consideren necesario por
la propagacion de sus bienes. Gratia q. en alara al
Causa de la benignidad de V. S. a favor subdita.

Monteney. Mayo 2 de 1839.

Antonio Buena.

Sr.

El Administrador de Sta Cruz cumpliendo con lo prescrito
en el decreto marginal q. V. S. se sirva mandar leer
con fha q. del corriente en la presente instancia dice que el
Solicitante reúne las cautivadas necesarias, para obtener el
terreno a que se refiere; y que esta como esta legua de ve
catorce representacion a tanta distancia del establecimiento
de mi cargo, las entiendo inutil por lo que eni combe
niente, informar a V. S. que es abelarse a la instancia
del Sr. Dn Antonio Buena.

Sta Cruz May 2 de 1839.

Franco Soto.

Quebrado

9

Quello de Sr Juan De Castro. Mayo. 20 de 1839.

Visto lo contenido en esta instancia el D^{to} del 1^{er} distrito juzgado que no parece ni conveniente para que el interesado sea agraviado con el tenorio y presente.
Jose Castro.

Monteney. Abril 16 de 1839.

Visto la peticion con que

da principio este expediente el oficio del Sr. D^{to} Prefecto del 1^{er} distrito, con tanto lo demas que se tubo presente y ver convenio de conformidad con dispuesto por las leyes y reglamentos de la materia, se declaro al Sr. Antonio Buena, dueño en propiedad de la estancia de cuatro sitios de ganado mayor por lo mas o menos, segun demuestra el oficio que como agregado a este expediente que premia para el fin indicado: librese el correspondiente Despacho al interesado con las condiciones a contenerse, tomese razon en el libro respectivo y reviese este expediente para la debida aprobacion de la Junta Departamental. El Sr. D. Juan B. Alvarado Gobernador del Departamento de las Californias, asilo mando, decretó y firmo De que doy fe.

Alvarado.

En la fha. se le notificó a D. Antonio Buena el decreto del Sr. Gobernador que tenorio y autendiro de el digo que lo oye y lo firma con miyo pa su debida constancia.
Antonio Buena.

Monteney. 29 de Mayo de 1840.

Dada cuenta a la S. Junta Departamental a cada en sesion de hoy que pasó a la comision de agricultura.
Jose F. Hernandez. Ind.

En veinte y seis del mismo lo acordó con el actuario que acompaña.
Hernandez.

Monteney. 19 de Junio de 1840.

En vista de la aprobacion otorgada en veinte y seis del mes pa anterior por la S. Junta Departamental librese testimonio de ella a la parte de D. Antonio Buena en confirmacion del tenorio que pretendio constante de cuatro sitios de ganado mayor, y obtuvo en diez y seis de abril del año pa pasado. El Sr. Dn. Juan B. Alvarado, Gobernador Constituido del Departamento de las Californias asilo proveyo y firmo con miyo de que doy fe.
Dn. Alvarado.

La comision de agricultura y comercio acordó en

89 ND
PAGE 10
538

N.º de dictaminar los expedientes presentados por el Sr. D. Gobernador en la Sesión anterior visto lo actuado e informes y Decretos que se le ha practicado propone a la deliberacion del V.º las adiciones siguientes.

N.º 4.º Se aprueba la Concesion hecha por el Gobierno Departamental con fecha 16 de Abril de 1839 de la amparacion de cuatro Citias por un mes o menos de Ganado mayor en la persona de Don Antonio Bucha.

2.º que se devuelve al Sr. D. Gobernador el expediente por las fines que se han convenido.

Monteney. Mayo. 25.º de 1840.

José Basilio Goyales.

J. Argüello.

Monteney. 26 de Mayo de 1840.

En Sesión de este dia aprueba la Junta Departamental las Dos adiciones con que concluye el dictamen anterior.

Manuel Jimenez. José Y. Fernandez.
Presidente. Juro.

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

In testimony whereof I have hereunto signed my name officially and affixed my private Seal. (not having a seal of office) at the City of San Francisco. Cal. this 21st Day of August. 1852

Samuel D. May.
Surveyor General Cal.

Filed in office Sept. 22nd 1852.

Geo. Fisher.
Sg.

Town of Brancifort Year 1839

Recall of Proceedings at the instance of the Citizen
Buelna soliciting an enlargement of Lanza

197

^{up}
Translation of
Espediente

Excellent Sr. Gouernador

The Citizen Antonio Buelna

Native of this Capital and resident of the town of
Branciforte with due respect proceeds to show your
Excellency; That in the time when Figueroa governed
this territory I presented an instance with the view to
be granted a "sitio" without designating its extent
for in that time, as at present, by a "sitio" was under-
stood a location that has no appointed fixed
limit - Said Figueroa decreed favorably to a
title of possession - Afterwards on account of the
little stock having multiplied, I have to present
a new instance before Gutierrez to the effect of
asking for more Lanza and the solicitation being
detained in the Office, perhaps on account of the
said gentleman's departure while the procedure
was going on, wherefore it is considered to have been
mistaken. Therefore I now present this solicitation
before your Excellency, praying you to be pleased
to grant me the enlargement of the Lanza I actually
possess on the Coast of the exemption of Sta. Lucia
towards the North, distant from this about twelve
or thirteen leagues being four square leagues (sitios,
de ganaderia mayor) which (extent) I consider neces-
sary for the propagation of my cattle, a favor which
I don't doubt to obtain from your Excellency's bene-
volence. I am your humble servant

Monterey March 20 1833

Antonio Buelna

(In the margin) Monterey 1st March 1839
 The Administration of Santa Cruz will report what
 is convenient and let the Expediente be directed in
 the same manner to the Prefect of the 1st District
 Alvarado

Excellent Sir

The Administration of San. Cruz in compli-
 ance with the provision in the Marginal decree which
 your Excellency was pleased to deliver under date
 4th Instant. says in the present instance: That the peti-
 tioner is possessed of the necessary qualifications to
 obtain the Land referred to, and that as is seen in his
 representation, it being at so long a distance from the
 establishment in my charge, it is entirely useless
 Wherefore I think convenient to report to your Excellency
 that the instance of Mr Antonio Buena is to be ac-
 ceed to - Santa Cruz March 20th 1839
 Frco. Soto

Pueblo de San Juan de los Rios

March 20th 1839

Having seen the contents of this instance, the Prefect
 of the 1st District reports that it does not appear
 convenient that the interested party be granted
 the Land he solicits

Jose Leastro

Monterey April 16th 1839

In view of the petition with
 which this Expediente commences, the report of the
 Prefect of the 1st District, with whatever else to
 be borne in mind and was to the purpose in conform-
 ity with the requirements of of Laws and regulations
 on the subject, the Citizen Antonio Buena is declared
 owner in his own right of the extent of four square
 leagues (sitios de ganados Mayor) a little more or less

13

89 ND
PAGE 14

as is shown in the sketch attached to this Expediente which he forwarded for the purpose indicated. Let the corresponding document be issued to the interested party with the usual conditions, have entered in the respective book, and be this Expediente reserved for the due approbation of the Excellent Departmental Assembly. Juan B Alvarado Governor of the Department of both Californias so Ordered decreed and signed of which I bear testimony

Alvarado

On the same day Antonio Buellno was notified of the foregoing decree of the Governor and having had an understanding of it, he seeing he had heard it and he signed with me for due attestation

Antonio Buellno

Monterey May 22nd 1840

Having notified the Excellent Departmental Assembly here of, it was agreed in to day's session to send it to the Committee on Agriculture

Jose L^o Fernando
Secretary

On the 26th day of the same month it was returned with the accompanying Opinion

of
Fernando

Monterey 12th June 1840

In view of the approbation granted on the 26th last past by the Excellent Departmental Assembly let a testimonial of it be issued to the party D Antonio Buellno and confirmation of the lands he claimed, consisting of four square leagues (sitios de ganado Mayor) and which he obtained on the 16th of April last year. Juan B Alvarado Constituted Governor of the Department of both Californias, thus proceeded and signed of which I bear testimony.

Alvarado

89 ND
PAGE 15

Excellent Sir

The Committee on agriculture and com-
merce jointly charged by your Excellency to deliver
our Opinion on the Expedientes presented by the Excell-
ent Sir Governor in the foregoing session, having seen
the acts and reports and whatever else it was enabled
to see submits to your Excellency's deliberation the
following Articles

Article 1st It appears of the grant made by the Depo-
sitional Government under date 16th April 1839 to
the enlargement of four square leagues of Land a
little more or less in the person of Antonio Buena-
2^a That the Expediente be returned to the Excellent
Sir Governor for the purposes that may be convenient
Monterey May 25th 1840

Jose R. Gonzales J. Arqueles

Monterey 26th of May 1840

In today's session the
Excellent Departmental Assembly approved of
the two Articles with which the foregoing Opinion
concludes

Man. Jimeno Jose L. Fernandez
President Secretary

Filed in Office Sept. 13-1853

Geo. Fisher Secy

358
13-
folios = 14.

89 ND
PAGE 16

Dijo yo Francisco Rodriguez a mi nombre y de mi esposa Maria Concepcion Valencia que he vendido a Don Salvador Castro, una legua de terreno del ranaje conocido con el nombre de San Gregorio situado con la Cuesta de Dña Sta Cruz, cuyo terreno que consta es de cuatro sitios de Landido Mayor, en la propiedad del finado Antonio Buena convalidado por el Gobierno como consta por los documentos que presento y la parte que era cuando se hizo, por el valor de un mil quinientos (\$1500) para cubrir las Deudas del finado Antonio Buena. Dtas deudas constan en el testamento de Dño. finado cuya liquidacion tengo recibida a mi satisfaccion. El terreno vendido a que hago referencia es de una legua de ancho y de largo inclusa la laguna hasta el completo de las medidas de la otra legua. Y para constancia lo firmamos en el pueblo de San José J. a 29. de Enero de 1849. y haute las testigos presentes.

Francisco Rodriguez.

Como testigos. José Fernandez. Sta. Concepcion Valencia.
c. como testigo Dolores Pacheco.

Subscribed at San José, C. on this 11 Day of January A. D. 1849.
before me personally appeared Francisco Rodriguez and Maria Concepcion Valencia his wife to me known to be the persons described in and who admitted the above conveyance and duly acknowledged the execution of the same for the purposes therein mentioned.

A. B. Summitts.

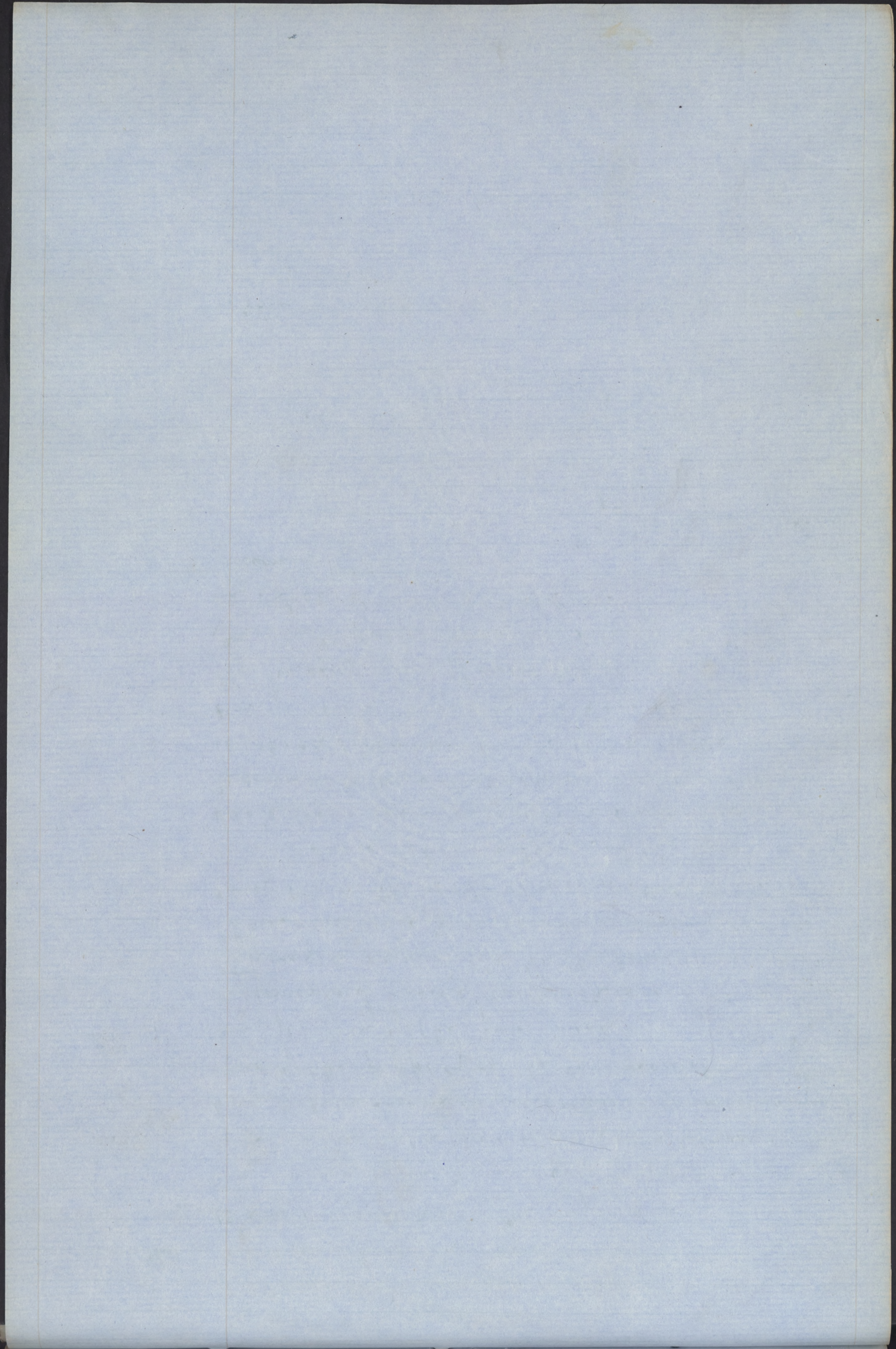
Chief Magistrate.

Recorded in the Legajo del Pueblo de San José, Jan. 29. 1849. in book 4 of Deeds. page 95.

A. B. Summitts.

Filed in Office. Sept. 11. 1853.

Geo. Fisher
Clerk.



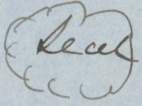
16

Conveyance from
Fr. Rodriguez
To

Sal. Castro

89 ND
PAGE 17

I Francisco Rodriguez in my own and my wife Maria
 Concepcion Valencia's name declare that I have sold
 to Don Salvador Castro one league of land in the loca-
 tion known by the name of San Gregorio Petecales on the
 coast to the North of Santo Cruz which land consis-
 ting of four square leagues (sitios de ganado Mayor)
 was of the property of the deceased Antonio Beel-
 nu, granted by the government as shown in the
 documents I present and with which the party is
 thoroughly acquainted, for the consideration of one
 thousand and five hundred dollars (1,500) to
 cover the debts of the deceased Antonio Beelnu
 which said debts are shown in the testament of
 said deceased, and which said sum I have
 received to my satisfaction. The land sold and
 to which I make reference is one league below the
 Arroyo below including the Laguna to completing
 the measurements of said one league
 And in witness whereof we sign in the Pueblo de
 de S. Jose on the 29th of January 1849 in the
 presence of witnesses

(Signed) Fr. Rodriguez 
 Ma. Concepcion Valencia
 (X her cross)

As. Witnesses Jose Fernandez
 Dolores Pacheco

After which comes a Notarial Acknowledgment
 in English

Filed in Office Sept 14-1853

Geo. Fisher Secy

The first part of the paper is a list of names and their corresponding numbers. The names are written in a cursive hand, and the numbers are in the left margin. The list includes names such as "John", "Mary", "James", and "Elizabeth". The numbers range from 1 to 10.

The second part of the paper is a list of names and their corresponding numbers, similar to the first part. The names are written in a cursive hand, and the numbers are in the left margin. The list includes names such as "John", "Mary", "James", and "Elizabeth". The numbers range from 1 to 10.

The third part of the paper is a list of names and their corresponding numbers, similar to the first part. The names are written in a cursive hand, and the numbers are in the left margin. The list includes names such as "John", "Mary", "James", and "Elizabeth". The numbers range from 1 to 10.

The fourth part of the paper is a list of names and their corresponding numbers, similar to the first part. The names are written in a cursive hand, and the numbers are in the left margin. The list includes names such as "John", "Mary", "James", and "Elizabeth". The numbers range from 1 to 10.

The fifth part of the paper is a list of names and their corresponding numbers, similar to the first part. The names are written in a cursive hand, and the numbers are in the left margin. The list includes names such as "John", "Mary", "James", and "Elizabeth". The numbers range from 1 to 10.

17


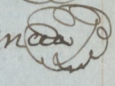
Deed from Jac.
Proauez & wife
Salv. Leasto

89 ND
PAGE 18

^{up}This Instrument made this seventh day of August
A.D. Eighteen hundred and fifty two between
Francisco Proauez and Maria Concepcion Valen-
cia his wife of the County of Santa Clara and State
of California of the first part and Salvador Leasto
of the County and State of Nevada of the second
part Witnesseth that whereas the said party of the
first part did on the 29th day of January A.D. 1849
in consideration of the sum of \$1500. make execute
and deliver a deed of sale and conveyance to the
said party of the second part, for one league of land
in the place known by the name of San Geronimo on
the Coast North of Santa Cruz being part of a
tract of four leagues of land granted by the Govern-
ment to Antonino Buelnes and the description whereof
not being sufficiently definite the same is hereby
declared to be situated and bounded as follows
and containing one league more or less: Commencing
at a stake marked "A" in the Cañada de los Teros
where the Arroyo de los Teros comes out of the moun-
tain, thence running South with the ridge of the
mountains to the stake marked B on the Arroyo
hence (deep creek) thence following said Arroyo
hence until it meets the Arroyo de San Gregorio;
thence following the Arroyo de San Gregorio
to a stake marked "C" on a white rock on the moun-
tain situated on the west side of said Arroyo, thence
Northwardly about two miles to a high conical peak
of the mountain in which is placed a stake mark-
ed "D" thence Easterly to the place of beginning
And the said parties of the first part do hereby
declare that the above described tract of land is
the same that was intended to be conveyed and was
conveyed by the said parties of the first part to the
said party of the second part and they do hereby

89 ND
PAGE 19

ratify and confirm the same. In testimony whereof
the said parties of the first part have hereunto set
their hand and seals the day and year first above
written

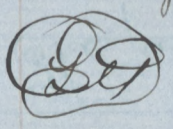
Francisco Rodriguez 
María Concepcion Valencia 

in presence of
Frederic Hull
Flavio Clement
Juan Pacifico Gulnack

State of California }
County of Santa Clara } P.

On this 7th day of August A.D. 1852 personally appear
ed before me a Notary Public in and for said County
of Francisco Rodriguez and Maria Concepcion Valencia
his wife, known to me to be the person described in and
who executed the foregoing instrument who acknowledged
to me that they executed the same freely & voluntarily
and for the uses and purposes therein mentioned and the
said Maria Concepcion Valencia being made acquaint-
ed with the contents of the aforesaid instrument on
an examination apart from her and without the hearing
of her husband, acknowledged to me that she executed
the same freely and voluntarily without fear or com-
pulsion or undue influence of her husband and that
she does not wish to retract the execution of the
same. In testimony whereof I have hereunto set
my hand & affixed my seal of office this the
7th day of August A.D. 1852 at San Jose

Frederic Hull
Notary Public



Filed in office Sept 14th 1853

Geo. Fisher Secy

Salvador Castro

vs

The United States

A part of the Rancho de San
Gregorio - 1 Square league of
Santa Cruz County

Opinion of Comr.
Campbell

89 ND
PAGE 20

The petitioner in this case deduces his title from a grant made to One Antonio Buellno made deceased bearing date the 2^d day of May A.D. 1839. On the hearing of this case, it was agreed that that the papers in No. 542 should be used as evidence and that the two cases should be considered together. The petitioner has placed on file a certified copy of the original grant together with a traced copy of the Expediente, taken from the Archives now on file in the United States Surveyor's Office for this State. The petitioner as evidence of title has also placed on file two deeds of Conveyance both purporting to have been made by One Francisco Roca ynez and Maria Concepcion Valencas his wife. The first of said deeds bears date the 29th of January 1839 and conveys one league of Lanes to the petitioner. The second deed states that said tract of Lanes was the property of One the deceased Antonio Buellno and was sold to pay his debts which he owed as appeared from his will. The second deed bears date the 7th day of August A.D. 1852 and is signed by the same parties and purports to convey the same tract of Lanes. This deed recites that the parties here on the 29th day of January 1849 executed a deed of Conveyance to Salvador Castro for one league of Lanes in the place known by the name of "San. Gregorio" and as the description of the Lanes granted by that deed was not sufficiently definite they declared it to have certain boundaries then fully described. It does not appear from the papers on file or from any testimony adduced by the claimant in this case, that the grantors in said deeds have any interest in the Lanes conveyed or that they were connected

with the title of the original grantee either by purchase or otherwise. The main link in the claimants chain of title is therefore missing. By reference to the Opinion filed in case No. 542 it will be seen that the same defect in the petitioners chain of title prevented a Confirmation in that case. In the case before us there is no proof that Maria Concepcion Valencia is the widow of Antonio Buelna, or that either she or her husband Rodriguez is connected with them in any way. It is unnecessary to consider the other questions which arise in the case as the party has failed to establish any title whatever. The claim must therefore be denied.

Filed in Office December 27th 1853. Geo. Fisher Secy

Salvador Castro
vs
The United States

Decree

In this case on hearing the proofs and allegations, it is adjudged by the Commission that the claim of the said Petitioner is not valid and his application for a Confirmation thereof is therefore denied.

Alpheus Felch
Thompson Campbell
R. Alg. Thompson
Commissioners

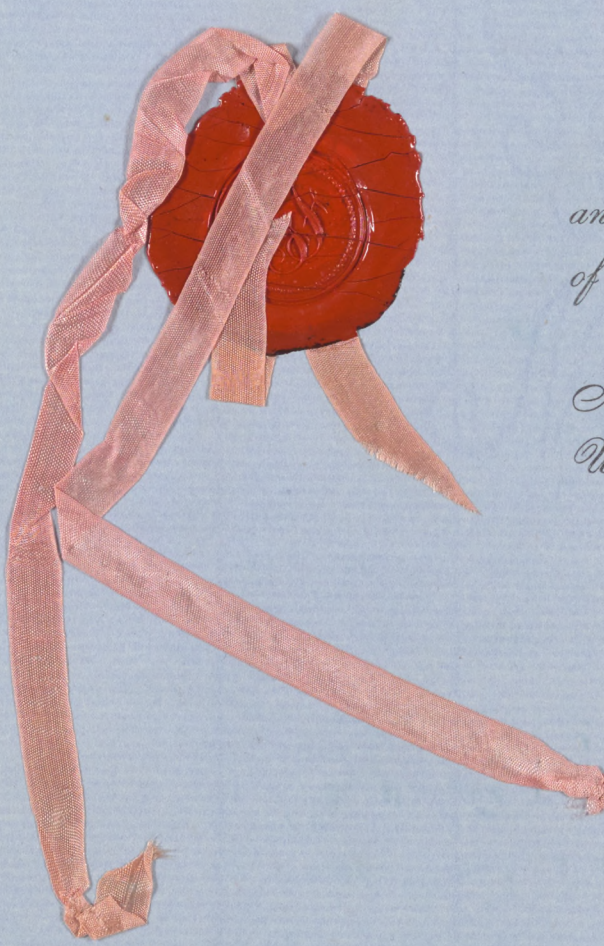
Filed in Office Dec. 27th 1853
Geo. Fisher Secy

Office of the Board of Commissioners,

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

I, *George Fisher*, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *Twenty* pages, numbered from 1 to *20*, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 338 on the Docket of the said Board, wherein *Salvador Castro* is

the Claimant against the United States, for the place known by the name of *Land in Santa Cruz Co.*



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

Geo. Fisher
[Signature]

89

ND

U. S. DISTRICT COURT,
Northern District of California.

No. 89-

THE UNITED STATES,

vs.

Salvador Castro

TRANSCRIPT OF T

FROM T

BOARD OF U. S. LAND O

In Case No. 3

Filed, *Sept 13*

John A. ...

No 338



Case No. 358. On appeal from the Board of U.S. Land-Commissioners. —

89 ND
23

PAGE

Salvador Castro
app^{ty} } claim for
vs. } "San Gregorio"
The United States
app^{ty} }

Sir!

Please to take notice
that the claimant in the above case, will
prosecute the appeal therein. —

San H^{co}
Dec. 8th, 1854.

Yours respectfully,
Campbell, Taylor & Peck
atty for claimant

To the Clerk of the U. S.
District Court for the
Northern District of
California. —

U. S. District Court
for the Northern
District of California.

No 89

Salvador Castro
app^t

vs.

The United States
app^{lee}

Claim for "San Gregorio"

Notice of appeal.

Campbell, Taylor & Beckh
atys for claimant

Filed Dec 11, 1854,

John A. Monroe,

Clk

89 ND

PAGE 24

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

Salvador Castro
Appellant
vs
The United States
No. 89 (d. C. Docket No. 358)

Your Petitioner Salvador
Castro, respectfully shews: that heretofore ^{viz} on
the day of December 1852 he filed
before the United States Board of Land Com-
missioners a petition for the confirmation
of his claim to a tract of land situate in
the Northern District of California viz. in
the County of Santa Cruz: for a description
of which land and the title of your petitioner
shunts, reference is hereby made to said Petition

That after hearing said Petition
with the proofs and the arguments of Counsel
in the cause the said Board on the 27th day
of December A. D. 1853. rejected said claim as
invalid. That on the 13th day of
September ¹⁸⁵⁴ a transcript of the records of said
cause was filed in this Court; by virtue whereof

and by force of the Statute in that case made
and provided, an appeal to this Court was duly
effected. That on the 11th day of December
1834 your petitioner filed in this court a notice
of his intention to prosecute said appeal.

Your Petitioner prays that the
decision of said Board may be reversed and
that this Court may confirm his title to the said
land

Respectfully
J. Clarke Atty.
for Claimant.

U.S. District Court

No. 89

Sebastian Castro
Appellant

vs
The United States

Petitioner

and June 20, 1835,

by Charles

Depute

89 ND

PAGE 26

J. Clarke Atty.
for Claimant.

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

The United States
Appellees
vs
Salvador Gutierrez
Plaintiff

No. 89

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.

J. C. Inge
U.S. Dist Attorney
per John A. Godfrey

No. 89.
U.S. Dist Court

The U States
vs
Gervasio Castro

Answer

Filed Sept. 3d. 1855
by Cheever
Deputy.

89 ND
PAGE 28

W. H. H. H.
U.S. Dist atty

The United States } No 89.
vs }
Salvador Castro } State's Term
January 14th 1856

Appeal from the final Decision
of the Commissioners to ascertain and settle
private Land Claims in California.

This cause coming on to be heard
at a stated term of this Court on an ap-
peal from the final decision of the Board
of Commissioners to ascertain and settle pri-
vate land claims in California under the
act of Congress approved March 3^d 1854
upon the transcript of the proceedings and de-
cision and the papers and evidence on which
said claim was founded, and the addition-
al evidence taken in this Court, and it
appearing to the court that such trans-
cript has been duly filed according to
law: and counsel for both sides having
appeared: It is ordered adjudged and
decree that the decision of said Board
be and the same is hereby reversed,
And it is further ordered adjudged and
decree that the claim of the appellants
be and the same hereby is confirmed
to the tract of land described as follows
viz, Commencing at a Stake Marked "A."
in the Cañada de los Tunis, where the
Arroyo de los Tunis comes out of the moun-
tains, thence running Southw^{ly}, along
the ridge of the mountains to the Stake

marked "B" on the Arroyo Hondo (deep
creek) thence following said Arroyo until
it meets the Arroyo de San Gregorio, thence
following the same to a stake marked "C" on
a white rock in the mountains west of said
Arroyo. Thence Northwesterly about two
miles to a high conical peak of the mount-
ains, and to a stake marked "D." Thence East-
wardly to the beginning, being a portion of
the four leagues granted April 16, 1839, by
J. B. Alvarado to Antonino Buelna and
known as San Gregorio. The tract hereby
confirmed containing by estimation
one square league, and being the same
land described in the conveyance to claimant
filed before said Board and constituting a part
of the Record in this case.

Ogden Hoffman &
U.S. District Judge

The United States
vs
Salvador Castro
No 89

Decees.

No. 89

U. S. Dist. Court.

Salvador Castro,

— vs —

The United States.

Deceit.

Filed January 14, 1856,

W. H. Chew,
Deputy.

89 ND
PAGE 31

At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the City of SAN FRANCISCO, on *Thursday* the *23d* day of *July* in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States

vs

Salvador Castro,

D. C. 89; L. C. 358.

The Attorney General of the United States having given notice that no further appeal will be taken in this case, and a stipulation to that effect having been entered into by the District Attorney: On motion of the U. S. Attorney it is ordered adjudged and decreed that claimant have leave to proceed under the decree of this Court heretofore rendered in his favor, as under Final Decree.

Ogden Hoffman
U. S. Dist. Judge

89

United States District Court, Northern
District of California.

The United States

vs.

Castro
Salvador Vallejo

ORDER.

vacating appeal.

Filed *July 23.* 1857

J. M. A. Munroe,

CLERK.

By *W. H. Cheney*

DEPUTY.

89 ND
PAGE 33

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

The United States

vs

S. C. 89; L. C. 308.

Salvador Castro,

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

San Francisco July 22nd 1857

P. Della Torre

U. S. atty

J. Alarcon
Atty for Claimant

89

U. S. District Court

The United States

at

Salvador ^{Castro} ~~Vallero~~.

Stipulation

Licid July 23. 1857.
W. H. Cheverie,
Deputy.

U. S. District Court
N. Dist. of California

No 89 - Can's Sockt No 358

Salvador Castro
vs
The United States

It is hereby stipulated that ^{copies of} the
Record and evidence in case No 88
"Maria Concepcion Valenciu de Rodriguez
vs The United States, may be used
in evidence in this case; and the
identity of the Claimant in No 88 and
the Vendor of Claimant in this case
is admitted,

C. J. Russell
Oct 15/1855: Asst U.S. Atty

No 89
Salvador Castro
vs
The U. States

Stipulation

No 89 — Can's docket No 358

89 ND
PAGE 38

The Claimant in the present case, claims title through a Deed of one league, from Maria Concepcion Valencia, the widow and heir of Antonino Buelna the original grantee of ^{the} four leagues, of which the one league is part.

The Deed of conveyance is found at pages 16 and 17, and the record ^{and} evidence in the principal case No. 88 is by stipulation considered as in evidence in this case. The hypothetical objection of the Commissioners, to the want of proof of identity between the heir of the original grantee and the Vendor of Claimant is waived by stipulation.

J. Clarke atty
for Claimant

No 89
Salvador Castro
is
The U. States

Index to the
Record

89 ND
PAGE 38 A

W. L. Lash

The United States }
 vs }
 Salvador Castro }

The claimant in this case derives his title from a grant made to Antonio Buelna on the 2^d May A.D. 1839 - This grant was also the foundation of the title claimed in case No 88 already decided by this Court. Both of these cases the claim in that case was made in the name of the widow and heir of the original grantee and was for a part of the land originally granted - The remainder which is now the subject of the present claim, had been sold to the Castro the claimant in this case by the widow of Buelna - The conveyances to him are duly produced and proved -

Both of these claims were rejected by the board on the ground that there was no proof that the ~~po~~ Maria Concepcion Valencia Rodriguez was the widow and the claimant in case No 88, and the grantor of the claimant ^{in this case} was the

widow and heir of the original grantee -

Case No 88 has already been decided by this Court ^{the original grant has been found to be valid} and the claim of Maria Concepcion Valencia Rodriguez formerly Bullna ^{has} been confirmed to that portion of the land still retained by her -

The only question that remains is whether the grantor of the claimant in this case is the same person

This fact is admitted by the District Attorney in a stipulation on file in this Court -

The original ^{grant} having thus been declared to be valid - and the right of the grantor of the claimant, as heir of the original grantee having been also judicially recognized, no objection can now be taken to the confirmation of the present claim - as the validity of the conveyances by the widow Bullna to the present claimant not being disputed -

A decree of confirmation must therefore be entered ^{for the land} as described

89 ND
PAGE 39B

and bounded in the conveyances to the claimant ^{or to 200 acres} ~~no~~ suggestion having been made that the land so bounded ^{as} is not comprised within the limits of the original grant.

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[Faint, illegible handwritten scribbles]

[Faint, illegible handwritten scribbles]

[Faint, illegible handwritten scribbles]

#358.89-

The U. S.

17

Salvador Castro

Opinion

3

U 89 ND
PAGE 39c.

Office of the Board of Commissioners,

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

San Francisco, Sept. 13th 1854

John A. Monroe Esq.

Clerk of the U. S. District Court for the

Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 338 on the Docket of the said Board, wherein

Salvador Castro is the Claimant against the United States, for the place known by the name of Land in Santa Cruz County and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.